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SENATE—*Wednesday, November 17, 1999*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

REVISED NOTICE—NOVEMBER 17, 1999

If the 106th Congress, 1st Session, adjourns sine die on or before November 18, 1999, a final issue of the Congressional Record for the 106th Congress, 1st Session, will be published on December 3, 1999, in order to permit Members to revise and extend their remarks.

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WILLIAM M. THOMAS, *Chairman.*

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MICHAEL F. DiMARIO, *Public Printer.*

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

The PRESIDENT pro tempore. We will now be led in prayer by Father Paul Lavin, St. Joseph's Catholic Church, Washington, DC.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Father Paul Lavin, offered the following prayer:

In the book of Ecclesiastes we hear:

A good name is better than ointment, and
the day of death than the day of
birth.
It is better to harken to a wise man's re-
buke than to harken to the song of
fools;
For as the crackling of thorns under a
pot, so is the fool's laughter.
Better is the end of speech than its begin-
ning; better is the patient spirit
than the lofty spirit.—Eccl. 7:1–8.

Let us pray:

As this session of the Senate draws to a close, let the end of our speech be better than the beginning. Let the decisions we have made and the ones we will make in these closing hours reflect Your will and be pleasing to You.

May the time we and our staffs spend with our families and with those we represent be really times of re-creation in Your Spirit, and may all of us return here safely.

May the gifts of the Father, Son, and Holy Spirit unite us in faith, hope, and love, now and forever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Oregon is recognized.

Mr. SMITH of Oregon. Mr. President, today the Senate will resume consideration of the pending Wellstone amendment with 1 hour of debate remaining under the previous agreement. After all time is used or yielded back, the Senate will proceed to a vote on the Wellstone amendment, which will be followed by a vote on the Moynihan amendment No. 2663. Therefore, Senators can expect two back-to-back votes to begin at approximately 10:30 a.m. It is hoped that further progress can be made on the appropriations process during today's session, and therefore votes can be anticipated throughout the day. It is also hoped that an agreement can be reached regarding the remaining amendments to the bankruptcy reform bill so that the Senate can complete the bill prior to the impending adjournment.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the leadership time is reserved.

BANKRUPTCY REFORM ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 625, which the clerk will report.

The bill clerk read as follows:

> A bill (S. 625) to amend title 11, United States Code, and for other purposes.

Pending:

Feingold amendment No. 2522, to provide for the expenses of long term care.

Hatch/Torricelli amendment No. 1729, to provide for domestic support obligations.

WELLSTONE amendment No. 2537, to disallow claims of certain insured depository institutions.

Wellstone amendment No. 2538, with respect to the disallowance of certain claims and to prohibit certain coercive debt collection practices.

Feinstein amendment No. 1696, to limit the amount of credit extended under an open end consumer credit plan to persons under the age of 21.

Feinstein amendment No. 2755, to discourage indiscriminate extensions of credit and resulting consumer insolvency.

Schumer/Durbin amendment No. 2759, with respect to national standards and homeowner home maintenance costs.

Schumer/Durbin amendment No. 2762, to modify the means test relating to safe harbor provisions.

Schumer amendment No. 2763, to ensure that debts incurred as a result of clinic violence are nondischargeable.

Schumer amendment No. 2764, to provide for greater accuracy in certain means testing.

Schumer amendment No. 2765, to include certain dislocated workers' expenses in the debtor's monthly expenses.

Dodd amendment No. 2531, to protect certain education savings.

Dodd amendment No. 2753, to amend the Truth in Lending Act to provide for enhanced information regarding credit card balance payment terms and conditions, and to provide for enhanced reporting of credit card solicitations to the Board of Governors of the Federal Reserve System and to Congress.

Hatch/Dodd/Gregg amendment No. 2536, to protect certain education savings.

Feingold amendment No. 2748, to provide for an exception to a limitation on an automatic stay under section 362(b) of title 11, United States Code, relating to evictions and similar proceedings to provide for the payment of rent that becomes due after the petition of a debtor is filed.

Schumer/Santorum amendment No. 2761, to improve disclosure of the annual percentage rate for purchases applicable to credit card accounts.

Durbin amendment No. 2659, to modify certain provisions relating to pre-bankruptcy financial counseling.

Durbin amendment No. 2661, to establish parameters for presuming that the filing of a case under chapter 7 of title 11, United States Code, does not constitute an abuse of that chapter.

Torricelli amendment No. 2655, to provide for enhanced consumer credit protection.

Wellstone amendment No. 2752, to impose a moratorium on large agribusiness mergers and to establish a commission to review large agriculture mergers, concentration, and market power.

Moynihan amendment No. 2663, to make certain improvements to the bill with respect to low-income debtors.

AMENDMENT NO. 2752

The PRESIDING OFFICER. Under the previous order, there will now be 1 hour of debate on the Wellstone amendment No. 2752.

Who yields time?

Mr. GRASSLEY. Mr. President, maybe to be fair to everybody, I better suggest the absence of a quorum and that time would be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I yield 10 minutes to Senator DORGAN.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, first of all, I commend Senator WELLSTONE for his leadership on this issue. I rise to support the amendment that he has offered. I have been involved with Senator WELLSTONE in constructing this proposal. The proposal very simply is to try to have a time out of sorts with respect to the mergers that are occurring in the agricultural processing industries. The question at the root of all of this is, What is the value of a family farm in our country and do we care about whether this country has family farmers in its future?

If we do, if we care about keeping family farmers in our country's future, then we must do something about the concentration that is occurring and plugging the arteries of the free market system in the agricultural economy. Family farmers are not able to compete in a free and open system. It is just not happening. Why? Because of these mergers and concentration in the large agricultural industries.

Let me show you with this chart what is happening to family farmers. The family farm share of the retail cereal grains dollar has gone down, down, and way down. Why? Why is the family farm share of the food dollar going down? Because as my friend from Minnesota likes to say, the big food giants have muscled their way to the dinner table. He is absolutely correct. They are grabbing more of the food dollar. The family farmer gets less. The food processors are making substantial amounts, record dollars, and the family farmers are, unfortunately, not able to make it.

The farm share of the retail pork dollar is down, down, way down. The family farm share of the retail beef dollar? Exactly the same thing.

Why is all of this occurring? Because concentration in these industries means there are fewer firms. For example, in market concentration in meat processing, in beef, the top four firms control 80 percent of the profits; in sheep, 73 percent; pork, 57 percent. Exactly the same is true in grain. Wet corn milling, 74 percent, the top four companies.

The point is, this massive concentration is plugging the arteries of the market system. There isn't competition, or at least the kind of competition that is fair competition for family farms.

Now, our proposal is very simple. It proposes a moratorium on certain kinds of mergers. We are talking only about the largest firms. And then during that moratorium for 18 months we have a commission review the underlying statutes that determine what is competitive and what is anticompetitive.

There are people here who don't care about family farmers. They say, if the market system would decide that family farms should continue, then they will continue. And if the market system is ambivalent to it, then we won't have family farmers. But that is because the view of such people matches the view of economists, which is that you can value only that which you can measure in quantitative terms. If you can attach dollars and cents to it, then it has value. If you can't, it doesn't. The fact is, family farm enterprises have value far beyond their production of corn or wheat. Family farms in my State produce much more than their crops. They also produce a community. They have a social product as well as a material product.

Now, this product is invisible to economists and to policy experts who only see what they can count in money, but it is crucially important to our country. We tend to view our economy as a kind of Stuff Olympics: Those who produce the most stuff win. We are a country that produces more stuff than we need in many areas but much less of what we really need in other areas. And one such thing we lack is the culture and the opportunity we get when we continue a network of family farms. Europeans call this contribution "multifunctionality." That is just a fancy way of saying that an enterprise can serve us in more ways than an economist can give credit for. A small town cafe is much more to that small town than its financial statement. It is the hub of the community. It is the hub of interaction, the crossroads where people meet rather than be blips on a computer screen. The same is true with family farms. It is much more important to this country than the financial receipts would show.

To those who do not care much about family farms, none of this matters. To those of us who believe a network of family farms preserved for our future enhances and strengthens this country, we believe very strongly that we must take actions to give family farmers a chance to survive.

One of those actions—only one—is to say, let us stop this massive concentration in the giant food industries that is choking the life out of family farms. Why is it that when you buy a loaf of bread, the amount of money the farmers get from that loaf of bread is now not even the heel, it is less than the heel?

Why is it that anyone in the food processing industry who touches that which farmers produce—wheat, corn, soybeans, and more—makes record profits, but the farmers are going broke?

Why is it that a farmer who gases a tractor, plows the land, and nurtures the grain all summer, combines it and harvests it in the fall, goes to the elevator only to be told the county elevator and the grain trade have described that food as worthless. Then someone gets hold of that same grain and crisps it, shreds it, flakes it, puffs it, puts it in a box and gets it on the grocer's shelf. The grain then sells for $4 or $5 a box, and all of a sudden it has great value as puffed or shredded wheat. The processor makes record profits and family farmers are making record losses.

Why is that? Because this system does not stack up. It does not stack up in a manner that allows fair, free, and open competition. When you have this kind of concentration, there is not a free market. That is true in the grain processing industry, it is true in meat, and it is true as well in the other areas I have discussed.

Family farmers are seeing record declines in their share of the cereal dollar while everyone else who handles the grain the farmer produced is making a record profit. That is the point.

I am for a free, fair, and open economy and fair competition. But our economic system today is not providing that because some are choking the life out of family farmers by clogging the marketplace with unfair competition. We have antitrust laws to deal with this. They are not very effective, frankly. When Continental and Cargill can decide to marry, and are then sufficiently large to create a further anticompetitive force in this market, then there is something wrong with the underlying antitrust laws.

This bill is not a Cargill-Continental bill, incidentally. It is not aimed at any specific company. It is aimed rather at having a timeout on the massive orgy of mergers that is occurring at the upper level of the corporate world, $100 million or more in value, and at evaluating what is happening to the market system.

If we believe in the free market, we have to nurture that free market and protect it. A free market exists when you have free, fair, and open competition.

The last antitrust buster of any great note was Teddy Roosevelt at the start of the century saying the robber barons of oil could not continue to rob the American people.

My point is that if we want to keep family farms in our future, we must take bold and aggressive action to make certain that competition is fair to family farms. Today, it is not. They are losing their shirts primarily because of the unfair competition that comes from substantial concentration.

My point, to conclude, is we lose something very significant, much more than economists can measure, when we decide we will not care about the destruction of the network of family farms in this country. Europe has 7.5 million family farms dotting the landscape because they decided long ago that these contribute much more to their culture and economy than what the balance sheet shows in numbers. They do in this country as well. It is time we take bold action to do something about it.

The first step, a modest step in my judgment, proposed by the Senator from Minnesota, myself, and others is to do something about antitrust, the concentration that is clogging the free market, taking money away from family farmers and putting us in a position where the family farm in this country is devastated.

We can stop this. This is not rocket science. Good public policy directed in the right area will give economic help and opportunity to families who are attempting to farm in America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, I rise again to oppose the Wellstone amendment. I stand here as perhaps one of the only Members of the Senate who has made his living from agribusiness, specifically as a food processor. I think I know of what I speak this morning.

I tell my colleagues, if they are listening via TV or however, this is a vote about whether or not you believe and trust in the free-market system.

I also rise as somebody who cares a great deal about farmers. I have voted consistently for farm aid in its many forms as we try to provide it in the Senate. But I am saying the Wellstone amendment will not turn around the ag economy. It does nothing to open overseas markets. It does nothing about global oversupply of grain, and it does nothing to relieve the onerous regulatory burdens placed on family farmers by the Federal Government, such as estate taxes, the unworkable H-2A program, the way the Food Quality Protection Act is being implemented, or the loss of water rights. It goes on and on.

The family farmer is more under assault by regulation by this Government than it has ever been by the food processing industry. Frankly, what we are saying is the food processor who perhaps wants to buy 100 million pounds of grain but is offered 200 million pounds because it is produced is somehow to be penalized by the Senate for participating in the free market. It is not right. It is not our system.

The Wellstone amendment implies that the Antitrust Division at the Justice Department is incapable of handling these agribusiness mergers. Yet the evidence is to the contrary. This is the same Antitrust Division that has required numerous divestitures in recent agribusiness acquisitions, such as the Cargill-Continental, Monsanto-Dekalb Genetics Corporation. This is the same Antitrust Division that rigorously pursued antitrust proceedings against Microsoft.

Antitrust policy has an important implication to American business and deserves the scrutiny of the Judiciary Committee, not posturing on the floor of the Senate. Senator HATCH, the chairman of the Judiciary Committee, has already announced there will be in his committee hearings on agribusiness concentration, as there ought to be, but not here, not this way, not this amendment.

The Wellstone amendment additionally is not evenhanded in its approach. It exempts agricultural cooperatives, some of which are large agribusinesses in their own right. I know from my own experience how to take a small company and make it big by the inefficiencies of the large companies. The Wellstone amendment will prevent mergers that are often necessary to keep plants competitive, employing people in rural and urban areas, and providing important outlets for farm products.

It does not distinguish between good mergers and bad mergers. Some of these things have to happen because there is an oversupply of food processors, in fact. The same market forces that are affecting the farmer also affect the food processor.

The WELLSTONE amendment will effectively guarantee that no medium-size agribusiness will be capable of growing large enough to rival the scale of the existing large agribusinesses. Again, I say the American dream is for the little guy to become a big guy. This says the food processor has one of two options if he is in trouble: He can either struggle and try to continue or else he can go bankrupt. I point out if you are interested in farmers, remember that more than two-thirds of the farmers of this country do not grow for the agricultural cooperatives; they grow for stock-held-owned companies.

The Wellstone amendment will not deconcentrate agribusiness, but it will ensure small- and medium-size agribusinesses are prevented from taking advantage of the same efficiencies enjoyed by their larger competitors. Frankly, the kind of distrust of the market represented by this amendment is the kind of thing we should expect from the Duma in Russia and the National Assembly of France but never from the Senate.

In conclusion, I appeal to my colleagues' common sense. This amendment is before us today in the name of saving family farmers.

I ask my colleagues to consider for a moment just who supplies the family farmer with critical crop inputs, such as seed and fertilizer. Who does the family farmer sell their production to for processing and marketing? The answer, in most cases, of course, is agribusinesses, the one sector of the economy that is being singled out today for a federally mandated merger moratorium that is certainly a counter to the free market that I believe we value in this country.

I remind my colleagues that agribusinesses and farmers are intertwined and interdependent. They are under the same market forces on both sides. When the very visible hand of government intervention in the market place is raised in an attempt to punish agribusinesses, inevitably it will punish family farmers, too.

I say again, most farmers do not grow for agricultural cooperatives. They often grow for small family food processors. So what happens to them? Ultimately, no matter the good intentions of those who are behind this amendment because I stand with them when it comes to trying to help the family farmer, I just simply say this is not the way.

I ask unanimous consent to have printed in the RECORD an editorial from not my paper but I believe it is Senator WELLSTONE's paper, the Star Tribune in Minneapolis.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Star Tribune, Nov. 15, 1999]

GIANT KILLER: WELLSTONE'S MISGUIDED AG MERGER PLAN

In the great tradition of prairie populism, Sen. Paul Wellstone has responded to the current farm recession by calling for a federal moratorium on big agribusiness mergers. As a cry of alarm for farmers, this is useful politics. But as a device to restore commodity prices, it is practically pointless, and as a tool of antitrust policy, it is exceedingly blunt.

When it resumes debate on the topic this week, the Senate should embrace Wellstone's plan for an agricultural antitrust commission, but it should reject the notion of blocking all mergers, good and bad.

Wellstone is right about one thing: Consolidation in agribusiness is perfectly real and genuinely troublesome. A series of agronomy mergers has greatly reduced the number of companies that sell seed and fertilizer to farmers. Meanwhile, the top four meatpacking companies have doubled their share of the beef and pork markets since 1980, to 80 percent and 54 percent respectively.

But that trend has nothing to do with this year's commodities collapse, which stems almost entirely from a glut of grain in world markets. Just three years ago, farmers were receiving near-record prices, yet the grain and meat industries already were highly concentrated. Milk processing is just as concentrated as grain or meat, yet dairy farmers earned huge profits last year.

Whether consolidation inflicts long-term damage is harder to know. One federal study found that large meat packers discriminate against small livestock farmers, and another found that big beef processors were able to drive down cattle prices by about 4 percent. But several other studies by the U.S. Department of Agriculture (USDA) have found that big, efficient meatpackers improve quality control and save money for consumers. One USDA study even found that livestock farmers got higher prices as the beef industry consolidated, apparently because highly efficient meatpackers passed along some of their savings in the form of higher prices to farmers.

To support an outright merger moratorium, you would have to believe that all mergers are wrong or that the current group of federal antitrust regulators is incapable of sorting good from bad.

But neither proposition holds up. The 1986 merger of Hormel Foods and Jennie-O Foods, for example, greatly expanded the state's turkey industry while improving the competitiveness of two venerable Minnesota companies. When Michael Foods of St. Louis Park bought Papetti Hygrade of New Jersey in 1997, it enabled two modest egg-processors to survive against much bigger world rivals. Nor is it clear that federal regulators are asleep at the switch. The Justice Department put .Cargill Inc. through an antitrust wringer this year before downsizing its purchase of part of Continental Grain.

As usual, however, there is something smoldering when Wellstone smells smoke. The Justice Department needs more staff and more money to keep up with a tidal wave of merger applications. His proposed antitrust commission should study whether consolidation in agribusiness is reducing the diversity and independence of American farming.

Wellstone isn't grandstanding when he says that thousands of farmers are in genuine trouble this year. But that doesn't mean the populists should get whatever they want, or that what they want would be good for farmers if they got it.

Mr. SMITH of Oregon. The first paragraph states:

> In the great tradition of prairie populism, Sen. Paul Wellstone has responded to the current farm [crisis] by calling for a federal moratorium on big agribusiness mergers. As a cry of alarm for farmers, this is useful politics. But as a device to restore commodity prices, it is practically pointless, and as a tool of antitrust policy, it is [an] exceedingly blunt [instrument].

I join with this editorial in saying that Senator WELLSTONE's motives are good, but his means are just simply misdirected in this case.

Ultimately, no matter the good intentions of those who are behind this amendment, it is the family farmers who will pay the greatest price for hobbling the innovation and competitiveness of small- and medium-sized agribusinesses in such a sweeping way.

The consequences of the Wellstone amendment run contrary to the stated objectives of its supporters. It will not spur new competition in the large agribusiness sector. It will not induce higher commodity prices for producers. It would be a vote of no confidence in the ability of the antitrust division to enforce our existing antitrust statutes.

So I plead with my colleagues, if they can hear my voice. I ask them to vote no on the Wellstone amendment. This is not the way to help the family farmer. We should trust the marketplace, unless we as a government are prepared to subsidize even more and more aspects of our agriculture in this country. We already do a great deal. We may yet need to do more. But we must not do more in this way, in this Senate, in this time.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Will the Chair be kind enough to notify me when I have used up 10 minutes of my time?

The PRESIDING OFFICER. Yes; the Chair will do that.

Mr. WELLSTONE. I thank the Chair.

Mr. President, before we get right into the debate, I wish to also mention another debate in agriculture and say to my colleagues from some of our Midwest dairy States that I share their indignation at the way in which the extension of the Northeast Dairy Compact and the blocking of the milk marketing order reform by the Secretary of Agriculture—kind of two hits on us—has been put into a conference report. We voted on this on the floor of the Senate. This was not passed by either House. Yet it was tucked into a conference report.

I think it is an outrageous process. I think people are sick and tired of these backroom deals. I intend to be a part of every single effort that is made by Senators KOHL, FEINGOLD, GRAMS, myself, others, to raise holy heck about this.

After having said that, let me respond to some of the comments on the floor. First of all, I thank my colleague, Senator DORGAN, for offering this amendment with me. As long as my colleague from Oregon represents that tradition of populism, this is Senator DORGAN. It is who he is. Frankly, I think it is all about democracy and all about the market.

Also, I ask unanimous consent that Senators JOHNSON and FEINGOLD be added as cosponsors to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I say to my colleague from Oregon and others, that as much respect as I have for the Minnesota Star Tribune, I am not all that troubled that sometimes we disagree and that there is an editorial that is in opposition to this amendment because, frankly, this amendment comes from the countryside. This comes from the heartland. This comes from the heart of our farm and rural communities. That is where this amendment comes from. I say that to all Senators, Democrats and Republicans alike.

I also say to my colleague from Oregon, actually this is all about the market. This has nothing to do with Russia or whatever country he mentioned. Quite to the contrary, this is all about putting some free enterprise back into our economy. This is about putting free enterprise back into the free enterprise system. This is about the Sherman Act and the Clayton Act and Senator Estes Kefauver and a great tradition of antitrust action. That is what this is about.

This is about making sure we have competition. This is making sure that our producers—the one, if you will, free enterprise sector in this food industry—have a chance to survive. That is what this is about. This is as old fashioned and pro-American and a part of the history of our country as you can get, from Thomas Jefferson to Andrew Jackson, right up to now.

Let me be clear about that. This is a very modest amendment. What it says is that until we develop some kind of comprehensive solution to the problem of extreme concentration in our agricultural markets, and anticompetitive practices of the few large conglomerates that have muscled their way to the dinner table, and are driving our producers out, we ought to take a "timeout" on these mergers and acquisitions—not of small businesses but of large agribusinesses.

This timeout could last as long as 18 months but no longer. It could also be terminated well short of 18 months by passage of some legislation, which is what I hope we will be serious about, to deal with this problem of concentration.

This is a historic debate and a historic vote because, you know what, we are going to have to deal with the whole question of monopoly power and whether or not we need to have more competition and free enterprise in our free enterprise system in a lot of sectors of this economy. That is what Viacom buying up CBS is all about. That is what the proposed merger of Exxon and Mobil is all about. That is what the rapid consolidations and mergers in all these sectors of the economy, where you have a few firms that dominate, I think to the detriment of our consumers and our small businesses, is all about.

If we pass this timeout, we are still going to need to revisit this problem of concentration within the next 18 months. We have to do so and pass legislation. What we cannot do is pass this legislation today. So what we want to do is put a hold on these colossal agribusiness mergers that are occurring on an almost daily basis. What we are saying is, let's pass legislation that puts some competition back into the food industry, that gives our family farmers, our producers a chance. But until we do that, let's take a timeout so we can put a stop to some of these colossal agribusiness mergers that are taking place at a breathtaking pace every single day.

This amendment also is intended to create an incentive for the Congress to develop a more comprehensive solution on an expedited basis.

Last week, if my colleagues need any evidence, the Wall Street Journal reported that Novartis and Monsanto, two of the largest agribusiness giants, may be merging. The Journal accurately states:

> . . . the industry landscape seems to be changing every day.

In fact, the ground is constantly shifting beneath our feet, and soon it is going to be too late to do anything about it. That is exactly why we need a timeout. These mergers build momentum for more mergers, and these large companies are all saying that we have no other choice, given what is going on right now, but to merge and get bigger and bigger and bigger. Just imagine what the effect of a merger between Monsanto and Novartis would mean. It would obviously put more pressure on more firms to join in on one of these emerging handful of food chain clusters that are poised to control our agricultural markets.

This timeout we are proposing today is intended to lessen those pressures and to arrest this trend before it is too late. That is what this is all about. This amendment is all about whether or not our producers are going to have a chance. This is an amendment that is all about whether or not rural communities are going to be able to make it. This amendment is all about whether or not farmers are going to be able to get a decent price. When you are at an auction and you are trying to sell something and you only have three buyers, you are not going to get much of a price. That is exactly what is happening in agriculture today.

This is all about competition. This is all about America. This is all about Jeffersonian tradition and whether or not Senators are on the side of family farmers or whether they are on the side of these large conglomerates. We have horizontal concentration taking place. Whether we are looking at the beef packers or at pork or grain or whether we are looking at every single sector, we have four companies that control 50, 60, 70 percent of the market. That is not competition. Economics 101: It is oligopoly, at best, when you have four firms that control over 50 percent of the market.

The scarier thing is the vertical integration. When one firm expands its control over various stages of food production, from the development of the animal or plant gene to production of fertilizer and chemical inputs, to actual production, to processing, to marketing and distribution to the supermarket shelf, is that the brave new world of agriculture we want to see? That is exactly the trend we are experiencing today.

I quote an April 1999 report by the Minnesota Land Stewardship Project. I think it is right on the mark:

> Packers' practice of acquiring captive supplies through contracts and direct ownership is reducing the number of opportunities for small- and medium-sized farmers to sell their hogs;

As a matter of fact, our hog producers are facing extinction, and these packers are in hog heaven. We want to know, who is making the money? How can it be that these corporate agribusinesses are making record profits while our producers are going under?

The Land Stewardship Project goes on to say:

> With fewer buyers and more captive supply, there is less competition for independent farmers' hogs and insufficient market information regarding price; and lower prices result.

Leland Swensen, president of the National Farmers Union, recently testified:

> The increasing level of market concentration, with the resulting lack of competition in the marketplace, is one of the top concerns of farmers and ranchers. At most farm and ranch meetings, market concentration ranks as either the first or second priority of issues of concern. Farmers and ranchers believe that lack of competition is a key factor in the low commodity prices they are receiving. So our corporate agribusinesses grow fat, and our farmers are facing lean times.

I wasn't born yesterday. I understand what has been going on since we introduced this amendment. I know the folks who have been making the calls. We are up against some of the largest agribusinesses, some of the largest multinational corporations, some of the largest conglomerates you could ever be up against.

Let us talk about this very practical and modest proposal.

The PRESIDING OFFICER (Mr. GRAMS). As requested by the Senator, he has used his first 10 minutes.

Mr. WELLSTONE. I thank the Chair.

First, the standard we use is the standard that now exists under the Clayton Act, which is whether or not a merger may be substantially to lessen competition or tend to create a monopoly. Second, we are talking about the largest mergers in which both parties have annual net revenues over $100 million. This is not small business—both parties with annual revenues over $100 million.

Third, some of my colleagues were concerned about the possibility of facing financial insolvency. We address the problem. In this amendment is language which makes it clear that the Attorney General would have the authority to waive this moratorium in extraordinary circumstances, such as financial insolvency or similar financial distress. We have another waiver authority which goes to the Secretary of Agriculture.

Some colleagues said, what about mergers and acquisitions that actually are procompetitive? What we are going to do is to say, under modification, that USDA could waive the moratorium for deals that don't increase concentration to levels that are determined to be detrimental to family farmers. This moratorium or timeout won't even take effect for 18 months because presumably we are going to act earlier.

We have to do something about this merger mania. We have to do something about getting some competition back into the food industry. We have to do something that is on the side of family farmers. This timeout, with all of the provisions we have which make it so reasonable—and we are still in negotiation with our colleague from Iowa, who I know cares fiercely about this—ought to lead to an amendment that should generate widespread support.

I reserve the remainder of my time.

Mr. HATCH. Mr. President, I rise to speak in opposition to the amendment by the Senator from Minnesota that would impose an 18-month moratorium on mergers in the food processing industry. While I oppose this amendment, I understand Senator WELLSTONE's motivation in offering it. I share his concern over the rapid vertical and horizontal integration in the food processing industry and the effect this trend may have had on family farmers.

The livestock industry for beef cattle and hogs has experienced low prices for too long. In fact, the price for live hogs recently reached its lowest level since the Great Depression. Family farms are the backbone of our rural communities, yet family farms are failing. Farmers now receive 36 percent less for their products than they did 15 years ago. Mr. President, there are not many other honest, hardworking Americans who can say that their salaries have gone down by 36 percent over the last decade. Some farmers have complained that the concentration within the industry has restricted their choice of buyers for their products.

Many factors have contributed to the troubles farmers have faced recently—consolidation within the food processing industry may not be the sole cause of these troubles, though I recognize it could well be a cause. The recent rate of consolidation, however, is a concern to me, and for this reason I recently pledged a full and comprehensive review of this matter by the full Senate Judiciary Committee. We need to look at the entire spectrum of the food industry to explore the extent to which consolidation within the industry is adversely affecting family farmers. We also need to examine whether existing antitrust statutes are being adequately enforced and whether any changes to federal law are warranted.

While I sympathize with the amendment offered by Senator WELLSTONE, I am afraid that it does nothing to shed further light on the matter. Not only does the amendment fail to address the heart of the matter, it may even do more harm than good for our farmers. We cannot possibly understand all of the implications of placing an 18-month moratorium on agribusiness mergers. It is very likely, Mr. President, that smaller food processing plants will rely on mergers with larger processors if they are to survive. Placing a moratorium on mergers could actually cause smaller firms to go out of business. In such a case, this amendment would surely stop a merger, but putting a smaller firm out of business is a less desirable outcome than allowing mergers to go forward. Many of these smaller processors are actually owned by farmers.

We cannot afford to lose our family farms in this country, and I think everyone recognizes that. Let us deal with this issue pragmatically. Let us get to the bottom of this problem. I urge my colleagues to vote against this amendment. We should first allow the Judiciary Committee to fully examine these issues and prudently determine what effect, if any, consolidation in the industry has on the plight of the family farmer. The type of market interference proposed by this amendment is simply wrong and I urge my colleagues to reject it.

Mr. President, I would like to make some additional remarks regarding concentration in the food processing industry. I have been as concerned about concentration in the food processing industry as any Member of this body. My concern over the concentration in the food processing industry led me to break the logjam on the Livestock Concentration Report Act in the 104th Congress and get it through the Senate Judiciary Committee and the full Senate.

My concern over concentration in the processing industry led me to introduce the Interstate Distribution of State-Inspected Meat Act of 1997 in the 105th Congress. This bill would have helped to shore up and enhance competition in the meatpacking industry.

My concern over this issue led me to pass an amendment in the fiscal year 1999 Agriculture appropriations bill that required the USDA to produce a proposal with regard to the interstate distribution issue. I am also considering legislation, along with Senator DASCHLE, to codify the USDA's proposal, which goes even further toward shoring up competition in the meatpacking industry.

Finally, I have recently unveiled my plan for the Judiciary Committee to provide a full and comprehensive review of the concentration issue. So far, we have had some excellent studies on this issue. Here is just a small sampling of the many studies already completed with regard to consolidation in the food processing industry:

(1) A GAO Report entitled: "Packers and Stockyards Administration: Oversight of Livestock Market Competitiveness Needs to Be Enhanced" (October 1991).

(2) "Concentration in Agriculture: A Report of the USDA Advisory Committee on Agricultural Concentration" (June 1996).

(3) A USDA report entitled: "Concentration in the Red Meat Packing Industry" (February 1996).

(4) A GAO report entitled: "Packers and Stockyards Program: USDA's Response to Studies on Concentration in the Livestock Industry" (April 1997).

(5) A report of the USDA Officer of Inspector General entitled: "Grain Inspection, Packers and Stockyards Administration: Evaluation of Agency Efforts to Monitor and Investigate Anticompetitive Practices in the Meatpacking Industry" (February 1997).

I believe the next step is not another study. The next step is to examine whether existing antitrust statutes are being adequately enforced and whether any changes to Federal law are warranted to help remedy the situation. I suggest that a moratorium on mergers has the potential for causing more harm than good. A moratorium is not an issue that has been studied, and frankly, the unintended consequences could be that some processors are forced to go out of business due to the ban on mergers. This would have exactly the opposite effect that we are hoping for. I might add, that farmers from my State who have been very concerned about the concentration issue have also expressed their opposition to the Wellstone amendment, for this reason.

Mr. KOHL. Mr. President, I rise today to support the amendment offered by my friend Senator WELLSTONE. Let me explain both why I support this amendment and why my support is somewhat qualified.

On the one hand, I agree that agricultural concentration is a problem which increasingly undermines the viability of family farms and negatively affects the well-being of our agricultural communities. On our Antitrust Subcommittee, we have watched with growing concern the wave of agricultural mergers and joint ventures in agriculture that have reduced the marketing options available to producers, and which may ultimately reduce—or may already have reduced—the prices they receive from the marketplace. While these merging corporations often contend that the mergers will result in better service for farmers and cost-savings for consumers, it's unclear whether that is true. And farmers face continued pressures from giant conglomerates against whom they have little bargaining power.

But, on the other hand, I am concerned that a blanket ban against all agricultural mergers would prevent those mergers that are pro-competitive as well as those that are undesirable. In addition, singling out a particular industry for merger moratoria, I fear, will lead to other calls for similar "carve-outs."

Perhaps a better way to address the problem of consolidation in the agricultural industry is do what the administration has already promised. The Antitrust Division of the Justice Department has given me a commitment that it will appoint a Special Counsel for agricultural antitrust issues—and it should do so expeditiously. This official will help ensure that agribusiness mergers no longer are a poor stepsister to mergers in the computer, telecom, finance, and media industries.

Mr. President, in moving a measure such as this one, we need to take care that we do not harm the very people we are trying to help. But until we see real signs that the administration is prepared to seriously scrutinize concentration in the agricultural industry, this approach is preferable to no action at all.

Mr. BINGAMAN. Mr. President, I will vote against the Wellstone-Dorgan agribusiness merger moratorium because I believe the solution to this problem is not a temporary moratorium. Instead, the Department of Justice should enforce the anti-trust laws that now exist to prevent the problems arising from industry concentration. That's why, last February, I signed a letter to the President, along with 22 of my colleagues, urging the administration to conduct a full-scale detailed examination of the impacts of market concentration on our nation's family farmers and ranchers. We requested that the study be completed within six months and the findings reported to Congress. We have yet to receive that study. I will continue to press the Department of Justice to exercise particular diligence in reviewing proposed mergers or acquisitions involving major agribusiness firms.

Our family farmers and ranchers need and deserve our full support. I have worked hard to provide emergency funding in times of natural disaster, and to address the economic disasters created by trade and world economic conditions. I am working to reform the federal crop insurance program to address the needs of specialty crop producers. And I will continue to advocate for full adherence to existing anti-trust laws, and the procedures for investigating market concentration in agriculture.

Mr. HUTCHINSON. Mr. President, I rise today in opposition to Senator WELLSTONE'S amendment. I know that my friend and colleague from Minnesota is proposing this amendment with the welfare of America's family farmer in mind. I, too, think of America's family farmer, but I have concerns that placing a moratorium on agribusiness mergers and acquisitions now may do more harm in my State than good. This is an important issue and I commend Senator HATCH'S willingness to hold hearings on this matter in the Antitrust Subcommittee. We need to have the time to carefully consider how agribusiness mergers and acquisitions affect America's producers.

I am very proud of the farmers in my State. Arkansas ranks in the top 10 rice, chicken, catfish, turkey, cotton, sorghum, eggs, and soybean producing States in America. Despite their productivity, there are fewer this season than last season. An ailing national agriculture economy has pushed many farmers to the breaking point. I visited 27 counties in Arkansas over the August recess and saw the strain on their faces and heard the frustration in their voices. Their deep concern for the future of farming comes from knowing that agriculture is the lifeblood of my State's economy.

Arkansas is dominated by small farms and cooperatives, but Arkansas is also home to national processors like Tyson Foods. I do not believe that we should trade the interests of one for another. Instead, we must develop a balanced policy that will help small farmers and not penalize those companies which are helping drive my State's agriculture recovery. In many communities, these cooperatives and agribusinesses are the foundation of the farm economy in that area. Right now, many of those communities are still hurting. That is why I am more concerned about the overall survivability of the cooperatives and agribusinesses in Arkansas than the possibility that some of them may someday decide to merge with a larger entity. In reality, if an agribusiness in Arkansas is struggling to stay alive, and Senator WELLSTONE'S moratorium on agribusiness mergers and acquisitions is imposed, that greatly limits an ailing business' ability to sell to survive. In other words, if the owners of an agribusiness have only two choices to survive—either sell or declare bankruptcy—and the option to sell is denied, then their going out of business doesn't help anyone.

While America's farmers are slowly recovering from low commodity prices, high production costs and poor trade, I believe now is not the time to destabilize agribusinesses in Arkansas. On the other hand, I know that producers in many farm states have serious concerns about the impact larger agribusinesses, especially the meat processing industry, have on their ability to recover from poor prices. Let me be clear, I do not advocate inaction, but I am concerned that producers and processors in my state, both large and small, may be unintentionally harmed by the Wellstone amendment.

Many meat processing agribusinesses in Arkansas provide stability for producers and have good working relationships with them. Because most of their producers work under contract, both the agribusinesses and producers suffer when prices are low. Tyson Foods, known for their poultry processing, is involved in raising hogs. As the price for hogs began to fall, Tyson felt the financial strain of production without the ability to process. In the mind of Tyson's contract pork producers, the company's situation had reached a critical level when they received letters telling them that sustained low hog prices were forcing Tyson to only offer 30-day contracts. Producers were left wondering how they would pay off debt and survive if Tyson could not renew their contracts. Recently, Smithfield announced that it will be taking over Tyson's Pork Group, effectively stabilizing the future of Tyson's contract producers. Unlike Tyson who only raised hogs, Smithfield has the capacity to both raise and process their livestock.

Clearly, if Senator WELLSTONE's moratorium on mergers and acquisitions was in pace at the time of the Smithfield acquistion of Tyson's Pork Group, contract producers would still be living under a cloud of uncertainty in an ailing hog market. With that in mind, I encourage my colleagues to vote against the Wellstone amendment so that Senator HATCH may be afforded the time to thoroughly address the impact agribusiness mergers and acquisitions are having on the American family farmer.

The PRESIDING OFFICER. Who yields time?

If no one yields time, time will be charged equally to both sides.

Mr. WELLSTONE. Mr. President, I yield 2 minutes to my colleague.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 2 minutes.

Mr. DORGAN. Mr. President, we only have 20 additional minutes to debate this. There will be a vote this morning.

I have always had the greatest respect for my colleague from Oregon. I think he is a really excellent Senator and a good thinker. On this issue, the purpose of our being here is about competition. I don't think anyone can dispute that family farmers have been squeezed by a system in which highly concentrated industries are taking more of the profits, saying we want more of the profits and we want to give family farmers less profits. That is not a sign of good competition; it happens because these industries have the economic power to do it.

I taught economics briefly. Some would suggest you are not fit for other work when you have done that. But I have gone on nonetheless. Economists will argue this both ways. I understand that. But there is a commonsense aspect to this.

Harry Truman used to say that nobody should be President who first doesn't know about hogs. The Senator from Minnesota talked about hogs and concentration in the hog industry. Hogs are just one. Beef, grains—in every single area, industries are more and more concentrated, choking the economic life out of the little guy, out of the little producer. Why? Because they can. They want to increase their profits, increase their size, and choke the life out of family farmers. Our point is, that is not free, fair, and open competition. That is not a marketplace that is working.

Mr. SMITH of Oregon. Will the Senator yield?

Mr. DORGAN. I will yield on the Senator's time.

Mr. SMITH of Oregon. Of course.

For the record, no one should be President who doesn't know something about green peas either.

In all seriousness, I understand what the Senator is saying. I think what the Wellstone amendment, hopefully, is doing—if it does not pass today, I hope it has the Justice Department going to work on this issue. In my view, what we don't need is more layers of second-guessing the marketplace from the Department of Agriculture.

We already have a system of antitrust laws. They need to enforce them, and there are serious problems of too heavy a concentration. I just simply tell you that I have seen, in my own experience, when these companies get too big, they create companies coming up behind them. It happens time and time again—for the little guy to become a big guy. It happens also on the farm, as a small family farm. Now you have huge corporate farms.

It is a process of the marketplace working. Usually, when we intervene in these ways, we do it incorrectly, bluntly, ineffectively, and we end up hurting the people we are trying to help. I believe we have laws that ought to be employed and, if they are employed, the concerns of the Senators from the Great Plains will be addressed, and they should be addressed.

Mr. DORGAN. This little guy/big guy notion of economics reminds me of the old parable that the lion and lamb may lie down together but the lamb isn't going to get much sleep. That is also true in economics. It is certainly true in this economy. The little interests are disappearing. That is true of agriculture. Family farmers are having the life choked out of them by the concentration in industries which they have the muscle to say: We want more of our food dollar coming from that bread, and we want you to have less. That is what they are saying to family farmers.

Mr. WELLSTONE. Will the Senator yield?

Mr. SMITH of Oregon. Yes.

Mr. WELLSTONE. I ask unanimous consent that I have 5 minutes at the very end to summarize this because we may make some changes.

The PRESIDING OFFICER. We will watch the time.

Mr. WELLSTONE. May I have 5 minutes at the end? Otherwise, my time will burn off.

Mr. SMITH of Oregon. Mr. President, the leadership has suggested to me they want an up-or-down vote on this. If there are amendments that the Senator has, he would very much like those to be a part of the hearing that Senator HATCH already announced will be occurring in the next session of this Congress.

Mr. WELLSTONE. I would like that. I don't want to have all my time burned up. I would like to have 5 minutes at the end.

Mr. DORGAN. Mr. President, in my concluding 30 seconds, I will say that the Jeffersonian notion of how this system ought to work is broad-based economic ownership. That is what Thomas Jefferson envisioned—broad-based economic ownership in this country which not only guarantees economic freedom but political freedom as well.

The point is, the concentration that is occurring is unhealthy, especially in agriculture, because it is choking the life out of family farmers. We are talking simply about a timeout here.

When I talked about Harry Truman's description of hogs, incidentally, that would have lost its luster had he said that nobody should become President without first knowing about green peas. He was talking about hogs because he was talking about broad-based economic ownership on America's family farms. He had it just right. That is what we are trying to get back to with this amendment.

The PRESIDING OFFICER. The Senator from Minnesota has 4 minutes 59 seconds remaining on his time.

Who yields time?

If no one yields time, it will have to be subtracted from both sides of the debate.

Mr. WELLSTONE. Mr. President, the unanimous consent I am asking for is whether or not, if the other side is not going to use the time, I could reserve for the end when we run out of time the final 4 minutes 59 seconds to summarize this because I am waiting for Senator GRASSLEY. We have been involved in negotiations. I would like to summarize where we are.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SMITH of Oregon. Mr. President, I want to say, in a larger sense, if we can single out agribusiness in this way for sort of super-antitrust treatment, if you will, we can single out any industry. I have noticed, in my 3 years as a Senator, we have sort of a merry-go-round of unpopular businesses in this country and we pick them off one at a time. I am very concerned about this process of intervening in a marketplace that works because there are winners and losers in the marketplace. Agriculture is a very difficult industry. I don't know the profits of these big food processors. I, frankly, don't know most of these kinds of industries. Most of the food processors I think of may actually have revenues of $100 million. But that is sales; that doesn't mean profit. They may have losses of $110 million. I don't know. I don't see their books.

Mr. WELLSTONE. Will the Senator yield?

Mr. SMITH of Oregon. Yes, I am happy to yield.

Mr. WELLSTONE. First of all, let me be clear again. I want to tell the Senator that there are two very important, if you will, safety valves. One has to do with the very point he just made. If, in fact, a business says, look, we will be insolvent if we don't do this acquisition or merger, then they will get a waiver to do that. I want to make that clear, as to what this is and is not. That might get you support. I think there are provisions in here that are important.

Second, this is just a timeout; that is all this is. This comes from some pretty solid empirical evidence about the wave of mergers. And, again, three or four firms dominate well over 50 percent of the market and its effect on producers.

Finally, I do believe that, again, if USDA uses this criterion, it can also be a second safety valve that says, look, in this particular case, this acquisition or merger would be procompetitive given the situation. That would be another way.

So we are trying to deal with the most extreme of circumstances This is eminently reasonable. It is a cooling off; it is a message from the Senate that we care about what is going on out there. We want to have more free enterprise built into the system. This is pro-free enterprise, pro-competition. We don't have the competition now.

Mr. SMITH of Oregon. Will the Senator yield?

Mr. WELLSTONE. Yes, I will.

Mr. SMITH of Oregon. Mr. President, I appreciate the chance to talk so the American people can hear this. The problem we are talking about is that, for agriculture, we are not going to create just an antitrust division that ought to be going to work every day evaluating these things, but now we are going to create a whole new role for USDA to make judgments about the marketplace. I don't trust Government to make those judgments about the marketplace; I really don't. I think we mess it up more than we help it. So I really don't think that satisfies my concern.

Mr. WELLSTONE. If the Senator will yield again, let me be clear about this on two issues. First of all, if it weren't for the wave of mergers and this breathtaking consolidation of power—and then we look at the Sherman Act and the Clayton Act and wonder what is going on here—we would not even be talking about a timeout. That is the only reason we are doing this. I don't think anybody can deny the reality of what happened.

Second, the USDA would only be involved if a company said: Listen, we would like to get a waiver from this timeout period. It is only if a company makes the request or a company says: Look, we would like to get a waiver from this timeout period. We are big, but we need to be involved in this acquisition or merger and it will actually be procompetitive. We are just trying to give a company a place to go.

So, with all due respect, it is not the kind of Government involvement my colleague fears. There does come a point in time in the rich history of our country where public power is there. Where is Teddy Roosevelt when we need him today? That is all this is, a cooling-off period to give us incentive, I say to my colleague from Oregon, to write some laws and do something that will put the competition back in place, so our producers have a chance.

Mr. SMITH of Oregon. Mr. President, if the Senator will yield. I am all for the rules Teddy Roosevelt created. If they were enforced, we would not need to develop more Government.

I guess I would understand the Senator's amendment more if he didn't exempt agricultural cooperatives. I don't understand that. It is a different forum of how you do agribusiness. It is farmer-owned. But, frankly, it is unfair to other farmers who do not process for nonfarmer cooperatives. I just think if it is good for the goose, it is good for the gander. But it is not in this amendment. It is unfair, and it isn't right. Treat them all the same or, frankly, let's defeat this amendment. I sincerely hope the Senate will not interfere in the marketplace as proposed by this amendment. Allow the Judiciary Committee to go forward and hold its hearings, and let's ask the antitrust department and Justice Department to go to work and enforce the laws we already have.

Mr. LEAHY. Will the Senator yield for a unanimous consent request?

Mr. WELLSTONE. Yes.

Mr. LEAHY. Mr. President, I ask unanimous consent that I be allowed to proceed for 3 minutes, not to come out of the time that has been established for this bill, realizing that would make the vote 3 minutes later—just to let people know where we are on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, just so that colleagues on both sides will know, last week, and again yesterday for that matter, we made more progress on this bill.

We have been able to clear 27 amendments to improve the Bankruptcy Reform Act. Those are amendments offered by both Republicans and Democrats.

Senator TORRICELLI, Senator HARRY REID, and I have been working in good faith with Senator GRASSLEY and Senator HATCH to clear amendments. We have been able to do that, and we will try to clear even more.

I am pleased, on a personal point, that the majority accepted my amendment regarding the mandate to file tax returns under the bill. That will save $24 million over the next 5 years. But there are a lot of amendments similar to this that have improved it.

Senator TORRICELLI and I are working together with the deputy Democratic leader, and we are preparing to enter a unanimous consent request to limit the remaining Democratic amendments to 27 amendments. Fifteen of these have already been offered to the bill and are the pending business. All 27 were filed by November 5. Most of these are going to have very short time agreements. Many will be accepted. From a total of 320 amendments that were filed by both Republicans and Democrats on November 5, the managers of the bill on both sides have boiled down the remaining Democratic and Republican amendments to about 35—from 320 to 35.

Many of them are going to be acceptable either with modifications or in the present form. The remaining ones are critical to the debate on this bill.

Remember that for the first time in our Nation's history this bill would restrict the rights of Americans to file for bankruptcy based on the debtor's income. If we are going to adopt a means-tested bankruptcy law, we should have a full and fair debate on that. The American people would ask for nothing more.

The credit card industry is going to get billions out of this and should have to bear some responsibilities for its lax lending practices. We have heard a lot of stories about 5-year-olds getting credit cards in the mail with a multi-thousand-dollar limit.

Then we have the Truth in Lending Act on here.

I would like to get as close to a fair and balanced bill as we passed last year.

But we have come to the floor to offer amendments. We had only 4 hours of debate on Monday, and a disrupted day yesterday with caucuses and other things. But we have moved very quickly on this. We have disposed of 35 amendments with only 8 rollcalls.

I urge Senators to move forward. The leaders are trying to move forward.

I thank my colleagues for allowing me to break in to bring people up to date.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I send a modification to my amendment to the desk and ask unanimous consent that the amendment be modified. I will explain the two provisions.

The PRESIDING OFFICER. It takes unanimous consent.

Is there objection?

Mr. SMITH of Oregon. Reserving the right to object, I certainly don't mind the Senator offering an explanation of the amendment. But I have been asked by the majority leader and Senator HATCH to object.

The PRESIDING OFFICER. Objection is heard.

Mr. WELLSTONE. Mr. President, I would appreciate it before we have this vote. My colleagues were with Senator LOTT when I was very involved in the unanimous consent agreement as to which amendments were going to come up and how we were going to deal with nonrelevant amendments.

Senator DASCHLE asked Senator LOTT. I was right out here on the floor. In fact, I had made the request that if, in fact, we weren't changing the meaning or the scope of our amendment, but we were going to make a correction, we would be able to do that. Senator LOTT said if this didn't change the meaning of the amendment, or the scope of it, then, of course, that would be all right.

This is not a different amendment. This is in violation, or I would never have agreed to this unanimous consent agreement. All we are doing is listening to colleagues who have said there should be $10 million to $100 million on both parties. We think that would make a big difference from the point of view of small businesses, and at least give businesses another place where they can go if they believe their merger or acquisition is not procompetitive.

Those are the two changes. I cannot believe that now I am being told I can't do this. This was a part of the unanimous consent agreement. I was on the floor. I will get the CONGRESSIONAL RECORD out of the exchange.

Mr. SMITH of Oregon. If the Senator will yield, I was not a part of that agreement. I know what I have been told by the majority leader and by Senator HATCH. Whether the scope is narrowed or not, the principle is the same. If there is an invasion of the free enterprise system, it potentially penalizes all the farmers who rely upon the stock-owned companies in advantage of a few others.

I think that is the wrong way to do it. We have some laws. I think they need to be enforced. But this is too blunt of an instrument. If you want to help farmers, this is not the way to do it. If you want to help farmers, you go after the regulations that are strangling them. You open up the international markets. And, yes, you enforce antitrust laws. But you don't create a regulation that interferes in a very blunt fashion with the free enterprise system.

The PRESIDING OFFICER. Objection is heard.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me try this again. My colleague can object to the amendment. But that is a different issue. That is a different issue. I now come to the floor with a modification. When we came up with this original unanimous consent agreement, the majority leader made it crystal clear in an exchange with the minority leader—I was out here on the floor—if we wanted to have a technical correction in our bill and it was not changing the scope or meaning, that it would, of course, be all right. Now you are denying me my right to make that modification. Why are you afraid of a modification? I am just a little bit outraged by this. I was here. I was on the floor. I know what was discussed. I know what the majority leader said.

I also believe if my colleagues want to have an up-or-down vote, fine. But you ought to give me the right to make a modification to my amendment that I think would make this a stronger and a better amendment.

I want to send the amendment to the desk again. Did I send it? Do you already have it?

I appeal to the Senator to please not object to my unanimous consent request to modify my amendment with what I have sent to the desk.

The PRESIDING OFFICER. A modification is not in order without unanimous consent.

Objection has been heard.

Mr. WELLSTONE. I ask unanimous consent that I be allowed to modify my amendment, which is exactly what we agreed to in terms of how we deal with these amendments.

The PRESIDING OFFICER. Is there objection?

Mr. SMITH of Oregon. I object.

Mr. WELLSTONE. Mr. President, my colleagues are afraid to have a vote and an honest debate on what we are talking about, and this is a violation of the agreement that we made when we talked about how to proceed.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, I am in no way questioning what the Senator was saying. I wasn't a party to the agreement he was talking about. What I am objecting to is the principle, whether it is a little or a lot. What I am saying is we have the laws to fix these kinds of problems. The Justice Department ought to go to work, and we ought not to be intervening in the agricultural marketplace in this way.

If you want to help farmers, help them with their water rights, help them with their labor problems, help them with closed international markets, help them with subsidies, and help them with a whole range of things we do in great abundance around here. But, frankly, get off their air hose when it comes to regulation. They are being strangled by regulation. This is not the way to help farmers; therefore, I object on my own basis—not on the basis of Senator LOTT or any other leader.

The PRESIDING OFFICER. Under regular order, the amendment cannot be modified without unanimous consent.

Mr. DORGAN. Mr. President, might I ask the Senator for 1 minute for the purpose of making an inquiry?

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I understand the point made by the Senator from Oregon.

First of all, I was not here during the discussion on the floor. So I am not someone who can describe what happened during that discussion. But if the Senator from Minnesota is correct—and he may well be—that, in fact, the majority leader made representations, I think he would not want to abridge them at this point. I think it is a matter of finding the record; the majority leader has always acted in good faith to honor an agreement he made on the floor.

Before denying the opportunity to the Senator from Minnesota, we ought to get that record and find out to what the majority leader agreed. I am certain what he agreed to then he would agree to today. If he agreed to allow a modification, the Senator from Minnesota should be allowed to pursue that modification.

I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. I don't want to deny the Senator from Minnesota his chance to modify his amendment on the basis of an agreement he had with the leader. I don't want to not pursue an issue this important today.

The PRESIDING OFFICER. Will the Senator suspend?

The Senator from North Dakota made a point of order that a quorum is not present.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SMITH of Oregon. I ask unanimous consent that the order for the quorum call be rescinded.

Mr. WELLSTONE. I object.

The PRESIDING OFFICER. The objection is heard. The clerk will continue to call the roll.

The legislative clerk continued the call of the roll.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. WELLSTONE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The legislative assistant continued the call of the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, parliamentary inquiry: I want to find out from the Chair whether or not I can amend, provide direction to my amendment without requiring unanimous consent; whether I have a right to do that.

The PRESIDING OFFICER. Under the Senate rules, the Senator cannot do that.

Mr. WELLSTONE. Mr. President, I have how much time left?

The PRESIDING OFFICER. The Senator has 4 minutes 45 seconds.

Mr. WELLSTONE. Mr. President, I have said it all, along with Senator DORGAN, about the why of this amendment and how important it is for our producers, how important it is to take a timeout so we can have some competition, how important it is to farmers and rural communities. Given the ruling of the Chair, I want to be crystal clear as to what has now happened.

I wanted to come to the floor of the Senate—it was my understanding I would be able to do so, but I have been told I would not be able to do so—and improve upon this amendment in the spirit of compromise.

Some colleagues are concerned about this timeout and they said: Why don't we have companies with $100 million. And the other threshold for an acquisition merger would be $100 million as well. They would be more comfortable with that. I wanted to provide this direction to my amendment to improve upon it. I wanted to compromise.

I was also told by some colleagues they are a little worried that during this cooling off period, maybe some of the acquisitions and mergers would be procompetitive. I worked very hard to have some very specific language which would enable such a company to go to USDA and say: Listen, this would be procompetitive. And USDA, based upon clear criteria, would say: You are right.

I come to the floor of the Senate today as a Senator from the State of Minnesota to try to modify my amendment. It is very clear what the modification would be. Based upon discussions with other Senators, in the spirit of compromise, so we can at least move this forward and provide a message to our producers that we care, so that some Senators who may now have to vote against this because of their concerns would be able to support it so we can actually adopt something that will make a difference. I am told I do not have the right to modify my amendment.

Also—this is my final point because I cannot help but be a little bit angry about this—the majority leader came to me last week when Senators wanted to leave. We were scheduled to have a debate, and we were scheduled to have a vote. The idea was, to enable people to leave, we would hold this over, and I said yes. It is not as if I have waited to the last minute. We could have had negotiations then. We have just come back to this.

I must say to my colleague from Oregon and others, I am skeptical about this. It is pretty rare that a Senator cannot come to the floor and modify his amendment. Whatever the procedural ruling is, it seems to me it is crystal clear what is going on. I wanted to modify it. I wanted to compromise. I wanted to make an amendment that would generate more support, maybe even adopt it, and I have been denied the opportunity to do so. That is very unfortunate.

It is about time my colleagues gave some serious thought to being on the side of some of the interests in our country that do not have all the money and are not so well connected and such big investors and do not have such power. When my colleagues start with that, think about the producers and the people who live in our rural communities because right now we are seeing merger mania. We are seeing a lack of competition. We need to go back, I guess, to Teddy Roosevelt politics. It is a shame I have been denied the right to provide direction to my amendment or a modification to my amendment which would have been a good compromise.

How much time do I have?

The PRESIDING OFFICER. The Senator has 25 seconds remaining.

Mr. WELLSTONE. Mr. President, other than I do not have strong feelings about any of it, I will not take the last 25 seconds. I feel too strongly to say anything more in the last 25 seconds. It is rare that a Senator cannot modify his amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2752. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Ohio (Mr. VOINOVICH) are necessarily absent.

The result was announced—yeas 27, nays 71, as follows:

[Rollcall Vote No. 366 Leg.]

YEAS—27

Akaka
Baucus
Boxer
Bryan
Byrd
Conrad
Daschle
Dodd
Dorgan
Feingold
Grassley
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Moynihan
Reid
Rockefeller
Sarbanes
Wellstone

NAYS—71

Abraham
Allard
Ashcroft
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee, L.
Cleland
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Durbin
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Landrieu
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Murkowski
Murray
Nickles
Reed
Robb
Roberts
Roth
Santorum
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wyden

NOT VOTING—2

McCain
Voinovich

The amendment (No. 2752) was rejected.

AMENDMENT NO. 2663

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate on amendment No. 2663.

Mr. MOYNIHAN. Mr. President, this amendment retains existing bankruptcy law for low-income persons. A feature of the law as it now exists and which is perfectly sensible is the presumption that people who incur debt shortly before declaring bankruptcy have acted fraudulently. Clearly, this can be the case, is often the case, and is proven so.

However, the bill presently before the Senate extends the time (from 60 days to 90 days for consumer debts, for instance) in which this presumption of fraudulent activity takes place, and it changes the dollar amounts. We propose to keep the law as it is for low-income persons—people below the median income level, who already live hand-to-mouth, who often find themselves in a bind, with no intent to defraud, and keep borrowing until they are in bankruptcy situations. They won't have lawyers and can't defend against presumptions.

We simply keep the existing law. Deal with true fraud and important bankruptcies as the bill proposes to do but leave the small and hapless folk to their small and hapless fortunes.

The administration supports this measure, as does my friend, the senior Senator from Vermont, Mr. LEAHY, and his associate in these matters, Ms. LANDRIEU of Louisiana.

Mr. HATCH. Mr. President, in its current form, the bankruptcy reform bill attempts to resolve a major area of bankruptcy abuse, known as "load up." In plain terms, load up occurs when a debtor goes on a spending spree shortly before filing for bankruptcy.

Under S. 625, limits are placed on a debtor's ability to buy luxury goods and take out large cash advances on the eve of bankruptcy. The bill accomplishes this by creating a rebuttable presumption that certain debts are not dischargeable. Specifically, the bill provides that debts of more than $250 per credit card for luxury goods, that are incurred within 3 months of bankruptcy, and cash advances of more than $750, incurred within 70 days of bankruptcy, are presumed to be fraudulent and are non-dischargeable.

These provisions, while an improvement over current law, are by no means a solution to the load up problem. Debtors still essentially are free to take out a cash advance of $750 and buy luxury goods valued at $250 on each of their credit cards before even the presumption of nondischargeability kicks in. It also is important to note that under the bill, luxury goods specifically exclude "goods or services reasonably necessary for the support or maintenance of the debtor or a dependent of the debtor."

Many have complained that these provisions do not go far enough to close the load up loophole. The amendment by the Senator from New York, in contrast, undermines the bill's modest anti-load up provisions by applying them only to those with income above the national median. Simply stated, the amendment would create an unjustified double standard, with those who fall under the national median income being permitted to load up on luxury goods and cash advances before filing for bankruptcy, as permitted by current law.

If we seriously intend to reform our bankruptcy laws and eliminate fraud in the system, we cannot let this major loophole continue without any reasonable limits.

Mr. GRASSLEY. Mr. President, I oppose this amendment because it sets up a double standard which lets below median-income bankrupts load up on debt on the eve of bankruptcy and then get those debts wiped away without judicial scrutiny. I know the Senator from New York is well-intentioned, but this amendment is a very bad idea.

Last night, the Senator from New York, in proposing his amendment, correctly noted that there is no evidence whatever that below median-income debtors could ever pay a significant amount of their debts. We have taken care of the problem the Senator from New York has raised by totally exempting below median-income debtors from the means test. I think that is fair and reasonable. It is a fact of life. It means the poor won't be forced into repayment plans they could never complete.

However, this amendment raises an entirely different question. This amendment isn't about whether the poor should be given a pass in terms of being forced to repay their debts. This amendment says people below the median income can purchase over $1,000 in luxury goods, such as Gucci loafers, and get over $1,000 in cash advances just minutes before declaring bankruptcy and they won't have to justify their debts to a bankruptcy judge.

This is not good bankruptcy policy. Anybody who loads up on debt on the eve of bankruptcy should have to justify their debts. When it comes to suspicious and perhaps fraudulent behavior, we should treat everyone the same, below median income or above median income. Anybody who loads up on debt right before filing for bankruptcy should have to explain themselves; otherwise, we open the door to an obvious abuse.

Last week, we defeated the Dodd amendment which contained very similar provisions. I ask my colleagues to defeat this amendment.

Mr. MOYNIHAN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. MOYNIHAN. Is it in order for me to offer a second-degree amendment that would preclude any purchase of Gucci loafers?

The PRESIDING OFFICER. It would be in order.

Mr. MOYNIHAN. I so move.

The PRESIDING OFFICER. Would the Senator send the amendment to the desk?

Mr. MOYNIHAN. I made my point.

I withdraw my request.

Mr. GRASSLEY. I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment No. 2663. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) and the Senator from Ohio (Mr. VOINOVICH) are necessarily absent.

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 367 Leg.]

YEAS—54

Abraham
Allard
Ashcroft
Bennett
Biden
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Robb
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner

NAYS—43

Akaka
Baucus
Bayh
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee, L.
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Wellstone
Wyden

ANSWERED "PRESENT"—1

Fitzgerald

NOT VOTING—2

McCain
Voinovich

The motion was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURNS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHANGE OF VOTE

Mr. L. CHAFEE. Mr. President, on rollcall No. 367, I voted "aye." It was my intention to vote "no." Therefore, I ask unanimous consent that I be permitted to change my vote. It would in no way change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

AMENDMENT NOS. 1695, AS MODIFIED; 2520; 2746, AS MODIFIED; AND 2522, AS MODIFIED, EN BLOC

Mr. GRASSLEY. Mr. President, I ask unanimous consent on the consideration of these amendments: 1695, as modified; 2520; 2746, as modified; 2522, as modified. I send the modifications to the desk and ask for their immediate consideration, that they be adopted, and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, is 2520 the McConnell amendment?

Mr. GRASSLEY. Yes.

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 1695, as modified; 2520; 2746, as modified; and 2522, as modified) were agreed to as follows:

AMENDMENT NO. 1695, AS MODIFIED

(Purpose: To increase bankruptcy filing fees, increase funds for the United States Trustee System Fund, and for other purposes)

On page 124, between lines 14 and 15, insert the following:

SEC. 322. UNITED STATES TRUSTEE PROGRAM FILING FEE INCREASE.

(a) ACTIONS UNDER CHAPTER 7 OR 13 OF TITLE 11, UNITED STATES CODE.—Section 1930(a) of title 28, United States Code, is amended by striking paragraph (1) and inserting the following:

"(1) For a case commenced—

"(A) under chapter 7 of title 11, $160; or

"(B) under chapter 13 of title 11, $150.".

(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a(b) of title 28, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1)(A) 40.63 percent of the fees collected under section 1930(a)(1)(A) of this title in cases commenced under chapter 7 of title 11; and

"(B) 70.00 percent of the fees collected under section 1930(a)(1)(B) of this title in cases commenced under chapter 13 of title 11;";

(2) in paragraph (2) by striking "one-half" and inserting "three-fourths"; and

(3) in paragraph (4) by striking "one-half" and inserting "100 percent".

(c) COLLECTION AND DEPOSIT OF MISCELLANEOUS BANKRUPTCY FEES.—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 1931 note) is amended by striking "pursuant to 28 U.S.C. section 1930(b) and 30.76 per centum of the fees hereafter collected under 28 U.S.C. section 1930(a)(1) and 25 percent of the fees hereafter collected under 28 U.S.C. section 1930(a)(3) shall be deposited as offsetting receipts to the fund established under 28 U.S.C. section 1931" and inserting "under section 1930(b) of title 28, United States Code, and 31.25 percent of the fees collected under section 1930(a)(1)(A) of that title, 30.00 percent of the fees collected under section 1930(a)(1)(B) of that title, and 25 percent of the fees collected under section 1930(a)(3) of that title shall be deposited as offsetting receipts to the fund established under section 1931 of that title".

AMENDMENT NO. 2520

(Purpose: To amend section 326 of title 11, United States Code, to provide for compensation of trustees in certain cases under chapter 7 of that title)

At the appropriate place in title III, insert the following:

SEC. 3 . COMPENSATION OF TRUSTEES IN CERTAIN CASES UNDER CHAPTER 7 OF TITLE 11, UNITED STATES CODE.

Section 326 of title 11, United States Code, is amended by adding at the end the following:

"(e) In a case that has been converted under section 706, or after a case has been converted or dismissed under section 707 or the debtor has been denied a discharge under section 727—

"(1) the court may allow reasonable compensation under section 330 for the trustee's services rendered, payable after the trustee renders services; and

"(2) any allowance made by a court under paragraph (1) shall not be subject to the limitations under subsection (a).".

AMENDMENT NO. 2746, AS MODIFIED

(Purpose: To change the definition of family farmer)

At the appropriate place in the bill, insert the following:

SEC. . DEFINITION OF FAMILY FARMER.

Section 101(18) of title 11, United States Code, is amended—

(1) in subparagraph (A) by—

(A) striking "$1,500,000" and inserting "3,000,000"; and

(B) striking "80" and inserting "50"; and

(2) in subparagraph (B)(ii) by

striking "$1,500,000" and inserting "$3,000,000".

AMENDMENT NO. 2522, AS MODIFIED

(Purpose: To provide for the expenses of long term care)

On page 7, line 15, strike "(ii)" and insert "(ii)(I)"

On page 7, between lines 21 and 22, insert the following:

"(II) In addition, the debtor's monthly expenses may include, if applicable, the continuation of actual expenses paid by the debtor that are reasonably and necessary for care and support of an elderly, chronically ill, or disabled household member or member of the debtor's immediate family (including parents, grandparents, and siblings of the debtor, the dependents of the debtor, and the spouse of the debtor in a joint case) who is not a dependent and who is unable to pay for such reasonable and necessary expenses.

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. INHOFE. Mr. President, I ask unanimous consent that Glen Powell be given floor privileges for the duration of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS APPOINTMENTS

Mr. INHOFE. Mr. President, I wish to have a brief word about the issue of recess appointments.

For quite some number of years, Presidents—Democrats and Republicans—have, in my opinion, violated the Constitution by making recess appointments. The Constitution is very explicit when it says that recess appointments can only be made in the event the vacancy occurs during the recess. There is a reason for this, historically.

Back in the days when we were on horses and we had legislative sessions that might have lasted 1, 2, or 3 months, we found ourselves in recess more than we were in session. Therefore, on occasion it would be necessary for the Secretary of State, who may have died in office—or when vacancies had occurred while we were in recess—to have to reappoint somebody. So we did. It made sense. But since that time—over the last several years—that privilege has been abused. As I say, this is not just an abuse that takes place by Republican or Democrat Presidents; it is both of them equally.

Consequently, the Constitution, which says that the Senate has the prerogative of advice and consent, has been violated. It was put there for checks and balances. It was put there for a very good reason. That reason is just as legitimate today as it was when our Founding Fathers put it in there; that is, the Senate should advise and consent to these appointments. It means we should actually be in on the discussion as well as consenting to the decision the President has made by virtue of his nomination.

In 1985, President Reagan was making a number of recess appointments that, in my opinion, and in the opinion of most of the Democrats and Republicans, was not in keeping with the Constitution. And certainly the majority leader at that time—who was Senator BOB BYRD from West Virginia, the very distinguished Senator—made a request of the President not to make recess appointments. He extracted from him a commitment in writing that he would not make recess appointments and, if it should become necessary because of extraordinary circumstances to make recess appointments, that he would have to give the list to the majority leader—who was, of course, BOB BYRD—in sufficient time in advance that they could prepare for it either by agreeing in advance to the confirmation of that appointment or by not going into recess and staying in pro forma so the recess appointments could not take place.

In order to add some leverage to this, the majority leader, Senator BYRD, said he would hold up all Presidential appointments until such time as President Reagan would give him a letter agreeing to those conditions. The President did give him a letter. President Reagan gave him a letter.

I will quote for you from within this letter. This was on October 18, 1985. He said:

> . . . prior to any recess breaks, the White House would inform the Majority Leader and [the Minority Leader] of any recess appointment which might be contemplated during such recess. They would do so in advance sufficiently to allow the leadership on both

sides to perhaps take action to fill whatever vacancies that might be imperative during such a break.

This is exactly what we talked about. This is the reason President Reagan agreed to this. He gave a letter to Senator BYRD. Senator BYRD was satisfied.

Along came a recess last May or June, and the President did in fact appoint someone he had nominated long before the recess occurred—in fact, not just months but even more than a year before that—and who had not complied with the necessary information in order to come up for confirmation. In that case, President Clinton did in fact violate the intent of the appointment process in the advice and consent provision found in the Constitution.

I wrote a letter to President Bill Clinton. My letter said exactly the same thing the letter said from BOB BYRD to President Reagan in 1985. It was worded the same way President Reagan's letter was worded. It said: Unless you will give us a letter, I am going to personally put a hold on all recess appointments.

The President started appointing people. And I put a hold on all of them—it didn't make any difference; I put a hold on all nonmilitary appointments—until finally, I remember one time somebody said: Well, we have a really serious problem because we can't get confirmation on the President's nominee for Secretary of the Treasury. This could have a dramatic adverse effect on the economy. The value of the dollar could go down. All these things came into the picture. What are you going to do about that? I said: I am not going to do anything, but you had better tell the President about that because it is serious. Finally, he agreed to it.

Mr. President, I ask unanimous consent that all of these documents be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. INHOFE. The letter finally came on June 15, 1999. I will read one sentence out of that letter.

> I share your opinion that the understanding reached in 1985 between President Reagan and Senator BYRD cited in your letter remains a fair and constructive framework which my Administration will follow.

Once again, what is he following? He is saying, prior to any recess, the White House will inform the majority leader and the minority leader of any recess appointments which might be contemplated during such recess? Would they do so in advance sufficiently to allow leadership on both sides to perhaps take action to fill whatever vacancies might be imperative during such break? He agreed to it.

I have not seen such a document, but I think in anticipation of the recess we are going in, it is my understanding that the President merely sent a list of some 150 nominees he has. Again, I didn't see it. It was never officially received by the majority leader. It was sent back to the White House.

If he thinks this is a loophole in the commitment he made, it certainly is not a loophole.

Anticipating that this President—who quite often does things he doesn't say he is going to do and who quite often says things that aren't true—is going to in fact have recess appointments, we wrote a letter. It is not just on my letterhead signed by me, but also I believe there are 16 other Senators saying that if you make recess appointments during the upcoming recess, which violates the spirit of your agreement, we will respond by placing holds on all judicial nominees.

> The result would be a complete breakdown in cooperation between our two branches of government on this issue which could prevent the confirmation of any such nominees next year.

I want to make sure there is no misunderstanding and that we don't go into a recess with the President not understanding that we are very serious about that. It is not just me putting a hold on all judicial nominees for the remaining year of his term of service, but 16 other Senators have agreed to do that.

It would be very easy for the President to just go ahead and comply with that agreement he has in his letter of June 15, 1999, rather than feeling compelled to make judicial appointments during this recess.

I want to serve notice to make it very clear.

I received a letter from the President. He did not honor me with a personal letter. It came from John Podesta, Chief of Staff to the President. Without reading the whole letter, because it is rather lengthy, it says that they might not comply with this.

I want to make sure it is abundantly clear without any doubt in anyone's mind in the White House—I will refer back to this document I am talking about right now—that in the event the President makes recess appointments, we will put holds on all judicial nominations for the remainder of his term. It is very fair for me to stand here and eliminate any doubt in the President's mind of what we will do.

EXHIBIT I

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, June 10, 1999.

Hon. WILLIAM JEFFERSON CLINTON,
The White House, Washington, DC.

DEAR MR. PRESIDENT: I appreciate our conversation this morning, and our mutual desire to come to an understanding about recess appointments. We have often worked together to help promote the smooth operation of the government, and I believe that we can once again come to an agreement.

As you know, the recent recess appointment of the U.S. Ambassador to Luxembourg has caused great concern to many members of the Senate. I believe that it would be constructive for us to reach an understanding in principle on how we will now proceed to ensure that we avoid similar sparring between the Executive Branch and the Senate in the future.

I agree that we will use the understanding reached between President Reagan and Senator Byrd in 1985, cited by your Chief of Staff today. That understanding, described in the CONGRESSIONAL RECORD of October 18, 1985, states ". . . prior to any recess breaks, the White House would inform the Majority Leader and [the Minority Leader] of any recess appointment which might be contemplated during such recess. They would do so in advance sufficiently to allow the leadership on both sides to perhaps take action to fill whatever vacancies that might be imperative during such a break."

I believe that this is both a reasonable and a constructive framework. Following this precedent will help us to proceed in a cooperative and expeditious manner on future nominees.

Mr. President, I appreciate your stated desire to work with me on this issue, and I look forward to hearing from you soon.

Sincerely,

TRENT LOTT.

THE WHITE HOUSE,
Washington, June 15, 1999.

Hon. TRENT LOTT,
Majority Leader,
U.S. Senate, Washington, DC.

DEAR MR. LEADER: I was pleased to learn from your letter of June 10 that you agree with my Chief of staff on the matter of recess appointments. As Mr. Podesta indicated in his letter to you, my Administration has made it a practice to notify Senate leaders in advance of our intentions in this regard, and this precedent will continue to be observed.

I share your opinion that the understanding reached in 1985 between President Reagan and Senator Byrd cited in your letter remains a fair and constructive framework, which my Administration will follow. I also appreciate your view that our nominees merit expeditious consideration through bipartisan cooperation among Senators; I sincerely hope that this spirit will prevail in the days to come.

Sincerely,

BILL CLINTON.

U.S. SENATE,
Washington, DC, November 10, 1999.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We write to urge your compliance with the spirit of our recent agreement regarding recess appointments and to inform you that there will be serious consequences if you act otherwise.

If you do make recess appointments during the upcoming recess which violate the spirit of our agreement, then we will respond by placing holds on all judicial nominees. The result would be a complete breakdown in cooperation between our two branches of government on this issue which could prevent the confirmation of any such nominees next year.

We do not want this to happen. We urge you to cooperate in good faith with the Majority Leader concerning all contemplated recess appointments.

Sincerely,

Jesse Helms, Wayne Allard, Michael Crapo, Michael B. Enzi, Bob Smith, George Voinovich, Pete B. Domenici, James M. Inhofe, Phil Gramm, Mitch

McConnell, Craig Thomas, Rod Grams, Tim Hutchinson, Conrad Burns, Chuck Grassley, Richard Shelby.

THE WHITE HOUSE,
Washington, November 12, 1999.

Senator JAMES INHOFE,
Senate Office Building,
Washington, DC.

DEAR SENATOR INHOFE: Thank you for your recent letter of November 10, 1999 on the need for cooperation between the Legislative and Executive branches and the President's right to recess appoint as defined by the Constitution.

We appreciate and thank the Senate, especially the Majority and Minority Leaders, for the 84 confirmations from Wednesday November 10, which includes eight republican nominees recommended by the Majority Leader. These confirmations reduce the number of nominees awaiting confirmation to 153 for this year. While nominees wait an average of six months to be confirmed, we thank you for confirming 62% of nominees this year.

We look forward to working with you on the 153 remaining nominees and new nominations this session and next session. They are important to the public, because they include nominations critical to the safety of our citizens and the integrity of our criminal justice system (US Marshals, US Attorneys and judges).

Compared with previous administrations, the President has used his authority to make recess appointments infrequently. President Reagan made 239 recess appointments. During President Bush's four-year term, 78 persons were recess appointed. We have made only 59 in 7 years, fewer than President Bush in four years. Several of our recess appointees have been republican nominees, done with the cooperation of the Senate leadership.

Because of the importance of filling these positions and pursuant to an agreement with the Majority Leader, we continue to notify the Majority and Minority Leaders of any effort the President may make a appoint temporarily a person into a vacancy, while awaiting confirmation by the Senate.

We will continue to meet with the Majority Leader's Office to accomplish our goal of confirming and appointing these nominees. We want to cultivate a cooperative relationship with you, and ask for your continued help in expeditiously confirming nominees so important to the US public.

Sincerely,

JOHN PODESTA,
Chief of Staff to the President.

Mr. INHOFE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. Acting in the capacity of the Senator from Montana, I ask unanimous consent the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:27 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. GREGG].

The PRESIDING OFFICER. The Chair, in my capacity as a Senator from the State of New Hampshire, suggests the absence of a quorum. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BANKRUPTCY REFORM ACT OF 1999—Continued

Mr. LEAHY. Mr. President, I should note just on the bankruptcy bill, we are making more progress. This morning we were able to clear four more amendments. I understand there is a total of 31 amendments that been accepted to improve the Bankruptcy Reform Act. These are amendments that have been offered on both sides of the aisle.

I commend the distinguished deputy Democratic leader, the Senator from Nevada, Mr. REID, for his help. He has been, as I described him in the caucus, indefatigable in his efforts to move this through. He and I and the Senator from New Jersey, Mr. TORRICELLI, and the Senator from Iowa, Mr. GRASSLEY, and the Senator from Utah, Mr. HATCH, have all worked to clear amendments or to set rollcalls on those we cannot clear.

I have urged Members to have short time agreements, and they have agreed to that. I think we have gone from some 300 or more potential amendments down to only a dozen or so, if that, that are remaining.

When you are dealing with a piece of legislation as complex as this, as important as this, when we are only 2 to 3 weeks before the end of this session—when we are only 2 to 3 weeks before the end of this session—I was hoping somebody would jump up and disagree on that "2 to 3 weeks" bit—or possibly a few days before the end of this session, it shows how well we have done.

But, as I said earlier, before he came on the floor, I commend the Senator from Nevada, who has worked so hard to bring down those numbers on the amendments.

Frankly, I would like to see us wrap this up. I would like to go to Vermont.

Mr. REID. Will the Senator yield?

Mr. LEAHY. Yes, of course.

Mr. REID. I just talked to someone coming out of the conference. They said: What about this bankruptcy bill? I said: It is up to the majority whether or not we have a bankruptcy bill this year. We have worked very hard these past few days on these amendments. We need time on the floor to begin to offer some of these amendments.

As the Senator knows, we have maybe 8 or 9 amendments total out of 320, and we could have a bill. And the contentious amendments—on one that is causing us not to move forward, the Senator from New York, Mr. SCHUMER, has agreed to a half hour. That is all he wants. I just cannot imagine, if this bill is as important as I think it is and, as I have heard, the majority believes it is, why we cannot get a bill.

Does the Senator from Vermont understand why we are not moving forward?

Mr. LEAHY. I am at a loss to understand why we cannot.

I say to my friend from Nevada, yesterday morning—and I normally speak at about an octave higher than this: I am coming out of a bout of bronchitis—I came back to be here at 10 o'clock because we were going to be on the bill. Instead, we had morning business, I believe, until about 4 o'clock in the afternoon. That is 6 hours. That is what it would have taken to finish the bill, especially after the work of the Senator from Nevada, and others, in clearing out so many of the Republican and Democratic amendments to get them accepted or voted on.

I understand we are waiting for the other body to get the appropriations bill over here. I would think between now and normal suppertime today we could finish this bill, if people want to. We are willing to move on our side. We are willing to have our amendments come up.

I see the distinguished Senator from California on the floor. She has waited some time. She has been here several days waiting with an amendment. She has indicated she is willing to go ahead with a relatively short period of time. The Senator from New York, Mr. SCHUMER, has said the same. We are ready to go, and I wish we would.

As I stated earlier, I would have liked very much to get this done. I would actually like very much to finish all the items we have. I wish we could have finished a couple weeks ago. I want to go to Vermont. I want to be with my family. It was snowing there yesterday, as I am sure it was in parts of the State of the distinguished Presiding Officer. I see the distinguished Senator from Maine on the floor. I expect it did in her State.

Mr. REID. It was 81 degrees in Las Vegas yesterday.

Mr. LEAHY. Eighty-one degrees in Las Vegas. How about snow in the mountains?

Mr. REID. Oh, there was snow in the mountains.

Mr. LEAHY. The Senator from Nevada has the good fortune as I do: We both represent two magnificent and beautiful States. He has the ability, however, in his State to go far greater ranges in climate, in temperature, over a distance of 100 miles or so than just about anywhere else in the country. We sometimes do those ranges in temperature and climate in one afternoon in Vermont, but we are not always happy about it.

I would like to see us get moving and get out of here. I see the distinguished Senator from California, who has asked me to yield to her. I am prepared to do that, but I also note that we will not start on any matter until the distinguished floor leader on the other side is on the floor. So I am at a bit of a quandary. I wanted to yield to the distinguished Senator from California with her amendment, but the distinguished floor leader on the Republican side is not here.

So I ask that the Senator from California withhold a bit. I see the Senator from—I may be a traffic cop here. I see my good friend and neighbor from New England, the Senator from Maine.

I ask, could she indicate to me just about how much time she may need?

Ms. COLLINS. It was my understanding that there was an agreement that at 2:15—and we are a little late in getting here—Senator SCHUMER and I were going to be able to introduce a bill as in morning business. We would need approximately 15 minutes, I would guess.

Mr. LEAHY. Then I ask, Mr. President, unanimous consent that after the distinguished Senator from Maine and the distinguished Senator from New York have been heard, it would then be in order to go to the distinguished Senator from California, Mrs. FEINSTEIN, so she could go forward with her amendment.

Ms. COLLINS. Reserving the right to object, I believe that—Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent the Senator from Maine and the Senator from New York be recognized, and then the Senator from Wisconsin, Mr. KOHL, and the Senator from North Carolina, Mr. EDWARDS, be recognized for 5 minutes each after the Senator from Maine and the Senator from New York, and then the floor go to the Senator from California—now that I see the Senator from Iowa on the floor—so she could then go back to the bankruptcy bill.

Mr. REID. Reserving the right to object, it would be 25 minutes: 15 minutes and 5 for each of the two Senators as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine.

(The remarks of Ms. COLLINS and Mr. SCHUMER pertaining to the introduction of the legislation are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MAKING FURTHER CONTINUING APPROPRIATIONS

Ms. COLLINS. Mr. President, it is my understanding that, under the previous order, the Senator from North Carolina will speak for 5 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin has 5 minutes, and the Senator from North Carolina has 5 minutes.

Ms. COLLINS. Will the Senator withhold for a unanimous consent request?

Mr. EDWARDS. Yes.

Ms. COLLINS. Mr. President, I ask unanimous consent the Senate proceed to the consideration of H.J. Res. 80, the continuing resolution, and that Senators KOHL and EDWARDS be recognized for up to 5 minutes each, and at the conclusion of their remarks, the resolution be read the third time, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EDWARDS. Mr. President, I ask unanimous consent that, in addition to the 5 minutes, I be granted an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina is recognized for 8 minutes.

Mr. EDWARDS. Mr. President, I have spoken before on the floor about the devastation created by Hurricane Floyd in my State of North Carolina. Let me update and speak briefly on that subject, particularly since we are in the process of a continuing resolution right now.

Everybody knows, because they have seen the pictures on television, what happened to my families in North Carolina as a result of Hurricane Floyd. We have two huge issues that have to be addressed before this Congress adjourns. One is housing: We have people in eastern North Carolina who don't have homes and have no prospect of having homes any time in the foreseeable future. We have to address this housing situation in North Carolina before we adjourn.

Second is our farmers. Our farmers were already in desperate straits long before Hurricane Floyd came through, and they have been totally devastated as a result of Hurricane Floyd. We have to address the needs of our farmers in eastern North Carolina before we leave Washington and before the Congress adjourns.

Let me say, first, that we have, in the last 24 hours, made progress on both fronts. First, on the issue of housing, we have, at least in principle, reached agreement that FEMA will have an additional $215 million of authority—money already appropriated—for housing buyouts. Based on the information we presently have, that should get us well into next year in the process of participating in the housing buyouts and helping all of our folks who desperately need help. That is good progress, a move in the right direction. There is more work that needs to be done. But at least in terms of getting us through the winter, I think we have probably done what we need to do in terms of housing.

On the issue of our farmers and agriculture, there is at least in principle an agreement for approximately $554 million of additional agricultural relief.

My concern has been and continues to be whether that money, No. 1, will go to North Carolina and North Carolina's farmers; and, No. 2, whether it addresses the very specific needs that our farmers have.

We are now in the process of working with everyone involved in these budget negotiations to ensure that both of those problems are addressed:

No. 1, to make sure that a substantial chunk of that money goes to North Carolina, and that additional money, to the extent it is needed for very specific purposes, can be appropriated and allocated to North Carolina's farmers to deal with the devastation created by Hurricane Floyd;

No. 2, to make sure at least a portion of the money that has already been appropriated goes to address the very specific needs our farmers have.

It is absolutely critical that before the Senate adjourns and before this Congress adjourns and leaves Washington these two problems be addressed.

I said it before; I will say it again. Our government serves no purpose if we are not available to meet the needs of our citizens who have been devastated by disasters—in this case, Hurricane Floyd. These are people who have worked their entire lives—in the case of our farmers, they have farmed the land for generations. They have paid their taxes. They have been good citizens. They have always lived up to their end of the bargain.

What they say to us now is: What is their government— because this is their government—going to do to deal with their needs in this time of greatest need in the wake of Hurricane Floyd and disasters created by Hurricane Floyd?

We have a responsibility to these people. We need to make sure their needs at least have been addressed through the winter. When we come back in the spring—we will be back in the spring, I assure my colleagues—we will be talking to our colleagues again about what additional needs we have because we will have additional long-term needs. This problem is not going to be solved in a month. It is not going to be solved in 3 months. This will take a period of years. When Congress comes back in the spring, there will be many additional needs that will have to be addressed.

But at a bare minimum, we need to ensure this Congress does not adjourn and people do not go home until we have made sure we have at least addressed the housing needs which will get us through the winter—I think we have made real progress in that direction—and, second, that we have gotten our farmers back up on their feet so they can be back in business in the spring in order for them to continue their farming operation. Those two problems have to be addressed before we leave.

Let me make clear what I have made clear before, which is my people are in trouble. They are hurting. They need help. Senator HELMS and I have worked together very diligently to try to get them the help they need in this time of crisis.

I want to make it clear once again that I intend to use whatever tool is available to me to ensure that my people get the help they need and the help they deserve.

This Congress and this Senate cannot go home and cannot leave Washington until we ensure that our people in North Carolina have a home to go to.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I rise to explain briefly why I have held all legislation—including appropriations bills. It revolves around the issue of dairy pricing policies and dairy compacts. One is a national milk pricing system. I will explain that first and explain my concerns about what is happening.

There is a national milk pricing policy which has been in effect for about 60 years. It was set up in a way that said the further away you live from Wisconsin, if you are a dairy farmer, the more you get for your milk. The government set that policy up to encourage the formation of a national dairy industry because transportation—particularly refrigeration—was not available at that time. They said the further you live from Wisconsin, the more you get for your milk. That was 60 years ago. That kind of policy no longer makes any sense.

In lieu of and in consideration of that, the Secretary of Agriculture and the USDA have come up with a new pricing system which does not eliminate the differential. It simply reduces it. Ninety-seven percent of the farmers in our country voted for it. It was set to be implemented on October 1st.

Now we find out that the Republicans are apparently intending to go back to the old pricing system. That is a disaster for our country. It certainly is a disaster for Midwestern farmers, and it doesn't reflect the reality of our present-day system.

Again, farmers in the Midwest and from Wisconsin are not asking for any advantage. They simply want to have the same opportunities for marketing their product in a competitive way as dairy farmers all over the country. It seems to me that is a reasonable request.

That is why we are so distressed at the impending outcome of what is going on in the House and will be here before the Senate very shortly.

The other one is the Northeast Dairy Compact. The Northeast Dairy Compact seeks to set arbitrarily, without consideration for market activities, a price for their dairy farmers to sell their milk to processors. That price is generally higher than market prices. It makes it very difficult, if not impossible, for anybody else in other parts of the country to market their milk or their milk products in the Northeast Dairy Compact States—the New England States—because when the prices are arbitrarily decided, the processors are then obviously likely to buy their milk from the local farmer rather than to buy it from somebody in another State.

In effect, it excludes the opportunity to market your product—in this case milk—in the New England States. That is not only a disaster for us in the Midwest; it clearly is terrible national economic policy.

If it is allowed again to be renewed at this time—it expired in October—we would be endorsing a national policy which for the first time in the history of our country excludes products from being sold without interference in all 50 States. We have never done that before. The genius and the success of the American system is based on our ability—no matter where we live in this country—to manufacture and sell products and services anywhere else in this country without restrictions.

The Northeast Dairy Compact says, no; we are not going to do that anymore.

If we allow the Northeast to do that, then for what reason would we not allow other sections of the country to set up their own milk cartels, and for that matter, cartels on other products? If we allow it for the Northeast Dairy Compact, then I say unequivocally there is no justification for not allowing it elsewhere, not only on milk but on other products.

I ask my fellow Senators: Is this the way to run a country economically? Would any of us think we would endorse that kind of policy where States and regions can decide for themselves not to allow other products into those States or regions?

It doesn't make any sense. It is not the way we built the country.

We should not renew, therefore, the Northeast Dairy Compact at this time. It was born 3 years ago in a backroom deal. There was no vote on the floor of the Senate. It was presented as part of a very large farm package. It was voted on in an affirmative way, but not by itself because it was part of a farm package 3 years ago. It is intended to be renewed again this year as part of a back-room deal without debate on the floor. It was debated twice all by itself. It lost on a straight up-and-down vote 3 or 4 years ago. The Northeast Dairy Compact lost on a cloture vote just several months ago.

I am very concerned about both things: The milk marketing pricing system, and the Northeast Dairy Compact. I am concerned enough to have a hold on all other legislation.

I hope very much that my fellow Senators can see the wisdom of my decision and support me in this effort not only to do what is right for Middle-Western dairy farmers but to do what is right for the people who live and work all over this country.

I thank the Chair. I yield the floor.

Mr. FEINGOLD. Mr. President, I ask unanimous consent I be allowed to speak for 10 minutes on the subject of the dairy issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I thank my senior colleague, Senator KOHL, for his efforts to fight for Wisconsin dairy farmers. We have worked long and hard together on this. We are determined to see this through.

For 60 years, dairy farmers across America have been steadily driven out of business and disadvantaged by the current Federal dairy policy. It is hard to believe this, but in 1950 Wisconsin had over 143,000 dairy farms; after nearly 50 years of the current dairy policy, Wisconsin is left with only 23,000 dairy farms. Let me repeat that: from 143,000 to 23,000 during this time period.

Why would anyone seek to revive a dairy policy that has destroyed over 110,000 dairy farms in a single State? That is more than five out of six farms in the last half century. This devastation has not been limited to Wisconsin. Since 1950, America has lost over 3 million dairy farms, and this trend is accelerating. Since 1958, America has lost over half of its dairy producers.

Day after day, season after season, we are losing dairy farms at an alarming rate. While the operations disappear, we are seeing the emergence of larger dairy farms. The trend toward large dairy operations is mirrored in States throughout the Nation. The economic losses associated with the reduction of small farms goes well beyond the impact of individual farm families who have been forced off the land. It is much broader than that.

The loss of these farms has devastated rural communities where small, family-owned dairy farms are the key to economic stability.

As Senator KOHL has alluded to during the consideration of the 1996 farm bill, Congress did seek to make changes in the unjust Federal pricing system by phasing out the milk price support program and to finally reduce the inequities between the regions.

Unfortunately, that is not what happened at all. It didn't work. Because of the back-door politicking during the eleventh hour of the conference committee, America's dairy farmers were stuck with the devastatingly harmful Northeast Dairy Compact. Although it is painful and difficult for everyone, we in the Upper Midwest cannot stand for that or any change that further disadvantages our dairy farms—the ones who are left, not the tens of thousands who are gone but the less than 25,000 who remain. We are determined to keep them in business.

The Northeast Dairy Compact accentuates the current system's equities by authorizing six Northeastern States to establish a minimum price for fluid milk, higher even than those established under the Federal milk marketing order, which are already pretty high and, frankly, much higher than our folks get. The compact not only allows the six States to set artificially high prices for producers but permits them to block the entry of lower-priced milk from competing States. Further distorting the market are subsidies given to processors in these six States to export their higher-priced milk to noncompact States.

Despite what some argue, the Northeastern Dairy Compact has not even helped small Northeastern farmers. Since the Northeast first implemented the compact in 1997, small dairy farms in the Northeast, which are supposed to have been helped, have gone out of business at a rate of 41 percent higher than they had in the previous 2 years. It is not even working for the limited purposes it was supposed to serve.

Compacts often amount to a transfer of wealth to large farms by affording large farms a per farm subsidy that is actually 20 times greater than the meager subsidy given to small farmers.

As my senior colleague has indicated, we need to support the moderate reforms of the USDA and reject the harmful dairy rider and let our dairy farmers get a fair price for their milk. I know as we go through the coming days this may mean substantial delays. We all want to go home to our States as early as possible. However, Senator KOHL and I are determined to do our best to fight for the remaining Wisconsin dairy farmers. Some of those steps may be necessary in order to achieve that goal.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the joint resolution is considered read the third time and passed, and the motion to reconsider is laid upon the table.

The joint resolution (H.J. Res. 80) was considered read the third time and passed.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BANKRUPTCY REFORM ACT OF 1999—Continued

AMENDMENT NO. 2756

(Purpose: To discourage indiscriminate extensions of credit and resulting consumer insolvency, and for other purposes)

Mrs. FEINSTEIN. Mr. President, I ask to call up amendment No. 2756.

Mr. GRASSLEY. Reserving the right to object, is there a unanimous consent agreement before the Senate?

The PRESIDING OFFICER (Mr. CRAPO). There is a unanimous consent agreement permitting the Senator from California to offer an amendment at this time.

Mr. GRASSLEY. I withdraw my reservation.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative assistant read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mr. JEFFORDS, proposes an amendment numbered 2756.

Mrs. FEINSTEIN. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . ENCOURAGING CREDITWORTHINESS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) certain lenders may sometimes offer credit to consumers indiscriminately, without taking steps to ensure that consumers are capable of repaying the resulting debt, and in a manner which may encourage certain consumers to accumulate additional debt; and

(2) resulting consumer debt may increasingly be a major contributing factor to consumer insolvency.

(b) STUDY REQUIRED.—The Board of Governors of the Federal Reserve System (hereafter in this section referred to as the "Board") shall conduct a study of—

(1) consumer credit industry practices of soliciting and extending credit—

(A) indiscriminately;

(B) without taking steps to ensure that consumers are capable of repaying the resulting debt; and

(C) in a manner that encourages consumers to accumulate additional debt; and

(2) the effects of such practices on consumer debt and insolvency.

(c) REPORT AND REGULATIONS.—Not later than 12 months after the date of enactment of this Act, the Board—

(1) shall make public a report on its findings with respect to the indiscriminate solicitation and extension of credit by the credit industry;

(2) may issue regulations that would require additional disclosures to consumers; and

(3) may take any other actions, consistent with its existing statutory authority, that the Board finds necessary to ensure responsible industrywide practices and to prevent resulting consumer debt and insolvency.

Mrs. FEINSTEIN. This is submitted on behalf of Senator JEFFORDS of Vermont and myself. This is the same amendment that passed the Senate last year by voice vote. It is an important amendment, which is why I wish to do it today and ask for a rollcall vote.

Last year it was deleted in conference. I believe it will suffer the same fate today if it were simply accepted. I note that the managers have agreed to accept the amendment. I particularly want the Senator from Iowa to know that I am very grateful for that accommodation. However, I run the risk in allowing it to be accepted that it is again expunged in conference.

This amendment requires the Federal Reserve Board to investigate the practice of issuing credit cards indiscriminately and inappropriately and to take necessary action to ensure that consumer credit is not extended recklessly or in a manner that encourages practices which cause consumer bankruptcies.

One part of the amendment, a brief paragraph, is a sense of the Senate that finds that certain lenders may offer credit to consumers indiscriminately and don't take steps to ensure that consumers have the capacity to repay the resulting debt, possibly encouraging consumers to even accumulate additional debt. We all know that to be true. The amendment then goes on to say that the resulting consumer debt may increasingly be a major contributing factor to consumer bankruptcies.

This amendment would authorize the Federal Reserve Board to conduct a study of industry practices of soliciting and extending credit indiscriminately without taking those steps that are prudent to ensure consumers are capable of repaying that debt. Within 1 year of enactment, the Federal Reserve Board would make a public report on its findings regarding the credit industry's indiscriminate solicitation and extension of credit.

The amendment then would allow the Federal Reserve Board to issue regulations that would require additional disclosures to consumers and to take any other actions, consistent with its statutory authority, that the Board finds necessary to ensure responsible industry-wide practices and to prevent resulting consumer debt and insolvency.

Why this amendment? Why is this amendment needed? This amendment directly addresses one of the major causes of personal bankruptcies: bad consumer credit card debt. The typical family filing for bankruptcy in 1998 owed more than 1½ times its annual income in short-term, high-interest debt. This means that the average family in bankruptcy, with a median income of just over $17,500, had $28,955 in credit card and other short-term, high-interest debt—almost double the income of debt.

Studies by the Congressional Budget Office, the FDIC, and independent economists all link the rise in personal bankruptcies directly to the rise in consumer debt. As consumer debt has risen to an all-time high, so have consumer bankruptcies. Any meaningful bankruptcy reform I think must address irresponsible actions of certain segments of the credit card industry because, after all, this is the major problem that is exacerbating bankruptcy and increasing the number of filings.

Last year, the credit card industry sent out a record 3.45 billion unsolicited offers. That is 30 solicitations for credit cards to every household in America. The number of solicitations jumped 15 percent from the last time I did this amendment to this time I am doing this amendment. So instead of slowing down irresponsible offers of credit to people who cannot possibly repay that credit, they have sped it up.

There are over 1 billion credit cards in circulation, a dozen credit cards for every household in this country. Three-quarters of all households have at least one credit card. Credit card debt has doubled between 1993 and 1997, to $422 billion from just over $200 billion.

During this 2-year debate on this bankruptcy bill, which I support, my staff has contacted numerous credit card issuers. The overwhelming majority of these companies do not check the income of the consumers being solicited. In other words, credit card issuers have no idea whether persons to whom they issued credit cards have the means to pay their bill each month.

One of my constituents from Lakewood, CA, wrote, and this really describes this aptly:

> What really bugs me about this is that credit card companies send out these solicitations for their plastic cards, and then when they get burned, they start crying foul. They want all kinds of laws passed to protect them from taking hits when it's their own practices that caused the problem.

There is a real element of truth in this. This amendment will not affect any responsible lender. It will not affect the vast majority of the credit card industry who responsibly check consumer credit history before issuing or preapproving credit cards.

Representatives of large credit card issuers have assured me and my staff that they do not provide credit cards to consumers without a thorough credit check. However, I note that major credit cards, such as Visa or MasterCard, do not require banks who issue their cards to check credit history. That is a bona fide area at which an investigation and a study should take a look. Is this a good practice, not to check the bank who issues your card under your auspices and see that they also check the creditworthiness of the individual?

This amendment would affect lenders who fail to even inquire into the consumer's ability to pay or those who specifically target consumers who cannot repay the balances. It was news to me that there is a whole category of companies out there who actually go after people who are overcome with credit card debt and offer them more credit cards to repay that debt. A growing segment of the credit industry, known as subprime lenders, increasingly searches for risk borrowers who they know will make inappropriately low minimum monthly payments and carry large balances from month to month and have to pay extraordinarily high interest rates.

This kind of lending has become the fastest growing, most profitable subset of consumer lending. Although losses are substantial, interest rates of 18 percent to 40 percent on credit card debt make this lending profitable. Many of these often relatively unsophisticated borrowers do not realize that minimum monthly payments just put them deeper in a hole which, in many cases, leads to bankruptcy.

I have somebody close to me who is in that situation and has been in that situation from 1991 to the present day with six or eight credit cards, does not have the income to repay them, and all this individual has had is mounting interest payments and can never get to the principal of the debt. No matter how this individual responds within his or her capabilities, he or she cannot possibly pay off the debt. I even stepped in and made an offer to the credit card companies to repay the debt with a modicum of interest attached to it for this individual and was turned down. They said they made an offer to settle and they rejected the offer, they withdrew the offer of settlement.

Industry analysts estimate that using a typical minimum monthly payment rate on a credit card in order to pay off a $2,500 balance—that is a balance of just $2,500—assuming the consumer never uses the card to charge anything else ever again, would take 34 years to pay off the balance. That is the situation in which people find themselves.

It is my belief that this is irresponsible. What we are asking is the Federal Reserve do a study, an investigation to see if they agree this is irresponsible.

So this is the core concept.

Oh, let me make one other point. On the situation I just indicated to you, that somebody who had that balance of $2,500 never used the card to charge anything else again, it would take 34 years to pay off that balance. Total payments would exceed 300 percent of the principal.

So what I have found out is, there are people who are needy, who succumb to these credit cards, who engage in not just one credit card with $10,000, but five or six or seven or eight, and maybe have an income of $17,000 or $15,000 a year. They make these purchases, they get into trouble, and they can never pay off their debt. So, yes, bankruptcy looms as the only alternative.

To tighten up their obligations to pay back the debt—which I am in agreement of doing—and yet not evaluate whether these policies of lending are as responsible as they should be is absolutely wrong.

So for the second time in 2 years, I offer this amendment and I ask for the yeas and nays in the hopes that the amendment will be agreed to and will remain in the bill in conference.

The PRESIDING OFFICER. Is the Senator requesting the yeas and nays at this time?

Mrs. FEINSTEIN. I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENTS NOS. 2655, AS MODIFIED; 2764, AS MODIFIED; AND 2661, AS MODIFIED

Mr. GRASSLEY. Mr. President, I would like to ask unanimous consent on some amendments that have been agreed to.

I ask unanimous consent that the following amendments, as modified where noted, be considered agreed to, en bloc, and the motions to reconsider be laid upon the table, en bloc. The amendments are as follows: No. 2655, as modified; No. 2764, as modified; and No. 2661, as modified. I send the modifications to the desk.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Reserving the right to object.

The PRESIDING OFFICER. The Senator is recognized.

Mr. SCHUMER. I thank the Senator. The Senator from Iowa knows I reserve that right but will not ultimately object. But I do want to point out to my colleagues that the amendments to be accepted by unanimous consent, which deal with the "teaser" issue, which deal with disclosure on credit cards, in my judgment, do not go very far and need to go much further. I suggest to my colleagues that the amendment Mr. SANTORUM of Pennsylvania and I have offered would go much further on what would do the job.

Let me be very clear. I have been working on credit card disclosure for over 10 years. A while ago, about 7 or 8 years ago, we passed something we thought required the credit card companies to disclose, in large numerical print, how much the annual interest rate was. That is really the key issue when you decide what credit card to take. Many of the credit card companies use "teaser" rates. They say 2 percent or 3 percent for a couple of months and then raise it to 10 or 11 or 15 percent.

So we drafted an amendment. But at the request of the industry, we were not very specific. They said: You don't have to specify how large the print should be or what should be in the box; just do it. It became law. The box was known as the Schumer box.

Let me show you what it is in current law. This credit card shown on this chart is governed by that law. The only large print and the only number you see is "3.9 percent." That is what is called the "teaser" rate. It is only offered for a few months.

When it is time to pay your regular annual fee—in this case, 9.9 percent—in the box is just a lot of legal gobbledygook, and you can hardly see what the number is. To understand it is the 9.9 percent or the 19.99 percent which governs, you probably have to have a degree from Harvard Law School.

What the Grassley-Torricelli amendment does is allow this kind of deception to continue. It makes some improvements, but it does not make the real improvement of disclosure. I have talked to leaders of the credit card industry. They say: Don't cap us. Don't limit us. We are not against disclosure. Then when we come up with a proposal, Mr. SANTORUM and I, that simply says they have to show the amount in 24-point type—and here is what it says: "Long-term annual percentage rate of purchases," and the amount—we get opposition.

Many of those who are close to the credit card industry have told me the industry has told them they are against it. They say they are for disclosure, but they really are not.

I do not have to oppose this amendment because we have a better alternative. The alternative is this. If you really believe in disclosure, the Santorum-Schumer amendment is the way to go.

What is shown on this chart is deceptive. In all due respect to my good friend from Iowa, who I know cares strongly about this issue, his amendment will not change that one drop. They will have in big letters the "teaser" rate and in hardly intelligible language what the real interest rate is.

I would normally object to this unanimous consent request. But because there is an alternative to make real disclosure, and because we have already debated, and because I know it is our right to get a vote on that amendment, I will not object.

But I want my colleagues to understand one thing: We are not doing much, if anything, for the cause of real disclosure, for the cause of letting consumers see the interest rate they are paying before they buy the credit card, unless we pass the Schumer-Santorum amendment.

So I withdraw my objection to this amendment. I know it is offered in good faith. But please let my colleagues understand that if you want real disclosure—no more, just disclosure, Adam Smith economics—the only way to get it is not by an amendment that allows the industry to continue deceptive practices but, rather, by the Schumer-Santorum amendment which says, in no uncertain terms, "9.99 percent"—whatever the interest rate is—24-point type, in large letters.

I thank the Senator from Iowa for his courtesy. I withdraw any objection to the unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. Before the Chair rules, I think the Senator from Nevada wishes to make a statement.

Mr. REID. Mr. President, we appreciate the cooperation of all Members, especially the Senator from New York, who is always so involved in what goes on on the floor but also always so willing to work toward a resolution.

It is my understanding that at this time the Senator is not intending to offer amendment No. 2765 which has been filed.

Mr. SCHUMER. That is correct.

Mr. REID. I also say to my friend, before the unanimous consent agreement is entered, we have a number of amendments that perhaps at some later time—I understand there are going to be some votes around 4 o'clock. We can include, for example, the amendment of the Senator from California which is now pending. And there may be some others—for example, the one from the Senator from New York, No. 2761, which he filed and debated last week. So I would like the manager of the bill to take a look at those and see if we can get some definite times set.

No objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The unanimous consent request is agreed to.

The amendments (Nos. 2655, as modified; 2764, as modified; and 2661, as modified) were agreed to, as follows:

AMENDMENT NO. 2655, AS MODIFIED

(Purpose: To provide for enhanced consumer credit protection, and for other purposes)

At the end of the bill, add the following new title:

TITLE—CONSUMER CREDIT DISCLOSURE

SEC. 01. ENHANCED DISCLOSURES UNDER AN OPEN END CREDIT PLAN.

(a) MINIMUM PAYMENT DISCLOSURES.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

"(11)(A) In the case of an open end credit plan that requires a minimum monthly payment of not more than 4 percent of the balance on which finance charges are accruing, the following statement, located on the front of the billing statement, disclosed clearly and conspicuously, in typeface no smaller than the largest typeface used to make other clear and conspicuous disclosures required under this subsection: 'Minimum Payment Warning: Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance. For example, making only the typical 2% minimum monthly payment on a balance of $1,000 at an interest rate of 17% would take 88 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum payments, call this toll-free number: .'

"(B) In the case of an open end credit plan that requires a minimum monthly payment of more than 4 percent of the balance on which finance charges are accruing, the following statement, in a prominent location on the front of the billing statement, disclosed clearly and conspicuously, in typeface no smaller than the largest typeface used to make other clear and conspicuous disclosures required under this subsection: 'Minimum Payment Warning: Making only the required minimum payment will increase the interest you pay and the time it takes to repay your balance. Making a typical 5% minimum monthly payment on a balance of $300 at an interest rate of 17% would take 24 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum monthly payments, call this toll-free number: .'

"(C) Notwithstanding subparagraphs (A) and (B), in the case of a creditor with respect to which compliance with this title is enforced by the Federal Trade Commission, the following statement, in a prominent location on the front of the billing statement, disclosed clearly and conspicuously, in typeface no smaller than the largest typeface used to make other clear and conspicuous disclosures under this subsection: 'Minimum Payment Warning: Making only the required minimum payment will increase the interest you pay and the time it takes to repay your balance. For example, making only the typical 5% minimum monthly payment on a balance of $300 at an interest rate of 17% would take 24 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum monthly payments, call the Federal Trade Commission at this toll-free number: .' A creditor who is subject to this subparagraph shall not be subject to subparagraph (A) or (B).

"(D) Notwithstanding subparagraphs (A), (B), or (C), in complying with any such subparagraph, a creditor may substitute an example based on an interest rate that is greater than 17 percent. Any creditor who is subject to subparagraph (B) may elect to provide the disclosure required under subparagraph (A) in lieu of the disclosure required under subparagraph (B).

"(E) The Board shall, by rule, periodically recalculate, as necessary, the interest rate and repayment period under subparagraphs (A), (B), and (C).

"(F) The toll-free telephone number disclosed by a creditor or the Federal Trade Commission under subparagraph (A), (B), or (G), as appropriate, may be a toll-free telephone number established and maintained by the creditor or the Federal Trade Commission, as appropriate, or may be a toll-free telephone number established and maintained by a third party for use by the creditor or multiple creditors or the Federal Trade Commission, as appropriate. The toll-free telephone number may connect consumers to an automated device through which consumers may obtain information described in subparagraph (A), (B), or (C), by inputting information using a touch-tone telephone or similar device, if consumers whose telephones are not equipped to use such automated device are provided the opportunity to be connected to an individual from whom the information described in subparagraph (A), (B), or (C), as applicable, may be obtained. A person that receives a request for information described in subparagraph (A), (B), or (C) from an obligor through the toll-free telephone number disclosed under subparagraph (A), (B), or (C), as applicable, shall disclose in response to such request only the information set forth in the table promulgated by the Board under subparagraph (H)(i).

"(G) The Federal Trade Commission shall establish and maintain a toll-free number for the purpose of providing to consumers the information required to be disclosed under subparagraph (C).

"(H) The Board shall—

"(i) establish a detailed table illustrating the approximate number of months that it would take to repay an outstanding balance if the consumer pays only the required minimum monthly payments and if no other advances are made, which table shall clearly present standardized information to be used to disclose the information required to be disclosed under subparagraph (A), (B), or (C), as applicable;

"(ii) establish the table required under clause (i) by assuming—

"(I) a significant number of different annual percentage rates;

"(II) a significant number of different account balances;

"(III) a significant number of different minimum payment amounts; and

"(IV) that only minimum monthly payments are made and no additional extensions of credit are obtained; and

"(iii) promulgate regulations that provide instructional guidance regarding the manner in which the information contained in the table established under clause (i) should be used in responding to the request of an obligor for any information required to be disclosed under subparagraph (A), (B), or (C).

"(I) The disclosure requirements of this paragraph do not apply to any charge card account, the primary purpose of which is to require payment of charges in full each month.

"(J) A creditor that maintains a toll-free telephone number for the purpose of providing customers with the actual number of months that it will take to repay the consumer's outstanding balance is not subject to the requirements of subparagraphs (A) and (B).

(b) REGULATORY IMPLEMENTATION.—The Board of Governors of the Federal Reserve System (hereafter in this Act referred to as the "Board") shall promulgate regulations implementing the requirements of section 127(b)(11) of the Truth in Lending Act, as added by subsection (a) of this section. Section 127(b)(11) of the Truth in Lending Act, as added by subsection (a) of this section, and the regulations issued under this subsection shall not take effect until the later of 18 months after the date of enactment of this Act or 12 months after the publication of such regulations by the Board.

(c) STUDY OF FINANCIAL DISCLOSURES.—

(1) IN GENERAL.—The Board may conduct a study to determine whether consumers have adequate information about borrowing activities that may result in financial problems.

(2) FACTORS FOR CONSIDERATION.—In conducting a study under paragraph (1), the Board should, in consultation with the other Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), the National Credit Union Administration, and the Federal Trade Commission, consider the extent to which—

(A) consumers, in establishing new credit arrangements, are aware of their existing payment obligations, the need to consider those obligations in deciding to take on new credit, and how taking on excessive credit can result in financial difficulty;

(B) minimum periodic payment features offered in connection with open end credit plans impact consumer default rates;

(C) consumers make only the minimum payment under open end credit plans;

(D) consumers are aware that making only minimum payments will increase the cost and repayment period of an open end credit obligation; and

(E) the availability of low minimum payment options is a cause of consumers experiencing financial difficulty.

(3) REPORT TO CONGRESS.—Findings of the Board in connection with any study conducted under this subsection shall be submitted to Congress. Such report shall also include recommendations for legislative initiatives, if any, of the Board, based on its findings.

SEC. 02. ENHANCED DISCLOSURE FOR CREDIT EXTENSIONS SECURED BY A DWELLING.

(a) OPEN END CREDIT EXTENSIONS.—

(1) CREDIT APPLICATIONS.—Section 127A(a)(13) of the Truth in Lending Act (15 U.S.C. 1637a(a)(13)) is amended—

(A) by striking "CONSULTATION OF TAX ADVISOR.—A statement that the" and inserting the following: "TAX DEDUCTIBILITY.—A statement that—

"(A) the"; and

(B) by striking the period at the end and inserting the following: "; and

"(B) in any case in which the extension of credit exceeds the fair market value (as defined under the Federal Internal Revenue Code) of the dwelling, the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes.".

(2) CREDIT ADVERTISEMENTS.—Section 147(b) of the Truth in Lending Act (15 U.S.C. 1665b(b)) is amended—

(A) by striking "If any" and inserting the following:

"(1) IN GENERAL.—If any"; and

(B) by adding at the end the following:

"(2) CREDIT IN EXCESS OF FAIR MARKET VALUE.—Each advertisement described in subsection (a) that relates to an extension of credit that may exceed the fair market value of the dwelling, and which advertisement is disseminated in paper form to the public or through the Internet, as opposed to by radio or television, shall include a clear and conspicuous statement that—

"(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

"(B) the consumer should consult a tax advisor for further information regarding the deductibility of interest and charges.".

(b) NON-OPEN END CREDIT EXTENSIONS.—

(1) CREDIT APPLICATIONS.—Section 128 of the Truth in Lending Act (15 U.S.C. 1638) is amended—

(A) in subsection (a), by adding at the end the following:

"(15) In the case of a consumer credit transaction that is secured by the principal dwelling of the consumer, in which the extension of credit may exceed the fair market value of the dwelling, a clear and conspicuous statement that—

"(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

"(B) the consumer should consult a tax advisor for further information regarding the deductibility of interest and charges."; and

(B) in subsection (b), by adding at the end the following:

"(3) In the case of a credit transaction described in paragraph (15) of subsection (a), disclosures required by that paragraph shall be made to the consumer at the time of application for such extension of credit.".

(2) CREDIT ADVERTISEMENTS.—Section 144 of the Truth in Lending Act (15 U.S.C. 1664) is amended by adding at the end the following:

"(e) Each advertisement to which this section applies that relates to a consumer credit transaction that is secured by the principal dwelling of a consumer in which the extension of credit may exceed the fair market value of the dwelling, and which advertisement is disseminated in paper form to the public or through the Internet, as opposed to by radio or television, shall clearly and conspicuously state that—

"(1) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

"(2) the consumer should consult a tax advisor for further information regarding the deductibility of interest and charges.".

(c) REGULATORY IMPLEMENTATION.—The Board of Governors of the Federal Reserve System (hereafter in this Act referred to as the "Board") shall promulgate regulations implementing the requirements of subsectons (a) and (b) of this section. Such regulations shall not take effect until the later of 12 months after the date of enactment of this Act or 12 months after the publication of such regulations by the Board.

SEC. 03. DISCLOSURES RELATED TO "INTRODUCTORY RATES".

(a) Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

"(6) ADDITIONAL NOTICE CONCERNING 'INTRODUCTORY RATES'.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an application or solicitation to open a credit card account and all promotional materials accompanying such application or solicitation, for which a disclosure is required under paragraph (1), and that offers a temporary annual percentage rate of interest, shall—

"(i) use the term 'introductory' in immediate proximity to each listing of the temporary annual percentage rate applicable to such account, which term shall appear clearly and conspicuously;

"(ii) if the annual percentage rate of interest that will apply after the end of the temporary rate period will be a fixed rate, state the following in a clear and conspicuous manner in a prominent location closely proximate to the first listing of the temporary annual percentage rate (other than a listing of the temporary annual percentage rate in the tabular format described in section 122(c)) or, if the first listing is not the most prominent listing, then closely proximate to the most prominent listing of the temporary annual percentage rate, in each document and in no smaller type size than the smaller of the type size in which the proximate temporary annual percentage rate appears or a 12-point type size, the time period in which the introductory period will end and the annual percentage rate that will apply after the end of the introductory period; and

"(iii) if the annual percentage rate that will apply after the end of the temporary rate period will vary in accordance with an index, state the following in a clear and conspicuous manner in a prominent location closely proximate to the first listing of the temporary annual percentage rate (other than a listing in the tabular format prescribed by section 122(c)) or, if the first listing is not the most prominent listing, then closely proximate to the most prominent listing of the temporary annual percentage rate, in each document and in no smaller type size than the smaller of the type size in which the proximate temporary annual percentage rate appears or a 12-point type size, the time period in which the introductory period will end and the rate that will apply after that, based on an annual percentage rate that was in effect within 60 days before the date of mailing the application or solicitation.

"(B) EXCEPTION.—Clauses (ii) and (iii) of subparagraph (A) do not apply with respect to any listing of a temporary annual percentage rate on an envelope or other enclosure in which an application or solicitation to open a credit card account is mailed.

"(C) CONDITIONS FOR INTRODUCTORY RATES.—An application or solicitation to open a credit card account for which a disclosure is required under paragraph (1), and that offers a temporary annual percentage rate of interest shall, if that rate of interest is revocable under any circumstance or upon any event, clearly and conspicuously disclose, in a prominent manner on or with such application or solicitation—

"(i) a general description of the circumstances that may result in the revocation of the temporary annual percentage rate; and

"(ii) if the annual percentage rate that will apply upon the revocation of the temporary annual percentage rate—

"(I) will be a fixed rate, the annual percentage rate that will apply upon the revocation of the temporary annual percentage rate; or

"(II) will vary in accordance with an index, the rate that will apply after the temporary rate, based on an annual percentage rate that was in effect within 60 days before the date of mailing the application or solicitation.

"(D) DEFINITIONS.—In this paragraph—

"(i) the terms 'temporary annual percentage rate of interest' and 'temporary annual percentage rate' mean any rate of interest applicable to a credit card account for an introductory period of less than 1 year, if that rate is less than an annual percentage rate that was in effect within 60 days before the date of mailing the application or solicitation; and

"(ii) the term 'introductory period' means the maximum time period for which the temporary annual percentage rate may be applicable.

"(E) RELATION TO OTHER DISCLOSURE REQUIREMENTS.—Nothing in this paragraph may be construed to supersede subsection (a) of section 122, or any disclosure required by paragraph (1) or any other provision of this subsection.".

(b) REGULATORY IMPLEMENTATION.—The Board of Governors of the Federal Reserve System (hereafter in this Act referred to as the "Board") shall promulgate regulations implementing the requirements of section 127 of the Truth in Lending Act, as amended by subsection (a) of this section. Any provision set forth in subsection (a) and such regulations shall not take effect until the later of 12 months after the date of enactment of this Act or 12 months after the publication of such regulations by the Board.

SEC. 04. INTERNET-BASED CREDIT CARD SOLICITATIONS.

(a) Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

"(7) INTERNET-BASED APPLICATIONS AND SOLICITATIONS.—

"(A) IN GENERAL.—In any solicitation to open a credit card account for any person under an open end consumer credit plan using the Internet or other interactive computer service, the person making the solicitation shall clearly and conspicuously disclose—

"(i) the information described in subparagraphs (A) and (B) of paragraph (1); and

"(ii) the disclosures described in paragraph (6).

"(B) FORM OF DISCLOSURE.—The disclosures required by subparagraph (A) shall be—

"(i) readily accessible to consumers in close proximity to the solicitation to open a credit card account; and

"(ii) updated regularly to reflect the current policies, terms, and fee amounts applicable to the credit card account.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) the term 'Internet' means the international computer network of both Federal and non-Federal interoperable packet switched data networks; and

"(ii) the term 'interactive computer service' means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.".

(b) REGULATORY IMPLEMENTATION.—The Board of Governors of the Federal Reserve System (hereafter in this Act referred to as the "Board") shall promulgate regulations implementing the requirements of section 127 of the Truth in Lending Act, as amended by subsection (a) of this section. Any provision set forth in subsection (a) and such regulations shall not take effect until the later of 12 months after the date of enactment of this Act or 12 months after the publication of such regulations by the Board.

SEC. 05. DISCLOSURES RELATED TO LATE PAYMENT DEADLINES AND PENALTIES.

(a) Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

"(12) If a late payment fee is to be imposed due to the failure of the obligor to make payment on or before a required payment due date the following shall be stated clearly and conspicuously on the billing statement:

"(A) The date on which that payment is due or, if different, the earliest date on which a late payment fee may be charged.

"(B) The amount of the late payment fee to be imposed if payment is made after such date.".

(b) REGULATORY IMPLEMENTATION.—The Board of Governors of the Federal Reserve System (hereafter in this Act referred to as the "Board") shall promulgate regulations implementing the requirements of section 127 of the Truth in Lending Act, as amended by subsection (a) of this section. Any provision set forth in subsection (a) and such regulations shall not take effect until the later of 12 months after the date of enactment of this Act or 12 months after the publication of such regulations by the Board.

SEC. 06. PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.

(a) Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

"(h) PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.—A creditor of an account under an open end consumer credit plan may not terminate an account prior to its expiration date solely because the consumer has not incurred finance charges on the account. Nothing in this subsection shall prohibit a creditor from terminating an account for inactivity in 3 or more consecutive months.".

(b) REGULATORY IMPLEMENTATION.—The Board of Governors of the Federal Reserve System (hereafter in this Act referred to as the "Board") shall promulgate regulations implementing the requirements of section 127 of the Truth in Lending Act, as amended by subsection (a) of this section. Any provision set forth in subsection (a) and such regulations shall not take effect until the later of 12 months after the date of enactment of this Act or 12 months after the publication of such regulations by the Board.

SEC. 07. DUAL USE DEBIT CARD.

(a) REPORT.—The Board may conduct a study of, and present to Congress a report containing its analysis of, consumer protections under existing law to limit the liability of consumers for unauthorized use of a debit card or similar access device. Such report, if submitted, shall include recommendations for legislative initiatives, if any, of the Board, based on its findings.

(b) CONSIDERATIONS.—In preparing a report under subsection (a), the Board may include—

(1) the extent to which section 909 of the Electronic Fund Transfer Act (15 U.S.C. 1693g), as in effect at the time of the report, and the implementing regulations promulgated by the Board to carry out that section provide adequate unauthorized use liability protection for consumers;

(2) the extent to which any voluntary industry rules have enhanced or may enhance the level of protection afforded consumers in connection with such unauthorized use liability; and

(3) whether amendments to the Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.), or revisions to regulations promulgated by the Board to carry out that Act, are necessary to further address adequate protection for consumers concerning unauthorized use liability.

SEC. 08. STUDY OF BANKRUPTCY IMPACT OF CREDIT EXTENDED TO DEPENDENT STUDENTS.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study

regarding the impact that the extension of credit described in paragraph (2) has on the rate of bankruptcy cases filed under title 11, United States Code.

(2) EXTENSION OF CREDIT.—The extension of credit referred to in paragraph (1) is the extension of credit to individuals who are—

(A) claimed as dependents for purposes of the Internal Revenue Code of 1986; and

(B) enrolled in postsecondary educational institutions.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Senate and the House of Representatives a report summarizing the results of the study conducted under subsection (a).

AMENDMENT NO. 2764, AS MODIFIED

(Purpose: To provide for greater accuracy in certain means testing)

On page 7, strike line 24 through page 8, line 3, and insert the following:

"(I) the sum of—

"(aa) the total of all amounts scheduled as contractually due to secured creditors in each month of the 60 months following the date of the petition; and

"(bb) any additional payments to secured creditors necessary for the debtor, in filing a plan under chapter 13 of this title, to maintain possession of the debtor's primary residence, motor vehicle, or other property necessary for the support of the debtor and the debtor's dependents, that serves as collateral for secured debts; divided by

"(II) 60.

AMENDMENT NO. 2661, AS MODIFIED

(Purpose: To establish parameters for presuming that filing of a case under chapter 7 of title 11, United States Code, does not constitute an abuse of that chapter)

On page 12, between line 10 and 11, insert the following:

"In any case in which a motion to dismiss or convert or a statement is required to be filed by this subsection, the U.S. Trustee or Bankruptcy Administrator may decline to file a motion to dismiss or convert pursuant to 704(b)(2) or if

"(iA) the product of the debtor's current monthly income multiplied by 12—

"(I)(aa) exceeds 100 percent, but does not exceed 150 percent of the national or applicable State median household income reported for a household of equal size, whichever is greater; or

"(bb) in the case of a household of 1 person, exceeds 100 percent but does not exceed 150 percent of the national or applicable State median household income reported for 1 earner, whichever is greater; and

"(II) the product of the debtor's current monthly income (reduced by the amounts determined under clause (ii) (except for the amount calculated under the other necessary expenses standard issued by the Internal Revenue Service and clauses (iii) and (iv) multiplied by 60 is less than the greater of—

"(aa) 25 percent of the debtor's nonpriority unsecured claims in the case;

"(bb) $15,000."

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2762

Mr. GRASSLEY. Mr. President, I ask unanimous consent that we now move to consideration of the amendment by the Senator from New York that we call the safe harbor amendment, and I ask unanimous consent that there be 10 minutes, 5 minutes for the Senator from New York——

Mr. SCHUMER. Could we have 10 minutes on each side?

Mr. GRASSLEY. OK, 10 minutes on this side and 10 minutes to be controlled by the Senator from New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Just to make sure, no second-degree amendments prior to the vote on this amendment?

Mr. GRASSLEY. We have no objection to that.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New York is recognized for 10 minutes.

Mr. SCHUMER. Mr. President, the Senator from Illinois, Mr. DURBIN, and I are offering an amendment to do some commonsense housecleaning with respect to the means test safe harbor now in the bill and, more significantly, to restore something that was unfortunately taken out of the bill by the managers' amendment: true protection for low- and moderate-income bankruptcy filers from coercive predator litigation tactics involving section 707(b) of the bankruptcy code.

First the housecleaning: The managers' amendment included a provision stating that the bill's means test could not be used to remove low- and moderate-income debtors from chapter 7. That was undoubtedly a big step forward for this bill, and I congratulate the managers for having taken that step.

Now that the means test no longer applies to low- and moderate-income bankruptcy filers, it makes no sense for these individuals to have to file means test calculations based on their income and expenses along with the other papers they must file upon declaring bankruptcy. Likewise, it makes no sense for U.S. trustees to have to do means test calculations with respect to low- and moderate-income bankruptcy filers who, I repeat, cannot be means tested out of chapter 7. This imposes unnecessary burdens on debtors and wastes taxpayer dollars by leaving these requirements in place.

Our amendment would fix the problem by deleting these requirements only in cases involving low- and moderate-income bankruptcy filers. These filers would still have to document their income and expenses. They just wouldn't have to do means test calculations anymore, which are no longer required.

Now for the more important issue, the issue of protecting low- and moderate-income bankruptcy filers from any coercive creditor litigation tactics under 707(b). Sad to say, this only became an issue 2 days or so ago. The bill formerly had a provision preventing creditors from bringing any motion under 707(b) against low- and moderate-income bankruptcy filers. That included motions under the means test, motions alleging that the debtor filed for chapter 7 in bad faith, and motions alleging that the totality of the circumstances of the debtor's financial situation demonstrated abuse. Bankruptcy trustees could bring these motions against low- and moderate-income debtors, and appropriately so, just not creditors.

According to the report language for this bill, the ban on predator motions existed to protect low-income filers; in other words, no motion, no prospect for creditor coercion. Last year's Senate bill had the same protection for low- and moderate-income filers. And even this year's House bill, which many consider more stringent than the Senate bill, had this protection. Yet at this late stage in the game, the managers' amendment deleted much of this bill's so-called safe harbor against creditor 707(b) motions. It continues to protect low- and moderate-income bankruptcy filers from motions under the means test but now, for the first time, leaves these debtors vulnerable to creditor motions alleging debtor bad faith or that the totality of the circumstances demonstrated debtor abuse.

This chart illustrates the problem. Under the House's bill, safe harbor creditors can bring means test or totality of circumstances motions only against above-median-income debtors. Under the Senate bill, as modified by the managers' amendment, motions against all debtors, even those with income below median income for a household of similar size, can be brought by creditors.

What is the big deal about leaving low- and moderate-income debtors vulnerable to creditor motions based on these grounds? The big deal is what some aggressive creditors will do with these motions. These creditors will use these motions and threats to bully poorer debtors into giving up their bankruptcy rights altogether, whether that means staying away from bankruptcy altogether, giving up their bankruptcy claims, or agreeing that certain of their debts simply won't be reduced or eliminated by virtue of bankruptcy.

This should trouble all of us. Debtors who can't afford to litigate with their creditors will just bow to creditors' demands.

Now, if I sound alarmist, I do so because the record is filled with examples of aggressive creditors using the motions and leverage they currently have under the bankruptcy code to coerce low- and moderate-income debtors into giving up their bankruptcy rights in some form.

In a review of a bankruptcy court case for the Western District of Oklahoma, the judge described that creditor's practice as follows:

> A review of the practices of [creditor's] attorneys . . . indicated that in 1996 the firm filed 45 complaints seeking exceptions to discharges on behalf of creditors having debts arising from credit card agreements: that 100 such complaints were filed in 1997. . . .
>
> The firm's pattern of conduct appears as little more than the use of this court and the bankruptcy code to coerce from these debtors reaffirmation of their unsecured credit card debt or some portion of it.

I could go on with other examples, but I will not to save the time of my colleagues.

Here's a bankruptcy judge from the Western District of Missouri describing the litigation practices of AT&T Universal Card Services: The [fraud] complaints, filed by AT&T, were filed solely to extract a settlement from debtors. Once AT&T realized that the case would not settle and that is would actually be required to offer evidence to support the allegations in the complaints, it moved to dismiss.

A woman from California described her experience.

> . . . on the day we went to the bankruptcy hearing, we were approached by a woman from [a retail creditor]. She explained to me who she was. At the time, I was due to give birth in two weeks. The woman told us we needed either to pay our bill in full or return items such as a sofa, washing machine, and vacuum. We weren't going to the hearing because we had money, and we couldn't afford to replace these items, which we needed. We explained these things and found an attorney. The woman then said we could keep the items if we signed a paper saying we would continue making payments. . . . We signed, of course.

There is absolutely nothing illegal about making certain types of threats today. There is not enough in this bill to stop most threats of this nature from being made—and succeeding—tomorrow.

If you still think I am thrusting at windmills, let me direct your attention to a real-life letter from a creditor's attorney to a debtor's attorney. The words speak for themselves.

> We have reason to believe that your client may have committed fraud in the use of the above-referenced credit relationship. . . .
>
> Be assured that our company is aware of the deadline for filing an objection to dischargeability and has calendared this date.

The problem is unequal bargaining power. It simply pays for the creditor to put a debtor in the position of having to burn through several thousand dollars in attorney's fees fighting over a $100 TV set.

I want to be clear about something. I am not arguing that low- and moderate-income debtors should be exempt from motions to remove them from chapter 7 for filing in bad faith or filing for chapter 7 abusively in light of the totality of their financial circumstances. All I am saying is that when it comes to a debtor with $20,000 in yearly income, leave it to the bankruptcy trustees to bring these motions. Leave it to the numerous other provisions of this bill that graft new antifraud language onto the bankruptcy code to remedy the problem. Just don't leave these debtors and their families vulnerable to the small, but not insignificant, number of wolves among the creditor population.

I was leafing through Congress Daily one day last month, and I ran into this advertisement run by the supporters of bankruptcy reform. The ad features Mel from Mel's Auto Repairs, expressing concern: "wealthy customers getting a free ride in bankruptcy," "wealthy filers," "higher-income filers," "wealthy Americans today . . . erasing their debts while continuing to live an affluent lifestyle." The theme of "bankruptcy abuse by the wealthy" pervades the whole ad.

Mel is right. Wealthy persons do abuse the bankruptcy system, and too often. And it needs to be stopped. But surely, subjecting low- and moderate-income debtors to new and potent creditor motions has nothing to do with cracking down on wealthy deadbeats. The rhetoric of this ad doesn't match the reality of this bill—particularly its provision subjecting a single debtor with $20,000 in income, a married debtor with a household income of $30,000, or a debtor with a spouse and two kids with a household income of $40,000, to the threat of coercive creditor litigation tactics involving 707(b) of the bankruptcy code.

I urge colleagues to vote in favor of this amendment and to simply restore this bill to what it used to be and to where the House bill is.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, first of all, I thank the Senator from New York for his cooperation with us on a couple of amendments he has worked out with us and has withdrawn so we could get closer to completion of work on this particular amendment.

In the case of his amendment just now offered, and my opposition to it, I want to say we have taken into consideration some of the complaints he has made—not about our bill, but complaints he would have made about some of the people writing legislation in this area, that they would go too far. But I think his amendment goes too far because it would have the effect of letting bankrupts below the national median income file for bankruptcy and do it in bad faith. That would make the small businesses and honest Americans who stand to lose out—they will be told they can't do anything about it. What we want is opportunity in our legal system, in the bankruptcy system, in the courts there, to be able to make a judgment, if there is bad faith used, to do something about it—most importantly, to discourage that sort of activity.

So I think this amendment gets us back to the point where we are now under existing law—inviting abuse of the bankruptcy code.

Under our bill, which we have been debating for the last several days on the floor of the Senate, and particularly as modified by the managers' amendment now, people below the national median income are not subject to motions by anybody under the means test. But there is another part of this bill that says the bankruptcy cases can be dismissed if the debtor filed for bankruptcy in bad faith. At this point, the creditors are allowed to file motions asking a bankruptcy judge to dismiss a case if it is filed in bad faith. That is the way our litigation system works and should continue to work.

In an effort to go the extra mile, however, I accepted an amendment, by Senator REED of Rhode Island and Senator SESSIONS, to put new safeguards in place to prevent creditors using any power they have to file bad faith motions as a tactic to force a debtor to give up his or her rights. That should not be allowed. The Reed Sessions amendment corrects that. The projections in the Reed Sessions amendment were also developed in close consultation with the White House.

Our bill further provides that if a motion to dismiss is filed and the judge dismisses it, the judge can assess penalties against a creditor who filed the motion if the motion wasn't substantially justified. So we want to make sure that creditors who would abuse some of their power in court would not—if it was not substantially justified, if their position was not substantially justified, then action should be taken against them, and that is entirely fair as well. So we have a fair system with tough penalties for creditor abuses.

Now, the amendment of Senator from New York will return to the system we have today. Under current law, creditors can't file motions when a chapter 7 case is abusive or improper. And every observer acknowledges that the current system doesn't work at all in terms of catching abuse; hence, a major part of this bill is to correct this situation.

We went to great length in our committee report on this bankruptcy bill to discuss this point in very much detail. So this amendment should be defeated because it prevents the provisions prohibiting bad faith bankruptcy from being enforced. That is like saying to deadbeats it is not OK to file for bankruptcy in bad faith, but we are not going to do anything about it if you do.

And, of course, that is exactly the wrong signal we want to send. We want to make sure that people who go into bankruptcy are people who have a legitimate reason for being there and that they aren't taking advantage of bankruptcy to somehow help themselves, and in bad faith is part of that process.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Iowa has 5 minutes remaining, and the Senator from New York used all the time allowed.

Mr. GRASSLEY. I yield the remainder of my time.

Mr. SCHUMER. Mr. President, may I ask unanimous consent for 1 minute to respond?

Mr. GRASSLEY. Then I will reserve my time, if I may.

The PRESIDING OFFICER. The Senator from Iowa reserves his time.

Does the Senator object to the unanimous-consent request?

Mr. GRASSLEY. I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I thank my colleague. I wish to answer.

The bill's provisions purporting to prevent and ameliorate coercive creditor litigation tactics will not be able to undo the damage done by giving creditors the right to bring 707(b) "totality of the circumstances" and "bad faith" motions against low- and moderate-income debtors.

Section 102 of the bill says a court may award a debtor costs and attorney's fees if a court rules against the creditor's 707(b) motion and that motion was not "substantially justified." This provision will not deter coercive creditor litigation tactics. It doesn't cover coercive threats to bring 707(b) motions, which are often sufficient to force a debtor to give up his or her bankruptcy rights.

Finally, this sanctions provision contains an exception which precludes any award against a creditor that holds a claim of under $1,000, no matter how wealthy the creditor is.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the issue that the Senator from New York just brought up of threats being used is exactly what the Reed-Sessions amendment deals with. I suggest this was also very much a point that was raised by people at the White House that we have been discussing—the whole issue of bankruptcy over a long period of time.

This was also worked out because this was a major concern. They did not want this abuse. They did not want the issue of threats. We agree with them, as we had to work it out with Senators SESSIONS and REED because the bill, as they saw it, was not adequate enough in this area.

As people vote on this amendment, I hope they will consider that we have been trying to respond in a very legitimate and strong way against the use of threats.

Mr. SCHUMER. Will the Senator yield for a question?

Mr. GRASSLEY. The answer is yes.

Mr. SCHUMER. I thank the Senator for his careful deliberation and his yielding.

It is my understanding that section 203 of the bill deemed it a violation of the automatic stay for a creditor to engage in any communication other than a recitation of the creditor's rights, and this would deal with threat. This provision would be stricken from the bill by the Reed-Sessions amendment. So the Reed-Sessions amendment didn't deal with the problem, but it actually took out the basic protection that a low-income debtor would have against threat.

Is that not correct?

Mr. GRASSLEY. If you threaten somebody during reaffirmation, the Sessions-Reed amendment is set aside.

I yield the remainder of my time.

I ask unanimous consent that the Senator from Louisiana be granted 5 minutes to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. I thank the Senator.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 5 minutes.

INTERIOR BILL NEGOTIATIONS

Ms. LANDRIEU. Thank you, Mr. President.

I know the underlying amendment we have just debated is quite important, and the bankruptcy bill we are debating is one of the things we have to reconcile in order to wrap up our business and do the work for the American people. But I come to the floor just for a few moments this afternoon to speak on another subject because I would like to do my part to help us bring this session to a positive close.

I was one of the Senators who placed a hold on some of the business before the Senate. I felt compelled to do so because of some actions the administration was taking in the negotiations process on the Interior bill. I believe I had to try to stop, or reverse, or change it. With other things that have taken place, I believe we have been somewhat successful. I want to speak about that for a moment.

As you are aware, Mr. President, about 2 years ago a great coalition of people came together from different perspectives in this country—different parties, different areas of this Nation—to begin to speak about the great need in America and the great desire on the part of the American people, from Louisiana, California, New York, and all places in between, to try to find a permanent way to fund very important environmental projects—the purchase of land, the expansion of parks, the creation of green space, the preservation of green space, the restoration of wetlands, the commitment to historic preservation, the expansion of our urban parks, the ability of all families, not just families who can afford to fly in jets or take long automobile vacations, but for families who live in the U.S., to be able to enjoy the beauty of nature; for us as a Nation as we move into this next century to take this opportunity to try to find a permanent way to fund some of these programs so they won't be subject to the whims and wishes of Washington, something that is fiscally conservative in terms of our balanced budget.

We tried to look for funding that would be appropriate to dedicate in this way. We found a source of funding. That is where the funding is—offshore oil and gas revenues that were the subject of an earlier debate today. As the prices go up, it helps some parts of our Nation; it is a challenge for other parts. But it brings more tax revenues into the Federal coffers.

For 50 years, we have been drilling off the shores of Louisiana, Texas, Mississippi, and the gulf coast. We have brought over $120 billion to the Federal Treasury by depleting one important resource for our Nation. That money has gone to the general fund. It has been spent on a variety of projects—not reinvested but just spent in operating budgets.

Many of us think a more fiscally conservative approach, and a more sound and responsible approach, would be to take a portion of those revenues produced by basically the gulf coast States and reinvest a portion, if you will, or share a portion of those revenues, with States and counties and parishes, as in Louisiana and communities around the Nation, to help in all the ways I have just expressed in all of our land acquisition, land improvements, expansion of our parks, and wildlife conservation programs.

Two years ago, a great coalition came together. On one side, we had the National Chamber of Commerce; on the other side, we had a variety of environmental groups; we had elected officials, both at the Federal level and State level. As I said, it was a bipartisan coalition that came together to back a bill, which was introduced on the House side and in the Senate, known as CARA, the Conservation and Reinvestment Act, to do just that.

This bill has picked up tremendous support in the last 2 years. It is pending before our Senate Energy Committee with Senator MURKOWSKI and me as the lead sponsors, with many Members of this body. The great news is that just last week in the House, under the great leadership of DON

YOUNG from Alaska and GEORGE MILLER from California, the ranking member, this bill passed out very similar to ours on a 37-12 vote to try to help bring us to a bipartisan consensus.

I am hopeful, as we wrap up this session and as we begin to get ready for the next session of Congress, that we are now in a very good position to be able to take some final actions in moving that bill through committee, onto the floor, and into a conference where the final details can be worked out because if we are going to have any permanency of funding from this source, it is going to have to be something that is shared with the States that produce the money in the first place.

Louisiana produces about 70 percent of our offshore oil and gas revenues. We have great needs as a coastal State, along with States such as New York that just got hit very hard by Hurricane Floyd, causing tremendous damage. There are great coastal needs in our States to fully fund the land and water conservation and wildlife conservation programs.

I am very hopeful as we position ourselves for next year, that we are in a position to grab this opportunity supported by this grand coalition and do something very positive for America's environment.

I am pleased to say I will be prepared to release my hold on the foreign operations bill in an attempt to do my part to move to reconciliation because we have effectively stopped the administration's efforts to permanently allocate funding but in a way that will not cover all of the things as I outlined. We want to make sure this investment in the Nation is not just about Federal land acquisition, although that is a very important piece of this. We want to make sure it is balanced, with the opportunity for Governors and local officials to purchase land at the local level. We want to make sure it is truly a partnership. We want to make sure the coastal impact assistance is there as well as funding for historical preservation, urban parks, and wildlife programs.

While we didn't reach every goal we set out, we have raised this issue. We have built a strong coalition. We have raised this issue and we have stopped the permanent allocation of these funds until the whole package can be dealt with. We have made a very positive step.

On behalf of the great coalition, I ask unanimous consent to have printed in the RECORD a letter to the President, signed by 14 Senators, along with a letter to Members of Congress from 865 organizations, business and government agencies, that are funding this effort.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, November 15, 1999.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: With your leadership we have a historic opportunity to pass legislation in this Congress that will permanently reinvest a portion of offshore oil and gas revenues in coastal conservation and impact assistance programs, the Land and Water Conservation Fund, wildlife conservation, historic treasures and outdoor recreation. Recently, forty of the nation's governors sent a letter to Congress encouraging us to seize this historic opportunity. This effort has been endorsed by almost every environmental organization in the country as well as a broad array of business interests including the United States Chamber of Commerce.

There is strong bi-partisan support *now* for a proposal that: will provide a fair share of funding to all coastal states, including producing states; is free of harmful environmental impacts to coastal and ocean resources; does not unduly hinder land acquisition but acknowledges Congress' role in making these decisions and reflects a true partnership among federal, state and local governments.

There is also strong support for using these OCS revenues to reinvest in the renewable resource of wildlife conservation through the currently authorized Pittman-Robertson program. This new influx of funding will nearly double the Federal funds available for wildlife conservation and education programs. We would like to ensure that wildlife programs are kept among the priorities when negotiating for monies from OCS revenues.

A historic conservation initiative is within our grasp. With budget negotiations currently underway, we urge you to push forward for a compromise which reflects the points outlined above. It will be an accomplishment we can all celebrate and a real legacy for future generations.

Sincerely,

Mary L. Landrieu, Max Cleland, Blanche L. Lincoln, Evan Bayh, John F. Kerry, Tim Johnson, Charles Robb, John Breaux, Robert J. Kerrey, Barbara A. Mikulski, Ron Wyden, Herb Kohl, Ernest F. Hollings, Judd Gregg.

NOVEMBER 1, 1999.

U.S. CONGRESS,
Washington, DC.

DEAR MEMBER OF CONGRESS: As the twentieth century draws to a close, Congress has a rare opportunity to pass landmark legislation that would establish a permanent and significant source of conservation funding. A number of promising legislative proposals would take revenues from non-renewable offshore oil and gas resources and reinvest them in the protection of renewable resources such as our wildlife, public lands, coasts, oceans, historic and cultural treasures, and recreation. Securing this funding would allow us to build upon the pioneering conservation tradition that Teddy Roosevelt initiated at the beginning of the century.

The vast majority of Americans recognize the duty we have to protect and conserve our rich cultural and natural legacies for future generations. A diverse array of interest, including sportsmen and women, conservationists, historic preservationists, park and recreation enthusiasts, urban advocates, the faith community, business interests, state and local governments, and others, support conservation funding legislation because they recognize it is essential to fulfill this obligation.

We call upon you and your colleagues to seize this unprecedented opportunity. Pass legislation that would make a substantial and reliable investment in the conservation of our nation's wildlife; public lands; coastal and marine resources; historic and cultural treasures; state, local and urban parks and recreation programs; and open space. Design a bill that provides significant conservation benefits, is free of harmful environmental impacts to our coastal and ocean resources, and does not unduly hinder land acquisition programs.

An historic conservation funding bill is within our grasp. It will be an accomplishment that all can celebrate. We look to Congress to make this legislation a reality.

Sincerely,

Ms. LANDRIEU. I will read one paragraph from this petition. Let us grab the opportunity now, to:

> Pass legislation that would make a substantial and reliable investment in the conservation of our Nation's wildlife; public lands; coastal and marine resources; historic and cultural treasures; State, local and urban parks, and recreation programs; and open spaces. [Let us] design a bill that provides significant conservation benefits, is free of harmful environmental impacts to our coastal and ocean resources and does not unduly hinder land acquisition programs.

I believe we can meet these goals as we negotiate the detail and compromise in the next session.

The Presiding Officer, being from the State of Alabama, has been a great leader in this effort. I look forward to working with the Senator next year. I am pleased to tell our leader I will be removing my hold on foreign ops because we have made some progress on this, and I look forward to working harder to make this a reality for the people of America the next time we meet.

I yield my remaining time.

Mr. REID. Before the Senator from Louisiana leaves the floor, I want to express to her the appreciation of the entire minority caucus. There is no Member of the Senate who is more astute, works harder, and has a better understanding of the issues that face the Senate, which was well demonstrated by her work on this issue about which she feels fervently. We are grateful at this late date the Senator has been willing to work with members to release the hold.

BANKRUPTCY REFORM ACT OF 1999—CONTINUED

Mr. KENNEDY. Mr. President, I understand we are back on the bankruptcy legislation; is that correct?

The PRESIDING OFFICER (Mr. SESSIONS). The Schumer amendment has not been disposed of.

Mr. KENNEDY. With the understanding of the Senator from New York, I ask unanimous consent we temporarily lay aside that amendment.

Mr. GRASSLEY. Reserving the right to object, and I will not object, I previously talked to the Senator from

Massachusetts about time agreement on his amendment. I prefer to forego a time agreement and have him proceed accordingly. I have no objection.

The PRESIDING OFFICER. Without objection, the Senator from Massachusetts is recognized.

AMENDMENT NO. 2652

(Purpose: To amend the definition of current monthly income to exclude social security benefits)

Mr. KENNEDY. I call up amendment numbered 2652.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 2652.

Mr. KENNEDY. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 11, line 2, insert before the first semicolon ", but excludes benefits received under the Social Security Act".

Mr. KENNEDY. Mr. President, this is a rather simple amendment. The amendment I have offered will protect a debtor's Social Security benefits during bankruptcy. This amendment is very important to older Americans. I hope my colleagues will support it as our House colleagues supported it last year.

As currently written, the means test in the pending bill will require debtors to use their Social Security benefits to repay creditors. My amendment excludes Social Security benefits from the definition of "current monthly income" and ensures that those benefits will never be used to repay credit card debt and other debt.

This amendment is particularly important to seniors. Between 1991 and 1999 the numbers of people over 65 who filed bankruptcy grew by 120 percent. If we look over the figures from 1991 to 1999 by age of petitioner, we see the growth of those that are going through bankruptcy primarily have increased in the older citizen age group. This is primarily a result of the downsizing, dismissing older workers and because of health care costs—primarily they have been dropped from health insurance. As the various statistics show, increasing numbers of individuals have been impacted because of the prescription drugs.

Debtors filing a medical reason for bankruptcy, as the chart shows, reflects the fact we have gotten a significant increase in the number of older people who have gone into bankruptcy. The debtors who file as medical reasons for bankruptcy, we find, increases dramatically for older workers primarily because of health care costs more than any other factor.

We believe very strongly those individuals, most of whom are dependent upon Social Security as virtually their only income ought to have those funds protected so they will be able to live in peace with some degree of security and some degree of dignity.

This is sufficiently important. One can ask, why are we doing this now rather than before? The reason it was not necessary before is because the Social Security effectively was protected with a series of protections that were included in the existing bankruptcy law which have not been included in this legislation. Therefore, without this kind of an amendment, they would be eligible for creditors. We think protecting our senior citizens, those on Social Security, as a matter of both public policy and the fact of the importance of their contributions, obviously, in terms of society, should be protected during their senior years.

Today, many Americans work long and hard into the senior years. A growing percentage of the population is over the age of 85 and predominantly female. We see over the period of the next 10 years our elderly population will double and the increase in the percentage of women is going to increase significantly, as well. Others may be able to find alternative employment but at substantially lower wages or without health and other benefits that become increasingly important with age.

In spite of all of the efforts to slow down the discrimination against elderly, in too many circumstances in our country today, the elderly are discriminated against in terms of employment.

Older Americans sometimes resort to short-term, high-interest credit when faced with unemployment because they assume their unemployment will be temporary. They hope their use of credit or credit card debt will serve as a bridge to cover the necessities until they start receiving paychecks again. Due to their age, however, many of these individuals never earn a salary comparable to the pay they lost. They find themselves unable to deal with the new debt they have incurred. When they have nowhere else to turn, they sometimes turn to the safety value of bankruptcy.

Older Americans are also more frequent victims of predatory lending practices. Sometimes, bankruptcy is the most viable avenue for an elderly person to address the financial consequences of being victimized by unscrupulous lenders. It is unfortunate that Senator DURBIN's amendment to address that problem was defeated last week.

Studies of the problems facing older Americans tell us the same sad story. In one study, one in ten older Americans reported that they filed for bankruptcy after unsuccessfully attempting to negotiate with their creditors. In some cases, their creditors threatened them with seizure of property, or placed harassing collection calls. Some of these senior citizens explained that they have been the victims of credit scams, and they were seeking relief in the bankruptcy courts.

For example, a 70-year-old woman filed for bankruptcy after her son discovered that she has allowed herself to become involved in a number of dubious financial transactions, including buying more than six different expensive and duplicative life insurance policies and spending several thousand dollars on sweepstakes contests. At the time of her bankruptcy, she had mortgaged her previously mortgage-free home for more than $74,000 to try and pay off her debts. She was in danger of losing the home she shared with her husband who was in failing health.

The bottom line is that bankruptcy shouldn't be made more difficult for those who are depending on Social Security for their livelihood.

Social Security was developed to ensure that seniors can live their golden years in dignity. If we allow Social Security income to be considered while determining whether someone is eligible for bankruptcy, a portion of those benefits could be used in a manner inconsistent with Congress' intent.

Some of my colleagues oppose this amendment because they argue that wealthy seniors would be the beneficiaries. But, practically speaking, wealthy debtors rarely use Chapter 7—they've more likely to file under Chapter 11 of the bankruptcy code.

For very high income individuals, like Ross Perot, social security represents a very small percentage of their total income. Indeed, the maximum social security retirement benefit for a new 65-year-old retiree in 1997 was $16,000. For the Ross Perot in this country, $16,000 is a rounding error. His income is so high that including or excluding $6,000 changes his income by only a tiny percentage. But for the poor widow who gets 90 percent of her income from social security it makes a big difference.

Rich debtors who file in Chapter 7 would be caught by the means test, whether or not the courts include Social Security income as part of the debtor's "current monthly income."

It is important to realize that even though we do tax individuals on higher Social Security, 75 percent of our seniors pay no tax on Social Security because they are below $25,000 in income, this is the group about which we are talking.

For two-thirds of American seniors, Social Security income represents more than 50 percent of the their total income, and for 42 percent of seniors, it represents three-quarters of their total income. That is basically what we are talking about. We will hear: We can't accept this because it will create some loophole for our seniors.

We have to realize that for 42 percent of all seniors, Social Security represents three-quarters of their total income. Furthermore, 95 percent of all workers never reach the maximum Social Security benefit. That means only 5 percent of workers earn more than $72,000, and the average person is well below that income level. The myth of the wealthy senior using this amendment to avoid their obligations is just that—it is a myth.

The purpose of Social Security is to guarantee there is a financial foundation provided for all senior citizens to ensure their basic needs—food, shelter, clothing, and medicines—are met. For two-thirds of senior citizens, Social Security provides more than half of their income, and Social Security benefits are hardly enough, in many cases, to meet these basic needs of seniors. Certainly, they cannot survive on less.

If we are serious about providing financial security and personal dignity for the elderly, we must protect their Social Security benefits from claims in bankruptcy. Otherwise, we run the risk of vulnerable senior citizens being left with virtually nothing. In many cases, these are the people who are not healthy enough to return to work, who certainly lack the physical stamina to work the extra hours or get a second job. Social Security benefits are all they have—all they ever will have—and these few dollars are essential to their financial survival. There is a higher concern here than recovering every last dollar for creditors. It is guaranteeing the elderly some measure of financial security in their declining years.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I appreciate very much the amendment offered by the Senator from Massachusetts. Also, for the benefit of everyone in the Chamber and within the sound of my voice, on this bill we have moved along significantly from 300-plus amendments down to fewer than 10 amendments.

I hope we can continue working on this bill. I do not see any reason why we cannot finish this legislation tonight. We have a few amendments. I have heard it being rumored that we are going out early tonight. If the majority wants a bankruptcy bill, they can have a bankruptcy bill. The minority is not holding up the bankruptcy bill. We have, as I indicated, fewer than 10 amendments. A number of those Senators have agreed to time limits.

It is a situation where, with all the work that has been done for years by the manager of the bill—not a matter of weeks but for years—the goal is in sight, and we should move forward and pass this much-needed legislation. I repeat, the problem is not with the minority. We are willing to work as late tonight as possible. We were willing to work yesterday. I hope we can move forward on these amendments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I come to the floor for a moment to commend both Senator GRASSLEY, the manager on the Republican side, and our very distinguished assistant Democratic leader. We started the consideration of this bill several days ago. As I understand it, 20 amendments were filed. We are now down to fewer than 10 amendments.

As I understand it, there is a potential time agreement on virtually every amendment. Virtually every Senator has expressed their interest in bringing this bill to a conclusion and are prepared to accept time limits.

I further understand the majority is giving some consideration now to going out early tonight after we have had a couple votes. I hope that isn't the case because I would like to see if we could finish this bill either tonight or tomorrow. There is no reason why we cannot finish it and move on to other matters. There are a number of other matters pending.

So I speak for a lot of our colleagues in expressing our gratitude to the distinguished assistant Democratic leader for his effort yet again. He has done this on so many bills, but on this bill in particular he has really done an extraordinary job of not only working to accommodate Senators but also to manage the legislation on our side, along with Senators LEAHY and TORRICELLI, and, of course, the chairman of the subcommittee, Senator GRASSLEY, for his work in working with Senators who wish to offer amendments.

I know some of these amendments have been accepted, and some of these amendments will require rollcalls. The point is, let's get the work done. Let's finish either tonight or tomorrow, but let's finish the bill.

There was a time when I feared we would not finish this legislation this year. Maybe that is the only silver lining for those of us who would like to bring this matter to closure: That we will have the opportunity to finish this legislation.

Many members still have amendments. Some of these amendments that are yet to be offered may tell the story with regard to Democratic support. There are some good amendments that are still pending. Senator KENNEDY has a very good amendment that needs to be addressed. I hope we can do that and move on the other Democratic amendments that I know Senator SCHUMER and others have indicated they are prepared to offer.

So we are getting down now to the final few amendments. I hope we will just keep the heat on, and finish up this critical legislation many of us have worked so long and so hard to enact.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I have two unanimous consent requests.

AMENDMENT NO. 2659, AS MODIFIED

Mr. GRASSLEY. Mr. President, the first unanimous consent is on an amendment, as modified. It is amendment No. 2659. I send the modification to the desk and ask unanimous consent it be considered agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2659), as modified, was agreed to, as follows:

On page 18, line 5 insert "(including a briefing conducted by telephone or on the Internet)" after "briefing".

On page 19, line 15, strike "petition" and insert "petition, except that the count, for cause, may order an additional 15 days."

Mr. GRASSLEY. Mr. President, I ask unanimous consent that at 4:30 we proceed to two stacked votes on the pending Feinstein amendment and the Schumer amendment, and do it in that order, with 4 minutes equally divided in the usual form between the two votes, and that no amendments be in order prior to the votes. Maybe I ought to correct this. I think we should say there would be 2 minutes divided on the Feinstein amendment and then 2 minutes before we vote on the Schumer amendment—or 4.

Mr. DASCHLE. Reserving the right to object, I want to be sure. Is it amendment No. 2761? Is that the Schumer amendment referred to by the Senator from Iowa?

Mr. GRASSLEY. Amendment No. 2762.

Mr. DASCHLE. Amendment No. 2762.

Mr. GRASSLEY. So let me once again state this: I ask unanimous consent that at 4:30 we proceed to two stacked votes on the pending Feinstein amendment, with 4 minutes equally divided to discuss the Feinstein amendment, and then at the end of that vote have 4 minutes equally divided to discuss the Schumer amendment, and then immediately proceed to a vote on or in relation to the Schumer amendment, and that no amendments be in order prior to the votes.

Mr. REID. Reserving the right to object, could I ask the manager of the bill about why we can't vote on amendment No. 2761, also a Schumer amendment?

Mr. GRASSLEY. Which amendment is that?

Mr. REID. The Schumer-Santorum amendment.

Mr. GRASSLEY. We have an objection from the Banking Committee on that one at this point. And also, for the benefit of Senator KENNEDY, who has been very patient, I have one Senator I have to consult before we go to a final decision on that amendment. But I think we can take care of this when we are over here voting, if you would let us proceed to these. And then I will work with you to get to the bottom of that at the time of that vote. Is that OK?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, to sum up my amendment, what this bankruptcy bill is all about is encouraging debtor responsibility—in other words, to the extent that an individual possibly can, they should repay their debt. That is one side of it.

I think to the extent the credit industry can be responsible, you need to have a balance between the two. Right now, there is not a balance between the two. I think we all know of people who have a number of credit cards who do not have the income even to pay back the minimum debt or the minimum monthly payment plus interest over a period of time.

Let me give an example. If you have a $1,500 debt and your minimum monthly payment is $25 and you have no late fees, no new purchases, at 19.8-percent interest, it takes 282 months to pay that debt off. I know people in this situation who shouldn't have credit cards, who should have been checked out, who have six, who are going into bankruptcy because they didn't understand this simple concept.

What the amendment before you would do is ask the Federal Reserve to do a study of lending practices in this area and make public their findings, and also have the ability to set new regulations if they believe those regulations are warranted.

This amendment was passed a year ago by a voice vote. It was removed in conference. The amendment would be accepted. My concern is that it would again be deleted in conference. Therefore, I have asked for the yeas and nays. I am hopeful this Senate will go on record as supporting this study by the Federal Reserve.

I thank the Chair and yield the floor.

Mr. GRASSLEY. Mr. President, I yield back the remainder of the time we have on this side.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to amendment No. 2756. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 82, nays 16, as follows:

[Rollcall Vote No. 368 Leg.]

YEAS—82

Abraham
Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Frist
Gorton
Graham
Grams
Grassley
Gregg
Harkin
Hatch
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Stevens
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—16

Allard
Ashcroft
Brownback
Bunning
Coverdell
Enzi
Gramm
Hagel
Hutchinson
Inhofe
Lott
Mack
Smith (NH)
Specter
Thomas
Thompson

ANSWERED "PRESENT"—1

Fitzgerald

NOT VOTING—1

McCain

The amendment (No. 2756) was agreed to.

Mr. LEAHY. I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, 4 minutes are now evenly divided on the Schumer amendment No. 2716.

Mr. GRASSLEY. I suggest the absence of a quorum because we can work something out and maybe avoid a vote.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2652

Mr. GRASSLEY. I wish to make it clear, what I am going to ask unanimous consent on now is unrelated to what we are trying to work out on the Schumer amendment.

Mr. President, the managers have agreed to accept Senator KENNEDY's amendment, so I ask unanimous consent that amendment No. 2652 be accepted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2652) was agreed to.

Mr. LEAHY. I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that we proceed, then, to 2 minutes of debate on that side, 2 minutes on this side, and then we go to a vote.

The PRESIDING OFFICER. That is the regular order. Who yields time?

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the yeas and nays be vitiated on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, there will be no more rollcalls today. We hope to continue debating some amendments, and they will be stacked to be taken at a time determined by the leader tomorrow.

Mr. LEAHY. Mr. President, again, I reiterate what I said before: The Senator from Iowa and I, the Senator from New Jersey, Mr. TORRICELLI, and Senator HATCH have all been working very hard. We have gone from 300 some odd amendments down to only a half dozen or so remaining. I will continue to work with my friend from Iowa to try to clear whatever we can.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that any votes ordered today be stacked for a time to be determined by the leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I know my good friend from Alabama is here as manager on his side. I know we have no further rollcalls on this. I see my friend from Wisconsin on the floor. I am wondering if we can get some of the debate out of the way, and I wonder if we might yield to the Senator from Wisconsin and let him begin debate on his amendment.

Mr. REID. Will the Senator yield for a question?

Mr. LEAHY. Yes.

Mr. REID. I say to my friend from Vermont that in looking over these amendments, which have gone from 320 to now probably 7 or 8, a handful of amendments, the Senator understands that the movement of this bankruptcy bill is not being slowed down on this side of the aisle. Our Members have been very cooperative. Would he agree to that?

Mr. LEAHY. Yes. The Senator from Nevada has cleared out an awful lot of them. I think we have cleared 300-some-odd down to half a dozen or so. We could, for example, vote tonight without further debate on the Schumer-Santorum amendment, No. 2761. We could stagger them in the morning. I came in at 10 yesterday morning to be prepared to manage the bill on this side, and, for whatever reason, we stayed in morning business until 4 in the afternoon. What I am trying to do here—and I know the Senator from Alabama is on the floor, too—if there are things we can take care of on the bill tonight, let's do it.

Mr. REID. If the Senator will yield, Senator WELLSTONE has two amendments he will offer first thing in the morning. Senator FEINGOLD has one amendment that has already been offered. He wants to debate it some more, and he said he would do that tonight. We also have Senator FEINGOLD who has one other amendment he wishes to offer at a subsequent time. We also have a Dodd amendment that, I think with the managers' bill, we have worked out, and it has been agreed to by the chairman of the Judiciary Committee and the manager. Senator SARBANES has an amendment he wishes to offer. Senator HARKIN has an amendment he said he may offer tonight. We are basically finished.

The two things that are holding this up—and we should not play around with it anymore—are an amendment by the Senator from New York dealing with clinics, on which he has agreed to a half-hour time limit, and we have the Senator from Michigan, Mr. LEVIN, who has agreed to 17 minutes on an amendment relating to gun manufacturers.

I say to my friend, in short, we have almost nothing left. So it would seem to me we should move forward as rapidly as possible and finish this bill.

Mr. SESSIONS. Mr. President, on the order, I think it would be appropriate for Senator FEINGOLD to proceed at this time. Further, I think we will proceed without unanimous consent after that. Senator GRASSLEY will be back, and we can decide what to do then.

I yield the floor.

PRIVILEGE OF THE FLOOR

Mr. INHOFE. Mr. President, I ask unanimous consent that Paul Barger have the privilege of the floor for this day.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2748

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I call for the regular order with respect to amendment No. 2748.

I wish to speak on the landlord-tenant amendment I offered last week and, in particular, take a few minutes to respond to some of the arguments made against it by the Senator from Alabama. This amendment is designed to lessen the harsh consequences of section 311 of the bill with respect to tenants while at the same time protecting the legitimate financial interests of landlords.

Just to review, current law provides for an automatic stay of eviction proceedings upon the filing of a bankruptcy case. Landlords may apply for relief at that stage so the eviction can proceed. But it is a process that often takes a few months.

Section 311 of Senate bill 625, the bill we are considering, eliminates the stay in all landlord-tenant cases so that an eviction can proceed immediately. In essence, my amendment would allow tenants to remain in their apartments while trying to sort out the difficult consequences of bankruptcy if, and only if, they are willing to pay the rent that comes due after they file for bankruptcy. If the tenant fails to pay the rent, the stay can be lifted 15 days after the landlord provides notice to the court that the rent has not been paid. If the reason for eviction is drug use or property damage, the stay can also be lifted after 15 days.

Finally, if the lease has actually expired by its terms—in other words, if there is no more time on the lease and the landlord plans to move into the property—then, again, after 15 days notice the eviction can proceed. This 15-day notice period does not apply if the tenant has filed for bankruptcy previously. In other words, in cases of repeat filings, the stay never takes effect, just as under section 311 in this bill.

So we are all clear on why this whole issue came up in the first place, the main abuse that has been alleged is in Los Angeles County, where unscrupulous bankruptcy petition preparers advertise filing bankruptcy as a way to live rent free. Under my amendment, first of all, you could never live rent free. The debtor must pay rent after filing for bankruptcy. If the debtor misses a rent payment, the stay will be lifted 15 days later. Second of all, the automatic stay does not take effect if the tenant is a repeat filer. So we take care of this problem of the repeat filer, which is exactly what the Senator from Alabama and others portrayed in committee as the reason this provision is needed.

So my amendment gets at the abuse, and it protects the rights and economic interests of the landlord. What it eliminates, though, is the punitive aspect of this amendment and the possibility that tenants who are willing and able to pay rent once they get a little breathing room from their other creditors will instead be put out on the street.

I am, frankly, disappointed that my colleague from Alabama insists on the harsh aspects of section 311 when my amendment would get at the problem he has identified just as well.

The Senator from Alabama argued yesterday that somehow my amendment changes current law and moves us in the direction of litigation and delay. On the contrary, my amendment leaves intact the current law that allows landlords to get relief from the automatic stay. Let me be very clear about that. My amendment does not eliminate the ability of landlords to apply for relief from the stay under current law. The law now gives debtors some breathing room in legal proceedings, including eviction proceedings. But landlords can apply for relief from the stay. It is not an abuse of the law to take advantage of the automatic stay to get your affairs in order. Some tenants use that time to work out a payment schedule for their back rent so they can avoid eviction. Most landlords don't want to throw people out on the street. They just want to be paid. My amendment requires that they be paid once bankruptcy is filed, or the eviction can proceed immediately. But even if the rent is paid while the bankruptcy case is pending, if a landlord can still seek relief from stay under the normal procedures and press forward with the eviction.

I frankly think that most landlords will be happy to let a tenant stay as long as the rent is being paid. Who knows, if the bankruptcy is successful, especially if it is a Chapter 13, the tenant may be able to pay the past due rent. That certainly is not going to happen if the tenant is evicted. But if the landlord really doesn't want the tenant to stay, the landlord can seek relief. So my amendment doesn't allow a tenant to stay in the apartment indefinitely by resuming payment of rent. By no means does this amendment permit a tenant to stay in an apartment indefinitely without a lease.

And any suggestion to the contrary is just wrong. It doesn't do that at all. It just covers the few months after the bankruptcy petition is filed when the debtor is most vulnerable and the debtor is most in need of a roof over his or her head.

Now let me address one of the frequent refrains of the Senator from Alabama when he talks about this provision. He seems to be very offended by the idea that people are staying in their apartments after the term of their lease has expired. Those who are familiar with landlord-tenant law know that this is commonplace in the rental market. Many, many leases are for a term of one year but convert to a month to month lease when the year is up. The contract essentially remains in force, but the term has expired. There is nothing wrong with that. It is perfectly legitimate. Typically, the conversion to month-to-month tenancy is provided for in standard lease language.

This is not an abuse. It is the way many leases proceed in this country on a day-to-day basis.

Furthermore, the language of section 311 doesn't lift the stay when the term of a lease has expired but rather in cases where "a rental agreement has terminated under the lease agreement or applicable state law." Well, most rental agreements "terminate" when a rent payment is missed. So section 311 applies in all landlord-tenant cases, not just those where the lease term has expired.

I want to remind my colleagues that both the bill we passed last year, and the conference report had a form of the protection that my amendment provides for debtors. Section 311 of the bill that we are working on now is harsher on tenant debtor than the conference report from last year and than the House bill that passed earlier this year.

Now let me respond to what I think is the core of Senator SESSIONS' objection to my amendment. He said last week that the automatic stay is always lifted, that the tenant never wins. So why not just get rid of the stay. It's just a waste of time and money for the landlord.

Mr. President, I have a letter here from a debtor's attorney named Henry Sommer. Mr. Sommer is an expert in consumer bankruptcy cases. He is the author of the widely used treatise Consumer Bankruptcy Law and Practice, which is published by the National Consumer Law Center. He indicates in his letter that has represented thousands of low-income consumer debtors over the past 25 years. I ask unanimous consent that Mr. Sommer's letter be printed in the RECORD at the conclusion of my remarks.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 1.)

Mr. **FEINGOLD.** Mr. President, Mr. Sommers heard the remarks of the Senator from Alabama last week in opposition to my amendment. He writes:

> The statement was made that landlords always prevail in automatic stay motions. This is not correct. In my personal experience, I doubt that landlords have prevailed in even 20% of the cases, in most of the other cases, the family paid the rent and the motion was either withdrawn or denied.

Mr. Sommers goes on to state:

> The more important point is that in most cases no motion is brought by the landlord. The automatic say does what it is intended to do. In these cases, the family that was facing eviction cures the rent arrears and remains in its apartment. The landlord is made whole, and the family is permitted the time necessary to reorganize its finances.

Mr. Sommers also discusses my amendment.

> To the extent there are abuses in the current system, your amendment will provide prompt and efficient relief by giving landlords a streamlined procedure that could be pursued quickly and without an attorney.

That's a crucial point, Mr. President, because one of the concerns expressed by the Senator from Alabama is the expense and inconvenience of the relief from stay process for landlords under current law. Mr. Sommers concludes:

> Your amendment would make it impossible to obtain significant delay simply by filing a bankruptcy petition, as can occur today. But it would not hurt the innocent family, struggling to get its finances together, that is able to begin making rent payments and cure its rent default.

That is really the crucial point Mr. President. We are talking about real people here. People who are very vulnerable. The Senator from Alabama argued yesterday that a landlord may have another tenant lined up to move into an apartment. And he said that if my amendment were adopted, and I'm quoting here, "that tenant's life may be disrupted if the landlord can't deliver the premises." Well, Mr. President, what about the life of the current tenant, very possibly a single mother with children? For months she's been trying to make ends meet, but the child support she is owned by her ex-husband has not been coming. She misses a few rent payments as she tries to make sure her children are fed and their home is heated. The landlord starts eviction proceedings. And she is forced to file for bankruptcy.

Now once the bankruptcy is filed, and her other creditors are temporarily at bay, she can pay her rent. On time and in full. What about disruption to her life if we put her and her children out on the street? Do we not care about that? If the landlord is not economically harmed, why wouldn't we allow her to stay in her apartment for a few months more? Why can't we maintain the breathing room that the automatic stay under current law provides? What is so terrible about that?

Mr. President, this is the situation I am concerned about. I want to respond in a reasonable way to the abuses that section 311 is supposedly designed to address. But I don't want to cause undue hardship to people who are able to pay their rent while their bankruptcy case is pending.

In the spirit of compromise, I have proposed a few other changes to the amendment to the Senator from Alabama, in response to some of the concerns he and his staff have raised. We are trying to listen very carefully to the points that the Senator from Alabama is making. First, I am willing to have the stay lifted not only in cases where the lease has expired and the landlord wants to move into the property, but also in cases where the landlord wants to let a member of his or her immediate family to occupy the premises. I will expand the language in my amendment to cover that situation.

I will also expand the language to cover a situation where the lease has expired and the landlord has entered into a signed and enforceable agreement with another tenant before the bankruptcy petition is filed. That is the situation that the Senator from Alabama has suggested creates an unbearable hardship for the new tenant. So if a new lease has been made before the debtor files for bankruptcy, the landlord can apply for expedited relief from the stay.

Finally, Mr. President, it has been suggested that some debtors will try to game the system by filing for bankruptcy the day after a rent payment is due, thus giving themselves almost a free month in the apartment before my amendment would apply. I am willing to try to stop this kind of abuse by requiring debtors to pay any rent that comes due up to 10 days before the filing of the petition.

Mr. President, I am trying to be reasonable. I am going to make these changes in a second degree amendment and I hope the Senator from Alabama will accept the amendment. I want my colleagues to understand that this amendment is designed to address the abuses that the Senator from Alabama has identified, but do it in a much more reasonable way, so that we can protect some very vulnerable people from being thrown out on the streets at a very difficult time in their lives.

AMENDMENT NO. 2779 TO AMENDMENT NO. 2748

Mr. **FEINGOLD.** Mr. President, I send a second-degree amendment to the desk.

The **PRESIDING OFFICER.** The clerk will report.

The legislative assistant read as follows:

> The Senator from Wisconsin (Mr. FEINGOLD) proposes an amendment numbered 2779 to amendment No. 2748.

Mr. **FEINGOLD.** Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

On page 1, line 5, strike all after "(23)" and insert the following:

under subsection (a)(3), of the commencement or continuation of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property—

"(A) on which the debtor resides as a tenant under a rental agreement; and

"(B) with respect to which—

"(i) the debtor fails to make a rent payment that initially becomes due under the rental agreement or applicable State law after the date of filing of the petition or within the 10 days prior to the filing of the petition, if the lessor files with the court a certification that the debtor has not made a payment for rent and serves a copy of the certification to the debtor; or

"(ii) the debtor's lease has expired according to its terms and (a) the lessor or a member of the lessor's immediate family intends to personally occupy that property, or (b) the lessor has entered into an enforceable lease agreement with another tenant prior to the filing of the petition, if the lessor files with the court a certification of such facts and serves a copy of the certification to the debtor;

"(24) under subsection (a)(3), of the commencement or continuation of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property, if during the 1-year period preceding the filing of the petition, the debtor—

"(A) commenced another case under this title; and

"(B) failed to make a rent payment that initially became due under an applicable rental agreement or State law after the date of filing of the petition for that other case; or

"(25) under subsection (a)(3), of an eviction action based on endangerment of property or the use of an illegal drug, if the lessor files with the court a certification that the debtor has endangered property or used an illegal drug and serves a copy of the certification to the debtor."; and

(4) by adding at the end of the flush material at the end of the subsection the following: "With respect to the applicability of paragraph (23) or (25) to a debtor with respect to the commencement or continuation of a proceeding described in that paragraph, the exception to the automatic stay shall become effective on the 15th day after the lessor meets the filing and notification requirements under that paragraph, unless the debtor takes such action as may be necessary to address the subject of the certification or the court orders that the exception to the automatic stay shall not become effective or provides for a later date of applicability.".

Mr. FEINGOLD. Mr. President, this second-degree amendment incorporates the modifications I just described. I hope it will be acceptable to the managers of the bill. I have actually shared these ideas and changes with the managers and with the Senator from Alabama.

If not, I urge my colleagues to support it.

I yield the floor.

Exhibit I

Law Offices,
Miller, Frank & Miller,
Philadelphia, PA, November 10, 1999.

Senator Russ Feingold,
Hart Senate Office Building,
Washington, DC.

Dear Senator Feingold: I listened to some of the debate concerning your amendment that would moderate some of the landlord-tenant provisions of S. 625. I am writing to let you know that some of the statements made in opposition to your amendment are not in my experience accurate. (I have represented thousands of low-income consumer debtors over the last 25 years and also spend time educating and consulting with other bankruptcy lawyers around the country.)

The statement was made that landlords always prevail in automatic stay motions. This is not correct. In my personal experience, I doubt that landlords have prevailed in even 20% of the cases. In most of the other cases, the family paid the rent due and the motion was either withdrawn or denied.

Overall, more than 20% of landlord stay motions probably are granted, because no one denies that in a few cities there have been widespread abuses (spurred by non-attorney petition preparers, not by attorneys) and when landlords have gone to court they have prevailed in almost all such cases. However, even in these places the problem was being solved even without legislation. I noticed that the figures given for Los Angeles county (where the abuses were worst) were from 1996. It is my understanding that changes in state law and in bankruptcy court procedures have significantly reduced the abuses since then.

The more important point is that in most cases, no motion is brought by the landlord. The automatic stay does what it was intended to do. In these cases, the family that was facing eviction cures the rent arrears and remains in its apartment. The landlord is made whole, and the family is permitted the time necessary to reorganize its finances. Thus, even if it is true that in most cases where landlords seek relief from the stay, such relief is granted (no data is actually kept on the results of such motions), in the large majority of bankruptcy cases tenants catch up on their rent arrears, the landlord is satisfied, no motion for relief from the stay is brought, and the family remains in its home.

To the extent there are abuses in the current system, your amendment will provide prompt and efficient relief by giving landlords a streamlined procedure that could be pursued quickly and without an attorney. Your amendment would make it impossible to obtain any significant delay simply by filing a bankruptcy petition, as can occur today. But it would not hurt the innocent family, struggling to get its finances together, that is able to begin making rent payments and cure its rent default.

Please contact me if you need further information about tenants in bankruptcy.

Very truly yours,

Henry J. Sommer.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama.

Mr. SESSIONS. Mr. President, I appreciate the work of the Senator from Wisconsin. I know he cares deeply about this issue. He has made some changes in the previous amendment that make the bill more palatable. However, it still runs afoul of common sense and efficient operation of the bankruptcy system. Furthermore, it will allow abuse of the system in a way that is unjustified and unprecedented in terms of any other creditor of a person who goes into bankruptcy.

We are asking a landlord for certain periods of time to extend free rent, when the grocer is not required to give free groceries and the gas station is not required to give free gas.

Let me make a few points about this matter. It is a subject of great abuse in the United States. That is why we are here. The bankruptcy law was last amended in any significant fashion in 1978. Since that time, we have found that a large bankruptcy bar has developed. This has been very good in many ways, but also this skilled, experienced and specialized bar has learned how to utilize the Federal bankruptcy laws to maximize benefits for their clients, as they believe it is their duty to do. In the process, they have created abuses of innocent creditors and landlords, among others.

That is not what we are about. Our responsibility, as a Congress, is not to blame the lawyers, is not to blame the tenants who take advantage of these things. The responsibility of Congress is to pass laws that are not easily abused and that end in just results.

One of the most abused sections of the bankruptcy law has been the landlord-tenant situation. First, eviction procedures are set forth in the laws of all 50 States. One cannot simply throw somebody out of their apartment. One has to file an eviction notice, go to the State court, prove the case, and eventually get the tenant out. Many believe that process is far too prolonged and far too costly. That is what the law is. In many instances, it is good because it provides tenants opportunities to get their affairs together.

With the current bankruptcy law, tenants have responded to ads in newspapers and fliers passed out in neighborhoods and throughout the communities. Those ads say: Up to 7 months free rent. Call us; we will take care of you. We guarantee you 2 to 7 months of delays in payment of your rent and guarantee you will not be evicted under those circumstances.

How can that happen? Say a person is behind in his rent and also behind in other payments, and people have filed lawsuits against him, and he or she has gone to the lawyer to ask what to do, and the lawyer files for bankruptcy. Maybe the lease the person had with the landlord has already expired. Maybe it requires him to pay his rent monthly, and it has been 4 or 5 months since the rent has been paid, and the landlord has already commenced eviction actions against the tenant. When that happens, the matter normally goes forward in State court.

Under normal State laws for removal of someone who does not pay their rent, when a bankruptcy court is involved, the eviction case is stayed; an automatic stay is issued. The landlord cannot proceed with that eviction until the stay is lifted in the bankruptcy court. Once that happens, the landlord can go back to State court and continue with his lawful eviction actions.

This has caused quite a bit of gaming of the system. For example, I will share with Members some statistics from California. The Los Angeles County Sheriffs Department estimates that 3,886 residents filed for bankruptcy in 1996 simply to prevent the execution of valid court-ordered evictions. The sheriff has the responsibility of actually evicting the tenant. The Sheriffs Department of Los Angeles said these 3,886 bankruptcy petitions represent over 7 percent of all the eviction cases handled by the department and that losses have been estimated at nearly $6 million per year in that county. Some people routinely flaunt that automatic stay provision—lawyers do—that advertises that persons may live rent free by filing bankruptcy.

One bankruptcy flier sent out said for a fee the lawyers will use more moves than Magic Johnson to prolong the eviction process.

This is not good. A judge in California has dealt with this matter over and over again, and in an opinion, this is what Judge Zurzolo in the Central District of California had to say about the evictions and how he believes how meritless they are. This is from his written opinion:

> . . . the bankruptcy courts . . . are flooded with chapter 7 and chapter 13 cases filed solely for the purpose of delaying unlawful detainer evictions. Inevitably and swiftly following this in bankruptcy court, the filing of these cases, is the filing of a motion for relief of stay by the landlord.

After the bankruptcy is filed and the eviction notice is stopped, the landlord has to go into bankruptcy court with his lawyer and file for relief from stay and say: Look, I have not been paid rent for many months; the tenant is in violation of the lease; there is no asset of which the bankruptcy court has jurisdiction. Bankruptcy judge, allow me to proceed with my eviction.

Or the landlord will say: The lease has expired. The tenant has been here a year. In month 14, the lease expired. He did not extend the lease. I want to remove him.

This is what the judge continues to say in his opinion:

> These relief from stay motions are rarely contested and are never lost. Bankruptcy courts in our district hear dozens of these stay motions weekly, none of which involves any justiciable controversies of fact or law.

I don't know about the individual who says he represented a lot of cases and said he won some of the motions, but I don't believe they ought to be winning them under the law if the lease has expired, and that is what our amendment says. If the lease has expired, there cannot be an asset of the bankruptcy estate, and if there is no asset for the bankruptcy court to take jurisdiction over, it has no ability to issue any stay orders to protect or stop any litigation that is ongoing.

That couldn't be the case. If the lease is behind and the payments have been so far delayed that the lease has been violated and, likewise, the tenant has no property interests, there is no asset before the bankruptcy court over which the bankruptcy court has jurisdiction. The bankruptcy court essentially has jurisdiction only over the assets, to make sure when a person cannot pay his debts, all the assets are brought into the pot and the people who should receive the money from the estate get it in proper order.

We are talking about monumental abuse. This is a loophole that has been expanded over and over again. We are seeing record numbers of filings. Many people are filing bankruptcy solely for this protection.

Senator FEINGOLD's amendment, which he has worked hard to improve, is better than before, but is still unacceptable and still creates an unjust situation. For example, if a debtor owes rent and files for bankruptcy, he can wait until after his rent is due and then file it and have 15 days before his first rent payment is due. Then he could make that payment and not make any more payments and remain on this property—maybe even when the lease has expired he can stay there—and not pay the next month's rent.

This is the problem I have been talking about. He has 2, 3, 4 months now. His lawyer is advising him how to do this. His lawyer is going to advise him, first of all: Pay me. Pay your lawyer and do not pay your other debts until you have to. The debtor will do that. Then the landlord has to get a lawyer to file a certificate of failure to pay rent, and once that has been approved by the court, after a further delay of 15 days, then he has to go back to State court, now months behind schedule, and pick up again his legitimate eviction notice.

Bankruptcy court ought not be for that purpose. If the people of the United States want to provide individuals without assets a place to live, then we ought to do so. In fact, we do that. We have low-rent housing for people with low income or rent-free housing for people who cannot afford it. We have benefits for people who do not have housing. But why should an American citizen, a landlord, be required to provide to a tenant, who has violated his lease, an asset rent free that we in the U.S. Congress are not willing to fund? If it is so easy and it costs so little, why don't we pay for it? Why don't we tax American people to pay for other people's rent? We are doing that to a degree right now.

I do not believe that is a legitimate approach to the matter. It is not common sense. It is not what American law is about. When you are in a Federal court, in a bankruptcy court, or a State court, if you have a lease, that is a contract, and if you violate that lease, then you lose the benefit of the contract.

This is so basic and fundamental that I do not know how we in this Congress can think we can pass a law that makes American citizens responsible for someone to have a place to live when they are not paying for it.

We have a number of different provisions in State law that allow tenants rights to hold on and refinance and maybe keep the place in which they live. That is all right. I want to continue that. If people want to change that, go to your State court, change your eviction laws in your State, and take it to your State legislature.

Let's not make the bankruptcy law become a policy of social engineering to decide who should get special benefits and who should pay for those benefits. In effect, it is a tax. The landlord who loses this money is a person who is taxed. Indeed, we may have landlords going bankrupt if tenants do not pay rent.

Two-thirds of rental residences in America today are four units or less. That means we have an awful large number of our grandparents and brothers-in-law who may have a duplex or garage apartment and are renting them to people, and all of a sudden, somebody does not pay. They cannot get the tenants out. The landlords are not receiving any money. Two, 3 months go by, and finally the landlord files for eviction. Boom, the tenant files for bankruptcy. Then, the landlord has to hire a lawyer to go to bankruptcy court, and that is another 2, 3 extra months delay. The landlord is without rent for 2, 3 months, and they still do not have their property back.

This is an abuse of bankruptcy law, and this legislation is designed to fix it. This bill does not change substantive landlord tenant law. Rather, it is a change in that if certain circumstances exist, the landlord does not have to hire a lawyer to go to Federal bankruptcy court to get relief.

It says there is an exemption from the automatic stay if the eviction proceeding was started prior to the filing of the bankruptcy. If the landlord had already filed for eviction before the individual files for bankruptcy, the eviction process can continue as it would have normally.

In addition, the bill says the automatic stay does not apply if an eviction proceeding was based on the fact that the lease had already been terminated. It was a year's lease, and you are in month 13, 14, 15, 16 and no payments have been received and the landlord wants to lease to another tenant. It is the landlord's property. The tenant has no property rights. His lease has expired, for heaven's sake.

I say to Senator FEINGOLD, I respect his concern for these matters. States do provide protections for persons who have difficulty paying their rent.

Also, many landlords all over America try to work with their tenants. They do not want to change tenants if they are happy with a tenant. If they can help work out the tenant's payments, for previous months, that is a courtesy extended by small landlords, two-thirds of whom have four units or less. Those courtesies can turn sour in a hurry if, after months of working with a tenant, the tenant becomes further and further behind in rent. Boom, a bankruptcy petition is filed; boom, they are stayed from eviction; months go by and the landlord has to hire a lawyer and great cost is incurred. This is an abuse of the system, and I must oppose this amendment.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I am disappointed in the response of the Senator from Alabama. His comments to the effect that the only thing we should be considering is State laws having to do with leases and contracts almost suggests to me he does not believe there is any role for Federal bankruptcy law.

Bankruptcy law is contemplated in the U.S. Constitution. It certainly was not understood there would be no role at all for Federal bankruptcy law to have an impact on people's lives in our States, whether it be Alabama or Wisconsin. The automatic stay is an integral part of the federal bankruptcy laws and its purpose is not just to protect the property of the estate but also to provide some breathing room for the debtor.

I will be the first to concede to the Senator from Alabama that one of the concerns in bankruptcy has to be making sure creditors get paid as much as possible and as efficiently as possible. That is legitimate. And a second important concern is to make sure people do not abuse the bankruptcy system.

But the concern the Senator from Alabama refuses to address, refuses to discuss, is that the bankruptcy law is supposed to help people get back on their feet. I will tell you that one lousy way to help people get back on their feet is to kick them out of their apartments, when it serves no financial interest of the landlord for that to happen.

The Senator from Alabama simply refuses to address the example I gave of a single woman with children, who is not getting her child support, who wants to and is prepared to pay her rent and is simply running into trouble and is ready to pay it again after she files for bankruptcy and has a stay against her other creditors. In the world that the Senator from Alabama portrays, this person loses out. This is deeply troubling to me.

What more can you do than listen to a colleague give hypothetical after hypothetical after hypothetical about what might be wrong with the amendment and try to specifically address those concerns? That is exactly what I have done in making the changes contained in my second degree amendment.

So, yes, efficiency in preventing abuses is an important principle. Let me review: The Senator from Alabama, both in committee and on the floor, has attempted to suggest that all kinds of abuses will still continue under the amendment that we have. The trouble is, the abuses he cites and the statistics he cites are all irrelevant to my amendment. My amendment will prevent the abuses.

He talks about the abuse of lawyers who do repeat filings, especially in Los Angeles County. We addressed that. Under our amendment, if you do multiple filings, you are out of luck; the stay is lifted automatically. Essentially, the provisions of the bill that the Senator from Alabama prefers apply in that situation.

In committee he argued against my amendment by saying: What happens if a landlord wants to move back into his own place? All right. We took care of that. We address that concern in the amendment. But then he says: What happens if his brother wants to move into the place? Well, we took care of that concern in this second degree amendment that I just offered.

Here is another example, because instead of admitting that we have actually dealt with some of these hypotheticals, he says: What happens if the landlord has a signed agreement for a new lease prior to the filing of the bankruptcy? We addressed that concern too, but that still isn't good enough.

But I tell you what frustrates me the most. The Senator from Alabama keeps saying that people will live rent free. It is as if I have said nothing here on the floor at all. It is as if I have not said, time after time after time, that under my amendment a tenant cannot live rent free for 5 or 6 months, as the Senator has suggested. After filing for bankruptcy, if you do not pay your rent as it comes due, you are out of there under my amendment.

So what is all this talk about abuses, when in each and every hypothetical the Senator has proposed in committee or on the floor we have addressed his concern? We have addressed abuse. We have addressed the fact that the system has to be efficient.

But what has not been addressed and what this amendment is trying to deal with is what the Senator from Alabama simply ignores. He gives no hope; he gives no alternative to the person that I describe: the woman with children, who is not getting her child support, who is willing and able to pay her rent once she files for bankruptcy, but the Senator from Alabama would have her booted out of her apartment with her kids at the very moment when she is trying to get back on her feet.

So I urge the Senator from Alabama to actually review all of my attempts to try to address his concerns so that I can feel at least that this has been a process where he has raised concerns that he was worried about and we tried to deal with them. That is what we have been doing in debating and modifying this amendment.

I know on other issues we have been able to do that with the Senator, and I appreciate that. But I urge him, surely there has to be a better answer than just "tough luck" for these individuals who I have described, who are not in a position where they are going to abuse the system, who cannot get month after month of free rent living, because that is exactly what we dealt to prevent in the amendment. We have specifically dealt with the problem of a person who tries to get more than 1 month of rent free.

The whole problem with this overall bill is sort of symbolized by this debate. There needs to be some balance. I have recognized, in that spirit, the call of the Senator from Alabama for more efficiency, the call of the Senator from Alabama for preventing abuses. But where is the balance? Where is the recognition that there are human beings with limited resources who may need the opportunity to stay in that apartment and pay the rent after the bankruptcy is filed?

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I do thank the Senator from Wisconsin for accepting some changes because of my objections to his last amendment. As I indicated earlier, I think he did respond to a number of those. But I also think he fairly clearly made the arguments I made a few minutes ago. I made those the last time his amendment came up also; and those were not addressed. They still remain a fundamental flaw.

Mr. FEINGOLD. Will the Senator yield for a question?

Mr. SESSIONS. Yes.

Mr. FEINGOLD. What objection do you have?

Mr. SESSIONS. My concern is that there is fundamentally no legal basis for a stay in bankruptcy court of a lease that has expired or a lease that has been breached by lack of payment—since there is none, then the landlord ought not to have to hire a lawyer and go to bankruptcy court. So I continue to have that concern. But the Senator from Wisconsin has repeatedly said the tenant would be able to remain on the property, but only if they paid rent.

Let me give you a hypothetical.

On October 1, the tenant's rent is due. The tenant does not pay. On October 11, he files bankruptcy. On November 1, the rent is due; and it is not paid. On November 1, the landlord immediately files his notice in the bankruptcy court. And then 15 days are allowed to go by, presumably so the tenant could file some other complaint in bankruptcy court, some other delay or motion. And 15 days go by; and on November 16, the stay of the eviction proceedings is lifted. Then the landlord has to go back to the State court again to pursue his eviction notice, which has been stopped, which has probably fallen behind the 10,000 other cases in that State court system. And now the landlord has a hard time bringing it up.

So I would suggest to you, it is quite possible that the tenant could have 6 weeks rent free. I made the comment about "rent free" because I will show this advertisement right here in San Bernadino: "7 months free rent." That is what is being advertised in the paper:

> No matter how far you are behind in your rent. We guarantee you can stay in your apt. or house for 2–7 months more without paying a penny!!! Find out how. We can stop the Sheriff or Marshall and get you more time.

Mr. FEINGOLD. Is the Senator aware that our amendment would prohibit what you are reading right there?

Mr. SESSIONS. It does not exactly, but it gives them at least a month and a half—if not 2 months, a month and a half.

Mr. FEINGOLD. Isn't it a fact——

Mr. SESSIONS. In addition, it still allows the abuse of forcing the landlord to go to two different courts to pursue a legitimate——

Mr. FEINGOLD. If I could follow up, under the scenario you described, isn't it true that you are talking about a maximum of 6 weeks, and not 6 months? Wouldn't you concede that?

Mr. SESSIONS. Under this scenario, it is clearly 6 weeks, if everything goes perfectly for the landlord. It is guaranteed 6 weeks under these circumstances.

Mr. FEINGOLD. I would suggest to the Senator, you described the most egregious and extreme possibility under our amendment. And you were talking about 4 months, 5 months, 6 months. Not only is that not accurate, that is clearly not my intent.

My intent, as I have indicated time and again, is to try to make sure a person who is in this position has to pay that rent once they file for bankruptcy, and keep paying it or else they are out of luck. And the goal, just so it is clear to the Senator from Alabama, is obviously not to create that kind of scenario you described. If fact, you just made our case, that the maximum exposure there would probably be about 6 weeks, not 6 months, as you suggested.

Mr. SESSIONS. Mr. President, I believe I have the floor.

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. SESSIONS. Under most State eviction proceedings, a tenant who desires to stay on the property can maintain possession of that rental property 45 to 60 days. There are many rights and remedies for tenants. But at some point, the ability to stay without paying rent has to be ended. When you take that 45 to 60 days, and then file a bankruptcy petition, and then get another 6 weeks on top of that—and that is assuming everything goes smoothly, that the landlord can find a lawyer who will go to bankruptcy the first day he calls one, and who can get down there and file the proper petition or get his certificate filed. Maybe the landlord's lawyer does not understand how to file one of these certificates, and ends up billing him $250 or $300 for filing the darn thing, when, in fact, as the Senator, who is an excellent lawyer, knows, bankruptcy court has jurisdiction over property. It is the estate of the person who is filing. If there is no property, there is no estate, which is the case where the lease has expired, or the case where the lease has been breached by lack of payment. Then the bankruptcy court can't legitimately issue an order affecting that property. The bankruptcy judge can never issue an order under those circumstances. So why make somebody go to bankruptcy court to file these petitions if it will not do anything other than cost the landlord more money to delay the eviction and cost that person money?

If we in the Congress want to fund people who can't pay their rents and give them emergency funding, something like that, that is a matter to debate. I don't think we ought to tax private citizens to support individuals in this fashion when their contractual rights have been ended. We have to make sure our bankruptcy system is a good, tight, legal system and not a social service agency.

We give certain rights and benefits to debtors under bankruptcy law. We allow a person who has tremendous debts to walk in and wipe out every one of those debts. Unless their income is above the median income and they can pay back at least 25 percent of their debts, they can go in bankruptcy court and never pay anybody they owe. They do not have to pay their garage mechanic who fixed their automobile for them, not their brother-in-law who loaned their family money when they needed it, not their mother, not their credit card company, not their bank, not their doctor, not their hospital, just wipe them all out because we believe people ought not be crushed under a weight of debt.

I do not believe we would expect the gas station to give free gasoline to somebody who has filed bankruptcy. I don't believe we would expect the grocery store to give free groceries to somebody who filed bankruptcy. Neither should somebody who has violated his lease, is subject to eviction under the appropriate State law, be given free rent, even for a month and a half, perhaps more. That is what our concern is.

I understand the Senator's great passion for this circumstance, but I believe this would be a step backward. It would allow an abuse to continue which we need to eliminate. I hope the Members of this body will reject the amendment.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I appreciate the comments of the Senator from Alabama. Frankly, this isn't really about a great passion on this issue. All I am trying to achieve is some balance. I do think landlords should be paid their rent. I do think it is terrible when people abuse the system.

But in case after case where the Senator from Alabama has presented an abuse, we have tried to address it. What it all came down to, when I asked him what he still objected to, was that he fundamentally doesn't believe in the principle behind the bankruptcy system, which is giving people an opportunity to get back on their feet and providing a little breathing room in the case of the type of person I described.

I described a single woman with children who is not getting her child support, who is in danger of being booted out of that apartment. When the Senator responds, he talks about the people who game the system, people who have different debts all over the place and who can hire sophisticated attorneys. That is not who we are talking about.

In fact, I refer back to Mr. Sommer's summary of what my amendment would do. The amendment is actually perfectly tailored to the situation of the person who can't hire a lawyer or afford a lawyer. That is who we are talking about. We are talking about people who certainly are not sophisticated enough or able to game the bankruptcy system. They are not in that category at all. They are people who simply want to stay in their apartment. They have financial problems, but once they file for bankruptcy, they want to be able to start paying that rent again.

Let me read what Mr. Sommer said. He is not a person who works on bankruptcy. He is a distinguished author on bankruptcy law. He wrote to me:

> To the extent there are abuses in the current system, your amendment will provide prompt and efficient relief by giving landlords a streamlined procedure that could be pursued quickly and without an attorney.

Let me reiterate that. So much of the argument of the Senator from Alabama is premised on the idea that this is somehow a sweet deal for lawyers. What this expert says is that these provisions allow this kind of opportunity for a person who needs it without an attorney. He writes:

> Your amendment would make it impossible to obtain any significant delay simply by filing a bankruptcy petition, as can occur today.

This expert makes it very clear that this is a significant improvement over current bankruptcy law, of which the Senator from Alabama is critical. Even with my amendment, he says it is almost impossible to obtain any significant delay simply by filing a bankruptcy petition. He concedes that some of that could happen today, as the Senator from Alabama has pointed out.

Here is the last line, the critical piece that the Senator from Alabama simply won't address, when it comes to one of the purposes of Federal bankruptcy law. Mr. Sommer says:

> But it would not hurt the innocent family, struggling to get its finances together, that is able to begin making rent payments and cure its rent default.

That is all I am trying to do, to get some balance here so that an innocent family that is trying to get its act together and finances together doesn't get booted out of its apartment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I appreciate the statements of the distinguished Senator from Wisconsin. I will offer for the record three advertisements that are not particularly unusual. One I read from earlier, how they can stop the sheriff and get you more time. Call us if you lost in court. Don't give up. Call us. We will give you more time.

In other words, if you have had your eviction proceedings that every other citizen gets, come down and file bankruptcy and we can get you more time, even though we can wipe out all your debts. A person can then begin to find another place to live, he has no other debt, no old debts to pay. He can afford to make the rent payments, and maybe a landlord will let him stay.

Here is another advertisement, from Los Angeles: Stop this eviction, from 1 to 6 months. I know under the Senator's amendment it might not take quite as long. He would cut that time down. But he said from 1 to 6. But under his amendment I just went through, wouldn't the Senator agree, it is at least a month to 6 weeks?

Mr. FEINGOLD. Mr. President, I ask the Senator, didn't we come to the conclusion that we are talking 6 weeks and not 6 months? Would the Senator concede that is a big difference, 6 weeks versus 6 months?

Mr. SESSIONS. Not if you depend on the rent every month, as many people do who rent out their garage.

Mr. FEINGOLD. Isn't there a substantial difference between 6 weeks and 6 months of rent? I would say that is significant.

Mr. SESSIONS. It is significant if you don't get rent for 2 months or 1 month or 6 months, if you need it.

The Senator suggests these people are not trying to game the system. They are not sophisticated in all of this. They go to lawyers. They take advertisements like this. Those advertisements will still be there. They tell tenants how to do this. They are shocked when the lawyer says, don't pay any more on your credit card. Don't pay any more at the bank. Don't pay any more of your debts. Take your next paycheck, give it to me, and I will wipe out everything you owe.

I ask unanimous consent to have printed in the RECORD these three documents.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

7 MONTHS FREE RENT

100% GUARANTEED IN WRITING

No matter how far you are behind in your rent. We guarantee you can stay in your apt. or house for 2–7 months more without paying a penny!!! Find out how. We can stop the Sheriff or Marshall and get you more time. If the Sheriff or Marshall has been to your home, don't panic CALL US! If you lost in court don't give up. Call us and we'll get you more time.

Call Now (213) * * * All counties (Orange, Riverside, San Bernardino, Ventura, etc.) are open 24 hours. Call us and we'll give you our toll-free number (800 * * *). If all lines are busy please call (213) * * * for the location nearest you.

TENANT ORGANIZATION, INC.

Dear Tenant, As you know your landlord has filed for your eviction. Chances are you'll have to move! How long until you are forced to move depends on you.

The TENANT ORGANIZATION can legally stop your eviction for up to 120 days at rock bottom prices. ALL WITHOUT HAVING TO PAY RENT OR APPEAR IN COURT!

We are not a foundation or a National bureau we are the only TENANT ORGANIZATION in Southern California. Our prices are the lowest with the best service and quality you can find. For example we will prepare and file a Chapter 7 or 13 Bankruptcy Petition for only $120. This is a Federal Restraining Order that will delay your eviction for an average of 2 months. That is not all! We have more moves when it comes to prolonging your eviction. more moves than MAGIC JOHNSON!

REMEMBER THE TENANT ORGANIZATION CAN HELP YOU EVEN IF:

You have lost in Court.
Attorneys or even Judges order you to move.
Legal Aid can't help you and says you must move.
Your situation seems hopeless, JUST CALL!

A very urgent warning! Beware of strangers showing up at your front door unexpected and uninvited offering a legal service for your money. Usually these con men and rip off artists will claim to be attorneys or sent by the court. If you are approached by any of these people report them to your local police department. Don't become their next victim!

QUALITY

NEED MORE TIME TO MOVE?

Public records indicate that you are being SUED in the Los Angeles Municipal Court as a party to an Unlawful Detainer Action.

California Law requires that you file an ANSWER to the Complaint Within 5 Days of being served by the Landlord or be forcibly evicted from the premises that you now occupy. For as little as $20.00 you can begin to:

STOP THIS EVICTION FROM 1 TO 6 MONTHS

Whether you appear in the Municipal Court or not, there are Federal Laws which will assist you in your efforts to stop this eviction. A Federal Court Restraining Order, which is automatic upon filing, will immediately stop the Municipal Court, all Marshall's or Sheriff's from continuing this eviction.

Prompt Action in this Matter is Necessary

Failure to respond to this most urgent matter may result in your Immediate Eviction.

For Assistance in filing your answer or obtaining an Automatic Restraining Order Call 24 hr. 7 days a week

Mr. SESSIONS. One of the things Senator GRASSLEY has done in the bill, and the Senator has mentioned, is to provide that you do not have to have an attorney in bankruptcy court for most of the actions that will take place. This is indeed a good step forward. You would not have to have an attorney in this landlord tenant situation. I would suggest that for the average small apartment owner who gets a notice that he is to stay his eviction procedures, and he has a lawyer who is doing the eviction procedures, he is going to ask his lawyer: What is this? What can you do to get this stay lifted? The landlord is going to hire a lawyer and end up spending several hundred dollars to get this matter taken care of, when ultimately, the procedure is such that there will be no legal basis for the filing of the complaint in the overwhelming number of cases.

I understand the Senator's concern. I believe this bill, as written, will provide all the protections the States have given to tenants. I believe we have a responsibility to see they have protections, that they can defend their interests in court before being thrown out of their apartments.

And, indeed, that is the law in every State in America today. But I do not believe we ought to allow those who file bankruptcy to have substantial benefits over those who don't file bankruptcy, who are managing somehow, in some way, on the same income, to pay their debts. I don't believe they should have a superior advantage. I don't believe landlords who are going to lose in this bankruptcy proceeding, no telling how many months rent, should be required to fund additional rents. If this body wants to pay them to allow people to stay, it is OK; otherwise, it is not.

I yield the floor.

SATELLITE TELEVISION SERVICE

Mrs. LINCOLN. Mr. President, I rise today on behalf of the 570,000 satellite viewers in the State of Arkansas who would like to watch local news broadcasts over their satellite dishes. Since I began serving in the Senate in January, I have received more phone calls, letters, and postcards regarding satellite television service than about Federal spending, crime, health care, or many of the other important issues we have debated this year.

Many constituents complained to me earlier this year after they lost some of their network signals due to a court order. Others have been worried they will lose part of their service by December 31. I have kept all of these constituents informed about developments with the bill that would let them keep their full satellite service.

When we passed the bill—which most people refer to as the Satellite Home Viewer Act—by unanimous consent in May, I told my constituents their problems would soon be resolved. Then, as the summer days got shorter and the leaves began to fall, I told them to just be patient. I said, "It will be just a few more weeks," because members of the conference committee had begun to meet.

Now, as we rush to conclude the legislative session, my constituents, and millions of others across the country, are still waiting. I now share their anger with what they perceive as Washington interfering with their access to information and entertainment. I have been told there is only one Senator who is holding up the process of passing a bill that would permit satellite viewers to receive local network signals over their satellite dishes. This is especially frustrating considering the House of Representatives has overwhelmingly approved a bill by a vote of 411–8.

In my opinion, it is so unreal that those who stand in the way of this legislation would think that as we rush to finish the important task of funding the Federal Government, they can kill this bill in the 11th hour and no one will notice. I am here to bear witness that people will notice. As many as 50 million people will notice because that is how many people risk losing part of their satellite service if we do not complete action on the satellite bill before the end of this session.

The satellite TV conference report is the product of hard-fought and very extensive negotiation among conferees. The provision that one Senator has expressed concerns about is especially important for residents of rural States. The local broadcast signal provision in the satellite bill would create a loan guarantee to bring local channels via satellite into small television markets. Without this loan guarantee, there is little chance that any corporation will make a business decision to launch a satellite that would enable it to beam local television signals into rural communities. Local broadcasters provide people with local news and vital details about storm warnings and school closings. People in rural communities need access to this information. They deserve no less.

It is important to note that this loan guarantee will not cost the taxpayers 1 cent because a credit risk premium would cover any losses from default on the federally backed private loan.

This rural provision should stay in the satellite bill, and we should vote on this bill in the light of day rather than sneaking a whittled-down version into an omnibus package.

I hold in my hand a letter signed by a bipartisan group of 24 Senators urging the majority leader to file cloture on and proceed to the satellite bill. After we delivered the letter, five additional Senators called my office seeking to sign it. I understand that another letter supporting the rural provision may be circulating as I speak.

Mr. President, I urge the majority leader to listen to the will of the people and to the majority of the Members of this body. Let us vote on this today.

Mr. LEAHY. Mr. President, if I could take a moment to comment, I compliment Senator LINCOLN for her comments. I totally agree with her. There was a long and difficult conference. It was the Intellectual Property Communication Omnibus Reform Act—a long and difficult conference. We had a lot of give and take. We had conferees from two Senate committees. It became a Rubik's Cube, where everybody had to give something. We got it through, and it passed. I believe my friend said the vote in the House was 411–8. In my little State, we have 70,000 homes with satellite dishes that will be left dark if we don't get this. There are 12 million nationwide.

I hope we can do this before we go out. The heavy lifting has already been done. It was done in the committee of conference. The distinguished Senator from Arkansas made very clear throughout that whole time the needs of her constituents, as have other Senators. I hope that whether they are sitting in a farmhouse in Vermont, a home in Arkansas, or anywhere else, if on New Year's Eve they want to watch the festivities by satellite, they can do that. I compliment the Senator.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

PRESCRIPTION DRUGS

Mr. WYDEN. Mr. President, I wanted to take a few minutes to talk, as I have on several occasions recently, about the issue of prescription drugs and the Nation's elderly. You certainly can't open up a major publication these days without reading about this issue.

The New York Times, on Sunday last, had an excellent article. Time magazine, which came out in the last couple of days, had a lengthy discussion of prescription drugs and seniors. These are all very captivating discussions, but almost all of them end with the author's judgment that nothing is going to get done in Congress about this critical issue. They go on and on for pages and, finally, the author winds around to the conclusion that this issue has been tied up in partisanship and the kind of bickering that you see so often in Washington, DC. There you have it. Case closed. Lots of arguing but no relief for the Nation's older people. Lots of politics but no results.

So what I have been trying to do, in an effort to break the gridlock on that issue, is to come to the floor of the Senate and talk specifically about a bipartisan piece of legislation, the Snowe-Wyden bill, which has received what amounts to a majority of Senators' support at this point because they have already voted for the funding plan that we envisage, and to talk about how the Senate could come forward with real relief for the Nation's older people and do it in a bipartisan way.

As part of the effort to break the gridlock, as this poster next to me indicates, I hope seniors will send to each of us copies of their prescription drug bills. As a result of seniors and their families being involved in this way, this will help to bring about a bipartisan effort in the Senate and actually win passage of the legislation and bring about relief for older people.

The Snowe-Wyden legislation is called the SPICE bill, the Senior Prescription Insurance Coverage Equity Act. It ought to be a subject Members of Congress know something about because the Snowe-Wyden bill is based on the Federal Employees Health Benefits Plan. It is not some alien, one-size-fits-all Federal price control regime but something that offers a lot of choice and alternatives and uses the forces of the marketplace to deliver good health care to Members of Congress and their families.

Senator SNOWE and I have essentially used that model for the approach that we want to take in delivering prescription drug benefits for the Nation's older people. Fifty-four Members of the Senate, as part of the budget resolution, said they would vote for a specific way to fund the legislation. What I have tried to do is come to the floor on a number of occasions recently and as a result of folks reading this poster and sending copies of their prescription drug bills to us individually in the Senate in Washington, DC, I hope to be able to show the need in our country is enormous and to help catalyze bipartisan action.

Tonight, in addition to reading briefly from some of the bills I have received in recent days, I am going to talk a little bit about how it is not going to be possible to solve this problem unless the approach the Senate devises, in addition to being bipartisan, addresses the question of affordable insurance. For example, this Time magazine article that came out today—a very interesting and very thoughtful piece and I commend the author for most of what is written—talks about the role of the Internet. It says there are going to be a variety of proposals debated on the floor of the Senate. But with the Internet, people are going to just try to go out and buy prescription drugs and it goes into various details about how seniors can buy prescriptions on line.

I was director of the Gray Panthers at home in Oregon for about 7 years before I was elected to the Congress. Suffice it to say, I can assure you that some of the most frail and vulnerable older people in our country are not going to be able to buy their prescriptions on line the way Time magazine envisages. But perhaps even more important, if an older person is spending more than half of his or her Social Security check on prescription medicine—and I have given example after example in recent days of older people in our country, at home in our States. I am very pleased my friend and colleague, Senator SMITH, is in the chair because he has talked often about the need for bipartisan action on this issue to help seniors.

I think both of us would agree that if you have an older person who is spending more than half of their monthly income on prescription drugs—more than half of their Social Security checks, for example, and a lot of them get nothing but Social Security—those folks are going to need decent insurance coverage. They need to be in a position to get insurance coverage that will pick up a significant hunk of their prescription drug costs.

The Time magazine article tells you all about buying drugs over the Internet. But a lot of those senior citizens with an income of $11,000 or $12,000 a year—a modest income—when they are spending more than half of their income on prescription drugs are not going to find an answer on the Internet. They are going to need decent insurance coverage.

The Snowe-Wyden legislation envisages—is a detailed plan, it is a specific plan, a bipartisan plan, S. 1480—and lays out a system that involves marketplace choices and competitive forces in the private sector. Seniors will be in a position to have real clout when it comes to purchasing private insurance.

I think what is so sad about the situation with respect to our older people and prescription drugs is they get hit by a double whammy. Medicare doesn't cover prescription medicine. That is the way the program began back in the middle 1960s.

Second, a lot of the big buyers, health maintenance organizations, or a plan, can go out and negotiate a discount. And the senior who walks into a pharmacy in our home State in Coos Bay or Beaverton or Pendleton or some part of our home State, ends up, in effect, paying a premium because the big buyers are able to negotiate discounts.

It is critical that seniors be in a position to get more affordable private insurance for their prescription medicine.

Under the Snowe-Wyden legislation for seniors on a modest income, other than a copayment or deductible, the legislation would pick up the entire part of that senior's insurance premium that covers prescription drugs.

That is something that will help that frail older person. It is not going to be the Internet that is going to be a panacea for that older person but legislation that helps that elderly widow or retired gentleman afford private insurance coverage is something that will be of help to them. That is what the Snowe-Wyden legislation is all about.

Tonight, I want to read from a few letters I have received in the last couple of days. And I will continue in the days ahead as the Senate wraps up—we hope it won't be too many more days ahead—to bring these kinds of cases to the floor of the Senate in an effort to try to see the Senate come together in a bipartisan way and provide some relief for older people.

One elderly couple, for example, wrote me about their medical situation, reporting that both had recently had heart surgery and one of them, in addition, had a stroke. They are taking blood-thinner drugs. They are taking important cholesterol-lowering drugs—Lipitor—and drugs for lowering blood pressure. They are breaking that particular medicine in half because they cannot afford their prescriptions, and then they are taking a drug which serves as an antidepressant.

This couple has a combined income of around $1,500 a month. For the month of October alone, they spent $888 on just the drugs I mentioned. Over half of their monthly income is going for prescription medicine.

I don't believe there is going to be relief for that elderly couple over the Internet. They are not going to be able to deal with that financial predicament where they spend over half of their monthly income on prescription medicine through some "www" opportunity on the Internet. They are going to need decent insurance coverage.

That is what the bipartisan Snowe-Wyden legislation tries to provide.

The second case I would like to touch on tonight comes from our home State. An elderly woman wrote me to report that in recent days she spent more than $800 on her prescription medicine. She writes: "I'm on a fixed income. It's just getting harder and harder. Medicare help with prescriptions is a real need."

Finally, a third letter that I think sums up the kind of predicament that a lot of seniors in our State are facing comes from Beaverton where an elderly couple is trying to make ends meet essentially with just Social Security and a little bit of help from family.

When they are finished paying for their prescription drugs—this is an elderly couple in Beaverton, OR, in our home State—they have $107.40 left over to live for the month.

Just think about that. It is not an isolated kind of case. Think about what it has to be like for an older couple to have $107 left over for living after they have paid for their prescription medicine.

In the last sentence, this particular elderly woman just asked a question: "Can you help?"

I think that really sums it up.

I think the American people want to see if the Senate, instead of the usual tired routine of bickering and arguing and inaction, will produce a bipartisan plan to provide real relief.

What I find so striking, and why I am so proud to have teamed up with the Republican Senator from Maine on this bipartisan issue, is that when I am asked at home—I had a town meeting a couple of days ago on the Oregon coast. And the President often has the same kind of community session. I was asked about whether the Nation can afford to cover prescription medicine.

My answer is, if you are reading these bills, that America cannot afford not to cover prescription medicine because these drugs, as in the case I described initially, are drugs that keep people well. They help people deal with blood pressure. They help people deal with cholesterol. These are drugs to help keep people healthy. If you keep them healthy, they don't land in the hospital where they rack up those huge charges for Part A of Medicare. I cited repeatedly these anticoagulant medicines.

Evidence shows that for perhaps $1,000 a year, seniors could get a comprehensive program of anticoagulant medicines that can help prevent strokes. We have seen again and again that if you can't get this kind of preventive medical help and you incur a stroke, it costs more than $100,000 to pick up the cost.

That is really the choice, it seems to me, for the Senate. I think the Presiding Officer of the Senate and I have shown in our home States that it is possible on a whole host of issues, frankly, issues that a lot of people think are more divisive than even prescription medicine, to come together in a bipartisan way. I am hopeful the Senate can show that as well. We have seen one poll after another demonstrating that the American people want Congress to provide real relief.

In the last couple of weeks, I have seen several polls which indicate that helping frail and vulnerable seniors with prescription drug coverage through Medicare is one of the top two or three concerns for this country.

Instead of these articles that we are seeing coming out of Time magazine and New York Times and others saying we probably won't be finished, and there won't be an effective answer, I would like to see the Senate show we can really follow through and produce for the older people of this country.

In the days left of this session—we all hope there won't be many more—until we get comprehensive bipartisan legislation that provides the elderly real relief. I intend to keep coming to the floor of the Senate to talk about this issue.

I hope folks who are listening tonight will send in copies of their prescription drug bills.

This poster says it all: "Send in your prescription drug bills." Send them to each of us in the Senate in Washington D.C.

I can tell you the bills that are coming into my office—they are really coming in now as a result of our taking the opportunity to discuss this issue on the floor of the Senate—say that this is an urgent need.

There are people who write who are conservative. There are people who write who are liberals, Democrats, Republicans, and independents, and all across the political spectrum who say: Get the job done. We are not interested in the traditional bickering and fighting about who gets credit, whose turf is being invaded, and which particular parochial kind of issue is being placed ahead of the national wellbeing.

This Nation's seniors and this Nation's families want us to come together and deal with this issue.

I intend to come back on the floor of the Senate again and again until the Senate does.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO KJAM IN CELEBRATION OF ITS 40TH YEAR OF BROADCASTING

Mr. DASCHLE. Mr. President, I would like to take this opportunity to acknowledge the 40th year of broadcasting for radio station KJAM-FM, serving Madison, South Dakota and area communities. KJAM Radio first aired on December 3rd, 1959, and this December 3rd, the staff and friends of the radio station will be celebrating this remarkable feat in radio broadcasting with a well-deserved anniversary party.

Small town, locally owned radio stations like KJAM are one of rural America's unique cultural contributions to our nation. They mirror the strong values of the small towns they serve. KJAM has served Madison well, and I would like to commend the employees and supporters of KJAM for their dedication over these 40 years in bringing to the area local and regional news, weather, and broadcasts of events for Dakota State University and area high schools.

Beginning in January, KJAM will be managed by Three Eagles Communications, which I am sure will continue to enrich the lives of area residents with quality radio broadcasting.

I know my colleagues will join me in honoring John and JoLynn Goeman, the owners of KJAM, who have given so much to the Madison community. John Goeman is the only employee who has been with the station since its inception, and I know his listeners will be sad to hear his last greeting to radio listeners with the "First Edition" of the day's news. We all owe an enormous debt of gratitude to the Goemans and KJAM for making such an invaluable contribution to Madison and the entire state of South Dakota.

SENATE QUARTERLY MAIL COSTS

Mr. McCONNELL. Mr. President, in accordance with section 318 of Public Law 101-520 as amended by Public Law 103-283, I am submitting the frank mail allocations made to each Senator from the appropriation for official mail expenses and a summary tabulation of Senate mass mail costs for the third and fourth quarter of FY99 and ask unanimous consent it be printed in the RECORD. The first and second quarters of FY99 cover the periods of April 1, 1999, through June 30, 1999, and July 1, 1999 though September 30, 1999. The official mail allocations are available for franked mail costs, as stipulated in Public Law 105-275, the Legislative Branch Appropriations Act of 1999.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senators	FY 99 official mail allocation	Total pieces	Pieces per capita	Total cost	Cost per capita
SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING JUNE 30, 1999					
Abraham	$111,746	0	0	0.00	0
Akaka	34,648	0	0	0.00	0
Allard	63,266	0	0	0.00	0
Ashcroft	77,190	0	0	0.00	0
Baucus	33,857	700	0.00088	$942.35	$0.00118
Bayh	60,223	0	0	0.00	0
Bennett	40,959	0	0	0.00	0
Biden	31,559	0	0	0.00	0
Bingaman	41,646	0	0	0.00	0
Bond	77,190	0	0	0.00	0
Boxer	301,322	0	0	0.00	0
Breaux	66,514	0	0	0.00	0
Brownback	49,687	0	0	0.00	0
Bryan	41,258	0	0	0.00	0
Bumpers	13,218	0	0	0.00	0
Bunning	46,853	0	0	0.00	0
Burns	33,857	8,250	0.01033	6,859.62	0.00859
Byrd	43,560	0	0	0.00	0
Campbell	63,266	0	0	0.00	0
Chafee	34,037	0	0	0.00	0
Cleland	95,484	0	0	0.00	0
Coats	21,139	0	0	0.00	0
Cochran	50,337	0	0	0.00	0
Collins	37,775	0	0	0.00	0
Conrad	31,000	0	0	0.00	0
Coverdell	95,484	0	0	0.00	0
Craig	35,841	0	0	0.00	0
Crapo	27,070	0	0	0.00	0
D'Amato	183,036	0	0	0.00	0
Daschle	31,638	0	0	0.00	0
DeWine	132,302	0	0	0.00	0
Dodd	56,116	0	0	0.00	0
Domenici	41,646	0	0	0.00	0
Dorgan	31,000	1,480	0.00232	217.74	0.00034
Durbin	128,275	0	0	0.00	0
Edwards	76,489	0	0	0.00	0
Enzi	29,891	0	0	0.00	0
Faircloth	29,275	0	0	0.00	0
Feingold	72,089	0	0	0.00	0
Feinstein	301,322	0	0	0.00	0
Fitzgerald	97,925	1,500	0.00013	513.31	0.00005
Ford	16,343	0	0	0.00	0
Frist	76,208	0	0	0.00	0
Glenn	35,757	0	0	0.00	0
Gorton	78,087	0	0	0.00	0
Graham	182,107	2,134	0.00017	827.99	0.00006
Gramm	204,461	0	0	0.00	0
Grams	67,542	953	0.00022	777.11	0.00018
Grassley	52,115	0	0	0.00	0
Gregg	35,947	0	0	0.00	0
Hagel	40,350	0	0	0.00	0
Harkin	52,115	0	0	0.00	0
Hatch	40,959	0	0	0.00	0
Helms	100,311	0	0	0.00	0
Hollings	61,281	0	0	0.00	0
Hutchinson	50,285	0	0	0.00	0
Hutchison	204,461	0	0	0.00	0
Inhofe	58,788	0	0	0.00	0
Inouye	34,648	0	0	0.00	0
Jeffords	30,740	3,985	0.00708	2,040.32	0.00363
Johnson	31,638	36,973	0.05312	15,214.26	0.02186
Kempthorne	9,246	0	0	0.00	0
Kennedy	82,469	2,020	0.00034	471.62	0.00008
Kerrey	40,350	0	0	0.00	0
Kerry	82,469	1,052	0.00018	392.39	0.00007
Kohl	72,089	0	0	0.00	0
Kyl	68,434	0	0	0.00	0
Landrieu	66,514	0	0	0.00	0
Lautenberg	97,304	0	0	0.00	0
Leahy	30,740	3,858	0.00686	3,043.36	0.00541
Levin	111,476	5,267	0.00057	4,771.94	0.00051
Lieberman	56,116	0	0	0.00	0
Lincoln	38,142	220	0.00009	73.92	0.0003
Lott	50,337	0	0	0.00	0
Lugar	79,091	0	0	0.00	0
Mack	182,107	0	0	0.00	0
McCain	68,434	22,000	0.00600	16,742.24	0.00457
McConnell	61,650	0	0	0.00	0
Mikulski	71,555	0	0	0.00	0
Moseley-Braun	128,275	0	0	0.00	0
Moynihan	183,036	0	0	0.00	0
Murkowski	30,905	0	0	0.00	0
Murray	78,087	2,350	0.00048	525.66	0.00011
Nickles	58,788	0	0	0.00	0
Reed	34,037	0	0	0.00	0
Reid	41,258	0	0	0.00	0
Robb	87,385	0	0	0.00	0
Roberts	49,687	197,500	0.07972	25,398.47	0.01025
Rockefeller	43,560	0	0	0.00	0
Roth	31,559	0	0	0.00	0
Santorum	138,265	0	0	0.00	0
Sarbanes	71,555	0	0	0.00	0
Schumer	139,902	0	0	0.00	0
Sessions	67,265	0	0	0.00	0
Shelby	67,265	0	0	0.00	0
Smith, Gordon	56,383	0	0	0.00	0
Smith, Robert	35,947	0	0	0.00	0
Snowe	37,755	328	0.00027	264.69	0.00022
Specter	138,265	0	0	0.00	0
Stevens	30,905	0	0	0.00	0
Thomas	29,891	1,011	0.00223	812.35	0.00179
Thompson	76,208	0	0	0.00	0
Thurmond	61,281	0	0	0.00	0
Torricelli	97,304	1,260	0.00016	1,174.32	0.00015
voinovich	101,012	0	0	0.00	0
Warner	87,385	0	0	0.00	0
Wellstone	67,542	0	0	0.00	0
Wyden	56,383	0	0	0.00	0
SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING SEPT. 30, 1999					
Abraham	111,746	0	0	0.00	0
Akaka	34,648	0	0	0.00	0
Allard	63,266	0	0	0.00	0
Ashcroft	77,190	0	0	0.00	0
Baucus	33,857	0	0	0.00	0
Bayh	60,223	0	0	0.00	0
Bennett	40,959	0	0	0.00	0
Biden	31,559	0	0	0.00	0
Bingaman	41,646	0	0	0.00	0
Bond	77,190	0	0	0.00	0
Boxer	301,322	353,000	0.01185	50,824.78	0.00171
Breaux	66,514	0	0	0.00	0
Brownback	49,687	0	0	0.00	0
Bryan	41,258	22,500	0.01872	4,664.01	0.00388
Bumpers	13,218	0	0	000	0

Senators	FY 99 official mail allocation	Total pieces	Pieces per capita	Total cost	Cost per capita
Bunning	46,853	0	0	0.00	0
Burns	33,857	11,296	0.01414	8,929.76	0.01118
Byrd	43,560	0	0	0.00	0
Campbell	63,266	0	0	0.00	0
Chafee	34,037	0	0	0.00	0
Cleland	95,484	0	0	0.00	0
Coats	21,139	0	0	0.00	0
Cochran	50,337	0	0	0.00	0
Collins	37,775	0	0	0.00	0
Conrad	31,000	0	0	0.00	0
Coverdell	95,484	0	0	0.00	0
Craig	35,841	0	0	0.00	0
Crapo	27,070	0	0	0.00	0
D'Amato	183,036	0	0	0.00	0
Daschle	31,638	0	0	0.00	0
DeWine	132,302	0	0	0.00	0
Dodd	56,116	0	0	0.00	0
Domenici	41,646	0	0	0.00	0
Dorgan	31,000	4,571	0.00716	3,971.14	0.00622
Durbin	128,275	1,300	0.00011	1,043.44	0.00009
Edwards	76,489	6,806	0.00103	7,217.31	0.00109
Enzi	29,891	0	0	0.00	0
Faircloth	29,275	0	0	0.00	0
Feingold	72,089	0	0	0.00	0
Feinstein	301,322	0	0	0.00	0
Fitzgerald	97,925	0	0	0.00	0
Ford	16,343	0	0	0.00	0
Frist	76,208	0	0	0.00	0
Glenn	35,757	0	0	00.0	0
Gorton	78,087	320,000	0.06575	57,244.02	0.01176
Graham	182,107	0	0	0.00	0
Gramm	204,461	1,425	0.00008	315.15	0.00002
Grams	67,542	52,315	0.01196	43,346.34	0.00991
Grassley	52,115	270,000	0.09723	53,876.10	0.01940
Gregg	35,947	0	0	0.00	0
Hagel	40,350	0	0	0.00	0
Harkin	52,115	0	0	0.00	0
Hatch	40,959	0	0	0.00	0
Helms	100,311	0	0	0.00	0
Hollings	61,281	0	0	0.00	0
Hutchinson	50,285	0	0	0.00	0
Hutchison	204,461	0	0	0.00	0
Inhofe	58,788	0	0	0.00	0
Inouye	34,648	0	0	0.00	0
Jeffords	30,740	66,450	0.11808	10,678.95	0.01898
Johnson	31,638	264,900	0.38060	78,299.58	0.11250
Kempthorne	9,246	0	0	0.00	0
Kennedy	82,469	1,222	0.00020	420.50	0.00007
Kerrey	40,350	0	0	0.00	0
Kerry	82,469	712	0.00012	622.27	0.00010
Kohl	72,089	0	0	0.00	0
Kyl	68,434	0	0	0.00	0
Landrieu	66,514	0	0	0.00	0
Lautenberg	97,304	0	0	0.00	0
Leahy	30,740	5,500	0.00977	1,503.55	0.00267
Levin	111,476	2,000	0.00022	1,522.41	0.00016
Lieberman	56,116	0	0	0.00	0
Lincoln	38,142	0	0	0.00	0
Lott	50,337	0	0	0.00	0
Lugar	79,091	0	0	0.00	0
Mack	182,107	0	0	0.00	0
McCain	68,434	0	0	0.00	0
McConnell	61,650	0	0	0.00	0
Mikulski	71,555	0	0	0.00	0
Moseley-Braun	128,275	0	0	0.00	0
Moynihan	183,036	294,000	0.01634	57,400.05	0.00319
Murkowski	30,905	0	0	0.00	0
Murray	78,087	42,150	0.00866	7,361.16	0.00151
Nickles	58,788	1,833	0.00058	1,445.23	0.00046
Reed	34,037	1,150	0.00115	332.67	0.00033
Reid	41,258	22,500	0.01872	4,818.46	0.00401
Robb	87,385	0	0	0.00	0
Roberts	49,687	200,000	0.08072	27,570.98	0.01113
Rockefeller	43,560	122,500	0.06830	20,402.30	0.01138
Roth	31,559	0	0	0.00	0
Santorum	138,265	0	0	0.00	0
Sarbanes	71,555	0	0	0.00	0
Schumer	139,902	5,333	0.00030	4,587.20	0.00026
Sessions	67,265	0	0	0.00	0
Shelby	67,265	0	0	0.00	0
Smith, Gordon	56,383	0	0	0.00	0
Smith, Robert	35,947	0	0	0.00	0
Snowe	37,755	930	0.00076	855.21	0.00070
Specter	138,265	0	0	0.00	0
Stevens	30,905	0	0	0.00	0
Thomas	29,891	676	0.00149	599.57	0.00132
Thompson	76,208	0	0	0.00	0
Thurmond	61,281	0	0	0.00	0
Torricelli	97,304	100,000	0.01291	79,601.81	0.01027
Voinovich	101,012	3,000	0.00028	2,690.34	0.00025
Warner	87,385	0	0	0.00	0
Wellstone	67,542	0	0	0.00	0
Wyden	56,383	0	0	0.00	0

Other offices	Total pieces	Total cost
COMMITTEE MASS MAIL TOTALS FOR THE QUARTER ENDING SEPT. 30, 1999		
The Vice President	0	0.00
The President Pro-Tempore	0	0.00
The Majority Leader	0	0.00
The Minority Leader	0	0.00
The Assistant Majority Leader	0	0.00
The Assistant Minority Leader	0	0.00
Sec of Majority Conference	0	0.00
Sec of Minority Conference	0	0.00
Agriculture Committee	0	0.00
Appropriations Committee	0	0.00
Armed Services Committee	0	0.00
Banking Committee	0	0.00
Budget Committee	0	0.00
Commerce Committee	0	0.00
Energy Committee	0	0.00
Environment Committee	0	0.00
Finance Committee	0	0.00
Foreign Relations Committee	0	0.00
Governmental Affairs Committee	0	0.00
Judiciary Committee	0	0.00
Labor Committee	0	0.00
Rules Committee	0	0.00
Small Business Committee	0	0.00
Veterans Affairs Committee	0	0.00
Ethics Committee	0	0.00
Indian Affairs Committee	0	0.00
Intelligence Committee	0	0.00
Aging Committee	0	0.00
Joint Economic Committee	0	0.00
Joint Committee on Printing	0	0.00
JCMTE Congress Inaug	0	0.00
Democratic Policy Committee	0	0.00
Democratic Conference	0	0.00
Republican Policy Committee	0	0.00
Republican Conference	0	0.00
Legislative Counsel	0	0.00
Legal Counsel	0	0.00
Secretary of the Senate	0	0.00
Sergeant at Arms	0	0.00
Narcotics Caucus	0	0.00
SCMTE POW/MIA	0	0.00
Total	0	0.00

* * *

CRASH OF THE UNITED NATIONS WORLD FOOD PROGRAMME AIRCRAFT

Mr. DURBIN. Mr. President, on Friday, November 12, a United Nations World Food Programme airplane carrying 24 people crashed in northern Kosovo, killing all on board. The plane departed Rome bound for Pristina, Kosovo—the wreckage was found only 20 miles from its destination. The passengers, mainly humanitarian aid workers, were on a routine flight run by the World Food Programme.

The World Food Programme is the world's largest international food aid organization that provides food aid to 75 million people worldwide through development projects and emergency operations.

The WFP fights both the acute hunger that grips a family fleeing civil conflicts and the chronic hunger that slowly gnaws away a life. Hunger afflicts one out of every seven people on earth. 800 million people are malnourished. Starvation threatens at least another 50 million victims of man-made and natural disasters. In 1998, the WFP delivered 2.8 million tons of food to 80 countries. These projects are enormous undertakings, and are sometimes not without human costs.

The WFP has lost more employees than any other UN agency in work-related accidents, illnesses or attacks. Fifty-one people since 1988 have lost their lives while in service to those who would otherwise go hungry. Among the 24 people who died in the most recent tragedy were doctors, a civil engineer, aid workers, a volunteer chemist, police officers and non-governmental organization workers.

As we begin to plan our Thanksgiving meals, let us pause a moment to reflect on those who dedicate themselves to the eradication of starvation. Let us remember our dear friend and colleague, Congressman Mickey Leland, who died in a plane crash 10 years ago while leading a mission to an isolated refugee camp in Ethiopia.

And as we talk about the United Nations, let us not forget who the U.N. is made up of—humanitarian aid workers who devote their lives, often at great risk, to easing the suffering of others.

* * *

THE UNITED STATES BORDER PATROL

Mr. ABRAHAM. Mr. President, it is my pleasure to rise as a cosponsor of S. Con. Res. 74, a resolution which recognizes the United States Border Patrol's 75 years of service to this country.

These brave men and women serve, day in and day out, as both defenders and ambassadors of our nation. With professionalism, civility and a watchful eye, members of the United States Border Patrol watch out for illegal immigrants and the entry of illegal drugs.

It is a difficult task, Mr. President. But one that our Border Patrol Agents perform well. And these duties are not just difficult, Mr. President. Oftentimes they are dangerous as well. Particularly in this era of well-armed thugs and smugglers, Border Patrol Agents may find themselves outgunned as they protect our nation's borders. 86 Border Patrol Agents and Pilots have lost their lives in the line of duty—6 in 1998 alone.

We all owe our Border Patrol our thanks for their bravery and their willingness to put in long, hard hours in service to their country.

I would like to make special note, Mr. President, of the members of the Detroit Sector of the U.S. Border Patrol. These fine individuals perform with grace in the face of very difficult assignments. In the Detroit sector, fewer than 20 Border Patrol field agents are expected to be responsible for four large Midwestern states—Michigan, Ohio, Indiana, and Illinois, an area covering hundreds of miles of border. This small number of Border Patrol agents also must assist INS investigators in responding to local law enforcement requests in these four states.

I salute the good work of the United States Border Patrol, and especially thank the members of the Detroit Sector for their work above and beyond the call of duty.

* * *

PEDRO MARTINEZ WINS 1999 AMERICAN LEAGUE CY YOUNG AWARD

Mr. KENNEDY. Mr. President, all of us in Massachusetts know that Pedro

Martinez, the great pitcher for the Boston Red Sox, is the class of the American League. Yesterday, the Baseball Writers' Association of America confirmed that judgment by unanimously selecting Pedro Martinez as the winner of the Cy Young Award for the American League for 1999.

Pedro's record this year was brilliant. His 23 victories, his earned run average of 2.07, and his 313 strikeouts led the league in all three of those categories, and his dramatic victory over the New York Yankees in the third game of the American League Championship Series last month was the crowning achievement in his extraordinary season.

All of us in Boston are proud of the Red Sox and proud of Pedro Martinez. I congratulate him on this well-deserved recognition, and I ask unanimous consent that a "Red Sox News Flash" about the award be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RED SOX NEWS FLASH, NOV. 16, 1999

This afternoon Red Sox pitcher Pedro Martinez was selected the 1999 American League Cy Young award winner by the Baseball Writers' Association of America. The voting was unanimous, with Pedro finishing with 140 points, including all 28 first place votes.

Martinez led the American League in seven major pitching categories, including wins (23), ERA (2.07) and strikeouts (313), becoming the first Red Sox pitcher to lead the AL in those three categories since Cy Young in 1901. Martinez' 2.07 ERA was more than a run less than New York's David Cone, who ranked 2nd in ERA at 3.44. The right-hander also became the third pitcher to win the award in both leagues, joining Randy Johnson (1995 in AL & 1999 in NL) and Gaylord Perry (1972 in AL & 1978 in NL). He also becomes the fifth pitcher to win the award with two different clubs.

Pedro's 313 strikeouts in 1999 set a new Red Sox single season record. Martinez became the first American League pitcher with 300 or more strikeouts in a season since Randy Johnson in 1993 with Seattle (308) and he is one of 14 different pitchers to have struck out 300 or more batters in a season. He is the second pitcher in Major League History to achieve 300 or more strikeouts in both leagues (Randy Johnson is the other). Pedro is only the 9th player in Major League History to strike out 300 or more batters in a season more than once: joining Nolan Ryan (6x), Sandy Koufax (3x), Randy Johnson (3x, including '99), Sam McDowell (2x), Curt Schilling (2x), Walter Johnson (2x) and J.R. Richard (2x).

The Dominican Republic native tossed his 2nd career 1 hitter on September 10th at New York and set a career high with 17 strikeouts (tying the Major League season-high in 1999). Martinez became the first Red Sox pitcher to win 20 games since Roger Clemens in 1990 (21-6) and the first Sox pitcher other than Clemens since Dennis Eckersley in 1978. He also set a team record by striking out 10 or more batters 19 times in a season. He became the first right-handed pitcher to record 15 or more strikeouts 6 times in a season since Nolan Ryan in 1974. Pedro struck out the side 18 times in his 213.1 IP and has struck out 10 or more batters 54 times in his career, 27 times as a Red Sox.

Pedro Martinez becomes the third Red Sox pitcher to win the Cy Young award, joining Roger Clemens (1986, 1987 & 1991) and Jim Lonborg (1967). He is only the fifth AL Cy Young Award winner to be selected unanimously since 1967, when the award was first presented to a pitcher in both the American League and National League.

Previous AL Cy Young Award Winners:

1998	Roger Clemens, Toronto Blue Jays
1997	Roger Clemens, Toronto Blue Jays
1996	Pat Hentgen, Toronto Blue Jays
1995	Randy Johnson, Seattle Mariners
1994	David Cone, Kansas City Royals
1993	Jack McDowell, Chicago White Sox
1992	Dennis Eckersley, Oakland Athletics
1991	Roger Clemens, Boston Red Sox
1990	Bob Welch, Oakland Athletics
1989	Bret Saberhagen, Kansas City Royals
1988	Frank Viola, Minnesota Twins
1987	Roger Clemens, Boston Red Sox
1986	Roger Clemens, Boston Red Sox
1985	Bret Saberhagen, Kansas City Royals
1984	Guillermo (Willie) Hernandez, Detroit Tigers
1983	LaMarr Hoyt, Chicago White Sox
1982	Pete Vockovich, Milwaukee Brewers
1981	Rollie Fingers, Milwaukee Brewers
1980	Steve Stone, Baltimore Orioles
1979	Mike Flanagan, Baltimore Orioles
1978	Ron Guidry, New York Yankees
1977	Sparky Lyle, New York Yankees
1976	Jim Palmer, Baltimore Orioles
1975	Jim Palmer, Baltimore Orioles
1974	Jim (Catfish) Hunter, Oakland Athletics
1973	Jim Palmer, Baltimore Orioles
1972	Gaylord Perry, Cleveland Indians
1971	Vida Blue, Oakland Athletics
1970	Jim Perry, Minnesota Twins
1969	(tie) Mike Cuellar, Baltimore Orioles; Denny McLain, Detroit Tigers
1968	Denny McLain, Detroit Tigers
1967	Jim Lonborg, Boston Red Sox
1964	Dean Chance, Los Angeles Angels
1961	Whitey Ford, New York Yankees
1959	Early Wynn, Chicago White Sox
1958	Bob Turley, New York Yankees

Note: One award from 1956-66; NL pitchers won in 1956-57, 1960, 1962-63, 1965-66.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, November 16, 1999, the Federal debt stood at $5,689,775,697,887.62 (Five trillion, six hundred eighty-nine billion, seven hundred seventy-five million, six hundred ninety-seven thousand, eight hundred eighty-seven dollars and sixty-two cents).

One year ago, November 16, 1998, the Federal debt stood at $5,581,706,000,000 (Five trillion, five hundred eighty-one billion, seven hundred six million).

Five years ago, November 16, 1994, the Federal debt stood at $4,748,423,000,000 (Four trillion, seven hundred forty-eight billion, four hundred twenty-three million).

Ten years ago, November 16, 1989, the Federal debt stood at $2,918,690,000,000 (Two trillion, nine hundred eighteen billion, six hundred ninety million).

Fifteen years ago, November 16, 1984, the Federal debt stood at $1,627,271,000,000 (One trillion, six hundred twenty-seven billion, two hundred seventy-one million) which reflects a debt increase of more than $4 trillion—$4,062,504,697,887.62 (Four trillion, sixty-two billion, five hundred four million, six hundred ninety-seven thousand, eight hundred eighty-seven dollars and sixty-two cents) during the past 15 years.

UNDER THE INFLUENCE

Mr. LEVIN. Mr. President, in July, when the Senate debated the Commerce, Justice, State, and Judiciary fiscal year 2000 spending bill, an important amendment was adopted to the bill. That amendment, offered by my colleague Senator BOXER, would have made it illegal to sell or transfer firearms or ammunition to anyone under the influence of alcohol. Unfortunately, the House-Senate conference committee, in working out the differences between the two versions of this spending measure, removed the Senate-passed amendment from the final bill.

I do not understand how something so simple, so straightforward, could be deleted from the final bill. This amendment does nothing more than save lives and prevent injuries by prohibiting drunks from buying guns or ammunition. Under current law, it is illegal to sell firearms or ammunition to a purchaser under the influence of illicit drugs. This would simply close the loophole by making it illegal for someone under the influence of alcohol to purchase the same products.

It is unconscionable that House and Senate conferees deleted this commonsense provision from the bill. Unfortunately, this is just another example of how reasonable legislation is repeatedly stymied by the power of the NRA.

THE MICROSOFT RULING

Mr. HOLLINGS. Mr. President, two core principles guide our economy, competition and the rule of law. In the absence of competition there is no innovation or consumer choice. For over 100 years the anti-trust laws have served as an indispensable bullwark to ensure that unfettered competition does not result in monopoly power that stifles innovation and denies consumers a choice.

So it is curious that a veritable who's who of "conservative" politicians and think tanks unleashed a barrage of faxes attacking Federal Judge Thomas Penfield Jackson's decision in United States v. Microsoft.

Based on a voluminous record, Judge Jackson found that Microsoft had succeeded in "stifling innovations that would benefit consumers, for the sole reason that they do not coincide with Microsoft's self-interest."

The factual findings of the District Court held that "Microsoft will use its prodigious market power and immense profits to harm any firm that insists on pursuing initiatives that could intensify competition against one of its core products."

According to the District Court, Microsoft "foreclosed an opportunity for PC makers to make Windows PC systems less confusing and more user-friendly as consumers desired."

The record included the testimony of numerous high tech entrepreneurs who felt the lash of Microsoft's monopolistic wrath. From IBM's inability to gain support for its OS2/Warp operating system to Apple's inability to effectively compete with Windows to threats to cut off Netscape's "oxygen supply," Microsoft engaged in a pernicious pattern of anticompetitive behavior, openly flaunting the rule of law. Perhaps the most damning of all was the evasive testimony of Microsoft founder William Gates.

It is, frankly, a record that is quite embarrassing. But rather than show remorse, Microsoft has embarked on a vendetta to punish the outstanding group of Justice Department lawyers who bested its minions of high-payed lawyers and spin doctors.

So, Mr. President, let me take this opportunity to praise the Justice Department's Antitrust Division and its leader Joel Klein. It is well known that I had my doubts about Mr. Klein, but I am pleased to say, and not too proud to admit, that I misjudged him. He is doing an outstanding job.

In the long run, failure to promote competition and innovation will undermine our preeminence in the high tech arena.

THE CONSERVATION AND REINVESTMENT ACT OF 1999

Mrs. LINCOLN. Mr. President, I rise today to join the Senator from Louisiana in calling upon our colleagues in the Senate, as well as the Administration, to capitalize on the momentum provided by the House Resources Committee last week in passing the Conservation and Reinvestment Act of 1999. We must not let this opportunity slip away to enact what may well be the most significant conservation effort of the century.

As part of any discussion into utilizing revenues from Outer Continental Shelf oil drilling to fund conservation programs, I want to ensure that wildlife programs are kept among the priorities of the debate. Specifically, I want to comment upon the importance of funding for wildlife conservation, education, and restoration efforts as provided in both the House and Senate versions of the Conservation and Reinvestment Act of 1999. This funding would be administered as a permanent funding source through the successful Pittman-Robertson Act.

This program enjoys a great deal of support including a coalition of nearly 3,000 groups across the country known as the Teeming with Wildlife Coalition. Also, this funding would be provided without imposing new taxes. Funds will be allocated to all 50 states for wildlife conservation of non-game species, with the principal goal of preventing species from becoming endangered or listed under the Endangered Species Act.

In my home state of Arkansas, we have recognized the importance of funding conservation and management initiatives. The people of Arkansas were successful in passing a one-eighth cent sales tax to fund these types of programs. As I'm sure is true all across this country, people don't mind paying taxes for programs that promote good wildlife management and help keep species off of the Endangered Species List.

By taking steps now to prevent species from becoming endangered, we are not only able to conserve the significant cultural heritage of wildlife enjoyment for the people of this country, but also to avoid the substantial costs associated with recovery for endangered species. In fact, all 50 states would benefit as a result of the important link between these wildlife education-based initiatives and the benefits of wildlife-related tourism.

I look forward to working with my colleagues on the Senate Energy and Natural Resources Committee to make this historic legislation a reality upon our return early next year.

FIRST YEAR IN THE SENATE

Mr. SCHUMER. Mr. President, as the first session of the 106th Congress comes to an end, I cannot help but think of what an interesting and exciting first year it has been for me in the United States Senate. The experience has been a wonderful one, to say the least. As my colleagues all well know from their first days in the Senate, setting up a Senate office is a daunting task, and setting one up right does not happen by accident. Many have helped make my transition from the House to the Senate a smooth one, and I would like to take a moment to stop and thank, in particular, the dedicated and loyal employees of the Architect of the Capitol, the Secretary of the Senate, and the Senate Sergeant at Arms who played an integral role in making sure that my staff and I could serve the citizens of New York as effectively as possible.

From the Architect of the Capitol's office, a special thanks goes to the following: Sherry Britton, Michael Cain, Edolphus Carpenter, Tim Chambers, Jerry Coates, David Cox, Darvin Davis, Andre DeVore, Reggie Donahue, Ed Fogle, Bob Garnett, Steve Howell, Donna Hupp, Lamont Jamison, JoAnn Martin, Dwight McBride, Alpha McGee, Richard Muriel, Randy Naylor, James Outlaw, Albert Price, Lindwood Simmons, Sally Tassler, Doug Whittington, Jr., Clarence Williams, Caroll Woods, and Greg Young.

Kim Brinkman, Timothy O'Keefe, John Trimble, and Timothy Wineman from the Office of Secretary of the Senate deserve special recognition.

And, from the Senate Sergeant at Arms office, I would like to point out: Roosevelt Allen, Sterret Carter, Robert Croson, Val Fisher, Denise Gresham, Kenneth Lloyd, Michael Lussier, Stacy Norris, Theresa Peel, Dan Templeton, Jeanne Tessieri, and James Wentz.

The professionalism that each of these individuals displayed should be a source of great pride to their bosses, and if I wore a hat, I would tip it to them. But, for now, I hope they will accept my thanks and praise for a job well done.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:02 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2541. An act to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi.

H.R. 2818. An act to prohibit oil and gas drilling in Mosquito Creek Lake in Cortland, Ohio.

H.R. 2862. An act to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange.

H.R. 2863. An act to clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah.

H.R. 3063. An act to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any one State, and for other purposes.

H.R. 3257. An act to amend the Congressional Budget Act of 1974 to assist the Congressional Budget Office with the scoring of State and local mandates.

H.R. 3373. An act to require the Secretary of the Treasury to mint coins in conjunction with the minting of coins by the Republic of Iceland in commemoration of the millennium of the discovery of the New World by Leif Ericson.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 165. Concurrent resolution expressing United States policy toward the Slovak Republic.

H. Con. Res. 206. Concurrent resolution expressing grave concern regarding armed conflict in the North Caucasus region of the Russian Federation which has resulted in civilian casualties and internally displaced persons, and urging all sides to pursue dialog for peaceful resolution of the conflict.

H. Con. Res. 211. Concurrent resolution expressing the strong support of the Congress for the recently concluded elections in the Republic of India and urging the President to travel to India.

H. Con. Res. 222. Concurrent resolution condemning the assassination of Armenian Prime Minister Vazgen Sargsian and other officials of the Armenian Government and expressing the sense of the Congress in mourning this tragic loss of the duly elected leadership of Armenia.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2116) to amend title 38, United States Code, to establish a program of extended care services for veterans and to make other improvements in health care programs of the Department of Veterans Affairs.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2112) to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, and to provide for Federal jurisdiction of certain multiparty, multiform civil actions, and asks a conference with the Senate on the disagreeing votes of the two houses thereon; and appoints Mr. HYDE, Mr. SENSENBRENNER, Mr. COBLE, Mr. CONYERS, and Mr. BERMAN, as managers of the conference on the part of the House.

At 11:20 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 80. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

A message from the House of Representatives, delivered by one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 278. An act to direct the Secretary of the Interior to convey certain lands to the county of Rio Arriba, New Mexico.

S. 382. An act to establish the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes.

S. 1235. An act to amend part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to allow railroad police officers to attend the Federal Bureau of Investigation National Academy for law enforcement training.

S. 1398. An act to clarify certain boundaries on maps relating to the Coastal Barrier Resources System.

The message also announced that the House has passed the following bill, with amendment, in which it requests the concurrence of the Senate:

S. 416. An act to direct the Secretary of Agriculture to convey the city of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility.

At 3:33 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3381. An act to reauthorize the Overseas Private Investment Corporation and the Trade and Development Agency, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

At 4:33 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker had signed the following enrolled joint resolution:

H.J. Res. 80. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

The enrolled joint resolution was signed subsequently by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-6181. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of an airport runway profiler containing an accelerometer; to the Committee on Foreign Relations.

EC-6182. A communication from the Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, the Chairman of the Securities and Exchange Commission, and the Chairman of the Futures Trading Commission, transmitting jointly, a report entitled "Over-the-Counter Derivatives Markets and the Commodity Exchange Act"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6183. A communication from the Administrator, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Small Hog Operation Payment Program" (RIN0560-AF70), received November 15, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6184. A communication from the Associate Administrator, Dairy Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in the Central Arizona and New Mexico-West Texas Marketing Areas; Suspension of Certain Provisions of the Orders" (Docket No. DA-99-05&09), received November 12, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6185. A communication from the Associate Administrator, Dairy Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in the Texas and Eastern Colorado Marketing Areas; Suspension of Certain Provisions of the Orders" (Docket No. DA-99-08&07), received November 12, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6186. A communication from the Director, Civil Rights Center, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998" (RIN1292-AA29), received November 16, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-6187. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Resinous and Polymeric Coatings" (Docket No. 91F-0431), received November 9, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-6188. A communication from the Managing Director, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Availability of Unpublished Information" (RIN3069-AA81), received November 9, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-6189. A communication from the Acting Executive Director, Emergency Steel Guarantee Loan Board, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Emergency Steel Guarantee Loan Program" (RIN3004-ZA00), received November 9, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-6190. A communication from the Acting Executive Director, Emergency Oil and Gas Guaranteed Loan Board, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Emergency Oil and Gas Guaranteed Loan Program" (RIN3003-ZA00), received November 9, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-6191. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Public Financing of Presidential Primary and General Election Candidates", received November 9, 1999; to the Committee on Rules and Administration.

EC-6192. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Development of a Medical Support Incentive for the Child Support Enforcement program; to the Committee on Finance.

EC-6193. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Partnership Returns Required on Magnetic Media" (RIN1545-AW14) (TD 8843), received November 10, 1999; to the Committee on Finance.

EC-6194. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Return of Partnership Income" (RIN1545-AU99) (TD 8841), received November 10, 1999; to the Committee on Finance.

EC-6195. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Acquisition of an S Corporation by a Member of a Consolidated Group" (RIN1545-AW32) (TD 8842), received November 9, 1999; to the Committee on Finance.

EC-6196. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Benefits and Costs of the Clean Air Act, 1990 to 2010"; to the Committee on Environment and Public Works.

EC-6197. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Tennessee-Tombigbee Waterway Mitigation Project, Alabama and Mississippi"; to the Committee on Environment and Public Works.

EC-6198. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled "Category for Persistent, Bioaccumulative, and Toxic New Chemical Substances" (FRL #6097-7); to the Committee on Environment and Public Works.

EC-6199. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interim Final Determination that State has Corrected Deficiencies; State of Arizona; Maricopa County" (FRL #6468-8), received November 10, 1999; to the Committee on Environment and Public Works.

EC-6200. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Partial Withdrawal of Direct Final Rule for Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Kern County Air Pollution Control District" (FRL #6462-9), received November 10, 1999; to the Committee on Environment and Public Works.

EC-6201. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Vermont Negative Declaration" (FRL #6474-1), received November 9, 1999; to the Committee on Environment and Public Works.

EC-6202. A communication from the Director, Office of White House Liaison, Department of Commerce, transmitting, pursuant to law, a report relative to the nomination of a Chief Financial Officer and Assistant Secretary for Administration; to the Committee on Commerce, Science, and Transportation.

EC-6203. A communication from the Chief, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Federal-State Joint Board on Universal Service" (FCC 99-256) (CC Doc. 96-45), received November 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6204. A communication from the Chief, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Changes to the Board of Directors of NECA, Inc., Federal-State Joint Board on Universal Service" (FCC 99-269) (CC Docs. 97-21 and 96-45), received November 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6205. A communication from the Chief, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Federal-State Joint Board on Universal Service" (FCC 99-306) (CC Doc. 96-45), received November 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6206. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Biennial Review-Streamlining of Mass Media Applications, Rules, and Processes; Policies Regarding Minority and Female Ownership of Mass Media Facilities" (FCC Docket Nos. 98-43 and 94-149) (FCC 99-267), received November 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6207. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment to Section 73.202(b), Table of FM Allotments; FM Broadcast Stations: Centerville, TX; Iowa Park, TX and Hunt, TX" (MM Docket Nos. 99-257, 99-258 and 99-234), received November 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6208. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment to Section 73.202(b), Table of FM Allotments; FM Broadcast Stations: Marysville and Hilliard, OH" (MM Docket Nos. 98-123, RM-9291), received November 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6209. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Large Coastal Shark Species; Fishery Reopening; Fishing Season Notification" (I.D. 052499C), received November 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6210. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Amendment 16B to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico" (RIN0648-AL57), received November 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6211. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Mystic River, CT (CGD01-99-079)" (RIN2115-AE47) (1999-0055), received November 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6212. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Housatonic River, CT (CGD01-99-085)" (RIN2115-AE47) (1999-0056), received November 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6213. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Miles River, MD (CGD05-99-003)" (RIN2115-AE47) (1999-0058), received November 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6214. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Sassafras River, Georgetown, MD (CGD05-99-006)" (RIN2115-AE47) (1999-0057), received November 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6215. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Pequonnock River, CT (CGD01-99-086)" (RIN2115-AE47) (1999-0063), received November 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6216. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Hackensack River, Passaic River, NJ (CGD01-9076)" (RIN2115-AE47) (1999-0062), received November 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6217. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Kennebec River, ME (CGD01-98-174)" (RIN2115-AE47) (1999-0061), received November 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6218. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Illinois River, IL (CGD08-99-014)" (RIN2115AE47) (1999-0060), received November 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6219. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Niantic River, CT (CGD01-99-087)" (RIN2115-AE47) (1999-0059), received November 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6220. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Kennebec River, ME (CGD01-99-024)" (RIN2115-AE47) (1999-0054), received November 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6221. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of

Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; City of Augusta, GA (CGD07-99-068)" (RIN2115-AE46) (1999-0042), received November 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6222. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Sciame Construction Fireworks, East River, Manhattan, NY (CGD01-99-181)" (RIN2115-AA97) (1999-0068), received November 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6223. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; All Coast Guard and Navy Vessels Involved in Evidence Transport, Narragansett Bay, Davisville, RI (CGD01-99-185)" (RIN2115-AA97) (1999-0069), received November 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6224. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Licensing and Manning for Officers of Towing Vessels (USCG-1999-6224)" (RIN2115-AF23) (1999-0001), received November 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6225. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Areas; Strait of Juan de Fuca and Adjacent Waters of Washington; Makah Whale Hunting (CGD-13-98-023)" (RIN2115-AE84) (1999-0004), received November 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6226. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period April 1, 1999 through September 30, 1999; ordered to lie on the table.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–372. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to tobacco subsidies and food-producing agricultural activities; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE RESOLUTION NO. 68

Whereas, For many years, even as our country has wrestled with the costly and harmful effects of tobacco use, Americans have provided financial support for tobacco farming through federal tobacco subsidies. These subsidies include money spent for tobacco crop insurance and price support, in addition to inspection and grading services. While changes in federal agricultural programs and law have significantly reduced money going to tobacco farming and related activities, federal dollars continue to be spent on an endeavor that is harmful to our citizens; and

Whereas, One of the greatest challenges facing humanity in any age is the production of food of sufficient quantity and quality to meet ever-rising needs. Investments in the process of raising crops are among the most important commitments we can make to future generations. Subsidies for food production, research, and marketing hold the potential to touch every citizen in a positive fashion; and

Whereas, With the recent settlement among the states and the tobacco industry, the enormity of the cost tobacco exacts on our society is clear. Any money going to support any aspect of this activity would be far better spent elsewhere; now therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to end tobacco subsidies and to redirect this support to food-producing agricultural activities; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

REPORT OF COMMITTEE

The following report of committee was submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs:

Report to accompany the bill (S. 1877) to amend the Federal Report Elimination and Sunset Act of 1995 (Rept. No. 106–223).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. ROTH for the Committee on Finance:

Deanna Tanner Okun, of Idaho, to be a Member of the United States International Trade Commission for a term expiring June 16, 2008.

(The above nomination was reported with the recommendation that she be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HATCH for the Committee on the Judiciary:

Kermit Bye, of North Dakota, to be United States Circuit Judge for the Eighth Circuit.

Thomas L. Ambro, of Delaware, to be United States Circuit Judge for the Third Circuit.

George B. Daniels, of New York, to be United States District Judge for the Southern District of New York.

Joel A. Pisano, of New Jersey, to be United States District Judge for the District of New Jersey.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CRAIG:

S. 1937. A bill to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for sales of electricity by the Bonneville Power Administration to joint operating entities; to the Committee on Energy and Natural Resources.

By Mr. CRAIG (for himself, Mr. Thomas, Mr. Crapo, and Mr. Burns):

S. 1938. A bill to provide for the return of fair and reasonable fees to the Federal Government for the use and occupancy of National Forest System land under the recreation residence program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HELMS:

S. 1939. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for dry cleaning equipment which uses reduced amounts of hazardous substances; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. Brownback, Mr. Feingold, Mr. Kennedy, Mr. Kerry, Mr. Jeffords, and Mr. Lautenberg):

S. 1940. A bill to amend the Immigration and Nationality Act to reaffirm the United States' historic commitment to protecting refugees who are fleeing persecution or torture; to the Committee on the Judiciary.

By Mr. DODD (for himself and Mr. DeWine):

S. 1941. A bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards; to the Committee on Commerce, Science, and Transportation.

By Mr. JEFFORDS:

S. 1942. A bill to amend the Older Americans Act of 1965 to establish grant programs to provide State pharmacy assistance programs and medication management programs; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY:

S. 1943. A bill to provide for an inexpensive book distribution program; to the Committee on Health, Education, Labor, and Pensions.

S. 1944. A bill to provide national challenge grants for innovation in the education of homeless children and youth; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOND (for himself and Mr. Johnson):

S. 1945. A bill to amend title 23, United States Code, to require consideration under the congestion mitigation and air quality improvement program of the extent to which a proposed project or program reduces sulfur or atmospheric carbon emissions, to make renewable fuel projects eligible under that program, and for other purposes; to the Committee on Environment and Public Works.

By Mr. INHOFE (for himself, Ms. Snowe, Mr. Baucus, Mr. Warner, Mrs. Feinstein, Mr. Lieberman, Mr. Wyden, Mr. Domenici, Mr. Moynihan, Ms. Collins, Mr. Lautenberg, Mr. Kerry, and Mr. Bennett):

S. 1946. A bill to amend the National Environmental Education Act to redesignate that Act as the "John H. Chafee Environmental Education Act", to establish the John H. Chafee Memorial Fellowship Program, to extend the programs under that Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HATCH:

S. 1947. A bill to provide for an assessment of the abuse of and trafficking in gamma hydroxybutyric acid and other controlled substances and drugs, and for other purposes; to the Committee on the Judiciary.

By Mr. LOTT:

S. 1948. A bill to amend the provisions of title 17, United States Code, and the Communications Act of 1934, relating to copyright licensing and carriage of broadcast signals by satellite; to the Committee on the Judiciary.

By Mr. LEAHY:

S. 1949. A bill to promote economically sound modernization of electric power generation capacity in the United States, to establish requirements to improve the combustion heat rate efficiency of fossil fuel-fired electric utility generating units, to reduce emissions of mercury, carbon dioxide, nitrogen oxides, and sulfur dioxide, to require that all fossil fuel-fired electric utility generating units operating in the United States meet new source review requirements, to promote the use of clean coal technologies, and to promote alternative energy and clean energy sources such as solar, wind, biomass, and fuel cells; to the Committee on Finance.

By Mr. ENZI (for himself and Mr. THOMAS):

S. 1950. A bill to amend the Mineral Leasing Act of 1920 to ensure the orderly development of coal, coalbed methane, natural gas, and oil in the Powder River Basin, Wyoming and Montana, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER (for himself and Ms. COLLINS):

S. 1951. A bill to provide the Secretary of Energy with authority to draw down the Strategic Petroleum Reserve when oil and gas prices in the United States rise sharply because of anticompetitive activity, and to require the President, through the Secretary of Energy, to consult with Congress regarding the sale of oil from the Strategic Petroleum Reserve; to the Committee on Energy and Natural Resources.

By Mr. ABRAHAM:

S. 1952. A bill to amend the Internal Revenue Code of 1986 to provide a simplified method for determining a partner's share of items of a partnership which is a qualified investment club; to the Committee on Finance.

By Mr. KERREY:

S. 1953. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to authorize the establishment of a voluntary legal employment authentication program (LEAP) as a successor to the current pilot programs for employment eligibility confirmation; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself, Mr. THOMPSON, and Mr. KENNEDY):

S. 1954. A bill to establish a compensation program for employees of the Department of Energy, its contractors, subcontractors, and beryllium vendors, who sustained beryllium-related illness due to the performance of their duty; to establish a compensation program for certain workers at the Paducah, Kentucky, gaseous diffusion plant; to establish a pilot program for examining the possible relationship between workplace exposure to radiation and hazardous materials and illnesses or health conditions; and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. HUTCHISON (for herself, Mr. ABRAHAM, Mr. KYL, and Mr. GRAMM):

S. Con. Res. 74. A concurrent resolution recognizing the United States Border Patrol's 75 years of service since its founding; to the Committee on the Judiciary.

By Mr. DURBIN (for himself and Mr. CAMPBELL):

S. Con. Res. 75. A concurrent resolution expressing the strong opposition of Congress to the continued egregious violations of human rights and the lack of progress toward the establishment of democracy and the rule of law in Belarus and calling on President Alexander Lukashenka to engage in negotiations with the representatives of the opposition and to restore the constitutional rights of the Belarusian people; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAIG (for himself, Mr. THOMAS, Mr. CRAPO, and Mr. BURNS):

S. 1938. A bill to provide for the return of fair and reasonable fees to the Federal Government for the use and occupancy of National Forest System land under the recreation residence program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

CABIN USER FEE FAIRNESS ACT OF 1999

Mr. CRAIG. Mr. President, I am introducing legislation today that will set a new course for the Forest Service in determining fees for forest lots on which families and individuals have been authorized to build cabins for seasonal recreation since the early part of this century. I am pleased to have Senators MIKE CRAPO, CRAIG THOMAS, and CONRAD BURNS joining me in sponsoring this legislation, which is a companion bill to H.R. 3327, introduced in the House of Representatives by Congressman GEORGE NETHERCUTT.

In 1915, under the Term Permit Act, Congress set up a program to give families the opportunity to recreate on our public lands through the so-called recreation residence program. Today, 15,000 of these forest cabins remain, providing generation after generation of families and their friends a respite from urban living and an opportunity to use our public lands.

These cabins stand in sharp contrast to many aspects of modern outdoor recreation, yet are an important aspect of the mix recreation opportunities for the American public. While many of us enjoy fast, off-road machines and watercraft or hiking to the backcountry with high-tech gear, others enjoy a relaxing weekend at their cabin in the woods with their family and friends.

The recreation residence programs allows families all across the country an opportunity to use our national forests. This quiet, somewhat uneventful program continues to produce close bonds and remarkable memories for hundreds of thousands of Americans, but in order to secure the future of the cabin program, this Congress needs to reexamine the basis on which fees are now being determined.

Roughly 20 years ago, the Forest Service saw the need to modernize the regulations under which the cabin program is administered. Acknowledging that the competition for access and use of forest resources has increased dramatically since 1915, both the cabin owners and the agency wanted a formal understanding about the rights and obligations of using and maintaining these structures.

New rules that resulted nearly a decade later reaffirmed the cabins as a valid recreational use of forest land. At the same time, the new policy reflected numerous limitations on use that are felt to be appropriate in order to keep areas of the forest where cabins are located open for recreational use by other forest visitors. Commercial use of the cabins is prohibited, as is year-round occupancy by the owner. Owners are restricted in the size, shape, paint color and presence of other structures or installations on the cabin lot. The only portion of a lot that is controlled by the cabin owner is that portion of the lot that directly underlies the footprint of the cabin itself.

At some locations, the agency has determined a need to remove cabins for a variety of reasons related to "higher public purposes" and cabin owners wanted to be certain in the writing of new regulations that a fair process would guide any future decisions about cabin removal. At other locations, some cabins have been destroyed by fire, avalanche or falling trees, and a more reliable process of determining whether such cabins might be rebuilt or relocated was needed. It was determined, therefore, that this recreational program would be tied more closely to the forest planning process.

The question of an appropriate fee to be paid for the opportunity of constructing and maintaining a cabin in the woods was also addressed at that time. Although the agency's policies for administration of the cabin program have, overall, held up well over time, the portion dealing with periodic redetermination of fees proved in the last few years to be a failure.

A base fee was determined 20 years ago by an appraisal of sales of comparable undeveloped lots in the real estate market adjacent to the national forest where a cabin was located. The new policy called for reappraisal of the value of the lot 20 years later—a trigger that led to initiation of the reappraisal process in 1995.

In the meantime, according to the policy, annual adjustments to the base fee would be tracked by the Implicit Price Deflator (IPD), which proved to be a faulty mechanism for this purpose. Annual adjustments to the fee based on movements of the IPD failed entirely to keep track of the booming land values associated with recreation development.

As the results of actual reappraisals on the ground began reaching my office in 1997, it became clear that far more than the inoperative IPD was out of alignment in determining fees for the cabin owners.

At the Pettit Lake tract in Idaho's Sawtooth National Recreation Area, the new base fees skyrocketed into alarming five-digit amounts—so high that a single annual fee was nearly enough money to buy raw land outside the forest and construct a cabin. Meanwhile, the agency's appraisal methodology was resulting in new base fees in South Dakota, in Florida, and in some locations in Colorado that were actually lower than the previous fee.

Very generally speaking, the value of the use of the forest lot is approximately the same for any cabin owner, whether they are tucked into what has become in recent years the Sawtooth National Recreation Area of Idaho, or high in the Sierra Mountain range of California, or in the lowland forests of the southeastern States. Yet Idaho cabin owners are now expected to pay a new average fee of $9,221 each year, while cabin owners in Kentucky will be paying a new average fee of $140.

At the request of the chairman of the House Committee on Agriculture in 1998, the cabin owners named a coalition of leaders of their various national and State cabin owner associations to examine the methodology being used by the Forest Service to determine fees. It became obvious to these laymen that analysis of appraisal methodology and the determination of fees was beyond their grasp, and a prestigious consulting appraiser was retained to guide the cabin owners through their task. The report and recommendations of the coalition's consulting appraiser is available from my office for those who might wish to examine the details.

At the bottom line, it was learned that the Forest Service—contrary to its own policy—was appraising and affixing value to the lots being provided to cabin owners as if this land were fully developed, legally subdivided, fee simple residential land.

In other words, the agency has been capturing the values associated with a variety of structures and services that the homeowners themselves (not the agency) provide. The Forest Service, in setting fees on this basis, has been capturing incremental values assigned by a developer at various stages of development for risk, expectations of profit and other factors.

My goal is to see that the cabin program remains affordable for American families. Consistent with the recommendations of the coalition's consulting appraiser, the methodology for determining fees is directed toward the value of the use to the cabin owner—not what the market would bear, should the Forest Service decide to sell off its assets.

This is highly technical legislation. Its purpose is to send a clear set of instructions to appraisers in the field and a clear set of instructions to forest managers to respect the results of appraisals undertaken to place value on the raw land being offered cabin owners.

I intend to hold hearings on this legislation early in the next session. I urge each of my colleagues to be in contact with cabin owners in their State during the congressional recess. There are more than 15,000 families out there who fear that the long tradition of cabin-based forest recreation is nearing an end because the agencies fee mechanism has made the program unaffordable for all but the wealthy. These cabin owners and I would wholeheartedly welcome the support and cosponsorship of all Senators for this important legislation.

I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1938

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Fair Cabin User Fee Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) the recreation residence program is—

(A) a valid use of forest land and 1 of the multiple uses of the National Forest System; and

(B) an important component of the recreation program of the Forest Service;

(2) cabins located on forest land have provided a unique recreation experience to a large number of cabin owners, their families, and guests each year since Congress authorized the recreation residence program in 1915;

(3) tract associations, cabin owners, their extended families, guests, and others that regularly use and enjoy forest cabin tracts have contributed significantly toward efficient management of the program and the stewardship of forest land;

(4) cabin user fees have traditionally generated income to the Federal Government in amounts significantly greater than the Federal cost of administering the program;

(5) the rights and privileges granted to owners of cabins authorized under the program have steadily diminished while regulatory restrictions and fees charged under the program have steadily increased; and

(6) the current fee determination procedure has been shown to incorrectly reflect market value and value of use.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to ensure, to the maximum extent practicable, that the National Forest System recreation residence program is managed to preserve the opportunity for individual and family-oriented recreation at a reasonable cost; and

(2) to develop and implement a more efficient, cost-effective procedure for determining cabin user fees that better reflects the probable value of that use by the cabin owner, taking into consideration the limitations of the authorization and other relevant market factors.

SEC. 4. DEFINITIONS.

In this Act:

(1) AGENCY.—The term "agency" means the Forest Service.

(2) AUTHORIZATION.—The term "authorization" means a special use permit for the use and occupancy of National Forest System land by a cabin owner under the authority of the program.

(3) BASE CABIN USER FEE.—The term "base cabin user fee" means the initial fee for an authorization that results from the appraisal of a lot in accordance with sections 6 and 7.

(4) CABIN.—The term "cabin" means a privately built and owned structure authorized for use and occupancy on National Forest System land.

(5) CABIN USER FEE.—The term "cabin user fee" means a special use fee paid annually by a cabin owner to the Secretary in accordance with this Act.

(6) CABIN OWNER.—The term "cabin owner" means—

(A) a person authorized by the agency to use and to occupy a cabin on National Forest System land; and

(B) an heir or assign of such a person.

(7) CARETAKER CABIN.—The term "caretaker cabin" means a caretaker residence occupied in limited cases in which caretaker services are necessary to maintain the security of a tract.

(8) CENTER.—The term "Center" means the Federal Center for Dispute Resolution of the American Arbitration Association.

(9) CURRENT CABIN USER FEE.—The term "current cabin user fee" means the most recent cabin user fee that results from an annual adjustment to the base cabin user fee in accordance with section 8.

(10) LOT.—The term "lot" means a parcel of land of the National Forest System on which a cabin owner is authorized to build, use, occupy, and maintain a cabin and related improvements.

(11) PROGRAM.—The term "program" means the recreation residence program established under the Act of March 4, 1915 (38 Stat. 1101, chapter 144).

(12) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(13) TRACT.—The term "tract" means an established location within a National Forest containing 1 or more cabins authorized in accordance with the program.

(14) TRACT ASSOCIATION.—The term "tract association" means a cabin owner association in which all cabin owners within a tract are eligible for membership.

SEC. 5. ADMINISTRATION OF RECREATION RESIDENCE PROGRAM.

(a) IN GENERAL.—The Secretary shall ensure, to the maximum extent practicable, that the basis and procedure for calculating cabin user fees results in a reasonable and fair fee for an authorization that reflects the probable value of the use and occupancy of a lot to the cabin owner in accordance with subsection (b).

(b) DETERMINATION OF VALUE.—The value of the use and occupancy of a lot referred to in subsection (a)—

(1) shall not be equivalent to a rental fee of the lot; and

(2) shall reflect regional economic influences, as determined by an appraisal of the value of use of the National Forest in which the lot is located.

SEC. 6. APPRAISALS.

(a) REQUIREMENTS FOR CONDUCTING APPRAISALS.—In implementing and conducting an appraisal process for determining cabin user fees, the Secretary shall—

(1) establish an appraisal process to determine the value of the fee simple estate of a typical lot or lots within a tract, with adjustments to reflect limitations arising from the authorization and special use permit;

(2) enter into a contract with an appropriate professional organization for the development of specific appraisal guidelines in accordance with subsection (b), subject to public comment and congressional review;

(3) require that an appraisal be performed. by a State-certified general real estate appraiser, selected by the Secretary and licensed to practice in the State in which the lot is located;

(4) provide the appraiser with—

(A) appraisal guidelines developed in accordance with this Act; and

(B) a copy of the special use permit associated with the typical lot to be appraised, with an instruction to the appraiser to consider any prohibitions or limitations contained in the authorization;

(5) notwithstanding any other provision of law, require the appraiser to coordinate the assignment closely with affected parties by seeking advice, cooperation, and information from cabin owners and tract associations;

(6) require that the appraiser perform the appraisal in compliance with—

(A) the most current edition of the Uniform Standards of Professional Appraisal Practice on the date of the appraisal;

(B) the most current edition of the Uniform Appraisal Standards for Federal Land Acquisitions on the date of the appraisal; and

(C) the specific appraisal guidelines developed in accordance with this Act;

(7) require that the appraisal report be a self-contained report (as defined by the Uniform Standards of Professional Appraisal Practice);

(8) require that the appraisal report comply with the reporting guidelines established by the Uniform Appraisal Standards for Federal Land Acquisitions; and

(9) before accepting any appraisal, conduct a review of the appraisal to ensure that the guidelines made available to the appraiser have been followed and that the appraised values are properly supported.

(b) SPECIFIC APPRAISAL GUIDELINES.—In the development of specific appraisal guidelines in accordance with paragraph (a)(2), the instructions to an appraiser shall require, at a minimum, the following:

(1) APPRAISAL OF A TYPICAL LOT.—

(A) IN GENERAL.—In conducting an appraisal under this paragraph, the appraiser shall appraise a typical lot or lots within a tract that are selected by the cabin owners and the agency in a manner consistent with the policy of the program.

(B) APPRAISAL.—In appraising a typical lot or lots within a tract, the appraiser shall—

(i) consult with affected cabin owners; and

(ii) appraise the typical lot or lots selected for purposes of comparison with other lots or groups of lots in the tract having similar value characteristics (rather than appraising each individual lot).

(B) ESTIMATE OF MARKET VALUE OF TYPICAL LOT.—

(i) IN GENERAL.—The appraiser shall estimate the market value of a typical lot as a parcel of undeveloped, raw land that has been made available for use and occupancy by the cabin owner on a seasonal or periodic basis.

(ii) NO EQUIVALENCE TO LEGALLY SUBDIVIDED LOT.—The appraiser shall not appraise the typical lot as being equivalent to a legally subdivided lot.

(2) REQUIREMENT FOR ANALYSIS OF COMPARABLE SALES.—The appraisal shall be based on a prioritized analysis of 1 or more categories of sales of comparable land as follows:

(A) LARGER PARCELS.—Sales of larger, privately-owned, and preferably unimproved parcels of rural land, generally similar in size to the tract being examined, shall be given the most weight in the analysis.

(B) SMALLER PARCELS.—Sales of smaller, privately-owned, and preferably unimproved parcels of rural land that are not part of an established subdivision shall be given secondary weight in the analysis.

(C) MAPPED AND RECORDED PARCELS.—Sales of privately-owned parcels in a mapped and recorded rural subdivision shall be given the least weight in the analysis.

(3) EXCEPTION FOR CERTAIN SALES OF LAND.—In conducting an analysis under paragraph (2), the appraiser shall select sales of comparable land that are outside the area of influence of—

(A) land affected by urban growth boundaries;

(B) land for which a government or institution holds a conservation or recreational easement; or

(C) land designated for conservation or recreational purposes by Congress, a State, or a political subdivision of a State.

(4) ADJUSTMENTS FOR TYPICAL VALUE INFLUENCES.—

(A) IN GENERAL.—The appraiser shall consider and adjust the price of sales of comparable land for all typical value influences described in subparagraph (B).

(B) VALUE INFLUENCES.—The typical value influences referred to in subparagraph (A) include—

(i) differences in the locations of the parcels;

(ii) accessibility, including limitations on access attributable to—

(I) weather;

(II) the condition of roads or trails; or

(III) other factors;

(iii) the presence of marketable timber;

(iv) limitations on, or the absence of, services such as law enforcement, fire control, road maintenance, or snow plowing;

(v) the condition and regulatory compliance of any site improvements; and

(vi) any other typical value influences described in standard appraisal literature.

(5) ADJUSTMENTS FOR RESTRICTIONS ON USE.—In evaluating the sale of a comparable fee simple parcel, an adjustment to the sale price of the parcel shall be made to reflect the influence of prohibitions or limitations on use or benefits imposed by the agency that affect the value of the subject cabin lot, including—

(A) any prohibition against year-round use and occupancy or any other restriction that limits or reduces the type or amount of cabin use and occupancy;

(B) any limitation on the right of the cabin owner to sell, lease, or rent the cabin without restrictions imposed by the Secretary;

(C) any limitation on, or prohibition against, improvements to the lot, such as remodeling or enlargement of the cabin, construction of additional structures, landscaping, signs, fencing, clothes drying lines, mail boxes, swimming pools, or other recreational facilities; and

(D) any limitation on, or prohibition against, use of the lot for placement of amenities such as playground equipment, domestic livestock, recreational vehicles, or boats.

(6) ADJUSTMENTS TO SALES OF COMPARABLE PARCELS.—

(A) IN GENERAL.—

(i) UTILITIES PROVIDED BY AGENCY.—Only utilities (such as water, sewer, electricity, or telephone) or access roads or trails that are clearly established as of the date of the appraisal as having been provided and maintained by the agency at a lot shall be included in the appraisal.

(ii) FEATURES PROVIDED BY CABIN OWNER.—All cabin facilities, decks, docks, patios, and other nonnatural features (including utilities or access)—

(I) shall be presumed to have been provided by, or funded by, the cabin owner; and

(II) shall be excluded from the appraisal by adjusting any comparable sales with the nonnatural features referred to in subparagraph (B)(ii).

(iii) WITHDRAWAL OF UTILITY OR ACCESS BY AGENCY.—If, during the term of an authorization, the agency makes a substantial and materially adverse change in the provision or maintenance of any utility or access, the cabin owner shall have the right to request and obtain a new determination of the base cabin user fee at the expense of the agency.

(B) ADJUSTMENT FOR IMPROVEMENTS.—

(i) IN GENERAL.—The appraiser shall consider and adjust the price of each sale of a comparable parcel for all nonnatural features referred to in subparagraph (A)(ii) that—

(I) are present at, or add value to, the parcel; but

(II) are not present at the lot being appraised or not included in the appraisal under subparagraph (A).

(ii) ADJUSTMENTS.—An adjustment to the price of a parcel sold under this subparagraph shall include allowances for matters such as—

(I) depreciated current replacement costs of installing nonnatural features referred to in clause (i) at the typical lot being appraised, including an allowance for entrepreneurial profit and overhead;

(II) likely construction difficulties for nonnatural features referred to in clause (i) at the lot being appraised; and

(III) the deduction in price that would be taken in the market as a risk allowance if—

(aa) a parcel does not have adequate access or adequate sewer or water systems; and

(bb) there is a risk of failure or material cost overruns in attempting to provide the systems referred to in item (aa).

(C) REAPPRAISAL FOR AND RECALCULATION OF BASE CABIN USER FEE.—Periodically, but not less often than once every 10 years, the Secretary shall recalculate the base cabin user fee (including conducting any reappraisal required to recalculate the base cabin user fee).

SEC. 7. CABIN USER FEES.

(a) IN GENERAL.—The Secretary shall establish the cabin user fee as the amount that is equal to 5 percent of the value of the lot, as determined in accordance with section 6, reflecting an adjustment to the market rate of return based solely on—

(1) the limited term of the authorization;

(2) the absence of significant property rights normally attached to fee simple ownership; and

(3) the public right of access to, and use of, any open portion of the lot on which the cabin or other enclosed improvements are not located.

(b) Fee for Caretaker Residences.—The base cabin user fee for a lot on which a caretaker residence is located shall not be greater than the base cabin user fee charged for the authorized use of a similar typical lot in the tract.

(c) Annual Cabin User Fee in the Event of Determination Not To Reissue Authorization.—If the Secretary determines that an authorization should not be reissued at the end of a term, the Secretary shall—

(1) establish as the new base cabin user fee for the remaining term of the authorization the amount charged as the cabin user fee in the year that was 10 years before the year in which the authorization expires; and

(2) calculate the current cabin user fee for each of the remaining 9 years of the term of the authorization by multiplying—

(i) $^1/_{10}$ of the new base cabin user fee; by

(ii) the number of years remaining in the term of the authorization after the year for which the cabin user fee is being calculated.

(d) Annual Cabin User Fee in Event of Changed Conditions.—If a review of a decision to convert a lot to an alternative public use indicates that the continuation of the authorization for use and occupancy of the cabin by the cabin owner is warranted, and the decision is subsequently reversed, the Secretary may require the cabin owner to pay any portion of annual cabin user fees, as calculated in accordance with subsection (d), that were forgone as a result of the expectation of termination of use and occupancy of the cabin by the cabin owner.

(e) Termination of Fee Obligation in Loss Resulting From Acts of God or Catastrophic Events.—On a determination by the agency that, due to an act of God or a catastrophic event, a lot cannot be safely occupied and that the authorization for the lot should accordingly be terminated, the fee obligation of the cabin owner shall terminate effective on the date of the occurrence of the act or event.

SEC. 8. ANNUAL ADJUSTMENT OF CABIN USER FEE.

(a) In General.—The Secretary shall adjust the cabin user fee annually, using a rolling 5-year average of a published price index in accordance with subsection (b) or (c) that reports changes in rural or similar land values in the State, county, or market area in which the lot is located.

(b) Initial Index.—

(1) In general.—For the period of 10 years beginning on the date of enactment of this Act, the Secretary shall use changes in agricultural land prices in the appropriate State or county, as reported in the Index of Agricultural Land Prices published by the Department of Agriculture, to determine the annual adjustment to the cabin user fee in accordance with subsections (a) and (d).

(2) Statewide changes.—In determining the annual adjustment to the cabin user fee for an authorization located in a county in which agricultural land prices are influenced by the factors described in section 6(b)(3), the Secretary shall use average statewide changes in the State in which the lot is located.

(c) New Index.—

(1) In general.—Not later than 10 years after the date of enactment of this Act, the Secretary may select and use an index other than the index described in subsection (b)(2) to adjust a cabin user fee if the Secretary determines that a different index better reflects change in the value of a lot over time.

(2) Selection process.—Before selecting a new index, the Secretary shall—

(A) solicit and consider comments from the public; and

(B) not later than 60 days before the date on which the Secretary makes a final index selection, submit any proposed selection of a new index to—

(i) the Committee on Resources of the House of Representatives; and

(ii) the Committee on Energy and Natural Resources of the Senate.

(d) Limitation.—In calculating an annual adjustment to the base cabin user fee, the Secretary shall—

(1) limit any annual fee adjustment to an amount that is not more than 5 percent per year when the change in agricultural land values exceeds 5 percent in any 1 year; and

(2) apply the amount of any adjustment that exceeds 5 percent to the annual fee payment for the next year in which the change in the index factor is less than 5 percent.

SEC. 9. PAYMENT OF CABIN USER FEES.

(a) Due Date for Payment of Fees.—A cabin user fee shall be paid or prepaid annually by the cabin owner on a monthly, quarterly, annual, or other schedule, as determined by the Secretary.

(b) Payment of Equal or Lesser Fee.—If, in accordance with section 7, the Secretary determines that the amount of a new base cabin user fee is equal to or less than the current base cabin user fee, the Secretary shall require payment of the new base cabin user fee by the cabin owner in accordance with subsection (a).

. (c) Payment of Greater Fee.—If, in accordance with section 7, the Secretary determines that the amount of a new base cabin user fee is greater than the current base cabin user fee, the Secretary shall—

(1) require full payment of the new base cabin user fee in the first year following completion of the fee determination procedure if the increase in the amount of the new base cabin user fee is not more than 100 percent of the most recently paid cabin user fee; or

(2) phase in the increase over the current cabin user fee in approximately equal increments over 3 years if the increase in the amount of the new base cabin user fee is greater than 100 percent of the most recently paid base cabin user fee.

(d) Requirement for Payment During Arbitration, Appeal, or Judicial Review.—If arbitration, an appeal, or judicial review concerning a cabin user fee is brought in accordance with section 11 or 12, the Secretary shall—

(1) suspend annual payment by the cabin owner of any increase in the cabin user fee, pending completion of the arbitration, appeal, or judicial review; and

(2) make any adjustments, as necessary, that result from the findings of the arbitration, appeal, or judicial review by providing to the cabin owner—

(A)(i) a credit toward future cabin user fee payments; or

(ii) a refund for any overpayment of the cabin user fee; and

(B) a supplemental billing for any additional amount of the cabin user fee that is due.

SEC. 10. RIGHT OF SECOND APPRAISAL.

(a) Right of Second Appraisal.—On receipt of notice from the Secretary of the determination of a new base cabin user fee, the cabin owner—

(1) not later than 60 days after the date on which the notice is received, shall notify the Secretary of the intent of the cabin owner to obtain a second appraisal; and

(2) may obtain, within 1 year following the date of receipt of the notice under this subsection, at the expense of the cabin owner, a second appraisal of the typical lot on which the initial appraisal was conducted.

(b) Conduct of Second Appraisal.—In conducting a second appraisal, the appraiser selected by the cabin owner shall—

(1) consider all relevant factors in accordance with this Act (including guidelines developed under section 6(a)(2)); and

(2) notify the Secretary of any material differences of fact or opinion between the initial appraisal conducted by the agency and the second appraisal.

(c) Request for Reconsideration of Base Cabin User Fee.—A cabin owner shall submit to the Secretary any request for reconsideration of the base cabin user fee, based on the results of the second appraisal, not later than 60 days after the receipt of the report for a second appraisal.

(d) Reconsideration of Base Cabin User Fee.—On receipt of a request from the cabin owner under subsection (c) for reconsideration of a base cabin user fee, not later than 60 days after the date of receipt of the request, the Secretary shall—

(1) review the initial appraisal of the agency;

(2) review the results and commentary from the second appraisal;

(3) determine a new base cabin user fee in an amount that is—

(A) equal to the fee determined by the initial or the second appraisal; or

(B) within the range of values, if any, between the initial and second appraisals; and

(4) notify the cabin owner of the amount of the new base cabin fee.

SEC. 11. RIGHT OF ARBITRATION.

(a) In General.—

(1) Request for arbitration.—Not later than 30 days after the receipt of notice of a new base cabin fee under section 10(d)(4), the tract association may request arbitration if a cabin owner in the tract and the Secretary are unable to reach agreement on the amount of the base cabin user fee determined in accordance with section 10.

(2) Identification of Third-Party Neutrals.—If arbitration is requested under paragraph (1), the Secretary shall promptly request the Center to develop a list of the names of not fewer than 20 appraisers and 10 attorneys who possess appropriate training and experience in valuations of land and interest in land to serve as qualified third-party neutrals.

(b) Arbitration.—Not later than 30 days after the receipt of a request from the tract association for arbitration, the Secretary shall—

(1) notify the Center of the request; and

(2) request the Center to provide to the Secretary and the tract association, within 15 days—

(A) instructions related to arbitration procedures; and

(B) the list of qualified third-party neutrals described in subsection (a)(2).

(c) Arbitration Panel.—

(1) In general.—Not later than 15 days after the receipt of the list described in subsection (a)(2), the Secretary and the tract association may each recommend the names of 2 appraisers and 1 attorney from the list for consideration in the selection of an arbitration panel by the Center.

(2) Availability of list.—The Secretary and the tract association shall disclose to each other the names of third-party neutrals recommended under paragraph (1).

(3) OPTION TO ELIMINATE RECOMMENDED NEUTRALS.—The Secretary and the tract association may each peremptorily eliminate from consideration for the arbitration panel 1 third-party neutral recommended under paragraph (1).

(4) SELECTION BY CENTER.—From the third-party neutrals recommended to the Center under paragraph (1) that are not eliminated from consideration under paragraph (3), the Center shall select and retain an arbitration panel consisting of 2 appraisers and 1 attorney.

(5) NOTIFICATION OF ESTABLISHMENT.—Not later than 5 days after the selection of members of the arbitration panel, the Center shall notify the Secretary and the tract association of the establishment of the arbitration panel.

(d) ARBITRATION PROCEDURE.—

(1) SUBMISSION OF INFORMATION.—Not later than 30 days after notification by the Center of the establishment of the arbitration panel under subsection (c)(3), each party shall submit to the arbitration panel—

(A) the appraisal report of each party, including comments, if any, of material differences of fact or opinion related to the initial appraisal or the second appraisal;

(B) a copy of the authorization associated with any typical lot that was subject to appraisal;

(C) a copy of this Act; and

(D) a copy of appraisal guidelines developed in accordance with section 6(a)(2).

(2) HEARING OR FIELD INSPECTION.—On agreement of both parties, the arbitration may be conducted without a hearing or a field inspection.

(3) SCHEDULE FOR DECISION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 60 days after the receipt of all materials described in paragraph (1), the arbitration panel shall prepare and forward to the Secretary a written advisory decision on the appropriate amount of the base cabin user fee.

(B) EXTENSION.—If the arbitration panel or the parties to the arbitration determine that a hearing or field inspection is necessary, the date for submission of the advisory decision under subparagraph (A) shall be extended for—

(i) not more than 30 days; or

(ii) in the case of difficult or hazardous road or weather conditions, such an additional period of time as is necessary to complete the inspection.

(4) DETERMINATION OF RECOMMENDED BASE CABIN USER FEE.—The base cabin user fee recommended by the arbitration panel shall fall within the range of values, if any, between the initial and second appraisals submitted to the arbitration panel by the parties.

(e) ADOPTION OF RECOMMENDED BASE CABIN USER FEE.—

(1) IN GENERAL.—Not later than 45 days after the receipt of the recommendation by the arbitration panel, the Secretary shall make a determination to adopt or reject the recommended base cabin user fee.

(2) NOTICE TO TRACT ASSOCIATION.—Not later than 15 days after making the determination under paragraph (1), the Secretary shall provide notice of the determination to the tract association.

(f) NO ADMISSION OF FACT OR RECOMMENDATION.—Neither the fact that arbitration in accordance with this section has occurred, nor the recommendation of the arbitration panel, shall be admissible in any court or administrative proceeding.

(g) COSTS OF ARBITRATION.—

(1) FEES.—

(A) IN GENERAL.—In addition to amounts collected under paragraph (2), the Center may charge a reasonable fee to each party to an arbitration under this Act for the provision of arbitration services.

(B) TRANSFER.—Fees collected under this paragraph shall be transferred to the Secretary for use in the administration of the program without further Act of appropriation.

(2) COST SHARING.—The agency and the tract association shall each pay 50 percent of the costs incurred by the Center in establishing and administering an arbitration in accordance with this section, unless the arbitration panel recommends that either the agency or the tract association bear the entire cost of establishing and administering the arbitration.

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS FOR INITIAL COSTS.—There is authorized to be appropriated to the agency for the initial costs of establishing and administering the program not to exceed $15,000.

(2) ARBITRATION FEES.—Any amounts exceeding the amount authorized by paragraph (1) that are required for the administration of the program shall be derived from arbitration fees charged under subsection (g)(1).

SEC. 12. RIGHT OF APPEAL AND JUDICIAL REVIEW.

(a) RIGHTS OF APPEAL.—Notwithstanding any action of a cabin owner to exercise rights in accordance with section 10 or 11, the Secretary shall by regulation grant the cabin owner the right to an administrative appeal of the determination of a new base cabin user fee.

(b) JUDICIAL REVIEW.—A cabin owner that is adversely affected by a final decision of the Secretary under this Act may commence a civil action in United States district court.

SEC. 13. CONSISTENCY WITH OTHER LAW AND RIGHTS.

(a) CONSISTENCY WITH RIGHTS OF THE UNITED STATES.—Nothing in this Act limits or restricts any right, title, or interest of the United States in or to any land or resource.

(b) SPECIAL RULE FOR ALASKA.—In determining a cabin user fee in the State of Alaska, the Secretary shall not establish or impose a cabin fee or a condition affecting a cabin fee that is inconsistent with the requirements under section 1303(d) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3193(d)).

SEC. 14. REGULATIONS.

Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations to implement this Act.

SEC. 15. TRANSITION PROVISIONS.

(a) IN GENERAL.—On enactment of this Act, the Secretary shall—

(1) suspend appraisal activities related to existing authorizations until new rules, policies, and procedures are promulgated in accordance with this Act; and

(2) temporarily charge an annual cabin user fee for each lot that is—

(A) an amount equal to the cabin user fee for the lot that was in effect on September 30, 1995, adjusted by application of the Implicit Price Deflator–Gross National Product Index, if no appraisal of the lot on which the cabin is located was completed after that date and before the date of enactment of this Act;

(B) an amount that is not more than 100 percent greater than the cabin user fee in effect on September 30, 1995, adjusted by application of the Implicit Price Deflator–Gross National Product Index prior to reappraisal, if an appraisal conducted after that date but before the date of enactment of this Act resulted in the increase; or

(C) the cabin user fee in effect on the date of enactment of this Act, if an appraisal conducted after September 30, 1995, including adjustments resulting from application of the Implicit Price Deflator–Gross National Product Index before the date of enactment of this Act, resulted a base cabin user fee that is not greater than the fee in effect before the appraisal.

(b) CONDUCT OF APPRAISALS UNDER NEW LAW.—On publication of new rules, policies, and procedures under this Act, the Secretary shall carry out any appraisals of lots and determinations of fees that were not completed between September 30, 1995, and the date of enactment of this Act.

(c) REQUEST FOR NEW APPRAISAL UNDER NEW LAW.—Not later than 2 years after the promulgation of final regulations and policies and the development of appraisal guidelines in accordance with section 6(a)(2), a cabin owner whose base cabin user fee was adjusted subject to an appraisal completed after September 30, 1995, but before the date of enactment of this Act, may request that the Secretary conduct a new appraisal and determine a new fee in accordance with this Act.

(d) CONDUCT OF NEW APPRAISAL.—On receiving a request under subsection (c), the Secretary shall conduct, and bear all costs incurred in conducting, a new appraisal and fee determination in accordance with this Act.

(e) ASSUMPTION OF NEW BASE CABIN USER FEE.—In the absence of a request under subsection (c) for a new appraisal and fee determination from a cabin owner whose cabin user fee was determined as a result of an appraisal conducted after September 30, 1995, but before the date of enactment of this Act, the Secretary may consider the base cabin user fee resulting from the appraisal conducted between September 30, 1995, and the date of enactment of this Act to be the base cabin user fee that complies with the transition provisions of this Act.

(f) TRANSITIONAL CABIN USER FEE OBLIGATION.—

(1) IN GENERAL.—In determining the liability of the cabin owner for payment of fees for the period of time between the date of enactment of this Act and the determination of a base cabin user fee in accordance with this Act, the Secretary shall—

(A) require the cabin owner to remit any balance owed for any underpayment of an annual cabin user fee; or

(B) if an overpayment of a cabin user fee has occurred, credit the cabin owner, or an heir or assign of the cabin owner, toward future cabin user fee obligations.

(2) BILLING.—The agency shall bill a cabin owner for amounts determined to be owed under paragraph (1)(A) in approximately equal increments over 3 years.

By Mr. LEAHY (for himself, Mr. BROWNBACK, Mr. FEINGOLD, Mr. KENNEDY, Mr. KERRY, Mr. JEFFORDS, and Mr. LAUTENBERG):

S. 1940. A bill to amend the Immigration and Nationality Act to reaffirm the United States' historic commitment to protecting refugees who are fleeing persecution or torture; to the Committee on the Judiciary.

THE REFUGEE PROTECTION ACT

Mr. LEAHY. Mr. President, today Senators BROWNBACK, FEINGOLD, KENNEDY, KERRY, JEFFORDS, and I are introducing the Refugee Protection Act of 1999, a bill to limit and reform the expedited removal system currently operating in our ports of entry.

In 1996, I introduced an amendment that would have only authorized the use of expedited removal at times of immigration emergencies. The bill I introduce today—with the cosponsorship of two Republican and three Democratic Senators—is modeled on that proposal. That amendment passed the Senate with bipartisan support, but was omitted from the bill that was reported out of a partisan, closed conference. As a result, expedited removal took effect on April 1, 1997. America's historic reputation as a beacon for refugees has suffered as a consequence.

Expedited removal allows INS inspections officers summarily to remove aliens who arrive in the United States without travel documents, or even with facially valid travel documents that the officers merely suspect are fraudulent, unless the aliens utter the magic words "political asylum" upon their first meeting with American immigration authorities. This policy is fundamentally unwise and unfair, both in theory and in practice.

First, this policy ignores the fact that many deserving asylum applicants are forced to travel without papers. For example, victims of repressive governments often find themselves forced to flee their homelands at a moment's notice, without time or means to acquire proper documentation. Or a government may systematically strip refugees of their documentation, as we saw Serb soldiers do in Kosovo earlier this year.

Second, expedited removal places an undue burden on refugees, and places too much authority in the hands of low-level INS officers. Refugees typically arrive at our borders ragged and tired from their ordeals, and often with little or no knowledge of English. Our policy forces them to undergo a secondary inspection interview with a low-level INS officer who can deport them on the spot, subject only to a supervisor's approval. By law, anyone who indicates a fear of persecution or requests asylum during this interview is to be referred for an interview with an asylum officer. But no safeguards exist to guarantee that this happens, and the secondary inspection interviews take place behind closed doors with no witnesses. Indeed, this interview often becomes unduly confrontation and intimidating. As the Lawyers Committee for Human Rights has documented, refugees are detained for as long as 36 hours, are deprived of food and water, and are often shackled. If they are lucky, they will be provided with an interpreter who speaks their language. If they are unlucky, they will receive no interpreter at all, or an interpreter who works for the airline owned by the government that they claim is persecuting them. Such a system is a betrayal of our ideals, and is already producing a human cost.

Indeed, only a few years into this new regime, there are extraordinary troubling stories of bona fide refugees who were turned away unjustly at our borders. I will talk about two such refugees today.

"Dem" (a pseudonym) was a 21-year-old ethnic Albanian student in Kosovo. In October 1998, Serbian police seized him and tortured him for 10 days, accusing him of terrorism and threatening to kill his family. Immediately after this experience, Dem fled Kosovo, without travel documents. He traveled through Albania to Italy, where he purchased a Slovenian passport. In January of this year, he flew via Mexico City to California, hoping to find refuge in the United States.

Dem's hopes were not realized. The INS referred him for a secondary inspection interview and provided for a Serbian translator to participate by telephone. Since Dem could speak only Albanian, the interpreter was useless. Instead of finding an interpreter who could speak Albanian, the INS officers simply closed Dem's case, handcuffed his hands behind his back and put him on a plane back to Mexico City. In other words, Dem—a victim of an ethnic conflict that was already front page news in America's newspapers—was removed from the United States without ever being asked in a language he could understand whether he was afraid to return to Kosovo. Luckily, Dem succeeded in a second attempt to enter the United States, has since been found to have a credible fear of persecution, and is now awaiting an asylum hearing. One can only wonder how many refugees in Dem's position never receive such a second chance.

While Dem was arriving in Los Angeles this January, a Tamil from Sri Lanka named Arumugam Thevakumar arrived at JFK Airport in New York seeking asylum. Mr. Thevakumar had escaped from Sri Lanka and its bloody civil war, but only after being persecuted by the army because he is a Tamil. When he had his secondary inspection interview, he told the interpreter that he was a refugee and sought asylum. The translator laughed and said that he was unable to translate Mr. Thevakumar's request into English. In addition to battling a language barrier and an uncooperative translator, Mr. Thevakumar's ability to convince the INS of his sincerity was further handicapped by the fact that he was handcuffed and shackled for significant portions of the interview.

Following his interview, Mr. Thevakumar was briefly detained and was allowed to telephone a cousin, who arranged for a lawyer. The lawyer contacted the INS to clarify that Mr. Thevakumar wanted to apply for asylum. But the INS sent Mr. Thevakumar back to Istanbul, where his flight to New York had originated, without affording him even the opportunity to show that he was deserving of asylum. Indeed, the INS faulted him for not making his intention to apply for asylum clear during his secondary inspection interview.

Mr. Thevakumar's ordeal did not end there. When he landed in Turkey, he was jailed for four days by immigration officials, who beat and interrogated him before handing him over to regular police. When he was finally released by the police, he was referred to a United Nations office in Ankara, halfway across the country from Istanbul. After 15 days of travel wearing clothes that were completely unsuitable for the Turkish winter, he finally arrived at the U.N. office and requested refugee status and asked not to be sent back to Sri Lanka. He is currently living in a Red Cross facility in Turkey.

These stories—just two of the many stories demonstrating the human cost of expedited removal—go a long way toward showing the inhumanity of the new immigration regime that Congress imposed in 1996. But refugees are not the only people affected by expedited removal. Human rights groups have also documented numerous cases where people traveling to the United States on business, with proper travel documents, have been removed based on the so-called "sixth sense" of a low-level INS officer who suspected that their facially valid documents were fraudulent. In other words, the damage done by expedited removal also threatens the increasingly international American economy—if businesspeople from around the world are treated disrespectfully at our ports of entry, they are likely to take their business elsewhere.

But perhaps the most distressing part of expedited removal is that there is no way for us to know how many deserving refugees have been excluded. Because secondary inspection interviews are conducted in secret, we typically only learn about mistakes when refugees manage to make it back to the U.S. a second time, like Dem, or when they are deported to a third country they passed through on their way to the U.S., like Mr. Thevakumar. This uncertainty should lead us to be especially wary of continuing this failed experiment.

As I said, my bill would limit the use of expedited removal to times of immigration emergencies, defined as the arrival or imminent arrival of aliens that would substantially exceed the INS' ability to control our borders. The bill gives the Attorney General the discretion to declare an emergency migration situation, and the declaration is good for 90 days. During those 90 days, the INS would be authorized to use expedited removal. The Attorney General is given the power to extend the declaration for further periods of 90 days, in consultation with the House and Senate Judiciary Committees.

This framework allows the government to take extraordinary steps when a true immigration emergency threatens our ability to patrol our borders. At the same time, it recognizes that expedited removal is an extraordinary step, and is not an appropriate measure under ordinary circumstances.

This bill also provides safeguards that will ensure that refugees are assured of some due process rights, even during immigration emergencies. First, aliens would be given the right to have an immigration judge review a removal order, and would have the right both to speak before the immigration judge on their own behalf and to be represented at the hearing at their own expense. To make these rights meaningful, immigration officers would be required to inform aliens of their rights before they are removed or withdraw their application to enter the country. This provision takes away from low-level INS officers the unilateral power to remove an alien from the United States.

Second, expedited removal will not apply to aliens who have fled from a country that engages in serious human rights violations. The Attorney General, in consultation with the Assistant Secretary of State for Democracy, Human Rights, and Labor, will develop and maintain a list of such countries. This will help ensure that even during an immigration emergency, we will provide added protection for many of our most vulnerable refugees.

Third, this bill reforms the procedures used to determine whether an applicant who seeks asylum has a credible fear of persecution. If an asylum officer determines that an applicant does not have a credible fear of persecution, the applicant will now have a right to a prompt review by an immigration judge. The applicant will have the right to appear at that review hearing and to be represented, at the applicant's expense. In addition to providing procedural guarantees, the bill also redefines "credible fear of persecution" as a claim for asylum that is not clearly fraudulent and is related to the criteria for granting asylum. In combination, these changes will make it easier for aliens requesting asylum in the United States to receive an appropriate asylum hearing before an immigrant judge.

Fourth, the bill clarifies that the Attorney General is not obligated to detain asylum applicants while their claims are pending. Asylum seekers are not criminals and they do not deserve to be imprisoned or detained against their will. There may be cases where detention is appropriate, and this bill allows for such cases, but I believe that that power should only be used in very rare cases. After all, these applicants have by definition demonstrated a credible fear of persecution. Moreover, detaining asylum applicants imposes a significant burden on the taxpayers, who of course must foot the bill for the detention. This bill also gives the Attorney General the ability to release an asylum applicant from detention pending a final determination of credible fear of persecution.

Finally, this Refugee Protection Act also addresses a few other problems that have arisen under the restrictive immigration laws Congress passed in 1996. First, it gives aliens the opportunity to demonstrate good cause for filing for asylum after the one-year time limit for claims has expired. By definition, worthy asylum applicants have arrived in the United States following traumatic experiences abroad. They often must spend their first months here learning the language and adjusting to a culture that in many cases is extraordinarily different from the one they know. Therefore, although I can understand the desire to have asylum seekers submit timely applications, we must apply the one-year rule with some discretion and common sense. Indeed, when the Senate passed the 1996 immigration law, it contained a broad "good cause" exception that did not survive to become part of the final legislation. The Senate should take up this issue again; we were right in 1996, and the need is still there today.

In a similar vein, the bill allows asylum applicants whose claims have been rejected to submit a second application where they can show good cause. No one wants to allow aliens to submit repeated applications and drain the resources of our INS officers and immigration courts. But there are exceptional cases where a second application is justified, beyond the "changed circumstances" exception that exists under current law. For example, extraordinarily worthy asylum applicants, unfamiliar with the United States and its legal system, might submit an application without the benefit of counsel and without an understanding of the legal requirements of a successful asylum claim. Such people deserve a second chance to demonstrate that they deserve to receive asylum.

In conclusion, I point out that even in 1996, a year in which immigration was as unpopular in this Capitol as I can remember, this body agreed that expedited removal was inappropriate for a country of our ideals and our historic commitment to human rights. And that agreement cut across party lines, as many of my Republican colleagues voted to implement expedited removal only in times of immigration emergencies. I urge them, as well as my fellow Democrats, to support this legislation and to work for its passage before the end of the 106th Congress.

Mr. BROWNBACK. Mr. President, I join my distinguished colleagues from Vermont, Senator LEAHY and Senator JEFFORDS, among others, to introduce this bill entitled The Refugee Protection Act of 1999, which restores fairness to our treatment of refugees who arrive at our shores seeking freedom from persecution and oppression. This bill should dramatically reduce incidences where refugees are wrongly returned to their countries to face imprisonment, torture, and even death.

It was about 400 years when the refugee Pilgrims arrived in this new land seeking religious liberty. Defined by such events since the earliest days of the Republic, America has provided asylum to those fleeing tyranny and seeking liberty. George Washington urged his fellow citizens "to render this country more and more a safe and propitious asylum for the unfortunates of other countries." In his 1801 First Annual Message, President Thomas Jefferson asked, "Shall oppressed humanity find no asylum on this globe?"

In 1996, Congress changed the procedures by which arriving asylum seekers ask for protection in the United States, which our legislation corrects. Previously, arriving asylum seekers presented their claims directly to an immigration judge at an evidentiary hearing. The applicant could present witnesses and documentation to support their claim. Decisions by the immigration judge were subject to administrative and judicial review.

The new 1996 law did away with these fundamental due process protections, and instead, granted lower level INS officers the power to make life and death decisions that previously were entrusted to professional immigration judges. This new, unfortunate system of "expedited removal" presently allows for the immediate deportation of individuals who arrive without valid travel documents, such as a passport and visa. It can even be used against an individual who has a facially valid visa that INS inspectors suspect was obtained under false pretenses. In short, the process is so expedited and summary that it has resulted in the improper deportation of refugees fleeing persecution and torture. Simply put, our legislation restores the pre-1996 due process procedures, including a judicial review.

Last year, Congress addressed the problems of religious persecution which continues to be a serious problem worldwide. Enactment of the International Religious Freedom Act was the first time in the history of democracy that any country had adopted comprehensive, national legislation on religious liberty. That legislation ensures that religious liberty will be an important factor in our nation's foreign policy considerations. In the May 17, 1999 final report to the Secretary of State and to President of the United States, the Advisory Committee on Religious Freedom Abroad said:

> Putting an end to such (religious) persecution cannot be accomplished without providing meaningful protection to the victims of religious persecution. We must upgrade domestic procedures that identify and protect refugees and asylum seekers fleeing religious persecution. We must strengthen our overseas refugee processing mechanisms to reach those in need of rescue. . . And, here at home we must eliminate processes such as "expedited removal" that can make victims of those fleeing religious persecution rather than providing access to protection.

Consistent with this commitment to protect international religious liberty, we must also ensure that persons fleeing religious persecution are not wrongly turned away at our shores because of unfair procedures. This will be accomplished through this Act.

The Refugee Protection Act returns fairness to the system by limiting expedited removal procedures only to emergency situations. An "emergency" must be declared as such by the Attorney General, and typically involves large numbers of immigrants arriving en masse, so as to overwhelm the INS review system. In the event that "expedited removal" is employed, the Act requires an immigration judge to review the summary deportation order. Also, it permits claims for asylum to be filed beyond the one-year deadline created by the 1996 legislation, if there is good cause for the delay or when consideration of the claims is clearly in the interest of justice.

Our refugee asylum system reflects both the best and the worst policies, throughout our history as a nation. In 1939, more than 900 Jews aboard the SS *St. Louis*, who were within sight of Miami, were rejected and forced to return to Europe where they were murdered in concentration camps. Yet when World War II ended, the United States led the effort to establish universally recognized fundamental rights. As a result of this advocacy, the General Assembly of the United Nations adopted the Universal Declaration of Human Rights on December 10, 1948 which recognized a right of asylum.

Over the next 30 years the United States provided refuge to numerous people fleeing communism, including to those involved in 'underground' democracy movements in Hungary, Cuba, and Southeast Asia. Yet it was not until 1980 that Congress enacted a comprehensive asylum system using the criteria of the 1951 Convention Relating to the Status of Refugees. The Convention defines a refugee as someone with a "well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion." Under the procedures of this Refugee Act of 1980, requests for asylum were decided by an immigration judge, thus providing a fundamental due process protection. Notably, this judicial review was stripped in the 1996 legislation, and is a flaw which our legislation seeks to correct.

Fair procedures are critically important in making life or death decisions, as asylum cases can be. At a June 24, 1999 hearing of the Senate Subcommittee on International Operations and Human Rights, Ms. Lavinia Limon, Director of the Office of Refugee Resettlement at the Department of Health and Human Services, noted:

> Once released, torture victims often attempt to flee to countries such as the United States to become invisible and safe, and to survive. But they retain the impact of torture: they are not able to speak of their experiences for fear officials will not believe them or understand them or will regard them as criminals. They often cannot express themselves effectively in asylum interviews because they cannot speak articulately of their experiences and they feel vulnerable to all officials. They have learned to fear government and the police and they do not trust any government officials and authorities to help them. They have been weakened and disabled psychologically from the torture. Many times the victims must flee alone, enduring long periods of separation from their families who might otherwise provide emotional support.

Today the need for proper asylum reviews is greater than ever. Worldwide, religious intolerance and ethnic strife turn religious leaders and ordinary citizens into desperate asylum seekers. According to Amnesty International, government-sanctioned torture is practiced in 125 countries.

This legislation helps those fleeing intolerable injustices in the name of religious freedom and democracy. Placing the decision squarely in the hands of an immigration judge does not impose an unreasonable or impossible burden on the government. Congress should enact the Refugee Protection Act because it restores the fundamental due process protections needed to ensure that legitimate asylum seekers are not wrongly turned away.

Mr. FEINGOLD. Mr. President, I rise today to join my distinguished colleagues, Senators LEAHY, BROWNBACK, and JEFFORDS, to introduce a bill that will reduce the likelihood that people fleeing genuine persecution in their homelands and seeking refuge in America will be unfairly returned to their countries.

Mr. President, as you know, our nation has been built by people who arrived on our shores from all over the world. Immigrants have enriched our nation economically, culturally, and in so many other invaluable ways. I don't think anyone can dispute that, of all the countries in the world, our nation has the deepest, richest commitment to welcoming all people who want to make a new home and a new life.

At the same time, Mr. President, our nation also has a deep tradition of welcoming those who are fleeing oppression in their native land. From the pilgrims who set foot in present day Massachusetts and Virginia, to the Kosovars who fled brutality in their homeland earlier this year, America has been a safe refuge for those fleeing persecution. Our nation's first president, George Washington, said: "America is open to receive not only the opulent and respectable stranger, but the oppressed and persecuted of all nations and religions." George Washington said those words in 1783. One hundred and one years later, France would present our country with a gift, a statue called "Liberty Enlightening the World." In 1884, that title was a profound statement of our nation's past, our present and hope for the future. "Liberty Enlightening the World" later became known as the Statue of Liberty. The Statue of Liberty has these words inscribed on her:

> . . . Give me your tired, your poor,
> Your huddled masses yearning to breathe free,
> The wretched refuse of your teeming shore,
> Send these, the homeless, tempest-tost to me,
> I lift my lamp beside the golden door!

Unfortunately, Mr. President, our current asylum and immigration laws have nearly slammed the door shut on victims of persecution, even those who are sure to suffer if returned to their home countries. Current law originates with the passage in 1996 of the Illegal Immigration Reform and Immigrant Responsibility Act. That law was an attempt to combat illegal immigration. But in the process, Congress denied victims of persecution the protection that our nation historically has offered. The current system provides for the immediate deportation of individuals who arrive without travel documents precisely in order. Now, Mr. President, it's appropriate that we require these documents, but people who have fled torture and great brutality may not have proper documentation because of the circumstances under which they fled their homelands. As a result, genuine victims of persecution face the risk of being turned away at our borders and put on the next plane back to face imprisonment, torture or death. The 1996 law effectively empowers low level INS officers to summarily make the life and death decision as to whether to deport an asylum seeker. Prior to 1996, those decisions were made by an immigration judge. We must return a judicial role to the review of asylum claims.

As my colleagues who were here in 1995 and 1996 may recall, the 1996 law was enacted in reaction to a flurry of concern that our border controls were too lax. The debate on the 1996 law was fueled by legitimate concern over criminals who managed to enter the country and commit acts of terrorism or other crimes. In response, the INS began a sensible tightening of the asylum process. In 1994 and 1995, the INS ceased issuing work authorizations at the border. Instead, asylum seekers had to wait until an adjudication of their case before receiving work authorization. As a result, claims for asylum dropped dramatically—those who were seeking work but did not have a legitimate fear of persecution were no longer claiming asylum. The INS reforms were effective. But the 1996 law went too far. In our rush to keep undesirable asylum applicants out, Congress created a system where those with bona fide asylum claims face the great risk of being immediately deported to face the wrath of oppressive home governments without a real chance to make their case.

Because an INS officer has the authority to deport refugees immediately, with no record keeping requirement, it has been difficult to determine exactly how many genuine refugees with a valid fear of persecution in their home countries have been turned away at our airports and borders as a result of the 1996 law. Organizations like the Lawyers Committee for Human Rights, however, have been able to collect some data on the extent of the problem.

One of the most troubling stories is the case of a 21-year-old Kosovar Albanian known as "Dem." In October 1998, Serb police seized Dem at his home, beat him, and threatened to kill his family. This abuse occurred over a period of ten days. When the Serb police finally released Dem, he fled Kosovo. He eventually made his way to the United States in January of this year, landing in California via Mexico City. When he arrived, the INS arranged for a Serbian translator to assist by telephone with its questioning of Dem. But Dem, a Kosovar Albanian, could not speak Serbian. After the translator spoke with Dem, the translator said something to the INS officer. The INS officer promptly handcuffed and fingerprinted Dem and then put him on a plane back to Mexico City.

Fortunately, Dem was not returned to Kosovo. Dem tried re-entering the United States and on this second attempt, he was allowed to apply for asylum. But the facts supporting Dem's asylum claim had not changed. We must fix a system that produces such arbitrary results where people's lives, and American ideals, are at stake.

We don't know exactly how many victims of real persecution have been immediately deported, and we obviously don't know exactly what has happened to each victim since enactment of the 1996 law. What we do know is that an asylum seeker who is fleeing torture, abuse or death faces the risk of being kicked out of our country, without even obtaining a perfunctory hearing before an immigration judge.

The Refugee Protection Act of 1999 will return fairness and due process to the treatment of asylum seekers. For non-emergency migration situations, the bill would restore the pre-1996 law, when immigration judges were involved in the decision to deport someone who claimed asylum. The current process will continue to apply in emergency migration situations and would designate the Attorney General as the official with authority to determine when an emergency migration situation exists. The bill also would provide that an emergency cannot exist for more than 90 days, unless the Attorney General, after consultation with the Senate and House Judiciary Committees, determines that the emergency situation continues to exist.

Mr. President, this is a sensible bill that allows us to scrutinize those who come to our borders, but honors our best traditions and returns fairness and humanity to our treatment of those who are fleeing persecution. I urge my colleagues to join me and Senators LEAHY, BROWNBACK and JEFFORDS in fighting for basic human dignity, decency and justice. Let us lift the torch of "Liberty Enlightening the World" once again. Let us not reflexively turn away those whose very lives may depend on a fair hearing as they seek refuge in the United States.

By Mr. DODD (for himself and Mr. DEWINE):

S. 1941. A bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards; to the Committee on Commerce, Science, and Transportation.

FIREFIGHTER INVESTMENT AND RESPONSE ENHANCEMENT ACT

• Mr. DODD. Mr. President, I rise today with my colleague and friend, Senator DEWINE of Ohio, to introduce legislation that would represent our nation's first comprehensive commitment to fire safety. The Firefighter Investment and Response Enhancement Act (the FIRE bill), will, for the first time, provide volunteer and professional firefighters with the resources they need to protect the people and property of their towns and cities.

In communities throughout America, firefighters are almost always the first to respond to a call for help. They respond to a fire alarm. They are on the scene of traffic accidents and construction accidents. Emergency medical technicians, who often belong to fire departments, each day answer tens of thousands of calls for medical assistance. And, when a natural or manmade calamity strikes—from hurricanes to school shootings to bombings—firefighters are there without fail, restoring order and saving lives.

Given all that they do, it should surprise no one that, across the Nation, fire departments struggle to find resources to help keep our communities safe. As the demands placed on fire departments have grown in volume and magnitude, the ability of local residents to support them has been put to a severe test. As a result, towns and cities throughout the country are struggling mightily to provide the fire departments with the resources they require.

The FIRE Act will help localities meet that critical objective. It will provide grants to help localities hire more firefighters, train new and existing personnel to handle the volume and intensity of today's tragedies, and purchase badly needed equipment.

This legislation will also provide critical resources to communities to fund fire prevention and education programs so that they can anticipate disasters and respond appropriately. Such programs are critical means of preventing tragedies from occurring in the first place. Eight out of ten fire deaths occur in a place where people feel the safest—their homes. Tragically, our children and the elderly account for a disproportionate number of these deaths. Indeed, preschool children face a risk of death from fire that is more than twice the risk for all age groups combined. While we can and should ensure that the fire equipment and personnel are available to respond to these tragedies, our best defense remains education and prevention. Yet, it is a painful irony that when resources are scarce, education and prevention efforts are often the first to be put on the budgetary chopping block. The legislation Senator DEWINE and I are introducing will help ensure that no locality is put in the painful position of choosing between prevention and responding to emergencies.

This legislation will enable our fire departments to worry more about saving lives and less about finding dollars. It will enable communities to better prevent disasters, and better train firefighters.

I look forward to working with Senator DEWINE to successfully advance this legislation in the Senate. It is our shared hope that our colleagues will come to realize that this bill is one whose time has come. Our Nation's firefighters deserve the support that this bill will provide, and I hope that we will give it to them before the end of this Congress.•

• Mr. DEWINE. Mr. President, each day, we entrust our lives and the safety of our families, friends, and neighbors to the capable hands of the brave men and women in our local police and fire departments. These individuals have decided that they are willing to risk their lives and safety out of a dedication to their citizens and their commitment to public service.

In Congress, we have recognized the dangers inherent in police work by dedicating federal resources to help local police departments. In fact, this year, Fiscal Year (FY) 1999, the federal government spent $11 billion on law enforcement initiatives, such as the COPS program, to help local law enforcement face the daily challenges of their communities. In contrast, though, the federal government spent only $32 million on fire prevention and training.

We ask local firefighters to risk no less than their lives every time they respond to a fire alarm. We ask them to risk their lives responding to the approximately two million reports of fire that they receive on an annual basis. We expect them to be willing to give their lives in exchange for the lives of our families, neighbors, and friends once every 71 seconds while responding to the 400,000 residential fires—fires which represent only about 22% of all fires reported. We count on them to protect our lives and the lives of our loved ones.

I believe the Federal Government needs to show a greater commitment to the fire services. So, today, along with my colleague and friend from Connecticut, Senator DODD, I rise to introduce the Firefighter Investment and Response Enhancement Act—or, FIRE bill. This bill is very simple. It authorizes, over five years, $5 billion in grants to local fire departments. These grants can be used for just about any purpose—training, equipment, hiring more firefighters, or education and prevention programs. A new office, established by this bill under the Federal Emergency Management Agency (FEMA), would be responsible for distributing grants to local departments based on a competitive process, involving needs assessment. To ensure that the funding is not spent solely on brand new state-of-the-art fire trucks, it mandates that no more than 25% of the grant funding can be used to purchase new fire vehicles. Finally, it requires that at least 10% of the funds are used for fire prevention programs.

Our bill is supported by the National Safe Kids Campaign, the International Association of Fire Fighters, International Association of Fire Chiefs, national Volunteer Fire Council, International Association of Arson Investigators, International Society of Fire Service Instructors, and the National Fire Protection Association. It is also a companion measure to legislation introduced in the House by Congressmen PASCRELL and WELDON, where almost 200 members of the House of Representatives have cosponsored it. I am proud to introduce this bill with my friend from Connecticut and look forward to working to ensure that the federal government increases its commitment to the men and women who make up our local fire departments. We owe it to them.●

By Mr. JEFFORDS:

S. 1942. A bill to amend the Older Americans Act of 1965 to establish grant programs to provide State pharmacy assistance programs and medication management programs; to the Committee on Health, Education, Labor, and Pensions.

PHARMACEUTICAL AID FOR OLDER AMERICANS ACT

Mr. JEFFORDS. Mr. President, there has been considerable attention rightfully paid by our colleagues this year to the issue of providing prescription drug coverage for our older American citizens. Estimates of the number of older Americans without some form of added coverage for prescription drugs vary between a low of 16.7 percent to 50 percent. About 7.7 million Medicare beneficiaries with annual incomes below 200 percent of poverty have no prescription drug coverage, despite some evidence indicating they are in poorer health than those beneficiaries with coverage. Those without added coverage for prescription benefits spend approximately 50 percent of their total income on out-of-pocket health care costs, and there are anecdotal reports that some elders forgo taking their prescribed medicines in order to have food to eat. Finally, there are econometric studies that conclude that a $1 increase in pharmaceutical expenditure is associated with a $3.65 reduction in hospital care expenditure.

The problems posed by the lack of prescription drug coverage for the neediest elders is compounded by the well-documented effects of inappropriate drug use among the elderly. In 1995, the General Accounting Office (GAO) found that inappropriate drug use among elders is acute and that elders were particularly susceptible to unintended, adverse drug events (ADEs), due in part to the natural aging process and also to the likelihood that they are taking multiple medications. One study of drug use by the elderly, done by the Vermont Program for Quality in Health Care, found that it was not uncommon for elders to be taking more than a dozen drugs at one time. In fact, the Vermont study actually documented one case in which "a single individual received prescriptions for 71 different drugs in a single year, several of which probably should not have been taken in combination."

The GAO report also cited studies showing that hospitalizations for elderly patients due to ADEs were six times greater than for the general population, with an estimated annual cost of $20 billion. However, a recent Journal of the American Medical Association article indicated that the level of ADEs could be reduced 66 percent, if a pharmacist participated in grand rounds. Clearly, more must be done to recognize the importance of medication management programs that ensure the quality of drug therapy, including patient evaluations, compliance assessments, and drug therapy reviews.

We are all aware that prescription drug costs continue to grow at an alarming rate. Seniors are being forced to spend greater and greater portions of their fixed incomes on prescription drugs which they need to live. Research and development of prescription drugs have come a long way since Medicare was originally enacted in 1965. Today, drugs are just as important as hospital visits, and in many cases more important, and it just doesn't make sense for Medicare to reimburse hospitals for surgery but not to provide coverage for the drugs that might prevent surgery. We need to modernize the Medicare program so that it does not go bankrupt in the next 10 to 15 years, and at the same time we must ensure that any Medicare reform proposal we consider includes a prescription drug benefit that helps all seniors.

Mr. President, I have already introduced two measures that will help our older citizens obtain the medicines they need and at prices they can afford. My first bill, S. 1462, the "Personal Use Prescription Drug Importation Act of 1999," allows Americans of all ages to avail themselves of the lower prices for prescription medicines that are available in Canada. A second measure, S. 1725, the "DrugGap Insurance for Seniors Act of 1999," would provide for a more comprehensive access to prescription drugs by Medicare beneficiaries through reform and modernization of the Medicare Supplemental, Medigap, program. Under this approach, all existing Medigap plans, and three new drug-only Medigap plans, would provide various levels of prescription drug benefits from which seniors could choose. And our neediest elders' needs would be supported through Federal contributions for the cost of their premiums.

During the 1st Session of the 106th Congress, no fewer than eight bills have been introduced in the Senate to provide a prescription drug benefit for Medicare beneficiaries—with most proposals estimated to cost between $5 billion and $40 billion per year. While I'm hopeful that we will all work hard to include a prescription drug benefit for Medicare beneficiaries, I am also concerned that at the end of the Congress we may not be successful. That is why I am introducing a measure today, the "Pharmaceutical Aid to Older Americans Act," which will serve as a backstop for our neediest elders. This program builds on State pharmacy assistance programs that are already in place, and it encourages States to begin them where they don't already exist.

Fifteen States are cutting new and innovative paths for providing prescription drug coverage for their neediest citizens. Most of these programs are for elder citizens (more than half also cover people with disabilities), and cover a wide variety of drugs—though some are limited to certain drugs or conditions, some require cost sharing for prescription medicines, and some have annual enrollment fees or monthly premiums. As of 1997, these programs aided over 700,000 people. The Pharmaceutical Aid to Older Americans Act is designed to assist States in their efforts to provide medicines and appropriate pharmacy counseling benefits for their neediest elders.

This Act will strengthen the Older Americans Act by authorizing two discretionary grant programs, subject to appropriations, to fund State-based pharmaceutical assistance and medication management programs. Under this measure, States would develop models that work best for them and would have the latitude to design and implement innovative approaches for providing benefits to their neediest elders. States awarded grant money would agree to: match Federal funds with 30 percent new or existing State funds or in-kind contributions and not supplant current State expenditures with Federal funds. In-kind contributions counting toward the match requirement could include assistance from pharmaceutical companies and organization- and community-based pharmacies, thereby making this approach a truly public-private partnership.

Each application for pharmaceutical assistance funds must include a medication management program that ensures the quality of drug therapies through patient evaluations, compliance assessments, and drug therapy reviews. Federal funds could be used to provide drug coverage benefits only to eligible beneficiaries, defined as Medicare beneficiaries with incomes up to 200 percent of poverty but without any other coverage for prescription drug benefits (States could expand eligibility with State resources). All senior citizens could utilize the medication management portion of the program.

This is not government control of drug prices or price-fixing. The States can purchase pharmaceuticals from any willing seller, including pharmaceutical manufacturers, pharmaceutical distributors, wholesalers, pharmacy benefit management firms (PBMs), and chain or local pharmacies, without any Federal requirement for wholesale prices or Medicaid-based rebates. In some instances, it's likely that States may be able to negotiate better purchasing prices than any of those set by some artificial, imposed ceiling. Finally, for those States that choose not to provide pharmaceutical benefits, the Act authorizes grants to States to create or support stand-alone Medication Management Programs that will involve the States in collaborative efforts with community, chain-based, and institutional pharmacists to implement medication management programs.

As I mentioned earlier, Mr. President, I am fully committed to providing a prescription benefit for all our elders as we move forward on comprehensive reform of the Medicare program. I am equally committed to seeing that the Older Americans Act is reauthorized this Congress, and I will work diligently to get these jobs accomplished. However, if the latter effort succeeds and the former doesn't, then the Pharmaceutical Assistance for Older Americans Act will be in place to provide much-needed medicines for our neediest elders. I'm very pleased Mr. President, that this measure has received endorsement of two of the key advocacy organizations associated with the Older Americans Act, the National Association of Area Agencies on Aging and the National Association of State Units on Aging. Note that these guardians of the aged support this measure, like me, if and only if we are unsuccessful in passing a prescription drug benefit for the Medicare program.

Mr. President, I ask unanimous consent that the bill and the text of these letters and this measure be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1942

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pharmaceutical Aid to Older Americans Act".

SEC. 2. AMENDMENT TO OLDER AMERICANS ACT OF 1965.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034 et seq.) is amended by adding at the end the following:

"SEC. 429K. GRANTS FOR STATE PHARMACY ASSISTANCE PROGRAMS.

"(a) PROGRAM AUTHORIZED.—The Assistant Secretary may award grants to States to provide and administer State pharmacy assistance programs.

"(b) PREFERENCE.—In awarding grants under subsection (a), the Assistant Secretary shall give preference to States that propose to develop and implement State pharmacy assistance programs, or to provide assistance to State pharmacy assistance programs in existence on the date of enactment of this section, that provide services for underserved populations or for populations residing in rural areas.

"(c) USE OF FUNDS.—A State that receives a grant under subsection (a) shall use funds made available through the grant to—

"(1) develop and implement a State pharmacy assistance program, or to provide assistance to a State pharmacy assistance program in existence on the date of enactment of this section; and

"(2) prepare and submit an evaluation to the Assistant Secretary on the implementation of, or provision of, or assistance to a program described in paragraph (1).

"(d) APPLICATION.—To be eligible to receive a grant under subsection (a), a State shall submit to the Assistant Secretary an application at such time, in such manner, and containing such information as the Assistant Secretary may require, including—

"(1) a description of a State pharmacy assistance program that such State plans to develop and implement, including information on the anticipated number of individuals to be served, eligibility criteria of individuals to be served, such as the age and income level of such individuals, drugs to be covered by the program, and performance measures to be used to evaluate the program; or

"(2) a description of a State pharmacy assistance program in existence on the date of enactment of this section that such State plans to assist with funds received under subsection (a), including information on the number of individuals served, eligibility criteria of individuals served, such as the age and income level of such individuals, drugs covered by the program, and performance measures used to evaluate the program.

"(e) MINIMUM AMOUNT.—In awarding grants under subsection (a), from the amount appropriated under subsection (l)(1) for each fiscal year, the Assistant Secretary shall award, to each eligible State, an amount that is not less than $250,000.

"(f) DURATION OF GRANT.—In awarding grants under subsection (a), the Assistant Secretary shall award such grants for periods of 2 years.

"(g) MATCHING REQUIREMENT.—The Assistant Secretary shall not award a grant to a State under subsection (a) unless that State agrees that, with respect to the costs to be incurred by the State in carrying out the program for which the grant was awarded, the State will make available (directly or through donations from public or private entities) non-Federal contributions in an amount that is not less than 30 percent of Federal funds provided under the grant.

"(h) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, any other Federal, State, or local funds expended by a State to provide the services for programs described in this section.

"(i) EVALUATIONS AND REPORT.—

"(1) PROGRAM EVALUATIONS.—Not later than 6 months after the end of the period for which the grant is awarded under subsection (a), the State shall prepare an evaluation of the effectiveness of programs carried out with funds received under this section. Not later than 6 months after the end of such period, the State shall submit to the Assistant Secretary a report containing the results of the evaluation, in such form and containing such information as the Assistant Secretary may require.

"(2) REPORT TO CONGRESS.—Not later than 36 months after the date of enactment of this section, the Assistant Secretary shall prepare and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report that describes the effectiveness of the programs carried out with funds received under this section.

"(j) SUNSET PROVISION.—This section shall not apply beginning on the date of enactment of legislation that provides comprehensive health care coverage for prescription drugs under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) for all medicare beneficiaries.

"(k) DEFINITIONS.—In this section:

"(1) MEDICATION MANAGEMENT.—The term 'medication management program' means a program of services for older individuals, including pharmacy counseling, medicine screening, or patient and health care provider education programs, that—

"(A) provides information and counseling on the prescription drug purchases that are currently the most economical, and safe and effective;

"(B) provides services to minimize unnecessary or inappropriate use of prescription drugs; and

"(C) provides services to minimize adverse events due to unintended prescription drug-to-drug interactions.

"(2) STATE PHARMACY ASSISTANCE PROGRAMS.—The term 'State pharmacy assistance program' means a program that provides coverage for prescription drugs and medication management programs for individuals who—

"(A) are not less than 65 years of age;

"(B) are not eligible for medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

"(C) are from families with incomes at or below 200 percent of the poverty line; and

"(D) have no coverage for prescription drugs other than coverage provided by a State pharmacy assistance program.

"(l) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, $25,000,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 through 2005.

"(2) RESERVATION.—From the amount appropriated under paragraph (1), for each fiscal year, the Assistant Secretary shall reserve not less than 33.3 percent of such amount to enable States to assist State pharmacy assistance programs in existence on the date of enactment of this section.

"SEC. 429L. GRANTS FOR MEDICATION MANAGEMENT PROGRAMS.

"(a) PROGRAM AUTHORIZED.—The Assistant Secretary may award grants to State agencies to assist such agencies or area agencies on aging in providing and administering medication management programs.

"(b) USE OF FUNDS.—A State agency or area agency on aging that receives funds through a grant awarded under subsection (a) shall use such funds to—

"(1) develop and implement a medication management program, or to provide assistance to a medication management program in existence on the date of enactment of this section; and

"(2) prepare an evaluation on the implementation of or provision of assistance to a program described in paragraph (1), and, in the case of an area agency on aging, submit the evaluation to the appropriate State agency.

"(c) APPLICATION.—To be eligible to receive a grant under subsection (a), a State agency shall submit to the Assistant Secretary an application at such time, in such manner, and containing such information as the Assistant Secretary may require.

"(d) MINIMUM AMOUNT.—In awarding grants under subsection (a), from the amount appropriated under subsection (j) for each fiscal year, the Assistant Secretary shall award, to each eligible State agency, an amount that is not less than $50,000.

"(e) DURATION OF GRANT.—In awarding grants under subsection (a), the Assistant Secretary shall award such grants for a period of 2 years.

"(f) MATCHING REQUIREMENT.—The Assistant Secretary shall not award a grant to a State agency under subsection (a) unless that State agency agrees that, with respect to the costs to be incurred in carrying out programs for which the grant was awarded, the State agency will make available (directly or through donations from public or private entities) non-Federal contributions in an amount that is not less than 30 percent of Federal funds provided under the grant.

"(g) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, any other Federal, State, or local funds expended by a State agency or area agency on aging to provide the services for programs described in this section.

"(h) REPORTS.—

"(1) REPORT TO ASSISTANT SECRETARY.—Not later than 24 months after receipt of a grant under subsection (a), a State agency shall prepare and submit to the Assistant Secretary a report on the medication management programs carried out by the State agency or area agencies on aging in the State in such form and containing such information as the Assistant Secretary may require, including an analysis of the effectiveness of the programs. Such report shall in part be based on evaluations submitted under subsection (b)(2).

"(2) REPORT TO CONGRESS.—Not later than 36 months after grants have been awarded under subsection (a), the Assistant Secretary shall prepare and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report that describes the effectiveness of the programs carried out with funds received under this section.

"(i) MEDICATION MANAGEMENT PROGRAMS.—In this section, the term 'medication management program' means a program of services for older individuals, including pharmacy counseling, medicine screening, or patient and health care provider education programs, that—

"(1) provides information and counseling on the prescription drug purchases that are currently the most economical, and safe and effective;

"(2) provides services to minimize unnecessary or inappropriate use of prescription drugs; and

"(3) provides services to minimize adverse events due to unintended prescription drug-to-drug interactions.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $15,000,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 through 2005.".

NATIONAL ASSOCIATION OF
AREA AGENCIES ON AGING,
Washington, DC, November 9, 1999.
Hon. JAMES JEFFORDS,
Chair, Committee on Health, Education, Labor & Pensions, U.S. Senate, Washington, DC.

DEAR SENATOR JEFFORDS: The National Association of Area Agencies on Aging (N4A) is pleased that you are introducing the Pharmaceutical Aid to Older Americans Act. We believe implementation of this Act could be an ideal interim measure until a Medicare prescription drug benefit is enacted.

As you know, a fast-growing aging population coupled with escalating pharmaceutical costs makes the lack of prescription drug coverage one of the most pressing problems facing our nation's older Americans. The proposed State Pharmacy Assistance Program would allow states with existing benefit programs to expand services and provide a strong incentive for other states to implement a prescription drug program.

Your legislative measure also goes far in addressing drug misuse, which is another escalating and dangerous problem. The proposed Medication Management Program would provide states with a financial base to implement a statewide information, education and counseling program that would significantly benefit the health and welfare of older adults.

While N4A supports your proposal in concept, we have some specific questions about the implementation of these programs and concerns about the roles and responsibilities of Area Agencies on Aging (AAAs) and Title IV Native American grantees. We welcome the opportunity to meet with you in the near future to address these concerns.

Again, we applaud your efforts and look forward to working with you next session as you further define the proposal and shepherd it through the legislative process.

Sincerely,

JANICE JACKSON,
Executive Director.

NATIONAL ASSOCIATION OF
STATE UNITS ON AGING,
Washington, DC, November 10, 1999.
SEAN DONOHUE,
U.S. Senate, Committee on Health, Education, Labor, and Pensions, Washington, DC.

DEAR SEAN: Dan Quirk and I reviewed the draft you sent last week outlining Senator Jeffords' proposed Pharmaceutical Aid to Older Americans Act. Overall, the proposal to provide grants to states to support the development or expansion of pharmaceutical assistance programs and medication management programs is a good one, and using the existing infrastructure of the Older Americans Act makes good sense. The aging network is well suited to develop and administer these types of programs. Your proposal was well developed and thoughtful.

Both programs would provide valuable assistance to older people who do not have any other prescription drug coverage available. The requirement for a 30-percent state match seems high, but allowing contributions to be "in-kind" will help states in that regard. The income eligibility level of 200-percent of the federal poverty level may conflict with the eligibility levels set by states in existing programs, though I haven't done an analysis of this yet. As with other programs under the Older Americans Act, if state-funded programs already exist that provide the same services, and eligibility or cost sharing requirements are at odds with the federal program, it requires states essentially to manage two different funding streams for the same program or set of services. As always, giving states the flexibility to blend federal funds with state funds to develop one program would decrease administrative expenses for the states and allow the money saved to be used for direct services.

NASUA continues to support overall reform of the Medicare program that would provide a comprehensive prescription drug benefit to beneficiaries. In the meantime, state-funded programs that are being developed and which would be supported under this proposal continue to fill in the gaps for people with no coverage for prescription drugs. This proposal would strengthen the existing infrastructure, and perhaps could serve to support a prescription program under Medicare whenever it may be implemented in the future.

We hope this proposal will generate some further interest in reauthorizing the Older Americans Act as soon as possible, hopefully before the end of the 106th Congress. We were very disappointed that reauthorization was stalled over long-standing disagreements over the Title V program.

If there is anything NASUA can do to support Senator Jeffords proposal and reauthorization, please let me know.

Thanks for the opportunity to review the Pharmaceutical Aid to Older Americans Act.

Sincerely,

KATHLEEN C. KONKA,
Policy Associate.

By Mrs. MURRAY:

S. 1943. A bill to provide for an inexpensive book distribution program; to the Committee on Health, Education, Labor, and Pensions.

FIRST BOOK DISTRIBUTION PROGRAM ACT

● Mrs. MURRAY. Mr. President, today I introduce legislation on another topic I will be discussing with Chairman JEFFORDS as we move forward with reauthorization of the Elementary and Secondary Education Act in the Senate Health, Education, Labor, and Pensions Committee.

I am introducing legislation today to fund an innovative book distribution program targeted at giving low-income students their own "first book."

The "First Book" program is a nonprofit private organization that has been tremendously successful gathering and distibuting new children's books to needy children throughout the nation. Key to the success of "First Book" are local boards called "First Book Local Advisory Boards." Under my legislation, which would provide $5 million a year federal investment to such boards, will help them leverage millions more in funds from other sources. "First Book" has been successful because it is locally-driven, and reflects private industry initiative. "First Book" provides new books, which the program purchases from publishers at discount rates, to disadvantaged children and families primarily through tutoring, mentoring, and family literacy programs.

This bill builds on successful efforts underway in communities across the country. It takes what has been a successful but very targeted program, and will increase its reach and effect into many more American communities. "First Book" makes a very real difference for disadvantaged children and their families, and with this investment, it will make a difference for thousands more.●

By Mrs. MURRAY:

S. 1944. A bill to provide national challenge grants for innovation in the education of homeless children and youth; to the Committee on Health, Education, Labor, and Pensions.

STUART MC KINNEY HOMELESS EDUCATION IMPROVEMENT ACT

● Mrs. MURRAY. Mr. President, today I introduce legislation on another topic I will be discussing with Chairman JEFFORDS as we move forward with reauthorization of the Elementary and Secondary Education Act in the Senate Health, Education, Labor, and Pensions Committee.

The bill deals with an improvement I hope we can make in the Stuart McKinney Homeless Education program. While the McKinney program is relatively small, my hope is that we can greatly improve its effectiveness by recognizing and funding innovative approaches for serving homeless students.

Chairman JEFFORDS and others have recognized that keeping a homeless child in their school district of origin is vital to their success. Children, especially homeless children, need continuity in their lives. Yet as a nation, we have not yet focused on funding the innovative practices that will show how this can be done and done effectively.

In addition, there are chronic problems facing homeless children, such as the problems of trying to reach out to unaccompanied homeless youth, those young people who do not have parents or guardians with them in their homeless situation. Homeless preschoolers present another whole range of issues that many schools struggle to overcome.

My legislation will provide $2 million each year in national competitive challenge grants for innovation in the education of homeless children and youth. We follow this same approach in education technology and other areas, and challenge grants are remarkably successful in sparking innovation and dissemination of new methods of instruction.

Homeless students face many challenges, and schools face challenges in serving them. Creating a small challenge grant for homeless education is one necessary step we can take to help schools help these students succeed and achieve.●

By Mr. LOTT:

S. 1948. A bill to amend the provisions of title 17, United States Code, and the Communications Act of 1934, relating to copyright licensing and carriage of broadcast signals by satellite; to the Committee on the Judiciary.

INTELLECTUAL PROPERTY AND COMMUNICATIONS OMNIBUS REFORM ACT OF 1999

Mr. LOTT: Mr. President, I ask unanimous consent that the following section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1948—SECTION-BY-SECTION ANALYSIS

Section 1. Short Title. This Act may be cited as the "Intellectual Property and Communications Omnibus Reform Act of 1999."

TITLE I—SATELLITE HOME VIEWER IMPROVEMENT ACT OF 1999

When Congress passed the Satellite Home Viewer Act in 1988, few Americans were familiar with satellite television. They typically resided in rural areas of the country where the only means of receiving television programming was through use of a large, backyard C-band satellite dish. Congress recognized the importance of providing these people with access to broadcast programming, and created a compulsory copyright license in the Satellite Home Viewer Act that enabled satellite carriers to easily license the copyrights to the broadcast programming that they retransmitted to their subscribers.

The 1988 Act fostered a boom in the satellite television industry. Coupled with the development of high-powered satellite service, or DSS, which delivers programming to a satellite dish as small as 18 inches in diameter, the satellite industry now serves homes nationwide with a wide range of high quality programming. Satellite is no longer primarily a rural service, for it offers an attractive alternative to other providers of multichannel video programming; in particular, cable television. Because satellite can provide direct competition with the cable industry, it is in the public interest to ensure that satellite operates under a copyright framework that permits it to be an effective competitor.

The compulsory copyright license created by the 1988 Act was limited to a five year period to enable Congress to consider its effectiveness and renew it where necessary. The license was renewed in 1994 for an additional five years, and amendments made that were intended to increase the enforcement of the network territorial restrictions of the compulsory license. Two-year transitional provisions were created to enable local network broadcasters to challenge satellite subscribers' receipt of satellite network service where the local network broadcaster had reason to believe that these subscribers received an adequate off-the-air signal from the broadcaster. The transitional provisions were minimally effective and caused much consumer confusion and anger regarding receipt of television network stations.

The satellite license is slated to expire at the end of this year, requiring Congress to again consider the copyright licensing regime for satellite retransmissions of over-the-air television broadcast stations. In passing this legislation, the Conference Committee was guided by several principles. First, the Conference Committee believes that promotion of competition in the marketplace for delivery of multichannel video programming is an effective policy to reduce costs to consumers. To that end, it is important that the satellite industry be afforded a statutory scheme for licensing television broadcast programming similar to that of the cable industry. At the same time, the practical differences between the two industries must be recognized and accounted for.

Second, the Conference Committee reasserts the importance of protecting and fostering the system of television networks as they relate to the concept of localism. It is well recognized that television broadcast stations provide valuable programming tailored to local needs, such as news, weather, special announcements and information related to local activities. To that end, the Committee has structured the copyright licensing regime for satellite to encourage and promote retransmissions by satellite of local television broadcast stations to subscribers who reside in the local markets of those stations.

Third, perhaps most importantly, the Conference Committee is aware that in creating compulsory licenses, it is acting in derogation of the exclusive property rights granted by the Copyright Act to copyright holders, and that it therefore needs to act as narrowly as possible to minimize the effects of the government's intrusion on the broader market in which the affected property rights and industries operate. In this context, the broadcast television market has developed in such a way that copyright licensing practices in this area take into account the national network structure, which grants exclusive territorial rights to programming in a local market to local stations either directly or through affiliation agreements. The licenses granted in this legislation attempt to hew as closely to those arrangements as possible. For example, these arrangements are mirrored in the section 122 "local-to-local" license, which grants satellite carriers the right to retransmit local stations within the station's local market, and does not require a separate copyright payment because the works have already been licensed and paid for with respect to viewers in those local markets. By contrast, allowing the importation of distant or out-of-market network stations in derogation of the local stations' exclusive right—bought and paid for in market-negotiated arrangements—to show the works in question undermines those market arrangements. Therefore, the specific goal of the 119 license, which is to allow for a life-line network television service to those homes beyond the reach of their local television stations, must be met by only allowing distant network service to those homes which cannot receive the local network television stations. Hence, the "unserved household" limitation that has been in the license since its inception. The Committee is mindful and respectful of the interrelationship between the communications policy of "localism" outlined above and property rights considerations in copyright law, and seeks a proper balance between the two.

Finally, although the legislation promotes satellite retransmissions of local stations, the Conference Committee recognizes the continued need to monitor the effects of distant signal importation by satellite. To that end, the compulsory license for retransmission of distant signals is extended for a period of five years, to afford Congress the opportunity to evaluate the effectiveness and continuing need for that license at the end of the five-year period.

Section 1001. Short Title

This title may be cited as the "Satellite Home Viewer Improvement Act."

Section 1002. Limitations on Exclusive Rights; Secondary Transmissions by Satellite Carriers Within Local Markets

The House and the Senate provisions were in most respects highly similar. The conference substitute generally follows the House approach, with the differences described here.

Section 1002 of this Act creates a new statutory license, with no sunset provision, as a new section 122 of the Copyright Act of 1976. The new license authorizes the retransmission of television broadcast stations by satellite carriers to subscribers located within the local markets of those stations.

Creation of a new statutory license for retransmission of local signals is necessary because the current section 119 license is limited to the retransmission of distance signals by satellite. The section 122 license allows satellite carriers for the first time to provide their subscribers with the television signals they want most: their local stations: A carrier may retransmit the signal of a network station (or superstation) to all subscribers who reside within the local market of that station, without regard to whether the subscriber resides in an "unserved household." The term "local market" is defined in Section 119(j)(2), and generally refers to a station's Designated Market Area as defined by Nielsen.

Because the section 122 license is permanent, subscribers may obtain their local television stations without fear that their local broadcast service may be turned off at a future date. In addition, satellite carriers may deliver local stations to commercial establishments as well as homes, as the cable industry does under its license. These amendments create parity and enhanced competition between the satellite and cable industries in the provision of local television broadcast stations.

For a satellite carrier to be eligible for this license, this Act, following the House approach, provides both in new section 122(a) and in new section 122(d) that a carrier may use the new local-to-local license only if it is in full compliance with all applicable rules and regulations of the Federal Communications Commission, including any requirements that the Commission may adopt by regulation concerning carriage of stations or programming exclusivity. These provisions are modeled on similar provisions in section 111, the terrestrial compulsory license. Failure to fully comply with Commission rules with respect to retransmission of one or more stations in the local market precludes the carrier from making use of the section 122 license. Put another way, the statutory license overrides the normal copyright scheme only to the extent that carriers strictly comply with the limits Congress has put on that license.

Because terrestrial systems, such as cable, as a general rule do not pay any copyright royalty for local retransmissions of broadcast stations, the section 122 license does not require payment of any copyright royalty by satellite carriers for transmissions made in compliance with the requirements of section 122. By contrast, the section 119 statutory license for distant signals does require payment of royalties. In addition, the section 122 statutory license contains no "unserved household" limitation, while the section 119 license does contain that limitation.

Satellite carriers are liable for copyright infringement, and subject to the full remedies of the Copyright Act, if they violate one or more of the following requirements of the section 122 license. First, satellite carriers may not in any way willfully alter the programming contained on a local broadcast station.

Second, satellite carriers may not use the section 122 license to retransmit a television broadcast station to a subscriber located outside the local market of the station. Retransmission of a station to a subscriber located outside the station's local market is covered by section 119, and is permitted only when all conditions of that license are satisfied. Accordingly, satellite carriers are required to provide local broadcasters with accurate lists of the street addresses of their local-to-local subscribers so that broadcasters may verify that satellite carriers are making proper use of the license. The subscriber information supplied to broadcasters is for verification purposes only, and may not be used by broadcasters for any other reason. Any knowing provision of false information by a satellite carrier would, under section 122(d), bar use of the Section 122 license by the carrier engaging in such practices. The section 122 license contains remedial provisions parallel to those of Section 119, including a "pattern or practice" provision that requires termination of the Section 122 statutory license as to a particular satellite carrier if it engages in certain abuses of the license.

Under this provision, just as in the statutory licenses codified in sections 111 and 119, a violation may be proven by showing willful activity, or simple delivery of the secondary transmission over a certain period of time. In addition to termination of service on a nationwide or local or regional basis, statutory damages are available up to $250,000 for each 6-month period during which the pattern or practice of violations was carried out. Satellite carriers have the burden of proving that they are not improperly making use of the section 122 license to serve subscribers outside the local markets of the television broadcast stations they are providing. The penalties created under this section parallel those under Section 119, and are to deter satellite carriers from providing signals to subscribers in violation of the licenses.

The section 122 license is limited in geographic scope to service to locations in the United States, including any commonwealth, territory or possession of the United States. In addition, section 122(j) makes clear that local retransmission of television broadcast stations to subscribers is governed solely by the section 122 license, and that no provision of the section 111 cable compulsory license should be interpreted to allow satellite carriers to make local retransmissions of television broadcast stations under that license. Likewise, no provision of the section 119 license (or any other law) should be interpreted as authorizing local-to-local retransmissions. As with all statutory licenses, these explicit limitations are consistent with the general rule that, because statutory licenses are in derogation of the exclusive rights granted under the Copyright Act, they should be interpreted narrowly.

Section 1002(a) of this Act contains new standing provisions. Adopting the approach of the House bill, section 122(f)(1) of the Copyright Act is parallel to section 119(e), and ensures that local stations, in addition to any other parties that qualify under other standing provisions of the Act, will have the ability to sue for violations of section 122. New section 122(f)(2) of the Copyright Act enables a local television station that is not being carried by a satellite carrier in violation of the license to file a copyright infringement lawsuit in federal court to enforce its rights.

Section 1003. Extension of Effect of Amendments to Section 119 of Title 17, United States Code

As in both the House bill and the Senate amendment, this Act extends the section 119 satellite statutory license for a period of five years by changing the expiration date of the legislation from December 31, 1999, to December 31, 2004. The procedural and remedial provisions of section 119, which have already been interpreted by the courts, are being extended without change. Should the section 119 license be allowed to expire in 2004, it shall do so at midnight on December 31, 2004, so that the license will cover the entire second accounting period of 2004.

The advent of digital terrestrial broadcasting will necessitate additional review and reform of the distant signal statutory license. And responsibility to oversee the development of the nascent local station satellite service may also require for review of the distant signal statutory license in the future. For each of these reasons, this Act establishes a period for review in 5 years.

Although the section 119 regime is largely being extended in its current form, certain sections of the Act may have a near-term effect on pending copyright infringement lawsuits brought by broadcasters against satellite carriers. These changes are prospective only; Congress does not intend to change the legality of any conduct that occurred prior to the date of enactment. Congress does intend, however, to benefit consumers where possible and consistent with existing copyright law and principles.

This Act attempts to strike a balance among a variety of public policy goals. While increasing the number of potential subscribers to distant network signals, this Act clarifies that satellite carriers may carry up to, but no more than, two stations affiliated with the same network. The original purpose of the Satellite Home Viewer Act was to ensure that all Americans could receive network programming and other television services provided they could not receive those services over-the-air or in any other way. This bill reflects the desire of the Conference to meet this requirement and consumers' expectations to receive the traditional level of satellite service that has built up over the years, while avoiding an erosion of the programming market affected by the statutory licenses.

Section 1004. Computation of Royalty Fees for Satellite Carriers

Like both the House bill and the Senate amendment, this Act reduces the royalty fees currently paid by satellite carriers for the retransmission of network and superstations by 45 percent and 30 percent, respectively. These are reductions of the 27–cent royalty fees made effective by the Librarian of Congress on January 1, 1998. The reductions take effect on July 1, 1999, which is the beginning of the second accounting period for 1999, and apply to all accounting periods for the five-year extension of the section 119 license. The Committee has drafted this provision such that, if the section 119 license is renewed after 2004, the 45 percent and 30 percent reductions of the 27–cent fee will remain in effect, unless altered by legislative amendment.

In addition, section 119(c) of title 17, United States Code, is amended to clarify that in royalty distribution proceedings conducted under section 802 of the Copyright Act, the Public Broadcasting Service may act as agent for all public television copyright claimants and all Public Broadcasting Service member stations.

Section 1005. Distant Signal Eligibility for Consumers

The Senate bill contained provisions retaining the existing Grade B intensity standard in the definition of "unserved household." The House agreed to the Senate provisions with amendments, which extend the "unserved household" definition of section 119 of title 17 intact in certain respects and amend it in other respects. Consistent with the approach of the Senate amendment, the central feature of the existing definition of "unserved household"—inability to receive, through use of a conventional outdoor rooftop receiving antenna, a signal of Grade B intensity from a primary network station—remains intact. The legislation directs the FCC, however, to examine the definition of "Grade B intensity," reflecting the dBu levels long set by the Federal Communications Commission in 47 C.F.R. §73.683(a), and issue a rulemaking within 6 months after enactment to evaluate the standard and, if appropriate, make recommendations to Congress about how to modify the analog standard, and make a further recommendation about what an appropriate standard would be for digital signals. In this fashion, the Congress will have the best input and recommendations from the Commission, allowing the Commission wide latitude in its inquiry and recommendations, but reserve for itself the final decision-making authority over the scope of the copyright licenses in question, in light of all relevant factors.

The amended definition of "unserved household" makes other consumer-friendly changes. It will eliminate the requirement that a cable subscriber wait 90 days to be eligible for satellite delivery of distant network signals. After enactment, cable subscribers will be eligible to receive distant network signals by satellite, upon choosing to do so, if they satisfy the other requirements of section 119.

In addition, this Act adds three new categories to the definition of "unserved household" in section 119(d)(10): (a) certain subscribers to network programming who are not predicted to receive a signal of Grade A intensity from any station of the relevant network, (b) operators of recreational vehicles and commercial trucks who have complied with certain documentation requirements, and (c) certain C-band subscribers to network programming. This Act also confirms in new section 119(d)(10)(B) what has long been understood by the parties and accepted by the courts, namely that a subscriber may receive distant network service if all network stations affiliated with the relevant network that are predicted to serve that subscriber give their written consent.

Section 1005(a)(2) of the bill creates a new section 119(a)(2)(B)(i) of the Copyright Act to prohibit a satellite carrier from delivering more than two distant TV stations affiliated with a single network in a single day to a particular customer. This clarifies that a satellite carrier provides a signal of a television station throughout the broadcast day, rather than switching between stations throughout a day to pick the best programming among different signals.

Section 1005(a)(2) of this Act creates a new section 119(a)(2)(B)(ii)(I) of the Copyright Act to confirm that courts should rely on the FCC's ILLR model to presumptively determine whether a household is capable of receiving a signal of Grade B intensity. The conferees understand that the parties to copyright infringement litigation under the Satellite Home Viewer Act have agreed on detailed procedures for implementing the current version of ILLR, and nothing in this Act requires any change in those procedures. In the future, when the FCC amends the ILLR model to make it more accurate pursuant to section 339(c)(3) of the Communications Act of 1934, the amended model should be used in place of the current version of ILLR. The new language also confirms in new section 119(a)(2)(B)(ii)(II) that the ultimate determination of eligibility to receive network signals shall be a signal intensity test pursuant to 47 C.F.R. §73.686(d), as reflected in new section 339(c)(5) of the Communications Act of 1934. Again, the conferees understand that existing Satellite Home Viewer Act court orders already incorporate this FCC-approved measurement method, and nothing in this Act requires any change in such orders. Such a signal intensity test may be conducted by any party to resolve a customer's eligibility in litigation under section 119.

Section 1005(a)(2) of this Act creates a new section 119(a)(2)(B)(iii) of the Copyright Act to permit continued delivery by means of C-band transmissions of network stations to C-band dish owners who received signals of the pertinent network on October 31, 1999, or were recently required to have such service terminated pursuant to court orders or settlements under section 119. This provision does not authorize satellite delivery of network stations to such persons by any technology other than C-band.

Section 1005(b) also adds a new provision (E) to section 119(a)(5). The purpose of this provision is to allow certain longstanding superstations to continue to be delivered to satellite customers without regard to the "unserved household" limitation, even if the station now technically qualifies as a "network station" under the 15-hour-per-week definition of the Act. This exception will cease to apply if such a station in the future becomes affiliated with one of the four networks (ABC, CBS, Fox, and NBC) that qualified as networks as of January 1, 1995.

Section 1005(c) of this Act adds a new section 119(e) of the Copyright Act. This provision contains a moratorium on terminations of network stations to certain otherwise ineligible recent subscribers to network programming whose service has been (or soon would have been) terminated and allows them to continue to be eligible for distant signal services. The subscribers affected are those predicted by the current version of the ILLR model to receive a signal of less than Grade A intensity from any network station of the relevant network defined in section 73.683(a) of Commission regulations (47 C.F.R. 73.683(a)) as in effect January 1, 1999. As the statutory language reflects, recent court orders and settlements between the satellite and broadcasting industries have required (or will in the near future require) significant numbers of terminations of network stations to ineligible subscribers in this category. Although the conferees strongly condemn lawbreaking by satellite carriers, and intend for satellite carriers to be subject to all other available legal remedies for any infringements in which the carriers have engaged, the conferees have concluded that the public interest will be served by the grandfathering of this limited category of subscribers whose service would otherwise be terminated.

The decision by the conferees to direct this limited grandfathering should not be understood as condoning unlawful conduct by satellite carriers, but rather reflects the concern of the conference for those subscribers who would otherwise be punished for the actions of the satellite carriers. Note that in the previous 18 months, court decisions have required the termination of some distant network signals to some subscribers. However, the Conferees are aware that in some cases satellite carriers terminated distant network service that was not subject to the original lawsuit. The Conferees intend that affected subscribers remain eligible for such service.

The words "shall remain eligible" in section 119(e) refer to eligibility to receive stations affiliated with the same network from the same satellite carrier through use of the same transmission technology at the same location; in other words, grandfathered status is not transferable to a different carrier or a different type of dish or at a new address. The provisions of new section 119(e) are incorporated by reference in the definition of "unserved household" as new section 119(d)(10)(C).

Section 1005(d) of this Act creates a new section 119(a)(11), which contains provisions governing delivery of network stations to recreational vehicles and commercial trucks.

This provision is, in turn, incorporated in the definition of "unserved household" in new section 119(d)(10)(D). The purpose of these amendments is to allow the operators of recreational vehicles and commercial trucks to use satellite dishes permanently attached to those vehicles to receive, on television sets located inside those vehicles, distant network signals pursuant to section 119. To prevent abuse of this provision, the exception for recreational vehicles and commercial trucks is limited to persons who have strictly complied with the documentation requirements set forth in section 119(a)(11). Among other things, the exception will only become available as to a particular recreational vehicle or commercial truck after the satellite carrier has provided all affected networks with all documentation set forth in section 119(a). The exception will apply only for reception in that particular recreational vehicle or truck, and does not authorize any delivery of network stations to any fixed dwelling.

Section 1006. Public Broadcasting Service Satellite Feed

The conference agreement follows the Senate bill with an amendment that applies the network copyright royalty rate to the Public Broadcasting Service the satellite feed. The conference agreement grants satellite carriers a section 119 compulsory license to retransmit a national satellite feed distributed and designated by PBS. The license would apply to educational and informational programming to which PBS currently holds broadcast rights. The license, which would extend to all households in the United States, would sunset on January 1, 2002, the date when local-to-local must-carry obligations become effective. Under the conference agreement, PBS will designate the national satellite feed for purposes of this section.

Section 1007. Application of Federal Communications Commission Regulations

The section 119 license is amended to clarify that satellite carriers must comply with all rules, regulations, and authorizations of the Federal Communications Commission in order to obtain the benefits of the section 119 license. As provided in the House bill, this would include any programming exclusivity provisions or carriage requirements that the Commission may adopt. Violations of such rules, regulations or authorizations would render a carrier ineligible for the copyright statutory license with respect to that retransmission.

Section 1008. Rules for Satellite Carriers Retransmitting Television Broadcast Signals

The Senate agrees to the House bill provisions regarding carriage of television broadcast signals, with certain amendments, as discussed below. Section 108 creates new sections 338 and 339 of the Communications Act of 1934. Section 338 addresses carriage of local television signals, while section 339 addresses distant television signals.

New section 338 requires satellite carriers, by January 1, 2002, to carry upon request all local broadcast stations' signals in local markets in which the satellite carriers carry at least one signal pursuant to section 122 of title 17, United States Code. The conference report added the cross-reference to section 122 to the House provision to indicate the relationship between the benefits of the statutory license and the carriage requirements imposed by this Act. Thus, the conference report provides that, as of January 1, 2002, royalty-free copyright licenses for satellite carriers to retransmit broadcast signals to viewers in the broadcasters' service areas will be available only on a market-by-market basis.

The procedural provisions applicable to section 338 (concerning costs, avoidance of duplication, channel positioning, compensation for carriage, and complaints by broadcast stations) are generally parallel to those applicable to cable systems. Within one year after enactment, the Federal Communications Commission is to issue implementing regulations which are to impose obligations comparable to those imposed on cable systems under paragraphs (3) and (4) of section 614(b) and paragraphs (1) and (2) of section 615(g), such as the requirement to carry a station's entire signal without additions or deletions. The obligation to carry local stations on contiguous channels is illustrative of the general requirement to ensure that satellite carriers position local stations in a way that is convenient and practically accessible for consumers. By directing the FCC to promulgate these must-carry rules, the conferees do not take any position regarding the application of must-carry rules to carriage of digital television signals by either cable or satellite systems.

To make use of the local license, satellite carriers must provide the local broadcast station signal as part of their satellite service, in a manner consistent with paragraphs (b), (c), (d), and (e), FCC regulations, and retransmission consent requirements. Until January 1, 2002, satellite carriers are granted a royalty-free copyright license to retransmit broadcast signals on a station-by-station basis, consistent with retransmission consent requirements. The transition period is intended to provide the satellite industry with a transitional period to begin providing local-into-local satellite service to communities throughout the country.

The conferees believe that the must-carry provisions of this Act neither implicate nor violate the First Amendment. Rather than requiring carriage of stations in the manner of cable's mandated duty, this Act allows a satellite carrier to choose whether to incur the must-carry obligation in a particular market in exchange for the benefits of the local statutory license. It does not deprive any programmers of potential access to carriage by satellite carriers. Satellite carriers remain free to carry any programming for which they are able to acquire the property rights. The provisions of this Act allow carriers an easier and more inexpensive way to obtain the right to use the property of copyright holders when they retransmit signals from all of a market's broadcast stations to subscribers in that market. The choice whether to retransmit those signals is made by carriers, not by the Congress. The proposed licenses are a matter of legislative grace, in the nature of subsidies to satellite carriers, and reviewable under the rational basis standard.[1]

In addition, the conferees are confident that the proposed license provisions would pass constitutional muster even if subjected to the O'Brien standard applied to the cable must-carry requirement.[2] The proposed provisions are intended to preserve free television for those not served by satellite or cable systems and to promote widespread dissemination of information from a multiplicity of sources. The Supreme Court has found both to be substantial interests, unrelated to the suppression of free expression.[3] Providing the proposed license on a market-by-market basis furthers both goals by preventing satellite carriers from choosing to carry only certain stations and effectively preventing many other local broadcasters from reaching potential viewers in their service areas. The Conference Committee is concerned that, absent must-carry obligations, satellite carriers would carry the major network affiliates and few other signals. Non-carried stations would face the same loss of viewership Congress previously found with respect to cable noncarriage.[1]

The proposed licenses place satellite carrier in a comparable position to cable systems, competing for the same customers. Applying a must-carry rule in markets which satellite carriers choose to serve benefits consumers and enhances competition with cable by allowing consumers the same range of choice in local programming they receive through cable service. The conferees expect that, by January 1, 2002, satellite carriers' market share will have increased and that the Congress' interest in maintaining free over-the-air television will be undermined if local broadcasters are prevented from reaching viewers by either cable or satellite distribution systems. The Congress' preference for must-carry obligations has already been proven effective, as attested by the appearance of several emerging networks, which often serve underserved market segments. There are no narrower alternatives that would achieve the Congress' goals. Although the conferees expect that subscribers who receive no broadcast signals at all from their satellite service may install antennas or subscribe to cable service in addition to satellite service, the Conference Committee is less sanguihe that subscribers who receive network signals and hundreds of other programming choices from their satellite carrier will undertake such trouble and expense to obtain over-the-air signals from independent broadcast stations. National feeds would also be counterproductive because they siphon potential viewers from local over-the-air affiliates. In sum, the Conference Committee finds that trading the benefits of the copyright license for the must carry requirement is a fair and reasonable way of helping viewers have access to all local programming while benefitting satellite carriers and their customers.

Section 338(c) contains a limited exception to the general must-carry requirements, stating that a satellite carrier need not carry two local affiliates of the same network that substantially duplicate each others' programming, unless the duplicating stations are licensed to communities in different states. The latter provisions address unique and limited cases, including WMUR (Manchester, New Hampshire) / WCVB (Boston, Massachusetts) and WPTZ (Plattsburg, New York)/ WNNE (White River Junction, Vermont), in which mandatory carriage of both duplicating local stations upon request assures that satellite subscribers will not be precluded from receiving the network affiliate that is licensed to the state in which they reside.

Because of unique technical challenges on satellite technology and constraints on the use of satellite spectrum, satellite carriers may initially be limited in their ability to deliver must carry signals into multiple markets. New compression technologies, such as video streaming, may help overcome these barriers however, and, if deployed, could enable satellite carriers to deliver must-carry signals into many more markets than they could otherwise. Accordingly, the conferees urge the FCC, pursuant to its obligations under section 338, or in any other related proceedings, to not prohibit satellite

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See footnotes at end of Analysis.

carriers from using reasonable compression, reformatting, or similar technologies to meet their carriage obligations, consistent with existing authority.

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New section 339 of the Communications Act contains provisions concerning carriage of distant television stations by satellite carriers. Section 339(a)(1) limits satellite carriers to providing a subscriber with no more than two stations affiliated with a given television network from outside the local market. In addition, a satellite carrier that provides two distant signals to eligible households may also provide the local television signals pursuant to section 122 of title 17 if the subscriber offers local-to-local service in the subscriber's market. This provision furthers the congressional policy of localism and diversity of broadcast programming, which provides locally-relevant news, weather, and information, but also allows consumers in unserved households to enjoy network programming obtained via distant signals. Under new section 339(a)(2), which is based on the Senate amendment, the knowing and willful provision of distant television signals in violation of these restrictions is subject to a forfeiture penalty under section 503 of the Communications Act of $50,000 per violation or for each day of a continuing violation.

New section 339(b)(1)(A) requires the Commission to commence within 45 days of enactment, and complete within one year after the date of enactment, a rulemaking to develop regulations to apply network nonduplication, syndicated exclusivity and sports blackout rules to the transmission of nationally distributed superstations by satellite carriers. New section 339(b)(1)(B) requires the Commission to promulgate regulations on the same schedule with regard to the application of sports blackout rules to network stations. These regulations under subparagraph (B) are to be imposed "to the extent technically feasible and not economically prohibitive" with respect to the affected parties. The burden of showing that conforming to rules similar to cable would be "economically prohibitive" is a heavy one. It would entail a very serious economic threat to the health of the carrier. Without that showing, the rules should be as similar as possible to that applicable to cable services.

Section 339(c) of the Communications Act of 1934 addresses the three distinct areas discussed by the Commission in its Report & Order in Docket No. 98–201: (i) the definition of "Grade B intensity," which is the substantive standard for determining eligibility to receive distant network stations by satellite, (ii) prediction of whether a signal of Grade B intensity from a particular station is present at a particular household, and (iii) measurement of whether a signal of Grade B intensity from a particular station is present at a particular household. Section 339(c) addresses each of these topics.

New section 339(c) addresses evaluation and possible recommendations for modification by the Commission of the definition of Grade B intensity, which is incorporated into the definition of "unserved household" in section 119 of the Copyright Act. Under section 339(c), the Commission is to complete a rulemaking within 1 year after enactment to evaluate, and if appropriate to recommend modifications to the Grade B intensity standard for analog signals set forth in 47 C.F.R. §73.683(a), for purposes of determining eligibility for distant signal satellite service. In addition, the Commission is to recommend a signal standard for digital signals to prepare Congress to update the statutory license for digital television broadcasting. The Committee intends that this report would reflect the FCC's best recommendations in light of all relevant considerations, and be based on whatever factors and information the Commission deems relevant to determining whether the signal intensity standard should be modified and in what way. As discussed above, the two-part process allows the Commission to recommend modifications leaving to Congress the decision-making power on modifications of the copyright licenses at issue.

Section 339(c)(3) addresses requests to local television stations by consumers for waivers of the eligibility requirements under section 119 of title 17, United States Code. If a satellite carrier is barred from delivering distant network signals to a particular customer because the ILLR model predicts the customer to be served by one or more television stations affiliated with the relevant network, the consumer may submit to those stations, through his or her satellite carrier, a written request for a waiver. The statutory phrase "station asserting that the retransmission is prohibited" refers to a station that is predicted by the ILLR model to serve the household. Each such station must accept or reject the waiver request within 30 days after receiving the request from the satellite carrier. If a relevant network station grants the requested waiver, or fails to act on the waiver within 30 days, the viewer shall be deemed unserved with respect to the local network station in question.

Section 339(c)(4) addresses the ILLR predictive model developed by the Commission in Docket No. 98-201. The provision requires the Commission to attempt to increase its accuracy further by taking into account not only terrain, as the ILLR model does now, but also land cover variations such as buildings and vegetation. If the Commission discovers other practical ways to improve the accuracy of the ILLR model still further, it shall implement those methods as well. The linchpin of whether particular proposed refinements to the ILLR model result in greater accuracy is whether the revised model's predictions are closer to the results of actual field testing in terms of predicting whether households are served by a local affiliate of the relevant network.

The ILLR model of predicting subscribers' eligibility will be of particular use in rural areas. To make the ILLR more accurate and more useful to this group of Americans, the Conference Committee believes the Commission should be particularly careful to ensure that the ILLR is accurate in areas that use star routes, postal routes, or other addressing systems that may not indicate clearly the location of the actual dwelling of a potential subscriber. The Commission should to ensure the model accurately predicts the signal strength at the viewers' actual location.

New section 339(c)(5) addresses the third area discussed in the Commission's Report & Order in Docket No. 98–201, namely signal intensity testing. This provision permits satellite carriers and broadcasters to carry out signal intensity measurements, using the procedures set forth by the Commission in 47 C.F.R. §73.686(d), to determine whether particular households are unserved. Unless the parties otherwise agree, any such tests shall be conducted on a "loser pays" basis, with the network station bearing the costs of tests showing the household to be unserved, and the satellite carrier bearing the costs of tests showing the household to be served. If the satellite carrier and station is unable to agree on a qualified individual to perform the test, the Commission is to designate an independent and neutral entity by rule. The Commission is to promulgate rules that avoid any undue burdens being imposed on any party.

Section 1009. Retransmission Consent

Section 1009 amends the provisions of section 325 of the Communications Act governing retransmission consent. As revised, section 325(b)(1) bars multichannel video programming distributors from retransmitting the signals of television broadcast stations, or any part thereof, without the express authority of the originating station. Section 325(b)(2) contains several exceptions to this general prohibition, including noncommercial stations, certain superstations, and, until the end of 2004, retransmission of not more than two distant signals by satellite carriers to unserved households outside of the local market of the retransmitted stations, and (E) for six months to the retransmission of local stations pursuant to the statutory license in section 122 of the title 17.

Section 1009 also amends section 325(b) of the Communications Act to require the Commission to issue regulations concerning the exercise by television broadcast stations of the right to grant retransmission consent. The regulations would, until January 1, 2006, prohibit a television broadcast station from entering into an exclusive retransmission consent agreement with a multichannel video programming distributor or refusing to negotiate in good faith regarding retransmission consent agreements. A television station may generally offer different retransmission consent terms or conditions, including price terms, to different distributors. The FCC may determine that such different terms represent a failure to negotiate in good faith only if they are not based on competitive marketplace considerations.

Section 1009 of the bill adds a new subsection (e) to section 325 of the Communications Act. New subsection 325(e) creates a set of expedited enforcement procedures for the alleged retransmission of a television broadcast station in its own local market without the station's consent. The purpose of these expedited procedure is to ensure that delays in obtaining relief from violations do not make the right to retransmission consent an empty one. The new provision requires 45-day processing of local-to-local retransmission consent complaints at the Commission, followed by expedited enforcement of any Commission orders in the United States District Court for the Eastern District of Virginia. In addition, a television broadcast station that has been retransmitted in its local market without its consent will be entitled to statutory damages of $25,000 per violation in an action in federal district court. Such damages will be awarded only if the television broadcast station agrees to contribute any statutory damage award above $1,000 to the United States Treasury for public purposes. The expedited enforcement provision contains a sunset which prevents the filing of any complaint with the Commission or any action in federal district court to enforce any Commission order under this section after December 31, 2001. The conferees believe that these procedural provisions, which provide ample due process protections while ensuring speedy enforcement, will ensure that retransmission consent will be respected by all parties and promote a smoothly functioning marketplace.

Section 1010. Severability

Section 1010 of the Act provides that if any provision of section 325(b) of the Communications Act as amended by this Act is declared unconstitutional, the remaining provisions of that section will stand.

Section 1011. Technical Amendments

Section 1011 of this Act makes technical and conforming amendments to sections 101, 111, 119, 501, and 510 of the Copyright Act. Apart from these technical amendments, this legislation makes no changes to section 111 of the Copyright Act. In particular, nothing in this legislation makes any changes concerning entitlement or eligibility for the statutory licenses under sections 111 and 119, nor specifically to the definitions of "cable system" under section 111(f), and "satellite carrier" under section 119(d)(6). Certain technical amendments to these definitions that were included in the Conference Report to the Intellectual Property and Communications Omnibus Reform Act (IPCORA) of 1999 are not included in this legislation. Congress intends that neither the courts nor the Copyright Office give any legal significance either to the inclusion of the amendments in the IPCORA conference report or their omission in this legislation. These statutory definitions are to be interpreted in the same way after enactment of this legislation as they were interpreted prior to enactment of this legislation.

Section 1011(b) makes a technical and clarifying change to the definition of a "work made for hire" in section 101 of the Copyright Act. Sound recordings have been registered in the Copyright Office as works made for hire since being protected in their own right. This clarifying amendment shall not be deemed to imply that any sound recording or any other work would not otherwise qualify as a work made for hire in the absence of the amendment made by this subsection.

Section 1012. Effective dates.

Under section 1012 of this Act, sections 1001, 1003, 1005, and 1007 through 1011 shall be effective on the date of enactment. The amendments made by sections 1002, 1004, and 1006 shall be effective as of July 1, 1999.

TITLE II—RURAL LOCAL TELEVISION SIGNALS

Section 2001. Short Title

This title may be referred to as the "Rural Local Broadcast Signal Act."

Section 2002. Local Television Service in Unserved and Underserved Markets

To encourage the FCC to approve needed licenses (or other authorizations to use spectrum) to provide local TV service in rural areas, the Commission is required to make determinations regarding needed licenses within one year of enactment.

However, the FCC shall ensure that no license or authorization provided under this section will cause "harmful interference" to the primary users of the spectrum or to public safety use. Subparagraph (2), states that the Commission shall not license under subsection (a) any facility that causes harmful interference to existing primary users of spectrum or to public safety use. The Commission typically categorizes a licensed service as primary or secondary. Under Commission rules, a secondary service cannot be authorized to operate in the same band as a primary user of that band unless the proposed secondary user conclusively demonstrates that the proposed secondary use will not cause harmful interference to the primary service. The Commission is to define "harmful interference" pursuant to the definition at 47 C.F.R. section 2.1 and in accordance with Commission rules and policies.

For purposes of section 2005(b)(3) the FCC may consider a compression, reformatting or other technology to be unreasonable if the technology is incompatible with other applicable FCC regulation or policy under the Communications Act of 1934, as amended.

The Commission also may not restrict any entity granted a license or other authorization under this section, except as otherwise specified, from using any reasonable compression, reformatting, or other technology.

TITLE III—TRADEMARK CYBERPIRACY PREVENTION

Section 3001. Short Title; References

This section provides that the Act may be cited as the "Anticybersquatting Consumer Protection Act" and that any references within the bill to the Trademark Act of 1946 shall be a reference to the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes," approved July 5, 1946 (15 U.S.C. 1051 et seq.), also commonly referred to as the Lanham Act.

Sec. 3002. Cyberpiracy Prevention

Subsection (a). In General. This subsection amends the Trademark Act to provide an explicit trademark remedy for cybersquatting under a new section 43(d). Under paragraph (1)(A) of the new section 43(d), actionable conduct would include the registration, trafficking in, or use of a domain name that is identical or confusingly similar to, or dilutive of, the mark of another, including a personal name that is protected as a mark under section 43 of the Lanham Act, provided that the mark was distinctive (i.e., enjoyed trademark status) at the time the domain name was registered, or in the case of trademark dilution, was famous at the time the domain name was registered. The bill is carefully and narrowly tailored, however, to extend only to cases where the plaintiff can demonstrate that the defendant registered, trafficked in, or used the offending domain name with bad-faith intent to profit from the goodwill of a mark belonging to someone else. Thus, the bill does not extend to innocent domain name registrations by those who are unaware of another's use of the name, or even to someone who is aware of the trademark status of the name but registers a domain name containing the mark for any reason other than with bad faith intent to profit from the goodwill associated with that mark.

The phrase "including a personal name which is protected as a mark under this section" addresses situations in which a person's name is protected under section 43 of the Lanham Act and is used as a domain name. The Lanham Act prohibits the use of false designations of origin and false or misleading representations. Protection under 43 of the Lanham Act has been applied by the courts to personal names which function as marks, such as service marks, when such marks are infringed. Infringement may occur when the endorsement of products or services in interstate commerce is falsely implied through the use of a personal name, or otherwise, without regard to the goods or services of the parties. This protection also applies to domain names on the Internet, where falsely implied endorsements and other types of infringement can cause greater harm to the owner and confusion to a consumer in a shorter amount of time than is the case with traditional media. The protection offered by section 43 to a personal name which functions as a mark, as applied to domain names, is subject to the same fair use and first amendment protections as have been applied traditionally under trademark law, and is not intended to expand or limit any rights to publicity recognized by States under State law.

Paragraph (1)(B)(i) of the new section 43(d) sets forth a number of nonexclusive, nonexhaustive factors to assist a court in determining whether the required bad-faith element exists in any given case. These factors are designed to balance the property interests of trademark owners with the legitimate interests of Internet users and others who seek to make lawful uses of others' marks, including for purposes such as comparative advertising, comment, criticism, parody, news reporting, fair use, etc. The bill suggests a total of nine factors a court may wish to consider. The first four suggest circumstances that may tend to indicate an absence of bad-faith intent to profit from the goodwill of a mark, and the next four suggest circumstances that may tend to indicate that such bad-faith intent exits. The last factor may suggest either bad-faith or an absence thereof depending on the circumstances.

First, under paragraph (1)(B)(i)(I), a court may consider whether the domain name registrant has trademark or any other intellectual property rights in the name. This factor recognizes, as does trademark law in general, that there may be concurring uses of the same name that are noninfringing, such as the use of the "Delta" mark for both air travel and sink faucets. Similarly, the registration of the domain name "deltaforce.com" by a movie studio would not tend to indicate a bad faith intent on the part of the registrant to trade on Delta Airlines or Delta Faucets' trademarks.

Second, under paragraph (1)(B)(i)(II), a court may consider the extent to which the domain name is the same as the registrant's own legal name or a nickname by which that person is commonly identified. This factor recognizes, again as does the concept of fair use in trademark law, that a person should be able to be identified by their own name, whether in their business or on a web site. Similarly, a person may bear a legitimate nickname that is identical or similar to a well-known trademark, such as in the well-publicized case of the parents who registered the domain name "pokey.org" for their young son who goes by that name, and these individuals should not be deterred by this bill from using their name online. This factor is not intended to suggest that domain name registrants may evade the application of this act by merely adopting Exxon, Ford, or other well-known marks as their nicknames. It merely provides a court with the appropriate discretion to determine whether or not the fact that a person bears a nickname similar to a mark at issue is an indication of an absence of bad-faith on the part of the registrant.

Third, under paragraph (1)(B)(i)(III), a court may consider the domain name registrant's prior use, if any, of the domain name in connection with the bona fide offering of goods or services. Again, this factor recognizes that the legitimate use of the domain name in online commerce may be a good indicator of the intent of the person registering that name. Where the person has used the domain name in commerce without creating a likelihood of confusion as to the source or origin of the goods or services and has not otherwise attempted to use the name in order to profit from the goodwill of the trademark owner's name, a court may look to this as an indication of the absence of bad faith on the part of the registrant.

Fourth, under paragraph (1)(B)(i)(IV), a court may consider the person's bona fide noncommercial or fair use of the mark in a web site that is accessible under the domain name at issue. This factor is intended to balance the interests of trademark owners with the interests of those who would make lawful noncommercial or fair uses of others' marks online, such as in comparative advertising, comment, criticism, parody, news reporting, etc. Under the bill, the mere fact that the domain name is used for purposes of comparative advertising, comment, criticism, parody, news reporting, etc., would not alone establish a lack of bad-faith intent. The fact that a person uses a mark in a site in such a lawful manner may be an appropriate indication that the person's registration or use of the domain name lacked the required element of bad-faith. This factor is not intended to create a loophole that otherwise might swallow the bill, however, by allowing a domain name registrant to evade application of the Act by merely putting up a noninfringing site under an infringing domain name. For example, in the well know case of Panavision Int'l v. Toeppen, 141 F.3d 1316 (9th Cir. 1998), a well known cybersquatter had registered a host of domain names mirroring famous trademarks, including names for Panavision, Delta Airlines, Neiman Marcus, Eddie Bauer, Lufthansa, and more than 100 other marks, and had attempted to sell them to the mark owners for amounts in the range of $10,000 to $15,000 each. His use of the "panavision.com" and "panaflex.com" domain names was seemingly more innocuous, however, as they served as addresses for sites that merely displayed pictures of Pana Illinois and the word "Hello" respectively. This bill would not allow a person to evade the holding of that case—which found that Mr. Toeppen had made a commercial use of the Panavision marks and that such uses were, in fact, diluting under the Federal Trademark Dilution Act—merely by posting noninfringing uses of the trademark on a site accessible under the offending domain name, as Mr. Toeppen did. Similarly, the bill does not affect existing trademark law to the extent it has addressed the interplay between First Amendment protections and the rights of trademark owners. Rather, the bill gives courts the flexibility to weigh appropriate factors in determining whether the name was registered or used in bad faith, and it recognizes that one such factor may be the use the domain name registrant makes of the mark.

Fifth, under paragraph (1)(B)(i)(V), a court may consider whether, in registering or using the domain name, the registrant intended to divert consumers away from the trademark owner's website to a website that could harm the goodwill of the mark, either for purposes of commercial gain or with the intent to tarnish or disparage the mark, by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the site. This factor recognizes that one of the main reasons cybersquatters use other people's trademarks is to divert Internet users to their own sites by creating confusion as to the source, sponsorship, affiliation, or endorsement of the site. This is done for a number of reasons, including to pass off inferior goods under the name of a well-known mark holder, to defraud consumers into providing personally identifiable information, such as credit card numbers, to attract "eyeballs" to sites that price online advertising according to the number of "hits" the site receives, or even just to harm the value of the mark. Under this provision, a court may give appropriate weight to evidence that a domain name registrant intended to confuse or deceive the public in this manner when making a determination of bad-faith intent.

Sixth, under paragraph (1)(B)(i)(VI), a court may consider a domain name registrant's offer to transfer, sell, or otherwise assign the domain name to the mark owner or any third party for financial gain, where the registrant has not used, and did not have any intent to use, the domain name in the bona fide offering of any goods or services. A court may also consider a person's prior conduct indicating a pattern of such conduct. This factor is consistent with the court cases, like the Panavision case mentioned above, where courts have found a defendant's offer to sell the domain name to the legitimate mark owner as being indicative of the defendant's intent to trade on the value of a trademark owner's marks by engaging in the business of registering those marks and selling them to the rightful trademark owners. It does not suggest that a court should consider the mere offer to sell a domain name to a mark owner or the failure to use a name in the bona fide offering of goods or services as sufficient to indicate bad faith. Indeed, there are cases in which a person registers a name in anticipation of a business venture that simply never pans out. And someone who has a legitimate registration of a domain name that mirrors someone else's domain name, such as a trademark owner that is a lawful concurrent user of that name with another trademark owner, may, in fact, wish to sell that name to the other trademark owner. This bill does not imply that these facts are an indication of bad-faith. It merely provides a court with the necessary discretion to recognize the evidence of bad-faith when it is present. In practice, the offer to sell domain names for exorbitant amounts to the rightful mark owner has been one of the most common threads in abusive domain name registrations. Finally, by using the financial gain standard, this paragraph allows a court to examine the motives of the seller.

Seventh, under paragraph (1)(B)(i)(VII), a court may consider the registrant's intentional provision of material and misleading false contact information in an application for the domain name registration, the person's intentional failure to maintain accurate contact information, and the person's prior conduct indicating a pattern of such conduct. Falsification of contact information with the intent to evade identification and service of process by trademark owners is also a common thread in cases of cybersquatting. This factor recognizes that fact, while still recognizing that there may be circumstances in which the provision of false information may be due to other factors, such as mistake or, as some have suggested in the case of political dissidents, for purposes of anonymity. This bill balances those factors by limiting consideration to the person's contact information, and even then requiring that the provision of false information be material and misleading. As with the other factors, this factor is nonexclusive and a court is called upon to make a determination based on the facts presented whether or not the provision of false information does, in fact, indicate bad-faith.

Eight, under paragraph (1)(B)(i)(VIII), a court may consider the domain name registrant's acquisition of multiple domain names which the person knows are identical or confusingly similar to, or dilutive of, others' marks. This factor recognizes the increasingly common cybersquatting practice known as "warehousing", in which a cybersquatter registers multiple domain names—sometimes hundreds, even thousands—that mirror the trademarks of others. By sitting on these marks and not making the first move to offer to sell them to the mark owner, these cybersquatters have been largely successful in evading the case law developed under the Federal Trademark Dilution Act. This bill does not suggest that the mere registration of multiple domain names is an indication of bad faith, but it allows a court to weigh the fact that a person has registered multiple domain names that infringe or dilute the trademarks of others as part of its consideration of whether the requisite bad-faith intent exists.

Lastly, under paragraph (1)(B)(i)(IX), a court may consider the extent to which the mark incorporated in the person's domain name registration is or is not distinctive and famous within the meaning of subsection (c)(1) of section 43 of the Trademark Act of 1946. The more distinctive or famous a mark has become, the more likely the owner of that mark is deserving of the relief available under this act. At the same time, the fact that a mark is not well-known may also suggest a lack of bad-faith.

Paragraph (1)(B)(ii) underscores the bad-faith requirement by making clear that bad-faith shall not be found in any case in which the court determines that the person believed and had reasonable grounds to believe that the use of the domain name was a fair use or otherwise lawful.

Paragraph (1)(C) makes clear that in any civil action brought under the new section 43(d), a court may order the forfeiture, cancellation, or transfer of a domain name to the owner of the mark.

Paragraph (1)(D) clarifies that a prohibited "use" of a domain name under the bill applies only to a use by the domain name registrant or that registrant's authorized licensee.

Paragraph (1)(E) defines what means to "traffic in" a domain name. Under this Act, "traffics in" refers to transactions that include, but are not limited to, sales, purchases, loans, pledges, licenses, exchanges of currency, and any other transfer for consideration or receipt in exchange for consideration.

Paragraph (2)(A) provides for in rem jurisdiction, which allows a mark owner to seek the forfeiture, cancellation, or transfer of an infringing domain name by filing an in rem action against the name itself, where the mark owner has satisfied the court that it has exercised due diligence in trying to locate the owner of the domain name but is unable to do so, or where the mark owner is otherwise unable to obtain in personam jurisdiction over such person. As indicated above, a significant problem faced by trademark owners in the fight against cybersquatting is the fact that many cybersquatters register domain names under aliases or otherwise provide false information in their registration applications in order to avoid identification and service of process by the mark owner. This bill will alleviate this difficulty, while protecting the notions of fair play and substantial justice, by enabling a mark owner to seek an injunction against the infringing property in those cases where, after due diligence, a mark owner is unable to proceed against the domain name registrant because the registrant has provided false contact information and is otherwise not to be found, or where a court is unable to assert personal jurisdiction over such person, provided the mark owner can show that the domain name itself violates substantive federal trademark law (i.e., that the domain name violates the rights of the registrant of a mark registered in the Patent and Trademark Office, or section 43(a) or (c) of the Trademark Act). Under the bill, a mark owner will be deemed to have exercised due diligence in trying to find a defendant if the mark owner sends notice of the alleged violation and intent to proceed to the domain name registrant at the postal and e-mail address provided by the registrant to the registrar and publishes notice of the action as the court may direct promptly after filing the action. Such acts are deemed to constitute service of process by paragraph (2)(B).

The concept of in rem jurisdiction has been with us since well before the Supreme Court's landmark decision in Pennoyer v. Neff, 95 U.S. 714 (1877). Although more recent decisions have called into question the viability of quasi in rem "attachment" jurisdiction, see Shaffer v. Heitner, 433 U.S. 186 (1977), the Court has expressly acknowledged the propriety of true in rem proceedings (or even type I quasi in rem proceedings[5]) where "claims to the property itself are the source of the underlying controversy between the plaintiff and the defendant." Id. at 207–08. The Act clarifies the availability of in rem jurisdiction in appropriate cases involving claims by trademark holders against cyberpirates. In so doing, the Act reinforces the view that in rem jurisdiction has continuing constitutional vitality, see R.M.S. Titanic, Inc. v. Haver, 171 F.3d 943, 957–58 (4th Cir. 1999) ("In rem actions only require that a party seeking an interest in a res bring the res into the custody of the court and provide reasonable, public notice of its intention to enable others to appear in the action to claim an interest in the res."); Chapman v. Vande Bunte, 604 F. Supp. 714, 716–17 (E.D. N.C. 1985) ("In a true in rem proceeding, in order to subject property to a judgment in rem, due process requires only that the property itself have certain minimum contacts with the territory of the forum.").

By authorizing in rem jurisdiction, the Act also attempts to respond to the problems faced by trademark holders in attempting to effect personal service of process on cyberpirates. In an effort to avoid being held accountable for their infringement or dilution of famous trademarks, cyberpirates often have registered domain names under fictitious names and addresses or have used offshore addresses or companies to register domain names. Even when they actually do receive notice of a trademark holder's claim, cyberpirates often either refuse to acknowledge demands from a trademark holder altogether, or simply respond to an initial demand and then ignore all further efforts by the trademark holder to secure the cyberpirate's compliance. The in rem provisions of the Act accordingly contemplate that a trademark holder may initiate in rem proceedings in cases where domain name registrants are not subject to personal jurisdiction or cannot reasonably be found by the trademark holder.

Paragraph (2)(C) provides that in an in rem proceeding, a domain name shall be deemed to have its situs in the judicial district in which (1) the domain name registrar, registry, or other domain name authority that registered or assigned the domain name is located, or (2) documents sufficient to establish control and authority regarding the disposition of the registration and use of the domain name are deposited with the court.

Paragraph (2)(D) limits the relief available in such an in rem action to an injunction ordering the forfeiture, cancellation, or transfer of the domain name. Upon receipt of a written notification of the complaint, the domain name registrar, registry, or other authority is required to deposit with the court documents sufficient to establish the court's control and authority regarding the disposition of the registration and use of the domain name to the court, and may not transfer, suspend, or otherwise modify the domain name during the pendency of the action, except upon order of the court. Such domain name registrar, registry, or other authority is immune from injunctive or monetary relief in such an action, except in the case of bad faith or reckless disregard, which would include a willful failure to comply with any such court order.

Paragraph (3) makes clear that the new civil action created by this Act and the in rem action established therein, and any remedies available under such actions, shall be in addition to any other civil action or remedy otherwise applicable. This paragraph thus makes clear that the creation of a new section 43(d) in the Trademark Act does not in any way limit the application of current provisions of trademark, unfair competition and false advertising, or dilution law, or other remedies under counterfeiting or other statutes, to cybersquatting cases.

Paragraph (4) makes clear that the in rem jurisdiction established by the bill is in addition to any other jurisdiction that otherwise exists, whether in rem or in personam.

Subsection (b). Cyberpiracy Protection for Individuals

Subsection (b) prohibits the registration of a domain name that is the name of another living person, or a name that is substantially and confusingly similar thereto, without such person's permission, if the registrant's specific intent is to profit from the domain name by selling it for financial gain to such person or a third party. While the provision is broad enough to apply to the registration of full names (e.g., johndoe.com), appellations (e.g., doe.com), and variations thereon (e.g. john-doe.com or jondoe.com), the provision is still very narrow in that it requires a showing that the registrant of the domain name registered that name with a specific intent to profit from the name by selling it to that person or to a third party for financial gain. This section authorizes the court to grant injunctive relief, including ordering the forfeiture or cancellation of the domain name or the transfer of the domain name to the plaintiff. Although the subsection does not authorize a court to grant monetary damages, the court may award costs and attorneys' fees to the prevailing party in appropriate cases.

This subsection does not prohibit the registration of a domain name in good faith by an owner or licensee of a copyrighted work, such as an audiovisual work, a sound recording, a book, or other work of authorship, where the personal name is used in, affiliated with, or related to that work, where the person's intent in registering the domain is not to sell the domain name other than in conjunction with the lawful exploitation of the work, and where such registration is not prohibited by a contract between the domain name registered and the named person. This limited exemption recognizes the First Amendment issues that may arise in such cases and defers to existing bodies of law that have developed under State and Federal law to address such uses of personal names in conjunction with works of expression. Such an exemption is not intended to provide a loophole for those whose specific intent is to profit from another's name by selling the domain name to that person or a third party other than in conjunction with the bona fide exploitation of a legitimate work of authorship. For example, the registration of a domain name containing a personal name by the author of a screenplay that bears the same name, with the intent to sell the domain name in conjunction with the sale or license of the screenplay to a production studio would not be barred by this subsection, although other provisions of State or Federal law may apply. On the other hand, the exemption for good faith registrations of domain names tied to legitimate works of authorship would not exempt a person who registers a personal name as a domain name with the intent to sell the domain name by itself, or in conjunction with a work of authorship (e.g., a copyrighted web page) where the real object of the sale is the domain name, rather than the copyrighted work.

In sum, this subsection is a narrow provision intended to curtail one form of "cybersquatting"—the act of registering someone else's name as a domain name for the purpose of demanding remuneration from the person in exchange for the domain name. Neither this section nor any other section in this bill is intended to create a right of publicity of any kind with respect to domain names. Nor is it intended to create any new property rights, intellectual or otherwise, in a domain name that is the name of a person. This subsection applies prospectively only, affecting only those domain names registered on or after the date of enactment of this Act.

Sec. 3003. Damages and Remedies

This section applies traditional trademark remedies, including injunctive relief, recovery of defendant's profits, actual damages, and costs, to cybersquatting cases under the new section 43(d) of the Trademark Act. The bill also amends section 35 of the Trademark Act to provide for statutory damages in cybersquatting cases, in an amount of not less than $1,000 and not more than $100,000 per domain name, as the court considers just.

Sec. 3004. Limitation on Liability

This section amends section 32(2) of the Trademark Act to extend the Trademark Act's existing limitations on liability to the cybersquatting context. This section also creates a new subparagraph (D) in section 32(2) to encourage domain name registrars and registries to work with trademark owners to prevent cybersquatting through a limited exemption from liability for domain name registrars and registries that suspend, cancel, or transfer domain names pursuant to a court order or in the implementation of a reasonable policy prohibiting cybersquatting. Under this exemption, a registrar, registry, or other domain name registration authority that suspends, cancels, or transfers a domain name pursuant to a court order or a reasonable policy prohibiting cybersquatting will not be held liable for monetary damages, and will be not be subject to injunctive relief provided that the registrar, registry, or other registration authority has deposited control of the domain name with a court in which an action has been filed regarding the disposition of the domain name, it has not transferred, suspended, or otherwise modified the domain name during the pendency of the action, other than in response to a court order, and it has not willfully failed to comply with any such court order. Thus, the exemption will allow a domain name registrar, registry, or other registration authority to avoid being joined in a civil action regarding the disposition of a domain name that has been taken down pursuant to a dispute resolution policy, provided the court has obtained control over the name from the registrar, registry, or other registration authority, but such registrar, registry, or other registration authority would not be immune from suit for injunctive relief where no such action has been filed or where the registrar, registry, or other registration authority has transferred, suspended, or otherwise modified the domain name during the pendency of the action or wilfully failed to comply with a court order.

This section also protects the rights of domain name registrants against overreaching trademark owners. Under a new subparagraph (D)(iv) in section 32(2), a trademark owner who knowingly and materially misrepresents to the domain name registrar or registry that a domain name is infringing shall be liable to the domain name registrant for damages resulting from the suspension, cancellation, or transfer of the domain name. In addition, the court may grant injunctive relief to the domain name registrant by ordering the reactivation of the domain name or the transfer of the domain name back to the domain name registrant. In creating a new subparagraph (D)(iii) of section 32(2), this section codifies current case law limiting the secondary liability of domain name registrars and registries for the act of registration of a domain name, absent bad-faith on the part of the registrar and registry.

Finally, subparagraph (D)(v) provides additional protections for domain name holders by allowing a domain name registrant whose name has been suspended, disabled, or transferred to file a civil action to establish that the registration or use of the domain name by such registrant is not a violation of the Lanham Act. In such cases, a court may grant injunctive relief to the domain name registrant, including the reactivation of the domain name or transfer of the domain name to the domain name registrant.

Sec. 3005. Definitions

This section amends the Trademark Act's definitions section (section 45) to add definitions for key terms used in this Act. First, the term "Internet" is defined consistent with the meaning given that term in the Communications Act (47 U.S.C. 230(f)(1)). Second, this section creates a narrow definition of "domain name" to target the specific bad faith conduct sought to be addressed while excluding such things as screen names, file names, and other identifiers not assigned by a domain name registrar or registry.

Sec. 3006. Study on Abusive Domain Name Registrations Involving Personal Names

This section directs the Secretary of Commerce, in consultation with the Patent and Trademark Office and the Federal Election Commission, to conduct a study and report to Congress with recommendations on guidelines and procedures for resolving disputes involving the registration or use of domain names that include personal names of others or names that are confusingly similar thereto. This section further directs the Secretary of Commerce to collaborate with the Internet Corporation for Assigned Names and Numbers (ICANN) to develop guidelines and procedures for resolving disputes involving the registration or use of domain names that include personal names of others or names that are confusingly similar thereto.

Sec. 3007. Historic Preservation

This section provides a limited immunity from suit under trademark law for historic buildings that are on or eligible for inclusion on the National Register of Historic Places, or that are designated as an individual landmark or as a contributing building in a historic district.

Sec. 3008. Savings Clause

This section provides an explicit savings clause making clear that the bill does not affect traditional trademark defenses, such as fair use, or a person's first amendment rights.

Sec. 3009. Effective Date

This section provides that damages provided for under this bill shall not apply to the registration, trafficking, or use of a domain name that took place prior to the enactment of this Act.

TITLE VI—INVENTOR PROTECTION

Sec. 4001. Short Title

This title may be cited as the "American Inventors Protection Act of 1999."

Sec. 4002. Table of Contents

Section 4002 enumerates the table of contents of this title.

SUBTITLE A—INVENTORS' RIGHTS

Subtitle A creates a new section 297 in chapter 29 of title 35 of the United States Code, designed to curb the deceptive practices of certain invention promotion companies. Many of these companies advertise on television and in magazines that inventors may call a toll-free number for assistance in marketing their inventions. They are sent an invention evaluation form, which they are asked to complete to allow the promoter to provide expert analysis of the market potential of their inventions. The inventors return the form with descriptions of the inventions, which become the basis for contacts by salespeople at the promotion companies. The next step is usually a "professional"-appearing product research report which contains nothing more than boilerplate information stating that the invention has outstanding market potential and fills an important need in the field. The promotion companies attempt to convince the inventor to buy their marketing services, normally on a sliding scale in which the promoter will ask for a front-end payment of up to $10,000 and a percentage of resulting profits, or a reduced front-end payment of $6,000 or $8,000 with commensurately larger royalties on profits. Once paid under such a scenario, a promoter will typically and only forward information to a list of companies that never respond.

This subtitle addresses these problems by (1) requiring an invention promoter to disclose certain materially relevant information to a customer in writing prior to entering into a contract for invention promotion services; (2) establishing a federal cause of action for inventors who are injured by material false of fraudulent statements or representations, or any omission of material fact, by an invention promoter, or by the invention promoter's failure to make the required written disclosures; and (3) requiring the Director of the United States Patent and Trademark Office to make publicly available complaints received involving invention promoters, along with the response to such complaints, if any, from the invention promoters.

Sec. 4101. Short title

This subtitle may be cited as the "Inventors' Rights Act of 1999."

Sec. 4102. Integrity in invention promotion services

This section adds a new section 297 to in chapter 29 of title 35, United States Code, intended to promote integrity in invention promotion services. Legitimate invention assistance and development organizations can be of great assistance to novice inventors by providing information on how to protect an invention, how to develop it, how to obtain financing to manufacture it, or how to license or sell the invention. While many invention developers are legitimate, the unscrupulous ones take advantage of untutored inventors, asking for large sums of money up front for which they provide no real service in return. This new section provides a much needed safeguard to assist independent inventors in avoiding becoming victims of the predatory practices of unscrupulous invention promoters.

New section 297(a) of title 35 requires an invention promoter to disclose certain materially relevant information to a customer in writing prior to entering into a contract for invention promotion services. Such information includes: (1) The number of inventions evaluated by the invention promoter and stating the number of those evaluated positively and the number negatively; (2) The number of customers who have contracted for services with the invention promoter in the prior five years; (3) The number of customers known by the invention promoter to have received a net financial profit as a direct result of the invention promoter's services; (4) The number of customers known by the invention promoter to have received license agreements for their inventions as a direct result of the invention promoter's services; and (5) the names and addresses of all previous invention promotion companies with which the invention promoter or its officers have collectively or individually been affiliated in the previous 10 years to enable the customer to evaluate the reputations of these companies.

New section 297(b) of title 35 establishes a civil cause of action against any invention promoter who injures a customer through any material false or fraudulent statement, representation, or omission of material fact by the invention promoter, or any person acting on behalf of the invention promoter, or through failure of the invention promoter to make all the disclosures required under subsection (a). In such a civil action, the customer may recover, in addition to reasonable costs and attorneys' fees, the amount of actual damages incurred by the customer or, at the customer's election, statutory damages up to $5,000, as the court considers just. Subsection (b)(2) authorizes the court to increase damages to an amount not to exceed three times the amount awarded as statutory or actual damages in a case where the customer demonstrates, and the court finds, that the invention promoter intentionally misrepresented or omitted a material fact to such customer, or failed to make the required disclosures under subsection (a), for the purpose of deceiving the customer. In determining the amount of increased damages, courts may take into account whether regulatory sanctions or other corrective action has been taken as a result of previous complaints against the invention promoter.

New section 297(c) defines the terms used in the section. These definitions are carefully crafted to cover true invention promoters without casting the net too broadly. Paragraph (3) excepts from the definition of "invention promoter" departments and agencies of the Federal, state, and local governments; any nonprofit, charitable, scientific, or educational organizations qualified under applicable State laws or described under §170(b)(1)(A) of the Internal Revenue Code of 1986; persons or entities involved in evaluating the commercial potential of, or offering to license or sell, a utility patent or a previously filed nonprovisional utility patent application; any party participating in a transaction involving the sale of the stock or assets of a business; or any party who directly engages in the business of retail sales or distribution of products. Paragraph (4) defines the term "invention promotion services" to mean the procurement or attempted procurement for a customer of a firm, corporation, or other entity to develop and market products or services that include the customer's invention.

New section 297(d) requires the Director of the USPTO to make publicly available all complaints submitted to the USPTO regarding invention promoters, together with any responses by invention promoters to those complaints. The Director is required to notify the invention promoter of a complaint and provide a reasonable opportunity to reply prior to making such complaint public. Section 297(d)(2) authorizes the Director to request from Federal and State agencies copies of any complaints relating to invention promotion services they have received and to include those complaints in the records maintained by the USPTO regarding invention promotion services. It is anticipated that the Director will use appropriate discretion in making such complaints available to the public for a reasonably sufficient, yet limited, length of time, such as a period of three years from the date of receipt, and that the Director will consult with the Federal Trade Commission to determine whether the disclosure requirements of the FTC and section 297(a) can be coordinated.

Sec. 4103. Effective date

This section provides that the effective date of section 297 will be 60 days after the date of enactment of this Act.

SUBTITLE B—PATENT AND TRADEMARK FEE FAIRNESS

Subtitle B provides patent and trademark fee reform, by lowering patent fees, by directing the Director of the USPTO to study alternative fee structures to encourage full participation in our patent system by all inventors, large and small, and by strengthening the prohibition against the use of trademark fees for non-trademark uses.

Sec. 4201. Short title

This subtitle may be cited as the "Patent and Trademark Fee Fairness Act of 1999."

Sec. 4202. Adjustment of patent fees.

This section reduces patent filing an reissue fees by $50, and reduces patent maintenance fees by $110. This would mark only the second time in history that patent fees have been reduced. Because trademark fees have not been increased since 1993 and because of the application of accounting based cost principles and systems, patent fee income has been partially offsetting the cost of trademark operations. This section will restore fairness to patent and trademark fees by reducing patent fees to better reflect the cost of services.

Sec. 4203. Adjustment of trademark fees.

This section will allow the Director of the USPTO to adjust trademark fees in fiscal year 2000 without regard to fluctuations in the Consumer Price Index in order to better align those fees with the costs of services.

Sec. 4204. Study on alternative fee structures

This section directs the Director of the USPTO to conduct a study and report to the Judiciary Committees of the House and Senate within one year on alternative fee structures that could be adopted by the USPTO to encourage maximum participation in the patent system by the American inventor community.

Sec. 4205. Patent and Trademark Office funding

Pursuant to section 42(c) of the Patent Act, fees available to the Commissioner under section 31 of the Trademark Act of 1946[6] may be used only for the processing of trademark registrations and for other trademark-related activities, and to cover a proportionate share of the administrative costs of the USPTO. In an effort to more tightly "fence" trademark funds for trademark purposes, section 4205 amends this language such that all (trademark) fees available to the Commissioner shall be used for trademark registration and other trademark-related purposes. In other words, the Commissioner may exercise no discretion when spending funds; they must be earmarked for trademark purposes.

SUBTITLE C—FIRST INVENTOR DEFENSE

Subtitle C strikes an equitable balance between the interests of U.S. inventors who have invented and commercialized business methods and processes, many of which until recently were thought not to be patentable, and U.S. or foreign inventors who later patent the methods and processes. The subtitle creates a defense for inventors who have reduced an invention to practice in the U.S. at least one year before the patent filing date of another, typically later, inventor and commercially used the invention in the U.S. before the filing date. A party entitled to the defense must not have derived the invention from the patent owner. The bill protects the patent owner by providing that the establishment of the defense by such an inventor or entrepreneur does not invalidate the patent.

The subtitle clarifies the interface between two key branches of intellectual property law—patents and trade secrets. Patent law serves the public interest by encouraging innovation and investment in new technology, and may be thought of as providing a right to exclude other parties from an invention in return for the inventor making a public disclosure of the invention. Trade secret law, however, also serves the public interest by protecting investments in new technology. Trade secrets have taken on a new importance with an increase in the ability to patent all business methods and processes. It would be administratively and economically impossible to expect any inventor to apply for a patent on all methods and processes now deemed patentable. In order to protect inventors and to encourage proper disclosure, this subtitle focuses on methods for doing and conducting business, including methods used in connection with internal commercial operations as well as those used in connection with the sale or transfer of useful end results—whether in the form of physical products, or in the form of services, or in the form of some other useful results; for example, results produced through the manipulation of data or other inputs to produce a useful result.

The earlier-inventor defense is important to many small and large businesses, including financial services, software companies, and manufacturing firms—any business that relies on innovative business processes and methods. The 1998 opinion by the U.S. Court of Appeals for the Federal Circuit in State Street Bank and Trust Co. v. Signature Financial Group,[7] which held that methods of doing business are patentable, has added to the urgency of the issue. As the Court noted, the reference to the business method exception had been improperly applied to a wide variety of processes, blurring the essential question of whether the invention produced a "useful, concrete, and tangible result." In the wake of State Street, thousands of methods and processes used internally are now being patented. In the past, many businesses that developed and used such methods and processes thought secrecy was the only protection available. Under established law, any of these inventions which have been in commercial use—public or secret—for more than one year cannot now be the subject of a valid U.S. patent.

Sec. 4301. Short title

This subtitle may be cited as the "First Inventor Defense Act of 1999."

Sec. 4302. Defense to patent infringement based on earlier inventor

In establishing the defense, subsection (a) of section 4302 creates a new section 273 of the Patent Act, which in subsection (a) sets forth the following definitions:

(1) "Commercially used and commercial use" mean use of any method in the United States so long as the use is in connection with an internal commercial use or an actual sale or transfer of a useful end result;

(2) "Commercial use as applied to a nonprofit research laboratory and nonprofit entities such as a university, research center, or hospital intended to benefit the public" means that such entities may assert the defense only based on continued use by and in the entities themselves, but that the defense is inapplicable to subsequent commercialization or use outside the entities;

(3) "Method" means any method for doing or conducting an entity's business; and (4) "Effective filing date" means the earlier of the actual filing date of the application for the patent or the filing date of any earlier US, foreign, or international application to which the subject matter at issue is entitled under the Patent Act.

To be "commercially used" or in "commercial use" for purposes of subsection (a), the use must be in connection with either an internal commercial use or an actual arm's-length sale or other arm's-length commercial transfer of a useful end result. The method that is the subject matter of the defense may be an internal method for doing business, such as an internal human resources management process, or a method for conducting business such as a preliminary or intermediate manufacturing procedure, which contributes to the effectiveness of the business by producing a useful end result for the internal operation of the business or for external sale. Commercial use does not require the subject matter at issue to be accessible to or otherwise known to the public.

Subject matter that must undergo a premarketing regulatory review period during which safety or efficacy is established before commercial marketing or use is considered to be commercially used and in commercial use during the regulatory review period.

The issue of whether an invention is a method is to be determined based on its underlying nature and not on the technicality of the form of the claims in the patent. For example, a method for doing or conducting business that has been claimed in a patent as a programmed machine, as in the State

Street case, is a method for purposes of section 273 if the invention could have as easily been claimed as a method. Form should not rule substance.

Subsection (b)(1) of section 273 establishes a general defense against infringement under section 271 of the Patent Act. Specifically, a person will not be held liable with respect to any subject matter that would otherwise infringe one or more claims to a method in another party's patent if the person:

(1) Acting in good faith, actually reduced the subject matter to practice at least one year before the effective filing date of the patent; and

(2) Commercially used the subject matter before the effective filing date of the patent.

The first inventor defense is not limited to methods in any particular industry such as the financial services industry, but applies to any industry which relies on trade secrecy for protecting methods for doing or conducting the operations of their business.

Subsection (b)(2) states that the sale or other lawful disposition of a useful end result produced by a patented method, by a person entitled to assert a section 273 defense, exhausts the patent owner's rights with respect to that end result to the same extent such rights would have been exhausted had the sale or other disposition been made by the patent owner. For example, if a purchaser would have had the right to resell a product or other end result if bought from the patent owner, the purchaser will have the same right if the product is purchased from a person entitled to a section 273 defense.

Subsection (b)(3) creates limitations and qualifications on the use of the defense. First, a person may not assert the defense unless the invention for which the defense is asserted is for a commercial use of a method as defined in section 273(a)(1) and (3). Second, a person may not assert the defense if the subject matter was derived from the patent owner or persons in privity with the patent owner. Third, subsection (b)(3) makes clear that the application of the defense does not create a general license under all claims of the patent in question—it extends only to the specific subject matter claimed in the patent with respect to which the person can assert the defense. At the same time, however, the defense does extend to variations in the quantity or volume of use of the claimed subject matter, and to improvements that do not infringe additional, specifically-claimed subject matter.

Subsection (b)(4) requires that the person asserting the defense has the burden of proof in establishing it by clear and convincing evidence. Subsection (b)(5) establishes that the person who abandons the commercial use of subject matter may not rely on activities performed before the date of such abandonment in establishing the defense with respect to actions taken after the date of abandonment. Such a person can rely only on the date when commercial use of the subject matter was resumed.

Subsection (b)(6) notes that the defense may only be asserted by the person who performed the acts necessary to establish the defense, and, except for transfer to the patent owner, the right to assert the defense cannot be licensed, assigned, or transferred to a third party except as an ancillary and subordinate part of a good-faith assignment or transfer for other reasons of the entire enterprise or line of business to which the defense relates.

When the defense has been transferred along with the enterprise or line of business to which it relates as permitted by subsection (b)(6), subsection (b)(7) limits the sites for which the defense may be asserted. Specifically, when the enterprise or line of business to which the defense relates has been transferred, the defense may be asserted only for uses at those sites where the subject matter was used before the later of the patent filing date or the date of transfer of the enterprise or line of business.

Subsection (b)(8) states that a person who fails to demonstrate a reasonable basis for asserting the defense may be held liable for attorneys' fees under section 285 of the Patent Act.

Subsection (b)(9) specifies that the successful assertion of the defense does not mean that the affected patent is invalid. Paragraph (9) eliminates a point of uncertainty under current law, and strikes a balance between the rights of an inventor who obtains a patent after another inventor has taken the steps to qualify for a prior use defense. The bill provides that the commercial use of a method in operating a business before the patentee's filing date, by an individual or entity that can establish a section 273 defense, does not invalidate the patent. For example, under current law, although the matter has seldom been litigated, a party who commercially used an invention in secrecy before the patent filing date and who also invented the subject matter before the patent owner's invention may argue that the patent is invalid under section 102 (g) of the Patent Act. Arguably, commercial use of an invention in secrecy is not suppression or concealment of the invention within the meaning of section 102(g), and therefore the party's earlier invention could invalidate the patent.[8]

Sec. 4303. Effective date and applicability

The effective date for subtitle C is the date of enactment, except that the title does not apply to any infringement action pending on the date of enactment or to any subject matter for which an adjudication of infringement, including a consent judgment, has been made before the date of enactment.

SUBTITLE D—PATENT TERM GUARANTEE

Subtitle D amends the provisions in the Patent Act that compensate patent applicants for certain reductions in patent term that are not the fault of the applicant. The provisions that were initially included in the term adjustment provisions of patent bills in the 105th Congress only provided adjustments for up to 10 years for secrecy orders, interferences, and successful appeals. Not only are these adjustments too short in some cases, but no adjustments were provided for administrative delays caused by the USPTO that were beyond the control of the applicant. Accordingly, subtitle D removes the 10-year caps from the existing provisions, adds a new provision to compensate applicants fully for USPTO-caused administrative delays, and, for good measure, includes a new provision guaranteeing diligent applicants at least a 17-year term by extending the term of any patent not granted within three years of filing. Thus, no patent applicant diligently seeking to obtain a patent will receive a term of less than the 17 years as provided under the pre-GATT[9] standard; in fact, most will receive considerably more. Only those who purposely manipulate the system to delay the issuance of their patents will be penalized under subtitle D, a result that the Conferees believe entirely appropriate.

Sec. 4401. Short title

This subtitle may be cited as the "Patent Term Guarantee Act of 1999."

Sec.4402. Patent term guarantee authority

Section 4402 amends section 154(b) of the Patent Act covering term. First, new subsection (b)(1)(A)(i)-(iv) guarantees day-for-day restoration of term lost as a result of delay created by the USPTO when the agency fails to:

(1) Make a notification of the rejection of any claim for a patent or any objection or argument under §132, or give or mail a written notice of allowance under §151, within 14 months after the date on which a non-provisional application was actually filed in the USPTO;

(2) Respond to a reply under §132, or to an appeal taken under §134, within four months after the date on which the reply was filed or the appeal was taken;

(3) Act on an application within four months after the date of a decision by the Board of Patent Appeals and Interferences under §134 or §135 or a decision by a Federal court under §§141, 145, or 146 in a case in which allowable claims remain in the application; or (4) Issue a patent within four months after the date on which the issue fee was paid under §151 and all outstanding requirements were satisfied.

Further, subject to certain limitations, infra, section 154(b)(1)(B) guarantees a total application pendency of no more than three years. Specifically, day-for-day restoration of term is granted if the USPTO has not issued a patent within three years after "the actual date of the application in the United States." This language was intentionally selected to exclude the filing date of an application under the Patent Cooperation Treaty (PCT).[10] Otherwise, an applicant could obtain up to a 30-month extension of a U.S. patent merely by filing under PCT, rather than directly in the USPTO, gaining an unfair advantage in contrast to strictly domestic applicants. Any periods of time

(1) consumed in the continued examination of the application under §132(b) of the Patent Act as added by section 4403 of this Act;

(2) lost due to an interference under section135(a), a secrecy order under section 181, or appellate review by the Board of Patent Appeals and Interferences or by a Federal court (irrespective of the outcome); and

(3) incurred at the request of an applicant in excess of the three months to respond to a notice from the Office permitted by section 154(b)(2)(C)(ii) unless excused by a showing by the applicant under section 154(b)(3)(C) that in spite of all due care the applicant could not respond within three months

shall not be considered a delay by the USPTO and shall not be counted for purposes of determining whether the patent issued within three years from the actual filing date.

Day-for-day restoration is also granted under new section 154(b)(1)(C) for delays resulting from interferences,[11] secrecy orders,[12] and appeals by the Board of Patent Appeals and Interferences or a Federal court in which a patent was issued as a result of a decision reversing an adverse determination of patentability.

Section 4402 imposes limitations on restoration of term. In general, pursuant to new §154(b)(2)(A)-(C) of the bill, total adjustments granted for restorations under (b)(1) are reduced as follows:

(1) To the extent that there are multiple grounds for extending the term of a patent that may exist simultaneously (e.g., delay due to a secrecy order under section 181 and administrative delay under section 154(b)(1)(A)), the term should not be extended for each ground of delay but only for the actual number of days that the issuance of a patent was delayed;

(2) The term of any patent which has been disclaimed beyond a date certain may not receive an adjustment beyond the expiration date specified in the disclaimer; and

(3) Adjustments shall be reduced by a period equal to the time in which the applicant failed to engage in reasonable efforts to conclude prosecution of the application, based on regulations developed by the Director, and an applicant shall be deemed to have failed to engage in such reasonable efforts for any periods of time in excess of three months that are taken to respond to a notice from the Office making any rejection or other request;

New section 154(b)(3) sets forth the procedures for the adjustment of patent terms. Paragraph (3)(A) empowers the Director to establish regulations by which term extensions are determined and contested. Paragraph (3)(B) requires the Director to send a notice of any determination with the notice of allowance and to give the applicant one opportunity to request reconsideration of the determination. Paragraph (3)(C) requires the Director to reinstate any time the applicant takes to respond to a notice from the Office in excess of three months that was deducted from any patent term extension that would otherwise have been granted if the applicant can show that he or she was, in spite of all due care, unable to respond within three months. In no case shall more than an additional three months be reinstated for each response. Paragraph (3)(D) requires the Director to grant the patent after completion of determining any patent term extension irrespective of whether the applicant appeals.

New section 154(b)(4) regulates appeals of term adjustment determinations made by the Director. Paragraph (4)(A) requires a dissatisfied applicant to seek remedy in the District Court for the District of Columbia under the Administrative Procedures Act[13] within 180 days after the grant of the patent. The Director shall alter the term of the patent to reflect any final judgment. Paragraph (4)(B) precludes a third party from challenging the determination of a patent term prior to patent grant.

Section 4402(b) makes certain conforming amendments to section 282 of the Patent Act and the appellate jurisdiction of the U.S. Court of Appeals for the Federal Circuit.[11]

Sec. 4403. Continued examination of patent applications

Section 4403 amends section 132 of the Patent Act to permit an applicant to request that an examiner continue the examination of an application following a notice of "final" rejection by the examiner. New section 132(b) authorizes the Director to prescribe regulations for the continued examination of an application notwithstanding a final rejection, at the request of the applicant. The Director may also establish appropriate fees for continued examination proceedings, and shall provide a 50% fee reduction for small entities which qualify for such treatment under section 41(h)(1) of the Patent Act.

Section 4404. Technical clarification

Section 4404 of the bill coordinates technical term adjustment provisions set forth in section 154(b) with those in section 156(a) of the Patent Act.

Section 4405. Effective date

The effective date for the amendments in section 4402 and 4404 is six months after the date of enactment and, with the exception of design applications (the terms of which are not measured from filing), applies to any application filed on or after such date. The amendments made by section 4403 take effect six months after date of enactment to allow the USPTO to prepare implementing regulations an apply to all national and international (PCT) applications filed on or after June 8, 1995.

Subtitle E—Domestic Publication of Patent Applications Published Abroad

Subtitle E provides for the publication of pending patent applications which have a corresponding foreign counterpart. Any pending U.S. application filed only in the United States (e.g., one that does not have a foreign counterpart) will not be published if the applicant so requests. Thus, an applicant wishing to maintain her application in confidence may do so merely by filing only in the United States and requesting that the USPTO not publish the application. For those applicants who do file abroad or who voluntarily publish their applications, provisional rights will be available for assertion against any third party who uses the claimed invention between publication and grant provided that substantially similar claims are contained in both the published application and granted patent. This change will ensure that American inventors will be able to see the technology that our foreign competition is seeking to patent much earlier than is possible today.

Sec. 4501. Short title

This subtitle may be cited as the "Domestic Publication of Foreign Filed Patent Applications Act of 1999."

Sec. 4502. Publication

As provided in subsection (a) of section 4502, amended section 122(a) of the Patent Act continues the general rule that patent applications will be maintained in confidence. Paragraph (1)(A) of new subsection (b) of section 122 creates a new exception to this general rule by requiring publication of certain applications promptly after the expiration of an 18–month period following the earliest claimed U.S. or foreign filing date. The Director is authorized by subparagraph (B) to determine what information concerning published applications shall be made available to the public, and, under subparagraph (C) any decision made in this regard is final and not subject to review.

Subsection (b)(2) enumerates exceptions to the general rule requiring publication. Subparagraph (A) precludes publication of any application that is: (1) no longer pending at the 18th month from filing; (2) the subject of a secrecy order until the secrecy order is rescinded; (3) a provisional application;[15] or (4) a design patent application.[16]

Pursuant to subparagraph (B)(i), any applicant who is not filing overseas and does not wish her application to be published can simply make a request and state that her invention has not and will not be the subject of an application filed in a foreign country that requires publication after 18 months. Subparagraph (B)(ii) clarifies that an applicant may rescind this request at any time. Moreover, if an applicant has requested that her application not be published in a foreign country with a publication requirement, subparagraph (B)(iii) imposes a duty on the applicant to notify the Director of this fact. An unexcused failure to notify the Director will result in the abandonment of the application. If an applicant either rescinds a request that her application not be published or notifies the Director that an application has been filed in an early publication country or through the PCT, the U.S. application will be published at 18 months pursuant to subsection (b)(1).

Finally, under subparagraph (B)(v), where an applicant has filed an application in a foreign country, either directly or through the PCT, so that the application will be published 18 months from its earliest effective filing date, the applicant may limit the scope of the publication by the USPTO to the total of the cumulative scope of the applications filed in all foreign countries. Where the foreign application is identical to the application filed in the United States or where an application filed under the PCT is identical to the application filed in the United States, the applicant may not limit the extent to which the application filed in the United States is published. However, where an applicant has limited the description of an application filed in a foreign country, either directly or through the PCT in comparison with the application filed in the USPTO, the applicant may restrict the publication by the USPTO to no more than the cumulative details of what will be published in all of the foreign applications and through the PCT. The applicant may restrict the extent of publication of her U.S. application by submitting a redacted copy of the application to the USPTO eliminating only those details that will not be published in any of the foreign applications. Any description contained in at least one of the foreign national or PCT filings may not be excluded from publication in the corresponding U.S. patent application. To ensure that any redacted copy of the U.S. application is published in place of the original U.S. application, the redacted copy must be received within 16 months from the earliest effective filing date. Finally, if the published U.S. application as redacted by the applicant does not enable a person skilled in the art to make and use the claimed invention, provisional rights under section 154(d) shall not be available.

Subsection (c) requires the Director to establish procedures to ensure that no protest or other form of pre-issuance opposition to the grant of a patent on an application may be initiated after publication without the express written consent of the applicant.

Subsection (d) protects our national security by providing that no application may be published under subsection (b)(1) where the publication or disclosure of such invention would be detrimental to the national security. In addition, the Director of the USPTO is required to establish appropriate procedures to ensure that such applications are promptly identified and the secrecy of such inventions is maintained in accordance with chapter 17 of the Patent Act, which governs secrecy of inventions in the interest of national security.

Subsection (b) of section 4502 of subtitle E requires the Government Accounting Office (GAO) to conduct a study of applicants who file only in the United States during a three-year period beginning on the effective date of subtitle E. The study will focus on the percentage of U.S. applicants who file only in the United States versus those who file outside the United States; how many domestic-only filers request not to be published; how many who request not to be published later rescind that request; and whether there is any correlation between the type of applicant (e.g., small vs. large entity) and publication. The Comptroller General must submit the findings of the study, once completed, to the Committees on the Judiciary of the House and Senate.

Sec. 4503. Time for claiming benefit of earlier filing date

Section 119 of the Patent Act prescribes procedures to implement the right to claim priority under Article 4 of the Paris Convention for the Protection of Industrial Property.[17] Under that Article, an applicant seeking protection in the United States may claim the filing date of an application for the same invention filed in another Convention country—provided the subsequent application is filed in the United States within 12 months of the earlier filing in the foreign country.

Section 4503 of subtitle V amends section 119(b) of the Patent Act to authorize the Director to establish a cut-off date by which the applicant must claim priority. This is to ensure that the claim will be made early enough—generally not later than the 16th month from the earliest effective filing date—so as to permit an orderly publication schedule for pending applications. As the USPTO moves to electronic filing, it is envisioned that this date could be moved closer to the 18th month.

The amendment to §119(b) also gives the Director the discretion to consider the failure of the applicant to file a timely claim for priority to be a waiver of any such priority claim. The Director is also authorized to establish procedures (including the payment of a surcharge) to accept an unintentionally delayed priority claim.

Section 4503(b) of subtitle E amends section 120 of the Patent Act in a similar way. This provision empowers the Director to: (1) establish a time by which the priority of an earlier filed United States application must be claimed; (2) consider the failure to meet that time limit to be a waiver of the right to claim such priority; and (3) accept an unintentionally late claim of priority subject to the payment of a surcharge.

Sec. 4504. Provisional rights

Section 4504 amends section 154 of the Patent Act by adding a new subsection (d) to accord provisional rights to obtain a reasonable royalty for applicants whose applications are published under amended section 122(b) of the Patent Act, supra, or applications designating the United States filed under the PCT. Generally, this provision establishes the right of an applicant to obtain a reasonable royalty from any person who, during the period beginning on the date that his or her application is published and ending on the date a patent is issued—

(1) makes, uses, offers for sale, or sells the invention in the United States, or imports such an invention into the United States; or

(2) if the invention claimed is a process, makes, uses, offers for sale, sells, or imports a product made by that process in the United States; and

(3) had actual notice of the published application and, in the case of an application filed under the PCT designating the United States that is published in a language other than English, a translation of the application into English.

The requirement of actual notice is critical. The mere fact that the published application is included in a commercial database where it might be found is insufficient. The published applicant must give actual notice of the published application to the accused infringer and explain what acts are regarded as giving rise to provisional rights.

Another important limitation on the availability of provisional royalties is that the claims in the published application that are alleged to give rise to provisional rights must also appear in the patent in substantially identical form. To allow anything less than substantial identity would impose an unacceptable burden on the public. If provisional rights were available in the situation where the only valid claim infringed first appeared in substantially that form in the granted patent, the public would have no guidance as to the specific behavior to avoid between publication and grant. Every person or company that might be operating within the scope of the disclosure of the published application would have to conduct her own private examination to determine whether a published application contained patentable subject matter that she should avoid. The burden should be on the applicant to initially draft a schedule of claims that gives adequate notice to the public of what she is seeking to patent.

Amended section 154(d)(3) imposes a six-year statute of limitations from grant in which an action for reasonable royalties must be brought.

Amended section 154(d)(4) sets forth some additional rules qualifying when an international application under the PCT will give rise to provisional rights. The date that will give rise to provisional rights for international applications will be the date on which the USPTO receives a copy of the application published under the PCT in the English language; if the application is published under the PCT in a language other than English, then the date on which provisional rights will arise will be the date on which the USPTO receives a translation of the international application in the English language. The Director is empowered to require an applicant to provide a copy of the international application and a translation of it.

Sec. 4505. Prior art effect of published applications

Section 4505 amends section 102(e) of the Patent Act to treat an application published by the USPTO in the same fashion as a patent published by the USPTO. Accordingly, a published application is given prior art effect as of its earliest effective U.S. filing date against any subsequently filed U.S. applications. As with patents, any foreign filing date to which the published application is entitled will not be the effective filing date of the U.S. published application for prior art purposes. An exception to this general rule is made for international applications designating the United States that are published under Article 21(2)(a) of the PCT in the English language. Such applications are given a prior art effect as of their international filing date. The prior art effect accorded to patents under section 4505 remains unchanged from present section 102(e) of the Patent Act.

Sec. 4506. Cost recovery for publications

Section 4506 authorizes the Director to recover the costs of early publication required by the amendment made by section 4502 of this Act by charging a separate publication fee after a notice of allowance is given pursuant to section 151 of the Patent Act.

Sec. 4507. Conforming amendments

Section 4507 consists of various technical and conforming amendments to the Patent Act. These include amending section 181 of the Patent Act to clarify that publication of pending applications does not apply to applications under secrecy orders, and amending section 284 of the Patent Act to ensure that increased damages authorized under section 284 shall not apply to the reasonable royalties possible under amended section 154(d). In addition, section 374 of the Patent Act is amended to provide that the effect of the publication of an international application designating the United States shall be the same as the publication of an application published under amended section 122(b), except as its effect as prior art is modified by amended section 102(e) and its giving rise to provisional rights is qualified by new section 154(d).

Sec. 4508. Effective date

Subtitle E shall take effect on the date that is one year after the date of enactment and shall apply to all applications filed under section 111 of the Patent Act on or after that date; and to all applications complying with section 371 of the Patent Act that resulted from international applications filed on or after that date. The provisional rights provided in amended section 154(d) and the prior art effect provided in amended section 102(e) shall apply to all applications pending on the date that is one year after the date of enactment that are voluntarily published by their applicants. Finally, section 404 (provisional rights) shall apply to international applications designating the United States that are filed on or after the date that is one year after the date of enactment.

SUBTITLE F—OPTIONAL INTER PARTES REEXAMINATION PROCEDURE

Subtitle F is intended to reduce expensive patent litigation in U.S. district courts by giving third-party requesters, in addition to the existing ex parte reexamination in Chapter 30 of title 35, the option of inter partes reexamination proceedings in the USPTO. Congress enacted legislation to authorize ex parte reexamination of patents in the USPTO in 1980, but such reexamination has been used infrequently since a third party who requests reexamination cannot participate at all after initiating the proceedings. Numerous witnesses have suggested that the volume of lawsuits in district courts will be reduced if third parties can be encouraged to use reexamination by giving them an opportunity to argue their case for patent invalidity in the USPTO. Subtitle F provides that opportunity as an option to the existing ex parte reexamination proceedings.

Subtitle F leaves existing ex parte reexamination procedures in Chapter 30 of title 35 intact, but establishes an inter partes reexamination procedure which third-party requesters can use at their option. Subtitle VI allows third parties who request inter partes reexamination to submit one written comment each time the patent owner files a response to the USPTO. In addition, such third-party requesters can appeal to the USPTO Board of Patent Appeals and Interferences from an examiner's determination that the reexamined patent is valid, but may not appeal to the Court of Appeals for the Federal Circuit. To prevent harassment, anyone who requests inter partes reexamination must identify the real party in interest and third-party requesters who participate in an inter partes reexamination proceeding are estopped from raising in a subsequent court action or inter partes reexamination any issue of patent validity that they raised or could have raised during such inter partes reexamination.

Subtitle F contains the important threshold safeguard (also applied in ex parte reexamination) that an inter partes reexamination cannot be commenced unless the USPTO makes a determination that a "substantial new question" of patentability is raised. Also, as under Chapter 30, this determination cannot be appealed, and grounds for inter partes reexamination are limited to earlier patents and printed publications—grounds that USPTO examiners are well-suited to consider.

Sec. 4601. Short title

This subtitle may be cited as the "Optional Inter Partes Reexamination Procedure Act."

Sec. 4602. Clarification of Chapter 30

This section distinguishes Chapter 31 from existing Chapter 30 by changing the title of Chapter 30 to "Ex Parte Reexamination of Patents."

Sec. 4603. Definitions

This section amends section 100 of the Patent Act by defining "third-party requester" as a person who is not the patent owner requesting ex parte reexamination under section 302 or inter partes reexamination under section 311.

Sec. 4604. Optional Inter Partes Reexamination Procedure

Section 4604 amends Part III of title 35 by inserting a new Chapter 31 setting forth optional inter partes reexamination procedures.

New section 311, as amended by this section, differs from section 302 of existing law in Chapter 30 of the Patent Act by requiring any person filing a written request for inter partes reexamination to identify the real party in interest.

Similar to section 303 of existing law, new section 312 of the Patent Act confers upon the Director the authority and responsibility to determine, within three months after the filing of a request for inter partes reexamination, whether a substantial new question affecting patentability of any claim of the patent is raised by the request. Also, the decision in this regard is final and not subject to judicial review.

Proposed sections 313–14 under this subtitle are similarly modeled after sections 304–305 of Chapter 30. Under proposed section 313, if the Director determines that a substantial new question of patentability affecting a claim is raised, the determination shall include an order for inter partes reexamination for resolution of the question. The order may be accompanied by the initial USPTO action on the merits of the inter partes reexamination conducted in accordance with section 314. Generally, under proposed section 314, inter partes reexamination shall be conducted according to the procedures set forth in sections 132–133 of the Patent Act. The patent owner will be permitted to propose any amendment to the patent and a new claim or claims, with the same exception contained in section 305: no proposed amended or new claim enlarging the scope of the claims will be allowed.

Proposed section 314 elaborates on procedure with regard to third-party requesters who, for the first time, are given the option to participate in inter partes reexamination proceedings. With the exception of the inter partes reexamination request, any document filed by either the patent owner or the third-party requester shall be served on the other party. In addition, the third party-requester in an inter partes reexamination shall receive a copy of any communication sent by the USPTO to the patent owner. After each response by the patent owner to an action on the merits by the USPTO, the third-party requester shall have one opportunity to file written comments addressing issues raised by the USPTO or raised in the patent owner's response. Unless ordered by the Director for good cause, the agency must act in an inter partes reexamination matter with special dispatch.

Proposed section 315 prescribes the procedures for appeal of an adverse USPTO decision by the patent owner and the third-party requester in an inter partes reexamination. Both the patent owner and the third-party requester are entitled to appeal to the Board of Patent Appeals and Interferences (section 134 of the Patent Act), but only the patentee can appeal to the U.S. Court of Appeals for the Federal Circuit (§§141–144); either may also be a party to any appeal by the other to the Board of Patent Appeals and Interferences. The patentee is not entitled to the alternative of an appeal of an inter partes reexamination to the U.S. District Court for the District of Columbia. Such appeals are rarely taken from ex parte reexamination proceedings under existing law and its removal should speed up the process.

To deter unnecessary litigation, proposed section 315 imposes constraints on the third-party requester. In general, a third-party requester who is granted an inter partes reexamination by the USPTO may not assert at a later time in any civil action in U.S. district court[18] the invalidity of any claim finally determined to be patentable on any ground that the third-party requester raised or could have raised during the inter partes reexamination. However, the third-party requester may assert invalidity based on newly discovered prior art unavailable at the time of the reexamination. Prior art was unavailable at the time of the inter partes reexamination if it was not known to the individuals who were involved in the reexamination proceeding on behalf of the third-party requester and the USPTO.

Section 316 provides for the Director to issue and publish certificates canceling unpatentable claims, confirming patentable claims, and incorporating any amended or new claim determined to be patentable in an inter partes procedure.

Subtitle F creates a new section 317 which sets forth certain conditions by which inter partes reexamination is prohibited to guard against harassment of a patent holder. In general, once an order for inter partes reexamination has been issued, neither a third-party requester nor the patent owner may file a subsequent request for inter partes reexamination until an inter partes reexamination certificate is issued and published, unless authorized by the Director. Further, if a third-party requester asserts patent invalidity in a civil action and a final decision is entered that the party failed to prove the assertion of invalidity, or if a final decision in an inter partes reexamination instituted by the requester is favorable to patentability, after any appeals, that third-party requester cannot thereafter request inter partes reexamination on the basis of issues which were or which could have been raised. However, the third-party requester may assert invalidity based on newly discovered prior art unavailable at the time of the civil action or inter partes reexamination. Prior art was unavailable at the time if it was not known to the individuals who were involved in the civil action or inter partes reexamination proceeding on behalf of the third-party requester and the USPTO.

Proposed section 318 gives a patent owner the right, once an inter partes reexamination has been ordered, to obtain a stay of any pending litigation involving an issue of patentability of any claims of the patent that are the subject of the inter partes reexamination, unless the court determines that the stay would not serve the interests of justice.

Sec. 4605. Conforming amendments

Section 4605 makes the following conforming amendments to the Patent Act:

A patent owner must pay a fee of $1.210 for each petition in connection with an unintentionally abandoned application, delayed payment, or delayed response by the patent owner during any reexamination.

A patent applicant, any of whose claims has been twice rejected; a patent owner in a reexamination proceeding; and a third-party requester in an inter partes reexamination proceeding may all appeal final adverse decisions from a primary examiner to the Board of Patent Appeals and Interferences.

Proposed section 141 states that a patent owner in a reexamination proceeding may appeal an adverse decision by the Board of Patent Appeals and Interferences only to the U.S. Court of Appeals for the Federal Circuit as earlier noted. A third-party requester in an inter partes reexamination proceeding may not appeal beyond the Board of Patent Appeals and Interferences.

The Director is required pursuant to section 143 (proceedings on appeal to the Federal Circuit) to submit to the court the grounds for the USPTO decision in any reexamination addressing all the issues involved in the appeal.

Sec. 4606. Report to Congress

Not later than five years after the effective date of subtitle F, the Director must submit to Congress a report evaluating whether the inter partes reexamination proceedings set forth in the title are inequitable to any of the parties in interest and, if so, the report shall contain recommendations for change to eliminate the inequity.

Sec. 4607. Estoppel Effect of Reexamination

Section 4607 estops any party who requests inter partes reexamination from challenging at a later time, in any civil action, any fact determined during the process of the inter partes reexamination, except with respect to a fact determination later proved to be erroneous based on information unavailable at the time of the inter partes reexamination. The estoppel arises after a final decision in the inter partes reexamination or a final decision in any appeal of such reexamination. If section 4607 is held to be unenforceable, the enforceability of the rest of subtitle F or the Act is not affected.

Sec. 4608. Effective date

Subtitle F shall take effect on the date of the enactment and shall apply to any patent that issues from an original application filed in the United States on or after that date, except that the amendments made by section 4605(a) shall take effect one year from the date of enactment.

Subtitle G—United States Patent and Trademark Office

Subtitle G establishes the United States Patent and Trademark Office (USPTO) as an agency of the United States within the Department of Commerce. The Secretary of Commerce gives policy direction to the agency, but the agency is autonomous and responsible for the management and administration of its operations and has independent control of budget allocations and expenditures, personnel decisions and processes, and procurement. The Committee intends that the Office will conduct its patent and trademark operations without micro-management by Department of Commerce officials, with the exception of policy guidance of the Secretary. The agency is headed by an Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, a Deputy, and a Commissioner of Patents and a Commissioner of Trademarks. The agency is exempt from government-wide personnel ceilings. A patent public advisory committee and a trademark public advisory committee are established to advise the Director on agency policies, goals, performance, budget and user fees.

Sec. 4701. Short title

This subtitle may be cited as the "Patent and Trademark Office Efficiency Act."

Subchapter A—United States Patent and Trademark Office

Sec. 4711. Establishment of Patent and Trademark Office

Section 4711 establishes the USPTO as an agency of the United States within the Department of Commerce and under the policy direction of the Secretary of Commerce. The USPTO, as an autonomous agency, is explicitly responsible for decisions regarding the management and administration of its operations and has independent control of budget allocations and expenditures, personnel decisions and processes, procurements, and other administrative and management functions. Patent operations and trademark operations are to be treated as separate operating units within the Office, each under the direction of its respective Commissioner, as supervised by the Director.

The USPTO shall maintain its principal office in the metropolitan Washington, D.C., area, for the service of process and papers and for the purpose of discharging its functions. For purposes of venue in civil actions, the agency is deemed to be a resident of the district in which its principal office is located, except where otherwise provided by law. The USPTO is also permitted to establish satellite offices in such other places in the United States as it considers necessary and appropriate to conduct business. This is intended to allow the USPTO, if appropriate, to serve American applicants better.

Sec. 4712. Powers and duties

Subject to the policy direction of the Secretary of the Commerce, in general the USPTO will be responsible for the granting and issuing of patents, the registration of trademarks, and the dissemination of patent and trademark information to the public.

The USPTO will also possess specific powers, which include:

(1) a requirement to adopt and use an Office seal for judicial notice purposes and for authenticating patents, trademark certificates and papers issued by the Office;

(2) the authority to establish regulations, not inconsistent with law, that

(A) govern the conduct of USPTO proceedings within the Office,

(B) are in accordance with §553 of title 5,

(C) facilitate and expedite the processing of patent applications, particularly those which can be processed electronically,

(D) govern the recognition, conduct, and qualifications of agents, attorneys, or other persons representing applicants or others before the USPTO,

(E) recognize the public interest in ensuring that the patent system retain a reduced fee structure for small entities, and

(F) provide for the development of a performance-based process for managing that includes quantitative and qualitative measures, standards for evaluating cost-effectiveness, and consistency with principles of impartiality and competitiveness;

(3) the authority to acquire, construct, purchase, lease, hold, manage, operate, improve, alter and renovate any real, personal, or mixed property as it considers necessary to discharge its functions;

(4) the authority to make purchases of property, contracts for construction, maintenance, or management and operation of facilities, as well as to contract for and purchase printing services without regard to those federal laws which govern such proceedings;

(5) the authority to use services, equipment, personnel, facilities and equipment of other federal entities, with their consent and on a reimbursable basis;

(6) the authority to use, with the consent of the United States and the agency, government, or international organization concerned, the services, records, facilities or personnel of any State or local government agency or foreign patent or trademark office or international organization to perform functions on its behalf;

(7) the authority to retain and use all of its revenues and receipts;

(8) a requirement to advise the President, through the Secretary of Commerce, on national and certain international intellectual property policy issues;

(9) a requirement to advise Federal departments and agencies of intellectual property policy in the United States and intellectual property protection abroad;

(10) a requirement to provide guidance regarding proposals offered by agencies to assist foreign governments and international intergovernmental organizations on matters of intellectual property protection;

(11) the authority to conduct programs, studies or exchanges regarding domestic or international intellectual property law and the effectiveness of intellectual property protection domestically and abroad;

(12) a requirement to advise the Secretary of Commerce on any programs and studies relating to intellectual property policy that the USPTO may conduct or is authorized to conduct, cooperatively with foreign intellectual property offices and international intergovernmental organizations; and

(13) the authority to (A) coordinate with the Department of State in conducting programs and studies cooperatively with foreign intellectual property offices and international intergovernmental organizations, and (B) transfer, with the concurrence of the Secretary of State, up to $100,000 in any year to the Department of State to pay an international intergovernmental organization for studies and programs advancing international cooperation concerning patents, trademarks, and other matters.

The specific powers set forth in new subsection (b) are clarified in new subsection (c). The special payments of paragraph (14)(B) are additional to other payments or contributions and are not subject to any limitation imposed by law. Nothing in subsection (b) derogates from the duties of the Secretary of State or the United States Trade Representative as set forth in section 141 of the Trade Act of 1974[19], nor derogates from the duties and functions of the Register of Copyrights. The Director is required to consult with the Administrator of General Services when exercising authority under paragraphs (3) and (4)(A). Nothing in section 4712 may be construed to nullify, void, cancel, or interrupt any pending request-for-proposal let or contract issued by the General Services Administration for the specific purpose of relocating or leasing space to the USPTO. Finally, in exercising the powers and duties under this section, the Director shall consult with the Register of Copyright on all Copyright and related matters.

Sec. 4713. Organization and management

Section 4713 details the organization and management of the agency. The powers and duties of the USPTO shall be vested in the Under Secretary and Director, who shall be appointed by the President, by and with the consent of the Senate. The Under Secretary and Director performs two main functions. As Under Secretary of Commerce for Intellectual Property, she serves as the policy advisor to the Secretary of Commerce and the President on intellectual property issues. As Director, she is responsible for supervising the management and direction of the USPTO. She shall consult with the Public Advisory Committees, infra, on a regular basis regarding operations of the agency and before submitting budgetary proposals and fee or regulation changes. The Director shall take an oath of office. The President may remove the Director from office, but must provide notification to both houses of Congress.

The Secretary of Commerce, upon nomination of the Director, shall appoint a Deputy Director to act in the capacity of the Director if the Director is absent or incapacitated. The Secretary of Commerce shall also appoint two Commissioners, one for Patents, the other for Trademarks, without regard to chapters 33, 51, or 53 of title 5 of the U.S. Code. The Commissioners will have five-year terms and may be reappointed to new terms by the Secretary. Each Commissioner shall possess a demonstrated experience in patent and trademark law, respectively; and they shall be responsible for the management and direction of the patent and trademark operations, respectively. In addition to receiving a basic rate of compensation under the Senior Executive Service[20] and a locality payment,[21] the Commissioners may receive bonuses of up to 50 percent of their annual basic rate of compensation, not to exceed the salary of the Vice President, based on a performance evaluation by the Secretary, acting through the Director. The Secretary may remove Commissioners for misconduct or unsatisfactory performance. It is intended that the Commissioners will be non-political expert appointees, independently responsible for operations, subject to supervision by the Director.

The Director may appoint all other officers, agents, and employees as she sees fit, and define their responsibilities with equal discretion. The USPTO is specifically not subject to any administratively or statutorily imposed limits (full-time equivalents, or "FTEs") on positions or personnel.

The USPTO is charged with developing and submitting to Congress a proposal for an incentive program to retain senior (of the primary examiner grade or higher) patent and trademark examiners eligible for retirement for the sole purpose of training patent and trademark examiners.

The Director of the USPTO, in consultation with the Director of the Office of Personnel Management, is required to maintain a program for identifying national security positions at the USPTO and for providing for appropriate security clearances for USPTO employees in order to maintain the secrecy of inventions as described in section 181 of the Patent Act and to prevent disclosure of sensitive and strategic information in the interest of national security.

The USPTO will be subject to all provisions of title 5 of the U.S. Code governing federal employees. All relevant labor agreements which are in effect the day before enactment of subtitle G shall be adopted by the agency. All USPTO employees as of the day before the effective date of subtitle G shall remain officers and employees of the agency without a break in service. Other personnel of the Department of Commerce shall be transferred to the USPTO only if necessary to carry out purposes of subtitle G of the bill and if a major function of their work is reimbursed by the USPTO, they spend at least half of their work time in support of the USPTO, or a transfer to the USPTO would be in the interest of the agency, as determined by the Secretary of Commerce in consultation with the Director.

On or after the effective date of the Act, the President shall appoint an individual to serve as Director until a Director qualifies under subsection (a). The persons serving as the Assistant Commissioner for Patents and the Assistant Commissioner for Trademarks on the day before the effective date of the Act may serve as the Commissioner for Patents and the Commissioner for Trademarks, respectively, until a respective Commissioner is appointed under subsection (b)(2).

Sec. 4714. Public Advisory Committees

Section 4714 provides a new section 5 of the Patent Act which establishes a Patent Public Advisory Committee and a Trademark Public Advisory Committee. Each Committee has nine voting members with three-year terms appointed by and serving at the pleasure of the Secretary of Commerce. Initial appointments will be made within three months of the effective date of the Act; and three of the initial appointees will receive one-year terms, three will receive two-year terms, and three will receive full terms. Vacancies will be filled within three months. The Secretary will also designate chairpersons for three-year terms.

The members of the Committees will be U.S. citizens and will be chosen to represent the interests of USPTO users. The Patent Public Advisory Committee shall have members who represent small and large entity applicants in the United States in proportion to the number of applications filed by the small and large entity applicants. In no case shall the small entity applicants be represented by less than 25 percent of the members of the Patent Public Advisory Committee, at least one of whom shall be an independent inventor. The members of both Committees shall include individuals with substantial background and achievement in finance, management, labor relations, science, technology, and office automation. The patent and trademark examiners' unions are entitled to have one representative on their respective Advisory Committee in a non-voting capacity.

The Committees meet at the call of the chair to consider an agenda established by the chair. Each Committee reviews the policies, goals, performance, budget, and user fees that bear on its area of concern and advises the Director on these matters. Within 60 days of the end of a fiscal year, the Committees prepare annual reports, transmit the reports to the Secretary of Commerce, the President, and the Committees on the Judiciary of the Congress, and publish the reports in the Official Gazette of the USPTO.

Members of the Committees are compensated at a defined daily rate for meeting and travel days. Members are provided access to USPTO records and information other than personnel or other privileged information including that concerning patent applications. Members are special Government employees within the meaning of section 202 of title 18. The Federal Advisory Committee Act shall not apply to the Committees. Finally, section 4714 provides that Committee meetings shall be open to the public unless by a majority vote the Committee meets in executive session to consider personnel or other confidential information.

Sec. 4715. Conforming amendments

Technical conforming amendments to the Patent Act are set forth in section 4715.

Sec. 4716. Trademark Trial and Appeal Board

Section 4716 amends section 17 of the Trademark Act of 1946 by specifying that the Director shall give notice to all affected parties and shall direct a Trademark Trial and Appeal Board to determine the respective rights of those parties before it in a relevant proceeding. The section also invests the Director with the power of appointing administrative trademark judges to the Board. The Director, the Commissioner for Trademarks, the Commissioner for Patents, and the administrative trademark judges shall serve on the Board.

Sec. 4717. Board of Patent Appeals and Interferences

Under existing section 7 of the Patent Act, the Commissioner, Deputy Commissioner, Assistant Commissioners, and the examiners-in-chief constitute the Board of Patent Appeals and Interferences. Pursuant to section 4717 of subtitle G, the Board shall be comprised of the Director, the Commissioner for Patents, the Commissioner for Trademarks, and the administrative patent judges. In addition, the existing statute allows each appellant a hearing before three members of the Board who are designated by the Director. Section 4717 empowers the Director with this authority.

Sec. 4718. Annual report of Director

No later than 180 days after the end of each fiscal year, the Director must provide a report to Congress detailing funds received and expended by the USPTO, the purposes for which the funds were spent, the quality and quantity of USPTO work, the nature of training provided to examiners, the evaluations of the Commissioners by the Secretary of Commerce, the Commissioners' compensation, and other information relating to the agency.

Sec. 4719. Suspension or exclusion from practice

Under existing section 32 of the Patent Act, the Commissioner (the Director pursuant to this Act) has the authority, after notice and a hearing, to suspend or exclude from further practice before the USPTO any person who is incompetent, disreputable, indulges in gross misconduct or fraud, or is noncompliant with USPTO regulations. Section 4719 permits the Director to designate an attorney who is an officer or employee of the USPTO to conduct a hearing under section 32.

Sec. 4720. Pay of Director and Deputy Director

Section 4720 replaces the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks with the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office to receive pay at Level III of the Executive Schedule.[22] Section 4720 also establishes the pay of the Deputy Director at Level IV of the Executive Schedule.[23]

Subchapter B—Effective Date: Technical Amendments

Sec. 4731. Effective date

The effective date of subtitle G is four months after the date of enactment.

Sec. 4732. Technical and conforming amendments

Section 4732 sets forth numerous technical and conforming amendments related to subtitle G.

Subchapter C—Miscellaneous Provisions

Sec. 4741. References

Section 4741 clarifies that any reference to the transfer of a function from a department or office to the head of such department or office means the head of such department or office to which the function is transferred. In addition, references in other federal materials to the current Commissioner of Patents and Trademarks refer, upon enactment, to the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office. Similarly, references to the Assistant Commissioner for Patents are deemed to refer to the Commissioner for Patents and references to the Assistant Commissioner for Trademarks are deemed to refer to the Commissioner for Trademarks.

Sec. 4742. Exercise of authorities

Under section 4742, except as otherwise provided by law, a federal official to whom a function is transferred pursuant to subtitle G may exercise all authorities under any other provision of law that were available regarding the performance of that function to the official empowered to perform that function immediately before the date of the transfer of the function.

Sec. 4743. Savings provisions

Relevant legal documents that relate to a function which is transferred by subtitle G, and which are in effect on the date of such transfer, shall continue in effect according to their terms unless later modified or repealed in an appropriate manner. Applications or proceedings concerning any benefit, service, or license pending on the effective date of subtitle G before an office transferred shall not be affected, and shall continue thereafter, but may later be modified or repealed in the appropriate manner.

Subtitle G will not affect suits commenced before the effective date of passage. Suits or actions by or against the Department of Commerce, its employees, or the Secretary shall not abate by reason of enactment of subtitle G. Suits against a relevant government officer in her official capacity shall continue post enactment, and if a function has transferred to another officer by virtue of enactment, that other officer shall substitute as the defendant. Finally, administrative and judicial review procedures that apply to a function transferred shall apply to the head of the relevant federal agency and other officers to which the function is transferred.

Sec. 4744. Transfer of assets

Section 4744 states that all available personnel, property, records, and funds related to a function transferred pursuant to subtitle G shall be made available to the relevant official or head of the agency to which the function transfers at such time or times as the Director of the Office of Management and Budget (OMB) directs.

Sec. 4745. Delegation and assignment

Section 4745 allows an official to whom a function is transferred under subtitle G to delegate that function to another officer or employee. The official to whom the function was originally transferred nonetheless remains responsible for the administration of the function.

Sec. 4746. Authority of Director of the Office of Management and Budget with respect to functions transferred

Pursuant to section 4746, if necessary the Director of OMB shall make any determination of the functions transferred pursuant to subtitle G.

Sec. 4747. Certain vesting of functions considered transfers

Section 4747 states that the vesting of a function in a department or office pursuant to reestablishment of an office shall be considered to be the transfer of that function.

Sec. 4748. Availability of existing funds

Under section 4748, existing appropriations and funds available for the performance of functions and other activities terminated pursuant to subtitle G shall remain available (for the duration of their period of availability) for necessary expenses in connection with the termination and resolution of such functions and activities, subject to the submission of a plan to House and Senate appropriators in accordance with Public Law 105–277 (Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, Fiscal Year 1999).

Sec. 4749. Definitions

"Function" includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

"Office" includes any office, administration, agency, bureau, institute, council, unit, organizational entity, or component thereof.

SUBTITLE H—MISCELLANEOUS PATENT PROVISIONS

Subtitle H consists of seven largely-unrelated provisions that make needed clarifying and technical changes to the Patent Act . Subtitle H also authorizes a study. The provisions in Subtitle H take effect on the date of enactment except where stated otherwise in certain sections.

Sec. 4801. Provisional applications

Section 4801 amends section 111(b)(5) of the Patent Act by permitting a provisional application to be converted into a non-provisional application. The applicant must make a request within 12 months after the filing date of the provisional application for it to be converted into a non-provisional application.

Section 4801 also amends section 119(e) of the Patent Act by clarifying the treatment of a provisional application when its last day of pendency falls on a weekend or a Federal holiday, and by eliminating the requirement that a provisional application must be copending with a non-provisional application if the provisional application is to be relied on in any USPTO proceeding.

Sec. 4802. International applications

Section 4802 amends section 119(a) of the Patent Act to permit persons who filed an application for patent first in a WTO[24] member country to claim the right of priority in a subsequent patent application filed in the United States, even if such country does not yet afford similar privileges on the basis of applications filed in the United States. This amendment was made in conformity with the requirements of Articles 1 and 2 of the TRIPS Agreement.[25] These Articles require that WTO member countries apply the substantive provisions of the Paris Convention for the Protection of Industrial Property to other WTO member countries. As some WTO member countries are not yet members of the Paris Convention, and as developing countries are generally permitted periods of up to 5 years before complying with all provisions of the TRIPS Agreement, they are not required to extend the right of priority to other WTO member countries until such time.

Section 4802 also adds subsection (f) to section 119 of the Patent Act to provide for the right of priority in the United States on the basis of an application for a plant breeder's right first filed in a WTO member country or in a UPOV[26] Contracting Party. Many foreign countries provide only a sui generis system of protection for plant varieties. Because section 119 presently addresses only patents and inventors' certificates, applicants from those countries are technically unable to base a priority claim on a foreign application for a plant breeder's right when seeking plant patent or utility patent protection for a plant variety in this country.

Subsection (g) is added to section 119 to define the terms "WTO member country" and "UPOV Contracting Party."

Sec. 4803. Certain limitations on remedies for patent infringement not applicable

Section 4803 amends section 287(c)(4) of the Patent Act, which pertains to certain limitations on remedies for patent infringement, to make it applicable only to applications filed on or after September 30, 1996.

Sec. 4804. Electronic filing and publications

Section 4804 amends section 22 of the Patent Act to clarify that the USPTO may receive, disseminate, and maintain information in electronic form. Subsection (d)(2), however, prohibits the Director from ceasing to maintain paper or microform collections of U.S. patents, foreign patent documents, and U.S. trademark registrations, except pursuant to notice and opportunity for public comment and except the Director shall first submit a report to Congress detailing any such plan, including a description of the mechanisms in place to ensure the integrity of such collections and the data contained therein, as well as to ensure prompt public access to the most current available information, and certifying that the implementation of such plan will not negatively impact the public.

In addition, in the operation of its information dissemination programs and as the sole source of patent data, the USPTO should implement procedures that assure that bulk patent data are provided in such a manner that subscribers have the data in a manner that grants a sufficient amount of time for such subscribers to make the data available through their own systems at the same time the USPTO makes the data publicly available through its own Internet system.

Sec. 4805. Study and report on biologic deposits in support of biotechnology patents

Section 4805 charges the Comptroller General, in consultation with the Director of the USPTO, with conducting a study and submitting a report to Congress no later than six months after the date of enactment on the potential risks to the U.S. biotechnological industry regarding biological deposits in support of biotechnology patents. The study shall include: an examination of the risk of export and of transfers to third parties of biological deposits, and the risks posed by the 18–month publication requirement of subtitle E; an analysis of comparative legal and regulatory regimes; and any related recommendations. The USPTO is then charged with considering these recommendations when drafting regulations affecting biological deposits.

Sec. 4806. Prior invention

Section 4806 amends section 102(g) of the Patent Act to make clear that an inventor who is involved in a USPTO interference proceeding and establishes a date of invention under section 104 is subject to the requirements of section 102(g), including the requirement that the invention was not abandoned, suppressed, or concealed.

Sec. 4807. Prior art exclusion for certain commonly assigned patents

Section 4807 amends section 103 of the Patent Act, which sets forth patentability conditions related to the nonobviousness of subject matter. Section 103(c) of the current statute states that subject matter developed by another person which qualifies as prior art only under section 102(f) or (g) shall not preclude granting a patent on an invention with only obvious differences where the subject matter and claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. The bill amends section 103(c) by adding a reference to section 102(e), which currently bars the granting of a patent if the invention was described in another patent granted on an application filed before the applicant's date of invention. The effect of the amendment is to allow an applicant to receive a patent when an invention with only obvious differences from the applicant's invention was described in a patent granted on an application filed before the applicant's invention, provided the inventions are commonly owned or subject to an obligation of assignment to the same person.

Sec. 4808. Exchange of copies of patents with foreign countries

Sec. 4808 amends section 12 of the Patent Act to prohibit the Director of the USPTO from entering into an agreement to exchange patent data with a foreign country that is not one of our NAFTA[27] or WTO trading partners, unless the Secretary of Commerce explicitly authorizes such an exchange.

TITLE V—MISCELLANEOUS PROVISIONS

Section 5001. Commission on Online Child Protection.

Section 5001(a) provides that references contained in the amendments made by this title are to section 1405 of the Child Online Protection Act (47 U.S.C. 231 note).

Section 5001(b) amends the membership of the Commission on Online Child Protection to remove a requirement that a specific number of representatives come from designated sectors of private industry, as outlined in the Act. Section 5001(b) also provides that the members appointed to the Commission as of October 31, 1999, shall remain as members. Section 5001(b) also prevents the members of the Commission from being paid for their work on the Commission. This provision, however, does not preclude members from being reimbursed for legitimate costs associated with participating in the Commission (such as travel expenses).

Section 5001(c) extends the due date for the report of the Commission by one year.

Section 5001(d) establishes that the Commission's statutory authority will expire either (1) 30 days after the submission of the report required by the Act, or (2) November 30, 2000, whichever is earlier.

Section 5001(e) requires the Commission to commence its first meeting no later than March 31, 2000. Section 5001(e) also requires that the Commission elect, by a majority vote, a chairperson of the Commission not later than 30 days after holding its first meeting.

Section 5001(f) establishes minimum rules for the operations of the Commission, and also allows the Commission to adopt other rules as it deems necessary.

Section 5002. Privacy Protection for Donors to Public Broadcasting Entities.

This provision, which was added in Conference, protects the privacy of donors to public broadcasting entities.

Section 5003. Completion of Biennial Regulatory Review.

Section 5003 provides that, within 180 days after the date of enactment, the FCC will complete the biennial review required by section 202(h) of the Telecommunications Act of 1996. The Conferees expect that if the Commission concludes that it should retain any of the rules under the review unchanged, the Commission shall issue a report that includes a full justification of the basis for so finding.

Section 5004. Broadcasting Entities.

This provision, added in Conference, allows for a remittance of copyright damages for public broadcasting entities where they are not aware and have no reason to believe that their activities constituted violations of copyright law. This is currently the standard for nonprofit libraries, archives and educational institutions.

Section 5005. Technical Amendments Relating to Vessel Hull Design Protection.

This section makes several amendments to chapter 13 of the Copyright Act regarding design protection for vessel hulls. The sunset provision for chapter 13, enacted as part of the Digital Millennium Copyright Act, is removed so that chapter 13 is now a permanent provision of the Copyright Act. The timing and number of joint studies to be done by the Copyright Office and the Patent and Trademark Offices of the effectiveness of chapter 13 are also amended by reducing the number of studies from two to one, and requiring that the one study not be submitted until November 1, 2003. Current law requires delivery of two studies within the first two years of chapter 13, which is unnecessary and an insufficient amount of time for the Copyright Office and the Patent and Trademark Office to accurately measure and assess the effectiveness of design protection within the marine industry.

The definition of a "vessel" in chapter 13 is amended to provide that in addition to being able to navigate on or through water, a vessel must be self-propelled and able to steer, and must be designed to carry at least one passenger. This clarifies Congress's intent not to allow design protection for such craft as barges, toy and remote controlled boas, inner tubes and surf boards.

Section 5006. Informal Rulemaking of Copyright Determination.

The Copyright Office has requested that Congress make a technical correction to section 1201(a)(1)(C) of title 17 by deleting the phrase "on the record." The Copyright Office believes that this correction is necessary to avoid any misunderstanding regarding the intent of Congress that the rulemaking proceeding which is the be conducted by the Copyright Office under this provision shall be an informal, rather than a formal, rulemaking proceeding. Accordingly, the phrase "on the record" is deleted as a technical correction to clarify the intent of Congress that the Copyright Office shall conduct the rulemaking under section 1201(a)(1)(C) as an informal rulemaking proceeding pursuant to section 553 of Title 5. The intent is to permit interested persons an opportunity to participate through the submission of written statements, oral presentations at one or more of the public hearings, and the submission of written responses to the submissions or presentations of others.

Section 5007. Service of Process for Surety Corporations

This section allows surety corporations, like other corporations, to utilize approved state officials to receive service of process in any legal proceeding as an alternative to having a separate agent for service of process in each of the 94 federal judicial districts.

Section 5008. Low-Power Television.

Section 5008, which can be cited as the Community Broadcasters Protection Act of 1999, will ensure that many communities across the nation will continue to have access to free, over-the-air low-power television (LPTV) stations, even as full-service television stations proceed with their conversion to digital format. In particular, Section 5008 requires the Federal Communications Commission (FCC) to provide certain qualifying LPTV stations with "primary" regulatory status, which in turn will enable these LPTV stations to attract the financing that is necessary to provide consumers with critical information and programming. At the same time, recognizing the importance of, and the engineering complexity in, the FCC's plan to convert full-service television stations to digital format, Section 5009 protects the ability of these stations to provide both digital and analog service throughout their existing service areas.

The FCC began awarding licenses for low-power television service in 1982. Low-power television service is a relatively inexpensive and flexible means of delivering programming tailored to the interests of viewers in small localized areas. It also ensures that spectrum allocated for broadcast television service is more efficiently used and promotes opportunities for entering the television broadcast business.

The FCC estimates that there are more than 2,000 licensed and operational LPTV stations, about 1,500 of which are operated in the continental United States by 700 different licensees in nearly 750 towns and cities.[28] LPTV stations serve rural and urban communities alike, although about two-thirds of all LPTV stations serve rural communities. LPTV stations in urban markets typically provide niche programming (e.g., bilingual or non-English programming) to under-served communities in large cities. In many rural markets, LPTV stations are consumers' only source of local, over-the-air programming. Owners of LPTV stations are diverse, including high school and college student populations, churches and religious groups, local governments, large and small businesses, and even individual citizens.

From an engineering standpoint, the term "low-power television service" means precisely what it implies, i.e., broadcast television service that operates at a lower level of power than full-service stations. Specifically, LPTV stations radiate 3 kilowatts of power for stations operating on the VHF band (i.e., channels 2 through 13), and 150 kilowatts of power for stations operating on the UHF band (i.e., channels 14 through 69). By comparison, full-service stations on VHF channels radiate up to 316 kilowatts of power, and stations on UHF channels radiate up to 5,000 kilowatts of power. The reduced power levels that govern LPTV stations mean these stations serve a much smaller geographic region than do full-service stations. LPTV signals typically extend to a range of approximately 12 to 15 miles, whereas the originating signal of full-service stations often reach households 60 or 80 miles away.

Compared to its rules for full-service television station licensees, the FCC's rules for obtaining and operating an LPTV license are minimal. But in return for ease of licensing, LPTV stations must operate not only at reduced power levels but also as "secondary" licensees. This means LPTV stations are strictly prohibited from interfering with, and must accept signal interference from, "primary" licensees, such as full-service television stations. Moreover, LPTV stations must yield at any point in time to full-service stations that increase their power levels, as well as to new full-service stations.

The video programming marketplace is intensely competitive. The three largest broadcast networks that once dominated the market now face competition from several emerging broadcast and cable networks, cable systems, satellite television operators, wireless cable, and even the Internet. Low-power television plays a valuable, albeit modest, role in this market because it is capable of providing locally-originated programming to rural and urban communities that have either no access to local programming, or an over-abundance of national programming.

Low-power television's future, however, is uncertain. To begin with, LPTV's secondary regulatory status means a licensee can be summarily displaced by a full-service station that seeks to expand its own service area, or by a new full-service station seeking to enter the same market. This cloud of regulatory uncertainty necessarily affects the ability of LPTV stations to raise capital over the long-term, irrespective of an LPTV station's popularity among consumers.

The FCC's plan to convert full-service stations to digital substantially complicates LPTV stations' already uncertain future. In its digital television (DTV) proceeding, the FCC adopted a table of allotments for DTV service that provided a second channel for each existing full-service station to use for DTV service in making the transition from the existing analog technology to the new DTV technology. These second channels were provided to broadcasters on a temporary basis. At the end of the DTV transition, which is currently scheduled for December 31, 2006, they must relinquish one of their two channels.

In assigning DTV channels, the FCC maintained the secondary status of LPTV stations (as well as translators). In order to provide all full-service television stations with a second channel, the FCC was compelled to establish DTV allotments that will displace a number of LPTV stations, particularly in the larger urban market areas where the available spectrum is most congested.

The FCC's plan also provides for the recovery of a portion of the existing broadcast television spectrum so that it can be reallocated to new uses. Specifically, the FCC provided for immediate recovery of broadcast channels 60 through 69, and for recovery of broadcast channels 52 through 59 at the end of the DTV transition. As further required by Congress under the Balanced Budget Act of 1997,[29] the FCC has completed the reallocation of broadcast channels 60 through 69. Existing analog stations, including LPTV stations and a few DTV stations, are permitted to operate on these channels during the DTV transition. But at the end of the transition, all analog broadcast TV stations will have to cease operation, and the DTV stations on broadcast channels 52 through 69 will be relocated to new channels in the DTV core spectrum. As a result, the FCC estimates that the DTV transition will require about 35 to 45 percent of all LPTV stations to either change their operation or cease operation. Indeed, some full-service stations have already "bumped" several LPTV stations a number of times, at substantial cost to the LPTV station, with no guarantee that the LPTV station will be permitted to remain on its new channel in the long term.

The conferees, therefore, seek to provide some regulatory certainty for low-power television service. The conferees recognize that, because of emerging DTV service, not all LPTV stations can be guaranteed a certain future. Moreover, it is not clear that all LPTV stations should be given such a guarantee in light of the fact that many existing LPTV stations provide little or no original programming service.

Instead, the conferees seek to buttress the commercial viability of those LPTV stations which can demonstrate that they provide valuable programming to their communities. The House Committee on Commerce's record in considering this legislation reflects that there are a significant number of LPTV stations which broadcast programming—including locally originated programming—for a substantial portion of each day. From the consumers' perspective, these stations provide video programming that is functionally equivalent to the programming they view on full-service stations, as well as national and local cable networks. Consequently, these stations should be afforded roughly similar regulatory status. Section 5008, the Community Broadcasters Protection Act of 1999, will achieve that objective, and at the same time, protect the transition to digital.

Section 5008(a) provides that the short title of this section is the "Community Broadcasters Protection Act of 1999."

Section 5008(b) describes the Congress' findings on the importance of low-power television service. The Congress finds that LPTV stations have operated in a manner beneficial to the public, and in many instances, provide worthwhile and diverse services to communities that lack access to over-the-air programming. The Congress also finds, however, that LPTV stations' secondary regulatory status effectively blocks access to capital.

Section 5008(c) amends section 336 of the Communications Act of 1934[30] to require the FCC to create a new "Class A" license for certain qualifying LPTV stations. New paragraph (1)(A) in particular directs the FCC to prescribe rules within 120 days of enactment for the establishment of a new Class A television license that will be available to qualifying LPTV stations. The FCC's rules must ensure that a Class A licensee receives the same license terms and renewal standards as any full-service licensee, and that each Class A licensee is accorded primary regulatory status. Subparagraph (B) further requires the FCC, within 30 days of enactment, to send to each existing LPTV licensee a notice that describes the requirements for Class A designation. Within 60 days of enactment (or within 30 days of the FCC's notice), LPTV stations intending to seek Class A designation must submit a certification of eligibility to the FCC. Absent a material deficiency in an LPTV station's certification materials, the FCC is required under subparagraph (B) to grant a certification of eligibility.

Subparagraph (C) permits an LPTV station, within 30 days of the issuance of the rules required under subparagraph (A), to submit an application for Class A designation. The FCC must award a Class A license to a qualifying LPTV station within 30 days of receiving such application. Subparagraph (D) mandates that the FCC must act to preserve the signal contours of an LPTV station pending the final resolution of its application for a Class A license. In the event technical problems arise that require an engineering solution to a full-service station's allotted parameters or channel assignment in the DTV table of allotments, subparagraph (D) requires the FCC to make the necessary modifications to ensure that such full-service station can replicate or maximize its service area, as provided for in the FCC's rules.

With regard to maximization, a full-service digital television station must file an application for maximization or a notice of intent to seek such maximization by December 31, 1999, file a bona fide application for maximization by May 1, 2000, and also comply with all applicable FCC rules regarding the construction of digital television facilities. The term "maximization" is defined in paragraph 31 of the FCC's Sixth Report and Order as the process by which stations increase their service areas by operating with additional power or higher antennae than specified in the FCC's digital television table of allotments. Subparagraph(E) requires that a station must reduce the protected contour of its digital television service area in accordance with any modifications requested in future change applications. This provision is intended to ensure that stations indeed utilize the full amount of maximized spectrum for which they originally apply by the aforementioned deadlines.

Paragraph (2) lists the criteria an LPTV station must meet to qualify for a Class A license. Specifically, the LPTV station must: during the 90 days preceding the date of enactment, broadcast a minimum of 18 hours per day—including at least 3 hours per week of locally-originated programming—and also be in compliance with the FCC's rules on low-power television service; and from and after the date of its application for a Class A license, be in compliance with the FCC's rules for full-service television stations. In the alternative, the FCC may qualify an LPTV station as a Class A licensee if it determines that such qualification would serve the public interest, convenience, and necessity or for other reasons determined by the FCC.

Paragraph (3) provides that no LPTV station authorized as of the date of enactment may be disqualified for a Class A license based on common ownership with any other medium of mass communication.

Paragraph (4) makes clear that the FCC is not required to issue Class A LPTV stations (or translators) an additional license for advanced television services. The FCC, however, must accept applications for such services, provided the station will not cause interference to any other broadcast facility applied for, protected, permitted or authorized on the date of the filing of the application for advanced television services. Either the new license for advanced services or the original license must be forfeited at the end of the DTV transition. The licensee may elect to convert to advanced television services on its analog channel, but is not required to convert to digital format until the end of the DTV transition.

Paragraph (5) clarifies that nothing in new subsection 336(f) preempts, or otherwise affects, section 337 of the Communications Act of 1934.[31]

Paragraph (6) precludes the FCC from granting Class A licenses to LPTV stations operating between 698 megahertz (MHz) and 806 MHz (i.e., television broadcast channels 52 through 69). However, the FCC shall provide to LPTV stations assigned to, and temporarily operating on, those channels the opportunity to qualify for a Class A license. If a qualifying LPTV station is ultimately assigned a channel within the band of frequencies that will eventually comprise the "core spectrum" (i.e., television broadcast channels 2 through 51), then the FCC is required to issue a Class A license simultaneously. However, the FCC may not grant a Class A license to an LPTV station operating on a channel within the core spectrum that the FCC will identify within 180 days of enactment.

Finally, paragraph (7) provides that the FCC may not grant a Class A license (or a modification thereto) unless the requesting LPTV station demonstrates that it will not interfere with one of three types of radio-based services. First, under subparagraph (A), the LPTV station must show that it will not interfere with: (i) the predicted Grade B contour of any station transmitting in analog format; or (ii) the digital television service areas provided in the DTV table of allotments; or the digital television areas explicitly protected (as opposed to those areas that may be permitted) in the Commission's digital television regulations; or the digital television service areas of stations subsequently granted by the FCC prior to the filing of a Class A application; or lastly, stations seeking to maximize power under the FCC's rules (provided such stations are in compliance with the notification requirements under paragraph (1)).

Second, under subparagraph (B), the LPTV station must show that it will not interfere with any licensed, authorized or pending LPTV station or translator. And third, under subparagraph (C), the LPTV station must show that it will not interfere with other services (e.g., land mobile services) that also operate on television broadcast channels 14 through 20.

Finally, paragraph (8) establishes priority for those LPTVs that are displaced by an application filed under this section, in that these LPTVs have priority over other LPTVs in the assignment of available channels.

FOOTNOTES

[1] See Rust v. Sullivan, 500 U.S. 173 (1991) (grants); Indopco, Inc. v. Commissioner, 503 U.S. 79, 84 (1992) (tax benefits). The First Amendment requires only that Congress not aim at "the suppression of dangerous ideas." NEA v. Finley, 118 S. Ct. 2168, 2178-79 (1998).

[2] See United States v. O'Brien, 391 U.S. 367 (1968).

[3] See Turner Broadcasting Sys., Inc. v. FCC, 512 U.S. 622, 663 (1994).

[4] See, e.g., H.R. Rep. No. 102-628, p. 51 (1992); S. Rep. No. 102-92, p. 62 (1991); see also Feb. 24 Hearing (Al DeVaney).

[5] The Supreme Court has described the "two types" of quasi in rem proceedings: a type I proceeding, in which "the plaintiff is seeking to secure a pre-existing claim in the subject property and to extinguish or establish the nonexistence of similar interests of particular persons," and a type II action, in which "the plaintiff seeks to apply what he concedes to be the property of the defendant to the satisfaction of a claim against him." Hanson v. Denckla, 357 U.S. 235, 246 n.12 (1958).

[6] 15 U.S.C. § 1051, et seq.

[7] 149 F.3d 1368 (Fed. Cir. 1998) [hereinafter State Street].

[8] See Dunlop Holdings v. Ram Golf Corp., 524 F.2d 33 (7th Cir. 1975), cert. denied, 424 US 985 (1976).

[9] General Agreement on Tariffs and Trade, Pub. L. No. 103-465. The framework for international trade since its inception in 1948. GATT is now administered under the auspices of the World Trade Organization (WTO) (see note 19, infra).

[10] See Herbert F. Schwartz, Patent Law & Practice (2d ed., Federal Judicial Center, 1995), note 72 at 22. The PCT is a multilateral treaty among more than 50 nations that is designed to simplify the patenting process when an applicant seeks a patent on the same invention in more than one nation. See also 35 U.S.C.A. chs. 35-37 and PCT Applicant's Guide (1992, rev. 1994).

[11] 35 U.S.C. § 135(a).

[12] 35 U.S.C. § 181.

[13] 5 U.S.C. §§ 551-559, 701-706, 1305, 3105, 3344, 5372, 7521.

[14] 28 U.S.C. § 1295.

[15] 35 U.S.C. § 111(b). Pursuant to 35 U.S.C. § 111(b)(5), all provisional applications are abandoned 12 months after the date of their filing; accordingly,

they are not subject to the 18 month publication requirement.

[16] 35 U.S.C. §171. Since design applications do not disclose technology, inventors do not have a particular interest in having them published. The bill as written therefore simplifies the proposed system of publication to confine the requirement to those applications for which there is a need for publication.

[17] Mar. 20, 1883, as revised at Brussels, Dec. 14, 1900, 25 Stat. 1645, T.S. No. 579, and subsequently through 1967. The Convention has 156 member nations, including the United States.

[18] See 28 U.S.C. §1338.

[19] 19 U.S.C. §2171.

[20] 28 U.S.C. §5382.

[21] 5 U.S.C. §5304(h)(2)(C).

[22] 5 U.S.C. §5314.

[23] 5 U.S.C. §5315.

[24] World Trade Organization. The agreement establishing the WTO is a multilateral instrument which creates a permanent organization to oversee the implementation of the Uruguay Round Agreements, including the GATT 1994, to provide a forum for multilateral trade negotiations and to administer dispute settlements (see note 3, supra). Staff of the House Comm. on Ways and Means, 104th Cong., 1st Sess., Overview and Compilation of U.S. Trade Statutes 1040 (Comm. Print 1995) [hereinafter, Overview and Compilation of U.S. Trade Statutes].

[25] Trade-Related Aspects of Intellectual Property Rights Agreement; i.e., that component of GATT which addresses intellectual property rights among the signatory members.

[26] International Convention for the Protection of New Varieties of Plants. UPOV is administered by the World Intellectual Property Organization (WIPO), which is charged with the administration of, and activities concerning revisions to, the international intellectual property treaties. UPOV has 40 members, and guarantees plant breeders national treatment and right of priority in other countries that are members of the treaty, along with certain other benefits. See M.A. Leaffer, International Treaties on Intellectual Property at 47 (BNA, 2d ed. 1997).

[27] North American Free Trade Agreement, Pub. L. No. 103-182. The cornerstone of NAFTA is the phased-out elimination of all tariffs on trade between the U.S., Canada, and Mexico. Overview and Compilation of U.S. Trade Statutes 1999.

[28] LPTV stations are distinct from so called "translators." Whereas LPTV stations typically offer original programming, translators merely amplify or "boost" a full-service television station's signal into rural and mountainous regions adjacent to the station's market.

[29] See 47 U.S.C. §337.

[30] 47 U.S.C. §336.

[31] 47 U.S.C. §337.

By Mr. LEAHY:

S. 1949. A bill to promote economically sound modernization of electric power generation capacity in the United States, to establish requirements to improve the combustion heat rate efficiency of fossil fuel-fired electric utility generating units, to reduce emissions of mercury, carbon dioxide, nitrogen oxides, and sulfur dioxide, to require that all fossil fuel-fired electric utility generating units operating in the United States meet new review requirements, to promote the use of clean coal technologies, and to promote alternative energy and clean energy sources such as solar, wind, biomass, and fuel cells; to the Committee on Finance.

CLEAN POWER PLANT AND MODERNIZATION ACT OF 1999

Mr. LEAHY. Mr. President, Vermonters have a proud tradition of protecting our environment. We have some of the strongest environmental laws in the country. Yet despite this proud tradition of environmental stewardship, we have seen how pollution from outside our state has affected our mountains, lakes and streams. Acid rain caused from sulfur dioxide emissions outside Vermont has drifted through the atmosphere and scarred our mountains and poisoned our streams. Mercury has quietly made its deadly poisonous presence into the food chain of our fish to the point where health advisories have been posted for the consumption of several species. And, despite our own tough air laws and small population, the EPA has considered air quality warnings in Vermont that are comparable to emissions consistent for much larger cities. Silently each night, pollution from outside Vermont seeps into our state, and our exemplary and forward-looking environmental laws are powerless to stop or even limit the encroachment.

The Clean Air Act of 1970 was a milestone law which established national air quality standards for the first time and attempted to provide protection for populations who are affected by emissions outside their own local and state control. That bill did much to halt declining air quality around the country and improve it in some areas. It also acknowledged that fossil fuel utility plants contribute a significant amount of air pollution not only in the area immediately around the plant but can affect air quality hundreds of miles away.

While the bill has improved air quality, changes in the utility market since passage of the Clean Air Act make it necessary to consider important updates to the legislation. States throughout the country are deregulating utilities and soon Congress may consider federal legislation on this issue. I support these economic changes but Congress and the Administration should keep pace with this changing market. Breaking down the barriers of a regulated utility market can have important economic consequences for utility customers. More competition will drive down prices. But these lower costs will come with a price—the cheapest power is unfortunately produced by some of the dirtiest power plants. Most of these power plants were grandfathered under the Clean Air Act.

So today I am introducing the "Clean Power Plant and Modernization Act" to address the local, regional, and global air pollution problems that are posed by fossil-fired power plants under a deregulated market.

In the last few weeks, the EPA and the Administration have taken some important steps to address the power plant loophole in the Clean Air Act that allows hundreds of old, mostly coal-fired power plants to continue to pollute at levels much higher than new plants. Closing this loophole is critical to protecting the health of our environment and the health of our children.

Last week the Justice Department and the Environmental Protection Agency filed suit against 32 coal-fired power plants who had made major changes to their plants without also installing new equipment to control smog, acid rain and soot. This is illegal, even under the Clean Air Act, and it spotlights the glaring need to level the playing field for all power plants. This is particularly as our country moves toward a deregulated electricity industry.

Unfortunately, some of our colleagues decided that this move unfairly targeted some of their utilities that have benefitted from this loophole for almost thirty years. I would point out that many of us from New England and New York believe it is unfair that our states have been the dumping ground for the pollution coming out of these plants for the past thirty years. My colleagues have heard me speak on the floor about how this pollution is contaminating our fish with mercury, damaging our lakes and forests with acid rain, and causing respiratory problems and obscuring the view of Vermont's mountains with summertime ozone pollution from nitrogen oxide emissions.

Now, added to these concerns is the growing body of knowledge showing that carbon dioxide emissions are having an impact on the global climate. More than a decade of record heat, reports from around the globe of dying coral reefs, and melting glaciers should be warning signals to all of us.

In Vermont, one of our warning signals is the impact to sugar maples. Sugar maple now range naturally as far south as Tennessee and west of the Mississippi River from Minnesota to Missouri. Given the current predictions for climate changes, by the end of the next century the range of sugar maples in North America will be limited the state of Maine and portions of eastern Canada. Vermont's climate may not change so much that palm trees will line the streets of Burlington and Montpelier, but the impact on the character and economy of Vermont and many other states will be profound.

It is hard to imagine a Vermont hillside in the fall without the brilliant reds of the sugar maples, and it is hard to imagine a stack of pancakes without Vermont maple syrup. And it is unlikely that sugar maples will be the only species or crop that will be affected by climate change, or that the effects will be limited to Vermont. Many like to dismiss concerns about pollution from power plants as a "Northeastern issue." It is not; it affects all of us, perhaps in ways that we have not even begun to imagine.

I can show you maps that mark the deposition "hot spots" for these pollutants in the Everglades, the Upper Midwest, New England, Long Island Sound, Chesapeake Bay and the West Coast. This clearly is not a regional issue. Collectively, fossil fuel-fired power plants constitute the largest source of air pollution in the United States, annually emitting more than 2 billion tons of carbon dioxide, more than 12 million tons of acid rain producing sulfur dioxide, nearly 6 million tons of smog producing nitrogen oxides, and more than 50 tons of highly toxic mercury.

These are staggering sums. Consider the fact that it would take nearly 25,000 Washington Monuments, weighing 81,120 tons apiece, to add up to 2 billion tons. And that is just one year.

Why are we continuing to allow pollutants on that enormous scale to be dumped on some of our most fragile ecosystems, much less into our lungs through the air we breathe? It is because Congress assumed when it passed the 1970 Clean Air Act that these old pollution-prone plants would be retired over time and replaced by newer, cleaner plants. It has not worked out that way, and it is time for the Congress to rethink our strategy.

More than 75 percent of the fossil-fuel fired plants in the United States began operation before the 1970 Clean Air Act was passed. As a result, they are "grandfathered" out from under the full force of its regulations. Many of the environmental problems posed by this industry are linked to the antiquated and inefficient technologies at these plants. The average fossil-fuel fired power plant uses combustion technology devised in the 1950's or before. Would any of us buy a car today that was still using 1950s technology? Of course not. So why are we still going out of our way to preserve 1950s technology for power plants?

As long as we allow these plants to operate inefficiently they will produce enormous amounts of air pollution. My bill takes a new approach to reducing this pollution by retiring the inefficient "grandfathered" power plants and bring new, clean, and efficient technologies for the 21st Century on line.

Obviously, major changes in this industry will not occur over night. The "continue-business-as-usual" inertia is enormous. The old, inefficient, pollution-prone power plants will operate until they fall down because they are paid for, burn the cheapest fuel, and are subject to much less stringent environmental requirements. "Grandfathered" plants have the statutory equivalent of an eternal lifetime under the Clean Air Act loophole.

Mr. President, this article in Forbes Magazine describes how valuable the old "grandfathered" power plants are. The article cites the example of the "grandfathered" Homer City generating station outside of Pittsburgh. Until last year, the utility valued this plant at $540 million. According to the Forbes article, last year the utility sold the plant for $1.8 billion. That works out to $955 per kilowatt of generating capacity, or about the cost of building a new plant. Why are these old pollution-prone plants suddenly so valuable? Maybe their "grandfathered" status has something to do with it.

What does my bill propose to do? First, it closes the "grandfather" loophole. Second, it lays out an aggressive but achievable set of air pollution and efficiency requirements for fossil-fired power plants. Third, the emissions standards will allow clean coal technologies to have a fair chance to compete in the future mix of electrical power generation. Fourth, it provides industry decision-makers with a comprehensive and predictable set of regulatory requirements and tax code changes so they can see up-front what the playing field is going to look like in the future. This will allow them to make informed, comprehensive, and economically efficient business decisions. Public health and the environment will benefit, consumers will benefit, and the utility companies will benefit from this approach.

As U.S. power plants become more efficient and more power is produced by renewable technologies, less fossil fuel will be consumed. This will have an impact on the workers and communities that produce fossil fuels. These effects are likely to be greatest for coal, even with significant deployment of clean coal technology. The bill provides funding for programs to help workers and communities during the period of transition. I am eager to work with organized labor to ensure that these provisions address the needs of workers, particularly those who may not fully benefit from retraining programs.

The bill provides substantial additional funding for research, development, and commercial demonstrations of renewable and clean energy technologies such as solar, wind, biomass, and fuel cells. As utilities retire their "grandfathered" plants and plan for future generating capacity, renewable and clean technologies need to be part of the equation. My bill also authorizes expenditures for implementing known ways of biologically sequestering carbon dioxide from the atmosphere such as planting trees, preserving wetlands, and soil restoration.

How will the environment benefit from the emission and efficiency standards in my bill? Mercury emissions will be cut from more than 50 tons per year to no more than 5 tons per year. Annual emissions of sulfur dioxide that causes acid rain will be cut by more than 6 million tons beyond the requirements in Phase II of the Clean Air Act of 1990. Nitrogen oxide emissions that result in summertime ozone pollution will be cut by more than 3 million tons per year beyond Phase II requirements. And the bill would prevent at least 650 million tons of carbon dioxide emissions per year.

Of course, this discussion should not just be about the impact to our environment. This debate should equally be focused on public health. There is mounting evidence of the health effects of these pollutants. The Washington Post Magazine ran an alarming article that documented the escalating number of children with asthma, jumping to 17.3 million in 1998 from 6.8 million in 1980. Asthma may not be caused directly by air pollution, but it certainly aggravates it and can lead to premature deaths.

The American public still overwhelmingly supports the commitment to the environment that we made in the early 1970s. As stewards of the environment for our children and our grandchildren, we need to act without delay to ensure that in the new millennium the United States produces electricity more efficiently and with much less environmental and public health impact. There is no reason why we should go into the next century still using technology from the era of Ozzie and Harriet.

Mr. President, I ask unanimous consent that the bill, a section-by-section overview of the bill, and an article entitled "Poor Me" from the May 31, 1999, edition of Forbes Magazine, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1949

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Clean Power Plant and Modernization Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Combustion heat rate efficiency standards for fossil fuel-fired generating units.
Sec. 5. Air emission standards for fossil fuel-fired generating units.
Sec. 6. Extension of renewable energy production credit.
Sec. 7. Megawatt hour generation fees.
Sec. 8. Clean Air Trust Fund.
Sec. 9. Accelerated depreciation for investor-owned generating units.
Sec. 10. Grants for publicly owned generating units.
Sec. 11. Recognition of permanent emission reductions in future climate change implementation programs.
Sec. 12. Renewable and clean power generation technologies.
Sec. 13. Clean coal, advanced gas turbine, and combined heat and power demonstration program.
Sec. 14. Evaluation of implementation of this Act and other statutes.
Sec. 15. Assistance for workers adversely affected by reduced consumption of coal.
Sec. 16. Community economic development incentives for communities adversely affected by reduced consumption of coal.

Sec. 17. Carbon sequestration.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the United States is relying increasingly on old, needlessly inefficient, and highly polluting powerplants to provide electricity;

(2) the pollution from those powerplants causes a wide range of health and environmental damage, including—

(A) fine particulate matter that is associated with the deaths of approximately 50,000 Americans annually;

(B) urban ozone, commonly known as "smog", that impairs normal respiratory functions and is of special concern to individuals afflicted with asthma, emphysema, and other respiratory ailments;

(C) rural ozone that obscures visibility and damages forests and wildlife;

(D) acid deposition that damages estuaries, lakes, rivers, and streams (and the plants and animals that depend on them for survival) and leaches heavy metals from the soil;

(E) mercury and heavy metal contamination that renders fish unsafe to eat, with especially serious consequences for pregnant women and their fetuses;

(F) eutrophication of estuaries, lakes, rivers, and streams; and

(G) global climate change that may fundamentally and irreversibly alter human, animal, and plant life;

(3) tax laws and environmental laws—

(A) provide a very strong incentive for electric utilities to keep old, dirty, and inefficient generating units in operation; and

(B) provide a strong disincentive to investing in new, clean, and efficient generating technologies;

(4) fossil fuel-fired power plants, consisting of plants fueled by coal, fuel oil, and natural gas, produce nearly two-thirds of the electricity generated in the United States;

(5) since, according to the Department of Energy, the average combustion heat rate efficiency of fossil fuel-fired power plants in the United States is 33 percent, 67 percent of the heat generated by burning the fuel is wasted;

(6) technology exists to increase the combustion heat rate efficiency of coal combustion from 35 percent to 50 percent above current levels, and technological advances are possible that would boost the net combustion heat rate efficiency even more;

(7) coal-fired power plants are the leading source of mercury emissions in the United States, releasing an estimated 52 tons of this potent neurotoxin each year;

(8) in 1996, fossil fuel-fired power plants in the United States produced over 2,000,000,000 tons of carbon dioxide, the primary greenhouse gas;

(9) on average—

(A) fossil fuel-fired power plants emit 1,999 pounds of carbon dioxide for every megawatt hour of electricity produced;

(B) coal-fired power plants emit 2,110 pounds of carbon dioxide for every megawatt hour of electricity produced; and

(C) coal-fired power plants emit 205 pounds of carbon dioxide for every million British thermal units of fuel consumed;

(10) the average fossil fuel-fired generating unit in the United States commenced operation in 1964, 6 years before the Clean Air Act (42 U.S.C. 7401 et seq.) was amended to establish requirements for stationary sources;

(11)(A) according to the Department of Energy, only 23 percent of the 1,000 largest emitting units are subject to stringent new source performance standards under section 111 of the Clean Air Act (42 U.S.C. 7411); and

(B) the remaining 77 percent, commonly referred to as "grandfathered" power plants, are subject to much less stringent requirements;

(12) on the basis of scientific and medical evidence, exposure to mercury and mercury compounds is of concern to human health and the environment;

(13) pregnant women and their developing fetuses, women of childbearing age, and children are most at risk for mercury-related health impacts such as neurotoxicity;

(14) although exposure to mercury and mercury compounds occurs most frequently through consumption of mercury-contaminated fish, such exposure can also occur through—

(A) ingestion of breast milk;

(B) ingestion of drinking water, and foods other than fish, that are contaminated with methyl mercury; and

(C) dermal uptake through contact with soil and water;

(15) the report entitled "Mercury Study Report to Congress" and submitted by the Environmental Protection Agency under section 112(n)(1)(B) of the Clean Air Act (42 U.S.C. 7412(n)(1)(B)), in conjunction with other scientific knowledge, supports a plausible link between mercury emissions from combustion of coal and other fossil fuels and mercury concentrations in air, soil, water, and sediments;

(16)(A) the Environmental Protection Agency report described in paragraph (15) supports a plausible link between mercury emissions from combustion of coal and other fossil fuels and methyl mercury concentrations in freshwater fish;

(B) in 1997, 39 States issued health advisories that warned the public about consuming mercury-tainted fish, as compared to 27 States that issued such advisories in 1993; and

(C) the number of mercury advisories nationwide increased from 899 in 1993 to 1,675 in 1996, an increase of 86 percent;

(17) pollution from powerplants can be reduced through adoption of modern technologies and practices, including—

(A) methods of combusting coal that are intrinsically more efficient and less polluting, such as pressurized fluidized bed combustion and an integrated gasification combined cycle system;

(B) methods of combusting cleaner fuels, such as gases from fossil and biological resources and combined cycle turbines;

(C) treating flue gases through application of pollution controls;

(D) methods of extracting energy from natural, renewable resources of energy, such as solar and wind sources;

(E) methods of producing electricity and thermal energy from fuels without conventional combustion, such as fuel cells; and

(F) combined heat and power methods of extracting and using heat that would otherwise be wasted, for the purpose of heating or cooling office buildings, providing steam to processing facilities, or otherwise increasing total efficiency; and

(18) adopting the technologies and practices described in paragraph (17) would increase competitiveness and productivity, secure employment, save lives, and preserve the future.

(b) PURPOSES.—The purposes of this Act are—

(1) to protect and preserve the environment while safeguarding health by ensuring that each fossil fuel-fired generating unit minimizes air pollution to levels that are technologically feasible through modernization and application of pollution controls;

(2) to greatly reduce the quantities of mercury, carbon dioxide, sulfur dioxide, and nitrogen oxides entering the environment from combustion of fossil fuels;

(3) to permanently reduce emissions of those pollutants by increasing the combustion heat rate efficiency of fossil fuel-fired generating units to levels achievable through—

(A) use of commercially available combustion technology, including clean coal technologies such as pressurized fluidized bed combustion and an integrated gasification combined cycle system;

(B) installation of pollution controls;

(C) expanded use of renewable and clean energy sources such as biomass, geothermal, solar, wind, and fuel cells; and

(D) promotion of application of combined heat and power technologies;

(4)(A) to create financial and regulatory incentives to retire thermally inefficient generating units and replace them with new units that employ high-thermal-efficiency combustion technology; and

(E) to increase use of renewable and clean energy sources such as biomass, geothermal, solar, wind, and fuel cells;

(5) to establish the Clean Air Trust Fund to fund the training, economic development, carbon sequestration, and research, development, and demonstration programs established under this Act;

(6) to eliminate the "grandfather" loophole in the Clean Air Act relating to sources in operation before the promulgation of standards under section 111 of that Act (42 U.S.C. 7411);

(7) to express the sense of Congress that permanent reductions in emissions of greenhouse gases that are accomplished through the retirement of old units and replacement by new units that meet the combustion heat rate efficiency and emission standards specified in this Act should be credited to the utility sector and the owner or operator in any climate change implementation program;

(8) to promote permanent and safe disposal of mercury recovered through coal cleaning, flue gas control systems, and other methods of mercury pollution control;

(9) to increase public knowledge of the sources of mercury exposure and the threat to public health from mercury, particularly the threat to the health of pregnant women and their fetuses, women of childbearing age, and children;

(10) to decrease significantly the threat to human health and the environment posed by mercury;

(11) to provide worker retraining for workers adversely affected by reduced consumption of coal; and

(12) to provide economic development incentives for communities adversely affected by reduced consumption of coal.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) GENERATING UNIT.—The term "generating unit" means an electric utility generating unit.

SEC. 4. COMBUSTION HEAT RATE EFFICIENCY STANDARDS FOR FOSSIL FUEL-FIRED GENERATING UNITS.

(a) STANDARDS.—

(1) IN GENERAL.—Not later than the day that is 10 years after the date of enactment

of this Act, each fossil fuel-fired generating unit that commences operation on or before that day shall achieve and maintain, at all operating levels, a combustion heat rate efficiency of not less than 45 percent (based on the higher heating value of the fuel).

(2) Future generating units.—Each fossil fuel-fired generating unit that commences operation more than 10 years after the date of enactment of this Act shall achieve and maintain, at all operating levels, a combustion heat rate efficiency of not less than 50 percent (based on the higher heating value of the fuel), unless granted a waiver under subsection (d).

(b) Test Methods.—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Energy, shall promulgate methods for determining initial and continuing compliance with this section.

(c) Permit Requirement.—Not later than 10 years after the date of enactment of this Act, each generating unit shall have a permit issued under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) that requires compliance with this section.

(d) Waiver of Combustion Heat Rate Efficiency Standard.—

(1) Application.—The owner or operator of a generating unit that commences operation more than 10 years after the date of enactment of this Act may apply to the Administrator for a waiver of the combustion heat rate efficiency standard specified in subsection (a)(2) that is applicable to that type of generating unit.

(2) Issuance.—The Administrator may grant the waiver only if—

(A)(i) the owner or operator of the generating unit demonstrates that the technology to meet the combustion heat rate efficiency standard is not commercially available; or

(ii) the owner or operator of the generating unit demonstrates that, despite best technical efforts and willingness to make the necessary level of financial commitment, the combustion heat rate efficiency standard is not achievable at the generating unit; and

(B) the owner or operator of the generating unit enters into an agreement with the Administrator to offset by a factor of 1.5 to 1, using a method approved by the Administrator, the emission reductions that the generating unit does not achieve because of the failure to achieve the combustion heat rate efficiency standard specified in subsection (a)(2).

(3) Effect of waiver.—If the Administrator grants a waiver under paragraph (1), the generating unit shall be required to achieve and maintain, at all operating levels, the combustion heat rate efficiency standard specified in subsection (a)(1).

SEC. 5. AIR EMISSION STANDARDS FOR FOSSIL FUEL-FIRED GENERATING UNITS.

(a) All Fossil Fuel-Fired Generating Units.—Not later than 10 years after the date of enactment of this Act, each fossil fuel-fired generating unit, regardless of its date of construction or commencement of operation, shall be subject to, and operating in physical and operational compliance with, the new source review requirements under section 111 of the Clean Air Act (42 U.S.C. 7411).

(b) Emission Rates for Sources Required To Maintain 45 Percent Efficiency.—Not later than 10 years after the date of enactment of this Act, each fossil fuel-fired generating unit subject to section 4(a)(1) shall be in compliance with the following emission limitations:

(1) Mercury.—Each coal-fired or fuel oil-fired generating unit shall be required to remove 90 percent of the mercury contained in the fuel, calculated in accordance with subsection (e).

(2) Carbon dioxide.—

(A) Natural gas-fired generating units.—Each natural gas-fired generating unit shall be required to achieve an emission rate of not more than 0.9 pounds of carbon dioxide per kilowatt hour of net electric power output.

(B) Fuel oil-fired generating units.—Each fuel oil-fired generating unit shall be required to achieve an emission rate of not more than 1.3 pounds of carbon dioxide per kilowatt hour of net electric power output.

(C) Coal-fired generating units.—Each coal-fired generating unit shall be required to achieve an emission rate of not more than 1.55 pounds of carbon dioxide per kilowatt hour of net electric power output.

(3) Sulfur dioxide.—Each fossil fuel-fired generating unit shall be required—

(A) to remove 95 percent of the sulfur dioxide that would otherwise be present in the flue gas; and

(B) to achieve an emission rate of not more than 0.3 pounds of sulfur dioxide per million British thermal units of fuel consumed.

(4) Nitrogen oxides.—Each fossil fuel-fired generating unit shall be required—

(A) to remove 90 percent of nitrogen oxides that would otherwise be present in the flue gas; and

(B) to achieve an emission rate of not more than 0.15 pounds of nitrogen oxides per million British thermal units of fuel consumed.

(c) Emission Rates for Sources Required To Maintain 50 Percent Efficiency.—Each fossil fuel-fired generating unit subject to section 4(a)(2) shall be in compliance with the following emission limitations:

(1) Mercury.—Each coal-fired or fuel oil-fired generating unit shall be required to remove 90 percent of the mercury contained in the fuel, calculated in accordance with subsection (e).

(2) Carbon dioxide.—

(A) Natural gas-fired generating units.—Each natural gas-fired generating unit shall be required to achieve an emission rate of not more than 0.8 pounds of carbon dioxide per kilowatt hour of net electric power output.

(B) Fuel oil-fired generating units.—Each fuel oil-fired generating unit shall be required to achieve an emission rate of not more than 1.2 pounds of carbon dioxide per kilowatt hour of net electric power output.

(C) Coal-fired generating units.—Each coal-fired generating unit shall be required to achieve an emission rate of not more than 1.4 pounds of carbon dioxide per kilowatt hour of net electric power output.

(3) Sulfur dioxide.—Each fossil fuel-fired generating unit shall be required—

(A) to remove 95 percent of the sulfur dioxide that would otherwise be present in the flue gas; and

(B) to achieve an emission rate of not more than 0.3 pounds of sulfur dioxide per million British thermal units of fuel consumed.

(4) Nitrogen oxides.—Each fossil fuel-fired generating unit shall be required—

(A) to remove 90 percent of nitrogen oxides that would otherwise be present in the flue gas; and

(B) to achieve an emission rate of not more than 0.15 pounds of nitrogen oxides per million British thermal units of fuel consumed.

(d) Permit Requirement.—Not later than 10 years after the date of enactment of this Act, each generating unit shall have a permit issued under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) that requires compliance with this section.

(e) Compliance Determination and Monitoring.—

(1) Regulations.—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Energy, shall promulgate methods for determining initial and continuing compliance with this section.

(2) Calculation of mercury emission reductions.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate fuel sampling techniques and emission monitoring techniques for use by generating units in calculating mercury emission reductions for the purposes of this section.

(3) Reporting.—

(A) In general.—Not less than often than quarterly, the owner or operator of a generating unit shall submit a pollutant-specific emission report for each pollutant covered by this section.

(B) Signature.—Each report required under subparagraph (A) shall be signed by a responsible official of the generating unit, who shall certify the accuracy of the report.

(C) Public reporting.—The Administrator shall annually make available to the public, through 1 or more published reports and 1 or more forms of electronic media, facility-specific emission data for each generating unit and pollutant covered by this section.

(D) Consumer disclosure.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations requiring each owner or operator of a generating unit to disclose to residential consumers of electricity generated by the unit, on a regular basis (but not less often than annually) and in a manner convenient to the consumers, data concerning the level of emissions by the generating unit of each pollutant covered by this section and each air pollutant covered by section 111 of the Clean Air Act (42 U.S.C. 7411).

(f) Disposal of Mercury Captured or Recovered Through Emission Controls.—

(1) Captured or recovered mercury.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations to ensure that mercury that is captured or recovered through the use of an emission control, coal cleaning, or another method is disposed of in a manner that ensures that—

(A) the hazards from mercury are not transferred from 1 environmental medium to another; and

(B) there is no release of mercury into the environment.

(2) Mercury-containing sludges and wastes.—The regulations promulgated by the Administrator under paragraph (1) shall ensure that mercury-containing sludges and wastes are handled and disposed of in accordance with all applicable Federal and State laws (including regulations).

(g) Public Reporting of Facility-Specific Emission Data.—

(1) In general.—The Administrator shall annually make available to the public, through 1 or more published reports and the Internet, facility-specific emission data for each generating unit and for each pollutant covered by this section.

(2) Source of data.—The emission data shall be taken from the emission reports submitted under subsection (e)(3).

SEC. 6. EXTENSION OF RENEWABLE ENERGY PRODUCTION CREDIT.

Section 45(c) of the Internal Revenue Code of 1986 (relating to definitions) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "and";

(B) in subparagraph (B), by striking the period and inserting ", and"; and

(C) by adding at the end the following:

"(C) solar power.";

(2) in paragraph (3)—

(A) by inserting ", and December 31, 1998, in the case of a facility using solar power to produce electricity" after "electricity"; and

(B) by striking "1999" and inserting "2010"; and

(3) by adding at the end the following:

"(4) SOLAR POWER.—The term 'solar power' means solar power harnessed through—

"(A) photovoltaic systems,

"(B) solar boilers that provide process heat, and

"(C) any other means.".

SEC. 7. MEGAWATT HOUR GENERATION FEES.

(a) IN GENERAL.—Chapter 38 of the Internal Revenue Code of 1986 (relating to miscellaneous excise taxes) is amended by inserting after subchapter D the following:

"Subchapter E—Megawatt Hour Generation Fees

"Sec. 4691. Imposition of fees.

"SEC. 4691. IMPOSITION OF FEES.

"(a) TAX IMPOSED.—There is hereby imposed on each covered fossil fuel-fired generating unit a tax equal to 30 cents per megawatt hour of electricity produced by the covered fossil fuel-fired generating unit.

"(b) ADJUSTMENT OF RATES.—Not less often than once every 2 years beginning after 2002, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall evaluate the rate of the tax imposed by subsection (a) and increase the rate if necessary for any succeeding calendar year to ensure that the Clean Air Trust Fund established by section 9511 has sufficient amounts to fully fund the activities described in section 9511(c).

"(c) PAYMENT OF TAX.—The tax imposed by this section shall be paid quarterly by the owner or operator of each covered fossil fuel-fired generating unit.

"(d) COVERED FOSSIL FUEL-FIRED GENERATING UNIT.—The term 'covered fossil fuel-fired generating unit' means an electric utility generating unit that—

"(1) is powered by fossil fuels;

"(2) has a generating capacity of 5 or more megawatts; and

"(3) because of the date on which the generating unit commenced commercial operation, is not subject to all regulations promulgated under section 111 of the Clean Air Act (42 U.S.C. 7411).".

(b) CONFORMING AMENDMENT.—The table of subchapters for such chapter 38 is amended by inserting after the item relating to subchapter D the following:

"SUBCHAPTER E. Megawatt hour generation fees.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced in calendar years beginning after December 31, 2000.

SEC. 8. CLEAN AIR TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end the following:

"SEC. 9511. CLEAN AIR TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Clean Air Trust Fund' (hereafter referred to in this section as the 'Trust Fund'), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the Trust Fund amounts equivalent to the taxes received in the Treasury under section 4691.

"(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Trust Fund shall be available, without further Act of appropriation, upon request by the head of the appropriate Federal agency in such amounts as the agency head determines are necessary—

"(1) to provide funding under section 12 of the Clean Power Plant and Modernization Act of 1999, as in effect on the date of enactment of this section;

"(2) to provide funding for the demonstration program under section 13 of such Act, as so in effect;

"(3) to provide assistance under section 15 of such Act, as so in effect;

"(4) to provide assistance under section 16 of such Act, as so in effect; and

"(5) to provide funding under section 17 of such Act, as so in effect.".

(b) CONFORMING AMENDMENT.—The table of sections for such subchapter A is amended by adding at the end the following:

"Sec. 9511. Clean Air Trust Fund.".

SEC. 9. ACCELERATED DEPRECIATION FOR INVESTOR-OWNED GENERATING UNITS.

(a) IN GENERAL.—Section 168(e)(3) of the Internal Revenue Code of 1986 (relating to classification of certain property) is amended—

(1) in subparagraph (E) (relating to 15-year property), by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following:

"(iv) any 45-percent efficient fossil fuel-fired generating unit."; and

(2) by adding at the end the following:

"(F) 12-YEAR PROPERTY.—The term '12-year property' includes any 50-percent efficient fossil fuel-fired generating unit.".

(b) DEFINITIONS.—Section 168(i) of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended by adding at the end the following:

"(15) FOSSIL FUEL-FIRED GENERATING UNITS.—

"(A) 50-PERCENT EFFICIENT FOSSIL FUEL-FIRED GENERATING UNIT.—The term '50-percent efficient fossil fuel-fired generating unit' means any property used in an investor-owned fossil fuel-fired generating unit pursuant to a plan approved by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, to place into service such a unit that is in compliance with sections 4(a)(2) and 5(c) of the Clean Power Plant and Modernization Act of 1999, as in effect on the date of enactment of this paragraph.

"(B) 45-PERCENT EFFICIENT FOSSIL FUEL-FIRED GENERATING UNIT.—The term '45-percent efficient fossil fuel-fired generating unit' means any property used in an investor-owned fossil fuel-fired generating unit pursuant to a plan so approved to place into service such a unit that is in compliance with sections 4(a)(1) and 5(b) of such Act, as so in effect.".

(c) CONFORMING AMENDMENT.—The table contained in section 168(c) of the Internal Revenue Code of 1986 (relating to applicable recovery period) is amended by inserting after the item relating to 10-year property the following:

"12-year property .... 12 years".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property used after the date of enactment of this Act.

SEC. 10. GRANTS FOR PUBLICLY OWNED GENERATING UNITS.

Any capital expenditure made after the date of enactment of this Act to purchase, install, and bring into commercial operation any new publicly owned generating unit that—

(1) is in compliance with sections 4(a)(1) and 5(b) shall, for a 15-year period, be eligible for partial reimbursement through annual grants made by the Secretary of the Treasury, in consultation with the Administrator, in an amount equal to the monetary value of the depreciation deduction that would be realized by reason of section 168(c)(3)(E) of the Internal Revenue Code of 1986 by a similarly-situated investor-owned generating unit over that period; and

(2) is in compliance with sections 4(a)(2) and 5(c) shall, over a 12-year period, be eligible for partial reimbursement through annual grants made by the Secretary of the Treasury, in consultation with the Administrator, in an amount equal to the monetary value of the depreciation deduction that would be realized by reason of section 168(c)(3)(D) of such Code by a similarly-situated investor-owned generating unit over that period.

SEC. 11. RECOGNITION OF PERMANENT EMISSION REDUCTIONS IN FUTURE CLIMATE CHANGE IMPLEMENTATION PROGRAMS.

It is the sense of Congress that—

(1) permanent reductions in emissions of carbon dioxide and nitrogen oxides that are accomplished through the retirement of old generating units and replacement by new generating units that meet the combustion heat rate efficiency and emission standards specified in this Act, or through replacement of old generating units with nonpolluting renewable power generation technologies, should be credited to the utility sector, and to the owner or operator that retires or replaces the old generating unit, in any climate change implementation program enacted by Congress;

(2) the base year for calculating reductions under a program described in paragraph (1) should be the calendar year preceding the calendar year in which this Act is enacted; and

(3) a reasonable portion of any monetary value that may accrue from the crediting described in paragraph (1) should be passed on to utility customers.

SEC. 12. RENEWABLE AND CLEAN POWER GENERATION TECHNOLOGIES.

(a) IN GENERAL.—Under the Renewable Energy and Energy Efficiency Technology Act of 1989 (42 U.S.C. 12001 et seq.), the Secretary of Energy shall fund research and development programs and commercial demonstration projects and partnerships to demonstrate the commercial viability and environmental benefits of electric power generation from—

(1) biomass (excluding unseparated municipal solid waste), geothermal, solar, and wind technologies; and

(2) fuel cells.

(b) TYPES OF PROJECTS.—Demonstration projects may include solar power tower plants, solar dishes and engines, co-firing of biomass with coal, biomass modular systems, next-generation wind turbines and wind turbine verification projects, geothermal energy conversion, and fuel cells.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available under any other law, there is authorized to be appropriated to carry out this section $75,000,000 for each of fiscal years 2001 through 2010.

SEC. 13. CLEAN COAL, ADVANCED GAS TURBINE, AND COMBINED HEAT AND POWER DEMONSTRATION PROGRAM.

(a) IN GENERAL.—Under subtitle B of title XXI of the Energy Policy Act of 1992 (42 U.S.C. 13471 et seq.), the Secretary of Energy shall establish a program to fund projects and partnerships designed to demonstrate the efficiency and environmental benefits of electric power generation from—

(1) clean coal technologies, such as pressurized fluidized bed combustion and an integrated gasification combined cycle system;

(2) advanced gas turbine technologies, such as flexible midsized gas turbines and base-load utility scale applications; and

(3) combined heat and power technologies.

(b) SELECTION CRITERIA.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall promulgate criteria and procedures for selection of demonstration projects and partnerships to be funded under subsection (a).

(2) REQUIRED CRITERIA.—At a minimum, the selection criteria shall include—

(A) the potential of a proposed demonstration project or partnership to reduce or avoid emissions of pollutants covered by section 5 and air pollutants covered by section 111 of the Clean Air Act (42 U.S.C. 7411); and

(B) the potential commercial viability of the proposed demonstration project or partnership.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts made available under any other law, there is authorized to be appropriated to carry out this section $75,000,000 for each of fiscal years 2001 through 2010.

(2) DISTRIBUTION.—The Secretary shall make reasonable efforts to ensure that, under the program established under this section, the same amount of funding is provided for demonstration projects and partnerships under each of paragraphs (1), (2), and (3) of subsection (a).

SEC. 14. EVALUATION OF IMPLEMENTATION OF THIS ACT AND OTHER STATUTES.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Energy, in consultation with the Chairman of the Federal Energy Regulatory Commission and the Administrator, shall submit to Congress a report on the implementation of this Act.

(b) IDENTIFICATION OF CONFLICTING LAW.—The report shall identify any provision of the Energy Policy Act of 1992 (Public Law 102–486), the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 791 et seq.), the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.), or the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 et seq.), or the amendments made by those Acts, that conflicts with the intent or efficient implementation of this Act.

(c) RECOMMENDATIONS.—The report shall include recommendations from the Secretary of Energy, the Chairman of the Federal Energy Regulatory Commission, and the Administrator for legislative or administrative measures to harmonize and streamline the statutes specified in subsection (b) and the regulations implementing those statutes.

SEC. 15. ASSISTANCE FOR WORKERS ADVERSELY AFFECTED BY REDUCED CONSUMPTION OF COAL.

In addition to amounts made available under any other law, there is authorized to be appropriated $75,000,000 for each of fiscal years 2001 through 2015 to provide assistance, under the economic dislocation and worker adjustment assistance program of the Department of Labor authorized by title III of the Job Training Partnership Act (29 U.S.C. 1651 et seq.), to coal industry workers who are terminated from employment as a result of reduced consumption of coal by the electric power generation industry.

SEC. 16. COMMUNITY ECONOMIC DEVELOPMENT INCENTIVES FOR COMMUNITIES ADVERSELY AFFECTED BY REDUCED CONSUMPTION OF COAL.

In addition to amounts made available under any other law, there is authorized to be appropriated $75,000,000 for each of fiscal years 2001 through 2015 to provide assistance, under the economic adjustment program of the Department of Commerce authorized by the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.), to assist communities adversely affected by reduced consumption of coal by the electric power generation industry.

SEC. 17. CARBON SEQUESTRATION.

(a) CARBON SEQUESTRATION STRATEGY.—In addition to amounts made available under any other law, there is authorized to be appropriated to the Environmental Protection Agency and the Department of Energy for each of fiscal years 2001 through 2003 a total of $15,000,000 to conduct research and development activities in basic and applied science in support of development by September 30, 2003, of a carbon sequestration strategy that is designed to offset all growth in carbon dioxide emissions in the United States after 2010.

(b) METHODS FOR BIOLOGICALLY SEQUESTERING CARBON DIOXIDE.—In addition to amounts made available under any other law, there is authorized to be appropriated to the Environmental Protection Agency and the Department of Agriculture for each of fiscal years 2001 through 2010 a total of $30,000,000 to carry out soil restoration, tree planting, wetland protection, and other methods of biologically sequestering carbon dioxide.

(c) LIMITATION.—A project carried out using funds made available under this section shall not be used to offset any emission reduction required under any other provision of this Act.

SECTION-BY-SECTION OVERVIEW OF "THE CLEAN POWER PLANT AND MODERNIZATION ACT OF 1999"

WHAT WILL THE "CLEAN POWER PLANT AND MODERNIZATION ACT OF 1999" DO?

The "Clean Power Plant and Modernization Act of 1999" lays out an ambitious, achievable, and balanced set of financial incentives and regulatory requirements designed to increase power plant efficiency, reduce emissions, and encourage use of renewable power generation methods. The bill encourages innovation, entrepreneurship, and risk-taking.

The bill encourages "retirement and replacement" of old, pollution-prone, and inefficient generating capacity with new, clean, and efficient capacity. The bill does not utilize a "cap and trade" approach. Many believe that the "retirement and replacement" approach does a superior job at the local and regional levels of protecting public health and the environment from mercury pollution, ozone pollution, and acid deposition. On a global level, the "retirement and replacement" also does a far superior job of permanently reducing the volume of carbon dioxide emitted.

WHAT WILL THE BILL DO FOR THE ENVIRONMENT?

The bill would prevent at least 650 million tons of carbon dioxide emissions per year. Over time, even more greenhouse gas emissions will be avoided annually as increases in power plant efficiencies exceed 50%, more combined heat and power systems are installed, and use of renewable energy sources increases. Prevention of greenhouse gas emissions of up to 1 billion tons per year may be possible. Mercury emissions will be cut from more than 50 tons per year to no more than 5 tons per year. Annual emissions of acid rain producing sulfur dioxide emissions will be cut by more than 6 million tons beyond Phase II Clean Air Act of 1990 requirements. Nitrogen oxide emissions that result in summertime ozone pollution will be cut by 3.2 million tons per year beyond Phase II requirements.

Over a 50 year period, the proposal laid out in the bill will prevent more than 30 billion tons in carbon dioxide emissions, and maybe as high as 50 billion tons. Carbon dioxide is further addressed in the bill by authorizing expenditures for implementing known ways of biologically sequestering carbon dioxide from the atmosphere such as planting trees, preserving wetlands, and soil restoration.

Over a 50 year period, more than 2,200 tons of mercury emissions would be avoided. While this might not sound like a lot in relation to the other pollutants, consider that a teaspoon of mercury is enough to contaminate several millions of gallons of water. And over a 50 year period more than 300 million tons of sulfur dioxide and 160 million tons of nitrogen oxides will be prevented beyond the Phase II emission limits specified in the Clean Air Act of 1990.

Section 1. Title; table of contents

Section 2. Findings and purposes

Section 3. Definitions

Section 4. Heat rate efficiency standards for fossil fuel-fired generating units

On average, fossil fuel-fired power plants in the United States operate at a thermal efficiency rate of 33%, converting just one-third of the energy in the fuel to electricity, and wasting 67% of the heat generated by burning the fuel. Increasing efficiency in converting the energy in the fuel into electricity is really the only way to reduce carbon dioxide "greenhouse" emissions from these facilities. According to the Energy Information Administration, fossil-fired power plants in the United States emit more the 2 billion tons of carbon dioxide per year (or the weight equivalent of nearly 25,000 Washington Monuments every year). This is approximately 40% of annual domestic carbon dioxide emissions.

Section 4 lays out a phased two-stage process for increasing efficiency. In the first stage, by 10 years after enactment, all units in operation must achieve a heat rate efficiency (at the higher heating value) of not less than 45%. In the second stage, with expected advances in combustion technology, units commencing operation more than 10 years after enactment must achieve a heat rate efficiency (at the higher heating value) of not less than 50%.

If, for some unforeseen reason, technological advances do not achieve the 50% efficiency level, Section 4 contains a waiver provision that allows owners of new units to offset any shortfall in carbon dioxide emissions through implementation of carbon sequestration projects.

Section 5. Air emission standards for fossil fuel-fired generating units

Subsection (a) eliminates the "grandfather" loophole in the Clean Air Act and requires all units, regardless of when they were constructed or began operation, to comply with existing new source review requirements under Section 111 of the Clean Air Act. The average "in service" date for fossil-fired generating units in the United States is 1964—six years before passage of the Clean Air Act. More than 75% of operating fossil-fired generating units came into service before implementation of the 1970 Clean Air Act and are subject to much less stringent requirements than newer units.

Subsection (b) sets mercury, carbon dioxide, sulfur dioxide, and nitrogen oxide emission standards for units that are subject to the 45% thermal efficiency standards set forth in Section 4. For mercury, 90% removal of mercury contained in the fuel is required. For carbon dioxide, the emission limits are set by fuel type (i.e., natural gas = 0.9 pounds per kilowatt hour of output; fuel oil = 1.3 pounds per kilowatt hour of output; coal = 1.55 pounds per kilowatt hour of output). Ninety-five percent of sulfur dioxide emissions (and not more than 0.3 pounds per million Btus of fuel consumed), and 90 percent of nitrogen oxides (and not more than 0.15 pounds per million Btus of fuel consumed) are to be removed.

Subsection (c) contains the same emission standards for mercury, sulfur dioxide, and nitrogen oxides as those in Subsection (b). Increased thermal efficiency will result in lower emissions of carbon dioxide, and the fuel specific emission limits at the 50% efficiency level are lowered accordingly (i.e., natural gas = 0.8 pounds per kilowatt hour of output; fuel oil = 1.2 pounds per kilowatt hour of output; coal = 1.4 pounds per kilowatt hour of output).

Furthering the public's right-to-know information on emission volumes, Subsection (e) requires EPA to annually publish pollutant-specific emissions data for each generating unit covered by the "Clean Power Plant and Modernization Act of 1999." In addition, at least once per year residential consumers will receive information from their electricity supplier on the emission volumes.

Section 6. Extension of renewable energy production credit

Section 45(c) of the Internal Revenue Code of 1986 is amended to include solar power, and to extend renewable energy production credit to 2010 (it is currently set to expire in 1999).

Section 7. Mega watt hour generation fee, and Section 8. Clean air trust fund

The Clean Air Trust Fund is similar to the Highway Trust Fund and the Superfund. Revenue for the Clean Air Trust Fund will be provided through implementation of a fee on electricity produced by fossil-fired generating units that are "grandfathered" from the Clean Air Act's Section 111 new source requirements. Utilities will be assessed at the rate of 30 cents per megawatt hour of electricity that they produce from "grandfathered" units. For residential consumers receiving power from "grandfathered" plants, the cost of the fee would average 25 cents per month. Income from the fee will be placed in the Clean Air Trust Fund to pay for: a.) assistance to workers and communities adversely affected by reduced consumption of coal; b.) research and development and demonstration programs for renewable and clean power generation technologies (e.g., wind, solar, biomass, and fuel cells); c) demonstrations of the efficiency, environmental benefits, and commercial viability of electrical power generation from clean coal, advanced gas, and combined heat and power technologies; and d.) carbon sequestration projects.

Section 9. Accelerated depreciation for investor-owned generating units.

Under the Internal Revenue Code of 1986, utilities can depreciate their generating equipment over a 20-year period. New, cleaner and efficient generating technologies will experience shorter physical lifetimes compared to their dirtier, less efficient, but more durable predecessors. Over a 20-year timeframe, most components of new generating units will need to be replaced; some components will be replaced several times. To update the Internal Revenue Code of 1986 to reflect this change in the expected physical lifetimes of generating equipment, Section 9 amends Section 168 of the Code to allow depreciation over a 15-year period for units meeting the 45% efficiency level and the emission standards in Section 5(b) above. Section 168 is further amended to allow for deprecation over a 12-year period for units meeting the 50% efficiency level and the emission standards in Section 5(c).

Section 10. Grants for publicly-owned generating units.

No federal taxes are paid on publicly-owned generating units. Section 10 provides for annual grants in an amount equal to the monetary value of the depreciation deduction that would be realized by a similarly-situated investor owned generating unit under Section 9. Units meeting the 45% efficiency level and the emission standards in Section 5(b) above would receive annual grants over a 15-year period, and units meeting the 50% efficiency level and the emission standards in Section 5(c) would receive annual grants over a 12-year period.

Section 11. Recognition of permanent emission reductions in future climate change implementation programs.

This section expresses the sense of Congress that permanent reductions in emissions of carbon dioxide and nitrogen oxides that are accomplished through the retirement of old generating units and replacement by new generating units that meet the efficiency and emissions standards in the bill, or through replacement with non polluting renewable power generation technologies, should be credited to the utility sector and to the owner/operator in any climate change implementation program enacted by Congress. The base year for calculating reductions will be the year preceding enactment of the "Clean Power Plant and Modernization Act of 1999." The bill stipulates that a portion of any monetary value that may accrue from credits under this section should be passed on to utility customers.

Section 12. Renewable and clean power generation technologies.

This section provides a total of $750 million over 10 years to fund research and development programs and commercial demonstration projects and partnerships to demonstrate the commercial viability and environmental benefits of electric power generation from biomass, geothermal, solar, wind, and fuel cell technologies. Types of projects may include solar power tower plants, solar dishes and engines, co-firing biomass with coal, biomass modular systems, next-generation wind turbines and wind verification projects, geothermal energy conversion, and fuel cells.

Section 13. Clean coal, advanced gas turbine, and combined heat and power generation demonstration program.

This section provides a total of $750 million over 10 years to fund projects and partnerships that demonstrate the efficiency and environmental benefits and commercial viability of electric power generation from clean coal technologies (including, but not limited to, pressurized fluidized bed combustion and integrated gasification combined cycle systems), advanced gas turbine technologies (including, but not limited to, flexible mid-sized gas turbines and baseload utility scale applications), and combined heat and power technologies.

Section 14. Evaluation of implementation of this act and other statutes

Not later than 2 years after enactment, DOE, in consultation with EPA and FERC, shall report to Congress on the implementation of the "Clean Power Plant and Modernization Act of 1999." The report shall identify any provision of the Energy Policy Act of 1992, the Energy Supply and Environmental Coordination Act of 1974, the Public Utilities Regulatory Policies Act of 1978, or the Powerplant and Industrial Fuel Use Act of 1978 that conflicts with the efficient implementation of the "Clean Power Plant and Modernization Act of 1999." The report shall include recommendations for legislative or administrative measures to harmonize and streamline these other statutes.

Section 15. Assistance for workers adversely affected by reduced consumption of coal

With increased power plant efficiency, less fuel will need to be burned to produce a given quantity of electricity. This section provides a total of $1.125 billion over 15 years ($75 million per year) to provide assistance to workers who are adversely affected as a result of reduced consumption of coal by the electric power generation industry. The funds will be administered under the economic dislocation and workers' adjustment assistance program of the Department of Labor authorized by Title III of the Job Training Partnership Act.

Section 16. Community economic development incentives for communities adversely affected by reduced consumption of coal

With increased power plant efficiency, less fuel will need to be burned to produce a given quantity of electricity. This section provides a total of $1.125 billion over 15 years ($75 million per year) to provide assistance to communities adversely affected as a result of reduced consumption of coal by the electric power generation industry. The funds will be administered under the economic adjustment program of the Department of Commerce authorized by the Public Works and Economic Development Act of 1965.

Section 17. Carbon sequestration

This section authorizes expenditure of $345 million over 10 years for development of a long-term carbon sequestration strategy ($45 million) for the United States, and authorizes EPA and USDA to fund carbon sequestration projects including soil restoration, tree planting, wetland's protection, and other ways of biologically sequestering carbon dioxide ($300 million). Projects funded under this section may not be used to offset emissions otherwise mandated by the "Clean Power Plant and Modernization Act of 1999."

POOR ME

(By Christopher Palmeri)

Utilities are telling the rate regulators that their old power plants are practically worthless. But they're selling them for fancy prices.

The Homer City Generation Station is a 34-year-old, coal-fired power plant near Pittsburgh. What's it worth? Until last year it was carried on the books of two utilities for $540 million. Then the companies sold it for $1.8 billion, or $955 per kilowatt—about what it would cost to build a brand-spanking-new electric plant.

Are old plants a millstone for utilities as they enter the deregulated future? That's what the utilities are telling rate regulators. We built all these plants over the years because you told us to, they are saying—and now that newcomers are about to undercut us, we need compensation for the "stranded costs." The logic of compensation for stranded costs is unassailable. The only debate is over the amount. Is the average power plant indeed a white elephant?

According to data collected by Cambridge Energy Research Associates, the average nonnuclear power plant put up for sale in the last year sold for nearly twice its book value. Granted, the plants being sold tend to be the more desirable ones, by dint of their location or their fuel efficiency. Still, the pricing makes one wonder whether the power industry should be entitled to much of anything for stranded costs.

Some states—California, Maine, Connecticut and New York, for example—have ordered utilities to sell all or part of their generation capacity. That should set an arm's length fair price. Thanks largely to the fat prices received for its power plants, Sempra Energy, the parent of San Diego Gas & Electric, says that its stranded-cost charges related to generation—about 12% of a typical customer's bill—will be paid off by July. That is two and a half years ahead of schedule, a savings of $400 million for southern Californians.

Not every state legislature or utility commission has the political will to force divestiture, however. If a utility does not want to sell, the utility and the regulators have to estimate the fair market value for a plant and then see if that is a lot less than book value.

This is tricky business. Last year Allegheny Energy, parent of West Penn Power Co., estimated the value of its power plant at $148 a kilowatt, half of their book value. An expert hired by a number of industrial energy users suggested the value should be $409. A hearing revealed that Allegheny had bought back a half-interest in one of its plants two years earlier at a price of $612 a kilowatt. Allegheny settled with the Pennsylvania Public Utility Commission for a valuation of $225 a kilowatt, half again the original estimate. At that price, Allegheny's 700,000 customers in western Pennsylvania are stuck paying $670 million in stranded costs.

What happens if the utility doesn't get the compensation it wants? Litigation. In New Hampshire the state legislature passed a law designed to open up the power market in 1996. New Hampshire's power companies and utility commission have been tied up in court ever since over the issue of stranded costs.

For this reason, legislators and regulators sometimes feel like they need to cut some deal, any deal, just to get a competitive market moving forward. The state of Virginia, for example, dodged any stranded cost calculation. In a move supported by local utilities, the legislature delayed true competition and simply froze electric rates until 2007. Utilities had donated more than $1 million to Virginia politicians in the last two election cycles.

Last year Ohio legislators proposed a bill to open up the power market. They figured stranded costs at $6 billion, spread among Ohio's eight big utilities. Not liking that number, the utilities came up with an $18 billion figure. The latest compromise is $11 billion. This number represents, in effect, the excess of the plants' book value over their market value.

Wait a minute, says Samuel Randazzo, an attorney for some industrial power users. That $11 billion number is more than the book value of all the plants. Can the utilities lose more than their investment? Negotiations are to continue.

"We are applying a political solution to an economic problem," shrugs Ohio utility commissioner Craig Glazer. "All intellectual arguments have been thrown out the window. Now it comes down to who screams the loudest.

Expect further screaming as utilities enter the deregulated market.

By Mr. ENZI (for himself and Mr. THOMAS):

S. 1950. A bill to amend the Mineral Leasing Act of 1920 to ensure the orderly development of coal, coalbed methane, natural gas, and oil in the Powder River Basin, Wyoming and Montana, and for other purposes; to the Committee on Energy and Natural Resources.

THE POWDER RIVER BASIN RESOURCE DEVELOPMENT ACT

Mr. ENZI. Mr. President, I rise today to introduce the "Powder River Basin Resource Development Act of 1999." This legislation is designed to provide a procedure for the orderly and timely resolution of disputes between coal producers and oil and gas operators in the Powder River Basin in north-central Wyoming and southern Montana. This legislation is cosponsored by my colleague from Wyoming, Senator THOMAS.

Mr. President, the Powder River Basin in Wyoming and southern Montana is one of the richest energy resource regions in the world. This area contains the largest coal reserves in the United States, providing nearly thirty percent of America's total coal production. This region also contains rich reserves of oil and gas, including coalbed methane. Wyoming is the fifth largest producer of natural gas in the county and the sixth largest producer of crude oil. The Powder River Basin plays an important role in the Wyoming's oil and gas production, and this role promises to grow as the exploration and production of coalbed methane increases over the next several years. This region, and the State of Wyoming as a whole, provides many of the resources that heat our homes, fuel our cans, generate electricity for our computers, microwaves, and televisions. In short, there is very little that any of us do in a day that is not affected by the resources of coal, oil, and natural gas.

The production of these natural resources is a vital part of the economy of my home state of Wyoming. The production of coal and oil and gas employs more than 21,000 people in Wyoming. The property taxes, severance taxes, and state and federal royalties fund our schools, our roads, and many of the other services that are essential for the functioning of our state. Since Wyoming has no state income tax, our State relies heavily on the minerals industry for our tax base.

Given the great importance both the coal and oil and gas industries have to Wyoming's economy, the State of Wyoming and the Federal Government have tried to encourage concurrent development in areas where it is feasible and safe to do so. Unfortunately, this is not always possible. This legislation is designed to provide a procedure for the fair and expeditious resolution of conflicts between oil and gas producers and coal producers who have interests on federal land in the Powder River Basin in Wyoming and southern Montana.

Mr. President, this legislation sets forth a reasonable procedure to resolve conflicts between coal producers and oil and gas producers when their mineral rights come into conflict because of overlapping federal leasing. First, this proposal requires that once a potential conflict is identified, the parties must attempt to negotiate an agreement between themselves to resolve this conflict. Second, if the parties are unable to come to an agreement between themselves, either of the parties may file a petition for relief in U.S. district court in the district in which the conflict is located. Third, after such a petition is filed, the court would determine whether an actual conflict exists. Fourth, if the court determines that a conflict does in fact exist, the court would determine whether the public interest, as determined by the greater economic benefit of each mineral, is best served by suspension of the federal coal lease or suspension or termination of all or part of the oil and gas lease. Fifth, a panel of three experts would be assembled to determine the value of the mineral of lesser economic value. Each party to the action; the oil and gas interest, the coal interest, and the federal government, would each appoint one of the three experts. Finally, after the panel issues its final valuation report, the court would enter an order setting the compensation that is due the developer who had to temporarily or permanently forgo his development rights. This compensation would be paid by the owner of the mineral of greater economic value. A credit against federal royalties would also be available against the compensation price in a limited number of situations where the value of such compensation was not foreseen in the original federal lease bid.

Mr. President, the "Powder River Basin Resource Development Act of

1999" has several benefits over the present system. First, it requires parties whose mineral interests may come into conflict to attempt to negotiate an agreement among themselves before either one of them may avail themselves of the expedited resolution mechanism. No such requirement exists today. Second, it directs the Secretary of the Interior to encourage expedited development of federal minerals and that are leased pursuant to the federal Mineral Leasing Act, that exist in conflict areas, and which may otherwise be lossed or bypassed. As such, this legislation encourages full and expeditious development of federal resources in this narrow conflict area where it is economically feasible and safe to do so. Third and finally, this bill provides an expeditious procedure to resolve conflicts that cannot be solved by the two parties alone, and it does so in a manner that ensures that any mineral owner will be fairly compensated for any suspension or loss of his mineral rights. In turn, this proposal will prevent the serious economic hardship to hundreds of families and the State treasury that could occur if mineral development is stalled for an indefinite amount of time due to protracted litigation under the current system.

Mr. President, this legislation builds on legislation I introduced last year with Senators THOMAS and BINGAMAN, which passed Congress and was signed into law last November. That bill, S. 2500, ensured that existing lease and contract rights to coalbed methane would not be terminated by a decision from the 10th Circuit Court of Appeals which concluded that coalbed methane gas was reserved to the federal government under earlier coal reservation Acts. As it turned out, the Supreme Court earlier this year realized we got in right in our bill and held that the coalbed methane was in fact a gas and not a solid, and therefore was not reserved to the government under earlier coal reservation Acts. As such, the protections we provided in S. 2500 were guaranteed to future as well as past oil and gas leaseholders.

Mr. President, S. 2500 was an important step in providing certainty and resolution to the question of mineral ownership in Wyoming, and throughout the country. This bill, builds on last year's work by providing a means to resolve ongoing development conflicts between owners of coal and oil and gas in the Powder River Basin. It represents the result of nearly a year of negotiations between the coal and coalbed producers, as well as the deep oil and gas interests, on a method to fairly reconcile mineral development disputes when they occur because of multiple leasing by the federal government. This bill has also incorporated recommendations made by the Bureau of Land Management. I look forward to working with all the affected parties during the second session of the 106th Congress to pass legislation that will put into place a reasonable, balanced method to ensure that we receive the best return on our valuable natural resources in the Powder River Basin.

By Mr. SCHUMER (for himself and Ms. COLLINS):

S. 1951. A bill to provide the Secretary of Energy with authority to draw down the Strategic Petroleum Reserve when oil and gas prices in the United States rise sharply because of anticompetitive activity, and to require the President, through the Secretary of Energy, to consult with Congress regarding the sale of oil from the Strategic Petroleum Reserve; to the Committee on Energy and Natural Resources.

OIL PRICE SAFEGUARD ACT

Ms. COLLINS. Mr. President, I rise this afternoon to join my distinguished colleague, Senator SCHUMER, in introducing legislation that provides an effective option to the President and the Secretary of Energy to address the unfair, harmful manipulation in the global oil market. The Oil Price Safeguard Act would help to moderate sharp spikes in oil and gas prices caused by price fixing and production quotas through the judicious use of our enormous petroleum reserves.

The global oil market is dominated by an international cartel with the ability to dramatically affect the price of oil. The eleven member countries of the Organization of Petroleum Exporting Countries known as OPEC supply over 40 percent of the world's oil and possess 78 percent of the world's total proven crude oil reserves. Their control of the world's oil supply allows these countries to collude to drive up the price of oil. OPEC has power to dominate the market and when it wields this power, consumers lose. Mr. President, if OPEC operated in the United States, the Department of Justice would undoubtedly prosecute the cartel for violation of U.S. anti-trust laws, but the cartel is beyond the reach of our antitrust enforcement.

To appreciate how much economic power OPEC wields, it is helpful to review the historical relationship between world oil prices and the U.S. Gross Domestic Product. When OPEC cuts production to increase profits, the American consumer suffers, as does our economy. Rising oil prices increase transportation and manufacturing costs, dampening economic growth.

The chart behind me entitled, "Oil is a Vital Resource for the U.S. Economy," was prepared by the Energy Information Administration of the Department of Energy. On this chart, world oil prices are represented by the blue line, and U.S. Gross Domestic Product is represented by the red line. It is easy to see the inverse relationship between the two. When world oil prices are high, U.S. Gross Domestic Product drops. For example, in the late 1970s and early 1980s, as the price of oil climbed, the U.S. economy slumped into a deep recession. Conversely, the strength currently enjoyed by the U.S. economy was until recently accompanied by low oil prices.

If these historical trends hold, the current rise in crude oil prices is a serious threat to our economic prosperity. This second chart entitled "EIA Crude Oil Price Outlook," shows that crude oil prices have risen since January 1999 and are expected to continue rising this winter. To a large extent, this chart demonstrates the ability of OPEC to drive the price of oil up. It is chilling, that the Federal agency responsible for projecting energy prices for the government is predicting that the price of oil will be above $25 a barrel into January of next year. This prediction underscores the need for the legislation Senator SCHUMER and I introduce today.

The bottom line is that consumers, as well as businesses, are hurt by expensive petroleum products. A rise in crude oil prices increases the price of home heating oil and gasoline. Northern states like Maine are particularly hard hit by increased oil prices because of the need to heat homes through long cold winters. Since about 6 out of 10 Maine homes burn oil and the average household uses 800 gallons annually increases in oil prices have a dramatic impact on the state's population and particularly on low-income families and seniors.

A rural state like Maine is also hard hit by increased gasoline prices at the pump since rural residents often travel further distances than those living in urban or suburban areas. For example, my constituents in Aroostook County are currently paying close to $1.50 a gallon for regular octane gasoline. At the same time, higher petroleum prices increase the cost of transporting oil and gasoline to rural areas, like Northern Maine.

At a recent OPEC meeting, the member nations reasserted their resolve to maintain high crude oil prices through production quotas. This is particularly troubling considering that the Energy Information Administration has projected that if New England experiences a particularly cold winter, the price of home heating oil could reach as high as $1.20 per gallon. This is 50 percent higher than what New Englanders paid for oil last year. Even if this winter has normal weather, the Energy Information Administration predicts significantly increased oil prices due in large measure to the OPEC production reductions. This chart, "Crude and Distillate Price Outlook Higher than Last Winter" shows projections for steeply increased prices in crude oil and, consequently, home heating oil. As you can see, prices have risen already and are expected to reach levels higher than those experienced during the winter of 1996–97.

Even if our diplomatic efforts fail to break OPEC's choke-hold on the world oil supply, we need not sit idly as oil and gas prices rise well-beyond where they would be in a normally-functioning market.

The United States has a tool available to ease the sting of this unfair market manipulation. The United States owns the largest strategic reserve of crude oil in the world. The Strategic Petroleum Reserve (SPR) consists of roughly 571 million barrels of crude oil held in salt caverns in Texas and Louisiana. The Energy Policy and Conservation Act allows the Secretary of Energy to sell oil from the reserve if the President makes certain findings set forth in the law. In order to tap into the Reserve, the President must determine that an emergency situation exists causing significant and lasting reductions in the supply of oil and severe price increases likely to cause a major adverse impact on the national economy. In the history of the Reserve, the President has only made this declaration once, during the Gulf War.

The legislation I am proud to sponsor with Senator SCHUMER today, who has been a leader on this issue, will give the President more flexibility in using the Strategic Petroleum Reserve to protect American consumers. Specifically, this measure will amend the Energy Policy and Conservation Act to authorize a draw down of the reserve when the President finds that a significant reduction in the supply of oil has been caused by anti-competitive conduct. While many, myself included, believe that the President currently should consider ordering a draw down to counteract OPEC's latest market-distorting production quotas, this legislation will make it clear that he has the power to do so. It will also ensure that the proceeds from a draw-down of the Reserve are used to replenish its oil. The bill does by mandating that the proceeds are deposited in a special account designed for that purpose. We want to give the President the authority to use the SPR to restore market discipline, but not to permanently deplete the reserve in the process.

To further encourage the use of the SPR to offset harmful and uncompetitive activities of foreign pricing cartels, the Oil Price Safeguard Act will require the Secretary of Energy to consult with Congress regarding the sale of oil from the Reserve. If the price of a barrel of crude exceeds 25 dollars for a period greater than 14 days, the President, through the Secretary of Energy, will be required to submit to Congress a report within thirty days. This report will have four parts. First, it will detail the causes and potential consequences of the price increase. Second, it will provide an estimate of the likely duration of the price increase, based on analyses and forecasts of the Energy Information Administration. Third, it will provide an analysis of the effects of the price increase on the cost of home heating oil. And fourth, the report will provide a specific rationale for why the President does or does not support a draw down and distribution of oil from the SPR to counteract anti-competitive behavior in the oil market.

The bill we are introducing today will grant important new authority to the President to protect consumers from the market-distorting behavior of foreign cartels. It will require the President to explain to Congress and the American people why actions available to the President have not been exercised to protect consumers. I urge my colleagues to join Senator SCHUMER and me in working for expeditious passage of this important measure.

I yield to my colleague, the distinguished Senator from New York, so he may provide further explanation of our legislation. I commend him for his leadership on this issue.

Mr. SCHUMER. I thank Senator COLLINS from Maine for her leadership on this issue. She has well represented her constituents on an issue of great concern. Like Maine, northern New York—much of New York—is very concerned with the prices of oil; not only gasoline but some heating oil, which—just as it is in Maine—is going through the roof in New York as we come into this winter season, which, thus far anyway, has been colder than people have predicted. I thank the Senator for garnering time to talk about our legislation, and I look forward to working with her on this issue.

Two months ago, I wrote President Clinton and Energy Secretary Richardson requesting that they look into the possibility of releasing a modest amount of oil from our Nation's well-stocked Strategic Petroleum Reserve. I made this request not because the price of crude oil was rising, but rather because global oil prices had recently more than doubled, primarily due to the new-found unity between OPEC members and allies to uphold rigid supply quotas—not free market but rigid supply quotas.

OPEC's decision in September to maintain the supply quotas meant the daily global oil supply would remain millions of barrels below last year's levels—and millions of barrels per day below global demand. The effects this decision would have on oil prices were clear. Yesterday, my colleagues—listen to this—oil closed at nearly $26 a barrel, and many industry experts now believe it will go to $30 or even $35 a barrel this winter.

Most industry and financial experts believe oil prices above $25 per barrel for an extended period will adversely affect economic growth, even if you come from Arizona; not only will it raise your gasoline prices—you don't have to worry about home heating oil, but $35 per barrel is clearly recessionary.

The effects will be felt most among the poor and elderly, both at the gas pump and in a sharp increase in the cost of home heating oil. It will effect our manufacturing, transportation, as well as other businesses that rely on oil.

I don't believe in interfering with free markets. But these OPEC decisions are not examples of fair economic play. In fact, OPEC recently announced that it would not even revisit the supply until March of 2000. With American and global oil demand increasing, and a cold winter forecast for North America, OPEC's continued supply quota could have a severely detrimental effect on the U.S. economy over the coming months, and may very well throw sand in the gears of the global economy.

Unfortunately, OPEC, with more than 40 percent market share in the global oil market, can have inordinate power over the global economy.

So the question is, Should we rely on the judgment of OPEC ministers to make the right decision when it comes to the American and the world economy? The answer is clearly no.

The next question is, What can we do about it?

My colleague from Maine, Senator COLLINS, and I have worked together to formulate what we believe is a reasonable response policy by the U.S. Government to instances when foreign oil producers collude to manipulate oil prices to a level that will likely cause a significant adverse impact on our economy, not to mention gasoline, which could go to a $1.60, $1.70, or even higher a gallon, and home heating oil that could go, in my part of the country, from $1 to $1.25 a gallon.

Here is how our legislation works. It works within the parameters of the 1975 Energy Policy and Conservation Act, which set up the U.S. Strategic Petroleum Reserve and the Energy Policy Act of 1992, which described oil supply reductions leading to severe price increases as a potential national emergency.

We simply add a provision that allows the Energy Secretary to order a drawdown of the SPR when oil and gas prices in the U.S. rise sharply because of anticompetitive conduct of foreign oil producers.

Oil supply can fall short for many natural, market-based reasons. But when the shortfall is due to opportunistic manipulations by foreign producers, especially to the degree that it will harm our economic well-being, we have the right to act in our own defense.

That is why our bill also requires the administration to report to Congress within 30 days after the price of oil sustains a price higher than $25 for more than 2 weeks. This reporting requirement—which will get Congress more involved in SPR policies—simply calls for a comprehensive review of the causes and likely consequences of the price increase. It also requires the President to explain why the administration does or does not —we don't force his hand—support the drawdown and distribution of oil from the SPR.

Before concluding, I want to make a few things clear about this legislation. First, it doesn't attempt in any way to bring oil prices down to what some would call unreasonable levels. Most of us believe oil prices were unrealistically low last winter, and that OPEC's initial supply cuts were an understandable strategy to achieve a better balance between global supply and demand.

But to maintain the cuts despite the price recovery and the projected growth in demand amounts to nothing less than price gouging.

OPEC is currently enjoying unity as a cartel not seen since the early 1980s.

The bill also protects our national security by requiring that proceeds from the sale of oil from the SPR be used only to resupply the SPR, with profits from sales remaining in the SPR account. Therefore, in the long run, we are not going to deplete the oil reserve. We are just going to use it to try to bring oil prices to a reasonable level.

And with the SPR currently stocked at 570 million barrels, we have more than enough oil to release several hundred thousand barrels a day in the event of a supply crisis without undercutting our stockpile. This should be more than sufficient to pressure oil producers to increase their supply to more realistically meet demand.

The bottom line is this legislation would show foreign producers the U.S. can and may well intervene when unfair markets threaten our domestic economy. We will say loud and clear our national economic health is a national security issue. That knowledge may be sufficient to prevent OPEC from extensive oil market manipulations in the first place.

A signal to OPEC that we are willing to use some of our strategic reserves to stabilize oil prices is consistent with the prudent long-term approach toward maintaining a stable economy.

Mr. President, this legislation is a measured, bipartisan response to a vital economic issue. I look forward to debating and passing this legislation next year.

With that, I yield back my time to the good Senator from Maine and thank her for her leadership.

Ms. COLLINS. Mr. President, it has been a pleasure to work with the Senator from New York on this issue.

By Mr. BINGAMAN (for himself, Mr. THOMPSON, and Mr. KENNEDY):

S. 1954. A bill to establish a compensation program for employees of the Department of Energy, its contractors, subcontractors, and beryllium vendors, who sustained beryllium-related illness due to the performance of their duty; to establish a compensation program for certain workers at the Paducah, Kentucky, gaseous diffusion plant; to establish a pilot program for examining the possible relationship between workplace exposure to radiation and hazardous materials and illnesses or health conditions; and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

ENERGY EMPLOYEES' COMPENSATION ACT

Mr. BINGAMAN. Mr. President, I am pleased to introduce today, along with my colleagues, Senators THOMPSON and KENNEDY, a bill to establish compensation programs for workers at Department of Energy sites, contractors, and vendors who are ill because they were exposed to severe chemical and radioactive hazards while on the job. This bill, the Energy Employees' Compensation Act, will recognize three of the more egregious workplace hazards that were allowed to exist over the years at DOE facilities.

The first of these situations was the exposure of workers at DOE sites and vendors to beryllium, a metal that has been used for the past 50 years in the production of nuclear weapons. Even very small amounts of exposure to beryllium can result in the onset of Chronic Beryllium Disease (CBD), an allergic lung reaction resulting in lung scarring and loss of lung function. The only treatment is the use of steroids to control the inflammation. There is no cure. Once a person has been exposed to beryllium, he or she has a lifelong risk of developing CBD. While only 1 to 6 percent of exposed people will generally develop CBD, some work tasks are associated with disease rates as high as 16 percent. Beryllium was used at 20 DOE sites, including sites in my state of New Mexico. An estimated 20,000 workers may have been exposed, including 1,000–1,500 in New Mexico. To date, DOE screening programs have identified 146 cases of CBD among current and former workers, although the number can be expected to grow. The people who are affected by this disease were typically blue-collar workers at these facilities. They are not covered by the federal workers' compensation system, and the various state workers' compensation programs are not well geared to deal with chronic occupational illnesses like CBD. I believe that, since these workers became exposed to beryllium while working in the defense of their country, the country owes them something in return, should they come down with Chronic Beryllium Disease. That is why I will fight to help the workers and their families in New Mexico and elsewhere through this part of the bill.

The second situation which this bill seeks to remedy occurred at the DOE Paducah Gaseous Diffusion Plant in Kentucky. Here, workers were unknowingly exposed to plutonium and other highly radioactive materials that were present in recycled uranium sent to the plant by the former Atomic Energy Commission. The AEC and the managers of the plant knew about this hazard in the 1950s, but enhanced protection for workers at Paducah was not implemented until 1992. This is an unbelievable and outrageous error. These workers deserve full compensation for the health effects of exposures that they were subject to without their knowledge.

The third situation that this bill addresses occurred to 55 workers at the DOE's East Tennessee Technology Park, who also suffered exposures to radiation and hazardous materials that have resulted in occupational illness. Through this provision, DOE can make a grant of $100,000 to each worker, if medical experts find that it is appropriate.

The Department of Energy, under Secretary Richardson's leadership, is facing up to some of its past failures to properly oversee worker health and safety at its facilities. It is a tragedy that we have to introduce and pass bills like this one, particularly in cases where it seems so clear that the problems could have been prevented. But this bill is the right thing to do for workers who served their country and expected that they would be kept safe from occupational injury. As the Congress considers this bill, I hope that we also remain vigilant to the ongoing challenges to worker safety and health at DOE facilities, particularly in the parts of the Department that are being reorganized as a result of legislation we passed earlier this year.

I ask unanimous consent that a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

TITLE I—ENERGY EMPLOYEES' BERYLLIUM COMPENSATION ACT

SECTION 101. SHORT TITLE

This section designates this title as the "Energy Employees' Beryllium Compensation Act."

SECTION 102. FINDINGS

Employees of the Department of Energy, and employees of the Department's contractors and vendors, have been, and currently may be, exposed to harmful substances, including dust particles or vapor of beryllium, while performing duties uniquely related to the Department of Energy's nuclear weapons production program. Exposure to dust particles or vapor of beryllium in this situation may cause beryllium sensitivity and chronic beryllium disease, and those who suffer beryllium-related health conditions should have uniform and adequate compensation.

SECTION 103. DEFINITIONS

This section provides the definitions of a number of terms necessary to implement this legislation. It also incorporates the definitions of multiple terms from the Federal Employees' Compensation Act, section 8101 of title, United States Code.

A beryllium vendor is defined as those vendors known to have produced or provided beryllium for the Department of Energy. The definition allows the Secretary of Energy to add other vendors by regulation.

A covered employee is defined as an employee of entities that contracted with the Department of Energy to perform certain services at a Department of Energy facility and an employee of a subcontractor. The definition also includes an employee of a beryllium vendor during a time when beryllium was being processed and sold to the Department of Energy. An employee of the federal government is also a covered employee if the employee may have been exposed to beryllium at a Department of Energy facility or that of a beryllium vendor.

Covered illness is defined as Beryllium Sensitivity and Chronic Beryllium Disease. The statute sets forth criteria by which the existence of these conditions may be established. Consequential injuries arising from these conditions are also covered illnesses.

SECTION 104. REGULATORY AUTHORITY TO REVISE DEFINITIONS

This section provides specific authority for the Secretary of Energy to designate by regulation additional entities as beryllium vendors for the purposes of this title. This section also authorizes the Secretary of Energy to provide by regulation additional criteria through which a claimant may establish the existence of a covered illness.

With regard to proposed subsection (a), it is possible that new vendors of beryllium or beryllium-related products will develop contractual relationships with the Department of Energy in the future; as these contractual relationships develop, it will become necessary to designate these vendors as "beryllium vendors" for the purposes of this title.

With respect to subsection (b), advances in medical science and testing, and in the medical field's understanding of the harmful effects of exposure to beryllium, are expected to occur. The definition of "covered illness" in section 103(4) of this title represents the understanding of the Department of Energy of the current state of medical knowledge on the demonstrated methods of establishing beryllium sensitivity or chronic beryllium disease. This subsection would allow the Secretary of Energy to specify additional criteria by which a claimant may establish existence of a covered illness.

SECTION 105. ADMINISTRATION

This section provides that the Secretary of Energy may administer the program or may enter into an agreement with another agency of the United States, such as the Department of Labor, to administer the program. The Department of Energy would reimburse the other agency for its administrative services.

SECTION 106. EXPOSURE TO BERYLLIUM IN THE PERFORMANCE OF DUTY

In order to receive compensation under the Energy Employees' Beryllium Compensation Act (EEBCA) for any condition related to exposure to beryllium, a covered employee must be determined to have been exposed to beryllium in the performance of duty.

Subsection (a) of this section provides a rebuttable presumption that employees of DOE contractors (section 103(3)(A)) and federal employees (section 103(3)(C)) who were employed at a DOE facility, or whose employment caused them to be present at a DOE or a beryllium vendor's facility, when beryllium was present, were exposed to beryllium in the performance of duty. To rebut the presumptions, substantial evidence would have to be introduced into the record establishing that the covered employee was not exposed to beryllium or beryllium dust during the employee's presence at the facility.

With respect to employees of beryllium vendors (section 103(3)(B)), subsection (b) of this section provides that these employees have the burden of establishing by substantial evidence exposure to beryllium that was intended for sale to, or to be used by, the DOE. Thus, to the extent that employees of beryllium vendors adduce evidence of exposure to beryllium or beryllium dust solely in circumstances where the eventual product was not intended for sale to, or use by, the DOE, this evidence would not support a finding that the employees were exposed to beryllium in the performance of duty.

SECTION 107. COMPENSATION FOR DISABILITY OR DEATH, MEDICAL SERVICES, AND VOCATIONAL REHABILITATION

This section incorporates into this statute the relevant provisions of the FECA regarding payment of compensation and other benefits for covered illnesses. Provisions incorporated by reference include FECA sections regarding medical services and benefits (5 U.S.C. §8103); vocational rehabilitation (§§8104 and 8111(b)); total (§8105) and partial (§8106) disability; schedule awards for permanent impairment (§§8107–8109); augmented compensation for dependents (§8110); additional compensation for services of attendants (§8111(a)); maximum and minimum monthly payments (§8112); increase or decrease of basic compensation (§8113); wage-earning capacity (§8115); three-day waiting period (§8117); compensation in case of death (§8133); funeral expenses (§8134); lump-sum payment (§8135); and cost-of-living adjustment (§8146a (a) and (b)).

Subsection (b) of this section provides that all of the compensation under this title will come out of the Energy Employees' Beryllium Compensation Fund established pursuant to section 120 of this title and is limited to amounts available in that fund.

Subsection (c) of this section prohibits any payment of compensation for any period prior to the effective date of the title, except for the retroactive lump-sum compensation payment specified in section 111 of this title.

SECTION 108. COMPUTATION OF PAY

This section incorporates 5 U.S.C. §8114 regarding computation of pay into this title. Subsection (b) of this section contains slight wording changes from 5 U.S.C. §8114(d)(3) necessitated by the fact that not all covered employees under this title are federal employees within the meaning of the FECA.

SECTION 109. LIMITATIONS ON RECEIVING COMPENSATION

This section parallels, with some modifications, the restrictions on receipt of compensation simultaneously with receipt of other benefits for the same covered illness set forth in 5 U.S.C. §8116. Subsections (a) and (b) of section 109 contain the same prohibitions against dual benefits sete forth in 5 U.S.C. §8116(a) and (b), and apply to federal employees and beneficiaries whose benefit derives from federal employees. Thus, individuals who are eligible to receive benefits under this title may not simultaneously receive those benefits and an annuity from the Office of Personnel Management, whether such annuity is based on length of service or disability. The election required by subsection (b) is not subject to the provisions of section 110 regarding coordination of benefits.

Subsection (c) applies only to federal employees awarded benefits under this title and under FECA for the same covered illness or death, and requires an election between the two systems.

Once an informed election has been made, the election is irrevocable.

Subsections (d) and (e) require an individual eligible to receive benefits under this title, and also eligible to receive benefits under a state worker's compensation system based on the same covered illness or death, to elect either benefits under this title (subject to the reduction in benefits set forth in section 110) or under the applicable state workers' compensation system, unless the state workers' compensation coverage was secured by an insurance policy or contract, and the Secretary of Energy specifically waives the requirement to make an election. An informed election under these two subsections, once made, is irrevocable.

Subsection (f) requires a widow or widower who would theoretically be eligible for benefits derived from more than one husband or wife to make an election of one benefit. The provision prevents a potential duplication of compensation benefits in unusual, but predictable, circumstances. An informed election under this subsection, once made, is irrevocable.

SECTION 110. COORDINATION OF BENEFITS

This section provides for reduction of benefits under this title if the claimant is awarded benefits under any state or federal workers' compensation system for the same covered illness or death. This section is intended to prevent a double recovery by individuals who have already received compensation for illnesses covered by this title. Subsection (a) of this section provides for a dollar-for-dollar reduction of benefits under this title by the amount of benefits received under this state or federal workers' compensation system, less than reasonable costs of obtaining such benefits. The determination of the reasonable costs obtaining such benefits is a matter reserved to the Secretary of Energy.

Subsection (b) of this section provides that, if the Secretary of Energy has granted a waiver of the election requirement under section 109(d)(2) of this title, the amount of compensation benefits is reduced by eighty percent of the net amount of any state workers' compensation benefits actually received or entitled to be received in the future, after deducting the claimant's reasonable costs (as determined by the Secretary of Energy) of obtaining such benefits. Permitting an employee whose state workers' compensation remedy is secured by insurance to retain an additional twenty percent of state benefits provides an incentive for the employee to seek such benefits in situations where the Secretary of Energy has determined that it is appropriate to waive the election requirement. In these circumstances; value may be obtained for insurance policies purchased prior to the enactment of this title.

SECTION 111. RETROACTIVE COMPENSATION

This section allows an eligible covered employee to elect to receive retroactive compensation of $100,000, in lieu of any other compensation under this title, if the employee was diagnosed, prior to October 1, 1999, as having a beryllium-related pulmonary condition consistent with Chronic Beryllium Disease and if the employee demonstrates the existence of such diagnosis and condition by medical documentation created during the employee's lifetime, at the time of death, or autopsy.

When an employee who would have been eligible to elect to receive retroatice compensation dies prior to making the election, of any cause, the employee's survivors may make the election. The right to make an election shall be afforded to survivors in the order of precedence set forth in section 8109 of title 5, United States Code, which is based, in essence, on proximity of family relationship to the covered employee.

The employee or survivor must make the election within 30 days after the date the Secretary of Energy determined to award compensation for total or partial disability or within 30 days after the date that the Secretary informs the employee or the employee's survivor of the right to make the election, whichever is later, unless the Secretary extends the time. Informed elections are irrevocable and binding on all survivors.

When an employee or a survivor has made an election, no other payment of compensation may be made on account of any other beryllium-releated illness.

A determination that the covered employee had "beryllium-related pulmonary condition" does not constitute a determination that he or she had a covered illness.

Retroactive compensation is not subject to a cost of living adjustment.

SECTION 112. EXCLUSIVITY OF REMEDY AGAINST THE UNITED STATES, CONTRACTORS, AND SUBCONTRACTORS

This section provides that the benefits authorized under this title are an exclusive remedy for individuals against the United States, DOE, and DOE contractors and subcontractors, except for proceedings under a state or federal workers compensation statute, subject to sections 109 and 110 of this title.

SECTION 113. ELECTION OF REMEDY AGAINST BERYLLIUM VENDORS

This section provides that if an individual elects to accept payment under this title, acceptance also will be an exclusive remedy against beryllium vendors who have supplied DOE with beryllium products, except for proceedings under a state or federal workers compensation statute, subject to sections 109 and 110.

SECTION 114. CLAIM

This section adopts the requirements of a claim in section 8121, title 5, United States Code, which requires a claim to be in writing and delivered or properly mailed to the Secretary of Energy. The claim must be on an approved form, contain all required information, sworn, and accompanied by a physician's certificate stating the nature of the injury and the nature and probable extent of the disability, although the Secretary may waive these latter four requirements for reasonable cause.

SECTION 115. TIME LIMITATION ON FILING A CLAIM

This section limits the time for fling a claim under this title.

SECTION 116. REVIEW OF AWARD

This section provides that the decisions of the Secretary of Energy in allowing or denying any payment under this title are final, and are not subject to judicial review or review by another official of the United States. For purposes of this section, decisions issued by the Beryllium Compensation Appeals Panel (to be established under regulations authorized by section 122 of this title) are decisions of the designee of the Secretary of Energy, in the same way that the decisions of the Employees' Compensation Appeals Board established under 5 U.S.C. §8149 are decisions of the designee of the Secretary of Labor.

SECTION 117. ASSIGNMENT OF CLAIM

This section is identical to 5 U.S.C. §8130.

SECTION 118. ADJUDICATION

Subsection (a) provides that, if the Secretary of Energy establishes new criteria for establishing coverage of a covered illness by specifically promulgating a regulation pursuant to the authority granted by section 104(b) of this title, a claimant has the right to request reconsideration of a decision awarding or denying coverage. This provision is intended to permit a claimant whose claim was properly denied under the criteria in effect at the time of the initial denial to seek and obtain reconsideration based on the new criteria, notwithstanding the fact that, under the administrative appeal rights contained in this title, the claimant would not be entitled to reconsideration.

Subsection (b) incorporates into this title FECA provisions regarding physical examinations (§123); findings and awards (§8124); misbehavior at proceedings (§8125); subpoenas, oaths, and examination of witnesses (§8126); representation and attorney's fees (§8127); reconsideration (§8128); and recovery of overpayments (§8129).

SECTION 119. SUBROGATION OF THE UNITED STATES

This section incorporates the provisions of 5 U.S.C. §§8131 and 8132 into this title. Based on these provisions, the United States has the same statutory right of reimbursement of the compensation payable under this title against the proceeds of any recovery from a responsible third party tortfeasor as that set forth in the FECA.

Subsection (c) notes that, for purposes of this title, the last sentence of 5 U.S.C. §8131(a) that an "employee required to appear as a party or witness in the prosecution of such an action [against a third party] is in an active duty status while so engaged" applies only to federal employees covered under this title, as defined in section 103(3)(C).

SECTION 120. ENERGY EMPLOYEES BERYLLIUM COMPENSATION FUND

This section creates in the U.S. Treasury the Energy Employees' Beryllium Compensation Fund, which consists of amounts appropriated to it or transferred to it from other DOE accounts and amounts that otherwise accrue to it under this title. Amounts in the Fund may be used for the payment of compensation and other benefits and expenses authorized by this title and for payment of administrative expenses.

SECTION 121. FORFEITURE OF BENEFITS BY CONVICTED FELONS

Any individual convicted of violating section 1920 of title 18, United States Code, which prohibits false statements to obtain federal employees' compensation, or any other federal or state criminal statute relating to fraud in the application or receipt of any benefits under the title, or any other workers' compensation Act, shall forfeit (as of the date of conviction) any benefits for any injury occurring on or before the date of the conviction. This forfeiture is in addition to any action of the Secretary of Energy under two other provisions of the FECA that have been incorporated into this title. Section 8106 of title 5, United States Code, provides that an employee who fails to make a required report or knowingly understates earnings forfeits compensation for any period for which the report was required. Section 8129 provides for the recovery of overpayments made to an individual due to a mistake in fact or law by decreasing later payments.

Except for payments to dependents as calculated under section 8133 of title 5, United States Code, an individual confined for the commission of a felony may not receive benefits during the period of incarceration or retroactively after release.

State and federal governments must make available to the Secretary of Energy, upon written request, the names and social security numbers of individuals who are incarcerated for felony offenses.

SECTION 122. REGULATIONS—BERYLLIUM COMPENSATION APPEALS PANEL.

This section, modeled after 5 U.S.C. §8149, authorizes the Secretary of Energy to provide by regulation for the creation of the Beryllium Compensation Appeals Panel. This panel is intended to have the same adjudicatory authority over appeals from adverse determinations of claims under this title that the Employees' Compensation Appeals Board exercises over appeals from adverse determinations of claims under the FECA.

SECTION 123. CIVIL SERVICE RETENTION RIGHTS

This section provides that a federal employee who meets the definition of a covered employee within the meaning of section 103(3)(C) of this title has the same civil service retention rights as are applicable to federal employees by virtue of the provisions of 5 U.S.C. §8151. Civil Service retention rights are administered by the Office of Personnel Management; as with 5 U.S.C. §8151, see Charles J. McQuistion, 37 ECAB 193 (1985), this section is intended to be administered, enforced, and interpreted by OPM.

SECTION 124. ANNUAL REPORT

This section provides that the Secretary of Energy will prepare a report with respect to the administration of this title on a fiscal year basis, and will submit this report to Congress.

SECTION 125. AUTHORIZATION OF APPROPRIATIONS

This section authorizes appropriations and authorizes transfers from other DOE accounts, to the extent provided in advance in appropriations Acts, to carry out the purposes of this title. This section also provides that the Secretary limit the amount for the payment of compensation and other benefits to an amount not in excess of the sum of the appropriations to the Fund and amounts made available by transfer to the Fund.

SECTION 126. CONSTRUCTION

This section provides that any amendments to provisions of the Federal Employees' Compensation Act, 5 U.S.C. §§8101-8151, which have been incorporated by reference into this title, will also be effective to proceedings under this title.

SECTION 127. CONFORMING AMENDMENTS

This section makes conforming amendments to criminal provisions of the United States Code (18 U.S.C. §§1920, 1921, and 1922).

SECTION 128. EFFECTIVE DATE

This section provides that the title is effective upon enactment, and applies to all claims, civil actions, and proceedings "pending on, or filed on or after, the date of the enactment" of this title. Because compensation under this title constitutes a covered employee's exclusive remedy against the United States, and DOE's contractors and subcontractors, any claim against the United States (under the Federal Tort Claims Act) or against any of the other above-referenced entities that has not been reduced to a final judgment before the date is barred by this title.

TITLE II—ENERGY EMPLOYEES PILOT PROJECT ACT

SECTION 201. SHORT TITLE

This section designates this Act as the "Energy Employees Pilot Project Act."

SECTION 202. PILOT PROJECT

This section directs the Secretary of Energy to conduct a pilot program to examine the possible relationship between workplace exposures to radiation, hazardous materials, or both and occupational illness or other adverse health conditions.

SECTION 203. PHYSICIANS PANEL

This section requires a panel of physicians who specialize in health conditions related to occupational exposure to radiation and hazardous materials to issue a report which examines whether 55 current and former employees of the Department of Energy's East Tennessee Technology Park may have sustained any illness or health condition as a result of their employment.

SECTION 204. SECRETARY OF ENERGY FINDING

The contractor is required by this section to provide the report of the panel to the Secretary of Energy, who will determine whether any of the employees who are covered by the report may have sustained an adverse health condition from their employment.

SECTION 205. AWARD

If the Secretary of Energy makes a positive finding under section 204 concerning an employee, the employee may receive an award of $100,000. If the employee is eligible for an award under title I, the employee may elect to receive payment under this title in place of compensation under title I.

SECTION 206. ELECTION

This section provides that the employee is to make the election under section 205 within a certain period of time. Informed elections are irrevocable and binding on all survivors.

SECTION 207. SURVIVOR'S ELECTION

If an individual dies before making the election, the employee's survivor may make the election. The right to make an election shall be afforded to survivors in the order of precedence set forth in section 8109 of title 5, United States Code, which is based, in essence, on proximity of family relationship to the covered employee.

SECTION 208. STATUS OF AWARD

An award is not income under the Internal Revenue Code.

SECTION 209. PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES, CONTRACTORS, AND SUBCONTRACTORS

This section provides that employees at the facility eligible for benefits under this title can elect which remedy to pursue. If they elect to proceed under this title, then acceptance of payment under this title will be in full settlement of all claims against the United States, DOE, a DOE contractor, a DOE subcontractor, or an employee, agent, or assign of one of them arising out of the condition for which the payment was made, except that the employee would retain the right to proceed under a state workers compensation statute, subject to the reduction-of-benefits provision of subsection (c). Under that subsection, the benefits awarded to a claimant under this title would be reduced by the amount of any other payments received by that claimant because of the same illness or adverse health condition, excluding payments for medical expenses under a workers' compensation system.

SECTION 210. SUBROGATION

This section sets out the conditions under which the United States is subrogated to a claim.

SECTION 211. AUTHORIZATION OF APPROPRIATION

This section authorizes appropriations for the program and provides that authority under this title to make payments is effective in any fiscal year only to the extent, or in the amounts, provided in advance in an appropriation Act

TITLE III—PADUCAH EMPLOYEES' EXPOSURE COMPENSATION ACT

SECTION 301. SHORT TITLE

This section designates this Act as the "Paducah Employees' Exposure Compensation Act."

SECTION 302. DEFINITIONS

This section defines a number of terms necessary to implement this legislation, including "Paducah employee" and "specified disease"

SECTION 303. PADUCAH EMPLOYEES' EXPOSURE COMPENSATION FUND

This section establishes in the Treasury of the United States the Paducah Employee's Exposure Compensation Fund. The amounts in the fund are available for expenditure by the Attorney General under section 305, and the Fund terminates 22 years after the date of enactment of this title. This section also authorizes appropriations to the Fund in the sums necessary to carry out the purposes of the title and provides that authority under this Act to enter into contracts or to make payments is not effective in any fiscal year except to the extent, or in the amounts, provided in advance in appropriations Acts.

SECTION 304. ELIGIBLE EMPLOYEES

This section sets forth who is eligible to receive compensation under this title and provides that an eligible employee who files a claim that the Attorney General determines meets the requirements of this title, receives $100,000 as compensation.

A person eligible for compensation is a Paducah employee (as defined under section 302(2)) who was employed at the Paducah, Kentucky, gaseous diffusion plant for at least one year during the period beginning on January 1, 1953, and ending on February 1, 1992, who during that period was monitored through the use of dosimetry badges for exposure at the plant to radiation from gamma rays or who worked in a job that, as determined by regulation, led to exposure at the plant to radioactive contaminants, including plutonium contaminants; and who submits written medical documentation as to having contracted a specified disease after beginning employment at the plant during the indicated period and after being monitored or beginning work at a job that could have led to exposure as specified.

SECTION 305. DETERMINATION AND PAYMENT OF CLAIMS

Generally, this section sets forth the procedures for filing claims, authority for the Attorney General to consider claims and make compensation payments, consequences of payment of a claim, cost of administering the program, and appeals procedures.

Subsection (a) provides that the Attorney General establish procedures whereby individuals may submit claims for payment under this title.

Subsection (b) provides that the Attorney General determine whether a claim filed under this title meets the requirements of the title. It also provides for consultation with the Surgeon General and the Secretary of Energy in certain instances.

Subsection (c) provides that the Attorney General pay, from amounts available in the Fund, claims filed under this title that the Attorney General determines meet the requirements of this title. This subsection also sets out the conditions under which payments are offset and the United States is subrogated to a claim. It also provides for payment to the survivor of a Paducah employee who is deceased at the time of payment under this section.

Subsection (d) provides that the Attorney General complete the determination on each claim not later than twelve months after the claim is so filed. The Attorney General may request from any claimant, or from any individual or entity on behalf of any claimant, additional information or documentation necessary to complete the determination.

Subsection (e) provides that employees at the Paducah facility eligible for benefits under this title can elect which remedy to pursue. If they elect to proceed under this title, then acceptance of payment under this title will be in full settlement of all claims against the United States, DOE, a DOE contractor, a DOE subcontractor, or an employee, agent, or assign of one of them arising out of the illness for which the payment was made, except for claims in an administrative or judicial proceeding under a state workers' compensation statute, subject to the reduction-of-benefits provision of subparagraph (3). Under that subparagraph, the benefits awarded to a claimant under this title would be reduced by the amount of any other payments received by that claimant because of the same specified illness, excluding payments for medical expenses under a workers' compensation system.

Subsection (f) sets forth how costs of administering the title are paid.

Subsection (g) provides that the duties of the Attorney General under this section cease when the Fund terminates.

Subsection (h) provides that amounts paid to an individual under this section are not subject to federal income tax under the internal revenue laws of the United States; are not included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code or the amount of these benefits; and are not subject to offset under section 3701 et seq. of title 31, United States Code.

Subsection (i) provides that the Attorney General may issue the regulations necessary to carry out this title.

Subsection (j) provides that regulations, guidelines, and procedures to carry out this title shall be issued not later than 270 days after the date of enactment of this title.

Subsection (k) sets forth administrative appeals procedures and procedures for judicial review.

SECTION 306. CLAIMS NOT ASSIGNABLE OR TRANSFERABLE

This section provides that a claim cognizable under this title is not assignable or transferable.

SECTION 307. LIMITATIONS ON CLAIMS

This section provides that claim to which this title applies shall be barred unless the claim is filed within 20 years after the date of the enactment of this title.

SECTION 308. ATTORNEY FEES

This section limits the amount of attorney fees for services rendered in connection with a claim under this title to no more than 10 percent of a payment made on the claim. An attorney who violates this section shall be fined not more than $5,000.

SECTION 309. CERTAIN CLAIMS NOT AFFECTED BY AWARDS OF DAMAGES

This section provides that a payment made under this title shall not be considered as any form of compensation or reimbursement for a loss for purposes of imposing liability on the individual receiving the payment, on the basis of this receipt; to repay any insurance carrier for insurance payments. A payment under this title does not affect any claim against an insurance carrier with respect to insurance.

ADDITIONAL COSPONSORS

S. 88

At the request of Mr. BUNNING, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 88, a bill to amend title XIX of the Social Security Act to exempt disabled individuals from being required to enroll with a managed care entity under the medicaid program.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 505

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 505, a bill to give gifted and talented students the opportunity to develop their capabilities.

S. 751

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 751, a bill to combat nursing home fraud and abuse, increase protections for victims of telemarketing fraud, enhance safeguards for pension plans and health care benefit programs, and enhance penalties for crimes against seniors, and for other purposes.

S. 761

At the request of Mr. ABRAHAM, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 761, a bill to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and for other purposes.

S. 961

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 961, a bill to amend the Consolidated Farm And Rural Development Act to improve shared appreciation arrangements.

S. 1187

At the request of Mr. DORGAN, the names of the Senator from Utah (Mr. BENNETT), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1187, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes.

S. 1272

At the request of Mr. NICKLES, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1272, a bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes.

S. 1384

At the request of Mr. KOHL, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1384, a bill to amend the Public Health Service Act to provide for a national folic acid education program to prevent birth defects, and for other purposes.

S. 1452

At the request of Mr. SHELBY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1452, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 1526

At the request of Mr. ROCKEFELLER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1526, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit to taxpayers investing in entities seeking to provide capital to create new markets in low-income communities.

S. 1547

At the request of Mr. BURNS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1547, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes.

S. 1557

At the request of Mr. KERREY, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1557, a bill to amend the Internal Revenue Code of 1986 to codify the authority of the Secretary of the Treasury to issue regulations covering the practices of enrolled agents.

S. 1579

At the request of Ms. SNOWE, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1579, a bill to amend title 38, United States Code, to revise and improve the authorities of the Secretary of Veterans Affairs relating to the provision of counseling and treatment for sexual trauma experienced by veterans.

S. 1592

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1592, a bill to amend the Nicaraguan Adjustment and Central American Relief Act to provide to certain nationals of El Salvador, Guatemala, Honduras, and Haiti an opportunity to apply for adjustment of status under that Act, and for other purposes.

S. 1680

At the request of Mr. ASHCROFT, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1680, a bill to provide for the improvement of the processing of claims for veterans compensation and pensions, and for other purposes.

S. 1762

At the request of Mr. COVERDELL, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1762, a bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such Act or related laws.

S. 1798

At the request of Mr. REID, his name was added as a cosponsor of S. 1798, a bill to amend title 35, United States Code, to provide enhanced protection for investors and innovators, protect patent terms, reduce patent litigation, and for other purposes.

S. 1803

At the request of Mr. ROBB, the names of the Senator from Connecticut (Mr. DODD) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 1803, a bill to amend the Internal Revenue Code of 1986 to extend permanently and expand the research tax credit.

S. 1812

At the request of Mr. WARNER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1812, a bill to establish a commission on a nuclear testing treaty, and for other purposes.

S. 1814

At the request of Mr. SMITH, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1814, a bill to establish a system of registries of temporary agricultural workers to provide for a sufficient supply of such workers and to amend the Immigration and Nationality Act to streamline procedures for the admission and extension of stay of nonimmigrant agricultural workers, and for other purposes.

S. 1823

At the request of Mr. DEWINE, the name of the Senator from Mississippi

(Mr. COCHRAN) was added as a cosponsor of S. 1823, a bill to revise and extend the Safe and Drug-Free Schools and Communities Act of 1994.

S. 1825

At the request of Mr. ROCKEFELLER, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1825, a bill to empower telephone consumers, and for other purposes.

S. 1900

At the request of Mr. LAUTENBERG, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Rhode Island (Mr. REED), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1911

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of S. 1911, a bill to conserve Atlantic highly migratory species of fish, and for other purposes.

SENATE RESOLUTION 106

At the request of Mr. DOMENICI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of Senate Resolution 106, a resolution to express the sense of the Senate regarding English plus other languages.

SENATE RESOLUTION 128

At the request of Mr. COCHRAN, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Indiana (Mr. BAYH), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of Senate Resolution 128, a resolution designating March 2000, as "Arts Education Month."

SENATE RESOLUTION 217

At the request of Mr. HUTCHINSON, the names of the Senator from Maine (Ms. SNOWE), the Senator from Washington (Mr. GORTON), the Senator from Georgia (Mr. COVERDELL), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of Senate Resolution 217, a resolution relating to the freedom of belief, expression, and association in the People's Republic of China.

SENATE RESOLUTION 227

At the request of Mr. BRYAN, the names of the Senator from Nebraska (Mr. KERREY) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of Senate Resolution 227, a resolution expressing the sense of the Senate in appreciation of the National Committee for Employer Support of the Guard and Reserve.

At the request of Mr. SANTORUM, his name was added as a cosponsor of Senate Resolution 227, supra.

AMENDMENT NO. 2667

At the request of Mr. FEINGOLD the names of the Senator from Minnesota (Mr. WELLSTONE), the Senator from Wisconsin (Mr. KOHL), and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of Amendment No. 2667 intended to be proposed to S. 625, a bill to amend title 11, United States Code, and for other purposes.

SENATE CONCURRENT RESOLUTION 74—RECOGNIZING THE UNITED STATES BORDER PATROL'S 75 YEARS OF SERVICE SINCE ITS FOUNDING

Mrs. HUTCHISON (for herself, Mr. ABRAHAM, Mr. KYL, and Mr. GRAMM) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 74

Whereas the Mounted Guard was assigned to the Immigration Service under the Department of Commerce and Labor from 1904 to 1924;

Whereas the founding members of this Mounted Guard included Texas Rangers, sheriffs, and deputized cowboys who patrolled the Texas frontier looking for smugglers, rustlers, and people illegally entering the United States;

Whereas following the Department of Labor Appropriation Act of May 28, 1924, the Border Patrol was established within the Bureau of Immigration, with an initial force of 450 Patrol Inspectors, a yearly budget of $1 million, and $1,300 yearly pay for each Patrol Inspector, with each patrolman furnishing his own horse;

Whereas changes regarding illegal immigration and increases of contraband alcohol traffic brought about the need for this young patrol force to have formal training in border enforcement;

Whereas during the Border Patrol's 75-year history, Border Patrol Agents have been deputized as United States Marshals on numerous occasions;

Whereas the Border Patrol's highly trained and motivated personnel have also assisted in controlling civil disturbances, performing National security details, aided in foreign training and assessments, and responded with security and humanitarian assistance in the aftermath of numerous natural disasters;

Whereas the present force of over 8,000 agents, located in 146 stations under 21 sectors, is responsible for protecting more than 8,000 miles of international land and water boundaries;

Whereas, with the increase in drug-smuggling operations, the Border Patrol has also been assigned additional interdiction duties, and is the primary agency responsible for drug interdiction between ports-of-entry;

Whereas Border Patrol agents have a dual role of protecting the borders and enforcing immigration laws in a fair and humane manner; and

Whereas the Border Patrol has a historic mission of firm commitment to the enforcement of immigration laws, but also one fraught with danger, as illustrated by the fact that 86 agents and pilots have lost their lives in the line of duty—6 in 1998 alone: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress recognizes the historical significance of the United States Border Patrol's founding and its 75 years of service to our great Nation.

SENATE CONCURRENT RESOLUTION 75—EXPRESSING THE STRONG OPPOSITION OF CONGRESS TO THE CONTINUED EGREGIOUS VIOLATIONS OF HUMAN RIGHTS AND THE LACK OF PROGRESS TOWARD THE ESTABLISHENT OF DEMOCRACY AND THE RULE OF LAW IN BELARUS AND CALLING ON PRESIDENT ALEXANDER LUKASHENKA TO ENGAGE IN NEGOTIATONS WITH THE REPRESENTATIVES OF THE OPPOSITION AND TO RESTORE THE CONSTITUTIONAL RIGHTS OF THE BELARUSIAN PEOPLE

Mr. DURBIN (for himself and Mr. CAMPBELL) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 75

Whereas the United States has a vital interest in the promotion of democracy abroad and supports democracy and economic development in Belarus;

Whereas in the Fall of 1996, President Lukashenka devised a controversial referendum to impose a new constitution on Belarus and abolish the Parliament, replacing it with a rubber-stamp legislature;

Whereas Lukashenka illegally extended his own term of office to 2001 by an illegitimate referendum;

Whereas Belarus has effectively become an authoritarian police state, where human rights are routinely violated;

Whereas Belarusian economic development is stagnant and living conditions are deplorable;

Whereas in May 1999, the Belarusian opposition challenged Lukashenka's unconstitutional lengthening of his term by staging alternative presidential elections, unleashing the government crackdown;

Whereas the leader of the opposition, Simyon Sharetsky, was forced to flee Belarus to the neighboring Baltic state of Lithuania in fear for his life;

Whereas several leaders of the opposition—Viktor Gonchar, Yuri Krasovsky, Yuri Zakharenka, Tamara Vinnikova, and other members of the opposition, have disappeared;

Whereas the Belarusian authorities harass and persecute the independent media and work to actively suppress the freedom of speech;

Whereas the former Prime Minister Mikhail Chygir, who was a candidate in the opposition's alternative presidential elections in May 1999, has been held in the pretrial detention on trumped up charges since April 1999;

Whereas President Lukashenka's government provoked the clashes between riot police and the demonstrators at the October 17, 1999, "Freedom March", which resulted in injuries to demonstrators and scores of illegal arrests;

Whereas President Lukashenka addressed a session of the Russian State Duma on October 26, 1999, advocating a merger between Russia and Belarus; and

Whereas Anatoly Lebedko, Chairman of the Committee for International Affairs of the Supreme Soviet of the Republic of Belarus, Nikolay Statkevich, leader of the Social Democratic Party, and Valery Shchukin, Deputy of the Supreme Council, were arrested and imprisoned for taking part in the Freedom March: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) condemns the current Belarusian regime;

(2) further condemns the arrests of Anatoly Lebedko, Nikolay Statkevich, and Valery Shchukin;

(3) is gravely concerned about the disappearances of Viktor Gonchar, Yuri Krasovsky, Yuri Zakharenka, Tamara Vinnikova, and other members of the opposition;

(4) calls for immediate dialogue between President Lukashenka and the Consultative Council of Belarusian opposition and the restoration of a civilian, democratically elected government in Belarus;

(5) calls for a duly constituted national legislature, the rule of law, and an independent judiciary;

(6) urges President Lukashenka to respect the human rights of all Belarusian citizens, including those members of the opposition who are currently being illegally detained in violation of their constitutional rights;

(7) further urges President Lukashenka to make good on his promise to hold free parliamentary elections in 2000;

(8) supports the appeal by the Consultative Council of Belarusian opposition parties to the Government of Russia, the State Duma, and the Federation Council for a cessation of support for Lukashenka's regime;

(9) calls on the international community to support the opposition by continuing to meet with the legitimately elected parliament; and

(10) calls on the President of the United States to continue to—

(A) fund travel to the United States by the Belarusian opposition figures;

(B) provide funding for the nongovernmental organizations in Belarus; and

(C) support information flows into Belarus.

• Mr. DURBIN. Mr. President, in 1996, President Alexander Lukashenka imposed a new constitution on Belarus that effectively destroyed its nascent democracy and returned that country to a Soviet-style police state. Human rights violations are routine and living conditions are deplorable because of the stagnant economy. Opposition leader Simyon Sharetsky fled to Vilnius, Lithuania.

The situation in Belarus has worsened dramatically in recent months for remaining members of the opposition. Some have disappeared, including Viktor Gonchar, Yuri Krasovsky, Yuri Zakharenka, and Tamara Vinnikova. Some have been arrested for taking part in the October 17, 1999 "Freedom march," including Anatoly Lebedko, Chairman of the Committee for International Affairs of the Supreme Soviet of the Republic of Belarus, Nikolay Statkevich, leader of the Social Democratic Party, and Valery Shchukin, Deputy of the Supreme Council.

Poland, Lithuania, and Latvia are very concerned about the direction Belarus has taken under the Lukashenka regime. Belarus' economy is apparently imploding, and neighboring countries are concerned about regional instability. Our recent experience with Slobodan Milosevic's Yugoslavia should make us all concerned about the implications of a ruthless dictator threatening stability in Europe.

Poland, Lithuania, and Latvia have successfully transformed themselves from Soviet-dominated Communist states to fully democratic market democracies integrated with the West and Western institutions. We must be sure that Belarus does not threaten the remarkable progress these stalwart countries have made in only 10 years since the fall of the Soviet empire.

Also troubling is a draft treaty that may be signed before the end of the year between Lukashenka and President Yeltsin to effect a political union between Russia and Belarus. All Western countries should be concerned that such a union would only hurt efforts to shore up Russia's economy and strengthen its fragile democracy.

That is why my colleague, Senator CAMPBELL, and I join together today to a resolution condemning the actions of the Lukashenka regime. This resolution—a companion measure to one introduced by our colleague in the House of Representatives, Representative SAM GEJDENSON—condemns the Lukashenka regime, the arrest of opposition figures and the disappearance of others; calls for a dialog between Lukashenka and the opposition, the restoration of a democratically-elected government and institutions; calls on the U.S. President to fund travel by Belarusian opposition figures and for non-governmental organizations in Belarus and to support information flows into Belarus. I call on my colleagues to join us in cosponsoring this resolution.•

AMENDMENTS SUBMITTED

BANKRUPTCY REFORM ACT OF 1999

FEINGOLD AMENDMENT NO. 2779

Mr. FEINGOLD proposed an amendment to amendment No. 2748 proposed by him to the bill (S. 625) to amend title 11, United States Code, and for other purposes; as follows:

On page 1, line 5, strike all after "(23) and insert the following:

"under subsection (a)(3) of the commencement or continuation of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property——

"(A) on which the debtor resides as a tenant under a rental agreement; and

"(B) with respect to which——

"(i) the debtor fails to make a rent payment that initially becomes due under the rental agreement or applicable State law after the date of filing of the petition or within the 10 days prior to the filing of the petition, if the lessor files with the court a certification that the debtor has not made a payment for rent and serves a copy of the certification to the debtor; or

"(ii) the debtor's lease has expired according to its terms and (a) or a member of the lessor's immediate family intends to personally occupy that property or (b) the lessor has entered into an enforceable lease agreement with another tenant prior to the filing of the petition, if the lessor files with the court a certification of such facts with the court a certification of such facts and serves a copy of the certification to the debtor;

"(24) under subsection (a)(3) of the commencement or continuation of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property, if during the 1-year period preceding the filing of the petition, the debtor——

"(A) commenced another case under this title; and

"(B) failed to make a rent payment that initially became due under an applicable rental agreement or State law after the date of filing of the petition for that other case; or

"(25) under subsection (a)(3), of an eviction action based on endangerment of property or the use of an illegal drug, if the lessor files with the court a certification that the debtor has endangered property or used an illegal drug and serves a copy of the certification to the debtor"; and

(4) by adding at the end of the flush material at the end of the subsection the following "With respect to the applicability of paragraph (23) or (25) to a debtor with respect to the commencement or continuation of a proceeding described in that paragraph, the exception to the automatic stay shall become effective on the 15th day after the lessor meets the filing and notification requirements under that paragraph, unless the debtor takes such action as may be necessary to address the subject of the certification or the court orders that the exception to the automatic stay shall not become effective or provides for a later date of applicability.".

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, November 17, 1999, after the 10 a.m. vote, to conduct a markup in Dirksen Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

PANDA TRIBUTE

• Mr. CLELAND. Mr. President, I share with my colleagues some very exciting news coming out of my home state of Georgia. Earlier this month, two giant pandas, Lun Lun and Yang Yang, were delivered safely by UPS from Beijing, China to their new home at Zoo Atlanta after a 17-hour global journey.

Zoo Atlanta Director Dr. Terry Maple "signed" for the special delivery during a welcoming ceremony at Atlanta's Hartsfield International Airport with more than 200 dignitaries and elementary school children looking on. The very special delivery brings to six the total number of rare giant pandas now residing in the United States.

I would like to recognize the special role that UPS has played in this long journey to bring the pandas to their new home. UPS became involved with the panda transport when Zoo Atlanta officials asked for their help in the construction and maintenance of the panda habitat. The UPS Foundation agreed to give $625,000 over five years to fund the habitat project at the zoo, and also agreed to provide all the logistical support necessary to move the pandas from Beijing to Atlanta.

The move involved over 100 UPS employees in six cities from around the world (Atlanta, Louisville, Anchorage, Singapore, Hong Kong and Beijing) covering travels of 7,526 miles. There were backup flight crews and a backup aircraft in place in case of health problems or mechanical failures, customs support people to smooth the process of bringing the animals onto U.S. soil, and even a UPS manager to accompany the two-person flight crew and act as load master.

UPS also flew two Chinese and one American veterinarians from Beijing to Atlanta. The animals were unloaded by UPS air gateway employees and placed in UPS package cars (the familiar brown delivery truck) that were specially marked with panda graphics. The vehicles (four trucks, two as back ups in case of mechanical problems) were driven by specially chosen Circle of Honor members, UPS drivers who have driven for 25 years or more without an accident. The package cars were outfitted with air conditioning and heating units for the animals.

This exciting new addition to the Atlanta landscape would not have been possible without the hard work, dedication and financial support of many people, especially at Zoo Atlanta and UPS. I am thrilled that Atlanta will be a part of such an important exchange and friendship endeavor with the people of China and I am proud of the support and enthusiasm that have showered Lun Lun and Yang Yang throughout their journey and now that they are in their new home.•

WAYNE COUNTY MEDICAL SOCIETY 150TH ANNIVERSARY

• Mr. ABRAHAM. Mr. President, I rise today to honor and congratulate the Wayne County Medical Society as they gather in celebration of their 150th Anniversary.

The Wayne County Medical Society has set a pioneering tradition in health care since it was founded on April 14, 1849. They began with only 50 physicians and have grown to include more than 4,200 physicians. They work together to promote unity and loyalty among physicians in the community and to raise awareness of public health issues concerning the citizens of Wayne County.

What is truly remarkable about this select group is the profound impact they have had on the public health of the people in Detroit and Wayne County. One of its most notable accomplishments was leading a polio immunization drive which vaccinated thousands of Detroiters and all but eliminated the threat of the crippling disease.

The WCMS continues to provide health care that shows no bounds with the free medical and dental clinic they run at the Webber School in Detroit. Every child is offered free services such as physical examinations, dental fluoride sealants and prophylaxis. The WCMS also takes a proactive approach to health care, in 1998 they sponsored a teen pregnancy conference with more than 500 Detroit Public School students in attendance. The children were encouraged to abstain from sex and to understand the consequences of not practicing safe sex. By sponsoring an annual party for foster children in Wayne the WCMS shows their commitment to the community extends beyond healthcare. The WCMS is truly an asset to the Detroit Community.

The accomplishments this elite group has made in the past 150 years are to be commended. Guided by the spirit of charity the WCMS has improved and enriched the lives of countless people. It is my hope that they will continue encouraging unity among physicians and be a crusader for public health in Detroit for many years to come.•

IN RECOGNITION OF THE REV. DR. GEORGE ELIAS MEETZE

• Mr. HOLLINGS. Mr. President, I rise today to recognize my good friend, the Reverend Dr. George Elias Meetze, who was recently named Pastor Emeritus of Incarnation Lutheran Church in Columbia, South Carolina.

Dr. Meetze has been serving the South Carolina community for over sixty years. He led the congregation at St. Barnabas Lutheran Church in Charleston, SC from 1934 to 1937, at Grace Lutheran Church in Prosperity, SC from 1937 to 1942 and at Incarnation Lutheran Church from 1942 to 1974. In addition, Dr. George Meetze has been the chaplain of the South Carolina Senate for fifty years.

His honors and affiliations are too numerous to list, but include leadership positions within the Lutheran Church and involvement with such organizations as the Salvation Army, The American Cancer Society, and The Rotary Club, which named him a Paul Harris Fellow in 1979. He is, as you would imagine, an active supporter of the Lutheran Theological Southern Seminary in Columbia, SC and Newberry College in Newberry, SC. A fixture in the Columbia, SC community and across the state of South Carolina, Dr. George Meetze knows many people, but is known by even more for his friendliness and genuine interest in every individual he meets.

My wife, Peatsy, and I, whom Dr. George Meetze joined in marriage twenty-eight years ago, commend Incarnation Lutheran Church for conferring the title of Pastor Emeritus on Dr. George Meetze and we send our warmest congratulations to George and his family on this happy occasion.•

BRIGADIER GENERAL CLAY'S RETIREMENT

• Mr. HATCH. Mr. President, I want to call the Senate's attention to the recent retirement of Air Force Brigadier General John L. Clay who is retiring after 28 years of dedicated service to our country.

General Clay, a native of Utah, joined the Air Force following his graduation from the United States Air Force Academy. He has served honorably and professionally in a variety of research and development assignments encompassing armaments, missiles and space programs.

He is renowned as a developer and manager of many space systems programs and currently serves as the Director of Space and Nuclear Deterrence in the Office of the Secretary of the Air Force for Acquisition.

His outstanding leadership, management expertise, and foresight have been the foundation for the success of major ICBM and space force improvements and the effective use of $50 billion of the defense budget.

General Clay directed the effort to replace the Minuteman missile guidance system. This vitally important accomplishment now provides the nation with a key element of our strategic deterrence capability. This was the first major modification to the Minuteman system in almost 30 years.

Additionally, he was instrumental in the comprehensive national review of our nation's space launch program, including the innovative Evolved Expendable Launch Vehicle program which has resulted in the establishment of two internationally competitive commercial families of vehicles capable of meeting government and commercial needs.

General Clay also established the Shared Early Warning System program following the September 1998 summit agreement between Presidents Clinton and Yeltsin. This program is a milestone in strategic partnerships as it allows the United States and partner countries to share early warning data. It also establishes a first-ever Center for Strategic Stability in Colorado Springs for the upcoming Y2K changeover. This Center will provide launch information to a jointly manned U.S.-Russian operations team during the Y2K rollover period.

Unquestionably, Brigadier General John L. Clay is a man of unwavering loyalty and dedication. He has earned the respect of his colleagues in the Air Force, defense contractors, and members of Congress.

On behalf of the Senate, I am pleased to convey to General Clay, my fellow Utahns, and his wife, Beverly, our best wishes on the occasion of his retirement and express our appreciation for his service to our country. We wish them well as they embark on this new chapter in their lives.•

MAYOR FRANCIS H. DUEHAY OF CAMBRIDGE

• Mr. KENNEDY. Mr. President, it is an honor to take this opportunity to recognize a leader who has given so much to the people of Cambridge, Massachusetts. Mayor Francis H. Duehay has been an elected official in the City of Cambridge for thirty-six consecutive years. Under his leadership, the city has made great progress in housing, welfare, youth employment, and many other important issues for the people. This year, Frank is retiring, and his loss will be felt deeply by all those whose lives he has touched.

Frank's commitment to public service is extraordinary. Throughout his years as Mayor, City Councilor, and on the School Committee he has taken pride in his commitment to work directly with the people he represents, in order to learn their concerns firsthand. Frank's work with city officials and numerous other organizations to open new lines of communication between the city government and the people of Cambridge has created a local government at its best—responsive to the needs of the people, accountable for its actions, and always open to new ideas.

Frank worked tirelessly to improve the quality of life for Cambridge families. He served as the chairperson for the Cambridge Kids' Council, where he's worked to create greater opportunities in the community, giving hope to children and families and providing a model for cities throughout the state. The Mayor's Summer Youth Employment Program has been extremely successful in giving young men and women the opportunity to serve their city during the summer months, enabling them to explore their interests and enhance their lives. Frank has fought hard for the families of Cambridge, and his legacy will live on through their success.

In all of these and many other ways, Frank Duehay has served the people of Cambridge with great distinction. I am honored to pay tribute to this remarkable leader. His public service and generosity are shining examples to us all. I know that I speak for all of the people of Cambridge when I say thank you, Frank, for your commitment and dedication to public service. You will be deeply missed.•

MICHIGAN TEACHER OF THE YEAR MARGARET HOLTSCHLAG TRIBUTE

• Mr. ABRAHAM. Mr. President, I rise today to recognize and congratulate Margaret Holtschlag on receiving the Michigan Teacher of the Year award given by the Michigan Department of Education.

Mrs. Holtschlag, a fourth grade teacher at Murphy Elementary School in the Haslet School District, was selected from nearly thirty regional finalists as the Michigan Teacher of the Year. Described by colleagues as an innovative, thoughtful and progressive teacher, her dedication is second to none. As the winning teacher, Mrs. Holtschlag will share her expertise as she travels across the state working with teachers to improve programs and teacher quality.

What is truly remarkable about Mrs. Holtschlag is that her classroom extends beyond a room filled with desks and chalkboards. Two years ago she took a group of students on a trip to Korea and set up an Internet pen-pal link between Haslet, China and Korea. In the past, her students have built weather stations and explored nearby wetlands. Additionally, her students have spent time at the Michigan Library and Historical Center, discovering and exploring aspects of Michigan history that can not be learned from a text book.

For twenty-one years Mrs. Holtschlag has devoted her life to teaching and making a positive impact on each and every student she encounters. Her captivating teaching style inspires both students and colleagues alike. This is truly a rare gift.

A quality education is one of the most important tools that a child needs and it gives me great joy to know that such a dynamic and caring teacher is helping to shape the lives of Michigan students.•

NICHOLAS W. ALLARD ON THE COLLEGE APPLICATION PROCESS

• Mr. KENNEDY. Mr. President, families across the country know that a college education is essential for their children. A college graduate earns twice what a high school graduate earns in a year, and close to three times what a high school dropout earns. More and more students are applying for college each year—over 2 million freshmen began college last year. The result is increasingly heavy pressures on schools, families, and colleges.

No one understands these pressures more than prospective college students and their families who are now filling out applications, visiting college campuses, and preparing to make the all-important choices for their futures.

An article by Nicholas W. Allard, in the Washington Post last week, provides excellent common sense advice to prospective students and their families about the college application process. Mr. Allard, whom many of us recall from his years as a staff member of the Senate Judiciary Committee, has had extensive experience in interviewing college applicants. I believe his article will be of interest to all of us in the Senate, and I ask that it be printed in the RECORD.

The article follows.

[From the Washington Post, Nov. 9, 1999]

NAVIGATING THE COLLEGE ADMISSIONS PROCESS

(By Nicholas W. Allard, Associated Press)

A friend who is intelligent, high educated, and a wonderful parent recently called me in a meltdown panic over whether to give white or manila envelopes to their teenager's teachers for college recommendations.

My anxious friend has lots of company. Every year this is the season when tree leaves turn color and drop, while common sense about college admissions heads south. Aside from the uselessness of self-inflicted pressure, important decisions by college prospects are often based on inadequate information and worse advice. So I can't resist offering some food for thought.

APPLY TO THE COLLEGES YOU WANT TO ATTEND

Pretty basic, huh? Yet how many times have you heard advice such as: "You need some 'reach' schools." Or "Where's your 'safety' school?" In other words, you're often encouraged to think about schools in a way that ranks their desirability according to the difficulty of being admitted. This approach will make you feel like you are "settling" if you decide to attend anywhere but one of the most selective schools.

'According to Peterson's Annual Survey of Undergraduate Institutions, in the United States there are almost 2,000 accredited, public and private four-year colleges and universities. They vary tremendously.

Find a handful or so of colleges out of this very large number you would be enthusiastic about attending. Then, once you've got your working list together, turn to the issue of how to be admitted to your favorite schools.

THE EARLY APPLICATION PROGRAM

In you're considering participating in an early application program because you are very, very sure that a college is your top choice, then go ahead. If you're not sure, then don't do it. Think about it. What if you succeed and are admitted to a place that you are not sure is your first choice?

If the early acceptance is nonbinding, you're going to apply elsewhere anyway. If it is binding, then you are stuck. You are not going to find any college that will tell you it's relatively easy to be admitted at the early stage. But you'll tell me you are worried that some colleges admit so many students early that there seem to be very few places left if you wait.

Keep your head. Those people who are so well qualified that colleges are sure they want to offer them a binding offer at the early stage are taken out of the pool of applicants. They are not filing multiple applications to schools that may interest you. You even may appear to be a relatively stronger candidate in the remaining pool come spring, especially after your strong academic performance this fall.

And, remember, many, if not most, college applicants are not accepted at the early stage. Are you sure that you want to go through the angst of applying to college for the first time, and then suddenly finding, without any counter-balancing good news, that your hopes have been dashed and you must apply in earnest to several other colleges?

YOU AND YOUR GUIDANCE COUNSELOR

Your job is to learn enough about yourself and about colleges to think clearly about where you would want to attend, and then for you (not your parents) to take the lead applying for admission.

Many high school college advisers act as if their job is to make sure that you and all your classmates have been admitted somewhere, anywhere. Also, understandably, they are concerned about managing the bureaucratic demands of processing a large volume of college applications.

It's not necessarily a bad thing if your list of favorite colleges makes counselors nervous. Maybe they'll pay a little more attention to your file. The best high school counselors help you match your preferences with colleges. They also can assist your campaign to be admitted where you want to go. That takes a lot of time and dedication.

MAKE THE PROCESS FUN

Think about what it's going to be like to be on your own and to live, study and goof off in a new place, meeting new people. Take advantage of the need to pause, to make a detailed report about what you've accomplished in this first part of your life. In this way the college application can be more than a chore. It can be a satisfying inventory of positives and promote honest self-evaluation of how you want to grow or change or improve.

The application process doesn't have to be nerve-racking. If you only apply to schools that really turn you on, then you really don't have to worry about being accepted to the wrong place.

In the unlikely event that you do not gain acceptance to any of your favorite schools, maybe you should take another year and do something that interests you or prepare yourself to reapply to colleges after spending some time better equipping yourself for college.

The dirty little secret is that there simply is no single school that will make or break your future.

BE A 'SMART SHOPPER'

You are in the market for one of the most expensive, most valuable things you will ever acquire; a college education.

Have you talked to people who have recently attended the colleges that you are considering? What have you read about the colleges? Have you visited colleges that you are seriously considering, alone, without your family?

The traditional family summer tour of colleges is a nice starting point and often can be very helpful in eliminating college choices. But in terms of getting a good feel for what it's like to be a student on campus during a term, there is only so much you can learn by staring at bricks and mortar from the outside of empty buildings, while trying to act as if you are not actually part of your family encourage—how embarrassing.

Thump the melon, test-drive the car, try to get, on your own, to the few colleges that most interest you. Bring a sleeping bag, arrange to stay, if you can, in the dorm room of a friend or somebody who graduated from your home area high schools. Attend class, find out how bad the food is in the dining hall, attend an athletic event or concert, go read, in the library and work on some homework in the midst of other students doing the same thing.

If you're already in your senior year and haven't done this, it's not too late. And, of course, after you are accepted at a college you certainly have the opportunity to visit before you make your decision.

BE YOURSELF

When you're applying to college you certainly want to put your best foot forward and present an accurate and compelling case for admission. But above all things, remember to be yourself.

Suppose, if by some miracle, you actually were able to gussy up your application and essays to come across as a different person or convincingly act out a role in an interview. Would the college be accepting the wrong person? More practically, it just often doesn't work to try to be someone else. Phoniness is difficult to maintain, and in most cases it's transparent.

This also means that the application form that you complete should be your own work. Relax; take the task seriously; do the best job you can and don't forget: Parents, teachers and consultants who have too large a hand in preparing applications leave very visible fingerprints.

THE INTERVIEW PROCESS

Colleges generally do not require interviews, but, if available, they provide an opportunity to learn more about a school and to supplement your written application.

If you have an interview with an alumni volunteer, remember they are not decision makers. Their task is to collect information and pass it on. They can be very good or very bad. Count on this: Whatever they report to their alma maters will be taken with a full shaker of salt. Their views will not outweigh the record you have built over time, the evaluations of professional teachers who have seen you in a class context or your own words on your application.

Still, alumni interviews can help uncover or reinforce strengths and corroborate the profile that appears on the written application file. Again, be yourself, and be prepared for a variation of the inevitable final interview question: "Is there anything else you would like to ask me?"

Also, if you're wondering about what to wear to an interview, the acceptable range of attire is very broad. On matters of dress, and all such questions about your application, let your own good judgment be your guide.

DON'T WORRY ABOUT OTHER APPLICANTS

It is simply not true that somebody else in your school or your neighborhood is competing with you for a spot that they might take away your space at a college that you want to attend.

At the very most selective colleges you are not competing against the person sitting next to you in a classroom, you'r competing against the national pool of applicants.

In colleges that are less selective, if you make a compelling case that satisfies its requirements, you have a very good chance of being accepted. Your case for acceptance is not diminished, it is not less compelling if other qualified candidates in your community are accepted.

In any event, know that any information you have about other candidates for acceptance is suspect: What somebody's board scores supposedly are or are not; whether or not a particular college has a quota for your high school; what a college has supposedly communicated to a candidate; what athletes have been told; whether students with learning disabilities get a fair shake—it's all unreliable.

None of it helps you make your case and it will get your stomach juices roiling if you pay attention to such gossip.

Have confidence in yourself. Focus on what you can do something about, which is your own application and at the end of the day things will work out just fine. Be happy if people you know also are accepted to a college of your choice. You'll already know people to embrace or avoid when you get to campus in the fall.

MAKING YOUR DECISION

Don't torture yourself about the choice you make. Remember, you've carefully compiled a list of schools that make sense for you. Be liberated in the idea that you can't make a wrong decision.

Attending college is expensive. Whether or not you receive scholarships, take out loans, or get a part-time job, it's likely your college education is going to cost a lot. Talk this over with your family and determine your realistic options.

In the end, after you carefully weigh the different factors that are important to you, it's probably going to come down to a gut reaction. Trust your own instincts. Make up your mind and then get excited about it. Also make sure to thank your parents, other family members, teachers and advisers.

AND, FINALLY

I'm not a professional admissions officer or an educator. I don't know any particulars about you or your situation. I just suggest you think about the questions raised.

Don't let hopes about college become a black cloud over the best year of high school.

Oh, either white or manila envelopes are fine, but don't forget the postage.●

COMMENDING PAULA DUGGAN

● Mr. JEFFORDS. Mr. President, I would like to commend Paula Duggan who is retiring after 13 years as a senior policy analyst at the Northeast-Midwest Institute. She has been instrumental on a variety of labor market, education, and fiscal federalism issues.

Paula, for instance, was the key force behind labor market information provisions within the Workforce Preparedness Act, and she has worked diligently to ensure that the law is well implemented. She was one of the first analysts to make the connection between worker education and business productivity. And she has written numerous reports explaining how federal allocation formulas are structured and how federal funds are distributed among the states.

I have benefitted from Paula's expertise and experience in my capacities as chairman of the Health, Education, Labor, and Pensions Committee and as co-chair of the Northeast-Midwest Senate Coalition. Paula consistently has provided unbiased and insightful research that has advanced bipartisan efforts on behalf of this region and the nation. As she begins her well-earned retirement, Mr. President, I again want to thank Paula Duggan for her fine work.●

TRIBUTE TO MR. BOBBY BOSS

● Mr. CLELAND. Mr. President, I rise today to recognize a great American institution and its leader. The American Legion Barrett-Davis-Watson Post

#233 is located in a small Georgia town called Loganville and it is commanded by a true patriot in every sense of the word—Mr. Bobby Boss. For over 50 years this man's leadership has allowed the post to continue offering community services that any American would be proud of.

Post #233 held its first meeting on November 19, 1946 with the Legion's standard program of the day: patriotism, rehabilitation, community service, community welfare and membership. Less than ten years after its inception, the Post responded to the town of Loganville's need for a medical doctor by building a clinic. The Post later donated a truck and tractor to the city.

Over the past 40 years, the Post has continued to make numerous donations to the community, including an annual $1,500 donation to the town's elementary school to help purchase shoes and clothes for the needy and a $12,000 donation for dropout prevention programs in all Walton County Schools.

Tragedy struck the Post in 1977 when a fire all but destroyed the Post building, leaving nothing but ashes and concrete. At the first monthly meeting after the fire, a majority of the members present chose not to rebuild, but Commander Boss was not in that majority. Two weeks after that meeting, he took his own bulldozer and cleared the charred remains. His efforts resulted in the fine building the Post uses today.

Once the Post was back on its feet, many of the programs that had fallen by the wayside due to rebuilding costs were reinstated. In the past 10 years alone, Post #233 has supported renovation projects for the city of Loganville and donated $8,000 towards the purchase of computers for the local high school; donated half the costs of building a baseball field complete with lights, restrooms and a concession stand. Post #233 has also contributed funds to help the local Sheriff's department purchase camera equipment for patrol cars. This Christmas season, members of Post #233 will prepare and deliver more than one thousand baskets for widows, the disabled and needy families.

The good work of Post #233 represents all that is noble in our great nation. I applaud their community service and their patriotism. They are an asset to their community, the great state of Georgia and the United States of America.●

HENRI TERMEER PRESENTED WITH THE INTERNATIONAL INSTITUTE OF BOSTON'S GOLDEN DOOR AWARD

● Mr. KENNEDY. Mr. President, I am honored to have this opportunity to congratulate Henri Termeer on receiving the Golden Door Award from the International Institute of Boston. I also congratulate Henri for recently being sworn in as a United States citizen during a ceremony on October 29.

As chairman, chief executive officer and president of Genzyme Corporation, one of the largest biotechnology companies in the world, Henri is renowned as a pioneer in the industry. He serves on the board of directors of both the Biotechnology Industry Organization, the industry's national trade association, and the Pharmaceutical Research and Manufacturers of America, a national pharmaceutical trade organization.

It is very fitting, indeed, that Henri was honored with the Golden Door Award, which is presented to US citizens of foreign birth who have made outstanding contributions to American society. Henri is a native of the Netherlands, and in recent years he has received numerous honors such as the Anti-Defamation League's Torch of Liberty Award and the Governor's New American Appreciation Award. He was also recently inducted as a fellow of the American Academy of Arts and Sciences.

Throughout his career in biotechnology, Henri has been a strong advocate for the responsibility of industry and government to make life-saving drug treatments available to all people in need, regardless of their economic status or geographic location. Under Henri's leadership, Genzyme has worked diligently over the years to make this vision a reality.

In addition to his commitment to patients, Henri is also a leader in promoting educational opportunities for minorities. Since 1995, he has been a director of the Biomedical Science Careers Project, which provides corporate scholarships to academically outstanding minority high school students. In May 1999, the group presented Henri with highest honor, the Hope Award.

Henri's extensive record of public service includes his role as a director of the Massachusetts Cystic Fibrosis Foundation, as a trustee and vice-chairman of the Boston Museum of Science, and as a member of the Massachusetts Council on Economic Growth and Technology.

In receiving the Golden Door award, Henri joins a distinguished list of previous recipients including Arthur Fiedler, the famed former conductor of the Boston Pops; Jean Mayer, the eminent nutritionist, educator, and former president of Tufts University; and An Wang, the founder of Wang Labs.

I commend Henri Termeer for this well-deserved award, and for his new American citizenship. Massachusetts is proud of him, and I congratulate him for his many impressive contributions to our Nation.●

DEATH ON THE HIGH SEAS ACT

● Mr. McCAIN. Mr. President, most unfortunately it appears unlikely that House and Senate conferees will be able to reach agreement this year on a multi-year bill to reauthorize the Federal Aviation Administration. I am bitterly disappointed at Congress' inability to act on this legislation because of a number of parliamentary budget fights that ignore the dire need to pass this bill. Yet one of my most prominent disappointments is the likelihood that Congress' efforts to amend the Death on the High Seas Act will fall by the wayside in the short term. We will be forced to postpone out efforts to make damage recovery fair for all family members of aviation accident victims who have died.

The Death on the High Seas Act is a 1920's-era law that was put in place to help compensate the wives of sailors who died at sea. The law allows survivors to recover pecuniary damages, or the lost wages of their relatives on whom they depended upon financially. Unlike modern tort law, the Death on the High Seas Act does not allow family members to recover for non-monetary damages, such as for pain and suffering, or to seek punitive damages.

Despite its benevolent inception, the Death on the High Seas Act has been used to limit the recovery of damages among the families of airline passengers whose lives have been lost over international waters. The family members of those who died on TWA Flight 800 and EgyptAir Flight 990, for instance, will not be able to seek the same compensation that they would be entitled to if these accidents had occurred over land. The parents of children killed in these accidents cannot sustain a legal claim for damages, since they did not depend upon their children as the family breadwinners. That is an inequity and an unintended consequence that we need to fix.

As I said earlier, Congress intended to fix these problems in the context of the FAA reauthorization bill, yet negotiations have stalled for unrelated reasons. Consequently, I want to pledge every effort to move Death on the High Seas Act legislation independently, as soon as possible next year.

The Commerce Committee will hold additional hearings on this issue as soon as Congress reconvenes in 2000. I will take the lead in working with my colleagues to ensure that legislation to limit the application of the Death on the High Seas Act to aviation accidents moves as quickly as possible through Congress. I believe it enjoys enormous support within Congress. At the very least, it should not be bogged down in unrelated controversies.

The families of aviation accident victims over international waters have waited far too long for Congress to make sure that their losses are accorded the same respect as those associated with accidents over land. Family members should know that their children have value in the eyes of the law. The recent aviation tragedies only highlight the need for prompt action.●

IMMIGRATION ESSAY CONTEST

● Mr. KENNEDY. Mr. President, each year, the American Immigration Law Foundation and the American Immigration Lawyers Association sponsor a national writing contest on immigration. Thousands of fifth grade students across the country participate in the competition, answering the question, "Why I'm Glad America is a Nation of Immigrants."

In fact, "A Nation of Immigrants" was the title of a book that my brother President Kennedy wrote in 1958 at a time when he was a Senator. All his life, he took pride in America's great heritage and history of immigration.

As one of the judges of this year's contest, I was immensely impressed with the quality of the students' writing and the pride of the students in America's immigrant heritage. Many of the students told the story of their own family's immigration to the United States.

The winner of this year's contest is Crystal Uvalle, a fifth grader from Pennsylvania. She wrote about her father's immigrant background and how he came to America 20 years ago. Other students honored for the high quality of their essays were Leif Holmstrand and Eugene Yakubov of Chicago, Samantha Huber of Fredonia, Wisconsin, Alexa Lash of Miami, and Daniel Rocha of Media, Pennsylvania.

Mr. President, I believe these award winning essays from the "Celebrate America" essay contest will be of interest to all of us in the Senate, and I ask that they be printed in the Record.

The essays follow:

Why I am Glad America Is a Nation of Immigrants

(By Crystal Uvalle, Grand Prize Winner)

It was about 20 years ago,
A man come here from Mexico.
He sought a better way to live,
And found he had a lot to give.
He didn't speak a word of English,
So he took a job busing dishes.
To learn his new country's ways,
He worked and studied everyday.
He made Dallas his new home,
And before he knew it he was in the know.
He worked his way up in that restaurant,
And a lady there, his eye she caught.
She was a native of another state,
And he asked her out on a date.
She liked pierogies and roast beef,
He liked tamales and spicy meat.
It didn't take long, they were in love,
Then God sent them a baby from heaven above.
I'm so happy for them you see,
That man and woman and I make three.
I'm so happy America let him in,
He's my father and my friend.
I love you Daddy!

America, America—They Came To Be Free

(By Leif Holmstrand, Chicago, Illinois)

I dedicate this song to my Farfar (father's father), who came to America from Sweden In 1920. His boat arrived in New York, at Ellis Island, where he spent some time. He told my father stories about his trip: friends dying of tuberculosis, lice, over crowding. He went to Nebraska to try farming, but finally settled in Chicago, where he was a fine painter and woodworker.

America, the land of the free;
The immigrants made it strong with their diversity
First, from England, came the Pilgrims, to worship as they pleased,
Next came the Germans, Irish, the French, the Swedes.
The Finns, the Danes, the Polish and Portuguese,
The Welsh, the Dutch, the Scots and the Chinese
America, America, they came to be free,
The immigrants made it strong with their diversity
As indentured servants looking for opportunity,
Stolen from West Africa as slaves without liberty,
They came for land, they came for gold. From tyranny,
War and famine, they fled to this country.
America, America, they came to be free;
The immigrants made it strong with their diversity.
A dangerous, relentless journey across the sea,
The immigrants landed at Ellis Island wanting to be free.
They worked in mines and factories, on farm and railroad,
Men, women, children, they carried a heavy
America, America the land of the free,
The immigrants made it strong with diversity.
The IMMIGRANTS made it what it's come to be:
The U.S.A.—proud and free
America, America, the land of the free,
The immigrants made it strong with their diversity.
Mexico, Korea, Bosnia, the Sudan
From Haiti, the Honduras, Afghanistan.
They're still coming from many other lands,
They come to America, they want this country:
America, America, from sea to shining sea,
America, America, the immigrants' country.
America, America, the land of the free.

Why I am Glad America Is a Nation of Immigrants

(By Samantha Huber, Fredonia, Wisconsin)

Africans, coming to America on slave ships
Whipped and beaten
No choice
French, looking for gold and other treasures
Claiming land that was not up for sale
Indentured servants, looking for a new life
Finding it
America
A nation of immigrants
Spain, France, Mexico, England, Africa condensed into one
Freedom, education, equality, and justice for all
Diversity, teaching us tolerance
Variety
Differences in customs, holidays, foods, games, language, and clothing
Even ideas and thoughts differ
Everyone with a different life story
Giving us a taste of the rest of the world
I'm proud of my country
Glad to live in a nation of immigrants
Accepting and welcoming people of the world.

Why I'm Glad America Is a Nation of Immigrants

(By Alexa Lash, Miami, Florida)

I am alone
Unprotected by the evil that stands before me
I am alone
Without home or a road to freedom

I am afraid
Walking through the blackened street of fear
I am afraid
Going to a new world where my language is not spoken

I am transparent
I am seeking a place with no one to be my guide
I am transparent
People see an ugly girl

I am new
Seeing new people who can help
I am new
Going to be free

I am loved
By my friends who I will trust
I am loved
By the family I will miss

I am leaving
I am going on the ship to freedom
I am leaving
Going to a street of gold

I am crying
Saying my good byes
I am crying
From tear to dangling tear

I am forming
I am becoming a woman on my own
I am forming
I am looking to see who I really am

I am reaching
Hearing the call of an eagle
I am reaching
Getting closer to the destination I have longed for

I am observing
Seeing the ocean bloom into waves along the shore
I am observing
Seeing the sun rise and the birds chirp

I have arrived
Feeling the warmth of the sand
I have arrived
In America.

America

(By Daniel Rocha, Media, Pennsylvania)

America a land of differences
different races;
different faces,
America a land of differences.

America a land of freedom,
Immigrants come from far and near,
To taste the freedom we have here.
They come for freedom of religion,
freedom of speech,
freedom of press,
they come for freedom from dictators and laws
America a land of freedom

America a land of family,
people come from different lands,
to see their family that lives here,
America a land of family.

America a land of hope,

Immigrants who come here,
hope for freedom from unfair rules,
hope to escape their fears,
hope to stop their endless tears,
America a land of hope

America a land of people,
many people,
some have similarities,
some have differences
some have both
America a land of people.

America a land of different languages
Spanish, English,
Portuguese, Scottish
Chinese, Japanese,
many languages,
America a land of different languages

America a land of all,
America a land of difference,
America a land of freedom,
America a land of family,
America a land of hope,
America a land of people,
America a land of different languages,
America a land for all.

WHY I AM GLAD AMERICA IS A NATION OF IMMIGRANTS

(By Eugene Yakubov, Chicago, Illinois)

My family came to the United States in 1996 because life in Ukraine was getting worse and was getting worse. There were no jobs, no food, and no money.

My friends' parents didn't have jobs for two years. In America his father got a job right away. Many people left their countries even though they had to change their professions.

In Ukraine my father was a tinsmith. Now he repairs air conditioners. My mom went to "Beauty School."

It is great that America is a nation of immigrants because when new immigrants arrive they meet people just like them. No one laughs at their English or their misery.

On my first day of school I was afraid I didn't know English. In class I saw children from all around the world. A Russian boy helped me a lot.

In America people have to work hard because life is not easy. This is the country that is built with hard labor.

New immigrants are like new-borns in the family. They bring happiness and joy.

I am grateful to America because my parents could find a job, and I may go to school where teachers don't faint because they are hungry.

Once President Kennedy addressed his fellow Americans. I address my fellow immigrants. Don't ask what America can do for you ask what you can do for America, a Promised Land for many of us.

EXECUTIVE CALENDAR

EXECUTIVE SESSION

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: No. 271 and No. 274. Further, I ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, that any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed as follows:

THE JUDICIARY

Ronald M. Gould, of Washington, to be United States Circuit Judge for the Ninth Circuit.

THE JUDICIARY

Barbara M. Lynn, of Texas, to be United States District Judge for the Northern District of Texas.

Mr. GORTON. Mr. President, I am pleased to support the confirmation of Ronald Gould to the Ninth Circuit Court of Appeals.

Since 1975, Ron has practiced law at the Seattle law firm of Perkins Coie, specializing in commercial litigation, and the numerous letters of support and recommendation that I have received throughout this long process attest to the high regard in which he is held by the legal community in Washington state.

Ron's admirable professional and academic record, however, while alone enough to qualify him for the federal bench, is only a small part of what will make him an asset to the Ninth Circuit. While distinguishing himself professionally, Ron has actively participated in volunteer legal, civic, and community organizations and projects too numerous to recite in full.

In addition to being a former President of the Washington State Bar Association, Ron Gould has served on the historical societies for the Supreme Court and the Ninth Circuit Court of Appeals, has co-chaired, with Washington state Attorney General Christine Gregoire, a project to develop mediation in high schools, and has been a member of Washington Women Lawyers, and the Washington Association of Lawyers with Disabilities.

Among the many non-legal, civic organizations in which Ron has been involved is the Boyscouts of America, for which Ron has served on the Executive Board of the Chief Seattle Council since 1984.

Ron's legal and life experience has been extraordinary. So extraordinary that I am pleased to vote to confirm him to one of the positions of highest honor and responsibility in this country.

Mrs. MURRAY. Mr. President, I rise this evening in very strong support of my friend Ronald Gould's confirmation to the U.S. Court of Appeals for the Ninth Circuit. This has been a long hard-fought battle and I commend him for his patience, perseverance, and persistence. We made it, Ron. Congratulations!

Let me share with my colleagues some of the special things about Ronald Gould that make him a person I was proud to recommend to the President for a seat on the Federal bench. He has personally supported me in my political career and helped others to believe in me. Ron is an excellent lawyer, a strong advocate for the legal profession, a community booster, a dedicated family man, a Distinguished Eagle Scout, and a man who has overcome much in his personal life to continue to be all of these things. I am honored to have been a part of his journey to the Federal bench.

I would like to highlight some of Mr. Gould's personal history. He married his wife Suzanne more than 30 years ago, and they have two children, their 23-year-old son Daniel, who is also an Eagle Scout, is a jazz saxophone performer and technology student who recently graduated from Stanford University and founded his own Internet startup business. Their 20-year-old daughter Rebecca is a sophomore at Hampshire College in Amherst, MA. Rebecca was selected for the Seattle "High School Hall of Fame" for her courage in conquering challenges following an auto accident in which she was seriously injured.

Mr. Gould also has been supported in this and all other endeavors of his life by his mother, Sylvia Gould. She is an active 81-year old walker and swimmer who justifiably takes some credit for her son's accomplishments since she encouraged him to do well in school and succeed as a Boy Scout.

Mr. Gould graduated the Wharton School of Business and Commerce at the University of Pennsylvania with a B.S. in economics. He received his J.D. degree in May 1973, graduating magna cum laude from the University of Michigan Law School where he won academic awards and served as editor-in-chief of the Michigan Law Review. During law school he received the Abram Sempliner Memorial Award for legal excellence, the Henry Bates Memorial Scholarship, and the Order of the Coif.

After law school, Mr. Gould served as a law clerk for Judge Wade McCree on the U.S. Court of Appeals for the Sixth Circuit. He next served as a law clerk for Justice Potter Stewart at the U.S. Supreme Court during the 1974 term.

Since December 1975, Mr. Gould has practiced law as an associate and then as a partner with Seattle's largest firm, Perkins Coie. He has had a varied civil litigation practice, including litigation in antitrust, banking, director and officer liability, and trade secrets. Mr. Gould is highly respected in his field and has worked for many of our region's most influential companies and constituencies.

Mr. Gould's fellow lawyers in the King County Bar Association honored him with the 1987 Award for Distinguished Service to the Legal Profession and Public. He was elected to the Board of Governors of the Washington State Bar Association for 1988-91 and served as President of the Washington State Bar Association for its 1994–95 term. Also, as President-Elect and as President of the Washington State Bar Association, Ron co-founded with Washington State Attorney General Christine Gregoire a project to implement mediation in Washington State high schools to prevent youth violence. This program teaches young people how to avoid the kind of tragedies our nation has seen too much of in recent years.

Mr. Gould shares my commitment to public education. He has served Bellevue Community College as a trustee from 1993 to the present and was elected chair of the Board of Trustees in 1996.

In addition, Mr. Gould has served as a member of several legal delegations under the People to People Citizen Ambassador Program, founded by President Eisenhower and supported by Presidents since as a means of enhancing international personal diplomacy and goodwill. He has participated in legal delegations to eastern Asia, Tokyo, and Eastern Europe.

Mr. Gould's long and consistent leadership service to the Boy Scouts has been well-recognized. He became an Eagle Scout in 1962. He serves on the executive board of the Chief Seattle Council of Boy Scouts of America, which serves over 40,000 youth and participating adult leaders. Mr. Gould has served as vice president for Programs, vice president for Exploring, vice president for Special Events and chair of the Jamboree Committee. In 1995, he received the Silver Beaver Award for Chief Seattle Council, the highest award given to volunteer leaders. In 1998, he received from Boy Scouts of America the Distinguished Eagle Scout Award, reflecting decades of service to scouting and his profession.

Mr. President, I commend my colleagues for their decision to support Mr. Gould's confirmation unanimously. Again, I am proud of Ron and look forward to seeing him serve justice as a circuit court judge. I have no doubt he will carry his commitment to the profession and to the larger community to the federal bench and be one of our outstanding Ninth Circuit judges.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

Mr. SESSIONS. Mr. President, the two nominees who have been confirmed, Ronald Gould for the Ninth Circuit Court of Appeals, and Barbara Lynn, U.S. district judge for the Northern District of Texas, have indeed received august, important lifetime appointments. Federal judgeships are great offices. The persons who receive them are committed to a lifetime of dedication to law. They must conduct themselves with the highest degree of professionalism and integrity. We believe both of those nominees will meet that standard. I am pleased this could be concluded tonight.

With regard to Mr. Gould, I want to share these thoughts. He is a most capable man who has overcome personal adversity to reach the position to which he has been confirmed this evening. He has achieved a reputation as an excellent lawyer and as a person who is respected throughout his area of the country, for both his legal skills, and for his commitment to voluntarism within his community, as evidenced by his continuing service with the Boy Scouts of America. I am proud for him tonight. However, I have supported his nomination with some concern, not because of anything he has done, but because of my concern about the Ninth Circuit Court of Appeals.

Over the past 20 years, the Ninth Circuit has established a reputation as an extremely activist circuit. It is a large and important circuit, covering over 20 percent of the American population, and I believe that it is a circuit that we have a responsibility in this body to do something about. A couple of years ago, 28 cases from this Circuit were reviewed by the Supreme Court; 27 were reversed. Over the last several years, the Ninth Circuit has had by far the highest reversal rate of any circuit in the country. They have been an extremely liberal, activist circuit that has consistently gone too far in protecting the rights of criminals, and is far too quick to find that legislative acts or referendums have violated the Constitution. That is a fact without dispute by many legal scholars in this country. Indeed, the New York Times recently wrote that a majority of the U.S. Supreme Court considers the Ninth Circuit to be a rogue circuit.

My sole concern about Mr. Gould's nomination is that I don't believe his appointment and confirmation, by itself, will cause any significant movement of that circuit back to the mainstream of American law. We want to confirm the nominees the President gives the Senate when they are men and women of demonstrated integrity and ability, and when their records and backgrounds indicate that they have the ability to adhere to the law, to follow Supreme Court rulings, to follow the Constitution, to follow laws passed by the people through their elected representatives, and to recognize that it is not their function as judges to make law.

I have concluded that Mr. Gould's confirmation should go forward today because I think he has demonstrated that he recognizes his proper role as a federal judge, and I have not held up his nomination, as any Senator would have a right to do. However, there are other nominees pending for this circuit who I believe have a record of activism that, in my view, does not warrant their confirmation, particularly to a circuit that is already known to be an activist circuit.

I wanted to share those remarks because I wanted to state for the record that this Senate has been very cooperative with the President's desire to get his nominations confirmed, as evidenced by the fact that there have been over 325 Federal judges nominated to this body and confirmed. Only one judge has been rejected, and very few have been held up for any length of time. Those that have been held up are the judges with whom many Senators have some serious concerns. Most judges, however, are moving along in a prompt and efficient manner.

Comments and complaints to the contrary notwithstanding, this Senate has a constitutional duty to advise and consent with the President on any nomination to the Federal courts, and we have a duty and a responsibility to make sure that each and every circuit judge in this country understands what the supreme law of the land is, and that circuit judges should respect the prerogatives of the people through their elected representatives to pass laws which the judges are required to enforce, whether the judges personally like them or not. We need to make sure our circuits, and every Federal judge we see, are consistent with that view and follow that script.

Mr. Gould is a capable attorney, an Eagle Scout, and a man of great personal integrity, it appears. He will soon assume a position on the U.S. Circuit Court for the Ninth Circuit. It is a great honor, and I congratulate him for it.

ORDERS FOR THURSDAY, NOVEMBER 18, 1999

Mr. SESSIONS. On behalf of the majority leader, I ask unanimous consent when the Senate completes its business today, it adjourn until the hour of 11 a.m. on Thursday, November 18. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business for 1 hour, with Senators speaking for up to 5 minutes each, with the following exceptions: Senator VOINOVICH or his designee, 11 to 11:30; Senator DURBIN or his designee, 11:30 to 12 noon.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. For the information of all Senators, at 11 a.m. on Thursday, the Senate will begin a period of morning business until 12 noon. Following morning business, it is expected that the Senate will begin work on measures regarding the appropriations process. Final agreements are being made, and it is hoped final action on the appropriations measures can begin as soon as possible.

I thank my colleagues for their patience and cooperation during these final days prior to adjournment.

RECORD TO REMAIN OPEN

Mr. SESSIONS. I ask unanimous consent that the RECORD remain open until 9 p.m. in order for the majority leader to introduce a Senate bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:09 p.m., adjourned until Thursday, November 18, 1999, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate November 17, 1999:

THE JUDICIARY

RHONDA C. FIELDS, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA, VICE STANLEY SPORKIN, RETIRED.

EXECUTIVE OFFICE OF THE PRESIDENT

KATHRYN SHAW, OF PENNSYLVANIA, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE REBECCA M. BLANK, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 17, 1999:

THE JUDICIARY

RONALD M. GOULD, OF WASHINGTON, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

BARBARA M. LYNN, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF TEXAS.

HOUSE OF REPRESENTATIVES—*Wednesday, November 17, 1999*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PEASE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
November 17, 1999.

I hereby appoint the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Duane Carlson, Pastor Emeritus, St. Mark's Lutheran Church, Springfield, Virginia, offered the following prayer:

O God, we are bold to ask that You deliver us.

Deliver us from failure of moral fiber in our citizenship, from the counting of things material above virtues spiritual; deliver us from vulgarity of life, loss of social conscience and collapse of character.

Deliver us by the deep faiths on which the foundations of our land were laid and the sacrifices of the countless who have gone before us; by the memories of leaders of this Nation whose wisdom saved us, whose devotion chastens us, whose character inspires us.

Keep us from pride of mind and boasting, but deliver us by our devotion to You and the principles You have revealed for our edification and the strength of our society. Deliver us by our insistent prayer for a world of peace and prosperity for all people. Lord God, hear our prayer and mercifully bless not only us who have been chosen to guide, but bless all our people by Your grace and power. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida (Mr. WELDON) come forward and lead the House in the Pledge of Allegiance.

Mr. WELDON of Florida led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 1-minute requests on each side.

MORE TIME THAN MONEY

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, a few months ago we made a commitment to the American people to lock away every penny of the Social Security surplus so that Washington big-spenders could not keep raiding the funds to spend on government programs. Now, we have the opportunity to meet this commitment if only President Clinton will stop playing partisan games with the retirement dollars of hard-working Americans.

When the President says, we cannot trim waste 1 percent from the massive Federal budget in order to protect Social Security, I cannot help but question his priorities. Paying for more wasteful spending of taxpayer dollars, or protecting Social Security. The choice is simple.

As we close in on a final budget, let us be very clear on one thing: we will not go home until every penny of the Social Security Trust Fund is protected and we are not going to raise taxes on working Americans, and we are going to keep the budget balanced.

We have more time than money, and we will use whatever time is necessary to get the job done.

EXPEDITED RESCISSION LEGISLATION

(Mr. STENHOLM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, we have heard a lot of rhetoric, but no legislation from the other side of the aisle about protecting the Social Security surplus and eliminating wasteful spending, even though the appropriation bills passed by the majority would have spent $17 billion of the Social Security Trust Fund before the final budget negotiations even began.

I am introducing legislation today that will give the President the ability to help the majority put some reality behind their rhetoric. This legislation known as "modified line-item veto," or expedited rescission, would strengthen the ability of Presidents to identify and eliminate low priority spending with the support of the majority in Congress.

Under this bill, the President would be able to single out individual items in tax or spending legislation and send a rescission package to Congress which would then be required to vote up or down on the package.

Senator JOHN MCCAIN and others have identified $13 billion of low-priority or special-interest spending. Instead of subjecting these spending items to scrutiny, the majority has proposed an across-the-board cut that treats good programs the same as low priority and wasteful spending.

I urge my colleagues to join me by cosponsoring this legislation.

BUILDING UPON OUR SUCCESSES

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, after the rhetoric of the last speaker, let us come back to reality for just a moment. This Congress has succeeded in passing many pieces of meaningful legislation this session.

We have passed bills which have granted more local control over our education and funding decisions and we have sent that control and those decisions to our States and local school districts. We passed legislation which provided a much-needed pay raise for our military personnel, and we funded the replacement of old equipment, strengthening our armed forces. We made it a national policy to fund and deploy a national missile defense system.

This Congress has succeeded in addressing these and other important issues to strengthen our country, including saving Social Security. Now, Mr. Speaker, we are faced with one final task, legislative task, that is, eliminating wasteful government spending.

Let us build upon our success and pass bills which fund the necessary programs, but do not waste the hard-earned tax dollars of Americans.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, this Republican-led Congress has successfully passed important and responsible legislation, and we can do it again.

TAKE PORK OUT OF SPENDING BILL

(Mr. MINGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINGE. Mr. Speaker, we have essentially a colloquy here this morning, and I would like to join with my colleague from Texas (Mr. STENHOLM) in pointing out the irony of what is happening.

We are dipping into the Social Security Trust Fund, according to the leadership's plan, by at least $17 billion. We are cutting across the board, or proposed to have cut, 1 percent. But at the same time, as Senator MCCAIN, a Republican, has pointed out, we have billions and billions earmarked for pork barrel projects.

As the cochair of the House bipartisan Pork Barrel Coalition, I am strongly opposed to this type of pork barrel spending, and I call on our leadership here in the House of Representatives and in the Senate to excise all of these earmarked projects from this massive bill that is to be presented to us this week. If we would take that one simple step, we would be able to avoid going into the Social Security Trust Fund.

We owe it to our Nation's seniors, and we owe it to the next generation to take this modest step.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded that they are to refrain from urging action by the other body.

PARENTS AND TEACHERS, NOT WASHINGTON BUREAUCRATS, KNOW WHAT IS BEST FOR OUR CHILDREN

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, in 1992, then Governor Bill Clinton, in his campaign treatise, putting people first, said that we need to, and I quote, "grant expanded decision-making powers at the school level, empowering principals, teachers and parents with increased flexibility in educating our children." That was back in 1992.

In 1999, President Clinton has drastically changed his tune. When asked just last week about State governors wanting more freedom from Washington education bureaucrats, he expressed irritation. I will again quote: "because it is not their money," he said. If they don't want the money, they don't have to take it.

With that response, President Clinton summed up the utter arrogance of Washington's liberal elite who really do believe that big government knows what is best for the hard-working Americans who earn those tax dollars.

Mr. Speaker, it is their money. Let us send it back to those who earned it and know best how to spend it.

WASTING AMERICA'S TAX DOLLARS IN RUSSIA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, since 1992, Uncle Sam has given Russia billions of dollars to dismantle their weapons of mass destruction. Now, who is kidding whom? Instead of dismantling, reports say Russia has built missiles, submarines, and more nuclear warheads. If that is not enough to gargle with vodka, the report said that Russia just bought 11 strategic bombers and 500 additional cruise missiles. To boot, they say what they did not spend, those Communist stole and pocketed for themselves.

Unbelievable. Whatever happened to President Reagan's policy: Trust, but verify. It has turned into turn the other cheeks.

Beam me up, Mr. Speaker. Boris might have fallen, but he keeps getting up with our cash.

I yield back the nuclear waste of our tax dollars spent in Russia.

STOP BALANCING THE BUDGET ON THE BACKS OF OUR SENIOR CITIZENS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, although the Democrats claim they are the stand-alone founders and saviors of Social Security and Medicare, their actions of late have proven just the opposite.

Our Vice President, Mr. GORE, and the gentleman from Missouri (Mr. GEPHARDT), our minority leader, have both claimed that no Republicans voted for the establishment of Social Security. False.

Here are the facts. When the House passed the 1935 Social Security Act on April 19, 1935, 79 percent of the 97 Republicans voted for it: "Aye." When the Senate acted on June 19, 1935, 75 percent of the 20 Republicans voted "aye."

Now, claims like those we are hearing suggesting that Democrats have created everything from Social Security to the Internet are quite amusing. Yet, the debate over the future of our most important social program is no laughing matter. Today's debate should really be about whether or not we are now keeping the Social Security Trust Fund safe from a Democratic raid to pay for new programs, something they have done for over 30 years.

We must stop balancing the budgets on the back of our senior citizens.

DO-LITTLE CONGRESS

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, here we are in mid-November and quite frankly, the Republican-led Congress has done very little. The appropriation bills languish and the needs of the American people are not being met. Now we seem to be arguing over four-tenths of 1 percent of a cut.

Instead, the American people asked for things that cost very little and would improve their lives, like a Patients' Bill of Rights so patients and doctors can make their medical decisions; like an increase in minimum wage so everyone can enjoy the strong economy; like 100,000 more teachers so that we can have smaller classes. And, Mr. Speaker, why can we not provide prescription drug coverage for all of our seniors.

Mr. Speaker, let us work for the American people. Unfortunately, under the Republican-led Congress, it is always the same old song. Tax breaks for the rich and a tax on government.

America wants a Congress that works for them like Democrats are fighting for, for 100,000 teachers, 50,000 new police officers, a real Patients' Bill of Rights, protecting our environment and providing prescription drug coverage for all seniors, all paid for, all paid for without busting the budget or raiding Social Security.

RHETORIC AND WASTE IN WASHINGTON

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. President, come home and solve this final budget problem that we have here. We may again have an across-the-board reduction in spending to finally find the offsets to cover the additional spending the President wants to put forth. We need him to return from all of these foreign affairs trips he is taking.

It is too bad I only have 1 minute here, because I could go on for hours about the waste, fraud, and abuse in the Federal Government. He claims we cannot reduce by one penny out of $1 waste, fraud and abuse.

Here is an example. Mr. Speaker, $14.2 billion that was for low-income tenants for privately owned apartments at the Department of Housing and Urban Development was kept in check and used in other Federal programs. In fact, $11 billion was used for additional spending in other programs that we did not even know where it went. This kind of management is simply outrageous.

Mr. President, we need you to come home. We can find one penny's worth much waste fraud and abuse in every dollar we spend around here in Washington.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded that they are to address their remarks to the Chair.

WALKING PAST THE GRAVEYARD OF GOOD LEGISLATION

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, today the Republicans and the Republican leadership are moving toward the last days of the session. They are on their way out of town. Unfortunately, on their way out of town they are going to have to walk past the graveyard of good legislation. Therein lies prescription drug coverage for seniors, much-needed, much-worked on, but killed by the Republicans. In the graveyard of good legislation also lies HMO reform. Our desire on the Democratic side to pass a real Patients' Bill of Rights which would give citizens the right to sue, killed by the Republicans.

They have to walk past the graveyard that contains common sense gun legislation which they failed to pass so that we could control the gun show loophole and bring sanity to the mass hysteria that is going on in terms of gun violence. Finally, they have to walk past the graveyard of good legislation wherein lies the minimum wage bill.

Mr. Speaker, we simply wanted to give working Americans another dollar in earnings over 2 years, a dollar over 2 years, killed by the Republicans.

□ 1015

So on their way out of town as they walk past the graveyard, they might remember that the ghosts may rise up to haunt them.

REPUBLICANS STAY ON THE JOB, WHILE DEMOCRATS RAISE FUNDS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, let me yield the floor to the gentleman from Maryland (Mr. Wynn) who spoke before me and ask if he can tell me where his Majority Leader was yesterday when we were trying to save Social Security and put local flexibility in education and try to pass a pay raise for our soldiers.

Mr. WYNN. Mr. Speaker, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from Maryland.

Mr. WYNN. Mr. Speaker, I am sure he was hard at work, our leader.

Mr. KINGSTON. Mr. Speaker, reclaiming my time, the gentleman's leader was actually fund raising. He was not on the floor of the House. His leader was fund raising. There we have it.

Mr. Speaker, we have got a situation where the Democrats are claiming we are doing nothing, but their leader was fund raising yesterday while we were trying to save Social Security, while we were trying to put educational flexibility in, while we were trying to raise the pay raise for our soldiers, and while we were trying to find one small, actually now it is a half-cent in the dollar to cut the bureaucracy to preserve and protect Social Security. The Democrat leader was home fund raising.

Well, I hope he made a lot of money, and I hope it was successful. But the Republicans were here. We showed up for work. We are paid $134,000 a year. We should be here working. We should not be out fund raising on taxpayers' time and money. Come help and protect Social Security.

HURRICANE LENNY

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, as we meet this morning, my district, the U.S. Virgin Islands, is awaiting a direct hit in the unexpected and unpredictable Hurricane Lenny, now a category 4 storm with 135 mile per hour winds.

The major storm winds will first hit St. Croix at around 12 p.m. Atlantic Standard Time, and is expected to have a direct impact on the Hess Oil refinery, the largest in this hemisphere which is based on St. Croix. It has closed and is taking the necessary precautions to prevent major damages, as is the nearby alumina plant.

While the Virgin Islands has been declared one of the most prepared districts under FEMA's project Impact preparedness program, we are still asking for our colleagues' prayers at this time, especially the neighborhood surrounding these two plants.

Mr. Speaker, too often, the fate of the U.S. Virgin Islands are overshadowed during hurricane coverage, but we have been affected to some measure by most major storms in recent years. We ask everyone to keep us in their thoughts and prayers during this time, and we ask in advance for support for our recovery and for our ongoing efforts to address the ongoing financial crisis which makes this hurricane an even more serious threat to us.

THE KIND OF RELIEF AMERICA NEEDS

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, call me a skinflint, but I think a million dollars is a little too much to spend on building an outhouse. But, apparently, the National Park Service disagrees, because that is just how much it spent to build an outhouse at Glacier National Park in Montana.

That is $1 million of the taxpayers' hard-earned dollars.

To get to this outhouse, should one need such relief, one need only hike 6½ miles from the nearest road and climb 7,000 feet. It took more than 800 helicopter drops and hundreds of horse trips to get the construction materials to the site. That is a lot of hassle; but, hey, it does have a complete septic system.

Mr. Speaker, this is exactly the kind of waste that needs to be trimmed out of the Federal budget and is an example of how easy it will be for agencies to cut a penny from every dollar. That is all it will take to stop the 30-year raid on Social Security.

Mr. Speaker, now that is the kind of relief America needs.

CONGRESS STILL HAS UNADDRESSED ISSUES TO CONFRONT

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the Republican leadership is packing its bags. It is heading for the exits without addressing the most critical needs of American families. This summer, they tried to spend a historic surplus on an irresponsible tax plan that would have benefited only the wealthy. Now they are planning to leave town without taking meaningful steps to make our communities safer and our families stronger.

The list of items killed by the Republican leadership is long. The Patients' Bill of Rights, campaign finance reform, and Medicare prescription drug benefits, extending the life of Medicare and Social Security, sensible gun safety, minimum wage.

Time and again, the Republican leadership has joined with special interests to bury important legislation that, in fact, would have improved the lot of

American families. One of the most critical items to fall by the wayside has been sensible gun safety legislation. Common sense should be applied when it comes to the safety of our schools, our neighborhoods, office buildings, and places of worship.

Mr. Speaker, this Congress should not adjourn without closing the loopholes that lets guns fall into the wrong hands. It is time for responsible action.

ACROSS-THE-BOARD CUT IS A REASONABLE APPROACH TO FEDERAL BUDGET

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. SMITH of Michigan. Mr. Speaker, just as a follow-up to the previous speaker, I wish everybody, Mr. Speaker, could read the editorial in the Wall Street Journal today. It conveyed the message that part of the reason this economy is doing so well is Congress is staying out of its way. And yet some people say, let us pass more legislation. Let us do more things, increase taxes, make it tougher for business to succeed and end up increasing the tax revenues that come to this government.

We have been working at this budget for the last 9 months. Now we are saying after all of the gives and takes, the compromising here is our best effort level of spending prorated among different programs. Now we have calculated that in order to save the Social Security surplus, we need to cut about 1 cent out of every dollar that is now proposed to be spent across the board for discretionary programs. Not leaving it up to the President to cut Republican programs, not leaving it up to the Republicans to cut Democrat programs.

Mr. Speaker, an across-the-board cut is reasonable. Let us do it and get on with this budget and let us have a new beginning to save Social Security.

CONGRESS' UNFINISHED BUSINESS SHOULD BE ATTENDED TO

(Mr. TIERNEY asked and was given permission to address the House for 1 minute.)

Mr. TIERNEY. Mr. Speaker, it is interesting to hear our colleagues on the other side of the aisle tell us that they want to keep government quiet and not do any business. One Member, in fact, was quoted as saying that this last session was a "legislative respite."

In fact, there is unfinished business; and the American people do want Congress to attend to that business, not the least of which would be prescription drug relief. Anybody that goes back to their district and talks to anyone, particularly seniors, understands that this Congress has been derelict in its duty to not address the high cost and lack of accessibility and affordability for prescription drugs, particularly to seniors.

Mr. Speaker, we have the Prescription Drug Fairness for Seniors Act that has not seen any action by this House, which some estimate would save 40 percent on the cost of prescription drugs. We have a health care delivery system that is in need of attention. The American people would be the first to step forward and say this is a role for government to come in and provide some focus and some attention and some direction. HMOs are in trouble. Hospitals are having difficulty making ends meet. They are closing down, leaving some patients in the position of having to drive miles and miles just to get emergency care and other relief.

We have the Patients' Bill of Rights that passed this House and now is languishing somewhere in the netherland.

Mr. Speaker, we need some unfinished business to be attended to.

OMNIBUS APPROPRIATION BILL MAY CONTAIN TAX RELIEF FOR ONE ALREADY WEALTHY MAN

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, every time we have one of these year-end omnibus appropriations bills, it always becomes sweetheart deal time.

The Washington Times reports on its front page today that the White House and some Members of Congress are attempting to give a $238 million tax break to just one man, Abe Pollin, owner of the Washington Wizards basketball team.

Mr. Speaker, this tax break would help defray costs Mr. Pollin incurred in building the MCI Center, which he owns and from which he will make millions.

The Times story says, "The House and Senate are considering whether to include in an omnibus spending bill a retroactive, 5-year tax credit so narrowly tailored that it would benefit only Mr. Pollin . . . ."

The Times quotes one Senate tax aide as saying, "My jaw dropped. It's so bad, it's not even funny. This is just gross."

Mr. Speaker, if Mr. Pollin pulls off this sweetheart $238 million tax break, he is more of a wizard than his players. Mr. Speaker, no one should vote for a bill that contains an insider multimillion dollar tax break like this that benefits just one already very rich man.

DEMOCRATS CREATED SOCIAL SECURITY

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, I was listening very closely to the comments of my colleagues on the other side of the aisle this morning. I felt compelled to come down here again to once again, unfortunately, to those who watch C-SPAN on a regular basis, to give another history quiz, another history lesson.

Mr. Speaker, who was it back in 1935 that created Social Security? The answer is a Democratic President and a Democratic Congress. Only one Republican stood up and voted with the majority at that time to not recommit Social Security. A motion that would have destroyed and killed Social Security as we know it today. A gentleman by the name of Frank Crowther from my home State of New York stood up against the tide of his own party and said, "No, I will not destroy Social Security."

Mr. Speaker, Social Security was created because over 40 percent of the population at that time in our country were dying in poverty. They had nowhere else to go. They were dying in poverty.

Social Security has enabled young families to save, send their kids to school, to college. It has meant the wealth to this country, and now we expect the Republican side of the aisle to save it? Give me a break.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded that their remarks are to be addressed to the Chair, and not to the viewing audience.

FAT SHOULD BE CUT FROM THE BLOATED WASHINGTON BUREAUCRACY

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, I want to take a minute to set the record straight. While the Democrat leadership was out of town yesterday raising money, we were fighting for American families by strengthening education, our defense system, and protecting Social Security surplus.

We have heard a lot of wild accusations being thrown around, and I guess the liberals think that if they throw enough mud, maybe some of it will stick. But we are protecting the Social Security surplus, and we voted to ensure that by taking a 1 percent across-the-board savings.

Now, the liberals claim that our effort to trim waste and fraud and abuse in the Washington bureaucracy, and not threaten important programs, will somehow be overwhelming. But this plan will protect Social Security and restore fiscal responsibility in Washington. This is just a common-sense proposal that gives the Department and agency heads leeway to trim the waste, fraud, and abuse they find in their budgets. We are not mandating specific cuts, so if important programs get slashed and the administration suggests that it is the right thing to do, then because they have decided to do it, let it be.

Mr. Speaker, we all know that fat should be cut from the bloated Washington bureaucracy, and we can protect Social Security and Medicare by making sure the savings do happen.

DEPARTMENT OF EDUCATION CANNOT COUNT

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, tomorrow the Department of Education will make an announcement that should concern every one of us. The Department will announce that since 1998, its books are unauditable.

This is an agency that receives an annual appropriation of $35 billion and manages another $85 billion in a loan portfolio. A $120 billion agency that cannot account for its spending.

Now, I suggest that the President, when he comes back, he is in Turkey this week, and the minority leader when he comes back from the West Coast from his fund-raising expedition, when these folks come back to work, that they join the Republicans here to correct the mismanagement of the Department of Education. Because, Mr. Speaker, the children of America do count. Unfortunately, the Department of Education cannot count.

MINORITY LEADER SHOULD COME HOME AND JOIN THE FIGHT TO SAVE SOCIAL SECURITY

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I am so sorry the gentleman from New York left the Chamber, because I would be happy to offer a current events quiz. Here is the question: Where was the gentleman from Missouri (Mr. GEPHARDT), minority leader of the United States House, yesterday?

Answer: Raising campaign funds on the West Coast.

But I thought he wanted to reform campaigns. Oh, but not necessarily so. And besides, we all know, Mr. Speaker, that for that crowd to talk about campaign finance reform is a bit akin to having Bonnie and Clyde come out for tougher penalties against bank robbery.

But at any rate, the gentleman from Missouri (Mr. GEPHARDT) was away.

How can we get our work done? He should have a seat at the table, and he should join with us to save one penny on the dollar for every dollar of discretionary spending, so that the government can live within its means and quit the raid and continue to cease the raid on the Social Security Trust Fund.

Mr. Speaker, I would invite the minority leader to come back to town and go to work and join with us and realize that a penny saved is retirement security.

PARTIES TO THE BUDGET NEGOTIATIONS ARE AWOL

(Mr. PETERSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETERSON of Pennsylvania. Mr. Speaker, I find it disappointing. As we try to bring this budget to conclusion, as we try to finalize the negotiations, we have major people that are a part of this process that are AWOL. They are absent.

□ 1030

How does the Speaker of the House who has to negotiate with the President stay up late at night every night so he can call the President in Turkey? Is that the way to negotiate?

In Pennsylvania where I come from, if the governor or if his cabinet left town during those final negotiations, the press would have been all over them. Why is it possible for the President, the minority leader, who was away yesterday who is the one who is opposing any kind of trimming of waste or fraud, he is the one who is holding out, but he is not available to negotiate yesterday? That is why this process has run on. The President is just finishing his second trip abroad since October 1, and this is when we have been trying to finalize the budget.

I believe, Mr. Speaker, it is important for those who are a part of this negotiating process to stay in town, get the work of the American people done, so we can pass the budget that does not rob Social Security.

CONGRESS HAS MORE TIME THAN TAXPAYERS HAVE MONEY

(Mr. THUNE asked and was given permission to address the House for 1 minute.)

Mr. THUNE. Mr. Speaker, it is November 17, and we are still here for one reason, and that is that we have got more time than the American taxpayers have money.

This Congress has passed all 13 appropriation bills. The President has chosen to veto 5 of those bills. Why did he veto them? Because they did not spend enough money. So we are still here negotiating with all the President's men since he is traveling abroad.

The minority leader is traveling in California raising campaign cash. We are still here until the President agrees with us on a budget that does not raid Social Security, does not raise taxes, and rids the budget of waste, fraud, and abuse.

We will stay here as long as it takes until the President gets back and the gentleman from Missouri (Mr. GEPHARDT) gets back from his California dreaming.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2000

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 381, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 381

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 80) making further continuing appropriations for the fiscal year 2000, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), my friend, the distinguished ranking member; pending which I yield myself such time as I may consume. During consideration for this resolution, all time yielded is for the purpose of debate on this subject only.

Mr. Speaker, H.Res. 381 is a closed rule waiving all points of order against consideration of H.J.Res. 80, the continuing resolution that we have before us later today. The rule provides for 1 hour of debate, equally divided between the chairman and ranking member of the Committee on Appropriations. Finally, the rule provides for one motion to recommit.

Mr. Speaker, Members will know that this is an appropriate and traditional rule for a consideration of a clean continuing resolution. Members who have any kind of memory at all will remember that we have done these kinds of things recently in the past.

Given the complex negotiations that have been under way about the budget, and they have, indeed, been complicated by the fact that some of the principals are out of town for whatever reason, it is regrettable that, at a time that we are struggling so hard, that the President finds it necessary to be out of the country, and the minority leader finds it necessary to be out of the capital.

But, nevertheless, Americans come to understand that continuing resolutions, which keep the government functioning at last year's levels, are a necessary tool to facilitate bringing closure to the budget debate which we normally have this time of year.

In order to avoid a partial government shutdown, which we certainly want to do, we have proposed another straightforward extension in the deadline, and that is until tomorrow. We have made significant progress toward final agreement, but we must be certain that we do the right thing, not simply the most expedient to get out of town because the folks would like to go home.

In this case, the right thing is very clearly to provide for important government programs without touching the reserves in the Social Security Trust Fund, not one dime. That has been the goal of our majority from the outset of this year's budget process; and while it has taken some time to convince some of our friends on the other side of the aisle and downtown that this fiscal discipline is, indeed, necessary, we now have everyone working from the same set of guidelines. We just have to keep reminding them of the guidelines.

It has also taken some time to convince the White House that increasing taxes and using part of the surplus, as has been suggested by the White House, are not acceptable approaches to the majority on the Hill.

I am hopeful that this brief extension will provide both ends of Pennsylvania with the requisite time to hammer out our final spending bills in a responsible way. In fact, I understand that the bills individually, the five that have been vetoed by the President, are virtually resolved.

It is a no-nonsense CR that we are proposing here. I think it should be unanimously adopted. I am certainly urging a yes vote on the rule. I am not sure why we are having a rule instead of a unanimous consent; but for whatever reason, we are having a rule vote. I can think of no reason to vote against it. I urge a yes vote.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume, and I thank the slender gentleman from Florida (Mr. GOSS), my good friend, for yielding me the customary half hour.

Mr. Speaker, the end is finally in sight. Forty-eight hours after the start of the fiscal year, it looks as if the appropriation process is just about over. This continuing resolution will extend our Federal funding until tomorrow, which should be all the time that we need.

My Republican colleagues sent President Clinton eight appropriation bills that he signed into law. The other five bills have been rolled into one omnibus bill, which should be finished sometime today. Once that bill is signed, Mr. Speaker, we no longer have to worry about the possibility of the Federal Government closing down, and Congress can get started on the next appropriation cycle.

Mr. Speaker, the appropriators and the administrators have been working very hard to resolve a lot of outstanding issues, and I wish them well in their final negotiations. I urge my colleagues to support this continuing resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we on the Committee on Rules are on virtually perpetual standby these days, and I would like to point out that there is a little confusion among Members this morning about whether it is a 1-day CR or a 2-day CR. Apparently there were some documents put out through the various organizations on either side that indicated that one of the options was a 2-day CR. This is not that CR. This is a 1-day CR. I want Members to be aware of that.

Of course Members of the Committee on Rules, as I say, are definitely aware of it and prepared for yet another evening of comrade fellowship and good times in the Committee on Rules, doing valuable things, waiting for some inspiration to come forward to us.

There is very definitely some feeling about trying to wrap this up, but I want to assure Members that the Committee on Rules is working toward that end. We well recognize the longer we stay here, the more opportunity there is for new initiatives to come forward at the last minute and divert us from our main task, which is to resolve the budget crunch.

We are also aware that the longer we are here, the more good ideas people have for spending money at a time when we have already reached agreement on what those levels should be.

So it is our very firm hope that this 24-hour CR will be enough. But if not, I think I am authorized to say by the gentleman from California (Mr. DREIER), chairman of the Committee on Rules, that the Committee on Rules will be prepared to meet, if necessary, again.

Mr. Speaker, I yield back the balance of our time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 381, I call up the joint resolution (H.J. Res. 80) making further continuing appropriations for the fiscal year 2000, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 80 is as follows:

H.J. RES. 80

Resolved by the Senate and House Representatives of the United States of America in Congress assembled, That Public Law 106–62 is further amended by striking "November 17, 1999" in section 106(c) and inserting in lieu thereof "November 18, 1999". Public Law 106–46 is amended by striking "November 17, 1999" and inserting in lieu thereof "November 18, 1999".

The SPEAKER pro tempore. Pursuant to House Resolution 381, the gentleman from Florida (Mr. YOUNG) and the gentleman from Pennsylvania (Mr. MURTHA) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 80, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, this a 1-day continuing resolution, which I do not think is going to be adequate because the negotiations on wrapping up our appropriations work are still somewhat delayed, although the Speaker of the House and the President did speak with each other late last night, and we are hopeful that we can come to a conclusion.

The appropriations part of this negotiation has been completed for some time. The offsets, the pay-fors, are what are holding up the negotiations. We expect to have that completed today. We expect to file the bill in the House today, and we expect to consider the bill in the House today; and, hopefully, the other body will be able to expedite it as well.

So maybe the 1-day extension may be enough, but probably not. But nevertheless, this is what we have before us today.

Mr. Speaker, I reserve the balance of my time.

Mr. MURTHA. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I notice we have flights going overseas all the time, and I know this will have to be flown to the President. I cannot imagine, from what the gentleman said, and what I have heard, that this negotiation is going to finish today.

It is hard to argue with a 1-day extension. We have had a couple other extensions. But I keep worrying that, as we mislead Members to think we are going to be finished, why we just would not pass a little longer CR. We complain about people not being around, and we seem to be able to get along without them, whoever it is that is not available to us. Of course, I know the gentleman from Florida (Mr. YOUNG) does not do that. I know that he understands how the system works and as I do, too.

As a matter of fact, they suggested to me that we should ask for a vote. I am not sure I even know the procedure of how to ask for a vote because it has been so long since I have asked for a vote.

But having said that, I know that we have to get our business done. I am hopeful negotiations will end today. I am not as optimistic as the chairman is. But I know that sometime this week or next week or Thanksgiving or Christmas time we will be done.

As past history shows, sometimes we have delicate negotiations. I hope it is not an across-the-board cut. I worry so much. Because even the four-tenths of 1 percent cut would mean we would cut $500 million out of O&M. With the two units that are C4, I realize there is not a big threat out there to the Army right now, but it worries me that we are doing this kind of work when, as the chairman suggested in the first place, if we had passed an adequate budget resolution, we would have been all through with this thing early in the year. We would not have had to resort to the kind of gimmicks that have been so distasteful to those of us on the Committee on Appropriations.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I want to say to the gentleman from Pennsylvania (Mr. MURTHA) that, if he and I had been able to resolve this issue as we have been able to deal with the defense issues for many years, we would have concluded our business a long time ago.

I would like to say this, that the Committee on Appropriations in the House has done a good job. We basically completed our part of the business in July. Then we had the negotiations with our counterparts in the Senate. I would like to compliment our counterparts in the Senate. Senator STEVENS is a dynamic leader, a tough negotiator, and very knowledgeable. He does a really good job. And of course his partner there, Senator BYRD, is also very determined in what it is that he seeks to do.

But the gentleman from Pennsylvania (Mr. MURTHA) and I have always been able to get things resolved early on. We have not been able to do that on the wrap up appropriations work. But we are close to that conclusion now. I will say again the appropriators have done a good job. The appropriations part of this package is complete. The agreement will have some extraneous material, some riders, and the offsets that are holding us up. But, we do plan to file that bill today.

I thank the gentleman from Pennsylvania (Mr. MURTHA) for his comments.

Mr. Speaker, I yield back the balance of my time.

☐ 1045

The SPEAKER pro tempore (Mr. PEASE). All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 381, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MURTHA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 403, nays 8, not voting 23, as follows:

[Roll No. 596]

YEAS—403

Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker

Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—8

Chenoweth-Hage
Deal
Forbes
Paul
Salmon
Shadegg
Shaw
Watkins

NOT VOTING—23

Abercrombie
Ackerman
Clay
Conyers
Diaz-Balart
Dixon
Dunn
Engel
Jefferson
Johnson, Sam
Lampson
Largent
McKinney
Meehan
Norwood
Pickett
Rothman
Scarborough
Spence
Towns
Waxman
Wise
Young (AK)

□ 1108

Mr. LUTHER changed his voted from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SHAW. Mr. Speaker, on rollcall vote number 596, that was the temporary continuing resolution, my vote was recorded incorrectly. I was present on the floor and I did vote "yes." and as a matter of fact I checked the board to double-check to see that I was recorded and saw the green light next to my name. It has been brought to my attention that my vote was incorrectly recorded as voting "no."

Mr. ABERCROMBIE. Mr. Speaker, earlier today when the House voted on House Joint Resolution 80, to extend the continuing resolution for 24 hours, I was unavoidably detained. Had I been present, I would have voted "yes".

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken later today.

HOLDING COURT IN NATCHEZ, MISSISSIPPI

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1418) to provide for the holding of court at Natchez, Mississippi, in the same manner as court is held at Vicksburg, Mississippi, and for other purposes, as amended.

The Clerk read as follows:

S. 1418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HOLDING OF COURT AT NATCHEZ, MISSISSIPPI.

Section 104(b)(3) of title 28, United States Code, is amended in the second sentence by striking all beginning with the colon through "United States".

SEC. 2. HOLDING OF COURT AT WHEATON, ILLINOIS.

Section 93(a)(1) of title 28, United States Code, is amended by adding after Chicago "and Wheaton".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from New York (Mr. WEINER) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on S. 1418.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1418, as amended. It contains two small but important provisions that will improve the efficiency of the administration of justice in our Federal court system.

Section 1 was approved in the House by unanimous consent. This section proposes to allow for the holding of court in Natchez, Mississippi, in the same manner as court is held in Vicksburg. It would eliminate a provision in current law that limits the authority of the Federal courts to lease space in order to convene proceedings in Natchez, Mississippi.

While only a small number of Federal court cases are now tried at Natchez County Court facilities, it is important that the Federal Government be able to continue using the facility.

I have a manager's amendment that adds Section 2 to the bill. Section 2 designates Wheaton, Illinois, as a place of holding court for the Eastern Division of the Northern District of Illinois.

Wheaton is the seat of DuPage County, Illinois. Because of the large population growth in DuPage County and the area surrounding Chicago, it would be beneficial to designate Wheaton as an additional place of holding court.

Mr. Speaker, these are simple yet significant improvements to the Federal judicial system. I urge my colleagues to support S. 1418.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Mississippi (Mr. SHOWS) will claim the time of the gentleman from New York (Mr. WEINER).

There was no objection.

Mr. SHOWS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I urge the House to pass S. 1418, which would provide for the holding of Federal court in the City of Natchez, Mississippi.

□ 1115

Federal judges need the flexibility to hold court in different places within their judicial districts. However, the hands of Federal judges in the southern district of Mississippi are tied because of arcane language in Federal law. Language was written into law sometime ago that said the court could meet in Natchez "provided, that court shall be held at Natchez if suitable quarters and accommodations are furnished at no cost to the United States." To my knowledge no other city presents this kind of obstacle to the Federal courts. S. 1418 strikes this unfair and restrictive language and gives the court flexibility to meet in Natchez. And who would not want to meet in Natchez, a beautiful city in Mississippi? I appreciate the efforts of Senator THAD COCHRAN and the gentleman from Illinois (Mr. HYDE) to expedite the passage of this important legislation. I urge my colleagues to pass this fair and noncontroversial bill.

Mr. Speaker, I yield back the balance of my time.

Mr. HYDE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the Senate bill, S. 1418, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

RAILROAD POLICE TRAINING AT FBI NATIONAL ACADEMY

Mr. HUTCHINSON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1235) to amend part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to allow railroad police officers to attend the Federal Bureau of Investigation National Academy for law enforcement training.

The Clerk read as follows:

S. 1235

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCLUSION OF RAILROAD POLICE OFFICERS IN FBI LAW ENFORCEMENT TRAINING.

(a) IN GENERAL.—Section 701(a) of part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3771(a)) is amended—

(1) in paragraph (1)—

(A) by striking "State or unit of local government" and inserting "State, unit of local government, or rail carrier"; and

(B) by inserting ", including railroad police officers" before the semicolon; and

(2) in paragraph (3)—

(A) by striking "State or unit of local government" and inserting "State, unit of local government, or rail carrier";

(B) by inserting "railroad police officer," after "deputies,";

(C) by striking "State or such unit" and inserting "State, unit of local government, or rail carrier"; and

(D) by striking "State or unit." and inserting "State, unit of local government, or rail carrier.".

(b) RAIL CARRIER COSTS.—Section 701 of part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3771) is amended by adding at the end the following:

"(d) RAIL CARRIER COSTS.—No Federal funds may be used for any travel, transportation, or subsistence expenses incurred in connection with the participation of a railroad police officer in a training program conducted under subsection (a).".

(c) DEFINITIONS.—Section 701 of part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3771) is amended by adding at the end the following:

"(e) DEFINITIONS.—In this section—

"(1) the terms 'rail carrier' and 'railroad' have the meanings given such terms in section 20102 of title 49, United States Code; and

"(2) the term 'railroad police officer' means a peace officer who is commissioned in his or her State of legal residence or State of primary employment and employed by a rail carrier to enforce State laws for the protection of railroad property, personnel, passengers, or cargo.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from New York (Mr. WEINER) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. HUTCHINSON).

GENERAL LEAVE

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the Senate bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HUTCHINSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of this important legislation which was unanimously approved by the other body last week. The bill amends 42 USC 3771(a) to authorize railroad police to attend the FBI's training academy in Quantico, Virginia. Current law permits State and local law enforcement agents to take advantage of the unique and high quality training available at the FBI academy, and this legislation merely adds railroad police officers to the list of approved personnel. Why do we need this?

Railroad police increasingly are being called upon to assist Federal, State and local law enforcement agencies. Investigation and interdiction of illegal drugs crossing the southwest border by rail car, apprehension of illegal aliens using the railways to gain entry into the United States and investigating alleged acts of railroad sabotage are just some of the law enforcement functions being performed by the railroad police.

As just an aside, Mr. Speaker, I would like to note that according to recent congressional testimony, in 1998 alone, over 33,000 illegal aliens were found hiding on board Union Pacific railroad cars. As sworn officers charged with enforcing State and local laws in any jurisdiction in which the rail carrier owns property, railroad police officers are actively involved in numerous investigations and cases with the FBI and other law enforcement agencies.

For example, Amtrak has a police officer assigned to the FBI's New York City Joint Task Force on Terrorism and another assigned to the D.C./Baltimore High Intensity Drug Trafficking Area to investigate illegal drug and weapons trafficking. Union Pacific railroad police receive 4,000 trespassing calls a month, arrest almost 3,000 undocumented aliens per month and arrest an average of 773 people a month for burglaries, thefts, drug charges, and vandalism.

This past summer, the FBI, local police and railroad police launched a 6-week manhunt in and around the Nation's rail system to apprehend a suspected serial killer. The suspect, a rail-riding drifter, has been linked to nine slayings and is responsible for spreading terror from Texas to Illinois. The railroad police were asked to play an important role in this search and would have been much more prepared to face the situation had they received equivalent training.

Improving the law enforcement skills of railroad police will improve this interagency cooperation, ultimately making the rail system safer for America's travelers. Some Members have asked about the cost of this. I want to assure this body that all costs associated with the training of railroad police, their travel, tuition, and room and board will be covered by their employer. The rail lines acknowledge this responsibility and are committed to financing the costs of the training. This bipartisan legislation introduced by Senators LEAHY and HATCH is supported by the FBI, the International Association of Chiefs of Police, and the Association of American Railroads, a trade association which represents North America's major freight railroads, including Union Pacific, Norfolk Southern, Kansas City Southern, Illinois Central, CSX, Conrail, and Amtrak. Mr. Speaker, I am unaware of any opposition to this legislation and urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. WEINER. Mr. Speaker, I yield myself such time as I may consume. The FBI is currently authorized to offer the superior training available at the FBI's National Academy only to law enforcement personnel employed by State or local units of government. However, police officers employed by railroads are not allowed to attend this Academy despite the fact that they work closely in numerous cases with Federal law enforcement agencies as well as State and local law enforcement.

A recent example of this cooperative effort is the Texas railway killer case. Providing railroad police with the opportunity to obtain the training offered at Quantico would improve interagency cooperation and prepare them to deal with the ever-increasing sophistication of criminals who conduct their illegal acts either using the railroad or directed at the railroad or its passengers.

Railroad police officers, unlike any other private police department, are commissioned under State law to enforce the laws of that State and any other State in which the railroad owns property. As a result of this broad law enforcement authority, railroad police officers are actively involved in numerous investigations and cases with the FBI and other law enforcement agencies.

For example, Amtrak has a police officer assigned to the New York Joint Task Force on Terrorism which is made up of 140 members from such disparate agencies as the FBI, the U.S. Marshals Service, the U.S. Secret Service and the ATF. This task force investigates domestic and foreign terrorist groups in response to actual terrorist incidents in my home area, Metropolitan New York.

With thousands of passengers traveling on our railways each year, making sure that railroad police officers have available to them the highest level of training is in the national interest. The officers that protect railroad passengers deserve the same opportunity to receive training at Quantico that their counterparts employed by State and local governments enjoy. Railroad police officers who attend the FBI National Academy in Quantico for training would be required to pay their own room, board, and transportation. This legislation, as my colleague pointed out, is supported by the FBI, the International Association of Chiefs of Police, the Union Pacific Company, and the National Railroad Passenger Corporation. I thank Senator LEAHY for his work on this issue. I urge its passage.

Mr. Speaker, I yield back the balance of my time.

Mr. HUTCHINSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. HUTCHINSON) that the House suspend the rules and pass the Senate bill, S. 1235.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

PROVIDING SUPPORT FOR CERTAIN INSTITUTES AND SCHOOLS

Mr. HILLEARY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 440) to provide support for certain institutes and schools.

The Clerk read as follows:

S. 440

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—HOWARD BAKER SCHOOL OF GOVERNMENT

SEC. 101. DEFINITIONS.

In this title:

(1) Board.—The term "Board" means the Board of Advisors established under section 104.

(2) Endowment fund.—The term "endowment fund" means a fund established by the University of Tennessee in Knoxville, Tennessee, for the purpose of generating income for the support of the School.

(3) School.—The term "School" means the Howard Baker School of Government established under this title.

(4) Secretary.—The term "Secretary" means the Secretary of Education.

(5) University.—The term "University" means the University of Tennessee in Knoxville, Tennessee.

SEC. 102. HOWARD BAKER SCHOOL OF GOVERNMENT.

From the funds authorized to be appropriated under section 106, the Secretary is authorized to award a grant to the University for the establishment of an endowment fund to support the Howard Baker School of Government at the University of Tennessee in Knoxville, Tennessee.

SEC. 103. DUTIES.

In order to receive a grant under this title, the University shall establish the School. The School shall have the following duties:

(1) To establish a professorship to improve teaching and research related to, enhance the curriculum of, and further the knowledge and understanding of, the study of democratic institutions, including aspects of regional planning, public administration, and public policy.

(2) To establish a lecture series to increase the knowledge and awareness of the major public issues of the day in order to enhance informed citizen participation in public affairs.

(3) To establish a fellowship program for students of government, planning, public administration, or public policy who have demonstrated a commitment and an interest in pursuing a career in public affairs.

(4) To provide appropriate library materials and appropriate research and instructional equipment for use in carrying out academic and public service programs, and to enhance the existing United States Presidential and public official manuscript collections.

(5) To support the professional development of elected officials at all levels of government.

SEC. 104. ADMINISTRATION.

(a) Board of Advisors.—

(1) In general.—The School shall operate with the advice and guidance of a Board of Advisors consisting of 13 individuals appointed by the Vice Chancellor for Academic Affairs of the University.

(2) Appointments.—Of the individuals appointed under paragraph (1)—

(A) 5 shall represent the University;

(B) 2 shall represent Howard Baker, his family, or a designee thereof;

(C) 5 shall be representative of business or government; and

(D) 1 shall be the Governor of Tennessee, or the Governor's designee.

(3) Ex officio members.—The Vice Chancellor for Academic Affairs and the Dean of the College of Arts and Sciences at the University shall serve as an ex officio member of the Board.

(b) Chairperson.—

(1) In general.—The Chancellor, with the concurrence of the Vice Chancellor for Academic Affairs, of the University shall designate 1 of the individuals first appointed to the Board under subsection (a) as the Chairperson of the Board. The individual so designated shall serve as Chairperson for 1 year.

(2) Requirements.—Upon the expiration of the term of the Chairperson of the individual designated as Chairperson under paragraph (1) or the term of the Chairperson elected under this paragraph, the members of the Board shall elect a Chairperson of the Board from among the members of the Board.

SEC. 105. ENDOWMENT FUND.

(a) Management.—The endowment fund shall be managed in accordance with the standard endowment policies established by the University of Tennessee System.

(b) Use of Interest and Investment Income.—Interest and other investment income earned (on or after the date of enactment of this subsection) from the endowment fund may be used to carry out the duties of the School under section 103.

(c) Distribution of Interest and Investment Income.—Funds realized from interest and other investment income earned (on or after the date of enactment of this subsection) shall be available for expenditure by the University for purposes consistent with section 103, as recommended by the Board. The Board shall encourage programs to establish partnerships, to leverage private funds, and to match expenditures from the endowment fund.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $10,000,000. Funds appropriated under this section shall remain available until expended.

TITLE II—JOHN GLENN INSTITUTE FOR PUBLIC SERVICE AND PUBLIC POLICY

SEC. 201. DEFINITIONS.

In this title:

(1) Endowment fund.—The term "endowment fund" means a fund established by the University for the purpose of generating income for the support of the Institute.

(2) Endowment fund corpus.—The term "endowment fund corpus" means an amount equal to the grant or grants awarded under this title plus an amount equal to the matching funds required under section 202(d).

(3) Endowment fund income.—The term "endowment fund income" means an amount equal to the total value of the endowment fund minus the endowment fund corpus.

(4) Institute.—The term "Institute" means the John Glenn Institute for Public Service and Public Policy described in section 202.

(5) Secretary.—The term "Secretary" means the Secretary of Education.

(6) University.—The term "University" means the Ohio State University at Columbus, Ohio.

SEC. 202. PROGRAM AUTHORIZED.

(a) Grants.—From the funds appropriated under section 206, the Secretary is authorized to award a grant to the Ohio State University for the establishment of an endowment fund to support the John Glenn Institute for Public Service and Public Policy. The Secretary may enter into agreements with the University and include in any agreement made pursuant to this title such provisions as are determined necessary by the Secretary to carry out this title.

(b) Purposes.—The Institute shall have the following purposes:

(1) To sponsor classes, internships, community service activities, and research projects to stimulate student participation in public service, in order to foster America's next generation of leaders.

(2) To conduct scholarly research in conjunction with public officials on significant issues facing society and to share the results of such research with decisionmakers and legislators as the decisionmakers and legislators address such issues.

(3) To offer opportunities to attend seminars on such topics as budgeting and finance, ethics, personnel management, policy evaluations, and regulatory issues that are designed to assist public officials in learning more about the political process and to expand the organizational skills and policy-making abilities of such officials.

(4) To educate the general public by sponsoring national conferences, seminars, publications, and forums on important public issues.

(5) To provide access to Senator John Glenn's extensive collection of papers, policy decisions, and memorabilia, enabling scholars at all levels to study the Senator's work.

(c) Deposit Into Endowment Fund.—The University shall deposit the proceeds of any grant received under this section into the endowment fund.

(d) Matching Funds Requirement.—The University may receive a grant under this section only if the University has deposited in the endowment fund established under this title an amount equal to one-third of such grant and has provided adequate assurances to the Secretary that the University will administer the endowment fund in accordance with the requirements of this title. The source of the funds for the University match shall be derived from State, private foundation, corporate, or individual gifts or bequests, but may not include Federal funds or funds derived from any other federally supported fund.

(e) Duration; Corpus Rule.—The period of any grant awarded under this section shall not exceed 20 years, and during such period the University shall not withdraw or expend any of the endowment fund corpus. Upon expiration of the grant period, the University may use the endowment fund corpus, plus any endowment fund income for any educational purpose of the University.

SEC. 203. INVESTMENTS.

(a) In General.—The University shall invest the endowment fund corpus and endowment fund income in accordance with the University's investment policy approved by the Ohio State University Board of Trustees.

(b) Judgment and Care.—The University, in investing the endowment fund corpus and endowment fund income, shall exercise the judgment and care, under circumstances then prevailing, which a person of prudence, discretion, and intelligence would exercise in the management of the person's own business affairs.

SEC. 204. WITHDRAWALS AND EXPENDITURES.

(a) In General.—The University may withdraw and expend the endowment fund income to defray any expenses necessary to the operation of the Institute, including expenses of operations and maintenance, administration, academic and support personnel, construction and renovation, community and student services programs, technical assistance, and research. No endowment fund income or endowment fund corpus may be used for any type of support of the executive officers of the University or for any commercial enterprise or endeavor. Except as provided in subsection (b), the University shall not, in the aggregate, withdraw or expend more than 50 percent of the total aggregate endowment fund income earned prior to the time of withdrawal or expenditure.

(b) Special Rule.—The Secretary is authorized to permit the University to withdraw or expend more than 50 percent of the total aggregate endowment fund income whenever the University demonstrates such withdrawal or expenditure is necessary because of—

(1) a financial emergency, such as a pending insolvency or temporary liquidity problem;

(2) a life-threatening situation occasioned by a natural disaster or arson; or

(3) another unusual occurrence or exigent circumstance.

(c) Repayment.—

(1) Income.—If the University withdraws or expends more than the endowment fund income authorized by this section, the University shall repay the Secretary an amount equal to one-third of the amount improperly expended (representing the Federal share thereof).

(2) Corpus.—Except as provided in section 202(e)—

(A) the University shall not withdraw or expend any endowment fund corpus; and

(B) if the University withdraws or expends any endowment fund corpus, the University shall repay the Secretary an amount equal to one-third of the amount withdrawn or expended (representing the Federal share thereof) plus any endowment fund income earned thereon.

SEC. 205. ENFORCEMENT.

(a) In General.—After notice and an opportunity for a hearing, the Secretary is authorized to terminate a grant and recover any grant funds awarded under this section if the University—

(1) withdraws or expends any endowment fund corpus, or any endowment fund income in excess of the amount authorized by section 204, except as provided in section 202(e);

(2) fails to invest the endowment fund corpus or endowment fund income in accordance with the investment requirements described in section 203; or

(3) fails to account properly to the Secretary, or the General Accounting Office if properly designated by the Secretary to conduct an audit of funds made available under this title, pursuant to such rules and regulations as may be prescribed by the Comptroller General of the United States, concerning investments and expenditures of the endowment fund corpus or endowment fund income.

(b) Termination.—If the Secretary terminates a grant under subsection (a), the University shall return to the Treasury of the United States an amount equal to the sum of the original grant or grants under this title, plus any endowment fund income earned thereon. The Secretary may direct the University to take such other appropriate measures to remedy any violation of this title and to protect the financial interest of the United States.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $10,000,000. Funds appropriated under this section shall remain available until expended.

TITLE III—OREGON INSTITUTE OF PUBLIC SERVICE AND CONSTITUTIONAL STUDIES

SEC. 301. DEFINITIONS.

In this title:

(1) Endowment fund.—The term "endowment fund" means a fund established by Portland State University for the purpose of generating income for the support of the Institute.

(2) Institute.—The term "Institute" means the Oregon Institute of Public Service and Constitutional Studies established under this title.

(3) Secretary.—The term "Secretary" means the Secretary of Education.

SEC. 302. OREGON INSTITUTE OF PUBLIC SERVICE AND CONSTITUTIONAL STUDIES.

From the funds appropriated under section 306, the Secretary is authorized to award a grant to Portland State University at Portland, Oregon, for the establishment of an endowment fund to support the Oregon Institute of Public Service and Constitutional Studies at the Mark O. Hatfield School of Government at Portland State University.

SEC. 303. DUTIES.

In order to receive a grant under this title the Portland State University shall establish the Institute. The Institute shall have the following duties:

(1) To generate resources, improve teaching, enhance curriculum development, and further the knowledge and understanding of students of all ages about public service, the United States Government, and the Constitution of the United States of America.

(2) To increase the awareness of the importance of public service, to foster among the youth of the United States greater recognition of the role of public service in the development of the United States, and to promote public service as a career choice.

(3) To establish a Mark O. Hatfield Fellows program for students of government, public policy, public health, education, or law who have demonstrated a commitment to public service through volunteer activities, research projects, or employment.

(4) To create library and research facilities for the collection and compilation of research materials for use in carrying out programs of the Institute.

(5) To support the professional development of elected officials at all levels of government.

SEC. 304. ADMINISTRATION.

(a) Leadership Council.—

(1) In general.—In order to receive a grant under this title Portland State University shall ensure that the Institute operates under the direction of a Leadership Council (in this title referred to as the "Leadership Council") that—

"(A) consists of 15 individuals appointed by the President of Portland State University; and

"(B) is established in accordance with this section.

(2) Appointments.—Of the individuals appointed under paragraph (1)(A)—

(A) Portland State University, Willamette University, the Constitution Project, George Fox University, Warner Pacific University, and Oregon Health Sciences University shall each have a representative;

(B) at least 1 shall represent Mark O. Hatfield, his family, or a designee thereof;

(C) at least 1 shall have expertise in elementary and secondary school social sciences or governmental studies;

(D) at least 2 shall be representative of business or government and reside outside of Oregon;

(E) at least 1 shall be an elected official; and

(F) at least 3 shall be leaders in the private sector.

(3) Ex-officio member.—The Director of the Mark O. Hatfield School of Government at Portland State University shall serve as an ex-officio member of the Leadership Council.

(b) Chairperson.—

(1) In general.—The President of Portland State University shall designate 1 of the individuals first appointed to the Leadership Council under subsection (a) as the Chairperson of the Leadership Council. The individual so designated shall serve as Chairperson for 1 year.

(2) Requirement.—Upon the expiration of the term of the Chairperson of the individual designated as Chairperson under paragraph (1), or the term of the Chairperson elected under this paragraph, the members of the Leadership Council shall elect a Chairperson of the Leadership Council from among the members of the Leadership Council.

SEC. 305. ENDOWMENT FUND.

(a) Management.—The endowment fund shall be managed in accordance with the standard endowment policies established by the Oregon University System.

(b) Use of Interest and Investment Income.—Interest and other investment income earned (on or after the date of enactment of this subsection) from the endowment fund may be used to carry out the duties of the Institute under section 303.

(c) Distribution of Interest and Investment Income.—Funds realized from interest and other investment income earned (on or after the date of enactment of this subsection) shall be spent by Portland State University in collaboration with Willamette University, George Fox University, the Constitution Project, Warner Pacific University, Oregon Health Sciences University, and other appropriate educational institutions or community-based organizations. In expending such funds, the Leadership Council shall encourage programs to establish partnerships, to leverage private funds, and to match expenditures from the endowment fund.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $3,000,000.

TITLE IV—PAUL SIMON PUBLIC POLICY INSTITUTE

SEC. 401. DEFINITIONS.

In this title:

(1) Endowment fund.—The term "endowment fund" means a fund established by the University for the purpose of generating income for the support of the Institute.

(2) Endowment fund corpus.—The term "endowment fund corpus" means an amount equal to the grant or grants awarded under this title plus an amount equal to the matching funds required under section 402(d).

(3) Endowment fund income.—The term "endowment fund income" means an amount equal to the total value of the endowment fund minus the endowment fund corpus.

(4) Institute.—The term "Institute" means the Paul Simon Public Policy Institute described in section 402.

(5) Secretary.—The term "Secretary" means the Secretary of Education.

(6) University.—The term "University" means Southern Illinois University at Carbondale, Illinois.

SEC. 402. PROGRAM AUTHORIZED.

(a) Grants.—From the funds appropriated under section 406, the Secretary is authorized to award a grant to Southern Illinois University for the establishment of an endowment fund to support the Paul Simon Public Policy Institute. The Secretary may enter into agreements with the University and include in any agreement made pursuant to this title such provisions as are determined necessary by the Secretary to carry out this title.

(b) Duties.—In order to receive a grant under this title, the University shall establish the Institute. The Institute, in addition to recognizing more than 40 years of public service to Illinois, to the Nation, and to the world, shall engage in research, analysis, debate, and policy recommendations affecting world hunger, mass media, foreign policy, education, and employment.

(c) Deposit Into Endowment Fund.—The University shall deposit the proceeds of any grant received under this section into the endowment fund.

(d) Matching Funds Requirement.—The University may receive a grant under this section only if the University has deposited in the endowment fund established under this title an amount equal to one-third of such grant and has provided adequate assurances to the Secretary that the University will administer the endowment fund in accordance with the requirements of this title. The source of the funds for the University match shall be derived from State, private foundation, corporate, or individual gifts or bequests, but may not include Federal funds or funds derived from any other federally supported fund.

(e) Duration; Corpus Rule.—The period of any grant awarded under this section shall not exceed 20 years, and during such period the University shall not withdraw or expend any of the endowment fund corpus. Upon expiration of the grant period, the University may use the endowment fund corpus, plus any endowment fund income for any educational purpose of the University.

SEC. 403. INVESTMENTS.

(a) In General.—The University shall invest the endowment fund corpus and endowment fund income in those low-risk instruments and securities in which a regulated insurance company may invest under the laws of the State of Illinois, such as federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, or obligations of the United States.

(b) Judgment and Care.—The University, in investing the endowment fund corpus and endowment fund income, shall exercise the judgment and care, under circumstances then prevailing, which a person of prudence, discretion, and intelligence would exercise in the management of the person's own business affairs.

SEC. 404. WITHDRAWALS AND EXPENDITURES.

(a) In General.—The University may withdraw and expend the endowment fund income to defray any expenses necessary to the operation of the Institute, including expenses of operations and maintenance, administration, academic and support personnel, construction and renovation, community and student services programs, technical assistance, and research. No endowment fund income or endowment fund corpus may be used for any type of support of the executive officers of the University or for any commercial enterprise or endeavor. Except as provided in subsection (b), the University shall not, in the aggregate, withdraw or expend more than 50 percent of the total aggregate endowment fund income earned prior to the time of withdrawal or expenditure.

(b) Special Rule.—The Secretary is authorized to permit the University to withdraw or expend more than 50 percent of the total aggregate endowment fund income whenever the University demonstrates such withdrawal or expenditure is necessary because of—

(1) a financial emergency, such as a pending insolvency or temporary liquidity problem;

(2) a life-threatening situation occasioned by a natural disaster or arson; or

(3) another unusual occurrence or exigent circumstance.

(c) Repayment.—

(1) Income.—If the University withdraws or expends more than the endowment fund income authorized by this section, the University shall repay the Secretary an amount equal to one-third of the amount improperly expended (representing the Federal share thereof).

(2) Corpus.—Except as provided in section 402(e)—

(A) the University shall not withdraw or expend any endowment fund corpus; and

(B) if the University withdraws or expends any endowment fund corpus, the University shall repay the Secretary an amount equal to one-third of the amount withdrawn or expended (representing the Federal share thereof) plus any endowment fund income earned thereon.

SEC. 405. ENFORCEMENT.

(a) In General.—After notice and an opportunity for a hearing, the Secretary is authorized to terminate a grant and recover any grant funds awarded under this section if the University—

(1) withdraws or expends any endowment fund corpus, or any endowment fund income in excess of the amount authorized by section 404, except as provided in section 402(e);

(2) fails to invest the endowment fund corpus or endowment fund income in accordance with the investment requirements described in section 403; or

(3) fails to account properly to the Secretary, or the General Accounting Office if properly designated by the Secretary to conduct an audit of funds made available under this title, pursuant to such rules and regulations as may be proscribed by the Comptroller General of the United States, concerning investments and expenditures of the endowment fund corpus or endowment fund income.

(b) Termination.—If the Secretary terminates a grant under subsection (a), the University shall return to the Treasury of the United States an amount equal to the sum of the original grant or grants under this title, plus any endowment fund income earned thereon. The Secretary may direct the University to take such other appropriate measures to remedy any violation of this title and to protect the financial interest of the United States.

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $3,000,000. Funds appropriated under this section shall remain available until expended.

TITLE V—ROBERT T. STAFFORD PUBLIC POLICY INSTITUTE

SEC. 501. DEFINITIONS.

In this title:

(1) Endowment fund.—The term "endowment fund" means a fund established by the Robert T. Stafford Public Policy Institute for the purpose of generating income for the support of authorized activities.

(2) Endowment fund corpus.—The term "endowment fund corpus" means an amount equal to the grant or grants awarded under this title.

(3) Endowment fund income.—The term "endowment fund income" means an amount equal to the total value of the endowment fund minus the endowment fund corpus.

(4) Institute.—The term "institute" means the Robert T. Stafford Public Policy Institute.

(5) Secretary.—The term "Secretary" means the Secretary of Education.

SEC. 502. PROGRAM AUTHORIZED.

(a) Grants.—From the funds appropriated under section 505, the Secretary is authorized to award a grant in an amount of $5,000,000 to the Robert T. Stafford Public Policy Institute.

(b) Application.—No grant payment may be made under this section except upon an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require.

SEC. 503. AUTHORIZED ACTIVITIES.

Funds appropriated under this title may be used—

(1) to further the knowledge and understanding of students of all ages about education, the environment, and public service;

(2) to increase the awareness of the importance of public service, to foster among the youth of the United States greater recognition of the role of public service in the development of the United States, and to promote public service as a career choice;

(3) to provide or support scholarships;

(4) to conduct educational, archival, or preservation activities;

(5) to construct or renovate library and research facilities for the collection and compilation of research materials for use in carrying out programs of the Institute;

(6) to establish or increase an endowment fund for use in carrying out the programs of the Institute.

SEC. 504. ENDOWMENT FUND.

(a) Management.—An endowment fund created with funds authorized under this title shall be managed in accordance with the standard endowment policies established by the Institute.

(b) Use of Endowment Fund Income.—Endowment fund income earned (on or after the date of enactment of this title) may be used to support the activities authorized under section 503.

SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $5,000,000. Funds appropriated under this section shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. HILLEARY) and the gentleman from California (Mr. MARTINEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. HILLEARY).

Mr. HILLEARY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, recently the Senate passed S. 440 which authorizes funding for the building of several schools of government at higher education institutions around the country. The schools of government include the Howard Baker School of Government at the University of Tennessee in Knoxville, the John Glenn Institute for Public Service at Ohio State University, the Mark Hatfield School of Government at Portland State University, the Paul Simon Public Policy Institute at Southern Illinois University, and the Robert T. Stafford Institute in Vermont. These schools of government would comprise the existing political science research programs at these universities. In each institution, the goal would be to improve the teaching, research and understanding of democratic institutions.

Not solely a Federal project, additional funds will be provided for these institutions by State and private sources to supplement the Federal contribution. In addition, this legislation gives us a great opportunity to praise the work of former Senator Howard Baker from Tennessee. Senator Baker was the first Republican popularly elected to the United States Senate in Tennessee's history. He served in the Senate from 1967 to 1985. In addition, he served as the minority leader from 1977 to 1981 and majority leader from 1981 until his retirement.

He then later served as President Reagan's chief of staff. Senator Baker still is quite active as a valued adviser and government expert. The creation of the Howard Baker School of Government would be a fitting tribute to his stellar career in public service. I urge the House to pass this legislation to establish these valuable schools of government and in doing so honor Senator Baker and his colleagues for their service to our country.

Finally I would like to thank the gentleman from Tennessee (Mr. DUNCAN). I am an original cosponsor of his bill, H.R. 788, which is almost identical to this legislation and at present has 23 cosponsors. Without his leadership on this issue, we would not even have this legislation before us today. I thank the gentleman from Tennessee (Mr. DUNCAN) for his hard work on this issue.

Mr. Speaker, I reserve the balance of my time.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of S. 440, a bill that authorizes financial assistance to a number of public policy institutes for the purpose of enhancing teaching and research in government and public service. The academic institutions included in the bill are named, and have been named by the gentleman from Tennessee, after a group of distinguished colleagues including the Howard Baker School of Government which is in the gentleman's district, the John Glenn Institute for Public Service and Public Policy, the oregon institute of public service and Constitutional Studies at the Mark O. Hatfield School of Government, the Paul Simon Public Policy Institute, and the Robert T. Stafford Public Policy Institute. I think the most valuable contribution of these institutions is their mission to sponsor classes, research, and internships in community service activities that stimulate student participation in public service which is crucial to fostering America's next generation of leaders. I urge support for the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HILLEARY. Mr. Speaker, I yield 5 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from Tennessee for yielding me this time and thank him in his work in support of this legislation. I rise in strong support of this very modest, bipartisan legislation.

I am pleased to be the original sponsor of the House companion to this Senate bill. The other body passed this legislation by unanimous consent last week. Both the House and Senate bills have a number of cosponsors from both sides of the aisle. I want to thank the gentleman from Pennsylvania (Mr. GOODLING) for allowing this bill to be brought to the floor today.

S. 440 would establish five new schools of government across the country. These schools would be dedicated to the study of public policy and government. Each of these schools would be named after great Americans, Members from both sides of the aisle, who have served the public in the United States Senate.

While I admire and respect all of these men, I would like to primarily speak about one of them, Senator Howard Baker. I understand that we may have other Members who will want to discuss the others honored by this legislation. Specifically, this bill would create the Howard Baker School of Government at the University of Tennessee in Knoxville. I believe this legislation is a fitting tribute to Senator Baker's extraordinary career and exemplary public service which continues to this day. Senator Baker was a member of the United States Senate for 18 years, where he served as minority leader as well as majority leader. He also served as President Reagan's chief of staff. I have said before, Mr. Speaker, that the White House chief of staff is the person who has to say no for the President. As a result, some people have left this job with very unpopular reputations. However, Senator Baker left this job as chief of staff more popular than when he began.

□ 1130

I believe this is a real testament to the type of person he is. In fact, I have said before that I believe Senator Baker is the greatest living Tennessean. He is, without question, one of the greatest statesmen in the history of the State of Tennessee.

In addition, he has been recognized in a very special way here in Washington. The rooms of the Senate majority leader in the U.S. Capitol building are named the Howard H. Baker, Jr., rooms. These are the rooms of the former Library of Congress. This is a very fitting tribute to one of our Nation's greatest public servants.

Mr. Speaker, I am honored to have earlier introduced legislation, which passed, to name a Federal courthouse in Knoxville, Tennessee after Senator Baker. This courthouse serves as a reminder to Tennesseans of the great work done for them by Senator Baker.

Senator Baker has a wonderful supportive wife, former Senator Nancy Kassebaum. I think they make a great team, and they both continue to work to ensure that this country is a better place in which to live.

In spite of all of the success Senator Baker achieved in the White House, the Senate and now his private law practice, he has not lost his humility or forgotten where he came from. He now lives in Tennessee where he can be close to the people he represented so well for so many years. He continues to work to help others. Despite his national recognition, he speaks even at very small events and helps many community organizations.

As I stated earlier, I have great admiration for all of the gentlemen honored in this bill. However, I think this is an especially fitting tribute to the greatest living Tennessean, Senator Howard H. Baker.

I urge my colleagues to support this legislation which will honor four great Americans and at the same time provide additional learning opportunities for our young people. Again, I would like to thank the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Tennessee (Mr. HILLEARY), Congressman Hilleary, for their work on this legislation and bringing it to the floor for consideration.

Mr. HILLEARY. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Speaker, it is absolutely a thrill for me to be here as a Member of the House to recognize one of these great Americans. I think it is entirely appropriate for our country to name these schools of government after great American leaders in government.

One of these, clearly, is Howard H. Baker. He was a great United States Senator, White House chief of staff. Few people have done more for the University of Tennessee over the course of its history than Senator Baker. In fact, few people have done more for the United States of America in this century than Senator Howard Baker.

Mr. Speaker, when I think of Senator Baker, the first word that comes to mind is civility, and the second word is trust. Members of the United States Senate from both parties truly respected and trusted Howard Baker. He had a reputation and continues to have a reputation that few people in the history of the United States Congress enjoyed.

I think of justice under the law. Even to this very day, the rooms that the Senate majority leader resides in on the Senate side, the offices are named the Howard H. Baker, Jr., rooms in recognition of his reputation. I think of intellect and hard work and the combination of the two. I think of knowledge of the law. Frankly, from the Watergate hearings to the years of Senate majority leader and White House chief of staff. I think of good old, down-home southern charm, laced with humor and respect for others and a reputation that few have ever had.

This is a proper tribute. The University of Tennessee will be better off. Students will learn from that school of government, and the name on that school of government, Howard H. Baker, will actually represent dignity, grace and justice, all three of which his life represents.

The SPEAKER pro tempore (Mr. PEASE). Does the gentleman from California (Mr. MARTINEZ) wish to reclaim his time?

Mr. MARTINEZ. Mr. Speaker, I ask unanimous consent to reclaim the time.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. MARTINEZ) is recognized.

Mr. MARTINEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Speaker, I thank the gentleman for yielding me this time.

I have many peers in this case saying a lot of great things about a lot of great men, and I agree with all that they have said. Howard Baker was indeed a great man. John Glenn is a great man. Paul Simon is a great man. But I struggle with this particular bill for a couple of simple reasons, but one primary one.

That is, as Republicans, what we have talked about is Washington not knowing best, and yet at the core of what this does, which is basically a sole-source grant that points to a couple of different institutions across this country and says, they are the most able beneficiaries of government largesse, and that we ought to send the money to them as opposed to a lot of other universities or colleges across this country. I struggle with that theme as a Republican because what we have talked about is the issue of Federalism, the issue of Washington not knowing best, and local communities knowing what makes sense in their neighborhood. That is why we have tried the idea of block grants, and this gets away from the idea of block grants.

So I would first of all agree with what they have been saying about any of these gentlemen, because they are indeed great gentlemen; but do we want to in fact point to sole-source grants as a way of recognizing them.

Two, we do not have a problem in this country with secondary education. We have a problem with grade school and with high school, but on any international standard, we are doing quite well on the issue of secondary education. So this points money to colleges and universities as opposed to high schools where I think our core problem is.

Three, is public policy the best place to spend this money? In other words, these are institutes of public policy, of government. Is that where the highest and best use of educational dollars can go these days, as opposed to the basics of reading and writing and arithmetic wherein we have sustained deficiencies in high schools and grade schools across this country.

Lastly, I would say, look at the different ways that we might spend this money. This money, if we are talking about $31 million here, $31 million could go based on the average teacher salaries, go to pay for 777 teachers across this country. It could go to pay for about 4,000 kids attending a year of college next year, or for that matter, it could go to my favorite subject, which is back to the debt, to pay down this debt that we have stacked up.

So I agree with what these gentlemen from Tennessee and other places have said about a lot of great men that have served in this institution, but I question whether or not this is the way to recognize their talents.

Mr. HILLEARY. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Speaker, I thank the gentleman for the opportunity to speak to Senate bill 440. In particular I would like to rise in support of title 3 of the act which authorizes the Oregon Institute of Public Service and Constitutional Studies in the Mark O. Hatfield School of Government at PSU.

Under this legislation, the institute will be required to further the knowledge and understanding of students about public service, the U.S. Government, and the Constitution, and increase the awareness among youth of the importance of public service. I think these are laudable goals and important teachings that are so underrepresented right now in our country. Learning about public service, understanding the Constitution. These are at the heart of our democracy and why this legislation is important.

This legislation also establishes the Mark O. Hatfield Fellows Program at PSU. This course of study and the fellowship in the name of Senator Hatfield is very appropriate, for the Senator has truly defined public service in my great State of Oregon.

We still have a lot to learn from Senator Hatfield. The authorization of the Institute for Public Service and Constitutional Studies and the Mark O. Hatfield Fellowship Program will ensure that future generations of Oregonians will continue the spirit of public service that Senator Hatfield has taught us.

Mr. Speaker, I urge passage of Senate bill 440.

Thank you, Mr. Speaker, for the opportunity to speak today on S. 440. In particular I would like to rise in support of Title 3 of the act which authorizes the Oregon Institute of Public Service and Constitutional Studies in the Mark O. Hatfield School of Government at Portland State University.

Under this legislation, the Institute will be required to further the knowledge and understanding of students about public service, the U.S. Government, and the Constitution, and increase the awareness among youth of the importance of public service. This legislation also establishes the Mark O. Hatfield Fellow's program at Portland State University. This course of study, and the fellowship in the name of Senator Hatfield, is very appropriate for the Senator has truly defined public service in the state of Oregon.

Senator Hatfield began his political career in the Oregon Legislature in 1950 and moved on to become the youngest Secretary of State in Oregon history at the age of 34. Elected Governor of Oregon in 1958, Senator Hatfield became the state's first two-term governor in the 20th Century when he was re-elected in 1962. The Senator's federal career began in 1966 when he was elected to the U.S. Senate. He served as Chairman of the Senate Appropriations Committee and was a member of the Energy and Natural Resources Committee, the Rules Committee, the Joint Committee on the Library, and the Joint Committee on Printing.

Senator Hatfield is now a member of the faculty at the Hatfield School of Government at Portland State University and George Fox University where he is continuing to lead the next generation of Oregonians. This legislation recognizes Senator Hatfield's legacy by supporting public service through the Hatfield School of Government. The Institute for Public Service and Constitutional Studies will provide support to partnerships that promote public service through teaching, research, and student support.

I think Senator Hatfield summed up his theory on public service best when he spoke at the dedication of the Hatfield School of Government in 1997. He said, "Throughout my career in public service I have stressed the importance of education and my deep personal respect for the teaching profession. I believe that some of my most important life's work has been my time in the classrooms, helping others learn about the great issues and the history of this country. The Hatfield School of Government brings both streams of my career—public service and education—together in a legacy that I hope will inspire many future generations, whose responsibility it will be to continue this great country's advancement into the next century and beyond."

We still have a lot to learn from Senator Hatfield. The authorization of the Institute for Public Service and Constitutional Studies and the Mark O. Hatfield fellowship program will ensure that the future generations of Oregonians will continue the spirit of public service that Senator Hatfield has taught us.

Mr. Speaker, I urge passage of S. 440.

Mr. HILLEARY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Speaker, I thank the gentleman from Tennessee for yielding me this time.

Mr. Speaker, I rise today to express my support for Senate bill 440, a bill honoring many great Americans, two of my favorite American Senators, Howard Baker, a Republican, and our own Ohio Senator, John Glenn, a Democrat.

The bill would also create, among other things, a new academic program at the Ohio State University and authorize appropriations to establish the John Glenn Institute for Public Service and Public Policy and its endowment fund to provide long-term funding for personnel and operations.

Located at the Ohio State University, the John Glenn Institute will collaborate with the university's extensive public service and public policy resources to sponsor classes, facilitate research on issues facing this country, provide internships for students, and encourage community service activities.

In addition, the institute will sponsor forums to improve public awareness and foster discussion and debate on critical issues of national and international significance.

The institute also will offer training seminars to elected and appointed public officials to enhance their governing skills. Lastly, the institute will become the rightful, permanent, and proud home to Senator Glenn's papers, speeches, and historic memorabilia.

As one of our Nation's largest public institutions, Ohio State University has a long and proud tradition of providing the highest quality education to students from all over Ohio and around the world. I believe that this legislation will enable Ohio State to integrate public service into their curriculum, thus formulating creative educational initiatives that will combine hands-on experience with research and teaching activities. This experience will prepare our Nation's future leaders for service in government and other public affairs organizations that will ultimately lead to thoughtful solutions to important public policy problems facing our society in the 21st century.

The Ohio State University is committed to enhancing public service and public policy at all levels of government. I hope my colleagues will join me in honoring this great American by supporting this legislation.

Mr. HILLEARY. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. BRYANT).

Mr. BRYANT. Mr. Speaker, I thank my friend for yielding me this time.

Mr. Speaker, I rise today in support of this legislation which would authorize the Secretary of Education to award a grant to the University of Tennessee in Knoxville to establish the Howard Baker School of Government and its endowment fund.

Mr. Speaker, this is an important piece of legislation because it honors a man who has dedicated his life to public service while providing a forum to help advance the principles of democratic citizenship, civic duty and public responsibility, which he embodies.

After serving in the United States Senate from 1967 until 1985 and as President Reagan's chief of staff from February 1987 until July of 1988, Howard Baker returned to his private life and the practice of law in Huntsville, Tennessee. Following undergraduate studies at the University of the South and at Tulane University, Senator Baker received his law degree from the University of Tennessee. He served 3 years in the United States Navy during World War II.

Senator Baker first won national recognition in 1973 as the vice chairman of the Senate Watergate Committee. He was a keynote speaker at the Republican National Convention in 1976 and was a candidate for the Republican Presidential nomination in 1980. He concluded his Senate career by serving two terms as minority leader and two terms as majority leader. Senator Baker has received many awards, including the presidential medal of freedom, our Nation's highest civilian award and the Jefferson Award for the greatest public service performed by an elected or appointed official.

I am proud to be a cosponsor of this bill, and I urge its adoption by this body.

Mr. MARTINEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, I was not going to speak on this bill, but after hearing what I have heard and thinking about $31 million to honor politicians that were intimately involved in giving us a $6 trillion debt, there is something not quite right with that as I sit and think about it. There is no question that these were great public servants, but the fact is that on their watch, our children's future was mortgaged, and not mortgaged just to a small extent, to a very great extent.

We talk about this being an authorization bill. Well, why is it an authorization bill with the very anticipation that the next appropriations cycle, the money is going to be spent. So we are going to take $31 million of the taxpayers' money and create new university setting programs in honor of these five former Senators. We are fighting with the President right now, and we are playing all sorts of games with the budget so we will not touch Social Security, and we are here adding $31 million back.

This may be a very worthwhile project, but the timing on it stinks. This is not the time to do this; this is not the year to do this. When we truly are in a surplus, and that means no Social Security money spent, no Federal employees' money spent, no inland waterway trust fund spent, no highway transportation money spent out of the trust fund, no airway trust fund money spent, that is the time for us to do this.

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The American taxpayers today pay a higher percentage of their income in taxes than they have ever paid in their lives, with the exception of World War II.

Why is it that we cannot pass a tax cut, but we can spend $31 million to build new glory centers for former Senators of the United States Senate? I object, not on the grounds for me personally, but I object for my grandchildren and the children that are going to follow them, and every grandchild in this country, that we should not be spending and authorizing $31 million to be spent for any purpose that is other than absolutely necessary at this time.

Mr. HILLEARY. Mr. Speaker, I yield 3 minutes to the gentleman from Rogersville, Tennessee (Mr. JENKINS).

Mr. JENKINS. Mr. Speaker, I thank the gentleman from Tennessee for yielding time to me.

Mr. Speaker, in the closing hours of this session, which is, like all sessions, somewhat hectic, it is a pleasure to have an opportunity to ask my colleagues to vote for Senate Bill 440.

In part, it has been pointed out, it establishes the Howard H. Baker School of Government at the University of Tennessee. Unlike the last speaker who spoke on this subject, I think nothing could be more fitting and nothing could be more appropriate. Those of us who have served the State of Tennessee and who have served our Nation as Tennesseans have long sought Senator Howard Baker's counsel. That advice that we sought has always been forthcoming, it has always been wholesome, and it has always been filled with wisdom.

The gentleman from Tennessee (Mr. BRYANT) pointed out the capacities in which Senator Baker has served. I would point out that he has brought great credit to the State of Tennessee and to this entire Nation in every capacity in which he has served.

Mr. Speaker, I would urge every Member to vote for Senate 440.

Mr. HILLEARY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to finish up by, one, thanking the gentleman from

Pennsylvania (Chairman Goodling) for allowing us to actually bring this bill to the floor today. If he had not waived jurisdiction on the committee, we would have not gotten it in this session of Congress, so I appreciate his support for these schools of government.

Finally, I would like to just talk a moment about Senator Baker. Senator Baker is without question my most famous constituent. He is, as has been said earlier, and I would agree with this, that he is the most famous living Tennessean in the country that we have, and his contribution to this country, we could spend hours talking about that.

My personal relationship with him is what I would like to close with. He has been my mentor from the get-go, when I first decided to run for public office. I made the trip up to Huntsville, Tennessee, to his law office, and just discussed what I thought about what my issues were, what my beliefs were. He said, son, I think you ought to run for public office. I think you have what it takes.

I will never forget that conversation, here a great man like Howard Baker having this one-on-one conversation with little Van Hilleary from Spring City, Tennessee. I cannot think of a more fitting tribute to this man, who graduated from the University of Tennessee the same year my father did.

I am a graduate of the University of Tennessee. I actually took many classes in the Department of Political Science there. I just cannot think of a more fitting tribute to the University or to the Senator than to have this school of government named after him.

Mr. Speaker, I would urge all my colleagues to vote for this bill, not only to honor Senator Baker, but the other Senators involved in the bill.

Mr. MARTINEZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HILLEARY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. Pease). The question is on the motion offered by the gentleman from Tennessee (Mr. Hilleary) that the House suspend the rules and pass the Senate bill, S. 440.

The question was taken.

Mr. SANFORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DIRECTING THE SECRETARY OF THE INTERIOR TO CONVEY CERTAIN LANDS TO THE COUNTY OF RIO ARRIBA, NEW MEXICO

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 278) to direct the Secretary of the Interior to convey certain lands to the county of Rio Arriba, New Mexico.

The Clerk read as follows:

S. 278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OLD COYOTE ADMINISTRATIVE SITE.

(a) Conveyance of Property.—Not later than one year after the date of enactment of this Act, the Secretary of the Interior (herein "the Secretary") shall convey to the County of Rio Arriba, New Mexico (herein "the County"), subject to the terms and conditions stated in subsection (b), all right, title, and interest of the United States in and to the land (including all improvements on the land) known as the "Old Coyote Administrative Site" located approximately ½ mile east of the Village of Coyote, New Mexico, on State Road 96, comprising one tract of 130.27 acres (as described in Public Land Order 3730), and one tract of 276.76 acres (as described in Executive Order 4599).

(b) Terms and Conditions.—

(1) Consideration for the conveyance described in subsection (a) shall be—

(A) an amount that is consistent with the special pricing program for Governmental entities under the Recreation and Public Purposes Act; and

(B) an agreement between the Secretary and the County indemnifying the Government of the United States from all liability of the Government that arises from the property.

(2) The lands conveyed by this Act shall be used for public purposes. If such lands cease to be used for public purposes, at the option of the United States, such lands will revert to the United States.

(c) Land Withdrawals.—Land withdrawals under Public Land Order 3730 and Executive Order 4599 as extended in the Federal Register on May 25, 1989 (54 F.R. 22629) shall be revoked simultaneous with the conveyance of the property under subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. Hansen) and the gentleman from California (Mr. George Miller) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. Hansen).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 278, introduced by Senator Domenici of New Mexico, directs the Secretary of the Interior and the Secretary of Agriculture to convey land known as the Old Coyote Administrative Site to the county of Rio Arriba, New Mexico.

This site includes a Forest Service tract of 130 acres and a BLM tract of 276 acres. The site was vacated by the Forest Service in 1993. This legislation is patterned after a similar transfer that the 103rd Congress directed the Secretary of Agriculture to complete in 1993 on the Old Taos Ranger District Station.

As with Taos Station, the Coyote Station will continue to be used for public purposes, including a community center and a fire substation. Some buildings will also be available for the county to use for storage of road maintenance equipment and other county vehicles.

The conveyance will be consistent with the Recreation and Public Purposes Act pricing program. The lands must be used for public purposes, and revert back to the U.S. Government if not used for these purposes.

Mr. Speaker, this is a good bill, and I ask my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 278 is a companion measure to a bill introduced by my colleague on the Committee on Resources, the gentleman from New Mexico (Mr. Udall). The bill directs the Secretary of the Interior to convey land known as the Old Coyote Administrative Site to the county of Rio Arriba in New Mexico.

The site, which is approximately 307 acres, was formerly used by the Forest Service, but was vacated in 1993 when the Forest Service moved to a new location. The legislation provides for the transfer of the property to the county at a reduced price. The land must be used for a public purpose, and will revert back to the Federal government if not used for these purposes.

It is our understanding the county will continue to use the site for public purposes, including a community center and a fire substation. Mr. Speaker, S. 278 is a noncontroversial item which I support. I want to congratulate my colleagues who have offered this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I am happy to yield such time as she may consume to the gentlewoman from New Mexico (Mrs. Wilson).

Mrs. WILSON. Mr. Speaker, I want to thank the chairman for yielding time to me, and thank the Committee on Resources, and particularly the chairman, for bringing this bill up. As we approach the end of this session of the Congress, there are a lot of things we are trying to wrap up. This is one that has been pending for some time.

This Rio Arriba legislation authorizes the transfer of a little more than 400 acres of Federal land in the Old Coyote Ranger District Station near Coyote, New Mexico, and it would give it to Rio Arriba County so they can have that land and those buildings for county purposes and public purposes. They are going to use those buildings for a community center, for a fire station, for their storage and road maintenance equipment, and I think it is a win-win situation.

The Federal government no longer wants to maintain those buildings and has moved to a new ranger station about 6 miles away, so this is a good land transfer bill. This bill passed the

Senate in the last session of the Congress, did not pass the House in the waning days. When we finish this here today, it will go to the President for his signature. He has already indicated that he is supportive of this legislation.

This is often the case in the West, we need to do these little Federal land transfer bills because so much of the West is owned by the Federal government.

I thank the gentleman for his attention to this matter, and I commend particularly Senator DOMENICI for stewarding this through.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, this legislation provides for a transfer by the Secretary of the Interior of real property and improvements at an abandoned and surplus ranger station in the Carson National Forest to Rio Arriba County.

This site is known locally as the Old Coyote Administration Site, and it is located near the town of Coyote, New Mexico. This site will continue to be used for public purposes, and may be used as a community center, fire station, fire substation, storage facilities, or space to repair road maintenance equipment or other county vehicles.

Mr. Speaker, the Forest Service has moved its operations to a new facility and has determined that this site is of no further use. Furthermore, the Forest Service has notified the General Services Administration that improvements to the site are considered surplus and the sites are available for disposal.

In addition, the lands on which the facility is built is withdrawn public domain land, and falls under the jurisdiction of the Bureau of Land Management. Since neither the Bureau of Land Management nor the Forest Service has future plans to utilize this site, the transfer of the land and the facilities to Rio Arriba County would create a benefit to a community that would make productive use of it.

This county is one that has a heavy Federal land presence. This will enable them to utilize the land that they have not been able to have and be able to do some very productive things.

In summary, this legislation creates a situation in which the Federal government, the State of New Mexico, and the people of Rio Arriba County all benefit. I urge my colleagues to support this bill. It is a good bill. I also want to thank our senior Senator from New Mexico, Senator DOMENICI, for all his hard work on this bill over the years.

Mr. GEORGE MILLER of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 278.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 440 and S. 278.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

ANNOUNCEMENT OF MEASURES TO BE CONSIDERED UNDER SUSPENSION OF THE RULES

Mr. HANSEN. Mr. Speaker, pursuant to House resolution 374, I announce the following measures be taken up under suspension of the rules:

S. 1398, Regarding Coastal Barriers;

H.R. 3381, OPIC reauthorization;

H. Con. Res. 128, Treatment of Religious Minorities in Iran.

MINUTEMAN MISSILE NATIONAL HISTORIC SITE ESTABLISHMENT ACT OF 1999

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 382) to establish the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes.

The Clerk read as follows:

S. 382

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Minuteman Missile National Historic Site Establishment Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Minuteman II intercontinental ballistic missile (referred to in this Act as "ICBM") launch control facility and launch facility known as "Delta 1" and "Delta 9", respectively, have national significance as the best preserved examples of the operational character of American history during the Cold War;

(2) the facilities are symbolic of the dedication and preparedness exhibited by the missileers of the Air Force stationed throughout the upper Great Plains in remote and forbidding locations during the Cold War;

(3) the facilities provide a unique opportunity to illustrate the history and significance of the Cold War, the arms race, and ICBM development; and

(4) the National Park System does not contain a unit that specifically commemorates or interprets the Cold War.

(b) PURPOSES.—The purposes of this Act are—

(1) to preserve, protect, and interpret for the benefit and enjoyment of present and future generations the structures associated with the Minuteman II missile defense system;

(2) to interpret the historical role of the Minuteman II missile defense system—

(A) as a key component of America's strategic commitment to preserve world peace; and

(B) in the broader context of the Cold War; and

(3) to complement the interpretive programs relating to the Minuteman II missile defense system offered by the South Dakota Air and Space Museum at Ellsworth Air Force Base.

SEC. 3. MINUTEMAN MISSILE NATIONAL HISTORIC SITE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Minuteman Missile National Historic Site in the State of South Dakota (referred to in this Act as the "historic site") is established as a unit of the National Park System.

(2) COMPONENTS OF SITE.—The historic site shall consist of the land and interests in land comprising the Minuteman II ICBM launch control facilities, as generally depicted on the map referred to as "Minuteman Missile National Historic Site", numbered 406/80,008 and dated September, 1998, including—

(A) the area surrounding the Minuteman II ICBM launch control facility depicted as "Delta 1 Launch Control Facility"; and

(B) the area surrounding the Minuteman II ICBM launch control facility depicted as "Delta 9 Launch Facility".

(3) AVAILABILITY OF MAP.—The map described in paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(4) ADJUSTMENTS TO BOUNDARY.—The Secretary of the Interior (referred to in this Act as the "Secretary") is authorized to make minor adjustments to the boundary of the historic site.

(b) ADMINISTRATION OF HISTORIC SITE.—The Secretary shall administer the historic site in accordance with this Act and laws generally applicable to units of the National Park System, including—

(1) the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1 et seq.); and

(2) the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.).

(c) COORDINATION WITH HEADS OF OTHER AGENCIES.—The Secretary shall consult with the Secretary of Defense and the Secretary of State, as appropriate, to ensure that the administration of the historic site is in compliance with applicable treaties.

(d) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with appropriate public and private entities and individuals to carry out this Act.

(e) LAND ACQUISITION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may acquire land and interests in land within the boundaries of the historic site by—

(A) donation;

(B) purchase with donated or appropriated funds; or

(C) exchange or transfer from another Federal agency.

(2) PROHIBITED ACQUISITIONS.—

(A) CONTAMINATED LAND.—The Secretary shall not acquire any land under this Act if the Secretary determines that the land to be acquired, or any portion of the land, is contaminated with hazardous substances (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)), unless, with respect to the land, all remedial action necessary to protect human health and the environment has been taken under that Act.

(B) SOUTH DAKOTA LAND.—The Secretary may acquire land or an interest in land owned by the State of South Dakota only by donation or exchange.

(f) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date funds are made available to carry out this Act, the Secretary shall prepare a general management plan for the historic site.

(2) CONTENTS OF PLAN.—

(A) NEW SITE LOCATION.—The plan shall include an evaluation of appropriate locations for a visitor facility and administrative site within the areas depicted on the map described in subsection (a)(2) as—

(i) "Support Facility Study Area—Alternative A"; or

(ii) "Support Facility Study Area—Alternative B".

(B) NEW SITE BOUNDARY MODIFICATION.—On a determination by the Secretary of the appropriate location for a visitor facility and administrative site, the boundary of the historic site shall be modified to include the selected site.

(3) COORDINATION WITH BADLANDS NATIONAL PARK.—In developing the plan, the Secretary shall consider coordinating or consolidating appropriate administrative, management, and personnel functions of the historic site and the Badlands National Park.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

(b) AIR FORCE FUNDS.—

(1) TRANSFER.—The Secretary of the Air Force shall transfer to the Secretary any funds specifically appropriated to the Air Force in fiscal year 1999 for the maintenance, protection, or preservation of the land or interests in land described in section 3.

(2) USE OF AIR FORCE FUNDS.—Funds transferred under paragraph (1) shall be used by the Secretary for establishing, operating, and maintaining the historic site.

(c) LEGACY RESOURCE MANAGEMENT PROGRAM.—Nothing in this Act affects the use of any funds available for the Legacy Resource Management Program being carried out by the Air Force that, before the date of enactment of this Act, were directed to be used for resource preservation and treaty compliance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN)

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 382, introduced by Senator TIM JOHNSON from South Dakota, authorizes the establishment of the Minuteman Missile National Historic Site in the State of South Dakota as a unit of the National Park System. Recognition should also go to the gentleman from South Dakota (Mr. THUNE), who has worked very hard to move this bill forward through the House.

Mr. Speaker, in 1961, at the height of the Cold War, the United States deployed the Minuteman Intercontinental Ballistic Missile. By 1963, Ellsworth Air Force Base in South Dakota had a large combat-ready missile wing with 165 sites. With the collapse of the Soviet Union, the Cold War effectively ended, and in 1991 the United States signed the Strategic Arms Reduction Treaty with the Soviet Union.

START I required that all Minuteman II missiles be deactivated, and in fact, the Delta Nine launch silo is the only IBM launch tube remaining. A special resource study which was completed in 1995 by the Departments of the Interior and Defense determined that establishing the Minuteman Missile National Historic Site was suitable and feasible.

This site will be comprised of separate and discrete areas consisting of the Delta One launch control facility, the Delta Nine launch facility, along with a proposed visitor center administrative facility. The Secretary of the Interior is also directed to prepare a management plan for the site, in coordination with the Badlands National Park.

This bill is supported by the administration and the minority, and I urge my colleagues to support S. 382.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 382, as just explained by the subcommittee chair, establishes the Minuteman National Historic Site in South Dakota to encompass both the Delta One and Delta Nine missile site at Ellsworth Air Force Base.

We have no problem with this legislation, and recommend its passage.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, first let me thank the distinguished gentleman from Utah (Mr. HANSEN), the chairman, for all his help in moving this legislation.

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The other body has passed Senate bill 382, the Minuteman Missile National Historic Site Establishment Act of 1999, by unanimous consent back on March 25, 1999, and I urge the House to pass the bill today.

I, like many other Americans, grew up during the Cold War when tensions between America and the Soviet Union were at their highest point. My memories of this time are vivid. I remember Vietnam, the renewed arms race, and the immense pride and patriotism that I felt when the Berlin Wall came down. During this period, 150 Minuteman II missiles remained on nuclear alert at Ellsworth Air Force Base.

In western South Dakota, the 44th Missile Wing blended with the scenery with the Black Hills as a backdrop. Spread out over 13,500 square miles, the soldiers grew to know the locals and the locals the soldiers. On the Fourth of July, 1994, when the wing was deactivated, something was missing on the high plains of western South Dakota. On occasion, I still meet soldiers who manned the silo stationed at Ellsworth, and they tell me how wonderful the people of South Dakota are.

Mr. Speaker, I grew up in Murdo, South Dakota, just 60 miles east on Interstate 90 from the Delta-1 Command Center. Surrounding that center were 10 nuclear missiles. In South Dakota, an important reality of the Cold War existed. For current generations and generations to come, the creation of the Minuteman Missile National Historic Site would provide an opportunity to see what happened behind the scenes. We can learn more about the story of the lives of the officers and men who lived and worked in the missile silos and command centers.

Our opportunity to preserve this piece of history is limited because all Minuteman II silo launchers have been eliminated except for the site designated Delta-9. Delta-1 and Delta-9 provide a unique opportunity to preserve that history. Under an interagency agreement between the Air Force and the National Park Service, this site has been temporarily preserved. However, this agreement has expired, prompting the need for immediate legislative action.

Congressional action on Senate bill 382 also bears important national security implications. The Ballistic Missile Development Organization's National Missile Defense program uses the boosters from Minuteman missiles in testing. However, the Strategic Arms Reduction Treaty, or START, precludes the use of encryption technology during flight tests until all missiles of a type have been retired or turned into a museum. Preservation of this site would eliminate the security concern.

From a purely practical standpoint, the site is conveniently located along the major access highway to the Black Hills National Forest, Mount Rushmore National Monument and the Badlands National Park. The Minuteman Missile site would form a mutually beneficial relationship with the existing attractions.

Mr. Speaker, we now face a crucial point that demands action. In addition to the encryption issue, an important landmark would be lost forever should the site be destroyed. These sites serve as an important reminder of our Cold War strategy and should be preserved for today and future generations.

Mr. Speaker, there is a sign painted on the door leading into the Delta-1 control room. Below a pizza box someone wrote, and I quote, "Worldwide delivery in 30 minutes or less, or your next one is free." Dark humor, I know, but it was a reality. Civilization as we all know it could have been destroyed in 30 minutes. The character and personalities of our soldiers who served a critical role in the defense of our Nation should be preserved.

Mr. Speaker, I therefore ask the House to join me in supporting this important legislation and to move closer to the establishment of what would prove to be an invaluable asset to this Nation.

Mr. Speaker, I thank the gentleman from Utah (Mr. HANSEN) for his work in helping us move this legislation forward.

First, let me thank Chairman YOUNG and Chairman HANSEN for all their help moving this legislation. The other body passed S. 382, the Minuteman Missile National Historic Site Establishment Act of 1999, by unanimous consent on March 25, 1999, and I urge the House to pass the bill today.

I, like many Americans, grew up during the Cold War when tensions between America and the Soviet Union were at their highest point. My memories of this time are vivid. I remember Vietnam, the renewed arms race, and the immense pride and patriotism I felt when the Berlin Wall came down. During this period, 150 Minuteman II missiles remained on nuclear alert at Ellsworth AFB.

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I grew up in Murdo, South Dakota, just 60 miles east on I–90 from the Delta One command center. Surrounding that center were 10 nuclear missiles. In South Dakota, an important reality of the Cold War existed. For current generations and generations to come, the creation of the Minuteman Missile National Historic Site would provide an opportunity to see what happened behind the scenes. We can learn more about the story of the lives of the officers who lived and worked in the missile silos and command centers.

Our opportunities to preserve this piece of history are limited because all Minuteman II silo launchers have been eliminated except for the site designated Delta-9. Delta-1 and Delta-9 would provide a unique opportunity to preserve that history. Under an interagency agreement between the Air Force and the National Park Service, this site has been temporarily preserved. However, this agreement has expired, prompting the need for immediate legislative action.

Congressional action on S. 382 also bears important national security implications. The Ballistic Missile Development Organization's National Missile Defense program uses the boosters from Minuteman Missiles in testing. However, the Strategic Arms Reduction Treaty (START) precludes the use of encryption technology during flight tests until all missiles of a type have been retired or turned into a museum. Preservation of this site would eliminate this security concern.

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There is a sign painted on the door leading into the Delta One control room. Below a pizza box, someone wrote, "World-wide delivery in 30 minutes or less or your next one is free." Dark humor, I know, but it was a reality. Civilization as we all know it could have been destroyed in 30 minutes. The character and personalities of our soldiers who served a critical role in the defense of our nation should be preserved.

I, therefore, ask the House to join me in supporting this important legislation and move closer to the establishment of what would prove to be an invaluable asset to this nation.

Mr. HEFLEY. Mr. Speaker, I rise in support of S. 382 with one reservation. I do not oppose the establishment of the Minuteman Missile National Historic Site in the State of South Dakota. I do, however, have significant concerns with directing the Secretary of the Air Force to transfer funds to the Secretary of the Interior for the purpose of establishing, operating, and maintaining the site.

In my judgment, the financial responsibility for maintaining the National Park System does not rest with the Department of the Air Force. Section 4(b) of the bill provides for such a transfer of funds. However, I would note that the funds specified for transfer in section 4(b)(1) have expired. In the interest of facilitating the establishment of the Minuteman Missile National Historic Site, I saw no need, as a member of the Committee on Resources, to strike the moot provision concerning the transfer of funds and thereby send the bill back to the Senate at this late date in the session.

As a member of the Committee on Armed Services and Chairman of the Subcommittee on Military Installations and Facilities, I want to note further that an authorization to transfer such funds is properly within the jurisdiction of the Committee on Armed Services. I think it is fair to say that the Committee, and certainly this member, would oppose any effort to compel the Secretary of the Air Force to utilize military construction, operations and maintenance, or other funds authorized and appropriated for fiscal year 2000 to support the establishment, operations, and maintenance of this site.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 382.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add extraneous material on S. 382, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

PERSONAL EXPLANATION

Mr. HILL of Montana. Mr. Speaker, I was unavoidably detained on Tuesday, November 16, for personal medical leave. Should I have been present for rollcall votes 587 through 595, I would have voted the following way:

On rollcall vote 587, I would have voted yes; on rollcall vote 588, I would have voted yes; on rollcall vote 589, I would have voted yes; on rollcall vote 590, I would have voted yes; on rollcall vote 591, I would have voted yes; on rollcall vote 592, I would have voted yes; rollcall vote 593, I would have voted yes; on rollcall vote 594, I would have voted yes; on rollcall vote 595, I would have voted no.

CITY OF SISTERS, OREGON, LAND CONVEYANCE

Mrs. CHENOWETH-HAGE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 416) to direct the Secretary of Agriculture to convey to the city of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility, as amended.

The Clerk read as follows:

S. 416

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) the city of Sisters, Oregon, faces a public health threat from a major outbreak of infectious diseases due to the lack of a sewer system;

(2) the lack of a sewer system also threatens groundwater and surface water resources in the area;

(3) the city is surrounded by Forest Service land and has no reasonable access to non-Federal parcels of land large enough, and with the proper soil conditions, for the development of a sewage treatment facility;

(4) the Forest Service currently must operate, maintain, and replace 11 separate septic systems to serve existing Forest Service facilities in the city of Sisters; and

(5) the Forest Service currently administers 77 acres of land within the city limits that would increase in value as a result of construction of a sewer system.

SEC. 2. CONVEYANCE.

(a) IN GENERAL.—As soon as practicable and upon completion of any documents or analysis required by any environmental law, but not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall convey to the city of Sisters, Oregon, (hereinafter referred to as the "city") an amount of land that is not more than is reasonably necessary for a sewage treatment facility and for the disposal of treated effluent consistent with subsection (c).

(b) LAND DESCRIPTION.—The amount of land conveyed under subsection (a) shall be 160 acres or 240 acres from within—

(1) the SE quarter of section 09, township 15 south, range 10 west, W.M., Deschutes, Oregon, and the portion of the SW quarter of section 09, township 15 south, range 10 west, W.M., Deschutes, Oregon, that lies east of Three Creeks Lake Road, but not including the westernmost 500 feet of that portion; and

(2) the portion of the SW quarter of section 09, township 15 south, range 10 west, W.M., Deschutes County, Oregon, lying easterly of Three Creeks Lake Road.

(c) CONDITION.—

(1) IN GENERAL.—The conveyance under subsection (a) shall be made on the condition that the city—

(A) shall conduct a public process before the final determination is made regarding land use for the disposition of treated effluent,

(B) except as provided by paragraph (2), shall be responsible for system development charges, mainline construction costs, and equivalent dwelling unit monthly service fees as set forth in the agreement between the city and the Forest Service in the letter of understanding dated October 14, 1999; and

(C) shall pay the cost of preparation of any documents required by any environmental law in connection with the conveyance.

(2) ADJUSTMENT IN FEES.—

(A) VALUE HIGHER THAN ESTIMATED.—If the land to be conveyed pursuant to subsection (a) is appraised for a value that is 10 percent or more higher than the value estimated for such land in the agreement between the city and the Forest Service in the letter of understanding dated October 14, 1999, the city shall be responsible for additional charges, costs, fees, or other compensation so that the total amount of charges, costs, and fees for which the city is responsible under paragraph (1)(B) plus the value of the amount of charges, costs, fees, or other compensation due under this subparagraph is equal to such appraised value. The Secretary and the city shall agree upon the form of additional charges, costs, fees, or other compensation due under this subparagraph.

(B) VALUE LOWER THAN ESTIMATED.—If the land to be conveyed pursuant to subsection (a) is appraised for a value that is 10 percent or more lower than the value estimated for such land in the agreement between the city and the Forest Service in the letter of understanding dated October 14, 1999, the amount of equivalent dwelling unit monthly service fees for which the city shall be responsible under paragraph (1)(B) shall be reduced so that the total amount of charges, costs, and fees for which the city is responsible under that paragraph is equal to such appraised value.

(d) USE OF LAND.—

(1) IN GENERAL.—The land conveyed under subsection (a) shall be used by the city for a sewage treatment facility and for the disposal of treated effluent.

(2) OPTIONAL REVERTER.—If at any time the land conveyed under subsection (a) ceases to be used for a purpose described in paragraph (1), at the option of the United States, title to the land shall revert to the United States.

(e) AUTHORITY TO ACQUIRE LAND IN SUBSTITUTION.—Subject to the availability of appropriations, the Secretary shall acquire land within Oregon, and within or in the vicinity of the Deschutes National Forest, of an acreage equivalent to that of the land conveyed under subsection (a). Any lands acquired shall be added to and administered as part of the Deschutes National Forest.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE).

GENERAL LEAVE

Mrs. CHENOWETH-HAGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 416.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Idaho?

There was no objection.

Mrs. CHENOWETH-HAGE. Mr. Speaker, I yield myself such time as I may cosume.

Mr. Speaker, Senate bill 416 was introduced by Senator GORDON SMITH of Oregon. This legislation would direct the Secretary of Agriculture to convey to the City of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility.

Now, the gentleman from Oregon (Mr. WALDEN), our colleague, should be commended for his dedication to this issue. He has worked tirelessly with the Forest Service and with the mayor of Sisters, Oregon, to shape Senate bill 416 so it could be passed today.

Senate 416 was favorably reported, as amended, from the full committee by voice vote on October 20, 1999.

Mr. Speaker, I urge my colleagues to support passage of Senate bill 416 under suspension of the rules.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. WALDEN) for further explanation of the bill.

Mr. WALDEN of Oregon. Mr. Speaker, I thank the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) for her work on this legislation, and I would like to thank the gentleman from California (Mr. MILLER) from the committee as well for his help in crafting the agreement that we approved.

Mr. Speaker, Senate bill 416 is of the utmost importance to the health and welfare of the constituents of my district. This legislation will convey a parcel of land for the use by the City of Sisters, Oregon, for the development of a sewage treatment facility. It has strong bipartisan support from its cosponsors, Senator WYDEN and Senator SMITH, and it passed unanimously in the other body.

The bill also has the support of the gentleman from Oregon (Mr. DEFAZIO), my fellow Oregonian across the aisle who serves on the Committee on Resources as well.

Mr. Speaker, Sisters, Oregon is a popular tourist town surrounded by the Deschutes National Forest. Unfortunately, it lacks a wastewater treatment facility to support its residents who must use septic systems. There is a critical need for a treatment facility due to the failure of many of the aging septic tanks in this community.

There is a current and immediate health threat from surfacing effluent, to put it delicately. During the summer months, in order to accommodate tourists who often visit the surrounding lands, the city must place approximately 60 portable toilets around the town.

Even though the city is economically distressed, it has put together a financing package of approximately $7 million for a wastewater treatment facility. Unfortunately, additional funds to acquire land for the treatment facility and the disposition of treated wastewater are currently beyond the residents' ability to pay, which is why we are here today.

Mr. Speaker, this bill, as amended, represents a bipartisan agreement for exchange of land for the City of Sisters in exchange for a waiver of hook-up fees and future services between its surrounding neighbor, the U.S. Forest Service. This agreement will allow a much-needed wastewater treatment facility to be built for the benefit of the residents of Sisters, the Forest Service and its employees, and the visitors who stop by this busy wayside as they travel through Oregon and vacation in nearby Forest Service lands.

The Federal Government will save tens of thousands of dollars in hook-up fees and future treatment expenses. The residents of Sisters will get the land they need to construct a treatment facility that will eliminate the health hazards they face.

Mr. Speaker, I want to thank Mayor Steve Wilson of Sisters, the Deschutes Forest Supervisor Sally Collins, and the Subcommittee on Forests and Forest Health staff, and the minority staff as well, for all the hard work they put into this well-conceived legislation. I strongly support passage of Senate bill 416.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the gentleman from Oregon (Mr. WALDEN) who just spoke in the well for all the work that he did on this legislation, along with the gentleman from Oregon (Mr. DEFAZIO). The gentleman has quite properly explained the impact of the legislation and we are in agreement with him and urge its passage.

Mr. Speaker, S. 416 directs the Secretary of Agriculture to convey, after a public process, either 160 or 240 acres to the City of Sisters, Oregon for use as a sewage treatment facility. The City of Sisters is surrounded by federal land and is in dire need of a wastewater treatment plant. While I recognize that this is a worthy cause, I do not support the practice of giving away federal land. Nor do I support legislating land conveyances that circumvent the administrative process and fair market value requirements.

Nevertheless, I no longer object to this bill because under my amendment which the Committee adopted, the Forest Service will be adequately compensated for the land it conveys to the city. The city has agreed to waive sewage treatment-related costs for the Forest Service in the facility's service area in an amount equal to the value of the federal land. The bill also provides that if the final federal appraisal deviates by ten percent or more from the city's preliminary appraisal, then the city and the Secretary would have to mutually agree on compensation to attain the higher appraised value. This provision ensures that the federal government gets a close approximation of fair market value for its land.

I commend Mr. Walden for his hard work on this bill and his willingness to work with me to address my concerns, as well as those of the Forest Service. I urge my colleagues to support S. 416, as amended.

Mr. Speaker, I yield back the balance of my time.

Mrs. CHENOWETH-HAGE. Mr. Speaker, I have no more requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) that the House suspend the rules and pass the Senate bill, S. 416, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

TORRES MARTINEZ DESERT CAHUILLA INDIANS AND GUIDIVILLE BAND OF POMO INDIANS OF GUIDIVILLE INDIAN RANCHERIA LAND LEASES

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1953) to authorize leases for terms not to exceed 99 years on land held in trust for the Torres Martinez Desert Cahuilla Indians and the Guidiville Band of Pomo Indians of the Guidiville Indian Rancheria, as amended.

The Clerk read as follows:

H.R. 1953

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF 99-YEAR LEASES.

(a) IN GENERAL.—The first section of the Act entitled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955 (25 U.S.C. 415(a)), is amended by inserting "lands held in trust for the Torres Martinez Desert Cahuilla Indians, lands held in trust for the Guidiville Band of Pomo Indians of the Guidiville Indian Rancheria, lands held in trust for the Confederated Tribes of the Umatilla Indian Reservation" after "Sparks Indian Colony,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any lease entered into or renewed after the date of the enactment of this Act.

SEC. 2. REVOCATION OF CHARTER OF INCORPORATION.

The request of the Stockbridge-Munsee Community of Wisconsin to surrender the charter of incorporation issued to the Community on May 21, 1938, pursuant to section 17 of the Act of June 18, 1934, (commonly known as the "Indian Reorganization Act") is hereby accepted and that charter of incorporation is hereby revoked.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1953 is a technical amendments bill which will authorize leases for terms not to exceed 99 years on lands held in trust for the Torres Martinez Desert Cahuilla Indians, the Confederated Tribes of the Umatilla Indian Reservation, and the Guidiville Band of Pomo Indians of the Guidiville Indian Rancheria.

Mr. Speaker, this bill will also revoke a Federal corporate charter granted to the Stockbridge-Munsee Community Band of Mohican Indians in 1938. The band has asked us to revoke the charter because it is outdated, because it has never been used, and because it has been suspended by another charter. Only the Congress can revoke this charter.

Existing Federal law, which limits the leasing of land held in trust for Indian tribes to a period of not more than 25 years, has proven to be unrealistic in today's world of large investment requirements. Tribes need expanded leasing authority to increase on-reservation housing and to facilitate economic development.

Mr. Speaker, I support this technical amendment and urge my colleagues to pass same.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say that the gentleman from Utah (Mr. HANSEN) has quite properly explained the legislation. The tribe has requested this matter, and it is similar to legislation that we have passed in previous years. I recommend that we support this legislation.

Mrs. BONO. Mr. Speaker, I rise in support of the motion to suspend the rules and pass H.R. 1953. This is legislation that I introduced earlier this term in an effort to assist two tribes and some of the finest people in my community. The ability for these sovereign governments to execute 99-year leases is critical for their self-sufficiency and the diversity necessary for further economic viability. In addition, I support the new provisions added via the manager's amendment and am pleased that all of these contained provisions have been approved by the proper representatives of both parties.

Briefly, I would like to explain to my colleagues what Congress is accomplishing with this bill. Currently, federal law limits these tribes to executing a 25-year lease that may be renewed once for a second 25-year term. The bill's stated worthy purposes for public, religious, educational, residential, and business development reflect the future goals of the tribes and require this federal action permitting these entities the ability to grant long-term leases of 99 years.

One key principle that must remain fixed within the foundation of federal Native American policy is preserving the sovereignty of Indian tribes. This stated policy is unfortunately meaningless if Congress fails in its duty to exercise its legislative authority and empower tribes. Tribes must have the appropriate legal authority through the necessary tools for true self-sufficiency, governance, and development. They must be free to undertake the type of modern development that this bill contemplates. This is a fair and equitable result for the meaningful self-determination worthy of a sovereign nation and its people going into the 21st century.

In conclusion, I wish to express my sincere gratitude to the gentleman from Alaska (Chairman DON YOUNG), the gentleman from Utah (Mr. HANSEN), the distinguished ranking member (Mr. MILLER), the gentleman from California (Mr. THOMPSON), and the other Members who were instrumental in the passage of this overdue and worthwhile bill. In addition, I am grateful that my colleagues and I were able to secure its passage this year, because there is no need to delay the implementation of any bill designed with the sole focus of helping Native Americans and Indian tribes.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 1953, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

WATER FEASIBILITY STUDY ON JICARILLA APACHE RESERVATION IN NEW MEXICO

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3051) to direct the Secretary of the Interior, the Bureau of Reclamation, to conduct a feasibility study on the Jicarilla Apache Reservation in the State of New Mexico, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3051

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) there are major deficiencies with regard to adequate and sufficient water supplies available to residents of the Jicarilla Apache Reservation in the State of New Mexico;

(2) the existing municipal water system that serves the Jicarilla Apache Reservation is under the ownership and control of the Bureau of Indian Affairs and is outdated, dilapidated, and cannot adequately and safely serve the existing and future growth needs of the Jicarilla Apache Tribe;

(3) the federally owned municipal water system on the Jicarilla Apache Reservation has been unable to meet the minimum Federal water requirements necessary for discharging wastewater into a public watercourse and has been operating without a Federal discharge permit;

(4) the federally owned municipal water system that serves the Jicarilla Apache Reservation has been cited by the United States Environmental Protection Agency for violations of Federal safe drinking water standards and poses a threat to public health and safety both on and off the Jicarilla Apache Reservation;

(5) the lack of reliable supplies of potable water impedes economic development and has detrimental effects on the quality of life and economic self-sufficiency of the Jicarilla Apache Tribe;

(6) due to the severe health threats and impediments to economic development, the Jicarilla Apache Tribe has authorized and expended $4,500,000 of tribal funds for the repair and replacement of the municipal water system on the Jicarilla Apache Reservation; and

(7) the United States has a trust responsibility to ensure that adequate and safe water supplies are available to meet the economic, environmental, water supply, and public health needs of the Jicarilla Apache Indian Reservation.

SEC. 2. AUTHORIZATION.

(a) AUTHORIZATION.—Pursuant to reclamation laws, the Secretary of the Interior, through the Bureau of Reclamation and in consultation and cooperation with the Jicarilla Apache Tribe, shall conduct a feasibility study to determine the most feasible method of developing a safe and adequate municipal, rural, and industrial water supply for the residents of the Jicarilla Apache Indian Reservation in the State of New Mexico.

(b) REPORT.—Not later than 1 year after funds are appropriated to carry out this Act, the Secretary of the Interior shall transmit to Congress a report containing the results of the feasibility study required by subsection (a).

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $200,000 to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the existing water system that is being used to meet the municipal water needs on the Jicarilla Apache Reservation in Northern New Mexico was built in the 1920s by the Bureau of Indian Affairs. The system was originally built solely for the use of the BIA, who continues to own the system. Over the years, the tribe has made random connections to the system. It has deteriorated and become overutilized. However, it is now regarded as the tribe's municipal water source, even though it does not adequately and safely serve the existing and future growth needs of the Jicarilla Apache Tribe.

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In addition, the BIA has been unable to meet the Federal Clean Water Act requirements necessary for discharging wastewater into a public watercourse and has been operating without a Federal discharge permit.

The Bureau of Indian Affairs has seen a growing number of requests to develop, operate, and maintain water systems on Indian reservations throughout the United States. Unfortunately, the BIA has chosen other priorities, with the result that many tribes' needs for safe drinking water have not been addressed. In the last several years, the Jicarilla tribe has spent more than $4.5 million of tribal funds for the repair and replacement of portions of the systems on the reservation.

The purpose of this legislation is to provide some funding to conduct a feasibility study which will evaluate what steps the BIA should take to rehabilitate the system. Since the BIA has failed to fund such an evaluation up to this point, the Bureau of Reclamation, through its Indian Affairs technical assistance office, is being asked to conduct this study.

Based on discussions with the various groups involved with the legislation, no more than $200,000 would need to be authorized to determine the most feasible method of developing a safe and adequate municipal, rural, and industrial water system for the reservation. The ultimate authorization and cost of construction will remain the responsibility of the BIA.

I urge passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill will authorize and direct the Bureau of Reclamation to conduct a feasibility study with regards to the rehabilitation of the municipal water system of the Jicarilla Apache Reservation, located in the State of New Mexico.

I am very pleased to be joined by several of my colleagues in sponsorship of this important bill. They include the gentleman from New Mexico (Mr. SKEEN) and the gentlewoman from New Mexico (Mrs. WILSON), as well as the gentleman from Alaska (Chairman YOUNG) and the gentleman from California (Mr. GEORGE MILLER), ranking member, the gentleman from Michigan (Mr. KILDEE), the gentleman from Arizona (Mr. HAYWORTH), the gentleman from Rhode Island (Mr. KENNEDY), and the gentleman from California (Mr. BECERRA).

Mr. Speaker, the Jicarilla Apache Reservation relies on one of the most unsafe municipal water systems in the country. While the system is a federally owned entity, the Environmental Protection Agency has, nevertheless, found the system to be in violation of the national safe drinking water standards for the last several years. Since 1995, the water system has continually failed to earn renewal of its National Pollutant Discharge Elimination permit.

The sewage lagoons of the Jicarilla water system are now operating well over 100 percent capacity, spilling wastewater into the nearby arroyo that feeds directly spoke the Navajo River.

Since this river serves as a primary source of groundwater for the region, the resulting pollution of the stream not only affects the reservation, but also travels downstream, creating public health hazards for families and communities both within and well beyond the reservation's borders.

Alarmingly, Jicarilla Apache youth are now experiencing higher than normal incidences of internal organ diseases affecting the liver, kidneys, and stomach, ailments suspected to be related to the contaminated water.

Because of the lack of sufficient water resources, the Jicarilla Tribe is not only facing considerable public health concerns, but it has also had to put a break on other important community improvement efforts, including the construction of much-needed housing and the replacement of deteriorating public schools.

For all of these reasons, the Tribal Council has been forced to declare a state of emergency for the reservation and has appropriated over $4.5 million of its own funds to begin the process of rehabilitating the water system.

Following a disastrous 6-day water outage last October, the Jicarilla investigated and discovered the full extent of the deplorable condition of the water system. Acting immediately to address the problem, the tribe promptly contacted the Bureau of Indian Affairs, the Indian Health Service, the Environmental Protection Agency, and other entities for help in relieving their situation. Yet, due to the budget constraints and other impediments, these agencies were unable to provide financial assistance or take any other substantial action to address the problem.

In particular, the Bureau of Indian Affairs, having found itself to be poorly suited for the operation and maintenance of a tribal water system, has discontinued its policy of operating its own tribal water systems in favor of transferring ownership directly to the tribes. Unfortunately, however, the dangerous condition of the Jicarilla water system precludes its transfer to the tribe until it has been rehabilitated.

Fortunately, the Bureau of Reclamation is appropriately suited to assist the Jicarilla Apache and the BIA in assessing the feasibility of the rehabilitation of the tribe's water system.

In consultation with the Jicarilla Apache Tribe, the Bureau of Reclamation has indicated both its willingness and ability to complete the feasibility study should it be authorized to do so as required by law.

Recognizing this as the most promising solution for addressing the serious water safety problems plaguing the Jicarilla, I and my fellow cosponsors introduced this bill to allow this important process to move forward. I hope the rest of our colleagues will join us in passing this bill to remedy this distressing situation.

Mr. GEORGE MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. UDALL of New Mexico. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding to me. I simply rise in support of the legislation that he and other Members of the delegation have supported and brought to the floor and commend them for their efforts on behalf of the Apache Reservation, due to the fact that the Environmental Protection Agency has found these very serious violations.

I think in fact that this legislation does do what is necessary, and that is, to redeem the trust responsibility of the Federal Government to ensure that this Federal water system supplies the tribe with water that is safe and adequate to meet the health, economic, and environmental needs of the Jicarilla Apaches. I want to thank the gentleman for bringing this matter to the floor and urge support of this legislation.

Mr. Speaker, H.R. 3051 directs the Secretary of Interior to conduct a feasibility study to determine the most feasible method of developing a safe and adequate municipal, rural, and industrial water supply for the residents of the Jicarilla Apache Reservation in New Mexico. The study is to be conducted by the Bureau of Reclamation and in consultation and cooperation with the tribe. Further, the bill provides a report be submitted to Congress 1 year after funds are appropriated to carry out the study and authorizes $200,000 to implement the provisions of the legislation.

The Jicarilla Apache Reservation was established in 1887 by executive order and is located at the foot of the San Juan Mountains in north-central New Mexico. The reservation consists of 742,315 acres and ranges in elevation from 6,500 to 9,000 feet.

The existing municipal water system was built by the Bureau of Indian Affairs (BIA) which continues to own the system. It is dilapidated and cannot safely and adequately address the current or future needs of the tribe. The system has been cited by the Environmental Protection Agency (EPA) for violations of Safe Drinking Water Act standards. It poses a severe health threat to the community and impedes economic development by the tribe. In addition, the system has been unable to meet the minimum Federal water requirements necessary for discharging wastewater into a public watercourse and has been operating without a Federal discharge permit.

Over the last several years the tribe has spent over $4.5 million in tribal funds for repair and replacement of portions of the system. This patchwork process will not address the overall problems with the system as it need to be overhauled or replaced. The Federal Government has a trust responsibility to ensure that the Federal water system it supplies to the tribe is safe and adequate to meet the health, economic and environmental needs of tribal members.

I want to commend our colleague, Mr. TOM UDALL from New Mexico, for his hard work in getting this bill before us today. It is an important first step toward ensuring future health and economic progress for the Jicarilla Apache Tribe. I urge my colleagues to support the bill.

Mr. UDALL of New Mexico. Mr. Speaker, I also, just to finally summarize here, want to thank very much the gentleman from Utah (Mr. HANSEN), chairman of the Subcommittee on National Parks and Public Lands, for his hard work on this and for his being able to address this very quickly.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3051, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TRIBAL SELF-GOVERNANCE AMENDMENTS OF 1999

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1167) to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tribal Self-Governance Amendments of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) the tribal right of self-government flows from the inherent sovereignty of Indian tribes and nations;

(2) the United States recognizes a special government-to-government relationship with Indian tribes, including the right of the Indian tribes to self-governance, as reflected in the Constitution, treaties, Federal statutes, and the course of dealings of the United States with Indian tribes;

(3) although progress has been made, the Federal bureaucracy, with its centralized rules and regulations, has eroded tribal self-governance and dominates tribal affairs;

(4) the Tribal Self-Governance Demonstration Project, established under title III of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f note) was designed to improve and perpetuate the government-to-government relationship between Indian tribes and the United States and to strengthen tribal control over Federal funding and program management;

(5) although the Federal Government has made considerable strides in improving Indian health care, it has failed to fully meet its trust responsibilities and to satisfy its obligations to the Indian tribes under treaties and other laws; and

(6) Congress has reviewed the results of the Tribal Self-Governance Demonstration Project and finds that transferring full control and funding to tribal governments, upon tribal request, over decision making for Federal programs, services, functions, and activities (or portions thereof)—

(A) is an appropriate and effective means of implementing the Federal policy of government-to-government relations with Indian tribes; and

(B) strengthens the Federal policy of Indian self-determination.

SEC. 3. DECLARATION OF POLICY.

It is the policy of Congress to—

(1) permanently establish and implement tribal self-governance within the Department of Health and Human Services;

(2) call for full cooperation from the Department of Health and Human Services and its constituent agencies in the implementation of tribal self-governance—

(A) to enable the United States to maintain and improve its unique and continuing relationship with, and responsibility to, Indian tribes;

(B) to permit each Indian tribe to choose the extent of its participation in self-governance in accordance with the provisions of the Indian Self-Determination and Education Assistance Act relating to the provision of Federal services to Indian tribes;

(C) to ensure the continuation of the trust responsibility of the United States to Indian tribes and Indian individuals;

(D) to affirm and enable the United States to fulfill its obligations to the Indian tribes under treaties and other laws;

(E) to strengthen the government-to-government relationship between the United States and Indian tribes through direct and meaningful consultation with all tribes;

(F) to permit an orderly transition from Federal domination of programs and services to provide Indian tribes with meaningful authority, control, funding, and discretion to plan, conduct, redesign, and administer programs, services, functions, and activities (or portions thereof) that meet the needs of the individual tribal communities;

(G) to provide for a measurable parallel reduction in the Federal bureaucracy as programs, services, functions, and activities (or portions thereof) are assumed by Indian tribes;

(H) to encourage the Secretary to identify all programs, services, functions, and activities (or portions thereof) of the Department of Health and Human Services that may be managed by an Indian tribe under this Act and to assist Indian tribes in assuming responsibility for such programs, services, functions, and activities (or portions thereof); and

(I) to provide Indian tribes with the earliest opportunity to administer programs, services, functions, and activities (or portions thereof) from throughout the Department of Health and Human Services.

SEC. 4. TRIBAL SELF-GOVERNANCE.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following new titles:

"TITLE V—TRIBAL SELF-GOVERNANCE

"SEC. 501. ESTABLISHMENT.

"The Secretary of Health and Human Services shall establish and carry out a program within the Indian Health Service of the Department of Health and Human Services to be known as the 'Tribal Self-Governance Program' in accordance with this title.

"SEC. 502. DEFINITIONS.

"(a) IN GENERAL.—For purposes of this title—

"(1) the term 'construction project' means an organized noncontinuous undertaking to complete a specific set of predetermined objectives for the planning, environmental determination, design, construction, repair, improvement, or expansion of buildings or facilities, as described in a construction project agreement. The term 'construction project' does not mean construction program administration and activities described in paragraphs (1) through (3) of section 4(m), which may otherwise be included in a funding agreement under this title;

"(2) the term 'construction project agreement' means a negotiated agreement between the Secretary and an Indian tribe which at a minimum—

"(A) establishes project phase start and completion dates;

"(B) defines a specific scope of work and standards by which it will be accomplished;

"(C) identifies the responsibilities of the Indian tribe and the Secretary;

"(D) addresses environmental considerations;

"(E) identifies the owner and operations/maintenance entity of the proposed work;

"(F) provides a budget;

"(G) provides a payment process; and

"(H) establishes the duration of the agreement based on the time necessary to complete the specified scope of work, which may be 1 or more years;

"(3) the term 'inherent Federal functions' means those Federal functions which cannot legally be delegated to Indian tribes;

"(4) the term 'inter-tribal consortium' means a coalition of two or more separate Indian tribes that join together for the purpose of participating in self-governance, including, but not limited to, a tribal organization;

"(5) the term 'gross mismanagement' means a significant, clear, and convincing violation of compact, funding agreement, or regulatory, or statutory requirements applicable to Federal funds transferred to a tribe by a compact or funding agreement that results in a significant reduction of funds available for the programs, services, functions, or activities (or portions thereof) assumed by an Indian tribe;

"(6) the term 'tribal shares' means an Indian tribe's portion of all funds and resources that support secretarial programs, services, functions, and activities (or portions thereof) that are not required by the Secretary for performance of inherent Federal functions;

"(7) the term 'Secretary' means the Secretary of Health and Human Services; and

"(8) the term 'self-governance' means the program established pursuant to section 501.

"(b) INDIAN TRIBE.—Where an Indian tribe has authorized another Indian tribe, an inter-tribal consortium, or a tribal organization to plan for or carry out programs, services, functions, or activities (or portions thereof) on its behalf under this title, the authorized Indian tribe, inter-tribal consortium, or tribal organization shall have the rights and responsibilities of the authorizing Indian tribe (except as otherwise provided in the authorizing resolution or in this title). In such event, the term 'Indian tribe' as used in this title shall include such other authorized Indian tribe, inter-tribal consortium, or tribal organization.

"SEC. 503. SELECTION OF PARTICIPATING INDIAN TRIBES.

"(a) CONTINUING PARTICIPATION.—Each Indian tribe that is participating in the Tribal Self-Governance Demonstration Project under title III on the date of enactment of this title may elect to participate in self-governance under this title under existing authority as reflected in tribal resolutions.

"(b) ADDITIONAL PARTICIPANTS.—

"(1) In addition to those Indian tribes participating in self-governance under subsection (a), each year an additional 50 Indian tribes that meet the eligibility criteria specified in subsection (c) shall be entitled to participate in self-governance.

"(2)(A) An Indian tribe that has withdrawn from participation in an inter-tribal consortium or tribal organization, in whole or in part, shall be entitled to participate in self-governance provided the Indian tribe meets the eligibility criteria specified in subsection (c).

"(B) If an Indian tribe has withdrawn from participation in an inter-tribal consortium or tribal organization, it shall be entitled to its tribal share of funds supporting those programs, services, functions, and activities (or portions thereof) that it will be carrying out under its compact and funding agreement.

"(C) In no event shall the withdrawal of an Indian tribe from an inter-tribal consortium or tribal organization affect the eligibility of the inter-tribal consortium or tribal organization to participate in self-governance.

"(c) APPLICANT POOL.—The qualified applicant pool for self-governance shall consist of each Indian tribe that—

"(1) successfully completes the planning phase described in subsection (d);

"(2) has requested participation in self-governance by resolution or other official action by the governing body (or bodies) of the Indian tribe or tribes to be served; and

"(3) has demonstrated, for the previous 3 fiscal years, financial stability and financial management capability.

Evidence that during such years the Indian tribe had no uncorrected significant and material audit exceptions in the required annual audit of the Indian tribe's self-determination contracts or self-governance funding agreements shall be conclusive evidence of the required stability and capability for the purposes of this subsection.

"(d) PLANNING PHASE.—Each Indian tribe seeking participation in self-governance shall complete a planning phase. The planning phase shall be conducted to the satisfaction of the Indian tribe and shall include—

"(1) legal and budgetary research; and

"(2) internal tribal government planning and organizational preparation relating to the administration of health care programs.

"(e) GRANTS.—Subject to the availability of appropriations, any Indian tribe meeting the requirements of paragraphs (2) and (3) of subsection (c) shall be eligible for grants—

"(1) to plan for participation in self-governance; and

"(2) to negotiate the terms of participation by the Indian tribe or tribal organization in self-governance, as set forth in a compact and a funding agreement.

"(f) RECEIPT OF GRANT NOT REQUIRED.—Receipt of a grant under subsection (e) shall not be a requirement of participation in self-governance.

"SEC. 504. COMPACTS.

"(a) COMPACT REQUIRED.—The Secretary shall negotiate and enter into a written compact with each Indian tribe participating in self-governance in a manner consistent with the Federal Government's trust responsibility, treaty obligations, and the government-to-government relationship between Indian tribes and the United States.

"(b) CONTENTS.—Each compact required under subsection (a) shall set forth the general terms of the government-to-government relationship between the Indian tribe and the Secretary, including such terms as the parties intend shall control year after year. Such compacts may only be amended by mutual agreement of the parties.

"(c) EXISTING COMPACTS.—An Indian tribe participating in the Tribal Self-Governance Demonstration Project under title III on the date of enactment of this title shall have the option at any time thereafter to—

"(1) retain its Tribal Self-Governance Demonstration Project compact (in whole or in part) to the extent the provisions of such compact are not directly contrary to any express provision of this title, or

"(2) negotiate in lieu thereof (in whole or in part) a new compact in conformity with this title.

"(d) TERM AND EFFECTIVE DATE.—The effective date of a compact shall be the date of the approval and execution by the Indian tribe or another date agreed upon by the parties, and shall remain in effect for so long as permitted by Federal law or until terminated by mutual written agreement, retrocession, or reassumption.

"SEC. 505. FUNDING AGREEMENTS.

"(a) FUNDING AGREEMENT REQUIRED.—The Secretary shall negotiate and enter into a written funding agreement with each Indian tribe participating in self-governance in a manner consistent with the Federal Government's trust responsibility, treaty obligations, and the government-to-government relationship between Indian tribes and the United States.

"(b) CONTENTS.—Each funding agreement required under subsection (a) shall, as determined by the Indian tribe, authorize the Indian tribe to plan, conduct, consolidate, administer, and receive full tribal share funding, including tribal shares of Indian Health Service competitive grants (excluding congressionally earmarked competitive grants), for all programs, services, functions, and activities (or portions thereof), that are carried out for the benefit of Indians because of their status as Indians without regard to the agency or office of the Indian Health Service within which the program, service, function, or activity (or portion thereof) is performed. Such programs, services, functions, or activities (or portions thereof) include all programs, services, functions, activities (or portions *thereof) where Indian tribes or Indians are primary or significant beneficiaries, administered by the Department of Health and Human Services through the Indian Health Service and grants (which may be added to a funding agreement after award of such grants) and all local, field, service unit, area, regional, and central headquarters or national office functions administered under the authority of—*

"(1) the Act of November 2, 1921 (25 U.S.C. 13);

"(2) the Act of April 16, 1934 (25 U.S.C. 452 et seq.);

"(3) the Act of August 5, 1954 (68 Stat. 674);

"(4) the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.);

"(5) the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2401 et seq.);

"(6) any other Act of Congress authorizing agencies of the Department of Health and Human Services to administer, carry out, or provide financial assistance to such programs, functions, or activities (or portions thereof) described in this section; or

"(7) any other Act of Congress authorizing such programs, functions, or activities (or portions thereof) under which appropriations are made to agencies other than agencies within the Department of Health and Human services when the Secretary administers such programs, functions, or activities (or portions thereof).

"(c) INCLUSION IN COMPACT OR FUNDING AGREEMENT.—Indian tribes or Indians need not be identified in the authorizing statute for a program or element of a program to be eligible for inclusion in a compact or funding agreement under this title.

"(d) FUNDING AGREEMENT TERMS.—Each funding agreement shall set forth terms that generally identify the programs, services, functions, and activities (or portions thereof) to be performed or administered, the general budget category assigned, the funds to be provided, including those to be provided on a recurring basis, the time and method of transfer of the funds, the responsibilities of the Secretary, and any other provisions to which the Indian tribe and the Secretary agree.

"(e) SUBSEQUENT FUNDING AGREEMENTS.—Absent notification from an Indian tribe that is withdrawing or retroceding the operation of one or more programs, services, functions, or activities (or portions thereof) identified in a funding agreement, or unless otherwise agreed to by the parties, each funding agreement shall remain in full force and effect until a subsequent funding agreement is executed, and the terms of the subsequent funding agreement shall be retroactive to the end of the term of the preceding funding agreement.

"(f) EXISTING FUNDING AGREEMENTS.—Each Indian tribe participating in the Tribal Self-Governance Demonstration Project established under title III on the date of enactment of this title shall have the option at any time thereafter to—

"(1) retain its Tribal Self-Governance Demonstration Project funding agreement (in whole or in part) to the extent the provisions of such funding agreement are not directly contrary to any express provision of this title; or

"(2) adopt in lieu thereof (in whole or in part) a new funding agreement in conformity with this title.

"(g) STABLE BASE FUNDING.—At the option of an Indian tribe, a funding agreement may provide for a stable base budget specifying the recurring funds (including, for purposes of this provision, funds available under section 106(a) of the Act) to be transferred to such Indian tribe, for such period as may be specified in the funding agreement, subject to annual adjustment only to reflect changes in congressional appropriations by sub-sub activity excluding earmarks.

"SEC. 506. GENERAL PROVISIONS.

"(a) APPLICABILITY.—The provisions of this section shall apply to compacts and funding agreements negotiated under this title and an Indian tribe may, at its option, include provisions that reflect such requirements in a compact or funding agreement.

"(b) CONFLICTS OF INTEREST.—Indian tribes participating in self-governance under this title shall ensure that internal measures are in place to address conflicts of interest in the administration of self-governance programs, services, functions, or activities (or portions thereof).

"(c) AUDITS.—

"(1) SINGLE AGENCY AUDIT ACT.—The provisions of chapter 75 of title 31, United States Code, requiring a single agency audit report shall apply to funding agreements under this title.

"(2) COST PRINCIPLES.—An Indian tribe shall apply cost principles under the applicable Office of Management and Budget Circular, except as modified by section 106 or other provisions of law, or by any exemptions to applicable Office of Management and Budget Circulars subsequently granted by Office of Management and Budget. No other audit or accounting standards shall be required by the Secretary. Any claim by the Federal Government against the Indian tribe relating to funds received under a funding agreement based on any audit under this subsection shall be subject to the provisions of section 106(f).

"(d) RECORDS.—

"(1) IN GENERAL.—Unless an Indian tribe specifies otherwise in the compact or funding agreement, records of the Indian tribe shall not be considered Federal records for purposes of chapter 5 of title 5, United States Code.

"(2) RECORDKEEPING SYSTEM.—The Indian tribe shall maintain a recordkeeping system, and, after 30 days advance notice, provide the Secretary with reasonable access to such records to enable the Department of Health and Human Services to meet its minimum legal recordkeeping system requirements under sections 3101 through 3106 of title 44, United States Code.

"(e) REDESIGN AND CONSOLIDATION.—An Indian tribe may redesign or consolidate programs, services, functions, and activities (or portions thereof) included in a funding agreement under section 505 and reallocate or redirect funds for such programs, services, functions, and activities (or portions thereof) in any manner which the Indian tribe deems to be in the best interest of the health and welfare of the Indian community being served, only if the redesign or consolidation does not have the effect of denying eligibility for services to population groups otherwise eligible to be served under Federal law.

"(f) RETROCESSION.—An Indian tribe may retrocede, fully or partially, to the Secretary programs, services, functions, or activities (or portions thereof) included in the compact or funding agreement. Unless the Indian tribe rescinds the request for retrocession, such retrocession will become effective within the time frame specified by the parties in the compact or funding agreement. In the absence of such a specification, such retrocession shall become effective on—

"(1) the earlier of—

"(A) one year from the date of submission of such request; or

"(B) the date on which the funding agreement expires; or

"(2) such date as may be mutually agreed by the Secretary and the Indian tribe.

"(g) WITHDRAWAL.—

"(1) PROCESS.—An Indian tribe may fully or partially withdraw from a participating inter-tribal consortium or tribal organization its share of any program, function, service, or activity (or portions thereof) included in a compact or funding agreement. Such withdrawal shall become effective within the time frame specified in the resolution which authorizes transfer to the participating tribal organization or inter-tribal consortium. In the absence of a specific time frame set forth in the resolution, such withdrawal shall become effective on—

"(A) the earlier of—

"(i) one year from the date of submission of such request; or

"(ii) the date on which the funding agreement expires; or

"(B) such date as may be mutually agreed upon by the Secretary, the withdrawing Indian tribe, and the participating tribal organization or inter-tribal consortium that has signed the compact or funding agreement on behalf of the withdrawing Indian tribe, inter-tribal consortium,,or tribal organization.

"(2) DISTRIBUTION OF FUNDS.—When an Indian tribe or tribal organization eligible to enter into a self-determination contract under title I or a compact or funding agreement under this title fully or partially withdraws from a participating inter-tribal consortium or tribal organization, the withdrawing Indian tribe or tribal organization shall be entitled to its tribal share of funds supporting those programs, services, functions, or activities (or portions thereof) which it will be carrying out under its own self-determination contract or compact and funding agreement (calculated on the same basis as the funds were initially allocated in the funding agreement of the inter-tribal consortium or tribal organization), and such funds shall be transferred from the funding agreement of the inter-tribal consortium or tribal organization, provided that the provisions of sections 102 and 105(i), as appropriate, shall apply to such withdrawing Indian tribe.

"(3) REGAINING MATURE CONTRACT STATUS.—If an Indian tribe elects to operate all or some programs, services, functions, or activities (or portions thereof) carried out under a compact or funding agreement under this title through a self-determination contract under title I, at the option of the Indian tribe, the resulting self-determination contract shall be a mature self-determination contract.

"(h) NONDUPLICATION.—For the period for which, and to the extent to which, funding is provided under this title or under the compact or funding agreement, the Indian tribe shall not be entitled to contract with the Secretary for such funds under section 102, except that such Indian tribe shall be eligible for new programs on the same basis as other Indian tribes.

"SEC. 507. PROVISIONS RELATING TO THE SECRETARY.

"(a) MANDATORY PROVISIONS.—

"(1) HEALTH STATUS REPORTS.—Compacts or funding agreements negotiated between the Secretary and an Indian tribe shall include a provision that requires the Indian tribe to report on health status and service delivery—

"(A) to the extent such data is not otherwise available to the Secretary and specific funds for this purpose are provided by the Secretary under the funding agreement; and

"(B) if such reporting shall impose minimal burdens on the participating Indian tribe and such requirements are promulgated under section 517.

"(2) REASSUMPTION—(A) Compacts and funding agreements negotiated between the Secretary and an Indian tribe shall include a provision authorizing the Secretary to reassume operation of a program, service, function, or activity (or portions thereof) and associated funding if there is a specific finding relative to that program, service, function, or activity (or portion thereof) of—

"(i) imminent endangerment of the public health caused by an act or omission of the Indian tribe, and the imminent endangerment

arises out of a failure to carry out the compact or funding agreement; or

"(ii) gross mismanagement with respect to funds transferred to a tribe by a compact or funding agreement, as determined by the Secretary in consultation with the Inspector General, as appropriate.

"(B) The Secretary shall not reassume operation of a program, service, function, or activity (or portions thereof) unless (i) the Secretary has first provided written notice and a hearing on the record to the Indian tribe; and (ii) the Indian tribe has not taken corrective action to remedy the imminent endangerment to public health or gross mismanagement.

"(C) Notwithstanding subparagraph (B), the Secretary may, upon written notification to the tribe, immediately reassume operation of a program, service, function, or activity (or portion thereof) and associated funding if (i) the Secretary makes a finding of imminent substantial and irreparable endangerment of the public health caused by an act or omission of the Indian tribe; and (ii) the endangerment arises out of a failure to carry out the compact or funding agreement. If the Secretary reassumes operation of a program, service, function, or activity (or portion thereof) under this subparagraph, the Secretary shall provide the tribe with a hearing on the record not later than 10 days after such reassumption.

"(D) In any hearing or appeal involving a decision to reassume operation of a program, service, function, or activity (or portion thereof), the Secretary shall have the burden of proof of demonstrating by clear and convincing evidence the validity of the grounds for the reassumption.

"(b) Final Offer.—In the event the Secretary and a participating Indian tribe are unable to agree, in whole or in part, on the terms of a compact or funding agreement (including funding levels), the Indian tribe may submit a final offer to the Secretary. Not more than 45 days after such submission, or within a longer time agreed upon by the Indian tribe, the Secretary shall review and make a determination with respect to such offer. In the absence of a timely rejection of the offer, in whole or in part, made in compliance with subsection (c), the offer shall be deemed agreed to by the Secretary.

"(c) Rejection of Final Offers.—If the Secretary rejects an offer made under subsection (b) (or one or more provisions or funding levels in such offer), the Secretary shall provide—

"(1) a timely written notification to the Indian tribe that contains a specific finding that clearly demonstrates, or that is supported by a controlling legal authority, that—

"(A) the amount of funds proposed in the final offer exceeds the applicable funding level to which the Indian tribe is entitled under this title;

"(B) the program, function, service, or activity (or portion thereof) that is the subject of the final offer is an inherent Federal function that cannot legally be delegated to an Indian tribe;

"(C) the Indian tribe cannot carry out the program, function, service, or activity (or portion thereof) in a manner that would not result in significant danger or risk to the public health; or

"(D) the tribe is not eligible to participate in self-governance under section 503;

"(2) technical assistance to overcome the objections stated in the notification required by paragraph (1);

"(3) the Indian tribe with a hearing on the record with the right to engage in full discovery relevant to any issue raised in the matter and the opportunity for appeal on the objections raised, provided that the Indian tribe may, in lieu of filing such appeal, directly proceed to initiate an action in a Federal district court pursuant to section 110(a); and

"(4) the Indian tribe with the option of entering into the severable portions of a final proposed compact or funding agreement, or provision thereof, (including lesser funding amount, if any), that the Secretary did not reject, subject to any additional alterations necessary to conform the compact or funding agreement to the severed provisions. If an Indian tribe exercises the option specified herein, it shall retain the right to appeal the Secretary's rejection under this section, and paragraphs (1), (2), and (3) shall only apply to that portion of the proposed final compact, funding agreement or provision thereof that was rejected by the Secretary.

"(d) Burden of Proof.—With respect to any hearing or appeal or civil action conducted pursuant to this section, the Secretary shall have the burden of demonstrating by clear and convincing evidence the validity of the grounds for rejecting the offer (or a provision thereof) made under subsection (b).

"(e) Good Faith.—In the negotiation of compacts and funding agreements the Secretary shall at all times negotiate in good faith to maximize implementation of the self-governance policy. The Secretary shall carry out this title in a manner that maximizes the policy of tribal self-governance, consistent with section 3.

"(f) Savings.—To the extent that programs, functions, services, or activities (or portions thereof) carried out by Indian tribes under this title reduce the administrative or other responsibilities of the Secretary with respect to the operation of Indian programs and result in savings that have not otherwise been included in the amount of tribal shares and other funds determined under section 508(c), the Secretary shall make such savings available to the Indian tribes, inter-tribal consortia, or tribal organizations for the provision of additional services to program beneficiaries in a manner equitable to directly served, contracted, and compacted programs.

"(g) Trust Responsibility.—The Secretary is prohibited from waiving, modifying, or diminishing in any way the trust responsibility of the United States with respect to Indian tribes and individual Indians that exists under treaties, Executive orders, other laws, or court decisions.

"(h) Decisionmaker.—A decision that constitutes final agency action and relates to an appeal within the Department of Health and Human Services conducted under subsection (c) shall be made either—

"(1) by an official of the Department who holds a position at a higher organizational level within the Department than the level of the departmental agency in which the decision that is the subject of the appeal was made; or

"(2) by an administrative judge.

"SEC. 508. TRANSFER OF FUNDS.

"(a) In General.—Pursuant to the terms of any compact or funding agreement entered into under this title, the Secretary shall transfer to the Indian tribe all funds provided for in the funding agreement, pursuant to subsection (c), and provide funding for periods covered by joint resolution adopted by Congress making continuing appropriations, to the extent permitted by such resolutions. In any instance where a funding agreement requires an annual transfer of funding to be made at the beginning of a fiscal year, or requires semiannual or other periodic transfers of funding to be made commencing at the beginning of a fiscal year, the first such transfer shall be made not later than 10 days after the apportionment of such funds by the Office of Management and Budget to the Department, unless the funding agreement provides otherwise.

"(b) MultiYear Funding.—The Secretary is hereby authorized to employ, upon tribal request, multiyear funding agreements, and references in this title to funding agreements shall include such multiyear agreements.

"(c) Amount of Funding.—The Secretary shall provide funds under a funding agreement under this title in an amount equal to the amount that the Indian tribe would have been entitled to receive under self-determination contracts under this Act, including amounts for direct program costs specified under section 106(a)(1) and amounts for contract support costs specified under sections 106(a)(2), (a)(3), (a)(5), and (a)(6), including any funds that are specifically or functionally related to the provision by the Secretary of services and benefits to the Indian tribe or its members, all without regard to the organizational level within the Department where such functions are carried out.

"(d) Prohibitions.—The Secretary is expressly prohibited from—

"(1) failing or refusing to transfer to an Indian tribe its full share of any central, headquarters, regional, area, or service unit office or other funds due under this Act, except as required by Federal law;

"(2) withholding portions of such funds for transfer over a period of years; and

"(3) reducing the amount of funds required herein—

"(A) to make funding available for self-governance monitoring or administration by the Secretary;

"(B) in subsequent years, except pursuant to—

"(i) a reduction in appropriations from the previous fiscal year for the program or function to be included in a compact or funding agreement;

"(ii) a congressional directive in legislation or accompanying report;

"(iii) a tribal authorization;

"(iv) a change in the amount of pass-through funds subject to the terms of the funding agreement; or

"(v) completion of a project, activity, or program for which such funds were provided;

"(C) to pay for Federal functions, including Federal pay costs, Federal employee retirement benefits, automated data processing, technical assistance, and monitoring of activities under this Act; or

"(D) to pay for costs of Federal personnel displaced by self-determination contracts under this Act or self-governance;

except that such funds may be increased by the Secretary if necessary to carry out this Act or as provided in section 105(c)(2).

"(e) Other Resources.—In the event an Indian tribe elects to carry out a compact or funding agreement with the use of Federal personnel, Federal supplies (including supplies available from Federal warehouse facilities), Federal supply sources (including lodging, airline transportation, and other means of transportation including the use of interagency motor pool vehicles) or other Federal resources (including supplies, services, and resources available to the Secretary under any procurement contracts in which the Department is eligible to participate), the Secretary is authorized to transfer such personnel, supplies, or resources to the Indian tribe.

"(f) Reimbursement to Indian Health Service.—With respect to functions transferred by the Indian Health Service to an Indian tribe, the Indian Health Service is authorized to provide goods and services to the Indian tribe, on a reimbursable basis, including payment in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from the Indian tribe pursuant to this title, may be credited to the same or subsequent appropriation account which provided the funding, such amounts to remain available until expended.

"(g) Prompt Payment Act.—Chapter 39 of title 31, United States Code, shall apply to the

transfer of funds due under a compact or funding agreement authorized under this title.

"(h) INTEREST OR OTHER INCOME ON TRANSFERS.—An Indian tribe is entitled to retain interest earned on any funds paid under a compact or funding agreement to carry out governmental or health purposes and such interest shall not diminish the amount of funds the Indian tribe is authorized to receive under its funding agreement in the year the interest is earned or in any subsequent fiscal year. Funds transferred under this Act shall be managed using the prudent investment standard.

"(i) CARRYOVER OF FUNDS.—All funds paid to an Indian tribe in accordance with a compact or funding agreement shall remain available until expended. In the event that an Indian tribe elects to carry over funding from one year to the next, such carryover shall not diminish the amount of funds the Indian tribe is authorized to receive under its funding agreement in that or any subsequent fiscal year.

"(j) PROGRAM INCOME.—All medicare, medicaid, or other program income earned by an Indian tribe shall be treated as supplemental funding to that negotiated in the funding agreement and the Indian tribe may retain all such income and expend such funds in the current year or in future years except to the extent that the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) provides otherwise for medicare and medicaid receipts, and such funds shall not result in any offset or reduction in the amount of funds the Indian tribe is authorized to receive under its funding agreement in the year the program income is received or for any subsequent fiscal year.

"(k) LIMITATION OF COSTS.—An Indian tribe shall not be obligated to continue performance that requires an expenditure of funds in excess of the amount of funds transferred under a compact or funding agreement. If at any time the Indian tribe has reason to believe that the total amount provided for a specific activity in the compact or funding agreement is insufficient the Indian tribe shall provide reasonable notice of such insufficiency to the Secretary. If the Secretary does not increase the amount of funds transferred under the funding agreement, the Indian tribe may suspend performance of the activity until such time as additional funds are transferred.

"SEC. 509. CONSTRUCTION PROJECTS.

"(a) IN GENERAL.—Indian tribes participating in tribal self-governance may carry out construction projects under this title if they elect to assume all Federal responsibilities under the National Environmental Policy Act of 1969, the Historic Preservation Act, and related provisions of law that would apply if the Secretary were to undertake a construction project, by adopting a resolution (1) designating a certifying officer to represent the Indian tribe and to assume the status of a responsible Federal official under such laws, and (2) accepting the jurisdiction of the Federal court for the purpose of enforcement of the responsibilities of the responsible Federal official under such environmental laws.

"(b) NEGOTIATIONS.—Construction project proposals shall be negotiated pursuant to the statutory process in section 105(m) and resulting construction project agreements shall be incorporated into funding agreements as addenda.

"(c) CODES AND STANDARDS.—The Indian tribe and the Secretary shall agree upon and specify appropriate buildings codes and architectural/engineering standards (including health and safety) which shall be in conformity with nationally recognized standards for comparable projects.

"(d) RESPONSIBILITY FOR COMPLETION.—The Indian tribe shall assume responsibility for the successful completion of the construction project in accordance with the negotiated construction project agreement.

"(e) FUNDING.—Funding for construction projects carried out under this title shall be included in funding agreements as annual advance payments, with semiannual payments at the option of the Indian tribe. Annual advance and semiannual payment amounts shall be determined based on mutually agreeable project schedules reflecting work to be accomplished within the advance payment period, work accomplished and funds expended in previous payment periods, and the total prior payments. The Secretary shall include associated project contingency funds with each advance payment installment. The Indian tribe shall be responsible for the management of the contingency funds included in funding agreements.

"(f) APPROVAL.—The Secretary shall have at least one opportunity to approve project planning and design documents prepared by the Indian tribe in advance of construction of the facilities specified in the scope of work for each negotiated construction project agreement or amendment thereof which results in a significant change in the original scope of work. The Indian tribe shall provide the Secretary with project progress and financial reports not less than semiannually. The Secretary may conduct on-site project oversight visits semiannually or on an alternate schedule agreed to by the Secretary and the Indian tribe.

"(g) WAGES.—All laborers and mechanics employed by contractors and subcontractors in the construction, alteration, or repair, including painting or decorating of building or other facilities in connection with construction projects undertaken by self-governance Indian tribes under this Act, shall be paid wages at not less than those prevailing wages on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494). With respect to construction, alteration, or repair work to which the Act of March 3, 1921, is applicable under the terms of this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14, of 1950, and section 2 of the Act of June 13, 1934 (48 Stat. 948).

"(h) APPLICATION OF OTHER LAWS.—Unless otherwise agreed to by the Indian tribe, no provision of the Office of Federal Procurement Policy Act, the Federal Acquisition Regulations issued pursuant thereto, or any other law or regulation pertaining to Federal procurement (including Executive orders) shall apply to any construction project conducted under this title.

"SEC. 510. FEDERAL PROCUREMENT LAWS AND REGULATIONS.

"Notwithstanding any other provision of law, unless expressly agreed to by the participating Indian tribe, the compacts and funding agreements entered into under this title shall not be subject to Federal contracting or cooperative agreement laws and regulations (including Executive orders and the regulations relating to procurement issued by the Secretary), except to the extent that such laws expressly apply to Indian tribes.

"SEC. 511. CIVIL ACTIONS.

"(a) CONTRACT DEFINED.—For the purposes of section 110, the term 'contract' shall include compacts and funding agreements entered into under this title.

"(b) APPLICABILITY OF CERTAIN LAWS.—Section 2103 of the Revised Statutes of the United States Code (25 U.S.C. 81) and section 16 of the Act of June 18, 1934 (25 U.S.C. 476), shall not apply to attorney and other professional contracts entered into by Indian tribes participating in self-governance under this title.

"(c) REFERENCES.—All references in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) to section 1 of the Act of June 26, 1936 (25 U.S.C. 81) are hereby deemed to include section 1 of the Act of July 3, 1952 (25 U.S.C. 82a).

"SEC. 512. FACILITATION.

"(a) SECRETARIAL INTERPRETATION.—Except as otherwise provided by law, the Secretary shall interpret all Federal laws, Executive orders and regulations in a manner that will facilitate—

"(1) the inclusion of programs, services, functions, and activities (or portions thereof) and funds associated therewith, in the agreements entered into under this section;

"(2) the implementation of compacts and funding agreements entered into under this title; and

"(3) the achievement of tribal health goals and objectives.

"(b) REGULATION WAIVER.—

"(1) An Indian tribe may submit a written request to waive application of a regulation promulgated under this Act for a compact or funding agreement entered into with the Indian Health Service under this title, to the Secretary identifying the applicable Federal regulation under this Act sought to be waived and the basis for the request.

"(2) Not later than 90 days after receipt by the Secretary of a written request by an Indian tribe to waive application of a regulation under this Act for a compact or funding agreement entered into under this title, the Secretary shall either approve or deny the requested waiver in writing. A denial may be made only upon a specific finding by the Secretary that identified language in the regulation may not be waived because such waiver is prohibited by Federal law. A failure to approve or deny a waiver request not later than 90 days after receipt shall be deemed an approval of such request. The Secretary's decision shall be final for the Department.

"(c) ACCESS TO FEDERAL PROPERTY.—In connection with any compact or funding agreement executed pursuant to this title or an agreement negotiated under the Tribal Self-Governance Demonstration Project established under title III, as in effect before the enactment of the Tribal Self-Governance Amendments of 1999, upon the request of an Indian tribe, the Secretary—

"(1) shall permit an Indian tribe to use existing school buildings, hospitals, and other facilities and all equipment therein or appertaining thereto and other personal property owned by the Government within the Secretary's jurisdiction under such terms and conditions as may be agreed upon by the Secretary and the tribe for their use and maintenance;

"(2) may donate to an Indian tribe title to any personal or real property found to be excess to the needs of any agency of the Department, or the General Services Administration, except that—

"(A) subject to the provisions of subparagraph (B), title to property and equipment furnished by the Federal Government for use in the performance of the compact or funding agreement or purchased with funds under any compact or funding agreement shall, unless otherwise requested by the Indian tribe, vest in the appropriate Indian tribe;

"(B) if property described in subparagraph (A) has a value in excess of $5,000 at the time of retrocession, withdrawal, or reassumption, at the option of the Secretary upon the retrocession, withdrawal, or reassumption, title to such property and equipment shall revert to the Department of Health and Human Services; and

"(C) all property referred to in subparagraph (A) shall remain eligible for replacement, maintenance, and improvement on the same basis as if title to such property were vested in the United States; and

"(3) shall acquire excess or surplus Government personal or real property for donation to

an Indian tribe if the Secretary determines the property is appropriate for use by the Indian tribe for any purpose for which a compact or funding agreement is authorized under this title.

"(d) Matching or Cost-Participation Requirement.—All funds provided under compacts, funding agreements, or grants made pursuant to this Act, shall be treated as non-Federal funds for purposes of meeting matching or cost participation requirements under any other Federal or non-Federal program.

"(e) State Facilitation.—States are hereby authorized and encouraged to enact legislation, and to enter into agreements with Indian tribes to facilitate and supplement the initiatives, programs, and policies authorized by this title and other Federal laws benefiting Indians and Indian tribes.

"(f) Rules of Construction.—Each provision of this title and each provision of a compact or funding agreement shall be liberally construed for the benefit of the Indian tribe participating in self-governance and any ambiguity shall be resolved in favor of the Indian tribe.

"SEC. 513. BUDGET REQUEST.

"(a) In General.—The President shall identify in the annual budget request submitted to the Congress under section 1105 of title 31, United States Code, all funds necessary to fully fund all funding agreements authorized under this title, including funds specifically identified to fund tribal base budgets. All funds so appropriated shall be apportioned to the Indian Health Service. Such funds shall be provided to the Office of Tribal Self-Governance which shall be responsible for distribution of all funds provided under section 505. Nothing in this provision shall be construed to authorize the Indian Health Service to reduce the amount of funds that a self-governance tribe is otherwise entitled to receive under its funding agreement or other applicable law, whether or not such funds are made available to the Office of Tribal Self-Governance under this section.

"(b) Present Funding; Shortfalls.—In such budget request, the President shall identify the level of need presently funded and any shortfall in funding (including direct program and contract support costs) for each Indian tribe, either directly by the Secretary, under self-determination contracts, or under compacts and funding agreements authorized under this title.

"SEC. 514. REPORTS.

"(a) Annual Report.—Not later than January 1 of each year after the date of the enactment of this title, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Indian Affairs of the Senate a written report regarding the administration of this title. Such report shall include a detailed analysis of the level of need being presently funded or unfunded for each Indian tribe, either directly by the Secretary, under self-determination contracts under title I, or under compacts and funding agreements authorized under this Act. In compiling reports pursuant to this section, the Secretary may not impose any reporting requirements on participating Indian tribes or tribal organizations, not otherwise provided in this Act.

"(b) Contents.—The report shall be compiled from information contained in funding agreements, annual audit reports, and Secretarial data regarding the disposition of Federal funds and shall—

"(1) identify the relative costs and benefits of self-governance;

"(2) identify, with particularity, all funds that are specifically or functionally related to the provision by the Secretary of services and benefits to self-governance Indian tribes and their members;

"(3) identify the funds transferred to each self-governance Indian tribe and the corresponding reduction in the Federal bureaucracy;

"(4) identify the funding formula for individual tribal shares of all headquarters funds, together with the comments of affected Indian tribes or tribal organizations, developed under subsection (c);

"(5) identify amounts expended in the preceding fiscal year to carry out inherent Federal functions, including an identification of those functions by type and location;

"(6) contain a description of the method or methods (or any revisions thereof) used to determine the individual tribal share of funds controlled by all components of the Indian Health Service (including funds assessed by any other Federal agency) for inclusion in self-governance compacts or funding agreements;

"(7) prior to being submitted to Congress, be distributed to the Indian tribes for comment, such comment period to be for no less than 30 days; and

"(8) include the separate views and comments of the Indian tribes or tribal organizations.

"(c) Report on Fund Distribution Method.—Not later than 180 days after the date of enactment of this title, the Secretary shall, after consultation with Indian tribes, submit a written report to the Committee on Resources of the House of Representatives and the Committee on Indian Affairs of the Senate which describes the method or methods used to determine the individual tribal share of funds controlled by all components of the Indian Health Service (including funds assessed by any other Federal agency) for inclusion in self-governance compacts or funding agreements.

"SEC. 515. DISCLAIMERS.

"(a) No Funding Reduction.—Nothing in this title shall be construed to limit or reduce in any way the funding for any program, project, or activity serving an Indian tribe under this or other applicable Federal law. Any Indian tribe that alleges that a compact or funding agreement is in violation of this section may apply the provisions of section 110.

"(b) Federal Trust and Treaty Responsibilities.—Nothing in this Act shall be construed to diminish in any way the trust responsibility of the United States to Indian tribes and individual Indians that exists under treaties, Executive orders, or other laws and court decisions.

"(c) Tribal Employment.—For purposes of section 2(2) of the Act of July 5, 1935 (49 Stat. 450, chapter 372) (commonly known as the National Labor Relations Act), an Indian tribe carrying out a self-determination contract, compact, annual funding agreement, grant, or cooperative agreement under this Act shall not be considered an employer.

"(d) Obligations of the United States.—The Indian Health Service under this Act shall neither bill nor charge those Indians who may have the economic means to pay for services, nor require any Indian tribe to do so.

"SEC. 516. APPLICATION OF OTHER SECTIONS OF THE ACT.

"(a) Mandatory Application.—All provisions of sections 5(b), 6, 7, 102(c) and (d), 104, 105(k) and (l), 106(a) through (k), and 111 of this Act and section 314 of Public Law 101–512 (coverage under the Federal Tort Claims Act), to the extent not in conflict with this title, shall apply to compacts and funding agreements authorized by this title.

"(b) Discretionary Application.—At the request of a participating Indian tribe, any other provision of title I, to the extent such provision is not in conflict with this title, shall be made a part of a funding agreement or compact entered into under this title. The Secretary is obligated to include such provision at the option of the participating Indian tribe or tribes. If such provision is incorporated it shall have the same force and effect as if it were set out in full in this title. In the event an Indian tribe requests such incorporation at the negotiation stage of a compact or funding agreement, such incorporation shall be deemed effective immediately and shall control the negotiation and resulting compact and funding agreement.

"SEC. 517. REGULATIONS.

"(a) In General.—

"(1) Not later than 90 days after the date of enactment of this title, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5, United States Code, to negotiate and promulgate such regulations as are necessary to carry out this title.

"(2) Proposed regulations to implement this title shall be published in the Federal Register by the Secretary no later than 1 year after the date of enactment of this title.

"(3) The authority to promulgate regulations under this title shall expire 21 months after the date of enactment of this title.

"(b) Committee.—A negotiated rulemaking committee established pursuant to section 565 of title 5, United States Code, to carry out this section shall have as its members only Federal and tribal government representatives, a majority of whom shall be nominated by and be representatives of Indian tribes with funding agreements under this Act, and the Committee shall confer with, and accommodate participation by, representatives of Indian tribes, inter-tribal consortia, tribal organizations, and individual tribal members.

"(c) Adaptation of Procedures.—The Secretary shall adapt the negotiated rulemaking procedures to the unique context of self-governance and the government-to-government relationship between the United States and Indian tribes.

"(d) Effect.—The lack of promulgated regulations shall not limit the effect of this title.

"(e) Effect of Circulars, Policies, Manuals, Guidances, and Rules.—Unless expressly agreed to by the participating Indian tribe in the compact or funding agreement, the participating Indian tribe shall not be subject to any agency circular, policy, manual, guidance, or rule adopted by the Indian Health Service, except for the eligibility provisions of section 105(g).

"SEC. 518. APPEALS.

"In any appeal (including civil actions) involving decisions made by the Secretary under this title, the Secretary shall have the burden of proof of demonstrating by clear and convincing evidence—

"(1) the validity of the grounds for the decision made; and

"(2) the decision is fully consistent with provisions and policies of this title.

"SEC. 519. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary to carry out this title.

"TITLE VI—TRIBAL SELF-GOVERNANCE—DEPARTMENT OF HEALTH AND HUMAN SERVICES

"SEC. 601. DEMONSTRATION PROJECT FEASIBILITY.

"(a) Study.—The Secretary shall conduct a study to determine the feasibility a Tribal Self-Governance Demonstration Project for appropriate programs, services, functions, and activities (or portions thereof) of the agency.

"(b) Considerations.—When conducting the study, the Secretary shall consider—

"(1) the probable effects on specific programs and program beneficiaries of such a demonstration project;

"(2) statutory, regulatory, or other impediments to implementation of such a demonstration project;

"(3) strategies for implementing such a demonstration project;

"(4) probable costs or savings associated with such a demonstration project;

"(5) methods to assure quality and accountability in such a demonstration project; and

"(6) such other issues that may be determined by the Secretary or developed through consultation pursuant to section 602.

"(c) Report.—Not later than 18 months after the enactment of this title, the Secretary shall submit a report to the Committee on Resources of the House of Representatives and the Committee on Indian Affairs of the Senate. The report shall contain—

"(1) the results of the study;

"(2) a list of programs, services, functions, and activities (or portions thereof) within the agency which it would be feasible to include in a Tribal Self-Governance Demonstration Project;

"(3) a list of programs, services, functions, and activities (or portions thereof) included in the list provided pursuant to paragraph (2) which could be included in a Tribal Self-Governance Demonstration Project without amending statutes, or waiving regulations that the Secretary may not waive;

"(4) a list of legislative actions required in order to include those programs, services, functions, and activities (or portions thereof) included in the list provided pursuant to paragraph (2) but not included in the list provided pursuant to paragraph (3) in a Tribal Self-Governance Demonstration Project; and

"(5) any separate views of tribes and other entities consulted pursuant to section 602 related to the information provided pursuant to paragraph (1) through (4).

"SEC. 602. CONSULTATION.

"(a) Study Protocol.—

"(1) Consultation with Indian tribes.—The Secretary shall consult with Indian tribes to determine a protocol for consultation under subsection (b) prior to consultation under such subsection with the other entities described in such subsection. The protocol shall require, at a minimum, that—

"(A) the government-to-government relationship with Indian tribes forms the basis for the consultation process;

"(B) the Indian tribes and the Secretary jointly conduct the consultations required by this section; and

"(C) the consultation process allow for separate and direct recommendations from the Indian tribes and other entities described in subsection (b).

"(2) Opportunity for public comment.—In determining the protocol described in paragraph (1), the Secretary shall publish the proposed protocol and allow a period of not less than 30 days for comment by entities described in subsection (b) and other interested individuals, and shall take comments received into account in determining the final protocol.

"(b) Conducting Study.—In conducting the study under this title, the Secretary shall consult with Indian tribes, States, counties, municipalities, program beneficiaries, and interested public interest groups, and may consult with other entities as appropriate.

"SEC. 603. DEFINITIONS.

"(a) In General.—For purposes of this title, the Secretary may use definitions provided in title V.

"(b) Agency.—For purposes of this title, the term 'agency' shall mean any agency or other organizational unit of the Department of Health and Human Services, other than the Indian Health Service.

"SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated for fiscal years 2000 and 2001 such sums as may be necessary to carry out this title. Such sums shall remain available until expended.".

SEC. 5. AMENDMENTS CLARIFYING CIVIL PROCEEDINGS.

(a) Burden of Proof in District Court Actions.—Section 102(e)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f(e)(1)) is amended by inserting after "subsection (b)(3)" the following: "or any civil action conducted pursuant to section 110(a)".

(b) Effective Date.—The amendment made by this section shall apply to any proceedings commenced after October 25, 1994.

SEC. 6. SPEEDY ACQUISITION OF GOODS, SERVICES, OR SUPPLIES.

Section 105(k) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j(k)) is amended—

(1) by striking "carrying out a contract" and all that follows through "shall be eligible" and inserting the following: "or Indian tribe shall be deemed an executive agency and a part of the Indian Health Service, and the employees of the tribal organization or the Indian tribe, as the case may be, shall be eligible"; and

(2) by adding at the end thereof the following: "At the request of an Indian tribe, the Secretary shall enter into an agreement for the acquisition, on behalf of the Indian tribe, of any goods, services, or supplies available to the Secretary from the General Services Administration or other Federal agencies that are not directly available to the Indian tribe under this section or any other Federal law, including acquisitions from prime vendors. All such acquisitions shall be undertaken through the most efficient and speedy means practicable, including electronic ordering arrangements.

SEC. 7. PATIENT RECORDS.

Section 105 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j) is amended by adding at the end the following new subsection:

"(o) At the option of a tribe or tribal organization, patient records may be deemed to be Federal records under the Federal Records Act of 1950 for the limited purposes of making such records eligible for storage by Federal Records Centers to the same extent and in the same manner as other Department of Health and Human Services patient records. Patient records that are deemed to be Federal records under the Federal Records Act of 1950 pursuant to this subsection shall not be considered Federal records for the purposes of chapter 5 of title 5, United States Code.".

SEC. 8. REPEAL.

Title III of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f note) is hereby repealed.

SEC. 9. SAVINGS PROVISION.

Funds appropriated for title III.of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f note) shall be available for use under title V of such Act.

SEC. 10. EFFECTIVE DATE.

Except as otherwise provided, the provisions of this Act shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1167, the proposed Tribal Self-Governance Amendments Act of 1999, would create a new title in the 1975 Indian Self-Determination Act.

The 1975 act allows Indian tribes to contract for or take over the administration and operation of certain Federal programs which provide services to Indian tribes. Subsequent amendments to the 1975 act created in Title III of the act, which provided for a Self-Governance Demonstration Project that allows for a large-scale tribal self-governance compacts and funding agreements on a demonstration basis.

The new title created by H.R. 1167 would make this contracting by tribes permanent for programs contracted for within the Indian Health Service. Thereby, Indian and Alaskan Native tribes would be able to contract for the operation, control, and redesign of various IHS services on a permanent basis. In short, what was a demonstration project would become a permanent IHS self-governance program.

Pursuant to H.R. 1167, tribes which have already contracted for IHS services would continue under the provisions of their contracts while an additional 50 new tribes would be selected each year to enter into contracts.

H.R. 1167 also allows for a feasibility study regarding the execution of tribal self-governance compacts and funding agreements of Indian-related programs outside the IHS but within the Department of Health and Human Services on a demonstration project basis.

H.R. 1167 is an important piece of legislation which is the result of years of negotiation between the Congress, the administration, and many Indian tribes around the Nation.

We passed this same legislation last year, but it was not acted upon before a judgment.

I support this legislation and urge my colleagues to pass it today so that the other body will again have the opportunity to pass it and send it to the President.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the nature of self-governance is rooted in the inherent sovereignty of the American Indian and Alaska Native tribes. From the founding of this Nation, Indian tribes and Alaskan Native villages have been recognized as distinct, independent, political communities exercising powers of self-government, not by virtue of any delegation of powers from the Federal Government, but rather by virtue of their own innate sovereignty. The tribes' sovereignty predates the founding of the United States in its Constitution and forms the backdrop against which the United States has continually entered into relations with Indian tribes and native villages.

H.R. 1167 is modeled on the existing permanent self-governance legislation for the Interior Department programs contained in Title IV of the Indian

Self-Determination and Education Assistance Act and reflects years of planning and negotiating among Indian tribes, the Alaska Native villages, and the Department of Health and Human Services.

This legislation continues the principle focus on self-governance programs to remove needless and sometimes harmful layers of Federal bureaucracy that dictate Indian affairs.

By giving tribes direct control over Federal programs run for their benefit and making them directly accountable to their members, Congress has enabled Indian tribes to run programs more efficiently and more innovatively than the Federal officials have in the past.

Allowing the tribes to run these programs furthers the congressional policy of strengthening and promoting tribal governments which began with passage of the First Self-Determination Act of 1975.

The Indian tribes and the administration agree that it is now time to take the next logical step toward the self-governance process and make self-governance programs permanent within the Department of Health and Human Services.

H.R. 1167 establishes a permanent self-government program within the Department of Health and Human Services under which the American Indian and Alaska Native tribes may enter into compacts with the Secretary for direct operation control and redesign of Indian health service activities.

Tribes entering into self-governance programs have to meet four eligibility requirements. First, the tribe must, in the case of the consortium, be federally recognized. Second, the tribe must document with official action of the tribal governing body a formal request to enter into negotiations with the Department of Interior. Third, the tribe must demonstrate financial stability and financial management capabilities as evidenced through the administration of the prior 638 contracts. Fourth, the tribe must successfully have completed a planning phase requiring the submission of final planning report that demonstrates that the tribe has conducted legal and budgetary research in internal government and organizational planning.

If we are to adhere and remain faithful to the principles that our founders set forth, the principles of good faith, consent, justice, humanity, we must continue to promote tribal self-governance as done in this legislation that I bring before the House today.

I want to thank the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Resources, for his assistance and support of this bill and urge all of my colleagues to support the passage of this legislation.

Mr. Speaker, the nature of Self-Governance is rooted in the inherent sovereignty of American Indian and Alaska Native tribes. From the founding of this nation, Indian tribes and Alaska Native villages have been recognized as "distinct, independent, political communities" exercising powers of self-government, not by virtue of any delegation of powers from the federal government, but rather by virtue of their own innate sovereignty. The tribes' sovereignty predates the founding of the United States and its Constitution and forms the backdrop against which the United States has continually entered into relations with Indian tribes and Native villages.

The present model of tribal Self-Governance arose out of the federal policy of Indian Self-Determination. The modern Self-Determination era began as Congress and contemporary Administrations ended the dubious experiment of Termination which was intended to end the federal trust responsibility to Native Americans during the 1950s.

The centerpiece of the Termination policy, House Concurrent Resolution 108 in 1953, stated that "Indian tribes and individual members thereof, should be freed from Federal supervision and control and from all disabilities and limitations specially applicable to Indians." While the intent of this legislation was to free the Indians from federal rule, it also destroyed all protection and benefits received from the government. The same year, Congress enacted Public Law 28 which further eroded tribal sovereignty by transferring criminal jurisdiction from the federal government and the tribes to the various state governments.

As a policy, Termination was a disaster. Recognizing that Termination as a policy was a disaster, President Kennedy campaigned in 1960 promising the Indian tribes no changes in treaty or contractual relationships without tribal consent, protection of Indian lands base, and assistance with credit and tribal economic development.

Indeed, Indian reservations were included in many of the "Great Society" programs of the late 1960s, bringing a much-needed infusion of federal dollars onto many reservations. In 1968, President Lyndon B. Johnson delivered a message to Congress which stated support for:

> [A] policy of maximum choice for the American Indian: a policy expressed in programs of self-help, self-development, self-determination. . . . The greatest hope for Indian progress lies in the emergence of Indian leadership and initiative in solving Indian problems. Indians must have a voice in making the plans and decisions in programs which are important to their daily life.

In 1970, President Richard Nixon's "Special Message on Indian Affairs" also called for increased tribal self-determination as he stated:

> This, then, must be goal of any new national policy toward the Indian people: to strengthen the Indian's sense of autonomy without threatening his sense of community. We must assure the Indian that he can assume control of his own life without being separated involuntarily from the tribal group. And we must make it clear that Indians can become independent of Federal control without being cut off from Federal concern and Federal support. . .

Together, these messages sparked Congress to work on legislation that laid the foundation of modern federal Indian policy for the remainder of this century. And so, five years later, Congress enacted one of the most profound and powerful pieces of Indian legislation in this Nation's history.

In 1975, Congress passed the Indian Self-Determination and Education Assistance Act, Pub. L. 93–638. This legislation gave Indian tribes and Alaska Native villages the right to assume responsibility for the administration of federal programs which benefited Indians. In addition to assuming the authority to make operating and administrative decisions regarding the way these federal programs would be run, tribes that chose to enter into Indian Self-Determination Act contracts, which came to be known as "638 contracts" were given the right to receive the federal funds that the agencies—generally the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS)—would have ordinarily received for those programs. The Act did not, however, relieve the federal government of its trust responsibility to the tribes.

Congress enacted the Indian Self-Determination Act with the expectation that the direct responsibility for running these programs would enhance and strengthen tribal governments. As a means of supervise the tribes' activities, "638" contracts required volumes of paperwork to be filed. If a tribe wanted to operate more than one program, it would have to exercise an additional 638 contract which required a separate approval process. Though the Act was intended to decrease Federal involvement in the daily lives of reservation Indians, its specific performance and reporting requirements kept BIA as a pervasive force in Indian affairs.

At the time of its enactment, the 638 contract program did not allow tribes to move funds between programs to adapt to changing and unforeseen circumstances during a funding period. Thus, the tribes' powers to design or adapt programs according to tribal needs remained restricted.

The inflexibility of 638 contracts also created problems with cash flow. Payments were made to tribes on a cost-reimbursement basis, often many months after the tribe might have incurred major expenses. The tribes' main complaint, however, was that the 638 contract process made tribal staff primarily accountable to and measured by, not their own tribal councils but BIA employees at the Agency, Area and Central Officers. They had to follow strict federal laws, rules and regulations that were often of little relevance to day-to-day existence on an Indian reservation. Furthermore, if trust assets were involved, the BIA had to concur in all decisions made.

Thus, while the Indian Self-Determination Act was and is still acknowledged as a watershed moment in the history of tribal self-governance, by the mid-1980s many tribal leaders agreed that it was time for even greater change. They felt that the federal bureaucracy devoted to 638 program oversight had simply grown out of control and the percentage of federal dollars allocated for Indian programs actually spent on the reservations was still far too small.

To address these concerns, the Indian tribes asked Congress to consider amendments to the Self-Determination Act. At the same time, a group of tribal representatives began meeting to discuss proposals for trimming the BIA bureaucracy and amending the Act as well.

But during the fall of 1987, a series of articles appeared in the Arizona Republic entitled Fraud in Indian Country, that detailed an egregious history of waste and mismanagement within the BIA. These articles spurred House Appropriations Subcommittee on Interior and Related Agencies Chairman Sidney Yates (D–IL) to conduct an oversight hearing on these alleged abuses.

At the hearing, Department of Interior officials proposed that funds appropriated to the Bureau of Indian Affairs be turned over to the tribes to let them manage their own affairs in an attempt to address these charges. But, the officials testified, by accepting the federal funds, the tribes would release the federal government from its trust responsibility. Tribal leaders disagreed with this quid pro quo, but supported the concept of removing BIA middlemen from the funding process. With Chairman Yates' encouragement, tribal representatives met with the Secretary of the Interior and other Department officials the very next day to further hash out this concept. By mid-December of 1987, ten tribes had agreed to test the Department's proposal.

Out of this proposal the Tribal Self-Governance Demonstration Project was born.

In 1988 Congress enacted Pub. L. No. 100–472 and established Title III of the Indian Self-Determination Act which authorized the Secretary of Interior to negotiate Self-Governance compacts with up to twenty tribes. These tribes, for the first time, would be able to "Plan, conduct, consolidate, and administer programs, services, and functions" heretofore performed by Interior officials. The Act required that these programs be "otherwise available to Indian tribes or Indians," but within these parameters the tribes were authorized to redesign programs and reallocated funding according to terms negotiated in the compacts. Tribes would be able to prioritize spending on a systemic level, dramatically reducing the Federal role in the tribal decision-making process. But perhaps the biggest difference between "638" contract process and the Self-Governance program is that instead of funds coming from multiple contracts there would be one compact with a single Annual Funding Agreement.

The original ten tribes that agreed to participate in the demonstration project were the Confederated Salish and Kootenai Tribes, Hoopa Tribe, Jamestown S'Klallam Tribe, Lummi Nation, Mescalero Apache Tribe, Mille Lacs Band of Ojibwe, Quinault Indian Nation, Red Lake Chippewa Tribe, Rosebud Sioux Tribe, and Tlingit and Haida Central Council.

In 1991 President Bush signed Pub. L. 102–184, which extended the Demonstration Project for three more years and increased the number of Tribes participating to thirty. The bill required the new tribes participating to complete a one-year planning period before they could negotiate a Compact and Annual Funding Agreement. The 1991 law also directed the Indian Health Service to conduct a feasibility study to examine the expansion of the Self-Governance project to IHS programs and services.

In 1992, Congress amended section 314 of the Indian Health Care Improvement Act to allow the Secretary of Health and Human Services to negotiate Self-Governance compacts and annual funding agreements under Title III of the Indian Self-Determination Act with Indian tribes. The Self-Governance Demonstration Project proved to be a success both in the Interior Department and the Department of Health and Human Services. Thus, in 1994, Congress responded by passing the "Tribal Self-Governance Act of 1994" and permanently established the Self-Governance program within the Department of Interior.

This action solidified the Federal government's policy of negotiating with Indian Tribes and Alaska Native villages on a government-to-government basis while retaining the federal trust relationship. The Tribal Self-Governance Act allowed so called "Self-Governance tribes" to compact all programs and services that tribes could contract under Title I of the Indian Self-Determination Act. The Act required an "orderly transition from Federal domination of programs and services to provide Indian tribes with meaningful authority to plan, conduct, redesign, and administer programs, services, functions, and activities that meet the needs of the individual tribal communities."

Tribes entering the Self-Governance program had to meet four eligibility requirements. First, the tribe (or tribes in the case of a consortium) must be federally recognized. Second, the tribe must document, with an official action of the tribal governing body, a formal request to enter negotiations with the Department of Interior. Third, the tribe must demonstrate financial stability and financial management capability as evidenced through the administration of prior 638 contracts. Fourth, the tribe must have successfully completed a planning phase, requiring the submission of a final planning report which demonstrates that the tribe has conducted legal and budgetary research and internal tribal government and organizational planning.

The 1994 Act, however, did not make changes to the demonstration project status of the Self-Governance program within the Indian Health Service. The IHS authority remained on a demonstration project basis within Title III of the Indian Self-Determination Act.

The Indian tribes and the Administration agree that it is now time to take the next logical step forward in the Self-Governance process and make the Self-Governance program permanent within the Department of Health and Human Service. H.R. 1167 establishes a permanent Self-Governance Program within the Department of Health and Human Services under which American Indian and Alaska Native tribes may enter into compacts with the Secretary for the direct operation, control, and redesign of Indian Health Service (IHS) activities. A limited number of Indian tribes have had a similar right on a demonstration project basis since 1992 under Title III of the Indian Self-Determination and Education Assistance Act. All Indian tribes have enjoyed a similar but lesser right to contract and operate individual IHS programs and functions under Title I of the Indian Self-Determination Act since 1975 (so-called "638 contracting").

In brief, the legislation would expand the number of tribes eligible to participate in Self-Governance, make it a permanent authority within the IHS and authorize the Secretary of Health and Human Services to conduct a feasibility study for the execution of Self-Governance compacts with Indian tribes for programs outside of the IHS but still within HHS.

This legislation is modeled on the existing permanent Self-Governance legislation for Interior Department programs contained in Title IV of the Indian Self-Determination Act and reflects years of planning and negotiation among Indian tribes, Alaska Native villages, the Department of Health and Human Services.

H.R. 1167 continues the principle focus of the Self-Governance program: to remove needless and sometimes harmful layers of federal bureaucracy that dictate Indian affairs. By giving tribes direct control over federal programs run for their benefit and making them directly accountable to their members, Congress had enabled Indian tribes to run programs more efficiently and more innovatively than federal officials have in the past. Allowing tribes to run these programs furthers the Congressional policy of strengthening and promoting tribal governments which began with passage of the first Self-Determination Act in 1975.

Often we need to look to the past in order to understand our proper relationship with Indian tribes. More than two centuries ago, Congress set forth what should be our guiding principles. In 1789, Congress passed the Northwest Ordinance, a set of seven articles intended to govern the addition of new states to the Union. These articles served as a compact between the people and the States, and were "to forever remain unalterable, unless by common consent." Article Three set forth the Nation's policy towards Indian tribes:

> The utmost good faith shall always be observed towards the Indians; their land and property shall never be taken away from them without their consent . . . but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them. . . .

The Founders of this Nation carefully and wisely chose these principles to govern the conduct of our government in its dealings with American Indian tribes. Over the years, these principles have at times been forgotten.

Two hundred years later, Justice Thurgood Marshall delivered a unanimous Supreme Court in 1983 stating that,

> "Moreover, both the tribes and the Federal Government are firmly committed to the goal of promoting tribal self-government, a goal embodied in numerous federal statutes. We have stressed that Congress' objective of furthering tribal self-government encompasses far more than encouraging tribal management of disputes between members, but includes Congress' overriding goal of encouraging 'tribal self-sufficiency and economic development."

If we are to adhere and remain faithful to the principles that our Founders set forth—the principles of good faith, consent, justice and humanity—then we must continue to promote tribal self-government as is done in the legislation I bring before the House today.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 1167, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add extraneous material on H.R. 1167, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

CLARIFYING COASTAL BARRIER RESOURCES SYSTEM BOUNDARIES

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent to move to suspend the rules and pass the Senate bill (S. 1398) to clarify certain boundaries on maps relating to the Coastal Barrier Resources System.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read as follows:

S. 1398

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPLACEMENT OF COASTAL BARRIER RESOURCES SYSTEM MAPS.

(a) IN GENERAL.—The 7 maps described in subsection (b) are replaced by 14 maps entitled "Dare County, North Carolina, Coastal Barrier Resources System, Cape Hatteras Unit NC-03P" or "Dare County, North Carolina, Coastal Barrier Resources System, Cape Hatteras Unit NC-03P, Hatteras Island Unit L03" and dated October 18, 1999.

(b) DESCRIPTION OF MAPS.—The maps described in this subsection are the 7 maps that—

(1) relate to the portions of Cape Hatteras Unit NC-03P and Hatteras Island Unit L03 that are located in Dare County, North Carolina; and

(2) are included in a set of maps entitled "Coastal Barrier Resources System", dated October 24, 1990, and referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)).

(c) AVAILABILITY.—The Secretary of the Interior shall keep the maps referred to in subsection (a) on file and available for inspection in accordance with section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation is identical to legislation that I introduced earlier this year, which the House passed last month.

This legislation simply corrects a mapping error that currently excludes Dare County residents from qualifying for Federal flood insurance under the Coastal Barrier Research Act.

Congress adopted the Coastal Barrier Research System in the 1980s to protect the coast from future development. When the North Carolina areas were added to the system, it was Congress' intent for the line to be adjacent to the Cape Hatteras National Seashore boundary, thus allowing certain privately owned structures to remain eligible for flood insurance.

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Unfortunately, the National Park Service incorrectly identified the boundary, which resulted in inaccurate maps. This error incorrectly puts approximately 200 landowners in harm's way, especially during hurricane season.

With Hurricanes Dennis and Floyd recently wreaking havoc on the Outer Banks of Eastern North Carolina, this legislation is a justified step forward in providing the necessary assistance to the landowners in Dare County. Currently, these residents have been left unprotected by the inability of the Federal Government to appropriately manage the Coastal Barrier Resource System.

With the assistance of Senator HELMS, the Committee on Resources, and the Fish and Wildlife Service, we have been able to work towards a solution that all sides can agree to. With the help of the gentleman from Alaska (Mr. YOUNG) and the gentleman from New Jersey (Mr. SAXTON), we were able to pass this legislation through the House earlier this year. Passing Senate 1398 today will complete the work we all started a year ago.

The importance of passing this legislation could not be more timely after one of the worst hurricane seasons in recent history. I would hope and encourage my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say at the outset that I very much appreciate the cooperation of the gentleman from New Jersey (Mr. SAXTON) and the gentleman from North Carolina (Mr. JONES) and their staffs for working with us to shape this legislation.

I am satisfied that the boundary changes authorized in this bill are legitimate technical corrections which will resolve the past mapping errors and boundary discrepancies, and I urge the passage of this legislation.

The Coastal Barrier Resources System is critical to the long-term protection of the Nation's coastal resources, and we must remain vigilant to protect it from unwarranted encroachment.

All this bill would do is substitute a final series of revised maps to replace an earlier series already approved by the House when it passed H.R. 1431 on September 21. This bill would authorize the final agreed upon maps.

Let me say from the start, I very much appreciate the cooperation of Mr. SAXTON and his staff in working with the minority in shaping this legislation. I am satisfied that the boundary changes authorized in this bill are legitimate technical corrections which would resolve past mapping errors and boundary discrepancies.

Moreover, we have been assured by both the Fish and Wildlife Service and the National Park Service that these new boundaries accurately depict the boundaries of the Cape Hatteras National Seashore. Hopefully this will eliminate any future confusion regarding this matter.

We also have made sure that none of the coastal barrier units labeled as LO3 have been changed in any way to reduce their spatial areas. And importantly, we have also added approximately 2,300 acres of additional coastal barrier lands to the "otherwise protected area" labeled as NC03–P. I want to thank Mr. SAXTON and the gentleman from North Carolina, Mr. JONES, for agreeing to this addition.

Experience has made me necessarily cautious when it comes to modifying any coastal barrier boundary. But in this case, I believe we have gotten it right. I urge my colleagues to support this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the Senate bill, S. 1398.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on S. 1398, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

GOVERNMENT WASTE CORRECTIONS ACT OF 1999

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1827) to improve the economy and efficiency of Government operations by requiring the use of recovery audits by Federal agencies, as amended.

The Clerk read as follows:

H.R. 1827

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Waste Corrections Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—The Congress finds the following:

(1) Overpayments are a serious problem for Federal agencies, given the magnitude and complexity of Federal operations and documented and widespread financial management weaknesses. Federal agency overpayments waste tax dollars and detract from the efficiency and effectiveness of Federal operations by diverting resources from their intended uses.

(2) In private industry, overpayments to providers of goods and services occur for a variety of reasons, including duplicate payments, pricing errors, and missed cash discounts, rebates, or other allowances. The identification and recovery of such overpayments, commonly referred to as "recovery auditing and activity", is an established private sector business practice with demonstrated large financial returns. On average, recovery auditing and activity in the private sector identify overpayment rates of 0.1 percent of purchases audited and result in the recovery of $1,000,000 for each $1,000,000,000 of purchases.

(3) Recovery auditing and recovery activity already have been employed successfully in limited areas of Federal activity. They have great potential for expansion to many other Federal agencies and activities, thereby resulting in the recovery of substantial amounts of overpayments annually. Limited recovery audits conducted by private contractors to date within the Department of Defense have identified errors averaging 0.4 percent of Federal payments audited, or $4,000,000 for every $1,000,000,000 of payments. If fully implemented within the Federal Government, recovery auditing and recovery activity have the potential to recover billions of dollars in Federal overpayments annually.

(b) Purposes.—The purposes of this Act are the following:

(1) To ensure that overpayments made by the Federal Government that would otherwise remain undetected are identified and recovered.

(2) To require the use of recovery audit and recovery activity by Federal agencies.

(3) To provide incentives and resources to improves Federal management practices with the goal of significantly reducing Federal overpayment rates and other waste and error in Federal programs.

SEC. 3. ESTABLISHMENT OF RECOVERY AUDIT REQUIREMENT.

(a) Establishment of Requirement.—Chapter 35 of title 31, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VI—RECOVERY AUDITS

"§ 3561. Definitions

"In this subchapter, the following definitions apply:

"(1) Director.—The term 'Director' means the Director of the Office of Management and Budget.

"(2) Disclose.—The term 'disclose' means to release, publish, transfer, provide access to, or otherwise divulge individually identifiable information to any person other than the individual who is the subject of the information.

"(3) Individually identifiable information.—The term 'individually identifiable information' means any information, whether oral or recorded in any form or medium, that identifies the individual, or with respect to which there is a reasonable basis to believe that the information can be used to identify the individual.

"(4) Oversight.—The term 'oversight' means activities by a Federal, State, or local governmental entity, or by another entity acting on behalf of such a governmental entity, to enforce laws relating to, investigate, or regulate payment activities, recovery activities, and recovery audit activities.

"(5) Payment activity.—The term 'payment activity' means an executive agency activity that entails making payments to vendors or other nongovernmental entities that provide property or services for the direct benefit and use of an executive agency.

"(6) Recovery audit.—The term 'recovery audit' means a financial management technique used to identify overpayments made by executive agencies with respect to vendors and other entities in connection with a payment activity, including overpayments that result from any of the following:

"(A) Duplicate payments.

"(B) Pricing errors.

"(C) Failure to provide applicable discounts, rebates, or other allowances.

"(D) Inadvertent errors.

"(7) Recovery activity.—The term 'recovery activity' means activity otherwise authorized by law, including chapter 37 of this title, to attempt to collect an identified overpayment—

"(A) within 180 days after the date the overpayment is identified; and

"(B) through established professional practices.

"§ 3562. Recovery audit requirement

"(a) In General.—Except as exempted by the Director under section 3565(d) of this title, the head of each executive agency—

"(1) shall conduct for each fiscal year recovery audits and recovery activity with respect to payment activities of the agency if such payment activities for the fiscal year total $500,000,000 or more (adjusted by the Director annually for inflation); and

"(2) may conduct for any fiscal year recovery audits and recovery activity with respect to payment activities of the agency if such payment activities for the fiscal year total less than $500,000,000 adjusted by the Director annually for inflation).

"(5) Procedures.—In conducting recovery audits and recovery activity under this section, the head of an executive agency—

"(1) shall consult and coordinate with the Chief Financial Officer and the Inspector General of the agency;

"(2) shall implement this section in a manner designed to ensure the greatest financial benefit to the Government;

"(3) may conduct recovery audits and recovery activity internally in accordance with the standards issued by the Director under section 3565(b)(2) of this title, or by procuring performance of recovery audits, or by any combination there of; and

"(4) shall ensure that such recovery audits and recovery activity are carried out consistent with the standards issued by the Director and section 3565(b)(2) of this subchapter.

"(c) Scope of Audits.—(1) Each recovery audit of a payment activity under this section shall cover payments made by the payment activity in a fiscal year, except that the first recovery audit of a payment activity shall cover payments made during the 2 consecutive fiscal years preceding the date of the enactment of the Government Waste Corrections Act of 1999.

"(2) The head of an executive agency may conduct recovery audits of payment activities for additional preceding fiscal years if determined by the agency head to be practical and cost-effective.

"(d) Recovery Audit Contracts.—

"(1) Authority to use contingency contracts.—Notwithstanding section 3302(b) of this title, as consideration for performance of any recovery audit procured by an executive agency, the executive agency, the executive agency may pay the contractor an amount equal to a percentage of the total amount collected by the United States as a result of overpayments identified by the contractor in the audit.

"(2) Additional functions of contractor.—(A) In addition to performance of a recovery audit, a contract for such performance may authorize the contractor (subject to subparagraph (B)) to—

"(i) notify any person of possible overpayments made to the person and identified in the recovery audit under the contract; and

"(ii) respond to questions concerning such overpayments.

"(B) A contract for performance of a recovery audit shall not affect—

"(i) the authority of the head of an executive agency under the Contract Disputes Act of 1978 and other applicable laws including the authority to initiate litigation or referrals for litigation or:

"(ii) the requirements of sections 3711, 3716, 3718, and 3720 of this title that the head of an agency resolve disputes, compromise or terminate overpayment claims, collect by setoff, and otherwise engage recovery activity with respect to overpayments identified by the recovery audit.

"(3) Limitation on authority.—Nothing in this subchapter shall be construed to authorize a contractor with an executive agency to require the production of any record or information by any person other than an officer, employee, or agent of the executive agency.

"(4) Required contract terms and conditions.—The head of an executive agency shall include in each contract for procurement of performance of a recovery audit requirements that the contractor shall—

"(A) protect from disclosure otherwise confidential business information and financial information;

"(B) provide to the head of the executive agency and the Inspector General of the executive agency periodic reports on conditions giving rise to overpayments identified by the contractor and any recommendations on how to mitigate such conditions.

"(C) notify the head of the executive agency and the agency of any overpayments identified by the contractor pertaining to the executive agency or to another executive agency that are beyond the scope of the contract; and

"(D) promptly notify the head of the executive agency and the Inspector General of the executive agency of any indication of fraud or other criminal activity discovered in the course of the audit.

"(5) Executive agency action following notification.—The head of an executive agency shall take prompt and appropriate action in response to a notification by a contractor pursuant to the requirements under paragraph (4) including forwarding to other executive agencies any information that applies to them.

“(6) CONTRACTING REQUIREMENTS.—Prior to contracting for any recovery audit, head of an executive agency shall conduct a public-private cost comparison process. The outcome of the cost comparison process shall determine whether the recovery audit is performed in-house or by a contractor.

“(e) INSPECTORS GENERAL.—Nothing in this subchapter shall be construed as diminishing the authority of any Inspector General, including such authority under the Inspector General Act of 1978.

“(f) PRIVACY PROTECTIONS.—

“(1) LIMITATION ON DISCLOSURE OF INDIVIDUALLY IDENTIFIABLE INFORMATION.—(A) Any non-governmental entity that obtains individually identifiable information through performance of recovery auditing or recovery activity under this chapter may disclose that information only for the purpose of such auditing or activity, respectively, and oversight of such auditing or activity, unless otherwise authorized by the individual that is the subject of the information.

“(B) Any person that violates subparagraph (A) shall be liable for any damages (including non-pecuniary damages, costs, and attorneys fees) caused by the violation.

“(2) DESTRUCTION OR RETURN OF INFORMATION.—Upon the conclusion of the matter or need for which individually identifiable information was disclosed in the course of recovery auditing or recovery activity under this chapter performed by a non-governmental entity, the non-governmental entity shall either destroy the individually identifiable information or return it to the person from whom it was obtained, unless another applicable law requires retention of the information.

“§ 3563. Disposition of amounts collected

“(a) IN GENERAL.—Notwithstanding section 3302(b) of this title, the amounts collected annually by the United States as a result or recovery audits by an executive agency under this subchapter shall be treated in accordance with this section.

“(b) USE FOR RECOVERY AUDIT COSTS.—Amounts referred to in subsection (a) shall be available to the executive agency—

“(1) to pay amounts owed to any contractor for performance of the audit; and

“(2) to reimburse any applicable appropriation for other recovery audit costs incurred by the executive agency with respect to the audit.

“(c) USE FOR MANAGEMENT IMPROVEMENT PROGRAM.—Of the amount referred to in subsection (a), a sum not to exceed 25 percent of such amount—

“(1) shall be available to the executive agency to carry out the management improvement program of the agency under section 3564 of this title;

“(2) may be credited for that purpose by the agency head to any agency appropriations that are available for obligation at the time of collection; and

“(3) shall remain available for the same period as the appropriations to which credited.

“(d) REMAINDER TO TREASURY.—Of the amount referred to in subsection (a), there shall be deposited into the Treasury as miscellaneous receipts a sum equal to—

“(1) 50 percent of such amount; plus

“(2) such other amounts as remain after the application of subsections (b) and (c):

“(e) LIMITATION ON APPLICATION.—

“(1) IN GENERAL.—This section shall not apply to amounts collected through recovery audits and recovery activity to the extent that such application would be inconsistent with another provision of law that authorizes crediting of the amounts to a non-appropriated fund instrumentality, revolving fund, working capital fund, trust fund, or other fund or account.

“(2) SUBSECTIONS (c) AND (d).—Subsections (c) and (d) shall not apply to amounts collected through recovery audits and recovery activity, to the extent that such amounts are derived from an appropriation or fund that remains available for obligation at the time the amounts are collected.

“§ 3564. Management improvement program

“(a) CONDUCT OF PROGRAM.—

“(1) REQUIRED PROGRAMS.—The head of each executive agency that is required to conduct recovery audits under section 3562 of this title shall conduct a management improvement program under this section, consistent with guidelines prescribed by the Director.

“(2) DISCRETIONARY PROGRAMS.—The head of any other executive agency that conducts recovery audits under section 3562 that meet the standards issued by the Director under section 3565(b)(2) may conduct a management improvement program under this section.

“(b) PROGRAM FEATURES.—In conducting the program, the head of the executive agency—

“(1) shall, as the first priority of the program, address problems that contribute directly to agency overpayments; and

“(2) may seek to reduce errors and waste in other executive agency programs and operations by improving the executive agency's staff capacity, information technology, and financial management.

“(c) INTEGRATION WITH OTHER ACTIVITIES.—The head of an executive agency—

“(1) subject to paragraph (2), may integrate the program under this section, in whole or in part, with other management improvement programs and activities of that agency or other executive agencies; and

“(2) must retain the ability to account specifically for the use of amounts made available under section 3563 of this title.

“§ 3565. Responsibilities of the Office of Management and Budget

“(a) IN GENERAL.—The Director shall coordinate and oversee the implementation of this subchapter.

“(b) GUIDANCE.—

“(1) IN GENERAL.—The Director, in consultation with the Chief Financial Officers Council and the President's Council on Integrity and Efficiency, shall issue guidance and provide support to agencies in implementing the subchapter. The Director shall issue initial guidance not later than 180 days after the date of enactment of the Government Waste Corrections Act of 1999.

“(2) RECOVERY AUDIT STANDARDS.—The Director shall include in the initial guidance under this subsection standards for the performance of recovery audits under this subchapter, that are developed in consultation with the Comptroller General of the United States and private sector experts on recovery audits.

“(c) FEE LIMITATIONS.—The Director may limit the percentage amounts that may be paid to contractors under section 3562(d)(1) of this title.

“(d) EXEMPTIONS.—

“(1) IN GENERAL.—The Director may exempt an executive agency, in whole or in part, from the requirement to conduct recovery audits under section 3562(a)(1) of this title if the Director determines that compliance with such requirement—

“(A) would impede the agency's mission; or

“(B) would not be cost-effective.

“(2) REPORT TO CONGRESS.—The Director shall promptly report the basis of any determination and exemption under paragraph (1) to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate.

“(e) REPORTS.—

“(1) IN GENERAL.—Not later than 1 year after the date of the enactment of the Government Waste Corrections Act of 1999, and annually for each of the 2 years thereafter, the Director shall submit a report on implementation of the subchapter to the President, the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Appropriations of the House of Representatives and of the Senate.

“(2) CONTENTS.—Each report shall include—

“(A) a general description and evaluation of the steps taken by executive agencies to conduct recovery audits, including an inventory of the programs and activities of each executive agency that are subject to recovery audits.

“(B) an assessment of the benefits of recovery auditing and recovery activity, including amounts identified and recovered (including by administrative setoffs).

“(C) an identification of best practices that could be applied to future recovery audits and recovery activity.

“(D) an identification of any significant problems or barriers to more effective recovery audits and recovery activity;

“(E) a description of executive agency expenditures in the recovery audit process.

“(F) a description of executive agency management improvement programs under section 3564 of this title; and

“(G) any recommendations for changes in executive agency practices or law or other improvements that the Director believes would enhance the effectiveness of executive agency recovery auditing.

“§ 3566. General Accounting Office reports

“Not later than 60 days after issuance of each report under section 3565(e) of this title, the Comptroller General of the United States shall submit a report on the implementation of this subchapter to the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Appropriations of the House of Representatives and of the Senate, and the Director.”

(b) APPLICATION TO ALL EXECUTIVE AGENCIES.—Section 3501 of title 31, United States code, is amended by inserting “and subchapter VI of this chapter” after “section 3513”.

(c) DEADLINE FOR INITIATION OF RECOVERY AUDITS.—The need of each executive agency shall begin the first recovery audit under section 3562(a)(1) title 31, United States Code, as amended by this section, for each payment activity referred to in those sections by not later than 18 months after the date of the enactment of this Act.

(d) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 35 of title 31, United States Code, is amended by adding at the end the following:

“SUBCHAPTER VI—RECOVERY AUDITS

“3561. Definitions.

"3562. Recovery audit requirement.
"3563. Disposition of amounts collected.
"3564. Management improvement program.
"3565. Responsibilities of the Office of Management and Budget.
"3566. General Accounting Office reports.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HORN) and the gentleman from Texas (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HORN).

GENERAL LEAVE

Mr. HORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1827, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1827 would require executive branch departments and agencies to use a process called recovery auditing to review Federal payment transactions in order to identify erroneous overpayments.

H.R. 1827, the Government Waste Corrections Act, which was authored by the gentleman from Indiana (Mr. BURTON), the chairman of the full Committee on Government Reform; and he was joined in that by the majority leader, the gentleman from Texas (Mr. ARMEY) and the gentleman from California (Mr. OSE), who is an active member of the Subcommittee on Government Management, Information and Technology, which I chair.

This act represents a milestone in the effort to reduce widespread fraud, waste and error in Federal programs that cost taxpayers billions of dollars every year. At a Committee on Government Reform hearing on government waste and mismanagement last February, Inspectors General from the Departments of Health and Human Services, Housing and Urban Development, and Agriculture testified about their major program and management problems. One of the more serious problems they identified was that of erroneous payments.

It is estimated that a total of about $15 billion was erroneously paid out of Medicare, food stamps and housing programs in 1 year alone. Close to $13 billion of that was in the Medicare program. How much of this is due to fraud versus human or technical error is unknown at this point.

In addition, on March 31, 1999, the subcommittee I chair examined the government-wide consolidated financial statement for fiscal year 1998. The General Accounting Office, which is part of the legislative branch and does both programmatic and fiscal auditing, found that among the most serious errors of waste were the billions of dollars in improper payments the government makes to its contractors, vendors and suppliers.

Most Federal overpayments go undetected because agencies do not track and report their improper payments, and there is currently no law requiring them to do so. Every year, however, this problem wastes huge amounts of taxpayers' dollars, and that is what we are committed to end. Such waste detracts from the efficiency and effectiveness of Federal operations by diverting resources from their intended uses.

H.R. 1827 addresses the problem of inadvertent overpayments using a proven private-sector business practice known as recovery auditing to identify and recover the overpayments made to private vendors. A typical recovery audit works like this: An agency's purchases and payments are reviewed, usually by customized software, which is used across the country in private business such as those auditing private health plans. Firms similar to Blue Shield/Blue Cross, would utilize software designated to scan a hospital bill for a particular disease. If that disease required certain processes, they ought to be in that billing. If other processes not relevant would cause a close examination of the bill. So the same with other agencies to identify where overpayments may have occurred.

Typical errors include such things as vendor pricing mistakes, missed discounts, duplicate payments and so on down the line. Once an error is identified and verified by the agency, a notification letter is sent to the vendor for review and response. Recoveries are usually made through administrative offsets or direct payments.

Under H.R. 1827, agencies would be required to use recovery auditing if they spend $500 million or more annually for the purchase of goods and services for the agency's direct benefit. The bill encourages agencies to use recovery auditing for all procurements, regardless of the amount of the transaction.

The bill only applies recovery auditing to an agency's spending for direct contracting; in other words, when an agency purchases goods and services that directly benefit the agency or will be used by that agency. Examples of direct contracting include payments made to a contractor to build a new Veterans Hospital or payments made by the Defense Department for the purchase of a new weapon system.

H.R. 1827 would not require recovery auditing for programs that involve payments to third parties for the delivery of indirect services, such as education or drug treatment grants or payments to intermediaries who administer the Medicaid program. In these programs, Federal payments must make their way through any number of entities—including States, localities, and other entities—before the service is actually delivered to the general population. These payment systems are often so complex that it is uncertain at this time where and how the recovery audit procedure would best be applied.

Mr. Speaker, it is important to note that this legislation addresses the problems that cause the overpayments. The bill requires agencies to use part of the money they recover to work on improvements to their management and financial systems. We had a similar incentive in the Debt Collection Act of 1996, which I authored, and it has worked very well. The more they do and collect, and they do it efficiently, they can use some of the funds to improve their collection services.

As a priority, departments and agencies would have to work to improve overpayment error rates, but the money could also be used to make improvements to the agency's staff capacity, information technology and financial management functions. The bill would also send at least 50 percent of recovered overpayments back to The Treasury, making this bill a win-win for the government and, even more important, the American people the taxpayers.

Mr. Speaker, H.R. 1827 is a very important step in our efforts to increase the accountability of the Federal Government, and I am pleased to be here to support this legislation and urge my colleagues to support it as well.

Mr. Speaker, I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 1827, the Government Waste Corrections Act of 1999. I want to first commend the chairman of the full committee, the gentleman from Indiana (Mr. BURTON), and the ranking member, the gentleman from California (Mr. WAXMAN), as well as the chairman of the subcommittee, the gentleman from California (Mr. HORN), for their work and leadership in bringing this proposal to the floor.

Mr. Speaker, it was shocking for our committee to learn that every year Federal agencies pay out millions of dollars to vendors and to government contractors that the agencies do not even owe. For example, between 1994 and 1998, private-sector defense contractors voluntarily returned to the government almost a billion dollars. Even more alarming is the fact that the government, the Department of Defense, did not even know that these overpayments had been made.

No matter how efficient a financial management system is, overpayments do occur. And, in fact, the larger the volume of purchases, which in the case of the Department of Defense is in the billions of dollars, the greater the likelihood of overpayments. This legislation addresses this problem by requiring Federal agencies to use a financial management tool that is called recovery auditing.

Recovery auditing is used to identify overpayments due to financial system weaknesses, problems with fundamental recordkeeping and financial reporting, incomplete documentation, and other weaknesses in a financial accounting system. It has been used very successfully by the automobile, retail, and food services industries in our country for more than 30 years. It is currently employed by the majority of the Fortune 500 companies. However, only a very few Federal agencies have utilized the process.

One agency that has used recovery auditing is the Army and Air Force Exchange Service, which recovered $25 million in overpayments through recovery auditing in 1998.

H.R. 1827 would require Federal agencies to conduct recovery auditing on all payment activities over $500 million annually on goods and services for the use or direct benefit of the agency. Recovery audits would be optional for other payment activities.

This bill provides that the contractors simply identify potential overpayments. They have no authority to make determinations or to take collective action. These functions remain at all times with the agency itself. Audits are to be structured to produce the greatest financial gain to the government and must comply with a recovery audit standard to be set forth by the director of the Office of Management and Budget.

Agencies would be authorized to conduct recovery audits in house, contract with private recovery specialists, or use any combination of the two. The agency head would have the authority to use contingency contracts, whereby a contractor would be allowed to retain a percentage of collections from the overpayments they identify during the audit. The agency head would also be free to adopt compensation arrangements other than contingency fees. The bill provides the amounts recovered will be available to pay for a recovery audit contractor or to reimburse appropriations for recovery audit costs incurred by the agency.

At least 50 percent of the overpayments recouped will go back to the general treasury of the government. Up to 25 percent of the overpayments recouped may be used for a management improvement program designed to prevent future overpayments and waste at the agency.

During the subcommittee markup on this bill, a number of concerns were discussed regarding reservations that the health care industry had about this bill. At that time, we, as a committee, pledged to work out a solution to those concerns before full markup. In keeping with that commitment, on November 10 the gentleman from Indiana (Mr. BURTON) offered an amendment in the nature of a substitute which limited this bill to direct services to the government.

☐ 1245

It is my understanding that this substitute alleviated the concerns that were expressed by the health care industry.

Also, at the full committee I offered an amendment which the committee adopted relating to privacy protections for individually identifiable information. This amendment will provide safeguards and remedies to people who might have had their records misused by private recovery auditing firms.

Additionally, the gentleman from California (Mr. WAXMAN), the ranking member, offered an amendment which was also adopted by the committee which ensures that the agency head will conduct a public-private cost comparison before deciding to contract for recovery auditing services on the outside.

I appreciate the bipartisan manner that both of these amendments were negotiated under and which H.R. 1827 passed out of the committee on a voice vote.

Mr. Speaker, H.R. 1827 represents a significant step toward dealing with the billions of dollars in Federal overpayments that our committee discovered were made every year. I am pleased to be a cosponsor. Recovery auditing is simply good government.

I again commend the gentleman from Indiana (Chairman BURTON), the gentleman from California (Mr. WAXMAN), and the gentleman from California (Chairman HORN) for their leadership on the bill.

I urge the House to adopt H.R. 1827.

Mr. Speaker, I reserve the balance of my time.

Mr. HORN. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, as the author of the bill, I have just been informed that one of our colleagues has some minor problems with the bill. In order to accommodate him, what I would like to do, with unanimous consent of the House, is to withdraw the bill at this time, try to correct any differences that we have, and then bring the bill up later today. I think we can do that in a relatively short period of time.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from California (Mr. HORN) needs to withdraw the motion.

Mr. HORN. Mr. Speaker, I ask unanimous consent to withdraw the motion to suspend the rules.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The motion is withdrawn.

EXPORT ENHANCEMENT ACT OF 1999

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3381) to reauthorize the Overseas Private Investment Corporation and the Trade and Development Agency, and for other purposes.

The SPEAKER pro tempore. Is there objection to consideration of the motion at this time?

There was no objection.

The Clerk read as follows:

H.R. 3381

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Export Enhancement Act of 1999".

SEC. 2. OPIC ISSUING AUTHORITY.

Section 235(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(3)) is amended by striking "1999" and inserting "2003".

SEC. 3. IMPACT OF OPIC PROGRAMS.

(a) ADDITIONAL REQUIREMENTS.—Section 231A of the Foreign Assistance Act of 1961 (22 U.S.C. 2191a) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following new subsection:

"(b) ENVIRONMENTAL IMPACT.—The Board of Directors of the Corporation shall not vote in favor of any action proposed to be taken by the Corporation that is likely to have significant adverse environmental impacts that are sensitive, diverse, or unprecedented, unless for at least 60 days before the date of the vote—

"(1) an environmental impact assessment or initial environmental audit, analyzing the environmental impacts of the proposed action and of alternatives to the proposed action has been completed by the project applicant and made available to the Board of Directors; and

"(2) such assessment or audit has been made available to the public of the United States, locally affected groups in the host country, and host country nongovernmental organizations."; and

(3) in subsection (c), as so redesignated—

(A) by inserting "(1)" before "The Board"; and

(B) by adding at the end the following:

"(2) In conjunction with each meeting of its Board of Directors, the Corporation shall hold a public hearing in order to afford an opportunity for any person to present views regarding the activities of the Corporation. Such views shall be made part of the record.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

SEC. 4. BOARD OF DIRECTORS OF OPIC.

Section 233(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2193(b)) is amended—

(1) by striking the second and third sentences;

(2) in the fourth sentence by striking "(other than the President of the Corporation, appointed pursuant to subsection (c) who shall serve as a Director, ex officio)";

(3) in the second undesignated paragraph—

(A) by inserting "the President of the Corporation, the Administrator of the Agency for International Development, the United States Trade Representative, and" after "including"; and

(B) by adding at the end the following: "The United States Trade Representative may designate a Deputy United States Trade Representative to serve on the Board in place of the United States Trade Representative."; and

(4) by inserting after the second undesignated paragraph the following:

"There shall be a Chairman and a Vice Chairman of the Board, both of whom shall be designated by the President of the United States from among the Directors of the Board other than those appointed under the second sentence of the first paragraph of this subsection.".

SEC. 5. TRADE AND DEVELOPMENT AGENCY.

(a) PURPOSE.—Section 661(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2421(a)) is amended by inserting before the period at the end of the second sentence the following: ", with special emphasis on economic sectors with significant United States export potential, such as energy, transportation, telecommunications, and environment".

(b) CONTRIBUTIONS OF COSTS.—Section 661(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2421(b)) is amended by adding at the end the following:

"(5) CONTRIBUTIONS TO COSTS.—The Trade and Development Agency shall, to the maximum extent practicable, require corporations and other entities to—

"(A) share the costs of feasibility studies and other project planning services funded under this section; and

"(B) reimburse the Trade and Development Agency those funds provided under this section, if the corporation or entity concerned succeeds in project implementation.".

(c) FUNDING.—Section 661(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2421(f)) is amended—

(1) in paragraph (1)(A) by striking "$77,000,000" and all that follows through "1996" and inserting "$48,000,000 for fiscal year 2000 and such sums as may be necessary for each fiscal year thereafter"; and

(2) in paragraph (2)(A), by striking "in fiscal years" and all that follows through "provides" and inserting "in carrying out its program, provide, as appropriate, funds".

SEC. 6. IMPLEMENTATION OF PRIMARY OBJECTIVES OF TPCC.

The Trade Promotion Coordinating Committee shall—

(1) report on the actions taken or efforts currently underway to eliminate the areas of overlap and duplication identified among Federal export promotion activities;

(2) coordinate efforts to sponsor or promote any trade show or trade fair;

(3) work with all relevant State and national organizations, including the National Governors' Association, that have established trade promotion offices;

(4) report on actions taken or efforts currently underway to promote better coordination between State, Federal, and private sector export promotion activities, including co-location, cost sharing between Federal, State, and private sector export promotion programs, and sharing of market research data; and

(5) by not later than March 30, 2000, and annually thereafter, include the matters addressed in paragraphs (1), (2), (3), and (4) in the annual report required to be submitted under section 2312(f) of the Export Enhancement Act of 1988 (15 U.S.C. 4727(f)).

SEC. 7. TIMING OF TPCC REPORTS.

Section 2312(f) of the Export Enhancement Act of 1988 (15 U.S.C. 4727(f)) is amended by striking "September 30, 1995, and annually thereafter," and inserting "March 30 of each year,".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from New Jersey (Mr. MENENDEZ) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3381.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in strong support of the Export Enhancement Act of 1999. This measure before us today provides a 4-year authorization of OPIC, an authorization of the Trade and Development Agency and several provisions enhancing the effectiveness of the Trade Promotion Coordinating Committee.

Mr. Speaker, this measure is a stripped-down version of H.R. 1993, which passed the House on October 13 by an overwhelming margin of 357 to 71. This bill enjoys full bipartisan support. It is identical to the text of a measure the Senate is ready to consider in the very near future.

Passing this measure today will ensure that the Overseas Private Investment Corporation will get the authorities it needs to play a key role in boosting our Nation's competitiveness and export potential.

I urge its prompt adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. MENENDEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this measure to reauthorize the OPIC and the U.S. Trade Development Agency.

Basically, there is a version that has already passed the House 357-71, but to expedite it in the Senate, we are pursuing it in this fashion.

Export promotion programs, like OPIC and TDA, provide crucial support for American businesses in the global marketplace. U.S. exports of goods and services are estimated to support more than 12 million domestic jobs. Each $1 billion in U.S. goods and services supports approximately 13,000 jobs. This is a reality in my home State of New Jersey, as well as throughout the country.

OPIC has had a positive net income for every year of operation, which reserves now total more than $3 billion. Last year it earned a profit of $139 million and contributes over $204 million in net negative budget authority.

So at a time when Congress is striving to adhere to the constraints of a balanced budget, OPIC stands a part of a revenue earning program. It also complements our efforts across the globe to open up markets.

I want to thank the gentleman from Connecticut (Mr. GEJDENSON) and the gentleman from Illinois (Mr. MANZULLO), my colleague, for his efforts to work with our office to achieve an agreement that ensures OPIC will continue to provide services to American investors overseas.

I also want to thank the gentleman from New York (Chairman GILMAN), the distinguished chairman of the committee, for his commitment to work with myself and the gentleman from Connecticut (Mr. GEJDENSON) on an International Trade Administration reauthorization bill at the beginning of the next session of the 106th Congress. I hope that we can build on the bill that we develop in this session and pass an ITA reauthorization bill as early as possible next year.

I urge Members to support passage of the legislation.

Mr. MANZULLO. Mr. Speaker, I rise in support of the Export Enhancement Act. For the benefit of my colleagues, let me provide some background to where we are today.

H.R. 3381 is a bipartisan and bicameral work-product. Both Members and staff from both sides of the aisle and both sides of Capitol Hill worked on this together in order to get this bill to the President as quickly as possible. The temporary reauthorization extension for the Overseas Private Investment Corporation expires today. It's time to finally get this legislation to the President.

The House version of H.R. 1993 is subject to a hold in the other body for reasons that have nothing to do with the substance of the legislation. Passage of H.R. 3381 now by the House is one way to seek quick action on a four year authorization for OPIC in case the House adjourns for the year prior to the Senate.

There are some changes. The most important are provisions dealing with the International Trade Administration were removed because of jurisdictional concerns with the Senate Banking Committee.

But it is important to remember what the new bill retains—four year OPIC reauthorization; success fee language on the Trade and Development Agency; and streamlining the efforts of the 19 federal agencies involved in export promotion. All of these provisions will help America increase U.S. exports and eliminate government waste. I urge my colleagues to support H.R. 3381.

Mr. MENENDEZ. Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 3381.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROVIDING SUPPORT FOR CERTAIN INSTITUTES AND SCHOOLS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 440.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. HILLEARY) that the House suspend the rules and pass the Senate bill, S. 440, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 128, nays 291, not voting 14, as follows:

[Roll No. 597]

YEAS—128

Abercrombie
Allen
Baird
Bateman
Berman
Biggert
Blagojevich
Bliley
Blumenauer
Boehner
Bonior
Bono
Borski
Boucher
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Camp
Capuano
Castle
Clay
Clement
Clyburn
Costello
Coyne
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dickey
Dicks
Dixon
Dooley
Duncan
Dunn
English
Eshoo
Evans
Filner
Ford
Frelinghuysen
Gejdenson
Gephardt
Gillmor
Gilman
Gordon
Goss
Hall (OH)
Hall (TX)
Hastings (FL)
Hilleary
Hobson
Hoekstra
Holt
Hooley
Horn
Houghton
Hoyer
Hyde
Jackson (IL)
Jenkins
Johnson (CT)
Kaptur
Kasich
King (NY)
Kucinich
Lantos
Larson
LaTourette
Lazio
Leach
Lewis (CA)
Maloney (CT)
Markey
Martinez
Matsui
McCarthy (NY)
McDermott
McGovern
McHugh
McNulty
Meehan
Metcalf
Millender-McDonald
Moakley
Moran (VA)
Murtha
Neal
Ney
Oberstar
Olver
Ortiz
Oxley
Packard
Phelps
Pickering
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Rush
Sabo
Sanders
Sawyer
Schakowsky
Scott
Shimkus
Skelton
Strickland
Stupak
Tanner
Tauscher
Taylor (NC)
Tiahrt
Traficant
Walden
Walsh
Wamp
Waxman
Weller
Wicker
Wu
Wynn

NAYS—291

Aderholt
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Bilbray
Bilirakis
Bishop
Blunt
Boehlert
Bonilla
Boswell
Boyd
Brown (FL)
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Capps
Cardin
Carson
Chabot
Chambliss
Chenoweth-Hage
Clayton
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Deal
DeMint
Deutsch
Diaz-Balart
Dingell
Doggett
Doolittle
Doyle
Dreier
Edwards
Ehlers
Ehrlich
Emerson
Engel
Etheridge
Everett
Ewing
Fattah
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gonzalez
Goode
Goodlatte
Goodling
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Latham
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Mascara
McCarthy (MO)
McCollum
McCrery
McInnis
McIntyre
McKeon
McKinney
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Mollohan
Moore
Moran (KS)
Myrick
Nadler
Napolitano
Nethercutt
Northup
Norwood
Nussle
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Ramstad
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Saxton
Schaffer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shows
Shuster
Simpson
Sisisky
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weygand
Whitfield
Wilson
Wolf
Woolsey
Young (AK)
Young (FL)

NOT VOTING—14

Ackerman
Davis (FL)
Davis (VA)
Farr
Lampson
Largent
McIntosh
Morella
Obey
Porter
Scarborough
Spence
Wexler
Wise

□ 1313

Messrs. BASS, CRANE, SHOWS, INSLEE, CRAMER, SMITH of Texas, McINTYRE, TERRY, DOOLITTLE, POMEROY, BALDACCI, and PETRI, and Mrs. NORTHUP, Mrs. MALONEY of New York, Mrs. KELLY, Ms. SANCHEZ, Ms. DANNER, Ms. WOOLSEY, and Ms. McKINNEY changed their vote from "yea" to "nay."

Messrs. McDERMOTT, HOYER, WICKER, and TIAHRT changed their vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof), the motion was rejected.

The result of the vote was announced as above recorded.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I would like to inquire from the majority leader the schedule for the day and perhaps the remainder of the week.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, let me advise Members that they may have received an errant, incorrect message over the House beeper system. This vote is not necessarily the last vote of the day.

The House and Senate leadership are working together to try to find ways to work around a couple of particular parliamentary problems that the Senate has. At this time of the year, as Members know, in order to do the final work of the year, the two bodies must coordinate and must be able to move together. They have some difficulties over on the other side of the building that we are trying to work around.

So that I would say to the Members, if, in fact, we are able to work through some agreements, we might be able to have one additional vote of big consequence to all of our membership later in the day, and we should also be prepared to vote again tomorrow. All of this is contingent upon how well we can negotiate agreements between leadership on both sides of the aisle in both bodies, and then get sort of key, what should I say, agreements by individual Members here and there regarding possible UCs that might be necessary to implement what it is we can agree to.

So we have 435 House Members, 100 Members of the other body that must be copasetic with whatever we can work out. We are working hard on this. We would not want any Member to feel like they lost their opportunity to be here at that magic moment when we could come to the floor with all of these people in agreement with one another.

So I would ask Members to stay close to their best information source, their beepers or whatever, and prepare yourself for the possibility of additional votes today and additional votes tomorrow.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his information, although it is a little cryptic.

Mr. ARMEY. It is.

Mr. BONIOR. To say the least.

Mr. ARMEY. Mr. Speaker, I would give my colleagues the details if I understood them.

Mr. BONIOR. Mr. Speaker, let me try to guess then, okay?

Mr. ARMEY. Mr. Speaker, if the gentleman will yield, I could name names too, but it would be of no avail. I think the body pretty well knows the circumstances.

Mr. BONIOR. Mr. Leader, are we talking about today doing the extender bill, the tax extender bill?

Mr. ARMEY. I am sorry?

Mr. BONIOR. Is the gentleman alluding to the tax extender bill in his comments?

Mr. ARMEY. Mr. Speaker, it is possible that the tax extender bill and attendant items could be brought to the floor later today.

Mr. BONIOR. Mr. Speaker, when the gentleman says attendant items, is he talking about perhaps not having it clean and having it come back with some other issues?

Mr. ARMEY. If the gentleman from Michigan will yield, he will have to pull every inch of this out of me.

Mr. BONIOR. That is what I am trying to do, Mr. Speaker.

Mr. ARMEY. I know that.

Mr. BONIOR. Mr. Speaker, let me ask, is it possible that we could see the dairy piece on the extender bill?

Mr. ARMEY. We do not know.

Mr. BONIOR. Well, obviously, Mr. Speaker, it would be helpful if we had some anticipation of what we are going to be seeing so Members can be prepared; and to the extent you can provide that to us, it would be generally I think helpful to Members on both sides of the aisle. I assume that what we are talking about is a tax extender bill, and the question of whether it is going to be clean or not, and we would like to know that, because obviously those who come from dairy States have a great interest in this, and dairy districts; and those who care about the extender bill have an interest in it.

Mr. ARMEY. Mr. Speaker, again, if the gentleman will yield, I do appreciate your concern, but I think the gentleman from Michigan would understand that what we have is problems, problems where we try to devise a plan with respect to which we can get agreements and work out an opportunity to move the legislation. We are all interested, whether it be the work incentives bill or the tax extenders, any number of things.

In the process of working out these possible agreements, it has been proven in the past to be generally prudent to not make any public revelations about what our expectations, hopes and dreams might be while these Members, who have such heart-felt feelings, have a chance to look at the proposals, consider them, and decide whether or not they can come to agreement.

I can only tell the Members at large, we are making every effort to get by some of the difficult, what should I say, delays that are pending out there and get back to this floor with the legislation the Members are all interested in as quickly as possible; and we will do everything we can to give Members timely notification so that they will have a clear understanding of what it is they are being asked to come back for.

In the meantime, if I may, Mr. Speaker, we will have the floor available to take up special orders; and pursuant to that, we may even, in fact, recess subject to the call of the Chair. I again would encourage all of the Members to understand that they will be noticed later.

Mr. BONIOR. Mr. Speaker, can the gentleman from Texas give us a sense of timing? Are we looking at late afternoon, early evening, midnight? Where are we in terms of people planning for the rest of the day?

Mr. ARMEY. Mr. Speaker, if the gentleman will yield further, I do understand that, and I understand the frustration. The ability of working out agreements, as the gentleman knows, sometimes can be done fairly quickly, sometimes it takes more time. As soon as we know that we have a course of action that can command the attention of the body at large, we will make that information available.

But it is possible, as long as Members want to continue working, that on into the evening we may find ourselves holding the opportunity available to continue the work this evening. As it proceeds, if it ever comes to a point where we can give Members sort of a definitive notion that the votes will be at this time or another, we will make every effort to quickly get the information to the Members.

Mr. BONIOR. Mr. Speaker, reclaiming my time, I would just say in conclusion to my friend from Texas, we obviously would like to cooperate. As well, I think it is in everyone's interest to finish the business of this session of this Congress. To the extent that we can be included in understanding what we will be doing and when we will be doing it, it will expedite that process. The majority will need unanimous consent from this side of the aisle to bring the extender bill up; and I am not going to speak for everybody on our side of the aisle, but we would be inclined to do that if we are part of the process. If we are not, if it is sprung on us without any notice and with provisions that we are not comfortable with, then we are going to run into difficulty later on.

That is why I am trying to, as the gentleman from Texas aptly described it, pull from him as much information as I can this afternoon.

Mr. ARMEY. Mr. Speaker, if the gentleman will yield, throughout this day, last evening, this morning, yesterday, and as we continue to work on this, we will continue to contact the minority leadership as we have been doing, including as many long-distance phone calls as are necessary to California and other places and as many fund-raising events that we may have to interrupt, we will keep our colleagues informed.

Mr. BONIOR. Mr. Speaker, I do not think that was necessarily necessary. That is the kind of thing that is going to keep us here longer than any of us would want.

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Mr. ARMEY. Mr. Speaker, I appreciate the gentleman.

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The SPEAKER pro tempore (Mr. LaHood). The Chair will recognize Members for Special Order speeches at this time without prejudice to the Speaker's right to return to legislative business later today.

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POINT OF ORDER

Mr. SMITH of Michigan. Mr. Speaker, point of order.

The SPEAKER pro tempore. The gentleman from Michigan will state his point of order.

Mr. SMITH of Michigan. Mr. Speaker, do I not have the right to ask unanimous consent for 1 minute prior to proceeding with the 5 minutes speeches?

The SPEAKER pro tempore. The Chair has already begun recognition from the 5 minute list, and would advise the Member from Michigan at this point to seek unanimous consent to be recognized from the 5-minute Members list and the Chair will be happy to recognize the gentleman. This is purely a matter of recognition, not a point of order.

Mr. SMITH of Michigan. But, Mr. Speaker, I only want 1 minute.

U.S. FOREIGN POLICY OF MILITARY INTERVENTIONISM BRINGS DEATH, DESTRUCTION, AND LOSS OF LIFE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, demonstrators are once again condemning America in a foreign city. This time, it is in Kabul, Afghanistan. Shouting "Death to America," burning our flag, and setting off bombings, the demonstrators express their hatred toward America.

The United States has just placed sanctions on yet another country to discipline those who do not obey our commands. The nerve of them. Do they not know we are the most powerful Nation in the world and we have to meet our responsibilities? They should do as we say and obey our CIA directives.

This process is not new. It has been going on for 50 years, and it has brought us grief and multiplied our enemies. Can one only imagine what the expression of hatred might be if we were not the most powerful Nation in the world?

Our foreign policy of military interventionism has brought us death and destruction to many foreign lands and loss of life for many Americans. From Korea and Vietnam to Serbia, Iran, Iraq and now Afghanistan, we have ventured far from our shores in search of wars to fight. Instead of more free trade with our potential adversaries, we are quick to slap on sanctions that hurt American exports and help to solidify the power of the tyrants, while seriously penalizing innocent civilians in fomenting anti-America hatred.

☐ 1330

The most current anti-American demonstrations in Kabul were understandable and predictable. Our onetime ally, Osama bin Laden, when he served as a freedom fighter against the Soviets in Afghanistan and when we bombed his Serbian enemies while siding with his friends in Kosovo, has not been fooled and knows that his cause cannot be promoted by our fickle policy.

Sanctions are one thing, but seizures of bank assets of any related business to the Taliban government infuriates and incites the radicals to violence. There is no evidence that this policy serves the interests of world peace. It certainly increases the danger to all Americans as we become the number one target of terrorists. Conventional war against the United States is out of the question, but acts of terrorism, whether it is the shooting down of a civilian airliner or bombing a New York City building, are almost impossible to prevent in a reasonably open society.

Likewise, the bombings in Islamabad and possibly the U.N. plane crash in Kosovo are directly related to our meddling in the internal affairs of these nations.

General Musharraf's successful coup against Prime Minister Sharif of Pakistan was in retaliation for America's interference with Sharif's handling of the Pakistan-India border war. The recent bombings in Pakistan are a clear warning to Musharraf that he, too, must not submit to U.S.-CIA directives.

I see this as a particularly dangerous time for a U.S. president to be traveling to this troubled region, since so many blame us for the suffering, whether it is the innocent victims in Kosovo, Serbia, Iraq, or Afghanistan. It is hard for the average citizen of these countries to understand why we must be so involved in their affairs, and resort so readily to bombing and boycotts in countries thousands of miles away from our own.

Our foreign policy is deeply flawed and does not serve our national security interest. In the Middle East, it has endangered some of the moderate Arab governments and galvanized Muslim militants.

The recent military takeover of Pakistan and the subsequent anti-American demonstration in Islamabad should not be ignored. It is time we in Congress seriously rethink our role in the region and in the world. We ought to do more to promote peace and trade with our potential enemies, rather than resorting to bombing and sanctions.

SAVING 1 PERCENT OF THE FEDERAL BUDGET TO SECURE SOCIAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 60 minutes as the designee of the majority leader.

Mr. SCHAFFER. Mr. Speaker, I want to take this opportunity in this 1 hour special order to invite my colleagues in the majority conference to come join in our discussion of our accomplishments, and to also define somewhat the negotiating that is going on right now between the Congress and the President with respect to getting our budget resolution passed and getting the final agreement nailed down.

Before I do that, I want to talk about one of the announcements that is coming out tomorrow from the Department of Education. Over at the Department, a number of us paid a visit to them just a couple of weeks ago when the Secretary of Education had assured the country, certainly the Congress and the White House, as well, that it was impossible to find this one penny on the dollar savings that we hoped to secure in order to save social security and prevent the President's raid on the social security program.

The Secretary of Education said there is no savings to be found in the administration at the Department of Education, that the agency is run efficiently and is run in the most lean manner possible.

So the three of us Members of Congress who walked down there had a difference of opinion. We physically showed up on the premises and started going office to office to find out if we could not help the Secretary find that penny on the dollar, and lo and behold, we found a number of places where it would be wise to look.

We found an account called a grant back fund, for example, that has about $725 million in there that is not spent in the way that the statutes have defined. We also found some duplicate payments to the tune of about $40 million. We have found several other things since then.

The most remarkable thing we found is that going back to 1998, the Department of Education's books are not auditable. In fact, tomorrow the Department of Education will be receiving notification from the auditors, who are charged with auditing the Department of Education, to finding out where this money goes, they will be receiving this notice claiming, showing, certifying that the Department of Education's books are not auditable.

This is a remarkable revelation coming out of the Department, especially at a time when the Secretary ran over here immediately after we started talking about saving money and telling us with certainty that there is no savings to be found in the Department of Education. He has no basis to make such a claim. His books over at the Department of Education are not auditable.

Mr. Speaker, I just had an opportunity to visit some schoolkids in my district on Monday. I visited three schools. Children in America's schools throughout the country are much like those children in my district in Colorado. They understand accountability. They understand completing assignments on time. They understand completing the work according to their requirements and being held accountable.

When a teacher says a report is due on a certain day, the kids understand that if they do not turn it in on that day, they will get an F. The Department, when they are supposed to audit their books and certify to the Congress that their books are clean, that they have balanced, that they are auditable, we should expect them to follow through. The Department of Education has failed to accomplish that objective. They will tell us tomorrow, we cannot beepers or whatever, and prepare yourself for the possibility of additional votes today and additional votes tomorrow.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his information, although it is a little cryptic.

Mr. ARMEY. It is.

Mr. BONIOR. To say the least.

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This is a remarkable revelation coming out of the Department, especially at a time when the Secretary ran over here immediately after we started talking about saving money and telling us with certainty that there is no savings to be found in the Department of Education. He has no basis to make such a claim. His books over at the Department of Education are not auditable.

Mr. Speaker, I just had an opportunity to visit some schoolkids in my district on Monday. I visited three schools. Children in America's schools throughout the country are much like those children in my district in Colorado. They understand accountability. They understand completing assignments on time. They understand completing the work according to their requirements and being held accountable.

When a teacher says a report is due on a certain day, the kids understand that if they do not turn it in on that day, they will get an F. The Department, when they are supposed to audit their books and certify to the Congress that their books are clean, that they have balanced, that they are auditable, we should expect them to follow through. The Department of Education has failed to accomplish that objective. They will tell us tomorrow, we cannot find where the $120 billion in taxpayer money has been spent and how it has been spent.

Mr. HAYWORTH. Mr. Speaker, will the gentleman yield?

Mr. SCHAFFER. I yield to the gentleman from Arizona.

Mr. HAYWORTH. I thank my colleague for yielding, Mr. Speaker. I just would ask my colleague, when were the reports or when was the audit or financial statement from the Department of Education due? Was it not March, or sometime earlier this year?

Mr. SCHAFFER. That is right.

Mr. HAYWORTH. So now it is November. They received an incomplete grade, basically, for lo these 9 months, and tomorrow, I guess sotto voce, in low, spoken terms, the Department of Education is going to admit that it has made an F in terms of fiscal responsibility, and even more than fiscal responsibility, fiscal accountability. Mr. Speaker, there is no greater evidence that we take the right approach to get dollars to the classroom, rather than deal with the care and feeding of a Washington bureaucracy.

I would just ask my friend, the gentleman from Colorado, and first of all, let me commend him, sir, and let me also commend my colleague, the gentleman from Michigan (Mr. HOEKSTRA) and my colleague, the gentleman from Arizona (Mr. SALMON) for making that trip 2½ weeks ago to the Department of Education.

I understand, and now help me on this, there is, in essence, a fund of cash, some have described it as a slush fund, to the tune of how many millions, $725 million?

Mr. SCHAFFER. One of the reports on that fund suggested that there has been in the past, recently, about $725 million. The Secretary says it is a little bit less than that, but still there are hundreds of millions of dollars, even about by the Secretary's account. The bottom line is they are not real sure.

Mr. HAYWORTH. Again, so we can try to get a handle on the sums we are talking about, money that could be well spent in America's classrooms helping teachers teach and helping children learn, annually we are looking at an appropriation for that cabinet level agency of $35 billion?

Mr. SCHAFFER. A $35 billion annual appropriation, which is this year's appropriation, but on top of that there is another $85 billion in loans that that department manages, so a grand total of $120 billion is managed by the Department of Education. It effectively makes it one of the largest financial institutions in the world.

Mr. HAYWORTH. So forget, if my friend would yield further, forget the colloquialism about an 800-pound gorilla. We have a $120 billion sum of money that in essence is unaccounted for from the department in Washington, D.C. charged with teaching responsibility and the three Rs.

Maybe that is the fact, Mr. Speaker. We talk about reading, writing, arithmetic. With all due respect, Mr. Speaker, to our friends in the Department of Education, we need to teach a fourth R, responsibility, and accountability, and counting, with a C, to be able to actually handle their books.

I think it is important to inform the body, Mr. Speaker, based on current events, that we do welcome back to the Chamber the House minority leader, the gentleman from Missouri (Mr. GEPHARDT). I had a chance to welcome him. I am sorry he was not here yesterday to be involved in the budget negotiations. I understand he was fundraising on the West Coast.

We certainly find it interesting, those denizens of campaign finance reform, busily raising campaign cash. But we welcome him back.

Mr. Speaker, if I could inform my colleagues, I understand that substantial progress has been made toward a budget agreement. Indeed, the President of the United States and the Speaker of the House have agreed to across-the-board savings. Sadly, the problem comes in this Chamber, because of an inability of the minority to join with us to find those across-the-board savings.

We have advocated simply finding savings in one penny of every discretionary dollar spent. We think that is a way to come together, and we understand there are priorities on the left, there are priorities on our side, the other body has priorities, and the administration has priorities.

Once we come to a basic agreement, which apparently has been done, the best way to fit in the amount of overspending or what would be overspending and a raid of the social security trust fund, the best way to accommodate that spending without raiding the social security trust fund is to simply call for across-the-board savings of one penny on every dollar.

Mr. Speaker, we understand the President of the United States has given his word to the House Speaker, and I would hope that our friends on the other side of the aisle could reach an accommodation with the administration for a simple, across-the-board savings.

I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I appreciate my friend for yielding to me.

Mr. Speaker, I want to bring this back to the perspective of American families. The gentleman has a family, and he and his wife have to do what Libby and I do, sit down at the kitchen table quite frequently and decide what they are going to cut out. Do we really need the new curtains this month? Maybe we can postpone buying the new mattress for the bed, and things like this; that if we can postpone a spending decision, we will.

All we have asked the Washington bureaucrats to do is think like the American family. Here is $5, hard-earned money. The gentleman's money is as good as mine. He works hard to pay it, the American people work hard to pay it. All we are asking the bureaucrats is, take this $5 that you have gotten from hard-working Americans and find this, one nickel. Just get one nickel out of it. That is not hard to do.

When we sit around at our kitchen table, it is not a nickel we are looking for. We have to cut out $2 or $3 from this $5, and it is not that hard to do.

The administration this year proposed buying an island off of Hawaii for $30 million. What was the purpose? For duck breeding. The only problem was, only 10 ducks took them up on this honeymoon package offer, so there are 10 ducks who would use this facility for $30 million. Fortunately, Congress persuaded the administration to back off this, but this is an example of something that is absurd.

What about the Pentagon? The Pentagon lost one $1 million rocket launcher. Now, talk about gun control, does it not bother this administration that we have lost a rocket launcher? I am not sure what can be done with a rocket launcher, but I do not know why you would lose one, and who would want to take it?

What about an $850,000 tugboat that disappears? Where do you hide a tugboat? How do you lose a tugboat? Where can you put one? It is just ridiculous, the examples go on and on and on. All we are asking this administration to do is go back and cut out the waste, fraud, and abuse in the budget.

Mr. SCHAFFER. I would say to the gentleman, it is my understanding that the President has agreed as of today that there is enough savings for this across-the-board savings. He has realized that there is a substantial amount of waste, fraud, and abuse in government that we can reduce, that we can effectively save; find less than a penny on the dollar, is what we are down to now, but that we can save this money. We can save the penny on the dollar without affecting the important services of government.

The President agrees now, but for some reason the deal is not going forward. If anyone has any insight on this, I understand that it is the minority leader on the Democrat side who just arrived back from his fundraising mission in California who has come and disagrees now with the President and the Republicans that this money can be saved in government. That is why we are at an impasse.

Mr. KINGSTON. One of the reasons why we said to the bureaucracies, look, you spend, say in the case of the Pentagon, $240 to $260 billion a Year.

□ 1345

I think USDA, the agriculture folks, get about $64 billion a year. What we are saying to them is they have capable administrators, they can figure out where the waste is. We are not going to dictate it top down from our body saying these are the ones to cut. We expect they know where their waste is and they can ferret it out, and we get criticized for not being more specific where the money should come from. We are being flexible, because we believe that those who are closest to it know where the waste is.

Mr. HAYWORTH. The gentleman from Georgia raises an important point. When we are talking about finding savings of one penny on every dollar of discretionary spending, we are not, I repeat, we are not talking about cutting Medicare, Social Security, Medicaid, any of those vital programs that help the truly needy and those who have earned that type of success and that type of largesse. What we are talking about is saving the Social Security funds for Social Security and Medicare exclusively.

The best way we can do that is for every discretionary dollar spent, and goodness knows there are billions of them, invoking the memory of the late Carl Sagan, "billions and billions" of dollars. Let us find a penny on every dollar.

The gentleman from Colorado (Mr. SCHAFFER) asked the question, why is it apparently that the Minority Leader is reluctant to accept an agreement reached by the President and by the Speaker of the House? Well, let us give the Minority Leader the benefit of the doubt. I understand what it is like. I caught what is called in common parlance the red-eye flight back Monday from the West Coast to be here for votes. I understand jet lag and the taxing time on one's body. And perhaps it is a situation where the administration is briefing the Minority Leader.

Mr. KINGSTON. Mr. Speaker, I ask the gentleman to wait. I know that the gentleman from Illinois (Mr. HASTERT), Speaker of the House, was here all weekend. Is the gentleman saying that the Republicans were the only people who stayed in town to protect Social Security?

Mr. HAYWORTH. I would not suggest that for everyone on the other side of the aisle, and certainly administration representatives, and I know representatives from the Committee on Appropriations, were here. But, apparently, the House Minority Leader, the man in whom Members of the opposition party place their trust and the responsibility of leadership, saw fit to leave town instead of being involved in the budget negotiations. It brings all of this talk about a do-nothing Congress, it rings kind of hollow for those who, I suppose in good faith, want to see a solid record, to leave town on a fund-raising trip for campaign cash.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. SCHAFFER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding to me. I have been in every single one of those negotiation meetings. And last night, the night in question, I talked to the gentleman from Missouri (Mr. GEPHARDT) twice on questions involving negotiations. I want to tell what is dividing us at this moment. What is dividing us at this moment is one remaining question.

The Republican side, after having spent $17 billion of Social Security money, the Republican side is now asking for a "let's pretend" fig leaf so that they can point to a tiny, minuscule across-the-board cut as their "let's pretend" indicator that they did not touch Social Security.

Mr. Speaker, we, in return, are asking if they want that, we are asking them to do something real. We are asking to take whatever money the government might earn in any suit against the tobacco companies, which could be up to $20 billion a year, and we are asking the Republican side to deposit that money into the Social Security Trust Fund and the Medicare trust fund. That would extend the life of those funds on average by 3 years. And what we have gotten from the Republican side is a flat "no," which means apparently that the Republican leadership would rather protect their friends in the tobacco industry than protect Social Security and Medicare. That is the truth.

Mr. KINGSTON. Mr. Speaker, reclaiming the time from the gentleman from Wisconsin, let me first of all thank the distinguished gentleman for being here——

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) The gentleman from Georgia (Mr. KINGSTON) will suspend. The gentleman from Colorado (Mr. SCHAFFER) controls the hour, so the gentleman from Colorado is recognized to control the hour.

Mr. SCHAFFER. Mr. Speaker, I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, let me first of all thank the distinguished gentleman from Wisconsin (Mr. OBEY), the ranking member, for being here this weekend. I think that is very important. I wish he was the decisionmaker on their side. Unfortunately, the decisionmaker, the Minority Leader, was not here over the weekend.

The proposal for the tobacco, I do not know where that has been all year long. We have been in session since January. This is the first I have heard of it. I am not saying I am the most informed Member of Congress. Maybe my colleagues have heard of it. In fact, I would like to see the hand of anybody in here who has heard of it, and pretty much no hands go up.

It is a new proposal. I am glad to know it is out there. But the reality is we are going to leave town maybe not tomorrow, maybe not the next day, and maybe not the next week, but when we leave town, there will be $160 billion untouched in the Social Security Trust Fund, and that never happened under the Democrat majority.

Mr. HAYWORTH. Mr. Speaker, would the gentleman yield time to me? I thank the gentleman from Colorado and the gentleman from Georgia. I am sorry that the gentleman from Wisconsin (Mr. OBEY), the ranking minority member of the Committee on Appropriations is no longer here with us, because I think we have an honest disagreement in terms of the way he portrayed what we have done to save the Social Security fund, which we pledged to save, in stark contrast to the President who came in January and said let us save 62 percent of the Social Security surplus and then spend close to 40 percent on new government programs.

I did not hear from the gentleman from Wisconsin, was he proposing new taxes on the working poor to go to this? I did not hear that side of what he was talking about in terms of the tobacco settlement, so I am uncertain. If he was proposing new taxation on the working poor and on working Americans, I think there is justifiably a problem.

Mr. OBEY. Mr. Speaker, would the gentleman yield for an answer to that question?

Mr. SCHAFFER. Sure, we will yield for an answer.

Mr. OBEY. Mr. Speaker, the gentleman well knows this has nothing whatsoever to do with taxes. What we are suggesting is if there is a suit by the Justice Department successfully concluded, which requires the tobacco companies to pay back into the Federal Treasury money which we would not have paid for illnesses caused by tobacco if they had not lied to the country for 20 years, that if there is a recovery of that kind of suit, that that money would go into Social Security and Medicare.

Mr. Speaker, the gentleman should not pretend this has anything to do with taxes. He knows well it does not.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman. I think he is setting up the parameters of something that is very interesting. If every bit of that money would go to the Social Security and Medicare trust fund instead of to the trial lawyers, if the money would truly go for public health, then I think there may be an area of agreement. I welcome that type of light and I welcome the passion that the gentleman from Wisconsin brings.

But the fact remains, the situation that exists today is one in which we are trying to find a way to deal with priorities and to find savings. Again, we are talking about simple savings of 1 cent on every dollar of discretionary spending, and to defend both the priorities of the left and our own priorities, as well as the priorities of the administration, that would be the simplest way to solve the problem.

Mr. KINGSTON. Mr. Speaker, let me say this about the proposal of the gentleman from Wisconsin. As it was explained and presented right now, I think it makes sense. I think that as I understand it, we are talking about if there is a settlement, put excess money into Social Security. I think that is a step in the right direction. I have no problems with that.

I hope also on that side we can get them to join us in finding that measly little penny for each dollar. If we can do that, I think we can leave town, again, with the $160 billion in Social Security, the surplus left intact, unraided. I certainly welcome the opportunity to work together.

Mr. SCHAFFER. Mr. Speaker, I yield to the gentleman from New York.

Mr. FOSSELLA. Mr. Speaker, I have been listening to this interesting dialogue. And let me just add, not to get off the path, but clearly I think Americans recognize inherent waste in government. We should challenge the bureaucracies, we should continually challenge the Federal agencies to reduce and eliminate waste, just as any private business does, just as any family does.

But we are getting off the page to the degree that the clear philosophical difference between the groups here in Washington, between the parties, between this Republican Congress and the White House, comes down to faith and power and freedom. And by that I mean we believe and have faith in the American people who work hard every day, sometimes two and three jobs, to keep more of their hard-earned money to invest back in themselves, in their families, in their small businesses, in the economy so that we can have a growing and prosperous economy. Something that was laid back in the 1980s when Ronald Reagan promised a tax cut. Practically every person who believed in big government said no. Guess what? Tax cuts worked.

Secondly, control. Here there are a number of individuals who believe that control by Washington is better than family control or business control. By that I mean freedom. If we truly believe in the notions of what this country is built on, freedom, individual freedoms, political and economic freedoms, then we shall continue to fight for those Americans who believe in that principle, when the alternative is that the White House wants more taxes or more spending.

Before that, well, the problem really has been, the reason why these appropriations bills have been vetoed is because they wanted more money. Well, where is that money going to come from? That is going to come from hard-working Americans. I encourage the gentlemen to continue in this dialogue and continue to work for the hard-working taxpayers of America.

Mr. HAYWORTH. And I think it is important to make this point, because I think we would be remiss if we did not for purposes of total candor, intellectual integrity and a good sense of history, again, I welcome the gentleman from Wisconsin (Mr. OBEY) the ranking member of the Committee on Appropriations, and obviously he has passionate feelings and they are deeply and honestly held. But for the record we should indicate and point out that when my friend from Wisconsin chaired the Committee on Appropriations, when my friends on the other side of the aisle were in charge of this House, they spent huge sums of Social Security money for bigger and bigger and bigger government programs.

That framed their priorities. And so I welcome any type of alternatives they might offer to truly help us preserve the Social Security fund 100 percent for Social Security. I would make this point because the gentleman from Wisconsin raised this topic. He said $17 billion were being raided out of the program. That begs the question, Mr. Speaker, to help us find the money, why do the minority appropriators not join with the gentleman from Georgia and the others on the Majority side to find the savings? All we are asking is one penny on every dollar of discretionary spending. Because, Mr. Speaker, it is obviously that a penny saved is retirement secured.

Mr. SCHAFFER. Mr. Speaker, reclaiming my time, I too appreciate the gentleman who joined us earlier. But as the Associated Press mentioned, and I want to refer to this Associated Press quote: "Democrats admit that there is an effort to raid the Social Security Administration over at the White House," and here in Congress as well. "Privately, some Democrats say a final budget deal that uses some of the pension program's surpluses would be a political victory for them because it would fracture the GOP by infuriating conservatives."

Well, it would infuriate conservatives. The Associated Press quote from one month ago is one that I think accurately states and reflects the differences of opinion that we have going on here in Washington, D.C. There is a side that truly believes it is in the best interests of the country to raid that Social Security program, and we said no. We said enough is enough. After 30 years of raiding Social Security and sinking this country deeper and deeper in debt year after year, there is no excuse. We are spending more money than the country has. And, by golly, if every agency had, if every Secretary would be willing to join us in just going through their administrative budgets and finding that one penny on the dollar to help avoid the White House raid on Social Security, think of how far that would go to deliver education services to children at the school level rather than soak those dollars up here in Washington at the bureaucratic level. Think of how far that would go to shoring up the Medicare program rather than watching those dollars siphoned off and sidetracked on administrative expenses and bloated bureaucracy. Think of how far that would go for programs like transportation, national defense, right on down the line. There are so many priorities that this country has and we can fund them without succumbing to the Democrat motivation to dip into Social Security. We can work hard together as a Congress, both parties.

I think the President finally understood this. When the President today agreed to an across-the-board reduction in administrative costs, waste, fraud and abuse in order to avoid the Social Security raid, I think he finally realized that the majority in Congress, that we are serious. We are not backing down on this particular point. The only reason we do not have a budget agreement as of today is because of certain Members in the minority side cannot see eye to eye with the President right now.

Mr. EDWARDS. Mr. Speaker, will the gentleman yield?

Mr. SCHAFFER. I yield to the gentleman from Texas.

□ 1400

Mr. EDWARDS. Mr. Speaker, let me point out that is not the only reason we do not have a budget agreement today. One of the reasons is because the majority party in the House for 8 months proposed a trillion dollar tax cut that did not work, that went to the richest families in America, that assumed we would spend $198 billion less on national defense than President Clinton's budget proposals over the next 10 years. The American people rejected it. The numbers did not work.

I am amazed to sit here and hear my colleagues talk about not raiding Social Security by reducing four-tenths of 1 percent of the discretionary programs when they offered a trillion dollar tax cut that was going to devastate our ability financially to protect Social Security. I welcome the debate.

Mr. SCHAFFER. Mr. Speaker, reclaiming my time, I realize that there is a difference of opinion. The side of the gentleman from Texas (Mr. EDWARDS) does not support tax relief. Our side does.

For an opinion from a gentleman who has led the Committee on Ways and Means in trying to provide this middle-class American family tax cut, Mr. Speaker, I yield to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Texas (Mr. EDWARDS) for pointing out this key distinction and difference. Yes, unapologetically, I believe hard-working Americans should hold on to more of the money they earn instead of sending it to Washington. Yes, $1 trillion out after $3 trillion projected surplus over the next decade is reasonable. Because $2 trillion are going to save Social Security and Medicare, and the other trillion dollars, as we can see from the institutional pressure of the other side, they want to spend that money. They would rather have Washington spend that money. Mr. Speaker, I think that is the wrong thing to do. All the American people should hold onto their money.

As to the canard of tax cuts for the wealthy, I would simply point out that all working Americans who pay taxes should have a right to have their money back. Certainly my friends on the left do not impugn initiative and success. They are not coming to the floor to do that. But, again, it begs the question.

Mr. Speaker, our friends on the left should join with us if they bemoan or belittle four-tenths of a cent in terms of reductions. They should join with us. If they do not think it is a big deal, then join with us and let us reach an agreement.

Mr. SCHAFFER. Mr. Speaker, I yield to the gentleman from Connecticut (Mr. GEJDENSON) who is here and would like a chance to defend his party's position.

Mr. GEJDENSON. Mr. Speaker, I appreciate the gentleman turning to the right to talk to his gentleman on the left. But if we want to get this clear, let us remember why we are here. One, the gentleman's party has never really supported Social Security and Medicare. At the beginning of the year, the gentleman recommended that a trillion dollars be cut in taxes, noble a cause as it is. Everyone, including those who are going to get the tax break, recognize that would undermine our ability to deal with Social Security and Medicare.

We have not as a Congress dealt with drug benefits. We have not dealt with fixing Medicare. We have not dealt with Social Security. But what we have here is a last minute attempt by the majority party to blame everybody under the sun for their failure to get a budget together and for their failure to come up with solutions for these problems.

So my colleagues can have a trillion dollars for tax cuts, and that did not endanger Social Security. But now they are trying to cover themselves with those very Social Security recipients, because their own polls say they dropped 12 points with senior citizens when they tried that game.

Mr. SCHAFFER. Mr. Speaker, I yield to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, we certainly would invite our friends on the left to apply for their own hour of special order if they would like to continue the dialogue.

But of course one of the oldest political tricks in the book is to try to change the subject. We appreciate that, and we understand their inherent distrust of allowing the American people to hold on to more of their money, not to mention, unfortunately, their mistaken notion that you cannot actually increase government revenues by allowing people to save, spend, and invest more their own money that leads to economic success, that leads to more jobs, that leads to prosperity, and in turn brings in more receipts in taxation to the Federal Government. But that is fine. It is nice to have a catchy slogan.

The fact remains that there is a very simple way to deal with the question we face right now. That is to save one penny on every dollar of discretionary spending. My friends who pledge fealty to Social Security should note this, and let us note this for the RECORD, Mr. Speaker, just for historical accuracy, over three-quarters of the Republicans serving in Congress at the time of the Social Security Act supported Social Security. So all the canards and misinformation and perhaps confusion on the left can be cleared up.

Mr. SCHAFFER. Mr. Speaker, I yield to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Speaker, I want to allude back to a comment that was made earlier; and that is, when the Republican House passed a tax cut for the American people, one that the American people deserve in times of surplus, in times of plenty, money that they rightfully earn, and when the Republican Senate passed the tax cut for the same reasons, it was not the American people that rejected the tax cut, it was the White House that rejected the tax cut.

We will continue between now and next year or as long as it takes to fight for tax relief for the American people, as the gentleman from Arizona (Mr. HAYWORTH) pointed to, because it means more jobs, because it means economic growth, because it means getting money out of Washington, because when money is left on the table here, it is spent and it is wasted unnecessarily.

So, yes, it is a healthy debate, and the American people deserve the healthy debate to see the differences between those who do not believe in tax relief, between those who believe that taking hard-earned money and keeping it and spending it as they see fit is the right way as opposed to a clear and, I think, strong distinction on the other side, and that is this Republican Congress who believe that the American people work too hard to send too much money to Washington and not sending enough back this return.

So I commend the gentleman for continuing to fight for the American people and engaging in this debate. Perhaps what we need is a change of personnel in the White House so that when a Republican House passes a tax cut, and a Republican Senate passes a tax cut, it will be signed into law, and then, and only then, will the American people get the tax cut that they truly deserve.

Mr. SCHAFFER. Mr. Speaker, I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I want to make sure that we all go over and talk about this tax reduction and the budget. But one has to do it going to the lectern behind the gentleman from Arizona (Mr. HAYWORTH), right in front of our distinguished Speaker pro tempore, the gentleman from Iowa (Mr. NUSSLE). Because at that position in this chamber in January, the President, in his historic State of the Union Address, said let us spend 38 percent of the Social Security surplus. He said let us preserve 62 percent and then outlined spending of 38 percent.

Now, we stopped that debate to say, do you know what, Congress? Republican and Democrats have always raided that cash cow called the Social Security Trust Fund. Let us stop doing that. Let us protect and preserve grandma's pension. Let us do not do that. That was one of the most significant things about this Congress.

But then the second part of our budget, along with preserving 100 percent of Social Security, was to pay down the debt. Our budget had $2.2 trillion in debt reduction.

Then, thirdly, and most importantly, because this is a triangle, this is a sequence, Social Security, debt reduction, and then a trigger. Maybe this is what the Democrats did not like, but the trigger said, after you have taken care of Social Security, after you have taken care of debt reduction, then you have tax relief, because the American people are entitled to their change.

If one goes to Wal-Mart and one buys a $7 hammer, the cashier does not load one's grocery cart up with more goods. She gives one one's $3 back.

That is all we are saying is that, after we have paid Social Security obligations, debt reduction obligations, let the American workers have their overpayment back. It is so simple. It is an equity question for American workers. I am not sure why the liberals on the other side do not understand that.

Mr. SCHAFFER. Mr. Speaker, it is a simple question that I think most Americans would certainly agree with, because most Americans are oriented towards savings. They do not want to waste their hard-earned dollars when it comes to their own family budgets, and they do not want to send more money to Washington than we need here in Washington in order to effectively run the Government. That is why tax relief is such an important topic and so important to pursue it.

I want to take Members through a brief economic history lesson on the history of this Congress raiding the Social Security fund. This graph goes all the way back to 1983.

Mr. KINGSTON. Mr. Speaker, the gentleman said the history of this Congress, the history of the United States Congress.

Mr. SCHAFFER. The United States Congress, correct, Mr. Speaker.

Mr. KINGSTON. Because this Congress stopped the raid, Mr. Speaker.

Mr. SCHAFFER. Mr. Speaker, I appreciate the gentleman correcting me.

Going back to 1983, one can see the growth in borrowing from the Social Security fund in order to pay for the rest of government.

What this big pink blob represents is Social Security debt. This is $638 billion. This is just principle, by the way. When it comes to actually paying this back, there is a certain amount of interest that we will be responsible for paying as well.

One can see this spike right up here is about as bad as it got, about $80 billion-a-year raid on Social Security. That was the year that Republicans were reelected into the majority here in Congress. One can see that we decided to turn things around. This dramatic drop that one sees going into 1999 is the result of a more fiscally responsible approach to budgeting here in Washington.

We did not cut spending, really, in real dollars in Washington, but we did dramatically slow the rate of growth in Federal spending so that the American economy can catch up. The result is, here in 1999, we are no longer borrowing from the Social Security fund in order to pay for the rest of government.

But this is a point that the President up until today did not want to be. This is a point where many of our colleagues on the other side of the aisle, they do not want to be here either. See, they want to continue borrowing from Social Security so they can pay for a lot of the things that they think are important but that the American people believe we probably do not need.

This is a remarkable graph, because it shows here in the final year, it almost looks like the end of the graph here, but this is a 1-year decline in Social Security borrowing that we see here. This is a picture of what we have accomplished in Congress as Republicans taking the majority in the House and the Senate and standing up to the White House.

Even the President understands that borrowing from Social Security needs to end. It ended this year. We are proud of that. We want to see this line even further drop below the baseline here.

Mr. Speaker, I yield to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I want to make a couple of points. First of all, I do not think, Mr. Speaker, we can reiterate this enough. Because last month, the folks who do all the calculations, the budgeters in this town took a look, and the reason that chart exists as it does today is because all the folks who deal with all the economic forecasts and who take a look at the tax receipts coming in and the money being spent going out evaluated what transpired in the last fiscal year. What they said was nothing short of historic and cannot be repeated enough.

They found that, for the first time since 1960 when I was 2 years of age, when that great and good man Dwight David Eisenhower resided at the other end of Pennsylvania Avenue in our executive mansion as President of the United States, for the first time since 1960, Congress balanced the budget, did not use the Social Security Trust Fund, did not raid those funds for more spending, and, moreover, generated a surplus.

My friends who joined us, our friends who were on the political left tend to bemoan any type of spending reduction. The other reason, and I know the gentleman from New York (Mr. FOSSELLA) and the gentleman from Colorado (Mr. SCHAFFER) agree with me, you see the other reason to make sure Americans have more of their hard earned money back in their pockets. It is a simple fact, Mr. Speaker, that if the money is not given back to the people who earned it, there are special interests here in Washington who are more than happy to spend it.

So we should really thank the President for at long last coming to our point of view for saying, in the wake of his State of the Union message, let me reconsider. Instead of 62 percent, I will go along with the majority party, save 100 percent of the Social Security. That is a victory for the American people.

I thank my friends on the left, despite their vociferous opposition here earlier in this special order to tax relief for going on the RECORD with us. Do my colleagues realize, Mr. Speaker, again last month, when we brought the President's plan to raise revenue through an increase in taxation and fees, not a single Member of this institution voted in favor of the tax increase.

So I appreciate the fact that the President was willing to let the will of the people through the House of Representatives speak. I think that is a positive point.

Now, today, we hear that the President of the United States, Mr. Speaker, agrees with the Speaker of the House that there can be an across-the-board spending reduction.

The one part of the puzzle that we hope we can work out, and we are glad the minority leader returned from the west coast and his political fund-raising trip, because now he can join the Speaker of the House at the table and agree to across-the-board savings so we can make sure that hands stay off the Social Security surplus.

Mr. SCHAFFER. Mr. Speaker, the leader of the Democrat party was invited to the meetings with the President and the Speaker and the majority leader in arriving at these decisions. Can the gentleman from Arizona (Mr. HAYWORTH) tell us one more time why was the gentleman from Missouri (Mr. GEPHARDT), the minority leader not here yesterday?

Mr. HAYWORTH. Apparently, Mr. Speaker, it was my understanding that the minority leader was on the West Coast raising campaign cash. It is interesting to hear the rhetoric about campaign finance reform. But I guess he has to do what he felt was important. That is where his priorities were. I am sure he can address the House and our colleagues, Mr. Speaker, about that.

Mr. SCHAFFER. Mr. Speaker, as for me, I am glad the minority leader is back here to join us and help get to work, and maybe we can get this budget passed and move on, and the country can be safer knowing that the Congress has gone back home.

Mr. Speaker, I yield to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Speaker, earlier the gentleman from Colorado (Mr. SCHAFFER) talked about the Department of Education. I guess the issue there again is what might have been. See, when it comes to education, I do not think there is a Member of this body who truly does not believe that we need to invest in education. But there are clear, again, distinct differences between how the different sides approach the issue.

See, it is a national issue. Education is clearly a national issue. As someone who wants to see the young people succeed and to grow and to prosper, as the gentleman from Arizona and the gentleman from Colorado I am sure agree, the same time one also agrees that what works in Staten Island and Brooklyn, New York, is different than what works in Arizona. It is different from what works in Colorado.

□ 1415

So I think what we have been trying to get across to those who defend the status quo, and those individuals are folks here in Washington who just want all the money and who would place a lot of strings and mandates on the States and localities, what we have been trying to say is let us commit ourselves to adequate funding for education but allow the local school boards, the parents, the teachers at PS4 in Staten Island, the teachers at PS16 on Staten Island, let them, together with the principals, with the teachers, with the parents who know those kids and who know their needs, let them make those decisions, not someone here in Washington who does not know anybody in those classrooms.

So, again, we must continue to force the issue and to say that we are committed to education, but allow those local parents, the local teachers and principals the flexibility. Because what may work on Staten Island, what the needs are on Staten Island, are clearly, I believe, different from Arizona, Colorado, and the other States.

Mr. SCHAFFER. Mr. Speaker, I understand the gentleman over here wants more time, however, we still have some more points we need to make. If we are able to, I will yield later.

At the moment, I want to first make one point in reference to the gentleman from New York and his observation, and I want to make that point with this apple. Most Americans desperately want to see their schools well funded, and they are willing to invest the money that it takes in order to see that schools have the resources to run effectively. But if we look at this apple in terms of the education dollar that an American taxpayer sends to Washington, they would like to believe that this apple, this dollar, actually makes it back to a child's classroom. In reality, here is what happens.

First, we have to realize that the cost of paying taxes alone, just complying with the IRS and the Federal Tax Code, takes a certain bite out of that apple just to begin with. So if we take that section out, just accounting for the Internal Revenue Service for the cost of compliance with the tax codes, we already have a bite taken out of that education dollar.

Then, when those dollars come here to Washington, the chances are very good, and given the debate that we are having today it is easy to see, that some of those dollars can be misdirected and spent on programs that really have nothing to do with education. They may be housed in the Department of Education, they may be housed in another education-related agency, but those dollars are not really appropriated in Washington in a way that even gets close to children.

Then there is the issue of the expense associated with the United States Department of Education. Again, a $120 billion Federal agency that is reporting as of next Thursday, to go back to this graph here, reporting tomorrow that its books for 1998 are not auditable. They do not know, they cannot tell the Congress exactly how they spent their money in 1998 and in subsequent years. So we have that agency, which consumes three office buildings downtown here, and they are full of good conscientious sorts of folks, but people who consume the education dollar and prevent those dollars from getting to the classroom.

So, now, when we talk about the bite that the Department of Education takes out, my goodness, it is a huge chunk of the education dollar. So here is what we are talking about that is left on the education dollar to get back to children and classrooms.

On top of that, we have States that have to comply with Federal rules and regulations that are attached with a small percentage of these Federal funds remaining, and the States have to hire people just to fill out the Federal paperwork in order to answer the Federal Government's rules and expectations on the money. And by the time the education dollar actually gets back to a child, this is about all that is left. It is a shame.

What we are trying to do here in the Republican Congress, by demanding the accountability, by demanding that the waste, fraud, and abuse be eliminated, by trying to guarantee that that one penny on a dollar is saved and not squandered, we are trying to make this education dollar whole again so that we get dollars back to the classroom, and not just part of an apple, not just part of an education dollar. Our children deserve better than this.

Mr. Speaker, I yield to the gentleman from New York.

Mr. FOSSELLA. Well, Mr. Speaker, as the expression goes, an apple a day keeps the bureaucrat away.

But the gentleman is right. When I go back to Staten Island or Brooklyn, and I was there a couple of days ago in some schools, we hear from these parents and these teachers, who are in a better position to make these decisions for the children, whether the class size is 20 or 30 kids. Wherever they come from, they are there for one reason, to learn and to succeed. We just happen to believe that that money is better spent back in Staten Island and Brooklyn and those decisions are better made in Arizona or in Colorado or in Georgia.

Mr. Speaker, generations of children will go through schools and not know the people in Washington who are determining how their education money is spent, with those mandates and with the strings attached. We are trying to create flexibility. There is nobody in this House, and I would be amazed if somebody were to come to this floor and in good faith argue that there is somebody in this House who is not for education and not for the children of America, for them to prevail and succeed, but there is a definite distinction between those who want control, those who believe that the money is better spent in Washington, those who believe that decisions are better made in Washington as opposed to the folks back home to Staten Island who say give us the tools, give us the resources, give us the money, give us the flexibility to determine what is going to be best for the kids in our classroom. And that is the same in PS18 or PS104 or PS36 back in Staten Island and Brooklyn, and I am sure that is the same in Arizona where the gentleman is from.

Mr. SCHAFFER. Mr. Speaker, I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman, and I just want to say, as the son of an educator and the brother of a teacher, I really appreciate what the gentleman is saying about teachers because they really do need more control over the classroom.

I am going to yield the floor after this, in terms of my portion, but I just wanted to say this. In the 106th Congress, the Congress we are going to be adjourning, we always talk about winners and losers. Well, let us talk about who won.

For the American consumer, we revamped a 65-year-old banking law to give American families more choices in borrowing, saving money, and buying insurance.

For the rural TV watcher, we have increased the access to local news programs. And if my colleagues think that that is not important, they should think what happens when the people are trying to get hurricane updates.

For the American taxpayers, we said no to the President's trying to increase taxes. On a bipartisan vote we said no to the President's $42 billion increase in new tax dollars.

For future generations, we have committed to paying $130 billion in debt reduction; and already we have paid down $88 billion.

For all Americans, we have increased military morale by increasing their pay 4.8 percent. We have increased funding for equipment modernization and for readiness. And for all of American security, we passed the missile defense system.

For our children, educational flexibility: to put local school boards, teachers, and parents back in charge of their classrooms, not Washington bureaucrats.

For seniors, we have increased access to health care by protecting Medicare and reforming the Balanced Budget Act. And, finally, for the first time since 1969, we stopped the raid on Social Security. And we will be adjourning with $147 billion in the Social Security surplus untouched.

Now, Mr. Speaker, I know we are not allowed to wear buttons on the floor, but if we were allowed, I would wear this one. Because it says, proudly, we the Members of this Congress have stopped the raid on the Social Security Trust Fund.

Mr. SCHAFFER. Mr. Speaker, I want to graphically point out again what the gentleman just said. If we go back over the last 30 years of overspending in

Washington, D.C., we can see we have to go way back to 1970 to see a time when we generated even a little teeny bit of a surplus. Going forward, over the next 30 years, we can see that this government has consistently, year after year, dipped into Social Security and borrowed from other places in order to create a huge national debt. This is the accumulation of Washington spending more money than the taxpayers have sent to Washington in order to run the government.

Well, we know that that is unnecessary. We do not need to do that. We can see what happened here at its absolute worst. The American people revolted, to some degree. This is the year Republicans were elected to take over the majority of the Congress, the year our party was placed in charge of trying to manage this huge problem.

And we can see the result. By slowing the rate of growth in Federal spending, by being more frugally sensitive as to how to manage the Federal budget, and being more responsible, we managed to shrink this debt. Not only did we see it go away, but it was to the point where, in 1998, we were beginning to mount a surplus that has allowed us to pay down the debt quicker, allowed us to save Social Security, allowed us to rescue the Medicare program, allowed us to provide a strong national defense, and allowed us to spend the time to make government more efficient and effective so that we can get dollars to classrooms, get dollars to the front lines, get dollars to the places that really need it rather than being locked up here in this gigantic bureaucracy here in Washington, D.C.

This is something to be proud of. And this portion of the chart here can grow and grow, if we continue to apply the conservative Republican principles that have gotten us from down here when Democrats were in charge to this line here when Republicans were in charge. A dramatic difference.

Mr. Speaker, I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Colorado, and again we need to reaffirm and amplify not only what the chart indicates but also what our colleague from Georgia mentioned.

We have been able to pay down debt this fiscal year. We are in the process of paying down close to $150 billion in debt. Over the past 2 years, almost $140 billion in debt paid down. We are in the process of doing this. And, Mr. Speaker, I am sure my colleagues hear at town hall meetings two concerns. From day one, when I was elected to the Congress of the United States, my constituents said loudly and clearly, Mr. Congressman, get Uncle Sam's hand out of Social Security money. Wall that off for Social Security. And we have done so. And the President has at long last agreed with us. But they have also said, pay down the debt; and we have been doing that.

Now, Mr. Speaker, we can point out again the atmospherics of this chamber, the histrionics from the other side. The problem is this: The institutional pressure of those who want to grow government, Mr. Speaker, those who sadly could be described as serial spenders, and I am not talking about a breakfast offering of fruits and grains topped off with milk, but the serial spenders, the compulsive spenders, who always heed in their priorities the notion that they know better what to do with the people's money. We are saying we are going to save that money for the Social Security Trust Fund.

And it is akin to our rich spiritual tradition where, as part of the service, we pass the plate. All we are asking the left to do is put a penny on the plate. For every dollar of discretionary spending, Mr. Speaker, can they not spare a penny for grandma? A penny saved is retirement secured. One hundred percent of Social Security money to Social Security. And, accordingly, we have made the difference, and we invite our friends on the left to join us.

Mr. SCHAFFER. I yield to the gentleman from New York once again.

Mr. FOSSELLA. Inasmuch as this debate is coming to a close, Mr. Speaker, allow me just to think, observe what has happened in the last year, and that is that in the beginning of the year we had proposals from the White House for more taxes, more spending, and setting aside only a portion of the Social Security surplus to be walled off. The Republican Congress, fortunately, and rightfully, stepped in and stopped increasing taxes, controlled spending as much as it could, and set aside 100 percent of the Social Security surplus to protect it from unnecessary wasteful government programs.

So as we set our sights on the future, I hope that the American people understand that this Congress is committed to growth, to creating more jobs, to providing more freedom for individuals and small business owners so that they can grow and so that they can prosper, so that we can be better off tomorrow than we are today. Along the way, we know there are going to be people who do not want change, who do not believe in things like free trade, who do not believe in things like lower taxes, who do not believe in things like limited government, but who do believe in the alternative; that decisions are better made here in Washington, and they just want to keep that money coming here so that they can control the taxpaying public's lives a little more.

So as we engage in the debate, and as we go home for the holidays, I hope the American people reflect, as I will do as I head back home to Staten Island, and I hope they understand that there is a party here that sees a brighter and more prosperous future when we place our faith in the American people.

□ 1430

Mr. SCHAFFER. Mr. Speaker, I yield to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I would like to begin by saying that I look forward to creating a structure whereby the gentleman from Staten Island, New York (Mr. FOSSELLA), can go back to Staten Island. We are hoping that we will be able to do that.

I would like to praise the gentleman from Arizona (Mr. HAYWORTH) and the gentleman from Colorado (Mr. SCHAFFER) and join the gentleman from Staten Island, New York (Mr. FOSSELLA), for their very eloquent and thoughtful remarks and their leadership.

Mr. Speaker, I would like to thank again my friend, the gentleman from Staten Island, New York (Mr. Fossella), for underscoring this party's commitment to free trade.

Mr. SCHAFFER. Mr. Speaker, we are here in the final few minutes of what may be for me and the gentleman from Arizona (Mr. HAYWORTH) and others our last special order opportunity for the millennium. And so, it is a time that I look on as a pretty solemn occasion because we have worked pretty hard this year and tried to get to this point of getting the White House to realize that raiding Social Security is no longer a good idea and it never was a good idea. It is something we ought to avoid to the greatest extent possible. It is nice to see that the President finally came around to the Republican way of thinking on this point.

The last hurdle remaining is for us to persuade our friends on the other side of the aisle to join the Congress, join the Republican majority, and join the White House now in just securing this final deal, getting this final package agreed upon to save that one penny on the dollar in order to avoid the previous plans to raid Social Security.

Mr. HAYWORTH. Mr. Speaker, if the gentleman will continue to yield, I thank my friends from the left, in the minority, for offering some points of view. And others will come later.

I think it is important to remember this. As the President said when he came to give his State of the Union message, first things first.

Now, we had to get him to agree with us, and he finally did so after initially wanting to spend almost 40 percent of the Social Security fund on new government programs. We finally got him to agree, no, no. Let us save 100 percent of Social Security for Social Security. We welcome that.

The President was also content to let the House work its will when we brought to the floor his package of new taxation, higher taxation, and fees in the billions of dollars. And not a single Member of this body voted for those new taxes, neither Republicans nor Democrats. So we appreciate him acceding to the will of the House in that regard.

Now, we cannot make too much of this, Mr. Speaker, or emphasize it enough. The President and the Speaker of the House had agreed to the notion of across-the-board savings, maybe not even a penny on every dollar, but savings enough to make sure we stay out of the Social Security Trust Funds.

We welcome back the gentleman from Missouri (Mr. GEPHARDT), the minority leader. We are pleased he is back in town, back from his campaign cash swing on the West Coast. We hope now he will sit down and solve the problems. We can get it done.

Mr. SCHAFFER. Mr. Speaker, I thank the gentleman from Arizona (Mr. HAYWORTH) for joining us.

I just want to point out one more time that the Department of Education tomorrow will tell the Congress that it is unable to account for its spending in 1998. Its books are not auditable.

This is a threat to American school children around the country. It is a threat to our efforts to try to get dollars to the classroom. It is a huge problem that the White House needs to come to grips with and deal with. We on the Republican side want to fix this mismanagement problem we have over in the Department of Education.

At this point, I would, before I yield back, just ask subsequent speakers to be sure to address this topic of unauditable books over in the Department of Education, tell us whether they are willing to help work with the Republicans to correct this mismanagement, and direct the White House to get us to a point where the Department of Education, a $120 billion agency, will be able to audit its books.

REPORT ON HOUSE RESOLUTION 382, PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. DREIER (during the Special Order of Mr. SCHAFFER) from the Committee on Rules, submitted a privileged report (Rept. No. 106-475) on the resolution (H. Res. 382) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

Mr. DREIER (during the Special Order of Mr. SCHAFFER) from the Committee on Rules, submitted a privileged report (Rept. No. 106-476) on the resolution (H. Res. 383) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

NATIONAL ALZHEIMER'S MONTH

The SPEAKER pro tempore (Mr. NUSSLE). Under a previous order of the House, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

Mrs. MORELLA. Mr. Speaker, I want to have a Special Order on National Alzheimer's Month, which is this month of November.

In 1906, a German doctor named Dr. Alois Alzheimer noticed plaques and tangles in the brain tissue of a woman who had died of an unusual mental disease. Today, these plaques and tangles in the parts of the brain controlling thought and memory and language Dr. Alzheimer observed are hallmarks of Alzheimer's disease.

Today, Mr. Speaker, Alzheimer's disease is the most common cause of dementia in older people, affecting an estimated 4 million people in the United States. And while every day scientists learn more about this disease, after almost a century's worth of research, its cause remains unknown and there is no cure.

Unless scientific research finds a way to prevent or cure the disease, 14 million people in the United States will have Alzheimer's disease by the middle of the 21st century.

Despite this, we have learned much about Alzheimer's disease during this century of research. We know that Alzheimer's disease is a slow disease starting with mild memory problems and ending with severe mental damage. At first the only symptom may be mild forgetfulness, where a person with Alzheimer's disease may have trouble remembering recent events, activities, or the names of familiar people or things. Such difficulties may be a bother, but usually they are not serious enough to cause alarm.

However, as the disease progresses, symptoms are more easily noticed and become serious enough to cause people with Alzheimer's disease or their family members to seek medical help. These people can no longer think clearly; and they begin to have problems speaking, understanding, reading or writing.

Later on, people with Alzheimer's disease may become anxious or aggressive or wander away from home. Eventually, patients may need total care. On average, a person will live 8 years after symptoms appear.

Let me pause at this moment, Mr. Speaker, because the fact that so many Alzheimer's patients may need total care in the future is so very important. Congress must take a long hard look at the way we finance the future health care needs of the Nation's elderly.

With the aging of our population, we can expect an increase in the number of people with Alzheimer's and other age-related diseases that will require nursing facility care at some point. Simply put, longer lives increase the likelihood of long-term care.

At least half of all nursing home residents have Alzheimer's disease or another dementia, and the average annual cost of Alzheimer nursing care is $42,000. And that is modest.

Unfortunately, for many people paying for long-term care out of pocket, it would be a financially and emotionally draining situation as assets worked over a lifetime to build could be lost paying for a few months of long-term care.

Congress must take action to encourage private initiatives, such as expanded use of private long-term care insurance to help families plan for the long-term care needs of their elderly relatives, and they need to in a wide variety of settings that are currently available.

That is why I am proud to have this support of 125 of my colleagues for my bill, H.R. 1111, the Federal Civilian and Uniformed Services Long-term Care Insurance Act of 1999.

This legislation, developed in consultation with the Alzheimer's Association, makes long-term care insurance available at group rates to active and retired Federal civilian personnel, active and retired military personnel, and their families. I hope that my Federal and military long-term care bill will serve as an example for other employers that would lead to increased societal use of long-term care insurance. Having coverage eases the pressure on Federal entitlement spending while protecting the hard-earned assets of American families.

In addition to meeting the needs of Alzheimer's patients, H.R. 1111 also seeks to ease the financial burden on spouses or other family members who often provide the day-to-day care for people with Alzheimer's disease.

As the disease gets worse, people often need more and more care. This can be hard for caregivers and can affect their physical and mental health. It can affect their family life, their jobs, their finances.

In fact, 70 percent of people with Alzheimer's live at home and 75 percent of home care is provided by family and friends. What a strain.

Under H.R. 1111, participating carriers would give enrollees the option of receiving their insurance benefits in cash, as opposed to services, to help family members who must rearrange their work schedules, work fewer than normal hours, or who must take unpaid leaves of absence to provide long-term care.

In addition to meeting the financial needs of people with Alzheimer's disease today, we must continue our research into treatments and cures for Alzheimer's. This is something that the National Institutes of Health is doing as we end this "decade of the brain" and the fact that we are working to double the budget of NIH by 2003, and this year we will have made that second installment.

So, Mr. Speaker, to my colleagues, I look forward to working with all of them to ensure that the Federal Government continues to fulfill its investment in medical research well into the next century so that some day Alzheimer's disease will be history.

UNFINISHED BUSINESS OF CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, let me say that what I wanted to do during some part of this hour this afternoon was to talk about the unfinished business of this Congress.

Last night, myself and several of my colleagues on the Democratic side took to the floor to basically point out how frustrated we are with the fact that a year has passed, the first year, if you will, of this 2-year congressional session in the House of Representatives, and yet the main issues that the American people seek to have us address, whether it be HMO reform or the need for a prescription drug benefit under Medicare for senior citizens, or campaign finance reform, gun safety, minimum wage, the issues that our constituents talk about on a regular basis when we are back home and when we go back home after the budget is concluded here in the House, we will be hearing about these issues again, and yet every time we try to bring these issues to the floor or pass legislation, we are thwarted by the Republican majority.

Mr. HAYWORTH. Mr. Speaker, would the gentleman from New Jersey (Mr. PALLONE) yield?

Mr. PALLONE. Mr. Speaker, I will not yield at this point.

I just want the gentleman to know I intend to use the hour for the Democratic side.

Mr. GREEN of Texas. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from Texas.

Mr. GREEN of Texas. Mr. Speaker, I tried to get my colleagues to yield a few minutes ago. And typically on this floor we have that courtesy between one another so we can debate the issues rather than just to hear the rhetoric, which is what we heard for that last hour. They were not willing to do it. And so, as much as I would like to and I know my colleague would yield as a courtesy to our colleague from Arizona (Mr. HAYWORTH), maybe next time they will know that this is a two-way street up here, even if they only have a five-vote majority.

Mr. PALLONE. Mr. Speaker, I appreciate the comments by my colleague from Texas.

Let me just say that before I get to this unfinished agenda, which I have to say is my real concern, because most of the debate that has occurred and most of the arguments that we have heard over the last few weeks about the budget, although, obviously, we need to pass a budget, do not deal with these other issues which are really the most important issues that face this Congress that have not been addressed by the Republican majority.

I did want to say I was somewhat concerned by some of the statements made in the previous hour by Republican colleagues about the budget. Because I think I need to remind my colleagues and my constituents that the Republicans are in the majority in this House and in this Congress, in both the House and the Senate, and the bottom line is that the budget, the appropriation bills, were supposed to have been completed by October 1 of this year, which is the beginning of the fiscal year.

The fact that they are not completed, in my opinion, is totally the fault of the Republican majority. They are going to say, well, they passed bills. But many of the bills they passed and sent to the President they knew would be vetoed. They knew that there was not agreement between the President and the Congress on the legislation.

Rather than spend the time, particularly during the summer, trying to come up with appropriation bills and a budget that could actually get a consensus and could pass, they spent the summer and most of the last 6 months prior to that trying to put in place a trillion dollar tax cut which primarily went to wealthy Americans and also to corporate interests, to special interests, and they spent the time on that.

□ 1445

They put in place and passed this trillion-dollar tax cut, primarily for the wealthy, knowing the President would veto it and the President did veto it, and the reason he did so is because he knew that if it passed and if it was signed into law, there would not be any money left from the surplus to pay for Social Security and Medicare.

Now, after they wasted all their time on that, they put forth these appropriation bills, many of which they knew would never be approved by the President, and they started this charge a few weeks ago or a month ago, suggesting that the Democrats wanted to spend the Social Security trust fund.

I just want to say one thing, if I could, because I know we have said this many times and it really is not the main reason I am here this afternoon, but the Republican leadership has broken so many promises on the budget, not only the promise not to spend the Social Security trust fund but the promise not to exceed the caps. If you remember 2 years ago, we passed the Balanced Budget Act. At that time we said that there were going to be certain caps in place every year on the amount of spending that we would do, and we also made a commitment that we were not going to use the Social Security trust fund because we were going to have a surplus and it would not be necessary to do so. Both of those promises have been broken.

I just wanted to give some information about that. First, the Republican appropriation bills busted the outlay caps for fiscal year 2000 by billions of dollars. I am quoting now from the Senate majority leader, the Republican majority leader LOTT who acknowledged on September 18 when he stated, "I think you have to be honest and acknowledge that we're not going to meet the caps." That was in the Washington Post, September 17, 1999.

Indeed, according to the latest CBO estimates of October 28, the Republican spending bills have busted the fiscal year 2000 outlay caps by $30.7 billion, although they declare about $18 billion of this is emergencies and thereby exempt from the cap.

So when we talk about the Republican leadership, they are the ones that are going on the spending spree with these appropriation bills. In many cases the President has vetoed the bills because they spend too much. And, of course, they spend it on the wrong things.

Secondly, on October 28, the nonpartisan Congressional Budget Office, and my colleague from Texas knows, we have mentioned this many times to the point where we get tired of repeating it, but the CBO certified then that the GOP leadership had broken their promise not to dip into the Social Security trust fund. Specifically, on October 28 the CBO sent a letter to Congress certifying that on the basis of CBO estimates of the 13 completed GOP appropriation bills, the GOP bills spent $17 billion of the Social Security surplus, even after their 1 percent across-the-board cut is taken into account.

I know we heard from the other side about across-the-board cuts, how this is holding up the budget and all that. The bottom line is their own appropriation bills, their budget that they put together and sent to the President, spent a significant amount of money of the Social Security surplus. I am not looking to stress that, as my colleague from Texas knows. It is just that they keep bringing it up and they keep bringing it up, they do not pass the bills, they cannot get the budget passed. Now we are here and finally we think in the next day or two it is going to be passed, but we have all these other things that are so much more important that have not been addressed.

I yield to my colleague from Texas.

Mr. GREEN of Texas. I thank my colleague for yielding. I appreciate both of us being able to do this this afternoon. Typically this time of day we would be voting and not just talking about issues. But in following up our Republican colleagues for their hour that they had talking about both education, how important it is to them, and you and I will spend most of our time talking about the unfinished agenda, the issues that we would have liked to have dealt with that necessarily did not even have Federal dollars attached to it.

For example, their talk about the 1 percent cut. They were saying how we can find 1 percent in every agency. I am sure we can. But I also know that some of the appropriations bills that they have put in, they have projects in there that should be cut first and not across the board. My argument is if you just cut 1 percent across the board, if you have a wasteful project in there, you still have a 99 percent waste. Maybe it is a carrier we do not need that was added because of the Senate or someone. Maybe there is a certain project in a district. If it is 100 percent waste, if you only cut 1 percent, they are still getting 99 percent of it. That is what bothers me about that. They are saying we could find 1 percent. Sure I could find 1 percent but I would not cut, for example, title I funding in public education. Sure, I would not mind cutting the Department of Education, some of their other programs, but I know title I money goes to the classroom.

Just in the last couple of days because of the budget negotiations between the President and the administration and the Congress, we have added substantially new money to title I. That did not come out of their committee. In fact, their appropriations bill for education did not even come out of the committee from what I understand. It was the last issue they dealt with. So hearing someone stand up here and talk about they are for public education, in fact my colleague from Colorado who was part of that other hour, we had a quote last year saying that public education is the legacy of communism. One of the things I wanted to ask him when I asked him to yield just so we could say, is that a direct quote or was that said, so we could have the American people know where we all stand on public education and the commitment to public education.

The 1 percent cut I think ideally, in theory it is not bad, but again if you have a wasteful project you are still having 99 percent waste. Let us go back in and cut that budget down and eliminate those wasteful projects so we do not have to cut the important things, so we do not have to cut health care for children or education for children.

The other concern I have is they continually talk about dipping into Social Security. The gentleman mentioned that, as of October 28.

We have some numbers that, of course, since we have so many different numbers that we have but this poster, I think, will show that the issue of Republicans and Social Security and what they did. You can tell that it is $21 billion like you quoted. As of October 27 or 28, it is $21 billion. To say that the White House or as Democrats we are trying to spend the Social Security surplus is ludicrous. Again, I think we ought to be able to have this debate on the floor and have our colleagues say, tell me, where did this $21 billion that is going to be borrowed out of the Social Security trust fund, it is not being taken out of the fund, it is being borrowed like it has been for decades. Should we stop that? Of course we should. But do not stand up here on the floor or spend millions of dollars on ads around the country saying that Democrats are spending the Social Security surplus when we are not. In fact, I think we could come back with a budget that would meet what we have in the budget surplus very easily and still address the needs of our country, the needs of the Department of Defense. In fact, I think it is appropriate that their 1 percent cut that they talked about, and again from Houston we do not have a whole lot of defense installations but we do have a concern about the defense of our Nation. That 1 percent cut, the effect of the Republican across-the-board cut on defense, and I am quoting the Chairman of the Joint Chiefs of Staff.

> Of great concern for us today is the across-the-board reductions proposed by some Members. This would strip away the gains that we have made or what we have just done to start readiness moving back in the right direction. In other words, Mr. Chairman, if applied to this program, it would be devastating.

And so that is the direct quote from the Chairman of the Joint Chiefs of Staff. Our Republican colleagues who come up here and talk about, well, we can find 1 percent, sure. I could find 1 percent in the Department of Defense, but if we take a meat ax approach to it, we are going to cut about 35,000 service personnel. We cannot even staff the carriers in the Navy vessels we have now, much less adding a new one, yet they want to cut across the board. We would hope the Pentagon or the Department of Education or whatever agency would only cut that waste. But you and I know, it is our job to go in there and pinpoint those projects that really are not in the national interest and to do it instead of saying we want you to cut that 1 percent, leaving that up to the agencies.

The other concern, we talk about dipping into Social Security, we have another pretty good quote that follows up on that. When they talk about cutting, at one time it was a 1.4 percent across-the-board cut in military spending. The response from the Republican majority leader is, "Instead of having two colonels hold your paper, you'll have only one." Granted I do not want two colonels up here holding somebody's paper, but I know when our troops are out in the field, whether they are in Bosnia, Kosovo or anywhere else that they go for our country, I want them to have the resources that they need to do the job, plus I want to pay them. I want to pay them a decent amount. Again on a bipartisan basis, this Congress passed a pay raise for our military personnel, so hopefully some of the enlisted personnel will be able to get off public assistance if they have family.

That is why I am glad to follow up my colleagues. I would like to debate the intensity on education particularly, but since they would not yield to me earlier, and again I would love to yield to them to talk about public education and what the Department of Education does. This year alone, this Congress passed a reauthorization for title I funding. Title I funding goes to help the schools. They have the poorest and the hardest to educate children. This Congress passed on a bipartisan basis the reauthorization.

In 1994 when I was on the Education Committee, we passed on a bipartisan basis a reauthorization for title I. So instead of coming in and cutting and saying education funding is wasteful, let us go in and say, okay, let us take out what you consider wasteful but let us make sure we do help with smaller class sizes, that we do help children who English is not their first language, that that is what we do on the Federal level. We do not provide the education opportunity on the Federal level. That is for the local and the State. But we can assist local and State agencies, our local school boards, because they are the ones having to make the decisions, our State agencies are making the decisions. But we can do it on a national basis. If we go in and always attack the Department of Education and want to abolish it and they do not do any good, that is what we hear from the other side so often. But let us go in and say, cut out what you do not think is a priority in education.

The problem is that sometimes what they want to cut out is our meat and potatoes. They do not want title I, they do not want bilingual education. That is what bothers me again about having an hour to listen without having a chance to do the debate.

I know you and I really want to talk about the unfinished agenda, which in some cases will not cost one dime more of Federal tax dollars.

I also have some of our things that are left buried for this year.

Mr. PALLONE. If the gentleman will yield before we get into that, and I do want to get into our unfinished agenda, I was reading through my papers here. I came across this editorial in the New York Times that appeared soon after the Republicans started running the ads in some Democratic districts accusing Democrats of spending the Social Security trust fund. In light of the remarks you made about the across-the-board cuts and some of the pork-barrel spending that could be eliminated, I just wanted to, if I could, quote a couple of sections of this, because I think it really responds and sums up all the things that you were saying. This is entitled "Social Security Scare-Mongering." This is not us, this is the New York Times speaking.

It says,

> Republicans are trying to make political headway using the Social Security weapon against Democrats. They are advancing a ludicrous claim that deep Republican budget cuts are needed to stop a Democratic "raid" on Social Security.
>
> The Republican argument rests on a fallacy that spending budget money today compromises the government's ability to meet its Social Security obligations in the future. Instead of squabbling over dollars in this year's budget, Congress can do more for Social Security by producing sound budgets that make the right investments while keeping the economy growing. A prosperous economy is the best guarantee that workers in the future will be able to afford paying for their parents' retirement.
>
> In January, President Clinton called for setting aside nearly two-thirds of the total projected Federal surplus, from Social Security and other sources, to help retire Federal debt over the next 15 years. That was a sensible proposal intended to increase the savings rate and lower future interest rates. But the argument this year is over whether a small amount of the $140 billion Social Security surplus in the current year should be used to avoid spending cuts in other programs. In fact, no damage would be done to the economy, to Social Security or to the Federal budget itself if that happened.
>
> Asserting that it is merely trying to save money for Social Security, the Republican leadership in Congress wants to cut spending by 1.4 percent across the board and block the White House's initiatives for money to hire new teachers and police officers. The Republican leaders' approach has been so wrongheaded that yesterday it provoked a revolt in the party rank and file. But it is not necessary to slash programs to "save" Social Security. More to the point, there are better places to save money, by cutting billions of dollars in pork-barrel projects and eliminating some of the expensive tax breaks for special interests that have made big campaign donations to the Republican Party in recent years.
>
> President Clinton is right to veto spending bills that do not meet priority needs in education, the environment, law enforcement and other areas. As the White House notes, the Republican budget schemes approved so far have already tapped the Social Security system's surplus, according to the Congressional Budget Office.

That says it all. It is just a bunch of bogus claims about Social Security, spending cuts across the board instead of attacking the real spending-bloated projects that need to be attacked. As I would point out, and I know you are going to get into the unfinished agenda, the biggest thing is that they have not addressed the need to deal with Social Security and Medicare long-term. We would never have been able to address that if the President had not vetoed their huge tax cut, because there would not be any money in the surplus left to deal with Social Security and Medicare.

Mr. GREEN of Texas. Let me just continue a little bit before we get into our unfinished agenda, and talk about the proposed 1 percent across-the-board cut, what would be cut. For example, work study, a 1 percent cut across the board for work study would cut $9 million out of it. For title I again for the educationally disadvantaged, $78 million. We have more children and more children, so many children who are not served by title I already, that it would go backwards literally.

□ 1500

The 1 percent cut would cut, for example, FAA operations, $59 million; Coast Guard operations, $25 million; Federal aid for highways, $262 million.

So there are so many things that they would cut. EPA grants for wastewater and drinking water treatment, $32 million. I could just go on and on down the list. Again, military personnel, their 1 percent cut would be $739 million. Again, that was quantified to say it would be 35,000 military personnel that would not be there if we did that across-the-board cut.

So again, I would say yes, 1 percent is not bad across the board, but let us not cut the good with the bad, let us cut the bad out, and that is our job as Members of Congress.

Mr. Speaker, the unfinished legacy, so to speak, of this Congress is, first of all, prescription drug benefits that we were hopefully going to get as a Medicare drug prescription benefit. It was killed this year. There are actually a number of different proposals, at least on the House side. We have one by the gentleman from Maine (Mr. BALDACCI) and the gentleman from Texas (Mr. TURNER) and a host of other Members, that would not cost a dime of Federal dollars, it would just let the Federal Government, through HCFA, to negotiate, just like HMOs do now, just like the VA does, like anyone does for bulk purchasing. And to save money for seniors on prescription medication. That was not even considered on this floor except when we brought it up as an issue.

The Patients' Bill of Rights, which is again, near and dear to our hearts, because we spent so much time in talking about it; again, both of us serving on the Subcommittee on Health of the Committee on Commerce, and the gentleman chairs the Health Care Task Force of the Democratic caucus. The Patients' Bill of Rights was killed for this year, and now I am sure it is on life support maybe, because we passed a good, strong bill out of here. But when we saw the Speaker's appointments to the Republican Conference committee of 13 Members, only one of them voted for the bill, only one voted for the bill, and that is frustrating. Now we have a weak bill that the Senate passed, and we have a very strong bill that the House passed; and yet here in the House, even though we had a strong bill, only one Member of the conference committee, of the majority, voted for the bill.

So I am worried that not only has it been killed for this year, but we may see it killed for next year.

The other thing I think we have talked about, and we have talked about all year and we were hoping we could get something done with it was the minimum wage increase. We have had the greatest economy, literally, in our history, the longest running, and inflation is not a problem; and yet sometimes the folks in the lowest level of workers are the ones who are being left behind. So there has been serious talk over the last 3 weeks on the minimum wage, and there was effort to do something, but we have been here since January, and that bill has been talked about and has been introduced.

So a dollar for the people who are not on social services, but are working, a dollar increase over 2 years only seems to be beneficial not only for the country, because that dollar, those folks are not going to take that $1 an hour more and go buy stock with it, although that would be great, they are going to pay more on rent, buy more food, so that dollar will circulate within the economy. Again, a dollar increase in the minimum wage, I am sorry it did not pass this year. Maybe, again, we will do it next year. I do not think any of us would serve in the Congress if we were not optimists to say we could do better the next year.

Campaign finance reform. Again, a very good issue that the House passed, a very tough bill; and now it is sitting somewhere over in the Senate, and there will not be any campaign finance reform bill for this year. Again, maybe next year. I feel like sometimes I am a football coach saying wait until next year; we will do better next year. But we are not playing football; we are dealing with people's lives here, and that is important.

Smaller class sizes for our public schools. Again, 94 percent of public education money is spent by local and State governments; only 6 percent on the Federal level. We are not talking about a large Federal commitment. But we also know that our local school districts and our States use Title I money; they use this Federal education money to help leverage what they do for the classes and the schools that need it the most and the children that need it the most.

Again, my wife is a high school algebra teacher and most of the smaller class sizes we talk about, kindergarten through elementary school, kindergarten through third grade or fifth grade, but one cannot teach algebra to 35 students; we need a smaller class size, hopefully 20 students where one can really deal with the complications.

The last issue, and I know I like to talk about this too because a lot of people think sometimes as Democrats and Republicans, well, the Democrats, they do not really want tax relief. Sure, I would love to have tax relief. I do my own taxes and let me tell my colleague, I would like to simplify and make it a lot easier. But there are things that we could do for targeted tax relief that we had as part of our legislation, and again, it was not even seriously considered. The only thing that was considered was that $800 billion over a 10-year period that would literally take the heart out of Social Security and Medicare efforts. Not only that, but also in military spending and everything else that is the responsibility of our country.

Let me just finish by saying a couple of weeks ago, and I have used this before, the reason the managed care issue was so important and why it passed this House on a very bipartisan vote is it was illustrated by Newsweek, "HMO Hell," and the number of people who are going through that. And they are frustrated because they have some type of insurance, whether it is through their employer, whether it is maybe they pay part of it through their employer; and yet when they go receive that type of care, when they go get that care, they are somehow eliminated from it or delayed.

Our bill would eliminate the gag rules where a physician or a doctor or a provider could talk with their patients. It would make the determination of medical necessity not by a bureaucrat or someone answering a phone, but by someone who actually knows that individual patient. Outside, an independent appeals process, a swift appeals process which will make sure that people do not have to go through HMO hell. Emergency room care. Instead of one having to drive by one's closest emergency room, if someone has an emergency, maybe one has heart trouble or chest pains and going to the hospital on their list, one can go to the closest hospital and find out if it really is an emergency and if one needs to be stabilized. That would help stop having to go through HMO hell.

The last one is accountability. That is probably more important than almost any of them, because everybody ought to be accountable in their jobs. The gentleman and I are accountable to our voters every 2 years. I tell people my contract is renewed every 2 years, so we are accountable. Because if we make a vote up here that our constituents do not like, then they have the right to vote against us. Hopefully, if we do something they like, they vote for us, so it comes out even. But on accountability, the people who make the medical decisions need to be accountable and, ultimately, that means the courthouse.

Now, part of accountability is a good, strong independent appeals process, but we found out in Texas that we have a good appeals process, but the reason it is successful is we have that backup. If the appeals process breaks down, one can go to court. During over 2 years of our Texas law, we have had 250, 300 maybe appeals, just hundreds of them filed and over half of them are being found in favor of the patient, but we have had less than five lawsuits. In fact, three of those five I understand is by one attorney in Fort Worth, Texas, for whatever reason. So there have not been many rushing to the courthouse.

So if we had strong accountability, we would then keep people from having to go through HMO hell, and that is a bill that I know the gentleman and I talked about all year and last year and maybe even the year before. Because we have not passed it this year, after the New Year holiday, after we celebrate the holidays and the new millennium, hopefully we will come back and be able to pass a real strong HMO reform bill, patterned after a lot of what our States have, particularly in Texas.

That is why I think the unfinished agenda is so important for us. We do not want to just point at the other side and say, hey, you are doing wrong; let us see what we can all do right. We could do right on managed care reform; we could do right on prescription drug medication; we could do right on a minimum wage increase; we could do right by education, for smaller class sizes; and we could do right by passing a strong campaign finance reform bill, again, that would eliminate the soft money that we hear is so bad. Although again, the gentleman and I do not benefit from that as individuals, because we are under the caps like everyone else is, but that soft money that goes to the party structures and whoever else, and even the independent expenditures from people who maybe if they do not like how the gentleman voted on a bill or they do not like how I voted, they can spend literally millions of dollars trying to defeat us without knowing who is actually spending it. That is why we need campaign finance reform. People should have the right to know who is doing it.

There are a lot of things that we did not do this year, and I appreciate the gentleman setting aside this special order again, even though it is in the middle of the day instead of late at night to talk about the unfinished agenda. We did not do very good this year, but we will do better next year, we hope.

Mr. PALLONE. Mr. Speaker, I just wanted to thank the gentleman for what he said, and particularly for raising those tombstones. I just wanted to comment on some of the tombstones and some of the remarks the gentleman made because I think they are so appropriate. I really like the tombstone presentation, because I think it says it all. I mean, what do they say? "Rest in peace, killed by the GOP, 1999." That is basically what we face.

We know that in another day or so, once this budget is passed, that we are going to go home and the Republicans want us to go home, not having addressed this unfinished agenda, these major issues that the public cares about. When we go home, that is all we are going to hear. I know my colleague from Texas faces that, and when I go home nobody is going to tell me, thank you for passing the budget. They expect the budget to be passed. That is routine. But they want us to address these major concerns that have not been addressed.

I just wanted to say a couple of things about them. The gentleman mentioned the campaign finance reform. I know that is not one that I hear too much about because I know most people think that is more of an inside situation, but it really is not. The reality is that when we have all of this money being spent that is unregulated, it really does corrupt the system. I just know from my own campaign, in my last campaign in November of 1998, I think I spent and my opponent spent about $1 million each that was regulated money, if you will. In other words, hard dollars, Federal dollars that people contributed and people disclosed, and it was a hard-fought race.

But there was about $4 million to $5 million that was spent against me in independent expenditures, TV ads on New York stations, the last 2 or 3 weeks of the campaign, by a group that never identified itself. I think it called itself Americans For Job Security. They do not have to file anything; they do not have to disclose where that money came from. And to this day, we are only speculating about where we think the money came from. It was undoubtedly millions of dollars in corporate money that was coming from special interests, and we have no idea where it came from. It really corrupts the system when we have that kind of phenomenon. That is why we need to pass the Shays-Meehan bill and we need to have real campaign finance reform.

The other thing the gentleman mentioned, and I appreciate the fact that he brought it up, is the targeted tax cuts, because I started out this afternoon by talking about this trillion dollar Republican tax cut that went primarily for the wealthy and for corporate interests, and I am glad the gentleman came and pointed out that we as Democrats want tax cuts as well, but we want them targeted for middle-class families, for child care, for education needs, those kinds of things, not these huge, trillion dollar tax cuts that just go to help the wealthy.

I brought with me some information about that Republican tax cut, and I will just briefly mention it. Just to show how it was skewed toward the wealthy and corporations. The Republican plan means $46,000 per year for the wealthiest taxpayers that they were going to get back, but only $160 per year for the average middle-class family, and $21 billion was lavished on special interest tax breaks for big businesses.

The other thing about that trillion dollar Republican tax cut is that it basically used the entire surplus and would prevent us from paying down a significant chunk of the $5.6 trillion national debt.

The President keeps pointing out that we are now actually reducing the debt, paying back some of the bonds, not collecting the same interest that we were before. If we use all of that and give it back in tax breaks, one cannot pay down the national debt. But most important, that Republican tax plan just took all the money away that could be used for Medicare, for prescription drugs, and also to shore up Social Security.

The other thing the gentleman mentioned, one of the tombstones was about the small class size. I think we should mention that two of the reasons, and I think the gentleman mentioned it, two of the major reasons why we stayed here for the last 6 weeks and insisted on a better budget than what the Republicans were sending to the President, two of the major reasons was because we wanted to fund that 100,000 teachers program where the money goes back to the municipalities so they do not have to pay it in local property taxes and also for the COPs program which was similar. The Republicans, as the gentleman knows, did not want to pay for that. Their budget did not include those programs. Now, the budget that we are going to adopt tomorrow does at least include those.

So I guess we would have to say that at least in one of those cases, we have had success.

□ 1515

But unfortunately, we have not had success on so many other things, the HMO reform, the Medicare prescription drugs, and so many of the other things the gentleman mentioned. But we did at least, in staying here for the last 6 weeks and insisting that they put in the 100,000 teachers and cops, at least we did accomplish something.

Mr. Speaker, I yield to the gentlewoman from California (Ms. SANCHEZ). I am so pleased she is joining us here this afternoon.

Ms. SANCHEZ. Mr. Speaker, I thank my colleague from New Jersey for yielding to me.

Mr. Speaker, I just wanted to reiterate what the gentleman just talked about, this whole issue of why have we been here 6 extra weeks. Because I go home to my district and people ask me all the time, why is this fighting going on in Congress?

I try to explain to them that the strategy of the other side, of the Republicans, was to fund what they wanted up front in the appropriations bills and then leave the appropriations that they do not like to fund to the very end, and say, we have spent too much already. We cannot fund these other issues.

Of course, the one they wanted to leave for the end was the HHS and education bill, health care, human services, the education pieces of the budget. In fact, initially out of the Appropriations Committee, as I recall, they wanted a 40 percent cut in that.

I tell people all the time when I am back home, the reason we are in Washington still is because the Democrats did not want to see education and health care services cut. We would stand up and we would fight for that.

Of course, as we saw, we are getting the next installment, if you will, of the 100,000 teachers. I think that is great. It is patterned after the COPS program. Something that we have seen since President Clinton initiated that and we voted for it and we have been funding it, we have been seen the crime rate drop across the Nation.

It is really interesting because, of course, then we had COPS III in this year's budget. The Republicans did not want to fund it anymore. I would go back home and even my own police officers would say, what is wrong with those guys? Why do they not understand that the reason that crime has gone down is because we have had these extra bodies to put out in the communities to not deal in a negative way with neighborhoods, but to do a positive campaign, have a presence in the neighborhood, and it really has brought crime down.

And it is amazing to me that they would want to cut off that program, but of course that is what they had in mind, just as they did not want to do the second installment of the teachers.

We know when we look at the education system, a young child, and I had a forum in my district, and I remember the Vice President, Mr. GORE, came out. One of the students stood up, and she must have been, gosh, I think about 12 years old. We asked her, what is the most important thing in the classroom? What do you think is the most important thing? And she said, the most important thing is the quality of the teacher in the classroom. This is a young student. And I believe that. Trained teachers, teachers that are teaching to 20 students versus 40 students, it makes a big difference.

Of course, I am from California, where we have had at a State level an initiative to bring down the class size by hiring more teachers, et cetera. We have seen an incredible difference. I have first grade teachers, where we have implemented this in first and second and some of third grade, I have had the first grade teachers tell me, my students are learning to read. The difference is that I only have 20 to teach, and I can spend the quality time with them and understand the individual problems that they have in learning to read better than when I used to have 40 children in the classroom and it was more of a disciplinary problem, and I had to watch what was going on, and I could not spend individual time with students because there were so many, 39 others running amok.

The first grade teachers will tell us the difference is that they have a smaller class size and they can understand the individuals. Gosh, when we look at this Columbine situation and the school safety issue, and we look at what these students are really telling us, when we look at what is happening, it is a need for attention.

When you have a smaller class size, a teacher can see, are there problems with this child? Might they be having problems at home? Do we need to get some help for them? Can I sit down and talk something through with them? It is much harder to do for 40 kids in the classroom than it is on an individual basis.

I hope that people will understand why we have been here fighting as Democrats, and it has been because we care about what is happening in the public school system. We want to fix it. We want to help it. That is through a myriad of programs, not just more teachers, but the teacher training grants that we have approved, the technology, which is such a need in the classroom.

I hope they will also understand that we have also been fighting to keep safety, to keep the crime rate down, to keep this safety issue out there by fighting for the COPS program.

These have been just incredibly important issues as to why we have been here, in addition to the health care factor that the gentleman mentioned earlier, and of course, the prescription drugs, and things that we just have not been able to get through because the leadership of this House, the Republican leadership, has closed an eye to it and do not want to push this type of thing through.

Mr. PALLONE. Mr. Speaker, I just want to thank the gentlewoman for coming down. What the gentlewoman has said is so true. I do not really understand, we see my colleagues on the Republican side talk about education, but when it comes to actually trying to provide the funding that is going to go back to the local towns and help with property taxes to pay for education, they do not want to do it.

The gentlewoman remembers that we were here a year ago trying to adopt a budget, and again, one of the major sticking points was their unwillingness to fund this 100,000 teachers initiative. I know when I go back to New Jersey, and basically in all the school districts, they say it is great. They like it on a bipartisan basis, because frankly, it not only means more teachers and smaller class size, but also it saves them money that they do not have to hire the teachers because they get the Federal dollars.

The other initiative that is part of the unfinished agenda which the Republican leadership has refused to deal with is the school construction initiative. We have been talking about that now for several years, as well. That was sort of the second part, to bring down the class size and then provide some Federal dollars to help with school construction. That was for renovation in urban areas for older schools and also in the suburban areas where we have split sessions, and they cannot afford to build new schools to help pay for that, too. Yet that is not going to be in this budget because they say that is too much. They do not want the Federal government involved.

I do not know how the Federal government helping local schools pay for school modernization is somehow ideologically a problem, but this is what we hear from the Republican side of the aisle.

Ms. SANCHEZ. If the gentleman will yield further, they do say that. They say that they do not think at a Federal level we should be involved.

We have proposed to them programs that work wonderfully; for example, school construction bonds, the whole issue of at a local level an entire community has to decide that, yes, in fact they need new schools and they are willing to pay for new schools. They have to pass a bond issue; if they would do that, if they would do the work, and then of course the building of the schools and all of that is still under local control.

We have a lot of propositions here in the House that would say, you pay the principle on the bonds and we, those people who purchased those school bonds, will get a tax credit on their income tax form, $1 for $1, where they do not have to send the money to Washington. Instead, they get the tax credit on their income taxes. What does that mean? It means that the Federal government basically picks up the interest cost on the bonds. That is about a 50 percent match.

It has two of these Republican types of issues with it: one, keep it at a local level. They have to approve it locally, they have to work it locally, and the local community wants it, needs it, and decides to do it. And secondly, do not send your money to Washington, do not send us the money, keep it as a tax credit. It fits right in there their philosophies of less money to Washington, but still this whole issue of constructing schools is just something that they do not want to do, at a time when I look in California and we have such a need.

One of the districts I represent, Anaheim City School District, it is growing at twice the rate in school enrollment of children as the five fastest growing States in school enrollment across the Nation, twice as fast. It grows by about a thousand students a year. That is a new elementary school every year. Yet, they have the same number of elementary schools they had as when I was going through the school system 25, 30 years ago.

It is amazing. They go year round, four-track. They never have a summer anymore. They do not have a traditional school, they have different tracks going. They send their kid for 8 weeks, and then he is off for a week. Then they send him for another 8 weeks, et cetera.

Every time that the teacher finishes that 8 weeks, she has to pack up her classroom, put it in storage, go away for a week, come back, unpack the classroom in a different school building. Imagine if you are a professional, imagine if we had to pack up our offices every 8 or 9 weeks here, how much work we would really get done.

They have gone to double sessions, so not only do they have this year-round school going on, but they have an a.m. and p.m. session with their kids, which means some kids start to eat lunch at 9 in the morning, and some kids do not get lunch until 2 p.m. in the afternoon. They have sessions at which kids, they have only so much room outside for kids to sit down at the picnic tables.

Besides that, they have portables all over the green grass area, so the kids really cannot go out and play anymore because they now have portable classrooms. In fact, I have a school system that, if you took the number of portables they have on the school sites, on the current permanent school sites, and you took them off and you actually made the equivalent of new school sites, you would have 27 new school sites versus the 26 existing school sites. That is how crowded it is getting in California.

Mr. PALLONE. We have the same problem in New Jersey, maybe not as severe. But I know that the State legislature now is struggling to pass some sort of school bond modernization initiative. Obviously, if we could get money from the Federal government, it would make such a difference.

Again, we talk about the school modernization, and that is nowhere to be seen in this budget. We just have to press for it as part of this unfinished agenda when we come back.

Mr. Speaker, I yield to my colleague, the gentleman from North Dakota (Mr. POMEROY), who has been down here many times talking about these issues.

Mr. POMEROY. Mr. Speaker, I thank my friend for hosting this special order, because we are at the end of the session. I think it is time to take a look back at what has been accomplished over the past year, or in this case, unfortunately, what has been left needing and deserving of action.

Let us just go through the issues, ending with the budget issues, which are still being wrangled about even as we visit on the floor this afternoon.

A Patients' Bill of Rights. I think if we look at issues that enjoy very broad support across the country, and indeed, a very significant bipartisan support in this Chamber, it would be the drive to give health insurance policyholders greater protections that their medical care decisions will be made between the doctor and themselves, not by some intervening HMO official.

That seemed to be a very clear-cut issue. After significant discussion in this Chamber there was a vote, and it was a strong bipartisan vote to give patients meaningful protections relative to their HMOs. Unfortunately, we saw the Speaker turn around and do everything possible to sabotage that bill in the conference committee, refusing to appoint to the conference committee even those who had been supportive of the legislation; in fact, sandbagging, so this bill which enjoyed the strong vote out of the House was doomed to failure in conference committee. The result, of course: no legislation on the Patients' Bill of Rights.

Mr. Speaker, we started the year with a very, or actually at the end of the school year we had the terrible tragedy of Littleton. It drew our attention to certain essential gun safety actions, very measured but prudent steps we could have taken: child safety locks; dealing with the gun show loophole, making the sale of guns at a gun show context somewhat similar to what it would be under a licensed dealer, be it a retail vendor, a hardware store, or what have you.

Again, there was broad national support for those measures, and yet, it was stymied within the Chamber and no further effort to bring it forward, even though the Speaker in this instance, unlike the Patients' Bill of Rights, said he did intend to have a response move forward; ultimately sabotaged by his own people, and nothing happening on the gun safety issues.

An issue that I have seen coming on and coming on very strong is the need to address the soaring cost of prescription drug medications. That is especially true, and certainly it had been my hope that this would be the Congress where we could take steps forward to address this issue in one of two ways. I think the best way to address it would be to fold in some type of prescription drug coverage in the Medicare program. I hoped that that could be achieved.

In the alternative, in the event that questions about the financing of that would prove too tough to deal with, we could address pricing differentials, because it is very clear that right now the drug companies are selling below cost to their favorite customers, like the HMOs or Federal agencies, and coming back and having people paying these prescription drugs out of pocket.

Our seniors on fixed incomes so often need these prescription medications for their very health maintenance, and unfortunately, this is going to be a Congress leaving town without having done one thing relative to prescription drug needs of our seniors. I just think that is what has become another in a long string of failures.

□ 1530

We are heading into an election year. We had a chance to address campaign finance reform. No campaign finance reform coming out of this Congress. Another in a long litany of failures.

In addition, one of the things that I had hoped we could really achieve, especially in this situation, would be to strengthen the Social Security Trust Fund, extend the life of its solvency. Move now to address the needs of baby boomers in retirement. We had the plan. We had the opportunity. Unfortunately, not one hour on the floor of this House has a measure been discussed to lengthen the life of the Social Security trust fund.

We did see, I will say with Social Security, I think, some very clever sleight-of-hand by the majority. They tried to deflect the discussion from the Social Security Trust Fund and its long-term solvency to whether or not funds from the Social Security revenues were being spent on the funding of government. All of their argument did not have anything to do with strengthening Social Security. None of their arguments go to lengthen the life of the trust fund so much as one day. But they drove the point: The Democrats were going to raid Social Security for wild spending programs, and they were going to put a stop to it.

Mr. Speaker, we know the score, and I have got the score revealed here on this chart. This is from the Congressional Budget Office. About $14 billion in general fund surplus to support additional spending. And now we know that even as the deal is being put together on the final spending of this Congress, we are going to be into the Social Security program at least $17 billion and, quite potentially, much larger than that. So although they did not lengthen the life of the trust fund one day, they spoke a lot about not spending any of the Social Security surplus. The Congressional Budget Office makes it very clear, Social Security money is being spent under their budget plan.

I think, in total this constitutes really an abysmal year in terms of lack of action on the one hand coupled with action that is not helpful on the other hand. I would hope that next year we could put forward a much better record of accomplishment for the American people. Because in the end, I think a congressional session like this should not be about setting up the next election. The elections are about having us work together, putting aside the overheated, overblown campaign rhetoric and getting into the Chamber and rolling up our sleeves, bridging our differences and forcing solutions for the American people. That is what they expect out of Congress.

So perhaps, and I would have to say there is some unlikeliness to this, but even though the 2000 elections are going to be looming large next year, it would be my hope the majority leadership would concentrate on the task at hand and that is doing the people's business. Let the 2000 elections take care of themselves. I yield back to the gentleman.

Mr. PALLONE. Mr. Speaker, I thank the gentleman. I just wanted to say with regard to the remarks that the gentleman from North Dakota made, there is no question that we have to put on the pressure with this Republican Majority when we come back to try to deal with this unfinished agenda.

The one thing I wanted to mention very briefly is that we have already put in place a rule to bring up a discharge petition on the price discrimination and the prescription drug benefit. We have one bill that would basically deal with the price discrimination by putting in place a Federal remedy, and another that would provide for a prescription drug benefit under Medicare. We are going to make sure when we come back that we get the petition signed and that we force that issue to the floor, which we have had to do with every one of these issues, unfortunately. Take that extraordinary means of a discharge petition, which should not be the case, but unfortunately that is what is necessary to get the Republican leadership to move in the House on every one of these issues. HMO reform, campaign finance reform, gun safety, every one that we could mention we have had to go that route.

Ms. SANCHEZ. Mr. Speaker, I would agree with the gentleman. We have had various petitions and, hopefully, there will be another way when we return in January to try to get the prescription drug issue to the floor.

I just want to wrap up my comments with respect to what the gentleman from North Dakota said about Social Security. Let us face it. Next year is going to be a very difficult election year with control of the House, in particular, up for grabs. I think it will be very difficult to move legislation through. This would have been really the ideal year to take a look at the Social Security issue and shoring it up.

Why? Because we have the time to do it. Because we have a surplus for the first time to be able to take a look at where the monies are spent. And because there are still inequities. Just looking at the 2013 year where we will have the switch over and there will be a deficit fund gathering for Social Security. But there are still inequities in the program that we have, like the notch babies. All of these issues. They do not affect a lot of the population, but they affect people who have been working very hard all of their lives and somehow along the line got something done, a law passed here that was against them for really no reason.

We really need to take a look at this restructure of Social Security, make sure that it is solvent, make sure that we are putting the monies aside today for tomorrow when we will need them. And it is a shame that this Congress was unable or unwilling, that the leadership in this House, the Republican leadership, was unwilling to address the Social Security reform issue.

Mr. Speaker, with that I yield back to the gentleman from New Jersey.

Mr. PALLONE. Mr. Speaker, I appreciate the gentlewoman from California bringing that up, because I guess we can take some solace in the fact that at least we stopped this tax break for the wealthy and for the corporate interests. Because if that had passed and the President had signed it, then there would not even be the money available in the surplus as it grows over the next few years to even address the Social Security and the Medicare prescription drug issue. So I guess we have to kind of be happy for small victories, so to speak. At least that did not happen. I agree completely.

The President started out the year in his State of the Union address last year saying he wanted 1999 to be the year when we addressed the solvency of Social Security and Medicare. Basically, the Republican leadership made that impossible, but we just have to try and work harder next year. We are going to be down here on the floor every day in January and February making the point that these issues, this unfinished agenda, have to be addressed.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 80. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

The message also announced that pursuant to Public Law 105–277, the

Chair, on behalf of the majority leader, announces the appointment of Deborah C. Ball, of Georgia, to serve as a member of the Parents Advisory Council on Youth Drug Abuse for a three-year term.

ISSUES, NOT SOLUTIONS

The SPEAKER pro tempore (Mr. NUSSLE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, I must say that I had originally requested only 5 minutes, but a number of things have happened in the last several hours that have forced me to come back and request more time to address the issues that I wanted to bring to the attention of the body today.

Certainly, some of the things that have been discussed by previous speakers here lead me to take the floor today and to do so for at least some more time than 5 minutes.

When I was in high school, our class used to have the task at the end of the year of coming up with a motto, among other things, to attach to ourselves for the rest of eternity and it would always be placed in the little book, the annual. It would say the class motto was such and such for this. Mr. Speaker, I have a suggestion after listening to the discussion for the last hour. I have a suggestion of what our colleagues on the other side of the aisle might use for their class motto this session, and it would be this: "Issues, not solutions."

Mr. Speaker, let me just suggest that as the class motto for the Democrats of the 106th Congress. That their real purpose is to have an issue to run on and to avoid the possibility of achieving a solution in this body at all costs.

Now, I say that recognizing that it is certainly not a revelation. I bring to the body that this is the strategy that the Democrats are employing. I say that because the minority leader has said that. The gentleman from Missouri (Mr. GEPHARDT) has indicated in articles that I have read, and certainly have been brought to the attention on the floor in the past, that it is his purpose to try and present as many obstacles as he possibly can to the accomplishment of the goals established by the majority in the area of education reform, in the area of tax reform, in any area important to the people of the country, there they would be.

It is not surprising, therefore, when we look at the majority responsibility of the Congress, that is the passage of 13 appropriations bills, that when we look at how that eventually got done, it got done without the help of our Members on the other side. Without the help of any of them. Maybe three or four at a time would come on board, but almost always it was the Republicans in the Congress that had to carry the load because everybody over there was going to play hard ball because they want issues, not solutions.

The last thing they want, in fact, is a solution to the problem. So much rhetoric has been devoted to the Social Security issue. I am so glad to hear that at least there is a concern on the other side with regard to Social Security and, in fact, holding it sacrosanct, because that is a very interesting thing. We, in fact, passed a law, passed a bill out of this House. It went over to the other side and that law was designed to, in fact, codify this idea of holding Social Security sacrosanct. Not using it for the general fund. Something that we even hear the President saying that he agrees to.

But what has happened, Mr. Speaker, I ask? Where is that bill? And why is it not now part of the solution to the Social Security issue?

Well, of course, it is because the Senate Democrats have had a filibuster. The issue has been brought forward five times at least in the Senate, and each time it has been filibustered by the Democrats and essentially killed.

So where is the desire for the solution here? It is not their desire. It is, in fact, to maintain an issue to go into the next campaign with.

Beyond that, when the discussion resolves to the next stage, and that is the fix for Social Security, where is the President's plan for that? Has anyone heard of the President's plan? I certainly have not. I recognize fully well that the continuation of the Social Security system is in great, great jeopardy; and we must do something to change that. And I do not even suggest for a moment that not spending Social Security funds for general fund purposes will solve the Social Security problem. It will not. It does, in fact, however, slow the growth of government quite dramatically and makes us a little more honest to our constituents. Those two things are pretty good things in and of themselves.

But if, in fact, there is such a desire to fix Social Security, then of course we should hear something out of the White House about how we should go about doing that. That would be nice. That would be good. But we have not. Why have we not heard that, Mr. Speaker? Let me suggest the reason is because it does not fit the motto. The motto is, remember: "Issues, not solutions."

COLUMBINE HIGH SCHOOL AND GUN CONTROL

Mr. TANCREDO. Mr. Speaker, let me go on to the purpose of my original request for this time to speak. It is my understanding that today a group of Members of this body held a press conference in which they unveiled a clock of sorts. And this clock, I am told, has recorded the amount of time, minutes and hours and days, since the event at Columbine High School. And it is meant, I suppose, well, I know it is meant as a political gag in order to try and embarrass the Congress for not having, quote, moved ahead on gun legislation.

Mr. Speaker, I can understand the desire on the part of a lot of people, especially as we move to the very end of the session, to grasp at straws to do the most outrageous things in order to try to get the attention of the general public and in order to try and score some sort of political advantage.

□ 1545

But I must say, Mr. Speaker, as the Representative from Columbine, from that area, the school is half a mile from my home, and my neighbors have children there, and we suffered through this event together.

I must tell my colleagues, Mr. Speaker, that to have this kind of political shenanigan pulled at this late date to try and remind us of when Columbine occurred, let me tell my colleagues, Mr. Speaker, there is not a parent in my district, there is not a parent of a single child who was murdered at that school or injured in that school who needs to be reminded of when that happened.

There is not a single living soul in my district that needs to be told when that occurred, how long ago, because it is etched indelibly in our memories and in my mind.

To suggest that any action taken subsequent to that time by this Congress could possibly have changed the situation there is, of course, both ludicrous and hypocritical. It is especially hypocritical, Mr. Speaker, because of course this Congress did attempt to address the issue of gun safety.

There was a bill, Mr. Speaker. There was a bill. It made it to the floor. H.R. 2122. Now, maybe it was not a perfect piece of legislation. There were certainly things about it that I had concerns about. But let me just go it just to remind all of us what exactly it was that we were talking about in that particular piece of legislation.

Under current law, background checks are not conducted at gun shows concerning transactions by private vendors but, instead, are only required of Federal licensees. This allows for a loophole of sorts in the acquisition of firearms.

There was an amendment proposed as a matter of fact by a Democrat, by the gentleman from Michigan (Mr. DINGELL). That amendment I believe was the most accommodating option, both in keeping guns out of the hands of the criminals and in protecting the rights of gun owners across the country. Certainly it was controversial. There were many people in my own district, certainly people in my own constituency that said it still went too far. As a matter of fact, I was the only Member in my delegation to vote for this. It was, in fact, the best possible option of all the options I think we had available to us.

By the way, the Dingell amendment would have, in fact, closed that loophole, would have required someone that was a private vendor to do background checks on people purchasing guns.

The argument revolved around the length of time that would be allowed for these checks to be completed and that sort of thing, and those were arguable points. I will not say that they were not. It was not, as I say, a perfect bill. But it was a Democrat amendment that achieved about 45 or 50 Democrats in its support originally, and then it became part of the bill.

The next amendment dealt with large capacity devices. They prohibited the manufacture of large capacity clips, ammunition clips. Another one prevented juveniles from possessing semiautomatic assault weapons. Another one made it mandatory to provide trigger locks and safety devices when guns were purchased.

Another amendment qualified current and former law enforcement officers to carry a concealed weapon whereby allowing them to continue to serve our communities as safety personnel. In a way, this is something that my friends on the other side have been pushing for all the time, that 100,000 cops. Well, this is a way of putting a lot of police on the beat. These are retired former law enforcement police officers who could be carrying weapons and protecting the community.

Another amendment in that particular bill said that, when guns were pawned for more than a year, they would not be returned to their owner until they pass an NIC background check.

This amendment makes sure that, during periods when the firearm is under the possession of the pawn shop, that the original owner does not undergo circumstances which would hinder them from possessing the firearm. Likewise, it allows for checks to be done on the pawned weapon so as to make sure it has not been stolen.

Then the juvenile Brady part where the amendment would prohibit persons who commit violent acts of juvenile delinquency from possessing firearms as adults.

All right. Those are the parts of the bill, the most significant parts of the bill, H.R. 2122, that came to this floor.

After a great deal of debate after originally supporting that, my colleagues remember what happened. My colleagues may recall, Mr. Speaker, how that all played out. I often think of that cartoon, the Peanuts cartoon, and that character when Lucy is holding the ball that Charlie is coming to kick. Just as he gets there, she pulls it away, and he falls back. That is in a way what the Democrats did with that bill.

They put this bill out there. The Dingell amendment was part of it. We assumed, of course, that we would get some support, although it may not have been perfect, because when was the last perfect piece of legislation that passed this body. Every piece of legislation is made up of compromises on both sides of the issue. Certainly it was not perfect for me. But I also knew that it was going to be the best chance we had of getting this kind of legislation out of this Congress. So did the other side, and that is my point. They also knew that that was the best chance we had.

So what happened, Mr. Speaker, after all the rhetoric about gun legislation, and I asked the people across the street holding press conferences and unveiling these clocks, telling us how long it has been, and people holding up replicas of tombstones saying "rest in peace gun control measures," I want to ask them where they were on the day that H.R. 2122 came to the floor.

I will tell my colleagues what happened when that bill came to the floor. It failed. It failed with 198 Democrats voting no, 81 Republicans voting no. Let me say that again. The chart depicts this: 198 Democrat no votes, 81 Republican no votes. The final vote; 147 aye, 280 no. The 147 broke down in the following manner: Republicans, 137; Democrats 10.

Now, I do not know, I have heard of awards that are given annually, maybe monthly, or something by various members for the pork of the week award. There are all these things that are picked out, and people, individuals get sometimes these awards that are not really all that much appreciated.

I am not sure, but perhaps we should come up with a chutzpah award because I cannot think of a better word, a fine Jewish word to explain what we are talking about here when somebody can actually stand up here in this body and tell us that we have prevented the movement of this kind of legislation of gun control legislation when this is the fact of the matter: 198 Democrat noes. 198. Republican noes, 81.

Who stopped it? Why did they stop it, Mr. Speaker? The answer I believe is the answer I gave at the beginning. It is the motto of the Democratic class of 1999 in the House of Representatives. The motto is: "Issues, not solutions. We want problems to carry forward."

Mr. Speaker, I received just a little bit before I came over here a communication from Mr. William Maloney. Mr. Maloney is the Colorado Commissioner of Education. This is not a political position. He is appointed by an elected board. It was a communication that I did not prompt, I did not request, and it is in response to the events, I hate to even characterize it as a press conference, because a press conference would indicate that there was something newsworthy about it, but it was the event to which I referred earlier, this thing where they unveiled this clock that is supposed to remind us all how long it has been since Columbine.

Mr. Maloney puts it very, very clearly and very succinctly and articulately. Remember, Mr. Maloney is the Commissioner of Education in Colorado. It is a nonpartisan position. He says the following about their antics, and I will say antics rather than activities:

"We would deeply regret that anyone would address the Columbine tragedy without any consultation with those who were most deeply involved. To do so in a simplistic fashion is to disrespect the full dimension of this tragedy and the diverse and earnest efforts being made to deal with it."

Mr. Speaker, I suppose I cannot say much more than that, and perhaps do not need to. I hope the point has been made. Issues, issues, not solutions. Certainly not everything that has been proposed, not just on gun legislation, but anything else, not everything would have completely solved these things, but many would have come close, Mr. Speaker, if there would have truly been that bipartisan desire to get the job done.

There is plenty of partisan wrangling that goes on during the course of one session of Congress. Even though I am a freshman, I am certainly well aware of that. To a large extent, I think it is fine, healthy, and appropriate.

We have, of course, very legitimate clashes of ideas that are articulated on the floor of this House. We disagree on the size and scope of government. That disagreement, that very basic disagreement that usually separates the two sides plays itself out in many interesting ways.

I will never forget the day here on the floor of the House when the final vote was taken on the tax relief measure. I was proud to be a Republican, perhaps more so than any other time since I have been here in the past 11 months, because we were actually doing something that was very, very characteristic, I thought, of Republican principles.

So it is absolutely appropriate for us to be divided on those issues, have battles on those issues, fight it out on this floor, go to a vote, everybody doing what they truly believe in their heart of hearts should be done because of their commitment to what is good for the country.

Mr. Speaker, sometimes other things happen, other things happen here, and decisions are made and events occur that really are not based on those heartfelt opinions and ideas. It is based on sheer, pure politics. I would say to my colleagues that when we look at the issues as we approach the next election, be very, very, very discerning. Mr. Speaker, be discerning and try to determine whether or not they are being brought to us for purely political reasons or because in fact there is concern about the way they would have affected the outcome of America.

Mr. Speaker, I yield to the gentleman from Colorado Springs, Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Speaker, I appreciate the gentleman from Colorado for yielding. I have to admit to the gentleman from Colorado (Mr. TANCREDO) that I was not back in my office hanging on every one of his words. But when I realized he was doing this special order, I hoped he was doing it in reaction to the news conference which was held earlier today, the made-for-TV political news conference that was held earlier today. I wanted to come over and just visit with him a little bit about this thing.

Columbine for the gentleman from Colorado (Mr. TANCREDO) particularly more than anyone else in this chamber, for him particularly, was a hard-hitting experience. Because this was in his district. But it adjoins my district; I have some addresses that are Columbine addresses.

□ 1600

And I do not know of any tragedy like this that has hit me so hard in a long, long time. It was a terrible tragedy to the folks that experienced it and to all of us in Colorado and, I hope, across the country.

The day after this tragedy, this tragedy I believe occurred on a Tuesday, on Wednesday the chairman of the Democratic National Committee from this House was standing before his colleagues in his conference saying this is a great political issue for us, a great political issue for us, and we need to flood the Congress with gun control bills because the Republicans will vote against them and this will be a great issue for us in the next election.

I was appalled. I was offended, I was disgusted that someone would jump in and make political hay when my heart was broken. We had had a terrible tragedy, and this was going on.

I also noticed that as we went through the debate and discussion about gun control after that, because they did exactly that, flooded the Congress with gun control bills; and as I looked at each one of those, it was my opinion that not a single one of them, had they been law prior to Columbine, would have altered the Columbine experience one iota. I think there were 18, 20, 21 laws violated there already. None of these new laws would have done anything. None of the laws that they were talking about at that news conference in the basement of this Capitol would have done one thing to alter the Columbine experience or to prevent an additional Columbine experience.

One thing that I think might help prevent something like that is if we would enforce the gun control laws which are on the books right now. And the gentleman has probably said all this, and better than I can, but if we would enforce the laws that are on the books right now, which this Justice Department has had a dismal record of enforcing the gun laws that are on the books, absolute dismal record. And in an instant or two that I am aware of, where a U.S. attorney or assistant U.S. attorney has taken it into his own hands to be strict in his enforcement of gun law violations, the gun crime rates have dropped like a rock.

But the Justice Department does not like that. In one case they were even trying to get a U.S. attorney fired because he was enforcing the gun laws too strictly. Now, what can I assume from that? All I can assume from that is if we actually did enforce the laws on the books, and if it did reduce gun crime, then there would not be the motivation to accomplish their goal, which is to take away private ownership of guns in America. I do think that is this administration's goal.

So we do not want to reduce the rate of crime with guns, because if we did that, then they would not have that argument. That is appalling as well. We need to enforce the laws that are on the books and stop making phony political hay out of one of the worst tragedies that has occurred in this country in a long, long time.

I thank the gentleman for having this special order and giving me an opportunity to express, too emotionally, but I feel emotional about it, some of my feelings about this situation.

Mr. TANCREDO. Well, Mr. Speaker, I thank the gentleman for his comments; and I certainly and completely understand the degree of emotion that is connected with making them because I assure the gentleman that I empathize in that regard.

I do not think, in fact I know, that there has been no more difficult issue with which I have had to try to deal than the issue of Columbine High School, not just from the standpoint of the pure politics of it, the issues of gun control and the rest, but the neighbors that I see when I go home every weekend and the children that I see and the concerns I have, Mr. Speaker.

And just perhaps for a moment, if I could be allowed, I would reference those concerns and ask for the prayers of America to be directed to the parents and to the children who are still suffering to this day. We are seeing every time when I go home this subject being brought up, and the papers play it up, and there are some very good things, positive things that are happening in terms of children being healed, children coming out of the hospital who are now walking, these kids that were so terribly wounded in this. Then we will have another setback, and we had one not too long ago, when a mother of one of the students took her own life.

And it is so hard for us to understand. We think about how much pain any community, any family can deal with or can endure. How much can we endure? And I look at those students, as I say, those children who are recuperating, and I thank God for their recuperation. The physical signs of healing are there. Their scars are healing and we can see that, and that is good and as it should be. But, Mr. Speaker, what we cannot see are those scars that do not manifest themselves on the outside of the body. They are the scars in the mind and in the heart and on the soul, and they do not heal as quickly as the scars on the outside.

We do not see people coming out of the hospital being welcomed home with flowers and friends. We do not see how they live through the agony of this thing and are tormented by the thought of Columbine over and over again. And fear, fear in their hearts, fear of going to school, fear on the part of parents in taking their children to school, because they do not know what is going to happen and because they feel totally helpless. These are the things with which we are still dealing.

And I can tell my colleagues, my friends who had this press conference giving us the clock, they do not have to tell me when this happened. I know exactly when it happened, and so do those parents. And what they have done today does not help the healing. In fact, Mr. Speaker, one might even suggest that it digs deeper at the wound. And that is why I do have emotion in my voice; and I am filled with emotion about this, because this is not just a typical political debate or fight we are having here. These are about real people whose hearts have been broken, and it disgusts me to think that they are being used as pawns in this political battle.

But that is the only way I can see it right now. Because, Mr. Speaker, we could have had at least attempts at solutions. Although I was the only one, as I say, that voted for the bill, I know my colleague did not vote for the bill that I referred to, I was the only one from Colorado to have done so, and I know in my heart that that bill would not have changed anything had it been in place. I understand full well that there is really so little, in fact, we can do.

But what little we can do to have somebody then stand up later on and blame us, blame this side for not having moved this process along, when as anyone can see, 191 Democrat noes on the bill to 80 Republican. It was not us. But even had this passed, we would not be safe in our schools, we would not be safe on our streets. Much, much more has to occur.

And in a way, my fear with this particular piece of legislation, and all the others that were suggested, I had this great fear in my heart that if we had passed them, that in fact people would have walked away from the table thinking, oh, good, now we have done something to stop violence.

And here is another aspect of this, Mr. Speaker, that I failed to bring out. Just the other day, in Decatur, Illinois, when there was an act of violence that, thank God, did not end up with someone being killed, but it was a very, very harsh violent act committed by several students, what did we hear in this House about that? Would Jesse Jackson, who has now involved himself in this whole thing, would he have been there if one of those students had been carrying a gun, even if no one had been hurt? I think not.

So is the real issue school violence? Are we really worried about juvenile violence? Are we trying to do something about violence, or are we just trying to look at the political advantage we can get out of the "gun issue "? How come there has not been an outrage voiced in this House about Jesse Jackson's involvement in this thing and his attempt to intimidate the school board to put these kids back in school when they did the absolute right thing in throwing those kids out of school.

If I had had time, Mr. Speaker, we are at the closing minutes of this session, perhaps days. I do not know how long we have, but I know it is not going to be too long, but if I had had the time, I would have issued a resolution commending the school board for their actions. Because, of course, that is the kind of thing that can help us avoid the next Columbine tragedy, the absolute avoidance, the zero tolerance policy for any sort of violence on a school campus or at a school event. In this case it was at a game.

I do not know if my colleagues saw the videotape of this, but I can assure them that this was not just a couple of school bullies roughing up some of their classmates. These were very violent young men. And as I say, I thank God they did not have a gun or some other weapon, and I thank God today that there was not even severe damage done even without the use of a firearm. But the fact is that there should have been just as much outrage expressed in this House at any attempt to quiet that school district or to intimidate that school district into putting those kids back in school. But no, we have not heard a word about that.

Well, I would tell my colleagues they did exactly the right thing, and I commend the school board for it and I hope they stick to their guns and do not be bullied by Jesse Jackson. They did what is right. They should keep those kids out of that school. Those are the things that can help us, Mr. Speaker, those and hundreds of people, thousands of people, millions of people around this country changing their own hearts, connecting back with their own families, thinking more about how they raise their own children, and what can be done not just maybe for our children but for our Nation's children and becoming a community again.

All these things matter more than this bill would have ever mattered, but it was a stab at it anyway. It was killed by Democrats because they want issues not solutions.

* * *

OPTIMISTIC ABOUT SECOND SESSION OF 106TH CONGRESS

The SPEAKER pro tempore (Mr. EWING). Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I appreciate the emotion of the previous candidate, the previous speaker, and I think that it is altogether fitting that we not come to the floor and waste the time of anybody unless we do feel strongly about what we have to say, and I certainly feel strongly about the remarks I intend to make at this point.

We are nearing the end of a session, it is a matter of hours now, and I think all of us feel very strongly about what was or was not accomplished during this first session of the 106th Congress. I think we should look forward to the second session of the 106th Congress with optimism. I am optimistic about the second session of the 106th Congress, and I am going to talk about the reasons why I am optimistic.

I regret greatly the fact that we have not dealt with very crucial issues. We did not even put the minimum wage increase on the floor for a discussion. We refused to have a dialogue and to share with the American people the concerns of many of us that in a time of unprecedented prosperity, when great amounts of money are being made by the top 5 percent of the population, the population with the income in the top 5 percent, we are not willing to give an increase of $1 an hour over a 2-year period to the people who are at the very bottom earning a minimum wage. I regret that greatly.

I regret the fact that we have not done an HMO patients' bill of rights.

I regret the fact we have not dealt with campaign finance reform. This House at least passed a bill, and the other body did not deal with it.

I regret the fact that we are still refusing to come to grips with the magnitude of the problem with education. Everybody talks about education, but we have just been allowed to play around at the fringes by the Republican majority this year.

We did at least deal with reauthorizing Title I, which is the most stable Federal participation in the elementary and secondary education process. We did at least tinker around with that.

□ 1615

We tried to make it worse by reducing the amount of funds being directed to poorest children. There are some problems there. But at least we put it on the table, we brought it to the floor, and we dealt with it. We have not dealt with school construction. We have not dealt with the magnitude of a kingpin problem.

If we do not deal with the physical infrastructure of the public education system, we are sending a message that we really do not care about the system. All the other things we do will not matter if the physical infrastructure cannot carry out the task that we have set for our public education system.

But I am optimistic about that. I am optimistic about the fact that we will come to grips with the problem of school construction and the large amounts of resources that are going to be needed for that. The fact it is going to require billions and billions of dollars is no reason to back away from it. Because we are able to come up with billions of dollars for an interstate highway system and the continuation of the highway program.

We authorized $218 billion in the last session of the 105th Congress. We saw the problem as being big. And despite the fact that nobody wants to be tagged with the label of being a big spender, that highway bill certainly spent large amounts of money to deal with a monumental problem.

We should look forward to the second session of the 106th Congress with optimism. Because the fact is that the public out there clearly has made it obvious what their priorities are. And eventually the Republican majority is going to respond to what the public is saying through the polls and through the focus groups and understand that next year's election cannot go forward with a record of ignoring what people are saying over and over again about education, about Patients' Bill of Rights, about the minimum wage. All these things have to be dealt with.

I am optimistic about the year 2000, our first year of the 21st century and the second session of the 106th Congress. I am optimistic about it because of the fact that it is a presidential election year.

Presidential elections are always pregnant with surprises. I am optimistic that we are going to have some positive surprises. We can have negative surprises, too. We do not want another presidential election year where a Willie Horton commercial surfaced and the whole spirit of that Willie Horton commercial pervades during the campaign and the electorate is treated to an appeal to go down to the lowest common denominator and racism becomes an overriding factor in the election.

Or the election that Ronald Reagan kicked off at Philadelphia, Mississippi.

When Ronald Reagan ran for President, he went to Philadelphia, Mississippi, the place where three civil rights workers had been slain; and he kicked off his campaign there sending a message, which later was communicated in terms of the new position of the Republican party.

They abandoned the civil rights partnership that they had up to that time with the Democrats, and they became the party which promoted anti-affirmative action and a whole series of things that led downhill, to the point where when Ronald Reagan left office and George Bush became President, there was a burning of churches throughout the South.

We had generated that kind of spirit at the time. I hope that we do not have those kinds of surprises. I hope that we will be able to not spend all the time fighting a rear-guard action, a defensive action, and can focus on positive matters. We could have some positive surprises. We could have some positive surprises which create a dialogue in this election which allows American people to really take a hard look at where we are now and where we can go in the 21st century.

The first year of the 21st century can be seen as a gateway into a new way of governing, a new way of dealing with the problems, an intellectual and mental opportunity to set our sights differently; and it could end up with some real positive achievements as a result.

First of all, I want a positive and adequate response to the number one concern of the American people. And that is education. We want a real adequate response, not a tempered nickel-and-dime response.

The response has to include not only the obvious problems that we need with respect to more funds for more teachers, more funds to deal with computers, but also the tremendous amount of funding that we need in order to deal with infrastructure problems, the construction repair, modernization, making schools more secure, et cetera.

The polls indicate a demand for this kind of action, and we are going to have to respond. There can be some other positive surprises that are taken which redound to the credit of the whole process and the American people could benefit.

Every presidential candidate, and there are more of them now, and as we get more presidential candidates, then we have more ideas introduced. I do not think that this is a bad thing. I think each presidential candidate may be good for one idea.

I want to disclose the fact right away that I am an early AL GORE supporter. I am not going to hide that from people listening. But I think that the other candidates can have some good ideas.

I think Mr. Buchanan is a candidate I can never live with because Mr. Buchanan has declared that American should be a white Christian country, which means that he really does not think there is a place solidly for me and my children and my grandchildren; and he says a lot of other things that I could never agree with.

But Mr. Buchanan should be applauded for his idea on trade, that this American Nation occupy a kingpin position, where we can almost dictate the terms for world trade, has given in over and over and over again to demands and rules that tie the hands of American workers.

We have negotiated our trade policies for the benefit of their top 5 percent, the top income bracket. They have done very well on the kinds of things we have negotiated with world trade.

Now we have a new agreement with China, which compounds the problem and we go on into the same abyss. I cannot agree more wholeheartedly than any Buchanan supporter with that particular aspect of his platform that trade is a bit of a sell-out for the American worker and we must do something to stop that. He has that one good idea. I would like to identify with that.

I would like to identify with Mr. Bradley's proposal that the Federal Government should be about doing things that are big and all encompassing. That certainly is something I would like to see Mr. Bradley develop in more detail.

I do not want a health care plan of the kind that he proposes where he wants to get rid of Medicaid. I think that is ridiculous. That is being big and stupid. That is being big and destructive. This is a big idea that could really cause a lot of suffering among people who are on the very bottom and among many of my constituents.

If you get rid of Medicaid in the process of trying to improve health care, you are going backwards and not forward. So I do not agree on that with Mr. Bradley.

But I hope he has some proposals on school construction and what the Federal roles should be in education, which are comparable to the role that they would be playing in a thing as important as education. I hope that Mr. Bradley will challenge the other candidates to come forward with big ideas.

We had a big idea when we decided to build the Transcontinental Railroad. The Federal Government built the Transcontinental Railroad, not private industry. We subsidized it. It was a big idea when we decided to create the land grant colleges and universities. Big idea. The Federal Government pushed that and created it. Big idea with the GI bill that offered education to every returning GI after World War II. Those big ideas paid off.

Medicaid was a big idea. Social Security was a big idea. All these big ideas, by the way, have been pushed and sponsored mostly by Democrats. And Democrats again should step up and provide the big idea at present.

We have to look at the school construction problem as being in the same category as the Transcontinental Railroad, as the interstate highway. We have to move in that way.

Mr. GORE, of course, has many ideas that I identify with. Mr. GORE has been there as we have had this transition of our government taking a very active role in the transition of our society into a sort of cyber-civilization, a new kind of civilization based on the Internet and computer and all the things related to that; and they have made proposals that have been very worthwhile for education and for our school system. I would like to see that continue.

And even bigger things should be made to happen by a person with Mr. GORE's background and experience and record. The track record is that the E-rate, which provides a 90 percent discount to the poorest schools for telecommunication services, was a product of this administration, which Mr. GORE is part of. The whole wiring of the schools and certain technology, literacy programs, have all come out of this administration that Mr. GORE has been a part of. We want to continue that kind of massive transformation of education and of society in general.

So I was talking about positive surprises that we may see in this election year, new kinds of activities to create a more dynamic dialogue, new ideas. And I have covered Mr. Buchanan, Mr. Bradley, Mr. GORE. And finally we come to Donald Trump, who recently made his entry into the presidential race.

I want to applaud Mr. Trump for producing an idea. I certainly am still a GORE supporter, but Mr. Trump has an idea which deserves examination. Mr. Trump has an idea which really is a blockbuster, it is revolutionary, it is sweeping, and it deserves to be considered.

Mr. Trump's idea is not so authentic that I can say that nobody else has thought about it at all, but he goes much further than most of us have gone. Certainly his idea that we should have a greater amount of tax on the richest Americans. Mr. Trump wants to impose a tax on the people who have assets above $10 million.

Now, stop and think how many people do you know would be affected by that kind of tax. He wants to tax only people who have assets above $10 million, and he wants to tax them one time at a rate of 14.5 percent and use the money realized from that tax to pay off the national debt. And then he wants to take the money that was being used every year to pay the national debt and funnel that into the system to cover the needs of Social Security; and there would be additional money left over, of course, for the safety net, Medicare, schools, education.

It is an idea which is quite broad and sweeping and has received quite a bit of ridicule by the people who have reacted immediately. However, before we dismiss it as being ridiculous, I think we ought to take a hard look at it.

I certainly find that it is compatible with a bill that I introduced a few months ago, H.R. 1099, a bill to amend the Internal Revenue Code of 1986 to provide more revenue for the Social Security system by imposing a tax on certain unearned income and to provide tax relief for more than 80 million individuals and families who pay more in Social Security than they pay in income taxes.

Now, I did not go as far as Mr. Trump did. Mr. Trump wants to tax unearned income assets. He wants to tax them far more broadly than I have proposed. And he wants to do that in order to get rid of the national debt.

I only propose a slight increase in taxes of people who have great assets, unearned income; and I wanted enough to be able to have that 80 million group of individuals and families who are paying now more Social Security tax than they are paying in income taxes.

□ 1630

Over the last two decades, the biggest percentage jump in taxes has been the payroll tax. The Social Security tax, the Medicare tax, combined, they have created a larger percentage increase in taxes than income taxes have increased. That means that the people at the very bottom who have no choice but to pay the payroll taxes are paying a greater percentage now than they were paying 20 years ago. They got the biggest percentage increase. We need to have some relief for those people.

That was my concern when I introduced H.R. 1099. I said the way to deal with that is to tax the unearned income, the assets of the richest people in order to get enough money to provide the relief for the poorest people. Mr. Trump says he wants to provide relief for the middle-income people as well. If you have a 14.5 percent tax on the assets of all people who have more than $10 million in assets, his economists calculate that would be enough to pay off the national debt. And once the national debt is paid off, you can use the interest we pay each year on the national debt in order to certainly make Social Security more secure and also to provide additional money for the safety net programs, including education and Medicare.

He wants to demand some things for that. He wants to get rid of the estate tax and do a few other things. But one should not lightly dismiss his proposal. Some people have said already, why do 14.5 percent one time? If it is a good idea, maybe you could do it over a 10-year period less, and it would not be such a shock to the economy. That makes sense. But the principle is established. The principle he is establishing is that the richest people in America can afford to come to the aid of the economy and the country and set a whole new standard, a whole new pattern for the way we deal with the budgeting in America. It is as revolutionary almost as Thomas Jefferson. The King of England thought Thomas Jefferson was a nut when he proposed that all men are created equal, that that was ridiculous. The one time that Thomas Jefferson had a chance to have an audience with the King of England, the King of England turned his back on Jefferson. He would not even talk to him. That revolutionary idea that all men are created equal was considered ridiculous in 1776. Now Trump says all rich people should step forward, and he is rich himself. He says that he is worth $5 billion, that his assets total $5 billion. He says that he would have to pay almost $700 million in this new tax that he proposes. And he is willing to do it. He says there are many other rich people who could do it, too, and never know that they lost that amount of money. They would never know it is gone.

I heard on a talk show in New York City yesterday, a couple of other rich people called in and said that they do not mind some version of this, they would not mind paying more taxes if it will help provide for decent health services and decent educational services. It is something that the rich can ponder. They would be indeed history-making. Never before in the history of mankind have those with wealth and means come forward and said, we will make a revolution from the top, from the top we will begin to deal with a problem of the redistribution of the tax burden. We always talked about the redistribution of the wealth and it would scare the hell out of people. They say you are a Communist if you talk about redistribution of wealth too loudly. But here is a rich man who says, let us redistribute the tax burden, let us have the people who are mega-millionaires and billionaires, making so much money now that it is hard for us to comprehend.

What is Bill Gates worth? Every day it jumps by billions. At the end of last year, I heard he was worth $40 billion. But he agreed to give away $40 billion a few months ago. He must be worth $60 billion now, some people estimated yesterday in the talk show. I do not know. I doubt if he knows. Because of the nature of wealth creation, it is not dependent on oil in the earth, the number of barrels that can be pumped, it is not dependent on mining gold, it is dependent on intellectual capital, people buying intellectual products, his software, his various other ventures. It is mushrooming all the time. Of course if you get a trade agreement with China, with more than 1 billion customers out there, a certain percentage of those are middle-class, well-educated, they are going to use computers too, and software, et cetera, et cetera. There is no end, it is infinite, the possible wealth of Bill Gates and the people in the various information technology industries, Cisco, ITT, it goes on and on. Wealth being created on a scale that we cannot even comprehend. If we are at this point in history accumulating wealth at that scale and most of the wealth, a large percentage of it is redounding to the United States population, 1 percent, 5 percent, the people at the very top, then is it not in order to stop and think about the fact that these people can never spend it, that it would be no harm to them to pay a greater percentage of this money than they now pay in taxes?

The Roman Empire at the point when its armies were bringing in large amounts of booty, large amounts of treasures were won by war, violence. They brought back the treasures, they made Rome rich beyond anybody's comprehension at that time. The Roman Empire leaders decreed that all the citizens of Rome should be paid. Because they had so much money, they got rid of all the taxes and they said they should be paid a certain amount of money every year, every citizen. They had that much money. And the citizens of Rome were defined in a small category. As soon as they started that policy, all the suburban Romans and all the rural Romans and everybody nearby moved into Rome. Of course it went bankrupt. It was a policy that was doomed to failure because if you define citizens of Rome as the people who live there, more people are going to come in to live there, and the booty, the treasures that they brought back from their violent conquests was not infinite. There was not a Bill Gates Windows 95, Windows 98 and other software products which as long as there are human brains and there are human brains out there working together, they will keep producing intellectual products for sale. There is a limit to how much violent conquest can produce. So the Roman policy failed. But it was a revolutionary kind of policy, to think that the treasury of a government is so great that we will give every citizen some part of it.

What Donald Trump is saying now is that we have such prosperity now and the people in his class, the billionaires and the mega-millionaires, are making so much money until they would not really miss it if you were to tax them 14.5 percent of their assets and get rid of the national debt overnight and use that interest you pay on the national debt for other things.

I think you can see now that an idea like that arouses great optimism in me. I am optimistic if that is going to be interjected into the debate in this presidential election. All we have been hearing so far about taxes is the flat tax, and everybody that I know, every honest economist has said that that is a Steve Forbes rip-off, that the flat tax will produce definitely more money for the people who have the most money already. Unfortunately, the other candidates have not talked loudly about taxes at all because the word "tax" is something we politicians try to avoid. Just by itself the word "tax" arouses great animosity among voters. Here is a man who announced his candidacy by talking about taxes. I think it is so significant that it should not be ignored. We should use it as a key for a new kind of discussion. It should set the tone for a new kind of discussion.

Mr. Speaker, I am going to submit for the RECORD the article that appeared in the New York Times on November 10 which discussed Mr. Trump's launching his presidential career by proposing a new tax. I am going to just read a few excerpts from it before I submit it. This is an article by Adam Nagourney on November 10, 1999, in the New York Times:

"Trump, describing the first proposal of his exploratory presidential campaign, said the government should impose a one-time 14.25 percent tax on the assets of individuals and trusts worth $10 million or more. That would raise $5.7 trillion, he said, enough to pay off the national debt in a single year. And eliminating the debt, Trump explained, would save the Nation $200 billion in annual interest payments, money that he said could be used for tax cuts and ensuring the stability of the Social Security system.

"The New York developer chose an unusual forum to unveil what he describes as a policy cornerstone of his prospective campaign: a rolling series of radio and television interviews." In a rolling series, he will deal with these proposals again and again.

"Trump's plan met a response that ranged from incredulity to ridicule from a number of economists Tuesday. They suggested that a 14.25 percent tax would be impossible to get through a Republican-controlled Congress that has previously championed a $792 billion tax cut this year. Beyond that, they said that even if it passed, it would be problematic to measure net worth and then to tax it."

And on and on it goes. There could be many objections made to this proposal. Mr. Trump said himself that his own net worth is $5 billion and that under his plan, he would owe $750 million in taxes in this one year. But he would profit, it says in parentheses, because a part of his plan calls for a repeal of the 55 percent estate tax. I mean, there are some pieces in there where you are going to be trading off for this plan.

Now, why am I trumpeting it here and do I think it could ever occur? I do not think so, but why not a modified version of this? Why not take a hard look at the assets of the billionaires and the mega-millionaires? I think Germany already has an asset tax, an asset tax of, I think, 1 percent. So an asset tax is not out of the question. But can we change the dialogue? The dialogue now says we will never have universal health care. We cannot even have a decent patients' bill of rights because it costs too much money. The dialogue now says we can never have all the money we need for education. Even the improvement of education in small ways costs so much money that we are retreating from that. They wanted to move away from the President's proposal to give more teachers for the classrooms and to bring down the ratio of children in the classroom to the teacher. After agreeing to that last year, they now want to bring it down very low, and with the recent proposals that have been discussed in these budget negotiations I understand have been concluded, they will honor the pledge and we will have that program restored at a slight increase, $1.3 billion I hear instead of $1.2 billion but they are going to have a proviso that allows them to take part of the money and do other things with it.

Mr. Speaker, $1.3 billion is a lot of money. I do not take lightly sums of money when they get to the million dollar mark. It is hard for me to conceive of a million dollars. I am the son of a poor factory worker who all his life worked for minimum wages. So it is all important. It is all big. But when you look at the needs that are there and you look at the needs that are there in education in modern terms, 50 years ago we would not think of spending $3.5 billion on an aircraft carrier. Fifty years ago nobody would have thought of an F–22 system, a series of planes that would cost billions and billions of dollars, or a B–1 bomber. You would not have 50 years ago talked about being able to conceive of a CIA, a Central Intelligence Agency which costs $30 billion a year to run. So in modern terms to spend $110 billion over a 10-year period to build schools is conservative, not radical. We need that kind of money. And if we happen to get that kind of money by having new taxes, the only taxes we should think about are taxes on the people who can afford to pay more taxes.

I am optimistic that the debate cannot be avoided. I am optimistic about the fact that each presidential candidate's campaign will have to step up to the plate and talk in new terms about the way we fund our government and offer new kinds of excuses about not being able to provide a decent health care system as well as a decent education system.

I include the entirety of this article for the RECORD, Mr. Speaker.

[From the New York Times, Nov. 10, 1999]

TRUMP PROPOSES CLEARING NATION'S DEBT AT EXPENSE OF THE RICH

(By Adam Nagourney)

Preparing to embark on his first trip as a prospective candidate for president, Donald J. Trump Tuesday presented a plan that he said would pay off the national debt, bolster Social Security and slash taxes by billions of dollars. Trump promised to accomplish all this at no cost to ordinary Americans, by forcing the rich to pay for it.

Trump, describing the first proposal of his exploratory presidential campaign, said the government should impose a one-time 14.25 percent tax on the assets of individuals and trusts worth $10 million or more. That would raise $5.7 trillion, he said, enough to pay off the national debt in a single year. And eliminating the debt, Trump explained, would save the nation $200 billion in annual interest payments, money that he said could be used for tax cuts and ensuring the stability of the Social Security system.

The New York developer chose an unusual forum to unveil what he described as a policy cornerstone of his prospective campaign: a rolling series of radio and television interviews. The proposal comes a week before Trump is to fly to Florida for a series of campaign-style events in Miami.the first of three such trips planned for the next month.

"The phones are going off the hook," Trump reported, as he combined a discussion of his economic ideas with a description of what he described as the public's giddy reaction to his foray into economic policy-making. "I've never seen anything like this. Do you make Page 1 with this one?"

As a matter of politics, Trump's proposal—simple in its concept and framed in populist terms—seems aimed directly at the people who have supported the Reform Party since Ross Perot first called it to arms with, among other things, a call to wipe out the national debt. Trump, should he run, said he would seek to become the Reform Party's candidate for president.

It also had the advantage of lessening any liability Trump might believe he could suffer because of his own reputation as a man of wealth. The developer put his own net worth at $5 billion, and said that under his plan, he would owe $750 million in taxes (though his estate would ultimately profit if another part of Trump's plan were enacted: the repeal of the 55 percent estate tax).

Trump's plan met a response that ranged from incredulity to ridicule from a number of economists Tuesday. They suggested that a 14.25 percent tax would be impossible to get through a Republican-controlled Congress that championed a $792 billion tax cut this year. Beyond that, they said that even if it passed it would be problematic to measure net worth and then to tax it.

"I don't think the plan makes much economic sense," said Stephen Moore, director of fiscal policy studies at the libertarian Cato Institute. "The fact is that most people's wealth that has been built up over 10, 20 or 50 years is wealth that has already been taxed."

Trump's main opponent for the Reform Party nomination, Patrick J. Buchanan, offered a harsher assessment of Trump's plan. "This is serious wacko stuff," Buchanan said by telephone from Albany.

Buchanan predicted that Trump's plan would cause the wealthy to move their holdings beyond the reach of the Internal Revenue Service. "I can't think of a better idea to cause capital flight out of the United States," Buchanan said.

> Trump said he had come up with the idea on his own and worked out its details with some private economists. He declined to name them.
>
> He rejected criticism of his idea, demanding: "Where is Gore's plan? Where is Bradley's plan? Where is Bush's plan? They don't exist."
>
> Still, it was clear that some parts of Trump's proposal remained unformed. For example, of the $200 billion in interest costs that would be saved, he said he would apply half to the Social Security system and the rest to tax reduction.
>
> Trump said that $20 billion of that would pay for eliminating the inheritance tax. Asked how he would allocate the rest, he responded: "All different taxes across the board. That would be determined and worked out."

I also want to just backtrack a minute and say as we close out this session, I talked about a number of things that I wish we had covered that we did not cover.

□ 1645

I was delighted when this morning I saw them put on the calendar a bill which dealt with something which I was concerned with some time ago and never saw any action on. Suddenly I got a notice that we had put H.Con.Res. 128 on the calendar, and that is a resolution to express the sense of Congress regarding treatment of religious minorities in Iran, particularly Members of the Jewish community.

Now, I said to my staff, I want to go over and speak on that. I have been waiting for that. Back in August, on August 28, I read an article in the paper and it talked about the fact that 13 Jews would not be tried in Iran as spies for Israel, and I talked to some people on the Committee on International Relations, and they said yes, we are going to bring up a resolution to deal with that, and it never happened.

In August of this year, we were still very much preoccupied, of course, with Kosovo and ethnic cleansing. One article I read, not the one I read in the paper, but a larger article in a magazine, it talked about the fact that in Iran and Iraq and the Arab countries, there was massive removal of Jewish communities going on for the last 25 years. Large numbers of Jews in large Jewish communities in these countries had been moved. Nobody ever brought forth an international outcry about ethnic cleansing, but ethnic cleansing of that kind has been going on for a long time. Now we only have tiny Jewish communities, very small amounts of Jews still in countries like Iran and Iraq, and here is a situation where a small group has been singled out for persecution.

On August 28, the article reads as follows: "Iran's courts are prepared to try 13 Iranian Jews on charges of spying for Israel. Israel has repeatedly denied any link to the 13 who face a near certain death sentence if convicted under a 1996 law punishing spies for Israel or the United States." The case took on a new gravity after an official was quoted as saying "the accused belong to a spy network directly linked to Israel and that they were spying for the United States." Quote, "This regime was definitely involved in the spying," end of quote, an unidentified official said in today's issue of the conservative Tehran Times, which is close to Iran judiciary and intelligence services.

The newspaper said the official had also alleged that the 13 were spying for the United States. The official was also quoted as saying "an unspecified number of Muslims had also been arrested in connection with the case. The charges mean that the defendants are likely to be tried in one of Iran's hardline revolutionary courts."

That was August 28 of this year. Today we put on the calendar a resolution regarding the treatment of religious minorities in Iran, because I hear that those 13 are still awaiting trial and the trial will take place soon. I do not know why we took that off the calendar. It is very important now because this week we have had to see the phenomenon of the joyous approval of an agreement with China, World Trade Organization agreement; China is going to be admitted to the World Trade Organization, and all of the persecutions of the Chinese Communist government and all of the things that they have done, suddenly they have been pushed in the background.

Mr. Speaker, I would hate to see the day arrive when we are going to allow Iran to join the World Trade Organization and we are going to negotiate a trade agreement with Iran and not deal with all of these problems.

Today there is an article in The New York Times about the wartime accounts found in Swiss banks. Instead of them being a small amount that Swiss banks agreed to, they said they only had 755 accounts of Jews who were killed in the Holocaust; yet it turns out that they have 45,000, 45,000 accounts that they now admit were accounts of the Jews in the Holocaust. Are we going to talk about prosecutors and Swiss bankers at the world court tribunal the way we are considering the prosecution of people who are responsible for the massacres in Kosovo and Bosnia?

Mr. Speaker, I just think that as we close out, there should be room on the calendar, and I hope that if there is going to be any more business unrelated to the budget, but certainly we will bring back that resolution as we close out and let the world know that the ethnic cleansing, we do not have to send bombers and we did not send bombers a long time ago to bomb Iran and we have not advocated that activity and I certainly do not propose that we do that, but our moral authority should be brought to bear another kind of ethnic cleansing that Jews have been doing in all of these Arab countries, especially in Iran, and now the continuation of it in such a bold way certainly ought to be brought to the attention of the American people and the Congress ought to weigh in and give its own moral opinion.

Mr. Speaker, I want to continue the train of thought that I set forth before that we are closing out the first session of the 106th Congress with great disappointment, but I am optimistic that the second session will be very productive, because I think the stage for a second session which is more productive will be set by the presidential debates and the presidential contests, as well as the contest for a new Congress. I do not want to imply that I do not think that the contest to elect a new Congress is less important than the presidential election.

We intend to have a Democratic majority, and that Democratic majority will be based on the fact that the people look at the lack of achievements of the first session of the 106th Congress and begin to demand a change and vote for a change.

It is certainly of great need in my district, New York City. It seems that the newspapers and the powerful people that control decision-making have suddenly discovered that the board of education in our city is on the verge of collapse, and that education, the educational deficiencies that we have talked about for many years are true.

All of this is being brought to a head by a class action suit that is now going forward in the Federal court at 60 Center Street in New York. The Federal court is hearing a case brought by a group called the Campaign for Fiscal Equity, and the case is being brought against the State of New York because the conditions in the city schools are partially that way because of the lack of fair State aid, or fair distribution of State aid.

New York City, with 38 percent of the children in the State, receives only 35 percent of the State aid money; and that is a great improvement over the way it was 5 years ago. Over the years, the gap has closed. There was one point where we received far less in State aid where communities outside of New York City and upstate received a far greater percentage of State aid per pupil. The court case, the plaintiffs are charging, and rightly so, that we do not get enough money to live up to the requirement of the State constitution that all children be educated adequately. We need more money in order to provide adequate education.

They have gone further and said that the schools that are suffering either in New York City or in the big city of Buffalo, big cities like Buffalo and Syracuse are in some of the suburban schools. Those schools are all schools that have minority youngsters, either African American youngsters or Hispanic youngsters, so that there is a racial component. The suit is charging two things, not only that the State has failed to provide the funds necessary for an adequate education for all children, but the State is also discriminating, because the pattern is that the places that are getting less money per pupil, per child, happen to be places where we have concentrations of minorities.

Now, that court suit has generated more attention from the press to the great problems that exist in New York City schools. As a result, one day last week we had the New York Post carry articles about the fact that the cafeterias of certain schools in the poorest areas had rats and roaches, signs of rats and roaches in the cafeteria. The same day there was a big article in the Daily News about the fact that in those same schools where the minorities are concentrated and of course youngsters are concentrated, up to half of the teachers are not certified to teach. Where we need the best teachers we have the worst teachers because of the problem of the lack of certification.

The problem of certification of teachers goes on as being discussed, and I welcome that discussion in the newspapers. We cannot really take full advantage of the President's fight that I think now has been won, the battle has been won, to provide more teachers to the classroom who are qualified if we do not have certified teachers. So it is imperative that the unfinished business of this Congress be followed through next year by providing more funds and more programs to generate more teachers. We have to have a greater pool of teachers because we are in a situation now where because there is a great shortage of teachers, the best teachers, the teachers who passed the tests and are certified, they leave New York City and go to the suburbs, and we are left with those who are unqualified and are not certified in large numbers.

This is just one of the many problems. The New York Times has an editorial which talks about the bidding for teachers.

Now, am I laying this problem solely on the doorstep of the Federal Government? No, I am not. But bidding for qualified teachers requires more funding. Most of that funding would not come from the Federal Government. So I would like to add that it is very important for the Federal Government to continue its role as a stimulus. The Federal Government's role in education is a very small one proportionally. We only provide 6 or 7 percent of the total education funds in this Nation, and that includes higher education. So the other 93 percent of the funding for education comes from the States and from the local governments.

We must set standards for the States and local governments in certain critical areas and force them to spend more of their money on education. In my own City of New York, last year they had a surplus of $2 billion, more revenue was collected, $2 billion more than was spent. But the mayor of the city and the city council has to bear part of the blame for this also, chose not to spend a single dime on education. We cannot blame the Federal Government for that.

These problems that are being unearthed with respect to lack of certified teachers, poor conditions in the cafeterias, et cetera, they must be approached from the city level as well, and the State level; the State Government had a $2 billion surplus also.

These are very prosperous times, and we had surpluses. The New York State legislature, both the legislature and the assembly, passed a bill to spend $500 million to repair schools, for schools that need repair most. There are schools that still have coal-burning furnaces; there are schools that have asbestos problems; schools that have lead in the pipes. They wanted to deal with some of those problems, but the Republican governor vetoed a bill to provide $500,000 for that.

So we cannot blame it totally on the Federal Government, but the example has to be set by the Federal Government. The role of the Federal Government in education, as small as it is, has been a very positive one because they have stimulated new standards at the State level, new kinds of competencies. We never had State education plans before the Federal Government got involved under Lyndon Johnson. We never had standards, discussions about standards in curriculum. There are a whole set of positive things that have happened in education as a result of Federal leadership. Federal leadership provided the impetus, and that is as important as any other thing that the Federal Government does.

□ 1700

If we make them, expose them to their own constituencies, the States and cities will spend more money for education, but we can only do that if the Federal government takes a greater initiative.

I have always said that at the dawn of the 21st century we should see ourselves as creating a new cyber civilization. That cyber civilization demands that there be more brain power. Brains are going to drive the next century. Everybody agrees on that, and if that is the case, we should give our highest priority to the development. No individuals in America should be left in a situation where they do not have the fullest opportunity to develop their brain power.

To do this, we need to launch a highly visible effort to revamp the infrastructure of the school systems of America. H.R. 3071, a bill I have introduced which calls for spending $110 billion over a 10-year period, is the kind of adequate response that we need to the problem of decaying infrastructure.

Me and my colleagues who were here 2 hours ago speaking on the floor talked about the atrocities with respect to overcrowding in their schools across the country. We can only deal with that if we have a massive Federal intervention which, in addition to providing the funds needed to build some schools, would stimulate the States and cities to also participate.

I am optimistic about next year. For those people who called me and said, well, they are closing out the year and you have no money for construction, are you not sad, no. I never expected this year to end with new money for construction. Even H.R. 1660, offered by the gentleman from New York (Mr. RANGEL), which all members of the Democratic Caucus support and we have been pushing, even that token response was not allowed on the floor.

I am not surprised. Next year the Republican majority will have to respond. Next year the candidates for president will have to respond. The American people want and demand that our education systems be revamped. We have to start with a substantial action like school construction and repair, and new school security.

Mr. Speaker, I yield to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I thank the gentleman from New York for yielding to me.

Mr. Speaker, I wanted to call attention. Earlier this afternoon there were speakers on the floor who challenged a press conference that was held this morning. I wanted to, and my colleague, the gentlewoman from New York (Mrs. MCCARTHY), wanted to try to set the record straight on this press conference.

In fact, there were several of the Democratic women who today unveiled a sad symbol of this Congress' inaction on the very important issue of gun safety, gun safety legislation. The Columbine clock was unveiled. It ticks off the days, the hours, the minutes, the seconds since the Columbine tragedy, which was at 1:30 p.m. on April 12, 211 days ago, 211 days and 3 hours.

It represents the inaction of this Congress on an issue of absolute importance to American families, to their families and to their children.

Since April 20, many of my colleagues, many of the Democratic women in this House of Representatives, have worked hard to address the issue of gun safety and gun violence in a very thorough and thoughtful way, but for the last 7 months the Republican leadership has consistently obstructed every single attempt to pass meaningful gun safety measures in this body.

This is done so despite overwhelming support among mothers, fathers, sisters, brothers, aunts, uncles, grandmothers across this great country of ours to pass sensible measures: child safety locks, closing the loophole on background checks at gun shows, banning the importation of the high capacity ammunition clips.

This is legislation that was passed in the Senate, a bipartisan piece of legislation, a compromise piece of legislation. We are asking that the Conference Committee on Juvenile Justice which takes up the issue of gun safety please meet, do something, respond to the will of the people in this country. In fact, it is a conference committee that has met one time, one time; no debate, no discussion, no clarity of thought on what direction we take on gun safety measures in this country.

No one here is grandstanding. No one here is saying, let us not have a piece of legislation because what we want to do is to keep this issue around. That is not why we were sent here. We were sent here to do the people's business in the people's House.

Every single day 13 children die from gunfire in this country. It is wrong. That is why we had the clock, as a way to say the days, the hours, the seconds, the minutes are being ticked off and our kids are dying. Guns are getting into the hands of criminals and children. It is wrong.

If we are not going to do anything about it in this final day, these final days of the 106th session, we commit to the American public that we will spend every single day, minute, hour, and second of the next year of this session working hard to pass gun safety legislation in this country to protect our families and protect our children.

Mr. OWENS. Mr. Speaker, I am optimistic about gun safety passing, and it is because of the gentlewomen here.

Mr. Speaker, I yield to the gentlewoman from New York (Mrs. McCARTHY).

Mrs. McCARTHY of New York. Mr. Speaker, hopefully we will bring this issue up next year and work for it and get it passed.

Mr. Speaker, I also want to address some of the things said earlier in this Chamber and try and set the record straight. Number one, there is an awful lot of us that do not want this to be a political issue.

I personally do not think it should be a political issue. To me, it is not a Republican or a Democratic issue, it is the issue of the American people. That is why we had the clock, the Columbine clock, to remind people, because there has unfortunately been that terrible incident that woke up the American people to the gun violence that we sit here and talk about.

I of all people certainly do know what it is to remember the violence in this country. In a couple of weeks, it will be the 6th year anniversary of the Long Island Railroad Massacre, where my husband was killed and a number of my neighbors were killed, and my son was injured, and an awful lot of people were injured on that.

We do not want the American people to forget the pain that is left with so many victims, so we here in Congress are trying to stop future pain to our children and to American citizens.

It can be taken off the table as far as a political issue. Let us all meet together at a conference. That is all we have been asking for. We are hearing this and that. I am on the conferees, and we have not met.

I have to tell the Members, if the NRA amendment had passed in this House, it was more than just being imperfect, it was dangerous. If the NRA amendment had been law over the first 6 months of 1999, 17,000 people who were stopped by our current background check system would now be armed. In fact, if the 24-hour policy had been in effect, we know of cases where murderers, rapists, and kidnappers would be walking around with guns.

This has nothing to do with second amendment rights, this has to do with keeping guns out of the hands of criminals. That is what we are supposed to do. But fortunately, and I will say this, Republicans and Democrats did work together, and together we prevented the NRA amendment from becoming law.

I think that is important here, because when we speak to the people, the American people, and it does not matter whether they are Republicans or Democrats, they want something done. That is what this House is supposed to be doing.

That is why we had the Columbine clock, to remind the American people that we still have time to do something before we leave. I know there are many of us that are willing to work through Thanksgiving, through Christmas, to make sure that our citizens are safe.

We have all tried to work in a bipartisan manner. We certainly have had people on both sides of the aisle support my amendment, which would have closed the gun show loophole, made sure that criminals and especially children do not get their hands on guns. I think that is what we have to do.

We should have passed safety reform in this Congress, real gun safety reform that keeps the guns out of the hands of felons. That is what we did not do in this Congress, and I am sorry for that, because each day that we have not done something we continue to lose victims across this country. We continue to see too much pain. That is not what this country is about.

I thank the gentleman from New York (Mr. OWENS) and I thank my colleague, the gentlewoman from Connecticut (Ms. DELAURO), for letting us answer these questions.

Mr. OWENS. Mr. Speaker, I thank my colleagues for joining me.

RECESS

The SPEAKER pro tempore (Mr. EWING). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 10 minutes p.m.), the House stood in recess subject to the call of the Chair.

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AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 11 o'clock and 2 minutes p.m.

TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999

Mr. ARMEY submitted the following conference report and statement on the bill (H.R. 1180) to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes:

CONFERENCE REPORT (H. REPT. 106-478)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1180), to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Ticket to Work and Work Incentives Improvement Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.

TITLE I—TICKET TO WORK AND SELF-SUFFICIENCY AND RELATED PROVISIONS

Subtitle A—Ticket to Work and Self-Sufficiency

Sec. 101. Establishment of the Ticket to Work and Self-Sufficiency Program.

Subtitle B—Elimination of Work Disincentives

Sec. 111. Work activity standard as a basis for review of an individual's disabled status.
Sec. 112. Expedited reinstatement of disability benefits.

Subtitle C—Work Incentives Planning, Assistance, and Outreach

Sec. 121. Work incentives outreach program.
Sec. 122. State grants for work incentives assistance to disabled beneficiaries.

TITLE II—EXPANDED AVAILABILITY OF HEALTH CARE SERVICES

Sec. 201. Expanding State options under the medicaid program for workers with disabilities.
Sec. 202. Extending medicare coverage for OASDI disability benefit recipients.
Sec. 203. Grants to develop and establish State infrastructures to support working individuals with disabilities.
Sec. 204. Demonstration of coverage under the medicaid program of workers with potentially severe disabilities.
Sec. 205. Election by disabled beneficiaries to suspend medigap insurance when covered under a group health plan.

TITLE III—DEMONSTRATION PROJECTS AND STUDIES

Sec. 301. Extension of disability insurance program demonstration project authority.
Sec. 302. Demonstration projects providing for reductions in disability insurance benefits based on earnings.
Sec. 303. Studies and reports.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

Sec. 401. Technical amendments relating to drug addicts and alcoholics.
Sec. 402. Treatment of prisoners.
Sec. 403. Revocation by members of the clergy of exemption from social security coverage.
Sec. 404. Additional technical amendment relating to cooperative research or demonstration projects under titles II and XVI.
Sec. 405. Authorization for State to permit annual wage reports.
Sec. 406. Assessment on attorneys who receive their fees via the Social Security Administration.
Sec. 407. Extension of authority of State medicaid fraud control units.
Sec. 408. Climate database modernization.
Sec. 409. Special allowance adjustment for student loans.
Sec. 410. Schedule for payments under SSI state supplementation agreements.
Sec. 411. Bonus commodities.
Sec. 412. Simplification of definition of foster child under EIC.
Sec. 413. Delay of effective date of organ procurement and transplantation network final rule.

TITLE V—TAX RELIEF EXTENSION ACT OF 1999

Sec. 500. Short title of title.

Subtitle A—Extensions

Sec. 501. Allowance of nonrefundable personal credits against regular and minimum tax liability.
Sec. 502. Research credit.
Sec. 503. Subpart F exemption for active financing income.
Sec. 504. Taxable income limit on percentage depletion for marginal production.
Sec. 505. Work opportunity credit and welfare-to-work credit.
Sec. 506. Employer-provided educational assistance.
Sec. 507. Extension and modification of credit for producing electricity from certain renewable resources.
Sec. 508. Extension of duty-free treatment under Generalized System of Preferences.
Sec. 509. Extension of credit for holders of qualified zone academy bonds.
Sec. 510. Extension of first-time homebuyer credit for District of Columbia.
Sec. 511. Extension of expensing of environmental remediation costs.
Sec. 512. Temporary increase in amount of rum excise tax covered over to Puerto Rico and Virgin Islands.

Subtitle B—Other Time-Sensitive Provisions

Sec. 521. Advance pricing agreements treated as confidential taxpayer information.
Sec. 522. Authority to postpone certain tax-related deadlines by reason of Y2K failures.
Sec. 523. Inclusion of certain vaccines against streptococcus pneumoniae to list of taxable vaccines.
Sec. 524. Delay in effective date of requirement for approved diesel or kerosene terminals.
Sec. 525. Production flexibility contract payments.

Subtitle C—Revenue Offsets

PART I—GENERAL PROVISIONS

Sec. 531. Modification of estimated tax safe harbor.
Sec. 532. Clarification of tax treatment of income and loss on derivatives.
Sec. 533. Expansion of reporting of cancellation of indebtedness income.
Sec. 534. Limitation on conversion of character of income from constructive ownership transactions.
Sec. 535. Treatment of excess pension assets used for retiree health benefits.
Sec. 536. Modification of installment method and repeal of installment method for accrual method taxpayers.
Sec. 537. Denial of charitable contribution deduction for transfers associated with split-dollar insurance arrangements.
Sec. 538. Distributions by a partnership to a corporate partner of stock in another corporation.

PART II—PROVISIONS RELATING TO REAL ESTATE INVESTMENT TRUSTS

SUBPART A—TREATMENT OF INCOME AND SERVICES PROVIDED BY TAXABLE REIT SUBSIDIARIES

Sec. 541. Modifications to asset diversification test.
Sec. 542. Treatment of income and services provided by taxable REIT subsidiaries.
Sec. 543. Taxable REIT subsidiary.
Sec. 544. Limitation on earnings stripping.
Sec. 545. 100 percent tax on improperly allocated amounts.
Sec. 546. Effective date.
Sec. 547. Study relating to taxable REIT subsidiaries.

SUBPART B—HEALTH CARE REITS

Sec. 551. Health care REITs.

SUBPART C—CONFORMITY WITH REGULATED INVESTMENT COMPANY RULES

Sec. 556. Conformity with regulated investment company rules.

SUBPART D—CLARIFICATION OF EXCEPTION FROM IMPERMISSIBLE TENANT SERVICE INCOME

Sec. 561. Clarification of exception for independent operators.

SUBPART E—MODIFICATION OF EARNINGS AND PROFITS RULES

Sec. 566. Modification of earnings and profits rules.

SUBPART F—MODIFICATION OF ESTIMATED TAX RULES

Sec. 571. Modification of estimated tax rules for closely held real estate investment trusts.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) It is the policy of the United States to provide assistance to individuals with disabilities to lead productive work lives.

(2) Health care is important to all Americans.

(3) Health care is particularly important to individuals with disabilities and special health care needs who often cannot afford the insurance available to them through the private market, are uninsurable by the plans available in the private sector, and are at great risk of incurring very high and economically devastating health care costs.

(4) Americans with significant disabilities often are unable to obtain health care insurance that provides coverage of the services and supports that enable them to live independently and enter or rejoin the workforce. Personal assistance services (such as attendant services, personal assistance with transportation to and from work, reader services, job coaches, and related assistance) remove many of the barriers between significant disability and work. Coverage for such services, as well as for prescription drugs, durable medical equipment, and basic health care are powerful and proven tools for individuals with significant disabilities to obtain and retain employment.

(5) For individuals with disabilities, the fear of losing health care and related services is one of the greatest barriers keeping the individuals from maximizing their employment, earning potential, and independence.

(6) Social Security Disability Insurance and Supplemental Security Income beneficiaries risk losing medicare or medicaid coverage that is linked to their cash benefits, a risk that is an equal, or greater, work disincentive than the loss of cash benefits associated with working.

(7) Individuals with disabilities have greater opportunities for employment than ever before, aided by important public policy initiatives such as the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), advancements in public understanding of disability, and innovations in assistive technology, medical treatment, and rehabilitation.

(8) Despite such historic opportunities and the desire of millions of disability recipients to work and support themselves, fewer than one-half of one percent of Social Security Disability Insurance and Supplemental Security Income beneficiaries leave the disability rolls and return to work.

(9) In addition to the fear of loss of health care coverage, beneficiaries cite financial disincentives to work and earn income and lack of adequate employment training and placement services as barriers to employment.

(10) Eliminating such barriers to work by creating financial incentives to work and by providing individuals with disabilities real choice in obtaining the services and technology they need to find, enter, and maintain employment can greatly improve their short and long-term financial independence and personal well-being.

(11) In addition to the enormous advantages such changes promise for individuals with disabilities, redesigning government programs to help individuals with disabilities return to work may result in significant savings and extend the life of the Social Security Disability Insurance Trust Fund.

(12) If only an additional one-half of one percent of the current Social Security Disability Insurance and Supplemental Security Income recipients were to cease receiving benefits as a result of employment, the savings to the Social Security Trust Funds and to the Treasury in cash assistance would total $3,500,000,000 over the worklife of such individuals, far exceeding the cost of providing incentives and services needed

to assist them in entering work and achieving financial independence to the best of their abilities.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To provide health care and employment preparation and placement services to individuals with disabilities that will enable those individuals to reduce their dependency on cash benefit programs.

(2) To encourage States to adopt the option of allowing individuals with disabilities to purchase medicaid coverage that is necessary to enable such individuals to maintain employment.

(3) To provide individuals with disabilities the option of maintaining medicare coverage while working.

(4) To establish a return to work ticket program that will allow individuals with disabilities to seek the services necessary to obtain and retain employment and reduce their dependency on cash benefit programs.

TITLE I—TICKET TO WORK AND SELF-SUFFICIENCY AND RELATED PROVISIONS

Subtitle A—Ticket to Work and Self-Sufficiency

SEC. 101. ESTABLISHMENT OF THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following new section:

"THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM

"SEC. 1148. (a) IN GENERAL.—The Commissioner shall establish a Ticket to Work and Self-Sufficiency Program, under which a disabled beneficiary may use a ticket to work and self-sufficiency issued by the Commissioner in accordance with this section to obtain employment services, vocational rehabilitation services, or other support services from an employment network which is of the beneficiary's choice and which is willing to provide such services to such beneficiary.

"(b) TICKET SYSTEM.—

"(1) DISTRIBUTION OF TICKETS.—The Commissioner may issue a ticket to work and self-sufficiency to disabled beneficiaries for participation in the Program.

"(2) ASSIGNMENT OF TICKETS.—A disabled beneficiary holding a ticket to work and self-sufficiency may assign the ticket to any employment network of the beneficiary's choice which is serving under the Program and is willing to accept the assignment.

"(3) TICKET TERMS.—A ticket issued under paragraph (1) shall consist of a document which evidences the Commissioner's agreement to pay (as provided in paragraph (4)) an employment network, which is serving under the Program and to which such ticket is assigned by the beneficiary, for such employment services, vocational rehabilitation services, and other support services as the employment network may provide to the beneficiary.

"(4) PAYMENTS TO EMPLOYMENT NETWORKS.—The Commissioner shall pay an employment network under the Program in accordance with the outcome payment system under subsection (h)(2) or under the outcome-milestone payment system under subsection (h)(3) (whichever is elected pursuant to subsection (h)(1)). An employment network may not request or receive compensation for such services from the beneficiary.

"(c) STATE PARTICIPATION.—

"(1) IN GENERAL.—Each State agency administering or supervising the administration of the State plan approved under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) may elect to participate in the Program as an employment network with respect to a disabled beneficiary. If the State agency does elect to participate in the Program, the State agency also shall elect to be paid under the outcome payment system or the outcome-milestone payment system in accordance with subsection (h)(1). With respect to a disabled beneficiary that the State agency does not elect to have participate in the Program, the State agency shall be paid for services provided to that beneficiary under the system for payment applicable under section 222(d) and subsections (d) and (e) of section 1615. The Commissioner shall provide for periodic opportunities for exercising such elections.

"(2) EFFECT OF PARTICIPATION BY STATE AGENCY.—

"(A) STATE AGENCIES PARTICIPATING.—In any case in which a State agency described in paragraph (1) elects under that paragraph to participate in the Program, the employment services, vocational rehabilitation services, and other support services which, upon assignment of tickets to work and self-sufficiency, are provided to disabled beneficiaries by the State agency acting as an employment network shall be governed by plans for vocational rehabilitation services approved under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.).

"(B) STATE AGENCIES ADMINISTERING MATERNAL AND CHILD HEALTH SERVICES PROGRAMS.—Subparagraph (A) shall not apply with respect to any State agency administering a program under title V of this Act.

"(3) AGREEMENTS BETWEEN STATE AGENCIES AND EMPLOYMENT NETWORKS.—State agencies and employment networks shall enter into agreements regarding the conditions under which services will be provided when an individual is referred by an employment network to a State agency for services. The Commissioner shall establish by regulations the timeframe within which such agreements must be entered into and the mechanisms for dispute resolution between State agencies and employment networks with respect to such agreements.

"(d) RESPONSIBILITIES OF THE COMMISSIONER.—

"(1) SELECTION AND QUALIFICATIONS OF PROGRAM MANAGERS.—The Commissioner shall enter into agreements with 1 or more organizations in the private or public sector for service as a program manager to assist the Commissioner in administering the Program. Any such program manager shall be selected by means of a competitive bidding process, from among organizations in the private or public sector with available expertise and experience in the field of vocational rehabilitation or employment services.

"(2) TENURE, RENEWAL, AND EARLY TERMINATION.—Each agreement entered into under paragraph (1) shall provide for early termination upon failure to meet performance standards which shall be specified in the agreement and which shall be weighted to take into account any performance in prior terms. Such performance standards shall include—

"(A) measures for ease of access by beneficiaries to services; and

"(B) measures for determining the extent to which failures in obtaining services for beneficiaries fall within acceptable parameters, as determined by the Commissioner.

"(3) PRECLUSION FROM DIRECT PARTICIPATION IN DELIVERY OF SERVICES IN OWN SERVICE AREA.—Agreements under paragraph (1) shall preclude—

"(A) direct participation by a program manager in the delivery of employment services, vocational rehabilitation services, or other support services to beneficiaries in the service area covered by the program manager's agreement; and

"(B) the holding by a program manager of a financial interest in an employment network or service provider which provides services in a geographic area covered under the program manager's agreement.

"(4) SELECTION OF EMPLOYMENT NETWORKS.—

"(A) IN GENERAL.—The Commissioner shall select and enter into agreements with employment networks for service under the Program. Such employment networks shall be in addition to State agencies serving as employment networks pursuant to elections under subsection (c).

"(B) ALTERNATE PARTICIPANTS.—In any State where the Program is being implemented, the Commissioner shall enter into an agreement with any alternate participant that is operating under the authority of section 222(d)(2) in the State as of the date of the enactment of this section and chooses to serve as an employment network under the Program.

"(5) TERMINATION OF AGREEMENTS WITH EMPLOYMENT NETWORKS.—The Commissioner shall terminate agreements with employment networks for inadequate performance, as determined by the Commissioner.

"(6) QUALITY ASSURANCE.—The Commissioner shall provide for such periodic reviews as are necessary to provide for effective quality assurance in the provision of services by employment networks. The Commissioner shall solicit and consider the views of consumers and the program manager under which the employment networks serve and shall consult with providers of services to develop performance measurements. The Commissioner shall ensure that the results of the periodic reviews are made available to beneficiaries who are prospective service recipients as they select employment networks. The Commissioner shall ensure that the periodic surveys of beneficiaries receiving services under the Program are designed to measure customer service satisfaction.

"(7) DISPUTE RESOLUTION.—The Commissioner shall provide for a mechanism for resolving disputes between beneficiaries and employment networks, between program managers and employment networks, and between program managers and providers of services. The Commissioner shall afford a party to such a dispute a reasonable opportunity for a full and fair review of the matter in dispute.

"(e) PROGRAM MANAGERS.—

"(1) IN GENERAL.—A program manager shall conduct tasks appropriate to assist the Commissioner in carrying out the Commissioner's duties in administering the Program.

"(2) RECRUITMENT OF EMPLOYMENT NETWORKS.—A program manager shall recruit, and recommend for selection by the Commissioner, employment networks for service under the Program. The program manager shall carry out such recruitment and provide such recommendations, and shall monitor all employment networks serving in the Program in the geographic area covered under the program manager's agreement, to the extent necessary and appropriate to ensure that adequate choices of services are made available to beneficiaries. Employment networks may serve under the Program only pursuant to an agreement entered into with the Commissioner under the Program incorporating the applicable provisions of this section and regulations thereunder, and the program manager shall provide and maintain assurances to the Commissioner that payment by the Commissioner to employment networks pursuant to this section is warranted based on compliance by such employment networks with the terms of such agreement and this section. The program manager shall not impose numerical limits on the number of employment networks to be recommended pursuant to this paragraph.

"(3) FACILITATION OF ACCESS BY BENEFICIARIES TO EMPLOYMENT NETWORKS.—A program manager shall facilitate access by beneficiaries to employment networks. The program manager shall ensure that each beneficiary is allowed changes in employment networks without being deemed to have rejected services under *the Program. When such a change occurs, the program manager shall reassign the ticket based on the choice of the beneficiary. Upon the request of the employment network, the program manager shall make a determination of the allocation of the outcome or milestone-outcome payments based on the services provided by each employment network. The program manager shall establish and maintain lists of employment networks available to beneficiaries and shall make such lists generally available to the public. The program manager shall ensure that all information provided to disabled beneficiaries pursuant to this paragraph is provided in accessible formats.*

“*(4) ENSURING AVAILABILITY OF ADEQUATE SERVICES.—The program manager shall ensure that employment services, vocational rehabilitation services, and other support services are provided to beneficiaries throughout the geographic area covered under the program manager's agreement, including rural areas.*

“*(5) REASONABLE ACCESS TO SERVICES.—The program manager shall take such measures as are necessary to ensure that sufficient employment networks are available and that each beneficiary receiving services under the Program has reasonable access to employment services, vocational rehabilitation services, and other support services. Services provided under the Program may include case management, work incentives planning, supported employment, career planning, career plan development, vocational assessment, job training, placement, follow-up services, and such other services as may be specified by the Commissioner under the Program. The program manager shall ensure that such services are available in each service area.*

“*(f) EMPLOYMENT NETWORKS.—*

“*(1) QUALIFICATIONS FOR EMPLOYMENT NETWORKS.—*

“*(A) IN GENERAL.—Each employment network serving under the Program shall consist of an agency or instrumentality of a State (or a political subdivision thereof) or a private entity, that assumes responsibility for the coordination and delivery of services under the Program to individuals assigning to the employment network tickets to work and self-sufficiency issued under subsection (b).*

“*(B) ONE-STOP DELIVERY SYSTEMS.—An employment network serving under the Program may consist of a one-stop delivery system established under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.).*

“*(C) COMPLIANCE WITH SELECTION CRITERIA.—No employment network may serve under the Program unless it meets and maintains compliance with both general selection criteria (such as professional and educational qualifications, where applicable) and specific selection criteria (such as substantial expertise and experience in providing relevant employment services and supports).*

“*(D) SINGLE OR ASSOCIATED PROVIDERS ALLOWED.—An employment network shall consist of either a single provider of such services or of an association of such providers organized so as to combine their resources into a single entity. An employment network may meet the requirements of subsection (e)(4) by providing services directly, or by entering into agreements with other individuals or entities providing appropriate employment services, vocational rehabilitation services, or other support services.*

“*(2) REQUIREMENTS RELATING TO PROVISION OF SERVICES.—Each employment network serving under the Program shall be required under the terms of its agreement with the Commissioner to—*

“*(A) serve prescribed service areas; and*

“*(B) take such measures as are necessary to ensure that employment services, vocational rehabilitation services, and other support services provided under the Program by, or under agreements entered into with, the employment network are provided under appropriate individual work plans that meet the requirements of subsection (g).*

“*(3) ANNUAL FINANCIAL REPORTING.—Each employment network shall meet financial reporting requirements as prescribed by the Commissioner.*

“*(4) PERIODIC OUTCOMES REPORTING.—Each employment network shall prepare periodic reports, on at least an annual basis, itemizing for the covered period specific outcomes achieved with respect to specific services provided by the employment network. Such reports shall conform to a national model prescribed under this section. Each employment network shall provide a copy of the latest report issued by the employment network pursuant to this paragraph to each beneficiary upon enrollment under the Program for services to be received through such employment network. Upon issuance of each report to each beneficiary, a copy of the report shall be maintained in the files of the employment network. The program manager shall ensure that copies of all such reports issued under this paragraph are made available to the public under reasonable terms.*

“*(g) INDIVIDUAL WORK PLANS.—*

“*(1) REQUIREMENTS.—Each employment network shall—*

“*(A) take such measures as are necessary to ensure that employment services, vocational rehabilitation services, and other support services provided under the Program by, or under agreements entered into with, the employment network are provided under appropriate individual work plans that meet the requirements of subparagraph (C);*

“*(B) develop and implement each such individual work plan, in partnership with each beneficiary receiving such services, in a manner that affords such beneficiary the opportunity to exercise informed choice in selecting an employment goal and specific services needed to achieve that employment goal;*

“*(C) ensure that each individual work plan includes at least—*

“*(i) a statement of the vocational goal developed with the beneficiary, including, as appropriate, goals for earnings and job advancement;*

“*(ii) a statement of the services and supports that have been deemed necessary for the beneficiary to accomplish that goal;*

“*(iii) a statement of any terms and conditions related to the provision of such services and supports; and*

“*(iv) a statement of understanding regarding the beneficiary's rights under the Program (such as the right to retrieve the ticket to work and self-sufficiency if the beneficiary is dissatisfied with the services being provided by the employment network) and remedies available to the individual, including information on the availability of advocacy services and assistance in resolving disputes through the State grant program authorized under section 1150;*

“*(D) provide a beneficiary the opportunity to amend the individual work plan if a change in circumstances necessitates a change in the plan; and*

“*(E) make each beneficiary's individual work plan available to the beneficiary in, as appropriate, an accessible format chosen by the beneficiary.*

“*(2) EFFECTIVE UPON WRITTEN APPROVAL.—A beneficiary's individual work plan shall take effect upon written approval by the beneficiary or a representative of the beneficiary and a representative of the employment network that, in providing such written approval, acknowledges assignment of the beneficiary's ticket to work and self-sufficiency.*

“*(h) EMPLOYMENT NETWORK PAYMENT SYSTEMS.—*

“*(1) ELECTION OF PAYMENT SYSTEM BY EMPLOYMENT NETWORKS.—*

“*(A) IN GENERAL.—The Program shall provide for payment authorized by the Commissioner to employment networks under either an outcome payment system or an outcome-milestone payment system. Each employment network shall elect which payment system will be utilized by the employment network, and, for such period of time as such election remains in effect, the payment system so elected shall be utilized exclusively in connection with such employment network (except as provided in subparagraph (B)).*

“*(B) NO CHANGE IN METHOD OF PAYMENT FOR BENEFICIARIES WITH TICKETS ALREADY ASSIGNED TO THE EMPLOYMENT NETWORKS.—Any election of a payment system by an employment network that would result in a change in the method of payment to the employment network for services provided to a beneficiary who is receiving services from the employment network at the time of the election shall not be effective with respect to payment for services provided to that beneficiary and the method of payment previously selected shall continue to apply with respect to such services.*

“*(2) OUTCOME PAYMENT SYSTEM.—*

“*(A) IN GENERAL.—The outcome payment system shall consist of a payment structure governing employment networks electing such system under paragraph (1)(A) which meets the requirements of this paragraph.*

“*(B) PAYMENTS MADE DURING OUTCOME PAYMENT PERIOD.—The outcome payment system shall provide for a schedule of payments to an employment network, in connection with each individual who is a beneficiary, for each month, during the individual's outcome payment period, for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable to such individual because of work or earnings.*

“*(C) COMPUTATION OF PAYMENTS TO EMPLOYMENT NETWORK.—The payment schedule of the outcome payment system shall be designed so that—*

“*(i) the payment for each month during the outcome payment period for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable is equal to a fixed percentage of the payment calculation base for the calendar year in which such month occurs; and*

“*(ii) such fixed percentage is set at a percentage which does not exceed 40 percent.*

“*(3) OUTCOME-MILESTONE PAYMENT SYSTEM.—*

“*(A) IN GENERAL.—The outcome-milestone payment system shall consist of a payment structure governing employment networks electing such system under paragraph (1)(A) which meets the requirements of this paragraph.*

“*(B) EARLY PAYMENTS UPON ATTAINMENT OF MILESTONES IN ADVANCE OF OUTCOME PAYMENT PERIODS.—The outcome-milestone payment system shall provide for 1 or more milestones, with respect to beneficiaries receiving services from an employment network under the Program, that are directed toward the goal of permanent employment. Such milestones shall form a part of a payment structure that provides, in addition to payments made during outcome payment periods, payments made prior to outcome payment periods in amounts based on the attainment of such milestones.*

“*(C) LIMITATION ON TOTAL PAYMENTS TO EMPLOYMENT NETWORK.—The payment schedule of the outcome milestone payment system shall be designed so that the total of the payments to the employment network with respect to each beneficiary is less than, on a net present value basis (using an interest rate determined by the Commissioner that appropriately reflects the cost of funds faced by providers), the total amount to which payments to the employment network* *with respect to the beneficiary would be limited if the employment network were paid under the outcome payment system.*

"(4) DEFINITIONS.—In this subsection:

"(A) PAYMENT CALCULATION BASE.—The term 'payment calculation base' means, for any calendar year—

"(i) in connection with a title II disability beneficiary, the average disability insurance benefit payable under section 223 for all beneficiaries for months during the preceding calendar year; and

"(ii) in connection with a title XVI disability beneficiary (who is not concurrently a title II disability beneficiary), the average payment of supplemental security income benefits based on disability payable under title XVI (excluding State supplementation) for months during the preceding calendar year to all beneficiaries who have attained 18 years of age but have not attained 65 years of age.

"(B) OUTCOME PAYMENT PERIOD.—The term 'outcome payment period' means, in connection with any individual who had assigned a ticket to work and self-sufficiency to an employment network under the Program, a period—

"(i) beginning with the first month, ending after the date on which such ticket was assigned to the employment network, for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable to such individual by reason of engagement in substantial gainful activity or by reason of earnings from work activity; and

"(ii) ending with the 60th month (consecutive or otherwise), ending after such date, for which such benefits are not payable to such individual by reason of engagement in substantial gainful activity or by reason of earnings from work activity.

"(5) PERIODIC REVIEW AND ALTERATIONS OF PRESCRIBED SCHEDULES.—

"(A) PERCENTAGES AND PERIODS.—The Commissioner shall periodically review the percentage specified in paragraph (2)(C), the total payments permissible under paragraph (3)(C), and the period of time specified in paragraph (4)(B) to determine whether such percentages, such permissible payments, and such period provide an adequate incentive for employment networks to assist beneficiaries to enter the workforce, while providing for appropriate economies. The Commissioner may alter such percentage, such total permissible payments, or such period of time to the extent that the Commissioner determines, on the basis of the Commissioner's review under this paragraph, that such an alteration would better provide the incentive and economies described in the preceding sentence.

"(B) NUMBER AND AMOUNTS OF MILESTONE PAYMENTS.—The Commissioner shall periodically review the number and amounts of milestone payments established by the Commissioner pursuant to this section to determine whether they provide an adequate incentive for employment networks to assist beneficiaries to enter the workforce, taking into account information provided to the Commissioner by program managers, the Ticket to Work and Work Incentives Advisory Panel established by section 101(f) of the Ticket to Work and Work Incentives Improvement Act of 1999, and other reliable sources. The Commissioner may from time to time alter the number and amounts of milestone payments initially established by the Commissioner pursuant to this section to the extent that the Commissioner determines that such an alteration would allow an adequate incentive for employment networks to assist beneficiaries to enter the workforce. Such alteration shall be based on information provided to the Commissioner by program managers, the Ticket to Work and Work Incentives Advisory Panel established by section 101(f) of the Ticket to Work and Work Incentives Improvement Act of 1999, or other reliable sources.

"(C) REPORT ON THE ADEQUACY OF INCENTIVES.—The Commissioner shall submit to the Congress not later than 36 months after the date of the enactment of the Ticket to Work and Work Incentives Improvement Act of 1999 a report with recommendations for a method or methods to adjust payment rates under subparagraphs (A) and (B), that would ensure adequate incentives for the provision of services by employment networks of—

"(i) individuals with a need for ongoing support and services;

"(ii) individuals with a need for high-cost accommodations;

"(iii) individuals who earn a subminimum wage; and

"(iv) individuals who work and receive partial cash benefits.

The Commissioner shall consult with the Ticket to Work and Work Incentives Advisory Panel established under section 101(f) of the Ticket to Work and Work Incentives Improvement Act of 1999 during the development and evaluation of the study. The Commissioner shall implement the necessary adjusted payment rates prior to full implementation of the Ticket to Work and Self-Sufficiency Program.

"(i) SUSPENSION OF DISABILITY REVIEWS.—During any period for which an individual is using, as defined by the Commissioner, a ticket to work and self-sufficiency issued under this section, the Commissioner (and any applicable State agency) may not initiate a continuing disability review or other review under section 221 of whether the individual is or is not under a disability or a review under title XVI similar to any such review under section 221.

"(j) AUTHORIZATIONS.—

"(1) PAYMENTS TO EMPLOYMENT NETWORKS.—

"(A) TITLE II DISABILITY BENEFICIARIES.—There are authorized to be transferred from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund each fiscal year such sums as may be necessary to make payments to employment networks under this section. Money paid from the Trust Funds under this section with respect to title II disability beneficiaries who are entitled to benefits under section 223 or who are entitled to benefits under section 202(d) on the basis of the wages and self-employment income of such beneficiaries, shall be charged to the Federal Disability Insurance Trust Fund, and all other money paid from the Trust Funds under this section shall be charged to the Federal Old-Age and Survivors Insurance Trust Fund.

"(B) TITLE XVI DISABILITY BENEFICIARIES.—Amounts authorized to be appropriated to the Social Security Administration under section 1601 (as in effect pursuant to the amendments made by section 301 of the Social Security Amendments of 1972) shall include amounts necessary to carry out the provisions of this section with respect to title XVI disability beneficiaries.

"(2) ADMINISTRATIVE EXPENSES.—The costs of administering this section (other than payments to employment networks) shall be paid from amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among such amounts as appropriate.

"(k) DEFINITIONS.—In this section:

"(1) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Social Security.

"(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' means a title II disability beneficiary or a title XVI disability beneficiary.

"(3) TITLE II DISABILITY BENEFICIARY.—The term 'title II disability beneficiary' means an individual entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)). An individual is a title II disability beneficiary for each month for which such individual is entitled to such benefits.

"(4) TITLE XVI DISABILITY BENEFICIARY.—The term 'title XVI disability beneficiary' means an individual eligible for supplemental security income benefits under title XVI on the basis of blindness (within the meaning of section 1614(a)(2)) or disability (within the meaning of section 1614(a)(3)). An individual is a title XVI disability beneficiary for each month for which such individual is eligible for such benefits.

"(5) SUPPLEMENTAL SECURITY INCOME BENEFIT.—The term 'supplemental security income benefit under title XVI' means a cash benefit under section 1611 or 1619(a), and does not include a State supplementary payment, administered federally or otherwise.

"(l) REGULATIONS.—Not later than 1 year after the date of the enactment of the Ticket to Work and Work Incentives Improvement Act of 1999, the Commissioner shall prescribe such regulations as are necessary to carry out the provisions of this section.".

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO TITLE II.—

(A) Section 221(i) of the Social Security Act (42 U.S.C. 421(i)) is amended by adding at the end the following new paragraph:

"(5) For suspension of reviews under this subsection in the case of an individual using a ticket to work and self-sufficiency, see section 1148(i).".

(B) Section 222(a) of such Act (42 U.S.C. 422(a)) is repealed.

(C) Section 222(b) of such Act (42 U.S.C. 422(b)) is repealed.

(D) Section 225(b)(1) of such Act (42 U.S.C. 425(b)(1)) is amended by striking "a program of vocational rehabilitation services" and inserting "a program consisting of the Ticket to Work and Self-Sufficiency Program under section 1148 or another program of vocational rehabilitation services, employment services, or other support services".

(2) AMENDMENTS TO TITLE XVI.—

(A) Section 1615(a) of such Act (42 U.S.C. 1382d(a)) is amended to read as follows:

"SEC. 1615. (a) In the case of any blind or disabled individual who—

"(1) has not attained age 16; and

"(2) with respect to whom benefits are paid under this title,

the Commissioner of Social Security shall make provision for referral of such individual to the appropriate State agency administering the State program under title V.".

(B) Section 1615(c) of such Act (42 U.S.C. 1382d(c)) is repealed.

(C) Section 1631(a)(6)(A) of such Act (42 U.S.C. 1383(a)(6)(A)) is amended by striking "a program of vocational rehabilitation services" and inserting "a program consisting of the Ticket to Work and Self-Sufficiency Program under section 1148 or another program of vocational rehabilitation services, employment services, or other support services".

(D) Section 1633(c) of such Act (42 U.S.C. 1383b(c)) is amended—

(i) by inserting "(1)" after "(c)"; and

(ii) by adding at the end the following new paragraph:

"(2) For suspension of continuing disability reviews and other reviews under this title similar to reviews under section 221 in the case of an individual using a ticket to work and self-sufficiency, see section 1148(i).".

(c) EFFECTIVE DATE.—Subject to subsection (d), the amendments made by subsections (a) and (b) shall take effect with the first month following 1 year after the date of the enactment of this Act.

(d) GRADUATED IMPLEMENTATION OF PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commissioner of Social Security shall commence implementation of the amendments made by this section (other than paragraphs (1)(C) and (2)(B) of subsection (b)) in graduated phases at phase-in sites selected by the Commissioner. Such phase-in sites shall be selected so as to ensure, prior to full implementation of the Ticket to Work and Self-Sufficiency Program, the development and refinement of referral processes, payment systems, computer linkages, management information systems, and administrative processes necessary to provide for full implementation of such amendments. Subsection (c) shall apply with respect to paragraphs (1)(C) and (2)(B) of subsection (b) without regard to this subsection.

(2) REQUIREMENTS.—Implementation of the Program at each phase-in site shall be carried out on a wide enough scale to permit a thorough evaluation of the alternative methods under consideration, so as to ensure that the most efficacious methods are determined and in place for full implementation of the Program on a timely basis.

(3) FULL IMPLEMENTATION.—The Commissioner shall ensure that ability to provide tickets and services to individuals under the Program exists in every State as soon as practicable on or after the effective date specified in subsection (c) but not later than 3 years after such date.

(4) ONGOING EVALUATION OF PROGRAM.—

(A) IN GENERAL.—The Commissioner shall provide for independent evaluations to assess the effectiveness of the activities carried out under this section and the amendments made thereby. Such evaluations shall address the cost-effectiveness of such activities, as well as the effects of this section and the amendments made thereby on work outcomes for beneficiaries receiving tickets to work and self-sufficiency under the Program.

(B) CONSULTATION.—Evaluations shall be conducted under this paragraph after receiving relevant advice from experts in the fields of disability, vocational rehabilitation, and program evaluation and individuals using tickets to work and self-sufficiency under the Program and in consultation with the Ticket to Work and Work Incentives Advisory Panel established under section 101(f) of this Act, the Comptroller General of the United States, other agencies of the Federal Government, and private organizations with appropriate expertise.

(C) METHODOLOGY.—

(i) IMPLEMENTATION.—The Commissioner, in consultation with the Ticket to Work and Work Incentives Advisory Panel established under section 101(f) of this Act, shall ensure that plans for evaluations and data collection methods under the Program are appropriately designed to obtain detailed employment information.

(ii) SPECIFIC MATTERS TO BE ADDRESSED.—Each such evaluation shall address (but is not limited to)—

(I) the annual cost (including net cost) of the Program and the annual cost (including net cost) that would have been incurred in the absence of the Program;

(II) the determinants of return to work, including the characteristics of beneficiaries in receipt of tickets under the Program;

(III) the types of employment services, vocational rehabilitation services, and other support services furnished to beneficiaries in receipt of tickets under the Program who return to work and to those who do not return to work;

(IV) the duration of employment services, vocational rehabilitation services, and other support services furnished to beneficiaries in receipt of tickets under the Program who return to work and the duration of such services furnished to those who do not return to work and the cost to employment networks of furnishing such services;

(V) the employment outcomes, including wages, occupations, benefits, and hours worked, of beneficiaries who return to work after receiving tickets under the Program and those who return to work without receiving such tickets;

(VI) the characteristics of individuals in possession of tickets under the Program who are not accepted for services and, to the extent reasonably determinable, the reasons for which such beneficiaries were not accepted for services;

(VII) the characteristics of providers whose services are provided within an employment network under the Program;

(VIII) the extent (if any) to which employment networks display a greater willingness to provide services to beneficiaries with a range of disabilities;

(IX) the characteristics (including employment outcomes) of those beneficiaries who receive services under the outcome payment system and of those beneficiaries who receive services under the outcome-milestone payment system;

(X) measures of satisfaction among beneficiaries in receipt of tickets under the Program; and

(XI) reasons for (including comments solicited from beneficiaries regarding) their choice not to use their tickets or their inability to return to work despite the use of their tickets.

(D) PERIODIC EVALUATION REPORTS.—Following the close of the third and fifth fiscal years ending after the effective date under subsection (c), and prior to the close of the seventh fiscal year ending after such date, the Commissioner shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the Commissioner's evaluation of the progress of activities conducted under the provisions of this section and the amendments made thereby. Each such report shall set forth the Commissioner's evaluation of the extent to which the Program has been successful and the Commissioner's conclusions on whether or how the Program should be modified. Each such report shall include such data, findings, materials, and recommendations as the Commissioner may consider appropriate.

(5) EXTENT OF STATE'S RIGHT OF FIRST REFUSAL IN ADVANCE OF FULL IMPLEMENTATION OF AMENDMENTS IN SUCH STATE.—

(A) IN GENERAL.—In the case of any State in which the amendments made by subsection (a) have not been fully implemented pursuant to this subsection, the Commissioner shall determine by regulation the extent to which—

(i) the requirement under section 222(a) of the Social Security Act (42 U.S.C. 422(a)) for prompt referrals to a State agency; and

(ii) the authority of the Commissioner under section 222(d)(2) of such Act (42 U.S.C. 422(d)(2)) to provide vocational rehabilitation services in such State by agreement or contract with other public or private agencies, organizations, institutions, or individuals,

shall apply in such State.

(B) EXISTING AGREEMENTS.—Nothing in subparagraph (A) or the amendments made by subsection (a) shall be construed to limit, impede, or otherwise affect any agreement entered into pursuant to section 222(d)(2) of the Social Security Act (42 U.S.C. 422(d)(2)) before the date of the enactment of this Act with respect to services provided pursuant to such agreement to beneficiaries receiving services under such agreement as of such date, except with respect to services (if any) to be provided after 3 years after the effective date provided in subsection (c).

(e) SPECIFIC REGULATIONS REQUIRED.—

(1) IN GENERAL.—The Commissioner of Social Security shall prescribe such regulations as are necessary to implement the amendments made by this section.

(2) SPECIFIC MATTERS TO BE INCLUDED IN REGULATIONS.—The matters which shall be addressed in such regulations shall include—

(A) the form and manner in which tickets to work and self-sufficiency may be distributed to beneficiaries pursuant to section 1148(b)(1) of the Social Security Act;

(B) the format and wording of such tickets, which shall incorporate by reference any contractual terms governing service by employment networks under the Program;

(C) the form and manner in which State agencies may elect participation in the Ticket to Work and Self-Sufficiency Program pursuant to section 1148(c)(1) of such Act and provision for periodic opportunities for exercising such elections;

(D) the status of State agencies under section 1148(c)(1) of such Act at the time that State agencies exercise elections under that section;

(E) the terms of agreements to be entered into with program managers pursuant to section 1148(d) of such Act, including—

(i) the terms by which program managers are precluded from direct participation in the delivery of services pursuant to section 1148(d)(3) of such Act;

(ii) standards which must be met by quality assurance measures referred to in paragraph (6) of section 1148(d) of such Act and methods of recruitment of employment networks utilized pursuant to paragraph (2) of section 1148(e) of such Act; and

(iii) the format under which dispute resolution will operate under section 1148(d)(7) of such Act;

(F) the terms of agreements to be entered into with employment networks pursuant to section 1148(d)(4) of such Act, including—

(i) the manner in which service areas are specified pursuant to section 1148(f)(2)(A) of such Act;

(ii) the general selection criteria and the specific selection criteria which are applicable to employment networks under section 1148(f)(1)(C) of such Act in selecting service providers;

(iii) specific requirements relating to annual financial reporting by employment networks pursuant to section 1148(f)(3) of such Act; and

(iv) the national model to which periodic outcomes reporting by employment networks must conform under section 1148(f)(4) of such Act;

(G) standards which must be met by individual work plans pursuant to section 1148(g) of such Act;

(H) standards which must be met by payment systems required under section 1148(h) of such Act, including—

(i) the form and manner in which elections by employment networks of payment systems are to be exercised pursuant to section 1148(h)(1)(A) of such Act;

(ii) the terms which must be met by an outcome payment system under section 1148(h)(2) of such Act;

(iii) the terms which must be met by an outcome-milestone payment system under section 1148(h)(3) of such Act;

(iv) any revision of the percentage specified in paragraph (2)(C) of section 1148(h) of such Act or the period of time specified in paragraph (4)(B) of such section 1148(h) of such Act; and

(v) annual oversight procedures for such systems; and

(I) procedures for effective oversight of the Program by the Commissioner of Social Security, including periodic reviews and reporting requirements.

(f) THE TICKET TO WORK AND WORK INCENTIVES ADVISORY PANEL.—

(1) ESTABLISHMENT.—There is established within the Social Security Administration a panel to be known as the "Ticket to Work and Work Incentives Advisory Panel" (in this subsection referred to as the "Panel").

(2) DUTIES OF PANEL.—It shall be the duty of the Panel to—

(A) advise the President, the Congress, and the Commissioner of Social Security on issues related to work incentives programs, planning, and assistance for individuals with disabilities, including work incentive provisions under titles II, XI, XVI, XVIII, and XIX of the Social Security Act (42 U.S.C. 401 et seq., 1301 et seq., 1381 et seq., 1395 et seq., 1396 et seq.); and

(B) with respect to the Ticket to Work and Self-Sufficiency Program established under section 1148 of such Act—

(i) advise the Commissioner of Social Security with respect to establishing phase-in sites for such Program and fully implementing the Program thereafter, the refinement of access of disabled beneficiaries to employment networks, payment systems, and management information systems, and advise the Commissioner whether such measures are being taken to the extent necessary to ensure the success of the Program;

(ii) advise the Commissioner regarding the most effective designs for research and demonstration projects associated with the Program or conducted pursuant to section 302 of this Act;

(iii) advise the Commissioner on the development of performance measurements relating to quality assurance under section 1148(d)(6) of the Social Security Act; and

(iv) furnish progress reports on the Program to the Commissioner and each House of Congress.

(3) MEMBERSHIP.—

(A) NUMBER AND APPOINTMENT.—The Panel shall be composed of 12 members as follows:

(i) 4 members appointed by the President, not more than 2 of whom may be of the same political party;

(ii) 2 members appointed by the Speaker of the House of Representatives, in consultation with the Chairman of the Committee on Ways and Means of the House of Representatives;

(iii) 2 members appointed by the minority leader of the House of Representatives, in consultation with the ranking member of the Committee on Ways and Means of the House of Representatives;

(iv) 2 members appointed by the majority leader of the Senate, in consultation with the Chairman of the Committee on Finance of the Senate; and

(v) 2 members appointed by the minority leader of the Senate, in consultation with the ranking member of the Committee on Finance of the Senate.

(B) REPRESENTATION.—

(i) IN GENERAL.—The members appointed under subparagraph (A) shall have experience or expert knowledge as a recipient, provider, employer, or employee in the fields of, or related to, employment services, vocational rehabilitation services, and other support services.

(ii) REQUIREMENT.—At least one-half of the members appointed under subparagraph (A) shall be individuals with disabilities, or representatives of individuals with disabilities, with consideration given to current or former title II disability beneficiaries or title XVI disability beneficiaries (as such terms are defined in section 1148(k) of the Social Security Act (as added by subsection (a)).

(C) TERMS.—

(i) IN GENERAL.—Each member shall be appointed for a term of 4 years (or, if less, for the remaining life of the Panel), except as provided in clauses (ii) and (iii). The initial members shall be appointed not later than 90 days after the date of the enactment of this Act.

(ii) TERMS OF INITIAL APPOINTEES.—Of the members first appointed under each clause of subparagraph (A), as designated by the appointing authority for each such clause—

(I) one-half of such members shall be appointed for a term of 2 years; and

(II) the remaining members shall be appointed for a term of 4 years.

(iii) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Panel shall be filled in the manner in which the original appointment was made.

(D) BASIC PAY.—Members shall each be paid at a rate, and in a manner, that is consistent with guidelines established under section 7 of the Federal Advisory Committee Act (5 U.S.C. App.).

(E) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(F) QUORUM.—8 members of the Panel shall constitute a quorum but a lesser number may hold hearings.

(G) CHAIRPERSON.—The Chairperson of the Panel shall be designated by the President. The term of office of the Chairperson shall be 4 years.

(H) MEETINGS.—The Panel shall meet at least quarterly and at other times at the call of the Chairperson or a majority of its members.

(4) DIRECTOR AND STAFF OF PANEL; EXPERTS AND CONSULTANTS.—

(A) DIRECTOR.—The Panel shall have a Director who shall be appointed by the Chairperson, and paid at a rate, and in a manner, that is consistent with guidelines established under section 7 of the Federal Advisory Committee Act (5 U.S.C. App.).

(B) STAFF.—Subject to rules prescribed by the Commissioner of Social Security, the Director may appoint and fix the pay of additional personnel as the Director considers appropriate.

(C) EXPERTS AND CONSULTANTS.—Subject to rules prescribed by the Commissioner of Social Security, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(D) STAFF OF FEDERAL AGENCIES.—Upon request of the Panel, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Panel to assist it in carrying out its duties under this Act.

(5) POWERS OF PANEL.—

(A) HEARINGS AND SESSIONS.—The Panel may, for the purpose of carrying out its duties under this subsection, hold such hearings, sit and act at such times and places, and take such testimony and evidence as the Panel considers appropriate.

(B) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Panel may, if authorized by the Panel, take any action which the Panel is authorized to take by this section.

(C) MAILS.—The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(6) REPORTS.—

(A) INTERIM REPORTS.—The Panel shall submit to the President and the Congress interim reports at least annually.

(B) FINAL REPORT.—The Panel shall transmit a final report to the President and the Congress not later than eight years after the date of the enactment of this Act. The final report shall contain a detailed statement of the findings and conclusions of the Panel, together with its recommendations for legislation and administrative actions which the Panel considers appropriate.

(7) TERMINATION.—The Panel shall terminate 30 days after the date of the submission of its final report under paragraph (6)(B).

(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and the general fund of the Treasury, as appropriate, such sums as are necessary to carry out this subsection.

Subtitle B—Elimination of Work Disincentives

SEC. 111. WORK ACTIVITY STANDARD AS A BASIS FOR REVIEW OF AN INDIVIDUAL'S DISABLED STATUS.

(a) IN GENERAL.—Section 221 of the Social Security Act (42 U.S.C. 421) is amended by adding at the end the following new subsection:

"(m)(1) In any case where an individual entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)) has received such benefits for at least 24 months—

"(A) no continuing disability review conducted by the Commissioner may be scheduled for the individual solely as a result of the individual's work activity;

"(B) no work activity engaged in by the individual may be used as evidence that the individual is no longer disabled; and

"(C) no cessation of work activity by the individual may give rise to a presumption that the individual is unable to engage in work.

"(2) An individual to which paragraph (1) applies shall continue to be subject to—

"(A) continuing disability reviews on a regularly scheduled basis that is not triggered by work; and

"(B) termination of benefits under this title in the event that the individual has earnings that exceed the level of earnings established by the Commissioner to represent substantial gainful activity.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2002.

SEC. 112. EXPEDITED REINSTATEMENT OF DISABILITY BENEFITS.

(a) OASDI BENEFITS.—Section 223 of the Social Security Act (42 U.S.C. 423) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection:

"Reinstatement of Entitlement

"(i)(1)(A) Entitlement to benefits described in subparagraph (B)(i)(I) shall be reinstated in any case where the Commissioner determines that an individual described in subparagraph (B) has filed a request for reinstatement meeting the requirements of paragraph (2)(A) during the period prescribed in subparagraph (C). Reinstatement of such entitlement shall be in accordance with the terms of this subsection.

"(B) An individual is described in this subparagraph if—

"(i) prior to the month in which the individual files a request for reinstatement—

"(I) the individual was entitled to benefits under this section or section 202 on the basis of disability pursuant to an application filed therefor; and

"(II) such entitlement terminated due to the performance of substantial gainful activity;

"(ii) the individual is under a disability and the physical or mental impairment that is the basis for the finding of disability is the same as (or related to) the physical or mental impairment that was the basis for the finding of disability that gave rise to the entitlement described in clause (i); and

"(iii) the individual's disability renders the individual unable to perform substantial gainful activity.

"(C)(i) Except as provided in clause (ii), the period prescribed in this subparagraph with respect to an individual is 60 consecutive months beginning with the month following the most recent month for which the individual was entitled to a benefit described in subparagraph (B)(i)(I) prior to the entitlement termination described in subparagraph (B)(i)(II).

"(ii) In the case of an individual who fails to file a reinstatement request within the period prescribed in clause (i), the Commissioner may extend the period if the Commissioner determines that the individual had good cause for the failure to so file.

"(2)(A)(i) A request for reinstatement shall be filed in such form, and containing such information, as the Commissioner may prescribe.

"(ii) A request for reinstatement shall include express declarations by the individual that the individual meets the requirements specified in clauses (ii) and (iii) of paragraph (1)(B).

"(B) A request for reinstatement filed in accordance with subparagraph (A) may constitute an application for benefits in the case of any individual who the Commissioner determines is not entitled to reinstated benefits under this subsection.

"(3) In determining whether an individual meets the requirements of paragraph (1)(B)(ii), the provisions of subsection (f) shall apply.

"(4)(A)(i) Subject to clause (ii), entitlement to benefits reinstated under this subsection shall commence with the benefit payable for the month in which a request for reinstatement is filed.

"(ii) An individual whose entitlement to a benefit for any month would have been reinstated under this subsection had the individual filed a request for reinstatement before the end of such month shall be entitled to such benefit for such month if such request for reinstatement is filed before the end of the twelfth month immediately succeeding such month.

"(B)(i) Subject to clauses (ii) and (iii), the amount of the benefit payable for any month pursuant to the reinstatement of entitlement under this subsection shall be determined in accordance with the provisions of this title.

"(ii) For purposes of computing the primary insurance amount of an individual whose entitlement to benefits under this section is reinstated under this subsection, the date of onset of the individual's disability shall be the date of onset used in determining the individual's most recent period of disability arising in connection with such benefits payable on the basis of an application.

"(iii) Benefits under this section or section 202 payable for any month pursuant to a request for reinstatement filed in accordance with paragraph (2) shall be reduced by the amount of any provisional benefit paid to such individual for such month under paragraph (7).

"(C) No benefit shall be payable pursuant to an entitlement reinstated under this subsection to an individual for any month in which the individual engages in substantial gainful activity.

"(D) The entitlement of any individual that is reinstated under this subsection shall end with the benefits payable for the month preceding whichever of the following months is the earliest:

"(i) The month in which the individual dies.

"(ii) The month in which the individual attains retirement age.

"(iii) The third month following the month in which the individual's disability ceases.

"(5) Whenever an individual's entitlement to benefits under this section is reinstated under this subsection, entitlement to benefits payable on the basis of such individual's wages and self-employment income may be reinstated with respect to any person previously entitled to such benefits on the basis of an application if the Commissioner determines that such person satisfies all the requirements for entitlement to such benefits except requirements related to the filing of an application. The provisions of paragraph (4) shall apply to the reinstated entitlement of any such person to the same extent that they apply to the reinstated entitlement of such individual.

"(6) An individual to whom benefits are payable under this section or section 202 pursuant to a reinstatement of entitlement under this subsection for 24 months (whether or not consecutive) shall, with respect to benefits so payable after such twenty-fourth month, be deemed for purposes of paragraph (1)(B)(i)(I) and the determination, if appropriate, of the termination month in accordance with subsection (a)(1) of this section, or subsection (d)(1), (e)(1), or (f)(1) of section 202, to be entitled to such benefits on the basis of an application filed therefor.

"(7)(A) An individual described in paragraph (1)(B) who files a request for reinstatement in accordance with the provisions of paragraph (2)(A) shall be entitled to provisional benefits payable in accordance with this paragraph, unless the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration under paragraph (2)(A)(ii) is false. Any such determination by the Commissioner shall be final and not subject to review under subsection (b) or (g) of section 205.

"(B) The amount of a provisional benefit for a month shall equal the amount of the last monthly benefit payable to the individual under this title on the basis of an application increased by an amount equal to the amount, if any, by which such last monthly benefit would have been increased as a result of the operation of section 215(i).

"(C)(i) Provisional benefits shall begin with the month in which a request for reinstatement is filed in accordance with paragraph (2)(A).

"(ii) Provisional benefits shall end with the earliest of—

"(I) the month in which the Commissioner makes a determination regarding the individual's entitlement to reinstated benefits;

"(II) the fifth month following the month described in clause (i);

"(III) the month in which the individual performs substantial gainful activity; or

"(IV) the month in which the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration made in accordance with paragraph (2)(A)(ii) is false.

"(D) In any case in which the Commissioner determines that an individual is not entitled to reinstated benefits, any provisional benefits paid to the individual under this paragraph shall not be subject to recovery as an overpayment unless the Commissioner determines that the individual knew or should have known that the individual did not meet the requirements of paragraph (1)(B).".

(b) SSI BENEFITS.—

(1) IN GENERAL.—Section 1631 of the Social Security Act (42 U.S.C. 1383) is amended by adding at the end the following new subsection:

"Reinstatement of Eligibility on the Basis of Blindness or Disability

"(p)(1)(A) Eligibility for benefits under this title shall be reinstated in any case where the Commissioner determines that an individual described in subparagraph (B) has filed a request for reinstatement meeting the requirements of paragraph (2)(A) during the period prescribed in subparagraph (C). Reinstatement of eligibility shall be in accordance with the terms of this subsection.

"(B) An individual is described in this subparagraph if—

"(i) prior to the month in which the individual files a request for reinstatement—

"(I) the individual was eligible for benefits under this title on the basis of blindness or disability pursuant to an application filed therefor; and

"(II) the individual thereafter was ineligible for such benefits due to earned income (or earned and unearned income) for a period of 12 or more consecutive months;

"(ii) the individual is blind or disabled and the physical or mental impairment that is the basis for the finding of blindness or disability is the same as (or related to) the physical or mental impairment that was the basis for the finding of blindness or disability that gave rise to the eligibility described in clause (i);

"(iii) the individual's blindness or disability renders the individual unable to perform substantial gainful activity; and

"(iv) the individual satisfies the nonmedical requirements for eligibility for benefits under this title.

"(C)(i) Except as provided in clause (ii), the period prescribed in this subparagraph with respect to an individual is 60 consecutive months beginning with the month following the most recent month for which the individual was eligible for a benefit under this title (including section 1619) prior to the period of ineligibility described in subparagraph (B)(i)(II).

"(ii) In the case of an individual who fails to file a reinstatement request within the period prescribed in clause (i), the Commissioner may extend the period if the Commissioner determines that the individual had good cause for the failure to so file.

"(2)(A)(i) A request for reinstatement shall be filed in such form, and containing such information, as the Commissioner may prescribe.

"(ii) A request for reinstatement shall include express declarations by the individual that the individual meets the requirements specified in clauses (ii) through (iv) of paragraph (1)(B).

"(B) A request for reinstatement filed in accordance with subparagraph (A) may constitute an application for benefits in the case of any individual who the Commissioner determines is not eligible for reinstated benefits under this subsection.

"(3) In determining whether an individual meets the requirements of paragraph (1)(B)(ii), the provisions of section 1614(a)(4) shall apply.

"(4)(A) Eligibility for benefits reinstated under this subsection shall commence with the benefit payable for the month following the month in which a request for reinstatement is filed.

"(B)(i) Subject to clause (ii), the amount of the benefit payable for any month pursuant to the reinstatement of eligibility under this subsection shall be determined in accordance with the provisions of this title.

"(ii) The benefit under this title payable for any month pursuant to a request for reinstatement filed in accordance with paragraph (2) shall be reduced by the amount of any provisional benefit paid to such individual for such month under paragraph (7).

"(C) Except as otherwise provided in this subsection, eligibility for benefits under this title reinstated pursuant to a request filed under paragraph (2) shall be subject to the same terms and conditions as eligibility established pursuant to an application filed therefor.

"(5) Whenever an individual's eligibility for benefits under this title is reinstated under this subsection, eligibility for such benefits shall be reinstated with respect to the individual's spouse if such spouse was previously an eligible spouse of the individual under this title and the Commissioner determines that such spouse satisfies all the requirements for eligibility for such

benefits except requirements related to the filing of an application. The provisions of paragraph (4) shall apply to the reinstated eligibility of the spouse to the same extent that they apply to the reinstated eligibility of such individual.

"(6) An individual to whom benefits are payable under this title pursuant to a reinstatement of eligibility under this subsection for twenty-four months (whether or not consecutive) shall, with respect to benefits so payable after such twenty-fourth month, be deemed for purposes of paragraph (1)(B)(i)(I) to be eligible for such benefits on the basis of an application filed therefor.

"(7)(A) An individual described in paragraph (1)(B) who files a request for reinstatement in accordance with the provisions of paragraph (2)(A) shall be eligible for provisional benefits payable in accordance with this paragraph, unless the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration under paragraph (2)(A)(ii) is false. Any such determination by the Commissioner shall be final and not subject to review under paragraph (1) or (3) of subsection (c).

"(B)(i) Except as otherwise provided in clause (ii), the amount of a provisional benefit for a month shall equal the amount of the monthly benefit that would be payable to an eligible individual under this title with the same kind and amount of income.

"(ii) If the individual has a spouse who was previously an eligible spouse of the individual under this title and the Commissioner determines that such spouse satisfies all the requirements of section 1614(b) except requirements related to the filing of an application, the amount of a provisional benefit for a month shall equal the amount of the monthly benefit that would be payable to an eligible individual and eligible spouse under this title with the same kind and amount of income.

"(C)(i) Provisional benefits shall begin with the month following the month in which a request for reinstatement is filed in accordance with paragraph (2)(A).

"(ii) Provisional benefits shall end with the earliest of—

"(I) the month in which the Commissioner makes a determination regarding the individual's eligibility for reinstated benefits;

"(II) the fifth month following the month for which provisional benefits are first payable under clause (i); or

"(III) the month in which the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual's declaration made in accordance with paragraph (2)(A)(ii) is false.

"(D) In any case in which the Commissioner determines that an individual is not eligible for reinstated benefits, any provisional benefits paid to the individual under this paragraph shall not be subject to recovery as an overpayment unless the Commissioner determines that the individual knew or should have known that the individual did not meet the requirements of paragraph (1)(B).

"(8) For purposes of this subsection other than paragraph (7), the term 'benefits under this title' includes State supplementary payments made pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93–66.".

(2) CONFORMING AMENDMENTS.—

(A) Section 1631(j)(1) of such Act (42 U.S.C. 1383(j)(1)) is amended by striking the period and inserting ", or has filed a request for reinstatement of eligibility under subsection (p)(2) and been determined to be eligible for reinstatement.".

(B) Section 1631(j)(2)(A)(i)(I) of such Act (42 U.S.C. 1383(j)(2)(A)(i)(I)) is amended by inserting "(other than pursuant to a request for reinstatement under subsection (p))" after "eligible".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the first day of the thirteenth month beginning after the date of the enactment of this Act.

(2) LIMITATION.—No benefit shall be payable under title II or XVI on the basis of a request for reinstatement filed under section 223(i) or 1631(p) of the Social Security Act (42 U.S.C. 423(i), 1383(p)) before the effective date described in paragraph (1).

Subtitle C—Work Incentives Planning, Assistance, and Outreach

SEC. 121. WORK INCENTIVES OUTREACH PROGRAM.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.), as amended by section 101 of this Act, is amended by adding after section 1148 the following new section:

"WORK INCENTIVES OUTREACH PROGRAM

"SEC. 1149. (a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Commissioner, in consultation with the Ticket to Work and Work Incentives Advisory Panel established under section 101(f) of the Ticket to Work and Work Incentives Improvement Act of 1999, shall establish a community-based work incentives planning and assistance program for the purpose of disseminating accurate information to disabled beneficiaries on work incentives programs and issues related to such programs.

"(2) GRANTS, COOPERATIVE AGREEMENTS, CONTRACTS, AND OUTREACH.—Under the program established under this section, the Commissioner shall—

"(A) establish a competitive program of grants, cooperative agreements, or contracts to provide benefits planning and assistance, including information on the availability of protection and advocacy services, to disabled beneficiaries, including individuals participating in the Ticket to Work and Self-Sufficiency Program established under section 1148, the program established under section 1619, and other programs that are designed to encourage disabled beneficiaries to work;

"(B) conduct directly, or through grants, cooperative agreements, or contracts, ongoing outreach efforts to disabled beneficiaries (and to the families of such beneficiaries) who are potentially eligible to participate in Federal or State work incentive programs that are designed to assist disabled beneficiaries to work, including—

"(i) preparing and disseminating information explaining such programs; and

"(ii) working in cooperation with other Federal, State, and private agencies and nonprofit organizations that serve disabled beneficiaries, and with agencies and organizations that focus on vocational rehabilitation and work-related training and counseling;

"(C) establish a corps of trained, accessible, and responsive work incentives specialists within the Social Security Administration who will specialize in disability work incentives under titles II and XVI for the purpose of disseminating accurate information with respect to inquiries and issues relating to work incentives to—

"(i) disabled beneficiaries;

"(ii) benefit applicants under titles II and XVI; and

"(iii) individuals or entities awarded grants under subparagraphs (A) or (B); and

"(D) provide—

"(i) training for work incentives specialists and individuals providing planning assistance described in subparagraph (C); and

"(ii) technical assistance to organizations and entities that are designed to encourage disabled beneficiaries to return to work.

"(3) COORDINATION WITH OTHER PROGRAMS.—The responsibilities of the Commissioner established under this section shall be coordinated with other public and private programs that provide information and assistance regarding rehabilitation services and independent living supports and benefits planning for disabled beneficiaries including the program under section 1619, the plans for achieving self-support program (PASS), and any other Federal or State work incentives programs that are designed to assist disabled beneficiaries, including educational agencies that provide information and assistance regarding rehabilitation, school-to-work programs, transition services (as defined in, and provided in accordance with, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.)), a one-stop delivery system established under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.), and other services.

"(b) CONDITIONS.—

"(1) SELECTION OF ENTITIES.—

"(A) APPLICATION.—An entity shall submit an application for a grant, cooperative agreement, or contract to provide benefits planning and assistance to the Commissioner at such time, in such manner, and containing such information as the Commissioner may determine is necessary to meet the requirements of this section.

"(B) STATEWIDENESS.—The Commissioner shall ensure that the planning, assistance, and information described in paragraph (2) shall be available on a statewide basis.

"(C) ELIGIBILITY OF STATES AND PRIVATE ORGANIZATIONS.—

"(i) IN GENERAL.—The Commissioner may award a grant, cooperative agreement, or contract under this section to a State or a private agency or organization (other than Social Security Administration Field Offices and the State agency administering the State medicaid program under title XIX, including any agency or entity described in clause (ii), that the Commissioner determines is qualified to provide the planning, assistance, and information described in paragraph (2)).

"(ii) AGENCIES AND ENTITIES DESCRIBED.—The agencies and entities described in this clause are the following:

"(I) Any public or private agency or organization (including Centers for Independent Living established under title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796 et seq.), protection and advocacy organizations, client assistance programs established in accordance with section 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732), and State Developmental Disabilities Councils established in accordance with section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024)) that the Commissioner determines satisfies the requirements of this section.

"(II) The State agency administering the State program funded under part A of title IV.

"(D) EXCLUSION FOR CONFLICT OF INTEREST.—The Commissioner may not award a grant, cooperative agreement, or contract under this section to any entity that the Commissioner determines would have a conflict of interest if the entity were to receive a grant, cooperative agreement, or contract under this section.

"(2) SERVICES PROVIDED.—A recipient of a grant, cooperative agreement, or contract to provide benefits planning and assistance shall select individuals who will act as planners and provide information, guidance, and planning to disabled beneficiaries on the—

"(A) availability and interrelation of any Federal or State work incentives programs designed to assist disabled beneficiaries that the individual may be eligible to participate in;

"(B) adequacy of any health benefits coverage that may be offered by an employer of the individual and the extent to which other health benefits coverage may be available to the individual; and

"(C) availability of protection and advocacy services for disabled beneficiaries and how to access such services.

"(3) AMOUNT OF GRANTS, COOPERATIVE AGREEMENTS, OR CONTRACTS.—

"(A) BASED ON POPULATION OF DISABLED BENEFICIARIES.—Subject to subparagraph (B), the Commissioner shall award a grant, cooperative agreement, or contract under this section to an entity based on the percentage of the population of the State where the entity is located who are disabled beneficiaries.

"(B) LIMITATIONS.—

"(i) PER GRANT.—No entity shall receive a grant, cooperative agreement, or contract under this section for a fiscal year that is less than $50,000 or more than $300,000.

"(ii) TOTAL AMOUNT FOR ALL GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—The total amount of all grants, cooperative agreements, and contracts awarded under this section for a fiscal year may not exceed $23,000,000.

"(4) ALLOCATION OF COSTS.—The costs of carrying out this section shall be paid from amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among those amounts as appropriate.

"(c) DEFINITIONS.—In this section:

"(1) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Social Security.

"(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' has the meaning given that term in section 1148(k)(2).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $23,000,000 for each of the fiscal years 2000 through 2004.".

SEC. 122. STATE GRANTS FOR WORK INCENTIVES ASSISTANCE TO DISABLED BENEFICIARIES.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.), as amended by section 121 of this Act, is amended by adding after section 1149 the following new section:

"STATE GRANTS FOR WORK INCENTIVES ASSISTANCE TO DISABLED BENEFICIARIES

"SEC. 1150. (a) IN GENERAL.—Subject to subsection (c), the Commissioner may make payments in each State to the protection and advocacy system established pursuant to part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) for the purpose of providing services to disabled beneficiaries.

"(b) SERVICES PROVIDED.—Services provided to disabled beneficiaries pursuant to a payment made under this section may include—

"(1) information and advice about obtaining vocational rehabilitation and employment services; and

"(2) advocacy or other services that a disabled beneficiary may need to secure or regain gainful employment.

"(c) APPLICATION.—In order to receive payments under this section, a protection and advocacy system shall submit an application to the Commissioner, at such time, in such form and manner, and accompanied by such information and assurances as the Commissioner may require.

"(d) AMOUNT OF PAYMENTS.—

"(1) IN GENERAL.—Subject to the amount appropriated for a fiscal year for making payments under this section, a protection and advocacy system shall not be paid an amount that is less than—

"(A) in the case of a protection and advocacy system located in a State (including the District of Columbia and Puerto Rico) other than Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, the greater of—

"(i) $100,000; or

"(ii) ⅓ of 1 percent of the amount available for payments under this section; and

"(B) in the case of a protection and advocacy system located in Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, $50,000.

"(2) INFLATION ADJUSTMENT.—For each fiscal year in which the total amount appropriated to carry out this section exceeds the total amount appropriated to carry out this section in the preceding fiscal year, the Commissioner shall increase each minimum payment under subparagraphs (A) and (B) of paragraph (1) by a percentage equal to the percentage increase in the total amount so appropriated to carry out this section.

"(e) ANNUAL REPORT.—Each protection and advocacy system that receives a payment under this section shall submit an annual report to the Commissioner and the Ticket to Work and Work Incentives Advisory Panel established under section 101(f) of the Ticket to Work and Work Incentives Improvement Act of 1999 on the services provided to individuals by the system.

"(f) FUNDING.—

"(1) ALLOCATION OF PAYMENTS.—Payments under this section shall be made from amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among those amounts as appropriate.

"(2) CARRYOVER.—Any amounts allotted for payment to a protection and advocacy system under this section for a fiscal year shall remain available for payment to or on behalf of the protection and advocacy system until the end of the succeeding fiscal year.

"(g) DEFINITIONS.—In this section:

"(1) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Social Security.

"(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' has the meaning given that term in section 1148(k)(2).

"(3) PROTECTION AND ADVOCACY SYSTEM.—The term 'protection and advocacy system' means a protection and advocacy system established pursuant to part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.).

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $7,000,000 for each of the fiscal years 2000 through 2004.".

TITLE II—EXPANDED AVAILABILITY OF HEALTH CARE SERVICES

SEC. 201. EXPANDING STATE OPTIONS UNDER THE MEDICAID PROGRAM FOR WORKERS WITH DISABILITIES.

(a) IN GENERAL.—

(1) STATE OPTION TO ELIMINATE INCOME, ASSETS, AND RESOURCE LIMITATIONS FOR WORKERS WITH DISABILITIES BUYING INTO MEDICAID.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(A) in subclause (XIII), by striking "or" at the end;

(B) in subclause (XIV), by adding "or" at the end; and

(C) by adding at the end the following new subclause:

"(XV) who, but for earnings in excess of the limit established under section 1905(q)(2)(B), would be considered to be receiving supplemental security income, who is at least 16, but less than 65, years of age, and whose assets, resources, and earned or unearned income (or both) do not exceed such limitations (if any) as the State may establish;".

(2) STATE OPTION TO PROVIDE OPPORTUNITY FOR EMPLOYED INDIVIDUALS WITH A MEDICALLY IMPROVED DISABILITY TO BUY INTO MEDICAID.—

(A) ELIGIBILITY.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)), as amended by paragraph (1), is amended—

(i) in subclause (XIV), by striking "or" at the end;

(ii) in subclause (XV), by adding "or" at the end; and

(iii) by adding at the end the following new subclause:

"(XVI) who are employed individuals with a medically improved disability described in section 1905(v)(1) and whose assets, resources, and earned or unearned income (or both) do not exceed such limitations (if any) as the State may establish, but only if the State provides medical assistance to individuals described in subclause (XV);".

(B) DEFINITION OF EMPLOYED INDIVIDUALS WITH A MEDICALLY IMPROVED DISABILITY.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by adding at the end the following new subsection:

"(v)(1) The term 'employed individual with a medically improved disability' means an individual who—

"(A) is at least 16, but less than 65, years of age;

"(B) is employed (as defined in paragraph (2));

"(C) ceases to be eligible for medical assistance under section 1902(a)(10)(A)(ii)(XV) because the individual, by reason of medical improvement, is determined at the time of a regularly scheduled continuing disability review to no longer be eligible for benefits under section 223(d) or 1614(a)(3); and

"(D) continues to have a severe medically determinable impairment, as determined under regulations of the Secretary.

"(2) For purposes of paragraph (1), an individual is considered to be 'employed' if the individual—

"(A) is earning at least the applicable minimum wage requirement under section 6 of the Fair Labor Standards Act (29 U.S.C. 206) and working at least 40 hours per month; or

"(B) is engaged in a work effort that meets substantial and reasonable threshold criteria for hours of work, wages, or other measures, as defined by the State and approved by the Secretary.".

(C) CONFORMING AMENDMENT.—Section 1905(a) of such Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(i) in clause (x), by striking "or" at the end;

(ii) in clause (xi), by adding "or" at the end; and

(iii) by inserting after clause (xi), the following new clause:

"(xii) employed individuals with a medically improved disability (as defined in subsection (v)),".

(3) STATE AUTHORITY TO IMPOSE INCOME-RELATED PREMIUMS AND COST-SHARING.—Section 1916 of such Act (42 U.S.C. 1396o) is amended—

(A) in subsection (a), by striking "The State plan" and inserting "Subject to subsection (g), the State plan"; and

(B) by adding at the end the following new subsection:

"(g) With respect to individuals provided medical assistance only under subclause (XV) or (XVI) of section 1902(a)(10)(A)(ii)—

"(1) a State may (in a uniform manner for individuals described in either such subclause)—

"(A) require such individuals to pay premiums or other cost-sharing charges set on a sliding scale based on income that the State may determine; and

"(B) require payment of 100 percent of such premiums for such year in the case of such an individual who has income for a year that exceeds 250 percent of the income official poverty line (referred to in subsection (c)(1)) applicable to a family of the size involved, except that in the case of such an individual who has income for a year that does not exceed 450 percent of such poverty line, such requirement may only apply to the extent such premiums do not exceed 7.5 percent of such income; and

"(2) such State shall require payment of 100 percent of such premiums for a year by such an individual whose adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) for such year exceeds $75,000, except that a State may choose to subsidize such premiums by using State funds which may not be federally matched under this title.

In the case of any calendar year beginning after 2000, the dollar amount specified in paragraph (2) shall be increased in accordance with the provisions of section 215(i)(2)(A)(ii).".

(4) Prohibition against supplantation of state funds and state failure to maintain effort.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(A) by striking the period at the end of paragraph (19) and inserting "; or"; and

(B) by inserting after such paragraph the following new paragraph:

"(20) with respect to amounts expended for medical assistance provided to an individual described in subclause (XV) or (XVI) of section 1902(a)(10)(A)(ii) for a fiscal year unless the State demonstrates to the satisfaction of the Secretary that the level of State funds expended for such fiscal year for programs to enable working individuals with disabilities to work (other than for such medical assistance) is not less than the level expended for such programs during the most recent State fiscal year ending before the date of the enactment of this paragraph.".

(b) Conforming Amendments.—Section 1903(f)(4) of the Social Security Act (42 U.S.C. 1396b(f)(4) is amended in the matter preceding subparagraph (A) by inserting "1902(a)(10)(A)(ii)(XV), 1902(a)(10)(A)(ii)(XVI)," before "1905(p)(1)".

(c) GAO Report.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress regarding the amendments made by this section that examines—

(1) the extent to which higher health care costs for individuals with disabilities at higher income levels deter employment or progress in employment;

(2) whether such individuals have health insurance coverage or could benefit from the State option established under such amendments to provide a medicaid buy-in; and

(3) how the States are exercising such option, including—

(A) how such States are exercising the flexibility afforded them with regard to income disregards;

(B) what income and premium levels have been set;

(C) the degree to which States are subsidizing premiums above the dollar amount specified in section 1916(g)(2) of the Social Security Act (42 U.S.C. 1396o(g)(2)); and

(D) the extent to which there exists any crowd-out effect.

(d) Effective Date.—The amendments made by this section apply to medical assistance for items and services furnished on or after October 1, 2000.

SEC. 202. EXTENDING MEDICARE COVERAGE FOR OASDI DISABILITY BENEFIT RECIPIENTS.

(a) In General.—The next to last sentence of section 226(b) of the Social Security Act (42 U.S.C. 426) is amended by striking "24" and inserting "78".

(b) Effective Date.—The amendment made by subsection (a) shall be effective on and after October 1, 2000.

(c) GAO Report.—Not later than 5 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress that—

(1) examines the effectiveness and cost of the amendment made by subsection (a);

(2) examines the necessity and effectiveness of providing continuation of medicare coverage under section 226(b) of the Social Security Act (42 U.S.C. 426(b)) to individuals whose annual income exceeds the contribution and benefit base (as determined under section 230 of such Act (42 U.S.C. 430));

(3) examines the viability of providing the continuation of medicare coverage under such section 226(b) based on a sliding scale premium for individuals whose annual income exceeds such contribution and benefit base;

(4) examines the viability of providing the continuation of medicare coverage under such section 226(b) based on a premium buy-in by the beneficiary's employer in lieu of coverage under private health insurance;

(5) examines the interrelation between the use of the continuation of medicare coverage under such section 226(b) and the use of private health insurance coverage by individuals during the extended period; and

(6) recommends such legislative or administrative changes relating to the continuation of medicare coverage for recipients of social security disability benefits as the Comptroller General determines are appropriate.

SEC. 203. GRANTS TO DEVELOP AND ESTABLISH STATE INFRASTRUCTURES TO SUPPORT WORKING INDIVIDUALS WITH DISABILITIES.

(a) Establishment.—

(1) In general.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall award grants described in subsection (b) to States to support the design, establishment, and operation of State infrastructures that provide items and services to support working individuals with disabilities.

(2) Application.—In order to be eligible for an award of a grant under this section, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require.

(3) Definition of state.—In this section, the term "State" means each of the 50 States, the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(b) Grants for Infrastructure and Outreach.—

(1) In general.—Out of the funds appropriated under subsection (e), the Secretary shall award grants to States to—

(A) support the establishment, implementation, and operation of the State infrastructures described in subsection (a); and

(B) conduct outreach campaigns regarding the existence of such infrastructures.

(2) Eligibility for grants.—

(A) In general.—No State may receive a grant under this subsection unless the State demonstrates to the satisfaction of the Secretary that the State makes personal assistance services available under the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) to the extent necessary to enable individuals with disabilities to remain employed, including individuals described in section 1902(a)(10)(A)(ii)(XIII) of such Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XIII)) if the State has elected to provide medical assistance under such plan to such individuals.

(B) Definitions.—In this section:

(i) Employed.—The term "employed" means—

(I) earning at least the applicable minimum wage requirement under section 6 of the Fair Labor Standards Act (29 U.S.C. 206) and working at least 40 hours per month; or

(II) being engaged in a work effort that meets substantial and reasonable threshold criteria for hours of work, wages, or other measures, as defined and approved by the Secretary.

(ii) Personal assistance services.—The term "personal assistance services" means a range of services, provided by 1 or more persons, designed to assist an individual with a disability to perform daily activities on and off the job that the individual would typically perform if the individual did not have a disability. Such services shall be designed to increase the individual's control in life and ability to perform everyday activities on or off the job.

(3) Determination of awards.—

(A) In general.—Subject to subparagraph (B), the Secretary shall develop a methodology for awarding grants to States under this section for a fiscal year in a manner that—

(i) rewards States for their efforts in encouraging individuals described in paragraph (2)(A) to be employed; and

(ii) does not provide a State that has not elected to provide medical assistance under title XIX of the Social Security Act to individuals described in section 1902(a)(10)(A)(ii)(XIII) of that Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XIII)) with proportionally more funds for a fiscal year than a State that has exercised such election.

(B) Award limits.—

(i) Minimum awards.—

(I) In general.—Subject to subclause (II), no State with an approved application under this section shall receive a grant for a fiscal year that is less than $500,000.

(II) Pro rata reductions.—If the funds appropriated under subsection (e) for a fiscal year are not sufficient to pay each State with an application approved under this section the minimum amount described in subclause (I), the Secretary shall pay each such State an amount equal to the pro rata share of the amount made available.

(ii) Maximum awards.—

(I) States that elected optional medicaid eligibility.—No State that has an application that has been approved under this section and that has elected to provide medical assistance under title XIX of the Social Security Act to individuals described in section 1902(a)(10)(A)(ii)(XIII) of such Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XIII)) shall receive a grant for a fiscal year that exceeds 10 percent of the total expenditures by the State (including the reimbursed Federal share of such expenditures) for medical assistance provided under such title for such individuals, as estimated by the State and approved by the Secretary.

(II) Other states.—The Secretary shall determine, consistent with the limit described in subclause (I), a maximum award limit for a grant for a fiscal year for a State that has an application that has been approved under this section but that has not elected to provide medical assistance under title XIX of the Social Security Act to individuals described in section 1902(a)(10)(A)(ii)(XIII) of that Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XIII)).

(c) Availability of Funds.—

(1) Funds awarded to states.—Funds awarded to a State under a grant made under this section for a fiscal year shall remain available until expended.

(2) Funds not awarded to states.—Funds not awarded to States in the fiscal year for which they are appropriated shall remain available in succeeding fiscal years for awarding by the Secretary.

(d) Annual Report.—A State that is awarded a grant under this section shall submit an annual report to the Secretary on the use of funds provided under the grant. Each report shall include the percentage increase in the number of title II disability beneficiaries, as defined in section 1148(k)(3) of the Social Security Act (as added by section 101(a) of this Act) in the State, and title XVI disability beneficiaries, as defined in section 1148(k)(4) of the Social Security Act (as so added) in the State who return to work.

(e) APPROPRIATION.—

(1) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to make grants under this section—

(A) for fiscal year 2001, $20,000,000;

(B) for fiscal year 2002, $25,000,000;

(C) for fiscal year 2003, $30,000,000;

(D) for fiscal year 2004, $35,000,000;

(E) for fiscal year 2005, $40,000,000; and

(F) for each of fiscal years 2006 through 2011, the amount appropriated for the preceding fiscal year increased by the percentage increase (if any) in the Consumer Price Index for All Urban Consumers (United States city average) for the preceding fiscal year.

(2) BUDGET AUTHORITY.—This subsection constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under paragraph (1).

(f) RECOMMENDATION.—Not later than October 1, 2010, the Secretary, in consultation with the Ticket to Work and Work Incentives Advisory Panel established by section 101(f) of this Act, shall submit a recommendation to the Committee on Commerce of the House of Representatives and the Committee on Finance of the Senate regarding whether the grant program established under this section should be continued after fiscal year 2011.

SEC. 204. DEMONSTRATION OF COVERAGE UNDER THE MEDICAID PROGRAM OF WORKERS WITH POTENTIALLY SEVERE DISABILITIES.

(a) STATE APPLICATION.—A State may apply to the Secretary of Health and Human Services (in this section referred to as the "Secretary") for approval of a demonstration project (in this section referred to as a "demonstration project") under which up to a specified maximum number of individuals who are workers with a potentially severe disability (as defined in subsection (b)(1)) are provided medical assistance equal to—

(1) that provided under section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) to individuals described in section 1902(a)(10)(A)(ii)(XIII) of that Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XIII)); or

(2) in the case of a State that has not elected to provide medical assistance under that section to such individuals, such medical assistance as the Secretary determines is an appropriate equivalent to the medical assistance described in paragraph (1).

(b) WORKER WITH A POTENTIALLY SEVERE DISABILITY DEFINED.—For purposes of this section—

(1) IN GENERAL.—The term "worker with a potentially severe disability" means, with respect to a demonstration project, an individual who—

(A) is at least 16, but less than 65, years of age;

(B) has a specific physical or mental impairment that, as defined by the State under the demonstration project, is reasonably expected, but for the receipt of items and services described in section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)), to become blind or disabled (as defined under section 1614(a) of the Social Security Act (42 U.S.C. 1382c(a))); and

(C) is employed (as defined in paragraph (2)).

(2) DEFINITION OF EMPLOYED.—An individual is considered to be "employed" if the individual—

(A) is earning at least the applicable minimum wage requirement under section 6 of the Fair Labor Standards Act (29 U.S.C. 206) and working at least 40 hours per month; or

(B) is engaged in a work effort that meets substantial and reasonable threshold criteria for hours of work, wages, or other measures, as defined under the demonstration project and approved by the Secretary.

(c) APPROVAL OF DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Subject to paragraph (3), the Secretary shall approve applications under subsection (a) that meet the requirements of paragraph (2) and such additional terms and conditions as the Secretary may require. The Secretary may waive the requirement of section 1902(a)(1) of the Social Security Act (42 U.S.C. 1396a(a)(1)) to allow for sub-State demonstrations.

(2) TERMS AND CONDITIONS OF DEMONSTRATION PROJECTS.—The Secretary may not approve a demonstration project under this section unless the State provides assurances satisfactory to the Secretary that the following conditions are or will be met:

(A) MAINTENANCE OF STATE EFFORT.—Federal funds paid to a State pursuant to this section must be used to supplement, but not supplant, the level of State funds expended for workers with potentially severe disabilities under programs in effect for such individuals at the time the demonstration project is approved under this section.

(B) INDEPENDENT EVALUATION.—The State provides for an independent evaluation of the project.

(3) LIMITATIONS ON FEDERAL FUNDING.—

(A) APPROPRIATION.—

(i) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this section—

(I) $42,000,000 for each of fiscal years 2001 through 2004, and

(II) $41,000,000 for each of fiscal years 2005 and 2006.

(ii) BUDGET AUTHORITY.—Clause (i) constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under clause (i).

(B) LIMITATION ON PAYMENTS.—In no case may—

(i) the aggregate amount of payments made by the Secretary to States under this section exceed $250,000,000;

(ii) the aggregate amount of payments made by the Secretary to States for administrative expenses relating to annual reports required under subsection (d) exceed $2,000,000 of such $250,000,000; or

(iii) payments be provided by the Secretary for a fiscal year after fiscal year 2009.

(C) FUNDS ALLOCATED TO STATES.—The Secretary shall allocate funds to States based on their applications and the availability of funds. Funds allocated to a State under a grant made under this section for a fiscal year shall remain available until expended.

(D) FUNDS NOT ALLOCATED TO STATES.—Funds not allocated to States in the fiscal year for which they are appropriated shall remain available in succeeding fiscal years for allocation by the Secretary using the allocation formula established under this section.

(E) PAYMENTS TO STATES.—The Secretary shall pay to each State with a demonstration project approved under this section, from its allocation under subparagraph (C), an amount for each quarter equal to the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1395d(b)) of expenditures in the quarter for medical assistance provided to workers with a potentially severe disability.

(d) ANNUAL REPORT.—A State with a demonstration project approved under this section shall submit an annual report to the Secretary on the use of funds provided under the grant. Each report shall include enrollment and financial statistics on—

(1) the total population of workers with potentially severe disabilities served by the demonstration project; and

(2) each population of such workers with a specific physical or mental impairment described in subsection (b)(1)(B) served by such project.

(e) RECOMMENDATION.—Not later than October 1, 2004, the Secretary shall submit a recommendation to the Committee on Commerce of the House of Representatives and the Committee on Finance of the Senate regarding whether the demonstration project established under this section should be continued after fiscal year 2006.

(f) STATE DEFINED.—In this section, the term "State" has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

SEC. 205. ELECTION BY DISABLED BENEFICIARIES TO SUSPEND MEDIGAP INSURANCE WHEN COVERED UNDER A GROUP HEALTH PLAN.

(a) IN GENERAL.—Section 1882(q) of the Social Security Act (42 U.S.C. 1395ss(q)) is amended—

(1) in paragraph (5)(C), by inserting "or paragraph (6)" after "this paragraph"; and

(2) by adding at the end the following new paragraph:

"(6) Each medicare supplemental policy shall provide that benefits and premiums under the policy shall be suspended at the request of the policyholder if the policyholder is entitled to benefits under section 226(b) and is covered under a group health plan (as defined in section 1862(b)(1)(A)(v)). If such suspension occurs and if the policyholder or certificate holder loses coverage under the group health plan, such policy shall be automatically reinstituted (effective as of the date of such loss of coverage) under terms described in subsection (n)(6)(A)(ii) as of the loss of such coverage if the policyholder provides notice of loss of such coverage within 90 days after the date of such loss.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to requests made after the date of the enactment of this Act.

TITLE III—DEMONSTRATION PROJECTS AND STUDIES

SEC. 301. EXTENSION OF DISABILITY INSURANCE PROGRAM DEMONSTRATION PROJECT AUTHORITY.

(a) EXTENSION OF AUTHORITY.—Title II of the Social Security Act (42 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

"DEMONSTRATION PROJECT AUTHORITY

"SEC. 234. (a) AUTHORITY.—

"(1) IN GENERAL.—The Commissioner of Social Security (in this section referred to as the 'Commissioner') shall develop and carry out experiments and demonstration projects designed to determine the relative advantages and disadvantages of—

"(A) various alternative methods of treating the work activity of individuals entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)), including such methods as a reduction in benefits based on earnings, designed to encourage the return to work of such individuals;

"(B) altering other limitations and conditions applicable to such individuals (including lengthening the trial work period (as defined in section 222(c)), altering the 24-month waiting period for hospital insurance benefits under section 226, altering the manner in which the program under this title is administered, earlier referral of such individuals for rehabilitation, and *greater use of employers and others to develop, perform, and otherwise stimulate new forms of rehabilitation); and*

"(C) implementing sliding scale benefit offsets using variations in—

"(i) the amount of the offset as a proportion of earned income;

"(ii) the duration of the offset period; and

"(iii) the method of determining the amount of income earned by such individuals,

to the end that savings will accrue to the Trust Funds, or to otherwise promote the objectives or facilitate the administration of this title.

"(2) AUTHORITY FOR EXPANSION OF SCOPE.—The Commissioner may expand the scope of any such experiment or demonstration project to include any group of applicants for benefits under the program established under this title with impairments that reasonably may be presumed to be disabling for purposes of such demonstration project, and may limit any such demonstration project to any such group of applicants, subject to the terms of such demonstration project which shall define the extent of any such presumption.

"(b) REQUIREMENTS.—The experiments and demonstration projects developed under subsection (a) shall be of sufficient scope and shall be carried out on a wide enough scale to permit a thorough evaluation of the alternative methods under consideration while giving assurance that the results derived from the experiments and projects will obtain generally in the operation of the disability insurance program under this title without committing such program to the adoption of any particular system either locally or nationally.

"(c) AUTHORITY TO WAIVE COMPLIANCE WITH BENEFITS REQUIREMENTS.—In the case of any experiment or demonstration project conducted under subsection (a), the Commissioner may waive compliance with the benefit requirements of this title and the requirements of section 1148 as they relate to the program established under this title, and the Secretary may (upon the request of the Commissioner) waive compliance with the benefits requirements of title XVIII, insofar as is necessary for a thorough evaluation of the alternative methods under consideration. No such experiment or project shall be actually placed in operation unless at least 90 days prior thereto a written report, prepared for purposes of notification and information only and containing a full and complete description thereof, has been transmitted by the Commissioner to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate. Periodic reports on the progress of such experiments and demonstration projects shall be submitted by the Commissioner to such committees. When appropriate, such reports shall include detailed recommendations for changes in administration or law, or both, to carry out the objectives stated in subsection (a).

"(d) REPORTS.—

"(1) INTERIM REPORTS.—On or before June 9 of each year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate an annual interim report on the progress of the experiments and demonstration projects carried out under this subsection together with any related data and materials that the Commissioner may consider appropriate.

"(2) TERMINATION AND FINAL REPORT.—The authority under the preceding provisions of this section (including any waiver granted pursuant to subsection (c)) shall terminate 5 years after the date of the enactment of this Act. Not later than 90 days after the termination of any experiment or demonstration project carried out under this section, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate a final report with respect to that experiment or demonstration project.".

(b) CONFORMING AMENDMENTS; TRANSFER OF PRIOR AUTHORITY.—

(1) CONFORMING AMENDMENTS.—

(A) REPEAL OF PRIOR AUTHORITY.—Paragraphs (1) through (4) of subsection (a) and subsection (c) of section 505 of the Social Security Disability Amendments of 1980 (42 U.S.C. 1310 note) are repealed.

(B) CONFORMING AMENDMENT REGARDING FUNDING.—Section 201(k) of the Social Security Act (42 U.S.C. 401(k)) is amended by striking "section 505(a) of the Social Security Disability Amendments of 1980" and inserting "section 234".

(2) TRANSFER OF PRIOR AUTHORITY.—With respect to any experiment or demonstration project being conducted under section 505(a) of the Social Security Disability Amendments of 1980 (42 U.S.C. 1310 note) as of the date of the enactment of this Act, the authority to conduct such experiment or demonstration project (including the terms and conditions applicable to the experiment or demonstration project) shall be treated as if that authority (and such terms and conditions) had been established under section 234 of the Social Security Act, as added by subsection (a).

SEC. 302. DEMONSTRATION PROJECTS PROVIDING FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS.

(a) AUTHORITY.—The Commissioner of Social Security shall conduct demonstration projects for the purpose of evaluating, through the collection of data, a program for title II disability beneficiaries (as defined in section 1148(k)(3) of the Social Security Act) under which benefits payable under section 223 of such Act, or under section 202 of such Act based on the beneficiary's disability, are reduced by $1 for each $2 of the beneficiary's earnings that is above a level to be determined by the Commissioner. Such projects shall be conducted at a number of localities which the Commissioner shall determine is sufficient to adequately evaluate the appropriateness of national implementation of such a program. Such projects shall identify reductions in Federal expenditures that may result from the permanent implementation of such a program.

(b) SCOPE AND SCALE AND MATTERS TO BE DETERMINED.—

(1) IN GENERAL.—The demonstration projects developed under subsection (a) shall be of sufficient duration, shall be of sufficient scope, and shall be carried out on a wide enough scale to permit a thorough evaluation of the project to determine—

(A) the effects, if any, of induced entry into the project and reduced exit from the project;

(B) the extent, if any, to which the project being tested is affected by whether it is in operation in a locality within an area under the administration of the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act; and

(C) the savings that accrue to the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and other Federal programs under the project being tested.

The Commissioner shall take into account advice provided by the Ticket to Work and Work Incentives Advisory Panel pursuant to section 101(f)(2)(B)(ii) of this Act.

(2) ADDITIONAL MATTERS.—The Commissioner shall also determine with respect to each project—

(A) the annual cost (including net cost) of the project and the annual cost (including net cost) that would have been incurred in the absence of the project;

(B) the determinants of return to work, including the characteristics of the beneficiaries who participate in the project; and

(C) the employment outcomes, including wages, occupations, benefits, and hours worked, of beneficiaries who return to work as a result of participation in the project.

The Commissioner may include within the matters evaluated under the project the merits of trial work periods and periods of extended eligibility.

(c) WAIVERS.—The Commissioner may waive compliance with the benefit provisions of title II of the Social Security Act (42 U.S.C. 401 et seq.), and the Secretary of Health and Human Services may waive compliance with the benefit requirements of title XVIII of such Act (42 U.S.C. 1395 et seq.), insofar as is necessary for a thorough evaluation of the alternative methods under consideration. No such project shall be actually placed in operation unless at least 90 days prior thereto a written report, prepared for purposes of notification and information only and containing a full and complete description thereof, has been transmitted by the Commissioner to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate. Periodic reports on the progress of such projects shall be submitted by the Commissioner to such committees. When appropriate, such reports shall include detailed recommendations for changes in administration or law, or both, to carry out the objectives stated in subsection (a).

(d) INTERIM REPORTS.—Not later than 2 years after the date of the enactment of this Act, and annually thereafter, the Commissioner of Social Security shall submit to the Congress an interim report on the progress of the demonstration projects carried out under this subsection together with any related data and materials that the Commissioner of Social Security may consider appropriate.

(e) FINAL REPORT.—The Commissioner of Social Security shall submit to the Congress a final report with respect to all demonstration projects carried out under this section not later than 1 year after their completion.

(f) EXPENDITURES.—Expenditures made for demonstration projects under this section shall be made from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund, as determined appropriate by the Commissioner of Social Security, and from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as determined appropriate by the Secretary of Health and Human Services, to the extent provided in advance in appropriation Acts.

SEC. 303. STUDIES AND REPORTS.

(a) STUDY BY GENERAL ACCOUNTING OFFICE OF EXISTING DISABILITY-RELATED EMPLOYMENT INCENTIVES.—

(1) STUDY.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall undertake a study to assess existing tax credits and other disability-related employment incentives under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and other Federal laws. In such study, the Comptroller General shall specifically address the extent to which such credits and other incentives would encourage employers to hire and retain individuals with disabilities.

(2) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative

changes as the Comptroller General determines are appropriate.

(b) STUDY BY GENERAL ACCOUNTING OFFICE OF EXISTING COORDINATION OF THE DI AND SSI PROGRAMS AS THEY RELATE TO INDIVIDUALS ENTERING OR LEAVING CONCURRENT ENTITLEMENT.—

(1) STUDY.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall undertake a study to evaluate the coordination under current law of the disability insurance program under title II of the Social Security Act (42 U.S.C. 401 et seq.) and the supplemental security income program under title XVI of such Act (42 U.S.C. 1381 et seq.), as such programs relate to individuals entering or leaving concurrent entitlement under such programs. In such study, the Comptroller General shall specifically address the effectiveness of work incentives under such programs with respect to such individuals and the effectiveness of coverage of such individuals under titles XVIII and XIX of such Act (42 U.S.C. 1395 et seq., 1396 et seq.).

(2) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

(c) STUDY BY GENERAL ACCOUNTING OFFICE OF THE IMPACT OF THE SUBSTANTIAL GAINFUL ACTIVITY LIMIT ON RETURN TO WORK.—

(1) STUDY.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall undertake a study of the substantial gainful activity level applicable as of that date to recipients of benefits under section 223 of the Social Security Act (42 U.S.C. 423) and under section 202 of such Act (42 U.S.C. 402) on the basis of a recipient having a disability, and the effect of such level as a disincentive for those recipients to return to work. In the study, the Comptroller General also shall address the merits of increasing the substantial gainful activity level applicable to such recipients of benefits and the rationale for not yearly indexing that level to inflation.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

(d) REPORT ON DISREGARDS UNDER THE DI AND SSI PROGRAMS.—Not later than 90 days after the date of the enactment of this Act, the Commissioner of Social Security shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that—

(1) identifies all income, assets, and resource disregards (imposed under statutory or regulatory authority) that are applicable to individuals receiving benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.);

(2) with respect to each such disregard—

(A) specifies the most recent statutory or regulatory modification of the disregard; and

(B) recommends whether further statutory or regulatory modification of the disregard would be appropriate; and

(3) with respect to the disregard described in section 1612(b)(7) of such Act (42 U.S.C. 1382a(b)(7)) (relating to grants, scholarships, or fellowships received for use in paying the cost of tuition and fees at any educational (including technical or vocational education) institution)—

(A) identifies the number of individuals receiving benefits under title XVI of such Act (42 U.S.C. 1381 et seq.) who have attained age 22 and have not had any portion of any grant, scholarship, or fellowship received for use in paying the cost of tuition and fees at any educational (including technical or vocational education) institution excluded from their income in accordance with that section;

(B) recommends whether the age at which such grants, scholarships, or fellowships are excluded from income for purposes of determining eligibility under title XVI of such Act (42 U.S.C. 1381 et seq.) should be increased to age 25; and

(C) recommends whether such disregard should be expanded to include any such grant, scholarship, or fellowship received for use in paying the cost of room and board at any such institution.

(e) STUDY BY THE GENERAL ACCOUNTING OFFICE OF SOCIAL SECURITY ADMINISTRATION'S DISABILITY INSURANCE PROGRAM DEMONSTRATION AUTHORITY.—

(1) STUDY.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall undertake a study to assess the results of the Social Security Administration's efforts to conduct disability demonstrations authorized under prior law as well as under section 234 of the Social Security Act (as added by section 301 of this Act).

(2) REPORT.—Not later than 5 years after the date of the enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this section, together with a recommendation as to whether the demonstration authority authorized under section 234 of the Social Security Act (as added by section 301 of this Act) should be made permanent.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

SEC. 401. TECHNICAL AMENDMENTS RELATING TO DRUG ADDICTS AND ALCOHOLICS.

(a) CLARIFICATION RELATING TO THE EFFECTIVE DATE OF THE DENIAL OF SOCIAL SECURITY DISABILITY BENEFITS TO DRUG ADDICTS AND ALCOHOLICS.—Section 105(a)(5) of the Contract with America Advancement Act of 1996 (42 U.S.C. 405 note) is amended—

(1) in subparagraph (A), by striking "by the Commissioner of Social Security" and "by the Commissioner"; and

(2) by adding at the end the following new subparagraph:

"(D) For purposes of this paragraph, an individual's claim, with respect to benefits under title II based on disability, which has been denied in whole before the date of the enactment of this Act, may not be considered to be finally adjudicated before such date if, on or after such date—

"(i) there is pending a request for either administrative or judicial review with respect to such claim; or

"(ii) there is pending, with respect to such claim, a readjudication by the Commissioner of Social Security pursuant to relief in a class action or implementation by the Commissioner of a court remand order.

"(E) Notwithstanding the provisions of this paragraph, with respect to any individual for whom the Commissioner of Social Security does not perform the entitlement redetermination before the date prescribed in subparagraph (C), the Commissioner shall perform such entitlement redetermination in lieu of a continuing disability review whenever the Commissioner determines that the individual's entitlement is subject to redetermination based on the preceding provisions of this paragraph, and the provisions of section 223(f) shall not apply to such redetermination.".

(b) CORRECTION TO EFFECTIVE DATE OF PROVISIONS CONCERNING REPRESENTATIVE PAYEES AND TREATMENT REFERRALS OF SOCIAL SECURITY BENEFICIARIES WHO ARE DRUG ADDICTS AND ALCOHOLICS.—Section 105(a)(5)(B) of the Contract with America Advancement Act of 1996 (42 U.S.C. 405 note) is amended to read as follows:

"(B) The amendments made by paragraphs (2) and (3) shall take effect on July 1, 1996, with respect to any individual—

"(i) whose claim for benefits is finally adjudicated on or after the date of the enactment of this Act; or

"(ii) whose entitlement to benefits is based upon an entitlement redetermination made pursuant to subparagraph (C).".

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect as if included in the enactment of section 105 of the Contract with America Advancement Act of 1996 (Public Law 104–121; 110 Stat. 852 et seq.).

SEC. 402. TREATMENT OF PRISONERS.

(a) IMPLEMENTATION OF PROHIBITION AGAINST PAYMENT OF TITLE II BENEFITS TO PRISONERS.—

(1) IN GENERAL.—Section 202(x)(3) of the Social Security Act (42 U.S.C. 402(x)(3)) is amended—

(A) by inserting "(A)" after "(3)"; and

(B) by adding at the end the following new subparagraph:

"(B)(i) The Commissioner shall enter into an agreement under this subparagraph with any interested State or local institution comprising a jail, prison, penal institution, or correctional facility, or comprising any other institution a purpose of which is to confine individuals as described in paragraph (1)(A)(ii). Under such agreement—

"(I) the institution shall provide to the Commissioner, on a monthly basis and in a manner specified by the Commissioner, the names, Social Security account numbers, dates of birth, confinement commencement dates, and, to the extent available to the institution, such other identifying information concerning the individuals confined in the institution as the Commissioner may require for the purpose of carrying out paragraph (1) and other provisions of this title; and

"(II) the Commissioner shall pay to the institution, with respect to information described in subclause (I) concerning each individual who is confined therein as described in paragraph (1)(A), who receives a benefit under this title for the month preceding the first month of such confinement, and whose benefit under this title is determined by the Commissioner to be not payable by reason of confinement based on the information provided by the institution, $400 (subject to reduction under clause (ii)) if the institution furnishes the information to the Commissioner within 30 days after the date such individual's confinement in such institution begins, or $200 (subject to reduction under clause (ii)) if the institution furnishes the information after 30 days after such date but within 90 days after such date.

"(ii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 1611(e)(1)(I).

"(iii) There are authorized to be transferred from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as appropriate, such sums *as may be necessary to enable the Commissioner to make payments to institutions required by clause (i)(II).*

"(iv) The Commissioner shall maintain, and shall provide on a reimbursable basis, information obtained pursuant to agreements entered into under this paragraph to any agency administering a Federal or federally-assisted cash, food, or medical assistance program for eligibility and other administrative purposes under such program.".

(2) CONFORMING AMENDMENTS TO THE PRIVACY ACT.—Section 552a(a)(8)(B) of title 5, United States Code, is amended—

(A) in clause (vi), by striking "or" at the end;

(B) in clause (vii), by adding "or" at the end; and

(C) by adding at the end the following new clause:

"(viii) matches performed pursuant to section 202(x)(3) or 1611(e)(1) of the Social Security Act (42 U.S.C. 402(x)(3), 1382(e)(1));".

(3) CONFORMING AMENDMENTS TO TITLE XVI.—

(A) Section 1611(e)(1)(I)(i)(I) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)(i)(I)) is amended by striking "; and" and inserting "and the other provisions of this title; and".

(B) Section 1611(e)(1)(I)(ii)(II) of such Act (42 U.S.C. 1382(e)(1)(I)(ii)(II)) is amended by striking "is authorized to provide, on a reimbursable basis," and inserting "shall maintain, and shall provide on a reimbursable basis,".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals whose period of confinement in an institution commences on or after the first day of the fourth month beginning after the month in which this Act is enacted.

(b) ELIMINATION OF TITLE II REQUIREMENT THAT CONFINEMENT STEM FROM CRIME PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1 YEAR.—

(1) IN GENERAL.—Section 202(x)(1)(A) of the Social Security Act (42 U.S.C. 402(x)(1)(A)) is amended—

(A) in the matter preceding clause (i), by striking "during which" and inserting "ending with or during or beginning with or during a period of more than 30 days throughout all of which";

(B) in clause (i), by striking "an offense punishable by imprisonment for more than 1 year (regardless of the actual sentence imposed)" and inserting "a criminal offense"; and

(C) in clause (ii)(I), by striking "an offense punishable by imprisonment for more than 1 year" and inserting "a criminal offense".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals whose period of confinement in an institution commences on or after the first day of the fourth month beginning after the month in which this Act is enacted.

(c) CONFORMING TITLE XVI AMENDMENTS.—

(1) 50 PERCENT REDUCTION IN TITLE XVI PAYMENT IN CASE INVOLVING COMPARABLE TITLE II PAYMENT.—Section 1611(e)(1)(I) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)) is amended—

(A) in clause (i)(II), by inserting "(subject to reduction under clause (ii))" after "$400" and after "$200";

(B) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv) respectively; and

(C) by inserting after clause (i) the following new clause:

"(ii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 202(x)(3)(B).".

(2) EXPANSION OF CATEGORIES OF INSTITUTIONS ELIGIBLE TO ENTER INTO AGREEMENTS WITH THE COMMISSIONER.—Section 1611(e)(1)(I)(i) of such Act (42 U.S.C. 1382(e)(1)(I)(i)) is amended in the matter preceding subclause (I) by striking "institution" and all that follows through "section 202(x)(1)(A)," and inserting "institution comprising a jail, prison, penal institution, or correctional facility, or with any other interested State or local institution a purpose of which is to confine individuals as described in section 202(x)(1)(A)(ii),".

(3) ELIMINATION OF OVERLY BROAD EXEMPTION.—Section 1611(e)(1)(I)(iii) of such Act (42 U.S.C. 1382(e)(1)(I)(iii)) (as redesignated by paragraph (1)(B)) is amended further—

(A) by striking "(I) The provisions" and all that follows through "(II)"; and

(B) by striking "eligibility purposes" and inserting "eligibility and other administrative purposes under such program".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of section 203(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2186). The reference to section 202(x)(1)(A)(ii) of the Social Security Act in section 1611(e)(1)(I)(i) of the Social Security Act, as amended by paragraph (2) of this subsection, shall be deemed a reference to such section 202(x)(1)(A)(ii) of such Act as amended by subsection (b)(1)(C) of this section.

(d) CONTINUED DENIAL OF BENEFITS TO SEX OFFENDERS REMAINING CONFINED TO PUBLIC INSTITUTIONS UPON COMPLETION OF PRISON TERM.—

(1) IN GENERAL.—Section 202(x)(1)(A) of the Social Security Act (42 U.S.C. 402(x)(1)(A)) is amended—

(A) in clause (i), by striking "or" at the end;

(B) in clause (ii)(IV), by striking the period and inserting ", or"; and

(C) by adding at the end the following new clause:

"(iii) immediately upon completion of confinement as described in clause (i) pursuant to conviction of a criminal offense an element of which is sexual activity, is confined by court order in an institution at public expense pursuant to a finding that the individual is a sexually dangerous person or a sexual predator or a similar finding.".

(2) CONFORMING AMENDMENT.—Section 202(x)(1)(B)(ii) of such Act (42 U.S.C. 402(x)(1)(B)(ii)) is amended by striking "clause (ii)" and inserting "clauses (ii) and (iii)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to benefits for months ending after the date of the enactment of this Act.

SEC. 403. REVOCATION BY MEMBERS OF THE CLERGY OF EXEMPTION FROM SOCIAL SECURITY COVERAGE.

(a) IN GENERAL.—Notwithstanding section 1402(e)(4) of the Internal Revenue Code of 1986, any exemption which has been received under section 1402(e)(1) of such Code by a duly ordained, commissioned, or licensed minister of a church, a member of a religious order, or a Christian Science practitioner, and which is effective for the taxable year in which this Act is enacted, may be revoked by filing an application therefor (in such form and manner, and with such official, as may be prescribed by the Commissioner of Internal Revenue), if such application is filed no later than the due date of the Federal income tax return (including any extension thereof) for the applicant's second taxable year beginning after December 31, 1999. Any such revocation shall be effective (for purposes of chapter 2 of the Internal Revenue Code of 1986 and title II of the Social Security Act (42 U.S.C. 401 et seq.)), as specified in the application, either with respect to the applicant's first taxable year beginning after December 31, 1999, or with respect to the applicant's second taxable year beginning after such date, and for all succeeding taxable years; and the applicant for any such revocation may not thereafter again file application for an exemption under such section 1402(e)(1). If the application is filed after the due date of the applicant's Federal income tax return for a taxable year and is effective with respect to that taxable year, it shall include or be accompanied by payment in full of an amount equal to the total of the taxes that would have been imposed by section 1401 of the Internal Revenue Code of 1986 with respect to all of the applicant's income derived in that taxable year which would have constituted net earnings from self-employment for purposes of chapter 2 of such Code (notwithstanding paragraphs (4) and (5) of section 1402(c)) except for the exemption under section 1402(e)(1) of such Code.

(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to service performed (to the extent specified in such subsection) in taxable years beginning after December 31, 1999, and with respect to monthly insurance benefits payable under title II on the basis of the wages and self-employment income of any individual for months in or after the calendar year in which such individual's application for revocation (as described in such subsection) is effective (and lump-sum death payments payable under such title on the basis of such wages and self-employment income in the case of deaths occurring in or after such calendar year).

SEC. 404. ADDITIONAL TECHNICAL AMENDMENT RELATING TO COOPERATIVE RESEARCH OR DEMONSTRATION PROJECTS UNDER TITLES II AND XVI.

(a) IN GENERAL.—Section 1110(a)(3) of the Social Security Act (42 U.S.C. 1310(a)(3)) is amended by striking "title XVI" and inserting "title II or XVI".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103–296; 108 Stat. 1464).

SEC. 405. AUTHORIZATION FOR STATE TO PERMIT ANNUAL WAGE REPORTS.

(a) IN GENERAL.—Section 1137(a)(3) of the Social Security Act (42 U.S.C. 1320b–7(a)(3)) is amended by inserting before the semicolon the following: ", and except that in the case of wage reports with respect to domestic service employment, a State may permit employers (as so defined) that make returns with respect to such employment on a calendar year basis pursuant to section 3510 of the Internal Revenue Code of 1986 to make such reports on an annual basis".

(b) TECHNICAL AMENDMENTS.—Section 1137(a)(3) of the Social Security Act (42 U.S.C. 1320b–7(a)(3)) is amended—

(1) by striking "(as defined in section 453A(a)(2)(B)(iii))"; and

(2) by inserting "(as defined in section 453A(a)(2)(B))" after "employers".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to wage reports required to be submitted on and after the date of the enactment of this Act.

SEC. 406. ASSESSMENT ON ATTORNEYS WHO RECEIVE THEIR FEES VIA THE SOCIAL SECURITY ADMINISTRATION.

(a) ASSESSMENT ON ATTORNEYS.—

(1) IN GENERAL.—Section 206 of the Social Security Act (42 U.S.C. 406) is amended by adding at the end the following new subsection:

"(d) ASSESSMENT ON ATTORNEYS.—

"(1) IN GENERAL.—Whenever a fee for services is required to be certified for payment to an attorney from a claimant's past-due benefits pursuant to subsection (a)(4) or (b)(1), the Commissioner shall impose on the attorney an assessment calculated in accordance with paragraph (2).

"(2) AMOUNT.—

"(A) The amount of an assessment under paragraph (1) shall be equal to the product obtained by multiplying the amount of the representative's fee that would be required to be so certified by subsection (a)(4) or (b)(1) before the application of this subsection, by the percentage specified in subparagraph (B).

"(B) The percentage specified in this subparagraph is—

"(i) for calendar years before 2001, 6.3 percent, and

"(ii) for calendar years after 2000, such percentage rate as the Commissioner determines is necessary in order to achieve full recovery of the costs of determining and certifying fees to attorneys from the past-due benefits of claimants, but not in excess of 6.3 percent.

"(3) COLLECTION.—The Commissioner may collect the assessment imposed on an attorney under paragraph (1) by offset from the amount of the fee otherwise required by subsection (a)(4) or (b)(1) to be certified for payment to the attorney from a claimant's past-due benefits.

"(4) PROHIBITION ON CLAIMANT REIMBURSEMENT.—An attorney subject to an assessment under paragraph (1) may not, directly or indirectly, request or otherwise obtain reimbursement for such assessment from the claimant whose claim gave rise to the assessment.

"(5) DISPOSITION OF ASSESSMENTS.—Assessments on attorneys collected under this subsection shall be credited to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as appropriate.

"(6) AUTHORIZATION OF APPROPRIATIONS.—The assessments authorized under this section shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Amounts so appropriated are authorized to remain available until expended, for administrative expenses in carrying out this title and related laws.".

(2) CONFORMING AMENDMENTS.—

(A) Section 206(a)(4)(A) of such Act (42 U.S.C. 406(a)(4)(A)) is amended by inserting "and subsection (d)" after "subparagraph (B)".

(B) Section 206(b)(1)(A) of such Act (42 U.S.C. 406(b)(1)(A)) is amended by inserting ", but subject to subsection (d) of this section" after "section 205(i)".

(b) ELIMINATION OF 15-DAY WAITING PERIOD FOR PAYMENT OF FEES.—Section 206(a)(4) of such Act (42 U.S.C. 406(a)(4)), as amended by subsection (a)(2)(A) of this section, is amended—

(1) by striking "(4)(A)" and inserting "(4)";

(2) by striking "subparagraph (B) and"; and

(3) by striking subparagraph (B).

(c) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study that—

(A) examines the costs incurred by the Social Security Administration in administering the provisions of subsection (a)(4) and (b)(1) of section 206 of the Social Security Act (42 U.S.C. 406) and itemizes the components of such costs, including the costs of determining fees to attorneys from the past-due benefits of claimants before the Commissioner of Social Security and of certifying such fees;

(B) identifies efficiencies that the Social Security Administration could implement to reduce such costs;

(C) examines the feasibility and advisability of linking the payment of, or the amount of, the assessment under section 206(d) of the Social Security Act (42 U.S.C. 406(d)) to the timeliness of the payment of the fee to the attorney as certified by the Commissioner of Social Security pursuant to subsection (a)(4) or (b)(1) of section 206 of such Act (42 U.S.C. 406);

(D) determines whether the provisions of subsection (a)(4) and (b)(1) of section 206 of such Act (42 U.S.C. 406) should be applied to claimants under title XVI of such Act (42 U.S.C 1381 et seq.);

(E) determines the feasibility and advisability of stating fees under section 206(d) of such Act (42 U.S.C. 406(d)) in terms of a fixed dollar amount as opposed to a percentage;

(F) determines whether the dollar limit specified in section 206(a)(2)(A)(ii)(II) of such Act (42 U.S.C. 406(a)(2)(A)(ii)(II)) should be raised; and

(G) determines whether the assessment on attorneys required under section 206(d) of such Act (42 U.S.C. 406(d)) (as added by subsection (a)(1) of this section) impairs access to legal representation for claimants.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the study conducted under paragraph (1), together with any recommendations for legislation that the Comptroller General determines to be appropriate as a result of such study.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply in the case of any attorney with respect to whom a fee for services is required to be certified for payment from a claimant's past-due benefits pursuant to subsection (a)(4) or (b)(1) of section 206 of the Social Security Act after the later of—

(1) December 31, 1999, or

(2) the last day of the first month beginning after the month in which this Act is enacted.

SEC. 407. EXTENSION OF AUTHORITY OF STATE MEDICAID FRAUD CONTROL UNITS.

(a) EXTENSION OF AUTHORITY TO INVESTIGATE AND PROSECUTE FRAUD IN OTHER FEDERAL HEALTH CARE PROGRAMS.—Section 1903(q)(3) of the Social Security Act (42 U.S.C. 1396b(q)(3)) is amended—

(1) by inserting "(A)" after "in connection with"; and

(2) by striking "title." and inserting "title; and (B) upon the approval of the Inspector General of the relevant Federal agency, any aspect of the provision of health care services and activities of providers of such services under any Federal health care program (as defined in section 1128B(f)(1)), if the suspected fraud or violation of law in such case or investigation is primarily related to the State plan under this title.".

(b) RECOUPMENT OF FUNDS.—Section 1903(q)(5) of such Act (42 U.S.C. 1396b(q)(5)) is amended—

(1) by inserting "or under any Federal health care program (as so defined)" after "plan"; and

(2) by adding at the end the following: "All funds collected in accordance with this paragraph shall be credited exclusively to, and available for expenditure under, the Federal health care program (including the State plan under this title) that was subject to the activity that was the basis for the collection.".

(c) EXTENSION OF AUTHORITY TO INVESTIGATE AND PROSECUTE RESIDENT ABUSE IN NON-MEDICAID BOARD AND CARE FACILITIES.—Section 1903(q)(4) of such Act (42 U.S.C. 1396b(q)(4)) is amended to read as follows:

"(4)(A) The entity has—

"(i) procedures for reviewing complaints of abuse or neglect of patients in health care facilities which receive payments under the State plan under this title;

"(ii) at the option of the entity, procedures for reviewing complaints of abuse or neglect of patients residing in board and care facilities; and

"(iii) procedures for acting upon such complaints under the criminal laws of the State or for referring such complaints to other State agencies for action.

"(B) For purposes of this paragraph, the term 'board and care facility' means a residential setting which receives payment (regardless of whether such payment is made under the State plan under this title) from or on behalf of two or more unrelated adults who reside in such facility, and for whom one or both of the following is provided:

"(i) Nursing care services provided by, or under the supervision of, a registered nurse, licensed practical nurse, or licensed nursing assistant.

"(ii) A substantial amount of personal care services that assist residents with the activities of daily living, including personal hygiene, dressing, bathing, eating, toileting, ambulation, transfer, positioning, self-medication, body care, travel to medical services, essential shopping, meal preparation, laundry, and housework.".

(d) EFFECTIVE DATE.—The amendments made by this section take effect on the date of the enactment of this Act.

SEC. 408. CLIMATE DATABASE MODERNIZATION.

Notwithstanding any other provision of law, the National Oceanic and Atmospheric Administration (NOAA) shall contract for its multi-year program for climate database modernization and utilization in accordance with NIH Image World Contract #263-96-D-0323 and Task Order #56-DKNE-9-98303 which were awarded as a result of fair and open competition conducted in response to NOAA's solicitation IW SOW 1032.

SEC. 409. SPECIAL ALLOWANCE ADJUSTMENT FOR STUDENT LOANS.

(a) AMENDMENT.—Section 438(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087-1(b)(2)) is amended—

(1) in subparagraph (A), by striking "(G), and (H)" and inserting "(G), (H), and (I)";

(2) in subparagraph (B)(iv), by striking "(G), or (H)" and inserting "(G), (H), or (I)";

(3) in subparagraph (C)(ii), by striking "(G) and (H)" and inserting "(G), (H), and (I)";

(4) in the heading of subparagraph (H), by striking "JULY 1, 2003" and inserting "JANUARY 1, 2000";

(5) in subparagraph (H), by striking "July 1, 2003," each place it appears and inserting "January 1, 2000,"; and

(6) by inserting after subparagraph (H) the following new subparagraph:

"(I) LOANS DISBURSED ON OR AFTER JANUARY 1, 2000, AND BEFORE JULY 1, 2003.—

"(i) IN GENERAL.—Notwithstanding subparagraphs (G) and (H), but subject to paragraph (4) and clauses (ii), (iii), and (iv) of this subparagraph, and except as provided in subparagraph (B), the special allowance paid pursuant to this subsection on loans for which the first disbursement is made on or after January 1, 2000, and before July 1, 2003, shall be computed—

"(I) by determining the average of the bond equivalent rates of the quotes of the 3-month commercial paper (financial) rates in effect for each of the days in such quarter as reported by the Federal Reserve in Publication H-15 (or its successor) for such 3-month period;

"(II) by subtracting the applicable interest rates on such loans from such average bond equivalent rate;

"(III) by adding 2.34 percent to the resultant percent; and

"(IV) by dividing the resultant percent by 4.

"(ii) IN SCHOOL AND GRACE PERIOD.—In the case of any loan for which the first disbursement is made on or after January 1, 2000, and before July 1, 2003, and for which the applicable rate of interest is described in section 427A(k)(2), clause (i)(III) of this subparagraph shall be applied by substituting '1.74 percent' for '2.34 percent'.

"(iii) PLUS LOANS.—In the case of any loan for which the first disbursement is made on or after January 1, 2000, and before July 1, 2003, and for which the applicable rate of interest is described in section 427A(k)(3), clause (i)(III) of *this subparagraph shall be applied by substituting '2.64 percent' for '2.34 percent', subject to clause (v) of this subparagraph.*

"(iv) Consolidation Loans.—In the case of any consolidation loan for which the application is received by an eligible lender on or after January 1, 2000, and before July 1, 2003, and for which the applicable interest rate is determined under section 427A(k)(4), clause (i)(III) of this subparagraph shall be applied by substituting '2.64 percent' for '2.34 percent', subject to clause (vi) of this subparagraph.

"(v) Limitation on Special Allowances for PLUS Loans.—In the case of PLUS loans made under section 428B and first disbursed on or after January 1, 2000, and before July 1, 2003, for which the interest rate is determined under section 427A(k)(3), a special allowance shall not be paid for such loan during any 12-month period beginning on July 1 and ending on June 30 unless, on the June 1 preceding such July 1—

"(I) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1 (as determined by the Secretary for purposes of such section); plus

"(II) 3.1 percent,

exceeds 9.0 percent.

"(vi) Limitation on Special Allowances for Consolidation Loans.—In the case of consolidation loans made under section 428C and for which the application is received on or after January 1, 2000, and before July 1, 2003, for which the interest rate is determined under section 427A(k)(4), a special allowance shall not be paid for such loan during any 3-month period ending March 31, June 30, September 30, or December 31 unless—

"(I) the average of the bond equivalent rates of the quotes of the 3-month commercial paper (financial) rates in effect for each of the days in such quarter as reported by the Federal Reserve in Publication H–15 (or its successor) for such 3-month period; plus

"(II) 2.64 percent,

exceeds the rate determined under section 427A(k)(4).".

(b) Effective Date.—Subparagraph (I) of section 438(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)) as added by subsection (a) of this section shall apply with respect to any payment pursuant to such section with respect to any 3-month period beginning on or after January 1, 2000, for loans for which the first disbursement is made after such date.

SEC. 410. SCHEDULE FOR PAYMENTS UNDER SSI STATE SUPPLEMENTATION AGREEMENTS.

(a) Schedule for SSI Supplementation Payments.—

(1) In general.—Section 1616(d) of the Social Security Act (42 U.S.C. 1382e(d)) is amended—

(A) in paragraph (1), by striking "at such times and in such installments as may be agreed upon between the Commissioner of Social Security and such State" and inserting "in accordance with paragraph (5)"; and

(B) by adding at the end the following new paragraph:

"(5)(A)(i) Any State which has entered into an agreement with the Commissioner of Social Security under this section shall remit the payments and fees required under this subsection with respect to monthly benefits paid to individuals under this title no later than—

"(I) the business day preceding the date that the Commissioner pays such monthly benefits; or

"(II) with respect to such monthly benefits paid for the month that is the last month of the State's fiscal year, the fifth business day following such date.

"(ii) The Commissioner may charge States a penalty in an amount equal to 5 percent of the payment and the fees due if the remittance is received after the date required by clause (i).

"(B) The Cash Management Improvement Act of 1990 shall not apply to any payments or fees required under this subsection that are paid by a State before the date required by subparagraph (A)(i).

"(C) Notwithstanding subparagraph (A)(i), the Commissioner may make supplementary payments on behalf of a State with funds appropriated for payment of benefits under this title, and subsequently to be reimbursed for such payments by the State at such times as the Commissioner and State may agree. Such authority may be exercised only if extraordinary circumstances affecting a State's ability to make payment when required by subparagraph (A)(i) are determined by the Commissioner to exist.".

(2) Amendment to Section 212.—Section 212 of Public Law 93-66 (42 U.S.C. 1382 note) is amended—

(A) in subsection (b)(3)(A), by striking "at such times and in such installments as may be agreed upon between the Secretary and the State" and inserting "in accordance with subparagraph (E)";

(B) by adding at the end of subsection (b)(3) the following new subparagraph:

"(E)(i) Any State which has entered into an agreement with the Commissioner of Social Security under this section shall remit the payments and fees required under this paragraph with respect to monthly benefits paid to individuals under title XVI of the Social Security Act no later than—

"(I) the business day preceding the date that the Commissioner pays such monthly benefits; or

"(II) with respect to such monthly benefits paid for the month that is the last month of the State's fiscal year, the fifth business day following such date.

"(ii) The Cash Management Improvement Act of 1990 shall not apply to any payments or fees required under this paragraph that are paid by a State before the date required by clause (i).

"(iii) Notwithstanding clause (i), the Commissioner may make supplementary payments on behalf of a State with funds appropriated for payment of supplemental security income benefits under title XVI of the Social Security Act, and subsequently to be reimbursed for such payments by the State at such times as the Commissioner and State may agree. Such authority may be exercised only if extraordinary circumstances affecting a State's ability to make payment when required by clause (i) are determined by the Commissioner to exist."; and

(C) by striking "Secretary of Health, Education, and Welfare" and "Secretary" each place such term appear and inserting "Commissioner of Social Security".

(b) Effective Date.—The amendments made by subsection (a) shall apply to payments and fees arising under an agreement between a State and the Commissioner of Social Security under section 1616 of the Social Security Act (42 U.S.C. 1382e) or under section 212 of Public Law 93-66 (42 U.S.C. 1382 note) with respect to monthly benefits paid to individuals under title XVI of the Social Security Act for months after September 2009 (October 2009 in the case of a State with a fiscal year that coincides with the Federal fiscal year), without regard to whether the agreement has been modified to reflect such amendments or the Commissioner has promulgated regulations implementing such amendments.

SEC. 411. BONUS COMMODITIES.

Section 6(e)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(e)(1)) is amended—

(1) by striking "in the form of commodity assistance" and inserting "in the form of—

"(A) commodity assistance";

(2) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(B) during the period beginning October 1, 2000, and ending September 30, 2009, commodities provided by the Secretary under any provision of law.".

SEC. 412. SIMPLIFICATION OF DEFINITION OF FOSTER CHILD UNDER EIC.

(a) In General.—Section 32(c)(3)(B)(iii) of the Internal Revenue Code of 1986 (defining eligible foster child) is amended by redesignating subclauses (I) and (II) as subclauses (II) and (III), respectively, and by inserting before subclause (II), as so redesignated, the following:

"(I) is a brother, sister, stepbrother, or stepsister of the taxpayer (or a descendant of any such relative) or is placed with the taxpayer by an authorized placement agency,".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 413. DELAY OF EFFECTIVE DATE OF ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK FINAL RULE.

(a) In General.—The final rule entitled "Organ Procurement and Transplantation Network", promulgated by the Secretary of Health and Human Services on April 2, 1998 (63 Fed. Reg. 16295 et seq.) (relating to part 121 of title 42, Code of Federal Regulations), together with the amendments to such rules promulgated on October 20, 1999 (64 Fed. Reg. 56649 et seq.) shall not become effective before the expiration of the 90-day period beginning on the date of the enactment of this Act.

(b) Notice and Review.—For purposes of subsection (a):

(1) Not later than 3 days after the date of the enactment of this Act, the Secretary of Health and Human Services (referred to in this subsection as the "Secretary") shall publish in the Federal Register a notice providing that the period within which comments on the final rule may be submitted to the Secretary is 60 days after the date of such publication of the notice.

(2) Not later than 21 days after the expiration of such 60-day period, the Secretary shall complete the review of the comments submitted pursuant to paragraph (1) and shall amend the final rule with any revisions appropriate according to the review by the Secretary of such comments. The final rule may be in the form of amendments to the rule referred to in subsection (a) that was promulgated on April 2, 1998, and in the form of amendments to the rule referred to in such subsection that was promulgated on October 20, 1999.

TITLE V—TAX RELIEF EXTENSION ACT OF 1999

SEC. 500. SHORT TITLE OF TITLE.

This title may be cited as the "Tax Relief Extension Act of 1999".

Subtitle A—Extensions

SEC. 501. ALLOWANCE OF NONREFUNDABLE PERSONAL CREDITS AGAINST REGULAR AND MINIMUM TAX LIABILITY.

(a) In General.—Subsection (a) of section 26 of the Internal Revenue Code of 1986 (relating to limitation based on amount of tax) is amended to read as follows:

"(a) Limitation Based on Amount of Tax.—

"(1) In general.—The aggregate amount of credits allowed by this subpart for the taxable year shall not exceed the excess (if any) of—

"(A) the taxpayer's regular tax liability for the taxable year, over

"(B) the tentative minimum tax for the taxable year (determined without regard to the alternative minimum tax foreign tax credit).

For purposes of subparagraph (B), the taxpayer's tentative minimum tax for any taxable year beginning during 1999 shall be treated as being zero.".

"(2) Special rule for 2000 and 2001.—For purposes of any taxable year beginning during

2000 or 2001, the aggregate amount of credits allowed by this subpart for the taxable year shall not exceed the sum of—

"(A) the taxpayer's regular tax liability for the taxable year reduced by the foreign tax credit allowable under section 27(a), and

"(B) the tax imposed by section 55(a) for the taxable year.".

(b) Conforming Amendments.—

(1) Section 24(d)(2) of such Code is amended by striking "1998" and inserting "2001".

(2) Section 904(h) of such Code is amended by adding at the end the following: "This subsection shall not apply to taxable years beginning during 2000 or 2001.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. 502. RESEARCH CREDIT.

(a) Extension.—

(1) In general.—Paragraph (1) of section 41(h) of the Internal Revenue Code of 1986 (relating to termination) is amended—

(A) by striking "June 30, 1999" and inserting "June 30, 2004", and

(B) by striking the material following subparagraph (B).

(2) Technical amendment.—Subparagraph (D) of section 45C(b)(1) of such Code is amended by striking "June 30, 1999" and inserting "June 30, 2004".

(3) Effective date.—The amendments made by this subsection shall apply to amounts paid or incurred after June 30, 1999.

(b) Increase in Percentages Under Alternative Incremental Credit.—

(1) In general.—Subparagraph (A) of section 41(c)(4) of such Code is amended—

(A) by striking "1.65 percent" and inserting "2.65 percent",

(B) by striking "2.2 percent" and inserting "3.2 percent", and

(C) by striking "2.75 percent" and inserting "3.75 percent".

(2) Effective date.—The amendments made by this subsection shall apply to taxable years beginning after June 30, 1999.

(c) Extension of Research Credit to Research in Puerto Rico and the Possessions of the United States.—

(1) In general.—Subsections (c)(6) and (d)(4)(F) of section 41 of such Code (relating to foreign research) are each amended by inserting ", the Commonwealth of Puerto Rico, or any possession of the United States" after "United States".

(2) Denial of double benefit.—Section 280C(c)(1) of such Code is amended by inserting "or credit" after "deduction" each place it appears.

(3) Effective date.—The amendments made by this subsection shall apply to amounts paid or incurred after June 30, 1999.

(d) Special Rule.—

(1) In general.—For purposes of the Internal Revenue Code of 1986, the credit determined under section 41 of such Code which is otherwise allowable under such Code—

(A) shall not be taken into account prior to October 1, 2000, to the extent such credit is attributable to the first suspension period, and

(B) shall not be taken into account prior to October 1, 2001, to the extent such credit is attributable to the second suspension period.

On or after the earliest date that an amount of credit may be taken into account, such amount may be taken into account through the filing of an amended return, an application for expedited refund, an adjustment of estimated taxes, or other means allowed by such Code.

(2) Suspension periods.—For purposes of this subsection—

(A) the first suspension period is the period beginning on July 1, 1999, and ending on September 30, 2000, and

(B) the second suspension period is the period beginning on October 1, 2000, and ending on September 30, 2001.

(3) Expedited refunds.—

(A) In general.—If there is an overpayment of tax with respect to a taxable year by reason of paragraph (1), the taxpayer may file an application for a tentative refund of such overpayment. Such application shall be in such manner and form, and contain such information, as the Secretary may prescribe.

(B) Deadline for applications.—Subparagraph (A) shall apply only to an application filed before the date which is 1 year after the close of the suspension period to which the application relates.

(C) Allowance of adjustments.—Not later than 90 days after the date on which an application is filed under this paragraph, the Secretary shall—

(i) review the application,

(ii) determine the amount of the overpayment, and

(iii) apply, credit, or refund such overpayment,

in a manner similar to the manner provided in section 6411(b) of such Code.

(D) Consolidated returns.—The provisions of section 6411(c) of such Code shall apply to an adjustment under this paragraph in such manner as the Secretary may provide.

(4) Credit attributable to suspension period.—

(A) In general.—For purposes of this subsection, in the case of a taxable year which includes a portion of the suspension period, the amount of credit determined under section 41 of such Code for such taxable year which is attributable to such period is the amount which bears the same ratio to the amount of credit determined under such section 41 for such taxable year as the number of months in the suspension period which are during such taxable year bears to the number of months in such taxable year.

(B) Waiver of estimated tax penalties.—No addition to tax shall be made under section 6654 or 6655 of such Code for any period before July 1, 1999, with respect to any underpayment of tax imposed by such Code to the extent such underpayment was created or increased by reason of subparagraph (A).

(5) Secretary.—For purposes of this subsection, the term "Secretary" means the Secretary of the Treasury (or such Secretary's delegate).

SEC. 503. SUBPART F EXEMPTION FOR ACTIVE FINANCING INCOME.

(a) In General.—Sections 953(e)(10) and 954(h)(9) of the Internal Revenue Code of 1986 (relating to application) are each amended—

(1) by striking "the first taxable year" and inserting "taxable years",

(2) by striking "January 1, 2000" and inserting "January 1, 2002", and

(3) by striking "within which such" and inserting "within which any such".

(b) Technical Amendment.—Paragraph (10) of section 953(e) of such Code is amended by adding at the end the following new sentence: "If this subsection does not apply to a taxable year of a foreign corporation beginning after December 31, 2001 (and taxable years of United States shareholders ending with or within such taxable year), then, notwithstanding the preceding sentence, subsection (a) shall be applied to such taxable years in the same manner as it would if the taxable year of the foreign corporation began in 1998."

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 504. TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR MARGINAL PRODUCTION.

(a) In General.—Subparagraph (H) of section 613A(c)(6) of the Internal Revenue Code of 1986 (relating to temporary suspension of taxable limit with respect to marginal production) is amended by striking "January 1, 2000" and inserting "January 1, 2002".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 505. WORK OPPORTUNITY CREDIT AND WELFARE-TO-WORK CREDIT.

(a) Temporary Extension.—Sections 51(c)(4)(B) and 51A(f) of the Internal Revenue Code of 1986 (relating to termination) are each amended by striking "June 30, 1999" and inserting "December 31, 2001".

(b) Clarification of First Year of Employment.—Paragraph (2) of section 51(i) of such Code is amended by striking "during which he was not a member of a targeted group".

(c) Effective Date.—The amendments made by this section shall apply to individuals who begin work for the employer after June 30, 1999.

SEC. 506. EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE.

(a) In General.—Subsection (d) of section 127 of the Internal Revenue Code of 1986 (relating to termination) is amended by striking "May 31, 2000" and inserting "December 31, 2001".

(b) Effective Date.—The amendment made by subsection (a) shall apply to courses beginning after May 31, 2000.

SEC. 507. EXTENSION AND MODIFICATION OF CREDIT FOR PRODUCING ELECTRICITY FROM CERTAIN RENEWABLE RESOURCES.

(a) Extension and Modification of Placed-in-Service Rules.—Paragraph (3) of section 45(c) of the Internal Revenue Code of 1986 is amended to read as follows:

"(3) Qualified facility.—

"(A) Wind facility.—In the case of a facility using wind to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after December 31, 1993, and before January 1, 2002.

"(B) Closed-loop biomass facility.—In the case of a facility using closed-loop biomass to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after December 31, 1992, and before January 1, 2002.

"(C) Poultry waste facility.—In the case of a facility using poultry waste to produce electricity, the term 'qualified facility' means any facility of the taxpayer which is originally placed in service after December 31, 1999, and before January 1, 2002.".

(b) Expansion of Qualified Energy Resources.—

(1) In general.—Section 45(c)(1) of such Code (defining qualified energy resources) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) poultry waste.".

(2) Definition.—Section 45(c) of such Code is amended by adding at the end the following new paragraph:

"(4) Poultry waste.—The term 'poultry waste' means poultry manure and litter, including wood shavings, straw, rice hulls, and other bedding material for the disposition of manure.".

(c) Special Rules.—Section 45(d) of such Code (relating to definitions and special rules) is amended by adding at the end the following new paragraphs:

"(6) Credit eligibility in the case of government-owned facilities using poultry waste.—In the case of a facility using poultry waste to produce electricity and owned by a governmental unit, the person eligible for the

credit under subsection (a) is the lessee or the operator of such facility.

"(7) CREDIT NOT TO APPLY TO ELECTRICITY SOLD TO UTILITIES UNDER CERTAIN CONTRACTS.—

"(A) IN GENERAL.—The credit determined under subsection (a) shall not apply to electricity—

"(i) produced at a qualified facility described in paragraph (3)(A) which is placed in service by the taxpayer after June 30, 1999, and

"(ii) sold to a utility pursuant to a contract originally entered into before January 1, 1987 (whether or not amended or restated after that date).

"(B) EXCEPTION.—Subparagraph (A) shall not apply if—

"(i) the prices for energy and capacity from such facility are established pursuant to an amendment to the contract referred to in subparagraph (A)(ii).

"(ii) such amendment provides that the prices set forth in the contract which exceed avoided cost prices determined at the time of delivery shall apply only to annual quantities of electricity (prorated for partial years) which do not exceed the greater of—

"(I) the average annual quantity of electricity sold to the utility under the contract during calendar years 1994, 1995, 1996, 1997, and 1998, or

"(II) the estimate of the annual electricity production set forth in the contract, or, if there is no such estimate, the greatest annual quantity of electricity sold to the utility under the contract in any of the calendar years 1996, 1997, or 1998, and

"(iii) such amendment provides that energy and capacity in excess of the limitation in clause (ii) may be—

"(I) sold to the utility only at prices that do not exceed avoided cost prices determined at the time of delivery, or

"(II) sold to a third party subject to a mutually agreed upon advance notice to the utility. For purposes of this subparagraph, avoided cost prices shall be determined as provided for in 18 CFR 292.304(d)(1) or any successor regulation.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 508. EXTENSION OF DUTY-FREE TREATMENT UNDER GENERALIZED SYSTEM OF PREFERENCES.

(a) IN GENERAL.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking "June 30, 1999" and inserting "September 30, 2001".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section applies to articles entered on or after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.—

(A) GENERAL RULE.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, and subject to paragraph (3), any entry—

(i) of an article to which duty-free treatment under title V of the Trade Act of 1974 would have applied if such entry had been made on July 1, 1999, and such title had been in effect on July 1, 1999, and

(ii) that was made—

(I) after June 30, 1999, and

(II) before the date of enactment of this Act, shall be liquidated or reliquidated as free of duty, and the Secretary of the Treasury shall refund any duty paid with respect to such entry.

(B) ENTRY.—As used in this paragraph, the term "entry" includes a withdrawal from warehouse for consumption.

(3) REQUESTS.—Liquidation or reliquidation may be made under paragraph (2) with respect to an entry only if a request therefore is filed with the Customs Service, within 180 days after the date of enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry, or

(B) to reconstruct the entry if it cannot be located.

SEC. 509. EXTENSION OF CREDIT FOR HOLDERS OF QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Section 1397E(e)(1) of the Internal Revenue Code of 1986 (relating to national limitation) is amended by striking "and 1999" and inserting ", 1999, 2000, and 2001".

(b) LIMITATION ON CARRYOVER PERIODS.—Paragraph (4) of section 1397E(e) of such Code is amended by adding at the end the following flush sentences:

"Any carryforward of a limitation amount may be carried only to the first 2 years (3 years for carryforwards from 1998 or 1999) following the unused limitation year. For purposes of the preceding sentence, a limitation amount shall be treated as used on a first-in first-out basis."

SEC. 510. EXTENSION OF FIRST-TIME HOMEBUYER CREDIT FOR DISTRICT OF COLUMBIA.

Section 1400C(i) of the Internal Revenue Code of 1986 is amended by striking "2001" and inserting "2002".

SEC. 511. EXTENSION OF EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

Section 198(h) of the Internal Revenue Code of 1986 is amended by striking "2000" and inserting "2001".

SEC. 512. TEMPORARY INCREASE IN AMOUNT OF RUM EXCISE TAX COVERED OVER TO PUERTO RICO AND VIRGIN ISLANDS.

(a) IN GENERAL.—Section 7652(f)(1) of the Internal Revenue Code of 1986 (relating to limitation on cover over of tax on distilled spirits) is amended to read as follows:

"(1) $10.50 ($13.25 in the case of distilled spirits brought into the United States after June 30, 1999, and before January 1, 2002), or".

(b) SPECIAL COVER OVER TRANSFER RULES.—Notwithstanding section 7652 of the Internal Revenue Code of 1986, the following rules shall apply with respect to any transfer before October 1, 2000, of amounts relating to the increase in the cover over of taxes by reason of the amendment made by subsection (a):

(1) INITIAL TRANSFER OF INCREMENTAL INCREASE IN COVER OVER.—The Secretary of the Treasury shall, within 15 days after the date of the enactment of this Act, transfer an amount equal to the lesser of—

(A) the amount of such increase otherwise required to be covered over after June 30, 1999, and before the date of the enactment of this Act, or

(B) $20,000,000.

(2) TRANSFER OF INCREMENTAL INCREASE FOR FISCAL YEAR 2001.—The Secretary of the Treasury shall on October 1, 2000, transfer an amount equal to the excess of—

(A) the amount of such increase otherwise required to be covered over after June 30, 1999, and before October 1, 2000, over

(B) the amount of the transfer described in paragraph (1).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 1999.

Subtitle B—Other Time-Sensitive Provisions

SEC. 521. ADVANCE PRICING AGREEMENTS TREATED AS CONFIDENTIAL TAXPAYER INFORMATION.

(a) IN GENERAL.—

(1) TREATMENT AS RETURN INFORMATION.—Paragraph (2) of section 6103(b) of the Internal Revenue Code of 1986 (defining return information) is amended by striking "and" at the end of subparagraph (A), by inserting "and" at the end of subparagraph (B), and by inserting after subparagraph (B) the following new subparagraph:

"(C) any advance pricing agreement entered into by a taxpayer and the Secretary and any background information related to such agreement or any application for an advance pricing agreement,".

(2) EXCEPTION FROM PUBLIC INSPECTION AS WRITTEN DETERMINATION.—Paragraph (1) of section 6110(b) of such Code (defining written determination) is amended by adding at the end the following new sentence: "Such term shall not include any advance pricing agreement entered into by a taxpayer and the Secretary and any background information related to such agreement or any application for an advance pricing agreement.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(b) ANNUAL REPORT REGARDING ADVANCE PRICING AGREEMENTS.—

(1) IN GENERAL.—Not later than 90 days after the end of each calendar year, the Secretary of the Treasury shall prepare and publish a report regarding advance pricing agreements.

(2) CONTENTS OF REPORT.—The report shall include the following for the calendar year to which such report relates:

(A) Information about the structure, composition, and operation of the advance pricing agreement program office.

(B) A copy of each model advance pricing agreement.

(C) The number of—

(i) applications filed during such calendar year for advance pricing agreements;

(ii) advance pricing agreements executed cumulatively to date and during such calendar year;

(iii) renewals of advance pricing agreements issued;

(iv) pending requests for advance pricing agreements;

(v) pending renewals of advance pricing agreements;

(vi) for each of the items in clauses (ii) through (v), the number that are unilateral, bilateral, and multilateral, respectively;

(vii) advance pricing agreements revoked or canceled, and the number of withdrawals from the advance pricing agreement program; and

(viii) advance pricing agreements finalized or renewed by industry.

(D) General descriptions of—

(i) the nature of the relationships between the related organizations, trades, or businesses covered by advance pricing agreements;

(ii) the covered transactions and the business functions performed and risks assumed by such organizations, trades, or businesses;

(iii) the related organizations, trades, or businesses whose prices or results are tested to determine compliance with transfer pricing methodologies prescribed in advance pricing agreements;

(iv) methodologies used to evaluate tested parties and transactions and the circumstances leading to the use of those methodologies;

(v) critical assumptions made and sources of comparables used;

(vi) comparable selection criteria and the rationale used in determining such criteria;

(vii) the nature of adjustments to comparables or tested parties;

(viii) the nature of any ranges agreed to, including information regarding when no range was used and why, when interquartile ranges were used, and when there was a statistical narrowing of the comparables;

(ix) adjustment mechanisms provided to rectify results that fall outside of the agreed upon advance pricing agreement range;

(x) the various term lengths for advance pricing agreements, including rollback years, and the number of advance pricing agreements with each such term length;

(xi) the nature of documentation required; and

(xii) approaches for sharing of currency or other risks.

(E) Statistics regarding the amount of time taken to complete new and renewal advance pricing agreements.

(F) A detailed description of the Secretary of the Treasury's efforts to ensure compliance with existing advance pricing agreements.

(3) CONFIDENTIALITY.—The reports required by this subsection shall be treated as authorized by the Internal Revenue Code of 1986 for purposes of section 6103 of such Code, but the reports shall not include information—

(A) which would not be permitted to be disclosed under section 6110(c) of such Code if such report were a written determination as defined in section 6110 of such Code, or

(B) which can be associated with, or otherwise identify, directly or indirectly, a particular taxpayer.

(4) FIRST REPORT.—The report for calendar year 1999 shall include prior calendar years after 1990.

(c) REGULATIONS.—The Secretary of the Treasury or the Secretary's delegate shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of section 6103(b)(2)(C), and the last sentence of section 6110(b)(1), of the Internal Revenue Code of 1986, as added by this section.

SEC. 522. AUTHORITY TO POSTPONE CERTAIN TAX-RELATED DEADLINES BY REASON OF Y2K FAILURES.

(a) IN GENERAL.—In the case of a taxpayer determined by the Secretary of the Treasury (or the Secretary's delegate) to be affected by a Y2K failure, the Secretary may disregard a period of up to 90 days in determining, under the internal revenue laws, in respect of any tax liability (including any interest, penalty, additional amount, or addition to the tax) of such taxpayer—

(1) whether any of the acts described in paragraph (1) of section 7508(a) of the Internal Revenue Code of 1986 (without regard to the exceptions in parentheses in subparagraphs (A) and (B)) were performed within the time prescribed therefor, and

(2) the amount of any credit or refund.

(b) APPLICABILITY OF CERTAIN RULES.—For purposes of this section, rules similar to the rules of subsections (b) and (e) of section 7508 of the Internal Revenue Code of 1986 shall apply.

SEC. 523. INCLUSION OF CERTAIN VACCINES AGAINST STREPTOCOCCUS PNEUMONIAE TO LIST OF TAXABLE VACCINES.

(a) INCLUSION OF VACCINES.—

(1) IN GENERAL.—Section 4132(a)(1) of the Internal Revenue Code of 1986 (defining taxable vaccine) is amended by adding at the end the following new subparagraph:

"(L) Any conjugate vaccine against streptococcus pneumoniae.".

(2) EFFECTIVE DATE.—

(A) SALES.—The amendment made by this subsection shall apply to vaccine sales after the date of the enactment of this Act, but shall not take effect if subsection (b) does not take effect.

(B) DELIVERIES.—For purposes of subparagraph (A), in the case of sales on or before the date described in such subparagraph for which delivery is made after such date, the delivery date shall be considered the sale date.

(b) VACCINE TAX AND TRUST FUND AMENDMENTS.—

(1) Sections 1503 and 1504 of the Vaccine-Injury Compensation Program Modification Act (and the amendments made by such sections) are hereby repealed.

(2) Subparagraph (A) of section 9510(c)(1) of such Code is amended by striking "August 5, 1997" and inserting "December 31, 1999".

(3) The amendments made by this subsection shall take effect as if included in the provisions of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 to which they relate.

(c) REPORT.—Not later than January 31, 2000, the Comptroller General of the United States shall prepare and submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the operation of the Vaccine Injury Compensation Trust Fund and on the adequacy of such Fund to meet future claims made under the Vaccine Injury Compensation Program.

SEC. 524. DELAY IN EFFECTIVE DATE OF REQUIREMENT FOR APPROVED DIESEL OR KEROSENE TERMINALS.

Paragraph (2) of section 1032(f) of the Taxpayer Relief Act of 1997 is amended by striking "July 1, 2000" and inserting "January 1, 2002".

SEC. 525. PRODUCTION FLEXIBILITY CONTRACT PAYMENTS.

Any option to accelerate the receipt of any payment under a production flexibility contract which is payable under the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7200 et seq.), as in effect on the date of the enactment of this Act, shall be disregarded in determining the taxable year for which such payment is properly includible in gross income for purposes of the Internal Revenue Code of 1986.

Subtitle C—Revenue Offsets

PART I—GENERAL PROVISIONS

SEC. 531. MODIFICATION OF ESTIMATED TAX SAFE HARBOR.

(a) IN GENERAL.—The table contained in clause (i) of section 6654(d)(1)(C) of the Internal Revenue Code of 1986 (relating to limitation on use of preceding year's tax) is amended by striking the items relating to 1999 and 2000 and inserting the following new items:

"1999 .... 108.6
2000 .... 110".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any installment payment for taxable years beginning after December 31, 1999.

SEC. 532. CLARIFICATION OF TAX TREATMENT OF INCOME AND LOSS ON DERIVATIVES.

(a) IN GENERAL.—Section 1221 of the Internal Revenue Code of 1986 (defining capital assets) is amended—

(1) by striking "For purposes" and inserting the following:

"(a) IN GENERAL.—For purposes",

(2) by striking the period at the end of paragraph (5) and inserting a semicolon, and

(3) by adding at the end the following:

"(6) any commodities derivative financial instrument held by a commodities derivatives dealer, unless—

"(A) it is established to the satisfaction of the Secretary that such instrument has no connection to the activities of such dealer as a dealer, and

"(B) such instrument is clearly identified in such dealer's records as being described in subparagraph (A) before the close of the day on which it was acquired, originated, or entered into (or such other time as the Secretary may by regulations prescribe);

"(7) any hedging transaction which is clearly identified as such before the close of the day on which it was acquired, originated, or entered into (or such other time as the Secretary may by regulations prescribe); or

"(8) supplies of a type regularly used or consumed by the taxpayer in the ordinary course of a trade or business of the taxpayer.

"(b) DEFINITIONS AND SPECIAL RULES.—

"(1) COMMODITIES DERIVATIVE FINANCIAL INSTRUMENTS.—For purposes of subsection (a)(6)—

"(A) COMMODITIES DERIVATIVES DEALER.—The term 'commodities derivatives dealer' means a person which regularly offers to enter into, assume, offset, assign, or terminate positions in commodities derivative financial instruments with customers in the ordinary course of a trade or business.

"(B) COMMODITIES DERIVATIVE FINANCIAL INSTRUMENT.—

"(i) IN GENERAL.—The term 'commodities derivative financial instrument' means any contract or financial instrument with respect to commodities (other than a share of stock in a corporation, a beneficial interest in a partnership or trust, a note, bond, debenture, or other evidence of indebtedness, or a section 1256 contract (as defined in section 1256(b)), the value or settlement price of which is calculated by or determined by reference to a specified index.

"(ii) SPECIFIED INDEX.—The term 'specified index' means any one or more or any combination of—

"(I) a fixed rate, price, or amount, or

"(II) a variable rate, price, or amount,

which is based on any current, objectively determinable financial or economic information with respect to commodities which is not within the control of any of the parties to the contract or instrument and is not unique to any of the parties' circumstances.

"(2) HEDGING TRANSACTION.—

"(A) IN GENERAL.—For purposes of this section, the term 'hedging transaction' means any transaction entered into by the taxpayer in the normal course of the taxpayer's trade or business primarily—

"(i) to manage risk of price changes or currency fluctuations with respect to ordinary property which is held or to be held by the taxpayer,

"(ii) to manage risk of interest rate or price changes or currency fluctuations with respect to borrowings made or to be made, or ordinary obligations incurred or to be incurred, by the taxpayer, or

"(iii) to manage such other risks as the Secretary may prescribe in regulations.

"(B) TREATMENT OF NONIDENTIFICATION OR IMPROPER IDENTIFICATION OF HEDGING TRANSACTIONS.—Notwithstanding subsection (a)(7), the Secretary shall prescribe regulations to properly characterize any income, gain, expense, or loss arising from a transaction—

"(i) which is a hedging transaction but which was not identified as such in accordance with subsection (a)(7), or

"(ii) which was so identified but is not a hedging transaction.

"(3) REGULATIONS.—The Secretary shall prescribe such regulations as are appropriate to carry out the purposes of paragraph (6) and (7) of subsection (a) in the case of transactions involving related parties.".

(b) MANAGEMENT OF RISK.—

(1) Section 475(c)(3) of such Code is amended by striking "reduces" and inserting "manages".

(2) Section 871(h)(4)(C)(iv) of such Code is amended by striking "to reduce" and inserting "to manage".

(3) Clauses (i) and (ii) of section 988(d)(2)(A) of such Code are each amended by striking "to reduce" and inserting "to manage".

(4) Paragraph (2) of section 1256(e) of such Code is amended to read as follows:

"(2) DEFINITION OF HEDGING TRANSACTION.—For purposes of this subsection, the term 'hedging transaction' means any hedging transaction (as defined in section 1221(b)(2)(A)) if, before the close of the day on which such transaction was entered into (or such earlier time as the Secretary may prescribe by regulations), the taxpayer clearly identifies such transaction as being a hedging transaction.".

(c) CONFORMING AMENDMENTS.—

(1) Each of the following sections of such Code are amended by striking "section 1221" and inserting "section 1221(a)":

(A) Section 170(e)(3)(A).

(B) Section 170(e)(4)(B).

(C) Section 367(a)(3)(B)(i).

(D) Section 818(c)(3).

(E) Section 865(i)(1).

(F) Section 1092(a)(3)(B)(ii)(II).

(G) Subparagraphs (C) and (D) of section 1231(b)(1).

(H) Section 1234(a)(3)(A).

(2) Each of the following sections of such Code are amended by striking "section 1221(1)" and inserting "section 1221(a)(1)":

(A) Section 198(c)(1)(A)(i).

(B) Section 263A(b)(2)(A).

(C) Clauses (i) and (iii) of section 267(f)(3)(B).

(D) Section 341(d)(3).

(E) Section 543(a)(1)(D)(i).

(F) Section 751(d)(1).

(G) Section 775(c).

(H) Section 856(c)(2)(D).

(I) Section 856(c)(3)(C).

(J) Section 856(e)(1).

(K) Section 856(j)(2)(B).

(L) Section 857(b)(4)(B)(i).

(M) Section 857(b)(6)(B)(iii).

(N) Section 864(c)(4)(B)(iii).

(O) Section 864(d)(3)(A).

(P) Section 864(d)(6)(A).

(Q) Section 954(c)(1)(B)(iii).

(R) Section 995(b)(1)(C).

(S) Section 1017(b)(3)(E)(i).

(T) Section 1362(d)(3)(C)(ii).

(U) Section 4662(c)(2)(C).

(V) Section 7704(c)(3).

(W) Section 7704(d)(1)(D).

(X) Section 7704(d)(1)(G).

(Y) Section 7704(d)(5).

(3) Section 818(b)(2) of such Code is amended by striking "section 1221(2)" and inserting "section 1221(a)(2)".

(4) Section 1397B(e)(2) of such Code is amended by striking "section 1221(4)" and inserting "section 1221(a)(4)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any instrument held, acquired, or entered into, any transaction entered into, and supplies held or acquired on or after the date of the enactment of this Act.

SEC. 533. EXPANSION OF REPORTING OF CANCELLATION OF INDEBTEDNESS INCOME.

(a) IN GENERAL.—Paragraph (2) of section 6050P(c) of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", and", and by inserting after subparagraph (C) the following new subparagraph:

"(D) any organization a significant trade or business of which is the lending of money.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to discharges of indebtedness after December 31, 1999.

SEC. 534. LIMITATION ON CONVERSION OF CHARACTER OF INCOME FROM CONSTRUCTIVE OWNERSHIP TRANSACTIONS.

(a) IN GENERAL.—Part IV of subchapter P of chapter 1 of the Internal Revenue Code of 1986 (relating to special rules for determining capital gains and losses) is amended by inserting after section 1259 the following new section:

"SEC. 1260. GAINS FROM CONSTRUCTIVE OWNERSHIP TRANSACTIONS.

"(a) IN GENERAL.—If the taxpayer has gain from a constructive ownership transaction with respect to any financial asset and such gain would (without regard to this section) be treated as a long-term capital gain—

"(1) such gain shall be treated as ordinary income to the extent that such gain exceeds the net underlying long-term capital gain, and

"(2) to the extent such gain is treated as a long-term capital gain after the application of paragraph (1), the determination of the capital gain rate (or rates) applicable to such gain under section 1(h) shall be determined on the basis of the respective rate (or rates) that would have been applicable to the net underlying long-term capital gain.

"(b) INTEREST CHARGE ON DEFERRAL OF GAIN RECOGNITION.—

"(1) IN GENERAL.—If any gain is treated as ordinary income for any taxable year by reason of subsection (a)(1), the tax imposed by this chapter for such taxable year shall be increased by the amount of interest determined under paragraph (2) with respect to each prior taxable year during any portion of which the constructive ownership transaction was open. Any amount payable under this paragraph shall be taken into account in computing the amount of any deduction allowable to the taxpayer for interest paid or accrued during such taxable year.

"(2) AMOUNT OF INTEREST.—The amount of interest determined under this paragraph with respect to a prior taxable year is the amount of interest which would have been imposed under section 6601 on the underpayment of tax for such year which would have resulted if the gain (which is treated as ordinary income by reason of subsection (a)(1)) had been included in gross income in the taxable years in which it accrued (determined by treating the income as accruing at a constant rate equal to the applicable Federal rate as in effect on the day the transaction closed). The period during which such interest shall accrue shall end on the due date (without extensions) for the return of tax imposed by this chapter for the taxable year in which such transaction closed.

"(3) APPLICABLE FEDERAL RATE.—For purposes of paragraph (2), the applicable Federal rate is the applicable Federal rate determined under section 1274(d) (compounded semiannually) which would apply to a debt instrument with a term equal to the period the transaction was open.

"(4) NO CREDITS AGAINST INCREASE IN TAX.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining—

"(A) the amount of any credit allowable under this chapter, or

"(B) the amount of the tax imposed by section 55.

"(c) FINANCIAL ASSET.—For purposes of this section—

"(1) IN GENERAL.—The term 'financial asset' means—

"(A) any equity interest in any pass-thru entity, and

"(B) to the extent provided in regulations—

"(i) any debt instrument, and

"(ii) any stock in a corporation which is not a pass-thru entity.

"(2) PASS-THRU ENTITY.—For purposes of paragraph (1), the term 'pass-thru entity' means—

"(A) a regulated investment company,

"(B) a real estate investment trust,

"(C) an S corporation,

"(D) a partnership,

"(E) a trust,

"(F) a common trust fund,

"(G) a passive foreign investment company (as defined in section 1297 without regard to subsection (e) thereof),

"(H) a foreign personal holding company,

"(I) a foreign investment company (as defined in section 1246(b)), and

"(J) a REMIC.

"(d) CONSTRUCTIVE OWNERSHIP TRANSACTION.—For purposes of this section—

"(1) IN GENERAL.—The taxpayer shall be treated as having entered into a constructive ownership transaction with respect to any financial asset if the taxpayer—

"(A) holds a long position under a notional principal contract with respect to the financial asset,

"(B) enters into a forward or futures contract to acquire the financial asset,

"(C) is the holder of a call option, and is the grantor of a put option, with respect to the financial asset and such options have substantially equal strike prices and substantially contemporaneous maturity dates, or

"(D) to the extent provided in regulations prescribed by the Secretary, enters into one or more other transactions (or acquires one or more positions) that have substantially the same effect as a transaction described in any of the preceding subparagraphs.

"(2) EXCEPTION FOR POSITIONS WHICH ARE MARKED TO MARKET.—This section shall not apply to any constructive ownership transaction if all of the positions which are part of such transaction are marked to market under any provision of this title or the regulations thereunder.

"(3) LONG POSITION UNDER NOTIONAL PRINCIPAL CONTRACT.—A person shall be treated as holding a long position under a notional principal contract with respect to any financial asset if such person—

"(A) has the right to be paid (or receive credit for) all or substantially all of the investment yield (including appreciation) on such financial asset for a specified period, and

"(B) is obligated to reimburse (or provide credit for) all or substantially all of any decline in the value of such financial asset.

"(4) FORWARD CONTRACT.—The term 'forward contract' means any contract to acquire in the future (or provide or receive credit for the future value of) any financial asset.

"(e) NET UNDERLYING LONG-TERM CAPITAL GAIN.—For purposes of this section, in the case of any constructive ownership transaction with respect to any financial asset, the term 'net underlying long-term capital gain' means the aggregate net capital gain that the taxpayer would have had if—

"(1) the financial asset had been acquired for fair market value on the date such transaction was opened and sold for fair market value on the date such transaction was closed, and

"(2) only gains and losses that would have resulted from the deemed ownership under paragraph (1) were taken into account.

The amount of the net underlying long-term capital gain with respect to any financial asset shall be treated as zero unless the amount thereof is established by clear and convincing evidence.

"(f) SPECIAL RULE WHERE TAXPAYER TAKES DELIVERY.—Except as provided in regulations prescribed by the Secretary, if a constructive ownership transaction is closed by reason of taking delivery, this section shall be applied as if the taxpayer had sold all the contracts, options, or other positions which are part of such transaction for fair market value on the closing date. The amount of gain recognized under the preceding sentence shall not exceed the amount of gain treated as ordinary income under subsection (a). Proper adjustments shall be made in the amount of any gain or loss subsequently realized for gain recognized and treated as ordinary income under this subsection.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations—

"(1) to permit taxpayers to mark to market constructive ownership transactions in lieu of applying this section, and

"(2) to exclude certain forward contracts which do not convey substantially all of the economic return with respect to a financial asset.".

(b) CLERICAL AMENDMENT.—The table of sections for part IV of subchapter P of chapter 1 of such Code is amended by adding at the end the following new item:

"Sec. 1260. Gains from constructive ownership transactions.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after July 11, 1999.

SEC. 535. TREATMENT OF EXCESS PENSION ASSETS USED FOR RETIREE HEALTH BENEFITS.

(a) EXTENSION.—

(1) IN GENERAL.—Paragraph (5) of section 420(b) of the Internal Revenue Code of 1986 (relating to expiration) is amended by striking "in any taxable year beginning after December 31, 2000" and inserting "made after December 31, 2005".

(2) CONFORMING AMENDMENTS.—

(A) Section 101(e)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(e)(3)) is amended by striking "January 1, 1995" and inserting "the date of the enactment of the Tax Relief Extension Act of 1999".

(B) Section 403(c)(1) of such Act (29 U.S.C. 1103(c)(1)) is amended by striking "January 1, 1995" and inserting "the date of the enactment of the Tax Relief Extension Act of 1999".

(C) Paragraph (13) of section 408(b) of such Act (29 U.S.C. 1108(b)(13)) is amended—

(i) by striking "in a taxable year beginning before January 1, 2001" and inserting "made before January 1, 2006", and

(ii) by striking "January 1, 1995" and inserting "the date of the enactment of the Tax Relief Extension Act of 1999".

(b) APPLICATION OF MINIMUM COST REQUIREMENTS.—

(1) IN GENERAL.—Paragraph (3) of section 420(c) of the Internal Revenue Code of 1986 is amended to read as follows:

"(3) MINIMUM COST REQUIREMENTS.—

"(A) IN GENERAL.—The requirements of this paragraph are met if each group health plan or arrangement under which applicable health benefits are provided provides that the applicable employer cost for each taxable year during the cost maintenance period shall not be less than the higher of the applicable employer costs for each of the 2 taxable years immediately preceding the taxable year of the qualified transfer.

"(B) APPLICABLE EMPLOYER COST.—For purposes of this paragraph, the term 'applicable employer cost' means, with respect to any taxable year, the amount determined by dividing—

"(i) the qualified current retiree health liabilities of the employer for such taxable year determined—

"(I) without regard to any reduction under subsection (e)(1)(B), and

"(II) in the case of a taxable year in which there was no qualified transfer, in the same manner as if there had been such a transfer at the end of the taxable year, by

"(ii) the number of individuals to whom coverage for applicable health benefits was provided during such taxable year.

"(C) ELECTION TO COMPUTE COST SEPARATELY.—An employer may elect to have this paragraph applied separately with respect to individuals eligible for benefits under title XVIII of the Social Security Act at any time during the taxable year and with respect to individuals not so eligible.

"(D) COST MAINTENANCE PERIOD.—For purposes of this paragraph, the term 'cost maintenance period' means the period of 5 taxable years beginning with the taxable year in which the qualified transfer occurs. If a taxable year is in two or more overlapping cost maintenance periods, this paragraph shall be applied by taking into account the highest applicable employer cost required to be provided under subparagraph (A) for such taxable year.

"(E) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to prevent an employer who significantly reduces retiree health coverage during the cost maintenance period from being treated as satisfying the minimum cost requirement of this subsection.".

(2) CONFORMING AMENDMENTS.—

(A) Clause (iii) of section 420(b)(1)(C) of such Code is amended by striking "benefits" and inserting "cost".

(B) Subparagraph (D) of section 420(e)(1) of such Code is amended by striking "and shall not be subject to the minimum benefit requirements of subsection (c)(3)" and inserting "or in calculating applicable employer cost under subsection (c)(3)(B)".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to qualified transfers occurring after the date of the enactment of this Act.

(2) TRANSITION RULE.—If the cost maintenance period for any qualified transfer after the date of the enactment of this Act includes any portion of a benefit maintenance period for any qualified transfer on or before such date, the amendments made by subsection (b) shall not apply to such portion of the cost maintenance period (and such portion shall be treated as a benefit maintenance period).

SEC. 536. MODIFICATION OF INSTALLMENT METHOD AND REPEAL OF INSTALLMENT METHOD FOR ACCRUAL METHOD TAXPAYERS.

(a) REPEAL OF INSTALLMENT METHOD FOR ACCRUAL BASIS TAXPAYERS.—

(1) IN GENERAL.—Subsection (a) of section 453 of the Internal Revenue Code of 1986 (relating to installment method) is amended to read as follows:

"(a) USE OF INSTALLMENT METHOD.—

"(1) IN GENERAL.—Except as otherwise provided in this section, income from an installment sale shall be taken into account for purposes of this title under the installment method.

"(2) ACCRUAL METHOD TAXPAYER.—The installment method shall not apply to income from an installment sale if such income would be reported under an accrual method of accounting without regard to this section. The preceding sentence shall not apply to a disposition described in subparagraph (A) or (B) of subsection (l)(2).".

(2) CONFORMING AMENDMENTS.—Sections 453(d)(1), 453(i)(1), and 453(k) of such Code are each amended by striking "(a)" each place it appears and inserting "(a)(1)".

(b) MODIFICATION OF PLEDGE RULES.—Paragraph (4) of section 453A(d) of such Code (relating to pledges, etc., of installment obligations) is amended by adding at the end the following: "A payment shall be treated as directly secured by an interest in an installment obligation to the extent an arrangement allows the taxpayer to satisfy all or a portion of the indebtedness with the installment obligation.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or other dispositions occurring on or after the date of the enactment of this Act.

SEC. 537. DENIAL OF CHARITABLE CONTRIBUTION DEDUCTION FOR TRANSFERS ASSOCIATED WITH SPLIT-DOLLAR INSURANCE ARRANGEMENTS.

(a) IN GENERAL.—Subsection (f) of section 170 of the Internal Revenue Code of 1986 (relating to disallowance of deduction in certain cases and special rules) is amended by adding at the end the following new paragraph:

"(10) SPLIT-DOLLAR LIFE INSURANCE, ANNUITY, AND ENDOWMENT CONTRACTS.—

"(A) IN GENERAL.—Nothing in this section or in section 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522 shall be construed to allow a deduction, and no deduction shall be allowed, for any transfer to or for the use of an organization described in subsection (c) if in connection with such transfer—

"(i) the organization directly or indirectly pays, or has previously paid, any premium on any personal benefit contract with respect to the transferor, or

"(ii) there is an understanding or expectation that any person will directly or indirectly pay any premium on any personal benefit contract with respect to the transferor.

"(B) PERSONAL BENEFIT CONTRACT.—For purposes of subparagraph (A), the term 'personal benefit contract' means, with respect to the transferor, any life insurance, annuity, or endowment contract if any direct or indirect beneficiary under such contract is the transferor, any member of the transferor's family, or any other person (other than an organization described in subsection (c)) designated by the transferor.

"(C) APPLICATION TO CHARITABLE REMAINDER TRUSTS.—In the case of a transfer to a trust referred to in subparagraph (E), references in subparagraphs (A) and (F) to an organization described in subsection (c) shall be treated as a reference to such trust.

"(D) EXCEPTION FOR CERTAIN ANNUITY CONTRACTS.—If, in connection with a transfer to or for the use of an organization described in subsection (c), such organization incurs an obligation to pay a charitable gift annuity (as defined in section 501(m)) and such organization purchases any annuity contract to fund such obligation, persons receiving payments under the charitable gift annuity shall not be treated for purposes of subparagraph (B) as indirect beneficiaries under such contract if—

"(i) such organization possesses all of the incidents of ownership under such contract,

"(ii) such organization is entitled to all the payments under such contract, and

"(iii) the timing and amount of payments under such contract are substantially the same as the timing and amount of payments to each such person under such obligation (as such obligation is in effect at the time of such transfer).

"(E) EXCEPTION FOR CERTAIN CONTRACTS HELD BY CHARITABLE REMAINDER TRUSTS.—A person shall not be treated for purposes of subparagraph (B) as an indirect beneficiary under any life insurance, annuity, or endowment contract held by a charitable remainder annuity trust or a charitable remainder unitrust (as defined in section 664(d)) solely by reason of being entitled to any payment referred to in paragraph (1)(A) or (2)(A) of section 664(d) if—

"(i) such trust possesses all of the incidents of ownership under such contract, and

"(ii) such trust is entitled to all the payments under such contract.

"(F) EXCISE TAX ON PREMIUMS PAID.—

"(i) IN GENERAL.—There is hereby imposed on any organization described in subsection (c) an excise tax equal to the premiums paid by such organization on any life insurance, annuity, or endowment contract if the payment of premiums on such contract is in connection with a transfer for which a deduction is not allowable under subparagraph (A), determined without regard to when such transfer is made.

"(ii) PAYMENTS BY OTHER PERSONS.—For purposes of clause (i), payments made by any other person pursuant to an understanding or expectation referred to in subparagraph (A) shall be treated as made by the organization.

"(iii) REPORTING.—Any organization on which tax is imposed by clause (i) with respect *to any premium shall file an annual return which includes—*

"(I) the amount of such premiums paid during the year and the name and TIN of each beneficiary under the contract to which the premium relates, and

"(II) such other information as the Secretary may require.

The penalties applicable to returns required under section 6033 shall apply to returns required under this clause. Returns required under this clause shall be furnished at such time and in such manner as the Secretary shall by forms or regulations require.

"(iv) CERTAIN RULES TO APPLY.—The tax imposed by this subparagraph shall be treated as imposed by chapter 42 for purposes of this title other than subchapter B of chapter 42.

"(G) SPECIAL RULE WHERE STATE REQUIRES SPECIFICATION OF CHARITABLE GIFT ANNUITANT IN CONTRACT.—In the case of an obligation to pay a charitable gift annuity referred to in subparagraph (D) which is entered into under the laws of a State which requires, in order for the charitable gift annuity to be exempt from insurance regulation by such State, that each beneficiary under the charitable gift annuity be named as a beneficiary under an annuity contract issued by an insurance company authorized to transact business in such State, the requirements of clauses (i) and (ii) of subparagraph (D) shall be treated as met if—

"(i) such State law requirement was in effect on February 8, 1999,

"(ii) each such beneficiary under the charitable gift annuity is a bona fide resident of such State at the time the obligation to pay a charitable gift annuity is entered into, and

"(iii) the only persons entitled to payments under such contract are persons entitled to payments as beneficiaries under such obligation on the date such obligation is entered into.

"(H) MEMBER OF FAMILY.—For purposes of this paragraph, an individual's family consists of the individual's grandparents, the grandparents of such individual's spouse, the lineal descendants of such grandparents, and any spouse of such a lineal descendant.

"(I) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this paragraph, including regulations to prevent the avoidance of such purposes.".

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this section, the amendment made by this section shall apply to transfers made after February 8, 1999.

(2) EXCISE TAX.—Except as provided in paragraph (3) of this subsection, section 170(f)(10)(F) of the Internal Revenue Code of 1986 (as added by this section) shall apply to premiums paid after the date of the enactment of this Act.

(3) REPORTING.—Clause (iii) of such section 170(f)(10)(F) shall apply to premiums paid after February 8, 1999 (determined as if the tax imposed by such section applies to premiums paid after such date).

SEC. 538. DISTRIBUTIONS BY A PARTNERSHIP TO A CORPORATE PARTNER OF STOCK IN ANOTHER CORPORATION.

(a) IN GENERAL.—Section 732 of the Internal Revenue Code of 1986 (relating to basis of distributed property other than money) is amended by adding at the end the following new subsection:

"(f) CORRESPONDING ADJUSTMENT TO BASIS OF ASSETS OF A DISTRIBUTED CORPORATION CONTROLLED BY A CORPORATE PARTNER.—

"(1) IN GENERAL.—If—

"(A) a corporation (hereafter in this subsection referred to as the 'corporate partner') receives a distribution from a partnership of stock in another corporation (hereafter in this subsection referred to as the 'distributed corporation'),

"(B) the corporate partner has control of the distributed corporation immediately after the distribution or at any time thereafter, and

"(C) the partnership's adjusted basis in such stock immediately before the distribution exceeded the corporate partner's adjusted basis in such stock immediately after the distribution,

then an amount equal to such excess shall be applied to reduce (in accordance with subsection (c)) the basis of property held by the distributed corporation at such time (or, if the corporate partner does not control the distributed corporation at such time, at the time the corporate partner first has such control).

"(2) EXCEPTION FOR CERTAIN DISTRIBUTIONS BEFORE CONTROL ACQUIRED.—Paragraph (1) shall not apply to any distribution of stock in the distributed corporation if—

"(A) the corporate partner does not have control of such corporation immediately after such distribution, and

"(B) the corporate partner establishes to the satisfaction of the Secretary that such distribution was not part of a plan or arrangement to acquire control of the distributed corporation.

"(3) LIMITATIONS ON BASIS REDUCTION.—

"(A) IN GENERAL.—The amount of the reduction under paragraph (1) shall not exceed the amount by which the sum of the aggregate adjusted bases of the property and the amount of money of the distributed corporation exceeds the corporate partner's adjusted basis in the stock of the distributed corporation.

"(B) REDUCTION NOT TO EXCEED ADJUSTED BASIS OF PROPERTY.—No reduction under paragraph (1) in the basis of any property shall exceed the adjusted basis of such property (determined without regard to such reduction).

"(4) GAIN RECOGNITION WHERE REDUCTION LIMITED.—If the amount of any reduction under paragraph (1) (determined after the application of paragraph (3)(A)) exceeds the aggregate adjusted bases of the property of the distributed corporation—

"(A) such excess shall be recognized by the corporate partner as long-term capital gain, and

"(B) the corporate partner's adjusted basis in the stock of the distributed corporation shall be increased by such excess.

"(5) CONTROL.—For purposes of this subsection, the term 'control' means ownership of stock meeting the requirements of section 1504(a)(2).

"(6) INDIRECT DISTRIBUTIONS.—For purposes of paragraph (1), if a corporation acquires (other than in a distribution from a partnership) stock the basis of which is determined (by reason of being distributed from a partnership) in whole or in part by reference to subsection (a)(2) or (b), the corporation shall be treated as receiving a distribution of such stock from a partnership.

"(7) SPECIAL RULE FOR STOCK IN CONTROLLED CORPORATION.—If the property held by a distributed corporation is stock in a corporation which the distributed corporation controls, this subsection shall be applied to reduce the basis of the property of such controlled corporation. This subsection shall be reapplied to any property of any controlled corporation which is stock in a corporation which it controls.

"(8) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection, including regulations to avoid double counting and to prevent the abuse of such purposes.".

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply to distributions made after July 14, 1999.

(2) PARTNERSHIPS IN EXISTENCE ON JULY 14, 1999.—In the case of a corporation which is a partner in a partnership as of July 14, 1999, the amendment made by this section shall apply to any distribution made (or treated as made) to such partner from such partnership after June 30, 2001, except that this paragraph shall not apply to any distribution after the date of the enactment of this Act unless the partner makes an election to have this paragraph apply to such distribution on the partner's return of Federal income tax for the taxable year in which such distribution occurs.

PART II—PROVISIONS RELATING TO REAL ESTATE INVESTMENT TRUSTS

Subpart A—Treatment of Income and Services Provided by Taxable REIT Subsidiaries

SEC. 541. MODIFICATIONS TO ASSET DIVERSIFICATION TEST.

(a) IN GENERAL.—Subparagraph (B) of section 856(c)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

"(B)(i) not more than 25 percent of the value of its total assets is represented by securities (other than those includible under subparagraph (A)),

"(ii) not more than 20 percent of the value of its total assets is represented by securities of 1 or more taxable REIT subsidiaries, and

"(iii) except with respect to a taxable REIT subsidiary and securities includible under subparagraph (A)—

"(I) not more than 5 percent of the value of its total assets is represented by securities of any one issuer,

"(II) the trust does not hold securities possessing more than 10 percent of the total voting power of the outstanding securities of any one issuer, and

"(III) the trust does not hold securities having a value of more than 10 percent of the total value of the outstanding securities of any one issuer.".

(b) EXCEPTION FOR STRAIGHT DEBT SECURITIES.—Subsection (c) of section 856 of such Code is amended by adding at the end the following new paragraph:

"(7) STRAIGHT DEBT SAFE HARBOR IN APPLYING PARAGRAPH (4).—Securities of an issuer which are straight debt (as defined in section 1361(c)(5) without regard to subparagraph (B)(iii) thereof) shall not be taken into account in applying paragraph (4)(B)(ii)(III) if—

"(A) the issuer is an individual, or

"(B) the only securities of such issuer which are held by the trust or a taxable REIT subsidiary of the trust are straight debt (as so defined), or

"(C) the issuer is a partnership and the trust holds at least a 20 percent profits interest in the partnership.".

SEC. 542. TREATMENT OF INCOME AND SERVICES PROVIDED BY TAXABLE REIT SUBSIDIARIES.

(a) INCOME FROM TAXABLE REIT SUBSIDIARIES NOT TREATED AS IMPERMISSIBLE TENANT SERVICE INCOME.—Clause (i) of section 856(d)(7)(C) of the Internal Revenue Code of 1986 (relating to exceptions to impermissible tenant service income) is amended by inserting "or through a taxable REIT subsidiary of such trust" after "income".

(b) CERTAIN INCOME FROM TAXABLE REIT SUBSIDIARIES NOT EXCLUDED FROM RENTS FROM REAL PROPERTY.—

(1) IN GENERAL.—Subsection (d) of section 856 of such Code (relating to rents from real property defined) is amended by adding at the end the following new paragraphs:

"(8) SPECIAL RULE FOR TAXABLE REIT SUBSIDIARIES.—For purposes of this subsection, amounts paid to a real estate investment trust by a taxable REIT subsidiary of such trust shall not be excluded from rents from real property by reason of paragraph (2)(B) if the requirements of either of the following subparagraphs are met:

"(A) LIMITED RENTAL EXCEPTION.—The requirements of this subparagraph are met with respect to any property if at least 90 percent of the leased space of the property is rented to persons other than taxable REIT subsidiaries of such trust and other than persons described in section 856(d)(2)(B). The preceding sentence shall apply only to the extent that the amounts paid to the trust as rents from real property (as defined in paragraph (1) without regard to paragraph (2)(B)) from such property are substantially comparable to such rents made by the other tenants of the trust's property for comparable space.

"(B) EXCEPTION FOR CERTAIN LODGING FACILITIES.—The requirements of this subparagraph are met with respect to an interest in real property which is a qualified lodging facility leased by the trust to a taxable REIT subsidiary of the trust if the property is operated on behalf of such subsidiary by a person who is an eligible independent contractor.

"(9) ELIGIBLE INDEPENDENT CONTRACTOR.—For purposes of paragraph (8)(B)—

"(A) IN GENERAL.—The term 'eligible independent contractor' means, with respect to any qualified lodging facility, any independent contractor if, at the time such contractor enters into a management agreement or other similar service contract with the taxable REIT subsidiary to operate the facility, such contractor (or any related person) is actively engaged in the trade or business of operating qualified lodging facilities for any person who is not a related person with respect to the real estate investment trust or the taxable REIT subsidiary.

"(B) SPECIAL RULES.—Solely for purposes of this paragraph and paragraph (8)(B), a person shall not fail to be treated as an independent contractor with respect to any qualified lodging facility by reason of any of the following:

"(i) The taxable REIT subsidiary bears the expenses for the operation of the facility pursuant to the management agreement or other similar service contract.

"(ii) The taxable REIT subsidiary receives the revenues from the operation of such facility, net of expenses for such operation and fees payable to the operator pursuant to such agreement or contract.

"(iii) The real estate investment trust receives income from such person with respect to another property that is attributable to a lease of such other property to such person that was in effect as of the later of—

"(I) January 1, 1999, or

"(II) the earliest date that any taxable REIT subsidiary of such trust entered into a management agreement or other similar service contract with such person with respect to such qualified lodging facility.

"(C) RENEWALS, ETC., OF EXISTING LEASES.—For purposes of subparagraph (B)(iii)—

"(i) a lease shall be treated as in effect on January 1, 1999, without regard to its renewal after such date, so long as such renewal is pursuant to the terms of such lease as in effect on whichever of the dates under subparagraph (B)(iii) is the latest, and

"(ii) a lease of a property entered into after whichever of the dates under subparagraph (B)(iii) is the latest shall be treated as in effect on such date if—

"(I) on such date, a lease of such property from the trust was in effect, and

"(II) under the terms of the new lease, such trust receives a substantially similar or lesser benefit in comparison to the lease referred to in subclause (I).

"(D) QUALIFIED LODGING FACILITY.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'qualified lodging facility' means any lodging facility unless wagering activities are conducted at or in connection with such facility by any person who is engaged in the business of accepting wagers and who is legally authorized to engage in such business at or in connection with such facility.

"(ii) LODGING FACILITY.—The term 'lodging facility' means a hotel, motel, or other establishment more than one-half of the dwelling units in which are used on a transient basis.

"(iii) CUSTOMARY AMENITIES AND FACILITIES.—The term 'lodging facility' includes customary amenities and facilities operated as part of, or associated with, the lodging facility so long as such amenities and facilities are customary for other properties of a comparable size and class owned by other owners unrelated to such real estate investment trust.

"(E) OPERATE INCLUDES MANAGE.—References in this paragraph to operating a property shall be treated as including a reference to managing the property.

"(F) RELATED PERSON.—Persons shall be treated as related to each other if such persons are treated as a single employer under subsection (a) or (b) of section 52.".

(2) CONFORMING AMENDMENT.—Subparagraph (B) of section 856(d)(2) of such Code is amended by inserting "except as provided in paragraph (8)," after "(B)".

(3) DETERMINING RENTS FROM REAL PROPERTY.—

(A)(i) Paragraph (1) of section 856(d) of such Code is amended by striking "adjusted bases" each place it occurs and inserting "fair market values".

(ii) The amendment made by this subparagraph shall apply to taxable years beginning after December 31, 2000.

(B)(i) Clause (i) of section 856(d)(2)(B) of such Code is amended by striking "number" and inserting "value".

(ii) The amendment made by this subparagraph shall apply to amounts received or accrued in taxable years beginning after December 31, 2000, except for amounts paid pursuant to leases in effect on July 12, 1999, or pursuant to a binding contract in effect on such date and at all times thereafter.

SEC. 543. TAXABLE REIT SUBSIDIARY.

(a) IN GENERAL.—Section 856 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(l) TAXABLE REIT SUBSIDIARY.—For purposes of this part—

"(1) IN GENERAL.—The term 'taxable REIT subsidiary' means, with respect to a real estate investment trust, a corporation (other than a real estate investment trust) if—

"(A) such trust directly or indirectly owns stock in such corporation, and

"(B) such trust and such corporation jointly elect that such corporation shall be treated as a taxable REIT subsidiary of such trust for purposes of this part.

Such an election, once made, shall be irrevocable unless both such trust and corporation consent to its revocation. Such election, and any revocation thereof, may be made without the consent of the Secretary.

"(2) 35 PERCENT OWNERSHIP IN ANOTHER TAXABLE REIT SUBSIDIARY.—The term 'taxable REIT subsidiary' includes, with respect to any real estate investment trust, any corporation (other than a real estate investment trust) with respect to which a taxable REIT subsidiary of such trust owns directly or indirectly—

"(A) securities possessing more than 35 percent of the total voting power of the outstanding securities of such corporation, or

"(B) securities having a value of more than 35 percent of the total value of the outstanding securities of such corporation.

The preceding sentence shall not apply to a qualified REIT subsidiary (as defined in subsection (i)(2)). The rule of section 856(c)(7) shall apply for purposes of subparagraph (B).

"(3) EXCEPTIONS.—The term 'taxable REIT subsidiary' shall not include—

"(A) any corporation which directly or indirectly operates or manages a lodging facility or a health care facility, and

"(B) any corporation which directly or indirectly provides to any other person (under a franchise, license, or otherwise) rights to any brand name under which any lodging facility or health care facility is operated.

Subparagraph (B) shall not apply to rights provided to an eligible independent contractor to operate or manage a lodging facility if such rights are held by such corporation as a franchisee, licensee, or in a similar capacity and such lodging facility is either owned by such corporation or is leased to such corporation from the real estate investment trust.

"(4) DEFINITIONS.—For purposes of paragraph (3)—

"(A) LODGING FACILITY.—The term 'lodging facility' has the meaning given to such term by paragraph (9)(D)(ii).

"(B) HEALTH CARE FACILITY.—The term 'health care facility' has the meaning given to such term by subsection (e)(6)(D)(ii).".

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 856(i) of such Code is amended by adding at the end the following new sentence: "Such term shall not include a taxable REIT subsidiary.".

SEC. 544. LIMITATION ON EARNINGS STRIPPING.

Paragraph (3) of section 163(j) of the Internal Revenue Code of 1986 (relating to limitation on deduction for interest on certain indebtedness) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) any interest paid or accrued (directly or indirectly) by a taxable REIT subsidiary (as defined in section 856(l)) of a real estate investment trust to such trust.".

SEC. 545. 100 PERCENT TAX ON IMPROPERLY ALLOCATED AMOUNTS.

(a) IN GENERAL.—Subsection (b) of section 857 of the Internal Revenue Code of 1986 (relating to method of taxation of real estate investment trusts and holders of shares or certificates of beneficial interest) is amended by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively, and by inserting after paragraph (6) the following new paragraph:

"(7) INCOME FROM REDETERMINED RENTS, REDETERMINED DEDUCTIONS, AND EXCESS INTEREST.—

"(A) IMPOSITION OF TAX.—There is hereby imposed for each taxable year of the real estate investment trust a tax equal to 100 percent of redetermined rents, redetermined deductions, and excess interest.

"(B) REDETERMINED RENTS.—

"(i) IN GENERAL.—The term 'redetermined rents' means rents from real property (as defined in subsection 856(d)) the amount of which would (but for subparagraph (E)) be reduced on distribution, apportionment, or allocation under section 482 to clearly reflect income as a result of services furnished or rendered by a taxable REIT subsidiary of the real estate investment trust to a tenant of such trust.

"(ii) EXCEPTION FOR CERTAIN SERVICES.—Clause (i) shall not apply to amounts received directly or indirectly by a real estate investment trust for services described in paragraph (1)(B) or (7)(C)(i) of section 856(d).

"(iii) EXCEPTION FOR DE MINIMIS AMOUNTS.—Clause (i) shall not apply to amounts described in section 856(d)(7)(A) with respect to a property to the extent such amounts do not exceed the one percent threshold described in section 856(d)(7)(B) with respect to such property.

"(iv) EXCEPTION FOR COMPARABLY PRICED SERVICES.—Clause (i) shall not apply to any

service rendered by a taxable REIT subsidiary of a real estate investment trust to a tenant of such trust if—

"(I) such subsidiary renders a significant amount of similar services to persons other than such trust and tenants of such trust who are unrelated (within the meaning of section 856(d)(8)(F)) to such subsidiary, trust, and tenants, but

"(II) only to the extent the charge for such service so rendered is substantially comparable to the charge for the similar services rendered to persons referred to in subclause (I).

"(v) EXCEPTION FOR CERTAIN SEPARATELY CHARGED SERVICES.—Clause (i) shall not apply to any service rendered by a taxable REIT subsidiary of a real estate investment trust to a tenant of such trust if—

"(I) the rents paid to the trust by tenants (leasing at least 25 percent of the net leasable space in the trust's property) who are not receiving such service from such subsidiary are substantially comparable to the rents paid by tenants leasing comparable space who are receiving such service from such subsidiary, and

"(II) the charge for such service from such subsidiary is separately stated.

"(vi) EXCEPTION FOR CERTAIN SERVICES BASED ON SUBSIDIARY'S INCOME FROM THE SERVICES.—Clause (i) shall not apply to any service rendered by a taxable REIT subsidiary of a real estate investment trust to a tenant of such trust if the gross income of such subsidiary from such service is not less than 150 percent of such subsidiary's direct cost in furnishing or rendering the service.

"(vii) EXCEPTIONS GRANTED BY SECRETARY.—The Secretary may waive the tax otherwise imposed by subparagraph (A) if the trust establishes to the satisfaction of the Secretary that rents charged to tenants were established on an arms' length basis even though a taxable REIT subsidiary of the trust provided services to such tenants.

"(C) REDETERMINED DEDUCTIONS.—The term 'redetermined deductions' means deductions (other than redetermined rents) of a taxable REIT subsidiary of a real estate investment trust if the amount of such deductions would (but for subparagraph (E)) be decreased on distribution, apportionment, or allocation under section 482 to clearly reflect income as between such subsidiary and such trust.

"(D) EXCESS INTEREST.—The term 'excess interest' means any deductions for interest payments by a taxable REIT subsidiary of a real estate investment trust to such trust to the extent that the interest payments are in excess of a rate that is commercially reasonable.

"(E) COORDINATION WITH SECTION 482.—The imposition of tax under subparagraph (A) shall be in lieu of any distribution, apportionment, or allocation under section 482.

"(F) REGULATORY AUTHORITY.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this paragraph. Until the Secretary prescribes such regulations, real estate investment trusts and their taxable REIT subsidiaries may base their allocations on any reasonable method.".

(b) AMOUNT SUBJECT TO TAX NOT REQUIRED TO BE DISTRIBUTED.—Subparagraph (E) of section 857(b)(2) of such Code (relating to real estate investment trust taxable income) is amended by striking "paragraph (5)" and inserting "paragraphs (5) and (7)".

SEC. 546. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this subpart shall apply to taxable years beginning after December 31, 2000.

(b) TRANSITIONAL RULES RELATED TO SECTION 541.—

(1) EXISTING ARRANGEMENTS.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the amendment made by section 541 shall not apply to a real estate investment trust with respect to—

(i) securities of a corporation held directly or indirectly by such trust on July 12, 1999,

(ii) securities of a corporation held by an entity on July 12, 1999, if such trust acquires control of such entity pursuant to a written binding contract in effect on such date and at all times thereafter before such acquisition,

(iii) securities received by such trust (or a successor) in exchange for, or with respect to, securities described in clause (i) or (ii) in a transaction in which gain or loss is not recognized, and

(iv) securities acquired directly or indirectly by such trust as part of a reorganization (as defined in section 368(a)(1) of the Internal Revenue Code of 1986) with respect to such trust if such securities are described in clause (i), (ii), or (iii) with respect to any other real estate investment trust.

(B) NEW TRADE OR BUSINESS OR SUBSTANTIAL NEW ASSETS.—Subparagraph (A) shall cease to apply to securities of a corporation as of the first day after July 12, 1999, on which such corporation engages in a substantial new line of business, or acquires any substantial asset, other than—

(i) pursuant to a binding contract in effect on such date and at all times thereafter before the acquisition of such asset,

(ii) in a transaction in which gain or loss is not recognized by reason of section 1031 or 1033 of the Internal Revenue Code of 1986, or

(iii) in a reorganization (as so defined) with another corporation the securities of which are described in paragraph (1)(A) of this subsection.

(C) LIMITATION ON TRANSITION RULES.—Subparagraph (A) shall cease to apply to securities of a corporation held, acquired, or received, directly or indirectly, by a real estate investment trust as of the first day after July 12, 1999, on which such trust acquires any additional securities of such corporation other than—

(i) pursuant to a binding contract in effect on July 12, 1999, and at all times thereafter, or

(ii) in a reorganization (as so defined) with another corporation the securities of which are described in paragraph (1)(A) of this subsection.

(2) TAX-FREE CONVERSION.—If—

(A) at the time of an election for a corporation to become a taxable REIT subsidiary, the amendment made by section 541 does not apply to such corporation by reason of paragraph (1), and

(B) such election first takes effect before January 1, 2004,

such election shall be treated as a reorganization qualifying under section 368(a)(1)(A) of such Code.

SEC. 547. STUDY RELATING TO TAXABLE REIT SUBSIDIARIES.

The Secretary of the Treasury shall conduct a study to determine how many taxable REIT subsidiaries are in existence and the aggregate amount of taxes paid by such subsidiaries. The Secretary shall submit a report to the Congress describing the results of such study.

Subpart B—Health Care REITs

SEC. 551. HEALTH CARE REITS.

(a) SPECIAL FORECLOSURE RULE FOR HEALTH CARE PROPERTIES.—Subsection (e) of section 856 of the Internal Revenue Code of 1986 (relating to special rules for foreclosure property) is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULE FOR QUALIFIED HEALTH CARE PROPERTIES.—For purposes of this subsection—

"(A) ACQUISITION AT EXPIRATION OF LEASE.—The term 'foreclosure property' shall include any qualified health care property acquired by a real estate investment trust as the result of the termination of a lease of such property (other than a termination by reason of a default, or the imminence of a default, on the lease).

"(B) GRACE PERIOD.—In the case of a qualified health care property which is foreclosure property solely by reason of subparagraph (A), in lieu of applying paragraphs (2) and (3)—

"(i) the qualified health care property shall cease to be foreclosure property as of the close of the second taxable year after the taxable year in which such trust acquired such property, and

"(ii) if the real estate investment trust establishes to the satisfaction of the Secretary that an extension of the grace period in clause (i) is necessary to the orderly leasing or liquidation of the trust's interest in such qualified health care property, the Secretary may grant one or more extensions of the grace period for such qualified health care property.

Any such extension shall not extend the grace period beyond the close of the 6th year after the taxable year in which such trust acquired such qualified health care property.

"(C) INCOME FROM INDEPENDENT CONTRACTORS.—For purposes of applying paragraph (4)(C) with respect to qualified health care property which is foreclosure property by reason of subparagraph (A) or paragraph (1), income derived or received by the trust from an independent contractor shall be disregarded to the extent such income is attributable to—

"(i) any lease of property in effect on the date the real estate investment trust acquired the qualified health care property (without regard to its renewal after such date so long as such renewal is pursuant to the terms of such lease as in effect on such date), or

"(ii) any lease of property entered into after such date if—

"(I) on such date, a lease of such property from the trust was in effect, and

"(II) under the terms of the new lease, such trust receives a substantially similar or lesser benefit in comparison to the lease referred to in subclause (I).

"(D) QUALIFIED HEALTH CARE PROPERTY.—

"(i) IN GENERAL.—The term 'qualified health care property' means any real property (including interests therein), and any personal property incident to such real property, which—

"(I) is a health care facility, or

"(II) is necessary or incidental to the use of a health care facility.

"(ii) HEALTH CARE FACILITY.—For purposes of clause (i), the term 'health care facility' means a hospital, nursing facility, assisted living facility, congregate care facility, qualified continuing care facility (as defined in section 7872(g)(4)), or other licensed facility which extends medical or nursing or ancillary services to patients and which, immediately before the termination, expiration, default, or breach of the lease of or mortgage secured by such facility, was operated by a provider of such services which was eligible for participation in the medicare program under title XVIII of the Social Security Act with respect to such facility.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2000.

Subpart C—Conformity With Regulated Investment Company Rules

SEC. 556. CONFORMITY WITH REGULATED INVESTMENT COMPANY RULES.

(a) DISTRIBUTION REQUIREMENT.—Clauses (i) and (ii) of section 857(a)(1)(A) of the Internal Revenue Code of 1986 (relating to requirements applicable to real estate investment trusts) are each amended by striking "95 percent (90 percent for taxable years beginning before January 1, 1980)" and inserting "90 percent".

(b) IMPOSITION OF TAX.—Clause (i) of section 857(b)(5)(A) of such Code (relating to imposition of tax in case of failure to meet certain requirements) is amended by striking "95 percent (90 *percent in the case of taxable years beginning before January 1, 1980)'' and inserting ''90 percent''.*

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

Subpart D—Clarification of Exception From Impermissible Tenant Service Income

SEC. 561. CLARIFICATION OF EXCEPTION FOR INDEPENDENT OPERATORS.

(a) IN GENERAL.—Paragraph (3) of section 856(d) of the Internal Revenue Code of 1986 (relating to independent contractor defined) is amended by adding at the end the following flush sentence:

''In the event that any class of stock of either the real estate investment trust or such person is regularly traded on an established securities market, only persons who own, directly or indirectly, more than 5 percent of such class of stock shall be taken into account as owning any of the stock of such class for purposes of applying the 35 percent limitation set forth in subparagraph (B) (but all of the outstanding stock of such class shall be considered outstanding in order to compute the denominator for purpose of determining the applicable percentage of ownership).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2000.

Subpart E—Modification of Earnings and Profits Rules

SEC. 566. MODIFICATION OF EARNINGS AND PROFITS RULES.

(a) RULES FOR DETERMINING WHETHER REGULATED INVESTMENT COMPANY HAS EARNINGS AND PROFITS FROM NON-RIC YEAR.—

(1) IN GENERAL.—Subsection (c) of section 852 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(3) DISTRIBUTIONS TO MEET REQUIREMENTS OF SUBSECTION (a)(2)(B).—Any distribution which is made in order to comply with the requirements of subsection (a)(2)(B)—

''(A) shall be treated for purposes of this subsection and subsection (a)(2)(B) as made from earnings and profits which, but for the distribution, would result in a failure to meet such requirements (and allocated to such earnings on a first-in, first-out basis), and

''(B) to the extent treated under subparagraph (A) as made from accumulated earnings and profits, shall not be treated as a distribution for purposes of subsection (b)(2)(D) and section 855.''.

(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 857(d)(3) of such Code is amended to read as follows:

''(A) shall be treated for purposes of this subsection and subsection (a)(2)(B) as made from earnings and profits which, but for the distribution, would result in a failure to meet such requirements (and allocated to such earnings on a first-in, first-out basis), and''.

(b) CLARIFICATION OF APPLICATION OF REIT SPILLOVER DIVIDEND RULES TO DISTRIBUTIONS TO MEET QUALIFICATION REQUIREMENT.—Subparagraph (B) of section 857(d)(3) of such Code is amended by inserting before the period ''and section 858''.

(c) APPLICATION OF DEFICIENCY DIVIDEND PROCEDURES.—Paragraph (1) of section 852(e) of such Code is amended by adding at the end the following new sentence: ''If the determination under subparagraph (A) is solely as a result of the failure to meet the requirements of subsection (a)(2), the preceding sentence shall also apply for purposes of applying subsection (a)(2) to the non-RIC year and the amount referred to in paragraph (2)(A)(i) shall be the portion of the accumulated earnings and profits which resulted in such failure.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

Subpart F—Modification of Estimated Tax Rules

SEC. 571. MODIFICATION OF ESTIMATED TAX RULES FOR CLOSELY HELD REAL ESTATE INVESTMENT TRUSTS.

(a) IN GENERAL.—Subsection (e) of section 6655 of the Internal Revenue Code of 1986 (relating to estimated tax by corporations) is amended by adding at the end the following new paragraph:

''(5) TREATMENT OF CERTAIN REIT DIVIDENDS.—

''(A) IN GENERAL.—Any dividend received from a closely held real estate investment trust by any person which owns (after application of subsections (d)(5) and (l)(3)(B) of section 856) 10 percent or more (by vote or value) of the stock or beneficial interests in the trust shall be taken into account in computing annualized income installments under paragraph (2) in a manner similar to the manner under which partnership income inclusions are taken into account.

''(B) CLOSELY HELD REIT.—For purposes of subparagraph (A), the term 'closely held real estate investment trust' means a real estate investment trust with respect to which 5 or fewer persons own (after application of subsections (d)(5) and (l)(3)(B) of section 856) 50 percent or more (by vote or value) of the stock or beneficial interests in the trust.''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to estimated tax payments due on or after December 15, 1999.

And the Senate agree to the same.

BILL ARCHER,
TOM BLILEY,
DICK ARMEY,
Managers on the Part of the House.

W.V. ROTH, Jr.,
TRENT LOTT,
Managers on the Part of the Senate.

JOINT EXPLANATION STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1180) to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

THE TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999

EXPLANATION OF THE CONFERENCE AGREEMENT

Short Title

Present law

No provision.

House bill

The ''Ticket to Work and Work Incentives Improvement Act of 1999''

Senate amendment

The ''Work Incentives Improvement Act of 1999''

Conference agreement

The Senate recedes to the House.

Long Title

Present law

No provision.

House bill

To amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

Senate amendment

Identical provision.

Conference agreement

The conference agreement follows the House bill and the Senate amendment.

Findings and Purposes

Present law

No provision.

House bill

No provision.

Senate amendment

Makes a number of findings related to the importance of health care for especially individuals with disabilities, the difficulties they often experience in obtaining proper health care coverage under current program rules, the resulting limited departures from benefit rolls due to recipients' fears of losing coverage, and the potential program savings from providing them better access to coverage if they return to work.

The Senate amendment describes as its purposes to provide individuals with disabilities: (1) health care and employment preparation and placement services to reduce their dependency on cash benefits; (2) Medicaid coverage (through incentives to States to allow them to purchase it) needed to maintain employment; (3) the option of maintaining Medicare coverage while working; and (4) return to work tickets allowing them access to services needed to obtain and retain employment and reduce dependence on cash benefits.

Conference agreement

The House recedes to the Senate with the modification that additional findings are added that address employment opportunities and financial disincentives.

Title I. Ticket to Work and Self-Sufficiency and Related Provisions

Establishment of the Ticket to Work and Self-Sufficiency Program

1. Ticket System

Present law

The Commissioner is required to promptly refer individuals applying for Social Security disability insurance (SSDI) or Supplemental Security Income (SSI) benefits for necessary vocational rehabilitation (VR) services to State vocational rehabilitation (VR) agencies. State VR agencies are established pursuant to Title I of the Rehabilitation Act of 1973, as amended. A State VR agency is reimbursed for the costs of VR services to SSDI and SSI beneficiaries with a single payment after the beneficiary performs ''substantial gainful activity'' (i.e., had earnings in excess of $700 per month) for a continuous period of at least nine months. The Social Security Administration (SSA) has also established an "alternate participant program" in regulation where private or other public agencies are eligible to receive reimbursement from SSA for providing VR and related services to SSDI and SSI beneficiaries. To participate in the alternate participant program, a beneficiary must first be referred to, and declined by, a State VR agency. Such private and public agencies are reimbursed according to the same procedures as State VR agencies.

House bill

The House bill creates a Ticket to Work and Self-Sufficiency program. Under the program, the Commissioner of Social Security is authorized to provide SSDI and disabled SSI beneficiaries with a "ticket" which they may use to obtain employment services, VR services, and other support services (e.g., assistive technology) from an employment network (that is, provider of services) of their choice to enable them to enter the workforce.

Employment networks may include both State VR agencies and private and other public providers. Employment networks would be prohibited from seeking additional compensation from beneficiaries. The bill provides State VR agencies with the option of participating in the program as an employment network or remaining in the current law reimbursement system, including the option to elect either payment method on a case-by-case basis. Services provided by State VR agencies participating in the program would be governed by plans for VR services approved under Title I of the Rehabilitation Act. The Commissioner would issue regulations regarding the relationship between State VR agencies and other employment networks. It is intended that the agreements would be broad-based, rather than case-by-case agreements. The Commissioner is also required to issue regulations to address other implementation issues, including distribution of tickets to beneficiaries.

The bill requires the program to be phased in at sites selected by the Commissioner beginning no later than 1 year after enactment. The program would be fully implemented as soon as practicable, but not later than 3 years after the program begins.

Senate amendment

Similar provision, except adds a section on special requirements applicable to cross-referral of ticket holders to certain State agencies.

Conference agreement

The Senate recedes to the House.

2. Program Managers

Present law

No provision. (See description of present law under "1. Ticket System" above.)

House bill

The Commissioner is required to contract with "program managers," i.e., one or more organizations in the private or public sector with expertise and experience in the field of vocational rehabilitation or employment services through a competitive bidding process, to assist the Social Security Administration to administer the program. Agreements between SSA and program managers shall include performance standards, including measures of access of beneficiaries to services. Program managers would be precluded from providing services in their own service area.

Program managers would recruit and recommend employment networks to the Commissioner, ensure adequate availability of services to beneficiaries and provide assurances to SSA that employment networks are complying with terms of their agreement. In addition, program managers would provide for changes in employment networks by beneficiaries.

Senate amendment

Similar provision, except the Senate amendment places an additional restriction on changes in employment networks by specifying that ticket holders may elect such changes only "for good cause, as determined by the Commissioner." In addition, the Senate amendment does not specify that when changes in employment networks occur the program manager is to (1) reassign the ticket based on the choice of the beneficiary and (2) make a determination regarding the allocation of payments to each employment network.

Conference agreement

The Senate recedes to the House.

3. Employment Networks

Present law

No provision. (See description of present law under "1. Ticket System" above.)

House bill

Employment networks consist of a single provider (public or private) or an association of providers which would assume responsibility for the coordination and delivery of services. Employment networks may include a one-stop delivery system established under Title I of the Workforce Investment Act of 1998. Employment networks are required to demonstrate specific expertise and experience and provide an array of services under the program. The Commissioner would select and enter into agreements with employment networks, provide periodic quality assurance reviews of employment networks, and establish a method for resolving disputes between beneficiaries and employment networks. Employment networks would meet financial reporting requirements as prescribed by the Commissioner, and prepare periodic performance reports which would be provided to beneficiaries holding a ticket and made available to the public.

Employment networks and beneficiaries would together develop an individual employment plan for each beneficiary that provides for informed choice in selecting an employment goal and specific services needed to achieve that goal. A beneficiary's written plan would take effect upon written approval by the beneficiary or beneficiary's representative.

Senate amendment

Identical provision regarding qualification, requirements, and reporting involving employment networks. Similar provision regarding individual employment plans, except that the Senate amendment does not require the statement of vocational goals to include "as appropriate, goals for earnings and job advancement."

Conference agreement

The Senate recedes to the House.

4. Payment to Employment Networks

Present law

No provision. (See description of present law under "1. Ticket System" above.)

House bill

The bill authorizes payment to employment networks for outcomes and long-term results through one of two payment systems, each designed to encourage maximum participation by providers to serve beneficiaries:

The outcome payment system would provide payment to employment networks up to 40 percent of the average monthly disability benefit for each month benefits are not be payable to the beneficiary due to work, not to exceed 60 months.

The outcome-milestone payment system is similar to the outcome payment system, except it would provide for early payment(s) based on the achievement of one or more milestones directed towards the goal of permanent employment. To ensure the cost-effectiveness of the program, the total amount payable to a service provider under the outcome-milestone payment system must be less than the total amount that would have been payable under the outcome payment system.

The Commissioner is required to periodically review both payment systems and may alter the percentages, milestones, or payment periods to ensure that employment networks have adequate incentive to assist beneficiaries in entering the workforce. In addition, the Commissioner is required to submit a report to Congress with recommendations for methods to adjust payment rates to ensure adequate incentives for the provision of services to individuals with special needs.

The bill requires the Commissioner to report to Congress within 3 years on the adequacy of program incentives for employment networks to provide services to "high risk" beneficiaries.

The bill authorizes transfers from the Social Security Trust Funds to carry out these provisions for Social Security beneficiaries, and authorizes appropriations to the Social Security Administration to carry out these provisions for SSI recipients.

Senate amendment

Similar provision, except that the Senate amendment:

Does not require the Commissioner to report to Congress within 3 years on the adequacy of program incentives for employment networks to provide services to "high risk" beneficiaries;

Provides for "Allocation of Costs" to employment networks from the Trust Funds for services rendered (rather than authorizing such amounts be transferred as in the House bill); and

Provides for specific treatment of the costs associated with dually-entitled individuals (that is, individuals receiving both SSI and SSDI benefits).

Conference agreement

The Senate recedes to the House.

5. Evaluation

Present law

No provision. (See description of present law under "1. Ticket System" above.)

House bill

The Commissioner is required to design and conduct a series of evaluations to assess the cost-effectiveness and outcomes of the program. The Commissioner is required to periodically provide to the Congress a detailed report of the program's progress, success, and any modifications needed.

Senate amendment

Similar provision, except the Senate amendment does not require evaluations to address the characteristics of ticket holders who are not accepted for services and reasons they were not accepted.

Conference agreement

The conference agreement follows the House bill and the Senate amendment with the modification that the Commissioner is required to provide for independent evaluations of program effectiveness.

6. Advisory Panel

Present law

No provision. (See description of present law under "1. Ticket System" above.)

House bill

The bill establishes a Ticket to Work and Work Incentives Advisory Panel consisting of experts representing consumers, providers of services, employers, and employees, at least one-half of whom are individuals with disabilities or representatives of individuals with disabilities. The Advisory Panel is to be composed of twelve members appointed as follows:

Four by the President, not more than two of whom may be of the same political party;

Two by the Speaker of the House of Representatives, in consultation with the Chairman of the Committee on Ways and Means;

Two by the Minority Leader of the House of Representatives, in consultation with ranking minority member of the Committee on Ways and Means;

Two by the Majority Leader of the Senate, in consultation with the Chairman of the Committee on Finance; and

Two members would be appointed by the Minority Leader of the Senate, in consultation with the ranking minority member of the Committee on Finance.

The Panel is to advise the Commissioner and report to the Congress on program implementation including such issues as the establishment of pilot sites, refinements to the program, and the design of program evaluations.

Senate amendment

Similar provision, except the Senate amendment:

Names the panel the Work Incentives Advisory Panel;

Does not specify that, of the 4 members of the panel appointed by the President, "not more than 2 . . . may be of the same political party";

Provides that the Commissioner, as opposed to the President under the House bill, is to designate whether panel members' initial terms will be 2 or 4 years;

Specifies that "all members appointed to the panel shall have experience or expert knowledge of" several work and disability-related fields, whereas the House bill requires that "at least 8" shall have such experience or knowledge, with at least 2 "representing the interests of" each of the following groups: service recipients, service providers, employers, and employees;

Provides that the Director of the Advisory Panel is to be appointed by the Commissioner in the Senate amendment (compared with by the Advisory Panel in the House bill); and

Provides that the costs of the Panel "shall be paid from amounts made available" for administration of the Title II and Title XVI programs under the Senate amendment (compared with the House bill, which authorizes such amounts from the OASI and DI trust funds and from the general fund of the Treasury for this purpose.

Conference agreement

The conference agreement follows the House bill, except that all 12 Panel members would be required to have experience or expert knowledge as a recipient, provider, employer, or employee. The agreement is based on the expectation that individuals with disabilities, as opposed to representatives of individuals with disabilities, would be appointed as Panel members whenever possible. In addition, the terms of initial appointment would be set by the individual making the appointment, with each individual making appointments designating one-half of appointees for a term of 4 years and the other half for a term of 2 years. The conference agreement also provides that the Director of the Panel would be appointed by the Chairperson of the Advisory Panel.

Work Activity Standard as a Basis for Review of an Individual's Disabled Status

Present law

Eligibility for Social Security disability insurance (SSDI) cash benefits requires an applicant to meet certain criteria, including the presence of a disability that renders the individual unable to engage in substantial gainful activity. Substantial gainful activity is defined as work that results in earnings exceeding an amount set in regulations ($700 per month, as of July 1, 1999). Continuing disability reviews (CDRs) are conducted by the Social Security Administration (SSA) to determine whether an individual remains disabled and thus eligible for continued benefits. CDRs may be triggered by evidence of recovery from disability, including return to work. SSA is also required to conduct periodic CDRs every 3 years for beneficiaries with a nonpermanent disability, and at times determined by the Commissioner for beneficiaries with a permanent disability.

House bill

The bill establishes the standard that CDRs for long-term SSDI beneficiaries (i.e., those receiving disability benefits for at least 24 months) be limited to periodic CDRs. SSA would continue to evaluate work activity to determine whether eligibility for cash benefits continued, but a return to work would not trigger a review of the beneficiary's impairment to determine whether it continued to be disabling. This provision is effective January 1, 2003.

Senate amendment

Similar provision, except Senate amendment is effective upon enactment.

Conference agreement

The conference agreement follows the House bill and the Senate amendment, except that the provision would be effective January 1, 2002.

Expedited Reinstatement of Disability Benefits

Present law

Individuals entitled to Social Security disability insurance (SSDI) benefits may receive expedited reinstatement of benefits following termination of benefits because of work activity any time during a 36-month extended period of eligibility. That is, benefits may be reinstated without the need for a new application and disability determination. Otherwise, the Commissioner of Social Security must make a new determination of disability before a claimant can reestablish reentitlement to disability benefits.

House bill

The bill establishes that an individual: (1) whose entitlement to SSDI benefits had been terminated on the basis of work activity following completion of an extended period of eligibility; or (2) whose eligibility for SSI benefits (including special SSI eligibility status under section 1619(b) of the Social Security Act) had been terminated following suspension of those benefits for 12 consecutive months on account of excess income resulting from work activity, may request reinstatement of those benefits without filing a new application. The individual must have become unable to continue working due to his or her medical condition and must file a reinstatement request within the 60-month period following the month of such termination.

While the Commissioner is making a determination pertaining to a reinstatement request, the individual would be eligible for provisional benefits (cash benefits and Medicare or Medicaid, as appropriate) for a period of not more than 6 months. If the Commissioner makes a favorable determination, such individual's prior entitlement to benefits would be reinstated, as would be the prior benefits of his or her dependents who continue to meet the entitlement criteria. If the Commissioner makes an unfavorable determination, provisional benefits would end, but the provisional benefits already paid would not be considered an overpayment. This provision is effective one year after enactment.

Senate amendment

Identical provision.

Conference agreement

The conference agreement follows the House bill and the Senate amendment.

Work Incentives Outreach Program

Present law

The Social Security Administration prepares and distributes educational materials on work incentives for individuals receiving Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefits, including on the Internet. Social Security personnel in its 1,300 field offices are available to answer questions about work incentives. Work incentives currently include: exclusions for impairment-related work expenses; trial work periods during which an individual may continue to receive cash benefits; a 36-month extended period of eligibility during which cash benefits can be reinstated at any time; continued eligibility for Medicaid and/or Medicare; continued payment of benefits while a beneficiary is enrolled in a vocational rehabilitation program; and plans for achieving self-support (PASS).

House bill

The Commissioner of Social Security is required to establish a community-based work incentives planning and assistance program for the purpose of disseminating accurate information to individuals on work incentives. Under this program, the Commissioner is required to:

Establish a program of grants, cooperative agreements, or contracts to provide benefits planning and assistance (including protection and advocacy services) to individuals with disabilities and outreach to individuals with disabilities who are potentially eligible for work incentive programs; and

Establish a corps of work incentive specialists located within the Social Security Administration.

The Commissioner is required to determine the qualifications of agencies eligible for grants, cooperative agreements, or contracts. Social Security Administration field offices and State Medicaid agencies are deemed ineligible. Eligible organizations may include Centers for Independent Living, protection and advocacy organizations, and client assistance programs (established in accordance with the Rehabilitation Act of 1973, as amended); State Developmental Disabilities Councils (established in accordance with the Developmental Disabilities Assistance and Bill of Rights Act); and State welfare agencies (funded under Title IV-A of the Social Security Act).

Annual appropriations would not exceed $23 million for fiscal years 2000–2004. The provision would be effective on enactment. The grant amount in each State would be based on the number of beneficiaries in the State, subject to certain limits.

Senate amendment

Identical provision.

Conference agreement

The conference agreement follows the House bill and the Senate amendment.

State Grants for Work Incentives Assistance to Disabled Beneficiaries

Present law

Grants to States to provide assistance to individuals with disabilities are authorized under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.). Such assistance includes information on and referral to programs and services and legal, administrative, and other appropriate remedies to ensure access to services.

House bill

The Commissioner of Social Security is authorized to make grants to existing protection and advocacy programs authorized by the States under the Developmental Disabilities Assistance and Bill of Rights Act. Services would include information and advice about obtaining vocational rehabilitation, employment services, advocacy, and other services a Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) beneficiary may need to secure or regain gainful employment, including applying for and receiving work incentives.

Appropriation would not exceed $7 million for each of the fiscal years 2000–2004. The provision would be effective upon enactment.

Senate amendment

Identical provision.

Conference agreement

The conference agreement follows the House bill and the Senate amendment.

Title II. Expanded Availability of Health Care Services

Expanding State Options Under the Medicaid Program for Workers with Disabilities

Present law

Most States are required to provide Medicaid coverage for disabled individuals who are eligible for Supplemental Security Income (SSI). Individuals are considered disabled if they are unable to engage in substantial gainful activity (defined in Federal regulations as earnings of $700 per month) due to a medically determinable physical or mental impairment which is expected to result in death, or which has lasted or can be expected to last for at least 12 months. Eleven States link Medicaid eligibility to disability definitions which may be more restrictive than SSI criteria.

Eligibility for SSI is determined by certain federally-established income and resource standards. Individuals are eligible for SSI if their "countable" income falls below the Federal maximum monthly SSI benefit ($500 for an individual, and $751 for couples in 1999). Not all income is counted for SSI purposes. Excluded from income are the first $20 of any monthly income (i.e., either unearned, such as social security and other pension benefits, or earned) and the first $65 of monthly earned income plus one-half of the remaining earnings. The Federal limit on resources is $2,000 for an individual, and $3,000 for couples. Certain resources are not counted, including an individual's home, and the first $4,500 of the current market value of an automobile.

In addition, States must provide Medicaid coverage for certain individuals under 65 who are working. These persons are referred to as "qualified severely impaired individuals" under age 65. These are disabled and blind individuals whose earnings reach or exceed the basic SSI benefit standard, with disregards as determined by the States. (The current threshold for earnings is $1,085 per month.) This special eligibility status applies as long as the individual:

Continues to be blind or have a disabling impairment;

Except for earnings, continues to meet all the other requirements for SSI eligibility;

Would be seriously inhibited from continuing or obtaining employment if Medicaid eligibility were to end; and

Has earnings that are not sufficient to provide a reasonable equivalent of benefits from SSI, State supplemental payments (if provided by the State), Medicaid, and publicly funded attendant care that would have been available in the absence of those earnings.

A recent change in law allowed States to increase the income limit for Medicaid coverage of disabled individuals. The Balanced Budget Act of 1997 (P.L.105–33) allowed States to elect to provide Medicaid coverage to disabled persons who otherwise meet SSI eligibility criteria but have income up to 250 percent of the Federal poverty guidelines. Beneficiaries under the more liberal income limit may "buy into" Medicaid by paying premium costs. Premiums are set on a sliding scale based on an individual's income, as established by the State.

House bill

The bill allows States to establish one new optional Medicaid eligibility category: they may provide coverage to individuals with disabilities, aged 16 through 64, who are employed, and who cease to be eligible for Medicaid because their medical condition has improved, and are therefore determined to no longer be eligible for SSI and/or SSDI, but who continue to have a severe medically determinable impairment as defined by regulations of the Secretary of HHS. In addition, States could establish limits on assets, resources, and earned or unearned income for this group that differ from the federal requirements. In order to opt to cover this group, states must provide Medicaid coverage to individuals with disabilities whose income is no more than 250 percent of the federal poverty level, and who would be eligible for SSI, except for earnings.

Individuals would be considered to be employed if they earn at least the Federal minimum wage and work at least 40 hours per month, or are engaged in work that meets criteria for work hours, wages, or other measures established by the State and approved by the Secretary of Health and Human Services (HHS).

Individuals covered under this new option could "buy into" Medicaid coverage by paying premiums or other cost-sharing charges on a sliding fee scale based on their income, as established by the State.

The bill requires that in order to receive federal funds, States must maintain the level of expenditures they expended in the most recent fiscal year prior to enactment of this provision to enable working individuals with disabilities to work.

Senate amendment

Allows States to establish one or two new optional Medicaid eligibility categories:

States would have the option to cover individuals with disabilities (aged 16–64) who, except for earnings, would be eligible for SSI. In addition, States could establish limits on assets, resources and earned or unearned income that differ from the federal requirements.

If States provide Medicaid coverage to individuals described in (1) above, they may also provide coverage to the following: Employed persons with disabilities whose medical condition has improved, as described above in the House bill.

Individuals covered under these options could "buy in" to Medicaid coverage by paying premiums or other cost-sharing charges on a sliding-fee scale based on income. The State would be required to make premium or other cost-sharing charges the same for both these two new eligibility groups. States may require individuals with incomes above 250 percent of the federal poverty level to pay the full premium cost. In the case of individuals with incomes between 250 percent and 450 percent of the poverty level, premiums may not exceed 7.5 percent of income. States must require individuals with incomes above $75,000 per year to pay all of the premium costs. States may choose to subsidize premium costs for such individuals, but they may not use federal matching funds to do so.

Conference agreement

House recedes to Senate to include the Senate-passed Medicaid buy-in option, allowing States to permit working individuals with incomes above 250 percent of the Federal poverty level to buy-in to the Medicaid program. The conference agreement provides for an effective date of October 1, 2000.

Extending Medicare Coverage for OASDI Disability Benefit Recipients

Present law

Social Security Disability Insurance (SSDI) beneficiaries are allowed to test their ability to work for at least nine months without affecting their disability or Medicare benefits. Disability payments stop when a beneficiary has monthly earnings at or above the substantial gainful activity level ($700) after the 9–month period. If the beneficiary remains disabled but continues working, Medicare can continue for an additional 39 months, for a total of 48 months of coverage.

House bill

Effective October 1, 2000, the bill provides for continued Medicare Part A coverage for 6 years beyond the current limit.

The bill requires the General Accounting Office (GAO) to submit a report to Congress (no later than 5 years after enactment) that examines the effectiveness and cost of extending Medicare Part A coverage to working disabled persons without charging them a premium; the necessity and effectiveness of providing the continuation of Medicare coverage to disabled individuals with incomes above the Social Security taxable wage base ($72,600); the use of a sliding-scale premium for high-income disabled individuals; the viability of an employer buy-in to Medicare; the interrelation between the use of continuation of Medicare coverage and private health insurance coverage; and that recommends whether the Medicare coverage extension should continue beyond the extended period provided under the bill.

Senate amendment

The amendment provides that during the 6–year period following enactment of the bill, disabled Social Security beneficiaries who engage in substantial gainful activity would be eligible for Medicare Part A coverage. Medicare Part A coverage could continue indefinitely after the termination of the 6–year period following enactment of the bill for any individual who is enrolled in the Medicare Part A program for the month that ends the 6–year period, without requiring the beneficiaries to pay premiums. It also provides for conforming amendments to facilitate this change.

The Senate amendment does not require GAO to examine the viability of an employer buy-in to Medicare.

Conference agreement

The Senate recedes to the House, but instead of the 6–year extension beyond current law in the House bill, the agreement includes a 4½ year extension.

Grants to Develop and Establish State Infrastructures to Support Working Individuals with Disabilities

Present law

No provision.

House bill

The bill requires the Secretary of HHS to award grants to States to design, establish and operate infrastructures that provide items and services to support working individuals with disabilities, and to conduct outreach campaigns to inform them about the infrastructures. States would be eligible for these grants under the following conditions:

They must provide Medicaid coverage to employed individuals with disabilities whose income does not exceed 250 percent of the Federal poverty level and who would be eligible for Supplemental Security Income (SSI), except for earnings; and

They must provide personal assistance services to assist individuals eligible under the bill to remain employed (that is, earn at least the Federal minimum wage and work at least 40 hours per month, or engage in work that meets criteria for work hours, wages, or other measures established by the State and approved by the Secretary of HHS).

Personal assistance services refers to a range of services provided by one or more persons to assist individuals with disabilities to perform daily activities on and off the job. These services would be designed to increase individuals' control in life.

The Secretary of HHS is required to develop a formula for the award of infrastructure grants. The formula must provide special consideration to States that extend Medicaid coverage to persons who cease to be eligible for SSDI and SSI because of an improvement in their medical condition, but who still have a severe medically determinable impairment and are employed.

Grant amounts to States must be a minimum of $500,000 per year, and may be up to a maximum of 15 percent of Federal and State Medicaid expenditures for individuals with disabilities whose income does not exceed 250 percent of the Federal poverty level and who would be eligible for SSI, except for earnings; and for individuals who cease to be eligible for Medicaid because of medical improvement.

States would be required to submit an annual report to the Secretary on the use of grant funds. In addition, the report must indicate the percent increase in the number of SSDI and SSI beneficiaries who return to work.

For developing State infrastructure grants, the bill authorizes the following amount for: FY2000, $20 million; FY2001, $25 million; FY2002, $30 million; FY2003, $35 million; FY2004, $40 million; and FY2005–10, the amount of appropriations for the preceding fiscal year plus the percent increase in the CPI for All Urban Consumers for the preceding fiscal year. The bill stipulates budget authority in advance of appropriations.

The Secretary of HHS, in consultation with the Ticket to Work and Work Incentives Advisory Panel established by the bill, is required to make a recommendation by October 1, 2009, to the Committee on Commerce in the House and the Committee on Finance in the Senate regarding whether the grant program should be continued after FY 2010.

Senate amendment

Similar provision, except for the following:

States would be eligible for infrastructure grants if they provide Medicaid coverage to individuals with disabilities whose income except for earnings, would make them eligible for SSI, and who meet State-established limits on assets, resources and earned or unearned income;

Special consideration for developing the formula for distribution of infrastructure grants is to be given to States that provide Medicaid benefits to individuals who cease to be eligible for SSDI and SSI because of an improvement in their medical condition, but who have a severe medically determinable impairment and are employed; and The name of the advisory panel is the Work Incentives Advisory Panel.

Conference agreement

State participation in the grant programs would be de-linked from adoption of Medicaid optional eligibility categories. Furthermore, the maximum award section would be amended to reflect that delinking. States that do not choose to take up the optional Medicaid eligibility category permitting expansion to individuals with disabilities with incomes up to 250 percent of poverty would be subject to a maximum grant award established by a methodology developed by the Secretary consistent with the limit applied to states that do take up the option. For those states who do take up the option, the maximum will be 10 percent, rather than the 15 percent included in the House and Senate passed bills. These provisions would be effective October 1, 2000, with funding of: FY2001, $20 million; FY2002, $25 million; FY2003, $30 million; FY2004, $35 million; FY2005, $40 million; and FY2006–11, the amount of appropriations for the preceding fiscal year plus the percent increase in the CPI for All Urban Consumers for the preceding fiscal year.

The conferees encourage states to exercise the option to permit disabled workers to buy into Medicaid. Providing a Medicaid buy-in option will encourage disabled individuals to return to work without fear of losing their existing health coverage. While election of the Medicaid buy-in option is not a condition of eligibility for infrastructure grants under this section, the conferees urge the Secretary to award such grants with preference for states exercising the buy-in option. Such grants may be used to help finance other State programs facilitating a return to work by disabled individuals, thereby supplementing the Medicaid buy-in benefit as well as other work incentives provided by this Act.

Demonstration of Coverage under the Medicaid Program of Workers with Potentially Severe Disabilities

Present law

No provision.

House bill

The Secretary of HHS is required to approve applications from States to establish demonstration programs that would provide medical assistance equal to that provided under Medicaid for disabled persons age 16–64 who are "workers with a potentially severe disability." These are individuals who meet a State's definition of physical or mental impairment, who are employed, and who are reasonably expected to meet SSI's definition of blindness or disability if they did not receive Medicaid services.

The Secretary is required to approve demonstration programs if the State meets the following requirements:

The State has elected to provide Medicaid coverage to individuals with disabilities whose income does not exceed 250 percent of the Federal poverty level and who would be eligible for SSI, except for their earnings;

Federal funds are used to supplement State funds used for workers with potentially severe disabilities at the time the demonstration is approved; and

The State conducts an independent evaluation of the demonstration program.

The bill allows the Secretary to approve demonstration programs that operate on a sub-State basis.

For purposes of the demonstration, individuals would be considered to be employed if they earn at least the Federal minimum wage and work at least 40 hours per month, or are engaged in work that meets threshold criteria for work hours, wages, or other measures as defined by the demonstration project and approved by the Secretary.

The bill authorizes $56 million for the 5-year period beginning FY2000. The bill prohibits any further payments to States beginning in FY2006.

Unexpended funds from previous years may be spent in subsequent years, but only through FY2005. The Secretary is required to allocate funds to States based on their applications and the availability of funds. Funds awarded to States would equal their Federal medical assistance percentage (FMAP) of expenditures for medical assistance to workers with a potentially severe disability.

The Secretary of HHS is required to make a recommendation by October 1, 2002, to the Committee on Commerce in the House and the Committee on Finance in the Senate regarding whether the grant program should be continued after FY2003.

Senate amendment

Similar provision, except for the following:

requires States to provide Medicaid coverage to individuals with disabilities whose income except for earnings, would make them eligible for SSI, and who meet State-established limits on assets, resources and earned or unearned income;

authorizes $72 million for FY 2000, $74 million for FY 2001, $78 million for FY2002, and $81 million for FY 2003;

limits payments to States to no more than $300 million and prohibits payments beginning in FY2006;

requires States with an approved demonstration to submit an annual report to the Secretary, including data on the total number of persons served by the project, and the number who are "workers with a potentially severe disability." The aggregate amount of payments to States for administrative expenses related to annual reports may not exceed $5 million.

Conference agreement

The conference agreement would authorize the demonstration at $250 million over 6 years, and eligibility for demonstration funds would be delinked from adoption of Medicaid optional eligibility categories.

These provisions would be effective October 1, 2000. In addition, the House recedes to the Senate on the inclusion on the annual report. The limitation on administrative expenses is reduced to $2 million. States' definitions of workers with potentially severe disabilities can include individuals with a potentially severe disability that can be traced to congenital birth defects as well as diseases or injuries developed or incurred through illness or accident in childhood or adulthood.

Election by Disabled Beneficiaries to Suspend Medigap Insurance when Covered under a Group Health Plan

Present law

No provision.

House bill

The bill requires Medigap supplemental insurance plans to provide that benefits and premiums of such plans be suspended at the policyholder's request if the policyholder is entitled to Medicare Part A benefits as a disabled individual and is covered under a group health plan (offered by an employer with 20 or more employees). If suspension occurs and the policyholder loses coverage under the group health plan, the Medigap policy is required to be automatically reinstituted (as of the date of loss of group coverage) if the policyholder provides notice of the loss of such coverage within 90 days of the date of losing group coverage.

Senate amendment

Identical provision.

Conference agreement

The conference agreement follows the House bill and the Senate amendment.

Title III. Demonstration Projects and Studies

Extension of Disability Insurance Program Demonstration Project Authority

Present law

Section 505 of the Social Security Disability Amendments of 1980, as amended, (42 U.S.C. 1310) provides the Commissioner of Social Security authority to conduct certain demonstration projects. The Commissioner may initiate experiments and demonstration projects to test ways to encourage Social Security Disability Insurance (SSDI) beneficiaries to return to work, and may waive compliance with certain benefit requirements in connection with these projects. This demonstration authority expired on June 9, 1996.

House bill

Effective as of the date of enactment, the bill extends the demonstration authority for 5 years, and includes authority for demonstration projects involving applicants as well as beneficiaries.

Senate amendment

The Senate amendment provides for permanent demonstration authority.

Conference agreement

The Senate recedes to the House.

Demonstration Projects Providing for Reductions in Disability Insurance Benefits Based on Earnings

Present law

No provision.

House bill

The bill would require the Commissioner of Social Security to conduct a demonstration project under which payments to Social Security disability insurance (SSDI) beneficiaries would be reduced $1 for every $2 of beneficiary earnings. The Commissioner would be required to annually report to the Congress on the progress of this demonstration project.

Senate amendment

Identical provision.

Conference agreement

The conference agreement follows the House bill and the Senate amendment.

Studies and Reports

Present law

No provision

House bill

1. GAO Report of Existing Disability-Related Employment Incentives

The bill would direct the General Accounting Office (GAO) to assess the value of existing tax credits and disability-related employment initiatives under the Americans with Disabilities Act and other Federal laws. The report is to be submitted within 3 years to the Senate Committee on Finance and the House Committee on Ways & Means.

2. GAO Report of Existing Coordination of the DI and SSI Programs as They Relate to Individuals Entering or Leaving Concurrent Entitlement

The bill would direct the General Accounting Office (GAO) to evaluate the coordination under current law of work incentives for individuals eligible for both Social Security disability insurance (SSDI) and Supplemental Security Income (SSI). The report is to be submitted within 3 years to the Senate Committee on Finance and the House Committee on Ways & Means.

3. GAO Report on the Impact of the Substantial Gainful Activity Limit on Return to Work

The bill would direct the General Accounting Office (GAO) to examine substantial gainful activity limit as a disincentive for return to work. The report is to be submitted within 2 years to the Senate Committee on Finance and the House Committee on Ways & Means.

4. Report on Disregards Under the DI and SSI Programs

The bill would direct the Commissioner of Social Security to identify all income disregards under the Social Security disability insurance (SSDI) and Supplemental Security Income (SSI) programs; to specify the most recent statutory or regulatory change in each disregard; the current value of any disregard if the disregard had been indexed for inflation; recommend any further changes; and to report certain additional information and recommendations on disregards related to grants, scholarships, or fellowships used in attending any educational institution. The report is to be submitted within 90 days to the Senate Committee on Finance and the House Committee on Ways & Means.

5. GAO Report on SSA's Demonstration Authority

The bill would direct GAO to assess the Social Security Administration's (SSA) efforts to conduct disability demonstrations and to make a recommendation as to whether SSA's disability demonstration authority should be made permanent. The report is to be submitted within 5 years to the Senate Committee on Finance and the House Committee on Ways and Means.

Senate amendment

Similar provision, but does not include the GAO report on SSA's demonstration authority.

Conference agreement

The Senate recedes to the House.

Title IV. Miscellaneous and Technical Amendments

Technical Amendments Relating to Drug Addicts and Alcoholics

Present law

Public Law 104–121 included amendments to the SSDI and SSI disability programs providing that no individual could be considered to be disabled if alcoholism or drug addiction would otherwise be a contributing factor material to the determination of disability. The effective date for all new and pending applications was the date of enactment (March 29, 1996). For those whose claim had been finally adjudicated before the date of enactment, the amendments would apply commencing with benefits for months beginning on or after January 1, 1997. Individuals receiving benefits due to drug addiction or alcoholism can reapply for benefits based on another impairment. If the individual applied within 120 days after the date of enactment, the Commissioner is required to complete the entitlement redetermination by January 1, 1997.

Public Law 104–121 provided for the appointment of representative payees for recipients allowed benefits due to another impairment who also have drug addiction or alcoholism conditions, and the referral of those individuals for treatment.

House bill

The bill clarifies that the meaning of the term "final adjudication" includes a pending request for administrative or judicial review or a pending readjudication pursuant to class action or court remand. The bill also clarifies that if the Commissioner does not perform the entitlement redetermination before January 1, 1997, that entitlement redetermination must be performed in lieu of a continuing disability review.

The provision also corrects an anomaly that currently excludes all those allowed benefits (due to another impairment) before March 29, 1996, and redetermined before July 1, 1996, from the requirement that a representative payee be appointed and that the beneficiary be referred for treatment.

The amendments are effective as though they had been included in the enactment of Section 105 of Public Law 104–121 on March 29, 1996.

Senate amendment

Identical provision.

Conference agreement

The conference agreement follows the House bill and the Senate amendment.

Treatment of Prisoners

1. Implementation of Prohibition Against Payment of Title II Benefits to Prisoners

Present law

Current law prohibits prisoners from receiving Old Age, Survivors and Disability (OASDI) benefits while incarcerated if they are convicted of any crime punishable by imprisonment of more than 1 year. Federal, State, county or local prisons are required to make available, upon written request, the name and Social Security account number of any individual so convicted who is confined in a penal institution or correctional facility.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, commonly referred to as the welfare reform law, requires the Commissioner to make agreements with any interested State or local institution to provide monthly the names, Social Security account numbers, confinement dates, dates of birth, and other identifying information of residents who are SSI recipients. The Commissioner is required to pay the institution $400 for each SSI recipient who becomes ineligible as a result if the information is provided within 30 days of incarceration, and $200 if the information is furnished after 30 days but within 90 days. P.L. 104–193 requires the Commissioner to study the desirability, feasibility, and cost of establishing a system for courts to directly furnish SSA with information regarding court orders affecting SSI recipients, and requiring that State and local jails, prisons, and other institutions that enter into contracts with the Commissioner to furnish the information by means of an electronic or similar data exchange system.

The Commissioner is authorized to provide, on a reimbursable basis, information obtained pursuant to these agreements to any Federal or federally-assisted cash, food, or medical assistance program for the purpose of determining program eligibility.

House bill

The House bill amends prisoner provisions in the welfare reform law to include recipients of OASDI benefits in the prisoner reporting system.

The bill requires the Commissioner to enter into an agreement with any interested State or local correctional institution to provide monthly the names, Social Security account numbers, confinement dates, dates of birth, and other identifying information regarding prisoners who receive OASDI benefits. Certain requirements for computer matching agreements would not apply. For each eligible individual who becomes ineligible as a result, the Commissioner would pay the institution an amount up to $400 if the information is provided within 30 days of incarceration, and up to $200 if provided after 30 days but within 90 days.

Payments to correctional institutions would be reduced by 50 percent for multiple reports on the same individual who receives both SSI and OASDI benefits. Payments made to the correctional institution would be made from OASI or DI Trust Funds, as appropriate.

The Commissioner is required to provide on a reimbursable basis information obtained pursuant to these agreements to any Federal or federally-assisted cash, food, or medical assistance program for the purpose of determining program eligibility.

These amendments are effective for prisoners whose confinement begins on or after the first day of the fourth month after the month of enactment.

Senate amendment

Similar provision, except the Senate amendment:

Authorizes, rather than requires, the Commissioner to provide information obtained under this provision to be shared with other Federal and federally-assisted agencies;

Limits the uses of this information to "eligibility purposes" not including "other administrative purposes" as provided in the House bill; and

Does not include conforming amendments.

Conference agreement

The Senate recedes to the House.

2. Elimination of Title II Requirement That Confinement Stem From Crime Punishable by Imprisonment For More Than 1 Year

Present law

The Social Security Act bars payment of OASDI benefits to prisoners convicted of any crime punishable by imprisonment of more than one year and to those who are institutionalized because they are found guilty but insane. In addition, the law stipulates that no monthly benefits shall be paid to any person for any month during which the person is an inmate.

House bill

This House bill broadens the prohibition of OASDI benefits to prisoners to be identical to those that apply to SSI benefits. In addition, it replaces "an offense punishable by imprisonment for more than 1 year" with "a criminal offense," and includes benefits payable to persons confined to: (1) a penal institution; or (2) other institution if found guilty but insane, regardless of the total duration of the confinement. An exception would be made for prisoners incarcerated for less than 30 days. The provision is effective for prisoners whose confinement begins on or after the first day of the fourth month after the month of enactment.

Senate amendment

Similar provision, except restrictions would apply during months throughout which the criminal was incarcerated, rather than in any month during which the criminal was incarcerated as in the House bill. In addition, does not exempt prisoners convicted of crimes punishable by imprisonment of less 30 days.

Conference agreement

The Senate recedes to the House.

3. Conforming Title XVI Amendments

Present law

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 required the Commissioner of Social Security to enter into an agreement with any interested State or local institution (defined as a jail, prison, other correctional facility, or institution where the individual is confined due to a court order) under which the institution shall provide monthly the names, Social Security numbers, dates of birth, confinement dates, and other identifying information of prisoners. The Commissioner must pay to the institution for each eligible individual who becomes ineligible for SSI $400 if the information is provided within 30 days of the individual's becoming an inmate. The payment is $200 if the information is furnished after 30 days but within 90 days.

House bill

The amendment is designed to clarify the provision in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 that, in cases in which an inmate receives benefits under both the SSI and Social Security programs, payments to correctional facilities would be restricted to $400 or $200, depending on when the report is furnished. The amendment also expands the categories of institutions eligible to report incarceration of prisoners. This provision is effective as of the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 on August 22, 1996.

Senate amendment

Similar provision, but limits the uses of this information to "eligibility purposes" not including "other administrative purposes" as provided in the House bill.

Conference agreement

The Senate recedes to the House.

4. Continued Denial of Benefits to Sex Offenders Remaining Confined to Public Institutions Upon Completion of Prison Terms

Present Law

No provision.

House bill

The bill prohibits OASDI payments to sex offenders who, on completion of a prison term, remain confined in a public institution pursuant to a court finding that they continue to be sexually dangerous to others. The provision applies to benefits for months ending after the date of enactment.

Senate amendment

Identical provision.

Conference agreement

The conference agreement follows the House bill and the Senate amendment.

Revocation by Members of the Clergy of Exemption From Social Security Coverage

Present law

Practicing members of the clergy are automatically covered by Social Security as self-employed workers unless they file for an exemption from Social Security coverage within a period ending with the due date of the tax return for the second taxable year (not necessarily consecutive) in which they begin performing their ministerial services. Members of the clergy seeking the exemption must file statements with their church, order, or licensing or ordaining body stating their opposition to the acceptance of Social Security benefits on religious principles. If elected, this exemption is irrevocable.

House bill

The House bill provides a 2-year "open season," beginning January 1, 2000, for members of the clergy who want to revoke their exemption from Social Security. This decision to join Social Security would be irrevocable. A member of the clergy choosing such coverage would become subject to self-employment taxes and his or her subsequent earnings would be credited for Social Security (and Medicare) benefit purposes. The provision is effective January 1, 2000, for a period of 2 years.

Senate amendment

Identical provision.

Conference agreement

The conference agreement follows the House bill and the Senate amendment.

Additional Technical Amendment Relating to Cooperative Research or Demonstration Projects Under Titles II and XVI

Present law

Current law authorizes Title XVI funding for making grants to States and public and other organizations for paying part of the cost of cooperative research or demonstration projects.

House bill

The provision clarifies current law to include agreements or grants concerning Title II of the Social Security Act and is effective as of August 15, 1994.

Senate amendment

Identical provision.

Conference agreement

The conference agreement follows the House bill and the Senate amendment.

Authorization for States to Permit Annual Wage Reports

Present law

The Social Security Domestic Employment Reform Act of 1994 (P.L. 103-387) changed certain Social Security and Medicare tax rules. Specifically, the Act provided that domestic service employers (that is, individuals employing maids, gardeners, babysitters, and the like) would no longer owe taxes for any domestic employee who earned less than $1,000 per year from the employer. In addition, the Act simplified certain reporting requirements. Domestic employers were no longer required to file quarterly returns regarding Social Security and Medicare taxes, nor the annual Federal Unemployment Tax Act (FUTA) return. Instead, all Federal reporting was consolidated on an annual Schedule H filed at the same time as the employer's personal income tax return.

House bill

The provision allows States the option of permitting domestic service employers to file annual rather than quarterly wage reports pursuant to section 1137 of the Social Security Act, which provides for an income and eligibility verification system (IEVS) for certain public benefits. This provision is effective as of the date of enactment.

Senate amendment

Identical provision.

Conference agreement

The conference agreement follows the House bill and the Senate amendment.

Assessment on Attorneys Who Receive Fees Via the Social Security Administration

Present law

The Commissioner of Social Security, using one of two processes, authorizes the fee that may be charged by an attorney or non-attorney to represent a claimant in administrative proceedings for Social Security, SSI, or Part B Black Lung benefits.

Under the fee agreement process, the representative and claimant submit a signed agreement reflecting the amount of the fee before the date of a favorable decision, and the agreement usually will be approved by the Commissioner if the specified fee does not exceed the lesser of 25 percent of the claimant's past-due benefits or $4,000. The Commissioner then issues a notice of the maximum fee the representative can charge based on the approved agreement.

Under the fee petition process, the representative submits an itemized list of services and fees after a decision has been issued. The Commissioner will issue a notice of the fees that are approved or disapproved after reviewing the extent and types of services performed, the complexity of the case, and the amount of time spent by the representative on the case.

The Social Security Act and Social Security regulations provide that a representative may not charge or collect, directly or indirectly, a fee in any amount not approved by the Social Security Administration (SSA) or a Federal court. The statute and regulations further provide that SSA may suspend or disqualify from further practice before SSA a representative who breaks the rules governing representatives.

Under programs authorized under title II of the Social Security Act, in favorable decisions in which the claimant is represented by an attorney, the Commissioner must withhold and certify direct payment to the attorney, out of the claimant's past-due benefits, an amount equal to the smaller of: (1) 25 percent of the past-due benefits, or (2) the fee authorized by the Commissioner under either the fee petition or fee agreement process. This payment provision does not apply to SSI benefits and an attorney must look to the SSI beneficiary for payment of the fee. In addition, it does not apply to fees requested by non-attorney representatives.

The costs associated with approving, determining, processing, withholding, and certifying direct payment of attorney fees are currently absorbed in SSA's administrative budget.

House bill

The bill requires the Commissioner of Social Security to recover from attorneys' fees the cost of administering the process used to certify payment of attorneys fees. The assessment would be withheld from the amount payable to the attorney and the attorney would be prohibited from recovering the assessment from the beneficiary. The provision specifies an assessment of 6.3 percent of the approved attorney's fee for FY2000. After FY2000, the percentage would be adjusted by the Commissioner as necessary to achieve full recovery of the costs associated with certifying fees to attorneys.

The provision is applicable to fees required to be certified for payment after December 31, 1999, or the last day of the first month beginning after the month of enactment, whichever is later.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill with the modification that, for calendar years after 2000, the assessment would be set at a rate to achieve full recovery of the costs of determining, processing, withholding, and distributing payment of fees to attorneys, but shall not exceed 6.3 percent of the attorney's fee. The Conferees expect that the Commissioner of Social Security will take into account in determining the cost to the Social Security Administration the processing, withholding, and distributing of payments of fees to attorneys. The agreement contemplates ongoing Congressional oversight of the attorney fee assessment process through hearings and requires a study by the General Accounting Office (GAO) to examine the costs of administering the attorney fee provisions with specific estimates of the costs of processing, withholding, and distributing of payment of fees. GAO would also explore the feasibility and advisability of a fixed fee as opposed to an assessment based on a percentage of the attorney's fee and would determine whether the assessment impairs access to representation for applicants. GAO would be required to make recommendations regarding efficiencies that the Commissioner could implement to reduce the cost of determining and certifying fees, the feasibility of linking the collection of the assessment to the timeliness of the payment of fees to attorneys, and the advisability of extending attorney fee disbursement to the Supplemental Security Income program. The agreement also eliminates the requirement that the Commissioner may not certify a fee before the end of the 15-day waiting period, but does not affect any beneficiary's right of appeal.

The authority is provided to the SSA to decrease the user fee assessment, and accordingly it should be decreased to take into account any administrative savings associated with technological improvements or administrative efficiencies implemented by the SSA or if the GAO finds that actual administrative expenses are less than reported by the SSA. The SSA should devote special attention to GAO recommendations related to program improvements or administrative efficiencies.

In addition, the Congress and the Committees of jurisdiction should reconsider the assessment promptly if the GAO finds that such a fee in any way impairs or impacts beneficiaries' ability to obtain and secure legal representation.

Prevention of Fraud and Abuse Associated with Certain Payments Under the Medicaid Program

Present law

Under the Individuals with Disabilities Education Act (IDEA), public schools must provide children with disabilities with a free and appropriate public education in the least restrictive educational setting, including special education and health-related services according to their individualized education program (IEP). In order to assist schools in meeting this obligation, under certain circumstances States may turn to Medicaid as a payer for health-related services such as occupational therapy, speech therapy, and physical therapy. Under certain conditions, school districts may directly bill their State Medicaid program for health-related services provided to disabled children enrolled in Medicaid. In addition, a school district may utilize a community-based organization to provide health-related services to disabled children enrolled in Medicaid.

In May of 1999, the Health Care Financing Administration (HCFA) clarified federal policies with respect to reimbursement for school-based health services under Medicaid in three areas: (1) bundled rates for medical services provided to Medicaid-eligible children in schools; (2) Federal matching payments for school health-related transportation services; and (3) school health-related administrative activities.

House bill

The bill stipulates that Medicaid payments for school-based services and related administrative costs are not to be made unless certain conditions are met. First, individual items and services may not be bundled unless payment is made under a methodology approved by the Secretary of Health and Human Services (HHS). Similarly, fee-for-service payment for individual items and services and administrative expenses is permitted only when payment does not exceed amounts paid to other entities for the same items, services, or administrative expenses, or is made in accordance with an alternative arrangement approved by the Secretary. This provision also codifies HCFA's policies on transportation services in effect as of May 1999. Finally, the provision delineates specific conditions under which payments for Medicaid covered items, services and administrative expenses can be made when a public agency such as a school district contracts with an entity to conduct claims processing functions.

The bill requires coordination between states, managed care entities and schools related to provision of and payment for Medicaid services provided in school settings. The provision would ensure that local school agencies are able to recoup an appropriate amount of federal financial match when they make expenditures for services for these Medicaid eligible children. Finally, the provision specifies that the Administrator of HCFA, in consultation with State Medicaid and education agencies and local school systems, will develop and implement a uniform methodology for administrative claims made by schools.

Senate amendment

No provision.

Conference agreement

The House recedes to the Senate.

Extension of Authority of State Medicaid Fraud Control Units

Present law

Medicaid Fraud Control Units established by State governments as entities separate from the State's Medicaid agency are authorized to investigate and refer for prosecution Medicaid fraud as well as patient abuse in facilities that participate in the Medicaid program.

House bill

The bill permits State Medicaid Fraud Control Units to investigate fraud related to any Federal health care program, subject to the approval of the appropriate Inspector General, if the suspected fraud is related to Medicaid fraud. Funds that are recovered would be returned to the relevant Federal health care program or the Medicaid program. Fraud control units would be permitted to investigate patient abuse in non-Medicaid residential health care facilities.

Senate amendment

No provision.

Conference agreement

The Senate recedes to the House.

Climate Database Modernization

Present law

No provision.

House bill

No provision.

Senate amendment

No provision.

Conference agreement

Notwithstanding any other provision of law, the National Oceanic and Atmospheric Administration (NOAA) shall contract for its multi-year program for climate database modernization and utilization in accordance with NIH Image World Contract #263-96-D-0323 and Task Order #56-DKNE-9-98303 which were awarded as a result of fair and open competition conducted in response to NOAA's solicitation IW SOW 1082.

Special Allowance Adjustment for Student Loans

Present law

Under the Higher Education Act of 1965, the special allowance paid to lenders for participation in the Federal Family Education Loan Program is pegged to the rate for 91-day Treasury bills.

House bill

The bill changes the index for the special allowance from 91-day Treasury bills to that for 3-month commercial paper and would be applicable for payment with respect to any 3-month period beginning on or after January 1, 2000, for loans for which the first disbursement is made after such date.

Senate amendment

No provision.

Conference agreement

The Senate recedes to the House. In receding to the House on the provision, the conferees wish to note that the Higher Education Act reauthorization (P.L. 105-244) required the establishment of a study group to design and conduct a study to identify and evaluate means of establishing a market mechanism for the delivery of Title IV loans. Not fewer than three different mechanisms were to be identified and evaluated by this group which was to report to the Congress no later than May 15, 2001. The conferees wish to note that the Chairman and Ranking Member of the Committee on Education and the Workforce and the Chairman and Ranking Member of the House Subcommittee on Postsecondary Education, Training and Life Long Learning have endorsed the change to the lender yield calculation on student loans contained in the bill. The proposal would change lender yields from January 1, 2000 through June 30, 2003 at which time the House Education and the Workforce Committee and the Senate Health, Education, Labor, and Pension Committee can appropriately review this item during the consideration of the Higher Education Act reauthorization.

Schedule for Payments Under SSI State Supplementation Agreements

Present law

States may supplement the federal Supplemental Security Income (SSI) payment. The Social Security Administration (SSA) administers this state supplement payment for 26 States. Under current regulations, States must reimburse SSA within 5 business days after the monthly supplement payment has been made by SSA.

House bill

No provision.

Senate amendment

No provision.

Conference agreement

The conference agreement would change the date for remitting reimbursement by the States to no later than the business day preceding the date SSA pays the monthly benefit. For the payment for the last month of the State's fiscal year, States shall remit the reimbursement by the fifth business day following the date SSA pays the monthly benefit. The agreement also provides for a penalty of 5 percent of the payment and fees due if the payment is received after the specified dates. This provision is effective for monthly benefits paid for months after September 2009 (October 2009 for States with fiscal years that coincide with the Federal fiscal year).

Bonus Commodities Related to the National School Lunch Act

Present law

In the School Lunch program, schools are entitled to federal food commodity assistance for each meal they serve. Commodity assistance must equal a specific amount per meal, about 15 cents a meal in the 1999–2000 school year. In addition, when all school lunch program aid (cash and commodities) are added together, the value of commodities purchased to meet the per-meal (15-cent) entitlement—so-called entitlement commodities—must equal 12 percent of the total cash and commodity aid provided. If not, the Agriculture Department is required to buy additional commodities to meet the 12 percent requirement.

The Agriculture Department appropriations laws for fiscal years 1999 and 2000 changed this 12 percent rule temporarily. They require that any commodities acquired by the Agriculture Department for farm support reasons, and then donated to schools in the school lunch program (so-called bonus commodities), be counted when judging whether the 12 percent requirement has been met.

House bill

No provision.

Senate amendment

No provision.

Conference agreement

The conference agreement would apply the provisions incorporated in the Agriculture Department appropriations laws for fiscal years 1999 and 2000 to fiscal years 2001 through 2009.

Simplification of Foster Child Definition Under Earned Income Credit

Present law

For purposes of the earned income credit ("EIC"), qualifying children may include foster children who reside with the taxpayer for a full year, if the taxpayer cares for the foster children as the taxpayer's own children. (Code sec. 32(c)(3)(B)(iii)). All EIC qualifying children (including foster children) must either be under the age of 19 (24 if a full-time student) or permanently and totally disabled. There is no requirement that the foster child either be (1) placed in the household by a foster care agency or (2) a relative of the taxpayer.

House bill

NO PROVISION.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

For purposes of the EIC, a foster child is defined as a child who (1) is cared for by the taxpayer as if he or she were the taxpayer's own child, (2) has the same principal place of abode as the taxpayer for the taxpayer's entire taxable year, and (3) either is the taxpayer's brother, sister, stepbrother, stepsister, or descendant (including an adopted child) of any such relative, or was placed in the taxpayer's home by an agency of a State or one of its political subdivisions or by a tax-exempt child placement agency licensed by a State.

Delay of Effective Date of Organ Procurement and Transplantation Network Final Rule

Present law

No provision.

House bill

No provision.

Senate amendment

No provision.

Conference agreement

The final rule entitled "Organ Procurement and Transplantation Network", promulgated by the Secretary of Health and Human Services on April 2, 1998, together with the amendments to such rules promulgated on October 20, 1999 shall not become effective before the expiration of the 90-day period beginning on the date of enactment of this Act.

LEGISLATIVE BACKGROUND

H.R. 1180, the "Ticket to Work and Work Incentives Improvement Act of 1999," was passed by the House on October 19, 1999. In the Senate, the provisions of S. 331 (the "Work Incentives Improvement Act of 1999"), with an amendment, were substituted, and the bill, as amended, passed the Senate on October 21, 1999. The conference agreement to H.R. 1180 contains provisions to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities. Provisions of H.R. 2923 ("Extension of Expiring Provisions"),[1] as approved by the Ways and Means Committee on September 28, 1999, and S. 1792, (the "Tax Relief Extension Act of 1999"),[2] as passed by the Senate on October 29, 1999, are included in the conference agreement to H.R. 1180.

I. EXTENSION OF EXPIRED AND EXPIRING TAX PROVISIONS

A. Extend Minimum Tax Relief for Individuals (secs. 24 and 26 of the Code)

Present Law

Present law provides for certain nonrefundable personal tax credits (i.e., the dependent care credit, the credit for the elderly and disabled, the adoption credit, the child tax credit, the credit for interest on certain home mortgages, the HOPE Scholarship and Lifetime Learning credits, and the D.C. homebuyer's credit). Except for taxable years beginning during 1998, these credits are allowed only to the extent that the individual's regular income tax liability exceeds the individual's tentative minimum tax, determined without regard to the minimum tax foreign tax credit. For taxable years beginning during 1998, these credits are allowed to the extent of the full amount of the individual's regular tax (without regard to the tentative minimum tax).

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[1] The provisions of H.R. 2923 were reported by the House Committee on Ways and Means on September 28, 1999 (H. Rept. 106–344).

[2] The provisions of S. 1792 were reported by the Senate Committee on Finance on October 26, 1999 (S. Rept. 106–201).

An individual's tentative minimum tax is an amount equal to (1) 26 percent of the first $175,000 ($87,500 in the case of a married individual filing a separate return) of alternative minimum taxable income ("AMTI") in excess of a phased-out exemption amount and (2) 28 percent of the remaining AMTI. The maximum tax rates on net capital gain used in computing the tentative minimum tax are the same as under the regular tax. AMTI is the individual's taxable income adjusted to take account of specified preferences and adjustments. The exemption amounts are: (1) $45,000 in the case of married individuals filing a joint return and surviving spouses; (2) $33,750 in the case of other unmarried individuals; and (3) $22,500 in the case of married individuals filing a separate return, estates and trusts. The exemption amounts are phased out by an amount equal to 25 percent of the amount by which the individual's AMTI exceeds (1) $150,000 in the case of married individuals filing a joint return and surviving spouses, (2) $112,500 in the case of other unmarried individuals, and (3) $75,000 in the case of married individuals filing separate returns or an estate or a trust. These amounts are not indexed for inflation.

For families with three or more qualifying children, a refundable child credit is provided, up to the amount by which the liability for social security taxes exceeds the amount of the earned income credit (sec. 24(d)). For taxable years beginning after 1998, the refundable child credit is reduced by the amount of the individual's minimum tax liability (i.e., the amount by which the tentative minimum tax exceeds the regular tax liability).

House Bill

No provision. H.R. 2923, as approved by the Committee on Ways and Means, makes permanent the provision that allows an individual to offset the entire regular tax liability (without regard to the minimum tax) by the personal nonrefundable credits.

H.R. 2923 repeals the present-law provision that reduces the refundable child credit by the amount of an individual's minimum tax.

Effective date.—The provisions of H.R. 2923 are effective for taxable years beginning after December 31, 1998.

Senate Amendment

No provision. S. 1792, as passed by the Senate, contains the same provisions as H.R. 2923, except that the provisions apply only to taxable years beginning in 1999 and 2000.

Conference Agreement

The conference agreement extends the provision that allows the nonrefundable credits to offset the individual's regular tax liability in full (as opposed to only the amount by which the regular tax exceeds the tentative minimum tax) to taxable years beginning in 1999. For taxable years beginning in 2000 and 2001 the personal nonrefundable credits may offset both the regular tax and the minimum tax.[3]

Under the conference agreement, the refundable child credit will not be reduced by the amount of an individual's minimum tax in taxable years beginning in 1999, 2000, and 2001.

B. Extend Research and Experimentation Tax Credit and Increase Rates for the Alternative Incremental Research Credit (sec. 41 of the Code)

Present Law

Section 41 provides for a research tax credit equal to 20 percent of the amount by which a taxpayer's qualified research expenditures for a taxable year exceeded its base amount for that year. The research tax credit expired and generally does not apply to amounts paid or incurred after June 30, 1999.

Except for certain university basic research payments made by corporations, the research tax credit applies only to the extent that the taxpayer's qualified research expenditures for the current taxable year exceed its base amount. The base amount for the current year generally is computed by multiplying the taxpayer's "fixed-base percentage" by the average amount of the taxpayer's gross receipts for the four preceding years. If a taxpayer both incurred qualified research expenditures and had gross receipts during each of at least three years from 1984 through 1988, then its "fixed-base percentage" is the ratio that its total qualified research expenditures for the 1984–1988 period bears to its total gross receipts for that period (subject to a maximum ratio of .16). All other taxpayers (so-called "start-up firms") are assigned a fixed-base percentage of 3 percent. Expenditures attributable to research that is conducted outside the United States do not enter into the credit computation.

Taxpayers are allowed to elect an alternative incremental research credit regime. If a taxpayer elects to be subject to this alternative regime, the taxpayer is assigned a three-tiered fixed-base percentage (that is lower than the fixed-base percentage otherwise applicable under present law) and the credit rate likewise is reduced. Under the alternative credit regime, a credit rate of 1.65 percent applies to the extent that a taxpayer's current-year research expenses exceed a base amount computed by using a fixed-base percentage of 1 percent (i.e., the base amount equals 1 percent of the taxpayer's average gross receipts for the four preceding years) but do not exceed a base amount computed by using a fixed-base percentage of 1.5 percent. A credit rate of 2.2 percent applies to the extent that a taxpayer's current-year research expenses exceed a base amount computed by using a fixed-base percentage of 1.5 percent but do not exceed a base amount computed by using a fixed-base percentage of 2 percent. A credit rate of 2.75 percent applies to the extent that a taxpayer's current-year research expenses exceed a base amount computed by using a fixed-base percentage of 2 percent. An election to be subject to this alternative incremental credit regime may be made for any taxable year beginning after June 30, 1996, and such an election applies to that taxable year and all subsequent years (in the event that the credit subsequently is extended by Congress) unless revoked with the consent of the Secretary of the Treasury.

House Bill

No provision. However, H.R. 2923, as approved by the Committee on Ways and Means, extends the research tax credit for five years—i.e., generally, for the period July 1, 1999, through June 30, 2004.

In addition, the provision increases the credit rate applicable under the alternative incremental research credit one percentage point per step, that is from 1.65 percent to 2.65 percent when a taxpayer's current-year research expenses exceed a base amount of 1 percent but do not exceed a base amount of 1.5 percent; from 2.2 percent to 3.2 percent when a taxpayer's current-year research expenses exceed a base amount of 1.5 percent but do not exceed a base amount of 2 percent; and from 2.75 percent to 3.75 percent when a taxpayer's current-year research expenses exceed a base amount of 2 percent.

Research tax credits that are attributable to the period beginning on July 1, 1999, and ending on September 30, 2000, may not be taken into account in determining any amount required to be paid for any purpose under the Internal Revenue Code prior to October 1, 2000. On or after October 1, 2000, such credits may be taken into account through the filing of an amended return, an application for expedited refund, an adjustment of estimated taxes, or other means that is allowed by the Code.

Effective date.—The extension of the research credit is effective for qualified research expenditures paid or incurred during the period July 1, 1999, through June 30, 2004. The increase in the credit rate under the alternative incremental research credit is effective for taxable years beginning after June 30, 1999. Estimated tax penalties will be waived for the period before July 1, 1999, with respect to any underpayment that is created by reason of the rule allocating research credits to a period based on the ratio of months in such period to the months in the taxable year.

Senate Amendment

No provision. However, S. 1792, as passed by the Senate, extends the research tax credit for 18 months—i.e., generally, for the period July 1, 1999, through December 31, 2000.

In addition, S. 1792 increases the credit rate applicable under the alternative incremental research credit one percentage point per step, that is, identical to the H.R. 2923.

Lastly, S. 1792 expands the definition of qualified research to include research undertaken in Puerto Rico and possessions of the United States. However, any employee compensation or other expense claimed for computation of the research credit may not also be claimed for the purpose of any credit allowable under sec. 30A ("Puerto Rico economic activity credit") or under sec. 936 ("Puerto Rico and possession tax credit").

Effective date.—The extension of the research credit is effective for qualified research expenditures paid or incurred during the period July 1, 1999, through December 31, 2000. The increase in the credit rate under the alternative incremental research credit is effective for taxable years beginning after June 30, 1999. The expansion of qualified research to include research undertaken in any possession of the United States is effective for qualified research expenditures paid or incurred beginning after June 30, 1999.

Conference Agreement

The conference agreement includes the provision of H.R. 2923 by extending the research credit through June 30, 2004.

In addition, the conference agreement follows H.R. 2923 and S. 1792 by increasing the credit rate applicable under the alternative incremental research credit by one percentage point per step.

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[3] The foreign tax credit will be allowed before the personal credits in computing the regular tax for these years.

The conference agreement follows S. 1792 by expanding the definition of qualified research to include research undertaken in Puerto Rico and possessions of the United States.

Research tax credits that are attributable to the period beginning on July 1, 1999, and ending on September 30, 2000, may not be taken into account in determining any amount required to be paid for any purpose under the Internal Revenue Code prior to October 1, 2000. On or after October 1, 2000, such credits may be taken into account through the filing of an amended return, an application for expedited refund, an adjustment of estimated taxes, or other means that are allowed by the Code. The prohibition on taking credits attributable to the period beginning on July 1, 1999, and ending on September 30, 2000, into account as payments prior to October 1, 2000, extends to the determination of any penalty or interest under the Code. For example, the amount of tax required to be shown on a return that is due prior to October 1, 2000 (excluding extensions) may not be reduced by any such credits. In addition, the conferees clarify that deductions under section 174 are reduced by credits allowable under section 41 as under present law, not withstanding the delay in taking the credit into account created by this provision.

Similarly, research tax credits that are attributable to the period beginning October 1, 2000, and ending on September 30, 2001, may not be taken into account in determining any amount required to be paid for any purpose under the Internal Revenue Code prior to October 1, 2001. On or after October 1, 2001, such credits may be taken into account through the filing of an amended return, an application for expedited refund, an adjustment of estimated taxes, or other means that are allowed by the Code. Likewise, the prohibition on taking credits attributable to the period beginning on October 1, 2000, and ending on September 30, 2001, into account as payments prior to October 1, 2001, extends to the determination of any penalty or interest under the Code.

In extending the research credit, the conferees are concerned that the definition of qualified research be administered in a manner that is consistent with the intent Congress has expressed in enacting and extending the research credit. The conferees urge the Secretary to consider carefully the comments he has and may receive regarding the proposed regulations relating to the computation of the credit under section 41(c) and the definition of qualified research under section 41(d), particularly regarding the "common knowledge" standard. The conferees further note the rapid pace of technological advance, especially in service-related industries, and urge the Secretary to consider carefully the comments he has and may receive in promulgating regulations in connection with what constitutes "internal use" with regard to software expenditures. The conferees also observe that software research, that otherwise satisfies the requirements of section 41, which is undertaken to support the provision of a service, should not be deemed "internal use" solely because the business component involves the provision of a service.

The conferees wish to reaffirm that qualified research is research undertaken for the purpose of discovering new information which is technological in nature. For purposes of applying this definition, new information is information that is new to the taxpayer, is not freely available to the general public, and otherwise satisfies the requirements of section 41. Employing existing technologies in a particular field or relying on existing principles of engineering or science is qualified research, if such activities are otherwise undertaken for purposes of discovering information and satisfy the other requirements under section 41.

The conferees also are concerned about unnecessary and costly taxpayer record keeping burdens and reaffirm that eligibility for the credit is not intended to be contingent on meeting unreasonable record keeping requirements.

Effective date.—The extension of the research credit is effective for qualified research expenditures paid or incurred during the period July 1, 1999, through June 30, 2004. The increase in the credit rate under the alternative incremental research credit is effective for taxable years beginning after June 30, 1999.

C. Extend Exceptions under Subpart F for Active Financing Income (secs. 953 and 954 of the Code)

Present Law

Under the subpart F rules, 10-percent U.S. shareholders of a controlled foreign corporation ("CFC") are subject to U.S. tax currently on certain income earned by the CFC, whether or not such income is distributed to the shareholders. The income subject to current inclusion under the subpart F rules includes, among other things, foreign personal holding company income and insurance income. In addition, 10-percent U.S. shareholders of a CFC are subject to current inclusion with respect to their shares of the CFC's foreign base company services income (i.e., income derived from services performed for a related person outside the country in which the CFC is organized).

Foreign personal holding company income generally consists of the following: (1) dividends, interest, royalties, rents, and annuities; (2) net gains from the sale or exchange of (a) property that gives rise to the preceding types of income, (b) property that does not give rise to income, and (c) interests in trusts, partnerships, and REMICs; (3) net gains from commodities transactions; (4) net gains from foreign currency transactions; (5) income that is equivalent to interest; (6) income from notional principal contracts; and (7) payments in lieu of dividends.

Insurance income subject to current inclusion under the subpart F rules includes any income of a CFC attributable to the issuing or reinsuring of any insurance or annuity contract in connection with risks located in a country other than the CFC's country of organization. Subpart F insurance income also includes income attributable to an insurance contract in connection with risks located within the CFC's country of organization, as the result of an arrangement under which another corporation receives a substantially equal amount of consideration for insurance of other-country risks. Investment income of a CFC that is allocable to any insurance or annuity contract related to risks located outside the CFC's country of organization is taxable as subpart F insurance income (Prop. Treas. Reg. sec. 1.953-1(a)).

Temporary exceptions from foreign personal holding company income, foreign base company services income, and insurance income apply for subpart F purposes for certain income that is derived in the active conduct of a banking, financing, or similar business, or in the conduct of an insurance business (so-called "active financing income"). These exceptions are applicable only for taxable years beginning in 1999.[1]

With respect to income derived in the active conduct of a banking, financing, or similar business, a CFC is required to be predominantly engaged in such business and to conduct substantial activity with respect to such business in order to qualify for the exceptions. In addition, certain nexus requirements apply, which provide that income derived by a CFC or a qualified business unit ("QBU") of a CFC from transactions with customers is eligible for the exceptions if, among other things, substantially all of the activities in connection with such transactions are conducted directly by the CFC or QBU in its home country, and such income is treated as earned by the CFC or QBU in its home country for purposes of such country's tax laws. Moreover, the exceptions apply to income derived from certain cross border transactions, provided that certain requirements are met. Additional exceptions from foreign personal holding company income apply for certain income derived by a securities dealer within the meaning of section 475 and for gain from the sale of active financing assets.

In the case of insurance, in addition to a temporary exception from foreign personal holding company income for certain income of a qualifying insurance company with respect to risks located within the CFC's country of creation or organization, certain temporary exceptions from insurance income and from foreign personal holding company income apply for certain income of a qualifying branch of a qualifying insurance company with respect to risks located within the home country of the branch, provided certain requirements are met under each of the exceptions. Further, additional temporary exceptions from insurance income and from foreign personal holding company income apply for certain income of certain CFCs or branches with respect to risks located in a country other than the United States, provided that the requirements for these exceptions are met.

House Bill

No provision, but H.R. 2923, as approved by the Committee on Ways and Means, extends for five years the present-law temporary exceptions from subpart F foreign personal holding company income, foreign base company services income, and insurance income for certain income that is derived in the active conduct of a banking, financing, or similar business, or in the conduct of an insurance business.

Effective date.—The provision is effective for taxable years of foreign corporations beginning after December 31, 1999, and before January 1, 2005, and for taxable years of U.S. shareholders with or within which such taxable years of such foreign corporations end.

Senate Amendment

No provision, but S. 1792, as passed by the Senate, extends for one year the present-law temporary exceptions from subpart F foreign personal holding company income, foreign base company services income, and insurance income for certain income that is derived in the active conduct of a banking, financing, or similar business, or in the conduct of an insurance business.

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[1] Temporary exceptions from the subpart F provisions for certain active financing income applied only for taxable years beginning in 1998. Those exceptions were extended and modified as part of the present-law provision.

Effective date.—The provision is effective only for taxable years of foreign corporations beginning in 2000, and for taxable years of U.S. shareholders with or within which such taxable years of such foreign corporations end.

Conference Agreement

The conference agreement includes the provision in H.R. 2923 and S. 1792, with a modification to the effective date. The provision in the conference agreement extends for two years the present-law temporary exceptions from subpart F foreign personal holding company income, foreign base company services income, and insurance income for certain income that is derived in the active conduct of a banking, financing, or similar business, or in the conduct of an insurance business.

The conference agreement clarifies that if the temporary exception from subpart F insurance income does not apply for a taxable year beginning after December 31, 2001, section 953(a) is to be applied to such taxable year in the same manner as it would for a taxable year beginning in 1998 (i.e., under the law in effect before amendments to section 953(a) were made in 1998).[5] Thus, for future periods in which the temporary exception relating to insurance income is not in effect, the same-country exception from subpart F insurance income applies as under prior law.

Effective date.—The provision is effective for taxable years of foreign corporations beginning after December 31, 1999, and before January 1, 2002, and for taxable years of U.S. shareholders with or within which such taxable years of such foreign corporations end.

D. Extend Suspension of Net Income Limitation on Percentage Depletion from Marginal Oil and Gas Wells (sec. 613A of the Code)

Present Law

The Code permits taxpayers to recover their investments in oil and gas wells through depletion deductions. In the case of certain properties, the deductions may be determined using the percentage depletion method. Among the limitations that apply in calculating percentage depletion deductions is a restriction that, for oil and gas properties, the amount deducted may not exceed 100 percent of the net income from that property in any year (sec. 613(a)).

Special percentage depletion rules apply to oil and gas production from "marginal" properties (sec. 613A(c)(6)). Marginal production is defined as domestic crude oil and natural gas production from stripper well property or from property substantially all of the production from which during the calendar year is heavy oil. Stripper well property is property from which the average daily production is 15 barrel equivalents or less, determined by dividing the average daily production of domestic crude oil and domestic natural gas from producing wells on the property for the calendar year by the number of wells. Heavy oil is domestic crude oil with a weighted average gravity of 20 degrees API or less (corrected to 60 degrees Farenheit). Under one such special rule, the 100-percent-of-net-income limitation does not apply to domestic oil and gas production from marginal properties during taxable years beginning after December 31, 1997, and before January 1, 2000.

House Bill

No provision, but H.R. 2923, as approved by the Committee on Ways and Means, extends the present-law suspension of the 100–percent-of-net-income limitation with respect to oil and gas production from marginal wells to include taxable years beginning after December 31, 1999, and before January 1, 2005.

Senate Amendment

No provision, but S. 1792, as passed by the Senate, extends the present-law suspension of the 100–percent-of-net-income limitation with respect to oil and gas production from marginal wells to include taxable years beginning after December 31, 1999, and before January 1, 2001.

Conference Agreement

The conference agreement includes H.R. 2923 and S. 1792, with a modification providing an extension period through taxable years beginning before January 1, 2002.

E. Extend the Work Opportunity Tax Credit (sec. 51 of the Code)

Present Law

In general

The work opportunity tax credit ("WOTC"), which expired on June 30, 1999, was available on an elective basis for employers hiring individuals from one or more of eight targeted groups. The credit equals 40 percent (25 percent for employment of 400 hours or less) of qualified wages. Generally, qualified wages are wages attributable to service rendered by a member of a targeted group during the one-year period beginning with the day the individual began work for the employer.

The maximum credit per employee is $2,400 (40% of the first $6,000 of qualified first-year wages). With respect to qualified summer youth employees, the maximum credit is $1,200 (40 percent of the first $3,000 of qualified first-year wages).

The employer's deduction for wages is reduced by the amount of the credit.

Targeted groups eligible for the credit

The eight targeted groups are: (1) families eligible to receive benefits under the Temporary Assistance for Needy Families (TANF) Program; (2) high-risk youth; (3) qualified ex-felons; (4) vocational rehabilitation referrals; (5) qualified summer youth employees; (6) qualified veterans; (7) families receiving food stamps; and (8) persons receiving certain Supplemental Security Income (SSI) benefits.

Minimum employment period

No credit is allowed for wages paid to employees who work less than 120 hours in the first year of employment.

Expiration date

The credit is effective for wages paid or incurred to a qualified individual who began work for an employer before July 1, 1999.

House Bill

No provision. However, H.R. 2923, as approved by the Committee on Ways and Means, extends the work opportunity tax credit for 30 months (through December 31, 2001) and clarifies the definition of first year of employment for purposes of the WOTC. H.R. 2923 also directs the Secretary of the Treasury to expedite procedures to allow taxpayers to satisfy their WOTC filing requirements (e.g., Form 8850) by electronic means.

Effective date.—The provision is effective for wages paid or incurred to qualified individuals who begin work for the employer on or after July 1, 1999, and before January 1, 2002.

Senate Amendment

No provision. However, S. 1792, as passed by the Senate, extends the work opportunity tax credit for 18 months (through December 31, 2000) and clarifies the definition of first year of employment for purposes of the WOTC.

Effective date.—The provision is effective for wages paid or incurred to qualified individuals who begin work for the employer on or after July 1, 1999, and before January 1, 2001.

Conference Agreement

The conference agreement provides for a 30-month extension of the work opportunity tax credit. The conference agreement also includes the clarification of the definition of first year of employment for purposes of the WOTC that is included in H.R. 2923 and S. 1792. Finally, the conferees also direct the Secretary of the Treasury to expedite the use of electronic filing of requests for certification under the credit. They believe that participation in the program by businesses should not be discouraged by the requirement that such forms (i.e., the Form 8850) be submitted in paper form.

Effective date.—The provision is effective for wages paid or incurred to qualified individuals who begin work for the employer on or after July 1, 1999, and before January 1, 2002.

F. Extend the Welfare-To-Work Tax Credit (sec. 51A of the Code)

Present Law

The Code provides to employers a tax credit on the first $20,000 of eligible wages paid to qualified long-term family assistance (AFDC or its successor program) recipients during the first two years of employment. The credit is 35 percent of the first $10,000 of eligible wages in the first year of employment and 50 percent of the first $10,000 of eligible wages in the second year of employment. The maximum credit is $8,500 per qualified employee.

Qualified long-term family assistance recipients are: (1) members of a family that has received family assistance for at least 18 consecutive months ending on the hiring date; (2) members of a family that has received family assistance for a total of at least 18 months (whether or not consecutive) after the date of enactment of this credit if they are hired within 2 years after the date that the 18-month total is reached; and (3) members of a family who are no longer eligible for family assistance because of either Federal or State time limits, if they are hired within 2 years after the Federal or State time limits made the family ineligible for family assistance.

Eligible wages include cash wages paid to an employee plus amounts paid by the employer for the following: (1) educational assistance excludable under a section 127 program (or that would be excludable but for the expiration of sec. 127); (2) health plan coverage for the employee, but not more than the applicable premium defined under section 4980B(f)(4); and (3) dependent care assistance excludable under section 129.

The welfare to work credit is effective for wages paid or incurred to a qualified individual who begins work for an employer on or after January 1, 1998, and before July 1, 1999.

House Bill

No provision. However, H.R. 2923, as approved by the Committee on Ways and Means, extends the welfare-to-work tax credit for 30 months.

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[5] For the 1998 amendments, see the Tax and Trade Relief Extension Act of 1998, Division J, Making Omnibus Consolidated and Emergency Supplemental Appropriations for Fiscal Year 1999, Pub. L. No. 105-277, sec. 1005(b), 112 Stat. 2681 (1998).

Effective date.—The provision extends the welfare-to-work credit effective for wages paid or incurred to a qualified individual who begins work for an employer on or after July 1, 1999, and before January 1, 2002.

Senate Amendment

No provision. However, S. 1792, as passed by the Senate, extends the welfare-to-work tax credit for 18 months.

Effective date.—The provision extends the welfare-to-work credit effective for wages paid or incurred to a qualified individual who begins work for an employer on or after July 1, 1999, and before January 1, 2001.

Conference Agreement

The conference agreement provides for a 30-month extension of the welfare-to-work tax credit.

Effective date.—The provision is effective for wages paid or incurred to a qualified individual who begins work for an employer on or after July 1, 1999, and before January 1, 2002.

G. Extend Exclusion for Employer-Provided Educational Assistance (sec. 127 of the Code)

Present Law

Educational expenses paid by an employer for the employer's employees are generally deductible to the employer.

Employer-paid educational expenses are excludable from the gross income and wages of an employee if provided under a section 127 educational assistance plan or if the expenses qualify as a working condition fringe benefit under section 132. Section 127 provides an exclusion of $5,250 annually for employer-provided educational assistance. The exclusion expired with respect to graduate courses June 30, 1996. With respect to undergraduate courses, the exclusion for employer-provided educational assistance expires with respect to courses beginning on or after June 1, 2000.

In order for the exclusion to apply, certain requirements must be satisfied. The educational assistance must be provided pursuant to a separate written plan of the employer. The educational assistance program must no discriminate in favor of highly compensated employees. In addition, not more than 5 percent of the amounts paid or incurred by the employer during the year for educational assistance under a qualified educational assistance plan can be provided for the class of individuals consisting of more than 5-percent owners of the employer (and their spouses and dependents).

Educational expenses that do not qualify for the section 127 exclusion may be excludable from income as a working condition fringe benefit.[6] In general, education qualifies as a working condition fringe benefit if the employee could have deducted the education expenses under section 162 if the employee paid for the education. In general, education expenses are deductible by an individual under section 162 if the education (1) maintains or improves a skill required in a trade or business currently engaged in by the taxpayer, or (2) meets the express requirements of the taxpayer's employer, applicable law or regulations imposed as a condition of continued employment. However, education expenses are generally not deductible if they relate to certain minimum educational requirements or to education or training that enables a taxpayer to begin working in a new trade or business.[7]

House Bill

No provision.

Senate Amendment

No provision. However, S. 1792 as passed by the Senate reinstates the exclusion for employer-provided educational assistance for graduate-level courses, and extends the exclusion, as applied to both undergraduate and graduate-level courses, through 2000. The provision in S. 1792 is effective with respect to undergraduate courses beginning after May 31, 2000, and before January 1, 2001. The provision is effective with respect to graduate-level courses beginning after December 31, 1999, and before January 1, 2001.

Conference Agreement

The conference agreement provides that the present-law exclusion for employer-provided educational assistance is extended through December 31, 2001.

Effective date.—The provision is effective with respect to courses beginning after May 31, 2000, and before January 1, 2002.

H. Extend and Modify Tax Credit for Electricity Produced by Wind and Closed-Loop Biomass Facilities (sec. 45 of the Code)

Present Law

An income tax credit is allowed for the production of electricity from either qualified wind energy or qualified "closed-loop" biomass facilities (sec. 45). The credit applies to electricity produced by a qualified wind energy facility placed in service after December 31, 1993, and before July 1, 1999, and to electricity produced by a qualified closed-loop biomass facility placed in service after December 31, 1992, and before July 1, 1999. The credit is allowable for production during the 10-year period after a facility is originally placed in service.

Closed-loop biomass is the use of plant matter, where the plants are grown for the sole purpose of being used to generate electricity. It does not include the use of waste materials (including, but not limited to, scrap wood, manure, and municipal or agricultural waste). The credit also is not available to taxpayers who use standing timber to produce electricity. In order to claim the credit, a taxpayer must own the facility and sell the electricity produced by the facility to an unrelated party.

House Bill

No provision.

Senate Amendment

No provision, but S. 1792, as passed by the Senate, extends the present-law tax credit for electricity produced by wind and closed-loop biomass for facilities placed in service after June 30, 1999, and before December 31, 2000. S. 1792 also modifies the tax credit to include electricity produced from poultry litter, for facilities placed in service after December 31, 1999, and before December 31, 2000. The credit further is expanded to include electricity produced from landfill gas, for electricity produced from facilities placed in service after December 31, 1999, and before December 31, 2000.

Finally, the credit is expanded to include electricity produced from certain other biomass (in addition to closed-loop biomass and poultry waste). This additional biomass is defined as solid, nonhazardous, cellulose waste material which is segregated from other waste materials and which is derived from forest resources, but not including old-growth timber. The term also includes urban sources such as waste pallets, crates, manufacturing and construction wood waste, and tree trimmings, or agricultural sources (including grain, orchard tree crops, vineyard legumes, sugar, and other crop by-products or residues. The term does not include unsegregated municipal solid waste or paper that commonly is recycled.

In the case of both closed-loop biomass and this additional biomass, the credit applies to electricity produced after December 31, 1999, from facilities that are placed in service before January 1, 2003 (including facilities placed in service before the date of enactment of this provision), and the credit is allowed for production attributable to biomass produced at facilities that are co-fired with coal.

Conference Agreement

The conference agreement includes S. 1792, with modifications. First, the extension is limited to electricity from facilities using present-law qualified sources (wind and closed-loop biomass) and from poultry waste facilities (placed in service after December 31, 1999). Second, in the case of all three fuel sources, the extension is limited to facilities placed in service before January 1, 2002. Third, the conference agreement does not include the provisions of the Senate amendment allowing co-firing of closed-loop biomass facilities. Fourth, the conference agreement includes the provisions of the Senate amendment clarifying wind facilities eligible for the credit.

I. Extend Duty-Free Treatment Under Generalized System of Preferences (GSP)

Title V of the Trade Act of 1974, as amended, grants authority to the President to provide duty-free treatment on imports of eligible articles from designated beneficiary developing countries (BDCs), subject to certain conditions and limitations. To qualify for GSP privileges, each beneficiary country is subject to various mandatory and discretionary eligibility criteria. Import sensitive products are ineligible for GSP. Section 505 (a) of the Trade Act of 1974, as amended, provides that no duty-free treatment under Title V shall remain in effect after June 30, 1999.

House Bill

No provision.

Senate Amendment

No provision. The Senate amendment to H.R. 434, which passed the Senate on November 3, 1999, reauthorizes GSP retroactively for five years to terminate on June 30, 2004. It also provides that, notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, the entry (a) of any article to which duty-free treatment under Title V of the Trade Act of 1974 would have applied if such entry had been made on June 30, 1999, and (b) that was made after June 30, 1999, and before the date of enactment of this Act, shall be liquidated or reliquidated as free of duty and the Secretary of the Treasury shall refund any duty paid, upon proper request filed with the appropriate customs officer, within 180 days after the date of enactment of this Act.

Conference Agreement

The conference agreement would reauthorize the GSP program for 27 months, to expire on September 30, 2001. The proposal provides for refunds, upon request of the importer, of any duty paid between June 30, 1999 and the effective date of this Act. All entries between the effective date of this Act and September 30, 2001 would enter duty-free.

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[6] These rules also apply in the event that section 127 expires and is not reinstated.

[7] In the case of an employee, education expenses (if not reimbursed by the employer) may be claimed as an itemized deduction only if such expenses, along with other miscellaneous deductions, exceed 2 percent of the taxpayer's AGI. The 2-percent floor limitation is disregarded in determining whether an item is excludable as a working condition fringe benefit.

J. Extend Authority to Issue Qualified Zone Academy Bonds (sec. 1397E of the Code)

Present Law

Tax-exempt bonds

Interest on State and local governmental bonds generally is excluded from gross income for Federal income tax purposes if the proceeds of the bonds are used to finance direct activities of these governmental units, including the financing of public schools (sec. 103).

Qualified zone academy bonds

As an alternative to traditional tax-exempt bonds, certain States and local governments are given the authority to issue "qualified zone academy bonds." A total of $400 million of qualified zone academy bonds is authorized to be issued in each of 1998 and 1999. The $400 million aggregate bond cap is allocated each year to the States according to their respective populations of individuals below the poverty line. Each State, in turn, allocates the credit to qualified zone academies within such State. A State may carry over any unused allocation into subsequent years.

Certain financial institutions that hold qualified zone academy bonds are entitled to a nonrefundable tax credit in an amount equal to a credit rate multiplied by the face amount of the bond (sec. 1397E). A taxpayer holding a qualified zone academy bond on the credit allowance date is entitled to a credit. The credit is includable in gross income (as if it were a taxable interest payment on the bond), and may be claimed against regular income tax and AMT liability.

The Treasury Department sets the credit rate at a rate estimated to allow issuance of qualified zone academy bonds without discount and without interest cost to the issuer. The maximum term of the bond is determined by the Treasury Department, so that the present value of the obligation to repay the bond is 50 percent of the face value of the bond.

"Qualified zone academy bonds" are defined as any bond issued by a State or local government, provided that (1) at least 95 percent of the proceeds are used for the purpose of renovating, providing equipment to, developing course materials for use at, or training teachers and other school personnel in a "qualified zone academy" and (2) private entities have promised to contribute to the qualified zone academy certain equipment, technical assistance or training, employee services, or other property or services with a value equal to at least 10 percent of the bond proceeds.

A school is a "qualified zone academy" if (1) the school is a public school that provides education and training below the college level, (2) the school operates a special academic program in cooperation with businesses to enhance the academic curriculum and increase graduation and employment rates, and (3) either (a) the school is located in one of the 31 designated empowerment zones or one of the 95 enterprise communities designated under Code section 1391, or (b) it is reasonably expected that at least 35 percent of the students at the school will be eligible for free or reduced-cost lunches under the school lunch program established under the National School Lunch Act.

House Bill

No provision.

Senate Amendment

No provision.

Conference Agreement

The conference agreement authorizes up to $400 million of qualified zone academy bonds to be issued in each of calendar years 2000 and 2001. Unused QZAB authority arising in 1998 and 1999 may be carried forward by the State or local government entity to which it is (or was) allocated for up to three years after the year in which the authority originally arose. Unused QZAB authority arising in 2000 and 2001 may be carried forward for two years after the year in which it arises. Each issuer is deemed to used the oldest QZAB authority which has been allocated to it first when new bonds are issued.

Effective date.—The provision is effective on the date of enactment.

K. Extend the Tax Credit for First-Time D.C. Homebuyers (sec. 1400C of the Code)

Present Law

In general

First-time homebuyers of a principal residence in the District of Columbia are eligible for a nonrefundable tax credit of up to $5,000 of the amount of the purchase price. The $5,000 maximum credit applies both to individuals and married couples. Married individuals filing separately can claim a maximum credit of $2,500 each. The credit phases out for individual taxpayers with adjusted gross income between $70,000 and $90,000 ($110,000–$130,000 for joint filers). For purposes of eligibility, "first-time homebuyer" means any individual if such individual did not have a present ownership interest in a principal residence in the District of Columbia in the one year period ending on the date of the purchase of the residence to which the credit applies.

Expiration date

The credit is scheduled to expire for residences purchased after December 31, 2000.

House Bill

No provision.

Senate Amendment

No provision.

Conference Agreement

The conference agreement provides for a one-year extension of the tax credit for first-time D.C. homebuyers, so that it applies to residences purchased on or before December 31, 2001.

Effective date.—The provision is effective for residences purchased after December 31, 2000 and before January 1, 2002.

L. Extend Expensing of Environmental Remediation Expenditures (sec. 198 of the Code)

Present Law

Taxpayers can elect to treat certain environmental remediation expenditures that would otherwise be chargeable to capital account as deductible in the year paid or incurred (sec. 198). The deduction applies for both regular and alternative minimum tax purposes. The expenditure must be incurred in connection with the abatement or control of hazardous substances at a qualified contaminated site.

A "qualified contaminated site" generally is any property that (1) is held for use in a trade or business, for the production of income, or as inventory; (2) is certified by the appropriate State environmental agency to be located within a targeted area; and (3) contains (or potentially contains) a hazardous substance (so-called "brownfields"). Targeted areas are defined as: (1) empowerment zones and enterprise communities as designated under present law; (2) sites announced before February, 1997, as being subject to one of the 76 Environmental Protection Agency ("EPA") Brownfields Pilots; (3) any population census tract with a poverty rate of 20 percent or more; and (4) certain industrial and commercial areas that are adjacent to tracts described in (3) above. However, sites that are identified on the national priorities list under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 cannot qualify as targeted areas.

Eligible expenditures are those paid or incurred before January 1, 2001.

House Bill

No provision.

Senate Amendment

No provision. However, S. 1792, as passed by the Senate, eliminates the targeted area requirement, thereby, expanding eligible sites to include any site containing (or potentially containing) a hazardous substance that is certified by the appropriate State environmental agency, but not those sites that are identified on the national priorities list under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

Effective date.—The provision to expand the class of eligible sites is effective for expenditures paid or incurred after December 31, 1999.

Conference Agreement

The conference agreement extends present-law expiration date for sec. 198 to include those expenditures paid or incurred before January 1, 2002.

Effective date.—The provision to extend the expiration date is effective upon the date of enactment.

M. TEMPORARY INCREASE IN AMOUNT OF RUM EXCISE TAX THAT IS COVERED OVER TO PUERTO RICO AND THE U.S. VIRGIN ISLANDS (SEC. 7652 OF THE CODE)

Present Law

A $13.50 per proof gallon[8] excise tax is imposed on distilled spirits produced in or imported (or brought) into the United States. The excise tax does not apply to distilled spirits that are exported from the United States or to distilled spirits that are consumed in U.S. possessions (e.g., Puerto Rico and the Virgin Islands).

The Internal Revenue Code provides for coverover (payment) of $10.50 per proof gallon of the excise tax imposed on rum imported (or brought) into the United States (without regard to the country of origin) to Puerto Rico and the Virgin Islands. During the five-year period ending on September 30, 1998, the amount covered over was $11.30 per proof gallon. This temporary increase was enacted in 1993 as transitional relief accompanying a reduction in certain tax benefits for corporations operating in Puerto Rico and the Virgin Islands.

Amounts covered over to Puerto Rico and the Virgin Islands are deposited into the treasuries of the two possessions for use as those possessions determine.

House Bill

No provision, but H.R. 984, as approved by the Committee on Ways and Means, increases from $10.50 to $13.50 per proof gallon the amount of excise taxes collected on rum brought into the United States that is covered over to Puerto Rico and the U.S. Virgin Islands. H.R. 984 further provides that $0.50 per proof gallon of the amount covered over to Puerto Rico will be transferred to the Puerto Rico Conservation Trust, a private, non-profit section 501(c)(3) organization operating in Puerto Rico.

Effective date.—The provision is effective for excise taxes collected on rum imported or brought into the United States after June 30, 1999 and before October 1, 1999.

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[8] A proof gallon is a liquid gallon consisting of 50 percent alcohol.

Senate Amendment

No provision, but H.R. 434, as passed by the Senate, is the same as the House bill.

Conference Agreement

The conference agreement reinstates the rum excise tax coverover at a rate of $13.25 per proof gallon during the period from July 1, 1999, through December 31, 2001.

The conference agreement includes a special rule for payment of the $2.75 per proof gallon increase in the coverover rate for Puerto Rico and the Virgin Islands. The special rule applies to payments that otherwise would be made in Fiscal Year 2000. Under this special payment rule, amounts attributable to the increase in the coverover rate that would have been transferred to Puerto Rico and the Virgin Islands after June 30, 1999 and before the date of enactment, will be paid on the date which is 15 days after the date of enactment. However, the total amount of this initial payment (aggregated for both possessions) may not exceed $20 million.

The next payment to Puerto Rico and the Virgin Islands with respect to the $2.75 increase in the coverover rate will be made on October 1, 2000. This payment will equal the total amount attributable to the increase that otherwise would have been transferred to Puerto Rico and the Virgin Islands before October 1, 2000 (less the payment of up to $20 million made 15 days after the date of enactment).

Payments for the remainder of the period through December 31, 2001 will be paid as provided under the present-law rules for the $10.50 per proof gallon coverover rate.

The special payment rule does not affect payments to Puerto Rico and the Virgin Islands with respect to the present-law $10.50 per proof gallon coverover rate.

Finally, the conferees note that H.R. 984 and H.R. 434, described above, will be considered by the Congress next year. The conferees intend that the special payment rule for Fiscal Year 2000 will be reviewed when that legislation is considered, and that to the extent possible, the delayed payments will be accelerated, or interest on delayed amounts will be provided.

Effective date.—The provision is effective on July 1, 1999.

II. OTHER TIME-SENSITIVE PROVISIONS

A. Prohibit Disclosure of APAs and APA Background Files (secs. 6103 and 6110 of the Code)

Present Law

Section 6103

Under section 6103, returns and return information are confidential and cannot be disclosed unless authorized by the Internal Revenue Code.

The Code defines return information broadly. Return information includes:

A taxpayer's identity, the nature, source or amount of income, payments, receipts, deductions, exemptions, credits, assets, liabilities, net worth, tax liability, tax withheld, deficiencies, overassessments, or tax payments;

Whether the taxpayer's return was, is being, or will be examined or subject to other investigation or processing; or

Any other data, received by, recorded by, prepared by, furnished to, or collected by the Secretary with respect to a return or with respect to the determination of the existence, or possible existence, of liability (or the amount thereof) of any person under this title for any tax, penalty, interest, fine, forfeiture, or other imposition, or offense.[9]

Section 6110 and the Freedom of Information Act

With certain exceptions, section 6110 makes the text of any written determination the IRS issues available for public inspection. A written determination is any ruling, determination letter, technical advice memorandum, or Chief Counsel advice. Once the IRS makes the written determination publicly available, the background file documents associated with such written determination are available for public inspection upon written request. The Code defines "background file documents" as any written material submitted in support of the request. Background file documents also include any communications between the IRS and persons outside the IRS concerning such written determination that occur before the IRS issues the determination.

Before making them available for public inspection, section 6110 requires the IRS to delete specific categories of sensitive information from the written determination and background file documents.[10] It also provides judicial and administrative procedures to resolve disputes over the scope of the information the IRS will disclose. In addition, Congress has also wholly exempted certain matters from section 6110's public disclosure requirements.[11] Any part of a written determination or background file that is not disclosed under section 6110 constitutes "return information." [12]

The Freedom of Information Act (FOIA) lists categories of information that a federal agency must make available for public inspection.[13] It establishes a presumption that agency records are accessible to the public. The FOIA, however, also provides nine exemptions from public disclosure. One of those exemptions is for matters specifically exempted from disclosure by a statute other than the FOIA if the exempting statute meets certain requirements.[14] Section 6103 qualifies as an exempting statute under this FOIA provision. Thus, returns and return information that section 6103 deems confidential are exempt from disclosure under the FOIA.

Section 6110 is the exclusive means for the public to view IRS written determinations.[15] If section 6110 covers the written determination, then the public cannot use the FOIA to obtain that determination.

Advance Pricing Agreements

The Advanced Pricing Agreement ("APA") program is an alternative dispute resolution program conducted by the IRS, which resolves international transfer pricing issues prior to the filing of the corporate tax return. Specifically, an APA is an advance agreement establishing an approved transfer pricing methodology entered into among the taxpayer, the IRS, and a foreign tax authority. The IRS and the foreign tax authority generally agree to accept the results of such approved methodology. Alternatively, an APA also may be negotiated between just the taxpayer and the IRS; such an APA establishes an approved transfer pricing methodology for U.S. tax purposes. The APA program focuses on identifying the appropriate transfer pricing methodology; it does not determine a taxpayer's tax liability. Taxpayers voluntarily participate in the program.

To resolve the transfer pricing issues, the taxpayer submits detailed and confidential financial information, business plans and projections to the IRS for consideration. Resolution involves an extensive analysis of the taxpayer's functions and risks. Since its inception in 1991, the APA program has resolved more than 180 APAs, and approximately 195 APA requests are pending.

Currently pending in the U.S. District Court for the District of Columbia are three consolidated lawsuits asserting that APAs are subject to public disclosure under either section 6110 or the FOIA.[16] Prior to this litigation and since the inception of the APA program, the IRS held the position that APAs were confidential return information protected from disclosure by section 6103.[17] On January 11, 1999, the IRS conceded that APAs are "rulings" and therefore are "written determinations" for purposes of section 6110.[18] Although the court has not yet issued a ruling in the case, the IRS announced its plan to publicly release both existing and future APAs. The IRS then transmitted existing APAs to the respective taxpayers with proposed deletions. It has received comments from some of the affected taxpayers. Where appropriate, foreign tax authorities have also received copies of the relevant APAs for comment on the proposed deletions. No APAs have yet been released to the public.

Some taxpayers assert that the IRS erred in adopting the position that APAs are subject to section 6110 public disclosure. Several have sought to participate as amici in the lawsuit to block the release of APAs. They are concerned that release under section 6110 could expose them to expensive litigation to defend the deletion of the confidential information from their APAs. They are also concerned that the section 6110 procedures are insufficient to protect the confidentiality of their trade secrets and other financial and commercial information.

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[9] Sec. 6103(b)(2)(A).

[10] Sec. 6110(c) provides for the deletion of identifying information, trade secrets, confidential commercial and financial information and other material.

[11] Sec. 6110(l).

[12] Sec. 6103(b)(2)(B) ("The term 'return information' means . . . any part of any written determination or any background file document relating to such written determination (as such terms are defined in section 6110(b)) which is not open to public inspection under section 6110").

[13] Unless published promptly and offered for sale, an agency must provide for public inspection and copying: (1) final opinions as well as orders made in the adjudication of cases; (2) statements of policy and interpretations not published in the Federal Register; (3) administrative staff manuals and instructions to staff that affect a member of the public; and (4) agency records which have been or the agency expects to be, the subject of repetitive FOIA requests. 5 U.S.C. sec. 552(a)(2). An agency must also publish in the Federal Register: the organizational structure of the agency and procedures for obtaining information under the FOIA; statements describing the functions of the agency and all formal and informal procedures; rules of procedure, descriptions of forms and statements describing all papers, reports and examinations; rules of general applicability and statements of general policy; and amendments, revisions and repeals of the foregoing. 5 U.S.C. sec. 552(a)(1). All other agency records can be sought by FOIA request; however, some records may be exempt from disclosure.

[14] 11. Exemption 3 of the FOIA provides that an agency is not required to disclose matters that are: (3) specifically exempted from disclosure by statute (other than section 552b of this title) provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld; * * * 5 U.S.C. §552(b)(3).

[15] Sec. 6110(m).

[16] BNA v. IRS, Nos. 96-376, 96-2820, and 96-1473 (D.D.C.). The Bureau of National Affairs, Inc. (BNA) publishes matters of interest for use by its subscribers. BNA contends that APAs are not return information as they are prospective in application. Thus at the time they are entered into they do not relate to "the determination of the existence, or possible existence, of liability or amount thereof * * *"

[17] The IRS contended that information received or generated as part of the APA process pertains to a taxpayer's liability and therefore was return information as defined in sec. 6103(b)(2)(A). Thus, the information was subject to section 6103's restrictions on the dissemination of returns and return information. Rev. Proc. 91-22, sec. 11, 1991-1 C.B. 526, 534 and Rev. Proc. 96-53, sec. 12, 1996-2 C.B. 375, 386.

[18] IR 1999-05.

House Bill

No provision, but H.R. 2923, as approved by the Committee on Ways and Means, amends section 6103 to provide that APAs and related background information are confidential return information under section 6103. Related background information is meant to include: the request for an APA, any material submitted in support of the request, and any communication (written or otherwise) prepared or received by the Secretary in connection with an APA, regardless of when such communication is prepared or received. Protection is not limited to agreements actually executed; it includes material received and generated in the APA process that does not result in an executed agreement.

Further, APAs and related background information are not "written determinations" as that term is defined in section 6110. Therefore, the public inspection requirements of section 6110 do not apply to APAs and related background information. A document's incorporation in a background file, however, is not intended to be grounds for not disclosing an otherwise disclosable document from a source other than a background file.

H.R. 2923 requires that the Treasury Department prepare and publish an annual report on the status of APAs. The annual report is to contain the following information:

Information about the structure, composition, and operation of the APA program office;

A copy of each current model APA;

Statistics regarding the amount of time to complete new and renewal APAs;

The number of APA applications filed during such year;

The number of APAs executed to date and for the year;

The number of APA renewals issued to date and for the year;

The number of pending APA requests;

The number of pending APA renewals;

The number of APAs executed and pending (including renewals and renewal requests) that are unilateral, bilateral and multilateral, respectively;

The number of APAs revoked or canceled, and the number of withdrawals from the APA program, to date and for the year;

The number of finalized new APAs and renewals by industry;[19] and

General descriptions of:

the nature of the relationships between the related organizations, trades, or businesses covered by APAs;

the related organizations, trades, or businesses whose prices or results are tested to determine compliance with the transfer pricing methodology prescribed in the APA;

the covered transactions and the functions performed and risks assumed by the related organizations, trades or businesses involved;

methodologies used to evaluate tested parties and transactions and the circumstances leading to the use of those methodologies;

critical assumptions;

sources of comparables;

comparable selection criteria and the rationale used in determining such criteria;

the nature of adjustments to comparables and/or tested parties;

the nature of any range agreed to, including information such as whether no range was used and why, whether an inter-quartile range was used, or whether there was a statistical narrowing of the comparables;

adjustment mechanisms provided to rectify results that fall outside of the agreed upon APA range;

the various term lengths for APAs, including rollback years, and the number of APAs with each such term length;

the nature of documentation required; and

approaches for sharing of currency or other risks.

In addition, H.R. 2923 requires the IRS to describe, in each annual report, its efforts to ensure compliance with existing APA agreements. The first report is to cover the period January 1, 1991, through the calendar year including the date of enactment. The Treasury Department cannot include any information in the report which would have been deleted under section 6110(c) if the report were a written determination as defined in section 6110. Additionally, the report cannot include any information which can be associated with or otherwise identify, directly or indirectly, a particular taxpayer. The Secretary is expected to obtain input from taxpayers to ensure proper protection of taxpayer information and, if necessary, utilize its regulatory authority to implement appropriate processes for obtaining this input. For purposes of section 6103, the report requirement is treated as part of Title 26.

While H.R. 2923 statutorily requires an annual report, it is not intended to discourage the Treasury Department from issuing other forms of guidance, such as regulations or revenue rulings, consistent with the confidentiality provisions of the Code.

Effective date.—The provision is effective on the date of enactment; accordingly, no APAs, regardless of whether executed before or after enactment, or related background file documents, can be released to the public after the date of enactment. It requires the Treasury Department to publish the first annual report no later than March 30, 2000.

Senate Amendment

No provision.

Conference Agreement

The conference agreement includes H.R. 2923.

B. Authority to Postpone Certain Tax-Related Deadlines by Reason of Year 2000 Failures

Present Law

There are no specific provisions in present law that would permit the Secretary of the Treasury to postpone tax-related deadlines by reason of Year 2000 (also known as "Y2K") failures. The Secretary is, however, permitted to postpone tax-related deadlines for other reasons. For example, the Secretary may specify that certain deadlines are postponed for a period of up to 90 days in the case of a taxpayer determined to be affected by a Presidentially declared disaster. The deadlines that may be postponed are the same as are postponed by reason of service in a combat zone. The provision does not apply for purposes of determining interest on any overpayment or underpayment.

The suspension of time applies to the following acts: (1) filing any return of income, estate, or gift tax (except employment and withholding taxes); (2) payment of any income, estate, or gift tax (except employment and withholding taxes); (3) filing a petition with the Tax Court for a redetermination of deficiency, or for review of a decision rendered by the Tax Court; (4) allowance of a credit or refund of any tax; (5) filing a claim for credit or refund of any tax; (6) bringing suit upon any such claim for credit or refund; (7) assessment of any tax; (8) giving or making any notice or demand for payment of any tax, or with respect to any liability to the United States in respect of any tax; (9) collection of the amount of any liability in respect of any tax; (10) bringing suit by the United States in respect of any liability in respect of any tax; and (11) any other act required or permitted under the internal revenue laws specified in regulations prescribed under section 7508 by the Secretary.

House Bill

No provision, but H.R. 2923, as approved by the Committee on Ways and Means, contains a provision permitting the Secretary to postpone, on a taxpayer-by-taxpayer basis, certain tax-related deadlines for a period of up to 90 days in the case of a taxpayer that the Secretary determines to have been affected by an actual Y2K related failure. In order to be eligible for relief, taxpayers must have made good faith, reasonable efforts to avoid any Y2K related failures. The relief will be similar to that granted under the Presidentially declared disaster and combat zone provisions, except that employment and withholding taxes also are eligible for relief. The relief will permit the abatement of both penalties and interest.

The relief may apply to the following acts: (1) filing of any return of income, estate, or gift tax, including employment and withholding taxes; (2) payment of any income, estate, or gift tax, including employment and withholding taxes; (3) filing a petition with the Tax Court; (4) allowance of a credit or refund of any tax; (5) filing a claim for credit or refund of any tax; (6) bringing suit upon any such claim for credit or refund; (7) assessment of any tax; (8) giving or making any notice or demand for payment of any tax, or with respect to any liability to the United States in respect of any tax; (9) collection of the amount of any liability in respect of any tax; (10) bringing suit by the United States in respect of any liability in respect of any tax; and (11) any other act required or permitted under the internal revenue laws specified or prescribed by the Secretary. The provision is effective on the date of enactment.

Senate Amendment

No provision.

Conference Agreement

The conference agreement includes the provision in H.R. 2923.

C. Add Certain Vaccines Against Streptococcus Pneumoniae to the List of Taxable Vaccines (secs. 4131 and 4132 of the Code)

Present Law

A manufacturer's excise tax is imposed at the rate of 75 cents per dose (sec. 4131) on the following vaccines recommended for routine administration to children: diphtheria, pertussis, tetanus, measles, mumps, rubella, polio, HIB (haemophilus influenza type B), hepatitis B, varicella (chicken pox), and rotavirus gastroenteritis. The tax applied to any vaccine that is a combination of vaccine components equals 75 cents times the number of components in the combined vaccine.

Amounts equal to net revenues from this excise tax are deposited in the Vaccine Injury Compensation Trust Fund ("Vaccine Trust Fund") to finance compensation awards under the Federal Vaccine Injury Compensation Program for individuals who suffer certain injuries following administration of the taxable vaccines. This program provides a substitute Federal, "no fault" insurance system for the State-law tort and private liability insurance systems otherwise applicable to vaccine manufacturers and physicians. All persons immunized after September 30, 1988, with covered vaccines must pursue compensation under this Federal program before bringing civil tort actions under State law.

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[19] This information was previously released in IRS Publication 3218, "IRS Report on Application and Administration of I.R.C. Section 482."

House Bill

No provision. However, H.R. 2923, as approved by the Committee on Ways and Means, adds any conjugate vaccine against streptococcus pneumoniae to the list of taxable vaccines. The bill also changes an incorrect effective date enacted in Public Law 105–277 and makes certain other conforming amendments to expenditure purposes to enable certain payments to be made from the Trust Fund.

In addition, the bill directs the General Accounting Office ("GAO") to report to the House Committee on Ways and Means and the Senate Committee on Finance on the operation and management of expenditures from the Vaccine Trust Fund and to advise the Committees on the adequacy of the Vaccine Trust Fund to meet future claims under the Federal Vaccine Injury Compensation Program. The GAO is directed to report its findings to the House Committee on Ways and Means and the Senate Committee on Finance not later than December 31, 1999.

Effective date.—The provision is effective for vaccine purchases beginning on the day after the date on which the Centers for Disease Control make final recommendation for routine administration of conjugated streptococcus pneumoniae vaccines to children.

Senate Amendment

No provision. However, S. 1792, as passed by the Senate, contains a provision identical to that of H.R. 2923 except that S. 1792 directs the GAO to report its findings to the House Committee on Ways and Means and the Senate Committee on Finance by January 31, 2000.

Effective date.—The provision is effective for vaccine purchases beginning on the day after the date on which the Centers for Disease Control make final recommendation for routine administration of conjugated streptococcus pneumoniae vaccines to children. The addition of conjugate streptococcus pneumoniae vaccines to the list of taxable vaccines is contingent upon the inclusion in this legislation of the modifications to Public Law 105–277.

Conference Agreement

The conference agreement includes the provision of H.R. 2923 and S. 1792 in adding any conjugate vaccine against streptococcus pneumoniae to the list of taxable vaccines. In addition, the conference agreement follows H.R. 2923 and S. 1792 by changing the effective date enacted in Public Law 105–277 and certain other conforming amendments to expenditure purposes to enable certain payments to be made from the Trust Fund.

The conference report follows S. 1792 by directing that the GAO report its findings to the House Committee on Ways and Means and the Senate Committee on Finance not later than January 31, 2000.

Effective date.—The provision is effective for vaccine sales beginning on the day after the date of enactment. No floor stocks tax is to be collected for amounts held for sale on that date. For sales on or before that date for which delivery is made after such date, the delivery date is deemed to be the sale date. The addition of conjugate streptococcus pneumoniae vaccines to the list of taxable vaccines is contingent upon the inclusion in this legislation of the modifications to Public Law 105–277.

D. Delay Requirement that Registered Motor Fuels Terminals Offer Dyed Fuel as a Condition of Registration (sec. 4121 of the Code)

Present Law

Excise taxes are imposed on highway motor fuels, including gasoline, diesel fuel, and kerosene, to finance the Highway Trust Fund programs. Subject to limited exceptions, these taxes are imposed on all such fuels when they are removed from registered pipeline or barge terminal facilities, with any tax-exemptions being accomplished by means of refunds to consumers of the fuel.[20] One such exception allows removal of diesel fuel without payment of tax if the fuel is destined for a nontaxable use (e.g., use as heating oil) and is indelibly dyed.

Terminal facilities are not permitted to receive and store non-tax-paid motor fuels unless they are registered with the Internal Revenue Service. Under present law, a prerequisite to registration is that if the terminal offers for sale diesel fuel, it must offer both dyed and undyed diesel fuel. Similarly, if the terminal offers for sale kerosene, it must offer both dyed and undyed kerosene. This "dyed-fuel mandate" was enacted in 1997, to be effective on July 1, 1998. Subsequently, the effective date was delayed until July 1, 2000.

House Bill

No provision.

Senate Amendment

No provision, but S. 1792, as passed by the Senate, delays the effective date of the dyed-fuel mandate for an additional six months, through December 31, 2000. No other changes are made to the present highway motor fuels excise tax rules.

Conference Agreement

The conference agreement includes S. 1792 with a modification delaying the effective date of the dyeing mandate until January 1, 2002.

E. Provide That Federal Production Payments to Farmers Are Taxable in the Year Received

Present Law

A taxpayer generally is required to include an item in income no later than the time of its actual or constructive receipt, unless such amount properly is accounted for in a different period under the taxpayer's method of accounting. If a taxpayer has an unrestricted right to demand the payment of an amount, the taxpayer is in constructive receipt of that amount whether or not the taxpayer makes the demand and actually receives the payment.

The Federal Agriculture Improvement and Reform Act of 1996 (the "FAIR Act") provides for production flexibility contracts between certain eligible owners and producers and the Secretary of Agriculture. These contracts generally cover crop years from 1996 through 2002. Annual payments are made under such contracts at specific times during the Federal government's fiscal year. Section 112(d)(2) of the FAIR Act provides that one-half of each annual payment is to be made on either December 15 or January 15 of the fiscal year, at the option of the recipient.[21] The remaining one-half of the annual payment must be made no later than September 30 of the fiscal year. The Emergency Farm Financial Relief Act of 1998 added section 112(d)(3) to the FAIR Act which provides that all payments for fiscal year 1999 are to be paid at such time or times during fiscal year 1999 as the recipient may specify. Thus, the one-half of the annual amount that would otherwise be required to be paid no later than September 30, 1999 can be specified for payment in calendar year 1998.

These options potentially would have resulted in the constructive receipt (and thus inclusion in income) of the payments to which they relate at the time they could have been exercised, whether or not they were in fact exercised. However, section 2012 of the Tax and Trade Relief Extension Act of 1998 provided that the time a production flexibility contract payment under the FAIR Act properly is includible in income is to be determined without regard to either option, effective for production flexibility contract payments made under the FAIR Act in taxable years ending after December 31, 1995.

House Bill

No provision. However, the conference agreement to H.R. 2488 includes a provision to disregard any unexercised option to accelerate the receipt of any payment under a production flexibility contract which is payable under the FAIR Act, as in effect on the date of enactment of the provision, in determining the taxable year in which such payment is properly included in gross income. Options to accelerate payments that are enacted in the future are covered by this rule, providing the payment to which they relate is mandated by the FAIR Act as in effect on the date of enactment of this Act.

The provision in H.R. 2488 does not delay the inclusion of any amount in gross income beyond the taxable period in which the amount is received.

Effective date.—The provision in H.R. 2488 is effective on the date of enactment.

Senate Amendment

No provision.

Conference Agreement

The conference agreement includes the provision in the conference agreement to H.R. 2488.

III. REVENUE OFFSET PROVISIONS

A. Modification of Individual Estimated Tax Safe Harbor (sec. 6654 of the Code)

Present Law

Under present law, an individual taxpayer generally is subject to an addition to tax for any underpayment of estimated tax. An individual generally does not have an underpayment of estimated tax if he or she makes timely estimated tax payments at least equal to: (1) 90 percent of the tax shown on the current year's return or (2) 100 percent of the prior year's tax. For taxpayers with a prior year's AGI above $150,000,[22] however, the rule that allows payment of 100 percent of prior year's tax is modified. Those taxpayers with AGI above $150,000 generally must make estimated payments based on either (1) 90 percent of the tax shown on the current year's return or (2) 110 percent of the prior year's tax.

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[20] Tax is imposed before that point if the motor fuel is transferred (other than in bulk) from a refinery or if the fuel is sold to an unregistered party while still held in the refinery or bulk distribution system (e.g., in a pipeline or terminal facility).

[21] This rule applies to fiscal years after 1996. For fiscal year 1996, this payment was to be made not later than 30 days after the production flexibility contract was entered into.

[22] $75,000 for married taxpayers filing separately.

For taxpayers with a prior year's AGI above $150,000, the prior year's tax safe harbor is modified for estimated tax payments made for taxable years through 2002. For such taxpayers making estimated tax payments based on prior year's tax, payments must be made based on 105 percent of prior year's tax for taxable years beginning in 1999, 106 percent of prior year's tax for taxable years beginning in 2000 and 2001, and 112 percent of prior year's tax for taxable years beginning in 2002.

House Bill

No provision, however H.R. 2923, as approved by the Committee on Ways and Means, provides that taxpayers with prior year's AGI above $150,000 who make estimated tax payments based on prior year's tax must do so based on 108.5 percent of prior year's tax for estimated tax payments made for taxable year 2000.

Effective date.—The provision is effective for estimated payments made for taxable years beginning after December 31, 1999, and before January 1, 2001.

Senate Amendment

No provision, however, S. 1792, as passed by the Senate, provides that for taxable years taxpayers with prior year's AGI above $150,000 who make estimated tax payments based on prior year's tax must do so based on 110.5 percent of prior year's tax for estimated tax payments based on prior year's tax must do so based on 112 percent of prior year's tax for estimated tax payments made for taxable year 2004.

Effective date.—The provision is effective for estimated payments made for taxable years beginning after December 31, 1999, and before January 1, 2001.

Conference Agreement

The conference agreement includes the provision in H.R. 2923 and the provision in S. 1792 with modifications. Taxpayers with prior year's AGI above $150,000 who make estimated tax payments based on prior year's tax must do so based on 108.6 percent of prior year's tax for estimated tax payments made for taxable year 2000. Taxpayers with prior year's AGI above $150,000 who make estimated tax payments based on prior year's tax must do so based on 110 percent of prior year's tax for estimated tax payments made for taxable year 2001. The modified safe harbor percentage is not changed for estimated tax payments made for any taxable years other than 2000 and 2001.

Effective date.—The provision is effective for estimated tax payments made for taxable years beginning after December 31, 1999, and before January 1, 2002.

B. Clarify the Tax Treatment of Income and Losses on Derivatives (sec. 1221 of the Code)

Present Law

Capital gain treatment applies to gain on the sale or exchange of a capital asset. Capital assets include property other than (1) stock in trade or other types of assets includible in inventory, (2) property used in a trade or business that is real property or property subject to depreciation, (3) accounts or notes receivable acquired in the ordinary course of a trade or business, (4) certain copyrights (or similar property), and (5) U.S. government publications. Gain or loss on such assets generally is treated as ordinary, rather than capital, gain or loss. Certain other Code sections also treat gains or losses as ordinary. For example, the gains or losses of securities dealers or certain electing commodities dealers or electing traders in securities or commodities that are subject to "mark-to-market" accounting are treated as ordinary (sec. 475).

Treasury regulations (which were finalized in 1994) require ordinary character treatment for most business hedges and provide timing rules requiring that gains or losses on hedging transactions be taken into account in a manner that matches the income or loss from the hedged item or items. The regulations apply to hedges that meet a standard of "risk reduction" with respect to ordinary property held (or to be held) or certain liabilities incurred (or to be incurred) by the taxpayer and that meet certain identification and other requirements (Treas. Reg. sec. 1.1221-2).

House Bill

No provision.

Senate Amendment

No provision, but S. 1792, as passed by the Senate, adds three categories to the list of assets the gain or loss on which is treated as ordinary (sec. 1221). The new categories are: (1) commodities derivative financial instruments held by commodities derivatives dealers; (2) hedging transactions; and (3) supplies of a type regularly consumed by the taxpayer in the ordinary course of a taxpayer's trade or business. In defining a hedging transaction, S. 1792 generally codifies the approach taken by the Treasury regulations, but modifies the rules. The "risk reduction" standard of the regulations is broadened to "risk management" with respect to ordinary property held (or to be held) or certain liabilities incurred (or to be incurred), and S. 1792 provides that the definition of a hedging transaction includes a transaction entered into primarily to manage such other risks as the Secretary may prescribe in regulations.

Effective date.—The provision in S. 1792 is effective for any instrument held, acquired or entered into, any transaction entered into, and supplies held or acquired on or after the date of enactment.

Conference Agreement

The conference agreement includes the provision in S. 1792.

C. Expand Reporting of Cancellation of Indebtedness Income (sec. 6050P of the Code)

Present Law

Under section 61(a)(12), a taxpayer's gross income includes income from the discharge of indebtedness. Section 6050P requires "applicable entities" to file information returns with the Internal Revenue Service (IRS) regarding any discharge of indebtedness of $600 or more.

The information return must set forth the name, address, and taxpayer identification number of the person whose debt was discharged, the amount of debt discharged, the date on which the debt was discharged, and any other information that the IRS requires to be provided. The information return must be filed in the manner and at the time specified by the IRS. The same information also must be provided to the person whose debt is discharged by January 31 of the year following the discharge.

"Applicable entities" include: (1) the Federal Deposit Insurance Corporation (FDIC), the Resolution Trust Corporation (RTC), the National Credit Union Administration, and any successor or subunit of any of them; (2) any financial institution (as described in sec. 581 (relating to banks) or sec. 591(a) (relating to savings institutions)); (3) any credit union; (4) any corporation that is a direct or indirect subsidiary of an entity described in (2) or (3) which, by virtue of being affiliated with such entity, is subject to supervision and examination by a Federal or State agency regulating such entities; and (5) an executive, judicial, or legislative agency (as defined in 31 U.S.C. sec. 3701(a)(4)).

Failures to file correct information returns with the IRS or to furnish statements to taxpayers with respect to these discharges of indebtedness are subject to the same general penalty that is imposed with respect to failures to provide other types of information returns. Accordingly, the penalty for failure to furnish statements to taxpayers is generally $50 per failure, subject to a maximum of $100,000 for any calendar year. These penalties are not applicable if the failure is due to reasonable cause and not to willful neglect.

House Bill

No provision.

Senate Amendment

No provision, but S.1792, as passed by the Senate, requires information reporting on indebtedness discharged by any organization a significant trade or business of which is the lending of money (such as finance companies and credit card companies whether or not affiliated with financial institutions).

Effective date.—The provision is effective with respect to discharges of indebtedness after December 31, 1999.

Conference Agreement

The conference agreement includes the provision in S. 1792.

D. Limit Conversion of Character of Income From Constructive Ownership Transactions (new sec. 1260 of the Code)

Present Law

The maximum individual income tax rate on ordinary income and short-term capital gain is 39.6 percent, while the maximum individual income tax rate on long-term capital gain generally is 20 percent. Long-term capital gain means gain from the sale or exchange of a capital asset held more than one year. For this purpose, gain from the termination of a right with respect to property which would be a capital asset in the hands of the taxpayer is treated as capital gain.[23]

A pass-thru entity (such as a partnership) generally is not subject to Federal income tax. Rather, each owner includes its share of a pass-thru entity's income, gain, loss, deduction or credit in its taxable income. Generally, the character of the item is determined at the entity level and flows through to the owners. Thus, for example, the treatment of an item of income by a partnership as ordinary income, short-term capital gain, or long-term capital gain retains its character when reported by each of the partners.

Investors may enter into forward contracts, notional principal contracts, and other similar arrangements with respect to property that provides the investor with the same or similar economic benefits as owning the property directly but with potentially different tax consequences (as to the character and timing of any gain).

House Bill

No provision.

Senate Amendment

No provision, but S. 1792, as passed by the Senate, includes a provision that limits the amount of long-term capital gain a taxpayer could recognize from certain derivative contracts ("constructive ownership transactions") with respect to certain financial assets. The amount of long-term capital gain is limited to the amount of such gain the taxpayer would have recognized if the taxpayer held the financial asset directly during the term of the derivative contract. Any gain in excess of this amount is treated as ordinary income. An interest charge is imposed on the amount of gain that is treated as ordinary income. The provision does not alter the tax treatment of the long-term capital gain that is not treated as ordinary income.

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[23] Section 1234A, as amended by the Taxpayer Relief Act of 1997.

A taxpayer is treated as having entered into a constructive ownership transaction if the taxpayer (1) holds a long position under a notional principal contract with respect to the financial asset, (2) enters into a forward contract to acquire the financial asset, (3) is the holder of a call option, and the grantor of a put option, with respect to a financial asset, and the options have substantially equal strike prices and substantially contemporaneous maturity dates, or (4) to the extent provided in regulations, enters into one or more transactions, or acquires one or more other positions, that have substantially the same effect of replicating the economic benefits of direct ownership of a financial asset without a significant change in the risk-reward profile with respect to the underlying transaction.[24]

A "financial asset" is defined as (1) any equity interest in a pass-thru entity, and (2) to the extent provided in regulations, any debt instrument and any stock in a corporation that is not a pass-thru entity. A "pass-thru entity" refers to (1) a regulated investment company, (2) a real estate investment trust, (3) a real estate mortgage investment conduit, (4) an S corporation, (5) a partnership, (6) a trust, (7) a common trust fund, (8) a passive foreign investment company,[25] (9) a foreign personal holding company, and (10) a foreign investment company.

The amount of recharacterized gain is calculated as the excess of the amount of long-term capital gain the taxpayer would have had absent this provision over the "net underlying long-term capital gain" attributable to the financial asset. The net underlying long-term capital gain is the amount of net capital gain the taxpayer would have realized if it had acquired the financial asset for its fair market value on the date the constructive ownership transaction was opened and sold the financial asset on the date the transaction was closed (only taking into account gains and losses that would have resulted from a deemed ownership of the financial asset).[26] The long-term capital gains rate on the net underlying long-term capital gain is determined by reference to the individual capital gains rates in section 1(h).

Example 1: On January 1, 2000, Taxpayer enters into a three-year notional principal contract (a constructive ownership transaction) with a securities dealer whereby, on the settlement date, the dealer agrees to pay Taxpayer the amount of any increase in the notional value of an interest in an investment partnership (the financial asset). After three years, the value of the notional principal contract increased by $200,000, of which $150,000 is attributable to ordinary income and net short-term capital gain ($50,000 is attributable to net long-term capital gains). The amount of the net underlying long-term capital gains is $50,000, and the amount of gain that is recharacterized as ordinary income is $150,000 (the excess of $200,000 of long-term gain over the $50,000 of net underlying long-term capital gain).

An interest charge is imposed on the underpayment of tax for each year that the constructive ownership transaction was open. The interest charge is the amount of interest that would be imposed under section 6601 had the recharacterized gain been included in the taxpayer's gross income during the term of the constructive ownership transaction. The recharacterized gain is treated as having accrued such that the gain in each successive year is equal to the gain in the prior year increased by a constant growth rate[27] during the term of the constructive ownership transaction.

Example 2: Same facts as in *example 1*, and assume the applicable Federal rate on December 31, 2002, is six percent. For purposes of calculating the interest charge, Taxpayer must allocate the $150,000 of recharacterized ordinary income to the three year-term of the constructive ownership transaction as follows: $47,116.47 is allocated to year 2000, $49,943.46 is allocated to year 2001, and $52,940.07 is allocated to year 2002.

A taxpayer is treated as holding a long position under a notional principal contract with respect to a financial asset if the person (1) has the right to be paid (or receive credit for) all or substantially all of the investment yield (including appreciation) on the financial asset for a specified period, and (2) is obligated to reimburse (or provide credit) for all or substantially all of any decline in the value of the financial asset. A forward contract is a contract to acquire in the future (or provide or receive credit for the future value of) any financial asset.

If the constructive ownership transaction is closed by reason of taking delivery of the underlying financial asset, the taxpayer is treated as having sold the contract, option, or other position that is part of the transaction for its fair market value on the closing date. However, the amount of gain that is recognized as a result of having taken delivery is limited to the amount of gain that is treated as ordinary income by reason of this provision (with appropriate basis adjustments for such gain).

The provision does not apply to any constructive ownership transaction if all of the positions that are part of the transaction are marked to market under the Code or regulations. The Treasury Department is authorized to prescribe regulations as necessary to carry out the purposes of the provision, including to (1) permit taxpayers to mark to market constructive ownership transactions in lieu of the provision, and (2) exclude certain forward contracts that do not convey substantially all of the economic return with respect to a financial asset.

No inference is intended as to the proper treatment of a constructive ownership transaction entered into prior to the effective date of this provision.

Effective date.—The provision applies to transactions entered into on or after July 12, 1999. For this purpose, a contract, option or any other arrangement that is entered into or exercised on or after July 12, 1999, which extends or otherwise modifies the terms of a transaction entered into prior to such date is treated as a transaction entered into on or after July 12, 1999.

Conference Agreement

The conference agreement includes the provision in S. 1792 with a clarification regarding the effective date. The provision applies to transactions entered into on or after July 12, 1999. For this purpose, it is expected that a contract, option or any other arrangement that is entered into or exercised on or after July 12, 1999, which extends or otherwise modifies the terms of a transaction entered into prior to such date will be treated as a transaction entered into on or after July 12, 1999, unless a party to the transaction other than the taxpayer has, as of July 12, 1999, the exclusive right to extend the terms of the transaction, and the length of such extension does not exceed the first business day following a period of five years from the original termination date under the transaction.

E. Treatment of Excess Pension Assets Used for Retiree Health Benefits (sec. 420 of the Code, and secs. 101, 403, and 408 of ERISA)

Present Law

Defined benefit pension plan assets generally may not revert to an employer prior to the termination of the plan and the satisfaction of all plan liabilities. A reversion prior to plan termination may constitute a prohibited transaction and may result in disqualification of the plan. Certain limitations and procedural requirements apply to a reversion upon plan termination. Any assets that revert to the employer upon plan termination are includible in the gross income of the employer and subject to an excise tax. The excise tax rate, which may be as high as 50 percent of the reversion, varies depending upon whether or not the employer maintains a replacement plan or makes certain benefit increases. Upon plan termination, the accrued benefits of all plan participants are required to be 100-percent vested.

A pension plan may provide medical benefits to retired employees through a section 401(h) account that is a part of such plan. A qualified transfer of excess assets of a defined benefit pension plan (other than a multiemployer plan) into a section 401(h) account that is a part of such plan does not result in plan disqualification and is not treated as a reversion to the employer or a prohibited transaction. Therefore, the transferred assets are not includible in the gross income of the employer and are not subject to the excise tax on reversions.

Qualified transfers are subject to amount and frequency limitations, use requirements, deduction limitations, vesting requirements and minimum benefit requirements. Excess assets transferred in a qualified transfer may not exceed the amount reasonably estimated to be the amount that the employer will pay out of such account during the taxable year of the transfer for qualified current retiree health liabilities. No more than one qualified transfer with respect to any plan may occur in any taxable year.

The transferred assets (and any income thereon) must be used to pay qualified current retiree health liabilities (either directly or through reimbursement) for the taxable year of the transfer. Transferred amounts generally must benefit all pension plan participants, other than key employees, who are entitled upon retirement to receive retiree medical benefits through the section 401(h) account. Retiree health benefits of key employees may not be paid (directly or indirectly) out of transferred assets. Amounts not used to pay qualified current retiree health liabilities for the taxable year of the transfer are to be returned at the end of the taxable year to the general assets of the plan. These amounts are not includible in the gross income of the employer, but are treated as an employer reversion and are subject to a 20-percent excise tax.

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[24] It is not expected that leverage in a constructive ownership transaction would change the risk-reward profile with respect to the underlying transaction.

[25] For this purpose, a passive foreign investment company includes an investment company that is also a controlled foreign corporation.

[26] A taxpayer must establish the amount of the net underlying long-term capital gain with clear and convincing evidence; otherwise, the amount is deemed to be zero. To the extent that the economic positions of the taxpayer and the counterparty do not equally offset each other, the amount of the net underlying long-term capital gain may be difficult to establish.

[27] The accrual rate is the applicable Federal rate on the day the transaction closed.

No deduction is allowed for (1) a qualified transfer of excess pension assets into a section 401(h) account, (2) the payment of qualified current retiree health liabilities out of transferred assets (and any income thereon) or (3) a return of amounts not used to pay qualified current retiree health liabilities to the general assets of the pension plan.

In order for the transfer to be qualified, accrued retirement benefits under the pension plan generally must be 100-percent vested as if the plan terminated immediately before the transfer.

The minimum benefit requirement requires each group health plan under which applicable health benefits are provided to provide substantially the same level of applicable health benefits for the taxable year of the transfer and the following 4 taxable years. The level of benefits that must be maintained is based on benefits provided in the year immediately preceding the taxable year of the transfer. Applicable health benefits are health benefits or coverage that are provided to (1) retirees who, immediately before the transfer, are entitled to receive such benefits upon retirement and who are entitled to pension benefits under the plan and (2) the spouses and dependents of such retirees.

The provision permitting a qualified transfer of excess pension assets to pay qualified current retiree health liabilities expires for taxable years beginning after December 31, 2000.[28]

House Bill

No provision.

Senate Amendment

No provision. However, S. 1792, as passed by the Senate, extends the present-law provision permitting qualified transfers of excess defined benefit pension plan assets to provide retiree health benefits under a section 401(h) account through September 30, 2009.[29] In addition, the present-law minimum benefit requirement is replaced by the minimum cost requirement that applied to qualified transfers before December 9, 1994, to section 401(h) accounts. Therefore, each group health plan or arrangement under which applicable health benefits are provided is required to provide a minimum dollar level of retiree health expenditures for the taxable year of the transfer and the following 4 taxable years. The minimum dollar level is the higher of the applicable employer costs for each of the 2 taxable years immediately preceding the taxable year of the transfer. The applicable employer cost for a taxable year is determined by dividing the employer's qualified current retiree health liabilities by the number of individuals to whom coverage for applicable health benefits was provided during the taxable year.

Effective date.—S. 1792, as passed by the Senate, is effective with respect to qualified transfers of excess defined benefit pension plan assets to section 401(h) accounts after December 31, 2000, and before October 1, 2009. The modification of the minimum benefit requirement is effective with respect to transfers after the date of enactment. In addition, S. 1792 contains a transition rule regarding the minimum cost requirement. Under this rule, an employer must satisfy the minimum benefit requirement with respect to a qualified transfer that occurs after the date of enactment during the portion of the cost maintenance period of such transfer that overlaps the benefit maintenance period of a qualified transfer that occurs on or before the date of enactment. For example, suppose an employer (with a calendar year taxable year) made a qualified transfer in 1998. The minimum benefit requirement must be satisfied for calendar years 1998, 1999, 2000, 2001, and 2002. Suppose the employer also makes a qualified transfer in 2000. Then, the employer is required to satisfy the minimum benefit requirement in 2000, 2001, and 2002, and is required to satisfy the minimum cost requirement in 2003 and 2004.

Conference Agreement

The conference agreement extends the present-law provision permitting qualified transfers of excess defined benefit pension plan assets to provide retiree health benefits under a section 401(h) account through December 31, 2005.[30] The modification of the minimum benefit requirement is effective with respect to transfers after the date of enactment. The Secretary of the Treasury is directed to prescribe such regulations as may be necessary to prevent an employer who significantly reduces retiree health coverage during the cost maintenance period from being treated as satisfying the minimum cost requirement. In addition, the conference agreement contains a transition rule regarding the minimum cost requirement. Under this rule, an employer must satisfy the minimum benefit requirement with respect to a qualified transfer that occurs after the date of enactment during the portion of the cost maintenance period of such transfer that overlaps the benefit maintenance period of a qualified transfer that occurs on or before the date of enactment. For example, suppose an employer (with a calendar year taxable year) made a qualified transfer in 1998. The minimum benefit requirement must be satisfied for calendar years 1998, 1999, 2000, 2001, and 2002. Suppose the employer also makes a qualified transfer in 2000. Then, the employer is required to satisfy the minimum benefit requirement in 2000, 2001, and 2002, and is required to satisfy the minimum cost requirement in 2003 and 2004.

Effective date.—The conference agreement is effective with respect to qualified transfers of excess defined benefit pension plan assets to section 401(h) accounts after December 31, 2000, and before January 1, 2006. The modification of the minimum benefit requirement is effective with respect to transfers after the date of enactment. In addition, the conference agreement contains a transition rule regarding the minimum cost requirement. Under this rule, an employer must satisfy the minimum benefit requirement with respect to a qualified transfer that occurs after the date of enactment during the portion of the cost maintenance period of such transfer that overlaps the benefit maintenance period of a qualified transfer that occurs on or before the date of enactment. For example, suppose an employer (with a calendar year taxable year) made a qualified transfer in 1998. The minimum benefit requirement must be satisfied for calendar years 1998, 1999, 2000, 2001, and 2002. Suppose the employer also makes a qualified transfer in 2000. Then, the employer is required to satisfy the minimum benefit requirement in 2000, 2001, and 2002, and is required to satisfy the minimum cost requirement in 2003 and 2004.

F. Modify Installment Method and Prohibit its Use by Accrual Method Taxpayers (sections 453 and 453A of the Code)

Present Law

An accrual method taxpayer is generally required to recognize income when all the events have occurred that fix the right to the receipt of the income and the amount of the income can be determined with reasonable accuracy. The installment method of accounting provides an exception to this general principle of income recognition by allowing a taxpayer to defer the recognition of income from the disposition of certain property until payment is received. Sales to customers in the ordinary course of business are not eligible for the installment method, except for sales of property that is used or produced in the trade or business of farming and sales of timeshares and residential lots if an election to pay interest under section 453(l)(2)(B)) is made.

A pledge rule provides that if an installment obligation is pledged as security for any indebtedness, the net proceeds[31] of such indebtedness are treated as a payment on the obligation, triggering the recognition of income. Actual payments received on the installment obligation subsequent to the receipt of the loan proceeds are not taken into account until such subsequent payments exceed the loan proceeds that were treated as payments. The pledge rule does not apply to sales of property used or produced in the trade or business of farming, to sales of timeshares and residential lots where the taxpayer elects to pay interest under section 453(l)(2)(B), or to dispositions where the sales price does not exceed $150.000.

An additional rule requires the payment of interest on the deferred tax that is attributable to most large installment sales.

House Bill

No provision.

Senate Amendment

No provision, but S. 1792, as passed by the Senate, generally prohibits the use of the installment method of accounting for dispositions of property that would otherwise be reported for Federal income tax purposes using an accrual method of accounting and modifies the installment sale pledge rule to provide that entering into any arrangement that gives the taxpayer the right to satisfy an obligation with an installment note will be treated in the same manner as the direct pledge of the installment note.

Prohibition on the use of the installment method for accrual method dispositions

S. 1792 generally prohibits the use of the installment method of accounting for dispositions of property that would otherwise be reported for Federal income tax purposes using an accrual method of accounting. The provision does not change present law regarding the availability of the installment method for dispositions of property used or produced in the trade or business of farming. The provision also does not change present law regarding the availability of the installment method for dispositions of timeshares or residential lots if the taxpayer elects to pay interest under section 453(l).

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[28] Title I of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), provides that plan participants, the Secretaries of Treasury and the Department of Labor, the plan administrator, and each employee organization representing plan participants must be notified 60 days before a qualified transfer of excess assets to a retiree health benefits account occurs (ERISA sec. 103(e)). ERISA also provides that a qualified transfer is not a prohibited transaction under ERISA (ERISA sec. 408(b)(13)) or a prohibited reversion of assets to the employer (ERISA sec. 403(c)(1)). For purposes of these provisions, a qualified transfer is generally defined as a transfer pursuant to section 420 of the Internal Revenue Code, as in effect on January 1, 1995.

[29] S. 1792 modifies the corresponding provisions of ERISA.

[30] The conference agreement modifies the corresponding provisions of ERISA.

[31] The net proceeds equal the gross loan proceeds less the direct expenses of obtaining the loan.

The provision does not change the ability of a cash method taxpayer to use the installment method. For example, a cash method individual owns all of the stock of a closely held accrual method corporation. This individual sells his stock for cash, a ten year note, and a percentage of the gross revenues of the company for next ten years. The provision does not change the ability of this individual to use the installment method in reporting the gain on the sale of the stock.

Modifications to the pledge rule

S. 1792 modifies the pledge rule to provide that entering into any arrangement that gives the taxpayer the right to satisfy an obligation with an installment note will be treated in the same manner as the direct pledge of the installment note. For example, a taxpayer disposes of property for an installment note. The disposition is properly reported using the installment method. The taxpayer only recognizes gain as it receives the deferred payment. However, were the taxpayer to pledge the installment note as security for a loan, it would be required to treat the proceeds of such loan as a payment on the installment note, and recognize the appropriate amount of gain. Under the provision, the taxpayer would also be required to treat the proceeds of a loan as payment on the installment note to the extent the taxpayer had the right to "put" or repay the loan by transferring the installment note to the taxpayer's creditor. Other arrangements that have a similar effect would be treated in the same manner.

The modification of the pledge rule applies only to installment sales where the pledge rule of present law applies. Accordingly, the provision does not apply to (1) installment method sales made by a dealer in timeshares and residential lots where the taxpayer elects to pay interest under section 453(l)(2)(B), (2) sales of property used or produced in the trade or business of farming, or (3) dispositions where the sales price does not exceed $150,000, since such sales are not subject to the pledge rule under present law.

Effective date.—The provision is effective for sales or other dispositions entered into on or after the date of enactment.

Conference Agreement

The conference agreement includes the provision in S. 1792.

G. Denial of Charitable Contribution Deduction for Transfers Associated with

Split-dollar Insurance Arrangements (new sec. 501(c)(28) of the Code)

Present Law

Under present law, in computing taxable income, a taxpayer who itemizes deductions generally is allowed to deduct charitable contributions paid during the taxable year. The amount of the deduction allowable for a taxable year with respect to any charitable contribution depends on the type of property contributed, the type of organization to which the property is contributed, and the income of the taxpayer (secs. 170(b) and 170(e)). A charitable contribution is defined to mean a contribution or gift to or for the use of a charitable organization or certain other entities (sec. 170(c)). The term "contribution or gift" is not defined by statute, but generally is interpreted to mean a voluntary transfer of money or other property without receipt of adequate consideration and with donative intent. If a taxpayer receives or expects to receive a quid pro quo in exchange for a transfer to charity, the taxpayer may be able to deduct the excess of the amount transferred over the fair market value of any benefit received in return, provided the excess payment is made with the intention of making a gift.[32]

In general, no charitable contribution deduction is allowed for a transfer to charity of less than the taxpayer's entire interest (i.e., a partial interest) in any property (sec. 170(f)(3)). In addition, no deduction is allowed for any contribution of $250 or more unless the taxpayer obtains a contemporaneous written acknowledgment from the donee organization that includes a description and good faith estimate of the value of any goods or services provided by the donee organization to the taxpayer in consideration, whole or part, for the taxpayer's contribution (sec. 170(f)(8)).

House Bill

No provision.

Senate Amendment

Deduction denial

No provision. However, S. 1792, as passed by the Senate, contains a provision[33] that restates present law to provide that no charitable contribution deduction is allowed for purposes of Federal tax, for a transfer to or for the use of an organization described in section 170(c) of the Internal Revenue Code, if in connection with the transfer (1) the organization directly or indirectly pays, or has previously paid, any premium on any "personal benefit contract" with respect to the transferor, or (2) there is an understanding or expectation that any person will directly or indirectly pay any premium on any "personal benefit contract" with respect to the transferor. It is intended that an organization be considered as indirectly paying premiums if, for example, another person pays premiums on its behalf.

A personal benefit contract with respect to the transferor is any life insurance, annuity, or endowment contract, if any direct or indirect beneficiary under the contract is the transferor, any member of the transferor's family, or any other person (other than a section 170(c) organization) designated by the transferor. For example, such a beneficiary would include a trust having a direct or indirect beneficiary who is the transferor or any member of the transferor's family, and would include an entity that is controlled by the transferor or any member of the transferor's family. It is intended that a beneficiary under the contract include any beneficiary under any side agreement relating to the contract. If a transferor contributes a life insurance contract to a section 170(c) organization and designates one or more section 170(c) organizations as the sole beneficiaries under the contract, generally, it is not intended that the deduction denial rule under the provision apply. If, however, there is an outstanding loan under the contract upon the transfer of the contract, then the transferor is considered as a beneficiary. The fact that a contract also has other direct or indirect beneficiaries (persons who are not the transferor or a family member, or designated by the transferor) does not prevent it from being a personal benefit contract. The provision is not intended to affect situations in which an organization pays premiums under a legitimate fringe benefit plan for employees.

It is intended that a person be considered as an indirect beneficiary under a contract if, for example, the person receives or will receive any economic benefit as a result of amounts paid under or with respect to the contract. For this purpose, as described below, an indirect beneficiary is not intended to include a person that benefits exclusively under a bona fide charitable gift annuity (within the meaning of sec. 501(m)).

In the case of a charitable gift annuity, if the charitable organization purchases an annuity contract issued by an insurance company to fund its obligation to pay the charitable gift annuity, a person receiving payments under the charitable gift annuity is not treated as an indirect beneficiary, provided certain requirements are met. The requirements are that (1) the charitable organization possess all of the incidents of ownership (within the meaning of Treas. Reg. sec. 20.2042-1(c)) under the annuity contract purchased by the charitable organization; (2) the charitable organization be entitled to all the payments under the contract; and (3) the timing and amount of payments under the contract be substantially the same as the timing and amount of payments to each person under the organization's obligation under the charitable gift annuity (as in effect at the time of the transfer to the charitable organization).

Under the provision, an individual's family consists of the individual's grandparents, the grandparents of the individual's spouse, the lineal descendants of such grandparents, and any spouse of such a lineal descendant.

In the case of a charitable gift annuity obligation that is issued under the laws of a State that requires, in order for the charitable gift annuity to be exempt from insurance regulation by that State, that each beneficiary under the charitable gift annuity be named as a beneficiary under an annuity contract issued by an insurance company authorized to transact business in that State, then the foregoing requirements (1) and (2) are treated as if they are met, provided that certain additional requirements are met. The additional requirements are that the State law requirement was in effect on February 8, 1999, each beneficiary under the charitable gift annuity is a bona fide resident of the State at the time the charitable gift annuity was issued, the only persons entitled to payments under the annuity contract issued by the insurance company are persons entitled to payments under the charitable gift annuity when it was issued, and (as required by clause (iii) of subparagraph (D) of the provision) the timing and amount of payments under the annuity contract to each person are substantially the same as the timing and amount of payments to the person under the charitable gift annuity (as in effect at the time of the transfer to the charitable organization).

In the case of a charitable remainder annuity trust or charitable remainder unitrust (as defined in section 664(d)) that holds a life insurance, endowment or annuity contract issued by an insurance company, a person is not treated as an indirect beneficiary under the contract held by the trust, solely by reason of being a recipient of an annuity or unitrust amount paid by the trust, provided that the trust possesses all of the incidents of ownership under the contract and is entitled to all the payments under such contract. No inference is intended as to the applicability of other provisions of the Code with respect to the acquisition by the trust of a life insurance, endowment or annuity contract, or the appropriateness of such an investment by a charitable remainder trust.

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[32] United States v. American Bar Endowment, 477 U.S. 105 (1986). Treas. Reg. sec. 1.170A-1(h).

[33] The provision is similar to H.R. 630, introduced by Mr. Archer and Mr. Rangel (106th Cong., 1st Sess.).

Nothing in the provision is intended to suggest that a life insurance, endowment, or annuity contract would be a personal benefit contract, solely because an individual who is a recipient of an annuity or unitrust amount paid by a charitable remainder annuity trust or charitable remainder unitrust uses such a payment to purchase a life insurance, endowment or annuity contract, and a beneficiary under the contract is the recipient, a member of his or her family, or another person he or she designates.

Excise tax

The provision imposes on any organization described in section 170(c) of the Code an excise tax, equal to the amount of the premiums paid by the organization on any life insurance, annuity, or endowment contract, if the premiums are paid in connection with a transfer for which a deduction is not allowable under the deduction denial rule of the provision (without regard to when the transfer to the charitable organization was made). The excise tax does not apply if all of the direct and indirect beneficiaries under the contract (including any related side agreement) are organizations described in section 170(c). Under the provision, payments are treated as made by the organization, if they are made by any other person pursuant to an understanding or expectation of payment. The excise tax is to be applied taking into account rules ordinarily applicable to excise taxes in chapter 41 or 42 of the Code (e.g., statute of limitation rules).

Reporting

The provision requires that the charitable organization annually report the amount of premiums that is paid during the year and that is subject to the excise tax imposed under the provision, and the name and taxpayer identification number of each beneficiary under the life insurance, annuity or endowment contract to which the premiums relate, as well as other information required by the Secretary of the Treasury. For this purpose, it is intended that a beneficiary include any beneficiary under any side agreement to which the section 170(c) organization is a party (or of which it is otherwise aware). Penalties applicable to returns required under Code section 6033 apply to returns under this reporting requirement. Returns required under this provision are to be furnished at such time and in such manner as the Secretary shall by forms or regulations require.

Regulations

The provision provides for the promulgation of regulations necessary or appropriate to carry out the purposes of the provisions, including regulations to prevent the avoidance of the purposes of the provision. For example, it is intended that regulations prevent avoidance of the purposes of the provision by inappropriate or improper reliance on the limited exceptions provided for certain beneficiaries under bona fide charitable gift annuities and for certain noncharitable recipients of an annuity or unitrust amount paid by a charitable remainder trust.

Effective date

The deduction denial provision applies to transfers after February 8, 1999 (as provided in H.R. 630). The excise tax provision applies to premiums paid after the date of enactment. The reporting provision applies to premiums paid after February 8, 1999 (determined as if the excise tax imposed under the provision applied to premiums paid after that date).

No inference is intended that a charitable contribution deduction is allowed under present law with respect to a charitable split-dollar insurance arrangement. The provision does not change the rules with respect to fraud or criminal or civil penalties under present law; thus, actions constituting fraud or that are subject to penalties under present law would still constitute fraud or be subject to the penalties after enactment of the provision.

Conference Agrement

The conference agreement includes the provision in S. 1792.

H. Distributions by a Partnership to a Corporate Partner of Stock in Another Corporation (sec. 732 of the Code)

Present Law

Present law generally provides that no gain or loss is recognized on the receipt by a corporation of property distributed in complete liquidation of another corporation in which it holds 80 percent of the stock (by vote and value) (sec. 332). The basis of property received by a corporate distributee in the distribution in complete liquidation of the 80-percent-owned subsidiary is a carryover basis, i.e., the same as the basis in the hands of the subsidiary (provided no gain or loss is recognized by the liquidating corporation with respect to the distributed property) (sec. 334(b)).

Present law provides two different rules for determining a partner's basis in distributed property, depending on whether or not the distribution is in liquidation of the partner's interest in the partnership. Generally, a substituted basis rule applies to property distributed to a partner in liquidation. Thus, the basis of property distributed in liquidation of a partner's interest is equal to the partner's adjusted basis in its partnership interest (reduced by any money distributed in the same transaction) (sec. 732(b)).

By contrast, generally, a carryover basis rule applies to property distributed to a partner other than in liquidation of its partnership interest, subject to a cap (sec. 732(a)). Thus, in a non-liquidating distribution, the distributee partner's basis in the property is equal to the partnership's adjusted basis in the property immediately before the distribution, but not to exceed the partner's adjusted basis in its partnership interest (reduced by any money distributed in the same transaction). In a non-liquidating distribution, the partner's basis in its partnership interest is reduced by the amount of the basis to the distributee partner of the property distributed and is reduced by the amount of any money distributed (sec. 733).

If corporate stock is distributed by a partnership to a corporate partner with a low basis in its partnership interest, the basis of the stock is reduced in the hands of the partner so that the stock basis equals the distributee partner's adjusted basis in its partnership interest. No comparable reduction is made in the basis of the corporation's assets, however. The effect of reducing the stock basis can be negated by a subsequent liquidation of the corporation under section 332.[34]

House Bill

No provision.

Senate Amendment

In general

No provision. However, S. 1792, as passed by the Senate, contains a provision that provides for a basis reduction to assets of a corporation, if stock in that corporation is distributed by a partnership to a corporate partner. The reduction applies if, after the distribution, the corporate partner controls the distributed corporation.

Amount of the basis reduction

Under the provision, the amount of the reduction in basis of property of the distributed corporation generally equals the amount of the excess of (1) the partnership's adjusted basis in the stock of the distributed corporation immediately before the distribution, over (2) the corporate partner's basis in that stock immediately after the distribution.

The provision limits the amount of the basis reduction in two respects. First, the amount of the basis reduction may not exceed the amount by which (1) the sum of the aggregate adjusted bases of the property and the amount of money of the distributed corporation exceeds (2) the corporate partner's adjusted basis in the stock of the distributed corporation. Thus, for example, if the distributed corporation has cash of $300 and other property with a basis of $600 and the corporate partner's basis in the stock of the distributed corporation is $400, then the amount of the basis reduction could not exceed $500 (i.e., ($300+$600)—$400 = $500).

Second, the amount of the basis reduction may not exceed the adjusted basis of the property of the distributed corporation. Thus, the basis of property (other than money) of the distributed corporation could not be reduced below zero under the provision, even though the total amount of the basis reduction would otherwise be greater.

The provision provides that the corporate partner recognizes long-term capital gain to the extent the amount of the basis reduction exceeds the basis of the property (other than money) of the distributed corporation. In addition, the corporate partner's adjusted basis in the stock of the distribution is increased in the same amount. For example, if the amount of the basis reduction were $400, and the distributed corporation has money of $200 and other property with an adjusted basis of $300, then the corporate partner would recognize a $100 capital gain under the provision. The corporate partner's basis in the stock of the distributed corporation is also increased by $100 in this example, under the provision.

The basis reduction is allocated among assets of the controlled corporation in accordance with the rules provided under section 732(c).

Partnership distributions resulting in control

The basis reduction generally applies with respect to a partnership distribution of stock if the corporate partner controls the distributed corporation immediately after the distribution or at any time thereafter. For this purpose, the term control means ownership of stock meeting the requirements of section 1504(a)(2) (generally, an 80-percent vote and value requirement).

The provision applies to reduce the basis of any property held by the distributed corporation immediately after the distribution, or, if the corporate partner does not control the distributed corporation at that time, then at the time the corporate partner first has such control. The provision does not apply to any distribution if the corporate partner does not have control of the distributed corporation immediately after the distribution and establishes that the distribution was not part of a plan or arrangement to acquire control.

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[34] In a similar situation involving the purchase of stock of a subsidiary corporation as replacement property following an involuntary conversion, the Code generally requires the basis of the assets held by the subsidiary to be reduced to the extent that the basis of the stock in the replacement corporation itself is reduced (sec. 1033).

For purposes of the provision, if a corporation acquires (other than in a distribution from a partnership) stock the basis of which is determined (by reason of being distributed from a partnership) in whole or in part by reference to section 732(a)(2) or (b), then the corporation is treated as receiving a distribution of stock from a partnership. For example, if a partnership distributes property other than stock (such as real estate) to a corporate partner, and that corporate partner contributes the real estate to another corporation in a section 351 transaction, then the stock received in the section 351 transaction is not treated as distributed by a partnership, and the basis reduction under this provision does not apply. As another example, if a partnership distributes stock to two corporate partners, neither of which have control of the distributed corporation, and the two corporate partners merge and the survivor obtains control of the distributed corporation, the stock of the distributed corporation that is acquired as a result of the merger is treated as received in a partnership distribution; the basis reduction rule of the provision applies.

In the case of tiered corporations, a special rule provides that if the property held by a distributed corporation is stock in a corporation that the distributed corporation controls, then the provision is applied to reduce the basis of the property of that controlled corporation. The provision is also reapplied to any property of any controlled corporation that is stock in a corporation that it controls. Thus, for example, if stock of a controlled corporation is distributed to a corporate partner, and the controlled corporation has a subsidiary, the amount of the basis reduction allocable to stock of the subsidiary is applied again to reduce the basis of the assets of the subsidiary, under the special rule.

The provision also provides for regulations, including regulations to avoid double counting and to prevent the abuse of the purposes of the provision. It is intended that regulations prevent the avoidance of the purposes of the provision through the use of tiered partnerships.

Effective date

The provision is effective for distributions made after July 14, 1999, except that in the case of a corporation that is a partner in a partnership on July 14, 1999, the provision is effective for distributions by that partnership to the corporation after the date of enactment.

Conference Agreement

The conference agreement includes the provision of S. 1792, with a modification to the effective date.

Effective date.—The provision is effective generally for distributions made after July 14, 1999. However, in the case of a corporation that is a partner in a partnership as of July 14, 1999, the provision is effective for any distribution made (or treated as made) to that partner from that partnership after June 30, 2001. In the case of any such distribution after the date of enactment and before July 1, 2001, the rule of the preceding sentence does not apply unless that partner makes an election to have the rule apply to the distribution on the partner's return of Federal income tax for the taxable year in which the distribution occurs.

No inference is intended that distributions that are not subject to the provision achieve a particular tax result under present law, and no inference is intended that enactment of the provision limits the application of tax rules or principles under present or prior law.

I. Treatment of Real Estate Investment Trusts (REITs)

1. Provisions relating to REITs (secs. 852, 856, and 857 of the Code)

Present Law

A real estate investment trust ("REIT") is an entity that receives most of its income from passive real-estate related investments and that essentially receives pass-through treatment for income that is distributed to shareholders.

If an electing entity meets the requirements for REIT status, the portion of its income that is distributed to the investors each year generally is taxed to the investors without being subjected to a tax at the REIT level. In general, a REIT must derive its income from passive sources and not engage in any active trade or business.

A REIT must satisfy a number of tests on a year by year basis that relate to the entity's (1) organizational structure; (2) source of income; (3) nature of assets; and (4) distribution of income. Under the source-of-income tests, at least 95 percent of its gross income generally must be derived from rents from real property, dividends, interest, and certain other passive sources (the "95 percent test"). In addition, at least 75 percent of its gross income generally must be from real estate sources, including rents from real property and interest on mortgages secured by real property. For purposes of the 95 and 75 percent tests, qualified income includes amounts received from certain "foreclosure property," treated as such for 3 years after the property is acquired by the REIT in foreclosure after a default (or imminent default) on a lease of such property or on indebtedness which such property secured.

In general, for purposes of the 95 percent and 75 percent tests, rents from real property do not include amounts for services to tenants or for managing or operating real property. However, there are some exceptions. Qualified rents include amounts received for services that are "customarily furnished or rendered" in connection with the rental of real property, so long as the services are furnished through an independent contractor from whom the REIT does not derive any income. Amounts received for services that are not "customarily furnished or rendered" are not qualified rents.

An independent contractor is defined as a person who does not own, directly or indirectly, more than 35 percent of the shares of the REIT. Also, no more than 35 percent of the total shares of stock of an independent contractor (or of the interests in assets or net profits, if not a corporation) can be owned directly or indirectly by persons owning 35 percent or more of the interests in the REIT. In addition, a REIT cannot derive any income from an independent contractor.

Rents for certain personal property leased in connection with real property are treated as rents from real property if the adjusted basis of the personal property does not exceed 15 percent of the aggregate adjusted bases of the real and the personal property.

Rents from real property do not include amounts received from any corporation if the REIT owns 10 percent or more of the voting power or of the total number of shares of all classes of stock of such corporation. Similarly, in the case of other entities, rents are not qualified if the REIT owns 10 percent of more in the assets or net profits of such person.

At the close of each quarter of the taxable year, at least 75 percent of the value of total REIT assets must be represented by real estate assets, cash and cash items, and Government securities. Also, a REIT cannot own securities (other than Government securities and certain real estate assets) in an amount greater than 25 percent of the value of REIT assets. In addition, it cannot own securities of any one issuer representing more than 5 percent of the total value of REIT assets or more than 10 percent of the voting securities of any corporate issuer. Securities for purposes of these rules are defined by reference to the Investment Company Act of 1940.[35]

Under an exception to the ownership rule, a REIT is permitted to have a wholly owned subsidiary corporation, but the assets and items of income and deduction of such corporation are treated as those of the REIT, and thus can affect the qualification of the REIT under the income and asset tests.

A REIT generally is required to distribute 95 percent of its income before the end of its taxable year, as deductible dividends paid to shareholders. This rule is similar to a rule for regulated investment companies ("RICs") that requires distribution of 90 percent of income. Both REITS and RICs can make certain "deficiency dividends" after the close of the taxable year, and have these treated as made before the end of the year. The regulations applicable to REITS state that a distribution will be treated as a "deficiency dividend" (and, thus, as made before the end of the prior taxable year) only to the extent the earnings and profits for that year exceed the amount of distributions actually made during the taxable year.[36]

A REIT that has been or has combined with a C corporation[37] will be disqualified if, as of the end of its taxable year, it has accumulated earnings and profits from a non-REIT year. A similar rule applies to regulated investment companies ("RICs"). In the case of a REIT, any distribution made in order to comply with this requirement is treated as being first from pre-REIT accumulated earnings and profits. RICs do not have a similar ordering rule.

In the case of a RIC, any distribution made within a specified period after determination that the investment company did not qualify as a RIC for the taxable year will be treated as applying to the RIC for the non-RIC year, "for purposes of applying [the earnings and profits rule that forbids a RIC to have non-RIC earnings and profits] to subsequent taxable years." The REIT rules do not specify any particular separate treatment of distributions made after the end of the taxable year for purposes of the earnings and profits rule. Treasury regulations under the REIT provisions state that "distribution procedures similar to those * * * for regulated investment companies apply to non-REIT earnings and profits of a real estate investment trust."[38]

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[35] 15 U.S.C. 80a-1 and following. See Code section 856(c)(5)(F).

[36] Treas. Reg. sec. 1.858-1(b)(2).

[37] A "C corporation" is a corporation that is subject to taxation under the rules of subchapter C of the Internal Revenue Code, which generally provides for a corporate level tax on corporate income. Thus, a C corporation is not a pass-through entity. Earnings and profits of a C corporation, when distributed to shareholders, are taxed to the shareholders as dividends.

House Bill

No provision.

Senate Amendment

No provision, but S. 1792, as passed by the Senate, provides as follows:

Investment limitations and taxable REIT subsidiaries

General rule.—Under the provision, a REIT generally cannot own more than 10 percent of the total value of securities of a single issuer, in addition to the present law rule that a REIT cannot own more than 10 percent of the outstanding voting securities of a single issuer. In addition, no more than 20 percent of the value of a REIT's assets can be represented by securities of the taxable REIT subsidiaries that are permitted under the bill.

Exception for safe-harbor debt.—For purposes of the new 10-percent value test, securities are generally defined to exclude safe harbor debt owned by a REIT (as defined for purposes of sec. 1361(c)(5)(B)(i) and (ii)) if the issuer is an individual, or if the REIT (and any taxable REIT subsidiary of such REIT) owns no other securities of the issuer. However, in the case of a REIT that owns securities of a partnership, safe harbor debt is excluded from the definition of securities only if the REIT owns at least 20-percent or more of the profits interest in the partnership. The purpose of the partnership rule requiring a 20 percent profits interest is to assure that if the partnership produces income that would be disqualified income to the REIT, the REIT will be treated as receiving a significant portion of that income directly through its partnership interest, even though it also may derive qualified interest income through its safe harbor debt interest.

Exception for taxable REIT subsidiaries.—An exception to the limitations on ownership of securities of a single issuer applies in the case of a "taxable REIT subsidiary" that meets certain requirements. To qualify as a taxable REIT subsidiary, both the REIT and the subsidiary corporation must join in an election. In addition, any corporation (other than a REIT or a qualified REIT subsidiary under section 856(i) that does not properly elect with the REIT to be a taxable REIT subsidiary) of which a taxable REIT subsidiary owns, directly or indirectly, more than 35 percent of the vote or value is automatically treated as a taxable REIT subsidiary.

Securities (as defined in the Investment Company Act of 1940) of taxable REIT subsidiaries could not exceed 20 percent of the total value of a REIT's assets.

A taxable REIT subsidiary can engage in certain business activities that under present law could disqualify the REIT because, but for the proposal, the taxable REIT subsidiary's activities and relationship with the REIT could prevent certain income from qualifying as rents from real property. Specifically, the subsidiary can provide services to tenants of REIT property (even if such services were not considered services customarily furnished in connection with the rental of real property), and can manage or operate properties, generally for third parties, without causing amounts received or accrued directly or indirectly by the REIT for such activities to fail to be treated as rents from real property. However, rents paid to a REIT generally are not qualified rents if the REIT owns more than 10 percent of the value, (as well as of the vote) of a corporation paying the rents. The only exceptions are for rents that are paid by taxable REIT subsidiaries and that also meet a limited rental exception (where 90 percent of space is leased to third parties at comparable rents) and an exception for rents from certain lodging facilities (operated by an independent contractor).

However, the subsidiary cannot directly or indirectly operate or manage a lodging or healthcare facility. Nevertheless, it can lease a qualified lodging facility (e.g., a hotel) from the REIT (provided no gambling revenues were derived by the hotel or on its premises); and the rents paid are treated as rents from real property so long as the lodging facility was operated by an independent contractor for a fee. The subsidiary can bear all expenses of operating the facility and receive all the net revenues, minus the independent contractor's fee.

For purposes of the rule that an independent contractor may operate a qualified lodging facility, an independent contractor will qualify so long as, at the time it enters into the management agreement with the taxable REIT subsidiary, it is actively engaged in the trade or business of operating qualified lodging facilities for any person who is not related to the REIT or the taxable REIT subsidiary. The REIT may receive income from such an independent contractor with respect to certain pre-existing leases.

Also, the subsidiary generally cannot provide to any person rights to any brand name under which hotels or healthcare facilities are operated. An exception applies to rights provided to an independent contractor to operate or manage a lodging facility, if the rights are held by the subsidiary as licensee or franchisee, and the lodging facility is owned by the subsidiary or leased to it by the REIT.

Interest paid by a taxable REIT subsidiary to the related REIT is subject to the earnings stripping rules of section 163(j). Thus the taxable REIT subsidiary cannot deduct interest in any year that would exceed 50 percent of the subsidiary's adjusted gross income.

If any amount of interest, rent, or other deductions of the taxable REIT subsidiary for amounts paid to the REIT is determined to be other than at arm's length ("redetermined" items) , an excise tax of 100 percent is imposed on the portion that was excessive. "Safe harbors" are provided for certain rental payments where (1) the amounts are de minimis, (2) there is specified evidence that charges to unrelated parties are substantially comparable, (3) certain charges for services from the taxable REIT subsidiary are separately stated, or (4) the subsidiary's gross income from the service is not less than 150 percent of the subsidiary's direct cost in furnishing the service.

In determining whether rents are arm's length rents, the fact that such rents do not meet the requirements of the specified safe harbors shall not be taken into account. In addition, rent received by a REIT shall not fail to qualify as rents from real property by reason of the fact that all or any portion of such rent is redetermined for purposes of the excise tax.

The Treasury Department is to conduct a study to determine how many taxable REIT subsidiaries are in existence and the aggregate amount of taxes paid by such subsidiaries and shall submit a report to the Congress describing the results of such study.

Health Care REITS

The provision permits a REIT to own and operate a health care facility for at least two years, and treat it as permitted "foreclosure" property, if the facility is acquired by the termination or expiration of a lease of the property. Extensions of the 2 year period can be granted.

Conformity with regulated investment company rules

Under the provision, the REIT distribution requirements are modified to conform to the rules for regulated investment companies. Specifically, a REIT is required to distribute only 90 percent, rather than 95 percent, of its income.

Definition of independent contractor

If any class of stock of the REIT or the person being tested as an independent contractor is regularly traded on an established securities market, only persons who directly or indirectly own 5 percent or more of such class of stock shall be counted in determining whether the 35 percent ownership limitations have been exceeded.

Modification of earnings and profits rules for RICs and REITS

The rule allowing a RIC to make a distribution after a determination that it had failed RIC status, and thus meet the requirement of no non-RIC earnings and profits in subsequent years, is modified to clarify that, when the sole reason for the determination is that the RIC had non-RIC earnings and profits in the initial year (i.e. because it was determined not to have distributed all C corporation earnings and profits), the procedure would apply to permit RIC qualification in the initial year to which such determination applied, in addition to subsequent years.

The RIC earnings and profits rules are also modified to provide an ordering rule similar to the REIT rule, treating a distribution to meet the requirement of no non-RIC earnings and profits as coming first from the earliest earnings and profits accumulated in any year for which the RIC did not qualify as a RIC. In addition, the REIT deficiency dividend rules are modified to take account of this ordering rule.

Provision regarding rental income from certain personal property

The provision modifies the present law rule that permits certain rents from personal property to be treated as real estate rental income if such personal property does not exceed 15 percent of the aggregate of real and personal property. The provision replaces the present law comparison of the adjusted bases of properties with a comparison based on fair market values.

Effective date.—The provision is effective for taxable years beginning after December 31, 2000. The provision with respect to modification of earnings and profits rules is effective for distributions after December 31, 2000.

In the case of the provisions relating to permitted ownership of securities of an issuer, special transition rules apply. The new rules forbidding a REIT to own more than 10 percent of the value of securities of a single issuer do not apply to a REIT with respect to securities held directly or indirectly by such REIT on July 12, 1999, or acquired pursuant to the terms of written binding contract in effect on that date and at all times thereafter until the acquisition.

Also, securities received in a tax-free exchange or reorganization, with respect to or in exchange for such grandfathered securities would be grandfathered. The grandfathering of such securities ceases to apply if the REIT acquires additional securities of that issuer after that date, other than pursuant to a binding contract in effect on that date and at all times thereafter, or in a reorganization with another corporation the securities of which are grandfathered.

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[38] Treas. Reg. sec. 1.857-11(c).

This transition also ceases to apply to securities of a corporation as of the first day after July 12, 1999 on which such corporation engages in a substantial new line of business, or acquires any substantial asset, other than pursuant to a binding contract in effect on such date and at all times thereafter, or in a reorganization or transaction in which gain or loss is not recognized by reason of section 1031 or 1033 of the Code. If a corporation makes an election to become a taxable REIT subsidiary, effective before January 1, 2004 and at a time when the REIT's ownership is grandfathered under these rules, the election is treated as a reorganization under section 368(a)(1)(A) of the Code.

The new 10 percent of value limitation for purposes of defining qualified rents is effective for taxable years beginning after December 31, 2000. There is an exception for rents paid under a lease or pursuant to a binding contract in effect on July 12, 1999 and at all times thereafter.

Conference Agreement

The conference agreement includes the provision in S. 1792. The conference agreement clarifies the RIC and REIT earnings and profits ordering rules in the case of a distribution to meet the requirements that there be no non-RIC or non-REIT earnings and profits in any year.

Both the RIC and REIT earnings and profits rules are modified to provide a more specific ordering rule, similar to the present-law REIT rule. The new ordering rule treats a distribution to meet the requirement of no non-RIC or non-REIT earnings and profits as coming, on a first-in, first-out basis, from earnings and profits which, if not distributed, would result in a failure to meet such requirement. Thus, such earnings and profits are deemed distributed first from earnings and profits that would cause such a failure, starting with the earliest RIC or REIT year for which such failure would occur.

2. Modify estimated tax rules for closely held REITs (sec. 6655 of the Code)

Present Law

If a person has a direct interest or a partnership interest in income-producing assets (such as securities generally, or mortgages) that produce income throughout the year, that person's estimated tax payments must reflect the quarterly amounts expected from the asset.

However, a dividend distribution of earnings from a REIT is considered for estimated tax purposes when the dividend is paid. Some corporations have established closely held REITS that hold property (e.g. mortgages) that if held directly by the controlling entity would produce income throughout the year. The REIT may make a single distribution for the year, timed such that it need not be taken into account under the estimated tax rules as early as would be the case if the assets were directly held by the controlling entity. The controlling entity thus defers the payment of estimated taxes.

House Bill

No provision.

Senate Amendment

No provision, but S. 1792, as passed by the Senate, provides that in the case of a REIT that is closely held, any person owning at least 10 percent of the vote or value of the REIT is required to accelerate the recognition of year-end dividends attributable to the closely held REIT, for purposes of such person's estimated tax payments. A closely held REIT is defined as one in which at least 50 percent of the vote or value is owed by five or fewer persons. Attribution rules apply to determine ownership.

No inference is intended regarding the treatment of any transaction prior to the effective date.

Effective date.—The provision is effective for estimated tax payments due on or after November 15, 1999.

Conference Agreement

The conference agreement includes the provision in S. 1792, effective for estimated tax payments due on or after December 15, 1999.

TAX COMPLEXITY ANALYSIS

Section 4022(b) of the Internal Revenue Service Reform and Restructuring Act of 1998 (the "IRS Reform Act") requires the Joint Committee on Taxation (in consultation with the Internal Revenue Service and the Department of the Treasury) to provide a tax complexity analysis. The complexity analysis is required for all legislation reported by the House Committee on Ways and Means, the Senate Committee on Finance, or any committee of conference if the legislation includes a provision that directly or indirectly amends the Internal Revenue Code and has widespread applicability to individuals or small businesses.

The staff of the Joint Committee on Taxation has determined that a complexity analysis is not required under section 4022(b) of the IRS Reform Act because the bill contains no provisions that amend the Internal Revenue Code and that have widespread applicability to individuals or small businesses.

ESTIMATED BUDGET EFFECTS OF THE REVENUE PROVISIONS INCLUDED IN THE CONFERENCE AGREEMENT FOR H.R. 1180[1]

[Fiscal years 2000–2009, in millions of dollars]

Provision	Effective	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2000–2004	2000–2009
The "Tax Relief Extension Act of 1999"													
I. Extension of Expiring Provisions													
A. Treatment of Nonrefundable Personal Credits Under the Alternative Individual Minimum Tax (through 12/31/01).	tybi 1999	−972	−977	−943								−2,892	−2,892
Research Tax Credit, and Increase AIC Rates by 1 Percentage Point, and Expand to Puerto Rico and the Other Possessions; Delay Claiming of Credit[2] (through 6/30/04).	(3)		−1,661	−4,082	−2,541	−2,242	−1,343	−708	−386	−150	−26	−10,526	−2,892
C. Exemption from Subpart F for Active Financing Income (through 12/31/01).	tyba 12/31/99	−187	−785	−744								−1,716	−1,716
D. Suspension of 100% Net Income Limitation for Marginal Properties (through 12/31/01/).	tyba 12/31/99	−23	−35	−12								−71	−71
E. Work Opportunity Tax Credit (through 12/31/01).	wpo.fibwa 6/30/99	−229	−321	−293	−151	−58	−19	−3				−1,051	−1,073
F. Welfare-to-Work Tax Credit (through 12/31/01).	wpoifibwa 6/20/99	−49	−77	−79	−47	−19	−7	−2				−272	−281
G. Extension of Employer Provided Educational Assistance for Undergraduate Courses (through 12/31/01).	cba 5/31/00	−134	−318	−132								−584	−584
H. Extend and Modify Tax Credit for Electricity Produced From Wind and Closed-Loop Biomass Facilities—credit to include electricity produced from poultry waste (through 12/31/01).	(4)	−9	−25	−33	−33	−34	−35	−36	−37	−38	−38	−135	−318
I. Reauthorization of Generalized System of Preferences (through 9/30/01(5)).	7/1/99	−438	−360									−798	−798
J. Extend Qualified Zone Academy Bond Program (3-year carryforward for 1998 and 1999 authority; 2-year carryforward thereafter) (through 12/31/01).	tybi 2000	−3	−11	−20	−28	−30	−30	−30	−30	−30	−30	−92	−242
K. Extend the $5,000 Credit for First-Time Homebuyers in the District of Columbia (through 12/31/01).	1/1/01			−5	−15	(6)	(6)	(6)	(6)	(6)	(6)	−20	−20
L. Extend Brownfields Environmental Remediation (through 12/31/01).	DOE	11	−43	−59	−20	−2	−1	2	5	6	8	114	93
M. Increase Amount of Rum Excise Tax That is Covered Over to Puerto Rico and the U.S. Virgin Islands (from $10.50 per proof gallon to $13.25 per proof gallon) (through 12/31/01)(5)(7).	(8)	−20	−115	−15								−150	−150
Total of Extension of Expiring Provisions		**−2,053**	**−4,733**	**−6,427**	**−2,820**	**−2,385**	**−1,435**	**−777**	**−448**	**−212**	**−86**	**−18,421**	**−150**
II. Other Time-Sensitive Revenue Provisions													
A. Prohibit Disclosure of Advance Pricing Agreements (APAs) and Related Information; Require the IRS to Submit to Congress an Annual Report of Such Agreements.	DOE					No Revenue Effect							

ESTIMATED BUDGET EFFECTS OF THE REVENUE PROVISIONS INCLUDED IN THE CONFERENCE AGREEMENT FOR H.R. 1180 [1]—Continued

[Fiscal years 2000–2009, in millions of dollars]

Provision	Effective	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2000–2004	2000–2009
B. Authority to Postpone Certain Tax-Related Deadlines by Reason of Year 2000 Failures.	DOE						Negligible Revenue Effect						
C. Add the Sreptococcus Pneumoniae Vaccine to the List of Taxable Vaccines in the Federal Vaccine Insurance Program; Study of Program.	sbda DOE	4	7	9	10	10	10	10	10	10	11	39	91
D. Delay the Requirement that Registered Motor Fuels Terminals Offer Dyed Kerosene as a Condition of Registration (through 12/31/01).	DOE						Negligible Revenue Effect						
E. Provide that Federal Farm Production Payments are Taxable in the Year of Receipt.	DOE						Negligible Revenue Effect						
Total of Other Time-Sensitive Revenue Provisions.		**4**	**7**	**9**	**10**	**10**	**10**	**10**	**10**	**10**	**11**	**39**	**91**
III. **Revenue Offset Provisions**													
A. Modify Individual Estimated Tax Safe Harbor to 108.6% for Tax Year 2000 and 110% for Tax Year 2001.	tyba 12/31/99	1,560	840	−2,400									
B. Clarify the Tax Treatment of Income and Losses from Derivatives.	DOE	(9)	1	1	1	1	1	1	1	1	1	4	9
C. Information Reporting on Cancellation of Indebtedness by Non-Bank Financial Institutions.	coia 12/31/99		7	7	7	7	7	7	7	7	7	28	63
D. Prevent the Conversion of Ordinary Income or Short-Term Capital Gains into Income Eligible for Long-Term Capital Gain Rates.	teio/a 7/12/99	15	45	47	49	51	54	58	62	66	70	207	517
E. Allow Employers to Transfer Excess Defined Benefit Plan Assets to a Special Account for Health Benefits of Retirees (through 12/31/05).	tmi tyba 12/31/00		19	38	39	40	43	23				136	200
F. Repeal Installment Method for Most Accrual Basis Taxpayers; Adjust Pledge Rules.	iso/a DOE	477	677	406	257	72	8	21	35	48	62	1,889	2,063
G. Deny Deduction and Impose Excise Tax With Respect to Charitable Split-Dollar Life Insurance Arrangements.	(10)						Negligible Revenue Effect						
H. Distributions by a Partnership to a Corporate Partner of Stock in Another Corporation.	(11)	2	4	7	10	10	10	10	10	10	10	33	83
I. Real Estate Investment Trust (REIT) Provisions.													
1. Impose 10% vote or value test	tyba 12/31/00		2	8	8	8	9	9	9	10	10	26	73
2. Treatment of income and services provided by taxable REIT subsidiaries, with 20% asset limitation.	tyba 12/31/00		50	131	44	19	−9	−39	−72	−107	−146	244	−129
3. Personal property treatment for determining rents from real property for REITs.	tyba 12/31/00		−1	−1	−1	−1	−1	−1	−1	−1	−1	−3	−7
4. Special foreclosure rule for health care REITs.	tyba 12/31/00						Negligible Revenue Effect						
5. Conformity with RIC 90% distribution rules.	tyba 12/31/00		1	1	1	1	1	1	1	1	1	3	5
6. Clarification of definition of independent operators for REITs.	tyba 12/31/00						Negligible Revenue Effect						
7. Modification of earnings and profits rules.	da 12/31/00	....	−6	−3	−3	−3	−4	−4	−4	−4	−4	−16	−35
8. Modify estimated tax rules for closely-owned REIT dividends.	epdo/a 12/15/99	40	1	1	1	1	1	1	1	1	1	45	52
Total of Revenue Offset Provisions	....	**2,094**	**1,640**	**−1,757**	**413**	**206**	**120**	**87**	**49**	**32**	**11**	**2,596**	**2,894**
Net total	....	**45**	**−3,086**	**−8,175**	**−2,397**	**−2,169**	**−1,305**	**−680**	**−389**	**−170**	**−64**	**−15,786**	**−18,392**

[1] Another Title of H.R. 1180 contains an additional revenue provision that modifies the definition of an eligible foster child for purposes of the earned income credit: Effective—tyba 12/31/99; 2000—2; 2001—36; 2002—38; 2003—38; 2004—39; 2005—40; 2006—41; 2007—42; 2008—43; 2009—43; 2000–04—153; 2000–09—362.

[2] For expenses incurred after 6/30/99 and before 10/1/00, credit cannot be claimed until after 9/30/00. For expenses incurred after 9/30/00 and before 10/1/01, credit cannot be claimed until after 9/30/01.

[3] Extension of credit effective for expenses incurred after 6/30/99; increase in AIC rates effective for taxable years beginning after 6/30/99; expansion of the credit to include U.S. possessions effective for expenditures paid or incurred beginning after 6/30/99.

[4] For wind and closed-loop biomass, provision applies to production from facilities placed in service after 6/30/99 and before 1/1/02; for poultry waste, provision applies to production from facilities placed in service after 12/31/99 and before 1/1/02.

[5] Estimate provided by the Congressional Budget Office.

[6] Loss of less than $500,000.

[7] A special rule applies to the payment of the $2.75 increase in the cover-over rate for periods before 10/1/00.

[8] Effective for rum imported into the United States after 6/30/99.

[9] Gain of less than $500,000.

[10] Effective for transfers made after 2/8/99 and for premiums paid after the date of enactment.

[11] Effective 7/14/99 (except with respect to partnerships in existence on 7/14/99, the provision is effective 6/30/01).

Legend for "Effective" column: cba = courses beginning after; coia = cancellation of indebtedness after; da = distributions after; DOE = date of enactment; epdo/a = estimated payments due on or after; iso/a = installment sales on or after; sbda = sales beginning the day after; teio/a = transactions entered into on or after; tmi = transfers made in; tyba = taxable years beginning after; tybi = taxable years beginning in; wpoifibwa = wages paid or incurred for individuals beginning work after.

Note.—Details may not add to totals due to rounding.

Source: Joint Committee on Taxation.

BILL ARCHER,
TOM BLILEY,
DICK ARMEY,
Managers on the Part of the House.

W.V. ROTH, Jr.,
TRENT LOTT,
Managers on the Part of the Senate.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 3 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0305

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 3 o'clock and 5 minutes a.m.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 7 minutes a.m.), the House stood in recess subject to the call of the Chair.

☐ 0346

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 3 o'clock and 46 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 82, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2000, AND H.J. RES. 83, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2000

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–480) on the resolution (H. Res. 385) providing for consideration of the joint resolution (H.J. Res. 82) making further continuing appropriations for the fiscal year 2000, and for other purposes, and for consideration of the joint resolution (H.J. Res. 83) making further continuing appropriations for the fiscal year 2000, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3194, CONSOLIDATED APPROPRIATIONS AND DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–481) on the resolution (H. Res. 386) waiving points of order against the conference report to accompany the bill (H.R. 3194) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1180, TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–482) on the resolution (H. Res. 387) waiving points of order against the conference report to accompany the bill (H.R. 1180) to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. McINTYRE (at the request to Mr. GEPHARDT) for Tuesday, November 16, 1999, on account of family medical reasons.

Mr. WISE (at the request of Mr. GEPHARDT) for today on account of surgery.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McNULTY) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. MALONEY of Connecticut, for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today.

Mr. FOSSELLA, for 5 minutes, today.

Mr. TANCREDO, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. MORELLA, for 5 minutes.

ENROLLED JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 80. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 80. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

ADJOURNMENT

Mr. GOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 48 minutes a.m.), the House adjourned until today, Thursday, November 18, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5390. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—Providing Notice to Deliquent Farm Loan Program Borrowers of the Potential for Cross-Servicing (RIN: 0560–AF89) received November 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5391. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Mediterranean Fruit Fly; Removal of Quarantined Area [Docket No. 98–083–7] received November 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5392. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—User Fees; Agricultural Quarantine and Inspection Services [Docket No. 98–073–2] (RIN: 0579–AB05) received November 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5393. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Paraquat; Pesticide Tolerances for Emergency Exemptions [OPP–300949; FRL–6392–9] (RIN: 2070–AB78) received November 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5394. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to reform the state inspection of meat and poultry in the United States; to the Committee on Agriculture.

5395. A letter from the Acting Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Comprehensive Small Business Subcontracting Plans [DFARS Case 99–D306] received November 12, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5396. A letter from the Acting Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Contract Goal for Small Disadvantaged Business and Certain Institutions of Higher Education [DFARS Case 99–D305] received November 12, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5397. A letter from the Acting Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Debarment Investigation and Reports [DFARS Case 99–D013] received November 12, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5398. A letter from the Acting Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Subcontracting Goals for Purchases Benefiting People Who Are Blind or Severely Disabled [DFARS Case 99–D304] received November 12, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5399. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of vice admiral of Vice Admiral Daniel T. Oliver; to the Committee on Armed Services.

5400. A letter from the Federal Register Liaison Officer, Regulations and Legislation Division, Department of the Treasury, transmitting the Department's final rule—Safety and Soundness Standards [Docket No. 99–50] (RIN: 1550–AB27) received November 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5401. A letter from the Federal Register Liaison Officer, Regulations and Legislation Division, Department of the Treasury, transmitting the Department's final rule—Interagency Guidelines Establishing Year 2000 Standards for Safety and Soundness [Docket No. 99–35] (RIN: 1550–AB27) received November 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5402. A letter from the Acting Executive Director, Emergency Oil and Gas Guaranteed Loan Board, transmitting the Board's final rule—Emergency Oil and Gas Guaranteed Loan Program (RIN: 3003–ZA00) received November 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5403. A letter from the Managing Director, Office of the General Counsel, Federal Housing Finance Board, transmitting the Board's final rule—Allocation of Joint and Several Liability on Consolidated Obligations Among the Federal Home Loan Banks [No. 99–51] (RIN: 3069–AA78) received November 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5404. A letter from the Director, Executive Office of the President, transmitting Congressional Budget Office and Office of Management and Budget estimates under the Balanced Budget and Emergency Deficit Control Act of 1985, pursuant to Public Law 105—33 section 10205(2) (111 Stat. 703); to the Committee on the Budget.

5405. A letter from the Under Secretary, Food, Nutrition and Consumer Services, Department of Agriculture, transmitting the Department's final rule—National School Lunch Program, School Breakfast Program and Child and Adult Care Food Program: Amendments to the Infant Meal Pattern (RIN: 0584–AB81) received November 12, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5406. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits—received November 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5407. A letter from the Environmental Protection Agency, transmitting a report on the Benefits and Costs of the Clean Air Act, 1990 to 2010; to the Committee on Commerce.

5408. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Municipal Waste Combustor State Plan For Designated Facilities and Pollutants: Indiana [IN94–1a; FRL–6476–9] received November 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5409. A letter from the Secretary of Health and Human Services, transmitting a report on telemedicine; to the Committee on Commerce.

5410. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Israel for defense articles and services (Transmittal No. 00–12), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5411. A letter from the Director, Defense Security Assistance Agency, Department of Defense, transmitting a copy of Transmittal No. 00–0A, which relates to the Department of the Army's proposed enhancements or upgrades from the level of sensitivity of technology or capability of defense article(s) previously sold to Singapore, pursuant to 22 U.S.C. 2776(b)(5); to the Committee on International Relations.

5412. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Russia, Ukraine, Norway, United Kingdom, and Cayman Islands [Transmittal No. DTC 124–99], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5413. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Canada [Transmittal No. DTC 99–99], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5414. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Canada [Transmittal No. DTC 103–99], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

5415. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

5416. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting the Department's A–76 inventory of commercial activities; to the Committee on Government Reform.

5417. A letter from the Chairman, Federal Maritime Commission, transmitting the Annual Inventory of Commercial Activities for 1999; to the Committee on Government Reform.

5418. A letter from the Executive Director for Operations, Nuclear Regulatory Commission, transmitting a copy of the "Performance of Commercial Activities Inventory"; to the Committee on Government Reform.

5419. A letter from the Executive Director, Securities and Exchange Commission, transmitting the Commission's commercial activities inventory as required under the Federal Activities Inventory Reform Act of 1998; to the Committee on Government Reform.

5420. A letter from the Administrator, Small Business Administration, transmitting the Inventory of Commercial Activities for 1999; to the Committee on Government Reform.

5421. A letter from the Director, Trade and Development Agency, transmitting information on their audit and internal management activities; to the Committee on Government Reform.

5422. A letter from the Independent Counsel, transmitting the fifth annual report for the Office of Independent Counsel, pursuant to 28 U.S.C. 595(a)(2); to the Committee on the Judiciary.

5423. A letter from the Attorney General, transmitting the position of the Department of Justice in the Supreme Court in Dickerson v. United States, No. 99–5525, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5424. A letter from the Program Manager, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Implementation of Public Law 104–132, the Antiterrorism and Effective Death Penalty Act of 1996, Relating to the Marking of Plastic Explosives for the Purpose of Detection (96R–029P) received November 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5425. A letter from the Assistant Secretary, Civil Works, Department of the Army, transmitting a report on the Tennessee-Tombigbee Waterway Mitigation Project, Alabama and Mississippi; to the Committee on Transportation and Infrastructure.

5426. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Sassafras River, Georgetown, MD [CGD05–99–006] (RIN: 2115–AE47) received November 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5427. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Miles River, Easton, MD [CGD05–99–003] (RIN: 2115–AE47) received November 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5428. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Niantic River, CT [CGD01–99–087] (RIN: 2115–AE47) received November 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5429. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Illinois River, IL [CCGD08–99–014] (RIN: 2115–AE47) received November 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5430. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Kennebec River, ME [CGD01–98–174] (RIN: 2115–AE47) received November 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5431. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Hackensack River, Passaic River, NJ [CGD01–99–076] (RIN: 2115–AE47) received November 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5432. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Pequonnock River, CT [CGD01–99–086] (RIN: 2115–AE47) received November 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5433. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area; Strait of Juan de Fuca and Adjacent Coastal Waters of Washington; Makah Whale Hunting [CGD 13–98–023] (RIN: 2115–AE84) received November 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5434. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zones: All Coast Guard and Navy Vessels Involved in Evidence Transport, Narragansett Bay, Davisville Depot, Davisville, Rhode Island [CGD1–99–185] (RIN: 2115–AA97) received November 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5435. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Annuity Contracts [Revenue Procedure 99–44] received November 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5436. A letter from the Secretary of Health and Human Services, transmitting a report on development of a Medical Support Incentive for the Child Support Enforcement program; to the Committee on Ways and Means.

5437. A letter from the Comptroller General, General Accounting Office, transmitting certification that the trustees have paid all claims arising from the American Trader incident, and have established a reserve as required, pursuant to 43 U.S.C. 1653(c)(4); jointly to the Committees on Transportation and Infrastructure and Resources.

5438. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation to enhance federal law enforcement's ability to combat illegal money laundering; jointly to the Committees on the Judiciary, Commerce, Ways and Means, and Banking and Financial Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BURTON: Committee on Government Reform. H.R. 1827. A bill to improve the economy and efficiency of Government operations by requiring the use of recovery audits by Federal agencies; with amendments (Rept. 106–474). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 382. Resolution providing for consideration of motions to suspend the rules (Rept. 106–475). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 383. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 106–476). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1167. A bill to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes, and for other purposes; with an amendment (Rept. 106–477). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee of Conference. Conference report on H.R. 1180. A bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes (Rept. 106–478). Ordered to be printed.

Mr. YOUNG of Florida: Committee of Conference. Conference report on H.R. 3194. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–479). Ordered to be printed.

Mr. GOSS: Committee on Rules. House Resolution 385. Resolution providing for consideration of the joint resolution (H.J. Res. 82) making further continuing appropriations for the fiscal year 2000, and for other purposes, and for consideration of the joint resolution (H.J. Res. 83) making further continuing appropriations for the fiscal year 2000, and for other purposes (Rept. 106–480). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 386. Resolution waiving points of order against the conference report to accompany the bill (H.R. 3194) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–481). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 387. Resolution waiving points of order against the conference report to accompany the bill (H.R. 1180) to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes (Rept. 106–482). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1838. Referral to the Committee on Armed Services extended for a period ending not later than November 18, 1999.

H.R. 3081. Referral to the Committee on Education and the Workforce extended for a period ending not later than November 18, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. YOUNG of Alaska:

H.R. 3417. A bill to complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska; to the Committee on Resources.

By Mr. KANJORSKI (for himself, Ms. Kaptur, Mr. Wamp, Mr. Whitfield, Mrs. Biggert, Mr. Klink, Mr. Brown of Ohio, Mr. Udall of Colorado, Mr. Brady of Pennsylvania, Mr. Holden, and Ms. Slaughter):

H.R. 3418. A bill to establish a compensation program for employees of the Department of Energy, its contractors, subcontractors, and beryllium vendors, who sustained a beryllium-related illness due to the performance of their duty; to establish a compensation program for certain workers at the Paducah, Kentucky, gaseous diffusion plant; to establish a pilot program for examining the possible relationship between workplace exposure to radiation and hazardous materials and illnesses or health conditions, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHUSTER (for himself, Mr. Oberstar, Mr. Petri, and Mr. Rahall):

H.R. 3419. A bill to amend title 49, United States Code, to establish the Federal Motor Carrier Safety Administration, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BILBRAY (for himself, Mr. Norwood, Mr. Thompson of California, and Mr. Bryant):

H.R. 3420. A bill to improve the Medicare telemedicine program, to provide grants for the development of telehealth networks, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Florida:

H.R. 3421. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes; to the Committee on Appropriations.

By Mr. YOUNG of Florida:

H.R. 3422. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2000, and for other purposes; to the Committee on Appropriations.

By Mr. YOUNG of Florida:

H.R. 3423. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes; to the Committee on Appropriations.

By Mr. YOUNG of Florida:

H.R. 3424. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, and for other purposes; to the Committee on Appropriations.

By Mr. YOUNG of Florida:

H.R. 3425. A bill making miscellaneous appropriations for the fiscal year ending September 30, 1999, and for other purposes; to the Committee on Appropriations.

By Mr. THOMAS:

H.R. 3426. A bill to amend titles XVIII, XIX, and XXI of the Social Security Act to make corrections and refinements in the Medicare, Medicaid, and State children's health insurance programs, as revised by the Balanced Budget Act of 1997; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Ms. McKinney, Mr. Gilman, and Mr. Gejdenson):

H.R. 3427. A bill to authorize appropriations for the Department of State for fiscal years 2000 and 2001; to provide for enhanced security at United States diplomatic facilities; to provide for certain arms control, nonproliferation, and other national security measures; to provide for reform of the United Nations, and for other purposes; to the Committee on International Relations.

By Mr. BLUNT:

H.R. 3428. A bill to provide for the modification and implementation of the final rule for the consideration and reform of Federal milk marketing orders, and for other purposes; to the Committee on Agriculture.

By Mr. BARRETT of Nebraska (for himself, Mr. Bereuter, Mr. Latham, and Mr. Bilbray):

H.R. 3429. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to authorize the establishment of a voluntary legal employment authentication program (LEAP) as a successor to the current pilot programs for employment eligibility confirmation; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS:

H.R. 3430. A bill to amend the Public Health Service Act to authorize grants for the prevention of alcoholic beverage consumption by persons who have not attained the legal drinking age; to the Committee on Commerce.

By Mr. ENGEL (for himself, Mr. Rush, and Ms. Jackson-Lee of Texas):

H.R. 3431. A bill to reduce restrictions on broadcast ownership and to improve diversity of broadcast ownership; to the Committee on Commerce.

By Mr. JOHN (for himself, Mr. Tauzin, Mr. Baker, Mr. McCrery, Mr. Jefferson, Mr. Cooksey, Mr. Vitter, Mr. Ortiz, Mr. Brady of Texas, Mr. Green of Texas, Mr. Smith of Texas, Mr. Quinn, Mr. Peterson of Pennsylvania, Mr. Reynolds, and Mr. English):

H.R. 3432. A bill to direct the Minerals Management Service to grant the State of Louisiana and its lessees a credit in the payment of Federal offshore royalties to satisfy the authorization for compensation contained in the Oil Pollution Act of 1990 for oil and gas drainage in the West Delta field; to the Committee on Resources.

By Mrs. LOWEY:

H.R. 3433. A bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer; to the Committee on Commerce.

By Mrs. LOWEY:

H.R. 3434. A bill to expand the educational and work opportunities of welfare recipients under the program of block grants to States for temporary assistance for needy families; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. METCALF (for himself and Mr. Goode):

H.R. 3435. A bill to amend the Fair Debt Collection Practices Act to reduce the cost of credit, and for other purposes; to the Committee on Banking and Financial Services.

By Mrs. MORELLA (for herself and Mr. Allen):

H.R. 3436. A bill to amend the Internal Revenue Code of 1986 to make the dependent care credit refundable, and for other purposes; to the Committee on Ways and Means.

By Mr. NADLER (for himself and Mrs. Lowey):

H.R. 3437. A bill to amend the Internal Revenue Code of 1986 to provide for inflation adjustments to the income threshold amounts applicable in determining the portion of Social Security benefits subject to tax; to the Committee on Ways and Means.

By Mr. NADLER (for himself and Mrs. Lowey):

H.R. 3438. A bill to repeal the 1993 tax increase on Social Security benefits; to the Committee on Ways and Means.

By Mr. OXLEY (for himself, Mrs. Cubin, Mr. Stearns, Mr. Pallone, and Mr. Ehrlich):

H.R. 3439. A bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations; to the Committee on Commerce.

By Mr. SCOTT:

H.R. 3440. A bill to provide support for the Booker T. Washington Leadership Institute; to the Committee on Education and the Workforce.

By Mr. STARK:

H.R. 3441. A bill to amend title XVIII of the Social Security Act to require the provision of physical therapy, occupational therapy, speech-language pathology services, and respiratory therapy by a comprehensive outpatient rehabilitation facility (CORF) under the Medicare Program at a single, fixed location; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STENHOLM (for himself, Mr. Minge, Mr. Andrews, Mr. Peterson of Minnesota, Mr. Sandlin, Mr. Hall of Texas, Mr. Berry, Mr. Boyd, and Mr. Tanner):

H.R. 3442. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority; to the Committee on the Budget, and in addition to the Committees on Rules, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Florida:

H.J. Res. 82. A joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes; to the Committee on Appropriations.

By Mr. YOUNG of Florida:

H.J. Res. 83. A joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes; to the Committee on Appropriations.

By Mr. HUNTER (for himself, Mr. Bilbray, Mr. Packard, and Mr. Cunningham):

H. Con. Res. 232. Concurrent resolution expressing the sense of Congress concerning the safety and well-being of United States citizens injured while traveling in Mexico; to the Committee on International Relations.

By Mrs. MYRICK:

H. Con. Res. 233. Concurrent resolution urging the President to negotiate a new base rights agreement with the Government of Panama in order for United States Armed Forces to be stationed in Panama after December 31, 1999; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELLER (for himself, Mr. Rogan, Mr. Matsui, Mr. Foley, Mr. McKeon, Mr. Buyer, Mr. English, Mr. Becerra, Mr. Berman, Mr. McIntyre, Mrs. Bono, Mr. Kuykendall, Mr. Hayes, and Mr. Condit):

H. Res. 384. A resolution calling on the United States Trade Representative Charlene Barshefsky to make the issue of runaway film production and cultural content restrictions an issue at the World Trade Organization talks in Seattle; to the Committee on Ways and Means.

By Mr. SALMON (for himself, Mr. Payne, Mr. Gilman, Ms. Millender-McDonald, Mr. Scarborough, Mr. Wynn, Mr. Maloney of Connecticut, Mr. Rothman, Mr. Foley, Mr. Sherman, Mr. Rogan, Mr. Pastor, Ms. Jackson-Lee of Texas, Mr. Evans, Mr. Conyers, Mr. Ney, Mr. Thompson of Mississippi, Mr. Metcalf, Mr. Smith of Washington, Mr. Davis of Virginia, Mr. Ford, Mr. Becerra, Mr. Engel, Ms. Brown of Florida, Mr. Sabo, Mr. Abercrombie, Mr. Forbes, Mr. Hilliard, Mr. Weller, Mr. Horn, Ms. Pryce of Ohio, Mrs. Meek of Florida, Mr. Towns, Mr. Gutierrez, Mr. Chabot, Mr. Cummings, Mr. Owens, Ms. Ros-Lehtinen, Mr. Hastings of Florida, Ms. Waters, Mrs. Capps, Mrs. Johnson of Connecticut, Mr. Jackson of Illinois, Mr. Meeks of New York, Mrs. Clayton, Mr. Pascrell, Mr. Davis of Illinois, and Mr. Watt of North Carolina):

H. Res. 388. A resolution expressing the sense of the House of Representatives with respect to government discrimination in Germany based on religion or belief; to the Committee on International Relations.

By Mr. SALMON (for himself, Mr. Gilman, Mr. McDermott, Mr. Payne, Mr. Porter, Mr. Scarborough, Mr. Udall of Colorado, Mr. Frank of Massachusetts, Mr. Lantos, and Mr. Faleomavaega):

H. Res. 389. A resolution expressing the sense of the House of Representatives with respect to a dialog between the People's Republic of China and Tibet; to the Committee on International Relations.

By Ms. WATERS (for herself, Mr. Towns, Ms. Lee, Mr. Sanders, and Mr. Wynn):

H. Res. 390. A resolution expressing the sense of the House of Representatives concerning the peace process in Angola; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follwos:

H.R. 65: Mrs. Fowler.
H.R. 73: Mr. Wamp.
H.R. 125: Ms. Stabenow.
H.R. 218: Mr. Smith of Texas.
H.R. 220: Mr. Sessions.
H.R. 259: Mr. Baldacci.
H.R. 271: Mr. Gilman and Mr. Klink.

H.R. 274: Ms. Rivers.

H.R. 303: Mr. Oxley and Mrs. Napolitano.

H.R. 347: Mr. Wamp.

H.R. 353: Ms. Lee and Mr. Diaz-Balart.

H.R. 357: Mr. Klink.

H.R. 382: Mr. Lampson, Mr. Meehan, and Mr. Rangel.

H.R. 453: Ms. Berkley.

H.R. 531: Mr. Latham, Mr. Hastings of Washington, and Mr. Dicks.

H.R. 532: Mr. Schakowsky.

H.R. 534: Mrs. Biggert and Mr. Vitter.

H.R. 568: Mr. Mascara.

H.R. 623: Mr. Hayworth.

H.R. 670: Mr. Ackerman, Mr. Weiner, Mr. Moran of Virginia, Mr. Nethercutt, Mr. Porter, Mr. Salmon, Mr. Smith of Michigan, Mr. Becerra, Ms. Berkley, Mr. Ortiz, Mr. Taylor of Mississippi, Ms. Waters, Mrs. Wilson, Mr. Wu, Mr. Wise, Mr. Brown of Ohio, Ms. Norton, Mr. Edwards, Mr. Bentsen, Mr. Berman, Mrs. Biggert, Mr. Blunt, Mr. Dreier, Mr. Filner, Mr. Gilchrest, Mr. Ganske Mr. Isakson, Mr. Lipinski, Mrs. Lowey, Mr. Nadler, Mrs. Morella, Mr. Sabo, Ms. Sanchez, Mr. Upton, Ms. Eshoo, Mrs. McCarthy of New York, Mr. Lampson, Mr. Meeks of New York, Mr. Kasich, Mr. Shays, Mr. Crowley, Mr. Davis of Illinois, Mr. Deutsch, Mr. Horn, Mrs. Johnson of Connecticut, Ms. Lee, Mr. McDermott, Mr. Maloney of Connecticut, Ms. Millender-McDonald, Mr. Pallone, Mr. Pomeroy, and Mr. Rohrabacher.

H.R. 714: Mr. Forbes.

H.R. 721: Mr. Skelton, Mr. Turner, Mr. Aderholt, Mr. Cramer, Mrs. Clayton, and Mr. Hilliard.

H.R. 728: Mr. Sandlin and Mr. Berry.

H.R. 730: Mr. Moran of Virginia.

H.R. 731: Mr. McGovern.

H.R. 735: Mr. Green of Texas, Mr. Sununu, and Mr. Stupak.

H.R. 739: Mr. Watt of North Carolina and Mr. Baldacci.

H.R. 827: Mr. Baldacci.

H.R. 872: Mr. Hastings of Florida.

H.R. 875: Mr. Meehan.

H.R. 984: Mr. Bereuter.

H.R. 1044: Mr. Pomeroy and Mr. Rogers.

H.R. 1057: Ms. Lee.

H.R. 1082: Mr. Visclosky.

H.R. 1098: Mr. Walden of Oregon.

H.R. 1103: Mr. Sanders.

H.R. 1146: Mr. Everett.

H.R. 1216: Mrs. Thurman, Mr. Pastor, Mr. Gordon, and Mr. Gejdenson.

H.R. 1244: Mr. Radanovich.

H.R. 1248: Mr. Holt and Mr. Clement.

H.R. 1271: Mr. Gonzalez Mr. Fattah, Mr. Holt, Ms. Rivers, Mr. Owens, and Mr. Rush.

H.R. 1274: Mr. Cummings.

H.R. 1307: Mr. Frost, Mrs. Biggert, and Ms. McKinney.

H.R. 1322: Ms. Carson.

H.R. 1323: Mr. McGovern.

H.R. 1371: Mrs. Maloney of New York and Mr. Faleomavaega.

H.R. 1388: Mr. Bentsen.

H.R. 1478: Mr. Tierney.

H.R. 1483: Mr. Klink.

H.R. 1495: Mr. Brady of Pennsylvania.

H.R. 1515: Ms. Sanchez, Ms. Berkley, and Mr. Luther.

H.R. 1525: Ms. Roybal-Allard.

H.R. 1543: Mr. Turner.

H.R. 1581: Ms. Berkley.

H.R. 1622: Mr. Pallone.

H.R. 1636: Mr. Cummings.

H.R. 1684: Mr. Cummings.

H.R. 1732: Mr. Becerra and Ms. Kaptur.

H.R. 1785: Mr. Sanders and Mr. Baldacci.

H.R. 1806: Ms. McKinney, Ms. Roybal-Allard, Mrs. Jones of Ohio, and Mr. Berry.

H.R. 1838: Mr. Jones of North Carolina.

H.R. 1841: Ms. Berkley.

H.R. 1871: Mr. Rangel and Mrs. Christensen.

H.R. 1885: Mr. Gilman.

H.R. 1895: Mr. Gordon.

H.R. 1899: Mr. Hoeffel and Mr. Castle.

H.R. 1967: Mr. Everett and Mrs. Christensen.

H.R. 1983: Mr. Foley.

H.R. 2030: Mrs. Capps.

H.R. 2170: Mr. Pomeroy.

H.R. 2244: Mr. Duncan and Mr. Sensenbrenner.

H.R. 2266: Mr. Gutierrez and Mr. Kanjorski.

H.R. 2282: Ms. Hooley of Oregon and Mr. LoBiondo.

H.R. 2345: Mr. Kucinich.

H.R. 2362: Mr. Stearns, Mr. Dreier, Mr. McCollum, and Mr. Pitts.

H.R. 2363: Mr. Chabot.

H.R. 2420: Ms. Millender-McDonald, Mr. Bentsen, Mrs. Clayton, Mr. Andrews, Ms. Pryce of Ohio, Mr. Phelps, and Mr. Salmon.

H.R. 2498: Mr. Boyd, Mr. Kanjorski, Ms. Pelosi, and Mr. Rush.

H.R. 2512: Ms. Berkley.

H.R. 2548: Mr. Klink.

H.R. 2624: Mr. Green of Texas and Mr. Lantos.

H.R. 2650: Mr. Barcia.

H.R. 2655: Mr. Taylor of North Carolina.

H.R. 2697: Mr. Thompson of California.

H.R. 2706: Ms. Eshoo and Mr. Price of North Carolina.

H.R. 2709: Mr. Boyd, Mr. Berman, Mr. Pomeroy, Mr. Ramstad, Ms. Baldwin, Mr. Rahall, Mr. Gutknecht, Mr. Kuykendall, Mr. Hoyer, and Mr. Riley.

H.R. 2713: Mr. Thompson of Mississippi.

H.R. 2733: Ms. Hooley of Oregon, Mr. Pomeroy, and Mr. LoBiondo.

H.R. 2738: Mr. Rush.

H.R. 2749: Mr. Pomeroy.

H.R. 2776: Ms. Baldwin and Ms. Berkley.

H.R. 2790: Mr. Wynn, Mr. Payne, Mr. McNulty, Mr. Hoeffel, and Mr. Kennedy of Rhode Island.

H.R. 2801: Ms. Hooley of Oregon.

H.R. 2865: Ms. Woolsey and Mr. Rangel.

H.R. 2867: Mr. Pitts.

H.R. 2878: Ms. Lee.

H.R. 2891: Mr. Oxley.

H.R. 2892: Mr. Evans.

H.R. 2895: Mr. Rush, Mr. McNulty, Ms. Slaughter, and Mr. Hoeffel.

H.R. 2899: Mr. Tierney.

H.R. 2900: Mrs. Johnson of Connecticut.

H.R. 2902: Mrs. Christensen, Mrs. Clayton, Mr. Dingell, Mr. Luther, and Mr. Romero-Barcelo.

H.R. 2925: Mr. Bass and Mr. Kolbe.

H.R. 2966: Mr. Aderholt, Mr. Allen, Mr. Brady of Pennsylvania, Mrs. Clayton, Mr. Combest, Mrs. Cubin, Mr. Dixon, Mr. Everett, Mr. Fletcher, Mr. Gilchrest, Mr. Gilman, Mr. Hayes, Mr. Hill of Montana, Mr. Inslee, Mr. Jenkins, Mr. Jones of North Carolina, Mrs. Kelly, Mr. Lampson, Mr. Lantos, Mr. Lewis of Georgia, Mr. Lewis of Kentucky, Mr. McIntosh, Mr. Mica, Mr. Ney, Mr. Paul, Mr. Price of North Carolina, Mr. Rodriguez, Mr. Sessions, Mr. Smith of Washington, Mr. Towns, Mr. Wicker, Mrs. Wilson and, Mr. Wise.

H.R. 2969: Mr. Barrett of Wisconsin and Mr. English.

H.R. 2995: Mr. Barcia.

H.R. 3006: Mr. Kucinich.

H.R. 3011: Mr. Terry.

H.R. 3058: Ms. McKinney.

H.R. 3091: Mr. Gephardt, Mr. Lewis of Georgia, Ms. Ros-Lehtinen, Mr. Neal of Massachusetts, Mr. Menendez, Mr. Capuano, Mr. Kleczka, Mr. Phelps, Mr. Shows, Mr. DeFazio, Mr. Andrews, Ms. McKinney, Mr. Bishop, Mr. Sabo, Ms. Norton, Mr. Pallone, Mr. Obey, Mr. Nethercutt, Mr. Price of North Carolina, Mr. Boswell, Mr. Levin, Mr. Berry, Mr. Skelton, Mr. Rothman, Ms. Danner, Ms. Berkley, Ms. Roybal-Allard, Mr. Moran of Virginia, Mr. Metcalf, Mr. Davis of Illinois, Mr. Deutsch, Mr. Hoeffel, Mr. Quinn, Mr. Baird, Mr. Barcia, Mr. Kind, Mr. Visclosky, Mr. Smith of Washington, Mr. Coyne, Mr. Udall of New Mexico, Mr. Matsui, Mrs. Kelly, Mr. Baldacci, Mr. Sherwood, Mr. Dixon, Mr. Borski, and Mr. Snyder.

H.R. 3099: Mrs. Thurman.

H.R. 3107: Mr. Klink, Mr. Bentsen, and Mrs. Morella.

H.R. 3115: Mr. Rogers.

H.R. 3141: Mr. Maloney of Connecticut.

H.R. 3158: Mrs. Maloney of New York and Mrs. Christensen.

H.R. 3161: Mr. Houghton.

H.R. 3180: Ms. Pryce of Ohio and Mr. Lucas of Kentucky.

H.R. 3192: Mr. Berry.

H.R. 3235: Ms. Millender-McDonald and Mr. George Miller of California.

H.R. 3248: Mr. Norwood, Mr. Whitfield, and Mr. Canady of Florida.

H.R. 3278: Mr. Jones of North Carolina, and Mr. Burr of North Carolina.

H.R. 3293: Mr. Rogers and Ms. Millender-McDonald.

H.R. 3294: Mr. Thornberry.

H.R. 3295: Mr. Conyers, Mr. Berman, Mr. Oberstar, Mr. Davis of Virginia, and Ms. Lofgren.

H.R. 3301: Ms. Stabenow, Mr. Sanders, Mr. Foley, Mr. Serrano, Ms. Roybal-Allard, and Mr. Shays.

H.R. 3319: Mr. Ackerman and Mr. Rangel.

H.R. 3320: Mr. Kleczka, Ms. McCarthy of Missouri, Mr. Blumenauer, Mr. Sanders, Mr. Conyers, Mr. Fattah, Mr. Meehan, and Mr. Coyne.

H.R. 3324: Mr. Thompson of Mississippi, Mr. Pastor, Mr. Hilliard, Mr. Leach, Mr. Farr of California, Mr. Phelps, and Mr. Kaptur.

H.R. 3382: Mr. Saxton, Mr. Franks of New Jersey, Mr. Smith of New Jersey, and Ms. Ros-Lehtinen.

H.J. Res. 53: Mr. Isakson.

H.J. Res. 55: Mr. Gekas.

H.J. Res. 64: Mr. Royce.

H.J. Res. 70: Mrs. Myrick and Mr. Rohrabacher.

H.J. Res. 77: Mr. Rogan, Mr. Collins, Mr. Hefley, Mr. Stump, Mr. Baker, Mr. Wamp, Mr. Duncan, Mr. Goode, Mr. Burton of Indiana, Mr. Traficant, and Mrs. Cubin.

H. Con. Res. 38: Mr. Pascrell, Mr. Holt, Mrs. Roukema, Mr. Andrews, and Mr. Rothman.

H. Con. Res. 62: Mr. Delahunt.

H. Con. Res. 74: Mr. Lantos.

H. Con. Res. 80: Mr. Inslee.

H. Con. Res. 115: Mr. Watt of North Carolina.

H. Con. Res. 152: Ms. Velázquez.

H. Con. Res. 177: Mr. George Miller of California, Mr. Faleomavaega, and Mr. Conyers.

H. Con. Res. 218: Mr. Davis of Illinois, Mr. Jackson of Illinois, Mr. Costello, Mr. Moore, Ms. Lee, Ms. Berkley, Mr. Clay, and Mr. Hoyer.

H. Con. Res. 220: Ms. Eshoo.

H. Con. Res. 228: Mr. Maloney of Connecticut, Mr. Manzullo, and Ms. Lofgren.

H. Res. 107: Mrs. Roukema, Mrs. McCarthy of New York, Ms. Brown of Florida, Mr. Crowley, Mr. Towns, Mr. Sawyer, Mr.

EVANS, Mr. ROMERO-BARCELO, and Mr. KUCINICH.

H. Res. 237: Mr. DIAZ-BALART.

H. Res. 238: Ms. HOOLEY of Oregon and Mr. POMEROY.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

67. The SPEAKER presented a petition of the Office of the City Clerk, Syracuse Common Council, relative to Resolution No. 59–R petitioning Congress and the President to enact a "Jonny Gammage Law" to protect the public from the illegal and excessive use of force by police officers and eliminate conflicts of interest within local judicial systems; to the Committee on the Judiciary.

68. Also, a petition of the Southern Governors' Association, relative to a resolution petitioning the United States for the speedy passage of legislation enhancing the Caribbean Basin Initiative program to foster the evolution of economic development and trade opportunities in Central America and the Caribbean; to the Committee on Ways and Means.

69. Also, a petition of the Southern Governors' Association, relative to a resolution petitioning Congress and federal agencies regarding U.S. drug interdiction efforts in the Caribbean Basin; jointly to the Committees on the Judiciary and International Relations.

CONFERENCE REPORT ON H.R. 3194, CONSOLIDATED APPROPRIATIONS ACT, 2000

Mr. YOUNG of Florida submitted the following conference report and statement on the bill (H.R. 3194) making consolidated appropriations for the fiscal year ending September 30, 2000, and for other purposes:

CONFERENCE REPORT (H. REPT. 106–479)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3194) "making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the serveral departments, agencies, corporations, and other organizational units of the Government for the fiscal year ending September 30, 2000, and for other purposes, namely:

DIVISION A

DISTRICT OF COLUMBIA APPROPRIATIONS

TITLE I—FISCAL YEAR 2000 APPROPRIATIONS

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia for a program to be administered by the Mayor for District of Columbia resident tuition support, subject to the enactment of authorizing legislation for such program by Congress, $17,000,000, to remain available until expended: Provided, That such funds may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, usable at both public and private institutions of higher education: Provided further, That the awarding of such funds may be prioritized on the basis of a resident's academic merit and such other factors as may be authorized: Provided further, That if the authorized program is a nationwide program, the Mayor may expend up to $17,000,000: Provided further, That if the authorized program is for a limited number of States, the Mayor may expend up to $11,000,000: Provided further, That the District of Columbia may expend funds other than the funds provided under this heading, including local tax revenues and contributions, to support such program.

FEDERAL PAYMENT FOR INCENTIVES FOR ADOPTION OF CHILDREN

For a Federal payment to the District of Columbia to create incentives to promote the adoption of children in the District of Columbia foster care system, $5,000,000: Provided, That such funds shall remain available until September 30, 2001 and shall be used in accordance with a program established by the Mayor and the Council of the District of Columbia and approved by the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That funds provided under this heading may be used to cover the costs to the District of Columbia of providing tax credits to offset the costs incurred by individuals in adopting children in the District of Columbia foster care system and in providing for the health care needs of such children, in accordance with legislation enacted by the District of Columbia government.

FEDERAL PAYMENT TO THE CITIZEN COMPLAINT REVIEW BOARD

For a Federal payment to the District of Columbia for administrative expenses of the Citizen Complaint Review Board, $500,000, to remain available until September 30, 2001.

FEDERAL PAYMENT TO THE DEPARTMENT OF HUMAN SERVICES

For a Federal payment to the Department of Human Services for a mentoring program and for hotline services, $250,000.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For salaries and expenses of the District of Columbia Corrections Trustee, $176,000,000 for the administration and operation of correctional facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33; 111 Stat. 712): Provided, That notwithstanding any other provision of law, funds appropriated in this Act for the District of Columbia Corrections Trustee shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That in addition to the funds provided under this heading, the District of Columbia Corrections Trustee may use a portion of the interest earned on the Federal payment made to the Trustee under the District of Columbia Appropriations Act, 1998, (not to exceed $4,600,000) to carry out the activities funded under this heading.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $99,714,000 to be allocated as follows: for the District of Columbia Court of Appeals, $7,209,000; for the District of Columbia Superior Court, $68,351,000; for the District of Columbia Court System, $16,154,000; and $8,000,000, to remain available until September 30, 2001, for capital improvements for District of Columbia courthouse facilities: Provided, That of the amounts available for operations of the District of Columbia Courts, not to exceed $2,500,000 shall be for the design of an Integrated Justice Information System and that such funds shall be used in accordance with a plan and design developed by the courts and approved by the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11-2604 and section 11–2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code, and payments for counsel authorized under section 21–2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $33,336,000, to remain available until expended: Provided, That the funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the $8,000,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: Provided further, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia shall use the interest earned on the Federal payment made to the District of Columbia courts under the District of Columbia Appropriations Act, 1999, together with funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the $8,000,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during fiscal year 1999 if the Comptroller General certifies that the amount of obligations lawfully incurred for such payments during fiscal year 1999 exceeds the obligational authority otherwise available for making such payments: Provided further, That such funds shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: Provided further, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation *of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.*

Federal Payment to the Court Services and Offender Supervision Agency for the District of Columbia

For salaries and expenses of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, (Public Law 105–33; 111 Stat. 712), $93,800,000, of which $58,600,000 shall be for necessary expenses of Parole Revocation, Adult Probation, Offender Supervision, and Sex Offender Registration, to include expenses relating to supervision of adults subject to protection orders or provision of services for or related to such persons; $17,400,000 shall be available to the Public Defender Service; and $17,800,000 shall be available to the Pretrial Services Agency: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That of the amounts made available under this heading, $20,492,000 shall be used in support of universal drug screening and testing for those individuals on pretrial, probation, or parole supervision with continued testing, intermediate sanctions, and treatment for those identified in need, of which $7,000,000 shall be for treatment services.

Children's National Medical Center

For a Federal contribution to the Children's National Medical Center in the District of Columbia, $2,500,000 for construction, renovation, and information technology infrastructure costs associated with establishing community pediatric health clinics for high risk children in medically underserved areas of the District of Columbia.

Federal Payment for Metropolitan Police Department

For payment to the Metropolitan Police Department, $1,000,000, for a program to eliminate open air drug trafficking in the District of Columbia: Provided, That the Chief of Police shall provide quarterly reports to the Committees on Appropriations of the Senate and House of Representatives by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the project financed under this heading.

Federal Payment to the General Services Administration

For a Federal payment to the Administrator of General Services for activities carried out as a result of the transfer of the property on which the Lorton Correctional Complex is located to the General Services Administration, $6,700,000, to remain available until expended.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

Division of Expenses

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

Governmental Direction and Support

Governmental direction and support, $162,356,000 (including $137,134,000 from local funds, $11,670,000 from Federal funds, and $13,552,000 from other funds): Provided, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for official purposes: Provided further, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: Provided further, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: Provided further, That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds allocated to the Office of the Mayor: Provided further, That, notwithstanding any other provision of law now or hereafter enacted, no Member of the District of Columbia Council eligible to earn a part-time salary of $92,520, exclusive of the Council Chairman, shall be paid a salary of more than $84,635 during fiscal year 2000.

Economic Development and Regulation

Economic development and regulation, $190,335,000 (including $52,911,000 from local funds, $84,751,000 from Federal funds, and $52,673,000 from other funds), of which $15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11–134; D.C. Code, sec. 1–2271 et seq.), and the Business Improvement Districts Temporary Amendment Act of 1997 (D.C. Law 12–23): Provided, That such funds are available for acquiring services provided by the General Services Administration: Provided further, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia.

Public Safety and Justice

Public safety and justice, including purchase or lease of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $778,770,000 (including $565,511,000 from local funds, $29,012,000 from Federal funds, and $184,247,000 from other funds): Provided, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Department of Fire and Emergency Medical Services of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: Provided further, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate on efforts to increase efficiency and improve the professionalism in the department: Provided further, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: Provided further, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: Provided further, That the Metropolitan Police Department is authorized to maintain 3,800 sworn officers, with leave for a 50 officer attrition: Provided further, That no more than 15 members of the Metropolitan Police Department shall be detailed or assigned to the Executive Protection Unit, until the Chief of Police submits a recommendation to the Council for its review: Provided further, That $100,000 shall be available for inmates released on medical and geriatric parole: Provided further, That commencing on December 31, 1999, the Metropolitan Police Department shall provide to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives, quarterly reports on the status of crime reduction in each of the 83 police service areas established throughout the District of Columbia: Provided further, That up to $700,000 in local funds shall be available for the operations of the Citizen Complaint Review Board.

Public Education System

Public education system, including the development of national defense education programs, $867,411,000 (including $721,847,000 from local funds, $120,951,000 from Federal funds, and $24,613,000 from other funds), to be allocated as follows: $713,197,000 (including $600,936,000 from local funds, $106,213,000 from Federal funds, and $6,048,000 from other funds), for the public schools of the District of Columbia; $10,700,000 from local funds for the District of Columbia Teachers' Retirement Fund; $17,000,000 from local funds, previously appropriated in this Act as a Federal payment, for resident tuition support at public and private institutions of higher learning for eligible District of Columbia residents; $27,885,000 from local funds for public charter schools: Provided, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for new public charter schools on a per pupil basis: Provided further, That $480,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs; $72,347,000 (including $40,491,000 from local funds, $13,536,000 from Federal funds, and $18,320,000 from other funds) for the University of the District of Columbia; $24,171,000 (including $23,128,000 from local funds, $798,000 from Federal funds, and $245,000 from other funds) for the Public Library; $2,111,000 (including $1,707,000 from local funds and $404,000 from Federal funds) for the Commission on the Arts and Humanities: Provided further, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: Provided further, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for official purposes: Provided further, That none of the funds contained in this Act may be made available to pay the salaries of *any District of Columbia Public School teacher, principal, administrator, official, or employee who knowingly provides false enrollment or attendance information under article II, section 5 of the Act entitled "An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes", approved February 4, 1925 (D.C. Code, sec. 31–401 et seq.): Provided further, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2000 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): Provided further, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2000, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: Provided further, That the District of Columbia Public Schools shall not spend less than $365,500,000 on local schools through the Weighted Student Formula in fiscal year 2000: Provided further, That notwithstanding any other provision of law, the Chief Financial Officer of the District of Columbia shall apportion from the budget of the District of Columbia Public Schools a sum totaling 5 percent of the total budget to be set aside until the current student count for Public and Charter schools has been completed, and that this amount shall be apportioned between the Public and Charter schools based on their respective student population count: Provided further, That the District of Columbia Public Schools may spend $500,000 to engage in a Schools Without Violence program based on a model developed by the University of North Carolina, located in Greensboro, North Carolina.*

Human Support Services

Human support services, $1,526,361,000 (including $635,373,000 from local funds, $875,814,000 from Federal funds, and $15,174,000 from other funds): Provided, That $25,150,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: Provided further, That a peer review committee shall be established to review medical payments and the type of service received by a disability compensation claimant: Provided further, That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization, as defined in section 411(5) of the Stewart B. McKinney Homeless Assistance Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11371), providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to such Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

Public Works

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $271,395,000 (including $258,341,000 from local funds, $3,099,000 from Federal funds, and $9,955,000 from other funds): Provided, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

Receivership Programs

For all agencies of the District of Columbia government under court ordered receivership, $342,077,000 (including $217,606,000 from local funds, $106,111,000 from Federal funds, and $18,360,000 from other funds).

Workforce Investments

For workforce investments, $8,500,000 from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable.

Reserve

For a reserve to be established by the Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority, $150,000,000.

District of Columbia Financial Responsibility and Management Assistance Authority

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (109 Stat. 97; Public Law 104–8), $3,140,000: Provided, That none of the funds contained in this Act may be used to pay any compensation of the Executive Director or General Counsel of the Authority at a rate in excess of the maximum rate of compensation which may be paid to such individual during fiscal year 2000 under section 102 of such Act, as determined by the Comptroller General (as described in GAO letter report B–279095.2).

Repayment of Loans and Interest

For payment of principal, interest and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act, approved December 24, 1973, as amended, and that funds shall be allocated for expenses associated with the Wilson Building, $328,417,000 from local funds: Provided, That for equipment leases, the Mayor may finance $27,527,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years: Provided further, That $5,300,000 is allocated to the Metropolitan Police Department, $3,200,000 for the Fire and Emergency Medical Services Department, $350,000 for the Department of Corrections, $15,949,000 for the Department of Public Works and $2,728,000 for the Public Benefit Corporation.

Repayment of General Fund Recovery Debt

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $38,286,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act (105 Stat. 540; D.C. Code, sec. 47–321(a)(1)).

Payment of Interest on Short-Term Borrowing

For payment of interest on short-term borrowing, $9,000,000 from local funds.

Certificates of Participation

For lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, $7,950,000 from local funds.

Optical and Dental Insurance Payments

For optical and dental insurance payments, $1,295,000 from local funds.

Productivity Bank

The Chief Financial Officer of the District of Columbia, under the direction of the Mayor and the District of Columbia Financial Responsibility and Management Assistance Authority, shall finance projects totaling $20,000,000 in local funds that result in cost savings or additional revenues, by an amount equal to such financing: Provided, That the Mayor shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the projects financed under this heading.

Productivity Bank Savings

The Chief Financial Officer of the District of Columbia, under the direction of the Mayor and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions totaling $20,000,000 in local funds. The reductions are to be allocated to projects funded through the Productivity Bank that produce aggregate cost savings or additional revenues in an amount equal to the Productivity Bank financing: Provided, That the Mayor shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the cost savings or additional revenues funded under this heading.

Procurement and Management Savings

The Chief Financial Officer of the District of Columbia, under the direction of the Mayor and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions of $14,457,000 for general supply schedule savings and $7,000,000 for management reform savings, in local funds to one or more of the appropriation headings in this Act: Provided, That the Mayor shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the general supply schedule savings and management reform savings projected under this heading.

ENTERPRISE AND OTHER FUNDS

Water and Sewer Authority and the Washington Aqueduct

For operation of the Water and Sewer Authority and the Washington Aqueduct, $279,608,000 from other funds (including $236,075,000 for the Water and Sewer Authority and $43,533,000 for the Washington Aqueduct) of which $35,222,000 shall be apportioned and payable to the District's debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $197,169,000, as authorized by the Act entitled "An Act authorizing the laying of watermains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes" (33 Stat. 244; Public Law 58–140; D.C. Code, sec. 43–1512 et seq.): Provided, That the requirements and restrictions that are applicable to general fund capital improvements projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

Lottery and Charitable Games Enterprise Fund

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982 (95 Stat. 1174 and 1175; Public Law 97–91), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers

Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3-172; D.C. Code, sec. 2–2501 et seq. and sec. 22–1516 et seq.), $234,400,000: Provided, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, $10,846,000 from other funds for expenses incurred by the Armory Board in the exercise of its powers granted by the Act entitled "An Act To Establish A District of Columbia Armory Board, and for other purposes" (62 Stat. 339; D.C. Code, sec. 2–301 et seq.) and the District of Columbia Stadium Act of 1957 (71 Stat. 619; Public Law 85-300; D.C. Code, sec. 2–321 et seq.): Provided, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act (87 Stat. 824; Public Law 93–198; D.C. Code, sec. 47–301(b)).

DISTRICT OF COLUMBIA HEALTH AND HOSPITALS PUBLIC BENEFIT CORPORATION

For the District of Columbia Health and Hospitals Public Benefit Corporation, established by D.C. Law 11–212; D.C. Code, sec. 32–262.2, $133,443,000 of which $44,435,000 shall be derived by transfer from the general fund and $89,008,000 from other funds.

DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Code, sec. 1–711), $9,892,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: Provided, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: Provided further, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report: Provided further, That section 121(c)(1) of the District of Columbia Retirement Reform Act (D.C. Code, sec. 1–711(c)(1)) is amended by striking "the total amount to which a member may be entitled" and all that follows and inserting the following: "the total amount to which a member may be entitled under this subsection during a year (beginning with 1998) may not exceed $5,000, except that in the case of the Chairman of the Board and the Chairman of the Investment Committee of the Board, such amount may not exceed $7,500 (beginning with 2000).".

CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act (78 Stat. 1000; Public Law 88–622), $1,810,000 from other funds.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $50,226,000 from other funds.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, $1,260,524,000 of which $929,450,000 is from local funds, $54,050,000 is from the highway trust fund, and $277,024,000 is from Federal funds, and a rescission of $41,886,500 from local funds appropriated under this heading in prior fiscal years, for a net amount of $1,218,637,500 to remain available until expended: Provided, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 2001, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 2001: Provided further, That upon expiration of any such project authorization, the funds provided herein for the project shall lapse.

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official, and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: Provided, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101–7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: Provided, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982 (D.C. Law 4–101; D.C. Code, sec. 3–205.44), and for the payment of the non-Federal share of funds necessary to qualify for grants under subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994.

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the Subcommittee on the District of Columbia of the House Committee on Government Reform, the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 111. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977 (D.C. Law 2–20; D.C. Code, sec. 47–421 et seq.).

SEC. 112. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 113. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: Provided, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 114. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 115. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 116. None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2000, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or responsibility center; (3) establishes or changes allocations specifically denied, limited or increased by Congress in this Act; (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted; (5) reestablishes through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or responsibility centers through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less; or (7) increases by 20 percent or more personnel assigned to a specific program, project, or responsibility center; unless the Appropriations Committees of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming as set forth in this section.

SEC. 117. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia government.

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980 (94 Stat. 1824; Public Law 96–425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: Provided, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 119. (a) CITY ADMINISTRATOR.—The last sentence of section 422(7) of the District of Columbia Home Rule Act (D.C. Code, sec. 1–242(7)) is amended by striking ", not to exceed" and all that follows and inserting a period.

(b) BOARD OF DIRECTORS OF REDEVELOPMENT LAND AGENCY.—Section 1108(c)(2)(F) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–612.8(c)(2)(F)) is amended to read as follows:

"(F) Redevelopment Land Agency board members shall be paid per diem compensation at a rate established by the Mayor, except that such rate may not exceed the daily equivalent of the annual rate of basic pay for level 15 of the District Schedule for each day (including travel time) during which they are engaged in the actual performance of their duties.".

SEC. 120. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with respect to the compensation of District of Columbia employees: Provided, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 121. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 2000, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 2000 revenue estimates as of the end of the first quarter of fiscal year 2000. These estimates shall be used in the budget request for the fiscal year ending September 30, 2001. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 122. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6–85; D.C. Code, sec. 1–1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: Provided, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and approved by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 123. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99–177), the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: Provided, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 124. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99–177), after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: Provided, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

SEC. 125. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2000 if—

(1) the Mayor approves the acceptance and use of the gift or donation: Provided, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 126. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

SEC. 127. (a) The University of the District of Columbia shall submit to the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority and the Council of the District of Columbia no later than 15 calendar days after the end of each quarter a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last quarter and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last quarter in compliance with applicable law; and

(5) changes made in the last quarter to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

(b) The Mayor, the Authority, and the Council shall provide the Congress by February 1, 2000, a summary, analysis, and recommendations on the information provided in the quarterly reports.

SEC. 128. Funds authorized or previously appropriated to the government of the District of Columbia by this or any other Act to procure the necessary hardware and installation of new software, conversion, testing, and training to improve or replace its financial management system are also available for the acquisition of accounting and financial management services and the leasing of necessary hardware, software or any other related goods or services, as determined by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 129. (a) None of the funds contained in this Act may be made available to pay the fees of an attorney who represents a party who prevails in an action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) if—

(1) the hourly rate of compensation of the attorney exceeds 120 percent of the hourly rate of compensation under section 11–2604(a), District of Columbia Code; or

(2) the maximum amount of compensation of the attorney exceeds 120 percent of the maximum amount of compensation under section 11–2604(b)(1), District of Columbia Code, except that compensation and reimbursement in excess of such maximum may be approved for extended or complex representation in accordance with section 11–2604(c), District of Columbia Code.

(b) Notwithstanding the preceding subsection, if the Mayor, District of Columbia Financial Responsibility and Management Assistance Authority and the Superintendent of the District of Columbia Public Schools concur in a Memorandum of Understanding setting forth a new rate and amount of compensation, then such new rates shall apply in lieu of the rates set forth in the preceding subsection.

SEC. 130. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 131. None of the funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Code, sec. 36–1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 132. The Superintendent of the District of Columbia Public Schools shall submit to the Congress, the Mayor, the District of Columbia

Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than 15 calendar days after the end of each quarter a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget, broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the District of Columbia Public Schools; payments made in the last quarter and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(5) changes made in the last quarter to the organizational structure of the District of Columbia Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 133. (a) IN GENERAL.—The Superintendent of the District of Columbia Public Schools and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia public schools and the University of the District of Columbia for fiscal year 1999, fiscal year 2000, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia public schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) SUBMISSION.—The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than February 15 of each year.

SEC. 134. (a) No later than November 1, 1999, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, and each succeeding year, the Superintendent of the District of Columbia Public Schools and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Superintendent of the District of Columbia Public Schools and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47-301).

SEC. 135. The District of Columbia Financial Responsibility and Management Assistance Authority, acting on behalf of the District of Columbia Public Schools (DCPS) in formulating the DCPS budget, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the University of the District of Columbia School of Law shall vote on and approve the respective annual or revised budgets for such entities before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301), or before submitting their respective budgets directly to the Council.

SEC. 136. (a) CEILING ON TOTAL OPERATING EXPENSES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2000 under the heading "Division of Expenses" shall not exceed the lesser of—

(A) the sum of the total revenues of the District of Columbia for such fiscal year; or

(B) $5,515,379,000 (of which $152,753,000 shall be from intra-District funds and $3,113,854,000 shall be from local funds), which amount may be increased by the following:

(i) proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs approved by the District of Columbia Financial Responsibility and Management Assistance Authority; or

(ii) after notification to the Council, additional expenditures which the Chief Financial Officer of the District of Columbia certifies will produce additional revenues during such fiscal year at least equal to 200 percent of such additional expenditures, and that are approved by the Authority.

(2) ENFORCEMENT.—The Chief Financial Officer of the District of Columbia and the Authority shall take such steps as are necessary to assure that the District of Columbia meets the requirements of this section, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2000, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

(b) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING.—

(1) IN GENERAL.—Notwithstanding subsection (a), the Mayor, in consultation with the Chief Financial Officer, during a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8; 109 Stat. 152), may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND AUTHORITY APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Authority a report setting forth detailed information regarding such grant; and

(B) the Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) of this subsection or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) QUARTERLY REPORTS.—The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

(c) REPORT ON EXPENDITURES BY FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.—Not later than 20 calendar days after the end of each fiscal quarter starting October 1, 1999, the Authority shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Government Reform of the House, and the Committee on Governmental Affairs of the Senate providing an itemized accounting of all non-appropriated funds obligated or expended by the Authority for the quarter. The report shall include information on the date, amount, purpose, and vendor name, and a description of the services or goods provided with respect to the expenditures of such funds.

SEC. 137. If a department or agency of the government of the District of Columbia is under the administration of a court-appointed receiver or other court-appointed official during fiscal year 2000 or any succeeding fiscal year, the receiver or official shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia for the year, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the department or agency. All such estimates shall be forwarded by the Mayor to the Council, for its action pursuant to sections 446 and 603(c) of the District of Columbia Home Rule Act, without revision but subject to the Mayor's recommendations. Notwithstanding any provision of the District of Columbia Home Rule Act (87 Stat. 774; Public Law 93-198) the Council may comment or make recommendations concerning such annual estimates but shall have no authority under such Act to revise such estimates.

SEC. 138. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia public schools shall be—

(1) classified as an Educational Service employee;

(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall not compete with school-based personnel for retention purposes.

SEC. 139. (a) RESTRICTIONS ON USE OF OFFICIAL VEHICLES.—Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace (except: (1) in the case of an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department; (2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day; (3) the Mayor of the District of Columbia; and (4) the Chairman of the Council of the District of Columbia).

(b) INVENTORY OF VEHICLES.—The Chief Financial Officer of the District of Columbia shall submit, by November 15, 1999, an inventory, as of September 30, 1999, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 140. (a) SOURCE OF PAYMENT FOR EMPLOYEES DETAILED WITHIN GOVERNMENT.—For purposes of determining the amount of funds expended by any entity within the District of Columbia government during fiscal year 2000 and each succeeding fiscal year, any expenditures of the District government attributable to any officer or employee of the District government who provides services which are within the authority and jurisdiction of the entity (including any portion of the compensation paid to the officer or employee attributable to the time spent in providing such services) shall be treated as expenditures made from the entity's budget, without regard to whether the officer or employee is assigned to the entity or otherwise treated as an officer or employee of the entity.

(b) MODIFICATION OF REDUCTION IN FORCE PROCEDURES.—The District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–601.1 et seq.), is further amended in section 2408(a) by striking "1999" and inserting "2000"; in subsection (b), by striking "1999" and inserting "2000"; in subsection (i), by striking "1999" and inserting "2000"; and in subsection (k), by striking "1999" and inserting "2000".

SEC. 141. Notwithstanding any other provision of law, not later than 120 days after the date that a District of Columbia Public Schools (DCPS) student is referred for evaluation or assessment—

(1) the District of Columbia Board of Education, or its successor, and DCPS shall assess or evaluate a student who may have a disability and who may require special education services; and

(2) if a student is classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act (84 Stat. 175; 20 U.S.C. 1401(a)(1)) or in section 7(8) of the Rehabilitation Act of 1973 (87 Stat. 359; 29 U.S.C. 706(8)), the Board and DCPS shall place that student in an appropriate program of special education services.

SEC. 142. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 143. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority) for fiscal year 2000 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Code, sec. 1–1182.8(a)(4)); and

(2) the audit includes a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year.

SEC. 144. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the District of Columbia Financial Responsibility and Management Assistance Authority. Appropriations made by this Act for such programs or functions are conditioned only on the approval by the Authority of the required reorganization plans.

SEC. 145. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes.

SEC. 146. None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

SEC. 147. None of the funds contained in this Act may be used to transfer or confine inmates classified above the medium security level, as defined by the Federal Bureau of Prisons classification instrument, to the Northeast Ohio Correctional Center located in Youngstown, Ohio.

SEC. 148. (a) Section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8), as added by section 155 of the District of Columbia Appropriations Act, 1999, is amended to read as follows:

"(j) RESERVE.—

"(1) IN GENERAL.—Beginning with fiscal year 2000, the plan or budget submitted pursuant to this Act shall contain $150,000,000 for a reserve to be established by the Mayor, Council of the District of Columbia, Chief Financial Officer for the District of Columbia, and the District of Columbia Financial Responsibility and Management Assistance Authority.

"(2) CONDITIONS ON USE.—The reserve funds—

"(A) shall only be expended according to criteria established by the Chief Financial Officer and approved by the Mayor, Council of the District of Columbia, and District of Columbia Financial Responsibility and Management Assistance Authority, but, in no case may any of the reserve funds be expended until any other surplus funds have been used;

"(B) shall not be used to fund the agencies of the District of Columbia government under court ordered receivership; and

"(C) shall not be used to fund shortfalls in the projected reductions budgeted in the budget proposed by the District of Columbia government for general supply schedule savings and management reform savings.

"(3) REPORT REQUIREMENT.—The Authority shall notify the Appropriations Committees of both the Senate and House of Representatives in writing 30 days in advance of any expenditure of the reserve funds.".

(b) Section 202 of such Act (Public Law 104–8), as amended by subsection (a), is further amended by adding at the end the following:

"(k) POSITIVE FUND BALANCE.—

"(1) IN GENERAL.—The District of Columbia shall maintain at the end of a fiscal year an annual positive fund balance in the general fund of not less than 4 percent of the projected general fund expenditures for the following fiscal year.

"(2) EXCESS FUNDS.—Of funds remaining in excess of the amounts required by paragraph (1)—

"(A) not more than 50 percent may be used for authorized non-recurring expenses; and

"(B) not less than 50 percent shall be used to reduce the debt of the District of Columbia.".

SEC. 149. (a) No later than November 1, 1999, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the District of Columbia Financial Responsibility and Management Assistance Authority a revised appropriated funds operating budget for all agencies of the District of Columbia government for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301).

SEC. 150. (a) None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

SEC. 151. (a) RESTRICTIONS ON LEASES.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, none of the funds contained in this Act may be used to make rental payments under a lease for the use of real property by the District of Columbia government (including any independent agency of the District) unless the lease and an abstract of the lease have been filed (by the District of Columbia or any other party to the lease) with the central office of the Deputy Mayor for Economic Development, in an indexed registry available for public inspection.

(b) ADDITIONAL RESTRICTIONS ON CURRENT LEASES.—

(1) IN GENERAL.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, in the case of a lease described in paragraph (3), none of the funds contained in this Act may be used to make rental payments under the lease unless the lease is included in periodic reports submitted by the Mayor and Council of the District of Columbia to the Committees on Appropriations of the House of Representatives and Senate describing for each such lease the following information:

(A) The location of the property involved, the name of the owners of record according to the land records of the District of Columbia, the name of the lessors according to the lease, the rate of payment under the lease, the period of time covered by the lease, and the conditions under which the lease may be terminated.

(B) The extent to which the property is or is not occupied by the District of Columbia government as of the end of the reporting period involved.

(C) If the property is not occupied and utilized by the District government as of the end of the reporting period involved, a plan for occupying and utilizing the property (including construction or renovation work) or a status statement regarding any efforts by the District to terminate or renegotiate the lease.

(2) TIMING OF REPORTS.—The reports described in paragraph (1) shall be submitted for each calendar quarter (beginning with the quarter ending December 31, 1999) not later than 20 days after the end of the quarter involved, plus an initial report submitted not later than 60 days after the date of the enactment of this Act, which shall provide information as of the date of the enactment of this Act.

(3) LEASES DESCRIBED.—A lease described in this paragraph is a lease in effect as of the date of the enactment of this Act for the use of real property by the District of Columbia government (including any independent agency of the District) which is not being occupied by the District government (including any independent agency of the District) as of such date or during the 60-day period which begins on the date of the enactment of this Act.

SEC. 152. (a) MANAGEMENT OF EXISTING DISTRICT GOVERNMENT PROPERTY.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, none of the funds contained in this Act may be used to enter into a lease (or to make rental payments under such a lease) for the use of real property by the District of Columbia government (including any independent agency of the District) or to purchase real property for the use of the District of Columbia government (including any independent agency of the District) or to manage real property for the use of the District of Columbia (including any independent agency of the District) unless the following conditions are met:

(1) The Mayor and Council of the District of Columbia certify to the Committees on Appropriations of the House of Representatives and Senate that existing real property available to the District (whether leased or owned by the District government) is not suitable for the purposes intended.

(2) Notwithstanding any other provisions of law, there is made available for sale or lease all real property of the District of Columbia that the Mayor from time-to-time determines is surplus to the needs of the District of Columbia, unless a majority of the members of the Council override the Mayor's determination during the 30-day period which begins on the date the determination is published.

(3) The Mayor and Council implement a program for the periodic survey of all District property to determine if it is surplus to the needs of the District.

(4) The Mayor and Council within 60 days of the date of the enactment of this Act have filed with the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform and Oversight of the House of Representatives, and the Committee on Governmental Affairs of the Senate a report which provides a comprehensive plan for the management of District of Columbia real property assets, and are proceeding with the implementation of the plan.

(b) TERMINATION OF PROVISIONS.—If the District of Columbia enacts legislation to reform the practices and procedures governing the entering into of leases for the use of real property by the District of Columbia government and the disposition of surplus real property of the District government, the provisions of subsection (a) shall cease to be effective upon the effective date of the legislation.

SEC. 153. Section 603(e)(2)(B) of the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104-208; 110 Stat. 3009-293) is amended—

(1) by inserting "and public charter" after "public"; and

(2) by adding at the end the following: "Of such amounts and proceeds, $5,000,000 shall be set aside for use as a credit enhancement fund for public charter schools in the District of Columbia, with the administration of the fund (including the making of loans) to be carried out by the Mayor through a committee consisting of three individuals appointed by the Mayor of the District of Columbia and two individuals appointed by the Public Charter School Board established under section 2214 of the District of Columbia School Reform Act of 1995.".

SEC. 154. The Mayor, District of Columbia Financial Responsibility and Management Assistance Authority, and the Superintendent of Schools shall implement a process to dispose of excess public school real property within 90 days of the enactment of this Act.

SEC. 155. Section 2003 of the District of Columbia School Reform Act of 1995 (Public Law 104-134; D.C. Code, sec. 31-2851) is amended by striking "during the period" and "and ending 5 years after such date.".

SEC. 156. Section 2206(c) of the District of Columbia School Reform Act of 1995 (Public Law 104-134; D.C. Code, sec. 31-2853.16(c)) is amended by adding at the end the following: ", except that a preference in admission may be given to an applicant who is a sibling of a student already attending or selected for admission to the public charter school in which the applicant is seeking enrollment.".

SEC. 157. (a) TRANSFER OF FUNDS.—There is hereby transferred from the District of Columbia Financial Responsibility and Management Assistance Authority (hereafter referred to as the "Authority") to the District of Columbia the sum of $18,000,000 for severance payments to individuals separated from employment during fiscal year 2000 (under such terms and conditions as the Mayor considers appropriate), expanded contracting authority of the Mayor, and the implementation of a system of managed competition among public and private providers of goods and services by and on behalf of the District of Columbia: Provided, That such funds shall be used only in accordance with a plan agreed to by the Council and the Mayor and approved by the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That the Authority and the Mayor shall coordinate the spending of funds for this program so that continuous progress is made. The Authority shall release said funds, on a quarterly basis, to reimburse such expenses, so long as the Authority certifies that the expenses reduce re-occurring future costs at an annual ratio of at least 2 to 1 relative to the funds provided, and that the program is in accordance with the best practices of municipal government.

(b) SOURCE OF FUNDS.—The amount transferred under subsection (a) shall be derived from interest earned on accounts held by the Authority on behalf of the District of Columbia.

SEC. 158. (a) IN GENERAL.—The District of Columbia Financial Responsibility and Management Assistance Authority (hereafter referred to as the "Authority"), working with the Commonwealth of Virginia and the Director of the National Park Service, shall carry out a project to complete all design requirements and all requirements for compliance with the National Environmental Policy Act for the construction of expanded lane capacity for the Fourteenth Street Bridge.

(b) SOURCE OF FUNDS; TRANSFER.—For purposes of carrying out the project under subsection (a), there is hereby transferred to the Authority from the District of Columbia dedicated highway fund established pursuant to section 3(a) of the District of Columbia Emergency Highway Relief Act (Public Law 104-21; D.C. Code, sec. 7-134.2(a)) an amount not to exceed $5,000,000.

SEC. 159. (a) IN GENERAL.—The Mayor of the District of Columbia shall carry out through the Army Corps of Engineers, an Anacostia River environmental cleanup program.

(b) SOURCE OF FUNDS.—There are hereby transferred to the Mayor from the escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority pursuant to section 134 of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277; 112 Stat. 2681-552), for infrastructure needs of the District of Columbia, $5,000,000.

SEC. 160. (a) PROHIBITING PAYMENT OF ADMINISTRATIVE COSTS FROM FUND.—Section 16(e) of the Victims of Violent Crime Compensation Act of 1996 (D.C. Code, sec. 3-435(e)) is amended—

(1) by striking "and administrative costs necessary to carry out this chapter"; and

(2) by striking the period at the end and inserting the following: ", and no monies in the Fund may be used for any other purpose.".

(b) MAINTENANCE OF FUND IN TREASURY OF THE UNITED STATES.—

(1) IN GENERAL.—Section 16(a) of such Act (D.C. Code, sec. 3-435(a)) is amended by striking the second sentence and inserting the following: "The Fund shall be maintained as a separate fund in the Treasury of the United States. All amounts deposited to the credit of the Fund are appropriated without fiscal year limitation to make payments as authorized under subsection (e).".

(2) CONFORMING AMENDMENT.—Section 16 of such Act (D.C. Code, sec. 3-435) is amended by striking subsection (d).

(c) DEPOSIT OF OTHER FEES AND RECEIPTS INTO FUND.—Section 16(c) of such Act (D.C. Code, sec. 3-435(c)) is amended by inserting after "1997," the second place it appears the following: "any other fines, fees, penalties, or assessments that the Court determines necessary to carry out the purposes of the Fund.".

(d) Annual Transfer of Unobligated Balances to Miscellaneous Receipts of Treasury.—Section 16 of such Act (D.C. Code, sec. 3-435), as amended by subsection (b)(2), is further amended by inserting after subsection (c) the following new subsection:

"(d) Any unobligated balance existing in the Fund in excess of $250,000 as of the end of each fiscal year (beginning with fiscal year 2000) shall be transferred to miscellaneous receipts of the Treasury of the United States not later than 30 days after the end of the fiscal year.".

(e) Ratification of Payments and Deposits.—Any payments made from or deposits made to the Crime Victims Compensation Fund on or after April 9, 1997 are hereby ratified, to the extent such payments and deposits are authorized under the Victims of Violent Crime Compensation Act of 1996 (D.C. Code, sec. 3–421 et seq.), as amended by this section.

Sec. 161. Certification.—None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and their agency as a result of this Act.

Sec. 162. The proposed budget of the government of the District of Columbia for fiscal year 2001 that is submitted by the District to Congress shall specify potential adjustments that might become necessary in the event that the management savings achieved by the District during the year do not meet the level of management savings projected by the District under the proposed budget.

Sec. 163. In submitting any document showing the budget for an office of the District of Columbia government (including an independent agency of the District) that contains a category of activities labeled as "other", "miscellaneous", or a similar general, nondescriptive term, the document shall include a description of the types of activities covered in the category and a detailed breakdown of the amount allocated for each such activity.

Sec. 164. (a) Authorizing Corps of Engineers To Perform Repairs and Improvements.—In using the funds made available under this Act for carrying out improvements to the Southwest Waterfront in the District of Columbia (including upgrading marina dock pilings and paving and restoring walkways in the marina and fish market areas) for the portions of Federal property in the Southwest quadrant of the District of Columbia within Lots 847 and 848, a portion of Lot 846, and the unassessed Federal real property adjacent to Lot 848 in Square 473, any entity of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority or its designee) may place orders for engineering and construction and related services with the Chief of Engineers of the United States Army Corps of Engineers. The Chief of Engineers may accept such orders on a reimbursable basis and may provide any part of such services by contract. In providing such services, the Chief of Engineers shall follow the Federal Acquisition Regulations and the implementing Department of Defense regulations.

(b) Timing for Availability of Funds Under 1999 Act.—

(1) In general.—The District of Columbia Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–124) is amended in the item relating to "FEDERAL FUNDS—Federal Payment for Waterfront Improvements"—

(A) by striking "existing lessees" the first place it appears and inserting "existing lessees of the Marina"; and

(B) by striking "the existing lessees" the second place it appears and inserting "such lessees".

(2) Effective date.—This subsection shall take effect as if included in the District of Columbia Appropriations Act, 1999.

(c) Additional Funding for Improvements Carried Out Through Corps of Engineers.—

(1) In general.—There is hereby transferred from the District of Columbia Financial Responsibility and Management Assistance Authority to the Mayor the sum of $3,000,000 for carrying out the improvements described in subsection (a) through the Chief of Engineers of the United States Army Corps of Engineers.

(2) Source of funds.—The funds transferred under paragraph (1) shall be derived from the escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority pursuant to section 134 of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–552), for infrastructure needs of the District of Columbia.

(d) Quarterly Reports on Project.—The Mayor shall submit reports to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate on the status of the improvements described in subsection (a) for each calendar quarter occurring until the improvements are completed.

Sec. 165. It is the sense of the Congress that the District of Columbia should not impose or take into consideration any height, square footage, set-back, or other construction or zoning requirements in authorizing the issuance of industrial revenue bonds for a project of the American National Red Cross at 2025 E Street Northwest, Washington, D.C., in as much as this project is subject to approval of the National Capital Planning Commission and the Commission of Fine Arts pursuant to section 11 of the joint resolution entitled "Joint Resolution to grant authority for the erection of a permanent building for the American National Red Cross, District of Columbia Chapter, Washington, District of Columbia", approved July 1, 1947 (Public Law 100–637; 36 U.S.C. 300108 note).

Sec. 166. (a) Permitting Court Services and Offender Supervision Agency To Carry Out Sex Offender Registration.—Section 11233(c) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Code, sec. 24–1233(c)) is amended by adding at the end the following new paragraph:

"(5) Sex offender registration.—The Agency shall carry out sex offender registration functions in the District of Columbia, and shall have the authority to exercise all powers and functions relating to sex offender registration that are granted to the Agency under any District of Columbia law.".

(b) Authority During Transition to Full Operation of Agency.—

(1) Authority of pretrial services, parole, adult probation and offender supervision trustee.—Notwithstanding section 11232(b)(1) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Code, sec. 24–1232(b)(1)), the Pretrial Services, Parole, Adult Probation and Offender Supervision Trustee appointed under section 11232(a) of such Act (hereafter referred to as the "Trustee") shall, in accordance with section 11232 of such Act, exercise the powers and functions of the Court Services and Offender Supervision Agency for the District of Columbia (hereafter referred to as the "Agency") relating to sex offender registration (as granted to the Agency under any District of Columbia law) only upon the Trustee's certification that the Trustee is able to assume such powers and functions.

(2) Authority of metropolitan police department.—During the period that begins on the date of the enactment of the Sex Offender Registration Emergency Act of 1999 and ends on the date the Trustee makes the certification described in paragraph (1), the Metropolitan Police Department of the District of Columbia shall have the authority to carry out any powers and functions relating to sex offender registration that are granted to the Agency or to the Trustee under any District of Columbia law.

Sec. 167. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

Sec. 168. (a) In General.—There is hereby transferred from the District of Columbia Financial Responsibility and Management Assistance Authority (hereinafter referred to as the "Authority") to the District of Columbia the sum of $5,000,000 for the Mayor, in consultation with the Council of the District of Columbia, to provide offsets against local taxes for a commercial revitalization program, such program to be available in enterprise zones and low and moderate income areas in the District of Columbia: Provided, That in carrying out such a program, the Mayor shall use Federal commercial revitalization proposals introduced in Congress as a guideline.

(b) Source of Funds.—The amount transferred under subsection (a) shall be derived from interest earned on accounts held by the Authority on behalf of the District of Columbia.

(c) Report.—Not later than 180 days after the date of the enactment of this Act, the Mayor shall report to the Committees on Appropriations of the Senate and House of Representatives on the progress made in carrying out the commercial revitalization program.

Sec. 169. Section 456 of the District of Columbia Home Rule Act (section 47–231 et seq. of the D.C. Code, as added by the Federal Payment Reauthorization Act of 1994 (Public Law 103-373)) is amended—

(1) in subsection (a)(1), by striking "District of Columbia Financial Responsibility and Management Assistance Authority" and inserting "Mayor"; and

(2) in subsection (b)(1), by striking "Authority" and inserting "Mayor".

Sec. 170. (a) Findings.—The Congress finds the following:

(1) The District of Columbia has recently witnessed a spate of senseless killings of innocent citizens caught in the crossfire of shootings. A Justice Department crime victimization survey found that while the city saw a decline in the homicide rate between 1996 and 1997, the rate was the highest among a dozen cities and more than double the second highest city.

(2) The District of Columbia has not made adequate funding available to fight drug abuse in recent years, and the city has not deployed its resources as effectively as possible. In fiscal year 1998, $20,900,000 was spent on publicly funded drug treatment in the District compared to $29,000,000 in fiscal year 1993. The District's Addiction and Prevention and Recovery Agency currently has only 2,200 treatment slots, a 50 percent drop from 1994, with more than 1,100 people on waiting lists.

(3) The District of Columbia has seen a rash of inmate escapes from halfway houses. According to Department of Corrections records, between October 21, 1998 and January 19, 1999, 376

of the 1,125 inmates assigned to halfway houses walked away. Nearly 280 of the 376 escapees were awaiting trial including two charged with murder.

(4) The District of Columbia public schools system faces serious challenges in correcting chronic problems, particularly long-standing deficiencies in providing special education services to the 1 in 10 District students needing program benefits, including backlogged assessments, and repeated failure to meet a compliance agreement on special education reached with the Department of Education.

(5) Deficiencies in the delivery of basic public services from cleaning streets to waiting time at Department of Motor Vehicles to a rat population estimated earlier this year to exceed the human population have generated considerable public frustration.

(6) Last year, the District of Columbia forfeited millions of dollars in Federal grants after Federal auditors determined that several agencies exceeded grant restrictions and in other instances, failed to spend funds before the grants expired.

(7) Findings of a 1999 report by the Annie E. Casey Foundation that measured the well-being of children reflected that, with one exception, the District ranked worst in the United States in every category from infant mortality to the rate of teenage births to statistics chronicling child poverty.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that in considering the District of Columbia's fiscal year 2001 budget, the Congress will take into consideration progress or lack of progress in addressing the following issues:

(1) Crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets.

(2) Access to drug abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs.

(3) Management of parolees and pretrial violent offenders, including the number of halfway house escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes.

(4) Education, including access to special education services and student achievement.

(5) Improvement in basic city services, including rat control and abatement.

(6) Application for and management of Federal grants.

(7) Indicators of child well-being.

SEC. 171. The Mayor, prior to using Federal Medicaid payments to Disproportionate Share Hospitals to serve a small number of childless adults, should consider the recommendations of the Health Care Development Commission that has been appointed by the Council of the District of Columbia to review this program, and consult and report to Congress on the use of these funds.

SEC. 172. GAO STUDY OF DISTRICT OF COLUMBIA CRIMINAL JUSTICE SYSTEM. Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study of the law enforcement, court, prison, probation, parole, and other components of the criminal justice system of the District of Columbia, in order to identify the components most in need of additional resources, including financial, personnel, and management resources; and

(2) submit to Congress a report on the results of the study under paragraph (1).

SEC. 173. Nothing in this Act bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 174. WIRELESS COMMUNICATIONS.—(a) IN GENERAL.—Not later than 7 days after the date of the enactment of this Act, the Secretary of the Interior, acting through the Director of the National Park Service, shall—

(1) implement the notice of decision approved by the National Capital Regional Director, dated April 7, 1999, including the provisions of the notice of decision concerning the issuance of right-of-way permits at market rates; and

(2) expend such sums as are necessary to carry out paragraph (1).

(b) ANTENNA APPLICATIONS.—

(1) IN GENERAL.—Not later than 120 days after the receipt of an application, a Federal agency that receives an application submitted after the enactment of this Act to locate a wireless communications antenna on Federal property in the District of Columbia or surrounding area over which the Federal agency exercises control shall take final action on the application, including action on the issuance of right-of-way permits at market rates.

(2) EXISTING LAW.—Nothing in this subsection shall be construed to affect the applicability of existing laws regarding—

(A) judicial review under chapter 7 of title 5, United States Code (the Administrative Procedure Act), and the Communications Act of 1934;

(B) the National Environmental Policy Act, the National Historic Preservation Act and other applicable Federal statutes; and

(C) the authority of a State or local government or instrumentality thereof, including the District of Columbia, in the placement, construction, and modification of personal wireless service facilities.

SEC. 175. (a)(1) The first paragraph under the heading "Community Development Block Grants" in title II of H.R. 2684 (Public Law 106–74) is amended by inserting after "National American Indian Housing Council," the following: "$4,000,000 shall be available as a grant for the Special Olympics in Anchorage, Alaska to develop the Ben Boeke Arena and Hilltop Ski Area,"; and

(2) The paragraph that includes the words "Economic Development Initiative (EDI)" under the heading "Community Development Block Grants" in title II of H.R. 2684 (Public Law 106–74) is amended by striking "$240,000,000" and inserting "$243,500,000".

(b) The statement of the managers of the committee of conference accompanying H.R. 2684 is deemed to be amended under the heading "Community Development Block Grants" to include in the description of targeted economic development initiatives the following:

"—$1,000,000 for the New Jersey Community Development Corporation for the construction of the New Jersey Community Development Corporation's Transportation Opportunity Center;

"—$750,000 for South Dakota State University in Brookings, South Dakota for the development of a performing arts center;

"—$925,000 for the Florida Association of Counties for a Rural Capacity Building Pilot Project in Tallahassee, Florida;

"—$500,000 for the Osceola County Agriculture Center for construction of a new and expanded agriculture center in Osceola County, Florida;

"—$1,000,000 for the University of Syracuse in Syracuse, New York for electrical infrastructure improvements."; and the current descriptions are amended as follows:

"—$1,700,000 to the City of Miami, Florida for the development of a Homeownership Zone to assist residents displaced by the demolition of public housing in the Model City area;" is amended to read as follows:

"—$1,700,000 to Miami-Dade County, Florida for an economic development project at the Opa-locka Neighborhood Center;";

"—$250,000 to the Arizona Science Center in Yuma, Arizona for its after-school program for inner-city youth;" is amended to read as follows:

"—$250,000 to the Arizona Science Center in Phoenix, Arizona for its after-school program for inner-city youth;";

"—$200,000 to the Schuylkill County Fire Fighters Association for a smoke-maze building on the grounds of the firefighters facility in Morea, Pennsylvania;" is amended to read as follows:

"—$200,000 to the Schuylkill County Fire Fighters Association for a smoke-maze building and other facilities and improvements on the grounds of the firefighters facility in Morea, Pennsylvania;".

(c) Notwithstanding any other provision of law, the $2,000,000 made available pursuant to Public Law 105–276 for Pittsburgh, Pennsylvania to redevelop the Sun Co./LTV Steel Site in Hazelwood, Pennsylvania is available to the Department of Economic Development in Allegheny County, Pennsylvania for the development of a technology based project in the county.

(d) Insert the following new sections at the end of the administrative provisions in title II of H.R. 2684 (Public Law 106–74):

"FHA MULTIFAMILY MORTGAGE CREDIT DEMONSTRATION

"SEC. 226. Section 542 of the Housing and Community Development Act of 1992 is amended—

"(1) in subsection (b)(5) by striking 'during fiscal year 1999' and inserting 'in each of the fiscal years 1999 and 2000'; and

"(2) in the first sentence of subsection (c)(1) by striking 'during fiscal year 1999' and inserting 'in each of fiscal years 1999 and 2000'.

"DRUG ELIMINATION PROGRAM

"SEC. 227. (a) Section 5126(4) of the Public and Assisted Housing Drug Elimination Act of 1990 is amended—

"(1) in subparagraph (B), by inserting after '1965;' the following: 'or';

"(2) in subparagraph (C), by striking '1937; or' and inserting '1937.'; and

"(3) by striking subparagraph (D).

"(b) The amendments made by subsection (a) shall be construed to have taken effect on October 21, 1998.".

(e) The current description in the statement of the managers of the committee of conference accompanying H.R. 2684 (Public Law 106–74; House Report No. 106–379) under the heading "Community Development Block Grants" in title II is amended as follows:

"—$500,000 to the City of Citrus Heights, California for the revitalization of the Sunrise Mall;" is amended to read as follows:

"—$500,000 to the City of Citrus Heights, California for the revitalization of the Sunrise Marketplace;".

(f) The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106–74) is amended under the heading "Corporation for National and Community Service, National and Community Service Programs Operating Expenses" in title III by striking "to remain available until September 30, 2000" and inserting "to remain available until September 30, 2001".

(g) The statement of the managers of the committee of conference accompanying H.R. 2684 (Public Law 106–74; House Report No. 106–379) is deemed to be amended in the matter related to targeted economic development initiatives under the heading "Community Development Block Grants" by reducing by $100,000 the amount available to the University of Maryland in College Park, Maryland for the renovation of the James McGregor Burn Academy of Leadership, and by adding the following item:

"—$100,000 to St. Mary's College in Maryland for the St. Mary's River Project;".

SEC. 176. GEORGETOWN WATERFRONT PARK FUND. (a) IN GENERAL.—The District of Columbia Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–123) is amended in the item relating to "FEDERAL FUNDS—Federal Payment to the Georgetown Waterfront Park Fund" by striking the colon and inserting ", to remain available until expended:".

(b) EFFECTIVE DATE.—This section shall take effect as if included in the District of Columbia Appropriations Act, 1999.

This title may be cited as the "District of Columbia Appropriations Act, 2000".

TITLE II—TAX REDUCTION

SEC. 201. COMMENDING REDUCTION OF TAXES BY DISTRICT OF COLUMBIA. The Congress commends the District of Columbia for its action to reduce taxes, and ratifies D.C. Act 13–110 (commonly known as the Service Improvement and Fiscal Year 2000 Budget Support Act of 1999).

SEC. 202. RULE OF CONSTRUCTION. Nothing in this title may be construed to limit the ability of the Council of the District of Columbia to amend or repeal any provision of law described in this title.

DIVISION B

SEC. 1000. (a). The provisions of the following bills are hereby enacted into law:

(1) H.R. 3421 of the 106th Congress, as introduced on November 17, 1999;

(2) H.R. 3422 of the 106th Congress, as introduced on November 17, 1999;

(3) H.R. 3423 of the 106th Congress, as introduced on November 17, 1999;

(4) H.R. 3424 of the 106th Congress, as introduced on November 17, 1999;

(5) H.R. 3425 of the 106th Congress, as introduced on November 17, 1999;

(6) H.R. 3426 of the 106th Congress, as introduced on November 17, 1999;

(7) H.R. 3427 of the 106th Congress, as introduced on November 17, 1999;

(8) H.R. 3428 of the 106th Congress, as introduced on November 17, 1999; and

(9) S. 1948 of the 106th Congress, as introduced on November 17, 1999.

(b) In publishing the Act in slip form and in the United States Statutes at Large pursuant to section 112, of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end appendixes setting forth the texts of the bills referred to in subsection (a) of this section.

SEC. 1001. PAYGO ADJUSTMENTS. (a) Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the Joint Explanatory Statement of the committee of conference accompanying Conference Report No. 105–217, legislation enacted in this division by reference in the paragraphs after paragraph 4 of subsection 1000(a) that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were it included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation as appropriate, under section 252 of the Balanced Budget and Emergency Control Act of 1985, but shall be subject to subsection (b).

(b) The Director of the Office of Management and Budget shall not make any estimates of changes in direct spending outlays and receipts under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 for any fiscal year resulting from enactment of the legislation referenced in the paragraphs after paragraph 4 of subsection 1000(a) of this division.

(c) On January 3, 2000, the Director of the Office of Management and Budget shall change any balances of direct spending and receipts legislation for any fiscal year under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 to zero.

Amend the title so as to read "An Act making consolidated appropriations for the fiscal year ending September 30, 2000, and for other purposes.".

And the Senate agree to the same.

BILL YOUNG.
JERRY LEWIS.
Managers on the Part of the House.

TED STEVENS.
PETE DOMENICI.
KAY BAILEY HUTCHISON.
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3194) making appropriations for the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The composition of this conference agreement includes more than the District of Columbia Appropriations Act for fiscal year 2000. While the House version of H.R. 3194 and the Senate amendment in the nature of a substitute dealt only with District of Columbia appropriations, the conference report was expanded to include appropriations for other departments and agencies as well as some authorizing legislation. These appropriations are included in Division B.

Since the conference agreement is expanded to include matters beyond those relating to the District of Columbia appropriations, the title of the bill is amended to reflect this.

DIVISION A

DISTRICT OF COLUMBIA APPROPRIATIONS

The Division A portion of this joint explanatory statement includes more than a description of the resolution of the differences between the House and Senate versions of H.R. 3194. It also provides a fuller description of the matter not in disagreement between the two Houses. Since H.R. 2587 and H.R. 3064, previous District of Columbia Appropriations Acts for fiscal year 2000, were vetoed, the conferees have expanded this statement to provide an explanation of the additional matter in these bills that was not changed in H.R. 3194 as guidance in implementing this conference agreement.

A description of the resolution of the differences between the House and Senate on H.R. 3194 follows next.

GENERAL STATEMENT

BLUE PLAINS WASTE WATER TREATMENT PLANT

The conferees are concerned over recent reports about serious safety problems relating to hazardous chemical storage and handling at the Blue Plains Waste Water Treatment Plant, especially in Chlorine Building I. In 1998 the District of Columbia Water and Sewer Authority reported that the chlorine facility's "control systems are outdated and marginally adequate." To reduce the risk to human health and the environment, the Water and Sewer Authority is directed to undertake immediately the design study of an alternate disinfection facility that will discontinue use of liquid chlorine and to report back to the Congress with its findings by December 31, 2000. In addition, the Water and Sewer Authority is directed to accelerate the construction schedule of the alternate disinfection facility, with the goal of completing the new facility by December 31, 2002, instead of the end of 2005 as called for in the Water and Sewer Authority's Water and Sewer Facilities Master Plan of 1998.

INFRASTRUCTURE FUND

The FY 1999 Omnibus Consolidated and Emergency Supplemental Appropriations Act (Public Law 105–277) provided $50,000,000 primarily for the repair and maintenance of roads, highways, bridges and transit in the District. The conferees are concerned that a tentative plan submitted to Congress, as required by the FY 1999 conference agreement, includes funding for certain projects that do not appear to fulfill the basic intent of the appropriation, which is to improve the deteriorated infrastructure of the District. The projects in question would expend over $6,000,000 (or more than 10 percent of the appropriation) for millennium year activities and program support functions. The conferees request that the DC Financial Responsibility and Management Assistance Authority submit a revised spending plan to Congress within 30 days of enactment of this Act that focuses on repair and maintenance of roads, highways, bridges and transit in the District. The conferees note that the FY 1999 Omnibus Consolidated and Emergency Supplemental Appropriations Act also provided $25,000,000 in Federal funds for economic development planning, project development, capital investments, loans, grants, administrative expenses and other purposes. With the District's infrastructure being in a state of disrepair, the conferees believe the $50,000,000 in the infrastructure fund should be used exclusively for infrastructure repairs and maintenance, and the $25,000,000 for economic development should be used for economic development purposes.

FEDERAL FUNDS

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

The conference action clarifies that interest earned on the FY 1999 Federal payment to the District of Columbia courts is required to be used to make payments under this heading for fiscal years 1999 and 2000. The availability of this additional amount is contingent on a certification by the Comptroller General. The Courts have reported that they anticipate a shortfall of "approximately $1,000,000" in fiscal year 1999 for the Criminal Justice Act program.

FEDERAL PAYMENT TO THE GENERAL SERVICES ADMINISTRATION

The conference action appropriates $6,700,000 for environmental clean-up costs near three proposed public schools that are to be constructed in southern Fairfax County on land currently occupied by the Lorton Correctional Complex which is scheduled to be closed.

DISTRICT OF COLUMBIA FUNDS

PRODUCTIVITY BANK SAVINGS

The conference agreement inserts the word "aggregate" in the second sentence under this heading to clarify the cost savings or additional revenues to be derived. This language allows the District to finance projects from the Productivity Bank even if each project does not generate cost savings or additional revenues dollar-for-dollar as long as the total amount of projects generate an "aggregate" amount of savings for the Productivity Bank Savings equal to the total amount spent from the Productivity Bank.

General Provisions

The conference action continues the prohibition in section 150 on using Federal or local funds to support needle exchange programs, but without the prohibition on privately-funded programs. The conference action also inserts a new subsection (b) that requires those who carry out a needle exchange program and who receive any funds in this Act to account for all funds used for needle exchange programs separately from any funds contained in this Act.

Section 157 in both the House and Senate versions of H.R. 3194 (as well as the conference agreements on H.R. 2587 and H.R. 3064) includes $18,000,000 for severance and payments toward the Management Supervisory Service (MSS) program. MSS will provide increases in pay for those employees who sever themselves from career status and move into the MSS program. This classification allows for the termination of managers who do not achieve agreed upon performance outcomes. A portion of the money may be used as bonus pay for Compensation I and II employees, prior to implementing pay-for-performance plans, depending upon a plan agreed upon by the Mayor, the DC Financial Responsibility and Management Assistance Authority, the City Council and the Chief Financial Officer.

The conference action inserts a new section 175 that amends the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106–74), by making certain technical corrections and adding language reflecting the intent of the conferees on that Act. Language is included in the bill which provides for the availability of funds for the National and Community Service Programs Operating and Expenses account until September 30, 2001. Public Law 106–74, which contains the appropriation for this account, inadvertently provided for the funding to remain available only until September 30, 2000. In the past this account has been available for two years and this technical correction reinstates that policy.

The conference action inserts a new section 176 that allows $1,000,000 in Federal funds for the Georgetown Waterfront Park Fund, initially appropriated in the FY 1999 DC Appropriations Act (Public Law 105–277), to remain available until expended.

PRIOR CONFERENCE AGREEMENTS ON H.R. 2587 AND H.R. 3064

What follows next is a description of the resolution of selected differences between the House and Senate on the District of Columbia Appropriations Acts for fiscal year 2000 as contained in H.R. 2587 and H.R. 3064, that were vetoed. Even though there were differences between the House and Senate versions of H.R. 2587 and H.R. 3064, the resolution of nearly all of these differences was incorporated as identical text in the House-passed version and the Senate amendment to H.R. 3194. A description of the resolution of these differences is included in this conference agreement because an understanding of them is important to the overall implementation of this Act.

The conference agreement on H.R. 3194 incorporates some of the provisions of both the House and Senate versions of H.R. 2587 and H.R. 3064. The language and allocations set forth in House Report 106–249 and Senate Report 106–88 are to be complied with unless specifically addressed in the accompanying bill and statement of the managers to the contrary. The agreement herein, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided. General provisions which were identical in the House and Senate passed versions of H.R. 2587 and not changed in H.R. 3064 or H.R. 3194 and that are unchanged by this conference agreement are approved unless provided to the contrary herein.

TITLE I—FISCAL YEAR 2000 APPROPRIATIONS

FEDERAL FUNDS

Federal Payment for Resident Tuition Support

Appropriates $17,000,000 as proposed by the House and the Senate and makes modifications specifying that the entire $17,000,000 will be available if the authorized program is a nationwide program and $11,000,000 will be available if the program is for a limited number of States. The language also allows the District to use local tax revenues for this program.

Federal Payment for Incentives for Adoption of Children

Appropriates $5,000,000 instead of $8,500,000 as proposed by the House and includes language allowing the funds to be used for local tax credits to offset costs incurred by individuals in adopting children in the District's foster care system and for health care needs of the children in accordance with legislation to be enacted by the District government.

Federal Payment to the Citizen Complaint Review Board

Appropriates $500,000 instead of $1,200,000 as proposed by the House. This amount together with $700,000 in local funds will provide a total of $1,200,000 for the Board's operations in fiscal year 2000. The conferees recognize the importance of an independent review body to act as a forum for the review and resolution of complaints against officers of the Metropolitan Police Department and special officers employed by the District of Columbia. The conferees also request that the Mayor's office provide a comprehensive plan for the use of the Civilian Complaint Review Board. The plan/report should contain information about the problems of the previous review board and what will be done to avoid these problems with the new board.

Federal Payment to the Department of Human Services

Appropriates $250,000 for a mentoring program and for hotline services as proposed by the House.

Federal Payment to the District of Columbia Corrections Trustee Operations

Appropriates $176,000,000 as proposed by the Senate instead of $183,000,000 as proposed by the House and includes language allowing the Corrections Trustee to use interest earnings of up to $4,600,000 to assist the Trustee with the sharp, rather unexpected increase in the overall inmate population.

Federal Payment to the District of Columbia Courts

Appropriates $99,714,000 instead of $100,714,000 as proposed by the House and $136,440,000 as proposed by the Senate. The reduction below the House allowance reflects the $1,000,000 in the capital program as proposed by the Senate.

Courts' budget.—The conferees request that budget information submitted by the Courts with their FY 2001 and future budgets include grants and reimbursements from all other sources so that information on total resources available to the courts will be available.

Defender Services in the District of Columbia Courts

Appropriates $33,336,000 as proposed by the House and includes language proposed by the Senate requiring monthly financial reports.

Federal Payment to the Court Services and Offender Supervision Agency for the District of Columbia

Appropriates $93,800,000 instead of $105,500,000 as proposed by the House and $80,300,000 as proposed by the Senate. The increase above the Senate allowance includes $7,000,000 for increased drug testing and treatment and $6,500,000 for additional parole and probation officers instead of $13,200,000 and $10,000,000, respectively, as proposed by the House.

Children's National Medical Center

Appropriates $2,500,000 for Children's National Medical Center instead of $3,500,000 as proposed by the House.

Federal Payment for Metropolitan Police Department

Appropriates $1,000,000 for the Metropolitan Police as proposed by the Senate. The conferees recognize the devastating problems caused by illegal drug use and fully support this program to eliminate open air drug trafficking in all four quadrants of the District of Columbia. The conferees have included language requiring quarterly reports to the Congress on all four quadrants. The reports should include, at a minimum, the amounts expended, the number of personnel involved, and the overall results and effectiveness of the open air drug program in eliminating the drug trafficking problem.

DISTRICT OF COLUMBIA FUNDS

Governmental Direction and Support

COUNCIL OF THE DISTRICT OF COLUMBIA

The conference action on H.R. 3064 inserts a proviso as proposed by the Senate concerning the salary of members of the Council of the District of Columbia.

OFFICE OF THE CHIEF TECHNOLOGY OFFICER

The conferees are concerned that the District's child support system is not Y2K compliant. The conferees have been advised that the Office of Corporation Counsel is responsible for developing, operating, and maintaining this system which is used by the District's courts to collect child support payments from absentee parents, disburse payments to custodial parents, and account for these activities. The conferees urge the District's Chief Technology Officer to provide the Office of Corporation Counsel with the necessary support to ensure that: (1) The system is promptly remediated and tested, and (2) a business continuity and contingency plan that includes a Courts' child support functions is in place. The conferees request a report on this matter by November 1, 1999.

PUBLIC SAFETY AND JUSTICE

Appropriates $778,770,000 including $565,511,000 from local funds and $184,247,000 from other funds instead of $785,670,000 including $565,411,000 from local funds and $191,247,000 from other funds as proposed by the House and $778,470,000 including $565,211,000 from local funds and $184,247,000 from other funds as proposed by the Senate. The increase of $300,000 above the Senate allowance will provide a total of $1,200,000 for the Citizen Complaint Review Board consisting of $500,000 in Federal funds and

$700,000 in local funds instead of a total of $900,000 in local funds as proposed by the Senate.

The conference action retains the proviso that caps the number of police officers assigned to the Mayor's security detail at 15 as proposed by the House.

The conference action includes a proviso that allows up to $700,000 in local funds for the Citizen Complaint Review Board instead of $900,000 in local funds as proposed by the Senate.

FIRE DEPARTMENT

The conferees recommend that the Fire and Emergency Medical Services Department conduct a study about the need for placement of automated external defibrillators in Federal buildings.

PUBLIC EDUCATION SYSTEM

The conference action includes the proviso proposed by the Senate concerning the Weighted Student Formula and the setting aside of five percent of the total budget which is to be apportioned when the current student count for public and charter schools has been completed. The conference action also includes a proviso proposed by the Senate allowing $500,000 for a Schools Without Violence program.

The conferees to H.R. 3064 are aware of the Values First program that is designed to bring character education to the District's public elementary schools. The conferees are aware that ten schools now have such a program. The conferees encourage the public school system to continue to expand the Values First program and expend the funds necessary to implement this program on a broader basis.

HUMAN SUPPORT SERVICES

Appropriates $1,526,361,000 including $635,373,000 from local funds as proposed by the House instead of $1,526,111,000 including $635,123,000 as proposed by the Senate.

PUBLIC WORKS

The conference action deletes the proviso earmarking funds as proposed by the Senate.

RECEIVERSHIP PROGRAMS

Appropriates $342,077,000 including $217,606,000 from local funds instead of $345,577,000 including $221,106,000 from local funds as proposed by the House and $337,077,000 including $212,606,000 from local funds as proposed by the Senate.

RESERVE

The conference action deletes the proviso concerning expenditure criteria as proposed by the Senate.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

The conference action retains the proviso concerning the cap on the salary levels of the Executive Director and the General Counsel as proposed by the House.

PRODUCTIVITY BANK

The conference action retains the proviso requiring quarterly reports as proposed by the House.

PROCUREMENT AND MANAGEMENT SAVINGS

The conference action restores the proviso requiring quarterly reports as proposed by the House and deletes the proviso requiring Council approval of a resolution authorizing management reform savings proposed by the Senate.

D.C. RETIREMENT BOARD

The conference action amends the cap on the compensation of the Chairman of the Board and the Chairman of the Investment Committee of the Board to $7,500 instead of $10,000 as proposed by the House.

CAPITAL OUTLAY

The conference action revises the first paragraph for clarity as proposed by the House.

SUMMARY TABLE OF CONFERENCE RECOMMENDATIONS BY AGENCY AND FY 2000 FINANCIAL PLAN

A summary table showing the Federal appropriations by account and the allocation of District funds by agency or office under each appropriation heading for fiscal year 1999, the fiscal year 2000 request, the House and Senate recommendations, and the conference allowance, and the fiscal year 2000 Financial Plan which is the starting point for the independent auditor's comparison with actual year-end results as required by section 143 of the bill follow:

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SUMMARY
FY 2000 D. C. APPROPRIATIONS BILL

	House Bill		Senate Bill		Conference	
	FTEs	Amount	FTEs	Amount	FTEs	Amount
TITLE I						
FEDERAL FUNDS						
Federal Payment for Resident Tuition Support	0	17,000,000	0	17,000,000	0	17,000,000
Federal Payment for Incentives for Adoption of Children	0	8,500,000	0	0	0	5,000,000
Federal Payment to the Citizen Complaint Review Board	0	1,200,000	0	0	0	500,000
Federal Payment to the Department of Human Services	0	250,000		0	0	250,000
Federal Payment to the District of Columbia Corrections Trustee Operations	0	183,000,000	0	176,000,000	0	176,000,000
Federal Payment to the District of Columbia Courts	0	100,714,000	0	136,440,000	0	99,714,000
Defender Services in District of Columbia Courts	0	33,336,000	0	0	0	33,336,000
Federal Payment to the Court Services and Offender Supervision Agency for the District of Columbia	0	105,500,000	0	80,300,000	0	93,800,000
Children's National Medical Center	0	3,500,000	0	0	0	2,500,000
Federal Payment for Metropolitan Police Department	0	0	0	1,000,000	0	1,000,000
Federal Payment to General Services Administration — Lorton Correctional Complex	0	0	0	0	0	6,700,000
Total, Title I, Federal funds to the District of Columbia	**0**	**453,000,000**	**0**	**410,740,000**	**0**	**435,800,000**

	House Bill		Senate Bill		Conference	
	FTEs	Amount	FTEs	Amount	FTEs	Amount
DISTRICT OF COLUMBIA FUNDS						
Operating expenses:						
Governmental Direction and Support	2,297	162,356,000	2,297	162,356,000	2,297	167,356,000
Economic Development and Regulation	1,439	190,335,000	1,439	190,335,000	1,439	190,335,000
Public Safety and Justice	9,264	785,670,000	9,264	778,470,000	9,264	778,770,000
Public Education System	11,359	867,411,000	11,359	867,411,000	11,359	867,411,000
Human Support Services	3,742	1,526,361,000	3,742	1,526,111,000	3,742	1,526,361,000
Public Works	1,686	271,395,000	1,686	271,395,000	1,686	271,395,000
Receivership Programs	2,755	345,577,000	2,755	337,077,000	2,755	342,077,000
Workforce Investments	0	8,500,000	0	8,500,000	0	8,500,000
Buyouts and Other Management Reforms	0	20,000,000	0	0	0	18,000,000
Reserve	0	150,000,000	0	150,000,000	0	150,000,000
D.C Financial Responsibility and Management Assistance Authority	33	3,140,000	33	3,140,000	33	3,140,000
Repayment of Loans and Interest	0	328,417,000	0	328,417,000	0	328,417,000
Repayment of General Fund Recovery Debt	0	38,286,000	0	38,286,000	0	38,286,000
Payment of Interest on Short-Term Borrowing	0	9,000,000	0	9,000,000	0	9,000,000
Certificates of Participation	0	7,950,000	0	7,950,000	0	7,950,000
Optical and Dental Payments	0	1,295,000	0	1,295,000	0	1,295,000
Productivity Bank	0	20,000,000	0	20,000,000	0	20,000,000
Productivity Bank Savings	0	(20,000,000)	0	(20,000,000)	0	(20,000,000)
Procurement and Management Savings	0	(21,457,000)	0	(21,457,000)		(21,457,000)
Water and Sewer Enterprise Fund	0	279,608,000	0	279,608,000	0	279,608,000
Lottery and Charitable Games Enterprise Fund	100	234,400,000	100	234,400,000	100	234,400,000
Sports and Entertainment Commission	0	10,846,000	0	10,846,000	0	10,846,000
D.C. General Hospital (Public Benefit Corporation)	0	89,008,000	0	89,008,000	0	89,008,000
D.C. Retirement Board	13	9,892,000	13	9,892,000	13	9,892,000
Correctional Industries Fund	31	1,810,000	31	1,810,000	31	1,810,000
Washington Convention Center Enterprise Fund	0	50,226,000	0	50,226,000	0	50,226,000

GOVERNMENTAL DIRECTION AND SUPPORT

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Council of the District of Columbia	9,388,000	10,477,000	10,477,000	10,477,000	10,477,000
Office of the District of Columbia Auditor	1,048,000	1,183,000	1,183,000	1,183,000	1,183,000
Advisory Neighborhood Commissions	0	623,000	623,000	623,000	623,000
Office of the Mayor	2,256,000	4,207,000	4,207,000	4,207,000	9,207,000 1/
Office of the Secretary	2,146,000	1,816,000	1,816,000	1,816,000	1,816,000
Office of Communications	350,000	0	0	0	0
Office of Intergovernmental Relations	1,271,000	0	0	0	0
Office of the City Administrator	926,000	25,132,000	12,821,000	12,821,000	12,821,000
Office of Personnel	8,963,000	10,445,000	10,445,000	10,445,000	10,445,000
Human Resource Development	0	3,766,000	3,766,000	3,766,000	3,766,000
Office of Finance and Resource Management	0	778,000	778,000	778,000	778,000
Office of Contracts and Procurement	17,080,000	14,150,000	14,150,000	14,150,000	14,150,000
Office of the Chief Technology Officer	14,924,000	3,740,000	3,740,000	3,740,000	3,740,000
Office of Property Management	9,445,000	9,152,000	9,152,000	9,152,000	9,152,000
Contract Appeals Board	603,000	687,000	687,000	687,000	687,000
Board of Elections and Ethics	2,954,000	3,238,000	3,238,000	3,238,000	3,238,000
Office of Campaign Finance	920,000	978,000	978,000	978,000	978,000
Public Employee Relations Board	559,000	632,000	632,000	632,000	632,000
Office of Employee Appeals	1,213,000	1,337,000	1,337,000	1,337,000	1,337,000
Metropolitan Washington Council of Governments	374,000	367,000	367,000	367,000	367,000
Office of Inspector General	7,430,000	6,827,000	6,827,000	6,827,000	6,827,000
Chief Financial Officer	82,294,000	75,132,000	75,132,000	75,132,000	75,132,000
Total, Governmental Direction and Support	164,144,000	174,667,000	162,356,000	162,356,000	167,356,000

ECONOMIC DEVELOPMENT AND REGULATION

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Business Services and Economic Development	18,640,000	22,515,000	22,515,000	22,515,000	22,515,000
Office of Zoning	956,000	1,275,000	1,275,000	1,275,000	1,275,000
Department of Housing and Community Development	55,509,000	56,739,000	56,739,000	56,739,000	56,739,000
Housing Authority	2,080,000	0	0	0	0
Department of Employment Services	56,804,000	63,690,000	63,690,000	63,690,000	63,690,000
Board of Appeals and Review	203,000	240,000	240,000	240,000	240,000
Board of Real Property Assessments and Appeals	293,000	291,000	291,000	291,000	291,000
Department of Consumer and Regulatory	24,554,000	27,125,000	27,125,000	27,125,000	27,125,000
Office of Banking and Financial Institutions	0	870,000	870,000	870,000	870,000
Public Service Commission	0	5,327,000	5,327,000	5,327,000	5,327,000
Office of People's Counsel	0	2,823,000	2,823,000	2,823,000	2,823,000
Department of Insurance and Securities Regulation	0	6,990,000	6,990,000	6,990,000	6,990,000
Office of Cable Television and Telecommunications	0	2,450,000	2,450,000	2,450,000	2,450,000
Total, Economic Development and Regulation	159,039,000	190,335,000	190,335,000	190,335,000	190,335,000
Plus Intra-District Funds	3,634,000	3,136,000	3,136,000	3,136,000	3,136,000
Total	162,673,000	193,471,000	193,471,000	193,471,000	193,471,000

PUBLIC SAFETY AND JUSTICE

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Metropolitan Police Department	296,854,000	301,774,000	300,574,000	301,574,000	301,574,000
Fire and Emergency Medical Services				0	
Department	104,806,000	111,870,000	111,870,000	111,870,000	111,870,000
Police and Fire Retirement System	35,100,000	39,900,000	39,900,000	39,900,000	39,900,000
Office of the Corporation Counsel	39,835,000	46,425,000	46,425,000	46,425,000	46,425,000
Settlements and Judgments	19,700,000	26,900,000	26,900,000	26,900,000	26,900,000
Department of Corrections	254,857,000	245,577,000	252,577,000	245,577,000	245,577,000
National Guard	1,783,000	1,748,000	1,748,000	1,748,000	1,748,000
Office of Emergency Preparedness	2,627,000	2,641,000	2,641,000	2,641,000	2,641,000
Commission on Judicial Disabilities and Tenure	138,000	143,000	143,000	143,000	143,000
Judicial Nomination Commission	86,000	85,000	85,000	85,000	85,000
Office of Citizen Complaint Review	0	900,000	2,100,000	900,000	1,200,000
Advisory Commission on Sentencing	0	707,000	707,000	707,000	707,000
Total, Public Safety and Justice	755,786,000	778,670,000	785,670,000	778,470,000	778,770,000
Plus Intra-District funds	10,500,000	5,726,000	5,726,000	5,726,000	5,726,000
Total	766,286,000	784,396,000	791,396,000	784,196,000	784,496,000

PUBLIC EDUCATION SYSTEM

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Board of Education (Public Schools)	644,805,000	713,197,000	713,197,000	713,197,000	713,197,000
D.C. Resident Tuition System	0	0	17,000,000	17,000,000	17,000,000
Teachers' Retirement System	27,857,000	10,700,000	10,700,000	10,700,000	10,700,000
Public Charter Schools	18,600,000	27,885,000	27,885,000	27,885,000	27,885,000
University of the District of Columbia	72,088,000	72,347,000	72,347,000	72,347,000	72,347,000
Public Library	23,419,000	24,171,000	24,171,000	24,171,000	24,171,000
Commission on the Arts and Humanities	2,187,000	2,111,000	2,111,000	2,111,000	2,111,000
Total, Public Education System	788,956,000	850,411,000	867,411,000	867,411,000	867,411,000
Plus Intra-District funds	12,791,000	13,768,000	13,768,000	13,768,000	13,768,000
Total	801,747,000	864,179,000	881,179,000	881,179,000	881,179,000

HUMAN SUPPORT SERVICES

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Department of Human Development	391,416,000	393,441,000	393,691,000	393,441,000	393,691,000
Department of Health	996,080,000	1,004,113,000	1,004,113,000	1,004,113,000	1,004,113,000
Department of Recreation and Parks	24,119,000	26,196,000	26,196,000	26,196,000	26,196,000
Office on Aging	17,616,000	18,616,000	18,616,000	18,616,000	18,616,000
Public Benefit Corporation Subsidy	46,835,000	44,435,000	44,435,000	44,435,000	44,435,000
Unemployment Compensation Fund	10,678,000	7,200,000	7,200,000	7,200,000	7,200,000
Disability Compensation Fund	21,089,000	25,150,000	25,150,000	25,150,000	25,150,000
Department of Human Rights	1,044,000	1,106,000	1,221,000	1,221,000	1,221,000
Office on Latino Affairs	655,000	880,000	880,000	880,000	880,000
D.C. Energy Office	5,219,000	4,859,000	4,859,000	4,859,000	4,859,000
Total, Human Support Services	1,514,751,000	1,525,996,000	1,526,361,000	1,526,111,000	1,526,361,000
Plus Intra-District funds	7,232,000	6,568,000	6,568,000	6,568,000	6,568,000
Total	1,521,983,000	1,532,564,000	1,532,929,000	1,532,679,000	1,532,929,000

PUBLIC WORKS

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Department of Public Works	118,281,000	106,209,000	106,209,000	106,209,000	106,209,000
Department of Motor Vehicles	12,065,000	25,393,000	25,393,000	25,393,000	25,393,000
Taxicab Commission	716,000	730,000	730,000	730,000	730,000
Washington Metropolitan Area Transit Commission	81,000	81,000	81,000	81,000	81,000
Washington Metropolitan Area Transit Authority (Metro)	132,319,000	135,532,000	135,532,000	135,532,000	135,532,000
School Transit Subsidy	3,450,000	3,450,000	3,450,000	3,450,000	3,450,000
Total, Public Works	266,912,000	271,395,000	271,395,000	271,395,000	271,395,000
Plus Intra-District funds	22,274,000	19,382,000	19,382,000	19,382,000	19,382,000
Total	289,186,000	290,777,000	290,777,000	290,777,000	290,777,000

RECEIVERSHIPS

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recommendation	Senate Recommendation	Conference Allowance
Child and Family Services Agency	107,131,000	119,355,000	119,355,000	119,355,000	119,355,000
Incentives for Adoption of Children	0	0	8,500,000	0	5,000,000
Commission on Mental Health Services	198,548,000	204,422,000	204,422,000	204,422,000	204,422,000
Corrections Medical Receiver	13,300,000	13,300,000	13,300,000	13,300,000	13,300,000
Total, Receivership Programs	318,979,000	337,077,000	345,577,000	337,077,000	342,077,000
Plus Intra-District funds	0	1,200,000	1,200,000	1,200,000	1,200,000
Total	318,979,000	338,277,000	346,777,000	338,277,000	343,277,000

OTHER

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Workforce Investment	0	8,500,000	8,500,000	8,500,000	8,500,000
Buyouts and Other Management Reforms	0	0	20,000,000	0	18,000,000
Reserve	0	150,000,000	150,000,000	150,000,000	150,000,000
D.C. Financial Responsibility and Management Assistance Authority	7,840,000	3,140,000	3,140,000	3,140,000	3,140,000
Total, Other	7,840,000	161,640,000	181,640,000	161,640,000	179,640,000

1/ General Provisions, Sec. 157.

FINANCING AND OTHER

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Washington Convention Center Transfer Payment	5,400,000	0	0	0	0
Repayment of Loans and Interest	382,170,000	328,417,000	328,417,000	328,417,000	328,417,000
Repayment of General Fund Deficit	38,453,000	38,286,000	38,286,000	38,286,000	38,286,000
Interest on Short-Term Borrowing	11,000,000	9,000,000	9,000,000	9,000,000	9,000,000
Certificate of Participation	7,926,000	7,950,000	7,950,000	7,950,000	7,950,000
Human Resources Development	6,674,000	0	0	0	0
Optical and Dental Payments	0	1,295,000	1,295,000	1,295,000	1,295,000
Productivity Bank	0	20,000,000	20,000,000	20,000,000	20,000,000
Productivity Bank Savings	0	(20,000,000)	(20,000,000)	(20,000,000)	(20,000,000)
Total, Financing and Other Uses	451,623,000	384,948,000	384,948,000	384,948,000	384,948,000

PROCUREMENT AND MANAGEMENT SAVINGS

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Management Reform and Productivity Savings	(10,000,000)	(7,000,000)	(7,000,000)	(7,000,000)	(7,000,000)
General Supply Schedule Savings	0	(14,457,000)	(14,457,000)	(14,457,000)	(14,457,000)
Total, Procurement and Management Savings	(10,000,000)	(21,457,000)	(21,457,000)	(21,457,000)	(21,457,000)

ENTERPRISE AND OTHER

Agency/Activity	FY 1999 Approved	FY 2000 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Water and Sewer Authority	239,493,000	236,075,000	236,075,000	236,075,000	236,075,000
Washington Aqueduct	33,821,000	43,533,000	43,533,000	43,533,000	43,533,000
Total, Water and Sewer Enterprise Fund	273,314,000	279,608,000	279,608,000	279,608,000	279,608,000
Lottery and Charitable Games Board	225,200,000	234,400,000	234,400,000	234,400,000	234,400,000
Office of Cable Television and Telecommunications	2,108,000	0	0	0	0
Public Service Commission	5,026,000	0	0	0	0
Office of People's Counsel	2,501,000	0	0	0	0
Department of Insurance and Securities Regulation	7,001,000	0	0	0	0
Office of Banking and Financial Institutions	640,000	0	0	0	0
Sports and Entertainment Commission	8,751,000	10,846,000	10,846,000	10,846,000	10,846,000
Public Benefit Corporation	66,764,000	89,008,000	89,008,000	89,008,000	89,008,000
Retirement Board	18,202,000	9,892,000	9,892,000	9,892,000	9,892,000
Correctional Industries Fund	3,332,000	1,810,000	1,810,000	1,810,000	1,810,000
Washington Convention Center Authority	48,139,000	50,226,000	50,226,000	50,226,000	50,226,000
Total, Enterprise Funds	660,978,000	675,790,000	675,790,000	675,790,000	675,790,000
Plus Intra-District funds	36,685,000	70,177,000	70,177,000	70,177,000	70,177,000
Total	697,663,000	745,967,000	745,967,000	745,967,000	745,967,000

GOVERNMENT OF THE DISTRICT OF COLUMBIA
AS APPROVED BY CONFERENCE ACTION, AUGUST 4, 1999
TOTAL ESTIMATED RESOURCES AVAILABLE TO THE DISTRICT OF COLUMBIA, FISCAL YEAR 2000
(Amount in Thousands)

		Local Funds		Federal Grants		Private & Other		Subtotal FY 2000		Intra-District		FY 2000 Total Resources	
	Code	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Governmental Direction and Support:													
Council of the District of Columbia	AB	153	10,471	0	0	0	6	153	10,477	0	0	153	10,477
Office of the D.C. Auditor	AC	14	1,183	0	0	0	0	14	1,183	0	0	14	1,183
Advisory Neighborhood Commissions	DX	0	623	0	0	0	0	0	623	0	0	0	623
Office of the Mayor	AA	67	4,207	0	0	0	5,000 1/	67	9,207	0	0	67	9,207
Office of the Secretary	BA	25	1,737	0	0	2	79	27	1,816	0	0	27	1,816
Office of the City Administrator	AE	36	2,064	17	10,757	0	0	53	12,821	4	246	57	13,067
Office of Personnel	BE	126	9,204	0	0	21	1,241	147	10,445	24	1,179	171	11,624
Human Resource Development	HD	10	3,766	0	0	0	0	10	3,766	0	0	10	3,766
Office of Finance and Resource Management	AS	11	778	0	0	0	0	11	778	12	1,205	23	1,983
Office of Contracting and Procurement	PO	223	14,150	0	0	0	0	223	14,150	0	0	223	14,150
Office of the Chief Technology Officer	TO	42	3,740	0	0	0	0	42	3,740	13	1,771	55	5,511
Office of Property Management	AM	77	7,229	0	0	2	1,923	79	9,152	199	21,956	278	31,108
Contract Appeals Board	AF	6	687	0	0	0	0	6	687	0	0	6	687
Board of Elections and Ethics	DL	50	3,238	0	0	0	0	50	3,238	0	0	50	3,238
Office of Campaign Finance	CJ	15	978	0	0	0	0	15	978	0	0	15	978
Public Employee Relations Board	CG	4	632	0	0	0	0	4	632	0	0	4	632
Office of Employee Appeals	CH	15	1,337	0	0	0	0	15	1,337	0	0	15	1,337
Metropolitan Washington Council of Governments	FA	0	367	0	0	0	0	0	367	0	0	0	367
Office of Inspector General	AD	60	6,827	0	0	0	0	60	6,827	0	0	60	6,827
Office of the Chief Financial Officer	AT	919	63,916	5	913	41	10,303	965	75,132	104	6,439	1,069	81,571
Total, Governmental Direction and Support		1,853	137,134	22	11,670	66	18,552	1,941	167,356	356	32,796	2,297	200,152
Economic Development and Regulation:													
Business Services & Economic Development	EB	55	7,515	0	0	0	15,000	55	22,515	0	0	55	22,515
Office of Zoning	BJ	16	1,275	0	0	0	0	16	1,275	0	0	16	1,275
Department of Housing & Community Development	DB	7	3,889	125	48,388	0	4,462	132	56,739		1,200	132	57,939
Department of Employment Services	CF	71	11,489	391	35,867	174	16,334	636	63,690	0	0	636	63,690
Board of Appeals and Review	DK	3	240	0	0	0	0	3	240	0	0	3	240
Board of Real Property Assessments and Appeals	DA	3	291	0	0	0	0	3	291	0	0	3	291
Department of Consumer and Regulatory Affairs	CR	373	25,523	4	392	6	1,210	383	27,125	0	1,500	383	28,625
Office of Banking and Financial Institutions	BI	5	381	0	0	5	489	10	870	0	0	10	870
Public Service Commission	DH	0	0	2	104	56	5,223	58	5,327	0	0	58	5,327
Office of People's Counsel	DJ	0	0	0	0	28	2,823	28	2,823	0	0	28	2,823
Department of Insurance and Securities Regulation	SR	0	0	0	0	89	6,990	89	6,990	0	0	89	6,990
Office of Cable Television and Telecommunications	CT	11	2,308	0	0	3	142	14	2,450	12	436	26	2,886
Total, Economic Development and Regulation		544	52,911	522	84,751	361	52,673	1,427	190,335	12	3,136	1,439	193,471

	Code	Local Funds FTE	Local Funds Amount	Federal Grants FTE	Federal Grants Amount	Private & Other FTE	Private & Other Amount	Subtotal FY 2000 FTE	Subtotal FY 2000 Amount	Intra-District FTE	Intra-District Amount	FY 2000 Total Resources FTE	FY 2000 Total Resources Amount
Public Safety and Justice:													
Metropolitan Police Department	FA	4,622	282,792	24	13,695	0	5,087	4,646	301,574	2	3,454	4,648	305,028
Fire and Emergency Medical Services Department	FB	1,828	111,861	0	0	0	9	1,828	111,870	0	72	1,828	111,942
Police and Fire Retirement System	FD	0	39,900	0	0	0	0	0	39,900	0	0	0	39,900
Office of the Corporation Counsel	CB	297	28,801	180	13,554	12	4,070	489	46,425	24	1,900	513	48,325
Settlement and Judgments	ZH	0	26,900	0	0	0	0	0	26,900	0	0	0	26,900
Department of Corrections	FL	979	69,696	0	800	1,197	175,081	2,176	245,577	0	300	2,176	245,877
National Guard	FK	30	1,748	0	0	0	0	30	1,748	0	0	30	1,748
Office of Emergency Preparedness	BN	26	1,678	13	963	0	0	39	2,641	0	0	39	2,641
Commission on Judicial Disabilities and Tenure	DQ	2	143	0	0	0	0	2	143	0	0	2	143
Judicial Nomination Commission	DV	1	85	0	0	0	0	1	85	0	0	1	85
Office of Citizen Complaint Review	FH	21	1,200	0	0	0	0	21	1,200	0	0	21	1,200
Advisory Commission on Sentencing	FZ	6	707	0	0	0	0	6	707	0	0	6	707
Total, Public Safety and Justice		7,812	565,511	217	29,012	1,209	184,247	9,238	778,770	26	5,726	9,264	784,496
Public Education System:													
Public Schools	GA	8,864	600,936	869	106,213	77	6,048	9,810	713,197	33	4,091	9,843	717,288
D.C. Resident Tuition Support		0	17,000	0	0	0	0	0	17,000	0	0	0	17,000
Teachers' Retirement System	GX	0	10,700	0	0	0	0	0	10,700	0	0	0	10,700
Public Charter Schools	GC	0	27,885	0	0	0	0	0	27,885	0	0	0	27,885
University of the District of Columbia	GF	581	40,491	167	13,536	189	18,320	937	72,347	162	9,677	1,099	82,024
Public Library	CE	400	23,128	8	798	0	245	408	24,171	0	0	408	24,171
Commission on the Arts and Humanities	BX	2	1,707	7	404	0	0	9	2,111	0	0	9	2,111
Total, Public Education System		9,847	721,847	1,051	120,951	266	24,613	11,164	867,411	195	13,768	11,359	881,179
Human Support Services:													
Department of Human Development	JA	821	199,643	1,126	189,742	7	4,306	1,954	393,691	27	1,653	1,981	395,344
Department of Health	HC	363	319,720	689	676,115	53	8,278	1,105	1,004,113	2	183	1,107	1,004,296
Department of Recreation and Parks	HA	477	24,029	0	34	19	2,133	496	26,196	93	3,954	589	30,150
Office on Aging	BY	14	13,316	9	5,300	0	0	23	18,616	3	648	26	19,264
Public Benefit Corporation Subsidy	JC	0	44,435	0	0	0	0	0	44,435	0	0	0	44,435
Unemployment Compensation Fund	BH	0	7,200	0	0	0	0	0	7,200	0	0	0	7,200
Disability Compensation Fund	BG	0	25,150	0	0	0	0	0	25,150	0	100	0	25,250
Office of Human Rights	HM	16	1,000	0	221	0	0	16	1,221	0	0	16	1,221
Office on Latino Affairs	BZ	4	880	0	0	0	0	4	880	0	30	4	910
Energy Office	JF	0	0	13	4,402	6	457	19	4,859	0	0	19	4,859
Total, Human Support Services		1,695	635,373	1,837	875,814	85	15,174	3,617	1,526,361	125	6,568	3,742	1,532,929

		Local Funds		Federal Grants		Private & Other		Subtotal FY 2000		Intra-District		FY 2000 Total Resources	
	Code	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Public Works:													
Department of Public Works	KA	1,044	96,646	14	3,099	47	6,464	1,105	106,209	267	18,872	1,372	125,081
Department of Motor Vehicles	KV	191	22,336	0	0	66	3,057	257	25,393	48	510	305	25,903
Taxicab Commission	TC	6	296	0	0	3	434	9	730	0	0	9	730
Washington Metropolitan Area Transit Commission	KC	0	81	0	0	0	0	0	81	0	0	0	81
Washington Metropolitan Area Transit Authority	KE	0	135,532	0	0	0	0	0	135,532	0	0	0	135,532
School Transit Subsidy	KD	0	3,450	0	0	0	0	0	3,450	0	0	0	3,450
Total, Public Works		1,241	258,341	14	3,099	116	9,955	1,371	271,395	315	19,382	1,686	290,777
Receivership Programs:													
Child and Family Services Agency	RL	321	75,556	196	43,799	0	0	517	119,355	0	1,200	517	120,555
Incentives for Adoption of Children		0	5,000	0	0	0	0	0	5,000	0	0	0	5,000
Commission on Mental Health Services	RM	1,568	123,750	660	62,312	0	18,360	2,228	204,422	0	0	2,228	204,422
Corrections Medical Receiver	RR	10	13,300	0	0	0	0	10	13,300	0	0	10	13,300
Total, Receivership Programs		1,899	217,606	856	106,111	0	18,360	2,755	342,077	0	1,200	2,755	343,277
Workforce Investments	UP	0	8,500	0	0	0	0	0	8,500	0	0	0	8,500
Buyouts and Other Management Reforms		0	0	0	0	0	18,000 2/	0	18,000	0	0	0	18,000
Reserve	RD	0	150,000	0	0	0	0	0	150,000	0	0	0	150,000
D.C. Financial Responsibility and Management Assistance Authority	XB	33	3,140	0	0	0	0	33	3,140	0	0	33	3,140
Financing and Other:													
Repayment of Loans and Interest	DS	0	328,417	0	0	0	0	0	328,417	0	0	0	328,417
Repayment of General Fund Deficit	ZD	0	38,286	0	0	0	0	0	38,286	0	0	0	38,286
Interest on Short-Term Borrowing	ZA	0	9,000	0	0	0	0	0	9,000	0	0	0	9,000
Certificate of Participation	CP	0	7,950	0	0	0	0	0	7,950	0	0	0	7,950
Optical and Dental Insurance Payments	DI	0	1,295	0	0	0	0	0	1,295	0	0	0	1,295
Productivity Bank	PB	0	20,000	0	0	0	0	0	20,000	0	0	0	20,000
Productivity Savings	PY	0	(20,000)	0	0	0	0	0	(20,000)	0	0	0	(20,000)
Total, Financing and Other		0	384,948	0	0	0	0	0	384,948	0	0	0	384,948
Procurement and Management Savings:													
General Supply Schedule Savings	PS	0	(14,457)	0	0	0	0	0	(14,457)	0	0	0	(14,457)
Management Reform Savings	PC	0	(7,000)	0	0	0	0	0	(7,000)	0	0	0	(7,000)
Total, Procurement and Management Savings		0	(21,457)	0	0	0	0	0	(21,457)	0	0	0	(21,457)
Total, General Fund - Operating Expenses		24,924	3,113,854	4,519	1,231,408	2,103	341,574	31,546	4,686,836	1,029	82,576	32,575	4,769,412

-4-

		Local Funds		Federal Grants		Private & Other		Subtotal FY 2000		Intra-District		FY 2000 Total Resources	
	Code	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Enterprise Funds:													
Water and Sewer Authority	LA	0	0	0	0	0	236,075	0	236,075	0	0	0	236,075
Washington Aqueduct	LB	0	0	0	0	0	43,533	0	43,533	0	0	0	43,533
Total, Water and Sewer Fund		0	0	0	0	0	279,608	0	279,608	0	0	0	279,608
Lottery and Charitable Games Board	DC	0	0	0	0	100	234,400	100	234,400	0	0	100	234,400
Sports and Entertainment Commission	SC	0	0	0	0	0	10,846	0	10,846	0	0	0	10,846
Public Benefit Corporation	JB	0	0	0	0	0	89,008	0	89,008	0	66,327	0	155,335
Retirement Board	DY	0	0	0	0	13	9,892	13	9,892	0	0	13	9,892
Correctional Industries Fund	FP	0	0	0	0	8	1,810	8	1,810	23	3,850	31	5,660
Washington Convention Center	ES	0	0	0	0	0	50,226	0	50,226	0	0	0	50,226
Total, Enterprise and Other Funds		0	0	0	0	121	675,790	121	675,790	23	70,177	144	745,967
Total, Operating Expenses		24,924	3,113,854	4,519	1,231,408	2,224	1,017,364	31,667	5,362,626	1,052	152,753	32,719	5,515,379
Capital Outlay													
General Fund		0	941,614	0	277,024	0	0	0	1,218,638	0	0	0	1,218,638
Water and Sewer		0	0	0	0	0	197,169	0	197,169	0	0	0	197,169
Total, Capital Outlay		0	941,614	0	277,024	0	197,169	0	1,415,807	0	0	0	1,415,807
GRAND TOTAL		24,924	4,055,468	4,519	1,508,432	2,224	1,214,533	31,667	6,778,433	1,052	152,753	32,719	6,931,186

1/ Above table includes $5,000,000 for Office of the Mayor provided under section 168 of the General Provisions

2/ Above table includes $18,000,000 for Buyouts and Other Management Reforms provided under section 157 of the General Provisions.

	Local funds	Grants and other revenue	Gross funds
Other financing uses:			
Debt service			
Principal and interest	383,653	0	383,653
Other financing uses:			
D.C. General	44,435	0	44,435
University of the District of Columbia	40,491	31,856	72,347
Subtotal, other financing uses	468,579	31,856	500,435
Total, general fund expenditures	3,113,854	1,572,982	4,686,836
Surplus/(Deficit)	246	0	246
Enterprise fund data:			
Enterprise fund revenues:			
Water and Sewer Authority	0	236,075	236,075
Washington Aqueduct	0	43,533	43,533
D.C. Lottery and Charitable Games Board	0	234,400	234,400
Sports and Entertainment Commission	0	10,846	10,846
Public Benefit Corporation	0	89,008	89,008
D.C. Retirement Board	0	9,892	9,892
Correctional Industries	0	1,810	1,810
Washington Convention Center Authority	0	50,226	50,226
Total, enterprise fund revenue	0	675,790	675,790
Enterprise fund expenditures:			
Water and Sewer Authority	0	236,075	236,075
Washington Aqueduct	0	43,533	43,533
D.C. Lottery and Charitable Games Board	0	234,400	234,400
Sports and Entertainment Commission	0	10,846	10,846
Public Benefit Corporation	0	89,008	89,008
D.C. Retirement Board	0	9,892	9,892
Correctional Industries	0	1,810	1,810
Washington Convention Center Authority	0	50,226	50,226
Total, enterprise expenditures	0	675,790	675,790
Total, revenues versus expenditures	0	0	0
Total, operating revenues	3,114,100	2,248,772	5,362,872
Total, operating expenditures	3,113,854	2,248,772	5,362,626
Revenue versus expenditures	246	0	246

Fiscal Year 2000 Financial Plans
(In thousands of dollars)

	Local funds	Grants and other revenue	Gross funds
Revenue:			
Local sources, current authority:			
Property taxes	693,700	0	693,700
Sales taxes	620,000	0	620,000
Income taxes	1,185,100		1,185,100
Other taxes	348,500	0	348,500
Licenses, permits	48,498	0	48,498
Fines, forfeitures	56,771	0	56,771
Service charges	34,173	0	34,173
Miscellaneous	93,558	318,574	412,132
Tax Parity Act	(58,950)	0	(58,950)
Subtotal, local revenues	3,021,350	318,574	3,339,924
Federal sources:			
Federal payment	23,750	0	23,750
Grants	0	1,231,408	1,231,408
Subtotal, Federal sources	23,750	1,231,408	1,255,158
Other financing sources:			
Transfer Interest Income from Control Board	0	23,000	23,000
Lottery transfer	69,000	0	69,000
Subtotal, other financing sources	69,000	23,000	92,000
Total, general fund revenues	3,114,100	1,572,982	4,687,082
Expenditures:			
Current operating:			
Governmental Direction and Support	137,134	30,222	167,356
Economic Development and Regulation	52,911	137,424	190,335
Public Safety and Justice	565,511	213,259	778,770
Public Education System	681,356	113,708	795,064
Human Support Services	590,938	890,988	1,481,926
Public Works	258,341	13,054	271,395
Receiverships	217,606	124,471	342,077
Financial Authority	3,140	0	3,140
Nonunion pay increase	8,500	0	8,500
Buyouts and Other Management Reforms	0	18,000	18,000
Optical and Dental Benefits	1,295	0	1,295
Reserve	150,000	0	150,000
Productivity Bank	20,000	0	20,000
Productivity Savings	(20,000)	0	(20,000)
Management Reform and Productivity Savings	(7,000)	0	(7,000)
General Supply Schedule Savings	(14,457)	0	(14,457)
Subtotal, current operating	2,645,275	1,541,126	4,186,401

GENERAL PROVISIONS

The conference action changes several section numbers for sequential purposes and makes technical revisions in certain citations. Unless noted otherwise, the conference action refers to H.R. 2587.

The conference action restores section 117 of the House bill prohibiting the use of Federal funds for a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia government.

The conference action approves section 119 of the House bill in lieu of section 118 of the Senate bill concerning the cap on the salary of the City Administrator and the per diem compensation to the directors of the Redevelopment Land Agency.

The conference action approves section 127 of the Senate bill (new section 128) concerning financial management services.

The conference action on H.R. 3064 inserts a new subsection (b) in section 129 as proposed by the Senate that allows an increase in payments to attorneys representing special education students if the Mayor, control board, and Superintendent of Public Schools concur in a Memorandum of Understanding setting forth the increase.

The conference action revises the ceiling on operating expenses in section 135 (new section 136) to $5,515,379,000 including $3,113,854,000 from local funds instead of $5,522,779,000 including $3,117,254,000 as proposed by the House and $5,486,829,000 including $3,108,304,000 as proposed by the Senate.

The conference action deletes subsection (d) of section 135 of the House bill concerning the application of excess revenues as proposed by the Senate.

The conference action deletes section 137 of the House bill concerning a report on public school openings as proposed by the Senate.

The conference action requires the inventory of motor vehicles required by section 139 of the House bill and 138 of the Senate bill (new section 139) to be submitted by the Chief Financial Officer as proposed by the House instead of by the Mayor as proposed by the Senate.

The conference action restores section 142 of the House bill concerning the Compliance with Buy American Act.

The conference action deletes section 141 of the Senate bill concerning certain real property in the District of Columbia. The language was made permanent in Public Law 105–277.

The conference action deletes the date referenced in section 146 of the Senate bill concerning the correctional facility in Youngstown, Ohio as proposed by the Senate (new section 147).

The conference action approves section 148 of the Senate bill concerning a reserve and positive fund balance for the District of Columbia. The conferees believe that the reserve fund will now serve as a true "rainy day" fund. Further, the conferees have now required the District to maintain a budget surplus of not less than 4 percent. Any funds in excess of this level could be used for debt reduction and non-recurring expenses. The conferees believe that this combination of reforms will provide the District with a stable financial situation that will in time reduce the District's debt and lead to an improved bond rating.

The conference action on H.R. 3064 revises section 151 concerning the monitoring of real property leases entered into by the District government.

The conference action on H.R. 3064 revises section 152 concerning new leases and purchases of real property by the District government.

The conference action deletes section 151 of the House bill which prohibits the use of Federal funds for legalizing marijuana or reducing penalties. Section 168 of the House bill (new section 167) prohibits Federal and local funds for legalizing marijuana or reducing penalties.

The conference action restores section 154 of the House bill (new section 153) concerning public charter school construction and repair funds and amends the language to provide $5,000,000 for a credit enhancement fund.

The conference action deletes section 154 of the Senate bill concerning termination of parole for illegal drug use.

The conference action restores section 156 of the House bill (new section 155) concerning the authorization period for public charter schools.

The conference action restores section 157 of the House bill (new section 156) concerning sibling preference at public charter schools.

The conference action restores section 158 of the House bill (new section 157) concerning buyouts and management reforms and provides $18,000,000 instead of $20,000,000 as proposed by the House. The conference action also inserts a proviso concerning the spending and release of the funds.

The conference action restores section 159 of the House bill (new section 158) concerning the 14th Street Bridge and provides $5,000,000 instead of $7,500,000 as proposed by the House. The conference action also changes the source of funds from the infrastructure fund to the District's highway trust fund. The conferees direct that responsibility for this project along with these funds be transferred to the Federal Highway Administration for execution.

The conference action restores section 160 of the House bill (new section 159) concerning the Anacostia River environmental cleanup.

The conference action restores section 161 of the House bill (new section 160) concerning the Crime Victims Compensation Fund and amends the language so that funds are retained each year to pay crime victims at the beginning of the next year. The conference action also inserts language that ratifies payments and deposits to conform with the Revitalization Act (Public Law 105–33).

The conference action restores section 162 of the House bill (new section 161) requiring the chief financial officers of the District of Columbia government to certify that they understand the duties and restrictions required by this Act.

The conference action restores section 163 of the House bill (new section 162) requiring the fiscal year 2001 budget to specify potential adjustments that might be necessary if the proposed management savings are not achieved.

The conference action restores section 164 of the House bill (new section 163) requiring descriptions of certain budget categories.

The conference action restores section 165 of the House bill (new section 164) concerning improvements to the Southwest Waterfront in the District and modifies the language to provide flexibility for the Mayor in executing new 30-year leases with the existing lessee or their successors at the Municipal Fish Wharf and the Washington Marina.

The conference action restores section 166 of the House bill (new section 165) expressing the sense of Congress concerning the American National Red Cross project at 2025 E Street Northwest.

The conference action restores section 167 of the House bill (new section 166) concerning sex offender registration.

The conference action restores section 168 of the House bill (new section 167) prohibiting the use of funds to legalize marijuana or reduce penalties.

The conference action retains and amends section 149 of the Senate bill (new section 168) providing $5,000,000 to offset local taxes for a commercial revitalization program in enterprise zones and low and moderate income areas in the District of Columbia. The conferees believe that the Commercial Revitalization program will be an important tool for the city to improve blighted neighborhoods in the District of Columbia. The conferees believe it is important to bring new commercial enterprises into neglected areas of the city. The conferees direct the District to review Congressional proposals on this issue in order to use the funds effectively.

The conference action inserts section 151 of the Senate bill (new section 170) concerning quality-of-life issues and changes the findings from a sense of the Senate to a sense of the Congress.

The conference action inserts section 152 of the Senate bill (new section 171) concerning the use of Federal Medicaid payments to Disproportionate Share Hospitals.

The conference action inserts section 153 of the Senate bill (new section 172) concerning a study by the General Accounting Office of the District's criminal justice system. The conferees request that this be a comprehensive study of all components of the criminal justice system including law enforcement, courts, corrections, probation, and parole. The report should include recommendations for improving the performance of the overall system as well as the individual agencies and programs.

The conference action on H.R. 3064 inserts a new section 173 as proposed by the Senate that allows the DC Corporation Counsel to review and comment on briefs in private lawsuits and to consult with officials of the District government regarding such lawsuits.

The conference action on H.R. 3064 inserts a new section 174 as proposed by the Senate concerning wireless communication and antenna applications. The language recommended by the conferees requires the National Park Service to implement the notice of decision approved by the National Capital Regional Director, dated April 7, 1999, including the issuance of right-of-way permits, within 7 days of the enactment of this Act. Concerning future applications for siting on Federal land, the responsible Federal agency is directed to take final action to approve or deny each application, including action on the issuance of right-of-way permits at market rates, within 120 days of the receipt of such application. This 120-day directive does not change or eliminate the obligation that the responsible Federal agency must comply with existing laws.

TITLE II—TAX REDUCTION

The conference action restores Title II—Tax Reduction commending the District of Columbia for its action to reduce taxes and ratifying the District's Service Improvement and Fiscal Year 2000 Budget Support Act of 1999 as proposed by the House.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2000 recommended by the Committee of Conference, with comparisons to the fiscal year 1999 amount, the 2000 budget estimates, and the House and Senate bills for 2000 follow:

Federal Funds:	
New budget (obligational) authority, fiscal year 1999 ...	683,639,000

Budget estimates of new (obligational) authority, fiscal year 2000	393,740,000
House bill, fiscal year 2000	429,100,000
Senate bill, fiscal year 2000	429,100,000
Conference agreement, fiscal year 2000	436,800,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1999	−246,839,000
Budget estimates of new (obligations) authority, fiscal year 2000	+43,060,000
House bill, fiscal year 2000	+7,700,000
Senate bill, fiscal year 2000	+7,700,000
District of Columbia funds:	
New Budget (obligational) authority, fiscal year 1999	*6,790,168,737*
Budget estimates of new (obligational) authority, fiscal year 2000	*6,745,278,500*
House bill, fiscal year 2000	*6,778,432,500*
Senate bill, fiscal year 2000	*6,778,432,500*
Conference agreement, fiscal year 2000	*6,778,432,500*
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1999	*−11,736,237*
Budget estimates of new (obligations) authority, fiscal year 2000	*+33,154,000*
House bill, fiscal year 2000	....
Senate bill, fiscal year 2000	....

DIVISION B

Division B of the conference agreement includes a section (section 1000) that enacts several bills by reference. Section 1001 of this Division includes language that would apply PAYGO scorekeeping rules to several of the bills enacted by reference even though these bills would be enacted in an appropriations bill.

Text of those bills and explanatory statements for them follow:

The conference agreement would enact the provisions of H.R. 3421 as introduced on November 17, 1999. The text of that bill follows:

A BILL Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $79,328,000, of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: Provided, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and $8,136,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 1999: Provided further, That not to exceed 41 permanent positions and 48 full-time equivalent workyears and $4,811,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices may utilize non-reimbursable details of career employees within the caps described in the aforementioned proviso: Provided further, That the Attorney General is authorized to transfer, under such terms and conditions as the Attorney General shall specify, forfeited real or personal property of limited or marginal value, as such value is determined by guidelines established by the Attorney General, to a State or local government agency, or its designated contractor or transferee, for use to support drug abuse treatment, drug and crime prevention and education, housing, job skills, and other community-based public health and safety programs: Provided further, That any transfer under the preceding proviso shall not create or confer any private right of action in any person against the United States, and shall be treated as a reprogramming under section 605 of this Act.

JOINT AUTOMATED BOOKING SYSTEM

For expenses necessary for the nationwide deployment of a Joint Automated Booking System, $1,800,000, to remain available until expended.

NARROWBAND COMMUNICATIONS

For the costs of conversion to narrowband communications as mandated by section 104 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 903(d)(1)), $10,625,000, to remain available until expended.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $10,000,000, to remain available until expended, to reimburse any Department of Justice organization for: (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident; and (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities: Provided, That any Federal agency may be reimbursed for the costs of detaining in foreign countries individuals accused of acts of terrorism that violate the laws of the United States: Provided further, That funds provided under this paragraph shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

TELECOMMUNICATIONS CARRIER COMPLIANCE FUND

For payments authorized by section 109 of the Communications Assistance for Law Enforcement Act (47 U.S.C. 1008), $15,000,000, to remain available until expended.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, $98,136,000.

In addition, $50,363,000, for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $40,275,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year: Provided, That not less than $40,000 shall be transferred to and administered by the Department of Justice Wireless Management Office for the costs of conversion to narrowband communications and for the operations and maintenance of legacy Land Mobile Radio systems.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $8,527,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $357,016,000; of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: Provided, That of the funds available in this appropriation, not to exceed $36,666,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through "Salaries and Expenses", General Administration: Provided further, That of the amount appropriated under this heading $582,000 shall be transferred to, and merged with, funds available to the Presidential Advisory Commission on Holocaust Assets in the United States and shall be made available for the same purposes for which such funds are available: Provided further, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses.

In addition, $147,929,000, to be derived from the Violent Crime Reduction Trust Fund, to remain available until expended for such purposes.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, as amended, not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $81,850,000: Provided, That, notwithstanding section 3302(b) of title 31, United States Code, not to exceed $81,850,000 of offsetting collections derived from fees collected in fiscal year 2000 for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2000, so as to result in a final fiscal year 2000 appropriation from the general fund estimated at not more than $0.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements,

$1,161,957,000; of which not to exceed $2,500,000 shall be available until September 30, 2001, for: (1) training personnel in debt collection; (2) locating debtors and their property; (3) paying the net costs of selling property; and (4) tracking debts owed to the United States Government: Provided, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: Provided further, That not to exceed $2,500,000 for the operation of the National Advocacy Center shall remain available until expended: Provided further, That not to exceed $1,000,000 shall remain available until expended for the expansion of existing Violent Crime Task Forces in United States Attorneys Offices into demonstration projects, including inter-governmental, inter-local, cooperative, and task-force agreements, however denominated, and contracts with State and local prosecutorial and law enforcement agencies engaged in the investigation and prosecution of violent crimes: Provided further, That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 9,120 positions and 9,398 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), $112,775,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, $112,775,000 of offsetting collections derived from fees collected pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2000, so as to result in a final fiscal year 2000 appropriation from the Fund estimated at $0: Provided further, That 28 U.S.C. 589a is amended by striking "and," in subsection (b)(7); by striking the period in subsection (b)(8) and inserting "; and"; and by adding a new paragraph as follows: "(9) interest earned on Fund investment.".

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,175,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, $333,745,000, as authorized by 28 U.S.C. 561(i); of which not to exceed $6,000 shall be available for official reception and representation expenses; of which not to exceed $4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system shall remain available until expended; and of which not less than $2,762,000 shall be for the costs of conversion to narrowband communications and for the operations and maintenance of legacy Land Mobile Radio systems: Provided, That such amount shall be transferred to and administered by the Department of Justice Wireless Management Office.

In addition, $209,620,000, for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For planning, constructing, renovating, equipping, and maintaining United States Marshals Service prisoner-holding space in United States courthouses and Federal buildings, including the renovation and expansion of prisoner movement areas, elevators, and sallyports, $6,000,000, to remain available until expended.

JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM FUND, UNITED STATES MARSHALS SERVICE

Beginning in fiscal year 2000 and thereafter, payment shall be made from the Justice Prisoner and Alien Transportation System Fund for necessary expenses related to the scheduling and transportation of United States prisoners and illegal and criminal aliens in the custody of the United States Marshals Service, as authorized in 18 U.S.C. 4013, including, without limitation, salaries and expenses, operations, and the acquisition, lease, and maintenance of aircraft and support facilities: Provided, That the Fund shall be reimbursed or credited with advance payments from amounts available to the Department of Justice, other Federal agencies, and other sources at rates that will recover the expenses of Fund operations, including, without limitation, accrual of annual leave and depreciation of plant and equipment of the Fund: Provided further, That proceeds from the disposal of Fund aircraft shall be credited to the Fund: Provided further, That amounts in the Fund shall be available without fiscdl year limitation, and may be used for operating equipment lease agreements that do not exceed 5 years.

FEDERAL PRISONER DETENTION

For expenses, related to United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General, $525,000,000, as authorized by 28 U.S.C. 561(i), to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $95,000,000, to remain available until expended; of which not to exceed $6,000,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; and of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $7,199,000 and, in addition, up to $1,000,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account: Provided, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict prevention and resolution activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (F), and (G), as amended, $23,000,000, to be derived from the Department of Justice Assets Forfeiture Fund.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, $2,000,000.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund, $3,200,000.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $316,792,000, of which $50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: Provided further, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,236 passenger motor vehicles, of which 1,142 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, $2,337,015,000; of which not to exceed $50,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed $1,000,000 for undercover operations shall remain available until September 30, 2001; of which not less than $292,473,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed $10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; and of which not less than $50,000,000 shall be for the costs of conversion to narrowband communications, and for the operations and maintenance of legacy Land Mobile Radio systems: Provided, That such amount shall be transferred to and administered by the Department of Justice Wireless Management Office: Provided further, That not to exceed $45,000 shall be available for official reception and representation expenses: Provided further, That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority which has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government.

In addition, $752,853,000 for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund, as authorized by the Violent Crime Control and Law Enforcement Act of 1994, as amended, and the Antiterrorism and Effective Death Penalty Act of 1996.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects, $1,287,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,358 passenger motor vehicles, of which 1,079 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft, $933,000,000, of which not to exceed $1,800,000 for research shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed $2,000,000 for laboratory equipment, $4,000,000 for technical equipment, and $2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 2001; of which not to exceed $50,000 shall be available for official reception and representation expenses; and of which not less than $20,733,000 shall be for the costs of conversion to narrowband communications and for the operations and maintenance of legacy Land Mobile Radio systems: Provided, That such amount shall be transferred to and administered by the Department of Justice Wireless Management Office.

In addition, $343,250,000, for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects, $5,500,000, to remain available until expended.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, as follows:

ENFORCEMENT AND BORDER AFFAIRS

For salaries and expenses for the Border Patrol program, the detention and deportation program, the intelligence program, the investigations program, and the inspections program, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not to exceed 3,075 passenger motor vehicles, of which 2,266 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; for protecting and maintaining the integrity of the borders of the United States including, without limitation, equipping, maintaining, and making improvements to the infrastructure; and for the care and housing of Federal detainees held in the joint Immigration and Naturalization Service and United States Marshals Service's Buffalo Detention Facility, $1,107,429,000; of which not to exceed $10,000,000 shall be available for costs associated with the training program for basic officer training, and $5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; of which not to exceed $5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens; and of which not less than $18,510,000 shall be for the costs of conversion to narrowband communications and for the operations and maintenance of legacy Land Mobile Radio systems: Provided, That such amount shall be transferred to and administered by the Department of Justice Wireless Management Office: Provided further, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2000: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That none of the funds provided in this or any other Act shall be used for the continued operation of the San Clemente and Temecula checkpoints unless the checkpoints are open and traffic is being checked on a continuous 24-hour basis.

CITIZENSHIP AND BENEFITS, IMMIGRATION SUPPORT AND PROGRAM DIRECTION

For all programs of the Immigration and Naturalization Service not included under the heading "Enforcement and Border Affairs", $535,011,000, of which not to exceed $400,000 for research shall remain available until expended: Provided, That not to exceed $5,000 shall be available for official reception and representation expenses: Provided further, That the Attorney General may transfer any funds appropriated under this heading and the heading "Enforcement and Border Affairs" between said appropriations notwithstanding any percentage transfer limitations imposed under this appropriation Act and may direct such fees as are collected by the Immigration and Naturalization Service to the activities funded under this heading and the heading "Enforcement and Border Affairs" for performance of the functions for which the fees legally may be expended: Provided further, That not to exceed 40 permanent positions and 40 full-time equivalent workyears and $4,150,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: Provided further, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis, or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis: Provided further, That the number of positions filled through non-career appointment at the Immigration and Naturalization Service, for which funding is provided in this Act or is otherwise made available to the Immigration and Naturalization Service, shall not exceed four permanent positions and four full-time equivalent workyears: Provided further, That none of the funds available to the Immigration and Naturalization Service shall be used to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2000: Provided further, That funds may be used, without limitation, for equipping, maintaining, and making improvements to the infrastructure and the purchase of vehicles for police-type use within the limits of the Enforcement and Border Affairs appropriation: Provided further, That, notwithstanding any other provision of law, during fiscal year 2000, the Attorney General is authorized and directed to impose disciplinary action, including termination of employment, pursuant to policies and procedures applicable to employees of the Federal Bureau of Investigation, for any employee of the Immigration and Naturalization Service who violates policies and procedures set forth by the Department of Justice relative to the granting of citizenship or who willfully deceives the Congress or department leadership on any matter.

VIOLENT CRIME REDUCTION PROGRAMS

In addition, $1,267,225,000, for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund: Provided, That the Attorney General may use the transfer authority provided under the heading "Citizenship and Benefits, Immigration Support and Program Direction" to provide funds to any program of the Immigration and Naturalization Service that heretofore has been funded by the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For planning, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $99,664,000, to remain available until expended: Provided, That no funds shall be available for the site acquisition, design, or construction of any Border Patrol checkpoint in the Tucson sector.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 708, of which 602 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $3,089,110,000; of which not less than $500,000 shall be transferred to and administered by the Department of Justice Wireless Management Office for the costs of conversion to narrowband communications and for the operations and maintenance of legacy Land Mobile Radio systems: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of FPS, furnish health services to individuals committed to the custody of FPS: Provided further, That not to *exceed $6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $90,000,000 shall remain available for necessary operations until September 30, 2001: Provided further, That, of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: Provided further, That, notwithstanding section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)), FPS may enter into contracts and other agreements with private entities for periods of not to exceed 3 years and seven additional option years for the confinement of Federal prisoners.*

In addition, $22,524,000, for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $556,791,000, to remain available until expended, of which not to exceed $14,074,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation: Provided further, That not to exceed 10 percent of the funds appropriated to "Buildings and Facilities" in this or any other Act may be transferred to "Salaries and Expenses", Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,429,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"), and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, $155,611,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Public Law 102–534 (106 Stat. 3524).

In addition, for grants, cooperative agreements, and other assistance authorized by sections 819, 821, and 822 of the Antiterrorism and Effective Death Penalty Act of 1996, $152,000,000, to remain available until expended.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended ("the 1994 Act"), $1,634,500,000 to remain available until expended; of which $523,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, the Commonwealth of Puerto Rico shall be considered a "unit of local government" as well as a "State", for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: Provided, That no funds provided under this heading may be used as matching funds for any other Federal grant program: Provided further, That $50,000,000 of this amount shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: Provided further, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers: Provided further, That $20,000,000 shall be available to carry out section 102(2) of H.R. 728; of which $420,000,000 shall be for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended; of which $686,500,000 shall be for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the 1994 Act, of which $165,000,000 shall be available for payments to States for incarceration of criminal aliens, of which $25,000,000 shall be available for the Cooperative Agreement Program, and of which $34,000,000 shall be reserved by the Attorney General for fiscal year 2000 under section 20109(a) of subtitle A of title II of the 1994 Act; and of which $5,000,000 shall be for the Tribal Courts Initiative.

VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the "Justice Assistance" account) authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"), $1,194,450,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $552,000,000 shall be for grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the 1968 Act, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, as authorized by section 1001 of title I of said Act, as amended by Public Law 102–534 (106 Stat. 3524), of which $52,000,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; of which $10,000,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act; of which $2,000,000 shall be for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act; of which $206,750,000 shall be for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act, including $28,000,000 which shall be used exclusively for the purpose of strengthening civil legal assistance programs for victims of domestic violence: Provided, That, of these funds, $5,200,000 shall be provided to the National Institute of Justice for research and evaluation of violence against women, $1,196,000 shall be provided to the Office of the United States Attorney for the District of Columbia for domestic violence programs in D.C. Superior Court, $10,000,000 which shall be used exclusively for violence on college campuses, and $10,000,000 shall be available to the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, to be administered as authorized by part C of the Juvenile Justice and Delinquency Act of 1974, as amended; of which $34,000,000 shall be for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act; of which $25,000,000 shall be for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act; of which $5,000,000 shall be for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act, and for local demonstration projects; of which $1,000,000 shall be for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act; of which $63,000,000 shall be for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act; of which $900,000 shall be for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act; of which $1,300,000 shall be for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act; of which $40,000,000 shall be for Drug Courts, as authorized by title V of the 1994 Act; of which $1,500,000 shall be for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; of which $2,000,000 shall be for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act; and of which $250,000,000 shall be for Juvenile Accountability Incentive Block Grants, except that such funds shall be subject to the same terms and conditions as set forth in the provisions under this heading for this program in Public Law 105–119, but all references in such provisions to 1998 shall be deemed to refer instead to 2000: Provided further, That funds made available in fiscal year 2000 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: Provided further, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local *government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.*

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, $33,500,000, to remain available until expended, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: Provided, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: Provided further, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 ("the 1994 Act") (including administrative costs), $595,000,000, to remain available until expended, including $45,000,000 which shall be derived from the Violent Crime Reduction Trust Fund; of which $130,000,000 shall be available to the Office of Justice Programs to carry out section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), of which $35,000,000 is for grants to upgrade criminal records, as authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, as amended, and section 4(b) of the National Child Protection Act of 1993, of which $15,000,000 is for the National Institute of Justice to develop school safety technologies, and of which $30,000,000 shall be for State and local DNA laboratories as authorized by section 1001(a)(22) of the 1968 Act, as well as for improvements to the State and local forensic laboratory general forensic science capabilities and to reduce their DNA convicted offender database sample backlog; of which $419,325,000 is for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act, of which $180,000,000 shall be available for school resource officers; of which $35,675,000 shall be used for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in drug "hot spots"; and of which $10,000,000 shall be used for the Community Prosecutors Program: Provided, That of the amount provided for Public Safety and Community Policing Grants, not to exceed $29,825,000 shall be expended for program management and administration: Provided further, That of the unobligated balances available in this program, $210,000,000 shall be used for innovative community policing programs, of which $100,000,000 shall be used for a law enforcement technology program, $25,000,000 shall be used for the Matching Grant Program for Law Enforcement Armor Vests pursuant to section 2501 of part Y of the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"), as amended, $30,000,000 shall be used for Police Corps education, training, and service as set forth in sections 200101–200113 of the 1994 Act, $40,000,000 shall be available to improve tribal law enforcement including equipment and training, and $15,000,000 shall be used to combat violence in schools.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, ("the Act"), including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $269,097,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102–586, of which: (1) notwithstanding any other provision of law, $6,847,000 shall be available for expenses authorized by part A of title II of the Act, $89,000,000 shall be available for expenses authorized by part B of title II of the Act, and $42,750,000 shall be available for expenses authorized by part C of title II of the Act: Provided, That $26,500,000 of the amounts provided for part B of title II of the Act, as amended, is for the purpose of providing additional formula grants under part B to States that provide assurances to the Administrator that the State has in effect (or will have in effect no later than 1 year after date of application) policies and programs, that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent; (2) $12,000,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) $10,000,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) $13,500,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) $95,000,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs; of which $12,500,000 shall be for delinquency prevention, control, and system improvement programs for tribal youth; of which $25,000,000 shall be available for grants of $360,000 to each State and $6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training; and of which $15,000,000 shall be available for the Safe Schools Initiative: Provided further, That upon the enactment of reauthorization legislation for Juvenile Justice Programs under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, funding provisions in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect: Provided further, That of amounts made available under the Juvenile Justice Programs of the Office of Justice Programs to carry out part B (relating to Federal Assistance for State and Local Programs), subpart II of part C (relating to Special Emphasis Prevention and Treatment Programs), part D (relating to Gang-Free Schools and Communities and Community-Based Gang Intervention), part E (relating to State Challenge Activities), and part G (relating to Mentoring) of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, and to carry out the At-Risk Children's Program under title V of that Act, not more than 10 percent of each such amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized under the appropriate part or title, and not more than 2 percent of each such amount may be used for training and technical assistance activities designed to benefit the programs or activities authorized under that part or title.

In addition, for grants, contracts, cooperative agreements, and other assistance, $11,000,000 to remain available until expended, for developing, testing, and demonstrating programs designed to reduce drug use among juveniles.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $7,000,000, to remain available until expended, as authorized by section 214B of the Act.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340).

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Authorities contained in the Department of Justice Appropriation Authorization Act, Fiscal Year 1980 (Public Law 96–132; 93 Stat. 1040 (1979)), as amended, shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

SEC. 103. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Notwithstanding any other provision of law, not to exceed $10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: Provided, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act, including those derived from the Violent Crime Reduction Trust Fund, may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 108. (a) Notwithstanding any other provision of law, for fiscal year 2000, the Assistant Attorney General for the Office of Justice Programs of the Department of Justice—

(1) may make grants, or enter into cooperative agreements and contracts, for the Office of Justice Programs and the component organizations of that Office; and

(2) shall have final authority over all grants, cooperative agreements and contracts made, or entered into, for the Office of Justice Programs and the component organizations of that Office, except for grants made under the provisions of sections 201, 202, 301, and 302 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; and sections 204(b)(3), 241(e)(1), 243(a)(1), 243(a)(14) and 287A(3) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

(b) Notwithstanding any other provision of law, effective August 1, 2000, all functions of the Director of the Bureau of Justice Assistance, other than those enumerated in the Omnibus Crime Control and Safe Streets Act, as amended, 42 U.S.C. 3742(3) through (6), are transferred to the Assistant Attorney General for the Office of Justice Programs.

SEC. 109. Sections 115 and 127 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as contained in section 101(b) of division A of Public Law 105–277) shall apply to fiscal year 2000 and thereafter.

SEC. 110. Hereafter, for payments of judgments against the United States and compromise settlements of claims in suits against the United States arising from the Financial Institutions Reform, Recovery and Enforcement Act and its implementation, such sums as may be necessary, to remain available until expended: Provided, That the foregoing authority is available solely for payment of judgments and compromise settlements: Provided further, That payment of litigation expenses is available under existing authority and will continue to be made available as set forth in the Memorandum of Understanding between the Federal Deposit Insurance Corporation and the Department of Justice, dated October 2, 1998.

SEC. 111. Section 507 of title 28, United States Code, is amended by adding a new subsection (c) as follows:

"(c) Notwithstanding the provisions of section 901 of title 31, United States Code, the Assistant Attorney General for Administration shall be the Chief Financial Officer of the Department of Justice.".

SEC. 112. Section 3024 of the Emergency Supplemental Appropriations Act, 1999 (Public Law 106–31) shall apply for fiscal year 2000.

SEC. 113. Effective 30 days after the enactment of this Act, section 1930(a)(1) of title 28, United States Code, is amended in paragraph (1) by striking "$130" and inserting "$155"; section 589a of title 28, United States Code, is amended in subsection (b)(1) by striking "23.08 percent" and inserting "27.42 percent"; and section 406(b) of Public Law 101–162 (103 Stat. 1016), as amended (28 U.S.C. 1931 note), is further amended by striking "30.76 percent" and inserting "33.87 percent".

SEC. 114. Section 4006 of title 18, United States Code, is amended—

(1) by striking "The Attorney General" and inserting the followinE: "(a) IN GENERAL.—The Attorney General"; and

(2) by adding at the end the followinE:

"(b) HEALTH CARE ITEMS AND SERVICES.—

"(1) IN GENERAL.—Payment for costs incurred for the provision of health care items and services for individuals in the custody of the United States Marshals Service and the Immigration and Naturalization Service shall not exceed the lesser of the amount that would be paid for the provision of similar health care items and services under—

"(A) the Medicare program under title XVIII of the Social Security Act; or

"(B) the Medicaid program under title XIX of such Act of the State in which the services were provided.

"(2) FULL AND FINAL PAYMENT.—Any payment for a health care item or service made pursuant to this subsection, shall be deemed to be full and final payment.".

SEC. 115. (a) None of the funds made available by this or any other Act may be used to pay premium pay under title 5, United States Code, sections 5542–5549, to any individual employed as an attorney, including an Assistant United States Attorney, in the Department of Justice for any work performed on or after the date of the enactment of this Act.

(b) Notwithstanding any other provision of law, neither the United States nor any individual or entity acting on its behalf shall be liable for premium pay under title 5, United States Code, sections 5542–5549, for any work performed on or after the date of the enactment of this Act by any individual employed as an attorney in the Department of Justice, including an Assistant United States Attorney.

SEC. 116. Section 113 of the Department of Justice Appropriations Act, 1999 (section 101(b) of division A of Public Law 105–277), as amended by section 3028 of the Emergency Supplemenial Appropriations Act, 1999 (Public Law 106–31), is further amended by striking the first comma and inserting "for fiscal year 2000 and hereafter,".

SEC. 117. Section 203(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(2)(B)) is amended to read as follows:

"(B)(i) Subject to clause (ii), the Attorney General may, when the Attorney General deems it to be in the national interest, waive the requirements of subparagraph (A) that an alien's services in the sciences, arts, professions, or business be sought by an employer in the United States.

"(ii)(I) The Attorney General shall grant a national interest waiver pursuant to clause (i) on behalf of any alien physician with respect to whom a petition for preference classification has been filed under subparagraph (A) if—

"(aa) the alien physician agrees to work full time as a physician in an area or areas designated by the Secretary of Health and Human Services as having a shortage of health care professionals or at a health care facility under the jurisdiction of the Secretary of Veterans Affairs; and

"(bb) a Federal agency or a department of public health in any State has previously determined that the alien physician's work in such an area or at such facility was in the public interest.

"(II) No permanent resident visa may be issued to an alien physician described in subclause (I) by the Secretary of State under section 204(b), and the Attorney General may not adjust the status of such an alien physician from that of a nonimmigrant alien to that of a permanent resident alien under section 245, until such time as the alien has worked full time as a physician for an aggregate of 5 years (not including the time served in the status of an alien described in section 101(a)(15)(J)), in an area or areas designated by the Secretary of Health and Human Services as having a shortage of health care professionals or at a health care facility under the jurisdiction of the Secretary of Veterans Affairs.

"(III) Nothing in this subparagraph may be construed to prevent the filing of a petition with the Attorney General for classification under section 204(a), or the filing of an application for adjustment of status under section 245, by an alien physician described in subclause (I) prior to the date by which such alien physician has completed the service described in subclause (II).

"(IV) The requirements of this subsection do not affect waivers on behalf of alien physicians approved under section 203(b)(2)(B) before the enactment date of this subsection. In the case of a physician for whom an application for a waiver was filed under section 203(b)(2)(B) prior to November 1, 1998, the Attorney General shall grant a national interest waiver pursuant to section 203(b)(2)(B) except that the alien is required to have worked full time as a physician for an aggregate of 3 years (not including time served in the status of an alien described in section 101(a)(15)(J)) before a visa can be issued to the alien under section 204(b) or the status of the alien is adjusted to permanent resident under section 245.".

SEC. 118. Section 286(q)(1)(A) of the Immigration and Nationality Act of 1953 (8 U.S.C. 1356(q)(1)(A)), as amended, is further amended—

(1) by striking clause (ii);

(2) by redesignating clause (iii) as (ii); and

(3) by striking ", until September 30, 2000," in clause (iv) and redesignating that clause as (iii).

SEC. 119. Section 1402(d) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)) is amended—

(1) by striking paragraph (5);

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(3) by adding a new paragraph (3), as follows:

"(3) Of the sums remaining in the Fund in any particular fiscal year after compliance with paragraph (2), such sums as may be necessary shall be available for the United States Attorneys Offices to improve services for the benefit of crime victims in the Federal criminal justice system.".

SEC. 120. Public Law 103–322, the Violent Crime Control and Law Enforcement Act of 1994, subtitle C, section 210304, Index to Facilitate Law Enforcement Exchange of DNA Identification Information (42 U.S.C. 14132), is amended as follows:

(1) in subsection (a)(2), by striking "and";

(2) in subsection (a)(3), by striking the period and inserting "; and" after "remains"; and

(3) by adding after subsection (a)(3) the following new subsection:

"(4) analyses of DNA samples voluntarily contributed from relatives of missing persons.".

SEC. 121. (a) Subsection (b)(1) of section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended by inserting after "such facts or circumstances" the followinE: "to the Cyber Tip Line at the National Center for Missing and Exploited Children, which shall forward that report".

(b) Subsection (b)(2) of that section is amended by striking "made" and inserting "forwarded".

This title may be cited as the "Department of Justice Appropriations Act, 2000".

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $25,635,000, of which $1,000,000 shall remain available until expended: Provided, That not to exceed $98,000 shall be available for official reception and representation expenses.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $44,495,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment; $311,503,000, to remain available until expended, of which $3,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: Provided, That of the $313,503,000 provided for in direct obligations (of which $308,503,000 is appropriated from the general fund, $3,000,000 is derived from fee collections, and $2,000,000 is derived from unobligated balances and deobligations from prior years), $62,376,000 shall be for Trade Development, $19,755,000 shall be for Market Access and Compliance, $32,473,000 shall be for the Import Administration, $186,693,000 shall be for the United States and Foreign Commercial Service, and $12,206,000 shall be for Executive Direction and Administration: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $51,038,000, to remain available until expended, of which $1,877,000 shall be for inspections and other activities related to national security: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments: Provided further, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China, unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of such proposed action.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and for trade adjustment assistance, $361,879,000 to be made available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $26,500,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $27,314,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $49,499,000, to remain available until September 30, 2001.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $140,000,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to conduct the decennial census, $4,476,253,000 to remain available until expended: of which $20,240,000 is for Program Development and Management; of which $194,623,000 is for Data Content and Products; of which $3,449,952,000 is for Field Data Collection and Support Systems; of which $43,663,000 is for Address List Development; of which $477,379,000 is for Automated Data Processing and Telecommunications Support; of which $15,988,000 is for Testing and Evaluation; of which $71,416,000 is for activities related to Puerto Rico, the Virgin Islands and Pacific Areas; of which $199,492,000 is for Marketing, Communications and Partnerships activities; and of which $3,500,000 is for the Census Monitoring Board, as authorized by section 210 of Public Law 105–119: Provided, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That for purposes of reprogramming among the amounts set forth in the preceding part of this paragraph, the notification requirements of section 605 shall be three days, and the reprogramming obligation or expenditure threshold designated in section 605(b) shall be $1,000,000 or 10 percent, whichever is less.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $142,320,000, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $10,975,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the National Telecommunications and Information Administration Organization Act, 47 U.S.C. 902–903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $26,500,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $1,800,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year: Provided further, That, hereafter, notwithstanding any other provision of law, the Pan-Pacific Education and Communication Experiments by Satellite (PEACESAT)

Program is eligible to compete for Public Telecommunications Facilities, Planning and Construction funds.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $15,500,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $3,000,000 shall be available for program administration and other support activities as authorized by section 391: Provided further, That, of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: Provided further, That, notwithstanding the requirements of sections 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services: Provided further, That notwithstanding any other provision of law, no entity that receives telecommunications services at preferential rates under section 254(h) of the Act (47 U.S.C. 254(h)) or receives assistance under the regional information sharing systems grant program of the Department of Justice under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) may use funds under a grant under this heading to cover any costs of the entity that would otherwise be covered by such preferential rates or such assistance, as the case may be.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks, $755,000,000, to remain available until expended: Provided, That of this amount, $755,000,000 shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses in this appropriation: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2000, so as to result in a final fiscal year 2000 appropriation from the general fund estimated at $0: Provided further, That, during fiscal year 2000, should the total amount of offsetting fee collections be less than $755,000,000, the total amounts available to the Patent and Trademark Office shall be reduced accordingly: Provided further, That any amount received in excess of $755,000,000 in fiscal year 2000 shall remain available until expended: Provided further, That of the amount in excess of $755,000,000 referred to in the previous proviso, $229,000,000 shall not be available for obligation until October 1, 2000: Provided further, That not to exceed $116,000,000 from fees collected in fiscal year 1999 shall be made available for obligation in fiscal year 2000.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

For necessary expenses for the Undersecretary for Technology/Office of Technology Policy, $7,972,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $283,132,000, to remain available until expended, of which not to exceed $282,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $104,836,000, to remain available until expended.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $142,600,000, to remain available until expended, of which not to exceed $50,700,000 shall be available for the award of new grants, and of which not to exceed $500,000 may be transferred to the "Working Capital Fund".

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $108,414,000, to remain available until expended: Provided, That of the amounts provided under this heading, $84,916,000 shall be available for obligation and expenditure only after submission of a plan for the expenditure of these funds, in accordance with section 605 of this Act.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i, $1,688,189,000, to remain available until expended: Provided, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, $68,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": Provided further, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000: Provided further, That not to exceed $31,439,000 shall be expended for Executive Direction and Administration, which consists of the Offices of the Undersecretary, the Executive Secretariat, Policy and Strategic Planning, International Affairs, Legislative Affairs, Public Affairs, Sustainable Development, the Chief Scientist, and the General Counsel: Provided further, That the aforementioned offices, excluding the Office of the General Counsel, shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis above the level of 33 personnel: Provided further, That no general administrative charge shall be applied against any assigned activity included in this Act and, further, that any direct administrative expenses applied against assigned activities shall be limited to 5 percent of the funds provided for that assigned activity: Provided further, That of the amount made available under this heading for the National Marine Fisheries Services Pacific Salmon Treaty Program, $10,000,000 is appropriated for a Southern Boundary and Transboundary Rivers Restoration Fund, subject to express authorization.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $596,067,000, to remain available until expended: Provided, That unexpended balances of amounts previously made available in the "Operations, Research, and Facilities" account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations and the implementation of the 1999 Pacific Salmon Treaty Agreement between the United States and Canada, $58,000,000.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $4,000,000, for purposes set forth in sections 308(b)(2)(A), 308(b)(2)(B)(v), and 315(e) of such Act.

PROMOTE AND DEVELOP FISHERY PRODUCTS AND RESEARCH PERTAINING TO AMERICAN FISHERIES

FISHERIES PROMOTIONAL FUND

(RESCISSION)

All unobligated balances available in the Fisheries Promotional Fund are rescinded: Provided, That all obligated balances are transferred to the "Operations, Research, and Facilities" account.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $953,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627), and the American Fisheries Promotion Act (Public Law 96–561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $189,000, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, $338,000, as authorized by the Merchant Marine Act of 1936, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $31,500,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5

U.S.C. App. 1–11, as amended by Public Law 100–504), $20,000,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce, shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses authorized by section 8501 of title 5, United States Code, for services performed by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the decennial censuses of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. (a) Should legislation be enacted to dismantle or reorganize the Department of Commerce, or any portion thereof, the Secretary of Commerce, no later than 90 days thereafter, shall submit to the Committees on Appropriations of the House of Representatives and the Senate a plan for transferring funds provided in this Act to the appropriate successor organizations: Provided, That the plan shall include a proposal for transferring or rescinding funds appropriated herein for agencies or programs terminated under such legislation: Provided further, That such plan shall be transmitted in accordance with section 605 of this Act.

(b) The Secretary of Commerce or the appropriate head of any successor organization(s) may use any available funds to carry out legislation dismantling or reorganizing the Department of Commerce, or any portion thereof, to cover the costs of actions relating to the abolishment, reorganization, or transfer of functions and any related personnel action, including voluntary separation incentives if authorized by such legislation: Provided, That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section is provided in addition to authorities included under section 205 of this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 207. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 208. The Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 209. The Secretary of Commerce may use the Commerce franchise fund for expenses and equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services, pursuant to section 403 of Public Law 103–356: Provided, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital shall be used to capitalize such fund: Provided further, That such fund shall be paid in advance from funds available to the department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: Provided further, That such fund shall provide services on a competitive basis: Provided further, That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 2000 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of department financial management, ADP, and other support systems: Provided further, That such amounts retained in the fund for fiscal year 2000 and each fiscal year thereafter shall be available for obligation and expenditure only in accordance with section 605 of this Act: Provided further, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury: Provided further, That such franchise fund pilot program shall terminate pursuant to section 403(f) of Public Law 103–356.

SEC. 210. Section 302(a)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)(A)) is amended—

(1) by striking "17" and inserting "18"; and

(2) by striking "11" and inserting "12".

SEC. 211. Notwithstanding any other provision of law, of the amounts made available elsewhere in this title to the "National Institute of Standards and Technology, Construction of Research Facilities", $2,000,000 is appropriated to the Institute at Saint Anselm College, $700,000 is appropriated to the New Hampshire State Library, and $9,000,000 is appropriated to fund a cooperative agreement with the Medical University of South Carolina.

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 2000".

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $35,492,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $8,002,000, of which $5,101,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $16,797,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $11,957,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $2,958,138,000 (including the purchase of firearms and ammunition); of which not to exceed $13,454,000 shall remain available until expended for space alteration projects; and of which not to exceed $10,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects.

In addition, for activities of the Federal Judiciary as authorized by law, $156,539,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by section 190001(a) of Public Law 103–322, and sections 818 and 823 of Public Law 104–132.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,515,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended;

the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1961 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), $358,848,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

In addition, for activities of the Federal Judiciary as authorized by law, $26,247,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by section 19001(a) of Public Law 103-322, and sections 818 and 823 of Public Law 104-132.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), $60,918,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $193,028,000, of which not to exceed $10,000,000 shall remain available until expended for security systems, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $55,000,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $18,000,000; of which $1,800,000 shall remain available through September 30, 2001, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $29,500,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $8,000,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $2,200,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $8,500,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Pursuant to section 140 of Public Law 97–92, Justices and judges of the United States are authorized during fiscal year 2000, to receive a salary adjustment in accordance with 28 U.S.C. 461: Provided, That $9,611,000 is appropriated for salary adjustments pursuant to this section and such funds shall be transferred to and merged with appropriations in title III of this Act.

SEC. 305. Section 604(a)(5) of title 28, United States Code, is amended by adding before the semicolon at the end thereof the following: ", and, notwithstanding any other provision of law, pay on behalf of Justices and judges of the United States appointed to hold office during good behavior, aged 65 or over, any increases in the cost of Federal Employees' Group Life Insurance imposed after April 24, 1999, including any expenses generated by such payments, as authorized by the Judicial Conference of the United States".

SEC. 306. The second paragraph of section 112(c) of title 28, United States Code, is amended to read "Court for the Eastern District shall be held at Brooklyn, Hauppauge, Hempstead (including the village of Uniondale), and Central Islip.".

SEC. 307. Pursuant to the requirements of section 156(d) of title 28, United States Code, Congress hereby approves the consolidation of the Office of the Bankruptcy Clerk with the Office of the District Clerk of Court in the Southern District of West Virginia.

SEC. 308. (a) IN GENERAL.—Section 3006A(d)(4)(D)(vi) of title 18, United States Code, is amended by adding after the word "require" the following: ", except that the amount of the fees shall not be considered a reason justifying any limited disclosure under section 3006A(d)(4) of title 18, United States Code".

(b) EFFECTIVE DATE.—This section shall apply to all disclosures made under section 3006A(d) of title 18, United States Code, related to any criminal trial or appeal involving a sentence of death where the underlying alleged criminal conduct took place on or after April 19, 1995.

SEC. 309. (a) The President shall appoint, by and with the advice and consent of the Senate—

(1) three additional district judges for the district of Arizona;

(2) four additional district judges for the middle district of Florida; and

(3) two additional district judges for the district of Nevada.

(b) In order that the table contained in section 133 of title 28, United States Code, will reflect the changes in the total number of permanent district judgeships authorized as a result of subsection (a) of this section—

(1) the item relating to Arizona in such table is amended to read as follows:

"Arizona .... 11";

(2) the item relating to Florida in such table is amended to read as follows:

"Florida:
Northern 4
Middle 15
Southern .... 16";

and

(3) the item relating to Nevada in such table is amended to read as follows:

"Nevada .... 6".

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including such sums as may be necessary to provide appropriate space and facilities for the judicial positions created by this section.

This title may be cited as "The Judiciary Appropriations Act, 2000".

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended, the Mutual Educational and Cultural Exchange Act of 1961, as amended, and the United States Information and Educational Exchange Act of 1948, as amended, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of such Act; expenses authorized by section 9 of the Act of August 31, 1964, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; arms control, nonproliferation and disarmanent activities as authorized by the Arms Control and Disarmament Act of September 26, 1961, as amended; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, $2,569,825,000: Provided, That, of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for emergency evacuations and terrorism rewards: Provided further, That, of the amount made available under this heading, not to exceed $4,500,000 may be transferred to, and merged with, funds in the "International Broadcasting Operations" appropriations account only to avoid reductions in force at the Voice of America, subject to the reprogramming procedures described in section 605 of this Act: Provided further, That, in fiscal year 2000, all receipts collected from individuals for assistance in the preparation and filing of an affidavit of support pursuant to section 213A of the Immigration and Nationality Act shall be deposited into this account as an offsetting collection and shall remain available until expended: Provided further, That of the amount made available under this heading, $236,291,000 shall be available only for public diplomacy international information programs: Provided further, That of the amount made available under this heading, $500,000 shall be available only for the National Law Center for Inter-American Free Trade: Provided further, That of the amount made available under this heading, $2,500,000 shall be available only for overseas continuing language education: Provided further, That of the amount made available under this heading, not to exceed $1,162,000 shall be available for transfer to the Presidential Advisory Commission on Holocaust Assets in the United States: Provided further, That any amount transferred pursuant to the previous proviso shall not result in a total amount transferred to the Commission from all Federal sources that exceeds the authorized amount: Provided further, That notwithstanding section 140(a)(5), and the second sentence of section 140(a)(3), of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, fees may be collected during fiscal years 2000 and 2001, under the authority of section 140(a)(1) of that Act: Provided further, That all fees collected under the preceding proviso shall be deposited in fiscal years 2000 and 2001 as an offsetting collection to appropriations made under this heading to recover costs as set forth under section 140(a)(2) of that Act and shall remain available until expended: Provided further, That of the amount made available under this heading, $10,000,000 is appropriated for a Northern Boundary and Transboundary Rivers Restoration Fund: Provided further, That of the amount made available under this heading, not less than $9,000,000 shall be available for the Office of Defense Trade Controls.

In addition, not to exceed $1,252,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, as amended; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs, and from fees from educational advising and counseling, and exchange visitor programs; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)).

In addition, for the costs of worldwide security upgrades, $254,000,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $80,000,000, to remain available until expended, as authorized in Public Law 103–236: Provided, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $27,495,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977, as amended (91 Stat. 1636), $205,000,000, to remain available until expended as authorized by section 105 of such Act of 1961 (22 U.S.C. 2455): Provided, That not to exceed $800,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching and educational advising and counseling programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e).

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $5,850,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $8,100,000, to remain available until September 30, 2001.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), preserving, maintaining, repairing, and planning for, buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Main State Building, and carrying out the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $428,561,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)), of which not to exceed $25,000 may be used for representation as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085): Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, $313,617,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), and as authorized by section 804(3) of the United States Information and Educational Exchange Act of 1948, as amended, $5,500,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)), of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $593,000, as authorized by section 4 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $607,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8, $15,375,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $128,541,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $885,203,000: Provided, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: Provided further, That funds appropriated under this paragraph may be obligated and expended to pay the full United States assessment to the civil budget of the North Atlantic Treaty Organization.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $500,000,000, of which not to exceed $20,000,000 shall remain available until September 30, 2001: Provided, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: Provided further, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: Provided further, That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.

ARREARAGE PAYMENTS

For an additional amount for payment of arrearages to meet obligations of authorized membership in international multilateral organizations, and to pay assessed expenses of international peacekeeping activities, $244,000,000, to remain available until expended: Provided, That none of the funds appropriated or otherwise made available under this heading for payment of arrearages may be obligated or expended until such time as the share of the total of all assessed contributions for any designated specialized agency of the United Nations does not exceed 22 percent for any single member of the agency, and the designated specialized agencies have achieved zero nominal growth in their biennium budgets for 2000–2001 from the 1998–1999 biennium budget levels of the respective agencies: Provided futher, That, notwithstanding the preceding proviso, an additional amount, not to exceed $107,000,000, which is owed by the United Nations to the United States as a reimbursement, including any reimbursement under the Foreign Assistance Act of 1961 or the United Nations Participation Act of 1945, that was owed to the United States before the date of the enactment of this Act shall be applied or used, without fiscal year limitations, to reduce any amount owed by the United States to the United Nations.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $19,551,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $5,939,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $5,733,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $15,549,000: Provided, That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101–246, $8,250,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2000, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2000, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960 (22 U.S.C. 2054–2057), by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $12,500,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NORTH/SOUTH CENTER

To enable the Secretary of State to provide for carrying out the provisions of the North/South Center Act of 1991 (22 U.S.C. 2075), by grant to an educational institution in Florida known as the North/South Center, $1,750,000, to remain available until expended.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $31,000,000 to remain available until expended.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the United States International Broadcasting Act of 1994, as amended, Reorganization Plan No. 2 of 1977, as amended, and the Foreign Affairs Reform and Restructuring Act of 1998, to carry out international communication activities, $388,421,000, of which not to exceed $16,000 may be used for official receptions within the United States as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1747(3)), not to exceed $35,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085), and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING TO CUBA

For expenses necessary to enable the Broadcasting Board of Governors to carry out the Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, and the International Broadcasting Act of 1994, and the Foreign Affairs Reform and Restructuring Act of 1998, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, $22,095,000, to remain available until expended: Provided, That funds may be used to purchase or lease, maintain, and operate such aircraft (including aerostats) as may be required to house and operate necessary television broadcasting equipment.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by section 801 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471), $11,258,000, to remain available until expended, as authorized by section 704(a) of such Act of 1948 (22 U.S.C. 1477b(a)).

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided further, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. The Secretary of State is authorized to administer summer travel and work programs without regard to preplacement requirements.

SEC. 404. Beginning in fiscal year 2000 and thereafter, section 410(a) of the Department of State and Related Agencies Appropriations Act, 1999, as included in Public Law 105–277, shall be in effect.

SEC. 405. None of the funds made available in this Act may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

SEC. 406. None of the funds appropriated or otherwise made available in this Act for the United Nations may be used by the United Nations for the promulgation or enforcement of any treaty, resolution, or regulation authorizing the United Nations, or any of its specialized agencies or affiliated organizations, to tax any aspect of the Internet.

SEC. 407. Funds appropriated by this Act for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, section 309(g) of the International Broadcasting Act of 1994, and section 15 of the State Department Basic Authorities Act of 1956.

This title may be cited as the "Department of State and Related Agency Appropriations Act, 2000".

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $96,200,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $72,073,000.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, $6,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,000,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $3,809,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $490,000, as authorized by section 1303 of Public Law 99–83.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $8,900,000: Provided, That not to exceed $50,000 may be used to employ consultants: Provided further, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

ADVISORY COMMISSION ON ELECTRONIC COMMERCE

SALARIES AND EXPENSES

For the necessary expenses of the Advisory Commission on Electronic Commerce, as authorized by Public Law 105–277, $1,400,000.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,182,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $29,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, $282,000,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed 16) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $210,000,000, of which not to exceed $300,000 shall remain available until September 30, 2001, for research and policy studies: Provided, That $185,754,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2000 so as to result in a final fiscal year 2000 appropriation estimated at $24,246,000: Provided further, That any offsetting collections received in excess of $185,754,000 in fiscal year 2000 shall remain available until expended, but shall not be available for obligation until October 1, 2000.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, $14,150,000: Provided, That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $104,024,000: Provided, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: Provided further, That, notwithstanding section 3302(b) of title 31, United States Code, not to exceed $104,024,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2000, so as to result in a final fiscal year 2000 appropriation from the general fund estimated at not more than $0, to remain available until expended: Provided further, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242; 105 Stat. 2282–2285).

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $305,000,000, of which $289,000,000 is for basic field programs and required independent audits; $2,100,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $8,900,000 is for management and administration; and $5,000,000 is for client self help and information technology.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 1999 and 2000, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, $1,270,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $173,800,000 from fees collected in fiscal year 2000 to remain available until expended, and from fees collected in fiscal year 1998, $194,000,000, to remain available until expended; of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: Provided, That fees and charges authorized by sections 6(b)(4) of the Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be credited to this account as offsetting collections.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 105–135, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $282,300,000: Provided, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: Provided further, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: Provided further, That $84,500,000 shall be available to fund grants for performance in fiscal year 2000 or fiscal year 2001 as authorized by section 21 of the Small Business Act, as amended.

In addition, for the costs of programs related to the New Markets Venture Capitol Program, $10,500,000, of which $1,500,000 shall be for BusinessLINC, and of which $9,000,000 shall be for technical assistance: Provided, That the funds appropriated under this paragraph shall not be available for obligation until the New Markets Venture Capitol Program is authorized by subsequent legislation.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $11,000,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of guaranteed loans, $137,800,000, as authorized by 15 U.S.C. 631 note or subsequently authorized for the New Markets Venture Capital program, of which $45,000,000 shall remain available until September 30, 2001: Provided, That of the total provided, $6,000,000 shall be available only for the cost of guaranteed loans under the New Markets Venture Capitol program and shall become available for obligation only upon authorization of such program by the enactment of subsequent legislation in fiscal year 2000: Provided further, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2000, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of financings authorized under section 20(e)(1)(B)(ii) of the Small Business Act, as amended: Provided further, That during fiscal year 2000, commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, shall not exceed $10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act: Provided further, That during fiscal year 2000, commitments to guarantee loans under section 303(b) of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of guarantees of debentures authorized under section 20(e)(1)(C)(ii) of the Small Business Act, as amended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $129,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $140,400,000 to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct loan program, $136,000,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which $500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General: Provided, That any amount in excess of $20,000,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572; 106 Stat. 4515–4516), $6,850,000, to remain available until expended: Provided, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2000, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions, or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2000, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds: (1) that the United Nations undertaking is a peacekeeping mission; (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 610. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2000.

SEC. 611. Notwithstanding any other provision of law, not more than 20 percent of the amount allocated to any account from an appropriation made by this Act that is available for obligation only in the current fiscal year may be obligated during the last 2 months of the fiscal year unless the Committees on Appropriations of the House of Representatives and the Senate are notified prior to such obligation in accordance with section 605 of this Act: Provided, That this section shall not apply to the obligation of funds under grant programs.

SEC. 612. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC-17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates or heating elements; or

(5) the use or possession of any electric or electronic musical instrument.

SEC. 613. None of the funds made available in title II for the National Oceanic and Atmospheric Administration (NOAA) under the headings "Operations, Research, and Facilities" and "Procurement, Acquisition and Construction" may be used to implement sections 603, 604, and 605 of Public Law 102–567: Provided, That NOAA may develop a modernization plan for its fisheries research vessels that takes fully into account opportunities for contracting for fisheries surveys.

SEC. 614. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 615. None of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity.

SEC. 616. Of the funds appropriated in this Act under the heading "Office of Justice Programs—State and Local Law Enforcement Assistance", not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits at the time of retirement or separation as they received while on duty.

SEC. 617. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 618. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) Subsection (a)(1) of section 616 of that Act is amended—

(1) by striking "and" after "Gonzalez"; and

(2) by inserting before the semicolon at the end of the subsection, ", Jean-Yvon Toussaint, and Jimmy Lalanne".

(c) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2000.

SEC. 619. None of the funds appropriated pursuant to this Act or any other provision of law may be used for: (1) the implementation of any tax or fee in connection with the implementation of 18 U.S.C. 922(t); and (2) any system to implement 18 U.S.C. 922(t) that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm.

SEC. 620. Notwithstanding any other provision of law, amounts deposited in the Fund established under 42 U.S.C. 10601 in fiscal year 1999 in excess of $500,000,000 shall not be available for obligation until October 1, 2000.

SEC. 621. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

SEC. 622. For an additional amount for "Small Business Administration, Salaries and Expenses", $30,000,000, of which $2,500,000 shall be available for a grant to the NTTC at Wheeling Jesuit University to continue the outreach program to assist small business development; $2,000,000 shall be available for a grant for Western Carolina University to develop a facility to assist in small business and rural economic development; $3,000,000 shall be available for a grant to the Bronx Museum of the Arts, New York, to develop a facility; $750,000 shall be available for a grant to Soundview Community in Action for a technology access and business improvement project; $2,500,000 shall be available for a grant for the City of Hazard, Kentucky for a Center for Rural Law Enforcement Technology and Training; $1,000,000 shall be available for a grant to the State University of New York to develop a facility and operate the Institute of Entrepreneurship for small business and workforce development; $1,000,000 shall be available for a grant for Pikeville College, School of Osteopathic Medicine for a telemedicine and medical education network; $1,000,000 shall be available for a grant to Operation Hope in Maywood, California for a business incubator project; $1,900,000 shall be available for a grant to the Southern Kentucky Tourism Development Association to develop a facility for regional tourism promotion; $1,000,000 shall be available for a grant to the Southern Kentucky Economic Development Corporation to support a science and technology business loan fund; $500,000 shall be available for a grant for the Moundsville Economic Development Council to work in conjunction with the Office of Law Enforcement Technology Commercialization for the establishment of the National Corrections and Law Enforcement Training and Technology Center, and for infrastructure improvements associated with this initiative; $8,550,000 shall be available for a grant to Somerset Community College to develop a facility to support workforce development and skills training; $200,000 shall be available for a grant for the Vandalia Heritage Foundation to fulfill its charter purposes; $2,000,000 shall be available for a grant for the Illinois Coalition to establish and operate a national demonstration project in the DuPage County Research Park providing one-stop access for technology startup businesses; $200,000 shall be available for a grant to Rural Enterprises, Inc., in Durant, Oklahoma to support a resource center for rural businesses; $500,000 shall be available for a grant for the City of Chicago to establish and operate a program for technology-based business growth; $500,000 shall be available for a grant for the Illinois Department of Commerce and Community Affairs to develop strategic plans for technology-based business growth; $200,000 shall be available for a grant to the Long Island Bay Shore Aquarium to develop a facility; $150,000 shall be available for a grant to Miami-Dade Community College for an Entrepreneurial Education Center; $300,000 shall be available for a grant for the Western Massachusetts Enterprise Fund for a microenterprise loan program; and $250,000 shall be available for a grant for the Johnstown Area Regional Industries Center to develop a small business incubator facility.

SEC. 623. (a) NORTHERN FUND AND SOUTHERN FUND.—

(1) As provided in the June 30, 1999, Agreement of the United States and Canada on the Treaty Between the Government of the United States and the Government of Canada Concerning Pacific Salmon, 1985 (hereafter referred to as the "1999 Pacific Salmon Treaty Agreement") there are hereby established a Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund (hereafter referred to as the "Northern Fund") and a Southern Boundary Restoration and Enhancement Fund (hereafter referred to as the "Southern Fund") to be held by the Pacific Salmon Commission. The Northern Fund and Southern Fund shall be invested in interest bearing accounts, bonds, securities, or other investments in order to achieve the highest annual yield consistent with protecting the principal of each Fund. The Northern Fund and Southern Fund shall receive $10,000,000 and $10,000,000 respectively, of the amounts authorized by this section. Income from investments made pursuant to this paragraph shall be available until expended, without appropriation or fiscal year limitation, for programs and activities relating to salmon restoration and enhancement, salmon research, the conservation of salmon habitat, and implementation of the Pacific Salmon Treaty and related agreements. Amounts provided by grants under this subsection may be held in interest bearing accounts prior to the disbursement of such funds for program purposes, and any interest earned may be retained for program purposes without further appropriation. The Northern Fund and Southern Fund are subject to the laws governing Federal appropriations and funds and to unrestricted circulars of the Office of Management and Budget. Recipients of amounts from either Fund shall keep separate accounts and such records as are reasonably necessary to disclose the use of the funds as well as to facilitate effective audits.

(2) FUND MANAGEMENT.—

(A) As provided in the 1999 Pacific Salmon Treaty Agreement, amounts made available from the Northern Fund pursuant to paragraph (1) shall be administered by a Northern Fund Committee, which shall be comprised of three representatives of the Government of Canada, and three representatives of the United States. The three United States representatives shall be the United States Commissioner and Alternate Commissioner appointed (or designated) from a list submitted by the Governor of Alaska for appointment to the Pacific Salmon Commission and the Regional Administrator of the National Marine Fisheries Service for the Alaska Region. Only programs and activities consistent with the purposes in paragraph (1) which affect the geographic area from Cape Caution, Canada to Cape Suckling, Alaska may be approved for funding by the Northern Fund Committee.

(B) As provided in the 1999 Pacific Salmon Treaty Agreement, amounts made available from the Southern Fund pursuant to paragraph (1) shall be administered by a Southern Fund Committee, which shall be comprised of three representatives of Canada and three representatives of the United States. The United States representatives shall be appointed by the Secretary of Commerce: one shall be selected from a list of three qualified individuals submitted by the Governors of the States of Washington and Oregon; one shall be selected from a list of three qualified individuals submitted by the treaty Indian tribes (as defined by the Secretary of Commerce); and one shall be the Regional Administrator of the National Marine Fisheries Service for the Northwest Region. Only programs and activities consistent with the purposes in paragraph (1) which affect the geographic area south of Cape Caution, Canada may be approved for funding by the Southern Fund Committee.

(b) PACIFIC SALMON TREATY IMPLEMENTATION.—(1) None of the funds authorized by this section for implementation of the 1999 Pacific Salmon Treaty Agreement shall be made available until each of the following conditions to the 1999 Pacific Salmon Treaty Agreement has been fulfilled—

(A) stipulations are revised and court orders requested as set forth in the letter of understanding of the United States negotiators dated June 22, 1999. If such orders are not requested by December 31, 1999, this condition shall be considered unfulfilled; and

(B) a determination is made that—

(i) the entry by the United States into the 1999 Pacific Salmon Treaty Agreement;

(ii) the conduct of the Alaskan fisheries pursuant to the 1999 Pacific Salmon Treaty Agreement, without further clarification or modification of the management regimes contained therein; and

(iii) the decision by the North Pacific Fisheries Management Council to continue to defer its management authority over salmon to the State of Alaska

are not likely to cause jeopardy to, or adversely modify designated critical habitat of, any salmonid species listed under Public Law 93-205, as amended, in any fishery subject to the Pacific Salmon Treaty.

(2) If the requests for orders in subparagraph (1)(A) are withdrawn after December 31, 1999, or if such orders are not entered by March 1, 2000, amounts in the Northern Fund and the Southern Fund shall be transferred to the general fund of the United States Treasury.

(3) During the term of the 1999 Pacific Salmon Treaty Agreement, the Secretary of Commerce shall determine whether Southern United States fisheries are likely to cause jeopardy to, or adversely modify designated critical habitat of, any salmonid species listed under Public Law 93-205, as amended, before the Secretary of Commerce may initiate or reinitiate consultation on Alaska fisheries under such Act.

(4) During the term of the 1999 Pacific Salmon Treaty Agreement, the Secretary of Commerce may not initiate or reinitiate consultation on Alaska fisheries under section 7 of Public Law 93-205, as amended, until—

(A) the Pacific Salmon Commission has had a reasonable opportunity to implement the provisions of the 1999 Pacific Salmon Treaty Agreement, including the harvest responses pursuant to Paragraph 9, Chapter 3 of Annex IV to the Pacific Salmon Treaty; and

(B) he determines, in consultation with the United States Section of the Pacific Salmon Commission, that implementation actions under the 1999 Agreement will not return escapements as expeditiously as possible to maximum sustainable yield or other biologically-based escapement objectives agreed to by the Pacific Salmon Commission.

(5) The Secretary of Commerce shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives of his intent to initiate or reinitiate consultation on Alaska fisheries.

(6)(A) For purposes of this section, "Alaska fisheries" means all directed Pacific salmon fisheries off the coast of Alaska that are subject to the Pacific Salmon Treaty.

(B) For purposes of this section, "Southern United States fisheries" means all directed Pacific salmon fisheries in Washington, Oregon, and the Snake River basin of Idaho that are subject to the Pacific Salmon Treaty.

(c) IMPROVED SALMON MANAGEMENT.—Section 3(g) of Public Law 99-5, as amended, is amended—

(1) in paragraph (1) by striking "The" and inserting in lieu thereof "Except as provided in paragraph (2), the";

(2) by inserting after paragraph (1) the following new paragraph:

"(2) A decision of the United States Section with respect to any salmon fishery regime covered by Chapter 1 or 2 (except paragraph 4 of Chapter 2) of Annex IV to the Pacific Salmon Treaty of 1985 shall be taken upon the affirmative vote of the United States Commissioner appointed from the list submitted by the Governor of Alaska pursuant to subsection (a). A decision of the United States Section with respect to any salmon fishery regime covered by Chapters 4, 5 (except paragraph 2(b) of Chapter 5), or 6 of the Pacific Salmon Treaty of 1985 shall be taken upon the affirmative vote of both the United States Commissioner appointed from the list submitted by the Governors of Washington and Oregon pursuant to subsection (a) and the United States Commissioner appointed from the list submitted by the treaty Indian tribes of the States of Idaho, Oregon, or Washington pursuant to subsection (a). Before a decision of the United States Section is made under this paragraph, the voting Commissioner or Commissioners shall consult with the Commissioner who is an official of the United States Government under subsection (a)"; and

(3) by renumbering the existing paragraphs.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) For capitalizing the Northern Fund and the Southern Fund, there is authorized to be appropriated in fiscal year 2000, $20,000,000.

(2) For salmon habitat restoration, salmon stock enhancement, salmon research, and implementation of the 1999 Pacific Salmon Treaty Agreement and related agreements, there is authorized to be appropriated in fiscal year 2000, $50,000,000 to the States of California, Oregon, Washington, and Alaska. The State of Alaska may allocate a portion of any funds it receives under this subsection to eligible activities outside Alaska.

(3) For salmon habitat restoration, salmon stock enhancement, salmon research, and implementation of the 1999 Pacific Salmon Treaty Agreement and related agreements, there is authorized to be appropriated $6,000,000 in fiscal year 2000 to the Pacific Coastal tribes (as defined by the Secretary of Commerce) and $2,000,000 in fiscal year 2000 to the Columbia River tribes (as defined by the Secretary of Commerce).

Funds appropriated to the States under the authority of this section shall be subject to a 25 percent non-Federal match requirement. In addition, not more than 3 percent of such funds shall be available for administrative expenses, with the exception of funds used in Washington State for the Forest and Fish Agreement.

SEC. 624. Funds made available under Public Law 105-277 for costs associated with implementation of the American Fisheries Act of 1998 (division C, title II, of Public Law 105-277) for vessel documentation activities shall remain available until expended.

SEC. 625. Effective as of October 1, 1999, section 635 of Public Law 106-58 is amended—

(1) in subsection (b)(2), by inserting "the carrier for" after "if"; and

(2) in subsection (c), by inserting "or otherwise provide for" after "to prescribe".

SEC. 626. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 627. None of the funds appropriated in this Act shall be available for the purpose of granting either immigrant or nonimmigrant visas, or both, consistent with the Secretary's determination under section 243(d) of the Immigration and Nationality Act, to citizens, subjects, nationals, or residents of countries that *the Attorney General has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under that section.*

SEC. 628. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 629. Beginning 60 days from the date of the enactment of this Act, none of the funds appropriated or otherwise made available by this Act may be made available for the participation by delegates of the United States to the Standing Consultative Commission unless the President certifies and so reports to the Committees on Appropriations that the United States Government is not implementing the Memorandum of Understanding Relating to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the limitation of Anti-Ballistic Missile Systems of May 26, 1972, entered into in New York on September 26, 1997, by the United States, Russia, Kazakhstan, Belarus, and Ukraine, or until the Senate provides its advice and consent to the Memorandum of Understanding.

SEC. 630. None of the funds made available in this Act may be used for any activity in support of adding or maintaining any World Heritage Site in the United States on the List of World Heritage in Danger as maintained under the Convention Concerning the Protection of the World Cultural and Natural Heritage.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

DRUG ENFORCEMENT ADMINISTRATION

DRUG DIVERSION CONTROL FEE ACCOUNT

(RESCISSION)

Amounts otherwise available for obligation in fiscal year 2000 for the Drug Diversion Control Fee Account are reduced by $35,000,000.

IMMIGRATION AND NATURALIZATION SERVICE

IMMIGRATION EMERGENCY FUND

(RESCISSION)

Of the unobligated balances available under this heading, $1,137,000 are rescinded.

DEPARTMENT OF STATE AND RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

(RESCISSION)

Of the unobligated balances available under this heading, $15,516,000 are rescinded.

RELATED AGENCIES

SMALL BUSINESS ADMINISTRATION

BUSINESS LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the unobligated balances available under this heading, $13,100,000 are rescinded.

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000".

Following is explanatory language on H.R. 3421, as introduced on November 17, 1999.

The conferees on H.R. 3194 agree with the matter inserted in this division of this conference agreement and the following description of this matter. This matter was developed through negotiations on the differences in H.R. 2670, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000, by members of the subcommittees of both House and Senate with jurisdiction over H.R. 2670. H.R. 2670 was vetoed. The format of the statement of the managers for this division is, in general, a repetition of the statement of the managers for the vetoed conference report with modifications to reflect the changes to teh vetoed bill. References in the following statement to appropriations amounts or other items proposed by the House bill or Senate amendment refer only to those amounts and items recommended in the House-passed and Senate-passed versions of H.R. 2670. Any reference to appropriations amounts or other items included in the conference agreement reflects the final agreement on H.R. 3194.

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $79,328,000 for General Administration as proposed in the House bill, instead of $82,485,000 as proposed in the Senate bill. The conference agreement assumes requested increases for reimbursable workyears for the Office of Information and Privacy as proposed in the House and Senate reports, and for the Justice Management Division as proposed in the House report. No additional funding has been provided for additional positions for the Office of Intelligence and Policy Review.

Within the total amount provided, the conference agreement includes $8,136,000 for the Department Leadership Program as proposed in both the House and Senate bills. In addition, the conference agreement includes a provision which retains the limitation on the Department Leadership Program to the level of augmentation that occurred in these offices in fiscal year 1999.

The conference agreement also includes a provision that provides 41 permanent positions and 48 full-time equivalent workyears and $4,811,000 for the Offices of Legislative Affairs and Public Affairs, modified to allow the use of non-reimbursable career detailees as proposed in the Senate bill. The House bill contained a similar provision, but did not allow for the use of non-reimbursable detailees.

The conference agreement includes a provision that provides the Attorney General the authority to transfer forfeited property of limited value to a State or local government or its designee for certain community-based programs, subject to reprogramming requirements, as proposed in the House bill. The Senate bill did not contain this provision.

The House report language with respect to the Department of Justice's actions to expeditiously protect the constitutional rights of all individuals is adopted by reference. In addition, the conferees concur with the direction included in the House report regarding comprehensive budget and financial reviews of Departmental components. The conferees expect the Attorney General to complete these reviews no later than January 15, 2000, and to provide a report to the Committees on Appropriations no later than February 15, 2000, on the results of these reviews and any recommendations for improvements in the budget and financial management practices of Departmental components.

JOINT AUTOMATED BOOKING SYSTEM

The conference agreement includes $1,800,000 as a separate account for the Joint Automated Booking System (JABS) program, instead of $6,000,000 as proposed in the Senate bill. The House bill did not provide a separate appropriation for JABS. A direct appropriation is provided to fund the Departmental program office established to run this program. In addition, should funding be available from Super Surplus funds under the Assets Forfeiture Fund, the Attorney General is expected to make available up to $4,200,000 for JABS development and deployment activities. The Senate report language regarding centralized funding for this program is adopted by reference.

NARROWBAND COMMUNICATIONS

The conference agreement includes $115,941,000 for narrowband communications conversion activities, instead of $125,370,000 as proposed in the House bill, and $20,000,000 as proposed in the Senate bill. Of this amount, $10,625,000 is provided as a direct appropriation, $92,545,000 is provided through transfers from Departmental components, and $12,771,000 is provided from Super Surplus balances in the Assets Forfeiture Fund, should funds be available. The Senate bill proposed a direct appropriation of $20,000,000, and the House bill provided no direct appropriation but instead made funds available through transfers from Departmental components and Super Surplus balances from the Assets Forfeiture Fund.

Within the amount provided, $10,625,000 is to support the Wireless Management Office (WMO), including systems planning and pilot tests, and $105,316,000 is for wireless replacement activities, and operations and maintenance of legacy systems. The conferees expect the Department of Justice to move forward with the Department-wide consolidated, regional, interagency strategy developed by the WMO, and have therefore centralized all funding for narrowband communications activities under the WMO. The conferees expect the WMO to submit to the Committees on Appropriations no later than February 15, 2000, a status report on implementation of this plan. The conference agreement adopts the recommendations included in the House and Senate reports regarding the fiscal year 2001 budget submission for narrowband activities, and the House report language regarding the transfer of unobligated balances to the WMO.

The conference agreement does not include language proposed in the Senate bill allowing funds to be transferred to any Department of Justice organization upon approval by the Attorney General, subject to reprogramming procedures. The House bill contained no similar provision.

COUNTERTERRORISM FUND

The conference agreement includes $10,000,000 for the Counterterrorism Fund as proposed in the House bill, instead of $27,000,000 as proposed in the Senate bill. When combined with $22,340,581 in prior year carryover, a total of $32,340,581 will be available in the Fund in fiscal year 2000 to cover unanticipated, extraordinary expenses incurred as a result of a terrorist threat or incident. The conferees reiterate the concerns expressed in both the House and Senate reports regarding the use of the Fund, and expect that the Fund will be used only for unanticipated, extraordinary expenses which cannot reasonably be accommodated within an agency's regular budget. The Attorney General is required to notify the Committees on Appropriations in accordance with section 605 of this Act, prior to the obligation of any funds from this account.

The conference agreement adopts the direction included in the House and Senate reports regarding the National Domestic Preparedness Office. The House and Senate report language regarding funding for cyberterrorism and related activities, and the Senate report language regarding the development of a Continuity of Government comprehensive emergency plan is also adopted by reference. The Senate report language regarding the involvement of State and local governments in the annual update of the comprehensive counterterrorism and technology crime plan is adopted by reference.

The conference agreement does not include language proposed in the Senate bill allowing the Fund to be used for the costs of conducting assessments of Federal agencies and facilities. The House bill did not contain this provision.

TELECOMMUNICATIONS CARRIER COMPLIANCE FUND

The conference agreement includes $15,000,000, as proposed in both the House and Senate bills, for the Telecommunications Carrier Compliance program to reimburse equipment manufacturers and telecommunications carriers and providers of telecommunications services for implementation of the Communications Assistance for Law Enforcement Act of 1994 (CALEA).

ADMINISTRATIVE REVIEW AND APPEALS

The conference agreement includes $148,499,000 for Administrative Review and Appeals, instead of $134,563,000 as proposed in the House bill and $89,978,000 as proposed in the Senate bill, of which $50,363,000 is provided from the Violent Crime Reduction Trust Fund. Of the total amount provided, $146,899,000 is for the Executive Office for Immigration Review (EOIR) and $1,600,000 is for the Office of the Pardon Attorney.

The conferees direct the Executive Office for Immigration Review to provide the following: (1) beginning on March 1, 2000, semi-annual reports on the number of immigration judges and Board of Immigration Appeals members; the number of cases pending and the number of cases completed before each body for each 6-month period; and the number of cases completed by type of completion (order of removal, termination, administratively closed, or relief granted) for those cases in each 6-month period; and (2) by April 1, 2000, a report, which should include consultation with the Immigration and Naturalization Service and the private bar, on the feasibility of electronic filing of documents, such as Notices to Appear, applications for relief, Notices of Appeal, and briefs, with the Offices of Immigration Judges and with the Board of Immigration Review.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $40,275,000 for the Office of Inspector General, instead of $42,475,000 as proposed in the House bill, and $32,049,000 as proposed in the Senate bill.

The conference agreement does not include requested bill language which was included in the House bill, but not in the Senate bill, to use 0.2 percent of Violent Crime Reduction Trust Funds to audit grant programs within the Department. The conference agreement includes requested language relating to motor vehicles, which was in the House bill but not in the Senate bill. The conference agreement includes bill language designating a portion of funds to be used for narrowband conversion activities and transfers these funds to the Department of Justice Wireless Management Office.

The conferees are deeply concerned that Department employees accused of wrongdoing are not enjoying the swift justice that is every citizen's right. Though the Inspector General has made some progress in working down its backlog of "non-judicial cases", including special investigations, there are still far too many investigations that have stretched as long as 60 months without action or resolution. The conferees direct that all cases opened before April 1, 1999 shall be resolved not later than 60 days after the date of enactment of this Act in one of the following ways: (1) referral to the U.S. Attorneys for prosecution, (2) referral to the appropriate component for administrative punishment, (3) transmittal of a letter to the appropriate component for inclusion in the personnel jacket of the accused indicating case closure based upon a lack of evidence, or (4) transmittal of a letter to an appropriate component for inclusion in the personnel jacket of the accused indicating case closure based upon exoneration.

The conferees understand that there may be extenuating circumstances for certain extraordinary cases which may not allow for compliance with this requirement. In such instances, the Office of Inspector General shall report in an appropriate manner, so as not to jeopardize the pending investigation, to the Committees on Appropriations, the status and anticipated completion date for these cases. This report shall be submitted no later than 90 days after the date of enactment and shall be updated on a semi-annual basis.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $8,527,000 for the U.S. Parole Commission, instead of $7,380,000 as proposed in the House bill and $7,176,000 as proposed in the Senate bill.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The conference agreement includes $504,945,000 for General Legal Activities instead of $503,620,000 as proposed in the House bill, and $485,000,000 as proposed in the Senate bill, of which $147,929,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF) as proposed in the House bill. Of this amount, $582,000 is to be transferred to the Presidential Advisory Commission on Holocaust Assets in the United States.

Except for amounts provided to the Civil Rights Division the conference agreement includes no other program increases for this account, but instead has provided base adjustments proportionately distributed among the divisions. The distribution of funding included in the conference agreement is as follows:

Office of the Solicitor General	$6,770,000
Tax Division	67,200,000
Criminal Division	104,477,000
Civil Division	147,616,000
Environment and Natural Resources	65,209,000
Office of Legal Counsel	4,698,000
Civil Rights Division	82,150,000
Interpol—USNCB	7,360,000
Legal Activities Office Automation	18,571,000
Office of Dispute Resolution	312,000
Total	504,363,000

The conference agreement allows $36,666,000 to remain available until expended for office automation costs, instead of $55,166,000 as proposed in the Senate bill, and $18,166,000 as proposed in the House bill. The conference agreement adopts the Senate position that no funds are provided for the Joint Center for Strategic and Environmental Enforcement, and by reference adopts the House report language regarding extradition tracking systems.

THE NATIONAL CHILDHOOD VACCINE INJURY ACT

The conference agreement includes a reimbursement of $4,028,000 for fiscal year 2000 from the Vaccine Injury Compensation Trust Fund to the Department of Justice, as proposed in the Senate bill, instead of $3,424,000 as proposed in the House bill.

SALARIES AND EXPENSES, ANTITRUST DIVISION

The conference agreement provides $110,000,000 for the Antitrust Division, instead of $112,318,000 as proposed in the Senate bill, and $105,167,000 as proposed in the House bill. The conference agreement assumes that of the amount provided, $81,850,000 will be derived from fees collected in fiscal year 2000, and $28,150,000 will be derived from estimated unobligated fee collections available from 1999 and prior years, resulting in a net direct appropriation of $0. It is intended that any excess fee collections shall remain available for the Antitrust Division in future years.

The conferees are aware that the Division is facing increased requirements related to electronic data storage, data processing, and automated litigation support which have impacted the ability of the Antitrust Division to maintain its current base operating level. Therefore, the conference agreement has included sufficient funding to address these requirements to enable the Division to maintain the current operating level.

The conference agreement includes language proposed in the Senate bill making technical corrections to code citations.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The conference agreement includes $1,161,957,000 for the U.S. Attorneys as proposed in the House bill, instead of $1,089,478,000 as proposed in the Senate bill, all of which is a direct appropriation, instead of $500,000,000 from the Violent Crime Reduction Trust Fund (VCRTF) as proposed in the Senate bill.

The conference agreement provides a net increase of $60,755,000 for adjustments to base as follows: $69,944,000 is provided for annualization of the 96 positions provided in fiscal year 1999, as well as other pay and inflationary costs, offset by $9,189,000 in base decreases attributable to savings from the direction included in the Senate report regarding unstaffed offices, the provision of funding for the victims witness coordinator and advocate program from the Crime Victims Fund, and other non-recurring requirements.

The conference agreement also includes the following program increases:

Firearms Prosecutions.—The conference agreement provides $7,125,000 to continue and expand intensive firearms prosecution projects to enforce Federal laws designed to keep firearms out of the hands of criminals and to enhance existing law enforcement efforts. The conferees direct the Executive Office of US Attorneys (EOUSA) to submit a spending plan to the Committees on Appropriations no later than December 1, 1999. This spending plan shall give priority consideration to the needs of those areas referenced in the Senate-passed bill, as well as other areas with high incidences of firearms violations.

Legal Education.—The conference agreement provides a program increase of $2,300,000 to establish a distance learning facility at the National Advocacy Center (NAC) in accordance with the direction included in the Senate report. When combined with $15,015,000 included within base resources, as requested in the budget, a total of $17.315.000 is included under this account for legal education at the National Advocacy Center (NAC).

Courtroom Technology.—The conference agreement provides $1.399.000 for technology demonstration projects, with priority given to the locations referred to in the Senate report.

In addition, $1.000.000 is included from within base resources to continue a violent crime task force demonstration project to investigate and prosecute perpetrators of Internet sexual exploitation of children, to be administered under the auspices of Operation Streetsweeper, as proposed in the Senate bill.

The conference agreement does not adopt the recommendations included in the Senate report regarding term appointments, civil defensive litigation, or child support enforcement.

In addition to identical provisions that were included in both the House and Senate bills, the conference agreement includes the following provisions: (1) providing for 9,120 positions and 9,398 workyears for the U.S. Attorneys, instead of 9,044 positions and 9,360 workyears as proposed in the House bill, and 9,044 positions and 9,312 workyears as proposed in the Senate bill; (2) allowing not to exceed $2,500.000 for debt collection activities to remain available for two years as proposed in the House bill; and (3) allowing not to exceed $2.500.000 for the National Advocacy Center and $1.000.000 for violent crime task forces to remain available until expended as proposed in the Senate bill. The conference agreement does not include language proposed in the Senate bill designating funding for civil defensive litigation, allowing the transfer of up to $20.000.000 from this account to the Federal Prisoner Detention account, and designating funding for certain task force activities.

UNITED STATES TRUSTEE SYSTEM FUND

The conference agreement provides $112,775,000 in budget authority for the U.S. Trustees, of which $106,775,000 is derived from fiscal year 2000 offsetting fee collections, and $6,000,000 is derived from interest earned on Fund investments, instead of $112,775,000 in budget authority and fiscal year 2000 offsetting fee collections as proposed in the Senate bill, and $114,248,000 in budget authority, of which $108,248,000 is derived from fiscal year 2000 offsetting fee collections and $6,000,000 in interest earnings as proposed in the House bill.

The conference agreement assumes that $9,319,000 in prior year carryover will be available to the U.S. Trustees in fiscal year 2000, providing a total operating level of $122,094,000, the full amount necessary to maintain the current operating level of 1,128 positions and 1,059 workyears. The conferees remind the U.S. Trustees that amounts collected or otherwise available in excess of the total operating level assumed in the conference agreement are subject to section 605 of this Act. In addition, the conferees adopt by reference the Senate report language on the National Advocacy Center (NAC). The conferees direct the U.S. Trustees to report to the Committees on Appropriations no later than December 31, 1999, on the planned number and type of bankruptcy classes to be conducted at the NAC.

The conference agreement includes a provision as proposed in the House-bill to allow interest earned on Fund investment to be used for expenses in this appropriation. The Senate bill did not contain this provision.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

The conference agreement provides $1.175.000 for the Foreign Claims Settlement Commission, as requested and as provided in both the House and Senate bills, and assumes funding in accordance with both the House and Senate bills.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

The conference agreement includes $543.365.000 for the U.S. Marshals Service Salaries and Expenses account, instead of $538.909.000 as proposed in the House bill and $547.253.000 as proposed in the Senate bill. Of this amount, the conference agreement provides that $209.620.000 will be derived from the Violent Crime Reduction Trust Fund (VCRTF) as proposed in the House bill, instead of $138.000.000 as proposed in the Senate bill.

The amount included in the conference agreement includes a $29.832.000 net increase for inflationary and other base adjustments, including $1.600.000 to continue and expand the Marshals Service's subscriptions to credit bureau and personal and commercial property on-line services. The conferees remain seriously concerned about the Marshals Service's inability to accurately project its funding requirements and effectively manage the resources provided. Therefore, the conference agreement adopts by reference the language and direction included in the House report regarding budget and financial management practices.

In addition, the conference agreement includes $20.424.000 in program increases for the following: (1) $4.003.000 (56 positions and 28 workyears) for courthouse security personnel related to activation of new courthouses opening in fiscal year 2000: (2) $2.600.000 for electronic surveillance unit equipment: and (3) $13.821.000 for courthouse security equipment, of which $9.000.000 is to be derived from the Working Capital Fund, to be provided for newly opening courthouses as follows:

USMS Courthouse Security Equipment

[In thousands of dollars]

Omaha, NE	$1,000
Hammond, IN	866
Covington, KY	161
London, KY	275
Montgomery, AL	1.130
Tucson, AZ	846
Phoenix, AZ	861
Charleston, SC	379
Albany, NY	478
Los Angeles, CA	256
Sioux City, IA	264
Agana, Guam	781
Islip, NY	1,669
St. Louis, MO	1,754
Las Vegas, NV	900
Riverside, CA	436
Corpus Christi, TX	1.000
Charleston, WV	100
Pocatello, ID	15
Albuquerque, NM	200
Kansas City, MO	450
Total, USMS Security Equipment	13.821

The conferees expect the Marshals Service to give priority to those facilities scheduled to come on line in the first half of fiscal year 2000, and expect to be notified in accordance with section 605 of this Act prior to any deviation from the above distribution.

The conference agreement does not include a provision proposed in the Senate bill requiring a judge to submit a written request to the Attorney General for approval prior to the service of process by a Marshals Service employee. The conferees are aware of concerns regarding the impact that service of process duties is having on the Marshals Service. Therefore, the conferees direct the Attorney General and the Marshals Service to work with the Administrative Office of the Courts to study alternatives for service of process in certain cases in which no law enforcement presence is required, and to report back to the Committees on Appropriations no later than February 1, 2000, on the impact of such alternatives on the Marshals Service and the Federal Courts.

In addition, the conferees concur with the recommendation included in the Senate report regarding the reallocation of personnel resulting from the defederalization of District of Columbia Superior Court operations. Should defederalization occur, the Marshals Service is directed to notify the Committees of such reallocation in accordance with section 605 of this Act.

The conference agreement does not include language proposed in the Senate bill which limits the use of contract officers and limits the use of employees of the Marshals Service to serve process.

CONSTRUCTION

The conference agreement includes $6.000.000 in direct appropriations for the U.S. Marshals Service Construction account instead of $9.632.000 as proposed in the Senate bill, and $4.600.000 as proposed in the House bill. An additional $2.600.000 is to be provided for this account should funds be available from Super Surplus balances in the Assets' Forfeiture Fund. The conference agreement includes the following distribution of funds:

USMS Construction

[In thousands of dollars]

Fairbanks, AK	$300
Prescott, AZ	125
Atlanta, GA	368
Moscow, ID	185
Rockford, IL	250
Louisville, KY	350
Detroit, MI	515
Las Cruces, NM	275
Greensboro, NC	725
Muskogee, OK	650
Pittsburgh, PA	550
Charleston, SC	725
Florence, SC	300
Spartanburg, SC	400
Columbia, TN	250
Beaumont, TX	450
Sherman, TX	850
Cheyenne, WY	500
Security Specialists Construction Engineers	832
Total, Construction	8.600

The conferees expect to be notified in accordance with section 605 of this Act prior to any deviation from the above distribution.

JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM FUND

The conference report includes requested language permanently establishing a revolving fund for the operation of the Justice Prisoner and Alien Transportation System (JPATS), as provided in both the House and Senate bills. The conference agreement does not include direct funding of $9.000.000 proposed in the Senate bill to pay for Marshals Service payments to the JPATS revolving fund. The conferees expect the Marshals Service to adequately budget for its own requirements for prisoner movements within its own base budget under the Salaries and

Expenses account, as is the practice for all other agencies, and have addressed the Marshals Service's needs under that account.

The conference agreement adopts the direction included in the House and Senate reports regarding full cost recovery, the direction included in the House report regarding system enhancements, and the direction included in the Senate report regarding surplus Department of Defense aircraft.

The conference agreement does not include language amending the definition of public aircraft with respect to JPATS activities, which was proposed in the Senate bill.

FEDERAL PRISONER DETENTION

The conference agreement provides $525,000,000 for Federal Prisoner Detention as proposed in the House bill, instead of $500,000,000 as proposed in the Senate bill, which is a $100,000,000 increase over the fiscal year 1999 level. This amount, combined with approximately $14,000,000 in carryover, will provide total funding of $539,000,000 in fiscal year 2000. The conferees remain extremely concerned about the inability of the Marshals Service to accurately project and manage the resources provided under this account. While the conferees appreciate the difficulty in projecting funding requirements the wide fluctuations which have occurred in recent years are unacceptable. Given the conferees' continued concern about the ability of the Marshals Service to provide accurate cost projections, the recommendation includes the amount of funding identified as necessary to detain the current average population, adjusted for anticipated increases in jail day costs, as well as allows for additional growth in the detainee population. A general provision has also been included elsewhere in this title, as requested, addressing medical services costs, which should result in savings to the program. Should additional funding be required, the conferees would be willing to entertain a reprogramming in accordance with Section 605 of this Act. In addition, the conference agreement adopts the direction included in the Senate report requiring quarterly reports on cost savings initiatives, as well as a report on sentencing delays.

FEES AND EXPENSES OF WITNESSES

The conference agreement includes $95,000,000 for Fees and Expenses of Witnesses as proposed in the House bill, instead of $110,000,000 as proposed in the Senate bill. The conference agreement does not include a provision allowing up to $15,000,000 to be transferred from this account to the Federal Prisoner Detention account, which was proposed in the Senate bill.

COMMUNITY RELATIONS SERVICE

The conference agreement includes $7,199,000 for the Community Relations Service, as proposed in both the House and Senate bills. In addition, the conference agreement includes a provision allowing the Attorney General to transfer up to $1,000,000 of funds available to the Department of Justice to this program, as proposed in the House bill. The Attorney General is expected to report to the Committees on Appropriations of the House and Senate if this transfer authority is exercised. In addition, a provision is included allowing the Attorney General to transfer additional resources, subject to reprogramming procedures, upon a determination that emergent circumstances warrant additional funding, as proposed in the House bill. The Senate bill did not include either transfer provision.

ASSETS FORFEITURE FUND

The conference agreement provides $23,000,000 for the Assets Forfeiture Fund as proposed in Senate bill, instead of no funding as proposed in the House bill.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

The conference agreement recommends $2,000,000 for fiscal year 2000, the full amount requested, the same amount proposed in both the House and Senate bills, and in accordance with the House and Senate bills.

PAYMENT TO RADIATION COMPENSATION EXPOSURE TRUST FUND

The conference agreement provides $3,200,000 in direct appropriations and assumes prior year carryover funding of $7,800,000 for total of $11,000,000 for the Compensation Trust Fund.

The Administration's fiscal year 2000 request was predicated on the passage of legislation that increased both the amount of payments to qualifying individuals and the number of categories of claimants. The proposed legislation has not been acted on and future passage is uncertain. The conferees are concerned that the Administration has expanded the number of claimants through the issuing of regulations when Congress has not chosen to do so through the normal legislative process. The conferees have provided adequate funding to cover the payments of the three categories of claimants currently provided for in statute. No additional funding is provided to cover the claims of individuals provided for by 29 CFR Part 79.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

The conference agreement includes a total of $316,792,000 for Interagency Crime and Drug Enforcement (ICDE) as proposed in the House bill, instead of $304,014,000 as proposed in the Senate bill. The distribution of funding provided is as follows:

Reimbursements by Agency

[In thousands of dollars]

Drug Enforcement Administration	$104,000
Federal Bureau of Investigation	108,544
Immigration and Naturalization Service	15,300
Marshals Service	1,900
U.S. Attorneys	83,300
Criminal Division	790
Tax Division	1,344
Administrative Office	1,614
Total	316,792

The conferees continue to believe that a dedicated, focused effort is needed for this activity. Therefore, the conference agreement adopts the approach included in both the House and Senate bills to continue funding for Department of Justice components' participation in ICDE activities as a separate appropriations account, instead of providing funding directly to individual components as proposed in the President's budget. The conferees recognize that in order to be truly successful, all participants must remain committed to the program, and the program must be implemented as efficiently as possible. The conferees direct the Department of Justice to conduct a comprehensive review of the program and provide a report to the Committees on Appropriations no later than January 15, 2000, with any recommendations to improve the program.

The conference agreement includes language allowing up to $50,000,000 to remain available until expended as proposed in the House bill, instead of $20,000,000 as proposed in the Senate bill.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The conference agreement includes $3,089,868,000 for the Federal Bureau of Investigation (FBI) Salaries and Expenses account as proposed in the House bill, instead of $2,973,292,000 as proposed in the Senate bill, of which $752,853,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF) as recommended in the House bill, instead of $280,501,000 as recommended in the Senate bill. In addition, the conference agreement provides that not less than $292,473,000 shall be used for counterterrorism investigations, foreign counterintelligence, and other activities related to national security as proposed in the House bill, instead of $260,000,000 as proposed in the Senate bill. This statement of managers reflects the agreement of the conferees on how the funds provided in the conference report are to be spent.

The conference agreement includes a net increase of $100,836,000 for adjustments to base, as follows: increases totaling $182,935,000 for costs associated with the annualization of new positions provided in fiscal year 1999, the 2000 pay raise, increased rent, continued direct funding of the National Instant Check System, and other inflationary adjustments; offset by decreases totaling $82,099,000 for non-recurring costs associated with the completion of the Integrated Automated Fingerprint Identification System (IAFIS) and one-time equipment purchases provided for in fiscal year 1999, the transfer of the State Identification grants program to the Office of Justice Programs, the rebaselining of certain programs to match actual expenditures, and reductions for vehicle and furniture purchases. In addition, the conference agreement includes program increases totaling $7,484,000, which are described below:

National Infrastructure Protection/Computer Intrusion.—The conference agreement adopts the direction included in the Senate report requiring the conversion of 95 part-time positions for Computer Analysis Response Teams (CART) to 62 full-time positions, which will enable the FBI to increase its total effort by 20%. The conferees believe that the complexity of computer forensic examinations necessitates a cadre of personnel dedicated to this activity, which can provide the necessary investigative support to field offices, and expect the FBI to deploy these personnel in a manner which maximizes coverage and support to field offices. To ensure that these teams can effectively respond to the needs of the field, a program increase of $3,399,000 has been provided for training, equipment, supplies and technology upgrades for these teams. The conferees direct the FBI to submit a spending plan to the Committees on Appropriations prior to the release of these funds. In addition, the conferees expect the FBI to comply with the direction included in the Senate report regarding the adequacy of examiner training, and the development of a master plan regarding current and planned capabilities to combat computer crime and intrusion.

In addition, the conference agreement provides a total of $18,596,000 for the National Infrastructure Protection Center (NIPC), of which $1,250,000 is for a cybercrime partnership with the Thayer School of Engineering, as proposed in the Senate report. This amount, when combined with $2,069,436 in carryover funding, will provide a total of $20,880,032 for the NIPC in fiscal year 2000, approximately the same level of funding available in fiscal year 1999, adjusted for costs associated with certain non-recurring requirements. It has come to the conferees' attention that concerns have been expressed regarding the adequacy of staffing levels at the NIPC. The conferees are concerned that the current FBI on-board staffing level at the NIPC is only at 80% of its authorized and funded level, and other agency participation is only at 70% of the authorized level. The conferees direct the FBI to provide a report to the Committees no later than December 1, 1999, on the actions it is taking to rectify this situation.

Mitochondrial DNA.—The conference agreement includes a program increase of $2,835,000 (5 positions and 3 workyears) for the development of the use of mitochondrial DNA to assist in the identification of missing persons, as proposed in the Senate report.

Criminal Justice Services.—The conference agreement includes a total of $212,566,000 for the Criminal Justice Information Services Division (CJIS), which includes the National Instant Check System (NICS), an increase of $81,500,000 above the request. Of this amount, $70,235,000 is for NICS, including $2,500,000 to be funded from prior year carryover, and $142,331,000 is for non-NICS activities, including $11,265,000 for an operations and maintenance shortfall affecting the Integrated Automated Fingerprint Identification System (IAFIS) and the National Crime Information Center (NCIC).

The fiscal year 2000 budget for the FBI included no direct funding for the NICS, and instead proposed to finance the costs of this system through a user fee. The conference agreement includes a provision under Title VI of this Act which prohibits the FBI from charging a fee for NICS checks, and instead provides funding to the FBI for its costs in operating the NICS.

Indian Country Law Enforcement.—The conferees share the concerns expressed in the Senate report regarding sexual assaults on Indian reservations. The conferees direct the FBI to reallocate not less than 25 agents to existing DOJ offices nearest to the Indian reservations identified in the Senate report. The conferees assume these agents will serve as part of multi-agency task forces dedicated to addressing this problem. While the conferees do not intend for this to be a permanent redirection of FBI resources, the conferees expect the FBI to implement this direction in the most cost effective manner possible. Therefore, the conferees direct the FBI to submit an implementation plan to the Committees on Appropriations no later than December 1, 1999, and to provide a report on the success of its investigative efforts not later than June 1, 2000.

Information Sharing Initiative (ISI).—The conference agreement does not include program increases for ISI. Within the total amount available to the FBI, $20,000,000 is available from fiscal year 2000 base funding, and $60,000,000 is available from unobligated balances from fiscal year 1999. The Bureau is again directed not to obligate any of these funds until approval by the Committees of an ISI plan.

The conferees reiterate the concerns expressed in the House report regarding the FBI's information technology initiatives. The FBI is expected to comply with the direction included in the House report regarding the submission of an Information Technology report, and is directed to provide this report to the Committees on Appropriations no later than November 1, 1999, and an updated report as part of the fiscal year 2001 budget submission.

National Domestic Preparedness Office (NDPO).—The FBI is considered the lead agency for crisis management; the Federal Emergency Management Agency (FEMA) is considered the lead agency for consequence management; and various other Federal agencies share additional responsibilities in the event of a terrorist attack. In the past, there has been no coordinated effort to prepare State and local governments to respond to terrorist incidents. The Department of Justice has proposed the establishment of an interagency National Domestic Preparedness Office (NDPO) to coordinate Federal assistance programs for State and local first responders, provide a single point of contact among Federal programs, and create a national standard for domestic preparedness, thereby improving the responsiveness of Federal domestic preparedness programs, while reducing duplication of effort. The conferees approve the Department's request to create the NDPO and direct the Department of Justice to submit to the Committees no later than December 15, 1999, the final blueprint for this office. Within the total amount available to the FBI, up to $6,000,000 may be used to provide funding for the NDPO in fiscal year 2000, subject to the submission of a reprogramming in accordance with section 605 of this Act. Further, the conferees expect the five-year interagency counterterrorism plan, which is to be submitted to the Committees no later than March 1, 2000, to identify and incorporate the NDPO's role and function.

Other.—From within the total amount provided under this account, the FBI is directed to provide not less than $5,204,000 to maintain the Crimes Against Children initiative as recommended in the Senate report. In addition, not less than $1,500,000 and 11 positions are to be provided to continue the Housing Fraud initiative as recommended in the House report. The conferees are concerned about the delay in fully implementing the Housing Fraud initiative provided for in fiscal year 1999, and expect the FBI to take all necessary actions to fully implement this initiative and report back to the Committees on Appropriations no later than December 1, 1999, on its actions.

The Senate report language regarding intelligence collection management officers, background checks for school bus drivers, the Northern New Mexico anti-drug initiative, and continued collaboration with the Southwest Surety Institute is adopted by reference. The conference agreement also adopts by reference the House report language regarding the National Integrated Ballistics Information Network (NIBIN).

In addition to identical provisions that were included in both the House and Senate bills, the conference agreement includes provisions, modified from language proposed in the House bill, authorizing the purchase of not to exceed 1,236 passenger motor vehicles, and designating $50,000,000 for narrowband communications activities to be transferred to the Department of Justice Wireless Management Office. The Senate bill did not include provisions on these matters. The conference agreement also includes language allowing up to $45,000 to be used for official reception and representation expenses as proposed in the House bill, instead of $65,000 as proposed in the Senate bill, and contains statutory citations under the Violent Crime Reduction Trust Fund proposed in the House bill, which were not included in the Senate bill.

The conference agreement does not include language proposed in the Senate bill regarding the independent program office dedicated to the automation of fingerprint identification services, nor is language included limiting the total number of positions and workyears available to the FBI in fiscal year 2000. The House bill did not include similar provisions on these matters. However, the conferees are concerned about the continued variances between the FBI's funded and actual staffing levels. Therefore, the conferees direct the FBI to provide quarterly reports to the Committees on Appropriations which delineate the funded and the actual agent and non-agent staffing level for each decision unit, with the first report to be provided no later than December 1, 1999.

CONSTRUCTION

The conference agreement includes $1,287,000 in direct appropriations for construction for the Federal Bureau of Investigation (FBI), as provided for in the House bill, instead of $10,287,000 as proposed in the Senate bill. The agreement includes the funding necessary to continue necessary improvements and maintenance at the FBI Academy.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $1,276,250,000 for the Drug Enforcement Administration (DEA) Salaries and Expenses account as proposed in the House bill, instead of $1,217,646,000 as proposed in the Senate bill, of which $343,250,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF), instead of $344,250,000 as proposed in the House bill, and $419,459,000 as proposed in the Senate bill. In addition, $80,330,000 is derived from the Diversion Control Fund for diversion control activities. This statement of managers reflects the agreement of the conferees on how the funds provided in the conference report are to be spent.

Budget and Financial Management.—The conferees share the concerns expressed in both the House and Senate reports regarding DEA's budget and financial management practices, including DEA's failure to comply with section 605 of the appropriations Acts, resulting in resources being expended in a manner inconsistent with the appropriations Acts. As a result of these concerns, a comprehensive review was conducted by the Department of Justice and DEA, and a report was provided to the Committees on Appropriations on July 8, 1999, which recommended a series of management reforms to be implemented by DEA and included a revised budget submission for fiscal year 2000. The conferees expect DEA to expeditiously implement all management reforms recommended in that report. Further, the conference agreement has used the revised budget submission as the basis for funding provided for fiscal year 2000. The following table represents funding provided under this account:

DEA SALARIES AND EXPENSES

[Dollars in thousands]

Activity	Pos.	FTE	Amount
Enforcement:			
Domestic enforcement	2,195	2,134	$377,008
Foreign cooperative investigation	730	689	200,678
Drug and chemical diversion	142	143	14,598
State and local task forces	1,678	1,675	233,073
Subtotal	4,745	4,641	825,357
Investigative Support:			
Intelligence	883	900	106,133
Laboratory services	381	378	42,833
Training	99	98	19,861
RETO	355	353	101,783
ADP	131	129	96,994
Subtotal	1,849	1,858	367,604
Management and administration	857	849	83,289

DEA SALARIES AND EXPENSES—Continued

[Dollars in thousands]

Activity	Pos.	FTE	Amount
Total, DEA	7,451	7,348	1,276,250

DEA is reminded that any deviation from the above distribution is subject to the reprogramming requirements of section 605 of this Act.

The conference agreement provides a net increase of $20,312,000 for pay and other inflationary costs to maintain current operations, as follows: increases totaling $50,220,000 for costs associated with annualization of 617 new positions provided in fiscal year 1999, the 2000 pay raise, increased rent, and other inflationary increases; offset by decreases totaling $29,908,000 for costs associated with one-time and non-recurring equipment purchases and other items provided for in fiscal year 1999, and a general reduction in administrative overhead.

In addition, the conference agreement includes program increases totaling $41,925,000, as follows:

Caribbean Initiative.—The conference agreement includes a total of $5,500,000 (17 positions, including 11 agents) to augment the Caribbean Initiative funded in fiscal years 1998 and 1999, as follows:

—$1,900,000 within Domestic Enforcement for 17 positions and 9 workyears for new agents and support in Puerto Rico;

—$500,000 within Domestic Enforcement to address law enforcement retention efforts in Puerto Rico, including the development of a community liaison office and center to provide assistance to Department of Justice employees and their families;

—$3,100,000 within Research, Engineering, Test and Operations (RETO) to purchase four MWIR airborne thermal imaging systems and eight installation kits for UH-60 aircraft to support multi-agency operations in the Bahamas and North Caribbean. The conferees expect these aircraft to be configured like the US Customs Service UH-60 counter-drug aircraft to enhance interoperability.

The conferees direct DEA to provide quarterly status reports on the implementation of these initiatives. Further, the conference agreement adopts by reference the House report language regarding requirements related to the Caribbean.

Source Country/International Strategy.—Within the amount provided for Foreign Cooperative Investigations, the conference agreement includes program increases totaling $5,000,000 (19 positions, including 8 agents) to enhance staffing in Central and South America, as follows:

—$1,500,000 for 6 positions, including 2 agents, to enhance staffing in Panama (3 positions, including 2 agents), Nicaragua (1 position), and Belize (2 positions); and

—$3,500,000 for 13 positions, including 6 agents, to enhance staffing in Argentina (2 positions, including 1 agent), Brazil (3 positions, including 2 agents); Chile (2 positions, including 1 agent); Peru (2 positions); and Venezuela (4 positions, including 2 agents).

The conferees are aware of concerns expressed regarding the adequacy of non-agent personnel in source countries, resulting in agent resources being used to perform functions more efficiently performed by non-agent personnel. Therefore, the conference agreement has included additional non-agent positions to address this problem. The conferees urge the DEA to review the adequacy of non-agent personnel in source countries to ensure that adequate support is provided. DEA is expected to provide quarterly reports on investigative and non-investigative workyears and funding, by type, within source and transit countries, including the Caribbean, delineated by country and function, with the first report to be provided not later than November 15, 1999.

Domestic Enhancements.—The conference agreement includes program increases totaling $10,700,000 for domestic counter-drug activities, exclusive of the Caribbean Initiative. Included are the following program increases:

—$4,600,000 within Domestic Enforcement for 25 positions (15 agents) and 13 workyears for Regional Enforcement Teams (RETS), to provide a total of $17,400,000 for RETS in fiscal year 2000. The conferees expect the additional personnel and resources provided to be dedicated to locations in the Western United States as determined by DEA, and to focus primarily on the methamphetamine problem in that geographic region;

—$2,800,000 within State and Local Task Forces for 20 positions (12 agents) and 10 workyears for Mobile Enforcement Teams (METS), to provide a total of $53,900,000 for METS in fiscal year 2000. The conferees expect the additional personnel and resources provided to be dedicated to locations as determined by DEA, and to focus primarily on the problems of black tar heroin and methamphetamines;

—$1,500,000 within State and Local Task Forces for State and local methamphetamine training, as recommended in the Senate report;

—$1,000,000 within Domestic Enforcement for Drug Demand Reduction programs, as recommended in the House report;

—$400,000 within Domestic Enforcement for black tar heroin and methamphetamine enforcement along the Southwest border to address this problem in cooperation with other Federal law enforcement agencies, with particular emphasis on the illegal drug trafficking problem in Northern New Mexico;

—$400,000 within State and Local Task Forces for support for methamphetamine enforcement in Iowa, as directed in the Senate report.

In addition, DEA is expected to comply with the direction included in the House report regarding DEA's continued participation in the HIDTA program, and support for DEA's newly established office in Madisonville, Kentucky. DEA is also expected to comply with the direction included in the Senate report regarding Operation Pipeline.

Investigative Support Requirements.—The conference agreement includes $20,725,000 to address critical infrastructure needs, as follows:

—$7,725,000 within RETO to consolidate and enhance DEA's electronic surveillance capabilities to support multi-agency, multi-jurisdictional investigations;

—$13,000,000 within ADP to accelerate the completion of Phase II of FIREBIRD to December 2001. This amount will provide a total of $44,890,000 in fiscal year 2000 for FIREBIRD, of which $37,490,000 is to be for deployment only, and $7,400,000 is for operations and maintenance (O&M) of the system, the full amount requested in the budget. Should additional funds be required for O&M, the Committees would be willing to entertain a reprogramming in accordance with section 605 of the Act. The conferees share the concerns expressed in the House report regarding this program, and direct DEA to provide a full program plan for completion of Phase II of FIREBIRD, including deployment and O&M costs, to the Committees on Appropriations not later than December 1, 1999, and to provide quarterly status reports thereafter on deployment and O&M, delineated by location and function.

Drug Diversion Control Fee Account.—The conference agreement provides $80,330,000 for DEA's Drug Diversion Control Program, including $3,260,000 in adjustments to base and program increases, as requested. In addition, the Senate report language regarding development of electronic reporting and records systems is adopted by reference. The conference agreement assumes that the level of balances in the Fee Account are sufficient to fully support diversion control programs in fiscal year 2000. As was the case in fiscal year 1999, no funds are provided in the DEA Salaries and Expenses appropriation for this account in fiscal year 2000.

CONSTRUCTION

The conference agreement includes $5,500,000 in direct appropriations for construction for the Drug Enforcement Administration (DEA) as proposed in the Senate bill, instead of $8,000,000 as proposed in the House bill.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

The conference agreement includes $2,909,665,000 for the salaries and expenses of the Immigration and Naturalization Service (INS), instead of $2,932,266,000 as provided in the House bill, and $2,570,164,000 as provided in the Senate bill, of which $1,267,225,000 is from the Violent Crime Reduction Trust Fund, instead of $1,311,225,000 as proposed in the House bill and $873,000,000 as proposed in the Senate bill. In addition to the amounts appropriated, the conference agreement assumes that $1,269,597,000 will be available from offsetting fee collections instead of $1,285,475,000 as proposed by the House and $1,290,162,000 as proposed by the Senate. Thus, including resources provided under construction, the conference agreement provides a total operating level of $4,260,416,000 for INS, instead of $4,289,231,000 as proposed by the House and $3,999,290,000 as proposed by the Senate. This statement of managers reflects the agreement of the conferees on how the funds provided in the conference report are to be spent.

Base adjustments.—The conference agreement provides $54,740,000 for base restoration, instead of the requested $55,830,000, and provides $7,112,000 for the annualization of the fiscal year 1999 pay raise, instead of the requested $14,961,000, the remaining amount of which has already been paid in the current fiscal year. Additionally, the conference agreement includes $30,000,000 for the annualization of the Working Capital Fund base transfer, $3,794,000 for the National Archives records project, and $1,090,000 of the base restoration for fiscal year 1999 adjustments to base which are funded in the Examinations Fee account, since sufficient funds are available. The conference agreement does not include $11,240,000 for the Interagency Crime and Drug Enforcement funds, which are provided in a separate account or $20,000,000 for the annualization of border patrol agents not hired. The conference agreement does not include the transfers to the Examinations Fee account, H–1b account, or the breached bond/detention account, as proposed by the Senate report.

INS Organization and Management.—The conference agreement includes the concerns expressed in the House report that a lack of resources is no longer an acceptable response to INS's inability to adequately address its mission responsibilities. The conference agreement includes the establishment of clearer chains of command—one for enforcement activities and one for service to noncitizens—as one step towards making the INS a more efficient, accountable, and effective agency, as proposed in both the House and Senate reports. Consistent with the concept of separating immigration enforcement from service, the conference agreement continues to provide for a separation of funds, as in fiscal year 1999 and in the House bill. The conference agreement includes the separation of funds into two accounts, as requested and as proposed in the House bill: Enforcement and Border Affairs, and Citizenship and Benefits, Immigration Support and Program Direction. INS enforcement funds are placed under the Enforcement and Border Affairs account. All immigration-related benefits and naturalization, support and program resources are placed under the Citizenship and Benefits, Immigration Support and Program Direction account. Neither account includes revenues generated in various fee accounts to fund program activities in both enforcement and functions, which are in addition to the appropriated funds and are discussed below. Funds for INS construction projects continue to fall within the INS construction account.

The conference agreement includes bill language which provides authority for the Attorney General to transfer funds from one account to another in order to ensure that funds are properly aligned. Such transfers may occur notwithstanding any transfer limitations imposed under this Act but such transfers are still subject to the reprogramming requirements under Section 605 of this Act. It is expected that any request for transfer of funds will remain within the activities under those headings.

The conference agreement includes $1,107,429,000 for Enforcement and Border Affairs, $535,011,000 for Citizenship and Benefits, Immigration Support and Program Direction, and $1,267,225,000 from the Violent Crime Reduction Trust Fund.

The Enforcement and Border Affairs account is comprised of the following amounts: $922,224,000 for existing base activities for Border Patrol, Investigations, Detention and Deportation, and Intelligence; less $11,240,000 for the Interagency Crime and Drug Enforcement funds, which are provided in a separate account, less $20,000,000 for the annualization of border patrol agents not hired and less $7,555,000 for part of the fiscal year 1999 annualized pay raise, the remaining amount of which has already been paid in the current fiscal year.

The Citizenship and Benefits, Immigration Support and Program Direction account includes $539,099,000 (plus VCRTF funds) for the existing activities of citizenship and benefits, immigration support, and management and administration; less $294,000 of the annualized fiscal year 1999 pay raise which has already been paid within the current year, and less $3,794,000 for archives and records, which are now funded within the Examinations Fee account. The requested $30,000,000 base restoration and the $1,090,000 base restoration for fiscal year 1999 adjustments to base need not be funded in the Salaries and Expenses base since sufficient funds are available within the Examinations Fee account. None of these amounts include offsetting fees, which are used to fund both enforcement and service functions.

Border Control.—The conference agreement includes $50,000,000 for 1,000 new border patrol agents and 475 FTEs, of which $1,500,000 is for border patrol recruitment devices, such as language proficiency bonuses, recruitment bonuses, and costs for improved recruitment outreach programs, including the possibility of expanding testing capabilities and other hiring steps, as described in the Senate report, and the establishment of an Office of Border Patrol Recruitment and Retention, as described in the Senate report, including the submission of recommendations on pay and benefits. Owing to INS's failure to hire 1,000 border patrol agents in fiscal year 1999, INS may provide a recruiting bonus to new agents hired after January 1, 2000. Should the INS be unable to recruit the required agents by June 1, 2000, the only other allowable purpose to which the $48,500,000 may be put is an increase in pay for non-supervisory agents who have served at a GS–9 level for more than one year. The Committees on Appropriations expect to be notified prior to the use of funds for a pay raise.

The conference report also includes $22,000,000 for additional border patrol equipment and technology, to be funded from existing base resources for information resource management, as follows: $9,350,000 for infrared night vision scopes; $6,375,000 for night vision goggles; $4,050,000 for pocket scopes; and $2,225,000 for laser aiming modules and infrared target pointers/illuminators. Additionally, the conference agreement includes $3,000,000, funded from the existing base for information resource management, for the Law Enforcement Support Center, as described in the Senate report.

The conference agreement includes the following reports on border-related activities and technologies: (1) hand-held night-vision binocular report by March 1, 2000, as in the House report; (2) night vision obligation report by December 15, 1999, as in the House report; (3) all-light, all-weather ground surveillance capability report by March 1, 2000, as in the House report; (4) border patrol hiring and spending plan for fiscal year 1999 by September 15, 1999, as in the House report; (5) report on the situation in the Tucson sector by October 1, 1999, as in the House report; (6) fiscal year 1999 border patrol aviation final report; and (7) a feasibility report on the participation of the Tucson sector in the ambulance reimbursement program by January 15, 2000. All overdue reports are still expected to be submitted to the Committees. The conferees are aware of a recently filed lawsuit against the INS and the Army Corps of Engineers challenging the major drug interdiction effort known as Operation Rio Grande and its impact on the environment. The conferees are concerned about the potential adverse effects that this suit may have on drug interdiction efforts. The conferees, therefore, direct the Department of Justice, within 30 days of enactment, to provide the House and Senate Appropriations Committees with a report on the status of this lawsuit.

IAFIS/IDENT.—The conferees direct the Assistant Attorney General for Administration to submit a plan by November 1, 1999, to integrate the INS IDENT and the FBI IAFIS systems. This plan should address Congressional concerns that the current environment does not provide other Federal, State and local law enforcement agencies with access to fingerprint identification information captured by INS Border Patrol agents, nor does it provide the Border Patrol with the full benefit of FBI criminal history records when searching criminal histories of persons apprehended at the border.

The conferees direct that the following studies be undertaken: a system design effort; a joint INS–FBI criminality study, involving a matching of IDENT recidivist records against the Criminal Master File; a study to determine the operational impact of 10-printing apprehended illegal crossers at the border; and an engineering proposal for the first phase to determine the validity of the systems development costs that have been estimated by the FBI. These studies will provide the data necessary to project accurate costs for the remainder of the development and implementation. The conferees expect that the Justice Management Division will oversee the integration effort and that all existing INS base funds for IDENT will be controlled by the Assistant Attorney General for Administration. The Assistant Attorney General for Administration shall submit to the Committees a proposed spending plan on the use of existing base funds available for IDENT for these studies and other related expenditures no later than December 15, 1999.

Deployment of border patrol resources.—The conference agreement directs the INS to continue its consultation with the Committees on Appropriations of both the House and Senate before deployment of new border patrol agents included in this conference agreement. In recognition of the increased problems in and around El Centro, California; Tucson, Arizona; the Southeastern states; and around the Northern border, as described in both the House and Senate reports, the conferees expect that the proposed deployment plan submitted to the Committees by INS will include an appropriate distribution to address these needs.

Interior enforcement.—The conference agreement includes $5,000,000 in additional funding within existing resources to continue and to expand the local jail program pursuant to Public Law 105–141. The conferees direct the INS to staff the Anaheim City Jail portion of this program with trained INS personnel on a full-time basis, especially the portions of the day or night when the greatest number of individuals are incarcerated prior to arraignment.

The conference agreement includes the following reports: (1) by January 15, 2000, a report on possible new quick response teams (QRTs), as described in the House report; (2) by November 30, 1999, the revised interior enforcement plan, as described in the House report; and (3) by January 15, 2000, the local jail program status report, as described in the House report.

Detention.—The conference agreement provides $200,000,000 for additional detention space for detaining criminal and illegal aliens, as described in the House report, of which $174,000,000 is in direct appropriations and $26,000,000 is from recoveries from the Violent Crime Reduction Trust Fund for fiscal year 1995. This amount is $30,000,000 less than the budget request and is funded from direct appropriations instead of the requested combination of appropriated funds, reinstatement of Section 245(i), transfer of funds from the Crime Victims Fund and a reallocation of funds within the account. The conference agreement continues funding for the $80,000,000 for detention provided in fiscal year 1999 supplemental appropriations and provides an additional 1,216 new beds for a total of approximately 18,535 detention beds in fiscal year 2000, and provides 176 additional detention and deportation staff to support these beds and $4,000,000 and 10 positions to begin implementation of standards at detention facilities.

The conference agreement includes the concerns raised in the House report about the INS's ability to plan for, request in a timely fashion, and manage sufficient detention space. Accordingly, the conference agreement includes the following reports: (1) by September 1, 1999, recommendations by the Attorney General on a Department-wide strategy on detention, as described in the House report; (2) by January 15, 2000, a detailed assessment of INS's current and projected detention needs for the next 3 years, as described in both the House and Senate reports, and including possible supplemental detention locations such as Etowah County Detention Center near Atlanta and Tallahatchie County prison in Tutwiler, a hiring plan for the additional detention and deportation personnel, and a proposal for the expansion of the number of juvenile detention beds; (3) by December 1, 1999, a report on the detention needs and costs associated with Operation Vanguard, as described in the House report; and (4) by March 1, 2000, a feasibility study and implementation plan for utilizing the Justice Prisoner and Alien Transportation System for a greater number of deportations. All overdue reports are still expected to be submitted to the Committees.

Naturalization.—The conference agreement includes full funding to continue the fiscal year 1999 Backlog Reduction Action Teams (BRAT) and accompanying resources during fiscal year 2000. The conference agreement includes the concerns raised in the House report about recently-discovered naturalization cases processed during the Citizenship USA initiative and requests a report on these cases by March 1, 2000, as described in the House report.

Institutional Removal Program.—The conferees assume that, in the implementation of the Institutional Removal Program (IRP), priority is given to violent offenders and those arrested for drug violations. The conferees direct the INS, in consultation with the Executive Office of Immigration Review, to report to the Committees on Appropriations on IRP caseload, by case type, for fiscal years 1997–1999. If the IRP caseload does not give priority to aliens imprisoned for serious violent felonies or drug trafficking, the INS is directed to explain why and to outline the steps it will take to focus IRP efforts on the most dangerous incarcerated aliens. The report shall be delivered not later than March 31, 2000.

Other.—In spite of the direction in the fiscal year 1999 supplemental appropriations Act to promptly submit all previously requested and overdue reports, the INS has failed to do so. Therefore, the conference agreement again includes the direction to INS to submit all outstanding reports to the Committees no later than November 1, 1999. The conference agreement also includes the following items: (1) Senate report language on special agent deployments aimed at forcing the INS to execute directives contained in both the fiscal year 1999 INS deployment plan and the conference report; (2) Senate direction to INS on assessment of staffing along the U.S.-Canadian border; and (3) Senate direction for INS-proposed periodic visits to the upper Shenandoah Valley.

OFFSETTING FEE COLLECTIONS

The conference agreement assumes $1,269,597,000 will be available from offsetting fee collections, instead of $1,285,475,000 as proposed by the House and $1,290,162,000 as proposed by the Senate, to support activities related to the legal admission of persons into the United States. These activities are entirely funded by fees paid by persons who are either traveling internationally or are applying for immigration benefits. The following levels are recommended:

Immigration Examinations Fees.—The conference agreement assumes $708,500,000 of spending from Immigration Examinations Fee account resources, instead of $712,800,000 as proposed by both the House and Senate. This is an increase of $19,921,000 over fiscal year 1999 and is due to an increase in the estimate of the number of applications that will be received in fiscal year 2000. The conference agreement assumes that the requested $3,794,000 for archives and records, the requested $30,000,000 for base restoration, and the requested $1,090,000 base for fiscal year 1999 adjustments to base are funded in this account, and not in the Salaries and Expenses, Citizenship and Benefits, Immigration Support and Program Direction account, since sufficient funds are available.

The conference agreement includes full funding to continue the fiscal year 1999 Backlog Reduction Action Teams (BRAT) and accompanying resources for fiscal year 2000. The agreement also continues funding for the implementation of a telephone customer service center to assist applicants for immigration benefits, for the indexing and conversion of INS microfilm images and for the records centralization initiative, and all projects which were funded in fiscal year 1999. The conferees have a strong interest in and supported in fiscal year 1999 the INS effort to modernize its records program, that is fundamental to improved services and enforcement activities. INS is therefore directed to fully fund the records centralization and redesign activities in Harrisonburg, VA and Lee Summit, MO and provide a progress report on records centralization to the Committee on Appropriations no later than January 15, 2000.

The agreement does not include the transfer to the Executive Office for Immigration Review, as proposed by the Senate report.

Inspections User Fee.—The conference agreement includes $446,151,000 of spending from offsetting collections in this account, the same amount proposed in both the House and Senate reports, and does not assume the addition of any new or increased fees on airline or cruise ship passengers. The recommendation does not include $9,918,000 for "re-evaluation of receipts" nor $888,000 for a portion of the annualization of 1999 pay raise which has already been paid in the current fiscal year. The agreement includes the data collection pilot program at J.F. Kennedy airport, as described in the House report, and the resulting report, to be submitted to the Committees no later than August 1, 2000, as well as the directive to submit certain documents by September 31, 1999, as described in the House report. The agreement does not include the transfer from the inspections user fee, as proposed in the Senate report.

Land border inspections fees.—The conference agreement includes $1,548,000 in spending from the Land Border Inspection Fund, a decrease of $1,727,000 under the current year due to lower projected receipts. The current revenues generated in this account are from Dedicated Commuter Lanes in Blaine and Port Roberts, Washington, Detroit Tunnel and Ambassador Bridge, Michigan, and Otay Mesa, California and from Automated Permit Ports that provide prescreened local border residents' border crossing privileges by means of automated inspections. The conference agreement includes the report on the feasibility of adding a secure electronic network for travelers rapid inspection program for dedicated commuter lanes at San Luis, Arizona by March 1, 2000, as described in the House report.

Immigration Breached Bond/Detention account.—The conference agreement includes $110,423,000 in spending from the Breached Bond/Detention account, instead of $117,501,000 in the House report and $127,771,000 in the Senate report, a decrease in $66,527,000 from fiscal year 1999 due to a decrease in revenue and $6,477,000 below the request. The level of spending assumed in the conference agreement is based on estimated revenues in this account totaling $55,683,000, which includes revenue projected for fiscal year 1999 and assumes the availability of funds from penalty fees from applications under 245(i) of the Immigration and Nationality Act, which expired on January 14, 1998. The conference agreement assumes $54,740,000 of expenses for alien detention costs provided under the salaries and expenses account for base restoration. The agreement does not include the base transfer to the breached bond/detention account, as proposed by the Senate report.

Immigration Enforcement Fines.—The conference agreement includes $1,850,000 in spending from Immigration Enforcement fines, instead of $1,303,000 assumed in both the House and Senate. The increase is due to new projections of carryover from fiscal year 1999 that will be available in fiscal year 2000.

H–1B fees.—The conference agreement includes $1,125,000 in spending from the new H-1B fee account, the amount requested and the amount proposed in both the House and Senate. This new account supports the processing of applications for H–1B temporary workers. The agreement does not include the transfer to this account, as proposed by the Senate report.

Other.—The conference agreement includes bill language, similar to that included in previous appropriations Acts, which provides: (1) up to $50,000 to meet unforeseen emergencies of a confidential nature; (2) for the purchase of motor vehicles for police-type use and for uniforms, without regard to general purchase price limitations; (3) for the acquisition and operation of aircraft; (4) for research related to enforcement of which up to $400,000 is available until expended; (5) up to $10,000,000 for basic officer training; (6) up to $5,000,000 for payments to State and local law enforcement agencies engaged in cooperative activities related to immigration; (7) up to $5,000 to be used for official reception and representation expenses; (8) up to $30,000 to be paid to individual employees for overtime; (9) that funds in this Act or any other Act may not be used for the continued operation of the San Clemente and Temecula checkpoints unless the checkpoints are open and traffic is being checked on a continuous 24-hour basis; (10) a specific level of funding for the Offices of Legislative and Public Affairs with a modification, and incorporating by reference House direction including that the level is not to affect the number of employees dedicated to casework; (11) a limit on the amount of funding available for non-career positions; (12) direction and authorization to the Attorney General to impose disciplinary actions, including termination of employment, for any INS employee who violates Department policies and procedures relative to granting citizenship or who willfully deceives the Congress or Department leadership on any matter; and (13) separate headings for Enforcement and Border Affairs and Citizenship and Benefits, Immigration Support, and Program Direction. In addition, new bill language is included designating a portion of funds to be used for narrowband conversion activities and transfers these funds to the Department of Justice Wireless Management Office. The agreement does not include the Senate provisions on fee payments by cash or cashier's checks or the cap on the number of positions.

CONSTRUCTION

The conference agreement includes $99,664,000 for construction for INS, instead of $90,000,000 as proposed in the House bill and $138,964,000 as proposed in the Senate bill. The conference agreement assumes funding of $51,468,000, of which $35,968,000 is for border patrol and ports of entry new construction (seven stations or sector headquarters and two ports of entry housing) as proposed in the Senate report; $6,500,000 for the Douglas, Arizona border patrol station; and $9,000,000 for maintenance and renovations to the Charleston Border Patrol Academy. The agreement includes $2,340,000 for planning, site acquisition and design of 5 border patrol stations and Texas checkpoints, as in the House report; $6,000,000 for military engineering support to border construction, pursuant to both House and Senate reports; $500,000 for planning, site acquisition and design, pursuant to the House report; $10,308,000 for one-time build out costs; $19,250,000 for servicewide maintenance and repair; $4,000,000 for servicewide fuel storage tank upgrade and repair; and $5,798,000 for program execution. The conference agreement also includes bill language, included in fiscal year 1999 and in the House bill, prohibiting site, acquisition, design, or construction of any border patrol checkpoint in the Tucson sector.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The conference agreement includes $3,111,634,000 for the salaries and expenses of the Federal Prison System, instead of $3,072,528,000 as proposed in the House bill and $3,163,373,000 as proposed in the Senate bill. Of this amount, the conference agreement provides $22,524,000 from the Violent Crime Reduction Trust Fund (VCRTF), as proposed in the House bill, instead of $46,599,000 as proposed in the Senate bill. The agreement assumes that, in addition to the amounts appropriated, $90,000,000 will be available for necessary operations in fiscal year 2001 from unobligated carryover balances as proposed by the House bill, instead of $50,000,000, to be made available for one fiscal year for activation of new facilities, as proposed by the Senate bill.

The conference agreement reduces the appropriation required for the Federal prison system by $46,793,000 without affecting requested program levels. Specifically, $31,808,000 in savings is achieved as a result of delays in scheduled activations and $4,985,000 is due to a reduction in the number of contract beds for the transfer of detainees from the Immigration and Naturalization Service required in fiscal year 2000. The conference agreement includes the notation on a recent report by the General Accounting Office, as in the House report.

The conference agreement includes bill language designating a portion of funds to be used for narrowband conversion activities and tranfers these funds to the Department of Justice Wireless Management Office.

BUILDINGS AND FACILITIES

The conference agreement includes $556,791,000 for construction, modernization, maintenance and repair of prison and detention facilities housing Federal prisoners, as proposed in the House bill, instead of $549,791,000 as proposed in the Senate bill, and assumes funding in accordance with the House bill.

The conferees direct the Bureau of Prisons to submit to the Committees a study of the feasibility of constructing additional medium or high security prisons or work camps at existing Federal prison sites, including those currently being constructed, and including Yazoo City, by May 1, 2000.

FEDERAL PRISON INDUSTRIES, INCORPORATED

(LIMITATION ON ADMINISTRATIVE EXPENSES)

The conference agreement includes a limitation on administrative expenses of $3,429,000, as requested and as proposed in the Senate bill, instead of $2,490,000 as proposed in the House bill.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

The conference agreement includes $307,611,000 for Justice Assistance, instead of $217,436,000 as proposed in the House bill, and $373,092,000 as proposed in the Senate bill.

The conference agreement includes the following:

Justice Assistance Programs

(In thousands of dollars)

National Institute of Justice	$43,448
Defense/Law Enforcement Technology Transfer	(10,277)
DNA Technology R&D Program	(5,000)
Bureau of Justice Statistics	25,505
Missing Children	19,952
Regional Information Sharing System[1]	20,000
National White Collar Crime Center	9,250
Management and Administration[2]	37,456
Subtotal	155,611
Counterterrorism Programs:	
General Equipment Grants	75,000
State and Local Bomb Technician Equipment Grants	10,000
Training Grants	37,000
Counterterrorism Research and Development	30,000
Subtotal	152,000
Total, Justice Assistance	307,611

[1] $5,000,000 included in COPS Technology, for a total of $25,000,000.

[2] $2,000,000 is included in the total Management and Administration amount for Counterterrorism programs.

This statement of managers reflects the agreement of the conferees on how funds provided for all programs under the Office of Justice Programs in this conference report are to be spent.

National Institute of Justice (NIJ).—The conference agreement provides $43,448,000 for the National Institute of Justice, instead of $42,438,000 as proposed in the House bill and $50,948,000 in the Senate bill. Additionally, $5,200,000 for NIJ research and evaluation on the causes and impact of domestic violence is provided under the Violence Against Women Grants program; $15,000,000 is provided from within technology funding in the State and Local Law Enforcement account to be available to NIJ to develop new, more effective safety technologies for safe schools; and $20,000,000 is provided to NIJ, as was provided in previous fiscal years, from the Local Law Enforcement Block Grant for assisting local units to identify, select, develop, modernize and purchase new technologies for use by law enforcement.

The conference agreement adopts the recommendation in the House and Senate reports that within the overall amount provided to NIJ, the Office of Justice Programs is expected to review proposals, provide a grant if warranted, and report to the Committees on its intentions regarding: a grant for the current year level for information technology applications for High Intensity Drug Trafficking Areas; a grant for the current year level for a pilot program with a Department of Criminal Justice Training and a College of Criminal Justice for rural law enforcement needs, as described in the House report; a grant for $300,000 to the U.S.-Mexico Border Counties Coalition for the development of a uniform accounting proposal to determine the costs to border States for the processing of criminal illegal aliens; a grant for $250,000 to study the casework increase on U.S. District Courts; $360,000 to the Center for Child and Family studies to conduct research into intra-family violence; a grant for $750,000 for the University of Connecticut Prison Health Center for prison health research; a grant for $1,000,000 for the University of Mississippi School of Psychiatry for research in addictive disorders and their connection to youth violence; and a grant for $300,000 for research into a non-toxic drug detection and identification aerosol technology, as described in the Senate report. Within available funds NIJ is directed to carry out a broad-based demonstration of computerized live scan fingerprint capture services and report to the Committees with the results.

Defense/Law Enforcement Technology Transfer.—Within the total amount provided to NIJ, the conference agreement includes $10,277,000 to assist NIJ, in conjunction with the Department of Defense, to convert nonlethal defense technology to law enforcement use. Within the amount is the continuation at the current year level of the law enforcement technology center network, which provides States with information on new equipment and technologies, as well as assists law enforcement agencies in locating high cost/low use equipment for use on a temporary or emergency basis, of which the current year level is provided for the technology commercialization initiative at the National Technology Transfer Center and other law enforcement technology centers.

DNA Technology Research and Development Program.—Within the amount provided, the conference agreement includes $5,000,000 to develop improved DNA testing capabilities, as proposed in the House and Senate reports.

Bureau of Justice Statistics (BJS).—The conference agreement provides $25,505,000 for the Bureau of Justice Statistics, instead of $22,124,000 as proposed in the House bill and $28,886,000 as proposed in the Senate bill. The recommendation includes $400,000 to support the National Victims of Crime survey and $400,000 to compile statistics on victims of crime with disabilities. The conferees direct BJS to implement a voluntary annual reporting system of all deaths occurring in law enforcement custody, and provide a report to the Committees on its progress no later than July 1, 2000, as provided in the House report.

Missing Children.—The conference agreement provides $19,952,000 for the Missing Children Program as proposed in the Senate bill, instead of the $17,168,000 as proposed in the House bill. The conference agreement provides a significant increase and further expands the Missing Children initiative included in the 1999 conference report, to combat crimes against children, particularly kidnapping and sexual exploitation. Within the amounts provided, the conference agreement assumes funding in accordance with the Senate report including:

(1) $8,798,000 for the Missing Children Program within the Office of Justice Programs,

Justice Assistance, including the following: $6,000,000 for State and local law enforcement to continue specialized cyberunits and to form new units to investigate and prevent child sexual exploitation which are based on the protocols for conducting investigations involving the Internet and online service providers that have been established by the Department of Justice and the National Center for Missing and Exploited Children.

(2) $9,654,000 for the National Center for Missing and Exploited Children, of which $2,125,000 is provided to operate the Cyber Tip Line and to conduct Cyberspace training. The conferees expect the National Center for Missing and Exploited Children to continue to consult with participating law enforcement agencies to ensure the curriculum, training, and programs provided with this additional funding are consistent with the protocols for conducting investigations involving the Internet and online service providers that have been established by the Department of Justice. The conferees have included additional funding for the expansion of the Cyber Tip Line. The conference agreement includes $50,000 to duplicate the America OnLine law enforcement training tape and disseminate it to law enforcement training academies and police departments within the United States. The conference agreement also includes additional funds for case management.

(3) $1,500,000 for the Jimmy Ryce Law Enforcement Training Center for training of State and local law enforcement officials investigating missing and exploited children cases. The conference agreement includes an increase for expansion of the Center to train additional law enforcement officers. The conferees direct the Center to create courses for judges and prosecutors to improve the handling of child pornography cases. To accomplish this effort, the conference agreement directs the Center to expand its in-house legal division so that it can provide increased legal technical assistance.

Regional Information Sharing System (RISS).—The conference agreement includes $20,000,000 as proposed in both the House and Senate bills. An additional $5,000,000 is provided for fiscal year 2000 under the Community Oriented Policing Services (COPS) law enforcement technology program in accordance with the House report.

White Collar Crime Center.—The conference agreement includes $9,250,000 for the National White Collar Crime Center (NWCCC), to assist the Center in forming partnerships and working on model projects with the private sector to address economic crimes issues, as proposed in the House bill, instead of $5,350,000 as proposed in the Senate bill. The additional funding is to be used in accordance with the House report.

Counterterrorism Assistance.—The conference agreement includes a total of $152,000,000 to continue the initiative to prepare, equip, and train State and local entities to respond to incidents of chemical, biological, radiological, and other types of domestic terrorism, instead of $74,000,000 as proposed in the House bill and $204,500,000 as proposed in the Senate bill. Funding is provided as follows:

—*Equipment Grants.*—$75,000,000 is provided for general equipment grants for State and local first responders, including, but not limited to, firefighters and emergency services personnel. The conferees reiterate that these resources are to be used to meet the needs of the maximum number of communities possible, based upon a comprehensive needs assessment which takes into account the relative risk to a community, as well as the availability of other Federal, State and local resources to address this problem. The conferees understand that such needs and risk assessments are currently being conducted by each State, and State-wide plans are being developed. The conferees intend, and expect, that such plans will address the needs of local communities. The conferees expect these plans to be reviewed by the interagency National Domestic Preparedness Office (NDPO). The conferees direct that funds provided for general grants in fiscal year 2000 be expended only upon completion of, and in accordance with, such State-wide plans.

—*State and Local Bomb Technician Equipment.*—$10,000,000 is provided for equipment grants for State and local bomb technicians. This amount, when combined with $3,000,000 in prior year carryover, will provide a total of $13,000,000 for this purpose in fiscal year 2000. The conferees note that State and local bomb technicians play an integral role in any response to a terrorist threat or incident, and as such should be integrated into a State's counterterrorism plan. The conferees request that the NDPO conduct an assessment of the assistance currently provided to State and local bomb technicians under this and other programs, the relationship of this program to other State and local first responders assistance programs, and the extent to which State and local bomb technician equipment needs have been integrated into, and addressed, as part of a State's overall counterterrorism plan. The NDPO should provide a report on its assessment to the Committees on Appropriations no later than February 1, 2000.

—*Training.*—$37,000,000 is provided for training programs for State and local first responders, to be distributed as follows:

(1) $27,000,000 is for the National Domestic Preparedness Consortium, of which $13,000,000 is for the Center for Domestic Preparedness at Ft. McClellan, Alabama, including $500,000 for management and administration of the Center; and $14,000,000 is to be equally divided among the four other Consortium members;

(2) $8,000,000 is for additional training programs to address emerging training needs not provided for by the Consortium or elsewhere. In distributing these funds, the conferees expect OJP to consider the needs of firefighters and emergency services personnel, and State and local law enforcement, as well as the need for State and local antiterrorism training and equipment sustainment training. The conferees encourage OJP to consider developing and strengthening its partnerships with the Department of Defense to provide training and technical assistance, such as those services offered by U.S. Army Dugway Proving Ground and the U.S. Army Pine Bluff Arsenal; and

(3) $2,000,000 is provided for distance learning training programs at the National Terrorism Preparedness Institute at the Southeastern Public Safety Institute to train 11,000 students, particularly in medium and small communities, through advanced distributive learning technology and other mechanisms.

The conferees are aware that the Department of Justice has recently agreed to assume control of the Ft. McClellan facility from the Department of Defense in fiscal year 2000. In addition, the conferees are aware that discussions are occurring which could result in the transfer of ownership of the entire facility from the Department of Defense to the Department of Justice. Such actions will result in the Department of Justice assuming a significant additional financial burden to operate and maintain the facility which previously was not anticipated, and may impact OJP's ability to provide support for all training programs. While the conferees recognize the importance of the training provided at Ft. McClellan, a comprehensive assessment of DOJ's needs at the facility is warranted to ensure that such needs are met in the most cost-effective manner possible. The Attorney General is directed to conduct this assessment and provide a report to the Committees on Appropriations no later than February 1, 2000. Further, the Department is directed not to pursue or assume any other relationships which may result in the Department of Justice assuming facilities management responsibility or ownership of any other training facility, without prior consultation with the Committees.

The Senate report language regarding utilization of Consortium members is adopted by reference. In addition, the conferees encourage OJP to collaborate with the National Guard to make use of the National Guard Distance Learning Network to deliver training programs, thereby capitalizing on investments made by the Department of Defense to provide low cost training to first responders.

Counterterrorism Research and Development.—The conference agreement provides $30,000,000 to the National Institute of Justice for research into the social and political causes and effects of terrorism and development of technologies to counter biological, nuclear and chemical weapons of mass destruction, as well as cyberterrorism through our automated information systems. These funds shall be equally divided between the Oklahoma City Memorial Institute for the Prevention of Terrorism and the Dartmouth Institute for Security Studies, and shall be administered by NIJ to ensure collaboration and coordination among the two institutes and NIJ, as well as with the National Domestic Preparedness Office and the Office of State and Local Domestic Preparedness Support. These institutes will also serve as national points of contact for antiterrorism information sharing among Federal, State and local preparedness agencies, as well as private and public organizations dealing with these issues. The conferees agree that such a collaborative approach is essential to production of a national research and technology development agenda and expect a status report by July 30, 2000.

The conference agreement includes language providing funding for counterterrorism programs in accordance with sections 819, 821, and 822 of the Antiterrorism and Effective Death Penalty Act of 1996, as proposed in the House bill. The conference agreement does not include language, proposed in the Senate bill, prohibiting the Bureau of Justice Assistance from providing funding to States that have failed to establish a comprehensive terrorism plan. The House bill did not include a similar provision.

Management and Administration.—The conference agreement includes $37,456,000 for Management and Administration, instead of $31,456,000 as proposed in the House, and $43,456,000 as proposed in the Senate. Within the amount, $2,000,000 is provided for Counterterrorism program activities. In addition, reimbursable funding from Violent Crime Reduction Trust Fund programs, Community Oriented Policing Services, and a transfer from the Juvenile Justice account will be provided for the administration of grants under these activities. Total funding for the administration of grants assumed in the conference agreement is as follows:

	Amount	FTE
Direct appropriations	$37,456,000	338
(Counterterrorism programs)	(2,000,000)	(16)
Transfer from Juvenile Justice programs	6,647,000	87
Reimbursement from VCRTF	56,288,000	434
Reimbursement from COPS	4,700,000	39
Total	$105,091,000	898

The conferees commend OJP's restructuring report, submitted to the Committees during fiscal year 1999, and support the current comprehensive review undertaken by the authorizing committees. To further the goals of eliminating possible duplication and overlap among OJP's programs, improving responsiveness to State and local needs, and ensuring that appropriated funds are targeted in a planned, comprehensive and well-coordinated way, the conferees direct the Assistant Attorney General for OJP to submit a formal reorganization proposal no later than February 1, 2000, on the following limited items: the creation of a "one-stop" information center; the establishment of "state desks" for geographically-based grant administration; and the administration of grants by subject area.

The conference agreement includes $2,000,000 for management and administration of Department of Justice counterterrorism programs. The conferees understand that the Department of Justice has submitted a reprogramming to establish an Office of State and Local Domestic Preparedness to administer these programs. The conferees have no objection to the establishment of this office.

The conference agreement does not include additional funding proposed in the Senate bill to enable the Department of Justice to begin to assume responsibility for counterterrorism assistance programs currently funded and administered by the Department of Defense. Such action could significantly impact ongoing Department of Justice programs, and absent careful consideration and study, may result in the duplication and inefficient use of limited resources to meet the needs of State and local first responders. Therefore, the conferees direct the Department of Justice, working through the National Domestic Preparedness Office, to review this matter and provide to the Committees on Appropriations no later than December 15, 1999, a comprehensive plan for the transition and integration of Department of Defense programs into ongoing Department of Justice and other Federal agency programs in the most efficient and cost-effective manner. The conferees expect the Department not to take any further actions to assume responsibility for these programs until such a review has been completed, and the Committees on Appropriations have been consulted. Upon completion of these actions, should additional funding be required by OJP, the Committees would be willing to entertain a reprogramming in accordance with section 605 of this Act.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

The conference agreement includes a total of $2,828,950,000 for State and Local Law Enforcement Assistance, instead of $2,822,950,000 as proposed in the House bill and $1,959,550,000 as proposed in the Senate bill. Of this amount, the conference agreement provides that $1,194,450,000 shall be derived from the Violent Crime Reduction Trust Fund (VCRTF), instead of $1,193,450,000 as proposed in the House bill and $1,407,450,000 as proposed in the Senate bill.

The conference agreement provides for the following programs from direct appropriations and the VCRTF:

Direct Appropriation:	
Local Law Enforcement Block Grant	$523,000,000
Boys and Girls Clubs	(50,000,000)
Law Enforcement Technology	(20,000,000)
State Prison Grants	686,500,000
Cooperative Agreement Program	(25,000,000)
Indian Country	(34,000,000)
Alien Incarceration	(165,000,000)
State Criminal Alien Assistance Program	420,000,000
Indian Tribal Courts Program	5,000,000
Total, Direct Appropriations	1,634,500,000
Violent Crime Reduction Trust Fund:	
Byrne Discretionary Grants	52,000,000
Byrne Formula Grants	500,000,000
Drug Courts	40,000,000
Juvenile Crime Block Grant	250,000,000
Violence Against Women Act Programs	283,750,000
State Prison Drug Treatment	63,000,000
Missing Alzheimer's Patients Program	900,000
Law Enforcement Family Support Programs	1,500,000
Motor Vehicle Theft Prevention	1,300,000
Senior Citizens Against Marketing Scams	2,000,000
Total, Violent Crime Reduction Trust Fund	1,194,450,000

Local Law Enforcement Block Grant.—The conference agreement includes $523,000,000 for the Local Law Enforcement Block Grant program, as proposed in the House bill, instead of $400,000,000, as proposed in the Senate bill, in order to continue the commitment to provide local governments with the resources and flexibility to address specific crime problems in their communities with their own solutions. Within the amount provided the conference agreement includes language providing $50,000,000 of these funds to the Boys and Girls Clubs of America, with the increase to be used as described by the Senate. In addition, the conference agreement extends the set aside for law enforcement technology for which an authorization had expired, as proposed in both the House and Senate bills.

State Prison Grants.—The conference agreement includes $686,500,000 for State Prison Grants as proposed by the House, instead of $75,000,000 as proposed by the Senate. Of the amount provided, $462,500,000 is available to States to build and expand prisons, $165,000,000 is available to States for reimbursement of the cost of criminal aliens, $25,000,000 is available for the Cooperative Agreement Program, and $34,000,000 is available for construction of jails on Indian reservations, which does not include repair and maintenance costs for existing facilities. There is an awareness of the special needs of Circle of Nations, ND.

State Criminal Alien Assistance Program.—The conference agreement provides a total of $585,000,000 for the State Criminal Alien Assistance Program for payment to the States for the costs of incarceration of criminal aliens, as proposed in the House bill, instead of $100,000,000, as proposed in the Senate bill. Of the total amount, the conference agreement includes $420,000,000 under this account for the State Criminal Alien Assistance Program and $165,000,000 for this purpose under the State Prison Grants program, as proposed by the House bill, instead of $100,000,000 for this program with no funds from the State Prison Grants program, as proposed by the Senate.

Technology.—The conference agreement includes $250,000,000 in total funding for law enforcement technology, as follows: $130,000,000 for a Crime Identification Technology Program under the Community Oriented Policing Services program heading but to be administered by OJP, which includes $15,000,000 for use by NIJ for researching technology to make schools safe, $35,000,000 for grants to upgrade criminal history records, $30,000,000 for grants to states to reduce their DNA backlogs and for the Crime Laboratory Improvement Program (CLIP); $20,000,000 within the Local Law Enforcement Block Grant program to NIJ for assisting local units to identify, select, develop, modernize and purchase new technologies for use by law enforcement under this heading; and $100,000,000 for grants for law enforcement technology equipment under the Community Oriented Policing Services program heading.

Indian Tribal Courts.—The conference agreement includes $5,000,000, as proposed in the Senate, which was not funded in the House bill, to assist tribal governments in the development, enhancement, and continuing operation of tribal judicial systems. These grants should be competitive, based upon the extent and urgency of the need of each applicant. OJP should report back to the Committees with its proposal as to how the program may be administered. The conferees note the special needs of the Wapka Sica Historical Society of South Dakota.

VIOLENT CRIME REDUCTION TRUST FUND PROGRAMS

Edward Byrne Grants to States.—The conference agreement provides $552,000,000 for the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, of which $52,000,000 is discretionary and $500,000,000 is provided for formula grants under this program.

Byrne Discretionary Grants.—The conference agreement provides $52,000,000 for discretionary grants under Chapter A of the Edward Byrne Memorial State and Local Law Enforcement Assistance Program to be administered by Bureau of Justice Assistance (BJA), instead of $52,100,000 as proposed in the Senate bill, and $47,000,000 as proposed in the House bill. Within the amount provided for discretionary grants, the Bureau of Justice Assistance is expected to review the following proposals, provide a grant if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions:

—$2,000,000 for the Alaska Native Justice Center;

—$1,000,000 for the Ben Clark Public Safety Training program for law enforcement officers;

—$100,000 for the Chattanooga Endeavors Program for ex-offenders;

—$3,000,000 for a cultural and diversity awareness training program for law enforcement officers in New York, Los Angeles, Chicago, Houston, and Atlanta, to be divided equally;

—$1,775,000 to continue the Drug Abuse Resistance Education (DARE America) program;

—$2,250,000 to continue the Washington Metropolitan Area Drug Enforcement Task Force and for expansion of the regional gang tracking system;

—$550,000 for the Kane County Child Advocacy Center for additional personnel for the prosecution of child sexual assault cases;

—$1,000,000 for a one-time grant to the Law Enforcement Innovation Center for law enforcement training;

—$500,000 for the community security program of the Local Initiative Support Corporation;

—$250,000 for the Long Island Anti-Gang Task Force;

—$1,000,000 for Los Angeles County's Roll Out Teams Program for one-time funding for independent investigations of officer-involved shootings;

—$1,000,000 for Los Angeles Police Department's Family Violence Response Teams for additional personnel to expand the existing pilot program;

—$4,500,000 for the Executive Office of the U.S. Attorneys to support the National District Attorneys Association's participation in legal education training at the National Advocacy Center;

—$3,000,000 for the National Center for Innovation at the University of Mississippi School of Law to sponsor research and produce judicial education seminars and training for court personnel in administering cases;

—$4,300,000 for the National Crime Prevention Council to continue and expand the National Citizens Crime Prevention Campaign (McGruff);

—$3,150,000 for the national motor vehicle title information system, authorized by the Anti-Car Theft Improvement Act for operating the system in the current States and to expand to additional States;

—$1,250,000 for the National Neighborhood Crime and Drug Abuse Prevention Program;

—$1,000,000 for the National Training and Information Center;

—$1,000,000 for the Nevada National Judicial College;

—$1,500,000 for the New Hampshire Operation Streetsweeper Program;

—$800,000 for the Night Light Program in San Bernadino, CA;

—$400,000 for the Western Missouri Public Safety Training Institute for public safety officers training;

—$750,000 for Operation Child Haven;

—$974,000 for the Utah State Olympic Public Safety Command to continue to develop and support a public safety master plan for the 2002 Winter Olympics;

—$1,250,000 for Project Return in New Orleans, LA;

—$1,000,000 for a Rural Crime Prevention and Prosecution program;

—$1,500,000 for the SEARCH program;

—$750,000 for the Tools for Tolerance program for a law enforcement training program; and

—$3,500,000 for the Consolidated Advanced Technologies for the Law Enforcement Program at the University of New Hampshire and the New Hampshire Department of Safety.

Within the available resources for Byrne discretionary grants, BJA is urged to review proposals, and provide grants if warranted, and report to the Committees on Appropriations of the House and Senate on its intentions regarding: the Haymarket House; Oregon Partnership; and Westcare.

The conferees are aware that, on certain limited occasions, the Office of Justice Programs has provided or made grants to pay overtime costs for State and local law enforcement personnel. The conferees expect OJP to submit, no later than January 31, 2000, a report on (1) its current policy on paying State and local overtime costs, (2) the extraordinary circumstances that might warrant a waiver of existing procedures, and (3) the process by which such a waiver could be granted.

Byrne Formula Grants.—The conference agreement provides $500,000,000 for the Byrne Formula Grant program, as proposed in Senate bill, instead of $505,000,000 as proposed in the House bill. The conference agreement includes language, as proposed in both bills, which makes drug testing programs an allowable use of grants provided to States under this program.

Drug Courts.—The conference agreement includes $40,000,000 for the drug courts as proposed both in the Senate and House bills. The conferees note that localities may also obtain funding for drug courts under the Local Law Enforcement Block Grant and Juvenile Accountability Block Grant.

Juvenile Accountability Block Grant.—The conference agreement provides $250,000,000 for a Juvenile Accountability Incentive Block Grant program to address the growing problem of juvenile crime, as proposed in the House bill and instead of the $100,000,000 proposed in the Senate bill. The conference agreement includes language that continues by reference the terms and conditions for the administration of the Block Grants contained in the fiscal year 1999 appropriations bill, instead of listing those terms and conditions.

Violence Against Women Grants.—The conference agreement includes $283,750,000 for grants to support the Violence Against Women Act, as proposed in the Senate bill, instead of $282,750,000 as proposed in the House bill. Grants provided under this account are as follows:

General Grants	$206,750,000
Civil Legal Assistance	(28,000,000)
National Institute of Justice	(5,200,000)
D.C. Superior Court Domestic Violence	(1,196,000)
OJJDP—Safe Start Program	(10,000,000)
Violence on College Campuses	(10,000,000)
Victims of Child Abuse Programs:	
Court-Appointed Special Advocates	10,000,000
Training for Judicial Personnel	2,000,000
Grants for Televised Testimony	1,000,000
Grants to Encourage Arrest Policies	34,000,000
Rural Domestic Violence	25,000,000
Training Programs	5,000,000
Total	283,750,000

Within the amount provided for General Grants, the conference agreement includes $28,000,000 exclusively for the purpose of augmenting civil legal assistance programs to address domestic violence, $5,200,000 for research and evaluation of domestic violence programs, $1,196,000 for continued support of the enhanced domestic prosecution unit within the District of Columbia, as proposed in the House report, $10,000,000 for continued support of the Safe Start program which provides direct intervention and treatment to youth who are victims, witnesses or perpetrators of violent crimes in order to attempt early treatment, and $10,000,000 to combat violent crime against women on college campuses, the latter as proposed in the Senate report.

State Prison Drug Treatment.—The conference agreement includes $63,000,000 for substance abuse treatment programs within State and local correctional facilities, as proposed in the House and Senate bills.

Safe Return Program.—The conference agreement includes $900,000 as proposed by both the House and Senate bills.

Law Enforcement Family Support.—The conference agreement includes $1,500,000 for law enforcement family support programs, as proposed in both the Senate and House bills.

Senior Citizens Against Marketing Scams.—The conference agreement includes $2,000,000 for programs to assist law enforcement in preventing and stopping marketing scams against senior citizens, as proposed by both the House and Senate bills.

Motor Vehicle Theft Prevention.—The conference agreement includes $1,300,000 for grants to combat motor vehicle theft as proposed by both the Senate and House bills.

WEED AND SEED PROGRAM

The conference agreement includes a direct appropriation of $33,500,000 for the Weed and Seed program, as proposed by the House bill, instead of $40,000,000 as proposed by the Senate bill. The conference agreement includes the expectation that $6,500,000 will be made available from the Asset Forfeiture Super Surplus Fund.

COMMUNITY ORIENTED POLICING SERVICES

The conference agreement includes $595,000,000 for the Community Oriented Policing Services (COPS) program, instead of $325,000,000 as proposed in the Senate bill and $268,000,000 as proposed in the House bill. Of this amount, $45,000,000 is from the Violent Crime Reduction Trust Fund. This statement of managers reflects the conference agreement on how funds provided for all programs under the Community Oriented Policing Services program in this conference report are to be spent.

Police Hiring Initiatives.—Funds have been provided since fiscal year 1994 to support grants for the hiring of 100,000 police officers, a goal which the President announced had been met in May of 1999. The conference agreement includes $537,500,000 for police hiring initiatives as follows: $180,000,000 from direct appropriations for school resource officers; $209,500,000 from direct appropriations for the universal hiring program (UHP); $40,000,000 from unobligated carryover balances for hiring police officers for Indian Country; and $108,000,000 from unobligated carryover balances from the fiscal year 1999 universal hiring program to continue to be used for the universal hiring program.

Safe schools initiative (SSI).—The conference agreement supports the concern expressed in the Senate and House reports regarding the level of violence in our children's schools as evidenced by the tragic events that have occurred around the Nation. In the past year, guns and explosives have been used by children against children and teachers more than ever before, leading many to believe this violence is "out of control." To address this issue, the conference agreement includes $225,000,000 for the Safe Schools Initiative (SSI), including funds for technology development, prevention, community planning and school safety officers. Within this total, $180,000,000 is from the COPS hiring program to provide school resource officers who will work in partnership with schools and other community-based entities to develop programs to improve the safety of elementary and secondary school children and educators in and around schools: $15,000,000 is from the Juvenile Justice At-Risk Children's Program and $15,000,000 is from the COPS program ($30,000,000 total) for programs aimed at preventing violence in schools through partnerships with schools and community-based organizations; $15,000,000 is provided from the Crime Identification Technology Program to NIJ to develop technologies to improve school safety. Special note is made of the need for additional school resource officers in King County, Washington.

Indian Country.—The conference agreement includes $40,000,000 from unobligated carryover balances to improve law enforcement capabilities on Indian lands, both for hiring uniformed officers and for the purchase of equipment and training for new and existing officers, as proposed by the Senate.

Management and Administration.—The conference agreement also includes a provision that provides that not to exceed $29,825,000 shall be expended for management and administration of the program, instead of $17,325,000 as proposed in the Senate bill, and $25,500,000, as proposed in the House bill. A request for reprogramming or transfer of funds, pursuant to section 605 of this Act, would be entertained to increase this amount.

Non-Hiring Initiatives.—The conferees understand that the COPS program reached its goal of funding 100,000 officers in May of 1999. Having reached the original goals of the program, the conferees want to ensure there is adequate infrastructure for the new police officers, similar to the focus that has been provided Federal law enforcement over the past several years. The conferees believe this approach will enable police officers to work more efficiently, equipped with the protection, tools, and technology they need: to address crime in and around schools, provide law enforcement technology for local law enforcement, combat the emergence of methamphetamine in new areas and provide policing of "hot spots" of drug market activity, and provide bullet proof and stab proof vests for local law enforcement officers and correctional officers.

Specifically, the conferees direct the program to use $335,675,000, to be made available from a combination of $170,000,000 from unobligated carryover balances and the $165,675,000 from direct appropriations in this Act for COPS, to fund initiatives that will result in more effective policing. The conferees believe that these funds should be used to address these critical law enforcement requirements and direct the program to establish the following non-hiring grant programs:

1. COPS Technology Program.—The conference agreement includes the direction of $100,000,000 to be used for continued development of technologies and automated systems to assist State and local law enforcement agencies in investigating, responding to and preventing crime. In particular, there is recognition of the importance of the sharing of criminal information and intelligence between State and local law enforcement to address multi-jurisdictional crimes.

Within the amounts made available under this program, the conference agreement includes the expectation that the COPS office will award grants for the following technology proposals:

—$1,450,000 for a grant for the Access to Court Electronic Data for Criminal Justice Agencies project;

—$1,000,000 for a grant for Alameda County, CA, for a voice communications system;

—$1,000,000 for a grant to the Greater Atlanta Data Center for law enforcement training technology for a multi-jurisdictional area;

—$350,000 for a grant to Birmingham, AL, for a Mobile Emergency Communication System;

—$60,000 for a grant to the Bolivar City Sheriff's Office (MS) for public safety equipment;

—up to $7,000,000 for the acquisition or lease and installation of dashboard mounted cameras for State and local law enforcement on patrol;

—$1,000,000 for a grant to Clackamas County, OR, for police communications equipment;

—$100,000 for a grant to Charles Mix County, SD, for Emergency 911 Service;

—$1,000,000 for a grant to the City of Fairbanks, AK, for a police radio and telecommunications system;

—$90,000 for a grant to the Fairbanks, AK, police for thermal imaging goggles;

—$430,000 for a grant to Greenwood County, SC, for technology upgrades;

—$1,000,000 for a grant for Hampton Roads, VA, for regional law enforcement technology;

—$100,000 for a grant for technology upgrades for the Harrison, NY, police department;

—$1,588,000 for a grant to Henderson, NV, for mobile data computers for law enforcement;

—$3,000,000 for a grant for video-teleconferencing equipment necessary to assist State and local law enforcement in contacting the Immigration and Naturalization Service to allow them to confirm the identification of illegal and criminal aliens in their custody;

—$1,333,000 for a grant to the city of Jackson, MS, for public safety and automated system technologies;

—$1,000,000 for Jefferson County, KY, for mobile data terminals for law enforcement;

—$400,000 for a grant to the Kauai, HI, County Police Department to enhance the emergency communications systems;

—$1,700,000 for a grant for the Kentucky Justice Cabinet for equipment to implement a sexual offender registration and community notification information system;

—$1,500,000 to the Law Enforcement On-Line Program;

—$100,000 for a grant for Lexington-Fayette, KY, law enforcement communications equipment;

—$200,000 for a grant for the Logan Mobile Data System;

—$2,300,000 for a grant to Los Angeles County for equipment relating to the criminal alien demonstration project;

—$3,000,000 for a grant to the Low Country, SC, Tri-County Police initiative to establish a regional law enforcement computer network;

—$112,000 for a grant to Lowell, MA, for police communications equipment;

—$150,000 for a grant to Martin County, KY, for technology for a public safety training program;

—$400,000 for a grant to the Maui County, HI, police department to enhance the emergency communications systems;

—$100,000 for a grant to Mineral County, NV, to upgrade technology;

—$2,500,000 for a grant to the Missouri State Court Administration for the Juvenile Justice Information System to enhance communication and collaboration between juvenile courts, law enforcement, schools, and other agencies;

—$425,000 for the Montana Juvenile Justice video-teleconferencing equipment;

—$5,000,000 to the National Center for Missing and Exploited Children to create a program that would provide targeted technology to police departments for the specific purpose of child victimization prevention and response;

—$800,000 for a grant to the National Center for Victims of Crime—INFOLINK;

—$1,500,000 for a grant to expand the demonstration program enabling local law enforcement officers to field-test a portable hand-held digital fingerprint and photo device which would be compatible with NCIC 2000;

—$28,000 for a grant to Nenana, AK, for mobile video and communications equipment;

—$60,000 for a grant to the New Rochelle, NY, Harbor Police Department for technology;

—$5,000,000 for a grant for the North Carolina Criminal Justice Information (CJIS-J-NET) for the final year of funding of the comprehensive integrated criminal information system, as described in the House report;

—$500,000 for a grant to the New Jersey State police for computers and equipment for a truck safety initiative;

—$107,000 for public safety and automated system technologies for Ocean Springs, MS;

—$2,500,000 for a grant for Project Hoosier SAFE-T;

—$150,000 for a grant to Pulaski County, KY, for technology for a public safety training program;

—$390,000 for a grant to Racine County, WI, for a countywide integrated computer aided dispatch management system and mobile data computer system;

—$5,000,000 for a grant to the Regional Information Sharing System (RISS) for RISS Secure Intranet to increase the ability of law enforcement member agencies to share and retrieve criminal intelligence information on a real-time basis;

—$200,000 for a grant to Riverside, CA, for law enforcement computer upgrades;

—$1,500,000 for a grant to Rock County, WI, for a law enforcement consortium;

—$550,000 for a grant to the Santa Monica, CA, police department for an automated Mobile Field Reporting System;

—$2,000,000 for a grant to the Seattle, WA, police department for forensic imaging equipment and computer upgrades;

—$800,000 for a one-time grant to the SECURE gunshot detection demonstration project for Austin, TX;

—$2,000,000 for a grant to the South Dakota Training Center for technology upgrades;

—$7,000,000 for a grant for the South Dakota Bureau of Information and Telecommunications to enhance their emergency communication system;

—$9,000,000 for a grant for the continuation of the Southwest Border States Anti-Drug Information System, which will provide for the purchase and deployment of the technology network between all State and local law enforcement agencies in the four southwest border States;

—$5,000,000 for the Utah Communications Agency Network (UCAN) for enhancements and upgrades of security and communications infrastructure relating to the 2002 Winter Olympics;

—$350,000 for the Union County, SC, Sheriff's Office for technology upgrades;

—$1,000,000 for Ventura County, CA, for an integrated justice system;

—$200,000 to the Vermont Department of Public Safety for a mobile command center;

—$4,000,000 to the Vermont Public Safety Communications Program;

—$1,000,000 to the St. Johnsbury, Rutland, and Burlington, VT, technology programs;

—$3,000,000 to the New Hampshire State Police VHF trunked digital radio system;

—$1,200,000 to Yellowstone County, MT, for Mobile Data Systems; and

—$650,000 to Yellowstone County, MT, Driving Simulator for law enforcement training equipment.

2. Crime Identification Technology Program.—The conference agreement includes $130,000,000 for crime identification technology, instead of $260,000,000 as proposed in the Senate bill under the State and Local Law Enforcement Assistance heading, and $60,000,000, as proposed in the House bill, which proposed funding technology only in the Community Oriented Policing Services program, to be used and distributed pursuant to the Crime Identification Technology Act of 1998, P.L. 105-251. Under that Act, eligible uses of the funds are (1) upgrading criminal history and criminal justice record systems; (2) improvement of criminal justice identification, including fingerprint-based systems; (3) promoting compatibility and integration of national, State, and local systems for criminal justice purposes, firearms eligibility determinations, identification of sexual offenders, identification of domestic violence offenders, and background checks for other authorized purposes; (4) capture of information for statistical and research purposes; (5) developing multi-jurisdictional, multi-agency communications systems; and (6) improvement of capabilities of forensic sciences, including DNA. Within the amount provided, the OJP is directed to provide grants to the following, and report to the Committees on Appropriations of the House and the Senate: $7,500,000 for a grant to Kentucky for a state-wide law enforcement technology program; and $7,500,000 for a grant for the Southwest Alabama Department of Justice's initiative to integrate data from various criminal justice agencies to meet Southwest Alabama's public safety needs.

Safe Schools Technology.—Within the amounts available for crime identification technology under this account, the conference agreement includes $15,000,000 for Safe Schools technology to continue funding NIJ's development of new, more effective safety technologies such as less obtrusive weapons detection and surveillance equipment and information systems that provide communities quick access to information they need to identify potentially violent youth, as described in the Senate report.

Upgrade Criminal History Records (Brady Act).—Within the amounts available for crime identification technology under this account, the conference agreement provides $35,000,000, instead of $40,000,000 as proposed by the Senate and as an authorized use of funds from within the Crime Identification Technology Act formula grant program funded in the Community Oriented Policing Services program as proposed by the House. The House report did not designate a specific dollar amount.

DNA Backlog Grants/Crime Laboratory Improvement Program (CLIP).—Within the amounts available for crime identification technology under this account, the conference agreement includes $30,000,000 for grants to States to reduce their DNA backlogs and for the Crime Laboratory Improvement Program (CLIP), as proposed by the Senate bill. The House provided funds for these programs through the Crime Identification Technology Act formula grant program funded in the Community Oriented Policing Services program. Within the amount made available under this program, it is expected that the OJP will review proposals, provide grants if warranted, and report to the Committees on its intentions regarding: a $2,000,000 grant to the Marshall University Forensic Science Program; a $3,000,000 grant to the West Virginia University Forensic Identification Program; $1,200,000 to the South Carolina Law Enforcement Division's forensic laboratory; a $500,000 grant to the Southeast Missouri Crime Laboratory; a $661,000 grant to the Wisconsin Laboratory to upgrade DNA technology and training; $1,250,000 for Alaska's crime identification program; and $1,900,000 to the National Forensic Science Technology Center, as described in the House report.

3. COPS Methamphetamine/Drug "Hot Spots" Program.—The conferees direct that $35,675,000 from direct appropriations be used for State and local law enforcement programs to combat methamphetamine production, distribution, and use, and to reimburse the Drug Enforcement Administration for assistance to State and local law enforcement for proper removal and disposal of hazardous materials at clandestine methamphetamine labs. The monies may also be used for policing initiatives in "hot spots" of drug market activity. The House bill proposed $35,000,000 and the Senate proposed $25,000,000 for this purpose.

Within the amount included for the Methamphetamine/Drug Hot Spots Program, the conference agreement expects the COPS office to award grants for the following programs:

—$1,000,000 to the Arizona Methamphetamine program to support additional law enforcement officers and to train local and State law enforcement officers on the proper recognition, collection, removal, and destruction of methamphetamine;

—$18,200,000 to continue the California Bureau of Narcotics Enforcement's Methamphetamine Strategy to support additional law enforcement officers, intelligence gathering and forensic capabilities, training and community outreach programs;

—$50,000 to the Grass Valley, NV, Methamphetamine initiative to support additional law enforcement officers and to train local and State law enforcement officers on the proper recognition, collection, removal, and destruction of methamphetamine;

—$500,000 to the Illinois State Police to combat methamphetamine and to train officers in methamphetamine investigations;

—$1,200,000 to the Iowa Methamphetamine Law Enforcement initiative to support additional law enforcement officers and to train local and State law enforcement officers on the proper recognition, collection, removal, and destruction of methamphetamine;

—$750,000 to the Las Vegas Special Police Enforcement and Eradication Program of which $450,000 is for the Las Vegas Police Department and $300,000 is for the North Las Vegas Police Department to support additional law enforcement officers and to train local and State law enforcement officers on the proper recognition, collection, removal, and destruction of methamphetamine;

—$6,000,000 to the Midwest Methamphetamine initiative (MO) to support additional law enforcement officers and to train local and State law enforcement officers on the proper recognition, collection, removal, and destruction of methamphetamine;

—$525,000 to Nebraska's Clandestine Laboratory team to support additional law enforcement officers and to train local and State law enforcement officers on the proper recognition, collection, removal, and destruction of methamphetamine;

—$750,000 to the New Mexico methamphetamine program for additional law enforcement officers, intelligence gathering and forensic capabilities, training and community outreach programs;

—$1,000,000 to the Northern Utah Methamphetamine Program for additional law enforcement officers and to train local and State law enforcement officers on the proper recognition, collection, removal, and destruction of methamphetamine;

—$1,000,000 to the Rocky Mountain Methamphetamine Program for additional law enforcement officers and to train local and State law enforcement officers on the proper recognition, collection, removal, and destruction of methamphetamine;

—$1,000,000 to the Tennessee Methamphetamine Program for additional law enforcement officers and to train local and State law enforcement officers on the proper recognition, collection, removal, and destruction of methamphetamine;

—$1,200,000 to the Tri-State Methamphetamine Training (IA/SD/NE) program to train officers from rural areas on methamphetamine interdiction, cover operations, intelligence gathering, locating clandestine laboratories, case development, and prosecution;

—$1,000,000 to form a Western Kentucky Methamphetamine training program and to provide equipment and manpower to form inter-departmental task forces; and

—$1,000,000 for the Western Wisconsin Methamphetamine Initiative for additional law enforcement officers and to train local and State law enforcement officers on the proper recognition, collection, removal, and destruction of methamphetamine.

The conference agreement expects the OJP to review a request from the Polk County, FL, Sheriff's office to provide additional capabilities to expand the methamphetamine program and provide a grant, if warranted.

4. COPS Safe Schools Initiative (SSI)/School Prevention Initiatives.—The conferees direct that $15,000,000 of unobligated carryover balances be used to provide grants to policing agencies and schools to provide resources for programs aimed at preventing violence in public schools, and to support the assignment of officers to work in collaboration with schools and community-based organizations to address crime and disorder problems, gangs, and drug activities, as proposed in the House report. Within the overall amounts recommended for this program, the conference agreement includes the expectation that the COPS office will examine each of the following proposals, provide grants if warranted, and submit a report to the Committees on its intentions for each proposal:

—$250,000 for the Alaska Community in School Mentoring program;

—$500,000 for a grant to the Home Run Program to assist elementary and secondary schools with children beginning to engage in delinquent behavior;

—$300,000 for the Links to Community Demonstration Project;

—$3,000,000 for a grant to the Miami-Dade Juvenile Assessment Center for a safe school demonstration project;

—$541,000 for a grant to the Milwaukee schools' Summer Stars program;

—$2,000,000 for a grant to the National Center for Rural Law Enforcement for school violence research;

—$5,000,000 for training by the National Center for Missing and Exploited Children for law enforcement officers selected to be part of the Safe Schools Initiative;

—$1,000,000 to the School Crime Prevention and Security Technology Center;

—$500,000 for a grant to the University of Kentucky for research on school violence prevention;

—$200,000 for the evaluation of the Vermont SAFE-T program and Colchester Community Youth Project;

—$500,000 for the Youth Advocacy Program in South Carolina;

—$500,000 for the Youth Outreach program.

Within the amounts made available under this program, the conferers expect the COPS office to examine each of the following proposals, to provide grants if warranted, and to submit a report to the Committees on its intentions for each proposal: the "Free to Grow" program at Columbia University, and the Tuscaloosa Youth Violence Project.

5. COPS Bullet-proof vests initiative.—The conferees direct that $25,000,000 of unobligated carryover balances be used to provide State and local law enforcement officers with bullet-proof vests, the second year of the program, in accordance with Public Law 105–181.

6. Police Corps.—The conferees direct that $30,000,000 of unobligated carryover balances in the COPS program be used for Police Corps instead of the $25,000,000 proposed in the House bill. The Senate bill proposed $30,000,000 within the Local Law Enforcement Block Grant. The conference agreement includes funding for an annual data collection and reporting program on excessive force by law enforcement officers, pursuant to Subtitle D of Title XXI of the Violent Crime Control and Law Enforcement Act of 1994, as has been previously funded within the unobligated balances of this program. The conference agreement includes continued funding for this data collection in the same manner.

JUVENILE JUSTICE PROGRAMS

The conference agreement includes $287,097,000 for Juvenile Justice programs, instead of $286,597,000 as proposed in the House bill and $322,597,000 as proposed in the Senate bill. The conference agreement includes the understanding that changes to Juvenile Justice and Delinquency Prevention Programs are being considered in the reauthorization process of the Juvenile Justice and Delinquency Act of 1974. However, absent completion of this reauthorization process, the conference agreement provides funding consistent with the current Juvenile Justice and Delinquency Prevention Act. In addition, the conference agreement includes language that provides that funding for these programs shall be subject to the provisions of any subsequent authorization legislation that is enacted. The agreement includes a comprehensive mental health study of juveniles in the criminal justice system, as described in the House report.

Juvenile Justice and Delinquency Prevention.—Of the total amount provided, $269,097,000 is for grants and administrative expenses for Juvenile Justice and Delinquency Prevention programs including:

1. $6,847,000 for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) (Part A).

2. $89,000,000 for Formula Grants for assistance to State and local programs (Part B).

3. $42,750,000 for Discretionary Grants for National Programs and Special Emphasis Programs (Part C).

Within the amount provided for Part C discretionary grants, OJJDP is directed to review the following proposals, provide grants if warranted, and submit a report to the Committees on Appropriations of the House and the Senate on its intentions regarding:

—$500,000 to continue the Achievable Dream after school program;

—$50,000 for Catholic Charities, Inc. in Louisville, KY, for an after school program;

—$1,500,000 for the Center on Crimes/Violence Against Children;

—$250,000 for the Culinary Arts for At-Risk Youth in Miami-Dade, FL;

—$5,000,000 for the Innovative Partnerships for High Risk Youth;

—$650,000 for the Juvenile Justice Tribal Collaboration and Technical assistance;

—$600,000 for the Kids With A Promise program;

—$2,000,000 to continue the L.A. Best youth program;

—$500,000 for the L.A. Dads/Family programs;

—$500,000 to continue the L.A. Bridges after school program;

—$550,000 for Lincoln Action Programs—Youth Violence Alternative Project;

—$250,000 to continue the Low Country Children's Center program;

—$350,000 for Mecklenburg County's Domestic Violence HERO program;

—$1,500,000 for the Milwaukee Safe and Sound program;

—$3,000,000 for the Mount Hope Center for a youth program;

—$310,000 for the National Association of State Fire Marshals—Juvenile Firesetters initiative;

—$3,000,000 to continue funding for the National Council of Juvenile and Family Courts which provides continuing legal education in family and juvenile law;

—$1,900,000 for continued support for law-related education;

—$300,000 for the No Workshops . . . No Jump Shots program;

—$150,000 for the Operation Quality Time program;

—$3,000,000 for Parents Anonymous, to develop partnerships with local communities to build and support strong, safe families and to help break the cycle of abuse and delinquency;

—$750,000 for the Rio Arriba County, NM, after school program;

—$1,300,000 for the Suffolk University Center for Juvenile Justice;

—$1,000,000 for the University of Missouri—Kansas City Juvenile Justice Research Center for research;

—$150,000 for the United Neighborhoods of Northern Virginia youth program;

—$1,000,000 for the University of Montana to create a juvenile after-school program;

—$200,000 for the Vermont Association of Court Diversion programs to help prevent and treat teen alcohol abuse;

—$1,000,000 for the Youth Crime Watch Initiative of Florida; and

—$5,000,000 for the Youth Challenge Program.

In addition, OJJDP is directed to examine each of the following proposals, provide grants if warranted, and report to the Committees on Appropriations of both the House and Senate on its intentions for each proposal: the At Risk Youth Program in Wausau, Wisconsin; the Consortium on Children, Families, and the Law; the Hawaii Lawyers Care Na Keiki Law Center; for a juvenile justice program in Kansas City, MO; the Learning for Life program conducted by the Boy Scouts; the New Mexico Cooperative Extension Service 4-H Youth Development Program; OASIS; the Oklahoma State Transition and Reintegration Services (STARS); the Rapid Response Program, Washington Hancock County, ME; the St. Louis City Regional Violence Prevention Initiative; and the University of South Alabama's Youth Violence Project.

4. $12,000,000 to expand the Youth Gangs (Part D) program which provides grants to public and private nonprofit organizations to prevent and reduce the participation of at-risk youth in the activities of gangs that commit crimes. Within the amount provided, OJJDP is directed to provide a grant of $50,000 for the Metro Denver Gang Coalition.

5. $10,000,000 for Discretionary Grants for State Challenge Activities (Part E) to increase the amount of a State's formula grant by up to 10 percent, if that State agrees to undertake some or all of the ten challenge activities designed to improve various aspects of a State's juvenile justice and delinquency prevention program.

6. $13,500,000 for the Juvenile Mentoring Program (Part G) to reduce juvenile delinquency, improve academic performance, and reduce the drop-out rate among at-risk youth through the use of mentors by bringing together young people in high crime areas with law enforcement officers and other responsible adults who are willing to serve as long-term mentors. In addition, OJJDP is directed to examine each of the following proposals, provide grants if warranted, and report to the Committees on Appropriations of both the House and Senate on its intentions for each proposal: a grant in an amount greater than the current year level for the Big Brothers/Big Sisters of America program; $1,000,000 for a grant to Utah State University for a pilot mentoring program that focuses on the entire family; and $1,000,000 for a grant to the Tom Osborne mentoring program.

7. $95,000,000 for Incentive Grants for Local Delinquency Prevention Programs (Title V), to units of general local government for delinquency prevention programs and other activities for at-risk youth. The Title V program provides funding on a formula basis to States, to be distributed by the States for use by local units of government and locally-based public and private agencies and organizations. Administration of these funds on a formula basis ensures fairness in the distribution process.

Safe Schools Initiative (SSI).—The conference agreement includes $15,000,000 within the Title V grants for the Safe Schools Initiative as proposed in the Senate report. In addition, OJJDP is directed to examine each of the following proposals, provide grants if warranted, and report to the Committees on Appropriations of both the House and Senate on its intentions for each proposal: $2,500,000 for a grant to the Hamilton Fish National Institute on School and Community Violence; $500,000 for a grant to the University of Louisville for research; $1,250,000 for the Teens, Crime, and the Community Program; and a grant to the "I Have a Dream" Foundation for an at-risk youth program.

Tribal Youth Program.—The conference agreement includes $12,500,000 within the Title V grants for programs to reduce, control and prevent crime, as proposed in the Senate report.

Enforcing the Underage Drinking Laws Program.—The conference agreement includes $25,000,000 within the Title V grants for programs to assist States in enforcing underage drinking laws, as proposed in the Senate report. Projects funded may include: Statewide task forces of State and local law enforcement and prosecutorial agencies to target establishments suspected of a pattern of violations of State laws governing the sale and consumption of alcohol by minors; public advertising programs to educate establishments about statutory prohibitions and sanctions; and innovative programs to prevent and combat underage drinking. In addition, OJJDP is directed to examine the following proposal, provide a grant if warranted, and report to the Committees on Appropriations of both the House and Senate on its intentions for the proposal: $1,000,000 for a grant to the Sam Houston State University and Mothers Against Drunk Driving for a National Institute for Victims Studies project.

Drug Prevention Program.—While crime is on the decline in certain parts of America, a dangerous precursor to crime, namely teenage drug use, is on the rise and may soon reach a 20-year high. The conference agreement includes $11,000,000, instead of $12,000,000 as proposed in the House bill, and no funds proposed in the Senate report, to develop, demonstrate and test programs to increase the perception among children and youth that drug use is risky, harmful, or unattractive.

Victims of Child Abuse Act.—The conference agreement includes $7,000,000 for the programs authorized under the Victims of Child Abuse Act (VOCA), as proposed in the House bill. The agreement includes $7,000,000 to Improve Investigations and Prosecutions (Subtitle A) as follows:

—$1,000,000 to establish Regional Children's Advocacy Centers, as authorized by section 213 of VOCA;

—$4,000,000 to establish local Children's Advocacy Centers, as authorized by section 214 of VOCA;

—$1,500,000 for a continuation grant to the National Center for Prosecution of Child Abuse for specialized technical assistance and training programs to improve the prosecution of child abuse cases, as authorized by section 214a of VOCA; and

—$500,000 for a continuation grant to the National Network of Child Advocacy Centers for technical assistance and training, as authorized by section 214a of VOCA.

PUBLIC SAFETY OFFICERS BENEFITS

The conference agreement includes $32,541,000, as proposed by the House, instead of $36,041,000, as proposed by the Senate, in direct appropriations and assumes $2,261,071 in unobligated carryover balances which will fully fund anticipated payments.

In addition, the conference agreement assumes $2,339,000 in fiscal year 1999 unobligated carryover balances to pay for higher education for dependents of Federal, State and local public safety officers who are killed or permanently disabled in the line of duty.

General Provisions—Department of Justice

The conference agreement includes the following general provisions for the Department of Justice:

Section 101.—The conference agreement includes section 101, identical in both the House and Senate bills, which makes up to $45,000 of the funds appropriated to the Department of Justice available for reception and representation expenses.

Sec. 102.—The conference agreement includes section 102, as proposed in the House bill, which continues certain authorities for the Department of Justice in fiscal year 2000 that were contained in the Department of Justice Appropriation Authorization Act, fiscal year 1980. The Senate bill did not contain a provision on this matter.

Sec. 103.—The conference agreement includes section 103, identical in both the House and Senate bills, which prohibits the use of funds to perform abortions in the Federal Prison System.

Sec. 104.—The conference agreement includes section 104, identical in both the House and Senate bills, which prohibits the use of funds to require any person to perform, or facilitate the performance of, an abortion.

Sec. 105.—The conference agreement includes section 105, identical in both the House and Senate bills, which states that nothing in the previous section removes the obligation of the Director of the Bureau of Prisons to provide escort services to female inmates who seek to obtain abortions outside a Federal facility.

Sec. 106.—The conference agreement includes section 106, identical in both the House and Senate bills, which allows the Department of Justice to spend up to $10,000,000 for rewards for information regarding acts of terrorism against a United States person or property at levels not to exceed $2,000,000 per reward.

Sec. 107.—The conference agreement includes section 107, as proposed in the House bill, which continues the current 5% and 10% limitations on transfers among Department of Justice accounts, instead of limitations of 10% and 20%, respectively, as proposed in the Senate bill.

Sec. 108.—Modified language is included in the bill which establishes an effective date of August 1, 2000 for additional changes to authority of the Assistant Attorney General for the Office of Justice Programs. This language has been included so additional time is available to consider other elements of the comprehensive restructuring report for the Office of Justice Programs, as submitted by the Administration to the Committees on Appropriations on March 10, 1999.

Sec. 109.—The conference agreement includes section 109, as proposed in the House bill, which allows the Attorney General to waive certain Federal acquisition rules and regulations in certain instances related to counterterrorism and national security, and which prohibits the disclosure of financial records and identifying information of any corrections officer in an action brought by a prisoner. The Senate bill contained similar provisions as sections 109 and 110.

Sec. 110.—The conference agreement includes section 110, as proposed in the House bill, which continues a provision carried in the fiscal year 1999 Act regarding the payment of judgments under the Financial Institutions Reform, Recovery and Enforcement Act. The Senate bill contained a similar provision as section 111.

Sec. 111.—The conference agreement includes section 111, proposed as section 112 in the House bill, regarding the Chief Financial Officer of the Department of Justice. The Senate bill did not contain a provision on this matter.

Sec. 112.—The conference agreement includes section 112, proposed as section 114 in the House bill, which extends section 3024 of Public Law 106–31 to allow assistance and services to be provided to the families of the victims of Pan Am Flight 103. The Senate bill did not contain a provision on this matter.

Sec. 113.—The conference agreement includes section 113, proposed as section 115 in the House bill, which changes the filing fees for certain bankruptcy proceedings. The Senate bill did not contain a provision on this matter.

Sec. 114.—The conference agreement includes section 114, modified from language proposed as section 113 in the Senate bill, which prohibits the payment for certain services by the Marshals Service and the Immigration and Naturalization Service at a rate in excess of amounts charged for such services under the Medicare or Medicaid programs. The House bill addressed this matter in section 113.

Sec. 115.—The conference agreement includes section 115, modified from language proposed in the Senate bill, which prohibits funds in this Act from being used to pay premium pay to an individual employed as an attorney by the Department of Justice for any work performed in fiscal year 2000. The House bill did not include a provision on this matter.

Sec. 116.—The conference agreement includes section 116, proposed as section 117 in the Senate bill, which makes permanent a provision included in the fiscal year 1999 Act, and amended by Public Law 106–31, to clarify the term "tribal" for the purpose of making grant awards under title I of this Act. The House bill did not include a provision on this matter.

Sec. 117.—The conference agreement includes section 117, modified from language proposed as section 119 in the Senate bill, which provides a procedure to grant national interest waivers to physicians if they have served an aggregate of five years and will continue to serve in areas designated as medically underserved or at facilities under the jurisdiction of the Secretary of Veterans Affairs. This provision essentially restores the situation that existed for alien physicians prior to the Immigration and Naturalization Service decision in *New York State Department of Transportation*, and those physicians who filed prior to November 1, 1998, shall be granted a national interest waiver if they agree to serve three years in medically underserved areas or at facilities under the jurisdiction of the Secretary of Veterans Affairs. The House bill did not include a provision on this matter.

Sec. 118.—The conference agreement includes section 118, proposed as section 121 in the Senate bill, which permanently authorizes the land border inspection fee account. The House bill did not include a provision on this matter.

Sec. 119.—The conference agreement includes a new provision, section 119, to extend the authorities included in the fiscal year 1998 Act which authorized funds to be provided for the U.S. Attorneys victim witness coordinator and advocate program from the Crime Victims Fund. The conferees expect $6,838,000 will be used under this provision to continue to support the 93 victim witness coordinators and advocates who are assigned to various U.S. Attorneys offices, including victim support for the D.C. Superior Court, and $7,552,000 will be used to provide funding for the U.S. Attorneys to support the 77 victim witness workyears from pre-1998 allocations. The conferees expect that appropriate sums will be made available under this provision in succeeding fiscal years to continue this program at the current level.

Sec. 120.—The conference agreement includes a new provision, section 120, which authorizes the collection and analysis of DNA samples voluntarily contributed from the relatives of missing persons.

Sec. 121.—The conference agreement includes a new provision, section 121, which changes the entity to which electronic communication service providers report instances of child pornography.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

The conference agreement includes $25,635,000 for the salaries and expenses of the Office of the United States Trade Representative, instead of $25,205,000 as proposed in the House bill, and $26,067,000 as proposed in the Senate bill.

The increase over the fiscal year 1999 appropriation provides for adjustments to base operations to maintain the current level of operations, and program increases requested for Washington-based security, travel, and translation services. The conferees concur with language in the House report related to the upcoming World Trade Organization Ministerial Meeting.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $44,495,000 and $2,500,000 in carryover for the salaries and expenses of the International Trade Commission (ITC) as proposed in the House bill, instead of $45,700,000 as proposed in the Senate bill. The recommended funding will allow the ITC to operate at a level very close to the amount of the budget request, and permit the Commission to carry out planned activities.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

The conference agreement includes $311,503,000 in new budgetary resources for the operations and administration of the International Trade Administration for fiscal year 2000, of which $3,000,000 is derived from fee collections, instead of $298,236,000 as proposed by the House bill, and $311,344,000 as proposed by the Senate bill. In addition to this amount, the conference agreement assumes $2,000,000 in prior year carryover, resulting in a total fiscal year 2000 availability of $313,503,000.

The following table reflects the distribution of funds by activity included in the conference agreement:

Trade Development	$62,376,000
Market Access and Compliance	19,755,000
Import Administration	32,473,000
U.S. & F.C.S.	186,693,000
Executive Direction and Administration	12,206,000
Fee Collections	(3,000,000)
Prior Year Carryover	(2,000,000)
Total, ITA	308,503,000

Trade Development (TD).—The conference agreement provides $62,376,000 for this activity. Of the amounts provided, $49,621,000 is for the TD base program, $9,000,000 is for the National Textile Consortium, and $3,000,000 is provided for the Textile/Clothing Technology Corporation. Further, the conference agreement includes $255,000 for the Access Mexico program and $500,000 for continuation of the international global competitiveness initiative recommended in the House report.

Market Access and Compliance (MAC).—The conference agreement includes a total of $19,755,000 for this activity. Of the amounts provided, $18,755,000 is for the base program, $500,000 is for the strike force teams initiative proposed in the budget, and $500,000 is for the trade enforcement and compliance initiative proposed in the budget.

Import Administration.—The conference agreement provides $32,473,000 for the Import Administration.

U.S. and Foreign Commercial Service (U.S. & FCS).—The conference agreement includes $186,693,000 for the programs of the U.S. & FCS, to maintain the current level of operations. The conferees concur with language in the House report concerning the Rural Export Initiative and the Global Diversity Initiative.

Executive Direction and Administration.—The conference agreement includes $12,206,000 for the administrative and policy functions of the ITA. This amount does not include funding requested for transfer to centralized services.

ITA should also follow the direction included in the House report regarding trade missions, and the direction in the Senate report relating to the Hannover World Fair. ITA is also expected to follow the direction and submit the reports referenced in both the House and Senate reports relating to foreign currency exchange rate gains, and to provide the report on trade show revenues requested in the House report.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

The conference agreement includes $54,038,000 for the Bureau of Export Administration (BXA), instead of $49,527,000 as proposed in the House bill and $55,931,000 as proposed in the Senate bill. The conference agreement assumes $739,000 will be available from prior year carryover, resulting in total availability of $54,777,000. Of this amount, $23,878,000 is for Export Administration, including a program increase of $750,000 for Chemical Weapons Convention inspection activities; $23,534,000 is for Export Enforcement, including a program increase of $500,000 for computer export verification; $4,365,000 is for Management and Policy Coordination, including a program increase of $1,000,000 for the redesign and replacement of the Export Control Automated Support System; and $3,000,000 is for the Critical Infrastructure Assurance Office (CIAO).

The CIAO was created by Presidential Decision Directive 63 (PDD-63) as an interim agency to facilitate coordination and integration among Federal agencies as those agencies develop and implement their own critical infrastructure protection and awareness plans. The conferees are concerned that the fiscal year 2000 budget for the CIAO proposes a number of initiatives which would expand the role of the CIAO beyond its coordination and integration function, and create new programs and activities which may be duplicative of activities and responsibilities assigned to other Federal agencies. The conferees believe the amount provided, which also reflects the fact that, in fiscal year 2000, 25 staff detailed from other agencies will now be provided to the CIAO on a non-reimbursable basis, will enable the CIAO to perform its functions as provided for in PDD-63. The conferees expect the CIAO to provide a spending plan for fiscal year 2000 to the Committees on Appropriations no later than December 1, 1999.

The conference agreement does not include language included in the Senate bill, allowing funds to be used for rental of space abroad and expenses of alteration, repair, or improvement.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The conference agreement includes $361,879,000 for Economic Development Administration grant programs, instead of $364,379,000 as proposed in the House bill, and $203,379,000 as proposed in the Senate bill.

Of the amounts provided, $205,850,000 is for Public Works and Economic Development, $34,629,000 is for Economic Adjustment Assistance, $77,300,000 is for Defense Conversion, $24,000,000 is for Planning, $9,100,000 is for Technical Assistance, including University Centers, $10,500,000 is for Trade Adjustment Assistance, and $500,000 is for Research. EDA is expected to allocate this funding in accordance with the direction included in the House report.

The conference agreement does not include language included in the House bill relating to attorneys' fees, since that language was included in the EDA reauthorization legislation (P.L. 105-393) enacted in 1998. The conference agreement makes funding under this account available until expended, as proposed in the Senate bill.

SALARIES AND EXPENSES

The conference agreement includes $26,500,000 for salaries and expenses of the EDA, instead of $24,000,000 as proposed in the House bill, and $24,937,000 included in the Senate bill. This funding is to enable EDA to maintain its existing level of operations, which in the past has been partially funded by non-appropriated sources of funding that are not expected to be available in fiscal year 2000.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

The conference agreement includes $27,314,000 for the programs of the Minority Business Development Agency (MBDA), instead of $27,000,000 included in the House bill and $27,627,000 included in the Senate bill. The conference agreement assumes that MBDA will continue its support for the Entrepreneurial Technology Apprenticeship Program at the current level, as directed in the House report.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

The conferees have provided $49,499,000 for salaries and expenses of the activities funded under the Economic and Statistical Analysis account, instead of $48,490,000 as proposed in the House bill and $51,158,000 as proposed in the Senate bill. The conferees support the Bureau of Economic Analysis' initiative of updating and improving statistical measurements of the U.S. economy and its measurement of international transactions. The conference agreement concurs with the directive included in the House report regarding the Integrated Environmental-Economic Accounting initiative.

The travel and tourism industry makes a substantial contribution to the economy. A satellite account for travel and tourism has the potential to provide objective, thorough data to inform policy decisions. The Bureau is directed to provide a report on the advisability, utility, and relative priority of establishing a satellite account for travel and tourism by March 1, 2000.

BUREAU OF THE CENSUS

The conference agreement includes a total of $4,758,573,000 for the Bureau of the Census for fiscal year 2000, of which $4,476,253,000 is provided as an emergency appropriation, instead of $4,754,720,000 as proposed in the House bill, of which $4,476,253,000 was proposed as an emergency appropriation, and $3,071,698,000 as proposed in the Senate bill as a direct appropriation.

SALARIES AND EXPENSES

The conference agreement includes $140,000,000 for the Salaries and Expenses of the Bureau of the Census for fiscal year 2000, instead of $136,147,000 as proposed in the House bill, and $156,944,000 as proposed in the Senate bill.

PERIODIC CENSUSES AND PROGRAMS

The conference agreement includes $4,618,573,000, of which $4,476,253,000 is an emergency appropriation, as proposed in the House bill, instead of $2,914,754,000 in direct appropriations as proposed in the Senate bill.

Decennial Census Programs.—The conference agreement includes an emergency appropriation of $4,476,253,000 for the 2000 decennial census as proposed in the House bill, instead of $2,764,545,000 in direct appropriations as proposed in the Senate bill. The following represents the distribution of funds provided for the 2000 Census:

Program Development and Management	$20,240,000
Data Content and Products	194,623,000
Field Data Collection and Support Systems	3,449,952,000
Address List Development	43,663,000
Automated Data Process and Telecommunications Support	477,379,000
Testing and Evaluation	15,988,000
Puerto Rico, Virgin Islands and Pacific Areas	71,416,000
Marketing, Communications and Partnerships	199,492,000
Census Monitoring Board	3,500,000
Total, Decennial Census	4,476,253,000

The conference agreement does not provide funding for the Continuous Measurement program in the decennial census program as proposed in the Senate bill, but instead continues funding for this program under Other Periodic Programs as proposed in the House bill.

The conferees share the concerns expressed in the House report regarding the Bureau's ability to accurately project its funding requirements, and provide timely information regarding its needs to the Committees. The conferees expect the Bureau to follow the direction included in the House report requiring monthly reports on the obligation of funds against each framework. The conferees remind the Bureau that reallocation of resources among the frameworks listed above are subject to the requirements of section 605 of this Act.

The conferees remain concerned about the implementation of the decennial census in areas like Alaska, where most of the State is not accessible by road and many people speak languages other than English. The conferees encourage the Bureau to continue working with all interested parties in Alaska to ensure that full and complete census data is received from remote locations and the State's migratory populations.

In addition, the conferees encourage the Bureau to continue to explore the possible use of data collected in the decennial census from Puerto Rico in national summary data products and expect the Bureau to report to the Committees as directed in the House report. The conference agreement adopts by reference the House report language regarding enumeration of deaf persons in the 2000 Census.

The conference agreement includes language designating the amounts provided for each decennial framework as proposed in the House bill. Should the operational needs of the decennial census necessitate the transfer of funds between these frameworks, the Bureau may transfer such funds as necessary subject to modified transfer and reprogramming procedures. Language is also included designating the entire amount provided for the decennial census as an emergency requirement as proposed in the House bill. The Senate bill did not contain similar provisions. In addition, the conference agreement includes language designating funding under this account for the expenses of the Census Monitoring Board as proposed in the House bill. The Senate bill did not include a similar provision, but instead included funding for the Board as a separate appropriation under Title V.

Other Periodic Programs.—The conference agreement includes $142,320,000 for other periodic censuses and programs as proposed in the House bill, instead of $125,209,000 as proposed in the Senate bill. The following table represents the distribution of funds provided for other non-decennial periodic censuses and related programs:

Economic Censuses	$46,444,000
Census of Governments	3,735,000
Intercensal Demographic Estimates	5,260,000
Continuous Measurement	20,000,000
Demographic Survey Sample Redesign	4,478,000
Electronic Information Collection (CASIC)	6,000,000
Geographic Support	33,406,000
Data Processing Systems	22,997,000
Total	142,320,000

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $10,975,000 for National Telecommunications and Information Administration (NTIA) salaries and expenses, instead of $10,940,000 as proposed in the House bill, and $11,009,000 as proposed in the Senate bill. The conference agreement assumes that NTIA will receive an additional $20,844,000 through reimbursements from other agencies for the costs of providing spectrum management, analysis and research services to those agencies.

The conferees direct the General Accounting Office to review the relationship between the Department of Commerce and the Internet Corporation for Assigned Names and Numbers (ICANN) and to issue a report no later than June, 2000. The conferees request that GAO review: (1) the legal basis for the selection of U.S. representatives to ICANN's interim board and for the expenditure of funds by the Department for the costs of U.S. representation and participation in ICANN's proceedings; (2) whether U.S. participation in ICANN proceedings is consistent with U.S. law, including the Administrative Procedures Act; (3) a legal analysis of the Department of Commerce's opinion that OMB Circular A–25 provides ICANN, as a "project partner" with the Department of Commerce, authority to impose fees on Internet users for ICANN's operating costs; and (4) whether the Department has the legal authority to transfer control of the authoritative root server to ICANN. In addition, the conferees seek GAO's evaluation and recommendations regarding placing responsibility for U.S. participation in ICANN under the National Institute of Standards and Technology rather than NTIA, and request that GAO review the adequacy of security arrangements under existing Departmental cooperative agreements.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

The conference agreement includes $26,500,000 for the Public Telecommunications Facilities, Planning and Construction (PTFP) program, instead of $18,000,000 as proposed in the House bill, and $30,000,000 as proposed in the Senate bill. NTIA is expected to use this funding for the existing equipment and facilities replacement program, and to maintain an acceptable balance between traditional grants and those stations converting to digital broadcasting.

The conference agreement contains language, similar to a provision carried in fiscal year 1999, permanently making the Pan-Pacific Education and Communications Experiments by Satellite (PEACESAT) program eligible to compete for funding under this account, as proposed in the Senate bill.

The conference agreement retains the statutory citation for the program as proposed in the House bill, instead of the citations proposed in the Senate bill.

INFORMATION INFRASTRUCTURE GRANTS

The conference agreement includes $15,500,000 for NTIA's Information Infrastructure Grant program, instead of $13,000,000 as proposed in the House bill, and $18,102,000 as proposed in the Senate bill.

The conferees concur with both the House and Senate reports, which identify overlap between funding provided under this program and funding provided under Department of Justice, Office of Justice Programs, with respect to law enforcement communication and information networks, and which recommend that this program not be used to fund projects for which other sources of funding are available. The conferees also concur with language in the House report emphasizing the importance of increased telecommunications access in areas where service is not readily available and where assistance is not available through other mechanisms.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

The conference agreement provides a total funding level of $871,000,000 for the Patent and Trademark Office (PTO), instead of $851,538,000 as proposed in the House bill, and $901,750,000 as proposed in the Senate bill. Of this amount, $755,000,000 is to be derived from fiscal year 2000 offsetting fee collections, and $116,000,000 is to be derived from carryover of prior year fee collections. This amount represents an increase of $86,000,000, or 11%, above the fiscal year 1999 operating level of the PTO.

The conference agreement includes language limiting the amount of carryover that may be obligated in fiscal year 2000 to $116,000,000, to conform to recently enacted authorization legislation, as proposed in the House bill.

The conference agreement also includes new language limiting the amount of fees in excess of $755,000,000 that becomes available for obligation on October 1, 2000 to $229,000,000.

The PTO is expected to follow the direction included in the House report concerning its partnership with the National Inventor's Hall of Fame and Inventure Place.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

The conference agreement includes $7,972,000 for the Technology Administration.

as proposed in both the House and Senate bills. No funds are made available beyond fiscal year 2000, as proposed in the House bill, instead of $600,000 made available through fiscal year 2001, as proposed in the Senate bill. The conferees concur with the direction contained in both the House and Senate reports.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

The conference agreement includes $283,132,000 for the internal (core) research account of the National Institute of Standards and Technology, instead of $280,136,000 as proposed in the House bill, and $288,128,000 as proposed in the Senate bill.

The conference agreement provides funds for the core research programs of NIST as follows:

Electronics and Electrical Engineering	$38,771,000
Manufacturing Engineering	19,560,000
Chemical Science and Technology	32,493,000
Physics	28,697,000
Material Sciences and Engineering	52,010,000
Building and Fire Research	15,331,000
Computer Science and Applied Mathematics	45,352,000
Technology Assistance	17,723,000
Baldrige Quality Awards	4,958,000
Research Support	29,237,000
Subtotal, STRS	284,132,000
Deobligations	(1,000,000)
Total, STRS	283,132,000

The increase provided in the conference agreement above fiscal year 1999 is largely to fund increases in base requirements. The conference agreement also includes sufficient funding for selected program increases for the highest priority programs in computer science and applied mathematics and in technology assistance, and $1,600,000 to continue the disaster research program on effects of windstorms on protective structures and other technologies begun in fiscal year 1998. NIST is directed to follow the guidance included in the House report regarding the placement of NIST personnel overseas.

INDUSTRIAL TECHNOLOGY SERVICES

The conference agreement includes $247,436,000 for the NIST external research account instead of $99,836,000 as proposed in the House bill, and $336,336,000 as proposed in the Senate bill.

Manufacturing Extension Partnership Program.—The conference agreement includes $104,836,000 for the Manufacturing Extension Partnership Program (MEP), instead of $99,836,000 as proposed in the House bill, and $109,836,000 as proposed in the Senate bill. The conference agreement does not contain the limitation on a Center's level of funding proposed in the House bill.

The conferees concur with the Senate direction that the Northern Great Plains Initiative e-commerce project should assist small manufacturers for marketing and business development purposes in rural areas.

Advanced Technology Program.—The conference agreement includes $142,600,000 for the Advanced Technology Program (ATP), instead of $226,500,000 as proposed in the Senate bill, and no funding as proposed in the House bill. This is $60,900,000 below the fiscal year 1999 appropriation, and $96,100,000 below the original request. At the end of fiscal year 1999, the Administration revised the overall level requested for the program downward from $251,500,000 to $215,000,000, in part because the amount awarded for new grants in fiscal year 1999 totaled $41,500,000, which was $24,500,000 below the amount available for new awards. The amount of carryover into fiscal year 2000 was also substantially higher than had been anticipated. The requested level of new awards for fiscal year 2000 was also revised downward from $73,000,000 to $54,700,000. The funding levels contained in the conference agreement were considered in response to that revised request.

The recommendation provides the following: (1) $115,100,000 for continued funding requirements for awards made in fiscal years 1996, 1997, 1998, and 1999, to be derived from $46,700,000 in fiscal year 2000 funding, $64,600,000 from excess balances available from prior years, and $3,800,000 in anticipated deobligations in fiscal year 2000; (2) $50,700,000 for new awards in fiscal year 2000; and (3) $45,200,000 for administration, internal NIST lab support and Small Business Innovation Research requirements.

The conference agreement permits up to $500,000 of funding to be transferred to the Working Capital Fund, as proposed in the Senate bill.

CONSTRUCTION OF RESEARCH FACILITIES

The conference agreement provides $108,414,000 for construction, renovation and maintenance of NIST facilities, instead of $56,714,000 as proposed in the House bill, and $117,500,000 as proposed in the Senate bill.

Of this amount, $84,916,000 is for construction of the Advanced Metrology Laboratory. This will provide the balance of funds needed to initiate construction. Total funding available for construction, including funding provided in previous years, is $203,300,000. The conference agreement includes bill language making the $84,916,000 provided for this Laboratory available upon submission of a spending plan in accordance with Section 605 of this Act.

In addition, $11,798,000 is provided for safety, capacity, maintenance and major repair of NIST facilities.

In addition, $11,700,000 is provided for grants and cooperative agreements.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The conference agreement provides a total funding level of $2,343,736,000 for all programs of the National Oceanic and Atmospheric Administration (NOAA), instead of $1,956,838,000 as proposed by the House, and $2,556,876,000 as proposed by the Senate. Of these amounts, the conferees have included $1,688,189,000 in the Operations, Research, and Facilities (ORF) account, $596,067,000 in the Procurement, Acquisition and Construction (PAC) account, and $59,480,000 in other NOAA accounts.

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes $1,688,189,000 for the Operations, Research, and Facilities account of the National Oceanic and Atmospheric Administration instead of $1,475,128,000 as proposed by the House, and $1,783,118,000 as proposed by the Senate.

In addition to the new budget authority provided, the conference agreement allows a transfer of $68,000,000 from balances in the account titled "Promote and Develop Fishery Products and Research Related to American Fisheries", instead of $67,226,000 as proposed by the House, and instead of $66,426,000 as proposed by the Senate. In addition, the conference agreement reflects prior year deobligations totaling $36,000,000, unobligated balances of $2,652,000, and $4,000,000 in offsets from fee collections.

The conference agreement does not include language proposed in the House bill designating the amounts provided under this account for the six NOAA line offices. The Senate bill contained no similar provision.

The conference agreement includes language, as proposed by the House, which was adopted in the fiscal year 1999 appropriations Act, designating the amounts available for Executive Direction and Administration, and prohibiting augmentation of such offices through formal or informal personnel details, transfers, or reimbursements above the current level.

The conference agreement does not include or assume language proposed by the House, making the use of deobligated balances subject to standard reprogramming procedures. The conferees direct that any use of deobligations over and above the $36,000,000 assumed by the conference agreement will be undertaken only under the procedures set forth in section 605 of this Act.

The conference agreement does not include $34,000,000 in controversial new fisheries and navigation safety fees that were proposed in the budget request, although no details on the proposal were forthcoming. The House bill did not legislate the fees, but did assume the revenue from those fees would be available.

Budgetary and Financial Matters.—Language in the House report is adopted by reference relating to: (1) a revised budget structure, with the requested reports due by February 1, 2000; and (2) an operating plan for expenditure of funds, with the report due 60 days after the date of enactment.

Peer Review.—Language in the House report requiring peer review of all NOAA research is adopted by reference.

NOAA Commissioned Corps.—The conference agreement does not include bill language, as proposed by the House, setting a ceiling on the number of commissioned corps officers at not more than 250 by September 30, 2000. The Senate bill did not include a similar provision. With respect to the commissioned corps, as it is authorized by P.L. 105–384, the conferees understand that NOAA plans to reach a level of about 250 officers by the end of the fiscal year, up from the current level of 224, and expect to be notified if plans change significantly from that level.

The conference agreement includes language proposed by the House, providing such funds as may be necessary for NOAA commissioned corps retirement costs.

The conference agreement does not include a provision, as proposed by the Senate, permitting the Secretary to have NOAA occupy and operate research facilities at Lafayette, Louisiana.

NOAA is directed to report by March 1, 2000, on any requirement for new space for NOAA employees in the Gulf of Mexico area, including an explanation of the need for such space, and options for, and estimated costs of, obtaining the space. The report should also address the existing space that NOAA occupies in the area, and what would happen to the existing space.

The following table reflects the distribution of the funds provided in this conference agreement:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—OPERATIONS, RESEARCH AND FACILITIES—FISCAL YEAR 2000

[In thousands of dollars]

	FY99 enacted	FY00 request	FY00 House	FY00 Senate	FY00 conference
NATIONAL OCEAN SERVICE					
Navigation Services:					
Mapping and Charting	34,260	33,335	32,100	36,335	35,298
Address Survey Backlog	14,000	14,900	14,000	14,900	18,900
Subtotal	48,260	48,235	46,100	51,235	54,198
Geodesy	19,659	19,849	19,659	21,415	20,159
Tide and Current Data	12,000	14,883	12,390	15,273	12,390
Acquisition of Data	14,546	17,726	14,546	17,726	15,546
Total, Navigation Services	94,465	100,693	92,695	105,649	102,293
Ocean Resources Conservation and Assessment:					
Ocean Assessment Program	42,611	46,281	26,861	52,681	44,846
GLERL		6,085		6,825	
Transfer from Damage Assessment Fund	5,683				
Response and Restoration	8,774	19,884	8,774	15,884	15,329
Oceanic and Coastal Research	7,410	7,970	5,410	9,470	8,470
Subtotal—Estuarine & Coastal Assessment	64,478	80,220	41,045	84,860	68,645
Coastal Ocean Program	18,400	19,430	18,200	18,430	17,200
Total, Ocean Resources Conservation & Assessment	82,878	99,650	59,245	103,290	85,845
Ocean and Coastal Management:					
CZM Grants	53,700	55,700	53,700	60,000	54,700
CZM 310 Grants		28,000			
Estuarine Research Reserve System	4,300	7,000	5,650	7,000	6,000
Nonpoint Pollution Control	4,000	6,000	4,000	1,000	2,500
Program Administration	4,500	5,500	4,500	4,500	4,500
Subtotal, Coastal Management	66,500	102,200	67,850	72,500	67,700
Marine Sanctuary Program	14,350	26,000	16,500	18,500	23,000
Total, Ocean & Coastal Management	80,850	128,200	84,350	91,000	90,700
Total, NOS	258,193	328,543	236,290	299,939	278,838
NATIONAL MARINE FISHERIES SERVICE					
Information Collection and Analysis:					
Resource Information	106,675	96,918	98,100	112,520	108,348
Antarctic Research	1,200	1,200	1,200	1,800	1,234
Chesapeake Bay Studies	1,890	1,500	1,890	1,890	1,890
Right Whale Research	350	200	350	4,100	
MARFIN	3,000	3,000	2,500	3,000	2,750
SEAMAP	1,200	1,200	1,200	1,200	1,200
Alaskan Groundfish Surveys	900	661	661	900	900
Bering Sea Pollock Research	945	945	945	945	945
West Coast Groundfish	800	780	780	900	820
New England Stock Depletion	1,000	1,000	1,000	1,000	1,000
Hawaii Stock Management Plan	500			500	500
Yukon River Chinook Salmon	700	700		1,500	1,200
Atlantic Salmon Research	710	710	710	710	710
Gulf of Maine Groundfish Survey	567	567	567	567	567
Dolphin/Yellowfin Tuna Research	250	250	250	250	250
Pacific Salmon Treaty Program	7,444	5,587	5,587	12,457	17,431
Hawaiian Monk Seals	700	500	500	1,050	750
Steller Sea Lion Recovery Plan	2,520	1,440	1,440	4,000	4,000
Hawaiian Sea Turtles	275	248	248	300	285
Bluefish/Striped Bass	1,000		1,000		1,000
Halibut/Sablefish	1,200	1,200	1,200	1,200	1,200
Narragansett Bay Coop Study				806	
Subtotal	133,826	118,606	120,128	151,595	146,980
Fishery Industry Information:					
Fish Statistics	13,000	14,257	13,000	14,257	13,000
Alaska Groundfish Monitoring	5,500	5,200	5,200	6,325	5,500
PACFIN/Catch Effort Data	4,700	3,000	4,700	3,000	3,000
AKFIN (Alaska Fishery Information Network)				3,000	2,500
RECFIN	3,900	3,100	3,100	3,900	3,700
GULF FIN Data Collection Effort	3,000		3,000	4,000	3,500
Subtotal	30,100	25,557	29,000	34,482	31,200
Information Analyses and Dissemination	20,900	21,342	20,400	21,342	20,900
Computer Hardware and Software	4,000	4,000	750	4,000	3,500
Subtotal	24,900	25,342	21,150	25,342	24,400
Acquisition of Data	25,098	25,488	25,098	25,488	25,943
Total, Information, Collection, and Analyses	213,924	194,993	195,376	236,907	228,523
Conservation and Management Operations:					
Fisheries Management Programs	29,900	32,687	29,770	44,337	39,060
Columbia River Hatcheries	13,600	11,400	11,400	15,420	12,055
Columbia River Endangered Species	288	288	288	288	288
Regional Councils	13,000	13,300	12,800	13,300	13,150
International Fisheries Commissions	400	400	400	400	400
Management of George's Bank	478	478	478	478	478
Pacific Tuna Management	2,300	1,250	1,250	3,000	2,300
Fisheries Habitat Restoration		22,700		1,000	2,000
NE Fisheries Management	1,880	5,180	1,880	8,000	6,000
Subtotal, Fisheries Mgmt. Programs	61,846	87,683	58,266	86,223	75,731
Protected Species Management	6,200	9,406	6,200	6,200	6,200
Driftnet Act Implementation	3,378	3,278	3,278	3,650	3,439
Marine Mammal Protection Act	7,583	7,225	7,225	8,025	7,583
Endangered Species Act Recovery Plan	28,000	55,450	25,750	39,750	43,500
Dolphin Encirclement	3,300	3,300	3,300	3,300	3,300
Native Marine Mammals	750	700	200	1,150	950

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—OPERATIONS, RESEARCH AND FACILITIES—FISCAL YEAR 2000—Continued

[In thousands of dollars]

	FY99 enacted	FY00 request	FY00 House	FY00 Senate	FY00 conference
Observers/Training	2,650	4,225	2,225	4,650	2,650
Subtotal	51,861	83,584	48,178	66,725	67,622
Habitat Conservation	9,000	10,858	9,000	10,858	9,200
Enforcement & Surveillance	17,775	19,121	17,775	19,121	17,950
Total, Conservation, Management & Operations	140,482	201,246	133,219	182,927	170,503
State and Industry Assistance Programs:					
Interjurisdictional Fisheries Grants	2,600	2,600	2,600	3,100	2,600
Anadromous Grants	2,100	2,100	2,100	2,100	2,100
Interstate Fish Commissions	7,750	4,000	7,750	7,750	7,750
Subtotal	12,450	8,700	12,450	12,950	12,450
Fisheries Development Program:					
Product Quality and Safety/Seafood Inspection	9,824	8,328	9,500	8,328	9,500
Hawaiian Fisheries Development	750			750	750
NE Safe Seafood Program				300	
Subtotal	10,574	8,328	9,500	9,378	10,250
Total, State and Industry Programs	23,024	17,028	21,950	22,328	22,700
Total, NMFS	377,430	413,267	350,545	442,162	421,726
OCEANIC AND ATMOSPHERIC RESEARCH					
Climate and Air Quality Research:					
Interannual & Seasonal	14,900	16,900	12,900	18,900	16,900
Climate & Global Change Research	63,000	69,700	63,000	77,200	67,000
GLOBE	2,500	5,000		2,500	3,000
Subtotal	80,400	91,600	75,900	98,600	86,900
Long-term Climate & Air Quality Research	30,000	34,600	30,000	32,000	30,000
Information Technology	12,000	13,500	12,000	13,500	12,750
Subtotal	42,000	48,100	42,000	45,500	42,750
Total, Climate and Air Quality Research	122,400	139,700	117,900	144,100	129,650
Atmospheric Programs:					
Weather Research	36,100	36,600	34,600	38,100	37,350
STORM				2,000	2,000
Wind Profiler	4,350	4,350	4,350	4,350	4,350
Subtotal	40,450	40,950	38,950	44,450	43,700
Solar/Geomagnetic Research	6,000	6,100	6,000	7,100	7,000
Total, Atmospheric Programs	46,450	47,050	44,950	51,550	50,700
Ocean and Great Lakes Programs:					
Marine Research Prediction	26,801	22,300	19,501	36,190	27,325
GLERL	6,825		6,825		6,825
Sea Grant Program	57,500	51,500	58,500	60,500	59,250
National Undersea Research Program	14,550	9,000		14,550	13,800
Total, Ocean and Great Lakes Programs	105,676	82,800	84,826	111,240	107,200
Acquisition of Data	12,884	13,020	12,884	13,020	12,952
Total, OAR	287,410	282,570	260,560	319,910	300,502
NATIONAL WEATHER SERVICE					
Operations and Research:					
Local Warnings and Forecasts	357,034	450,411	441,693	452,271	444,487
MARDI	64,036				
Radiosonde Replacement	2,000		2,000		
Susquehanna River Basin flood system	1,250	619	1,250	1,000	1,125
Aviation forecasts	35,596	35,596	35,596	35,596	35,596
Advanced Hydrological Prediction System		2,200	1,000	2,200	1,000
WFO Maintenance				4,000	3,250
Subtotal	459,916	488,826	481,539	495,067	485,458
Central Forecast Guidance	35,574	37,081	37,081	37,081	37,081
Atmospheric and Hydrological Research	2,964	3,090	2,964	3,090	3,000
Total, Operations and Research	498,454	528,997	521,584	535,238	525,539
Systems Acquisition:					
Public Warnings and Forecast Systems:					
NEXRAD	38,346	39,325	38,346	39,325	38,836
ASOS	7,116	7,573	7,116	7,573	7,345
AWIPS/NOAA Port	12,189	38,002	32,150	38,002	32,150
Computer Facilities Upgrades	4,600				
Total, Systems Acquisition	62,251	84,900	77,612	84,900	78,331
Total, NWS	560,705	613,897	599,196	620,138	603,870
NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE					
Satellite Observing Systems:					
Ocean Remote Sensing	4,000	4,000		4,000	4,000
Environmental Observing Systems	53,300	53,236	50,800	55,736	53,300
Global Disaster Information Network		2,000		2,000	
Total, Satellite Observing Systems	57,300	59,236	50,800	61,736	57,300
Environmental Data Management Systems	33,550	31,521	35,021	34,521	38,700

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—OPERATIONS, RESEARCH AND FACILITIES—FISCAL YEAR 2000—Continued

[In thousands of dollars]

	FY99 enacted	FY00 request	FY00 House	FY00 Senate	FY00 conference
Data and Information Services	16,335	12,335	12,335	12,335	12,335
Regional Climate Centers	2,700	....	2,500	3,000	2,750
Total, EDMS	52,635	43,856	49,856	49,856	53,785
Total, NESDIS	109,935	103,092	100,656	111,592	111,085
PROGRAM SUPPORT					
Administration and Services:					
Executive Direction and Administration	19,200	19,573	19,200	19,573	19,387
Systems Acquisition Office	700	712	700	712	712
Subtotal	19,900	20,285	19,900	20,285	20,099
Central Administrative Support	31,850	42,583	28,850	41,583	36,350
Retired Pay Commissioned Officers	7,000	....	....	....	....
Total, Administration and Services	58,750	62,868	48,750	61,868	56,449
Aircraft Services	10,500	11,019	10,500	11,019	10,760
Rent Savings	....	(4,656)	(4,656)	....	(4,656)
Total, Program Support	69,250	69,231	54,594	72,887	62,553
FLEET PLANNING AND MAINTENANCE	11,600	9,243	7,000	13,243	13,243
Facilities:					
NOAA Facilities Maintenance	1,650	1,818	1,800	1,818	1,809
NCEP/NORMAN Space Planning	150	....	....	....	....
Environmental Compliance	2,000	3,899	2,000	3,899	2,000
Sandy Hook Lease	2,000	....	....	....	....
WFO Maintenance	3,000	4,000	3,000	....	....
NMFS Facilities Management	....	3,800	....	....	....
Columbia River Facilities	4,465	3,365	3,365	....	3,365
Boulder Facilities Operations	....	3,850	....	3,850	3,850
NARA Records Mgmt	....	262	....	262	....
Total, Facilities	13,265	20,994	10,165	9,829	11,024
Direct Obligations	1,687,788	1,840,837	1,619,006	1,889,700	1,802,841
Offset for Fee Collections	....	....	....	(4,000)	(4,000)
Reimbursable Obligations	195,767	195,767	195,767	195,767	195,767
Offsetting Collections (data sales)	3,600	3,600	3,600	3,600	3,600
Offsetting Collections (fish fees/IFQ CDQ)	4,000	4,000	4,000	4,000	4,000
Subtotal, Reimbursables	203,367	203,367	203,367	199,367	199,367
Total, Obligations	1,891,155	2,044,204	1,822,373	2,089,067	2,002,208
Financing:					
Deobligations	(33,000)	(33,000)	(36,000)	(33,000)	(36,000)
Unobligated Balance transferred, net	(969)	....	(2,652)	....	(2,652)
Coastal Zone Management Fund	(4,000)	....	(4,000)	....	....
Offsetting Collections (data sales)	(3,600)	(3,600)	(3,600)	(3,600)	(3,600)
Offsetting Collections (fish fees/IFQ CDQ)	....	(4,000)	(4,000)	(4,000)	(4,000)
Anticipated Offsetting Collections (fish fees)	(4,000)	(20,000)	(20,000)	....	....
Anticipated Offsetting Collections (navigation fees)	....	(14,000)	(14,000)	....	....
Rent savings to finance Goddard	....	....	....	(4,656)	....
Federal Funds	(134,927)	(134,927)	(134,927)	(172,000)	(134,927)
Non-federal Funds	(60,840)	(60,840)	(60,840)	(23,767)	(60,840)
Subtotal, Financing	(241,336)	(270,367)	(280,019)	(241,023)	(242,019)
Budget Authority	1,649,819	1,773,837	1,542,354	1,848,044	1,760,189
Financing from:					
Promote and Develop American Fisheries	(63,381)	(64,926)	(67,226)	(66,426)	(68,000)
Damage Assess. & Restor. Revolving Fund	(4,714)	....	....	....	....
Coastal Zone Management Fund	....	(4,000)	....	(4,000)	(4,000)
Subtotal, ORF	1,581,724	1,704,911	1,475,128	1,777,618	1,688,189
By Transfer from Coastal Zone Management Fund	....	4,000	....	....	....
Direct Appropriation, ORF	1,581,724	1,708,911	1,475,128	1,777,618	1,688,189

The following narrative provides additional information related to certain items included in the preceding table.

NATIONAL OCEAN SERVICE

The conferees have provided a total of $278,838,000 under this account for the activities of the National Ocean Service (NOS), instead of $236,290,000 as recommended by the House, and $299,939,000 as recommended by the Senate.

Mapping and Charting.—The conference agreement provides $35,298,000 for NOAA's mapping and charting programs, reflecting continued commitment to the navigation safety programs of NOS and concerns about the ability of the NOS to continue to meet its mission requirements over the long term. Of this amount, $32,718,000 is provided for the base mapping and charting program. Within the total funding provided under Mapping and Charting, the conference agreement includes $2,580,000 for the joint hydrographic center established in fiscal year 1999.

The conference agreement also includes $18,900,000 under the line item Address Survey Backlog/Contracts exclusively for contracting out with the private sector for data acquisition needs. This is $4,000,000 above the request and is intended to help keep the level of effort close to fiscal year 1999, when the program had a significant amount of carryover in addition to the fiscal year 1999 funding for the program.

Geodesy.—The conference agreement provides $20,159,000 for geodesy programs, including $19,159,000 for the base program, $500,000 for initial planning of the National Height System Demonstration, as provided in the House report, and $500,000 for the geodetic survey referenced in the Senate report.

Tide and Current Data.—The conference agreement includes $12,390,000 for this activity, including $12,000,000 for the base program and $390,000 for a one-time Year 2000 fix for Great Lakes Buoys, as provided by both the House and Senate bills.

Ocean Assessment Program.—The conference agreement includes $44,846,000 for this activity. Within the amounts provided for ocean assessment, the conference agreement includes the following: $12,685,000 for the base program; $15,100,000 for NOAA's Coastal Services Center, of which $2,500,000 is for coastal hazards research and services and development of defense technologies for environmental monitoring, and $100,000 is one-time funding for the Community Sustainability Center, as referenced in the Senate report; $5,800,000 to continue the Cooperative

Institute for Coastal and Estuarine Environmental Technology; $900,000 for the South Florida Ecosystem Restoration program; $2,000,000 to support coral reef studies in the Pacific and Southeast, of which $1,000,000 is for Hawaiian coral reef monitoring, $500,000 is for reef monitoring in Florida, and $500,000 is for reef monitoring in Puerto Rico, through the Department of Natural Resouces; $3,925,000 for pfisteria and other harmful algal bloom research and monitoring, of which $500,000 is for a pilot project to preemptively address emerging problems prior to the occurrence of harmful blooms, to be carried out by the South Carolina Department of Marine Resources; $2,000,000 for the JASON project and $2,436,000 for the NOAA Beaufort/Oxford Laboratory. In addition, the conference agreement also includes an additional $5,200,000 under Ocean and Coastal Research and the Coastal Ocean Program for research on pfisteria, hypoxia and other harmful algal blooms.

The conferees direct NOS to evaluate the need and requirements for a collaborative program in Hawaii to develop and transfer innovative applications of technology, remote sensing, and information systems for such activities as mapping, characterization and coastal hazards that will improve the management and restoration of coastal habitat throughout the U.S. Pacific Basin by bringing together government, academic, and private sector partners.

Office of Response and Restoration.—The conference agreement includes $15,329,000 for this activity, including: $2,674,000 for Estuarine and Coastal Assessment, $5,155,000 for Damage Assessment, $1,000,000 in accordance with the Oil Pollution Act of 1990, $6,000,000 for coral reef mapping and debris removal, and $500,000 for Coastal Resource Coordination. These funds may be used for mapping coral reefs; for the management and protection of coral reefs within Federal jurisdiction; and for activities that respond to requests from States and territories for assistance in managing and protecting coral reefs within the jurisdiction of those States and territories.

Ocean and Coastal Research.—The conference agreement includes $8,470,000 for this activity, which includes the budget request and an additional $500,000 for the Marine Environmental Health Research Laboratory.

The conference agreement does not include the proposed transfer of the Great Lakes Environmental Research Laboratory (GLERL) from Oceanic and Atmospheric Research to NOS.

Coastal Ocean Program.—The conference agreement provides $17,200,000 for the Coastal Ocean Program (COP), of which $4,200,000 is provided for research related to hypoxia, pfisteria, and other harmful algal blooms. The managers of COP are directed to follow the direction included in the House report regarding Long Island Sound, as well as the direction included in the Senate report concerning research on small high-salinity estuaries and the land use-coastal ecosystem study. The conference agreement also assumes continued funding at the current level for restoration of the South Florida ecosystem.

Coastal Zone Management.—The conference agreement includes $67,700,000 for this activity, of which $54,700,000 is for grants under sections 306, 306A, and 309 of the Coastal Zone Management Act (CZMA), an increase of $1,000,000 over fiscal year 1999, and $4,500,000 for Program Administration. In addition, the conference agreement includes $2,500,000 for the Non-Point Pollution program authorized under section 6217 of the CZMA. No funding is provided under section 310, as in both the House and Senate bills, because there is no authorization of appropriations to make grants under that section. The conference agreement also includes $6,000,000 for the National Estuarine Research Reserve program, an increase of $1,700,000 above fiscal year 1999. The conferees concur with the direction in the House report relating to the assessment of administrative charges under the CZMA.

Marine Sanctuary Program.—The conference agreement includes $23,000,000 for the National Marine Sanctuary Program, an increase of $8,700,000 over fiscal year 1999. Of this amount, $500,000 is provided to support the activities of the Northwest Straits Citizens Advisory Commission as outlined in the House and Senate reports. In addition, not to exceed $500,000 may be provided in one-time support of the Marine Debris Conference referenced in the Senate report under the National Marine Fisheries Service, with the direction that other contributions from sources outside of NOAA be sought to support the conference.

NATIONAL MARINE FISHERIES SERVICE

The conference agreement includes a total of $421,726,000 for the National Marine Fisheries Service (NMFS), instead of $350,545,000, as recommended by the House and $442,162,000, as recommended by the Senate.

In addition, $4,000,000 is authorized to be collected under the Magnuson-Stevens Act to support the Community and Individual Fishery Quota Program. The conferees recommend $500,000 for the Hawaiian Community Development Program, as referenced in the Senate report.

Resource Information.—The conference agreement provides $108,348,000 for fisheries resource information. Within the funds provided for resource information, $91,048,000 is provided for the base programs, including $750,000 for west coast groundfish and $3,500,000 for Magnuson-Stevens implementation added in fiscal year 1999, of which $750,000 is for a Narragansett Bay Cooperative Study. In addition, NMFS is expected to continue to provide onsite technical assistance to the National Warmwater Aquaculture Research Center under the direction included in the Senate report. The conferees concur with the language in the Senate report regarding any shift of work now performed by the Alaska and Southwest Fisheries Science Centers.

In addition, within the total funds provided for resource information, the conference agreement includes: $1,750,000 for additional implementation of the Magnuson-Stevens Act in the North Pacific as directed in the Senate report, funding for MARMAP at the same level as in the House and Senate, under the direction in the Senate report; $1,700,000 for the Gulf of Mexico Stock Enhancement Consortium, $1,250,000 for research on Alaska near shore fisheries, to be distributed in accordance with the Senate report, $200,000 for an assessment of Atlantic herring and mackerel, $450,000 for the Chesapeake Bay oyster recovery partnership, $300,000 for research on the Charleston bump, $300,000 for research on shrimp pathogens, $150,000 for lobster sampling, $350,000 for bluefin tuna tagging, of which $250,000 is for the northeast; $500,000 for the Chesapeake Bay Multi-species Management Strategy (including blue crab), $200,000 for the Northeast Fisheries Science Center for the Cooperative Marine Education and Research Program, under the direction in the Senate report, and $300,000 for research on Southeastern sea turtles under the direction of the Senate report. In addition, within the amounts provided for Resource Information, $8,000,000 is included to continue the aquatic resources environmental initiative, and $1,000,000 is provided to continue the activities of the Gulf and South Atlantic Fisheries Development Foundation for data collection and analyses in the red snapper and shrimp fisheries. The conferees acknowledge the work being done at the Xiphophorus Genetic Stock Center to improve the understanding of fish genetics and evolution, and urge NMFS to continue to work with the Center in fiscal year 2000. The conferees concur with language in the Senate report encouraging oyster disease research under the Saltonstall-Kennedy research grant program.

The conferees concur with the language in the House report concerning the migratory shark fishery, and reiterate the request for a report with recommendations for short and long term solutions within 45 days of enactment of this Act. The conferees direct NMFS to continue collaborative research with the Center for Shark Research and other qualified institutions, to provide the information necessary for effective management of the highly migratory shark fishery and conservation of shark fishery resources.

Under the MARFIN line, $2,500,000 is provided for base activities, and $250,000 is provided for Northeast activities. Funding is also provided for bluefish and striped bass research in accordance with the House report. Funding for right whale research and recovery activities is provided under the Endangered Species line. Under Yukon River Chinook Salmon, $700,000 is provided for base activities, and $500,000 is provided for the Yukon River Drainage Fisheries Association. Under the Pacific Salmon Treaty Program, $5,587,000 is provided for base activities, $1,844,000 is provided for the Chinook Salmon Agreement. In addition, under this line, $10,000,000, subject to express authorization, is provided as the initial capital for the Southern Boundary and Transboundary Rivers Restoration and Enhancement Fund arising out of the June 30, 1999, Agreement of the United States and Canada on the Treaty Between the United States and Canada Concerning Pacific Salmon. The conference agreement includes $4,000,000 for steller sea lion recovery, to be utilized according to the direction in the Senate report.

Fishery Industry Information.—The conference agreement provides $31,200,000 for this activity. Within the funds provided for Alaska Groundfish Monitoring, the conference agreement includes funding for the base program and NMFS rockfish research at the fiscal year 1999 level. In addition, $850,000 is provided for crab research developed jointly by NMFS and the State of Alaska, and $800,000 is provided for the State of Alaska to use in implementing Federal fishery management plans for crab, scallops and for rockfish research. In addition, the conference agreement provides $150,000 each for Gulf of Alaska Coastal Communities Coalition and NMFS Alaska region infield monitoring program. No funding is provided for the Bering Sea Fisherman's Association CDQ.

Within the funds provided for Fishery Industry Information, the conference agreement provides $3,700,000 for recreational fishery harvest monitoring, including $500,000 for the annual collection of data on marine recreational fishing, with the balance to be expended in accordance with the direction included in the Senate report. Funds are also appropriated under this activity for the Pacific Fisheries Information Network, including Hawaii, and the Alaska Fisheries Information Network as two separate lines in accordance with the direction included in the Senate report. In addition, funding is provided for the Gulf of Mexico Fisheries Information Network. The conferees agree that NMFS should coordinate the techniques used by the agency to collect data on a national basis while taking into account the unique characteristics of the regional commercial and recreational fisheries. The conferees believe this objective can best be accomplished by relying on the regional information networks administered by the interstate Marine Fisheries Commissions. In addition, the conferees expect NMFS to provide the report on the state of U.S. fishery resources referenced in the Senate report.

The conferees recommend $3,500,000 for computer hardware and software development, including $750,000 for the Pacific Marine Fisheries Commission to develop catch reporting software in connection with West Coast States, which will allow electronic reporting of fish ticket information in a manner compatible with systems utilized in various regulatory and monitoring agencies as well as private industry.

The conferees understand that NMFS was using funds to develop its own computer software rather than seeking readily available software. In addition, the software that it was developing may not be compatible with State data collection programs, which means that States may be required to make changes in their systems to accommodate the federal system. In addition, NMFS was not consulting with the affected States and regulatory agencies as required by section 401 of the Magnuson-Stevens Act.

To address this inadequacy, the managers direct NMFS to develop catch data standards which set guidelines on the content of information it requires and the format for transmitting it. That will enable States and private industry to continue to use their existing systems so long as they comply with NMFS standards and guidelines. NMFS may also use the funds provided to develop its own internal software program to manipulate the data it receives from fishermen and state regulators and produce the reports it needs to effectively manage the fisheries.

Under the Acquisition of Data line, within the total of $25,943,000, an additional $650,000 is provided for additional days at sea for the Gordon Gunter.

Fisheries Management Programs.—The conference agreement includes $39,060,000 for this activity. Within this amount, $33,330,000 is provided for base activities, including $3,500,000 for NMFS facilities at Sandy Hook and Kodiak. Within funding determined to be available, if initial funding is required, the conferees also expect funds to be provided for the Santa Cruz Fisheries Laboratory. Also, the conferees expect the Atlantic Salmon Recovery Plan and the State of Maine Recovery Plan to continue to be funded from within base resources. In addition, $230,000 is provided for the Pacific Coral Reef fisheries management plan, as described in the Senate report; $500,000 is provided for Bronx River recovery and restoration; $5,000,000 for American Fisheries Act Implementation, including $500,000 each for the North Pacific Fishery Management Council and the State of Alaska.

The conference agreement appropriates a total of $15,420,000 for NOAA support of Columbia River hatcheries programs, including $12,055,000 under the NMFS. Within the amount provided under the line item Columbia River hatcheries, NMFS is expected to support hatchery operations at a level of $11,400,000, and to use the additional funding to support salmon marking activities as described in the Senate report.

Under the Pacific Tuna Management line, $400,000 is for swordfish research as referenced in the Senate report, and the balance for JIMAR.

For New England Fisheries Management, $4,000,000 is for NMFS cooperative research, management, and enforcement, including enhanced stock assessments and discard mortality monitoring. In addition, $2,000,000 is for Northeast Consortium activities, as referenced in the Senate report. The conferees direct NMFS to collaborate with the New England Fisheries Management Council and affected stakeholders to design and prioritize cooperative research programs, and to develop a long-term, comprehensive strategy to rebuild Northeast groundfish stocks.

Protected Species Management.—Within the funds provided for protected species management, $750,000 is for continuation of a study on the impacts of California sea lions and harbor seals on salmonids and the West Coast ecosystem.

Driftnet Act Implementation.—Within the funds provided for Driftnet Act Implementation, $75,000 is for the Pacific Rim Fisheries Program, and $25,000 is for Washington and Alaska participation.

Endangered Species Recovery Plans.—A total of $43,500,000 is provided for this activity. Of these amounts, $43,000,000 is for the base program, $250,000 is to be made available for the State of Alaska for technical support to analyze proposed salmon recovery plans, and $250,000 is for the North Pacific Fishery Management Council for the purposes directed in the Senate report. The amount for the base program represents an increase of $17,250,000. Of this increase, $3,250,000 is provided for additional Pacific salmon-related activities, and $3,000,000 is provided for additional right whale activities. Together with the amount already in the base for right whales, this will result in a $4,100,000 funding level for right whale activities, which is to be expended in accordance with the Senate report. Other than salmon and right whales, the conferees expect that all activities will be kept at least at the fiscal year 1999 level, including Steller sea lion activities.

The conference agreement adds $11,000,000 to the $32,500,000 included in the previous conference report for the endangered species act recovery plan. The conferees expect these funds to be used for recovery plans for all endangered fish, marine mammals and sea turtles and not just for salmon in the northwest. In addition, the conferees expect NOAA to submit a staffing plan for the allocation of any new employees hired for this program in fiscal year 2000 and their proposed allocation by region.

Native Marine Mammal Commissions.—The conference agreement recommends that funding be distributed as follows: (1) $400,000 for the Alaska Eskimo Whaling Commission; (2) $150,000 for the Alaska Harbor Seal Commission; (3) $225,000 for the Beluga Whale Committee; (4) $50,000 for the Bristol Bay Native Association; and (5) $125,000 for the Aleut Marine Mammal Commission.

Observers and Training.—The conference agreement distributes funding as follows: (1) $425,000 for the North Pacific Fishery Observer Training Program; (2) $1,875,000 for North Pacific marine resource observers; and (3) $350,000 for east coast observers. Before initiating funding for a West Coast observer program, the conferees request that NMFS provide a report on the options for funding such a program, and include a comparison of how current programs in the North Pacific and the East Coast are funded with the proposal for the West Coast.

Interstate Fish Commissions.—The conference agreement includes $7,750,000 for this activity, of which $750,000 is to be equally divided among the three commissions, and $7,000,000 is for implementation of the Atlantic Coastal Fisheries Cooperative Management Act.

Fisheries Development Program.—Within the amount provided for the Fisheries Development Program, funding for the administrative costs of the Fisheries Finance program has been retained under this account, as provided in the House bill, instead of transferred to the Fisheries Finance Program account, as provided in the Senate bill. Language with respect to the administration of the Hawaiian Fisheries Development program and Hawaii Stock Enhancement included in the Senate report is adopted by reference.

Other.—In addition, within the funds available for the Saltonstall-Kennedy grants program, the conferees direct that funding be provided to the Alaska Fisheries Development Foundation to be used in accordance with the direction included in the Senate report, and that funds be provided pursuant to the direction included in both the House and Senate reports to support ongoing efforts related to Vibrio vulnificus.

OCEANIC AND ATMOSPHERIC RESEARCH

The conference agreement includes a total of $300,502,000 for Oceanic and Atmospheric Research activities, instead of $260,560,000 as recommended by the House and $319,910,000 as recommended by the Senate.

Interannual and Seasonal Climate Research.—The conferees have provided $16,900,000 for interannual and seasonal climate research. Within this amount, the conference agreement provides $2,000,000 to support climate and air quality monitoring and climatological modeling activities as described in the Senate report, and $2,000,000 is provided for the Ocean Observations program, to be expended only if other countries involved in the project are also providing funding.

Climate and Global Change Research.—The conference agreement includes $67,000,000 for the Climate and Global Change research program, an increase of $4,000,000 above the amounts provided in fiscal year 1999. Of this amount, the conference agreement includes an increase of $2,000,000 for the International Research Institute for Climate Prediction to fund planned modeling initiatives in water, agriculture, and public health, and will result in improved forecasting related to major climate events. Program increases of $1,000,000 for the Variability Beyond ENSO and $1,000,000 for Climate Forming Agents are also provided.

Long-term Climate and Air Quality Research.—The conference agreement provides $30,000,000 for this activity, as proposed by the House, instead of $32,000,000 as proposed by the Senate. Funding is distributed in the same manner as in fiscal year 1999. The conferees concur with language in the House report regarding research and a report on natural sources and removal for low-atmosphere ozone.

GLOBE.—A total of $3,000,000 is provided for this program, instead of $2,500,000 as proposed by the Senate. The House bill did not include funding for this program. NOAA is expected to comply with the direction included in the Senate report regarding this program.

Atmospheric Programs.—The conference agreement provides $37,350,000 for the weather research activity. Of this amount $1,500,000 is provided for research related to wind-profile data in accordance with the direction provided in the Senate report. In addition, $1,000,000 is provided for the U.S. Weather Research Program for hurricane-related research. This funding is intended to be used for improvements in hurricane prediction, and is not intended as initial funding for a large-scale general research program under the U.S. Weather Research Program, which is primarily funded through other Federal agencies.

STORM.—The conference agreement includes $2,000,000 as one-time funding for the Science Center for Teaching, Outreach and Research on Meteorology for the collection and analysis of weather data in the Midwest.

Solar/Geomagnetic Research.—The conference agreement includes $7,000,000 for this activity, which includes $6,000,000 for base programs, and $1,000,000 for the study of radio propagation physics and technology development associated with satellite-based telecommunications, navigation, and remote sensing, as referenced in the Senate report.

Marine Prediction Research.—The conference agreement includes $27,325,000 for marine prediction research. Within this amount, the following is provided: $8,875,000 for the base program; $1,650,000 for Arctic research, as directed in the House report; $2,400,000 for the Open Ocean Aquaculture program; $2,300,000 for tsunami mitigation; $2,100,000 for the VENTS program; $4,000,000 for continuation of the initiative on aquatic ecosystems recommended in the House report; $1,650,000 for implementation of the National Invasive Species Act, of which $850,000 is for the ballast water demonstration as directed in the Senate report; $500,000 for support for the Gulf of Maine Council; $2,000,000 for mariculture research; $1,450,000 for ocean services; $250,000 for the Pacific tropical fish program to be administered by HIEDA; and $150,000 for Lake Champlain studies. Due to recently enacted changes in the National Sea Grant Program Authorization Act, future activities related to Lake Champlain are expected to be funded through the regular Sea Grant program.

GLERL.—Within the $6,825,000 provided for the Great Lakes Environmental Research Laboratory, the conference agreement assumes continued support for the Great Lakes nearshore research and zebra mussel research programs at current levels.

Sea Grant.—The conference agreement appropriates $59,250,000 for the National Sea Grant program, of which $53,750,000 is for the base program, a $1,550,000 base increase over fiscal year 1999. The conferees expect NOAA to continue to fund the existing oyster disease research programs at their current levels and the zebra mussel research program at $3,000,000 within these amounts. The Sea Grant program and NMFS are urged to work with the West Coast Harmful Algal Bloom Workgroup to develop a research plan to address the causes of harmful algal blooms and a monitoring and prevention program.

National Undersea Research Program (NURP).—The conference agreement provides $13,800,000 for the National Undersea Research Program (NURP). The conferees expect the funds to be distributed to the east coast NURP centers according to fiscal year 1999 allocations, and to the west coast centers according to fiscal year 1998 allocations. The conferees expect level funding will be made available for the Aquarius, ALVIN and program administration. The fiscal year 2000 amount above these distributions shall be equally divided between east and west coast NURP centers.

NATIONAL WEATHER SERVICE

The conference agreement includes a total of $603,870,000 for the National Weather Service (NWS), instead of $599,196,000 as proposed by the House, and $620,138,000 as proposed by the Senate.

Local Warnings and Forecasts/Base Operations.—The amount provided includes $444,487,000 for this activity, an increase of $23,417,000 above the fiscal year 1999 level, including MARDI. All requested increases to base activities are provided, except for $1,935,000 in non-labor cost increases and $3,634,000 of the request to cover labor-cost deficiencies. The House and Senate Appropriations Committees expect that if the amount to cover labor-cost deficiencies is insufficient, NWS will submit a reprogramming. The conference agreement provides $4,500,000 for mitigation activities, an increase of $716,000 over fiscal year 1999. Increases for the Cooperative Observers Network and Aircraft Observations are not provided. Within the total amount provided for Local Warnings and Forecasts, $1,522,000 is for NOAA weather radio transmitters to be distributed in accordance with the direction included in the House and Senate reports, except that the amount for Wyoming weather transmitters is $200,000, and the amount for Illinois weather transmitters is $650,000. The conference agreement includes $513,000, as provided in the Senate report, for the creation of a fine-scale numerical weather analysis and prediction capability, as referenced in the House report. The conference agreement also includes funding, as requested, for data buoys and coastal marine automated network stations. Funding of $3,250,000 for WFO maintenance is provided under this heading.

The conferees concur with the language in the House and Senate reports relating to the Modernization Transition Committee/mitigation process to address the adequacy of NEXRAD coverage in certain areas. NOAA is expected to follow the recommendations contained in reports or applicable agreements requiring mitigation activities. The conferees also reiterate language in the fiscal year 1999 conference agreement addressing continued radar obstruction at the Jackson NEXRAD facility.

In addition, the conferees expect the NWS to continue the activities of NOAA's Cooperative Institute for Regional Prediction related to the 2002 Winter Olympic games.

NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE

The conference agreement includes $111,085,000 for NOAA's satellite and data management programs. In addition, the conference agreement includes $457,594,000 under the NOAA PAC account for satellite systems acquisition and related activities.

Satellite Observing Systems.—The conferees have included $57,300,000 for this activity, the same amount and the same distribution as in fiscal year 1999. Funding for the wind demonstration project is to be provided in accordance with the Senate report.

Environment Data Management.—The conferees have included $53,785,000 for EDMS activities. Under EDMS base activities, the conference agreement includes $24,000,000, an increase of $650,000, to be expended as directed in the House report. No funds are included to continue weather record rescue and preservation activities or the environmental data rescue program. The conference agreement includes $500,000 for the Cooperative Observers Network modernization. In addition, $4,000,000 is included for the Coastal Ocean Data Development Center, as referenced in the Senate report. In addition, the conferees have provided $10,200,000 to initiate a new, multi-year program for climate database modernization and utilization, to include but not be limited to key entry of valuable climate records, archive services, and database development. The conferees note the Administration's recent initiatives in support of reinvestment in economically distressed communities within Appalachia and intend that work under this program must be performed by existing and experienced concerns currently located in the Appalachian counties of Laurel and Mineral, which are experiencing high unemployment and poverty. The conference agreement includes $2,750,000 for the Regional Climate Centers.

PROGRAM SUPPORT

The conference agreement provides $62,553,000 for NOAA program support, instead of $54,594,000 as provided in the House bill, and $72,887,000, as provided in the Senate bill. Included in this total is $36,350,000 for Central Administrative Support, which is comprised of $31,850,000 for base activities and $4,500,000 for the Commerce Automated Management System.

FLEET PLANNING AND MAINTENANCE

The conference agreement includes an appropriation of $13,243,000 for this activity, as recommended in the Senate bill, instead of $7,000,000 included in the House bill. This amount includes $1,000,000 for equipping the RAINIER and $3,000,000 for NOPP-related activities.

FACILITIES

The conference agreement includes $11,204,000 for facilities maintenance, lease costs, and environmental compliance, instead of $10,165,000 as recommended in the House bill, and $9,829,000 as recommended in the Senate bill. Included in this total is $3,850,000 in lease payments to the General Services Administration (GSA) for the new Boulder facility. The conferees are aware that the GSA is applying 8% return-on-investment pricing to determine the rent that NOAA pays for the facility, with the possibility that the percentage will increase significantly in future years. The conferees believe that this results in an excessive rental charge that is not justified by the facts, and that a fair and reasonable return would be 6.25% amortized over 30 years. NOAA is directed to provide to the House and Senate Committees on Appropriations at the earliest opportunity the options that exist to moderate the cost of rental payments, and to consult with the Committees on the next steps to take to assure that NOAA does not get saddled with an excessive rental payment.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes a total of $596,067,000 in direct appropriations for the Procurement, Acquisition and Construction account, and assumes $7,400,000 in deobligations from this account. The following distribution reflects the fiscal year 2000 funding provided for activities within this account:

Systems Acquisition:	
AWIPS	$16,000,000
ASOS	3,855,000
NEXRAD	8,280,000
Computer Facilities Upgrades	11,100,000

Polar Spacecraft and Launching	190,979,000
Geostationary Spacecraft and Launching	266,615,000
Radiosonde Replacement	7,000,000
GFDL Supercomputer	5,000,000
Subtotal, Systems Acquisition	508,829,000
Construction:	
WFO Construction	9,526,000
NERRS Construction	13,250,000
N.Y. Botanical Gardens	1,500,000
Alaska Facilities	9,750,000
NORC Rehabilitation	3,045,000
Marine Sanctuaries Construction	3,000,000
Suitland Facility	3,000,000
Subtotal, Construction	43,071,000
Fleet Replacement:	
Fishery Vessel	51,567,000
Subtotal, Fleet Replacement	51,567,000

Systems Acquisition.—The conference agreement provides $16,000,000 to initiate AWIPS Build 5.0. NWS is requested to provide quarterly reports on the status of the project, progress in meeting milestones, amount expended to date, expected overall cost, and problems encountered.

Construction.—The funds appropriated for the National Estuarine Research Reserve construction are to be distributed as follows: $6,000,000 is for overall NERRS requirements, $4,000,000 is for the Great Bay NERR, $2,500,000 is for the Kachemak Bay NERR, the latter two as recommended in the Senate report, and $750,000 is for the Jacques Cousteau NERR. The funds appropriated for Alaska facilities are to be distributed as follows: $750,000 is for the Juneau Lab, $3,500,000 is for Ship Creek, and $5,500,000 is for the SeaLife Center. The conference agreement provides $3,000,000 for preliminary design work for a new building in the Suitland Federal Center to be built by the General Services Administration. Prior to obligating these funds, the conferees expect NOAA to provide a report detailing the total estimated cost of the new building, including a breakout by fiscal year of the amounts proposed to be paid by both the GSA and NOAA, as well as a recapitulation of the options that were considered in reaching a decision on the proposed facility, and then consult with the Committees on the report.

The conferees are also interested in receiving a report on any planning for new space related to other facilities in the area by January 15, 2000.

PACIFIC COASTAL SALMON RECOVERY

In addition to $20,000,000 provided elsewhere in this bill for initial capital for implementation of the 1999 Pacific Salmon agreement, the conference agreement includes $58,000,000 for salmon habitat restoration, stock enhancement, and research. Of this amount, $18,000,000 is provided to the State of Washington. $14,000,000 is provided to the State of Alaska, $9,000,000 is provided to the State of Oregon, and $9,000,000 is provided to the State of California. In addition, $6,000,000 is provided to the Pacific Coastal tribes (as defined by the Secretary of Commerce) and $2,000,000 is provided to Columbia River tribes.

The States of Alaska, Oregon, and California, and the tribes are strongly encouraged to each enter into a Memorandum of Understanding (MOU) with NMFS regarding projects funded under this section. The MOU should not require federal approval of individual projects, but should define salmon recovery strategies. All states and tribes that receive funding shall report to the Secretary of Commerce, the Senate and House Committees on Appropriations, the Senate Committee on Commerce, Science, and Transportation, and the House Committee on Resources on progress of salmon recovery efforts funded under this heading by not later than September 1, 2000.

The 1999 Pacific Salmon Treaty Agreement provides a comprehensive, coastwide conservation program for the protection of Pacific salmon, including domestic and Canadian fisheries. In particular, it provides significant harvest reductions in Alaska below previous restrictions implemented in 1985 and 1995, each of which further reduced the impact of Alaska's fisheries on listed stocks. Therefore, any recovery efforts shall not be based on or anticipate exploitation rates in Alaska not included in the 1999 Agreement, but should include other quantifiable goals and objectives, such as escapement and production, required for the recovery of listed salmon.

The conference agreement provides $18,000,000 for the State of Washington which is to be provided directly to the Washington State Salmon Recovery Board to distribute for salmon habitat projects, other salmon recovery activities, and to implement the Washington Forest and Fish Agreement authorized by the Washington State Legislature. The conferees urge, with input from the Board, local governments, local watershed organizations, tribes, and other interested parties, that clear, scientifically-based goals and objectives for salmon recovery in Washington State be established by NMFS and be rendered in the form of numerical goals and objectives for the recovery of each species of salmon listed under the Endangered Species Act in Washington State. The conferees expect such goals and objectives to specify the outcome to be achieved for the salmon resource in order to satisfy the requirements of the Endangered Species Act. The conferees anticipate that by July 1, 2000, NMFS will have established numerical goals and objectives for the recovery of salmon in the Puget Sound ESU, and will have produced a schedule for completion of numerical goals and objectives for all other parts of the State. The conferees expect that the Board will establish performance standards to inform its project funding decisions, and will give due deference to the project prioritization work being performed by local watershed organizations, Entities eligible to receive federal funds for salmon recovery projects and activities from the Board include local governments, tribes, and nonprofit organizations, such as the Puget Sound Foundation. Funds appropriated by this Act may be distributed by the Board on a project-by-project basis or advanced in the form of block grants. Not more than one percent of these federal funds shall be used for the Board's administrative expenses, and not more than one percent of the remaining federal monies distributed by the Board for habitat projects and recovery activities shall be used by the eligible entities for administrative expenses. None of the $18,000,000 shall be used for the buy back of commercial fishing licenses or vessels. Nothing in this Act shall impair the authority of the Board to expend funds appropriated to it by the Washington State Legislature. Funds provided to tribes in Washington State from the $8,000,000 appropriated for Pacific Coastal and Columbia River Tribes shall be used only for grants for planning (not to exceed 10 percent of any grant), physical design, and completion of restoration projects.

The funds provided for salmon and steelhead recovery efforts in the State of Oregon shall be provided to the Oregon Watershed Enhancement Board (OWEB). The OWEB shall provide funding for salmon recovery projects and activities including planning, monitoring, habitat restoration and protection, and improving State and local council capacity to implement local projects which directly support salmon recovery.

COASTAL ZONE MANAGEMENT FUND

The conference agreement includes an appropriation of $4,000,000, as provided in both the House and the Senate bills. This amount is reflected under the National Ocean Service within the Operations, Research, and Facilities account.

PROMOTE AND DEVELOP FISHERY PRODUCTS AND RESEARCH PERTAINING TO AMERICAN FISHERIES

FISHERIES PROMOTIONAL FUND

(RESCISSION)

The conference agreement includes a rescission of all unobligated balances available in the Fisheries Promotional Fund, as provided in the House bill. The Senate bill included a rescission of $1,187,000 from this Fund.

FISHERMEN'S CONTINGENCY FUND

The conference agreement includes $953,000 for the Fishermen's Contingency Fund, as provided in both the House and Senate bills.

FOREIGN FISHING OBSERVER FUND

The conference agreement includes $189,000 for the expenses related to the Foreign Fishing Observer Fund, as provided in both the House and Senate bills.

FISHERIES FINANCE PROGRAM ACCOUNT

The conference agreement provides $338,000 in subsidy amounts for the Fisheries Finance Program Account, instead of $238,000 as provided in the House bill and $2,038,000 as provided in the Senate bill. The Senate provision included $1,700,000 for administrative costs of the program, which the conference agreement provides under the Operations, Research and Facilities account, as provided in the House bill. The agreement includes $100,000 above the House level to continue entry level and small vessel Individual Fishery Quota obligation guarantees in the halibut and sablefish fisheries as recommended in the Senate report.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $31,500,000 for the general administration of the Commerce Department, instead of $30,000,000, as proposed in the House bill, and $34,046,000, as proposed in the Senate bill. The conferees concur with language in the House report concerning office moves and the Working Capital Fund, and with language in the Senate report concerning the Senior Executive Service "Commerce 2000" initiative.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $20,000,000 for the Commerce Department Inspector General, instead of $22,000,000 as recommended in the House bill and $17,900,000 as recommended in Senate bill.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

The conference agreement includes the following general provisions for the Department of Commerce:

Section 201.—The conference agreement includes section 201, included in the House and Senate bills, regarding certifications of advanced payments.

Sec. 202.—The conference agreement includes section 202, identical in the House and Senate bills, allowing funds to be used for hire of passenger motor vehicles.

Sec. 203.—The conference agreement includes section 203, identical in the House and Senate bills, prohibiting reimbursement to the Air Force for hurricane reconnaissance planes.

Sec. 204.—The conference agreement includes section 204, as proposed in the House bill, prohibiting funds from being used to reimburse the Unemployment Trust Fund for temporary census workers. The Senate bill included a provision prohibiting reimbursements in relation to the 1990 decennial census.

Sec. 205.—The conference agreement includes section 205, identical in the House and Senate bills, regarding transfer authority between Commerce Department appropriation accounts.

Sec. 206.—The conference agreement includes section 206, providing for the notification of the House and Senate Committees on Appropriations of a plan for transferring funds to appropriate successor organizations within 90 days of enactment of any legislation dismantling or reorganizing the Department of Commerce, as proposed in the House bill. The Senate bill did not contain a provision on this matter.

Sec. 207.—The conference agreement includes section 207, included in both the House and Senate bills, requiring that any costs related to personnel actions incurred by a department or agency funded in title II of the accompanying Act, be absorbed within the total budgetary resources available to such department or agency.

Sec. 208.—The conference agreement includes section 208, as proposed in both the House and Senate bills, allowing the Secretary to award contracts for certain mapping and charting activities in accordance with the Federal Property and Administrative Services Act.

Sec. 209.—The conference agreement includes section 209, as proposed in both the House and Senate bills, allowing the Department of Commerce Franchise Fund to retain a portion of its earnings from services provided.

Sec. 210.—The conference agreement includes section 210, as proposed in the Senate bill, to increase the total number of members of the New England Fishery Management Council and the number appointed by the Secretary of Commerce by one member. The House bill did not contain a provision on this matter.

Sec. 211.—The conference agreement includes a new section 211, which makes funds provided under the National Institute of Standards and Technology, Construction of Research Facilities, available for a medical research facility and two information technology facilities.

TITLE III—THE JUDICIARY

Supreme Court of the United States

SALARIES AND EXPENSES

The conference agreement includes $35,492,000 for the salaries and expenses of the Supreme Court, instead of $35,041,000, as provided in the House bill and $35,903,000 as provided in the Senate bill. Funding for the cost of living increase for the Justices is provided in section 304.

CARE OF THE BUILDING AND GROUNDS

The conference agreement includes $8,002,000 for the Supreme Court Care of the Building and Grounds account, instead of $6,872,000 as provided in the House bill and $9,652,000, as provided in the Senate bill. This is the amount the Architect of the Capitol currently estimates is required for fiscal year 2000, including building renovations and perimeter security. The conference agreement allows $5,101,000 to remain available until expended, instead of $3,971,000, as provided in the House bill, and $6,751,000, as provided in the Senate bill. Senate report language related to off-site facility planning and House report language related to miscellaneous improvements is adopted by reference.

United States Court of Appeals for the Federal Circuit

SALARIES AND EXPENSES

The conference agreement includes $16,797,000 for the U.S. Court of Appeals for the Federal Circuit, instead of $16,101,000 as provided in the House bill and $16,911,000 as provided in the Senate bill. This provides funding for base adjustments and for three additional assistants, assuming they are hired at mid-year. Funding for the cost of living increase for federal judges is provided in section 304.

United States Court of International Trade

SALARIES AND EXPENSES

The conference agreement includes $11,957,000 for the U.S. Court of International Trade, as provided in the Senate bill, instead of $11,804,000, as provided in the House bill. Funding for the cost of living increase for federal judges is provided in section 304.

Courts of Appeals, District Courts, and Other Judicial Services

SALARIES AND EXPENSES

The conference agreement provides $3,114,677,000 for the salaries and expenses of the federal judiciary, of which $156,539,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF), instead of $3,066,677,000, including $156,539,000 from the VCRTF, as provided in the House bill, and $2,992,265,000, including $100,000,000 from the VCRTF, as provided in the Senate bill. Funding for the cost of living increase for federal judges is provided in section 304.

The conference agreement allows $13,454,000 for space alterations, to remain available until expended, as provided in the House bill, instead of $19,150,000, as provided in the Senate bill.

House report language with respect to funding for new judgeships is adopted by reference.

The conference agreement also provides $2,515,000 from the Vaccine Injury Compensation Trust Fund for expenses associated with the National Childhood Vaccine Injury Act of 1986, as provided in the Senate bill, instead of $2,138,000, as provided in the House bill.

DEFENDER SERVICES

The conference agreement includes $385,095,000 for the federal judiciary's Defender Services account, of which $26,247,000 is provided from the Violent Crime Reduction Trust Fund (VCRTF), instead of $387,795,000, including $26,247,000 from the VCRTF, as provided in the House bill, and $353,888,000 in direct funding, as provided in the Senate bill. This includes funding for an increase of $5 an hour for in-court and out-of-court time for Criminal Justice Act panel attorneys.

Language relating to the Ninth Circuit in the House report is adopted by reference.

FEES OF JURORS AND COMMISSIONERS

The conference agreement includes $60,918,000 for Fees of Jurors and Commissioners, as proposed in the Senate bill, instead of $63,400,000 as provided in the House bill. The amount provided reflects the latest estimate from the judiciary of the requirements for this account.

COURT SECURITY

The conference agreement includes $193,028,000 for the federal judiciary's Court Security account, instead of $190,029,000, as proposed in the House bill, and $196,026,000, as proposed in the Senate bill.

The recommendation provides for requested adjustments to base, the requested program increases to hire additional security officers and for perimeter security, and the balance for additional security equipment. The language in the House report related to a report on changes in security officer staffing and equipment is adopted by reference.

The conference report allows $10,000,000 in security system funding to remain available until expended, as proposed in the House bill, instead of $10,000,000 for any purpose under this heading, as proposed in the Senate bill.

Administrative Office of the United States Courts

SALARIES AND EXPENSES

The conference agreement includes $55,000,000 for the Administrative Office of the United States Courts, instead of $54,500,000, as proposed by the House, and $56,054,000, as proposed by the Senate.

Language in the House report relating to the Optimal Utilization of Judicial Resources report and court interpreter standards is adopted by reference.

The conference agreement provides $8,500 for reception and representation expenses, instead of $7,500 as proposed in the House bill, and $10,000 as proposed in the Senate bill.

Federal Judicial Center

SALARIES AND EXPENSES

The conference agreement includes $18,000,000 for the fiscal year 2000 salaries and expenses of the Federal Judicial Center, instead of $17,716,000 as proposed in the House bill and $18,476,000 as proposed in the Senate bill.

Judicial Retirement Funds

PAYMENT TO THE JUDICIARY TRUST FUNDS

The conference agreement includes $39,700,000 for payment to the various judicial retirement funds as provided in both the House and Senate bills.

United States Sentencing Commission

SALARIES AND EXPENSES

The conference agreement includes $8,500,000 for the U.S. Sentencing Commission, as provided in the House bill, instead of $9,743,000 as provided in the Senate bill. Additional funds are available from carryover and from the Judiciary automation fund. There continues to be substantial uncertainty as to the requirements for the Commission in fiscal year 2000, but should the situation clarify, the conferees believe there is flexibility in the Judiciary appropriation to address any resulting additional requirements.

General Provisions—The Judiciary

Section 301.—The conference agreement includes a provision included in both the House and Senate bills allowing appropriations to be used for services as authorized by 5 U.S.C. 3109.

Sec. 302.—The conference agreement includes a provision, as included in the House bill, providing the Judiciary with the authority to transfer funds between appropriations accounts but limiting, with certain exceptions, any increase in an account to 10 percent, instead of the Senate provision which would have limited the increase to 20 percent.

Sec. 303.—The conference agreement includes a provision allowing up to $11,000 of salaries and expenses funds provided in this title to be used for official reception and representation expenses of the Judicial Conference of the United States, instead of $10,000 as proposed in the House bill, and $12,000 as proposed in the Senate bill.

Sec. 304.—The conference agreement includes a provision, as proposed in the Senate bill, authorizing federal judges to receive a salary adjustment and appropriating $9,611,000 for the cost of the salary adjustment for all accounts under this title. The House bill did not include a similar provision.

Sec. 305.—The conference agreement includes a provision, as proposed in the Senate bill, amending title 28 of the U.S. Code to authorize the Director of the Administrative Office of the Courts to pay any increases in the cost of Federal Employees' Group Life Insurance imposed after April 24, 1999. The House bill did not include a similar provision.

Sec. 306.—The conference agreement includes a provision, included in the Senate bill, authorizing Central Islip, New York, as a place of holding court. The House bill did not include a similar provision.

Sec. 307.—The conference agreement includes a provision, included in the Senate bill, approving consolidation of Court Clerks' Offices in the Southern District of West Virginia. The House bill did not include a similar provision.

Sec. 308.—The conference agreement includes a provision, included in the Senate bill, modifying the circumstances under which attorneys' fees in Federal capital cases can be disclosed. The House bill did not include a similar provision.

Sec. 309.—The conference agreement includes a new provision authorizing nine district judgeships in Arizona, the Middle District of Florida, and Nevada.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement includes a total of $2,823,825,000 for Diplomatic and Consular Programs, instead of $2,726,825,000 as included in the House bill and $2,671,429,000 as included in the Senate bill. The conference agreement includes $2,569,825,000 for ongoing activities under this account, and an additional $254,000,000 to remain available until expended for worldwide security upgrades.

The conference agreement includes language not included in either the House or Senate bills making fees collected in fiscal year 2000 relating to affidavits of support available until expended.

The conference agreement includes language designating $236,291,000 for public diplomacy international information programs instead of $306,057,000 as proposed in the House bill. The Senate bill did not contain a similar provision. This amount represents current services funding for program activities previously carried out by USIA, and includes the program and personnel costs associated with former USIA activities. The amount specified in the House bill included $59,247,000 in ICASS costs, and $10,519,000 for other overseas support costs. The conferees have excluded these support costs from the amount separately designated for public diplomacy international information programs.

The conference agreement includes language making available $500,000 for the National Law Center for Inter-American Free Trade, as provided in the Senate bill. The House bill did not include a similar provision.

The conference agreement includes language transferring $1,162,000 to the Presidential Advisory Commission on Holocaust Assets in the United States, as proposed in the House bill. Language is also included limiting the amount transferred from all Federal sources to the authorized amount. The Senate bill did not include a similar provision.

The conference agreement includes language making $2,500,000 available for overseas continuing language education, instead of $5,000,000 as proposed in the Senate bill. The House bill did not include a similar provision.

The conference report also includes a provision to collect and deposit as an offsetting collection to this account Machine Readable Visa fees in fiscal years 2000 and 2001 to recover authorized costs. The Senate bill included a similar provision but would have made it permanent. The House bill did not include a provision on this matter. The conference agreement does not include a provision in the House bill limiting the use of Machine Readable Visa fees to $267,000,000 in fiscal year 2000. The Senate bill did not contain a similar provision.

The conference agreement includes language designating $10,000,000 for activities associated with the implementation of the Pacific salmon treaty. The conference agreement does not include language that this funding must be designated from within amounts available for the Bureau of Oceans and International Environment and Scientific Affairs, as proposed in the Senate bill. The House bill did not contain a similar provision.

The conference agreement includes $9,000,000 for the Office of Defense Trade Controls, instead of $11,000,000 as proposed in the Senate bill. The House bill did not have a similar provision. House report language directed the Department to maintain the increased fiscal year 1999 funding level for the Office. The conferees expect that increased funding for this Office will result in increased scrutiny of export license applications, enhanced end-use monitoring, and stronger compliance enforcement measures to ensure that U.S. technology is properly safeguarded when exported.

The conference agreement also includes language allowing the transfer of not to exceed $4,500,000 to the International Broadcasting Operations account only to avoid reductions in force at the Voice of America.

The conference agreement does not include a provision transferring $13,500,000 to the East-West Center, a provision making $6,000,000 available for overseas representation, a provision making $125,000 available for the Maui Pacific Center, or provisions placing limitations on details of State Department employees to other agencies or organizations. These provisions were proposed in the Senate bill, and the House bill did not contain similar provisions.

The conference agreement does not include funding for any program increases requested by the Department. Within the amount provided, and including any savings the Department identifies, the Department will have the ability to propose that funds be used for purposes not funded by the conference agreement, including high priority program increases such as China 2000 and a Hispanic and minority recruitment initiative, through the normal reprogramming process. The conferees agree that no funds shall be used for the requested market development pilot project. With respect to China 2000, it is expected that the Department will comply with program direction in the Senate report regarding information resource center upgrades.

The conference agreement includes $42,000,000, of which not to exceed $5,000,000 is for costs related to the WTO Ministerial in Seattle and the balance is for costs of additional staffing and support costs related to increased diplomatic activity in the Kosovo region. The Department may also use funding under this account for the participation costs of official delegates to the WTO Ministerial.

The conferees agree that the Department shall follow the program direction and reporting requirements related to worldwide security in both the House and Senate reports. The language in the House report under this heading is to be followed in expending fiscal year 2000 funds, including language on the Advisory Commission on Public Diplomacy, the implementation of Public Law 105–319, and on specific reporting requirements, including a report on compensation provided to the families of the Americans killed in the terrorist bombing of the U.S. Embassy in Nairobi. In addition, this statement of managers adopts by reference the provisions in the Senate report addressing the Arctic Council and the Bering Straits Commission.

The conference agreement does not adopt Senate report language on arms control treaty verification technology, and staffing levels in Berlin and Beijing.

The conferees agree that the Department shall report to the Committees, no later than January 15, 2000, on the Department's plan for implementing recommendations in OIG Memorandum Report 99–SP–013 regarding foreign service tour length, and on the Bureau of Consular Affairs' plan to manage issues related to the entry into the United States of foreign nationals for the 2002 Winter Olympic Games.

The conferees are concerned with what appears to be a large number of State Department employees staffing the Office of the Secretary and the Bureau of Legislative Affairs. The conferees believe the Secretary should be served by the best possible insight and advice, and it is important that potentially overlapping responsibilities among the regional and functional bureaus and the "Secretariat" do not produce a confusion of voices on key policy issues. Similarly, the conferees are concerned that unclear lines of responsibility and authority between the Bureau of Legislative Affairs and the various Congressional affairs offices in the regional and functional bureaus have resulted in confused or incomplete liaison with Congress. As a result, the conferees direct the Department to undertake staffing reassessments in these two offices. The Department should develop a plan to streamline staffing authorities and responsibilities and to rationalize the inclusion of staff and functions from USIA and ACDA, and report to the Committees on Appropriations no later than January 15, 2000.

CAPITAL INVESTMENT FUND

The conference agreement includes $80,000,000 for the Capital Investment Fund, the amount included in the House bill, instead of $50,000,000 as proposed in the Senate bill. The provisions in the House report are adopted by reference.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $27,495,000 for the Office of Inspector General, which has jurisdiction over the Department of State and the Broadcasting Board of Governors, instead of $28,495,000 as proposed in the House bill and $26,495,000 as proposed in the Senate bill. The conferees expect that within the funds provided, the Inspector General will continue the current level of security-related audit and oversight activity. The conferees encourage the Inspector General to exercise appropriate oversight over the International Commissions and international broadcasting entities funded under this title.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

The conference agreement includes $205,000,000 for Educational and Cultural Exchange Programs of the Department of State, instead of $175,000,000 as proposed in the House bill and $216,476,000 as proposed in the Senate bill. The conference agreement also provides that not to exceed $800,000 may be credited to this appropriation from fees and other payments.

The availability of significant carryover and recovered funds in this account is noted, and the Department is directed to submit a proposed distribution of the total resources available under this account no later than December 31, 1999, through the normal reprogramming process. The conferees intend that the distribution of funds under this account shall support, to the maximum extent possible, Fulbright Scholarship Programs, Humphrey Fellowships, educational advising and counseling, Citizen Exchange Programs, Pepper Scholarships, the Regional Scholar Exchange Program, the Disability Exchange Clearinghouse, the National Youth Science Camp, and exchanges with Tibet, the South Pacific, and East Timor. Such a distribution shall also include funding at not less than the amounts designated for the following programs: $42,800,000 for the International Visitor Program; $2,656,000 for English language programs; $2,000,000 for American Overseas Research Centers; and $4,000,000 for Muskie Fellowships. To the extent that the Department allocates resources to civic education programs, these programs shall be separately identified and explained in the reprogramming submission.

The conferees agree that enabling Muskie Fellowship Program participants to undertake doctoral graduate study in the social sciences, including economics, in universities in the United States is an appropriate extension of this program. Therefore, the conferees recommend that funding be provided for not more than thirty percent of the program participants to pursue Ph.D. programs. As a condition of participation in the doctoral program, fellows shall perform one year of service in their home countries for every year their study is supported by this program. The conferees expect that not less than thirty percent of each participant's doctoral study be funded from non-Federal sources.

In addition, the conference agreement includes: $2,400,000 for Congress-Bundestag Youth Exchanges; $2,200,000 for Mansfield Fellowships; $100,000 for the Montana Technical Foreign Exchange Program; $400,000 for the Institute for Representative Government; $500,000 for the Irish Institute; $638,000 for the 2001 Special Olympic Winter Games; $500,000 for Olympic and Paralympic Games Youth Camps; and $150,000 for Interparliamentary Exchanges with Korea and China.

The statement of managers adopts by reference language in the House report on NIS exchanges, the number of Congress-Bundestag Youth Exchanges, competition for grant programs, and cooperation between the State Department and non-governmental exchange organizations, as well as language in the Senate report on the U.S./Mexico Conflict Resolution Center.

REPRESENTATION ALLOWANCES

The conference agreement includes $5,850,000 for Representation Allowances, as proposed in the Senate bill, instead of $4,350,000 as proposed in the House bill.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

The conference agreement includes $8,100,000 for Protection of Foreign Missions and Officials, as provided in both the House and Senate bills. The provisions in both the House and Senate reports are adopted by reference.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

The conference agreement includes $742,178,000 for this account instead of $717,178,000 as proposed in the House bill and $583,496,000 as proposed in the Senate bill.

The conference agreement includes $313,617,000 for the costs of worldwide security upgrades, including $300,000,000 for capital security projects, as proposed in the House bill. The conferees direct the Department to comply with the program direction related to security upgrades in the House report, including the submission of a spending plan within sixty days of the date of enactment of this Act. In proposing such a spending plan, the conferees direct the Department to include an assessment of the need for security upgrades related to housing, schools, and Marine quarters, as described in the Senate report.

The conference agreement includes $25,657,000 in capital program activities for the costs of pending projects in Chengdu, Shenyang and Guangzhou.

The conferees note that the budget request included planned expenditures of $92,500,000 from proceeds of sale of surplus property for opportunity purchases and capital projects. The conferees expect the Department to submit a spending plan for these funds that includes: at least $42,500,000 for opportunity purchases to replace uneconomical leases; at least $25,000,000 for capital security projects; and $5,000,000 for Taiwan design costs. Any additional use of these funds is subject to reprogramming.

The conferees are aware that high operating costs in Paris have prompted a review of the post with the intent of transferring personnel and functions to lower cost cities. The conferees direct the Department to review the operations of the Paris Financial Service Center and determine if any services could be performed in the United States at the Charleston Financial Service Center. The Department shall develop plans to transfer any such services to the United States consistent with the Department's overall financial systems improvement schedule and on a time line that is cost effective. A progress report on Financial Service Center consolidation shall be submitted to the House and Senate Appropriations Committees not later than June 1, 2000.

The conferees are aware the Department is projecting a need for diversity visa processing capacity, and expect the Department to implement plans for a facility to meet such a need in a State previously designated for the purpose of passport processing.

The Department is directed to submit, and receive approval for, a financial plan for the funding provided under this account, whether from direct appropriations or proceeds of sales, prior to the obligation or expenditure of funds for capital and rehabilitation projects. The conferees expect that the amount in the plan for the leasehold program will not exceed $138,210,000. The Department may include in the plan the costs of physical security upgrades including the costs of expanding Marine posts to new locations. The conferees agree that any such amount for expanding Marine posts to new locations shall not exceed half the total costs, in accordance with the existing cost-sharing arrangement.

The overall spending plan shall include project-level detail, and shall be provided to the Appropriations Committees not later than 30 days after the date of enactment of this Act. Any deviation from the plan after approval shall be treated as a reprogramming in the case of an addition greater than $500,000 or as a notification in the case of a deletion, a project cost overrun exceeding 25 percent, or a project schedule delay exceeding 6 months. Notification requirements also extend to the rebaselining of a given project's cost estimate, schedule, or scope of work.

The conferees agree that no additional funding shall be allocated in fiscal year 2000 for the ongoing rehabilitation of the Ambassador's residence in London.

The conferees direct the Department to submit to the Committees a plan to implement the September 1998 recommendation of the Inspector General to sell a certain property in France, referenced in the Senate report.

As in the past, immediate notification is expected if there are facilities that the Department believes pose serious security risks.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

The conference agreement includes $5,500,000 for Emergencies in the Diplomatic and Consular Service account, as provided in the House bill, instead of $7,000,000, as provided in the Senate bill. The conference agreement does not adopt the provision in the Senate report designating not more than $5,000,000 under this account for costs associated with the World Trade Organization conference in Seattle, Washington. The conferees address funding for these costs under the Diplomatic and Consular Programs account.

REPATRIATION LOANS PROGRAM ACCOUNT

The conference agreement includes a total appropriation of $1,200,000 for the Repatriation Loans Program account, as provided in both the House and Senate bills.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

The conference agreement includes $15,375,000 for the Payment to the American Institute in Taiwan account, instead of $14,750,000 as proposed in the House bill and $16,000,000 as proposed in the Senate bill. Increased funding over the fiscal year 1999 level may be used for costs of security upgrades as described in the Senate report. The conferees expect the Department to submit a spending plan to the Committees, as indicated in the House report.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

The conference agreement includes $128,541,000 for the Payment to the Foreign

Service Retirement and Disability Fund account, as provided in both the House and Senate bills.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The conference agreement includes $885,203,000 for Contributions to International Organizations to pay the costs assessed to the United States for membership in international organizations, instead of $842,937,000 as proposed in the House bill, and $943,308,000 as proposed in the Senate bill, of which $836,308,000 was for current year assessments, and $107,000,000 was for payment of arrearages to the United Nation's. The conference agreement includes all arrearage payments under a separate account.

The conference agreement includes language providing that none of the funds can be used for the U.S. share of interest costs for loans incurred after October 1, 1984 through external borrowings, as provided in the House bill. The Senate bill did not contain a similar provision.

The conference agreement includes language providing that funds under this account may be used to pay the full United States assessment to the NATO civil budget, as proposed in the House bill. The Senate bill did not contain a similar provision.

The conference agreement does not include a provision making $100,000,000 available only upon certifications that the United Nations is staying within a zero nominal growth budget for both the 1998–1999 and 2000–2001 biennial budgets, as proposed in the House bill. The conferees expect that the Department will make every effort to ensure that the United Nations stays within the expected 1998–1999 budget of $2,533,000,000 and accomplishes a zero nominal growth 2000–2001 budget at the United Nations General Assembly meeting in December 1999. The Department shall report to the Committees on these efforts by January 15, 2000.

The conference agreement does not contain a number of provisions in the Senate bill relating to payment of arrearages. Arrearages are addressed in a separate account.

The $885,203,000 provided by the conference agreement is expected to be sufficient to fully pay assessments to international organizations. With excess fiscal year 1999 funds, including a transfer from the Contributions for International Peacekeeping account, the conferees expect the Department to prepay $47,040,000 of the fiscal year 2000 assessment for the United Nations regular budget. Consequently, although the budget requested $963,308,000 for this account, based on the prepayment of U.N. assessments and further exchange rate gains, the adjusted request is $885,842,000. The conference agreement does not include requested funding for the Inter-American Indian Institute, the Interparliamentary Union, and the Bureau of International Expositions.

The conference agreement provides funding under this account for assessments for all international organizations. The Senate report proposed to transfer funding for commodity-based organizations to the Commerce Department and funding for the International Telecommunications Union to the Federal Communications Commission. The conferees direct the Department to take the necessary steps to ensure that full and timely payments are made to these organizations.

Provisions in the House report relating to reports on reforms in international organizations, tax equalization adjustments, and the Pan American Health Organization are adopted by reference.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The conference agreement provides $500,000,000 for Contributions for International Peacekeeping Activities instead of $200,000,000 as proposed in the House bill, and $387,925,000 as proposed in the Senate bill, of which $143,925,000 was for payment of current year peacekeeping assessments and $244,000,000 was for payment of peacekeeping arrearages. The conference agreement addresses arrearages under a separate account.

The conference agreement includes a provision that, of the total funding provided under this heading, not to exceed $20,000,000 shall remain available until September 30, 2001. The Senate bill made $28,093,000 available until September 30, 2001 and the House bill had no provision on the matter. The conferees intend that before any excess funding shall be carried over into fiscal year 2001 in this account, the Department shall transfer the maximum allowable amount to the Contributions to International Organizations account to prepay the fiscal year 2001 assessment for the United Nations regular budget.

The conference agreement includes a provision that prohibits obligation or expenditure of funds for new or expanded U.N. peacekeeping missions unless, at least 15 days prior to the Security Council vote, the appropriate Committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and a reprogramming of funds is submitted setting forth the source of funds that will be used to pay for the cost of the new or expanded mission, as included in the House bill. The Senate bill did not contain a provision on this matter.

The conference agreement contains a provision requiring a certification that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for U.N. peacekeeping activities equal to those being given to foreign manufacturers and suppliers, as provided in the House bill. The Senate bill did not contain a provision on this matter.

In addition, the conference agreement includes a provision prohibiting funds from being used to pay the United States share of the cost of judicial monitoring that is part of any United Nations peacekeeping mission, as proposed in the House bill. Thus, if any current or future peacekeeping operation includes judicial monitoring as one of its functions, the U.S. will have to withhold its proportionate share of the cost of any court monitoring that is included in such a mission. This provision was not included in the Senate bill.

The conference agreement does not include several provisions relating to arrearages that were included in the Senate bill, as arrearages are addressed under a separate account.

The conference agreement includes funding for anticipated assessments for peacekeeping missions including those in the Golan Heights, Lebanon, Iraq/Kuwait, Bosnia-Herzegovina, Cyprus, Georgia, Tajikistan, as well as War Crimes Tribunals for Yugoslavia and Rwanda. The conference agreement does not include requested funding for missions in Western Sahara or Haiti. The conference agreement includes additional resources, which may be applied to additional assessments subject to reprogramming requirements. The conferees are aware that additional assessments are expected in fiscal year 2000 for new and expanded peacekeeping missions, including those in Kosovo, Sierra Leone and East Timor.

The statement of managers adopts by reference language in the House report making it clear that the Department is expected to live within the appropriation, to support the work of the United Nations Office of Internal Oversight Service, and to take all actions necessary to prevent conversion of loaned employees into permanent positions at the United Nations.

ARREARAGE PAYMENTS

The conference agreement includes a total of $351,000,000 for arrearage payments, as proposed in the House bill under this account, instead of $107,000,000 and $244,000,000 as proposed in the Senate bill under Contributions to International Organizations and Contributions for International Peacekeeping, respectively. The conference agreement includes $244,000,000 for the payment of arrearages, and an additional $107,000,000 to reduce the total amount of arrearages owed to the United Nations.

The conference agreement does not include language, as proposed in the House bill, making the amounts provided under this heading subject to enactment of authorizing legislation that makes payment of arrearages contingent upon United Nations reform. The conferees understand that such authorization will be included as a separate division in this Act, and that the amounts provided under this heading will be used pursuant to the reform conditions contained in that division.

The conference agreement makes the expenditure of the $244,000,000 provided for payment of arrearages contingent upon a reduction in the U.S. assessment rate for the designated specialized agencies to not more than 22 percent, and upon the achievement of zero nominal growth budgets in the designated specialized agencies for the 2000–2001 biennium. These conditions are included among the conditions pending as part of the authorization, and are intended to assure that real and substantial reforms are achieved at the U.N. and other international organizations prior to payment of arrearage funding, and that assessment reductions are made that will provide long-term savings to the American tax-payer.

The conferees expect the Department to provide the Committees with a report on the payment of arrearages to international organizations as specified in the House report.

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

SALARIES AND EXPENSES

The conference agreement includes $19,551,000 for Salaries and Expenses of the International Boundary and Water Commission (IBWC), as proposed in both the House and Senate bills.

CONSTRUCTION

The conference agreement includes $5,939,000 for the Construction account of the IBWC as proposed in the Senate bill, instead of $5,750,000 as proposed in the House bill. The conferees agree that allocation of funding for specific projects shall reflect the direction in both the House and Senate reports. The conference agreement adopts, by reference, language in the House report regarding the reallocation of funds subject to reprogramming, and a reporting requirement on a certain wastewater treatment situation.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

The conference agreement includes $5,733,000 for the U.S. share of expenses of the

International Boundary Commission, the International Joint Commission, United States and Canada, and the Border Environment Cooperation Commission, as proposed in both the House and Senate bills. The conference level will provide funding for all three commissions at the fiscal year 1999 levels.

International Fisheries Commissions

The conference agreement includes $15,549,000 for the U.S. share of the expenses of the International Fisheries Commissions and related activities, as proposed in the Senate bill, instead of $14,549,000 as proposed in the House bill.

The conference agreement does not include provisions in the Senate bill limiting the amount to be obligated and expended by the Inter-American Tropical Tuna Commission and prohibiting the importation of tuna from certain countries under certain conditions. The House bill did not contain similar provisions.

The conference agreement adopts, by reference, language in the House report regarding the application of reductions if necessary, and language in the Senate report on funding for the Great Lakes Fishery Commission (GLFC), including sea lamprey operations and research, costs of treating Lake Champlain, and priority to States providing matching funds.

Other

PAYMENT TO THE ASIA FOUNDATION

The conference agreement includes $8,250,000 for the Payment to the Asia Foundation account, instead of $8,000,000 as provided in the House bill, and instead of no funding as provided in the Senate bill.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

The conference agreement includes language as provided in both the House and Senate bills, allowing all interest and earnings accruing to the Trust Fund in fiscal year 2000 to be used for necessary expenses of the Eisenhower Exchange Fellowships.

ISRAELI ARAB SCHOLARSHIP PROGRAM

The conference agreement includes language as provided in both the House and Senate bills, allowing all interest and earnings accruing to the Scholarship Fund in fiscal year 2000 to be used for necessary expenses of the Israeli Arab Scholarship Program.

EAST-WEST CENTER

The conference agreement includes $12,500,000 for operations of the East-West Center as proposed in the Senate bill, instead of no funds as proposed in the House bill. The conference agreement does not include a transfer of $13,500,000 from the Department of State, Diplomatic and Consular Programs account, as proposed in the Senate bill. The conferees adopt, by reference, the reporting requirement in the Senate report on immersion programs.

NORTH/SOUTH CENTER

The conference agreement includes $1,750,000 for operations of the North South Center, instead of no funds as proposed in both the House and Senate bills. The conference agreement does not include an earmark of funding under the Educational and Cultural Exchange Programs account for the North South Center, as proposed in the Senate report.

NATIONAL ENDOWMENT FOR DEMOCRACY

The conference agreement includes $31,000,000 for the National Endowment for Democracy as proposed in the House bill, instead of $30,000,000 as proposed in the Senate bill.

Related Agency

Broadcasting Board of Governors

INTERNATIONAL BROADCASTING OPERATIONS

The conference agreement includes $388,421,000 for International Broadcasting Operations, instead of $410,404,000 as proposed in the House bill, and instead of $362,365,000 as proposed in the Senate bill. Rather than funding broadcasting to Cuba under this account, as proposed by the House, all funding for broadcasting to Cuba is included under a separate account, as proposed by the Senate and consistent with the fiscal year 1999 appropriations Act.

The amount provided represents a freeze at fiscal year 1999 funding levels for all broadcast entities funded under this account, as provided in the House bill. The Broadcasting Board of Governors is directed to submit to the House and Senate Committees on Appropriations, no later than sixty days from the date of enactment of this Act, a financial plan including a distribution of the total resources available under this account. The conferees intend that the distribution of available resources shall include amounts sufficient to avoid reductions in force at the grantee broadcasting entities.

The conference agreement adopts by reference language in the House report requiring a report on management responses to Inspector General recommendations on Radio Marti, and language in the Senate report requiring the submission of a master plan for overseas security.

BROADCASTING TO CUBA

The conference agreement includes $22,095,000 for Broadcasting to Cuba under a separate account, instead of $23,664,000 as proposed in the Senate bill, and instead of $22,095,000 within the total for International Broadcasting Operations, as proposed in the House bill. The conference agreement includes language, as proposed in the Senate bill, that funds may be used for aircraft to house television broadcasting equipment. The House bill did not contain a provision on this matter.

BROADCASTING CAPITAL IMPROVEMENTS

The conference agreement includes $11,258,000 for the Broadcasting Capital Improvements account, as proposed in the House bill, instead of $13,245,000 as proposed in the Senate bill under the heading "Radio Construction". The conference agreement adopts a new name for this account, as requested. This account provides funding for maintenance, improvements, replacements and repairs; satellite and terrestrial program feeds; engineering support activities; and broadcast facility leases and land rentals.

The conferees expect the Broadcasting Board of Governors (BBG) to submit a spending plan within sixty days from the date of enactment of this Act allocating funds available in this account, including carryover balances, to various activities. The conferees encourage the BBG to consider, among other priorities, allocating funding for rotatable transmitting antennas.

The conference agreement includes, by reference, language in the House report regarding ongoing digital conversion efforts.

General Provisions—Department of State and Related Agency

Section 401.—The conference agreement includes section 401, as provided in both the House and Senate bills, permitting use of funds for allowances, differentials, and transportation.

Sec. 402.—The conference agreement includes section 402, as provided in the House bill, dealing with transfer authority. The Senate bill contained a similar provision, allowing transfers of different percentages of appropriations.

Sec. 403.—The conference agreement includes section 403, as provided in both the House and Senate bills, authorizing the Secretary of State to administer summer travel and work programs without regard to preplacement requirements.

Sec. 404.—The conference agreement includes section 404, as provided in the House bill, making permanent a provision in last year's bill waiving the fee for border crossing cards from Mexico for children under 15. The Senate bill did not include a provision on this matter.

Sec. 405.—The conference agreement includes section 405, as provided in both the House and Senate bills, prohibiting the use of funds by the Department of State or the Broadcasting Board of Governors (BBG) to provide certain types of assistance to the Palestinian Broadcasting Corporation (PBC). The conference agreement does not include training that supports accurate and responsible broadcasting among the types of assistance prohibited. The conferees agree that neither the Department of State, nor the BBG, shall provide any assistance to the PBC that could support restrictions of press freedoms or the broadcasting of inaccurate, inflammatory messages. The conferees further expect the Department and the BBG to submit a report to the Committees, before December 15, 1999, detailing any programs or activities involving the PBC in fiscal year 1999, and any plans for such programs in fiscal year 2000.

Sec. 406.—The conference agreement includes section 408, as proposed in the Senate bill, prohibiting the use of funds made available in this Act by the United Nations for activities authorizing the United Nations or any of its specialized agencies or affiliated organizations to tax any aspect of the Internet.

Sec. 407.—The conference agreement includes section 409, not included in either the House or Senate bill, waiving provisions of existing legislation that require authorizations to be in place for the State Department and the Broadcasting Board of Governors prior to the expenditure of any appropriated funds.

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

Maritime Administration

MARITIME SECURITY PROGRAM

The conference agreement includes $96,200,000 for the Maritime Security Program instead of $98,700,000 as proposed in both the House and Senate bills. The conferees understand that at least $2,500,000 in carryover funding is available, in addition to the amount provided, to allow full funding for the fiscal year 2000 requirements of the program.

OPERATIONS AND TRAINING

The conference agreement includes $72,073,000 for the Maritime Administration Operations and Training account instead of $71,303,000 as proposed in the House bill and $72,664,000 as proposed in the Senate bill. Within this amount, $34,073,000 shall be for the operation and maintenance of the U.S. Merchant Marine Academy, including $2,000,000 to address maintenance backlogs.

The conference agreement includes $7,000,000 for the State Maritime Academies. Within the amount for State Maritime Academies, $1,200,000 shall be for student incentive payments, the same amount as provided in 1999. The conference agreement includes by reference the language in the Senate report regarding the Great Lakes Maritime Academy.

The conferees agree that the amounts designated for the U.S. Merchant Marine Academy and the State Maritime Academies shall not be used to cover Maritime Administration administrative costs associated with the Academies, as was proposed in the budget request. Such costs shall be covered from funding in this account for MARAD general administration. The conference agreement also includes funding under MARAD general administration under this account to conduct a needs assessment on infrastructure improvements at the U.S. Merchant Marine Academy, as described in the House report. The conference agreement includes no funds for the Ready Reserve Force for fiscal year 2000. In fiscal year 1996, funding for this account was transferred to the Department of Defnese.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

The conference agreement provides $6,000,000 in subsidy appropriations for the Maritime Guaranteed Loan Program instead of $5,400,000 as proposed in the House bill and $11,000,000 as proposed in the Senate bill. This amount will subsidize a program level of not more than $1,000,000,000 as proposed in both the House and Senate bills.

The conference agreement also includes $3,809,000 for administrative expenses associated with the Maritime Guaranteed Loan Program instead of $3,725,000 as proposed in the House bill, and $3,893,000 as proposed in the Senate bill. The amount for administrative expenses may be transferred to and merged with amounts under the MARAD Operations and Training account.

The conferees understand that MARAD expects to carry over approximately $63,600,000 in this account which may be used as additional subsidy budget authority in fiscal year 2000. The conferees direct MARAD to submit quarterly reports to the Committees on Title XI obligations, including information on total loan principal guaranteed by each separate fiscal year's subsidy appropriation.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

The conference agreement includes provisions involving Government property controlled by MARAD, the accounting for certain funds received by MARAD, and a prohibition on obligations from the MARAD construction fund. The conference agreement includes these provisions with the modification as proposed in the House bill, instead of as proposed in the Senate bill.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

The conference agreement provides $490,000 for the Commission for the Preservation of America's Heritage Abroad, as proposed in the Senate bill, instead of $265,000 as proposed in the House bill. Within the amount provided, the conferees agree that $100,000 is provided as a one-time increase to support Commission efforts to attract private funding for a restoration project in Sarajevo, as described in the House report. The conference agreement includes, by reference, language in the Senate report regarding the completion of surveys in progress.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

The conference agreement includes $8,900,000 for the salaries and expenses of the Commission on Civil Rights as proposed in both the House and Senate bills.

The conferees direct the Commission to expedite the completion of its report on the public hearing conducted on May 26, 1999, in New York on Police Practices and Civil Rights.

The Conferees expect the Commission to keep the Committees informed on the status of management improvements, including developing the ability to plan and budget for projects and to track the progress and ongoing costs of such projects.

ADVISORY COMMISSION ON ELECTRONIC COMMERCE

SALARIES AND EXPENSES

The conference agreement includes $1,400,000 for the Advisory Commission on Electronic Commerce. The Commission was created by Public Law 105–277. The House and Senate bills did not contain funding for the Commission.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

The conference agreement includes $1,182,000 for the Commission on Security and Cooperation in Europe instead of $1,170,000 as proposed in the House bill and $1,250,000 as proposed in the Senate bill.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $282,000,000 for the salaries and expenses of the Equal Employment Opportunity Commission, instead of $279,000,000 as proposed in both the House and Senate bills.

Within the total amount, the conference agreement includes $29,000,000 for payments to State and local Fair Employment Practices Agencies (FEPAs) for specific services to the Commission, as proposed in both the House and Senate bills. The conferees encourage the EEOC to utilize the experience the FEPAs have in mediation as the Commission implements its alternative dispute resolution programs. The Committees are willing to entertain proposals to reprogram additional funds to the FEPAs for this purpose.

The conferees expect the EEOC to submit a spending plan to the Committees before December 31, 1999, describing the allocation of funding to various Commission activities, including private sector charge backlog reduction, ADR and mediation initiatives, litigation, and automation improvements. The conferees expect the EEOC to allocate funds as necessary to achieve private sector charge backlog reduction targets, as noted in the House report.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

The conference agreement includes a total $210,000,000 for the salaries and expenses of the Federal Communications Commission (FCC) instead of $192,000,000 as proposed in the House bill and $232,805,000 as proposed in the Senate bill. Of the amounts provided, $185,754,000 is to be derived from offsetting fee collections, as proposed in both the House and Senate bills, resulting in a net direct appropriation of $24,246,000, instead of $6,246,000 included in the House bill, and $47,051,000 included in the Senate bill.

The conference agreement does not include a provision, proposed in the Senate bill, giving the FCC the authority to independently operate the FCC headquarters building. The House bill did not contain a provision on this matter.

The conferees did not retain Senate bill language regarding area code conservation. The conferees are aware that the Commission has issued a Notice of Proposed Rulemaking (NPRM) to assist the State public utility commissions in their efforts to conserve numbers in specific area codes. The Commission anticipates issuing an order by the end of the first quarter of 2000. The conferees expect the Commission to keep to this schedule and issue a final order on area code conservation measures no later than March 31, 2000.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $14,150,000 for the salaries and expenses of the Federal Maritime Commission, as proposed in both the House and Senate bills.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes a total operating level of $125,024,000 for the Federal Trade Commission, instead of $116,679,000 as proposed in the House bill, and $133,368,000 as proposed in the Senate bill. The conference agreement assumes that, of the amount provided, $104,024,000 will be derived from fees collected in fiscal year 2000 and $21,000,000 will be derived from estimated unobligated fee collections available from Fiscal Year 1999. These actions result in a final appropriated level of $0, as proposed in both the House and Senate bills.

The conferees intend that any excess fee collections shall remain available for the Federal Trade Commission in future years. The conference agreement includes language, not included in either the House or Senate bills, specifying that fees may be retained and used notwithstanding a specific provision of law, rather than notwithstanding any provision of law.

The conferees agree that increased resources in this account shall be used to help safeguard consumers and nurture the development of the electronic marketplace, consistent with language in the Senate report.

The conferees support the Commission on its efforts to study the marketing practices of the entertainment industry. The intent of the study is to determine whether and to what extent the industry markets violent material rated for adults to children.

The conferees understand that the FTC recently completed a report raising questions regarding the health effects of regular cigar smoking. The conferees are aware of concerns that cigar and pipe tobacco remain as the last major tobacco products without a uniform Federal health warning label. The conferees direct the FTC to report back to the Committees on Commission plans for implementing new requirements to address this issue.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement includes $305,000,000 for payment to the Legal Services Corporation, instead of $300,000,000 as proposed in the Senate bill, and $250,000,000 as proposed in the House bill.

The conference agreement provides $289,000,000 for grants to basic field programs and independent audits, $8,900,000 for management and administration, and $2,100,000 for the Office of the Inspector General, as proposed by the Senate. The agreement also includes $5,000,000 to provide technology grants to Legal Services Corporation grantees to be used to improve pro se clinic methods and acquire computerized systems that make basic legal information and court forms accessible to pro se litigants. These grants are made with the understanding, as stated in the Legal Services Corporation budget request, that the grantees make a commitment to include in their budgets for future years amounts sufficient to maintain and upgrade their equipment. The conferees note that $28,000,000 is provided for civil legal assistance under the Violence Against Women Act program funded under title I of this bill.

The conferees expect that any unobligated balances remaining available at the end of the fiscal year may be reallocated among participating programs for technology enhancements and demonstration projects in succeeding fiscal years, subject to the reprogramming procedures in Section 605 of this Act.

The conferees have concerns about the case service reporting and associated data reports submitted annually by the Corporation's grantees and the case statistical reports submitted by the Corporation to the Congress, and the conferees direct the Corporation to make improvement of the accuracy of these submissions a top priority, per directions in the House report. The conferees also direct the Corporation to submit its 1999 annual case service reports and associated data reports to Congress no later than April 30, 2000. The Office of the Inspector General will assess the case service information provided by the grantees, and will report to the Committees no later than July 30, 2000, as to its accuracy, as described in the House report. The conference agreement also includes the two feasibility reports described in the House report, due no later than June 1, 2000. The conferees urge the Corporation to provide its annual case service reports by May 1 of each following fiscal year, as described in the House report. The conferees direct the Corporation to keep the Committees fully informed on its study of the issue of the statutory requirement that aliens be "present in the United States", as described in the House report.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

The Conference recommendation includes bill language to continue the terms and conditions included under this section in the fiscal year 1999 bill, as proposed in the House. The Senate bill contained similar language, but did not propose to continue provisions regarding public disclosure of certain information and treatment of assets and income for certain clients.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $1,270,000 for the salaries and expenses of the Marine Mammal Commission, instead of $1,240,000 as proposed in the House bill and $1,300,000 as proposed in the Senate bill.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $367,900,000 for the Securities and Exchange Commission, instead of $324,000,000 as proposed in the House bill and $370,800,000 as proposed in the Senate bill. The conference agreement includes bill language appropriating separate amounts from offsetting fee collections from fiscal years 1998 and 2000, as proposed in both the House and Senate bills. The conference agreement includes $194,000,000 in fees collected in fiscal year 1998, and $173,800,000 in fees to be collected in fiscal year 2000.

The conference agreement provides for the Commission's adjustments to base and the requested program increases for additional staff and litigation support. Additional amounts are provided to improve enforcement and investor education related to Internet securities fraud as described in the Senate report.

The conferees intend that any offsetting fee collections in fiscal year 2000 in excess of $173,800,000 will remain available for the Securities and Exchange Commission in future years through the regular appropriations process.

The conferees agree that the Commission shall conduct a study on the effects on securities markets of electronic communications networks and extended trading hours, as provided in the Senate bill. This report shall be submitted to the Committees no later than March 1, 2000.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement provides an appropriation of $282,300,000 for the Small Business Administration (SBA) Salaries and Expenses account, instead of $245,500,000 as proposed in the House bill and $246,300,000 as proposed in the Senate bill. In addition, the conference agreement includes $10,500,000 for programs related to the New Markets Venture Capital Program subject to the authorization of that program, including $1,500,000 for BusinessLINC and $9,000,000 for technical assistance.

In addition to amounts made available under this heading, the conference agreement includes $129,000,000 for administrative expenses under the Business Loans Program account. This amount is transferred to and merged with amounts available under Salaries and Expenses. The conference agreement includes an additional $136,000,000 for administrative expenses under the Disaster Loans Program account, which may under certain conditions be transferred to and merged with amounts available under Salaries and Expenses. These conditions are described under the Disaster Loans Program account.

The conference agreement provides a total of $107,695,000 for SBA's regular operating expenses under this account. This amount includes $2,000,000 for necessary expenses of the HUBZone program, and $8,000,000 for initiatives to continue the improvement of SBA's management and oversight of its loan portfolio. The SBA shall submit a plan, prior to the expenditure of resources for portfolio management, in accordance with section 605 of this Act.

With the exceptions noted above, the conference agreement does not include new program initiatives requested by the SBA for fiscal year 2000. The conference agreement includes the following amounts for noncredit programs:

Small Business Development Centers	$84,500,000
7(j) Technical Assistance	3,600,000
Microloan Technical Assistance	23,200,000
SCORE	3,500,000
Business Information Centers	500,000
Women's Business Centers	9,000,000
Survey of Women-Owned Businesses	790,000
National Women's Business Council	600,000
EZ/EC One Stop Capital Shops	3,100,000
US Export Assistance Centers	3,100,000
Advocacy Research	1,100,000
Veterans Outreach	615,000
SBIR Technical Assistance	500,000
ProNet	500,000
Drug-free Workplace Grants	3,500,000
Regulatory Fairness Boards	500,000
Total	138,605,000

Small Business Development Centers (SBDC).—Of the amounts provided for SBDCs, the conference agreement includes $2,000,000 to continue the SBDC Defense transition program, and $1,000,000 to continue the Environmental Compliance Project, as directed in the House report. In addition, the conference agreement includes language proposed in the Senate bill making funds for the SBDC program available for two years.

Microloan Technical Assistance.—The conference agreement includes $23,200,000 for the Microloan Technical Assistance program. The conferees intend that, in addition, any unobligated fiscal year 1999 funds associated with this program will be applied to the fiscal year 2000 program.

Advocacy Research.—The conference includes $1,100,000 for Advocacy Research. The conferees encourage the Office of Advocacy to pursue the study identified in the House report on the livestock and agriculture industries.

The conference agreement adopts language included in the House report directing the SBA to fully LowDoc Processing Centers, and to continue activities assisting small businesses to adapt to a paperless procurement environment, as well as activities which assist small businesses in making the transition to meet both military and ISO 9000 quality systems requirements.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides $11,000,000 for the SBA Office of Inspector General, instead of $10,800,000 as proposed in the House bill and $13,250,000 recommended in the Senate bill.

An additional $500,000 has been provided under the administrative expenses of the Disaster Loans Program to be made available to the Office of Inspector General for work associated with oversight of the Disaster Loans Program.

The conferees agree that the OIG should allocate resources to the priority areas mentioned in the Senate report.

BUSINESS LOANS PROGRAM ACCOUNT

The conference agreement includes $266,800,000 under the SBA Business Loans Program Account, instead of $222,792,000 as proposed in the House bill, and $297,368,000 as proposed in the Senate bill. Within the amount provided, $6,000,000 shall be available only for the New Markets Venture Capital Program, subject to the enactment of authorizing legislation in fiscal year 2000.

No appropriation is provided for the costs of direct loans. The conferees understand that $2,500,000 in carryover is available for the Microloan Direct Loan Program, and will support an estimated 2000 program level of over $29,000,000. The conferees direct the SBA to submit the report on Microloan programs requested in the House report.

The conference agreement includes $137,800,000 for the costs of guaranteed loans, including the following programs:

7(a) General Business Loans.—The conference agreement provides $107,500,000 in subsidy appropriations for the 7(a) general business guaranteed loan program, instead of $106,400,000 as proposed in the House bill and in 1999. The conference agreement includes by reference the language in the Senate report regarding the Great Lakes Maritime Academy.

The conferees agree that the amounts designated for the U.S. Merchant Marine Academy and the State Maritime Academies shall not be used to cover Maritime Administration administrative costs associated with the Academies, as was proposed in the budget request. Such costs shall be covered from funding in this account for MARAD general administration. The conference agreement also includes funding under MARAD general administration under this account to conduct a needs assessment on infrastructure improvements at the U.S. Merchant Marine Academy, as described in the House report. The conference agreement includes no funds for the Ready Reserve Force for fiscal year 2000. In fiscal year 1996, funding for this account was transferred to the Department of Defnese.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

The conference agreement provides $6,000,000 in subsidy appropriations for the Maritime Guaranteed Loan Program instead of $5,400,000 as proposed in the House bill and $11,000,000 as proposed in the Senate bill. This amount will subsidize a program level of not more than $1,000,000,000 as proposed in both the House and Senate bills.

The conference agreement also includes $3,809,000 for administrative expenses associated with the Maritime Guaranteed Loan Program instead of $3,725,000 as proposed in the House bill, and $3,893,000 as proposed in the Senate bill. The amount for administrative expenses may be transferred to and merged with amounts under the MARAD Operations and Training account.

The conferees understand that MARAD expects to carry over approximately $63,600,000 in this account which may be used as additional subsidy budget authority in fiscal year 2000. The conferees direct MARAD to submit quarterly reports to the Committees on Title XI obligations, including information on total loan principal guaranteed by each separate fiscal year's subsidy appropriation.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

The conference agreement includes provisions involving Government property controlled by MARAD, the accounting for certain funds received by MARAD, and a prohibition on obligations from the MARAD construction fund. The conference agreement includes these provisions with the modification as proposed in the House bill, instead of as proposed in the Senate bill.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

The conference agreement provides $490,000 for the Commission for the Preservation of America's Heritage Abroad, as proposed in the Senate bill, instead of $265,000 as proposed in the House bill. Within the amount provided, the conferees agree that $100,000 is provided as a one-time increase to support Commission efforts to attract private funding for a restoration project in Sarajevo, as described in the House report. The conference agreement includes, by reference, language in the Senate report regarding the completion of surveys in progress.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

The conference agreement includes $8,900,000 for the salaries and expenses of the Commission on Civil Rights as proposed in both the House and Senate bills.

The conferees direct the Commission to expedite the completion of its report on the public hearing conducted on May 26, 1999, in New York on Police Practices and Civil Rights.

The Conferees expect the Commission to keep the Committees informed on the status of management improvements, including developing the ability to plan and budget for projects and to track the progress and ongoing costs of such projects.

ADVISORY COMMISSION ON ELECTRONIC COMMERCE

SALARIES AND EXPENSES

The conference agreement includes $1,400,000 for the Advisory Commission on Electronic Commerce. The Commission was created by Public Law 105–277. The House and Senate bills did not contain funding for the Commission.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

The conference agreement includes $1,182,000 for the Commission on Security and Cooperation in Europe instead of $1,170,000 as proposed in the House bill and $1,250,000 as proposed in the Senate bill.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $282,000,000 for the salaries and expenses of the Equal Employment Opportunity Commission, instead of $279,000,000 as proposed in both the House and Senate bills.

Within the total amount, the conference agreement includes $29,000,000 for payments to State and local Fair Employment Practices Agencies (FEPAs) for specific services to the Commission, as proposed in both the House and Senate bills. The conferees encourage the EEOC to utilize the experience the FEPAs have in mediation as the Commission implements its alternative dispute resolution programs. The Committees are willing to entertain proposals to reprogram additional funds to the FEPAs for this purpose.

The conferees expect the EEOC to submit a spending plan to the Committees before December 31, 1999, describing the allocation of funding to various Commission activities, including private sector charge backlog reduction, ADR and mediation initiatives, litigation, and automation improvements. The conferees expect the EEOC to allocate funds as necessary to achieve private sector charge backlog reduction targets, as noted in the House report.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

The conference agreement includes a total $210,000,000 for the salaries and expenses of the Federal Communications Commission (FCC) instead of $192,000,000 as proposed in the House bill and $232,805,000 as proposed in the Senate bill. Of the amounts provided, $185,754,000 is to be derived from offsetting fee collections, as proposed in both the House and Senate bills, resulting in a net direct appropriation of $24,246,000, instead of $6,246,000 included in the House bill, and $47,051,000 included in the Senate bill.

The conference agreement does not include a provision, proposed in the Senate bill, giving the FCC the authority to independently operate the FCC headquarters building. The House bill did not contain a provision on this matter.

The conferees did not retain Senate bill language regarding area code conservation. The conferees are aware that the Commission has issued a Notice of Proposed Rulemaking (NPRM) to assist the State public utility commissions in their efforts to conserve numbers in specific area codes. The Commission anticipates issuing an order by the end of the first quarter of 2000. The conferees expect the Commission to keep to this schedule and issue a final order on area code conservation measures no later than March 31, 2000.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $14,150,000 for the salaries and expenses of the Federal Maritime Commission, as proposed in both the House and Senate bills.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes a total operating level of $125,024,000 for the Federal Trade Commission, instead of $116,679,000 as proposed in the House bill, and $133,368,000 as proposed in the Senate bill. The conference agreement assumes that, of the amount provided, $104,024,000 will be derived from fees collected in fiscal year 2000 and $21,000,000 will be derived from estimated unobligated fee collections available from Fiscal Year 1999. These actions result in a final appropriated level of $0, as proposed in both the House and Senate bills.

The conferees intend that any excess fee collections shall remain available for the Federal Trade Commission in future years. The conference agreement includes language, not included in either the House or Senate bills, specifying that fees may be retained and used notwithstanding a specific provision of law, rather than notwithstanding any provision of law.

The conferees agree that increased resources in this account shall be used to help safeguard consumers and nurture the development of the electronic marketplace, consistent with language in the Senate report.

The conferees support the Commission on its efforts to study the marketing practices of the entertainment industry. The intent of the study is to determine whether and to what extent the industry markets violent material rated for adults to children.

The conferees understand that the FTC recently completed a report raising questions regarding the health effects of regular cigar smoking. The conferees are aware of concerns that cigar and pipe tobacco remain as the last major tobacco products without a uniform Federal health warning label. The conferees direct the FTC to report back to the Committees on Commission plans for implementing new requirements to address this issue.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement includes $305,000,000 for payment to the Legal Services Corporation, instead of $300,000,000 as proposed in the Senate bill, and $250,000,000 as proposed in the House bill.

The conference agreement provides $289,000,000 for grants to basic field programs and independent audits, $8,900,000 for management and administration, and $2,100,000 for the Office of the Inspector General, as proposed by the Senate. The agreement also includes $5,000,000 to provide technology grants to Legal Services Corporation grantees to be used to improve pro se clinic methods and acquire computerized systems that make basic legal information and court forms accessible to pro se litigants. These grants are made with the understanding, as stated in the Legal Services Corporation budget request, that the grantees make a commitment to include in their budgets for future years amounts sufficient to maintain and upgrade their equipment. The conferees note that $28,000,000 is provided for civil legal assistance under the Violence Against Women Act program funded under title I of this bill.

The conferees expect that any unobligated balances remaining available at the end of the fiscal year may be reallocated among participating programs for technology enhancements and demonstration projects in succeeding fiscal years, subject to the reprogramming procedures in Section 605 of this Act.

The conferees have concerns about the case service reporting and associated data reports submitted annually by the Corporation's grantees and the case statistical reports submitted by the Corporation to the Congress, and the conferees direct the Corporation to make improvement of the accuracy of these submissions a top priority, per directions in the House report. The conferees also direct the Corporation to submit its 1999 annual case service reports and associated data reports to Congress no later than April 30, 2000. The Office of the Inspector General will assess the case service information provided by the grantees, and will report to the Committees no later than July 30, 2000, as to its accuracy, as described in the House report. The conference agreement also includes the two feasibility reports described in the House report, due no later than June 1, 2000. The conferees urge the Corporation to provide its annual case service reports by May 1 of each following fiscal year, as described in the House report. The conferees direct the Corporation to keep the Committees fully informed on its study of the issue of the statutory requirement that aliens be "present in the United States", as described in the House report.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

The Conference recommendation includes bill language to continue the terms and conditions included under this section in the fiscal year 1999 bill, as proposed in the House. The Senate bill contained similar language, but did not propose to continue provisions regarding public disclosure of certain information and treatment of assets and income for certain clients.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $1,270,000 for the salaries and expenses of the Marine Mammal Commission, instead of $1,240,000 as proposed in the House bill and $1,300,000 as proposed in the Senate bill.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $367,900,000 for the Securities and Exchange Commission, instead of $324,000,000 as proposed in the House bill and $370,800,000 as proposed in the Senate bill. The conference agreement includes bill language appropriating separate amounts from offsetting fee collections from fiscal years 1998 and 2000, as proposed in both the House and Senate bills. The conference agreement includes $194,000,000 in fees collected in fiscal year 1998, and $173,800,000 in fees to be collected in fiscal year 2000.

The conference agreement provides for the Commission's adjustments to base and the requested program increases for additional staff and litigation support. Additional amounts are provided to improve enforcement and investor education related to Internet securities fraud as described in the Senate report.

The conferees intend that any offsetting fee collections in fiscal year 2000 in excess of $173,800,000 will remain available for the Securities and Exchange Commission in future years through the regular appropriations process.

The conferees agree that the Commission shall conduct a study on the effects on securities markets of electronic communications networks and extended trading hours, as provided in the Senate bill. This report shall be submitted to the Committees no later than March 1, 2000.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement provides an appropriation of $282,300,000 for the Small Business Administration (SBA) Salaries and Expenses account, instead of $245,500,000 as proposed in the House bill and $246,300,000 as proposed in the Senate bill. In addition, the conference agreement includes $10,500,000 for programs related to the New Markets Venture Capital Program subject to the authorization of that program, including $1,500,000 for BusinessLINC and $9,000,000 for technical assistance.

In addition to amounts made available under this heading, the conference agreement includes $129,000,000 for administrative expenses under the Business Loans Program account. This amount is transferred to and merged with amounts available under Salaries and Expenses. The conference agreement includes an additional $136,000,000 for administrative expenses under the Disaster Loans Program account, which may under certain conditions be transferred to and merged with amounts available under Salaries and Expenses. These conditions are described under the Disaster Loans Program account.

The conference agreement provides a total of $107,695,000 for SBA's regular operating expenses under this account. This amount includes $2,000,000 for necessary expenses of the HUBZone program, and $8,000,000 for initiatives to continue the improvement of SBA's management and oversight of its loan portfolio. The SBA shall submit a plan, prior to the expenditure of resources for portfolio management, in accordance with section 605 of this Act.

With the exceptions noted above, the conference agreement does not include new program initiatives requested by the SBA for fiscal year 2000. The conference agreement includes the following amounts for noncredit programs:"

Small Business Development Centers	$84,500,000
7(j) Technical Assistance	3,600,000
Microloan Technical Assistance	23,200,000
SCORE	3,500,000
Business Information Centers	500,000
Women's Business Centers	9,000,000
Survey of Women-Owned Businesses	790,000
National Women's Business Council	600,000
EZ/EC One Stop Capital Shops	3,100,000
US Export Assistance Centers	3,100,000
Advocacy Research	1,100,000
Veterans Outreach	615,000
SBIR Technical Assistance	500,000
ProNet	500,000
Drug-free Workplace Grants	3,500,000
Regulatory Fairness Boards	500,000
Total	138,605,000

Small Business Development Centers (SBDC).—Of the amounts provided for SBDCs, the conference agreement includes $2,000,000 to continue the SBDC Defense transition program, and $1,000,000 to continue the Environmental Compliance Project, as directed in the House report. In addition, the conference agreement includes language proposed in the Senate bill making funds for the SBDC program available for two years.

Microloan Technical Assistance.—The conference agreement includes $23,200,000 for the Microloan Technical Assistance program. The conferees intend that, in addition, any unobligated fiscal year 1999 funds associated with this program will be applied to the fiscal year 2000 program.

Advocacy Research.—The conference includes $1,100,000 for Advocacy Research. The conferees encourage the Office of Advocacy to pursue the study identified in the House report on the livestock and agriculture industries.

The conference agreement adopts language included in the House report directing the SBA to fully LowDoc Processing Centers, and to continue activities assisting small businesses to adapt to a paperless procurement environment, as well as activities which assist small businesses in making the transition to meet both military and ISO 9000 quality systems requirements.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides $11,000,000 for the SBA Office of Inspector General, instead of $10,800,000 as proposed in the House bill and $13,250,000 recommended in the Senate bill.

An additional $500,000 has been provided under the administrative expenses of the Disaster Loans Program to be made available to the Office of Inspector General for work associated with oversight of the Disaster Loans Program.

The conferees agree that the OIG should allocate resources to the priority areas mentioned in the Senate report.

BUSINESS LOANS PROGRAM ACCOUNT

The conference agreement includes $266,800,000 under the SBA Business Loans Program Account, instead of $222,792,000 as proposed in the House bill, and $297,368,000 as proposed in the Senate bill. Within the amount provided, $6,000,000 shall be available only for the New Markets Venture Capital Program, subject to the enactment of authorizing legislation in fiscal year 2000.

No appropriation is provided for the costs of direct loans. The conferees understand that $2,500,000 in carryover is available for the Microloan Direct Loan Program, and will support an estimated 2000 program level of over $29,000,000. The conferees direct the SBA to submit the report on Microloan programs requested in the House report.

The conference agreement includes $137,800,000 for the costs of guaranteed loans, including the following programs:

7(a) General Business Loans.—The conference agreement provides $107,500,000 in subsidy appropriations for the 7(a) general business guaranteed loan program, instead of $106,400,000 as proposed in the House bill and

$118,500,000 as proposed in the Senate bill. When combined with $7,000,000 in available carryover balances and recoveries, this amount will subsidize an estimated 2000 program level of $9,871,000,000, assuming a subsidy rate of 1.16%. In addition, the conference agreement includes a provision, as proposed in the House bill, requiring the SBA to notify the Committees on Appropriations in accordance with section 605 of this Act prior to providing a total program level greater than $10,000,000,000, instead of greater than $10,500,000,000 as proposed in the Senate bill. The conferees agree with the concerns expressed by the Senate that many small businesses are not adequately prepared for the problems they may face from Y2K computer problems and about the impact that the Y2K computer problem may have on the economy and, in particular, on small business owners and their employees. Consequently, the conferees agree that the Small Business Administration must give the highest priority to loans to small businesses to correct Y2K computer problems affecting their own information technology systems or other automated systems, and loans to provide relief for small businesses from economic injuries suffered as a direct result of their own Y2K computer problems or some other entity's Y2K computer problems.

Small Business Investment Companies (SBIC).—The conference agreement provides $24,300,000 for the SBIC participating securities program, instead of $21,630,000 as proposed in the House bill, and $25,868,000 as proposed in the Senate bill. This amount will result in an estimated total program level of $1,350,000,000 in fiscal year 2000. No appropriation is provided for the debentures program, as the program will operate with a zero subsidy rate in fiscal year 2000. The conference agreement includes language proposed in the House bill limiting the debentures program to the authorized program level, instead of similar language in the Senate bill.

Microloan Guaranty Programs.—The conference agreement does not include new appropriations for the Microloan Guaranty Program, as none were requested. Available carryover will provide for the subsidy costs of, at least, the requested 2000 program level of $15,998,000.

In addition, the conference agreement includes $129,000,000 for administrative expenses to carry out the direct and guaranteed loan programs as proposed in the Senate bill, and instead of $94,000,000 as proposed in the House bill, and makes such funds available to be transferred to and merged with appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

The conference agreement includes a total of $276,400,000 for this account, of which $140,400,000 is for the subsidy costs for disaster loans and $136,000,000 is for administrative expenses associated with the disaster loans program. The House bill proposed $139,400,000 for loans and $116,000,000 for administrative expenses. The Senate bill provided $77,700,000 for loans and $86,000,000 for administrative expenses.

For disaster loans, the conference agreement assumes that the $140,400,000 subsidy appropriation, when combined with $72,000,000 in carryover balances and $10,000,000 in recoveries, will provide a total disaster loan program level of $1,000,000,000. The conference agreement takes into account that the Administration requested only $39,400,000 for disaster loan subsidies, which would have supported less than one quarter of an average annual program. The Administration is directed to realistically assess the level of need for the disaster loans program and budget accordingly.

The conference agreement includes language, as proposed in the Senate bill, allowing appropriations for administrative costs to be transferred to and merged with appropriations for Salaries and Expenses. The House bill did not include language allowing such transfers. The conference agreement includes a provision that any amount to be transferred to Salaries and Expenses from the Disaster Loans Program account in excess of $20,000,000 shall be treated as a reprogramming of funds under section 605 of this Act. In addition, the conferees agree that any such reprogramming shall be accompanied by a report from the administrator on the anticipated effect of the proposed transfer on the ability of the SBA to cover the full annual requirements for direct administrative costs of disaster loan making and servicing.

Of the amounts provided for administrative expenses under this heading, $500,000 is to be transferred to and merged with the Office of Inspector General account for oversight and audit activities related to the Disaster Loans program.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

The conference agreement includes a provision providing SBA with the authority to transfer funds between appropriations accounts as proposed in the House bill, instead of a similar provision in the Senate bill.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

The conference agreement provides $6,850,000 for the salaries and expenses of the State Justice Institute (SJI) as proposed in the Senate bill, instead of no funding as proposed in the House bill. The conference agreement does not include the transfer of an additional $8,000,000 to this account from the Courts of Appeals, District Courts and Other Judicial Services account in Title III as proposed in the Senate report.

TITLE VI—GENERAL PROVISIONS

The conference agreement includes the following general provisions:

Section 601.—The conference agreement includes section 601, identical in both the House and Senate bills, regarding the use of appropriations for publicity or propaganda purposes.

Sec. 602.—The conference agreement includes section 602, identical in both the House and Senate bills, regarding the availability of appropriations for obligation beyond the current fiscal year.

Sec. 603.—The conference agreement includes section 603, identical in both the House and Senate bills, regarding the use of funds for consulting services.

Sec. 604.—The conference agreement includes section 604, identical in both the House and Senate bills, providing that should any provision of the Act be held to be invalid, the remainder of the Act would not be affected.

Sec. 605.—The conference agreement includes section 605, as included in the House bill, establishing the policy by which funding available to the agencies funded under this Act may be reprogrammed for other purposes, instead of the slightly modified Senate version.

Sec. 606.—The conference agreement includes section 606, identical in both the House and Senate bills, regarding the construction, repair or modification of National Oceanic and Atmospheric Administration vessels in overseas shipyards.

Sec. 607.—The conference agreement includes section 607, identical in both the House and Senate bills, regarding the purchase of American-made products.

Sec. 608.—The conference agreement includes section 608, identical in both the House and Senate bills, which prohibits funds in the bill from being used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission similar to proposed guidelines covering harassment based on religion published by the EEOC in October, 1993.

Sec. 609.—The conference agreement includes section 609, proposed in the House bill as section 610, prohibiting the use of funds for any United Nations peacekeeping mission that involves U.S. Armed Forces under the command or operational control of a foreign national, unless the President certifies that the involvement is in the national security interest, as proposed in the House bill. The Senate bill did not contain a provision on this matter.

Sec. 610.—The conference agreement includes section 610, proposed in the Senate bill as section 609, that prohibits use of funds to expand U.S. diplomatic presence in Vietnam beyond the level in effect on July 11, 1995, unless the President makes a certification that several conditions have been met regarding Vietnam's cooperation with the United States on POW/MIA issues. The House bill included a similar provision, with minor technical differences.

Sec. 611.—The conference agreement includes section 611, modified from section 610 proposed in the Senate bill, which prohibits more than 20% of any account that is available for obligation only in the current fiscal year from being obligated during the last two months of the fiscal year unless the Committees on Appropriations are notified in accordance with standard reprogramming procedures, with an exemption to this limitation for grant programs. The House bill did not contain a provision on this matter.

Sec. 612.—The conference agreement includes section 612, identical in both the House and Senate bills, which prohibits the use of funds to provide certain amenities for Federal prisoners.

Sec. 613.—The conference agreement includes section 613, proposed as section 612 in the House bill, restricting the use of funds provided under the National Oceanic and Atmospheric Administration for fleet modernization activities. The Senate bill did not contain a provision on this matter.

Sec. 614.—The conference agreement includes section 614, proposed as section 612 in the Senate bill, which requires agencies and departments funded in this Act to absorb any necessary costs related to downsizing or consolidations within the amounts provided to the agency or department. The House bill included this provision as section 613, with minor technical differences.

Sec. 615.—The conference agreement includes section 615, as proposed in both the House and Senate bills, which prohibits funds made available to the Federal Bureau of Prisons from being used to make available any commercially published information or material that is sexually explicit or features nudity to a prisoner.

Sec. 616.—The conference agreement includes section 616, as proposed in both the House and Senate bills, which limits funding under the Local Law Enforcement Block Grant to 90 percent to an entity that does not provide public safety officers injured in the line of duty, and as a result separated or retired from their jobs, with health insurance benefits equal to the insurance they received while on duty.

Sec. 617.—The conference agreement includes a provision, proposed as section 616 in the House bill, which prohibits funds provided in this Act from being used to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal of foreign restrictions on the marketing of tobacco products, provided such restrictions are applied equally to all tobacco or tobacco products of the same type. This provision is not intended to impact routine international trade services provided to all U.S. citizens, including the processing of applications to establish foreign trade zones. The Senate bill did not contain a provision on this matter.

Sec. 618.—The conference agreement includes section 618, proposed as section 615 in the Senate bill, which extends the prohibition in last year's bill on use of funds to issue a visa to any alien involved in extra judicial and political killings in Haiti. The provision also adds two names to the list of victims, and extends the exemption and reporting requirements from last year's provision. The House bill did not contain a provision on this matter.

Sec. 619.—The conference agreement includes section 619, proposed as section 617 in the House bill and carried in the fiscal year 1999 Act, which prohibits a user fee from being charged for background checks conducted pursuant to the Brady Handgun Control Act of 1993, and prohibits implementation of a background check system which does not require or result in destruction of certain information. The Senate bill included a similar provision as section 616, requiring immediate destruction of such information.

Sec. 620.—The conference agreement includes section 620, proposed as section 618 in the House bill, which delays obligation of any receipts deposited into the Crime Victims Fund in excess of $500,000,000 until October 1, 2000. The conferees have taken this action to protect against wide fluctuations in receipts into the Fund, and to ensure that a stable level of funding will remain available for these programs in future years.

Sec. 621.—The conference agreement includes section 621, proposed as section 620 in the House bill, which prohibits the use of funds to implement or prepare to implement the Kyoto Protocol on Climate Change prior to Senate ratification of the treaty. The Senate bill did not contain a provision on this matter.

Sec. 622.—The conference agreement includes a new section 622, which provides additional amounts for the Small Business Administration, Salaries and Expenses account for the following small business initiatives: $2,500,000 for continuation of an outreach program to assist small business development; $2,000,000 for infrastructure to develop a facility to increase small business opportunities and economic development; $3,000,000 for infrastructure to develop a facility that will serve as an incubator for small arts-related businesses; $750,000 for a skills training program for small business owners; $2,500,000 for infrastructure to develop a technology and training center; $1,000,000 to develop a facility and operate an institute for small business and workforce development; $1,000,000 to develop an education network; $1,000,000 for a technical assistance program for at-risk small businesses; $1,900,000 for infrastructure for a regional resource facility for small tourism businesses; $1,000,000 for a science and technology small business loan fund; $8,550,000 for infrastructure to develop a workforce development and skills training facility; $2,000,000 for a one-stop resource center for technology start-up businesses; $200,000 for a resource center for rural small business; $200,000 for a community development foundation; $500,000 for a training and technology center and associated infrastructure improvements; $500,000 for a program for technology-based small business growth; $500,000 for a project to develop strategic plans for technology-based small business development; $200,000 for infrastructure to develop a facility; $150,000 for a small business entrepreneurial education center; $300,000 for a microenterprise loan program; and $250,000 for a small business incubator facility.

Sec. 623.—The conference agreement includes a section, modified from the Senate bill, that authorizes the establishment and initial capitalization of two funds: the Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund; and the Southern Boundary Restoration and Enhancement Fund. This section withholds funding to implement the 1999 Pacific Salmon Treaty Agreement until anticipated judicial and regulatory actions have been taken. This section also requires NMFS to make a jeopardy determination in southern United States fisheries before it may revisit its decision in Alaska. It allows the Pacific Salmon Commission to implement harvest responses under the Pacific Salmon Treaty before NMFS may reinitiate consultation in Alaska. The Pacific Salmon Commission can regulate salmon harvests in the United States and Canada in response to low escapement numbers, whereas NMFS may only address U.S. fisheries using the Endangered Species Act. Additionally, this section makes changes to the voting structure of the Pacific Salmon Commission. This section also authorizes funds in fiscal year 2000 for Pacific Coastal Salmon Recovery that are appropriated under title II of this Act, subject to requirements for a 25 percent non-federal match and a 3 percent limitation on administrative expenses, with certain exceptions.

Sec. 624.—The conference agreement includes section 624, proposed as section 627 in the Senate bill, which makes fiscal year 1999 appropriations associated with implementation of the American Fisheries Act of 1999 available until expended. The House bill did not contain a similar provision.

Sec. 625.—The conference agreement includes a new provision, numbered as section 625, which amends section 635 of Public Law 106–58 by inserting the words "the carrier for" after "if" in subsection (b)(2), and "or otherwise provide for" after "to prescribe" in subsection (c).

Sec. 626.—The conference agreement includes section 626, proposed as section 801 in the House bill, which prohibits the use of Department of Justice funds for programs which discriminate against or denigrate the religious beliefs of students participating in such programs. The Senate bill did not contain a provision on this matter.

Sec. 627.—The conference agreement includes section 627, proposed as section 802 in the House bill, which prohibits the use of funds to process visas for citizens of countries that the Attorney General has determined deny or delay accepting the return of deported citizens. The Senate bill did not contain a provision on this matter.

Sec. 628.—The conference agreement includes section 628, proposed as section 803 in the House bill, which prohibits the use of Department of Justice funds to transport a high security prisoner to any facility other than to a facility certified by the Bureau of Prisons as appropriately secure to house such a prisoner. The Senate bill did not contain a similar provision.

Sec. 629.—The conference agreement includes section 629, modified from language proposed as section 804 in the House bill, which prohibits funds from being used for the participation of United States delegates to the Standing Consultative Commission unless the President submits a certification that the U.S. Government is not implementing a 1997 memorandum of understanding regarding the 1972 Anti-Ballistic Missile Treaty between the U.S. and the U.S.S.R., or the Senate ratifies the memorandum of understanding. The Senate bill did not include a provision on this matter.

Sec. 630.—The conference agreement includes section 630, proposed as section 805 in the House bill, which prohibits funds for any activity in support of adding or maintaining any World Heritage Site in the U.S. on the List of World Heritage in Danger. The Senate bill did not include a provision on this matter.

The conference agreement does not include a provision, proposed as section 619 in the House bill, regarding Global Change Research assessments. However, the conferees direct that funds provided in this Act not be used to publish Global Change Research assessments unless the research has been subjected to peer review and made available to the public, and the draft assessment has been published in the Federal Register for a 60 day public comment period.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

DRUG DIVERSION CONTROL FEE ACCOUNT

(RESCISSION)

The conference agreement includes a rescission of $35,000,000 from the amounts otherwise available for obligation in fiscal year 2000 for the "Drug Diversion Fee Account", as proposed in the Senate bill. The House bill did not include a rescission from this account.

Immigration and Naturalization Service

IMMIGRATION EMERGENCY FUND

(RESCISSION)

The conference agreement includes a rescission of $1,137,000, the total remaining unobligated balances available in the Fund, as proposed in the House bill. The Senate bill did not include a rescission from the Fund.

DEPARTMENT OF STATE AND RELATED AGENCY

Broadcasting Board of Governors

INTERNATIONAL BROADCASTING OPERATIONS

(RESCISSION)

The conference agreement includes a rescission of $15,516,000 from unobligated balances in this account, instead of $14,829,000 as proposed in the House bill and $18,870,000 as proposed in the Senate bill. This amount is the remaining unobligated balances of funding originally provided to support the costs of relocating the headquarters of Radio Free Europe/Radio Liberty from Munich to Prague.

RELATED AGENCIES

Small Business Administration

BUSINESS LOANS PROGRAM ACCOUNT

(RESCISSION)

The conference agreement includes a rescission of $13,100,000 from unobligated balances under this heading, instead of $12,400,000 as proposed in the House bill and no rescission as proposed in the Senate bill. This amount represents monies received by the SBA from the repurchase of preferred stock, and previously available to provide certain SBIC debenture guarantees. This funding is no longer required as the SBIC debentures program will have a zero subsidy rate in fiscal year 2000.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2000 recommended by the Committee of Conference, with comparisons to the fiscal year 1999 amount, the 2000 budget estimates, and the House and Senate bills for 2000 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 1999	$36,197,272
Budget estimates of new (obligational) authority, fiscal year 2000	49,812,980
House bill, fiscal year 2000	37,677,283
Senate bill, fiscal year 2000	35,384,564
Conference agreement, fiscal year 2000	39,630,967
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1999	+3,433,695
Budget estimates of new (obligational) authority, fiscal year 2000	−10,182,013
House bill, fiscal year 2000	+1,953,684
Senate bill, fiscal year 2000	+4,246,403

The conference agreement would enact the provisions of H.R. 3422, as introduced on November 17, 1999. The text of that bill follows:

A BILL Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2000, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of the enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $759,000,000 to remain available until September 30, 2003: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall remain available until September 30, 2018 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2000, 2001, 2002, and 2003: Provided further, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, or related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs (to be computed on an accrual basis), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $25,000 for official reception and representation expenses for members of the Board of Directors, $55,000,000: Provided, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: Provided further, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2000.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $35,000,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $24,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961 to be derived by transfer from the Overseas Private Investment Corporation noncredit account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2000 and 2001: Provided further, That such sums shall remain available through fiscal year 2008 for the disbursement of direct and guaranteed loans obligated in fiscal year 2000, and through fiscal year 2009 for the disbursement of direct and guaranteed loans obligated in fiscal year 2001: Provided further, That in addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account: Provided further, That funds made available under this heading or in prior appropriations Acts that are available for the cost of financing under section 234 of the Foreign Assistance Act of 1961, shall be available for purposes of section 234(g) of such Act, to remain available until expended.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $44,000,000, to remain available until September 30, 2001: Provided, That the Trade and Development Agency may receive reimbursements from corporations and other entities for the costs of grants for feasibility studies and other project planning services, to be deposited as an offsetting collection to this account and to be available for obligation until September 30, 2001, for necessary expenses under this paragraph: Provided further, That such reimbursements shall not cover, or be allocated against, direct or indirect administrative costs of the agency.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2000, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND DISEASE PROGRAMS FUND

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, basic education, assistance to combat tropical and other diseases, and related activities, in addition to funds otherwise available for such purposes, $715,000,000, to remain available until expended: Provided, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health and nutrition programs, and related education programs, which address the needs of mothers and children; (4) water and sanitation programs; (5) assistance for displaced and orphaned children; (6) programs for the prevention, treatment, and control of, and research on, tuberculosis, HIV/AIDS, polio, malaria and other diseases; and (7) up to $98,000,000 for basic education programs for children: Provided further, That none of the funds appropriated under this heading may be made available for nonproject assistance for health and child survival programs, except that funds may be made available for such assistance for ongoing health programs: Provided further, That $35,000,000 shall be available only for the HIV/AIDS programs requested under this heading in House Document 106–101.

DEVELOPMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of sections 103 through 106, and chapter 10 of part I of the Foreign Assistance Act of 1961, title V of the International Security and Development Cooperation Act of 1980 (Public Law 96-

533) and the provisions of section 401 of the Foreign Assistance Act of 1969, $1,228,000,000, to remain available until September 30, 2001: Provided, That of the amount appropriated under this heading, up to $5,000,000 may be made available for and apportioned directly to the Inter-American Foundation: Provided further, That of the amount appropriated under this heading, up to $14,400,000 may be made available for the African Development Foundation and shall be apportioned directly to that agency: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate, a report containing a description of such violation and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That, notwithstanding section 109 of the Foreign Assistance Act of 1961, of the funds appropriated under this heading in this Act, and of the unobligated balances of funds previously appropriated under this heading, $2,500,000 may be transferred to "International Organizations and Programs" for a contribution to the International Fund for Agricultural Development (IFAD): Provided further, That none of the funds appropriated under this heading may be made available for any activity which is in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna (CITES): Provided further, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $25,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That of the funds appropriated under this heading not less than $500,000 should be made available for support of the United States Telecommunications Training Institute: Provided further, That, of the funds appropriated by this Act for the Microenterprise Initiative (including any local currencies made available for the purposes of the Initiative), not less than one-half should be made available for programs providing loans of less than $300 to very poor people, particularly women, or for institutional support of organizations primarily engaged in making such loans.

CYPRUS

Of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund", not less than $15,000,000 shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus.

LEBANON

Of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund", not less than $15,000,000 should be made available for Lebanon to be used, among other programs, for scholarships and direct support of the American educational institutions in Lebanon.

BURMA

Of the funds appropriated under the headings "Economic Support Fund", "Child Survival and Disease Programs Fund" and "Development Assistance", not less than $6,500,000 shall be made available to support democracy activities in Burma, democracy and humanitarian activities along the Burma-Thailand border, and for Burmese student groups and other organizations located outside Burma: Provided, That funds made available for Burma-related activities under this heading may be made available notwithstanding any other provision of law: Provided further, That the provision of such funds shall be made available subject to the regular notification procedures of the Committees on Appropriations.

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 percent of its total annual funding for international activities from sources other than the United States Government: Provided, That the Administrator of the Agency for International Development may, on a case-by-case basis, waive the restriction contained in this paragraph, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency.

Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $202,880,000, to remain available until expended: Provided, That the Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to providing assistance through the Office of Transition Initiatives for a country that did not receive such assistance in fiscal year 1999.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

For the cost of direct loans and loan guarantees, $1,500,000, as authorized by section 108 of the Foreign Assistance Act of 1961, as amended: Provided, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That guarantees of loans made under this heading in support of microenterprise activities may guarantee up to 70 percent of the principal amount of any such loans notwithstanding section 108 of the Foreign Assistance Act of 1961. In addition, for administrative expenses to carry out programs under this heading, $500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That funds made available under this heading shall remain available until September 30, 2001.

URBAN AND ENVIRONMENTAL CREDIT PROGRAM ACCOUNT

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of guaranteed loans authorized by sections 221 and 222 of the Foreign Assistance Act of 1961, $1,500,000, to remain available until expended: Provided, That these funds are available to subsidize loan principal, 100 percent of which shall be guaranteed, pursuant to the authority of such sections. In addition, for administrative expenses to carry out guaranteed loan programs, $5,000,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: Provided further, That commitments to guarantee loans under this heading may be entered into notwithstanding the second and third sentences of section 222(a) of the Foreign Assistance Act of 1961.

DEVELOPMENT CREDIT AUTHORITY PROGRAM ACCOUNT

For the cost of direct loans and loan guarantees, up to $3,000,000 to be derived by transfer from funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, as amended, and funds appropriated by this Act under the heading, "ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES", to remain available until expended, as authorized by section 635 of the Foreign Assistance Act of 1961: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That for administrative expenses to carry out the direct and guaranteed loan programs, up to $500,000 of this amount may be transferred to and merged with the appropriation for "Operating Expenses of the Agency for International Development": Provided further, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $43,837,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $520,000,000: Provided, That, none of the funds appropriated under this heading may be made available to finance the construction (including architect and engineering services), purchase, or long term lease of offices for use by the Agency for International Development, unless the Administrator has identified such proposed construction (including architect and engineering services), purchase, or long term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds for such purposes: Provided further, That the previous proviso shall not apply where the total cost of construction (including architect and engineering services), purchase, or long term lease of offices does not exceed $1,000,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $25,000,000, to remain available until September 30, 2001, which sum shall be available for the Office of the Inspector General of the Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,345,500,000, to remain available until September 30, 2001: Provided, That of the funds appropriated under this heading, not less than $960,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of the enactment of this Act or by October 31, 1999, whichever is later: Provided further, That not less than $735,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than $200,000,000 shall be provided as Commodity Import Program assistance: Provided further, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country and that Israel enters into a side letter agreement at least equivalent to the fiscal year 1999 agreement: Provided further, That of the funds appropriated under this heading, not less than $150,000,000 should be made available for assistance for Jordan: Provided further, That of the funds appropriated under this heading, not less than $25,000,000 should be made available for assistance for East Timor: Provided further, That notwithstanding any other provision of law, not to exceed $11,000,000 may be used to support victims of and programs related to the Holocaust: Provided further, That notwithstanding any other provision of law, of the funds appropriated under this heading, $1,000,000 shall be made available to nongovernmental organizations located outside of the People's Republic of China to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in that country.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $19,600,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): Provided, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That funds made available under this heading shall remain available until September 30, 2001.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $535,000,000, to remain available until September 30, 2001, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States: Provided, That of the funds appropriated under this heading not less than $150,000,000 should be made available for assistance for Kosova: Provided further, That of the funds made available under this heading and the headings "International Narcotics Control and Law Enforcement" and "Economic Support Fund", not to exceed $130,000,000 shall be made available for Bosnia and Herzegovina: Provided further, That none of the funds made available under this heading for Kosova shall be made available until the Secretary of State certifies that the resources pledged by the United States at the upcoming Kosova donors conference shall not exceed 15 percent of the total resources pledged by all donors: Provided further, That none of the funds made available under this heading for Kosova shall be made available for large scale physical infrastructure reconstruction.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) None of the funds appropriated under this heading may be made available for new housing construction or repair or reconstruction of existing housing in Bosnia and Herzegovina unless directly related to the efforts of United States troops to promote peace in said country.

(e) With regard to funds appropriated under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program) the Administrator of the Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee.

(f) The provisions of section 532 of this Act shall apply to funds made available under subsection (e) and to funds appropriated under this heading.

(g) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between Iranian officials and Bosnian officials has not been terminated.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, $839,000,000, to remain available until September 30, 2001: Provided, That the provisions of such chapter shall apply to funds appropriated by this paragraph: Provided further, That such sums as may be necessary may be transferred to the Export-Import Bank of the United States for the cost of any financing under the Export-Import Bank Act of 1945 for activities for the Independent States: Provided further, That of the funds made available for the Southern Caucasus region, 15 percent should be used for confidence-building measures and other activities in furtherance of the peaceful resolution of the regional conflicts, especially those in the vicinity of Abkhazia and Nagorno-Karabagh: Provided further, That of the amounts appropriated under this heading not less than $20,000,000 shall be made available solely for the Russian Far East: Provided further, That of the funds made available under this heading $10,000,000 shall be made available for salaries and expenses to carry out the Russian Leadership Program enacted on May 21, 1999 (113 Stat. 93 et seq.).

(b) Of the funds appropriated under this heading, not less than $180,000,000 should be made available for assistance for Ukraine.

(c) Of the funds appropriated under this heading, not less than 12.92 percent shall be made available for assistance for Georgia.

(d) Of the funds appropriated under this heading, not less than 12.2 percent shall be made available for assistance for Armenia.

(e) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104-201;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee, or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

(f) Of the funds made available under this heading for nuclear safety activities, not to exceed 9 percent of the funds provided for any single project may be used to pay for management costs incurred by a United States national lab in administering said project.

(g) Not more than 25 percent of the funds appropriated under this heading may be made available for assistance for any country in the region. Activities authorized under title V (nonproliferation and disarmament programs and activities) of the FREEDOM Support Act shall not be counted against the 25 percent limitation.

(h) Of the funds appropriated under title II of this Act not less than $12,000,000 should be made available for assistance for Mongolia of which not less than $6,000,000 should be made available from funds appropriated under this heading: Provided, That funds made available for assistance for Mongolia may be made available in accordance with the purposes and utilizing the authorities provided in chapter 11 of part I of the Foreign Assistance Act of 1961.

(i)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of the Russian Federation, 50 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases and child survival activities; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(j) None of the funds appropriated under this heading may be made available for the Government of the Russian Federation, until the Secretary of State certifies to the Committees on Appropriations that: (1) Russian armed and peacekeeping forces deployed in Kosova have not established a separate sector of operational control; and (2) any Russian armed forces deployed in Kosova are operating under NATO unified command and control arrangements.

(k) Of the funds appropriated under this title, not less than $14,700,000 shall be made available for maternal and neo-natal health activities in the independent states of the former Soviet Union, of which at least 60 percent should be made available for the preventive care and treatment of mothers and infants in Russia.

INDEPENDENT AGENCY

PEACE CORPS

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), $245,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 2001.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $305,000,000, of which $21,000,000 shall become available for obligation on September 30, 2000, and remain available until expended: Provided, That of this amount not less than $10,000,000 should be made available for Law Enforcement Training and Demand Reduction: Provided further, That any funds made available under this heading for anti-crime programs and activities shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That during fiscal year 2000, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, That in addition to any funds previously made available to establish and operate the International Law Enforcement Academy for the Western Hemisphere, not less than $5,000,000 shall be made available to establish and operate the International Law Enforcement Academy for the Western Hemisphere at the deBremmond Training Center in Roswell, New Mexico.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $625,000,000, of which $21,000,000 shall become available for obligation on September 30, 2000, and remain available until expended: Provided, That not more than $13,800,000 shall be available for administrative expenses: Provided further, That not less than $60,000,000 shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $12,500,000, to remain available until expended: Provided, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Act which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism and related programs and activities, $216,600,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, section 504 of the FREEDOM Support Act for the Nonproliferation and Disarmament Fund, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA) and a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided, That the Secretary of State shall inform the Committees on Appropriations at least 20 days prior to the obligation of funds for the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided further, That of this amount not to exceed $15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: Provided further, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That of the funds appropriated under this heading, $40,000,000 should be made available for demining, clearance of unexploded ordnance, and related activities: Provided further, That of the funds made available for demining and related activities, not to exceed $500,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operdtion and management of the demining program.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961 (relating to international affairs technical assistance activities), $1,500,000, to remain available until expended, which shall be available nowithstanding and other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961 (including up to $1,000,000 for necessary expenses for the administration of activities carried out under these parts), and of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, and concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100–461), $123,000,000, to remain available until expended: Provided, That of this amount, not less than $13,000,000 shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961: Provided, That any limitation of subsection (e) of section 411 of the

Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated hereunder or previously appropriated under this heading: Provided further, That the authority provided by section 572 of Public Law 100–461 may be exercised only with respect to countries that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

UNITED STATES COMMUNITY ADJUSTMENT AND INVESTMENT PROGRAM

For the United States Community Adjustment and Investment Program authorized by section 543 of the North American Free Trade Agreement Implementation Act, $10,000,000, to remain available until September 30, 2001: Provided, That the Secretary may transfer such funds to the North American Development Bank and/or to one or more Federal agencies for the purpose of enabling the Bank or such Federal agencies to assist in carrying out the program by providing technical assistance, grants, loans, loan guarantees, and other financial subsidies endorsed by the interagency finance committee established by section 7 of Executive Order No. 12916: Provided further, That no portion of such funds may be transferred to the Bank unless the Secretary shall have first entered into an agreement with the Bank that provides that any such funds may not be used for the Bank's administrative expenses: Provided further, That any funds transferred to the Bank under this heading will be in addition to the 10 percent of the paid-in capital paid to the Bank by the United States referred to in section 543 of the Act: Provided further, That any funds transferred to any Federal agency under this heading will be in addition to amounts otherwise provided to such agency: Provided further, That any funds transferred to an agency under this heading shall be subject to the same terms and conditions as the account to which transferred.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $50,000,000, of which up to $1,000,000 may remain available until expended: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That funds appropriated under this heading for grant financed military education and training for Indonesia and Guatemala may only be available for expanded international military education and training and funds made available for Guatemala may only be provided through the regular notification procedures of the Committees on Appropriations: Provided further, That none of the funds appropriated under this heading may be made available to support grant financed military education and training at the School of the Americas unless the Secretary of Defense certifies that the instruction and training provided by the School of the Americas is fully consistent with training and doctrine, particularly with respect to the observance of human rights, provided by the Department of Defense to United States military students at Department of Defense institutions whose primary purpose is to train United States military personnel: Provided further, That the Secretary of Defense shall submit to the Committees on Appropriations, no later than January 15, 2000, a report detailing the training activities of the School of the Americas and a general assessment regarding the performance of its graduates during 1997 and 1998.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $3,420,000,000: Provided, That of the funds appropriated under this heading, not less than $1,920,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act or by October 31, 1999, whichever is later: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than 26.3 percent shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That of the funds appropriated by this paragraph, not less than $75,000,000 should be available for assistance for Jordan: Provided further, That of the funds appropriated by this paragraph, not less than $7,000,000 shall be made available for assistance for Tunisia: Provided further, That during fiscal year 2000, the President is authorized to, and shall, direct the draw-downs of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value of not less than $4,000,000 under the authority of this proviso for Tunisia for the purposes of part II of the Foreign Assistance Act of 1961 and any amount so directed shall count toward meeting the earmark in the preceding proviso: Provided further, That of the funds appropriated by this paragraph up to $1,000,000 should be made available for assistance for Ecuador and shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Sudan and Liberia: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Guatemala: Provided further, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than $30,495,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That not more than $330,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2000 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall report to the Committees on Appropriations regarding the appropriate host institution to support and advance the efforts of the Defense Institute for International and Legal Studies in both legal and political education: Provided further, That none of the funds made available under this heading shall be available for any non-NATO country participating in the Partnership for Peace Program except through the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $153,000,000: Provided, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, $35,800,000, to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $775,000,000, to remain available until expended.

CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

For payment to the Multilateral Investment Guarantee Agency by the Secretary of the Treasury, $4,000,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL

The United States Governor of the Multilateral Investment Guarantee Agency may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $20,000,000.

CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT CORPORATION

For payment to the Inter-American Investment Corporation, by the Secretary of the Treasury, $16,000,000, for the United States share of the increase in subscriptions to capital stock, to remain available until expended.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increase in capital stock, $25,610,667.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $1,503,718,910.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $13,728,263, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $672,745,205.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asia Development Bank Act, as amended, $77,000,000, to remain available until expended, for contributions previously due.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, $4,100,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $64,000,000.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $128,000,000, to remain available until expended.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $35,778,717, for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $123,237,803.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $183,000,000: Provided, That none of the funds appropriated under this heading shall be made available for the United Nations Fund for Science and Technology: Provided further, That not less than $5,000,000 should be made available to the World Food Program: Provided further, That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization (KEDO) or the International Atomic Energy Agency (IAEA).

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. Notwithstanding section 614 of the Foreign Assistance Act of 1961, none of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961: Provided, That none of the funds appropriated by title II of this Act may be transferred by the Agency for International Development directly to an international financial institution (as defined in section 533 of this Act) for the purpose of repaying a foreign country's loan obligations to such institution.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,000 shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $50,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for "Nonproliferation, Anti-terrorism, Demining and Related Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected head of government is deposed by military coup or decree: Provided, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with anll provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under title II of this Act are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 2000, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: Provided, That the Appropriations Committees of both Houses of the Congress are notified 15 days in advance of the reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: Provided, That the authority of this subsection may not be used in fiscal year 2000.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, and 11 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this

Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: Provided further, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: Provided, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. (a) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for "Child Survival and Disease Programs Fund", "Development Assistance", "International Organizations and Programs", "Trade and Development Agency", "International Narcotics Control and Law Enforcement", "Assistance for Eastern Europe and the Baltic States", "Assistance for the Independent States of the Former Soviet Union", "Economic Support Fund", "Peacekeeping Operations", "Operating Expenses of the Agency for International Development", "Operating Expenses of the Agency for International Development Office of Inspector General", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "Foreign Military Financing Program", "International Military Education and Training", "Peace Corps", and "Migration and Refugee Assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified 15 days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: Provided further, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(b) Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2001.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 517. (a) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a government of an Independent State of the former Soviet Union—

(1) unless that government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

Assistance may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(b) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(c) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union' shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, demining or nonproliferation programs.

(d) Funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) Funds made available in this Act for assistance for the Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(f) Funds appropriated in this or prior appropriations Acts that are or have been made available for an Enterprise Fund in the Independent States of the Former Soviet Union may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(g) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the headings "Assistance for the New

Independent States of the Former Soviet Union" and "Assistance for the Independent States of the Former Soviet Union", for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations: Provided, That none of the funds made available under this Act may be used to lobby for or against abortion.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 519. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2000, for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated by this Act shall be obligated or expended for Colombia, Haiti, Liberia, Pakistan, Panama, Serbia, Sudan, or the Democratic Republic of Congo except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL AND DISEASE PREVENTION ACTIVITIES

SEC. 522. Up to $10,000,000 of the funds made available by this Act for assistance under the heading "Child Survival and Disease Programs Fund", may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out child survival, basic education, and infectious disease activities: Provided, That up to $1,500,000 of the funds made available by this Act for assistance under the heading "Development Assistance" may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: Provided further, That funds appropriated by this Act that are made available for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, Acquired Immune Deficiency Syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries: Provided further, That funds appropriated under title II of this Act may be made available pursuant to section 301 of the Foreign Assistance Act of 1961 if a primary purpose of the assistance is for child survival and related programs: Provided further, That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or the People's Republic of China, unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 524. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 525. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

DEMOCRACY IN CHINA

SEC. 526. Notwithstanding any other provision of law that restricts assistance to foreign countries, funds appropriated by this Act for "Economic Support Fund" may be made available to provide general support and grants for nongovernmental organizations located outside the People's Republic of China that have as their primary purpose fostering democracy in that country, and for activities of nongovernmental organizations located outside the People's Republic of China to foster democracy in that country: Provided, That none of the funds made available for activities to foster democracy in the People's Republic of China may be made available for assistance to the government of that country, except that funds appropriated by this Act under the heading "Economic Support Fund" that are made available for the National Endowment for Democracy or its grantees may be made available for activities to foster democracy in that country notwithstanding this proviso and any other provision of law: Provided further, That funds made available pursuant to the authority of this section shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That notwithstanding any other provision of law that restricts assistance to foreign countries, of the funds appropriated by this Act under the heading "Economic Support Fund", $1,000,000 shall be made available to the Robert F. Kennedy Memorial Center for Human Rights for a project to disseminate information and support research about the People's Republic of China, and related activities.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527. (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 528. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

COMPETITIVE INSURANCE

SEC. 529. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States insurance companies have a fair opportunity to bid for insurance when such insurance is necessary or appropriate.

STINGERS IN THE PERSIAN GULF REGION

SEC. 530. Except as provided in section 581 of the Foreign Operations, Export Financing, and

Related Programs Appropriations Act, 1990, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.

DEBT-FOR-DEVELOPMENT

SEC. 531. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 532. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 533. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 534. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

AUTHORITIES FOR THE PEACE CORPS, INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 535. (a) Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

(b) Unless expressly provided to the contrary, limitations on the availability of funds for "International Organizations and Programs" in this or any other Act, including prior appropriations Acts, shall not be construed to be applicable to the International Fund for Agricultural Development.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 536. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

FUNDING PROHIBITION FOR SERBIA

SEC. 537. None of the funds appropriated by this Act may be made available for assistance for the Republic of Serbia: Provided, That this restriction shall not apply to assistance for Kosova or Montenegro, or to assistance to promote democratization: Provided further, That section 620(t) of the Foreign Assistance Act of 1961, as amended, shall not apply to Kosova or Montenegro.

SPECIAL AUTHORITIES

SEC. 538. (a) Funds appropriated in titles I and II of this Act that are made available for Afghanistan, Lebanon, Montenegro, and for victims of war, displaced children, displaced Burmese, humanitarian assistance for Romania, and humanitarian assistance for the peoples of Kosova, may be made available notwithstanding any other provision of law: Provided, That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 *and section 906 of the International Security and Development Cooperation Act of 1985.*

(b) Funds appropriated by this Act to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and, subject to the regular notification procedures of the Committees on Appropriations, energy programs aimed at reducing greenhouse gas emissions: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) The Agency for International Development may employ personal services contractors, notwithstanding any other provision of law, for the purpose of administering programs for the West Bank and Gaza.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 539. It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel;

(2) the decision by the Arab League in 1997 to reinstate the boycott against Israel was deeply troubling and disappointing;

(3) the Arab League should immediately rescind its decision on the boycott and its members should develop normal relations with their neighbor Israel; and

(4) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to expand the process of normalizing ties between Arab League countries and Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ANTI-NARCOTICS ACTIVITIES

SEC. 540. Of the funds appropriated or otherwise made available by this Act for "Economic Support Fund", assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act. Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 541. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, and 11 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States": Provided, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: Provided further, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2000, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights.

EARMARKS

SEC. 542. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 543. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 544. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: Provided, That not to exceed $750,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 545. (a) To the maximum extent possible, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

(b) It is the sense of the Congress that, to the greatest extent practicable, all agriculture commodities, equipment and products purchased with funds made available in this Act should be American-made.

(c) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (b) by the Congress.

(d) The Secretary of the Treasury shall report to Congress annually on the efforts of the heads of each Federal agency and the United States directors of international financial institutions (as referenced in section 514) in complying with this sense of the Congress.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 546. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

CONSULTING SERVICES

SEC. 547. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise *provided under existing law, or under existing Executive order pursuant to existing law.*

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 548. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 549. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 550. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of the enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 551. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 552. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That 60 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia: Provided further, That the drawdown made under this section for any tribunal shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court: Provided further, That funds made available for tribunals other than Yugoslavia or Rwanda shall be made available subject to the regular notification procedures of the Committees on Appropriations.

LANDMINES

SEC. 553. Notwithstanding any other provision of law, demining equipment available to the Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe: Provided, That section 1365(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 22 U.S.C., 2778 note) is amended by striking "During the five-year period beginning on October 23, 1992" and inserting "During the 11-year period beginning on October 23, 1992".

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 554. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 555. None of the funds appropriated or otherwise made available by this Act under the headings "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities or under the headings "Child Survival and Disease Programs Fund", "Development Assistance", and "Economic Support Fund" may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

COMPETITIVE PRICING FOR SALES OF DEFENSE ARTICLES

SEC. 556. Direct costs associated with meeting a foreign customer's additional or unique requirements will continue to be allowable under contracts under section 22(d) of the Arms Export Control Act. Loadings applicable to such direct costs shall be permitted at the same rates applicable to procurement of like items purchased by the Department of Defense for its own use.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 557. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a)

shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 558. (a) Loans Eligible for Sale, Reduction, or Cancellation.—

(1) Authority to Sell, Reduce, or Cancel Certain Loans.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) Terms and Conditions.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) Administration.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) Limitation.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) Deposit of Proceeds.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) Eligible Purchasers.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) Debtor Consultations.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) Availability of Funds.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

ASSISTANCE FOR HAITI

SEC. 559. (a) Policy.—In providing assistance to Haiti, the President should place a priority on the following areas:

(1) aggressive action to support the Haitian National Police, including support for efforts by the Inspector General to purge corrupt and politicized elements from the Haitian National Police;

(2) steps to ensure that any elections undertaken in Haiti with United States assistance are full, free, fair, transparent, and democratic;

(3) support for a program designed to develop an indigenous human rights monitoring capacity;

(4) steps to facilitate the continued privatization of state-owned enterprises;

(5) a sustainable agricultural development program; and

(6) establishment of an economic development fund for Haiti to provide long-term, low interest loans to United States investors and businesses that have a demonstrated commitment to, and expertise in, doing business in Haiti, in particular those businesses present in Haiti prior to the 1994 United Nations embargo.

(b) Report.—Beginning 6 months after the date of the enactment of this Act, and 6 months thereafter until September 30, 2001, the President shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives with regard to—

(1) the status of each of the governmental institutions envisioned in the 1987 Haitian Constitution, including an assessment of the extent to which officials in such institutions hold their positions on the basis of a regular, constitutional process;

(2) the status of the privatization (or placement under long-term private management or concession) of the major public entities, including a detailed assessment of the extent to which the Government of Haiti has completed all required incorporating documents, the transfer of assets, and the eviction of unauthorized occupants from such facilities;

(3) the status of efforts to re-sign and implement the lapsed bilateral Repatriation Agreement and an assessment of the extent to which the Government of Haiti has been cooperating with the United States in halting illegal emigration from Haiti;

(4) the status of the Government of Haiti's efforts to conduct thorough investigations of extrajudicial and political killings and—

(A) an assessment of the progress that has been made in bringing to justice the persons responsible for these extrajudicial or political killings in Haiti; and

(B) an assessment of the extent to which the Government of Haiti is cooperating with United States authorities and with United States-funded technical advisors to the Haitian National Police in such investigations;

(5) an assessment of actions taken by the Government of Haiti to remove and maintain the separation from the Haitian National Police, national palace and residential guard, ministerial guard, and any other public security entity or unit of Haiti those individuals who are credibly alleged to have engaged in or conspired to conceal gross violations of internationally recognized human rights;

(6) the status of steps being taken to secure the ratification of the maritime counter-narcotics agreements signed October 1997;

(7) an assessment of the extent to which domestic capacity to conduct free, fair, democratic, and administratively sound elections has been developed in Haiti; and

(8) an assessment of the extent to which Haiti's Minister of Justice has demonstrated a commitment to the professionalism of judicial personnel by consistently placing students graduated by the Judicial School in appropriate judicial positions and has made a commitment to share program costs associated with the Judicial School, and is achieving progress in making the judicial branch in Haiti independent from the executive branch.

(c) Equitable Allocation of Funds.—Not more than 17 percent of the funds appropriated by this Act to carry out the provisions of sections 103 through 106 and chapter 4 of part II of the Foreign Assistance Act of 1961, that are made available for Latin America and the Caribbean region may be made available, through bilateral and Latin America and the Caribbean regional programs, to provide assistance for any country in such region.

REQUIREMENT FOR DISCLOSURE OF FOREIGN AID IN REPORT OF SECRETARY OF STATE

SEC. 560. (a) Foreign Aid Reporting Requirement.—In addition to the voting practices of a foreign country, the report required to be submitted to Congress under section 406(a) of the Foreign Relations Authorization Act, fiscal years 1990 and 1991 (22 U.S.C. 2414a), shall include a side-by-side comparison of individual countries' overall support for the United States at the United Nations and the amount of United States assistance provided to such country in fiscal year 1999.

(b) United States Assistance.—For purposes of this section, the term "United States assistance" has the meaning given the term in section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)).

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

SEC. 561. (a) Prohibition on Voluntary Contributions for the United Nations.—None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

(b) Certification Required for Disbursement of Funds.—None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) unless the President certifies to the Congress 15 days in advance of such payment that the United Nations is not engaged in any effort to implement or impose any taxation on United States persons in order to raise revenue for the United Nations or any of its specialized agencies.

(c) Definitions.—As used in this section the term "United States person" refers to—

(1) a natural person who is a citizen or national of the United States; or

(2) a corporation, partnership, or other legal entity organized under the United States or any State, territory, possession, or district of the United States.

HAITI

SEC. 562. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the civilian-led Haitian National Police and Coast Guard: Provided, That the authority provided by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 563. (a) Prohibition of Funds.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 564. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: Provided, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: Provided further, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

LIMITATIONS ON TRANSFER OF MILITARY EQUIPMENT TO EAST TIMOR

SEC. 565. In any agreement for the sale, transfer, or licensing of any lethal equipment or helicopter for Indonesia entered into by the United States pursuant to the authority of this Act or any other Act, the agreement shall state that the items will not be used in East Timor.

RESTRICTIONS ON ASSISTANCE TO COUNTRIES PROVIDING SANCTUARY TO INDICTED WAR CRIMINALS

SEC. 566. (a) BILATERAL ASSISTANCE.—None of the funds made available by this or any prior Act making appropriations for foreign operations, export financing and related programs, may be provided for any country, entity or municipality described in subsection (e).

(b) MULTILATERAL ASSISTANCE.—

(1) PROHIBITION.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to any country or entity described in subsection (e).

(2) NOTIFICATION.—Not less than 15 days before any vote in an international financial institution regarding the extension of financial or technical assistance or grants to any country or entity described in subsection (e), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Banking and Financial Services of the House of Representatives a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(3) DEFINITION.—The term "international financial institution" includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(c) EXCEPTIONS.—

(1) IN GENERAL.—Subject to paragraph (2), subsections (a) and (b) shall not apply to the provision of—

(A) humanitarian assistance;

(B) democratization assistance;

(C) assistance for cross border physical infrastructure projects involving activities in both a sanctioned country, entity, or municipality and a nonsanctioned contiguous country, entity, or municipality, if the project is primarily located in and primarily benefits the nonsanctioned country, entity, or municipality and if the portion of the project located in the sanctioned country, entity, or municipality is necessary only to complete the project;

(D) small-scale assistance projects or activities requested by United States Armed Forces that promote good relations between such forces and the officials and citizens of the areas in the United States SFOR sector of Bosnia;

(E) implementation of the Brcko Arbitral Decision;

(F) lending by the international financial institutions to a country or entity to support common monetary and fiscal policies at the national level as contemplated by the Dayton Agreement;

(G) direct lending to a non-sanctioned entity, or lending passed on by the national government to a non-sanctioned entity; or

(H) assistance to the International Police Task Force for the training of a civilian police force.

(2) NOTIFICATION.—Every 60 days the Secretary of State, in consultation with the Administrator of the Agency for International Development, shall publish in the Federal Register and/or in a comparable publicly accessible document or Internet site, a listing and justification of any assistance that is obligated within that period of time for any country, entity, or municipality described in subsection (e), including a description of the purpose of the assistance, project and its location, by municipality.

(d) FURTHER LIMITATIONS.—Notwithstanding subsection (c)—

(1) no assistance may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs, in any country, entity, or municipality described in subsection (e), for a program, project, or activity in which a publicly indicted war criminal is known to have any financial or material interest; and

(2) no assistance (other than emergency foods or medical assistance or demining assistance) may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs for any program, project, or activity in a community within any country, entity or municipality described in subsection (e) if competent authorities within that community are not complying with the provisions of Article IX and Annex 4, Article II, paragraph 8 of the Dayton Agreement relating to war crimes and the Tribunal.

(e) SANCTIONED COUNTRY, ENTITY, OR MUNICIPALITY.—A sanctioned country, entity, or municipality described in this section is one whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to apprehend and transfer to the Tribunal all persons who have been publicly indicted by the Tribunal.

(f) SPECIAL RULE.—Subject to subsection (d), subsections (a) and (b) shall not apply to the provision of assistance to an entity that is not a sanctioned entity, notwithstanding that such entity may be within a sanctioned country, if the Secretary of State determines and so reports to the appropriate congressional committees that providing assistance to that entity would promote peace and internationally recognized human rights by encouraging that entity to cooperate fully with the Tribunal.

(g) CURRENT RECORD OF WAR CRIMINALS AND SANCTIONED COUNTRIES, ENTITIES, AND MUNICIPALITIES.—

(1) IN GENERAL.—The Secretary of State shall establish and maintain a current record of the location, including the municipality, if known, of publicly indicted war criminals and a current record of sanctioned countries, entities, and municipalities.

(2) INFORMATION OF THE DCI AND THE SECRETARY OF DEFENSE.—The Director of Central Intelligence and the Secretary of Defense should collect and provide to the Secretary of State information concerning the location, including the municipality, of publicly indicted war criminals.

(3) INFORMATION OF THE TRIBUNAL.—The Secretary of State shall request that the Tribunal and other international organizations and governments provide the Secretary of State information concerning the location, including the municipality, of publicly indicted war criminals and concerning country, entity and municipality authorities known to have obstructed the work of the Tribunal.

(4) REPORT.—Beginning 30 days after the date of the enactment of this Act, and not later than September 1 each year thereafter, the Secretary of State shall submit a report in classified and unclassified form to the appropriate congressional committees on the location, including the municipality, if known, of publicly indicted war criminals, on country, entity and municipality authorities known to have obstructed the work of the Tribunal, and on sanctioned countries, entities, and municipalities.

(5) INFORMATION TO CONGRESS.—Upon the request of the chairman or ranking minority member of any of the appropriate congressional committees, the Secretary of State shall make available to that committee the information recorded under paragraph (1) in a report submitted to the committee in classified and unclassified form.

(h) WAIVER.—

(1) IN GENERAL.—The Secretary of State may waive the application of subsection (a) or subsection (b) with respect to specified bilateral programs or international financial institution projects or programs in a sanctioned country, entity, or municipality upon providing a written determination to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives that such assistance directly supports the implementation of the Dayton Agreement and its Annexes, which include the obligation to apprehend and transfer indicted war criminals to the Tribunal.

(2) REPORT.—Not later than 15 days after the date of any written determination under paragraph (1) the Secretary of State shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives regarding the status of efforts to secure the voluntary surrender or apprehension and transfer of persons indicted by the Tribunal, in accordance with the Dayton Agreement, and outlining obstacles to achieving this goal.

(3) ASSISTANCE PROGRAMS AND PROJECTS AFFECTED.—Any waiver made pursuant to this subsection shall be effective only with respect to

a specified bilateral program or multilateral assistance project or program identified in the determination of the Secretary of State to Congress.

(i) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to subsections (a) and (b) with respect to a country or entity shall cease to apply only if the Secretary of State determines and certifies to Congress that the authorities of that country, entity, or municipality have apprehended and transferred to the Tribunal all persons who have been publicly indicted by the Tribunal.

(j) DEFINITIONS.—As used in this section—

(1) COUNTRY.—The term "country" means Bosnia-Herzegovina, Croatia, and Serbia.

(2) ENTITY.—The term "entity" refers to the Federation of Bosnia and Herzegovina, Kosova, Montenegro, and the Republika Srpska.

(3) DAYTON AGREEMENT.—The term "Dayton Agreement" means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

(4) TRIBUNAL.—The term "Tribunal" means the International Criminal Tribunal for the Former Yugoslavia.

(k) ROLE OF HUMAN RIGHTS ORGANIZATIONS AND GOVERNMENT AGENCIES.—In carrying out this section, the Secretary of State, the Administrator of the Agency for International Development, and the executive directors of the international financial institutions shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent publicly indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (e).

TO PROHIBIT FOREIGN ASSISTANCE TO THE GOVERNMENT OF THE RUSSIAN FEDERATION SHOULD IT ENACT LAWS WHICH WOULD DISCRIMINATE AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION

SEC. 567. None of the funds appropriated under this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the President determines and certifies in writing to the Committees on Appropriations and the Committee on Foreign Relations of the Senate that the Government of the Russian Federation has implemented no statute, executive order, regulation or similar government action that would discriminate, or would have as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

GREENHOUSE GAS EMISSIONS

SEC. 568. (a) Funds made available in this Act to support programs or activities the primary purpose of which is promoting or assisting country participation in the Kyoto Protocol to the Framework Convention on Climate Change (FCCC) shall only be made available subject to the regular notification procedures of the Committees on Appropriations.

(b) The President shall provide a detailed account of all Federal agency obligations and expenditures for climate change programs and activities, domestic and international obligations for such activities in fiscal year 2000, and any plan for programs thereafter related to the implementation or the furtherance of protocols pursuant to, or related to negotiations to amend the FCCC in conjunction with the President's submission of the Budget of the United States Government for Fiscal Year 2001: Provided, That such report shall include an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix: Provided further, That such report shall identify with regard to the Agency for International Development, obligations and expenditures by country or central program and activity.

EXCESS DEFENSE ARTICLES FOR CERTAIN EUROPEAN COUNTRIES

SEC. 569. Section 105 of Public Law 104–164 (110 Stat. 1427) is amended by striking "1996 and 1997" and inserting "1999 and 2000".

AID TO THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF CONGO

SEC. 570. None of the funds appropriated or otherwise made available by this Act may be provided to the Central Government of the Democratic Republic of Congo.

ASSISTANCE FOR THE MIDDLE EAST

SEC. 571. Of the funds appropriated in titles II and III of this Act under the headings "Economic Support Fund", "Foreign Military Financing Program", "International Military Education and Training", "Peacekeeping Operations", for refugees resettling in Israel under the heading "Migration and Refugee Assistance", and for assistance for Israel to carry out provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 under the heading "Nonproliferation, Anti-Terrorism, Demining and Related Programs", not more than a total of $5,321,150,000 may be made available for Israel, Egypt, Jordan, Lebanon, the West Bank and Gaza, the Israel-Lebanon Monitoring Group, the Multinational Force and Observers, the Middle East Regional Democracy Fund, Middle East Regional Cooperation, and Middle East Multilateral Working Groups: Provided, That any funds that were appropriated under such headings in prior fiscal years and that were at the time of the enactment of this Act obligated or allocated for other recipients may not during fiscal year 2000 be made available for activities that, if funded under this Act, would be required to count against this ceiling: Provided further, That funds may be made available notwithstanding the requirements of this section if the President determines and certifies to the Committees on Appropriations that it is important to the national security interest of the United States to do so and any such additional funds shall only be provided through the regular notification procedures of the Committees on Appropriations.

ENTERPRISE FUND RESTRICTIONS

SEC. 572. Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

CAMBODIA

SEC. 573. (a) The Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Central Government of Cambodia, except loans to support basic human needs.

(b) None of the funds appropriated by this Act may be made available for assistance for the Central Government of Cambodia.

CUSTOMS ASSISTANCE

SEC. 574. Section 660(b) of the Foreign Assistance Act of 1961 is amended by—

(1) striking the period at the end of paragraph (6) and inserting a semicolon; and

(2) adding the following new paragraph:

"(7) with respect to assistance provided to customs authorities and personnel, including training, technical assistance and equipment, for customs law enforcement and the improvement of customs laws, systems and procedures.".

FOREIGN MILITARY TRAINING REPORT

SEC. 575. (a) The Secretary of Defense and the Secretary of State shall jointly provide to the Congress by March 1, 2000, a report on all military training provided to foreign military personnel (excluding sales, and excluding training provided to the military personnel of countries belonging to the North Atlantic Treaty Organization) under programs administered by the Department of Defense and the Department of State during fiscal years 1999 and 2000, including those proposed for fiscal year 2000. This report shall include, for each such military training activity, the foreign policy justification and purpose for the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.

(b) For purposes of this section a report to Congress shall be deemed to mean a report to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House of Representatives.

KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION

SEC. 576. (a) Of the funds made available under the heading "Nonproliferation, Anti-terrorism, Demining and Related Programs", not to exceed $35,000,000 may be made available for the Korean Peninsula Energy Development Organization (hereafter referred to in this section as "KEDO"), notwithstanding any other provision of law, only for the administrative expenses and heavy fuel oil costs associated with the Agreed Framework.

(b) Of the funds made available for KEDO, up to $15,000,000 may be made available prior to June 1, 2000, if, 30 days prior to such obligation of funds, the President certifies and so reports to Congress that—

(1) the parties to the Agreed Framework have taken and continue to take demonstrable steps to implement the Joint Declaration on Denuclearization of the Korean Peninsula in which the Government of North Korea has committed not to test, manufacture, produce, receive, possess, store, deploy, or use nuclear weapons, and not to possess nuclear reprocessing or uranium enrichment facilities;

(2) the parties to the Agreed Framework have taken and continue to take demonstrable steps to pursue the North-South dialogue;

(3) North Korea is complying with all provisions of the Agreed Framework;

(4) North Korea has not diverted assistance provided by the United States for purposes for which it was not intended; and

(5) North Korea is not seeking to develop or acquire the capability to enrich uranium, or any additional capability to reprocess spent nuclear fuel.

(c) Of the funds made available for KEDO, up to $20,000,000 may be made available on or after June 1, 2000, if, 30 days prior to such obligation of funds, the President certifies and so reports to Congress that—

(1) the effort to can and safely store all spent fuel from North Korea's graphite-moderated nuclear reactors has been successfully concluded;

(2) North Korea is complying with its obligations under the agreement regarding access to suspect underground construction;

(3) North Korea has terminated its nuclear weapons program, including all efforts to acquire, develop, test, produce, or deploy such weapons; and

(4) the United States has made and is continuing to make significant progress on eliminating the North Korean ballistic missile threat, including further missile tests and its ballistic missile exports.

(d) The President may waive the certification requirements of subsections (b) and (c) if the President determines that it is vital to the national security interests of the United States and provides written policy justifications to the appropriate congressional committees prior to his exercise of such waiver. No funds may be obligated for KEDO until 30 days after submission to Congress of such waiver.

(e) The Secretary of State shall submit to the appropriate congressional committees a report (to be submitted with the annual presentation for appropriations) providing a full and detailed accounting of the fiscal year 2001 request for the United States contribution to KEDO, the expected operating budget of the KEDO, to include unpaid debt, proposed annual costs associated with heavy fuel oil purchases, and the amount of funds pledged by other donor nations and organizations to support KEDO activities on a per country basis, and other related activities.

AFRICAN DEVELOPMENT FOUNDATION

SEC. 577. Funds made available to grantees of the African Development Foundation may be invested pending expenditure for project purposes when authorized by the President of the Foundation: Provided, That interest earned shall be used only for the purposes for which the grant was made: Provided further, That this authority applies to interest earned both prior to and following the enactment of this provision: Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project: Provided further, That the Foundation shall provide a report to the Committees on Appropriations in advance of exercising such waiver authority.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 578. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

VOLUNTARY SEPARATION INCENTIVES FOR EMPLOYEES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

SEC. 579. (a) DEFINITIONS.—For the purposes of this section—

(1) the term "agency" means the United States Agency for International Development;

(2) the term "Administrator" means the Administrator, United States Agency for International Development; and

(3) the term "employee" means an employee (as defined by section 2105 of title 5, United States Code) who is employed by the agency, is serving under an appointment without time limitation, and has been currently employed for a continuous period of at least 3 years, but does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the agency;

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under the applicable retirement system referred to in subparagraph (A);

(C) an employee who is to be separated involuntarily for misconduct or unacceptable performance, and to whom specific notice has been given with respect to that separation;

(D) an employee who has previously received any voluntary separation incentive payment by the Government of the United States under this section or any other authority and has not repaid such payment;

(E) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(F) any employee who, during the 24-month period preceding the date of separation, received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the 12-month period preceding the date of separation, received a retention allowance under section 5754 of such title 5, United States Code.

(b) AGENCY STRATEGIC PLAN.—

(1) IN GENERAL.—The Administrator, before obligating any resources for voluntary separation incentive payments under this section, shall submit to the Committees on Appropriations and the Office of Management and Budget a strategic plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

(2) CONTENTS.—The agency's plan shall include—

(A) the positions and functions to be reduced or eliminated, identified by organizational unit, geographic location, occupational category and grade level;

(B) the number and amounts of voluntary separation incentive payments to be offered;

(C) a description of how the agency will operate without the eliminated positions and functions; and

(D) the time period during which incentives may be paid.

(3) APPROVAL.—The Director of the Office of Management and Budget shall review the agency's plan and approve or disapprove the plan and may make appropriate modifications in the plan with respect to the coverage of incentives as described under paragraph (2)(A), and with respect to the matters described in paragraphs (2)(B) through (D).

(c) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) IN GENERAL.—A voluntary separation incentive payment under this section may be paid by the agency to employees of such agency and only to the extent necessary to eliminate the positions and functions identified by the strategic plan.

(2) AMOUNT AND TREATMENT OF PAYMENTS.—A voluntary separation incentive payment under this section—

(A) shall be paid in a lump sum after the employee's separation;

(B) shall be paid from appropriations or funds available for the payment of the basic pay of the employees;

(C) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section; or

(ii) an amount determined by the agency head not to exceed $25,000;

(D) may not be made except in the case of any employee who voluntarily separates (whether by retirement or resignation) on or before December 31, 2000;

(E) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(F) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.—

(1) IN GENERAL.—In addition to any other payments which it is required to make under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, the agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the agency who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) DEFINITION.—For the purpose of paragraph (1), the term "final basic pay", with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

(e) EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—

(1) An individual who has received a voluntary separation incentive payment under this section and accepts any employment for compensation with the Government of the United States, or who works for any agency of the Government of the United States through a personal services contract, within 5 years after the date of the separation on which the payment is based shall be required to pay, prior to the individual's first day of employment, the entire amount of the incentive payment to the agency that paid the incentive payment.

(2) If the employment under paragraph (1) is with an Executive agency (as defined by section 105 of title 5, United States Code), the United States Postal Service, or the Postal Rate Commission, the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(3) If the employment under paragraph (1) is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(4) If the employment under paragraph (1) is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant for the position.

(f) REDUCTION OF AGENCY EMPLOYMENT LEVELS.—

(1) IN GENERAL.—The total number of funded employee positions in the agency shall be reduced by one position for each vacancy created by the separation of any employee who has received, or is due to receive, a voluntary separation incentive payment under this section. For the purposes of this subsection, positions shall be counted on a full-time-equivalent basis.

(2) ENFORCEMENT.—The President, through the Office of Management and Budget, shall monitor the agency and take any action necessary to ensure that the requirements of this subsection are met.

(g) REGULATIONS.—The Office of Personnel Management may prescribe such regulations as may be necessary to implement this section.

IRAQ OPPOSITION

SEC. 580. Notwithstanding any other provision of law, of the funds appropriated under the heading "Economic Support Fund", $10,000,000 *shall be made available to support efforts to bring about political transition in Iraq, of which not less than $8,000,000 shall be made available only to Iraqi opposition groups designated under the Iraq Liberation Act (Public Law 105–338) for political, economic, humanitarian, and other activities of such groups, and not more than $2,000,000 may be made available for groups and activities seeking the prosecution of Saddam Hussein and other Iraqi government officials for war crimes.*

AGENCY FOR INTERNATIONAL DEVELOPMENT BUDGET SUBMISSION

SEC. 581. Beginning with the fiscal year 2001 budget, the Agency for International Development shall submit to the Committees on Appropriations a detailed budget for each fiscal year. The Agency shall submit to the Committees on Appropriations a proposed budget format no later than October 31, 1999, or 30 days after the enactment of this Act, whichever occurs later. The proposed format shall include how the Agency's budget submission will address: (1) estimated levels of obligations for the current fiscal year and actual levels for the two previous fiscal years; (2) the President's request for new budget authority and estimated carryover obligational authority for the budget year; (3) the disaggregation of budget data by program and activity for each bureau, field mission, and central office; and (4) staff levels identified by program.

AMERICAN CHURCHWOMEN IN EL SALVADOR

SEC. 582. (a) Information relevant to the December 2, 1980 murders of four American churchwomen in El Salvador shall be made public to the fullest extent possible.

(b) The Secretary of State and the Department of State are to be commended for fully releasing information regarding the murders.

(c) The President shall order all Federal agencies and departments that possess relevant information to make every effort to declassify and release to the victims' families relevant information as expeditiously as possible.

(d) In making determinations concerning the declassification and release of relevant information, the Federal agencies and departments shall presume in favor of releasing, rather than of withholding, such information.

(e) Not later than 45 days after the date of the enactment of this Act, the Attorney General shall provide a report to the Committees on Appropriations describing in detail the circumstances under which individuals involved in the murders or the cover-up of the murders obtained residence in the United States.

KYOTO PROTOCOL

SEC. 583. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol, which was adopted on December 11, 1997, in Kyoto, Japan, at the Third Conference of the Parties to the United States Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

ADDITIONAL REQUIREMENTS RELATING TO STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

SEC. 584. (a) VALUE OF ADDITIONS TO STOCKPILES.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by striking "$50,000,000 for each of the fiscal years 1996 and 1997, $60,000,000 for fiscal year 1998, and" and inserting before the period at the end, the following: "and $60,000,000 for fiscal year 2000".

(b) REQUIREMENTS RELATING TO THE REPUBLIC OF KOREA AND THAILAND.—Section 514(b)(2)(B) of such Act (22 U.S.C. 2321h(b)(2)(B)) is amended by striking "Of the amount specified in subparagraph (A) for each of the fiscal years 1996 and 1997, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $10,000,000 may be made available for stockpiles in Thailand. Of the amount specified in subparagraph (A) for fiscal year 1998, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand."; and at the end inserting the following sentence: "Of the amount specified in subparagraph (A) for fiscal year 2000, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand.".

RUSSIAN LEADERSHIP PROGRAM

SEC. 585. Section 3011 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31; 113 Stat. 93) is amended—

(1) by striking "fiscal year 1999" in subsections (a)(1), (b)(4)(B), (d)(3), and (h)(1)(A) and inserting "fiscal years 1999 and 2000"; and

(2) by striking "2000" in subsection (a)(2), (e)(1), and (h)(1)(B) and inserting "2001".

ABOLITION OF THE INTER-AMERICAN FOUNDATION

SEC. 586. (a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(2) FOUNDATION.—The term "Foundation" means the Inter-American Foundation.

(3) FUNCTION.—The term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(b) ABOLITION OF INTER-AMERICAN FOUNDATION.—During fiscal year 2000, the President is authorized to abolish the Inter-American Foundation. The provisions of this section shall only be effective upon the effective date of the abolition of the Inter-American Foundation.

(c) TERMINATION OF FUNCTIONS.—

(1) Except as provided in subsection (d)(2), there are terminated upon the abolition of the Foundation all functions vested in, or exercised by, the Foundation or any official thereof, under any statute, reorganization plan, Executive order, or other provisions of law, as of the day before the effective date of this section.

(2) REPEAL.—Section 401 of the Foreign Assistance Act of 1969 (22 U.S.C. 290f) is repealed upon the effective date specified in subsection (j).

(3) FINAL DISPOSITION OF FUNDS.—Upon the date of transmittal to Congress of the certification described in subsection (d)(4), all unexpended balances of appropriations of the Foundation shall be deposited in the miscellaneous receipts account of the Treasury of the United States.

(d) RESPONSIBILITIES OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall be responsible for—

(A) the administration and wind-up of any outstanding obligation of the Federal Government under any contract or agreement entered into by the Foundation before the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000, except that the authority of this subparagraph does not include the renewal or extension of any such contract or agreement; and

(B) taking such other actions as may be necessary to wind-up any outstanding affairs of the Foundation.

(2) TRANSFER OF FUNCTIONS TO THE DIRECTOR.—There are transferred to the Director such functions of the Foundation under any statute, reorganization plan, Executive order, or other provision of law, as of the day before the date of the enactment of this section, as may be necessary to carry out the responsibilities of the Director under paragraph (1).

(3) AUTHORITIES OF THE DIRECTOR.—For purposes of performing the functions of the Director under paragraph (1) and subject to the availability of appropriations, the Director may—

(A) enter into contracts;

(B) employ experts and consultants in accordance with section 3109 of title 5, United States Code, at rates for individuals not to exceed the per diem rate equivalent to the rate for level IV of the Executive Schedule; and

(C) utilize, on a reimbursable basis, the services, facilities, and personnel of other Federal agencies.

(4) CERTIFICATION REQUIRED.—Whenever the Director determines that the responsibilities described in paragraph (1) have been fully discharged, the Director shall so certify to the appropriate congressional committees.

(e) REPORT TO CONGRESS.—The Director of the Office of Management and Budget shall submit to the appropriate congressional committees a detailed report in writing regarding all matters relating to the abolition and termination of the Foundation. The report shall be submitted not later than 90 days after the termination of the Foundation.

(f) TRANSFER AND ALLOCATION OF APPROPRIATIONS.—Except as otherwise provided in this section, the assets, liabilities (including contingent liabilities arising from suits continued with a substitution or addition of parties under subsection (g)(3)), contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions, terminated by subsection (c)(1) or transferred by subsection (d)(2) shall be transferred to the Director for purposes of carrying out the responsibilities described in subsection (d)(1).

(g) SAVINGS PROVISIONS.—

(1) CONTINUING LEGAL FORCE AND EFFECT.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) that have been issued, made, granted, or allowed to become effective by the Foundation in the performance of functions that are terminated or transferred under this section; and

(B) that are in effect as of the date of the abolition of the Foundation, or were final before such date and are to become effective on or after such date,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director, or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) NO EFFECT ON JUDICIAL OR ADMINISTRATIVE PROCEEDINGS.—Except as otherwise provided in this section—

(A) the provisions of this section shall not affect suits commenced prior to the date of the abolition of the Foundation; and

(B) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this section had not been enacted.

(3) NONABATEMENT OF PROCEEDINGS.—No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of the Foundation shall abate by reason of the enactment of this section. No cause of action by or against the Foundation, or by or against any officer thereof in the official capacity of such officer, shall abate by reason of the enactment of this section.

(4) CONTINUATION OF PROCEEDING WITH SUBSTITUTION OF PARTIES.—If, before the date of the abolition of the Foundation, the Foundation, or officer thereof in the official capacity of such officer, is a party to a suit, then effective on such date such suit shall be continued with the Director substituted or added as a party.

(5) REVIEWABILITY OF ORDERS AND ACTIONS UNDER TRANSFERRED FUNCTIONS.—Orders and actions of the Director in the exercise of functions terminated or transferred under this section shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been taken by the Foundation immediately preceding their termination or transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this section shall apply to the exercise of such function by the Director.

(h) CONFORMING AMENDMENTS.—

(1) AFRICAN DEVELOPMENT FOUNDATION.—Section 502 of the International Security and Development Cooperation Act of 1980 (22 U.S.C. 290h) is amended—

(A) by inserting "and" at the end of paragraph (2);

(B) by striking the semicolon at the end of paragraph (3) and inserting a period; and

(C) by striking paragraphs (4) and (5).

(2) SOCIAL PROGRESS TRUST FUND AGREEMENT.—Section 36 of the Foreign Assistance Act of 1973 is amended—

(A) in subsection (a)—

(i) by striking "provide for" and all that follows through "(2) utilization" and inserting "provide for the utilization"; and

(ii) by striking "member countries;" and all that follows through "paragraph (2)" and inserting "member countries.";

(B) in subsection (b), by striking "transfer or";

(C) by striking subsection (c);

(D) by redesignating subsection (d) as subsection (c); and

(E) in subsection (c) (as so redesignated), by striking "transfer or".

(3) FOREIGN ASSISTANCE ACT OF 1961.—Section 222A(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2182a(d)) is repealed.

(i) DEFINITION.—In this section, the term "appropriate congressional committees" means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(j) EFFECTIVE DATES.—The repeal made by subsection (c)(2) and the amendments made by subsection (h) shall take effect upon the date of transmittal to Congress of the certification described in subsection (d)(4).

WEST BANK AND GAZA PROGRAM

SEC. 587. For fiscal year 2000, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading "Economic Support Fund" for the West Bank and Gaza.

HUMAN RIGHTS ASSISTANCE

SEC. 588. Of the funds made available under the heading "International Narcotics Control and Law Enforcement", not less than $500,000 should be provided to the Colombia Attorney General's Human Rights Unit, not less than $500,000 should be made available to support the activities of Colombian nongovernmental organizations involved in human rights monitoring, not less than $250,000 should be provided to the United Nations High Commissioner for Human Rights to assist the Government of Colombia in strengthening its human rights policies and programs, not less than $1,000,000 should be made available for personnel and other resources to enhance United States Embassy monitoring of assistance to the Colombian security forces and responding to reports of human rights violations, and not less than $5,000,000 should be made available for administration of justice programs including support for the Colombia Attorney General's Technical Investigations Unit.

INDONESIA

SEC. 589. (a) Funds appropriated by this Act under the headings "International Military Education and Training" and "Foreign Military Financing Program" may be made available for Indonesia if the President determines and submits a report to the appropriate congressional committees that the Indonesian government and the Indonesian armed forces are—

(1) taking effective measures to bring to justice members of the armed forces and militia groups against whom there is credible evidence of human rights violations;

(2) taking effective measures to bring to justice members of the armed forces against whom there is credible evidence of aiding or abetting militia groups;

(3) allowing displaced persons and refugees to return home to East Timor, including providing safe passage for refugees returning from West Timor;

(4) not impeding the activities of the International Force in East Timor (INTERFET) or its successor, the United Nations Transitional Authority in East Timor (UNTAET);

(5) demonstrating a commitment to preventing incursions into East Timor by members of militia groups in West Timor; and

(6) demonstrating a commitment to accountability by cooperating with investigations and prosecutions of members of the Indonesian armed forces and militia groups responsible for human rights violations in Indonesia and East Timor.

MAN AND THE BIOSPHERE

SEC. 590. None of the funds appropriated or otherwise made available by this Act may be provided for the United Nations Man and the Biosphere Program or the United Nations World Heritage Fund for programs in the United States.

IMMUNITY OF FEDERAL REPUBLIC OF YUGOSLAVIA

SEC. 591. (a) Subject to subsection (b), the Federal Republic of Yugoslavia shall be deemed to be a state sponsor of terrorism for the purposes of 28 U.S.C. 1605(a)(7).

(b) This section shall not apply to Montenegro or Kosova.

(c) This section shall become null and void when the President certifies in writing to the Congress that the Federal Republic of Yugoslavia (other than Montenegro and Kosova) has completed a democratic reform process that results in a newly elected government that respects the rights of ethnic minorities, is committed to the rule of law and respects the sovereignty of its neighbor states.

(d) The certification provided for in subsection (c) shall not affect the continuation of litigation commenced against the Federal Republic of Yugoslavia prior to its fulfillment of the conditions in subsection (c).

UNITED STATES ASSISTANCE POLICY FOR OPPOSITION-CONTROLLED AREAS OF SUDAN

SEC. 592. (a) Notwithstanding any other provision of law, the President, acting through appropriate Federal agencies, may provide food assistance to groups engaged in the protection of civilian populations from attacks by regular government of Sudan forces, associated militias, or other paramilitary groups supported by the Government of Sudan. Such assistance may only be provided in a way that: (1) does not endanger, compromise or otherwise reduce the United States' support for unilateral, multilateral or private humanitarian operations or the beneficiaries of those operations; or (2) compromise any ongoing or future people-to-people reconciliation efforts. Any such assistance shall be provided separate from and not in proximity to current humanitarian efforts, both within Operation Lifeline Sudan or outside of Operation Lifeline Sudan, or any other current or future humanitarian operations which serve noncombatants. In considering eligibility of potential recipients, the President shall determine that the group respects human rights, democratic principles, and the integrity of ongoing humanitarian operations, and cease such assistance if the determination can no longer be made.

(b) Not later than February 1, 2000, the President shall submit to the Committees on Appropriations a report on United States bilateral assistance to opposition-controlled areas of Sudan. Such report shall include—

(1) an accounting of United States bilateral assistance to opposition-controlled areas of Sudan, provided in fiscal years 1997, 1998, 1999, and proposed for fiscal year 2000, and the goals and objectives of such assistance;

(2) the policy implications and costs, including logistics and administrative costs, associated with providing humanitarian assistance, including food, directly to National Democratic Alliance participants and the Sudanese People's Liberation Movement operating outside of the United Nations' Operation Lifeline Sudan structure, and the United States agencies best suited to administer these activities; and

(3) the policy implications of increasing substantially the amount of development assistance for democracy promotion, civil administration, judiciary, and infrastructure support in opposition-controlled areas of Sudan and the obstacles to administering a development assistance program in this region.

CONSULTATIONS ON ARMS SALES TO TAIWAN

SEC. 593. Consistent with the intent of Congress expressed in the enactment of section 3(b) of the Taiwan Relations Act, the Secretary of State shall consult with the appropriate committees and leadership of Congress to devise a mechanism to provide for congressional input prior to making any determination on the nature or quantity of defense articles and services to be made available to Taiwan.

AUTHORIZATIONS

SEC. 594. The Secretary of the Treasury may, to fulfill commitments of the United States: (1) effect the United States participation in the fifth general capital increase of the African Development Bank, the first general capital increase of the Multilateral Investment Guarantee Agency, and the first general capital increase of the Inter-American Investment Corporation; and (2) contribute on behalf of the United States to the eighth replenishment of the resources of the African Development Fund and the twelfth replenishment of the International Development Association. The following amounts are authorized to be appropriated without fiscal year limitation for payment by the Secretary of the Treasury: $40,847,011 for paid-in capital, and $639,932,485 for callable capital, of the African Development Bank; $29,870,087 for paid-in capital, and $139,365,533 for callable capital, of the Multilateral Investment Guarantee Agency; $125,180,000 for paid-in capital of the Inter-American Investment Corporation; $300,000,000 for the African Development Fund; and $2,410,000,000 for the International Development Association.

ASSISTANCE FOR COSTA RICA

SEC. 595. Of the funds appropriated by Public Law 106–31, under the heading "Central America and the Caribbean Emergency Disaster Recovery Fund", $8,000,000 shall be made available only for Costa Rica.

SILK ROAD STRATEGY ACT OF 1999

SEC. 596. (a) SHORT TITLE.—This section may be cited as the "Silk Road Strategy Act of 1999".

(b) AMENDMENT TO THE FOREIGN ASSISTANCE ACT OF 1961.—Part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following new chapter:

"CHAPTER 12—SUPPORT FOR THE ECONOMIC AND POLITICAL INDEPENDENCE OF THE COUNTRIES OF THE SOUTH CAUCASUS AND CENTRAL ASIA

"SEC. 499. UNITED STATES ASSISTANCE TO PROMOTE RECONCILIATION AND RECOVERY FROM REGIONAL CONFLICTS.

"(a) PURPOSE OF ASSISTANCE.—The purposes of assistance under this section include—

"(1) the creation of the basis for reconciliation between belligerents;

"(2) the promotion of economic development in areas of the countries of the South Caucasus and Central Asia impacted by civil conflict and war; and

"(3) the encouragement of broad regional cooperation among countries of the South Caucasus and Central Asia that have been destabilized by internal conflicts.

"(b) AUTHORIZATION FOR ASSISTANCE.—

"(1) IN GENERAL.—To carry out the purposes of subsection (a), the President is authorized to provide humanitarian assistance and economic reconstruction assistance for the countries of the South Caucasus and Central Asia to support the activities described in subsection (c).

"(2) DEFINITION OF HUMANITARIAN ASSISTANCE.—In this subsection, the term 'humanitarian assistance' means assistance to meet humanitarian needs, including needs for food, medicine, medical supplies and equipment, education, and clothing.

"(c) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (b) include—

"(1) providing for the humanitarian needs of victims of the conflicts;

"(2) facilitating the return of refugees and internally displaced persons to their homes; and

"(3) assisting in the reconstruction of residential and economic infrastructure destroyed by war.

"SEC. 499A. ECONOMIC ASSISTANCE.

"(a) PURPOSE OF ASSISTANCE.—The purpose of assistance under this section is to foster economic growth and development, including the conditions necessary for regional economic cooperation, in the South Caucasus and Central Asia.

"(b) AUTHORIZATION FOR ASSISTANCE.—To carry out the purpose of subsection (a), the President is authorized to provide assistance for the countries of the South Caucasus and Central Asia to support the activities described in subsection (c).

"(c) ACTIVITIES SUPPORTED.—In addition to the activities described in section 498, activities supported by assistance under subsection (b) should support the development of the structures and means necessary for the growth of private sector economies based upon market principles.

"SEC. 499B. DEVELOPMENT OF INFRASTRUCTURE.

"(a) PURPOSE OF PROGRAMS.—The purposes of programs under this section include—

"(1) to develop the physical infrastructure necessary for regional cooperation among the countries of the South Caucasus and Central Asia; and

"(2) to encourage closer economic relations and to facilitate the removal of impediments to cross-border commerce among those countries and the United States and other developed nations.

"(b) AUTHORIZATION FOR PROGRAMS.—To carry out the purposes of subsection (a), the following types of programs for the countries of the South Caucasus and Central Asia may be used to support the activities described in subsection (c):

"(1) Activities by the Export-Import Bank to complete the review process for eligibility for financing under the Export-Import Bank Act of 1945.

"(2) The provision of insurance, reinsurance, financing, or other assistance by the Overseas Private Investment Corporation.

"(3) Assistance under section 661 of this Act (relating to the Trade and Development Agency).

"(c) ACTIVITIES SUPPORTED.—Activities that may be supported by programs under subsection (b) include promoting actively the participation of United States companies and investors in the planning, financing, and construction of infrastructure for communications, transportation, including air transportation, and energy and trade including highways, railroads, port facilities, shipping, banking, insurance, telecommunications networks, and gas and oil pipelines.

"SEC. 499C. BORDER CONTROL ASSISTANCE.

"(a) PURPOSE OF ASSISTANCE.—The purpose of assistance under this section includes the assistance of the countries of the South Caucasus and Central Asia to secure their borders and implement effective controls necessary to prevent the trafficking of illegal narcotics and the proliferation of technology and materials related to weapons of mass destruction (as defined in section 2332a(c)(2) of title 18, United States Code), and to contain and inhibit transnational organized criminal activities.

"(b) AUTHORIZATION FOR ASSISTANCE.—To carry out the purpose of subsection (a), the President is authorized to provide assistance to the countries of the South Caucasus and Central Asia to support the activities described in subsection (c).

"(c) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (b) include assisting those countries of the South Caucasus and Central Asia in developing capabilities to maintain national border guards, coast guard, and customs controls.

"SEC. 499D. STRENGTHENING DEMOCRACY, TOLERANCE, AND THE DEVELOPMENT OF CIVIL SOCIETY.

"(a) PURPOSE OF ASSISTANCE.—The purpose of assistance under this section is to promote institutions of democratic government and to create the conditions for the growth of pluralistic societies, including religious tolerance and respect for internationally recognized human rights.

"(b) AUTHORIZATION FOR ASSISTANCE.—To carry out, the purpose of subsection (a), the President is authorized to provide the following types of assistance to the countries of the South Caucasus and Central Asia:

"(1) Assistance for democracy building, including programs to strengthen parliamentary institutions and practices.

"(2) Assistance for the development of nongovernmental organizations.

"(3) Assistance for development of independent media.

"(4) Assistance for the development of the rule of law, a strong independent judiciary, and transparency in political practice and commercial transactions.

"(5) International exchanges and advanced professional training programs in skill areas central to the development of civil society.

"(6) Assistance to promote increased adherence to civil and political rights under section 116(e) of this Act.

"(c) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (b) include activities that are designed to advance progress toward the development of democracy.

"SEC. 499E. ADMINISTRATIVE AUTHORITIES.

"(a) ASSISTANCE THROUGH GOVERNMENTS AND NONGOVERNMENTAL ORGANIZATIONS.—Assistance under this chapter may be provided to governments or through nongovernmental organizations.

"(b) USE OF ECONOMIC SUPPORT FUNDS.—Except as otherwise provided, any funds that have been allocated under chapter 4 of part II for assistance for the independent states of the former Soviet Union may be used in accordance with the provisions of this chapter.

"(c) TERMS AND CONDITIONS.—Assistance under this chapter shall be provided on such terms and conditions as the President may determine.

"(d) AVAILABLE AUTHORITIES.—The authority in this chapter to provide assistance for the countries of the South Caucasus and Central Asia is in addition to the authority to provide such assistance under the FREEDOM Support Act (22 U.S.C. 5801 et seq.) or any other Act, and the authorities applicable to the provision of assistance under chapter 11 may be used to provide assistance under this chapter.

"SEC. 499F. DEFINITIONS.

"In this chapter:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

"(2) COUNTRIES OF THE SOUTH CAUCASUS AND CENTRAL ASIA.—The term 'countries of the South Caucasus and Central Asia' means Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.".

(c) CONFORMING AMENDMENTS.—Section 102(a) of the FREEDOM Support Act (Public Law 102–511) is amended in paragraphs (2) and (4) by striking each place it appears "this Act)" and inserting "this Act and chapter 12 of part I of the Foreign Assistance Act of 1961)".

(d) ANNUAL REPORT.—Section 104 of the FREEDOM Support Act (22 U.S.C. 5814) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(5) with respect to the countries of the South Caucasus and Central Asia—

"(A) an identification of the progress made by the United States in accomplishing the policy described in section 3 of the Silk Road Strategy Act of 1999;

"(B) an evaluation of the degree to which the assistance authorized by chapter 12 of part I of the Foreign Assistance Act of 1961 has accomplished the purposes identified in that chapter;

"(C) a description of the progress being made by the United States to resolve trade disputes registered with and raised by the United States embassies in each country, and to negotiate a bilateral agreement relating to the protection of United States direct investment in, and other business interests with, each country; and

"(D) recommendations of any additional initiatives that should be undertaken by the United States to implement the policy and purposes contained in the Silk Road Strategy Act of 1999.".

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES

SEC. 597. Section 116 of the Foreign Assistance Act of 1961 is amended by adding the following new subsection:

"(f)(1) The report required by subsection (d) shall include—

"(A) a list of foreign states where trafficking in persons, especially women and children, originates, passes through, or is a destination; and

"(B) an assessment of the efforts by the governments of the states described in paragraph (A) to combat trafficking. Such an assessment shall address—

"(i) whether government authorities in each such state tolerate or are involved in trafficking activities;

"(ii) which government authorities in each such state are involved in anti-trafficking activities;

"(iii) what steps the government of each such state has taken to prohibit government officials and other individuals from participating in trafficking, including the investigation, prosecution, and conviction of individuals involved in trafficking;

"(iv) what steps the government of each such state has taken to assist trafficking victims;

"(v) whether the government of each such state is cooperating with governments of other countries to extradite traffickers when requested;

"(vi) whether the government of each such state is assisting in international investigations of transnational trafficking networks; and

"(vii) whether the government of each such state refrains from prosecuting trafficking victims or refrains from other discriminatory treatment towards victims.

"(2) In compiling data and assessing trafficking for the purposes of paragraph (1), United States Diplomatic Mission personnel shall consult with human rights and other appropriate nongovernmental organizations.

"(3) For purposes of this subsection—

"(A) the term 'trafficking' means the use of deception, coercion, debt bondage, the threat of force, or the abuse of authority to recruit, transport within or across borders, purchase, sell, transfer, receive, or harbor a person for the purposes of placing or holding such person, whether for pay or not, in involuntary servitude, slavery or slavery-like conditions, or in forced, bonded, or coerced labor;

"(B) the term 'victim of trafficking' means any person subjected to the treatment described in subparagraph (A).".

OPIC MARITIME FUND

SEC. 598. It is the sense of the Congress that the Overseas Private Investment Corporation shall within 1 year from the date of the enactment of this Act select a fund manager for the purpose of creating a maritime fund with total capitalization of up to $200,000,000. This fund shall leverage United States commercial maritime expertise to support international maritime projects.

SANCTIONS AGAINST SERBIA

SEC. 599. (a) CONTINUATION OF EXECUTIVE BRANCH SANCTIONS.—The sanctions listed in subsection (b) shall remain in effect for fiscal year 2000, unless the President submits to the Committees on Appropriations and Foreign Relations in the Senate and the Committees on Appropriations and International Relations of the House of Representatives a certification described in subsection (c).

(b) APPLICABLE SANCTIONS.—

(1) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to the government of Serbia.

(2) The Secretary of State should instruct the United States Ambassador to the Organization for Security and Cooperation in Europe (OSCE) to block any consensus to allow the participation of Serbia in the OSCE or any organization affiliated with the OSCE.

(3) The Secretary of State should instruct the United States Representative to the United Nations to vote against any resolution in the United Nations Security Council to admit Serbia to the United Nations or any organization affiliated with the United Nations, to veto any resolution to allow Serbia to assume the United Nations' membership of the former Socialist Federal Republic of Yugoslavia, and to take action to prevent Serbia from assuming the seat formerly occupied by the Socialist Federal Republic of Yugoslavia.

(4) The Secretary of State should instruct the United States Permanent Representative on the Council of the North Atlantic Treaty Organization to oppose the extension of the Partnership for Peace program or any other organization affiliated with NATO to Serbia.

(5) The Secretary of State should instruct the United States Representatives to the Southeast European Cooperative Initiative (SECI) to oppose and to work to prevent the extension of SECI membership to Serbia.

(c) CERTIFICATION.—A certification described in this subsection is a certification that—

(1) the representatives of the successor states to the Socialist Federal Republic of Yugoslavia have successfully negotiated the division of assets and liabilities and all other succession issues following the dissolution of the Socialist Federal Republic of Yugoslavia;

(2) the Government of Serbia is fully complying with its obligations as a signatory to the General Framework Agreement for Peace in Bosnia and Herzegovina;

(3) the Government of Serbia is fully cooperating with and providing unrestricted access to the International Criminal Tribunal for the former Yugoslavia, including surrendering persons indicted for war crimes who are within the jurisdiction of the territory of Serbia, and with the investigations concerning the commission of war crimes and crimes against humanity in Kosova;

(4) the Government of Serbia is implementing internal democratic reforms; and

(5) Serbian federal governmental officials, and representatives of the ethnic Albanian community in Kosova have agreed on, signed, and begun implementation of a negotiated settlement on the future status of Kosova.

(d) STATEMENT OF POLICY.—It is the sense of the Congress that the United States should not restore full diplomatic relations with Serbia until the President submits to the Committees on Appropriations and Foreign Relations in the Senate and the Committees on Appropriations and International Relations in the House of Representatives the certification described in subsection (c).

(e) EXEMPTION OF MONTENEGRO AND KOSOVA.—The sanctions described in subsection (b) shall not apply to Montenegro or Kosova.

(f) DEFINITION.—The term "international financial institution" includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(g) WAIVER AUTHORITY.—The President may waive the application in whole or in part, of any sanction described in subsection (b) if the President certifies to the Congress that the President has determined that the waiver is necessary to meet emergency humanitarian needs.

CLEAN COAL TECHNOLOGY

SEC. 599A. (a) FINDINGS.—The Congress finds as follows:

(1) The United States is the world leader in the development of environmental technologies, particularly clean coal technology.

(2) Severe pollution problems affecting people in developing countries, and the serious health problems that result from such pollution, can be effectively addressed through the application of United States technology.

(3) During the next century, developing countries, particularly countries in Asia such as China and India, will dramatically increase their consumption of electricity, and low quality coal will be a major source of fuel for power generation.

(4) Without the use of modern clean coal technology, the resultant pollution will cause enormous health and environmental problems leading to diminished economic growth in developing countries and, thus, diminished United States exports to those growing markets.

(b) STATEMENT OF POLICY.—It is the policy of the United States to promote the export of United States clean coal technology. In furtherance of that policy, the Secretary of State, the Secretary of the Treasury (acting through the United States executive directors to international financial institutions), the Secretary of Energy, and the Administrator of the United States Agency for International Development (USAID) should, as appropriate, vigorously promote the use of United States clean coal technology in environmental and energy infrastructure programs, projects and activities. Programs, projects and activities for which the use of such technology should be considered include reconstruction assistance for the Balkans, activities carried out by the Global Environment Facility, and activities funded from USAID's Development Credit Authority.

RESTRICTION ON UNITED STATES ASSISTANCE FOR CERTAIN RECONSTRUCTION EFFORTS IN THE BALKANS REGION

SEC. 599B. (a) Funds appropriated or otherwise made available by this Act for United States assistance for reconstruction efforts in the Federal Republic of Yugoslavia or any contiguous country should to the maximum extent practicable be used for the procurement of articles and services of United States origin.

(b) DEFINITIONS.—In this section:

(1) ARTICLE.—The term "article" means any agricultural commodity, steel, communications equipment, farm machinery or petrochemical refinery equipment.

(2) FEDERAL REPUBLIC OF YUGOSLAVIA.—The term "Federal Republic of Yugoslavia" includes Serbia, Montenegro and Kosova.

CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND

SEC. 599C. (1) LIMITATIONS ON AMOUNT OF CONTRIBUTION.—Of the amounts made available under "International Organizations and Programs", not more than $25,000,000 for fiscal year 2000 shall be available for the United Nations Population Fund (hereafter in this subsection referred to as the "UNFPA").

(2) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available under "International Organizations and Programs" may be made available for the UNFPA for a country program in the People's Republic of China.

(3) CONDITIONS ON AVAILABILITY OF FUNDS.—Amounts made available under "International Organizations and Programs" for fiscal year 2000 for the UNFPA may not be made available to UNFPA unless—

(A) the UNFPA maintains amounts made available to the UNFPA under this section in an account separate from other accounts of the UNFPA;

(B) the UNFPA does not commingle amounts made available to the UNFPA under this section with other sums; and

(C) the UNFPA does not fund abortions.

(4) REPORT TO THE CONGRESS AND WITHHOLDING OF FUNDS.—

(A) Not later than February 15, 2000, the Secretary of State shall submit a report to the appropriate congressional committees indicating the amount of funds that the United Nations Population Fund is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(B) If a report under subparagraph (A) indicates that the United Nations Population Fund plans to spend funds for a country program in the People's Republic of China in the year covered by the report, then the amount of such funds that the UNFPA plans to spend in the People's Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

AUTHORIZATION FOR POPULATION PLANNING

SEC. 599D. (a) AUTHORIZATION.—Not to exceed $385,000,000 of the funds appropriated in title II of this Act may be available for population planning activities or other population assistance.

(b) RESTRICTION ON ASSISTANCE TO FOREIGN ORGANIZATIONS THAT PERFORM OR ACTIVELY PROMOTE ABORTIONS.—

(1) PERFORMANCE OF ABORTIONS.—(A) Notwithstanding section 614 of the Foreign Assistance Act of 1961, or any other provision of law, no funds appropriated by title II of this Act for population planning activities or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, perform abortions in any foreign country, except where the life of the mother would be endangered if the pregnancy were carried to term or in cases of forcible rape or incest.

(B) Subparagraph (A) may not be construed to apply to the treatment of injuries or illnesses caused by legal or illegal abortions or to assistance provided directly to the government of a country.

(2) LOBBYING ACTIVITIES.—(A) Notwithstanding section 614 of the Foreign Assistance Act of 1961, or any other provision of law, no funds appropriated by title II of this Act for population planning activities or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, violate the laws of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited, or engage in activities or efforts to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited.

(B) Subparagraph (A) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

(3) APPLICATION TO FOREIGN ORGANIZATIONS.—The prohibitions and certifications of this subsection apply to funds made available to a foreign organization either directly or as a subcontractor or subgrantee.

(c) WAIVER AUTHORITY.—

(1) AUTHORITY.—The President may waive the restrictions contained in subsection (b) that require certifications from foreign private, nongovernmental, or multilateral organizations.

(2) REDUCTION OF ASSISTANCE.—In the event the President exercises the authority contained in paragraph (1) to waive either or both subsections (b)(1) and (b)(2), then—

(A) assistance authorized by subsection (a) and allocated for population planning activities or other population assistance shall be reduced by a total of $12,500,000, and that amount shall be transferred from funds appropriated by this Act under the heading "Development Assistance" and consolidated and merged with funds appropriated by this Act under the heading "Child Survival and Disease Programs Fund"; and

(B) Notwithstanding any other provision of law, such transferred funds that would have been made available for population planning activities or other population assistance shall be made available for infant and child health programs that have a direct, measurable, and high impact on reducing the incidence of illness and death among children.

(3) LIMITATION.—The authority provided in paragraph (1) may be exercised to allow the provision of not more than $15,000,000, in the aggregate, to all foreign private, nongovernmental, or multilateral organizations with respect to which such authority is exercised.

(4) ADDITIONAL REQUIREMENTS.—Upon exercising the authority provided in paragraph (1), the President shall report in writing to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

OPIC AUTHORIZATION

SEC. 599E. Section 235(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(2)) is amended by striking "1999" and inserting "November 1, 2000".

TITLE VI—INTERNATIONAL AFFAIRS SUPPLEMENTAL APPROPRIATIONS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund" for assistance for Jordan and for the West Bank and Gaza, $450,000,000, to remain available until September 30, 2002, of which $100,000,000 of the funds made available for the West Bank and Gaza shall become available for obligation on September 30, 2000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", $1,375,000,000, to remain available until September 30, 2002, of which $1,200,000,000 shall be for grants only for Israel, $25,000,000 shall be for grants only for Egypt, and $150,000,000 shall be for grants only for Jordan: Provided, That $300,000,000 of the funds made available for Israel and $100,000,000 of the funds made available for Jordan shall become available for obligation on September 30, 2000: Provided further, That funds appropriated under this heading shall be nonrepayable, notwithstanding section 23 of the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not to exceed 26.3 percent shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That notwithstanding any other provision of this Act, not to exceed $1,370,000,000 of the funds appropriated for Israel under this heading in title III shall be disbursed within 30 days of the enactment of this Act.

This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000".

Following is explanatory language on H.R. 3422, as introduced on November 17, 1999.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS

This joint explanatory statement includes a description of the resolution of differences between the House and Senate on both H.R. 2606, vetoed by the President on October 18, 1999, and H.R. 3196. References in the following statement to appropriations amounts or other items proposed by the House bill or Senate amendment refer only to those amounts and items recommended in the House-passed and Senate-passed versions of H.R. 2606. Appropriation amounts, bill language, and general provisions contained in this conference agreement which were identical in the House-passed and Senate-passed versions of H.R. 2606 are not referenced in the following joint explanatory statement. In some instances, appropriations amounts or other items in H.R. 3196 are not referenced in the statement as being part of the House-passed version of that bill. However, any reference to appropriations amounts or other items being included in the conference agreement does reflect the final agreement with regard to both H.R. 2606 and H.R. 3196.

The managers expect that each agency affected by this conference agreement consult with the Committees on Appropriations not later than December 15, 1999, regarding the directives and recommendations included in House Report No. 106–254 and Senate Report No. 106–81, which accompanied their respective versions of H.R. 2606:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

SUBSIDY APPROPRIATION

The conference agreement appropriates $759,000,000 for the subsidy appropriation of the Export-Import Bank as proposed by the House instead of $785,000,000 as proposed by the Senate.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NON-CREDIT ACCOUNT

The conference agreement provides $35,000,000 for administrative expenses of the Overseas Private Investment Corporation (OPIC) as proposed by the House instead of $31,500,000 as proposed by the Senate.

OVERSEAS PRIVATE INVESTMENT CORPORATION

PROGRAM ACCOUNT

The conference agreement provides $24,000,000 for program expenses of OPIC as proposed by the Senate instead of $20,500,000 as proposed by the House.

The managers have included language allowing OPIC to use the authorities of Section 234(g) of the Foreign Assistance Act of 1961 as proposed by the House, instead of repealing said subsection as proposed by the Senate. The conference agreement also includes a general provision urging OPIC to establish within one year of enactment a maritime fund for the purpose of leveraging United States commercial maritime expertise to support international maritime projects.

The managers on the part of the House request OPIC and the Department of State to take all necessary actions to protect the interests of American investors in Gaza supported by OPIC financing or insurance.

Under Sec. 599E, authority is provided for OPIC to continue operations until November 1, 2000.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

The conference agreement appropriates $44,000,000 for the Trade and Development Agency as proposed by the House instead of $43,000,000 as proposed by the Senate.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND DISEASE PROGRAMS FUND

The conference agreement appropriates $715,000,000 for the Child Survival and Disease Programs Fund instead of $685,000,000 as proposed by the House. The Senate bill contained no provision on this matter, but included funds for these activities under "Development Assistance". The managers agree with and endorse House Report No. 106–254 regarding the use of funds appropriated under this heading, including $110,000,000 for a grant to UNICEF for programs consistent with the purpose of the Child Survival and Disease Programs Fund. The grant for UNICEF does not preclude AID from providing additional funding for specific UNICEF projects as may be appropriate. The managers have been assured that the success of the polio eradication program is likely to result in a significantly lower requirement for this effort in future years. The managers have included $35,000,000 for a special initiative to fight HIV/AIDS in Africa and India. This is in addition to the $145,000,000 provided in this Fund and elsewhere in the bill for ongoing HIV/AIDS programs. At least $10,000,000 additionally is designated for children affected by the HIV/AIDS epidemic.

In implementing programs, projects, and activities to combat infectious diseases, including long-standing programs relating to malaria and measles, as well as the more recent emphasis on HIV/AIDS and tuberculosis, surveillance, and anti-microbial resistance, the conferees expect AID to continue to consult closely with the Appropriations Committees, the Centers for Disease Control, the National Institutes of Health, and other relevant agencies involved in international health issues. In addition to the increase for HIV/AIDS, funding for AID's other infectious disease programs should exceed the fiscal year 1999 level. The managers also direct AID to provide the Committees with a detailed report not later than February 15, 2000, on the programs, projects, and activities undertaken by the Child Survival and Disease Programs Fund during fiscal year 1999.

The managers strongly encourage AID to reserve funds from the Child Survival and Disease Programs Fund for the establishment of a Global Infectious Diseases Reserve. The Reserve is intended to provide a mechanism for rapid and flexible response to initiate or expand a limited number of programs in developing countries with high potential to respond to infectious disease outbreaks that threaten more than one region and to serve as seed money to attract other donors and partners.

The global health threat from tuberculosis is another priority for the funds provided in this Act. Because of difficulties encountered in implementing tuberculosis language accompanying last year's Act, the managers welcome AID's proposal to allocate $3,000,000 in fiscal year 2000 to tuberculosis control programs in Mexico, with an emphasis on cost-sharing with Mexico on programs that focus on Mexico's border states.

In addition to increasing support for tuberculosis control worldwide, the managers urge AID to contribute up to $5,000,000 toward the effort led by the Atlanta-based Carter Center to eradicate illness caused by the African guinea worm.

The managers are aware that significant new private resources are now available to augment AID's immunization programs, and commend the partners in this effort.

The managers are working with the General Accounting Office and experts from the public and private sectors to consider options for Congress to address childhood vaccine shortfalls in developing countries. The managers encourage AID to lend its support to this initiative.

The managers direct that core child survival activities focus on effective interventions to reduce infant mortality during the first month of life through activities that focus on the health and nutrition needs of pregnant women and new mothers, a vital aspect of child survival that has not yet attracted sufficient private funds. The managers also support expansion of core child survival programs in Africa.

The managers will consider the use of not more than three percent of the amount provided for the Child Survival and Disease Programs Fund in countries funded under SEED and FREEDOM Support Act authorities. In particular, the managers urge AID to provide up to $2,000,000 to support non-governmental organizations that work with older orphans, including those with cognitive disabilities and mild mental retardation, to teach life and job skills. The conference agreement also continues existing limitations on the use of the Fund for non-project assistance.

The managers note that Morehouse School of Medicine is establishing an International Center for Health and Development. This center will be dedicated to forming local and international partnerships to address the health problems that are devastating Africa today. The conferees encourage AID to provide assistance for these efforts.

DEVELOPMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $1,228,000,000 for "Development Assistance" instead of $1,201,000,000 as proposed by the House and $1,928,500,000 as proposed by the Senate. The Senate included funding for the "Child Survival and Disease Programs Fund" under its "Development Assistance" account.

The conference agreement appropriates up to $5,000,000 for the Inter-American Foundation from funds made available under this heading and up to $14,400,000 directly to the African Development Foundation, as proposed in the House bill. The Senate amendment provided authority to transfer funds from this account to the Inter-American Foundation, but did not specify an amount. Also, the Senate amendment provided $12,500,000 for the African Development Foundation. Section 586 of the conference agreement provides the President with the authority to abolish the Inter-American Foundation during fiscal year 2000. The managers note that the funding level provided for the Inter-American Foundation is sufficient for meeting existing grant, contract, and lease obligations and to wind up any other outstanding affairs of the Foundation.

The conference agreement continues current law regarding certain requirements on quotas and numerical targets for family planning providers participating in voluntary family planning projects that are funded through the "Development Assistance" account, as included in the House bill. The Senate amendment did not address this matter.

The conference agreement also includes House language providing that $2,500,000 may be transferred from this account to the "International Organizations and Programs" account for a contribution to the International Fund for Agricultural Development (IFAD). The Senate amendment included similar language. The managers recognize the need for the type of expertise IFAD offers; therefore, the managers affirm the House and Senate support for continued United States contributions to IFAD. The Administration is expected to consult with the Appropriations Committees regarding IFAD's future resource requirements.

The conference agreement continues current law which prohibits funds from being made available for any activity in contravention of the Convention on International Trade in Endangered Species of Flora and Fauna (CITES) as proposed by the House. The Senate bill did not address this matter.

The conference agreement includes language from the Senate amendment not in the House bill that provides not to exceed $25,000, in addition to funds otherwise made available for such purposes, to monitor and provide oversight for assistance programs for displaced and orphan children and victims of war.

The conference agreement does not include bill language in the Senate amendment mandating a specific sum for the International Law Institute. The managers continue to be concerned by the lack of adherence to the rule of law in the Independent States. Therefore, the managers direct that $250,000 shall be made available to the International Law Institute to continue its training and support of lawyers and judges in the Independent States.

The managers encourage AID to support the Financial Services Volunteer Corps (FSVC), which contributes to the process of building sound financial infrastructure in countries that are seeking to develop transparent, market-oriented economies. FSVC, as a not-for-profit organization, leverages its funding resources with expert volunteers from the U.S. financial services community to provide assistance that is objective, independent and free of commercial interest.

The conference agreement provides that not less than $500,000 should be made available for support of the United States Telecommunications Training Institute. The Senate amendment included bill language mandating that such funds be made available for this purpose. The House bill did not address this matter.

The conference agreement includes language similar to a provision in the Senate amendment that requires that not less than 50 percent of the funds made available for the Microenterprise Initiative should be made available for loans of $300 or less for very poor people, particularly women, or for institutional support of organizations primarily engaged in making such loans. The House bill contained a similar provision which continued existing law.

AGRICULTURE

The conference agreement does not contain language from the Senate amendment regarding the minimum level of funding for agriculture programs. However, the managers remain concerned about the decline in AID funding for international agriculture activities and recommend at least $305,000,000 be provided for such programs in fiscal year 2000. Further, the managers note that both House Report No. 106–254 and Senate Report No. 106–81 signal the deep concern for the level of funding provided for international agricultural development. In addition, the managers support the language in House Report No. 106–254 regarding funding levels for the Collaborative Research Support Programs (CRSPs). Prior to the submission of the report required by section 653 of the Foreign Assistance Act, AID is directed to consult with the Committees on Appropriations regarding the proposed allocation of sector resources, including those intended for agriculture and for the CRSPs.

RURAL ELECTRIFICATION

The managers endorse Senate Report No. 106–81 regarding rural electrification as a key component of development. The managers recommend AID provide not less than $5,000,000 in fiscal year 2000 for rural electrification in Guatemala, El Salvador, Honduras and Nicaragua. Further, the managers recommend that AID provide $3,000,000 for the Republic of Georgia to assist rural electric cooperatives in rehabilitation and privatization efforts.

AID GLOBAL PROGRAMS AND BIODIVERSITY

The managers note the positive role AID's central offices and mechanisms can serve in providing policy and technical support in critical areas such as economic growth, energy, agriculture, biodiversity, democracy and women in development. The managers endorse House Report No. 106–254 on global issues such as these, and encourage AID to adequately fund these central offices and mechanisms. To ensure that the Committees' priorities are addressed in a timely manner, the managers direct AID to provide, within 30 days of enactment of this Act, a brief written report to the Appropriations Committees on its planned fiscal year 2000 allocation of funds to the central offices in the Global Bureau.

The conference agreement does not include a Senate provision regarding the proportion of funds utilized in support of biodiversity. The managers continue to believe that protecting biodiversity and tropical forests in developing countries is critical to the global environment and U.S. economic prosperity, especially for the agricultural and pharmaceutical industries. The managers note that House Report No. 106–254 and Senate Report No. 106–81 recognize the slight increase in AID biodiversity funding in fiscal year 1999, but remain concerned that the proportion of development assistance allocated for biodiversity activities remains less than the amount provided five years ago. Therefore, the managers direct AID to restore overall biodiversity funding as well as funding to the Office of Environment and Natural Resources to levels that reflect the proportion of funding of development assistance provided in fiscal year 1995.

EDUCATION IN AFRICA

The managers recognize that providing increased educational opportunities, including at the doctoral level, is a key component of development efforts in Africa. The managers are aware of AID's minority-serving institution initiative and commend the agency for engaging Historically Black Colleges and Universities (HBCU) in its program for Africa. Consistent with these efforts, the managers encourage AID to consider up to $700,000 for the implementation of a distance education doctoral degree initiative in collaboration with an HBCU that can offer advanced training in the areas of educational leadership, pharmacy, environmental sciences and engineering.

AMERICAN SCHOOLS AND HOSPITALS ABROAD

The conference agreement does not contain Senate language requiring that not less than $15,000,000 shall be available only for the American Schools and Hospitals Abroad (ASHA) program. However, the managers direct the Agency for International Development to fully uphold its commitment to the Appropriations Committees to obligate at least $15,000,000 for the American Schools and Hospitals Abroad program in fiscal year 2000. It is the intention of the managers that the increase in funding for the Lebanon country program (addressed below under the heading "Lebanon") should not result in a decrease in funding that has been traditionally allocated to Lebanese educational institutions through the American Schools and Hospitals Abroad program provided under "Development Assistance".

PATRICK LEAHY WAR VICTIMS FUND

The conferees direct $12,000,000 for medical, orthopedic, and related rehabilitative and preventive assistance for war victims, particularly those who have been severely disabled from landmines and other unexploded ordnance. Of this amount, up to $10,000,000 is to be funded from the "Development Assistance" account and the "Economic Support Fund". The balance should be funded from Office of Transition Initiatives resources, and with funds from the demining budget of the "Nonproliferation, anti-terrorism, demining and related programs" account.

The managers note the great needs, especially for children, in Sierra Leone for medical, orthopedic, and related rehabilitative services as a result of civil war. The managers direct that not less than $750,000 from this account be used for programs such as those carried out by UNICEF and other international organizations and non-governmental organizations with experience in addressing such needs.

As in previous years, the managers expect that any such programs to assist war victims should be designed and implemented in consultation with AID's manager of the Leahy War Victims Fund.

CYPRUS

The conference agreement includes language from the Senate amendment that provides that not less than $15,000,000 shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus. Funds are to be derived from "Development Assistance" and "Economic Support Fund". The House bill did not contain a provision on this matter.

LEBANON

The conference agreement includes language similar to that from the Senate amendment that provides that not less than $15,000,000 of the funds appropriated under "Development Assistance" and "Economic Support Fund" should be made available for Lebanon to be used, among other purposes, for scholarships and direct support of the American educational institutions in Lebanon. The Senate language is identical to the conference agreement, except it would have required the allocation of these funds. The House bill did not address this matter.

The increase of $3,000,000 for Lebanon is being provided for the direct support of the American educational institutions in that country. It is the intention of the managers that the increase in funding for the Lebanon country program should not result in a decrease in funding that has been traditionally allocated to Lebanese educational institutions through the American Schools and Hospitals Abroad program provided under "Development Assistance".

BURMA

The conference agreement includes language similar to that from the Senate amendment that provides that, of the funds made available under "Development Assistance", "Child Survival and Disease Programs Fund", and "Economic Support Fund", not less than $6,500,000 shall be made available to support democracy activities in Burma, democracy and humanitarian activities along the Burma-Thailand border, and for Burmese student groups and other organizations located outside Burma. These funds are to be made available notwithstanding any other provision of law and shall be subject to the regular notification procedures of the Committees on Appropriations, as proposed by the Senate. Language proposed by the Senate that would have allocated not less than $800,000 of these funds for certain specified activities is not included, nor is language providing that funds made available under this heading shall be subject to consultation and guidelines provided by the leadership of the Burmese government elected in 1990.

The House bill did not address this matter.

CAMBODIA

The conference agreement does not include language proposed by the Senate that would have prohibited funds for the Central Government of Cambodia until the Secretary of State determines and reports to the Committees on Appropriations and the Committee on Foreign Relations that the Government of Cambodia has established a tribunal consistent with the requirements of international law and justice and including the participation of international jurists and prosecutors for the trial of those who committed genocide or crimes against humanity and that the Government of Cambodia is making significant progress in establishing an independent and accountable judicial system, a professional military subordinate to civilian control, and a neutral and accountable police force. The funding restriction proposed by the Senate would not have applied to demining and other humanitarian programs.

The House did not address this matter under title II. The House provision on Cambodia, section 573 of the House bill, is included in modified form in the conference report under title V.

SOUTHEAST ASIA

The conference agreement does not include reservations of specific minimum funding allocations for Indonesia as proposed by the Senate. The House bill did not address this matter.

The managers support the highest possible level of assistance to promote the economic recovery of the Philippines, Thailand, and Indonesia from the Asian financial crisis. Effective support for private investment, better governance, and less corruption in these countries should be given a higher priority in development assistance and Economic Support Fund allocation decisions. The Accelerated Economic Recovery in Asia and United States-Asia Environmental Partnership programs should be augmented by specific efforts to retain existing major United States private sector investments in the region, especially in the infrastructure sector. The renewed security relationship between the Philippines and the United States provides additional justification for increased support to that country.

The managers encourage support for the democratic transition now underway in Indonesia. The managers recognize that humanitarian and economic assistance from many nations will be needed to enable East Timor to recover from the violence and destruction perpetrated by anti-independence forces following the referendum of August 30, 1999. The recovery of East Timor will also depend on the cooperation of its Indonesian neighbors. The conference agreement provides that not less than $25,000,000 from the "Economic Support Fund" account should be made available for a United States contribution to the recovery of East Timor.

The managers suggest a modest program of assistance for the people of Vietnam, mostly for humanitarian activities. The managers urge AID to work with the U.S. Embassy to support a safety awareness campaign in Vietnam to reverse the increase in preventable accidents, especially those affecting children.

The managers continue to be concerned about the status of religious groups in Vietnam. The Secretary of State is requested to report to the Committees on Appropriations not later than six months after enactment of this Act on the extent to which the Socialist Republic of Vietnam is facilitating the following: (1) the operation of independent churches; (2) the return of church properties confiscated since 1974; (3) visits to the Supreme Patriarch of the Unified Buddhist Church of Vietnam by a delegation of American religious leaders and medical doctors; and (4) participation of democracy and human rights advocates in United States education and cultural exchange programs.

CONSERVATION FUND

The conference agreement does not include a provision from the Senate amendment mandating $500,000 from "Development Assistance" for the Charles Darwin Research Station and the Charles Darwin Foundation. The House bill did not address this matter.

The managers direct that $500,000 be provided from "Development Assistance" for research, training, and related activities to support conservation efforts in the Galapagos. Because AID has made plans to sustain a commitment to the Galapagos, the managers expect fiscal year 2000 to be the final year for congressional mandates.

CONFLICT RESOLUTION

The conference agreement does not include Senate language earmarking $1,000,000 from "Economic Support Fund", "Development Assistance", and "Assistance for Eastern Europe and the Baltic States" accounts to support conflict resolution programs. However, the managers urge the State Department and AID to support such programs where appropriate. The managers especially commend Seeds of Peace, a widely respected organization which promotes understanding between Arab and Israeli teenagers, and Turkish and Greek Cypriot teenagers, and direct the Agency for International Development to provide up to $861,000 to Seeds of Peace in fiscal year 2000.

PRIVATE AND VOLUNTARY ORGANIZATIONS

The conference agreement includes language from the House bill providing that funds appropriated for development assistance should be available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995. The Senate amendment included similar language.

INTERNATIONAL DISASTER ASSISTANCE

The conference agreement appropriates $202,880,000 for "International Disaster Assistance" instead of $200,880,000 as proposed by the House and $175,000,000 as proposed by the Senate. The managers note that Congress provided $388,000,000 for this account in fiscal year 1999, including $188,000,000 in emergency supplemental funds, and that AID expects to carry over into fiscal year 2000 the unobligated fiscal year 1999 balances. Further, the managers note that section 492(b) of the Foreign Assistance Act provides the President with the authority to obligate up to $50,000,000 from other assistance accounts in order to provide disaster assistance, if necessary.

The conference agreement requires greater accountability on disaster assistance funds utilized in support of AID's Office of Transition Initiatives (OTI). OTI activities have been effective in many countries, but the managers are increasingly concerned that scarce emergency disaster aid may be unavailable due to longer-term OTI commitments. Therefore, the conference agreement requires that AID submit a report to the Appropriations Committees not less than five days prior to initiating an OTI program in a country in which OTI did not operate in fiscal year 1999. The managers believe this reporting requirement will help ensure that the Appropriations Committees receive timely information regarding the nature of OTI programs so they can better evaluate these transition activities in the future.

The managers note that OTI may utilize funds from other development and economic accounts in addition to the Disaster Assistance account and expect AID to report on the country allocations of all funds under OTI management in the annual report required under section 653 of the Foreign Assistance Act beginning in fiscal year 2000.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

The conference agreement continues existing law regarding the level of guarantees provided in support of micro and small enterprise activities. The Senate amendment proposed making the guarantee level permanent law.

URBAN AND ENVIRONMENTAL CREDIT PROGRAM ACCOUNT

The conference agreement provides $1,500,000 for subsidy budget authority for the Urban and Environmental Credit program as proposed by the Senate. In addition, the conference agreement appropriates $5,000,000 for administrative expenses as proposed by the House, instead of $4,000,000 as proposed by the Senate.

DEVELOPMENT CREDIT AUTHORITY PROGRAM ACCOUNT

The conference agreement provides up to $3,000,000 for the cost of loans and loan guarantees for AID's Development Credit Authority (DCA) from funds transferred from existing development and economic accounts administered by AID. Up to $500,000 of this amount may be transferred to and merged with AID's "Operating Expenses" account. The managers urge that programs in the Russian Far East be given priority. The House bill did not provide authority for a development credit program. The Senate amendment provided $7,500,000 for this purpose.

The managers recognize the serious effort made by the Administration during the past two fiscal years to guarantee the financial integrity of the DCA, including the establishment of a credit review board to approve individual DCA loan and loan guarantee projects. However, the managers continue to be concerned about the larger development policy implications of AID conducting new loan and guarantee programs. Given the significant problems developing nations have experienced in repaying existing U.S. loans and the subsequent rescheduling and cancellation of these debts, the managers urge caution in extending new loans and guarantees.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

The conference agreement appropriates $520,000,000 instead of $495,000,000 as proposed by the Senate and $479,950,000 as proposed by the House. The conference agreement does not include language proposed by the Senate to extend the availability of these funds until September 30, 2001. Also, the conference agreement does not provide $1,500,000 from Operating Expenses for the purchase of land in northern India as proposed by the Senate. The House bill contained no similar provision.

The conference agreement prohibits the use of funds in this account to finance the construction or long-term lease of offices for use by AID unless the administrator of AID reports in writing to the Appropriations Committees at least 15 days prior to the obligation of funds for such purposes. This reporting requirement applies only when the total cost of construction (including architect and engineering services), purchase, or lease commitment, exceeds $1,000,000. The House bill and the Senate amendment contained similar provisions.

The managers expect that $15,000,000 from this account will be used only for costs associated with construction of a new AID mission in Dar es Salaam, Tanzania, as requested by the President in a budget amendment submitted to Congress on September 21, 1999, or for other overseas physical security requirements of the agency. Further, the managers endorse House Report No. 106-254 which directs AID to report to the Committees on Appropriations on the agency's long-term physical security needs around the world.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

The conference agreement appropriates $2,345,500,000 instead of $2,227,000,000 as proposed by the House and $2,195,000,000 as proposed by the Senate. In addition, it provides not less than $960,000,000 for Israel and not less than $735,000,000 for Egypt as proposed by the Senate instead of not to exceed

$960,000,000 for Israel and not to exceed $735,000,000 for Egypt as proposed by the House. The conference agreement also includes language providing that not less than $200,000,000 of the funds appropriated for Egypt shall be used for Commodity Import Program assistance as proposed by the Senate. The House bill did not address this matter.

The conference agreement also includes language providing that not less than $150,000,000 should be provided for Jordan as proposed by the Senate. The House bill did not address this matter.

The conference agreement also includes Senate language providing that, notwithstanding any other provision of law, not to exceed $11,000,000 may be used to support victims of and programs related to the Holocaust. The House bill did not address this matter.

The conference agreement does not include language from the Senate amendment, not in the House bill, that would have prohibited funds appropriated under this heading from being made available to the Korean Peninsula Energy Development Organization.

The conference agreement also includes language that, notwithstanding any other provision of law, $1,000,000 shall be made available to nongovernmental organizations located outside of the People's Republic of China to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in that country. The managers are aware of the important work of the Bridge Fund in this regard, and strongly support funding for this organization.

Senate language under this heading that authorized $10,000,000 for activities for Iraqi opposition groups is addressed under title V of the conference report.

The managers strongly support assistance programs for Yemen and urge the Department of State and the Agency for International Development to maintain and, if possible, enhance such programs.

The managers recognize the critical importance that water and energy policies play in the implementation of the Wye River Accord. Therefore they reiterate the support expressed in the House and Senate reports for the desertification program for the Middle East and southern Mediterranean proposed by San Diego State University. The managers also support the Middle East Water and Energy Resource Institute's program to provide technical assistance and conduct research and education programs coordinated through the International Arid Lands Consortium.

The conference agreement includes language stating that not less than $25,000,000 should be made available for assistance for East Timor.

The managers direct that $5,000,000 in funding from this account be used to support the activities authorized under the Irish Peace Process Cultural and Training Program Act of 1998 (Public Law 105–319).

The managers direct $2,000,000 to support the demobilization of the Estado Mayor Presidencial in Guatemala.

INTERNATIONAL FUND FOR IRELAND

The conference agreement appropriates $19,600,000 for the International Fund for Ireland, as proposed by the House. The Senate amendment did not address this matter.

The conferees encourage the International Fund for Ireland (IFI) to consider direct funding of locally-based organizations dedicated to attracting investment to their municipalities and regions. In doing so, the conferees believe the IFI will further its goals of increasing domestic and international interest in continued cooperation and stability.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

The conference agreement appropriates $535,000,000 as proposed by the Senate instead of $393,000,000 as proposed by the House.

The conference agreement also includes language stating that $150,000,000 should be provided for Kosova. The Senate amendment had provided for six country earmarks which are not included in the conference agreement. The House bill did not address this matter.

The conference agreement also includes language that prohibits funds for Kosova until the Secretary of State certifies that the resources pledged by the United States at the upcoming Kosova donors conference shall not exceed 15 percent of the total resources pledged by all donors. In addition, language has been included stating that funds for Kosova shall not be made available for large scale physical infrastructure reconstruction.

In addition, the conference report includes Senate language that provides not more than $130,000,000 for Bosnia and Herzegovina from the funds appropriated under this account and under "International Narcotics Control and Law Enforcement" and "Economic Support Fund". The House bill did not address this matter.

The conference agreement also includes House language prohibiting funds from being used for new housing construction or repair or reconstruction of existing housing in Bosnia and Herzegovina unless directly related to the efforts of United States troops to promote peace in said country. The Senate amendment did not address this matter.

The conference agreement also includes language from the House bill that applies the provisions of section 532 ("Separate Accounts") to all funds provided under this heading, rather than just to funds made available for Bosnia and Herzegovina as proposed by the Senate. In addition, it includes language proposed by the House that authorizes the President to withhold funds for economic reconstruction programs in Bosnia and Herzegovina if he certifies that the Bosnian Federation is not complying with requirements in the Dayton Peace Accord to remove foreign forces, and has not terminated intelligence cooperation with Iranian officials. The Senate amendment did not address this matter.

ROMANIAN CHILDREN AND ORPHANS

The managers direct that up to $4,400,000 be provided for emergency aid for the child victims of the present economic crisis in Romania. The program should be administered through, or in close coordination with, the Romanian Department of Child Protection. It should focus on supplemental food support and maintenance, support for in-home foster care, and supplemental support for special needs residential care.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

The conference agreement appropriates $839,000,000 instead of $725,000,000 as proposed by the House and $780,000,000 as proposed by the Senate. The word "New" is deleted from the heading, as proposed by the House. The managers have included a ceiling on management costs for nuclear safety activities as proposed by the Senate and a limitation of 25 percent on the percentage of funds (other than for nonproliferation and disarmament programs) that may be allocated for any single country as proposed by the House.

The managers also encourage the Coordinator and AID to move as rapidly as possible to implement programs that focus on the social transition in the region as it affects ordinary citizens, to reward reform-oriented countries such as Moldova and Kyrgystan, and to accelerate the focus on regional efforts in reform-oriented secondary cities in Russia, Ukraine, and Kazakhstan.

RUSSIA-IRAN

The conference agreement continues the current restrictions on assistance to the Government of the Russian Federation as long as Russian enterprises and institutes continue to collaborate with Iran to increase Iranian capability to develop and deploy nuclear and ballistic missile technology. The managers agree that assistance to combat infectious diseases, child survival and nonproliferation activities, support for regional and municipal governments, and partnerships between United States hospitals, universities, judicial training institutions and environmental organizations and counterparts in Russia should not be affected by this subsection.

EXPANDED NONPROLIFERATION AND SECURITY COOPERATION

The managers note that $241,000,000 from this account was requested by the President for threat reduction activities in the former Soviet Union. The managers encourage the Administration to provide the Foundation established by section 511 of the FREEDOM Support Act not less than the $23,500,000 requested for this purpose.

The managers request that the Coordinator for Assistance to the Independent States of the Former Soviet Union provide written reports on the allocation, obligation, and disbursement of appropriations during fiscal year 2000 for expanded nonproliferation and security cooperation from this and prior year acts not later than December 15, 1999, March 15, 2000, and July 15, 2000. The reports should, at a minimum, compare the allocation and obligation of funds by project, activity, and country with comparable data contained in the April 1999 justification documents subsequently provided to the Committees, and explain in detail any circumstances that resulted in reductions or other changes from the original justification.

The managers are concerned that none of the assistance provided to Russia for security cooperation be used for the benefit of military units credibly reported to be engaged in combat activities against civilian populations in the Northern Caucasus region of the Russian Federation. The Secretary of State is requested to inform the Committees in writing of steps taken to prevent United States assistance benefiting such units of the armed forces of the Russian Federation.

MATERNAL AND INFANT HEALTH CRISIS

The conference agreement sets aside $14,700,000 from funds provided under this title for maternal and infant health programs to begin the process of addressing the demographic crisis in Russia and the other independent states.

RUSSIAN FAR EAST

The conference agreement includes new language providing not less than $20,000,000 for the Russian Far East. This matter was not addressed in the House bill or the Senate amendment. Under the heading "Development Credit Authority" in title II, the managers also directed that additional funds be made available to stimulate ventures in the Russian Far East led by American firms with expertise in primary industries, including natural resource development, telecommunications and basic infrastructure, finance, and consumer goods.

SOUTHERN CAUCASUS REGION

The managers support regional cooperation efforts among the countries of Armenia, Azerbaijan, and Georgia, including United States efforts through the Caucasus Cooperation Forum. To further regional cooperation, the conference agreement continues the current six exemptions from the statutory restrictions on assistance to the Government of Azerbaijan. The managers include a requirement that 15 percent of the funds available for the Southern Caucasus region be used for confidence-building measures and other activities related to the resolution of regional conflicts instead of 17.5 percent as proposed by the House.

The conference agreement includes a provision that not less than 12.92 percent of the funds under this heading be made available for Georgia and not less than 12.2 percent for Armenia. Similar language was proposed by the Senate but not included in the House bill. The managers are concerned that little progress has been made to improve conditions in the regions of Armenia affected by the 1988 earthquake. The conferees direct the Coordinator and AID to allocate up to $15,000,000 to support recovery and economic reconstruction initiatives in the regions most severely affected. In addition, at least $25,000,000 of the funds made available for Georgia should be obligated for border security and law enforcement training.

The managers continue to support funding of the judicial reform initiatives in Georgia, but are aware of concerns regarding the legal rights of Loren Wille, an American working for Catholic Relief Services who was recently arrested in Georgia. The conferees urge the State Department to use the influence of the United States to ensure fairness and transparency in the treatment of Mr. Wille, and request a report from the Department no later than December 1, 1999, on the extent to which Mr. Wille's rights have been respected during the Georgian judicial process.

UKRAINE

The managers include bill language that $180,000,000 should be made available for Ukraine instead of a mandatory $210,000,000 as proposed by the Senate. The managers recommend $25,000,000 for nuclear safety programs in Ukraine and up to $10,000,000 for regional initiatives that include industrial study tours, technology business incubators, and community based telecommunications projects. The conference agreement does not include any provision withholding funds for Ukraine as proposed by the Senate.

The conference agreement does not include Senate language regarding the destruction of stockpiles of landmines in Ukraine. However, the managers strongly support the elimination of some 10 million mines stockpiled in Ukraine and Moldova that could otherwise be exported to areas of conflict and cause egregious harm to innocent civilians. The managers intend and expect that of the funds made available in this Act for Ukraine and Moldova, $5,000,000 will be contributed to a multinational effort to destroy these landmines and similar munitions.

RUSSIAN LEADERSHIP PROGRAM

The conference agreement includes new language providing an additional $10,000,000 to carry out the Russian Leadership Program enacted on May 21, 1999. The statutory authority is modified to extend the pilot program administered by the Library of Congress for 1 year and to postpone transfer of the program to the Executive branch by 1 year.

RUSSIAN ORPHANS

The conferees strongly support AID's new strategy for addressing the needs of Russian orphans and concur with the House report language on this matter. The managers are concerned about the immediate needs of orphans in some of the most economically disadvantaged parts of the Russian Federation, such as Magadan. The conferees encourage AID to supplement its orphan strategy by identifying reform-minded and committed orphanage and child welfare officials in those regions and developing a program to improve the basic conditions of orphans there.

MEDICAL ASSISTANCE

The conference agreement does not include a Senate earmark for Carelift International. However, the managers are aware that large amounts of used high-technology medical equipment no longer needed by American hospitals can be put to good use in the former Soviet Union and other regions unable to afford high-technology medical equipment. Carelift International and other organizations provide such equipment and provide training on its proper use and maintenance. The conferees expect AID to support such private initiatives in its social transition strategy for the Independent States and Central Europe and direct that $3,000,000 be made available to Carelift International upon receipt of a detailed proposal.

MONGOLIA

The conference agreement retains authority for funds provided under this heading to be used in Mongolia. The amount provided for Mongolia from this heading is $6,000,000. The remainder of the amount requested is to be made available from other accounts in title II of this Act, including not less than $750,000 for child survival activities.

INDEPENDENT AGENCY

PEACE CORPS

The conference agreement appropriates $245,000,000 instead of $240,000,000 as proposed by the House and $220,000,000 as proposed by the Senate.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The conference agreement appropriates $305,000,000 instead of $285,000,000 as proposed by the House for International Narcotics Control and Law Enforcement. The Senate amendment proposed $215,000,000.

The conference agreement does not include the ceiling of $20,000,000 on anti-crime activities within the account as proposed by the House. However, the agreement does require that all anti-crime programs are subject to the regular notification procedures of the Committees on Appropriations.

The conference agreement contains House language allowing the Department of State to utilize section 608 of the Foreign Assistance Act to receive excess property from other U.S. federal agencies for use in a foreign country. The Senate amendment did not address this matter.

The conference agreement provides that not less than $10,000,000 should be available for Law Enforcement Training and Demand Reduction, which is similar to the Senate amendment. The House did not address this matter. The managers urge up to $4,000,000 of this amount be for demand reduction programs.

The conference agreement contains $5,000,000 to establish and operate the International Law Enforcement Academy for the Western Hemisphere at Roswell, New Mexico as proposed by the Senate. The House bill did not address this matter. Given the proximity of the United States to Latin America, it is appropriate for such a center to be located in the United States. The managers are frustrated by the Department of State's seeming unwillingness to cooperate in this matter and direct the Department to establish the training center at Roswell.

The conference agreement does not contain a Senate amendment providing not less than $10,000,000 for mycoherbicide counterdrug research and development. The House did not address this matter. However, the managers recognize that the development of plant pathogens which are capable of destroying illicit drug crops, including opium poppy, coca and marijuana, offer a potential weapon for United States counter-narcotics efforts. The managers understand that all current funding requirements have been met for fiscal years 1999 and 2000. Consistent with the position taken in the fiscal year 1999 supplemental appropriations conference report, the managers recommend that the responsibility for this funding should be assumed by the Office of the National Drug Control Policy to support any additional future needs for counterdrug research and development for the following: mycoherbicide product research and development; narcotic crop eradication technologies; narcotic plant identification and biotechnology; worldwide narcotic crop identification; and alternative crop research and development.

The managers are concerned about the deteriorating conditions in Colombia. In 1998, 308,000 Colombians were internally displaced and during the past decade 35,000 Colombians have been killed in the violence between government forces, paramilitaries, and the FARC and ELN. The managers commend President Pastrana for his efforts to end this protracted conflict. The managers encourage the Department of State and other Executive agencies to continue their efforts to assist President Pastrana and the Colombian government toward a peaceful resolution of this conflict.

The managers affirm House Report No. 106-254 and Senate Report No. 106–81 regarding counter-narcotics programs and encourage the Assistant Secretary of State for International Narcotics Control and Law Enforcement to develop a comprehensive proposal to upgrade helicopter lift capability for anti-drug operations in Latin America.

Given the instability in the region, the managers have been concerned by the consistently low levels of support during the past several years provided to the Government of Ecuador in its efforts to stem the flow of drugs transiting through Ecuador from both Colombia and Peru. Therefore, the managers direct the State Department Bureau of International Narcotics Control and Law Enforcement to provide a report, 60 days after the date of enactment, on its revised plans to assist Ecuador in improving its counter-narcotics efforts. Further, the managers expect that all funds in this Act designed to support Ecuador's joint regional economic development program with Peru be informed in advance to the Committees on Appropriations.

Because of budgetary limitations, $21,000,000 of the amount provided under this heading and $21,000,000 provided under the heading "Migration and Refugee Assistance" is withheld from obligation until September 30, 2000. Both programs were augmented by sizable supplemental appropriations during fiscal year 1999.

MIGRATION AND REFUGEE ASSISTANCE

The conference agreement appropriates $625,000,000, instead of $640,000,000 as proposed by the House bill and $610,000,000 as proposed in the Senate amendment. The conference agreement makes available $13,800,000, as proposed in the House bill, for administrative expenses. The Senate amendment proposed $13,500,000.

The conference agreement also includes Senate language, not included in the House bill, that provides not less than $60,000,000 for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

The conference agreement appropriates $12,500,000 instead of $30,000,000 as proposed by the House and $20,000,000 as proposed by the Senate.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

The conference agreement appropriates $216,600,000 instead of $181,630,000 as proposed by the House and $175,000,000 as proposed by the Senate.

The conference agreement also includes language proposed by the House, that was not in the Senate amendment, that authorizes a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission, and requires that the Secretary of State must inform the Committees on Appropriations at least 20 days prior to the obligation of funds for such Commission.

The conference agreement includes language similar to that proposed by the Senate, that was not in the House bill, that provides that $40,000,000 should be used for demining, clearance of unexploded ordnance and related activities, and that not to exceed $500,000 may be used for related administrative expenses.

The conference agreement does not include language from the Senate amendment that limited funding for the contribution to the International Atomic Energy Agency (IAEA) to $40,000,000.

Funding limitations affecting the Korean Peninsula Economic Development Organization (KEDO) are addressed under title V of this statement and accompanying conference report.

The managers intend that funds appropriated under this heading be allocated as follows:

[In thousands of dollars]

Program	House	Senate	Conference
Nonproliferation and Disarmament Fund	15,000	15,000	15,000
Export control asst	5,000	5,000	15,000
IAEA contribution	43,000	40,000	43,000
CTBT Preparatory Commission	20,000	20,000	20,000
Prepaid in FY 1999	4,370		−4,370
KEDO	35,000	40,000	35,000
Anti-terrorism asst	33,000	20,000	33,000
Demining	35,000	35,000	40,000
Reserve			19,970
New budget authority	181,630	175,000	216,600

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

Both the House and the Senate provided $1,500,000 for the International Affairs Technical Assistance program of the Department of the Treasury. The managers encourage the Administration to meet the requested level for this program by transferring funds to the Department of the Treasury from other funds appropriated in title II of this Act.

DEBT RESTRUCTURING

The conference agreement includes $123,000,000 of the $320,000,000 requested by the President on September 21, 1999, for bilateral debt restructuring instead of $33,000,000 as proposed by the House and $43,000,000 as proposed by the Senate. The $123,000,000 includes at least $13,000,000 for implementation of the Tropical Forest Conservation Act.

The managers urge the Department of the Treasury to consider debt forgiveness for these countries only as a final option. Debt forgiveness reflects the inability of some nations to repay existing loans. This issue raises the urgent need to establish new benchmarks or conditions prior to initiating new lending. The managers expect that debt relief will be made available only to the poorest nations pursuing market-based economic reform and which commit to dedicate freed-up resources to improving health care, infrastructure, education and other pressing domestic needs. None of the funds in this account may be used to provide debt relief for any country that is engaged in offensive military action since any such relief would likely be used to facilitate the purchase of lethal weapons or to otherwise increase military expenditures.

The managers urge caution regarding new lending within the next five years to governments benefiting from debt forgiveness. The managers anticipate that legislation detailing the actual implementation of proposed debt restructuring involving United States payment of debts owed by heavily indebted poor countries to international and multilateral financial institutions will have been enacted separately and hearings on the President's request of September 21, 1999, held by the Committees on Appropriations prior to consideration of additional appropriations for debt restructuring.

The managers endorse language in House Report No. 106–254 regarding reports to the Committees on Appropriations on the use of funds in this account and intend to work with the Treasury Department to ensure this information is made available to the Committees without undue burden on the Department.

The managers expect that beginning with the fiscal year 2001 budget submission, the value of debt relief provided in the previous fiscal year for each country will be reported to Congress in all relevant presentation documents and summary tables. Further, the managers encourage the Treasury Department to undertake a review of United States lending policies to nations considered for debt relief and request a report to the Committees on Appropriations not later than March 1, 2000, regarding future bilateral lending, including the conditions under which any new lending could take place.

UNITED STATES COMMUNITY ADJUSTMENT AND INVESTMENT PROGRAM

The conference agreement appropriates $10,000,000 for the United States Community Adjustment and Investment Program, a domestic program affiliated with the North American Development Bank. The House bill and Senate amendment did not address this matter.

TITLE III—MILITARY ASSISTANCE

INTERNATIONAL MILITARY EDUCATION AND TRAINING

The conference agreement appropriates $50,000,000 as proposed by the Senate instead of $45,000,000 as proposed by the House. It also provides that up to $1,000,000 may remain available until expended as proposed by the House; the Senate amendment did not address this matter.

The conference agreement also includes language proposed by the House that limits Guatemala and Indonesia to Expanded IMET only, and provides for regular notification procedures for funds allocated for Guatemala as proposed by the House. The Senate amendment would have limited Guatemala to Expanded IMET only, but did not address funding for Indonesia and did not require notification for Guatemala.

The conference agreement also includes language from the House bill providing that funding for the School of the Americas is contingent upon a certification by the Secretary of Defense that the instruction provided by the School is fully consistent with training provided by the Department of Defense to United States military training students at U.S. military institutions. It also includes House language requiring a report by the Secretary of Defense on training activities at the School of the Americas during 1997 and 1998.

The Senate amendment did not address these matters.

FOREIGN MILITARY FINANCING PROGRAM

The conference agreement appropriates $3,420,000,000 instead of $3,470,000,000 as proposed by the House and $3,410,000,000 as proposed by the Senate. In addition, it includes language proposed by the Senate that provides not less than $1,920,000,000 for grants for Israel and not less than $1,300,000,000 for grants for Egypt instead of not to exceed $1,920,000,000 for Israel and not to exceed $1,300,000,000 for Egypt as proposed by the House.

The conference agreement also includes language similar to that proposed by the Senate providing that not less than 26.3 percent of the funds made available for Israel shall be available for procurement in Israel. The House bill included language stating that not to exceed $505,000,000 should be made available for such procurement.

The conference agreement also includes House language providing that no Partnership for Peace funds may be made available to a non-NATO country except through the regular notification procedures of the Committees on Appropriations. The Senate amendment did not address this matter.

The conference agreement does not include language proposed by the Senate that would have allowed direct loans to be converted to grants, and grants to direct loans. The House bill did not address this matter.

The conference agreement provides not less than $3,000,000 in grant assistance for Tunisia and directs the drawdown of not less than $4,000,000 in defense articles, defense services, and military education and training. The Senate amendment would have directed $10,000,000 for Tunisia. The House bill did not address this matter.

The conference agreement also includes language providing up to $1,000,000 for Ecuador, subject to the regular notification procedures of the Committees on Appropriations.

The conference agreement provides a ceiling of $30,495,000 for administrative expenses as proposed by the House instead of $30,000,000 as proposed by the Senate.

The conference agreement also includes language directing that, forty-five days after enactment, the Secretary of Defense shall report to the Committees on Appropriations regarding an appropriate host institution to support and advance the efforts of the Defense Institute for International and Legal Studies in both legal and political education. The Senate amendment would have provided not less than $1,000,000 for the Defense Institute of International Studies for various activities under "International Military Education and Training". The House bill did not address this matter.

The conference agreement does not include an earmark of $5,000,000 for the Philippines. However, the managers are strongly supportive of efforts to increase defense cooperation with that nation and are aware the Administration provided $1,000,000 in grant funds for the Philippines in fiscal year 1999.

PEACEKEEPING OPERATIONS

The conference agreement appropriates $153,000,000 instead of $76,500,000 as proposed by the House and $80,000,000 as proposed by the Senate.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

The conference agreement appropriates $35,800,000 for the Global Environment Facility instead of $50,000,000 as proposed by the House and $25,000,000 as proposed by the Senate.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

The conference agreement appropriates $775,000,000 instead of $776,600,000 as proposed by the Senate and $568,600,000 as proposed by the House.

CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

The conference agreement appropriates $4,000,000 for paid-in capital issued by the Multilateral Investment Guarantee Agency instead of $10,000,000 as proposed by the Senate. The House bill did not include any appropriation for this purpose. Approval for subscription to the appropriate amount of callable capital is also included in the conference agreement.

CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT CORPORATION

The conference agreement appropriates $16,000,000 in paid-in capital for the Inter-American Investment Corporation. The House bill and the Senate amendment did not contain any appropriation for this purpose.

The Inter-American Investment Corporation began operations in 1989 to promote the economic development of its Latin American and Caribbean member countries through cofinancing and syndication, supporting security underwritings, and identifying joint venture partners for small and medium-size private enterprises.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

The conference agreement appropriates $77,000,000 for the Asian Development Fund instead of $50,000,000 as proposed by the Senate and $100,000,000 as proposed by the House. The entire amount is for contributions previously due.

The Committees anticipate providing in subsequent acts additional appropriations requested for the Asian Development Fund, with the understanding that the senior management of the Asian Development Bank fully implements its anti-corruption policy and finalizes its private sector and poverty alleviation strategies.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

The conference agreement appropriates $4,100,000 for paid-in capital issued by the African Development Bank instead of $5,100,000 as proposed by the Senate. The House bill did not include an appropriation for this purpose. Approval for subscription to $64,000,000 in callable capital is also included in the conference agreement. No later than February 15, 2000, the Committees request the Secretary of the Treasury to provide an original, comprehensive evaluation of the financial outlook for the Bank, based on the appropriations provided in this Act. The evaluation may include such other assumptions that the Secretary may select and, as attachments, the most recent private credit evaluations of the Bank.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

The conference agreement appropriates $128,000,000 for the African Development Fund instead of $108,000,000 as proposed by the House. The Senate amendment did not include any appropriation for this purpose.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

The conference agreement provides $183,000,000. The House bill appropriated $167,000,000 and the Senate amendment proposed $170,000,000.

The conference agreement does not contain a provision in the House bill regarding the Climate Stabilization Fund. The Senate amendment did not address this matter.

The conference agreement continues current law indicating that $5,000,000 should be made available for the World Food Program, which is similar to the Senate amendment. The House bill did not address this matter.

TITLE V—GENERAL PROVISIONS

(NOTE.—If House and Senate language is identical except for a different section number or minor technical differences, the section is not discussed in the Statement of Managers.)

Sec. 502. Prohibition of bilateral funding for international institutions

The conference agreement modifies existing law to prohibit funds from title II of this Act to be transferred by AID directly to an international financial institution for the purpose of repaying a foreign country's loan obligations, as proposed by the House. The Senate amendment made no change to existing law.

Sec. 509. Transfers between accounts

The conference agreement deletes the requirement for the President to notify the Appropriations Committees, through their regular notification procedures, when exercising the transfer authority provided under the section.

Sec. 512. Limitation on assistance to countries in default

The conference agreement ends the exemption for Nicaragua, Brazil, and Liberia from requirements under section 620(q) of the Foreign Assistance Act and under this section regarding default on loans made by the U.S. This language is the same as the Senate amendment. The House bill retained the exemption for these countries.

Sec. 514. Surplus commodities

The conference agreement deletes subsection (b) of the House general provision, as proposed by the Senate. This subsection would have required the Secretary of the Treasury to direct the U.S. executive directors of the international financial institutions to support the purchase of American produced agricultural commodities.

Sec. 515. Notification requirements

The conference agreement deletes "International Affairs Technical Assistance" from the notification requirements under this section as proposed by the House.

Sec. 520. Special notification requirements

The conference agreement adds "Panama" as proposed by the House bill to the list of countries subject to the special notification procedures of this section. The conference agreement does not include "India" as proposed in the Senate amendment.

Sec. 522. Child survival and disease prevention activities

The conference agreement modifies existing law to clarify the intent of this section that allows AID to use $10,000,000 appropriated under the "Child Survival and Disease Programs Fund" for technical experts from other government agencies, universities, and other institutions. Since Congress established a separate Child Survival and Disease Programs account in 1996, the previous language has been obsolete. The conference agreement is similar to the House provision, but includes new language regarding the use of up to $1,500,000 from the "Development Assistance" account for technical experts.

Sec. 526. Democracy in China

The conference agreement contains language from the House bill that authorizes the use of funds from "Economic Support Fund" for the support of nongovernmental organizations located outside of China for the support of democracy activities, and requires notification on the use of this authority. The Senate amendment did not address this matter.

The conference agreement also allows for funding for the National Endowment for Democracy (NED) or its grantees notwithstanding any other provision of law and notwithstanding the first proviso of this section. The intent of this language is to allow for the continuation of a program promoting democratic village elections and for related activities that is currently being conducted by a NED grantee. It is not intended to provide authority for the initiation of major new programs in China.

The conference agreement includes language that provides, notwithstanding any other provision of law that restricts assistance to foreign countries, $1,000,000 from the Economic Support Fund shall be made available to the Robert F. Kennedy Memorial Center for Human Rights for a project to disseminate information and support research about the People's Republic of China.

Sec. 537. Funding prohibition for Serbia

The conference agreement includes House language that prohibits assistance for Serbia, except for aid to Kosova or Montenegro or to promote democracy. The Senate amendment did not address this matter.

Sec. 538. Special authorities

The conference agreement includes language proposed by the House that allows for funding from appropriations under title I for certain specified countries and activities, and for Montenegro, notwithstanding any other provision of law. The Senate amendment did not include these exemptions. It also includes language not in the House bill but in the Senate amendment that conditions assistance for Cambodia on the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985.

The conference agreement also includes House language that authorizes the President to waive for six months a provision of Public Law 100–204, if he determines and certifies that doing so is important to the national security interests of the United States. The Senate amendment did not address this matter.

Sec. 539. Policy on terminating the Arab League boycott of Israel

The conference agreement contains House language on this matter. The Senate amendment did not include subsections (2) and (3) of the House general provision, dealing with the decision by the Arab League to reinstate the boycott in 1997, and calling on the League to immediately rescind its decision; and deleted language from subsection (4)(C) regarding a report on the specific steps that should be taken by the President to "expand the process of normalizing ties between Arab League countries and Israel".

Sec. 540. Anti-narcotics activities

The conference agreement contains House bill language waiving certain provisions of section 534 of the Foreign Assistance Act to allow for administration of justice programs in Latin America and the Caribbean. The Senate amendment contained a similar provision.

Sec. 541. Eligibility for assistance

The conference agreement includes language regarding eligibility of assistance provided under this Act, as proposed by the House bill. The conference agreement does not include a modification, as proposed in the Senate amendment, regarding the prohibition on assistance to countries that violate internationally recognized human rights.

Sec. 544. Prohibition on publicity or propaganda

The conference agreement maintains current law limiting to $750,000 the amount that may be made available to carry out the provision of section 316 of Public Law 96–533 relating to hunger and development education as proposed by the Senate amendment. The House bill provided no funding limitation. The managers expect AID to select the recipients of these grants through a public competition during fiscal year 2000.

Sec. 545. Purchase of American-made equipment and products

The conference agreement includes language proposed in the Senate amendment directing the Secretary of the Treasury to report annually to Congress on compliance with this provision.

Sec. 546. Prohibition of payments to United Nations members

The conference agreement modifies current law to prohibit the use of certain funds to pay the cost for attendance for another country's delegation at international conferences held under the auspices of multilateral or international organizations. This is similar to the House bill. The Senate amendment included a similar provision.

Sec. 549. Prohibition on assistance to foreign governments that export lethal military equipment to countries supporting international terrorism

The conference agreement includes the Senate version of this general provision, which is the same as House language except that under subsection (a) the reference to "any other comparable provision of law" is deleted and under subsection (c) the word "estimated" is deleted.

Sec. 552. War crimes tribunals drawdown

The conference agreement includes Senate language that authorizes a Presidential drawdown of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal for the former Yugoslavia or similar tribunals or commissions. It also specifies that such drawdowns are subject to the notification process and that drawdowns made under this section shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court. The House bill included similar language, but would not have exempted the tribunals for Yugoslavia and Rwanda from the notification requirements of the provision as in the Senate amendment.

Sec. 553. Landmines

The conference agreement includes language that amends section 1365(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) by extending until October 23, 2003, the ban on the export of landmines.

Sec. 555. Prohibition on payment of certain expenses

Section 555 prohibits the use of funds from "International Military Education and Training"; "Foreign Military Financing"; "Child Survival and Disease Programs Fund"; "Development Assistance"; and "Economic Support Fund" to pay for alcoholic beverages or entertainment expenses of a substantially recreational character.

Sec. 556. Competitive pricing for sales of defense articles

The conference agreement includes language from the Senate amendment that provides that direct costs associated with meeting a foreign customer's additional or unique requirements will continue to be allowable under the Arms Export Control Act. The House bill did not address this matter.

Sec. 559. Limitation on assistance for Haiti

The conference agreement includes language similar to that proposed by both Houses. It sunsets the required reports after two years as proposed by the House and includes a provision limiting the percentage of funds that can be allocated to any single Latin American or Caribbean country. The latter limitation is a separate general provision in current law and in the House bill. The limitation was not included in the Senate amendment.

Sec. 563. Limitation on assistance to the Palestinian Authority

The conference agreement includes House language that prohibits funds for the Palestinian Authority unless the President certifies that waiving such prohibition is important to the national security interests of the United States. Such waiver shall apply no more than 6 months and shall not apply beyond 12 months after enactment. The Senate amendment did not address this matter.

Sec. 565. Limitations on transfer of military equipment to East Timor

The conference agreement includes language from the Senate amendment that requires that in any agreement for military assistance or sales a statement shall be included that the items will not be used in East Timor. The House language included a proviso that stated nothing in this section shall be construed to limit Indonesia's inherent right to self-defense as recognized under the UN charter and in international law, and that military sales, assistance, or lease agreements include the statement that the United States "expects" that the military assistance will not be used in East Timor.

The conferees direct the Secretary of State, in consultation with the Secretary of Defense and other appropriate agencies, to submit a report to the Committees on Appropriations not later than February 1, 2000, identifying all Indonesian commanding officers and units deployed in East Timor during 1999, and providing any available information linking those officers and units to the violence prior to and after the August 30, 1999 referendum in East Timor. Such report may be provided in classified form, if appropriate.

Sec. 566. Restrictions on assistance to countries providing sanctuary to indicted war criminals

The conference agreement includes language similar to that of the House bill. It substitutes the word "municipality" for "canton", includes a special rule that allows for assistance to an entity that would otherwise be sanctioned under the terms of this section, and imposes certain recordkeeping requirements on the Secretary of State. The Senate amendment would have made a number of technical and substantive changes to the House bill, including: establishment of a policy for support of the International Criminal Tribunal for the former Yugoslavia; establishment of a special rule exempting certain specified entities and communities from sanctions under certain provisions of this section; a requirement for public information regarding certain assistance provided to the countries in the former Yugoslavia; and a provision for certain exemptions by types of assistance. The conference agreement defines "Montenegro" and "Kosova" separately for purposes of applying this provision of law.

Sec. 568. Greenhouse gas emissions

The conference agreement includes a modification of current laws as proposed by the House, primarily to obtain more detailed information from AID in an annual report submitted by the President.

Sec. 569. Excess defense articles for certain European countries

The conference agreement includes language from the Senate amendment that extends a provision of permanent law that expired in 1997 through 2000. The law authorizes the provision of excess defense articles to certain European countries. The House bill did not address this matter.

Sec. 570. Aid to the Government of the Democratic Republic of Congo

The conference agreement prohibits any assistance to the central Government of the Democratic Republic of Congo as proposed in the Senate amendment. The House bill included a similar provision.

Sec. 571. Assistance for the Middle East

The conference agreement contains language similar to the House bill that imposes a spending ceiling of $5,321,150,000 on specified assistance in titles II and III of this Act for the Middle East. The Senate amendment did not address this matter.

Sec. 572. Enterprise Fund restrictions

The conference agreement includes language in the House bill that was not in the Senate amendment that requires that, prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit a plan for the distribution of the assets of the Enterprise Fund to the Committees on Appropriations in accordance with regular notification procedures.

Sec. 573. Cambodia

The conference agreement includes language that prohibits funds for the central Government of Cambodia and states that the Secretary of the Treasury should instruct the Executive Directors of international financial institutions to use the voice and vote of the United States to oppose loans to that government. The House bill contained similar language, but would have imposed the funding prohibition on all government assistance. The Senate amendment would have required the Secretary of the Treasury to instruct U.S. executive directors of international financial institutions to use the voice and vote of the U.S. to oppose loans to the Government of Cambodia, except to support basic human needs, unless: (1) Cambodia has held free and fair elections; (2) all political candidates were permitted freedom of speech, assembly, and equal access to the media; (3) the Central Election Commission was comprised of representatives from all parties, and (4) the Government had begun the prosecution of Khmer Rouge leaders to include six named individuals. The Senate also addressed this matter under title II.

It is the intention of the managers that if the Administration proposes to provide assistance to or through provincial or municipal governments in Cambodia it will first consult with the appropriate committees of the Congress prior to the obligation of funds.

Sec. 574. Customs assistance

The conference agreement amends the Foreign Assistance Act of 1961 regarding the prohibition on the use of certain bilateral assistance for police training by allowing assistance to foreign customs authorities and personnel, including training, technical assistance, and equipment for customs law enforcement. The conference agreement is identical to the Senate amendment. The House bill did not address this matter.

The managers expect this authority to be exercised to support U.S. private sector trade and investment opportunities.

Sec. 575. Foreign military training report

The conference agreement includes language similar to that in the House bill requiring a joint report by the Secretary of State and the Secretary of Defense on all overseas military training (excluding military sales) provided to non-NATO foreign military personnel under programs administered by the Departments of Defense and State during 1999 and 2000, including those proposed for 2000. The language specifies the scope of the report, and allows for a classified annex, if deemed necessary and appropriate. The report shall be due no later than March 1, 2000. The Senate amendment included similar language, but did not provide for an exemption for NATO countries.

Sec. 576. Korean Peninsula Energy Development Organization (KEDO)

The conference agreement includes language similar to that in the House bill that up to $15,000,000 may be made available for KEDO prior to June 1, 2000, if, 30 days prior to such obligation of funds, the President certifies and so reports to Congress that (1) the parties to the Agreed Framework have taken and continue to take demonstrable steps to implement the Joint Declaration on Denuclearization of Korea; (2) the parties have taken and continue to take demonstrable steps to pursue the North-South dialogue; (3) North Korea is complying with all provisions of the Agreed Framework; (4) North Korea has not diverted assistance for purposes for which it was not intended; and (5) North Korea is not seeking to develop or acquire the capability to enrich uranium, or any additional capability to reprocess spent nuclear fuel. In addition, up to $20,000,000 may be made available for KEDO on or after June 1, 2000, if, 30 days prior to the obligation of such funds, the President certifies and so reports to Congress that (1) the effort to can and safely store all spent fuel from North Korea's nuclear reactors has been successfully concluded; (2) North Korea is complying with its obligations regarding access to suspect underground construction; (3) North Korea has terminated its nuclear weapons program, including all efforts to acquire, develop, test, produce, or deploy such weapons, and (4) the United States has made and continues to make significant progress on eliminating the North Korean ballistic missile threat, including further missile tests and its ballistic missile exports. The language allows for the President to waive the certification requirements of this section if he determines that it is vital to the national security interests of the United States, 30 days after a written submission to the appropriate congressional committees. It also requires a report from the Secretary of State on the fiscal year 2001 budget request for KEDO, with certain specified information to be included in such report.

The House bill contained identical language, except it did not allow for the use of certain authorities of the Foreign Assistance Act to provide for a reprogramming of funds above the level of $35,000,000 specified for KEDO.

The Senate amendment contained language similar to the House bill. In addition, it required a report from the Director of Central Intelligence on all relevant intelligence bearing on North Korea's compliance with the above provisions; specified the timing of the report; and specified the types of intelligence covered by the report.

Sec. 577. African Development Foundation

The conference agreement provides that funds to grantees of the Foundation may be invested pending expenditure and that interest earned must be used for the same purpose for which the grant was made. Further, this section allows the Foundation's board of directors, in exceptional circumstances, to waive the existing $250,000 project limitation, subject to reporting to the Committees on Appropriations. This section is identical to the House bill. The Senate amendment included these same authorities within its "Development Assistance" account.

Sec. 578. Prohibition on assistance to the Palestinian Broadcasting Corporation

The conference agreement includes House language not in the Senate amendment that provides that none of the funds made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

Sec. 579. Voluntary separation incentives for employees of the U.S. Agency for International Development

The conference agreement provides for the payment of voluntary separation incentives to AID employees for the purpose of eliminating positions and functions at AID. The conference agreement is similar to the Senate amendment. The House bill did not address this matter.

The managers have included in this section a requirement that the AID administrator submit to the Committees on Appropriations, in addition to the Office of Management and Budget, a strategic plan outlining the intended use of incentive payments and a proposed organizational chart for AID once such incentives payments have been completed. The managers direct that AID consult regularly with the Committees on Appropriations on the strategic plan prior to implementing the separation program authorized by this section. Consistent with the Administration's request, the managers expect this authority to be used by AID to reduce its employment levels in Washington, D.C.

Sec. 580. Iraq opposition

The conference report includes language similar to that in the House bill and the Senate amendment that, notwithstanding any other provision of law, $10,000,000 shall be made available to support efforts to bring about a political transition in Iraq, of which not less than $8,000,000 shall be made available only to Iraqi opposition groups designated under the Iraq Liberation Act (Public Law 105–338), for political, economic, humanitarian, and other activities of such groups. It also provides that not more than $2,000,000 of such funds may be made available for groups and activities seeking the prosecution of Saddam Hussein and other Iraqi government officials for war crimes.

The conference agreement does not contain Senate language providing $250,000 for the Iraq Foundation. However, the conferees believe that the Foundation should receive funding made available by this Act for activities associated with pursuing war crimes.

Sec. 581. Agency for International Development budget submission

The conference agreement instructs the Agency for International Development to submit its 2001 budget in a format more useful to the Committees as proposed by the House. The Senate did not address this matter. AID is also requested to provide to the Committees not later than 45 days after enactment of this Act a report identifying each program, project, or intermediate result funded from appropriations provided under the heading "Development Assistance" for which the unexpended pipeline on October 1, 1999, exceeded either $15,000,000, or the total amount expended for each such program, activity, or intermediate result in fiscal years 1998 and 1999.

Sec. 582. American churchwomen in El Salvador

The conference agreement includes language regarding the murder of four American churchwomen in El Salvador. The conference agreement requires a report from the Attorney General to the Committees on Appropriations and requires the President to order all Federal agencies and departments that possess relevant information to make every effort to declassify and release that information to the victims' families. The House bill and Senate amendment included similar provisions.

Sec. 583. Kyoto Protocol

The conference agreement includes language regarding the Kyoto Protocol to the Framework Agreement on Global Climate Change as proposed by the House. The Senate amendment did not address this matter.

Sec. 584. Additional requirements relating to stockpiling of defense articles for foreign countries

The conference agreement includes language from the Senate amendment not in the House bill that amends the Foreign Assistance Act of 1961 to provide authority to increase the war reserve stockpiles in Korea and Thailand by $60,000,000 for fiscal year 2000.

Sec. 585. Russian leadership program

The conference agreement includes new language amending the statutory authority for the Russian Leadership Exchange Program.

Sec. 586. Abolition of the Inter-American Foundation

The conference agreement provides authority from the President to abolish the Inter-American Foundation and terminate its functions. The House bill and Senate amendment did not address this matter.

Sec. 587. West Bank and Gaza Program

The conference agreement includes language that provides that, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the programs funded under "Economic Support Fund" for the West Bank and Gaza Program.

The Senate amendment included language that specified requirements for auditing assistance that may be provided to the Palestinian Authority. The House bill did not address this matter.

Sec. 588. Human rights assistance

The conference agreement includes language providing recommendations on the use of funds available from the "International Narcotics Control" account. The language states that not less than $500,000 should be provided to the Colombia Attorney General's Human Rights unit; not less than $500,000 should be made available to support Colombian nongovernmental organizations involved in human rights monitoring, particularly to assist in protecting the physical safety of their personnel; and not less than $250,000 should be made available to the United Nations High Commissioner for Human Rights for human rights assistance for the Colombian government. Further, not less than $1,000,000 should be provided for assistance to enhance U.S. embassy monitoring of assistance to Colombian security forces and in responding to reports of human rights violations. The conference agreement also includes language that not less than $5,000,000 should be made available for administration of justice programs, including support for the Colombia Attorney General's Technical Investigations Unit. The managers direct the Department of State's Bureau for International Narcotics Control and Law Enforcement Affairs to report to the Committees on Appropriations not later than January 15, 2000, regarding its plans to meet the requirements of this section.

Sec. 589. Indonesia

The conference agreement includes new language that conditions the obligations of funds appropriated by this Act under the headings "International Military Education and Training" and "Foreign Military Financing Program" on a Presidential determination and report to Congress that the Government of Indonesia and the Indonesian Armed Forces are meeting specified criteria regarding accountability for past acts and ongoing activities in Indonesia and East Timor.

Sec. 590. Man and the Biosphere Program

The conference agreement prohibits the provision of funds made available by the Act for the United Nations Man and the Biosphere Program of the United Nations World Heritage Fund if the Program or the Fund engage in activities affecting sites in the United States during the current fiscal year.

Sec. 591. Immunity for the Federal Republic of Yugoslavia

The conference agreement includes language that provides that the Federal Republic of Yugoslavia shall be deemed to be a state sponsor of terrorism for the purposes of 28 U.S.C. 1605(a)(7). The section shall not apply to Montenegro or Kosova, and shall become null and void when the President certifies in writing to the Congress that the Federal Republic of Yugoslavia (other than Montenegro and Kosova) has completed a democratic reform process that results in a newly elected government that respects the rights of ethnic minorities, is committed to the rule of law and respects the sovereignty of its neighbor states. However, the language provides that the certification shall not affect the continuation of ongoing litigation.

The Senate amendment would have applied all sanctions applicable to a terrorist state to the Federal Republic of Yugoslavia. The House bill did not address this matter.

Sec. 592. United States assistance policy for opposition-controlled areas of Sudan

The conference agreement provides the President the authority to provide food assistance to groups engaged in the protection of civilian populations in opposition-controlled areas of Sudan. In support of this effort, the managers urge AID to provide up to $500,000 for the People-to-People peace and reconciliation process designed to unite ethnic groups and communities in southern Sudan. Further, the conference agreement requires the President to submit to the Committees on Appropriations a report on United States bilateral assistance to opposition-controlled areas of Sudan. The managers expect this report to be provided in both classified and unclassified forms, if necessary. The report is to include an accounting of U.S. assistance to opposition-controlled areas of Sudan in certain fiscal years and the goals and objectives of such assistance. Further, the President is to report on the policy implications, costs, and sources of funds associated with providing humanitarian assistance, including food, directly to National Democratic Alliance participants and the U.S. agencies best suited to administer these activities. Also, the President is to report on the policy implications of increasing substantially the amount of development assistance for certain activities in opposition-controlled areas of Sudan, the identification (by organization) of all proposed beneficiaries of such assistance, and the obstacles to administering a development assistance program in this region.

The Senate amendment included three provisions relating to U.S. assistance programs in opposition-controlled areas of Sudan. The House bill did not address this matter.

Sec. 593. Consultations on arms sales to Taiwan

The conference agreement includes Senate language that directs the Secretary of State to consult with the Congress regarding a mechanism to provide for congressional input into the nature or quantity of defense articles and services for Taiwan. The House bill did not address this matter.

Sec. 594. Authorizations

The conference agreement authorizes appropriations for various international financial institutions, as proposed in the Senate amendment. The House did not address this matter.

Sec. 595. Assistance for Costa Rica

The conference agreement provides that $8,000,000 of the funds appropriated in Public Law 106-31, under the heading "Central America and the Caribbean Emergency Disaster Recovery Fund" be provided to Costa Rica.

Sec. 596. Silk Road Strategy Act of 1999

The conference agreement is the same as the Senate amendment regarding policy toward Central Asia, with the addition of language relating to trade disputes.

Sec. 597. Country reports on human rights practices

The conference agreement includes language, similar to the Senate amendment, which amends the Foreign Assistance Act of 1961 to require that the annual State Department "Country Reports on Human Rights Practices" include a new section regarding the trafficking in persons, especially women and children. The House did not address this matter.

Sec. 598. OPIC maritime fund

The conference agreement expresses the sense of the Congress that the Overseas Private Investment Corporation shall within one year from the date of enactment of this Act select a fund manager for the purpose of creating a maritime fund with total capitalization of up to $200,000,000. This fund shall leverage United States commercial maritime expertise to support international maritime projects.

Sec. 599. Sanctions against Serbia

The conference report includes language similar to that in the Senate amendment that requires that a number of specified sanctions against Serbia remain in place until a certification is issued by the President. The certification requires that Serbia comply with a number of international agreements, and provides an exemption for Montenegro and Kosova for the sanctions imposed through international financial institutions. It also allows for a waiver of all sanctions if necessary to meet emergency humanitarian needs.

The House bill did not address this matter.

Sec. 599A. Clean coal technology

The conference agreement includes a section contained in the Senate amendment making a number of Congressional findings regarding clean coal technology. The House bill did not address this matter.

Sec. 599B. Restriction on United States assistance for certain reconstruction efforts in the Balkans region

The conference agreement includes language that provides that funds made available by this Act for assistance for reconstruction efforts in the Federal Republic of Yugoslavia or any contiguous country should to the maximum extent practicable be used for the procurement of articles and services of United States origin. Under the terms of this section, the term "article" means any agricultural commodity, steel, communications equipment, farm machinery or petrochemical refinery equipment.

The Senate amendment would have prohibited the use of reconstruction funds in this Act for the former Yugoslavia or any contiguous country for the procurement of any article purchased outside the United States, the recipient country, or least developed countries, or any service provided by a foreign person, subject to certain exceptions. The House bill did not address this matter.

Sec. 599C. United Nations Population Fund

The conference agreement provides that. of amounts under "International Organizations and Programs", not more than $25,000,000 for fiscal year 2000 shall be available for the United Nations Population Fund (UNFPA) subject to certain prohibitions and conditions. This section prohibits funds for the UNFPA from being made available for a country program in the People's Republic of China. Also, fiscal year 2000 funds are prohibited for UNFPA unless (1) UNFPA maintains these funds in an account separate from other UNFPA accounts (2) UNFPA does not commingle these funds with other sums and (3) UNFPA does not fund abortions.

This section requires that the Secretary of State report to Congress not later than February 15, 2000, indicating the amount of funds that the UNFPA is budgeting for the year in which the report is submitted for a country program in the People's Republic of China. If this report indicates that the UNFPA plans to spend funds for a country program in the People's Republic of China in the year covered by the report, then the amount of such funds that the UNFPA plans to spend in China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report was submitted.

This section is identical to the House bill. The Senate amendment included similar language.

Sec. 599D. Authorization for population planning

The conference agreement includes language which limits the amount of funds appropriated in title II of this Act for population planning activities or other population assistance to $385,000,000. This section requires that any foreign private, nongovernmental or multilateral organization meet certain requirements in order to receive such assistance and contains the authority for the President to waive these restrictions.

Sec. 599E. OPIC authorization

The conference agreement includes language that provides authority for the operations of the Overseas Private Investment Corporation (OPIC) until November 1, 2000.

PROVISIONS NOT ADOPTED BY THE CONFEREES

Distinguished Development Service Award

The conference agreement does not include the section in the Senate amendment regarding the distinguished development service award. The House bill did not address this matter.

Withholding Assistance to Countries Violating United Nations Sanctions Against Libya

The conference agreement deletes a House provision that imposed a reduction in United States assistance of at least 5 percent when a country violates specified United Nations sanctions against Libya. The Senate amendment did not address this matter. The provision is no longer relevant, since the United Nations has suspended the application of sanctions against Libya.

Limitation on Funds for Foreign Organizations That Perform or Promote Abortions

The conference agreement does not include a provision contained in the House bill which would have restored, in part, the "Mexico City" policy regarding restrictions on U.S. assistance to foreign organizations that perform or actively promote abortion, including lobbying or any other effort to alter laws of any foreign country concerning abortion. The Senate did not address this matter.

Restriction on Population Planning Activities or Other Population Assistance

The conference agreement does not include a provision contained in the House bill which would have prohibited funds for population planning activities for foreign nongovernmental organizations under certain conditions.

Sense of the Senate Regarding Colombia

The conference agreement does not include a section contained in the Senate amendment regarding Colombia.

Assistance To Promote Democracy and Civil Society in Yugoslavia

The conference agreement deletes language from the Senate amendment that provided general authority to promote democracy and civil society in Yugoslavia, including an authorization of appropriations of $100,000,000; included a prohibition on assistance to the Government of Serbia; and included authority to provide assistance to the Government of Montenegro subject to certain conditions. The House bill did not address this matter.

Limitation on Use of Funds for Purchase of Products Not Made in America

The conference agreement does not include language from the House bill that prohibits funds from titles I, II, or III for any foreign government if the funds are used to purchase equipment or products made in a country other than the foreign country itself or from the United States. The Senate amendment did not address this matter.

This issue is further addressed in section 545 of the conference report, "Purchase of American-Made Equipment and Products".

Limitation on Assistance for School of Americas

The conference agreement does not contain language from the House bill that would have prohibited funding for the School of the Americas located at Fort Benning, Georgia. The Senate amendment did not address this matter.

To Promote an International Arms Transfer Regime

The conference agreement does not include language from the Senate amendment that would have authorized the President to continue and expand efforts through the United Nations and other international fora to limit arms transfers worldwide, and that specified the transfers that should be limited. The Senate language would also have required a semiannual report on progress in such negotiations to accomplish this goal. The House bill did not address this matter.

Sense of the Senate Regarding United States Commitments Under the United States-North Korea Agreed Framework

The conference agreement deletes Senate language that expressed the Sense of the Senate regarding the Agreed Framework and deliveries of heavy fuel oil to KEDO and North Korea. The House bill did not address this matter.

Sense of the Senate Regarding an International Conference on the Balkans

The conference agreement deletes Senate language expressing the Sense of the Senate regarding the need for an international conference on the Balkans. The House bill did not address this matter.

Accountability of Saddam Hussein

The conference agreement deletes Senate language regarding accountability for Saddam Hussein. The House bill did not address this matter.

The managers agree with the intent of the language of the Senate amendment on the need for accountability on the part of Saddam Hussein.

Sense of the Senate Regarding Assistance Provided to Lithuania, Latvia, and Estonia

The conference agreement deletes Senate language that expressed the Sense of the Senate that assistance to the Baltic nations should not be interpreted as expressing the will of the Senate to accelerate membership of those nations into NATO.

Sense of the Senate Regarding Assistance Under the Camp David Accords

The conference agreement deletes Senate language expressing the Sense of the Senate on assistance under the Camp David accords. The House bill did not address this matter.

Sense of Congress in Management of United States Interests in Ukraine

The conference agreement deletes Senate language expressing the Sense of the Congress in management of U.S. interests in Ukraine. The House bill did not address this matter.

Sense of the Senate on the Citizens Democracy Corps

The conference agreement deletes Senate language expressing the Sense of the Senate on the Citizens Democracy Corps. The House bill did not address this matter.

Control and Eliminate the International Problem of Tuberculosis

The conference agreement deletes Senate language expressing the Sense of the Senate on elimination of the international problem of tuberculosis. The House bill did not address this matter.

Limitation on Assistance to the Government of the Russian Federation

The conference agreement does not include language contained in the House bill limiting assistance to the government of the Russian Federation at $172,000,000. The Senate amendment did not include a similar provision. This matter is addressed in title II under the heading "Assistance to the Independent States of the Former Soviet Union".

Expanded Threat Reduction

The conference agreement does not include two sections from the Senate amendment regarding the Expanded Threat Reduction Initiative. The House bill did not contain similar provisions.

TITLE VI—INTERNATIONAL AFFAIRS SUPPLEMENTAL APPROPRIATIONS

BILATERAL ECONOMIC ASSISTANCE

Funds Appropriated to the President

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

The conference agreement appropriates $450,000,000 in supplemental funds for assistance for Jordan and for the West Bank and Gaza, to remain available until September 30, 2002, of which $100,000,000 shall become available for obligation on September 30, 2000. Pursuant to the budget request, $50,000,000 is intended for assistance for Jordan and $400,000,000 is intended for assistance for the West Bank and Gaza. These funds are designated an emergency for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and shall only be available to the extent that an official budget request that designates the entire amount as an emergency requirement pursuant to said Act is transmitted to the Congress.

The funds provided under this heading, and in this title under the heading "Foreign Military Financing Program", are associated with implementation of the Wye River Accord. It is the intention of the managers that the information provided in budget justification documents for both accounts regarding this request, including the information submitted on October 15, 1999, will be used as the baseline for any proposed reprogramming of funds.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

The conference agreement appropriates $1,375,000,000 in supplemental funds for this account, of which $1,200,000,000 shall be for grants only for Israel, $25,000,000 shall be for grants only for Egypt, and $150,000,000 shall be for grants only for Jordan. Of the total appropriated, $400,000,000 shall become available for obligation on September 30, 2000. These funds are designated an emergency for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and shall only be available to the extent that an official budget request that designates the entire amount as an emergency requirement pursuant to said Act is transmitted to the Congress.

The bill language reiterates the grant nature of this assistance and that funds are to be expended at the minimum rate necessary to make timely payments for defense articles and services. These provisions are restated in the supplemental for emphasis even though their inclusion is not legally necessary. Indeed, all the terms and conditions applicable to funds under this heading in title III apply to this supplemental appropriation unless there is an explicit exception made.

The conference agreement also includes bill language to maintain procurement of defense articles and defense services in Israel at the current rate of 26.3 percent of the funds appropriated for military assistance. It also provides that, notwithstanding any other provision of this Act, not to exceed $1,370,000,000 of the funds appropriated in title III under this heading shall be disbursed within 30 days of enactment of this Act.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2000 recommended by the Committee of Conference, with comparisons to the fiscal year 1999 amount, the 2000 budget estimates, and the House and Senate bills for 2000 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 1999	$33,330,393
Budget estimates of new (obligational) authority, fiscal year 2000	14,919,535
House bill, fiscal year 2000 (H.R. 2606)	12,668,115
Senate bill, fiscal year 2000 (H.R. 2606)	12,735,655
Conference agreement, fiscal year 2000*	15,359,935
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1999	−17,970,458
Budget estimates of new (obligational) authority, fiscal year 2000	+440,400
House bill, fiscal year 2000	+2,691,820
Senate bill, fiscal year 2000	+2,624,280

*Includes emergency funding of $1,300,000,000 associated with the fiscal year 1999 and fiscal year 2001 requests for the Wye River Accord.

The conference agreement would enact the provisions of H.R. 3423 as introduced on November 17, 1999. The text of that bill follows:

A BILL Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $646,218,000, to remain available until expended, of which $2,147,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487 (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $2,500,000 shall be available in fiscal year 2000 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, $33,529,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $646,218,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities, and of which $2,500,000, to remain available until expended, is for coalbed methane Applications for Permits to Drill in the Powder River Basin: *Provided*, That unless there is a written agreement in place between the coal mining operator and a gas producer, the funds available herein shall not be used to process or approve coalbed methane Applications for Permits to Drill for well sites that are located within an area, which as of the date of the coalbed methane Application for Permit to Drill, are covered by: (1) a coal lease; (2) a coal mining permit; or (3) an application for a coal mining lease: *Provided further*, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, emergency rehabilitation and hazardous fuels reduction by the Department of the Interior, $292,282,000, to remain available until expended, of which not to exceed $9,300,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That unobligated balances of amounts previously appropriated to the "Fire Protection" and "Emergency Department of the Interior Firefighting Fund" may be transferred and merged with this appropriation: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That not more than $58,000 shall be available to the Bureau of Land Management to reimburse Trinity County for expenses incurred as part of the July 2, 1999 Lowden Fire.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $10,000,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: *Provided further*, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $11,425,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $135,000,000, of which not to exceed $400,000 shall be available for administrative expenses: *Provided*, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $15,500,000, to be derived from the Land

and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $99,225,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the general fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, and monitoring salvage timber sales and forest ecosystem health and recovery activities such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 103–66) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $716,046,000, to remain available until September 30, 2001, except as otherwise provided herein, of which $11,701,000 shall remain available until expended for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976, to compensate for loss of fishery resources from water development projects on the Lower Snake River, and of which not less than $2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: *Provided*, That not less than $1,000,000 for high priority projects which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended: *Provided further*, That not to exceed $6,232,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii): *Provided further*, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on his certificate: *Provided further*, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses: *Provided further*, That hereafter, all fines collected by the United States Fish and Wildlife Service for violations of the Marine Mammal Protection Act (16 U.S.C. 1362–1407) and implementing regulations shall be available to the Secretary, without further appropriation, to be used for the expenses of the United States Fish and Wildlife Service in administering activities for the protection and recovery of manatees, polar bears, sea otters, and walruses, and shall remain available until expended: *Provided further*, That, notwithstanding any other provision of law, in fiscal year 1999 and thereafter, sums provided by private entities for activities pursuant to reimbursable agreements shall be credited to the "Resource Management" account and shall remain available until expended: *Provided further*, That, heretofore and hereafter, in carrying out work under reimbursable agreements with any State, local, or tribal government, the United States Fish and Wildlife Service may, without regard to 31 U.S.C. 1341 and notwithstanding any other provision of law or regulation, record obligations against accounts receivable from such entities, and shall credit amounts received from such entities to this appropriation, such credit to occur within 90 days of the date of the original request by the Service for payment: *Provided further*, That all funds received by the United States Fish and Wildlife Service from responsible parties, heretofore and hereafter, for site-specific damages to National Wildlife Refuge System lands resulting from the exercise of privately-owned oil and gas rights associated with such lands in the States of Louisiana and Texas (other than damages recoverable under the Comprehensive Environmental Response, Compensation and Liability Act (26 U.S.C. 4611 et seq.), the Oil Pollution Act (33 U.S.C. 1301 et seq.), or section 311 of the Clean Water Act (33 U.S.C. 1321 et seq.)), shall be available to the Secretary, without further appropriation and until expended to: (1) complete damage assessments of the impacted site by the Secretary; (2) mitigate or restore the damaged resources; and (3) monitor and study the recovery of such damaged resources.

CONSTRUCTION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein: $54,583,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, a single procurement for the construction of facilities at the Alaska Maritime National Wildlife Refuge may be issued which includes the full scope of the project: *Provided further*, That the solicitation and the contract shall contain the clauses "availability of funds" found at 48 CFR 52.232.18.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $50,513,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $23,000,000, to be derived from the Cooperative Endangered Species Conservation Fund, and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $10,779,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $15,000,000, to remain available until expended.

WILDLIFE CONSERVATION AND APPRECIATION FUND

For necessary expenses of the Wildlife Conservation and Appreciation Fund, $800,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), and the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), $2,400,000, to remain available until expended: *Provided*, That funds made available under this Act, Public Law 105–277, and Public Law 105–83 for rhinoceros, tiger, and Asian elephant conservation programs are exempt from any sanctions imposed against any country under section 102 of the Arms Export Control Act (22 U.S.C. 2799aa–1).

COMMERCIAL SALMON FISHERY CAPACITY REDUCTION

For the Federal share of a capacity reduction program to repurchase Washington State Fraser River Sockeye commercial fishery licenses consistent with the implementation of the "June 30, 1999, Agreement of the United States and Canada on the Treaty Between the Government of the United States and the Government of Canada Concerning Pacific Salmon, 1985", $5,000,000, to remain available until expended, and to be provided in the form of a grant directly to the State of Washington Department of Fish and Wildlife.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 70 passenger motor vehicles, of which 61 are for replacement only (including 36 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105–56.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by 16 U.S.C. 1706, $1,365,059,000, of which $8,800,000 is for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended, and of which not to exceed $8,000,000, to remain available until expended, is to be derived from the special fee account established pursuant to title V, section 5201 of Public Law 100–203.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $53,899,000, of which $2,000,000 shall be available to carry out the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), and of which $866,000 shall be available until expended for the Oklahoma City National Memorial Trust, notwithstanding 7(1) of Public Law 105–58: *Provided*, That notwithstanding any other provision of law, the National Park Service may hereafter recover all fees derived from providing necessary review services associated with historic preservation tax certification, and such funds shall be available until expended without further appropriation for the costs of such review services: *Provided further*, That no more than $150,000 may be used for overhead and program administrative expenses for the heritage partnership program.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $75,212,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2001, of which $10,722,000 pursuant to section 507 of Public Law 104–333 shall remain available until expended: *Provided*, That of the total amount provided, $30,000,000 shall be for Save America's Treasures for priority preservation projects, including preservation of intellectual and cultural artifacts, preservation of historic structures and sites, and buildings to house cultural and historic resources and to provide educational opportunities: *Provided further*, That any individual Save America's Treasures grant shall be matched by non-Federal funds: *Provided further*, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations prior to the commitment of grant funds: *Provided further*, That Save America's Treasures funds allocated for Federal projects shall be available by transfer to appropriate accounts of individual agencies, after approval of such projects by the Secretary of the Interior: *Provided further*, That none of the funds provided for Save America's Treasures may be used for administrative expenses, and staffing for the program shall be available from the existing staffing levels in the National Park Service.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $225,493,000, to remain available until expended, of which $885,000 shall be for realignment of the Denali National Park entrance road, of which not less than $3,000,000 shall be available for modifications to the Franklin Delano Roosevelt Memorial: *Provided*, That $3,000,000 for the Wheeling National Heritage Area, $3,000,000 for the Lincoln Library, and $3,000,000 for the Southwest Pennsylvania Heritage Area shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: *Provided further*, That the National Park Service will make available 37 percent, not to exceed $1,850,000, of the total cost of upgrading the Mariposa County, California municipal solid waste disposal system: *Provided further*, That Mariposa County will provide assurance that future use fees paid by the National Park Service will be reflective of the capital contribution made by the National Park Service.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2000 by 16 U.S.C. 4601–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $120,700,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which $21,000,000 is for the State assistance program including $1,000,000 to administer the State assistance program, and of which $10,000,000 may be for State grants for land acquisition in the State of Florida: *Provided*, That funds provided for State grants for land acquisition in the State of Florida are contingent upon the following: (1) submission of detailed legislative language to the House and Senate Committees on Appropriations agreed to by the Secretary of the Interior, the Secretary of the Army and the Governor of Florida that would provide assurances for the guaranteed supply of water to the natural areas in southern Florida, including all National parks, Preserves, Wildlife Refuge lands, and other natural areas to ensure a restored ecosystem; and (2) submission of a complete prioritized non-Federal land acquisition project list: *Provided further*, That after the requirements under this heading have been met, from the funds made available for State grants for land acquisition in the State of Florida the Secretary may provide Federal assistance to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys, including the areas known as the Frog Pond, the Rocky Glades and the Eight and One-Half Square Mile Area) under terms and conditions deemed necessary by the Secretary to improve and restore the hydrological function of the Everglades watershed: *Provided further*, That funds provided under this heading to the State of Florida are contingent upon new matching non-Federal funds by the State and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades: *Provided further*, That of the amount provided herein $2,000,000 shall be made available by the National Park Service, pursuant to a grant agreement, to the State of Wisconsin so that the State may acquire land or interest in land for the Ice Age National Scenic Trail: *Provided further*, That of the amount provided herein $500,000 shall be made available by the National Park Service, pursuant to a grant agreement, to the State of Wisconsin so that the State may acquire land or interest in land for the North Country National Scenic Trail: *Provided further*, That funds provided under this heading to the State of Wisconsin are contingent upon matching funds by the State.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 384 passenger motor vehicles, of which 298 shall be for replacement only, including not to exceed 312 for police-type use, 12 buses, and 6 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $823,833,000, of which $60,856,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $16,400,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $2,000,000 shall remain available until expended for ongoing development of a mineral and geologic data base; and of which $137,604,000 shall be available until September 30, 2001 for the biological research activity and the operation of the Cooperative Research Units: *Provided*, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: *Provided further*, That the United States Geological Survey may hereafter contract directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purposes of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; $110,682,000, of which $84,569,000 shall be available for royalty management activities; and an amount not to exceed $124,000,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: *Provided*, That to the extent $124,000,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $124,000,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further*, That $3,000,000 for computer acquisitions shall remain available until September 30, 2001: *Provided further*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: *Provided further*, That not to exceed $198,000 shall be available to carry out the requirements of section 215(b)(2) of the Water Resources Development Act of 1999.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,118,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $95,891,000: *Provided*, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2000 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $196,208,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: of which up to $8,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: *Provided*, That grants to minimum program States will be $1,500,000 per State in fiscal year 2000: *Provided further*, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed $11,000,000: Provided further, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation for emergency projects: Provided further, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That, in addition to the amount granted to the Commonwealth of Pennsylvania under sections 402(g)(1) and 402(g)(5) of the Surface Mining Control and Reclamation Act (Act), an additional $300,000 will be specifically used for the purpose of conducting a demonstration project in accordance with section 401(c)(6) of the Act to determine the efficacy of improving water quality by removing metals from eligible waters polluted by acid mine drainage: Provided further, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,670,444,000, to remain available until September 30, 2001 except as otherwise provided herein, of which not to exceed $93,684,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $120,229,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2000, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and up to $5,000,000 shall be for the Indian Self-Determination Fund which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts or cooperative agreements with the Bureau under such Act; and of which not to exceed $401,010,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2000, and shall remain available until September 30, 2001; and of which not to exceed $56,991,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $42,160,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2001, may be transferred during fiscal year 2002 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2002.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $169,884,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2000, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e): Provided further, That notwithstanding any other provision of law, collections from the settlements between the United States and the Puyallup tribe concerning Chief Leschi school are made available for school construction in fiscal year 2000 and hereafter.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $27,256,000, to remain available until expended; of which $25,260,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618 and 102–575, and for implementation of other enacted water rights settlements; and of which $1,871,000 shall be available pursuant to Public Laws 99–264, 100–383, 103–402 and 100–580.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, $4,500,000, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $59,682,000.

In addition, for administrative expenses to carry out the guaranteed loan programs, $508,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration (except facilities operations and maintenance) shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro-rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act"). Not later than June 15, 2000, the Secretary of the Interior shall evaluate the effectiveness of Bureau-funded schools sharing facilities with charter schools in the manner described in the preceding sentence and prepare and submit a report on the finding of that evaluation to the Committees on Appropriations of the Senate and of the House.

The Tate Topa Tribal School, the Black Mesa Community School, the Alamo Navajo School, and other Bureau-funded schools subject to the approval of the Secretary of the Interior, may use prior year school operations funds for the replacement or repair of Bureau of Indian Affairs education facilities which are in compliance with 25 U.S.C. 2005(a) and which shall be eligible for operation and maintenance support to the same extent as other Bureau of Indian Affairs education facilities: *Provided*, That any additional construction costs for replacement or repair of such facilities begun with prior year funds shall be completed exclusively with non-Federal funds.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $70,171,000, of which: (1) $66,076,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $4,095,000 shall be available for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That Public Law 94–241, as amended, is further amended: (1) in section 4(b) by striking "2002" and inserting "1999" and by striking the comma after "$11,000,000 annually" and inserting the following: "and for fiscal year 2000, payments to the Commonwealth of the Northern Mariana Islands shall be $5,580,000, but shall return to the level of $11,000,000 annually for fiscal years 2001 and 2002. In fiscal year 2003, the payment to the Commonwealth of the Northern Mariana Islands shall be $5,420,000. Such payments shall be"; and (2) in section (4)(c) by adding a new subsection as follows: "(4) for fiscal year 2000, $5,420,000 shall be provided to the Virgin Islands for correctional facilities and other projects mandated by Federal law.": Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $20,545,000, to remain available until expended, as authorized by Public Law 99-239 and Public Law 99–658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $62,864,000, of which not to exceed $8,500 may be for official reception and representation expenses and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $40,196,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $26,086,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $90,025,000, to remain available until expended: Provided, That funds for trust management improvements may be transferred, as needed, to the Bureau of Indian Affairs "Operation of Indian Programs" account and to the Departmental Management "Salaries and Expenses" account: Provided further, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2000, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of *such funds from which the beneficiary can determine whether there has been a loss: Provided further, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder.*

INDIAN LAND CONSOLIDATION PILOT

INDIAN LAND CONSOLIDATION

For implementation of a pilot program for consolidation of fractional interests in Indian lands by direct expenditure or cooperative agreement, $5,000,000 to remain available until expended and which shall be transferred to the Bureau of Indian Affairs, of which not to exceed $500,000 shall be available for administrative expenses: Provided, That the Secretary may enter into a cooperative agreement, which shall not be subject to Public Law 93–638, as amended, with a tribe having jurisdiction over the pilot reservation to implement the program to acquire fractional interests on behalf of such tribe: Provided further, That the Secretary may develop a reservation-wide system for establishing the fair market value of various types of lands and improvements to govern the amounts offered for acquisition of fractional interests: Provided further, That acquisitions shall be limited to one or more pilot reservations as determined by the Secretary: Provided further, That funds shall be available for acquisition of fractional interest in trust or restricted lands with the consent of its owners and at fair market value, and the Secretary shall hold in trust for such tribe all interests acquired pursuant to this pilot program: Provided further, That all proceeds from any lease, resource sale contract, right-of-way or other transaction derived from the fractional interest shall be credited to this appropriation, and remain available until expended, until the purchase price paid by the Secretary under this appropriation has been recovered from such proceeds: Provided further, That once the purchase price has been recovered, all subsequent proceeds shall be managed by the Secretary for the benefit of the applicable tribe or paid directly to the tribe.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380), and Public Law 101–337, $5,400,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: Provided further, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to "Wildland Fire Management" shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: Provided, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. (a) Employees of Helium Operations, Bureau of Land Management, entitled to severance pay under 5 U.S.C. 5595, may apply for, and the Secretary of the Interior may pay, the total amount of the severance pay to the employee in a lump sum. Employees paid severance pay in a lump sum and subsequently reemployed by the Federal Government shall be subject to the repayment provisions of 5 U.S.C. 5595(i)(2) and (3), except that any repayment shall be made to the Helium Fund.

(b) Helium Operations employees who elect to continue health benefits after separation shall be liable for not more than the required employee contribution under 5 U.S.C. 8905a(d)(1)(A). The Helium Fund shall pay for 18 months the remaining portion of required contributions.

(c) The Secretary of the Interior may provide for training to assist Helium Operations employees in the transition to other Federal or private sector jobs during the facility shut-down and disposition process and for up to 12 months following separation from Federal employment, including retraining and relocation incentives on the same terms and conditions as authorized for employees of the Department of Defense in section 348 of the National Defense Authorization Act for Fiscal Year 1995.

(d) For purposes of the annual leave restoration provisions of 5 U.S.C. 6304(d)(1)(B), the cessation of helium production and sales, and other related Helium Program activities shall be deemed to create an exigency of public business under, and annual leave that is lost during leave years 1997 through 2001 because of 5 U.S.C. 6304 (regardless of whether such leave was scheduled in advance) shall be restored to the employee and shall be credited and available in accordance with 5 U.S.C. 6304(d)(2). Annual leave so restored and remaining unused upon the transfer of a Helium Program employee to a position of the executive branch outside of the Helium Program shall be liquidated by payment to the employee of a lump sum from the Helium Fund for such leave.

(e) Benefits under this section shall be paid from the Helium Fund in accordance with section 4(c)(4) of the Helium Privatization Act of 1996. Funds may be made available to Helium Program employees who are or will be separated before October 1, 2002 because of the cessation of helium production and sales and other related activities. Retraining benefits, including retraining and relocation incentives, may be paid for retraining commencing on or before September 30, 2002.

(f) This section shall remain in effect through fiscal year 2002.

SEC. 113. Notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, hereafter funds available to the Department of the Interior for Indian self-determination or self-governance contract or grant support costs may be expended only for costs directly attributable to contracts, grants and compacts pursuant to the Indian Self-Determination Act of 1975 and hereafter funds appropriated in this title shall not be available for any contract support costs or indirect costs associated with any contract, grant, cooperative agreement, self-governance compact or funding agreement entered into between an Indian tribe or tribal organization and any entity other than an agency of the Department of the Interior.

SEC. 114. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 115. Notwithstanding any other provision of law, in fiscal year 2000 and thereafter, the Secretary is authorized to permit persons, firms or organizations engaged in commercial, cultural, educational, or recreational activities (as defined in section 612a of title 40, United States Code) not currently occupying such space to use courtyards, auditoriums, meeting rooms, and other space of the main and south Interior building complex, Washington, D.C., the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, and to assess reasonable charges therefore, subject to such procedures as the Secretary deems appropriate for such uses. Charges may be for the space, utilities, maintenance, repair, and other services. Charges for such space and services may be at rates equivalent to the prevailing commercial rate for comparable space and services devoted to a similar purpose in the vicinity of the main and south Interior building complex, Washington, D.C., for which charges are being assessed. The Secretary may without further appropriation hold, administer, and use such proceeds within the Departmental Management Working Capital Fund to offset the operation of the buildings under his jurisdiction, whether delegated or otherwise, and for related purposes, until expended.

SEC. 116. Notwithstanding any other provision of law, the Steel Industry American Heritage Area, authorized by Public Law 104–333, is hereby renamed the Rivers of Steel National Heritage Area.

SEC. 117. (a) In this section—

(1) the term "Huron Cemetery" means the lands that form the cemetery that is popularly known as the Huron Cemetery, located in Kansas City, Kansas, as described in subsection (b)(3); and

(2) the term "Secretary" means the Secretary of the Interior.

(b)(1) The Secretary shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery (as described in paragraph (3)) are used only in accordance with this subsection.

(2) The lands of the Huron Cemetery shall be used only—

(A) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and

(B) as a burial ground.

(3) The description of the lands of the Huron Cemetery is as follows:

The tract of land in the NW quarter of sec. 10, T. 11 S., R. 25 E., of the sixth principal meridian, in Wyandotte County, Kansas (as surveyed and marked on the ground on August 15, 1888, by William Millor, Civil Engineer and Surveyor), described as follows:

"Commencing on the Northwest corner of the Northwest Quarter of the Northwest Quarter of said Section 10;

"Thence South 28 poles to the 'true point of beginning';

"Thence South 71 degrees East 10 poles and 18 links;

"Thence South 18 degrees and 30 minutes West 28 poles;

"Thence West 11 and one-half poles;

"Thence North 19 degrees 15 minutes East 31 poles and 15 feet to the 'true point of beginning', containing 2 acres or more.".

SEC. 118. Refunds or rebates received on an on-going basis from a credit card services provider under the Department of the Interior's charge card programs may be deposited to and retained without fiscal year limitation in the Departmental Working Capital Fund established under 43 U.S.C. 1467 and used to fund management initiatives of general benefit to the Department of the Interior's bureaus and offices as determined by the Secretary or his designee.

SEC. 119. Appropriations made in this title under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management activities pursuant to the Trust Management Improvement Project High Level Implementation Plan.

SEC. 120. All properties administered by the National Park Service at Fort Baker, Golden Gate National Recreation Area, and leases, concessions, permits and other agreements associated with those properties, hereafter shall be exempt from all taxes and special assessments, except sales tax, by the State of California and its political subdivisions, including the County of Marin and the City of Sausalito. Such areas of Fort Baker shall remain under exclusive Federal jurisdiction.

SEC. 121. Notwithstanding any provision of law, the Secretary of the Interior is authorized to negotiate and enter into agreements and leases, without regard to section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b), with any person, firm, association, organization, corporation, or governmental entity for all or part of the property within Fort Baker administered by the Secretary as part of Golden Gate National Recreation Area. The proceeds of the agreements or leases shall be retained by the Secretary and such proceeds shall be available, without future appropriation, for the preservation, restoration, operation, maintenance and interpretation and related expenses incurred with respect to Fort Baker properties.

SEC. 122. Section 211(d) of division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4110; 16 U.S.C. 81p) is amended by striking "depicted on the map dated August 1993, numbered 333/80031A," and inserting "depicted on the map dated August 1996, numbered 333/80031B,".

SEC. 123. A grazing permit or lease that expires (or is transferred) during fiscal year 2000 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752) or if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expiring permit or lease shall continue in effect under the new permit or lease until such time as the Secretary of the Interior completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary's statutory authority.

SEC. 124. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: Provided, That the Secretary may only appoint such Indian probate judges if, by January 1, 2000, the Secretary is unable to secure the services of at least 10 qualified Administrative Law Judges on a temporary basis from other agencies and/or through appointing retired Administrative Law Judges: Provided further, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States

Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 125. (a) LOAN TO BE GRANTED.—Notwithstanding any other provision of law or of this Act, the Secretary of the Interior (hereinafter the "Secretary"), in consultation with the Secretary of the Treasury, shall make available to the Government of American Samoa (hereinafter "ASG"), the benefits of a loan in the amount of $18,600,000 bearing interest at a rate equal to the United States Treasury cost of borrowing for obligations of similar duration. Repayment of the loan shall be secured and accomplished pursuant to this section with funds, as they become due and payable to ASG from the Escrow Account established under the terms and conditions of the Tobacco Master Settlement Agreement (and the subsequent Enforcing Consent Decree) (hereinafter collectively referred to as "the Agreement") entered into by the parties November 23, 1998, and judgment granted by the High Court of American Samoa on January 5, 1999 (Civil Action 119–98, American Samoa Government v. Philip Morris Tobacco Co., et. al.).

(b) CONDITIONS REGARDING LOAN PROCEEDS.—Except as provided under subsection (e), no proceeds of the loan described in this section shall become available until ASG—

(1) has enacted legislation, or has taken such other or additional official action as the Secretary may deem satisfactory to secure and ensure repayment of the loan, irrevocably transferring and assigning for payment to the Department of the Interior (or to the Department of the Treasury, upon agreement between the Secretaries of such departments) all amounts due and payable to ASG under the terms and conditions of the Agreement for a period of 26 years with the first payment beginning in 2000, such repayment to be further secured by a pledge of the full faith and credit of ASG;

(2) has entered into an agreement or memorandum of understanding described in subsection (c) with the Secretary identifying with specificity the manner in which approximately $14,300,000 of the loan proceeds will be used to pay debts of ASG incurred prior to April 15, 1999; and

(3) has provided to the Secretary an initial plan of fiscal and managerial reform as described in subsection (d) designed to bring the ASG's annual operating expenses into balance with projected revenues for the years 2003 and beyond, and identifying the manner in which approximately $4,300,000 of the loan proceeds will be utilized to facilitate implementation of the plan.

(c) PROCEDURE AND PRIORITIES FOR DEBT PAYMENTS.—

(1) In structuring the agreement or memorandum of understanding identified in subsection (b)(2), the ASG and the Secretary shall include provisions, which create priorities for the payment of creditors in the following order—

(A) debts incurred for services, supplies, facilities, equipment and materials directly connected with the provision of health, safety and welfare functions for the benefit of the general population of American Samoa (including, but not limited to, health care, fire and police protection, educational programs grades K–12, and utility services for facilities belonging to or utilized by ASG and its agencies), wherein the creditor agrees to compromise and settle the existing debt for a payment not exceeding 75 percent of the amount owed, shall be given the highest priority for payment from the loan proceeds under this section;

(B) debts not exceeding a total amount of $200,000 owed to a single provider and incurred for any legitimate governmental purpose for the benefit of the general population of American Samoa, wherein the creditor agrees to compromise and settle the existing debt for a payment not exceeding 70 percent of the amount owed, shall be given the second highest priority for payment from the loan proceeds under this section;

(C) debts exceeding a total amount of $200,000 owed to a single provider and incurred for any legitimate governmental purpose for the benefit of the general population of American Samoa, wherein the creditor agrees to compromise and settle the existing debt for a payment not exceeding 65 percent of the amount owed, shall be given the third highest priority for payment from the loan proceeds under this section;

(D) other debts regardless of total amount owed or purpose for which incurred, wherein the creditor agrees to compromise and settle the existing debt for a payment not exceeding 60 percent of the amount owed, shall be given the fourth highest priority for payment from the loan proceeds under this section;

(E) debts described in subparagraphs (A), (B), (C), and (D) of this paragraph, wherein the creditor declines to compromise and settle the debt for the percentage of the amount owed as specified under the applicable subparagraph, shall be given the lowest priority for payment from the loan proceeds under this section.

(2) The agreement described in subsection (b)(2) shall also generally provide a framework whereby the Governor of American Samoa shall, from time-to-time, be required to give 10 business days notice to the Secretary that ASG will make payment in accordance with this section to specified creditors and the amount which will be paid to each of such creditors. Upon issuance of payments in accordance with the notice, the Governor shall immediately confirm such payments to the Secretary, and the Secretary shall within three business days following receipt of such confirmation transfer from the loan proceeds an amount sufficient to reimburse ASG for the payments made to creditors.

(3) The agreement may contain such other provisions as are mutually agreeable, and which are calculated to simplify and expedite the payment of existing debt under this section and ensure the greatest level of compromise and settlement with creditors in order to maximize the retirement of ASG debt.

(d) FISCAL AND MANAGERIAL REFORM PROGRAM.—

(1) The initial plan of fiscal and managerial reform, designed to bring ASG's annual operating expenses into balance with projected revenues for the years 2003 and beyond as required under subsection (b)(3), should identify specific measures which will be implemented by ASG to accomplish such goal, the anticipated reduction in government operating expense which will be achieved by each measure, and should include a timetable for attainment of each reform measure identified therein.

(2) The initial plan should also identify with specificity the manner in which approximately $4,300,000 of the loan proceeds will be utilized to assist in meeting the reform plan's targets within the timetable specified through the use of incentives for early retirement, severance pay packages, outsourcing services, or any other expenditures for program elements reasonably calculated to result in reduced future operating expenses for ASG on a long term basis.

(3) Upon receipt of the initial plan, the Secretary shall consult with the Governor of American Samoa, and shall make any recommendations deemed reasonable and prudent to ensure the goals of reform are achieved. The reform plan shall contain objective criteria that can be documented by a competent third party, mutually agreeable to the Governor and the Secretary. The plan shall include specific targets for reducing the amounts of ASG local revenues expended on government payroll and overhead (including contracts for consulting services), and may include provisions which allow modest increases in support of the LBJ Hospital Authority reasonably calculated to assist the Authority implement reforms which will lead to an independent audit indicating annual expenditures at or below annual Authority receipts.

(4) The Secretary shall enter into an agreement with the Governor similar to that specified in subsection (c)(2) of this section, enabling ASG to make payments as contemplated in the reform plan and then to receive reimbursement from the Secretary out of the portion of loan proceeds allocated for the implementation of fiscal reforms.

(5) Within 60 days following receipt of the initial plan, the Secretary shall approve an interim final plan reasonably calculated to make substantial progress toward overall reform. The Secretary shall provide copies of the plan, and any subsequent modifications, to the House Committee on Resources, the House Committee on Appropriations Subcommittee on the Department of the Interior and Related Agencies, the Senate Committee on Energy and Natural Resources, and the Senate Committee on Appropriations Subcommittee on the Department of the Interior and Related Agencies.

(6) From time-to-time as deemed necessary, the Secretary shall consult further with the Governor of American Samoa, and shall approve such mutually agreeable modifications to the interim final plan as circumstances warrant in order to achieve the overall goals of ASG fiscal and managerial reforms.

(e) RELEASE OF LOAN PROCEEDS.—From the total proceeds of the loan described in this section, the Secretary shall make available—

(1) upon compliance by ASG with paragraphs (b)(1) and (b)(2) of this section and in accordance with subsection (c), approximately $14,300,000 in reimbursements as requested from time-to-time by the Governor for payments to creditors;

(2) upon compliance by ASG with paragraphs (b)(1) and (b)(3) of this section and in accordance with subsection (d), approximately $4,300,000 in reimbursements as requested from time-to-time by the Governor for payments associated with implementation of the interim final reform plan; and

(3) notwithstanding paragraphs (1) and (2) of this subsection, at any time the Secretary and the Governor mutually determine that the amount necessary to fund payments under paragraph (2) will total less than $4,300,000 then the Secretary may approve the amount of any unused portion of such sum for additional payments against ASG debt under paragraph (1).

(f) EXCEPTION.—Proceeds from the loan under this section shall be used solely for the purposes of debt payments and reform plan implementation as specified herein, except that the Secretary may provide an amount equal to not more than 2 percent of the total loan proceeds for the purpose of retaining the services of an individual or business entity to provide direct assistance and management expertise in carrying out the purposes of this section. Such individual or business entity shall be mutually agreeable to the Governor and the Secretary, may not be a current or former employee of, or contractor for, and may not be a creditor of ASG. Notwithstanding the preceding two sentences, the Governor and the Secretary may agree to also retain the services of any semi-autonomous agency of ASG which has established a record of sound management and fiscal responsibility, as evidenced by audited financial reports for at least three of the past 5 years, to coordinate with and assist any individual or entity retained under this subsection.

(g) CONSTRUCTION.—The provisions of this section are expressly applicable only to the utilization of proceeds from the loan described in this section, and nothing herein shall be construed to relieve ASG from any lawful debt or obligation except to the extent a creditor shall voluntarily enter into an arms length agreement to compromise and settle outstanding amounts under subsection (c).

(h) TERMINATION.—The payment of debt and the payments associated with implementation of the interim final reform plan shall be completed not later than October 1, 2003. On such date, any unused loan proceeds totaling $1,000,000 or less shall be transferred by the Secretary directly to ASG. If the amount of unused loan proceeds exceeds $1,000,000, then such amount shall be credited to the total of loan repayments specified in paragraph (b)(1). With approval of the Secretary, ASG may designate additional payments from time-to-time from funds available from any source, without regard to the original purpose of such funds.

SEC. 126. The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service and in consultation with the Director of the National Park Service, shall undertake the necessary activities to designate Midway Atoll as a National Memorial to the Battle of Midway. In pursuing such a designation the Secretary shall consult with organizations with an interest in Midway Atoll. The Secretary shall consult on a regular basis with such organizations, including the International Midway Memorial Foundation, Inc. on the management of the National Memorial.

SEC. 127. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2000. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 128. None of the Funds provided in this Act shall be available to the Bureau of Indian Affairs or the Department of the Interior to transfer land into trust status for the Shoalwater Bay Indian Tribe in Clark County, Washington, unless and until the tribe and the county reach a legally enforceable agreement that addresses the financial impact of new development on the county, school district, fire district, and other local governments and the impact on zoning and development.

SEC. 129. None of the funds provided in this Act may be used by the Department of the Interior to implement the provisions of Principle 3(C)ii and Appendix section 3(B)(4) in Secretarial Order 3206, entitled "American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act".

SEC. 130. Of the funds appropriated in title V of the Fiscal Year 1998 Interior and Related Agencies Appropriation Act, Public Law 105–83, the Secretary shall provide up to $2,000,000 in the form of a grant to the Fairbanks North Star Borough for acquisition of undeveloped parcels along the banks of the Chena River for the purpose of establishing an urban greenbelt within the Borough. The Secretary shall further provide from the funds appropriated in title V up to $1,000,000 in the form of a grant to the Municipality of Anchorage for the acquisition of approximately 34 acres of wetlands adjacent to a municipal park in Anchorage (the Jewel Lake Wetlands).

SEC. 131. FUNDING FOR THE OTTAWA NATIONAL WILDLIFE REFUGE AND CERTAIN PROJECTS IN THE STATE OF OHIO. Notwithstanding any other provision of law, from the unobligated balances appropriated for a grant to the State of Ohio for the acquisition of the Howard Farm near Metzger Marsh, Ohio—

(1) $500,000 shall be derived by transfer and made available for the acquisition of land in the Ottawa National Wildlife Refuge;

(2) $302,000 shall be derived by transfer and made available for the Dayton Aviation Heritage Commission, Ohio; and

(3) $198,000 shall be derived by transfer and made available for a grant to the State of Ohio for the preservation and restoration of the birthplace, boyhood home, and schoolhouse of Ulysses S. Grant.

SEC. 132. CONVEYANCE TO NYE COUNTY, NEVADA. (a) DEFINITIONS.—In this section:

(1) COUNTY.—The term "County" means Nye County, Nevada.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(b) PARCELS CONVEYED FOR USE OF THE NEVADA SCIENCE AND TECHNOLOGY CENTER.—

(1) IN GENERAL.—The Secretary shall convey to the County, subject to the requirements of 43 U.S.C. 869 and subject to valid existing rights, all right, title, and interest in and to the parcels of public land described in paragraph (2). Such conveyance shall be made at a price determined to be appropriate for the conveyance of land for educational facilities under the Act of June 14, 1926 (43 U.S.C. 869 et seq.) and in accordance with the Bureau of Land Management Document entitled "Recreation and Public Purposes Act", dated October 1994, under the category of Special Pricing Program Uses for Governmental Entities.

(2) LAND DESCRIPTION.—The parcels of public land referred to in paragraph (1) are the following:

(A) The portion of Sec. 13 north of United States Route 95, T. 15 S., R. 49 E., Mount Diablo Meridian, Nevada.

(B) In Sec. 18, T. 15 S., R. 50 E., Mount Diablo Meridian, Nevada:

(i) W ½ W ½ NW ¼.

(ii) The portion of the W ½ W ½ SW ¼ north of United States Route 95.

(3) USE.—

(A) IN GENERAL.—The parcels described in paragraph (2) shall be used for the construction and operation of the Nevada Science and Technology Center as a nonprofit museum and exposition center, and related facilities and activities.

(B) REVERSION.—The conveyance of any parcel described in paragraph (2) shall be subject to reversion to the United States, at the discretion of Secretary, if the parcel is used for a purpose other than that specified in subparagraph (A).

(c) PARCELS CONVEYED FOR OTHER USE FOR A COMMERCIAL PURPOSE.—

(1) RIGHT TO PURCHASE.—For a period of 5 years beginning on the date of the enactment of this Act, the County shall have the exclusive right to purchase the parcels of public land described in paragraph (2) for the fair market value of the parcels, as determined by the Secretary.

(2) LAND DESCRIPTION.—The parcels of public land referred to in paragraph (1) are the following parcels in Sec. 18, T. 15 S., R. 50 E., Mount Diablo Meridian, Nevada:

(A) E ½ NW ¼.

(B) E ½ W ½ NW ¼.

(C) The portion of the E ½ SW ¼ north of United States Route 95.

(D) The portion of the E ½ W ½ SW ¼ north of United States Route 95.

(E) The portion of the SE ¼ north of United States Route 95.

(3) USE OF PROCEEDS.—Proceeds of a sale of a parcel described in paragraph (2)—

(A) shall be deposited in the special account established under section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345); and

(B) shall be available for use by the Secretary—

(i) to reimburse costs incurred by the local offices of the Bureau of Land Management in arranging the land conveyances directed by this Act; and

(ii) as provided in section 4(e)(3) of that Act (112 Stat. 2346).

SEC. 133. CONVEYANCE OF LAND TO CITY OF MESQUITE, NEVADA. Section 3 of Public Law 99-548 (100 Stat. 3061; 110 Stat. 3009–202) is amended by adding at the end the following:

"(e) FIFTH AREA.—

"(1) RIGHT TO PURCHASE.—

"(A) IN GENERAL.—For a period of 12 years after the date of the enactment of this Act, the City of Mesquite, Nevada, subject to all appropriate environmental reviews, including compliance with the National Environmental Policy Act and the Endangered Species Act, shall have the exclusive right to purchase the parcels of public land described in paragraph (2).

"(B) APPLICABILITY.—Subparagraph (A) shall apply to a parcel of land described in paragraph (2) that has not been identified for disposal in the 1998 Bureau of Land Management Las Vegas Resource Management Plan only if the conveyance is made under subsection (f).

"(2) LAND DESCRIPTION.—The parcels of public land referred to in paragraph (1) are as follows:

"(A) In T. 13 S., R. 70 E., Mount Diablo Meridian, Nevada:

"(i) The portion of sec. 27 north of Interstate Route 15.

"(ii) Sec. 28: NE ¼, S ½ (except the Interstate Route 15 right-of-way).

"(iii) Sec. 29: E ½ NE ¼ SE ¼, SE ¼ SE ¼.

"(iv) The portion of sec. 30 south of Interstate Route 15.

"(v) The portion of sec. 31 south of Interstate Route 15.

"(vi) Sec. 32: NE ¼ NE ¼ (except the Interstate Route 15 right-of-way), the portion of NW ¼ NE ¼ south of Interstate Route 15, and the portion of W ½ south of Interstate Route 15.

"(vii) The portion of sec. 33 north of Interstate Route 15.

"(B) In T. 13 S., R. 69 E., Mount Diablo Meridian, Nevada:

"(i) The portion of sec. 25 south of Interstate Route 15.

"(ii) The portion of sec. 26 south of Interstate Route 15.

"(iii) The portion of sec. 27 south of Interstate Route 15.

"(iv) Sec. 28: SW ¼ SE ¼.

"(v) Sec. 33: E ½.

"(vi) Sec. 34.

"(vii) Sec. 35.

"(viii) Sec. 36.

"(3) NOTIFICATION.—Not later than 10 years after the date of the enactment of this subsection, the city shall notify the Secretary which of the parcels of public land described in paragraph (2) the city intends to purchase.

"(4) CONVEYANCE.—Not later than 1 year after receiving notification from the city under paragraph (3), the Secretary shall convey to the city the land selected for purchase.

"(5) WITHDRAWAL.—Subject to valid existing rights, until the date that is 12 years after the date of the enactment of this subsection, the parcels of public land described in paragraph (2) are withdrawn from all forms of entry and appropriation under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws.

"(6) USE OF PROCEEDS.—The proceeds of the sale of each parcel—

"(A) shall be deposited in the special account established under section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345); and

"(B) shall be available for use by the Secretary—

"(i) to reimburse costs incurred by the local offices of the Bureau of Land Management in arranging the land conveyances directed by this Act; and

"(ii) as provided in section 4(e)(3) of that Act (112 Stat. 2346).

"(f) SIXTH AREA.—

"(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this subsection, the Secretary shall convey to the City of Mesquite, Nevada, in accordance with section 47125 of title 49, United States Code, and subject to all appropriate environmental reviews, including compliance with the National Environmental Policy Act and the Endangered Species Act, up to 2,560 acres of public land to be selected by the city from among the parcels of land described in paragraph (2).

"(2) LAND DESCRIPTION.—The parcels of land referred to in paragraph (1) are as follows:

"(A) In T. 13 S., R. 69 E., Mount Diablo Meridian, Nevada:

"(i) The portion of sec. 28 south of Interstate Route 15 (except S ½ SE ¼).

"(ii) The portion of sec. 29 south of Interstate Route 15.

"(iii) The portion of sec. 30 south of Interstate Route 15.

"(iv) The portion of sec. 31 south of Interstate Route 15.

"(v) Sec. 32.

"(vi) Sec. 33: W ½.

"(B) In T. 14 S., R. 69 E., Mount Diablo Meridian, Nevada:

"(i) Sec. 4.

"(ii) Sec. 5.

"(iii) Sec. 6.

"(iv) Sec. 8.

"(C) In T. 14 S., R. 68 E., Mount Diablo Meridian, Nevada:

"(i) Sec. 1.

"(ii) Sec. 12.

"(3) WITHDRAWAL.—Subject to valid existing rights, until the date that is 12 years after the date of the enactment of this subsection, the parcels of public land described in paragraph (2) are withdrawn from all forms of entry and appropriation under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws.

"(4) If the land conveyed pursuant to this section is not utilized by the city as an airport it shall revert to the United States, at the option of the Secretary.

"(5) Nothing in this section shall preclude the Secretary from applying appropriate terms and conditions as identified by the required environmental review to any conveyance made under this section.".

SEC. 134. QUADRICENTENNIAL COMMEMORATION OF THE SAINT CROIX ISLAND INTERNATIONAL HISTORIC SITE. (a) FINDINGS.—The Senate finds that—

(1) in 1604, one of the first European colonization efforts was attempted at St. Croix Island in Calais, Maine;

(2) St. Croix Island settlement predated both the Jamestown and Plymouth colonies;

(3) St. Croix Island offers a rare opportunity to preserve and interpret early interactions between European explorers and colonists and Native Americans;

(4) St. Croix Island is one of only two international historic sites comprised of land administered by the National Park Service;

(5) the quadricentennial commemorative celebration honoring the importance of the St. Croix Island settlement to the countries and people of both Canada and the United States is rapidly approaching;

(6) the 1998 National Park Service management plans and long-range interpretive plan call for enhancing visitor facilities at both Red Beach and downtown Calais;

(7) in 1982, the Department of the Interior and Canadian Department of the Environment signed a memorandum of understanding to recognize the international significance of St. Croix Island and, in an amendment memorandum, agreed to conduct joint strategic planning for the international commemoration with a special focus on the 400th anniversary of settlement in 2004;

(8) the Department of Canadian Heritage has installed extensive interpretive sites on the Canadian side of the border; and

(9) current facilities at Red Beach and Calais are extremely limited or nonexistent for a site of this historic and cultural importance.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) using funds made available by this Act, the National Park Service should expeditiously pursue planning for exhibits at Red Beach and the town of Calais, Maine; and

(2) the National Park Service should take what steps are necessary, including consulting with the people of Calais, to ensure that appropriate exhibits at Red Beach and the town of Calais are completed by 2004.

SEC. 135. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 136. None of the funds appropriated or otherwise made available in this Act or any other provision of law, may be used by any officer, employee, department or agency of the United States to impose or require payment of an inspection fee in connection with the export of shipments of fur-bearing wildlife containing 1,000 or fewer raw, crusted, salted or tanned hides or fur skins, or separate parts thereof, including species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora done at Washington, March 3, 1973 (27 UST 1027): Provided, That this provision shall for the duration of the calendar year in which the shipment occurs, not apply to any person who ships more than 2,500 of such hides, fur skins or parts thereof during the course of such year.

SEC. 137. (a) The Secretary of the Interior shall during fiscal year 2000 reorganize and consolidate the Bureau of Indian Affairs' management and administrative functions based on the recommendations of the National Academy of Public Administration.

(b) Bureau of Indian Affairs employees in Central Office West divisions that are moved due to the implementation of the National Academy of Public Administration recommendations, who voluntarily resign or retire from the Bureau of Indian Affairs on or before December 31, 1999, may receive, from the Bureau of Indian Affairs, a lump sum voluntary separation incentive payment that shall be equal to the lesser of an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section; or $25,000.

(1) The voluntary separation incentive payment—

(A) shall not be a basis for payment, and shall not be included in the computation of any other type of Government benefit; and

(B) shall be paid from appropriations or funds available for the payment of the basic pay of the employee.

(2) Employees receiving a voluntary separation incentive payment and accepting employment with the Federal Government within 5 years of the date of separation shall be required to repay the entire amount of the incentive payment to the Bureau of Indian Affairs.

(3) The Secretary may, at the request of the head of an executive branch agency, waive the repayment under paragraph (2) if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(4) In addition to any other payment which is required to be made under subchapter III of chapter 83 of title 5, United States Code, the Bureau of Indian Affairs shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the Bureau of Indian Affairs to whom a voluntary separation incentive payment has been or is to be paid under the provisions of this section.

(c) Employees of the Bureau of Indian Affairs, in Central Office West divisions that are moved due to the implementation of the National Academy of Public Administration recommendations and who are entitled to severance pay under 5 U.S.C. 5595, may apply for, and the Bureau of Indian Affairs may pay, the total amount of severance pay to the employee in a lump sum. Employees paid severance pay in a lump sum and subsequently reemployed by the Federal Government shall be subject to the repayment provisions of 5 U.S.C. 5595(i)(2) and (3), except that any repayment shall be made to the Bureau of Indian Affairs.

(d) Employees of the Bureau of Indian Affairs, in Central Office West divisions that are moved due to the implementation of the National Academy of Public Administration recommendations and who voluntarily resign on or before December 31, 1999, or who are separated, shall be liable for not more than the required employee contribution under 5 U.S.C. 8905a(d)(1)(A) if they elect to continue health benefits after separation. The Bureau of Indian Affairs shall pay for 12 months the remaining portion of required contributions.

SEC. 138. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands from the Haines Borough, Alaska, consisting of approximately 20 acres, more or less, in four tracts identified for this purpose by the Borough, and contained in an area formerly known as "Duncan's Camp"; the Secretary shall use $340,000 previously allocated from funds appropriated for the Department of the Interior for fiscal year 1998 for acquisition of lands; the Secretary is authorized to convey in fee all land and interests in land acquired pursuant to this section without compensation to the heirs of Peter Duncan in settlement of a claim filed by them against the United States: Provided, That the Secretary shall not convey the lands acquired pursuant to this section unless and until a signed release of all claims is executed.

SEC. 139. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2000 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 140. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such *reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.*

Sec. 141. None of the funds made available by this Act shall be used to issue a notice of final rulemaking with respect to the valuation of crude oil for royalty purposes until March 15, 2000. The rulemaking must be consistent with existing statutory requirements.

Sec. 142. Extension of Authority for Establishment of Thomas Paine Memorial. (a) In General.—Public Law 102–407 (40 U.S.C. 1003 note; 106 Stat. 1991) is amended by adding at the end the following:

"SEC. 4. EXPIRATION OF AUTHORITY.

"Notwithstanding the time period limitation specified in section 10(b) of the Commemorative Works Act (40 U.S.C. 1010(b)) or any other provision of law, the authority for the Thomas Paine National Historical Association to establish a memorial to Thomas Paine in the District of Columbia under this Act shall expire on December 31, 2003.".

(b) Conforming Amendments.—

(1) Applicable law.—Section 1(b) of Public Law 102–407 (40 U.S.C. 1003 note; 106 Stat. 1991) is amended by striking "The establishment" and inserting "Except as provided in section 4, the establishment".

(2) Expiration of authority.—Section 3 of Public Law 102–407 (40 U.S.C. 1003 note; 106 Stat. 1991) is amended—

(A) by striking "or upon expiration of the authority for the memorial under section 10(b) of that Act," and inserting "or on expiration of the authority for the memorial under section 4,"; and

(B) by striking "section 8(b)(1) of that Act" and inserting "section 8(b)(1) of the Commemorative Works Act (40 U.S.C. 1008(b)(1))".

Sec. 143. Use of National Park Service Transportation Service Contract Fees. Section 412 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5961) is amended—

(1) by inserting "(a) In General.—" before "Notwithstanding"; and

(2) by adding at the end the following:

"(b) Obligation of Funds.—Notwithstanding any other provision of law, with respect to a service contract for the provision solely of transportation services at Zion National Park, the Secretary may obligate the expenditure of fees received in fiscal year 2000 under section 501 before the fees are received.".

Sec. 144. Extension of Deadline for Red Rock Canyon National Conservation Area. (a) In General.—Section 3(c)(1) of Public Law 103–450 (108 Stat. 4767) is amended by striking "the date 5 years after the date of enactment of this Act" and inserting "May 2, 2000".

(b) Effective Date.—The amendment made by subsection (a) takes effect on November 1, 1999.

Sec. 145. National Park Passport Program. Section 603(c)(1) of the National Park Omnibus Management Act of 1998 (16 U.S.C. 5993(c)(1)) is amended by striking "10" and inserting "15".

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

Forest Service

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $202,700,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, cooperative forestry, and education and land conservation activities, $202,534,000, to remain available until expended, as authorized by law.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for administrative expenses associated with the management of funds provided under the headings "Forest and Rangeland Research", "State and Private Forestry", "National Forest System", "Wildland Fire Management", "Reconstruction and Maintenance", . and "Land Acquisition", $1,269,504,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): Provided, That unobligated balances available at the start of fiscal year 2000 shall be displayed by extended budget line item in the fiscal year 2001 budget justification.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned-over National Forest System lands and water, $561,354,000, to remain available until expended: Provided, That such funds are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 1999 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): Provided further, That notwithstanding any other provision of law, up to $4,000,000 of funds appropriated under this appropriation may be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest Service and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research.

For an additional amount to cover necessary expenses for emergency rehabilitation, presuppression due to emergencies, and wildfire suppression activities of the Forest Service, $90,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That these funds shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RECONSTRUCTION AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $398,927,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: Provided, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: Provided further, That any unobligated balances of amounts previously appropriated to the Forest Service "Reconstruction and Construction" account as well as any unobligated balances remaining in the "National Forest System" account for the facility maintenance and trail maintenance extended budget line items at the end of fiscal year 1999 may be transferred to and merged with the "Reconstruction and Maintenance" account.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $79,575,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which not to exceed $40,000,000 may be available for the acquisition of lands or interests within the tract known as the Baca Location No. 1 in New Mexico only upon: (1) the enactment of legislation authorizing the acquisition of lands, or interests in lands, within such tract; (2) completion of a review, not to exceed 90 days, by the Comptroller General of the United States of an appraisal conforming with the Uniform Appraisal Standards for Federal Land Acquisition of all lands and interests therein to be acquired by the United States; and (3) submission of the Comptroller General's review of such appraisal to the Committee on Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committees on Appropriations of the House and Senate: Provided, That subject to valid existing rights, all federally-owned lands and interests in lands within the New World Mining District comprising approximately 26,223 acres, more or less, which are described in a Federal Register notice dated August 19, 1997 (62 Fed. Reg. 44136–44137), are hereby withdrawn from all forms of entry, appropriation, and disposal under the public land laws, and from location, entry and patent under the mining laws, and from disposition under all mineral and geothermal leasing laws.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 110 passenger motor vehicles of which 15 will be used primarily for law enforcement purposes and of which 109 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed three for replacement only, and acquisition of sufficient aircraft from excess sources to maintain the operable fleet at 213 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein, pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901-5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading "Wildland Fire Management" have been released by the President and apportioned.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report No. 105–163.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105-163.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Funds available to the Forest Service shall be available to conduct a program of not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408.

Of the funds available to the Forest Service, $1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

To the greatest extent possible, and in accordance with the Final Amendment to the Shawnee National Forest Plan, none of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of even-aged management in hardwood stands in the Shawnee National Forest, Illinois.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $2,250,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That of the Federal funds made available to the Foundation, no more than $400,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That hereafter, the National Forest Foundation may hold Federal funds made available but not immediately disbursed and may use any interest or other investment income earned (before, on, or after the date of the enactment of this Act) on Federal funds to carry out the purposes of Public Law 101–593: Provided further, That such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 93–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum as Federal financial assistance, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the "National Forest System" and "Reconstruction and Construction" accounts and planned to be allocated to activities under the "Jobs in the Woods" program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

The Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark: Provided, That, subject to such terms and conditions as the Secretary of Agriculture may prescribe, any such public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of, or in connection with, the activities and services at the Grey Towers National Historic Landmark: Provided further, That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.

Funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County, California, pursuant to sections 13(e) and 14 of the Smith River National Recreation Area Act (Public Law 101–612).

For purposes of the Southeast Alaska Economic Disaster Fund as set forth in section 101(c) of Public Law 104–134, the direct grants provided from the Fund shall be considered direct payments for purposes of all applicable law except that these direct grants may not be used for lobbying activities: Provided, That a total of $22,000,000 is hereby appropriated and shall be deposited into the Southeast Alaska Economic Disaster Fund established pursuant to Public Law 104–134, as amended, without further appropriation or fiscal year limitation of which $10,000,000 shall be distributed in fiscal year 2000, $7,000,000 shall be distributed in fiscal year 2001, and $5,000,000 shall be distributed in fiscal year 2002. The Secretary of Agriculture shall allocate the funds to local communities suffering economic hardship because of mill closures and economic dislocation in the timber industry to employ unemployed timber workers and for related community redevelopment projects as follows:

(1) in fiscal year 2000, $4,000,000 for the Ketchikan Gateway Borough, $2,000,000 for the City of Petersburg, $2,000,000 for the City and Borough of Sitka, and $2,000,000 for the Metlakatla Indian Community;

(2) in fiscal year 2001, $3,000,000 for the Ketchikan Gateway Borough, $1,000,000 for the City of Petersburg, $1,500,000 for the City and Borough of Sitka, and $1,500,000 for the Metlakatla Indian Community; and

(3) in fiscal year 2002, $3,000,000 for the Ketchikan Gateway Borough, $500,000 for the City and Borough of Sitka, and $1,500,000 for the Metlakatla Indian Community.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters.

Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

The Forest Service shall fund overhead, national commitments, indirect expenses, and any other category for use of funds which are expended at any units, that are not directly related to the accomplishment of specific work on-the-ground (referred to as "indirect expenditures"), from funds available to the Forest Service, unless otherwise prohibited by law: Provided, That the Forest Service shall implement and adhere to the definitions of indirect expenditures established pursuant to Public Law 105-277 on a nationwide basis without flexibility for modification by any organizational level except the Washington Office, and when changed by the Washington Office, such changes in definition shall be reported in budget requests submitted by the Forest Service: Provided further, That the Forest Service shall provide in all future budget justifications, planned indirect expenditures in accordance with the definitions, summarized and displayed to the Regional, Station, Area, and detached unit office level. The justification shall display the estimated source and amount of indirect expenditures, by expanded budget line item, of funds in the agency's annual budget justification. The display shall include appropriated funds and the Knutson-Vandenberg, Brush Disposal, Cooperative Work-Other, and Salvage Sale funds. Changes between estimated and actual indirect expenditures shall be reported in subsequent budget justifications: Provided further, That during fiscal year 2000 the Secretary shall limit total annual indirect obligations from the Brush Disposal, Cooperative Work-Other, Knutson-Vandenberg, Reforestation, Salvage Sale, and Roads and Trails funds to 20 percent of the total obligations from each fund.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: Provided, That such amounts shall not exceed $500,000.

From any unobligated balances available at the start of fiscal year 2000, the amount of $5,000,000 shall be allocated to the Alaska Region, in addition to the funds appropriated to sell timber in the Alaska Region under this Act, for expenses directly related to preparing sufficient additional timber for sale in the Alaska Region to establish a 3-year timber supply.

The Forest Service is authorized through the Forest Service existing budget to reimburse Harry Frey, $143,406 (1997 dollars) because his home was destroyed by arson on June 21, 1990 in retaliation for his work with the Forest Service.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $156,000,000 shall not be available until October 1, 2000: Provided, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), performed under the minerals and materials science programs at the Albany Research Center in Oregon, $419,025,000, to remain available until expended, of which $24,000,000 shall be derived by transfer from unobligated balances in the Biomass Energy Development account: Provided, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

ALTERNATIVE FUELS PRODUCTION

(INCLUDING TRANSFER OF FUNDS)

Moneys received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1999, shall be deposited in this account and immediately transferred to the general fund of the Treasury. Moneys received as revenue sharing from operation of the Great Plains Gasification Plant and settlement payments shall be immediately transferred to the general fund of the Treasury.

NAVAL PETROLEUM AND OIL SHALE RESERVES

The requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply to fiscal year 2000: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling the second installment payment under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104-106, $36,000,000, to become available on October 1, 2000, for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ENERGY CONSERVATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out energy conservation activities, $745,242,000, to remain available until expended, of which $25,000,000 shall be derived by transfer from unobligated balances in the Biomass Energy Development account: Provided, That $168,500,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99-509 (15 U.S.C. 4507): Provided further, That notwithstanding section 3003(d)(2) of Public Law 99-509, such sums shall be allocated to the eligible programs as follows: $135,000,000 for weatherization assistance grants and $33,500,000 for State energy conservation grants: Provided further, That, notwithstanding any other provision of law, in fiscal year 2001 and thereafter sums appropriated for weatherization assistance grants shall be contingent on a cost share of 25 percent by each participating State or other qualified participant.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $2,000,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $159,000,000, to remain available until expended: Provided, That the Secretary of Energy hereafter may transfer to the SPR Petroleum Account such funds as may be necessary to carry out drawdown and sale operations of the Strategic Petroleum Reserve initiated under section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) from any funds available to the Department of Energy under this or any other Act: Provided further, That all funds transferred pursuant to this authority must be replenished as promptly as possible from oil sale receipts pursuant to the drawdown and sale.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $72,644,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: Provided, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: Provided further, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: Provided further, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

The Secretary of Energy in cooperation with the Administrator of General Services Administration shall convey to the City of Bartlesville, Oklahoma, for no consideration, the approximately 15.644 acres of land comprising the former site of the National Institute of Petroleum Energy Research (including all improvements on the land) described as follows: All of Block 1, Keeler's Second Addition, all of Block 2, Keeler's Fourth Addition, all of Blocks 9 and 10, Mountain View Addition, all in the City of Bartlesville, Washington County, Oklahoma.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,078,967,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That $12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That $395,290,000 for contract medical care shall remain available for obligation until September 30, 2001: Provided further, That of the funds provided, up to $17,000,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That funds provided in this Act may be used for 1-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 2001: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $228,781,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2000, of which not to exceed $10,000,000 may be used for such costs associated with new and expanded contracts, grants, self-governance compacts or annual funding agreements: Provided further, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $318,580,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: Provided further, That notwithstanding any provision of law governing Federal construction, $3,000,000 of the funds provided herein shall be provided to the Hopi Tribe to reduce the debt incurred by the Tribe in providing staff quarters to meet the housing needs associated with the new Hopi Health Center: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings: Provided further, That from within existing funds, the Indian Health Service may purchase up to 5 acres of land for expanding the parking facilities at the Indian Health Service hospital in Tahlequah, Oklahoma.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefore as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: Provided, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: Provided further, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended: Provided further, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: Provided further, That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: Provided further, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: Provided further, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding, said amounts to remain available until expended: Provided further, That reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance: Provided further, That the appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $8,000,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected *and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.*

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $2,125,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $372,901,000, of which not to exceed $43,318,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended and of which $2,500,000 shall remain available until expended for the National Museum of Natural History's Arctic Studies Center to include assistance to other museums for the planning and development of institutions and facilities that enhance the display of collections, and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: Provided further, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia. Provided further, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: Provided further, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

REPAIR, REHABILITATION AND ALTERATION OF FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of repair, rehabilitation and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $47,900,000, to remain available until expended, of which $6,000,000 is provided for repair, rehabilitation and alteration of facilities at the National Zoological Park: Provided, That contracts awarded for environmental systems, protection systems, and repair or rehabilitation of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: Provided further, That funds previously appropriated to the "Construction and Improvements, National Zoological Park" account and the "Repair and Restoration of Buildings" account may be transferred to and merged with this "Repair, Rehabilitation and Alteration of Facilities" account.

CONSTRUCTION

For necessary expenses for construction, $19,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

The Smithsonian Institution shall not use Federal funds in excess of the amount specified in Public Law 101–185 for the construction of the National Museum of the American Indian.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $61,538,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $6,311,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $14,000,000.

CONSTRUCTION

For necessary expenses for capital repair and rehabilitation of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $20,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $6,790,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $85,000,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, for program support, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $13,000,000, to remain available until expended, to the National Endowment for the Arts: Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $101,000,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $14,700,000, to remain available until expended, of which $10,700,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out subtitle C of the Museum and Library Services Act of 1996, as amended, $24,400,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of

18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,005,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $7,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $3,000,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $6,312,000: Provided, That all appointed members will be compensated at a rate not to exceed the rate for level IV of the Executive Schedule.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96–388 (36 U.S.C. 1401), as amended, $33,286,000, of which $1,575,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $24,400,000 shall be available to the Presidio Trust, to remain available until expended, of which up to $1,040,000 may be for the cost of guaranteed loans, as authorized by section 104(d) of the Act: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $200,000,900. The Trust is authorized to issue obligations to the Secretary of the Treasury pursuant to section 104(d)(3) of the Act, in an amount not to exceed $20,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: Provided, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 307. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the "Buy American Act").

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

(d) EFFECTIVE DATE.—The provisions of this section are applicable in fiscal year 2000 and thereafter.

SEC. 308. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 1999.

SEC. 309. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 310. None of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps program, unless the relevant agencies of the Department of the Interior and/or Agriculture follow appropriate reprogramming guidelines: Provided, That if no funds are provided for the AmeriCorps program by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000, then none of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps programs.

SEC. 311. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

SEC. 312. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2000, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 313. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, and 105–277 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 1999 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 314. Notwithstanding any other provision of law, for fiscal year 2000 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the "Jobs in the Woods" component of the President's Forest Plan for the Pacific Northwest or the Jobs in the Woods Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California and Alaska that have been affected by reduced timber harvesting on Federal lands.

SEC. 315. None of the funds collected under the Recreational Fee Demonstration program may be used to plan, design, or construct a visitor center or any other permanent structure without prior approval of the House and the Senate Committees on Appropriations if the estimated total cost of the facility exceeds $500,000.

SEC. 316. All interests created under leases, concessions, permits and other agreements associated with the properties administered by the Presidio Trust shall be exempt from all taxes and special assessments of every kind by the State of California and its political subdivisions.

SEC. 317. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 318. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 319. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 320. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term "underserved population" means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 321. No part of any appropriation contained in this Act shall be expended or obligated to fund new revisions of national forest land management plans until new final or interim final rules for forest land management planning are published in the Federal Register. Those national forests which are currently in a revision process, having formally published a Notice of Intent to revise prior to October 1, 1997; those national forests having been court-ordered to revise; those national forests where plans reach the 15 year legally mandated date to revise before or during calendar year 2001; national forests within the Interior Columbia Basin Ecosystem study area; and the White Mountain National Forest are exempt from this section and may use funds in this Act and proceed to complete the forest plan revision in accordance with current forest planning regulations.

SEC. 322. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 323. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 324. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers or the President's Council on Sustainable Development.

SEC. 325. None of the funds in this Act may be used for planning, design or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.

SEC. 326. (a) SHORT TITLE.—This section may be cited as the "National Park Service Studies Act of 1999".

(b) AUTHORIZATION OF STUDIES.—

(1) IN GENERAL.—The Secretary of the Interior ("the Secretary") shall conduct studies of the geographical areas and historic and cultural themes described in subsection (b)(3) to determine the appropriateness of including such areas or themes in the National Park System.

(2) CRITERIA.—In conducting the studies authorized by this Act, the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System in accordance with section 8 of Public Law 91–383, as amended by section 303 of the National Parks Omnibus Management Act (Public Law 105–391; 112 Stat. 3501).

(3) STUDY AREAS.—The Secretary shall conduct studies of the following:

(A) Anderson Cottage, Washington, District of Columbia.

(B) Bioluminescent Bay, Puerto Rico.

(C) Civil Rights Sites, multi-State.

(D) Crossroads of the American Revolution, Central New Jersey.

(E) Fort Hunter Liggett, California.

(F) Fort King, Florida.

(G) Gaviota Coast Seashore, California.

(H) Kate Mullany House, New York.

(I) Loess Hills, Iowa.

(J) Low Country Gullah Culture, multi-state.

(K) Nan Madol, State of Ponape, Federated States of Micronesia (upon the request of the Government of the Federated States of Micronesia).

(L) Walden Pond and Woods, Massachusetts.

(M) World War II Sites, Commonwealth of the Northern Marianas.

(N) World War II Sites, Republic of Palau (upon the request of the Government of the Republic of Palau).

(c) REPORTS.—The Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report on the findings, conclusions, and recommendations of each study under subsection (b) within three fiscal years following the date on which funds are first made available for each study.

SEC. 327. Amounts deposited during fiscal year 1999 in the roads and trails fund provided for in the fourteenth paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The Secretary shall commence the projects during fiscal year 2000, but the projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 328. None of the funds in this Act may be used to establish a new National Wildlife Refuge in the Kankakee River basin that is inconsistent with the United States Army Corps of Engineers' efforts to control flooding and siltation in that area. Written certification of consistency shall be submitted to the House and Senate Committees on Appropriations prior to refuge establishment.

SEC. 329. None of the funds provided in this or previous appropriations Acts for the agencies funded by this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the *agencies funded by this Act, shall be transferred to or used to fund personnel, training, or other administrative activities at the Council on Environmental Quality or other offices in the Executive Office of the President for purposes related to the American Heritage Rivers program.*

Sec. 330. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

Sec. 331. Enhancing Forest Service Administration of Rights-of-Way and Land Uses. (a) The Secretary of Agriculture shall develop and implement a pilot program for the purpose of enhancing forest service administration of rights-of-way and other land uses. The authority for this program shall be for fiscal years 2000 through 2004. Prior to the expiration of the authority for this pilot program, the Secretary shall submit a report to the House and Senate Committees on Appropriations, and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives that evaluates whether the use of funds under this section resulted in more expeditious approval of rights-of-way and special use authorizations. This report shall include the Secretary's recommendation for statutory or regulatory changes to reduce the average processing time for rights-of-way and special use permit applications.

(b) Deposit of Fees.—Subject to subsections (a) and (f), during fiscal years 2000 through 2004, the Secretary of Agriculture shall deposit into a special account established in the Treasury all fees collected by the Secretary to recover the costs of processing applications for, and monitoring compliance with, authorizations to use and occupy National Forest System lands pursuant to section 28(l) of the Mineral Leasing Act (30 U.S.C. 185(l)), section 504(g) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(g)), section 9701 of title 31, United States Code, and section 110(g) of the National Historic Preservation Act (16 U.S.C. 470h–2(g)).

(c) Use of Retained Amounts.—Amounts deposited pursuant to subsection (b) shall be available, without further appropriation, for expenditure by the Secretary of Agriculture to cover costs incurred by the Forest Service for the processing of applications for special use authorizations and for monitoring activities undertaken in connection with such authorizations. Amounts in the special account shall remain available for such purposes until expended.

(d) Reporting Requirement.—In the budget justification documents submitted by the Secretary of Agriculture in support of the President's budget for a fiscal year under section 1105 of title 31, United States Code, the Secretary shall include a description of the purposes for which amounts were expended from the special account during the preceding fiscal year, including the amounts expended for each purpose, and a description of the purposes for which amounts are proposed to be expended from the special account during the next fiscal year, including the amounts proposed to be expended for each purpose.

(e) Definition of Authorization.—For purposes of this section, the term "authorizations" means special use authorizations issued under subpart B of part 251 of title 36, Code of Federal Regulations.

(f) Implementation.—This section shall take effect upon promulgation of Forest Service regulations for the collection of fees for processing of special use authorizations and for related monitoring activities.

Sec. 332. Hardwood Technology Transfer and Applied Research. (a). The Secretary of Agriculture (hereinafter the "Secretary") is hereby and hereafter authorized to conduct technology transfer and development, training, dissemination of information and applied research in the management, processing and utilization of the hardwood forest resource. This authority is in addition to any other authorities which may be available to the Secretary including, but not limited to, the Cooperative Forestry Assistance Act of 1978, as amended (16 U.S.C. 2101 et seq.), and the Forest and Rangeland Renewable Resources Act of 1978, as amended (16 U.S.C. 1600–1614).

(b) In carrying out this authority, the Secretary may enter into grants, contracts, and cooperative agreements with public and private agencies, organizations, corporations, institutions and individuals. The Secretary may accept gifts and donations pursuant to the Act of October 10, 1978 (7 U.S.C. 2269) including gifts and donations from a donor that conducts business with any agency of the Department of Agriculture or is regulated by the Secretary of Agriculture.

(c) The Secretary is hereby and hereafter authorized to operate and utilize the assets of the Wood Education and Resource Center (previously named the Robert C. Byrd Hardwood Technology Center in West Virginia) as part of a newly formed "Institute of Hardwood Technology Transfer and Applied Research" (hereinafter the "Institute"). The Institute, in addition to the Wood Education and Resource Center, will consist of a Director, technology transfer specialists from State and Private Forestry, the Forestry Sciences Laboratory in Princeton, West Virginia, and any other organizational unit of the Department of Agriculture as the Secretary deems appropriate. The overall management of the Institute will be the responsibility of the Forest Service, State and Private Forestry.

(d) The Secretary is hereby and hereafter authorized to generate revenue using the authorities provided herein. Any revenue received as part of the operation of the Institute shall be deposited into a special fund in the Treasury of the United States, known as the "Hardwood Technology Transfer and Applied Research Fund", which shall be available to the Secretary until expended, without further appropriation, in furtherance of the purposes of this section, including upkeep, management, and operation of the Institute and the payment of salaries and expenses.

(e) There are hereby and hereafter authorized to be appropriated such sums as necessary to carry out the provisions of this section.

Sec. 333. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar: Provided, That sales which are deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar may be advertised upon receipt of a written request by a prospective, informed bidder, who has the opportunity to review the Forest Service's cruise and harvest cost estimate for that timber. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2000, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar, all of the western red cedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2000, less than the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar, the volume of western red cedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska; and (ii) is that percent of the surplus western red cedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a "rolling basis" shall mean that the determination of how much western red cedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western red cedar shall be deemed "surplus to the needs of domestic processors in Alaska" when the timber sale holder has presented to the Forest Service documentation of the inability to sell western red cedar logs from a given sale to domestic Alaska processors at price equal to or greater than the log selling value stated in the contract. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

Sec. 334. Subsection 104(d) of Public Law 104–333 (110 Stat. 4102) is amended—

(a) in paragraph (3) by striking "after determining that, the projects to be funded from the proceeds thereof are creditworthy and that a repayment schedule is established and only" and inserting "including a review of the creditworthiness of the loan and establishment of a repayment schedule," after "and subject to such terms and conditions,"; and

(b) in paragraph (4) by inserting "paragraph (3) of" before "this subsection".

Sec. 335. The Secretary of Agriculture and the Secretary of the Interior shall:

(1) prepare the report required of them by section 323(a) of the Interior and Related Agencies Appropriations Act, 1998 (Public Law 105–83; 111 Stat. 1543, 1596–7) except that the report describing the estimated production of goods and services for the first 5 years during the course of the decision may be completed for either each individual unit of Federal lands or for each of the Resource Advisory Council or Provincial Advisory Council units that fall within the Basin area;

(2) distribute the report and make such report available for public comment for a minimum of 120 days; and

(3) include detailed responses to the public comment in any final environmental impact statement associated with the Interior Columbia Basin Ecosystem Management Project.

Sec. 336. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

Sec. 337. (a) Millsites Opinion.—No funds shall be expended by the Department of the Interior or the Department of Agriculture, for fiscal years 2000 and 2001, to limit the number or *acreage of millsites based on the ratio between the number or acreage of millsites and the number or acreage of associated lode or placer claims with respect to any patent application grandfathered pursuant to section 113 of the Department of the Interior and Related Agencies, Appropriations Act, 1995; any operation for which a plan of operations has been previously approved; or any operation for which a plan of operations has been submitted to the Bureau of Land Management or Forest Service prior to November 7, 1997.*

(b) No Ratification.—Nothing in this Act or the Emergency Supplemental Act of 1999 shall be construed as an explicit or tacit adoption, ratification, endorsement, approval, rejection or disapproval of the opinion dated November 7, 1997, by the solicitor of the Department of the Interior concerning millsites.

Sec. 338. The Forest Service, in consultation with the Department of Labor, shall review Forest Service campground concessions policy to determine if modifications can be made to Forest Service contracts for campgrounds so that such concessions fall within the regulatory exemption of 29 CFR 4.122(b). The Forest Service shall offer in fiscal year 2000 such concession prospectuses under the regulatory exemption, except that, any prospectus that does not meet the requirements of the regulatory exemption shall be offered as a service contract in accordance with the requirements of 41 U.S.C. 351–358.

Sec. 339. Pilot Program of Charges and Fees for Harvest of Forest Botanical Products. (a) Definition of Forest Botanical Product.—For purposes of this section, the term "forest botanical product" means any naturally occurring mushrooms, fungi, flowers, seeds, roots, bark, leaves, and other vegetation (or portion thereof) that grow on National Forest System lands. The term does not include trees, except as provided in regulations issued under this section by the Secretary of Agriculture.

(b) Recovery of Fair Market Value for Products.—The Secretary of Agriculture shall develop and implement a pilot program to charge and collect not less than the fair market value for forest botanical products harvested on National Forest System lands. The Secretary shall establish appraisal methods and bidding procedures to ensure that the amounts collected for forest botanical products are not less than fair market value.

(c) Fees.—

(1) Imposition and collection.—Under the pilot program, the Secretary of Agriculture shall also charge and collect fees from persons who harvest forest botanical products on National Forest System lands to recover all costs to the Department of Agriculture associated with the granting, modifying, or monitoring the authorization for harvest of the forest botanical products, including the costs of any environmental or other analysis.

(2) Security.—The Secretary may require a person assessed a fee under this subsection to provide security to ensure that the Secretary receives the fees imposed under this subsection from the person.

(d) Sustainable Harvest Levels for Forest Botanical Products.—The Secretary of Agriculture shall conduct appropriate analyses to determine whether and how the harvest of forest botanical products on National Forest System lands can be conducted on a sustainable basis. The Secretary may not permit under the pilot program the harvest of forest botanical products at levels in excess of sustainable harvest levels, as defined pursuant to the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 et seq.). The Secretary shall establish procedures and timeframes to monitor and revise the harvest levels established for forest botanical products.

(e) Waiver Authority.—

(1) Personal use.—The Secretary of Agriculture shall establish a personal use harvest level for each forest botanical product, and the harvest of a forest botanical product below that level by a person for personal use shall not be subject to charges and fees under subsections (b) and (c).

(2) Other exceptions.—The Secretary may also waive the application of subsection (b) or (c) pursuant to such regulations as the Secretary may prescribe.

(f) Deposit and Use of Funds.—

(1) Deposit.—Funds collected under the pilot program in accordance with subsections (b) and (c) shall be deposited into a special account in the Treasury of the United States.

(2) Funds available.—Funds deposited into the special account in accordance with paragraph (1) in excess of the amounts collected for forest botanical products during fiscal year 1999 shall be available for expenditure by the Secretary of Agriculture under paragraph (3) without further appropriation, and shall remain available for expenditure until the date specified in subsection (h)(2).

(3) Authorized uses.—The funds made available under paragraph (2) shall be expended at units of the National Forest System in proportion to the charges and fees collected at that unit under the pilot program to pay for—

(A) in the case of funds collected under subsection (b), the costs of conducting inventories of forest botanical products, determining sustainable levels of harvest, monitoring and assessing the impacts of harvest levels and methods, and for restoration activities, including any necessary vegetation; and

(B) in the case of fees collected under subsection (c), the costs described in paragraph (1) of such subsection.

(4) Treatment of fees.—Funds collected under subsections (b) and (c) shall not be taken into account for the purposes of the following laws:

(A) The sixth paragraph under the heading "FOREST SERVICE" in the Act of May 23, 1908 (16 U.S.C. 500) and section 13 of the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 500).

(B) The fourteenth paragraph under the heading "FOREST SERVICE" in the Act of March 4, 1913 (16 U.S.C. 501).

(C) Section 33 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1012).

(D) The Act of August 8, 1937, and the Act of May 24, 1939 (43 U.S.C. 1181a et seq.).

(E) Section 6 of the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869–4).

(F) Chapter 69 of title 31, United States Code.

(G) Section 401 of the Act of June 15, 1935 (16 U.S.C. 715s).

(H) Section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a).

(I) Any other provision of law relating to revenue allocation.

(g) Reporting Requirements.—As soon as practicable after the end of each fiscal year in which the Secretary of Agriculture collects charges and fees under subsections (b) and (c) or expends funds from the special account under subsection (f), the Secretary shall submit to the Congress a report summarizing the activities of the Secretary under the pilot program, including the funds generated under subsections (b) and (c), the expenses incurred to carry out the pilot program, and the expenditures made from the special account during that fiscal year.

(h) Duration of Pilot Program.—

(1) Charges and fees.—The Secretary of Agriculture may collect charges and fees under the authority of subsections (b) and (c) only during fiscal years 2000 through 2004.

(2) Use of special account.—The Secretary may make expenditures from the special account under subsection (f) until September 30 of the fiscal year following the last fiscal year specified in paragraph (1). After that date, amounts remaining in the special account shall be transferred to the general fund of the Treasury.

Sec. 340. Title III, section 3001 of Public Law 106–31 is amended by inserting after "Alabama," the following: "in fiscal year 1999 or 2000".

Sec. 341. Section 347 of title III of section 101(e) of division A of Public Law 105–277 is hereby amended—

(1) in subsection (a)—

(A) by inserting ", via agreement or contract as appropriate," before "may enter into"; and

(B) by striking "(28) contracts with private persons and" and inserting "(28) stewardship contracting demonstration pilot projects with private persons or other public or private";

(2) in subsection (b), by striking "contract" and inserting "project";

(3) in subsection (c)—

(A) in the heading, by inserting "Agreements or" before "Contracts";

(B) in paragraph (1)—

(i) by striking "a contract" and inserting "an agreement or contract"; and

(ii) by striking "private contracts" and inserting "private agreements or contracts";

(C) in paragraph (3), by inserting "agreement or" before "contracts"; and

(D) in paragraph (4), by inserting "agreement or" before "contracts";

(4) in subsection (d)—

(A) in paragraph (1), by striking "a contract" and inserting "an agreement or contract"; and

(B) in paragraph (2), by striking "a contract" and inserting "an agreement or contract"; and

(5) in subsection (g)—

(A) in the first sentence by striking "contract" and inserting "pilot project"; and

(B) in the last sentence—

(i) by inserting "agreements or" before "contracts"; and

(ii) by inserting "agreements or" before "contract".

Sec. 342. Notwithstanding section 343 of Public Law 105–83, increases in recreation residence fees shall be implemented in fiscal year 2000 only to the extent that the fiscal year 2000 fees do not exceed the fiscal year 1999 fee by more than $2,000.

Sec. 343. Redesignation of Blackstone River Valley National Heritage Corridor in Honor of John H. Chafee. (a) Corridor.—

(1) In general.—The Blackstone River Valley National Heritage Corridor established by section 1 of Public Law 99–647 (16 U.S.C. 461 note) is redesignated as the "John H. Chafee Blackstone River Valley National Heritage Corridor".

(2) References.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Blackstone River Valley National Heritage Corridor shall be deemed to be a reference to the John H. Chafee Blackstone River Valley National Heritage Corridor.

(b) Commission.—

(1) In general.—The Blackstone River Valley National Heritage Corridor Commission established by section 3 of Public Law 99–647 (16 U.S.C. 461 note) is redesignated as the "John H. Chafee Blackstone River Valley National Heritage Corridor Commission".

(2) References.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Blackstone River Valley National Heritage Corridor Commission shall be deemed to be a reference to the John H. Chafee Blackstone River Valley National Heritage Corridor Commission.

(c) Conforming Amendments.—

(1) Section 1 of Public Law 99–647 (16 U.S.C. 461 note) is amended in the first sentence by

striking "Blackstone River Valley National Heritage Corridor" and inserting "John H. Chafee Blackstone River Valley National Heritage Corridor".

(2) Section 3 of Public Law 99–647 (16 U.S.C. 461 note) is amended—

(A) in the section heading, by striking "BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR COMMISSION" and inserting "JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR COMMISSION"; and

(B) in subsection (a), by striking "Blackstone River Valley National Heritage Corridor Commission" and inserting "John H. Chafee Blackstone River Valley National Heritage Corridor Commission".

SEC. 344. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency.

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for noncompliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 345. NATIONAL FOREST-DEPENDENT RURAL COMMUNITIES ECONOMIC DIVERSIFICATION. (a) FINDINGS AND PURPOSES.—Section 2373 of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6611) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "national forests" and inserting "National Forest System land";

(B) in paragraph (4), by striking "the national forests" and inserting "National Forest System land";

(C) in paragraph (5), by striking "forest resources" and inserting "natural resources"; and

(D) in paragraph (6), by striking "national forest resources" and inserting "National Forest System land resources"; and

(2) in subsection (b)(1)—

(A) by striking "national forests" and inserting "National Forest System land"; and

(B) by striking "forest resources" and inserting "natural resources".

(b) DEFINITIONS.—Section 2374(1) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6612(1)) is amended by striking "forestry" and inserting "natural resources".

(c) RURAL FORESTRY AND ECONOMIC DIVERSIFICATION ACTION TEAMS.—Section 2375(b) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6613(b)) is amended—

(1) in the first sentence, by striking "forestry" and inserting "natural resources"; and

(2) in the second and third sentences, by striking "national forest resources" and inserting "National Forest System land resources".

(d) ACTION PLAN IMPLEMENTATION.—Section 2376(a) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6614(a)) is amended—

(1) by striking "forest resources" and inserting "natural resources"; and

(2) by striking "national forest resources" and inserting "National Forest System land resources".

(e) TRAINING AND EDUCATION.—Paragraphs (3) and (4) of section 2377(a) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6615(a)) are amended by striking "national forest resources" and inserting "National Forest System land resources".

(f) LOANS TO ECONOMICALLY DISADVANTAGED RURAL COMMUNITIES.—Paragraphs (2) and (3) of section 2378(a) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6616(a)) are amended by striking "national forest resources" and inserting "National Forest System land resources".

SEC. 346. INTERSTATE 90 LAND EXCHANGE AMENDMENT. (a) This section shall be referred to as the "Interstate 90 Land Exchange Amendment".

(b) Section 604(a) of the Interstate 90 Land Exchange Act of 1998, Public Law 105–277; 112 Stat. 2681–328 (1998), is hereby amended by adding at the end of the first sentence: "except title to offered lands and interests in lands described as follows: Township 21 North, Range 12 East, Section 15, W.M., Township 21 North, Range 12 East, Section 23, W.M., Township 21 North, Range 12 East, Section 25, W.M., Township 19 North, Range 13 East, Section 7, W.M., Township 19 North, Range 15 East, Section 31, W.M., Township 19 North, Range 14 East, Section 25, W.M., Township 22 North, Range 11 East, Section 3, W.M., and Township 22 North, Range 11 East, Section 19, W.M. must be placed in escrow by Plum Creek, according to terms and conditions acceptable to the Secretary and Plum Creek, for a 3-year period beginning on the later of the date of the enactment of this Act or consummation of the exchange. During the period the lands are held in escrow, Plum Creek shall not undertake any activities on these lands, except for fire suppression and road maintenance, without the approval of the Secretary, which shall not be unreasonably withheld".

(c) Section 604(a) is further amended by inserting in section (2) after the words "dated October 1998" the following: "except the following parcels: Township 19 North, Range 15 East, Section 29, W.M., Township 18 North, Range 15 East, Section 3, W.M., Township 19 North, Range 14 East, Section 9, W.M., Township 21 North, Range 14 East, Section 7, W.M., Township 22 North, Range 12 East, Section 35, W.M., Township 22 North, Range 13 East, Section 3, W.M., Township 22 North, Range 13 East, Section 9, W.M., Township 22 North, Range 13 East, Section 11, W.M., Township 22 North, Range 13 East, Section 13, W.M., Township 22 North, Range 13 East, Section 15, W.M., Township 22 North, Range 13 East, Section 25, W.M., Township 22 North, Range 13 East, Section 33, W.M., Township 22 North, Range 13 East, Section 35, W.M., Township 22 North, Range 14 East, Section 7, W.M., Township 22 North, Range 14 East, Section 9, W.M., Township 22 North, Range 14 East, Section 11, W.M., Township 22 North, Range 14 East, Section 15, W.M., Township 22 North, Range 14 East, Section 17, W.M., Township 22 North, Range 14 East, Section 21, W.M., Township 22 North, Range 14 East, Section 31, W.M., Township 22 North, Range 14 East, Section 27, W.M. The appraisal approved by the Secretary of Agriculture on June 14, 1999 (the "Appraisal") shall be adjusted by subtracting the values for the parcels described in the preceding sentence determined during the Appraisal process in the context of the whole estate to be conveyed".

(d) Section 604(b) of the Interstate 90 Land Exchange Act of 1998, Public Law 105–277; 112 Stat. 2681–328 (1998), is hereby amended by inserting after the words "offered land" the following: ", as provided in section 604(a), and placement in escrow of acceptable title to Township 22 North, Range 11 East, Section 3, W.M., Township 22 North, Range 11 East, Section 19, W.M., Township 21 North, Range 12 East, Section 15, W.M., Township 21 North, Range 12 East, Section 23, W.M., Township 21 North, Range 12 East, Section 25, W.M., Township 19 North, Range 13 East, Section 7, W.M., Township 19 North, Range 15 East, Section 31, W.M., and Township 19 North, Range 14 East, Section 25, W.M.".

(e) Section 604(b) is further amended by inserting the following before the colon: "except Township 19 North, Range 10 East, W.M., Section 4, Township 20 North, Range 10 East, W.M., Section 32, and Township 21 North, Range 14 East, W.M., W$\frac{1}{2}$W$\frac{1}{2}$ of Section 16, Township 12 North, Range 7 East, Sections 4 and 5, W.M., Township 13 North, Range 7 East, Sections 32 and 33, W.M., Township 8 North, Range 4 East, Section 17 and the S$\frac{1}{2}$ of 16, W.M., which shall be retained by the United States". The Appraisal shall be adjusted by subtracting the values determined for Township 19 North, Range 10 East, W.M., Section 4, Township 20 North, Range 10 East, W.M., Section 32, Township 12 North, Range 7 East, Sections 4 and 5, W.M., Township 13 North, Range 7 East, Sections 32 and 33, W.M., Township 8 North, Range 4 East, Section 17 and the S$\frac{1}{2}$ of Section 16, W.M. during the Appraisal process in the context of the whole estate to be conveyed.

(f) After adjustment of the Appraisal, the values of the offered and selected lands, including the offered lands held in escrow, shall be equalized as follows:

(1) the appraised value of the offered lands, as such lands and appraised value have been adjusted hereby, minus the appraised value of the offered lands to be placed into escrow, shall be compared to the appraised value of the selected lands, as such lands and appraised value have been adjusted hereby, and the Secretary shall equalize such values by the payment of cash to Plum Creek at the time that deeds are exchanged, such cash to come from currently appropriated funds, or, if necessary, by reprogramming; and

(2) the Secretary shall compensate Plum Creek for the lands placed into escrow, based upon the values determined for each such parcel during the Appraisal process in the context of the whole estate to be conveyed, through the following, including any combination thereof:

(A) conveyance of any other lands under the jurisdiction of the Secretary acceptable to Plum Creek and the Secretary after compliance with all applicable Federal environmental and other laws; and

(B) to the extent sufficient acceptable lands are not available pursuant to paragraph (A) of this subsection, cash payments as and to the extent funds become available through appropriations, private sources, or, if necessary, by reprogramming.

The Secretary shall promptly seek to identify lands acceptable to equalize values under paragraph (A) of this subsection and shall, not later than July 1, 2000, provide a report to the Congress outlining the results of such efforts.

(g) As funds or lands are provided to Plum Creek by the Secretary, Plum Creek shall release to the United States deeds for lands and interests in lands held in escrow based on the values determined during the Appraisal process in the context of the whole estate to be conveyed.

Deeds shall be released for lands and interests in lands in the following order: Township 21 North, Range 12 East, Section 15, W.M., Township 21 North, Range 12 East, Section 23, W.M., Township 21 North, Range 12 East, Section 25, W.M., Township 19 North, Range 13 East, Section 7, Township 19 North, Range 15 East, Section 31, Township 19 North, Range 14 East, Section 25, Township 22 North, Range 11 East, Section 3, W.M., and Township 22 North, Range 11 East, Section 19, W.M.

(h) Section 606(d) is hereby amended to read as follows: "Timing.—The Secretary and Plum Creek shall make the adjustments directed in section 604(a) and (b) and consummate the land exchange within 30 days of the enactment of the Interstate 90 Land Exchange Amendment, unless the Secretary and Plum Creek mutually agree to extend the consummation date.".

(i) The deadline for the Report to Congress required by section 609(c) of the Interstate 90 Land Exchange Act of 1998 is hereby extended. Such Report is due to the Congress 18 months from the date of the enactment of this Interstate 90 Land Exchange Amendment.

(j) Section 610 of the Interstate 90 Land Exchange Act of 1998, is hereby amended by striking "date of enactment of this Act" and inserting "first date on which deeds are exchanged to consummate the land exchange".

Sec. 347. The Snoqualmie National Forest Boundary Adjustment Act of 1999. (a) In General.—The boundary of the Snoqualmie National Forest is hereby adjusted as generally depicted on a map entitled "Snoqualmie National Forest 1999 Boundary Adjustment" dated June 30, 1999. Such map, together with a legal description of all lands included in the boundary adjustment, shall be on file and available for public inspection in the Office of the Chief of the Forest Service in Washington, District of Columbia. Nothing in this subsection shall limit the authority of the Secretary of Agriculture to adjust the boundary pursuant to section 11 of the Weeks Law of March 1, 1911.

(b) Rule for Land and Water Conservation Fund.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundary of the Snoqualmie National Forest, as adjusted by this subsection (a), shall be considered to be the boundary of the Forest as of January 1, 1965.

Sec. 348. Section 1770(d) of the Food Security Act of 1985 (7 U.S.C. 2276(d)) is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

"(10) section 3(e) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642(e));".

Sec. 349. None of the funds appropriated or otherwise made available by this Act may be used to implement or enforce any provision in Presidential Executive Order No. 13123 regarding the Federal Energy Management Program which circumvents or contradicts any statutes relevant to Federal energy use and the measurement thereof.

Sec. 350. Investment of Exxon Valdez Oil Spill Court Recovery in High Yield Investments and in Marine Research. (1) Notwithstanding any other provision of law and subject to the provisions of paragraphs (5) and (7), upon the joint motion of the United States and the State of Alaska and the issuance of an appropriate order by the United States District Court for the District of Alaska, the joint trust funds, or any portion thereof, including any interest accrued thereon, previously received or to be received by the United States and the State of Alaska pursuant to the Agreement and Consent Decree issued in United States v. Exxon Corporation, et al. (No. A91–082 CIV) and State of Alaska v. Exxon Corporation, et al. (No. A91–083 CIV) (hereafter referred to as the 'Consent Decree'), may be deposited in—

(A) the Natural Resource Damage Assessment and Restoration Fund (hereafter referred to as the 'Fund') established in title I of the Department of the Interior and Related Agencies Appropriations Act, 1992 (Public Law 102–154; 43 U.S.C. 1474b);

(B) accounts outside the United States Treasury (hereafter referred to as 'outside accounts'); or

(C) both.

Any funds deposited in an outside account may be invested only in income-producing obligations and other instruments or securities that have been determined unanimously by the Federal and State natural resource trustees for the Exxon Valdez oil spill ('trustees') to have a high degree of reliability and security.

(2) Joint trust funds deposited in the Fund or an outside account that have been approved unanimously by the Trustees for expenditure by or through a State or Federal agency shall be transferred promptly from the Fund or the outside account to the State of Alaska or United States upon the joint request of the governments.

(3) The transfer of joint trust funds outside the Court Registry shall not affect the supervisory jurisdiction of the District Court under the Consent Decree or the Memorandum of Agreement and Consent Decree in United States v. State of Alaska (No. A91–081–CIV) over all expenditures of the joint trust funds.

(4) Nothing herein shall affect the requirement of section 207 of the Dire Emergency Supplemental Appropriations and Transfers for Relief From the Effects of Natural Disasters, for Other Urgent Needs, and for the Incremental Cost of 'Operation Desert Shield/Desert Storm' Act of 1992 (Public Law 102–229, 42 U.S.C. 1474b note) that amounts received by the United States and designated by the trustees for the expenditure by or through a Federal agency must be deposited into the Fund.

(5) All remaining settlement funds are eligible for the investment authority granted under this section so long as they are managed and allocated consistent with the Resolution of the Trustees adopted March 1, 1999, concerning the Restoration Reserve, as follows:

(A) $55 million of the funds remaining on October 1, 2002, and the associated earnings thereafter shall be managed and allocated for habitat protection programs including small parcel habitat acquisitions. Such sums shall be reduced by—

(i) the amount of any payments made after the date of enactment of this Act from the Joint Trust Funds pursuant to an agreement between the Trustee Council and Koniag, Inc. which includes those lands which are presently subject to the Koniag Non-Development Easement, including, but not limited to, the continuation or modification of such Easement; and

(ii) payments in excess of $6.32 million for any habitat acquisition or protection from the joint trust funds after the date of enactment of this Act and prior to October 1, 2002, other than payments for which the Council is currently obligated through purchase agreements with the Kodiak Island Borough, Afognak Joint Venture and the Eyak Corporation.

(B) All other funds remaining on October 1, 2002, and the associated earnings shall be used to fund a program, consisting of—

(i) marine research, including applied fisheries research;

(ii) monitoring; and

(iii) restoration, other than habitat acquisition, which may include community and economic restoration projects and facilities (including projects proposed by the communities of the EVOS Region or the fishing industry), consistent with the Consent Decree.

(6) The Federal trustees and the State trustees, to the extent authorized by State law, are authorized to issue grants as needed to implement this program.

(7) The authority provided in this section shall expire on September 30, 2002, unless by September 30, 2001, the Trustees have submitted to the Congress a report recommending a structure the Trustees believe would be most effective and appropriate for the administration and expenditure of remaining funds and interest received. Upon the expiration of the authorities granted in this section all monies in the Fund or outside accounts shall be returned to the Court Registry or other account permitted by law.

Sec. 351. Youth Conservation Corps and Related Partnerships. (a) Notwithstanding any other provision of this Act, there shall be available for high priority projects which shall be carried out by the Youth Conservation Corps as authorized by Public Law 91–378, or related partnerships with non-Federal youth conservation corps or entities such as the Student Conservation Association, up to $1,000,000 of the funds available to the Bureau of Land Management under this Act, in order to increase the number of summer jobs available for youths, ages 15 through 22, on Federal lands.

(b) Within 6 months after the date of the enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall jointly submit a report to the House and Senate Committees on Appropriations and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives that includes the following—

(1) the number of youths, ages 15 through 22, employed during the summer of 1999, and the number estimated to be employed during the summer of 2000, through the Youth Conservation Corps, the Public Land Corps, or a related partnership with a State, local or nonprofit youth conservation corps or other entities such as the Student Conservation Association;

(2) a description of the different types of work accomplished by youths during the summer of 1999;

(3) identification of any problems that prevent or limit the use of the Youth Conservation Corps, the Public Land Corps or related partnerships to accomplish projects described in subsection (a);

(4) recommendations to improve the use and effectiveness of partnerships described in subsection (a); and

(5) an analysis of the maintenance backlog that identifies the types of projects that the Youth Conservation Corps, the Public Land Corps, or related partnerships are qualified to complete.

Sec. 352. (a) North Pacific Research Board.—Section 401 of Public Law 105–83 is amended as follows:

(1) In subsection (c)—

(A) by striking "available for appropriation, to the extent provided in the subsequent appropriations Acts," and inserting "made available";

(B) by inserting "To the extent provided in the subsequent appropriations Acts," at the beginning of paragraph (1);

(C) by inserting "without further appropriation" after "20 percent of such amounts shall be made available"; and

(2) by striking subsection (f).

Sec. 353. None of the funds in this Act may be used by the Secretary of the Interior to issue a prospecting permit for hardrock mineral exploration on Mark Twain National Forest land in the Current River/Jack's Fork River—Eleven Point Watershed (not including Mark Twain National Forest land in Townships 31N and 32N, Range 2 and Range 3 West, on which mining activities are taking place as of the date of the enactment of this Act): Provided, That none of the funds in this Act may be used by the Secretary of the Interior to segregate or withdraw land in the Mark Twain National Forest, Missouri under section 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714).

SEC. 354. Public Law 105–83, the Department of the Interior and Related Agencies Appropriations Act of November 17, 1997, title III, section 331 is hereby amended by adding before the period: ": Provided further, That to carryout the provisions of this section, the Bureau of Land Management and the Forest Service may establish Transfer Appropriation Accounts (also known as allocation accounts) as needed".

SEC. 355. WHITE RIVER NATIONAL FOREST.—The Forest Service shall extend the public comment period on the White River National Forest plan revision for 90 days beyond February 9, 2000.

SEC. 356. The first section of Public Law 99–215 (99 Stat. 1724), as amended by section 597 of the Water Resources Development Act of 1999 (Public Law 106–53), is further amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following new subsections:

"(c) The National Capital Planning Commission shall vacate and terminate an Easement and Declaration of Covenants, dated February 2, 1989, conveyed by the owner of the adjacent real property pursuant to subsection (b)(1)(D) in exchange for, and not later than 30 days after, the vacation and termination of the Deed of Easement, dated January 4, 1989, conveyed by the Maryland National Capital Park and Planning Commission pursuant to subsection (b)(1).

"(d) Effective on the date of the enactment of this subsection, the memorandum of May 7, 1985, and any amendments thereto, shall terminate.".

SEC. 357. None of the funds in this Act or any other Act shall be used by the Secretary of the Interior to promulgate final rules to revise 43 CFR subpart 3809, except that the Secretary, following the public comment period required by section 3002 of Public Law 106–31, may issue final rules to amend 43 C.F.R. Subpart 3809 which are not inconsistent with the recommendations contained in the National Research Council report entitled "Hardrock Mining on Federal Lands" so long as these regulations are also not inconsistent with existing statutory authorities. Nothing in this section shall be construed to expand the existing statutory authority of the Secretary.

TITLE IV—MISSISSIPPI NATIONAL FOREST IMPROVEMENT ACT OF 1999

SEC. 401. SHORT TITLE.

This title may be cited as the "Mississippi National Forest Improvement Act of 1999".

SEC. 402. DEFINITIONS.

In this title:

(1) AGREEMENT.—The term "Agreement" means the Agreement described in section 405(a).

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(3) STATE.—The term "State" means the State of Mississippi.

(4) UNIVERSITY.—The term "University" means the University of Mississippi.

(5) UNIVERSITY LAND.—The term "University land" means land described in section 404(a).

SEC. 403. CONVEYANCE OF ADMINISTRATIVE SITES AND SMALL PARCELS.

(a) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any or all right, title, and interest of the United States in and to the following tracts of land in the State:

(1) Gulfport Laboratory Site, consisting of approximately 10 acres, as depicted on the map entitled "Gulfport Laboratory Site, May 21, 1998".

(2) Raleigh Dwelling Site No. 1, consisting of approximately 0.44 acre, as depicted on the map entitled "Raleigh Dwelling Site No. 1, May 21, 1998".

(3) Raleigh Dwelling Site No. 2, consisting of approximately 0.47 acre, as depicted on the map entitled "Raleigh Dwelling Site No. 2, May 21, 1998".

(4) Rolling Fork Dwelling Site, consisting of approximately 0.303 acre, as depicted on the map entitled "Rolling Fork Dwelling Site, May 21, 1998".

(5) Gloster Dwelling Site, consisting of approximately 0.55 acre, as depicted on the map entitled "Gloster Dwelling Site, May 21, 1998".

(6) Gloster Office Site, consisting of approximately 1.00 acre, as depicted on the map entitled "Gloster Office Site, May 21, 1998".

(7) Gloster Work Center Site, consisting of approximately 2.00 acres, as depicted on the map entitled "Gloster Work Center Site, May 21, 1998".

(8) Holly Springs Dwelling Site, consisting of approximately 0.31 acre, as depicted on the map entitled "Holly Springs Dwelling Site, May 21, 1998".

(9) Isolated parcels of National Forest land located in Township 5 South, Ranges 12 and 13 West, and in Township 3 North, Range 12 West, sections 23, 33, and 34, St. Stephens Meridian.

(10) Isolated parcels of National Forest land acquired after the date of the enactment of this Act from the University of Mississippi located in George and Jackson Counties.

(11) Approximately 20 acres of National Forest land and structures located in Township 6 North, Range 3 East, Section 30, Washington Meridian.

(b) CONSIDERATION.—Consideration for a sale or exchange of land under subsection (a) may include the acquisition of land, existing improvements, or improvements constructed to the specifications of the Secretary.

(c) APPLICABLE LAW.—Except as otherwise provided in this section, any sale or exchange of land under subsection (a) shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for the National Forest System.

(d) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of land exchanged under subsection (a).

(e) SOLICITATION OF OFFERS.—

(1) IN GENERAL.—The Secretary may solicit offers for the sale or exchange of land under this section on such terms and conditions as the Secretary may prescribe.

(2) REJECTION OF OFFERS.—The Secretary may reject any offer made under this section if the Secretary determines that the offer is not adequate or not in the public interest.

(f) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale or exchange under subsection (a) in the fund established under Public Law 90–171 (16 U.S.C. 484a) (commonly known as the "Sisk Act").

(g) USE OF PROCEEDS.—Funds deposited under subsection (f) shall be available until expended for—

(1) the construction of a research laboratory and office facility at the Forest Service administrative site located at the Mississippi State University at Starkville, Mississippi;

(2) the acquisition, construction, or improvement of administrative facilities in connection with units of the National Forest System in the State; and

(3) the acquisition of land and interests in land for units of the National Forest System in the State.

SEC. 404. DE SOTO NATIONAL FOREST ADDITION.

(a) ACQUISITION.—The Secretary may acquire for fair market value all right, title, and interest in land owned by the University of Mississippi within or near the boundaries of the De Soto National Forest in Stone, George, and Jackson Counties, Mississippi, comprising approximately 22,700 acres.

(b) BOUNDARIES.—

(1) IN GENERAL.—The boundaries of the De Soto National Forest shall be modified as depicted on the map entitled "De Soto National Forest Boundary Modification—April, 1999" to include any acquisition of University land under this section.

(2) AVAILABILITY OF MAP.—The map described in paragraph (1) shall be available for public inspection in the office of the Chief of the Forest Service in Washington, District of Columbia.

(3) ALLOCATION OF MONEYS FOR FEDERAL PURPOSES.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the De Soto National Forest, as modified by this subsection, shall be considered the boundaries of the De Soto National Forest as of January 1, 1965.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall assume possession and all management responsibilities for University land acquired under this section on the date of acquisition.

(2) COOPERATIVE MANAGEMENT AGREEMENT.—For the fiscal year containing the date of the enactment of this Act and each of the four fiscal years thereafter, the Secretary may enter into a cooperative agreement with the University that provides for Forest Service management of any University land acquired, or planned to be acquired, under this section.

(3) ADMINISTRATION.—University land acquired under this section shall be—

(A) subject to the Act of March 1, 1911 (16 U.S.C. 480 et seq.) (commonly known as the "Weeks Act") and other laws (including regulations) pertaining to the National Forest System; and

(B) managed in a manner that is consistent with the land and resource management plan applicable to the De Soto National Forest on the date of the enactment of this Act, until the plan is revised in accordance with the regularly scheduled process for revision.

SEC. 405. FRANKLIN COUNTY LAND.

(a) IN GENERAL.—The Agreement dated April 24, 1999, entered into between the Secretary, the State, and the Franklin County School Board that provides for the Federal acquisition of land owned by the State for the construction of the Franklin Lake Dam in Franklin County, Mississippi, is ratified and the parties to the Agreement are authorized to implement the terms of the Agreement.

(b) FEDERAL GRANT.—

(1) IN GENERAL.—Subject to reservations and exceptions contained in the Agreement, there is granted and quit claimed to the State all right, title, and interest of the United States in the federally-owned land described in Exhibit A to the Agreement.

(2) MANAGEMENT.—The land granted to the State under the Agreement shall be managed as school land grants.

(c) ACQUISITION OF STATE LAND.—

(1) IN GENERAL.—All right, title, and interest in and to the 655.94 acres of land described as Exhibit B to the Agreement is vested in the United States along with the right of immediate possession by the Secretary.

(2) COMPENSATION.—Compensation owed to the State and the Franklin County School Board for the land described in paragraph (1) shall be provided in accordance with the Agreement.

(d) CORRECTION OF DESCRIPTIONS.—The Secretary and the Secretary of State of the State may, by joint modification of the Agreement, make minor corrections to the descriptions of the *land described on Exhibits A and B to the Agreement.*

(e) Security Interest.—

(1) In general.—Any cash equalization indebtedness owed to the United States pursuant to the Agreement shall be secured only by the timber on the granted land described in Exhibit A of the Agreement.

(2) Loss of security.—The United States shall have no recourse against the State or the Franklin County School Board as the result of the loss of the security described in paragraph (1) due to fire, insects, natural disaster, or other circumstance beyond the control of the State or Board.

(3) Release of liens.—On payment of cash equalization as required by the Agreement, the Secretary (or the Supervisor of the National Forests in the State or other authorized representative of the Secretary) shall release any liens on the granted land described in Exhibit A of the Agreement.

SEC. 406. DISPOSITION OF FUNDS FROM LAND CONVEYANCES.

(a) In General.—The Secretary shall deposit any funds received by the United States from land conveyances authorized under section 405 in the fund established under Public Law 90–171 (16 U.S.C. 484a) (commonly known as the "Sisk Act").

(b) Use.—Funds deposited in the fund under subsection (a) shall be available until expended for the acquisition of land and interests in land for the National Forest System in the State.

(c) Partial Distribution.—Any funds received by the United States from land conveyances authorized under this Act shall not be subject to partial distribution to the State under—

(1) the Act entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and nine", approved May 23, 1908 (35 Stat. 260, chapter 192; 16 U.S.C. 500);

(2) section 13 of the Act of March 1, 1911 (36 Stat. 963, chapter 186; 16 U.S.C. 500); or

(3) any other law.

SEC. 407. PHOTOGRAPHIC REPRODUCTIONS AND MAPS.

Section 387 of the Act of February 16, 1938 (7 U.S.C. 1387) is amended in the first sentence—

(1) by striking "such" the first place it appears and inserting "information such as georeferenced data from all sources,";

(2) by striking "(not less than estimated cost of furnishing such reproductions)"; and

(3) by inserting after "determine" the following: "(but not less than the estimated costs of data processing, updating, revising, reformatting, repackaging and furnishing the reproductions and information)".

SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

TITLE V—UNITED MINE WORKERS OF AMERICA COMBINED BENEFIT FUND

Sec. 501. Notwithstanding any other provision of law, an amount of $68,000,000 in interest credited to the fund established by section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) for fiscal years 1993 through 1995 not transferred to the Combined Fund identified in section 402(h)(2) of such Act shall be transferred to such Combined Fund within 30 days after the enactment of this Act to pay the amount of any shortfall in any premium account for any plan year under the Combined Fund. The entire amount transferred by this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE VI—PRIORITY LAND ACQUISITIONS AND LAND EXCHANGES

Sec. 601. For priority land acquisitions, land exchange agreements, and other activities consistent with the Land and Water Conservation Fund Act of 1965, as amended, $197,500,000, to be derived from the Land and Water Conservation Fund and to remain available until September 30, 2003, of which $81,000,000 is available to the Secretary of Agriculture and $116,500,000 is available to the Secretary of the Interior: Provided, That of the funds made available to the Secretary of Agriculture, not to exceed $61,000,000 may be used to acquire interests to protect and preserve the Baca Ranch, subject to the same terms and conditions placed on other funds provided for this purpose in this Act under the heading "Forest Service, Land Acquisition", and $5,000,000 shall be available for the Forest Legacy program notwithstanding any other provision of law: Provided further, That of the funds made available to the Secretary of the Interior, $10,000,000 shall be available for Elwha River ecosystem restoration, and $5,000,000 shall be available for maintenance in the National Park Service, notwithstanding any other provision of law, $20,000,000 shall be available for the State assistance program, not to exceed $5,000,000 may be used to acquire interests to protect and preserve the California desert, not to exceed $2,000,000 may be used to acquire interests to protect and preserve the Rhode Island National Wildlife Refuge Complex, not to exceed $19,500,000 may be used to acquire mineral rights within the Grand Staircase-Escalante National Monument, and not to exceed $35,000,000 may be for State grants for land acquisition in the State of Florida, subject to the same terms and conditions placed on other funds provided for this purpose in this Act under the heading "National Park Service, Land Acquisition and State Assistance": Provided further, That none of the funds appropriated under this title for purposes other than for State grants for land acquisition in the State of Florida, the State assistance program, Elwha River ecosystem restoration, or acquisitions of interests in the Baca Ranch, the California desert, the Grand Staircase-Escalante National Monument, and the Rhode Island National Wildlife Refuge Complex shall be available until the House Committee on Appropriations and the Senate Committee on Appropriations approve, in writing, a list of projects to be undertaken with such funds.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 2000".

Following is explanatory language on H.R. 3423, as introduced on November 17, 1999.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS

The conferees on H.R. 3194 agree with the matter inserted in this division of this conference agreement and the following description of this matter. This matter was developed through negotiations on the differences in H.R. 2466, the Department of the Interior and Related Agencies Appropriations Act, 2000, by members of the subcommittee of both the House and Senate with jurisdiction over H.R. 2466.

The conference agreement with respect to fiscal year 2000 appropriations for the Department of the Interior and Related Agencies incorporates some of the provisions of House Report 106–222 and Senate Report 106–99. Report language and allocations set forth in either of those reports, which are not changed by the conference agreement, are approved. The agreement described herein, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided. Administrative provisions and general provisions which are identical in the House-passed and Senate-passed versions of H.R. 2466 that are unchanged by the conference agreement are approved unless provided to the contrary herein.

Allocation of Congressional Funding Priorities

When Congressional instructions are provided, these instructions are to be closely monitored and followed. In this and future years, earmarks for Congressional funding priorities shall be allocated for those projects or programs prior to determining and allocating the remaining funds. Field units or programs should not have their allocations reduced because of earmarks for Congressional priorities without direction from or approval of the House and Senate Committees on Appropriations. Further, it is a Congressional responsibility to determine the level of funds provided for Federal agencies and how those funds should be distributed. It is not useful or productive to have Administration officials refer to Congressional directives as condescending and encroaching on executive responsibility to direct agency operations.

TITLE I—DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MANAGEMENT OF LANDS AND RESOURCES

The conference agreement provides $646,218,000 for management of lands and resources instead of $631,068,000 as proposed by the House and $634,321,000 as proposed by the Senate.

Increases above the House include $2,500,000 for grazing permits, $1,500,000 for invasive species, $1,000,000 for riparian management, $750,000 for Idaho weed control, $50,000 for Rio Puerco, $1,000,000 for the Colorado plateau ecosystem study, $500,000 for the national laboratory grazing study, $1,400,000 for fisheries, $900,000 for salmon restoration on the Yukon River and Caribou-Poker Creek, $1,330,000 for recreation resource management, $400,000 for the National Petroleum Reserve-Alaska, $4,400,000 for Alaska Conveyance, $300,000 for the Utah wilderness study, $350,000 for the Montana mapping project, and a $1,000,000 restoration of the general decrease.

Decreases below the House include $500,000 from standards and guidelines, $400,000 from wildlife, and $1,330,000 from recreation operations.

In addition to the increase of $2,500,000 as proposed by the House and provided in the conference agreement for the processing of permits for coalbed methane activities, the conference agreement includes bill language that makes the use of some of the Bureau's funds contingent upon a written agreement between the coal mine operator and the gas producer prior to permit issuance if the permitted activity is in an area where there is a conflict between coal mining operations and coalbed methane production. This restrictive language only applies to the additional $2,500,000.

The conference agreement earmarks $750,000 for the Couer d'Alene Basin Commission for mining related cleanup activities with the clear understanding that funding will be provided only on a one-time basis.

The Senate bill calls for a report by USDA's Forest Service dealing with integration of watershed and community needs. It is expected that this report be a joint Forest Service and Bureau of Land Management report as stated on page 75 of Senate Report 106–99.

The Bureau appears to be introducing new burdensome and questionable requirements on domestic oil and gas applications for permits to drill, and it is expected that the Bureau to cease requiring companies to apply paint to ground that will be disturbed by drilling activities.

The conference agreement concurs with the Senate report language providing guidance on the Southern Nevada Public Lands Management Act as stated in Senate Report 106–99.

The conference agreement maintains the funding level for Kane and Garfield counties at the fiscal year 1999 level of $250,000.

The conference agreement contains modified bill language in Title III as proposed by the Senate to allow the Bureau to use up to $1,000,000 for the Youth Conservation Corps.

WILDLAND FIRE MANAGEMENT

The conference agreement provides $292,282,000 for wildland fire management instead of $292,399,000 as proposed by the House and $283,805,000 as proposed by the Senate.

Changes to the House include an increase of $57,500 to reimburse Trinity County for expenses incurred as part of the July 2, 1999, Lowden fire, and a decrease of $175,000 as an offset against the Weber Dam project.

CENTRAL HAZARDOUS MATERIALS FUND

The conference agreement provides $10,000,000 for the central hazardous materials fund as proposed by the House and Senate.

CONSTRUCTION

The conference agreement provides $11,425,000 for construction instead of $11,100,000 as proposed by the House and $12,418,000 as proposed by the Senate.

Increases above the House include $50,000 for the La Puebla pit tank, $250,000 for the California Trail Interpretive Center, and $25,000 for uncontrollable costs.

PAYMENTS IN LIEU OF TAXES

The conference agreement provides $135,000,000 for payments in lieu of taxes as proposed by the Senate instead of $145,000,000 as proposed by the House.

LAND ACQUISITION

The conference agreement provides $15,500,000 for land acquisition instead of $15,000,000 as proposed by the House and $17,400,000 as proposed by the Senate. Funds should be distributed as follows:

State and project	*Amount*
CA—California Wilderness (Catellus property)	$5,000,000
AZ—Cerbat Foothills	500,000
UT—Grafton Preservation	250,000
NM—La Cienega ACEC	1,000,000
CA—Otay Mts./Kuchamaa	750,000
WA—Rock Cr. Watershed (Escure Ranch)	500,000
CA—Santa Rosa Mts. NSA	500,000
CO—Upper Arkansas River Basin	2,500,000
ID—Upper Snake/S. Fork Snake River	500,000
OR—West Eugene Wetlands	500,000
Subtotal	12,000,000
Emergency/Hardships/Inholdings	500,000
Acquisition Management	3,000,000
Total	15,500,000

The $250,000 provided for Grafton, Utah is for acquisition of a 30-acre portion of the 220-acre Stout property. The 30 acres are foothill land adjacent to BLM managed public land and are appropriate for BLM acquisition. It is expected that the Grafton Heritage Project and the Grand Canyon Trust will be responsible for acquisition and management of the balance of the Stout property.

The conference agreement provides $5,000,000 to the National Park Service (NPS) and $5,000,000 to the Bureau of Land Management (BLM) for land acquisition within the California desert. This funding is based on the understanding that the Wildlands Conservancy will acquire 8,000 additional acres, in consultation with the NPS and BLM, from willing seller and small private inholdings within Joshua Tree National Park and the Mojave National Preserve within the next year. An additional $5,000,000 is provided in Title VI for this acquisition.

No additional funds will be provided for Catellus land acquisition in future years unless and until the Department of the Interior and the Department of Defense completely resolve remaining issues relating to desert tortoise mitigation and land acquisition and expansion at the National Training Center for the Army at Fort Irwin, California.

Furthermore, the House and Senate Committees on Appropriations will consider an additional $15,000,000 for California desert land acquisition of the Catellus lands up to a total of $30,000,000. Future funding decisions will be based upon resolution by the two departments of the issues concerning desert tortoise mitigation and land acquisition and expansion at the National Training Center for the Army of Fort Irwin.

OREGON AND CALIFORNIA GRANT LANDS

The conference agreement provides $99,225,000 for Oregon and California grant lands as proposed by the House and Senate.

RANGE IMPROVEMENTS

The conference agreement provides an indefinite appropriation for range improvements of not less than $10,000,000 as proposed by the House and Senate.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

The conference agreement provides an indefinite appropriation for service charges, deposits, and forfeitures which is estimated to be $8,800,000 as proposed by the House and Senate.

MISCELLANEOUS TRUST FUNDS

The conference agreement provides an indefinite appropriation of $7,700,000 for miscellaneous trust funds as proposed by the House and Senate.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

The conference agreement provides $716,046,000 for resource management instead of $710,700,000 as proposed by the House and $684,569,000 as proposed by the Senate.

Changes to the House position in endangered species programs include an increase of $100,000 in candidate conservation and a decrease of $300,000 in listing. The conference agreement includes increases of $100,000 for the Broughton Ranch demonstration project and $300,000 for a coldwater fish HCP in Montana and a decrease of $300,000 for other program activities in consultation. Also included are increases of $3,857,000 for Washington salmon recovery, $500,000 for the Bruneau hot springs snail, $400,000 for the Prebles meadow jumping mouse, $1,500,000 for small landowner partnerships, and $200,000 for a Weber Dam study, and a decrease of $1,100,000 for other program activities in recovery. The conference agreement includes a decrease of $1,500,000 for the small landowner incentive program.

Changes to the House position in habitat conservation include increases of $250,000 for Hawaii ESA community conservation and $150,000 for Nevada biodiversity and decreases of $200,000 for the Washington State Department of Fish and Wildlife grant program and $500,000 for other program activities in the partners for fish and wildlife program. There is a decrease of $500,000 for FERC relicensing in project planning; an increase of $193,000 for Long Live the Kings and a decrease of $300,000 for other program activities in the coastal program; and a decrease of $500,000 for the National wetlands inventory.

For refuge operations and maintenance changes to the House position include an increase of $200,000 for Spartina grass research at the University of Washington and decreases of $250,000 for coral reefs, $500,000 for the Volunteer and Community Partnership Act, a net decrease of $250,000 for tundra to tropics, leaving $250,000 specifically for Hawaii ecosystems and $1,000,000 for other program activities in refuges operations. There is also a decrease of $500,000 for refuge maintenance. For law enforcement there is a decrease from the House position of $500,000 for operations. In migratory bird management there is an increase over the House position of $400,000 for Canada geese depredation, including dusky Canada geese, and a decrease of $400,000 for other program activities.

Changes to the House position for hatchery operations and maintenance include increases of $200,000 for White Sulphur Springs NFH, $500,000 for other hatchery operations and maintenance, and $3,600,000 for Washington State Hatchery Improvement as discussed below. Changes to the House position for the fish and wildlife management account include increases of $200,000 for Yukon River fisheries management studies, $100,000 for Yukon River Salmon Treaty public education programs, $110,000 for Caribou-Poker Creek salmon passage assistance, $1,018,000 for fish passage improvements in Maine, $600,000 for a prototype machine to mark hatchery reared salmon at the Washington Department of Fish and Wildlife, $400,000 for Great Lakes fish and wildlife restoration, and $368,000 for a fisheries resource project in cooperation with the Juniata Valley School District in Alexandria, PA. There is a decrease of $300,000 for Atlantic salmon recovery.

Changes to the House position in general administration include an increase of $200,000 for the National Conservation Training Center and decreases in international affairs of $700,000 for CITES permits and invasive species, $100,000 for the Russia initiative and $150,000 for neotropical migrants. There is also a decrease of $250,000 for the National Fish and Wildlife Foundation.

Bill Language.—The conference agreement provides that the amount of funding for certain endangered species listing programs may not exceed $6,232,000 instead of $6,532,000 as proposed by the House and $5,932,000 as proposed by the Senate.

The conference agreement makes permanent the authority provided in the Senate bill for National Wildlife Refuges in Louisiana and Texas to retain funds collected from oil and gas related damages under the Comprehensive Environmental Response, Compensation and Liability Act, the Oil Pollution Act and the Clean Water Act. The Senate provision extended the authority only through fiscal year 2000. The House had no similar provision.

Under General Provisions, Department of the Interior, the conference agreement modifies Senate Section 127 limiting the use of funds to implement Secretarial Order 3206. The modification permits implementation of the order except for two provisions. The first would give preferential treatment to Indian activities at the expense of non-Indian activities in determining conservation restrictions to species listed under the Endangered Species Act. The second would give preferential treatment to tribal lands at the expense of other privately owned lands in designating critical habitat under the Endangered Species Act. The House had no similar provision.

The conference agreement provides for the following:

1. The Service should continue to support the Nez Perce Tribe's wolf monitoring efforts. This program has been very successful and it should be continued at least at the funding level provided in fiscal year 1999.

2. Small landowner partnerships under the ESA recovery program are not transferred to the landowner incentive program as proposed by the House, but the Service should consider seriously consolidating these programs in the fiscal year 2001 budget.

3. The $200,000 for a Weber Dam Study should be used by the Service, through a contract or memorandum of understanding with the Bureau of Reclamation, to (1) investigate alternatives to the modification of Weber Dam on the Walker River Paiute Reservation in Nevada; (2) evaluate the feasibility and effectiveness of the installation of a fish ladder at Weber Dam; and (3) evaluate opportunities for Lahontan cutthroat trout restoration in the Walker River Basin. Any future funding requirements identified for program implementation should not be the responsibility of the U.S. Fish and Wildlife Service.

4. The $600,000 provided to assist with the Tongass Land Management Plan is included with the understanding that the State of Alaska should receive assistance as a partner.

5. The Long Live the Kings salmon program is funded at $393,000 in the coastal program, and $171.500 of that amount is to be provided directly to the Hood Canal Salmon Enhancement Group.

6. The continuing unmet maintenance needs at Ohio River Islands National Wildlife Refuge that not been addressed adequately in Service budget requests. The Service should ensure that: (1) the Refuge's maintenance requirements are fully included by Region 9 in the Maintenance Management System and (2) future budget requests include sufficient funding for the Ohio River Islands National Wildlife Refuge to cover adequately its growing maintenance needs.

7. The funding provided for Caribou-Poker Creek salmon restoration is for one-time fish passage assistance by the Service. Any future operations and maintenance costs associated with this project should not be borne by the Service.

8. The funding for fish passage improvements in Maine, related to removal of Edwards Dam, is provided on a one-time basis to help address a first-year shortfall in funding for fish passage assistance and restoration as anticipated by the Lower Kennebec River Comprehensive Hydropower Settlement Accord, of which the Service is a partner. The Service, as a partner in the Accord, should consider its responsibilities under the Accord as it prepares future budget requests.

9. The funding provided for the Washington Department of Fish and Wildlife for a prototype machine to mark hatchery reared salmon completes the Federal funding for this project.

10. The strategic plan required by the House for dealing with over-populations of snow geese and Canada geese should consider lethal means, including hunting, as possible solutions.

11. The conference agreement notes the Service's failure to gather the necessary information to delist the concho water snake. Before distributing the ESA recovery program increase, the Service should provide $300,000 for the activities required to process the delisting of the concho water snake. It is expected the Service will proceed as quickly as possible, with the goal of gathering the necessary information within one year or as soon thereafter as possible.

12. The House Committee on Appropriations has received several expressions of concern about uncooperative responses from the Carlsbad ecological services office in California. The Service should report to the House and Senate Committees on Appropriations on actions taken to improve communications between that office and State and local agencies and the public. Such actions should not involve increases in operational funding.

13. The increase provided for the coastal program is not limited to any particular coastal areas. The Senate reference to South Carolina and Texas is not intended to limit increased funding to those areas. The Maine coastal program is also commended.

14. Within the funds provided for resource management, the Service should set aside $500,000 for the Blackwater NWR, MD nutria eradication program. There is no objection to the use of carryover funds for a portion of this earmark. This program should serve as a prototype for nutria eradication throughout the country. The Service should notify the House and Senate Committees on Appropriations of what funds will be used for this program within 30 days of enactment of this Act and prior to distribution of program increases to the field. Sufficient funds should be included in the fiscal year 2001 budget request to complete this important project, the cost of which is being shared by several non-Federal partners.

15. The conference agreement notes that the Fish and Wildlife Service designated critical habitat for the cactus ferruginous pygmy-owl on July 12, 1999, and expresses concern regarding the impact this designation will have on activities in southern Arizona. The Service should devote the necessary resources to respond adequately and efficiently to the needs of the people who are affected by this new rule and to conduct appropriate scientific studies.

16. In 1997 Congress requested the Northwest Power Planning Council to conduct a review of all Federally funded fish hatcheries in the Columbia River Basin and to make recommendations for a coordinated hatchery policy. Congress also requested the Council to provide the direction necessary to implement such a policy. The Council's report, "Artificial Production Review, Report and Recommendations of the Northwest Power Planning Council," identifies several immediate actions to begin implementation of its recommendations. The Service should cooperate with the Council, the National Marine Fisheries Service, State fish and wildlife agencies, and the Columbia Basin Indian tribes to begin implementing the report's recommendations. The Service should begin identifying the amount needed for these reforms and to request initial funds in its FY 2001 budget.

17. The $100,000 provided in the ESA consultation account for the Broughton Ranch should be provided as a grant to the Washington Agriculture and Forestry Education Foundation for a demonstration project on the Broughton Ranch in Walla Walla, Washington. This project should serve as a template for how small private landowners can establish habitat conservation plans in cooperation with Federal agencies.

18. To conserve and restore Pacific salmon, the conference agreement includes $3,857,000 in the recovery program for a competitively awarded matching grant program in Washington State. The funds should be provided in an advance payment of the entire amount on October 1, or as soon as practicable thereafter, to the National Fish and Wildlife Foundation, a Congressionally chartered, non-profit organization with a substantial record of leveraging Federal funds with non-Federal funds, coordinating private and public partnerships, managing peer reviewed challenge grant programs, and tracking the expenditure of funds. The funds will be available for award to community-based organizations in Washington State for on-the-ground projects that may include conservation and restoration of in-stream habitat, riparian zones, upland areas, wetlands, and fish passage projects. Within the amount provided, $451,000 is for the River CPR Puget Sound Drain Guard Campaign. The Foundation should work with the affected local community in the Methow Valley in Okanogan County, Washington, on salmon enhancement projects. The Foundation should give priority in awarding funds to cooperative projects in rural communities throughout the State.

19. The funding for Washington State hatchery improvement activities is to support this new program as follows: The $3,600,000 provided for hatchery reform in Washington State should be deposited with the Washington State Interagency Council for Outdoor Recreation. The director of the Interagency Council for Outdoor Recreation shall ensure these funds are expended as specified in the report of May 7, 1999, titled "The Reform of Salmon and Steelhead Hatcheries in Puget Sound and Coastal Washington to Recover Natural Stocks While Providing Fisheries", and at the direction of the Hatchery Scientific Review Group (as discussed below).

Funds should be used for the improvement of hatcheries in the Puget Sound area and other coastal communities as follows: (1) $300,000 for activities associated with the Hatchery Scientific Review Group which will work with agencies to produce guidelines and recommended actions and ensure that the goals of hatchery reform are carried out, identify scientific needs, and make recommendations on further experimentation; (2) $800,000 for agencies and tribes to establish a team of scientists to generate and maintain data bases, analyze existing data, determine and undertake needed experiments, purchase scientific equipment, develop technical support infrastructures, initiate changes to the hatcheries based on their findings and establish a science-based decision making process; (3) $1,400.000 to improve hatchery management practices to augment fisheries, protect genetic resources, avoid negative ecological interactions between wild and hatchery fish, promote recovery of naturally spawning populations, and employ new rearing protocols to improve survival and operational efficiencies; (4) $900,000 to conduct scientific research evaluating hatchery management operations; and (5) $200,000 to Long Live the Kings to facilitate co-managers' design and implementation of Puget Sound hatchery reform.

A leading group of scientists representing Federal, State, and tribal agencies has been meeting for the past year to discuss the role of fish hatcheries in the Pacific Northwest. The listing of over 10 salmon species in the Columbia River over the past decade and the most recent the listing of 3 salmon species in other parts of the State have led many in the Northwest to question and challenge the role of fish hatcheries in the recovery of the listed wild salmon stocks.

Hatcheries can play a positive role in salmon management and the recovery of wild salmon stocks. Scientists are testing ways hatcheries can be retrofitted and managed to provide hatchery stocks to maintain a vibrant fishery in the Pacific Northwest without significantly impacting precious wild stocks.

The efforts of the advisory team that has established a framework designed to guide an effort to reform more than 100 State, tribal, Federal, and private hatcheries in Puget Sound and the Washington coast are commended. Many watersheds on the west coast of Washington have multiple hatcheries run by different agencies and tribes. Hatchery operations must be coordinated within logical geographical management units. There must be a coordinated effort among all levels of government to obtain the positive results expected by hatchery management reform. The framework outlined by the advisory committee should be implemented at hatcheries in Puget Sound and the west coast of Washington.

There is to be established a Hatchery Scientific Review Group which will serve as an independent panel. It should be comprised of five independent scientists selected by the advisory team from a pool of nine candidates nominated by the American Fisheries Society and four agency representatives; one each designated by the Washington Department of Fish and Wildlife, the Northwest Indian Fisheries Commission, the National Marine Fisheries Service and the U.S. Fish and Wildlife Service. Each of these designees should have technical skills in relevant fields such as fish biology or fish genetics. All appointments should be made no later than 30 days after enactment of this Act. The members of the group may be compensated for time and travel through this appropriation. The chair of the Hatchery Scientific Review Group should be one of the independent scientists chosen from the American Fisheries Society nominations and should be selected by the group itself. Hereafter, when an independent scientist on the group steps down, a replacement should be selected by the group from a list of three nominees provided by the American Fisheries Society.

The Hatchery Scientific Review Group should report to Congress by June 1, 2000, on progress made and work remaining in reforming Puget Sound hatcheries. Long Live the Kings should report to Congress by June 1, 2000, on its progress.

CONSTRUCTION

The conference agreement provides $54,583,000 for construction instead of $43,933,000 as proposed by the House and $40,434,000 as proposed by the Senate. Funds are to be distributed as follows:

Project	Description	Amount
6 National Fish Hatcheries in New England	Water treatment improvements	$1,803,000
Alaska Maritime NWR, AK	Headquarters/visitor center	7,900,000
Alchesay/Williams Creek NFH, AZ	Environmental pollution control	373,000
Bear River NWR, UT	Dikes/water control structures	450,000
Bear River NWR, UT	Education/visitor center	1,500,000
Brazoria NWR, TX	Replace Walker Bridge	277,000
Canaan Valley NWR, WV	Repair office/visitor center	150,000
Chase Lake NWR, ND	Construct vehicle shop	625,000
Chincoteague NWR, VA	Headquarters/visitor center	1,000,000
Cross Creeks NWR, TN	5 bridges/water control structures	1,500,000
Dexter NFH, NM	Irrigation wells	524,000
Genoa NFH, WI	Water supply system	1,717,000
Hagerman NFH, ID	Replace main hatchery building	1,000,000
Hatchie NWR,TN	Log Landing Slough Bridge	284,000
Hatchie NWR,TN	Loop Road/Bear Creek Bridge	367,000
Havasu NWR, AZ	Replace/rehabilitate 3 bridges	409,000
J.N. Ding Darling NWR, FL	Construction of exhibits	750,000
Lake Thibadeau NWR, MT	Lake Thibadeau diversion dam	250,000
Little White Salmon NFH, WA	Replace upper raceways	3,990,000
Mattamuskeet NWR, NC	Structural columns in Lodge	600,000
Mattamuskeet NWR, NC	Refuge sewage system	400,000
McKinney Lake NFH, NC	Dam safety construction	600,000
Natchitoches NFH, LA	Aeration & electrical system	750,000
National Eagle & Wildlife Repository, CO	Eagle processing laboratory	176,000
National Eagle & Wildlife Repository, CO	Storage units	65,000
Necedah NWR, WI	Rynearson dam	3,440,000
Neosho NFH, MO	Rehabilitate deficient pond	450,000
NFW Forensics Laboratory, OR	Forensics laboratory expansion	500,000
Parker River NWR, MA	Headquarters complex	2,130,000
Salt Plains NWR, OK	Wilson's Pond Bridge	74,000
San Bernard NWR, TX	Woods Road Bridge	75,000
Seney NWR, MI	Replace water control structure	1,450,000
Sevilleta NWR, NM	Replace office/visitor building	927,000
Silvio O. Conte NWR, VT	Education center	1,500,000
Smith Island NWR, MD	Restoration	450,000
St. Marks NWR, FL	Otter Lake public use facilities	200,000
St. Vincent NWR, FL	Repair/Replace support facilities	556,000
Tern Island, NWR, HI	Rehabilitate seawall	1,800,000
Tishomingo NFH, OK	Pennington Creek Footbridge	44,000
Tishomingo NWR, OK	Replace/rehabilitate 2 bridges	54,000
Upper Mississippi River NWR, IA	Construction & exhibits	1,200,000
White River NFH, VT	Replace roof/modify structures	600,000
White Sulphur Springs NFH, WV	Fingerling tanks and raceways	95,000
Wichita Mountains WR, OK	Road rehabilitation	1,564,000
Wichita Mountains WR, OK	Replace/rehabilitate 23 bridges	1,537,000
Subtotal		46,106,000
Servicewide bridge safety inspections		495,000
Servicewide dam safety inspections		545,000
Construction management		7,437,000
Total		54,583,000

Bill Language.—The conference agreement includes bill language proposed by the Senate authorizing a single procurement for construction of the headquarters and visitors center at the Alaska Maritime NWR.

The conference agreement provides for the following:

1. The funding provided for construction of the headquarters and visitors center at Alaska Maritime NWR completes the Federal funding for this project by the Fish and Wildlife Service.

2. The funding for the education center at the Silvio O. Conte NWR, VT is provided with the understanding that the Federal commitment will not exceed $2,900,000 and that the cost share will be substantially more than 50 percent.

3. Funding for the Tern Island seawall is provided with the understanding that the total cost of the project will not exceed $12,000,000 and that project initiation will be delayed until appropriated funding is sufficient to provide for uninterrupted construction. Such an approach will avoid costly shut down and start up costs associated with piecemeal construction in this remote location. Although the Fish and Wildlife Service's efforts to obtain logistical support from the Navy have been, so far, unsuccessful, the Service is encouraged to continue to pursue such support.

4. Funding provided for the Upper Mississippi River Discovery Center, IA represents the full Federal funding by the Fish and Wildlife Service. Within the $1,200,000 provided, $300,000 is for construction and installation of exhibits detailing the mission of the Fish and Wildlife Service and interpreting the Upper Mississippi River NWR, IA.

5. The $615,000 decrease to the House recommended level for construction management eliminates the proposed increase for seismic compliance. Seismic compliance should be incorporated into overall priorities.

6. The conference agreement notes with concern that the Service has allowed the floodgates on and around Mattamuskeet NWR, North Carolina, to deteriorate substantially over the past 15 years, thus permitting saltwater intrusion onto surrounding farmlands of Hyde County, North Carolina. This situation has been exacerbated by the recent flooding in eastern North Carolina due to hurricanes, including Hurricane Floyd. While the Service has legitimate concerns with respect to water salinity and quality on the refuge, the Service should cooperate with other water users and landowners to ensure that their interests are adequately protected.

LAND ACQUISITION

The conference agreement provides $50,513,000 in new land acquisition funds and a reprogramming of $8,000,000 in prior year funds instead of $42,000,000 as proposed by the House and $56,444,000 as proposed by the Senate. Funds should be distributed as follows:

State and project	*Amount*
SC—ACE Basin NWR	$500,000
LA—Atchafalaya River (LA Black Bear)	1,000,000
TX—Attwater Prairie Chicken NWR	1,000,000
VA—Back Bay NWR	1,000,000
TX—Balcones Canyonlands NWR	1,500,000
LA—Black Bayou NWR	3,000,000
MD—Blackwater NWR	500,000
NE—Boyer Chute NWR	1,000,000
AZ—Buenos Aires NWR (Leslie Canyon)	1,500,000
WV—Canaan Valley NWR	500,000
KY—Clarks River NWR	500,000
IL—Cypress Creek NWR	750,000
CA—Don Edwards SF Bay NWR	1,678,000
NJ—E.B. Forsythe NWR	800,000
AL—Grand Bay NWR	1,000,000
MA—Great Meadows NWR	500,000
NJ—Great Swamp NWR	500,000
FL—J.N. Ding Darling NWR	4,000,000
NH—Lake Umbagog NWR	2,750,000
TX—Lower Rio Grande NWR	2,000,000
ME—Moosehorn NWR	1,000,000
IA—Neal Smith NWR	500,000
WA—Nisqually NWR (Black River)	850,000
ND—North Dakota Prairie NWR	500,000
MN/IA—Northern Tallgrass Prairie Project	500,000
HI—Oahu Forest (proposed NWR)	1,000,000
WV—Ohio River Islands NWR	400,000
OR—Oregon Coast NWR Complex	500,000
IN—Patoka River NWR	500,000
FL—Pelican Island NWR	2,000,000
ME—Petit Manan NWR	250,000
ME—Rachel Carson NWR	750,000
VA—Rappahannock River Valley NWR	1,100,000
MT—Red Rock NWR (Centennial Valley)	1,000,000
RI—Rhode Island Refuge Complex	500,000
CA—San Diego NWR	3,100,000
MI—Shiawassee NWR	835,000
CT—Stewart McKinney NWR (Calves Island)	2,000,000
CT—Stewart McKinney NWR (Great Meadow)	500,000
TX—Trinity River NWR	500,000
SC—Waccamaw NWR	1,500,000
NJ—Wallkill NWR	750,000
MT—Western Montana Project	1,000,000
Reprogram FY99 Funds (Palmyra)	−8,000,000
Subtotal	39,513,000
Emergencies/hardships	1,000,000
Inholdings	750,000
Exchanges	750,000
Acquisition management	8,500,000
Total	50,513,000

The $8,000,000 allocated in fiscal year 1999 for the acquisition of Palmyra Atoll has been reprogrammed because the non-Federal matching funds essential to purchase the property are not available at this time. The House and Senate Committees on Appropriations recognize the unique biological value of this tropical habitat and will consider providing funding in the future should the non-Federal share be secured.

In addition to the funds provided in this account for the Rhode Island Refuge Complex, there is $2,000,000 provided in Title VI.

The House and Senate Committee on Appropriations have conducted a preliminary review of the Federal land management agencies' definition of acquisition management costs. These initial findings indicate that the U.S. Fish and Wildlife Service is out of sync with the other agencies and the Committees are concerned about several issues, including the fact that only 65 percent of the acquisition management staff of the Service is accounted for in its acquisition management account, and that other costs are being assessed against the individual projects such as 10 percent third party costs. The other agencies do not consider such costs. The Department should prepare a complete analysis of land acquisition costs, which includes the Forest Service program, and report to the Committees no later than March 15, 2000, with recommendations for standardizing the situation.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

The conference agreement provides $23,000,000 for the cooperative endangered species conservation fund instead of $15,000,000 as proposed by the House and $21,480,000 as proposed by the Senate. The increase above the House is for habitat conservation planning land acquisition. Bill language is included, as proposed by the Senate, to ensure that these funds are derived from the cooperative endangered species conservation fund.

NATIONAL WILDLIFE REFUGE FUND

The conference agreement provides $10,779,000 for the national wildlife refuge fund as proposed by the House instead of $10,000,000 as proposed by the Senate.

NORTH AMERICAN WETLANDS CONSERVATION FUND

The conference agreement provides $15,000,000 for the North American wetlands conservation fund as proposed by both the House and the Senate.

WILDLIFE CONSERVATION AND APPRECIATION FUND

The conference agreement provides $800,000 for the wildlife conservation and appreciation fund as proposed by both the House and the Senate.

MULTINATIONAL SPECIES CONSERVATION FUND

The conference agreement provides $2,400,000 for the multinational species conservation fund as proposed by the Senate instead of $2,000,000 as proposed by the House.

COMMERCIAL SALMON FISHERY CAPACITY REDUCTION

The conference agreement provides $5,000,000 for the Federal share of a salmon fishery capacity reduction program. The funds should be given as a grant to the State of Washington Department of Fish and Wildlife and will be used to reimburse commercial fishermen for forfeiting their commercial fishing licenses for Fraser River Sockeye. The program will support the implementation of the 1999 Pacific Salmon Treaty Agreement between the United States and Canada.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

The conference agreement provides $1,365,059,000 for operation of the National park system instead of $1,387,307,000 as proposed by the House and $1,355,176,000 as proposed by the Senate. The agreement provides $255,399,000 for Resources Stewardship instead of $265,114,000 as proposed by the House and $247,905,000 as proposed by the Senate. Changes to the House level include decreases of $6,915,000 for special need parks, $500,000 to natural resources preservation, $500,000 to native and exotic species, $500,000 to inventory and monitoring, $500,000 to cultural resources preservation, elimination of $500,000 for the new resource protection act initiative, and a $300,000 decrease for collections management. Despite these reductions from the House position, the conference agreement still provides significant funding for the new science data initiative, as well as increases above the budget request for special need parks and increases to both cultural resource preservation and collections management above current year funding levels. The amount provided does not include funds specifically for the Civil War initiative as proposed by the Senate.

The conference agreement provides $318,970,000 for Visitor Services instead of $320,558,000 as proposed by the House and $317,806,000 as proposed by the Senate. Changes to the House level include a $3,908,000 decrease to special need parks and an increase of $2,320,000 for anti-terrorism base costs.

The conference agreement provides $432,923,000 for Maintenance instead of $442,881,000 as proposed by the House and $432,081,000 as proposed by the Senate. Changes to the House level include decreases of $4,458,000 to special need parks, $3,000,000 for cyclic maintenance and $2,500,000 for repair and rehabilitation. Therefore, the conference agreement provides a $1,000,000 increase for cyclic maintenance and a $2,500,000 increase for repair and rehabilitation above the current year funding levels.

The conference agreement provides $248,482,000 for park support instead of $248,895,000 as proposed by the House and $248,099,000 as proposed by the Senate. Changes to the House level include an increase of $137,000 for special need parks, a decrease of $250,000 for partners for parks, a decrease of $500,000 for the challenge cost share program and an increase of $200,000 for cooperative agreements on the Lamprey Wild and Scenic River.

The conference agreement provides $109,285,000 for external administrative costs as proposed by the Senate instead of $109,859,000 as proposed by the House. Changes to the House level include a decrease of $800,000 for GSA space and an increase of $226,000 for electronic acquisition system.

The success of the bear management program at Yosemite National Park is noted and is encouraged the Park Service to continue this worthwhile effort.

The conference agreement does not provide an earmark for the Kawerak Eskimo Heritage Program within the funds provided for Beringia as proposed by the Senate.

The beneficial uses at the Lake Roosevelt National Recreation Area include historical and traditional agriculture, grazing, recreation and cultural uses pursuant to a permit issued by the Service. Pursuant to the Lake Roosevelt National Recreation Area's new general management plan, existing and past historical use, and community moorage public access facilities permitted by the Service at the Area may remain permitted under Service authority until it is determined by the Service that the permitted facility or activity is in conflict with a new or expanded concession facility. At such time the Service may choose to terminate that specific permit.

The Civil War battlefields throughout the country hold great significance and provide vital historic educational opportunities for millions of Americans. There is concern, however, about the isolated existence of these Civil War battle sites in that they are often not placed in the proper historical context.

The Service does an outstanding job of documenting and describing the particular battle at any given site, but in the public displays and multi-media presentations, it does not always do a similarly good job of documenting and describing the historical social, economic, legal, cultural and political forces and events that originally led to the larger war which eventually manifested themselves in specific battles. In particular, the Civil War battlefields are often weak or missing vital information about the role that the institution of slavery played in causing the American Civil War.

The Secretary of the Interior is directed to encourage the National Park Service managers of Civil War battle sites to recognize and include in all of their public displays and multi-media educational presentations the unique role that the institution of slavery played in causing the Civil War and its role, if any, at the individual battle sites. The Secretary is further directed to prepare a report by January 15, 2000, on the status of the educational information currently included at Civil War sites that are consistent with and reflect this concern.

The conference agreement expresses concern over the unsafe conditions at the intersection of Routes 29 and 234 in Manassas National Battlefield, in Prince William County, Virginia which remain hazardous to local residents and visitors traveling through the intersection. The safety concerns at Routes 29 and 234 have been a long-standing problem for the local communities. The National Park Service and the Virginia Department of Transportation are strongly encouraged to finalize plans to allow for construction to begin by March, 2000.

The conference agreement has not provided funding as proposed in the budget request for full implementation of a new maintenance management system. The Service is approved to pursue a pilot demonstration program for a new facility management system, and understand that base funds will be applied toward this effort during fiscal year 2000. The Service is expected to provide an update on the results of the pilot program before proceeding with service-wide implementation.

The House and Senate Committees on Appropriations continue to monitor closely the Recreational Fee Demonstration program authorized in fiscal year 1996, particularly the National Park Service portion because of the size of that particular program. It is the Appropriations Committees' understanding that the Assistant Secretary for Policy, Management and Budget and the Assistant Secretary for Fish and Wildlife and Parks have both agreed upon a procedure for the National Park Service to follow in obtaining review and approval of expenditures of Recreational Fee Demonstration funds. All 80 percent projects for which the estimated total cost is $500,000 or greater are reviewed by the NPS Development Advisory Board and require approval by the Director and both Assistant Secretaries, and are then submitted to the House and Senate Committees on Appropriations for approval prior to the obligation of funds for the project. For 80 percent projects for which the estimated total cost is $100,000 or less, projects are reviewed against established program criteria and are approved by the respective NPS Regional Directors. All 80 percent projects over $100,000 but less than $500,000 require approval by the NPS Director and the Assistant Secretary for Fish and Wildlife and Parks, unless the project is replacement in kind or routine maintenance that protects prior investments, for which approval authority remains with the Regional Director. All 20 percent projects require approval by the NPS Director and both Assistant Secretaries, and those over $500,000 are submitted to the Committees for approval. Listings of all projects, regardless of dollar amounts, are to be provided quarterly to the House and Senate Committees on Appropriations. Once the lists have been provided to the Committees for approval, any subsequent changes to these lists must also be forwarded to the Appropriations Committees for approval.

The Committees are aware of proposals to address needs in parks through the pursuit of non-Federal sponsors. The Committees have been, and continue to be, supportive of partnerships that further the Service's mission. The need for a certain degree of flexibility in order to respond to private philanthropic opportunities is understood. However, the conference agreement reiterates that partnerships should be linked to the accomplishment of service-wide goals and not pursued strictly for enhancing park infrastructure.

Partnership arrangements, including those where no Federal funds are involved, are not to be viewed as a way to bypass compliance with or adherence to existing policies, procedures, and approval requirements. Partnerships that benefit NPS sites or programs must have active involvement by NPS managers, and should be subject to the same review and approval requirements as projects funded with NPS funds. Review by the Development Advisory Board is expected for all partnership donation projects with a total cost above $500,000. While some projects may be proposed to be accomplished without any Federal funds, the operation and maintenance requirements are frequently assumed to be the responsibility of the Service, and for this reason full review is expected before commitments are made.

Within the amounts provided, not less than $500,000 is for maintenance activities at Isle Royale National Park to address infrastructure and visitor facility deterioration.

The National Park Service is directed to prepare a General Management Plan for the Lower East Side Tenement National Historic Site by November 2000 pursuant to section 104(c) of Public Law 105-378.

South Florida.—The conference agreement retains bill language in the land acquisition and state assistance account, as proposed by the House, that makes the $10,000,000 grant to the State of Florida in the land acquisition account and the $35,000,000 in Title VI subject to a fifty percent match of newly appropriated non-Federal funds. The State may not use funds for land acquisition which were previously provided in another fiscal year as the match. These funds are also subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades and other natural areas.

The conference agreement includes modified bill language in the land acquisition account which makes the release of the $10,000,000 State grant funds subject to the Administration submitting legislative language that will ensure a guaranteed water supply to Everglades National Park and the remaining natural system areas located in the Everglades watershed, including but not limited to Big Cypress National Preserve, Biscayne National Park, Loxahatchee National Wildlife Refuge and Water Conservation Areas 2 and 3, as well as Biscayne Bay. While there has been recent testimony by the other partners, including the Army Corps of Engineers and the Florida Water Management District, assuring the Congress that there will be adequate water supply to the natural areas, the water supply must include high-quality water and not merely storm water runoff.

It would be useful to have a complete estimate of the total costs to restore the South Florida ecosystem. The House and Senate Committees on Appropriations believe that this new estimate will exceed the $7,800,000,000 estimate that has been used over the last five years. This recalculated estimate should include all three goals of this initiative, namely, (1) getting the water right, (2) restoring and enhancing the natural habitat, and (3) transforming the built environment. The Congress and the American people are committed to this project. Over $1,300,000,000 has been appropriated to date; however, and the public deserves to know how much this project will truly cost. This information should be submitted to the House and Senate Committees on Appropriations no later than February 1, 2000, and should be updated biennially.

The Secretary of the Interior, in his capacity as Chair of the South Florida Restoration Task Force, is directed to develop a region-wide strategic plan as recommended by the General Accounting Office. The plan should coordinate and integrate Federal and non-Federal activities necessary to achieve the three ecosystem restoration goals. The Secretary is directed to submit a progress report to the House and Senate Committees on Appropriations in February, 2000, and the final strategic plan no later than July 31, 2000. This plan should be updated every two years.

The timely resolution of disputes regarding South Florida ecosystem restoration is important to avoid cost overruns and unnecessary delays in attaining the goals and benefits of the initiative. The Secretary of the Interior is directed to develop recommendations for resolving the most difficult conflicts and submit recommendations to the House and Senate Committees on Appropriations by February 15, 2000. These recommendations should be developed in consultation with the other major partners in this effort.

The Committees, through previous appropriations, have supported the preparation of a new General Management Plan for Gettysburg NMP to enable the NPS to interpret more adequately the Battle of Gettysburg and to preserve the artifacts and landscapes that help to tell the story of this great conflict of the Civil War. Accordingly, the conference agreement acknowledges the need for a new visitors facility and supports the proposed public-private partnership as a unique approach to the interpretive needs of our National Parks.

NATIONAL RECREATION AND PRESERVATION

The conference agreement provides $53,899,000 for National recreation and preservation instead of $49,449,000 as proposed by the House and $51,451,000 as proposed by the Senate. The agreement provides $533,000 for Recreation programs, the same as the House and Senate. The agreement provides $10,090,000 for Natural programs as proposed by the House instead of $10,555,000 as proposed by the Senate. This includes a $500,000 general program increase and a $285,000 increase for hydropower relicensing. While the conference agreement has not earmarked the River and Trails Conservation Assistance program, consideration should be given to the following projects: Mt. Independence NHL trail work, the Back to the River initiative, NE, and the Harlan County coal heritage project, KY. This is a technical assistance program, and therefore it is not meant to provide for annual operating expenses or technical assistance beyond two years.

The conference agreement provides $19,614,000 for Cultural programs instead of $19,364,000 as proposed by the House and $19,914,000 as proposed by the Senate. The change to the House level is an increase of $250,000 for a Revolutionary War/War of 1812 Study. The conference agreement does not provide the increase of $300,000 as proposed by the Senate for a pilot demonstration project to provide technical preservation and development assistance to non-Federal National Historic Landmarks. However, in providing funds for this core program, it is expected that the National Park Service will provide technical assistance to non-Federal National Historic Landmarks. This is the core mission of the National Historic Landmarks program: to identify and help protect significant historic properties possessing exceptional value such as the Weston State Hospital in West Virginia.

The conference agreement provides $1,699,000 for International park affairs as proposed by the House and Senate, $373,000 for environmental and compliance review as proposed by the House and Senate and $1,819,000 for Grant administration as proposed by the House and Senate.

The conference agreement provides $6,886,000 for the heritage partnership program as proposed by the House instead of $5,886,000 as proposed by the Senate. The conference agreement provides the following disbursements of funds: $1,000,000 each for the Ohio and Erie Canal National Heritage Corridor, the Essex National Heritage Area and the Rivers of Steel National Heritage Area. $800,000 each for the Hudson Valley National Heritage Area and the South Carolina National Heritage Corridor and the balance of $1,400,000 for the other four areas. The conference agreement provides $886,000 for technical assistance, of which not more than $150,000 may be provided for the Service's overhead expenses and the balance of which should be made available to the heritage areas for technical assistance agreed to by both the Alliance of National Heritage Areas and the National Park Service.

The conference agreement provides $10,885,000 for Statutory or Contractual Aid instead of $4,685,000 as proposed by the House and $9,172,000 as proposed by the Senate. Funds are to be distributed as follows:

Alaska Native Cultural Center	$750,000
Aleutian World War II National Historic Area	800,000
Automobile Heritage Area	300,000
John H. Chafee Blackstone River Valley National Heritage Corridor Commission	450,000
Brown Foundation	102,000
Chesapeake Bay Gateways	600,000
Dayton Aviation Heritage Commission	48,000
Delaware and Lehigh Navigation Canal	450,000
Ice Age National Scientific Reserve	806,000
Illinois and Michigan Canal National Heritage Corridor Commission	242,000
Johnstown Area Heritage Association	50,000
Lackawanna Heritage	450,000
Mandan On-a-Slant Village	400,000
Martin Luther King, Jr. Center ...	534,000
National Constitution Center	500,000
National First Ladies Library	300,000
Native Hawaiian culture and arts program	750,000
New Orleans Jazz Commission	67,000
Oklahoma City Memorial	866,000
Quinebaug-Shetucket National Heritage Preservation Commission	250,000
Roosevelt Campobello International Park Commission	670,000
Sewall-Belmont House	500,000
Vancouver National Historic Reserve	400,000
Wheeling National Heritage Area	600,000

The conference agreement provides $600,000 for a new Chesapeake Bay Gateways and Water Trails network and grants assistance program pursuant to Public Law 105–312. Of this amount, up to $200,000 is provided for completing a Chesapeake Bay Watershed-wide framework for implementing this law. It is expected that this framework and the criteria and procedures for the proposed assistance program will be completed by the Service and approved by the House and Senate Committees on Appropriations prior to providing any specific grants and technical assistance to states, communities or other groups. The remaining $400,000 will be available for competitive grants to meet the goals of the framework. A report is to be provided to the House and Senate Committees on Appropriations by April 1, 2000, on the framework goals and grants criteria and an annual end-of-year report, that details how the grants and technical assistance were allocated, the specific results of those individual grants and technical assistance and specifically how those projects relate to the framework and goals of the program.

The conference agreement provides on a one-time only basis, $866,000 for the operation of the Oklahoma City Memorial, OK. It is noted that there was an unexpected delay in the construction of the memorial museum, which is the planned revenue source for the memorial.

The conference agreement provides $2,000,000 for the Urban Parks and Recreation Recovery program instead of $4,000,000 as provided by the House and $1,500,000 as provided by the Senate.

The conference agreement includes language in the bill providing authority for the retention of fees for historic preservation tax certifications. Similar language was proposed by both the House and Senate.

HISTORIC PRESERVATION FUND

The conference agreement provides $75,212,000 for the Historic preservation fund instead of $46,712,000 as proposed by the House and $42,412,000 as proposed by the Senate. Changes to the House level include decreases of $500,000 for the State Historic Preservation Offices and $1,000,000 for Historically Black Colleges and Universities. The amounts provided for each program are increases above the fiscal year 1999 levels.

The conference agreement also includes $30,000,000 for the second and last year of the Millennium Program. These grants are subject to a fifty percent cost share and no single project may receive more than one grant from this program. The funds are to be distributed as follows:

Project	*Amount*
Admiral Theatre (WA)	$400,000
African American Heritage Center (KY)	1,000,000
Aurora Civil War Memorial (IL)	300,000
Benjamin Franklin National Memorial (PA)	300,000
Intrepid Sea Air Space Museum (NY)	2,500,000
Mari Sandoz Cultural Center (NE)	450,000
Mark Twain House (CT)	2,000,000
McKinley Monument (OH)	100,000
Mission San Juan Capistrano (CA)	320,000
Montpelier (VA)	1,000,000
Mukai Farm and Garden (WA)	150,000
Nathaniel Orr Pioneer Home Site (WA)	250,000
National First Ladies Library—City National Bank Building (OH)	2,500,000
National Home for Disabled Volunteer Soldiers (OH)	130,000
River Heritage Museum (KY)	300,000
Saturn V Rocket, U.S. Space and Rocket Center (AL)	700,000
Sewell Building, Dimock Center (MA)	300,000
Sitka Pioneer Home (AK) ..	150,000
St. Nicholas Cathedral (FL)	150,000
Tacoma Art Museum (WA)	600,000
Tannehill/Brierfield Ironworks Restoration Project (AL)	250,000
Thaddeus Stevens Hall at Gettysburg College (PA)	300,000
Unalaska Aerology Building (AK)	100,000
Weston State Hospital (WV)	750,000

Additional project recommendations for funding shall be subject to formal approval of the House and Senate Appropriations Committees prior to any distribution of funds.

CONSTRUCTION

The conference agreement provides $225,493,000 for construction instead of $169,856,000 as proposed by the House and $223,153,000 as proposed by the Senate. The funds are to be distributed as follows:

Project	*Amount*
Apostle Islands NL, WI	$500,000
Assateague Island NS, MD/VA	973,000
Badlands NP, SD	1,572,000
Big Cypress N. Pres., FL ...	4,965,000
Black Archives (FL A&M), FL	2,800,000

Project	*Amount*
John H. Chafee Blackstone River Valley NHC, MA/RI	1,000,000
Boston NHP, MA	1,049,000
Brown v. Board of Education NHS, KS	4,300,000
Castle Clinton NM, NY	460,000
Chickasaw NRA, OK	1,275,000
Colonial NHP, VA	714,000
Crater Lake NP, OR	1,733,000
Cumberland Island NS, GA	1,400,000
Cuyahoga Valley NRA, OH	3,850,000
Dayton Aviation NHP, OH	242,000
Death Valley NP, CA	6,335,000
Delaware Water Gap NRA, NJ	500,000
Delaware Lehigh Heritage, PA	500,000
Denali NP&P, AK	3,200,000
Edison NHS, NJ	3,032,000
Everglades NP (water delivery), FL	12,000,000
Everglades NP (water treatment), FL	1,288,000
Florissant Fossil Beds NM, CO	1,131,000
Fort Stanwix NM, NY	1,100,000
Fort Sumter NM, SC	8,250,000
Gateway NRA, NJ	1,593,000
George Washington Memorial Parkway, MD	1,800,000
George Washington Memorial Parkway, VA	500,000
Gettysburg NMP, PA	1,100,000
Glacier Bay NP&P, AK	2,300,000
Golden Gate NRA, CA	1,075,000
Grand Canyon NP, AZ	779,000
Harpers Ferry NHP, WV	800,000
Hispanic Cultural Center, NM	3,000,000
Historic Preservation Training Ctr., MD	568,000
Home of FDR NHS, NY	1,400,000
Hot Springs NP, AR	1,000,000
Hovenweep NM, UT	1,000,000
Ice Age NST, WI	125,000
Indiana Dunes NL, IN	500,000
Kaloko-Honokohau NHP, HI	1,169,000
Lake Mead NRA, AZ	3,839,000
Lewis & Clark Bicentennial	500,000
Lincoln Home NHS, IL	600,000
Lincoln Library, IL	3,000,000
Missouri River NRA	200,000
Mount Rushmore NM, SD	4,568,000
Natchez Trace Parkway, MS	500,000
National Capital Region (FDR Memorial), DC	3,000,000
National Constitution Center, PA	10,000,000
National Underground R.R. Freedom Center, OH	1,000,000
New Bedford Whaling NHP, MA	800,000
New Jersey Coastal Heritage Trail, NJ	100,000
New River Gorge NR, WV	675,000
Olympic NP, WA	12,000,000
Padre Island NS, TX	823,000
Perry's Victory & IPM, OH	200,000
Salem Maritime NHS, MA	704,000
Sequoia & Kings Canyon NP, CA	5,621,000
Shiloh NMP, TN (shore erosion)	1,500,000
Shiloh NMP, MS (Corinth visitor center)	700,000
Sitka NHP, AK	3,645,000
Southwest Penn. Heritage, PA	3,000,000
Statue of Liberty & Ellis Island, NY/NJ	1,000,000
Timucuan Reserve, FL	550,000
Tonto NM, AZ	703,000
Vancouver NHR, WA	817,000
Wheeling National Heritage Area, WV	3,000,000
Wilson's Creek NB, MO	500,000
Yellowstone NP, WY	5,715,000
Yosemite NP, CA	1,850,000
Zion NP, UT	1,800,000
Subtotal, line-item projects	155,788,000
Emerg/unscheduled housing	3,500,000
Dam safety	1,440,000
Equipment replacement	18,000,000
General management plans	9,225,000
Construction planning	15,940,000
Pre-planning & supplementary	4,500,000
Construction program management	17,100,000
Total	225,493,000

The conference agreement provides $15,940,000 for planning, which includes the budget request of $10,195,000, as well as adjustments between the planning and line-item activities. The increases are provided for the following projects:

Chickasaw NRA	$286,000
Cuyahoga Valley NRA	150,000
Dayton Aviation Heritage NHP	186,000
Delaware Water Gap NRA	64,000
Denali NP&P (front country)	450,000
Fort Stanwix NM	250,000
Great Smoky Mountains NP	450,000
Lincoln Home NHS (Morse House)	92,000
Mammoth Cave NP (water system)	221,000
Mojave National Preserve	731,000
Mount Rainier NP:	
Paradise Visitor Center	1,400,000
Guide House	170,000
National Constitution Center	30,000
Shiloh NMP (erosion control)	360,000
Shiloh NMP (Corinth visitor center)	300,000
Timucuan Reserve (boat docks)	55,000
Washita Battlefield NHS	250,000
Vancouver NHR	100,000
Yosemite NP	200,000

Bill Language.—The conference agreement does not include bill language as proposed by the House permitting Ellis Island to retain 100 percent of franchise fees subject to a requirement that these revenues be matched with non-Federal funds in fiscal year 2001.

The conference agreement earmarks $885,000 for realignment of the Denali National Park and Preserve entrance road instead of $1,100,000 as proposed by the Senate.

The conference agreement provides authority for the use of $3,000,000 for the FDR Memorial instead of $3,500,000 as proposed by the Senate. The Service is directed to modify the scope of the project to accomplish the same goal of providing an appropriate space for the privately funded new sculpture. The National Park Service should work closely with the National Organization on Disability on the plans for installing a statue at the FDR Memorial in Washington, D.C.

There are no earmarked funds for planning and development of interpretive sites at Saint Croix Island NHS as proposed in the Senate bill. Funds for this purpose should be derived from available planning funds.

The conference agreement provides $500,000, subject to authorization, for studies on the preservation of certain Civil War battlefields along the Vicksburg Campaign Trail instead of $1,000,000 as proposed by the Senate.

The conference agreement provides $3,000,000 for the Wheeling National Heritage Area construction instead of $5,000,000 as proposed by the Senate.

Language is included that provides one-year authorization of funding for the Lincoln Library and the Southwest Pennsylvania Heritage Area.

Language in Title I, General Provisions provides the National Park Service with authority to obligate certain fees for transportation services at Zion National Park in advance of the receipt of such fees.

The conference agreement provides $4,300,000 for the Brown v. Board of Education NHS in Kansas. These funds are to complete the rehabilitation of the building and for exhibit planning. The amount provided is based on a revised estimate of obligations in fiscal year 2000.

Funds are provided for rehabilitation of sewer systems at Glacier National Park. The National Park Service has determined that the existing system cannot be upgraded sufficiently to meet state standards, and that therefore a replacement system likely will be required. Due to the additional time required to redesign the project, construction funds for this project cannot be obligated in fiscal year 2000.

The conference agreement provides $2,300,000 for Glacier Bay National Park and Preserve in Alaska. It is intended that $1,400,000 be expended on the clean-up of contaminated soils at the site of the proposed visitor center. Another $400,000 is provided for the Secretary to enter into a memorandum of understanding with the park concessionaire to design a visitor center that will be co-managed and co-operated by the Service and the concessionaire. Design costs are to be shared equally between the Service and the concessionaire except that the concessionaire may use in-kind services, cash, or a combination of both, as its share. The facility is expected to be at least 6,500 square feet and reserve an appropriate amount of space for non-exclusive use by the Hoonah Indian Association. In 1998, Congress approved the Glacier Bay National Park Boundary Adjustment Act of 1998 (P.L. 105-317), the purpose of which was to establish a process that could lead to the construction of a hydroelectric facility to provide power to Gustavus, Alaska. The hydroelectric project should be built and connected to the Park to protect the environment and to be more consistent with the purposes of the Park than the Park's use of diesel generators for power. Accordingly, $500,000 is expected to be made available as a grant to Gustavus Electric Company to pay for studies required by the Act.

The conference agreement provides a total of $3,650,000 for Denali National Park and Preserve in Alaska. These funds are intended for the following projects: $2,015,000 for site work, $885,000 for road realignment, $175,000 for the South Denali/CIRI plan, $125,000 for wildlife inventories and $450,000 for planning for Phase I. The conference agreement directs funding of $175,000 for the further development of plans to site National Park Service visitor services in facilities on Native lands near Talkeetna, Alaska.

The conference agreement does not earmark planning funds specifically for Kenai Fjords National Park. To the extent funds previously appropriated for this project are not sufficient to continue planning through fiscal year 2000, the Service should seek to provide any necessary funds from available planning funds.

The conference agreement provides $500,000 for the G.W. Memorial Parkway in Virginia. Of this total, $400,000 is available for a temporary alternative route at the Humpback Bridge, and $100,000 is to conduct and complete a study to extend the Mt. Vernon multi-use trail north to I–495 in Virginia.

The conference agreement includes $1,000,000 for the National Underground Railroad Freedom Center in Cincinnati subject to a non-Federal match and the enactment of authorization.

While the conference agreement has provided $3,000,000 in funds for a new Lincoln Library in Springfield, Illinois, $3,000,000 for Southwest Pennsylvania Heritage and $3,000,000 for construction at the Wheeling National Heritage Area in West Virginia in fiscal year 2000, any future funding for these projects will be contingent on enacted authorization.

The conference agreement provides a total of $500,000 for the research library administrative annex at Wilson's Creek National Battlefield Visitor Center in Missouri. This completes the federal share of this project.

The conference agreement provides an appropriation of $675,000 for the New River Gorge National River, West Virginia, for various construction projects. The agreement notes that $500,000 in unobligated prior year funds are available to the New River Gorge for construction and that these funds are intended to be added to the $675,000 in new appropriations (for a total of $1,175,000) to carry out the highest priority construction needs of the New River Gorge National River for fiscal year 2000 as identified in Senate Report 106–99.

The conference agreement has not provided funds for unscheduled housing because the unobligated balance in this account exceeds $22,000,000. The Committees have not agreed to release these funds until the Park Service agrees on a consistent new housing policy and standard construction designs that will be used for all trailer replacement units. The Service was supposed to present a complete package to the Committees on Appropriations in September 1999. As of November 5, 1999, no such proposal had been forwarded. The Service is strongly encouraged to submit the information to the Committees on Appropriations for approval so that these funds can be released.

The conference agreement provides $12,000,000 for the Olympic National Park Elwha dam removal project. Within the funds provided, the National Park Service is directed to use up to $5,500,000 to plan and design water supply mitigation measures for the City of Port Angeles. The National Park Service shall report final recommendations to the House and Senate Appropriations Committees no later than September 30, 2000. The Park Service shall also reimburse the City for current and future sunk costs reasonably incurred in studying and preparing water supply mitigation options associated with removing the Elwha dams up to $500,000. The Park Service is urged to enter into a memorandum of understanding with the City of Port Angeles and other regional stakeholders setting forth the federal government's specific obligation with regard to the design, construction, operation, and maintenance of the domestic and industrial water mitigation measures as required by the Elwha River Ecosystem and Fisheries Restoration Act of 1992. The MOU should also define the specific roles of relevant federal agencies, the City of Port Angeles, and/or other regional stakeholders in the development and operation of the necessary water mitigation measures. The City of Port Angeles is encouraged to pursue an appropriate share of the costs related to upgrading its water system from the Environmental Protection Agency. An additional $10,000,000 is included for this project in Title VI.

The National Park Service is urged to acquire title to the Elwha and Glines Canyon Dams by February 29, 2000, subject to agreement between the owners and the National Park Service on the details of the transfer. Pending completion of planning, design, and engineering work for removal of the dams, the Secretary may cease power production if he determines that such production is not cost effective.

The Service is directed to prepare special resource studies on the following areas: Anderson Cottage, Washington, District of Columbia; Bioluminescent Bay, Puerto Rico; Civil Rights Sites, multi-state; Crossroads of the American Revolution, Central New Jersey; Fort Hunter Liggett, California; Fort King, Florida; Gaviota Coast Seashore, California; Kate Mullany House, New York; Loess Hills, Iowa; Low Country Gullah Culture, multi-state; Nan Madol, State of Ponape, Federated States of Micronesia; Walden Pond and Woods, Massachusetts; World War II Sites, Commonwealth of the Northern Marianas; and World War II Sites, Republic of Palau. Bill language is included in Section 326 authorizing these studies.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The conference agreement rescinds the contract authority provided for fiscal year 2000 by 16 U.S.C. 4601–10a as proposed by both the House and the Senate.

LAND ACQUISITION AND STATE ASSISTANCE

The conference agreement provides $120,700,000 for land acquisition including stateside grants instead of $132,000,000 as proposed by the House and $107,725,000 as proposed by the Senate. Funds should be distributed as follows:

State and Project	*Amount*
MD—Antietam NB	$2,000,000
WI—Apostle Islands NL	250,000
FL—Big Cypress N Pres	11,300,000
FL—Biscayne NP	600,000
MA—Boston Harbor Islands NRA	2,000,000
PA—Brandywine Battlefield	500,000
MA—Cape Cod NS	500,000
MD—Chesapeake and Ohio Canal NHP	800,000
OH—Cuyahoga Valley NRA	1,000,000
WA—Ebey's Landing NH Res	1,000,000
FL—Everglades NP	20,000,000
VA—Fredericksburg and Spotsylvania NMP	2,000,000
WV—Gauley River NRA	750,000
PA—Gettysburg NMP	1,600,000
FL—Grant to State of FL	10,000,000
HI—Haleakala NP	1,500,000
HI—Hawaii Volcanoes NP	1,500,000
WI—Ice Age National Scenic Trail	2,000,000
IN—Indiana Dunes NL	1,200,000
MI—Keweenaw NHP	1,700,000
VA—Manassas NB	400,000
CA—Mojave NP&P (Catellus property)	5,000,000
MD—Monocacy NB	500,000
WV—New River Gorge NR	250,000
WI—North Country NST ...	500,000
PA—Paoli Battlefield	1,250,000
NM—Pecos NHP	1,800,000
NM—Petroglyph NP	3,000,000
AZ—Saguaro NP	2,800,000
CA—Santa Monica NRA	2,000,000
TN—Stones River NB	1,500,000
VI—Virgin Islands NP (St. John's)	1,000,000
GU—War in the Pacific NHP	500,000
CT—Weir Farm NHS	2,000,000
Subtotal	84,700,000
Emergencies/hardships	3,000,000
Inholdings and Exchanges	2,000,000
Acq. Management	10,000,000
Stateside Land Acquisition Grants	20,000,000
State Grants Administration	1,000,000
Total	120,700,000

The conference agreement provides $2,000,000 to purchase an easement on Thompson Island as part of the Boston Harbor Islands National Recreation Area in Massachusetts. The release of these funds is contingent upon a non-federal match to acquire the balance of the easement on the property.

The conference agreement provides $5,000,000 to the National Park Service (NPS) and $5,000,000 to the Bureau of Land Management (BLM) for land acquisition within the California desert. This funding is based on the understanding that the Wildlands Conservancy will acquire 8,000 additional acres, in consultation with the NPS and BLM, from willing sellers and small private inholdings within Joshua Tree National Park and the Mojave National Preserve during the next year. An additional $5,000,000 is provided in Title VI for this land acquisition.

No additional funds will be provided for Catellus land acquisition in future years unless and until the Department of the Interior and Department of Defense completely resolve remaining issues relating to desert tortoise mitigation and land acquisition and expansion at the National Training Center for the Army at Fort Irwin in California.

Furthermore, the House and Senate Committees on Appropriations will consider an additional $15,000,000 for California desert land acquisition up to a total of $30,000,000. Future funding decisions will be based upon resolution by the two departments of the issues concerning desert tortoise mitigation and land acquisition and expansion at the National Training Center for the Army at Fort Irwin.

The conference agreement provides $2,000,000 for land purchases at the Fredericksburg-Spotsylvania National Military Park in Virginia. Nearly $2,000,000 in previously appropriated funds have not been obligated. The Park is strongly urged to obligate fully the funds provided in fiscal years 1999 and 2000. Future funding will not be provided until these funds are expended.

The conference agreement provides an additional $1,600,000 for the Gettysburg National Military Park in Pennsylvania. This amount together with the $4,500,000 in unobligated balances from prior fiscal years will complete the purchase of the Brown Ranch and provide for the acquisition of the Tower, which was appraised at $3,000,000.

The conference agreement provides the following: Lands shall not be acquired for more than the provided appraised value (as addressed in section 301(3) of Public Law 91-646) except for condemnations and declarations of taking and tracts with an appraised value of $50,000 or less, unless such acquisitions are submitted to the Committees on Appropriations for approval in compliance with established procedures.

The funds included for Paoli and Brandywine Battlefields are contingent upon authorization and a fifty percent non-Federal match.

The conference agreement provides the full $31,900,000 to complete the land acquisition needs of the Everglades National Park, Biscayne National Park and Big Cypress National Preserve. The agreement provides $10,000,000 for grants to Florida which are subject to a fifty percent match of newly appropriated non-Federal funds. An additional $35,000,000 for these grants are provided in Title VI. The House bill language has been modified to make release of the grant funds to Florida subject to the submission of:

(1) detailed legislative language to the House and Senate Committees on Appropriations, agreed to by the Secretaries of the Interior and Army and the Governor of Florida, that provides assurances for the guaranteed supply of water to the natural areas in Southern Florida including all National Parks, Preserves, Wildlife Refuges and other natural areas; and

(2) a complete prioritized list of non-Federal land acquisitions. All State grant funds are contingent on new matching non-Federal funds and are subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades.

The conference agreement also provides the additional $1,000,000 requested in the budget for acquisition management costs in Southern Florida but this amount is incorporated in the total acquisition management account. There was no need to provide a separate line for this purpose.

The conference agreement provides $20,000,000 for Grants to States; an additional $20,000,000 is provided for this purpose in Title VI.

Bill language allows the State of Wisconsin to receive grants for the purchase of lands for the Ice Age National Scenic Trail and North Country National Scenic Trail.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

The conference agreement provides $823,833,000 for surveys, investigations, and research instead of $820,444,000 as proposed by the House and $813,093,000 as proposed by the Senate.

Increases above the House include $250,000 for the Hawaiian volcano program, $2,000,000 for minerals at risk, $500,000 for the Great Lakes mapping coalition project, $998,000 for watershed modeling, $100,000 for the endocrine disrupter study in the Las Vegas Wash, $500,000 for a monitoring well in Hawaii, $200,000 for a hydrologic study of Noyes Slough, $140,000 for the Southern Maryland ground water study, $180,000 for a Yukon River salmon study, $250,000 (for a total of $500,000) for repairs to the Leetown science center, and $500,000 for the Great Lakes boat restoration.

Decreases below the House include $729,000 for technological efficiencies, $500,000 for the real time hazards program in the water resources division, $500,000 for amphibian research, and $500,000 for the cooperative research units.

The House and Senate Committees on Appropriations have agreed to approve in part the Survey's proposed budget restructuring by establishing new "science support" and "facilities" budget line items. This action will improve the Survey's business practices and its relationship with its customers, and represents truth in budgeting. However, the Survey's proposal to establish a new "integrated science" budget activity is not agreed to. The House and Senate Committees on Appropriations see the need for and importance of an integrated approach to science, but believe that establishing such a policy is primarily a management issue and not a function of the structure of the budget. The Director is encouraged to employ the appropriate management, operational, fiscal, and programmatic means at the Director's disposal in order to achieve the goal of establishing an integrated science approach where appropriate.

Because of the severe budget constraints imposed on the appropriations process, no additional funds for new programs that were proposed in this year's budget were provided for. Therefore, no funds were provided for the community information partnership initiative or for the disaster information network.

The Survey should give priority consideration to the installation of water gages on the Alabama, Coosa, Tallapoosa, Apalachicola, Chattachoochee and Flint Rivers.

The conference agreement restores $3,500,000 for coastal and marine geology programs. The conference agreement provides that a total of $1,250,000 is designated for continuation of the joint Survey-Sea Grant Consortium South Carolina/Georgia Coastal Erosion Study as outlined in the Phase II Study Plan, of which $250,000 is provided for the South Carolina coastal erosion monitoring program. Further, the Survey should continue its other high priority coastal and marine research programs, such as major studies of the Louisiana barrier islands, wetlands, hypoxia, and Lake Ponchartrain with the remaining available funds.

The conference agreement provides $1,600,000 for the purchase of seismographic equipment as proposed by the House. It is expected that these funds will be allocated as indicated in the budget estimate.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

The conference agreement provides $110,682,000 for royalty and offshore minerals management as proposed by the Senate instead of $110,082,000 as proposed by the House.

The $600,000 increase above the House is for the Center for Marine Resources and the Environmental Technology program.

Within the funds provided $1,400,000 is earmarked for the Offshore Technology Resource Center at Texas A&M University for high-priority offshore research associated with deepwater development.

OIL SPILL RESEARCH

The conference agreement provides $6,118,000 for oil spill research as proposed by both the House and the Senate.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

The conference agreement provides $95,891,000 for regulation and technology as proposed by the Senate instead of $95,693,000 as proposed by the House. Funding for the activities should follow the Senate recommendation.

ABANDONED MINE RECLAMATION FUND

The conference agreement provides $196,208,000 for the abandoned mine reclamation fund instead of $196,458,000 as proposed by the House and $185,658,000 as proposed by the Senate. The agreement provides $181,019,000 for the environmental restoration activity, an increase of $10,879,000 above the fiscal year 1999 funding level. Funding for the other activities follows the House recommendation. The House and Senate Committees on Appropriations have agreed on the House proposal to designate $300,000 for the western Pennsylvania water quality demonstration project. The conference agreement authorizes up to $8,000,000 for the Appalachian clean streams initiative as proposed by the House. The agreement includes the Senate proposed language allowing all funds from Title IV of the Surface Mining Control and Reclamation Act to be used as non-Federal cost shares.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

The conference agreement provides $1,670,444,000 for the operation of Indian programs instead of $1,631,050,000 as proposed by the House and $1,633,296,000 as proposed by the Senate.

Increases above the House include $5,000,000 for the Indian Self Determination Fund, $5,000,000 for other contract support costs, $320,000 for new tribes, $1,000,000 for student transportation, $3,000,000 for facilities operations, $2,000,000 for facilities maintenance, $3,000,000 for tribally controlled community colleges,$1,000,000 for fisheries enhancement, $500,000 for tribal resource management, $5,000,000 for implementation of the National Academy of Public Administration Report recommendations, $3,000,000 for environmental management, $20,000,000 for law enforcement, $250,000 for the Crownpoint Institute of Technology, and $600,000 for post secondary schools.

Decreases below the House include $100,000 for Alaska legal services, $108,000 for general program activities, $3,573,000 for probate backlog, and $1,495,000 for land records improvement. From within available funds, the Bureau of Indian Affairs is directed to provide $108,000 to the United Sioux Tribes of South Dakota Development Corporation.

Over the past several years, the House and Senate Committees on Appropriations and the Department of the Interior have been concerned with improving the management of the Bureau of Indian Affairs which has consistently been criticized for organizational shortcomings. During this period, a number of reforms have been put in place which were designed to improve the Bureau's effectiveness and accountability. To the Bureau's credit it has made substantial progress in addressing its management problems. However, to truly address these issues one needs an analysis of the structure of the Bureau, how its management has changed over time due to increased tribal contracting and compacting, and the lack of concurrent shifts in the Bureau's management structure to these changing circumstances. To this end, the House and Senate Committees on Appropriations working with the Department of the Interior commissioned a study of the Bureau by the National Academy of Public Administration (NAPA). The NAPA study was tasked with providing recommendations for improving the quality, efficiency, and cost-effectiveness of the Bureau's operations.

The House and Senate Committees on Appropriations have received copies of the NAPA report titled, "A Study of Management and Administration: the Bureau of Indian Affairs". The report provides some excellent recommendations to improve the administrative activities of the Bureau and managerial control over the Bureau. The most startling finding of the NAPA study was that some of the basic administrative functions that are necessary for effective management, and that exist in other organizations, are absent in the Bureau. This finding led NAPA to conclude that Bureau personnel are hard working dedicated employees who are not provided with the tools to effectively do their jobs. For example, NAPA concluded that, "there is no existing capability to provide budget, human resources, policy, and other types of assistance to the Assistant Secretary—Indian Affairs and the Bureau." Even prior to the NAPA report, the House and Senate Committees on Appropriations were aware that the Office of the Assistant Secretary—Indian Affairs did not have the capability to develop and analyze policy recommendations. Therefore, $250,000 has been provided under central office general administration as part of the fiscal year 2000 budget for the establishment of an office of policy analysis and planning in support of NAPA-related program reform efforts.

Consequently, the House and Senate Committees on Appropriations have provided $5,000,000 to allow the Bureau to proceed with implementation of the NAPA report. In addition, the Bureau should incorporate the NAPA recommendations as part of the Bureau's fiscal year 2001 budget. It is recognized that implementation of the NAPA recommendations may require a reprogramming of funds. The Committees on Appropriations will look favorably on such requests and will try to expedite their approval. Lastly, the conference agreement directs the Bureau and the Department to keep the Committees on Appropriations fully informed as to the progress being made in implementing the NAPA recommendations.

The conference agreement provides $592,000 for the Gila River Farms project with the understanding that the funding completes this multi-year agriculture project.

Within the funds provided for the Indian Arts and Crafts Board $290,000 is earmarked for enforcement and compliance activities.

In recognition of the many pressing needs in public safety and justice and in order to allow the tribes and the Bureau to determine the priorities among those needs, the conference agreement has not earmarked funds for animal welfare and control efforts within the funds provided for law enforcement. However, there is concern about the growing problems related to animal welfare and control on reservations and encourage the Bureau and the tribes to work with the Indian Health Service to determine if funding to address these problems should be included in future budget requests.

CONSTRUCTION

The conference agreement provides $169,884,000 for construction instead of $146,884,000 as proposed by the Senate and $126,023,000 as proposed by the House.

Changes to the House number include an increase of $45,374,000 for replacement school construction and decreases of $500,000 for employee housing and $1,013,000 from the safety of dams program. The funding increase provided for replacement school construction completes the next three schools on the priority list.

The House and Senate Committees on Appropriations remain troubled over the growing number of requests to use unobligated prior year school operations funds for replacement or repair of Bureau funded schools. The Congress has increased school operations funding every year for the past five years based on analysis by the Department, the Bureau, and the tribes showing that school operation funds remain well below the per student national average. Based on this analysis the House and Senate Committees on Appropriations are not convinced that any school should have carryover operations funds at the end of the school year. Nevertheless, bill language has been included to allow the Tate Topa Tribal School, the Black Mesa Community School, and the Alamo Navajo School to use prior year operations funds for repair and replacement purposes. However, to ensure that the additional flexibility provided by this language does not create an incentive for schools to divert scarce operations dollars, any future requests require approval by the Secretary of the Interior. In addition, if this authority is used, the Secretary is directed to certify in writing to the House and Senate Committees on Appropriations that this request will not negatively impact the school's academic standards.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

The conference agreement provides $27,256,000 for Indian land and water claim settlements and miscellaneous payments to Indians instead of $25,901,000 as proposed by the House and $27,131,000 as proposed by the Senate.

Increases above the House level include $1,000,000 for Aleutian Pribilof church repairs, $230,000 for the Truckee River, and $125,000 for the Walker River Paiute Tribe.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

The conference agreement provides $5,008,000 for the Indian guaranteed loan program as proposed by the House instead of $5,004,000 as proposed by the Senate.

ADMINISTRATIVE PROVISIONS

The conference agreement includes bill language under the Bureau of Indian Affairs Administrative Provisions as proposed by the Senate that allows the use of prior year school operations funds to be used for replacement or repair of Bureau schools if approved by the Secretary.

The conference agreement modifies Senate proposed bill language included under the Bureau of Indian Affairs Administrative Provisions which clarifies that Bureau funded schools may share their campus with other schools that do not receive Bureau funding and have expanded grades, provided that any additional costs be provided by non-Federal sources.

The conference agreement modifies Senate proposed bill language under Title I General Provisions to direct that the allocation of funds to post secondary schools during fiscal year 2000 be determined by the post secondary funding formula adopted by the Office of Indian Education.

The Senate proposed bill language under General Provisions, Department of the Interior has been modified to allow the Secretary to redistribute Tribal Priority Allocation funds to address unmet needs, dual enrollment, overlapping service areas, or inaccurate distribution methodologies.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

The conference agreement provides $70,171,000 for assistance to territories instead of $62,320,000 as proposed by the House and $67,325,000 as proposed by the Senate. The conference agreement follows the funding levels proposed by the Senate for the activities, except for a decrease of $154,000 from the level proposed by the Senate for the Office of Insular Affairs and an increase of $3,000,000 to the territorial assistance activity for Compact-Impact aid to Guam as authorized by the Compact of Free Association Act (P.L. 99-239). The conference agreement includes funding, as suggested by the Senate, for the Compact renegotiation process. The conference agreement also includes the language proposed by the Senate deferring part of the Covenant mandatory payment to the Commonwealth of the Northern Mariana Islands. The deferred funds are allocated to the Virgin Islands for federal mandates as directed by the Senate report. The Secretary should ensure that representatives of Hawaii are consulted during the upcoming compact renegotiation process so the impact to Hawaii of migrating citizens from the freely associated states is appropriately considered.

COMPACT OF FREE ASSOCIATION

The conference agreement provides $20,545,000 for the Compact of Free Association as proposed by both the House and the Senate.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement provides $62,864,000 for Departmental Management as proposed by the House instead of $62.203,000 as proposed by the Senate. The conference agreement provides for the following distribution of funds:

Departmental direction	$11,665,000
Management and coordination	22.780,000
Hearings and appeals	8,047,000
Central services	19,527,000
Bureau of Mines workers compensation/unemployment	845,000

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

The conference agreement provides $40,196,000 for the Office of the Solicitor instead of $36,784,000 as proposed by the House and the Senate. None of the funds may be used to hire new staff other than filling authorized vacancies and replacement of departing staff. The conference agreement provides for the following distribution of funds:

Legal services	$33,630,000
General administration	6,566,000

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement provides $26,086,000 for the Office of Inspector General as proposed by the House instead of $26,614,000 as proposed by the Senate. The conference agreement provides for the following distribution of funds:

Audit	$15,266,000
Investigations	4,940,000
Administration	5,880,000

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

The conference agreement provides $90,025,000 for Federal trust programs as proposed by the House instead of $73,836,000 as proposed by the Senate.

Prior to the Department deploying the Trust Asset and Accounting Management System (TAAMS) in any Bureau of Indian Affairs Area Office, with the exception of locations in the Billings area, the Secretary should advise the Committees on Appropriations that, based on the Secretary's review and analysis, such systems meet TAAMS contract requirements and user requirements.

The conference agreement modifies House proposed bill language under Title I General

Provisions to allow the Department to hire individuals other than administrative law judges (ALJ) to hear Indian probate cases, and to allow the Department to secure the services of ALJs from other Federal agencies as a means of reducing the Indian probate backlog.

INDIAN LAND CONSOLIDATION PILOT

The conference agreement provides $5,000,000 for the Indian land consolidation pilot as proposed by the House and Senate.

The conference agreement includes a technical correction to the bill language to allow funds to be transferred to the Bureau of Indian Affairs for the administration of the consolidation pilot.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

The conference agreement provides $5,400,000 for the natural resource damage assessment fund as proposed by the House instead of $4,621,000 as proposed by the Senate.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

The conference agreement includes sections 101 through 112 and sections 114 and 115 from the Senate bill which continue provisions carried in past years.

Section 113 contains a technical correction to the Senate language dealing with contract support costs paid by the Department of the Interior on Indian self-determination contracts and self-governance compacts as proposed by the House.

Section 116 changes the name of the Steel Industry American Heritage Area to the "Rivers of Steel National Heritage Area" as proposed by the House. The Senate had no similar provision.

Section 117 retains the text of section 116 as proposed by the Senate and provides for the protection of lands of the Huron Cemetery for religious and cultural uses and as a burial ground. The House had no similar provision.

Section 118 retains the text of section 114 as proposed by the House and section 118 as proposed by the Senate which permits the retention of rebates from credit card services for deposit to the Departmental Working Capital Fund.

Section 119 retains the text of section 115 as proposed by the House and section 119 as proposed by the Senate which permits the transfer of funds between the Bureau of Indian Affairs and the Office of Special Trustee for American Indians for the Trust Management Improvement Project High Level Implementation Plan.

Section 120 makes permanent the exemption from certain taxes and special assessments for properties at Fort Baker, Golden Gate National Recreation Area. The Senate had provided the exemption for one year.

Section 121 retains the text of section 117 as proposed by the House and section 121 as proposed by the Senate which permits the retention of proceeds from agreements and leases at Fort Baker, Golden Gate National Recreation Area for preservation, restoration, operation, maintenance, interpretation and related activities.

The conference agreement does not include language proposed in section 118 of the House bill requiring the renewal of grazing permits in the Lake Roosevelt National Recreation Area. Senate section 124 contained a similar provision and it is not included in the agreement either.

The House and Senate Committees on Appropriations are deeply concerned with the National Park Service's change in policy regarding historical grazing in the Lake Roosevelt National Recreation Area. The NRA was established on Federal lands acquired or withdrawn for the Grand Coulee Dam project. In 1946 and again in 1990, the Secretary of the Interior designated the NPS as the manager of the Federal lands within the NRA.

The House and Senate Committees on Appropriations recognize the cultural, custom and historic uses of the Lake Roosevelt National Recreation Area and expect the National Park Service to provide documentation to the Committees no later than July 1, 2000, on the history of grazing and all other uses that have existed since 1935 under the terms and provisions of the Columbia Basin Act and since 1946 under the terms and provisions of the Tri-Party Agreement. The report shall include the following: parties affected, acreage affected, description of uses, impacts of such custom and culture on the local economy, an analysis of the circumstances surrounding the National Park Service assumption of management of the area and suggestions for appropriate legislative language.

Section 122 makes a technical correction to the Omnibus Parks and Public Lands Management-Act of 1996 (Public Law 104-333, 110 Stat. 4110) relating to a map reference to the Page Landing addition to the Colonial National Historical Park.

Section 123 modifies language proposed by the House in section 119 and by the Senate in section 117. The modification renews grazing permits based on the same terms and conditions as the expiring permits or until the Department completes processing the existing grazing permit backlog. The Department is directed to develop and implement a schedule to address and alleviate this backlog as soon as possible. To this end the conference agreement has provided an additional $2,500,000 to expedite the grazing permit and lease renewal process. The House and Senate Committees on Appropriations expect these renewals to be completed in a timely manner so there will no longer be a need to continue to address this problem.

Section 124 modifies House section 120 and allows the Department to hire individuals other than administrative law judges and to secure the services of administrative law judges from other Federal agencies to address the Indian probate backlog. The Senate had no similar provision.

Section 125 retains the text of section 121 as proposed by the House allowing American Samoa to receive a loan which will be repaid from its proceeds from a settlement agreement with tobacco manufacturers. The Senate had no similar provision. The House and Senate Committees on Appropriations remain very concerned about the fiscal situation in American Samoa. The conference agreement includes the Senate proposal that the Secretary should not release certain funds withheld in fiscal year 1999 until the Secretary certifies that American Samoa implements activities regarding repayment for health care in Hawaii. It is expected that the substantial loan will be used effectively by American Samoa to provide a long-lasting fiscal remedy and economic development. The government is strongly encouraged to use some of these new funds for health care repayments which remain outstanding. The Secretary is directed to craft the final loan agreement so that the principal of $18,600,000, and interest calculated at the Congressional Budget Office's estimate of 5.4 percent, be fully repaid through the assignment of the tobacco lawsuit settlement funds over the next 26 years. At such time as these costs have been fully repaid the Secretary should act promptly to restore the tobacco settlement payments directly to American Samoa. The Secretary and the American Samoa government are also encouraged to work cooperatively to identify and bring economic development to the Territory. In addition, the Secretary is encouraged to consult with other Federal departments and agencies in this effort and make use of the recently established President's Interagency Group on Insular Areas to help achieve this goal.

The conference agreement does not include language proposed by the Senate in section 122 prohibiting the use of funds for the removal of the Elwha and Glines Canyon dams.

Section 126 modifies language as proposed by the Senate on a feasibility study for designating Midway Atoll as a National Memorial. The modification directs the Secretary, acting through the Fish and Wildlife Service (and its operating partner, Midway Phoenix Corporation) in coordination with the National Park Service, to pursue designation of Midway Atoll as a National Memorial to the Battle of Midway. It requires no study before establishment of the designation. The House had no similar provision. The Fish and Wildlife Service has an aggressive program underway at Midway relating to historic site protection, restoration and interpretation, and the House and Senate Committees on Appropriations fully support that effort by the Service and its operating partner.

Section 127 modifies section 125 as proposed by the Senate and provides the Secretary one year to redistribute Tribal Priority Allocation funds to address unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. The House had no similar provision.

Section 128 retains the text of section 126 as proposed by the Senate prohibiting the use of funds to transfer land into trust status for the Shoalwater Bay Indian Tribe in Clark County, Washington, until the tribe and county reach agreement on development issues. The House had no similar provision.

Section 129 modifies section 127 as proposed by the Senate and limits the use of funds to implement Secretarial Order 3206 regarding the administration of the Endangered Species Act on Indian tribal lands. The modification permits implementation of the order except for two provisions. The first provision, which may not be implemented, would give preferential treatment to Indian activities at the expense of non-Indian activities in determining conservation restrictions to species listed under the Endangered Species Act. The second would give preferential treatment to tribal lands at the expense of other privately owned lands in designating critical habitat under the Endangered Species Act. The House had no similar provision.

Section 130 retains the text of section 128 as proposed by the Senate providing authority for the Bureau of Land Management to provide land acquisition grants to two local governments in Alaska. The House had no similar provision.

The conference agreement does not include section 129 as proposed by the Senate dealing with alternatives for the modification of Weber Dam. The projects listed in the section, however, have been funded and incorporated in the appropriate accounts. The House had no similar provision.

Section 131 retains the text of section 130 as proposed by the Senate redirecting $1,000,000 from fiscal year 1999 appropriated funds for acquisition of the Howard Farm near Metzger Marsh, Ohio. The House had no similar provision.

The conference agreement does not include language proposed in section 131 of the Senate bill to place a moratorium on the issuance of final procedures for class III Indian gaming. This action is based on assurances from the Secretary that he will not implement final procedures until the Federal courts have ruled on this issue.

Section 132 modifies the text of section 132 as proposed by the Senate conveying certain lands to Nye County, Nevada. The House had no similar provision. The modification requires the county to pay an appropriate amount for the land.

Section 133 modifies the text of section 133 as proposed by the Senate conveying certain lands to the City of Mesquite, Nevada. The House had no similar provision. The modification requires the completion of environmental review prior to land conveyance.

Section 134 clarifies that section 134 as proposed by the Senate expresses the Sense of the Senate regarding exhibits commemorating the quadricentennial of European settlement at St. Croix Island IHS.

Section 135 retains the text of section 135 as proposed by the Senate prohibiting the Department of the Interior from studying or implementing any plan to drain Lake Powell or reduce water levels below levels required for the operation of Glen Canyon Dam. The House had no similar provision.

Section 136 modifies section 136 as proposed by the Senate dealing with the prohibition of inspection fees on certain exported hides and skins. The modification specifies that the prohibition on fees does not apply to any person who ships more than 2,500 hides, skins or parts during the course of one year. The House had no similar provision.

The conference agreement does not include language proposed by the Senate in section 138 prohibiting the implementation of sound thresholds at Grand Canyon National Park until 90 days after the National Park Service has provided a report detailing the scientific basis for such thresholds. The House had no similar provision.

Section 137 directs the Bureau of Indian Affairs to begin implementing the National Academy of Public Administration recommendations for improving the administration of the Bureau of Indian Affairs. In addition, this language directs that certain administrative functions be transferred from central office west to central office east. To facilitate this transfer and reduce any disruption, the House and Senate Committees on Appropriations have provided $5,000,000 and language on employee compensation to alleviate the impact of reductions in force.

Section 138 modifies language as proposed by the Senate regarding funds appropriated in fiscal year 1998 for land acquisition in Haines Borough, Alaska.

Section 139 modifies section 142 as proposed by the Senate so that funds appropriated for Bureau of Indian Affairs Post Secondary Schools for fiscal year 2000 shall be allocated by the Post Secondary Funding Formula adopted by the Office of Indian Education Programs. The House had no similar provision.

Section 140 clarifies section 143 as proposed by the Senate that land and other reimbursement the Secretary may receive in the conveyance of the Twin Cities Research Center must be used for the benefit of the National Wildlife Refuge System in Minnesota and for activities authorized by Public Law 104–134. The House had no similar provision.

Section 141 modifies section 144 as proposed by the Senate regarding oil valuation regulations. This language places a moratorium on the issuance of the Minerals Management Service oil valuation regulations until March 15, 2000.

Section 142 extends through 2003 the authority of the Thomas Paine National Historical Association to establish a memorial to Thomas Paine in the District of Columbia.

Section 143 provides new contract authority regarding transportation concessions at Zion NP, Utah.

Section 144 provides an extension of the deadline for Red Rock Canyon National Conservation Area to allow the Bureau of Land Management sufficient time to process a pending rights-of-way application.

Section 145 increases to 15 percent the amount of funds that may be used by the National Park Foundation to administer the National Park Passport program.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

The conference agreement provides $202,700,000 for forest and rangeland research instead of $204,373,000 as proposed by the House or $187,444,000 as proposed by the Senate. The agreement includes to the Senate proposal to direct $250,000 to study hydrological and biological impacts of lead and zinc mining on the Mark Twain National Forest, MO. The bill language concerning prospecting permits and land withdrawals on this national forest has been moved to Title III. The agreement includes a funding decrease of $2,574,000 from lower priority research but it does not include the Senate proposal to reduce non-forest health and productivity research specifically; nor are funds included for uncontrollable fixed cost support as proposed by the House.

The conference agreement includes the House proposed funding level for the forest inventory and analysis program. This program should focus on cost share opportunities with state partners and give first priority to those states that have demonstrated a commitment to achieving the 20 percent annual plot measurement objective through cash or in-kind contributions.

The conference agreement includes the funding for the activities at Mount St. Helens proposed by the House. The Pacific Northwest (PNW) research station should collaborate with the National Monument staff and non-Federal scientists to assemble, summarize and archive long-term data sets on 20 years of biological responses at Mount St. Helens. The PNW should convene scientists with past or future involvement with ecological studies at Mount St. Helens to synthesize current knowledge and promote future studies.

The conference agreement provides no funding in the research account for the University of Washington landscape ecology study; rather, funds for this activity have been provided in the State and Private Forestry appropriation to maintain this effort at the fiscal year 1999 level.

The conference agreement includes the Senate proposal for a funding increase at the Sitka, AK, forest center and includes a $300,000 increase above the fiscal year 1999 level for the Purdue University hardwood center. Funding for the Sitka facility should be included in the fiscal year 2001 budget justification.

The conference agreement does not include the Senate proposal for the University of Montana research nor the Senate proposed expansion of the CROP program, but it does maintain the CROP program at the fiscal year 1999 level at the Colville National Forest, WA.

The conference agreement moves $1,000,000 from the national forest system account for the PNW station to fund the demonstration of ecosystem management options (DEMO) program; if additional funds are needed, they should be taken from the national allocation to research. The agreement concurs with the Senate colloquy that projects at West Virginia, Vermont, and the Forest Products lab should be funded at the fiscal year 1999 level as should the Coweeta and Bent Creek projects as proposed by the House. The agreement also provides that funding for the forest science laboratory in Juneau, AK, should be maintained at the fiscal year 1999 level.

The conference agreement directs that up to $500,000 from the national allocation should be used, in a cost-share effort, to revise and update the Forest Service publication, "Carbon Changes in U.S. Forests". The updated publication should include all documentation of assumptions and methodologies used in estimating and projecting carbon sequestration using the forest carbon accounting model (FORCARB). A final draft of the updated publication should be presented to an accredited forestry school for scientific peer review by June 30, 2000, and an updated publication should be completed by September 30, 2000, and submitted to the House and Senate Committees on Appropriations.

The conference agreement revises instructions regarding services provided by Forest Service scientists in support of National Forest System (NFS) projects. Scientists should be available to support NFS project implementation as an important aspect of their professional public service and technology transfer responsibilities. The Forest Service is also encouraged to increase efforts at extramural research and pursue additional cost-sharing for the full scope of forest and rangeland research.

STATE AND PRIVATE FORESTRY

The conference agreement provides $202,534,000 for State and private forestry instead of $181,464,000 as proposed by the House and $190,793,000 as proposed by the Senate.

The conference agreement provides $38,825,000 for Federal lands forest health management and $21,850,000 for cooperative lands forest health management. The agreement includes the House proposal on Asian long-horned beetle work in urban areas and the Senate proposal for the Vermont forest cooperative. The agreement fully funds the gypsy moth slow-the-spread program. The agreement redirects the Senate proposal for Kenai Peninsula Borough, AK, assistance to the state fire assistance activity. The conference agreement directs the Forest Service to improve the control or eradication of the pine beetles in the Rocky Mountain region of the United States; to conduct a study of the causes and effects of, and solutions for, the infestation of pine beetles in the Rocky Mountain region of the United States; and to submit to the House and Senate Committees on Appropriations a report on the results of the study within six months of enactment of this Act.

The conference agreement includes $24,760,000 for state fire assistance, including a special allocation of $250,000 for the Senate-proposed project for wildfire training and equipment in Kentucky and $2,000,000 for hazardous tree removal resulting from spruce bark beetle infestations in the Kenai

Peninsula Borough, AK. The agreement includes the Senate direction concerning a direct lump sum payment to the Kenai Peninsula Borough and other direction concerning this funding. The conference agreement includes $3,250,000 for volunteer fire assistance, an increase of $1,250,000 above the fiscal year 1999 funding level.

The conference agreement includes $29,430,000 for forest stewardship as proposed by the House. This funding includes the House-proposed funding for the New York City watershed and the NE Pennsylvania community forestry program and the Senate proposed funding for the Chesapeake Bay program. The conference agreement includes $25,000,000 for the forest legacy program of which $1,500,000 is directed for the Jefferson and Randolph, NH, project as proposed by the Senate, $2,000,000 is included for the Nicatous Lake, Phase 2 project in Maine and $1,500,000 is for the Panguitch Lake, UT, project. The Forest Service and the States should develop forest legacy selection criteria that emphasize projects which enhance federal lands, federal investments, or past federal assistance efforts. The conference agreement includes $31,300,000 for the urban and community forestry program which includes the House-proposed increase for the NE Pennsylvania forestry program and $500,000 for the Senate-proposed Salt Lake City Olympic tree program. The Forest Service is encouraged to work with and help support the Chicago green streets program for urban forestry. The agreement does not include the Senate direction concerning headquarters staffing for the urban and community forestry program, but greater cost savings are encouraged at headquarters and regional office levels. In addition, the Forest Service is directed to commission an independent study or panel to assess the feasibility and potential for enhanced efficiency by block-granting all or portions of the cooperative forestry program. This evaluation should be done in consultation with the state foresters, the Society of American Foresters, and other interested professional or citizens groups.

The conference agreement includes the following funding for the economic action program and the Pacific Northwest assistance program:

ECONOMIC ACTION PROGRAM

Economic recovery	$4,900,000
Rural development through forestry	5,425,000
Forest product conservation and recycling	2,475,000
Wood in transportation	1,205,000
Program subtotal	14,005,000
Special projects:	
NY City watershed	500,000
Lake Tahoe erosion control grants	1,000,000
Hood River beach facilities OR	275,000
The Dalles riverfront trail OR	1,169,000
Columbia River Gorge county payment	280,000
Hawaii forestry workers training	100,000
Princeton WV hardwood center increase	975,000
Four Corners sustainable forestry initiative increase	500,000
Skamania County Drano Lake project WA	515,000
UW landscape ecology (moved from research)	300,000
Nordic Ski Center rehab, Chugach NF, AK	500,000
Projects subtotal	6,114,000
Economic Action Program total	20,119,000
Pacific Northwest Assistance program:	
Base program	6,500,000
Forks WA training center	600,000
UW and WSU technology transfer extension	900,000
Pacific Northwest Assistance program total	8,000,000

The conference agreement directs that within the funds provided for the rural development through forestry program $3,000,000 is directed for the Northeast-Midwest area. The agreement includes $500,000 for the Northern Forest Heritage Park, NH, within the available funds for the economic recovery program but the agreement stipulates that this will be the final Forest Service commitment for this effort and that this funding shall come from the allocation otherwise available to the Northeastern area.

The conference agreement provides an increase of $100,000 in addition to the $100,000 for the Hawaii forests and communities initiative within the economic action program as requested by the Administration. The agreement provides an increase of $975,000 for the Princeton, WV, hardwood center in addition to $1,520,000 included in the forest products conservation and recycling activity within the economic action program as requested by the administration. This brings the Princeton hardwood center funding to the FY 1999 level. The agreement also provides an increase of $500,000 for the Four Corners sustainable forestry initiative which is in addition to $500,000 that the agreement includes within the rural development through forestry activity as requested by the administration; this latter $500,000 should come from the region's allocation. The agreement concurs with the Senate direction on lump sum payments with respect to the Forks, WA, Training Center.

The conference agreement revises instructions proposed by the House concerning the American Heritage Rivers initiative; the Forest Service may allocate up to $300,000 for this effort. This funding should be used entirely for field activities, and no funds should be transferred to or used to fund personnel, training or other administrative activities at the Council on Environmental Quality or national interdepartmental coordination or training efforts. Bill language is also included in Title III concerning this matter. The agreement does not object to the Forest Service continuing to provide headquarters and regional administrative or technical support for this effort as they would for any program, but no staff at regional, headquarters or departmental levels should be substantially dedicated to this initiative. The Forest Service is encouraged to develop cost-share efforts for this initiative to the maximum extent feasible.

NATIONAL FOREST SYSTEM

The conference agreement provides $1,269,504,000 for the national forest system instead of $1,254,434,000 as proposed by the House and $1,239,051,000 as proposed by the Senate. Funds should be distributed as follows:

Land management planning	$40,000,000
Inventory and monitoring	88,350,000
Recreation management	155,500,000
Wilderness management	30,151,000
Heritage resources	13,214,000
Wildlife habitat management	32,561,000
Inland fish habitat management	23,341,000
Anadromous fish habitat management	26,091,000
TE&S species habitat management	26,932,000
Grazing management	28,982,000
Rangeland vegetation management	29,850,000
Timber sales management	224,500,000
Forestland vegetation management	63,340,000
Soil, water and air operations	26,932,000
Watershed improvements	36,850,000
Minerals and geology management	37,200,000
Real estate management	47,554,000
Land line location	15,468,000
Law enforcement operations	67,288,000
General administration	250,000,000
Land Between the Lakes NRA	5,400,000
Total, NFS	1,269,504,000

The conference agreement includes the following congressional priorities: recreation management includes a $500,000 increase for the Monongahela National Forest, WV, as proposed by the Senate; rangeland vegetation management includes $300,000 for noxious weed control on the Okanogan NF, WA, as proposed by the Senate and $400,000 for Region 5 grazing monitoring as proposed by the House; timber sales management includes $2,000,000 for the aspen program in Colorado as proposed by the Senate; forestland vegetation management includes $240,000 for pinelands work on the Mark Twain NF, MO, and $500,000 for spruce budworm work on the Gifford Pinchot NF, WA, proposed by the Senate and $300,000 for the CROP project on the Colville NF, WA, and $300,000 for Cradle of Forestry, NC, environmental education as proposed by the House. The agreement provides no funds for the newly proposed forest ecosystem restoration and improvement activity but $2,000,000 is included in the forestland vegetation management activity for work of this nature as well as $1,000,000 for the Blue Ridge project on the Apache-Sitgreaves NF that the Senate had proposed funding within the forest ecosystem restoration and improvement activity. The Forest Service should consider enhancing the ecosystem restoration program, including the use of partnerships, in Region 3. The conference agreement also includes $1,000,000 for the Wayne NF, OH, acid mine drainage work as proposed by the House; $750,000 for Lake Tahoe basin watershed improvements proposed by the Senate; and $750,000 for the Weyerhaeuser-Huckleberry land exchange supplemental environmental impact statement in Washington state as proposed by the Senate.

The conference agreement modifies bill language proposed by the House to require the display of unobligated balances by extended budget line items in the fiscal year 2001 budget justification.

The conference agreement provides funding in the timber sales management activity sufficient to maintain the same total timber sale volume as was proposed for fiscal year

1999; the total sale volume for fiscal year 2000 should be no less than the volume in fiscal year 1999. The report proposed by the Senate concerning timber growth, inventory and mortality should be submitted to the House and Senate Committees on Appropriations within 180 days of enactment. The drug law enforcement effort in Kentucky funding should be maintained at the 1999 level. The Forest Service should cooperate with the City of Fredonia, AZ, on standards for facilities for the North Kaibab ranger station and consider entering into an agreement with the city to occupy the facilities upon completion.

The conference agreement revises instructions proposed by the House concerning a detailed report on USDA and Forest Service fiscal, budget and related business activities. The Forest Service and the Department of Agriculture should present a clear exposition in their budget justifications explaining their respective responsibilities and funding concerning fiscal, budget and related business activities. The agreement also requests that the Forest Service provide a report to the House and Senate Committees on Appropriations within 180 days of enactment describing the public affairs and communications programs and outlining objectives, performance measures and expected costs for this effort. The agreement concurs with House recommended language concerning the Knutson-Vandenburg reforestation fund, salvage sale and brush disposal funds except that these funds may be used for national commitments within the Forest Service if the project relates to the fund's administration, management or authorized activity.

The conference agreement concurs with the House language that directs that no funds be used for the natural resource agenda or conservation education national commitment categories until a detailed, agency-wide spending plan, including funding sources and expected results, is approved by the House and Senate Committees on Appropriations. The agreement directs that no funds be used for the construction of a national museum or visitor center in the Sidney R. Yates building without the review and approval of the House and Senate Committees on Appropriations. The agreement does not request the GSA report requested by the Senate concerning alternative office space for the Washington Office at this time.

Land Between the Lakes National Recreation Area—The agreement notes that the Energy and Water Development Appropriations Act, 2000, does not include funding for operation of the Land Between the Lakes National Recreation Area, KY and TN. Therefore, the management of this area will be transferred from the Tennessee Valley Authority to the U.S. Forest Service as directed by the Land Between the Lakes Protection Act of 1998 Title V of Sec. 101(e) of Public Law 105–277). The Land Between the Lakes (LBL) shall be managed as part of the national forest system for recreation in a manner consistent with the multiple use mandate of the Forest Service and the original 1972 LBL mission statement. The conference agreement also directs an orderly transfer of management from the Tennessee Valley Authority to the Forest Service. The agreement directs that the previously published guidelines for the transfer be followed; these are delineated on pages 1246 and 1247 of House Report 105–825 accompanying P.L. 105–277, the Omnibus Consolidated and Emergency Supplemental Appropriations Act for fiscal year 1999. The agreement includes a total of $7,000,000 for the operation of LBL; this includes $5,400,000 in the national forest system appropriation, $1,300,000 in the reconstruction and maintenance appropriation and $300,000 in the wildland fire management appropriation account.

The Forest Service wilderness management policy should consider the need for mitigating the adverse effect of human impact on vegetation, soil, water and wildlife. The agreement suggests that the policy should consider solitude as one among a number of qualities valuable to a wilderness experience but recognize that the 1964 Wilderness Act does not require solitude on every trail. The Forest Service should not impose a wilderness-wide blanket of determining use by social encounters (solitude).

The conference agreement recognizes the structural problems of the Long Park Dam in Daggett County, Utah. Recognizing the unique circumstances of the dam, its proximity to the Flaming Gorge National Recreation Area, and its significant contribution to the local economy of Daggett County, Utah, the agreement encourages the Secretary of Agriculture to make repair of the dam a priority within the Department of Agriculture's Natural Resource Conservation Service appropriation. The State of Utah is participating in the project on a 50/50 cost share basis. Should budgetary adjustments be necessary to provide for the federal share, the Secretary should do so in consultation with the House and Senate Committees on Appropriations.

WILDLAND FIRE MANAGEMENT

The conference agreement provides $651,354,000 for wildland fire management instead of $561,354,000 as proposed by the House and $650,980,000 as proposed by the Senate. The conference agreement includes funding for fire operations and preparedness (including Land Between the Lakes NRA) as proposed by the House and contingent emergency funding as proposed by the Senate. The agreement concurs with the Senate direction concerning acquisition of a high band radio system for the Monongahela NF, WV. The agreement calls for about $70,000,000 to be reserved for hazardous fuel operations of which $500,000 is designated for hazardous tree removal on the Chugach National Forest, AK, and $1,500,000 is for implementing the Quincy Library group project as proposed by the Senate. The agreement does not specify any set amount of funding for particularly severe forest health areas as proposed by the House, but the Forest Service should follow other House and Senate instructions concerning this program, including a report within 120 days and full integration of this program with other vegetation, habitat management and watershed improvement programs. The agreement includes bill language proposed by the House which requires the transfer of not less than 50 percent of the unobligated balances remaining at the end of fiscal year 1999 to pay back funds previously advanced from the Knutson-Vandenburg reforestation fund during severe emergencies. This fund is still owed $392,871,000 which was advanced for emergency wildfire fighting during previous years. The administration is again encouraged to make efforts to repay this important environmental restoration and protection fund.

RECONSTRUCTION AND MAINTENANCE

The conference agreement provides $398,927,000 for reconstruction and maintenance instead of $396,602,000 as proposed by the House and $362,095,000 as proposed by the Senate. The conference agreement provides for the following distribution of funds:

Facilities Reconstruction and Construction

	Amount
Research facilities:	
Auburn University research facility AL	$4,000,000
Inst. Pacific Islands Forestry HI	400,000
Admin. request projects	7,510,000
Subtotal: Research facilities	11,910,000
Fire, admin, other facilities:	
Marienville RS consolidation PA	1,140,000
Black Hills NF fire training facility SD	800,000
Wayne NF supervisors office completion OH	475,000
Admin. request projects	22,946,000
Subtotal: FAO facilities	25,361,000
Recreation facilities:	
Allegheny NF rec facilities PA	400,000
Angeles NF toilet and water system rehab CA	1,200,000
Badin Lake campground NC	400,000
Boone NF Rockcastle and Noe's Dock boat ramp KY	425,000
Chugach NF, Begich Boggs visitor center AK	1,400,000
Cradle of Forestry NC	1,078,000
Franklin County dam MS	2,000,000
Ocoee boater put-in and Thunder Rock campgd TN	600,000
Sacajewea education center, Salmon ID	75,000
San Bernardino NF Dogwood campground CA	1,125,000
Santa Inez First Crossing recreation area CA	950,000
Talladega NF Pinhoti trail bridge AL	30,000
Waldo Lake sanitation OR	700,000
Admin. request projects	32,949,000
Subtotal: Recreation facilities	43,332,000
Subtotal facilities reconstruction and construction	80,603,000

Trail Reconstruction and Construction

Continental Divide trail (various)	500,000
Florida National Scenic Trail	250,000
Taft Tunnel ID	750,000
Winding Stair Mt NRWA OK	130,000
Ocoee river trail system TN	300,000
VA Creeper trail repair VA	500,000
Admin. request projects	12,979,000
Other trail reconstruction base program	14,173,000
Subtotal trails reconstruction and construction	29,582,000

Road Reconstruction and Construction

Boone NF Tunnel Ridge road KY,	1,000,000

Increase for timber support	2,091,000
Monongahela NF landslide damage WV	641,000
Olympic NF Hamma Hamma road WA	800,000
Admin. request projects	96,468,000
Subtotal road reconstruction and construction	101,000,000
Reconstruction and construction subtotal	211,185,000
Maintenance	
Facilities	54,813,000
Road maintenance and decommissioning	111,184,000
Trails	20,445,000
Maintenance subtotal	186,442,000
Land Between the Lakes, maintenance, repairs	1,300,000
Total reconstruction and maintenance	398,927,000

The conference agreement has included bill language as proposed by the Senate that requires the Forest Service to provide an opportunity for public comment on each road decommissioning project. The conference agreement has provided sufficient road reconstruction and construction funding to allow the timber sales program to offer the same level of harvest as in fiscal year 1999. The agreement notes that funds will not be used for the direct construction of new timber access roads; rather, the timber purchasers will provide for the actual construction, although the Forest Service will continue to provide all needed engineering support and project guidance. The agreement does not include the Senate recommendation that road reconstruction decreases should come from the Region 10 funding. The agreement includes $100,000 for Noe's Dock boat ramp and $325,000 for the Rockcastle project on the Daniel Boone NF, KY, and directs that the $300,000 in the budget request originally designated for the Region 9 office move shall be used for the heating, ventilation and air conditioning systems at the Forest Products Lab, WI. The agreement emphasizes that the funding authorization for the Auburn University forestry school construction project requires the University to provide the Forest Service with rent-free use of space for the life of the building for collaborative research.

LAND ACQUISITION

The conference agreement provides $79,575,000 in new land acquisition funds and a reprogramming of $40,000,000 in prior year funds instead of a total of $1,000,000 as proposed by the House and $36,370,000 as proposed by the Senate. Funds should be distributed as follows:

State and project	*Amount*
CA—Angeles NF (Pacific Crest Trail)	$1,500,000
CA—Big Sur Ecosystem (Los Padres NF)	4,000,000
MT—Bitterroot NF (Rye Creek)	3,500,000
UT—Bonneville Shoreline Trail	750,000
WI—Chequamegon-Nicolet NF	1,500,000
TN—Cherokee NF (Gulf Tract)	3,500,000
AZ—Coconino NF (Bar-T-Bar Ranch)	5,000,000
AZ—Coconino NF (Sedona)	3,500,000
Multi.—Continental Divide Trail	700,000
KY—Daniel Boone NF	1,500,000
SC—Francis Marion NF	3,000,000
VT—Green Mtn. NF	3,000,000
ID—Hells Canyon NRA	600,000
IN—Hoosier NF	750,000
NV/CA—Lake Tahoe Basin	3,000,000
MT—Lindbergh Lake (Flathead NF)	3,000,000
MO—Mark Twain NF	1,000,000
WV—Monongahela NF (Elk River)	275,000
WA—Mountains To Sound Greenway	2,500,000
NC—Nantahala/Pisgah NF (Lake Logan)	1,000,000
FL—Osceola NF (N. FL. Wildlife Corridor)	1,000,000
WA—Pacific NW Streams	3,000,000
CA—San Bernardino NF	2,500,000
NM—Santa Fe NF (Jemez R.)	1,000,000
ID—Sawtooth NRA	1,000,000
MS—Univ. of Mississippi	12,000,000
OH—Wayne NF	1,000,000
NH—White Mt. NF (Pond of Safety Tract)	1,500,000
NH—White Mt. NF (Scenic Areas)	1,000,000
Subtotal	67,575,000
Acquisition Management	8,500,000
Cash Equalization	1,500,000
Emergency Acquisitions	1,500,000
Wilderness Protection	500,000
Total	$79,575,000

The conference agreement provides $1,000,000 for the Osceola National Forest, FL, to acquire black bear habitat. The agreement makes these funds contingent on an equal match from non-Federal sources. The project need is in excess of $100,000,000. The State of Florida should partner with the Federal government on this and other projects which are under serious development threat. The conference agreement notes that the State's annual land acquisition budget exceeds that of the Federal program; the agreement provides Stateside land and water grants within the National Park Service appropriation for the first time in five years.

The conference agreement provides $3,000,000 for the Pacific Northwest Streams initiative. Of this amount, $2,000,000 is available for the Bowe Ranch, WA, and $1,000,000 for the Bonanza Queen Mine, WA.

Senate Report 105–56, which accompanied the Fiscal Year 1999 Interior and Related Agencies Act, included a limitation on the purchase price for the acquisition of certain lands in the Columbia River Gorge NSA (CRGNSA), and also required a donation of a 40-acre tract adjacent to the CRGNSA. Both of these directives are hereby rescinded. The Forest Service shall notify the House and Senate Committees on Appropriations before finalizing the acquisition of these properties if the combined value of the acquisition of the Cannard Tract and the adjacent 40-acre parcel totals more than $625,000. The agreement includes $40,000,000 in previously appropriated funds for acquisition of the Baca Ranch subject to a specific authorization. An additional $61,000,000 for the Baca Ranch acquisition is included in Title VI.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

The conference agreement provides $1,069,000 for the acquisition of lands for national forests special acts as proposed by both the House and the Senate.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

The conference agreement provides an indefinite appropriation estimated to be $210,000 for the acquisition of lands to complete land exchanges as proposed by both the House and the Senate.

RANGE BETTERMENT FUND

The conference agreement provides an indefinite appropriation estimated to be $3,300,000 for the range betterment fund as proposed by both the House and the Senate.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

The conference agreement provides $92,000 for gifts, donations and bequests for forest and rangeland research as proposed by both the House and the Senate.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

The conference agreement does not include language proposed by the House concerning Committee approval of organizational restructuring. However, the House and Senate Committees on Appropriations are concerned that the Forest Service is not doing all that is practicable to see that the maximum amount of funding gets to the field where there is so much need for management action and public service. In addition, the House and Senate Committees on Appropriations are concerned that the Forest Service has established new staff units within the Washington Office with very little Congressional consultation. While the agreement concurs that additional resources may be necessary to improve agency accountability, such increases should be strictly limited in order to assure maximum availability of funds for program accomplishment. The agreement directs the Forest Service to consult the House and Senate Committees on Appropriations prior to establishing new units in the Washington Office where such units report to Associate Deputy Chiefs or above and for major reorganizations in the field where there is a significant deviation from the current organizational structure. Such deviation would be significant if the reorganizations involve a net increase in administrative support needs or where groups of employees are geographically relocated.

The conference agreement does not include language proposed by the House allowing the Secretary to use any available funds during wildland fire emergencies; the conference agreement continues the previous procedures as proposed by the Senate. The agreement includes House language which allows the release of non-wildland fire management funds for wildland emergencies only when all previously appropriated emergency contingent wildland fire funds have been released by the President and apportioned. The House and Senate Committees on Appropriations remain concerned that this Administration has been overly anxious to spend the KV reforestation fund on wildland fire emergencies and not sufficiently interested in paying the KV fund back. This fund provides for vital environmental restoration and protection activities including tree planting, watershed restoration, and wildlife and fish habitat enhancement.

The conference agreement does not include language proposed by the House preventing the transfer of Forest Service funds to the USDA working capital fund without advance approval from the House and Senate Committees on Appropriations. Clear statements should be included in future budget justifications concerning these and other departmental charges; the Forest Service should not be charged for Department of Agriculture administrative activities which should be funded by the Agriculture appropriations bill. In addition to the display contained in the agency budget justification, the agency should inform the House and Senate Committees on Appropriations immediately if the estimated total amount of funds to be transferred during the fiscal year differs from the agency estimate by more than 10 percent. The conference agreement further instruct the Secretary to provide the House and Senate Committees on Appropriations with a plan no later than March 31, 2000, for reduction of total charges against the agency beginning in fiscal year 2000.

The conference agreement includes language proposed by the Senate concerning clearcutting on the Shawnee National Forest, IL; this language was carried in previous bills. The conference agreement includes the Senate proposed funding level for the National Forest Foundation and includes the House proposed language concerning the payment to the National Fish and Wildlife Foundation. The agreement includes bill language proposed by the Senate concerning the definition of overhead and indirect expenses and limiting indirect expenses to 20 percent for certain trust funds and cooperative work funds. The House language is included which allows up to $500,000 to be transferred to the Office of the General Counsel for certain travel and related expenses; the Senate had included similar language. The agreement modifies language proposed by the Senate allowing any funds available to the Forest Service to be used for law enforcement during emergencies; the modified language allows any funds to be used up to a maximum of $500,000 per year. This authority should only be used during real emergencies and every effort should be made to pay back the borrowed funds promptly during subsequent years. The agreement concurs with the House direction regarding the International Forestry program and it includes the Senate provision authorizing use of Forest Service funds to pay a certain employee for part of the cost of his house and possessions which were destroyed by arson because this arson appears to be retaliation for him performing his official job duties.

The agreement includes bill language directing that $5,000,000 be allocated to the Alaska Region from fiscal year 1999 unobligated balances (excluding unobligated balances from the Alaska region) in addition to the $20,600,000 appropriated to sell timber in the normal base program for fiscal year 2000. The funds provided from unobligated balances, plus $5,100,000 from the base program, shall be used to prepare and make available timber sales to establish a three year timber supply for operators on the Tongass National Forest. Sales are to be prepared which have a high probability of being sold in order to facilitate a reliable Federal timber supply and transition to value added processing for the forest products industry in Southeast Alaska.

The conference agreement also includes bill language which appropriates $22,000,000 to the Southeast Alaska economic disaster fund to be distributed over three years to the Ketchikan Gateway Borough, the City of Petersburg, the City and Borough of Sitka and the Metlakatla Indian Community. These funds are to be provided as direct lump sum payments and are to be used to employ unemployed timber workers and for related community redevelopment projects.

The House and Senate Committees on Appropriations have received the report from the National Academy of Public Administration (NAPA) on the Forest Service financial systems and budget structures. The House and Senate Committees on Appropriations are currently reviewing this important study and have assurances from the Secretary that he and the Forest Service will provide, by October 31, 1999, a report outlining specific steps, with deadlines, that the Forest Service will take to evaluate and implement NAPA recommendations as appropriate. The Academy's findings that the Forest Service has shown a substantial lack of leadership concerning managerial accountability are of great concern. The Forest Service and the Secretary should continue consultation with the House and Senate Committees on Appropriations concerning changes required to respond to this NAPA study. The Forest Service budget formulation and allocation processes do not provide sufficient linkage between on-the-ground needs and funding priority work. The Service must also address the consequences of inadequate performance. Development and implementation of sound performance measures will be needed before major budget restructuring is likely to be accepted by the House and Senate Committees on Appropriations. Another concern involves about the Forest Service granting approval to expand greatly the chief financial officer's staffing at headquarters: the Forest Service should pay close attention to NAPA recommendations concerning this matter and organizational structure.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

The conference agreement provides for the deferral of $156,000,000 in previously appropriated funds for the clean coal technology program as proposed by the Senate instead of a deferral of $256,000,000 as proposed by the House. Up to $14,400,000 may be used for program direction.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $419,025,000 for fossil energy research and development instead of $280,292,000 as proposed by the House and $390,975,000 as proposed by the Senate. Of the amount provided, $24,000,000 is derived by transfer from the biomass energy development account.

Changes to the House position in advanced clean fuels research include increases of $300,000 for coal preparation/carbon extraction from coal and $250,000 for indirect liquefaction and a decrease of $1,475,000 for direct liquefaction. For the advanced clean efficient power system program there is a decrease of $1,000,000 for low emissions boiler systems and an increase of $1,500,000 for Vision 21.

For natural gas programs there are increases to the House position in exploration and production of $375,000 for arctic research and $1,000,000 for methane hydrates; increases in advanced turbine systems of $800,000 for mid-size turbines, $2,500,000 for ramgen technology (coalbed methane), and $41,008,000 for the utility turbines program that the House had proposed to transfer to the Energy Conservation account; and increases in emerging process technology of $1,000,000 for gas-to-liquids/ITM Syngas and $2,000,000 for coal mine methane.

Changes to the House position in the oil technology program include increases of $375,000 for arctic research and $250,000 for reservoir characterization/northern mid-continent atlas in exploration and production; an increase of $750,000 for risk based data management systems and a decrease of $2,000,000 for preferred petroleum upstream management in recovery field demonstrations; and an increase of $3,500,000 for diesel biodesulfurization in Alaska.

Other changes to the House position include increases of $5,000,000 for the black liquor gasification program, $600,000 for cooperative research and development, $2,400,000 for federal energy technology center program direction, $600,000 for general plant projects, and $79,000,000 which eliminates a general reduction to fossil energy programs.

The conference agreement provides for the following:

1. The black liquor gasification program should include the active involvement of the appropriate officials within the industries of the future program in energy conservation.

2. The funds provided for laser drilling may be used for other innovative technologies in addition to laser drilling.

3. Within the methane hydrate program, the Department is encouraged to consider the expertise of the Gulf of Mexico Hydrate Research Consortium in safety-related research.

4. Consideration should be given to a proposal to enhance the quality of low-grade sub-bituminous coal from the Powder River Basin by permanently removing moisture from the coal. This proposal also would provide economic development benefits for the Crow Nation. The Department is urged to evaluate this proposal and to consider providing technical assistance or other funding support to the extent the project represents a significant advance in coal dewatering technology, is consistent with the goals and objectives of the fossil energy program, and involves an appropriate degree of cost sharing.

5. The Department's PM 2.5 monitoring and research efforts should focus on developing data that respond to the fine particulate research needs identified in the Congressionally-mandated "National Research Council Priorities for Airborne Particulate Matter." To the extent feasible, the Department should coordinate with industry, State and university research efforts to clarify the uncertainties in the current understanding of fine particulate matter concentration, chemical composition and the relationship between personal exposure and ambient air quality. Research results should help Federal and State environmental regulators design plans that comply with the PM 2.5 ambient air standard and protect the public health.

ALTERNATIVE FUELS PRODUCTION

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides, as proposed by both the House and the Senate, for the deposit of investment income earned as of October 1, 1999, on principal amounts in a trust fund established as part of the sale of the Great Plains Gasification Plant in Beulah, ND, and immediate transfer of the funds to the General Fund of the Treasury. The amount available as of October 1, 1999, is estimated to be $1,000,000.

NAVAL PETROLEUM AND OIL SHALE RESERVES

The conference agreement provides no new funding for the Naval petroleum and oil shale reserves as proposed by both the House and the Senate. Unobligated funds from previous fiscal years should be sufficient to continue necessary operations in fiscal year 2000.

ELK HILLS SCHOOL LANDS FUND

The conference agreement provides $36,000,000 for the second payment from the Elk Hills school lands fund as proposed by the House instead of no funding as proposed by the Senate. This payment will be delayed until October 1, 2000, and the payment should be made on that date or as soon thereafter as possible.

ENERGY CONSERVATION

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $745,242,000 for energy conservation instead of $731,822,000 as proposed by the House and $684,817,000 as proposed by the Senate. Of the amount provided, $25,000,000 is derived by transfer from the biomass energy development account.

Changes to the House position in building research and standards include increases of $2,201,000 for building America and $500,000 for technology roadmaps and a decrease of $300,000 for industrialized housing in residential buildings; an increase of $1,700,000 for commercial buildings research and development; and increases of $470,000 for lighting research and development, $3,250,000 for space conditioning and refrigeration, $1,800,000 for cogeneration/fuel cells and $1,797,000 for lighting and appliance standards in equipment, materials and tools. For the building technology and assistance program there is an increase of $2,000,000 for the weatherization assistance program and an increase of $500,000 for State energy program grants. For management and planning there is a decrease of $300,000 in support for State and local grants. There are also increases of $1,000,000 for Rebuild America, $2,000,000 for cooperative programs with States and $3,900,000 for the energy efficiency science initiative.

Changes to the House position in industry programs include increases of $1,000,000 for the petroleum refining vision for biodesulfurization of gasoline, $2,000,000 for reciprocating engines $2,000,000 for a cogeneration field test and $2,000,000 for characterization of oxidation behavior and a decrease of $3,000,000 for industrial turbines in distributed generation; an increase of $300,000 for technical assistance/integrated delivery; an increase of $500,000 for precision forging; a decrease of $41,008,000 for utility turbines that the House had proposed to transfer from the fossil energy account; and decreases of $550,000 for NICE^3, $100,000 for inventions and innovations, $200,000 for industrial assessment centers, $400,000 for motors and compressed air, and $250,000 for steam challenge. There are also increases of $2,000,000 for cooperative programs with the States and $3,900,000 for the energy efficiency science initiative.

Changes to the House position for transportation programs/vehicle technology include an increase of $3,000,000 for advanced power electronics and a decrease of $1,900,000 in hybrid systems; increases of $400,000 for fuel cell systems, $1,600,000 for stock components, and $2,620,000 for fuel processing and storage in fuel cell research and development; decreases of $500,000 each for light truck engines and for heavy truck engines in the advanced combustion engine program; and increases of $800,000 each for CARAT and GATE in cooperative research. For fuels utilization there are increases of $1,600,000 for advanced petroleum fuels for heavy trucks and $1,000,000 for alternative fuels for automobiles/light trucks. For technology deployment there is a decrease of $10,000 for advanced vehicle competitions. There are also increases of $1,000,000 for high power energy storage, $2,000,000 for heavy vehicle propulsion systems, $3,000,000 for combustion and aftertreatment, $1,000,000 for heavy vehicle systems, $1,500,000 for advanced petroleum fuels for automobiles and light trucks, $1,000,000 for automotive lightweight materials, $2,000,000 for cooperative programs with the States, and $3,900,000 for the energy efficiency science initiative. In policy and management there is an increase of $1,000,000 for a National Academy of Sciences review of fossil fuel and conservation research efforts as described below and decreases of $100,000 for the headquarters working capital fund, $300,000 for international market development programs, and $200,000 for information and communications.

Bill Language.—Bill language proposed by the House that requires a 25 percent State cost share for the weatherization assistance program has been modified. The modification delays the cost-sharing requirement until fiscal year 2001 and thereafter to allow sufficient time for the States to prepare for this new requirement. The cost share must be non-Federal for each State or other qualified participant but is not strictly limited to funds appropriated by each State or other qualified participant.

The conference agreement provides for the following:

1. While language in the bill earmarking funds for grants to municipal governments as proposed by the Senate has not been included, the Department is urged to continue working closely with municipal governments and with the States to address municipal and community energy challenges. The Department should support worthy project proposals that address these issues within the amount provided for the buildings, industry and transportation programs.

2. The direction in the House report with respect to continuing fiscal year 1999 programs does not preclude the program eliminations and consolidations proposed in the budget request unless expressly identified to the contrary.

3. In addition to the development project identified in the Senate report, the amount provided for fuel cells for buildings includes $750,000 to continue the partnership established with Materials and Electrochemical Research Corporation to work on polymer electrolyte membrane (PEM) fuel cells in collaboration with the Oak Ridge National Laboratory.

4. Within the funds provided for the Industries of the Future petroleum program, the Department is encouraged to continue support for research on the biocatalytic desulfurization of gasoline.

5. The reciprocating engine program should include the active involvement of the appropriate officials within the fossil energy program.

6. The increase for characterization of oxidation behavior is for rig testing in the turbine program. The Oak Ridge National Laboratory should be involved in this effort.

7. The Department has placed a high priority on combustion and aftertreatment in the transportation program an increase is provided in that program area. The House and Senate Committees on Appropriations are willing to consider a reprogramming request for additional funds if acceptable offsets are identified.

8. The Department should support hybrid-electric buses by funding integration and refinement of advance hybrid-electric drive trains by bus makers and propulsion teams that have demonstrated the successful application of hybrid-electric drive trains in actual transit programs.

9. The Department should use the expertise of the Consortium for Advanced Transportation Technologies and its streamlined competitive, cost-shared procurement process across the various transportation programs.

10. Continued industry support for the hybrid lighting partnership is encouraging and the Department should continue the program in fiscal year 2000.

11. Reports that cost accounting standards and cost principles in the Federal Acquisition Regulations may be hindering contracting with certain commercial entities are of concern and the Department should submit a report by December 15, 1999 detailing problems in this area and making recommendations for addressing these problems in the future.

12. The $1,000,000 provided for a National Academy of Sciences study is for a retrospective examination of the costs and benefits of Federal research and development technologies in the areas of fossil energy and energy efficiency. The study should identify improvements that have occurred because of Federal funding for: (1) fossil energy production with regard to performance aspects such as efficiency of conversion into electricity, lower emissions to the environment and cost reduction; and (2) energy efficiency technologies with regard to more efficient use of energy, reductions in emissions and cost impacts in the industrial, transportation, commercial and residential sectors. If the full amount provided is not needed for this study, the House and Senate Committees on Appropriations should be notified of the available balance. None of these funds may be used to fund overhead costs or other energy conservation programs. The Department has an arrangement with the National Academy of Sciences that will streamline the procurement process and the Department should expedite the necessary paperwork to get this study underway within 30 days of enactment of this Act.

13. A total of $6,000,000 is provided for crosscutting cooperative programs with the States. No funds should be assessed for this activity from other activities funded by this Act.

14. A total of $11,700,000 is provided for peer-reviewed, cost-shared, competitively awarded grants in support of an energy efficiency science initiative as approved by the Science Committee in the House of Representatives.

ECONOMIC REGULATION

The conference agreement provides $2,000,000 for economic regulation as proposed by both the House and the Senate.

STRATEGIC PETROLEUM RESERVE

The conference agreement provides $159,000,000 for the strategic petroleum reserve as proposed by the Senate instead of $146,000,000 as proposed by the House. Bill language is included dealing with borrowing authority in the event of an SPR drawdown under this account as proposed by the Senate rather than addressing this provision under Administrative Provisions, Department of Energy as proposed by the House.

ENERGY INFORMATION ADMINISTRATION

The conference agreement provides $72,644,000 for the energy information administration as proposed by the House instead of $70,500,000 as proposed by the Senate.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Bill language is included directing the Secretary of Energy, in cooperation with the Administrator of the General Services Administration, to transfer the site of the former National Institute of Petroleum Energy Research to the city of Bartlesville, Oklahoma. The House and Senate Committees on Appropriations understand that the Department agrees that this is an appropriate way to dispose of this property that is no longer needed by the Department because of the privatization of NIPER.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

INDIAN HEALTH SERVICES

The conference agreement provides $2,078,967,000 for Indian health services instead of $2,085,407,000 as proposed by the House and $2,138,001,000 as proposed by the Senate.

Changes to the House position in hospital and clinic programs include increases of $2,440,000 for the operation of Alaska facilities and $200,000 for epidemiology centers and decreases of $1,000,000 for the health care improvement fund and $110,000 for Shoalwater Bay infant mortality prevention.

There are also increases of $1,500,000 for dental services and $1,030,000 for public health nursing and a decrease of $500,000 for mental health services. For contract support costs, there is a decrease of $10,000,000.

Bill Language.—Language is included permitting the use of Indian Health Care Improvement Fund monies for activities typically funded under the Indian Health Facilities account. The Service should notify the House and Senate Committees on Appropriations on the distribution and use of these funds. A total of $10,000,000 has been provided. Indian Health Care Improvement Fund monies should be distributed to increase the level of need funded for the most underfunded tribes. Language also is included permitting the use of up to $10,000,000 in contract support cost funding for new and expanded contracts and compacts.

The conference agreement provides for the following:

1. The $4,000,000 provided for the Alaska telemedicine project is for the Alaska Federal Health Care Access Network.

2. The increase provided for epidemiology centers includes a $100,000 increase for the Portland, OR center. The state-of-the-art work done by this center is impressive and the Service should use the expertise at the Portland center to assist the other epidemiology centers.

3. At least $1,000,000 of the program increase for dental health should be used to develop four clinical and preventive dental support centers.

4. Within the program increase for public health nursing, the Service should hire a nurse for the Havasupai, AZ clinic.

5. The lack of a resolution to the contract support costs distribution disparity in IHS continues to be a great concern. The Service is strongly encouraged to continue its work with the tribes to resolve the discrepancies that exist currently and ensure that these costs can be funded fairly. Any resolution to the issue should not be made at the expense of funding for medical services and facilities for non-contracting and non-compacting tribes.

6. With respect to the House language on distribution of funds, fixed cost increases that are provided should be distributed equitably across all Service-operated and tribally-operated programs. Other program increases should not automatically be distributed on a pro-rata basis. For example, a $1,000,000 program increase distributed across all health programs would give each program an insignificant amount of additional funding. In such a case, the Service should select a very limited number of projects so that demonstrable results can be achieved. The Service should develop objective criteria for evaluating project proposals prior to the distribution of program-specific increases that are unrelated to fixed costs.

7. Fetal alcohol syndrome and its impact on Indian families and Indian communities continues to be a great concern and there is a need for more collaborative efforts to address this important health problem. The University of Washington's fetal alcohol syndrome research program should consider a partnership with the Northwest Portland Indian Health Board to provide more direct services to the American Indian and Alaska Native communities through training and consultation and collaborative analysis of the data surrounding fetal alcohol syndrome and fetal alcohol effect.

8. The Service is encouraged to ensure that adequate funding is provided to support IHS and tribal epidemiological activities related to the surveillance and monitoring of AIDS/HIV and other communicable and infectious diseases.

9. On October 27, 1999, the United States Court of Appeals for the Federal Circuit overturned a judgment by the Department of the Interior Board of Contract Appeals with respect to contract support costs (Bruce Babbitt, Secretary of the Interior v. Oglala Sioux Tribal Public Safety Department). The court decision clearly states that the law unequivocally makes contracts providing such costs subject to the availability of appropriations and that any agency can only spend as much money as has been appropriated for contract support costs. Any shortfall does not create an unfunded liability for the Federal government.

INDIAN HEALTH FACILITIES

The conference agreement provides $318,580,000 for Indian health facilities instead of $312,478,000 as proposed by the House and $189,252,000 as proposed by the Senate.

Changes to the House position include increases of $1,500,000 for sanitation construction, $2,942,000 for the Parker, AZ clinic construction and $1,000,000 for Fort Defiance, AZ hospital construction and a decrease of $1,745,000 for the Pawnee, OK clinic design. There is also an increase of $2,405,000 for facilities and environmental health support.

Bill Language.—Several provisions are included to ensure that the facilities program is able to take advantage of certain purchase opportunities from other agencies and that construction projects can be successfully completed.

Language is included to assist the Hopi Tribe with the debt associated with the construction of staff quarters that is being financed with tribal funds.

Language is included permitting the use of up to $500,000 to purchase equipment from the Department of Defense and permitting the use of up to $500,000 to purchase ambulances, including medical equipment, from the General Services Administration.

Language is included permitting the use of up to $500,000 for demolition of Federal facilities.

Language is included permitting the purchase of up to 5 acres to expand the parking facilities at the IHS hospital in Tahlequah, OK.

The conference agreement provides for the following:

1. The funds provided for Fort Defiance, AZ, hospital construction do not include staff quarters construction which is subject to the guidance provided in item number five below.

2. The funds for staff quarters at Zuni are for uniform building code approved modular housing.

3. The program increase provided for facilities and environmental health support is not specifically earmarked for individual programs; however, a portion of the total increase should be dedicated to injury prevention efforts. The Service should notify the House and Senate Committees on Appropriations on how the Service proposes to distribute these funds.

4. Within the funds provided for maintenance and improvement, $1,000,000 is to be used for environmental remediation at Talihina, OK.

5. The Service needs to develop a standardized methodology for construction of staff quarters. That methodology should assume the use of uniform building code approved modular housing unless there is a compelling reason why such housing is not appropriate. The methodology should be applied fairly to all quarters projects on the priority list and should encourage tribal funding and alternative financing. The Service should address the new methodology in their 2001 budget request.

6. The Service may use up to $5,000,000 in sanitation funding for projects to clean up and replace open dumps on Indian lands pursuant to the Indian Lands Open Dump Cleanup Act of 1994.

7. The Service should work closely with the tribes and the Administration to make needed revisions to the facilities construction priority system. Given the extreme need for new and replacement hospitals and clinics, there should be a base funding amount, which serves as a minimum annual amount in the budget request. Issues which need to be examined in revising the current system include, but are not limited to, projects funded primarily by the tribes, anomalies such as extremely remote locations like Havasupai, recognition of projects that involve no or minimal increases in operational costs such as the Portland area pilot project, and alternative financing and modular construction options. The Service in re-examining the current system for construction of health facilities, should develop a more flexible and responsive program can be developed that will more readily accommodate the wide variances in tribal needs and capabilities.

OTHER RELATED AGENCIES

Office of Navajo and Hopi Indian Relocation

SALARIES AND EXPENSES

The conference agreement provides $8,000,000 for salaries and expenses of the Office of Navajo and Hopi Indian Relocation as proposed by the Senate instead of $13,400,000 as proposed by the House.

Institute of American Indian and Alaska Native Culture and Arts Development

PAYMENT TO THE INSTITUTE

The conference agreement provides $2,125,000 for payment to the institute instead of the $4,250,000 proposed by the Senate and zero funding as proposed by the House.

The conference agreement provides $2,125,000 to the institute with the understanding that these funds are subject to a one-to-one match from non-Federal sources. In addition, the House and Senate Committees on Appropriations note that this is the last year that Federal funding will be provided for institute operations.

Smithsonian Institution

SALARIES AND EXPENSES

The conference agreement provides $372,901,000 for salaries and expenses instead of $371,501,000 as proposed by the House and $367,062,000 as proposed by the Senate. Included in this amount is $18,329,000 to fund fully the estimated cost increases associated with pay and benefits, utilities, communications and postage, rental space, and implementation of the Panama Canal Treaty at the Tropical Research Institute. A revised estimate of utilities costs by the Smithsonian has resulted in a decrease of $1,100,000 from the original budget submission and is reflected in the foregoing total. In agreement with the House, an additional amount of $5,000,000 is provided to the National Museum of the American Indian to meet anticipated expenses that will be incurred in moving staff and collections from New York City to the Cultural Resources Center in Suitland, Maryland. An additional amount of $2,500,000 is provided to the National Museum of Natural History's Arctic Studies Center. A provision included in the House bill that would allow federal appropriations designated for lease or rent payments to be used as rent payable to the Smithsonian and deposited in the Institution's general trust fund account has been retained in the conference report.

REPAIR, REHABILITATION AND ALTERATION OF FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides an amount of $47,900,000 to fund activities in this account, as proposed by the House and agreed to by the Senate. Within this total, $6,000,000 is provided specifically for repairs and improvements at the National Zoological Park. The conference agreement includes the proposal put forward by the Smithsonian to consolidate their previous budget structure, whereby separate accounts for Zoo Construction and Improvements, Repair and Restoration of Buildings, as well as the Alterations and Modifications portion of the Construction account, have been merged into one broad account designated as Repair, Rehabilitation and Alteration of Facilities. In agreeing to the proposal, the House and Senate Committees on Appropriations want to underscore the Institution's responsibility for ensuring that future budget estimates contain sufficiently detailed information for the various activities covered by this new account. In addition, the Smithsonian Institution is directed to provide the Committees on Appropriations with a report to be submitted annually by December 1, which details expenditures, obligations and remaining balances for this account from the previous fiscal year.

CONSTRUCTION

The conference agreement provides $19,000,000 for construction as proposed by both the House and the Senate. With this appropriation, the Congress has fulfilled its commitment to provide Federal funding for construction of the National Museum of the American Indian on the National Mall in Washington, D.C.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

The conference agreement includes a modification of language included in the House bill that will permit the Smithsonian to make minimal necessary repairs to the Holt House.

National Gallery of Art

SALARIES AND EXPENSES

The conference agreement provides $61,538,000 for salaries and expenses of the National Gallery of Art as proposed by the House instead of $61,438,000 as proposed by the Senate.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

The conference agreement provides $6,311,000 for repair, restoration and renovation of buildings as proposed by both the House and the Senate.

John F. Kennedy Center for the Performing Arts

OPERATIONS AND MAINTENANCE

The conference agreement provides $14,000,000 for operations and maintenance as proposed by the Senate instead of $12,441,000 as proposed by the House.

CONSTRUCTION

The conference agreement provides $20,000,000 for construction as proposed by both the House and Senate.

Woodrow Wilson International Center for Scholars

SALARIES AND EXPENSES

The conference agreement provides $6,790,000 for salaries and expenses of the Wilson Center instead of $7,040,000 as proposed by the House and $6,040,000 as proposed by the Senate. Funds should be distributed as follows:

Fellowship program	$983,000
Scholar support	705,000
Public service	1,897,000
Administration	1,796,000
Smithsonian fee	135,000
Conference/Outreach	1,109,000
Building requirements	165,000

National Foundation on the Arts and the Humanities

National Endowment for the Arts

GRANTS AND ADMINISTRATION

The conference agreement provides $85,000,000 for grants and administration instead of $83,500,000 as proposed by the House and $90,000,000 as proposed by the Senate. The conference agreement includes the Senate proposal to redirect $1,500,000 from matching grants to program grants.

MATCHING GRANTS

The conference agreement provides $13,000,000 for matching grants as proposed by the Senate instead of $14,500,000 as proposed by the House. The conference agreement includes the Senate proposal to redirect $1,500,000 from matching grants to program grants.

National Endowment for the Humanities

GRANTS AND ADMINISTRATION

The conference agreement provides $101,000,000 for grants and administration as proposed by the Senate instead of $96,800,000 as proposed by the House. The National Endowment for the Humanities has for several years supported important efforts to preserve disintegrating books, periodicals and other published materials. While the Endowment acknowledges that other elements of our culture and heritage—such as films and sound recordings—are also at risk, its efforts in these areas have been considerably less. The House and Senate Committees on Appropriations are concerned that much of the musical heritage of the nation—as represented by early sound recordings—is irrevocably lost with each passing year. Consequently, the National Endowment for the Humanities is strongly encouraged to strengthen and expand its support of efforts to preserve the rich and important heritage of early sound recordings. Within this effort, the NEH is encouraged to place emphasis on such traditional music forms as folk, jazz and the blues. The Endowment is directed to provide a report to the House and Senate Committees on Appropriations by March 30, 2000, detailing the state by state distribution of the various grants and other NEH funding.

MATCHING GRANTS

The conference agreement provides $14,700,000 for matching grants as proposed by the Senate instead of $13,900,000 as proposed by the House.

Institute of Museum and Library Services

OFFICE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

The conference agreement provides $24,400,000 for the Office of Museum Services as proposed by the House instead of $23,905,000 as proposed by the Senate. The conference agreement provides the funding proposed by the House for program administration and agree that the remaining funding increase above that provided in fiscal year 1999 should be designated for national leadership grants for museums.

Commission of Fine Arts

SALARIES AND EXPENSES

The conference agreement provides $1,005,000 for the Commission of Fine Arts instead of $935,000 as proposed by the House and $1,078,000 as proposed by the Senate. The conference agreement includes the House proposal to provide one-year authority for the Commission to charge fees to cover publication costs and use the fees without subsequent appropriation. The conference agreement includes all House report language.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

The conference agreement provides $7,000,000 for National Capital Arts and Cultural Affairs as proposed by both the House and the Senate.

Advisory Council on Historic Preservation

SALARIES AND EXPENSES

The conference agreement provides $3,000,000 as proposed by the House instead of $2,906,000 as proposed by the Senate.

National Capital Planning Commission

SALARIES AND EXPENSES

The conference agreement provides $6,312,000 as proposed by both the House and the Senate. The conference agreement includes the Senate proposal to provide one-year authority for appointed members of the Commission to be compensated in a manner similar to other Federal boards and commissions.

United States Holocaust Memorial Council

HOLOCAUST MEMORIAL COUNCIL

The conference agreement provides $33,286,000 for the Holocaust Memorial Council as proposed by both the House and the Senate.

The United States Holocaust Memorial Council was established in 1980 to support the planning and construction of a permanent, living memorial museum to the victims of the Holocaust. Having opened in 1993, the United States Holocaust Memorial Museum has achieved remarkable success. Following these first six years of operation, the House Appropriations Committee requested the National Academy of Public Administration (NAPA) to conduct a review of the Council and the Museum. NAPA has completed its report and included a number of recommendations to improve the operation and management of the two entities that will set them on a strong course to ensure future success. The House and Senate Committees on Appropriations strongly support the NAPA findings and recommendations and urge the entities to include those reforms that require statutory changes in a reauthorization bill to the Congress by the opening of the second session of the 106th Congress. Further, the organizations should implement fully the administrative changes recommended in the report by February 15, 2000 and to report to the House and Senate Committees on Appropriations on the completion of their implementation by March 1, 2000.

PRESIDIO TRUST

PRESIDIO TRUST FUND

The conference agreement provides $44,400,000 for the Presidio Trust as proposed by both the House and the Senate.

TITLE III—GENERAL PROVISIONS

The conference agreement includes sections 301 through 306, sections 308 through 315, sections 317 through 319 and section 325 from the Senate bill, which continue provisions carried in past years. Section 314 adds a reference to Alaska for the Jobs-in-the-Woods program as proposed by the Senate.

Section 307 makes permanent the provision on compliance with the Buy American Act, which was included in the House bill as section 306. The Senate had extended the provision for one year.

The conference agreement does not include language proposed by the House in section 315 and by the Senate in section 316 prohibiting the use of funds for biosphere reserves as part of the Man and Biosphere Program.

Section 316 exempts the Presidio Trust from certain taxes and assessments. While the Presidio Trust, and all property under its administrative jurisdiction, is exempt by law from all taxes of any kind, the conference agreement provides clarification that any interests created under leases or any other agreement associated with Presidio properties are exempt from taxes of any kind, including but not limited to possessory interest taxes.

Section 320 continues the provision contained in the bill in previous years regarding outreach efforts to rural and underserved communities by the NEA, as amended by the House to include urban minorities.

Section 321 modifies a provision concerning Forest Service land management planning which was proposed by the House and the Senate and which was included in previous Appropriations acts. The modification now allows national forests to begin planning if their existing plans reach the fifteen year mandated date to revise before or during calendar year 2001.

Section 322 continues the limitation on funding for completion and issuance of the five-year program under the Forest and Rangeland Renewable Resources Planning Act as proposed by the Senate. The House had no similar provision.

Section 323 prohibits the use of funds to support government-wide administrative functions unless they are in the budget justification and approved by the House and Senate Committees on Appropriations as proposed by the House. The Senate had no similar provision.

Section 324 modifies a provision proposed by the House prohibiting the use of funds for certain programs. The modification retains the limitation on the use of funds for General Services Administration Telecommunications Centers and for the President's Council on Sustainable Development and deletes the limitation dealing with the National Telecommunications and Information Administration. The Senate had no similar provision.

The conference agreement does not include language proposed by the Senate in section 324 that would continue the moratorium on new or expanded Indian self-determination and self-governance contracts and compacts with the Bureau of Indian Affairs and Indian Health Service. The House had no similar provision.

Section 326 authorizes certain special resource studies. This issue is addressed in more detail under the construction account in the National Park Service.

Section 327 retains the text of section 324 as proposed by the House and section 325 as proposed by the Senate which permits the Forest Service to use the roads and trails fund for backlog maintenance and priority forest health treatments.

Section 328 modifies language proposed by the House in section 325 dealing with the establishment of a National Wildlife Refuge in the Kankakee watershed in northwestern Indiana and northeastern Illinois. The modification stipulates that refuge establishment must be consistent with the U. S. Army Corps of Engineers' efforts to control flooding and siltation in that area. Written certification of consistency and compatibility must be submitted to the House and Senate Committees on Appropriations prior to refuge establishment. The Committees note that any land acquisition for such a refuge may only occur after funds have been requested in subsequent budget submissions and approved by the Committees.

Section 329 modifies language proposed by the House in Section 326 concerning the American Heritage Rivers initiative. The modified language specifically prevents funds from being transferred to, or used to fund personnel, training or other administrative activities at, the Council on Environmental Quality (CEQ) for purposes related to this program, but the language no longer prevents headquarters or departmental activities for these purposes. The Council on Environmental Quality, as part of the Executive Office of the President, is funded through a different appropriations bill to cover all of its program needs, including those associated with the American Heritage Rivers initiative. The Committees note that the appropriations act funding the CEQ provides that no funds other than those specifically appropriated to the CEQ may be used for or by the CEQ. Thus, no detailees from agencies funded by this Act may be used for or by the CEQ. The House and Senate Committees on Appropriations do not object to the agencies covered by this bill from participating in this initiative if it is a normal part of their programs. In fact, the technical assistance programs funded in this bill are intended to help respond to local initiatives and needs. The House and Senate Committees on Appropriations encourage maximum cost-sharing and expect the agencies to emphasize field-level accomplishments rather than headquarters or regional office bureaucratic efforts.

The House and Senate Committees on Appropriations are very concerned about reports that individuals employed by the Federal government who work on the American Heritage Rivers initiative have engaged in inappropriate lobbying activities with Congressional offices and Federal career employees concerning this legislative issue. Such activities should cease immediately and disciplinary actions should be taken. Such inappropriate behavior by Federal employees should not be tolerated, and staff should not be allowed to interfere with Congressional efforts to improve management and accountability.

Section 330 modifies language proposed by the House in section 327 restricting the use of answering machines during core business hours except in case of emergency. The modification requires that there be an option that permits the caller to reach immediately another individual. The American taxpayer deserves to receive personal attention from public servants. The Senate had no similar provision.

Section 331 modifies a provision proposed by the House concerning Forest Service administration of rights-of-way and land uses. The Senate had no similar provision. The modification retains most of the language proposed by the House, with technical modifications, but the provision now makes this a five-year pilot program and requires annual reports to the House and Senate Committees on Appropriations summarizing activities and funds involved during the previous year. The Forest Service is directed to follow the instructions proposed by the House regarding this provision. The House and Senate Committees on Appropriations and the authorizing committees of jurisdiction will review this pilot program and determine subsequently if it warrants permanent authority.

Section 332 modifies a provision included in the fiscal year 1999 act regarding the Institute of Hardwood Technology Transfer and Applied Research to make the related authorities permanent as proposed by the Senate in section 326. The House had no similar provision.

Section 333 modifies language proposed by the Senate in section 327 to continue a program by which Alaska's surplus western red cedar is made available preferentially to U.S. domestic mills outside Alaska, prior to export abroad. The House had no similar provision. The provision has been modified to conform to the standard transaction evidence timber appraisal system used elsewhere in the national forest system and recently implemented in Region 10.

The conference agreement does not include the Senate-proposed section 328 concerning Forest Service and Bureau of Land Management inventorying, monitoring and surveying requirements. The House had no similar provision.

Section 334 includes language clarifying the Presidio Trust's borrowing authority by requiring that obligations issued to the Secretary of the Treasury be subject to terms and conditions prescribed by the Secretary of the Treasury including a review of the creditworthiness of the properties designed as the source of repayment of the obligations.

Section 335 modifies language regarding reports on the feasibility and cost of implementing the Interior Columbia Basin Ecosystem Management Project as proposed by the House in section 329. The Senate proposed similar language in section 330. The provision has been modified so that a report describing the estimated production of goods and services produced in the study area for the first five years during the course of the decision may be reported for each Resource Advisory Council or Provincial Advisory Council rather than for each individual unit of Federal land as required in the House and Senate passed versions.

The conference agreement does not include section 330 as proposed by the House which would have provided authority for breastfeeding in the National Park Service.

the Smithsonian, the John F. Kennedy Center, the Holocaust Memorial Museum and the National Gallery of Art. A separate appropriations bill funding general government programs includes a similar provision, but one that is broader in its application. The Senate bill had no similar provision.

Section 336 prohibits the use of funds to propose or issue rules, regulations, decrees or orders for implementing the Kyoto Protocol prior to Senate ratification as proposed by the House in section 331. The Senate had no similar provision.

The conference agreement does not include House proposed bill language included under section 333 prohibiting the use of funds to directly construct timber access roads in the National Forest System. The Senate had no similar provision.

The conference agreement does not include either the across the board cut proposed by the House in section 333 or the across the board cut proposed by the Senate in section 348.

Section 337 modifies language proposed by the House in section 334 and the Senate in section 335 regarding patent applications. The modification exempts from the Solicitor's opinion of November 7, 1997 mining operations with approved plans of operation, patents that were grandfathered as part of the 1995 mining patent moratorium, and plans of operation submitted prior to the Solicitor's opinion of November 7, 1997. It is inequitable to apply the Solicitor's millsite opinion to those plans of operation retroactively, since the Department of the Interior and the Forest Service have been approving and modifying plans of operation routinely for years without raising an issue with operators about the ratio of millsites to claims. The Departments of the Interior and Agriculture may not implement the millsite opinion for existing plans of operation. Further, the Departments of the Interior and Agriculture may not reopen decisions already made and relied upon by the stakeholders when these existing plans were approved.

The conference agreement does not include language proposed by the House in section 335 prohibiting certain uses of leghold traps and neck snares within the National Wildlife Refuge system.

The conference agreement does not include language as proposed by the House in section 336 that would prohibit implementation of certain portions of the Gettysburg NMP general management plan.

Section 338 modifies a Senate provision in section 330 concerning consistency among federal land managing agencies for the exemption to the Service Contract Act for concession contracts. The modified language deals only with the Forest Service and applies only in fiscal year 2000. The House had no similar provision.

Section 339 modifies section 331 as proposed by the Senate regarding the establishment of a five-year pilot program for the Forest Service to collect fair market value for forest botanical products. The House had no similar provision. The provision is modified to clarify the definition of forest botanical products, to ensure that the harvest of such products will be sustainable, to exempt some personal use harvest from fee collection at the discretion of the agency, and to return a portion of the funds collected to the national forest unit at which they are generated. The House and Senate Committees on Appropriations want to encourage the development of appropriate small-scale industries but also ensure that the Forest Service carefully manages this program so that plants and fungi are not over-collected. This provision has been modified so that the funds which exceed the level collected in fiscal year 1999 can be used right away rather than delaying expenditure of the funds until fiscal year 2001 as proposed by the Administration and the Senate. Fees will be returned to the forest unit where they are generated and will be used to provide for program administration, inventory, monitoring, sustainable harvest level and impact of harvest determination and restoration activities. The Forest Service is encouraged to develop harvest guidelines that cover species ranges so sharing of fees among units may be required to properly deal with wide-ranging species.

Section 340 includes the Senate-proposed section 333 extending the authorization for the Forest Service to provide funds to Auburn University, AL, for construction of a non-federal building. The House bill had no similar provision.

Section 341 modifies the Senate-proposed section 334 dealing with Forest Service stewardship end-results contracting. The modification deletes the Senate proposal to provide the Northern region with nine additional projects. The modified provision includes technical changes to the language which authorized the pilot program. These changes make it clear that the Forest Service can enter into a contract or agreement with either a public or private entity; that an agreement as opposed to a contract can be the primary vehicle for implementing a pilot project; and there is a national limit on projects, as opposed to contracts. This will allow, if necessary, use of more than one contract to implement a project. The House bill had no similar provision.

The conference agreement does not include Senate proposed bill language included under section 335 that provides that residents living within the boundaries of the White Mountain National Forest are exempt from certain user fees. The House bill had no similar provision.

Section 342 modifies the Senate-proposed section 336 dealing with special use fees paid for recreation residences on Forest Service managed lands. This provision supersedes section 343 of P.L. 105-83 and limits fee increases during fiscal year 2000 to $2,000 per permit. The House had no similar provision.

The conference agreement does not include language proposed by the Senate in section 337 concerning acquisition of lands within the Columbia River Gorge National Scenic Area. The House had no similar provision.

Section 343 redesignates the Blackstone River Valley National Heritage Corridor as the John H. Chafee Blackstone River Valley National Heritage Corridor.

Section 344 provides that the Forest Service may not use the Recreation Fee Demonstration program to supplant existing recreation contracts on the national forests as proposed by the Senate in section 338. The House bill had no similar provision.

Section 345 amends the National Forest-Dependent Rural Communities Economic Diversification Act, as proposed by the Senate in section 339, to make Forest Service grasslands eligible for economic recovery funding. The House bill had no similar provision.

Section 346 modifies language proposed by the Senate in section 340 regarding the I-90 Land Exchange Act of 1998 to reflect a recently negotiated settlement of a federal district court case involving Plum Creek and five environmental groups. The settlement reconfigures the exchange in a way not reflected in the original amendment in the Senate Interior Appropriations bill. The settlement significantly reduces the scope of the exchange. Several parcels in the Gifford Pinchot National Forest were dropped from the exchange, along with several Plum Creek parcels destined for public ownership. As a result, the new language reflects the settlement agreement. The House had no similar provision.

Section 347 modifies language proposed by the Senate in section 341 adjusting the boundary of the Snoqualmie National Forest. Eight Plum Creek parcels will be placed in escrow for three years to be eligible for Forest Service ownership through either appropriations, additional land conveyances or private donation. If the parcels are not acquired after three years, the titles revert back to Plum Creek. The original section in the Senate Interior Appropriations bill placed five Plum Creek parcels in escrow. However, the value of the lands in escrow remains the same. The House had no similar provision.

Section 348 amends the Food Security Act to protect the confidentiality of Forest Inventory and Analysis data on private lands as proposed by the Senate in section 342. The House bill had no similar provision.

Section 349 provides, as proposed by the Senate in section 343, that none of the funds appropriated or otherwise made available by this Act may be used to implement or enforce any provision in Presidential Executive Order 13123 regarding the Federal Energy Management Program which circumvents or contradicts any statutes relevant to Federal energy use and the measurement thereof. The Department is expected to adhere to existing law governing energy conservation and efficiency in implementing the Federal Energy Management Program. The House had no similar provision.

The conference agreement does not include Senate proposed bill language included under section 344 directing the Forest Service to use funds to improve the control or eradication of pine beetles in the Rocky Mountain region of the United States. The conference agreement provides direction on this matter under the Forest Service heading.

The conference agreement does not include Senate proposed bill language included under section 346 prohibiting the use of funds for certain activities on the Shawnee National Forest, IL.

The conference agreement does not include language proposed by the Senate in section 345 prohibiting funds for the physical relocation of grizzly bears into the Selway-Bitterroot Wilderness of Idaho and Montana. The House had no similar provision. This action is based on written assurances, by letter of November 8, 1999, from the Fish and Wildlife Service that the Service will not reintroduce or relocate grizzly bears during fiscal year 2000.

Section 350 provides for the investment of Exxon Valdez oil spill funds in high yield investments and in marine research.

Section 351 directs that up to $1,000,000 of Bureau of Land Management funds be used to fund high priority projects to be conducted by the Youth Conservation Corps as proposed by the Senate in section 347. The House bill had no similar provision.

Section 352 makes a permanent appropriation for the North Pacific Research Board. To date, these funds have been subject to appropriation.

Section 353 prohibits the withdrawal of certain lands on the Mark Twain NF, MO, from mining activities and prohibits the issuance of new prospecting permits. The House had no similar provision.

Section 354 makes a minor technical modification to a previously established pilot program. This modification authorizes the Bureau of Land Management and the Forest Service to establish transfer appropriation accounts in order to facilitate efficient inter-agency fund transfers. The House and Senate Committees on Appropriations support the pilot effort of the two agencies to accomplish mutually beneficial management of respective lands. The agencies are expected to provide a combined report to the House and Senate Committees on Appropriations on the use of these accounts by June 30, 2000.

Section 355 provides for an extension of the public comment period for the White River National Forest, CO, forest plan revision for ninety days past the February 9, 2000, deadline currently in place.

Section 356 provides direction to the National Capital Planning Commission concerning a certain easement and other matters regarding the National Harbor project, MD.

Section 357 allows the Bureau of Land Management to promulgate new hardrock mining regulations so long as these regulations are not inconsistent with the recommendations contained in the National Research Council (NRC) report on hardrock mining and with BLM's statutory authority. To the extent necessary to accomplish this, the BLM is permitted to finalize the Draft Environmental Impact Statement on Surface Management Regulations for Locatable Mineral Operations. If the Department of the Interior wishes to implement any regulatory changes that go beyond the recommendations contained in the NRC report and existing statutes, it should provide a detailed report on such recommendations and the rationale for such changes in the fiscal year 2001 budget submission. In addition, the Department should submit any legislative proposals that might be required to implement changes that go beyond the NRC recommendations and existing statutes.

TITLE IV—MISSISSIPPI NATIONAL FOREST IMPROVEMENT ACT OF 1999

The conference agreement includes the Mississippi National Forest Improvement Act of 1999. This new bill language provides for the sale of surplus Forest Service research property and other surplus administrative sites in Mississippi; facilitates a cooperative agreement between the Forest Service and the University of Mississippi; and facilitates a land exchange on the Homochitto National Forest for the Franklin County Dam.

TITLE V—UNITED MINE WORKERS OF AMERICA COMBINED BENEFIT FUND

Title V provides an emergency transfer of interest earned by the Abandoned Mine Reclamation Fund to the United Mine Workers of America Combined Benefit Fund. The Abandoned Mine Reclamation Fund was established by the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231). The Abandoned Mine Land Reclamation Act of 1990 provides for the investment of the unappropriated balances of the fund and the crediting of earned interest to the Abandoned Mine Reclamation Fund. The Coal Industry Retiree Health Benefit Act of 1992 (26 U.S.C. 9701–9722) was included as part of the Energy Policy Act of 1992 and provides for an annual transfer of part of the interest earned by the Abandoned Mine Reclamation Fund to the United Mine Workers of America Combined Benefit Fund.

The transfer of funds provided by this title is in response to rising health care costs and recent court decisions which have combined to seriously erode the solvency of the United Mine Workers of America Combined Benefit Fund. Consequently, the Trustees of the Fund have determined that without the relief provided by this section, cuts in health care benefits to the more than 66,000 retired miners and their dependents throughout the nation are imminent.

The House and Senate Committees on Appropriations recognize that the emergency transfer provided by this title is not the long-term answer to the financial problems associated with the United Mine Workers of America Combined Benefit Fund. It is expected that the legislation necessary to remedy the financial problems of the United Mine Workers of America Combined Benefit Fund will be taken up by the legislative committees of jurisdiction and will be enacted into law in a timely manner. The committees of jurisdiction are urged to work with miners and the contributing companies in ensuring the long-term solvency of the fund. The best long-term solution to the financial problems associated with the fund must include a review of and action on appropriate adjustments to private sector contributions to the fund, including contributions currently being made by the so-called "reach back" companies. At the same time, the long-term solution for the fund should cover all eligible retired miners and their dependents, including the unassigned beneficiaries, as provided for in current law.

The more than 66,000 elderly retired miners and their dependents should not again be brought to the precipice, not knowing whether the Federal Government will continue to meet fully its commitment to provide their health care benefits, as provided in the Coal Industry Retiree Health Benefits Act of 1992.

TITLE VI—PRIORITY LAND ACQUISITION AND LAND EXCHANGES

The conference agreement provides $197,500,000 for high priority land acquisition and other purposes. This amount is in addition to the $266,288,000 provided in previous titles of this Act, for a total of $463,788,000. The agreement provides the following additional funds for specific projects: $61,000,000 for the Baca Ranch in New Mexico, subject to the same terms and conditions contained under the heading "Forest Service, Land Acquisition", $20,000,000 for the State Assistance program, $5,000,000 for the Catellus property in southern California with the expectation that certain conditions involving the National Training Center for the Army at Fort Irwin will be resolved in the future, $2,000,000 for the Rhode Island National Wildlife Refuge Complex, $19,500,000 for the purchase of mining rights in Utah, $10,000,000 for Elwha River ecosystem restoration, $5,000,000 for backlog maintenance in the National Park Service, $5,000,000 for the Forest Legacy program in the Forest Service, and $35,000,000 for State grants for land acquisition in the State of Florida subject to conditions on guaranteed water supply contained under the heading "National Park Service, Land Acquisition and State Assistance".

With respect to the remainder of the funds totaling $35,000,000, the conference agreement provides $20,000,000 to the Department of the Interior and $15,000,000 to the Department of Agriculture, Forest Service for land acquisitions. These funds and the Forest Legacy funding in this title are made available with the understanding that the House and Senate Committees on Appropriations will notify the Secretaries of Agriculture and the Interior in writing on the individual projects to be funded with these additional monies.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2000 recommended by the Committee of Conference, with comparisons to the fiscal year 1999 amount, the 2000 budget estimates, and the House and Senate bills for 2000 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 1999	$14,297,803
Budget estimates of new (obligational) authority, fiscal year 2000	15,266,137
House bill, fiscal year 2000	13,934,609
Senate bill, fiscal year 2000	14,055,710
Conference agreement, fiscal year 2000	14,928,411
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1999	+630,608
Budget estimates of new (obligational) authority, fiscal year 2000	−337,726
House bill, fiscal year 2000	+993,802
Senate bill, fiscal year 2000	+872,701

The conference agreement would enact the provisions of H.R. 3424 as introduced on November 17, 1999. The text of that bill follows:

A BILL Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Educaiton, and related agencies for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; the Stewart B. McKinney Homeless Assistance Act; the Women in Apprenticeship and Nontraditional Occupations Act; the National Skill Standards Act of 1994; and the School-to-Work Opportunities Act; $3,002,618,000 plus reimbursements, of which $1,650,153,000 is available for obligation for the period July 1, 2000 through June 30, 2001; of which $1,250,965,000 is available for obligation for the period April 1, 2000 through June 30, 2001; of which $35,500,000 is available for the period July 1, 2000 through June 30, 2003 including $34,000,000 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers, and $1,500,000 under authority of section 171(d) of the Workforce Investment Act for use by the Organizing Committee for the 2001 Special Olympics World Winter Games in Alaska to promote employment opportunities for individuals with disabilities and other staffing needs; and of which $55,000,000 shall be available from July 1, 2000 through September 30, 2001, for carrying out activities of the School-to-

Work Opportunities Act: Provided, That $58,800,000 shall be for carrying out section 166 of the Workforce Investment Act, including $5,000,000 for carrying out section 166(j)(1) of the Workforce Investment Act, including the provision of assistance to American Samoans who reside in Hawaii for the co-location of federally funded and State-funded workforce investment activities, and $7,000,000 shall be for carrying out the National Skills Standards Act of 1994: Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: Provided further, That funds provided to carry out section 171(d) of such Act may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: Provided further, That funding provided to carry out projects under section 171 of the Workforce Investment Act of 1998 that are identified in the Conference Agreement, shall not be subject to the requirements of section 171(b)(2)(B) of such Act, the requirements of section 171(c)(4)(D) of such Act, or the joint funding requirements of sections 171(b)(2)(A) and 171(c)(4)(A) of such Act: Provided further, That funding appropriated herein for Dislocated Worker Employment and Training Activities under section 132(a)(2)(A) of the Workforce Investment Act of 1998 may be distributed for Dislocated Worker Projects under section 171(d) of the Act without regard to the 10 percent limitation contained in section 171(d) of the Act.

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $2,463,000,000 plus reimbursements, of which $2,363,000,000 is available for obligation for the period October 1, 2000 through June 30, 2001; and of which $100,000,000 is available for the period October 1, 2000 through June 30, 2003, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $343,356,000.

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $96,844,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $415,150,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $163,452,000, together with not to exceed $3,090,288,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund including the cost of administering section 1201 of the Small Business Job Protection Act of 1996, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 2000, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2002; and of which $163,452,000, together with not to exceed $738,283,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2000 through June 30, 2001, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose, and of which $125,000,000 shall be available only to the extent necessary for additional State allocations to administer unemployment compensation laws to finance increases in the number of unemployment insurance claims filed and claims paid or changes in a State law: Provided, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2000 is projected by the Department of Labor to exceed 2,638,000, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center network may be obligated in contracts, grants or agreements with non-State entities: Provided further, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2001, $356,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2000, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $100,944,000, including $6,431,000 to support up to 75 full-time equivalent staff, the majority of which will be term Federal appointments lasting no more than 1 year, to administer welfare-to-work grants, together with not to exceed $45,056,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Pension and Welfare Benefits Administration, $99,000,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 2000, for such Corporation: Provided, That not to exceed $11,155,000 shall be available for administrative expenses of the Corporation: Provided further, That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as non-administrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $337,260,000, together with $1,740,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: Provided, That $2,000,000 shall be for the development of an alternative system for the electronic submission of reports as required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the public via the Internet: Provided further, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): Provided further, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by *section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $79,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 1999, shall remain available until expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2000: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration, $21,849,000 shall be made available to the Secretary as follows: (1) for the operation of and enhancement to the automated data processing systems, including document imaging and medical bill review, in support of Federal Employees' Compensation Act administration, $13,433,000; (2) for program staff training to operate the new imaging system, $1,300,000; (3) for the periodic roll review program, $7,116,000; and (4) the remaining funds shall be paid into the Treasury as miscellaneous receipts: Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.*

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payments from the Black Lung Disability Trust Fund, $1,013,633,000, of which $963,506,000 shall be available until September 30, 2001, for payment of all benefits as authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended, and interest on advances as authorized by section 9501(c)(2) of that Act, and of which $28,676,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, $20,783,000 for transfer to Departmental Management, Salaries and Expenses, $312,000 for transfer to Departmental Management, Office of Inspector General, and $356,000 for payment into miscellaneous receipts for the expenses of the Department of Treasury, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5) of that Act: Provided, That, in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation, interest, or other benefits for any period subsequent to August 15 of the current year.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $382,000,000, including not to exceed $82,000,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: Provided, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2000, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of 10 or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $228,373,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; including not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $357,781,000, of which $6,986,000 shall be for expenses of revising the Consumer Price Index and shall remain available until September 30, 2001, together with not to exceed $55,663,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including up to $7,250,000 for the President's Committee on Employment of People With Disabilities, and including the management or operation of Departmental bilateral and multilateral foreign technical assistance, $241,478,000; together with not to exceed $310,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: Provided, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in Rule 15 of the Federal Rules of Appellate Procedure: Provided further, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: Provided further, That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: Provided further, That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed $184,341,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2000.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $48,095,000, together with not to exceed $3,830,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 103. The Secretary of Labor shall transfer, without charge or consideration, to the City of Salinas in the State of California, all right, title, and interest (including any equitable interest) the United States holds in the real property located at 342 Front Street, Salinas, California (Reference No. SSL–493), to the extent such right, such title, or such interest was acquired as a result of any loan, grant, guarantee, or other benefit provided by the Secretary to or for the benefit of such city.

This title may be cited as the "Department of Labor Appropriations Act, 2000".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and section 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, and the Native Hawaiian Health Care Act of 1988, as amended, $1,584,721,000, of which $150,000 shall remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1981 under part B of title VII of the Public Health Service Act, and of which $122,182,000 shall be available for the construction and renovation of health care and other facilities, and of which $25,000,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: Provided, That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals: Provided further, That of the funds made available under this heading, $250,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: Provided further, That no more than $5,000,000 is available for carrying out the provisions of Public Law 104–73: Provided further, That of the funds made available under this heading, $238,932,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: Provided further, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: Provided further, That $528,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: Provided further, That, notwithstanding section 502(a)(1) of the Social Security Act, not to exceed $109,307,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act: Provided further, That of the amount provided under this heading, $40,000,000 shall be available for children's hospitals graduate medical education payments, subject to authorization: Provided further, That of the amount provided under this heading, $900,000 shall be for the American Federation of Negro Affairs Education and Research Fund.

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

For carrying out subsections (d) and (e) of section 1602 of the Public Health Service Act, $1,000,000, together with any amounts received by the Secretary in connection with loans and loan guarantees under title VI of the Public Health Service Act, to be available without fiscal year limitation for the payment of interest subsidies. During the fiscal year, no commitments for direct loans or loan guarantees shall be made.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $3,688,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed $3,000,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $2,910,761,000 of which $60,000,000 shall remain available until expended for equipment and construction and renovation of facilities, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: Provided, That in addition to amounts provided herein, up to $71,690,000 shall be available from amounts available under section 241 of the Public Health Service Act, to carry out the National Center for Health Statistics surveys: Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control: Provided further, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: Provided further, That the Congress is to be notified promptly of any such transfer: Provided further, That notwithstanding any other provision of law, a single contract or related contracts for the development and construction of the infectious disease laboratory through the General Services Administration may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18: Provided further, That not to exceed $10,000,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 10 States: Provided further, That of the amount provided under this heading, $3,000,000 shall be for the Center for Environmental Medicine and Toxicology at the University of Mississippi Medical Center at Jackson; $2,000,000 shall be for the University of Mississippi phytomedicine project; $500,000 shall be for the Alaska aviation safety initiative; and $1,000,000 shall be for the University of South Alabama birth defects monitoring and prevention activities.

In addition, $51,000,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out sections 40151 and 40261 of Public Law 103–322.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $3,332,317,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,040,291,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $270,253,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,147,588,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,034,886,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $1,303,063,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,361,668,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $862,884,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $452,706,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $444,817,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $690,156,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $351,840,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $265,185,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $90,000,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $293,935,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $689,448,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $978,360,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $337,322,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $680,176,000: Provided, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: Provided further, That $75,000,000 shall be for extramural facilities construction grants.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $43,723,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $215,214,000, of which $4,000,000 shall be available until expended for improvement of information systems: Provided, That in fiscal year 2000, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $68,753,000.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $283,509,000, of which $44,953,000 shall be for the Office of AIDS Research: Provided, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: Provided further, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: Provided further, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: Provided further, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: Provided further, That all funds credited to the National Institutes of Health Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: Provided further, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act: Provided further, That, notwithstanding section 499(k)(10) of the Public Health Service Act, funds from the Foundation for the National Institutes of Health may be transferred to the National Institutes of Health.

BUILDINGS AND FACILITIES

For the study of, construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $135,376,000, to remain available until expended.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $2,654,953,000.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, $111,424,000; in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data tapes shall be credited to this appropriation and shall remain available until expended: Provided, That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed $88,576,000.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $86,087,393,000, to remain available until expended.

For making, after May 31, 2000, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2000 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2001, $30,589,003,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $69,289,100,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $1,994,548,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, and together with administrative fees collected relative to Medicare overpayment recovery activities, which shall remain available until expended: Provided, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: Provided further, That $18,000,000 appropriated under this heading for the managed care system redesign shall remain available until expended: Provided further, That $2,000,000 of the amount available for research, demonstration, and evaluation activities shall be available to continue carrying out demonstration projects on Medicaid coverage of community-based attendant care services for people with disabilities which ensures maximum control by the consumer to select and manage their attendant care services: Provided further, That $3,000,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to an application from the University of Pennsylvania Medical Center, the University of Louisville Sciences Center, and St. Vincent's Hospital in Montana to conduct a demonstration to reduce hospitalizations among high-risk patients with congestive heart failure: Provided further, That $2,000,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to the AIDS Healthcare Foundation in Los Angeles: Provided further, That $100,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to Littleton Regional Hospital in New Hampshire, to assist in the development of rural emergency medical services: Provided further, That $250,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to the University of Missouri-Kansas City to test behavorial interventions of nursing home residents with moderate to severe dementia: Provided further, That $1,000,000 of the amount available for research, demonstration, and evaluation activities shall be awarded for a children's hospice care demonstration program in Virginia, Florida, Kentucky, New York, and Utah: Provided further, That $150,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to L.A. Care Health Plan in Los Angeles, California for a Medicaid outreach demonstration project to provide access to medical care for uninsured workers: Provided further, That $500,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to the Baystate Medical Center in Springfield, Massachusetts for the Partners for a Healthier Community childhood immunization *demonstration project: Provided further, That $250,000 shall be awarded to the Shelby County Regional Medical Center to establish a Master Patient Index to determine patient Medicaid/TennCare eligibility: Provided further, That the Secretary of Health and Human Services is directed to collect, in aggregate, $95,000,000 in fees in fiscal year 2000 from Medicare+Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.*

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2000, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the first quarter of fiscal year 2001, $650,000,000.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance to Needy Families (TANF) with respect to such State, such sums as may be necessary: Provided, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,100,000,000, to be available for obligation in the period October 1, 2000 through September 30, 2001.

For making payments under title XXVI of such Act, $300,000,000: Provided, That these funds are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

The $1,100,000,000 provided in the first paragraph under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1999 (as contained in section 101(f) of division A of Public Law 105–277) is hereby designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided, That such funds shall be available only if the President submits to the Congress one official budget request for $1,100,000,000 that includes designation of the entire amount as an emergency requirement pursuant to such section: Provided further, That such funds shall be distributed in accordance with section 2604 of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8623), other than subsection (e) of such section.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $419,005,000: Provided, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act under Public Law 105–78 for fiscal year 1998 and under Public Law 105–277 for fiscal year 1999 shall be available for the costs of assistance provided and other activities through September 30, 2001.

For carrying out section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), $7,500,000.

The $426,505,000 provided under this heading is hereby designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided, That such funds shall be available only if the President submits to the Congress one official budget request for $426,505,000 that includes designation of the entire amount as an emergency requirement pursuant to such section.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), to become available on October 1, 2000 and remain available through September 30, 2001, $1,182,672,000: Provided, That $19,120,000 shall be available for child care resource and referral and school-aged child care activities: Provided further, That of the funds provided for fiscal year 2001, $172,672,000 shall be reserved by the States for activities authorized under section 658G of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), such funds to be in addition to the amounts required to be reserved by the States under section 658G: Provided further, That of the funds provided for fiscal year 2000 under Public Law 105–277, $500,000 shall be for a toll-free child care services program hotline to be operated by Child Care Aware.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,775,000,000: Provided, That notwithstanding section 2003(c) of such Act, as amended, the amount specified for allocation under such section for fiscal year 2000 shall be $1,775,000,000.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(INCLUDING RESCISSIONS)

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105–89), the Abandoned Infants Assistance Act of 1988, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act, section 473A of the Social Security Act, and title IV of Public Law 105–285; and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), sections 40155, 40211, and 40241 of Public Law 103–322 and section 126 and titles IV and V of Public Law 100–485, $6,734,133,000, of which $43,000,000, to remain available until September 30, 2001, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670–679); of which $587,065,000 shall be for making payments under the Community Services Block Grant Act; and of which $5,267,000,000 shall be for making payments under the Head Start Act, of which $1,400,000,000 shall become available October 1, 2000 and remain available through September 30, 2001: Provided, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: Provided further, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: Provided further, That $1,700,000,000 of the amount provided for making payments under the Head Start Act is hereby designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That such funds shall be available only if the President submits to the Congress one official budget request for $1,700,000,000 that includes designation of the entire amount as an emergency requirement pursuant to such section.

In addition, $101,000,000, to be derived from the Violent Crime Reduction Trust Fund for carrying out sections 40155, 40211, and 40241 of Public Law 103–322.

Funds appropriated for fiscal year 2000 under section 429A(e), part B of title IV of the Social Security Act shall be reduced by $6,000,000.

Funds appropriated for fiscal year 2000 under section 413(h)(1) of the Social Security Act shall be reduced by $15,000,000.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 430 of the Social Security Act, $295,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $4,307,300,000 of which $105,000,000 shall be for making payments under sections 470 and 477 of title IV–E of the Social Security Act;

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, for the first quarter of fiscal year 2001, $1,538,000,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, $934,285,000: Provided, That notwithstanding section 308(b)(1) of the Older Americans Act of 1965, as amended, the amounts available to each State for administration of the State plan under title III of such Act shall be reduced not more than 5 percent below the *amount that was available to such State for such purpose for fiscal year 1995: Provided further, That in considering grant applications for nutrition services for elder Indian recipients, the Assistant Secretary shall provide maximum flexibility to applicants who seek to take into account subsistence, local customs, and other characteristics that are appropriate to the unique cultural, regional, and geographic needs of the American Indian, Alaska and Hawaiian Native communities to be served.*

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, $227,051,000, of which $20,000,000 shall become available on October 1, 2000, and shall remain available until September 30, 2001, together with $5,851,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: Provided, That $450,000 shall be for a contract with the National Academy of Sciences to conduct a study of the proposed tuberculosis standard promulgated by the Occupational Safety and Health Administration: Provided further, That said contract shall be awarded not later than 60 days after the enactment of this Act: Provided further, That said study shall be submitted to the Congress not later than 12 months after award of the contract: Provided further, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $10,569,000 shall be for activities specified under section 2003(b)(2), of which $9,131,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: Provided further, That $500,000 shall be available to the Office of the Surgeon General, within the Office of Public Health and Science, to prepare and disseminate the findings of the Surgeon General's report on youth violence, and to coordinate activities across the Department of Health and Human Services: Provided further, That the Secretary may transfer a portion of such funds to other Federal entities for youth violence prevention coordination activities: Provided further, That $2,000,000 shall be available to the Lawton Chiles Foundation.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $31,500,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $18,838,000, together with not to exceed $3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, $17,000,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, disease and chemical threats to civilian populations, $214,600,000: Provided, That this amount is distributed as follows: Centers for Disease Control and Prevention, $155,000,000, of which $30,000,000 shall be for the Health Alert Network, $1,000,000 shall be for the Carnegie Mellon Research Institute, $1,000,000 shall be for the St. Louis University School of Public Health, $1,000,000 shall be for the University of Texas Medical Branch at Galveston, $1,000,000 shall be for the Noble Army Hospital of Alabama bioterrorism program and $1,000,000 shall be for the Johns Hopkins University Center for Civilian Biodefense; Office of the Secretary, $30,000,000, Agency for Health Care Policy and Research, $5,000,000, and Office of Emergency Preparedness, $24,600,000. In addition, for expenses necessary for the portion of the Global Health Initiative conducted by the Centers for Disease Control and Prevention, $69,000,000: Provided further, That this amount is distributed as follows: $35,000,000 shall be for international HIV/AIDS programs, $9,000,000 shall be for malaria programs, $5,000,000 shall be for global micronutrient malnutrition programs and $20,000,000 shall be for carrying out polio eradication activities. In addition, $150,000,000 for carrying out the Department's Year 2000 computer conversion activities, $5,000,000 for the environmental health laboratory at the Centers for Disease Control and Prevention, $50,000,000 for minority AIDS prevention and treatment activities, $20,000,000 for the National Institutes of Health challenge grant program, and $75,000,000 to support the Ricky Ray Hemophilia Relief Fund Act of 1998: Provided further, That notwithstanding any other provision of law, up to $10,000,000 of the amount provided for the Ricky Ray Hemophilia Relief Fund Act may be available for administrative expenses: Provided further, That the entire amount under this heading is hereby designated by the Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount under this heading shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That no funds shall be obligated until the Department of Health and Human Services submits an operating plan to the House and Senate Committees on Appropriations.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399L(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level II.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

(TRANSFER OF FUNDS)

SEC. 206. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 207. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: Provided, That the Congress is promptly notified of the transfer.

SEC. 208. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 209. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 210. The final rule entitled "Organ Procurement and Transplantation Network", promulgated by the Secretary of Health and Human Services on April 2, 1998 (63 Fed. Reg. 16295 et seq.) (relating to part 121 of title 42, Code of Federal Regulations), together with the amendments to such rules promulgated on October 20, 1999 (64 Fed. Reg. 56649 et seq.) shall not become effective before the expiration of the 42 day period beginning on the date of the enactment of this Act.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected *costs of providing the service to such entity's enrollees): Provided further, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.*

SEC. 212. (a) MENTAL HEALTH.—Section 1918(b) of the Public Health Service Act (42 U.S.C. 300x–7(b)) is amended to read as follows:

"(b) MINIMUM ALLOTMENTS FOR STATES.—With respect to fiscal year 2000, the amount of the allotment of a State under section 1911 shall not be less than the amount the State received under section 1911 for fiscal year 1998.".

(b) SUBSTANCE ABUSE.—Section 1933(b) of the Public Health Service Act (42 U.S.C. 300x–33(b)) is amended to read as follows:

"(b) MINIMUM ALLOTMENTS FOR STATES.—Each State's allotment for fiscal year 2000 for programs under this subpart shall be equal to such State's allotment for such programs for fiscal year 1999, except that, if the amount appropriated in fiscal year 2000 is less than the amount appropriated in fiscal year 1999, then the amount of a State's allotment under section 1921 shall be equal to the amount that the State received under section 1921 in fiscal year 1999 decreased by the percentage by which the amount appropriated for fiscal year 2000 is less than the amount appropriated for such section for fiscal year 1999.".

SEC. 213. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 214. EXTENSION OF CERTAIN ADJUDICATION PROVISIONS.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking "1997, 1998, and 1999" and inserting "1997, 1998, 1999, and 2000"; and

(B) in subsection (e), by striking "October 1, 1999" each place it appears and inserting "October 1, 2000"; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking "September 30, 1999" and inserting "September 30, 2000".

SEC. 215. None of the funds provided in this Act or in any other Act making appropriations for fiscal year 2000 may be used to administer or implement in Arizona or in the Kansas City, Missouri or in the Kansas City, Kansas area the Medicare Competitive Pricing Demonstration Project (operated by the Secretary of Health and Human Services under authority granted in section 4011 of the Balanced Budget Act of 1997 (Public Law 105–33)).

SEC. 216. Of the funds appropriated for the National Institutes of Health for fiscal year 2000, $3,000,000,000 shall not be available for obligation until September 29, 2000. Of the funds appropriated for the Health Resources and Services Administration for fiscal year 2000, $450,000,000 shall not be available for obligation until September 29, 2000. Of the funds appropriated for the Centers for Disease Control and Prevention for fiscal year 2000, $500,000,000 shall not be available for obligation until September 29, 2000. Of the funds appropriated for the Children and Families Services Programs for fiscal year 2000, $400,000,000 shall not be available for obligation until September 29, 2000. Of the funds appropriated for the Social Services Block Grant for fiscal year 2000, $425,000,000 shall not be available for obligation until September 29, 2000. Of the funds appropriated for the Substance Abuse and Mental Health Services Administration for fiscal year 2000, $200,000,000 shall not be available for obligation until September 29, 2000. Such funds delayed by this section shall be available for obligation until October 15, 2000.

SEC. 217. STUDY AND REPORT ON THE GEOGRAPHIC ADJUSTMENT FACTORS UNDER THE MEDICARE PROGRAM. (a) STUDY.—The Secretary of Health and Human Services shall conduct a study on—

(1) the reasons why, and the appropriateness of the fact that, the geographic adjustment factor (determined under paragraph (2) of section 1848(e) (42 U.S.C. 1395w–4(e)) used in determining the amount of payment for physicians' services under the Medicare program is less for physicians' services provided in New Mexico than for physicians' services provided in Arizona, Colorado, and Texas; and

(2) the effect that the level of the geographic cost-of-practice adjustment factor (determined under paragraph (3) of such section) has on the recruitment and retention of physicians in small rural States, including New Mexico, Iowa, Louisiana, and Arkansas.

(b) REPORT.—Not later than 3 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to Congress on the study conducted under subsection (a), together with any recommendations for legislation that the Secretary determines to be appropriate as a result of such study.

SEC. 218. WITHHOLDING OF SUBSTANCE ABUSE FUNDS. (a) IN GENERAL.—None of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) AMOUNT OF STATE FUNDS.—The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act, except that the Secretary may agree to a smaller commitment of additional funds by the State.

(c) SUPPLEMENT NOT SUPPLANT.—Amounts expended by a State pursuant to a certification under subsection (a) shall be used to supplement and not supplant State funds used for tobacco prevention programs and for compliance activities described in such subsection in the fiscal year preceding the fiscal year to which this section applies.

(d) ENFORCEMENT OF STATE EXPENDITURE.—The Secretary shall exercise discretion in enforcing the timing of the State expenditure required by the certification described in subsection (a) as late as July 31, 2000.

SEC. 219. None of the funds made available under this title may be used to carry out the transmittal of August 13, 1997 (relating to self-administered drugs) of the Deputy Director of the Division of Acute Care of the Health Care Financing Administration to regional offices of such Administration or to promulgate any regulation or other transmittal or policy directive that has the effect of imposing (or clarifying the imposition of) a restriction on the coverage of injectable drugs under section 1861(s)(2) of the Social Security Act beyond the restrictions applied before the date of such transmittal.

SEC. 220. In accordance with section 1557 of title 31, United States Code, funds obligated and awarded in fiscal years 1994 and 1995 under the heading "National Cancer Institute" for the Cancer Therapy and Research Center in San Antonio, Texas, grant numbers 1 C06 CA58690-01 and 3 C06 CA58690–01S1, shall be exempt from subchapter IV of chapter 15 of such title and the obligated unexpended dollars shall remain available to the grantee for expenditure without fiscal year limitation to fulfill the purpose of the award.

SEC. 221. Not later than January 15, 2000, the Secretary of Health and Human Services shall transfer $20,000,000 from the appropriation in this Act for "National Institutes of Health—National Institute of Allergy and Infectious Diseases" to the appropriation in this Act for "Centers for Disease Control and Prevention—Disease Control, Research, and Training".

This title may be cited as the "Department of Health and Human Services Appropriations Act, 2000".

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION REFORM

For carrying out activities authorized by titles III and IV of the Goals 2000: Educate America Act, the School-to-Work Opportunities Act, and sections 3122, 3132, 3136, and 3141, parts B, C, and D of title III, and part I of title X of the Elementary and Secondary Education Act of 1965, $1,768,370,000, of which $456,500,000 for the Goals 2000: Educate America Act and $55,000,000 for the School-to-Work Opportunities Act shall become available on July 1, 2000 and remain available through September 30, 2001, and of which $109,500,000 shall be for section 3122: Provided, That none of the funds appropriated under this heading shall be obligated or expended to carry out section 304(a)(2)(A) of the Goals 2000: Educate America Act, except that no more than $1,500,000 may be used to carry out activities under section 314(a)(2) of that Act: Provided further, That section 315(a)(2) of the Goals 2000: Educate America Act shall not apply: Provided further, That up to one-half of 1 percent of the amount available under section 3132 shall be set aside for the outlying areas, to be distributed on the basis of their relative need as determined by the Secretary in accordance with the purposes of the program: Provided further, That if any State educational agency does not apply for a grant under section 3132, that State's allotment under section 3131 shall be reserved by the Secretary for grants to local educational agencies in that State that apply directly to the Secretary according to the terms and conditions published by the Secretary in the Federal Register: Provided further, That of the funds made available to carry out section 3136 and notwithstanding any other provision of law, $500,000 shall be awarded to the Houston Independent School District for technology infrastructure, $8,000,000 shall be awarded to the I CAN LEARN program, $3,000,000 shall be awarded to the Linking Education Technology and Educational Reform (LINKS) project for educational technology, $1,000,000 shall be awarded to the Center for Advanced Research and Technology (CART) for comprehensive secondary education reform, $250,000 shall be awarded to the Vaughn Reno Starks Community Center in Elizabethtown, Kentucky for a technology program, $125,000 shall be awarded to the Wyandanch Compel Youth Academy Educational Assistance Program in New York, $3,000,000 shall be awarded to Hi-Technology High School in San Bernardino County, California for technology enhancement, $300,000 shall be awarded to the Long Island 21st Century Technology and E-Commerce Alliance, $800,000 shall be awarded to Montana State University-Billings for a distance learning initiative, $2,000,000 for the Tupelo School District in Tupelo, Mississippi for technology innovation in education, $900,000 for the University of Alaska at Anchorage for distance learning education, $1,000,000 shall be awarded to the Seton

Hill College in Greensburg, Pennsylvania for a model education technology training program, $500,000 shall be awarded to the University of Alaska-Fairbanks, in Fairbanks, Alaska for a teacher technology training program, $200,000 shall be awarded to the Alaska Department of Education for the Alaska State Distance Education Technology Consortium, $1,000,000 shall be awarded to the North East Vocational Area Cooperative in Washington State for a multi-district technology education center, $400,000 shall be awarded to the University of Vermont for the Vermont Learning Gateway Program, $2,500,000 shall be awarded to the State University of New Jersey for the RUNet 2000 project at Rutgers for an integrated voice-video-data network to link students, faculty and administration via a high-speed, broad band fiber optic network, $500,000 shall be awarded to the Iowa Area Education Agency 13 for a public/private partnership to demonstrate the effective use of technology in grades 1–3, $235,000 shall be for the Louisville Deaf Oral School for technology enhancements: Provided further, That in the State of Alabama $50,000 shall be awarded to the Bibb County Board of Education for technology enhancements, $50,000 shall be awarded to the Calhoun County Board of Education for technology enhancements, $50,000 shall be awarded to the Chambers County Board of Education for technology enhancements, $50,000 shall be awarded to the Chilton County Board of Education for technology enhancements, $50,000 shall be awarded to the Clay County Board of Education for technology enhancements, $50,000 shall be awarded to the Cleburne County Board of Education for technology enhancements, $50,000 shall be awarded to the Coosa County Board of Education for technology enhancements, $50,000 shall be awarded to the Lee County Board of Education for technology enhancements, $50,000 shall be awarded to the Macon County Board of Education for technology enhancements, $50,000 shall be awarded to the St. Clair County Board of Education for technology enhancements, $50,000 shall be awarded to the Talladega County Board of Education for technology enhancements, $50,000 shall be awarded to the Tallapoosa County Board of Education for technology enhancements, $50,000 shall be awarded to the Randolph County Board of Education for technology enhancements, $50,000 shall be awarded to the Russell County Board of Education for technology enhancements, $50,000 shall be awarded to the Alexander City Board of Education for technology enhancements, $50,000 shall be awarded to the Anniston City Board of Education for technology enhancements, $50,000 shall be awarded to the Lanett City Board of Education for technology enhancements, $50,000 shall be awarded to the Pell City Board of Education for technology enhancements, $50,000 shall be awarded to the Roanoke City Board of Education for technology enhancements, $50,000 shall be awarded to the Talledega City Board of Education for technology enhancements, $500,000 shall be to continue a state-of-the-art information technology system at Mansfield University, Mansfield, Pennsylvania, $250,000 shall be awarded to the Chicago Public School Science and Technology Academy to establish a curriculum of math, science and technology, $500,000 shall be awarded to Prairie Hills, Illinois Elementary School District 144 for a public/private teacher technology training program, $1,000,000 shall be awarded to Adelphi University in New York for the Information Commons project, $250,000 shall be awarded to the Oakland School District in California to support a distance education initiative, $800,000 shall be awarded to the Kennedy Krieger Career and Technology Center in Maryland for a distance learning project, $1,000,000 shall be awarded to Augsburg College and Twin Cities Public Television to demonstrate interactive technology to assist teachers and parents in effectively using emerging innovations in education, $100,000 shall be awarded to the Santa Barbara Industry Education Council in California to provide technology education to area students and teachers, $200,000 shall be awarded to the Nebraska Community College for technology training, and $250,000 shall be awarded to the Providence Public School System, in partnership with the Metropolitan Regional Career and Technical Center, for Project Family Net to provide computer technology training to children and their parents: Provided further, That of the funds made available to carry out title III, part B of the Elementary and Secondary Education Act of 1965 and notwithstanding any other provision of law, $750,000 shall be awarded to the Technology Literacy Center at the Museum of Science and Industry, Chicago, $1,000,000 shall be awarded to an on-line math and science training program at Oklahoma State University, $4,000,000 shall be awarded to continue and expand the Iowa Communications Network statewide fiber optic demonstration project, and $250,000 shall be awarded to the WinstonNet distance learning project in Winston Salem, North Carolina: Provided further, That of the funds made available for title X, part I of the Elementary and Secondary Education Act of 1965 and notwithstanding any other provision of law, $6,000 shall be awarded to the Study Partners Program, Inc., in Louisville, Kentucky, $12,000 shall be awarded to the Shawnee Gardens Tenants Association Inc., in Louisville, Kentucky for a tutorial program, $12,000 shall be awarded to the 100 Black Men of Louisville, Kentucky for a mentoring and leadership training program, $500,000 shall be awarded to the Omaha, Nebraska Public Schools for the OPS 21st Century Learning Grant, $25,000 shall be for the Plymouth Renewal Center in Kentucky for a tutoring program, $25,000 shall be for the Canaan Community Development Corporation's Village Learning Center Program, $25,000 shall be for the St. Stephen Life Center After School Program, $25,000 shall be for the Louisville Central Community Centers Youth Education Program, $15,000 shall be for the Trinity Family Life Center tutoring program, $15,000 shall be for the New Zion Community Development Foundation, Inc., after school mentoring program, $20,000 shall be for the St. Joseph Catholic Orphan Society program for abused and neglected children, $25,000 shall be for the Portland Neighborhood House after school program, $25,000 shall be for the St. Anthony Community Outreach Center, Inc., for the Education PAYs program, $250,000 shall be awarded to the Harvey Public School District 152 in Chicago, Illinois for the "Project CAFÉ" after-school program, $200,000 shall be awarded to the St. Clair County, Michigan Intermediate School District for after-school programs, $400,000 shall be awarded to the Macomb County, Michigan Intermediate School District for after-school programs, $200,000 shall be awarded to the Danbury Public School System in Connecticut for an ESCAPE Arts after-school program, $50,000 shall be awarded to the Tuckahoe School District for an after-school program in Eastchester, New York, $100,000 shall be awarded to Innovative Directions, an Educational Alliance (IDEA), based at the City Island School (P.S. 175) in the Bronx, New York City, New York, $250,000 shall be awarded to the New York Hall of Science in Queens, New York for after-school education programs, $60,000 shall be awarded to the Mamaroneck School District in Mamaroneck, New York for expansion of an after-school program, $250,000 shall be awarded to the White Plains School District for an after-school program in White Plains, New York, $200,000 shall be awarded to the New Rochelle School District for an after-school program in New Rochelle, New York, $250,000 shall be awarded to the Community School District 30 in Queens, New York for the expansion of after-school activities, $500,000 shall be awarded to the Jefferson Elementary School for a joint after-school program with the Madison Elementary School in Stevens Point, Wisconsin, $400,000 shall be awarded to the School District of Superior in Wisconsin for an after-school center, $100,000 shall be awarded to the Independence School District in Kansas City, Missouri for an after-school program, and $500,000 shall be awarded to the Clark County School District in Nevada for an after-school program.

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965, and section 418A of the Higher Education Act of 1965, $8,700,986,000, of which $2,461,823,000 shall become available on July 1, 2000, and shall remain available through September 30, 2001, and of which $6,204,763,000 shall become available on October 1, 2000 and shall remain available through September 30, 2001, for academic year 2000–2001: Provided, That $6,783,000,000 shall be available for basic grants under section 1124: Provided further, That $134,000,000 shall be allocated among the States in the same proportion as funds are allocated among the States under section 1122, to carry out section 1116(c): Provided further, That 100 percent of these funds shall be allocated by States to local educational agencies for the purposes of carrying out section 1116(c) and that local educational agencies shall provide all students enrolled in a school identified under section 1116(c) with the option to transfer to another public school within the local educational agency, including a public charter school, that has not been identified for school improvement under section 1116(c): Provided further, That if the local educational agency demonstrates to the satisfaction of the State educational agency that the local educational agency lacks the capacity to provide all students with the option to transfer to another public school, and after giving notice to the parents of children affected that it is not possible, consistent with state and local law, to accommodate the transfer request of every student, the local educational agency shall permit as many students as possible (who shall be selected by the local educational agency on an equitable basis) to transfer to a public school that has not been identified for school improvement under section 1116(c): Provided further, That up to $3,500,000 of these funds shall be available to the Secretary on October 1, 1999, to obtain updated local-educational-agency-level census poverty data from the Bureau of the Census: Provided further, That $1,158,397,000 shall be available for concentration grants under section 1124A: Provided further, That $8,900,000 shall be available for evaluations under section 1501 and not more than $8,500,000 shall be reserved for section 1308, of which not more than $3,000,000 shall be reserved for section 1308(d): Provided further, That grant awards under sections 1124 and 1124A of title I of the Elementary and Secondary Education Act of 1965 shall be made to each State and local educational agency at no less than 100 percent of the amount such State or local educational agency received under this authority for fiscal year 1999: Provided further, That notwithstanding any other provision of law, grant awards under section 1124A of title I of the Elementary and Secondary Education Act of 1965 shall be made to those local educational agencies that received a Concentration Grant under the Department of Education Appropriations Act, 1998, but are not eligible to receive such a grant for fiscal year 2000: Provided further, That each such local educational agency shall receive an amount equal to the Concentration Grant the agency received in fiscal year 1998, ratably reduced, if necessary, to ensure that these local educational agencies receive no greater share of their hold-harmless amounts than other local educational agencies: Provided further, That the Secretary shall not take into account the hold harmless provisions in this section in determining State allocations under any other program administered by the Secretary in any fiscal year: Provided further, That $170,000,000 shall be available under section 1002(g)(2) to demonstrate effective approaches to comprehensive school reform to be allocated and expended in accordance with the instructions relating to this activity in the statement of the managers on the conference report accompanying Public Law 105–78 and in the statement of the managers on the conference report accompanying Public Law 105–277: Provided further, That in carrying out this initiative, the Secretary and the States shall support only approaches that show the most promise of enabling children served by title I to meet challenging State content standards and challenging State student performance standards based on reliable research and effective practices, and include an emphasis on basic academics and parental involvement.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $910,500,000, of which $737,200,000 shall be for basic support payments under section 8003(b), $50,000,000 shall be for payments for children with disabilities under section 8003(d), $76,000,000, to remain available until expended, shall be for payments under section 8003(f), $10,300,000 shall be for construction under section 8007, $32,000,000 shall be for Federal property payments under section 8002 and $5,000,000 to remain available until expended shall be for facilities maintenance under section 8008: Provided, That of the funds available for section 8007 and notwithstanding any other provision of law, $500,000 shall be awarded to the Fort Sam Houston Independent School District, Texas, $800,000 shall be awarded to the Hays Lodgepole School District, Montana, and $2,000,000 shall be awarded to the North Chicago Community Unit SD 187: Provided further, That these funds shall remain available until expended: Provided further, That the Secretary of Education shall treat as timely filed, and shall process for payment, an application for a fiscal year 1999 payment from the local educational agency for Brookeland, Texas under section 8002 of the Elementary and Secondary Education Act of 1965 if the Secretary has received that application not later than 30 days after the enactment of this Act: Provided further, That section 8002(f) of the Elementary and Secondary Education Act of 1965 is amended by adding a new paragraph "(3)" at the end to read as follows:

"(3) For each fiscal year beginning with fiscal year 2000, the Secretary shall treat the Central Union, California; Island, California; Hill City, South Dakota; and Wall, South Dakota local educational agencies as meeting the eligibility requirements of subsection (a)(1)(C) of this section.":

Provided further, That the Secretary of Education shall consider all payments received by the educational agency for Hatboro-Horsham and Delaware Valley, Pennsylvania for fiscal year 1995 under section 8002(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(a)), and all payments under section 8002(h)(2)(A) for subsequent years through fiscal year 1999, to be correct: Provided further, That section 8002(f) of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof a new paragraph (4) to read as follows:

"(4) For the purposes of payments under this section for each fiscal year beginning with fiscal year 2000, the Secretary shall treat the Hot Springs, South Dakota local educational agency as if it had filed a timely application under section 8002 of the Elementary and Secondary Education Act of 1965 for fiscal year 1994 if the Secretary has received the fiscal year 1994 application, as well as Exhibits A and B not later than December 1, 1999.":

Provided further, That section 8002(f) of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof a new paragraph (5) to read as follows:

"(5) For purposes of payments under this section for each fiscal year beginning with fiscal year 2000, the Secretary shall treat the Hueneme, California local educational agency as if it had filed a timely application under section 8002 of the Elementary and Secondary Education Act of 1965 if the Secretary has received the fiscal year 1995 application not later than December 1, 1999.":

Provided further, That the Secretary of Education shall treat as timely filed, and shall process for payment, an application for a fiscal year 1998 payment from the local educational agency for Hydaburg, Alaska, under section 8003 of the Elementary and Secondary Education Act of 1965 if the Secretary has received that application not later than 30 days after the enactment of this Act: Provided further, That the Secretary of Education shall treat as timely, and process for payment, an application for fiscal years 1996 and 1997 payment from the local education agency for Fallbrook Unified High School District, California, under section 8002 of the Elementary and Secondary Education Act of 1965, if the Secretary has received that application not later than 30 days after the enactment of this Act: Provided further, That for the purpose of computing the amount of a payment for a local educational agency for children identified under section 8003 of the Elementary and Secondary Education Act of 1965, children residing in housing initially acquired or constructed under section 801 of the Military Construction Authorization Act of 1984 (Public Law 98–115) ("Build to Lease" program) shall be considered as children described under section 8003(a)(1)(B) if the property described is within the fenced security perimeter of the military facility upon which such housing is situated: Provided further, That if such property is not owned by the Federal Government, is subject to taxation by a State or political subdivision of a State, and thereby generates revenues for a local educational agency which received a payment from the Secretary under section 8003, the Secretary shall: (1) require such local educational agency to provide certification from an appropriate official of the Department of Defense that such property is being used to provide military housing; and (2) reduce the amount of such payment by an amount equal to the amount of revenue from such taxation received in the second preceding fiscal year by such local educational agency, unless the amount of such revenue was taken into account by the State for such second preceding fiscal year and already resulted in a reduction in the amount of State aid paid to such local educational agency.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, IV, V–A and B, VI, IX, X, and XIII of the Elementary and Secondary Education Act of 1965 ("ESEA"); the Stewart B. McKinney Homeless Assistance Act; and the Civil Rights Act of 1964 and part B of title VIII of the Higher Education Act of 1965; $3,026,884,000, of which $975,300,000 shall become available on July 1, 2000, and remain available through September 30, 2001, and of which $1,515,000,000 shall become available on October 1, 2000 and shall remain available through September 30, 2001 for academic year 2000–2001: Provided, That of the amount appropriated, $335,000,000 shall be for Eisenhower professional development State grants under title II–B and $1,680,000,000 shall be for title VI and up to $750,000 shall be for an evaluation of comprehensive regional assistance centers under title XIII of ESEA: Provided further, That of the amount made available for title VI $1,300,000,000 shall be available, notwithstanding any other provision of law, to carry out title VI of the Elementary and Secondary Education Act of 1965 in accordance with section 310 of this Act, in order to reduce class size, particularly in the early grades, using highly qualified teachers to improve educational achievement for regular and special needs children.

READING EXCELLENCE

For necessary expenses to carry out the Reading Excellence Act, $65,000,000, which shall become available on July 1, 2000 and shall remain available through September 30, 2001 and $195,000,000 which shall become available on October 1, 2000 and remain available through September 30, 2001.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title IX, part A of the Elementary and Secondary Education Act of 1965, as amended, $77,000,000.

BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, bilingual, foreign language and immigrant education activities authorized by parts A and C and section 7203 of title VII of the Elementary and Secondary Education Act of 1965, without regard to section 7103(b), $406,000,000: Provided, That State educational agencies may use all, or any part of, their part C allocation for competitive grants to local educational agencies.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, $6,036,646,000, of which $2,047,885,000 shall become available for obligation on July 1, 2000, and shall remain available through September 30, 2001, and of which $3,742,000,000 shall become available on October 1, 2000 and shall remain available through September 30, 2001, for academic year 2000–2901: Provided, That $1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: Provided further, That $1,500,000 shall be awarded to the Organizing Committee for the 2001 Special Olympics World Winter Games in Alaska and $1,000,000 shall be awarded to the Salt Lake City Organizing Committee for the VIII Paralympic Winter Games: Provided further, That $1,000,000 shall be for the Early Childhood Development Project of the National Easter Seal Society for the Mississippi Delta Region, which funds shall be used to provide training, technical support, services and equipment to address personnel and other needs: Provided further, That $1,000,000 shall be awarded to the Center for Literacy and Assessment at the University of Southern Mississippi for research dissemination and teacher and parent training.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $2,707,522,000: Provided, That notwithstanding section 105(b)(1) of the Assistive Technology Act of 1998 ("the AT

Act''), each State shall be provided $50,000 for activities under section 102 of the AT Act: Provided further, That of the funds available for section 303 of the Rehabilitation Act of 1973 and notwithstanding any other provision of law, $750,000 shall be awarded to the Krasnow Institute at George Mason University for a Receptive Language Disorders research center, $1,000,000 shall be awarded to the University of Central Florida for a virtual reality-based education and training program for the deaf, $2,000,000 shall be awarded to the Seattle Lighthouse for the Blind for interpreter, orientation, mobility, and education services for deaf, blind and other visually impaired adults, $1,000,000 shall be awarded to the Professional Development and Research Institute on Blindness in Louisiana for the training of professionals in the field of education and rehabilitation of blind adults and children, $600,000 shall be awarded to the Alaska Center for Independent Living in Anchorage, Alaska to develop capacity to implement a self-directed model for personal assistance services, including training of self-employed personal assistants and their clients, and $250,000 shall be awarded to the Center for Discovery International Family Institute in Sullivan County, New York to provide educational opportunities and support to individuals with severe mental and physical disabilities: Provided further, That of the funds available for section 305 of the Rehabilitation Act of 1973 and notwithstanding any other provision of law, $1,000,000 shall be awarded to the California State University at Northridge for a Western Center for Adaptive Therapy: Provided further, That of the funds available for title II of the Rehabilitation Act of 1973 and notwithstanding any other provision of law, $500,000 shall be awarded to the Albert Einstein Medical Center healthcare network in Philadelphia for research on post polio syndrome.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $10,100,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $48,151,000, of which $2,651,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $85,980,000, of which $2,500,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Technical Education Act, the Adult Education and Family Literacy Act, and title VIII–D of the Higher Education Act of 1965, as amended, and Public Law 102–73, $1,681,750,000, of which $3,500,000 shall remain available until expended, and of which $858,150,000 shall become available on July 1, 2000 and shall remain available through September 30, 2001 and of which $791,000,000 shall become available on October 1, 2000 and shall remain available through September 30, 2001: Provided, That of the amounts made available for the Carl D. Perkins Vocational and Technical Education Act, $4,600,000 shall be for tribally controlled vocational institutions under section 117: Provided further, That of the $450,000,000 for Adult Education State Grants, 30 percent of the amount exceeding the amount appropriated in fiscal year 1999 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: Provided further, That of the amount reserved for integrated English literacy and civics education, half shall be allocated to the States with the largest absolute need for such services and half shall be allocated to the States with the largest recent growth in need for such services, based on the best available data, notwithstanding section 211 of the Adult Education and Family Literacy Act: Provided further, That $9,000,000 shall be for carrying out section 118 of such Act for all activities conducted by and through the National Occupational Information Coordinating Committee: Provided further, That of the amounts made available for the Adult Education and Family Literacy Act, $14,000,000 shall be for national leadership activities under section 243 and $6,000,000 shall be for the National Institute for Literacy under section 242: Provided further, That $19,000,000 shall be for Youth Offender Grants, of which $5,000,000, which shall become available on July 1, 2000, and remain available through September 30, 2001, shall be used in accordance with section 601 of Public Law 102–73 as that section was in effect prior to the enactment of Public Law 105–220.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3 and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, $9,435,000,000, which shall remain available through September 30, 2001.

The maximum Pell Grant for which a student shall be eligible during award year 2000–2001 shall be $3,300: Provided, That notwithstanding section 401(g) of the Act, if the Secretary determines, prior to publication of the payment schedule for such award year, that the amount included within this appropriation for Pell Grant awards in such award year, and any funds available from the fiscal year 1999 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose.

For an additional amount for ''STUDENT FINANCIAL ASSISTANCE'' for payment of allocations to institutions of higher education for Federal Supplemental Educational Opportunity Grants for award years 1999–2000 and 2000–2001, made under title IV, part A, subpart 3, of the Higher Education Act of 1965, as amended, $10,000,000: Provided, That notwithstanding any other provision of law, the Secretary of Education may waive or modify any statutory or regulatory provision applicable to the Federal Supplemental Educational Opportunity Grant program and the determination of need for such grants, that the Secretary deems necessary to assist individuals who suffered financial harm resulting from the hurricanes, and the flooding associated with the hurricanes, that struck the eastern United States in August and September 1999, and who, at the time of the disaster were residing, attending an institution of higher education, or employed within an area affected by such a disaster on the date which the President declared the existence of a major disaster (or, in the case of an individual who is a dependent student, whose parent or stepparent suffered financial harm from such disaster, and who resided, or was employed in such an area at that time): Provided further, That notwithstanding section 437 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, the Secretary shall, by notice in the Federal Register, exercise this authority, through publication of waivers or modifications of statutory and regulatory provisions, as the Secretary deems necessary to assist such individuals: Provided further, That notwithstanding section 413D of the Higher Education Act of 1965, allocations from such additional amount shall not be taken into account in determining institutional allocations under such section in future years: Provided further, That the entire amount made available under this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and that the entire amount shall be available only to the extent an official budget request for the entire amount, that includes designation of the entire amount as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act of 1965, as amended, $48,000,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, VII, and VIII of the Higher Education Act of 1965, as amended, and the Mutual Educational and Cultural Exchange Act of 1961; $1,533,659,000, of which $12,000,000 for interest subsidies authorized by section 121 of the Higher Education Act of 1965, shall remain available until expended: Provided, That of the funds available for part A, subpart 2 of title VII of the Higher Education Act of 1965, $10,000,000 shall be available to fund awards for academic year 2000–2001, and $10,000,000 to remain available through September 30, 2001, shall be available to fund awards for academic year 2001–2002, for fellowships under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: Provided further, That section 852(b)(1) of the Higher Education Amendments of 1998 is amended—

(1) in the matter preceding subparagraph (A), by striking ''14'' and inserting ''16'';

(2) in subparagraph (E), by striking ''and'' after the semicolon;

(3) in subparagraph (F), by striking the period and inserting a semicolon; and

(4) by adding at the end the following:

''(G) one member shall be appointed by the Chairperson of the Committee on Health, Education, Labor, and Pensions of the Senate from among members of the Senate; and

''(H) one member shall be appointed by the Chairperson of the Committee on Education and the Workforce of the House of Representatives from among members of the House of Representatives.'':

Provided further, That the matter preceding paragraph (1) of section 853(b) of the Higher Education Amendments of 1998 is amended by striking ''6 months'' and inserting ''12 months'': Provided further, That the amounts provided under this heading in division A, section 101(f) of Public Law 105–277 for the Web-Based Education Commission, authorized by part J of title VIII of the Higher Education Amendments of 1998, shall remain available through September 30, 2000: Provided further, That $3,000,000 is for data collection and evaluation activities for programs under the Higher Education Act of 1965.

including such activities needed to comply with the Government Performance and Results Act of 1993: Provided further, That of the funds available for title IV, part A, subpart 8 of the Higher Education Act of 1965 and notwithstanding any other provision of law, $3,000,000 shall be awarded to the University of South Florida for a distance learning program, $190,000 shall be awarded to the New York Global Communication Center in West Islip, New York for a distance learning program, $2,000,000 shall be awarded to the Alliance for Technology, Learning and Society (ATLAS) at the University of Colorado for technology-enhanced learning, $2,500,000 shall be awarded to the Illinois Community College Board to develop a systemwide, on-line virtual degree program for the community college system in Illinois, and $1,250,000 shall be made available to the University of Idaho Interactive Learning Environments to develop and improve Internet-based delivery of education programs.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $219,444,000, of which not less than $3,530,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses authorized under section 121 of the Higher Education Act of 1965, $737,000 to carry out activities related to existing facility loans entered into under the Higher Education Act of 1965.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965 shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $207,000.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994, including part E; the National Education Statistics Act of 1994, including sections 411 and 412; section 2102 of title II, and parts A, B, and K and section 10102, section 10105, and 10601 of title X, and part C of title XIII of the Elementary and Secondary Education Act of 1965, as amended, and title VI of Public Law 103–227, $596,892,000: Provided, That $50,000,000 shall be available to demonstrate effective approaches to comprehensive school reform, to be allocated and expended in accordance with the instructions relating to this activity in the statement of managers on the conference report accompanying Public Law 105–78 and in the statement of the managers on the conference report accompanying Public Law 105–277: Provided further, That the funds made available for comprehensive school reform shall become available on July 1, 2000, and remain available through September 30, 2001, and in carrying out this initiative, the Secretary and the States shall support only approaches that show the most promise of enabling children to meet challenging State content standards and challenging State student performance standards based on reliable research and effective practices, and include an emphasis on basic academics and parental involvement: Provided further, That $30,000,000 of the funds provided for the national education research institutes shall be allocated notwithstanding section 912(m)(1)(B–F) and subparagraphs (B) and (C) of section 931(c)(2) of Public Law 103–227: Provided further, That of the funds appropriated under section 10601 of title X of the Elementary and Secondary Education Act of 1965, as amended, $1,500,000 shall be used to conduct a violence prevention demonstration program: Provided further, That $45,000,000 shall be available to support activities under section 10105 of Part A of Title X of the Elementary and Secondary Education Act of 1965, of which up to $2,250,000 may be available for evaluation, technical assistance, and school networking activities: Provided further, That funds made available to local educational agencies under this section shall be used only for activities related to establishing smaller learning communities in high schools: Provided further, That funds made available for section 10105 of Part A of Title X of the Elementary and Secondary Education Act of 1965 shall become available on July 1, 2000 and remain available through September 30, 2001: Provided further, That of the funds available for part A of title X of the Elementary and Secondary Education Act of 1965, $10,000,000 shall be awarded to the National Constitution Center, established by Public Law 100–433, for exhibition design, program planning and operation of the center, $10,000,000 shall be provided to continue a demonstration of public school facilities to the Iowa Department of Education, $1,000,000 shall be made available to the New Mexico Department of Education for school performance improvement and drop-out prevention, $300,000 shall be made available to Semos Unlimited, Inc., in New Mexico to support bilingual education and literacy programs, $700,000 shall be awarded to Loyola University Chicago for recruitment and preparation of new teacher candidates for employment in rural and inner-city schools, $500,000 shall be awarded to Shedd Aquarium/Brookfield Zoo for science education/exposure programs for local elementary school students, $3,000,000 shall be awarded to Big Brothers/Big Sisters of America to expand school-based mentoring, $2,500,000 shall be awarded to the Chicago Public School System to support a substance abuse pilot program in conjunction with Elgin and East Aurora School Systems, $1,000,000 shall be awarded to the University of Virginia Center for Governmental Studies for the Youth Leadership Initiative, $800,000 shall be awarded to the Institute for Student Achievement at Holmes Middle School and Annandale High School in Virginia for academic enrichment programs, $100,000 shall be awarded to the Mountain Arts Center for educational programming, $1,500,000 shall be awarded to the University of Louisville for research in the area of academic readiness, $500,000 shall be awarded to the West Ed Regional Educational Laboratory for the 24 Challenge and Jumping Levels Math Demonstration Project, $1,000,000 shall be awarded to Central Michigan University for a charter schools development and performance institute, $950,000 shall be awarded to the Living Science Interactive Learning Model partnership in Indian River, Florida for a science education program, $825,000 shall be awarded to the North Babylon Community Youth Services for an educational program, $1,000,000 shall be awarded to the Los Angeles County Office of Education/Educational Telecommunications and Technology for a pilot program for teachers, $650,000 shall be awarded to the University of Northern Iowa for an institute of technology for inclusive education, $500,000 shall be awarded to Youth Crime Watch of America to expand a program to prevent crime, drugs and violence in schools, $892,000 shall be awarded to Muhlenberg College in Pennsylvania for an environmental science program, $560,000 shall be awarded to the Western Suffolk St. Johns-LaSalle Academy Science and Technology Mentoring Program, $1,000,000 shall be awarded to the National Teaching Academy of Chicago for a model teacher recruitment, preparation and professional development program, $2,000,000 shall be awarded to the University of West Florida for a teacher enhancement program, $1,000,000 shall be awarded to Delta State University in Mississippi for innovative teacher training, $1,000,000 shall be awarded to the Alaska Humanities Forum, Inc., in Anchorage, Alaska, $250,000 shall be awarded to An Achievable Dream in Newport News, Virginia to improve academic performance of at-risk youths, $250,000 shall be awarded to the Rock School of Ballet in Philadelphia, Pennsylvania, to expand its community-outreach programs for inner-city children and underprivileged youth in Camden, New Jersey and southern New Jersey, $1,000,000 shall be awarded to the University of Maryland Center for Quality and Productivity to provide a link for the Blue Ribbon Schools, $1,000,000 shall be awarded to the Continuing Education Center and Teachers' Institute in South Boston, Virginia to promote participation among youth in the United States democratic process, $1,000,000 shall be for the National Museum of Women in the Arts to expand its "Discovering Art" program to elementary and secondary schools and other educational organizations, $400,000 shall be awarded to the Alaska Department of Education's summer reading program, $400,000 shall be awarded to the Partners in Education, Inc., to foster successful business-school partnerships, $250,000 shall be for the Kodiak Island Borough School District for development of an environmental education program, $2,000,000 shall be for the Reach Out and Read Program to expand literacy and health awareness for at-risk families, $1,000,000 shall be for the Virginia Living Museum in Newport News, Virginia for an educational program, $450,000 shall be for the Challenger Learning Center in Hardin County, Kentucky for technology assistance and teacher training, $250,000 shall be for the Crawford County School System in Georgia for technology and curriculum support, $500,000 shall be for the Berrien County School System in Georgia for technology development, $35,000 shall be for the Louisville Salvation Army Boys and Girls Club Diversion Enhancement Program, $100,000 shall be awarded to the Philadelphia Orchestra's Philly Pops to operate the Jazz in the Schools program in the Philadelphia school district, $500,000 for the Mississippi Delta Education for a teacher incentive program initiative, $500,000 shall be for A Community of Agile Partners in Education and the Pennsylvania Telecommunications Exchange Network for a technology resource sharing initiative, $500,000 shall be for enhanced teacher training in reading in the District of Columbia, $100,000 shall be awarded to the Project 2000 D.C. mentoring project, and $1,250,000 shall be awarded to Helen Keller World Wide to expand the ChildSight vision screening program and provide eyeglasses to additional children whose educational performance may be hindered by poor vision, $750,000 shall be awarded to the Explornet Technology Learning Project in North Carolina, $1,750,000 shall be awarded to the Connecticut Early Reading Success Institute to broaden the training of professionals in best practices in reading instruction, $400,000 shall be awarded to the National Academy of Recording Artists and Sciences Foundation for the GRAMMY in the Schools program to provide music education to high school students, $1,000,000 shall be awarded to the Rosa and Raymond Parks Institute for Self-Development for the Pathways to Freedom program for civil rights education for young people and for community learning centers, $500,000 shall be awarded to the Milton S. Eisenhower Foundation to replicate and scientifically *evaluate full-service community schools, $500,000 shall be awarded to the Henry Abbott Technical High School in Danbury, Connecticut for workforce education and training activities, $1,000,000 shall be awarded to the Educational Performance Foundation, CPI music education program called "From the Top", $250,000 shall be awarded to the Mount Vernon School District in Mount Vernon, New York for the Institute of Student Achievement program, $2,000,000 shall be awarded to the National Council of La Raza for a project to improve educational outcomes and opportunities for Hispanic children, $250,000 shall be awarded to the Oakland Unified School District in California for an African American Literacy and Culture Project, $300,000 shall be awarded to the Vasona Center Youth Science Institute, $750,000 shall be awarded to the Life Learning Academy Charter School in San Francisco, California, $250,000 shall be awarded to the National Urban Coalition Say YES To A Youngster's Future Program to provide math and science education, $750,000 shall be awarded to the Wisconsin Academy Staff Development Initiative in Chippewa Falls, Wisconsin to provide math, science, and technology teacher training, $500,000 shall be awarded to the University of Missouri-St. Louis to develop a plan to improve the education system in the City of St. Louis, Missouri, $313,000 shall be awarded to the City of Houston for the ASPIRE after-school program, $900,000 shall be awarded to Boston Music Education Collaborative comprehensive interdisciplinary music program and teacher resource center in Boston, Massachusetts, $250,000 shall be awarded to the Baltimore Reads after-school tutoring program in Baltimore, Maryland, $300,000 shall be awarded to the School of International Training in Brattleboro, Vermont to develop an education curriculum addressing child labor issues in collaboration with the Brattleboro Union High School, $750,000 shall be awarded to the University of Puerto Rico for the continuation and expansion of the Hispanic Educational Linkages Program in New York City, including the South Bronx, New York, $250,000 shall be awarded to the Community Service Society of New York for mentoring, tutoring and technology activities in New York City public schools, including schools in the South Bronx, $250,000 shall be awarded to the Smithsonian Institution for a jazz music education program in Washington, D.C., $500,000 shall be awarded to Johnson Elementary School in Cedar Rapids, Iowa to develop an innovative arts education model which could be replicated in other schools, $2,000,000 shall be awarded to the Boys and Girls Clubs of America for after-school programs, $500,000 shall be for the University of New Orleans for a teacher preparation and educational technology initiative, and $250,000 shall be for the Florida Department of Education for an Internet-based teacher recruitment model, $250,000 shall be awarded to the Kennedy Center for the Performing Arts for the "Make a Ballet" arts education program in the New York City area: Provided further, That of the funds available for section 10601 of title X of such Act, $2,000,000 shall be awarded to the Center for Educational Technologies for production and distribution of an effective CD-ROM product that would complement the "We the People: The Citizen and the Constitution" curriculum: Provided further, That, in addition to the funds for title VI of Public Law 103–227 and notwithstanding the provisions of section 601(c)(1)(C) of that Act, $1,000,000 shall be available to the Center for Civic Education to conduct a civic education program with Northern Ireland and the Republic of Ireland and, consistent with the civics and Government activities authorized in section 601(c)(3) of Public Law 103–227, to provide civic education assistance to democracies in developing countries. The term "developing countries" shall have the same meaning as the term "developing country" in the Education for the Deaf Act.*

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, $383,184,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $71,200,000.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, as authorized by section 212 of the Department of Education Organization Act, $34,000,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 305. (a) From the funds appropriated for payments to local educational agencies under section 8003(f) of the Elementary and Secondary Education Act of 1965 ("ESEA") for fiscal year 2000, the Secretary of Education shall distribute supplemental payments for certain local educational agencies, as follows:

(1) First, from the amount of $74,000,000, the Secretary shall make supplemental payments to the following agencies under section 8003(f) of ESEA:

(A) Local educational agencies that received assistance under section 8003(f) for fiscal year 1999—

(i) in fiscal year 1997 had at least 40 percent federally connected children described in section 8003(a)(1) in average daily attendance; and in fiscal year 1997 had a tax rate for general fund purposes which was at least 95 percent of the State average tax rate for general fund purposes; or

(ii) whose boundary is coterminous with the boundary of a Federal military installation.

(B) Local educational agencies that received assistance under section 8003(f) for fiscal year 1999; and in fiscal year 1997 had at least 30 percent federally connected children described in section 8003(a)(1) in average daily attendance; and in fiscal year 1997 had a tax rate for general fund purposes which was at least 125 percent of the State average tax rate for general fund purposes.

(C) Any eligible local educational agency that in fiscal year 1997, which had at least 25,000 children in average daily attendance, at least 50 percent federally connected children described in section 8003(a)(1) in average daily attendance, and at least 6,000 children described in subparagraphs (A) and (B) of section 8003(a)(1) in average daily attendance.

(2) From the remaining $2,000,000 and any amounts available after making payments under paragraph (1), the Secretary shall then make supplemental payments to local educational agencies that are not described in paragraph (1) of this subsection, but that meet the requirements of paragraphs (2) and (4) of section 8003(f) of ESEA for fiscal year 2000.

(3) After making payments to all eligible local educational agencies described in paragraph (2) of subsection (a), the Secretary shall use any remaining funds from paragraph (2) for making payments to the eligible local educational agencies described in paragraph (1) of subsection (a) if the amount available under paragraph (1) is insufficient to fully fund all eligible local educational agencies.

(4) After making payments to all eligible local educational agencies as described in paragraphs 1 through 3, the Secretary shall use any remaining funds to increase basic support payments under section 8003(b) for fiscal year 2000 for all eligible applicants.

(b) In calculating the amounts of supplemental payments for agencies described in subparagraphs (1)(A) and (B) and paragraph (2) of subsection (a), the Secretary shall use the formula contained in section 8003(b)(1)(C) of ESEA, except that—

(1) eligible local educational agencies may count all children described in section 8003(a)(1) in computing the amount of those payments;

(2) maximum payments for any of those agencies that use local contribution rates identified in section 8003(b)(1)(C) (i) or (ii) shall be computed by using four-fifths instead of one-half of those rates;

(3) the learning opportunity threshold percentage of all such agencies under section 8003(b)(2)(B) shall be deemed to be 100;

(4) for an eligible local educational agency with 35 percent or more of its children in average daily attendance described in either subparagraph (D) or (E) of section 8003(a)(1) in fiscal year 1997, the weighted student unit figure from its regular basic support payment shall be recomputed by using a factor of 0.55 for such children;

(5) for an eligible local educational agency with fewer than 100 children in average daily attendance in fiscal year 1997, the weighted student unit figure from its regular basic support payment shall be recomputed by multiplying the total number of children described in section 8003(a)(1) by a factor of 1.75; and

(6) for an eligible local educational agency whose total number of children in average daily attendance in fiscal year 1997 was at least 100, but fewer than 750, the weighted student unit figure from its regular basic support payment shall be recomputed by multiplying the total number of children described in section 8003(a)(1) by a factor of 1.25.

(c) For a local educational agency described in subsection (a)(1)(C) above, the Secretary shall use the formula contained in section 8003(b)(1)(C) of ESEA, except that the weighted student unit total from its regular basic support payment shall be recomputed by using a factor of 1.35 for children described in subparagraphs (A) and (B) of section 8003(a)(1) and its learning opportunity threshold percentage shall be deemed to be 100.

(d) For each eligible local educational agency, the calculated supplemental section 8003(f) payment shall be reduced by subtracting the agency's fiscal year 2000 section 8003(b) basic support payment.

(e) If the sums described in subsections (a)(1) and (2) above are insufficient to pay in full the calculated supplemental payments for the local educational agencies identified in those subsections, the Secretary shall ratably reduce the supplemental section 8003(f) payment to each local educational agency.

SEC. 306. (a) Section 1204(b)(1)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6364(b)(1)(a)) is amended—

(1) in clause (iv), by striking "and" after the semicolon;

(2) by striking clause (v) and adding the following:

"(v) 50 percent in the fifth, sixth, seventh, and eighth such years; and

"(vi) 35 percent in any subsequent such year.".

(b) Section 1208(b) of the Elementary and Secondary Education Act of 1965 is amended—

(1) by striking paragraph (3) and inserting the following:

"(3) CONTINUING ELIGIBILITY.—In awarding subgrant funds to continue a program under this part after the first year, the State educational agency shall review the progress of each eligible entity in meeting the goals of the program referred to in section 1207(c)(1)(A) and shall evaluate the program based on the indicators of program quality developed by the State under section 1210."; and

(2) in paragraph (5)(A), by striking the last sentence.

SEC. 307. (a) Notwithstanding sections 401(j) and 435(a)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070a(j) and 1085(a)(2)) and subject to the requirements of subsection (b), the Secretary of Education shall—

(1) recalculate the official fiscal year 1996 cohort default rate for Jacksonville College of Jacksonville, Texas, on the basis of data corrections confirmed by the Texas Guaranteed Student Loan Corporation; and

(2) restore the eligibility of Jacksonville College to participate in the Federal Pell Grant Program for the 1999–2000 award year and succeeding award years.

(b) Jacksonville College shall implement a default management plan that is satisfactory to the Secretary of Education.

(c) For purposes of determining its Federal Pell Grant Program eligibility, Jacksonville College shall be deemed to have withdrawn from the Federal Family Education Loan program as of October 6, 1998.

SEC. 308. An amount of $14,500,000 from the balances of returned reserve funds, formerly held by the Higher Education Assistance Foundation, that are currently held in Higher Education Assistance Foundation Claims Reserves, Treasury account number 91X6192, and $12,000,000 from funds formerly held by the Higher Education Assistance Foundation, that are currently held in trust, shall be deposited in the general fund of the Treasury.

SEC. 309. Of the funds provided in title III of this Act, under the heading "Higher Education", for title VII, part B of the Higher Education Act of 1965, $250,000 shall be awarded to the Snelling Center for Government at the University of Vermont for a model school program, $750,000 shall be awarded to Texas A&M University, Corpus Christi, for operation of the Early Childhood Development Center, $1,000,000 shall be awarded to Southeast Missouri State University for equipment and curriculum development associated with the University's Polytechnic Institute, $800,000 shall be awarded to the Washington Virtual Classroom Consortium to develop, equip and implement an ecosystem curriculum, $500,000 shall be provided to the Puget Sound Center for Technology for faculty development activities for the use of technology in the classroom, $500,000 shall be awarded to the Center for the Advancement of Distance Education in Rural America, $3,000,000, to be available until expended, shall be awarded to the University Center of Lake County, Illinois and $1,000,000, to be available until expended, shall be awarded to the Oregon University System for activities authorized under title III, part A, section 311(c)(2), of the Higher Education Act of 1965, as amended, $500,000 shall be awarded to Columbia College Illinois for a freshman retention program, $1,500,000 shall be awarded to the University of Hawaii at Manoa for a Globalization Research Center, $2,000,000 shall be awarded to the University of Arkansas at Pine Bluff for technology infrastructure, $1,000,000 shall be awarded to the I Have a Dream Foundation, $1,000,000 shall be awarded to a demonstration program for activities authorized under part G of title VIII of the Higher Education Act of 1965, as amended, $3,000,000 shall be awarded to the Daniel J. Evans School of Public Policy at the University of Washington, $200,000 shall be awarded to North Dakota State University for the Career Program for Dislocated Farmers and Ranchers, $350,000 shall be awarded to North Dakota State University for the Tech-based Industry Traineeship Program, $3,000,000 shall be awarded to Washington State University for the Thomas S. Foley Institute to support programs in congressional studies, public policy, voter education, and to ensure community access and outreach, $200,000 shall be awarded to Minot State University for the Rural Communications Disabilities Program, $300,000 shall be awarded to Bryant College for the Linking International Trade Education Program (LITE), $1,000,000 shall be awarded to Concord College, West Virginia for a technology center to further enhance the technical skills of West Virginia teachers and students, $200,000 shall be awarded to Peirce College in Philadelphia, Pennsylvania for education and training programs, $250,000 shall be awarded to the Philadelphia Zoo for educational programs, $800,000 shall be awarded to Spelman College in Georgia for educational operations, $1,000,000 shall be awarded to the Philadelphia University Education Center for technology education, $725,000 shall be awarded to Lock Haven University for technology innovations, $250,000 for Middle Georgia College for an advanced distributed learning center demonstration program, $1,000,000 for the University of the Incarnate Word in San Antonio, Texas, to improve teacher capabilities in technology, $1,000,000 for Elmira College in New York for a technology enhancement initiative, $1,000,000 shall be awarded to the Southeastern Pennsylvania Consortium on Higher Education for education programs, $400,000 shall be awarded to Lehigh University Iacocca Institute for educational training, $250,000 shall be awarded to Lafayette College for arts education, $1,000,000 shall be awarded to Lewis and Clark College for the Crime Victims Law Institute, $1,650,000 for Rust College in Mississippi for technology infrastructure, $500,000 for the University of Notre Dame for a teacher quality initiative, $2,400,000 shall be awarded to the Western Governors University for a distance learning initiative, $1,000,000 shall be awarded to the Alabama A&M University for the development of a research institute, $1,000,000 shall be awarded to Tarleton State University in Stephenville, Texas for the Center for Astronomy Education and Research summer science programs for students and teachers, $1,500,000 shall be awarded to the Great Plains Network at Kansas University, $350,000 shall be awarded to the Science Education and Literacy Center at Rider University in New Jersey, $1,500,000 shall be awarded to the Indiana State University DegreeLink Partnership for a distance learning program, $1,000,000 shall be awarded to the Ivy Technical State College in Indiana for a machine tool training program, $1,250,000 shall be awarded to the Connecticut State University System Center for Education Technology Assessment, $400,000 shall be awarded to Monmouth University in New Jersey for the 21st Century Science Teachers Skills Project, $58,000 shall be awarded to the Black Hawk College International Business Education Center in Moline, Illinois for training in international economics, $325,000 shall be awarded to the World Learning School of International Training in Brattleboro, Vermont for the expansion of a language study program, $500,000 shall be awarded to the Diablo Valley Community College at Contra-Costa Community College District for a model teacher program to foster interest in teaching careers among high school and community college students, $1,000,000 shall be awarded to the Urban College of Boston, Massachusetts, for tutoring and mentoring services for educationally disadvantaged students, $1,000,000 shall be awarded to the University of Rhode Island Center for Environmental Design, Planning, and Policy in Kingston, Rhode Island to foster environmental education, $800,000 shall be awarded to the Wisconsin Indianhead Technical College at Ashland and Superior to provide high technology education and training, $400,000 shall be for an award to the University of Wisconsin at Superior for Project SPARKS to link faculty with schools in the Superior School District in Wisconsin, and $100,000 shall be awarded to the University of Nevada at Las Vegas for the Nevada Institute for Children, Children's literacy program.

SEC. 310. (a) From the amount appropriated for title VI of the Elementary and Secondary Education Act of 1965 in accordance with this section, the Secretary of Education—(1) shall make available a total of $6,000,000 to the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities under this section; and (2) shall allocate the remainder by providing each State the same percentage of that remainder as it received of the funds allocated to States under section 307(a)(2) of the Department of Education Appropriations Act, 1999.

(b)(1) Each State that receives funds under this section shall distribute 100 percent of such funds to local educational agencies, of which—(A) 80 percent of such amount shall be allocated to such local educational agencies in proportion to the number of children, aged 5 to 17, who reside in the school district served by such local educational agency from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data are available compared to the number of such individuals who reside in the school districts served by all the local educational agencies in the State for that fiscal year; and (B) 20 percent of such amount shall be allocated to such local educational agencies in accordance with the relative enrollments of children, aged 5 to 17, in public and private nonprofit elementary and secondary schools within the boundaries of such agencies.

(2) Notwithstanding paragraph (1), if the award to a local educational agency under this section is less than the starting salary for a new fully qualified teacher in that agency who is certified within the State (which may include certification through State or local alternative routes), has a baccalaureate degree, and demonstrates the general knowledge, teaching skills, and subject matter knowledge required to teach in his or her content areas, that agency may use funds under this section to (A) help pay the salary of a full- or part-time teacher hired to reduce class size, which may be in combination with other Federal, State, or local funds; or (B) pay for activities described in subsection (c)(2)(A)(iii) which may be related to teaching in smaller classes.

(c)(1) The basic purpose and intent of this section is to reduce class size with fully qualified teachers. Each local educational agency that receives funds under this section shall use such funds to carry out effective approaches to reducing class size with fully qualified teachers who are certified within the State, including teachers certified through State or local alternative routes, and who demonstrate competency in the areas in which they teach, to improve educational achievement for both regular and special needs children, with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is most effective.

(2)(A) Each such local educational agency may use funds under this section for

(i) recruiting (including through the use of signing bonuses, and other financial incentives), hiring, and training fully qualified regular and special education teachers (which may include hiring special education teachers to team-teach with regular teachers in classrooms that contain both children with disabilities and non-disabled children) and teachers of special-needs children, who are certified within the State, including teachers certified through State or local alternative routes, have a baccalaureate degree and demonstrate the general knowledge, teaching skills, and subject matter knowledge required to teach in their content areas;

(ii) testing new teachers for academic content knowledge, and to meet State certification requirements that are consistent with title II of the Higher Education Act of 1965; and

(iii) providing professional development (which may include such activities as promoting retention and mentoring) to teachers, including special education teachers and teachers of special-needs children, in order to meet the goal of ensuring that all instructional staff have the subject matter knowledge, teaching knowledge, and teaching skills necessary to teach effectively in the content area or areas in which they provide instruction, consistent with title II of the Higher Education Act of 1965.

(B)(i) Except as provided under clause (ii) a local educational agency may use not more than a total of 25 percent of the award received under this section for activities described in clauses (ii) and (iii) of subparagraph (A).

(ii) A local educational agency in an Ed-Flex Partnership State under Public Law 106–25, the Education Flexibility Partnership Act, and in which 10 percent or more of teachers in elementary schools as defined by section 14101(14) of the Elementary and Secondary Education Act of 1965 have not met applicable State and local certification requirements (including certification through State or local alternative routes), or if such requirements have been waived, may apply to the State educational agency for a waiver that would permit it to use more than 25 percent of the funds it receives under this section for activities described in subparagraph (A)(iii) for the purpose of helping teachers who have not met the certification requirements become certified.

(iii) If the State educational agency approves the local educational agency's application for a waiver under clause (ii), the local educational agency may use the funds subject to the waiver for activities described in subparagraph (A)(iii) that are needed to ensure that at least 90 percent of the teachers in elementary schools are certified within the State.

(C) A local educational agency that has already reduced class size in the early grades to 18 or less children (or has already reduced class size to a State or local class size reduction goal that was in effect on the day before the enactment of the Department of Education Appropriations Act, 2000, if that State or local educational agency goal is 20 or fewer children) may use funds received under this section—

(i) to make further class size reductions in grades kindergarten through 3;

(ii) to reduce class size in other grades; or

(iii) to carry out activities to improve teacher quality, including professional development.

(D) If a local educational agency has already reduced class size in the early grades to 18 or fewer children and intends to use funds provided under this section to carry out professional development activities, including activities to improve teacher quality, then the State shall make the award under subsection (b) to the local educational agency.

(3) Each such agency shall use funds under this section only to supplement, and not to supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this section.

(4) No funds made available under this section may be used to increase the salaries or provide benefits, other than participation in professional development and enrichment programs, to teachers who are not hired under this section. Funds under this section may be used to pay the salary of teachers hired under section 307 of the Department of Education Appropriations Act, 1999.

(d)(1) Each State receiving funds under this section shall report on activities in the State under this section, consistent with section 6202(a)(2) of the Elementary and Secondary Education Act of 1965.

(2) Each State and local educational agency receiving funds under this section shall publicly report to parents on its progress in reducing class size, increasing the percentage of classes in core academic areas taught by fully qualified teachers who are certified within the State and demonstrate competency in the content areas in which they teach, and on the impact that hiring additional highly qualified teachers and reducing class size, has had, if any, on increasing student academic achievement.

(3) Each school receiving funds under this section shall provide to parents upon request, the professional qualifications of their child's teacher.

(e) If a local educational agency uses funds made available under this section for professional development activities, the agency shall ensure for the equitable participation of private nonprofit elementary and secondary schools in such activities. Section 6402 of the Elementary and Secondary Education Act of 1965 shall not apply to other activities under this section.

(f) ADMINISTRATIVE EXPENSES.—A local educational agency that receives funds under this section may use not more than 3 percent of such funds for local administrative costs.

(g) REQUEST FOR FUNDS.—Each local educational agency that desires to receive funds under this section shall include in the application required under section 6303 of the Elementary and Secondary Education Act of 1965 a description of the agency's program to reduce class size by hiring additional highly qualified teachers.

(h) No funds under this section may be used to pay the salary of any teacher hired with funds under section 307 of the Department of Education Appropriations Act, 1999, unless, by the start of the 2000–2001 school year, the teacher is certified within the State (which may include certification through State or local alternative routes) and demonstrates competency in the subject areas in which he or she teaches.

(i) Titles III and IV of the Goals 2000: Educate America Act are repealed on September 30, 2000.

LIMITATION ON PUNITIVE DAMAGES AWARDED AGAINST INSTITUTIONS OF HIGHER EDUCATION

SEC. 311. Section 5 of the Y2K Act (15 U.S.C. 6604) is amended by adding at the end the following:

"(d) INSTITUTIONS OF HIGHER EDUCATION.—

"(1) IN GENERAL.—Subject to paragraph (2), punitive damages in a Y2K action may not be awarded against an instituion of higher education as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

"(2) EXCEPTION.—Paragraph (1) shall not apply to an institution of higher education if the Y2K failure in the Y2K action occurred in a computer-based student financial aid system of that institution of higher education, and the institution—

"(A) has passed Y2K data exchange testing with the Department of Education; or

"(B) is not or was not in the process of performing data exchange testing with the Department of Education at the time the Department terminates such testing.".

SEC. 312. Section 4 of P.L. 106–71 is amended by striking subsection (c).

SEC. 313. HOLD HARMLESS.

(a) LOCAL CONTRIBUTION RATE.—For purposes of calculating a payment under section 8003(b) of the Elementary and Secondary Education Act of 1965 for fiscal year 1999 or 2000 with respect to any local educational agency described in subsection (b), the Secretary of Education shall not use a local contribution rate for the fiscal year that is less than the local contribution rate used for the local educational agency for fiscal year 1998.

(b) LOCAL EDUCATIONAL AGENCIES.—A local educational agency referred to in subsection (a) is any local educational agency that—

(1) is eligible to receive a payment under section 8003(b) of the Elementary and Secondary Education Act of 1965 for fiscal year 1999 or 2000, as the case may be; and

(2) received a payment under such section for fiscal year 1998 that was calculated on the basis of a local contribution rate based on generally comparable school districts using the special additional factors method.

(c) EFFECTIVE DATE.—This section shall be effective for fiscal years 1999 and 2000.

SEC. 314. VOTER REGISTRATION OF COLLEGE STUDENTS.

Subparagraph (C) of section 487(a)(23) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(23)) is amended to read as follows:

"(C) This paragraph shall apply to general and special elections for Federal office, as defined in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3)), and to the elections for Governor or other chief executive within such State).".

This title may be cited as the "Department of Education Appropriations Act, 2000".

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and *the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $68,295,000, of which $12,696,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: Provided, That, notwithstanding any other provision of law, a single contract or related contracts for development and construction, to include construction of a long-term care facility at the United States Naval Home, may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18 and 252.232–7007, Limitation of Government Obligations.*

Corporation for National and Community Service

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $295,645,000: Provided, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends to volunteers or volunteer leaders whose incomes exceed the income guidelines established for payment of stipends under the Foster Grandparent and Senior Companion programs: Provided further, That the foregoing proviso shall not apply to the Seniors for Schools program.

Corporation for Public Broadcasting

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2002, $350,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: Provided further, That in addition to the amounts provided above, $10,000,000 shall be for digitalization, only if specifically authorized by subsequent legislation enacted by September 30, 2000.

Federal Mediation and Conciliation Service

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to cerry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. ch. 71), $36,834,000, including $1,500,000, to remain available through September 30, 2001, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance. including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

Federal Mine Safety and Health Review Commission

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $6,159,000.

Institute of Museum and Library Services

Office of Library Services: Grants and Administration

For carrying out subtitle B of the Museum and Library Services Act, $166,885,000, of which $22,991,000 shall be awarded to national leadership projects, notwithstanding any other provision of law: Provided, That of the amount provided, $700,000 shall be awarded to the Library and Archives of New Hampshire's Political Tradition at the New Hampshire State Library, $1,000,000 shall be awarded to the Vermont Department of Libraries in Montpelier, Vermont, $750,000 shall be awarded to consolidation and preservation of archives and special collections at the University of Miami Library in Coral Gables, Florida, $1,900,000 shall be awarded to exhibits and library improvements for the Mississippi River Museum and Discovery Center in Dubuque, Iowa, $750,000 shall be awarded to the Alaska Native Heritage Center in Anchorage, Alaska, $750,000 shall be awarded to the Peabody-Essex Museum in Salem, Massachusetts, $750,000 shall be awarded to the Bishop Museum in Hawaii, $200,000 shall be awarded to Oceanside Public Library in California for a local cultural heritage project, $1,000,000 shall be awarded to the Urban Children's Museum Collaborative to develop and implement pilot programs dedicated to serving at-risk children and their families, $150,000 shall be awarded to the Troy State University Dothan in Alabama for archival of a special collection, $150,000 shall be awarded to Chadron State College in Nebraska for the Mari Sandoz Center, $350,000 shall be awarded to the Alabama A&M University Alabama State Black Archives Research Center and Museum, $350,000 shall be awarded to Mystic Seaport, the Museum of America and the Sea, in Connecticut to develop an educational outreach and informal learning laboratory, $100,000 shall be awarded to the Museum for African Art in New York City, New York, for community programming, $35,000 shall be awarded to the Children's Museum of Manhattan in New York City, New York for family programming, $400,000 shall be awarded to the Full Service Library in Molalla, Oregon for technology training and community education programs, $250,000 shall be awarded to Temple University Libraries African American library digitization initiative, and $1,000,000 shall be awarded to the Natural History Museum of Los Angeles County, for a science education program that targets a Spanish speaking audience, $1,000,000 for Dakota Wesleyan University to support enhanced use of technology in the delivery of library services and $500,000 shall be for the Portland State Millar Library for technology based information and research networks.

Medicare Payment Advisory Commission

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $7,015,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

National Commission on Libraries and Information Science

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $1,300,000.

National Council on Disability

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $2,400,000.

National Education Goals Panel

For expenses necessary for the National Education Goals Panel, as authorized by title II, part A of the Goals 2000: Educate America Act, $2,250,000.

National Labor Relations Board

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $206,500,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition, employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

National Mediation Board

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $9,600,000: Provided, That unobligated balances at the end of fiscal year 2000 not needed for emergency boards shall remain available for other statutory purposes through September 30, 2001.

Occupational Safety and Health Review Commission

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $8,500,000.

Railroad Retirement Board

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $174,000,000, which shall include amounts becoming available in fiscal year 2000 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $174,000,000: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2001, which *shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.*

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $91,000,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $5,400,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: Provided, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,764,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $383,638,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 2001, $124,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $21,503,085,000, to remain available until expended: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

From funds provided under the previous paragraph, not less than $100,000,000 shall be available for payment to the Social Security trust funds for administrative expenses for conducting continuing disability reviews.

In addition, $200,000,000, to remain available until September 30, 2001, for payment to the Social Security trust funds for administrative expenses for continuing disability reviews as authorized by section 103 of Public Law 104–121 and section 10203 of Public Law 105–33. The term "continuing disability reviews" means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2001, $9,890,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $10,000 for official reception and representation expenses, not more than $6,111,871,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That not less than $1,800,000 shall be for the Social Security Advisory Board: Provided further, That unobligated balances at the end of fiscal year 2000 not needed for fiscal year 2000 shall remain available until expended to invest in the Social Security Administration computing network, including related equipment and non-payroll administrative expenses associated solely with this network: Provided further, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

From funds provided under the previous paragraph, notwithstanding the provision under this heading in Public Law 105–277 regarding unobligated balances at the end of fiscal year 1999 not needed for such fiscal year, an amount not to exceed $100,000,000 from such unobligated balances shall, in addition to funding already available under this heading for fiscal year 2000, be available for necessary expenses.

From funds provided under the first paragraph, not less than $200,000,000 shall be available for conducting continuing disability reviews.

In addition to funding already available under this heading, and subject to the same terms and conditions, $405,000,000, to remain available until September 30, 2001, for continuing disability reviews as authorized by section 103 of Public Law 104–121 and section 10203 of Public Law 105–33. The term "continuing disability reviews" means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

In addition, $80,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2000 exceed $80,000,000, the amounts shall be available in fiscal year 2001 only to the extent provided in advance in appropriations Acts.

From amounts previously made available under this heading for a state-of-the-art computing network, not to exceed $100,000,000 shall be available for necessary expenses under this heading, subject to the same terms and conditions.

From funds provided under the first paragraph, the Commissioner of Social Security may direct up to $3,000,000, in addition to funds previously appropriated for this purpose, to continue Federal-State partnerships which will evaluate means to promote Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $15,000,000, together with not to exceed $51,000,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $13,000,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: Provided, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $20,000 and $15,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state: (1) the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 508. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

SEC. 510. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 511. (a) LIMITATION ON USE OF FUNDS FOR PROMOTION OF LEGALIZATION OF CONTROLLED SUBSTANCES.—None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) EXCEPTIONS.—The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. Except as otherwise specifically provided by law, unobligated balances remaining available at the end of fiscal year 2000 from appropriations made available for salaries and expenses for fiscal year 2000 in this Act, shall remain available through December 31, 2000, for each such account for the purposes authorized: Provided, That the House and Senate Committees on Appropriations shall be notified at least 15 days prior to the obligation of such funds.

SEC. 514. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 515. Section 520(c)(2)(D) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997, as amended, is further amended by striking "December 31, 1997" and inserting "March 31, 2000".

SEC. 516. The United States-Mexico Border Health Commission Act (22 U.S.C. 290n et seq.) is amended—

(1) by striking section 2 and inserting the following:

"SEC. 2. APPOINTMENT OF MEMBERS OF BORDER HEALTH COMMISSION.

"Not later than 30 days after the date of the enactment of this section, the President shall appoint the United States members of the United States-Mexico Border Health Commission, and shall attempt to conclude an agreement with Mexico providing for the establishment of such Commission."; and

(2) in section 3—

(A) in paragraph (1), by striking the semicolon and inserting "; and";

(B) in paragraph (2)(B), by striking "; and" and inserting a period; and

(C) by striking paragraph (3).

SEC. 517. The applicable time limitations with respect to the giving of notice of injury and the filing of a claim for compensation for disability or death by an individual under the Federal Employees' Compensation Act, as amended, for injuries sustained as a result of the person's exposure to a nitrogen or sulfur mustard agent in the performance of official duties as an employee at the Department of the Army's Edgewood Arsenal before March 20, 1944, shall not begin to run until the date of the enactment of this Act.

SEC. 518. Section 169(d)(2)(B) of Public Law 105–220, the Workforce Investment Act of 1998, is amended by striking "or Alaska Native villages or Native groups (as such terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602))." and inserting "or Alaska Natives.".

TITLE VI—EARLY DETECTION, DIAGNOSIS, AND INTERVENTIONS FOR NEWBORNS AND INFANTS WITH HEARING LOSS

SEC. 601. (a) DEFINITIONS.—For the purposes of this section only, the following terms in this section are defined as follows:

(1) HEARING SCREENING.—Newborn and infant hearing screening consists of objective physiologic procedures to detect possible hearing loss and to identify newborns and infants who, after rescreening, require further audiologic and medical evaluations.

(2) AUDIOLOGIC EVALUATION.—Audiologic evaluation consists of procedures to assess the status of the auditory system; to establish the site of the auditory disorder; the type and degree of hearing loss, and the potential effects of hearing loss on communication; and to identify appropriate treatment and referral options. Referral options should include linkage to State IDEA part C coordinating agencies or other appropriate agencies, medical evaluation, hearing aid/sensory aid assessment, audiologic rehabilitation treatment, national and local consumer, self-help, parent, and education organizations, and other family-centered services.

(3) MEDICAL EVALUATION.—Medical evaluation by a physician consists of key components including history, examination, and medical decision making focused on symptomatic and related body systems for the purpose of diagnosing the etiology of hearing loss and related physical conditions, and for identifying appropriate treatment and referral options.

(4) MEDICAL INTERVENTION.—Medical intervention is the process by which a physician provides medical diagnosis and direction for medical and/or surgical treatment options of hearing loss and/or related medical disorder associated with hearing loss.

(5) AUDIOLOGIC REHABILITATION.—Audiologic rehabilitation (intervention) consists of procedures, techniques, and technologies to facilitate the receptive and expressive communication abilities of a child with hearing loss.

(6) EARLY INTERVENTION.—Early intervention (e.g., nonmedical) means providing appropriate services for the child with hearing loss and ensuring that families of the child are provided comprehensive, consumer-oriented information about the full range of family support, training, information services, communication options and are given the opportunity to consider the full range of educational and program placements and options for their child.

(b) PURPOSES.—The purposes of this section are to clarify the authority within the Public Health Service Act to authorize statewide newborn and infant hearing screening, evaluation and intervention programs and systems, technical assistance, a national applied research program, and interagency and private sector collaboration for policy development, in order to assist the States in making progress toward the following goals:

(1) All babies born in hospitals in the United States and its territories should have a hearing screening before leaving the birthing facility. Babies born in other countries and residing in the United States via immigration or adoption should have a hearing screening as early as possible.

(2) All babies who are not born in hospitals in the United States and its territories should have a hearing screening within the first 3 months of life.

(3) Appropriate audiologic and medical evaluations should be conducted by 3 months for all newborns and infants suspected of having hearing loss to allow appropriate referral and provisions for audiologic rehabilitation, medical and early intervention before the age of 6 months.

(4) All newborn and infant hearing screening programs and systems should include a component for audiologic rehabilitation, medical and early intervention options that ensures linkage to any new and existing statewide systems of intervention and rehabilitative services for newborns and infants with hearing loss.

(5) Public policy in regard to newborn and infant hearing screening and intervention should be based on applied research and the recognition that newborns, infants, toddlers, and children who are deaf or hard-of-hearing have unique language, learning, and communication needs, and should be the result of consultation with pertinent public and private sectors.

(c) STATEWIDE NEWBORN AND INFANT HEARING SCREENING, EVALUATION AND INTERVENTION PROGRAMS AND SYSTEMS.—Under the existing authority of the Public Health Service Act, the Secretary of Health and Human Services (in this section referred to as the "Secretary"), acting through the Administrator of the Health Resources and Services Administration, shall make awards of grants or cooperative agreements to develop statewide newborn and infant hearing screening, evaluation and intervention programs and systems for the following purposes:

(1) To develop and monitor the efficacy of statewide newborn and infant hearing screening, evaluation and intervention programs and systems. Early intervention includes referral to schools and agencies, including community, consumer, and parent-based agencies and organizations and other programs mandated by part C of the Individuals with Disabilities Education Act, which offer programs specifically designed to meet the unique language and communication needs of deaf and hard-of-hearing newborns, infants, toddlers, and children.

(2) To collect data on statewide newborn and infant hearing screening, evaluation and intervention programs and systems that can be used for applied research, program evaluation and policy development.

(d) TECHNICAL ASSISTANCE, DATA MANAGEMENT, AND APPLIED RESEARCH.—

(1) CENTERS FOR DISEASE CONTROL AND PREVENTION.—Under the existing authority of the Public Health Service Act, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall make awards of grants or cooperative agreements to provide technical assistance to State agencies to complement an intramural program and to conduct applied research related to newborn and infant hearing screening, evaluation and intervention programs and systems. The program shall develop standardized procedures for data management and program effectiveness and costs, such as—

(A) to ensure quality monitoring of newborn and infant hearing loss screening, evaluation, and intervention programs and systems;

(B) to provide technical assistance on data collection and management;

(C) to study the costs and effectiveness of newborn and infant hearing screening, evaluation and intervention programs and systems conducted by State-based programs in order to answer issues of importance to State and national policymakers;

(D) to identify the causes and risk factors for congenital hearing loss;

(E) to study the effectiveness of newborn and infant hearing screening, audiologic and medical evaluations and intervention programs and systems by assessing the health, intellectual and social developmental, cognitive, and language status of these children at school age; and

(F) to promote the sharing of data regarding early hearing loss with State-based birth defects and developmental disabilities monitoring programs for the purpose of identifying previously unknown causes of hearing loss.

(2) NATIONAL INSTITUTES OF HEALTH.—Under the existing authority of the Public Health Service Act, the Director of the National Institutes of Health, acting through the Director of the National Institute on Deafness and Other Communication Disorders, shall for purposes of this section, continue a program of research and development on the efficacy of new screening techniques and technology, including clinical studies of screening methods, studies on efficacy of intervention, and related research.

(e) COORDINATION AND COLLABORATION.—

(1) IN GENERAL.—Under the existing authority of the Public Health Service Act, in carrying out programs under this section, the Administrator of the Health Resources and Services Administration, the Director of the Centers for Disease Control and Prevention, and the Director of the National Institutes of Health shall collaborate and consult with other Federal agencies; State and local agencies, including those responsible for early intervention services pursuant to title XIX of the Social Security Act (Medicaid Early and Periodic Screening, Diagnosis and Treatment Program); title XXI of the Social Security Act (State Children's Health Insurance Program); title V of the Social Security Act (Maternal and Child Health Block Grant Program); and part C of the Individuals with Disabilities Education Act; consumer groups of and that serve individuals who are deaf and hard-of-hearing and their families; appropriate national medical and other health and education specialty organizations; persons who are deaf and hard-of-hearing and their families; other qualified professional personnel who are proficient in deaf or hard-of-hearing children's language and who possess the specialized knowledge, skills, and attributes needed to serve deaf and hard-of-hearing newborns, infants, toddlers, children, and their families; third-party payers and managed care organizations; and related commercial industries.

(2) POLICY DEVELOPMENT.—Under the existing authority of the Public Health Service Act, the Administrator of the Health Resources and Services Administration, the Director of the Centers for Disease Control and Prevention, and the Director of the National Institutes of Health shall coordinate and collaborate on recommendations for policy development at the Federal and State levels and with the private sector, including consumer, medical and other health and education professional-based organizations, with respect to newborn and infant hearing screening, evaluation and intervention programs and systems.

(3) STATE EARLY DETECTION, DIAGNOSIS, AND INTERVENTION PROGRAMS AND SYSTEMS; DATA COLLECTION.—Under the existing authority of the Public Health Service Act, the Administrator of the Health Resources and Services Administration and the Director of the Centers for Disease Control and Prevention shall coordinate and collaborate in assisting States to establish newborn and infant hearing screening, evaluation and intervention programs and systems under subsection (c) and to develop a data collection system under subsection (d).

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preempt any State law.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) STATEWIDE NEWBORN AND INFANT HEARING SCREENING, EVALUATION AND INTERVENTION PROGRAMS AND SYSTEMS.—For the purpose of carrying out subsection (c) under the existing authority of the Public Health Service Act, there are authorized to the Health Resources and Services Administration appropriations in the amount of $5,000,000 for fiscal year 2000, $8,000,000 for fiscal year 2001, and such sums as may be necessary for fiscal year 2002.

(2) TECHNICAL ASSISTANCE, DATA MANAGEMENT, AND APPLIED RESEARCH; CENTERS FOR DISEASE CONTROL AND PREVENTION.—For the purpose of carrying out subsection (d)(1) under the existing authority of the Public Health Service Act, there are authorized to the Centers for Disease Control and Prevention, appropriations in the amount of $5,000,000 for fiscal year 2000, $7,000,000 for fiscal year 2001, and such sums as may be necessary for fiscal year 2002.

(3) TECHNICAL ASSISTANCE, DATA MANAGEMENT, AND APPLIED RESEARCH; NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS.—For the purpose of carrying out subsection (d)(2) under the existing authority of the Public Health Service Act, there are authorized to the National Institute on Deafness and Other Communication Disorders appropriations for such sums as may be necessary for each of the fiscal years 2000 through 2002.

TITLE VII—DENALI COMMISSION

SEC. 701. DENALI COMMISSION.—Section 307 of Title III—Denali Commission of Division C—Other Matters of Public Law 105–277 is amended by adding a new subsection at the end thereof as follows:

(c) DEMONSTRATION HEALTH PROJECTS.—In order to demonstrate the value of adequate health facilities and services to the economic development of the region, the Secretary of Health and Human Services is authorized to make grants to the Denali Commission to plan, construct, and equip demonstration health, nutrition, and child care projects, including hospitals, health care clinics, and mental health facilities (including drug and alcohol treatment centers) in accordance with the Work Plan referred to under section 304 of Title III—Denali Commission of Division C—Other Matters of Public Law 105–277. No grant for construction or equipment of a demonstration project shall exceed 50 percentum of such costs, unless the project is located in a severely economically distressed community, as identified in the Work Plan referred to under section 304 of Title III—Denali Commission of Division C—Other Matters of Public Law 105–277, in which case no grant shall exceed 80 percentum of such costs. To carry out this section, there is authorized to be appropriated such sums as may be necessary.

TITLE VIII—WELFARE-TO-WORK AND CHILD SUPPORT AMENDMENTS OF 1999

SEC. 801. FLEXIBILITY IN ELIGIBILITY FOR PARTICIPATION IN WELFARE-TO-WORK PROGRAM.

(a) IN GENERAL.—Section 403(a)(5)(C)(ii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(ii)) is amended to read as follows:

"(ii) GENERAL ELIGIBILITY.—An entity that operates a project with funds provided under this paragraph may expend funds provided to the project for the benefit of recipients of assistance under the program funded under this part of the State in which the entity is located who—

"(I) has received assistance under the State program funded under this part (whether in effect before or after the amendments made by section 103 of the Personal Responsibility and

Work Opportunity Reconciliation Act of 1996 first apply to the State) for at least 30 months (whether or not consecutive); or

"(II) within 12 months, will become ineligible for assistance under the State program funded under this part by reason of a durational limit on such assistance, without regard to any exemption provided pursuant to section 408(a)(7)(C) that may apply to the individual.".

(b) NONCUSTODIAL PARENTS.—

(1) IN GENERAL.—Section 403(a)(5)(C) of such Act (42 U.S.C. 603(a)(5)(C)) is amended—

(A) by redesignating clauses (iii) through (viii) as clauses (iv) through (ix), respectively; and

(B) by inserting after clause (ii) the following:

"(iii) NONCUSTODIAL PARENTS.—An entity that operates a project with funds provided under this paragraph may use the funds to provide services in a form described in clause (i) to noncustodial parents with respect to whom the requirements of the following subclauses are met:

"(I) The noncustodial parent is unemployed, underemployed, or having difficulty in paying child support obligations.

"(II) At least 1 of the following applies to a minor child of the noncustodial parent (with preference in the determination of the noncustodial parents to be provided services under this paragraph to be provided by the entity to those noncustodial parents with minor children who meet, or who have custodial parents who meet, the requirements of item (aa)):

"(aa) The minor child or the custodial parent of the minor child meets the requirements of subclause (I) or (II) of clause (ii).

"(bb) The minor child is eligible for, or is receiving, benefits under the program funded under this part.

"(cc) The minor child received benefits under the program funded under this part in the 12-month period preceding the date of the determination but no longer receives such benefits.

"(dd) The minor child is eligible for, or is receiving, assistance under the Food Stamp Act of 1977, benefits under the supplemental security income program under title XVI of this Act, medical assistance under title XIX of this Act, or child health assistance under title XXI of this Act.

"(III) In the case of a noncustodial parent who becomes enrolled in the project on or after the date of the enactment of this clause, the noncustodial parent is in compliance with the terms of an oral or written personal responsibility contract entered into among the noncustodial parent, the entity, and (unless the entity demonstrates to the Secretary that the entity is not capable of coordinating with such agency) the agency responsible for administering the State plan under part D, which was developed taking into account the employment and child support status of the noncustodial parent, which was entered into not later than 30 (or, at the option of the entity, not later than 90) days after the noncustodial parent was enrolled in the project, and which, at a minimum, includes the following:

"(aa) A commitment by the noncustodial parent to cooperate, at the earliest opportunity, in the establishment of the paternity of the minor child, through voluntary acknowledgement or other procedures, and in the establishment of a child support order.

"(bb) A commitment by the noncustodial parent to cooperate in the payment of child support for the minor child, which may include a modification of an existing support order to take into account the ability of the noncustodial parent to pay such support and the participation of such parent in the project.

"(cc) A commitment by the noncustodial parent to participate in employment or related activities that will enable the noncustodial parent to make regular child support payments, and if the noncustodial parent has not attained 20 years of age, such related activities may include completion of high school, a general equivalency degree, or other education directly related to employment.

"(dd) A description of the services to be provided under this paragraph, and a commitment by the noncustodial parent to participate in such services, that are designed to assist the noncustodial parent obtain and retain employment, increase earnings, and enhance the financial and emotional contributions to the well-being of the minor child.

In order to protect custodial parents and children who may be at risk of domestic violence, the preceding provisions of this subclause shall not be construed to affect any other provision of law requiring a custodial parent to cooperate in establishing the paternity of a child or establishing or enforcing a support order with respect to a child, or entitling a custodial parent to refuse, for good cause, to provide such cooperation as a condition of assistance or benefit under any program, shall not be construed to require such cooperation by the custodial parent as a condition of participation of either parent in the program authorized under this paragraph, and shall not be construed to require a custodial parent to cooperate with or participate in any activity under this clause. The entity operating a project under this clause with funds provided under this paragraph shall consult with domestic violence prevention and intervention organizations in the development of the project.".

(2) CONFORMING AMENDMENT.—Section 412(a)(3)(C)(ii) of such Act (42 U.S.C. 612(a)(3)(C)(ii)) is amended by striking "(vii)" and inserting "(viii)".

(c) RECIPIENTS WITH CHARACTERISTICS OF LONG-TERM DEPENDENCY; CHILDREN AGING OUT OF FOSTER CARE.—

(1) IN GENERAL.—Section 403(a)(5)(C)(iv) of such Act (42 U.S.C. 603(a)(5)(C)(iv)), as so redesignated by subsection (b)(1)(A) of this section, is amended—

(A) by striking "or" at the end of subclause (I); and

(B) by striking subclause (II) and inserting the following:

"(II) to children—

"(aa) who have attained 18 years of age but not 25 years of age; and

"(bb) who, before attaining 18 years of age, were recipients of foster care maintenance payments (as defined in section 475(4)) under part E or were in foster care under the responsibility of a State;

"(III) to recipients of assistance under the State program funded under this part, determined to have significant barriers to self-sufficiency, pursuant to criteria established by the local private industry council; or

"(IV) to custodial parents with incomes below 100 percent of the poverty line (as defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section, applicable to a family of the size involved).".

(2) CONFORMING AMENDMENTS.—Section 403(a)(5)(C)(iv) of such Act (42 U.S.C. 603(a)(5)(C)(iv)), as so redesignated by subsection (b)(1)(A) of this section, is amended—

(A) in the heading by inserting "HARD TO EMPLOY" before "INDIVIDUALS"; and

(B) in the last sentence by striking "clause (ii)" and inserting "clauses (ii) and (iii) and, as appropriate, clause (v)".

(d) CONFORMING AMENDMENT.—Section 404(k)(1)(C)(iii) of such Act (42 U.S.C. 604(k)(1)(C)(iii)) is amended by striking "item (aa) or (bb) of section 403(a)(5)(C)(ii)(II)" and inserting "section 403(a)(5)(C)(iii)".

(e) EFFECTIVE DATE.—The amendments made by this section—

(1) shall be effective January 1, 2000, with respect to the determination of eligible individuals for purposes of section 403(a)(5)(B) of the Social Security Act (relating to competitive grants);

(2) shall be effective July 1, 2000, except that expenditures from allotments to the States shall not be made before October 1, 2000—

(A) with respect to the determination of eligible individuals for purposes of section 403(a)(5)(A) of the Social Security Act (relating to formula grants) in the case of those individuals who may be determined to be so eligible, but would not have been eligible before July 1, 2000; or

(B) for allowable activities described in section 403(a)(5)(C)(i)(VII) of the Social Security Act (as added by section 802 of this title) provided to any individuals determined to be eligible for purposes of section 403(a)(5)(A) of the Social Security Act (relating to formula grants).

(f) REGULATIONS.—Interim final regulations shall be prescribed to implement the amendments made by this section not later than January 1, 2000. Final regulations shall be prescribed within 90 days after the date of the enactment of this Act to implement the amendments made by this Act to section 403(a)(5) of the Social Security Act, in the same manner as described in section 403(a)(5)(C)(ix) of the Social Security Act (as so redesignated by subsection (b)(1)(A) of this section).

SEC. 802. LIMITED VOCATIONAL EDUCATIONAL AND JOB TRAINING INCLUDED AS ALLOWABLE ACTIVITIES UNDER THE TANF PROGRAM.

Section 403(a)(5)(C)(i) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(i)) is amended by inserting after subclause (VI) the following:

"(VII) Not more than 6 months of vocational educational or job training.".

SEC. 803. CERTAIN GRANTEES AUTHORIZED TO PROVIDE EMPLOYMENT SERVICES DIRECTLY.

Section 403(a)(5)(C)(i)(IV) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(i)(IV)) is amended by inserting ", or if the entity is not a private industry council or workforce investment board, the direct provision of such services" before the period.

SEC. 804. SIMPLIFICATION AND COORDINATION OF REPORTING REQUIREMENTS.

(a) ELIMINATION OF CURRENT REQUIREMENTS.—Section 411(a)(1)(A) of the Social Security Act (42 U.S.C. 611(a)(1)(A)) is amended—

(1) in the matter preceding clause (i), by inserting "(except for information relating to activities carried out under section 403(a)(5))" after "part"; and

(2) by striking clause (xviii).

(b) ESTABLISHMENT OF REPORTING REQUIREMENT.—Section 403(a)(5)(C) of the Social Security Act (42 U.S.C. 603(a)(5)(C)), as amended by section 801(b)(1) of this title, is amended by adding at the end the following:

"(x) REPORTING REQUIREMENTS.—The Secretary of Labor, in consultation with the Secretary of Health and Human Services, States, and organizations that represent State or local governments, shall establish requirements for the collection and maintenance of financial and participant information and the reporting of such information by entities carrying out activities under this paragraph.".

SEC. 805. USE OF STATE INFORMATION TO AID ADMINISTRATION OF WELFARE-TO-WORK GRANT FUNDS.

(a) AUTHORITY OF STATE AGENCIES TO DISCLOSE TO PRIVATE INDUSTRY COUNCILS THE NAMES, ADDRESSESS, AND TELEPHONE NUMBERS OF POTENTIAL WELFARE-TO-WORK PROGRAM PARTICIPANTS.—

(1) STATE IV-D AGENCIES.—Section 454A(f) of the Social Security Act (42 U.S.C. 654a(f)) is amended by adding at the end the following:

"(5) Private Industry Councils Receiving Welfare-to-Work Grants.—Disclosing to a private industry council (as defined in section 403(a)(5)(D)(ii)) to which funds are provided under section 403(a)(5) the names, addresses, telephone numbers, and identifying case number information in the State program funded under part A, of noncustodial parents residing in the service delivery area of the private industry council, for the purpose of identifying and contacting noncustodial parents regarding participation in the program under section 403(a)(5).".

(2) State TANF Agencies.—Section 403(a)(5) of such Act (42 U.S.C. 603(a)(5)) is amended by adding at the end the following:

"(K) Information Disclosure.—If a State to which a grant is made under section 403 establishes safeguards against the use or disclosure of information about applicants or recipients of assistance under the State program funded under this part, the safeguards shall not prevent the State agency administering the program from furnishing to a private industry council the names, addresses, telephone numbers, and identifying case number information in the State program funded under this part, of noncustodial parents residing in the service delivery area of the private industry council, for the purpose of identifying and contacting noncustodial parents regarding participation in the program under this paragraph.".

(b) Safeguarding of Information Disclosed to Private Industry Councils.—Section 403(a)(5)(A)(ii)(I) of such Act (42 U.S.C. 603(a)(5)(A)(ii)(I)) is amended—

(1) by striking "and" at the end of item (dd);

(2) by striking the period at the end of item (ee) and inserting "; and"; and

(3) by adding at the end the following:

"(ff) describes how the State will ensure that a private industry council to which information is disclosed pursuant to section 403(a)(5)(K) or 454A(f)(5) has procedures for safeguarding the information and for ensuring that the information is used solely for the purpose described in that section.".

SEC. 806. REDUCTION OF SET-ASIDE OF PORTION OF WELFARE-TO-WORK FUNDS FOR SUCCESSFUL PERFORMANCE BONUS.

(a) In General.—Section 403(a)(5)(E) of the Social Security Act (42 U.S.C. 603(a)(5)(E)) is amended in each of clauses (iv) and (vi) by striking "$100,000,000" and inserting "$50,000,000".

(b) Conforming Amendments.—

(1) Section 403(a)(5)(F) of such Act (42 U.S.C. 603(a)(5)(F)) is amended by inserting "$1,500,000" before "of the amount so specified".

(2) Section 403(a)(5)(G) of such Act (42 U.S.C. 603(a)(5)(G)) is amended by inserting "$900,000" before "of the amount so specified".

(3) Section 403(a)(5)(H) of such Act (42 U.S.C. 603(a)(5)(H)) is amended by inserting "$300,000" before "of the amount so specified".

(4) Section 403(a)(5)(I)(i) of such Act (42 U.S.C. 603(a)(5)(I)(i)) is amended by striking "$1,500,000,000" and all that follows and inserting "for grants under this paragraph—

"(I) $1,500,000,000 for fiscal year 1998; and

"(II) $1,450,000,000 for fiscal year 1999.".

(c) No Outlay Until FY2001.—Section 403(a)(5)(E)(i) of such Act (42 U.S.C. 603(a)(5)(E)(i)) is amended—

(1) by striking "make" and insert "award"; and

(2) by inserting ", but shall not make any outlay to pay any such grant before October 1, 2000" before the period.

SEC. 807. ALTERNATIVE PENALTY PROCEDURE RELATING TO STATE DISBURSEMENT UNITS.

(a) In General.—Section 455(a) of the Social Security Act (42 U.S.C. 655(a)) is amended by adding at the end the following:

"(5)(A)(i) If—

"(I) the Secretary determines that a State plan under section 454 would (in the absence of this paragraph) be disapproved for the failure of the State to comply with subparagraphs (A) and (B)(i) of section 454(27), and that the State has made and is continuing to make a good faith effort to so comply; and

"(II) the State has submitted to the Secretary, not later than April 1, 2000, a corrective compliance plan that describes how, by when, and at what cost the State will achieve such compliance, which has been approved by the Secretary,

then the Secretary shall not disapprove the State plan under section 454, and the Secretary shall reduce the amount otherwise payable to the State under paragraph (1)(A) of this subsection for the fiscal year by the penalty amount.

"(ii) All failures of a State during a fiscal year to comply with any of the requirements of section 454B shall be considered a single failure of the State to comply with subparagraphs (A) and (B)(i) of section 454(27) during the fiscal year for purposes of this paragraph.

"(B) In this paragraph:

"(i) The term 'penalty amount' means, with respect to a failure of a State to comply with subparagraphs (A) and (B)(i) of section 454(27)—

"(I) 4 percent of the penalty base, in the case of the 1st fiscal year in which such a failure by the State occurs (regardless of whether a penalty is imposed in that fiscal year under this paragraph with respect to the failure), except as provided in subparagraph (C)(ii) of this paragraph;

"(II) 8 percent of the penalty base, in the case of the 2nd such fiscal year;

"(III) 16 percent of the penalty base, in the case of the 3rd such fiscal year;

"(IV) 25 percent of the penalty base, in the case of the 4th such fiscal year; or

"(V) 30 percent of the penalty base, in the case of the 5th or any subsequent such fiscal year.

"(ii) The term 'penalty base' means, with respect to a failure of a State to comply with subparagraphs (A) and (B)(i) of section 454(27) during a fiscal year, the amount otherwise payable to the State under paragraph (1)(A) of this subsection for the preceding fiscal year.

"(C)(i) The Secretary shall waive all penalties imposed against a State under this paragraph for any failure of the State to comply with subparagraphs (A) and (B)(i) of section 454(27) if the Secretary determines that, before April 1, 2000, the State has achieved such compliance.

"(ii) If a State with respect to which a reduction is required to be made under this paragraph with respect to a failure to comply with subparagraphs (A) and (B)(i) of section 454(27) achieves such compliance on or after April 1, 2000, and on or before September 30, 2000, then the penalty amount applicable to the State shall be 1 percent of the penalty base with respect to the failure involved.

"(D) The Secretary may not impose a penalty under this paragraph against a State for a fiscal year for which the amount otherwise payable to the State under paragraph (1)(A) of this subsection is reduced under paragraph (4) of this subsection for failure to comply with section 454(24)(A).".

(b) Inapplicability of Penalty Under TANF Program.—Section 409(a)(8)(A)(i)(III) of such Act (42 U.S.C. 609(a)(8)(A)(i)(III)) is amended by striking "section 454(24)" and inserting "paragraph (24), or subparagraph (A) or (B)(i) of paragraph (27), of section 454".

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 1999.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000".

Following is explanatory language on H.R. 3424, as introduced on November 17, 1999.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS

The conferees on H.R. 3194 agree with the matter inserted in this division of this conference agreement and the following description of this matter. This matter was developed through negotiations on the differences in the House reported version of H.R. 3037 and the Senate version of S. 1650, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000, by members of the subcommittee of both the House and Senate with jurisdiction over H.R. 3037 and S. 1650.

In implementing this agreement, the Departments and agencies should comply with the language and instructions set forth in House Report 106–370 and Senate Report 106-166.

In the case where the language and instructions specifically address the allocation of funds, the Departments and agencies are to follow the funding levels specified in the Congressional budget justifications accompanying the fiscal year 2000 budget or the underlying authorizing statute and should give full consideration to all items, including items allocating specific funding included in the House and Senate reports. With respect to the provisions in the House and Senate reports that specifically allocate funds, each has been reviewed and those which are jointly concurred in have been included in this joint statement.

The provisions of the House Report (105-205) are endorsed that direct ". . . the Departments of Labor, Health and Human Services, and Education and the Social Security Administration and the Railroad Retirement Board to submit operating plans with respect to discretionary appropriations to the House and Senate Committees on Appropriations. These plans, which are to be submitted within 30 days of the final passage of the bill, must be signed by the respective Departmental Secretaries, the Social Security Commissioner and the Chairman of the Railroad Retirement Board."

The Departments and agencies covered by this directive are expected to meet with the House and Senate Committees as soon as possible after enactment of the bill to develop a methodology to assure adequate and timely information on the allocation of funds within accounts within this conference report while minimizing the need for unnecessary and duplicative submissions.

The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, FY 2000, put in place by this bill, incorporates the following agreements of the managers:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

The conference agreement appropriates $5,465,618,000, instead of $4,572,058,000 as proposed by the House and $5,472,560,000 as proposed by the Senate. Of the amount appropriated, $2,463,000,000 becomes available on October 1, 2000, instead of $2,607,300,000 as proposed by the House and $2,720,315,000 as proposed by the Senate.

The agreement includes language authorizing the use of funds under the dislocated workers program for projects that provide assistance to new entrants in the workforce and incumbent workers as proposed by the Senate. It also includes language proposed by the Senate modified to waive a 10 percent limitation in the Workforce Investment Act with respect to the use of discretionary funds to carry out demonstration and pilot projects, multiservice projects and multistate projects with regard to dislocated workers and to waive certain other provisions in that Act. The House bill had no similar provisions.

The Department is expected to make every effort to be flexible in the use of worker training funds for reactivated shipyards, such as those referenced in the Senate Report. The conference agreement encourages the Department to use national emergency grants under the dislocated workers program to supplement available resources for (1) worker training needs at reactivated shipyards that have experienced large-scale worker dislocation, (2) continuing training to utilize the workplace as site for learning, (3) supporting training for American workers at state-of-the-art foreign shipyards, and (4) continuing upgrading of workers skills to increase employability and job retention.

The agreement includes a citation to the Women in Apprenticeship and Nontraditional Occupations Act as proposed by the House. The Senate bill did not cite this Act.

The conference agreement includes $5,000,000 under Job Corps for the purpose of constructing or rehabilitating facilities on some Job Corps campuses to co-locate Head Start programs to serve Job Corps students and their children as proposed in the House Report.

The Labor Department is encouraged to continue and provide technical assistance to the Role Models America Academy Demonstration Program.

The Ways to Work family loan program is an innovative micro-loan program which provides small loans to low-income families who are attempting to make the transition from public assistance to the workforce or retain employment. This program allows families who often lack access to loans from mainstream sources because of their weak credit histories to receive the necessary financial resources to meet emergency expenses. The Department is urged to consider making available up to $1 million for this program to demonstrate its effectiveness in assisting low-income parents in obtaining and retaining jobs.

The conference agreement includes the following amounts for the following projects and activities:

Dislocated workers

—$1,000,000 for the York Skill Center, York, PA

—$2,000,000 for development of a new model for high-tech workforce development at San Diego State University

—$1,000,000 for the Central Indiana Technology Training Center at Ball State University

—$1,000,000 for Clayton College and State University in Georgia for a virtual education and training project to improve military-to-civilian employment transition

—$1,500,000 for a dislocated farmer retraining project at the University of Idaho

—$1,000,000 for the Chipola Junior College in Florida to retrain dislocated workers.

—$500,000 for the State of New Mexico for rural employment in telecommunications

—$1,000,000 for the Puget Sound Center for Technology to help alleviate the shortage of information technology workers in the Puget Sound Region

—$400,000 for the Philadelphia Area Accelerated Manufacturing Education, Inc.

—$1,500,000 for the Pennsylvania training consortium

—$600,000 for the Lehigh University integrated product development

—$2,500,000 to train foreign workers, including Russians in oil field management in Alaska

—$100,000 for community development, job growth and economic development program focused on effective re-use of the Badger Army Ammunition Plant in Sauk County, Wisconsin.

—$250,000 for the Ohio Employee Ownership Center's job retention initiative.

Pilots and demonstrations

—$800,000 for the Center for Workforce Preparation at the U.S. Chamber of Commerce

—$1,000,000 for Green Thumb for replication in rural areas of a project to train disadvantaged individuals for jobs in the information technology industry

—$1,000,000 for Focus:HOPE in Detroit for information technology training

—$300,000 for the Bowling Green, KY Housing Authority for workforce preparation and training for low-income youth and adults

—$400,000 for the Collegiate Consortium for Workforce and Economic Development

—$2,000,000 for the Springfield Workforce Development Center in Springfield, Vermont for a model regional workforce development

—$200,000 to Northlands Job Corps Center in Vergennes, Vermont for a center child care project

—$170,000 for the Greater Burlington Industrial Corporation in Burlington, Vermont for a model pre-employment counseling program

—$100,000 for the Commonwealth of Pennsylvania, Department of Labor and Industry, to study the financial impact of professional employer arrangements on the Unemployment Compensation Fund

—$1,000,000 for the Lorain County Community College for a workforce development project

—$800,000 for Jobs for America's Graduates

—$2,500,000 for Alaska Works in Fairbanks, Alaska for construction job training

—$2,500,000 for Hutchinson Career Center in Fairbanks, Alaska to upgrade equipment to provide vocational training

—$1,500,000 to train Alaska Native and local low income youth as cultural tour guides and in museum operations for the Alaska Native Heritage Center, Bishop Museum in Hawaii, and Peabody-Essex Museum in Massachusetts

—$1,500,000 for the University of Missouri-St. Louis for the design and implementation of the Regional Center for Education and Work

—$400,000 for the Vermont Technical College for a Technology Training Initiative

—$150,000 to the Nebraska Urban League for a welfare-to-work pilot project

—$1,000,000 to the Des Moines Community College for SMART Partners, a public-private partnership which guarantees full-time employment to students who meet the competencies and skill standards required in modern advanced high performance manufacturing

—$500,000 to the American Indian Science and Engineering Society for the Native American Rural Computer Utilization Training Program

—$500,000 to the Maui Economic Development Board for the Rural Computer Utilization Training Program

—$250,000 to the Job Corps of North Dakota for the Fellowship Executive Training Program

—$250,000 for the University of Colorado Health Sciences Center to provide training and assistance through the University's telehealth/telemedicine distance learning

—$30,000 to expand training programs for women moving from welfare to work at the Westchester Jewish Community Services' Women's Center in Purchase, NY

—$750,000 for the Kingston-Newburgh Enterprise Community to provide technical and training assistance to small businesses and community projects

—$250,000 for the Virginia Modeling, Analysis and Simulation Center's technology-based training program

—$1,000,000 for the Massachusetts Corporation for Business, Work and Learning for the International Shipbuilding Training Demonstration project

—$40,000 for the Full Employment Council for Pre-Apprenticeship Training in Missouri

—$150,000 for a proposed workforce development proposal in Blair County, Pennsylvania, aimed at alleviating the shortage of skilled trade workers

—$500,000 for a job training and placement proposal for Green Door in Washington, DC, to expand employment services for people with a mental illness

—$1,000,000 for aircraft maintenance training at an Aviation/Aerospace Center of Excellence project in northeast Florida operated by the Florida Community College at Jacksonville utilizing resources at the Cecil Field Naval Air Base

—$250,000 for the Mellwood Job Training Program in Maryland to provide employment traiping services to developmentally disabled citizens

—$500,000 for Enterprise Development Incorporated in South Carolina to identify essential job skill requirements for workers in critical industries

—$500,000 for the Vietnam Veterans Leadership Program (VVLP), a non-profit organization providing job assistance and supportive services to the veteran community of Southwestern Pennsylvania

—$500,000 for the South Dakota Intertribal Bison Cooperative, for a vocational training program to provide employment-related skills for native tribes

The conference agreement also provides funds to continue in FY 2000 those projects and activities which were awarded under the dislocated workers program and under pilots and demonstrations in FY 1999 as described in the Senate Report, subject to project performance, demand for activities and services, and utilization of prior year funding.

The conference agreement includes $15,000,000 to continue and expand the Youth Offender grant program serving youth who are or have been under criminal justice system supervision.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

The conference agreement appropriates $415,150,000 as proposed by the Senate instead of $314,400,000 as proposed by the House.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

The conference agreement appropriates $3,253,740,000, instead of $3,141,740,000 as proposed by the House and $3,358,073,000 as proposed by the Senate.

The agreement includes $41,300,000 for the alien labor certification program as proposed by the Senate instead of $36,300,000 as proposed by the House. For administration of the work opportunity tax credit and the welfare-to-work tax credit, the agreement includes $22,000,000 as proposed by the Senate instead of $20,000,000 as proposed by the House. Funds are included for a "talking" America's Job Bank for the blind.

The agreement does not include a citation to section 461 of the Job Training Partnership Act proposed by the Senate. The House bill did not include this citation.

PROGRAM ADMINISTRATION

The conference agreement appropriates $146,000,000, instead of $138,126,000 as proposed by the House and $149,340,000 as proposed by the Senate. The agreement also includes language proposed by the House requiring that the majority of the welfare-to-work program staff shall be term appointments lasting no more than one year. The Senate bill contained no such language.

The Department is expected to conduct an analysis of the case backlog in the alien labor certification program and report its findings to the Appropriations Committees by February 1, 2000. Further, it is expected that the Department will submit at the same time its proposed schedule for eliminating this backlog.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement appropriates $99,000,000, instead of $90,000,000 as proposed by the House and $99,831,000 as proposed by the Senate.

PENSION BENEFIT GUARANTY CORPORATION

The conference agreement provides $11,155,000 for the administrative expense limitation, instead of $10,958,000 as proposed by the House and $11,352,000 as proposed by the Senate.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement appropriates $339,000,000, instead of $314,000,000 as proposed by the House and $342,787,000 as proposed by the Senate.

There is concern about the December 3, 1997 Opinion Letter issued by the Employment Standards Administration regarding section 3(o) of the Fair Labor Standards Act. Within the constraints of not preempting the Department's discussions with industry or the courts' impartial consideration of the merits of this issue, the Department is urged to clarify this letter with regard to retroactivity and to existing collective bargaining agreements or private litigation.

BLACK LUNG DISABILITY TRUST FUND

The conference agreement appropriates $49,771,000 for salaries and expenses from the Trust Fund, instead of $49,404,000 as proposed by the House and $50,138,000 as proposed by the Senate. The agreement includes a definite annual appropriation for black lung benefit payments and interest payments on advances made to the Trust Fund as proposed by the House instead of an indefinite permanent appropriation as proposed by the Senate.

There is concern about the structural deficit in the Black Lung Disability Trust Fund. The Administration is directed to provide its recommended solution for the problem of the increasing indebtedness of the Trust Fund to the Congress as part of its fiscal year 2001 budget request.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement appropriates $382,000,000, instead of $337,408,000 as proposed by the House and $388,142,000 as proposed by the Senate. The agreement does not include language proposed by the Senate that would have earmarked one-half of the increase over the FY 1999 appropriation for State consultation grants and one-half for enforcement and all other purposes. The House bill had no similar provision. The detailed table at the end of this joint statement reflects the activity distribution agreed upon.

The Department is urged to consider allowing the use of all FDA-approved devices which reduce the risk of needlestick injury, whether or not such safety feature is integrated into the needle or other sharp medical object, if the non-integrated device is at least as safe and effective as other FDA-approved devices.

Without any intent to delay pending regulations, the conference agreement includes $450,000 elsewhere in this bill for a National Academy of Sciences study of the proposed standard on tuberculosis.

Concerns have been expressed about recommendations of the Metalworking Fluids Standards Advisory Committee, established by the Department, with respect to metalworking fluids exposure levels. The Department is expected to carefully consider peer-reviewed scientific research and examine the technical feasibility and economic consequences of its recommendations. An economic analysis to the three-digit SIC code and a risk assessment should be completed on the impact of reduced exposure levels.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement appropriates $228,373,000, instead of $211,165,000 as proposed by the House and $230,873,000 as proposed by the Senate. The agreement includes $2,500,000 over the budget request for physical improvements at the National Mine Safety and Health Academy.

The agreement does not include language proposed by the House that would have prohibited the use of funds to carry out the miner training provisions of the Mine Safety and Health Act with respect to certain industries, including sand and gravel and surface stone, until June 1, 2000. The Senate bill did not include a similar provision.

The agreement also does not include language proposed by the Senate that would have allowed MSHA to retain and spend up to $1,000,000 in fees collected for the approval and certification of mine equipment and materials. The House bill did not include a similar provision.

Concerns have been expressed about the possible ramifications of a rulemaking on the use of conveyor belts in underground coal mines, including concerns about the validity of the testing on which the rule is based. MSHA is urged to carefully examine the record and to conduct additional research that may be required to address any significant concerns that have been raised.

MSHA is urged to examine the ongoing NCI/NIOSH study of Lung Cancer and Diesel Exhaust among Non-Metal Miners in connection with the promulgation of a proposed rule on diesel exhaust.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

The conference agreement appropriates $413,444,000, instead of $409,444,000 as proposed by the Senate and $394,697,000 as proposed by the House.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement appropriates $241,788,000, instead of $191,131,000 as proposed by the House and $247,311,000 as proposed by the Senate. The agreement includes language proposed by the Senate that authorizes the expenditure of funds for the management or operation of Departmental bilateral and multilateral foreign technical assistance. The House bill included no such language. The agreement does not include language proposed by the Senate that would have authorized the use of up to $10,000 of DOL salaries and expenses funds in this Act for receiving and hosting officials of foreign states and official foreign delegations. The House bill included no such language. Instead, the agreement authorizes the Secretary to use up to $20,000 from funds available for salaries and expenses for official reception and representation expenses in a general provision in title V of the bill (§504), instead of $15,000 as proposed in both the House and Senate bills.

International child labor activities are funded at the level requested in the President's budget.

The agreement does not include statutory language proposed by the Senate requiring a report to Congress containing options to promote a legal domestic workforce in the agricultural sector, provide for improved compensation and benefits, improved living conditions and better transportation between jobs and address other issues related to agricultural labor that the Secretary determines to be necessary. However, the Department is instructed to prepare such a report and submit it to Congress as soon as possible.

The conference agreement includes $500,000 in the Executive Direction activity for activities of the Twenty-First Century Workforce Commission, as authorized by the Workforce Investment Act of 1998.

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

The conference agreement appropriates $184,341,000, instead of $182,719,000 as proposed by the House and $185,613,000 as proposed by the Senate.

OFFICE OF INSPECTOR GENERAL

The conference agreement appropriates $51,925,000 as proposed by the Senate instead of $47,500,000 as proposed by the House.

GENERAL PROVISIONS

JOB CORPS PAY CAP

The conference agreement includes language proposed by the House adjusting the salary cap for employees of Job Corps contractors from Federal Executive Level III to Executive Level II. The Senate bill left the cap at the current level of Executive Level III.

DAVIS-BACON HELPER REGULATIONS

The conference agreement does not include language proposed by the House that would have prohibited the use of funds in the bill to implement the proposed Davis-Bacon helper regulations issued by the Wage and Hour Division on April 9, 1999. The Senate bill contained no such provision.

HEALTH CLAIMS REGULATIONS

The conference agreement does not include language proposed by the House that would have prohibited the use of funds in the bill to implement the proposed regulations issued by the Labor Department on September 9, 1998 concerning changes in ERISA health claims processing requirements. The Senate bill contained no such provision.

PROPERTY TRANSFER

The conference agreement includes language that was not contained in either the House or Senate bill that requires the Secretary of Labor to transfer a building to the city of Salinas, CA.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

The conference agreement includes $4,584,721,000 for Health Resources and Services instead of $4,204,395,000 as proposed by the House and $4,365,498,000 as proposed by the Senate.

The conference agreement includes bill language identifying $122,182,000 for the construction and renovation of health care and other facilities instead of $10,000,000 as proposed by the Senate. The House bill contained no similar provision. These funds are to be used for the following projects: Northwestern University/Evanston Hospital Center for Genomics and Molecular Medicine; Sinai Family Health Centers of Chicago; Condell Medical Center Regional Center for Cardiac Health Services; Northwestern Memorial Hospital; Hackensack University Medical Center; Brookfield Zoo/Loyola University School of Medicine; Westcare Fresno Community Healthcare Campus, Fresno, California; Northern Illinois University Center for the Study of Family Violence and Sexual Assault; Memorial Hermann Healthcare System, Houston, Texas; George Mason University Center for Services to Families and Schools; Dominican College Center for Health Sciences; Marklund Children's Home, Bloomingdale, Illinois; Lawton and Rhea Chiles Center for Healthy Mothers and Babies Perinatal Data Center; Aging Health Services Center, Somerset, Kentucky; St. Joseph's Hospital Health Center, Syracuse, New York; Northeastern Ohio Universities College of Medicine; Gateway Community Health Center, Laredo, Texas; Uvalde County Clinic, Uvalde, Texas; Vida y Salud Community Health Center, Crystal City, Texas; Sul Ross State University, Alpine, Texas; University of Mississippi Medical Center, Guyton Building; Children's Hospital of Alabama, Birmingham, Alabama; Edward Health Services, Naperville, Illinois; Marquette University School of Dentistry; St. Christopher-Ottilie Residential Treatment Center, Sea Cliff, Long Island; Louisiana State University Feist-Weiller Cancer Center, Shreveport, Louisiana; Columbus Community Healthcare Center, Buffalo, New York; Children's Hospital Los Angeles Research Institute; Englewood Hospital and Medical Center, Englewood, New Jersey; Marywood University Northeast Pennsylvania Healthy Families Center, Scranton, Pennsylvania; Temple University Outpatient Facility; Temple University Children's Medical Center; Pittsburgh Magee-Women's Hospital Women's Center; College of Physicians, Philadelphia, Pennsylvania; Drexel University National Chemical and Biological Research Center; University of Pittsburgh Cancer Center; Philadelphia College of Osteopathic Medicine; Fairbanks Memorial Hospital, Fairbanks, Alaska; Yukon-Kuskokwim Health Corporation, Bethel, Alaska; University of Vermont Cancer Center; Burlington, Vermont community health center; Central Wyoming community health center; Clinical Diabetes Islet Transplanation Research Center at the former NIH/Perrine, Florida Animal Research Facility; Cooper Green Hospital, Alabama; Central Ozarks Medical Center, Richland, Missouri; University of Alabama at Birmingham Interdisciplinary Biomedical Research Institute; Mississippi Institute for Cancer Research; Jackson Medical Mall Foundation, Mississippi; Union Hospital, Terre Haute, Indiana; St. Joe's Hospital of Ohio; University of Northern Colorado, Rocky Mountain Cancer Rehabilitation Institute; National Jewish Medical and Research Center; University of Florida Genetics Institute; Hidalgo County Health Complex, Lordsburg, New Mexico; community health centers in Iowa; Medical University of South Carolina Cancer Center; Child Health Institute at the University of Medicine and Dentistry of New Jersey; Harts Health Center, Harts, West Virginia; West Virginia University Eye Institute; University of South Dakota Medical School Research Facility; Tufts University, Biomedical Nutrition Research Center; New York University Program in Women's Cancer; Laguna Honda Hospital, San Francisco, California; University of Montana Institute for Environmental and Health Sciences; Idaho Brain Tumor Center; Roseland Hospital Emergency Department in Illinois; Calumuet Center at Metropolitan Family services in Illinois; Burbank Health Alliance Regional Cancer Center in Fitchburg, Massachusetts; Doermer Family Center for Health Science Education at the University of Saint Francis in Fort Wayne, Indiana; Cancer Institute of Long Island, New York; University of Rochester Medical Center Emergency Department; Sound Shore Medical Center in New Rochelle, New York; Mt. Vernon Community Health Center in Mt. Vernon, New York; University of Texas M.D. Anderson Cancer Center; Lessie Bates Davis Center in East St. Louis; Worcester City Campus of UMASS Memorial Healthcare in Worcester, Massachusetts; Whitney M. Young, Jr. Health Center in Albany, New York; Laclede County Health Department in Missouri; Community Health Care, Inc. to construct a community health center in Silvis, Illinois; Columbia University Audubon Biomedical Science and Technology Park in New York; Napa Valley Vintners Health Center in California; San Francisco Community Health Center; Hospital for Special Surgery in New York City, New York; Carl Sagan Discovery Center Children's Hospital at Montefiore Medical Center in the Bronx, New York; and Biotech Laboratory Building at the University of Connecticut.

The conference agreement includes bill language identifying $238,932,000 for family planning instead of $215,000,000 as proposed by the House and $222,432,000 as proposed by the Senate.

There is concern that there has been a steady erosion of title X funds being made available by the Department for authorized section 1001 clinical services. The Department is directed to allocate at least 90 percent of the funds appropriated for title X specifically for clinical services. The conference agreement concurs with the language contained in the Senate report regarding the expenditure of year-end funds and allocation of title X funds to regional offices.

The conference agreement does not include a provision to allow funds to be used to operate the Council on Graduate Medical Education as proposed by the Senate. The House bill contained no similar provision. The Health Professions Education Partnerships Act of 1998 authorizes the use of funds for this purpose.

The conference agreement provides $75,000,000 for the Ricky Ray Hemophilia Relief Fund Act instead of $20,000,000 as proposed by the House and $50,000,000 as proposed by the Senate. This funding is included in the Public Health and Social Services Emergency Fund as proposed by the House. The Senate bill provided funding in the HRSA account. Within the total provided, $10,000,000 shall be for HRSA administrative costs.

The conference agreement does not include a provision related to the Health Care Fraud and Abuse Data Collection Program as proposed by the Senate. The House bill contained no similar provision.

The conference agreement provides $1,024,000,000 for community health centers as proposed by the Senate instead of $985,000,000 as proposed by the House. Within the total provided, $5,000,000 is for native Hawaiian health programs.

The demonstration project by the Utah area health education centers was identified under community health centers in the Senate report and should be considered under the area health education centers account.

The conference agreement provides $38,244,000 for the national health service corps, field placements as proposed by the House instead of $36,997,000 as proposed by the Senate. Within the total provided, $1,000,000 is to expand the availability of behavioral and mental health services nationwide.

The conference agreement provides $78,666,000 for national health service corps, recruitment instead of $78,166,000 as proposed by both the House and Senate. The amount provided includes $500,000 to increase the number of SEARCH grantees so as to include the Illinois Primary Health Care Association. The conference agreement concurs with the Senate report language concerning increasing health care availability in underserved areas.

The conference agreement provides $344,277,000 for health professions instead of $301,986,000 as proposed by the House and $226,916,000 as proposed by the Senate. The conference agreement includes $1,000,000 within allied health special projects for expansion of the Illinois Community College Board's program, in coordination with the Illinois Department of Human Services, to train and place welfare recipients in the allied health field using distance technology. HRSA is urged to expand the training of health care providers and providers-in-training under area health education centers to improve the detection, diagnosis, treatment, and management of chronic fatigue syndrome (CFIDS) patients.

The conference agreement includes $40,000,000 for pediatric graduate medical education, subject to authorization. The funds would be used to support health professions training at children's teaching hospitals. The Secretary is directed to provide a detailed operating plan that clearly specifies those hospitals deemed eligible for funding, the methodology and criteria used in determining payments, and performance measurements and outcomes. It is intended that the funds provided for this activity will be a one-time payment, pending action by the authorizing Committees to establish statutory guidelines for the structure and operation of the program.

The conference agreement provides $20,282,000 for Hansen's Disease Services instead of $18,670,000 as proposed by the House and $17,282,000 as proposed by the Senate. The conference agreement includes $3,000,000 to continue the Diabetes Lower Extremity Amputation Prevention (LEAP) programs at the University of South Alabama, the Louisiana State University School of Medicine, and the Roosevelt Warm Springs Institute for Rehabilitation.

The conference agreement provides $710,000,000 for the maternal and child health block grant instead of $800,000,000 as proposed by the House and $695,000,000 as proposed by the Senate. The conference agreement includes bill language designating

$109,307,000 of the funds provided for the block grant for special projects of regional and national significance (SPRANS) instead of $198,742,000 as proposed by the House. The Senate bill contained no similar provision. It is intended that $5,000,000 of this amount be used for the continuation of the traumatic brain injury State demonstration projects as authorized by title XII of the Public Health Service Act, $150,000 is for the Whole Kids Outreach program in southeast Missouri, and an additional $500,000 is for the Family Voices program to expand health care information and education for families of children with special health care needs.

Within the funds provided, sufficient funds are included to initiate a multi-state dental sealant demonstration program identified in the Senate bill. The agency is urged to work closely with the Departments of Health of New Mexico and Alaska to develop dental sealant programs that address the needs of medically underserved children, especially those living in rural, American Indian, and Native Alaskan communities.

Within the total provided, the agency is encouraged to support the efforts of the Kids Peace program in Orefield, Pennsylvania, that assist children to overcome situational crises.

The conference agreement provides $90,000,000 for healthy start instead of $110,000,000 as proposed by the Senate. The House bill provided $90,000,000 for healthy start within the Maternal and Child Health block grant SPRANS account. It is intended that these projects will be evaluated and States will begin to incorporate those activities that are proven successful and can be replicated into the mission of the maternal and child health program.

The conference agreement provides $3,500,000 for newborn and infant hearing screening instead of $2,500,000 as proposed by the House and $4,000,000 as proposed by the Senate. These funds are to be used to implement title VI of this Act, Early Detection, Diagnosis, and Interventions for Newborns and Infants with Hearing Loss.

The conference agreement provides $36,316,000 for rural health outreach grants instead of $38,892,000 as proposed by the House and $31,396,000 as proposed by the Senate. Within the total provided, $1,200,000 is to continue and expand the development of the Center for Acadiana Genetics and Hereditary Health Care at Louisiana State University Medical Center; $1,000,000 is for the Home Health Programs demonstration project in Washington State to improve access to home health care in small communities; $75,000 is for Henderson County Rural Health Center, Inc. in Oquawka, Illinois to expand primary and dental health services for underserved populations; $250,000 is for the Tri-County Women's Health, Inc. to provide midwifery-led perinatal services in Jefferson, Madison, and Taylor Counties in Florida; $300,000 is for Radford University School of Nursing's Mobile health clinic; $1,500,000 is for St. Joseph Hospital for diagnostic services throughout the Chippewa Falls, Wisconsin region; $600,000 is for Cooperative Educational Service Agency #11 in Wisconsin to provide preventive and restorative dental services; $324,000 is for Ohio University's College of Osteopathic Medicine's mobile health unit; and $200,000 is for a project at St. Joseph's Hospital Home Health and Hospice, Chippewa Falls, Wisconsin.

The conference agreement provides $35,048,000 for rural health research instead of $11,713,000 as proposed by the House and $6,085,000 as proposed by the Senate. The conference agreement includes the following amounts for the following projects and activities:

—$300,000 for the Northern California Telemedicine Network at Santa Rosa Memorial Hospital;

—$385,000 for a rural telemedicine distance learning project at Daemen College, Amherst, New York;

—$1,000,000 for a University of New Mexico and University of Hawaii joint telehealth initiative;

—$1,000,000 for the Medical University of South Carolina Center for the joint MUSC/Walter Reed/Sloan Kettering Telemedicine program;

—$1,500,000 for the Southwest Alabama Rural Telehealth Network at the University of South Alabama College of Medicine;

—$1,500,000 for the Children's Hospital and Regional Medical Center, Seattle, telemedicine project;

—$1,650,000 for the University of Maine rural children's health assessment and follow-up program;

—$2,000,000 for the University of Southern Mississippi Center for Sustainable Health Outreach;

—$2,500,000 for the Mississippi State University Rural Health, Safety, and Security Institute;

—$3,000,000 for a telehealth deployment research testbed program;

—$4,000,000 for the Alaska Federal Health Care Access Network, Anchorage;

—$750,000 for the Children's Health Fund, rural pediatric health initiative;

—$1,000,000 for the University of Nevada telehealth demonstration initiative;

—$1,000,000 for the Rocky Mountain College/Deaconess Billings Clinic, Montana, telehealth projects;

—$250,000 to establish up to 5 regional telehealth centers in Texas;

—$250,000 for Texas Tech University Health Sciences Center at El Paso and the University of Texas at El Paso for joint research on health problems of migrant workers;

—$500,000 for Bamberg County Hospital to conduct a telehealth demonstration project in South Carolina;

—$500,000 to Allendale County Hospital to conduct a telehealth demonstration project in South Carolina; and

—$250,000 to Community Hospital Tele-Health Consortium for a regional telehealth demonstration project in Louisiana;

The California School of Professional Psychology telehealth demonstration project should be given full and fair consideration for funding.

The conference agreement does not provide separate funding for the Office for the Advancement of Telehealth as proposed by the Senate. The House bill contained no similar provision.

The conference agreement provides $5,000,000 for traumatic brain injury demonstrations within the Maternal and Child Health block grant SPRANS account as proposed by the House. The Senate bill provided $5,000,000 as a separate appropriation.

The conference agreement does not provide separate funding for trauma care as proposed by the Senate. The House bill contained no similar provision. Within funds available for maternal and child health, HRSA is urged to work with the National Highway Traffic Safety Administration and the American Trauma Society to assess emergency medical services systems.

The conference agreement provides $3,000,000 for poison control as proposed by the Senate. The House bill contained no similar provision. Efforts are underway by HRSA and the Centers for Disease Control and Prevention to initiate planning for a national toll-free number for poison control services. Funding is provided to support this effort and related system enhancements such as the development and assessment of uniform patient management guidelines. The agency is also urged to assist the poison control centers' planning and stabilization efforts.

The conference agreement provides $6,000,000 for black lung clinics as proposed by the Senate instead of $5,000,000 as proposed by the House.

The conference agreement provides a total of $1,594,550,000 for Ryan White programs instead of $1,519,000,000 as proposed by the House and $1,610,500,000 as proposed by the Senate. Included in this amount is $546,500,000 for emergency assistance, $824,000,000 for comprehensive care, $138,400,000 for early intervention, $51,000,000 for pediatric demonstrations, $8,000,000 for dental services, and $26,650,000 for education and training centers.

The conference agreement includes bill language identifying $528,000,000 for the Ryan White Title II State AIDS drug assistance programs. The House bill identified $500,000,000 and the Senate bill identified $536,000,000.

The conference agreement includes a total of $74,100,000 for Ryan White AIDS activities that are targeted to address the trend of the HIV/AIDS epidemic in communities of color, based on rates of new HIV infections, minority AIDS prevalence and mortality from AIDS. These funds are allocated as follows:

—Within Ryan White Title I, the conference agreement includes $26,500,000 for supplemental funding and directs that these funds be allocated to eligible metropolitan areas targeting African Americans, Latinos, Native Americans, Asian Americans, Native Hawaiians and Pacific Islanders in highly impacted communities. These funds are expected to expand service capacity in communities of color, assist children orphaned by AIDS, and expand peer education to individuals living with HIV/AIDS.

—Within Ryan White Title III, the conference agreement includes $27,400,000 for planning grants, direct service grants and targeted technical assistance and capacity building grants to minority community-based health care and service providers with a history of service provision to communities of color. Funds should also be made available to national, regional and local organizations representing people of color to provide technical assistance collaborations, and linkages designed to strengthen HIV/AIDS systems of care.

—Within Ryan White Title IV, the conference agreement includes $12,200,000 to fund traditional minority community-based providers of services to minority children, youth and families to develop and implement culturally competent research-based interventions that provide additional HIV/AIDS care, services and linkages.

—Under AIDS education and training centers, the conference agreement includes $6,800,000 to increase training and recruitment of community-based minority health care professionals in AIDS-related treatments, standards of care, guidelines for the use of anti-retroviral and other effective clinical interventions, and treatment adherence for HIV/AIDS infected adults, adolescents and children, as developed by the U.S. Public Health Service.

Within the funds available for education and training centers, $350,000 is included for the AIDS Education Training Center at the University of California at San Francisco to establish a national hotline for health care providers.

The conference agreement includes $40.000.000 to address the problem of uninsured individuals. Of this amount, $25.000.000 is to increase the capacity and effectiveness of the Nation's variety of community health care institutions and providers who serve patients regardless of their ability to pay. These funds will enable public, private, and non-profit health entities to assist safety-net providers develop and expand integrated systems of care and address service gaps within such integrated systems with a focus on primary care, mental health services and substance abuse services.

The remaining $15.000.000 will support up to 10 grants to states to develop designs for providing access to health insurance coverage to all residents of the state. Funds may be used to conduct in-depth surveys and other activities necessary to determined the most effective methods of providing insurance coverage for the uninsured. States are to submit reports to the Secretary that identify the characteristics of the uninsured within the state and approaches for providing them with health coverage through an expanded state, Federal and private partnership. The goal is to ensure that everyone in that state has affordable health insurance benefits similar in care to state employee coverage, Federal Employees Health Benefit Plan, Medicaid or other similar quality benchmark plans.

In awarding these grants, preference should be given to applicant states that present diverse characteristics and represent a variety of geographic areas. In addition, preference should be given to those states with lower uninsured rates unless the applicant state shows a potential for a significant decrease in its uninsured population. States are encouraged to work with the many existing Federal and State data collection activities as well as efforts in the private, nonprofit sector that are ongoing. HRSA, and other HHS agencies, should work collaboratively with the States on these grants and provide technical assistance, and access to appropriate data and analytic support.

The conference agreement provides $125.000.000 for program management instead of $115.500.000 as proposed by the House and $133.000.000 as proposed by the Senate. Within the total provided, it is intended that $900.000 will be allocated to support the efforts of the American Federation for Negro Affairs Education and Research Fund of Philadelphia and $750.000 is for the University of Northern Iowa Global Health Corps project.

There are plans by several transplant organizations to hold a National Consensus Conference on Living Organ Donation in early 2000 to examine the opportunities and challenges surrounding living organ donation. Despite efforts to increase organ donation, the demand for donations continues to surpass the number of donated organs. The support of the Administration is an important part of organ donation efforts. The Department is urged to be a partner in this upcoming conference.

CENTERS FOR DISEASE CONTROL AND PREVENTION

Disease Control, Research, and Training

The conference agreement includes $2.910.761.000 for disease control, research, and training instead of $2.621.476.000 as proposed by the House and $2.760.544.000 as proposed by the Senate. In addition, the conference agreement includes bill language designating $51.000.000 for violence against women programs financed from the Violent Crime Reduction Trust Fund as proposed by both the House and Senate.

The conference agreement provides $60.000.000 for equipment, construction, and renovation of facilities instead of $40.000.000 as proposed by the House and $59.800.000 as proposed by the Senate, of which $20.000.000 was included in the Public Health and Social Services Emergency Fund. The conference agreement also repeats bill language included in the fiscal year 1999 appropriations bill to allow the General Services Administration to enter into a single contract or related contracts for the full scope of the infectious disease laboratory and that the solicitation and contract shall contain the clause "availability of funds" found in the Code of Federal Regulations.

The conference agreement provides a total of $105.000.000 for the National Center for Health Statistics instead of $94.573.000 as proposed by the House and $109.573.000 as proposed by the Senate. The conference agreement also includes bill language designating $71.690.000 of the total to be available to the Center under the Public Health Service one percent evaluation set-aside instead of $71.793.000 as proposed by the House and $109.573.000 as proposed by the Senate. The Center is urged to give priority to the NHANES survey.

The table accompanying the conference agreement includes a breakout of program costs and salaries and expenses by program. Salaries and expenses activities encompass all non-extramural activities with the exception of program support services, centrally managed services, buildings and facilities, and the Office of the Director. It is intended that designated amounts for salaries and expenses are ceilings. The agency may allocate administrative funds for extramural program activities according to its judgment. Funds should be apportioned and allocated consistent with the table, and any changes in funding are subject to the normal notification procedures.

The conference agreement provides $135.204.000 for the prevention health services block grant instead of $152.247.000 as proposed by the House and $118.161.000 as proposed by the Senate.

The conference agreement provides $18.200.000 for prevention centers instead of $17.500.000 as proposed by the House and $15.500.000 as proposed by the Senate. Within the total provided, $700.000 is included for the Roger Williams Medical Center in Providence, Rhode Island to collaborate with the New England Association of Labor Retirees on a program emphasizing the prevention and early detection of disease among seniors, and sufficient funds are included to establish an Appalachian prevention center at the University of Kentucky.

The conference agreement provides $489.875.000 for childhood immunization instead of $421.477.000 as proposed by the House and $512.273.000 as proposed by the Senate. In addition, the conference agreement provides $20.000.000 for polio eradication in the Public Health and Social Services Emergency Fund and the Vaccines for Children (VFC) program funded through the Medicaid program is expected to provide $545.043.000 in vaccine purchases and distribution support in fiscal year 2000, for a total program level of $1.054.918.000.

The conference agreement provides $694.751.000 for HIV/AIDS instead of $657.036.000 as proposed by the House and $662.276.000 as proposed by the Senate.

A number of states are establishing HIV surveillance systems, and such states are using a variety of mechanisms to report cases of HIV infection. These surveillance systems will improve states' ability to track the epidemic and better target prevention and care resources. CDS is encouraged to work with these states to support the implementation of these different systems, using funds from existing surveillance resources. California is among those states establishing an HIV surveillance system.

The conference agreement includes $59.775.000 to fund CDC activities that are designed to address the trend of the HIV/AIDS epidemic in communities of color, based on rates of new HIV infections and mortality from AIDS, and includes additional funds for the "Know Your Status" campaign. The conference agreement includes funds to be used for the Directly Funded Minority Community Based Organization program to fund grant applications from minority organizations with a history of providing services to communities of color. Funds are also included to create grants under the CDC Community Development Program to support needs assessments and enhance community planning processes to integrate HIV, STD, TB, substance abuse prevention and treatment, care and community development within communities of color. Funds are to be allocated for technical assistance programs for grantees under the Directly Funded Minority CBO program, for Faith-Based Initiative Programs, and for CDC's HIV surveillance activities to better track the epidemic and target resources. These funds are to be allocated based on program priorities identified in the previous fiscal year.

The conference agreement includes an increase of $20.000.000 over the fiscal year 1999 to allow priority prevention interventions identified through the community planning process to be implemented. There are many new and reemerging challenges to primary HIV prevention and the careful focus on evidence-based needs assessment at the local and state level through the community planning process as a means of targeting specific, interventions to specific individuals and communities is supported. CDC is urged, in consultation with their prevention partners, to undertake a careful study to assess specific priority prevention interventions identified through state and local needs assessment that are not currently being funded, including programs designed to reach communities of color as well as behavioral risk groups.

The conference agreement provides $128.574.000 for tuberculosis instead of $121.962.000 as proposed by the House and $125.185.000 as proposed by the Senate. The conference agreement includes an increase over the request to strengthen domestic TB control programs, enhance prevention through the development of new diagnostics and improved drugs, and support international technical assistance to reduce the global TB epidemic.

The conference agreement provides $136.597.000 for sexually transmitted diseases instead of $129.097.000 as proposed by the House and $128.808.000 as proposed by the Senate. The conference agreement includes an increase of $7.500.000 over the request to enhance the effort to eliminate syphilis. CDC is encouraged to address chlamydia as a disease with widespread prevalence among teens and young adults.

The conference agreement provides $371.155.000 for chronic and environmental diseases instead of $315.511.000 as proposed by the House and $327,081,000 as proposed by the Senate. In addition the conference agreement provides $5,000,000 above the request for the environmental health laboratory in the Public Health and Social Services Emergency fund. Included in this amount are increases above the fiscal year 1999 level for the following activities: $250,000 for an assessment of human exposure to environmental contaminants near Kelly Air Force Base, Texas; $500,000 for oral health; $500,000 for prostate cancer; $500,000 for colorectal cancer; $500,000 for autism; $503,261 for chronic fatigue syndrome; $538,820 for radiation; $539,055 for folic acid; $1,000,000 for limb loss; $1,000,000 for women's health/ovarian cancer; $1,000,000 for comprehensive cancer control for the University of Miami for its comprehensive South Florida Minority Cancer Initiative; $1,000,000 to expand epilepsy surveillance, public awareness activities, and public and provider education; $1,176,793 for birth defects; $1,250,000 for community health promotion for the Unviesity of Arizona to conduct comprehensive research and evaluation of the unique public health risks along the U.S.-Mexico border; $1,700,000 for arthritis, of which $700,000 is for the Roybal Center in Los Angeles for a program in arthritis care and education; $2,250,000 for diabetes, of which $250,000 is for the University of Puerto Rico to establish a diabetes research and prevention program; $2,300,000 for pfiesteria; $3,500,000 for newborn and infant hearing screening; $5,000,000 for nutrition/obesity; $10,000,000 for asthma; $10,000,000 for cardiovascular diseases; $27,000,000 for smoking and health/tobacco, and $150,000 for the Hale County, Alabama, HERO program.

The conference agreement provides $167,301,000 for breast and cervical cancer screening instead of $161,071,000 as proposed by the House and $167,051,000 as proposed by the Senate. The conference agreement includes bill language to allow the agency to expand the WISEWOMAN program to not more than 10 States. The agency is urged to give full and fair consideration to proposals from Pennsylvania, Iowa, and Connecticut. Within the total provided, $250,000 is for Marin County, California to evaluate the high incidence of breast cancer in the San Francisco Bay Area.

The conference agreement provides a total of $186,610,000 for infectious diseases as proposed by both the House, when adjusted for transfers from the Public Health and Social Services Emergency Fund, and the Senate. Within this amount, $166,610,000 is provided in this account and $20,000,000 is provided in the Public Health and Social Services Emergency Fund for bioterrorism surveillance-emergency preparedness and response activities. The conference agreement includes an increase of $5,000,000 over the request for state capacity development, international and domestic surveillance for influenza, efforts to slow or reverse the trend of the rapid development of antimicrobial resistance of infectious agents, and to address the West Nile Virus encephalitis outbreak and hepatitis C virus.

The conference agreement provides $38,248,000 for lead poisoning as proposed by the House instead of $37,205,000 as proposed by the Senate.

The conference agreement provides $86,198,000 for injury control instead of $57,581,000 as proposed by the House and $82,819,000 as proposed by the Senate. The conference agreement includes the following amounts for the following projects and activities:

—$200,000 to the City of Waterloo, Iowa, for expansion of Fire PALS, a school-based injury prevention program;

—$500,000 for the Trauma Information Exchange Program as described in the House and Senate reports;

—$2,500,000 to expand injury control centers; and

—$12,500,000 to initiate or expand youth violence programs, of which $10,000,000 shall be for national academic centers of excellence on youth violence prevention and $2,500,000 shall be for a national youth violence prevention resource center.

The conference agreement provides $215,500,000 for the national occupational safety and health program instead of $200,000,000 as proposed by the House and $215,000,000 as proposed by the Senate. Of this amount $500,000 shall be for the Alaska aviation safety initiative.

The conference agreement provides $85,916,000 for epidemic services as proposed by the House instead of $81,349,000 as proposed by the Senate. Within the total provided, it is intended that $1,600,000 will be allocated to support expansion of an existing post-traumatic peer support model intervention network to address the needs of landmine victims in affected regions overseas.

The conference agreement provides $38,322,000 for the Office of the Director instead of $31,136,000 as proposed by the House and $32,322,000 as proposed by the Senate. The conference agreement includes the following amounts for the following projects and activities:

—$1,000,000 to establish a sustainable pilot program that would initiate an interdisciplinary approach to mind-body medicine and to assess their preventive health impact. To ensure a program of the highest quality, a strong peer-review process for all proposals should be put in place.

—$1,000,000 for the University of South Alabama birth defects monitoring and prevention activities;

—$2,000,000 for the University of Mississippi to establish a program to identify candidate phytomedicines for clinical evaluation; and

—$3,000,000 for the Center for Environmental Medicine and Toxicology at the University of Mississippi Medical Center at Jackson.

The conference agreement provides $30,000,000 for health disparities demonstrations instead of $10,000,000 as proposed by the House and $35,000,000 as proposed by the Senate. The agency is urged to expand the REACH initiative to additional communities and collaborate with Missouri community health centers as well as other worthy centers across the country.

NATIONAL INSTITUTES OF HEALTH

National Cancer Institute

The conference agreement provides $3,332,317,000 for the National Cancer Institute instead of $3,163,727,000 as proposed by the House, when adjusted for transfers from the Public Health and Social Services Emergency Fund, and $3,286,859,000 as proposed by the Senate.

National Heart, Lung and Blood Institute

The conference agreement provides $2,040,291,000 for the National Heart, Lung and Blood Institute instead of $1,937,404,000 as proposed by the House and $2,001,185,000 as proposed by the Senate.

National Institute of Dental and Craniofacial Research

The conference agreement provides $270,253,000 for the National Institute of Dental and Craniofacial Research instead of $257,349,000 as proposed by the House, when adjusted for transfers from the Public Health and Social Services Emergency Fund, and $267,543,000 as proposed by the Senate.

National Institute of Diabetes and Digestive and Kidney Diseases

The conference agreement provides $1,147,588,000 for the National Institute of Diabetes and Digestive and Kidney Diseases instead of $1,087,455,000 as proposed by the House and $1,130,056,000 as proposed by the Senate.

National Institute of Neurological Disorders and Stroke

The conference agreement provides $1,034,886,000 for the National Institute of Neurological Disorders and Stroke instead of $979,281,000 as proposed by the House and $1,019,271,000 as proposed by the Senate.

National Institute of Allergy and Infectious Diseases

The conference agreement provides $1,803,063,000 for the National Institute of Allergy and Infectious Diseases instead of $1,714,705,000 as proposed by the House, when adjusted for transfers from the Public Health and Social Services Emergency Fund, and $1,786,718,000 as proposed by the Senate.

National Institute of General Medical Sciences

The conference agreement provides $1,361,668,000 for the National Institute of General Medical Sciences instead of $1,298,551,000 as proposed by the House and $1,352,843,000 as proposed by the Senate.

National Institute of Child Health and Human Development

The conference agreement provides $862,884,000 for the National Institute of Child Health and Human Development instead of $817,470,000 as proposed by the House, when adjusted for transfers from the Public Health and Social Services Emergency Fund, and $848,044,000 as proposed by the Senate. NICHD is encouraged to study the effects of commercial advertising and marketing in schools on academic learning, cognitive development, and social and behavioral development.

National Eye Institute

The conference agreement provides $452,706,000 for the National Eye Institute instead of $428,594,000 as proposed by the House and $445,172,000 as proposed by the Senate.

National Institute of Environmental Health Sciences

The conference agreement provides $444,817,000 for the National Institute of Environmental Health Sciences instead of $421,109,000 as proposed by the House, when adjusted for transfers from the Public Health and Social Services Emergency Fund, instead of $436,113,000 as proposed by the Senate.

NIEHS is strongly urged to conduct research on the health and environmental aspects of agent orange and dioxin in Southeast Asia, in particular, Vietnam provided that the Vietnamese government supports collaborative research between U.S. and Vietnamese scientists. Funding should be provided on a competitive basis to researchers who work independently or collaboratively with NIEHS and are experienced in agent orange, dioxins, and Vietnam research. If possible, the research should facilitate an exchange program with United States and Vietnamese scientists to enhance scientific cooperation between the two countries. The research should begin as soon as possible.

National Institute on Aging

The conference agreement provides $690,156,000 for the National Institute on

Aging instead of $651,665,000 as proposed by the House and $680,332,000 as proposed by the Senate.

National Institute of Arthritis and Musculoskeletal and Skin Diseases

The conference agreement provides $351,840,000 for the National Institute of Arthritis and Musculoskeletal and Skin Diseases instead of $333,378,000 as proposed by the House and $350,429,000 as proposed by the Senate.

National Institute on Deafness and Other Communication Disorders

The conference agreement provides $265,185,000 for the National Institute on Deafness and Other Communication Disorders instead of $251,218,000 as proposed by the House and $261,962,000 as proposed by the Senate.

National Institute of Nursing Research

The conference agreement provides $90,000,000 for the National Institute of Nursing Research as proposed by the Senate instead of $76,204,000 as proposed by the House.

National Institute of Alcohol Abuse and Alcoholism

The conference agreement provides $293,935,000 for the National Institute of Alcohol Abuse and Alcoholism instead of $279,901,000 as proposed by the House and $291,247,000 as proposed by the Senate.

National Institute on Drug Abuse

The conference agreement provides $689,448,000 for the National Institute on Drug Abuse instead of $656,551,000 as proposed by the House and $682,536,000 as proposed by the Senate.

National Institute of Mental Health

The conference agreement provides $978,360,000 for the National Institute of Mental Health instead of $930,436,000 as proposed by the House and $969,494,000 as proposed by the Senate.

National Human Genome Research Institute

The conference agreement provides $337,322,000 for the National Human Genome Research Institute as proposed by the Senate instead of $308,012,000 as proposed by the House.

National Center for Research Resources

The conference agreement provides $680,176,000 for the National Center for Research Resources instead of $642,311,000 as proposed by the House, when adjusted for transfers from the Public Health and Social Services Emergency Fund, and $655,988,000 as proposed by the Senate. The conference agreement also includes bill language designating $75,000,000 for extramural facilities construction grants. These funds will provide seed money to stimulate greater public and private sector investments in this needed modernization effort. In awarding grants with these funds, NCRR is directed to recognize the special needs of smaller and developing institutions. NCRR shall assure that, given a sufficient number of meritorious applications from smaller and developing institutions, no less than 50 percent of the awards are made to these institutions. In addition, NCRR shall take all steps necessary to assure that small and developing institutions are notified of the funds available in this account and are provided adequate technical assistance in the application process. The conference agreement does not include a provision proposed by the Senate to provide $30,000,000 for extramural facilities available on October 1, 2000. The House bill contained no similar provision.

The total provided also includes $40,000,000 for the Institutional Development Awards (IDeA) program as proposed by the House instead of $20,000,000 as proposed by the Senate. In addition, $15,000,000 is included to enhance the science education program as referenced in the House and Senate reports.

The conference agreement concurs with language contained in the Senate report concerning animal research facilities in minority health professional schools.

John E. Fogarty International Center

The conference agreement provides $43,723,000 for the John E. Fogarty International Center as proposed by the Senate instead of $40,440,000 as proposed by the House, when adjusted for transfers from the Public Health and Social Services Emergency Fund.

National Library of Medicine

The conference agreement provides $215,214,000 for the National Library of Medicine instead of $202,027,000 as proposed by the House and $210,183,000 as proposed by the Senate.

National Center for Complementary and Alternative Medicine

The conference agreement provides $68,753,000 for the National Center for Complementary and Alternative Medicine instead of $68,000,000 as proposed by the House and $56,214,000 as proposed by the Senate. The conference agreement does not include bill language proposed by the Senate to make these funds available for obligation through September 30, 2001. The House bill contained no similar provision.

It is believed that Federal policy in a number of areas is failing to keep up with the increased use of complementary and alternative therapies. Funding was provided in fiscal year 1999 to support the establishment and operation of a White House Commission on Complementary and Alternative Medicine Policy to study and make recommendations to the Congress on appropriate policies regarding consumer information, training, insurance coverage, licensing, and other pressing issues in this area. It is believed that the Commission is not intended to review the work of or set the priorities for the Center. Rather, the Center is expected simply to provide administrative support to the Commission.

The conference agreement concurs with the House and Senate report language regarding the training of physicians in integrative medicine, but urges the Center to also support the training of nurses in integrative medicine through appropriate mechanisms. The Center is also urged to study strategies for integrating complementary and alternative medicine into all nursing curricula.

Office of the Director

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $283,509,000 for the Office of the Director instead of $270,383,000 as proposed by the House and $299,504,000 as proposed by the Senate. The conference agreement includes a designation in bill language of $44,953,000 for the operations of the Office of AIDS Research as proposed by the House. The Senate bill contained no similar provision.

It is expected that the Minority Access to Research Careers, Minority Biomedical Research Support, Research Centers in Minority Institutions, and the Office of Research on Minority Health programs will continue to be supported at a level commensurate with their importance.

Investigations into the causes, prevention, treatment, and cure for diabetes are important. The Diabetes Research Working Group report outlines many scientific opportunities and NIH is encouraged to pursue research on all types of diabetes with equal vigor.

NIH is expected to consult closely with the research community, clinicians, patient advocates, and the Congress regarding Parkinson's research and fulfillment of the goals of the Morris K. Udall Parkinson's Research Act. NIH is requested to develop a report to Congress by March 1, 2000 outlining a research agenda for Parkinson's focused research for the next five years, along with professional judgment funding projections. The NIH Director should be prepared to discuss Parkinson's focused research planning and implementation for fiscal year 2000 and fiscal year 2001.

Continued advances in biomedical imaging and engineering, including the development of new techniques and technologies for both clinical applications and medical research and the transfer of new technologies from research projects to the public health sector are important. The disciplines of biomedical imaging and engineering have broad applications to a range of disease processes and organ systems and research in these fields does not fit into the current disease and organ system organizational structure of the NIH. The present organization of the NIH does not accommodate basic scientific research in these fields and encourages unproductive diffusion of imaging and engineering research. Several efforts have been made in the past to fit imaging into the NIH structure, but these have proved to be inadequate.

For these reasons, NIH is urged to establish an Office of Bioimaging/Bioengineering and to review the feasibility of establishing an Institute of Biomedical Imaging and Engineering. This Office should coordinate imaging and bioengineering research activities, both across the NIH and with other Federal agencies. The NIH shall report to the Appropriations Committees of the House and Senate on the progress achieved by this Office no later than June 30, 2000.

Security at Federal facilities is a growing concern and with the number of visitors to the NIH campus, including both domestic and foreign dignitaries, and the type of research that occurs on campus, adequate security at NIH is critical. The Director is requested to contract with an independent group to study the overall security situation at the Bethesda campus. This study should include, but not be limited to, recommendations regarding the appropriate manpower, training, and equipment needed to provide adequate security for NIH employees and all visitors to the campus as well as any recommended changes to the current security policy.

Infantile autism and autism spectrum disorders are biologically based neurodevelopmental diseases that cause severe impairments in language and communication and generally manifest in young children sometime during the first two years of life. Best estimates indicate that 1 in 500 children born today will be diagnosed with an autism spectrum disorder and that 400,000 Americans have autism or an autism spectrum disorder. NIH is strongly encouraged to dedicate more resources and to expand and intensify these efforts through the NIH Autism Coordinating Committee. More knowledge is needed concerning the underlying causes of autism and autism spectrum disorders, how to treat and prevent these disorders; the epidemiology and risk factors for the disorders; the development of methods for early medical diagnosis; dissemination to medical personnel, particularly pediatricians, to aid in the early diagnosis and treatment of this disease; and the costs incurred in educating and caring for individuals with autism and autism spectrum disorders. NIH is also encouraged to explore mechanisms, including innovative collaborative approaches in autism, supported by the Institutes to conduct basic and clinical research into the cause, diagnosis, early detection, prevention, control, and treatment of autism, including research in the fields of developmental neurobiology, genetics, and psychopharmacology.

NIDDK and NIAID are to be commended for jointly supporting research on foodborne illness. The Institutes are encouraged to enhance research on the reaction of the gut to foodborne pathogens, including research on the pathogenesis of the disease, the reasons for antibiotic resistance, the reaction of the gut to infections, the development of animal models to test therapies, and the invention of vaccines or substances that bind with the toxins to prevent the illness.

The conference agreement concurs with language contained in the House report regarding International Collaborations.

Ashkenazi Jewish women who carry the BRCA 1 gene have an abnormally high incidence of breast and ovarian cancer. NIH is urged to support, especially through NCI and NHGRI, coordinated U.S./Israeli research activities through all available mechanisms, as appropriate, including the establishment of a computerized data and specimen sharing system, subject recruitment and retention programs, and collaborative pilot research projects.

The Office of Research on Minority Health is encouraged to expand and strengthen science-based HIV prevention research for African Americans, Latinos, Native Americans, Asian Americans, Native Hawaiians and Pacific Islanders and consideration should be given to the U.S. Virgin Islands and Puerto Rico. The Office is also encouraged to expand existing culturally competent behavioral research, conducted by minority principal investigators, that seeks to break the link between HIV infection and high risk behaviors, and that seek to decrease the rate of mortality in targeted minority populations.

BUILDINGS AND FACILITIES

The conference agreement provides $135,376,000 for buildings and facilities instead of $108,376,000 as proposed by the House and $100,732,000 as proposed by the Senate. In addition, $40,000,000 was provided in the fiscal year 1999 appropriations bill for the Clinical Center.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

The conference agreement provides $2,654,953,000 for substance abuse and mental health services instead of $2,413,731,000 as proposed by the House and $2,799,516,000 as proposed by the Senate. The conference agreement does not provide $148,816,000 to become available on October 1, 2000 as proposed by the Senate. The House bill contained no similar provisions.

Center for Mental Health Services

The conference agreement provides $356,000,000 for the mental health block grant instead of $300,000,000 as proposed by the House and $358,816,000, of which $48,816,000 was to become available on October 1, 2000, as proposed by the Senate.

The conference agreement provides $83,000,000 for children's mental health as proposed by the House instead of $78,000,000 as proposed by the Senate.

Mental health services for children and adolescents could be strengthened by a comprehensive system that measures the quality and effectiveness of these services. The Center's Committee on Child and Adolescent Outcomes has supported the collaboration between Vanderbilt University and Australia in developing such an evaluation system in the United States. The Department is urged to continue this collaboration.

The National Mental Health Self-Help Clearinghouse, the Consumer Organization and Networking Technical Assistance Center, and the National Empowerment Center provide information and resources to individuals suffering from mental illnesses and their families. Continued funding of these Centers will allow services to be provided uninterrupted.

The conference agreement provides $31,000,000 for grants to states for the homeless (PATH) as proposed by the Senate instead of $28,000,000 as proposed by the House.

The conference agreement provides $25,000,000 for protection and advocacy as proposed by the Senate instead of $22,957,000 as proposed by the House.

The conference agreement provides $138,982,000 for knowledge development and application instead of $85,851,000 as proposed by the House and $137,932,000 as proposed by the Senate. The conference agreement has doubled funding for mental health services for school-age children, as part of an effort to reduce school violence. It is intended that $80,000,000 be used for the support and delivery of school-based and school-related mental health services for school-age youth. It is intended that the Department will continue to collaborate its efforts with the Department of Education to develop a coordinated approach.

Within the total provided: $1,000,000 is for the Northwest Suburban Cook County and Lake County Public Action to Deliver Shelter (PADS) provider organizations to address long-term homelessness through service integration; $1,000,000 is for the urban health initiative at the University of Connecticut to provide improved mental health services to underserved, impoverished and high risk children, teens, adults and seniors living in urban public housing; and $50,000 is for Steinway Child and Family Services of Queens, New York to provide mental health and support services to children and families affected by HIV/AIDS.

Center for Substance Abuse Treatment

The conference agreement provides $1,600,000,000 for the substance abuse block grant instead of $1,585,000,000 as proposed by the House and $1,715,000,000 as proposed by the Senate. The conference agreement does not include a provision proposed by the Senate to provide $100,000,000 on October 1, 2000. The House bill contained no similar provision.

The conference agreement provides $214,566,000 for knowledge development and application instead of $136,613,000 as proposed by the House and $226,868,000 as proposed by the Senate. Within the total provided: $200,000 is for the Center Point Program in Marin County, California, for substance abuse and related services to high-risk individuals and families; and $1,000,000 is for the San Francisco Department of Public Health's treatment on Demand program. Within the total provided, sufficient funds are included to expand the residential treatment programs for pregnant and postpartum women.

The conference agreement includes $40,325,000 for activities that strengthen substance abuse treatment capacity in communities of color disproportionately impacted by the HIV/AIDS epidemic, based on rates of new HIV infection and mortality from AIDS. These funds are designed to provide targeted service expansion and capacity building to minority, community-based substance abuse treatment programs with a history of providing services to communities of color severely impacted by substance abuse and HIV/AIDS. These funds are to be allocated based on program priorities identified in the previous fiscal year. Funds are also included to enhance state and county efforts to plan and develop integrated substance abuse and HIV/AIDS treatment and prevention services to communities of color. Within the funds provided, $5,000,000 is for existing substance abuse treatment facilities for pregnant and postpartum women and to expand the program through a competitive process.

Recent reports by NIH and the Institute of Medicine recommend expansion of effective treatment approaches for adolescent drug abusers. CSAT is to be commended for its work in developing and testing manuals for program interventions through the Cannabis Youth Treatment initiative. CSAT is encouraged to expand this initiative by examining the immediate and long-term outcomes across the developmental period when adolescents are at risk for peak drug use, and by taking steps to replicate and improve such treatment approaches.

The Norton Sound Health Corporation project for substance abuse treatment services should be given full and fair consideration for funding.

Center for Substance Abuse Prevention

The conference agreement provides $140,305,000 for knowledge development and application instead of $118,910,000 as proposed by the House and $161,000,000 as proposed by the Senate. Within the total provided: $750,000 is for the Rio Arriba and Santa Fe Counties "black tar" heroin program; $350,000 is for the Rock Island County Council on Addiction's (RICCA) Healthy Youth Drug Prevention Program in Rock Island, Illinois; and $3,000,000 is for a regional consortium of South Dakota, North Dakota, Minnesota, and Montana to provide Fetal Alcohol Syndrome services.

The conference agreement includes $8,500,000 for activities that strengthen substance abuse prevention capacity in communities of color disproportionately impacted by the HIV/AIDS epidemic, based on rates of new HIV infection and mortality from AIDS.

The conference agreement provides $7,000,000 for high risk youth grants as proposed by the Senate. The House bill contained no similar provision.

Program Management

The conference agreement provides $59,100,000 for program management instead of $53,400,000 as proposed by the House and $58,900,000 as proposed by the Senate. It is intended that $1,000,000 of the increase over the Administration request is to support the school violence prevention initiative.

It is intended that, from within the funds reserved for rural programs, $12,000,000 be allocated for CSAT grants and $8,000,000 be allocated for CSAP grants.

The conference agreement includes $3,700,000 to initiate and test the effectiveness of Community Assessment and Intervention Centers in providing integrated mental health and substance abuse services to troubled and at-risk children and youth, and their families in four Florida communities. Building upon successful juvenile programs, this effort responds directly to nationwide concerns about youth violence, substance abuse, declining levels of service availability and the inability of certain communities to respond to the needs of their youth in a coordinated manner. The total provided includes: $2,000,000 from mental health knowledge development and application: $500,000 from substance abuse prevention knowledge development and application: $1,000,000 from substance abuse treatment knowledge development and application; and $200,000 from program management.

The Senate recently heard testimony about pathological gambling disorders and the importance of additional federal research in this area as recommended by the National Gambling Impact Study Commission. The Center is urged to conduct demonstration projects to determine effective strategies and best practices for preventing and treating pathological gambling.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

The conference agreement provides $111,424,000 in appropriated funds instead of $104,403,000 as proposed by the House and $19,504,000 as proposed by the Senate.

The conference agreement designates $88,576,000 to be available to the Agency under the Public Health Service one percent evaluation set-aside instead of $70,647,000 as proposed by the House and $191,751,000 as proposed by the Senate.

In addition, $5,000,000 previously identified by the Senate report for bioterrorism activities is included in the Public Health and Social Services Emergency Fund for the same purpose.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

The conference agreement provides $1,994,548,000 for program management instead of $1,752,050,000 as proposed by the House and $1,991,321,000 as proposed by the Senate. The House bill assumed that the Administration's user fee proposal would be enacted prior to conference. An additional appropriation of $630,000,000 has been provided for this activity in the Health Insurance Portability and Accountability Act of 1996.

The conference agreement provides $95,000,000 for Medicare+Choice as proposed by the Senate instead of $15,000,000 as proposed by the House.

The conference agreement does not include language proposed by the Senate that would have allowed Medicaid and CHIP funding to be interchangeable. The House bill contained no similar provision.

The conference agreement repeats language included in last year's bill related to administrative fees collected relative to Medicare overpayment recovery activities.

The conference agreement does not include bill language proposed by the Senate to allow appropriated funds to be used to increase Medicare provider audits. The House bill contained no similar provision.

Research, Demonstration, and Evaluation

The conference agreement provides $62,900,000 for research, demonstration, and evaluation instead of $50,000,000 as proposed by the House and $65,000,000 as proposed by the Senate. The conference agreement includes the following amounts for the following projects and activities:

—$100,000 for Littleton Regional Hospital in New Hampshire to assist in the development of rural emergency medical services;

—$250,000 for the University of Missouri-Kansas City to test behavioral interventions of nursing home residents with moderate to severe dementia;

—$2,000,000 for a nursing home transition initiative;

—$2,000,000 for a demonstration of residential and outpatient treatment facilities at the AIDS Healthcare Foundation in Los Angeles;

—$3,000,000 for the University of Pennsylvania Medical Center, the University of Louisville Sciences Center, and St. Vincent's Hospital in Montana to conduct a demonstration to reduce hospitalizations among high-risk patients with congestive heart failure;

—$1,000,000 to study the use of an independent informal dispute resolution process in skilled nursing certification and compliance surveys consistent with language contained in the House and Senate reports;

—$1,000,000 for a children's hospice care demonstration program in Virginia, Florida, Kentucky, New York, and Utah to provide a continuum of care for children with life-threatening conditions and their families;

—$150,000 for L.A. Care Health Plan in Los Angeles, California for a Medicaid outreach demonstration project;

—$500,000 for the Partners for a Healthier Community childhood immunization demonstration project at Baystate Medical Center in Springfield, Massachusetts; and

—$250,000 for the Shelby County Regional Medical Center to establish a Master Patient Index to determine patient Medicaid/TennCare eligibility.

HCFA is urged to conduct a demonstration project to test the potential savings to the Federal government and to the Medicare program by comparing different products used for diabetic wound-care treatment. Such a demonstration should compare the aggregate costs of wound care treatment using different wound-care gel products as well as different gel application regimens.

HCFA is urged to conduct a demonstration project addressing the extraordinary adverse health status of native Hawaiians at the Waimanalo health center exploring the use of preventive and indigenous health care expertise.

HCFA is urged to conduct a demonstration project in Hawaii and Alaska to address the extraordinary adverse health status and limited access to health services of the indigenous people in Hawaii and Alaska natives and others residing in southwest Alaska.

There is strong concern over HCFA's failure to articulate clear guidelines and set expeditious timetables for consideration of new technologies, procedures and products for Medicare coverage. Two particularly troubling examples are HCFA's lengthy delays and failure to articulate clear standards regarding Medicare coverage of positron emission tomography (PET) and lung volume reduction surgery (LVRS). The effect of these delays in instituting Medicare coverage is to deny the benefits of these technologies and products to Medicare patients. There is also concern that HCFA appears to be requiring new technologies to repeat clinical trials and testing already successfully completed by the new products in the process of gaining FDA approval or in NIH clinical trials and which serve as signals to private insurers to cover new technologies. The recent creation of a 120-person advisory committee to review new technologies is also of some concern and it is noted that the Appropriations Committees will be observing the new advisory committee to review its costs and to see whether its use further delays Medicare coverage of new products. Because of the possible duplication of efforts among HHS agencies and related unnecessary costs to the Medicare program and the Department, it is expected that the Secretary will take a leadership role in resolving this matter expeditiously.

The Secretary is strongly urged to appoint a three-person Medicare-Technology Consumer Advisory Committee. The Committee should be appointed from among knowledgeable patient advocates and members of the medical community with expert knowledge of new technologies and cost-benefit analysis. The new Committee should study the current HCFA process for determining new coverages and should report at least every six months to the Secretary, the Appropriations Committees, and the general public on its findings and recommendations. The Secretary is expected to report prior to fiscal year 2001 appropriations hearings about its recommendations on streamlining HCFA's approval process for Medicare coverage of new technologies.

If the Secretary of the Department of Health and Human Services, under existing demonstration authority, chooses to implement a program to improve health care access for uninsured workers, the Secretary should encourage applications from private, not-for-profit multi-state health systems in urban and rural areas. Such multi-state systems should be given special consideration if they are willing to provide private matching funds to create model public-private partnerships which enhance integrated systems of health care for the working poor.

Medicare contractors

The conference agreement provides $1,244,000,000 for Medicare contractors as proposed by the Senate instead of $1,176,950,000 as proposed by the House. The amount provided reflects HCFA's proposal to change its approach for processing managed care encounter data, which will result in estimated savings of $30,000,000.

State survey and certification

The conference agreement provides $204,674,000 for State survey and certification instead of $106,000,000 as proposed by the House and $204,347,000 as proposed by the Senate.

Federal administration

The conference agreement provides $485,000,000 for Federal administration instead of $421,126,000 as proposed by the House and $480,000,000 as proposed by the Senate.

The conference agreement concurs with House report language regarding its concern that the current performance evaluation and recertification process for Organ Procurement Organizations (OPO) may hinder the goal of increased organ donations. HCFA is urged to work with and support the industry in its effort to develop alternative performance measures. HCFA is also urged to use existing authority to extend the OPO certification period until such time as an alternative process has been adopted.

Hospices in Wichita, Kansas will be adversely affected in their Medicare reimbursement in fiscal year 2000 because of an error in a faulty hospital cost report in 1995, over which they had no control, and because of a faulty tabulation by HCFA or its fiscal intermediary. HCFA is expected to correct the error in the publication of the hospice wage index for the Wichita, Kansas MSA by using the July 30, 1999 hospital wage index, published in the Federal Register, for the current fiscal year, rather than delaying until the following fiscal year, and by publishing a revised notice to reflect this correction.

In 1998, HCFA was urged to commit appropriate resources to ensure the provision of ongoing training, technical assistance, and quality assurance support to regional and State personnel who are responsible for implementation and review of Intermediate Care Facilities for the Mentally Retarded (ICF/MR) and waiver programs. Seeing no progress to date on this issue, and recognizing the growing concerns about abuse and neglect and the use of restraints in such settings. HCFA is strongly urged to ensure that staff be devoted solely to ensuring quality in ICFs/MR and home and community-based waivers. It is hoped that HCFA would also allow for the speedy revision of the ICF/MR regulations to reflect widely recognized advancements in the field and to encourage more flexibility, consumer involvement and direction, and community integration in meeting individual's needs. The Department is requested to report within 120 days on how these staffing requirements will be accommodated.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

The conference agreement provides no extended availability of funds proposed by the Senate. The House bill proposed no extended availability.

LOW INCOME HOME ENERGY ASSISTANCE

The conference agreement includes language proposed by the House designating that the $1,100,000,000 appropriated for LIHEAP for FY 2000 in the FY 1999 appropriations act is an emergency under the Budget Act and requiring that such funds be allocated in accordance with the statutory formula. The Senate bill contained no such language. The agreement also includes the House legal citation to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act.

REFUGEE AND ENTRANT ASSISTANCE

The conference agreement appropriates $426,505,000, instead of $423,500,000 as proposed by the House and $430,500,000 as proposed by the Senate. The agreement provides for an annual appropriation as proposed by the House instead of three-year availability of funds proposed by the Senate. In the case of the Torture Victims Relief Act funds, the agreement provides for an annual appropriation as proposed by the House instead of the funds remaining available until expended proposed by the Senate.

In addition, the conference agreement includes language not contained in either bill that designates all funding in this account as an emergency requirement under the Budget Act.

The conference agreement includes $20,000,000 from carryover funds that are to be used under social services to increase educational support to schools with a significant proportion of refugee children and for the development of alternative cash assistance programs that involve case management approaches to improve resettlement outcomes. Such support should include intensive English language training and cultural assimilation programs.

The agreement also includes $26,000,000 for increased support to communities with large concentrations of refugees whose cultural differences make assimilation especially difficult justifying a more intense level and longer duration of Federal assistance.

CHILD CARE AND DEVELOPMENT BLOCK GRANT

The conference agreement appropriates $1,182,672,000 as an advance appropriation for fiscal year 2001, instead of $2,000,000,000 as proposed by the Senate. The agreement further provides that $19,120,000 shall be for child care resource and referral and school-aged child care activities as proposed by the Senate. The House bill had no appropriation for this account.

The conference agreement includes language to require the States to use $172,672,000 above the amount required by the basic law for activities that improve the quality of child care for fiscal year 2001. The basic law requires that not more than four percent of the approporation be used for such activites. Neither the House nor the Senate bill included such language.

The conference agreement includes $500,000 for a toll-free child care services program hotline to be operated by Child Care Aware.

States are encouraged to create or enhance systems of care that support and educate families expecting a baby or with young children, and help them understand that day-to-day interaction with children helps them develop cognitively, socially, physically and emotionally. Many states have already created state and local collaboratives that coordinate early childhood development, and these efforts are to be commended.

In the case of states that have yet to initiate such coordination, they are encouraged to look at best practices from across the country. The National Governors Association has developed goals, model indicators, and measures of performance to help states focus on improving the conditions of young children and their families. The State of Ohio has a successful initiative known as Family and Children First that could serve as a model. All states are encouraged to continue to develop and expand healthy early childhood systems of care.

SOCIAL SERVICES BLOCK GRANT

The conference agreement includes $1,775,000,000, instead of $1,909,000,000 as proposed by the House and $1,050,000,000 as proposed by the Senate. The agreement does not include the provision in the House or Senate bills that limits the ability of States to transfer TANF funds to the Social Services Block Grant to 4.25 percent or 5 percent, respectively.

The conference agreement does not include section 216 of the Senate bill which increased the appropriation to $2,380,000,000 but specified that $1,330,000,000 of that amount would not become available for obligation until fiscal year 2001 and that the amount available for allocation to States in fiscal year 2001 would be $3,030,000,000. The House had no similar provision.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(INCLUDING RESCISSIONS)

The conference agreement appropriates $6,835,133,000, instead of $6,240,216,000 as proposed by the House and $6,789,635,000 as proposed by the Senate. In addition, the agreement rescinds $21,000,000 from permanent appropriations as proposed by the House.

The agreement includes an advance appropriation of $1,400,000,000 for Head Start for fiscal year 2001 as proposed by the House instead of $1,900,000,000 proposed by the Senate. The agreement also includes $1,700,000,000 designated as an emergency.

An amount of $10,000,000 is included under social services and income maintenance research for establishing Individual Development Accounts. The House proposed to fund this as a separate line item.

The Hull House Association's Neighbor to Neighbor (NTN) program in Chicago and Florida provides specialized placement and family services for sibling groups, keeping such children together, placed within their community, and stabilized in one foster home. Outcomes for this program have been noteworthy, including high rates of family reunification, placement stability and foster parent retention. The conference agreement includes $500,000 to support the Association's project to provide training, technical assistance and implementation assistance to establishment of NTN programs within public and private foster care agencies in other states and localities.

The conference agreement includes language not contained in either House or Senate bills that requires the Department to establish certain procedures regarding the disposition of intangible property in the community economic development program under the Community Services Block Grant Act.

There is awareness of efforts by the state information technology consortium to identify best practices with regard to implementing Temporary Assistance to Needy Families, including best practices developed by states, the federal government, and the private sector. The next phase of this effort will enable states to discern which best practices are appropriate for their particular needs, then work with the consortium to implement those practices. Continuation of this effort at the current level of support is urged.

It is important that the Congress determine the economic status of former recipients of Temporary Assistance to Needy Families, and the conference agreement provides funds to support such research and evaluation.

Head Start grantees may use their basic grant funds, quality funds, and expansion funds for minor renovations and rehabilitation of existing Head Start facilities. The Secretary is urged to give special attention to Native American communities with particular needs, including the Alaskan communities of Chevak, Napakiak, Haines, Marshall, Noorvik, Selawik, Pilot Station, Hooper Bay, and Dillingham.

Within the funds provided for Runaway Youth—Transitional Living, the conference agreement includes $500,000 for the House of Mercy in Des Moines, Iowa; $250,000 for the Briarpatch Transitional Living Facility of Madison, Wisconsin to provide housing and support services to homeless teens; $150,000 for the Larkin Street Youth center in San Francisco, California to provide interim housing and comprehensive support services; $150,000 for the Casa Libertad Transitional Living Program for homeless youths in Santa Fe, New Mexico; and $250,000 for the New Avenues for Youth demographic database project in Oregon to improve services delivery to homeless youths.

Within the funds provided for child abuse prevention programs, the conference agreement includes $1,000,000 for a one-stop shopping demonstration for Catholic Social Services in Juneau, Alaska; $2,000,000 for the Healthy Beginnings Program in Alaska; $500,000 for Children's Advocacy Services Center of Greater St. Louis; $50,000 for the Taos Community Against Violence for ongoing services for children and victims of domestic violence; $600,000 for the Start Right program in Marathon County, Wisconsin; and $1,000,000 for the University of Louisville, Center for Research in Early Childhood Development.

Within the funds provided for Native American programs, the conference agreement includes $700,000 for the Cook Inlet Tribal Council, Inc. and $300,000 for Kawerak, Inc.

The conference agreement includes $2,000,000 for the Public Children Services Association of Ohio to build a multi-State grassroots network that results in a State infrastructure of local child protection agencies.

The conference agreement includes $400,000 for the National Adoption Center to develop a national adoption photo listing service on the Internet.

Within the funds provided for developmental disabilities, projects of national significance, the conference agreement includes $1,000,000 for the Sertoma Center in Knoxville, Tennessee to work in conjunction with other entities to develop a training regime for providers of services for the developmentally disabled.

PROMOTING SAFE AND STABLE FAMILIES

The conference agreement changes the name of this appropriation account to "Promoting Safe and Stable Families" as proposed by the Senate instead of "Family Preservation and Support" proposed by the House.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

The conference agreement appropriates $4,307,300,000 as proposed by the House instead of $4,312,300,000 as proposed by the Senate.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

The conference agreement appropriates $934,285,000, instead of $881,976,000 as proposed by the House and $942,355,000 as proposed by the Senate. The agreement includes a legal citation as proposed by the Senate with respect to the Alzheimer's initiative.

The conference agreement includes the following amounts under aging research and training:

—$3,000,000 for social research into Alzheimer's disease care options, best practices and other Alzheimer's research priorities as specified in the House Report

—$10,000,000 for the "Senior Waste Patrol" pilot project to determine the most effective means of eliminating Medicare fraud, waste and abuse

—$2,000,000 for the Texas Tech University Center for Healthy Aging

—$500,000 for the West Virginia University Rural Aging Project

—$850,000 for Elder Services, Inc. in Middlebury, Vermont

—$2,200,000 for the Anchorage, Alaska Senior Center

—$450,000 for the Deaconess Billings Clinic Northwest Area Center for Aging in Montana

—$1,000,000 for Family Friends

—$100,000 for the Nevada Rural Counties Retired and Senior Volunteer Home Companion Program to provide services to homebound elderly in rural areas

$600,000 to establish the National Senior Housing Center in Maryland

$500,000 for the Community Programs Center of Long Island, Port Jefferson facility to provide intergenerational day care services

$120,000 for Marathon County, Wisconsin to provide respite care services

$40,000 for Norwalk, California to provide adult day-care services for individuals with Alzheimer's Disease

$1,000,000 for the Oregon Health Sciences University's demonstration project in Healthy Aging aimed at providing preventive counseling and improved coordination and access to primary care services

$500,000 for the Santa Clara Pueblo Elder Care Center

$50,000 for the San Luis Obispo Medical Society for the Volunteers in Health Care program for seniors

$350,000 for Christmas in April for housing services for low-income seniors

$700,000 for the National Resource Centers on Native American Aging at the University of North Dakota and the University of Colorado

Within the funds provided for state and local innovations/projects of national significance, the conference agreement intends that funds be used for ongoing projects scheduled for refunding in FY 2000.

Nearly one in four American households is currently involved in family caregiving to elderly relatives or friends. The Administration on Aging should give full and fair consideration to a demonstration and evaluation of the Metropolitan Family Services' community-based program that builds on the strengths of families to provide cost-effective and high quality care.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

The conference agreement appropriates $232,902,000, instead of $227,787,000 as proposed by the House and $189,420,000 as proposed by the Senate. To the extent that any staffing reductions are required to implement the conference agreement the Secretary should make the reductions in such overhead areas as the immediate office of the Secretary, public affairs, Congressional affairs, and intergovernmental affairs.

The agreement includes $1,500,000 for the United States-Mexico Border Health Commission. The conference agreement concurs with the Senate Report language concerning the human services transportation technical assistance program. It also concurs with the Senate Report language concerning the amount available for a public education campaign on osteoporosis in the Office on Women's Health.

The conference agreement includes $9,700,000 within the Office of Minority Health to fund activities that are designed to address the trend of the HIV/AIDS epidemic in communities of color based on rates of new infections and mortality from AIDS. These funds are to be allocated based on program priorities identified in the previous fiscal year, which include support for the Minority Community Coalition Demonstration Grants program, including the Bilingual/Bicultural Demonstrations Grants Program targeted to fund HIV/AIDS prevention activities by minority organizations. Funds are also provided to target national, regional and local minority organizations with a history of service and development to communities of color to provide technical assistance and to expand the National Minority Organization/Cooperative Agreement Program. Funds have been provided to expand and strengthen contracts with HBCUs and HSIs to provide funding to minority behavioral scientists to enhance the implementation of research-based prevention activities for disease prevention, health promotion and HIV/AIDS in conjunction with community organizations targeting minority populations.

The conference agreement includes language proposed by the House that earmarks $450,000 for a contract with the National Academy of Sciences to conduct a study of OSHA's proposed rule relating to occupational exposure to tuberculosis. The study should address the following questions:

1. Are health care workers at a greater risk of infection, disease, and mortality due to tuberculosis than the general community within which they reside? If so, what is the excess risk due to occupational exposure?

2. Can the occupationally acquired risk be quantified for different work environments, different job classifications, etc., as a result of implementation of the 1994 Centers for Disease Control and Prevention (CDC) guidelines for the prevention of tuberculosis transmission at the worksite or the implementation of specific parts of the CDC guidelines?

3. What effect will the implementation of OSHA's proposed tuberculosis standard have in minimizing or eliminating the risk of infection, disease, and mortality due to tuberculosis?

The agreement includes language as proposed by the Senate setting aside $10,569,000 under the adolescent family life program for activities specified under §2003(b)(2) of the Public Health Service Act, of which $9,131,000 shall be for prevention grants under §510(b)(2) of the Social Security Act, without application of the limitation of §2010(c) of the Public Health Service Act. The House bill had no similar provision.

With respect to the advance appropriation of $20,000,000 for title XX of the Public Health Service Act, it is intended that these funds be used for grants to organizations that clearly and consistently focus on abstinence for preventing STD's and unwanted pregnancy. [Abstinence shall have the same meaning as in Public Law 104-193, title IX, section 912.] Grants to these organizations should focus on training persons as abstinence instructors and on providing actual presentations to youth at vulnerable ages (grades 7 through 12). The Department shall hold competition for these grants during the regular grant cycle in fiscal year 2000 and issue these grants at the beginning of fiscal year 2001.

The conference agreement concurs with the language in the House Report relating to an Institute of Medicine study on ethnic bias in medicine.

Sufficient funds are available to continue the inner city childhood asthma project at the Children's Hospital of Philadelphia.

It is understood that the screening of blood and blood products could be improved through the use of nucleic acid testing (NAT) to better detect known infectious diseases such as Human Immunodeficiency Virus (HIV-1) and Hepatitis C virus (HCV). The National Heart, Lung and Blood Institute in the National Institutes of Health has contracted with private companies to develop fully automated NAT tests for HIV-1 and HCV. In view of NIH's financial commitment to NAT and the approval of NAT in other countries, the Public Health Service Blood Safety Committee, chaired by the Surgeon General/Assistant Secretary for Health, is urged to encourage the adoption of these screening tools for individual donor testing of blood and plasma.

The conference agreement includes language proposed by the Senate modified to earmark $500,000 to be utilized by the Surgeon General to prepare and disseminate the findings of the Surgeon General's report on youth violence and to coordinate with other agencies activities to prevent youth violence. The House bill had no similar provision.

The conference agreement also includes the following amounts for the following projects:

—$100,000 for Tomorrow's Child, a program to support and educate first time pregnant adolescents, their families and communities

—$2,000,000 for the Lawton Chiles Foundation of Florida

—$1,000,000 for the Albert Einstein Medical Center LIFE elderly care model

—$500,000 for the Thomas Jefferson University Hospital alternative medicine program

—$500,000 for the Thomas Jefferson University Hospital sickle cell program

—$1,250,000 for the CORE Center at Cook County Hospital in Chicago to develop a model HIV/AIDS Education and Training Center.

OFFICE OF INSPECTOR GENERAL

The conference agreement appropriates $31,500,000, instead of $29,000,000 as proposed by the House and $35,000,000 as proposed by the Senate. The agreement does not include language proposed by the House to limit the amount of funds available to the Inspector General in FY 2000 under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to no more than $100,000,000, the same amount as in FY 1999. The Senate bill had no similar provision.

Sufficient funds are available to initiate activities in Pittsburgh, PA as mentioned in the Senate Report.

OFFICE FOR CIVIL RIGHTS

The conference agreement appropriates $22,152,000, instead of $20,652,000 as proposed by the House and $22,159,000 as proposed by the Senate.

POLICY RESEARCH

The conference agreement appropriates $17,000,000, instead of $15,000,000 as proposed by the Senate and $14,000,000 as proposed by the House. The agreement includes $850,000 for the East St. Louis Center operated by Southern Illinois University to analyze problems faced by health service providers in administering multiple sources of funding.

The conference agreement includes $7,150,000 to continue the study of the outcomes of welfare reform. It is recommended that this effort includes the collection and use of state-specific surveys and state and federal administrative data. The study should focus on improving the capabilities and comparability of data collection efforts and developing and reporting reliable State-by-State measures of family hardship and well-being and of the utilization of other support programs. The study should measure outcomes for a broad population of low-income families, welfare recipients, former recipients, potential recipients, and other special populations affected by state TANF policies, including diversion practices. The conference agreement includes sufficient funds to continue supporting efforts at Iowa State University to develop state-level data on low-income families that can be integrated with national data collection efforts. A report is to be submitted to the Appropriations Committees within nine months.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

The conference agreement provides $583,600,000 for the Public Health and Social Services Emergency Fund instead of $391,833,000 as proposed by the House and $475,000,000 as proposed by the Senate. The conference agreement also includes a provision that these funds shall be made available only upon submission of a budget request designating the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 as proposed by the House. The Senate bill did not propose this account as an emergency.

The amount provided includes $229,000,000 for the Centers for Disease Control and Prevention. Included in this amount is $155,000,000 for the following bioterrorism activities:

—$1,000,000 to enhance technical capabilities to identify certain biological agents;

—$1,000,000 for the Noble Army Hospital of Alabama bioterrorism program;

—$2,000,000 to assist States in developing emergency preparedness plans;

—$2,000,000 for public health training centers;

—$2,000,000 to discover, develop, and transition anti-infective agents to combat emerging diseases;

—$2,000,000 to expand epidemiological intelligence service;

—$4,000,000 for conducting independent studies of health and bioterrorism threats, of which $1,000,000 is for the Carnegie Mellon Research Institute, $1,000,000 is for the St. Louis University School of Public Health, $1,000,000 is for the University of Texas Medical Branch at Galveston; and $1,000,000 is for the Johns Hopkins University Center for Civilian Biodefense;

—$5,000,000 to develop rapid toxic screening;

—$7,000,000 to strengthen State and local epidemiological and surveillance capacity;

—$8,400,000 to better identify potential biological and chemical terrorism agents;

—$9,000,000 to develop new sources and methods for surveillance;

—$9,600,000 for regional laboratories for measuring biological and chemical agents;

—$20,000,000 for infectious diseases emergency preparedness and response, including the National Electronic Disease Surveillance System;

—$30,000,000 for a national health alert network; and

—$52,000,000 for a pharmaceutical and vaccine stockpile.

The remaining $74,000,000 is provided for the following activities: $5,000,000 for the environmental health laboratory; and $69,000,000 for a global health initiative, of which $5,000,000 is for micronutrient malnutrition programs; $9,000,000 is for malaria programs; $20,000,000 is for polio eradication activities; and $35,000,000 is for international HIV/AIDS programs.

The amount provided also includes: $30,000,000 for the Office of the Secretary, $24,600,000 for the Office of Emergency Preparedness, and $5,000,000 for the Agency for Health Care Policy and Research for bioterrorism activities; $20,000,000 for NIH Challenge Grants; $50,000,000, within the Office of the Secretary, for HIV/AIDS activities that strengthen the medical treatment and HIV prevention capacity within communities of color disproportionately impacted by the HIV/AIDs epidemic, based on rates of new HIV infection and mortality from AIDS. These funds are available to entities that target a specific minority group or multiethnic minority populations that are heavily impacted by HIV/AIDS, and are to compliment existing and planned HIV/AIDS activities in communities of color; $75,000,000 for Ricky Ray Hemophilia Relief Fund Act within the Health Resources and Services Administration, of which $10,000,000 is for program administration; and $150,000,000 for Y2K activities at the Health Care Financing Administration.

Within the increase provided to NIH, sufficient funds are available for global health initiative activities identified in the Senate report.

GENERAL PROVISIONS

NIH AND SAMHSA SALARY CAP

The conference agreement includes a provision limiting the use of the National Institutes of Health and the Substance Abuse and Mental Health Services Administration funds to pay the salary of an individual, through a grant or other extramural mechanism, at a rate not to exceed Level II of the Executive Schedule instead of Level III as proposed by the Senate. The House bill contained no similar provision.

TRANSFER AUTHORITY

The conference agreement includes a provision proposed by the House to prohibit any appropriation from increasing by more than three percent as a result of use of the Secretary's one percent transfer authority. The Senate bill contained a similar provision except it exempted the Public Health and Social Services Emergency Fund.

ORGAN ALLOCATION FINAL RULE

The conference agreement includes a provision delaying the effective date of the Department's final rule entitled, "Organ Procurement and Transplanation Network (OPTN)," promulgated by the Secretary of Health and Human Services on April 2, 1998 (63 FR 16295 et. seq.) (relating to part 121 of Title 42, Code of Federal Regulations), together with amendments to such rule promulgated on October 20, 1999 (64 FR 56649 et seq.). The amended final rule shall not become effective before the expiration of the 42 day period beginning on the date of enactment of this Act.

It is intended that the Secretary will continue discussions with the OPTN and other representatives of the transplant community for 21 days after enactment of this Act concerning the provisions of the amended final rule. It is also intended that the Secretary shall spend an additional 21 days considering the issues raised in those discussions before the amended final rule becomes effective. It is intended that this shall be the final delay of the rule.

SUBSTANCE ABUSE BLOCK GRANT FORMULA ALLOCATION

The conference agreement includes a provision proposed by the House to provide each State with the same funding level in fiscal year 2000 as it received in fiscal year 1999. The Senate bill contained a similar provision except it was based on an increased appropriation amount.

EXTENSION OF CERTAIN ADJUDICATION PROVISIONS

The conference agreement includes a provision proposed by the Senate to extend the refugee status for persecuted religious groups. The House bill contained no similar provision.

MEDICARE COMPETITIVE PRICING DEMONSTRATION PROJECT

The conference agreement includes a provision proposed by the Senate to prohibit funding to implement or administer the Medicare Prepaid Competitive Pricing Demonstration Project in Arizona or in Kansas City, Missouri or in the Kansas City, Kansas area. The House bill contained no similar provision.

DELAYED OBLIGATIONS

The conference agreement includes a provision to delay the obligation of $3,000,000,000 of NIH funds; $450,000,000 of HRSA funds; $500,000,000 of CDC funds; $200,000,000 of SAMHSA funds; $425,000,000 of Social Services Block Grant funds; and $400,000,000 of Children and Families Services funds until September 29, 2000. The Senate bill contained a provision to delay the obligation of $3,000,000,000 of NIH funds until September 29, 2000. The House bill contained no similar provision.

SENSE OF THE SENATE REGARDING DIABETES AWARENESS AND FUNDING

The conference agreement deletes without prejudice a sense of the Senate provision regarding diabetes awareness and support for increased diabetes research funding. The House bill contained no similar provision.

STUDY OF THE GEOGRAPHIC ADJUSTMENT FACTORS IN THE MEDICARE PROGRAM

The conference agreement includes a provision proposed by the Senate to require the Secretary of HHS to conduct a study on appropriateness of the geographic adjustment factors used to determine the amount of payment for physicians' services under the Medicare program in New Mexico, Arizona, Colorado, and Texas and the effect these factors have on recruitment and retention of physicians in small rural States. The House bill contained no similar provision.

DENTAL SEALANT DEMONSTRATION PROGRAM

The conference agreement deletes a provision proposed by the Senate to establish a multi-State dental sealant demonstration program. The House bill contained no similar provision. The agreement includes sufficient funds within the Maternal and Child Health block grant to initiate such a program.

WITHHOLDING OF SUBSTANCE ABUSE FUNDS

The conference agreement includes a provision proposed by the Senate to allow a State to avoid a penalty under section 1926 of the Public Health Service Act (commonly known as the Synar Amendment) if the State agrees to commit new State funding to help ensure compliance with State laws prohibiting youth purchase of tobacco products. It is noted that the provision applies only for fiscal year 2000 and States are expected to continue to try to meet the established Synar Amendment targets for enforcement of their youth tobacco laws. It is also noted that there is increasing sentiment that the Synar Amendment needs to be reexamined and all concerned parties are encouraged to work toward a compromise solution next year with the appropriate authorizing committees. The provision allows the Secretary to exercise discretion in enforcing the timing of the new State expenditures in order to provide flexibility to States that do not immediately have available funds for this purpose. It is expected that within 30 days of accepting an agreement to increase funding for enforcement, the State will provide a report to the Secretary of all State resources spent in fiscal year 1999 on enforcement of the State law by program activity and by May 15, 2000, a report on FY 2000 obligations regarding enforcement unless otherwise negotiated by the Secretary. The Secretary shall deliver the findings of these reports to Congress. The language provides the Secretary authority to permit a State to commit an amount smaller than its formula amount as described in subsection (b) in order to recognize that an individual state may have been granted "delayed applicability" status under the Synar Amendment by the Substance Abuse and Mental Health Services Administration.

MEDICARE INJECTABLE DRUG COVERAGE

The conference agreement includes a provision not proposed by either House or Senate related to Medicare injectable drug coverage. There is concern that an August 13, 1997 memorandum and subsequent interpretations will inappropriately restrict beneficiary access to injectable drugs that are and have been covered by the Medicare program. It is noted that for many years, Medicare policy (as stated in Section 2049.2 of the Medicare Carriers Manual) has allowed coverage of a drug or biological administered incident to a physician's service where the product is one that is not usually self-administered by the patient. It is intended that HCFA continue to cover such products under Social Security Act section 1861(s)(2) and communicate this policy through a program memorandum to all HCFA regional offices. HCFA is directed to obtain public input on this matter by holding at least two regional "town hall meetings" to give interested organizations and individuals an opportunity to share their thoughts and concerns on the issue of reimbursement for interjectable drugs.

NATIONAL CANCER INSTITUTE

The conference agreement includes a provision to allow the Cancer Therapy and Research Center in San Antonio, Texas to continue to use prior year construction grant funding without fiscal year limitation.

CHILDHOOD ASTHMA

The conference agreement deletes a provision proposed by the Senate to provide an earmark of $8,706,000 for the asthma prevention program on October 1, 2000. The House bill contained no similar provision. The conference agreement includes $11,294,053 for asthma prevention as part of the Centers for Disease Control and Prevention.

STUDY OF VACCINES FOR BIOLOGICAL AGENTS

The conference agreement transfers $20,000,000 from the National Institutes of Health (NIH) to the Centers for Disease Control and Prevention (CDC) for a collaborative effort to study the safety and efficacy of vaccines used against biological agents. The study would address: (1) the risk factors for adverse events, including differences in rates of adverse events between men and women; (2) determining immunological correlates of protection and documenting vaccine efficacy; and (3) optimizing the vaccination schedule and administration to assure efficacy while minimizing the number of doses required and the occurrence of adverse events. It is intended that NIH, CDC, and the Department of Defense will fully cooperate in this effort.

TITLE II CITATION

The conference agreement includes a provision proposed by the House to cite title II as the "Department of Health and Human Services Appropriations Act, 2000". The Senate bill contained no similar provision.

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION REFORM

The conference agreement includes $1,768,370,000 for Education Reform, instead of the $800,100,000 proposed by the House and $1,655,600,000 as proposed by the Senate. The agreement does not include advance funding of $344,625,000 as proposed by the Senate. The House had no similar provision.

Goals 2000

For Goals 2000, the conference agreement provides $491,000,000. The Senate provided $494,000,000. The House proposed no funding for this program. This amount includes $458,000,000 for state grants, instead of $461,000,000 as proposed by the Senate. The House proposed no funding for this program. For parental assistance, the conference agreement includes $33,000,000, the same level as in the Senate bill. The House did not propose funding for this program.

School-to-Work Opportunities

The conference agreement provides $55,000,000 for School-to-Work Opportunities, the same amount provided by the Senate. The House provided no funding for this program.

Education technology

For education technology, the conference agreement provides $768,660,000. The Senate provided $706,600,000. The House proposed $500,100,000.

Technology Literacy Challenge Fund

For the Technology Literacy Challenge Fund, the conference agreement includes $425,000,000 proposed by the Senate. The House provided $375,000,000.

Technology Innovation Challenge Grants

For the Technology Innovation Challenge Grants, the conference agreement provides $148,660,000. Both the House and the Senate provided $115,100,000. Within the amount provided for Technology Innovation Challenge Grants, the conference report specifies funding for the following activities:

Houston Independent School District for technology infrastructure	$500,000
Long Island 21st Century Technology and E-Commerce Alliance	300,000
I CAN LEARN	8,000,000
Linking Education Technology and Educational Reform (LINKS) for educational technology	3,000,000
Center for Advanced Research and Technology (CART) for comprehensive secondary education reform	1,000,000
Vaughn Reno Starks Community Center in Elizabethtown, KY for a technology program	250,000
Wyandanch Compel Youth Academy Educational Assistance Program in New York	125,000
Hi-Technology High School in San Bernardino County, California for technology enhancement	3,000,000
Montana State University-Billings for a distance learning initiative	800,000
Tupelo School District in MS for technology innovation	2,000,000
Seton Hill College in Greensburg, PA for a model education technology training program	1,000,000
University of Alaska-Fairbanks	500,000
North East Vocational Area Cooperative in WA for a multi-district technology education center	1,000,000
University of Vermont for the Vermont Learning Gateway Program	400,000
State University of New Jersey for the RUNet 2000 project at Rutgers for an integrated voice-video-data network to link students, faculty and administration via a high-speed, broad band fiber optic network	2,500,000
Iowa Area Education Agency 13 for a public/private partnership to demonstrate the effective use of technology in grades one through three	500,000
Louisville Deaf Oral School for technology enhancements	235,000
Bibb County Board of Education for technology enhancements	50,000
Calhoun County Board of Education for technology enhancements	50,000
Chambers County Board of Education for technology enhancements	50,000
Chilton County Board of Education for technology enhancements	50,000
Clay County Board of Education for technology enhancements	50,000

Cleburne County Board of Education for technology enhancements	50,000
Coosa County Board of Education for technology enhancements	50,000
Lee County Board of Education for technology enhancements	50,000
Macon County Board of Education for technology enhancements	50,000
St. Clair County Board of Education for technology enhancements	50,000
Talladega County Board of Education for technology enhancements	50,000
Tallapoosa County Board of Education for technology enhancements	50,000
Randolph County Board of Education for technology enhancements	50,000
Russell County Board of Education for technology enhancements	50,000
Alexander City Board of Education for technology enhancements	50,000
Anniston City Board of Education for technology enhancements	50,000
Lanett City Board of Education for technology enhancements	50,000
Pell City Board of Education for technology enhancements	50,000
Roanoke City Board of Education for technology enhancements	50,000
Talledega City Board of Education for technology enhancements	50,000
University of Alaska at Anchorage for distance learning education	900,000
Alaska Department of Education for the Alaska State Distance Education Technology Consortium	200,000
Mansfield University to continue a technology demonstration	500,000
Math, Science and Technology Academy of the Chicago Public Schools to establish a curriculum of math, science and technology	250,000
Prairie Hills, Illinois Elementary School District 144 for a public/private teacher technology training program	500,000
Adelphi University, New York Information Commons distance learning project	1,000,000
Oakland, California School District to support distance education initiative	250,000
Augsburg College Richard Green Institute and Twin Cities Public Television to demonstrate interactive technology in educating teachers and parents in the utilization of media innovations in the classroom	1,000,000
Santa Barbara Industry Education Council in California to provide technology education to area students and teachers	100,000
Providence Public School System, in partnership with the Metropolitan Regional Career and Technical Center, for Project Family Net to provide computer technology training and support to children and their parents	250,000
Kennedy Krieger Career and Technology Center in Maryland for a distance learning project	800,000
Nebraska Community College for educational technology	200,000

Regional technology in education consortia

For Regional technology in education consortia, the conference agreement includes $10,000,000 proposed by the Senate. The House provided no funding for this program.

National activities

The conference agreement includes $109,500,000 for education technology initiatives funded under National Activities: $75,000 for teacher training in technology as proposed by the Senate, $32,500,000 to establish computer learning centers in low-income communities, and $2,000,000 for national technology leadership activities as proposed by the Senate. The House and the Senate both proposed $10,000,000 for Community Based Technology Centers. The House proposed no funding for other programs within this account.

Star Schools

For Star Schools, the conference agreement provides $51,000,000. The Senate bill provided $45,000,000. The House bill provided no funding for this program. Within the amount provided for Star Schools, the conference report specifies funding for the following activities:

Technology Literacy Center at the Museum of Science & Industry, Chicago	$750,000
Oklahoma State University for an on-line math and science training program	1,000,000
Continuation and expansion of the Iowa Communications network statewide fiber optic demonstration	4,000,000
WinstonNet distance learning project in Winston-Salem, North Carolina	250,000

Ready to learn television

The conference agreement provides $16,000,000 as proposed by the Senate. The House proposed no funds. The conference agreement notes that only $3,369,913 of the $25,000,000 appropriated for this program since fiscal year 1997 have been outlayed to date. The conference agreement accordingly directs the Corporation for Public Broadcasting, in consultation with the Department of Education and the Public Broadcasting Service, to report to the Appropriations Committees in the House and the Senate during each quarter of fiscal year 2000 the amount of funds obligated and outlayed from each of the fiscal years 1997, 1998, 1999 and 2000 appropriations, the dates on which outlays occur during fiscal year 2000 and the specific uses to which such outlays are put.

Telecommunications demonstration project for mathematics

The conference agreement provides $8,500,000 for telecommunications demonstration project for mathematics as proposed by the Senate. The House proposed no funds.

21st Century Learning Centers

The conference agreement includes $453,710,000 for the 21st Century Learning Centers instead of $300,000,000 proposed by the House and $400,000,000 proposed by the Senate. Within the amount provided, the conference report specifies funding for the following activities:

Study Partners Program, Inc. in Louisville, KY	$6,000
Shawnee Gardens Tenants Association Inc. in Louisville, KY	12,000
100 Black Men of Louisville, KY for a mentoring program	12,000
Omaha Nebraska Public Schools for the OPS 21st Century Learning Grant	500,000
Plymouth Renewal Center in Kentucky for a tutoring program	25,000
Canaan Community Development Corporation's Village Learning Center Program	25,000
St. Stephen Life Center After School Program	25,000
Louisville Central Community Centers Youth Education Program	25,000
Trinity Family Life Center tutoring program	15,000
New Zion Community Development Foundation, Inc. after school mentoring program	15,000
St. Joseph Catholic Orphan Society program for abused and neglected children	20,000
Portland Neighborhood House after school program	25,000
St. Anthony Community Outreach Center, Inc. for the Education PAYs program	25,000
"Project CAFE" after school program at the Harvey Public School District 152 in Chicago, Illinois	250,000
St. Clair County, Michigan Intermediate School District after school programs	200,000
Macomb County, Michigan Intermediate School District after school programs	400,000
ESCAPE Arts after school program in the Danbury, Connecticut Public School System	200,000
Tuckahoe School District after-school program in Eastchester, New York	50,000
Innovative Directions, an Educational Alliance (IDEA), at the City Island School (P.S. 175) in the Bronx, New York for the expansion of an environmental learning after-school program	100,000
New York Hall of Science after school program in Queens, New York	250,000
Mamaroneck School District after-school program in Mamaroneck, New York	60,000
White Plains School District after-school program in White Plains, New York	250,000
New Rochelle School District after-school program in New Rochelle, New York	200,000
Jefferson Elementary School for collaborative after-school program with Madison Elementary School in Stevens Point, Wisconsin	500,000
School District of Superior in Wisconsin to establish an after school program	400,000
Independence School District after school program in Kansas City, Missouri	100,000
Community School District 30 after school program in Queens, New York	250,000
Clark County, Nevada School District after school program	500,000

EDUCATION FOR THE DISADVANTAGED

The conference agreement includes $8,700,986,000 for Education for the Disadvantaged instead of the $8,750,986,000 proposed by the Senate and $8,417,897,000 as proposed by the House. The agreement includes advance funding for this account of $6,204,763,000, the same as both the House and the Senate.

For Grants to Local Education Agencies (LEAs) the agreement provides $7,941,397,000, compared with $8,052,397,000 provided in the Senate bill and $7,732,397,000 provided in the House bill. Of the funds made available for basic grants, $5,046,366,000 becomes available on October 1, 2000 for the academic year 2000–2001.

The agreement includes $6,783,000,000 for basic state grants and $1,158,397,000 for concentration grants. Of this total, $1,158,397,000 for fiscal year 2000 was advance funded in the fiscal year 1999 Departments of Labor, Health and Human Services and Education and Related Agencies Act (P.L. 105-277). The conference agreement funding of $1,158,397,000 for concentration grants is advanced for fiscal year 2001.

The conference agreement includes $134,000,000 within the Title I program to help schools in school improvement status to improve student achievement. The conference agreement also provides that school districts must give students attending schools identified in school improvement status the option to transfer to another public school within the local educational agency that has not been identified for school improvement. If the local educational agency does not have the capacity to provide this option to all students who seek it, the local educational agency must permit as many students as possible to transfer to another public school that is not in school improvement status.

The conference agreement includes $12,000,000 for capital expenses for private school children, instead of $15,000,000 proposed by the Senate. The House contained no funding for this program.

The conference agreement provides $150,000,000 for the Even Start program as proposed by the House. The Senate provided $145,000,000 for this program.

The conference agreement provides $42,000,000 for Neglected and Delinquent Youth as proposed by the Senate. The House provided $40,311,000 for this program.

The conference agreement provides $8,900,000 for evaluation of title I programs as proposed by the Senate. The House provided $7,500,000 for this activity.

The conference agreement includes the provision contained in the Senate bill regarding a 100% hold harmless for States and LEAs for both basic and concentration grants. The conference agreement also adopts language included in the Senate bill providing that the Department shall make 100% hold harmless awards to LEAs who were eligible for concentration grants in 1998 but are not eligible to receive grants in fiscal year 2000, ratably reduced if necessary.

The House nevertheless opposes the hold harmless provision because it unfairly penalizes underprivileged and immigrant children in growing states, including Arizona, Arkansas, California, Connecticut, Florida, Georgia, Hawaii, Montana, Nevada, New Mexico, New York, North Carolina, South Carolina, Texas, Virginia and the District of Columbia. These states represent over half of the U.S. population of underprivileged schoolchildren.

The House also notes that the 100% hold harmless provision is opposed by the House authorizing committee of jurisdiction and the Administration. The House will continue to oppose the inclusion of such a provision in the future.

The conference agreement also adopts language included in the Senate bill providing that the Secretary of Education shall not take into account the 100% hold harmless provision in determining State allocations under any other program.

The conference agreement includes $170,000,000 for the Comprehensive School Reform Demonstration Program under Title I-Education for the Disadvantaged; both the House and Senate funded this program at $120,000,000. Together with $50,000,000 provided under the Fund for the Improvement of Education, the conference agreement includes a total of $220,000,000 for Comprehensive School Reform grants to school districts for continuation and new awards.

The conference agreement directs the Department to follow the directives in the conference report accompanying the fiscal year 1998 bill (House Report 105-390) and in the conference report accompanying the fiscal year 1999 bill (House Report 105-825).

The conference agreement includes $15,000,000 for the High School Equivalency Program instead of $9,000,000 as proposed by both the House and the Senate and includes $7,000,000 for the College Assistance Migrant Program instead of $4,000,000 as proposed by both the House and the Senate.

IMPACT AID

The conference agreement provides $910,500,000 for the Impact Aid programs. The House proposed $907,200,000. The Senate proposed $892,000,000. For basic grants the conference agreement includes $737,200,000, for payments for children with disabilities the agreement includes $50,000,000, and for payments for heavily impacted districts the agreement includes $76,000,000. The agreement also includes $5,000,000 for facilities maintenance, $10,300,000 for construction, and $32,000,000 for payments for federal property. The conference agreement provides within the account for construction, $500,000 for the Ft. Sam Houston ISD, $800,000 for the Hays Lodgepole School District in MT and $2,000,000 for the North Chicago Community Unit School District.

The conference agreement also includes the following language provisions: eligibility for the Central Union, Island, and Hueneme School Districts in California and the Hill City, Wall, and Hot Springs School Districts in South Dakota; timely filing of applications by the Brookeland School District in Texas, the Fallbrook High School District in California and Hydaburg School District in Alaska; forgiveness of overpayment for the Hatboro-Horsham and Delaware Valley School Districts in Pennsylvania; and computing payments for Travis School District in California. Neither the House nor Senate bills contained similar provisions.

The conference agreement notes the Administration's proposal to significantly expand the Military Family Housing Privatization Initiative, which has since been scaled back. In some privatization projects, the property itself is privatized, causing serious implications for the affected school districts' ability to receive funding under the Impact Aid program. Thus, the conference agreement strongly urges the Administration to clarify that military family housing privatization proposals will have no effect on Impact Aid payments to local school districts, even if land is privatized.

SCHOOL IMPROVEMENT PROGRAMS

The conference agreement provides $3,026,884,000 for School Improvement Programs, instead of $3,115,188,000 as proposed by the House and $2,961,634,000 as proposed by the Senate. The agreement provides $1,511,884,000 in fiscal year 2000 and $1,515,000,000 in fiscal year 2001 funding for this account.

Eisenhower professional development

For the Eisenhower professional development activities, the agreement provides $335,000,000, the same level as in the Senate bill. The House provided no funding for this activity.

Innovative education program strategies

For innovative education program strategies, title VI of the Elementary and Secondary Education Act of 1965, the conference agreement provides $380,000,000. The House provided $385,000,000 and the Senate bill included $375,000,000.

Class size

The conference agreement includes $1,300,000,000 to continue the initiative to reduce class size that was begun in fiscal year 1999. The House bill provides $1,800,000,000 for the Teacher Empowerment Act, subject to authorization. The Senate bill provided $1,200,000,000 for teacher assistance activities, subject to authorization. The agreement provides $400,000,000 in fiscal year 2000 and $900,000,000 in fiscal year 2001 funding for this account.

The conference agreement provides that the allocation of funds under section 310 to the states shall be based on the proportional share that each state received from the fiscal year 1999 appropriation for class size reduction. States will continue to allocate their grant funds among local educational agencies based on a formula that reflects both their relative numbers of children in low-income families and their school enrollments.

Local educational agencies would use funds for recruiting, hiring and training fully qualified regular and special education teachers who are certified within the states, have a baccalaureate degree and demonstrate subject matter knowledge in their content areas. Twenty five percent of these funds may be used by local educational agencies to test new teachers for academic content knowledge, to meet state certification requirements, or to provide professional development for existing teachers to meet the goal of ensuring that all instructional staff are fully qualified. All teachers hired using fiscal year 1999 funds for this program must also be fully qualified within one year. A local educational agency that has already reduced class size in the early grades may use its funds to make further reductions in grades kindergarten through 3 or other grades, or carry out activities to improve teacher quality. A local educational agency in which 10 percent or more of its elementary teachers are uncertified may apply to the state for a waiver under the Education Flexibility Partnership Act to use funds under this program for the purpose of helping those teachers become certified. A local educational agency that receives an award under this section which is less than the starting salary for a new teacher may use these funds to help pay the salary of a teacher or pay for professional development activities to ensure that all the instructional staff are fully qualified.

To improve accountability, the conference agreement provides that each state and local educational agency receiving funds publicly report to parents on the progress in reducing class size, increasing the percentage of classes in core academic areas taught by fully qualified teachers, and the impact that such activities has had on increasing student academic achievement. Parents, upon request, will also have the right to know the professional qualifications of their children's teachers.

The conference agreement urges the Secretary of Education to inform local educational agencies of the new flexibility provisions of this section, particularly the increase in the amount that can be spent on new teacher testing and professional development activities, the ability to spend these funds on professional development for existing teachers if the LEA receives an award that is less than the starting salary for a new fully qualified teacher, and the additional flexibility provided to LEAs in states participating in the "Ed-Flex" Program.

Safe and drug free schools

The conference agreement includes $605,750,000 for the Safe and Drug Free Schools and Communities Act instead of the $566,000,000 proposed by the House and $636,000,000 proposed by the Senate. The agreement provides $115,000,000 in fiscal year 2000 and $330,000,000 in fiscal year 2001 funding for this account.

Included within this amount is $445,000,000 for state grants, instead of $441,000,000 as proposed by the House and $476,000,000 as proposed by the Senate.

The conference agreement also includes $110,750,000 for national programs, instead of $90,000,000 as proposed by the House and $100,000,000 as proposed by the Senate.

The conference agreement includes $850,000 within the safe and drug free schools national programs to continue the National Recognition Awards programs to provide models of alcohol and drug abuse prevention and education at the college level.

The conference agreement includes $50,000,000 under national programs for the Safe and Drug Free Schools coordinator initiative, instead of $35,000,000 as proposed by the House and $60,000,000 as proposed by the Senate.

The conference agreement includes $750,000 for a study of school violence authorized under section 4 of P.L. 106–71 (the Missing, Exploited, and Runaway Children Protection Act). The conference agreement requests the National Academy of Sciences to consult with the authorizing and appropriations committees in developing the scope and specifications for this study.

Reading is Fundamental

For the Reading is Fundamental program, the conference agreement provides $20,000,000 instead of $21,500,000 as proposed by the Senate and $18,000,000 as proposed by the House.

Arts in Education

For Arts in Education, the conference agreement provides $11,500,000, instead of $10,500,000 as proposed by the House and $12,500,000 as proposed by the Senate.

Magnet Schools Assistance Program

For the Magnet Schools Assistance Program, the conference agreement provides $110,000,000 instead of $104,000,000 as proposed by the House and $112,000,000 as proposed by the Senate.

Education of Native Hawaiians

The conference agreement includes $23,000,000 for the Education of Native Hawaiians, the same level as in the Senate. The House included $20,000,000 for this account. The conference agreement assumes that when allocating these funds, the Secretary of Education will fund the following activities as described in the Report of the Senate Committee (Senate Report No. 106–166).

Alaska Native educational equity

The conference agreement includes $13,000,000 for the Alaska Native Educational Equity program, the same level as in the Senate. The House included $10,000,000 for this account.

Charter schools

The conference agreement includes $145,000,000 for Charter Schools, instead of $130,000,000 proposed by the House and $150,000,000 proposed by the Senate.

Comprehensive Regional Assistance Centers

The conference agreement includes $28,000,000 for Comprehensive Regional Assistance Centers as proposed by the Senate instead of $27,054,000 as proposed by the House. The conference agreement includes $750,000 within these funds for an evaluation to collect performance indicator data.

Advanced placement fees

For advanced placement fees, the conference agreement provides $15,000,000 as proposed by the Senate instead of $4,000,000 as proposed by the House. The conference agreement notes that less than half of our Nation's high schools offer some form of Advanced Placement (AP) course instruction for junior and senior high school students. The lack of access to this instruction is particularly acute in rural parts of the country. Internet-based AP course instruction is a dynamic and cost-effective way to deliver AP instruction to students living in rural areas and other areas where conventional instructor-led training for AP courses is not available. Accordingly, the conference agreement encourages the Secretary to use some of the Advanced Placement Incentive Program funds to award grants to States or LEAs seeking to establish Internet-based AP-pilot programs in rural parts of the country or other under-served districts where students would otherwise not have access to AP instruction.

READING EXCELLENCE

The conference agreement includes $260,000,000 for activities authorized under the Reading Excellence Act instead of the $200,000,000 proposed by the House and $285,000,000 proposed by the Senate. The agreement provides $65,000,000 in fiscal year 2000 and $195,000,000 in fiscal year 2001 funding for this account.

INDIAN EDUCATION

The conference agreement includes $77,000,000 for Indian Education, the same level as in the Senate. The House proposed $66,000,000 for this account.

BILINGUAL AND IMMIGRANT EDUCATION

The conference agreement includes $406,000,000 for Bilingual and Immigrant Education programs instead of the $380,000,000 proposed by the House and $394,000,000 proposed by the Senate.

For Instructional Services, the agreement includes $162,500,000 instead of the $160,000,000 proposed by the House and $165,000,000 proposed by the Senate. For Support Services, the agreement provides $14,000,000, the same level as in the House and Senate bills. For Professional Services, the agreement provides $71,500,000 instead of the $50,000,000 proposed by the House and $55,000,000 proposed by the Senate. For immigrant education, the agreement provides $150,000,000, the same level as in the House and Senate bills. The agreement also provides $8,000,000 for foreign language assistance instead of the $6,000,000 proposed by the House and $10,000,000 proposed by the Senate.

SPECIAL EDUCATION

The conference agreement includes $6,036,646,000 for Special Education instead of the $5,833,146,000 proposed by the House and $6,035,646,000 proposed by the Senate. The agreement provides $2,294,646,000 in fiscal year 2000 and $3,742,000,000 in fiscal year 2001 funding for this account.

Included in these funds is $4,989,685,000 for Grants to the States, the same as the Senate level. The House provided $4,810,700,000. This funding level provides an additional $679,000,000 to assist the States in meeting the additional per pupil costs of services to special education students.

The conference agreement provides $390,000,000 for Preschool Grants as proposed by the Senate instead of $373,985,000 as proposed by the House.

The conference agreement includes $375,000,000 for Grants for Infants and Families as proposed by the Senate instead of $370,000,000 as proposed by the House.

The conference agreement also includes $1,000,000 for the completion of the Easter Seal Society's Early Childhood Development Project for the Mississippi River Delta Region and $1,000,000 for the Center for Literacy and Assessment at the University of Southern Mississippi. The conference agreement also includes $1,500,000 for the 2001 Special Olympics World Winter Games in Alaska and $1,000,000 for the VIII Paralympic Winter Games.

Included in the conference agreement is $34,523,000 for technology and media services proposed by the Senate instead of the $33,523,000 as proposed by the House. The conference agreement includes $7,500,000 for Recordings for the Blind and Dyslexic as described in the House and Senate Reports. The conference agreement contemplates that these funds be distributed to RFB&D as early in the fiscal year as possible.

The conference agreement also includes $1,500,000 for Public Telecommunications Information and Training Dissemination as proposed by the Senate. The House did not contain funds for this activity.

REHABILITATION SERVICES AND DISABILITY RESEARCH

The conference agreement includes $2,707,522,000 for Rehabilitation Services and Disability Research instead of $2,687,150,000 proposed by the House and $2,692,872,000 proposed by the Senate.

For Vocational Rehabilitation State Grants, the agreement provides $2,338,977,000, the same as the House and Senate levels.

The conference agreement includes $22,092,000 for demonstration and training programs instead of $13,942,000 proposed by the House and $18,942,000 proposed by the Senate.

The conference agreement also includes $11,894,000 for Protection and Advocacy of Individual Rights, the same level as in the House bill. The Senate provided $10,894,000.

The conference agreement also provides $48,000,000 for Independent Living Centers proposed by the Senate instead of $46,109,000 proposed by the House. The conference agreement includes $15,000,000 for services for older blind individuals as proposed by the Senate instead of $11,169,000 as proposed by the House.

The conference agreement includes $86,500,000 for the National Institute on Disability and Rehabilition Research instead of $81,000,000 proposed by both the House and the Senate.

The conference agreement also includes $34,000,000 for Assistive Technology, the same level as in the House bill. The Senate provided $30,000,000.

Within the amounts provided, the conference report specifies funding for the following activities:

Krasnow Institute at George Mason University for a receptive language disorders research center	$750,000
University of Central Florida for a virtual reality-based education and training program for the deaf	1,000,000
Seattle Lighthouse for the Blind	2,000,000
Professional development and Research Institute on Blindness in Louisiana	1,000,000
California State University at Northridge for a Western Center for Adaptive Aquatic Therapy	1,000,000
Alaska Center for Independent Living in Anchorage	600,000
Center for Discovery International Family Institute in Sullivan County, New York to provide educational opportunities and support to individuals with severe mental and physical disabilities	250,000
Albert Einstein Healthcare Network in Philadelphia for research on post polio syndrome	500,000

The conference agreement recognizes the importance of supporting grants for the purchase of assistive technology for persons with disabilities to help them become employable and live independently. This technology can improve the lives of over 50 million Americans with physical or mental disabilities. The conference agreement recommends that, after state assistive technology projects have been allocated, remaining funds should be used for Title III grants, which enable consumers with disabilities to purchase needed assistive technology.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

The conference agreement provides $10,100,000 for American Printing House for the Blind as proposed by the Senate, instead of $9,000,000 as proposed by the House.

GALLAUDET UNIVERSITY

The conference agreement provides $85,980,000 for Gallaudet University as proposed by the House instead of $85,500,000 as proposed by the Senate.

VOCATIONAL AND ADULT EDUCATION

The conference agreement includes $1,681,750,000 for Vocational and Adult Education instead of the $1,582,247,000 as proposed by the House and $1,676,750,000 as proposed by the Senate. The agreement provides $890,750,000 in fiscal year 2000 and $791,000,000 in fiscal year 2001 funding for this account.

$1,055,650,000 is included in the agreement for Vocational Education basic state grants, instead of the $1,080,650,000 as proposed by the House and $1,030,650,000 as proposed by the Senate.

The conference agreement provides $4,600,000 for Tribally Controlled Postsecondary Vocational Institutions as proposed by the Senate instead of $4,100,000 as proposed by the House.

The conference agreement also includes $17,500,000 for vocational education national programs instead of $13,497,000 proposed by the House and $19,500,000 proposed by the Senate. The conference agreement provides $9,000,000 for National Occupational Information Coordinating Committee activities as proposed by the Senate. The House did not include funding for this activity.

For Adult Education State Grants, the agreement provides $450,000,000 instead of the $365,000,000 provided in the House bill and $468,000,000 in the Senate bill.

The conference agreement provides that 30 percent of the increase for adult education state grants is for integrated English literacy and civics education services to immigrants and other limited English proficient populations.

The conference agreement provides $14,000,000 for adult education national leadership activities as proposed by the Senate instead of $7,000,000 as proposed by the House.

The conference agreement also includes $19,000,000 for State Grants for Incarcerated Youth as proposed by the Senate. The House did not provide funding for this activity.

STUDENT FINANCIAL ASSISTANCE

The conference agreement provides $9,435,000,000 for Student Financial Assistance instead of $9,259,000,000 as proposed by the House and $9,548,000,000 as proposed by the Senate. The conference agreement sets the maximum Pell Grant at $3,300 and provides a program level of $7,700,000,000 for current law Pell Grants. The conference agreement does not provide advance funding for this account. The House advance funded $2,286,000,000 and the Senate advance funded $1,226,400,000 for this account.

$621,000,000 is included in the agreement for Federal Supplemental Educational Opportunity Grants (SEOG), instead of the $619,000,000 as proposed by the House and $631,000,000 as proposed by the Senate. The agreement also includes an additional emergency appropriation of $10,000,000 and allows the Secretary of Education to waive the usual rules regarding the SEOG program for low-income college students that live in or attend school in areas affected by Hurricane Floyd and subsequent flooding as proposed by the House. The Senate included no similar language.

The Secretary of Education is expected to exercise his authority to waive or modify statutory or regulatory provisions applicable to the FSEOG program in a manner that includes a waiver of the applicability of priority for Federal Pell Grant recipients under section 413C(c)(2)(A) of the Higher Education Act of 1965 (20 U.S.C 1070-b-2(c)(A)(ii)) with respect to students who were victims of these disasters.

$934,000,000 is included in the agreement for Federal Work Study as proposed by the Senate. The House proposed $880,000,000.

The agreement includes $40,000,000 for Leveraging Educational Assistance Partnerships (LEAP), instead of the $75,000,000 as proposed by the Senate. The House did not provide funding for this program.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

The conference agreement provides $48,000,000 for the Federal Family Education Loan Program Account as proposed by the Senate instead of $46,482,000 as proposed by the House.

HIGHER EDUCATION

The conference agreement provides $1,533,659,000 for Higher Education instead of $1,151,786,000 as proposed by the House and $1,406,631,000 as proposed by the Senate.

The conference agreement includes $42,250,000 for Hispanic Serving Institutions as proposed by the Senate instead of $28,000,000 as proposed by the House.

The conference agreement includes $148,750,000 for strengthening Historically Black Colleges and Universities instead of $141,500,000 as proposed by the Senate and $136,000,000 as proposed by the House.

The conference agreement includes $31,000,000 for Historically Black Graduate Institutions as proposed by the Senate instead of $30,000,000 as proposed by the House.

The conference agreement includes $5,000,000 for Alaska and Native Hawaiian Institutions proposed by the Senate instead of $3,000,000 proposed by the House.

The conference agreement also includes $6,000,000 for strengthening Tribal Colleges proposed by the Senate instead of $3,000,000 proposed by the House.

The conference agreement includes $77,658,000 for the Fund for the Improvement of Postsecondary Education instead of $27,500,000 as proposed by the Senate and $22,500,000 as proposed by the House.

The conference agreement includes $62,000,000 for International Education domestic programs as proposed by the House instead of $61,320,000 as proposed by the Senate. The conference agreement also includes $6,680,000 for International Education overseas programs as proposed by the Senate instead of $6,536,000 as proposed by the House. The conference agreement also includes $1,022,000 for the Institute for International Public Policy as proposed by the Senate instead of $1,000,000 as proposed by the House.

The conference agreement includes $645,000,000 for TRIO rather than the $630,000,000 included in the Senate bill and the $660,000,000 included in the House bill.

The conference agreement includes $200,000,000 for the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP), instead of $180,000,000 proposed by the Senate. The House contained no funds for this program.

The conference agreement includes $39,859,000 for Byrd Scholarships as proposed by the Senate. The House did not provide funding for this program.

The conference agreement includes $51,000,000 for Graduate Assistance in Areas of National Need (GAANN) as proposed by the Senate instead of $31,000,000 as proposed by the House. Within the total, $10,000,000 is provided to fund the Javits Fellowship program in school year 2000-2001. An additional $10,000,000 is also provided within this total to allow the Javits Fellowship program to be forward funded.

The conference agreement includes $23,940,000 for the Learning Anytime Anywhere Partnerships instead of $10,000,000 proposed by the Senate. The House did not fund this program. Within the amount provided, the conference report specifies funding for the following activities:

University of South Florida for a distance learning program	$3,000,000
New York Global Communication Center in West Islip, NY for a distance learning program	190,000
Alliance for Technology, Learning and Society (ATLAS) at the University of Colorado for technology-enhanced learning	2,000,000
Interactive Learning Environments at the University of Idaho for a distance learning program	1,250,000
Illinois Community College Board to develop a systemwide, on-line virtual degree program for the community college system	2,500,000

The conference agreement includes $98,000,000 for Teacher Quality Enhancement Grants instead of $75,000,000 as proposed by the House and $80,000,000 as proposed by the Senate. The conference agreement reflects concern about long-standing problems with teacher education programs in America, including inadequate time to learn subject matter in depth; fragmented coursework that is disconnected from practice teaching; uninspired teaching methods; and superficial curriculum. Without considerable attention to raising the quality of teacher preparation programs, an increasing number of underqualified teachers will be teaching our children. The Department of Education estimates that 2 million more teachers will be needed over the next 10 years as student enrollments reach their highest levels ever, and teacher retirements and attrition create large numbers of vacancies.

The conference agreement notes that while some exemplary approaches to teacher education exist, too few institutions have restructured their programs to assure that teachers are well qualified in the subjects they teach and well trained in research-based instructional practices needed to help all children learn. Therefore, the conference agreement urges the Secretary to apply rigorous criteria in funding new Teacher Quality Enhancement Partnership Grants in fiscal year 2000 and to submit a letter to the House and Senate Committees on Appropriations outlining the criteria that the Secretary will use to evaluate applications and to ensure that institutions of higher education receiving funding under this program achieve measurable performance outcomes that will enhance teacher quality. Such outcomes might include, but not be limited to, improved performance (measured through test scores, portfolios, state certification or other means) of students in teacher training programs; increases in the amount and rigor of coursework in content areas; increased and extended clinical placements; increased entry of graduates into teaching; and raising academic standards for entry into and graduation from teacher preparation programs.

The conference agreement also includes $1,750,000 for the Underground Railroad Educational and Cultural Program as proposed by the Senate. The House did not fund this activity.

The conference agreement includes $1,000,000 for community scholarship mobilization, instead of $2,000,000 as proposed by the Senate. The House did not fund this program.

The conference agreement includes $3,000,000 for data collection and program evaluations in higher education programs, including the development of performance measurement data, instead of $4,000,000 as proposed by the House. The Senate did not provide separate line item funding for this activity.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS

The conference agreement includes $737,000 for administering the College Housing and Academic Facilities Loans program as proposed by the Senate instead of $698,000 as proposed by the House.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The conference agreement provides $207,000 for the Historically Black College and University Capital Financing Program Account as proposed by the Senate instead of $96,000 as proposed by the House.

EDUCATION RESEARCH, STATISTICS AND IMPROVEMENT

The conference agreement includes $596,892,000 for Education Research, Statistics and Improvement instead of the $390,867,000 as proposed by the House and $368,867,000 as proposed in the Senate.

The conference agreement provides $103,567,000 for research instead of $83,567,000 proposed by the House and $82,567,000 proposed by the Senate. The conference agreement includes a total of $20,000,000 for current and expanded comprehensive school reform research and development and includes $1,000,000 for the development of a five-year plan for an expanded research program of large-scale, systematic experimentation and demonstration focused on strategic education issues in accordance with the guidelines outlined in the Report of the House Committee (House Report 106–370).

The conference agreement provides $65,000,000 for regional educational labs as proposed by the Senate instead of $61,000,000 as proposed by the House. The conference agreement provides that the regional laboratory governing boards set the research and development priorities to guide the work funded and that funds be obligated and distributed in accordance with the fiscal year 1999 allocations by December 1, 1999.

The conference agreement provides $68,000,000 for statistics as proposed by the House instead of $70,000,000 proposed by the Senate.

The conference agreement provides $4,000,000 for NAGB as proposed by the House instead of $4,500,000 as proposed by the Senate.

Fund for the improvement of education

For the fund for the improvement of education (FIE), the conference agreement provides $249,525,000 instead of the $76,000,000 as proposed by the House and $39,500,000 as proposed by the Senate.

The conference agreement provides $50,000,000 for continuation grants for schools in their third year of implementing comprehensive school reform. The conference agreement also includes $15,000,000 to continue existing and award new contracts to providers of comprehensive school reform models. In making new awards, the Department should give priority to proposals to serve schools located in rural or isolated areas.

The conference agreement provides funds for the continuation of Project Jump Start and provides funds for the continuation and expansion of the Youth Safety Corps. The conference agreement also includes $400,000 for the National Student and Parent Mock Elections.

Within the amount provided, $20,000,000 is to be used for the Elementary School Counseling Demonstration Program to establish or expand counseling programs in elementary schools.

The conference agreement includes $45,000,000 for a Small Schools initiative under section 10105 of Part A of title X of the Elementary and Secondary Education Act. The conference agreement recognizes that one approach that holds great potential for preventing school violence is creating smaller high schools. The tragic shootings at Columbine High School in Littleton, Colorado have reinforced what many education practitioners already know—the impersonal nature of large high schools leaves too many young people feeling apathetic, isolated and alienated from their peers, schools and communities.

Yet, approximately 70% of American high school students attend schools enrolling 1,000 or more students despite the strong body of research documenting the benefits of smaller higher schools. These benefits include less crime and violence, fewer disciplinary problems, less alcohol and tobacco use, better student attendance, fewer dropouts, more satisfied students, greater student participation in school activities, and greater student academic achievement. The conference agreement acknowledges that the significant benefits of smaller schools justify a federal investment to encourage school districts to undertake research-based strategies to create smaller learning communities within large high schools, as recommended in Breaking Ranks, a 1996 study commissioned by the nation's secondary school principals. Such strategies include establishing small learning clusters, "houses", career academies, magnet schools or other approaches to creating schools within schools; block scheduling; personal adult advocates, teacher-advisory systems and other mentoring strategies; reduced teaching loads; and other innovations designed to create a more personalized high school experience for students and improve student achievement.

Within the amount for the Small Schools initiative, not less than $42,750,000 is for competitive grants to local educational agencies to plan, develop and implement smaller learning communities where students receive individual attention and support—with a goal of not more than 600 students in each learning community. The conference agreement directs that each grantee shall use funds only for activities related to high school redesign and that up to $2,250,000 may be used by the Secretary for evaluation, technical assistance, and school networking activities. The conference agreement affirms that the management of this initiative would benefit from a team effort within the Department and directs that the program shall be jointly managed by the Office of Elementary and Secondary Education and the Office of Vocational and Adult Education. Finally, the Department shall provide a letter by March 31, 2000 to the House and Senate Committees on Appropriations outlining its plan for implementing this initiative.

Within the amount provided, the conference report specifies funding for the following activities:

Loyola University Chicago for recruitment and preparation of new teacher candidates for employment in rural and inner-city schools	$700,000
Shedd Aquarium/Brookfield Zoo for science education programs	500,000
Big Brothers/Big Sisters of America to expand school-based mentoring	3,000,000
Chicago Public School System to support a substance abuse pilot program in conjunction with Elgin and East Aurora School Systems	2,500,000
University of Virginia Center for Governmental Studies for the Youth Leadership Initiative	1,000,000
Institute for Student Achievement at Holmes Middle School and Annandale High School in Virginia for academic enrichment	800,000
Mountain Arts Center in Kentucky for educational programming	100,000
University of Louisville for research in the area of academic readiness	1,500,000
WestEd Regional Educational Laboratory for the 24 Challenge and Jumping Levels Math Demonstration Project	500,000
Central Michigan University for a charter schools development and performance institute	1,000,000

Living Science Interactive Learning Model partnership in Indian River, FL for a science education program	950,000
North Babylon Community Youth Services for an educational program	825,000
Los Angeles County Office of Education/Educational Telecommunications and Technology for a pilot program for teachers	1,000,000
University of Northern Iowa for an institute of technology for inclusive education	650,000
Youth Crime Watch of America to expand a program to prevent crime, drugs and violence in schools	500,000
Muhlenberg College in Pennsylvania for an environmental science program	892,000
Western Suffolk St. Johns-LaSalle Academy Science and Technology Mentoring Program	560,000
National Teaching Academy of Chicago for a model teacher recruitment, preparation and professional development program	4,000,000
University of West Florida for a teacher enhancement program	2,000,000
Virginia Living Museum in Newport News, VA for an educational program	1,000,000
Challenger Learning Center in Hardin County, KY for technology assistance and teacher training	450,000
Crawford County School System in Georgia for technology and curriculum support	250,000
Berrien County School System in Georgia for technology development	500,000
Louisville Salvation Army Boys and Girls Club Diversion Enhancement Program	35,000
New Mexico Department of Education for school performance improvement and drop-out prevention	1,000,000
Semos Unlimited Inc. in New Mexico to support bilingual education and literacy programs	300,000
Delta State University in MS for innovative teacher training	1,000,000
Alaska Humanities Forum, Inc. in Anchorage	1,000,000
An Achievable Dream in Newport News to improve academic performance of at-risk youths	250,000
Rock School of Ballet in Philadelphia to expand its community-outreach programs for inner-city children and underprivileged youth in Camden, NJ and southern NJ	250,000
University of Maryland Center for Quality and Productivity to provide a link for the Blue Ribbon Schools	1,000,000
Continuing Education Center and Teachers' Institute in South Boston, Virginia to promote participation among youth in the U.S. democratic process	1,000,000
National Museum of Women in the Arts to expand its "Discovering Art" program to elementary and secondary schools and other educational organizations	1,000,000
Alaska Department of Education's summer reading program	400,000
Partners in Education, Inc. to foster successful business-school partnerships	400,000
Kodiak Island Borough School district for development of an environmental education program	250,000
Reach out and Read Program to expand literacy and health awareness for at-risk families	2,000,000
Jazz in the Schools program for educational programs	100,000
Mississippi Delta Education Initiative	500,000
Project 2000 D.C. Mentoring Project	100,000
National Constitution Center	10,000,000
Continuation of Iowa public school facilities repair demonstration administered by the Iowa Department of Education	10,000,000
Continuation of Foorman, Frances, and Fletcher NICHD-approved longitudinal project "Early Interventions for Children with Reading Problems" in public elementary schools in the District of Columbia	500,000
Early Reading Success Institute in Connecticut to broaden the training of professionals in best practices in the delivery of reading instruction	1,750,000
GRAMMY in the Schools program of the National Academy of Recording Artists and Sciences Foundation to provide music education to high school students	400,000
Million S. Eisenhower Foundation to replicate and scientifically evaluate full-service community schools in up to three locations around the nation	500,000
National Council of La Raza to provide training and technical assistance to Hispanic communities to replicate successful community-based approaches for improving the academic achievement of Hispanic children in multiple sites	2,000,000
Institute of Student Achievement program to improve student learning outcomes without social promotion at the Mount Vernon School District in Mount Vernon, NY	250,000
Wisconsin Academy Staff Development Initiative in Chippewa Falls, Wisconsin to collaborate with regional school districts to provide math, science, and technology teacher training	750,000
Helen Keller Worldwide to expand the ChildSight vision screening program to reach additional children whose educational performance may be hindered because of their inability to see properly	1,250,000
Ross and Raymond Parks Institute for Self-Development for its Pathways to Freedom Program providing civil rights education to young people and for community learning centers	1,000,000
Life Learning Academy Charter School in San Francisco, CA	750,000
University of Puerto Rico for the continuation and expansion of the Hispanic Educational Linkages Program in New York City, including the south Bronx, New York	750,000
National Urban Coalition Say YES To A Youngster's Future Program to provide math and science education	250,000
Henry Abbott Technical High School in Danbury, Connecticut to provide students with essential workforce education and training	500,000
Explornet Technology Learning Project in North Carolina to provide education and hands on experience in technology	750,000
School of International Training in Brattleboro, Vermont to collaborate with Brattleboro Union High School to develop an education curriculum addressing child labor issues	300,000
Vasona Center Youth Science Institute expansion	300,000
Educational Performance Foundation CPI music education program called "From the Top"	1,000,000
University of Missouri-St. Louis to develop a plan to improve the education system in the City of St. Louis, Missouri	500,000
Africian American Literacy and Culture Project in the Oakland Unified School District	250,000
Baltimore Reads after-school tutoring program in Baltimore, Maryland	250,000
ASPIRE after-school program in Houston, Texas	313,000
Boston Music Education Collaborative Comprehensive Interdisciplinary Music Program and Teacher Resource Center	900,000
Smithsonian Institution's jazz music education program in Washington, D.C	250,000
Kennedy Center for the Performing Arts of the "Make a Ballet" arts education program in the New York City area	250,000
Community Service Society of New York City for mentoring tutoring and technology activities in New York City Public Schools, including schools in the south Bronx	250,000
Pennsylvania Telecommunications Exchange Network	500,000
Johnson Elementary School, Cedar Rapids, Iowa for innovative arts education	500,000
Boys and Girls Clubs	2,000,000
Florida Department of Education for an internet-based teacher recruitment model	250,000
University of New Orleans for a teacher preparation and educational technology initiative to enhance the quality of teaching in urban school systems	500,000

For Civics Education, the conference agreement provides $10,000,000, rather than $9,500,000 proposed by the Senate and $5,500,000 proposed by the House bill.

The conference agreement provides $9,000,000 for the National Writing Project instead of $10,000,000 as proposed by the Senate and $5,000,000 as proposed by the House.

Departmental Management

The conference agreement includes $488,384,000 for Departmental Management as proposed by the Senate instead of $459.242.000 proposed by the House. Within this amount, the agreement provides $71,200.000 for the Office of Civil Rights and $34,000.000 for the Office of Inspector General as provided by the Senate. The House provided $66,000,000 for the Office of Civil Rights and $31,242,000 for the Office of the Inspector General.

The conference agreement urges the Secretary of Education to take whatever steps are necessary to select and fill the Liaison for Proprietary Institutions of Higher Education position which is provided for in section 219 of the Higher Education Act, as amended (HEA). The conference agreement notes that section 219 requires the Secretary to appoint the Liaison within 6 months of passage of HEA.

General Provisions

CALCULATIONS FOR HEAVILY IMPACTED SCHOOL DISTRICTS

The conference agreement modifies a legislative provision that was contained in the House bill relating to payments for heavily impacted school districts (section 8003(f)) that changes the method by which payments made under this section are allocated to provide supplemental payments for federally connected students. The Senate bill had no similar provision.

EXTENSION OF PARTICIPATION IN EVEN START PROGRAM

The conference agreement contains an amendment to the Elementary and Secondary Education Act of 1965 that was contained in the House bill that allows local grantees to continue to participate in the Even Start program beyond eight years and reduces the federal share for the ninth and succeeding years from 50 percent to 35 percent. The Senate bill had no similar provision.

FEDERAL FAMILY EDUCATION LOANS (FFEL)

The conference agreement includes a provision regarding the FFEL program that was not contained in either House or Senate bills.

HIGHER EDUCATION ASSISTANCE FOUNDATION (HEAF)

The conference agreement includes a provision regarding HEAF claims reserves that was not contained in either House or Senate bills.

ADDITIONAL HIGHER EDUCATION FUNDING

The conference agreement includes the following amounts for the following projects and activities. Neither the House nor the Senate bills contained this language.

Middle Georgia College for an advanced distributed learning center demonstration program	$250,000
University Center of Lake County, IL	3,000,000
Oregon University System	1,000,000
Columbia College in IL for a freshman retention program	500,000
University of Hawaii at Manoa for a globalization research center	1,500,000
University of Arkansas at Pine Bluff for technology infrastructure	2,000,000
I Have a Dream Foundation	1,000,000
Demonstration program for activities authorized under part G of title VII of the Higher Education Act	1,000,000
University of the Incarnate Word in San Antonio, TX to improve teacher capabilities in technology	1,000,000
Elmira College in New York for a technology enhancement initiative	1,000,000
Rust College in MS for technology infrastructure	1,650,000
Snelling Center for Government at the University of Vermont for a model school program	250,000
Texas A&M University, Corpus Christi for the operation of the Early Childhood Development Center	750,000
Southeast Missouri State University for equipment and curriculum development associated with the university's Polytechnic Institute	1,000,000
Washington Virtual Classroom Consortium	800,000
Puget Sound Center for Technology for faculty development activities for the use of technology in the classroom	500,000
Center for the Advancement of Distance Education in Rural America	500,000
Daniel J. Evans School of Public Policy at the University of Washington	3,000,000
North Dakota State University for the Career Program for Dislocated Farmers and Ranchers	200,000
North Dakota State University for the Tech-based Industry Traineeship Program	350,000
Washington State University for the Thomas S. Foley Institute to support programs in congressional studies, public policy, voter education, and to ensure community access and outreach	3,000,000
Minot State University for the Rural Communications Disabilities Program	200,000
Bryant College for the Linking International Trade Education Program (LITE)	300,000
Concord College, WV for a technology center to further enhance the technical skills of WV teachers and students	1,000,000
Peirce College in Philadelphia for education and training programs	200,000
Philadelphia Zoo for educational programs	250,000
Philadelphia University Education Center for technology education	1,000,000
Lock Haven University for technology innovations	725,000
Southeastern Pennsylvania Consortium on Higher Education for education programs	1,000,000
Lehigh University Iacocca Institute for educational training	400,000
Lafayette College for arts education	250,000
Lewis and Clark College for the Crime Victims Law Institute ...	1,000,000
University of Notre Dame for a teacher quality initiative	500,000
Spelman College in Georgia for educational operations	800,000
Western Governors University for a distance learning initiative ...	2,400,000
Alabama A&M University for the development of a research institute	1,000,000
Center for Astronomy Education and Research at Tarleton State University, Stephenville, Texas for the creation of summer science programs for students and teachers	1,000,000
Great Plains Network at Kansas University	1,500,000
Science Education and Literacy Center at Rider University in New Jersey	350,000
Indiana State University DegreeLink Partnership, a distance learning program enabling graduates from area 2-year colleges to obtain baccalaureates degrees	1,500,000
Ivy Technical State College in Indiana for Machine Tool Training Program	1,000,000
Center for Education Technology Assessment at Connecticut State University System	1,250,000
21st Century Science Teachers , Skills Project at Monmouth University, New Jersey for teacher technology training	400,000
Black Hawk College International Business Education Center in Moline, Illinois to provide training in international economics	58,000
World Learning School International Training in Brattleboro, Vermont for the expansion of a study program in 12 less commonly taught African languages	325,000
Model Teacher Program at Diablo Valley Community College at Contra-Costa Community College District to foster interest in teaching careers among high school and community college students	500,000
University of Rhode Island in Kingston, Rhode Island to foster environmental education at the Center for Environmental Design, Planning, and Policy ...	1,000,000
University of Wisconsin at Superior for project SPARKS to link faculty with schools in the Superior School District in Wisconsin	400,000
Wisconsin Indianhead Technical College at Ashland and Superior to provide high technology education and training	800,000
Urban College of Boston, Massachusetts for tutoring and mentoring	1,000,000
University of Nevada at Las Vegas for the Nevada Institute for Children children's literacy program	100,000

TECHNICAL CORRECTION TO FISCAL YEAR 1999 BILL

The conference agreement deletes a provision contained in the House bill which made a technical correction to P.L. 105–277 (the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999). The Senate bill had no similar provision.

DIRECT STUDENT LOAN ADMINISTRATIVE ACCOUNT

The conference agreement deletes a provision contained in the House bill which froze the administrative account for the Direct Student Loan program at fiscal year 1999 levels. The Senate bill had no similar provision.

VOLUNTARY NATIONAL TESTS

The conference agreement does not include a provision contained in the Senate bill regarding voluntary national tests. This language is not necessary since P.L. 105–277 (the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999) adopted a permanent change to the law that specifically prohibited any pilot testing, field testing, administration or distribution of individualized national tests that are not specifically and explicitly provided for in authorizing legislation enacted into law. At the present time, there is no specific and explicit authority in Federal law for individualized national tests.

FUNDING

The conference agreement deletes a provision contained in the Senate bill which redistributed funding for certain education programs. The House bill contained no similar provision.

LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM

The conference agreement deletes a provision contained in the Senate bill that provided advance funding for the LEAP program. The House bill contained no similar provision.

MISSING, EXPLOITED, AND RUNAWAY CHILDREN PROTECTION ACT

The conference agreement includes an amendment to P.L. 106–71, the Missing, Exploited, and Runaway Children Protection Act.

LIMITATION ON PUNITIVE DAMAGES AWARDED AGAINST INSTITUTIONS OF HIGHER EDUCATION

The conference agreement includes an amendment to P.L. 106–37 which limits the punitive damages that may be awarded against an institution of higher education that is sued in an action for a "Y2K" failure in the institution's computer-based student financial aid system.

IMPACT AND HOLD HARMLESS

The agreement includes a provision which provides that when calculating impact aid basic support payments, the Secretary of Education shall not use a local contribution rate that is less than the rate that was used in fiscal year 1998.

VOTER REGISTRATION OF COLLEGE STUDENTS

The conference agreement includes an amendment to the Higher Education Act of 1965 relating to voter registration of college students.

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

The conference agreement provides $68,295,000 for the Armed Forces Retirement Home as proposed by the House. The Senate bill contained no appropriation for the Home.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

The conference agreement provides $295,645,000 for the Domestic Volunteer Service programs instead of $293,261,000 as proposed by the Senate and $274,959,000 as proposed by the House.

Volunteers in Service to America (VISTA)

The conference agreement provides $81,000,000 for VISTA as proposed by the Senate instead of $73,000,000 proposed by the House.

National Senior Volunteer Corps

The conference agreement provides $96,354,000 for the Foster Grandparent Program (FGP), $39,369,000 for the Senior Companion Program (SCP), and $46,293,000 for the Retired Senior Volunteer Program (RSVP). The House proposed $93,256,000 for Foster Grandparents, $36,573,000 for Senior Companions and $43,001,000 for Retired Senior Volunteers. The Senate proposed $95,000,000 for FGP, $39,031,000 for SCP and $46,001,000 for RSVP.

One-third of the increases provided for the FGP, SCP, and RSVP programs shall be used to fund Programs of National Significance expansion grants to allow existing FGP, RSVP and SCP programs to expand the number of volunteers serving in areas of critical need as identified by Congress in the Domestic Volunteer Service Act.

Sufficient funding has been included to provide a 2 percent increase for administrative costs realized by all current grantees in the FGP and SCP programs, and a 4 percent increase for administrative costs realized by all current grantees in the RSVP program. Funds remaining above these amounts should be used to begin new FGP, RSVP and SCP programs in geographic areas currently unserved. The conference agreement expects these projects to be awarded via a nationwide competition among potential community-based sponsors.

The Corporation for National and Community Service shall comply with the directive that use of funding increases in the Foster Grandparent Program, Retired and Senior Volunteer Program and VISTA not be restricted to America Reads activities. The agreement further directs that the Corporation shall not stipulate a minimum or maximum amount for PNS grant augmentations.

The conference agreement also provides $1,500,000 for senior demonstration activities, instead of $3,100,000 proposed by the Senate. The House did not propose funding for this activity. Sufficient funds are provided for the third and final year of the Seniors for Schools demonstration. Of the total, $350,000 is provided to conduct an evaluation of existing demonstration activities and to bring to closure the Seniors for Schools demonstration project.

Funds are also provided to continue other existing senior demonstration activities, except that no funds are provided for the payment of non-taxable, non-income stipends to individuals not meeting income requirements established by Congress. No new demonstration projects may be begun with these funds. None of the increases provided for FGP, SCP, or RSVP in fiscal year 2000 may be used for demonstration activities. The agreement further expects that all future demonstration activities will be funded through allocations made through Part E of the Domestic Volunteer Service Act.

Funds appropriated for Fiscal Year 2000 may not be used to implement or support service collaboration agreements or any other changes in the administration and/or governance of national service programs prior to passage of a bill by the authorizing committees of jurisdiction specifying such changes.

Program administration

The conference agreement includes $31,129,000 for program administration of DVSA programs at the Corporation, instead of $29,129,000 that was provided in both House and Senate bills. The additional $2,000,000 is provided to assist the Corporation in correcting its financial management weaknesses and obtaining a clean opinion on its financial statements. Funding should be used to fully implement the new core financial management system and to make other technology enhancements that will improve customer service and field communications.

CORPORATION FOR PUBLIC BROADCASTING

The conference agreement provides $350,000,000 in advance funding for fiscal year 2002 for the Corporation for Public Broadcasting as proposed by the Senate instead of $340,000,000 as proposed by the House.

The conference agreement includes language proposed by the House providing an additional $10,000,000 for digitalization, if specifically authorized by subsequent legislation by September 30, 2000. The Federal Communications Commission (FCC) has mandated that all public television be converted from analog to digital transmission by May 2003. Because television and radio broadcast infrastructures are closely linked, the conversion of television to digital will create immediate costs not only for television, but also for public radio stations. Public broadcasting stations with limited resources, in particular small rural stations, will be faced with extreme hardship because of the significant cost of converting to digital, therefore, the conference agreement encourages funds provided to be targeted to those stations with the most financial need.

The conference agreement commends the Corporation for adoption of the Listener Access 2000 initiative and other related efforts that recognize the need to enhance service in rural and underserved areas. These steps will expand the number of stations defined as serving rural areas, create a new incentive grant tailored to areas with limited financial resources, while maintaining the public-private nature of public broadcasting.

While this approach is a meaningful initial investment, the conference agreement urges the Corporation to continue to explore additional ways to ensure that its goal of universal service throughout the country is achieved. The conference agreement recognizes that stations serving rural and underserved audiences typically have limited local potential for fundraising because of sparse populations serviced, limited number of local businesses, and low-income levels.

The conference agreement strongly urges the Corporation to consider expanding its Rural Listener Access Incentive Fund, which will support further enhancements to and reliability of service in rural and underserved areas. Furthermore, the conference agreement supports additional actions that will assist stations in serving rural and underserved areas.

FEDERAL MEDIATION AND CONCILIATION SERVICE

The conference agreement provides $36,834,000 for the Federal Mediation and Conciliation Service as proposed by the Senate instead of $34,620,000 as proposed by the House. The conference agreement also includes bill language proposed by the Senate stating that FMCS may charge for training activities, services, and assistance, including those provided to foreign governments and international organizations.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

The conference agreement provides $6,159,000 for the Federal Mine Safety and Health Review Commission as proposed by the Senate instead of $6,060,000 as proposed by the House.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

The conference agreement provides $166,885,000 for the Institute of Museum and Library Services. The Senate proposed $154,500,000. The House proposed $149,500,000. The conference agreement does not accept the President's request for $5,000,000 under National Leadership Grants for Libraries for the National Digital Library initiative. The increase in funding for this account should be used for new awards under the regular grant competition. Within the amount provided, the conference report specifies funding for the following activities:

Library & Archives of New Hampshire's Political Tradition at the New Hampshire State Library	$700,000
Vermont Department of Libraries in Montpelier, Vermont	1,000,000
Consolidation and preservation of archives and special collections at the University of Miami Library in Coral Gables, FL	750,000
Exhibits and library improvements for the Mississippi River Museum and Discovery Center in Dubuque, Iowa	1,900,000
Alaska Native Heritage Center in Anchorage	750,000
Peabody-Essex Museum in Salem, MA	750,000
Bishop Museum in Hawaii	750,000
Oceanside Public Library in California for a local cultural heritage project	200,000
Urban Children's Museum Collaborative to develop and implement pilot programs dedicated to serving at-risk children and their families	1,000,000
Troy State University Dothan in Alabama for archival of a special collection	150,000
Chadron State College in Nebraska for the Mari Sandoz Center	450,000
Alabama A&M University Alabama State Black Archives Research Center and Museum	350,000
Mystic Seaport, the Museum of America and the Sea, in Connecticut to develop an educational outreach and informal learning laboratory	350,000
Museum for African Art in New York City, New York for community programming	100,000
Children's Museum of Manhattan in New York City, New York for family programming	35,000
Temple University Libraries African American library digitization initiative	250,000
Natural History Museum of Los Angeles County for a science education program that targets a Spanish speaking audience	1,000,000
Full Service Public Library in Molalla, Oregon for technology training and community education programs	400,000
Portland State University Millar Library for technology-based information and research networks	500,000
Dakota Wesleyan University to develop an advanced telecommunications system to provide library services for faculty development, student support and an overall resource for community residents	1,000,000

National Commission on Libraries and Information Science

The conference agreement provides $1,300,000 for the National Commission on Libraries and Information Science as proposed by the Senate instead of $1,000,000 as proposed by the House. The conference agreement also includes bill language citing Public Law 91-345, as amended.

National Council on Disability

The conference agreement provides $2,400,000 for the National Council on Disability as proposed by the Senate instead of $2,344,000 as proposed by the House.

National Education Goals Panel

The conference agreement provides $2,250,000 for the National Education Goals Panel as proposed by the Senate instead of $2,100,000 as proposed by the House.

National Labor Relations Board

The conference agreement provides $206,500,000 for the National Labor Relations Board instead of $210,193,000 as proposed by the Senate and $174,661,000 as proposed by the House.

The conference agreement deletes language proposed by the House which prohibits the NLRB from expending any funds to promulgate a final rule regarding the use of single location bargaining units in representation cases. The conference agreement notes that the NLRB has indefinitely withdrawn from active consideration its proposed rulemaking proceedings in this area.

National Mediation Board

The conference agreement provides $9,600,000 for the National Mediation Board as proposed by the Senate instead of $8,400,000 as proposed by the House. The conference agreement also includes bill language that unobligated balances at the end of fiscal year 2000 not needed for emergencies shall remain available through September 30, 2001.

The conference agreement includes an increase of $500,000 over the request to reduce section 3 case backlogs by improving the availability of arbitrators through increased arbitrator compensation. The NMB is expected to report to the Appropriations Committees before the FY 2001 hearings on the effect of increased arbitrator pay and other agency efforts to reduce case backlogs.

Occupational Safety and Health Review Commission

The conference agreement provides $8,500,000 for the Occupational Safety and Health Review Commission as proposed by the Senate instead of $8,100,000 as proposed by the House.

Railroad Retirement Board

DUAL BENEFITS PAYMENT ACCOUNT

The conference agreement provides $174,000,000 for dual benefits payments instead of $175,000,000 as proposed by both the House and the Senate.

LIMITATION ON ADMINISTRATION

The conference agreement includes a limitation on transfers from the railroad trust funds of $91,000,000 for administrative expenses instead of $90,000,000 as proposed by both the House and the Senate.

Social Security Administration

SUPPLEMENTAL SECURITY INCOME PROGRAM

The conference agreement includes $21,503,085,000 for the Supplemental Security Income Program instead of $21,553,085,000 as proposed by the Senate and $21,474,000,000 as proposed by the House.

LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement includes a limitation of $6,111,871,000 on transfers from the Social Security and Medicare trust funds and Supplemental Security Income program for administrative activities instead of $6,188,871,000 as proposed by the Senate and $5,996,000,000 as proposed by the House.

The conference agreement includes language authorizing the Commissioner of Social Security to use up to $3,000,000, in addition to amounts appropriated previously, for Federal-State partnerships to evaluate ways to promote Medicare buy-in programs targeted to elderly and disabled individuals.

Office of Inspector General

The conference agreement provides $66,000,000 for the Office of Inspector General through a combination of general revenues and limitations on trust fund transfers as proposed by the Senate instead of $56,000,000 as proposed by the House.

United States Institute of Peace

The conference agreement provides $13,000,000 for the United States Institute of Peace as proposed by the Senate instead of $12,160,000 as proposed by the House. The conference agreement directs the United States Institute of Peace to provide information in the fiscal year 2001 Congressional budget justification regarding the use of appropriated funds in the Endowment. Included in this information should be the total amount of appropriated funds transferred into the Endowment from the most recent fiscal year available, the total amount of interest earned in the fiscal year on those funds, a list of all dates in which draw downs occur and those amounts, and a beginning and end of year balance of the Endowment.

TITLE V—GENERAL PROVISIONS

DISTRIBUTION OF STERILE NEEDLES

The conference agreement includes a general provision as proposed by the House that prohibits the use of funds in this Act to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug. The Senate bill included the same provision except that it would not have become effective until one day after the date of enactment of this Act.

UNOBLIGATED SALARIES AND EXPENSES

The conference agreement includes a general provision proposed by the House that would allow salaries and expenses funds in the bill that are unobligated at the end of the fiscal year to remain available for three additional months, provided that the Appropriations Committees are notified before they are obligated. The Senate bill had no similar provision.

RAILROAD RETIREMENT BOARD BUYOUTS

The conference agreement includes a provision amending existing law as proposed by the Senate to allow the Railroad Retirement Board to offer voluntary separation incentives to Board employees who either retire or resign by March 31, 2000. The House bill contained no similar provision.

BROOKLYN MUSEUM OF ART

The conference agreement does not include a provision expressing the sense of the Senate that the conferees on H.R. 2466, the FY 2000 Interior Appropriations Act, shall include language prohibiting the use of funds for the Brooklyn Museum of Art unless the Museum immediately cancels the exhibit "Sensation" which contains obscene and pornographic pictures and other offensive material.

HOSPITAL OUTPATIENT SERVICES

The conference agreement deletes without prejudice a sense of the Senate provision that the Secretary of HHS should carry out congressional intent and cease her inappropriate interpretation of the provisions of the prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 13951(t)).

FORMER RECIPIENTS OF TANF ASSISTANCE

The conference agreement deletes without prejudice a sense of the Senate provision stating that it is important that Congress determine the economic status of former recipients of assistance under the TANF program.

SCIENTIFIC VALIDITY OF POLYGRAPHY

The conference agreement deletes without prejudice a sense of the Senate provision stating that the Director of the NIH should enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation into the scientific validity of polygraphy as a screening tool for Federal and Federal contractor personnel. However, the Secretary of HHS is urged to conduct such a study and report her findings to Congress.

PROSTATE CANCER RESEARCH

The conference agreement deletes without prejudice a sense of the Senate provision stating that finding treatment breakthroughs and a cure for prostate cancer should be made a national health priority, that significant increases in prostate cancer research funding should be made available to NIH and DoD, and that these agencies should prioritize research that is directed toward innovative clinical and translational projects.

BORDER HEALTH COMMISSION ACT

The conference agreement includes a Senate provision amending the United States-Mexico Border Health Commission Act to require the President to appoint the United States members of the Commission and attempt to conclude an agreement with Mexico providing for the establishment of such Commission no later than 30 days after the date of enactment of this provision. The House bill contained no similar provision.

ACCESS TO OBSTETRIC AND GYNECOLOGICAL SERVICES

The conference agreement deletes without prejudice a sense of the Senate provision stating that Congress should enact legislation that requires health plans to provide women with direct access to a participating obstetrician/gynecologist without first having to obtain a referral from a primary care provider or the health plan.

PUBLIC EDUCATION REFORM

The conference agreement deletes without prejudice a sense of the Senate provision stating that the Federal government should support state and local educational agencies engaged in comprehensive reform of their public education systems.

FEDERAL EMPLOYEES' COMPENSATION ACT

The conference agreement includes a Senate provision with respect to a compensation claim arising from injuries sustained as a result of an employee's exposure to a nitrogen or sulfur mustard agent at the Department of the Army's Edgewood Arsenal before March 20, 1944. The House had no similar provision.

WORKFORCE INVESTMENT ACT

The conference agreement includes a Senate provision amending the Workforce Investment Act with respect to Alaska Natives. The House had no similar provision.

NEEDLESTICK INJURIES

The conference agreement deletes without prejudice a sense of the Senate provision stating that the Senate should pass legislation to eliminate or minimize the risk of needlestick injury to health care workers.

TITLE VI

NEWBORN AND INFANT HEARING SCREENING AND INTERVENTION

The conference agreement includes a separate title as proposed by the House which authorizes grants to States on a voluntary basis for a three-year period to aid in setting up newborn infant hearing screening programs. This language authorizes funding for the Health Resources and Services Administration, the Centers for Disease Control and Prevention, and the National Institutes of Health for the implementation of these programs and provides that State programs shall work with participants to ensure that all children are given options for care to include, but not be limited to medical, audiologic, rehabilitative, education, and community service programs. The Senate bill contained no similar language.

TITLE VII

Denali Commission

The conference agreement amends Section 307 of Title III—Denali Commission of Division C—Other Matters of P.L. 105-277 by adding a new subsection that authorizes the Secretary of HHS to make grants to the Denali Commission to plan, construct, and equip multi-county demonstration health, nutrition, and child care projects in accordance with the Work Plan referred to under section 304. The House and Senate bills contained no similar provision.

TITLE VIII

Welfare-to-Work Changes

The conference agreement incorporates amendments to the Welfare-to-Work authorizing legislation (section 403(a)(5) of the Social Security Act). These amendments were included in a bill considered and passed by the House (H.R. 3073). Effective date provisions have been added.

These amendments streamline eligibility determinations for welfare recipients and others with characteristics associated with welfare dependence, extend eligibility to youths aging out of foster care and to custodial parents below the poverty level, and enhance opportunities for noncustodial parents entering into personal responsibility agreements with commitments to provide child support. Vocational educational or job training for up to 6 months will be an allowable activity in Welfare-to-Work programs. Reporting requirements are simplified. The conference agreement reduces the existing law's authority to award $100 million in bonuses to Welfare-to-Work programs for successful performance to $50 million.

Other Provisions

The conference agreement deletes without prejudice a House provision to require any elementary or secondary school or public library that has received any Federal funds for the acquisition or operation of any computer that is accessible to minors and that has access to the Internet to install software on such computer designed to prevent minors from obtaining access to any obscene information using that computer and to ensure that such software is operational whenever that computer is used by minors. Exceptions are granted to permit a minor to have access to information that is not obscene or otherwise unprotected by the Constitution under the direct supervision of an adult designated by the school or library. The Senate bill contained no similar provision.

The conference agreement does not include House language amending the National Labor Relations Act to require the NLRB to adjust its jurisdictional threshold amounts for the inflation that has occurred since the adoption of the current thresholds on August 1, 1959. The Senate bill contained no similar provision.

The conference agreement does not include House language amending the Internal Revenue Code to require that Earned Income Tax Credit payments be paid on a monthly basis rather than in a lump sum annual payment. The Senate bill contained no similar language.

The conference agreement does not include House language amending the Higher Education Act to require the Secretary of Education to charge an origination fee on direct student loans of four percent. The Senate bill included no similar provision.

The conference agreement does not include House language amending the National Housing Act to eliminate the premium rebate on FHA home mortgages. The Senate bill included no similar provision.

The conference agreement does not include an appropriation of $508,000,000 proposed by the House for the Department of Agriculture to provide assistance to producers for crop and livestock losses incurred as a result of the hurricanes, and the flooding associated with the hurricanes, that struck the eastern United States in August and September, 1999. The Senate bill included no similar appropriation.

Conference Agreement

The following table displays the amounts agreed to for each program, project or activity with appropriate comparisons:

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 1999	House	Senate	
TITLE I - DEPARTMENT OF LABOR									
EMPLOYMENT AND TRAINING ADMINISTRATION									
TRAINING AND EMPLOYMENT SERVICES									
Grants to States:									
Adult Training, current year	955,000	955,000	215,500	238,000	238,000	-717,000	+22,500	---	D FF
FY01	---	---	644,000	712,000	712,000	+712,000	+68,000	---	D
Adult Training, program level	955,000	955,000	859,500	950,000	950,000	-5,000	+90,500	---	
Youth Training	1,000,965	1,000,965	900,869	1,000,965	1,000,965	---	+100,096	---	D FF
Dislocated Worker Assistance, current year	1,400,510	1,595,510	315,159	395,510	535,510	-865,000	+220,351	+140,000	D FF
FY01	---	---	945,300	1,200,000	1,060,000	+1,060,000	+114,700	-140,000	D
Dislocated Worker Assistance, program level	1,400,510	1,595,510	1,260,459	1,595,510	1,595,510	+195,000	+335,051	---	
Federally administered programs:									
Native Americans	57,815	53,815	53,815	60,000	58,800	+985	+4,985	-1,200	D FF
Migrant and Seasonal Farmworkers (1)	78,517	71,017	71,017	75,996	74,445	-4,072	+3,428	-1,551	D FF
Job Corps:									
Operations (2)	1,158,642	1,213,533	307,000	485,413	634,000	-524,642	+327,000	+148,587	D FF
FY01	---	---	918,000	728,120	591,000	+591,000	-327,000	-137,120	D
Construction and Renovation (3)	150,572	133,658	34,000	53,463	34,000	-116,572	---	-19,463	D FF
FY01	---	---	100,000	80,195	100,000	+100,000	---	+19,805	D
Subtotal, Job Corps	1,309,214	1,347,191	1,359,000	1,347,191	1,359,000	+49,786	---	+11,809	
Veterans' employment	7,300	7,300	7,300	7,300	7,300	---	---	---	D FF

(1) Includes $7 million in emergency funding.

(2) Includes $1.595 million in emergency funding for Year 2000 computer conversion.

(3) Three year forward funded availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
National activities:									
Pilots, Demonstrations and Research	67,500	35,000	35,000	98,500	82,500	+15,000	+47,500	-16,000	D FF
Evaluation	9,098	12,000	9,098	9,098	9,098	---	---	---	D FF
Right Track Partnership	---	75,000	---	---	---	---	---	---	D FF
Youth Opportunity Grants	250,000	250,000	---	250,000	250,000	---	+250,000	---	D FF
Other	9,000	5,000	5,000	5,000	5,000	-4,000	---	---	D FF
Subtotal, National activities	335,598	377,000	49,098	362,598	346,598	+11,000	+297,500	-16,000	
Subtotal, Federal activities	1,788,444	1,856,323	1,540,230	1,853,085	1,846,143	+57,699	+305,913	-6,942	
Total, Job Training Partnership Act	5,144,919	5,407,798	4,561,058	5,399,560	5,392,618	+247,699	+831,560	-6,942	
Women in Apprenticeship	1,000	---	1,000	1,000	1,000	---	---	---	D
Skills Standards	7,000	7,000	7,000	7,000	7,000	---	---	---	D FF
Subtotal, National activities, TES	343,598	384,000	57,098	370,598	354,598	+11,000	+297,500	-16,000	
School-to-Work (1)	125,000	55,000	---	55,000	55,000	-70,000	+55,000	---	D FF
Homeless Veterans	3,000	5,000	3,000	10,000	10,000	+7,000	+7,000	---	D
Total, Training and Employment Services	5,280,919	5,474,798	4,572,058	5,472,560	5,465,618	+184,699	+893,560	-6,942	
Welfare-to-work rescission	-137,000	---	---	---	---	+137,000	---	---	D
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS	440,200	440,200	440,200	440,200	440,200	---	---	---	D FF

(1) 15 month forward funded availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES									
Trade Adjustment	312,300	306,400	306,400	349,000	349,000	+36,700	+42,600	---	M
NAFTA Activities	48,400	8,000	8,000	66,150	66,150	+17,750	+58,150	---	M
Total	360,700	314,400	314,400	415,150	415,150	+54,450	+100,750	---	
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS									
Unemployment Compensation (Trust Funds): State Operations (1)	2,122,631	2,206,125	2,135,125	2,154,625	2,150,125	+27,494	+15,000	-4,500	TF
National Activities	10,000	57,000	10,000	10,000	10,000	---	---	---	TF
Year 2000 Computer conversion (advance from prior year)	(40,000)	---	---	---	---	(-40,000)	---	---	NA
Contingency	161,884	196,333	75,000	151,333	125,000	-36,884	+50,000	-26,333	TF
Subtotal, Unemployment Comp (trust funds)	(2,294,515)	(2,459,458)	(2,220,125)	(2,315,958)	(2,285,125)	(-9,390)	(+65,000)	(-30,833)	

(1) The request earmarks $91 million for integrity activities.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 1999	House	Senate	
Employment Service:									
Allotments to States:									
Federal Funds	23,452	23,452	23,452	23,452	23,452	---	---	---	D
Trust Funds	738,283	738,283	738,283	738,283	738,283	---	---	---	TF
Subtotal	761,735	761,735	761,735	761,735	761,735	---	---	---	
Reemployment Service Grants	---	53,000	---	40,000	---	---	---	-40,000	TF
National Activities:									
Federal Funds	---	10,000	---	---	---	---	---	---	D
Trust Funds	59,880	23,580	59,880	66,880	66,880	+7,000	+7,000	---	TF
Subtotal, Employment Service	821,615	848,315	821,615	868,615	828,615	+7,000	+7,000	-40,000	
Federal funds	23,452	33,452	23,452	23,452	23,452	---	---	---	
Trust funds	798,163	814,863	798,163	845,163	805,163	+7,000	+7,000	-40,000	
One Stop Career Centers									
Federal Funds	138,645	149,000	100,000	146,500	120,000	-18,645	+20,000	-26,500	D
Trust Funds	7,855	---	---	---	---	-7,855	---	---	TF
Total, One stop centers	146,500	149,000	100,000	146,500	120,000	-26,500	+20,000	-26,500	
Work Incentives Grants	---	50,000	---	27,000	20,000	+20,000	+20,000	-7,000	D
Total, State Unemployment	3,262,630	3,506,773	3,141,740	3,358,073	3,253,740	-8,890	+112,000	-104,333	
Federal Funds	162,097	232,452	123,452	196,952	163,452	+1,355	+40,000	-33,500	
Trust Funds	3,100,533	3,274,321	3,018,288	3,161,121	3,090,288	-10,245	+72,000	-70,833	
ADVANCES TO THE UI AND OTHER TRUST FUNDS (1)	357,000	356,000	356,000	356,000	356,000	-1,000	---	---	M

(1) Two year availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
PROGRAM ADMINISTRATION									
Adult Employment and Training	29,353	30,673	28,103	30,673	29,986	+633	+1,883	-687	D
Trust Funds	2,395	2,475	2,395	2,475	2,420	+25	+25	-55	TF
Youth Employment and Training	32,971	34,867	31,721	34,867	34,086	+1,115	+2,365	-781	D
Employment Security	5,961	5,065	4,718	5,065	4,952	-1,009	+234	-113	D
Trust Funds	39,956	33,958	39,956	42,248	41,302	+1,346	+1,346	-946	TF
Apprenticeship Services	17,635	19,580	17,435	19,580	19,141	+1,506	+1,706	-439	D
Executive Direction (1)	8,907	6,445	6,073	6,445	6,348	-2,559	+275	-97	D
Trust Funds	1,365	1,409	1,365	1,409	1,334	-31	-31	-75	TF
Welfare to Work	6,160	6,578	6,360	6,578	6,431	+271	+71	-147	D
Total, Program Administration	144,703	141,050	138,126	149,340	146,000	+1,297	+7,874	-3,340	
Federal funds	100,987	103,208	94,410	103,208	100,944	-43	+6,534	-2,264	
Trust funds	43,716	37,842	43,716	46,132	45,056	+1,340	+1,340	-1,076	
Total, Employment & Training Administration	9,709,152	10,233,221	8,962,524	10,191,323	10,076,708	+367,556	+1,114,184	-114,615	
Federal funds	6,564,903	6,921,058	5,900,520	6,984,070	6,941,364	+376,461	+1,040,844	-42,706	
Current Year	(6,564,903)	(6,921,058)	(3,293,220)	(4,263,755)	(4,478,364)	(-2,086,539)	(+1,185,144)	(+214,609)	
Advance Year, FY01	---	---	(2,607,300)	(2,720,315)	(2,463,000)	(+2,463,000)	(-144,300)	(-257,315)	
Trust funds	3,144,249	3,312,163	3,062,004	3,207,253	3,135,344	-8,905	+73,340	-71,909	

(1) Includes $2.734 million in emergency funding for Year 2000 computer conversion.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
PENSION AND WELFARE BENEFITS ADMINISTRATION									
SALARIES AND EXPENSES									
Enforcement and Compliance	71,106	79,355	71,106	77,355	78,349	+7,243	+7,243	+994	D
Policy, Regulation and Public Service	15,216	18,636	15,216	18,636	16,803	+1,587	+1,587	-1,833	D
Program Oversight (1)	4,248	3,840	3,678	3,840	3,848	-400	+170	+8	D
Total, PWBA	90,570	101,831	90,000	99,831	99,000	+8,430	+9,000	-831	
PENSION BENEFIT GUARANTY CORPORATION									
Program Administration subject to limitation (TF)	10,958	11,352	10,958	11,352	11,155	+197	+197	-197	TF
Termination services not subj to limitation (NA) (2)	(148,974)	(153,599)	(153,599)	(153,599)	(153,599)	(+4,625)	---	---	NA
Total, PBGC new BA	10,958	11,352	10,958	11,352	11,155	+197	+197	-197	
Total, PBGC (Program level)	(159,932)	(164,951)	(164,557)	(164,951)	(164,754)	(+4,822)	(+197)	(-197)	

(1) Includes $570,000 in emergency funding for Year 2000 computer conversion.

(2) Includes $1.25 million in emergency funding for Year 2000 computer conversion.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
EMPLOYMENT STANDARDS ADMINISTRATION									
SALARIES AND EXPENSES									
Enforcement of Wage and Hour Standards	129,581	176,042	129,581	142,342	142,003	+12,422	+12,422	-339	D
Office of Labor-Management Standards	28,148	29,308	28,148	29,308	29,308	+1,160	+1,160	---	D
Federal Contractor EEO Standards Enforcement	65,461	76,417	65,461	76,417	73,307	+7,846	+7,846	-3,110	D
Federal Programs for Workers' Compensation	76,759	80,369	76,759	80,369	80,031	+3,272	+3,272	-338	D
Trust Funds	1,924	1,740	1,924	1,740	1,740	-184	-184	---	TF
Program Direction and Support (1)	13,231	12,611	12,127	12,611	12,611	-620	+484	---	D
Total, ESA salaries and expenses	315,104	376,487	314,000	342,787	339,000	+23,896	+25,000	-3,787	
Federal funds	313,180	374,747	312,076	341,047	337,260	+24,080	+25,184	-3,787	
Trust funds	1,924	1,740	1,924	1,740	1,740	-184	-184	---	
SPECIAL BENEFITS									
Federal employees compensation benefits	175,000	75,000	75,000	75,000	75,000	-100,000	---	---	M
Longshore and harbor workers' benefits	4,000	4,000	4,000	4,000	4,000	---	---	---	M
Total, Special Benefits	179,000	79,000	79,000	79,000	79,000	-100,000	---	---	

(1) Includes $1.104 million in emergency funding for Year 2000 computer conversion.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
BLACK LUNG DISABILITY TRUST FUND (1)									
Benefit payments and interest on advances	969,725	963,506	963,506	963,506	963,506	-6,219	---	---	M
Employment Standards Adm. S&E	30,191	28,676	28,676	28,676	28,676	-1,515	---	---	M
Departmental Management S&E	20,422	21,144	20,422	21,144	20,783	+361	+361	-361	M
Departmental Management, Inspector General	306	318	306	318	312	+6	+6	-6	M
Subtotal, Black Lung Disablty. Trust Fund, apprn	1,020,644	1,013,644	1,012,910	1,013,644	1,013,277	-7,367	+367	-367	
Treasury Administrative Costs	356	356	356	356	356	---	---	---	M
Total, Black Lung Disability Trust Fund	1,021,000	1,014,000	1,013,266	1,014,000	1,013,633	-7,367	+367	-367	
Total, Employment Standards Administration	1,515,104	1,469,487	1,406,266	1,435,787	1,431,633	-83,471	+25,367	-4,154	
Federal funds	1,513,180	1,467,747	1,404,342	1,434,047	1,429,893	-83,287	+25,551	-4,154	
Trust funds	1,924	1,740	1,924	1,740	1,740	-184	-184	---	

(1) The request proposes an indefinite appropriation for this account.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION									
SALARIES AND EXPENSES									
Safety and Health Standards	12,323	13,126	11,707	13,126	12,700	+377	+993	-426	D
Federal Enforcement	133,896	142,232	122,871	142,232	141,000	+7,104	+18,129	-1,232	D
State Programs	80,084	83,501	76,080	83,501	82,000	+1,916	+5,920	-1,501	D
Technical Support	18,203	17,806	17,293	17,806	17,800	-403	+507	-6	D
Compliance Assistance:									
Federal Assistance	45,670	57,812	45,670	57,812	54,300	+8,630	+8,630	-3,512	D
State Consultation Grants	40,943	40,943	43,000	40,943	43,000	+2,057	---	+2,057	D
Subtotal	86,613	98,755	88,670	98,755	97,300	+10,687	+8,630	-1,455	
Safety and Health Statistics	15,172	23,677	14,413	23,677	23,000	+7,828	+8,587	-677	D
Executive Direction and Administration (1)	8,084	9,045	6,374	9,045	8,200	+116	+1,826	-845	D
Total, OSHA	354,375	388,142	337,406	388,142	382,000	+27,625	+44,592	-6,142	

(1) Includes $1.375 million in emergency funding for Year 2000 computer conversion.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
MINE SAFETY AND HEALTH ADMINISTRATION									
SALARIES AND EXPENSES									
Coal Enforcement	104,638	111,008	105,489	111,008	110,570	+5,932	+5,081	-438	D
Metal/Non-Metal Enforcement	44,737	50,293	43,886	50,293	49,693	+4,956	+5,807	-600	D
Standards Development	1,509	1,671	1,509	1,671	1,509	---	---	-162	D
Assessments	3,896	4,128	3,896	4,128	3,896	---	---	-232	D
Educational Policy and Development	20,864	24,684	20,864	27,184	27,184	+6,320	+6,320	---	D
Technical Support	25,312	25,840	25,312	25,840	25,312	---	---	-528	D
Program Administration (1)	14,957	10,749	10,209	10,749	10,209	-4,748	---	-540	D
Total, Mine Safety and Health Administration	215,913	228,373	211,165	230,873	228,373	+12,460	+17,208	-2,500	
BUREAU OF LABOR STATISTICS									
SALARIES AND EXPENSES									
Employment and Unemployment Statistics	115,828	118,084	115,828	117,084	117,084	+1,256	+1,256	---	D
Labor Market Information (Trust Funds)	54,146	55,663	54,146	55,663	55,663	+1,517	+1,517	---	TF
Prices and Cost of Living	120,179	131,032	120,179	126,032	126,032	+5,853	+5,853	---	D
Compensation and Working Conditions	61,029	69,383	61,029	65,383	69,383	+8,354	+8,354	+4,000	D
Productivity and Technology	7,526	8,988	7,526	8,288	8,288	+762	+762	---	D
Economic Growth and Employment Projections	4,905	5,058	4,905	5,058	5,058	+153	+153	---	D
Executive Direction and Staff Services	24,098	25,726	24,098	24,950	24,950	+852	+852	---	D
Consumer Price Index Revision (2)	11,159	6,986	6,986	6,986	6,986	-4,173	---	---	D
Total, Bureau of Labor Statistics	398,870	420,919	394,697	409,444	413,444	+14,574	+18,747	+4,000	
Federal Funds	344,724	365,256	340,551	353,781	357,781	+13,057	+17,230	+4,000	
Trust Funds	54,146	55,663	54,146	55,663	55,663	+1,517	+1,517	---	

(1) Includes $4.748 million in emergency funding for Year 2000 computer conversion.

(2) Two year availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
DEPARTMENTAL MANAGEMENT									
SALARIES AND EXPENSES									
Executive Direction	20,193	34,575	20,193	26,575	26,500	+6,307	+6,307	-75	D
Legal Services	66,519	70,041	66,219	70,041	69,000	+2,481	+2,781	-1,041	D
Trust Funds	299	310	299	310	310	+11	+11	---	TF
International Labor Affairs	40,385	76,165	40,385	76,165	70,000	+29,615	+29,615	-6,165	D
Administration and Management	20,774	23,287	15,774	22,029	23,287	+2,513	+7,513	+1,258	D
Adjudication	21,842	23,689	21,842	23,689	23,689	+1,847	+1,847	---	D
Promoting Employment of People with Disabilities	6,750	7,250	6,750	7,250	7,250	+500	+500	---	D
Women's Bureau	7,802	8,369	7,802	8,369	8,869	+1,067	+1,067	+500	D
Civil Rights Activities	4,929	5,684	4,929	5,684	5,684	+755	+755	---	D
Chief Financial Officer	5,538	5,799	5,538	5,799	5,799	+261	+261	---	D
Task Force/Employment people w/disabilities	1,400	2,485	1,400	1,400	1,400	---	---	---	D
Year 2000 Computer Conversion (Emergency Funding)	4,667	---	---	---	---	-4,667	---	---	D
Total, Salaries and expenses	201,098	257,654	191,131	247,311	241,788	+40,690	+50,657	-5,523	
Federal funds	200,799	257,344	190,832	247,001	241,478	+40,679	+50,646	-5,523	
Trust funds	299	310	299	310	310	+11	+11	---	
VETERANS EMPLOYMENT AND TRAINING									
State Administration:									
Disabled Veterans Outreach Program	80,040	80,215	80,040	80,215	80,215	+175	+175	---	TF
Local Veterans Employment Program	77,078	77,253	77,078	77,253	77,253	+175	+175	---	TF
Subtotal, State Administration	157,118	157,468	157,118	157,468	157,468	+350	+350	---	
Federal Administration	25,601	28,145	25,601	28,145	26,873	+1,272	+1,272	-1,272	TF
Total, Veterans Employment and Training	182,719	185,613	182,719	185,613	184,341	+1,622	+1,622	-1,272	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
OFFICE OF THE INSPECTOR GENERAL									
Program Activities (1)	39,377	43,927	38,377	42,346	42,346	+2,969	+3,969	---	D
Trust Funds	3,648	5,010	3,648	3,830	3,830	+182	+182	---	TF
Executive Direction and Management	5,475	6,241	5,475	5,749	5,749	+274	+274	---	D
Total, Office of the Inspector General	48,500	55,178	47,500	51,925	51,925	+3,425	+4,425	---	
Federal funds	44,852	50,168	43,852	48,095	48,095	+3,243	+4,243	---	
Trust funds	3,648	5,010	3,648	3,830	3,830	+182	+182	---	
Total, Departmental Management	432,317	498,445	421,350	484,849	478,054	+45,737	+56,704	-6,795	
Federal funds	245,651	307,512	234,684	295,096	289,573	+43,922	+54,889	-5,523	
Trust funds	186,666	190,933	186,666	189,753	188,481	+1,815	+1,815	-1,272	
Total, Labor Department	12,727,259	13,351,770	11,834,368	13,251,601	13,120,367	+393,108	+1,285,999	-131,234	
Federal funds	9,329,316	9,779,919	8,518,670	9,785,840	9,727,984	+398,668	+1,209,314	-57,856	
Current Year	(9,329,316)	(9,779,919)	(5,911,370)	(7,065,525)	(7,264,984)	(-2,064,332)	(+1,353,614)	(+199,459)	
Advance Year, FY01	---	---	(2,607,300)	(2,720,315)	(2,463,000)	(+2,463,000)	(-144,300)	(-257,315)	
Trust funds	3,397,943	3,571,851	3,315,698	3,465,761	3,392,383	-5,560	+76,685	-73,378	

(1) Includes $1 million in emergency funding for Year 2000 computer conversion.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 1999	House	Senate	
TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES									
HEALTH RESOURCES AND SERVICES ADMINISTRATION									
HEALTH RESOURCES AND SERVICES									
Community health centers	924,706	945,000	985,000	1,024,000	1,024,000	+99,294	+39,000	---	D
National Health Service Corps:									
Field placements	37,232	36,997	38,244	36,997	38,244	+1,012	---	+1,247	D
Recruitment	78,141	78,166	78,166	78,166	78,666	+525	+500	+500	D
Subtotal, National Health Service Corps	115,373	115,163	116,410	115,163	116,910	+1,537	+500	+1,747	
Health Professions									
Training for Diversity:									
Centers of excellence	25,634	33,142	25,642	---	25,642	+8	---	+25,642	D
Health careers opportunity program	27,790	35,299	27,799	---	27,799	+9	---	+27,799	D
Faculty loan repayment	1,100	1,100	1,100	---	1,100	---	---	+1,100	D
Scholarships for disadvantaged students	38,087	38,966	38,099	---	38,099	+12	---	+38,099	D
Subtotal	92,611	108,507	92,640	---	92,640	+29	---	+92,640	
Training in Primary Care Medicine and Denistry:									
Family medicine training/departments	50,509	---	51,102	---	---	-50,509	-51,102	---	D
General internal medicine and pediatrics	18,125	---	18,290	---	---	-18,125	-18,290	---	D
Physician assistants	6,800	---	6,623	---	---	-6,800	-6,623	---	D
General and pediatric dentistry residencies	4,500	---	3,919	---	---	-4,500	-3,919	---	D
Consolidated training in primary care	---	---	---	---	79,934	+79,934	+79,934	+79,934	D
Subtotal	79,934	---	79,934	---	79,934	---	---	+79,934	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
Interdisciplinary Community-Based Linkages:									
Area health education centers	28,578	28,587	29,561	---	28,587	+9	-974	+28,587	D
Health education and training centers	3,764	3,765	3,889	---	3,765	+1	-124	+3,765	D
Allied health and other disciplines	7,093	---	6,722	---	7,553	+460	+831	+7,553	D
Geriatric programs	9,697	---	9,206	---	10,911	+1,214	+1,705	+10,911	D
Quentin N. Burdick pgm for rural training	4,544	4,545	4,314	---	5,167	+623	+853	+5,167	D
Subtotal	53,676	36,897	53,692	---	55,983	+2,307	+2,291	+55,983	
Health Professions Workforce Info & analysis:									
Health Professions data systems	246	---	246	---	---	-246	-246	---	D
Research on Health Professions Issues	468	---	468	---	---	-468	-468	---	D
Consolidated HP Workforce Info & Analysis	---	714	---	---	714	+714	+714	+714	D
Subtotal	714	714	714	---	714	---	---	+714	
Public Health Workforce Development:									
Public health, preventive med & dental programs	8,291	---	8,294	---	8,294	+3	---	+8,294	D
Health administration programs	1,135	---	1,136	---	1,136	+1	---	+1,136	D
Subtotal	9,426	---	9,430	---	9,430	+4	---	+9,430	
Children's Hospitals Graduate Medical Educ	---	40,000	---	---	40,000	+40,000	+40,000	+40,000	D
Advanced Education Nursing:									
Advanced Nurse Education	12,926	---	12,943	---	---	-12,926	-12,943	---	D
Nurse practitioners/nurse midwives	18,259	---	18,259	---	---	-18,259	-18,259	---	D
Professional nurse traineeships	16,528	---	16,528	---	---	-16,528	-16,528	---	D
Nurse anesthetists	2,868	---	2,868	---	---	-2,868	-2,868	---	D
Consolidated Advanced Education Nursing	---	50,598	---	---	50,598	+50,598	+50,598	+50,598	D
Subtotal	50,581	50,598	50,598	---	50,598	+17	---	+50,598	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 1999	House	Senate	
Basic nurse education and practice	10,965	10,968	10,968	---	10,968	+3	---	+10,968	D
Nursing workforce diversity	4,009	4,010	4,010	---	4,010	+1	---	+4,010	D
Consolidated Health Professions	---	---	---	226,916	---	---	---	-226,916	D
Subtotal, Health professions	301,916	251,694	301,986	226,916	344,277	+42,361	+42,291	+117,361	
Other HRSA Programs:									
Hansen's Disease Services	21,663	17,282	18,670	17,282	20,282	-1,381	+1,612	+3,000	D
Maternal & Child Health Block Grant	694,777	695,000	800,000	695,000	710,000	+15,223	-90,000	+15,000	D
Healthy Start	104,967	105,000	---	110,000	90,000	-14,967	+90,000	-20,000	D
Universal Newborn Hearing	---	4,000	2,500	4,000	3,500	+3,500	+1,000	-500	D
Organ Transplantation	9,997	10,000	10,000	10,000	10,000	+3	---	---	D
Health Teaching Facilities Interest Subsidies	150	150	150	150	150	---	---	---	D
Bone Marrow Program	17,994	18,000	18,000	18,000	18,000	+6	---	---	D
Rural outreach grants	31,384	31,396	38,892	31,396	36,316	+4,932	-2,576	+4,920	D
Rural Health Research	6,081	6,085	11,713	6,085	35,048	+28,967	+23,335	+28,963	D
Office for the Advancement of Telehealth	13,124	13,124	---	20,000	---	-13,124	---	-20,000	D
Critical care programs:									
Emergency medical services for children	14,995	15,000	17,000	17,000	17,000	+2,005	---	---	D
Traumatic brain injury program	5,000	5,000	---	5,000	---	-5,000	---	-5,000	D
Trauma care	---	1,000	---	1,000	---	---	---	-1,000	D
Poison control	---	1,500	---	3,000	3,000	+3,000	+3,000	---	D
Subtotal	19,995	22,500	17,000	26,000	20,000	+5	+3,000	-6,000	
Black lung clinics	4,998	5,000	5,000	6,000	6,000	+1,002	+1,000	---	D
Nursing loan repayment for shortage area service	2,278	2,279	2,279	2,279	2,279	+1	---	---	D
Payment to Hawaii, treatment of Hansen's	2,044	2,045	2,045	2,045	2,045	+1	---	---	D
Subtotal, Other HRSA programs	929,452	931,861	926,249	948,237	953,620	+24,168	+27,371	+5,383	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
Ryan White AIDS Programs:									
Emergency Assistance	505,039	521,200	525,000	541,200	546,500	+41,461	+21,500	+5,300	D
Comprehensive Care Programs	737,765	783,000	785,000	843,000	824,000	+86,235	+39,000	-19,000	D
AIDS Drug Assistance Program (ADAP) (NA)	(461,000)	(496,000)	(500,000)	(536,000)	(528,000)	(+67,000)	(+28,000)	(-8,000)	NA
Early Intervention Program	94,270	130,300	132,000	140,300	138,400	+44,130	+6,400	-1,900	D
Pediatric Demonstrations	45,985	48,000	49,000	53,000	51,000	+5,015	+2,000	-2,000	D
AIDS Dental Services	7,798	8,000	8,000	9,000	8,000	+202	---	-1,000	D
Education and Training Centers	19,994	20,000	20,000	24,000	26,650	+6,656	+6,650	+2,650	D
Subtotal, Ryan White AIDS programs	1,410,851	1,510,500	1,519,000	1,610,500	1,594,550	+183,699	+75,550	-15,950	
Family Planning	214,932	239,952	215,000	222,432	238,932	+24,000	+23,932	+16,500	D
Ricky Ray Hemophilia program	---	---	---	50,000	---	---	---	-50,000	D
Health Care and Other Facilities	65,324	---	---	10,000	122,182	+56,858	+122,182	+112,182	D
Buildings and Facilities	250	250	250	250	250	---	---	---	D
Rural Hospital Flexibility Grants	24,992	25,000	25,000	25,000	25,000	+8	---	---	D
National Practitioner Data Bank	12,000	16,000	16,000	16,000	16,000	+4,000	---	---	D
User Fees	-12,000	-16,000	-16,000	-16,000	-16,000	-4,000	---	---	D
Health Care Access for the Uninsured (1)	---	---	---	---	40,000	+40,000	+40,000	+40,000	D
Program Management (2)	128,962	121,663	115,500	133,000	125,000	-3,962	+9,500	-8,000	D
Total, Health resources and services	4,116,758	4,141,083	4,204,395	4,365,498	4,584,721	+467,963	+380,326	+219,223	

(1) Budget requested $25 million for this activity within the Office of the Secretary.

(2) Includes $10 million in emergency funding for Year 2000 computer conversion.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
MEDICAL FACILITIES GUARANTEE AND LOAN FUND:									
Interest subsidy program	1,000	1,000	1,000	1,000	1,000	---	---	---	M
HEALTH EDUCATION ASSISTANCE LOANS PROGRAM (HEAL):									
Liquidating account	(37,000)	(31,500)	(31,500)	(31,500)	(31,500)	(-5,500)	---	---	NA
Program management	3,687	3,688	3,688	3,688	3,688	+1	---	---	D
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:									
Post-FY88 claims	60,000	60,000	60,000	60,000	60,000	---	---	---	M
HRSA administration (1)	3,000	3,000	3,000	3,000	3,000	---	---	---	D
Subtotal, Vaccine injury compensation trust fund	63,000	63,000	63,000	63,000	63,000	---	---	---	
VACCINE INJURY COMPENSATION:									
Pre-FY89 claims (appropriation)	100,000	---	---	---	---	-100,000	---	---	M
Total, Vaccine inquiry	163,000	63,000	63,000	63,000	63,000	-100,000	---	---	
Total, Health Resources & Services Admin	4,284,445	4,208,771	4,272,083	4,433,186	4,652,409	+367,964	+380,326	+219,223	

(1) Reclassified as discretionary funding.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
CENTERS FOR DISEASE CONTROL AND PREVENTION									
DISEASE CONTROL, RESEARCH AND TRAINING									
Preventive Health Services Block Grant									
Program	147,753	115,914	150,000	115,914	131,824	-15,929	-18,176	+15,910	D
Salaries and Expenses	2,247	4,086	2,247	2,247	3,380	+1,133	+1,133	+1,133	D
Subtotal, Preventive Health Services Block Grant	150,000	120,000	152,247	118,161	135,204	-14,796	-17,043	+17,043	
Prevention Centers									
Program	13,000	13,000	17,000	15,000	17,555	+4,555	+555	+2,555	D
Salaries and Expenses	500	500	500	500	645	+145	+145	+145	D
Subtotal, Prevention Centers	13,500	13,500	17,500	15,500	18,200	+4,700	+700	+2,700	
CDC/HCFA vaccine program:									
Childhood immunization									
Program	400,568	463,364	372,568	463,364	432,966	+32,398	+60,398	-30,398	D
Salaries and Expenses	48,909	62,803	48,909	48,909	56,909	+8,000	+8,000	+8,000	D
Subtotal, Childhood immunization (1)	449,477	526,167	421,477	512,273	489,875	+40,398	+68,398	-22,398	
HCFA vaccine purchase (NA)	(566,278)	(545,043)	(545,043)	(545,043)	(545,043)	(-21,235)	---	---	NA
Subtotal, CDC/HCFA vaccine program level	(1,015,755)	(1,071,210)	(966,520)	(1,057,316)	(1,034,918)	(+19,163)	(+68,398)	(-22,398)	
Communicable Diseases									
AIDS									
Program	534,964	575,240	535,000	540,240	572,715	+37,751	+37,715	+32,475	D
Salaries and Expenses	122,036	126,156	122,036	122,036	122,036	---	---	---	D
Subtotal, HIV/AIDS	657,000	701,396	657,036	662,276	694,751	+37,751	+37,715	+32,475	
Tuberculosis									
Program	114,777	112,147	116,777	120,000	121,074	+6,297	+4,297	+1,074	D
Salaries and Expenses	5,185	7,815	5,185	5,185	7,500	+2,315	+2,315	+2,315	D
Subtotal, Tuberculosis	119,962	119,962	121,962	125,185	128,574	+8,612	+6,612	+3,389	

(1) Includes $28 million for global polio/measles eradication emergency funding in FY99.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
Sexually Transmitted Diseases									
Program	110,656	115,711	116,000	115,711	122,597	+11,941	+6,597	+6,886	D
Salaries and Expenses	13,097	14,938	13,097	13,097	14,000	+903	+903	+903	D
Subtotal, Sexually Transmitted Diseases	123,753	130,649	129,097	128,808	136,597	+12,844	+7,500	+7,789	
Chronic Diseases									
Chronic and Environmental Disease Prevention									
Program	241,378	250,364	257,500	260,364	291,155	+49,777	+33,655	+30,791	D
Salaries and Expenses	58,011	75,579	58,011	58,011	80,000	+21,989	+21,989	+21,989	D
Subtotal, Chronic & Environmental (1)	299,389	325,943	315,511	318,375	371,155	+71,766	+55,644	+52,780	
FY01	---	---	---	8,706	---	---	---	-8,706	D
Subtotal, Chronic & Environ program level	299,389	325,943	315,511	327,081	371,155	+71,766	+55,644	+44,074	
Breast and Cervical Cancer Screening									
Program	149,091	147,071	151,091	157,071	156,777	+7,686	+5,686	-294	D
Salaries and Expenses	9,980	12,000	9,980	9,980	10,524	+544	+544	+544	D
Subtotal, Breast & Cervical Cancer Screening	159,071	159,071	161,071	167,051	167,301	+8,230	+6,230	+250	
Infectious Diseases									
Program	70,300	98,274	78,274	98,274	86,610	+16,310	+8,336	-11,664	D
Salaries and Expenses	67,336	83,652	67,336	67,336	80,000	+12,664	+12,664	+12,664	D
Subtotal, Infectious diseases	137,636	181,926	145,610	165,610	166,610	+28,974	+21,000	+1,000	
Lead Poisoning Prevention									
Program	31,457	30,457	31,500	30,457	31,000	-457	-500	+543	D
Salaries and Expenses	6,748	7,748	6,748	6,748	7,248	+500	+500	+500	D
Subtotal, Lead Poisoning Prevention	38,205	38,205	38,248	37,205	38,248	+43	---	+1,043	

(1) Includes $5 million for Environmental Health Lab emergency funding in FY99.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
Injury Control									
Program	38,756	49,494	38,756	63,994	62,358	+23,602	+23,602	-1,636	D
Salaries and Expenses	18,825	21,004	18,825	18,825	23,840	+5,015	+5,015	+5,015	D
Subtotal, Injury Control	57,581	70,498	57,581	82,819	86,198	+28,617	+28,617	+3,379	
Occupational Safety and Health (NIOSH) (1)									
Program	78,744	87,415	78,744	93,744	87,073	+8,329	+8,329	-6,671	D
Salaries and Expenses	121,256	124,434	121,256	121,256	128,427	+7,171	+7,171	+7,171	D
Subtotal, Occupational Safety and Health	200,000	211,849	200,000	215,000	215,500	+15,500	+15,500	+500	
Epidemic Services									
Program	30,432	25,865	30,432	25,865	30,432	---	---	+4,567	D
Salaries and Expenses	55,484	59,183	55,484	55,484	55,484	---	---	---	D
Subtotal, Epidemic Services	85,916	85,048	85,916	81,349	85,916	---	---	+4,567	
Office of the Director									
Budget Authority	30,440	30,322	30,440	32,322	38,322	+7,882	+7,882	+6,000	D
1% Set Aside	(696)	---	(696)	---	---	(-696)	(-696)	---	NA
Office of the Director, program level	(31,136)	(30,322)	(31,136)	(32,322)	(38,322)	(+7,186)	(+7,186)	(+6,000)	
National Center for Health Statistics									
Program Operations									
Budget Authority	9,522	---	9,523	---	15,069	+5,547	+5,546	+15,069	D
Salaries and expenses									
Budget Authority	17,249	---	13,257	---	18,241	+992	+4,984	+18,241	D
1% evaluation funds (NA)	(67,793)	(109,573)	(71,793)	(109,573)	(71,690)	(+3,897)	(-103)	(-37,883)	NA
Subtotal, Health Statistics program level	(94,564)	(109,573)	(94,573)	(109,573)	(105,000)	(+10,436)	(+10,427)	(-4,573)	

(1) Includes Mine Safety and Health.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
Buildings and Facilities	17,800	39,800	40,000	39,800	60,000	+42,200	+20,000	+20,200	D
Prevention research Program	11,995	12,000	12,000	12,000	12,000	+5	---	---	D
Salaries and Expenses	3,000	3,000	3,000	3,000	3,000	---	---	---	D
Subtotal, Prevention research	14,995	15,000	15,000	15,000	15,000	+5	---	---	
Health disparities demonstration Program	9,397	31,697	9,400	31,697	27,000	+17,603	+17,600	-4,697	D
Salaries and Expenses	600	3,303	600	3,303	3,000	+2,400	+2,400	-303	D
Subtotal, Health disparities demonstration	9,997	35,000	10,000	35,000	30,000	+20,003	+20,000	-5,000	
Bioterrorism Emergency	123,600	---	---	---	---	-123,600	---	---	D
Reimbursement to Calvin County, MI (hep A outbreak)	322	---	---	---	---	-322	---	---	D
Year 2000 Computer Conversion (Emergency Funding)	4,900	---	---	---	---	-4,900	---	---	D
Undistributed	---	104	---	104	---	---	---	-104	D
Subtotal, Centers for Disease Control	2,720,315	2,804,440	2,621,476	2,760,544	2,910,761	+190,446	+289,285	+150,217	
Crime Bill Activities:									
Crime Trust Fund									
Rape Prevention and Education	44,986	45,000	45,000	45,000	45,000	+14	---	---	D
Domestic Violence Community Demonstrations	5,998	6,000	6,000	6,000	6,000	+2	---	---	D
Subtotal, Crime bill activities	50,984	51,000	51,000	51,000	51,000	+16	---	---	
Total, Disease Control	2,771,299	2,855,440	2,672,476	2,811,544	2,961,761	+190,462	+289,285	+150,217	
Current Year	(2,771,299)	(2,855,440)	(2,672,476)	(2,802,838)	(2,961,761)	(+190,462)	(+289,285)	(+158,923)	
Advance Year, FY01	---	---	---	(8,706)	---	---	---	(-8,706)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, , AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 1999	House	Senate	
NATIONAL INSTITUTES OF HEALTH									
National Cancer Institute	2,902,375	2,732,795	3,163,417	3,286,859	3,332,317	+429,942	+168,900	+45,458	D
AIDS (NA)	---	(240,124)	---	---	---	---	---	---	NA
Subtotal, NCI	(2,902,375)	(2,972,919)	(3,163,417)	(3,286,859)	(3,332,317)	(+429,942)	(+168,900)	(+45,458)	
National Heart, Lung, and Blood Institute	1,782,577	1,759,806	1,937,404	2,001,185	2,040,291	+257,714	+102,887	+39,106	D
AIDS (NA)	---	(66,043)	---	---	---	---	---	---	NA
Subtotal, NHLBI	(1,782,577)	(1,825,849)	(1,937,404)	(2,001,185)	(2,040,291)	(+257,714)	(+102,887)	(+39,106)	
National Institute of Dental & Craniofacial Research	238,318	225,709	256,022	267,543	270,253	+31,935	+14,231	+2,710	D
AIDS (NA)	---	(18,397)	---	---	---	---	---	---	NA
Subtotal, NIDR	(238,318)	(244,106)	(256,022)	(267,543)	(270,253)	(+31,935)	(+14,231)	(+2,710)	
National Institute of Diabetes and Digestive and Kidney Diseases	996,848	1,002,747	1,087,455	1,130,056	1,147,588	+150,740	+60,133	+17,532	D
AIDS (NA)	---	(18,322)	---	---	---	---	---	---	NA
Subtotal, NIDDK	(996,848)	(1,021,069)	(1,087,455)	(1,130,056)	(1,147,588)	(+150,740)	(+60,133)	(+17,532)	
National Institute of Neurological Disorders & Stroke	899,119	890,816	979,281	1,019,271	1,034,886	+135,767	+55,605	+15,615	D
AIDS (NA)	---	(30,154)	---	---	---	---	---	---	NA
Subtotal, NINDS	(899,119)	(920,970)	(979,281)	(1,019,271)	(1,034,886)	(+135,767)	(+55,605)	(+15,615)	
National Institute of Allergy and Infectious Diseases	1,576,104	789,156	1,694,019	1,786,718	1,803,063	+226,959	+109,044	+16,345	D
AIDS (NA)	---	(825,294)	---	---	---	---	---	---	NA
Subtotal, NIAID	(1,576,104)	(1,614,450)	(1,694,019)	(1,786,718)	(1,803,063)	(+226,959)	(+109,044)	(+16,345)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
National Institute of General Medical Sciences........	1,197,597	1,194,068	1,298,551	1,352,843	1,361,668	+164,071	+63,117	+8,825	D
AIDS (NA)..	---	(32,630)	---	---	---	---	---	---	NA
Subtotal, NIGMS................................	(1,197,597)	(1,226,698)	(1,298,551)	(1,352,843)	(1,361,668)	(+164,071)	(+63,117)	(+8,825)	
National Institute of Child Health & Human Development	753,406	694,114	815,970	848,044	862,884	+109,478	+46,914	+14,840	D
AIDS (NA)..	---	(77,599)	---	---	---	---	---	---	NA
Subtotal, NICHD................................	(753,406)	(771,713)	(815,970)	(848,044)	(862,884)	(+109,478)	(+46,914)	(+14,840)	
National Eye Institute................................	396,896	395,935	428,594	445,172	452,706	+55,810	+24,112	+7,534	D
AIDS (NA)..	---	(10,604)	---	---	---	---	---	---	NA
Subtotal, NEI..................................	(396,896)	(406,539)	(428,594)	(445,172)	(452,706)	(+55,810)	(+24,112)	(+7,534)	
National Institute of Environmental Health Sciences...	388,477	390,718	419,009	436,113	444,817	+56,340	+25,808	+8,704	D
AIDS (NA)..	---	(7,194)	---	---	---	---	---	---	NA
Subtotal, NIEHS................................	(388,477)	(397,912)	(419,009)	(436,113)	(444,817)	(+56,340)	(+25,808)	(+8,704)	
National Institute on Aging..........................	600,136	612,599	651,665	680,332	690,156	+90,020	+38,491	+9,824	D
AIDS (NA)..	---	(2,118)	---	---	---	---	---	---	NA
Subtotal, NIA..................................	(600,136)	(614,717)	(651,665)	(680,332)	(690,156)	(+90,020)	(+38,491)	(+9,824)	
National Institute of Arthritis and Musculoskeletal and Skin Diseases..................................	307,284	309,853	333,378	350,429	351,840	+44,556	+18,462	+1,411	D
AIDS (NA)..	---	(4,797)	---	---	---	---	---	---	NA
Subtotal, NIAMS................................	(307,284)	(314,750)	(333,378)	(350,429)	(351,840)	(+44,556)	(+18,462)	(+1,411)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
National Institute on Deafness and Other Communication Disorders	231,547	235,297	251,218	261,962	265,185	+33,638	+13,967	+3,223	D
AIDS (NA)	---	(1,874)	---	---	---	---	---	---	NA
Subtotal, NIDCD	(231,547)	(237,171)	(251,218)	(261,962)	(265,185)	(+33,638)	(+13,967)	(+3,223)	
National Institute of Nursing Research	70,031	65,335	76,204	90,000	90,000	+19,969	+13,796	---	D
AIDS (NA)	---	(6,395)	---	---	---	---	---	---	NA
Subtotal, NINR	(70,031)	(71,730)	(76,204)	(90,000)	(90,000)	(+19,969)	(+13,796)	---	
National Institute on Alcohol Abuse and Alcoholism	259,202	248,916	279,901	291,247	293,935	+34,733	+14,034	+2,688	D
AIDS (NA)	---	(16,581)	---	---	---	---	---	---	NA
Subtotal, NIAAA	(259,202)	(265,497)	(279,901)	(291,247)	(293,935)	(+34,733)	(+14,034)	(+2,688)	
National Institute on Drug Abuse	607,979	429,246	656,551	682,536	689,448	+81,469	+32,897	+6,912	D
AIDS (NA)	---	(193,505)	---	---	---	---	---	---	NA
Subtotal, NIDA	(607,979)	(622,751)	(656,551)	(682,536)	(689,448)	(+81,469)	(+32,897)	(+6,912)	
National Institute of Mental Health	855,210	758,892	930,436	969,494	978,360	+123,150	+47,924	+8,866	D
AIDS (NA)	---	(117,101)	---	---	---	---	---	---	NA
Subtotal, NIMH	(855,210)	(875,993)	(930,436)	(969,494)	(978,360)	(+123,150)	(+47,924)	(+8,866)	
National Human Genome Research Institute	269,086	271,536	308,012	337,322	337,322	+68,236	+29,310	---	D
AIDS (NA)	---	(4,086)	---	---	---	---	---	---	NA
Subtotal, NHGRI	(269,086)	(275,622)	(308,012)	(337,322)	(337,322)	(+68,236)	(+29,310)	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 1999	House	Senate	
National Center for Research Resources	554,643	469,684	639,251	625,988	680,176	+125,533	+40,925	+54,188	D
FY01	---	---	---	30,000	---	---	---	-30,000	D
Subtotal	554,643	469,684	639,251	655,988	680,176	+125,533	+40,925	+24,188	
AIDS (NA)	---	(98,435)	---	---	---	---	---	---	NA
Subtotal, NCRR	(554,643)	(568,119)	(639,251)	(655,988)	(680,176)	(+125,533)	(+40,925)	(+24,188)	
National Center for Complementary and Alternative Medicine	50,000	50,168	68,000	56,214	68,753	+18,753	+753	+12,539	D
John E. Fogarty International Center	35,415	23,498	40,190	43,723	43,723	+8,308	+3,533	---	D
AIDS (NA)	---	(12,776)	---	---	---	---	---	---	NA
Subtotal, FIC	(35,415)	(36,274)	(40,190)	(43,723)	(43,723)	(+8,308)	(+3,533)	---	
National Library of Medicine	181,309	181,443	202,027	210,183	215,214	+33,905	+13,187	+5,031	D
AIDS (NA)	---	(4,211)	---	---	---	---	---	---	NA
Subtotal, NLM	(181,309)	(185,654)	(202,027)	(210,183)	(215,214)	(+33,905)	(+13,187)	(+5,031)	
Office of the Director	256,462	218,153	270,383	299,504	283,509	+27,047	+13,126	-15,995	D
AIDS (NA)	---	(44,556)	---	---	---	---	---	---	NA
Subtotal, OD	(256,462)	(262,709)	(270,383)	(299,504)	(283,509)	(+27,047)	(+13,126)	(-15,995)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 · ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
Buildings and facilities:									
Current year	197,456	108,376	108,376	100,732	135,376	-62,080	+27,000	+34,644	D
Advance for subsequent year	40,000	---	---	---	---	-40,000	---	---	D
Advance from prior year	---	(40,000)	(40,000)	(40,000)	(40,000)	(+40,000)	---	---	NA
Office of AIDS Research	---	1,833,826	---	---	---	---	---	---	D
Year 2000 Computer Conversion (Emergency Funding)	5,993	---	---	---	---	-5,993	---	---	D
Total, National Institutes of Health:									
Current Year, FY00	15,613,470	15,892,786	16,895,314	17,573,470	17,873,470	+2,260,000	+978,156	+300,000	
Advance from prior year	---	40,000	40,000	40,000	40,000	+40,000	---	---	
Total N.I.H. program level	15,613,470	15,932,786	16,935,314	17,613,470	17,913,470	+2,300,000	+978,156	+300,000	
Advance for subsequent year, FY01	40,000	---	---	30,000	---	-40,000	---	-30,000	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION									
Mental Health:									
Knowledge development and application	96,639	97,964	85,851	137,932	138,982	+42,343	+53,131	+1,050	D
Mental Health Performance Partnership	288,723	358,816	300,000	310,000	356,000	+67,277	+56,000	+46,000	D
FY01	---	---	---	48,816	---	---	---	-48,816	D
Children's Mental Health	77,974	78,000	83,000	78,000	83,000	+5,026	---	+5,000	D
Grants to States for the Homeless (PATH)	25,991	31,000	28,000	31,000	31,000	+5,009	+3,000	---	D
Protection and Advocacy	22,949	22,957	22,957	25,000	25,000	+2,051	+2,043	---	D
Subtotal, mental health	512,276	588,737	519,808	630,748	633,982	+121,706	+114,174	+3,234	
Substance Abuse Treatment:									
Knowledge Development and Application	170,771	226,868	136,613	226,868	214,566	+43,795	+77,953	-12,302	D
Substance Abuse Performance Partgership	1,584,492	1,615,000	1,585,000	1,615,000	1,600,000	+15,508	+15,000	-15,000	D
FY01	---	100,000	---	100,000	---	---	---	-100,000	D
Subtotal, Sub Abuse Treatment, current year	1,755,263	1,841,868	1,721,613	1,841,868	1,814,566	+59,303	+92,953	-27,302	
Subtotal, Sub Abuse Treatment, program level	1,755,263	1,941,868	1,721,613	1,941,868	1,814,566	+59,303	+92,953	-127,302	
Substance Abuse Prevention:									
Knowledge Development and Application	156,159	131,000	118,910	161,000	140,305	-15,854	+21,395	-20,695	D
High Risk Youth Grants	6,997	7,000	---	7,000	7,000	+3	+7,000	---	D
Subtotal, Substance abuse prevention	163,156	138,000	118,910	168,000	147,305	-15,851	+28,395	-20,695	
Program Management and Buildings and Facilities (1)	56,618	57,900	53,400	58,900	59,100	+2,482	+5,700	+200	D
Total, Substance Abuse and Mental Health	2,487,313	2,726,505	2,413,731	2,799,516	2,654,953	+167,640	+241,222	-144,563	
Current Year	(2,487,313)	(2,626,505)	(2,413,731)	(2,650,700)	(2,654,953)	(+167,640)	(+241,222)	(+4,253)	
Advance Year, FY01	---	(100,000)	---	(148,816)	---	---	---	(-148,816)	

(1) Includes $100,000 in emergency funding for Year 2000 computer conversion.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 1999	House	Senate	
AGENCY FOR HEALTH CARE POLICY AND RESEARCH									
Research on Health Care Systems Cost and Access: Federal Funds	98,035	24,326	102,062	17,163	108,924	+10,889	+6,862	+91,761	D
1% evaluation funding (NA)	(42,847)	(143,588)	(42,847)	(155,751)	(52,576)	(+9,729)	(+9,729)	(-103,175)	NA
Subtotal	(140,882)	(167,914)	(144,909)	(172,914)	(161,500)	(+20,618)	(+16,591)	(-11,414)	
Health insurance and expenditure surveys 1% evaluation funding (NA)	(27,800)	(36,000)	(27,800)	(36,000)	(36,000)	(+8,200)	(+8,200)	---	NA
Program Support (1)	4,136	2,341	2,341	2,341	2,500	-1,636	+159	+159	D
Total, AHCPR	(172,818)	(206,255)	(175,050)	(211,255)	(200,000)	(+27,182)	(+24,950)	(-11,255)	
Federal Funds	102,171	26,667	104,403	19,504	111,424	+9,253	+7,021	+91,920	
1% evaluation funding (non-add)	(70,647)	(179,588)	(70,647)	(191,751)	(88,576)	(+17,929)	(+17,929)	(-103,175)	
Total, Public Health Service	25,298,698	25,710,169	26,358,007	27,667,220	28,254,017	+2,955,319	+1,896,010	+586,797	
Current Year	(25,258,698)	(25,610,169)	(26,358,007)	(27,479,698)	(28,254,017)	(+2,995,319)	(+1,896,010)	(+774,319)	
Advance Year, FY01	(40,000)	(100,000)	---	(187,522)	---	(-40,000)	---	(-187,522)	

(1) Includes $1.795 million in emergency funding for Year 2000 computer conversion.

Note: Retirement Pay and Medical Benefits for Commissioned Officers is part of Office of the Secretary.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
HEALTH CARE FINANCING ADMINISTRATION									
GRANTS TO STATES FOR MEDICAID									
Medicaid current law benefits	102,265,000	108,257,500	108,257,500	108,257,500	108,257,500	+5,992,500	---	---	M
State and local administration	5,740,376	6,018,455	6,018,455	6,018,455	6,018,455	+278,079	---	---	M
Vaccines for Children	528,240	545,043	545,043	545,043	545,043	+16,803	---	---	M
Subtotal, Medicaid program level, current year	108,533,616	114,820,998	114,820,998	114,820,998	114,820,998	+6,287,382	---	---	
Carryover balance	-6,012,383	---	---	---	---	+6,012,383	---	---	M
Less funds advanced in prior year	-27,800,689	-28,733,605	-28,733,605	-28,733,605	-28,733,605	-932,916	---	---	M
Total, request, current year	74,720,544	86,087,393	86,087,393	86,087,393	86,087,393	+11,366,849	---	---	
New advance 1st quarter, FY01	28,733,605	30,589,003	30,589,003	30,589,003	30,589,003	+1,855,398	---	---	M
PAYMENTS TO HEALTH CARE TRUST FUNDS									
Supplemental medical insurance	61,879,000	68,690,000	68,690,000	68,690,000	68,690,000	+6,811,000	---	---	M
Hospital insurance for the uninsured	555,000	349,000	349,000	349,000	349,000	-206,000	---	---	M
Federal uninsured payment	97,000	121,000	121,000	121,000	121,000	+24,000	---	---	M
Program management	292,000	129,100	129,100	129,100	129,100	-162,900	---	---	M
Total, Payments to Trust Funds, current law	62,823,000	69,289,100	69,289,100	69,289,100	69,289,100	+6,466,100	---	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
PROGRAM MANAGEMENT									
Research, demonstration, and evaluation:									
Regular Program	50,000	55,000	50,000	65,000	62,900	+12,900	+12,900	-2,100	TF
Medicare Contractors (1)	1,265,081	1,274,303	1,176,950	1,244,000	1,244,000	-21,081	+67,050	---	TF
User fee legislative proposal	---	(-92,750)	---	---	---	---	---	---	NA
H.R. 3103 funding (NA)	(560,000)	(630,000)	(560,000)	(630,000)	(630,000)	(+70,000)	(+70,000)	---	NA
Subtotal, Medicare Contractors limit'n on new BA	1,265,081	1,274,303	1,176,950	1,244,000	1,244,000	-21,081	+67,050	---	
Subtotal, Contractors program level	(1,825,081)	(1,904,303)	(1,736,950)	(1,874,000)	(1,874,000)	(+48,919)	(+137,050)	---	
State Survey and Certification (1)	175,000	204,347	106,000	204,347	204,674	+29,674	+98,674	+327	TF
User fee legislative proposal	---	(-65,000)	---	---	---	---	---	---	NA
Federal Administration									
Year 2000 Computer Conversion (emergency funding)	196,954	---	---	---	---	-196,954	---	---	TF
Federal Administration (1)	457,784	484,502	421,126	480,000	485,000	+27,216	+63,874	+5,000	TF
User Fees	-1,984	-2,026	-2,026	-2,026	-2,026	-42	---	---	TF
User fee legislative proposal	---	(-36,700)	---	---	---	---	---	---	NA
Subtotal, Federal Administration	652,754	482,476	419,100	477,974	482,974	-169,780	+63,874	+5,000	
Total, Program management	2,142,835	2,016,126	1,752,050	1,991,321	1,994,548	-148,287	+242,498	+3,227	
Total, Program management program level	(2,702,835)	(2,646,126)	(2,312,050)	(2,621,321)	(2,624,548)	(-78,287)	(+312,498)	(+3,227)	

(1) Request assumes enactment of user fees.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 1999	House	Senate	
Medicare Trust Fund Activity:									
Hospital Insurance TF (1)	(-6,800,000)	(-6,800,000)	(-6,800,000)	(-6,800,000)	(-6,800,000)	---	---	---	NA
Supplemental Medical Ins. TF (2)	(-300,000)	(-300,000)	(-300,000)	(-300,000)	(-300,000)	---	---	---	NA
Total, Health Care Financing Administration	168,419,984	187,981,622	187,717,546	187,956,817	187,960,044	+19,540,060	+242,498	+3,227	
Federal funds	166,277,149	185,965,496	185,965,496	185,965,496	185,965,496	+19,688,347	---	---	
Current year	(137,543,544)	(155,376,493)	(155,376,493)	(155,376,493)	(155,376,493)	(+17,832,949)	---	---	
New advance, 1st quarter, FY01	(28,733,605)	(30,589,003)	(30,589,003)	(30,589,003)	(30,589,003)	(+1,855,398)	---	---	
Trust funds	2,142,835	2,016,126	1,752,050	1,991,321	1,994,548	-148,287	+242,498	+3,227	

(1) Intermediate estimates: Page 40 of the 1998 Annual Report of the Board of Trustees of the Federal Hospital Insurance Trust Fund.

(2) Intermediate estimates: Page 39 of the 1998 Annual Report of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
ADMINISTRATION FOR CHILDREN AND FAMILIES									
FAMILY SUPPORT PAYMENTS TO STATES									
Aid to Families with Dependent Children (AFDC)	35,000	---	---	---	---	-35,000	---	---	M
Quality control liabilities	-25,000	---	---	---	---	+25,000	---	---	M
Payments to territories	38,000	38,000	38,000	38,000	38,000	---	---	---	M
Emergency assistance	65,000	---	---	---	---	-65,000	---	---	M
Repatriation	1,000	1,000	1,000	1,000	1,000	---	---	---	M
Subtotal, Welfare payments	114,000	39,000	39,000	39,000	39,000	-75,000	---	---	
Child Support Enforcement:									
State and local administration	2,572,800	---	---	2,823,000	2,823,000	+250,200	+2,823,000	---	M
Federal incentive payments	385,000	---	---	354,000	354,000	-31,000	+354,000	---	M
Hold Harmless payments	41,000	---	---	65,000	65,000	+24,000	+65,000	---	M
Access and visitation	10,000	---	---	10,000	10,000	---	+10,000	---	M
Repeal of hold harmless payments (1)	---	---	---	---	---	---	---	---	M
Change match rate for paternity testing (1)	---	---	---	---	---	---	---	---	M
Carry-over from prior year	---	750,000	750,000	---	---	---	-750,000	---	M
Subtotal, Welfare payments	3,008,800	750,000	750,000	3,252,000	3,252,000	+243,200	+2,502,000	---	
Total, Payments, current year program level	3,122,800	789,000	789,000	3,291,000	3,291,000	+168,200	+2,502,000	---	
Less funds advanced in previous years	-660,000	-750,000	-750,000	-750,000	-750,000	-90,000	---	---	M
Total, payments, current request	2,462,800	39,000	39,000	2,541,000	2,541,000	+78,200	+2,502,000	---	
New advance, 1st quarter, FY01	750,000	650,000	650,000	650,000	650,000	-100,000	---	---	M

(1) Requires new legislation.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 1999	House	Senate	
LOW INCOME HOME ENERGY ASSISTANCE PROGRAM									
Advance from prior year (NA) (1)	(1,100,000)	(1,100,000)	(1,100,000)	(1,100,000)	(1,100,000)	---	---	---	NA EMG
Emergency Allocation	300,000	300,000	300,000	300,000	300,000	---	---	---	D EMG
Advance funding FY 2001	1,100,000	1,100,000	1,100,000	1,100,000	1,100,000	---	---	---	D
REFUGEE AND ENTRANT ASSISTANCE (2)									
Transitional and Medical Services	220,628	220,698	221,000	220,698	220,698	+70	-302	---	D EMG
Social Services	139,946	147,990	140,000	147,990	143,995	+4,049	+3,995	-3,995	D EMG
Preventive Health	4,833	4,835	5,000	4,835	4,835	+2	-165	---	D EMG
Targeted Assistance	49,461	49,477	50,000	49,477	49,477	+16	-523	---	D EMG
Victims of Torture	---	7,500	7,500	7,500	7,500	+7,500	---	---	D EMG
Contingent emergency appropriation	100,000	---	---	---	---	-100,000	---	---	D EMG
Total, Refugee and entrant assistance	514,868	430,500	423,500	430,500	426,505	-88,363	+3,005	-3,995	
CHILD CARE AND DEVELOPMENT BLOCK GRANT: Advance funding from prior year (NA)	(1,000,000)	(1,182,672)	(1,182,672)	(1,182,672)	(1,182,672)	(+182,672)	---	---	NA
Advance funding FY 2001	1,182,672	1,182,672	---	2,000,000	1,182,672	---	+1,182,672	-817,328	D
SOCIAL SERVICES BLOCK GRANT (TITLE XX)	1,909,000	2,380,000	1,909,000	1,050,000	1,775,000	-134,000	-134,000	+725,000	M
FY01	---	---	---	1,330,000	---	---	---	-1,330,000	D

(1) House and Conference designate funds as emergency.

(2) Conference designates funds as emergency.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
CHILDREN AND FAMILIES SERVICES PROGRAMS									
Programs for Children, Youth, and Families:									
Head Start, current funded	4,658,517	5,267,000	3,360,000	3,367,000	3,867,000	-791,517	+507,000	+500,000	D
FY01	---	---	1,400,000	1,900,000	1,400,000	+1,400,000	---	-500,000	D
Subtotal, Head Start program level	4,658,517	5,267,000	4,760,000	5,267,000	5,267,000	+608,483	+507,000	---	
Runaway and Homeless Youth	43,639	43,653	43,653	43,653	43,653	+14	---	---	D
Runaway Youth -- Transitional Living	14,944	19,949	14,949	19,949	20,749	+5,805	+5,800	+800	D
Subtotal, runaway	58,583	63,602	58,602	63,602	64,402	+5,819	+5,800	+800	
Child Abuse State Grants	21,019	21,026	21,020	21,026	21,026	+7	+6	---	D
Child Abuse Discretionary Activities	14,149	14,154	14,150	22,154	18,600	+4,451	+4,450	-3,554	D
Abandoned Infants Assistance	12,247	12,251	12,255	12,251	12,251	+4	-4	---	D
Child Welfare Services	291,896	291,989	291,900	291,989	291,989	+93	+89	---	D
Child Welfare Training	6,998	7,000	7,000	7,000	7,000	+2	---	---	D
Adoption Opportunities	24,992	27,363	27,500	26,000	27,500	+2,508	---	+1,500	D
Adoption Incentive	19,994	20,000	20,000	20,000	20,000	+6	---	---	D
Adoption Incentive (no cap adjustment)	---	---	---	---	23,000	+23,000	+23,000	+23,000	D
Battered women's shelters	---	---	---	13,500	17,500	+17,500	+17,500	+4,000	D
Social Services and Income Maintenance Research	26,991	6,000	27,000	36,991	37,991	+11,000	+10,991	+1,000	D
Community Based Resource Centers	32,825	32,835	32,835	32,835	32,835	+10	---	---	D
Developmental disabilities program:									
State Councils	64,782	64,803	64,800	66,803	65,802	+1,020	+1,002	-1,001	D
Protection and Advocacy	26,710	26,718	27,710	28,718	28,214	+1,504	+504	-504	D
Developmental Disabilities Special Projects	10,247	10,250	5,042	11,250	10,247	---	+5,205	-1,003	D
Developmental Disabilities University Affiliated	17,455	17,461	17,460	18,961	18,211	+756	+751	-750	D
Subtotal, Developmental disabilities	119,194	119,232	115,012	125,732	122,474	+3,280	+7,462	-3,258	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 1999	House	Senate	
Native American Programs............................	34,922	34,933	34,933	36,922	35,500	+578	+567	-1,422	D
Community services:									
Grants to States for Community Services..........	499,841	500,000	510,000	500,000	530,000	+30,159	+20,000	+30,000	D
Community initiative program:									
Economic Development.........................	30,055	---	30,055	30,065	30,065	+10	+10	---	D
Individual Development Account Initiative.....	9,997	20,000	10,000	---	---	-9,997	-10,000	---	D
Rural Community Facilities....................	3,499	---	3,500	5,500	5,500	+2,001	+2,000	---	D
Subtotal, discretionary funds..............	43,551	20,000	43,555	35,565	35,565	-7,986	-7,990	---	
National Youth Sports............................	14,995	---	15,000	15,000	15,000	+5	---	---	D
Community Food and Nutrition.....................	4,999	---	---	6,500	6,500	+1,501	+6,500	---	D
Subtotal, Community services.................	563,386	520,000	568,555	557,065	587,065	+23,679	+18,510	+30,000	
Program Direction..................................	144,454	150,568	144,454	150,568	148,000	+3,546	+3,546	-2,568	D
Year 2000 Computer Conversion (Emergency Funding).....	24,071	---	---	---	---	-24,071	---	---	D
Total, Children and Families Services Programs..	6,054,238	6,587,953	6,135,216	6,684,635	6,734,133	+679,895	+598,917	+49,498	
Current Year..............................	(6,054,238)	(6,587,953)	(4,735,216)	(4,784,635)	(5,334,133)	(-720,105)	(+598,917)	(+549,498)	
Advance Year, FY01.........................	---	---	(1,400,000)	(1,900,000)	(1,400,000)	(+1,400,000)	---	(-500,000)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
VIOLENT CRIME REDUCTION PROGRAMS:									
Crime Trust Funds									
Runaway Youth Prevention	14,995	15,000	15,000	15,000	15,000	+5	---	---	D
Domestic Violence Hotline	1,200	1,200	1,200	1,200	2,000	+800	+800	+800	D
Battered Women's Shelters	88,772	102,300	88,800	88,800	84,000	-4,772	-4,800	-4,800	D
Total, Violent crime reduction programs	104,967	118,500	105,000	105,000	101,000	-3,967	-4,000	-4,000	
Rescission of permanent appropriations	-21,000	---	-21,000	---	-21,000	---	---	-21,000	D
PROMOTING SAFE AND STABLE FAMILIES	275,000	295,000	295,000	295,000	295,000	+20,000	---	---	M
PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE									
Foster Care	3,982,700	4,537,200	4,537,200	4,537,200	4,537,200	+554,500	---	---	M
Adoption Assistance	868,800	1,020,100	1,020,100	1,020,100	1,020,100	+151,300	---	---	M
Independent living	70,000	105,000	105,000	105,000	105,000	+35,000	---	---	M
Independent living expansion	---	5,000	---	5,000	---	---	---	-5,000	M
Total, Program level: Payments to States	4,921,500	5,667,300	5,662,300	5,667,300	5,662,300	+740,800	---	-5,000	
Less Advances from Prior Year	-1,157,500	-1,355,000	-1,355,000	-1,355,000	-1,355,000	-197,500	---	---	M
Total, request, current year	3,764,000	4,312,300	4,307,300	4,312,300	4,307,300	+543,300	---	-5,000	
New Advance, 1st quarter, FY01	1,355,000	1,538,000	1,538,000	1,538,000	1,538,000	+183,000	---	---	M
Total, Administration for Children & Families	19,751,545	18,933,925	16,781,016	22,336,435	20,929,610	+1,178,065	+4,148,594	-1,406,825	
Current year	(15,363,873)	(14,463,253)	(12,093,016)	(13,818,435)	(15,058,938)	(-304,935)	(+2,965,922)	(+1,240,503)	
Advance Year, FY01	(4,387,672)	(4,470,672)	(4,688,000)	(8,518,000)	(5,870,672)	(+1,483,000)	(+1,182,672)	(-2,647,328)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 1999	House	Senate	
ADMINISTRATION ON AGING									
Grants to States:									
Supportive Services and Centers	300,192	310,082	310,192	310,082	310,082	+9,890	-110	---	D
Preventive Health	16,123	16,123	16,123	16,123	16,123	---	---	---	D
Title VII	12,181	12,181	12,181	13,181	13,181	+1,000	+1,000	---	D
Nutrition:									
Congregate Meals	374,258	374,412	374,258	374,412	374,412	+154	+154	---	D
Home Delivered Meals	112,000	147,000	112,000	161,300	147,000	+35,000	+35,000	-14,300	D
Frail Elderly In-Home Services	9,763	---	---	---	---	-9,763	---	---	D
Grants to Indians	18,457	18,457	18,457	18,457	18,457	---	---	---	D
Aging Research, Training and Special Projects	18,000	18,000	18,000	26,000	32,560	+14,560	+14,560	+6,560	D
Alzheimer's Initiative	5,970	5,970	5,970	5,970	5,970	---	---	---	D
Program Administration (1)	15,395	16,830	14,795	16,830	16,500	+1,105	+1,705	-330	D
National Family Caregiver Support (2)	---	125,000	---	---	---	---	---	---	D
Health Disparities Interventions	---	4,000	---	---	---	---	---	---	D
Total, Administration on Aging	882,339	1,048,055	881,976	942,355	934,285	+51,946	+52,309	-8,070	

(1) Includes $600,000 in emergency funding for Year 2000 computer conversion.

(2) Requires new authorizing legislation.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
OFFICE OF THE SECRETARY									
GENERAL DEPARTMENTAL MANAGEMENT:									
Federal Funds	108,291	120,074	108,291	104,943	116,791	+8,500	+8,500	+11,848	D
NAS study	---	---	450	---	450	+450	---	+450	D
Trust Funds	5,851	6,851	5,851	6,517	5,851	---	---	-666	TF
1% Evaluation funds (ASPE) (NA)	(20,552)	(20,552)	(20,552)	(20,552)	(20,552)	---	---	---	NA
Subtotal	(134,694)	(147,477)	(135,144)	(132,012)	(143,644)	(+8,950)	(+8,500)	(+11,632)	
Year 2000 Computer Conversion (Emergency Funding)	2,419	---	---	---	---	-2,419	---	---	D
Adolescent Family Life (Title XX)	17,700	9,200	17,700	19,700	19,700	+2,000	+2,000	---	D
FY01	---	---	50,000	---	20,000	+20,000	-30,000	+20,000	D
Physical Fitness and Sports	1,005	1,097	---	1,097	1,097	+92	+1,097	---	D
Minority health	36,000	28,000	30,000	28,000	38,000	+2,000	+8,000	+10,000	D
Office of women's health	15,495	17,522	15,495	15,495	15,495	---	---	---	D
U.S. Surgeon General violence initiative	---	---	---	4,000	500	+500	+500	-3,500	D
Bioterrorism (1)	25,000	9,668	---	9,668	9,668	-15,332	+9,668	---	D
Other Health Activities	---	---	---	---	5,350	+5,350	+5,350	+5,350	D
Health Care Access for the Uninsured	---	25,000	---	---	---	---	---	---	D
Total, General Departmental Management (2)	261,761	217,412	227,787	189,420	232,902	-28,859	+5,115	+43,482	
Federal funds	255,910	210,561	171,936	182,903	207,051	-48,859	+35,115	+24,148	
Trust funds	5,851	6,851	5,851	6,517	5,851	---	---	-666	
Federal funds, FY01	---	---	50,000	---	20,000	+20,000	-30,000	+20,000	

(1) Includes $10 million in emergency funding in FY99.

(2) Also includes $50 million in minority AIDS emergency funding in FY99.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
OFFICE OF THE INSPECTOR GENERAL:									
Federal Funds (1)................................	34,391	31,500	29,000	35,000	31,500	-2,891	+2,500	-3,500	D
HIPAA funding (NA)................................	(100,000)	(120,000)	(100,000)	(120,000)	(120,000)	(+20,000)	(+20,000)	---	NA
Total, Inspector General program level..........	(134,391)	(151,500)	(129,000)	(155,000)	(151,500)	(+17,109)	(+22,500)	(-3,500)	
OFFICE FOR CIVIL RIGHTS:									
Federal Funds....................................	17,338	18,845	17,338	18,845	18,838	+1,500	+1,500	-7	D
Trust Funds......................................	3,314	3,314	3,314	3,314	3,314	---	---	---	TF
Total, Office for Civil Rights.................	20,652	22,159	20,652	22,159	22,152	+1,500	+1,500	-7	
POLICY RESEARCH......................................	13,996	14,000	14,000	15,000	17,000	+3,004	+3,000	+2,000	D
RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS:									
Retirement payments..............................	159,251	172,045	172,045	172,045	172,045	+12,794	---	---	M
Survivors benefits...............................	11,531	11,906	11,906	11,906	11,906	+375	---	---	M
Dependents' medical care.........................	28,541	29,626	29,626	29,626	29,626	+1,085	---	---	M
Military services credits........................	2,312	1,328	1,328	1,328	1,328	-984	---	---	M
Total, Retirement pay and medical benefits......	201,635	214,905	214,905	214,905	214,905	+13,270	---	---	

(1) Includes $5.4 million in emergency funding for Year 2000 computer conversion.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 1999	House	Senate	
PUBLIC HEALTH AND SOCIAL SERVICE EMERGENCY FUND (1)..	223,422	386,022	391,833	475,000	583,600	+360,178	+191,767	+108,600	D EMG
Total, Office of the Secretary..................	755,857	885,998	898,177	951,484	1,102,059	+346,202	+203,882	+150,575	
Federal funds................................	746,692	875,833	839,012	941,653	1,072,894	+326,202	+233,882	+131,241	
Trust funds..................................	9,165	10,165	9,165	9,831	9,165	---	---	-666	
Federal funds, FY01..........................	---	---	50,000	---	20,000	+20,000	-30,000	+20,000	
Total, Department of Health and Human Services..	215,108,423	234,559,769	232,636,722	239,854,311	239,180,015	+24,071,592	+6,543,293	-674,296	
Federal Funds................................	212,956,423	232,533,478	230,875,507	237,853,159	237,176,302	+24,219,879	+6,300,795	-676,857	
Current year.............................	(179,795,146)	(197,373,803)	(195,548,504)	(198,558,634)	(200,696,627)	(+20,901,481)	(+5,148,123)	(+2,137,993)	
Advance Year, FY01.......................	(33,161,277)	(35,159,675)	(35,327,003)	(39,294,525)	(36,479,675)	(+3,318,398)	(+1,152,672)	(-2,814,850)	
Trust funds..................................	2,152,000	2,026,291	1,761,215	2,001,152	2,003,713	-148,287	+242,498	+2,561	

(1) FY99 Comparable, House and Conference designate funds as emergency.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
TITLE III - DEPARTMENT OF EDUCATION									
EDUCATION REFORM									
Goals 2000: Educate America Act:									
State Grants forward funded	459,500	459,500	---	114,875	456,500	-3,000	+456,500	+341,625	D FF
FY01	---	---	---	344,625	---	---	---	-344,625	D
State Grants current funded	1,500	1,500	---	1,500	1,500	---	+1,500	---	D
Parental Assistance	30,000	30,000	---	33,000	33,000	+3,000	+33,000	---	D
Subtotal, Goals 2000	491,000	491,000	---	494,000	491,000	---	+491,000	-3,000	
School-to-Work Opportunities	125,000	55,000	---	55,000	55,000	-70,000	+55,000	---	D FF
Educational Technology:									
Technology Literacy Challenge Fund	425,000	450,000	375,000	425,000	425,000	---	+50,000	---	D
Technology Innovation Challenge Fund	115,100	110,000	115,100	115,100	148,660	+33,560	+33,560	+33,560	D
Regional Technology in Education Consortia	10,000	10,000	---	10,000	10,000	---	+10,000	---	D
Subtotal	550,100	570,000	490,100	550,100	583,660	+33,560	+93,560	+33,560	
National Activities									
Technology Leadership Activities	2,000	2,000	---	2,000	2,000	---	+2,000	---	D
Teacher Training in Technology	75,000	75,000	---	75,000	75,000	---	+75,000	---	D
Community-Based Technology Centers	10,000	65,000	10,000	10,000	32,500	+22,500	+22,500	+22,500	D
Middle School Teacher Training	---	30,000	---	---	---	---	---	---	D
Software Development Initiative	---	5,000	---	---	---	---	---	---	D
Subtotal	87,000	177,000	10,000	87,000	109,500	+22,500	+99,500	+22,500	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
Star Schools	45,000	45,000	---	45,000	51,000	+6,000	+51,000	+6,000	D
Ready to Learn Television	11,000	7,000	---	16,000	16,000	+5,000	+16,000	---	D
Telcom Demo Project for Mathematics	5,000	2,000	---	8,500	8,500	+3,500	+8,500	---	D
Subtotal, Educational technology	698,100	801,000	500,100	706,600	768,660	+70,560	+268,560	+62,060	
21st Century Community Learning Centers (1)	200,000	600,000	300,000	400,000	453,710	+253,710	+153,710	+53,710	D
Total, Education Reform	1,514,100	1,947,000	800,100	1,655,600	1,768,370	+254,270	+968,270	+112,770	
Current Year	(1,514,100)	(1,947,000)	(800,100)	(1,310,975)	(1,768,370)	(+254,270)	(+968,270)	(+457,395)	
Advance Year, FY01	---	---	---	(344,625)	---	---	---	(-344,625)	
Subtotal, Forward funded	(584,500)	(514,500)	---	(169,875)	(511,500)	(-73,000)	(+511,500)	(+341,625)	

(1) The Administration proposes transferring this from the Education, Research, Statistics & Improvement Account.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
EDUCATION FOR THE DISADVANTAGED									
Grants to Local Education Agencies (LEAs):									
Basic Grants									
Advance from prior year	(1,448,386)	(5,046,366)	(5,046,366)	(5,046,366)	(5,046,366)	(+3,597,980)	---	---	NA
Forward funded	1,524,134	1,844,134	1,524,134	1,844,134	1,733,134	+209,000	+209,000	-111,000	D FF
Current funded	3,500	3,500	3,500	3,500	3,500	---	---	---	D
Subtotal, Basic grants current year funding	1,527,634	1,847,634	1,527,634	1,847,634	1,736,634	+209,000	+209,000	-111,000	
Subtotal, Basic grants total funds available	(2,976,020)	(6,894,000)	(6,574,000)	(6,894,000)	(6,783,000)	(+3,806,980)	(+209,000)	(-111,000)	
Basic Grants FY01 Advance	5,046,366	4,292,366	5,046,366	5,046,366	5,046,366	---	---	---	D
Subtotal, Basic grants, program level	(6,574,000)	(6,140,000)	(6,574,000)	(6,894,000)	(6,783,000)	(+209,000)	(+209,000)	(-111,000)	
Concentration Grants - Advance from prior year	---	(1,158,397)	(1,158,397)	(1,158,397)	(1,158,397)	(+1,158,397)	---	---	NA
Concentration Grants FY01 Advance	1,158,397	1,100,000	1,158,397	1,158,397	1,158,397	---	---	---	D
Targeted Grants FY01 Advance	---	756,020	---	---	---	---	---	---	D
Subtotal, Grants to LEAs	7,732,397	7,996,020	7,732,397	8,052,397	7,941,397	+209,000	+209,000	-111,000	
Capital Expenses for Private School Children	24,000	---	---	15,000	12,000	-12,000	+12,000	-3,000	D FF
Even Start	135,000	145,000	150,000	145,000	150,000	+15,000	---	+5,000	D FF
State agency programs:									
Migrant	354,689	380,000	354,689	354,689	354,689	---	---	---	D FF
Neglected and Delinquent/High Risk Youth	40,311	42,000	40,311	42,000	42,000	+1,689	+1,689	---	D FF
Evaluation	7,500	8,900	7,500	8,900	8,900	+1,400	+1,400	---	D
Comprehensive School Reform Demonstration	120,000	150,000	120,000	120,000	170,000	+50,000	+50,000	+50,000	D FF
Total, ESEA	8,413,897	8,721,920	8,404,897	8,737,986	8,678,986	+265,089	+274,089	-59,000	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
Migrant education:									
High School Equivalency Program	9,000	15,000	9,000	9,000	15,000	+6,000	+6,000	+6,000	D
College Assistance Migrant Program	4,000	7,000	4,000	4,000	7,000	+3,000	+3,000	+3,000	D
Subtotal, migrant education	13,000	22,000	13,000	13,000	22,000	+9,000	+9,000	+9,000	
Total, Education for the disadvantaged	8,426,897	8,743,920	8,417,897	8,750,986	8,700,986	+274,089	+283,089	-50,000	
Current Year	(2,222,134)	(2,595,534)	(2,213,134)	(2,546,223)	(2,496,223)	(+274,089)	(+283,089)	(-50,000)	
Advance Year, FY01	(6,204,763)	(6,148,386)	(6,204,763)	(6,204,763)	(6,204,763)	---	---	---	
Subtotal, forward funded	(2,198,134)	(2,561,134)	(2,189,134)	(2,520,823)	(2,461,823)	(+263,689)	(+272,689)	(-59,000)	
IMPACT AID									
Basic Support Payments	704,000	684,000	737,200	725,000	737,200	+33,200	---	+12,200	D
Payments for Children with Disabilities	50,000	40,000	50,000	50,000	50,000	---	---	---	D
Payments for Heavily Impacted Districts (Sec. f)	70,000	---	76,000	75,000	76,000	+6,000	---	+1,000	D
Subtotal	824,000	724,000	863,200	850,000	863,200	+39,200	---	+13,200	
Facilities Maintenance (Sec. 8008)	5,000	5,000	5,000	5,000	5,000	---	---	---	D
Construction (Sec. 8007)	7,000	7,000	7,000	7,000	10,300	+3,300	+3,300	+3,300	D
Payments for Federal Property (Sec. 8002)	28,000	---	32,000	30,000	32,000	+4,000	---	+2,000	D
Total, Impact aid	864,000	736,000	907,200	892,000	910,500	+46,500	+3,300	+18,500	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
SCHOOL IMPROVEMENT PROGRAMS									
Eisenhower Professional Development	335,000	335,000	---	335,000	335,000	---	+335,000	---	D FF
Innovative Education (Education Block Grant)	375,000	---	97,000	375,000	95,000	-280,000	-2,000	-280,000	D FF
FY01	---	---	288,000	---	285,000	+285,000	-3,000	+285,000	D
Education Block Grant, program level	375,000	---	385,000	375,000	380,000	+5,000	-5,000	+5,000	
Class Size Reduction / Teacher Assistance	1,200,000	1,400,000	---	300,000	400,000	-800,000	+400,000	+100,000	D FF
FY01	---	---	---	900,000	900,000	+900,000	+900,000	---	D
Class Size / Teacher Assist, program level	1,200,000	1,400,000	---	1,200,000	1,300,000	+100,000	+1,300,000	+100,000	
Teacher Empowerment Act (1)	---	---	450,000	---	---	---	-450,000	---	D FF
FY01	---	---	1,350,000	---	---	---	-1,350,000	---	D
Teacher Empowerment Act, program level	---	---	1,800,000	---	---	---	-1,800,000	---	
Safe and drug free schools: State Grants	441,000	439,000	441,000	136,250	115,000	-326,000	-326,000	-21,250	D FF
FY01	---	---	---	339,750	330,000	+330,000	+330,000	-9,750	D
State Grants, program level	441,000	439,000	441,000	476,000	445,000	+4,000	+4,000	-31,000	
National Programs	90,000	90,000	90,000	100,000	110,750	+20,750	+20,750	+10,750	D
Coordinator Initiative	35,000	50,000	35,000	60,000	50,000	+15,000	+15,000	-10,000	D
Project SERV	---	12,000	---	---	---	---	---	---	D
Subtotal, Safe and drug free schools	566,000	591,000	566,000	636,000	605,750	+39,750	+39,750	-30,250	
Inexpensive Book Distribution (RIF)	18,000	18,000	18,000	21,500	20,000	+2,000	+2,000	-1,500	D
Arts in Education	10,500	10,500	10,500	12,500	11,500	+1,000	+1,000	-1,000	D

(1) Subject to authorization.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Manc Disc
Other school improvement programs:									
Magnet Schools Assistance	104,000	114,000	104,000	112,000	110,000	+6,000	+6,000	-2,000	D
Education for Homeless Children & Youth	28,800	31,700	28,800	28,800	28,800	---	---	---	D FF
Women's Educational Equity	3,000	3,000	3,000	3,000	3,000	---	---	---	D
Training and Advisory Services (Civil Rights)	7,334	7,334	7,334	7,334	7,334	---	---	---	D
Ellender Fellowships/Close Up	1,500	---	1,500	1,500	1,500	---	---	---	D FF
Education for Native Hawaiians	20,000	20,000	20,000	23,000	23,000	+3,000	+3,000	---	D
Alaska Native Education Equity	10,000	10,000	10,000	13,000	13,000	+3,000	+3,000	---	D
Charter Schools	100,000	130,000	130,000	150,000	145,000	+45,000	+15,000	-5,000	D
Subtotal, other school improvement programs	274,634	316,034	304,634	338,634	331,634	+57,000	+27,000	-7,000	
Comprehensive Regional Assistance Centers	28,000	32,000	27,054	28,000	28,000	---	+946	---	D
Advanced Placement Fees	4,000	20,000	4,000	15,000	15,000	+11,000	+11,000	---	D
Total, School improvement programs	2,811,134	2,722,534	3,115,188	2,961,634	3,026,884	+215,750	-88,304	+65,250	
Current Year	(2,811,134)	(2,722,534)	(1,477,188)	(1,721,884)	(1,511,884)	(-1,299,250)	(+34,696)	(-210,000)	
Advance Year, FY01	---	---	(1,638,000)	(1,239,750)	(1,515,000)	(+1,515,000)	(-123,000)	(+275,250)	
Subtotal, forward funded	(2,381,300)	(2,205,700)	(1,018,300)	(1,176,550)	(975,300)	(-1,406,000)	(-43,000)	(-201,250)	
READING EXCELLENCE									
Reading Excellence Act	260,000	286,000	200,000	90,000	65,000	-195,000	-135,000	-25,000	D FF
FY01	---	---	---	195,000	195,000	+195,000	+195,000	---	D
Reading Excellence, program level	260,000	286,000	200,000	285,000	260,000	---	+60,000	-25,000	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
REHABILITATION SERVICES AND DISABILITY RESEARCH (1)									
Vocational Rehabilitation State Grants	2,304,411	2,338,977	2,338,977	2,338,977	2,338,977	+34,566	---	---	M
Client Assistance State grants	10,928	10,928	10,928	10,928	10,928	---	---	---	D
Training	39,629	41,629	39,629	39,629	39,629	---	---	---	D
Demonstration and training programs	14,942	16,942	13,942	18,942	22,092	+7,150	+8,150	+3,150	D
Migrant and seasonal farmworkers	2,350	2,350	2,350	2,350	2,350	---	---	---	D
Recreational programs	2,596	2,596	2,596	2,596	3,596	+1,000	+1,000	+1,000	D
Protection and advocacy of individual rights (PAIR)	10,894	10,894	11,894	10,894	11,894	+1,000	---	+1,000	D
Projects with industry	22,071	22,071	22,071	22,071	22,071	---	---	---	D
Supported employment State grants	38,152	38,152	38,152	38,152	38,152	---	---	---	D
Independent living: State grants	22,296	22,296	22,296	22,296	22,296	---	---	---	D
Centers	46,109	50,886	46,109	48,000	48,000	+1,891	+1,891	---	D
Services for older blind individuals	11,169	11,392	11,169	15,000	15,000	+3,831	+3,831	---	D
Subtotal, Independent living	79,574	84,574	79,574	85,296	85,296	+5,722	+5,722	---	
Program Improvement	1,900	1,900	1,900	1,900	1,900	---	---	---	D
Evaluation	1,587	1,587	1,587	1,587	1,587	---	---	---	D
Helen Keller National Center for Deaf-Blind Youths & Adults	8,550	8,550	8,550	8,550	8,550	---	---	---	D
National Institute for Disability and Rehabilitation Research (NIDRR)	81,000	90,964	81,000	81,000	86,500	+5,500	+5,500	+5,500	D
Assistive Technology	34,000	45,000	34,000	30,000	34,000	---	---	+4,000	D
Subtotal, discretionary programs	348,173	378,137	348,173	353,895	368,545	+20,372	+20,372	+14,650	
Total, Rehabilitation services	2,652,584	2,717,114	2,687,150	2,692,872	2,707,522	+54,938	+20,372	+14,650	

(1) P.L. 105-220 reclassified all Voc Rehab programs except State Grants as discretionary funding.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES									
AMERICAN PRINTING HOUSE FOR THE BLIND	8,661	8,973	9,000	10,100	10,100	+1,439	+1,100	---	D
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF	45,500	---	---	---	---	-45,500	---	---	D
Operations	---	45,274	45,500	45,500	45,500	+45,500	---	---	D
Construction	---	2,651	2,651	2,651	2,651	+2,651	---	---	D
Total	45,500	47,925	48,151	48,151	48,151	+2,651	---	---	
GALLAUDET UNIVERSITY	83,480	---	---	---	---	-83,480	---	---	D
Operations	---	82,620	83,480	83,000	83,480	-83,480	---	+480	D
Construction	---	2,500	2,500	2,500	2,500	+2,500	---	---	D
Total	83,480	85,120	85,980	85,500	85,980	+2,500	---	+480	
Total, Special institutions	137,641	142,018	143,131	143,751	144,231	+6,590	+1,100	+480	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
VOCATIONAL AND ADULT EDUCATION									
Vocational education:									
Basic State Grants, current funded	1,030,650	1,030,650	308,650	1,030,650	264,650	-766,000	-44,000	-766,000	D FF
FY01	---	---	772,000	---	791,000	+791,000	+19,000	+791,000	D
Basic State Grants, program level	1,030,650	1,030,650	1,080,650	1,030,650	1,055,650	+25,000	-25,000	+25,000	
Tech-Prep Education	106,000	111,000	106,000	106,000	106,000	---	---	---	D FF
Tribally Controlled Postsecondary Vocational Institutions	4,100	4,100	4,100	4,600	4,600	+500	+500	---	D
National Programs	13,497	17,500	13,497	19,500	17,500	+4,003	+4,003	-2,000	D FF
NOICC (1)	---	---	---	9,000	9,000	+9,000	+9,000	---	D
Subtotal, Vocational education	1,154,247	1,163,250	1,204,247	1,169,750	1,192,750	+38,503	-11,497	+23,000	
Adult education:									
State Grants, current funded	365,000	468,000	92,000	468,000	450,000	+85,000	+358,000	-18,000	D FF
FY01	---	---	273,000	---	---	---	-273,000	---	D
State grants, program level	365,000	468,000	365,000	468,000	450,000	+85,000	+85,000	-18,000	
National programs:									
National Leadership Activities	14,000	101,000	7,000	14,000	14,000	---	+7,000	---	D FF
National Institute for Literacy	6,000	6,000	6,000	6,000	6,000	---	---	---	D FF
Subtotal, National programs	20,000	107,000	13,000	20,000	20,000	---	+7,000	---	
Subtotal, adult education	385,000	575,000	378,000	488,000	470,000	+85,000	+92,000	-18,000	

(1) $9,000,000 for NOICC activities was provided under Training and Employment Services, Department of Labor in FY99.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 1999	House	Senate	
State Grants for Incarcerated Youth Offenders.........	16,723	12,000	---	19,000	19,000	+2,277	+19,000	---	D
Total, Vocational and adult education...........	1,555,970	1,750,250	1,582,247	1,676,750	1,681,750	+125,780	+99,503	+5,000	
Current Year..................................	(1,555,970)	(1,750,250)	(537,247)	(1,676,750)	(890,750)	(-665,220)	(+353,503)	(-786,000)	
Advance Year, FY01...........................	---	---	(1,045,000)	---	(791,000)	(+791,000)	(-254,000)	(+791,000)	
Subtotal, forward funded........................	(1,535,147)	(1,734,150)	(533,147)	(1,644,150)	(858,150)	(-676,997)	(+325,003)	(-786,000)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
Interest Subsidy Grants	13,000	12,000	12,000	12,000	12,000	-1,000	---	---	D
Federal TRIO Programs	600,000	630,000	660,000	630,000	645,000	+45,000	-15,000	+15,000	D
GEAR UP	120,000	240,000	---	180,000	200,000	+80,000	+200,000	+20,000	D
Byrd Honors Scholarships	39,288	39,859	---	39,859	39,859	+571	+39,859	---	D
Graduate Assistance in Areas of National Need	31,000	41,000	31,000	51,000	51,000	+20,000	+20,000	---	D
Learning Anytime Anywhere Partnerships	10,000	20,000	---	10,000	23,940	+13,940	+23,940	+13,940	D
Teacher Quality Enhancement Grants	77,212	115,000	75,000	80,000	98,000	+20,788	+23,000	+18,000	D
Child Care Access Means Parents in School	5,000	5,000	5,000	5,000	5,000	---	---	---	D
Demonstration in Disabilities / Higher Education	5,000	5,000	5,000	5,000	5,000	---	---	---	D
Web Based Education Commission	450	---	---	---	---	-450	---	---	D
Underground Railroad Program	1,750	1,750	---	1,750	1,750	---	+1,750	---	D
Community Scholarship Mobilization	---	---	---	2,000	1,000	+1,000	+1,000	-1,000	D
Preparing for College	---	15,000	---	---	---	---	---	---	D
College Completion Challenge Grants	---	35,000	---	---	---	---	---	---	D
D.C. Resident Tuition Support (1)	---	17,000	---	---	---	---	---	---	D
GPRA data/HEA program evaluation	---	4,000	4,000	---	3,000	+3,000	-1,000	+3,000	D
Total, Higher education	1,292,623	1,579,206	1,151,786	1,406,631	1,533,659	+241,036	+381,873	+127,028	

(1) Program transferred to D.C. Appropriations Bill.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
HOWARD UNIVERSITY									
Academic Program	181,470	185,540	185,540	185,540	185,540	+4,070	---	---	D
Endowment Program	3,530	3,530	3,530	3,530	3,530	---	---	---	D
Howard University Hospital	29,489	30,374	30,374	30,374	30,374	+885	---	---	D
Total, Howard University	214,489	219,444	219,444	219,444	219,444	+4,955	---	---	
COLLEGE HOUSING & ACADEMIC FACILITIES LOANS PROGRAM: Federal Administration	698	737	698	737	737	+39	+39	---	D
HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING, PROGRAM ACCOUNT									
Federal Administration	96	207	96	207	207	+111	+111	---	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT									
Research and statistics:									
Research	82,567	133,282	83,567	82,567	103,567	+21,000	+20,000	+21,000	D
Regional Educational Laboratories	61,000	65,000	61,000	65,000	65,000	+4,000	+4,000	---	D
Statistics	68,000	77,500	68,000	70,000	68,000	---	---	-2,000	D
Assessment:									
National Assessment	36,000	40,000	36,000	36,000	36,000	---	---	---	D
National Assessment Governing Board	4,000	4,500	4,000	4,500	4,000	---	---	-500	D
Subtotal, Assessment	40,000	44,500	40,000	40,500	40,000	---	---	-500	
Subtotal, Research and statistics	251,567	320,282	252,567	258,067	276,567	+25,000	+24,000	+18,500	
Fund for the Improvement of Education	139,000	139,500	76,000	39,500	249,525	+110,525	+173,525	+210,025	D
International Education Exchange	7,000	7,000	7,000	7,000	7,000	---	---	---	D
Civic Education	7,500	9,500	5,500	9,500	10,000	+2,500	+4,500	+500	D
Eisenhower Professional Dvp. Federal Activities	23,300	30,000	23,300	23,300	23,300	---	---	---	D
Eisenhower Regional Math & Science Ed. Consortia	15,000	17,500	15,000	15,000	15,000	---	---	---	D
Javits Gifted and Talented Education	6,500	6,500	6,500	6,500	6,500	---	---	---	D
National Writing Project	7,000	10,000	5,000	10,000	9,000	+2,000	+4,000	-1,000	D
Total, ERSI	456,867	540,282	390,867	368,867	596,892	+140,025	+206,025	+228,025	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 1999	House	Senate	
DEPARTMENTAL MANAGEMENT									
PROGRAM ADMINISTRATION (1)	364,521	386,000	362,000	370,184	383,184	+18,663	+21,184	+13,000	D
OFFICE FOR CIVIL RIGHTS	66,000	73,262	66,000	71,200	71,200	+5,200	+5,200	---	D
OFFICE OF THE INSPECTOR GENERAL	31,242	34,000	31,242	34,000	34,000	+2,758	+2,758	---	D
Total, Departmental management	461,763	493,262	459,242	475,384	488,384	+26,621	+29,142	+13,000	
STUDENT LOANS									
New Annual Loan Volume (including consolidation):									
Federal Family Education Loans (FFEL)	(23,577,000)	(25,006,000)	(25,006,000)	(25,006,000)	(25,006,000)	(+1,429,000)	---	---	NA
Federal Direct Student Loans (FDSL)	(16,232,000)	(16,155,000)	(16,155,000)	(16,155,000)	(16,155,000)	(-77,000)	---	---	NA
Total Outstanding Loan Volume:									
Federal Family Education Loans (FFEL)	(261,528,000)	(283,771,000)	(283,771,000)	(283,771,000)	(283,771,000)	(+22,243,000)	---	---	NA
Federal Direct Student Loans (FDSL)	(45,356,000)	(57,434,000)	(57,434,000)	(57,434,000)	(57,434,000)	(+12,078,000)	---	---	NA
Total, Department of Education	35,614,815	37,050,870	35,659,674	37,632,509	38,042,212	+2,427,397	+2,382,538	+409,703	
Current year	(29,410,052)	(28,977,484)	(20,877,911)	(26,220,912)	(25,594,449)	(-3,815,603)	(+4,716,538)	(-626,463)	
Advance Year, FY01	(6,204,763)	(8,073,386)	(14,781,763)	(11,411,597)	(12,447,763)	(+6,243,000)	(-2,334,000)	(+1,036,166)	

(1) Includes $2.521 million in emergency funding for Year 2000 computer conversion.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
TITLE IV - RELATED AGENCIES									
ARMED FORCES RETIREMENT HOME									
Operations and Maintenance	55,028	55,599	55,599	---	55,599	+571	---	+55,599	D
Capital Program	15,717	12,696	12,696	---	12,696	-3,021	---	+12,696	D
Total, AFRH	70,745	68,295	68,295	---	68,295	-2,450	---	+68,295	
CORPORATION FOR NATIONAL AND COMMUNITY SERVICE (1)									
Domestic Volunteer Service Programs: Volunteers in Service to America (VISTA)	73,000	81,000	73,000	81,000	81,000	+8,000	+8,000	---	D
National Senior Volunteer Corps: Foster Grandparents Program	93,256	95,000	93,256	95,000	96,354	+3,098	+3,098	+1,354	D
Senior Companion Program	36,573	39,031	36,573	39,031	39,369	+2,796	+2,796	+338	D
Retired Senior Volunteer Program	43,001	46,001	43,001	46,001	46,293	+3,292	+3,292	+292	D
Senior Demonstration Program	1,080	5,000	---	3,100	1,500	+420	+1,500	-1,600	D
Subtotal, Senior Volunteers	173,910	185,032	172,830	183,132	183,516	+9,606	+10,686	+384	
Program Administration (2)	29,929	33,500	29,129	29,129	31,129	+1,200	+2,000	+2,000	D
Total, Domestic Volunteer Service Programs	276,839	299,532	274,959	293,261	295,645	+18,806	+20,686	+2,384	

(1) Appropriations for Americorps are provided in the VA-HUD bill (P.L. 106-74).

(2) Includes $800,000 in emergency funding for Year 2000 computer conversion.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
CORPORATION FOR PUBLIC BROADCASTING:									
FY02 (current request) with FY01 comparable.......	340,000	350,000	340,000	350,000	350,000	+10,000	+10,000	---	
FY01 advance with FY00 comparable (NA)...........	(300,000)	(340,000)	(340,000)	(340,000)	(340,000)	(+40,000)	---	---	NA
FY00 advance with FY99 comparable (NA)...........	(250,000)	(300,000)	(300,000)	(300,000)	(300,000)	(+50,000)	---	---	NA
Digitalization program (1)......................	15,000	20,000	10,000	---	10,000	-5,000	---	+10,000	D
Satellite replacement supplemental--FY99..........	30,700	---	---	---	---	-30,700	---	---	D
Satellite replacement supplemental--FY00..........	17,300	---	---	---	---	-17,300	---	---	D
Advance from prior year......................	---	(17,300)	(17,300)	(17,300)	(17,300)	(+17,300)	---	---	NA
Subtotal, FY00 appropriation...............	(295,700)	(337,300)	(327,300)	(317,300)	(327,300)	(+31,600)	---	(+10,000)	
FEDERAL MEDIATION AND CONCILIATION SERVICE...........	34,620	36,834	34,620	36,834	36,834	+2,214	+2,214	---	D
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION......	6,060	6,159	6,060	6,159	6,159	+99	+99	---	D
INSTITUTE OF MUSEUM AND LIBRARY SERVICES.............	166,175	154,500	149,500	154,500	166,885	+710	+17,385	+12,385	D
MEDICARE PAYMENT ADVISORY COMMISSION (TF)............	7,015	7,015	7,015	7,015	7,015	---	---	---	TF
NATIONAL COMMISSION ON LIBRARIES AND INFO SCIENCE.....	1,000	1,300	1,000	1,300	1,300	+300	+300	---	D
NATIONAL COUNCIL ON DISABILITY.......................	2,344	2,400	2,344	2,400	2,400	+56	+56	---	D
NATIONAL EDUCATION GOALS PANEL.......................	2,100	2,250	2,100	2,250	2,250	+150	+150	---	D
NATIONAL LABOR RELATIONS BOARD.......................	184,451	210,193	174,661	210,193	206,500	+22,049	+31,839	-3,693	D
NATIONAL MEDIATION BOARD.............................	8,400	9,100	8,400	9,100	9,600	+1,200	+1,200	+500	D
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION......	8,100	8,500	8,100	8,500	8,500	+400	+400	---	D

(1) Unauthorized. Funding is subject to enactment of authorization by September 30, 1999 and 2000.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
RAILROAD RETIREMENT BOARD									
Dual Benefits Payments Account	189,000	175,000	175,000	175,000	174,000	-15,000	-1,000	-1,000	D
Less Income Tax Receipts on Dual Benefits	-11,000	-10,000	-10,000	-10,000	-10,000	+1,000	---	---	D
Subtotal, Dual Benefits	178,000	165,000	165,000	165,000	164,000	-14,000	-1,000	-1,000	
Federal Payment to the RR Retirement Account	150	150	150	150	150	---	---	---	M
Limitation on administration:									
Consolidated Account (1)	90,398	86,500	90,000	90,000	91,000	+602	+1,000	+1,000	TF
Inspector General	5,600	5,400	5,400	5,400	5,400	-200	---	---	TF
SOCIAL SECURITY ADMINISTRATION									
Payments to Social Security Trust Funds	19,689	20,764	20,764	20,764	20,764	+1,075	---	---	M
SPECIAL BENEFITS FOR DISABLED COAL MINERS									
Benefit payments	542,183	520,000	520,000	520,000	520,000	-22,183	---	---	M
Administration	4,620	4,638	4,638	4,638	4,638	+18	---	---	M
Subtotal, Black Lung, current year program level	546,803	524,638	524,638	524,638	524,638	-22,165	---	---	
Less funds advanced in prior year	-160,000	-141,000	-141,000	-141,000	-141,000	+19,000	---	---	M
Total, Black Lung, current request	386,803	383,638	383,638	383,638	383,638	-3,165	---	---	
New advances, 1st quarter FY01	141,000	124,000	124,000	124,000	124,000	-17,000	---	---	M

(1) Includes $398,000 in emergency funding for Year 2000 computer conversion.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
SUPPLEMENTAL SECURITY INCOME									
Federal benefit payments	28,263,000	28,822,000	28,822,000	28,822,000	28,822,000	+559,000	---	---	M
Beneficiary services	61,000	64,000	64,000	64,000	64,000	+3,000	---	---	M
Research and demonstration	37,000	24,000	24,000	25,085	25,085	-11,915	+1,085	---	M
Administration	2,114,000	2,203,000	2,114,000	2,192,000	2,142,000	+28,000	+28,000	-50,000	D
Subtotal, SSI current year program level	30,475,000	31,113,000	31,024,000	31,103,085	31,053,085	+578,085	+29,085	-50,000	
Less funds advanced in prior year	-8,680,000	-9,550,000	-9,550,000	-9,550,000	-9,550,000	-870,000	---	---	M
Subtotal, regular SSI current year (1999/2000)	21,795,000	21,563,000	21,474,000	21,553,085	21,503,085	-291,915	+29,085	-50,000	
Additional CDR funding (1)	177,000	200,000	200,000	200,000	200,000	+23,000	---	---	D
User Fee Activities	75,000	80,000	80,000	80,000	80,000	+5,000	---	---	D
Total, SSI, current request	22,047,000	21,843,000	21,754,000	21,833,085	21,783,085	-263,915	+29,085	-50,000	
New advance, 1st quarter, FY01	9,550,000	9,890,000	9,890,000	9,890,000	9,890,000	+340,000	---	---	M

(1) Two year availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 1999	House	Senate	
LIMITATION ON ADMINISTRATIVE EXPENSES									
OASDI Trust Funds	2,928,400	2,910,200	2,928,200	2,928,400	2,928,400	---	+200	---	TF
HI/SMI Trust Funds	952,000	1,087,000	952,000	1,066,671	1,039,671	+87,671	+87,671	-27,000	TF
Social Security Advisory Board	1,600	1,600	1,800	1,800	1,800	+200	---	---	TF
SSI	2,114,000	2,203,000	2,114,000	2,192,000	2,142,000	+28,000	+28,000	-50,000	TF
Subtotal, regular LAE	5,996,000	6,202,000	5,996,000	6,188,871	6,111,871	+115,871	+115,871	-77,000	
User Fee Activities (SSI)	75,000	80,000	80,000	80,000	80,000	+5,000	---	---	TF
Claimant representative payments	---	19,000	---	---	---	---	---	---	TF
TOTAL, REGULAR LAE	6,071,000	6,301,000	6,076,000	6,268,871	6,191,871	+120,871	+115,871	-77,000	
Additional CDR funding (1)									
OASDI	178,000	205,000	205,000	205,000	205,000	+27,000	---	---	TF
SSI	177,000	200,000	200,000	200,000	200,000	+23,000	---	---	TF
Subtotal, CDR funding	355,000	405,000	405,000	405,000	405,000	+50,000	---	---	
TOTAL, LAE	6,426,000	6,706,000	6,481,000	6,673,871	6,596,871	+170,871	+115,871	-77,000	

(1) Two year availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
OFFICE OF INSPECTOR GENERAL									
Federal Funds	12,000	15,000	12,000	15,000	15,000	+3,000	+3,000	---	D
Trust Funds	44,000	51,000	44,000	51,000	51,000	+7,000	+7,000	---	TF
Total, Office of the Inspector General	56,000	66,000	56,000	66,000	66,000	+10,000	+10,000	---	
Adjustment: Trust fund transfers from general revenues	-2,366,000	-2,483,000	-2,394,000	-2,472,000	-2,422,000	-56,000	-28,000	+50,000	TF
Total, Social Security Administration	36,260,492	36,550,402	36,315,402	36,519,358	36,442,358	+181,866	+126,956	-77,000	
Federal funds	32,156,492	32,276,402	32,184,402	32,266,487	32,216,487	+59,995	+32,085	-50,000	
Current year	(22,465,492)	(22,262,402)	(22,170,402)	(22,252,487)	(22,202,487)	(-263,005)	(+32,085)	(-50,000)	
New advances, 1st quarter FY00	(9,691,000)	(10,014,000)	(10,014,000)	(10,014,000)	(10,014,000)	(+323,000)	---	---	
Trust funds	4,104,000	4,274,000	4,131,000	4,252,871	4,225,871	+121,871	+94,871	-27,000	
UNITED STATES INSTITUTE OF PEACE	12,160	13,000	12,160	13,000	13,000	+840	+840	---	D
Total, Title IV, Related Agencies	37,717,649	37,996,530	37,675,166	37,874,420	37,887,291	+169,642	+212,125	+12,871	
Federal funds	33,510,636	33,623,615	33,441,751	33,519,134	33,558,005	+47,369	+116,254	+38,871	
Current year	(23,462,336)	(23,259,615)	(23,087,751)	(23,155,134)	(23,194,005)	(-268,331)	(+106,254)	(+38,871)	
Advance Year, FY01	(9,708,300)	(10,014,000)	(10,014,000)	(10,014,000)	(10,014,000)	(+305,700)	---	---	
Advance Year, FY02	(340,000)	(350,000)	(340,000)	(350,000)	(350,000)	(+10,000)	(+10,000)	---	
Trust funds	4,207,013	4,372,915	4,233,415	4,355,286	4,329,286	+122,273	+95,871	-26,000	
TITLE X									
Agriculture Disaster Emergency	---	---	508,000	---	---	---	-508,000	---	D EMG

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
SUMMARY									
Grand bill total	301,168,146	322,958,939	318,313,930	328,612,841	328,229,885	+27,061,739	+9,915,955	-382,956	
Federal Funds	291,411,190	312,987,882	309,003,602	318,790,642	318,504,503	+27,093,313	+9,500,901	-286,139	
Current year	(241,996,850)	(259,390,821)	(245,933,536)	(255,000,205)	(256,750,065)	(+14,753,215)	(+10,816,529)	(+1,749,860)	
Advance Year, FY01	(49,074,340)	(53,247,061)	(62,730,066)	(63,440,437)	(61,404,438)	(+12,330,098)	(-1,325,628)	(-2,035,999)	
Advance Year, FY02	(340,000)	(350,000)	(340,000)	(350,000)	(350,000)	(+10,000)	(+10,000)	---	
Trust Funds	9,756,956	9,971,057	9,310,328	9,822,199	9,725,382	-31,574	+415,054	-96,817	
BUDGET ENFORCEMENT ACT RECAP									
Mandatory, total in bill	211,156,337	229,336,630	228,859,896	230,610,465	231,330,098	+20,173,761	+2,470,202	+719,633	
Less advances for subsequent years	-40,529,605	-42,791,003	-42,791,003	-42,791,003	-42,791,003	-2,261,398	---	---	
Plus advances provided in prior years	38,458,189	40,529,605	40,529,605	40,529,605	40,529,605	+2,071,416	---	---	
Unauthorized NAFTA activities	-44,000	---	---	---	---	+44,000	---	---	
Subtotal, mandatory	209,040,921	227,075,232	226,598,498	228,349,067	229,068,700	+20,027,779	+2,470,202	+719,633	
Reclassified to discretionary	321,173	---	---	---	---	-321,173	---	---	
Total, mandatory, current year	209,362,094	227,075,232	226,598,498	228,349,067	229,068,700	+19,706,606	+2,470,202	+719,633	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2000 ($000)	FY 1999 Comparable	FY 2000 Request	House	Senate	Conference	Conference vs FY 1999	Conference vs House	Conference vs Senate	Mand Disc
Discretionary, total in bill	90,011,809	93,622,309	89,454,034	98,002,376	96,899,787	+6,887,978	+7,445,753	-1,102,589	
Less advances for subsequent years	-8,884,735	-10,806,058	-20,279,063	-20,999,434	-18,963,435	-10,078,700	+1,315,628	+2,035,999	
Plus advances provided in prior years	4,008,386	8,844,735	8,844,735	8,844,735	8,844,735	+4,836,349	---	---	
Scorekeeping adjustments:									
Plus TF advances provided in prior years	40,000	---	---	---	---	-40,000	---	---	
Adjustment to balance with 1999 bill	2,824	---	---	---	---	-2,824	---	---	
Adjustment for leg cap on Title XX SSBGs	-471,000	---	-471,000	-1,330,000	-605,000	-134,000	-134,000	+725,000	
SSA User Fee Collection	-75,000	-80,000	-80,000	-80,000	-80,000	-5,000	---	---	
Puerto Rico CHIP payments	32,000	---	---	---	---	-32,000	---	---	
MN/WY Disproportionate Share Hospitals	21,000	---	---	---	---	-21,000	---	---	
Women's health and cancer rights	1,000	---	---	---	---	-1,000	---	---	
Refugee and entrant assistance reappropriation	---	12,000	12,000	12,000	12,000	+12,000	---	---	
Emergency-designated funding	-1,122,413	---	---	---	---	+1,122,413	---	---	
Freeze direct student loan admin costs	---	---	-118,000	---	---	---	+118,000	---	
Freeze HCFA payment integrety admin costs	---	---	-70,000	---	---	---	+70,000	---	
Unauthorized NAFTA activities	44,000	---	---	---	---	-44,000	---	---	
Offsets	---	---	-258,000	---	---	---	+258,000	---	
Medicaid Title XX offset	---	---	---	25,000	1,000	+1,000	+1,000	-24,000	
Subtotal, discretionary	83,607,871	91,592,986	77,034,706	84,474,677	86,109,087	+2,501,216	+9,074,381	+1,634,410	
Reclassified from mandatory	-321,173	---	---	---	---	+321,173	---	---	
Total, discretionary, current year	83,286,698	91,592,986	77,034,706	84,474,677	86,109,087	+2,822,389	+9,074,381	+1,634,410	
Crime trust fund	155,951	169,500	156,000	156,000	152,000	-3,951	-4,000	-4,000	
General purposes	83,130,747	91,423,486	76,878,706	84,318,677	85,957,087	+2,826,340	+9,078,381	+1,638,410	
Grand total, current year	292,648,792	318,668,218	303,633,204	312,823,744	315,177,787	+22,528,995	+11,544,583	+2,354,043	

The conference agreement would enact the provisions of H.R. 3425 as introduced on November 17, 1999. The text of that bill follows:

A BILL MAKING MISCELLANEOUS APPROPRIATIONS THE FISCAL YEAR ENDING SEPTEMBER 30, 1999, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For additional gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund to meet the needs resulting from natural disasters, as follows: farm ownership loans, $590,578,000, of which $568,627,000 shall be for guaranteed loans; operating loans, $1,404,716,000, of which $302,158,000 shall be for unsubsidized guaranteed loans and $702,558,000 shall be for subsidized guaranteed loans; and for emergency loans, $547,000,000.

For the additional cost of direct and guaranteed loans to meet the needs resulting from natural disasters, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, to remain available until expended, as follows: farm ownership loans, $4,012,000, of which $3,184,000 shall be for guaranteed loans; operating loans, $89,596,000, of which $4,260,000 shall be for unsubsidized guaranteed loans and $61,895,000 shall be for subsidized guaranteed loans; and for emergency loans, $84,949,000.

EMERGENCY CONSERVATION PROGRAM

For an additional amount for the "Emergency Conservation Program" for expenses resulting from natural disasters, $50,000,000, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

CROP LOSS ASSISTANCE

For an additional amount for crop loss assistance authorized by section 801 of Public Law 106–78, $186,000,000: *Provided*, That this assistance shall be under the same terms and conditions as in section 801 of Public Law 106–78.

SPECIALTY CROP ASSISTANCE

For an additional amount for specialty crop assistance authorized by section 803(c)(1) of Public Law 106–78, $2,800,000: *Provided*, That the definition of eligible persons in section 803(c)(2) of Public Law 106–78 shall include producers who have suffered quality or quantity losses due to natural disasters on crops harvested and placed in a warehouse and not sold.

LIVESTOCK ASSISTANCE

For an additional amount for livestock assistance authorized by section 805 of Public Law 106–78, $10,000,000: *Provided*, That the Secretary of Agriculture may use this additional amount to provide assistance to persons who raise livestock owned by other persons for income losses sustained with respect to livestock during 1999 if the Secretary finds that such losses are the result of natural disasters.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations" to repair damages to the waterways and watersheds resulting from natural disasters, $80,000,000, to remain available until expended.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For additional gross obligations for the principal amount of direct loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund to meet the needs resulting from natural disasters, as follows: $50,000,000 for loans to section 502 borrowers, as determined by the Secretary; $15,000,000 for section 504 housing repair loans; and $5,000,000 for section 514 farm labor housing.

For the additional cost of direct loans to meet the needs resulting from natural disasters, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, to remain available until expended, as follows: section 502 loans, $4,265,000; section 504 loans, $4,584,000; and section 514 farm labor housing, $2,250,000.

RURAL HOUSING ASSISTANCE GRANTS

For the additional cost of grants and contracts for domestic farm labor and very low-income housing repair made available by the Rural Housing Service, as authorized by 42 U.S.C. 1474 and 1486, to meet the needs resulting from natural disasters, $14,500,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 101. Notwithstanding section 196 of the Agricultural Market Transition Act (7 U.S.C. 7333), the Secretary of Agriculture shall provide up to $20,000,000 in assistance under the noninsured crop assistance program under that section, without any requirement for an area loss, to producers located in a county with respect to which a natural disaster was declared by the Secretary, or a major disaster or emergency was declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 102. Section 814 of Public Law 106–78 is amended by inserting the following after "year": "(and 2001 crop year for citrus fruit, avocados in California, and macadamia nuts)".

SEC. 103. Of the funds made available under section 802 of Public Law 106–78 not otherwise needed to fully implement that section, the Secretary of Agriculture may use up to $4,700,000 to carry out title IX of Public Law 106–78.

SEC. 104. (a) Of the funds made available under section 802 of Public Law 106–78 (excluding any funds authorized by this Act to carry out title IX of Public Law 106–78) and under section 1111 of Public Law 105–277 not otherwise needed to fully implement those sections, the Secretary of Agriculture may provide assistance to producers or first-handlers for the 1999 crop of cottonseed.

(b) Of the funds made available under section 802 of Public Law 106–78 and section 1111 of Public Law 105–277 not otherwise needed to fully implement those sections (excluding any funds authorized by this Act to carry out title IX and to provide assistance to producers or first-handlers for the 1999 crop of cottonseed under subsection (a) of this section), the Secretary may provide funds to carry out subsection (c) of this section.

(c) The Agricultural Market Transition Act is amended by inserting after section 136 (7 U.S.C. 7236), the following new section:

"SEC. 136A. SPECIAL COMPETITIVE PROVISIONS FOR EXTRA LONG STAPLE COTTON.

"(a) COMPETITIVENESS PROGRAM.—Notwithstanding any other provision of law, during the period beginning on October 1, 1999, and ending on July 31, 2003, the Secretary shall carry out a program to maintain and expand the domestic use of extra long staple cotton produced in the United States, to increase exports of extra long staple cotton produced in the United States, and to ensure that extra long staple cotton produced in the United States remains competitive in world markets.

"(b) PAYMENTS UNDER PROGRAM; TRIGGER.—Under the program, the Secretary shall make payments available under this section whenever—

"(1) for a consecutive 4-week period, the world market price for the lowest priced competing growth of extra long staple cotton (adjusted to United States quality and location and for other factors affecting the competitiveness of such cotton), as determined by the Secretary, is below the prevailing United States price for a competing growth of extra long staple cotton; and

"(2) the lowest priced competing growth of extra long staple cotton (adjusted to United States quality and location and for other factors affecting the competitiveness of such cotton), as determined by the Secretary, is less than 134 percent of the loan rate for extra long staple cotton.

"(c) ELIGIBLE RECIPIENTS.—The Secretary shall make payments available under this section to domestic users of extra long staple cotton produced in the United States and exporters of extra long staple cotton produced in the United States who enter into an agreement with the Commodity Credit Corporation to participate in the program under this section.

"(d) PAYMENT AMOUNT.—Payments under this section shall be based on the amount of the difference in the prices referred to in subsection (b)(1) during the fourth week of the consecutive four-week period multiplied by the amount of documented purchases by domestic users and sales for export by exporters made in the week following such a consecutive four-week period.

"(e) FORM OF PAYMENT.—Payments under this section shall be made through the issuance of cash or marketing certificates, at the option of eligible recipients of the payments.".

SEC. 105. The entire amount necessary to carry out this chapter and the amendments made by this chapter shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

CHAPTER 2

FEDERAL EMERGENCY MANAGEMENT AGENCY DISASTER RELIEF

Of the unobligated balances made available under the second paragraph under the heading "Federal Emergency Management Agency, Disaster Relief" in Public Law 106–74, in addition to other amounts made available, up to $215,000,000 may be used by the Director of the Federal Emergency Management Agency for the buyout of homeowners (or the relocation of structures) for principal residences that have been made uninhabitable by flooding caused by Hurricane Floyd and surrounding events and are located in a 100-year floodplain: *Provided*, That no homeowner may receive any assistance for buyouts in excess of the fair market value of the residence on September 1, 1999 (reduced by any proceeds from insurance or any other source paid or owed as a result of the flood damage to the residence): *Provided further*, That each State shall ensure that there is a contribution from non-Federal sources of not less than 25 percent in matching funds (other than administrative costs) for any funds allocated to the State for buyout assistance: *Provided further*, That all buyouts under this section shall be subject to the terms and conditions specified under 42 U.S.C. 5170c(b)(2)(B): Provided further, That none of the funds made available for buyouts under this paragraph may be used in any calculation of a State's section 404 allocation: Provided further, That the Director shall report quarterly to the House and Senate Committees on Appropriations on the use of all funds allocated under this paragraph and certify that the use of all funds are consistent with all applicable laws and requirements: Provided further, That the Inspector General for the Federal Emergency Management Agency shall establish a task force to review all uses of funds allocated under this paragraph to ensure compliance with all applicable laws and requirements: Provided further, That no funds shall be allocated for buyouts under this paragraph except in accordance with regulations promulgated by the Director: Provided further, That the Director shall promulgate regulations not later than December 31, 1999, pertaining to the buyout program which shall include eligibility criteria, procedures for prioritizing projects, requirements for the submission of state and local buyout plans, an identification of the Federal Emergency Management Agency's oversight responsibilities, procedures for cost-benefit analysis, and the process for measuring program results: Provided further, That the Director shall report to Congress not later than December 31, 1999, on the feasibility and justification of reducing buyout assistance to those who fail to purchase and maintain flood insurance: Provided further, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE II—OTHER APPROPRIATIONS MATTERS

SEC. 201. Section 733 of Public Law 106–78 is amended by striking after "Missouri" ", or the Food and Drug Administration Detroit, Michigan, District Office Laboratory; or to reduce the Detroit, Michigan, Food and Drug Administration District Office below the operating and full-time equivalent staffing level of July 31, 1999; or to change the Detroit District Office to a station, residence post or similarly modified office; or to reassign residence posts assigned to the Detroit District Office".

SEC. 202. None of the funds made available to the Food and Drug Administration by Public Law 106-78 or any other Act for fiscal year 2000 shall be used to reduce the Detroit, Michigan, Food and Drug Administration District Office below the operating and full-time equivalent staffing level of July 31, 1999; or to change the Detroit District Office to a station, residence post or similarly modified office; or to reassign residence posts assigned to the Detroit District Office: Provided, That this section shall not apply to Food and Drug Administration field laboratory facilities or operations currently located in Detroit, Michigan, if the full-time equivalent staffing level of laboratory personnel as of July 31, 1999, is assigned to locations in the general vicinity of Detroit, Michigan, pursuant to cooperative agreements between the Food and Drug Administration and other laboratory facilities associated with the State of Michigan.

SEC. 203. Notwithstanding any other provision of law, the Secretary of Agriculture may use funds provided for rural housing assistance grants in Public Law 106–78 for a pilot project to provide home ownership for farm workers and workers involved in the processing of farm products in Salinas, California, and the surrounding area.

SEC. 204. Notwithstanding any other provision of law (including the Federal Grants and Cooperative Agreements Act), the Secretary of Agriculture shall use not more than $9,000,000 of Commodity Credit Corporation funds for a cooperative program with the State of Florida to replace commercial trees removed to control citrus canker until the earlier of December 31, 1999, or the date crop insurance coverage is made available with respect to citrus canker; and the Secretary of Agriculture shall use not more than $7,000,000 of Commodity Credit Corporation funds to replace non-commercial trees (known as dooryard citrus trees), owned by private homeowners, and removed to control citrus canker.

SEC. 205. (a) CONTINUATION OF REVENUE INSURANCE PILOT.—Section 508(h)(9)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)(9)(A)) is amended by striking "1997, 1998, 1999, and 2000" and inserting "1997 through 2001".

(b) EXPANSION OF CROP INSURANCE PILOTS.—In the case of any pilot program offered under the Federal Crop Insurance Act that was approved by the Board of Directors of the Federal Crop Insurance Corporation on or before September 30, 1999, the pilot program may be offered on a regional, whole State, or national basis for the 2000 and 2001 crop years notwithstanding section 553 of title 5, United States Code.

SEC. 206. SALES CLOSING DATES FOR CROP INSURANCE.—Section 508(f)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(f)(2)) is amended—

(1) by inserting "(A) IN GENERAL.—" before the first sentence;

(2) by striking the last sentence; and

(3) by adding at the end the following:

"(B) ESTABLISHED DATES.—Except as provided in subparagraph (C), the Corporation shall establish, for an insurance policy for each insurable crop that is planted in the spring, a sales closing date that is 30 days earlier than the corresponding sales closing date that was established for the 1994 crop year.

"(C) EXCEPTION.—If compliance with subparagraph (B) results in a sales closing date for an agricultural commodity that is earlier than January 31, the sales closing date for that commodity shall be January 31 beginning with the 2000 crop year.".

SEC. 207. The Secretary of Agriculture may use not more than $1,090,000 of funds of the Commodity Credit Corporation to provide emergency assistance to producers on farms located in Harney County, Oregon, who suffered flood-related crop and forage losses in 1999 and several previous years and are expected to suffer continuing economic losses until the floodwaters recede. The amount made available under this section shall be available for such losses for such years, as determined appropriate by the Secretary to compensate such producers for hay, grain, and pasture losses due to the floods and for related economic losses.

SEC. 208. TILLAMOOK RAILROAD DISASTER REPAIRS. In addition to amounts appropriated or otherwise made available for rural development programs of the United States Department of Agriculture by Public Law 106–78, there are appropriated $5,000,000 which may be made available to repair damage to the Tillamook Railroad caused by flooding and high winds (FEMA Disaster Number 1099–DR–OR) notwithstanding any other provision of law.

SEC. 209. At the end of section 746 of Public Law 106–78, insert the following before the period: ": Provided, That the Congressional Hunger Center may invest such funds and expend the income from such funds in a manner consistent with this section: Provided further, That notwithstanding any other provision of law, funds appropriated pursuant to this section may be paid directly to the Congressional Hunger Center.".

SEC. 210. The Secretary of Agriculture may reprogram funds appropriated by Public Law 106–78 for the cost of rural electrification and telecommunications loans to provide up to $100,000 for the cost of guaranteed loans authorized by section 306 of the Rural Electrification Act of 1936.

SEC. 211. Section 755(b) of Public Law 106–78 is hereby repealed.

SEC. 212. Section 602(b)(2) of the Small Business Reauthorization Act of 1997 (15 U.S.C. 657a note) is amended—

(1) in subparagraph (I), by striking "and" at the end;

(2) in subparagraph (J), by striking the period at the end and inserting ";"; and

(3) by inserting at the end the following:

"(K) the Department of Commerce;

"(L) the Department of Justice; and

"(M) the Department of State.".

SEC. 213. (a) REVISED SCHEDULE FOR COMPETITIVE BIDDING OF SPECTRUM.—(1) Section 337(b) of the Communications Act of 1934 (47 U.S.C. 337(b)) is amended by striking "shall—" and all that follows and inserting "shall commence assignment of licenses for public safety services created pursuant to subsection (a) no later than September 30, 1998.".

(2) Commencing on the date of the enactment of this Act, the Federal Communications Commission shall initiate the competitive bidding process previously required under section 337(b)(2) of the Communications Act of 1934 (as repealed by the amendment made by paragraph (1)).

(3) The Federal Communications Commission shall conduct the competitive bidding process described in paragraph (2) in a manner that ensures that all proceeds of such bidding are deposited in accordance with section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)) not later than September 30, 2000.

(4)(A) To expedite the assignment by competitive bidding of the frequencies identified in section 337(a)(2) of the Communications Act of 1934 (47 U.S.C. 337(a)(2)), the rules governing such frequencies shall be effective immediately upon publication in the Federal Register without regard to sections 553(d), 801(a)(3), 804(2), and 806(a) of title 5, United States Code.

(B) Chapter 6 of title 5, United States Code, section 3 of the Small Business Act (15 U.S.C. 632), and sections 3507 and 3512 of title 44, United States Code, shall not apply to the rules and competitive bidding procedures governing the frequencies described in subparagraph (A).

(5) Notwithstanding section 309(b) of the Communications Act of 1934 (47 U.S.C. 309(b)), no application for an instrument of authorization for the frequencies described in paragraph (4) may be granted by the Federal Communications Commission earlier than 7 days following issuance of public notice by the Commission of the acceptance for filing of such application or of any substantial amendment thereto.

(6) Notwithstanding section 309(d)(1) of the Communications Act of 1934 (47 U.S.C. 309(d)(1)), the Federal Communications Commission may specify a period (which shall be not less than 5 days following issuance of the public notice described in paragraph (5)) for the filing of petitions to deny any application for an instrument of authorization for the frequencies described in paragraph (4).

(b) REPORTS.—(1) Not later than 30 days after the date of the enactment of this Act, the Director of the Office of Management and Budget and the Federal Communications Commission shall each submit to the appropriate congressional committees a report which shall—

(A) set forth the anticipated schedule (including specific dates) for—

(i) preparing and conducting the competitive bidding process required by subsection (a); and

(ii) depositing the receipts of the competitive bidding process;

(B) set forth each significant milestone in the rulemaking process with respect to the competitive bidding process; and

(C) include an explanation of the effect of each requirement in subsection (a) on the schedule for the competitive bidding process and any post-bidding activities (including the deposit of receipts) when compared with the schedule for the competitive bidding and any post-bidding activities (including the deposit of receipts) that would otherwise have occurred under section 337(b)(2) of the Communications Act of 1934 (47 U.S.C. 337(b)(2)) if not for the enactment of subsection (a).

(2) Not later than 60 days after the date of the enactment of this Act, the Federal Communications Commission shall submit to the appropriate congressional committees a report which shall set forth for each spectrum auction held by the Commission since January 1, 1998, information on—

(A) the time required for each stage of preparation for the auction;

(B) the date of the commencement and of the completion of the auction;

(C) the time which elapsed between the date of the completion of the auction and the date of the first deposit of receipts from the auction in the Treasury; and

(D) the amounts, summarized by month, of all subsequent deposits in a Treasury receipt account from the auction.

(3) Not later than October 31, 2000, the Federal Communications Commission shall submit to the appropriate congressional committees a report which shall—

(A) describe the course of the competitive bidding process required by subsection (a) through September 30, 2000, including the amount of any receipts from the competitive bidding process deposited in the Treasury as of September 30, 2000; and

(B) if the course of the competitive bidding process has included any deviations from the schedule set forth under paragraph (1)(A), an explanation for such deviations from the schedule.

(4) Each report required by this subsection shall be prepared by the agency concerned without influence of any other Federal department or agency.

(5) In this subsection, the term "appropriate congressional committees" means the following:

(A) The Committees on Appropriations, the Budget, and Commerce, Science, and Transportation of the Senate.

(B) The Committees on Appropriations, the Budget, and Commerce of the House of Representatives.

(c) CONSTRUCTION.—Nothing in this section shall be construed to supersede the requirements placed on the Federal Communications Commission by section 337(d)(4) of the Communications Act of 1934 (47 U.S.C. 337(d)(4)).

(d) REPEAL OF SUPERSEDED PROVISIONS.—Section 8124 of the Department of Defense Appropriations Act, 2000 is repealed.

SEC. 214. (a) Section 8175 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79) is amended by striking section 8175 and inserting the following new section 8175:

"SEC. 8175. Notwithstanding any other provision of law, the Department of Defense shall make progress payments based on progress no less than 12 days after receiving a valid billing and the Department of Defense shall make progress payments based on cost no less than 19 days after receiving a valid billing: Provided, That this provision shall be effective only with respect to billings received during the last month of the fiscal year.".

(b) The amendment made by subsection (a) shall take effect as if included in the Department of Defense Appropriations Act, 2000 (Public Law 106–79), to which such amendment relates.

SEC. 215. (a) Section 8176 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79) is amended by striking section 8176 and inserting the following new section 8176:

"SEC. 8176. Notwithstanding any other provision of law, the Department of Defense shall make adjustments in payment procedures and policies to ensure that payments are made no earlier than one day before the date on which the payments would otherwise be due under any other provision of law: Provided, That this provision shall be effective only with respect to invoices received during the last month of the fiscal year.".

(b) The amendment made by subsection (a) shall take effect as if included in the Department of Defense Appropriations Act, 2000 (Public Law 106–79), to which such amendment relates.

SEC. 216. The Office of Net Assessment in the Office of the Secretary of Defense, jointly with the United States Pacific Command, shall submit, through the Under Secretary of Defense (Policy), a report to Congress no later than 270 days after the enactment of this Act which addresses the following issues: (1) A review of the operational planning and other preparations of the United States Department of Defense, including but not limited to the United States Pacific Command, to implement the relevant sections of the Taiwan Relations Act since its enactment in 1979; and (2) a review of evaluation of all gaps in relevant knowledge about the People's Republic of China's capabilities and intentions as they might affect the current and future military balance between Taiwan and the People's Republic of China, including both classified United States intelligence information and Chinese open source writing. The report shall be submitted in classified form, with an unclassified summary.

SEC. 217. The Secretary of Defense, jointly with the Secretary of Veterans Affairs, shall submit a report to Congress no later than 90 days after the enactment of this Act assessing the adequacy of medical research activities currently underway or planned to commence in fiscal year 2000 to investigate the health effects of low-level chemical exposures of Persian Gulf military forces while serving in the Southwest Asia theater of operations. This report shall also identify and assess valid proposals (including the cost of such proposals) to accelerate medical research in this area, especially those aimed at studying, diagnosing, and developing treatment protocols for Gulf War veterans with multi-system symptoms and multiple chemical intolerances.

(INCLUDING TRANSFER OF FUNDS)

SEC. 218. In addition to amounts appropriated or otherwise made available in Public Law 106–79, $100,000,000 is hereby appropriated to the Department of the Army and shall be made available only for transfer to titles II, III, IV, and V of Public law 106–79 to meet readiness needs: Provided, That these funds may be used to initiate the fielding and equipping, to include leasing of vehicles for test and evaluation, of two prototype brigade combat teams at Fort Lewis, Washington: Provided further, That funds transferred pursuant to this section shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred: Provided further, That the transfer authority provided in this section is in addition to any transfer authority available to the Department of Defense: Provided further, That none of the funds made available under this section may be obligated or expended until 30 days after the Chief of Staff of the Army submits a detailed plan for the expenditure of the funds to the congressional defense committees.

(TRANSFER OF FUNDS)

SEC. 219. Of the funds appropriated in Public Law 106–79, $500,000 shall be transferred from "Research, Development, Test, and Evaluation, Army" to "Operation and Maintenance, Defense-Wide": Provided, That funds transferred pursuant to this section shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred.

SEC. 220. EXEMPTION FOR WASTE MANAGEMENT FACILITIES OWNED OR OPERATED BY THE UNITED STATES. No form of financial responsibility requirement shall be imposed on the Federal Government or its contractors as to the operation of any waste management facility which is designed to manage transuranic waste material and is owned or operated by a department, agency, or instrumentality of the executive branch of the Federal Government and subject to regulation by the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or by a State program authorized under that Act.

SEC. 221. (a) That portion of the project for navigation, Newport Harbor, Rhode Island, authorized by the Rivers and Harbors Act of 1907, House Document 438, 59th Congress, 2nd Session, described by the following: N148,697.62, E548,281.70, thence running south 9 degrees 42 minutes 14 seconds east 720.92 feet to a point N147,987.01, E548,403.21, thence running south 80 degrees 17 minutes 45.2 seconds west 313.60 feet to a point N147,934.15, E548,094.10, thence running north 8 degrees 4 minutes 50 seconds west 776.9 feet to a point N148,703.30, E547,984.90, thence running south 88 degrees 54 minutes 13 seconds east 296.85 feet returning to a point N148,697.62, E548,281.70 shall no longer be authorized after the date of enactment of this Act.

(b) The area described by the following: N150,482.96, E548,057.84, thence running south 6 degrees 9 minutes 49 seconds east 1300 feet to a point N149,190.47, E548,197.42, thence running south 9 degrees 42 minutes 14 seconds east 500 feet to a point N148,697.62, E548,281.70, thence running north 88 degrees 54 minutes 13 seconds west 377.89 feet to a point N148,704.85, E547,903.88, thence running north 8 degrees 4 minutes 52 seconds west 1571.83 feet to a point N150,261.08, E547,682.92, thence running north 59 degrees 22 minutes 58 seconds east 435.66 feet returning to a point N150,482.96, E548,057.84 shall be redesignated as an anchorage area.

(c) The area described by the following: N147,427.22, E548,464.05, thence running south 2 degrees 10 minutes 32 seconds east 273.7 feet to a point N147,153.72, E548,474.44, thence running south 5 degrees 18 minutes 48 seconds west 2375.34 feet to a point N144,788.59, E548,254.48, thence running south 73 degrees 11 minutes 48 seconds west 93.40 feet to a point N144,761.59, E548,165.07, thence running north 2 degrees 10 minutes 39 seconds west 2589.81 feet to a point N147,349.53, E548,066.67, thence running north 78 degrees 56 minutes 16 seconds east 404.9 feet returning to a point N147,427.22, E548,464.05 shall be redesignated as an anchorage area.

SEC. 222. There is hereby appropriated to the Department of the Interior $1,250,000 for the acquisition of lands in the Wertheim National Wildlife Refuge, to be derived from the Land and Water Conservation Fund.

SEC. 223. For a payment to Virginia C. Chafee, widow of John H. Chafee, late a Senator from Rhode Island, $136,700.

SEC. 224. Paragraph (5) of section 201(a) of the Congressional Budget Act of 1974 (2 U.S.C. 601(a)) is amended to read as follows:

"(5)(A) The Director shall receive compensation at an annual rate of pay that is equal to the lower of—

"(i) the highest annual rate of compensation of any officer of the Senate; or

"(ii) the highest annual rate of compensation of any officer of the House of Representatives.

"(B) The Deputy Director shall receive compensation at an annual rate of pay that is $1,000 less than the annual rate of pay received by the Director, as determined under subparagraph (A).".

SEC. 225. In addition to amounts otherwise made available in Public Law 106–69 (Department of Transportation and Related Agencies Appropriations Act, 2000) to carry out 49 United States Code, 5309(m)(1)(C), $1,750,000 is made available from the Mass Transit Account of the Highway Trust Fund for Twin Cities, Minnesota metropolitan buses and bus facilities; $750,000 is made available from the Mass Transit Account of the Highway Trust Fund for Santa Clarita, California bus maintenance facility; $1,000,000 is made available from the Mass Transit Account of the Highway Trust Fund for a Lincoln, Nebraska bus maintenance facility; and $2,500,000 is made available from the Mass Transit Account of the Highway Trust Fund for Anchorage, Alaska 2001 Special Olympics Winter Games buses and bus facilities: Provided, That notwithstanding any other provision of law, $2,000,000 of the funds available in fiscal year 2000 under section 1101(a)(9) of Public Law 105–178, as amended, for the National corridor planning and development and coordinated border infrastructure programs shall be made available for the planning and design of a highway corridor between Dothan, Alabama and Panama City, Florida: Provided further, That under "Capital Investment Grants" in Public Law 106–69, item number 66 shall be amended by striking "Colorado Association of Transit Agencies" and inserting "Colorado buses and bus facilities", item number 107 shall be amended by striking "Kansas Public Transit Association buses and bus facilities" and inserting "Kansas buses and bus facilities", the figure in item number 92 shall be amended to read "3,340,000", item number 251 shall be amended by inserting after "buses" the following: "and bus facilities", and there shall be inserted after item number 279 under "Capital Investment Grants" the following:

"280. Iowa Mason City, bus facility 160,000":

Provided further, That Public Law 105–277, 112 Stat. 2681–458, item number 243 shall be amended by inserting after the word "buses' the following: "and bus facilities".

SEC. 226. No funds made available in Public Law 106–69 or any other Act shall be used to decommission or otherwise reduce operations of U.S. Coast Guard WYTL harbor tug boats.

SEC. 227. Section 351 of Public Law 106–69 is amended by striking "provided" and inserting "appropriated or limited".

SEC. 228. For purposes of section 5117(b)(5) of the Transportation Equity Act for the 21st Century, for fiscal years 1998, 1999 and 2000 the cost-sharing provision of section 5001(b) shall not apply.

SEC. 229. Section 366 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (Public Law 106–69) is amended—

(1) by striking "and subject to subsection (b),"; and

(2) by striking "under subsection (a)" and inserting "under this section".

SEC. 230. Section 408 of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 631) is amended—

(1) by striking "The" and inserting "(a) IN GENERAL.—The"; and

(2) by adding at the end the following:

"(b) TRANSPORTATION IMPROVEMENT PROGRAM.—Notwithstanding sections 134(g)(2)(B), 134(h)(3)(D) and 135(f)(2)(D) of title 23, United States Code, the Project may be included in a metropolitan long-range transportation plan, a metropolitan transportation improvement program, and a State transportation improvement program under sections 134 and 135, respectively, of that title.".

SEC. 231. (a) EXEMPTION FOR AIRCRAFT MODIFICATION OR DISPOSAL, SCHEDULED HEAVY MAINTENANCE, OR LEASING-RELATED FLIGHTS.—Section 47528 is amended—

(1) by striking "subsection (b)" in subsection (a) and inserting "subsection (b) or (f)";

(2) by adding at the end of subsection (e) the following:

"(4) An air carrier operating Stage 2 aircraft under this subsection may transport Stage 2 aircraft to or from the 48 contiguous States on a non-revenue basis in order—

"(A) to perform maintenance (including major alterations) or preventative maintenance on aircraft operated, or to be operated, within the limitations of paragraph (2)(B); or

"(B) conduct operations within the limitations of paragraph (2)(B)."; and

(3) adding at the end thereof the following:

"(f) AIRCRAFT MODIFICATION, DISPOSAL, SCHEDULED HEAVY MAINTENANCE, OR LEASING.—

"(1) IN GENERAL.—The Secretary shall permit a person to operate after December 31, 1999, a Stage 2 aircraft in nonrevenue service through the airspace of the United States or to or from an airport in the contiguous 48 States in order to—

"(A) sell, lease, or use the aircraft outside the contiguous 48 States;

"(B) scrap the aircraft;

"(C) obtain modifications to the aircraft to meet Stage 3 noise levels;

"(D) perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 States;

"(E) deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor;

"(F) prepare or park or store the aircraft in anticipation of any of the activities described in subparagraphs (A) through (E); or

"(G) divert the aircraft to an alternative airport in the contiguous 48 States on account of weather, mechanical, fuel, air traffic control, or other safety reasons while conducting a flight in order to perform any of the activities described in subparagraphs (A) through (F).

"(2) PROCEDURE TO BE PUBLISHED.—The Secretary shall establish and publish, not later than 30 days after the date of enactment of this Act a procedure to implement paragraph (1) of this subsection through the use of categorical waivers, ferry permits, or other means.".

(b) NOISE STANDARDS FOR EXPERIMENTAL AIRCRAFT.—

(1) IN GENERAL.—Section 47528(a) of title 49 is amended by inserting "(for which an airworthiness certificate other than an experimental certificate has been issued by the Administrator)" after "civil subsonic turbojet".

(2) FAR MODIFIED.—The Federal Aviation Regulations, contained in Part 14 of the Code of Federal Regulations, that implement section 47528 and related provisions shall be deemed to incorporate this change on the effective date of this Act.

(3) OTHER.—Notwithstanding any other provision of law, none of the funds in this or any other Act may be used to implement or otherwise enforce Stage 3 noise limitations in title 49 United States Code, section 47528(a) for aircraft operating under an experimental airworthiness certification issued by the Department of Transportation.

SEC. 232. In addition to amounts provided to the Federal Railroad Administration in Public Law 106–69, for necessary expenses for engineering, design and construction activities to enable the James A. Farley Post Office in New York City to be used as a train station and commercial center, to become available on October 1 of the fiscal year specified and to remain available until expended: fiscal year 2001, $20,000,000; fiscal year 2002, $20,000,000; fiscal year 2003, $20,000,000.

SEC. 233. (a) Section 203(p)(1)(B)(ii) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)(1)(B)(ii)) is amended by striking "December 31, 1999." and inserting "July 31, 2000.".

(b) During the period beginning January 1, 2000, and ending July 31, 2000, the Administrator may convey any property for which an application for the transfer of property is under consideration and pending on the date of the enactment of this Act.

SEC. 234. Effective on November 15, 1999, or the last day of the 1st session of the 106th Congress, whichever is later, in addition to amounts otherwise provided to address the expenses of Year 2000 conversion of Federal information technology systems, not to exceed 10 percent of any appropriation for salaries and expenses made available to an agency for fiscal year 2000 in this or any other Act may be used by the agency for implementation of agency business continuity and contingency plans in furtherance of Year 2000 compliance by Federal agencies: Provided, That such amounts may be transferred between agency accounts: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority provided in this or any other Act: Provided further, That notice of any transfer under this section shall be transmitted to House and Senate Committees on Appropriations, the Senate Special Committee on the Year 2000 Technology Problem, the House Committee on Science, and the House Committee on Government Reform 10 days in advance of such transfer: Provided further, That, under circumstances reasonably requiring immediate action, such notice shall be transmitted as soon as possible but in no case more than 5 days after such transfer: Provided further, That the authority granted in this section shall expire on February 29, 2000.

SEC. 235. Title III of Public Law 106–58, under the heading "Office of Administration, Salaries and Expenses", is amended by inserting after "infrastructure" the following: ": Provided, That the funds for the capital investment plan shall remain available until September 30, 2001".

SEC. 236. POSTPONEMENT OF DATE OF TERMINATION OF FEDERAL AGENCY REPORTING REQUIREMENTS. Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) is amended by striking "4 years after the date of the enactment of this Act" and inserting "May 15, 2000".

SEC. 237. In addition to amounts appropriated to the Office of National Drug Control Policy, $3,000,000 is appropriated: Provided, That this amount shall be made available by grant to the United States Olympic Committee for its anti-doping program within 30 days of the enactment of this Act.

SEC. 238. (a) IN GENERAL.—(1) Section 5315 of title 5, United States Code, is amended by striking the following item: "Commissioner of Customs, Department of the Treasury".

(2) Section 5314 of title 5, United States Code, is amended by inserting at the end the following item: "Commissioner of Customs, Department of the Treasury".

(b) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on January 1, 2000.

SEC. 239. (a) Section 101(d)(3) of title I of Division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277, 112 Stat. 2681–584–2681–585) is amended by inserting "not" after "the Inspector General Act of 1978 (5 U.S.C. App.) shall".

(b) The amendment made by subsection (a) shall be effective as if included in the enactment of section 101 of title I of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999.

SEC. 240. For necessary expenses of the United States Secret Service, an additional $10,000,000 is appropriated for "Salaries and Expenses". In addition, for the purposes of meeting additional requirements of the United States Secret Service for fiscal year 2000, the Secretary of the Treasury is authorized and directed to transfer $21,000,000 to the United States Secret Service out of all the funds available to the Department of the Treasury no later than 120 days after enactment of this Act: Provided, That the transfer authority provided in this section is in addition to any other transfer authority contained elsewhere in this or any other Act: Provided further, That such transfers pursuant to this section be taken from programs, projects, and activities as determined by the Secretary of the Treasury and subject to the advance approval of the Committee on Appropriations.

SEC. 241. Section 404(b) of the Government Management Reform Act of 1994 (31 U.S.C. 501 note) is amended by striking: "December 31, 1999" and inserting "April 30, 2000".

SEC. 242. (a) The seventh paragraph under the heading "Community Development Block Grants" in title II of H.R. 2684 (Public Law 106–74) is amended by striking the figure making individual grants for targeted economic investments and inserting "$250,175,000" in lieu thereof.

(b) The statement of the managers of the committee of conference accompanying H.R. 2684 (Public Law 106–74; House Report No. 106–379) is deemed to be amended under the heading "Community Development Block Grants" to include in the description of targeted economic development initiatives the following:

"—$500,000 to Saint John's County, Florida for water, wastewater, and sewer system improvements;

"—$1,000,000 to the City of San Dimas, California for structural improvements, earthquake reinforcement, and compliance with the Americans with Disabilities Act, to the Walker House;

"—$2,000,000 to the City of Youngstown in Youngstown, Ohio for site acquisition, planning, architectural design, and preliminary construction activities of a convocation/community center;

"—$875,000 to Chippewa County, Wisconsin for development of the Lake Wissota Business Park;

"—$1,500,000 to Lake Marion Regional Water Agency in South Carolina, for continued development of water supply needs;

"—$650,000 to Santa Fe County, New Mexico, for the Santa Fe Regional Water Management and River Restoration Strategy (including activities of partner governments and agencies);

"—$650,000 to the Dunbar Community Center in Springfield, Massachusetts to expand its facilities".

TITLE III—FISCAL YEAR 2000 OFFSETS AND RESCISSIONS

SEC. 301. (a) GOVERNMENT-WIDE RESCISSIONS.—There is hereby rescinded an amount equal to 0.38 percent of the discretionary budget authority provided (or obligation limit imposed) for fiscal year 2000 in this or any other Act for each department, agency, instrumentality, or entity of the Federal Government.

(b) RESTRICTIONS.—In carrying out the rescissions made by subsection (a).—

(1) no program, project, or activity of any department, agency, instrumentality, or entity may be reduced by more than 15 percent (with "programs, projects, and activities" as delineated in the appropriations Act or accompanying report for the relevant account, or for accounts and items not included in appropriations Acts, as delineated in the most recently submitted President's budget),

(2) no reduction shall be taken from any military personnel account, and

(3) the reduction for the Department of Defense and Department of Energy Defense Activities shall be applied proportionately to all Defense accounts.

(c) REPORT.—The Director of the Office of Management and Budget shall include in the President's budget submitted for fiscal year 2001 a report specifying the reductions made to each account pursuant to this section.

SEC. 302. Section 7 of the Federal Reserve Act (12 U.S.C. 289) is amended as follows:

(1) by striking subsection (a)(3); and

(2) by inserting the following new subsection (b):

"(b) TRANSFER FOR FISCAL YEAR 2000.—

"(1) IN GENERAL.—The Federal reserve banks shall transfer from the surplus funds of such banks to the Board of Governors of the Federal Reserve System for transfer to the Secretary of the Treasury for deposit in the general fund of the Treasury, a total amount of $3,752,000,000 in fiscal year 2000.

"(2) ALLOCATED BY FED.—Of the total amount required to be paid by the Federal reserve banks under paragraph (1) for fiscal year 2000, the Board shall determine the amount each such bank shall pay in such fiscal year.

"(3) REPLENISHMENT OF SURPLUS FUND PROHIBITED.—During fiscal year 2000, no Federal reserve bank may replenish such bank's surplus fund by the amount of any transfer by such bank under paragraph (1).".

SEC. 303. (a) Section 453(j) of the Social Security Act (42 U.S.C. 653(j)) is amended by adding at the end the following:

"(6) INFORMATION COMPARISONS AND DISCLOSURE FOR ENFORCEMENT OF OBLIGATIONS ON HIGHER EDUCATION ACT LOANS AND GRANTS.—

"(A) FURNISHING OF INFORMATION BY THE SECRETARY OF EDUCATION.—The Secretary of Education shall furnish to the Secretary, on a quarterly basis or at such less frequent intervals as may be determined by the Secretary of Education, information in the custody of the Secretary of Education for comparison with information in the National Directory of New Hires, in order to obtain the information in such directory with respect to individuals who—

"(i) are borrowers of loans made under title IV of the Higher Education Act of 1965 that are in default; or

"(ii) owe an obligation to refund an overpayment of a grant awarded under such title.

"(B) REQUIREMENT TO SEEK MINIMUM INFORMATION NECESSARY.—The Secretary of Education shall seek information pursuant to this section only to the extent essential to improving collection of the debt described in subparagraph (A).

"(C) DUTIES OF THE SECRETARY.—

"(i) INFORMATION COMPARISON; DISCLOSURE TO THE SECRETARY OF EDUCATION.—The Secretary, in cooperation with the Secretary of Education, shall compare information in the National Directory of New Hires with information in the custody of the Secretary of Education, and disclose information in that Directory to the Secretary of Education, in accordance with this paragraph, for the purposes specified in this paragraph.

"(ii) CONDITION ON DISCLOSURE.—The Secretary shall make disclosures in accordance with clause (i) only to the extent that the Secretary determines that such disclosures do not interfere with the effective operation of the program under this part. Support collection under section 466(b) shall be given priority over collection of any defaulted student loan or grant overpayment against the same income.

"(D) USE OF INFORMATION BY THE SECRETARY OF EDUCATION.—The Secretary of Education may use information resulting from a data match pursuant to this paragraph only—

"(i) for the purpose of collection of the debt described in subparagraph (A) owed by an individual whose annualized wage level (determined by taking into consideration information from the National Directory of New Hires) exceeds $16,000; and

"(ii) after removal of personal identifiers, to conduct analyses of student loan defaults.

"(E) DISCLOSURE OF INFORMATION BY THE SECRETARY OF EDUCATION.—

"(i) DISCLOSURES PERMITTED.—The Secretary of Education may disclose information resulting from a data match pursuant to this paragraph only to—

"(I) a guaranty agency holding a loan made under part B of title IV of the Higher Education Act of 1965 on which the individual is obligated;

"(II) a contractor or agent of the guaranty agency described in subclause (I);

"(III) a contractor or agent of the Secretary; and

"(IV) the Attorney General.

"(ii) PURPOSE OF DISCLOSURE.—The Secretary of Education may make a disclosure under clause (i) only for the purpose of collection of the debts owed on defaulted student loans, or overpayments of grants, made under title IV of the Higher Education Act of 1965.

"(iii) RESTRICTION ON REDISCLOSURE.—An entity to which information is disclosed under clause (i) may use or disclose such information only as needed for the purpose of collecting on defaulted student loans, or overpayments of grants, made under title IV of the Higher Education Act of 1965.

"(F) REIMBURSEMENT OF HHS COSTS.—The Secretary of Education shall reimburse the Secretary, in accordance with subsection (k)(3), for the additional costs incurred by the Secretary in furnishing the information requested under this subparagraph.".

(b) PENALTIES FOR MISUSE OF INFORMATION.—Section 402(a) of the Child Support Performance and Incentive Act of 1998 (112 Stat. 669) is amended in the matter added by paragraph (2) by inserting "or any other person" after "officer or employee of the United States".

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective October 1, 1999.

SEC. 304. Section 110 of title 23, United States Code, is amended by adding at the end the following:

"(e) After making any calculation necessary to implement this section for fiscal year 2001, the amount available under paragraph (a)(1) shall be increased by $128,752,000. The amounts added under this subsection shall not apply to any calculation in any other fiscal year.

"(f) For fiscal year 2001, prior to making any distribution under this section, $22,029,000 of the allocation under paragraph (a)(1) shall be available only for each program authorized under chapter 53 of title 49, United States Code, and title III of Public Law 105–178, in proportion to each such program's share of the total authorization in section 5338 (other than 5338(h)) of such title and sections 3037 and 3038 of such Public Law, under the terms and conditions of chapter 53 of such title.

"(g) For fiscal year 2001, prior to making any distribution under this section, $399,000 of the allocation under paragraph (a)(1) shall be available only for motor carrier safety programs under sections 31104 and 31107 of title 49, United States Code; $274,000 for NHTSA operations and research under section 403 of title 23, United States Code; and $787,000 for NHTSA highway traffic safety grants under chapter 4 of title 23, United States Code.".

SEC. 305. Notwithstanding section 3324 of title 31, United States Code, and section 1006(h) of title 37, United States Code, the basic pay and allowances that accrues to members of the Army, Navy, Marine Corps, and Air Force for the pay period ending on September 30, 2000, shall be paid, whether by electronic transfer of funds or otherwise, no earlier than October 1, 2000.

SEC. 306. The pay of any Federal officer or employee that would be payable on September 29, 2000, or September 30, 2000, for the preceding applicable pay period (if not for this section) shall be paid, whether by electronic transfer of funds or otherwise, on October 1, 2000.

SEC. 307. Under the terms of section 251(b)(2) of Public Law 99–177, an adjustment for rounding shall be provided for the first amount referred to in section 251(c)(4)(A) of such Act equal to 0.2 percent of such amount.

TITLE IV—CANYON FERRY RESERVOIR, MONTANA

SEC. 401. DEFINITION OF INDIVIDUAL PROPERTY PURCHASER.

Section 1003 of title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–711) is amended—

(1) by redesignating paragraphs (4) through (12) as paragraphs (5) through (13), respectively; and

(2) by inserting after paragraph (3) the following:

"(4) INDIVIDUAL PROPERTY PURCHASER.—The term 'individual property purchaser', with respect to an individual cabin site described in section 1004(b), means a person (including CFRA or a lessee) that purchases that cabin site.

SEC. 402. SALE OF PROPERTIES.

Section 1004 of title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, is amended—

(1) in subsection (c)(2) (112 Stat. 2681–713), by striking subparagraph (B) and inserting the following:

"(B) APPRAISAL.—

"(i) IN GENERAL.—The appraisal under subparagraph (A) shall be based on the Canyon Ferry Cabin Site appraisal with a completion date of March 29, 1999, and amended June 11, 1999, with an effective date of valuation of October 15, 1998, for the Bureau of Reclamation, on the conditions stated in this subparagraph.

"(ii) MODIFICATIONS.—The contract appraisers that conducted the original appraisal having an effective date of valuation of October 15, 1998, for the Bureau of Reclamation shall make appropriate modifications to permit recalculation of the lot values established in the original appraisal into an updated appraisal, the function of which shall be to provide market values for the sale of each of the 265 Canyon Ferry Cabin site lots.

"(iii) CHANGES IN PROPERTY CHARACTERISTICS.—If there are any changes in the characteristic of a property that form part of the basis of the updated appraisal (including a change in size, easement considerations, or updated analyses of the physical characteristics of a lot), the contract appraisers shall make an appropriate adjustment to the updated appraisal.

"(iv) UPDATING.—Subject to the approval of CFRA and the Secretary, the fair market values established by the appraisers under this paragraph may be further updated periodically by the contract appraisers through appropriate market analyses.

"(v) RECONSIDERATION.—The Bureau of Reclamation and the 265 Canyon Ferry cabin owners have the right to seek reconsideration, before commencement of the updated appraisal, of the assumptions that the appraisers used in arriving at the fair market values derived in the original appraisal.

"(vi) CONTINUING VALIDITY.—Notwithstanding any other provision of law, the October 15, 1998, Canyon Ferry Cabin Site original appraisal, as provided for in this paragraph, shall remain valid for use by the Bureau of Reclamation in the sale process for a period of not less than 3 years from the date of completion of the updated appraisal.";

(2) in subsection (d) (112 Stat. 2681–713)—

(A) in paragraph (1)(D), by adding at the end the following:

"(iii) REMAINING LEASES.—

"(I) CONTINUATION OF LEASES.—The remaining lessees shall have a right to continue leasing through August 31, 2014.

"(II) RIGHT TO CLOSE.—The remaining leases shall have the right to close under the terms of the sale at any time before August 31, 2014. On termination of the lease either by expiration under the terms of the lease or by violation of the terms of the lease, all personal property and improvements will be removed, and the cabin site shall remain in Federal ownership."; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting "or if no one (including CFRA) bids," after "bid"; and

(ii) in subparagraph (D)—

(I) by striking "12 months" and inserting "36 months"; and

(II) by adding at the end the following: "If the requirement of the preceding sentence is not met, CFRA may close on all remaining cabin sites or up to the 75 percent requirement. If CFRA does not exercise either such option, the Secretary shall conduct another sale for the remaining cabin sites to close immediately, with proceeds distributed in accordance with section 1008.";

(3) by striking subsection (e) (112 Stat. 2681–714) and inserting the following:

"(e) ADMINISTRATIVE COSTS.—

"(1) ALLOCATION OF FUNDING.—The Secretary shall allocate all funding necessary to conduct the sales process for the sale of property under this title.

"(2) REIMBURSEMENT.—Any reasonable administrative costs incurred by the Secretary (including the costs of survey and appraisals incident to the conveyance under subsection (a)) shall be proportionately reimbursed by the property owner a the time of closing."; and

(4) by striking subsection (f) (112 Stat. 2681–714) and inserting the following:

"(f) TIMING.—The Secretary shall—

"(1) immediately begin preparing for the sales process on enactment of this Act; and

"(2) not later than 1 year after the date of enactment of this Act, begin conveying the property described in subsection (b).".

SEC. 403. MONTANA FISH AND WILDLIFE CONSERVATION TRUST.

Section 1007(b) of title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–715), is amended—

(1) in subsection (c)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking "trust manager" and inserting "trust manager (referred to in this section as the 'trust manager')";

(B) in paragraph (2)(A), in the matter preceding clause (i), by striking "agency Board" and inserting "Agency Board (referred to in this section as the 'Joint State-Federal Agency Board')"; and

(C) in paragraph (3)(A), by striking "Advisory Board" and inserting "Advisory Board (referred to in this section as the 'Citizen Advisory Board')"; and

(2) by adding at the end the following:

"(f) RECREATION TRUST AGREEMENT.—

"(1) IN GENERAL.—The Trust, acting through the trust manager, in consultation with the Joint State-Federal Agency Board and the Citizen Advisory Board, shall enter into a legally enforceable agreement with CFRA (referred to in this section as the 'Recreation Trust Agreement').

"(2) CONTENTS.—The Recreation Trust Agreement shall provide that—

"(A) on receipt of proceeds of the sale of a property under section 1004, the Trust shall loan up to $3,000,000 of the proceeds to CFRA;

"(B) CFRA shall deposit all funds borrowed under subparagraph (A) in the Canyon Ferry-Broadwater County Trust;

"(C) CFRA and the individual purchasers shall repay the principal of the loan to the Trust as soon as reasonably practicable in accordance with a repayment schedule specified in the loan agreement; and

"(D) until such time as the principal is repaid in full, CFRA and the individual purchasers shall make an annual interest payment on the outstanding principal of the loan to the Trust at an interest rate determined in accordance with paragraph (4)(C).

"(3) TREATMENT OF INTEREST PAYMENTS.—All interest payments received by the Trust under paragraph (2)(D) shall be treated as earnings under subsection (d)(2).

"(4) FIDUCIARY RESPONSIBILITY.—In negotiating the Recreation Trust Agreement, the trust manager shall act in the best interests of the Trust to ensure—

"(A) the security of the loan;

"(B) timely repayment of the principal; and

"(C) payment of a fair interest rate, of not less than 6 nor more than 8 percent per year, based on the length of the term of a loan that is comparable to the term of a traditional home mortgage.

"(g) RESTRICTION ON DISBURSEMENT.—Except as provided in subsection (f), the trust manager shall not disburse any funds from the Trust until August 1, 2001, as provided for in the Recreation Trust Agreement, unless Broadwater County, at an earlier date, certifies that the Canyon Ferry-Broadwater County Trust has been fully funded in accordance with this title.

"(h) CONDITION TO SALE.—No closing of property under section 1004 shall be made until the Recreation Trust Agreement is entered into under subsection (f)".

SEC. 404. CANYON FERRY-BROADWATER COUNTY TRUST.

Section 1008(b) of title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–718), is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) AGREEMENT.—

"(A) CONDITION TO SALE.—No closing of property under section 1004 shall be made until CFRA and Broadwater County enter into a legally enforceable agreement (referred to in this paragraph as the 'Contributions Agreement') concerning contributions to the Trust.

"(B) CONTENTS.—The Contributions Agreement shall require that on or before August 1, 2001, CFRA shall ensure that $3,000,000 in value is deposited in the Canyon Ferry-Broadwater County Trust from 1 or more of the following sources:

"(i) Direct contributions made by the purchasers on the sale of each cabin site.

"(ii) Annual contributions made by the purchasers.

"(iii) All other monetary contributions.

"(iv) In-kind contributions, subject to the approval of the County.

"(v) All funds borrowed by CFRA under section 1007(f).

"(vi) Assessments made against the cabin sites made under a county park district or any similar form of local government under the laws of the State of Montana.

"(vii) Any other contribution, subject to the approval of the County.";

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following:

"(2) ALTERNATIVE FUNDING SOURCE.—If CFRA agrees to form a county park district under section 7–16–2401 et seq., of the Montana Code Annotated, or any other similar form of local government under the laws of the State of Montana, for the purpose of providing funding for the Trust pursuant to the Contributions Agreement, CFRA and Broadwater County may amend the Contributions Agreement as appropriate, so long as the monetary obligations of individual property purchases under the Contributions Agreement as amended are substantially similar to those specified in paragraph (1)."; and

(4) in paragraph (4) (as redesignated by paragraph (2), by striking "until the condition stated in paragraph (1) is met".

SEC. 405. TECHNICAL CORRECTIONS.

Title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 is amended—

(1) in section 1001 (112 Stat. 2681–710), by striking "section 4(b)" and inserting "section 1004(b)";

(2) in section 1003 (112 Stat. 2681–711)—

(A) in paragraph (1), by striking "section 8" and inserting "section 1008";

(B) in paragraph (6), by striking "section 7" and inserting "section 1007";

(C) in paragraph (8)—

(i) in subparagraph (A), by striking "section 4(b)" and inserting "1004(b)"; and

(ii) in subparagraph (B), by striking "section 4(b)(1)(B)" and inserting "section 1004(b)(1)(B)"; and

(D) in paragraph (9), by striking "section 4" and inserting "section 104"; and

(3) in section 1004 (112 Stat. 2681–712)—

(A) in subsection (b)(3)(B)(ii)(II), by striking "section 4(a)" and inserting "section 1004(a)"; and

(B) in subsection (d)(2)(G), by striking "section 6" and inserting "section 1006".

TITLE V—INTERNATIONAL DEBT RELIEF

SEC. 501. ACTIONS TO PROVIDE BILATERAL DEBT RELIEF.

(a) CANCELLATION OF DEBT.—Subject to the availability of amounts provided in advance in appropriations Acts, the President shall cancel all amounts owed to the United States (or any agency of the United States) by any country eligible for debt reduction under this section, as a result of loans made or credits extended prior to June 20, 1999, under any of the provisions of law specified in subsection (b).

(b) PROVISIONS OF LAW.—The provisions of law referred to in subsection (a) are the following:

(1) Sections 221 and 222 of the Foreign Assistance Act.

(2) The Arms Export Control Act (22 U.S.C. 2751 et seq.).

(3) Section 5(f) of the Commodity Credit Corporation Charter Act, section 201 of the Agricultural Trade Act of 1978 (7 U.S.C. 5621), or section 202 of such Act (7 U.S.C. 5622), or predecessor provisions under the Food for Peace Act of 1966.

(4) Title I of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701 et seq.).

(c) OTHER DEBT REDUCTION AUTHORITIES.—The authority provided in this section is in addition to any other debt relief authority and does not in any way limit such authority.

(d) ELIGIBLE COUNTRIES.—A country that is performing satisfactorily under an economic reform program shall be eligible for cancellation of debt under this section if—

(1) the country, as of December 31, 2000, is eligible to borrow from the International Development Association;

(2) the country, as of December 31, 2000, is not eligible to borrow from the International Bank for Reconstruction and Development; and

(3)(A) the country has outstanding public and publicly guaranteed debt, the net present value of which on December 31, 1996, was at least 150 percent of the average annual value of the exports of the country for the period 1994 through 1996; or

(B)(i) the country has outstanding public and publicly guaranteed debt, the net present value of which, as of the date the President determines that the country is eligible for debt relief under this section, is at least 150 percent of the annual value of the exports of the country; or

(ii) the country has outstanding public and publicly guaranteed debt, the net present value of which, as of the date the President determines that the country is eligible for debt relief under this section, is at least 250 percent of the annual fiscal revenues of the country, and has minimum ratios of exports to Gross Domestic Product of 30 percent, and of fiscal revenues to Gross Domestic Product of 15 percent.

(e) PRIORITY.—In carrying out subsection (a), the President should seek to leverage scarce foreign assistance and give priority to heavily indebted poor countries with demonstrated need and the capacity to use such relief effectively.

(f) EXCEPTIONS.—A country shall not be eligible for cancellation of debt under this section if the government of the country—

(1) has an excessive level of military expenditures;

(2) has repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)) or section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a));

(3) is failing to cooperate on international narcotics control matters; or

(4) (including its military or other security forces), engages in a consistent pattern of gross violations of internationally recognized human rights.

(g) ADDITIONAL REQUIREMENT.—A country which is otherwise eligible to receive cancellation of debt under this section may receive such cancellation only if the country has committed, in connection with a social and economic reform program—

(1) to enable, facilitate, or encourage the implementation of policy changes and institutional reforms under economic reform programs, in a manner that ensures that such policy changes and institutional reforms are designed and adopted through transparent and participatory processes;

(2) to adopt an integrated development strategy of the type described in section 1624(a) of the International Financial Institutions Act, to support poverty reduction through economic growth, that includes monitorable poverty reduction goals;

(3) to take steps so that the financial benefits of debt relief are applied to programs to combat poverty (in particular through concrete measures to improve economic infrastructure, basic services in education, nutrition, and health, particularly treatment and prevention of the leading causes of mortality) and to redress environmental degradation;

(4) to take steps to strengthen and expand the private sector, encourage increased trade and investment, support the development of free markets, and promote broad-scale economic growth;

(5) to implement transparent policy making and budget procedures, good governance, and effective anticorruption measures;

(6) to broaden public participation and popular understanding of the principles and goals of poverty reduction, particularly through economic growth, and good governance; and

(7) to promote the participation of citizens and nongovernmental organizations in the economic policy choices of the government.

(h) CERTAIN PROHIBITIONS INAPPLICABLE.—Except as the President may otherwise determine for reasons of national security, a cancellation of debt under this section shall not be considered to be assistance for purposes of any provision of law limiting assistance to a country. The authority to provide for cancellation of debt under this section may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961, or any similar provision of law.

(i) AUTHORIZATION OF APPROPRIATIONS.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of the cancellation of any debt under this section, there are authorized to be appropriated to the President such sums as may be necessary for each of the fiscal years 2000 through 2004, which shall remain available until expended.

(j) ANNUAL REPORTS TO THE CONGRESS.—Not later than December 31 of each year, the President shall prepare and transmit to the Committees on Banking and Financial Services, Appropriations, and International Relations of the House of Representatives, and the Committees on Banking, Housing, and Urban Affairs, Foreign Relations, and Appropriations of the Senate a report, which shall be made available to the public, concerning the cancellation of debt under subsection (a), and a detailed description of debt relief provided by the United States as a member of the Paris Club of Official Creditors for the prior fiscal year.

SEC. 502. ACTIONS TO IMPROVE THE PROVISION OF MULTILATERAL DEBT RELIEF.

Title XVI of the International Financial Institutions Act (22 U.S.C. 262p–262p–5) is amended by adding at the end the following:

"SEC. 1623. IMPROVEMENT OF THE HEAVILY INDEBTED POOR COUNTRIES INITIATIVE.

"(a) IMPROVEMENT OF THE HIPC INITIATIVE.—In order to accelerate multilateral debt relief and promote human and economic development and poverty alleviation in heavily indebted poor countries, the Congress urges the President to commence immediately efforts, with the Paris Club of Official Creditors, as well as the International Monetary Fund (IMF), the International Bank for Reconstruction and Development (World Bank), and other appropriate multilateral development institutions to accomplish the following modifications to the Heavily Indebted Poor Countries Initiative:

"(1) FOCUS ON POVERTY REDUCTION, GOOD GOVERNANCE, TRANSPARENCY, AND PARTICIPATION OF CITIZENS.—A country which is otherwise eligible to receive cancellation of debt under the modified Heavily Indebted Poor Countries Initiative may receive such cancellation only if the country has committed, in connection with social and economic reform programs that are jointly developed, financed, and administered by the World Bank and the IMF—

"(A) to enable, facilitate, or encourage the implementation of policy changes and institutional reforms under economic reform programs, in a manner that ensures that such policy changes and institutional reforms are designed and adopted through transparent and participatory processes;

"(B) to adopt an integrated development strategy to support poverty reduction through economic growth, that includes monitorable poverty reduction goals;

"(C) to take steps so that the financial benefits of debt relief are applied to programs to combat poverty (in particular through concrete measures to improve economic infrastructure, basic services in education, nutrition, and health, particularly treatment and prevention of the leading causes of mortality) and to redress environmental degradation;

"(D) to take steps to strengthen and expand the private sector, encourage increased trade and investment, support the development of free markets, and promote broad-scale economic growth;

"(E) to implement transparent policy making and budget procedures, good governance, and effective anticorruption measures;

"(F) to broaden public participation and popular understanding of the principles and goals of poverty reduction, particularly through economic growth, and good governance; and

"(G) to promote the participation of citizens and nongovernmental organizations in the economic policy choices of the government.

"(2) FASTER DEBT RELIEF.—The Secretary of the Treasury should urge the IMF and the World Bank to complete a debt sustainability analysis by December 31, 2000, and determine eligibility for debt relief, for as many of the countries under the modified Heavily Indebted Poor Countries Initiative as possible.

"(b) HEAVILY INDEBTED POOR COUNTRIES REVIEW.—The Secretary of the Treasury, after consulting with the Committees on Banking and Financial Services and International Relations of the House of Representatives, and the Committees on Foreign Relations and Banking, Housing, and Urban Affairs of the Senate, shall make every effort (including instructing the United States Directors at the IMF and World Bank) to ensure that an external assessment of the modified Heavily Indebted Poor Countries Initiative, including the reformed Enhanced Structural Adjustment Facility program as it relates to that Initiative, takes place by December 31, 2001, incorporating the views of debtor governments and civil society, and that such assessment be made public.

"(c) DEFINITION.—The term 'modified Heavily Indebted Poor Countries Initiative' means the multilateral debt initiative presented in the Report of G–7 Finance Ministers on the Kōln Debt Initiative to the Kōln Economic Summit, Cologne, Germany, held from June 18–20, 1999.

"SEC. 1624. REFORM OF THE ENHANCED STRUCTURAL ADJUSTMENT FACILITY.

"The Secretary of the Treasury shall instruct the United States Executive Directors at the International Bank for Reconstruction and Development (World Bank) and the International Monetary Fund (IMF) to use the voice and vote of the United States to promote the establishment of poverty reduction strategy policies and procedures at the World Bank and the IMF that support countries' efforts under programs developed and jointly administered by the World Bank and the IMF that have the following components:

"(1) The development of country-specific poverty reduction strategies (Poverty Reduction Strategies) under the leadership of such countries that—

"(A) will be set out in poverty reduction strategy papers (PRSPs) that provide the basis for the lending operations of the International Development Association (IDA) and the reformed Enhanced Structural Adjustment Facility (ESAF);

"(B) will reflect the World Bank's role in poverty reduction and the IMF's role in macroeconomic issues;

"(C) will make the IMF's and the World Bank's advice and operations fully consistent with the objectives of poverty reduction through broad-based economic growth; and

"(D) should include—

"(i) implementation of transparent budgetary procedures and mechanisms to help ensure that the financial benefits of debt relief under the modified Heavily Indebted Poor Countries Initiative (as defined in section 1623) are applied to programs that combat poverty; and

"(ii) monitorable indicators of progress in poverty reduction.

"(2) The adoption of procedures for periodic comprehensive reviews of reformed ESAF and IDA programs to help ensure progress toward longer-term poverty goals outlined in the Poverty Reduction Strategies and to allow adjustments in such programs.

"(3) The publication of the PRSPs prior to Executive Board review of related programs under IDA and the reformed ESAF.

"(4) The establishment of a standing evaluation unit at the IMF, similar to the Operations Evaluation Department of the World Bank, that would report directly to the Executive Board of the IMF and that would undertake periodic reviews of IMF operations, including the operations of the reformed ESAF, including—

"(A) assessments of experience under the reformed ESAF programs in the areas of poverty reduction, economic growth, and access to basic social services;

"(B) assessments of the extent and quality of participation in program design by citizens;

"(C) verifications that reformed ESAF programs are designed in a manner consistent with the Poverty Reduction Strategies; and

"(D) prompt release to the public of all reviews by the standing evaluation unit.

"(5) The promotion of clearer conditionality in IDA and reformed ESAF programs that focuses on reforms most likely to support poverty reduction through broad-based economic growth.

"(6) The adoption by the IMF of policies aimed at reforming ESAF so that reformed ESAF programs are consistent with the Poverty Reduction Strategies.

"(7) The adoption by the World Bank of policies to help ensure that its lending operations in countries eligible for debt relief under the modified Heavily Indebted Poor Countries Initiative are consistent with the Poverty Reduction Strategies.

"(8) Strengthening the linkage between borrower country performance and lending operations by IDA and the reformed ESAF on the basis of clear and monitorable indictors.

"(9) Full public disclosure of the proposed objectives and financial organization of the successor to the ESAF at least 90 days before any decision by the Executive Board of the IMF to consider its adoption.".

SEC. 503. ACTIONS TO FUND THE PROVISION OF MULTILATERAL DEBT RELIEF.

(a) CONTRIBUTIONS FOR DEBT REDUCTIONS FOR THE POOREST COUNTRIES.—The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end the following:

"SEC. 62. APPROVAL OF CONTRIBUTIONS FOR DEBT REDUCTIONS FOR THE POOREST COUNTRIES.

"For the purpose of mobilizing the resources of the Fund in order to help reduce poverty and improve the lives of residents of poor countries and, in particular, to allow those poor countries with unsustainable debt burdens to receive deeper, broader, and faster debt relief, without allowing gold to reach the open market or otherwise adversely affecting the market price of gold, the Secretary of the Treasury is authorized to instruct the United States Executive Director of the Fund to vote—

"(1) to approve an arrangement whereby the Fund—

"(A) sells a quantity of its gold at prevailing market prices to a member or members in nonpublic transactions sufficient to generate 2.226 billion Special Drawing Rights in profits on such sales;

"(B) immediately after, and in conjunction with each such sale, accepts payment by such member or members of such gold to satisfy existing repurchase obligations of such member or members so that the Fund retains ownership of the gold at the conclusion of such payment;

"(C) uses the earnings on the investment of the profits of such sales through a separate subaccount, only for the purpose of providing debt relief from the Fund under the modified Heavily Indebted Poor Countries (HIPC) Initiative (as defined in section 1623 of the International Financial Institutions Act); and

"(D) shall not use more than $^{9}/_{11}$ of the earnings on the investment of the profits of such sales; and

"(2) to support a decision that shall terminate the Special Contingency Account 2 (SCA–2) of the Fund so that the funds in the SCA–2 shall be made available to the poorest countries. Any funds attributable to the United States participation in SCA–2 shall be used only for debt relief from the Fund under the modified HIPC Initiative.".

(b) CERTIFICATION.—Within 15 days after the United States Executive Director casts the votes necessary to carry out the instruction described in section 62 of the Bretton Woods Agreements Act, the Secretary of the Treasury shall certify to the Congress that neither the profits nor the earnings on the investment of profits from the gold sales made pursuant to the instruction or of the funds attributable to United States participation in SCA–2 will be used to augment the resources of any reserve account of the International Monetary Fund for the purpose of making loans.

SEC. 504. ADDITIONAL PROVISIONS.

(a) PUBLICATION OF IMF OPERATIONAL BUDGETS.—The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund to use the voice, vote, and influence of the United States to urge vigorously the International Monetary Fund to publish the operational budgets of the International Monetary Fund, on a quarterly basis, not later than one year after the end of the period covered by the budget.

(b) REPORT TO THE CONGRESS SHOWING COSTS OF UNITED STATES PARTICIPATION IN THE INTERNATIONAL MONETARY FUND.—The Secretary of the Treasury shall prepare and transmit to the Committees on Banking and Financial Services, on Appropriations, and on International Relations of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs, on Foreign Relations, and on Appropriations of the Senate a quarterly report, which shall be made readily available to the public, on the costs or benefits of United States participation in the International Monetary Fund and which shall detail the costs and benefits to the United States, as well as valuation gains or losses on the United States reserve position in the International Monetary Fund.

(c) CONTINUATION OF FORGOING OF REIMBURSEMENT OF IMF FOR EXPENSES OF ADMINISTERING ESAF.—The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund to use the voice, vote, and influence of the United States to urge vigorously the International Monetary Fund to continue to forgo reimbursements of the expenses incurred by the International Monetary Fund in administering the Enhanced Structural Adjustment Facility, until the Heavily Indebted Poor Countries Initiative

(as defined in section 1623 of the International Financial Institutions Act) is terminated.

(d) No Gold Sales by International Monetary Fund Without Prior Authorization by the Congress.—(1) The first sentence of section 5 of the Bretton Woods Agreements Act (22 U.S.C. 286c) is amended in clause (g) by striking "approve either the disposition of more than 25 million ounces of Fund gold for the benefit of the Trust Fund established by the Fund on May 6, 1976, or the establishment of any additional trust fund whereby resources of the International Monetary Fund would be used for the special benefit of a single member, or of a particular segment of the membership, of the Fund." and inserting "approve any disposition of Fund gold, unless the Secretary certifies to the Congress that such disposition is necessary for the Fund to restitute gold to its members, or for the Fund to provide liquidity that will enable the Fund to meet member country claims on the Fund or to meet threats to the systemic stability of the international financial system.".

(2) Not less than 30 days prior to the entrance by the United States into international negotiations for the purpose of reaching agreement on the disposition of Fund gold whereby resources of the Fund would be used for the special benefit of a single member, or of a particular segment of the membership of the Fund, the Secretary of the Treasury shall consult with the Committees on Banking and Financial Services, on Appropriations, and on International Relations of the House of Representatives and the Committees on Foreign Relations, on Appropriations, and on Banking, Housing and Urban Affairs of the Senate.

(e) Annual Report by GAO on Consistency of IMF Practices With Statutory Policies.—The Comptroller General of the United States shall annually prepare and submit to the Congress of the United States a written port on the extent to which the practices of the International Monetary Fund are consistent with the policies of the United States, as expressly contained in Federal law applicable to the International Monetary Fund.

TITLE VI—SURVIVOR BENEFITS

Sec. 601. Payment.

(a) Payment Authorization.—The Secretary of the Treasury shall pay, out of funds not otherwise appropriated, $100,000 to the survivor, or collectively the survivors, of each of the 14 members of the Armed Forces and the one United States civilian Federal employee who were killed on April 14, 1994, when United States F–15 fighter aircraft mistakenly shot down two UH–60 Black Hawk helicopters over Iraq.

(b) Survivor Status.—

(1) Members of the armed forces insured by SGLI.—In the case of a member of the Armed Forces described in subsection (a) who was insured by a Servicemembers' Group Life Insurance policy (issued under chapter 19 of title 38, United States Code), a survivor of such member for the purposes of subsection (a) shall be any person designated as a beneficiary on the individual's policy.

(2) Individuals not insured by SGLI.—In the case of a member of the Armed Forces described in subsection (a) who was not insured by a Servicemembers' Group Life Insurance policy (issued under chapter 19 of title 38, United States Code) or the civilian Federal employee described in subsection (a), a survivor of such member or employee for the purposes of subsection (a) shall be any person determined to be a survivor by the Secretary of the Treasury using the provisions of section 5582(b) of title 5, United States Code.

SEC. 602. LIMITATION ON TOTAL AMOUNT OF PAYMENT.

Not more than a total of $1,500,000 may be paid to survivors under section 1.

SEC. 603. LIMITATION ON ATTORNEY FEES.

Notwithstanding any contract, no representative of a survivor may receive more than 10 percent of a payment made under section 1 for services rendered in connection with the survivor's claim for such payment. Any person who violates this section shall be guilty of an infraction and shall be subject to a fine in the amount provided in title 18, United States Code.

SEC. 604. REPORT.

Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall transmit to the Congress a report describing the payments made under section 1.

TITLE VII—MISCELLANEOUS PROVISIONS

Sec. 701. Grant of Naturalization to Petra Lovetinska. (a) In General.—Notwithstanding any other provision of law, Petra Lovetinska shall be naturalized as a citizen of the United States upon the filing of the appropriate application and upon being administered the oath of renunciation and allegiance in an appropriate ceremony pursuant to section 337 of the Immigration and Nationality Act.

(b) Deadline for Application and Payment of Fees.—Subsection (a) shall apply only if the application for naturalization is filed with appropriate fees within 1 year after the date of the enactment of this Act.

Sec. 702. Trade Adjustment Assistance. (a) Assistance for Workers.—Section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended—

(1) in subsection (a), by striking "June 30, 1999" and inserting "September 30, 2001"; and

(2) in subsection (b), by striking "June 30, 1999" and inserting "September 30, 2001".

(b) NAFTA Transitional Program.—Section 250(d)(2) of the Trade Act of 1974 (19 U.S.C. 2331(d)(2)) is amended by striking "the period beginning October 1, 1998, and ending June 30, 1999, shall not exceed $15,000,000" and inserting "the period beginning October 1, 1998, and ending September 30, 2001, shall not exceed $30,000,000 for any fiscal year".

(c) Adjustment for Firms.—Section 256(b) of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended by striking "June 30, 1999" and inserting "September 30, 2001".

(d) Termination.—Section 285(c) of the Trade Act of 1974 (19 U.S.C. 2271 note preceding) is amended by striking "June 30, 1999" each place it appears and inserting "September 30, 2001".

(e) Effective Date.—The amendments made by this section shall be effective as of July 1, 1999.

Following is explantory language on H.R. 3425, as introduced on November 17, 1999.

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

The conference agreement provides additional resources for damages caused by hurricanes and other natural disasters in North Carolina, Florida and other states.

Farm Service Agency

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

The conference agreement appropriates additional subsidies for the following programs: $828,000 for direct farm ownership loans (providing for an estimated loan level of $21,951,000); $3,184,000 for guaranteed farm ownership loans (providing for an estimated loan level of $568,627,000); $23,441,000 for direct operating loans (providing for an estimated loan level of $400,000,000); $4,260,000 for unsubsidized guaranteed operating loans (providing for an estimated loan level of $302,158,000); $61,895,000 for subsidized guaranteed operating loans (providing for an estimated loan level of $702,558,000); and $84,949,000 for emergency loans (providing for an estimated loan level of $547,000,000).

The conference agreement meets critical needs to finance the repair or replacement of farm structures or equipment damaged by natural disasters.

EMERGENCY CONSERVATION PROGRAM

The conference agreement provides $50,000,000 for the Emergency Conservation Program.

Commodity Credit Corporation Fund

CROP LOSS ASSISTANCE

The conference agreement provides an additional $186,000,000 for crop loss assistance under the same terms and conditions as in section 801 of Public Law 106–78.

SPECIALTY CROP ASSISTANCE

The conference agreement provides an additional $2,800,000 for specialty crop assistance and makes eligible producers of commodities harvested and placed in warehouses but not sold.

In carrying out the production loss provisions of section 801 of P.L. 106–78, the Secretary of Agriculture shall be expected to take into account quality losses including those related to potato blight, Sclerotinia in sunflowers, and discounts for durum and spring wheat due to lack of milling and baking quality, and grading losses of peanuts and fruits and vegetables (including sweet potatoes) due to excessive moisture and related conditions.

LIVESTOCK ASSISTANCE

The conference agreement provides an additional $10,000,000 for livestock assistance authorized by section 805 of Public Law 106-78. The conference agreement further provides that the Secretary of Agriculture may use this additional amount to provide assistance to persons who raise livestock owned by other persons for income losses sustained with respect to livestock during 1999 if the Secretary finds that such losses are the result of natural disasters.

Natural Resources Conservation Service

WATERSHED AND FLOOD PREVENTION OPERATIONS

The conference agreement provides an additional $80,000,000 for Watershed and Flood Prevention Operations to repair damages to waterways and watersheds resulting from natural disasters.

Rural Housing Service

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

The conference agreement appropriates additional subsidies of $4,265,000 for section 502 direct loans (providing for an estimated loan level of $50,000,000), $4,584,000 for section 504 housing repair loans (providing for an estimated loan level of $15,000,000), and $2,250,000 for section 514 farm labor housing (providing for an estimated loan level of $5,000,000).

RURAL HOUSING ASSISTANCE GRANTS

The conference agreement provides an additional $14,500,000 for rural housing assistance grants of which $10,000,000 is for section 504 very low-income housing repair and $4,500,000 is for section 514 farm labor housing.

GENERAL PROVISIONS—THIS CHAPTER

Sec. 101. The conference agreement directs the Secretary of Agriculture to provide up to $20,000,000 in assistance under the noninsured crop assistance program, without any requirement for an area loss, to producers located in a county with respect to which a natural disaster was declared by the Secretary or a major disaster or emergency was declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

SEC. 102. The conference agreement includes language making a technical correction to section 814 of Public Law 106–78 regarding crop insurance premium discounts.

SEC. 103. The conference agreement includes language permitting the Secretary of Agriculture to obligate not to exceed $4,700,000 of previously appropriated funds for mandatory livestock private reporting.

SEC. 104. The conference agreement includes language which permits the Secretary of Agriculture to provide assistance to producers or first-handlers for the 1999 crop of cottonseed, and which provides special competitive provisions for extra long staple cotton.

The Farm Service Agency of the Department of Agriculture has indicated that funds made available by previous appropriations Acts for market loss assistance may exceed the amounts necessary to carry out the requirements of those Acts. If the Secretary determines that this is the case, the conference agreement directs that such funds shall be applied first to fund activities related to mandatory livestock price reporting, second to fund assistance to producers or first-handlers for the 1999 crop of cottonseed, and third to fund activities related to special competitive provisions for extra long staple cotton. Within 30 days of enactment of this Act, the Secretary shall report to the Appropriations Committees of the House and the Senate on the status of funds previously appropriated for market loss assistance in Public Laws 105–277 and 106–78, and the plan and timetable for obligation of any excess funds. Further, the Secretary shall report periodically (but no less frequently than quarterly) on the status of such funds and plans until all funds previously appropriated for market loss assistance are exhausted.

SEC. 105. The conference agreement requires that the entire amount necessary to carry out this chapter shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement, is transmitted by the President to the Congress and that the entire amount is designated by the Congress as an emergency requirement.

CHAPTER 2

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

The President has proposed that of the funding made available in Public Law 106–74, up to $429,149,000 would be available for property acquisition and relocation assistance for residential homeowner victims of Hurricane Floyd. Since current regulations and policies do not adequately address this type of assistance, the President's proposal would be to provide this funding to the affected states through the section 404 program of the Stafford Act.

There is no doubt that Hurricane Floyd caused significant damage and loss of property. The Congress is committed to providing appropriate assistance to affected property owners. However, the conferees are concerned that FEMA does not have a structured program for buyouts and relocation of structures, including eligibility criteria, oversight procedures, procedures for affected states to prioritize projects, requirements for the submission of state and local buyout plans, procedures for cost-benefit analysis, and the process for measuring program results.

The appropriate Congressional committees of jurisdiction should hold hearings early in the next session of Congress to explore fully the extent of the problem which exists because of damage caused by Hurricane Floyd and surrounding events, and the benefits and problems associated with buyouts and relocations. The authorizing committees should then recommend solutions to those problems, keeping in mind the need to control disaster relief costs while addressing the most compelling needs. Such hearings could then serve as the basis for FEMA to undertake a rulemaking which includes a significant comment period and would result in a policy which could be applied in a uniform manner to ensure that all individuals suffering losses are treated in a consistent and equitable manner.

In the interim, the conferees have agreed to provide authority to spend up to $215,000,000 for buyout of homeowners (or the relocation of structures) for residences that have been made uninhabitable by flooding caused by Hurricane Floyd, and surrounding events, which are located in the 100-year flood plain. FEMA is required to promulgate interim regulations not later than December 31, 1999, pertaining to the buyout program. The conferees are aware that the authority provided does not give FEMA the same flexibility afforded under the section 404 program and FEMA is directed to report to the Committees on Appropriations of the House and Senate on any significant problems which arise as a result of this decreased flexibility.

The conferees continue to have serious concerns about the dissemination of accurate and useful information to water well owners about testing for contamination and implementing decontamination procedures for household drinking water in flood areas. The conferees encourage FEMA to continue to work with expert organizations, like the National Ground Water Association, in developing information about proper decontamination practices and procedures.

TITLE II—OTHER APPROPRIATIONS MATTERS

DEPARTMENT OF AGRICULTURE—OTHER ITEMS

The conference agreement expects the Agricultural Marketing Service [AMS] to continue to assess the existing inventories of cranberries and to determine whether or not there is a surplus and continued low price in fiscal year 2000. If there is a surplus inventory of cranberries and continued low price, the Department is expected to purchase surplus cranberries under the authorities of section 32 for donation to schools, institutions, and other domestic feeding programs or for humanitarian food aid.

The conference agreement encourages the Natural Resources Conservation Service to assist in the construction of the Snake River project in Warren, Minnesota.

The conference agreement directs the General Accounting Office (GAO), in close consultation with the Department of Agriculture, to transmit to the Committees on Appropriations, Agriculture and Judiciary by June 30, 2000 a report on current practices and policies in the states concerning bonds to secure payment of employee wage obligations of "farm labor contractors." The report shall include (a) a summary of state law requirements for such bonding of farm labor contractors; (b) an analysis of the role of farm labor contractors in the allocation and provision of farm labor for work performed by seasonal and migrant agricultural workers and the effect that state law bonding requirements have had on the availability of farm labor contracting services and farm labor; (c) an economic assessment of the availability, reliability and costs of such bonds for farm labor contractors; and (d) an assessment of the effect of such bond requirements on total farm labor compensation costs and benefits.

SECTIONS 201 and 202. The bill includes new sections related to Food and Drug Administration facilities.

SEC. 203. The conference agreement includes language which permits the Secretary of Agriculture to use funds provided for fiscal year 2000 for rural housing assistance grants for a pilot project to provide home ownership for farm workers and workers involved in the processing of farm products in the Salinas, California area.

SEC. 204. The conference agreement includes language which directs the Secretary of Agriculture to use $16,000,000 of Commodity Credit Corporation funds for replacement of commercial and non-commercial citrus trees removed to control citrus canker.

SEC. 205. The conference agreement includes language which provides for continuation of crop insurance revenue insurance pilots, and which provides for expansion of other crop insurance pilots. The Department is directed to report to the Appropriations Committees of the House and Senate fifteen days prior to the implementation of any expansion of crop insurance pilot projects. This report will be expected to display the scope, impact, and justification for the expansion.

SEC. 206. The conference agreement includes language which revises crop insurance sales closing dates.

SEC. 207. The conference agreement includes language which allows funding to be provided for certain flood-related losses in the State of Oregon.

SEC. 208. The conference agreement includes language which provides $5,000,000 and allows funding to be provided to repair storm-related damage to the Tillamook Railroad.

SEC. 209. The conference agreement includes language which provides that the Congressional Hunger Center may invest funds for hunger fellowships and expend income from such funds, and that previously appropriated funds may be paid directly to the Congressional Hunger Center.

SEC. 210. The conference agreement permits the Secretary of Agriculture to reprogram funds to provide up to $100,000 for the cost of guaranteed loans authorized by section 306 of the Rural Electrification Act of 1936.

SEC. 211. The conference agreement includes language which repeals section 755(b) of Public Law 106–78, which is not required because the identical provision was enacted in section 1 of Public Law 106–47.

SEC. 212. The conference agreement includes a provision which amends Section 602(b)(2) of the Small Business Reauthorization Act of 1997 to include the Departments of Commerce, Justice and State as participating agencies in the HUBZone program.

SEC. 213. SPECTRUM AUCTION.—The conference agreement includes a general provision regarding the competitive auction of communication frequencies, a provision which replaces a version included in the Department of Defense Appropriations Act, 2000 (Public Law 106–79).

SEC. 214. PROGRESS PAYMENTS.—The conference agreement includes a general provision that adjusts the Department of Defense procedures for making progress payments, a provision which replaces a version included in the Department of Defense Appropriations Act, 2000 (Public Law 106–79).

SEC. 215. PROMPT PAYMENT.—The conference agreement includes a general provision that adjusts payment procedures and policies for valid invoices covered by the Prompt Payment Act, a provision which replaces a version included in the Department of Defense Appropriations Act, 2000 (Public Law 106–79).

SEC. 216. STUDY REGARDING TAIWAN AND THE PEOPLE'S REPUBLIC OF CHINA.—The conference agreement includes a general provision requiring the submission of a joint report by the Office of Net Assessment (Office of the Secretary of Defense) and the United States Pacific Command regarding implementation of relevant sections of the Taiwan Relations Act, and gaps in relevant knowledge about the People's Republic of China's intentions and capabilities as they might affect the current and future military balance between Taiwan and the PRC.

SEC. 217. *DoD-VA Study Regarding Low-Level Chemical Exposures.* The conference agreement include general provision requiring the submission of a joint report by the Secretaries of Defense and Veterans Affairs assessing the adequacy of medical research activities investing the health effects of low-level chemical exposures of Persian Gulf military forces while serving in the Southwest Asia theater of operations.

FISCAL YEAR 2000 APPROPRIATIONS ACT CLARIFICATION

The conferees agree that it was the intention of Congress that the requirements of section 8149 of Public Law 106–79 in no way supercede the requirements of section 8154 of that Act.

SEC. 218. *Army Readiness Enhancements.* The conference agreement includes a general provision providing $100,000,000 to the Department of the Army, to address existing readiness shortfalls. The provision permits these funds to be used to initiate testing and validation of the new Army Vision concept. The conferees direct that none of the funds provided in this section may be obligated until 30 days after the Chief of Staff of the Army reports to the congressional defense committees the specific plan to utilize these funds, and, if funds are designated for the Army Vision concept, the relationship between these expenditures and the fiscal year 2001 Army budget request for continuation of these initiatives.

SEC. 219. *Transfer of Funds—Department of Defense Appropriations Act, 2000.* The conference agreement includes a general provision transferring $500,000 of sums appropriated from Research, Development, Test and Evaluation, Army (from funds designated for "next generation command and control system") to Operation and Maintenance, Defense-Wide. These funds shall be made available to the Office of Economic Adjustment to complete the Washington Square project, initiated by the Department of Defense in previous years.

SEC. 220. The conference agreement includes a provision prohibiting the imposition on the Federal government or its contractors of any financial responsibility requirement associated with the operation of Federal transuranic waste management facilities.

SEC. 221. The conference agreement includes a provision deauthorizing a certain portion of the Newport Harbor, Rhode Island, project of the U.S. Army Corps of Engineers. The provision redesignates two other portions of the project as anchorage areas.

SEC. 222. The conference agreement includes $1,250,000 to purchase the Elias tract to be included in the Wertheim National Wildlife Refuge in Brookhaven, New York.

SEC. 223. A death gratuity has been provided to the widow of John H. Chafee, late a Senator from the State of Rhode Island.

SEC. 224. A provision has been included authorizing a change in the pay levels of the Director and Deputy Director, Congressional Budget Office.

FLORIDA—PANAMA CITY: COASTAL SYSTEMS STATIONS

The conferees recognize and appreciate the willingness of the State of Florida to provide funding for the entrance gate and highway improvements at Coastal System Stations, Panama City, Florida and the willingness of Bay County to be a partner in this undertaking. These entities, and the Navy, are encouraged to work together to ensure a timely solution is reached which is beneficial to both the base and the local community.

SEC. 225. The conference agreement includes a provision that provides in addition to amounts otherwise made available in Public Law 106–69 $1,750,000 for metropolitan buses and bus facilities for Twin Cities, Minnesota; $750,000 for Santa Clarita, California bus maintenance facility; $1,000,000 for Lincoln, Nebraska bus maintenance facility; and $2,500,000 for Anchorage Alaska 2001 Special Olympics Winter Games buses and bus facilities. The provision also stipulates that of the funds made available for the national corridor planning and development and coordinated border infrastructure programs $2,000,000 shall be available for the planning and design of a highway corridor between Dothan, Alabama and Panama City, Florida. The provision also makes a number of technical corrections to previously appropriated bus and bus facilities project designations in Public Laws 106–69 and 105–277.

SEC. 226. The conference agreement includes a provision prohibiting the use of funds made available in Public Law 106–69 or in any other act to decommission or reduce operations of United States Coast Guard WYTL harbor tug boats.

SEC. 227. The conference agreement includes a provision that amends section 351 of Public Law 106–69 to make available $10,000,000 of funds appropriated or limited in the Fiscal Year 2000 Department of Transportation and Related Agencies Appropriations Act to the Federal Highway Administration and the National Highway Traffic Safety Administration for the national advanced driving simulator.

SEC. 228. The conference agreement includes a provision that waives the cost-sharing requirements for asphalt research at the Western Research Institute for fiscal years 1998, 1999 and 2000.

SEC. 229. The conference agreement includes a provision that makes technical changes to section 366 of Public Law 106–69 regarding the conveyance of land in the city of Safford, Arizona.

SEC. 230. The conference agreement includes a provision which allows the Woodrow Wilson Bridge project to be included on the State and regional transportation improvement program plans pending resolution of associated issues.

SEC. 231. The conference agreement includes a provision which continues expiring exemptions allowing aircraft maintenance to be performed in the United States for certain aircraft in Hawaii, and for other purposes.

SEC. 232. The conference agreement includes advance appropriations totalling $60,000,000 for the engineering, design, and construction activities to convert the James A. Farley Post Office building in New York City into a train station and commercial center. Of this total $20,000,000 is available on October 1, 2000; $20,000,000 on October 1, 2001; and $20,000,000 on October 1, 2002.

SEC. 233. The conference agreement includes a technical correction providing for the continuation of temporary authority for the General Services Administration to transfer surplus Federal property to State and local governments for law enforcement and emergency response purposes.

SEC. 234. The conference agreement includes a provision providing transfer authority to federal agencies for the implementation of agency business continuity and contingency plans related to Y2K compliance. Federal agencies have been tasked to develop business continuity and contingency plans in the event that their operations are affected by Y2K-related disruptions. It is essential that Federal agencies experiencing or affected by Y2K problems have the ability to implement such plans in order to maintain their business operations and continue providing services. This section is intended to ensure that funding is available during the period Congress is not in session for Federal agencies to Implement their business continuity and contingency plans in furtherance of Y2K compliance.

SEC. 235. The conference agreement includes a provision providing that funds available to the Executive Office of the President, Office of Administration, for a capital investment plan under P.L. 106–58 shall be available for two years.

SEC. 236. The conference agreement includes a provision extending federal agency reporting requirements.

SEC. 237. The conference agreement provides $3,000,000 for the Office of National Drug Control Policy, making funds available to the United States Olympic Committee for its anti-doping program.

SEC. 238. The conference agreement includes a provision adjusting the salary level of the U.S. Customs Service Commissioner.

SEC. 239. The conference agreement includes a technical correction to legislation providing for an acting Treasury Inspector General for Tax Administration.

SEC. 240. On September 21, 1999, the Administration forwarded to Congress a package of budget amendments, including a request for additional funding for the United States Secret Service. However, Congress had already approved the Treasury and General Government Appropriations Act, 2000.

To address this issue, a provision is included which provides an additional $10,000,000 to the United States Secret Service for salaries and expenses, and which in addition directs the Secretary of the Treasury to transfer $21,000,000 to the United States Secret Service for new full-time-equivalents (FTE). The conferees are aware that these funds are necessary to meet the additional workload requirements associated with the Secret Service's protective and investigative operations. The conferees regret that the Administration did not propose additional resources during the regular fiscal year 2000 appropriations process given that early separations and average overtime for agents are at unacceptably high rates.

The conferees direct the Administration to submit, as part of its annual budget submission, a summary of workload trends for field agents including, but not limited to, average overtime and early separations. The conferees further directed the United States Secret Service, Assistant Director, Office of Investigations, to provide quarterly reports to the Committees on Appropriations on workforce retention and workload balance including, but not limited to, investigative and protective workloads, recruitment, and staffing by field office.

UNITED STATES SECRET SERVICE

PATHOGEN SENSOR SYSTEMS

The conferees commend the efforts of the Secret Service to improve its ability to detect biological agents. The conferees encourage the Secret Service to monitor the development of biological detector technology through coordination with the Defense Advanced Research Projects Agency (DARPA) for pathogen sensor systems. The conferees direct the Secret Service to report on the possible benefits of this technology to the Committees on Appropriations within 120 days of enactment of this Act.

SEC. 241. The conference agreement includes a provision to extend the authority for agencies to submit Accountability Reports under the Government Management Reform Act of 1994.

SEC. 242. The conference agreement amends Public Law 106–74 to include seven additional economic development initiative projects.

The following table reflects the appropriation amounts for title I and title II in thousands of dollars.

Title I—Emergency Supplemental Appropriations: Chapter 1, Department of Agriculture

Farm Service Agency:	
Agricultural Credit Insurance Fund Program Account:	
Loan authorizations:	
Farm ownership loans:	
Direct	$(21,951)
Guaranteed	(568,627)
Subtotal	(590,578)
Farm operating loans:	
Direct	(400,000)
Guaranteed unsubsidized	(302,158)
Guaranteed subsidized	(702,558)
Subtotal	(1,404,716)
Emergency disaster loans	(547,000)
Total, Loan authorizations	(2,542,294)
Loan subsidies:	
Farm ownership loans:	
Direct (contingent emergency appropriations)	828
Guaranteed (contingent emergency appropriations)	3,184
Subtotal	4,012
Farm operating loans:	
Direct (contingent emergency appropriations)	23,441
Guaranteed unsubsidized (contingent emergency appropriations)	4,260
Guaranteed subsidized (contingent emergency appropriations)	61,895
Subtotal	89,596
Emergency disaster loans (contingent emergency appropriations)	84,949
Total, Farm Service Agency	178,557
Commodity Credit Corporation Fund:	
Crop loss assistance (contingent emergency appropriations)	186,000
Specialty crop assistance (contingent emergency appropriations)	2,800
Livestock assistance (contingent emergency appropriations)	10,000
Total, Commodity Credit Corporation Fund	198,800
Natural Resources Conservation Service:	
Emergency conservation program (contingent emergency appropriations)	50,000
Watershed and flood prevention operations (contingent emergency appropriations)	80,000
Total, Natural Resources Conservation Service	130,000
Rural Housing Service:	
Rural Housing Insurance Fund Program Account:	
Loan authorization:	
Single family (sec. 502)	(50,000)
Housing repair (sec. 504)	(15,000)
Farm labor (sec. 514)	(5,000)
Subtotal	(70,000)
Loan subsidies:	
Single family (sec. 502) (contingent emergency appropriations)	4,265)
Housing repair (sec. 504) (contingent emergency appropriations)	4,584
Farm labor (sec. 514) (contingent emergency appropriations)	2,250
Total, Rural Housing Insurance Fund Program Account	11,099
Rural housing assistance grants (contingent emergency appropriations)	14,500
Total, Rural Housing Service	25,599
General Provisions:	
Noninsured crop disaster assistance program (contingent emergency appropriations)	20,000
Total, title I:	
New budget (obligational) authority	552,956
(Loan authorization)	(2,612,294)

Title II—Other Appropriations Matters

Department of Agriculture:	
Citrus canker/tree replacement (contingent emergency' appropriations)	$16,000
Crop insurance pilot programs (contingent emergency appropriations)	1,000
Harney County losses (contingent emergency appropriations)	1,090
Tillamook Railroad disaster repairs (contingent emergency appropriations)	5,000
Department of Defense:	
Operation and Maintenance, Army: Army readiness enhancements	100,000
Operation and Maintenance, Defense-wide: Washington Square project (by transfer)	(500)
Department of the Interior:	
National Park Service: Land and water conservation fund	1,250
Legislative Branch:	
Payments to Widows and heirs of Deceased Members of Congress: Gratuities, deceased Member	137
Department of Transportation:	
Federal Transit Administration: Capital investments grants (Highway Trust Fund, Mass Transit Account): Buses and bus-related facilities	6,000
Federal Railroad Administration: Pennsylvania Station redevelopment project (advance appropriations)	60,000

Title II—Other Appropriations Matters—Continued

Department of the Treasury:	
United States Secret Service: Salaries and expenses	10,000
(By transfer)	(21,000)
Executive Office of the President:	
Office of National Drug Control Policy	3,000
Total, title II:	
New budget (obligational) authority	203,477
Appropriations	(120,387)
Contingent emergency appropriations	(23,090)
Advance appropriations	(60,000)
(By transfer)	(21,500)
(Loan authorization)	(2,612,294)
Grand total, all titles:	
New budget (obligational) authority	756,433
Appropriations	(120,387)
Contingent emergency appropriations	(576,046)
Advance appropriations	(60,000)
(By transfer)	(21,500)
(Loan authorization)	(2,612,294)

Congressional Budget Recap

Scorekeeping adjustments:	
Advance appropriations	−60,000
Total, adjustments	−60,000
Total (including adjustments)	696,433
Amounts in this bill	(756,433)
Scorekeeping adjustments	(−60,000)
Total mandatory and discretionary	696,433
Mandatory	(137)
Discretionary	(696,296)

TITLE III

Fiscal Year 2000 Offsets and Rescissions

The conference agreement includes several offsets and rescissions.

TITLE IV—CANYON FERRY RESERVOIR, MONTANA

The conference agreement includes a provision making technical corrections to the Canyon Ferry Reservoir, Montana, Act as incorporated in title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999.

TITLE IV—INTERNATIONAL DEBT RELIEF

The conference agreement contains new language authorizing certain transactions involving gold held by the International Monetary Fund for the purpose of debt relief of heavily indebted poor countries. The managers have also included statutory language providing policy guidance to the United States Government and its executive director at the International Monetary Fund on Several matters. Language is also included to require forgiveness of debt owed to the United States when specified conditions are met.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 702. TRADE ACT AUTHORIZATION.—The conference agreement includes language amending section 245 of the Trade Act of 1974, as amended, to authorize appropriations to the Department of Labor through September 30, 2000 of such sums as may be necessary to administer the general TAA and NAFTA-related TAA programs of Chapter 2 of Title II of that Act. The provision caps NAFTA training expenses at $30,000,000.

In addition, the provision amends section 256 of the Trade Act of 1974 to authorize appropriations to the Secretary of Commerce through September 30, 2001 of such sums as may be necessary to administer the TAA for firms program.

The conference agreement would enact the provisions of H.R. 3426 as introduced on November 17, 1999. The text of that bill follows:

A BILL To amend titles XVIII, XIX, and XXI of the Social Security Act to make corrections and refinements in the medicine, medicaid,and State children's health insurance programs, as revised by the Balanced Budget Act of 1997

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; REFERENCES TO BBA; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999".

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) REFERENCES TO THE BALANCED BUDGET ACT OF 1997.—In this Act, the term "BBA" means the Balanced Budget Act of 1997 (Public Law 105–33).

(d) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendments to Social Security Act; references to BBA; table of contents.

TITLE I—PROVISIONS RELATING TO PART A

Subtitle A—Adjustments to PPS Payments for Skilled Nursing Facilities

Sec. 101. Temporary increase in payment for certain high cost patients.
Sec. 102. Authorizing facilities to elect immediate transition to Federal rate.
Sec. 103. Part A pass-through payment for certain ambulance services, prostheses, and chemotherapy drugs.
Sec. 104. Provision for part B add-ons for facilities participating in the NHCMQ demonstration project.
Sec. 105. Special consideration for facilities serving specialized patient populations.
Sec. 106. MedPAC study on special payment for facilities located in Hawaii and Alaska.
Sec. 107. Study and report regarding State licensure and certification standards and respiratory therapy competency examinations.

Subtitle B—PPS Hospitals

Sec. 111. Modification in transition for indirect medical education (IME) percentage adjustment.
Sec. 112. Decrease in reductions for disproportionate share hospitals; data collection requirements.

Subtitle C—PPS-Exempt Hospitals

Sec. 121. Wage adjustment of percentile cap for PPS-exempt hospitals.
Sec. 122. Enhanced payments for long-term care and psychiatric hospitals until development of prospective payment systems for those hospitals.
Sec. 123. Per discharge prospective payment system for long-term care hospitals.
Sec. 124. Per diem prospective payment system for psychiatric hospitals.
Sec. 125. Refinement of prospective payment system for inpatient rehabilitation services.

Subtitle D—Hospice Care

Sec. 131. Temporary increase in payment for hospice care.
Sec. 132. Study and report to Congress regarding modification of the payment rates for hospice care.

Subtitle E—Other Provisions

Sec. 141. MedPAC study on medicare payment for nonphysician health professional clinical training in hospitals.

Subtitle F—Transitional Provisions

Sec. 151. Exception to CMI qualifier for one year.
Sec. 152. Reclassification of certain counties and other areas for purposes of reimbursement under the medicare program.
Sec. 153. Wage index correction.
Sec. 154. Calculation and application of wage index floor for a certain area.
Sec. 155. Special rule for certain skilled nursing facilities.

TITLE II—PROVISIONS RELATING TO PART B

Subtitle A—Hospital Outpatient Services

Sec. 201. Outlier adjustment and transitional pass-through for certain medical devices, drugs, and biologicals.
Sec. 202. Establishing a transitional corridor for application of OPD PPS.
Sec. 203. Study and report to Congress regarding the special treatment of rural and cancer hospitals in prospective payment system for hospital outpatient department services.
Sec. 204. Limitation on outpatient hospital copayment for a procedure to the hospital deductible amount.

Subtitle B—Physician Services

Sec. 211. Modification of update adjustment factor provisions to reduce update oscillations and require estimate revisions.
Sec. 212. Use of data collected by organizations and entities in determining practice expense relative values.
Sec. 213. GAO study on resources required to provide safe and effective outpatient cancer therapy.

Subtitle C—Other Services

Sec. 221. Revision of provisions relating to therapy services.
Sec. 222. Update in renal dialysis composite rate.
Sec. 223. Implementation of the inherent reasonableness (IR) authority.
Sec. 224. Increase in reimbursement for pap smears.
Sec. 225. Refinement of ambulance services demonstration project.
Sec. 226. Phase-in of PPS for ambulatory surgical centers.
Sec. 227. Extension of medicare benefits for immunosuppressive drugs.
Sec. 228. Temporary increase in payment rates for durable medical equipment and oxygen.
Sec. 229. Studies and reports.

TITLE III—PROVISIONS RELATING TO PARTS A AND B

Subtitle A—Home Health Services

Sec. 301. Adjustment to reflect administrative costs not included in the interim payment system; GAO report on costs of compliance with OASIS data collection requirements.
Sec. 302. Delay in application of 15 percent reduction in payment rates for home health services until one year after implementation of prospective payment system.
Sec. 303. Increase in per beneficiary limits.
Sec. 304. Clarification of surety bond requirements.
Sec. 305. Refinement of home health agency consolidated billing.
Sec. 306. Technical amendment clarifying applicable market basket increase for PPS.
Sec. 307. Study and report to Congress regarding the exemption of rural agencies and populations from inclusion in the home health prospective payment system.

Subtitle B—Direct Graduate Medical Education

Sec. 311. Use of national average payment methodology in computing direct graduate medical education (DGME) payments.
Sec. 312. Initial residency period for child neurology residency training programs.

Subtitle C—Technical Corrections

Sec. 321. BBA technical corrections.

TITLE IV—RURAL PROVIDER PROVISIONS

Subtitle A—Rural Hospitals

Sec. 401. Permitting reclassification of certain urban hospitals as rural hospitals.
Sec. 402. Update of standards applied for geographic reclassification for certain hospitals.
Sec. 403. Improvements in the critical access hospital (CAH) program.
Sec. 404. 5-year extension of medicare dependent hospital (MDH) program.
Sec. 405. Rebasing for certain sole community hospitals.
Sec. 406. One year sole community hospital payment increase.
Sec. 407. Increased flexibility in providing graduate physician training in rural and other areas.
Sec. 408. Elimination of certain restrictions with respect to hospital swing bed program.
Sec. 409. Grant program for rural hospital transition to prospective payment.
Sec. 410. GAO study on geographic reclassification.

Subtitle B—Other Rural Provisions

Sec. 411. MedPAC study of rural providers.
Sec. 412. Expansion of access to paramedic intercept services in rural areas.
Sec. 413. Promoting prompt implementation of informatics, telemedicine, and education demonstration project.

TITLE V—PROVISIONS RELATING TO PART C (MEDICARE+CHOICE PROGRAM) AND OTHER MEDICARE MANAGED CARE PROVISIONS

Subtitle A—Provisions To Accommodate and Protect Medicare Beneficiaries

Sec. 501. Changes in Medicare+Choice enrollment rules.
Sec. 502. Change in effective date of elections and changes of elections of Medicare+Choice plans.
Sec. 503. 2-year extension of medicare cost contracts.

Subtitle B—Provisions To Facilitate Implementation of the Medicare+Choice Program

Sec. 511. Phase-in of new risk adjustment methodology; studies and reports on risk adjustment.
Sec. 512. Encouraging offering of Medicare+Choice plans in areas without plans.
Sec. 513. Modification of 5-year re-entry rule for contract terminations.
Sec. 514. Continued computation and publication of medicare original fee-for-service expenditures on a county-specific basis.
Sec. 515. Flexibility to tailor benefits under Medicare+Choice plans.
Sec. 516. Delay in deadline for submission of adjusted community rates.
Sec. 517. Reduction in adjustment in national per capita Medicare+Choice growth percentage for 2002.
Sec. 518. Deeming of Medicare+Choice organization to meet requirements.
Sec. 519. Timing of Medicare+Choice health information fairs.
Sec. 520. Quality assurance requirements for preferred provider organization plans.
Sec. 521. Clarification of nonapplicability of certain provisions of discharge planning process to Medicare+Choice plans.
Sec. 522. User fee for Medicare+Choice organizations based on number of enrolled beneficiaries.
Sec. 523. Clarification regarding the ability of a religious fraternal benefit society to operate any Medicare+Choice plan.
Sec. 524. Rules regarding physician referrals for Medicare+Choice program.

Subtitle C—Demonstration Projects and Special Medicare Populations

Sec. 531. Extension of social health maintenance organization demonstration (SHMO) project authority.
Sec. 532. Extension of medicare community nursing organization demonstration project.
Sec. 533. Medicare+Choice competitive bidding demonstration project.
Sec. 534. Extension of medicare municipal health services demonstration projects.
Sec. 535. Medicare coordinated care demonstration project.
Sec. 536. Medigap protections for PACE program enrollees.

Subtitle D—Medicare+Choice Nursing and Allied Health Professional Education Payments

Sec. 541. Medicare+Choice nursing and allied health professional education payments.

Subtitle E—Studies and Reports

Sec. 551. Report on accounting for VA and DOD expenditures for medicare beneficiaries.
Sec. 552. Medicare Payment Advisory Commission studies and reports.
Sec. 553. GAO studies, audits, and reports.

TITLE VI—MEDICAID

Sec. 601. Increase in DSH allotment for certain States and the District of Columbia.
Sec. 602. Removal of fiscal year limitation on certain transitional administrative costs assistance.
Sec. 603. Modification of the phase-out of payment for Federally-qualified health center services and rural health clinic services based on reasonable costs.
Sec. 604. Parity in reimbursement for certain utilization and quality control services; elimination of duplicative requirements for external quality review of medicaid managed care organizations.
Sec. 605. Inapplicability of enhanced match under the State children's health insurance program to medicaid DSH payments.
Sec. 606. Optional deferment of the effective date for outpatient drug agreements.
Sec. 607. Making medicaid DSH transition rule permanent.
Sec. 608. Medicaid technical corrections.

TITLE VII—STATE CHILDREN'S HEALTH INSURANCE PROGRAM (SCHIP)

Sec. 701. Stabilizing the State children's health insurance program allotment formula.
Sec. 702. Increased allotments for territories under the State children's health insurance program.
Sec. 703. Improved data collection and evaluations of the State children's health insurance program.
Sec. 704. References to SCHIP and State children's health insurance program.
Sec. 705. SCHIP technical corrections.

TITLE I—PROVISIONS RELATING TO PART A

Subtitle A—Adjustments to PPS Payments for Skilled Nursing Facilities

SEC. 101. TEMPORARY INCREASE IN PAYMENT FOR CERTAIN HIGH COST PATIENTS.

(a) ADJUSTMENT FOR MEDICALLY COMPLEX PATIENTS UNTIL ESTABLISHMENT OF REFINED CASE-MIX ADJUSTMENT.—For purposes of computing payments for covered skilled nursing facility services under paragraph (1) of section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)) for such services furnished on or after April 1, 2000, and before the date described in subsection (c), the Secretary of Health and Human Services shall increase by 20 percent the adjusted Federal per diem rate otherwise determined under paragraph (4) of such section (but for this section) for covered skilled nursing facility services for RUG-III groups described in subsection (b) furnished to an individual during the period in which such individual is classified in such a RUG-III category.

(b) GROUPS DESCRIBED.—The RUG-III groups for which the adjustment described in subsection (a) applies are SE3, SE2, SE1, SSC, SSB, SSA, CC2, CC1, CB2, CB1, CA2, CA1, RHC, RMC, and RMB as specified in Tables 3 and 4 of the final rule published in the Federal Register by the Health Care Financing Administration on July 30, 1999 (64 Fed. Reg. 41684).

(c) DATE DESCRIBED.—For purposes of subsection (a), the date described in this subsection is the later of—

(1) October 1, 2000; or

(2) the date on which the Secretary implements a refined case mix classification system under section 1888(e)(4)(G)(i) of the Social Security Act (42 U.S.C. 1395yy(e)(4)(G)(i)) to better account for medically complex patients.

(d) INCREASE FOR FISCAL YEARS 2001 AND 2002.—

(1) IN GENERAL.—For purposes of computing payments for covered skilled nursing facility services under paragraph (1) of section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)) for covered skilled nursing facility services furnished during fiscal years 2001 and 2002, the Secretary of Health and Human Services shall increase by 4.0 percent for each such fiscal year the adjusted Federal per diem rate otherwise determined under paragraph (4) of such section (but for this section).

(2) ADDITIONAL PAYMENT NOT BUILT INTO THE BASE.—The Secretary of Health and Human Services shall not include any additional payment made under this subsection in updating the Federal per diem rate under section 1888(e)(4) of that Act (42 U.S.C. 1395yy(e)(4)).

SEC. 102. AUTHORIZING FACILITIES TO ELECT IMMEDIATE TRANSITION TO FEDERAL RATE.

(a) IN GENERAL.—Section 1888(e) (42 U.S.C. 1395yy(e)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking "paragraph (7)" and inserting "paragraphs (7) and (11)"; and

(2) by adding at the end the following new paragraph:

"(11) PERMITTING FACILITIES TO WAIVE 3-YEAR TRANSITION.—Notwithstanding paragraph (1)(A), a facility may elect to have the amount of the payment for all costs of covered skilled nursing facility services for each day of such services furnished in cost reporting periods beginning no earlier than 30 days before the date of such election determined pursuant to paragraph (1)(B).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to elections made on or after December 15, 1999, except that no election shall be effective under such amendments for a cost reporting period beginning before January 1, 2000.

SEC. 103. PART A PASS-THROUGH PAYMENT FOR CERTAIN AMBULANCE SERVICES, PROSTHESES, AND CHEMOTHERAPY DRUGS.

(a) IN GENERAL.—Section 1888(e) (42 U.S.C. 1395yy(e)) is amended—

(1) in paragraph (2)(A)(i)(II), by striking "services described in clause (ii)" and inserting "items and services described in clauses (ii) and (iii)";

(2) by adding at the end of paragraph (2)(A) the following new clause:

"(iii) EXCLUSION OF CERTAIN ADDITIONAL ITEMS AND SERVICES.—Items and services described in this clause are the following:

"(I) Ambulance services furnished to an individual in conjunction with renal dialysis services described in section 1861(s)(2)(F).

"(II) Chemotherapy items (identified as of July 1, 1999, by HCPCS codes J9000–J9020; J9040–J9151; J9170–J9185; J9200–J9201; J9206–J9208; J9211; J9230–J9245; and J9265–J9600 (and as subsequently modified by the Secretary)) and any additional chemotherapy items identified by the Secretary.

"(III) Chemotherapy administration services (identified as of July 1, 1999, by HCPCS codes 36260–36262; 36489; 36530–36535; 36640; 36823; and 96405–96542 (and as subsequently modified by the Secretary)) and any additional chemotherapy administration services identified by the Secretary.

"(IV) Radioisotope services (identified as of July 1, 1999, by HCPCS codes 79030–79440 (and as subsequently modified by the Secretary)) and any additional radioisotope services identified by the Secretary.

"(V) Customized prosthetic devices (commonly known as artificial limbs or components of artificial limbs) under the following HCPCS codes (as of July 1, 1999 (and as subsequently modified by the Secretary)), and any additional customized prosthetic devices identified by the Secretary, if delivered to an inpatient for use during the stay in the skilled nursing facility and intended to be used by the individual after discharge from the facility: L5050–L5340; L5500–L5611; L5613–L5986; L5988; L6050–L6370; L6400–L6880; L6920–L7274; and L7362–7366."; and

(3) by adding at the end of paragraph (9) the following: "In the case of an item or service described in clause (iii) of paragraph (2)(A) that would be payable under part A but for the exclusion of such item or service under such clause, payment shall be made for the item or service, in an amount otherwise determined under part B of this title for such item or service, from the Federal Hospital Insurance Trust Fund under section 1817 (rather than from the Federal Supplementary Medical Insurance Trust Fund under section 1841).".

(b) CONFORMING FOR BUDGET NEUTRALITY BEGINNING WITH FISCAL YEAR 2001.—

(1) IN GENERAL.—Section 1888(e)(4)(G) (42 U.S.C. 1395yy(e)(4)(G)) is amended by adding at the end the following new clause:

"(iii) ADJUSTMENT FOR EXCLUSION OF CERTAIN ADDITIONAL ITEMS AND SERVICES.—The Secretary shall provide for an appropriate proportional reduction in payments so that beginning with fiscal year 2001, the aggregate amount of such reductions is equal to the aggregate increase in payments attributable to the exclusion effected under clause (iii) of paragraph (2)(A).".

(2) CONFORMING AMENDMENT.—Section 1888(e)(8)(A) (42 U.S.C. 1395yy(e)(8)(A)) is amended by striking "and adjustments for variations in labor-related costs under paragraph (4)(G)(ii)" and inserting "adjustments for variations in labor-related costs under paragraph (4)(G)(ii), and adjustments under paragraph (4)(G)(iii)".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to payments made for items and services furnished on or after April 1, 2000.

SEC. 104. PROVISION FOR PART B ADD-ONS FOR FACILITIES PARTICIPATING IN THE NHCMQ DEMONSTRATION PROJECT.

(a) IN GENERAL.—Section 1888(e)(3) (42 U.S.C. 1395yy(e)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by inserting "or, in the case of a facility participating in the Nursing Home Case-Mix and Quality Demonstration (RUGS–III), the RUGS–III rate received by the facility during the cost reporting period beginning in 1997" after "to non-settled cost reports"; and

(B) in clause (ii), by striking "furnished during such period" and inserting "furnished during the applicable cost reporting period described in clause (i)"; and

(2) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) UPDATE TO FIRST COST REPORTING PERIOD.—The Secretary shall update the amount determined under subparagraph (A), for each cost reporting period after the applicable cost reporting period described in subparagraph (A)(i) and up to the first cost reporting period by a factor equal to the skilled nursing facility market basket percentage increase minus 1.0 percentage point.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as if included in the enactment of section 4432(a) of BBA.

SEC. 105. SPECIAL CONSIDERATION FOR FACILITIES SERVING SPECIALIZED PATIENT POPULATIONS.

(a) IN GENERAL.—Section 1888(e) (42 U.S.C. 1395yy(e)), as amended by section 102(a)(1), is further amended—

(1) in paragraph (1), by striking "subject to paragraphs (7) and (11)" and inserting "subject to paragraphs (7), (11), and (12)"; and

(2) by adding at the end the following new paragraph:

"(12) PAYMENT RULE FOR CERTAIN FACILITIES.—

"(A) IN GENERAL.—In the case of a qualified acute skilled nursing facility described in subparagraph (B), the per diem amount of payment shall be determined by applying the non-Federal percentage and Federal percentage specified in paragraph (2)(C)(ii).

"(B) FACILITY DESCRIBED.—For purposes of subparagraph (A), a qualified acute skilled nursing facility is a facility that—

"(i) was certified by the Secretary as a skilled nursing facility eligible to furnish services under this title before July 1, 1992;

"(ii) is a hospital-based facility; and

"(iii) for the cost reporting period beginning in fiscal year 1998, the facility had more than 60 percent of total patient days comprised of patients who are described in subparagraph (C).

"(C) DESCRIPTION OF PATIENTS.—For purposes of subparagraph (B), a patient described in this subparagraph is an individual who—

"(i) is entitled to benefits under part A; and

"(ii) is immuno-compromised secondary to an infectious disease, with specific diagnoses as specified by the Secretary.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply for the period beginning on the date on which the first cost reporting period of the facility begins after the date of the enactment of this Act and ending on September 30, 2001, and applies to skilled nursing facilities furnishing covered skilled nursing facility services on the date of the enactment of this Act for which payment is made under title XVIII of the Social Security Act.

(c) REPORT TO CONGRESS.—Not later than March 1, 2001, the Secretary of Health and Human Services shall assess the resource use of patients of skilled nursing facilities furnishing services under the medicare program who are immuno-compromised secondary to an infectious disease, with specific diagnoses as specified by the Secretary (under paragraph (12)(C), as added by subsection (a), of section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e))) to determine whether any permanent adjustments are needed to the RUGs to take into account the resource uses and costs of these patients.

SEC. 106. MEDPAC STUDY ON SPECIAL PAYMENT FOR FACILITIES LOCATED IN HAWAII AND ALASKA.

(a) IN GENERAL.—The Medicare Payment Advisory Commission shall conduct a study of skilled nursing facilities furnishing covered skilled nursing facility services (as defined in section 1888(e)(2)(A) of the Social Security Act (42 U.S.C. 1395yy(e)(2)(A)) to determine the need for an additional payment amount under section 1888(e)(4)(G) of such Act (42 U.S.C. 1395yy(e)(4)(G)) to take into account the unique circumstances of skilled nursing facilities located in Alaska and Hawaii.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Medicare Payment Advisory Commission shall submit a report to Congress on the study conducted under subsection (a).

SEC. 107. STUDY AND REPORT REGARDING STATE LICENSURE AND CERTIFICATION STANDARDS AND RESPIRATORY THERAPY COMPETENCY EXAMINATIONS.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study that—

(1) identifies variations in State licensure and certification standards for health care providers (including nursing and allied health professionals) and other individuals providing respiratory therapy in skilled nursing facilities;

(2) examines State requirements relating to respiratory therapy competency examinations for such providers and individuals; and

(3) determines whether regular respiratory therapy competency examinations or certifications should be required under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) for such providers and individuals.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on the results of the study

conducted under this section, together with any recommendations for legislation that the Secretary determines to be appropriate as a result of such study.

Subtitle B—PPS Hospitals

SEC. 111. MODIFICATION IN TRANSITION FOR INDIRECT MEDICAL EDUCATION (IME) PERCENTAGE ADJUSTMENT.

(a) IN GENERAL.—Section 1886(d)(5)(B)(ii) (42 U.S.C. 1395ww(d)(5)(B)(ii)) is amended—

(1) in subclause (IV), by striking "and" at the end;

(2) by redesignating subclause (V) as subclause (VI);

(3) by inserting after subclause (IV) the following new subclause:

"(V) during fiscal year 2001, 'c' is equal to 1.54; and"; and

(4) in subclause (VI), as so redesignated, by striking "2000" and inserting "2001".

(b) SPECIAL PAYMENTS TO MAINTAIN 6.5 PERCENT IME PAYMENT FOR FISCAL YEAR 2000.—

(1) ADDITIONAL PAYMENT.—In addition to payments made to each subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)) under section 1886(d)(5)(B) of such Act (42 U.S.C. 1395ww(d)(5)(B))) which receives payment for the direct costs of medical education for discharges occurring in fiscal year 2000, the Secretary of Health and Human Services shall make one or more payments to each such hospital in an amount which, as estimated by the Secretary, is equal in the aggregate to the difference between the amount of payments to the hospital under such section for such discharges and the amount of payments that would have been paid under such section for such discharges if "c" in clause (ii)(IV) of such section equalled 1.6 rather than 1.47. Additional payments made under this subsection shall be made applying the same structure as applies to payments made under section 1886(d)(5)(B) of such Act.

(2) NO EFFECT ON OTHER PAYMENTS OR DETERMINATIONS.—In making such additional payments, the Secretary shall not change payments, determinations, or budget neutrality adjustments made for such period under section 1886(d) of such Act (42 U.S.C. 1395ww(d)).

(c) CONFORMING AMENDMENT RELATING TO DETERMINATION OF STANDARDIZED AMOUNT.—Section 1886(d)(2)(C)(i) (42 U.S.C. 1395ww(d)(2)(C)(i)) is amended by inserting "or any additional payments under such paragraph resulting from the application of section 111 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999" after "Balanced Budget Act of 1997".

SEC. 112. DECREASE IN REDUCTIONS FOR DISPROPORTIONATE SHARE HOSPITALS; DATA COLLECTION REQUIREMENTS.

(a) IN GENERAL.—Section 1886(d)(5)(F)(ix) (42 U.S.C. 1395ww(d)(5)(F)(ix)) is amended—

(1) in subclause (III), by striking "during fiscal year 2000" and inserting "during each of fiscal years 2000 and 2001";

(2) by striking subclause (IV);

(3) by redesignating subclauses (V) and (VI) as subclauses (IV) and (V), respectively; and

(4) in subclause (IV), as so redesignated, by striking "reduced by 5 percent" and inserting "reduced by 4 percent".

(b) DATA COLLECTION.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall require any subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B))) to submit to the Secretary, in the cost reports submitted to the Secretary by such hospital for discharges occurring during a fiscal year, data on the costs incurred by the hospital for providing inpatient and outpatient hospital services for which the hospital is not compensated, including non-medicare bad debt, charity care, and charges for medicaid and indigent care.

(2) EFFECTIVE DATE.—The Secretary shall require the submission of the data described in paragraph (1) in cost reports for cost reporting periods beginning on or after October 1, 2001.

Subtitle C—PPS-Exempt Hospitals

SEC. 121. WAGE ADJUSTMENT OF PERCENTILE CAP FOR PPS-EXEMPT HOSPITALS.

(a) IN GENERAL.—Section 1886(b)(3)(H) (42 U.S.C. 1395ww(b)(3)(H)) is amended—

(1) in clause (i), by inserting ", as adjusted under clause (iii)" before the period;

(2) in clause (ii), by striking "clause (i)" and "such clause" and inserting "subclause (I)" and "such subclause" respectively;

(3) by striking "(H)(i)" and inserting "(ii)(I)";

(4) by redesignating clauses (ii) and (iii) as subclauses (II) and (III);

(5) by inserting after clause (ii), as so redesignated, the following new clause:

"(iii) In applying clause (ii)(I) in the case of a hospital or unit, the Secretary shall provide for an appropriate adjustment to the labor-related portion of the amount determined under such subparagraph to take into account differences between average wage-related costs in the area of the hospital and the national average of such costs within the same class of hospital."; and

(6) by inserting before clause (ii), as so redesignated, the following new clause:

"(H)(i) In the case of a hospital or unit that is within a class of hospital described in clause (iv), for a cost reporting period beginning during fiscal years 1998 through 2002, the target amount for such a hospital or unit may not exceed the amount as updated up to or for such cost reporting period under clause (ii).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to cost reporting periods beginning on or after October 1, 1999.

SEC. 122. ENHANCED PAYMENTS FOR LONG-TERM CARE AND PSYCHIATRIC HOSPITALS UNTIL DEVELOPMENT OF PROSPECTIVE PAYMENT SYSTEMS FOR THOSE HOSPITALS.

Section 1886(b)(2) (42 U.S.C. 1395ww(b)(2)) is amended—

(1) in subparagraph (A), by striking "In addition to" and inserting "Except as provided in subparagraph (E), in addition to"; and

(2) by adding at the end the following new subparagraph:

"(E)(i) In the case of an eligible hospital that is a hospital or unit that is within a class of hospital described in clause (ii) with a 12-month cost reporting period beginning before the enactment of this subparagraph, in determining the amount of the increase under subparagraph (A), the Secretary shall substitute for the percentage of the target amount applicable under subparagraph (A)(ii)—

"(I) for a cost reporting period beginning on or after October 1, 2000, and before September 30, 2001, 1.5 percent; and

"(II) for a cost reporting period beginning on or after October 1, 2001, and before September 30, 2002, 2 percent.

"(ii) For purposes of clause (i), each of the following shall be treated as a separate class of hospital:

"(I) Hospitals described in clause (i) of subsection (d)(1)(B) and psychiatric units described in the matter following clause (v) of such subsection.

"(II) Hospitals described in clause (iv) of such subsection.".

SEC. 123. PER DISCHARGE PROSPECTIVE PAYMENT SYSTEM FOR LONG-TERM CARE HOSPITALS.

(a) DEVELOPMENT OF SYSTEM.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall develop a per discharge prospective payment system for payment for inpatient hospital services of long-term care hospitals described in section 1886(d)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)(iv)) under the medicare program. Such system shall include an adequate patient classification system that is based on diagnosis-related groups (DRGs) and that reflects the differences in patient resource use and costs, and shall maintain budget neutrality.

(2) COLLECTION OF DATA AND EVALUATION.—In developing the system described in paragraph (1), the Secretary may require such long-term care hospitals to submit such information to the Secretary as the Secretary may require to develop the system.

(b) REPORT.—Not later than October 1, 2001, the Secretary shall submit to the appropriate committees of Congress a report that includes a description of the system developed under subsection (a)(1).

(c) IMPLEMENTATION OF PROSPECTIVE PAYMENT SYSTEM.—Notwithstanding section 1886(b)(3) of the Social Security Act (42 U.S.C. 1395ww(b)(3)), the Secretary shall provide, for cost reporting periods beginning on or after October 1, 2002, for payments for inpatient hospital services furnished by long-term care hospitals under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) in accordance with the system described in subsection (a).

SEC. 124. PER DIEM PROSPECTIVE PAYMENT SYSTEM FOR PSYCHIATRIC HOSPITALS.

(a) DEVELOPMENT OF SYSTEM.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall develop a per diem prospective payment system for payment for inpatient hospital services of psychiatric hospitals and units (as defined in paragraph (3)) under the medicare program. Such system shall include an adequate patient classification system that reflects the differences in patient resource use and costs among such hospitals and shall maintain budget neutrality.

(2) COLLECTION OF DATA AND EVALUATION.—In developing the system described in paragraph (1), the Secretary may require such psychiatric hospitals and units to submit such information to the Secretary as the Secretary may require to develop the system.

(3) DEFINITION.—In this section, the term "psychiatric hospitals and units" means a psychiatric hospital described in clause (i) of section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)) and psychiatric units described in the matter following clause (v) of such section.

(b) REPORT.—Not later than October 1, 2001, the Secretary shall submit to the appropriate committees of Congress a report that includes a description of the system developed under subsection (a)(1).

(c) IMPLEMENTATION OF PROSPECTIVE PAYMENT SYSTEM.—Notwithstanding section 1886(b)(3) of the Social Security Act (42 U.S.C. 1395ww(b)(3)), the Secretary shall provide, for cost reporting periods beginning on or after October 1, 2002, for payments for inpatient hospital services furnished by psychiatric hospitals and units under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) in accordance with the prospective payment system established by the Secretary under this section in a budget neutral manner.

SEC. 125. REFINEMENT OF PROSPECTIVE PAYMENT SYSTEM FOR INPATIENT REHABILITATION SERVICES.

(a) USE OF DISCHARGE AS PAYMENT UNIT.—

(1) IN GENERAL.—Section 1886(j)(1)(D) (42 U.S.C. 1395ww(j)(1)(D)) is amended by striking ", day of inpatient hospital services, or other unit of payment defined by the Secretary".

(2) Conforming Amendment to Classification.—Section 1886(j)(2)(A)(i) (42 U.S.C. 1395ww(j)(2)(A)(i)) is amended to read as follows:

"(i) classes of patient discharges of rehabilitation facilities by functional-related groups (each in this subsection referred to as a 'case mix group'), based on impairment, age, comorbidities, and functional capability of the patient and such other factors as the Secretary deems appropriate to improve the explanatory power of functional independence measure-function related groups; and".

(3) Construction Relating to Transfer Authority.—Section 1886(j)(1) (42 U.S.C. 1395ww(j)(1)) is amended by adding at the end the following new subparagraph:

"(E) Construction Relating to Transfer Authority.—Nothing in this subsection shall be construed as preventing the Secretary from providing for an adjustment to payments to take into account the early transfer of a patient from a rehabilitation facility to another site of care.".

(b) Study on Impact of Implementation of Prospective Payment System.—

(1) Study.—The Secretary of Health and Human Services shall conduct a study of the impact on utilization and beneficiary access to services of the implementation of the medicare prospective payment system for inpatient hospital services or rehabilitation facilities under section 1886(j) of the Social Security Act (42 U.S.C. 1395ww(j)).

(2) Report.—Not later than 3 years after the date such system is first implemented, the Secretary shall submit to Congress a report on such study.

(c) Effective Date.—The amendments made by subsection (a) are effective as if included in the enactment of section 4421(a) of BBA.

Subtitle D—Hospice Care

SEC. 131. TEMPORARY INCREASE IN PAYMENT FOR HOSPICE CARE.

(a) Increase for Fiscal Years 2001 and 2002.—For purposes of payments under section 1814(i)(1)(C) of the Social Security Act (42 U.S.C. 1395f(i)(1)(C)) for hospice care furnished during fiscal years 2001 and 2002, the Secretary of Health and Human Services shall increase the payment rate in effect (but for this section) for—

(1) fiscal year 2001, by 0.5 percent, and

(2) fiscal year 2002, by 0.75 percent.

(b) Additional Payment Not Built Into the Base.—The Secretary of Health and Human Services shall not include any additional payment made under this subsection (a) in updating the payment rate, as increased by the applicable market basket percentage increase for the fiscal year involved under section 1814(i)(1)(C)(ii) of that Act (42 U.S.C. 1395f(i)(1)(C)(ii)).

SEC. 132. STUDY AND REPORT TO CONGRESS REGARDING MODIFICATION OF THE PAYMENT RATES FOR HOSPICE CARE.

(a) Study.—The Comptroller General of the United States shall conduct a study to determine the feasibility and advisability of updating the payment rates and the cap amount determined with respect to a fiscal year under section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)) for routine home care and other services included in hospice care. Such study shall examine the cost factors used to determine such rates and such amount and shall evaluate whether such factors should be modified, eliminated, or supplemented with additional cost factors.

(b) Report.—Not later than one year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under subsection (a), together with any recommendations for legislation that the Comptroller General determines to be appropriate as a result of such study.

Subtitle E—Other Provisions

SEC. 141. MEDPAC STUDY ON MEDICARE PAYMENT FOR NONPHYSICIAN HEALTH PROFESSIONAL CLINICAL TRAINING IN HOSPITALS.

(a) In General.—The Medicare Payment Advisory Commission shall conduct a study of medicare payment policy with respect to professional clinical training of different classes of nonphysician health care professionals (such as nurses, nurse practitioners, allied health professionals, physician assistants, and psychologists) and the basis for any differences in treatment among such classes.

(b) Report.—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit a report to Congress on the study conducted under subsection (a).

Subtitle F—Transitional Provisions

SEC. 151. EXCEPTION TO CMI QUALIFIER FOR ONE YEAR.

Notwithstanding any other provision of law, for purposes of fiscal year 2000, the Northwest Mississippi Regional Medical Center located in Clarksdale, Mississippi shall be deemed to have satisfied the case mix index criteria under section 1886(d)(5)(C)(ii) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(C)(ii)) for classification as a rural referral center.

SEC. 152. RECLASSIFICATION OF CERTAIN COUNTIES AND AREAS FOR PURPOSES OF REIMBURSEMENT UNDER THE MEDICARE PROGRAM.

(a) Fiscal Year 2000.—Notwithstanding any other provision of law, effective for discharges occurring during fiscal year 2000, for purposes of making payments under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d))—

(1) to hospitals in Iredell County, North Carolina, such county is deemed to be located in the Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina Metropolitan Statistical Area;

(2) to hospitals in Orange County, New York, the large urban area of New York, New York is deemed to include such county;

(3) to hospitals in Lake County, Indiana, and to hospitals in Lee County, Illinois, such counties are deemed to be located in the Chicago, Illinois Metropolitan Statistical Area;

(4) to hospitals in Hamilton-Middletown, Ohio, Hamilton-Middletown, Ohio, is deemed to be located in the Cincinnati, Ohio-Kentucky-Indiana Metropolitan Statistical Area;

(5) to hospitals in Brazoria County, Texas, such county is deemed to be located in the Houston, Texas Metropolitan Statistical Area; and

(6) to hospitals in Chittenden County, Vermont, such county is deemed to be located in the Boston-Worcester-Lawrence-Lowell-Brockton, Massachusetts-New Hampshire Metropolitan Statistical Area.

(b) Fiscal Year 2001.—Notwithstanding any other provision of law, effective for discharges occurring during fiscal year 2001, for purposes of making payments under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d))—

(1) Iredell County, North Carolina is deemed to be located in the Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina Metropolitan Statistical Area;

(2) the large urban area of New York, New York is deemed to include Orange County, New York;

(3) Lake County, Indiana, and Lee County, Illinois, are deemed to be located in the Chicago, Illinois Metropolitan Statistical Area;

(4) Hamilton-Middletown, Ohio, is deemed to be located in the Cincinnati, Ohio-Kentucky-Indiana Metropolitan Statistical Area;

(5) Brazoria County, Texas, is deemed to be located in the Houston, Texas Metropolitan Statistical Area; and

(6) Chittenden County, Vermont is deemed to be located in the Boston-Worcester-Lawrence-Lowell-Brockton, Massachusetts-New Hampshire Metropolitan Statistical Area.

For purposes of that section, any reclassification under this subsection shall be treated as a decision of the Medicare Geographic Classification Review Board under paragraph (10) of that section.

SEC. 153. WAGE INDEX CORRECTION.

Notwithstanding any other provision of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)), the Secretary of Health and Human Services shall calculate and apply the Hattiesburg, Mississippi Metropolitan Statistical Area wage index under that section for discharges occurring during fiscal year 2000 using fiscal year 1996 wage and hour data for Wesley Medical Center for purposes of payment under that section for that fiscal year. Such recalculation shall not affect the wage index for any other area.

SEC. 154. CALCULATION AND APPLICATION OF WAGE INDEX FLOOR FOR A CERTAIN AREA.

(a) Fiscal Year 2000.—Notwithstanding any other provision of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)), for discharges occurring during fiscal year 2000, the Secretary of Health and Human Services shall calculate and apply the wage index for the Allentown-Bethlehem-Easton Metropolitan Statistical Area under that section as if the Lehigh Valley Hospital were classified in such area for purposes of payment under that section for such fiscal year. Such recalculation shall not affect the wage index for any other area.

(b) Fiscal Year 2001.—Notwithstanding any other provision of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)), in calculating and applying the wage indices under that section for discharges occurring during fiscal year 2001, Lehigh Valley Hospital shall be treated as being classified in the Allentown-Bethlehem-Easton Metropolitan Statistical Area.

SEC. 155. SPECIAL RULE FOR CERTAIN SKILLED NURSING FACILITIES.

(a) In General.—Notwithstanding any provision of section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)), for the cost reporting period beginning in fiscal year 2000 and for the cost reporting period beginning in fiscal year 2001, if a skilled nursing facility which meets the criteria described in subsection (b) elects to be paid in accordance with subsection (c), the Secretary of Health and Human Services shall establish a per diem payment amount for such facility according to the methodology described in subsection (c) for such cost reporting periods in lieu of the payment amount that would otherwise be established for such facility under section 1888(e)(1) of such Act (42 U.S.C. 1395yy(e)(1)).

(b) Facility Eligibility Criteria.—For purposes of this subsection, a skilled nursing facility is one—

(1) that began participation in the Medicare program under title XVIII of the Social Security Act before January 1, 1995;

(2) for which at least 80 percent of the total inpatient days of the facility in the cost reporting period beginning in fiscal year 1998 were comprised of individuals entitled to benefits under such title; and

(3) that is located in Baldwin or Mobile County, Alabama.

(c) Determination of Per Diem Amount.—For purposes of subsection (a), the per diem payment amount shall be equal to 100 percent of the amount determined under section 1888(e)(3) of the Social Security Act (42 U.S.C.

1395yy(e)(3)) except that, in determining such amount, the Secretary shall—

(1) substitute the allowable costs of the facility for the cost reporting period beginning in fiscal year 1998 for those allowable costs of the cost reporting period beginning in fiscal year 1995; and

(2) exclude the update to the first cost reporting period (from fiscal year 1995 to fiscal year 1998) described in section 1888(e)(3)(B)(i) of such Act (42 U.S.C. 1395yy(e)(3)(B)(i)).

TITLE II—PROVISIONS RELATING TO PART B

Subtitle A—Hospital Outpatient Services

SEC. 201. OUTLIER ADJUSTMENT AND TRANSITIONAL PASS-THROUGH FOR CERTAIN MEDICAL DEVICES, DRUGS, AND BIOLOGICALS.

(a) Outlier Adjustment.—Section 1833(t) (42 U.S.C. 1395l(t)) is amended—

(1) by redesignating paragraphs (5) through (9) as paragraphs (7) through (11), respectively; and

(2) by inserting after paragraph (4) the following new paragraph:

"(5) Outlier Adjustment.—

"(A) In General.—Subject to subparagraph (D), the Secretary shall provide for an additional payment for each covered OPD service (or group of services) for which a hospital's charges, adjusted to cost, exceed—

"(i) a fixed multiple of the sum of—

"(I) the applicable medicare OPD fee schedule amount determined under paragraph (3)(D), as adjusted under paragraph (4)(A) (other than for adjustments under this paragraph or paragraph (6)); and

"(II) any transitional pass-through payment under paragraph (6); and

"(ii) at the option of the Secretary, such fixed dollar amount as the Secretary may establish.

"(B) Amount of Adjustment.—The amount of the additional payment under subparagraph (A) shall be determined by the Secretary and shall approximate the marginal cost of care beyond the applicable cutoff point under such subparagraph.

"(C) Limit on Aggregate Outlier Adjustments.—

"(i) In General.—The total of the additional payments made under this paragraph for covered OPD services furnished in a year (as estimated by the Secretary before the beginning of the year) may not exceed the applicable percentage (specified in clause (ii)) of the total program payments estimated to be made under this subsection for all covered OPD services furnished in that year. If this paragraph is first applied to less than a full year, the previous sentence shall apply only to the portion of such year.

"(ii) Applicable Percentage.—For purposes of clause (i), the term 'applicable percentage' means a percentage specified by the Secretary up to (but not to exceed)—

"(I) for a year (or portion of a year) before 2004, 2.5 percent; and

"(II) for 2004 and thereafter, 3.0 percent.

"(D) Transitional Authority.—In applying subparagraph (A) for covered OPD services furnished before January 1, 2002, the Secretary may—

"(i) apply such subparagraph to a bill for such services related to an outpatient encounter (rather than for a specific service or group of services) using OPD fee schedule amounts and transitional pass-through payments covered under the bill; and

"(ii) use an appropriate cost-to-charge ratio for the hospital involved (as determined by the Secretary), rather than for specific departments within the hospital.".

(b) Transitional Pass-Through for Additional Costs of Innovative Medical Devices, Drugs, and Biologicals.—Such section is further amended by inserting after paragraph (5) the following new paragraph:

"(6) Transitional Pass-Through for Additional Costs of Innovative Medical Devices, Drugs, and Biologicals.—

"(A) In General.—The Secretary shall provide for an additional payment under this paragraph for any of the following that are provided as part of a covered OPD service (or group of services):

"(i) Current Orphan Drugs.—A drug or biological that is used for a rare disease or condition with respect to which the drug or biological has been designated as an orphan drug under section 526 of the Federal Food, Drug and Cosmetic Act if payment for the drug or biological as an outpatient hospital service under this part was being made on the first date that the system under this subsection is implemented.

"(ii) Current Cancer Therapy Drugs and Biologicals and Brachytherapy.—A drug or biological that is used in cancer therapy, including (but not limited to) a chemotherapeutic agent, an antiemetic, a hematopoietic growth factor a colony stimulating factor, a biological response modifier, a bisphosphonate, and a device of brachytherapy, if payment for such drug, biological, or device as an outpatient hospital service under this part was being made on such first date.

"(iii) Current Radiopharmaceutical Drugs and Biological Products.—A radiopharmaceutical drug or biological product used in diagnostic, monitoring, and therapeutic nuclear medicine procedures if payment for the drug or biological as an outpatient hospital service under this part was being made on such first date.

"(iv) New Medical Devices, Drugs, and Biologicals.—A medical device, drug, or biological not described in clause (i), (ii), or (iii) if—

"(I) payment for the device, drug, or biological as an outpatient hospital service under this part was not being made as of December 31, 1996; and

"(II) the cost of the device, drug, or biological is not insignificant in relation to the OPD fee schedule amount (as calculated under paragraph (3)(D)) payable for the service (or group of services) involved.

"(B) Limited Period of Payment.—The payment under this paragraph with respect to a medical device, drug, or biological shall only apply during a period of at least 2 years, but not more than 3 years, that begins—

"(i) on the first date this subsection is implemented in the case of a drug, biological, or device described in clause (i), (ii), or (iii) of subparagraph (A) and in the case of a device, drug, or biological described in subparagraph (A)(iv) and for which payment under this part is made as an outpatient hospital service before such first date; or

"(ii) in the case of a device, drug, or biological described in subparagraph (A)(iv) not described in clause (i), on the first date on which payment is made under this part for the device, drug, or biological as an outpatient hospital service.

"(C) Amount of Additional Payment.—Subject to subparagraph (D)(iii), the amount of the payment under this paragraph with respect to a device, drug, or biological provided as part of a covered OPD service is—

"(i) in the case of a drug or biological, the amount by which the amount determined under section 1842(o) for the drug or biological exceeds the portion of the otherwise applicable medicare OPD fee schedule that the Secretary determines is associated with the drug or biological; or

"(ii) in the case of a medical device, the amount by which the hospital's charges for the device, adjusted to cost, exceeds the portion of the otherwise applicable medicare OPD fee schedule that the Secretary determines is associated with the device.

"(D) Limit on Aggregate Annual Adjustment.—

"(i) In General.—The total of the additional payments made under this paragraph for covered OPD services furnished in a year (as estimated by the Secretary before the beginning of the year) may not exceed the applicable percentage (specified in clause (ii)) of the total program payments estimated to be made under this subsection for all covered OPD services furnished in that year. If this paragraph is first applied to less than a full year, the previous sentence shall apply only to the portion of such year.

"(ii) Applicable Percentage.—For purposes of clause (i), the term 'applicable percentage' means—

"(I) for a year (or portion of a year) before 2004, 2.5 percent; and

"(II) for 2004 and thereafter, a percentage specified by the Secretary up to (but not to exceed) 2.0 percent.

"(iii) Uniform Prospective Reduction if Aggregate Limit Projected to Be Exceeded.—If the Secretary estimates before the beginning of a year that the amount of the additional payments under this paragraph for the year (or portion thereof) as determined under clause (i) without regard to this clause will exceed the limit established under such clause, the Secretary shall reduce pro rata the amount of each of the additional payments under this paragraph for that year (or portion thereof) in order to ensure that the aggregate additional payments under this paragraph (as so estimated) do not exceed such limit.".

(c) Application of New Adjustments on a Budget Neutral Basis.—Section 1833(t)(2)(E) (42 U.S.C. 1395l(t)(2)(E)) is amended by striking "other adjustments, in a budget neutral manner, as determined to be necessary to ensure equitable payments, such as outlier adjustments or" and inserting ", in a budget neutral manner, outlier adjustments under paragraph (5) and transitional pass-through payments under paragraph (6) and other adjustments as determined to be necessary to ensure equitable payments, such as".

(d) Limitation on Judicial Review for New Adjustments.—Section 1833(t)(11), as redesignated by subsection (a)(1), is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by adding at the end the following:

"(E) the determination of the fixed multiple, or a fixed dollar cutoff amount, the marginal cost of care, or applicable percentage under paragraph (5) or the determination of insignificance of cost, the duration of the additional payments (consistent with paragraph (6)(B)), the portion of the medicare OPD fee schedule amount associated with particular devices, drugs, or biologicals, and the application of any pro rata reduction under paragraph (6).".

(e) Inclusion of Certain Implantable Items Under System.—

(1) In General.—Section 1833(t) (42 U.S.C. 1395l(t)) is amended—

(A) in paragraph (1)(B)(ii), by striking "clause (iii)" and inserting "clause (iv)" and by striking "but";

(B) by redesignating clause (iii) of paragraph (1)(B) as clause (iv) and inserting after clause (ii) of such paragraph the following new clause:

"(iii) includes implantable items described in paragraph (3), (6), or (8) of section 1861(s); but"; and

(C) in paragraph (2)(B), by inserting after "resources" the following: "and so that an

implantable item is classified to the group that includes the service to which the item relates''.

(2) Conforming amendment.—(A) Section 1834(a)(13) (42 U.S.C. 1395m(a)(13)) is amended by striking ''1861(m)(5))'' and inserting ''1861(m)(5), but not including implantable items for which payment may be made under section 1833(t)''.

(B) Section 1834(h)(4)(B) (42 U.S.C. 1395m(h)(4)(B)) is amended by inserting before the semicolon the following: ''and does not include an implantable item for which payment may be made under section 1833(t)''.

(f) Authorizing Payment Weights Based on Mean Hospital Costs.—Section 1833(t)(2)(C) (42 U.S.C. 1395l(t)(2)(C)) is amended by inserting ''(or, at the election of the Secretary, mean)'' after ''median''.

(g) Limiting Variation of Costs of Services Classified With a Group.—Section 1833(t)(2) (42 U.S.C. 1395l(t)(2)) is amended by adding at the end the following new flush sentence:

''For purposes of subparagraph (B), items and services within a group shall not be treated as 'comparable with respect to the use of resources' if the highest median cost (or mean cost, if elected by the Secretary under subparagraph (C)) for an item or service within the group is more than 2 times greater than the lowest median cost (or mean cost, if so elected) for an item or service within the group; except that the Secretary may make exceptions in unusual cases, such as low volume items and services, but may not make such an exception in the case of a drug or biological that has been designated as an orphan drug under section 526 of the Federal Food, Drug and Cosmetic Act.''.

(h) Annual Review of OPD PPS Components.—

(1) In general.—Section 1833(t)(8)(A) (42 U.S.C. 1395l(t)(8)(A)), as redesignated by subsection (a), is amended—

(A) by striking ''may periodically review'' and inserting ''shall review not less often than annually''; and

(B) by adding at the end the following: ''The Secretary shall consult with an expert outside advisory panel composed of an appropriate selection of representatives of providers to review (and advise the Secretary concerning) the clinical integrity of the groups and weights. Such panel may use data collected or developed by entities and organizations (other than the Department of Health and Human Services) in conducting such review.''.

(2) Effective dates.—The Secretary of Health and Human Services shall first conduct the annual review under the amendment made by paragraph (1)(A) in 2001 for application in 2002 and the amendment made by paragraph (1)(B) takes effect on the date of the enactment of this Act.

(i) No Impact on Copayment.—Section 1833(t)(7) (42 U.S.C. 1395l(t)(7)), as redesignated by subsection (a), is amended by adding at the end the following new subparagraph:

''(D) Computation ignoring outlier and pass-through adjustments.—The copayment amount shall be computed under subparagraph (A) as if the adjustments under paragraphs (5) and (6) (and any adjustment made under paragraph (2)(E) in relation to such adjustments) had not occurred.''.

(j) Technical Correction in Reference Relating to Hospital-Based Ambulance Services.—Section 1833(t)(9) (42 U.S.C. 1395l(t)(9)), as redesignated by subsection (a), is amended by striking ''the matter in subsection (a)(1) preceding subparagraph (A)'' and inserting ''section 1861(v)(1)(U)''.

(k) Extension of Payment Provisions of Section 4522 of BBA Until Implementation of PPS.—Section 1861(v)(1)(S)(ii) (42 U.S.C. 1395x(v)(1)(S)(ii)) is amended in subclauses (I) and (II) by striking ''and during fiscal year 2000 before January 1, 2000'' and inserting ''and until the first date that the prospective payment system under section 1833(t) is implemented'' each place it appears.

(l) Congressional Intention Regarding Base Amounts in Applying the HOPD PPS.—With respect to determining the amount of copayments described in paragraph (3)(A)(ii) of section 1833(t) of the Social Security Act, as added by section 4523(a) of BBA, Congress finds that such amount should be determined without regard to such section, in a budget neutral manner with respect to aggregate payments to hospitals, and that the Secretary of Health and Human Services has the authority to determine such amount without regard to such section.

(m) Effective Date.—Except as provided in this section, the amendments made by this section shall be effective as if included in the enactment of BBA.

(n) Study of Delivery of Intravenous Immune Globulin (IVIG) Outside Hospitals and Physicians' Offices.—

(1) Study.—The Secretary of Health and Human Services shall conduct a study of the extent to which intravenous immune globulin (IVIG) could be delivered and reimbursed under the medicare program outside of a hospital or physician's office. In conducting the study, the Secretary shall—

(A) consider the sites of service that other payors, including Medicare+Choice plans, use for these drugs and biologicals;

(B) determine whether covering the delivery of these drugs and biologicals in a medicare patient's home raises any additional safety and health concerns for the patient;

(C) determine whether covering the delivery of these drugs and biologicals in a patient's home can reduce overall spending under the medicare program; and

(D) determine whether changing the site of setting for these services would affect beneficiary access to care.

(2) Report.—The Secretary shall submit a report on such study to the Committees on Ways and Means and Commerce of the House of Representatives and the Committee on Finance of the Senate within 18 months after the date of the enactment of this Act. The Secretary shall include in the report recommendations regarding the appropriate manner and settings under which the medicare program should pay for these drugs and biologicals delivered outside of a hospital or physician's office.

SEC. 202. ESTABLISHING A TRANSITIONAL CORRIDOR FOR APPLICATION OF OPD PPS.

(a) In General.—Section 1833(t) (42 U.S.C. 1395l(t)), as amended by section 201(a), is further amended—

(1) in paragraph (4), in the matter before subparagraph (A), by inserting '', subject to paragraph (7),'' after ''is determined''; and

(2) by redesignating paragraphs (7) through (11) as paragraphs (8) through (12), respectively; and

(3) by inserting after paragraph (6), as inserted by section 201(b), the following new paragraph:

''(7) Transitional adjustment to limit decline in payment.—

''(A) Before 2002.—Subject to subparagraph (D), for covered OPD services furnished before January 1, 2002, for which the PPS amount (as defined in subparagraph (E)) is—

''(i) at least 90 percent, but less than 100 percent, of the pre-BBA amount (as defined in subparagraph (F)), the amount of payment under this subsection shall be increased by 80 percent of the amount of such difference;

''(ii) at least 80 percent, but less than 90 percent, of the pre-BBA amount, the amount of payment under this subsection shall be increased by the amount by which (I) the product of 0.71 and the pre-BBA amount, exceeds (II) the product of 0.70 and the PPS amount;

''(iii) at least 70 percent, but less than 80 percent, of the pre-BBA amount, the amount of payment under this subsection shall be increased by the amount by which (I) the product of 0.63 and the pre-BBA amount, exceeds (II) the product of 0.60 and the PPS amount; or

''(iv) less than 70 percent of the pre-BBA amount, the amount of payment under this subsection shall be increased by 21 percent of the pre-BBA amount.

''(B) 2002.—Subject to subparagraph (D), for covered OPD services furnished during 2002, for which the PPS amount is—

''(i) at least 90 percent, but less than 100 percent, of the pre-BBA amount, the amount of payment under this subsection shall be increased by 70 percent of the amount of such difference;

''(ii) at least 80 percent, but less than 90 percent, of the pre-BBA amount, the amount of payment under this subsection shall be increased by the amount by which (I) the product of 0.61 and the pre-BBA amount, exceeds (II) the product of 0.60 and the PPS amount; or

''(iii) less than 80 percent of the pre-BBA amount, the amount of payment under this subsection shall be increased by 13 percent of the pre-BBA amount.

''(C) 2003.—Subject to subparagraph (D), for covered OPD services furnished during 2003, for which the PPS amount is—

''(i) at least 90 percent, but less than 100 percent, of the pre-BBA amount, the amount of payment under this subsection shall be increased by 60 percent of the amount of such difference; or

''(ii) less than 90 percent of the pre-BBA amount, the amount of payment under this subsection shall be increased by 6 percent of the pre-BBA amount.

''(D) Hold harmless provisions.—

''(i) Temporary treatment for small rural hospitals.—In the case of a hospital located in a rural area and that has not more than 100 beds, for covered OPD services furnished before January 1, 2004, for which the PPS amount is less than the pre-BBA amount, the amount of payment under this subsection shall be increased by the amount of such difference.

''(ii) Permanent treatment for cancer hospitals.—In the case of a hospital described in section 1886(d)(1)(B)(v), for covered OPD services for which the PPS amount is less than the pre-BBA amount, the amount of payment under this subsection shall be increased by the amount of such difference.

''(E) PPS amount defined.—In this paragraph, the term 'PPS amount' means, with respect to covered OPD services, the amount payable under this title for such services (determined without regard to this paragraph), including amounts payable as copayment under paragraph (8), coinsurance under section 1866(a)(2)(A)(ii), and the deductible under section 1833(b).

''(F) Pre-BBA amount defined.—

''(i) In general.—In this paragraph, the 'pre-BBA amount' means, with respect to covered OPD services furnished by a hospital in a year, an amount equal to the product of the reasonable cost of the hospital for such services for the portions of the hospital's cost reporting period (or periods) occurring in the year and the base OPD payment-to-cost ratio for the hospital (as defined in clause (ii)).

''(ii) Base payment-to-cost-ratio defined.—For purposes of this subparagraph, the 'base payment-to-cost ratio' for a hospital means the ratio of—

''(I) the hospital's reimbursement under this part for covered OPD services furnished during the cost reporting period ending in 1996, including any reimbursement for such services through cost-sharing described in subparagraph (E), to

"(II) the reasonable cost of such services for such period.

The Secretary shall determine such ratios as if the amendments made by section 4521 of the Balanced Budget Act of 1997 were in effect in 1996.

"(G) INTERIM PAYMENTS.—The Secretary shall make payments under this paragraph to hospitals on an interim basis, subject to retrospective adjustments based on settled cost reports.

"(H) NO EFFECT ON COPAYMENTS.—Nothing in this paragraph shall be construed to affect the unadjusted copayment amount described in paragraph (3)(B) or the copayment amount under paragraph (8).

"(I) APPLICATION WITHOUT REGARD TO BUDGET NEUTRALITY.—The additional payments made under this paragraph—

"(i) shall not be considered an adjustment under paragraph (2)(E); and

"(ii) shall not be implemented in a budget neutral manner.".

(b) EFFECTIVE DATE.—The amendments made by this section shall be effective as if included in the enactment of BBA.

SEC. 203. STUDY AND REPORT TO CONGRESS REGARDING THE SPECIAL TREATMENT OF RURAL AND CANCER HOSPITALS IN PROSPECTIVE PAYMENT SYSTEM FOR HOSPITAL OUTPATIENT DEPARTMENT SERVICES.

(a) STUDY.—

(1) IN GENERAL.—The Medicare Payment Advisory Commission (referred to in this section as "MedPAC") shall conduct a study to determine the appropriateness (and the appropriate method) of providing payments to hospitals described in paragraph (2) for covered OPD services (as defined in paragraph (1)(B) of section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t))) based on the prospective payment system established by the Secretary in accordance with such section.

(2) HOSPITALS DESCRIBED.—The hospitals described in this paragraph are the following:

(A) A medicare-dependent, small rural hospital (as defined in section 1886(d)(5)(G)(iv) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(G)(iv))).

(B) A sole community hospital (as defined in section 1886(d)(5)(D)(iii) of such Act (42 U.S.C. 1395ww(d)(5)(D)(iii))).

(C) Rural health clinics (as defined in section 1861(aa)(2) of such Act (42 U.S.C. 1395x(aa)(2)).

(D) Rural referral centers (as so classified under section 1886(d)(5)(C) of such Act (42 U.S.C. 1395ww(d)(5)(C)).

(E) Any other rural hospital with not more than 100 beds.

(F) Any other rural hospital that the Secretary determines appropriate.

(G) A hospital described in section 1886(d)(1)(B)(v) of such Act (42 U.S.C. 1395ww(d)(1)(B)(v)).

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, MedPAC shall submit a report to the Secretary of Health and Human Services and Congress on the study conducted under subsection (a), together with any recommendations for legislation that MedPAC determines to be appropriate as a result of such study.

(c) COMMENTS.—Not later than 60 days after the date on which MedPAC submits the report under subsection (b) to the Secretary of Health and Human Services, the Secretary shall submit comments on such report to Congress.

SEC. 204. LIMITATION ON OUTPATIENT HOSPITAL COPAYMENT FOR A PROCEDURE TO THE HOSPITAL DEDUCTIBLE AMOUNT.

(a) IN GENERAL.—Section 1833(t)(8) (42 U.S.C. 1395l(t)(8)), as redesignated by sections 201(a)(1) and 202(a)(2), is amended—

(1) in subparagraph (A), by striking "subparagraph (B)" and inserting "subparagraphs (B) and (C)";

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) LIMITING COPAYMENT AMOUNT TO INPATIENT HOSPITAL DEDUCTIBLE AMOUNT.—In no case shall the copayment amount for a procedure performed in a year exceed the amount of the inpatient hospital deductible established under section 1813(b) for that year.".

(b) INCREASE IN PAYMENT TO REFLECT REDUCTION IN COPAYMENT.—Section 1833(t)(4)(C) (42 U.S.C. 1395l(t)(4)(C)) is amended by inserting ", plus the amount of any reduction in the copayment amount attributable to paragraph (8)(C)" before the period at the end.

(c) EFFECTIVE DATE.—The amendments made by this section apply as if included in the enactment of BBA and shall only apply to procedures performed for which payment is made on the basis of the prospective payment system under section 1833(t) of the Social Security Act.

Subtitle B—Physician Services

SEC. 211. MODIFICATION OF UPDATE ADJUSTMENT FACTOR PROVISIONS TO REDUCE UPDATE OSCILLATIONS AND REQUIRE ESTIMATE REVISIONS.

(a) UPDATE ADJUSTMENT FACTOR.—

(1) IN GENERAL.—Section 1848(d) (42 U.S.C. 1395w–4(d)) is amended—

(A) in paragraph (3)—

(i) in the heading, by inserting "FOR 1999 AND 2000" after "UPDATE";

(ii) in subparagraph (A), by striking "a year beginning with 1999" and inserting "1999 and 2000"; and

(iii) in subparagraph (C), by inserting "and paragraph (4)" after "For purposes of this paragraph"; and

(B) by adding at the end the following new paragraph:

"(4) UPDATE FOR YEARS BEGINNING WITH 2001.—

"(A) IN GENERAL.—Unless otherwise provided by law, subject to the budget-neutrality factor determined by the Secretary under subsection (c)(2)(B)(ii) and subject to adjustment under subparagraph (F), the update to the single conversion factor established in paragraph (1)(C) for a year beginning with 2001 is equal to the product of—

"(i) 1 plus the Secretary's estimate of the percentage increase in the MEI (as defined in section 1842(i)(3)) for the year (divided by 100); and

"(ii) 1 plus the Secretary's estimate of the update adjustment factor under subparagraph (B) for the year.

"(B) UPDATE ADJUSTMENT FACTOR.—For purposes of subparagraph (A)(ii), subject to subparagraph (D), the 'update adjustment factor' for a year is equal (as estimated by the Secretary) to the sum of the following:

"(i) PRIOR YEAR ADJUSTMENT COMPONENT.—An amount determined by—

"(I) computing the difference (which may be positive or negative) between the amount of the allowed expenditures for physicians' services for the prior year (as determined under subparagraph (C)) and the amount of the actual expenditures for such services for that year;

"(II) dividing that difference by the amount of the actual expenditures for such services for that year; and

"(III) multiplying that quotient by 0.75.

"(ii) CUMULATIVE ADJUSTMENT COMPONENT.—An amount determined by—

"(I) computing the difference (which may be positive or negative) between the amount of the allowed expenditures for physicians' services (as determined under subparagraph (C)) from April 1, 1996, through the end of the prior year and the amount of the actual expenditures for such services during that period;

"(II) dividing that difference by actual expenditures for such services for the prior year as increased by the sustainable growth rate under subsection (f) for the year for which the update adjustment factor is to be determined; and

"(III) multiplying that quotient by 0.33.

"(C) DETERMINATION OF ALLOWED EXPENDITURES.—For purposes of this paragraph:

"(i) PERIOD UP TO APRIL 1, 1999.—The allowed expenditures for physicians' services for a period before April 1, 1999, shall be the amount of the allowed expenditures for such period as determined under paragraph (3)(C).

"(ii) TRANSITION TO CALENDAR YEAR ALLOWED EXPENDITURES.—Subject to subparagraph (E), the allowed expenditures for—

"(I) the 9-month period beginning April 1, 1999, shall be the Secretary's estimate of the amount of the allowed expenditures that would be permitted under paragraph (3)(C) for such period; and

"(II) the year of 1999, shall be the Secretary's estimate of the amount of the allowed expenditures that would be permitted under paragraph (3)(C) for such year.

"(iii) YEARS BEGINNING WITH 2000.—The allowed expenditures for a year (beginning with 2000) is equal to the allowed expenditures for physicians' services for the previous year, increased by the sustainable growth rate under subsection (f) for the year involved.

"(D) RESTRICTION ON UPDATE ADJUSTMENT FACTOR.—The update adjustment factor determined under subparagraph (B) for a year may not be less than −0.07 or greater than 0.03.

"(E) RECALCULATION OF ALLOWED EXPENDITURES FOR UPDATES BEGINNING WITH 2001.—For purposes of determining the update adjustment factor for a year beginning with 2001, the Secretary shall recompute the allowed expenditures for previous periods beginning on or after April 1, 1999, consistent with subsection (f)(3).

"(F) TRANSITIONAL ADJUSTMENT DESIGNED TO PROVIDE FOR BUDGET NEUTRALITY.—Under this subparagraph the Secretary shall provide for an adjustment to the update under subparagraph (A)—

"(i) for each of 2001, 2002, 2003, and 2004, of −0.2 percent; and

"(ii) for 2005 of +0.8 percent.".

(2) PUBLICATION CHANGE.—

(A) IN GENERAL.—Section 1848(d)(1)(E) (42 U.S.C. 1395w–4(d)(1)(E)) is amended to read as follows:

"(E) PUBLICATION AND DISSEMINATION OF INFORMATION.—The Secretary shall—

"(i) cause to have published in the Federal Register not later than November 1 of each year (beginning with 2000) the conversion factor which will apply to physicians' services for the succeeding year, the update determined under paragraph (4) for such succeeding year, and the allowed expenditures under such paragraph for such succeeding year; and

"(ii) make available to the Medicare Payment Advisory Commission and the public by March 1 of each year (beginning with 2000) an estimate of the sustainable growth rate and of the conversion factor which will apply to physicians' services for the succeeding year and data used in making such estimate.".

(B) MEDPAC REVIEW OF CONVERSION FACTOR ESTIMATES.—Section 1805(b)(1)(D) (42 U.S.C. 1395b–6(b)(1)(D)) is amended by inserting "and including a review of the estimate of the conversion factor submitted under section 1848(d)(1)(E)(ii)" before the period at the end.

(C) ONE-TIME PUBLICATION OF INFORMATION ON TRANSITION.—The Secretary of Health and Human Services shall cause to have published in the Federal Register, not later than 90 days after the date of the enactment of this section, the Secretary's determination, based upon the best available data, of—

(i) the allowed expenditures under subclauses (I) and (II) of subsection (d)(4)(C)(ii) of section 1848 of the Social Security Act (42 U.S.C. 1395w-4), as added by subsection (a)(1)(B), for the 9-month period beginning on April 1, 1999, and for 1999;

(ii) the estimated actual expenditures described in subsection (d) of such section for 1999; and

(iii) the sustainable growth rate under subsection (f) of such section for 2000.

(3) CONFORMING AMENDMENTS.—

(A) Section 1848 (42 U.S.C. 1395w–4) is amended—

(i) in subsection (d)(1)(A), by inserting "(for years before 2001) and, for years beginning with 2001, multiplied by the update (established under paragraph (4)) for the year involved" after "for the year involved"; and

(ii) in subsection (f)(2)(D), by inserting "or (d)(4)(B), as the case may be" after "(d)(3)(B)".

(B) Section 1833(l)(4)(A)(i)(VII) (42 U.S.C. 1395l(l)(4)(A)(i)(VII)) is amended by striking "1848(d)(3)" and inserting "1848(d)".

(b) SUSTAINABLE GROWTH RATES.—Section 1848(f) (42 U.S.C. 1395w–4(f)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) PUBLICATION.—The Secretary shall cause to have published in the Federal Register not later than—

"(A) November 1, 2000, the sustainable growth rate for 2000 and 2001; and

"(B) November 1 of each succeeding year the sustainable growth rate for such succeeding year and each of the preceding 2 years.";

(2) in paragraph (2)—

(A) in the matter before subparagraph (A), by striking "fiscal year 1998)" and inserting "fiscal year 1998 and ending with fiscal year 2000) and a year beginning with 2000"; and

(B) in subparagraphs (A) through (D), by striking "fiscal year" and inserting "applicable period" each place it appears;

(3) in paragraph (3), by adding at the end the following new subparagraph:

"(C) APPLICABLE PERIOD.—The term 'applicable period' means—

"(i) a fiscal year, in the case of fiscal year 1998, fiscal year 1999, and fiscal year 2000; or

"(ii) a calendar year with respect to a year beginning with 2000;

as the case may be.";

(4) by redesignating paragraph (3) as paragraph (4); and

(5) by inserting after paragraph (2) the following new paragraph:

"(3) DATA TO BE USED.—For purposes of determining the update adjustment factor under subsection (d)(4)(B) for a year beginning with 2001, the sustainable growth rates taken into consideration in the determination under paragraph (2) shall be determined as follows:

"(A) FOR 2001.—For purposes of such calculations for 2001, the sustainable growth rates for fiscal year 2000 and the years 2000 and 2001 shall be determined on the basis of the best data available to the Secretary as of September 1, 2000.

"(B) FOR 2002.—For purposes of such calculations for 2002, the sustainable growth rates for fiscal year 2000 and for years 2000, 2001, and 2002 shall be determined on the basis of the best data available to the Secretary as of September 1, 2001.

"(C) FOR 2003 AND SUCCEEDING YEARS.—For purposes of such calculations for a year after 2002—

"(i) the sustainable growth rates for that year and the preceding 2 years shall be determined on the basis of the best data available to the Secretary as of September 1 of the year preceding the year for which the calculation is made; and

"(ii) the sustainable growth rate for any year before a year described in clause (i) shall be the rate as most recently determined for that year under this subsection.

Nothing in this paragraph shall be construed as affecting the sustainable growth rates established for fiscal year 1998 or fiscal year 1999.".

(c) STUDY AND REPORT REGARDING THE UTILIZATION OF PHYSICIANS' SERVICES BY MEDICARE BENEFICIARIES.—

(1) STUDY BY SECRETARY.—The Secretary of Health and Human Services, acting through the Administrator of the Agency for Health Care Policy and Research, shall conduct a study of the issues specified in paragraph (2).

(2) ISSUES TO BE STUDIED.—The issues specified in this paragraph are the following:

(A) The various methods for accurately estimating the economic impact on expenditures for physicians' services under the original medicare fee-for-service program under parts A and B of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) resulting from—

(i) improvements in medical capabilities;

(ii) advancements in scientific technology;

(iii) demographic changes in the types of medicare beneficiaries that receive benefits under such program; and

(iv) geographic changes in locations where medicare beneficiaries receive benefits under such program.

(B) The rate of usage of physicians' services under the original medicare fee-for-service program under parts A and B of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) among beneficiaries between ages 65 and 74, 75 and 84, 85 and over, and disabled beneficiaries under age 65.

(C) Other factors that may be reliable predictors of beneficiary utilization of physicians' services under the original medicare fee-for-service program under parts A and B of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(3) REPORT TO CONGRESS.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to Congress setting forth the results of the study conducted pursuant to paragraph (1), together with any recommendations the Secretary determines are appropriate.

(4) MEDPAC REPORT TO CONGRESS.—Not later than 180 days after the date of submission of the report under paragraph (3), the Medicare Payment Advisory Commission shall submit a report to Congress that includes—

(A) an analysis and evaluation of the report submitted under paragraph (3); and

(B) such recommendations as it determines are appropriate.

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective in determining the conversion factor under section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) for years beginning with 2001 and shall not apply to or affect any update (or any update adjustment factor) for any year before 2001.

SEC. 212. USE OF DATA COLLECTED BY ORGANIZATIONS AND ENTITIES IN DETERMINING PRACTICE EXPENSE RELATIVE VALUES.

(a) IN GENERAL.—The Secretary of Health and Human Services shall establish by regulation (after notice and opportunity for public comment) a process (including data collection standards) under which the Secretary will accept for use and will use, to the maximum extent practicable and consistent with sound data practices, data collected or developed by entities and organizations (other than the Department of Health and Human Services) to supplement the data normally collected by that Department in determining the practice expense component under section 1848(c)(2)(C)(ii) of the Social Security Act (42 U.S.C. 1395w–4(c)(2)(C)(ii)) for purposes of determining relative values for payment for physicians' services under the fee schedule under section 1848 of such Act (42 U.S.C. 1395w-4). The Secretary shall first promulgate such regulation on an interim final basis in a manner that permits the submission and use of data in the computation of practice expense relative value units for payment rates for 2001.

(b) PUBLICATION OF INFORMATION.—The Secretary shall include, in the publication of the estimated and final updates under section 1848(c) of such Act (42 U.S.C. 1395w–4(c)) for payments for 2001 and for 2002, a description of the process established under subsection (a) for the use of external data in making adjustments in relative value units and the extent to which the Secretary has used such external data in making such adjustments for each such year, particularly in cases in which the data otherwise used are inadequate because such data are not based upon a large enough sample size to be statistically reliable.

SEC. 213. GAO STUDY ON RESOURCES REQUIRED TO PROVIDE SAFE AND EFFECTIVE OUTPATIENT CANCER THERAPY.

(a) STUDY.—The Comptroller General of the United States shall conduct a nationwide study to determine the physician and non-physician clinical resources necessary to provide safe outpatient cancer therapy services and the appropriate payment rates for such services under the medicare program. In making such determination, the Comptroller General shall—

(1) determine the adequacy of practice expense relative value units associated with the utilization of those clinical resources;

(2) determine the adequacy of work units in the practice expense formula; and

(3) assess various standards to assure the provision of safe outpatient cancer therapy services.

(b) REPORT TO CONGRESS.—The Comptroller General shall submit to Congress a report on the study conducted under subsection (a). The report shall include recommendations regarding practice expense adjustments to the payment methodology under part B of title XVIII of the Social Security Act, including the development and inclusion of adequate work units to assure the adequacy of payment amounts for safe outpatient cancer therapy services. The study shall also include an estimate of the cost of implementing such recommendations.

Subtitle C—Other Services

SEC. 221. REVISION OF PROVISIONS RELATING TO THERAPY SERVICES.

(a) 2-YEAR MORATORIUM ON CAPS.—

(1) IN GENERAL.—Section 1833(g) of the Social Security Act (42 U.S.C. 1395l(g)) is amended—

(A) in paragraphs (1) and (3), by striking "In the case" each place it appears and inserting "Subject to paragraph (4), in the case"; and

(B) by adding at the end the following:

"(4) This subsection shall not apply to expenses incurred with respect to services furnished during 2000 and 2001.".

(2) FOCUSED MEDICAL REVIEWS OF CLAIMS DURING MORATORIUM PERIOD.—During years in which paragraph (4) of section 1833(g) of the Social Security Act (42 U.S.C. 1395l(g)) applies (under the amendment made by paragraph (1)(B)), the Secretary of Health and Human Services shall conduct focused medical reviews of claims for reimbursement for services described in paragraph (1) or (3) of such section, with an emphasis on such claims for services that are provided to residents of skilled nursing facilities.

(b) TECHNICAL AMENDMENT RELATING TO BEING UNDER THE CARE OF A PHYSICIAN.—

(1) IN GENERAL.—Section 1861 (42 U.S.C. 1395x) is amended—

(A) in subsection (p)(1), by striking "or (3)" and inserting ", (3), or (4)"; and

(B) in subsection (r)(4), by inserting "for purposes of subsection (p)(1) and" after "but only".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) apply to services furnished on or after January 1, 2000.

(c) REVISION OF REPORT.—

(1) IN GENERAL.—Section 4541(d)(2) of BBA (42 U.S.C. 1395l note) is amended to read as follows:

"(2) REPORT.—Not later than January 1, 2001, the Secretary of Health and Human Services shall submit to Congress a report that includes recommendations on—

"(A) the establishment of a mechanism for assuring appropriate utilization of outpatient physical therapy services, outpatient occupational therapy services, and speech-language pathology services that are covered under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395); and

"(B) the establishment of an alternative payment policy for such services based on classification of individuals by diagnostic category, functional status, prior use of services (in both inpatient and outpatient settings), and such other criteria as the Secretary determines appropriate, in place of the uniform dollar limitations specified in section 1833(g) of such Act, as amended by paragraph (1).

The recommendations shall include how such a mechanism or policy might be implemented in a budget-neutral manner.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the enactment of section 4541 of BBA.

(d) STUDY AND REPORT ON UTILIZATION.—

(1) STUDY.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study which compares—

(i) utilization patterns (including nationwide patterns, and patterns by region, types of settings, and diagnosis or condition) of outpatient physical therapy services, outpatient occupational therapy services, and speech-language pathology services that are covered under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395) and provided on or after January 1, 2000; with

(ii) such patterns for such services that were provided in 1998 and 1999.

(B) REVIEW OF CLAIMS.—In conducting the study under this subsection the Secretary of Health and Human Services shall review a statistically significant number of claims for reimbursement for the services described in subparagraph (A).

(2) REPORT.—Not later than June 30, 2001, the Secretary of Health and Human Services shall submit a report to Congress on the study conducted under paragraph (1), together with any recommendations for legislation that the Secretary determines to be appropriate as a result of such study.

SEC. 222. UPDATE IN RENAL DIALYSIS COMPOSITE RATE.

(a) IN GENERAL.—Section 1881(b)(7) (42 U.S.C. 1395rr(b)(7)) is amended by adding at the end the following new flush sentence:

"The Secretary shall increase the amount of each composite rate payment for dialysis services furnished during 2000 by 1.2 percent above such composite rate payment amounts for such services furnished on December 31, 1999, and for such services furnished on or after January 1, 2001, by 1.2 percent above such composite rate payment amounts for such services furnished on December 31, 2000.".

(b) CONFORMING AMENDMENT.—The second sentence of section 9335(a)(1) of the Omnibus Budget Reconciliation Act of 1986 (42 U.S.C. 1395rr note) is amended by inserting "and before January 1, 2000," after "on or after January 1, 1991,".

(c) STUDY ON PAYMENT LEVEL FOR HOME HEMODIALYSIS.—The Medicare Payment Advisory Commission shall conduct a study on the appropriateness of the differential in payment under the medicare program for hemodialysis services furnished in a facility and such services furnished in a home. Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to Congress a report on such study and shall include recommendations regarding changes in medicare payment policy in response to the study.

SEC. 223. IMPLEMENTATION OF THE INHERENT REASONABLENESS (IR) AUTHORITY.

(a) LIMITATION ON USE.—The Secretary of Health and Human Services may not use, or permit fiscal intermediaries or carriers to use, the inherent reasonableness authority provided under section 1842(b)(8) of the Social Security Act (42 U.S.C. 1395u(b)(8)) until after—

(1) the Comptroller General of the United States releases a report pursuant to the request for such a report made on March 1, 1999, regarding the impact of the Secretary's, fiscal intermediaries', and carriers' use of such authority; and

(2) the Secretary has published a notice of final rulemaking in the Federal Register that relates to such authority and that responds to such report and to comments received in response to the Secretary's interim final regulation relating to such authority that was published in the Federal Register on January 7, 1998.

(b) REEVALUATION OF IR CRITERIA.—In promulgating the final regulation under subsection (a)(2), the Secretary shall—

(1) reevaluate the appropriateness of the criteria included in such interim final regulation for identifying payments which are excessive or deficient; and

(2) take appropriate steps to ensure the use of valid and reliable data when exercising such authority.

(c) TECHNICAL CORRECTION.—Section 1842(b)(8)(A)(i)(I) (42 U.S.C. 1395u(b)(8)(A)(i)(I)) is amended by striking "the application of this part" and inserting "the application of this title to payment under this part".

SEC. 224. INCREASE IN REIMBURSEMENT FOR PAP SMEARS.

(a) PAP SMEAR PAYMENT INCREASE.—Section 1833(h) (42 U.S.C. 1395l(h)) is amended by adding at the end the following new paragraph:

"(7) Notwithstanding paragraphs (1) and (4), the Secretary shall establish a national minimum payment amount under this subsection for a diagnostic or screening pap smear laboratory test (including all cervical cancer screening technologies that have been approved by the Food and Drug Administration as a primary screening method for detection of cervical cancer) equal to $14.60 for tests furnished in 2000. For such tests furnished in subsequent years, such national minimum payment amount shall be adjusted annually as provided in paragraph (2).".

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the Health Care Financing Administration has been slow to incorporate or provide incentives for providers to use new screening diagnostic health care technologies in the area of cervical cancer;

(2) some new technologies have been developed which optimize the effectiveness of pap smear screening; and

(3) the Health Care Financing Administration should institute an appropriate increase in the payment rate for new cervical cancer screening technologies that have been approved by the Food and Drug Administration and that are significantly more effective than a conventional pap smear.

SEC. 225. REFINEMENT OF AMBULANCE SERVICES DEMONSTRATION PROJECT.

Effective as if included in the enactment of BBA, section 4532 of BBA (42 U.S.C. 1395m note) is amended—

(1) in subsection (a), by adding at the end the following: "Not later than July 1, 2000, the Secretary shall publish a request for proposals for such projects."; and

(2) by amending paragraph (2) of subsection (b) to read as follows:

"(2) CAPITATED PAYMENT RATE DEFINED.—In this subsection, the term 'capitated payment rate' means, with respect to a demonstration project—

"(A) in its first year, a rate established for the project by the Secretary, using the most current available data, in a manner that ensures that aggregate payments under the project will not exceed the aggregate payment that would have been made for ambulance services under part B of title XVIII of the Social Security Act in the local area of government's jurisdiction; and

"(B) in a subsequent year, the capitated payment rate established for the previous year increased by an appropriate inflation adjustment factor.".

SEC. 226. PHASE-IN OF PPS FOR AMBULATORY SURGICAL CENTERS.

If the Secretary of Health and Human Services implements a revised prospective payment system for services of ambulatory surgical facilities under section 1833(i) of the Social Security Act (42 U.S.C. 1395l(i)), prior to incorporating data from the 1999 Medicare cost survey or a subsequent cost survey, such system shall be implemented in a manner so that—

(1) in the first year of its implementation, only a proportion (specified by the Secretary and not to exceed ⅓) of the payment for such services shall be made in accordance with such system and the remainder shall be made in accordance with current regulations; and

(2) in the following year a proportion (specified by the Secretary and not to exceed ⅔) of the payment for such services shall be made under such system and the remainder shall be made in accordance with current regulations.

SEC. 227. EXTENSION OF MEDICARE BENEFITS FOR IMMUNOSUPPRESSIVE DRUGS.

(a) IN GENERAL.—Section 1861(s)(2)(J)(v) (42 U.S.C. 1395x(s)(2)(J)(v)) is amended by inserting before the semicolon at the end the following: "plus such additional number of months (if any) provided under section 1832(b)".

(b) SPECIFICATION OF NUMBER OF ADDITIONAL MONTHS.—Section 1832 (42 U.S.C. 1395k) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

"(b) EXTENSION OF COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.—

"(1) EXTENSION.—

"(A) IN GENERAL.—The Secretary shall specify consistent with this subsection an additional number of months (which may be portions of months) of coverage of immunosuppressive drugs for each cohort (as defined in subparagraph (C)) in a year during the 5-year period beginning with 2000. The number of such months for the cohort—

"(i) for 2000 shall be 8 months; and

"(ii) for 2001 shall, subject to paragraph (2)(A)(i), be 8 months.

"(B) APPLICATION OF ADDITIONAL MONTHS IN A YEAR ONLY TO COHORT IN THAT YEAR.—

"(i) IN GENERAL.—The additional months specified under this subsection for a cohort in a year in such 5-year period shall apply under *section 1861(s)(2)(J)(v) only to individuals within such cohort for such year.*

"(ii) Construction.—Nothing in this subsection shall be construed as preventing additional months of coverage provided for a cohort for a year from extending coverage to drugs furnished in months in the succeeding year.

"(C) Cohort defined.—In this subsection, the term 'cohort' means, with respect to a year, those individuals who would (but for this subsection) exhaust benefits under section 1861(s)(2)(J)(v) for prescription drugs used in immunosuppressive therapy furnished at any time during such year.

"(2) Timing of specification.—Consistent with paragraphs (3) and (4)—

"(A) May 1, 2001.—Not later than May 1, 2001, the Secretary—

"(i) may increase the number of months for the cohort for 2001 above the 8 months provided under paragraph (1)(A)(ii); and

"(ii) shall compute and specify the number of additional months of benefits that will be available for the cohort for 2002.

"(B) May 1, 2002 and 2003.—Not later than May 1 of 2002 and 2003, the Secretary shall compute and specify the number of additional months of benefits that will be available for the cohort for the following year under this subsection. Such number may be more or less than 8 months.

"(3) Basis for specification.—Using appropriate actuarial methods, the Secretary shall compute the number of additional months for the cohort for a year under this subsection in a manner so that the total expenditures under this part attributable to this subsection, as computed based upon the best available data at the time additional months are specified under this subsection, do not exceed $150,000,000. Subject to paragraph (4), the Secretary shall seek to compute such months in a manner that provides for a level number of months for each cohort in each year in the last 4 years of the 5-year period described in paragraph (1)(A).

"(4) Annual adjustment to maintain aggregate expenditures within limits.—In computing and specifying the number of additional months under paragraph (2), the Secretary shall adjust the number of additional months under this subsection for a cohort for a year from that provided in the previous year within such 5-year period to the extent necessary to take into account, based upon the best available data, differences between actual and estimated expenditures under this part attributable to this subsection for previous years and to comply with the limitation on total expenditures under paragraph (3).".

(c) Transitional Pass-Through of Additional Costs Under Medicare+Choice Program for 2000.—The provisions of subparagraphs (A) and (B) of section 1852(a)(5) of the Social Security Act (42 U.S.C. 1395w–22(a)(5)) shall apply with respect to the coverage of additional benefits for immunosuppressive drugs under the amendments made by this section for drugs furnished in 2000 in the same manner as if such amendments constituted a national coverage determination described in the matter in such section before subparagraph (A).

(d) Report on Immunosuppressive Drug Benefit.—

(1) In general.—Not later than March 1, 2003, the Secretary of Health and Human Services shall submit to Congress a report on the operation of this section and the amendments made by this section. The report shall include—

(A) an analysis of the impact of this section; and

(B) recommendations regarding an appropriate cost-effective method for providing coverage of immunosuppressive drugs under the medicare program on a permanent basis.

(2) Considerations.—In making recommendations under paragraph (1)(B), the Secretary shall identify potential modifications to the immunosuppressive drug benefit that would best promote the objectives of—

(A) improving health outcomes (by decreasing transplant rejection rates that are attributable to failure to comply with immunosuppressive drug regimens);

(B) achieving cost savings to the medicare program (by decreasing the need for secondary transplants and other care relating to post-transplant complications); and

(C) meeting the needs of those medicare beneficiaries who, because of income or other factors, would be less likely to maintain an immunosuppressive drug regimen in the absence of such modifications.

SEC. 228. TEMPORARY INCREASE IN PAYMENT RATES FOR DURABLE MEDICAL EQUIPMENT AND OXYGEN.

(a) In General.—For purposes of payments under section 1834(a) of the Social Security Act (42 U.S.C. 1395m(a)) for covered items (as defined in paragraph (13) of that section) furnished during 2001 and 2002, the Secretary of Health and Human Services shall increase the payment amount in effect (but for this section) for such items for—

(1) 2001 by 0.3 percent, and

(2) 2002 by 0.6 percent.

(b) Limiting Application to Specified Years.—The payment amount increase—

(1) under subsection (a)(1) shall not apply after 2001 and shall not be taken into account in calculating the payment amounts applicable for covered items furnished after such year; and

(2) under subsection (a)(2) shall not apply after 2002 and shall not be taken into account in calculating the payment amounts applicable for covered items furnished after such year.

SEC. 229. STUDIES AND REPORTS.

(a) MedPAC Study on Postsurgical Recovery Care Center Services.—

(1) In general.—The Medicare Payment Advisory Commission shall conduct a study on the cost-effectiveness and efficacy of covering under the medicare program under title XVIII of the Social Security Act services of a post-surgical recovery care center (that provides an intermediate level of recovery care following surgery). In conducting such study, the Commission shall consider data on these centers gathered in demonstration projects.

(2) Report.—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit to Congress a report on such study and shall include in the report recommendations on the feasibility, costs, and savings of covering such services under the medicare program.

(b) AHCPR Study on Effect of Credentialing of Technologists and Sonographers on Quality of Ultrasound.—

(1) Study.—The Administrator for Health Care Policy and Research shall provide for a study that, with respect to the provision of ultrasound under the medicare and medicaid programs under titles XVIII and XIX of the Social Security Act, compares differences in quality between ultrasound furnished by individuals who are credentialed by private entities or organizations and ultrasound furnished by those who are not so credentialed. Such study shall examine and evaluate differences in error rates, resulting complications, and patient outcomes as a result of the differences in credentialing. In designing the study, the Administrator shall consult with organizations nationally recognized for their expertise in ultrasound.

(2) Report.—Not later than two years after the date of the enactment of this Act, the Administrator shall submit a report to Congress on the study conducted under paragraph (1).

(c) MedPAC Study on the Complexity of the Medicare Program and the Levels of Burdens Placed on Providers Through Federal Regulations.—

(1) Study.—The Medicare Payment Advisory Commission shall undertake a comprehensive study to review the regulatory burdens placed on all classes of health care providers under parts A and B of the medicare program under title XVIII of the Social Security Act and to determine the costs these burdens impose on the nation's health care system. The study shall also examine the complexity of the current regulatory system and its impact on providers.

(2) Report.—Not later than December 31, 2001, the Commission shall submit to Congress one or more reports on the study conducted under paragraph (1). The report shall include recommendations regarding—

(A) how the Health Care Financing Administration can reduce the regulatory burdens placed on patients and providers; and

(B) legislation that may be appropriate to reduce the complexity of the medicare program, including improvement of the rules regarding billing, compliance, and fraud and abuse.

(d) GAO Continued Monitoring of Department of Justice Application of Guidelines on Use of False Claims Act in Civil Health Care Matters.—The Comptroller General of the United States shall—

(1) continue the monitoring, begun under section 118 of the Department of Justice Appropriations Act, 1999 (included in Public Law 105–277) of the compliance of the Department of Justice and all United States Attorneys with the "Guidance on the Use of the False Claims Act in Civil Health Care Matters" issued by the Department of Justice on June 3, 1998, including any revisions to that guidance; and

(2) not later than April 1, 2000, and of each of the two succeeding years, submit a report on such compliance to the appropriate Committees of Congress.

TITLE III—PROVISIONS RELATING TO PARTS A AND B

Subtitle A—Home Health Services

SEC. 301. ADJUSTMENT TO REFLECT ADMINISTRATIVE COSTS NOT INCLUDED IN THE INTERIM PAYMENT SYSTEM; GAO REPORT ON COSTS OF COMPLIANCE WITH OASIS DATA COLLECTION REQUIREMENTS.

(a) Adjustment To Reflect Administrative Costs.—

(1) In general.—In the case of a home health agency that furnishes home health services to a medicare beneficiary, for each such beneficiary to whom the agency furnished such services during the agency's cost reporting period beginning in fiscal year 2000, the Secretary of Health and Human Services shall pay the agency, in addition to any amount of payment made under section 1861(v)(1)(L) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)) for the beneficiary and only for such cost reporting period, an aggregate amount of $10 to defray costs incurred by the agency attributable to data collection and reporting requirements under the Outcome and Assessment Information Set (OASIS) required by reason of section 4602(e) of BBA (42 U.S.C. 1395fff note).

(2) Payment schedule.—

(A) Midyear payment.—Not later than April 1, 2000, the Secretary shall pay to a home health agency an amount that the Secretary estimates to be 50 percent of the aggregate amount payable to the agency by reason of this subsection.

(B) Upon settled cost report.—The Secretary shall pay the balance of amounts payable to an agency under this subsection on the date that the cost report submitted by the agency for the cost reporting period beginning in fiscal year 2000 is settled.

(3) Payment from trust funds.—Payments under this subsection shall be made, in appropriate part as specified by the Secretary, from

the Federal Hospital Insurance Trust Fund and from the Federal Supplementary Medical Insurance Trust Fund.

(4) DEFINITIONS.—In this subsection:

(A) HOME HEALTH AGENCY.—The term "home health agency" has the meaning given that term under section 1861(o) of the Social Security Act (42 U.S.C. 1395x(o)).

(B) HOME HEALTH SERVICES.—The term "home health services" has the meaning given that term under section 1861(m) of such Act (42 U.S.C. 1395x(m)).

(C) MEDICARE BENEFICIARY.—The term "medicare beneficiary" means a beneficiary described in section 1861(v)(1)(L)(vi)(II) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)(vi)(II)).

(b) GAO REPORT ON COSTS OF COMPLIANCE WITH OASIS DATA COLLECTION REQUIREMENTS.—

(1) REPORT TO CONGRESS.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the matters described in subparagraph (B) with respect to the data collection requirement of patients of such agencies under the Outcome and Assessment Information Set (OASIS) standard as part of the comprehensive assessment of patients.

(B) MATTERS STUDIED.—For purposes of subparagraph (A), the matters described in this subparagraph include the following:

(i) An assessment of the costs incurred by medicare home health agencies in complying with such data collection requirement.

(ii) An analysis of the effect of such data collection requirement on the privacy interests of patients from whom data is collected.

(C) AUDIT.—The Comptroller General shall conduct an independent audit of the costs described in subparagraph (B)(i). Not later than 180 days after receipt of the report under subparagraph (A), the Comptroller General shall submit to Congress a report describing the Comptroller General's findings with respect to such audit, and shall include comments on the report submitted to Congress by the Secretary of Health and Human Services under subparagraph (A).

(2) DEFINITIONS.—In this subsection:

(A) COMPREHENSIVE ASSESSMENT OF PATIENTS.—The term "comprehensive assessment of patients" means the rule published by the Health Care Financing Administration that requires, as a condition of participation in the medicare program, a home health agency to provide a patient-specific comprehensive assessment that accurately reflects the patient's current status and that incorporates the Outcome and Assessment Information Set (OASIS).

(B) OUTCOME AND ASSESSMENT INFORMATION SET.—The term "Outcome and Assessment Information Set" means the standard provided under the rule relating to data items that must be used in conducting a comprehensive assessment of patients.

SEC. 302. DELAY IN APPLICATION OF 15 PERCENT REDUCTION IN PAYMENT RATES FOR HOME HEALTH SERVICES UNTIL ONE YEAR AFTER IMPLEMENTATION OF PROSPECTIVE PAYMENT SYSTEM.

(a) CONTINGENCY REDUCTION.—Section 4603 of BBA (42 U.S.C. 1395fff note) (as amended by section 5101(c)(3) of the Tax and Trade Relief Extension Act of 1998 (contained in division J of Public Law 105–277)) is amended by striking subsection (e).

(b) PROSPECTIVE PAYMENT SYSTEM.—Section 1895(b)(3)(A)(i) (42 U.S.C. 1395fff(b)(3)(A)(i)) (as amended by section 5101 of the Tax and Trade Relief Extension Act of 1998 (contained in division J of Public Law 105–277)) is amended to read as follows:

"(i) IN GENERAL.—Under such system the Secretary shall provide for computation of a standard prospective payment amount (or amounts) as follows:

"(I) Such amount (or amounts) shall initially be based on the most current audited cost report data available to the Secretary and shall be computed in a manner so that the total amounts payable under the system for the 12-month period beginning on the date the Secretary implements the system shall be equal to the total amount that would have been made if the system had not been in effect.

"(II) For periods beginning after the period described in subclause (I), such amount (or amounts) shall be equal to the amount (or amounts) that would have been determined under subclause (I) that would have been made for fiscal year 2001 if the system had not been in effect but if the reduction in limits described in clause (ii) had been in effect, updated under subparagraph (B).

Each such amount shall be standardized in a manner that eliminates the effect of variations in relative case mix and area wage adjustments among different home health agencies in a budget neutral manner consistent with the case mix and wage level adjustments provided under paragraph (4)(A). Under the system, the Secretary may recognize regional differences or differences based upon whether or not the services or agency are in an urbanized area.".

(c) REPORT.—Not later than the date that is six months after the date the Secretary of Health and Human Services implements the prospective payment system for home health services under section 1895 of the Social Security Act (42 U.S.C. 1395fff), the Secretary shall submit to Congress a report analyzing the need for the 15 percent reduction under subsection (b)(3)(A)(ii) of such section, or for any reduction, in the computation of the base payment amounts under the prospective payment system for home health services established under such section.

SEC. 303. INCREASE IN PER BENEFICIARY LIMITS.

(a) INCREASE IN PER BENEFICIARY LIMITS.—Section 1861(v)(1)(L) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)), as amended by section 5101 of the Tax and Trade Relief Extension Act of 1998 (contained in Division J of Public Law 105–277), is amended—

(1) by redesignating clause (ix) as clause (x); and

(2) by inserting after clause (viii) the following new clause:

"(ix) Notwithstanding the per beneficiary limit under clause (viii), if the limit imposed under clause (v) (determined without regard to this clause) for a cost reporting period beginning during or after fiscal year 2000 is less than the median described in clause (vi)(I) (but determined as if any reference in clause (v) to '98 percent' were a reference to '100 percent'), the limit otherwise imposed under clause (v) for such provider and period shall be increased by 2 percent.".

(b) INCREASE NOT INCLUDED IN PPS BASE.—The second sentence of section 1895(b)(3)(A)(i) (42 U.S.C. 1395fff(b)(3)(A)(i)), as amended by section 302(b), is further amended—

(1) in subclause (I), by inserting "and if section 1861(v)(1)(L)(ix) had not been enacted" before the semicolon; and

(2) in subclause (II), by inserting "and if section 1861(v)(1)(L)(ix) had not been enacted" after "if the system had not been in effect".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished by home health agencies for cost reporting periods beginning on or after October 1, 1999.

SEC. 304. CLARIFICATION OF SURETY BOND REQUIREMENTS.

(a) HOME HEALTH AGENCIES.—Section 1861(o)(7) (42 U.S.C. 1395x(o)(7)) is amended to read as follows:

"(7) provides the Secretary with a surety bond—

"(A) effective for a period of 4 years (as specified by the Secretary) or in the case of a change in the ownership or control of the agency (as determined by the Secretary) during or after such 4-year period, an additional period of time that the Secretary determines appropriate, such additional period not to exceed 4 years from the date of such change in ownership or control;

"(B) in a form specified by the Secretary; and

"(C) for a year in the period described in subparagraph (A) in an amount that is equal to the lesser of $50,000 or 10 percent of the aggregate amount of payments to the agency under this title and title XIX for that year, as estimated by the Secretary; and".

(b) COORDINATION OF SURETY BONDS.—Part A of title XI of the Social Security Act is amended by inserting after section 1128E the following new section:

"COORDINATION OF MEDICARE AND MEDICAID SURETY BOND PROVISIONS

"SEC. 1128F. In the case of a home health agency that is subject to a surety bond requirement under title XVIII and title XIX, the surety bond provided to satisfy the requirement under one such title shall satisfy the requirement under the other such title so long as the bond applies to guarantee return of overpayments under both such titles.".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date of the enactment of this Act, and in applying section 1861(o)(7) of the Social Security Act (42 U.S.C. 1395x(o)(7)), as amended by subsection (a), the Secretary of Health and Human Services may take into account the previous period for which a home health agency had a surety bond in effect under such section before such date.

SEC. 305. REFINEMENT OF HOME HEALTH AGENCY CONSOLIDATED BILLING.

(a) IN GENERAL.—Section 1812(b)(6)(F) (42 U.S.C. 1395u(b)(6)(F)) is amended by inserting "(including medical supplies described in section 1861(m)(5), but excluding durable medical equipment to the extent provided for in such section)" after "home health services".

(b) CONFORMING AMENDMENT.—Section 1862(a)(21) (42 U.S.C. 1395y(a)(21)) is amended by inserting "(including medical supplies described in section 1861(m)(5), but excluding durable medical equipment to the extent provided for in such section)" after "home health services".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments for services provided on or after the date of enactment of this Act.

SEC. 306. TECHNICAL AMENDMENT CLARIFYING APPLICABLE MARKET BASKET INCREASE FOR PPS.

Section 1895(b)(3)(B)(ii)(I) (42 U.S.C. 1395fff(b)(3)(B)(ii)(I)) is amended by striking "fiscal year 2002 or 2003" and inserting "each of fiscal years 2002 and 2003".

SEC. 307. STUDY AND REPORT TO CONGRESS REGARDING THE EXEMPTION OF RURAL AGENCIES AND POPULATIONS FROM INCLUSION IN THE HOME HEALTH PROSPECTIVE PAYMENT SYSTEM.

(a) STUDY.—The Medicare Payment Advisory Commission (referred to in this section as "MedPAC") shall conduct a study to determine the feasibility and advisability of exempting home health services provided by a home health agency (or by others under arrangements with such agency) located in a rural area, or to an individual residing in a rural area, from payment under the prospective payment system for such services established by the Secretary of Health and Human Services in accordance with section 1895 of the Social Security Act (42 U.S.C. 1395fff).

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, MedPAC shall

submit a report to Congress on the study conducted under subsection (a), together with any recommendations for legislation that MedPAC determines to be appropriate as a result of such study.

Subtitle B—Direct Graduate Medical Education

SEC. 311. USE OF NATIONAL AVERAGE PAYMENT METHODOLOGY IN COMPUTING DIRECT GRADUATE MEDICAL EDUCATION (DGME) PAYMENTS.

(a) IN GENERAL.—Section 1886(h)(2) (42 U.S.C. 1395ww(h)(2)) is amended—

(1) in subparagraph (D)(i), by striking "clause (ii)" and inserting "a subsequent clause";

(2) by adding at the end of subparagraph (D) the following new clauses:

"(iii) FLOOR IN FISCAL YEAR 2001 AT 70 PERCENT OF LOCALITY ADJUSTED NATIONAL AVERAGE PER RESIDENT AMOUNT.—The approved FTE resident amount for a hospital for the cost reporting period beginning during fiscal year 2001 shall not be less than 70 percent of the locality adjusted national average per resident amount computed under subparagraph (E) for the hospital and period.

"(iv) ADJUSTMENT IN RATE OF INCREASE FOR HOSPITALS WITH FTE APPROVED AMOUNT ABOVE 140 PERCENT OF LOCALITY ADJUSTED NATIONAL AVERAGE PER RESIDENT AMOUNT.—

"(I) FREEZE FOR FISCAL YEARS 2001 AND 2002.—For a cost reporting period beginning during fiscal year 2001 or fiscal year 2002, if the approved FTE resident amount for a hospital for the preceding cost reporting period exceeds 140 percent of the locality adjusted national average per resident amount computed under subparagraph (E) for that hospital and period, subject to subclause (III), the approved FTE resident amount for the period involved shall be the same as the approved FTE resident amount for the hospital for such preceding cost reporting period.

"(II) 2 PERCENT DECREASE IN UPDATE FOR FISCAL YEARS 2003, 2004, AND 2005.—For a cost reporting period beginning during fiscal year 2003, fiscal year 2004, or fiscal year 2005, if the approved FTE resident amount for a hospital for the preceding cost reporting period exceeds 140 percent of the locality adjusted national average per resident amount computed under subparagraph (E) for that hospital and preceding period, the approved FTE resident amount for the period involved shall be updated in the manner described in subparagraph (D)(i) except that, subject to subclause (III), the consumer price index applied for a 12-month period shall be reduced (but not below zero) by 2 percentage points.

"(III) NO ADJUSTMENT BELOW 140 PERCENT.—In no case shall subclause (I) or (II) reduce an approved FTE resident amount for a hospital for a cost reporting period below 140 percent of the locality adjusted national average per resident amount computed under subparagraph (E) for such hospital and period.";

(3) by redesignating subparagraph (E) as subparagraph (F); and

(4) by inserting after subparagraph (D) the following new subparagraph:

"(E) DETERMINATION OF LOCALITY ADJUSTED NATIONAL AVERAGE PER RESIDENT AMOUNT.—The Secretary shall determine a locality adjusted national average per resident amount with respect to a cost reporting period of a hospital beginning during a fiscal year as follows:

"(i) DETERMINING HOSPITAL SINGLE PER RESIDENT AMOUNT.—The Secretary shall compute for each hospital operating an approved graduate medical education program a single per resident amount equal to the average (weighted by number of full-time equivalent residents, as determined under paragraph (4)) of the primary care per resident amount and the non-primary care per resident amount computed under paragraph (2) for cost reporting periods ending during fiscal year 1997.

"(ii) STANDARDIZING PER RESIDENT AMOUNTS.—The Secretary shall compute a standardized per resident amount for each such hospital by dividing the single per resident amount computed under clause (i) by an average of the 3 geographic index values (weighted by the national average weight for each of the work, practice expense, and malpractice components) as applied under section 1848(e) for 1999 for the fee schedule area in which the hospital is located.

"(iii) COMPUTING OF WEIGHTED AVERAGE.—The Secretary shall compute the average of the standardized per resident amounts computed under clause (ii) for such hospitals, with the amount for each hospital weighted by the average number of full-time equivalent residents at such hospital (as determined under paragraph (4)).

"(iv) COMPUTING NATIONAL AVERAGE PER RESIDENT AMOUNT.—The Secretary shall compute the national average per resident amount, for a hospital's cost reporting period that begins during fiscal year 2001, equal to the weighted average computed under clause (iii) increased by the estimated percentage increase in the consumer price index for all urban consumers during the period beginning with the month that represents the midpoint of the cost reporting periods described in clause (i) and ending with the midpoint of the hospital's cost reporting period that begins during fiscal year 2001.

"(v) ADJUSTING FOR LOCALITY.—The Secretary shall compute the product of—

"(I) the national average per resident amount computed under clause (iv) for the hospital, and

"(II) the geographic index value average (described and applied under clause (ii)) for the fee schedule area in which the hospital is located.

"(vi) COMPUTING LOCALITY ADJUSTED AMOUNT.—The locality adjusted national per resident amount for a hospital for—

"(I) the cost reporting period beginning during fiscal year 2001 is the product computed under clause (v); or

"(II) each subsequent cost reporting period is equal to the locality adjusted national per resident amount for the hospital for the previous cost reporting period (as determined under this clause) updated, through the midpoint of the period, by projecting the estimated percentage change in the consumer price index for all urban consumers during the 12-month period ending at that midpoint.".

(b) CONFORMING AMENDMENTS.—Section 1886(h)(2)(D) (42 U.S.C. 1395ww(h)(2)(D)) is further amended—

(1) in clause (i)—

(A) by striking "PERIODS.—(i)" and inserting the following (and conforming the indentation of the succeeding matter accordingly): "PERIODS.—

"(i) IN GENERAL.—"; and

(B) by striking "the amount determined" and inserting "the approved FTE resident amount determined"; and

(2) in clause (ii)—

(A) by indenting the clause 2 ems to the right; and

(B) by inserting "FREEZE IN UPDATE FOR FISCAL YEARS 1994 AND 1995.—" after "(ii)".

SEC. 312. INITIAL RESIDENCY PERIOD FOR CHILD NEUROLOGY RESIDENCY TRAINING PROGRAMS.

(a) IN GENERAL.—Section 1886(h)(5) (42 U.S.C. 1395ww(h)(5)) is amended—

(1) in the last sentence of subparagraph (F), by striking "The initial residency period" and inserting "Subject to subparagraph (G)(v), the initial residency period"; and

(2) in subparagraph (G)—

(A) in clause (i) by striking "and (iv)" and inserting "(iv), and (v)"; and

(B) by adding at the end the following new clause:

"(v) CHILD NEUROLOGY TRAINING PROGRAMS.—In the case of a resident enrolled in a child neurology residency training program, the period of board eligibility and the initial residency period shall be the period of board eligibility for pediatrics plus 2 years.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply on and after July 1, 2000, to residency programs that began before, on, or after the date of the enactment of this Act.

(c) MEDPAC REPORT.—The Medicare Payment Advisory Commission shall include in its report submitted to Congress in March of 2001 recommendations regarding the appropriateness of the initial residency period used under section 1886(h)(5)(F) of the Social Security Act (42 U.S.C. 1395ww(h)(5)(F)) for other residency training programs in a specialty that require preliminary years of study in another specialty.

Subtitle C—Technical Corrections

SEC. 321. BBA TECHNICAL CORRECTIONS.

(a) SECTION 4201.—Section 1820(c)(2)(B)(i) (42 U.S.C. 1395i–4(c)(2)(B)(i)) is amended by striking "and is located in a county (or equivalent unit of local government) in a rural area (as defined in section 1886(d)(2)(D)) that" and inserting "that is located in a county (or equivalent unit of local government) in a rural area (as defined in section 1886(d)(2)(D)), and that".

(b) SECTION 4204.—(1) Section 1886(d)(5)(G) (42 U.S.C. 1395ww(d)(5)(G)) is amended—

(A) in clause (i), by striking "or beginning on or after October 1, 1997, and before October 1, 2001," and inserting "or discharges occurring on or after October 1, 1997, and before October 1, 2001,"; and

(B) in clause (ii)(II), by striking "or beginning on or after October 1, 1997, and before October 1, 2001," and inserting "or discharges occurring on or after October 1, 1997, and before October 1, 2001,".

(2) Section 1886(b)(3)(D) (42 U.S.C. 1395ww(b)(3)(D)) is amended in the matter preceding clause (i) by striking "and for cost reporting periods beginning on or after October 1, 1997, and before October 1, 2001," and inserting "and for discharges beginning on or after October 1, 1997, and before October 1, 2001,".

(c) SECTION 4319.—Section 1847(b)(2) (42 U.S.C. 1395w–3(b)(2)) is amended by inserting "and" after "specified by the Secretary".

(d) SECTION 4401.—Section 4401(b)(1)(B) of BBA (42 U.S.C. 1395ww note) is amended by striking "section 1886(b)(3)(B)(i)(XIII) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)(i)(XIII))" and inserting "section 1886(b)(3)(B)(i)(XIV) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)(i)(XIV))".

(e) SECTION 4402.—The last sentence of section 1886(g)(1)(A) (42 U.S.C. 1395ww(g)(1)(A)) is amended by striking "September 30, 2002," and inserting "October 1, 2002,".

(f) SECTION 4419.—The first sentence of section 1886(b)(4)(A)(i) (42 U.S.C. 1395ww(b)(4)(A)(i)) is amended by striking "or unit".

(g) SECTION 4432.—(1) Section 1888(e)(8)(B) (42 U.S.C. 1395yy(e)(8)(B)) is amended by striking "January 1, 1999," and inserting "July 1, 1999".

(2) Section 1833(h)(5)(A)(iii) (42 U.S.C. 1395l(h)(5)(A)(iii)) is amended—

(A) by striking "or critical access hospital," and inserting ", critical access hospital, or skilled nursing facility,"; and

(B) by inserting "or skilled nursing facility" before the period.

(h) SECTION 4416.—Section 1886(b)(7)(A)(i)(II) (42 U.S.C. 1395ww(b)(7)(A)(i)(II)) is amended by inserting "(as estimated by the Secretary)" after "median".

(i) SECTION 4442.—Section 4442(b) of BBA (42 U.S.C. 1395f note) is amended by striking "applies to cost reporting periods beginning" and inserting "applies to items and services furnished".

(j) HIPAA SECTION 201.—

(1) IN GENERAL.—Section 1817(k)(2)(C)(i) (42 U.S.C. 1395i(k)(2)(C)(i)) is amended by striking "section 982(a)(6)(B)" and inserting "section 24(a)".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the amendment made by section 201 of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 1992).

(k) OTHER TECHNICAL AMENDMENTS.—

(1) SECTION 4611.—Section 1812(b) (42 U.S.C. 1395d(b)) is amended in the matter following paragraph (3) by inserting "during" after "100 visits".

(2) SECTION 4511.—Section 1833(a)(1)(O) (42 U.S.C. 1395l(a)(1)(O)) is amended by striking the semicolon and inserting a comma.

(3) SECTION 4551.—Section 1834(h)(4)(A) (42 U.S.C. 1395m(h)(4)(A)) is amended—

(A) in clause (i), by striking the comma at the end and inserting a semicolon; and

(B) in clause (v), by striking ", and" and inserting "; and".

(4) SECTION 4315.— Section 1842(s)(2)(E) (42 U.S.C. 1395u(s)(2)(E)) is amended by inserting a period at the end.

(5) SECTIONS 4103, 4104, AND 4106.—

(A) SECTION 4103.—Section 1848(j)(3) (42 U.S.C. 1395w–4(j)(3)) is amended by striking "1861(oo)(2)," and inserting "1861(oo)(2))".

(B) SECTION 4104.—Such section is further amended by striking "(B) ," and inserting "(B),".

(C) SECTION 4106.—Such section is further amended by striking "and (15)" and inserting ", and (15)".

(6) SECTION 4001.—(A) Section 1851(i)(2) (42 U.S.C. 1395w–21(i)(2)) is amended by striking "and" after "1857(f)(2),".

(B) Section 1852 (42 U.S.C. 1395w–22) is amended—

(i) in subsection (a)(3)(A)—

(I) by striking the comma after "MSA plan"; and

(II) by inserting a comma after "the coverage)";

(ii) in subsection (g)—

(I) in paragraph (1)(B), by inserting "or" after "in whole"; and

(II) in paragraph (3)(B)(ii), by inserting a period at the end;

(iii) in subsection (h)(2), by striking the comma and inserting a semicolon; and

(iv) in subsection (k)(2)(C)(ii), by striking "balancing" and inserting "balance".

(C) Section 1854(a) (42 U.S.C. 1395w–24(a)) is amended—

(i) in paragraph (2)—

(I) in subparagraph (A), in the matter preceding clause (i), by inserting "section" before "1852(a)(1)(A)"; and

(II) in subparagraph (B), in the matter preceding clause (i), by inserting "section" after "described in";

(ii) in paragraph (3)—

(I) in subparagraph (A), by inserting "section" after "described in"; and

(II) in subparagraph (B), by inserting "section" after "described in"; and

(iii) in paragraph (4)—

(I) in the matter preceding subparagraph (A), by inserting "section" after "described in";

(II) in subparagraph (A), in the matter preceding clause (i), by inserting "section" after "described in"; and

(III) in subparagraph (B), by inserting "section" after "described in".

(7) SECTION 4557.—Section 1861(s)(2)(T)(ii) (42 U.S.C. 1395x(s)(2)(T)(ii)) is amended by striking the period and inserting a semicolon.

(8) SECTION 4205.—Section 1861(aa)(2) (42 U.S.C. 1395x(aa)(2)) is amended—

(A) in subparagraph (I), by striking the comma at the end and inserting a semicolon; and

(B) by realigning subparagraph (I) so as to align the left margin of such subparagraph with the left margin of subparagraph (H); and

(9) SECTION 4454.—Section 1861(ss)(1)(G)(i) (42 U.S.C. 1395x(ss)(1)(G)(i)) is amended—

(A) by striking "owed" and inserting "owned"; and

(B) by striking "of" and inserting "or".

(10) SECTION 4103.—Section 1862(a)(7) (42 U.S.C. 1395y(a)(7)) is amended by striking "subparagraphs" and inserting "subparagraph".

(11) SECTION 4002.—Section 1866(a)(1) (42 U.S.C. 1395cc(a)(1)) is amended—

(A) in subparagraph (I)(iii), by striking the semicolon and inserting a comma;

(B) in subparagraph (N)(iv), by striking "and" at the end; and

(C) in subparagraph (O), by striking the semicolon at the end and inserting a comma.

(12) SECTION 4321.—Section 1866(a)(1) (42 U.S.C. 1395cc(a)(1)) is amended—

(A) in subparagraph (Q), by striking the semicolon at the end and inserting a comma; and

(B) in subparagraph (R), by inserting ", and" at the end.

(13) SECTION 4003.—Section 1882(g)(1) (42 U.S.C. 1395ss(g)(1)) is amended by striking "or" after "does not include".

(14) SECTION 4031.—Section 1882(s)(2)(D) (42 U.S.C. 1395ss(s)(2)(D)), is amended in the matter preceding clause (i), by inserting "section" after "as defined in".

(15) SECTION 4421.—Section 1886(b) (42 U.S.C. 1395ww(b)) is amended—

(A) in paragraph (1), in the matter following subparagraph (C), by inserting a comma after "paragraph (2)"; and

(B) in paragraph (3)(B)(ii)—

(i) in subclause (VI), by striking the semicolon and inserting a comma; and

(ii) in subclause (VII), by striking the semicolon and inserting a comma.

(16) SECTION 4403.—Section 1886(d)(5)(F) (42 U.S.C. 1395ww(d)(5)(F)) is amended by inserting a comma after "1986".

(17) SECTION 4406.—Section 1886(d)(9)(A)(ii) (42 U.S.C. 1395ww(d)(9)(A)(ii)) is amended by inserting a comma after "1987".

(18) SECTION 4432.—Section 1888(e)(4)(E) (42 U.S.C. 1395yy(e)(4)(E)) is amended—

(A) in clause (i), by striking "federal" and inserting "Federal"; and

(B) in clause (ii), in the matter preceding subclause (I), by striking "federal" each place it appears and inserting "Federal".

(19) SECTION 4603.—Section 1895(b)(1) (42 U.S.C. 1395fff(b)(1)) is amended by striking "the this section" and inserting "this section".

(l) SECTION 1135 OF THE SOCIAL SECURITY ACT.—Effective on the date of the enactment of this Act, section 1135 (42 U.S.C. 1320b–5) is repealed.

(m) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this section shall take effect as if included in the enactment of BBA.

TITLE IV—RURAL PROVIDER PROVISIONS

Subtitle A—Rural Hospitals

SEC. 401. PERMITTING RECLASSIFICATION OF CERTAIN URBAN HOSPITALS AS RURAL HOSPITALS.

(a) IN GENERAL.—Section 1886(d)(8) (42 U.S.C. 1395ww(d)(8)) is amended by adding at the end the following new subparagraph:

"(E)(i) For purposes of this subsection, not later than 60 days after the receipt of an application (in a form and manner determined by the Secretary) from a subsection (d) hospital described in clause (ii), the Secretary shall treat the hospital as being located in the rural area (as defined in paragraph (2)(D)) of the State in which the hospital is located.

"(ii) For purposes of clause (i), a subsection (d) hospital described in this clause is a subsection (d) hospital that is located in an urban area (as defined in paragraph (2)(D)) and satisfies any of the following criteria:

"(I) The hospital is located in a rural census tract of a metropolitan statistical area (as determined under the most recent modification of the Goldsmith Modification, originally published in the Federal Register on February 27, 1992 (57 Fed. Reg. 6725)).

"(II) The hospital is located in an area designated by any law or regulation of such State as a rural area (or is designated by such State as a rural hospital).

"(III) The hospital would qualify as a rural, regional, or national referral center under paragraph (5)(C) or as a sole community hospital under paragraph (5)(D) if the hospital were located in a rural area.

"(IV) The hospital meets such other criteria as the Secretary may specify.".

(b) CONFORMING CHANGES.—(1) Section 1833(t) (42 U.S.C. 1395l(t)), as amended by sections 201 and 202, is further amended by adding at the end the following new paragraph:

"(13) MISCELLANEOUS PROVISIONS.—

"(A) APPLICATION OF RECLASSIFICATION OF CERTAIN HOSPITALS.—If a hospital is being treated as being located in a rural area under section 1886(d)(8)(E), that hospital shall be treated under this subsection as being located in that rural area.".

(2) Section 1820(c)(2)(B)(i) (42 U.S.C. 1395i–4(c)(2)(B)(i)) is amended, in the matter preceding subclause (I), by inserting "or is treated as being located in a rural area pursuant to section 1836(d)(3)(E)" after "section 1886(d)(2)(D))". .

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective on January 1, 2000.

SEC. 402. UPDATE OF STANDARDS APPLIED FOR GEOGRAPHIC RECLASSIFICATION FOR CERTAIN HOSPITALS.

(a) IN GENERAL.—Section 1886(d)(8)(B) (42 U.S.C. 1395ww(d)(8)(B)) is amended—

(1) by inserting "(i)" after "(B)";

(2) by striking "published in the Federal Register on January 3, 1980" and inserting "described in clause (ii)"; and

(3) by adding at the end the following new clause:

"(ii) The standards described in this clause for cost reporting periods beginning in a fiscal year—

"(I) before fiscal year 2003, are the standards published in the Federal Register on January 3, 1980, or, at the election of the hospital with respect to fiscal years 2001 and 2002, standards so published on March 30, 1990; and

"(II) after fiscal year 2002, are the standards published in the Federal Register by the Director of the Office of Management and Budget based on the most recent available decennial population data.

Subparagraphs (C) and (D) shall not apply with respect to the application of subclause (I).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to discharges occurring during cost reporting periods beginning on or after October 1, 1999.

SEC. 403. IMPROVEMENTS IN THE CRITICAL ACCESS HOSPITAL (CAH) PROGRAM.

(a) APPLYING 96-HOUR LIMIT ON AN ANNUAL, AVERAGE BASIS.—

(1) IN GENERAL.—Section 1820(c)(2)(B)(iii) (42 U.S.C. 1395i–4(c)(2)(B)(iii)) is amended by striking "for a period not to exceed 96 hours" and all that follows and inserting "for a period that does not exceed, as determined on an annual, average basis, 96 hours per patient;".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on the date of the enactment of this Act.

(b) Permitting For-Profit Hospitals To Qualify for Designation as a Critical Access Hospital.—Section 1820(c)(2)(B)(i) (42 U.S.C. 1395i-4(c)(2)(B)(i)) is amended in the matter preceding subclause (I), by striking "nonprofit or public hospital" and inserting "hospital".

(c) Allowing Closed or Downsized Hospitals To Convert to Critical Access Hospitals.—Section 1820(c)(2) (42 U.S.C. 1395i-4(c)(2)) is amended—

(1) in subparagraph (A), by striking "subparagraph (B)" and inserting "subparagraphs (B), (C), and (D)"; and

(2) by adding at the end the following new subparagraphs:

"(C) Recently closed facilities.—A State may designate a facility as a critical access hospital if the facility—

"(i) was a hospital that ceased operations on or after the date that is 10 years before the date of the enactment of this subparagraph; and

"(ii) as of the effective date of such designation, meets the criteria for designation under subparagraph (B).

"(D) Downsized facilities.—A State may designate a health clinic or a health center (as defined by the State) as a critical access hospital if such clinic or center—

"(i) is licensed by the State as a health clinic or a health center;

"(ii) was a hospital that was downsized to a health clinic or health center; and

"(iii) as of the effective date of such designation, meets the criteria for designation under subparagraph (B).".

(d) Election of Cost-Based Payment Option for Outpatient Critical Access Hospital Services.—

(1) In general.—Section 1834(g) (42 U.S.C. 1395m(g)) is amended to read as follows:

"(g) Payment for Outpatient Critical Access Hospital Services.—

"(1) In general.—The amount of payment for outpatient critical access hospital services of a critical access hospital is the reasonable costs of the hospital in providing such services, unless the hospital makes the election under paragraph (2).

"(2) Election of cost-based hospital outpatient service payment plus fee schedule for professional services.—A critical access hospital may elect to be paid for outpatient critical access hospital services amounts equal to the sum of the following, less the amount that such hospital may charge as described in section 1866(a)(2)(A):

"(A) Facility fee.—With respect to facility services, not including any services for which payment may be made under subparagraph (B), the reasonable costs of the critical access hospital in providing such services.

"(B) Fee schedule for professional services.—With respect to professional services otherwise included within outpatient critical access hospital services, such amounts as would otherwise be paid under this part if such services were not included in outpatient critical access hospital services.

"(3) Disregarding charges.—The payment amounts under this subsection shall be determined without regard to the amount of the customary or other charge.".

(2) Effective date.—The amendment made by subsection (a) shall apply for cost reporting periods beginning on or after October 1, 2000.

(e) Elimination of Coinsurance for Clinical Diagnostic Laboratory Tests Furnished by a Critical Access Hospital on an Outpatient Basis.—

(1) In general.—Paragraphs (1)(D)(i) and (2)(D)(i) of section 1833(a) (42 U.S.C. 1395l(a)) are each amended by inserting "or which are furnished on an outpatient basis by a critical access hospital" after "on an assignment-related basis".

(2) Effective date.—The amendments made by paragraph (1) shall apply to services furnished on or after the date of the enactment of this Act.

(f) Participation in Swing Bed Program.—Section 1883 (42 U.S.C. 1395tt) is amended—

(1) in subsection (a)(1), by striking "(other than a hospital which has in effect a waiver under subparagraph (A) of the last sentence of section 1861(e))"; and

(2) in subsection (c), by striking ", or during which there is in effect for the hospital a waiver under subparagraph (A) of the last sentence of section 1861(e)".

SEC. 404. 5-YEAR EXTENSION OF MEDICARE DEPENDENT HOSPITAL (MDH) PROGRAM.

(a) Extension of Payment Methodology.—Section 1886(d)(5)(G) (42 U.S.C. 1395ww(d)(5)(G)) is amended—

(1) in clause (i), by striking "and before October 1, 2001," and inserting "and before October 1, 2006,"; and

(2) in clause (ii)(II), by striking "and before October 1, 2001," and inserting "and before October 1, 2006,".

(b) Conforming Amendments.—

(1) Extension of target amount.—Section 1886(b)(3)(D) (42 U.S.C. 1395ww(b)(3)(D)) is amended—

(A) in the matter preceding clause (i), by striking "and before October 1, 2001," and inserting "and before October 1, 2006,"; and

(B) in clause (iv), by striking "during fiscal year 1998 through fiscal year 2000" and inserting "during fiscal year 1998 through fiscal year 2005".

(2) Permitting hospitals to decline reclassification.—Section 13501(e)(2) of Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 1395ww note), as amended by section 4204(a)(3) of BBA, is amended by striking "or fiscal year 2000" and inserting "or fiscal year 2000 through fiscal year 2005".

SEC. 405. REBASING FOR CERTAIN SOLE COMMUNITY HOSPITALS.

Section 1886(b)(3) (42 U.S.C. 1395ww(b)(3)) is amended—

(1) in subparagraph (C), by inserting "subject to subparagraph (I)," before "the term 'target amount' means"; and

(2) by adding at the end the following new subparagraph:

"(I)(i) For cost reporting periods beginning on or after October 1, 2000, in the case of a sole community hospital that for its cost reporting period beginning during 1999 is paid on the basis of the target amount applicable to the hospital under subparagraph (C) and that elects (in a form and manner determined by the Secretary) this subparagraph to apply to the hospital, there shall be substituted for such target amount—

"(I) with respect to discharges occurring in fiscal year 2001, 75 percent of the target amount otherwise applicable to the hospital under subparagraph (C) (referred to in this clause as the 'subparagraph (C) target amount') and 25 percent of the rebased target amount (as defined in clause (ii));

"(II) with respect to discharges occurring in fiscal year 2002, 50 percent of the subparagraph (C) target amount and 50 percent of the rebased target amount;

"(III) with respect to discharges occurring in fiscal year 2003, 25 percent of the subparagraph (C) target amount and 75 percent of the rebased target amount; and

"(IV) with respect to discharges occurring after fiscal year 2003, 100 percent of the rebased target amount.

"(ii) For purposes of this subparagraph, the 'rebased target amount' has the meaning given the term 'target amount' in subparagraph (C) except that—

"(I) there shall be substituted for the base cost reporting period the 12-month cost reporting period beginning during fiscal year 1996;

"(II) any reference in subparagraph (C)(i) to the 'first cost reporting period' described in such subparagraph is deemed a reference to the first cost reporting period beginning on or after October 1, 2000; and

"(III) applicable increase percentage shall only be applied under subparagraph (C)(iv) for discharges occurring in fiscal years beginning with fiscal year 2002.".

SEC. 406. ONE YEAR SOLE COMMUNITY HOSPITAL PAYMENT INCREASE.

Section 1886(b)(3)(B)(i) (42 U.S.C. 1395ww(b)(3)(B)(i)) is amended—

(1) by redesignating subclause (XVII) as subclause (XVIII);

(2) by striking subclause (XVI); and

(3) by inserting after subclause (XV) the following new subclauses:

"(XVI) for fiscal year 2001, the market basket percentage increase minus 1.1 percentage points for hospitals (other than sole community hospitals) in all areas, and the market basket percentage increase for sole community hospitals,

"(XVII) for fiscal year 2002, the market basket percentage increase minus 1.1 percentage points for hospitals in all areas, and".

SEC. 407. INCREASED FLEXIBILITY IN PROVIDING GRADUATE PHYSICIAN TRAINING IN RURAL AND OTHER AREAS.

(a) Counting Primary Care Residents on Certain Approved Leaves of Absence in Base Year FTE Count.—

(1) Payment for direct graduate medical education.—Section 1886(h)(4)(F) (42 U.S.C. 1395ww(h)(4)(F)) is amended—

(A) by redesignating the first sentence as clause (i) with the heading "In general.—" and appropriate indentation; and

(B) by adding at the end the following new clause:

"(ii) Counting primary care residents on certain approved leaves of absence in base year FTE count.—

"(I) In general.—In determining the number of such full-time equivalent residents for a hospital's most recent cost reporting period ending on or before December 31, 1996, for purposes of clause (i), the Secretary shall count an individual to the extent that the individual would have been counted as a primary care resident for such period but for the fact that the individual, as determined by the Secretary, was on maternity or disability leave or a similar approved leave of absence.

"(II) Limitation to 3 FTE residents for any hospital.—The total number of individuals counted under subclause (I) for a hospital may not exceed 3 full-time equivalent residents.".

(2) Payment for indirect medical education.—Section 1886(d)(5)(B)(v) (42 U.S.C. 1395ww(d)(5)(B)(v)) is amended by adding at the end the following: "Rules similar to the rules of subsection (h)(4)(F)(ii) shall apply for purposes of this clause.".

(3) Effective date.—

(A) DGME.—The amendments made by paragraph (1) apply to cost reporting periods that begin on or after the date of the enactment of this Act.

(B) IME.—The amendment made by paragraph (2) applies to discharges occurring in cost reporting periods that begin on or after such date of enactment.

(b) Permitting 30 Percent Expansion in Current GME Training Programs for Hospitals Located in Rural Areas.—

(1) Payment for direct graduate medical education.—Section 1886(h)(4)(F)(i) (42 U.S.C. 1395ww(h)(4)(F)(i)), as amended by subsection

(a)(1), is amended by inserting "(or, 130 percent of such number in the case of a hospital located in a rural area)" after "may not exceed the number".

(2) PAYMENT FOR INDIRECT MEDICAL EDUCATION.—Section 1886(d)(5)(B)(v) (42 U.S.C. 1395ww(d)(5)(B)(v)) is amended by inserting "(or, 130 percent of such number in the case of a hospital located in a rural area)" after "may not exceed the number".

(3) EFFECTIVE DATES.—

(A) DGME.—The amendment made by paragraph (1) applies to cost reporting periods beginning on or after April 1, 2000.

(B) IME.—The amendment made by paragraph (2) applies to discharges occurring on or after April 1, 2000.

(c) SPECIAL RULE FOR NONRURAL FACILITIES SERVING RURAL AREAS.—

(1) IN GENERAL.—Section 1886(h)(4)(H) (42 U.S.C. 1395ww(h)(4)(H)) is amended by adding at the end the following new clause:

"(iv) NONRURAL HOSPITALS OPERATING TRAINING PROGRAMS IN RURAL AREAS.—In the case of a hospital that is not located in a rural area but establishes separately accredited approved medical residency training programs (or rural tracks) in an rural area or has an accredited training program with an integrated rural track, the Secretary shall adjust the limitation under subparagraph (F) in an appropriate manner insofar as it applies to such programs in such rural areas in order to encourage the training of physicians in rural areas.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) applies with respect to—

(A) payments to hospitals under section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)) for cost reporting periods beginning on or after April 1, 2000; and

(B) payments to hospitals under section 1886(d)(5)(B)(v) of such Act (42 U.S.C. 1395ww(d)(5)(B)(v)) for discharges occurring on or after April 1, 2000.

(d) NOT COUNTING AGAINST NUMERICAL LIMITATION CERTAIN INTERNS AND RESIDENTS TRANSFERRED FROM A VA RESIDENCY PROGRAM THAT LOSES ACCREDITATION.—

(1) IN GENERAL.—Any applicable resident described in paragraph (2) shall not be taken into account in applying any limitation regarding the number of residents or interns for which payment may be made under section 1886 of the Social Security Act (42 U.S.C. 1395ww).

(2) APPLICABLE RESIDENT DESCRIBED.—An applicable resident described in this paragraph is a resident or intern who—

(A) participated in graduate medical education at a facility of the Department of Veterans Affairs;

(B) was subsequently transferred on or after January 1, 1997, and before July 31, 1998, to a hospital that was not a Department of Veterans Affairs facility; and

(C) was transferred because the approved medical residency program in which the resident or intern participated would lose accreditation by the Accreditation Council on Graduate Medical Education if such program continued to train residents at the Department of Veterans Affairs facility.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—Paragraph (1) applies as if included in the enactment of BBA.

(B) RETROACTIVE PAYMENTS.—If the Secretary of Health and Human Services determines that a hospital operating an approved medical residency program is owed payments as a result of enactment of this subsection, the Secretary shall make such payments not later than 60 days after the date of the enactment of this Act.

SEC. 408. ELIMINATION OF CERTAIN RESTRICTIONS WITH RESPECT TO HOSPITAL SWING BED PROGRAM.

(a) ELIMINATION OF REQUIREMENT FOR STATE CERTIFICATE OF NEED.—Section 1883(b) (42 U.S.C. 1395tt(b)) is amended to read as follows:

"(b) The Secretary may not enter into an agreement under this section with any hospital unless, except as provided under subsection (g), the hospital is located in a rural area and has less than 100 beds.".

(b) ELIMINATION OF SWING BED RESTRICTIONS ON CERTAIN HOSPITALS WITH MORE THAN 49 BEDS.—Section 1883(d) (42 U.S.C. 1395tt(d)) is amended—

(1) by striking paragraphs (2) and (3); and

(2) by striking "(d)(1)" and inserting "(d)".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date that is the first day after the expiration of the transition period under section 1888(e)(2)(E) of the Social Security Act (42 U.S.C. 1395yy(e)(2)(E)) for payments for covered skilled nursing facility services under the medicare program.

SEC. 409. GRANT PROGRAM FOR RURAL HOSPITAL TRANSITION TO PROSPECTIVE PAYMENT.

Section 1820(g) (42 U.S.C. 1395i–4(g)) is amended by adding at the end the following new paragraph:

"(3) UPGRADING DATA SYSTEMS.—

"(A) GRANTS TO HOSPITALS.—The Secretary may award grants to hospitals that have submitted applications in accordance with subparagraph (C) to assist eligible small rural hospitals in meeting the costs of implementing data systems required to meet requirements established under the medicare program pursuant to amendments made by the Balanced Budget Act of 1997.

"(B) ELIGIBLE SMALL RURAL HOSPITAL DEFINED.—For purposes of this paragraph, the term 'eligible small rural hospital' means a non-Federal, short-term general acute care hospital that—

"(i) is located in a rural area (as defined for purposes of section 1886(d)); and

"(ii) has less than 50 beds.

"(C) APPLICATION.—A hospital seeking a grant under this paragraph shall submit an application to the Secretary on or before such date and in such form and manner as the Secretary specifies.

"(D) AMOUNT OF GRANT.—A grant to a hospital under this paragraph may not exceed $50,000.

"(E) USE OF FUNDS.—A hospital receiving a grant under this paragraph may use the funds for the purchase of computer software and hardware, the education and training of hospital staff on computer information systems, and to offset costs related to the implementation of prospective payment systems.

"(F) REPORTS.—

"(i) INFORMATION.—A hospital receiving a grant under this section shall furnish the Secretary with such information as the Secretary may require to evaluate the project for which the grant is made and to ensure that the grant is expended for the purposes for which it is made.

"(ii) TIMING OF SUBMISSION.—

"(I) INTERIM REPORTS.—The Secretary shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate at least annually on the grant program established under this section, including in such report information on the number of grants made, the nature of the projects involved, the geographic distribution of grant recipients, and such other matters as the Secretary deems appropriate.

"(II) FINAL REPORT.—The Secretary shall submit a final report to such committees not later than 180 days after the completion of all of the projects for which a grant is made under this section.".

SEC. 410. GAO STUDY ON GEOGRAPHIC RECLASSIFICATION.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the current laws and regulations for geographic reclassification of hospitals to determine whether such reclassification is appropriate for purposes of applying wage indices under the medicare program and whether such reclassification results in more accurate payments for all hospitals. Such study shall examine data on the number of hospitals that are reclassified and their reclassified status in determining payments under the medicare program. The study shall evaluate—

(1) the magnitude of the effect of geographic reclassification on rural hospitals that are not reclassified;

(2) whether the current thresholds used in geographic reclassification reclassify hospitals to the appropriate labor markets;

(3) the effect of eliminating geographic reclassification through use of the occupational mix data;

(4) the group reclassification policy;

(5) changes in the number of reclassifications and the compositions of the groups;

(6) the effect of State-specific budget neutrality compared to national budget neutrality; and

(7) whether there are sufficient controls over the intermediary evaluation of the wage data reported by hospitals.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under subsection (a).

Subtitle B—Other Rural Provisions

SEC. 411. MEDPAC STUDY OF RURAL PROVIDERS.

(a) STUDY.—The Medicare Payment Advisory Commission shall conduct a study of rural providers furnishing items and services for which payment is made under title XVIII of the Social Security Act. Such study shall examine and evaluate the adequacy and appropriateness of the categories of special payments (and payment methodologies) established for rural hospitals under the medicare program, and the impact of such categories on beneficiary access and quality of health care services.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Medicare Payment Advisory Commission shall submit to Congress a report on the study conducted under subsection (a).

SEC. 412. EXPANSION OF ACCESS TO PARAMEDIC INTERCEPT SERVICES IN RURAL AREAS.

(a) EXPANSION OF PAYMENT AREAS.—Section 4531(c) of BBA (42 U.S.C. 1395x note) is amended by adding at the end the following flush sentence:

"For purposes of this subsection, an area shall be treated as a rural area if it is designated as a rural area by any law or regulation of the State or if it is located in a rural census tract of a metropolitan statistical area (as determined under the most recent Goldsmith Modification, originally published in the Federal Register on February 27, 1992 (57 Fed. Reg. 6725)).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on January 1, 2000, and applies to ALS intercept services furnished on or after such date.

SEC. 413. PROMOTING PROMPT IMPLEMENTATION OF INFORMATICS, TELEMEDICINE, AND EDUCATION DEMONSTRATION PROJECT.

Section 4207 of BBA (42 U.S.C. 1395b-1 note) is amended—

(1) in subsection (a)(1), by adding at the end the following: "The Secretary shall make an award for such project not later than 3 months

after the date of the enactment of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999. The Secretary shall accept the proposal adjudged to be the best technical proposal as of such date of enactment without the need for additional review or resubmission of proposals.'';

(2) in subsection (a)(2)(A), by inserting before the period at the end the following: ''that qualify as Federally designated medically underserved areas or health professional shortage areas at the time of enrollment of beneficiaries under the project'';

(3) in subsection (c)(2), by striking ''and the source and amount of non-Federal funds used in the project'';

(4) in subsection (d)(2)(A), by striking ''at a rate of 50 percent of the costs that are reasonable and'' and inserting ''for the costs that are'';

(5) in subsection (d)(2)(B)(i), by striking ''(but only in the case of patients located in medically underserved areas)'' and inserting ''or at sites providing health care to patients located in medically underserved areas'';

(6) in subsection (d)(2)(C)(i), by striking ''to deliver medical informatics services under'' and inserting ''for activities related to''; and

(7) by amending paragraph (4) of subsection (d) to read as follows:

''(4) Cost-sharing.—The project may not impose cost-sharing on a medicare beneficiary for the receipt of services under the project. Project costs will cover all costs to medicare beneficiaries and providers related to participation in the project.''.

TITLE V—PROVISIONS RELATING TO PART C (MEDICARE+CHOICE PROGRAM) AND OTHER MEDICARE MANAGED CARE PROVISIONS

Subtitle A—Provisions To Accommodate and Protect Medicare Beneficiaries

SEC. 501. CHANGES IN MEDICARE+CHOICE ENROLLMENT RULES.

(a) Permitting Enrollment in Alternative Medicare+Choice Plans and Medigap Coverage in Case of Involuntary Termination of Medicare+Choice Enrollment.—

(1) In general.—Section 1851(e)(4) (42 U.S.C. 1395w–21(e)(4)) is amended by striking subparagraph (A) and inserting the following:

''(A)(i) the certification of the organization or plan under this part has been terminated, or the organization or plan has notified the individual of an impending termination of such certification; or

''(ii) the organization has terminated or otherwise discontinued providing the plan in the area in which the individual resides, or has notified the individual of an impending termination or discontinuation of such plan;''.

(2) Conforming medigap amendment.—Section 1882(s)(3) (42 U.S.C. 1395ss(s)(3)) is amended—

(A) in subparagraph (A) in the matter following clause (iii), by inserting '', subject to subparagraph (E),'' after ''in the case of an individual described in subparagraph (B) who''; and

(B) by adding at the end the following new subparagraph:

''(E)(i) An individual described in subparagraph (B)(ii) may elect to apply subparagraph (A) by substituting, for the date of termination of enrollment, the date on which the individual was notified by the Medicare+Choice organization of the impending termination or discontinuance of the Medicare+Choice plan it offers in the area in which the individual resides, but only if the individual disenrolls from the plan as a result of such notification.

''(ii) In the case of an individual making such an election, the issuer involved shall accept the application of the individual submitted before the date of termination of enrollment, but the coverage under subparagraph (A) shall only become effective upon termination of coverage under the Medicare+Choice plan involved.''.

(b) Continuous Open Enrollment for Institutionalized Individuals.—Section 1851(e)(2) (42 U.S.C. 1395w–21(e)(2)) is amended—

(1) in subparagraph (B)(i), by inserting ''and subparagraph (D)'' after ''clause (ii)'';

(2) in subparagraph (C)(i), by inserting ''and subparagraph (D)'' after ''clause (ii)''; and

(3) by adding at the end the following new subparagraph:

''(D) Continuous open enrollment for institutionalized individuals.—At any time after 2001 in the case of a Medicare+Choice eligible individual who is institutionalized (as defined by the Secretary), the individual may elect under subsection (a)(1)—

''(i) to enroll in a Medicare+Choice plan; or

''(ii) to change the Medicare+Choice plan in which the individual is enrolled.''.

(c) Continuing Enrollment for Certain Enrollees.—Section 1851(b)(1) (42 U.S.C. 1395w–21(b)(1)) is amended—

(1) in subparagraph (A), by inserting ''and except as provided in subparagraph (C)'' after ''may otherwise provide''; and

(2) by adding at the end the following new subparagraph:

''(C) Continuation of enrollment permitted where service changed.—Notwithstanding subparagraph (A) and in addition to subparagraph (B), if a Medicare+Choice organization eliminates from its service area a Medicare+Choice payment area that was previously within its service area, the organization may elect to offer individuals residing in all or portions of the affected area who would otherwise be ineligible to continue enrollment the option to continue enrollment in a Medicare+Choice plan it offers so long as—

''(i) the enrollee agrees to receive the full range of basic benefits (excluding emergency and urgently needed care) exclusively at facilities designated by the organization within the plan service area; and

''(ii) there is no other Medicare+Choice plan offered in the area in which the enrollee resides at the time of the organization's election.''.

(d) Effective Dates.—

(1) The amendments made by subsection (a) apply to notices of impending terminations or discontinuances made on or after the date of the enactment of this Act.

(2) The amendments made by subsection (c) apply to elections made on or after the date of the enactment of this Act with respect to eliminations of Medicare+Choice payment areas from a service area that occur before, on, or after the date of the enactment of this Act.

SEC. 502. CHANGE IN EFFECTIVE DATE OF ELECTIONS AND CHANGES OF ELECTIONS OF MEDICARE+CHOICE PLANS.

(a) Open Enrollment.—Section 1851(f)(2) (42 U.S.C. 1395w–21(f)(2)) is amended—

(1) by inserting ''or change'' before ''is made''; and

(2) by inserting '', except that if such election or change is made after the 10th day of any calendar month, then the election or change shall not take effect until the first day of the second calendar month following the date on which the election or change is made'' before the period.

(b) Effective Date.—The amendments made by this section apply to elections and changes of coverage made on or after January 1, 2000.

SEC. 503. 2-YEAR EXTENSION OF MEDICARE COST CONTRACTS.

Section 1876(h)(5)(B) (42 U.S.C. 1395mm(h)(5)(B)) is amended by striking ''2002'' and inserting ''2004''.

Subtitle B—Provisions To Facilitate Implementation of the Medicare+Choice Program

SEC. 511. PHASE-IN OF NEW RISK ADJUSTMENT METHODOLOGY; STUDIES AND REPORTS ON RISK ADJUSTMENT.

(a) Phase-In.—Section 1853(a)(3)(C) (42 U.S.C. 1395w–23(a)(3)(C)) is amended—

(1) by redesignating the first sentence as clause (i) with the heading ''In general.—'' and appropriate indentation; and

(2) by adding at the end the following new clause:

''(ii) Phase-in.—Such risk adjustment methodology shall be implemented in a phased-in manner so that the methodology insofar as it makes adjustments to capitation rates for health status applies to—

''(I) 10 percent of $^1/_{12}$ of the annual Medicare+Choice capitation rate in 2000 and 2001; and

''(II) not more than 20 percent of such capitation rate in 2002.''.

(b) MedPAC Study and Report.—

(1) Study.—The Medicare Payment Advisory Commission shall conduct a study that evaluates the methodology used by the Secretary of Health and Human Services in developing the risk factors used in adjusting the Medicare+Choice capitation rate paid to Medicare+Choice organizations under section 1853 of the Social Security Act (42 U.S.C. 1395w–23) and includes the issues described in paragraph (2).

(2) Issues to be studied.—The issues described in this paragraph are the following:

(A) The ability of the average risk adjustment factor applied to a Medicare+Choice plan to explain variations in plans' average per capita medicare costs, as reported by Medicare+Choice plans in the plans' adjusted community rate filings.

(B) The year-to-year stability of the risk factors applied to each Medicare+Choice plan and the potential for substantial changes in payment for small Medicare+Choice plans.

(C) For medicare beneficiaries newly enrolled in Medicare+Choice plans in a given year, the correspondence between the average risk factor calculated from medicare fee-for-service data for those individuals from the period prior to their enrollment in a Medicare+Choice plan and the average risk factor calculated for such individuals during their initial year of enrollment in a Medicare+Choice plan.

(D) For medicare beneficiaries disenrolling from or switching among Medicare+Choice plans in a given year, the correspondence between the average risk factor calculated from data pertaining to the period prior to their disenrollment from a Medicare+Choice plan and the average risk factor calculated from data pertaining to the period after disenrollment.

(E) An evaluation of the exclusion of ''discretionary'' hospitalizations from consideration in the risk adjustment methodology.

(F) Suggestions for changes or improvements in the risk adjustment methodology.

(3) Report.—Not later than December 1, 2000, the Commission shall submit a report to Congress on the study conducted under paragraph (1), together with any recommendations for legislation that the Commission determines to be appropriate as a result of such study.

(c) Study and Report Regarding Reporting of Encounter Data.—

(1) Study.—The Secretary of Health and Human Services shall conduct a study on how to reduce the costs and burdens on Medicare+Choice organizations of their complying with reporting requirements for encounter data imposed by the Secretary in establishing and implementing a risk adjustment methodology used in making payments to such organizations under section 1853 of the Social

Security Act (42 U.S.C. 1395w–23). The Secretary shall consult with representatives of Medicare+Choice organizations in conducting the study. The study shall address the following issues:

(A) Limiting the number and types of sites of services (that are in addition to inpatient sites) for which encounter data must be reported.

(B) Establishing alternative risk adjustment methods that would require submission of less data.

(C) The potential for Medicare+Choice organizations to misreport, overreport, or underreport prevalence of diagnoses in outpatient sites of care, the potential for increases in payments to Medicare+Choice organizations from changes in Medicare+Choice plan coding practices (commonly known as "coding creep") and proposed methods for detecting and adjusting for such variations in diagnosis coding as part of the risk adjustment methodology using encounter data from multiple sites of care.

(D) The impact of such requirements on the willingness of insurers to offer Medicare+Choice MSA plans and options for modifying encounter data reporting requirements to accommodate such plans.

(E) Differences in the ability of Medicare+Choice organizations to report encounter data, and the potential for adverse competitive impacts on group and staff model health maintenance organizations or other integrated providers of care based on data reporting capabilities.

(2) Report.—Not later than January 1, 2001, the Secretary shall submit a report to Congress on the study conducted under this subsection, together with any recommendations for legislation that the Secretary determines to be appropriate as a result of such study.

SEC. 512. ENCOURAGING OFFERING OF MEDICARE+CHOICE PLANS IN AREAS WITHOUT PLANS.

Section 1853 (42 U.S.C. 1395w–23) is amended—

(1) in subsection (a)(1), by striking "subsections (e) and (f)" and inserting "subsections (e), (g), and (i)";

(2) in subsection (c)(5), by inserting "(other than those attributable to subsection (i))" after "payments under this part"; and

(3) by adding at the end the following new subsection:

"(i) New Entry Bonus.—

"(1) In general.—Subject to paragraphs (2) and (3), in the case of Medicare+Choice payment area in which a Medicare+Choice plan has not been offered since 1997 (or in which all organizations that offered a plan since such date have filed notice with the Secretary, as of October 13, 1999, that they will not be offering such a plan as of January 1, 2000), the amount of the monthly payment otherwise made under this section shall be increased—

"(A) only for the first 12 months in which any Medicare+Choice plan is offered in the area, by 5 percent of the total monthly payment otherwise computed for such payment area; and

"(B) only for the subsequent 12 months, by 3 percent of the total monthly payment otherwise computed for such payment area.

"(2) Period of application.—Paragraph (1) shall only apply to payment for Medicare+Choice plans which are first offered in a Medicare+Choice payment area during the 2-year period beginning on January 1, 2000.

"(3) Limitation to organization offering first plan in an area.—Paragraph (1) shall only apply to payment to the first Medicare+Choice organization that offers a Medicare+Choice plan in each Medicare+Choice payment area, except that if more than one such organization first offers such a plan in an area on the same date, paragraph (1) shall apply to payment for such organizations.

"(4) Construction.—Nothing in paragraph (1) shall be construed as affecting the calculation of the annual Medicare+Choice capitation rate under subsection (c) for any payment area or as applying to payment for any period not described in such paragraph and paragraph (2).

"(5) Offered defined.—In this subsection, the term 'offered' means, with respect to a Medicare+Choice plan as of a date, that a Medicare+Choice eligible individual may enroll with the plan on that date, regardless of when the enrollment takes effect or when the individual obtains benefits under the plan.".

SEC. 513. MODIFICATION OF 5-YEAR RE-ENTRY RULE FOR CONTRACT TERMINATIONS.

(a) Reduction of General Exclusion Period to 2 Years.—Section 1857(c)(4) (42 U.S.C. 1395w–27(c)(4)) is amended by striking "5-year period" and inserting "2-year period".

(b) Specific Exception Where Change in Payment Policy.—

(1) In general.—Section 1857(c)(4) (42 U.S.C. 1395w–27(c)(4)) is amended—

(A) by striking "except in circumstances" and inserting "except as provided in subparagraph (B) and except in such other circumstances";

(B) by redesignating the sentence following "(4)" as a subparagraph (A) with an appropriate indentation and the heading "In general.—"; and

(C) by adding at the end the following new subparagraph:

"(B) Earlier re-entry permitted where change in payment policy.—Subparagraph (A) shall not apply with respect to the offering by a Medicare+Choice organization of a Medicare+Choice plan in a Medicare+Choice payment area if during the 6-month period beginning on the date the organization notified the Secretary of the intention to terminate the most recent previous contract, there was a legislative change enacted (or a regulatory change adopted) that has the effect of increasing payment amounts under section 1853 for that Medicare+Choice payment area.".

(2) Construction relating to additional exceptions.—Nothing in the amendment made by paragraph (1)(C) shall be construed to affect the authority of the Secretary of Health and Human Services to provide for exceptions in addition to the exception provided in such amendment, including exceptions provided under Operational Policy Letter #103 (OPL99.103).

(c) Effective Date.—The amendments made by this section apply to contract terminations occurring before, on, or after the date of the enactment of this Act.

SEC. 514. CONTINUED COMPUTATION AND PUBLICATION OF MEDICARE ORIGINAL FEE-FOR-SERVICE EXPENDITURES ON A COUNTY-SPECIFIC BASIS.

(a) In General.—Section 1853(b) (42 U.S.C. 1395w–23(b)) is amended by adding at the end the following new paragraph:

"(4) Continued computation and publication of county-specific per capita fee-for-service expenditure information.—The Secretary, through the Chief Actuary of the Health Care Financing Administration, shall provide for the computation and publication, on an annual basis beginning with 2001 at the time of publication of the annual Medicare+Choice capitation rates under paragraph (1), of the following information for the original medicare fee-for-service program under parts A and B (exclusive of individuals eligible for coverage under section 226A) for each Medicare+Choice payment area for the second calendar year ending before the date of publication:

"(A) Total expenditures per capita per month, computed separately for part A and for part B.

"(B) The expenditures described in subparagraph (A) reduced by the best estimate of the expenditures (such as graduate medical education and disproportionate share hospital payments) not related to the payment of claims.

"(C) The average risk factor for the covered population based on diagnoses reported for medicare inpatient services, using the same methodology as is expected to be applied in making payments under subsection (a).

"(D) Such average risk factor based on diagnoses for inpatient and other sites of service, using the same methodology as is expected to be applied in making payments under subsection (a).".

(b) Special Rule for 2001.—In providing for the publication of information under section 1853(b)(4) of the Social Security Act (42 U.S.C. 1395w–23(b)(4)), as added by subsection (a), in 2001, the Secretary of Health and Human Services shall also include the information described in such section for 1998, as well as for 1999.

SEC. 515. FLEXIBILITY TO TAILOR BENEFITS UNDER MEDICARE+CHOICE PLANS.

(a) In General.—Section 1851 (42 U.S.C. 1395w–24) is amended—

(1) in subsection (a)(1), by inserting "(or segment of such an area if permitted under subsection (h))" after "service area" in the matter preceding subparagraph (A); and

(2) by adding at the end the following:

"(h) Permitting Use of Segments of Service Areas.—The Secretary shall permit a Medicare+Choice organization to elect to apply the provisions of this section uniformly to separate segments of a service area (rather than uniformly to an entire service area) as long as such segments are composed of one or more Medicare+Choice payment areas.".

(b) Effective Date.—The amendments made by this section apply to contract years beginning on or after January 1, 2001.

SEC. 516. DELAY IN DEADLINE FOR SUBMISSION OF ADJUSTED COMMUNITY RATES.

(a) Delay in Deadline for Submission of Adjusted Community Rates.—Section 1854(a)(1) (42 U.S.C. 1395w–24(a)(1)) is amended by striking "May 1" and inserting "July 1" in the matter preceding subparagraph (A).

(b) Effective Date.—The amendment made by subsection (a) applies to information submitted by Medicare+Choice organizations for years beginning with 1999.

SEC. 517. REDUCTION IN ADJUSTMENT IN NATIONAL PER CAPITA MEDICARE+CHOICE GROWTH PERCENTAGE FOR 2002.

Section 1853(c)(6)(B)(v) (42 U.S.C. 1395w–23(c)(6)(B)(v)) is amended by striking "0.5 percentage points" and inserting "0.3 percentage points".

SEC. 518. DEEMING OF MEDICARE+CHOICE ORGANIZATION TO MEET REQUIREMENTS.

Section 1852(e)(4) (42 U.S.C. 1395w–22(e)(4)) is amended to read as follows:

"(4) Treatment of accreditation.—

"(A) In general.—The Secretary shall provide that a Medicare+Choice organization is deemed to meet all the requirements described in any specific clause of subparagraph (B) if the organization is accredited (and periodically reaccredited) by a private accrediting organization under a process that the Secretary has determined assures that the accrediting organization applies and enforces standards that meet or exceed the standards established under section 1856 to carry out the requirements in such clause.

"(B) Requirements described.—The provisions described in this subparagraph are the following:

"(i) Paragraphs (1) and (2) of this subsection (relating to quality assurance programs).

"(ii) Subsection (b) (relating to antidiscrimination).

"(iii) Subsection (d) (relating to access to services).

"(iv) Subsection (h) (relating to confidentiality and accuracy of enrollee records).

"(v) Subsection (i) (relating to information on advance directives).

"(vi) Subsection (j) (relating to provider participation rules).

"(C) TIMELY ACTION ON APPLICATIONS.—The Secretary shall determine, within 210 days after the date the Secretary receives an application by a private accrediting organization and using the criteria specified in section 1865(b)(2), whether the process of the private accrediting organization meets the requirements with respect to any specific clause in subparagraph (B) with respect to which the application is made. The Secretary may not deny such an application on the basis that it seeks to meet the requirements with respect to only one, or more than one, such specific clause.

"(D) CONSTRUCTION.—Nothing in this paragraph shall be construed as limiting the authority of the Secretary under section 1857, including the authority to terminate contracts with Medicare+Choice organizations under subsection (c)(2) of such section.".

SEC. 519. TIMING OF MEDICARE+CHOICE HEALTH INFORMATION FAIRS.

(a) IN GENERAL.—Section 1851(e)(3)(C) (42 U.S.C. 1395w–21(e)(3)(C)) is amended by striking "In the month of November" and inserting "During the fall season".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) first applies to campaigns conducted beginning in 2000.

SEC. 520. QUALITY ASSURANCE REQUIREMENTS FOR PREFERRED PROVIDER ORGANIZATION PLANS.

(a) IN GENERAL.—Section 1852(e)(2) (42 U.S.C. 1395w–22(e)(2)) is amended—

(1) in subparagraph (A), by striking "or a non-network MSA plan" and inserting ", a non-network MSA plan, or a preferred provider organization plan';

(2) in subparagraph (B)—

(A) in the heading, by striking "AND NON-NETWORK MSA PLANS" and inserting ", NON-NETWORK MSA PLANS, AND PREFERRED PROVIDER ORGANIZATION PLANS"; and

(B) by striking "or a non-network MSA plan" and inserting ", a non-network MSA plan, or a preferred provider organization plan";

(3) by adding at the end the following:

"(D) DEFINITION OF PREFERRED PROVIDER ORGANIZATION PLAN.—In this paragraph, the term 'preferred provider organization plan' means a Medicare+Choice plan that—

"(i) has a network of providers that have agreed to a contractually specified reimbursement for covered benefits with the organization offering the plan;

"(ii) provides for reimbursement for all covered benefits regardless of whether such benefits are provided within such network of providers; and

"(iii) is offered by an organization that is not licensed or organized under State law as a health maintenance organization.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to contract years beginning on or after January 1, 2000.

(c) QUALITY IMPROVEMENT STANDARDS.—

(1) STUDY.—The Medicare Payment Advisory Commission shall conduct a study on the appropriate quality improvement standards that should apply to—

(A) each type of Medicare+Choice plan described in section 1851(a)(2) of the Social Security Act (42 U.S.C. 1395w–21(a)(2)), including each type of Medicare+Choice plan that is a coordinated care plan (as described in subparagraph (A) of such section); and

(B) the original medicare fee-for-service program under parts A and B title XVIII of such Act (42 U.S.C. 1395 et seq.).

(2) CONSIDERATIONS.—Such study shall specifically examine the effects, costs, and feasibility of requiring entities, physicians, and other health care providers that provide items and services under the original medicare fee-for-service program to comply with quality standards and related reporting requirements that are comparable to the quality standards and related reporting requirements that are applicable to Medicare+Choice organizations.

(3) REPORT.—Not later than 2 years after the date of the enactment of this Act, such Commission shall submit a report to Congress on the study conducted under this subsection, together with any recommendations for legislation that it determines to be appropriate as a result of such study.

SEC. 521. CLARIFICATION OF NONAPPLICABILITY OF CERTAIN PROVISIONS OF DISCHARGE PLANNING PROCESS TO MEDICARE+CHOICE PLANS.

Section 1861(ee) (42 U.S.C. 1395x(ee)(2)(H)) is amended by adding at the end the following:

"(3) With respect to a discharge plan for an individual who is enrolled with a Medicare+Choice organization under a Medicare+Choice plan and is furnished inpatient hospital services by a hospital under a contract with the organization—

"(A) the discharge planning evaluation under paragraph (2)(D) is not required to include information on the availability of home health services through individuals and entities which do not have a contract with the organization; and

"(B) notwithstanding subparagraph (H)(i), the plan may specify or limit the provider (or providers) of post-hospital home health services or other post-hospital services under the plan.".

SEC. 522. USER FEE FOR MEDICARE+CHOICE ORGANIZATIONS BASED ON NUMBER OF ENROLLED BENEFICIARIES.

(a) IN GENERAL.—Section 1857(e)(2) (42 U.S.C. 1395w–27(e)(2)) is amended—

(1) in subparagraph (B), by striking "Any amounts collected are authorized to be appropriated only for" and inserting "Any amounts collected shall be available without further appropriation to the Secretary for";

(2) by amending subparagraph (C) to read as follows:

"(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purposes described in subparagraph (B) for each fiscal year beginning with fiscal year 2001 an amount equal to $100,000,000, reduced by the amount of fees authorized to be collected under this paragraph for the fiscal year.";

(3) in subparagraph (D)(ii)—

(A) in subclause (II), by striking "and";

(B) in subclause (III), by striking " and each subsequent fiscal year." and inserting "; and"; and

(C) by adding at the end the following:

"(IV) the Medicare+Chbice portion (as defined in subparagraph (E)) of $100,000,000 in fiscal year 2001 and each succeeding fiscal year."; and

(4) by adding at the end the following:

"(E) MEDICARE+CHOICE PORTION DEFINED.—In this paragraph, the term 'Medicare+Choice portion' means, for a fiscal year, the ratio, as estimated by the Secretary, of—

"(i) the average number of individuals enrolled in Medicare+Choice plans during the fiscal year, to

"(ii) the average number of individuals entitled to benefits under part A, and enrolled under part B, during the fiscal year.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to fees charged on or after January 1, 2001. The Secretary of Health and Human Services may not increase the fees charged under section 1857(e)(2) of the Social Security Act (42 U.S.C. 1395w–27(e)(2)) for the 3-month period beginning with October 2000 above the level in effect during the previous 9-month period.

SEC. 523. CLARIFICATION REGARDING THE ABILITY OF A RELIGIOUS FRATERNAL BENEFIT SOCIETY TO OPERATE ANY MEDICARE+CHOICE PLAN.

Section 1859(e)(2) (42 U.S.C. 1395w–29(e)(2)) is amended in the matter preceding subparagraph (A) by striking "section 1851(a)(2)(A)" and inserting "section 1851(a)(2)".

SEC. 524. RULES REGARDING PHYSICIAN REFERRALS FOR MEDICARE+CHOICE PROGRAM.

(a) IN GENERAL.—Section 1877(b)(3) (42 U.S.C. 1395nn(b)(3)) is amended—

(1) in subparagraph (C), by striking "or" at the end;

(3) by adding at the end the following:

(2) in subparagraph (D), by striking the period at the end and inserting ", or"; and

"(E) that is a Medicare+Choice organization under part C that is offering a coordinated care plan described in section 1851(a)(2)(A) to an individual enrolled with the organization.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to services furnished on or after the date of the enactment of this Act.

Subtitle C—Demonstration Projects and Special Medicare Populations

SEC. 531. EXTENSION OF SOCIAL HEALTH MAINTENANCE ORGANIZATION DEMONSTRATION (SHMO) PROJECT AUTHORITY.

(a) EXTENSION.—Section 4018(b) of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100–203) is amended—

(1) in paragraph (1), by striking "December 31, 2000" and inserting "the date that is 18 months after the date that the Secretary submits to Congress the report described in section 4014(c) of the Balanced Budget Act of 1997";

(2) in paragraph (4), by striking "March 31, 2001" and inserting "the date that is 21 months after the date on which Secretary submits to Congress the report described in section 4014(c) of the Balanced Budget Act of 1997"; and

(3) by adding at the end of paragraph (4) the following: "Not later than 6 months after the date the Secretary submits such final report, the Medicare Payment Advisory Commission shall submit to Congress a report containing recommendations regarding such project.".

(b) SUBSTITUTION OF AGGREGATE CAP.—Section 13567(c) of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66) is amended to read as follows:

"(c) AGGREGATE LIMIT ON NUMBER OF MEMBERS.—The Secretary of Health and Human Services may not impose a limit on the number of individuals that may participate in a project conducted under section 2355 of the Deficit Reduction Act of 1984, other than an aggregate limit of not less than 324,000 for all sites.".

SEC. 532. EXTENSION OF MEDICARE COMMUNITY NURSING ORGANIZATION DEMONSTRATION PROJECT.

(a) EXTENSION.—Notwithstanding any other provision of law, any demonstration project conducted under section 4079 of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100–123; 42 U.S.C. 1395mm note) and conducted for the additional period of 2 years as provided for under section 4019 of BBA, shall be conducted for an additional period of 2 years. The Secretary of Health and Human Services shall provide for such reduction in payments under such project in the extension period provided under the previous sentence as the Secretary determines is necessary to ensure that total Federal expenditures during the extension period under the project do not exceed the total Federal expenditures that would have been made under title XVIII of the Social Security Act if such project had not been so extended.

(b) REPORT.—Not later than July 1, 2001, the Secretary of Health and Human Services shall submit to Congress a report describing the results of any demonstration project conducted under section 4079 of the Omnibus Budget Reconciliation Act of 1987, and describing the data collected by the Secretary relevant to the analysis of the results of such project, including the most recently available data through the end of 2000.

SEC. 533. MEDICARE+CHOICE COMPETITIVE BIDDING DEMONSTRATION PROJECT.

Section 4011 of BBA (42 U.S.C. 1395w–23 note) is amended—

(1) in subsection (a)—

(A) by striking "The Secretary" and inserting the following (and conforming the indentation for the remainder of the subsection accordingly):

"(1) IN GENERAL.—Subject to the succeeding provisions of this subsection, the Secretary"; and

(B) by adding at the end the following:

"(2) DELAY IN IMPLEMENTATION.—The Secretary shall not implement the project until January 1, 2002, or, if later, 6 months after the date the Competitive Pricing Advisory Committee has submitted to Congress a report on each of the following topics:

"(A) INCORPORATION OF ORIGINAL MEDICARE FEE-FOR-SERVICE PROGRAM INTO PROJECT.—What changes would be required in the project to feasibly incorporate the original medicare fee-for-service program into the project in the areas in which the project is operational.

"(B) QUALITY ACTIVITIES.—The nature and extent of the quality reporting and monitoring activities that should be required of plans participating in the project, the estimated costs that plans will incur as a result of these requirements, and the current ability of the Health Care Financing Administration to collect and report comparable data, sufficient to support comparable quality reporting and monitoring activities with respect to beneficiaries enrolled in the original medicare fee-for-service program generally.

"(C) RURAL PROJECT.—The current viability of initiating a project site in a rural area, given the site specific budget neutrality requirements of the project under subsection (g), and insofar as the Committee decides that the addition of such a site is not viable, recommendations on how the project might best be changed so that such a site is viable.

"(D) BENEFIT STRUCTURE.—The nature and extent of the benefit structure that should be required of plans participating in the project, the rationale for such benefit structure, the potential implications that any benefit standardization requirement may have on the number of plan choices available to a beneficiary in an area designated under the project, the potential implications of requiring participating plans to offer variations on any standardized benefit package the committee might recommend, such that a beneficiary could elect to pay a higher percentage of out-of-pocket costs in exchange for a lower premium (or premium rebate as the case may be), and the potential implications of expanding the project (in conjunction with the potential inclusion of the original medicare fee-for-service program) to require medicare supplemental insurance plans operating in an area designated under the project to offer a coordinated and comparable standardized benefit package.

"(3) CONFORMING DEADLINES.—Any dates specified in the succeeding provisions of this section shall be delayed (as specified by the Secretary) in a manner consistent with the delay effected under paragraph (2)."; and

(2) in subsection (c)(1)(A)—

(A) by striking "and" at the end of clause (i); and

(B) by adding at the end the following new clause:

"(iii) establish beneficiary premiums for plans offered in such area in a manner such that a beneficiary who enrolls in an offered plan the per capita bid for which is less than the standard per capita government contribution (as established by the competitive pricing methodology established for such area) may, at the plan's election, be offered a rebate of some or all of the medicare part B premium that such individual must otherwise pay in order to participate in a Medicare+Choice plan under the Medicare+Choice program; and".

SEC. 534. EXTENSION OF MEDICARE MUNICIPAL HEALTH SERVICES DEMONSTRATION PROJECTS.

Section 9215(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended by section 6135 of the Omnibus Budget Reconciliation Act of 1989, section 13557 of the Omnibus Budget Reconciliation Act of 1993, and section 4017 of BBA, is amended by striking "December 31, 2000" and inserting "December 31, 2002".

SEC. 535. MEDICARE COORDINATED CARE DEMONSTRATION PROJECT.

Section 4016(e)(1)(A)(ii) of BBA (42 U.S.C. 1395b–1 note) is amended to read as follows:

"(ii) CANCER HOSPITAL.—In the case of the project described in subsection (b)(2)(C), the Secretary shall provide for the transfer from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Insurance Trust Fund under title XVIII of the Social Security Act (42 U.S.C. 1395i, 1395t), in such proportions as the Secretary determines to be appropriate, of such funds as are necessary to cover costs of the project, including costs for information infrastructure and recurring costs of case management services, flexible benefits, and program management.".

SEC. 536. MEDIGAP PROTECTIONS FOR PACE PROGRAM ENROLLEES.

(a) IN GENERAL.—Section 1882(s)(3)(B) (42 U.S.C. 1395ss(s)(3)(B)) is amended—

(1) in clause (ii), by inserting "or the individual is 65 years of age or older and is enrolled with a PACE provider under section 1894, and there are circumstances that would permit the discontinuance of the individual's enrollment with such provider under circumstances that are similar to the circumstances that would permit discontinuance of the individual's election under the first sentence of such section if such individual were enrolled in a Medicare+Choice plan" before the period;

(2) in clause (v)(II), by inserting "any PACE provider under section 1894," after "demonstration project authority,"; and

(3) in clause (vi)—

(A) by inserting "or in a PACE program under section 1894" after "part C"; and

(B) by striking "such plan" and inserting "such plan or such program".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to terminations or discontinuances made on or after the date of the enactment of this Act.

Subtitle D—Medicare+Choice Nursing and Allied Health Professional Education Payments

SEC. 541. MEDICARE+CHOICE NURSING AND ALLIED HEALTH PROFESSIONAL EDUCATION PAYMENTS.

(a) ADDITIONAL PAYMENTS FOR NURSING AND ALLIED HEALTH EDUCATION.—Section 1886 (42 U.S.C. 1395ww) is amended by adding at the end the following new subsection:

"(l) PAYMENT FOR NURSING AND ALLIED HEALTH EDUCATION FOR MANAGED CARE ENROLLEES.—

"(1) IN GENERAL.—For portions of cost reporting periods occurring in a year (beginning with 2000), the Secretary shall provide for an additional payment amount for any hospital that receives payments for the costs of approved educational activities for nurse and allied health professional training under section 1861(v)(1).

"(2) PAYMENT AMOUNT.—The additional payment amount under this subsection for each hospital for portions of cost reporting periods occurring in a year shall be an amount specified by the Secretary in a manner consistent with the following:

"(A) DETERMINATION OF MANAGED CARE ENROLLEE PAYMENT RATIO FOR GRADUATE MEDICAL EDUCATION PAYMENTS.—The Secretary shall estimate the ratio of payments for all hospitals for portions of cost reporting periods occurring in the year under subsection (h)(3)(D) to total direct graduate medical education payments estimated for such portions of periods under subsection (h)(3).

"(B) APPLICATION TO FEE-FOR-SERVICE NURSING AND ALLIED HEALTH EDUCATION PAYMENTS.—Such ratio shall be applied to the Secretary's estimate of total payments for nursing and allied health education determined under section 1861(v) for portions of cost reporting periods occurring in the year to determine a total amount of additional payments for nursing and allied health education to be distributed to hospitals under this subsection for portions of cost reporting periods occurring in the year; except that in no case shall such total amount exceed $60,000,000 in any year.

"(C) APPLICATION TO HOSPITAL.—The amount of payment under this subsection to a hospital for portions of cost reporting periods occurring in a year is equal to the total amount of payments determined under subparagraph (B) for the year multiplied by the Secretary's estimate of the ratio of the amount of payments made under section 1861(v) to the hospital for nursing and allied health education activities for the hospital's cost reporting period ending in the second preceding fiscal year to the total of such amounts for all hospitals for such cost reporting periods.".

(b) ADJUSTMENTS IN PAYMENTS FOR DIRECT GRADUATE MEDICAL EDUCATION.—Section 1886(h)(3)(D) (42 U.S.C. 1395ww(h)(3)(D)) is amended—

(1) in clause (i), by inserting ", subject to clause (iii)," after "shall equal";

(2) by redesignating clause (iii) as clause (iv); and

(3) by inserting after clause (ii) the following new clause:

"(iii) PROPORTIONAL REDUCTION FOR NURSING AND ALLIED HEALTH EDUCATION.—The Secretary shall estimate a proportional adjustment in payments to all hospitals determined under clauses (i) and (ii) for portions of cost reporting periods beginning in a year (beginning with 2000) such that the proportional adjustment reduces payments in an amount for such year equal to the total additional payment amounts for nursing and allied health education determined under subsection (l) for portions of cost reporting periods occurring in that year.".

Subtitle E—Studies and Reports

SEC. 551. REPORT ON ACCOUNTING FOR VA AND DOD EXPENDITURES FOR MEDICARE BENEFICIARIES.

Not later April 1, 2001, the Secretary of Health and Human Services, jointly with the Secretaries of Defense and of Veterans Affairs, shall submit to Congress a report on the estimated use of health care services furnished by the Departments of Defense and of Veterans Affairs to medicare beneficiaries, including both beneficiaries under the original medicare fee-for-service program and under the Medicare+Choice program. The report shall include an analysis of how best to properly account for expenditures for such services in the computation of Medicare+Choice capitation rates.

SEC. 552. MEDICARE PAYMENT ADVISORY COMMISSION STUDIES AND REPORTS.

(a) DEVELOPMENT OF SPECIAL PAYMENT RULES UNDER THE MEDICARE+CHOICE PROGRAM FOR FRAIL ELDERLY ENROLLED IN SPECIALIZED PROGRAMS.—

(1) STUDY.—The Medicare Payment Advisory Commission shall conduct a study on the development of a payment methodology under the Medicare+Choice program for frail elderly Medicare+Choice beneficiaries enrolled in a Medicare+Choice plan under a specialized program for the frail elderly that—

(A) accounts for the prevalence, mix, and severity of chronic conditions among such frail elderly Medicare+Choice beneficiaries;

(B) includes medical diagnostic factors from all provider settings (including hospital and nursing facility settings); and

(C) includes functional indicators of health status and such other factors as may be necessary to achieve appropriate payments for plans serving such beneficiaries.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit a report to Congress on the study conducted under paragraph (1), together with any recommendations for legislation that the Commission determines to be appropriate as a result of such study.

(b) REPORT ON MEDICARE MSA (MEDICAL SAVINGS ACCOUNT) PLANS.—Not later than 1 year after the date of the enactment of this Act, the Medicare Payment Assessment Commission shall submit to Congress a report on specific legislative changes that should be made to make MSA plans (as defined in section 1859(b)(3) of the Social Security Act, 42 U.S.C. 1395w–29(b)(3)) a viable option under the Medicare+Choice program.

SEC. 553. GAO STUDIES, AUDITS, AND REPORTS.

(a) STUDY OF MEDIGAP POLICIES.—

(1) IN GENERAL.—The Comptroller General of the United States (in this section referred to as the "Comptroller General") shall conduct a study of the issues described in paragraph (2) regarding medicare supplemental policies described in section 1882(g)(1) of the Social Security Act (42 U.S.C. 1395ss(g)(1)).

(2) ISSUES TO BE STUDIED.—The issues described in this paragraph are the following:

(A) The level of coverage provided by each type of medicare supplemental policy.

(B) The current enrollment levels in each type of medicare supplemental policy.

(C) The availability of each type of medicare supplemental policy to medicare beneficiaries over age 65½.

(D) The number and type of medicare supplemental policies offered in each State.

(E) The average out-of-pocket costs (including premiums) per beneficiary under each type of medicare supplemental policy.

(2) REPORT.—Not later than July 31, 2001, the Comptroller General shall submit a report to Congress on the results of the study conducted under this subsection, together with any recommendations for legislation that the Comptroller General determines to be appropriate as a result of such study.

(b) GAO AUDIT AND REPORTS ON THE PROVISION OF MEDICARE+CHOICE HEALTH INFORMATION TO BENEFICIARIES.—

(1) IN GENERAL.—Beginning in 2000, the Comptroller General shall conduct an annual audit of the expenditures by the Secretary of Health and Human Services during the preceding year in providing information regarding the Medicare+Choice program under part C of title XVIII of the Social Security Act (42 U.S.C. 1395w–21 et seq.) to eligible medicare beneficiaries.

(3) REPORTS.—Not later than March 31 of 2001, 2004, 2007, and 2010, the Comptroller General shall submit a report to Congress on the results of the audit of the expenditures of the preceding 3 years conducted pursuant to subsection (a), together with an evaluation of the effectiveness of the means used by the Secretary of Health and Human Services in providing information regarding the Medicare+Choice program under part C of title XVIII of the Social Security Act (42 U.S.C. 1395w–21 et seq.) to eligible medicare beneficiaries.

TITLE VI—MEDICAID

SEC. 601. INCREASE IN DSH ALLOTMENT FOR CERTAIN STATES AND THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—The table in section 1923(f)(2) (42 U.S.C. 1396r–4(f)(2)) is amended under each of the columns for FY 00, FY 01, and FY 02—

(1) in the entry for the District of Columbia, by striking "23" and inserting "32";

(2) in the entry for Minnesota, by striking "16" and inserting "33";

(3) in the entry for New Mexico, by striking "5" and inserting "9"; and

(4) in the entry for Wyoming, by striking "0" and inserting "0.1".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 1999, and applies to expenditures made on or after such date.

SEC. 602. REMOVAL OF FISCAL YEAR LIMITATION ON CERTAIN TRANSITIONAL ADMINISTRATIVE COSTS ASSISTANCE.

(a) IN GENERAL.—Section 1931(h) (42 U.S.C. 1396u–1(h)) is amended—

(1) in paragraph (3), by striking "and ending with fiscal year 2000"; and

(2) by striking paragraph (4).

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 114 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2177).

SEC. 603. MODIFICATION OF THE PHASE-OUT OF PAYMENT FOR FEDERALLY-QUALIFIED HEALTH CENTER SERVICES AND RURAL HEALTH CLINIC SERVICES BASED ON REASONABLE COSTS.

(a) MODIFICATION OF PHASE-OUT.—

(1) IN GENERAL.—Section 1902(a)(13)(C)(i) (42 U.S.C. 1396a(a)(13)(C)(i)) is amended by striking "90 percent for services furnished during fiscal year 2001, 85 percent for services furnished during fiscal year 2002, or 70 percent for services furnished during fiscal year 2003" and inserting "fiscal year 2001, or fiscal year 2002, 90 percent for services furnished during fiscal year 2003, or 85 percent for services furnished during fiscal year 2004".

(2) CONFORMING AMENDMENT TO END OF TRANSITIONAL PAYMENT RULES.—Section 4712(c) of BBA (111 Stat. 509) is amended by striking "2003" and inserting "2004".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of section 4712 of BBA (111 Stat. 508).

(b) GAO STUDY AND REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that evaluates the effect on Federally-qualified health centers and rural health clinics and on the populations served by such centers and clinics of the phase-out and elimination of the reasonable cost basis for payment for Federally-qualified health center services and rural health clinic services provided under section 1902(a)(13)(C)(i) of the Social Security Act (42 U.S.C. 1396a(a)(13)(C)(i)), as amended by section 4712 of BBA (111 Stat. 508) and subsection (a) of this section. Such report shall include an analysis of the amount, method, and impact of payments made by States that have provided for payment under title XIX of such Act for such services on a basis other than payment of costs which are reasonable and related to the cost of furnishing such services, together with any recommendations for legislation, including whether a new payment system is needed, that the Comptroller General determines to be appropriate as a result of the study.

SEC. 604. PARITY IN REIMBURSEMENT FOR CERTAIN UTILIZATION AND QUALITY CONTROL SERVICES; ELIMINATION OF DUPLICATIVE REQUIREMENTS FOR EXTERNAL QUALITY REVIEW OF MEDICAID MANAGED CARE ORGANIZATIONS.

(a) PARITY IN REIMBURSEMENT FOR CERTAIN UTILIZATION AND QUALITY CONTROL SERVICES.—

(1) INTERIM AMENDMENT TO REMOVE REFERENCES TO QUALITY REVIEW.—Section 1902(d) (42 U.S.C. 1396a(d)) is amended by striking "for the performance of the quality review functions described in subsection (a)(30)(C),".

(2) FINAL AMENDMENTS TO REMOVE REFERENCES TO QUALITY REVIEW.—

(A) SECTION 1902.—Section 1902(d) (42 U.S.C. 1396a(d)) is amended by striking "(including quality review functions described in subsection (a)(30)(C))".

(B) SECTION 1903.—Section 1903(a)(3)(C)(i) (42 U.S.C. 1396b(a)(3)(C)(i)) is amended by striking "or quality review".

(b) ELIMINATION OF DUPLICATIVE REQUIREMENTS FOR EXTERNAL QUALITY REVIEW OF MEDICAID MANAGED CARE ORGANIZATIONS.—

(1) IN GENERAL.—Section 1902(a)(30) (42 U.S.C. 1396a(a)(30)) is amended—

(A) in subparagraph (A), by adding "and" at the end;

(B) in subparagraph (B)(ii), by striking "and" at the end; and

(C) by striking subparagraph (C).

(2) CONFORMING AMENDMENT.—Section 1903(m)(6)(B) (42 U.S.C. 1396b(m)(6)(B)) is amended—

(A) in clause (ii), by adding "and" at the end;

(B) in clause (iii), by striking "; and" and inserting a period; and

(C) by striking clause (iv).

(c) EFFECTIVE DATES.—

(1) The amendment made by subsection (a)(1) applies to expenditures made on and after the date of the enactment of this Act.

(2) The amendments made by subsections (a)(2) and (b) apply as of such date as the Secretary of Health and Human Services certifies to Congress that the Secretary is fully implementing section 1932(c)(2) of the Social Security Act (42 U.S.C. 1396u–2(c)(2)).

SEC. 605. INAPPLICABILITY OF ENHANCED MATCH UNDER THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM TO MEDICAID DSH PAYMENTS.

(a) IN GENERAL.—The last sentence of section 1905(b) (42 U.S.C. 1396d(b)) is amended by inserting "(other than expenditures under section 1923)" after "with respect to expenditures".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 1999, and applies to expenditures made on or after such date.

SEC. 606. OPTIONAL DEFERMENT OF THE EFFECTIVE DATE FOR OUTPATIENT DRUG AGREEMENTS.

(a) IN GENERAL.—Section 1927(a)(1) (42 U.S.C. 1396r–8(a)(1)) is amended by striking "shall not be effective until" and inserting "shall become effective as of the date on which the agreement is entered into or, at State option, on any date thereafter on or before".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to agreements entered into on or after the date of enactment of this Act.

SEC. 607. MAKING MEDICAID DSH TRANSITION RULE PERMANENT.

(a) In General.—Section 4721(e) of BBA (42 U.S.C. 1396r–4 note) is amended—

(1) in the matter before paragraph (1), by striking "1923(g)(2)(A)" and "1396r–4(g)(2)(A)" and inserting "1923(g)(2)" and "1396r–4(g)(2)", respectively;

(2) in paragraphs (1) and (2)—

(A) by striking ", and before July 1, 1999"; and

(B) by striking "in such section" and inserting "in subparagraph (A) of such section"; and

(3) by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting "; and", and by adding at the end the following new paragraph:

"(3) effective for State fiscal years that begin on or after July 1, 1999, 'or (b)(1)(B)' were inserted in section 1923(g)(2)(B)(ii)(I) after '(b)(1)(A)'.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect as if included in the enactment of section 4721(e) of BBA.

SEC. 608. MEDICAID TECHNICAL CORRECTIONS.

(a) Section 1902(a)(64) (42 U.S.C. 1396a(a)(64)) is amended by adding "and" at the end.

(b) Section 1902(j) (42 U.S.C. 1396a(j)) is amended by striking "of of" and inserting "of".

(c) Section 1902(l) (42 U.S.C. 1396a(l)) is amended—

(1) in paragraph (1)(C), by striking "children children" and inserting "children";

(2) in paragraph (3), in the matter preceding subparagraph (A), by striking the first comma after "(a)(10)(A)(i)(VII)"; and

(3) in paragraph (4)(B), by inserting a comma after "(a)(10)(A)(i)(IV)".

(d) Section 1902(v) (42 U.S.C. 1396a(v)) is amended by striking "(1)".

(e) Section 1903(b)(4) (42 U.S.C. 1396b(b)(4)) is amended, in the matter preceding subparagraph (A), by inserting "of" after "for the use".

(f) The left margins of clauses (i) and (ii) of section 1903(d)(3)(B) (42 U.S.C. 1396b(d)(3)(B)) are each realigned so as to align with the left margin of section 1903(d)(3)(A).

(g) Section 1903(f)(2) (42 U.S.C. 1396b(f)(2)) is amended by striking the extra period at the end.

(h) Section 1903(i)(14) (1396b(i)(14)) is amended by adding "or" after the semicolon.

(i) Section 1903(m)(2)(A) (42 U.S.C. 1396b(m)(2)(A)) is amended—

(1) in clause (vi), by striking the semicolon the first place it appears; and

(2) by redesignating the clause (xi) added by section 4701(c)(3) of BBA (111 Stat. 493) as clause (xii).

(j) Section 1903(o) (42 U.S.C. 1396b(o)) is amended by striking "1974))" and inserting "1974)".

(k) Section 1903(w) (42 U.S.C. 1396b(w)) is amended—

(1) in paragraph (1)(B), by striking "puroses" and inserting "purposes";

(2) in paragraph (3)(B), by inserting a comma after "(D)"; and

(3) by realigning the left margin of clause (viii) in paragraph (7)(A) so as to align with the left margin of clause (vii) of that paragraph.

(l) Section 1905(b)(1) (42 U.S.C. 1396d(b)(1)) is amended by striking "per centum.," and inserting "per centum,".

(m) Section 1905(l)(2)(B) (42 U.S.C. 1936d(l)(2)(B)) is amended by striking "a entity" and inserting "an entity".

(n) The heading for section 1910 (42 U.S.C. 1396i) is amended by striking "OF" the first place it appears.

(o) Section 1915 (42 U.S.C. 1396n) is amended—

(1) in subsection (b), by striking "1902(a)(13)(E)" and inserting "1902(a)(13)(C)";

(2) in the last sentence of subsection (d)(5)(B)(iii), by striking "75" and inserting "65"; and

(3) in subsection (h), by striking "90 day" and inserting "90 days".

(p) Section 1919 (42 U.S.C. 1396r) is amended—

(1) in subsection (b)(3)(C)(i)(I), by striking "not later than" the first place it appears; and

(2) in subsection (d)(4)(A), by striking "1124" and inserting "1124)".

(q) Section 1920(b)(2)(D)(i)(I) (42 U.S.C. 1396r–1(b)(2)(D)(i)(I)) is amended by striking "329, 330, or 340" and inserting "330 or 330A".

(r) Section 1920A(d)(1)(B) (42 U.S.C. 1396r–1a(d)(1)(B)) is amended by striking "a entity" and inserting "an entity".

(s) Section 1923(c)(3)(B) (42 U.S.C. 1396r–4(c)(3)(B)) is amended by striking "patients." and inserting "patients,".

(t) Section 1925 (42 U.S.C. 1396r–6) is amended—

(1) in subsection (a)(3)(C), by striking "(i)(VI) (i)(VII).," and inserting "(i)(VI), (i)(VII),"; and

(2) in subsection (b)(3)(C)(i), by striking "(i)(IV) (i)(VI) (i)(VII).," and inserting "(i)(IV), (i)(VI), (i)(VII),".

(u) Section 1927 (42 U.S.C. 1396r–8) is amended—

(1) in subsection (g)(2)(A)(ii)(II)(cc), by striking "individuals" and inserting "individual's";

(2) in subsection (i)(1), by striking "the the" and inserting "the"; and

(3) in subsection (k)(7)—

(A) in subparagraph (A)(iv), by striking "distributers" and inserting "distributors"; and

(B) in subparagraph (C)(i), by striking "pharmaceuutically" and inserting "pharmaceutically".

(v) Section 1929 (42 U.S.C. 1396t) is amended—

(1) in subsection (c)(2), by realigning the left margins of clauses (i) and (ii) of subparagraph (E) so as to align with the left margins of clauses (i) and (ii) of subparagraph (F) of that subsection;

(2) in subsection (k)(1)(A)(i), by striking "settings." and inserting "settings),"; and

(3) in subsection (l), by striking "State wideness" and inserting "Statewideness".

(w) Section 1932 (42 U.S.C. 1396u–2) is amended—

(1) in subsection (c)(2)(C), by inserting "part" before "C of title XVIII"; and

(2) in subsection (d)—

(A) in paragraph (1)(C)(ii), by striking "Act" and inserting "Regulation"; and

(B) in paragraph (2)(B), by striking "1903(t)(3)" and inserting "1905(t)(3)".

(x) Section 1933(b)(4) (42 U.S.C. 1396u–3(b)(4)) is amended by inserting "a" after "for a month in".

(y)(1) The section 1908 (42 U.S.C. 1396g–1) that relates to required laws relating to medical child support is redesignated as section 1908A.

(2) Section 1902(a)(60) (42 U.S.C. 1396b(a)(60)) is amended by striking "1908" and inserting "1908A".

(z) Effective October 1, 2004, section 1915(b) (42 U.S.C. 1396n(b)) is amended, in the matter preceding paragraph (1), by striking "sections 1902(a)(13)(C) and" and inserting "section".

(aa) Effective as if included in the enactment of BBA—

(1) section 1902(a)(10)(A)(ii)(XIV) (42 U.S.C. 1396a(a)(10)(A)(ii)(XIV)) is amended by striking "1905(u)(2)(C)" and inserting "1905(u)(2)(B)";

(2) section 1903(f)(4) (42 U.S.C. 1396b(f)(4)) is amended, in the matter preceding subparagraph (A), by striking "1905(p)(1), or 1905(u)" and inserting "1902(a)(10)(A)(ii)(XIII), 1902(a)(10)(A)(ii)(XIV), or 1905(p)(1)"; and

(3) section 1905(a)(15) (42 U.S.C. 1396d(a)(15)) is amended by striking "1902(a)(31)(A)" and inserting "1902(a)(31)".

(bb) Except as otherwise provided, the amendments made by this section shall take effect on the date of enactment of this Act.

TITLE VII—STATE CHILDREN'S HEALTH INSURANCE PROGRAM (SCHIP)

SEC. 701. STABILIZING THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM ALLOTMENT FORMULA.

(a) In General.—Section 2104(b) (42 U.S.C. 1397dd(b)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking "through 2000" and inserting "and 1999"; and

(B) in clause (ii), by striking "2001" and inserting "2000";

(2) by amending paragraph (4) to read as follows:

"(4) Floors and Ceilings in State Allotments.—

"(A) In General.—The proportion of the allotment under this subsection for a subsection (b) State (as defined in subparagraph (D)) for fiscal year 2000 and each fiscal year thereafter shall be subject to the following floors and ceilings:

"(i) Floor of $2,000,000.—A floor equal to $2,000,000 divided by the total of the amount available under this subsection for all such allotments for the fiscal year.

"(ii) Annual Floor of 10 Percent Below Preceding Fiscal Year's Proportion.—A floor of 90 percent of the proportion for the State for the preceding fiscal year.

"(iii) Cumulative Floor of 30 Percent Below the FY 1999 Proportion.—A floor of 70 percent of the proportion for the State for fiscal year 1999.

"(iv) Cumulative Ceiling of 45 Percent Above FY 1999 Proportion.—A ceiling of 145 percent of the proportion for the State for fiscal year 1999.

"(B) Reconciliation.—

"(i) Elimination of Any Deficit by Establishing a Percentage Increase Ceiling for States With Highest Annual Percentage Increases.—To the extent that the application of subparagraph (A) would result in the sum of the proportions of the allotments for all subsection (b) States exceeding 1.0, the Secretary shall establish a maximum percentage increase in such proportions for all subsection (b) States for the fiscal year in a manner so that such sum equals 1.0.

"(ii) Allocation of Surplus Through Pro Rata Increase.—To the extent that the application of subparagraph (A) would result in the sum of the proportions of the allotments for all subsection (b) States being less than 1.0, the proportions of such allotments (as computed before the application of floors under clauses (i), (ii), and (iii) of subparagraph (A)) for all subsection (b) States shall be increased in a pro rata manner (but not to exceed the ceiling established under subparagraph (A)(iv)) so that (after the application of such floors and ceiling) such sum equals 1.0.

"(C) Construction.—This paragraph shall not be construed as applying to (or taking into account) amounts of allotments redistributed under subsection (f).

"(D) Definitions.—In this paragraph:

"(i) Proportion of Allotment.—The term 'proportion' means, with respect to the allotment of a subsection (b) State for a fiscal year, the amount of the allotment of such State under this subsection for the fiscal year divided by the total of the amount available under this subsection for all such allotments for the fiscal year.

"(ii) Subsection (b) State.—The term 'subsection (b) State' means one of the 50 States or the District of Columbia.";

(3) in paragraph (2)(B), by striking "the fiscal year" and inserting "the calendar year in which such fiscal year begins"; and

(4) in paragraph (3)(B), by striking "the fiscal year involved" and inserting "the calendar year in which such fiscal year begins".

(b) Effective Date.—The amendments made by this section apply to allotments determined under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) for fiscal year 2000 and each fiscal year thereafter.

SEC. 702. INCREASED ALLOTMENTS FOR TERRITORIES UNDER THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM.

Section 2104(c)(4)(B) (42 U.S.C. 1397dd(c)(4)(B)) is amended by inserting ", $34,200,000 for each of fiscal years 2000 and 2001, $25,200,000 for each of fiscal years 2002 through 2004, $32,400,000 for each of fiscal years 2005 and 2006, and $40,000,000 for fiscal year 2007" before the period.

SEC. 703. IMPROVED DATA COLLECTION AND EVALUATIONS OF THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM.

(a) Funding for Reliable Annual State-by-State Estimates on the Number of Children Who Do Not Have Health Insurance Coverage.—Section 2109 (42 U.S.C. 1397ii) is amended by adding at the end the following:

"(b) Adjustment to Current Population Survey To Include State-by-State Data Relating to Children Without Health Insurance Coverage.—

"(1) In general.—The Secretary of Commerce shall make appropriate adjustments to the annual Current Population Survey conducted by the Bureau of the Census in order to produce statistically reliable annual State data on the number of low-income children who do not have health insurance coverage, so that real changes in the uninsurance rates of children can reasonably be detected. The Current Population Survey should produce data under this subsection that categorizes such children by family income, age, and race or ethnicity. The adjustments made to produce such data shall include, where appropriate, expanding the sample size used in the State sampling units, expanding the number of sampling units in a State, and an appropriate verification element.

"(2) Appropriation.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated $10,000,000 for fiscal year 2000 and each fiscal year thereafter for the purpose of carrying out this subsection.".

(b) Federal Evaluation of State Children's Health Insurance Programs.—Section 2108 (42 U.S.C. 1397hh) is amended by adding at the end the following:

"(c) Federal Evaluation.—

"(1) In general.—The Secretary, directly or through contracts or interagency agreements, shall conduct an independent evaluation of 10 States with approved child health plans.

"(2) Selection of states.—In selecting States for the evaluation conducted under this subsection, the Secretary shall choose 10 States that utilize diverse approaches to providing child health assistance, represent various geographic areas (including a mix of rural and urban areas), and contain a significant portion of uncovered children.

"(3) Matters included.—In addition to the elements described in subsection (b)(1), the evaluation conducted under this subsection shall include each of the following:

"(A) Surveys of the target population (enrollees, disenrollees, and individuals eligible for but not enrolled in the program under this title).

"(B) Evaluation of effective and ineffective outreach and enrollment practices with respect to children (for both the program under this title and the medicaid program under title XIX), and identification of enrollment barriers and key elements of effective outreach and enrollment practices, including practices that have successfully enrolled hard-to-reach populations such as children who are eligible for medical assistance under title XIX but have not been enrolled previously in the medicaid program under that title.

"(C) Evaluation of the extent to which State medicaid eligibility practices and procedures under the medicaid program under title XIX are a barrier to the enrollment of children under that program, and the extent to which coordination (or lack of coordination) between that program and the program under this title affects the enrollment of children under both programs.

"(D) An assessment of the effect of cost-sharing on utilization, enrollment, and coverage retention.

"(E) Evaluation of disenrollment or other retention issues, such as switching to private coverage, failure to pay premiums, or barriers in the recertification process.

"(4) Submission to congress.—Not later than December 31, 2001, the Secretary shall submit to Congress the results of the evaluation conducted under this subsection.

"(5) Funding.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated $10,000,000 for fiscal year 2000 for the purpose of conducting the evaluation authorized under this subsection. Amounts appropriated under this paragraph shall remain available for expenditure through fiscal year 2002.".

(c) Inspector General Audit and GAO Report on Enrollees Eligible for Medicaid.—Section 2108 (42 U.S.C. 1397hh), as amended by subsection (b), is amended by adding at the end the following:

"(d) Inspector General Audit and GAO Report.—

"(1) Audit.—Beginning with fiscal year 2000, and every third fiscal year thereafter, the Secretary, through the Inspector General of the Department of Health and Human Services, shall audit a sample from among the States described in paragraph (2) in order to—

"(A) determine the number, if any, of enrollees under the plan under this title who are eligible for medical assistance under title XIX (other than as optional targeted low-income children under section 1902(a)(10)(A)(ii)(XIV)); and

"(B) assess the progress made in reducing the number of uncovered low-income children, including the progress made to achieve the strategic objectives and performance goals included in the State child health plan under section 2107(a).

"(2) State described.—A State described in this paragraph is a State with an approved State child health plan under this title that does not, as part of such plan, provide health benefits coverage under the State's medicaid program under title XIX.

"(3) Monitoring and report from GAO.—The Comptroller General of the United States shall monitor the audits conducted under this subsection and, not later than March 1 of each fiscal year after a fiscal year in which an audit is conducted under this subsection, shall submit a report to Congress on the results of the audit conducted during the prior fiscal year.".

(d) Coordination of Data Collection With Data Requirements Under the Maternal and Child Health Services Block Grant.—

(1) In general.—Paragraphs (2)(D)(ii) and (3)(D)(ii)(II) of section 506(a) (42 U.S.C. 706(a)) are each amended by inserting "or the State plan under title XXI" after "title XIX".

(2) Effective date.—The amendments made by paragraph (1) apply to annual reports submitted under section 506 of the Social Security Act (42 U.S.C. 706) for years beginning after the date of the enactment of this Act.

(e) Coordination of Data Surveys and Reports.—The Secretary of Health and Human Services, through the Assistant Secretary for Planning and Evaluation, shall establish a clearinghouse for the consolidation and coordination of all Federal databases and reports regarding children's health.

SEC. 704. REFERENCES TO SCHIP AND STATE CHILDREN'S HEALTH INSURANCE PROGRAM.

The Secretary of Health and Human Services or any other Federal officer or employee, with respect to any reference to the program under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) in any publication or other official communication, shall use—

(1) the term "SCHIP" instead of the term "CHIP"; and

(2) the term "State children's health insurance program" instead of the term "children's health insurance program".

SEC. 705. SCHIP TECHNICAL CORRECTIONS.

(a) Section 2104(b)(3)(B) (42 U.S.C. 1397dd(b)(3)(B)) is amended by striking "States." and inserting "States,".

(b) Section 2105(d)(2)(B)(iii) (42 U.S.C. 1397ee(d)(2)(B)(iii)) is amended by inserting "in" after "described".

(c) Section 2109(a) (42 U.S.C.1397ii(a)) is amended—

(1) in paragraph (1), by striking "title II" and inserting "title I"; and

(2) in paragraph (2), by inserting ")" before the period.

The Following is explanatory language on H.R. 3426, as introduced on November 17, 1999.

TITLE I—PROVISIONS RELATING TO PART A

Subtitle A-Adjustments to PPS Payments for Skilled Nursing Facilities (SNFs)

SEC. 101. TEMPORARY INCREASE IN PAYMENT FOR CERTAIN HIGH COST PATIENTS

Current law

The SNF prospective payment system (PPS) includes 44 hierarchical resource utilization groups (RUGs). The RUGs are utilized to formulate the per diem payments to SNFs on behalf of Medicare patients. The RUG payments represent the average cost for patients in each RUG category. During a phase-in starting in 1998, the per diem payment is based partially on the facility's specific costs and partially on a federal per diem rate.

H.R. 3075, as passed

Increases temporarily the federal per diem payment by 10% for 12 RUGs in the "Extensive Services," "Special Care," and "Clinically Complex" categories. Increased payments would be made from April 1, 2000 through September 30, 2000.

S. 1788, as reported

Increases temporarily the federal per diem payment by 25% for "Extensive Services" and "Special Care" categories and adds specified dollar amounts to per diem rates for five RUGs for rehabilitation therapies. Increased payments would be made from April 1, 2000 through September 30, 2001.

Agreement

The agreement includes the Senate provision with amendments. For SNF services furnished on or after April 1, 2000, and before the later of October 1, 2000, or implementation by the Secretary of Health and Human Services (hereafter referred to as "Secretary") of a refined RUG system, per diem payments are increased by 20% for 15 RUGs falling under categories for Extensive Services, Special Care, Clinically Complex, High Rehabilitation, and Medium Rehabilitation. It is the intent of the parties to the agreement that the implementation begin on

April 1, 2000, and that on this date, each payment shall increase by the required amount so that the facilities will receive payment authorized on April 1, 2000. In FY 2001 and 2002 the federal per diem payment to a facility is increased by 4% in each year, calculated exclusive of the 20% RUG rate increase.

SEC. 102. AUTHORIZING FACILITIES TO ELECT IMMEDIATE TRANSITION TO FEDERAL RATE

Current law

Payments to SNFs under the federal per diem RUG system are phased in over a period of time. Starting in 1998, a SNF receives per diem rates that are a blend of 75% of the facility-specific rate and 25% of the federal per diem rate. The proportions shift annually by 25 percentage points until the federal rate equals the full payment.

H.R. 3075, as passed

Permits SNFs to choose to receive payments based wholly on the federal per diem rate if that would be more advantageous to the facility; effective for elections made more than 60 days after enactment.

S. 1788, as reported

Permits SNFs to choose to receive payments based wholly on the federal per diem rate if that would be more advantageous to the facility; effective upon enactment.

Agreement

The agreement includes the House provision with modification. SNFs may elect immediate transition to the federal rate on or after December 15, 1999 for cost reporting periods beginning on or after January 1, 2000. There is no election for cost reporting periods beginning before January 1, 2000. SNFs may elect immediate transition up to 30 days after the start of their cost reporting period.

SEC. 103. PART A PASS-THROUGH PAYMENTS FOR CERTAIN AMBULANCE SERVICES, PROSTHESES, AND CHEMOTHERAPY DRUGS

Current law

SNF PPS payments are inclusive of ancillary services and drugs (except for renal dialysis services) needed by patients in specified RUGs.

H.R. 3075, as passed

Excludes certain items, starting April 1, 2000, from RUG payments. Provides separate payment for ambulance services for beneficiaries needing renal dialysis in a facility outside of the SNF, specific chemotherapy items and services, radioisotope services, and customized prosthetic devices delivered to the beneficiary during an inpatient SNF stay. Beginning with FY 2001, requires Secretary to reduce base RUG rates to account for exclusion of these items to ensure budget neutrality.

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision. The parties to the agreement include this provision in recognition that skilled nursing facilities (SNFs) from time to time experience high-cost, low probability events that could have devastating financial impacts because their costs far exceed the payment they receive under the prospective payment system (PPS). This provision is an attempt to exclude from the PPS certain services and costly items that are provided infrequently in SNFs. For example, in the case of chemotherapy drugs, Health Care Financing Administration (HCFA) physicians excluded specific chemotherapy drugs from the PPS because these drugs are not typically administered in a SNF, or are exceptionally expensive, or are given as infusions, thus requiring special staff expertise to administer. Some chemotherapy drugs, which are relatively inexpensive and are administered routinely in SNFs, were excluded from this provision.

While this provision exempts ambulance services for end-stage renal disease (ESRD) patients, the parties to the agreement note that, in many cases, regularly scheduled trips may be made in vehicles that are less costly than an Advanced or Basic Life Support ambulance, and the parties to the agreement urge that SNFs use these cost-saving services appropriately.

The parties to the agreement recognize that excluding services or items from the PPS by specifying codes in legislation may not be the most appropriate way to protect SNFs from extraordinary events. Additionally, some items may have been inadvertently excluded from the list. New, extremely costly items may come into use or codes may change over time. Therefore, the parties to the agreement expect the Secretary to use her authority to review periodically and modify, as needed, the list of excluded services and items to reflect changes in codes and developments in medical technology. The parties to the agreement also request the General Accounting Office (GAO) to review the codes of the excluded items and make recommendations on whether the criteria for their exclusion are appropriate by July 1, 2000.

Section 1888(e)(5)(A) of the Social Security Act directed the Secretary to establish a SNF market basket index (MBI) that "reflects the changes over time in the prices of an appropriate mix" of goods and services. The parties to the agreement believe that the Secretary should ensure that the current SNF MBI, as developed by the Secretary and based on Fiscal Year 1992 costs, fulfills this mandate. The parties to the agreement recognize that the Secretary revised and rebased the 1992 costs when developing the MBI; however, the Secretary should ensure that these types of modifications adequately reflect the costs of the efficient delivery of medically necessary new medications developed since 1992. Innovative medical research techniques, combined with significant technological advances, have led to the development of numerous new medications over the past seven years. The Secretary should ensure that these types of changes are represented in the current SNF MBI.

Accordingly, Congress expects the Secretary to: (1) evaluate the appropriateness of the SNF MBI with respect to medications used in the SNF population based on data from the first fiscal year after full implementation of the SNF PPS when they become available; (2) consider modification of the current SNF MBI as appropriate; and (3) ensure that the MBI continues to be responsive to new medications used by the SNF population.

SEC. 104. PROVISION FOR PART B ADD-ONS FOR FACILITIES PARTICIPATING IN THE NURSING HOME CASE MIX AND QUALITY (NHCMQ) DEMONSTRATION PROJECT

Current law

SNFs that had participated in the NHCMQ demonstration that preceded completion and implementation of the RUG/PPS do not have the cost of Part B services to their Medicare patients accounted for under the facility-specific component of the PPS during the transition period as do other SNFs.

H.R. 3075, as passed

Includes the cost of Part B services in the computation of the facility-specific component of the per diem payment during the transition to the federal per diem PPS for SNFs that had participated in the NHCMQ demonstration, including updates of the SNF market basket increase minus 1 percentage point, except for an increase in FY 2001 of the SNF market basket plus 0.8 percentage points. The provision becomes effective retroactively to implementation of the Balanced Budget Act of 1997 (BBA 97).

S. 1788, as reported

Similar to the House provision, with updates of the market basket increase minus 1 percentage point for cost reporting periods after 1997 and with allowances for exceptions payments.

Agreement

The agreement includes the House provision with a modification to keep the FY 2001 update at market basket minus 1 percentage point.

SEC. 105. SPECIAL CONSIDERATION FOR FACILITIES SERVING SPECIALIZED PATIENT POPULATIONS

Current law

No provision.

H.R. 3075, as passed

Provides temporarily for special per diem payments to be based 50% on the facility-specific rate and 50% on the federal rate for hospital-based SNFs: (1) that were certified for Medicare before July 1, 1992; (2) in 1998 served patients who were immuno-compromised secondary to an infectious disease; and (3) for which such patients accounted for more than 60% of the facility's total patient days in 1998. The special rates apply for the first cost reporting period starting after enactment and end on September 30, 2001. Requires the Secretary to assess and report within 1 year of enactment on the resource use of such patients and recommend whether permanent adjustments should be made to the RUGs in which they are classified.

S. 1783, as reported

Requires the Secretary to study and report to Congress within 1 year of enactment on alternative payment methods for SNFs specializing in caring for extremely high cost, chronically ill populations.

Agreement

The agreement includes the House provision.

SEC. 106. MEDPAC STUDY ON SPECIAL PAYMENT FOR FACILITIES LOCATED IN HAWAII AND ALASKA

Current law

No provision.

H.R. 3075, as passed

Requires the Medicare Payment Advisory Commission (MedPAC) to study and report within 18 months of enactment on the need for additional payments for SNFs in Alaska and Hawaii.

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision.

SEC. 107. STUDY AND REPORT REGARDING STATE LICENSURE AND CERTIFICATION STANDARDS AND RESPIRATORY THERAPY COMPETENCY EXAMINATIONS

Current law

No provision.

H.R. 3075, as passed

No provision.

S. 1788, as reported

Requires the Secretary to report within 1 year of enactment on variations in state licensure and certification standards for workers providing respiratory therapy in SNFs and to make recommendations regarding Medicare requirements for licensing or certification.

Agreement

The agreement includes the Senate provision with modification.

Subtitle B—PPS Hospitals

SEC. 111. MODIFICATION IN TRANSITION FOR INDIRECT MEDICAL EDUCATION (IME) PERCENTAGE ADJUSTMENT

Current law

Medicare pays teaching hospitals for its share of the direct costs of providing graduate medical education, and the indirect costs associated with approved graduate medical education programs. Prior to BBA 97, Medicare's indirect medical education (IME) payments increased 7.7% for each 10% increase in a hospital's ratio of interns and residents to beds. BBA 97 reduced the IME adjustment to 6.5% in FY 1999; to 6.0% in FY 2000 and to 5.5% in FY 2001 and subsequent years.

H.R. 3075, as passed

Freezes the IME adjustment at 6.0% for FY 2001 and then reduces the adjustment to 5.5% in FY 2002 and subsequent years.

S. 1788, as reported

Freezes the IME adjustment at 6.5% through FY 2003 and then reduces the adjustment to 5.5% in FY 2004 and subsequent years.

Agreement

The agreement includes the Senate provision with modifications. The IME adjustment would be frozen at 6.5% through FY 2000. The adjustment would be reduced to 6.25% in FY 2001 and then to 5.5% in FY 2002 and subsequent years.

The parties to the agreement include in this provision a special adjustment to achieve the 6.5 percent IME payment for the first six months of FY 2000. Because the PPS rates for FY 2000 were set prior to enactment and claims have already been paid at the IME percentage adjustment of 6.0 percent as mandated in the Balanced Budget Act of 1997, reverting to the 6.5 percent IME percentage adjustment provided in this legislation would require re-processing of beneficiary claims. Due to necessary Year 2000 computer adjustments, the Secretary is unable to make payment changes until April 1, 2000, thus requiring a special adjustment to accommodate the changes made under this section. To prevent reprocessing of over 5 million beneficiary claims and reissuing an FY 2000 PPS payment rule, the payment difference between a 6.0 and a 6.5 IME percentage adjustment will be accomplished through an aggregate adjustment to teaching hospital payments.

SEC. 112. DECREASE IN REDUCTIONS FOR DISPROPORTIONATE SHARE HOSPITALS; DATA COLLECTION REQUIREMENTS

Current law

Medicare makes additional payments to hospitals that serve a disproportionate share of low-income Medicare and Medicaid patients. BBA 97 reduced the disproportionate share hospital (DSH) payment formula by 1% in FY 1998; 2% in FY 1999; 3% in FY 2000; 4% in FY 2001; 5% in FY 2002 and 0% in FY 2003 and in each subsequent year.

H.R. 3075, as passed

Freezes the reduction in the DSH payment formula to 3% in FY 2001. Changes the reduction to 4% in FY 2002.

Requires the Secretary to collect hospital cost data on uncompensated inpatient and outpatient care, including non-Medicare bad debt and charity care as well as Medicaid and indigent care charges. Requires the submission of the data in cost reports for cost reporting periods beginning on or after the enactment date.

S. 1788, as reported

Freezes the reduction in the DSH payment formula to 3% in FY 2001.

Agreement

The agreement includes the House provision with modification by requiring the Secretary to have hospitals submit the data requested in cost reports for cost reporting periods beginning on or after October 1, 2001.

This provision eases the financial burden of hospitals caring for a disproportionate share of low-income individuals. In addition, the Secretary is required to collect additional data necessary to develop a DSH payment methodology that takes into account the cost of serving uninsured and underinsured patients, as recommended by MedPAC. Presently, the DSH formula is based only on the costs associated with Medicaid patients and Medicare patients eligible for Supplementary Security Income (SSI). MedPAC has recommended that the formula be amended to include inpatient and outpatient costs associated with services provided to low-income patients, defined broadly to include all care to the poor.

In order to develop such a revised formula, it is necessary first to collect additional data. MedPAC recommends that data be collected on patients enrolled in state and local indigent care programs, as well as uncompensated care associated with uninsured or underinsured patients. State and local indigent care programs would include non-federally financed programs with specific eligibility criteria for specified health care services. Financial data on state and local appropriations that offset uncompensated care expenses should also be collected. Uncompensated care costs and charges are those identified more typically as bad debt and charity care. While the parties to the agreement recognize that there may be problems in defining and appropriately measuring such costs and charges in a way that avoids duplication, such problems can best be overcome by developing standard definitions at the national level. The parties to the agreement expect the Secretary to report on the financial interactions and potential for shifts between Federal and State governments.

Subtitle C—PPS-Exempt Hospitals

SEC. 121. WAGE ADJUSTMENT OF PERCENTILE CAP FOR PPS-EXEMPT HOSPITALS

Current law

BBA 97 established a national cap on the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) limits for PPS-exempt hospitals at 75% of the target amount for that class of hospital.

H.R. 3075, as passed

Adjusts the labor-related portion of the 75% cap to reflect differences between the wage-related costs in the area of the hospital and the national average of such costs within the same class of hospitals beginning for cost reporting periods on or after October 1, 1999.

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision.

SEC. 122. ENHANCED PAYMENTS FOR LONG-TERM CARE AND PSYCHIATRIC HOSPITALS UNTIL DEVELOPMENT OF PROSPECTIVE PAYMENT SYSTEMS (PPS) FOR THOSE HOSPITALS

Current law

BBA 97 established the amount of bonus and relief payments for eligible PPS-exempt providers.

H.R. 3075, as passed

Increases the amount of continuous bonus payments to the eligible long-term care and psychiatric providers from 1% to 1.5% for cost reporting periods beginning on or after October 1, 2000 and before September 30, 2001 and 2% for cost reporting periods beginning on or after October 1, 2001 and before September 30, 2002.

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision.

SEC. 123. PER DISCHARGE PROSPECTIVE PAYMENT SYSTEM (PPS) FOR LONG-TERM CARE HOSPITALS

Current law

BBA 97 requires the Secretary to develop a legislative proposal for a PPS for long-term care hospitals that includes an adequate patient classification system by October 1, 1999.

H.R. 3075, as passed

Requires the Secretary to report to the appropriate Congressional committees by October 1, 2001 on a discharge-based PPS with an adequate patient classification system for long-term care hospitals which would be implemented in a budget-neutral fashion for cost reporting periods beginning on or after October 1, 2002. The Secretary may require such long-term care hospitals to submit information to develop the payment system.

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision. In developing and evaluating the new PPS system, the parties to the agreement encourage the Secretary to measure the quality of outcomes.

SEC. 124. PER DIEM PROSPECTIVE PAYMENT SYSTEM (PPS) FOR PSYCHIATRIC HOSPITALS

Current law

No provision.

H.R. 3075, as passed

Requires the Secretary to report to the appropriate Congressional committees by October 1, 2001 on a per diem-based PPS with an adequate patient classification system for psychiatric hospitals and distinct-part units which would be implemented in a budget-neutral fashion for cost reporting periods beginning on or after October 1, 2002. The Secretary may require such psychiatric hospitals and units to submit information to develop the system.

S. 1788, as reported

Requires the Secretary to report to Congress within 2 years of enactment on a PPS for psychiatric hospitals and units. The study should take into account the unique circumstances of psychiatric hospitals in rural areas.

Agreement

The agreement includes the House provision. The parties to the agreement are aware that changes to payments for psychiatric units and hospitals contained in this bill could affect the provision of mental health services in rural areas. Accordingly, the parties to the agreement request that MedPAC evaluate the impact of these changes and make recommendations if further modifications are needed to maintain the availability of rural hospitals to provide critical behavioral health services.

SEC. 125. REFINEMENT OF PROSPECTIVE PAYMENT SYSTEM (PPS) FOR INPATIENT REHABILITATION HOSPITALS

Current law

BBA 97 requires the Secretary to establish a case-mix adjusted prospective payment system (PPS) for rehabilitation hospitals and distinct-part units, effective beginning in FY 2001. PPS rates are to be phased-in between October 1, 2000 and before October 1, 2002 with an increasing percentage of the hospitals' payment based on the PPS amount. For FY 2001 and FY 2002, the Secretary is required to establish prospective payment amounts so that total payments for rehabilitation hospitals equal 98% of the amount that would have been paid if the PPS had not been enacted. The inpatient rehabilitation hospital/distinct-part unit PPS will be fully implemented by October 1, 2002.

H.R. 3075, as passed

Changes the phase-in requirements to permit rehabilitation facilities to elect to have their payment based entirely on the PPS amount in FY 2001 and FY 2002. Changes the budget neutrality requirement for FY 2001 and FY 2002 to account for the facilities that have elected to be fully reimbursed on the PPS amount during the transition period. Requires the Secretary, after obtaining substantially complete FY 2001 data, to analyze the extent to which changes in case-mix (or changes in the severity of illnesses) are attributable to changes in medical record coding and patient classification and do not reflect real changes in case-mix. Based on the analysis of the case-mix change attributable to coding and classification change, the Secretary shall adjust FY 2004 PPS rates by 150% of the estimate of the PPS percentage adjustment that would have achieved budget neutrality in FY 2001 if it had applied to setting the rates for that fiscal year. If this FY 2004 adjustment resulted in a percentage decrease in the rates, the Secretary shall increase the FY 2005 PPS rates by a percentage equal to 1/3 of such percentage decrease. If this FY 2004 adjustment resulted in a percentage increase in the rates, the Secretary shall decrease the FY 2005 PPS rates by a percentage equal to 1/3 of such percentage increase.

Requires the Secretary to base PPS on discharges. Requires the Secretary to establish classes of patient discharges of rehabilitation facilities by functional-related groups, based on impairment, age, comorbidities, and functional capability of the patient and such other factors as the Secretary deems appropriate to improve the explanatory power of Functional Independence Measure-Function Related Groups (FIMFRGs). Clarifies that the Secretary may adjust payments to account for the early transfer of a patient from a rehabilitation facility to another site of care. Requires the Secretary to submit a study to Congress not later than 3 years after the implementation of the PPS of its impact on utilization and access.

S. 1788, as reported

Bases the PPS on discharges classified according to functional-related groups based on impairment, age, comorbidities, and functional capability of the patient as well as other factors deemed appropriate to improve the explanatory power of FIMFRGs. Requires the Secretary to submit a study to Congress, not later than 2 years after implementation of PPS, of its impact on service utilization, beneficiary access, non-therapy ancillary services and other factors that the Secretary determines to be appropriate. The study should include legislative recommendations on payment adjustments as appropriate.

Agreement

The agreement includes the House provision with amendments.

SUBTITLE D—HOSPICE CARE

SEC. 131. TEMPORARY INCREASE IN PAYMENT FOR HOSPICE CARE

Current law

Hospice payments are based on one of four prospectively determined daily rates which correspond to levels of care. Before BBA 97, the rates were updated annually by the hospital market basket; BBA 97 reduced the updates to market basket minus 1 percentage point for FY 1999 through FY 2002 and required the Secretary to collect hospice cost data.

H.R. 3075, as passed

No provision.

S. 1788, as reported

Changes the hospice update to market basket minus 0.5 percentage point through FY 2002.

Agreement

The agreement includes the Senate provision with an amendment. For each of fiscal years 2001 and 2002, hospice payment rates (otherwise in effect for those years) are increased by 0.5 percent and 0.75 percent, respectively. The Secretary is prohibited from including these additional payments in the updates of payment rates after FY 2002.

SEC. 132. STUDY AND REPORT TO CONGRESS REGARDING MODIFICATION OF THE PAYMENT RATES FOR HOSPICE CARE

Current law

The Secretary is required to collect data from hospices on the costs of care provided for each fiscal year beginning with FY 1999.

H.R. 3075, as passed

No provision.

S. 1788, as reported

Requires the GAO to conduct a study on the feasibility and advisability of updating the hospice rates and certain capped payment amounts, including an evaluation of whether the cost factors used to determine the rates should be modified, eliminated, or supplemented with additional cost factors. The report and recommendation are to be submitted to Congress within 1 year of enactment.

Agreement

The agreement includes the Senate provision.

SUBTITLE E—OTHER PROVISIONS

SEC. 141. MEDPAC STUDY ON MEDICARE PAYMENT FOR NON-PHYSICIAN HEALTH PROFESSIONAL CLINICAL TRAINING IN HOSPITALS

Current law

BBA 97 required that, not later than 2 years after enactment, MedPAC submit to Congress a study of Medicare's graduate medical education payment policy and reimbursement methodologies including whether and to what extent payments are being made (or should be made) for training in nursing and other allied health professions.

H.R. 3075, as passed

Requires MedPAC, within 18 months of enactment, to submit to Congress a study of Medicare payment policy with respect to professional clinical training of different types of non-physician health care professionals (such as nurses, nurse practitioners, allied health professionals, physician assistants, and psychologists).

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision. The parties to the agreement recognize that MedPAC has considered non-physician clinical training in its report to the Congress on long-term policies for graduate medical education. However, the parties to the agreement require additional explicit information on Medicare's role in financing clinical training for non-physician health professionals. A continuation of the existing effort, combined with quantitative analysis, will provide the Congress with all aspects of Medicare's support for health professional training, including possible methodologies for making payments and the entities that should receive them.

The parties to the agreement are pleased that the Secretary, consistent with language included in the Conference Report (Report 105–217) of the Balanced Budget Act of 1997, is considering a proposal to initiate graduate medical education payments to institutions involved in the training of clinical psychologists. The parties to the agreement urge the Secretary to issue a notice of proposed rulemaking to accomplish this modification before June 1, 2000.

SUBTITLE F—TRANSITIONAL PROVISIONS

SEC. 151. EXCEPTION TO CMI QUALIFIER FOR ONE YEAR

Current law

The Secretary is authorized to allow for exceptions and adjustments to the amount paid under PPS for hospitals that act as regional or national referral centers for patients transferred from other hospitals. Generally, a referral center is located in a rural area, has at least 275 or more beds, can show that at least 50% of its Medicare patients are referred from other hospitals, and that at least 60% of its Medicare patients live more than 25 miles from the hospital or that 60% of all the services that the hospital furnishes to Medicare beneficiaries are furnished to those that live more than 25 miles from the hospital.

Alternatively, a hospital may meet certain other specified criteria including (1) a case-mix index above the national average or above the median case-mix value for urban hospitals located in that region; (2) a number of discharges greater than 5,000 or, if less, above the median number of discharges for urban hospitals in the region; (3) more than 50% of the hospital's active medical staff are specialists; (4) at least 60% of all its discharges are for patients who live more than 25 miles from the hospital; or (5) at least 40% of all patients treated at the hospital are referred from other hospitals or by physicians not on the hospital's staff. These referral centers receive preferential treatment in the Medicare inpatient PPS for the disproportionate share hospital payment adjustment and when considered for geographic reclassification.

H.R. 3075, as passed

No provision.

S. 1788, as reported

Deems that Northwest Mississippi Regional Medical Center meets the case-mix index criterion for classification as a referral center for FY 2000.

Agreement

The agreement includes the Senate provision.

SEC. 152. RECLASSIFICATION OF CERTAIN COUNTIES AND AREAS FOR PURPOSES OF REIMBURSEMENT UNDER THE MEDICARE PROGRAM

Current law

Medicare's inpatient hospital PPS payments vary by urban/rural classification and the geographic area where a hospital is located or to which a hospital is assigned.

H.R. 3075, as passed

No provision.

S. 1788, as reported

Deems that: Iredell County, NC is to be considered part of the Charlotte-Gastonia Rock Hill NC-SC Metropolitan Statistical Area (MSA); and Orange County, NY is to be considered part of the large urban area of New York, NY for discharges occurring on or after October 1, 1999.

Agreement

The agreement contains the Senate provision with modifications. For purposes of Medicare reimbursement, Lake County, Indiana and Lee County, Illinois are deemed to be considered part of the Chicago, Illinois MSA; Hamilton-Middletown, Ohio is deemed to be considered part of the Cincinnati, Ohio-Kentucky-Indiana MSA; Brazoria County, Texas is deemed to be considered part of the Houston, Texas MSA; and Chittenden County, Vermont is deemed to be considered part of the Boston-Worcester-Lawrence-Lowell-Brockton, Massachusetts-New Hampshire MSA. These counties would be reclassified for the purposes of the Medicare inpatient PPS in FY 2000 and FY 2001.

SEC. 153. WAGE INDEX CORRECTION

Current law

Medicare's inpatient hospital PPS payments are adjusted to reflect the wage level in the geographic area where a hospital is located or to which a hospital is assigned. Hospitals can only submit and correct wage data during specified times. All payment changes that result from changes to the wage data are implemented in a budget-neutral fashion.

H.R. 3075, as passed

No provision.

S. 1788, as reported

Requires the Secretary to recalculate and apply the Hattiesburg, MS MSA wage index for FY 2000 using FY 1996 wage and hour data for Wesley Medical Center. The Secretary is instructed to adjust PPS to take into account the corrected wage index.

Agreement

The agreement includes the Senate provision with modifications. The wage index recalculation would not affect the wage indices for any other areas.

SEC. 154. CALCULATION AND APPLICATION OF WAGE INDEX FLOOR FOR A CERTAIN AREA

Current law

Medicare's inpatient hospital PPS payments are adjusted to reflect the wage level in the geographic area where a hospital is located or to which a hospital is assigned. Hospitals can only submit and correct wage data during specified times. All payment changes that result from changes to the wage data are implemented in a budget-neutral fashion.

H.R. 3075, as passed

No provision.

S. 1788, as reported

No provision.

Agreement

The agreement would require the Secretary to calculate and apply the wage index for the Allentown-Bethlehem-Easton MSA for FY 2000 as if Lehigh Valley Hospital were classified in such area. Such recalculation would not affect the wage index for any other area. For FY 2001, Lehigh Valley Hospital would be treated as being classified to the Allentown-Bethlehem-Easton MSA.

SEC. 155. SPECIAL RULE FOR CERTAIN SKILLED NURSING FACILITIES

Current law

The SNF prospective payment system pays SNFs a per diem amount for all covered services provided to Medicare beneficiaries. During a transition period lasting through the three cost reporting periods beginning on or after July 1, 1998, a portion of the per diem payment to a SNF will be based on a facility-specific rate, and the remaining portion on a federal rate. By the end of the transition, 100% of the per diem payment will be based on the federal rate. Federal and facility-specific payments are based on updated 1995 cost reports.

H.R. 3075, as passed

No provision.

S. 1788, as reported

No provision.

Agreement

The agreement includes provisions to require the Secretary to establish for each cost reporting period beginning in FY 2000 and in FY 2001, special per diem payments for SNFs: (1) that began participation in the Medicare program before January 1, 1995; (2) for which at least 80 percent of total inpatient days of the facility in the cost reporting beginning in 1998 were comprised of persons entitled to Medicare; and (3) that are located in Baldwin or Mobile County, Alabama. The payment amount would be equal to 100 percent of the facility-specific rate, which would be based on allowable costs for the cost reporting period beginning in FY 1998.

TITLE II—PROVISIONS RELATING TO PART B

SEC. 201. OUTLIER ADJUSTMENT; TRANSITIONAL PASS-THROUGH FOR CERTAIN MEDICAL DEVICES, DRUGS, BIOLOGICALS

Current law

Under the hospital outpatient PPS, payments will be uniform for all patients undergoing a certain procedure in certain hospitals. Currently, beneficiaries pay 20% of charges for outpatient services. Under the outpatient PPS, beneficiary copayments will be limited to frozen dollar amounts based on 20% of the national median of charges for services in 1996, updated to the year of implementation of the PPS.

H.R. 3075, as passed

For certain high cost (or "outlier") patients, permits the Secretary to determine and provide additional payments to hospitals for each covered service for which the hospital's costs exceed a fixed multiple of the PPS amount, including any "transitional pass-through" payments and including other adjustments. The pool of funds for such outlier payments may not exceed 2.5% of total program costs in years before 2004 and 3.0% thereafter, but must be budget-neutral.

Allows for 2 to 3 years of payments to be made in addition to PPS payments ("transitional pass through" payments) for innovative medical devices, drugs, and biologicals, including orphan drugs, cancer therapy drugs and biologicals, and certain "new" medical devices, drugs, and biologicals. The pool of funds for such items would be 2.5% for years up to 2004 and 2% thereafter, but must be budget-neutral.

For the outpatient PPS, defines covered outpatient services to include implantable medical devices; gives the Secretary the option of basing the system's relative payment weights on the mean or the median of hospital costs.

Limits cost range of services and items (except for orphan drugs) comprising a cost group on which a prospective payment is based. Provides that beneficiary copayments will not reflect Medicare payments to hospitals for outlier costs or transitional pass through payments for certain drugs, biologicals, and devices.

S. 1788, as reported

Similar to House provision with additional transitional pass-through payments for radiopharmaceuticals.

Agreement

The agreement includes the House provision with amendments: the agreement includes a transitional pass-through of costs of radiopharmaceuticals. In addition, the agreement allows the Secretary to apply outlier payments for covered outpatient services furnished before January 1, 2002, for individual outpatient encounters, using an appropriate cost-to-charge ratio for the hospital rather than for the specific departments within the hospital.

It is the intent of the conferees that the phase-down in beneficiary coinsurance for hospital outpatient services enacted by the Balanced Budget Act of 1997 not be delayed further by any changes to the hospital outpatient prospective payment system included in this bill. The BBA 97 provision was intended to fix an anomaly in the law that resulted in Medicare beneficiaries paying more than 20 percent in coinsurance for hospital outpatient services. There has already been a one-year delay in the implementation of the BBA 97 provision. The conferees fully expect that the beneficiary coinsurance phase-down will commence, as scheduled, on July 1, 2000, and that beneficiary coinsurance for outpatient department (OPD) services will be frozen until it equals 20 percent of the Medicare OPD fee schedule amount, which should be determined without regard to any outlier adjustments, adjustments that limit payment declines, or transitional add-on payments.

The parties to the agreement believe that HCFA's plans for implementing the outpatient prospective payment system (PPS), as described in HCFA's September 7, 1998 proposed regulation, raise many concerns. The proposal: (1) fails to provide adjustments for high cost care; (2) does not adequately provide a transition to include medical devices, drugs and biologicals in the system, and; (3) will not be updated annually to keep pace with changes in technology and medical practice. The Committee is making several structural changes to improve the design of the outpatient PPS and to assure that patients are not denied access to needed care.

In the proposed regulation, HCFA classified many different services with varying costs into a single payment group. In one example, brachytherapy has been placed in a group with other procedures that are much less costly. This could provide disincentives to use this technology. The Committee believes that while some level of variation is unavoidable, there should not be wide variation that could potentially restrict access to the most costly services. To address this problem. this agreement would place an upper limit on the variation of costs among services included in the same group. The most costly item or service in a group could not have a mean or median cost that was more than twice the mean or median cost of the least costly item or service in the group. To provide additional flexibility, the parties to the agreement give the Secretary the option to base the relative payment weights on either the mean or median cost of the items and services in a group. Further. in classifying drugs and biologicals into payment categories. the parties to the agreement expect that consideration will be given to products that are therapeutically equivalent.

The parties to the agreement recognize that there may be unusual cases. such as low volume items and services. and the Secretary is given discretion to exempt these exceptional cases from the limitation. The parties expect that the Secretary would not use this exception to include orphan drugs in a group that contains very different resources.

In the proposed regulation. HCFA stated its intention not to update the payment groups and rates annually. This is different from the agency's process of annually updating the inpatient prospective payment system. Given the rapid pace of technological change as well as changes in medical practice. the parties to the agreement require the Secretary to review the outpatient payment groups and amounts annually and to update them as necessary.

BBA 97 gave the Secretary the discretion to make additional payments (called outlier payments) to hospitals for particularly costly cases. The parties to the agreement require the Secretary to make outlier payments in a budget neutral manner and in a similar way as is currently done in the inpatient PPS. The outlier pool would be established at any level up to 2.5 percent of total payments for the first three years under the new system. After the third year, the pool could be set at any level up to 3 percent of total payments.

While the statutory provisions for the inpatient PPS require an outlier pool equal to a level between 5 and 6 percent of total inpatient PPS payments. the Committee believes that the lower levels of 2.5 and 3.0 percent are more appropriate for the outpatient PPS because the outpatient PPS will make separate payments for most individual services performed during an outpatient encounter. The allowed upper limit on the size of the pool is increased after the third year because the need for outlier payments may increase after the temporary add-on payments for drugs and biologicals. described below. are replaced with a transitional provision that applies only to new products.

The parties to the agreement are concerned that HCFA's proposed payment system does not adequately address issues pertaining to the treatment of drugs. biologicals and new technology. The parties believe that these oversights could lead to restricted beneficiary access to drugs, biologicals and new technology. The provisions would establish transitional payments to cover the added costs of certain services involving the use of medical devices. drugs and biologicals. Hospitals using these drugs, biologicals and devices would be eligible for additional payments.

The duration of the transitional payment would be for a period of at least two years but not more than three years. For drugs, biologicals. and brachytherapy used in cancer therapy and orphan drugs. the period would begin with the implementation date of the outpatient PPS. This also would be the period applicable to medical devices first paid as an outpatient hospital service after 1996 but before implementation of the outpatient PPS (as well as for any other item or service eligible for the additional payments at the inception of the outpatient PPS because of insufficient data or use of the Secretary's discretion). For products first paid as an outpatient service after implementation of the outpatient PPS, the transitional payment would begin with the first date on which payment is made for the device. drug or biological as an outpatient hospital service and continue for at least two. but not more than three, years.

The parties to the agreement expect the Secretary to develop a process to address new devices, drugs and biologicals introduced after the outpatient fee schedule for a particular year has been set. This process should include assigning an appropriate code (or codes) to the product and establishing the amount of the add-on payment. New codes and add-on payment amounts should be made effective quarterly.

The amount of the additional payment to hospitals. before applying the limitation described below. should equal the amount specified for the new technology less the average cost included in the outpatient payment schedule for the existing technology. Specifically. for drugs and biologicals, the amount of the additional payment is the amount by which 95 percent of the Average Wholesale Price (AWP) exceeds the portion of the applicable outpatient fee schedule amount that the Secretary determines is associated with the drug or biological. Similarly. for new medical devices. the add-on payment is the amount by which the hospital's charges for the device. adjusted to cost. exceed the outpatient fee schedule amount associated with the device.

The total amount of additional pass-through payments in a year should not exceed a prescribed percentage of total projected payments under the outpatient prospective payment system. The applicable percentages are: (1) 2.5 percent for the first three years after implementation of the new outpatient payment system: and (2) up to 2.0 percent in subsequent years. In setting the hospital outpatient department (OPD) rates and add-on amounts for a particular year, the Secretary will estimate the total amount of additional payments that would be made based on the add-on amounts specified above and the expected utilization for each service. If the estimated total amount exceeds the percentage limitation. the Secretary will apply a pro rata reduction to the add-on payment amounts so that projected total payments are within the limitation.

The parties to the agreement believe that the current DMEPOS fee schedule is not appropriate for certain implantable items. since their use in the hospital setting involves the provision of services by the hospital. It is the parties' intent that payment for implantable medical items (for example, pacemakers. defibrillators, cardiac sensors, venous grafts, drug pumps, stents, neurostimulators. and orthopedic implants), as well as for items that come into contact with internal human tissue during invasive medical procedures (but are not permanently implanted), will be made through the outpatient PPS system—regardless of how these products might be classified on current HCFA fee schedules.

The parties to the agreement understand that the Secretary is committed to creating separate payment categories for blood. blood products, and plasma-based and recombinant therapies. The parties to the agreement continue to be concerned that the inadequate payment for these products and therapies could represent a barrier to patient access. Accordingly. the parties to the agreement expect the Secretary to carefully analyze potential patient access issues and create sufficient payment categories to adequately differentiate these products.

The agreement also requires the Secretary to conduct a study of intravenous immune globulin (IVIG) services in settings other than hospital outpatient departments and physicians' offices to be completed within 1 year of enactment. In addition, the agreement requires the Secretary to make recommendations on the appropriate manner and settings under which Medicare should pay for these services in such settings.

The parties to the agreement encourage the Secretary to examine Medicare policies regarding outpatient rehabilitation services (including cardiac and pulmonary rehabilitation services) in hospital outpatient departments and other ambulatory settings in light of advances in medical technology.

SEC. 202. ESTABLISHING A TRANSITIONAL CORRIDOR FOR APPLICATION OF OPD PPS

Current law

The hospital outpatient PPS is to be implemented in full and simultaneously for all services and hospitals (estimated for July 2000).

H.R. 3075, as passed

Provides payments in addition to PPS payments to a hospital during the first 3 years of the PPS if its PPS payments are less than the payments that would have been made prior to the PPS. During the first year, a hospital would receive an additional amount equal to 80% of the first 10% of the difference between its payments under the prior system and under the PPS. 70% of the next 10% of reduced payments. and 60% of the next 10%. If PPS payments are less than 70% of prior levels. the additional sum is 21% of the pre-BBA amount. During the second year. the payments as a proportion of reduced payments would change to 70% of the first 10% and 60% of the second 10%. If PPS payments are less than 80% of prior amounts the additional sum is 13% of the pre-BBA amount. In the third year, the payment would be 60% of the first 10% of reduced payments. and if the PPS payments are less than 90% of the prior amounts, the additional payment is 6% of the pre-BBA amount. These additional payments would be made through 2003.

Until January 1. 2004. for rural hospitals with fewer than 100 beds, provides special payments to bring payments to hospital outpatient departments up to their pre-PPS amounts if their PPS payments are less than under the prior system. Waives budget neutrality for these payments; applies BBA 97 beneficiary copayment rules. Requires the Secretary to report by July 1. 2002, on whether the outpatient PPS should apply to Medicare dependent small rural hospitals: sole community hospitals: rural health clinics: rural referral centers: rural hospitals with 100 or fewer beds: other rural hospitals as determined by the Secretary.

S. 1788, as reported

Requires the Secretary to increase payments under the hospital outpatient PPS in amounts such that the ratio of Medicare payments (after correction for the formula-driven overpayment) plus beneficiary copayments to hospital costs would be no less than 90%, 85%, and 80% of the ratio of the hospital's 1996 payments-to-costs in the first, second, and third years of the new system, respectively. Authorizes the Secretary to make interim payments to hospitals during these 3 years and to make subsequent retroactive adjustments. The budget neutrality requirement of the PPS is waived. For each year beginning in 2000, the Secretary is authorized to increase permanently PPS payments to Medicare dependent small rural hospitals, sole community hospitals, and cancer hospitals to amounts such that the ratio of Medicare payments plus beneficiary copayments to a hospital's costs would be not less than that ratio in 1996. Beneficiary copayment reductions in BBA 97 would be protected for care in these facilities. The BBA 97 budget neutrality requirements would be waived for these payments.

Agreement

The agreement includes the House and Senate provisions with amendments. The agreement includes the House corridor amounts and a temporary hold harmless provision for small rural hospitals with modifications. It also includes the Senate's permanent hold harmless provision for cancer hospitals under the PPS. For services furnished before January 1, 2004, by rural hospitals with not more than 100 beds, Medicare payments will equal 100% of the hospitals' pre-BBA outpatient payment amounts if their PPS amount is less than the pre-BBA amount. On a permanent basis, Medicare payments to cancer hospitals will equal 100% of their pre-BBA amount if their PPS amount is less than their pre-BBA amount. Pre-BBA amount is defined as the amount equal to the product of the reasonable cost of the hospital for such services for the portions of the hospital's cost reporting period (or periods) occurring in the year and the base OPD payment-to-cost ratio for the hospital, excluding formula-driven overpayments.

SEC. 203. STUDY AND REPORT TO CONGRESS REGARDING THE SPECIAL TREATMENT OF RURAL AND CANCER HOSPITALS IN PROSPECTIVE PAYMENT SYSTEM (PPS) FOR HOSPITAL OUTPATIENT DEPARTMENT SERVICES

Current law

No provision.

H.R. 3075, as passed

Requires the Secretary to submit a report and recommendations to Congress by July 1, 2002 on whether a hospital outpatient prospective payment system (PPS) should continue to apply to Medicare Dependent Hospitals, Sole Community Hospitals, rural health clinics, rural referral centers, and other rural hospitals.

S. 1788, as reported

Requires MedPAC to prepare a report to the Secretary of HHS and the Congress within 2 years of enactment regarding the feasibility and advisability of including cancer hospitals and rural hospitals in the outpatient PPS. After submission of the report, the Secretary shall submit comments on the report within 60 days.

Agreement

The agreement includes the Senate provision with modifications.

SEC 204. LIMITATION ON OUTPATIENT HOSPITAL COPAYMENT FOR A PROCEDURE TO THE HOSPITAL DEDUCTIBLE AMOUNT

Current law

When the hospital outpatient PPS is implemented, BBA 97 freezes beneficiary copayments at the dollar amount that is equal to 20% of national median changes for a procedure in 1996 updated to 1999 (or the year of implementation of the PPS).

H.R. 3075, as passed

Caps beneficiary copayments under the PPS for care and services in hospital outpatient departments to the dollar amount of the deductible for an inpatient hospital stay under Part A. Provides Medicare payments to make up the difference between the frozen copayment amount and the new limit. Effective retroactively to enactment of the BBA 97.

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision.

Subtitle B—Physician Services

SEC. 211. MODIFICATION OF UPDATE ADJUSTMENT FACTOR PROVISIONS TO REDUCE UPDATE OSCILLATIONS AND REQUIRE ESTIMATE REVISIONS

Current law

Payments to physicians are made on the basis of a fee schedule which assigns a relative value unit to each service. The conversion factor is a dollar figure that converts the geographically adjusted relative value into a dollar payment amount. This amount is updated each year. Beginning in 1999, the update percentage equals the Medicare Economic Index (MEI), subject to an adjustment to match actual spending to target spending for physicians services under the sustainable growth rate (SGR) system.

H.R. 3075, as passed

Makes technical changes to limit oscillations in the annual update to the conversion factor beginning in 2001 by: (a) requiring that future update adjustment factors be calculated using data measured on a calendar year basis; (b) modifying the formula for determining the update by adding a new component to the formula to measure past year variances from allowed spending growth; and (c) mitigating the year-to-year impact of these measures on the update by the addition of dampening multipliers. Provides for a budget-neutral transition to the revised system. Provides that the SGR is to be calculated on a calendar basis. Requires that an estimate of the conversion factor and SGR be made available to MedPAC and the public by March 1 of each year, MedPAC comments in its annual report, and final publication November 1. Requires the Secretary to use the best available data to revise prior SGR estimates for up to 2 years after the estimate is first published. Provides that provision would not apply to or affect any update for any year before 2001.

S. 1788, as reported

Nearly identical provision. In addition, requires the Secretary, acting through the Administrator of the Agency for Health Care Policy and Research, to conduct a study on the utilization of physicians services under the fee-for-service program.

Agreement

The agreement includes the House provision with Senate amendment to include the AHCPR study. With regard to physician supervision of anesthesia services under Medicare's Conditions of Participation, if the Secretary determines that there is insufficient current scientific data comparing mortality and adverse outcome rates in the provision of anesthesia services to Medicare patients, the Secretary should conduct a comparative outcome study and report back to the parties to the agreement. If the Secretary believes that she has sufficient mortality and quality information regarding the provision of anesthesia services by nurse anesthetists and anesthesiologists, then she could make the appropriate regulatory changes to ensure access to quality care for Medicare beneficiaries.

SEC. 212. USE OF DATA COLLECTED BY ORGANIZATIONS AND ENTITIES IN DETERMINING PRACTICE EXPENSE RELATIVE VALUES

Current law

The Social Security Act Amendments of 1994 (P.L. 103-432) required the Secretary to develop a methodology for a resource-based system for calculating practice expenses which would be implemented in calendar year 1998. BBA 97 delayed implementation of a resource-based practice expense methodology for a year, until 1999. BBA 97 also reduced certain practice expense relative value units in 1998. The new resource-based system is being phased-in beginning in calendar year 1999; 1998 is used as the base year for the calculation. Beginning in 2002, the values will be totally resource-based.

H.R. 3075, as passed

Requires the Secretary to establish by regulation a process (including data collection standards) under which the Secretary would accept for use and would use, to the maximum extent practicable and consistent with sound data practices, data collected by organizations and entities other than HHS. Requires a report to the Secretary on the process and the extent to which such data has been used.

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision. The parties to the agreement direct the Secretary to give fair consideration to data submitted by external entities. The parties to the agreement are particularly concerned about the instances when HCFA may not have adequate data for rate setting.

SEC. 213. GAO STUDY ON RESOURCES REQUIRED TO PROVIDE SAFE AND EFFECTIVE OUTPATIENT CANCER THERAPY

Current law

No provision.

H.R. 3075, as passed

Requires a study and report to Congress on resources required to provide safe and effective outpatient cancer therapy and the appropriate payment rates for such services.

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision. The parties to the agreement direct the Comptroller General to determine the adequacy of practice expenses associated with the utilization of outpatient cancer clinical resources, examine the current level of work values in the practice expense formula, and assess various standards to assure the provision of safe outpatient cancer therapy services. The parties to the agreement also direct the Comptroller General to submit to Congress a report on this study. As part of the study, the Comptroller General is directed to make recommendations regarding adjustments to practice expense values in effect under Part B of the Medicare program and the impact on program costs. In addition, the parties to the agreement encourage the Comptroller General to examine the variation in Medicare payments for these services in hospital and non-hospital settings.

SUBTITLE C—OTHER SERVICES

SEC. 221. REVISION OF PROVISIONS RELATING TO THERAPY SERVICES

Current law

BBA 97 set annual payment limits for all outpatient therapy services provided by non-hospital providers. There are two per beneficiary limits. The first is a $1,500 per beneficiary annual cap for all outpatient physical therapy services and speech language pathology services. The second is a $1,500 per beneficiary annual cap for all outpatient occupational therapy services. The Secretary is required to report to Congress by Jan. 1, 2001 on recommendations for establishing a revised payment policy based on diagnostic groups.

H.R. 3075, as passed

Creates separate $1,500 caps for physical therapy and speech-language pathology services which would be applied to services furnished on a per beneficiary, per facility (or provider) basis beginning in 2000. The cap on occupational therapy services would also be applied on a per beneficiary, per facility (or provider) basis. Directs the Secretary to establish a process so that a facility or provider may apply for an increase in the limitation for a beneficiary for services furnished in 2000 or 2001; limits additional payments to $40 million in FY2000, $60 million in FY2001, and $20 million in FY2002.

In addition, H.R. 3075 specifies that an optometrist may meet the physician supervision requirement for outpatient physical therapy services. Current law limits outpatient occupational therapy services to services furnished to individuals who are under the care of a medical doctor, doctor of osteopathy, or podiatrist. Persons suffering from low vision (visual impairments not correctable using conventional eyewear) may be under the care of either a medical doctor, doctor of osteopathy, or optometrist. The provision would clarify that rehabilitation services for these individuals may be covered when the patient is under the care of, and the treatment plan has been ordered by, either a medical doctor, doctor of osteopathy, or optometrist.

S. 1788, as reported

Provides that the cap would not apply in 2000 and 2001. Modifies current report to Congress to include recommendation for assuring appropriate utilization and incorporation of functional status in recommended payment modifications. Requires Secretary to study utilization patterns in 2000 compared to those in 1998 and 1999.

Agreement

The agreement includes the Senate provision with a modification requiring the Secretary to conduct focused medical reviews of therapy services during 2000 and 2001, with emphasis on claims for services provided to residents of SNFs.

The agreement also includes the House provision regarding optometrists and the supervision of outpatient physical therapy services. The parties to the agreement note that the extent to which these rehabilitation services are covered is a coverage decision made by carriers and the Health Care Financing Administration. Based on an agreement between organizations representing ophthalmology and optometry on appropriate low vision rehabilitation services, the parties to the agreement expect that referral for low vision rehabilitation services by optometrists would be limited to three codes—97530, 97535, and 97537.

SEC. 222. UPDATE IN RENAL DIALYSIS COMPOSITE RATE

Current law

Dialysis facilities providing care to beneficiaries with end-stage renal disease (ESRD) receive a fixed prospective payment amount for each dialysis treatment. The base composite rate is $126 for hospital-based providers and $122 for free-standing facilities.

H.R. 3075, as passed

Updates the composite rate by 1.2% for dialysis services furnished during CY2000 and an additional 1.2% for services furnished in CY2001. Requires a MedPAC study on the use of home dialysis services by Medicare beneficiaries.

S. 1788, as reported

Updates the rate for services furnished after October 1, 2000 by 2.0%.

Agreement

The agreement includes the House provision.

SEC. 223. IMPLEMENTATION OF THE INHERENT REASONABLENESS (IR) AUTHORITY

Current law

The Secretary has the authority to modify payment rates for Part B services (other than physicians services) if such rates (as determined by prevailing payment methodologies) are "grossly excessive or grossly deficient" and therefore inherently unreasonable. The Secretary is required, by regulation, to describe the factors to be used in making inherent reasonableness determinations. Interim final regulations describing such factors were issued January 7, 1998.

H.R. 3075, as passed

Prohibits the Secretary from exercising inherent reasonableness authority until after the Secretary has issued final rule-making. Specifies that final rule-making must be preceded by new proposed rule-making and a minimum 60-day public comment period.

S. 1788, as reported

Prohibits the Secretary from using inherent reasonableness authority until 90 days after the GAO issues a report regarding this issue.

Agreement

The agreement includes the House and Senate provisions with modifications to prohibit the Secretary from using inherent reasonableness authority until after (1) the GAO releases a report regarding the Secretary's recent use of the authority; and (2) the Secretary has published a notice of final rule-making in the Federal Register that responds to the GAO report and to comments received in response to the Secretary's interim final regulation published January 7, 1998. In promulgating the final regulation, the Secretary is required to (1) reevaluate the appropriateness of the criteria included in the interim regulation for identifying payments which are excessive or deficient; and (2) take appropriate steps to ensure the use of valid and reliable data when exercising the authority. The parties to the agreement believe that the inherent reasonableness authority provided by section 1842(b) should be administered judiciously and applied only after public concerns and suggestions about proposed administrative criteria have been openly addressed. Also, the rules should include an explanation of the Secretary's costing methodology which should be based on statistically reliable and relevant data.

SEC. 224. INCREASE REIMBURSEMENT FOR PAP SMEARS

Current law

Medicare pays for Pap smears under the clinical laboratory fee schedule.

H.R. 3075, as passed

Sets the minimum payment for the test component of a Pap smear at $14.60. Expresses Sense of Congress that HCFA should institute appropriate increases for new cervical cancer screening technologies approved by the FDA.

S. 1788, as reported

Similar payment provision, but does not include the language relating to the sense of Congress.

Agreement

The agreement includes the House provision.

SEC. 225. REFINEMENT OF AMBULANCE SERVICES DEMONSTRATION PROJECT

Current law

BBA 97 authorized a demonstration project under which a unit of local government could enter into a contract with the Secretary to furnish ambulance services for individuals living in the local government unit. Capitated payments in the first year are to equal 95% of the amount which would otherwise be payable. Requires on a capitated basis the Secretary to publish a request for proposals for the project by July 1, 2000. Specifies that the capitation rate is to be based on the most current data and that the aggregate payments do not exceed what would otherwise be paid.

H.R. 3075, as passed

Requires the Secretary to publish a request for proposals for the project by July 1, 2000. Specifies that the capitation rate is to be based on the most current data and that the aggregate payments do not exceed what would otherwise be paid.

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision.

SEC. 226. PHASE-IN OF PPS FOR AMBULATORY SURGICAL CENTERS (ASC)

Current law

Medicare payments for services in ASCs have been based on a fee schedule (a form of PPS) since such services were first covered by Medicare in 1982. On June 12, 1998, HCFA published proposed rules rebasing, regrouping, and revising ASC rates which are to be implemented with the hospital outpatient PPS. These new rates are based on 1994 survey data.

H.R. 3075, as passed

For ASC rates based on pre-1999 survey data, requires the new rates to be phased in over a period of at least three years. In the first year, new payment rates cannot exceed ⅓ of the payment totals made to an ASC; in the second year, new payment rates cannot exceed ⅔ of the payment totals made to an ASC.

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision. The parties to the agreement note that the data upon which HCFA's proposed payment system is based was collected in 1994 and that there have been substantial changes in costs and technologies associated with these procedures since that time. In addition, the parties to the agreement note that HCFA is now completing a new cost survey intended to yield more reliable information and encourages the Secretary to obtain adequate cost data for rate setting. Should

HCFA move forward with its new payment policy, this provision will ensure that the Agency has the flexibility necessary to implement the new ASC system over a period of three years or longer.

SEC. 227. EXTENSION OF MEDICARE BENEFITS FOR IMMUNOSUPPRESSIVE DRUGS

Current law

Medicare pays for drugs used in immunosuppressive therapy during the first 36 months following a Medicare covered organ transplant.

H.R. 3075, as passed

Requires the Secretary to provide for an extension of the 36-month time period. Prohibits any extension after September 30, 2004. Permits the Secretary to limit (or provide priority in) eligibility to those persons who because of income or other factors would be less likely to continue the regimen in the absence of the extension. Limits total expenditures under the extension to $40 million in FY2000 and $200 million overall. Requires a report on the operation of the extension.

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision with amendments. The extension would apply to beneficiaries whose benefits under current law expire during the 5-year period beginning January 1, 2000 and ending December 31, 2004. Beneficiaries who current law benefits are set to expire in 2000 would be provided an additional eight months of coverage. Those whose benefits are set to expire in calendar year 2001 would receive a minimum of eight months of additional coverage. Beginning in 2001, the Secretary would be required to compute and specify in May what period of such additional months (which may be portions of months) qualifying beneficiaries would receive in the following year. In May 2001, the Secretary could also extend the period of coverage provided in statute for 2001, if her actuarial estimates supported such an extension. The Secretary is required to compute additional months of coverage in such a manner as to limit total expenditures for the extension to $150 million over the 5-year period. The Secretary would be required to adjust the number of additional months of coverage specified for each year beginning in 2001 and ending 2004 to the extent necessary to take into account differences between actual and estimated expenditures and to assure compliance with the limitation on spending for the extension. The Secretary's computations for any given year is to be based on the best data available to her at the time of computation in the preceeding May. The additional months of coverage established for a given year would apply to an individual who exhausts their 36-month period of coverage during that year. The Secretary's report on the extension would be due March 1, 2003.

SEC. 228. TEMPORARY INCREASE IN PAYMENT AMOUNT FOR DURABLE MEDICAL EQUIPMENT (DME) AND OXYGEN

Current law

The DME fee schedules are updated annually by the CPI–U; BBA 97 eliminated the updates for 1998 through 2002.

H.R. 3075, as passed

Provides an update to the DME payments in 2001 and 2002 by the CPI minus 2 percentage points, for the 12-month period ending with June of the previous year.

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision, with a modification to provide temporary adjustments to the DME fee schedule payments equaling 0.3 percent in FY 2001 and 0.6 percent in FY 2002. The Secretary is prohibited from including the additional payments for FY 2001 and 2002 in updates for future years.

SEC. 229. STUDIES AND REPORTS

Current law

No provision.

H.R. 3075, as passed

Requires the following studies: (1) MedPAC study on cost-effectiveness of covering services of a post-surgical recovery center (that provides an intermediate level of recovery care following surgery); (2) AHCPR study comparing differences in the quality of ultrasound and other imaging services provided by credentialed individuals versus those provided by non-credentialed individuals; (3) MedPAC comprehensive study of the regulatory burdens placed on all classes of providers under fee-for-service Medicare and the associated costs; and (4) GAO monitoring of Department of Justice application of guidelines on use of False Claims Act in civil health care matters.

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision. The parties to the agreement are concerned that federal regulations governing health care providers participating in the Medicare program are overly complex and administratively burdensome. Therefore, the parties direct MedPAC to conduct a comprehensive study to review the regulatory burdens placed on all classes of health care providers under Parts A and B of the Medicare program. The purpose of the study is to determine the costs these burdens impose on the nation's health care system and the impact on patients and providers, and their ability to deliver cost-effective quality care to Medicare beneficiaries.

The parties to the agreement note that the Congress has expressed concern regarding the application of the False Claims Act (FCA) to Medicare billing errors that are the result of a complex regulatory system. The Department of Justice issued written guidance ("Guidance") to the United States Attorneys on the appropriate use of the FCA in health care investigations. In 1998, the Congress directed the General Accounting Office (GAO) to monitor the implementation of and compliance with the "Guidance" and report to Congress. The provision directs the GAO to continue its monitoring of the issue.

The parties to the agreement request that AHCPR focus its report on the role and the value of credentialing. In designing the study, the Administrator should consult with groups with expertise in ultrasound procedures, including the Society of Diagnostic Medical Sonographers, the Society of Vascular Technology, the American Society of Echocardiography and the American Registry of Diagnostic Medical Sonographers.

TITLE III—PROVISIONS RELATING TO PARTS A AND B

SUBTITLE A—HOME HEALTH SERVICES

SEC. 301. ADJUSTMENT TO REFLECT ADMINISTRATIVE COSTS NOT INCLUDED IN THE INTERIM PAYMENT SYSTEM; GAO REPORT ON COSTS OF COMPLIANCE WITH OASIS DATA COLLECTION REQUIREMENTS

Current law

Home health agency workers are required to collect clinical and social data on new home health patients using the standard Outcome and Assessment Information Set (OASIS) data collection instrument.

H.R. 3075, as passed

Authorizes payments to home health agencies of $10 for each beneficiary served during a cost reporting period beginning in FY 2000. By April 1, 2000, the Secretary shall pay an estimated 50% of the aggregate annual amount. The payments are to be made from the Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund as determined appropriate by the Secretary. Requires the GAO to report to Congress within 180 days of enactment on the cost of OASIS data collection and the effects on patient privacy. Requires the GAO to perform an audit of the costs of OASIS and report to Congress 180 days after the first cost and privacy report.

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision.

SEC. 302. DELAY IN APPLICATION OF 15 PERCENT REDUCTION IN PAYMENT RATES FOR HOME HEALTH SERVICES UNTIL 1 YEAR AFTER IMPLEMENTATION OF PROSPECTIVE PAYMENT SYSTEM (PPS)

Current law

PPS is to be designed to reduce Medicare payments to home health agencies by 15% from pre-PPS payments; if PPS is not implemented by October 1, 2000, payment limits per visit and per beneficiary are to be reduced by 15%.

H.R. 3075, as passed

Delays the 15% reduction in home health payments under the PPS until 12 months after implementation of the PPS. Total Medicare payments to home health agencies in the first year of the PPS shall be the same in total as would have been paid had the PPS not been in effect. The 15% reduction to begin 12 months after the start of the PPS shall be applied to the level of total payments in FY 2001 with updates. Within 6 months of implementation of the PPS, the Secretary shall report to Congress on the need for the 15% or other reduction.

S. 1788, as reported

Repeals the 15% reduction to the interim cost limits if PPS is not ready for implementation on October 1, 2000. Phases in the 15% reduction under the PPS by 5% over 3 years, starting in FY 2001.

Agreement

The agreement includes the House provision. The parties to the agreement encourage the Secretary to consider what changes would be necessary to provide home health care agencies with the flexibility to adopt new market innovations and new technologies that can improve health outcomes while maintaining the goals of quality of care and cost containment. The parties to the agreement also encourage the Secretary to eliminate barriers to the use of branch offices, by allowing the use of technology for means of supervision and oversight by the parent agency. The adequate level of onsite supervision from the parent agency should be determined based on quality outcomes.

SEC. 303. INCREASE IN PER BENEFICIARY LIMITS

Current law

Under the home health care interim payment system established in BBA 97, aggregate payments to home health agencies are computed using the least of reasonable costs, payments based on per visit limits (applied in the aggregate), or payments based on an average payment per beneficiary in FY 1994, with certain updates, applied in the aggregate. No limit applies to individual beneficiaries.

H.R. 3075, as passed

No provision.

S. 1788, as reported

Increases agency per beneficiary limits by 1% starting in October 1, 1999. The increase does not affect per visit limits and is not included in the payment base for establishing the PPS.

Agreement

The agreement includes the Senate provision with an amendment to raise the increase in per beneficiary limits for cost reporting periods beginning during or after FY 2000 by 2% for home health agencies with per beneficiary limits below the national median per beneficiary limit for agencies with cost reporting periods starting during or before FY 1994. This increase will not be included in the base on which payments under the home health PPS are determined.

SEC. 304. CLARIFICATION OF SURETY BOND REQUIREMENTS

Current law

Home health agencies must provide the Secretary on a continuing basis with a surety bond that is not less than $50,000. HCFA regulations require the bond to be not less than 15% of the agency's Medicare payments in the previous year.

H.R. 3075, as passed

Establishes the lesser of $50,000 or 10% of the agency's Medicare payments in the previous year as the annual amount of an agency's surety bond requirement. Requires the bond to be in effect for 4 years, or longer if agency ownership changes; prior periods covered by a bond may be counted. Coordinates Medicare and Medicaid surety bonds.

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision. The parties to the agreement encourage the Secretary to provide home health agencies with the opportunity to repay overpayments (due to incorrect interim payment system estimates) over a three-year period without interest costs.

SEC. 305. REFINEMENT OF HOME HEALTH AGENCY CONSOLIDATED BILLING

Current law

When the home health PPS is implemented, home health agencies will be responsible for billing Medicare and paying all other providers for services supplied on behalf of individual home health beneficiaries.

H.R. 3075, as passed

No provision.

S. 1788, as reported

Excludes durable medical equipment, including oxygen and oxygen supplies, from the consolidated billing requirement.

Agreement

The agreement includes the Senate provision.

SEC. 306. TECHNICAL AMENDMENT CLARIFYING APPLICABLE MARKET BASKET INCREASE FOR PROSPECTIVE PAYMENT SYSTEM (PPS)

Current law

When the home health PPS is in effect, the payments are to be updated in FY 2002 "or" 2003 by the market basket minus 1.1 percentage points.

H.R. 3075, as passed

Clarifies that the PPS market basket increase minus 1.1 percentage points applies to FY 2002 and FY 2003.

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision.

SEC. 307. STUDY AND REPORT TO CONGRESS REGARDING THE EXEMPTION OF RURAL AGENCIES AND POPULATIONS FROM INCLUSION IN THE HOME HEALTH PROSPECTIVE PAYMENT SYSTEM (PPS)

Current law

No provision.

H.R. 3075, as passed

No provision.

S. 1788, as reported

Requires MedPAC to report to Congress within 2 years on the feasibility and advisability of exempting rural home health agencies or services to individuals residing in rural areas from the home health PPS.

Agreement

The agreement includes the Senate provision.

SUBTITLE B—DIRECT GRADUATE MEDICAL EDUCATION

SEC. 311. USE OF NATIONAL AVERAGE PAYMENT METHODOLOGY IN COMPUTING DIRECT GRADUATE MEDICAL EDUCATION PAYMENTS

Current law

Medicare pays hospitals for its share of direct graduate medical education (DGME) costs in approved training programs using a hospital-specific historic cost per resident, updated for inflation and multiplied by a hospital's number of full-time equivalent (FTE) residents.

H.R. 3075, as passed

Establishes a national average per resident payment amount, adjusted for differences in area wages, starting on or after October 1, 2000. Hospitals would receive the greater of the national average per resident amount or a blended amount of the hospital-specific amount and the national average amount for a transition period for cost reporting periods on or after October 1, 2000 and before October 1, 2004. For cost reports starting on or after October 1, 2004, teaching hospitals would receive Medicare's share of a wage-adjusted national average per resident amount. The national per resident amount would be calculated using each hospital's combined primary care and non-primary care per resident amount, weighted by the number of full time equivalent residents in each hospital with an approved program, and standardized for differences in area wages. The amount would be calculated with data from cost reporting periods ending during FY 1997 updated by the CPI to the midpoint of the FY 2001 cost reporting period. Subsequent updates would be based on the CPI. During the transition period, a hospital with a wage index of less than 1.00 would not have its payment based on the national average adjusted by its area wage index.

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision with amendments. This provision establishes a direct graduate medical education payment methodology based on the national average per resident amount modified by the geographic adjustment factor (GAF) used to adjust physician payments, that is the weighted average of the three geographic practice cost indices (GPCIs) weighted by the national average percentage as published in the Federal Register on October 31, 1997. A national average per resident payment amount, based on FY 1997 data, would be calculated from each hospital's combined primary care and non-primary care per resident amounts and would be standardized by the average of the three geographic index values (weighted by the national average weight for each of the work, practice expense, and malpractice components) as applied for 1999 in the fee schedule in which the hospital is located. The national average per resident amount, standardized for locality, would be calculated using each hospital's amount weighted by the number of FTE residents and would be updated to FY 2001 by the consumer price index for urban areas (CPI).

Beginning during FY 2001, a lower bound would be calculated at 70% of the locality-adjusted, or standardized, national average per resident amount. An upper bound of 140% of the locality-adjusted national average per resident amount also would be calculated. Each hospital's FY 2001 per resident amount would then be compared to the upper and lower bounds adjusted by the GAF for the locality in which the hospital is situated. Hospitals with per resident amounts below 70% of the locality-adjusted threshold would have their per resident amounts increased to the 70% locality-adjusted threshold. Hospitals with per resident amounts that exceed 140% of their locality-adjusted upper bound would receive no update to their per resident amounts for two years (FY 2001 and FY 2002), and would receive updates of CPI minus two percentage points (but not below zero) for three years (FY 2003, FY 2004 and FY 2005). Hospitals with per resident amounts within the locality-adjusted boundaries of 70% and 140% would continue to be paid portions of their per resident amounts and would receive updates for inflation.

The parties to the agreement concur that the GAF seems to be an appropriate measure for adjusting per resident payment amounts, and represents an initial attempt to adjust for differences among geographic areas in the costs related to physician training. The parties to the agreement request that MedPAC study the use of the GAF for this purpose and, if appropriate, make recommendations by March 2002 on the development of a more sophisticated or refined index to adjust payment amounts for physician training.

SEC. 312. INITIAL RESIDENCY PERIOD FOR CHILD NEUROLOGY RESIDENCY TRAINING PROGRAMS

Current law

Each full-time intern and resident is counted as a 1.0 full time equivalent (FTE) resident during the initial residency period. After the initial residency period, a full-time resident can be counted only as 0.5 FTE for Medicare's direct graduate medical education payment. Generally, the initial residency period is the minimum number of years in which a resident must train to be eligible for certification in a medical specialty as listed in the American Medical Association's (AMA) Graduate Medical Education Directory. With a combined primary care specialty program, such as internal medicine-pediatrics, the initial residency period is defined as the minimum number of years for the longer of the two programs, plus one additional year. However, with a combined program where one of the programs is not primary care, then the initial residency period is based on the minimum years to qualify for the longer of the composite programs.

H.R. 3075, as passed

Establishes a 3-year period where an individual in a child neurology residency program shall be treated as part of the initial residency period and shall not be counted against any limitation of the initial residency period.

Requires MedPAC to include in its March 2001 report to Congress a recommendation on whether the initial residency period for other combined residency training programs should be extended.

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision with amendment. A resident enrolled in a child neurology residency training program would have a period of board eligibility and initial residency of the board eligibility for pediatrics plus 2 years. This provision would be effective on or after July 1, 2000 to residency programs that began before, on, or after the enactment of this division.

MedPAC would be required to include in its March 2001 report to Congress a recommendation on whether the initial residency period for other combined residency training programs should be extended.

SEC. 321. BBA TECHNICAL CORRECTIONS

H.R. 3075, as passed

Includes various technical corrections to the Balanced Budget Act of 1997.

S. 1788, as reported

Includes various technical corrections to the Balanced Budget Act of 1997.

Agreement

The agreement includes amendments to Medicare law that are needed as a result of the Balanced Budget Act of 1997.

TITLE IV—RURAL PROVIDER PROVISIONS

SUBTITLE A—RURAL HOSPITALS

SEC. 401. PERMITTING RECLASSIFICATION OF CERTAIN URBAN HOSPITALS AS RURAL HOSPITALS

Current law

Medicare's inpatient hospital PPS payments vary by urban/rural classification and the geographic area where a hospital is located or to which a hospital is reassigned. Several mechanisms within the Medicare program permit hospitals that meet certain criteria to apply to the Secretary to change their geographic designation.

H.R. 3075, as passed

Instructs the Secretary to treat certain urban hospitals as rural hospitals no later than 60 days after their application for such treatment if the hospitals: (1) are located in a rural census tract of a Metropolitan Statistical Area (as determined by the Goldsmith Modification published in the Federal Register on February 27, 1992); (2) are located in an area designated by State law or regulation as a rural area or designated by the State as rural providers; or (3) meet other criteria as the Secretary specifies. Permits otherwise qualifying urban hospitals to be classified as sole community hospitals, regional referral centers, rural referral centers, or national referral centers. Extends this rural designation for use in outpatient PPS. Updates other federal criteria used to designate rural providers.

Provides that a hospital in an urban area may apply to the Secretary to be treated as if the hospital were located in a rural area of the State in which the hospital is located. Hospitals qualifying under this section shall be eligible to qualify for all categories and designations available to rural hospitals, including sole community, Medicare dependent, critical access, and referral centers. Additionally, qualifying hospitals shall be eligible to apply to the Medicare Geographic Reclassification Review Board for geographic reclassification to another area. The Board shall regard such hospitals as rural and as entitled to the exceptions extended to referral centers and sole community hospitals, if such hospitals are so designated.

S. 1788, as reported

Provides alternative federal criteria to designate providers as rural.

Agreement

The agreement includes the House provision with clarification that the most recent Goldsmith Modification will be used.

SEC. 402. UPDATE OF STANDARDS APPLIED FOR GEOGRAPHIC RECLASSIFICATION FOR CERTAIN HOSPITALS

Current law

Section 1886(d)(8)(B) of the Social Security Act requires the Secretary to treat a hospital located in a rural county adjacent to one or more urban areas as being located in the urban Metropolitan Statistical Area (MSA) to which the greatest number of rural workers commute if the rural county's aggregate commuting rate (to all the contiguous MSAs) meets the standards for designating outlier counties to MSAs (and New England County Metropolitan Statistical Areas) that were published in the Federal Register on January 3, 1980.

H.R. 3075, as passed

Updates the standards which are used to classify hospitals located between two Metropolitan Statistical Areas (MSAs) from 1980 to 1990 census data and then to the most recently available decennial population data for FY 2003 and subsequent years. For FY 2000, the 1980 census data would be used. A transition is provided for discharges occurring during cost report periods during FY 2001 and 2002 for hospitals to choose between the standards published in 1980 and 1990. Beginning with cost reporting periods during FY 2003, standards would be based on the most recent decennial population data published by the Bureau of the Census as revised by the Office of Management and Budget. This provision is effective with discharges occurring during cost reporting periods beginning on or after October 1, 1999.

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision. The parties to the agreement believe that a transition period for hospitals that might be negatively affected by the change in the standard is appropriate.

SEC. 403. IMPROVEMENTS IN THE CRITICAL ACCESS HOSPITAL (CAH) PROGRAM

Current law

BBA 97 established criteria for a small, rural, limited service hospital to be designated as a critical access hospital (CAH). These are geographically remote, rural nonprofit or public hospitals that are certified by the state as a necessary provider and have hospital stays of no more than 96 hours except under certain circumstances.

H.R. 3075, as passed

Applies the 96-hour length of stay limitation on an average annual basis. Permits for-profit hospitals and hospitals that have closed within the past 10 years to be CAHs. Permits States to designate a facility as a CAH if the facility: (1) was a hospital that ceased operations on or after 10 years before enactment of this legislation; (2) is a State-licensed health clinic or health center; (3) was a hospital that was downsized to a health clinic or health center; and (4) meets the criteria for designation as a CAH. Permits CAHs to elect either a cost-based hospital outpatient service payment plus a fee schedule payment for professional services or an all-inclusive rate. Eliminates coinsurance for clinical laboratory tests. Clarifies CAH's ability to participate in the swing bed program.

S. 1788, as reported

Applies the 96-hour length of stay limitation on an average annual basis.

Agreement

The agreement includes the House provision.

SEC. 404. 5-YEAR EXTENSION OF MEDICARE DEPENDENT HOSPITAL (MDH) PROGRAM

Current law

Medicare dependent hospitals (MDH) are small rural hospitals, not classified as sole community hospitals, that treat relatively high proportions of Medicare patients. BBA 97 reinstated and extended the MDH program to FY 2001.

H.R. 3075, as passed

Extends the Medicare Dependent Hospital program through FY 2006.

S. 1788, as reported

Authorizes Medicare Dependent Hospitals to receive the market basket update in FY 2000 and subsequent years.

Extends the Medicare Dependent Hospital program through FY 2003.

Agreement

The agreement includes the House provision.

SEC. 405. REBASING FOR CERTAIN SOLE COMMUNITY HOSPITALS

Current law

Sole community hospitals are paid based on whichever of the following amounts yields the greatest Medicare reimbursement: (1) a hospital-specific amount based on its updated FY 1982 costs; (2) a hospital-specific amount based on its updated FY 1987 costs; or (3) the federal amount.

H.R. 3075, as passed

Permits sole community hospitals that are now paid the federal rate to transition over time to Medicare payment based on their FY 1996 costs.

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision.

SEC. 406. ONE-YEAR SOLE COMMUNITY HOSPITAL PAYMENT INCREASE

Current law

Sole community hospitals are paid based on whichever of the following amounts yields the greatest Medicare reimbursement: (1) a hospital-specific amount based on its updated FY 1982 costs; (2) a hospital-specific amount based on its updated FY 1987 costs; or (3) the federal amount.

H.R. 3075, as passed

No provision.

S. 1788, as reported

Provides for market basket update for sole community hospitals and Medicare Dependent Hospitals in FY 2000 and subsequent years.

Agreement

The agreement includes the Senate provision with modifications. Sole community hospitals will receive a market basket update for one year only for discharges occurring in FY 2001.

SEC. 407. INCREASED FLEXIBILITY IN PROVIDING GRADUATE PHYSICIAN TRAINING IN RURAL AND OTHER AREAS

Current law

BBA 97 limited the number of residents that a hospital may count for graduate medical education (GME) to the number of full-time equivalent residents recognized in the hospital's most recent cost reporting period ending on or before December 31, 1996.

H.R. 3075, as passed

Permits rural hospitals to increase their resident limits by 30% for direct graduate medical education payments for cost reporting periods starting on or after October 1, 1999 and indirect medical education payments for discharges occurring on or after October 1, 1999.

Permits non-rural facilities that operate separately accredited rural training programs in underserved rural areas, or that operate accredited training programs with integrated rural tracks, to increase their resident limits for purposes of calculating direct graduate medical education payments effective for cost reporting periods starting on or after October 1, 1999 and for indirect medical education payments effective for discharges occurring on or after October 1, 1999.

S. 1788, as reported

Expands the number of residents reimbursed by Medicare to those appointed by the hospitals for periods ending on or before December 31, 1996; allows hospitals with only one residency program to increase their resident count by one per year, up to a maximum of three; allows hospitals to count residents associated with new training programs established on or after January 1, 1995 and before September 30, 1999; gives special consideration to facilities that are not located in a rural area but have established separately accredited rural training tracks.

Provides an exception to the count of residents to include those who participated in GME at a Veterans Affairs (VA) facility and were subsequently transferred on or after January 1, 1997 and before July 31, 1998 to the hospital because the program would lose accreditation if residents were trained at the VA facility. If the Secretary determines that the hospital is owed retroactive payments, these payments shall be made within 60 days of enactment.

Agreement

The agreement includes the House provision with amendment. It would allow hospitals to increase the number of primary care residents that it counts in the base year limit by up to 3 full-time equivalent residents if those individuals were on maternity, disability, or a similar approved leave of absence. The provision also permits non-rural facilities that operate separately accredited rural training programs in rural areas, or that operate accredited training programs with integrated rural tracks, to receive direct graduate medical education and indirect medical education payments for cost reporting periods beginning on of after April 1, 2000 and for discharges occurring on or after April 1, 2000. In addition, the agreement includes the Senate provision regarding an exception to the count of residents to include those who participated in GME at a Veterans Affairs (VA) facility and were subsequently transferred.

SEC. 408. ELIMINATION OF CERTAIN RESTRICTIONS WITH RESPECT TO HOSPITAL SWING BED PROGRAM

Current law

Medicare permits certain rural hospitals with fewer than 50 beds to use their inpatient facilities, as necessary, to furnish long-term care services. Rural hospitals with less than 100 beds can operate swing beds under certain circumstances.

H.R. 3075, as passed

Eliminates requirement that States review the need for swing beds through the Certificate of Need (CON) process. Constraints on length of stay are also eliminated.

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision.

SEC. 409. GRANT PROGRAM FOR RURAL HOSPITAL TRANSITION TO PROSPECTIVE PAYMENT

Current law

BBA 97 replaced and modified the existing Essential Access Community Hospital (EACH) program. The Secretary was authorized to award grants for certain limited purposes.

H.R. 3075, as passed

Permits rural hospitals with fewer than 50 beds to apply for grants not to exceed $50,000 for meeting the costs of implementing data systems required to meet BBA 97 amendments. A hospital receiving a grant may use the funds for the purchase of computer software and hardware, for the education and training of hospital staff, and costs related to the implementation of PPS systems. Requires the Secretary to report to Congressional committees at least annually on the grant program including the number of grants, the nature of projects that are funded, the geographic distribution of the grant recipients, and other matters that are deemed appropriate. Requires the Secretary to submit a final report no later than 180 days after the completion of all projects funded by such grants.

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision.

SEC. 410. GAO STUDY ON GEOGRAPHIC RECLASSIFICATION

Current law

No provision.

H.R. 3075, as passed

Requires the GAO to submit a report to Congress no later than 18 months after enactment on the current laws and regulations for geographic reclassification of hospitals under Medicare. The purpose of the GAO study is to determine the need for geographic reclassification, whether reclassification is appropriate for the application of wage indices, and whether reclassification results in more accurate payments to all hospitals. The study shall evaluate: (1) the magnitude of the effect of geographic reclassification on rural hospitals that do not reclassify; (2) whether the current thresholds used in geographic reclassification assign hospitals to appropriate labor markets; (3) the effect of eliminating geographic reclassification through the use of data on occupational mix; (4) the group reclassification process; (5) changes in the number of reclassifications and the compositions of the groups; (6) the effect of State-specific budget neutrality compared to national budget neutrality; and (7) whether there are sufficient controls over the intermediary evaluation of wage data reported by hospitals.

S. 1788, as reported

Requires the Secretary, in consultation with the Medicare Geographic Classification Review Board, to conduct a study to determine whether acute hospital PPS payment rates are an adequate proxy for the costs of inpatient hospital services and whether the standard for county-wide geographic reclassification needs to be updated or revised.

Agreement

The agreement includes the House provision. The parties to the agreement note that in recent years the geographic reclassification process and the increasing number of special designations for groups of hospitals have resulted in a system that is administratively cumbersome. In addition, the system, which relies on exceptions and waivers, lacks consistency and undermines the ability of hospitals to implement long-term planning. Most hospitals are required to reapply annually for geographic reclassification with no certainty that they will receive the desired wage index or standardized amount.

The parties to the agreement expect the GAO study to assess the background, rationale, and analytic justification for the current rural definitions and exceptions process. The parties to the agreement hope that this report will be an important tool in helping the Congress craft a more objective and equitable approach to Medicare payment for rural hospitals. This will only become more critical as the Congress considers extending geographic reclassification to other types of prospective payment systems. The parties to the agreement specifically ask the GAO to consider in its analysis whether the geographic reclassification process should be extended to other types of providers, particularly to skilled nursing facilities.

SUBTITLE B—OTHER RURAL PROVISIONS

SEC. 411. MEDPAC STUDY OF RURAL PROVIDERS

Current law

No provision.

H.R. 3075, as passed

Requires MedPAC to conduct a study of rural providers, evaluate the adequacy and appropriateness of the categories of special Medicare payments (and payment methodologies) for rural hospitals, and their impact on beneficiary access and quality of health services. MedPAC shall submit its recommendations to Congress no later than 18 months after the date of enactment.

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision.

SEC. 412. EXPANSION OF ACCESS TO PARAMEDIC INTERCEPT SERVICES IN RURAL AREAS

Current law

BBA 97 authorized coverage of advanced life support (ALS) services provided by a paramedic intercept service provider in a rural area when medically necessary for the individual being transported and provided under contract with one or more qualified volunteer ambulance services. The volunteer ambulance service is certified, provides only basic life support services, and is prohibited by State law from billing for any services. The entity supplying the advanced life support services is Medicare-certified and bills all recipients who receive ALS services, regardless of whether the recipients are Medicare-eligible.

H.R. 3075, as passed

Expands the areas to be treated as rural areas to include those designated as rural areas by any State law or regulation or those located in a rural census tract of a Metropolitan Statistical Area (as determined under the Goldsmith Modification, published in the Federal Register on February 27, 1992).

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision with modification to clarify that the most recent Goldsmith Modification should be used. The parties to the agreement believe that a State-determined designation of a rural area or an area located in a rural census tract of a Metropolitan Statistical Area should be acceptable for purposes of expanding access to paramedic intercept services.

SEC. 413. PROMOTING PROMPT IMPLEMENTATION OF INFORMATICS, TELEMEDICINE, AND EDUCATION DEMONSTRATION PROJECT

Current law

BBA 97 authorized Medicare payment for professional consultations via telecommunications systems to beneficiaries residing in rural areas designated as health professional shortage areas (HPSA). HPSAs encompass either a full county or part of a county. BBA 97 also authorized a telehealth demonstration project for beneficiaries with diabetes mellitus in medically underserved rural or inner-city areas.

H.R. 3075, as passed

Requires the Secretary to award without additional review the diabetes mellitus demonstration project no later than 3 months after enactment to the best technical proposal as of the bill's enactment date. Clarifies that qualified medically underserved rural or urban inner-city areas are federally-designated medically underserved areas or HPSAs at the time of enrollment in the project. Changes the project's data requirements. Limits beneficiary cost sharing.

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision.

TITLE V—PROVISIONS RELATING TO PART C (MEDICARE+CHOICE PROGRAM) AND OTHER MEDICARE MANAGED CARE PROVISIONS

SUBTITLE A—PROVISIONS TO ACCOMMODATE AND PROTECT MEDICARE BENEFICIARIES

SEC. 501. CHANGES IN MEDICARE+CHOICE ENROLLMENT RULES

Current law

Beneficiaries enrolled in a Medicare+Choice (M+C) plan that terminates its contract with HCFA are guaranteed access to certain Medicare supplemental insurance policies (i.e. "Medigap" policies) offered in their area of residence if they sign up within 63 days of their Medicare+Choice plan termination.

In addition, beneficiaries, at their election, may enroll or disenroll from a M+C plan offered in their area any time during the year. Beginning in 2002, however, beneficiaries generally will be able to enroll in a M+C plan or change plans only during an annual, month-long, open enrollment period.

If a M+C plan withdrawals from a M+C payment area (typically a county), enrollees who reside in that county may only elect to retain their enrollment in the plan (and travel to neighboring counties to obtain covered services) in certain circumstances.

H.R. 3075, as passed

Specifies that an individual who is enrolled in a M+C plan that announces its intention to withdrawal from the M+C program may elect to exercise their guaranteed issue rights with (respect to obtaining a Medicare supplemental insurance policy) within 63 days of being notified of the plan's intention to terminate.

Permits continuous open enrollment in M+C plans after 2002 for institutionalized beneficiaries. Permits a plan leaving a M+C payment area (typically a county) to offer enrollees in that county the option of continuing enrollment in the plan, so long as they agree to obtain all basic services through plan providers located in other counties.

S. 1788, as reported

Similar provision regarding Medigap special election period.

Agreement

The agreement includes the House provision with a modification clarifying that the continuous open enrollment provisions for the institutionalized only permit enrollment in a M+C plan or changing from one M+C plan to another.

SEC. 502. CHANGE IN EFFECTIVE DATE OF ELECTIONS AND CHANGES OF ELECTIONS OF MEDICARE+CHOICE PLANS

Current law

Medicare+Choice plan enrollees may elect to disenroll from their M+C plan at any time, and either switch to another M+C plan offered in their area or elect to obtain benefits through the fee-for-service Medicare program. Beginning in 2002, generally enrollees will be only be able to change coverage options once a year.

H.R. 3075, as passed

No provision.

S. 1788, as reported

Specifies that any request to enroll in or disenroll from a M+C plan made after the 10th of the month will not be effective until the first day of the second calendar month thereafter.

Agreement

The agreement includes the Senate provision.

SEC. 503. 2-YEAR EXTENSION OF MEDICARE COST CONTRACTS

Current law

Prior to enactment of BBA 97, beneficiaries were able to enroll in organizations with cost contracts. BBA 97 specified that cost-based contracts could not be renewed after December 31, 2002.

H.R. 3075, as passed

Extends the cost contract program through 2004.

S. 1788, as reported

Similar provision. However, after December 31, 2003, no new persons could enroll in a plan.

Agreement

The agreement includes the House provision.

SUBTITLE B—PROVISIONS TO FACILITATE IMPLEMENTATION OF THE MEDICARE+CHOICE PROGRAM

SEC. 511. PHASE-IN OF NEW RISK ADJUSTMENT METHODOLOGY; STUDIES AND REPORTS ON RISK ADJUSTMENT

Current law

Currently, M+C payments to plans are adjusted using only demographic factors, including age, gender, coverage by Medicaid, institutionalized status, and working status. The law requires implementation of a risk adjustment payment methodology based on health status, effective January 1, 2000.

The Secretary has proposed use of the principal inpatient diagnostic cost groups (PIP–DCG) method of risk adjustment, which is based on diagnoses of beneficiaries with an inpatient hospitalization as well as demographic characteristics.

The Secretary has proposed a phase-in of the new risk adjustment methodology by blending the current demographic method with the new PIP–DCG method. The proposed phase-in schedule would be:

Year	Demographics	PIP–DCG
2000	90 percent	10 percent
2001	70 percent	30 percent
2002	45 percent	55 percent
2003	20 percent	80 percent

A new comprehensive risk adjustment method based on inpatient and other settings would be used beginning in 2004.

H.R. 3075, as passed

The phase-in schedule is modified as follows:

Year	Demographic	Health status
2000	90 percent	10 percent
2001	90 percent	10 percent
2002	80 percent	20 percent
2003	70 percent	30 percent

Beginning in 2004, M+C rates would be adjusted by a risk adjuster based 100% on data from multiple settings.

S. 1788, as reported

The Senate phase-in would be identical to the House provision from 2000 through 2003.

In 2004, the risk adjuster would be 45% demographic/55% health status based, with 67% of health status rate based on data from inpatient settings and 33% based on data from inpatient and other settings. In 2005, it would be 20% demographic/80% health status based, with 33% of health status rate based on data from inpatient settings and 67% on data from inpatient and other settings. Beginning in 2006, 100% of the risk adjuster would be based health status data, and be completely determined using data from inpatient and other settings.

Exempts frail elderly beneficiaries enrolled in EverCare demonstration projects for the frail elderly from the new risk adjustment system in 2000.

Requires Secretary to: (a) conduct a study on the effects, costs, and feasibility of requiring fee-for-service providers and entities to comply with quality standards and related reporting requirements which are comparable to those required for M+C plans; and (b) study and report to Congress regarding data submissions used to establish risk adjustment methodology under M+C.

Agreement

The agreement includes the identical House/Senate provisions for 2000–2002, only. The parties to the agreement note that in 1997, when Congress required the Secretary to develop a risk adjuster for

Medicare+Choice plans, it was concerned that those plans that treated the most severely ill enrollees were not adequately paid. The Congress envisioned a risk adjuster that would be more clinically-based than the old method of adjusting payments. The Congress did not instruct HCFA to implement the provision in a manner that would reduce aggregate Medicare+Choice payments. In addition, the Congressional Budget Office did not estimate that the provision would reduce aggregate Medicare+Choice payments. Consequently, the parties to the agreement urge the Secretary to revise the regulations implementing the risk adjuster so as to provide for more accurate payments, without reducing overall Medicare+Choice payments.

The parties to the agreement also note that as currently designed, the proposed Medicare+Choice risk adjuster fails to account for several unique aspects of Medicare's frail elderly population. The parties to the agreement note that the Secretary recently acknowledged her authority to address this problem by waiving application of the risk adjuster within the frail elderly demonstration project commonly known as EverCare. The parties to the agreement note that the Secretary will begin implementation of a multi-setting risk adjuster for all enrollees in 2004, and that such a risk adjuster should be designed to better predict the unique costs associated with caring for frail elderly beneficiaries. Consequently, the parties to the agreement encourage the Secretary to consider her ability to waive the application of the new risk adjuster to such beneficiaries until that time.

The parties to the agreement also believe Medicare enrollees with end-stage renal disease (ESRD) could benefit by being offered the opportunity to enroll in Medicare+Choice plans. However, the parties to the agreement understand that the current risk adjuster may not adequately reflect the varying costs of these patients and requests further information from the Secretary so that it might address this issue in the future. The parties to the agreement also encourage the Secretary to develop proposed quality of care requirements for Medicare beneficiaries with ESRD in this report.

The parties agreed to the Senate proposed study requiring the Secretary to: (a) conduct a study on the effects, costs, and feasibility of requiring fee-for-service providers and entities to comply with quality standards and related reporting requirements which are comparable to those required for M+C plans; and (b) study and report to Congress regarding data submission used to establish risk adjustment methodology under M+C.

SEC. 512. ENCOURAGING OFFERING OF MEDICARE+CHOICE PLANS IN AREAS WITHOUT PLANS

Current law

A M+C plan receives the M+C payment rate applicable to the payment area (typically a county) in which the enrollee resides, adjusted for risk. This rate is based on a formula which assigns to the county the highest of three different rates—a floor, a minimum update or a blended rate.

H.R. 3075, as passed

Would establish added bonus payments to encourage new M+C plans to enter counties that would otherwise not have a plan participating. The first plan to enter a previously unserved county would receive a 5% added payment during their first year and a 3% added payment during their second year.

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision. In some counties, beneficiaries have access to only one Medicare option: the fee-for-service Medicare program. The parties to the agreement expect that this temporary enhancement of payments will encourage new plans to enter areas without Medicare+Choice options.

SEC. 513. MODIFICATION OF 5-YEAR RE-ENTRY RULE FOR CONTRACT TERMINATIONS

Current law

The Secretary cannot enter into a M+C contract with a M+C organization, if within the preceding 5 years, that organization had a M+C contract which it did not renew. This prohibition may be waived under special circumstances.

H.R. 3075, as passed

Allows, under certain circumstances, a plan to re-enter a county if a legislative or regulatory change that would increase M+C payments in the area occurred within 6 months of the plan's notification to the Secretary of its intent to terminate its M+C contract. Permits re-entry only if, at the time it notified the Secretary, there is no more than one other M+C plan offered in the area.

S. 1788, as reported

Reduces the exclusion period from 5 years to 2 years.

Agreement

The agreement includes the House and Senate provisions with modifications. The parties recognize that some plans left the Medicare+Choice program because of increased administrative requirements and payment growth that was lower than expected. Since this bill would make payment changes affecting Medicare+Choice plans, this provision would provide an opportunity for the plans to return to a county, and therefore, increase options for beneficiaries.

The general exclusion period is reduced from 5 to 2 years, with specific exceptions permitted where there is a change in payment policy. Further, nothing is to be construed as affecting the authority of the Secretary to provide additional exceptions, including those specified in Operational Policy Letter Number 103.

SEC. 514. CONTINUED COMPUTATION AND PUBLICATION OF MEDICARE ORIGINAL FEE-FOR-SERVICE EXPENDITURES ON A COUNTY-SPECIFIC BASIS

Current law

The Secretary is required to announce each year the M+C payment rates for each payment area, as well as risk and other factors that are used in adjusting those payments. The Secretary is not currently required to publish adjusted annual per capita cost (AAPCC) data.

H.R. 3075, as passed

Requires the Secretary to continue to publish estimates of adjusted annual per capita cost data (AAPCCs) for each M+C payment area, which represent county-specific per capita fee-for-service expenditure information.

S. 1788, as reported

Requires Secretary to provide county-level data on fee-for-service spending.

Agreement

The agreement includes the Senate provision with modifications to require the Secretary to publish for the original Medicare fee-for-service program under Parts A and B for each M+C payment area: 1) total expenditures per capita separately for Parts A and B; 2) expenditures as in "1" reduced by best estimates of expenditures (such as graduate medical education and disproportionate share hospital payments) not related to payment of claims; 3) average risk factors based on diagnoses reported for medicare inpatient services; and 4) average risk factors based on diagnoses reported for inpatient and other sites of service. The Secretary is required to provide information for 1998 and 1999 in the 2001 report.

SEC. 515. FLEXIBILITY TO TAILOR BENEFITS UNDER MEDICARE+CHOICE PLANS

Current law

In general, M+C managed care plans offer benefits in addition to those provided under Medicare's benefit package, and may, subject to regulation, charge for these additional benefits. Under current law, the monthly basic and supplemental premiums and benefits cannot vary among individuals enrolled in the plan.

H.R. 3075, as passed

Permits a M+C plan to waive part or all of a premium if the M+C capitation rates the plan receives vary, so long as premiums do not vary within payment areas.

S. 1788, as reported

Allows plans to vary premiums, benefits, and cost-sharing across individuals enrolled in the plan so long as these are uniform within a separate segment of a service area. A segment would comprise one or more counties within the plan's service area.

Agreement

The agreement includes the Senate provision. The parties to the agreement are also concerned about allegations that some Medicare beneficiaries enrolled in the Medicare+Choice program are being denied certain Medicare-covered benefits. It was the clear intent of Congress in passing the Medicare+Choice program in BBA 97 that all beneficiaries enrolled in Medicare+Choice plans should be guaranteed access to all benefits covered by the traditional Medicare fee-for-service program. Therefore, the parties to the agreement would like to clarify that, pursuant to this fundamental requirement of the Balanced Budget Act of 1997, all Medicare beneficiaries enrolled in a Medicare+Choice plan under Part C are entitled to treatment by means of manual manipulation of the spine to correct a subluxation.

SEC. 516. DELAY IN DEADLINE FOR SUBMISSION OF ADJUSTED COMMUNITY RATES

Current law

BBA 97 required M+C plans to submit adjusted community rate (ACR) proposals by May 1 of the previous calendar year. The Secretary is required to make available, during the open enrollment period, comparative information on plans.

H.R. 3075, as passed

Changes the date for ACR submission from May 1st to July 1st. Specifies that, the Secretary will provide information to the extent it is available.

S. 1788, as reported

Similar provision. Also specifies that if a M+C organization intends to terminate a contract, it must provide notice to the Secretary 6 months in advance.

Agreement

The agreement includes the Senate provision with an amendment which retains the current law provisions relating to the information the Secretary is required to make available during the open enrollment period, and which reduces the required period of advance notification from 6 months to 4 months.

Despite this change, the parties to the agreement note that HCFA will know by mid-August of each year what the final plan premiums and benefits will be for each Medicare+Choice plan for the following calendar year. To help employers who sponsor retiree health benefits coordinate their own annual enrollment procedures, the parties to the agreement urge the Secretary to make this information available to such employers as soon as possible.

SEC. 517. REDUCTION IN ADJUSTMENT IN NATIONAL PER CAPITA MEDICARE+CHOICE GROWTH PERCENTAGE FOR 2002

Current law

The M+C payment rate is based on a formula which gives the payment area (generally a county) the highest of three different rates—a floor, a minimum update, or a blended rate. The blended capitation rates are subject to a budget neutrality provision. Each year, the Secretary projects national per capita growth rates in expenditures in fee-for-service Medicare. These projected rates are reduced by 0.8 percentage points for 1998, and by 0.5 percentage points annually from 1999 through 2002 to determine the national M+C growth percentage for that year. Growth rates are used to update the floor and blend payments in the M+C payment rate formula. Because the blend payments are subject to budget neutrality, they may not always be fully funded; thus annual increases in payment rates to these counties may be limited.

H.R. 3075, as passed

The provision would increase the national per capita M+C growth rate by 0.2 percentage points in 2002, by replacing the adjustment of -0.5 percentage points with -0.3 percentage points. The adjustment would remain at 0 for a year after 2002.

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision. The parties to the agreement expect that the increase in payments that will result from this provision will help to increase the number of counties paid a blended capitation payment rate.

SEC. 518. DEEMING OF MEDICARE+CHOICE ORGANIZATION TO MEET REQUIREMENTS

Current law

A M+C organization is required to meet certain standards. It is deemed to meet standards relating to quality assurance and confidentiality of records if it is accredited by a private organization that applies standards that are no less strict than M+C standards.

H.R. 3075, as passed

Requires the Secretary, within 210 days of receiving an application from a private accrediting organization, to determine whether such organization's accreditation procedures meet the requirements. If it does, the Secretary would be required to deem a M+C organization accredited by such accrediting entity as meeting the requirements relating to quality assurance and confidentiality of records.

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision with amendments. The Secretary would be required to recognize accreditation with respect to M+C requirements relating to anti-discrimination, access to services, information on advance directives, and provider participation. In approving accrediting bodies for M+C program purposes, the Secretary would be required to use the same basic organizational criteria that are used to approve accrediting bodies who survey hospitals under the fee-for-service program. The agreement also clarifies that the accreditation bodies may choose to deem M+C plans' compliance with one or more of the specified requirements.

This provision would clarify the deeming process so that it is consistent with deeming in the Medicare fee-for-service program. The provision puts in place incentives for M+C plans to seek higher standards achievable through accreditation and would reduce redundancy in the oversight process. This will help ensure that improvements in the quality of care are made available through M+C plans.

Although accredited plans will be deemed to meet HCFA's standards, the parties to the agreement note that HCFA will continue to have broad authority to establish the actual standards that the accrediting bodies enforce. Moreover, HCFA continues to have broad authority to conduct independent oversight activities with respect to plans and to respond to any concerns beneficiaries may raise about a M+C plan. HCFA will also be able to approve or disapprove of the deeming process submitted by private accreditation bodies and maintain its authority to review periodically an approved accreditation body's standards and performance in the field. Nevertheless, the parties to the agreement emphasize that the intent of Congress in 1997 was clear that private accreditation procedures should be utilized in the Medicare+Choice program. The parties to the agreement's intent in this regard has not changed. Consequently, the parties to the agreement expect that the Secretary shall recognize and utilize qualified accreditation entities that have the ability to certify and enforce any of the requirements specified in the provision.

SEC. 519. TIMING OF MEDICARE+CHOICE HEALTH INFORMATION FAIRS

Current law

There is an annual coordinated period in November of each year during which beneficiaries may sign up for or change their M+C plan. Beginning in 2002, this enrollment period generally will be the only time during the calendar year that such an election or change of election may be made. A nationally coordinated information and publicity campaign is held in November each year to provide beneficiaries with information about their plan options.

H.R. 3075, as passed

No provision.

S. 1788, as reported

Permits HCFA to conduct the annual information campaign during the fall season.

Agreement

The agreement includes the Senate provision. The parties intend to give HCFA the flexibility to begin the annual information campaign earlier. For the purpose of this provision the parties intent for the Fall season to mean the months of September, October or November.

SEC. 520. QUALITY ASSURANCE REQUIREMENTS FOR PREFERRED PROVIDER ORGANIZATION PLANS

Current law

M+C program requirements mandate that participating plans maintain ongoing quality assurance programs. Quality assurance program requirements are more extensive for coordinated care plans (which rely upon networks of providers with whom they contract to provide coordinated services) than they are from MSA and fee-for-service M+C plans. In implementing these quality assurance requirements, the Secretary has required that participating plans meet Quality Improvement System for Managed Care (QISMC) standards and guidelines.

H.R. 3075, as passed

No provision.

S. 1788, as reported

Exempts M+C preferred provider organizations from the QISMC requirements unless the Secretary establishes similar requirements for Medicare fee-for-service providers.

Agreement

The agreement includes the Senate provision with modifications. The provision would clarify that preferred provider organizations (PPOs) only be required to meet the quality assurance requirements currently applied to private fee-for-service and MSA plans. The provision further requires MedPAC to conduct a study on the appropriate quality assurance standards that should apply to each type of M+C plan (including each type of coordinated care plan) and to the original Medicare program. A report on this study is due within 2 years of enactment.

The changes incorporated in this provision are in response to the lack of preferred provider organizations participating in the M+C program, especially in rural counties. The parties to the agreement have taken these steps to help ensure that PPOs can reasonably comply with the quality assurance requirements under Part C, and strongly encourage PPO plans to begin offering coverage in rural counties.

SEC. 521. CLARIFICATION OF NONAPPLICABILITY OF CERTAIN PROVISIONS OF DISCHARGE PLANNING PROCESS TO MEDICARE+CHOICE PLANS

Current law

BBA 97 modified hospital discharge planning process to assure that patients are not directed to a single post-acute facility.

H.R. 3075, as passed

Provides an exemption for M+C enrollees.

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision with a modification specifying that a M+C discharge planning evaluation is not required to include information on the availability of home health services provided by individuals or entities that do not have a contract with the M+C organization. Further, the plan may specify or limit the provider or providers of post-hospital home health services or other post-hospital services.

SEC. 522. USER FEE FOR MEDICARE+CHOICE ORGANIZATIONS BASED ON NUMBER OF ENROLLED BENEFICIARIES

Current law

Requires the Secretary to collect a user fee from each M+C organization for use in carrying out Medicare+Choice education and enrollment activities. The activities are directed at all Medicare beneficiaries, including the 84% still enrolled in the original medicare fee-for-service program under Parts A and B. The user fee is equal to the organization's pro rata share of the aggregate amount of fees authorized to be collected from M+C organizations. The Secretary is authorized to collect $100 million in user fees each year.

H.R. 3075, as passed

No provision.

S. 1788, as reported

Specifies that the aggregate amount of fees collected from M+C organizations would be limited to a pro rata share of the total budget for the education and enrollment related activities. This pro rata share is to be based on the number of beneficiaries in M+C plans as compared to the total number of Medicare beneficiaries. Limits total amount available in a fiscal year to the Secretary to carry out functions to $100 million. Authorizes the Secretary to draw upon the trust funds to finance that portion of authorized activities that are not financed by user fees imposed on M+C plans.

Agreement

The agreement includes the Senate provision with modifications. The program is authorized for $100 million per year. A Medicare+Choice plan's share of the total is the same proportion as their share of the total Medicare population. For example, if a particular Medicare+Choice plans enrolled 2.5 percent of the total Medicare population, that plan would be responsible for 2.5 percent of the costs associated with the information campaign, up to the $100,000,000 authorized.

SEC. 523. CLARIFICATION REGARDING THE ABILITY OF A RELIGIOUS FRATERNAL BENEFIT SOCIETY TO OPERATE ANY MEDICARE+CHOICE PLAN

Current law

Religious fraternal benefit societies may restrict enrollment in their M+C plans to their members. This allowable restriction applies only to coordinated care plans.

H.R. 3075, as passed

Extends the authority to all M+C plans.

S. 1788, as reported

Extends the authority to all M+C plans except MSAs.

Agreement

The agreement includes the House provision.

SEC. 524. RULES REGARDING PHYSICIAN REFERRALS FOR MEDICARE+CHOICE PROGRAM

Current law

Currently it is unlawful for physicians who bill Medicare to refer patients to certain entities if the physician has an ownership interest in or a compensation arrangement with the entity to which the patient is referred. There is an exception for referrals to certain specified health plans that agree to provide care on a prepaid basis.

H.R. 3075, as passed

No provision.

S. 1788, as reported

Specifies that the exception applies to M+C coordinated care plans.

Agreement

The agreement includes the Senate provision.

SUBTITLE C—DEMONSTRATION PROJECTS AND SPECIAL MEDICARE POPULATIONS

SEC. 531. EXTENSION OF SOCIAL HEALTH MAINTENANCE ORGANIZATION (SHMO) DEMONSTRATION PROJECT AUTHORITY

Current law

Under waivers from the Secretary of HHS, SHMOs provide integrated health and long-term care services on a prepaid capitation basis. Medicare demonstration project waivers are to expire on December 31, 2000. The Secretary is required to submit to Congress by January 1, 1999, a report with a plan for integration and transition of SHMOs into an option under Medicare+Choice (this report is not yet completed) and a final report on the demonstration projects by March 31, 2001. Permits enrollment limits per site to be no fewer than 36,000.

H.R. 3075, as passed

Extends the Medicare demonstration project waivers until 18 months after the Secretary submits an integration and transition plan report to Congress. Within 6 months after the Secretary's final report (due March 31, 2001), requires MedPAC to submit a report to Congress with recommendations regarding the demonstration project. Increases the aggregate limit on participants at all sites to not less than 324,000.

S. 1788, as reported

Extends Medicare demonstration project waivers until 1 year after the Secretary submits an integration and transition plan report to Congress. Requires the Secretary to submit a final report on the demonstration projects to Congress 1 year after the integration and transition plan report.

Agreement

The agreement includes the House provision.

SEC. 532. EXTENSION OF MEDICARE COMMUNITY NURSING ORGANIZATION DEMONSTRATION PROJECT

Current law

The community nursing organization demonstration project began on January 1, 1994 to test in four sites a system of capitated payments for specified community nursing services covered by Medicare. Experimental and control groups were followed for health care utilization and costs. The experiment ended at the end of 1997. BBA 97 extended the availability of services through 1999. A final report is in progress.

H.R. 3075, as passed

Extends the demonstration project for 2 years; requires the Secretary to submit a report to Congress on the results of the demonstration project no later than July 1, 2001.

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision with an amendment requiring the Secretary to provide for such reductions in payments under the project, in either year, which are necessary to ensure that federal expenditures under the project do not exceed those which would have been made in the absence of the project extension.

SEC. 533. MEDICARE+CHOICE COMPETITIVE BIDDING DEMONSTRATION PROJECT

Current law

BBA 97 requires the Secretary to establish a demonstration project under which payments to Medicare+Choice organizations are determined by a competitive pricing methodology, in accordance with the recommendations of the Competitive Pricing Advisory Committee (CPAC), the composition and responsibilities of which were also established under BBA 97.

H.R. 3075, as passed

Delays implementation of the project until January 1, 2002 or, if later, 6 months after CPAC submits reports on (a) incorporating original fee-for-service Medicare into the demonstration; (b) quality activities required by participating plans; (c) the viability of expanding the demonstration project to a rural site; and (d) the nature of the benefit structure required from plans that participate in the demonstration. The Secretary is also required, subject to recommendations by CPAC, to allow plans that make bids below the established government contribution rate, to offer beneficiaries rebates on their Part B premiums.

This provision is designed to give both CPAC and Congress more time to resolve some of the initial concerns that have been raised about the demonstration project, as it is currently designed. By delaying the start date an additional year, and by tasking CPAC to report back on the identified areas of concern, the parties to the agreement believe appropriate modifications to the project can be implemented before its inauguration so as to improve its chances of success. Similarly, the additional time provided by the delay will afford the Secretary, CPAC and the area advisory committees additional time to work with the communities designated under the project to resolve outstanding issues of concern.

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision.

Sec. 534. Extension of Medicare Municipal Health Services Demonstration Projects (MHSP)

Current law

The MHSP is a multi-site demonstration to improve access to primary care services. BBA 97 extended the project through Dec. 2000 to provide a transition to mainstream Medicare.

H.R. 3075, as passed

Extends the project through December 31, 2001.

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision, with an amendment to extend the project through December 31, 2002.

SEC. 535. MEDICARE COORDINATED CARE DEMONSTRATION PROJECT

Current law

BBA 97 provided for a coordinated care demonstration project in a cancer hospital. Funds would only be available as provided in any law making appropriations for the District of Columbia.

H.R. 3075, as passed

Specifies that the funding is to be made from Medicare trust funds in such amounts as are necessary to cover the costs of the project.

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision.

The parties to the agreement are concerned that the Secretary has not acted upon a previously expressed Congressional mandate contained in the Balanced Budget Act of 1997 with respect to best practices in the area of coordinated care. Specifically, the mandate contained in Subchapter D, Section 4016 of the law required the Secretary no later than two years after enactment to conduct nine demonstration projects, that among other things, would evaluate best practices in the management of chronic illness. The parties to the agreement are aware that a solicitation for such proposals in the areas of, but not limited to, congestive heart failure and diabetes mellitus contained in the Health Care Financing Administration Federal Register Notice of June 11, 1998, Vol. 63, No. 112 has not yet been acted upon by the Department, despite clear Congressional interest to evaluate and understand the potential benefits of these programs for better delivery of care to Medicare beneficiaries.

Therefore, the parties direct the Secretary to implement no later than 90 days after enactment of this law demonstrations enunciated in BBA 97, including a demonstration focused on the best practices available in chronic illness. Specifically, the parties also direct the Secretary no later than 90 days after enactment of this law to implement the case management demonstration focused on congestive heart failure and diabetes mellitus contained in the HCFA Federal Register solicitation of June 11, 1998.

SEC. 536. MEDIGAP PROTECTIONS FOR PACE PROGRAM ENROLLEES

Current law

The law guarantees issuance of specified Medigap policies to certain persons in terminating plans and, within their first twelve months of Medicare eligibility, to persons who enter directly into a M+C plan when becoming eligible for Medicare.

H.R. 3075, as passed

No provision.

S. 1788, as reported

Extends protections to PACE enrollees in similar circumstances.

Agreement

The agreement includes the Senate provision with a modification to limit application of the provision to persons 65 years of age and older. The agreement does not include an extension of the disenrollment window for involuntarily terminated enrollees.

Subtitle D—Medicare+Choice Nursing and Allied Health Professional Education Payments

SEC. 541. MEDICARE+CHOICE NURSING AND ALLIED HEALTH PROFESSIONAL EDUCATION PAYMENTS

Current law

Medicare's calculation of managed care rates incorporates the additional payments made to teaching hospitals that operate residency training programs. BBA 97 reduced these rates by carving out the costs attributable to graduate medical education payments for physicians. The payment reduction is phased in over 5 years. Teaching hospitals will receive additional payments depending upon the number of Medicare managed care beneficiaries they serve.

H.R. 3075, as passed

Authorizes hospitals that operate approved nursing and allied health professional training programs to receive additional payments to reflect utilization of Medicare+Choice enrollees. The relationship of allied health direct graduate medical education (DGME) payments for Medicare+Choice enrollees to physician DGME payments for Medicare+Choice enrollees shall be in the same proportion as total allied health DGME payments to total DGME payments. The allied health payments to different hospitals are proportional to the direct costs of each hospital for such programs. In no case can this payment exceed $60 million. Physician DGME payment for Medicare+Choice utilization will be adjusted by the amount of additional payments that will be made for allied health professions under this provision.

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision with technical modifications. Hospitals that operate approved nursing and allied health professional training programs and receive Medicare reasonable cost reimbursement for these programs would receive additional payments to reflect utilization of Medicare+Choice enrollees for portions of the cost reporting periods occurring in a year beginning in 2000. As specified by the Secretary, the payment amount would be calculated based on the proportion of physician direct graduate medical education (DGME) payments for Medicare+Choice enrollees to total physician DGME payments multiplied by the Secretary's estimate of total reasonable cost reimbursement for approved nursing and allied health professional training programs. In no case could this payment exceed $60 million. Hospitals would receive these allied health payments in proportion to amount of Medicare reasonable cost reimbursement for nursing and allied health programs received in the cost reporting period in the second preceding fiscal year to the total paid to all hospitals for such cost reporting period. Physician DGME payment for Medicare+Choice utilization would be reduced by the amount of additional payments that would be made for nursing and allied health professions under this provision.

SUBTITLE E—STUDIES AND REPORTS

SEC. 551. REPORT ON ACCOUNTING FOR VA AND DOD EXPENDITURES FOR MEDICARE BENEFICIARIES

Current law

No provision.

H.R. 3075, as passed

Requires the Secretaries of HHS, DOD, and VA no later than a year from enactment to submit to Congress a report on the use of health services furnished by DOD and VA to Medicare beneficiaries including Medicare+Choice enrollees and Medicare fee-for-service beneficiaries.

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision with an amendment. The amendment requires the study to be conducted no later than April 1, 2001.

On a similar matter, the parties to the agreement are also concerned about the ability of Medicare beneficiaries who are also entitled to Veterans Administration health care services to obtain the full benefit of these separate entitlements. This issue is of particular concern in areas where VA health facilities are inadequate to fully meet the needs of these veteran beneficiaries. While beneficiaries in these areas are often able to readily obtain Medicare covered services from Medicare providers, the lack of Veterans Health Administration facilities often prevents them from obtaining more generous VA benefits for their health care needs. As a result, these beneficiaries often have to pay more in out-of-pocket health spending than similarly entitled veterans who reside near VA facilities.

To address this problem, the parties to the agreement encourage the Secretary to consult with the Secretary of the Department of Veterans Affairs and consider ways in which the two Secretaries could institute procedures that would allow for the greater coordination of benefits—and consequently greater access to needed care—for this special population.

SEC. 552. MEDICARE PAYMENT ADVISORY COMMISSION (MEDPAC) STUDIES AND REPORTS

Current law

No provision.

H.R. 3075, as passed

Requires MedPAC to submit to Congress a report on specific legislative changes that would make MSA plans a viable option under the M+C program.

S. 1788, as reported

Requires MedPAC to conduct a study that evaluates the methodology used by the Secretary in developing risk adjustment factors for M+C capitation rates. Requires MedPAC to conduct a study on the development of a payment methodology under M+C for frail elderly beneficiaries enrolled in specialized programs.

Agreement

The agreement includes the House and Senate provisions.

SEC. 553. GAO STUDIES, AUDITS, AND REPORTS

Current law

No provision.

H.R. 3075, as passed

No provision.

S. 1788, as reported

Requires the GAO to conduct a study of Medigap policies. Requires the GAO to conduct annual audits of the Secretary's expenditures for providing M+C information to beneficiaries.

Agreement

The agreement includes the Senate provision.

TITLE VI—MEDICAID

SEC. 601. INCREASE IN DSH ALLOTMENT FOR CERTAIN STATES AND THE DISTRICT OF COLUMBIA

Current law

The federal share of Medicaid disproportionate share payments is capped at amounts specified for each state.

H.R. 3075, as passed

Increases the ceiling on the federal share of DSH payments for the District of Columbia, from $23 million to $32 million for each of fiscal years 2000 through 2002; for Minnesota, from $16 million to $33 million for each of fiscal years 1999 through 2002; for New Mexico, from $5 million to $9 million for each of fiscal years 1998 through 2002; and for Wyoming, from 0 to $.1 million for each of fiscal years 1999 through 2002.

S. 1788, as reported

Same as House provision.

Agreement

The agreement follows the House bill and the Senate bill.

SEC. 602. REMOVAL OF FISCAL YEAR LIMITATION ON CERTAIN TRANSITIONAL ADMINISTRATIVE COSTS ASSISTANCE

Current law

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 replaced the Aid to Families with Dependent Children (AFDC) program and established the Temporary Assistance for Needy Families (TANF) program. Under the old program, people who qualified for AFDC were automatically eligible for Medicaid. Welfare reform de-linked Medicaid and TANF eligibility. Concerned that state Medicaid programs would face large new administrative costs for conducting Medicaid eligibility determinations that would otherwise not have occurred, Congress established a fund of $500 million to assist with the transitional costs of the new eligibility activities. The funds are available at an increased federal match for states that can demonstrate to the satisfaction of the Secretary that such additional administrative costs were attributable to welfare reform. The increased matching funds are available for the period beginning with fiscal year 1997 and ending with fiscal year 2000 and must relate to costs incurred during the first 12 quarters following the welfare reform effective date.

H.R. 3075, as passed

No provision.

S. 1788, as reported

Extends the availability of the transitional increased federal matching funds beyond fiscal year 2000 and allows costs for which the increased matching funds are claimed to relate to costs incurred for the calender quarters beyond the first 12 following the effective date of welfare reform.

Agreement

The agreement includes the Senate provision.

SEC. 603. TWO-YEAR MORATORIUM ON PHASE-OUT OF PAYMENT FOR FEDERALLY-QUALIFIED HEALTH CENTER SERVICES AND RURAL HEALTH CLINIC SERVICES BASED ON REASONABLE COSTS

Current law

States pay FQHCs and RHCs a percentage of the facilities' reasonable costs for providing services. This percentage decreases for specified fiscal years—100% of costs for services furnished during FY1998 and FY1999; 95% for FY2000; 90% for FY2001; 85% for FY2002; and 70% for FY2003. For services furnished on or after October 1, 2003, no required payment percentage will apply. Two special payment rules are applicable during FY1998–FY2002. In the case of a contract between an FQHC or RHC and a managed care organization (MCO), the MCO must pay the FQHC or RHC at least as much as it would pay any other provider for similar services. States are required to make supplemental payments to the FQHCs and RHCs, equal to the difference between the contracted amounts and the cost-based amounts.

H.R. 3075, as passed

Creates a new Medicaid prospective payment system for FQHCs and RHCs beginning with FY2000. For the base year (defined as FY2000 for existing entities and the initial year of FQHC or RHC qualification for new entities established after FY1999), per visit payments are equal to 100% of the reasonable costs during the previous year for existing entities and the base year for new entities, adjusted for any increase in the scope of services furnished. For each fiscal year thereafter, per visit payments are equal to amounts for the preceding fiscal year increased by the percentage increase in the Medicare Economic Index applicable to primary care services for that fiscal year, and adjusted for any increase in the scope of services furnished during that fiscal year. In managed care contracts, States must make supplemental payments equal to the difference between contracted amounts and the cost-based amounts. Alternative payment methods are permitted only when payments are at least equal to amounts otherwise provided.

S. 1788, as reported

Retains the phase-out of cost-based reimbursement under Medicaid for FQHCs and RHCs as delineated in current law, and adds a new grant program. Beginning in FY2001, transitional grants outside the Medicaid program may be awarded to qualifying states to pay for services allowable under Medicaid when provided by FQHC and RHC to individuals who are not eligible for Medicaid. These grants will be made only to states that are paying 100% of reasonable costs to FQHCs and RHCs under Medicaid with one exception—states that have elected to pay FQHCs and RHCs 95% of reasonable costs in FY2000 and which revert to paying 100% of reasonable costs for FY2001 through FY2003 may also qualify for this new grant. For each of fiscal years 2001 through 2003, grant amounts are based on the ratio of the number of low-income persons in a state to the total number of such persons in all states. Counts of low-income persons equal the average number of such persons estimated using the 3 most recent March supplements of the CPS before the beginning of the calendar year in which the fiscal year begins. Annual grant amounts for any state will be no less than $400,000, and the Secretary will make pro rata adjustments as needed to achieve this requirement. There are no matching fund requirements for states. Also, each state awarded a grant will have 3 years in which to spend the funds allotted for a given fiscal year. States must distribute funds among all FQHCs and RHCs using uniform criteria based on factors such as size of caseload and treatment costs. Up to 15% of grant amounts per fiscal year may be used by states for administrative costs associated with this program. Total annual appropriations are $25 million for each of fiscal years 2001 through 2003. The GAO will conduct an annual study (due on November 1 of each year for 2000 through 2003) to determine the impact of the phase-out of cost-based reimbursement for FQHCs and RHCs and will report related recommendations for legislation.

Agreement

The agreement imposes a two-year moratorium on the phase-down of the cost-based reimbursement system set forth in the Balanced Budget Act of 1997. This will freeze the phase-down at 95 percent for fiscal years 2001 and 2002, and then the phase-down will resume at 90 percent in 2003, 85 percent in 2004. Cost-based reimbursement will be repealed in 2005. The General Accounting Office (GAO) will conduct an analysis of the impact of reducing or modifying payments based on the reasonable cost standard for federally qualified health centers and rural health clinics and the populations they serve. The GAO shall report back to Congress within 12 months with their findings and recommendations. This study shall evaluate a sampling of different payment approaches.

SEC. 604. PARITY IN REIMBURSEMENT FOR CERTAIN UTILIZATION AND QUALITY CONTROL SERVICES; ELIMINATION OF DUPLICATIVE REQUIREMENTS FOR EXTERNAL QUALITY REVIEW OF MEDICAID MANAGED CARE ORGANIZATIONS

a. Parity in Reimbursement for Certain Utilization and Quality Control Services

Current law

Current Medicaid law provides that States will receive 75% federal financial participation (FFP) when contracting with a Peer Review Organization (PRO) for medical and utilization reviews and for quality reviews. In addition, states can receive 75% FFP when they contract with a PRO-like entity but only for external quality reviews of Medicaid managed care. For all other reviews and entities, the standard 50% FFP applies.

A PRO is an entity that has a Medicare contract to perform medical and utilization reviews. A PRO-like entity is one that is certified by the Secretary as meeting the requirements of Section 1152 which defines standards for PROs under Medicare.

H.R. 3075, as passed

States will receive 75% FFP when PRO-like entities conduct medical and utilization reviews for fee-for-service Medicaid, and quality reviews for Medicaid managed care.

S. 1788, as reported

No provision.

Agreement

The agreement includes the House provision.

b. Elimination of Duplicative Requirements for External Quality Review of Medicaid Managed Care Organizations

Current law

Medicaid managed care organizations are required to obtain annual independent, external reviews using either a utilization and quality control peer review organization, a PRO defined under section 1152, or a private accreditation body. The results must be made available to the State and upon request to the Secretary, the Inspector General of HHS and the Comptroller General. This requirement is contained in three different sections of Medicaid law.

H.R. 3075, as passed

No provision.

S. 1788, as reported

Deletes the external review requirements of Section 1902(a)(30)(C) and related parts of Sections 1902(d), 1903(a)(3)(C)(i) and 1903(m)(6)(B). Also requires the Secretary of HHS to certify to Congress that the external review requirement in Section 1932(c)(2) is fully implemented.

Agreement

The agreement includes the Senate provision.

SEC. 605. INAPPLICABILITY OF ENHANCED MATCH UNDER THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM TO MEDICAID DSH PAYMENTS

Current law

States have a great deal of flexibility in determining the formula used to calculate DSH payments to individual hospitals within minimum and maximum federal criteria. Those payments are matched by the federal government at the federal medical assistance percentage (FMAP), the same percentage that the federal government matches most other Medicaid payments for benefits. On the other hand, Medicaid payments for children who are eligible for benefits on the basis of being a targeted low-income child under Title XXI are matched at an enhanced federal matching percentage which is considerably higher than the basic Medicaid FMAP.

H.R. 3075, as passed

No provision.

S. 1788, as reported

Clarifies that Medicaid DSH payments are matched at the FMAP and not at the enhanced federal matching percentage authorized under Title XXI.

Agreement

The agreement includes the Senate provision.

SEC. 606. OPTIONAL DEFERMENT OF THE EFFECTIVE DATE FOR OUTPATIENT DRUG AGREEMENTS

Current law

Medicaid law requires that rebate agreements between the Secretary (or, if authorized by the Secretary, with the States) and drug manufacturers that were not in effect before March 1, 1991 become effective the first day of the calendar quarter that begins more than 60 days after the date the agreement is entered into.

H.R. 3075, as passed

No provision.

S. 1788, as reported

Allows rebate agreements entered into after the date of enactment of this act to become effective on the date on which the agreement is entered into, or at State option, any date before or after the date on which the agreement is entered into.

Agreement

The agreement includes the Senate provision.

SEC. 607. MAKING MEDICAID DSH TRANSITION RULE PERMANENT

Current law

Medicaid authorizes states to make special disproportionate share (DSH) payments to certain hospitals treating large numbers of low-income and Medicaid patients. States determine the formula used to calculate DSH payments to individual hospitals within minimum and maximum federal criteria. For the period July 1, 1997 through July 1, 1999, hospital-specific disproportionate share payments for the State of California may be as high as 175% of the cost of care provided to Medicaid recipients and individuals who have no health insurance or other third-party coverage for services during the year (net of non-disproportionate share Medicaid payments and other payments by uninsured individuals).

H.R. 3075, as passed

Removes the July 1, 1999, end date for increased hospital-specific disproportionate share payments for the State of California, extending the transition period indefinitely.

S. 1788, as reported

Same as House provision.

Agreement

The agreement follows the House bill and the Senate bill.

SEC. 608. MEDICAID TECHNICAL CORRECTIONS

Current law

No provision.

H.R. 3075, as passed

No provision.

S. 1788, as reported

Makes technical corrections to cross-references in Title XIX.

Agreement

The agreement includes the Senate provision.

TITLE VII—STATE CHILDREN'S HEALTH INSURANCE PROGRAM (SCHIP)

SEC. 701. STABILIZING THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM ALLOTMENT FORMULA

Current law

States and the District of Columbia are allotted funds for SCHIP using a distribution formula based on the product of the "number of children" and a "state cost factor." For FY1998 through FY2000, the number of children is equal to the 3-year average of uninsured children in families with income below 200% FPL, using the three most recent March supplements of the Current Population Survey. For subsequent fiscal years, the number of children is a combination of low-income uninsured children and low-income children (75/25 percent split for FY2001 and a 50/50 percent split for FY2002 and thereafter). The state cost factor for a fiscal year equals the sum of .85 multiplied by the ratio of the annual average wages per employee to the national average wages per employee and .15. The measure for the annual average wages per employee is based on the 3 most recent years for employees in the health services industry. SCHIP allotments are subject to a floor of $2 million.

H.R. 3075, as passed

Accelerates the phase-in of the use of low-income children in calculating the "number of children" in the allotment distribution formula. Changes the data set to be used to estimate the number of children for a fiscal year from the three most recent March supplements of the CPS to the three most recent supplements available before the calendar year in which the fiscal year begins. Specifies new methods for determining floors and ceilings on allotments for the states and the District of Columbia for FY2000 and beyond. The floor remains $2 million, stated as a proportion of the total amount available for allotments for a fiscal year. For each fiscal year, the floor will not be less than 90% of a state's allotment proportion for the preceding year. The cumulative floor is set at 70% of the proportion for FY1999. The cumulative ceiling is capped at 145% of a state's allotment proportion for FY1999. If these methods create a deficit in a given year, there will be a ceiling on the maximum increase permitted in that year to ensure budget neutrality; if these methods create a surplus in a given year, there will be a pro-rata increase for all states below the ceiling. These new methods do not apply to unspent allotments that are redistributed to states as specified in Section 2104(f) of Title XXI.

S. 1788, as reported

Same as House provision.

Agreement

The agreement follows the House bill and the Senate bill.

SEC. 702. INCREASED ALLOTMENTS FOR TERRITORIES UNDER THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM

Current law

Of the total amount available for allotment for the SCHIP program, commonwealths and territories are allotted .25%, to be divided among them based on specified percentages. In addition, for fiscal year 1999, commonwealths and territories were allotted $32 million. This additional allotment amount was also divided among them based on the same specified percentages as the basic allotment.

H.R. 3075, as passed

Requires additional allotments for the commonwealths and territories of $34.2 million for each of fiscal years 2000 and 2001, $25.2 million for each of fiscal years 2002 through 2004, $32.4 million for each of fiscal years 2005 and 2006, and $40 million for fiscal year 2007.

S. 1788, as reported

Same as House provision.

Agreement

The agreement follows the House bill and the Senate bill.

SEC. 703. IMPROVED DATA COLLECTION AND EVALUATIONS OF THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM

a. Funding for Reliable Annual State-by-State Estimates on the Number of Children Who Do Not Have Health Insurance Coverage

Current law

No provision.

H.R. 3075, as passed

No provision.

S. 1788, as reported

Requires that the Secretary of Commerce make appropriate adjustments to the annual CPS to produce statistically reliable annual State-level data on the number of low-income children without health insurance. Data should be stratified by family income, age, and race or ethnicity. Appropriate adjustments to the CPS may include expanding sample size and/or sampling units within States, and appropriate verification methods. Requires that $10 million be appropriated for FY–2000 and for each year thereafter. These changes to the CPS will improve critical data for evaluation purposes. They will also affect State-specific counts of number of low-income children and the number of such children who have no health insurance coverage that feed into the formula in existing law that determines annual State-specific allotments from federal SCHIP appropriations.

Agreement

The agreement includes the Senate provision.

b. Funding for Children's Health Care Access and Utilization State-by-State Data

CURRENT LAW

No provision.

H.R. 3075, as passed

No provision.

S. 1788, as reported

Requires the Secretary of HHS, acting through the National Center for Health Statistics (NCHS), to collect data on children's health insurance through the State and Local Area Integrated Telephone Survey (SLAITS) for the 50 States and the District of Columbia. The data collected must provide reliable, annual State-by-State information on health care access and utilization by low-income children. Data must also allow for stratification by family income, age, and race or ethnicity. The Secretary must obtain input from appropriate sources, including States, in designing the survey and its content. Requires that $9 million be appropriated for FY–2000 and for each year thereafter. At State request, the Secretary may also collect additional SLAITS data to assist with individual State SCHIP evaluations, for which the States must reimburse NCHS for such services.

Agreement

The Senate provision is not included.

c. FEDERAL EVALUATION OF STATE CHILDREN'S HEALTH INSURANCE PROGRAMS

CURRENT LAW

The Secretary is required to submit to Congress by December 31, 2001, a report based on the annual evaluations submitted by States, with conclusions and recommendations, as appropriate.

H.R. 3075, as passed

No provision.

S. 1788, as reported

Adds a new federal evaluation to current law. The Secretary of HHS, directly or through contracts or interagency agreements, would be required to conduct an independent evaluation of 10 States with approved SCHIP plans. The selected States must represent diverse approaches to providing child health assistance, a mix of geographic areas (including rural and urban areas), and a significant portion of uninsured children. The federal evaluation will include, but not be limited to: (1) a survey of the target population, (2) an assessment of effective and ineffective outreach and enrollment practices for both SCHIP and Medicaid, (3) an analysis of Medicaid eligibility rules and procedures that are a barrier to enrollment in Medicaid, and how coordination between Medicaid and SCHIP has affected enrollment under both programs, (4) an assessment of the effects of cost-sharing policies on enrollment, utilization and retention, and (5) an analysis of disenrollment patterns and factors influencing this process. The Secretary must submit the results of the federal evaluation to Congress no later than December 31, 2001. Requires that $10 million be appropriated for FY-2000. This appropriation shall remain available without fiscal year limitation.

Agreement

The agreement includes the Senate provision.

d. Inspector General Audit and GAO Report on Enrollees Eligible for Medicaid

Current law

No provision.

H.R. 3075, as passed

No provision.

S. 1788, as reported

Requires that the Inspector General of HHS conduct an audit to determine how many Medicaid-eligible children are incorrectly enrolled in SCHIP among a sample of States that provide child health assistance through separate programs only (not via a Medicaid expansion). This audit will also assess progress in reducing the number of uninsured children relative to the goals stated in approved SCHIP plans. The first such audit will be conducted in FY2000, and will be repeated every third fiscal year thereafter. Requires the GAO to monitor these audits and report their results to Congress within six months of audit completion (i.e., by March 1 of the fiscal year following each audit).

Agreement

The agreement includes the Senate provision.

e. Coordination of Data Collection with Data Requirements Under the Maternal and Child Health Services Block Grant

Current law

States are required to submit annual reports detailing their activities under the Maternal and Child Health (MCH) Services Block Grant. These reports must include, among other items, information (by racial and ethnic group) on: (1) the number of deliveries to pregnant women who were provided prenatal, delivery or postpartum care under the block grant or who were entitled to benefits with respect to such deliveries under Medicaid, and (2) the number of infants under one year of age who were provided services under the block grant or were entitled to benefits under Medicaid.

H.R. 3075, as passed

No provision.

S. 1788, as reported

Adds to the existing reporting requirement under the MCH Block Grant authority inclusion of information (by racial and ethnic group) on the number of deliveries to pregnant women entitled to benefits under SCHIP, and the number of infants under age one year entitled to SCHIP benefits.

Agreement

The agreement includes the Senate provision.

f. Coordination of Data Surveys and Reports

Current law

No provision.

H.R. 3075, as passed

No provision.

S. 1788, as reported

Requires that the Secretary of HHS establish a clearinghouse for the consolidation and coordination of all federal data bases and reports regarding children's health.

Agreement

The agreement includes the Senate provision.

SEC. 704. REFERENCES TO SCHIP AND STATE CHILDREN'S HEALTH INSURANCE PROGRAM

Current law

No provision.

H.R. 3075, as passed

No provision.

S. 1788, as reported

No provision.

Agreement

Requires that the Secretary of Health and Human Services use the term State children's health insurance program and SCHIP instead of children's health insurance program and CHIP.

SEC. 705. STATE CHILDREN'S HEALTH INSURANCE PROGRAM TECHNICAL CORRECTIONS

Current law

No provision.

H.R. 3075, as passed

No provision.

S. 1788, as reported

Makes technical corrections to selected sections of Title XXI.

Agreement

The agreement includes the Senate provision.

The conference agreement would enact the provisions of H.R. 3427 as introduced on November 17, 1999. The text of that bill follows:

A BILL To authorize appropriations for the Department of State for fiscal year 2000 and 2001; to provide for enhanced security at United States diplomatic facilities; to provide for certain arms control, nonproliferation, and other national security measures; to provide for reform of the United Nations; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) ACT.—This Act is organized into two divisions as follows:

(1) DIVISION A.—Department of State Provisions.

(2) DIVISION B.—Arms Control, Nonproliferation, and Security Assistance Provisions.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of act into divisions; table of contents.
Sec. 3. Definitions.

DIVISION A—DEPARTMENT OF STATE PROVISIONS

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

Subtitle A—Department of State

Sec. 101. Administration of foreign affairs.
Sec. 102. International commissions.
Sec. 103. Migration and refugee assistance.
Sec. 104. United States informational, educational, and cultural programs.
Sec. 105. Grants to the Asia Foundation.
Sec. 106. Contributions to international organizations.
Sec. 107. Contributions for international peacekeeping activities.
Sec. 108. Voluntary contributions to international organizations.

Subtitle B—United States International Broadcasting Activities

Sec. 121. Authorizations of appropriations.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—Basic Authorities and Activities

Sec. 201. Office of Children's Issues.
Sec. 202. Strengthening implementation of the Hague Convention on the Civil Aspects of International Child Abduction.
Sec. 203. Report concerning attack in Cambodia.
Sec. 204. International expositions.
Sec. 205. Responsibility of the AID Inspector General for the Inter-American Foundation and the African Development Foundation.
Sec. 206. Report on Cuban drug trafficking.
Sec. 207. Revision of reporting requirement.
Sec. 208. Foreign language proficiency.
Sec. 209. Continuation of reporting requirements.
Sec. 210. Joint funds under agreements for cooperation in environmental, scientific, cultural and related areas.
Sec. 211. Report on international extradition.

Subtitle B—Consular Authorities

Sec. 231. Machine readable visas.
Sec. 232. Fees relating to affidavits of support.
Sec. 233. Passport fees.
Sec. 234. Deaths and estates of United States citizens abroad.
Sec. 235. Duties of consular officers regarding major disasters and incidents abroad affecting United States citizens.
Sec. 236. Issuance of passports for children under age 14.
Sec. 237. Processing of visa applications.
Sec. 238. Feasibility study on further passport restrictions on individuals in arrears on child support.

Subtitle C—Refugees

Sec. 251. United States policy regarding the involuntary return of refugees.
Sec. 252. Human rights reports.
Sec. 253. Guidelines for refugee processing posts.
Sec. 254. Gender-related persecution task force.
Sec. 255. Eligibility for refugee status.

TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

Subtitle A—Organization Matters

Sec. 301. Legislative liaison offices of the Department of State.
Sec. 302. State Department official for Northeastern Europe.
Sec. 303. Science and Technology Adviser to the Secretary of State.
Sec. 304. Application of certain laws to public diplomacy funds.
Sec. 305. Reform of the diplomatic telecommunications service office.

Subtitle B—Personnel of the Department of State

Sec. 321. Award of Foreign Service star.
Sec. 322. United States citizens hired abroad.
Sec. 323. Limitation on percentage of Senior Foreign Service eligible for performance pay.

Sec. 324. Placement of Senior Foreign Service personnel.
Sec. 325. Report on management training.
Sec. 326. Workforce planning for Foreign Service personnel by Federal agencies.
Sec. 327. Records of disciplinary actions.
Sec. 328. Limitation on salary and benefits for members of the Foreign Service recommended for separation for cause.
Sec. 329. Treatment of grievance records.
Sec. 330. Deadlines for filing grievances.
Sec. 331. Reports by the Foreign Service Grievance Board.
Sec. 332. Extension of use of Foreign Service personnel system.
Sec. 333. Border equalization pay adjustment.
Sec. 334. Treatment of certain persons reemployed after service with international organizations.
Sec. 335. Transfer allowance for families of deceased Foreign Service personnel.
Sec. 336. Parental choice in education.
Sec. 337. Medical emergency assistance.
Sec. 338. Report concerning financial disadvantages for administrative and technical personnel.
Sec. 339. State Department Inspector General and personnel investigations.
Sec. 340. Study of compensation for survivors of terrorist attacks overseas.
Sec. 341. Preservation of diversity in reorganization.

TITLE IV—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

Subtitle A—Authorities and Activities

Sec. 401. Educational and cultural exchanges and scholarships for Tibetans and Burmese.
Sec. 402. Conduct of certain educational and cultural exchange programs.
Sec. 403. National security measures.
Sec. 404. Sunset of United States Advisory Commission on Public Diplomacy.
Sec. 405. Royal Ulster Constabulary training.

Subtitle B—Russian and Ukrainian Business Management Education

Sec. 421. Purpose.
Sec. 422. Definitions.
Sec. 423. Authorization for training program and internships.
Sec. 424. Applications for technical assistance.
Sec. 425. Restrictions not applicable.
Sec. 426. Authorization of appropriations.

TITLE V—UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES

Sec. 501. Reauthorization of Radio Free Asia.
Sec. 502. Nomination requirements for the Chairman of the Broadcasting Board of Governors.
Sec. 503. Preservation of RFE/RL (Radio Free Europe/Radio Liberty).
Sec. 504. Immunity from civil liability for Broadcasting Board of Governors.

TITLE VI—EMBASSY SECURITY AND COUNTERTERRORISM MEASURES

Sec. 601. Short title.
Sec. 602. Findings.
Sec. 603. United States diplomatic facility defined.
Sec. 604. Authorizations of appropriations.
Sec. 605. Obligations and expenditures.
Sec. 606. Security requirements for United States diplomatic facilities.
Sec. 607. Report on overseas presence.
Sec. 608. Accountability review boards.
Sec. 609. Increased anti-terrorism training in Africa.

TITLE VII—INTERNATIONAL ORGANIZATIONS AND COMMISSIONS

Subtitle A—International Organizations Other than the United Nations

Sec. 701. Conforming amendments to reflect redesignation of certain interparliamentary groups.
Sec. 702. Authority of the International Boundary and Water Commission to assist State and local governments.
Sec. 703. International Boundary and Water Commission.
Sec. 704. Semiannual reports on United States support for membership or participation of Taiwan in international organizations.
Sec. 705. Restriction relating to United States accession to the International Criminal Court.
Sec. 706. Prohibition on extradition or transfer of United States citizens to the International Criminal Court.
Sec. 707. Requirement for reports regarding foreign travel.
Sec. 708. United States representation at the International Atomic Energy Agency.

Subtitle B—United Nations Activities

Sec. 721. United Nations policy on Israel and the Palestinians.
Sec. 722. Data on costs incurred in support of United Nations peacekeeping operations.
Sec. 723. Reimbursement for goods and services provided by the United States to the United Nations.
Sec. 724. Codification of required notice of proposed United Nations peacekeeping operations.

TITLE VIII—MISCELLANEOUS PROVISIONS

Subtitle A—General Provisions

Sec. 801. Denial of entry into United States of foreign nationals engaged in establishment or enforcement of forced abortion or sterilization policy.
Sec. 802. Technical corrections.
Sec. 803. Reports with respect to a referendum on Western Sahara.
Sec. 804. Reporting requirements under PLO Commitments Compliance Act of 1989.
Sec. 805. Report on terrorist activity in which United States citizens were killed and related matters.
Sec. 806. Annual reporting on war crimes, crimes against humanity, and genocide.

Subtitle B—North Korea Threat Reduction

Sec. 821. Short title.
Sec. 822. Restrictions on nuclear cooperation with North Korea.
Sec. 823. Definitions.

Subtitle C—People's Republic of China

Sec. 871. Findings.
Sec. 872. Funding for additional personnel at diplomatic posts to report on political, economic, and human rights matters in the People's Republic of China.
Sec. 873. Prisoner information registry for the People's Republic of China.

TITLE IX—ARREARS PAYMENTS AND REFORM

Subtitle A—General Provisions

Sec. 901. Short title.
Sec. 902. Definitions.

Subtitle B—Arrearages to the United Nations

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS; OBLIGATION AND EXPENDITURE OF FUNDS

Sec. 911. Authorization of appropriations.
Sec. 912. Obligation and expenditure of funds.
Sec. 913. Forgiveness of amounts owed by the United Nations to the United States.

CHAPTER 2—UNITED STATES SOVEREIGNTY

Sec. 921. Certification requirements.

CHAPTER 3—REFORM OF ASSESSMENTS AND UNITED NATIONS PEACEKEEPING OPERATIONS

Sec. 931. Certification requirements.

CHAPTER 4—BUDGET AND PERSONNEL REFORM

Sec. 941. Certification requirements.

Subtitle C—Miscellaneous Provisions

Sec. 951. Statutory construction on relation to existing laws.
Sec. 952. Prohibition on payments relating to UNIDO and other international organizations from which the United States has withdrawn or rescinded funding.

DIVISION B—ARMS CONTROL, NONPROLIFERATION, AND SECURITY ASSISTANCE PROVISIONS

Sec. 1001. Short title.

TITLE XI—ARMS CONTROL AND NONPROLIFERATION

Sec. 1101. Short title.
Sec. 1102. Definitions.

Subtitle A—Arms Control

CHAPTER 1—EFFECTIVE VERIFICATION OF COMPLIANCE WITH ARMS CONTROL AGREEMENTS

Sec. 1111. Key Verification Assets Fund.
Sec. 1112. Assistant Secretary of State for Verification and Compliance.
Sec. 1113. Enhanced annual ("Pell") report.
Sec. 1114. Report on START and START II Treaties monitoring issues.
Sec. 1115. Standards for verification.
Sec. 1116. Contribution to the advancement of seismology.
Sec. 1117. Protection of United States companies.
Sec. 1118. Requirement for transmittal of summaries.

CHAPTER 2—MATTERS RELATING TO THE CONTROL OF BIOLOGICAL WEAPONS

Sec. 1121. Short title.
Sec. 1122. Definitions.
Sec. 1123. Findings.
Sec. 1124. Trial investigations and trial visits.

Subtitle B—Nuclear Nonproliferation, Safety, and Related Matters

Sec. 1131. Congressional notification of nonproliferation activities.
Sec. 1132. Effective use of resources for nonproliferation programs.
Sec. 1133. Disposition of weapons-grade material.
Sec. 1134. Provision of certain information to Congress.
Sec. 1135. Amended nuclear export reporting requirement.
Sec. 1136. Adherence to the Missile Technology Control Regime.
Sec. 1137. Authority relating to MTCR adherents.
Sec. 1138. Transfer of funding for science and technology centers in the former Soviet Union.
Sec. 1139. Research and exchange activities by science and technology centers.

TITLE XII—SECURITY ASSISTANCE

Sec. 1201. Short title.

Subtitle A—Transfers of Excess Defense Articles

Sec. 1211. Excess defense articles for Central and Southern European countries.
Sec. 1212. Excess defense articles for certain other countries.
Sec. 1213. Increase in annual limitation on transfer of excess defense articles.

Subtitle B—Foreign Military Sales Authorities

Sec. 1221. Termination of foreign military training.
Sec. 1222. Sales of excess Coast Guard property.
Sec. 1223. Competitive pricing for sales of defense articles.
Sec. 1224. Notification of upgrades to direct commercial sales.
Sec. 1225. Unauthorized use of defense articles.

Subtitle C—Stockpiling of Defense Articles for Foreign Countries

Sec. 1231. Additions to United States war reserve stockpiles for allies.
Sec. 1232. Transfer of certain obsolete or surplus defense articles in the war reserves stockpile for allies.

Subtitle D—Defense Offsets Disclosure

Sec. 1241. Short title.
Sec. 1242. Findings and declaration of policy.
Sec. 1243. Definitions.
Sec. 1244. Sense of Congress.
Sec. 1245. Reporting of offset agreements.
Sec. 1246. Expanded prohibition on incentive payments.
Sec. 1247. Establishment of review commission.
Sec. 1248. Multilateral strategy to address offsets.

Subtitle E—Automated Export System Relating to Export Information

Sec. 1251. Short title.
Sec. 1252. Mandatory use of the Automated Export System for filing certain Shippers' Export Declarations.
Sec. 1253. Voluntary use of the Automated Export System.
Sec. 1254. Report to appropriate committees of Congress.
Sec. 1255. Acceleration of Department of State licensing procedures.
Sec. 1256. Definitions.

Subtitle F—International Arms Sales Code of Conduct Act of 1999

Sec. 1261. Short title.
Sec. 1262. International arms sales code of conduct.

Subtitle G—Transfer of Naval Vessels to Certain Foreign Countries

Sec. 1271. Authority to transfer naval vessels.

TITLE XIII—MISCELLANEOUS PROVISIONS

Sec. 1301. Publication of arms sales certifications.
Sec. 1302. Notification requirements for commercial export of items on United States Munitions List.
Sec. 1303. Enforcement of Arms Export Control Act.
Sec. 1304. Violations relating to material support to terrorists.
Sec. 1305. Authority to consent to third party transfer of ex-U.S.S. Bowman County to USS 1st Ship Memorial, Inc.
Sec. 1306. Annual military assistance report.
Sec. 1307. Annual foreign military training report.
Sec. 1308. Security assistance for the Philippines.
Sec. 1309. Effective regulation of satellite export activities.
Sec. 1310. Study on licensing process under the Arms Export Control Act.
Sec. 1311. Report concerning proliferation of small arms.
Sec. 1312. Conforming amendment.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except as otherwise provided in section 902(1), the term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) SECRETARY.—The term "Secretary" means the Secretary of State.

DIVISION A—DEPARTMENT OF STATE PROVISIONS

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

Subtitle A—Department of State

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

The following amounts are authorized to be appropriated for the Department of State under "Administration of Foreign Affairs" to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law, including public diplomacy activities and the diplomatic security program:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For "Diplomatic and Consular Programs" of the Department of State, $2,837,772,000 for the fiscal year 2000 and $3,263,438,000 for the fiscal year 2001.

(B) LIMITATIONS.—

(i) WORLDWIDE SECURITY UPGRADES.—Of the amounts authorized to be appropriated by subparagraph (A), $254,000,000 for the fiscal year 2000 and $315,000,000 for the fiscal year 2001 is authorized to be appropriated only for worldwide security upgrades.

(ii) BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR.—Of the amounts authorized to be appropriated by subparagraph (A), $12,000,000 for the fiscal year 2000 and $12,000,000 for the fiscal year 2001 is authorized to be appropriated only for salaries and expenses of the Bureau of Democracy, Human Rights, and Labor.

(iii) RECRUITMENT OF MINORITY GROUPS.—Of the amounts authorized to be appropriated by subparagraph (A), $2,000,000 for fiscal year 2000 and $2,000,000 for fiscal year 2001 is authorized to be appropriated only for the recruitment of members of minority groups for careers in the Foreign Service and international affairs.

(2) CAPITAL INVESTMENT FUND.—For "Capital Investment Fund" of the Department of State, $90,000,000 for the fiscal year 2000 and $150,000,000 for the fiscal year 2001.

(3) EMBASSY SECURITY, CONSTRUCTION AND MAINTENANCE.—For "Embassy Security, Construction and Maintenance", $434,066,000 for the fiscal year 2000 and $445,000,000 for the fiscal year 2001.

(4) REPRESENTATION ALLOWANCES.—For "Representation Allowances", $5,850,000 for the fiscal year 2000 and $5,850,000 for the fiscal year 2001.

(5) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For "Emergencies in the Diplomatic and Consular Service", $17,000,000 for the fiscal year 2000 and $17,000,000 for the fiscal year 2001.

(6) OFFICE OF THE INSPECTOR GENERAL.—For "Office of the Inspector General", $30,054,000 for the fiscal year 2000 and $30,054,000 for the fiscal year 2001.

(7) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For "Payment to the American Institute in Taiwan", $15,760,000 for the fiscal year 2000 and $15,918,000 for the fiscal year 2001.

(8) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—

(A) AMOUNTS AUTHORIZED TO BE APPROPRIATED.—For "Protection of Foreign Missions and Officials", $9,490,000 for the fiscal year 2000 and $9,490,000 for the fiscal year 2001.

(B) AVAILABILITY OF FUNDS.—Each amount appropriated pursuant to this paragraph is authorized to remain available through September 30 of the fiscal year following the fiscal year for which the amount was appropriated.

(9) REPATRIATION LOANS.—For "Repatriation Loans", $1,200,000 for the fiscal year 2000 and $1,200,000 for the fiscal year 2001, for administrative expenses.

SEC. 102. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under "International Commissions" for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For "International Boundary and Water Commission, United States and Mexico"—

(A) for "Salaries and Expenses", $20,413,000 for the fiscal year 2000 and $20,413,000 for the fiscal year 2001; and

(B) for "Construction", $8,435,000 for the fiscal year 2000 and $8,435,000 for the fiscal year 2001.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For "International Boundary Commission, United States and Canada", $859,000 for the fiscal year 2000 and $859,000 for the fiscal year 2001.

(3) INTERNATIONAL JOINT COMMISSION.—For "International Joint Commission", $3,819,000 for the fiscal year 2000 and $3,819,000 for the fiscal year 2001.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For "International Fisheries Commissions", $16,702,000 for the fiscal year 2000 and $16,702,000 for the fiscal year 2001.

SEC. 103. MIGRATION AND REFUGEE ASSISTANCE.

(a) MIGRATION AND REFUGEE ASSISTANCE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for "Migration and Refugee Assistance" for authorized activities, $750,000,000 for the fiscal year 2000 and $750,000,000 for the fiscal year 2001.

(2) LIMITATIONS.—

(A) TIBETAN REFUGEES IN INDIA AND NEPAL.—Of the amounts authorized to be appropriated in paragraph (1), $2,000,000 for the fiscal year 2000 and $2,000,000 for the fiscal year 2001 is authorized to be available for humanitarian assistance, including food, medicine, clothing, and medical and vocational training, to Tibetan refugees in India and Nepal who have fled Chinese-occupied Tibet.

(B) REFUGEES RESETTLING IN ISRAEL.—Of the amounts authorized to be appropriated in paragraph (1), $60,000,000 for the fiscal year 2000 and $60,000,000 for the fiscal year 2001 is authorized to be available only for assistance for refugees resettling in Israel from other countries.

(C) HUMANITARIAN ASSISTANCE FOR DISPLACED BURMESE.—Of the amounts authorized to be appropriated in paragraph (1), $2,000,000 for the fiscal year 2000 and $2,000,000 for the fiscal year 2001 are authorized to be available for humanitarian assistance (including food, medicine, clothing, and medical and vocational training) to persons displaced as a result of civil conflict in Burma, including persons still within Burma.

(D) ASSISTANCE FOR DISPLACED SIERRA LEONEANS.—Of the amounts authorized to be appropriated in paragraph (1), $2,000,000 for the fiscal year 2000 and $2,000,000 for the fiscal year 2001 are authorized to be available for humanitarian assistance (including food, medicine, clothing, and medical and vocational training) and resettlement of persons who have been severely mutilated as a result of civil conflict in Sierra Leone, including persons still within Sierra Leone.

(E) INTERNATIONAL RAPE COUNSELING PROGRAM.—Of the amounts authorized to be appropriated in paragraph (1), $1,000,000 for the fiscal year 2000 and $1,000,000 for the fiscal year 2001 are authorized to be appropriated for a program of counseling for female victims of rape and gender violence in times of conflict and war.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to this section are authorized to remain available until expended.

SEC. 104. UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS.

(a) IN GENERAL.—The following amounts are authorized to be appropriated for the Department of State to carry out international information activities and educational and cultural exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the Dante B. Fascell North-South Center Act of 1991, and the National Endowment for Democracy Act, other such programs including the Claude and Mildred Pepper Scholarship Program of the Washington Workshops Foundation and the Mike Mansfield Fellowship Program, and to carry out other authorities in law consistent with such purposes:

(1) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—For the "Fulbright Academic Exchange Programs" (other than programs described in subparagraph (B)), $112,000,000 for the fiscal year 2000 and $120,000,000 for the fiscal year 2001.

(B) OTHER EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(i) IN GENERAL.—For other educational and cultural exchange programs authorized by law, including the Claude and Mildred Pepper Scholarship Program of the Washington Workshops Foundation and Mike Mansfield Fellowship Program, $98,329,000 for the fiscal year 2000 and $105,000,000 for the fiscal year 2001.

(ii) SOUTH PACIFIC EXCHANGES.—Of the amounts authorized to be appropriated under clause (i), $750,000 for the fiscal year 2000 and $750,000 for the fiscal year 2001 is authorized to be available for "South Pacific Exchanges".

(iii) EAST TIMORESE SCHOLARSHIPS.—Of the amounts authorized to be appropriated under clause (i), $500,000 for the fiscal year 2000 and $500,000 for the fiscal year 2001 is authorized to be available for "East Timorese Scholarships".

(iv) TIBETAN EXCHANGES.—Of the amounts authorized to be appropriated under clause (i), $500,000 for the fiscal year 2000 and $500,000 for the fiscal year 2001 is authorized to be available for "Ngawang Choephel Exchange Programs" (formerly known as educational and cultural exchanges with Tibet) under section 103(a) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319).

(v) AFRICAN EXCHANGES.—Of the amounts authorized to be appropriated under clause (i), $500,000 for the fiscal year 2000 and $500,000 for the fiscal year 2001 is authorized to be available only for "Educational and Cultural Exchanges with Sub-Saharan Africa".

(vi) ISRAEL-ARAB PEACE PARTNERS PROGRAM.—Of the amounts authorized to be appropriated under clause (i), $750,000 for the fiscal year 2000 and $750,000 for the fiscal year 2001 is authorized to be available only for people-to-people activities (with a focus on young people) to support the Middle East peace process involving participants from Israel, the Palestinian Authority, Arab countries, and the United States, to be known as the "Israel-Arab Peace Partners Program". Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit a plan to the appropriate congressional committees for implementation of such program. The Secretary shall not implement the plan until 45 days after its submission to the appropriate congressional committees.

(2) NATIONAL ENDOWMENT FOR DEMOCRACY.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For the "National Endowment for Democracy", $32,000,000 for the fiscal year 2000 and $32,000,000 for the fiscal year 2001.

(B) REAGAN-FASCELL DEMOCRACY FELLOWS.—Of the amount authorized to be appropriated by subparagraph (A), $1,000,000 for fiscal year 2000 and $1,000,000 for the fiscal year 2001 is authorized to be appropriated only for a fellowship program, to be known as the "Reagan-Fascell Democracy Fellows", for democracy activists and scholars from around the world at the International Forum for Democratic Studies in Washington, D.C., to study, write, and exchange views with other activists and scholars and with Americans.

(3) DANTE B. FASCELL NORTH-SOUTH CENTER.—For "Dante B. Fascell North-South Center" $2,500,000 for the fiscal year 2000 and $2,500,000 for the fiscal year 2001.

(4) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For the "Center for Cultural and Technical Interchange between East and West", $12,500,000 for the fiscal year 2000 and $12,500,000 for the fiscal year 2001.

(b) MUSKIE FELLOWSHIPS.—

(1) EXCHANGES WITH RUSSIA.—Of the amounts authorized to be appropriated by this or any other Act for the fiscal years 2000 and 2001 for exchange programs with the Russian Federation, $5,000,000 for fiscal year 2000 and $5,000,000 for fiscal year 2001 shall be available only to carry out the Edmund S. Muskie Program under section 227 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138; 22 U.S.C. 2452 note).

(2) DOCTORAL GRADUATE STUDIES FOR NATIONALS OF THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.—Of the amounts authorized to be appropriated by this or any other Act for the fiscal years 2000 and 2001 for exchange programs, $1,500,000 for fiscal year 2000 and $1,500,000 for fiscal year 2001 shall be available only to provide scholarships for doctoral graduate study in economics to nationals of the independent states of the former Soviet Union under the Edmund S. Muskie Fellowship Program authorized by section 227 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138; 22 U.S.C. 2452 note).

(c) VIETNAM FULBRIGHT ACADEMIC EXCHANGE PROGRAM.—Of the amounts authorized to be appropriated by subsection (a)(1)(A), $4,000,000 for the fiscal year 2000 and $4,000,000 for the fiscal year 2001 shall be available only to carry out the Vietnam scholarship program established by section 229 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138; 22 U.S.C. 2452 note).

SEC. 105. GRANTS TO THE ASIA FOUNDATION.

Section 404 of The Asia Foundation Act (title IV of Public Law 98–164; 22 U.S.C. 4403) is amended to read as follows:

"SEC. 404. There are authorized to be appropriated to the Secretary of State $15,000,000 for each of the fiscal years 2000 and 2001 for grants to The Asia Foundation pursuant to this title.".

SEC. 106. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated under the heading "Contributions to International Organizations" $940,000,000 for the fiscal year 2000 and such sums as may be necessary for the fiscal year 2001 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(2) AVAILABILITY OF FUNDS FOR CIVIL BUDGET OF NATO.—Of the amounts authorized in paragraph (1), $48,977,000 are authorized in fiscal year 2000 and such sums as may be necessary in fiscal year 2001 for the United States assessment for the civil budget of the North Atlantic Treaty Organization.

(b) NO GROWTH BUDGET.—Of the funds made available under subsection (a), $80,000,000 may be made available during each calendar year only after the Secretary of State certifies that the United Nations has taken no action during the preceding calendar year to increase funding for any United Nations program without identifying an offsetting decrease during that calendar year elsewhere in the United Nations budget of $2,533,000,000, and cause the United Nations to exceed the initial 1998–99 United Nations biennium budget adopted in December 1997.

(c) INSPECTOR GENERAL OF THE UNITED NATIONS.—

(1) WITHHOLDING OF FUNDS.—Twenty percent of the funds made available in each fiscal year under subsection (a) for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under paragraph (2).

(2) CERTIFICATION.—A certification under this paragraph is a certification by the Secretary of State in the fiscal year concerned that the following conditions are satisfied:

(A) ACTION BY THE UNITED NATIONS.—The United Nations—

(i) has met the requirements of paragraphs (1) through (6) of section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note), as amended by paragraph (3);

(ii) has established procedures that require the Under Secretary General of the Office of Internal Oversight Services to report directly to the Secretary General on the adequacy of the Office's resources to enable the Office to fulfill its mandate; and

(iii) has made available an adequate amount of funds to the Office for carrying out its functions.

(B) AUTHORITY BY OIOS.—The Office of Internal Oversight Services has authority to audit, inspect, or investigate each program, project, or activity funded by the United Nations, and each executive board created under the United Nations has been notified of that authority.

(3) AMENDMENT OF THE FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1994 AND 1995.—Section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 is amended—

(A) by amending paragraph (6) to read as follows:

"(6) the United Nations has procedures in place to ensure that all reports submitted by the Office of Internal Oversight Services are made available to the member states of the United Nations without modification except to the extent necessary to protect the privacy rights of individuals."; and

(B) by striking "Inspector General" each place it appears and inserting "Office of Internal Oversight Services".

(d) PROHIBITION ON CERTAIN GLOBAL CONFERENCES.—None of the funds made available under subsection (a) shall be available for any United States contribution to pay for any expense related to the holding of any United Nations global conference, except for any conference scheduled prior to October 1, 1998.

(e) PROHIBITION ON FUNDING OTHER FRAMEWORK TREATY-BASED ORGANIZATIONS.—None of the funds made available for the 1998–1999 biennium budget under subsection (a) for United States contributions to the regular budget of the United Nations shall be available for the United States proportionate share of any other framework treaty-based organization, including the Framework Convention on Global Climate Change, the International Seabed Authority, the Desertification Convention, and the International Criminal Court.

(f) FOREIGN CURRENCY EXCHANGE RATES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2000 and 2001 to offset adverse fluctuations in foreign currency exchange rates.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to Congress that such amounts are necessary due to such fluctuations.

(g) REFUND OF EXCESS CONTRIBUTIONS.—The United States shall continue to insist that the United Nations and its specialized and affiliated agencies shall credit or refund to each member of the agency concerned its proportionate share of the amount by which the total contributions to the agency exceed the expenditures of the regular assessed budgets of these agencies.

SEC. 107. CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.

There are authorized to be appropriated under the heading "Contributions for International Peacekeeping Activities" $500,000,000 for the fiscal year 2000 and such sums as may be necessary for the fiscal year 2001 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

SEC. 108. VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for "Voluntary Contributions to International Organizations", $293,000,000 for the fiscal year 2000 and such sums as may be necessary for the fiscal year 2001.

(b) LIMITATIONS ON AUTHORIZATIONS OF APPROPRIATIONS.—

(1) WORLD FOOD PROGRAM.—Of the amounts authorized to be appropriated under subsection (a), $5,000,000 for the fiscal year 2000 and $5,000,000 for the fiscal year 2001 is authorized to be appropriated only for a United States contribution to the World Food Program.

(2) UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TORTURE.—Of the amounts authorized to be appropriated under subsection (a), $5,000,000 for the fiscal year 2000 and $5,000,000 for the fiscal year 2001 is authorized to be appropriated only for a United States contribution to the United Nations Voluntary Fund for Victims of Torture.

(3) ORGANIZATION OF AMERICAN STATES.—Of the amounts authorized to be appropriated under subsection (a), $240,000 for the fiscal year 2000 and $240,000 for the fiscal year 2001 is authorized to be appropriated only for a United States contribution to the Organization of American States for the Office of the Special Rapporteur for Freedom of Expression in the Western Hemisphere to conduct investigations, including field visits, to establish a network of nongovernmental organizations, and to hold hemispheric conferences, of which $6,000 for each fiscal year is authorized to be appropriated only for the investigation and dissemination of information on violations of freedom of expression by the Government of Cuba, $6,000 for each fiscal year is authorized to be appropriated only for the investigation and dissemination of information on violations of freedom of expression by the Government of Peru, and $6,000 for each fiscal year is authorized to be appropriated only for the investigation and dissemination of information on violations of freedom of expression by the Government of Colombia.

(4) UNICEF.—Of the amounts authorized to be appropriated under subsection (a), $110,000,000 for the fiscal year 2000 is authorized to be appropriated only for a United States contribution to UNICEF.

(c) RESTRICTIONS ON UNITED STATES VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS DEVELOPMENT PROGRAM.—

(1) LIMITATION.—Of the amounts made available under subsection (a) for each of the fiscal years 2000 and 2001 for United States voluntary contributions to the United Nations Development Program an amount equal to the amount the United Nations Development Program will spend in Burma during each fiscal year shall be withheld unless during such fiscal year the Secretary of State submits to the appropriate congressional committees the certification described in paragraph (2).

(2) CERTIFICATION.—The certification referred to in paragraph (1) is a certification by the Secretary of State that all programs and activities of the United Nations Development Program (including United Nations Development Program—Administered Funds) in Burma—

(A) are focused on eliminating human suffering and addressing the needs of the poor;

(B) are undertaken only through international or private voluntary organizations that have been deemed independent of the State Peace and Development Council (SPDC) (formerly known as the State Law and Order Restoration Council (SLORC)), after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma;

(C) provide no financial, political, or military benefit to the SPDC; and

(D) are carried out only after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma.

(d) CONTRIBUTIONS TO THE UNITED NATIONS FUND FOR POPULATION ACTIVITIES.—

(1) LIMITATIONS ON AMOUNT OF CONTRIBUTION.—Of the amounts made available under subsection (a), not more than $25,000,000 for fiscal year 2000 and $25,000,000 for fiscal year 2001 shall be available for the United Nations Fund for Population Activities (hereinafter in this subsection referred to as the "UNFPA").

(2) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available under subsection (a) may be made available for the UNFPA for a country program in the People's Republic of China.

(3) CONDITIONS ON AVAILABILITY OF FUNDS.—Amounts made available under subsection (a) for each of the fiscal years 2000 and 2001 for the UNFPA may not be made available to the UNFPA unless—

(A) the UNFPA maintains amounts made available to the UNFPA under this section in an account separate from other accounts of the UNFPA;

(B) the UNFPA does not commingle amounts made available to the UNFPA under this section with other sums; and

(C) the UNFPA does not fund abortions.

(4) REPORT TO CONGRESS AND WITHHOLDING OF FUNDS.—

(A) Not later than February 15, of each of the years 2000 and 2001, the Secretary of State shall submit a report to the appropriate congressional committees indicating the amount of funds that the United Nations Fund for Population Activities is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(B) If a report under subparagraph (A) indicates that the United Nations Population Fund plans to spend funds for a country program in the People's Republic of China in the year covered by the report, then the amount of such funds that the UNFPA plans to spend in the People's Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

(e) AVAILABILITY OF FUNDS.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

Subtitle B—United States International Broadcasting Activities

SEC. 121. AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—The following amounts are authorized to be appropriated to carry out the United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act, and to carry out other authorities in law consistent with such purposes:

(1) INTERNATIONAL BROADCASTING ACTIVITIES.—For "International Broadcasting Activities", $385,900,000 for the fiscal year 2000, and $393,618,000 for the fiscal year 2001.

(2) BROADCASTING CAPITAL IMPROVEMENTS.—For "Broadcasting Capital Improvements", $20,868,000 for the fiscal year 2000, and $20,868,000 for the fiscal year 2001.

(3) BROADCASTING TO CUBA.—For "Broadcasting to Cuba", $22,743,000 for the fiscal year 2000 and $22,743,000 for the fiscal year 2001.

(4) RADIO FREE ASIA.—For "Radio Free Asia", $24,000,000 for the fiscal year 2000, and $30,000,000 for the fiscal year 2001.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—Basic Authorities and Activities

SEC. 201. OFFICE OF CHILDREN'S ISSUES.

(a) DIRECTOR REQUIREMENTS.—The Secretary of State shall fill the position of Director of the Office of Children's Issues of the Department of State (in this section referred to as the "Office") with an individual of senior rank who can ensure long-term continuity in the management and policy matters of the Office and has a strong background in consular affairs.

(b) CASE OFFICER STAFFING.—Effective April 1, 2000, there shall be assigned to the Office of Children's Issues of the Department of State a sufficient number of case officers to ensure that the average caseload for each officer does not exceed 75.

(c) EMBASSY CONTACT.—The Secretary of State shall designate in each United States diplomatic mission an employee who shall serve as the point of contact for matters relating to international abductions of children by parents. The Director of the Office shall regularly inform the designated employee of children of United States citizens abducted by parents to that country.

(d) REPORTS TO PARENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), beginning 6 months after the date of enactment of this Act, and at least once every 6 months thereafter, the Secretary of State shall report to each parent who has requested assistance regarding an abducted child overseas. Each such report shall include information on the current status of the abducted child's case and the efforts by the Department of State to resolve the case.

(2) EXCEPTION.—The requirement in paragraph (1) shall not apply in a case of an abducted child if—

(A) the case has been closed and the Secretary of State has reported the reason the case was closed to the parent who requested assistance; or

(B) the parent seeking assistance requests that such reports not be provided.

SEC. 202. STRENGTHENING IMPLEMENTATION OF THE HAGUE CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION.

Section 2803(a) of the Foreign Affairs Reform and Restructuring Act of 1998 (as contained in division G of Public Law 105–277) is amended—

(1) in the first sentence, by striking "1999," and inserting "2001,";

(2) in paragraph (1), by striking "United States citizens" and inserting "applicants in the United States";

(3) in paragraph (2), by striking "abducted." and inserting "abducted, are being wrongfully retained in violation of United States court orders, or which have failed to comply with any of their obligations under such convention with respect to applications for the return of children, access to children, or both, submitted by applicants in the United States.";

(4) in paragraph (3)—

(A) by striking "children" and inserting "children, access to children, or both,"; and

(B) by striking "United States citizens" and inserting "applicants in the United States";

(5) in paragraph (4), by inserting before the period at the end the following: ", including the specific actions taken by the United States chief of mission in the country to which the child is alleged to have been abducted"; and

(6) by inserting after paragraph (5) the following new paragraphs:

"(6) A list of the countries that are parties to the Convention in which, during the reporting period, parents who have been left-behind in the United States have not been able to secure prompt enforcement of a final return or access order under a Hague proceeding, of a United States custody, access, or visitation order, or of an access or visitation order by authorities in the country concerned, due to the absence of a prompt and effective method for enforcement of civil court orders, the absence of a doctrine of comity, or other factors.

"(7) A description of the efforts of the Secretary of State to encourage the parties to the Convention to facilitate the work of nongovernmental organizations within their countries that assist parents seeking the return of children under the Convention.".

SEC. 203. REPORT CONCERNING ATTACK IN CAMBODIA.

Not later than 30 days after the date of the enactment of this Act, and one year thereafter unless the investigation referred to in this section is completed, the Secretary of State, in consultation with the Attorney General, shall submit a report to the appropriate congressional committees, in classified and unclassified form, containing the most current information on the investigation into the March 30, 1997, grenade attack in Cambodia.

SEC. 204. INTERNATIONAL EXPOSITIONS.

(a) LIMITATION.—Except as provided in subsection (b) and notwithstanding any other provision of law, the Department of State may not obligate or expend any funds appropriated to the Department of State for a United States pavilion or other major exhibit at any international exposition or world's fair registered by the Bureau of International Expositions in excess of amounts expressly authorized and appropriated for such purpose.

(b) EXCEPTIONS.—

(1) IN GENERAL.—The Department of State is authorized to utilize its personnel and resources to carry out the responsibilities of the Department for the following:

(A) Administrative services, including legal and other advice and contract administration, under section 102(a)(3) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452(a)(3)) related to United States participation in international fairs and expositions abroad. Such administrative services may not include capital expenses, operating expenses, or travel or related expenses (other than such expenses as are associated with the provision of administrative services by employees of the Department of State).

(B) Activities under section 105(f) of such Act with respect to encouraging foreign governments, international organizations, and private individuals, firms, associations, agencies and other groups to participate in international fairs and expositions and to make contributions to be utilized for United States participation in international fairs and expositions.

(C) Encouraging private support of United States pavilions and exhibits at international fairs and expositions.

(2) STATUTORY CONSTRUCTION.—Nothing in this subsection authorizes the use of funds appropriated to the Department of State to make payments for—

(A) contracts, grants, or other agreements with any other party to carry out the activities described in this subsection; or

(B) the satisfaction of any legal claim or judgment or the costs of litigation brought against the Department of State arising from activities described in this subsection.

(c) NOTIFICATION.—No funds made available to the Department of State by any Federal agency to be used for a United States pavilion or other major exhibit at any international exposition or world's fair registered by the Bureau of International Expositions may be obligated or expended unless the appropriate congressional committees are notified not less than 15 days prior to such obligation or expenditure.

(d) REPORTS.—The Commissioner General of a United States pavilion or other major exhibit at any international exposition or world's fair registered by the Bureau of International Expositions shall submit to the Secretary of State and the appropriate congressional committees a report concerning activities relating to such pavilion or exhibit every 180 days while serving as Commissioner General and shall submit a final report summarizing all such activities not later than 1 year after the closure of the pavilion or exhibit.

(e) REPEAL.—Section 230 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2452 note) is repealed.

SEC. 205. RESPONSIBILITY OF THE AID INSPECTOR GENERAL FOR THE INTER-AMERICAN FOUNDATION AND THE AFRICAN DEVELOPMENT FOUNDATION.

(a) RESPONSIBILITIES.—Section 8A(a) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following:

"(3) shall supervise, direct, and control audit and investigative activities relating to programs and operations within the Inter-American Foundation and the African Development Foundation.".

(b) CONFORMING AMENDMENT.—Section 8A(f) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting before the period at the end the following: ", an employee of the Inter-American Foundation, and an employee of the African Development Foundation".

SEC. 206. REPORT ON CUBAN DRUG TRAFFICKING.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees an unclassified report (with a classified annex) on the extent of international drug trafficking through Cuba since 1990. The report shall include the following:

(1) Information concerning the extent to which the Cuban Government or any official, employee, or entity of the Government of Cuba has engaged in, facilitated, or condoned such trafficking.

(2) The extent to which agencies of the United States Government have investigated or prosecuted such activities.

(b) LIMITATION.—The report need not include information about isolated instances of conduct by low-level employees, except to the extent that such information may suggest improper conduct by more senior officials.

SEC. 207. REVISION OF REPORTING REQUIREMENT.

Section 3 of Public Law 102–1 is amended by striking "60 days" and inserting "90 days".

SEC. 208. FOREIGN LANGUAGE PROFICIENCY.

(a) REPORT ON LANGUAGE PROFICIENCY.—Section 702 of the Foreign Service Act of 1980 (22 U.S.C. 4022) is amended by adding at the end the following new subsection:

"(c) Not later than March 31 of each year, the Director General of the Foreign Service shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives summarizing the number of positions in each overseas mission requiring foreign language competence that—

"(1) became vacant during the previous calendar year; and

"(2) were filled by individuals having the required foreign language competence.".

(b) REPEAL.—Section 304(c) of the Foreign Service Act of 1980 (22 U.S.C. 3944(c)) is repealed.

SEC. 209. CONTINUATION OF REPORTING REQUIREMENTS.

(a) REPORTS ON CLAIMS BY UNITED STATES FIRMS AGAINST THE GOVERNMENT OF SAUDI ARABIA.—Section 2801(b)(1) of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted by division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277) is amended by striking "third" and inserting "seventh".

(b) REPORTS ON DETERMINATIONS UNDER TITLE IV OF THE LIBERTAD ACT.—Section 2802(a) of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted by division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277) is amended by striking "September 30, 1999," and inserting "September 30, 2001,".

(c) RELATIONS WITH VIETNAM.—Section 2805 of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted by division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277) is amended by striking "September 30, 1999," and inserting "September 30, 2001,".

(d) REPORTS ON BALLISTIC MISSILE COOPERATION WITH RUSSIA.—Section 2705(d) of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted by division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277) is amended by striking "and January 1, 2000," and inserting "January 1, 2000, and January 1, 2001,".

(e) CONTINUATION OF REPORTS TERMINATED BY THE FEDERAL REPORTS ELIMINATION AND SUNSET ACT OF 1995.—Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104–66; 31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) Section 1205 of the International Security and Development Cooperation Act of 1985 (Public Law 99–83; 22 U.S.C. 2346 note) (relating to annual reports on economic conditions in Egypt, Israel, Turkey, and Portugal).

(2) Section 1307(f)(1)(A) of the International Financial Institutions Act (Public Law 95–118) (relating to an assessment of the environmental impact of proposed multilateral development bank actions).

(3) Section 118(f) of the Foreign Assistance Act of 1961 (Public Law 87–195; 22 U.S.C. 2151p–1) (relating to the protection of tropical forests).

(4) Section 586J(c)(4) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101–513) (relating to sanctions taken by other nations against Iraq).

(5) Section 3 of the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102–1; 105 Stat. 3) (relating to the status of efforts to obtain Iraqi compliance with United Nations Security Council resolutions).

(6) Section 124 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204; 22 U.S.C. 2680 note) (relating to expenditures for emergencies in the diplomatic and consular service).

(7) Section 620C(c) of the Foreign Assistance Act of 1961 (Public Law 87–195; 22 U.S.C. 2373(c)) (relating to progress made toward the conclusion of a negotiated solution to the Cyprus problem).

(8) Section 533(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 19991 (Public Law 101–513) (relating to international natural resource management initiatives).

(9) Section 3602 of the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100–418; 22 U.S.C. 5352) (relating to foreign treatment of United States financial institutions).

(10) Section 1702 of the International Financial Institutions Act (Public Law 95-118; 22 U.S.C. 262r-1) (relating to operating summaries of the multilateral development banks).

(11) Section 1303(c) of the International Financial Institutions Act (Public Law 95–118; 22 U.S.C. 262m-2(c)) (relating to international environmental assistance programs).

(12) Section 1701(a) of the International Financial Institutions Act (Public Law 95–118; 22 U.S.C. 262r) (relating to United States participation in international financial institutions).

(13) Section 163(a) of the Trade Act of 1974 (Public Law 93–618; 19 U.S.C. 2213) (relating to the trade agreements program and national trade policy agenda).

(14) Section 8 of the Export-Import Bank Act (Public Law 79–173; 12 U.S.C. 635g) (relating to Export-Import Bank activities).

(15) Section 407(f) of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 83–480; 7 U.S.C. 1736a) (relating to Public Law 480 programs and activities).

(16) Section 239(c) of the Foreign Assistance Act of 1961 (Public Law 87–195; 22 U.S.C. 2199(c)) (relating to OPIC audit report).

(17) Section 504(i) of the National Endowment for Democracy Act (Public Law 98–164; 22 U.S.C. 4413(i)) (relating to the activities of the National Endowment for Democracy).

(18) Section 5(b) of the Japan-United States Friendship Act (Public Law 94–118; 22 U.S.C. 2904(b)) (relating to Japan-United States Friendship Commission activities).

SEC. 210. JOINT FUNDS UNDER AGREEMENTS FOR COOPERATION IN ENVIRONMENTAL, SCIENTIFIC, CULTURAL AND RELATED AREAS.

Amounts made available to the Department of State for participation in joint funds under agreements for cooperation in environmental, scientific, cultural and related areas prior to fiscal year 1996 which, pursuant to express terms of such international agreements, were deposited in interest-bearing accounts prior to disbursement may earn interest, and interest accrued to such accounts may be used and retained without return to the Treasury of the United States and without further appropriation by Congress. The Department of State shall take action to ensure the complete and timely disbursement of appropriations and associated interest within joint funds covered by this section and final disposition of such agreements.

SEC. 211. REPORT ON INTERNATIONAL EXTRADITION.

(a) Report to Congress.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall review extradition treaties and other agreements containing extradition obligations to which the United States is a party (only with regard to those treaties where the United States has diplomatic relations with the treaty partner) and submit a report to the appropriate congressional committees regarding United States extradition policy and practice.

(b) Contents of Report.—The report under subsection (a) shall—

(1) discuss the factors that contribute to failure of foreign nations to comply fully with their obligations under bilateral extradition treaties with the United States;

(2) discuss the factors that contribute to nations becoming "safe havens" for individuals fleeing the United States justice system;

(3) identify those bilateral extradition treaties to which the United States is a party which do not require the extradition of nationals, and the reason such treaties contain such a provision;

(4) discuss appropriate legislative and diplomatic solutions to existing gaps in United States extradition treaties and practice; and

(5) discuss current priorities of the United States for negotiation of new extradition treaties and renegotiation of existing treaties, including resource factors relevant to such negotiations.

Subtitle B—Consular Authorities

SEC. 231. MACHINE READABLE VISAS.

Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (8 U.S.C. 1351 note) is amended—

(1) in paragraph (3) by amending the first sentence to read as follows: "For each of the fiscal years 2000, 2001, and 2002, any amount collected under paragraph (1) that exceeds $316,715,000 for fiscal year 2000, $316,715,000 for fiscal year 2001, and $316,715,000 for fiscal year 2002 may be made available only if a notification is submitted to Congress in accordance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956."; and

(2) by striking paragraphs (4) and (5).

SEC. 232. FEES RELATING TO AFFIDAVITS OF SUPPORT.

(a) Authority To Charge Fee.—The Secretary of State may charge and retain a fee or surcharge for services provided by the Department of State to any sponsor who provides an affidavit of support under section 213A of the Immigration and Nationality Act (8 U.S.C. 1183a) to ensure that such affidavit is properly completed before it is forwarded to a consular post for adjudication by a consular officer in connection with the adjudication of an immigrant visa. Such fee or surcharge shall be in addition to and separate from any fee imposed for immigrant visa application processing and issuance, and shall recover only the costs of such services not recovered by such fee.

(b) Limitation.—Any fee established under subsection (a) shall be charged only once to a sponsor or joint sponsors who file essentially duplicative affidavits of support in connection with separate immigrant visa applications from the spouse and children of any petitioner required by the Immigration and Nationality Act to petition separately for such persons.

(c) Treatment of Fees.—Fees collected under the authority of subsection (a) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of providing consular services.

(d) Compliance With Budget Act.—Fees collected under the authority of subsection (a) shall be available only to such extent or in such amounts as are provided in advance in an appropriation Act.

SEC. 233. PASSPORT FEES.

(a) Applications.—Section 1 of the Passport Act of June 4, 1920 (22 U.S.C. 214), is amended—

(1) in the first sentence—

(A) by striking "each passport issued" and inserting "the filing of each application for a passport (including the cost of passport issuance and use)"; and

(B) by striking "each application for a passport;" and inserting "each such application"; and

(2) by adding after the first sentence the following new sentence: "Such fees shall not be refundable, except as the Secretary may by regulation prescribe.".

(b) Repeal of Outdated Provision on Passport Fees.—Section 4 of the Passport Act of June 4, 1920 (22 U.S.C. 216) is repealed.

(c) Effective Date.—The amendments made by this section shall take effect on the date of issuance of final regulations under section 1 of the Passport Act of June 4, 1920, as amended by subsection (a).

SEC. 234. DEATHS AND ESTATES OF UNITED STATES CITIZENS ABROAD.

(a) Repeal.—Section 1709 of the Revised Statutes (22 U.S.C. 4195) is repealed.

(b) Amendment to State Department Basic Authorities Act.—The State Department Basic Authorities Act of 1956 is amended by inserting after section 43 (22 U.S.C. 2715) the following new sections:

"SEC. 43A. NOTIFICATION OF NEXT OF KIN; REPORTS OF DEATH.

"(a) In General.—Whenever a United States citizen or national dies abroad, a consular officer shall endeavor to notify, or assist the Secretary of State in notifying, the next of kin or legal guardian as soon as possible, except that, in the case of death of any Peace Corps volunteer (within the meaning of section 5(a) of the Peace Corps Act (22 U.S.C. 2504(a)), any member of the Armed Forces, any dependent of such a volunteer or member, or any Department of Defense employee, the consular officer shall assist the Peace Corps or the appropriate military authorities, as the case may be, in making such notifications.

"(b) Reports of Death or Presumptive Death.—The consular officer may, for any United States citizen who dies abroad—

"(1) in the case of a finding of death by the appropriate local authorities, issue a report of death or of presumptive death; or

"(2) in the absence of a finding of death by the appropriate local authorities, issue a report of presumptive death.

"(c) Implementing Regulations.—The Secretary of State shall prescribe such regulations as may be necessary to carry out this section.

"SEC. 43B. CONSERVATION AND DISPOSITION OF ESTATES.

"(a) Conservation of Estates Abroad.—

"(1) Authority to Act as Conservator.—Whenever a United States citizen or national dies abroad, a consular officer shall act as the provisional conservator of the portion of the decedent's estate located abroad and, subject to paragraphs (3), (4), and (5), shall—

"(A) take possession of the personal effects of the decedent within his jurisdiction;

"(B) inventory and appraise the personal effects of the decedent, sign the inventory, and annex thereto a certificate as to the accuracy of the inventory and appraised value of each article;

"(C) when appropriate in the exercise of prudent administration, collect the debts due to the decedent in the officer's jurisdiction and pay

from the estate the obligations owed by the decedent;

"(D) sell or dispose of, as appropriate, in the exercise of prudent administration, all perishable items of property;

"(E) sell, after reasonable public notice and notice to such next of kin as can be ascertained with reasonable diligence, such additional items of property as necessary to provide funds sufficient to pay the decedent's debts and property taxes in the country of death, funeral expenses, and other expenses incident to the disposition of the estate;

"(F) upon the expiration of the one-year period beginning on the date of death (or after such additional period as may be required for final settlement of the estate), if no claimant shall have appeared, after reasonable public notice and notice to such next of kin as can be ascertained with reasonable diligence, sell or dispose of the residue of the personal estate, except as provided in subparagraph (G), in the same manner as United States Government-owned foreign excess property;

"(G) transmit to the custody of the Secretary of State in Washington, D.C. the proceeds of any sales, together with all financial instruments (including bonds, shares of stock, and notes of indebtedness), jewelry, heirlooms, and other articles of obvious sentimental value, to be held in trust for the legal claimant; and

"(H) in the event that the decedent's estate includes an interest in real property located within the jurisdiction of the officer and such interest does not devolve by the applicable laws of intestate succession or otherwise, provide for title to the property to be conveyed to the Government of the United States unless the Secretary declines to accept such conveyance.

"(2) AUTHORITY TO ACT AS ADMINISTRATOR.—Subject to paragraphs (3) and (4), a consular officer may act as administrator of an estate in exceptional circumstances if expressly authorized to do so by the Secretary of State.

"(3) EXCEPTIONS.—The responsibilities described in paragraphs (1) and (2) may not be performed to the extent that the decedent has left or there is otherwise appointed, in the country where the death occurred or where the decedent was domiciled, a legal representative, partner in trade, or trustee appointed to take care of his personal estate. If the decedent's legal representative shall appear at any time prior to transmission of the estate to the Secretary and demand the proceeds and effects being held by the consular officer, the officer shall deliver them to the representative after having collected any prescribed fee for the services performed under this section.

"(4) ADDITIONAL REQUIREMENT.—In addition to being subject to the limitations in paragraph (3), the responsibilities described in paragraphs (1) and (2) may not be performed unless—

"(A) authorized by treaty provisions or permitted by the laws or authorities of the country wherein the death occurs, or the decedent is domiciled; or

"(B) permitted by established usage in that country.

"(5) STATUTORY CONSTRUCTION.—Nothing in this section supersedes or otherwise affects the authority of any military commander under title 10 of the United States Code with respect to the person or property of any decedent who died while under a military command or jurisdiction or the authority of the Peace Corps with respect to a Peace Corps volunteer or the volunteer's property.

"(b) DISPOSITION OF ESTATES BY THE SECRETARY OF STATE.—

"(1) PERSONAL ESTATES.—

"(A) IN GENERAL.—After receipt of a personal estate pursuant to subsection (a), the Secretary may seek payment of all outstanding debts to the estate as they become due, may receive any balances due on such estate, may endorse all checks, bills of exchange, promissory notes, and other instruments of indebtedness payable to the estate for the benefit thereof, and may take such other action as is reasonably necessary for the conservation of the estate.

"(B) DISPOSITION AS SURPLUS UNITED STATES PROPERTY.—If, upon the expiration of a period of 5 fiscal years beginning on October 1 after a consular officer takes possession of a personal estate under subsection (a), no legal claimant for such estate has appeared, title to the estate shall be conveyed to the United States, the property in the estate shall be under the custody of the Department of State, and the Secretary shall dispose of the estate in the same manner as surplus United States Government-owned property is disposed or by such means as may be appropriate in light of the nature and value of the property involved. The expenses of sales shall be paid from the estate, and any lawful claim received thereafter shall be payable to the extent of the value of the net proceeds of the estate as a refund from the appropriate Treasury appropriations account.

"(C) TRANSFER OF PROCEEDS.—The net cash estate after disposition as provided in subparagraph (B) shall be transferred to the miscellaneous receipts account of the Treasury of the United States.

"(2) REAL PROPERTY.—

"(A) DESIGNATION AS EXCESS PROPERTY.—In the event that title to real property is conveyed to the Government of the United States pursuant to subsection (a)(1)(H) and is not required by the Department of State, such property shall be considered foreign excess property under title IV of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 511 et seq.).

"(B) TREATMENT AS GIFT.—In the event that the Department requires such property, the Secretary of State shall treat such property as if it were an unconditional gift accepted on behalf of the Department of State under section 25 of this Act and section 9(a)(3) of the Foreign Service Buildings Act of 1926.

"(c) LOSSES IN CONNECTION WITH THE CONSERVATION OF ESTATES.—

"(1) AUTHORITY TO COMPENSATE.—The Secretary is authorized to compensate the estate of any United States citizen who has died overseas for property—

"(A) the conservation of which has been undertaken under section 43 or subsection (a) of this section; and

"(B) that has been lost, stolen, or destroyed while in the custody of officers or employees of the Department of State.

"(2) LIABILITY.—

"(A) EXCLUSION OF PERSONAL LIABILITY AFTER PROVISION OF COMPENSATION.—Any such compensation shall be in lieu of personal liability of officers or employees of the Department of State.

"(B) LIABILITY TO THE DEPARTMENT.—An officer or employee of the Department of State may be liable to the Department of State to the extent of any compensation provided under paragraph (1).

"(C) DETERMINATIONS OF LIABILITY.—The liability of any officer or employee of the Department of State to the Department for any payment made under subsection (a) shall be determined pursuant to the Department's procedures for determining accountability for United States Government property.

"(d) REGULATIONS.—The Secretary of State may prescribe such regulations as may be necessary to carry out this section.".

(c) EFFECTIVE DATE.—The repeal and amendment made by this section shall take effect six months after the date of enactment of this Act.

SEC. 235. DUTIES OF CONSULAR OFFICERS REGARDING MAJOR DISASTERS AND INCIDENTS ABROAD AFFECTING UNITED STATES CITIZENS.

Section 43 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2715) is amended—

(1) by inserting "(a) AUTHORITY.—" before "In";

(2) by striking "disposition of personal effects." in the last sentence and inserting "disposition of personal estates pursuant to section 43B of this Act."; and

(3) by adding at the end the following new subsection:

"(b) DEFINITIONS.—For purposes of this section and sections 43A and 43B, the term 'consular officer' includes any United States citizen employee of the Department of State who is designated by the Secretary of State to perform consular services pursuant to such regulations as the Secretary may prescribe.".

SEC. 236. ISSUANCE OF PASSPORTS FOR CHILDREN UNDER AGE 14.

(a) IN GENERAL.—

(1) REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall issue regulations providing that before a child under the age of 14 years is issued a passport the requirements under paragraph (2) shall apply under penalty of perjury.

(2) REQUIREMENTS.—

(A) Both parents, or the child's legal guardian, must execute the application and provide documentary evidence demonstrating that they are the parents or guardian; or

(B) the person executing the application must provide documentary evidence that such person—

(i) has sole custody of the child;

(ii) has the consent of the other parent to the issuance of the passport; or

(iii) is in loco parentis and has the consent of both parents, of a parent with sole custody over the child, or of the child's legal guardian, to the issuance of the passport.

(b) EXCEPTIONS.—The regulations required by subsection (a) may provide for exceptions in exigent circumstances, such as those involving the health or welfare of the child, or when the Secretary determines that issuance of a passport is warranted by special family circumstances.

SEC. 237. PROCESSING OF VISA APPLICATIONS.

(a) POLICY.—It shall be the policy of the Department of State to process immigrant visa applications of immediate relatives of United States citizens and nonimmigrant K–1 visa applications of fiances of United States citizens within 30 days of the receipt of all necessary documents from the applicant and the Immigration and Naturalization Service. In the case of an immigrant visa application where the sponsor of such applicant is a relative other than an immediate relative, it should be the policy of the Department of State to process such an application within 60 days of the receipt of all necessary documents from the applicant and the Immigration and Naturalization Service.

(b) REPORTS.—Not later than 180 days after the date of enactment of this Act, and not later than 1 year thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the extent to which the Department of State is meeting the policy standards under subsection (a). Each report shall be based on a survey of the 22 consular posts which account for approximately 72 percent of immigrant visas issued and, in addition, the consular posts in Guatemala City, Nicosia, Caracas, Naples, and Jakarta. Each report should include data on the average time for processing each category of visa application under subsection (a), a list of the embassies and consular posts which do not meet the policy standards

under subsection (a), the amount of funds collected worldwide for processing of visa applications during the most recent fiscal year, the estimated costs of processing such visa applications (based on the Department of State's most recent fee study), the steps being taken by the Department of State to achieve such policy standards, and results achieved by the interagency working group charged with the goal of reducing the overall processing time for visa applications.

SEC. 238. FEASIBILITY STUDY ON FURTHER PASSPORT RESTRICTIONS ON INDIVIDUALS IN ARREARS ON CHILD SUPPORT.

(a) REPORT TO CONGRESS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Health and Human Services, shall submit a report to the appropriate congressional committees, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate on the feasibility of decreasing the amount of an individual's arrearages of child support that would require the Secretary of State to refuse to issue a passport to such individual, or otherwise act with respect to such an individual, as provided under section 452(k) of the Social Security Act (42 U.S.C. 652(k)).

(b) CONTENTS OF REPORT.—The report under subsection (a) shall include the following:

(1) The estimated cost to the Department of State of reducing the arrearage amount which would result in a refusal to issue a passport to $2,500 and, in addition, an amount between $5,000 and $2,500.

(2) A projection of the estimated benefits of reducing the amount to $2,500 (or an amount between $5,000 and $2,500), which shall include an estimate of the additional numbers of individuals who would be subject to denial, an estimate of the additional child support arrearages that would be received through such a reduction, and an estimate of the amount of child support that would be paid earlier than under current law (together with an estimate of how much earlier such amounts would be paid).

(3) Information regarding the number of individuals with child support arrearages over $2,500 and the average length of time it takes for individuals to reach $2,500 in arrearages.

(4) The methodology for the cost estimates and benefit projections described in paragraphs (1) and (2).

Subtitle C—Refugees

SEC. 251. UNITED STATES POLICY REGARDING THE INVOLUNTARY RETURN OF REFUGEES.

(a) IN GENERAL.—None of the funds made available by this Act or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)) shall be available to effect the involuntary return by the United States of any person to a country in which the person has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, except on grounds recognized as precluding protection as a refugee under the United Nations Convention Relating to the Status of Refugees of July 28, 1951, and the Protocol Relating to the Status of Refugees of January 31, 1967, subject to the reservations contained in the United States Senate Resolution of Ratification.

(b) MIGRATION AND REFUGEE ASSISTANCE.—None of the funds made available by this Act or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)) shall be available to effect the involuntary return of any person to any country unless the Secretary of State first notifies the appropriate congressional committees, except that in the case of an emergency involving a threat to human life the Secretary of State shall notify the appropriate congressional committees as soon as practicable.

(c) INVOLUNTARY RETURN DEFINED.—As used in this section, the term "to effect the involuntary return" means to require, by means of physical force or circumstances amounting to a threat thereof, a person to return to a country against the person's will, regardless of whether the person is physically present in the United States and regardless of whether the United States acts directly or through an agent.

SEC. 252. HUMAN RIGHTS REPORTS.

Section 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)) is amended by inserting after the fourth sentence the following: "Each report under this section shall describe the extent to which each country has extended protection to refugees, including the provision of first asylum and resettlement.".

SEC. 253. GUIDELINES FOR REFUGEE PROCESSING POSTS.

(a) GUIDELINES FOR ADDRESSING HOSTILE BIASES.—Section 602(c)(1) of the International Religious Freedom Act of 1998 (Public Law 105–292; 112 Stat. 2812) is amended by inserting "and of the Department of State" after "Service".

(b) GUIDELINES FOR OVERSEAS REFUGEE PROCESSING.—Section 602(c) of such Act is further amended by adding at the end the following new paragraph:

"(3) Not later than 120 days after the date of the enactment of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001, the Secretary of State (after consultation with the Attorney General) shall issue guidelines to ensure that persons with potential biases against any refugee applicant, including persons employed by, or otherwise subject to influence by, governments known to be involved in persecution on account of religion, race, nationality, membership in a particular social group, or political opinion, shall not in any way be used in processing determinations of refugee status, including interpretation of conversations or examination of documents presented by such applicants.".

SEC. 254. GENDER-RELATED PERSECUTION TASK FORCE.

(a) ESTABLISHMENT OF TASK FORCE.—The Secretary of State, in consultation with the Attorney General and other appropriate Federal agencies, shall establish a task force with the goal of determining eligibility guidelines for women seeking refugee status overseas due to gender-related persecution.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall prepare and submit to the Congress a report outlining the guidelines determined by the task force under subsection (a).

SEC. 255. ELIGIBILITY FOR REFUGEE STATUS.

(a) ELIGIBILITY FOR IN-COUNTRY REFUGEE PROCESSING IN VIETNAM.—For purposes of eligibility for in-country refugee processing for nationals of Vietnam during fiscal years 2000 and 2001, an alien described in subsection (b) or (d) shall be considered to be a refugee of special humanitarian concern to the United States (within the meaning of section 207 of the Immigration and Nationality Act (8 USC 1157)) and shall be admitted to the United States for resettlement if the alien would be admissible as an immigrant under the Immigration and Nationality Act (except as provided in section 207(c)(3) of that Act).

(b) ALIENS COVERED.—An alien described in this subsection is an alien who—

(1) is the son or daughter of a qualified national;

(2) is 21 years of age or older; and

(3) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program or through the United States Consulate General in Ho Chi Minh City.

(c) QUALIFIED NATIONAL.—The term "qualified national" in subsection (b)(1) means a national of Vietnam who—

(1)(A) was formerly interned in a re-education camp in Vietnam by the Government of the Socialist Republic of Vietnam; or

(B) is the widow or widower of an individual described in subparagraph (A);

(2)(A) qualified for refugee processing under the Orderly Departure Program re-education subprogram; and

(B) except as provided in subsection (d), on or after April 1, 1995, is or has been accepted under the Orderly Departure Program or through the United States Consulate General in Ho Chi Minh City—

(i) for resettlement as a refugee; or

(ii) for admission to the United States as an immediate relative immigrant; and

(3)(A) is presently maintaining a residence in the United States; or

(B) was approved for refugee resettlement or immigrant visa processing and is awaiting departure formalities from Vietnam.

(d) PREVIOUS DENIALS BASED ON LACK OF CO-RESIDENCY.—An alien who is otherwise qualified under subsection (b) is eligible for admission for resettlement regardless of the date of acceptance of the alien's parent if the alien previously was denied refugee resettlement based solely on the fact that the alien was not listed continuously on the parent's residence permit.

TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

Subtitle A—Organization Matters

SEC. 301. LEGISLATIVE LIAISON OFFICES OF THE DEPARTMENT OF STATE.

(a) DEVELOPMENT OF ASSESSMENT.—The Secretary of State shall assess the administrative and personnel requirements for the establishment of legislative liaison offices for the Department of State within the office buildings of the House of Representatives and the Senate. In undertaking the assessment, the Secretary should examine existing liaison offices of other executive departments that are located in the congressional office buildings, including the liaison offices of the military services.

(b) ASSESSMENT CONSIDERATIONS.—The assessment required by subsection (a) shall consider—

(1) space requirements;

(2) cost implications;

(3) personnel structure; and

(4) the feasibility of modifying the Pearson Fellowship program in order to have members of the Foreign Service who serve in such fellowships serve a second year in a legislative liaison office.

(c) TRANSMITTAL OF ASSESSMENT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on International Relations and the Committee on House Administration of the House of Representatives and the Committee on Foreign Relations and the Committee on Rules and Administration of the Senate the assessment developed under subsection (a).

SEC. 302. STATE DEPARTMENT OFFICIAL FOR NORTHEASTERN EUROPE.

The Secretary of State shall designate a senior-level official of the Department of State with responsibility for promoting regional cooperation in and coordinating United States policy toward Northeastern Europe.

SEC. 303. SCIENCE AND TECHNOLOGY ADVISER TO SECRETARY OF STATE.

(a) DESIGNATION.—The Secretary of State shall designate a senior-level official of the Department of State as the Science and Technology Adviser to the Secretary of State (in this section referred to as the "Adviser"). The Adviser shall have substantial experience in the area of science and technology. The Adviser shall report to the Secretary of State through the appropriate Under Secretary of State.

(b) DUTIES.—The Adviser shall—

(1) advise the Secretary of State, through the appropriate Under Secretary of State, on international science and technology matters affecting the foreign policy of the United States; and

(2) perform such duties, exercise such powers, and have such rank and status as the Secretary of State shall prescribe.

SEC. 304. APPLICATION OF CERTAIN LAWS TO PUBLIC DIPLOMACY FUNDS.

Section 1333(c) of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted in division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277) is amended—

(1) after "diplomacy programs" by inserting ", identified as public diplomacy funds in any Congressional Presentation Document described in subsection (e), or reprogrammed for public diplomacy purposes,";

(2) by striking "Except" and inserting "(1) Except"; and

(3) by adding at the end the following new paragraph:

"(2) CONSTRUCTION.—Nothing in paragraph (1) may be construed (A) to interfere with the integration of administrative resources between public diplomacy and other functions of the Department of State or to prevent the occasional performance of functions other than public diplomacy by officials or employees of the Department of State who are primarily assigned to public diplomacy, provided there is no substantial resulting diminution in the amount of resources devoted to public diplomacy below the amounts described in paragraph (1), or (B) to supersede reprogramming procedures.".

SEC. 305. REFORM OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

(a) ADDITIONAL RESOURCES.—In addition to other amounts authorized to be appropriated for the purposes of the Diplomatic Telecommunications Service Program Office (DTS–PO), of the amounts made available to the Department of State under section 101(2), $18,000,000 shall be made available only to the DTS–PO for enhancement of Diplomatic Telecommunications Service capabilities.

(b) IMPROVEMENT OF DTS–PO.—In order for the DTS–PO to better manage a fully integrated telecommunications network to service all agencies at diplomatic missions and consular posts, the DTS–PO shall—

(1) ensure that those enhancements of, and the provision of service for, telecommunication capabilities that involve the national security interests of the United States receive the highest prioritization;

(2) not later than December 31, 1999, terminate all leases for satellite systems located at posts in criteria countries, unless all maintenance and servicing of the satellite system is undertaken by United States citizens who have received appropriate security clearances;

(3) institute a system of charges for utilization of bandwidth by each agency beginning October 1, 2000, and institute a comprehensive chargeback system to recover all, or substantially all, of the other costs of telecommunications services provided through the Diplomatic Telecommunications Service to each agency beginning October 1, 2001;

(4) ensure that all DTS–PO policies and procedures comply with applicable policies established by the Overseas Security Policy Board; and

(5) maintain the allocation of the positions of Director and Deputy Director of DTS–PO as those positions were assigned as of June 1, 1999, which assignments shall pertain through fiscal year 2001, at which time such assignments shall be adjusted in the customary manner.

(c) REPORT ON IMPROVING MANAGEMENT.—Not later than March 31, 2000, the Director and Deputy Director of DTS–PO shall jointly submit to the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate the Director's plan for improving network architecture, engineering, operations monitoring and control, service metfics reporting, and service provisioning, so as to achieve highly secure, reliable, and robust communications capabilities that meet the needs of both national security agencies and other United States agencies with overseas personnel.

(d) FUNDING OF DTS–PO.—Funds appropriated for allocation to DTS–PO shall be made available only for DTS–PO until a comprehensive chargeback system is in place.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate.

Subtitle B—Personnel of the Department of State

SEC. 321. AWARD OF FOREIGN SERVICE STAR.

The State Department Basic Authorities Act of 1956 is amended by inserting after section 36 (22 U.S.C. 2708) the following new section:

"SEC. 36A. AWARD OF FOREIGN SERVICE STAR.

"(a) AUTHORITY TO AWARD.—The President, upon the recommendation of the Secretary, may award a Foreign Service star to any member of the Foreign Service or any other civilian employee of the Government of the United States who, while employed at, or assigned permanently or temporarily to, an official mission overseas or while traveling abroad on official business, incurred a wound or other injury or an illness (whether or not the wound, other injury, or illness resulted in death)—

"(1) as the person was performing official duties;

"(2) as the person was on the premises of a United States mission abroad; or

"(3) by reason of the person's status as a United States Government employee.

"(b) SELECTION CRITERIA.—The Secretary shall prescribe the procedures for identifying and considering persons eligible for award of a Foreign Service star and for selecting the persons to be recommended for the award.

"(c) AWARD IN THE EVENT OF DEATH.—If a person selected for award of a Foreign Service star dies before being presented the award, the award may be made and the star presented to the person's family or to the person's representative, as designated by the President.

"(d) FORM OF AWARD.—The Secretary shall prescribe the design of the Foreign Service star. The award may not include a stipend or any other cash payment.

"(e) FUNDING.—Any expenses incurred in awarding a person a Foreign Service star may be paid out of appropriations available at the time of the award for personnel of the department or agency of the United States Government in which the person was employed when the person incurred the wound, injury, or illness upon which the award is based.".

SEC. 322. UNITED STATES CITIZENS HIRED ABROAD.

Section 408(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3968(a)(1)) is amended in the last sentence—

(1) by striking "(A)" and all that follows through "(B)"; and

(2) by striking "this total compensation package" and inserting "the total compensation package".

SEC. 323. LIMITATION ON PERCENTAGE OF SENIOR FOREIGN SERVICE ELIGIBLE FOR PERFORMANCE PAY.

Section 405(b)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3965(b)(1)) is amended by striking "50" and inserting "33".

SEC. 324. PLACEMENT OF SENIOR FOREIGN SERVICE PERSONNEL.

The Director General of the Foreign Service shall submit a report on the first day of each fiscal quarter to the appropriate congressional committees containing the following:

(1) The number of members of the Senior Foreign Service.

(2) The number of vacant positions designated for members of the Senior Foreign Service.

(3) The number of members of the Senior Foreign Service who are not assigned to positions.

SEC. 325. REPORT ON MANAGEMENT TRAINING.

Not later than April 1, 2000, the Department of State shall report to the appropriate congressional committees on the feasibility of modifying current training programs and curricula so that the Department can provide significant and comprehensive management training at all career grades for Foreign Service personnel.

SEC. 326. WORKFORCE PLANNING FOR FOREIGN SERVICE PERSONNEL BY FEDERAL AGENCIES.

Section 601(c) of the Foreign Service Act of 1980 (22 U.S.C. 4001(c)) is amended by striking paragraph (4) and inserting the following:

"(4) Not later than March 1, 2001, and every four years thereafter, the Secretary of State shall submit a report to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate which shall include the following:

"(A) A description of the steps taken and planned in furtherance of—

"(i) maximum compatibility among agencies utilizing the Foreign Service personnel system, as provided for in section 203, and

"(ii) the development of uniform policies and procedures and consolidated personnel functions, as provided for in section 204.

"(B) A workforce plan for the subsequent five years, including projected personnel needs, by grade and by skill. Each such plan shall include for each category the needs for foreign language proficiency, geographic and functional expertise, and specialist technical skills. Each workforce plan shall specifically account for the training needs of Foreign Service personnel and shall delineate an intake program of generalist and specialist Foreign Service personnel to meet projected future requirements.

"(5) If there are substantial modifications to any workforce plan under paragraph (4)(B) during any year in which a report under paragraph (4) is not required, a supplemental annual notification shall be submitted in the same manner as reports are required to be submitted under paragraph (4).".

SEC. 327. RECORDS OF DISCIPLINARY ACTIONS.

(a) IN GENERAL.—Section 604 of the Foreign Service Act of 1980 (22 U.S.C. 4004) is amended—

(1) by striking "CONFIDENTIALITY OF RECORDS.—" and inserting "RECORDS.—(a)"; and

(2) by adding at the end the following new subsection:

"(b) Notwithstanding subsection (a), any record of disciplinary action that includes a suspension of more than five days taken against a member of the Service, including any correction of that record under section 1107(b)(1), shall remain a part of the personnel records until the member is tenured as a career member of the Service or next promoted.".

(b) EFFECTIVE DATE.—The amendments made by this section apply to all disciplinary actions *initiated on or after the date of enactment of this Act.*

SEC. 328. LIMITATION ON SALARY AND BENEFITS FOR MEMBERS OF THE FOREIGN SERVICE RECOMMENDED FOR SEPARATION FOR CAUSE.

Section 610(a) of the Foreign Service Act (22 U.S.C. 4010(a)) is amended by adding at the end the following new paragraph:

"(6) Notwithstanding the hearing required by paragraph (2), at the time the Secretary recommends that a member of the Service be separated for cause, that member shall be placed on leave without pay pending final resolution of the underlying matter, subject to reinstatement with back pay if cause for separation is not established in a hearing before the Board.".

SEC. 329. TREATMENT OF GRIEVANCE RECORDS.

Section 1103(d)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4133(d)(1)) is amended by adding the following new sentence at the end: "Nothing in this subsection shall prevent a grievant from placing a rebuttal to accompany a record of disciplinary action in such grievant's personnel records nor prevent the Department from including a response to such rebuttal, including documenting those cases in which the Board has reviewed and upheld the discipline.".

SEC. 330. DEADLINES FOR FILING GRIEVANCES.

(a) IN GENERAL.—Section 1104(a) of the Foreign Service Act of 1980 (22 U.S.C. 4134(a)) is amended in the first sentence by striking "within a period of 3 years" and all that follows through the period and inserting "not later than two years after the occurrence giving rise to the grievance or, in the case of a grievance with respect to the grievant's rater or reviewer, one year after the date on which the grievant ceased to be subject to rating or review by that person, but in no case less than two years after the occurrence giving rise to the grievance.".

(b) GRIEVANCES ALLEGING DISCRIMINATION.—Section 1104 of that Act (22 U.S.C. 4134) is amended in subsection (c) by striking "3 years" and inserting "2 years".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act and shall apply to grievances which arise on or after such effective date.

SEC. 331. REPORTS BY THE FOREIGN SERVICE GRIEVANCE BOARD.

Section 1105 of the Foreign Service Act of 1980 (22 U.S.C. 4135) is amended by adding at the end the following new subsection:

"(f)(1) Not later than March 1 of each year, the Chairman of the Foreign Service Grievance Board shall prepare a report summarizing the activities of the Board during the previous calendar year. The report shall include—

"(A) the number of cases filed;

"(B) the types of cases filed;

"(C) the number of cases on which a final decision was reached, as well as data on the outcome of cases, whether affirmed, reversed, settled, withdrawn, or dismissed;

"(D) the number of oral hearings conducted and the length of each such hearing;

"(E) the number of instances in which interim relief was granted by the Board; and

"(F) data on the average time for consideration of a grievance, from the time of filing to a decision of the Board.

"(2) The report required under paragraph (1) shall be submitted to the Director General of the Foreign Service and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.".

SEC. 332. EXTENSION OF USE OF FOREIGN SERVICE PERSONNEL SYSTEM.

Section 202(a) of the Foreign Service Act of 1980 (22 U.S.C. 3922(a)) is amended by adding at the end the following new paragraph:

"(4)(A) Whenever (and to the extent) the Secretary of State considers it in the best interests of the United States Government, the Secretary of State may authorize the head of any agency or other Government establishment (including any establishment in the legislative or judicial branch) to appoint under section 303 individuals described in subparagraph (B) as members of the Service and to utilize the Foreign Service personnel system with respect to such individuals under such regulations as the Secretary of State may prescribe.

"(B) The individuals referred to in subparagraph (A) are individuals eligible for employment abroad under section 311(a).".

SEC. 333. BORDER EQUALIZATION PAY ADJUSTMENT.

(a) IN GENERAL.—Chapter 4 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3961 et seq.) is amended by adding at the end the following new section:

"SEC. 414. BORDER EQUALIZATION PAY ADJUSTMENT.

"(a) IN GENERAL.—An employee who regularly commutes from the employee's place of residence in the continental United States to an official duty station in Canada or Mexico shall receive a border equalization pay adjustment equal to the amount of comparability payments under section 5304 of title 5, United States Code, that the employee would receive if the employee were assigned to an official duty station within the United States locality pay area closest to the employee's official duty station.

"(b) EMPLOYEE DEFINED.—For purposes of this section, the term 'employee' means a person who—

"(1) is an 'employee' as defined under section 2105 of title 5, United States Code; and

"(2) is employed by the Department of State, the United States Agency for International Development, or the International Joint Commission of the United States and Canada (established under Article VII of the treaty signed January 11, 1909) (36 Stat. 2448), except that the term shall not include members of the Service (as specified in section 103).

"(c) TREATMENT AS BASIC PAY.—An equalization pay adjustment paid under this section shall be considered to be part of basic pay for the same purposes for which comparability payments are considered to be part of basic pay under section 5304 of title 5, United States Code.

"(d) REGULATIONS.—The heads of the agencies referred to in subsection (b)(2) may prescribe regulations to carry out this section.".

(b) CONFORMING AMENDMENT.—The table of contents for the Foreign Service Act of 1980 is amended by inserting after the item relating to section 413 the following new item:

"Sec. 414. Border equalization pay adjustment.".

SEC. 334. TREATMENT OF CERTAIN PERSONS REEMPLOYED AFTER SERVICE WITH INTERNATIONAL ORGANIZATIONS.

(a) IN GENERAL.—Title 5 of the United States Code is amended by inserting after section 8432b the following new section:

"§8432c. Contributions of certain persons reemployed after service with international organizations

"(a) In this section, the term 'covered person' means any person who—

"(1) transfers from a position of employment covered by chapter 83 or 84 or subchapter I or II of chapter 8 of the Foreign Service Act of 1980 to a position of employment with an international organization pursuant to section 3582;

"(2) pursuant to section 3582 elects to retain coverage, rights, and benefits under any system established by law for the retirement of persons during the period of employment with the international organization and currently deposits the necessary deductions in payment for such coverage, rights, and benefits in the system's fund; and

"(3) is reemployed pursuant to section 3582(b) to a position covered by chapter 83 or 84 or subchapter I or II of chapter 8 of the Foreign Service Act of 1980 after separation from the international organization.

"(b)(1) Each covered person may contribute to the Thrift Savings Fund, in accordance with this subsection, an amount not to exceed the amount described in paragraph (2).

"(2) The maximum amount which a covered person may contribute under paragraph (1) is equal to—

"(A) the total amount of all contributions under section 8351(b)(2) or 8432(a), as applicable, which the person would have made over the period beginning on the date of transfer of the person (as described in subsection (a)(1)) and ending on the day before the date of reemployment of the person (as described in subsection (a)(3)), minus

"(B) the total amount of all contributions, if any, under section 8351(b)(2) or 8432(a), as applicable, actually made by the person over the period described in subparagraph (A).

"(3) Contributions under paragraph (1)—

"(A) shall be made at the same time and in the same manner as would any contributions under section 8351(b)(2) or 8432(a), as applicable;

"(B) shall be made over the period of time specified by the person under paragraph (4)(B); and

"(C) shall be in addition to any contributions actually being made by the person during that period under section 8351(b)(2) or 8432(a), as applicable.

"(4) The Executive Director shall prescribe the time, form, and manner in which a covered person may specify—

"(A) the total amount the person wishes to contribute with respect to any period described in paragraph (2)(A); and

"(B) the period of time over which the covered person wishes to make contributions under this subsection.

"(c) If a covered person who makes contributions under section 8432(a) makes contributions under subsection (b), the agency employing the person shall make those contributions to the Thrift Savings Fund on the person's behalf in the same manner as contributions are made for an employee described in section 8432b(a) under sections 8432b(c), 8432b(d), and 8432b(f). Amounts paid under this subsection shall be paid in the same manner as amounts are paid under section 8432b(g).

"(d) For purposes of any computation under this section, a covered person shall, with respect to the period described in subsection (b)(2)(A), be considered to have been paid at the rate which would have been payable over such period had the person remained continuously employed in the position that the person last held before transferring to the international organization.

"(e) For purposes of section 8432(g), a covered person shall be credited with a period of civilian service equal to the period beginning on the date of transfer of the person (as described in subsection (a)(1)) and ending on the day before the date of reemployment of the person (as described in subsection (a)(3)).

"(f) The Executive Director shall prescribe regulations to carry out this section.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8432b the following:

"8432c. Contributions of certain persons reemployed after service with international organizations.".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to persons reemployed on or after the date of enactment of this Act.

SEC. 335. TRANSFER ALLOWANCE FOR FAMILIES OF DECEASED FOREIGN SERVICE PERSONNEL.

Section 5922 of title 5, United States Code, is amended by adding at the end the following:

"(f)(1) If an employee dies at post in a foreign area, a transfer allowance under section 5924(2)(B) may be granted to the spouse or dependents of such employee (or both) for the purpose of providing for their return to the United States.

"(2) A transfer allowance under this subsection may not be granted with respect to the spouse or a dependent of the employee unless, at the time of death, such spouse or dependent was residing—

"(A) at the employee's post of assignment; or

"(B) at a place, outside the United States, for which a separate maintenance allowance was being furnished under section 5924(3).

"(3) The President may prescribe any regulations necessary to carry out this subsection.".

SEC. 336. PARENTAL CHOICE IN EDUCATION.

Section 5924(4) of title 5, United States Code, is amended—

(1) in subparagraph (A), by striking "between that post and the nearest locality where adequate schools are available," and inserting "between that post and the school chosen by the employee, not to exceed the total cost to the Government of the dependent attending an adequate school in the nearest locality where an adequate school is available,"; and

(2) by adding at the end the following new subparagraph:

"(C) In those cases in which an adequate school is available at the post of the employee, if the employee chooses to educate the dependent at a school away from post, the education allowance which includes board and room, and periodic travel between the post and the school chosen, shall not exceed the total cost to the Government of the dependent attending an adequate school at the post of the employee.".

SEC. 337. MEDICAL EMERGENCY ASSISTANCE.

Section 5927 of title 5, United States Code, is amended to read as follows:

"§5927. Advances of pay

"(a) Up to three months' pay may be paid in advance—

"(1) to an employee upon the assignment of the employee to a post in a foreign area;

"(2) to an employee, other than an employee appointed under section 303 of the Foreign Service Act of 1980 (and employed under section 311 of such Act), who—

"(A) is a citizen of the United States;

"(B) is officially stationed or located outside the United States pursuant to Government authorization; and

"(C) requires (or has a family member who requires) medical treatment outside the United States, in circumstances specified by the President in regulations; and

"(3) to a foreign national employee appointed under section 303 of the Foreign Service Act of 1980, or a nonfamily member United States citizen appointed under such section 303 (and employed under section 311 of such Act) for service at such nonfamily member's post of residence, who—

"(A) is located outside the country of employment of such foreign national employee or nonfamily member (as the case may be) pursuant to Government authorization; and

"(B) requires medical treatment outside the country of employment of such foreign national employee or nonfamily member (as the case may be), in circumstances specified by the President in regulations.

"(b) For the purpose of this section, the term 'country of employment', as used with respect to an individual under subsection (a)(3), means the country (or other area) outside the United States where such individual is appointed (as described in subsection (a)(3)) by the Government.".

SEC. 338. REPORT CONCERNING FINANCIAL DISADVANTAGES FOR ADMINISTRATIVE AND TECHNICAL PERSONNEL.

(a) FINDINGS.—Congress finds that administrative and technical personnel posted to United States missions abroad who do not have diplomatic status suffer financial disadvantages from their lack of such status.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State should submit a report to the appropriate congressional committees concerning the extent to which administrative and technical personnel posted to United States missions abroad who do not have diplomatic status suffer financial disadvantages from their lack of such status, including proposals to alleviate such disadvantages.

SEC. 339. STATE DEPARTMENT INSPECTOR GENERAL AND PERSONNEL INVESTIGATIONS.

(a) AMENDMENT OF THE FOREIGN SERVICE ACT OF 1980.—Section 209(c) of the Foreign Service Act of 1980 (22 U.S.C. 3929(c)) is amended by adding at the end the following:

"(5) INVESTIGATIONS.—

"(A) CONDUCT OF INVESTIGATIONS.—In conducting investigations of potential violations of Federal criminal law or Federal regulations, the Inspector General shall—

"(i) abide by professional standards applicable to Federal law enforcement agencies; and

"(ii) make every reasonable effort to permit each subject of an investigation an opportunity to provide exculpatory information.

"(B) FINAL REPORTS OF INVESTIGATIONS.—In order to ensure that final reports of investigations are thorough and accurate, the Inspector General shall—

"(i) make every reasonable effort to ensure that any person named in a final report of investigation has been afforded an opportunity to refute any allegation of wrongdoing or assertion with respect to a material fact made regarding that person's actions;

"(ii) include in every final report of investigation any exculpatory information, as well as any inculpatory information, that has been discovered in the course of the investigation.".

(b) ANNUAL REPORT.—Section 209(d)(2) of the Foreign Service Act of 1980 (22 U.S.C. 3929(d)(2)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by inserting after subparagraph (E) the following new subparagraph:

"(F) a notification, which may be included, if necessary, in the classified portion of the report, of any instance in a case that was closed during the period covered by the report when the Inspector General decided not to afford an individual the opportunity described in subsection (c)(5)(B)(i) to refute any allegation and the rationale for denying such individual that opportunity.".

(c) STATUTORY CONSTRUCTION.—Nothing in the amendments made by this section may be construed to modify—

(1) section 209(d)(4) of the Foreign Service Act of 1980 (22 U.S.C. 3929(d)(4));

(2) section 7(b) of the Inspector General Act of 1978 (5 U.S.C. app.);

(3) the Privacy Act of 1974 (5 U.S.C. 552a);

(4) the provisions of section 2302(b)(8) of title 5 (relating to whistleblower protection);

(5) rule 6(e) of the Federal Rules of Criminal Procedure (relating to the protection of grand jury information); or

(6) any statute or executive order pertaining to the protection of classified information.

(d) NO GRIEVANCE OR RIGHT OF ACTION.—A failure to comply with the amendments made by this section shall not give rise to any private right of action in any court or to an administrative complaint or grievance under any law.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to cases opened on or after the date of the enactment of this Act.

SEC. 340. STUDY OF COMPENSATION FOR SURVIVORS OF TERRORIST ATTACKS OVERSEAS.

Not later than 180 days after the date of enactment of this Act, the President shall submit a report to the appropriate congressional committees on the benefits and compensation paid to the survivors and personal representatives of the United States Government employees (including those in the uniformed services and Foreign Service National employees) killed in the performance of duty abroad as result of terrorist acts. All appropriate United States Government agencies shall contribute to the preparation of the report. The report shall include a comparison of benefits available to military and civilian employees and should include any recommendations for additional or other types of benefits or compensation.

SEC. 341. PRESERVATION OF DIVERSITY IN REORGANIZATION.

Section 1613(c) of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted by division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105-277) is amended by inserting after the first sentence the following: "In carrying out the reorganization under this Act, the Secretary shall ensure that the advances made in increasing the number and status of women and minorities within the foreign affairs agencies of the Federal Government, in terms of representation within the agencies as well as relative rank, are not undermined by discrimination within the newly reorganized Department of State.".

TITLE IV—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

Subtitle A—Authorities and Activities

SEC. 401. EDUCATIONAL AND CULTURAL EXCHANGES AND SCHOLARSHIPS FOR TIBETANS AND BURMESE.

(a) DESIGNATION OF NGAWANG CHOEPHEL EXCHANGE PROGRAMS.—Section 103(a) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104-319) is amended by inserting after the first sentence the following: "Exchange programs under this subsection shall be known as the 'Ngawang Choephel Exchange Programs'.".

(b) SCHOLARSHIPS FOR TIBETANS AND BURMESE.—Section 103(b)(1) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104-319; 22 U.S.C. 2151 note) is amended by striking "for the fiscal year 1999" and inserting "for the fiscal year 2000".

(c) SCHOLARSHIPS FOR PRESERVATION OF TIBET'S CULTURE, LANGUAGE, AND RELIGION.—Section 103(b)(1) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104-319; 22 U.S.C. 2151 note) is further amended by striking "Tibet," and inserting "Tibet (whenever practical giving consideration to individuals who are active in the preservation of Tibet's culture, language, and religion),".

SEC. 402. CONDUCT OF CERTAIN EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.

Section 102 of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319; 22 U.S.C. 2452 note) is amended to read as follows:

"SEC. 102. CONDUCT OF CERTAIN EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.

"(a) In General.—In carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy, the Secretary of State, with the assistance of the Under Secretary of State for Public Diplomacy, shall provide, where appropriate, opportunities for significant participation in such programs to nationals of such countries who are—

"(1) human rights or democracy leaders of such countries; or

"(2) committed to advancing human rights and democratic values in such countries.

"(b) Grantee Organizations.—To the extent practicable, grantee organizations selected to operate programs described in subsection (a) shall be selected through an open competitive process. Among the factors that should be considered in the selection of such a grantee are the willingness and ability of the organization to—

"(1) recruit a broad range of participants, including those described in paragraphs (1) and (2) of subsection (a); and

"(2) ensure that the governments of the countries described in subsection (a) do not have inappropriate influence in the selection process.".

SEC. 403. NATIONAL SECURITY MEASURES.

The United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.) is amended by adding after section 1011 the following new section:

"SEC. 1012. NATIONAL SECURITY MEASURES.

"(a) Restriction.—In coordination with other appropriate executive branch officials, the Secretary of State shall take all appropriate steps to—

"(1) prevent any agent of a foreign power from participating in educational and cultural exchange programs under this Act;

"(2) ensure that no person who is involved in the research, development, design, testing, evaluation, or production of missiles or weapons of mass destruction is a participant in any program of educational or cultural exchange under this Act if such person is employed by, or attached to, an entity within a country that has been identified by any element of the United States intelligence community (as defined by section 3(4) of the National Security Act of 1947) within the previous 5 years as having been involved in the proliferation of missiles or weapons of mass destruction; and

"(3) ensure that no person who is involved in the research, development, design, testing, evaluation, or production of chemical or biological weapons for offensive purposes is a participant in any program of educational or cultural exchange under this Act.

"(b) Definitions.—

"(1) The term 'appropriate executive branch officials' means officials from the elements of the United States Government listed pursuant to section 101 of the Intelligence Authorization Act for Fiscal Year 1999 (Public Law 105–272).

"(2) The term 'agent of a foreign power' has the same meaning as set forth in section 101(b)(1)(B) and (b)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801), and does not include any person who acts in the capacity defined under section 101(b)(1)(A) of such Act.

SEC. 404. SUNSET OF UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

(a) Restoration of Advisory Commission.—Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted in division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277) is amended to read as follows:

"SEC. 1334. SUNSET OF UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

"The United States Advisory Commission on Public Diplomacy, established under section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469) and section 8 of Reorganization Plan Numbered 2 of 1977, shall continue to exist and operate under such provisions of law until October 1, 2001.".

(b) Retroactivity of Effective Date.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Foreign Affairs Reform and Restructuring Act of 1998.

(c) Reenactment and Repeal of Certain Provisions of Law.—

(1) Reenactment.—The provisions of law repealed by section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998, as in effect before the date of the enactment of this Act, are hereby reenacted into law.

(2) Repeal.—Effective September 30, 2001, section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469) and section 8 of the Reorganization Plan Numbered 2 of 1977 are repealed.

(d) Continuity of Advisory Commission.—Notwithstanding any other provision of law, any period of discontinuity of the United States Advisory Commission on Public Diplomacy shall not affect the appointment or terms of service of members of the commission.

(e) Reduction in Staff and Budget.—Notwithstanding section 604(b) of the United States Information and Educational Exchange Act of 1948, effective on the date of the enactment of this Act, the United States Advisory Commission on Public Diplomacy shall have not more than 2 individuals who are compensated staff, and not more than 50 percent of the resources allocated in fiscal year 1999.

SEC. 405. ROYAL ULSTER CONSTABULARY TRAINING.

(a) Training for the Royal Ulster Constabulary.—No funds authorized to be appropriated by this or any other Act may be used to support any training or exchange program conducted by the Federal Bureau of Investigation or any other Federal law enforcement agency for the Royal Ulster Constabulary (in this section referred to as the "RUC") or RUC members until the President submits to the appropriate congressional committees the report required by subsection (b) and the certification described in subsection (c)(1).

(b) Report on Past Training Programs.—The President shall report on training or exchange programs conducted by the Federal Bureau of Investigation or other Federal law enforcement agencies for the RUC or RUC members during fiscal years 1994 through 1999. Such report shall include—

(1) the number of training or exchange programs conducted during the period of the report;

(2) the number and rank of the RUC members who participated in such training or exchange programs in each fiscal year;

(3) the duration and location of such training or exchange programs; and

(4) a detailed description of the curriculum of the training or exchange programs.

(c) Certification Regarding Future Training Activities.—

(1) In general.—The certification described in this subsection is a certification by the President that—

(A) training or exchange programs conducted by the Federal Bureau of Investigation or other Federal law enforcement agencies for the RUC or RUC members are necessary to—

(i) improve the professionalism of policing in Northern Ireland; and

(ii) advance the peace process in Northern Ireland;

(B) such programs will include in the curriculum a significant human rights component;

(C) vetting procedures have been established in the Departments of State and Justice, and any other appropriate Federal agency, to ensure that training or exchange programs do not include RUC members who there are substantial grounds for believing have committed or condoned violations of internationally recognized human rights, including any role in the murder of Patrick Finucane or Rosemary Nelson or other violence or serious threat of violence against defense attorneys in Northern Ireland; and

(D) the governments of the United Kingdom and the Republic of Ireland are committed to assisting in the full implementation of the recommendations contained in the Patten Commission report issued September 9, 1999.

(2) Fiscal year 2001 application.—The President shall make an additional certification under paragraph (1) before any Federal law enforcement agency conducts training for the RUC or RUC members in fiscal year 2001.

(3) Application to successor organizations.—The provisions of this subsection shall apply to any successor organization of the RUC.

Subtitle B—Russian and Ukrainian Business Management Education

SEC. 421. PURPOSE.

The purpose of this subtitle is to establish a training program in Russia and Ukraine for nationals of those countries to obtain skills in business administration, accounting, and marketing, with special emphasis on instruction in business ethics and in the basic terminology, techniques, and practices of those disciplines, to achieve international standards of quality, transparency, and competitiveness.

SEC. 422. DEFINITIONS.

In this subtitle:

(1) Distance learning.—The term "distance learning" means training through computers, interactive videos, teleconferencing, and videoconferencing between and among students and teachers.

(2) Eligible enterprise.—The term "eligible enterprise" means—

(A) in the case of Russia—

(i) a business concern operating in Russia that employs Russian nationals in Russia; or

(ii) a private enterprise that is being formed or operated by former officers of the Russian armed forces in Russia; and

(B) in the case of Ukraine—

(i) a business concern operating in Ukraine that employs Ukrainian nationals in Ukraine; or

(ii) a private enterprise that is being formed or operated by former officers of the Ukrainian armed forces in Ukraine.

(3) Eligible national.—The term "eligible national" means the employee of an eligible enterprise who is employed in the program country.

(4) Program.—The term "program" means the program of technical assistance established under section 423.

(5) Program country.—The term "program country" means—

(A) Russia in the case of any eligible enterprise operating in Russia that receives technical assistance under the program; or

(B) Ukraine in the case of any eligible enterprise operating in Ukraine that receives technical assistance under the program.

SEC. 423. AUTHORIZATION FOR TRAINING PROGRAM AND INTERNSHIPS.

(a) Training Program.—

(1) IN GENERAL.—The President is authorized to establish a program of technical assistance to provide the training described in section 421 to eligible enterprises.

(2) IMPLEMENTATION.—Training shall be carried out by United States nationals having expertise in business administration, accounting, and marketing or by eligible nationals who have been trained under the program. Such training may be carried out—

(A) in the offices of eligible enterprises, at business schools or institutes, or at other locations in the program country, including facilities of the armed forces of the program country, educational institutions, or in the offices of trade or industry associations, with special consideration given to locations where similar training opportunities are limited or nonexistent; or

(B) by "distance learning" programs originating in the United States or in European branches of United States institutions.

(b) INTERNSHIPS WITH UNITED STATES DOMESTIC BUSINESS CONCERNS.—Authorized program costs may include the travel expenses and appropriate in-country business English language training, if needed, of eligible nationals who have completed training under the program to undertake short-term internships with business concerns in the United States.

SEC. 424. APPLICATIONS FOR TECHNICAL ASSISTANCE.

(a) PROCEDURES.—

(1) IN GENERAL.—Each eligible enterprise that desires to receive training for its employees and managers under this subtitle shall submit an application to the clearinghouse under subsection (c), at such time, in such manner, and accompanied by such additional information as may reasonably be required.

(2) JOINT APPLICATIONS.—A consortium of eligible enterprises may file a joint application under the provisions of paragraph (1).

(b) CONTENTS.—An application under subsection (a) may be approved only if the application—

(1) is for an individual or individuals employed in an eligible enterprise or enterprises applying under the program;

(2) describes the level of training for which assistance under this subtitle is sought;

(3) provides evidence that the eligible enterprise meets the general policies adopted for the administration of this subtitle;

(4) provides assurances that the eligible enterprise will pay a share of the costs of the training, which share may include in-kind contributions; and

(5) provides such additional assurances as are determined to be essential to ensure compliance with the requirements of this subtitle.

(c) CLEARINGHOUSE.—A clearinghouse shall be established or designated in each program country to manage and execute the program in that country. The clearinghouse shall screen applications, provide information regarding training and teachers, monitor performance of the program, and coordinate appropriate post-program follow-on activities.

SEC. 425. RESTRICTIONS NOT APPLICABLE.

Prohibitions on the use of foreign assistance funds for assistance for the Russian Federation or for Ukraine shall not apply with respect to the funds made available to carry out this subtitle.

SEC. 426. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated $10,000,000 for the fiscal year 2000 and $10,000,000 for the fiscal year 2001 to carry out this subtitle.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated under subsection (a) are authorized to remain available until expended.

TITLE V—UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES

SEC. 501. REAUTHORIZATION OF RADIO FREE ASIA.

Section 309 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208) is amended—

(1) by striking subsection (c);

(2) by redesignating subsections (d), (e), (f), (g), (h), and (i) as subsections (c), (d), (e), (f), (g), and (h), respectively;

(3) in subsection (c) (as redesignated by paragraph (2))—

(A) in paragraph (1)—

(i) by striking "(A)"; and

(ii) by striking subparagraph (B);

(B) in paragraph (2), by striking "September 30, 1999" and inserting "September 30, 2009";

(C) in paragraph (4), by striking "$22,000,000 in any fiscal year" and inserting "$30,000,000 in each of the fiscal years 2000 and 2001";

(D) by striking paragraph (5); and

(E) by redesignating paragraph (6) as paragraph (5); and

(4) by amending subsection (f) (as redesignated by paragraph (2)) to read as follows:

"(f) SUNSET PROVISION.—The Board may not make any grant for the purpose of operating Radio Free Asia after September 30, 2009.".

SEC. 502. NOMINATION REQUIREMENTS FOR THE CHAIRMAN OF THE BROADCASTING BOARD OF GOVERNORS.

Section 304(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6203 (b)(2)), is amended—

(1) by striking "designate" and inserting "appoint"; and

(2) by adding at the end the following: ", subject to the advice and consent of the Senate".

SEC. 503. PRESERVATION OF RFE/RL (RADIO FREE EUROPE/RADIO LIBERTY).

Section 312 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6211) is amended to read as follows:

"SEC. 312. THE CONTINUING MISSION OF RADIO FREE EUROPE AND RADIO LIBERTY BROADCASTS.

"It is the sense of Congress that Radio Free Europe and Radio Liberty should continue to broadcast to the peoples of Central Europe, Eurasia, and the Persian Gulf until such time as—

"(1) a particular nation has clearly demonstrated the successful establishment and consolidation of democratic rule; and

"(2) its domestic media which provide balanced, accurate, and comprehensive news and information, is firmly established and widely accessible to the national audience, thus making redundant broadcasts by Radio Free Europe or Radio Liberty.

"At such time as a particular nation meets both of these conditions, RFE/RL should phase out broadcasting to that nation.".

SEC. 504. IMMUNITY FROM CIVIL LIABILITY FOR BROADCASTING BOARD OF GOVERNORS.

Section 304 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203) is amended by adding at the end the following subsection:

"(g) IMMUNITY FROM CIVIL LIABILITY.—Notwithstanding any other provision of law, any and all limitations on liability that apply to the members of the Broadcasting Board of Governors also shall apply to such members when acting in their capacities as members of the boards of directors of RFE/RL, Incorporated and Radio Free Asia.".

TITLE VI—EMBASSY SECURITY AND COUNTERTERRORISM MEASURES

SEC. 601. SHORT TITLE.

This title may be cited as the "Secure Embassy Construction and Counterterrorism Act of 1999".

SEC. 602. FINDINGS.

Congress makes the following findings:

(1) On August 7, 1998, the United States embassies in Nairobi, Kenya, and in Dar es Salaam, Tanzania, were destroyed by simultaneously exploding bombs. The resulting explosions killed 220 persons and injured more than 4,000 others. Twelve Americans and 40 Kenyan and Tanzanian employees of the United States Foreign Service were killed in the attack.

(2) The United States personnel in both Dar es Salaam and Nairobi showed leadership and personal courage in their response to the attacks. Despite the havoc wreaked upon the embassies, staff in both embassies provided rapid response in locating and rescuing victims, providing emergency assistance, and quickly restoring embassy operations during a crisis.

(3) The bombs are believed to have been set by individuals associated with Osama bin Laden, leader of a known transnational terrorist organization. In February 1998, bin Laden issued a directive to his followers that called for attacks against United States interests anywhere in the world.

(4) Threats continue to be made against United States diplomatic facilities.

(5) Accountability Review Boards were convened following the bombings, as required by Public Law 99–399, chaired by Admiral William J. Crowe, United States Navy (Ret.) (in this section referred to as the "Crowe panels").

(6) The conclusions of the Crowe panels were strikingly similar to those stated by the Commission chaired by Admiral Bobby Ray Inman, which issued an extensive embassy security report in 1985.

(7) The Crowe panels issued a report setting out many problems with security at United States diplomatic facilities, in particular the following:

(A) The United States Government has devoted inadequate resources to security against terrorist attacks.

(B) The United States Government places too low a priority on security concerns.

(8) The result has been a failure to take adequate steps to prevent tragedies such as the bombings in Kenya and Tanzania.

(9) The Crowe panels found that there was an institutional failure on the part of the Department of State to recognize threats posed by transnational terrorism and vehicular bombs.

(10) Responsibility for ensuring adequate resources for security programs is widely shared throughout the United States Government, including Congress. Unless the vulnerabilities identified by the Crowe panels are addressed in a sustained and financially realistic manner, the lives and safety of United States employees in diplomatic facilities will continue to be at risk from further terrorist attacks.

(11) Although service in the Foreign Service or other United States Government positions abroad can never be completely without risk, the United States Government must take all reasonable steps to minimize security risks.

SEC. 603. UNITED STATES DIPLOMATIC FACILITY DEFINED.

In this title, the terms 'United States diplomatic facility' and 'diplomatic facility' mean any chancery, consulate, or other office notified to the host government as diplomatic or consular premises in accordance with the Vienna Conventions on Diplomatic and Consular Relations, or otherwise subject to a publicly available bilateral agreement with the host government (contained in the records of the United States Department of State) that recognizes the official status of the United States Government personnel present at the facility.

SEC. 604. AUTHORIZATIONS OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be *appropriated by this or any other Act, there are authorized to be appropriated for "Embassy Security, Construction and Maintenance"—*

(1) for fiscal year 2000, $900,000,000;

(2) for fiscal year 2001, $900,000,000;

(3) for fiscal year 2002, $900,000,000;

(4) for fiscal year 2003, $900,000,000; and

(5) for fiscal year 2004, $900,000,000.

(b) Purposes.—Funds made available under the "Embassy Security, Construction, and Maintenance" account may be used only for the purposes of—

(1) the acquisition of United States diplomatic facilities and, if necessary, any residences or other structures located in close physical proximity to such facilities, or

(2) the provision of major security enhancements to United States diplomatic facilities,

to the extent necessary to bring the United States Government into compliance with all requirements applicable to the security of United States diplomatic facilities, including the relevant requirements set forth in section 606.

(c) Availability of Authorizations.—Authorizations of appropriations under subsection (a) shall remain available until the appropriations are made.

(d) Availability of Funds.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

SEC. 605. OBLIGATIONS AND EXPENDITURES.

(a) Report and Priority of Obligations.—

(1) Report.—Not later than February 1 of the year 2000 and each of the four subsequent years, the Secretary of State shall submit a classified report to the appropriate congressional committees identifying each diplomatic facility or each diplomatic or consular post composed of such facilities that is a priority for replacement or for any major security enhancement because of its vulnerability to terrorist attack (by reason of the terrorist threat and the current condition of the facility). The report shall list such facilities in groups of 20. The groups shall be ranked in order from most vulnerable to least vulnerable to such an attack.

(2) Priority on Use of Funds.—

(A) In General.—Except as provided in subparagraph (B), funds authorized to be appropriated by section 604 for a particular project may be used only for those facilities which are listed in the first four groups described in paragraph (1).

(B) Exception.—Funds authorized to be made available by section 604 may only be used for facilities which are not in the first 4 groups described in paragraph (1), if the Congress authorizes or appropriates funds for such a diplomatic facility or the Secretary of State notifies the appropriate congressional committees that such funds will be used for a facility in accordance with the procedures applicable to a reprogramming of funds under section 34(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706(a)).

(b) Prohibition on Transfer of Funds.—None of the funds authorized to be appropriated by section 604 may be transferred to any other account.

(c) Semiannual Reports on Acquisition and Major Security Upgrades.—On June 1 and December 1 of each year, the Secretary of State shall submit a report to the appropriate congressional committees on the embassy construction and security program authorized under this title. The report shall include—

(1) obligations and expenditures—

(A) during the previous two fiscal quarters; and

(B) since the enactment of this Act;

(2) projected obligations and expenditures for the fiscal year in which the report is submitted and how these obligations and expenditures will improve security conditions of specific diplomatic facilities; and

(3) the status of ongoing acquisition and major security enhancement projects, including any significant changes in—

(A) the budgetary requirements for such projects;

(B) the schedule of such projects; and

(C) the scope of the projects.

SEC. 606. SECURITY REQUIREMENTS FOR UNITED STATES DIPLOMATIC FACILITIES.

(a) In General.—The following security requirements shall apply with respect to United States diplomatic facilities and specified personnel:

(1) Threat Assessment.—

(A) Emergency Action Plan.—The Emergency Action Plan (EAP) of each United States mission shall address the threat of large explosive attacks from vehicles and the safety of employees during such an explosive attack. Such plan shall be reviewed and updated annually.

(B) Security Environment Threat List.—The Security Environment Threat List shall contain a section that addresses potential acts of international terrorism against United States diplomatic facilities based on threat identification criteria that emphasize the threat of transnational terrorism and include the local security environment, host government support, and other relevant factors such as cultural realities. Such plan shall be reviewed and updated every six months.

(2) Site Selection.—

(A) In General.—In selecting a site for any new United States diplomatic facility abroad, the Secretary shall ensure that all United States Government personnel at the post (except those under the command of an area military commander) will be located on the site.

(B) Waiver Authority.—

(i) In General.—Subject to clause (ii), the Secretary of State may waive subparagraph (A) if the Secretary, together with the head of each agency employing personnel that would not be located at the site, determine that security considerations permit and it is in the national interest of the United States.

(ii) Chancery or Consulate Building.—

(I) Authority Not Delegable.—The Secretary may not delegate the waiver authority under clause (i) with respect to a chancery or consulate building.

(II) Congressional Notification.—Not less than 15 days prior to implementing the waiver authority under clause (i) with respect to a chancery or consulate building, the Secretary shall notify the appropriate congressional committees in writing of the waiver and the reasons for the determination.

(iii) Report to Congress.—The Secretary shall submit to the appropriate congressional committees an annual report of all waivers under this subparagraph.

(3) Perimeter Distance.—

(A) Requirement.—Each newly acquired United States diplomatic facility shall be sited not less than 100 feet from the perimeter of the property on which the facility is to be situated.

(B) Waiver Authority.—

(i) In General.—Subject to clause (ii), the Secretary of State may waive subparagraph (A) if the Secretary determines that security considerations permit and it is in the national interest of the United States.

(ii) Chancery or Consulate Building.—

(I) Authority Not Delegable.—The Secretary may not delegate the waiver authority under clause (i) with respect to a chancery or consulate building.

(II) Congressional Notification.—Not less than 15 days prior to implementing the waiver authority under subparagraph (A) with respect to a chancery or consulate building, the Secretary shall notify the appropriate congressional committees in writing of the waiver and the reasons for the determination.

(iii) Report to Congress.—The Secretary shall submit to the appropriate congressional committees an annual report of all waivers under this subparagraph.

(4) Crisis Management Training.—

(A) Training of Headquarters Staff.—The appropriate personnel of the Department of State headquarters staff shall undertake crisis management training for mass casualty and mass destruction incidents relating to diplomatic facilities for the purpose of bringing about a rapid response to such incidents from Department of State headquarters in Washington, D.C.

(B) Training of Personnel Abroad.—A program of appropriate instruction in crisis management shall be provided to personnel at United States diplomatic facilities abroad at least on an annual basis.

(5) Diplomatic Security Training.—Not later than six months after the date of the enactment of this Act, the Secretary of State shall—

(A) develop annual physical fitness standards for all diplomatic security agents to ensure that the agents are prepared to carry out all of their official responsibilities; and

(B) provide for an independent evaluation by an outside entity of the overall adequacy of current new agent, in-service, and management training programs to prepare agents to carry out the full scope of diplomatic security responsibilities, including preventing attacks on United States personnel and facilities.

(6) State Department Support.—

(A) Foreign Emergency Support Team.—The Foreign Emergency Support Team (FEST) of the Department of State shall receive sufficient support from the Department, including—

(i) conducting routine training exercises of the FEST;

(ii) providing personnel identified to serve on the FEST as a collateral duty;

(iii) providing personnel to assist in activities such as security, medical relief, public affairs, engineering, and building safety; and

(iv) providing such additional support as may be necessary to enable the FEST to provide support in a post-crisis environment involving mass casualties and physical damage.

(B) FEST Aircraft.—

(i) Replacement Aircraft.—The President shall develop a plan to replace on a priority basis the current FEST aircraft funded by the Department of Defense with a dedicated, capable, and reliable replacement aircraft and backup aircraft to be operated and maintained by the Department of Defense.

(ii) Report.—Not later than 60 days after the date of enactment of this Act, the President shall submit a report to the appropriate congressional committees describing the aircraft selected pursuant to clause (i) and the arrangements for the funding, operation, and maintenance of such aircraft.

(iii) Authority to Lease Aircraft to Respond to a Terrorist Attack Abroad.—Subject to the availability of appropriations, when the Attorney General of the Department of Justice exercises the Attorney General's authority to lease commercial aircraft to transport equipment and personnel in response to a terrorist attack abroad if there have been reasonable efforts to obtain appropriate Department of Defense aircraft and such aircraft are unavailable, the Attorney General shall have the authority to obtain indemnification insurance or guarantees if necessary and appropriate.

(7) Rapid Response Procedures.—The Secretary of State shall enter into a memorandum of understanding with the Secretary of Defense setting out rapid response procedures for mobilization of personnel and equipment of their respective departments to provide more effective assistance in times of emergency with respect to United States diplomatic facilities.

(8) STORAGE OF EMERGENCY EQUIPMENT AND RECORDS.—All United States diplomatic facilities shall have emergency equipment and records required in case of an emergency situation stored at an off-site facility.

(b) STATUTORY CONSTRUCTION.—Nothing in this section alters or amends existing security requirements not addressed by this section.

SEC. 607. REPORT ON OVERSEAS PRESENCE.

(a) REVIEW.—The Secretary of State shall review the findings of the Overseas Presence Advisory Panel of the Department of State.

(b) REPORT.—

(1) IN GENERAL.—Not later than 120 days after submission of the Overseas Presence Advisory Panel Report, the Secretary of State shall submit a report to the appropriate congressional committees setting forth the results of the review conducted under subsection (a).

(2) ELEMENTS OF THE REPORT.—To the extent not addressed by the review described in subsection (a), the report shall also—

(A) specify whether any United States diplomatic facility should be closed because—

(i) the facility is highly vulnerable and subject to threat of terrorist attack; and

(ii) adequate security enhancements cannot be provided to the facility;

(B) in the event that closure of a diplomatic facility is required, identify plans to provide secure premises for permanent use by the United States diplomatic mission, whether in country or in a regional United States diplomatic facility, or for temporary occupancy by the mission in a facility pending acquisition of new buildings;

(C) outline the potential for reduction or transfer of personnel or closure of missions if technology is adequately exploited for maximum efficiencies;

(D) examine the possibility of creating regional missions in certain parts of the world;

(E) in the case of diplomatic facilities that are part of the Special Embassy Program, report on the foreign policy objectives served by retaining such missions, balancing the importance of these objectives against the well-being of United States personnel; and

(F) examine the feasibility of opening new regional outreach centers, modeled on the system used by the United States Embassy in Paris, France, with each center designed to operate—

(i) at no additional cost to the United States Government;

(ii) with staff consisting of one or two Foreign Service officers currently assigned to the United States diplomatic mission in the country in which the center is located; and

(iii) in a region of the country with high gross domestic product (GDP), a high density population, and a media market that not only includes but extends beyond the region.

SEC. 608. ACCOUNTABILITY REVIEW BOARDS.

Section 301 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831) is amended to read as follows:

"SEC. 301. ACCOUNTABILITY REVIEW BOARDS.

"(a) IN GENERAL.—

"(1) CONVENING A BOARD.—Except as provided in paragraph (2), in any case of serious injury, loss of life, or significant destruction of property at, or related to, a United States Government mission abroad, and in any case of a serious breach of security involving intelligence activities of a foreign government directed at a United States Government mission abroad, which is covered by the provisions of titles I through IV (other than a facility or installation subject to the control of a United States area military commander), the Secretary of State shall convene an Accountability Review Board (in this title referred to as the 'Board'). The Secretary shall not convene a Board where the Secretary determines that a case clearly involves only causes unrelated to security.

"(2) DEPARTMENT OF DEFENSE FACILITIES AND PERSONNEL.—The Secretary of State is not required to convene a Board in the case of an incident described in paragraph (1) that involves any facility, installation, or personnel of the Department of Defense with respect to which the Secretary has delegated operational control of overseas security functions to the Secretary of Defense pursuant to section 106 of this Act. In any such case, the Secretary of Defense shall conduct an appropriate inquiry. The Secretary of Defense shall report the findings and recommendations of such inquiry, and the action taken with respect to such recommendations, to the Secretary of State and Congress.

"(b) DEADLINES FOR CONVENING BOARDS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of State shall convene a Board not later than 60 days after the occurrence of an incident described in subsection (a)(1), except that such 60-day period may be extended for one additional 60-day period if the Secretary determines that the additional period is necessary for the convening of the Board.

"(2) DELAY IN CASES INVOLVING INTELLIGENCE ACTIVITIES.— With respect to breaches of security involving intelligence activities, the Secretary of State may delay the establishment of a Board if, after consultation with the chairman of the Select Committee on Intelligence of the Senate and the chairman of the Permanent Select Committee on Intelligence of the House of Representatives, the Secretary determines that the establishment of a Board would compromise intelligence sources or methods. The Secretary shall promptly advise the chairmen of such committees of each determination pursuant to this paragraph to delay the establishment of a Board.

"(c) NOTIFICATION TO CONGRESS.—Whenever the Secretary of State convenes a Board, the Secretary shall promptly inform the chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives—

"(1) that a Board has been convened;

"(2) of the membership of the Board; and

"(3) of other appropriate information about the Board.".

SEC. 609. INCREASED ANTI-TERRORISM TRAINING IN AFRICA.

Not later than six months after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, shall submit a report to the appropriate congressional committees on a proposed operational plan and site selection to expeditiously establish an International Law Enforcement Academy (ILEA) on the continent of Africa in order to increase training and cooperation on the continent in anti-terrorism and transnational crime fighting.

TITLE VII—INTERNATIONAL ORGANIZATIONS AND COMMISSIONS

Subtitle A—International Organizations Other than the United Nations

SEC. 701. CONFORMING AMENDMENTS TO REFLECT REDESIGNATION OF CERTAIN INTERPARLIAMENTARY GROUPS.

(a) TRANSATLANTIC LEGISLATORS' DIALOGUE.—Section 109(c) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 276 note) is amended by striking "United States-European Community Interparliamentary Group" and inserting "Transatlantic Legislators' Dialogue (United States-European Union Interparliamentary Group)".

(b) NATO PARLIAMENTARY ASSEMBLY—

(1) IN GENERAL.—The joint resolution entitled "Joint Resolution to authorize participation by the United States in parliamentary conferences of the North Atlantic Treaty Organization", approved July 11, 1956 (22 U.S.C. 1928a et seq.), is amended in sections 2, 3, and 4 (22 U.S.C. 1928b, 1928c, and 1928d, respectively) by striking "North Atlantic Assembly" each place it appears and inserting "NATO Parliamentary Assembly".

(2) CONFORMING AMENDMENT.—Section 105(b) of the Legislative Branch Appropriation Act, 1961 (22 U.S.C. 276c–1) is amended by striking "North Atlantic Assembly" and inserting "NATO Parliamentary Assembly".

(3) REFERENCES.—In the case of any provision of law having application on or after May 31, 1999 (other than a provision of law specified in subparagraphs (A) or (B)), any reference contained in that provision to the North Atlantic Assembly shall, on and after that date, be considered to be a reference to the NATO Parliamentary Assembly.

SEC. 702. AUTHORITY OF THE INTERNATIONAL BOUNDARY AND WATER COMMISSION TO ASSIST STATE AND LOCAL GOVERNMENTS.

(a) AUTHORITY.—The Commissioner of the United States section of the International Boundary and Water Commission may provide technical tests, evaluations, information, surveys, or others similar services to State or local governments upon the request of such State or local government on a reimbursable basis.

(b) REIMBURSEMENTS.—Reimbursements shall be paid in advance of the goods or services ordered and shall be for the estimated or actual cost as determined by the United States section of the International Boundary and Water Commission. Proper adjustment of amounts paid in advance shall be made as determined by the United States section of the International Boundary and Water Commission on the basis of the actual cost of goods or services provided. Reimbursements received by the United States section of the International Boundary and Water Commission for providing services under this section shall be credited to the appropriation from which the cost of providing the services is charged.

SEC. 703. INTERNATIONAL BOUNDARY AND WATER COMMISSION.

Section 2(b) of the American-Mexican Chamizal Convention Act of 1964 (Public Law 88–300; 22 U.S.C. 277d–18(b)) is amended by inserting "operations, maintenance, and" after "cost of".

SEC. 704. SEMIANNUAL REPORTS ON UNITED STATES SUPPORT FOR MEMBERSHIP OR PARTICIPATION OF TAIWAN IN INTERNATIONAL ORGANIZATIONS.

(a) REPORTS REQUIRED.—Not later than 60 days after the date of enactment of this Act, and every 6 months thereafter for fiscal years 2000 and 2001, the Secretary of State shall submit to Congress a report in a classified and unclassified manner on the status of efforts by the United States Government to support—

(1) the membership of Taiwan in international organizations that do not require statehood as a prerequisite to such membership; and

(2) the appropriate level of participation by Taiwan in international organizations that may require statehood as a prerequisite to full membership.

(b) REPORT ELEMENTS.—Each report under subsection (a) shall—

(1) set forth a comprehensive list of the international organizations in which the United States Government supports the membership or participation of Taiwan;

(2) describe in detail the efforts of the United States Government to achieve the membership or participation of Taiwan in each organization listed; and

(3) identify the obstacles to the membership or participation of Taiwan in each organization listed, including a list of any governments that do not support the membership or participation of Taiwan in each such organization.

SEC. 705. RESTRICTION RELATING TO UNITED STATES ACCESSION TO THE INTERNATIONAL CRIMINAL COURT.

(a) PROHIBITION.—The United States shall not become a party to the International Criminal Court except pursuant to a treaty made under Article II, section 2, clause 2 of the Constitution of the United States on or after the date of enactment of this Act.

(b) PROHIBITION.—None of the funds authorized to be appropriated by this or any other Act may be obligated for use by, or for support of, the International Criminal Court unless the United States has become a party to the Court pursuant to a treaty made under Article II, section 2, clause 2 of the Constitution of the United States on or after the date of enactment of this Act.

(c) INTERNATIONAL CRIMINAL COURT DEFINED.—In this section, the term "International Criminal Court" means the court established by the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

SEC. 706. PROHIBITION ON EXTRADITION OR TRANSFER OF UNITED STATES CITIZENS TO THE INTERNATIONAL CRIMINAL COURT.

(a) PROHIBITION ON EXTRADITION.—None of the funds authorized to be appropriated or otherwise made available by this or any other Act may be used to extradite a United States citizen to a foreign country that is under an obligation to surrender persons to the International Criminal Court unless that foreign country confirms to the United States that applicable prohibitions on reextradition apply to such surrender or gives other satisfactory assurances to the United States that the country will not extradite or otherwise transfer that citizen to the International Criminal Court.

(b) PROHIBITION ON CONSENT TO EXTRADITION BY THIRD COUNTRIES.—None of the funds authorized to be appropriated or otherwise made available by this or any other Act may be used to provide consent to the extradition or transfer of a United States citizen by a foreign country to a third country that is under an obligation to surrender persons to the International Criminal Court, unless the third country confirms to the United States that applicable prohibitions on reextradition apply to such surrender or gives other satisfactory assurances to the United States that the third country will not extradite or otherwise transfer that citizen to the International Criminal Court.

(c) DEFINITION.—In this section, the term "International Criminal Court" has the meaning given the term in section 705(c) of this Act.

SEC. 707. REQUIREMENT FOR REPORTS REGARDING FOREIGN TRAVEL.

Section 2505 of the Foreign Affairs Reform and Restructuring Act of 1998 (as contained in division G of Public Law 105–277) is amended—

(1) in subsection (a), by striking "by this division for fiscal year 1999" and inserting "for the Department of State for fiscal year 2000 or 2001"; and

(2) in subsection (d), by striking "not later than April 1, 1999," and inserting "on January 31 of the years 2000 and 2001 and July 31 of the years 2000 and 2001,".

SEC. 708. UNITED STATES REPRESENTATION AT THE INTERNATIONAL ATOMIC ENERGY AGENCY.

(a) AMENDMENT TO THE UNITED NATIONS PARTICIPATION ACT OF 1945.—Section 2(h) of the United Nations Participation Act of 1945 (22 U.S.C. 287(h)) is amended by adding at the end the following new sentence: "The representative of the United States to the Vienna office of the United Nations shall also serve as representative of the United States to the International Atomic Energy Agency.".

(b) AMENDMENT TO THE IAEA PARTICIPATION ACT OF 1957.—Section 2(a) of the International Atomic Energy Agency Participation Act of 1957 (22 U.S.C. 2021(a)) is amended by adding at the end the following new sentence: "The Representative of the United States to the Vienna office of the United Nations shall also serve as representative of the United States to the Agency.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to individuals appointed on or after the date of enactment of this Act.

Subtitle B—United Nations Activities

SEC. 721. UNITED NATIONS POLICY ON ISRAEL AND THE PALESTINIANS.

(a) CONGRESSIONAL STATEMENT.—It shall be the policy of the United States to promote an end to the persistent inequity experienced by Israel in the United Nations whereby Israel is the only longstanding member of the organization to be denied acceptance into any of the United Nations regional blocs.

(b) POLICY ON ABOLITION OF CERTAIN UNITED NATIONS GROUPS.—It shall be the policy of the United States to seek the abolition of certain United Nations groups the existence of which is inimical to the ongoing Middle East peace process, those groups being the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories; the Committee on the Exercise of the Inalienable Rights of the Palestinian People; the Division for the Palestinian Rights; and the Division on Public Information on the Question of Palestine.

(c) ANNUAL REPORTS.—On January 15 of each year, the Secretary of State shall submit a report to the appropriate congressional committees (in classified or unclassified form as appropriate) on—

(1) actions taken by representatives of the United States to encourage the nations of the Western Europe and Others Group (WEOG) to accept Israel into their regional bloc;

(2) other measures being undertaken, and which will be undertaken, to ensure and promote Israel's full and equal participation in the United Nations; and

(3) steps taken by the United States under subsection (b) to secure abolition by the United Nations of groups described in that subsection.

(d) ANNUAL CONSULTATION.—At the time of the submission of each annual report under subsection (c), the Secretary of State shall consult with the appropriate congressional committees on specific responses received by the Secretary of State from each of the nations of the Western Europe and Others Group (WEOG) on their position concerning Israel's acceptance into their organization.

SEC. 722. DATA ON COSTS INCURRED IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

Chapter 6 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2348 et seq.) is amended by adding at the end the following:

"SEC. 554. DATA ON COSTS INCURRED IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

"(a) UNITED STATES COSTS.—The President shall annually provide to the Secretary General of the United Nations data regarding all costs incurred by the United States Department of Defense during the preceding year in support of all United Nations Security Council resolutions as reported to the Congress pursuant to section 8079 of the Department of Defense Appropriations Act, 1998.

"(b) UNITED NATIONS MEMBER COSTS.—The President shall request that the United Nations compile and publish information concerning costs incurred by United Nations members in support of such resolutions.".

SEC. 723. REIMBURSEMENT FOR GOODS AND SERVICES PROVIDED BY THE UNITED STATES TO THE UNITED NATIONS.

The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

"SEC. 10. REIMBURSEMENT FOR GOODS AND SERVICES PROVIDED BY THE UNITED STATES TO THE UNITED NATIONS.

"(a) REQUIREMENT TO OBTAIN REIMBURSEMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the President shall seek and obtain in a timely fashion a commitment from the United Nations to provide reimbursement to the United States from the United Nations whenever the United States Government furnishes assistance pursuant to the provisions of law described in subsection (c)—

"(A) to the United Nations when the assistance is designed to facilitate or assist in carrying out an assessed peacekeeping operation;

"(B) for any United Nations peacekeeping operation that is authorized by the United Nations Security Council under Chapter VI or Chapter VII of the United Nations Charter and paid for by peacekeeping or regular budget assessment of the United Nations members; or

"(C) to any country participating in any operation authorized by the United Nations Security Council under Chapter VI or Chapter VII of the United Nations Charter and paid for by peacekeeping assessments of United Nations members when the assistance is designed to facilitate or assist the participation of that country in the operation.

"(2) EXCEPTIONS.—

"(A) IN GENERAL.—The requirement in paragraph (1) shall not apply to—

"(i) goods and services provided to the United States Armed Forces;

"(ii) assistance having a value of less than $3,000,000 per fiscal year per operation;

"(iii) assistance furnished before the date of enactment of this section;

"(iv) salaries and expenses of civilian police and other civilian and military monitors where United Nations policy is to require payment by contributing members for similar assistance to United Nations peacekeeping operations; or

"(v) any assistance commitment made before the date of enactment of this section.

"(B) DEPLOYMENTS OF UNITED STATES MILITARY FORCES.— The requirements of subsection (d)(1)(B) shall not apply to the deployment of United States military forces when the President determines that such deployment is important to the security interests of the United States. The cost of such deployment shall be included in the data provided under section 554 of the Foreign Assistance Act of 1961.

"(3) FORM AND AMOUNT.—

"(A) AMOUNT.—The amount of any reimbursement under this subsection shall be determined at the usual rate established by the United Nations.

"(B) FORM.—Reimbursement under this subsection may include credits against the United States assessed contributions for United Nations peacekeeping operations, if the expenses incurred by any United States department or agency providing the assistance have first been reimbursed.

"(b) TREATMENT OF REIMBURSEMENTS.—

"(1) CREDIT.—The amount of any reimbursement paid the United States under subsection (a) shall be credited to the current applicable appropriation, fund, or account of the United States department or agency providing the assistance for which the reimbursement is paid.

"(2) AVAILABILITY.—Amounts credited under paragraph (1) shall be merged with the appropriations, or with appropriations in the fund or account, to which credited and shall be available for the same purposes, and subject to the same conditions and limitations, as the appropriations with which merged.

"(c) COVERED ASSISTANCE.—Subsection (a) applies to assistance provided under the following provisions of law:

"(1) Sections 6 and 7 of this Act.

"(2) Sections 451, 506(a)(1), 516, 552(c), and 607 of the Foreign Assistance Act of 1961.

"(3) Any other provisions of law pursuant to which assistance is provided by the United States to carry out the mandate of an assessed United Nations peacekeeping operation.

"(d) WAIVER.—

"(1) AUTHORITY.—

"(A) IN GENERAL.—The President may authorize the furnishing of assistance covered by this section without regard to subsection (a) if the President determines, and so notifies in writing the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives, that to do so is important to the security interests of the United States.

"(B) CONGRESSIONAL NOTIFICATION.—When exercising the authorities of subparagraph (A), the President shall notify the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

"(2) CONGRESSIONAL REVIEW.—Notwithstanding a notice under paragraph (1) with respect to assistance covered by this section, subsection (a) shall apply to the furnishing of the assistance if, not later than 15 calendar days after receipt of a notification under that paragraph, the Congress enacts a joint resolution disapproving the determination of the President contained in the notification.

"(3) SENATE PROCEDURES.—Any joint resolution described in paragraph (2) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

"(e) RELATIONSHIP TO OTHER REIMBURSEMENT AUTHORITY.—Nothing in this section shall preclude the President from seeking reimbursement for assistance covered by this section that is in addition to the reimbursement sought for the assistance under subsection (a).

"(f) DEFINITION.—In this section, the term 'assistance' includes personnel, services, supplies, equipment, facilities, and other assistance if such assistance is provided by the Department of Defense or any other United States Government agency.".

SEC. 724. CODIFICATION OF REQUIRED NOTICE OF PROPOSED UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) CODIFICATION.—Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b) is amended—

(1) in subsection (a), by striking the second sentence; and

(2) by striking subsection (e) and inserting the following:

"(e) CONSULTATIONS AND REPORTS ON UNITED NATIONS PEACEKEEPING OPERATIONS.—

"(1) CONSULTATIONS.—Each month the President shall consult with Congress on the status of United Nations peacekeeping operations.

"(2) INFORMATION TO BE PROVIDED.—In connection with such consultations, the following information shall be provided each month to the designated congressional committees:

"(A) With respect to ongoing United Nations peacekeeping operations, the following:

"(i) A list of all resolutions of the United Nations Security Council anticipated to be voted on during such month that would extend or change the mandate of any United Nations peacekeeping operation.

"(ii) For each such operation, any changes in the duration, mandate, and command and control arrangements that are anticipated as a result of the adoption of the resolution.

"(iii) An estimate of the total cost to the United Nations of each such operation for the period covered by the resolution, and an estimate of the amount of that cost that will be assessed to the United States.

"(iv) Any anticipated significant changes in United States participation in or support for each such operation during the period covered by the resolution (including the provision of facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)), and the estimated costs to the United States of such changes.

"(B) With respect to each new United Nations peacekeeping operation that is anticipated to be authorized by a Security Council resolution during such month, the following information for the period covered by the resolution:

"(i) The anticipated duration, mandate, and command and control arrangements of such operation, the planned exit strategy, and the vital national interest to be served.

"(ii) An estimate of the total cost to the United Nations of the operation, and an estimate of the amount of that cost that will be assessed to the United States.

"(iii) A description of the functions that would be performed by any United States Armed Forces participating in or otherwise operating in support of the operation, an estimate of the number of members of the Armed Forces that will participate in or otherwise operate in support of the operation, and an estimate of the cost to the United States of such participation or support.

"(iv) A description of any other United States assistance to or support for the operation (including the provision of facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)), and an estimate of the cost to the United States of such participation or support.

"(v) A reprogramming of funds pursuant to section 34 of the State Department Basic Authorities Act of 1956, submitted in accordance with the procedures set forth in such section, describing the source of funds that will be used to pay for the cost of the new United Nations peacekeeping operation, provided that such notification shall also be submitted to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

"(3) FORM AND TIMING OF INFORMATION.—

"(A) FORM.—The President shall submit information under clauses (i) and (iii) of paragraph (2)(A) in writing.

"(B) TIMING.—

"(i) ONGOING OPERATIONS.—The information required under paragraph (2)(A) for a month shall be submitted not later than the 10th day of the month.

"(ii) NEW OPERATIONS.—The information required under paragraph (2)(B) shall be submitted in writing with respect to each new United Nations peacekeeping operation not less than 15 days before the anticipated date of the vote on the resolution concerned unless the President determines that exceptional circumstances prevent compliance with the requirement to report 15 days in advance. If the President makes such a determination, the information required under paragraph (2)(B) shall be submitted as far in advance of the vote as is practicable.

"(4) NEW UNITED NATIONS PEACEKEEPING OPERATION DEFINED.—As used in paragraph (2), the term 'new United Nations peacekeeping operation' includes any existing or otherwise ongoing United Nations peacekeeping operation—

"(A) where the authorized force strength is to be expanded;

"(B) that is to be authorized to operate in a country in which it was not previously authorized to operate; or

"(C) the mandate of which is to be changed so that the operation would be engaged in significant additional or significantly different functions.

"(5) NOTIFICATION AND QUARTERLY REPORTS REGARDING UNITED STATES ASSISTANCE.—

"(A) NOTIFICATION OF CERTAIN ASSISTANCE.—

"(i) IN GENERAL.—The President shall notify the designated congressional committees at least 15 days before the United States provides any assistance to the United Nations to support peacekeeping operations.

"(ii) EXCEPTION.—This subparagraph does not apply to—

"(I) assistance having a value of less than $3,000,000 in the case of nonreimbursable assistance or less than $14,000,000 in the case of reimbursable assistance; or

"(II) assistance provided under the emergency drawdown authority of sections 506(a)(1) and 552(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1) and 2348a(c)(2)).

"(B) QUARTERLY REPORTS.—

"(i) IN GENERAL.—The President shall submit quarterly reports to the designated congressional committees on all assistance provided by the United States during the preceding calendar quarter to the United Nations to support peacekeeping operations.

"(ii) MATTERS INCLUDED.—Each report under this subparagraph shall describe the assistance provided for each such operation, listed by category of assistance.

"(iii) FOURTH QUARTER REPORT.—The report under this subparagraph for the fourth calendar quarter of each year shall be submitted as part of the annual report required by subsection (d) and shall include cumulative information for the preceding calendar year.

"(f) DESIGNATED CONGRESSIONAL COMMITTEES.—In this section, the term 'designated congressional committees' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.".

(2) CONFORMING REPEAL.—Subsection (a) of section 407 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 22 U.S.C. 287b note; 108 Stat. 448) is repealed.

(b) RELATIONSHIP TO OTHER NOTICE REQUIREMENTS.—Section 4 of the United Nations Participation Act of 1945, as amended by subsection (a), is further amended by adding at the end the following:

"(g) RELATIONSHIP TO OTHER NOTIFICATION REQUIREMENTS.—Nothing in this section is intended to alter or supersede any notification requirement with respect to peacekeeping operations that is established under any other provision of law.".

TITLE VIII—MISCELLANEOUS PROVISIONS

Subtitle A—General Provisions

SEC. 801. DENIAL OF ENTRY INTO UNITED STATES OF FOREIGN NATIONALS ENGAGED IN ESTABLISHMENT OR ENFORCEMENT OF FORCED ABORTION OR STERILIZATION POLICY.

(a) DENIAL OF ENTRY.—Notwithstanding any other provision of law, the Secretary of State may not issue any visa to, and the Attorney General may not admit to the United States, *any foreign national whom the Secretary finds, based on credible and specific information, to have been directly involved in the establishment or enforcement of population control policies forcing a woman to undergo an abortion against her free choice or forcing a man or woman to undergo sterilization against his or her free choice, unless the Secretary has substantial grounds for believing that the foreign national has discontinued his or her involvement with, and support for, such policies.*

(b) Exceptions.—The prohibitions in subsection (a) shall not apply in the case of a foreign national who is a head of state, head of government, or cabinet level minister.

(c) Waiver.—The Secretary of State may waive the prohibitions in subsection (a) with respect to a foreign national if the Secretary—

(1) determines that it is important to the national interest of the United States to do so; and

(2) provides written notification to the appropriate congressional committees containing a justification for the waiver.

SEC. 802. TECHNICAL CORRECTIONS.

(a) Section 1422(b)(3)(B) of the Foreign Affairs Reform and Restructuring Act (as contained in division G of Public Law 105–277; 112 Stat. 2681–792) is amended by striking "divisionAct" and inserting "division".

(b) Section 1002(a) of the Foreign Affairs Reform and Restructuring Act (as contained in division G of Public Law 105–277; 112 Stat. 2681–762) is amended by striking paragraph (3).

(c) The table of contents of division G of Public Law 105–277 (112 Stat. 2681–762) is amended by striking "DIVISION " and inserting "DIVISION G".

(d) Section 305 of Public Law 97–446 (19 U.S.C 2604) is amended in the first sentence by striking "Secretary" the first place it appears and inserting "Secretary, in consultation with the Secretary of State,".

SEC. 803. REPORTS WITH RESPECT TO A REFERENDUM ON WESTERN SAHARA.

(a) Reports Required.—

(1) In general.—Not later than each of the dates specified in paragraph (2), the Secretary of State shall submit a report to the appropriate congressional committees describing specific steps being taken by the Government of Morocco and by the Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro (POLISARIO) to ensure that a free, fair, and transparent referendum in which the people of the Western Sahara will choose between independence and integration with Morocco will be held by July 2000.

(2) Deadlines for submission of reports.—The dates referred to in paragraph (1) are January 1, 2000, and June 1, 2000.

(b) Report Elements.—The report shall include—

(1) a description of preparations for the referendum, including the extent to which free access to the territory for independent international organizations, including election observers and international media, will be guaranteed;

(2) a description of current efforts by the Department of State to ensure that a referendum will be held by July 2000;

(3) an assessment of the likelihood that the July 2000 date will be met;

(4) a description of obstacles, if any, to the voter registration process and other preparations for the referendum, and efforts being made by the parties and the United States Government to overcome those obstacles; and

(5) an assessment of progress being made in the repatriation process.

SEC. 804. REPORTING REQUIREMENTS - UNDER PLO COMMITMENTS COMPLIANCE ACT OF 1989.

The PLO Commitments Compliance Act of 1989 is amended—

(1) in section 804(b), by striking "In conjunction with each written policy justification required under section 604(b)(1) of the Middle East Peace Facilitation Act of 1995 or every" and inserting "Every";

(2) in section 804(b)—

(A) by striking "and" at the end of paragraph (9);

(B) by striking the period at the end of paragraph (10); and

(C) by adding at the end the following new paragraphs:

"(11) a statement on the effectiveness of end-use monitoring of international or United States aid being provided to the Palestinian Authority, Palestinian Liberation Organization, or the Palestinian Legislative Council, or to any other agent or instrumentality of the Palestinian Authority, on Palestinian efforts to comply with international accounting standards and on enforcement of anti-corruption measures; and

"(12) a statement on compliance by the Palestinian Authority with the democratic reforms, with specific details regarding the separation of powers called for between the executive and Legislative Council, the status of legislation passed by the Legislative Council and sent to the executive, the support of the executive for local and municipal elections, the status of freedom of the press, and of the ability of the press to broadcast debate from within the Legislative Council and about the activities of the Legislative Council.".

SEC. 805. REPORT ON TERRORIST ACTIVITY IN WHICH UNITED STATES CITIZENS WERE KILLED AND RELATED MATTERS.

(a) In General.—Not later than 6 months after the date of enactment of this Act and every 6 months thereafter until October 1, 2001, the Secretary of State shall prepare and submit a report, with a classified annex as necessary, to the appropriate congressional committees regarding terrorist attacks in Israel, in territory administered by Israel, and in territory administered by the Palestinian Authority. The report shall contain the following information:

(1) A list of formal commitments the Palestinian Authority has made to combat terrorism.

(2) A list of terrorist attacks, occurring between September 13, 1993 and the date of the report, against United States citizens in Israel, in territory administered by Israel, or in territory administered by the Palestinian Authority, including—

(A) a list of all citizens of the United States killed or injured in such attacks;

(B) the date of each attack and the total number of people killed or injured in each attack;

(C) the person or group claiming responsibility for the attack and where such person or group has found refuge or support;

(D) a list of suspects implicated in each attack and the nationality of each suspect, including information on—

(i) which suspects are in the custody of the Palestinian Authority and which suspects are in the custody of Israel;

(ii) which suspects are still at large in areas controlled by the Palestinian Authority or Israel; and

(iii) the whereabouts (or suspected whereabouts) of suspects implicated in each attack.

(3) Of the suspects implicated in the attacks described in paragraph (2) and detained by Palestinian or Israeli authorities, information on—

(A) the date each suspect was incarcerated;

(B) whether any suspects have been released, the date of such release, and whether any released suspect was implicated in subsequent acts of terrorism; and

(C) the status of each case pending against a suspect, including information on whether the suspect has been indicted, prosecuted, or convicted by the Palestinian Authority or Israel.

(4) The policy of the Department of State with respect to offering rewards for information on terrorist suspects, including any information on whether a reward has been posted for suspects involved in terrorist attacks listed in the report.

(5) A list of each request by the United States for assistance in investigating terrorist attacks listed in the report, a list of each request by the United States for the transfer of terrorist suspects from the Palestinian Authority and Israel since September 13, 1993, and the response to each request from the Palestinian Authority and Israel.

(6) A description of efforts made by United States officials since September 13, 1993 to bring to justice perpetrators of terrorist acts against United States citizens as listed in the report.

(7) A list of any terrorist suspects in these cases who are members of Palestinian police or security forces, the Palestine Liberation Organization, or any Palestinian governing body.

(8) A list of all United States citizens killed or injured in terrorist attacks in Israel or in territory administered by Israel between 1950 and September 13, 1993, to include in each case, where such information is reasonably available, any stated claim of responsibility and the resolution or disposition of each case, except that this list shall be submitted only once with the initial report required under this section unless additional relevant information on these cases becomes available.

(b) Consultation with Other Departments.—The Secretary of State shall, in preparing the report required by this section, consult and coordinate with all other Government officials who have information necessary to complete the report. Nothing contained in this section shall require the disclosure, on a classified or unclassified basis, of information that would jeopardize sensitive sources and methods or other vital national security interests or jeopardize ongoing criminal investigations or proceedings.

(c) Initial Report.—Except as provided in subsection (a)(8), the initial report filed under this section shall cover the period between September 13, 1993 and the date of the report.

SEC. 806. ANNUAL REPORTING ON WAR CRIMES, CRIMES AGAINST HUMANITY, AND GENOCIDE.

(a) Section 116 of Foreign Assistance Act of 1961.—Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)) is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) in paragraph (7), by striking the period at the end and inserting "and"; and

(3) by adding at the end the following:

"(8) wherever applicable, consolidated information regarding the commission of war crimes, crimes against humanity, and evidence of acts that may constitute genocide (as defined in article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide and modified by the United States instrument of ratification to that convention and section 2(a) of the Genocide Convention Implementation Act of 1987).".

(b) Section 502B of the Foreign Assistance Act of 1961.—Section 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)) is amended by inserting after the first sentence the following: "Wherever applicable, such report shall include consolidated information regarding the commission of war crimes, crimes against humanity, and evidence of acts that may constitute genocide (as defined in article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide and modified by the United States instrument of ratification to that convention and section 2(a) of the Genocide Convention Implementation Act of 1987).".

Subtitle B—North Korea Threat Reduction

SEC. 821. SHORT TITLE.

This subtitle may be cited as the "North Korea Threat Reduction Act of 1999".

SEC. 822. RESTRICTIONS ON NUCLEAR COOPERATION WITH NORTH KOREA.

(a) In General.—Notwithstanding any other provision of law or any international agreement, no agreement for cooperation (as defined in sec. 11 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2014 b.)) between the United States and North Korea may become effective, no license may be issued for export directly or indirectly to North Korea of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to such agreement, and no approval may be given for the transfer or retransfer directly or indirectly to North Korea of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to such agreement, until the President determines and reports to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that—

(1) North Korea has come into full compliance with its safeguards agreement with the IAEA (INFCIRC/403), and has taken all steps that have been deemed necessary by the IAEA in this regard;

(2) North Korea has permitted the IAEA full access to all additional sites and all information (including historical records) deemed necessary by the IAEA to verify the accuracy and completeness of North Korea's initial report of May 4, 1992, to the IAEA on all nuclear sites and material in North Korea;

(3) North Korea is in full compliance with its obligations under the Agreed Framework;

(4) North Korea has consistently taken steps to implement the Joint Declaration on Denuclearization, and is in full compliance with its obligations under numbered paragraphs 1, 2, and 3 of the Joint Declaration on Denuclearization (excluding in the case of numbered paragraph 3 facilities frozen pursuant to the Agreed Framework);

(5) North Korea does not have uranium enrichment or nuclear reprocessing facilities (excluding facilities frozen pursuant to the Agreed Framework), and is making no significant progress toward acquiring or developing such facilities;

(6) North Korea does not have nuclear weapons and is making no significant effort to acquire, develop, test, produce, or deploy such weapons; and

(7) the transfer to North Korea of key nuclear components, under the proposed agreement for cooperation with North Korea and in accordance with the Agreed Framework, is in the national interest of the United States.

(b) Construction.—The restrictions contained in subsection (a) shall apply in addition to all other applicable procedures, requirements, and restrictions contained in the Atomic Energy Act of 1954 and other laws.

SEC. 823. DEFINITIONS.

In this subtitle:

(1) Agreed Framework.—The term "Agreed Framework" means the "Agreed Framework Between the United States of America and the Democratic People's Republic of Korea", signed in Geneva on October 21, 1994, and the Confidential Minute to that Agreement.

(2) IAEA.—The term "IAEA" means the International Atomic Energy Agency.

(3) North Korea.—The term "North Korea" means the Democratic People's Republic of Korea.

(4) Joint Declaration on Denuclearization.—The term "Joint Declaration on Denuclearization" means the Joint Declaration on the Denuclearization of the Korean Peninsula, issued by the Republic of Korea and the Democratic People's Republic of Korea on January 1, 1992.

Subtitle C—People's Republic of China

SEC. 871. FINDINGS.

Congress makes the following findings:

(1) Congress concurs in the conclusions of the Department of State, as set forth in the Country Reports on Human Rights Practices for 1998, on human rights in the People's Republic of China in 1998 as follows:

(A) "The People's Republic of China (PRC) is an authoritarian state in which the Chinese Communist Party (CCP) is the paramount source of power. . . . Citizens lack both the freedom peacefully to express opposition to the party-led political system and the right to change their national leaders or form of government.".

(B) "The Government continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms. These abuses stemmed from the authorities' very limited tolerance of public dissent aimed at the Government, fear of unrest, and the limited scope or inadequate implementation of laws protecting basic freedoms.".

(C) "Abuses included instances of extrajudicial killings, torture and mistreatment of prisoners, forced confessions, arbitrary arrest and detention, lengthy incommunicado detention, and denial of due process.".

(D) "Prison conditions at most facilities remained harsh. . . . The Government infringed on citizens' privacy rights. The Government continued restrictions on freedom of speech and of the press, and tightened these toward the end of the year. The Government severely restricted freedom of assembly, and continued to restrict freedom of association, religion, and movement.".

(E) "Discrimination against women, minorities, and the disabled; violence against women, including coercive family planning practices—which sometimes include forced abortion and forced sterilization; prostitution, trafficking in women and children, and the abuse of children all are problems.".

(F) "The Government continued to restrict tightly worker rights, and forced labor remains a problem.".

(G) "Serious human rights abuses persisted in minority areas, including Tibet and Xinjiang, where restrictions on religion and other fundamental freedoms intensified.".

(H) "Unapproved religious groups, including Protestant and Catholic groups, continued to experience varying degrees of official interference and repression.".

(I) "Although the Government denies that it holds political or religious prisoners, and argues that all those in prison are legitimately serving sentences for crimes under the law, an unknown number of persons, estimated at several thousand, are detained in violation of international human rights instruments for peacefully expressing their political, religious, or social views.".

(2) In addition to the State Department, credible press reports and human rights organizations have documented an intense crackdown on political activists by the Government of the People's Republic of China, involving the harassment, detainment, arrest, and imprisonment of dozens of activists.

(3) The People's Republic of China, as a member of the United Nations, is expected to abide by the provisions of the Universal Declaration of Human Rights.

(4) The People's Republic of China is a party to numerous international human rights conventions, including the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and is a signatory to the International Covenant on Civil and Political Rights and the Covenant on Economic, Social, and Cultural Rights.

SEC. 872. FUNDING FOR ADDITIONAL PERSONNEL AT DIPLOMATIC POSTS TO REPORT ON POLITICAL, ECONOMIC, AND HUMAN RIGHTS MATTERS IN THE PEOPLE'S REPUBLIC OF CHINA.

Of the amounts authorized to be appropriated for the Department of State by this Act, $2,200,000 for fiscal year 2000 and $2,200,000 for fiscal year 2001 shall be made available only to support additional personnel in the United States Embassies in Beijing and Kathmandu, as well as the American consulates in Guangzhou, Shanghai, Shenyang, Chengdu, and Hong Kong, in order to monitor political and social conditions, with particular emphasis on respect for, and violations of, internationally recognized human rights, in the People's Republic of China.

SEC. 873. PRISONER INFORMATION REGISTRY FOR THE PEOPLE'S REPUBLIC OF CHINA.

(a) Requirement.—The Secretary of State shall establish and maintain a registry which shall, to the extent practicable, provide information on all political prisoners, prisoners of conscience, and prisoners of faith in the People's Republic of China. The registry shall be known as the "Prisoner Information Registry for the People's Republic of China".

(b) Information in Registry.—The registry required by subsection (a) shall include information on the charges, judicial processes, administrative actions, uses of forced labor, incidents of torture, lengths of imprisonment, physical and health conditions, and other matters associated with the incarceration of prisoners in the People's Republic of China referred to in that subsection.

(c) Availability of Funds.—The Secretary may make a grant to nongovernmental organizations currently engaged in monitoring activities regarding political prisoners in the People's Republic of China in order to assist in the establishment and maintenance of the registry required by subsection (a).

TITLE IX—ARREARS PAYMENTS AND REFORM

Subtitle A—General Provisions

SEC. 901. SHORT TITLE.

This title may be cited as the "United Nations Reform Act of 1999".

SEC. 902. DEFINITIONS.

In this title:

(1) Appropriate Congressional Committees.—The term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(2) Designated Specialized Agency Defined.—The term "designated specialized agency" means the International Labor Organization, the World Health Organization, and the Food and Agriculture Organization.

(3) General Assembly.—The term "General Assembly" means the General Assembly of the United Nations.

(4) Secretary General.—The term "Secretary General" means the Secretary General of the United Nations.

(5) Security Council.—The term "Security Council" means the Security Council of the United Nations.

(6) United Nations Member.—The term "United Nations member" means any country that is a member of the United Nations.

(7) United Nations Peacekeeping Operation.—The term "United Nations peacekeeping operation" means any United Nations-led operation to maintain or restore international peace or security that—

(A) is authorized by the Security Council; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping activities.

Subtitle B—Arrearages to the United Nations

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS; OBLIGATION AND EXPENDITURE OF FUNDS

SEC. 911. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—

(1) FISCAL YEAR 1998.—

(A) REGULAR ASSESSMENTS.—Amounts appropriated by title IV of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119), under the heading "Contributions to International Organizations", are hereby authorized to be appropriated and shall be available for obligation and expenditure subject to the provisions of this title.

(B) PEACEKEEPING ASSESSMENTS.—Amounts appropriated by title IV of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119), under the heading "Contributions for International Peacekeeping Activities", are hereby authorized to be appropriated and shall be available for obligation and expenditure subject to the provisions of this title.

(2) FISCAL YEAR 1999.—Amounts appropriated under the heading "Arrearage Payments" in title IV of the Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as contained in section 101(b) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277), are hereby authorized to be appropriated and shall be available for obligation and expenditure subject to the provisions of this title.

(3) FISCAL YEAR 2000.—There are authorized to be appropriated to the Department of State for payment of arrearages owed by the United States described in subsection (b) as of September 30, 1997, $244,000,000 for fiscal year 2000. Amounts appropriated pursuant to this paragraph shall be available for obligation and expenditure subject to the provisions of this title.

(b) LIMITATION.—Amounts made available under subsection (a) are authorized to be available only—

(1) to pay the United States share of assessments for the regular budget of the United Nations;

(2) to pay the United States share of United Nations peacekeeping operations;

(3) to pay the United States share of United Nations specialized agencies; and

(4) to pay the United States share of other international organizations.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

(d) STATUTORY CONSTRUCTION.—For purposes of payments made using funds made available under subsection (a), section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) shall not apply to United Nations peacekeeping operation assessments received by the United States prior to October 1, 1995.

SEC. 912. OBLIGATION AND EXPENDITURE OF FUNDS.

(a) IN GENERAL.—Funds made available pursuant to section 911 may be obligated and expended only if the requirements of subsections (b) and (c) of this section are satisfied.

(b) OBLIGATION AND EXPENDITURE UPON SATISFACTION OF CERTIFICATION REQUIREMENTS.—Subject to subsections (e) and (f), funds made available pursuant to section 911 may be obligated and expended only in the following allotments and upon the following certifications:

(1) Amounts made available for fiscal year 1998, upon the certification described in section 921.

(2) Amounts made available for fiscal year 1999, upon the certification described in section 931.

(3) Amounts authorized to be appropriated for fiscal year 2000, upon the certification described in section 941.

(c) ADVANCE CONGRESSIONAL NOTIFICATION.—Funds made available pursuant to section 911 may be obligated and expended only if the appropriate certification has been submitted to the appropriate congressional committees 30 days prior to the payment of the funds.

(d) TRANSMITTAL OF CERTIFICATIONS.—Certifications made under this chapter shall be transmitted by the Secretary of State to the appropriate congressional committees.

(e) WAIVER AUTHORITY WITH RESPECT TO FISCAL YEAR 1999 FUNDS.—

(1) IN GENERAL.—Subject to paragraph (3) and notwithstanding subsection (b), funds made available under section 911 for fiscal year 1999 may be obligated or expended pursuant to subsection (b)(2) even if the Secretary of State cannot certify that the condition described in section 931(b)(1) has been satisfied.

(2) REQUIREMENTS.—

(A) IN GENERAL.—The authority to waive the condition described in paragraph (1) of this subsection may be exercised only if the Secretary of State—

(i) determines that substantial progress towards satisfying the condition has been made and that the expenditure of funds pursuant to that paragraph is important to the interests of the United States; and

(ii) has notified, and consulted with, the appropriate congressional committees prior to exercising the authority.

(B) EFFECT ON SUBSEQUENT CERTIFICATION.—If the Secretary of State exercises the authority of paragraph (1), the condition described in that paragraph shall be deemed to have been satisfied for purposes of making any certification under section 941.

(3) ADDITIONAL REQUIREMENT.—If the authority to waive a condition under paragraph (1)(A) is exercised, the Secretary of State shall notify the United Nations that the Congress does not consider the United States obligated to pay, and does not intend to pay, arrearages that have not been included in the contested arrearages account or other mechanism described in section 931(b)(1).

(f) WAIVER AUTHORITY WITH RESPECT TO FISCAL YEAR 2000 FUNDS.—

(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding subsection (b), funds made available under section 911 for fiscal year 2000 may be obligated or expended pursuant to subsection (b)(3) even if the Secretary of State cannot certify that the condition described in paragraph (1) of section 941(b) has been satisfied.

(2) REQUIREMENTS.—

(A) IN GENERAL.—The authority to waive a condition under paragraph (1) may be exercised only if the Secretary of State has notified, and consulted with, the appropriate congressional committees prior to exercising the authority.

(B) EFFECT ON SUBSEQUENT CERTIFICATION.—If the Secretary of State exercises the authority of paragraph (1) with respect to a condition, such condition shall be deemed to have been satisfied for purposes of making any certification under section 941.

SEC. 913. FORGIVENESS OF AMOUNTS OWED BY THE UNITED NATIONS TO THE UNITED STATES.

(a) FORGIVENESS OF INDEBTEDNESS.—Subject to subsection (b), the President is authorized to forgive or reduce any amount owed by the United Nations to the United States as a reimbursement, including any reimbursement payable under the Foreign Assistance Act of 1961 or the United Nations Participation Act of 1945.

(b) LIMITATIONS.—

(1) TOTAL AMOUNT.—The total of amounts forgiven or reduced under subsection (a) may not exceed $107,000,000.

(2) RELATION TO UNITED STATES ARREARAGES.—Amounts shall be forgiven or reduced under this section only to the same extent as the United Nations forgives or reduces amounts owed by the United States to the United Nations as of September 30, 1997.

(c) REQUIREMENTS.—The authority in subsection (a) shall be available only to the extent and in the amounts provided in advance in appropriations Acts.

(d) CONGRESSIONAL NOTIFICATION.—Before exercising any authority in subsection (a), the President shall notify the appropriate congressional committees in accordance with the same procedures as are applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(e) EFFECTIVE DATE.—This section shall take effect on the date a certification is transmitted to the appropriate congressional committees under section 931.

CHAPTER 2—UNITED STATES SOVEREIGNTY

SEC. 921. CERTIFICATION REQUIREMENTS.

(a) CONTENTS OF CERTIFICATION.—A certification described in this section is a certification by the Secretary of State that the following conditions are satisfied:

(1) SUPREMACY OF THE UNITED STATES CONSTITUTION.—No action has been taken by the United Nations or any of its specialized or affiliated agencies that requires the United States to violate the United States Constitution or any law of the United States.

(2) NO UNITED NATIONS SOVEREIGNTY.—Neither the United Nations nor any of its specialized or affiliated agencies—

(A) has exercised sovereignty over the United States; or

(B) has taken any steps that require the United States to cede sovereignty.

(3) NO UNITED NATIONS TAXATION.—

(A) NO LEGAL AUTHORITY.—Except as provided in subparagraph (D), neither the United Nations nor any of its specialized or affiliated agencies has the authority under United States law to impose taxes or fees on United States nationals.

(B) NO TAXES OR FEES.—Except as provided in subparagraph (D), a tax or fee has not been imposed on any United States national by the United Nations or any of its specialized or affiliated agencies.

(C) NO TAXATION PROPOSALS.—Except as provided in subparagraph (D), neither the United Nations nor any of its specialized or affiliated agencies has, on or after October 1, 1996, officially approved any formal effort to develop, advocate, or promote any proposal concerning the imposition of a tax or fee on any United States national in order to raise revenue for the United Nations or any such agency.

(D) EXCEPTION.—This paragraph does not apply to—

(i) fees for publications or other kinds of fees that are not tantamount to a tax on United States citizens;

(ii) the World Intellectual Property Organization; or

(iii) the staff assessment costs of the United Nations and its specialized or affiliated agencies.

(4) NO STANDING ARMY.—The United Nations has not, on or after October 1, 1996, budgeted any funds for, nor taken any official steps to develop, create, or establish any special agreement under Article 43 of the United Nations

Charter to make available to the United Nations, on its call, the armed forces of any member of the United Nations.

(5) NO INTEREST FEES.—The United Nations has not, on or after October 1, 1996, levied interest penalties against the United States or any interest on arrearages on the annual assessment of the United States, and neither the United Nations nor its specialized agencies have, on or after October 1, 1996, amended their financial regulations or taken any other action that would permit interest penalties to be levied against the United States or otherwise charge the United States any interest on arrearages on its annual assessment.

(6) UNITED STATES REAL PROPERTY RIGHTS.—Neither the United Nations nor any of its specialized or affiliated agencies has exercised authority or control over any United States national park, wildlife preserve, monument, or real property, nor has the United Nations nor any of its specialized or affiliated agencies implemented plans, regulations, programs, or agreements that exercise control or authority over the private real property of United States citizens located in the United States without the approval of the property owner.

(7) TERMINATION OF BORROWING AUTHORITY.—

(A) PROHIBITION ON AUTHORIZATION OF EXTERNAL BORROWING.—On or after the date of enactment of this Act, neither the United Nations nor any specialized agency of the United Nations has amended its financial regulations to permit external borrowing.

(B) PROHIBITION OF UNITED STATES PAYMENT OF INTEREST COSTS.—The United States has not, on or after October 1, 1984, paid its share of any interest costs made known to or identified by the United States Government for loans incurred, on or after October 1, 1984, by the United Nations or any specialized agency of the United Nations through external borrowing.

(b) TRANSMITTAL.—The Secretary of State may transmit a certification under subsection (a) at any time during fiscal year 1998 or thereafter if the requirements of the certification are satisfied.

CHAPTER 3—REFORM OF ASSESSMENTS AND UNITED NATIONS PEACEKEEPING OPERATIONS

SEC. 931. CERTIFICATION REQUIREMENTS.

(a) IN GENERAL.—A certification described in this section is a certification by the Secretary of State that the conditions in subsection (b) are satisfied. Such certification shall not be made by the Secretary if the Secretary determines that any of the conditions set forth in section 921 are no longer satisfied.

(b) CONDITIONS.—The conditions under this subsection are the following:

(1) CONTESTED ARREARAGES.—The United Nations has established an account or other appropriate mechanism with respect to all United States arrearages incurred before the date of enactment of this Act with respect to which payments are not authorized by this Act, and the failure to pay amounts specified in the account does not affect the application of Article 19 of the Charter of the United Nations. The account established under this paragraph may be referred to as the "contested arrearages account".

(2) LIMITATION ON ASSESSED SHARE OF BUDGET FOR UNITED NATIONS PEACEKEEPING OPERATIONS.—The assessed share of the budget for each assessed United Nations peacekeeping operation does not exceed 25 percent for any single United Nations member.

(3) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET.—The share of the total of all assessed contributions for the regular budget of the United Nations does not exceed 22 percent for any single United Nations member.

CHAPTER 4—BUDGET AND PERSONNEL REFORM

SEC. 941. CERTIFICATION REQUIREMENTS.

(a) IN GENERAL.—

(1) IN GENERAL.—Except as provided in paragraph (2), a certification described in this section is a certification by the Secretary of State that the conditions in subsection (b) are satisfied.

(2) SPECIFIED CERTIFICATION.—A certification described in this section is also a certification that, with respect to the United Nations or a particular designated specialized agency, the conditions in subsection (b)(4) applicable to that organization are satisfied, regardless of whether the conditions in subsection (b)(4) applicable to any other organization are satisfied, if the other conditions in subsection (b) are satisfied.

(3) EFFECT OF SPECIFIED CERTIFICATION.—Funds made available under section 912(b)(3) upon a certification made under this section with respect to the United Nations or a particular designated specialized agency shall be limited to that portion of the funds available under that section that is allocated for the organization with respect to which the certification is made and for any other organization to which none of the conditions in subsection (b) apply.

(4) LIMITATION.—A certification described in this section shall not be made by the Secretary if the Secretary determines that any of the conditions set forth in sections 921 and 931 are no longer satisfied.

(b) CONDITIONS.—The conditions under this subsection are the following:

(1) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET.—The share of the total of all assessed contributions for the regular budget of the United Nations, or any designated specialized agency of the United Nations, does not exceed 20 percent for any single United Nations member.

(2) INSPECTORS GENERAL FOR CERTAIN ORGANIZATIONS.—

(A) ESTABLISHMENT OF OFFICES.—Each designated specialized agency has established an independent office of inspector general to conduct and supervise objective audits, inspections, and investigations relating to the programs and operations of the organization.

(B) APPOINTMENT OF INSPECTORS GENERAL.—The Director General of each designated specialized agency has appointed an inspector general, with the approval of the member states, and that appointment was made principally on the basis of the appointee's integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(C) ASSIGNED FUNCTIONS.—Each inspector general appointed under subparagraph (A) is authorized to—

(i) make investigations and reports relating to the administration of the programs and operations of the agency concerned;

(ii) have access to all records, documents, and other available materials relating to those programs and operations of the agency concerned; and

(iii) have direct and prompt access to any official of the agency concerned.

(D) COMPLAINTS.—Each designated specialized agency has procedures in place designed to protect the identity of, and to prevent reprisals against, any staff member making a complaint or disclosing information to, or cooperating in any investigation or inspection by, the inspector general of the agency.

(E) COMPLIANCE WITH RECOMMENDATIONS.—Each designated specialized agency has in place procedures designed to ensure compliance with the recommendations of the inspector general of the agency.

(F) AVAILABILITY OF REPORTS.—Each designated specialized agency has in place procedures to ensure that all annual and other relevant reports submitted by the inspector general to the agency are made available to the member states without modification except to the extent necessary to protect the privacy rights of individuals.

(3) NEW BUDGET PROCEDURES FOR THE UNITED NATIONS.—The United Nations has established and is implementing budget procedures that—

(A) require the maintenance of a budget not in excess of the level agreed to by the General Assembly at the beginning of each United Nations budgetary biennium, unless increases are agreed to by consensus; and

(B) require the system-wide identification of expenditures by functional categories such as personnel, travel, and equipment.

(4) SUNSET POLICY FOR CERTAIN UNITED NATIONS PROGRAMS.—

(A) EXISTING AUTHORITY.—The Secretary General and the Director General of each designated specialized agency have used their existing authorities to require program managers within the United Nations Secretariat and the Secretariats of the designated specialized agencies to conduct evaluations of United Nations programs approved by the General Assembly, and of programs of the designated specialized agencies, in accordance with the standardized methodology referred to in subparagraph (B).

(B) DEVELOPMENT OF EVALUATION CRITERIA.—

(i) UNITED NATIONS.—The Office of Internal Oversight Services has developed a standardized methodology for the evaluation of United Nations programs approved by the General Assembly, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(ii) DESIGNATED SPECIALIZED AGENCIES.—Patterned on the work of the Office of Internal Oversight Services of the United Nations, each designated specialized agency has developed a standardized methodology for the evaluation of the programs of the agency, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(C) PROCEDURES.—Consistent with the July 16, 1997, recommendations of the Secretary General regarding a sunset policy and results-based budgeting for United Nations programs, the United Nations and each designated specialized agency has established and is implementing procedures—

(i) requiring the Secretary General or the Director General of the agency, as the case may be, to report on the results of evaluations referred to in this paragraph, including the identification of programs that have met criteria for continuing relevance and effectiveness and proposals to terminate or modify programs that have not met such criteria; and

(ii) authorizing an appropriate body within the United Nations or the agency, as the case may be, to review each evaluation referred to in this paragraph and report to the General Assembly on means of improving the program concerned or on terminating the program.

(D) UNITED STATES POLICY.—It shall be the policy of the United States to seek adoption by the United Nations of a resolution requiring that each United Nations program approved by the General Assembly, and to seek adoption by each designated specialized agency of a resolution requiring that each program of the agency, be subject to an evaluation referred to in this paragraph and have a specific termination date so that the program will not be renewed unless the evaluation demonstrates the continuing relevance and effectiveness of the program.

(E) DEFINITION.—For purposes of this paragraph, the term "United Nations program approved by the General Assembly" means a program approved by the General Assembly of the United Nations which is administered or funded by the United Nations.

(5) UNITED NATIONS ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGETARY QUESTIONS.—

(A) IN GENERAL.—The United States has a seat on the United Nations Advisory Committee on Administrative and Budgetary Questions or the five largest member contributors each have a seat on the Advisory Committee.

(B) DEFINITION.—As used in this paragraph, the term "5 largest member contributors" means the 5 United Nations member states that, during a United Nations budgetary biennium, have more total assessed contributions than any other United Nations member state to the aggregate of the United Nations regular budget and the budget (or budgets) for United Nations peacekeeping operations.

(6) ACCESS BY THE GENERAL ACCOUNTING OFFICE.—The United Nations has in effect procedures providing access by the United States General Accounting Office to United Nations financial data to assist the Office in performing nationally mandated reviews of United Nations operations.

(7) PERSONNEL.—

(A) APPOINTMENT AND SERVICE OF PERSONNEL.—The Secretary General—

(i) has established and is implementing procedures that ensure that staff employed by the United Nations is appointed on the basis of merit consistent with Article 101 of the United Nations Charter; and

(ii) is enforcing those contractual obligations requiring worldwide availability of all professional staff of the United Nations to serve and be relocated based on the needs of the United Nations.

(B) CODE OF CONDUCT.—The General Assembly has adopted, and the Secretary General has the authority to enforce and is effectively enforcing, a code of conduct binding on all United Nations personnel, including the requirement of financial disclosure statements binding on senior United Nations personnel and the establishment of rules against nepotism that are binding on all United Nations personnel.

(C) PERSONNEL EVALUATION SYSTEM.—The United Nations has adopted and is enforcing a personnel evaluation system.

(D) PERIODIC ASSESSMENTS.—The United Nations has established and is implementing a mechanism to conduct periodic assessments of the United Nations payroll to determine total staffing, and the results of such assessments are reported in an unabridged form to the General Assembly.

(E) REVIEW OF UNITED NATIONS ALLOWANCE SYSTEM.—The United States has completed a thorough review of the United Nations personnel allowance system. The review shall include a comparison of that system with the United States civil service system, and shall make recommendations to reduce entitlements to allowances and allowance funding levels from the levels in effect on January 1, 1998.

(8) REDUCTION IN BUDGET AUTHORITIES.—The designated specialized agencies have achieved zero nominal growth in their biennium budgets for 2000–01 from the 1998–99 biennium budget levels of the respective agencies.

(9) NEW BUDGET PROCEDURES AND FINANCIAL REGULATIONS.—Each designated specialized agency has established procedures to—

(A) require the maintenance of a budget that does not exceed the level agreed to by the member states of the organization at the beginning of each budgetary biennium, unless increases are agreed to by consensus;

(B) require the identification of expenditures by functional categories such as personnel, travel, and equipment; and

(C) require approval by the member states of the agency's supplemental budget requests to the Secretariat in advance of expenditures under those requests.

(10) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET FOR THE DESIGNATED SPECIALIZED AGENCIES.—The share of the total of all assessed contributions for any designated specialized agency does not exceed 22 percent for any single member of the agency.

Subtitle C—Miscellaneous Provisions

SEC. 951. STATUTORY CONSTRUCTION ON RELATION TO EXISTING LAWS.

Except as otherwise specifically provided, nothing in this title may be construed to make available funds in violation of any provision of law containing a specific prohibition or restriction on the use of the funds, including section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98–164; 22 U.S.C. 287e note), section 151 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93; 22 U.S.C. 287e note), and section 404 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 22 U.S.C. 287e note).

SEC. 952. PROHIBITION ON PAYMENTS RELATING TO UNIDO AND OTHER INTERNATIONAL ORGANIZATIONS FROM WHICH THE UNITED STATES HAS WITHDRAWN OR RESCINDED FUNDING.

None of the funds authorized to be appropriated by this title shall be used to pay any arrearage for—

(1) the United Nations Industrial Development Organization;

(2) any costs to merge that organization into the United Nations;

(3) the costs associated with any other organization of the United Nations from which the United States has withdrawn including the costs of the merger of such organization into the United Nations; or

(4) the World Tourism Organization, or any other international organization with respect to which Congress has rescinded funding.

DIVISION B—ARMS CONTROL, NONPROLIFERATION, AND SECURITY ASSISTANCE PROVISIONS

SEC. 1001. SHORT TITLE.

This division may be cited as the "Arms Control, Nonproliferation, and Security Assistance Act of 1999".

TITLE XI—ARMS CONTROL AND NONPROLIFERATION

SEC. 1101. SHORT TITLE.

This title may be cited as the "Arms Control and Nonproliferation Act of 1999".

SEC. 1102. DEFINITIONS.

In this title:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate.

(2) ASSISTANT SECRETARY.—The term "Assistant Secretary" means the position of Assistant Secretary of State for Verification and Compliance designated under section 1112.

(3) EXECUTIVE AGENCY.—The term "Executive agency" has the meaning given the term in section 105 of title 5, United States Code.

(4) INTELLIGENCE COMMUNITY.—The term "intelligence community" has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(5) START TREATY OR TREATY.—The term "START Treaty" or "Treaty" means the Treaty With the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms, including all agreed statements, annexes, protocols, and memoranda, signed at Moscow on July 31, 1991.

(6) START II TREATY.—The term "START II Treaty" means the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms, and related protocols and memorandum of understanding, signed at Moscow on January 3, 1993.

Subtitle A—Arms Control

CHAPTER 1—EFFECTIVE VERIFICATION OF COMPLIANCE WITH ARMS CONTROL AGREEMENTS

SEC. 1111. KEY VERIFICATION ASSETS FUND.

(a) IN GENERAL.—The Secretary of State is authorized to transfer funds available to the Department of State under this section to the Department of Defense, the Department of Energy, or any agency, entity, or component of the intelligence community, as needed, for retaining, researching, developing, or acquiring technologies or programs relating to the verification of arms control, nonproliferation, and disarmament agreements or commitments.

(b) PROHIBITION ON REPROGRAMMING.—Notwithstanding any other provision of law, funds made available to carry out this section may not be used for any purpose other than the purposes specified in subsection (a).

(c) FUNDING.—Of the total amount of funds authorized to be appropriated to the Department of State by this Act for the fiscal years 2000 and 2001, $5,000,000 is authorized to be available for each such fiscal year to carry out subsection (a).

(d) DESIGNATION OF FUND.—Amounts made available under subsection (c) may be referred to as the "Key Verification Assets Fund".

SEC. 1112. ASSISTANT SECRETARY OF STATE FOR VERIFICATION AND COMPLIANCE.

(a) DESIGNATION OF POSITION.—The Secretary of State shall designate one of the Assistant Secretaries of State authorized by section 1(c)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)(1)) as the Assistant Secretary of State for Verification and Compliance. The Assistant Secretary shall report to the Under Secretary of State for Arms Control and International Security.

(b) DIRECTIVE GOVERNING THE ASSISTANT SECRETARY OF STATE.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of State shall issue a directive governing the position of the Assistant Secretary.

(2) ELEMENTS OF THE DIRECTIVE.—The directive issued under paragraph (1) shall set forth, consistent with this section—

(A) the duties of the Assistant Secretary;

(B) the relationships between the Assistant Secretary and other officials of the Department of State;

(C) any delegation of authority from the Secretary of State to the Assistant Secretary; and

(D) such matters as the Secretary considers appropriate.

(c) DUTIES.—

(1) IN GENERAL.—The Assistant Secretary shall have as his principal responsibility the overall supervision (including oversight of policy and resources) within the Department of State of all matters relating to verification and compliance with international arms control, nonproliferation, and disarmament agreements or commitments.

(2) PARTICIPATION OF THE ASSISTANT SECRETARY.—

(A) PRIMARY ROLE.—Except as provided in subparagraphs (B) and (C), the Assistant Secretary, or his designee, shall participate in all interagency groups or organizations within the executive branch of Government that assess, analyze, or review United States planned or ongoing policies, programs, or actions that have a direct bearing on verification or compliance matters, including interagency intelligence committees concerned with the development or exploitation of measurement or signals intelligence

or other national technical means of verification.

(B) REQUIREMENT FOR DESIGNATION.—Subparagraph (A) shall not apply to groups or organizations on which the Secretary of State or the Undersecretary of State for Arms Control and International Security sits, unless such official designates the Assistant Secretary to attend in his stead.

(C) NATIONAL SECURITY LIMITATION.—

(i) WAIVER BY PRESIDENT.—The President may waive the provisions of subparagraph (A) if inclusion of the Assistant Secretary would not be in the national security interests of the United States.

(ii) WAIVER BY OTHERS.—With respect to an interagency group or organization, or meeting thereof, working with exceptionally sensitive information contained in compartments under the control of the Director of Central Intelligence, the Secretary of Defense, or the Secretary of Energy, such Director or Secretary, as the case may be, may waive the provision of subparagraph (A) if inclusion of the Assistant Secretary would not be in the national security interests of the United States.

(iii) TRANSMISSION OF WAIVER TO CONGRESS.—Any waiver of participation under clause (i) or (ii) shall be transmitted in writing to the appropriate committees of Congress.

(3) RELATIONSHIP TO THE INTELLIGENCE COMMUNITY.—The Assistant Secretary shall be the principal policy community representative to the intelligence community on verification and compliance matters.

(4) REPORTING RESPONSIBILITIES.—The Assistant Secretary shall have responsibility within the Department of State for—

(A) all reports required pursuant to section 306 of the Arms Control and Disarmament Act (22 U.S.C. 2577);

(B) so much of the report required under paragraphs (4) through (6) of section 403(a) of the Arms Control and Disarmament Act (22 U.S.C. 2593a(a)(4) through (6)) as relates to verification or compliance matters; and

(C) other reports being prepared by the Department of State as of the date of enactment of this Act relating to arms control, nonproliferation, or disarmament verification or compliance matters.

SEC. 1113. ENHANCED ANNUAL ("PELL") REPORT.

(a) ANNUAL REPORT.—Section 403(a) of the Arms Control and Disarmament Act (22 U.S.C. 2593a(a)) is amended—

(1) in paragraph (4)—

(A) by inserting "or commitments, including the Missile Technology Control Regime," after "agreements" the first time it appears;

(B) by inserting "or commitments" after "agreements" the second time it appears;

(C) by inserting "or commitment" after "agreement"; and

(D) by striking "and" at the end;

(2) by striking the period at the end of paragraph (5) and inserting "; and"; and

(3) by adding at the end the following:

"(6) a specific identification, to the maximum extent practicable in unclassified form, of each and every question that exists with respect to compliance by other countries with arms control, nonproliferation, and disarmament agreements with the United States.".

(b) ADDITIONAL REQUIREMENT.—Section 403 of the Arms Control and Disarmament Act (22 U.S.C. 2593a) is amended by adding at the end the following:

"(d) Each report required by this section shall include a discussion of each significant issue described in subsection (a)(6) that was contained in a previous report issued under this section during 1995, or after December 31, 1995, until the question or concern has been resolved and such resolution has been reported in detail to the appropriate committees of Congress (as defined in section 1102(1) of the Arms Control, Non-Proliferation, and Security Assistance Act of 1999).".

SEC. 1114. REPORT ON START AND START II TREATIES MONITORING ISSUES.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Director of Central Intelligence shall submit to the appropriate committees of Congress a detailed report in classified form. Such report shall include the following:

(1) A comprehensive identification of all monitoring activities associated with the START Treaty and the START II Treaty.

(2) The specific intelligence community assets and capabilities, including analytical capabilities, that the Senate was informed, prior to the Senate giving its advice and consent to ratification of the treaties, would be necessary to accomplish those activities.

(3) An identification of the extent to which those assets and capabilities have, or have not, been attained or retained, and the corresponding effect this has had upon United States monitoring confidence levels.

(4) An assessment of any Russian activities relating to the START Treaty which have had an impact upon the ability of the United States to monitor Russian adherence to the Treaty.

(b) COMPARTMENTED ANNEX.—Exceptionally sensitive, compartmented information in the report required by this section may be provided in a compartmented annex submitted to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1115. STANDARDS FOR VERIFICATION.

(a) VERIFICATION OF COMPLIANCE.—Section 306(a) of the Arms Control and Disarmament Act (22 U.S.C. 2577(a)) is amended in the matter preceding paragraph (1) by striking "adequately".

(b) ASSESSMENTS UPON REQUEST.—Section 306 of the Arms Control and Disarmament Act (22 U.S.C. 2577) is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following:

"(b) ASSESSMENTS UPON REQUEST.—Upon the request of the chairman or ranking minority member of the Committee on Foreign Relations of the Senate or the Committee on International Relations of the House of Representatives, in case of an arms control, nonproliferation, or disarmament proposal presented to a foreign country by the United States or presented to the United States by a foreign country, the Secretary of State shall submit a report to the Committee on the degree to which elements of the proposal are capable of being verified.".

SEC. 1116. CONTRIBUTION TO THE ADVANCEMENT OF SEISMOLOGY.

The United States Government shall, to the maximum extent practicable, make available to the public in real time, or as quickly as possible, all raw seismological data provided to the United States Government by any international organization that is directly responsible for seismological monitoring.

SEC. 1117. PROTECTION OF UNITED STATES COMPANIES.

(a) REIMBURSEMENT.—During the 2-year period beginning on the date of the enactment of this Act, the United States National Authority (as designated pursuant to section 101 of the Chemical Weapons Convention Implementation Act of 1998 (as contained in division I of Public Law 105–277)) shall, upon request of the Director of the Federal Bureau of Investigation, reimburse the Federal Bureau of Investigation for all costs incurred by the Bureau for such period in connection with implementation of section 303(b)(2)(A) of that Act, except that such reimbursement may not exceed $2,000,000 for such 2-year period.

(b) REPORT.—Not later than 180 days prior to the expiration of the 2-year period described in subsection (a), the Director of the Federal Bureau of Investigation shall prepare and submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on how activities under section 303(b)(2)(A) of the Chemical Weapons Convention Implementation Act of 1998 will be fully funded and implemented by the Federal Bureau of Investigation notwithstanding the expiration of the 2-year period described in subsection (a).

SEC. 1118. REQUIREMENT FOR TRANSMITTAL OF SUMMARIES.

Whenever a United States delegation engaging in negotiations on arms control, nonproliferation, or disarmament submits to the Secretary of State a summary of the activities of the delegation or the status of those negotiations, a copy of each such summary shall be further transmitted by the Secretary of State to the Committee on Foreign Relations of the Senate and to the Committee on International Relations of the House of Representatives promptly.

CHAPTER 2—MATTERS RELATING TO THE CONTROL OF BIOLOGICAL WEAPONS

SEC. 1121. SHORT TITLE.

This chapter may be cited as the "National Security and Corporate Fairness under the Biological Weapons Convention Act".

SEC. 1122. DEFINITIONS.

In this chapter:

(1) BIOLOGICAL WEAPONS CONVENTION.—The term "Biological Weapons Convention" means the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction.

(2) COMPLIANCE PROTOCOL.—The term "compliance protocol" means that segment of a bilateral or multilateral agreement that enables investigation of questions of compliance entailing written data or visits to facilities to monitor compliance.

(3) INDUSTRY.—The term "industry" means any corporate or private sector entity engaged in the research, development, production, import, and export of peaceful pharmaceuticals and bio-technological and related products.

SEC. 1123. FINDINGS.

Congress makes the following findings:

(1) The threat of biological weapons and their proliferation is one of the greatest national security threats facing the United States.

(2) The threat of biological weapons and materials represents a serious and increasing danger to people around the world.

(3) Biological weapons are relatively inexpensive to produce, can be made with readily available expertise and equipment, do not require much space to make and can therefore be readily concealed, do not require unusual raw materials or materials not readily available for legitimate purposes, do not require the maintenance of stockpiles, or can be delivered with low-technology mechanisms, and can effect widespread casualties even in small quantities.

(4) Unlike other weapons of mass destruction, biological materials capable of use as weapons can occur naturally in the environment and are also used for medicinal or other beneficial purposes.

(5) Biological weapons are morally reprehensible, prompting the United States Government to halt its offensive biological weapons program in 1969, subsequently destroy its entire biological weapons arsenal, and maintain henceforth only a robust defensive capacity.

(6) The Senate gave its advice and consent to ratification of the Biological Weapons Convention in 1974.

(7) The Director of the Arms Control and Disarmament Agency explained, at the time of the Senate's consideration of the Biological Weapons Convention, that the treaty contained no verification provisions because verification would be "difficult".

(8) A compliance protocol has now been proposed to strengthen the 1972 Biological Weapons Convention.

(9) The resources needed to produce, stockpile, and store biological weapons are the same as those used in peaceful industry facilities to discover, develop, and produce medicines.

(10) The raw materials of biological agents are difficult to use as an indicator of an offensive military program because the same materials occur in nature or can be used to produce a wide variety of products.

(11) Some biological products are genetically manipulated to develop new commercial products, optimizing production and ensuring the integrity of the product, making it difficult to distinguish between legitimate commercial activities and offensive military activities.

(12) Only a small culture of a biological agent and some growth medium are needed to produce a large amount of biological agents with the potential for offensive purposes.

(13) The United States pharmaceutical and biotechnology industries are a national asset and resource that contribute to the health and well-being of the American public as well as citizens around the world.

(14) One bacterium strain can represent a large proportion of a company's investment in a pharmaceutical product and thus its potential loss during an arms control monitoring activity could conceivably be worth billions of dollars.

(15) Biological products contain proprietary genetic information.

(16) The proposed compliance regime for the Biological Weapons Convention entails new data reporting and investigation requirements for industry.

(17) A compliance regime which contributes to the control of biological weapons and materials must have a reasonable chance of success in reducing the risk of production, stockpiling, or use of biological weapons while protecting the reputations, intellectual property, and confidential business information of legitimate companies.

SEC. 1124. TRIAL INVESTIGATIONS AND TRIAL VISITS.

(a) NATIONAL SECURITY TRIAL INVESTIGATIONS AND TRIAL VISITS.—The President shall conduct a series of national security trial investigations and trial visits, both during and following negotiations to develop a compliance protocol to the Biological Weapons Convention, with the objective of ensuring that the compliance procedures of the protocol are effective and adequately protect the national security of the United States. These trial investigations and trial visits shall be conducted at such sites as United States Government facilities, installations, and national laboratories.

(b) UNITED STATES INDUSTRY TRIAL INVESTIGATIONS AND TRIAL VISITS.—The President shall take all appropriate steps to conduct or sponsor a series of United States industry trial investigations and trial visits, both during and following negotiations to develop a compliance protocol to the Biological Weapons Convention, with the objective of ensuring that the compliance procedures of the protocol are effective and adequately protect the national security and the concerns of affected United States industries and research institutions. These trial investigations and trial visits shall be conducted at such sites as academic institutions, vaccine production facilities, and pharmaceutical and biotechnology firms in the United States.

(c) PARTICIPATION BY DEFENSE DEPARTMENT AND OTHER APPROPRIATE PERSONNEL.—The Secretary of Defense and, as appropriate, the Director of the Federal Bureau of Investigation shall make available specialized personnel to participate—

(1) in each trial investigation or trial visit conducted pursuant to subsection (a); and

(2) in each trial investigation or trial visit conducted pursuant to subsection (b), except for any investigation or visit in which the host facility requests that such personnel not participate,

for the purpose of assessing the information security implications of such investigation or visit. The Secretary of Defense, in coordination with the Director of the Federal Bureau of Investigation, shall add to the report required by subsection (d)(2) a classified annex containing an assessment of the risk to proprietary and classified information posed by any investigation or visit procedures in the compliance protocol.

(d) STUDY.—

(1) IN GENERAL.—The President shall conduct a study on the need for investigations and visits under the compliance protocol to the Biological Weapons Convention, including—

(A) an assessment of risks to national security and United States industry and research institutions of such on-site activities; and

(B) an assessment of the monitoring results that can be expected from such investigations and visits.

(2) REPORT.—Not later than the date on which a compliance protocol to the Biological Weapons Convention is submitted to the Senate for its advice and consent to ratification, the President shall submit to the Committee on Foreign Relations of the Senate a report, in both unclassified and classified form, setting forth—

(A) the findings of the study conducted pursuant to paragraph (1); and

(B) the results of trial investigations and trial visits conducted pursuant to subsections (a) and (b).

Subtitle B—Nuclear Nonproliferation, Safety, and Related Matters

SEC. 1131. CONGRESSIONAL NOTIFICATION OF NONPROLIFERATION ACTIVITIES.

Section 602(c) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3282(c)) is amended to read as follows:

"(c)(1) The Department of State, the Department of Defense, the Department of Commerce, the Department of Energy, the Commission, and, with regard to subparagraph (B), the Director of Central Intelligence, shall keep the Committees on Foreign Relations and Governmental Affairs of the Senate and the Committee on International Relations of the House of Representatives fully and currently informed with respect to—

"(A) their activities to carry out the purposes and policies of this Act and to otherwise prevent proliferation, including the proliferation of nuclear, chemical, or biological weapons, or their means of delivery; and

"(B) the current activities of foreign nations which are of significance from the proliferation standpoint.

"(2) For the purposes of this subsection with respect to paragraph (1)(B), the phrase 'fully and currently informed' means the transmittal of credible information not later than 60 days after becoming aware of the activity concerned.".

SEC. 1132. EFFECTIVE USE OF RESOURCES FOR NONPROLIFERATION PROGRAMS.

(a) PROHIBITION.—Except as provided in subsection (b), no assistance may be provided by the United States Government to any person who is involved in the research, development, design, testing, or evaluation of chemical or biological weapons for offensive purposes.

(b) EXCEPTION.—The prohibition contained in subsection (a) shall not apply to any activity conducted pursuant to title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

SEC. 1133. DISPOSITION OF WEAPONS-GRADE MATERIAL.

(a) REPORT ON REDUCTION OF THE STOCKPILE.—Not later than 120 days after signing an agreement between the United States and Russia for the disposition of excess weapons plutonium, the Secretary of Energy, with the concurrence of the Secretary of Defense, shall submit to the Committee on Foreign Relations and the Committee on Armed Services of the Senate and to the Committee on International Relations and the Committee on Armed Services of the House of Representatives a report—

(1) detailing plans for United States implementation of such agreement;

(2) identifying, in classified form, the number of United States warhead "pits" of each type deemed "excess" for the purpose of dismantlement or disposition; and

(3) describing any implications this may have for the Stockpile Stewardship and Management Program.

(b) SUBMISSION OF THE FABRICATION FACILITY AGREEMENT PURSUANT TO LAW.—Whenever the President submits to Congress the agreement to establish a mixed oxide fuel fabrication or production facility in Russia pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), it is the sense of the Congress that the Secretary of State should be prepared to certify to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House Representatives that—

(1) arrangements for the establishment of that facility will further United States nuclear nonproliferation objectives and will outweigh the proliferation risks inherent in the use of mixed oxide fuel elements;

(2) a guaranty has been given by Russia that no fuel elements produced, fabricated, reprocessed, or assembled at such facility, and no sensitive nuclear technology related to such facility, will be exported or supplied by Russia to any country in the event that the United States objects to such export or supply; and

(3) a guaranty has been given by Russia that the facility and all nuclear materials and equipment therein, and any fuel elements or special nuclear material produced, fabricated, reprocessed, or assembled at that facility, including fuel elements exported or supplied by Russia to a third party, will be subject to international monitoring and transparency sufficient to ensure that special nuclear material is not diverted.

(c) DEFINITIONS.—

(1) PRODUCED.—The terms "produce" and "produced" have the same meaning that such terms are given under section 11 u. of the Atomic Energy Act of 1954.

(2) PRODUCTION FACILITY.—The term "production facility" has the same meaning that such term is given under section 11 v. of the Atomic Energy Act of 1954.

(3) SPECIAL NUCLEAR MATERIAL.—The term "special nuclear material" has the meaning that such term is given under section 11 aa. of the Atomic Energy Act of 1954.

SEC. 1134. PROVISION OF CERTAIN INFORMATION TO CONGRESS.

(a) REQUIREMENT TO PROVIDE INFORMATION.—The head of each department and agency described in section 602(c) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3282(c)) shall promptly provide information to the chairman and ranking minority member of the Committee on Foreign Relations of the Senate and the Committee on International Relations of the

House of Representatives in meeting the requirements of subsection (c) or (d) of section 602 of such Act.

(b) Issuance of Directives.—Not later than February 1, 2000, the Secretary of State, the Secretary of Defense, the Secretary of Commerce, the Secretary of Energy, the Director of Central Intelligence, and the Chairman of the Nuclear Regulatory Commission shall issue directives, which shall provide access to information, including information contained in special access programs, to implement their responsibilities under subsections (c) and (d) of section 602 of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3282(c) and (d)). Copies of such directives shall be forwarded promptly to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives upon the issuance of the directives.

SEC. 1135. AMENDED NUCLEAR EXPORT REPORTING REQUIREMENT.

Section 1523 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2180; 42 U.S.C. 2155 note) is amended—

(1) by striking "Congress" and inserting "the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives"; and

(2) by adding at the end the following:

"(c) Content of Notification.—The notification required pursuant to this section shall include—

"(1) a detailed description of the articles or services to be exported or reexported, including a brief description of the capabilities of any article to be exported or reexported;

"(2) an estimate of the number of officers and employees of the United States Government and of United States Government civilian contract personnel expected to be required in such country to carry out the proposed export or reexport;

"(3) the name of each licensee expected to provide the article or service proposed to be sold and a description from the licensee of any offset agreements proposed to be entered into in connection with such sale (if known on the date of transmittal of such statement);

"(4) the projected delivery dates of the articles or services to be exported or reexported; and

"(5) the extent to which the recipient country in the previous two years has engaged in any of the actions specified in subparagraph (A), (B), or (C) of section 129(2) of the Atomic Energy Act of 1954.

SEC. 1136. ADHERENCE TO THE MISSILE TECHNOLOGY CONTROL REGIME.

(a) Clarification of Requirement for Control.—Section 74 of the Arms Export Control Act (22 U.S.C. 2797c) is amended—

(1) by inserting "(a) In General.—'" before "For purposes of"; and

(2) by adding at the end the following:

"(b) International Understanding Defined.—For purposes of subsection (a)(3), as it relates to any international understanding concluded with the United States after January 1, 2000, the term 'international understanding' means—

"(1) any specific agreement by a country not to export, transfer, or otherwise engage in the trade of any MTCR equipment or technology that contributes to the acquisition, design, development, or production of missiles in a country that is not an MTCR adherent and would be, if it were United States-origin equipment or technology, subject to the jurisdiction of the United States under this Act; or

"(2) any specific understanding by a country that, notwithstanding section 73(b) of this Act, the United States retains the right to take the actions under section 73(a)(2) of this Act in the case of any export or transfer of any MTCR equipment or technology that contributes to the acquisition, design, development, or production of missiles in a country that is not an MTCR adherent and would be, if it were United States-origin equipment or technology, subject to the jurisdiction of the United States under this Act.".

(b) Clarification of Applicability.—Section 73(b) of the Arms Export Control Act (22 U.S.C. 2797b(b)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving such subparagraphs 2 ems to the right;

(2) by striking "Subsection (a)" and inserting the following:

"(1) In general.—Except as provided in paragraph (2), subsection (a)"; and

(3) by adding at the end the following:

"(2) Limitation.—Notwithstanding paragraph (1), subsection (a) shall apply to an entity subordinate to a government that engages in exports or transfers described in section 498A(b)(3)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a(b)(3)(A)).".

(c) Enforcement Actions.—Section 73(c) of the Arms Export Control Act (22 U.S.C. 2797b(c)) is amended by inserting before the period at the end the following: ", and if the President certifies to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives that—

"(1) for any judicial or other enforcement action taken by the MTCR adherent, such action has—

"(A) been comprehensive; and

"(B) been performed to the satisfaction of the United States; and

"(2) with respect to any finding of innocence of wrongdoing, the United States is satisfied with the basis for such finding".

(d) Policy Report.—Section 73A of the Arms Export Control Act (22 U.S.C. 2797b–1) is amended—

(1) by striking "Following any action" and inserting the following:

"(a) Policy Report.—Following any action"; and

(2) by adding at the end the following:

"(b) Intelligence Assessment Report.—At such times that a report is transmitted pursuant to subsection (a), the Director of Central Intelligence shall promptly prepare and submit to the Congress a separate report containing any credible information indicating that the country described in subsection (a) has engaged in any activity identified under subparagraph (A), (B), or (C) of section 73(a)(1) within the previous two years.".

(e) MTCR Defined.—The term "MTCR" means the Missile Technology Control Regime, as defined in section 74(a)(2) of the Arms Export Control Act (22 U.S.C. 2797c(a)(2)).

SEC. 1137. AUTHORITY RELATING TO MTCR ADHERENTS.

Chapter 7 of the Arms Export Control Act (22 U.S.C. 2797 et seq.) is amended by inserting after section 73A the following new section:

"SEC. 73B. AUTHORITY RELATING TO MTCR ADHERENTS.

"Notwithstanding section 73(b), the President may take the actions under section 73(a)(2) under the circumstances described in section 74(b)(2).".

SEC. 1138. TRANSFER OF FUNDING FOR SCIENCE AND TECHNOLOGY CENTERS IN THE FORMER SOVIET UNION.

(a) Authorization.—For fiscal year 2001 and subsequent fiscal years, funds made available under "Nonproliferation, Antiterrorism, Demining, and Related Programs" accounts in annual foreign operations appropriations Acts are authorized to be available for science and technology centers in the independent states of the former Soviet Union assisted under section 503(a)(5) of the FREEDOM Support Act (22 U.S.C. 5853(a)(5)) or section 1412(b)(5) of the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102–484; 22 U.S.C. 5901 et seq.), including the use of those and other funds by any Federal agency having expertise and programs related to the activities carried out by those centers, including the Departments of Agriculture, Commerce, and Health and Human Services and the Environmental Protection Agency.

(b) Availability of Funds.—Amounts made available under any provision of law for the activities described in subsection (a) shall be available until expended and may be used notwithstanding any other provision of law.

SEC. 1139. RESEARCH AND EXCHANGE ACTIVITIES BY SCIENCE AND TECHNOLOGY CENTERS.

(a)' In General.—Support for science and technology centers in the independent states of the former Soviet Union, as authorized by section 503(a)(5) of the FREEDOM Support Act (22 U.S.C. 5853(a)(5)) and section 1412(b) of the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102–484, 22 U.S.C. 5901 et seq.), is authorized for activities described in subsection (b) to support the redirection of former Soviet weapons scientists, especially those with expertise in weapons of mass destruction (nuclear, radiological, chemical, biological), missile and other delivery systems, and other advanced technologies with military applications.

(b) Activities Supported.—Activities supported under subsection (a) include—

(1) any research activity involving the participation of former Soviet weapons scientists and civilian scientists and engineers, if the participation of the weapons scientists predominates; and

(2) any program of international exchanges that would provide former Soviet weapons scientists exposure to, and the opportunity to develop relations with, research and industry partners.

TITLE XII—SECURITY ASSISTANCE

SEC. 1201. SHORT TITLE.

This title may be cited as the "Security Assistance Act of 1999".

Subtitle A—Transfers of Excess Defense Articles

SEC. 1211. EXCESS DEFENSE ARTICLES FOR CENTRAL AND SOUTHERN EUROPEAN COUNTRIES.

(a) Transportation and Related Costs.—Section 105 of Public Law 104–164 (110 Stat. 1427) is amended by striking "1999 and 2000" and inserting "2000 and 2001".

(b) Excess Defense Articles for Greece and Turkey.—Section 516(b)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(b)(2)) is amended by inserting after "four-year period beginning on October 1, 1996," the following: "and thereafter for the four-period beginning on October 1, 2000,".

SEC. 1212. EXCESS DEFENSE ARTICLES FOR CERTAIN OTHER COUNTRIES.

(a) Uses For Which Funds Are Available.—Notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during each of the fiscal years 2000 and 2001, funds available to the Department of Defense may be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of that Act to Estonia, Georgia, Hungary, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Poland, Slovakia, Ukraine, and Uzbekistan.

(b) Content of Congressional Notification.—Each notification required to be submitted under section 516(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(f)) with respect

to a proposed transfer of a defense article described in subsection (a) shall include an estimate of the amount of funds to be expended under subsection (a) with respect to that transfer.

SEC. 1213. INCREASE IN ANNUAL LIMITATION ON TRANSFER OF EXCESS DEFENSE ARTICLES.

Section 516(g)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(g)(1)) is amended by striking "$350,000,000" and inserting "$425,000,000".

Subtitle B—Foreign Military Sales Authorities

SEC. 1221. TERMINATION OF FOREIGN MILITARY TRAINING.

Section 617 of the Foreign Assistance Act of 1961 (22 U.S.C. 2367) is amended by adding at the end the following new sentence: "Such expenses for orderly termination of programs under the Arms Export Control Act may include the obligation and expenditure of funds to complete the training or studies outside the countries of origin of students whose course of study or training program began before assistance was terminated, as long as the origin country's termination was not a result of activities beyond default of financial responsibilities.".

SEC. 1222. SALES OF EXCESS COAST GUARD PROPERTY.

Section 21(a)(1) of the Arms Export Control Act (22 U.S.C. 2761(a)(1)) is amended in the matter preceding subparagraph (A) by inserting "and the Coast Guard" after "Department of Defense".

SEC. 1223. COMPETITIVE PRICING FOR SALES OF DEFENSE ARTICLES.

Section 22(d) of the Arms Export Control Act (22 U.S.C. 2762(d)) is amended—

(1) by striking "Procurement contracts" and inserting "(1) Procurement contracts"; and

(2) by adding at the end the following:

"(2) Direct costs associated with meeting additional or unique requirements of the purchaser shall be allowable under contracts described in paragraph (1). Loadings applicable to such direct costs shall be permitted at the same rates applicable to procurement of like items purchased by the Department of Defense for its own use.".

SEC. 1224. NOTIFICATION OF UPGRADES TO DIRECT COMMERCIAL SALES.

Section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)) is amended by adding at the end the following new paragraph:

"(4) The provisions of subsection (b)(5) shall apply to any equipment, article, or service for which a numbered certification has been transmitted to Congress pursuant to paragraph (1) in the same manner and to the same extent as that subsection applies to any equipment, article, or service for which a numbered certification has been transmitted to Congress pursuant to subsection (b)(1). For purposes of such application, any reference in subsection (b)(5) to 'a letter of offer' or 'an offer' shall be deemed to be a reference to 'a contract'.".

SEC. 1225. UNAUTHORIZED USE OF DEFENSE ARTICLES.

Section 3 of the Arms Export Control Act (22 U.S.C. 2753) is amended by adding at the end the following new subsection:

"(g) Any agreement for the sale or lease of any article on the United States Munitions List entered into by the United States Government after the date of enactment of this subsection shall state that the United States Government retains the right to verify credible reports that such article has been used for a purpose not authorized under section 4 or, if such agreement provides that such article may only be used for purposes more limited than those authorized under section 4, for a purpose not authorized under such agreement.".

Subtitle C—Stockpiling of Defense Articles for Foreign Countries

SEC. 1231. ADDITIONS TO UNITED STATES WAR RESERVE STOCKPILES FOR ALLIES.

Paragraph (2) of section 514(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)) is amended to read as follows:

"(2)(A) The value of such additions to stockpiles of defense articles in foreign countries shall not exceed $60,000,000 for fiscal year 2000.

"(B) Of the amount specified in subparagraph (A), not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand.".

SEC. 1232. TRANSFER OF CERTAIN OBSOLETE OR SURPLUS DEFENSE ARTICLES IN THE WAR RESERVES STOCKPILE FOR ALLIES.

(a) Items in the Korean Stockpile.—

(1) In general.—Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President is authorized to transfer to the Republic of Korea, in return for concessions to be negotiated by the Secretary of Defense, with the concurrence of the Secretary of State, any or all of the items described in paragraph (2).

(2) Covered items.—The items referred to in paragraph (1) are munitions, equipment, and material such as tanks, trucks, artillery, mortars, general purpose bombs, repair parts, ammunition, barrier material, and ancillary equipment, if such items are—

(A) obsolete or surplus items;

(B) in the inventory of the Department of Defense;

(C) intended for use as reserve stocks for the Republic of Korea; and

(D) as of the date of the enactment of this Act, located in a stockpile in the Republic of Korea.

(b) Items in the Thailand Stockpile.—

(1) In general.—Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President is authorized to transfer to Thailand, in return for concessions to be negotiated by the Secretary of Defense, with the concurrence of the Secretary of State, any or all of the items described in paragraph (2).

(2) Covered items.—The items referred to in paragraph (1) are munitions, equipment, and material such as tanks, trucks, artillery, mortars, general purpose bombs, repair parts, ammunition, barrier material, and ancillary equipment, if such items are—

(A) obsolete or surplus items;

(B) in the inventory of the Department of Defense;

(C) intended for use as reserve stocks for Thailand; and

(D) as of the date of the enactment of this Act, located in a stockpile in Thailand.

(c) Valuation of Concessions.—The value of concessions negotiated pursuant to subsections (a) and (b) shall be at least equal to the fair market value of the items transferred. The concessions may include cash compensation, services, waiver of charges otherwise payable by the United States, and other items of value.

(d) Prior Notifications of Proposed Transfers.—Not less than 30 days before making a transfer under the authority of this section, the President shall transmit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a detailed notification of the proposed transfer, which shall include an identification of the items to be transferred and the concessions to be received.

(e) Termination of Authority.—No transfer may be made under the authority of this section more than 3 years after the date of the enactment of this Act.

Subtitle D—Defense Offsets Disclosure

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the "Defense Offsets Disclosure Act of 1999".

SEC. 1242. FINDINGS AND DECLARATION OF POLICY.

(a) Findings.—Congress makes the following findings:

(1) A fair business environment is necessary to advance international trade, economic stability, and development worldwide, is beneficial for American workers and businesses, and is in the United States national interest.

(2) In some cases, mandated offset requirements can cause economic distortions in international defense trade and undermine fairness and competitiveness, and may cause particular harm to small- and medium-sized businesses.

(3) The use of offsets may lead to increasing dependence on foreign suppliers for the production of United States weapons systems.

(4) The offset demands required by some purchasing countries, including some close allies of the United States, equal or exceed the value of the base contract they are intended to offset, mitigating much of the potential economic benefit of the exports.

(5) Offset demands often unduly distort the prices of defense contracts.

(6) In some cases, United States contractors are required to provide indirect offsets which can negatively impact nondefense industrial sectors.

(7) Unilateral efforts by the United States to prohibit offsets may be impractical in the current era of globalization and would severely hinder the competitiveness of the United States defense industry in the global market.

(8) The development of global standards to manage and restrict demands for offsets would enhance United States efforts to mitigate the negative impact of offsets.

(b) Declaration of Policy.—It is the policy of the United States to monitor the use of offsets in international defense trade, to promote fairness in such trade, and to ensure that foreign participation in the production of United States weapons systems does not harm the economy of the United States.

SEC. 1243. DEFINITIONS.

In this subtitle:

(1) Appropriate congressional committees.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations of the Senate; and

(B) the Committee on International Relations of the House of Representatives.

(2) G–8.—The term "G–8" means the group consisting of France, Germany, Japan, the United Kingdom, the United States, Canada, Italy, and Russia established to facilitate economic cooperation among the eight major economic powers.

(3) Offset.—The term "offset" means the entire range of industrial and commercial benefits provided to foreign governments as an inducement or condition to purchase military goods or services, including benefits such as coproduction, licensed production, subcontracting, technology transfer, in-country procurement, marketing and financial assistance, and joint ventures.

(4) Transatlantic Economic Partnership.—The term "Transatlantic Economic Partnership" means the joint commitment made by the United States and the European Union to reinforce their close relationship through an initiative involving the intensification and extension of multilateral and bilateral cooperation and common actions in the areas of trade and investment.

(5) Wassenaar Arrangement.—The term "Wassenaar Arrangement" means the multilateral export control regime in which the United

States participates that seeks to promote transparency and responsibility with regard to transfers of conventional armaments and sensitive dual-use items.

(6) WORLD TRADE ORGANIZATION.—The term "World Trade Organization" means the organization established pursuant to the WTO Agreement.

(7) WTO AGREEMENT.—The term "WTO Agreement" means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

SEC. 1244. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the executive branch should pursue efforts to address trade fairness by establishing reasonable, business-friendly standards for the use of offsets in international business transactions between the United States and its trading partners and competitors;

(2) the Secretary of Defense, the Secretary of State, the Secretary of Commerce, and the United States Trade Representative, or their designees, should raise with other industrialized nations at every suitable venue the need for transparency and reasonable standards to govern the role of offsets in international defense trade;

(3) the United States Government should enter into discussions regarding the establishment of multilateral standards for the use of offsets in international defense trade through the appropriate multilateral fora, including such organizations as the Transatlantic Economic Partnership, the Wassenaar Arrangement, the G–8, and the World Trade Organization; and

(4) the United States Government, in entering into the discussions described in paragraph (3), should take into account the distortions produced by the provision of other benefits and subsidies, such as export financing, by various countries to support defense trade.

SEC. 1245. REPORTING OF OFFSET AGREEMENTS.

(a) INITIAL REPORTING OF OFFSET AGREEMENTS.—

(1) GOVERNMENT-TO-GOVERNMENT SALES.—Section 36(b)(1) of the Arms Export Control Act (22 U.S.C. 2776(b)(1)) is amended in subparagraph (C) of the fifth sentence, by striking "and a description" and all that follows and inserting "and a description of any offset agreement with respect to such sale;".

(2) COMMERCIAL SALES.—Section 36(c)(1) of the Arms Export Control Act (22 U.S.C. 2776(c)(1)) is amended in the second sentence, by striking "(if known on the date of transmittal of such certification)" and inserting "and a description of any such offset agreement".

(b) CONFIDENTIALITY OF INFORMATION RELATING TO OFFSET AGREEMENTS.—Section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended—

(1) by redesignating the second subsection (e) (as added by section 155 of Public Law 104–164) as subsection (f); and

(2) by adding at the end the following new subsection:

"(g) Information relating to offset agreements provided pursuant to subparagraph (C) of the fifth sentence of subsection (b)(1) and the second sentence of subsection (c)(1) shall be treated as confidential information in accordance with section 12(c) of the Export Administration Act of 1979 (50 U.S.C. App. 2411(c)).".

SEC. 1246. EXPANDED PROHIBITION ON INCENTIVE PAYMENTS.

(a) IN GENERAL.—Section 39A(a) of the Arms Export Control Act (22 U.S.C. 2779a(a)) is amended—

(1) by inserting "or licensed" after "sold"; and

(2) by inserting "or export" after "sale".

(b) DEFINITION OF UNITED STATES PERSON.—Section 39A(d)(3)(B)(ii) of the Arms Export Control Act (22 U.S.C. 2779a(d)(3)(B)(ii)) is amended by inserting "or by an entity described in clause (i)" after "subparagraph (A)".

SEC. 1247. ESTABLISHMENT OF REVIEW COMMISSION.

(a) IN GENERAL.—There is established a National Commission on the Use of Offsets in Defense Trade (in this section referred to as the "Commission") to address all aspects of the use of offsets in international defense trade.

(b) COMMISSION MEMBERSHIP.—Not later than 120 days after the date of enactment of this Act, the President, with the concurrence of the Majority and Minority Leaders of the Senate and the Speaker and Minority Leader of the House of Representatives, shall appoint 11 individuals to serve as members of the Commission. Commission membership shall include—

(1) representatives from the private sector, including—

(A) one each from—

(i) a labor organization,

(ii) a United States defense manufacturing company dependent on foreign sales,

(iii) a United States company dependent on foreign sales that is not a defense manufacturer, and

(iv) a United States company that specializes in international investment, and

(B) two members from academia with widely recognized expertise in international economics; and

(2) five members from the executive branch, including a member from—

(A) the Office of Management and Budget,

(B) the Department of Commerce,

(C) the Department of Defense,

(D) the Department of State, and

(E) the Department of Labor.

The member designated from the Office of Management and Budget shall serve as Chairperson of the Commission. The President shall ensure that the Commission is nonpartisan and that the full range of perspectives on the subject of offsets in the defense industry is adequately represented.

(c) DUTIES.—The Commission shall be responsible for reviewing and reporting on—

(1) the full range of current practices by foreign governments in requiring offsets in purchasing agreements and the extent and nature of offsets offered by United States and foreign defense industry contractors;

(2) the impact of the use of offsets on defense subcontractors and nondefense industrial sectors affected by indirect offsets; and

(3) the role of offsets, both direct and indirect, on domestic industry stability, United States trade competitiveness and national security.

(d) COMMISSION REPORT.—Not later than 12 months after the Commission is established, the Commission shall submit a report to the appropriate congressional committees. In addition to the items described under subsection (c), the report shall include—

(1) an analysis of—

(A) the collateral impact of offsets on industry sectors that may be different than those of the contractor providing the offsets, including estimates of contracts and jobs lost as well as an assessment of damage to industrial sectors;

(B) the role of offsets with respect to competitiveness of the United States defense industry in international trade and the potential damage to the ability of United States contractors to compete if offsets were prohibited or limited; and

(C) the impact on United States national security, and upon United States nonproliferation objectives, of the use of coproduction, subcontracting, and technology transfer with foreign governments or companies that results from fulfilling offset requirements, with particular emphasis on the question of dependency upon foreign nations for the supply of critical components or technology;

(2) proposals for unilateral, bilateral, or multilateral measures aimed at reducing any detrimental effects of offsets; and

(3) an identification of the appropriate executive branch agencies to be responsible for monitoring the use of offsets in international defense trade.

(e) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(f) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(g) MEETINGS.—The Commission shall meet at the call of the Chairman.

(h) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) STAFF.—

(A) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(B) COMPENSATION.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(i) TERMINATION.—The Commission shall terminate 30 days after the transmission of the report from the President as mandated in section 1248(b).

SEC. 1248. MULTILATERAL STRATEGY TO ADDRESS OFFSETS.

(a) IN GENERAL.—The President shall initiate a review to determine the feasibility of establishing, and the most effective means of negotiating, a multilateral treaty on standards for the

use of offsets in international defense trade, with a goal of limiting all offset transactions that are considered injurious to the economy of the United States.

(b) Report Required.—Not later than 90 days after the date on which the Commission submits the report required under section 1247(d), the President shall submit to the appropriate congressional committees a report containing the President's determination pursuant to subsection (a), and, if the President determines a multilateral treaty is feasible or desirable, a strategy for United States negotiation of such a treaty. One year after the date the report is submitted under the preceding sentence, and annually thereafter for 5 years, the President shall submit to the appropriate congressional committees a report detailing the progress toward reaching such a treaty.

(c) Required Information.—The report required by subsection (b) shall include—

(1) a description of the United States efforts to pursue multilateral negotiations on standards for the use of offsets in international defense trade;

(2) an evaluation of existing multilateral fora as appropriate venues for establishing such negotiations;

(3) a description on a country-by-country basis of any United States efforts to engage in negotiations to establish bilateral treaties or agreements with respect to the use of offsets in international defense trade; and

(4) an evaluation on a country-by-country basis of any foreign government efforts to address the use of offsets in international defense trade.

(d) Comptroller General Review.—The Comptroller General of the United States shall monitor and periodically report to Congress on the progress in reaching a multilateral treaty.

Subtitle E—Automated Export System Relating to Export Information

SEC. 1251. SHORT TITLE.

This subtitle may be cited as the "Proliferation Prevention Enhancement Act of 1999".

SEC. 1252. MANDATORY USE OF THE AUTOMATED EXPORT SYSTEM FOR FILING CERTAIN SHIPPERS' EXPORT DECLARATIONS.

(a) Authority.—Section 301 of title 13, United States Code, is amended by adding at the end the following new subsection:

"(h) The Secretary is authorized to require by regulation the filing of Shippers' Export Declarations under this chapter through an automated and electronic system for the filing of export information established by the Department of the Treasury.".

(b) Implementing Regulations.—

(1) In general.—The Secretary of Commerce, with the concurrence of the Secretary of State, shall publish regulations in the Federal Register to require that, upon the effective date of those regulations, exporters (or their agents) who are required to file Shippers' Export Declarations under chapter 9 of title 13, United States Code, file such Declarations through the Automated Export System with respect to exports of items on the United States Munitions List or the Commerce Control List.

(2) Elements of the regulations.—The regulations referred to in paragraph (1) shall include at a minimum—

(A) provision by the Department of Commerce for the establishment of on-line assistance services to be available for those individuals who must use the Automated Export System;

(B) provision by the Department of Commerce for ensuring that an individual who is required to use the Automated Export System is able to print out from the System a validated record of the individual's submission, including the date of the submission and a serial number or other unique identifier, where appropriate, for the export transaction; and

(C) a requirement that the Department of Commerce print out and maintain on file a paper copy or other acceptable back-up record of the individual's submission at a location selected by the Secretary of Commerce.

(c) Effective Date.—The amendment made by subsection (a) shall take effect 270 days after the Secretary of Commerce, the Secretary of the Treasury, and the Director of the National Institute of Standards and Technology jointly provide a certification to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives that a secure Automated Export System available through the Internet that is capable of handling the expected volume of information required to be filed under subsection (b), plus the anticipated volume from voluntary use of the Automated Export System, has been successfully implemented and tested and is fully functional with respect to reporting all items on the United States Munitions List, including their quantities and destinations.

SEC. 1253. VOLUNTARY USE OF THE AUTOMATED EXPORT SYSTEM.

It is the sense of Congress that exporters (or their agents) who are required to file Shippers' Export Declarations under chapter 9 of title 13, United States Code, but who are not required under section 1252(b) to file such Declarations using the Automated Export System, should do so.

SEC. 1254. REPORT TO APPROPRIATE COMMITTEES OF CONGRESS.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of State, the Secretary of Defense, the Secretary of the Treasury, the Secretary of Energy, and the Director of Central Intelligence, shall submit a report to the appropriate committees of Congress setting forth—

(1) the advisability and feasibility of mandating electronic filing through the Automated Export System for all Shippers' Export Declarations;

(2) the manner in which data gathered through the Automated Export System can most effectively be used, consistent with the need to ensure the confidentiality of business information, by other automated licensing systems administered by Federal agencies, including—

(A) the Defense Trade Application System of the Department of State;

(B) the Export Control Automated Support System of the Department of Commerce;

(C) the Foreign Disclosure and Technology Information System of the Department of Defense;

(D) the Proliferation Information Network System of the Department of Energy;

(E) the Enforcement Communication System of the Department of the Treasury; and

(F) the Export Control System of the Central Intelligence Agency; and

(3) a proposed timetable for any expansion of information required to be filed through the Automated Export System.

(b) Definition.—In this section, the term "appropriate committees of Congress" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

SEC. 1255. ACCELERATION OF DEPARTMENT OF STATE LICENSING PROCEDURES.

Notwithstanding any other provision of law, the Secretary of State may use funds appropriated or otherwise made available to the Department of State to employ—

(1) up to 40 percent of the individuals who are performing services within the Office of Defense Trade Controls of the Department of State in positions classified at GS-14 and GS-15 on the General Schedule under section 5332 of title 5, United States Code; and

(2) other individuals within the Office at a rate of basic pay that may exceed the maximum rate payable for positions classified at GS-15 on the General Schedule under section 5332 of that title.

SEC. 1256. DEFINITIONS.

In this subtitle:

(1) Automated export system.—The term "Automated Export System" means the automated and electronic system for filing export information established under chapter 9 of title 13, United States Code, on June 19, 1995 (60 Federal Register 32040).

(2) Commerce control list.—The term "Commerce Control List" has the meaning given the term in section 774.1 of title 15, Code of Federal Regulations.

(3) Shippers' export declaration.—The term "Shippers' Export Declaration" means the export information filed under chapter 9 of title 13, United States Code, as described in part 30 of title 15, Code of Federal Regulations.

(4) United states munitions list.—The term "United States Munitions List" means the list of items controlled under section 38 of the Arms Export Control Act (22 U.S.C. 2778).

Subtitle F—International Arms Sales Code of Conduct Act of 1999

SEC. 1261. SHORT TITLE.

This subtitle may be cited as the "International Arms Sales Code of Conduct Act of 1999".

SEC. 1262. INTERNATIONAL ARMS SALES CODE OF CONDUCT.

(a) Negotiations.—The President shall attempt to achieve the foreign policy goal of an international arms sales code of conduct. The President shall take the necessary steps to begin negotiations within appropriate international fora not later than 120 days after the date of the enactment of this Act. The purpose of these negotiations shall be to establish an international regime to promote global transparency with respect to arms transfers, including participation by countries in the United Nations Register of Conventional Arms, and to limit, restrict, or prohibit arms transfers to countries that do not observe certain fundamental values of human liberty, peace, and international stability.

(b) Criteria.—The President shall consider the following criteria in the negotiations referred to in subsection (a):

(1) Promotes democracy.—The government of the country—

(A) was chosen by and permits free and fair elections;

(B) promotes civilian control of the military and security forces and has civilian institutions controlling the policy, operation, and spending of all law enforcement and security institutions, as well as the armed forces;

(C) promotes the rule of law and provides its nationals the same rights that they would be afforded under the United States Constitution if they were United States citizens; and

(D) promotes the strengthening of political, legislative, and civil institutions of democracy, as well as autonomous institutions to monitor the conduct of public officials and to combat corruption.

(2) Respects human rights.—The government of the country—

(A) does not persistently engage in gross violations of internationally recognized human rights, including—

(i) extrajudicial or arbitrary executions;

(ii) disappearances;

(iii) torture or severe mistreatment;

(iv) prolonged arbitrary imprisonment;

(v) systematic official discrimination on the basis of race, ethnicity, religion, gender, national origin, or political affiliation; and

(vi) grave breaches of international laws of war or equivalent violations of the laws of war in internal armed conflicts;

(B) vigorously investigates, disciplines, and prosecutes those responsible for gross violations of internationally recognized human rights;

(C) permits access on a regular basis to political prisoners by international humanitarian organizations;

(D) promotes the independence of the judiciary and other official bodies that oversee the protection of human rights;

(E) does not impede the free functioning of domestic and international human rights organizations; and

(F) provides access on a regular basis to humanitarian organizations in situations of conflict or famine.

(3) NOT ENGAGED IN CERTAIN ACTS OF ARMED AGGRESSION.—The government of the country is not engaged in acts of armed aggression in violation of international law.

(4) NOT SUPPORTING TERRORISM.—The government of the country does not provide support for international terrorism.

(5) NOT CONTRIBUTING TO PROLIFERATION OF WEAPONS OF MASS DESTRUCTION.—The government of the country does not contribute to the proliferation of weapons of mass destruction.

(6) REGIONAL LOCATION OF COUNTRY.—The country is not located in a region in which arms transfers would exacerbate regional arms races or international tensions that present a danger to international peace and stability.

(c) REPORTS TO CONGRESS.—

(1) REPORT RELATING TO NEGOTIATIONS.—Not later than 6 months after the commencement of the negotiations under subsection (a), and not later than the end of every 6-month period thereafter until an agreement described in subsection (a) is concluded, the President shall report to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate on the progress made during these negotiations.

(2) HUMAN RIGHTS REPORTS.—In the report required in sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(b) and 2304(b)), the Secretary of State shall describe the extent to which the practices of each country evaluated meet the criteria in paragraphs (1)(A) and (2) of subsection (a).

Subtitle G—Transfer of Naval Vessels to Certain Foreign Countries

SEC. 1271. AUTHORITY TO TRANSFER NAVAL VESSELS.

(a) INAPPLICABILITY OF AGGREGATE ANNUAL LIMITATION ON VALUE OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to another country on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) pursuant to authority provided by section 1018(a) of the National Defense Authorization Act for Fiscal Year 2000 shall not be counted for the purposes of section 516(g) of the Foreign Assistance Act of 1961 in the aggregate value of excess defense articles transferred to countries under that section in any fiscal year.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 1018 of the National Defense Authorization Act for Fiscal Year 2000 is amended—

(1) in subsections (a) and (d), by striking "Secretary of the Navy" each place it appears and inserting "President";

(2) by striking subsection (b); and

(3) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively.

TITLE XIII—MISCELLANEOUS PROVISIONS

SEC. 1301. PUBLICATION OF ARMS SALES CERTIFICATIONS.

(a) IN GENERAL.—Section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended in the second subsection (e) (as added by section 155 of Public Law 104–164)—

(1) by inserting "in a timely manner" after "to be published"; and

(2) by striking "the full unclassified text of" and all that follows and inserting the following: "the full unclassified text of—

"(1) each numbered certification submitted pursuant to subsection (b);

"(2) each notification of a proposed commercial sale submitted under subsection (c); and

"(3) each notification of a proposed commercial technical assistance or manufacturing licensing agreement submitted under subsection (d).".

(b) NOTICE OF CLASSIFIED ARMS SALES.—

(1) GOVERNMENT-TO-GOVERNMENT SALES.—Section 36(b)(1) of the Arms Export Control Act (22 U.S.C. 2776(b)(1)) is amended in the sixth sentence by inserting before the period at the end the following: ", in which case the information shall be accompanied by a description of the damage to the national security that could be expected to result from public disclosure of the information".

(2) COMMERCIAL SALES.—Section 36(c)(1) of the Arms Export Control Act (22 U.S.C. 2776(c)(1)) is amended in the fifth sentence by inserting before the period at the end the following: ", in which case the information shall be accompanied by a description of the damage to the national security that could be expected to result from public disclosure of the information".

SEC. 1302. NOTIFICATION REQUIREMENTS FOR COMMERCIAL EXPORT OF ITEMS ON UNITED STATES MUNITIONS LIST.

(a) NOTIFICATION REQUIREMENT.—Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by adding at the end the following:

"(i) As prescribed in regulations issued under this section, a United States person to whom a license has been granted to export an item on the United States Munitions List shall, not later than 15 days after the item is exported, submit to the Department of State a report containing all shipment information, including a description of the item and the quantity, value, port of exit, and end-user and country of destination of the item.".

(b) QUARTERLY REPORTS TO CONGRESS.—Section 36(a) of the Arms Export Control Act (22 U.S.C. 2776(a)) is amended—

(A) in paragraph (11), by striking "and" at the end;

(B) in paragraph (12), by striking "third-party transfers." and inserting "third-party transfers; and"; and

(C) by adding after paragraph (12) (but before the last sentence of the subsection), the following:

"(13) a report on all exports of significant military equipment for which information has been provided pursuant to section 38(i).".

SEC. 1303. ENFORCEMENT OF ARMS EXPORT CONTROL ACT.

The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended in sections 38(e), 39A(c), and 40(k) by inserting after "except that" each place it appears the following: "section 11(c)(2)(B) of such Act shall not apply, and instead, as prescribed in regulations issued under this section, the Secretary of State may assess civil penalties for violations of this Act and regulations prescribed thereunder and further may commence a civil action to recover such civil penalties, and except further that".

SEC. 1304. VIOLATIONS RELATING TO MATERIAL SUPPORT TO TERRORISTS.

Section 38(g)(1)(A)(iii) of the Arms Export Control Act (22 U.S.C. 2778(g)(1)(A)(iii)) is amended by adding at the end before the comma the following: "or section 2339A of such title (relating to providing material support to terrorists)".

SEC. 1305. AUTHORITY TO CONSENT TO THIRD PARTY TRANSFER OF EX-U.S.S. BOWMAN COUNTY TO USS LST SHIP MEMORIAL, INC.

(a) FINDINGS.—Congress makes the following findings:

(1) It is the long-standing policy of the United States Government to deny requests for the retransfer of significant military equipment that originated in the United States to private entities.

(2) In very exceptional circumstances, when the United States public interest would be served by the proposed retransfer and end-use, such requests may be favorably considered.

(3) Such retransfers to private entities have been authorized in very exceptional circumstances following appropriate demilitarization and receipt of assurances from the private entity that the item to be transferred would be used solely in furtherance of Federal Government contracts or for static museum display.

(4) Nothing in this section should be construed as a revision of long-standing policy referred to in paragraph (1).

(5) The Government of Greece has requested the consent of the United States Government to the retransfer of HS Rodos (ex-U.S.S. Bowman County (LST 391)) to the USS LST Ship Memorial, Inc.

(b) AUTHORITY TO CONSENT TO RETRANSFER.—

(1) IN GENERAL.—Subject to paragraph (2), the President may consent to the retransfer by the Government of Greece of HS Rodos (ex-U.S.S. Bowman County (LST 391)) to the USS LST Ship Memorial, Inc.

(2) CONDITIONS FOR CONSENT.—The President should not exercise the authority under paragraph (1) unless USS LST Memorial, Inc.—

(A) utilizes the vessel for public, nonprofit, museum-related purposes; and

(B) complies with applicable law with respect to the vessel, including law related to demilitarization of guns prior to transfer and to facilitation of Federal Government monitoring and mitigation of potential environmental hazards associated with aging vessels, and has a demonstrated financial capability to so comply.

SEC. 1306. ANNUAL MILITARY ASSISTANCE REPORT.

(a) INFORMATION RELATING TO MILITARY ASSISTANCE AND MILITARY EXPORTS.—Section 655(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2415(b)) is amended to read as follows:

"(b) INFORMATION RELATING TO MILITARY ASSISTANCE AND MILITARY EXPORTS.—Each such report shall show the aggregate dollar value and quantity of defense articles (including excess defense articles), defense services, and international military education and training activities authorized by the United States and of such articles, services, and activities provided by the United States, excluding any activity that is reportable under title V of the National Security Act of 1947, to each foreign country and international organization. The report shall specify, by category, whether such defense articles—

"(1) were furnished by grant under chapter 2 or chapter 5 of part II of this Act or under any other authority of law or by sale under chapter 2 of the Arms Export Control Act;

"(2) were furnished with the financial assistance of the United States Government, including through loans and guarantees; or

"(3) were licensed for export under section 38 of the Arms Export Control Act.".

(b) AVAILABILITY ON INTERNET.—Section 655 of the Foreign Assistance Act of 1961 (22 U.S.C. 2415) is amended by adding at the end the following:

"(d) AVAILABILITY ON INTERNET.—All unclassified portions of such report shall be made available to the public on the Internet through the Department of State.".

SEC. 1307. ANNUAL FOREIGN MILITARY TRAINING REPORT.

Chapter 3 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2401 et seq.) is amended by inserting after section 655 the following:

"SEC. 656. ANNUAL FOREIGN MILITARY TRAINING REPORT.

"(a) ANNUAL REPORT.—Not later than January 31 of each year, the Secretary of Defense and the Secretary of State shall jointly prepare and submit to the appropriate congressional committees a report on all military training provided to foreign military personnel by the Department of Defense and the Department of State during the previous fiscal year and all such training proposed for the current fiscal year.

"(b) CONTENTS.—The report described in subsection (a) shall include the following:

"(1) For each military training activity, the foreign policy justification and purpose for the activity, the number of foreign military personnel provided training and their units of operation, and the location of the training.

"(2) For each country, the aggregate number of students trained and the aggregate cost of the military training activities.

"(3) With respect to United States personnel, the operational benefits to United States forces derived from each military training activity and the United States military units involved in each activity.

"(c) FORM.—The report described in subsection (a) shall be in unclassified form but may include a classified annex.

"(d) AVAILABILITY ON INTERNET.—All unclassified portions of the report described in subsection (a) shall be made available to the public on the Internet through the Department of State.

"(e) DEFINITION.—In this section, the term 'appropriate congressional committees' means—

"(1) the Committee on Appropriations and the Committee on International Relations of the House of Representatives; and

"(2) the Committee on Appropriations and the Committee on Foreign Relations of the Senate.".

SEC. 1308. SECURITY ASSISTANCE FOR THE PHILIPPINES.

(a) STATEMENT OF POLICY.—The Congress declares the following:

(1) The President should transfer to the Government of the Philippines, on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), the excess defense articles described in subsection (b).

(2) The United States should not oppose the transfer of F–5 aircraft by a third country to the Government of the Philippines.

(b) EXCESS DEFENSE ARTICLES.—The excess defense articles described in this subsection are the following:

(1) UH–1 helicopters and A–4 aircraft.

(2) Amphibious landing craft, naval patrol vessels (including patrol vessels of the Coast Guard), and other naval vessels (such as frigates), if such vessels are available.

(c) FUNDING.—Of the amounts made available to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763) for fiscal years 2000 and 2001, $5,000,000 for each such fiscal year should be made available for assistance on a grant basis for the Philippines.

SEC. 1309. EFFECTIVE REGULATION OF SATELLITE EXPORT ACTIVITIES.

(a) LICENSING REGIME.—

(1) ESTABLISHMENT.—The Secretary of State shall establish a regulatory regime for the licensing for export of commercial satellites, satellite technologies, their components, and systems which shall include expedited approval, as appropriate, of the licensing for export by United States companies of commercial satellites, satellite technologies, their components, and systems, to NATO allies and major non-NATO allies (as used within the meaning of section 644(q) of the Foreign Assistance Act of 1961).

(2) REQUIREMENTS.—For proposed exports to those nations which meet the requirements of paragraph (1), the regime should include expedited processing of requests for export authorizations that—

(A) are time-critical, including a transfer or exchange of information relating to a satellite failure or anomaly in-flight or on-orbit;

(B) are required to submit bids to procurements offered by foreign persons;

(C) relate to the re-export of unimproved materials, products, or data; or

(D) are required to obtain launch and on-orbit insurance.

(3) ADDITIONAL REQUIREMENTS.—In establishing the regulatory regime under paragraph (1), the Secretary of State shall ensure that—

(A) United States national security considerations and United States obligations under the Missile Technology Control Regime are given priority in the evaluation of any license; and

(B) such time is afforded as is necessary for the Department of Defense, the Department of State, and the United States intelligence community to conduct a review of any license.

(b) FINANCIAL AND PERSONNEL RESOURCES.—Of the funds authorized to be appropriated in section 101(1)(A), $9,000,000 is authorized to be appropriated for the Office of Defense Trade Controls of the Department of State for each of the fiscal years 2000 and 2001, to enable that office to carry out its responsibilities.

(c) IMPROVEMENT AND ASSESSMENT.—The Secretary of State should, not later than 6 months after the date of the enactment of this Act, submit to the Congress a plan for—

(1) continuously gathering industry and public suggestions for potential improvements in the Department of State's export control regime for commercial satellites; and

(2) arranging for the conduct and submission to Congress, not later than 15 months after the date of the enactment of this Act, of an independent review of the export control regime for commercial satellites as to its effectiveness at promoting national security and economic competitiveness.

SEC. 1310. STUDY ON LICENSING PROCESS UNDER THE ARMS EXPORT CONTROL ACT.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary of State should submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a study on the performance of the licensing process pursuant to the Arms Export Control Act (22 U.S.C. 2751 et seq.), with recommendations on how to improve that performance.

(b) CONTENTS.—The study should include the following:

(1) An analysis of the typology of licenses on which action was completed in 1999. The analysis should provide information on major categories of license requests, including—

(A) the number for nonautomatic small arms, automatic small arms, technical data, parts and components, and other weapons;

(B) the percentage of each category staffed to other agencies;

(C) the average and median time taken for the processing cycle for each category when staffed and not staffed;

(D) the average time taken by Presidential or National Security Council review or scrutiny, if significant; and

(E) the average time spent at the Department of State after a decision had been taken on a license but before a contractor was notified of the decision.

For each major category of license requests under this paragraph, the study should include a breakdown of licenses by country and the identity of each country that has been identified in the past three years pursuant to section 3(e) of the Arms Export Control Act (22 U.S.C. 2753(e)).

(2) A review of the current computer capabilities of the Department of State relevant to the processing of licenses and its capability to communicate electronically with other agencies and contractors, and what improvements could be made that would speed the process, including the cost for such improvements.

(3) An analysis of the work load and salary structure for export licensing officers of the Office of Defense Trade Controls of the Department of State as compared to comparable jobs at the Department of Commerce and the Department of Defense.

(4) Any suggestions of the Department of State relating to resources and regulations, and any relevant statutory changes that might expedite the licensing process while furthering the objectives of the Arms Export Control Act (22 U.S.C. 2751 et seq.).

SEC. 1311. REPORT CONCERNING PROLIFERATION OF SMALL ARMS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress a report containing—

(1) an assessment of whether the global trade in small arms poses any proliferation problems, including—

(A) estimates of the numbers and sources of licit and illicit small arms and light arms in circulation and their origins;

(B) the challenges associated with monitoring small arms; and

(C) the political, economic, and security dimensions of this issue, and the threats posed, if any, by these weapons to United States interests, including national security interests;

(2) an assessment of whether the export of small arms of the type sold commercially in the United States should be considered a foreign policy or proliferation issue;

(3) a description and analysis of the adequacy of current Department of State activities to monitor and, to the extent possible, ensure adequate control of, both the licit and illicit manufacture, transfer, and proliferation of small arms and light weapons, including efforts to survey and assess this matter with respect to Africa and to survey and assess the scope and scale of the issue, including stockpile security and destruction of excess inventory, in NATO and Partnership for Peace countries;

(4) a description of the impact of the reorganization of the Department of State made by the Foreign Affairs Reform and Restructuring Act of 1998 on the transfer of functions relating to monitoring, licensing, analysis, and policy on small arms and light weapons, including—

(A) the integration of and the functions relating to small arms and light weapons of the United States Arms Control and Disarmament Agency with those of the Department of State;

(B) the functions of the Bureau of Arms Control, the Bureau of Nonproliferation, the Bureau of Political-Military Affairs, the Bureau of International Narcotics and Law Enforcement, regional bureaus, and any other relevant bureau or office of the Department of State, including the allocation of personnel and funds, as they pertain to small arms and light weapons;

(C) the functions of the regional bureaus of the Department of State in providing information and policy coordination in bilateral and multilateral settings on small arms and light weapons;

(D) the functions of the Under Secretary of State for Arms Control and International Security pertaining to small arms and light weapons; and

(E) the functions of the scientific and policy advisory board on arms control, nonproliferation, and disarmament pertaining to small arms and light weapons; and

(5) an assessment of whether foreign governments are enforcing their own laws concerning small arms and light weapons import and sale, including commitments under the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials or other relevant international agreements.

(b) DEFINITION.—In this section, the term "appropriate committees of Congress" means the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1312. CONFORMING AMENDMENT.

Subsection (d) of section 248 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 1958) is amended by inserting ", and to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives," after "congressional defense committees".

Following is explanatory language on H.R. 3427, as introduced on November 17, 1999.

EXPLANATORY STATEMENT RELATED TO H.R. 3427

THE ADMIRAL JAMES W. NANCE AND MEG DONOVAN FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2000–2001

AUTHORIZATIONS OF APPROPRIATIONS FOR DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

Diplomatic and Consular Programs

Section 101 authorizes $2,837,772,000 in appropriations under the heading "Diplomatic and Consular Programs" for fiscal year 2000 and $3,263,438,000 for fiscal year 2001, and includes earmarks for the Bureau of Democracy and Human Rights, recruitment of minority groups, and the recurring costs of worldwide security upgrades for each fiscal year.

Capital Investment Fund

Section 101 authorizes $90,000,000 in appropriations under the heading "Capital Investment Fund" for fiscal year 2000 and $150,000,000 for fiscal year 2001.

Embassy Security, Construction and Maintenance

Section 101 authorizes $434,066,000 in appropriations under the heading "Security and Maintenance of U.S. Missions" for fiscal year 2000 and $445,000,000 in fiscal year 2001. In addition, the Security and Maintenance account is renamed the "Embassy Security, Construction and Maintenance" account. (Funding for security related construction is in section 604.)

Representation Allowances

Section 101 authorizes $5,850,000 in appropriations under the heading "Representation Allowances" for fiscal years 2000 and 2001.

Emergencies in the Diplomatic and Consular Service

Section 101 authorizes $17,000,000 in appropriations under the heading "Emergencies in the Diplomatic and Consular Service" for fiscal years 2000 and 2001.

Office of the Inspector General

Section 101 authorizes $30,054,000 in appropriations under the heading "Office of Inspector General" for fiscal years 2000 and 2001.

American Institute in Taiwan

Section 101 authorizes $15,760,000 in appropriations under the heading "American Institute in Taiwan" for fiscal year 2000 and $15,918,000 in fiscal year 2001.

Protection of Foreign Missions and Officials

Section 101 authorizes $9,490,000 in appropriations under the heading "Protection of Foreign Missions and Officials" for fiscal years 2000 and 2001.

Repatriation Loans

Section 101 authorizes $1,200,000 in appropriations under the heading "Repatriation Loans Program Account" for fiscal years 2000 and 2001.

INTERNATIONAL COMMISSIONS

Section 102 authorizes $52,043,000 in appropriations under the heading "International Commissions" for fiscal years 2000 and 2001.

MIGRATION AND REFUGEE ASSISTANCE

Section 103 authorizes $750,000,000 for each of fiscal years 2000–2001. Where local expertise is unavailable, the rape counseling provided for in this provision should be provided through international organizations, U.S.-based non-governmental organizations, nonprofit organizations, or health organizations and should be culturally appropriate and could be part of a comprehensive program of assistance aimed at reintegrating these women into their communities or resettling them elsewhere as appropriate.

UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

Section 104 authorizes $112,000,000 in fiscal year 2000 and $120,000,000 in fiscal year 2001 for Fulbright Exchanges, and $98,329,000 in fiscal year 2000 and $105,000,000 in fiscal year 2001 for other educational and cultural programs. In addition, the bill includes certain earmarks.

Arab-Israeli Peace Partners Program

This section includes an earmark for the Arab Israeli Peace Partners program. The program is intended to reach out to new groups of people who can influence and improve mutual understanding in the Middle East. The program is to include participants from Israel, the Palestinian Authority, Arab countries and the United States. The focus of the program is the promotion of mutual understanding and conflict resolution. The Arab-Israeli Peace Partners program should include college and graduate students, as well as leaders and public policy advocates in various professions. Professionals in the fields of primary and high school education, administration of justice, journalism, communications, government, health, environment, technology, law or other community leaders are of particular importance. These people have the ability to reach out to other networks of people who can benefit from their experience.

Grouping these exchanges by profession can stimulate like-minded individuals who have common ground for interaction to pursue other significant issues relevant to a more lasting peace process. The managers draw particular attention to the Seeds of Peace, an innovative and widely respected organization that helps Arab and Israeli teenagers overcome prejudice and build positive relationships. This has been a successful undertaking that focuses on future leaders. The Arab-Israeli program will provide those currently in the workforce or soon to enter with tools to establish the common ground for peaceful coexistence in the region.

Vietnam Fulbright Program

This section also authorizes $4,000,000 for each of fiscal years 2000–2001 for the Vietnam Fulbright Program. The current lack of political and religious freedom in Vietnam raises concerns. However, exchange programs of this nature, which provide educational opportunities and exposure to American institutions and values, can be important tools in hastening the transition of countries like Vietnam into free and open societies. However, the Vietnamese Government does not select the participants in this program and any Vietnamese citizen can apply for admission to this program.

The State Department is expected to continue to ensure that opportunities to participate in the program are made available to all qualified applicants and to administer this program under the guidelines set out in section 102 of the Human Rights, Refugee, and Other Foreign Provisions Act of 1996 (Public Law 104–319), as modified in this Act. The success of the Vietnam Fulbright Program and similar programs in like countries will be marked by the extent of progress toward freedom and democracy. The appropriate Congressional committees will continue to monitor this program to evaluate its impact on such progress.

GRANTS TO THE ASIA FOUNDATION

Section 105 authorizes $15,000,000 in appropriations under the heading "The Asia Foundation" for fiscal years 2000 and 2001.

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

Section 106 authorizes $940,000,000 in appropriations for fiscal year 2000 and such sums as may be necessary for fiscal year 2001 under the heading "Contributions to International Organizations (CIO)", and includes the following conditions:

No Growth Budget

Of the funds authorized, subsection (b) makes available $80,000,000 on an annual basis only when the Secretary of State certifies to the Congress that no action has been taken by the United Nations to increase the United Nations 1998–99 budget of $2,533,000,000 during that period without finding an offset elsewhere in the United Nations budget during that period.

Inspector General

Of the funds authorized, subsection (c) withholds 20 percent of the funds made available for the United Nations until the Secretary of State certifies that the Office of Internal Oversight Services (OIOS) continues to function as an independent inspector general. This section requires the Director of the OIOS to report directly to the Secretary General on the adequacy of his resources and a certification by the Secretary of State that the OIOS has the authority to audit, inspect, or investigate each program, project or activity funded by the United Nations, and each Executive Board created under the United Nations has been notified of that authority. With regard to the distribution of reports required by this provision, what is essential is that the United States (and other Member States) have access to all annual and other relevant reports without modification, except to the extent it is necessary to protect the privacy rights of individuals. When privacy rights are impacted, the reports may be redacted to protect individuals. However, it is not anticipated that wrongdoers cited in such reports would be entitled to privacy protections.

Prohibition on Certain U.N. Global Conferences

Of the funds authorized, subsection (d) prohibits U.S. funding of U.N. global conferences, except that it exempts conferences that were approved by the United Nations prior to October 1, 1998. The U.N. Global Conferences referred to in this section are those organized on a one-time basis with universal participation to address a single subject, such as the environment or population, outside of the normal course of regularly scheduled deliberations by existing U.N. bodies. For example, this section would have applied to the Rio Earth Summit, the Beijing Women's Conference, or the Habitat Conference. Should the U.N. schedule a conference of this kind during the two fiscal years under this Act, the United States will not fund such a conference nor any arrears related to such a conference. This section does not include conferences directed to the achievement of a binding international agreement, or other legal instrument, on a particular matter (such as the negotiation on the control and elimination of anti-personnel land mines in the U.N. Conference on anti-personnel land mines in the U.N. Conference on Conventional Weapons and the U.N. Conference on Disarmament).

Prohibition on Funding Organizations Other Than the United Nations From the United Nations Regular Budget

Of the funds authorized, subsection (e) prohibits the U.S. contribution to the United Nations regular budget from being used to fund the operating cost of organizations that have been established through a framework treaty. Such organizations are those established under separate treaties of a framework nature, composed only of parties to the treaties, having their own secretariats. This term does not include U.N. human rights treaty bodies. Should any framework treaty organization be funded out of the regular budget, the provision will require that the U.S. withhold from it U.S. assessment to the U.N. budget the United States share of the amount budgeted for such organizations.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

Section 107 authorizes appropriation of $500,000,000 in fiscal year 2000 and such sums as may be necessary for fiscal year 2001 for assessed contributions to international peacekeeping activities under United Nations auspices.

VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

Section 108 authorizes $293,000,000 in fiscal year 2000 and such sums as may be necessary for fiscal year 2001 with certain limitations. Although the section does not include an earmark for a grant to UNICEF for fiscal year 2001, it is expected that such a grant should be made in the amount of at least $110,000,000.

UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES

Section 121 authorizes $385,900,000 in fiscal year 2000 and $393,618,000 in fiscal year 2001 for international broadcasting activities; $20,868,000 in fiscal year 2000 and $20,868,000 for fiscal year 2001 broadcasting capital improvements; $22,743,000 in fiscal year 2000 and $22,743,000 in fiscal year 2001 for Broadcasting to Cuba, and $24,000,000 in fiscal year 2000, and $30,000,000 in fiscal year 2001 for Radio Free Asia. Although it does not contain a further limitation for Radio and TV Marti, some note that there is increasing evidence that the Cuban dictatorship has intensified its efforts at disrupting the broadcasts of Radio Marti and TV Marti and now is receiving additional assistance toward this end from Chinese military and technical experts. It is expected that all possible efforts will be taken by the Broadcasting Board of Governors and the Office of Cuba Broadcasting to overcome these attempts, including the development and implementation of new technology and enhancement of current methods to strengthen and improve the transmission capabilities of Radio Marti and TV Marti.

In addition, the Broadcasting Board of Governors should provide an update of the status of all lawsuits brought against the Voice of America (VOA) regarding minorities and women, and VOA's efforts in the area of minority recruitment. A written description of these issues should be provided to the appropriate committees by February 1, 2000.

DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

OFFICE OF CHILDREN'S ISSUES

Section 201 requires the State Department to make several changes with regard to its handling of international parental abduction and other children's issues. The section requires that: (1) the Director of the office is an individual of senior rank who can ensure long-term continuity to the office; (2) the staffing levels of the office include sufficient caseworkers so that the average caseload is 75; (3) each embassy designate a point of contact on parental abduction issues and the director of the office must regularly inform the contact of cases in that country and (4) parents are regularly informed of the status of pending cases. This office has been understaffed in the past, and more effort should be devoted to assisting parents to obtain the return of, or access to, their wrongfully abducted children. The issues of this office are not receiving adequate priority in diplomatic efforts by the United States—particularly in countries which have ratified the Hague Convention on the Civil Aspects of International Child Abduction (like Austria, Germany and Sweden) but are not implementing fully their commitments under the treaty. Those countries should be encouraged to establish organizations like the National Center for Missing and Exploited Children to assist with treaty implementation.

STRENGTHENING IMPLEMENTATION OF THE HAGUE CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION

Section 202 extends and supplements existing reporting requirement for fiscal years 2000–2001. The report by the Secretary of State submitted in April 1999 pursuant to Section 2803(a) of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted by division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277) on compliance with the Hague Convention on the Civil Aspects of International Child Abduction failed to provide information consistent with the intent of the Congress to have a full accounting of cases of violations of, and a listing of countries that are non-compliant with, the Convention. Specifically, the report's finding that there are only 58 cases unresolved after 18 months, which fails to mention the country involved, renders the report almost useless. While stipulating that this listing of unresolved cases does not include those cases considered closed by the U.S. government, the report fails to include the criteria by which the decision to close a case is made.

This provision extends the reporting requirement to fiscal years 2000 and 2001, and expands the scope of the report in order to elicit information that will adequately inform parents and judges involved in custody cases where there is a significant possibility that a child could be removed by a non-custodial parent to a country which contains a record of non-compliance with the Hague Convention. The new information that the Congress is requesting is intended to highlight the probability that an abducted, or wrongfully retained, child can be reasonably expected to be returned from a country that is a party to the Hague Convention based on its past record of compliance, and whether access to a child, either through the orders of that country's courts, or through U.S. court orders, has been enforced by the government concerned in the past.

REPORT CONCERNING ATTACK IN CAMBODIA

Section 203 requires reports by the Secretary in consultation with the Attorney General, regarding the investigation of the March 30, 1997 grenade attack in Cambodia.

INTERNATIONAL EXPOSITIONS

Section 204 does the following: (a) requires periodic reports to the Congress from the commissioners general of major United States pavilions or exhibits; (b) requires advance notification to the relevant committees before the Department of State obligates funds which may be made available by another agency of the United States to the Department of State for a major United States pavilion or exhibit; (c) clarifies that, absent express authorization and appropriation, the support that the Department of State may provide for major pavilions or exhibits under section 102(a)(3) of the Mutual Education and Cultural Exchange Act shall be for administrative purposes only (such as contract administration, legal and other advice, and similar support) and not for operating or capital expenses; (d) amends the general prohibition against the obligation of "any funds" by the State Department for non-expressly-authorized major United States pavilions or exhibits to apply only to funds appropriated to the State Department; and (e) makes certain other technical changes. The reprogramming procedures will apply to notifications under subsection (c) of this section.

The United States Exhibition in Hannover, Germany

Recent reports suggest that sufficient private funds have not been raised to construct or operate the United States pavilion at the forthcoming Hannover, Germany international exposition. A clear policy has been in effect for years that taxpayer funds should not be used for the construction and operation of such pavilions. Despite that policy, commitments have been made to construct an elaborate pavilion at Hannover, even though privately raised funds are insufficient and there has been no formal request for an authorization of appropriations. There is reason to be concerned that public funds may be informally requested to construct and operate a pavilion outside normal budgetary processes, as apparently occurred in the case of the Lisbon pavilion in 1998. The Administration should address these concerns in the immediate future in communications to the relevant committees.

RESPONSIBILITY OF THE AID INSPECTOR GENERAL FOR THE INTER-AMERICAN FOUNDATION AND THE AFRICAN DEVELOPMENT FOUNDATION

Section 205 gives to the Inspector General of the United States Agency for International Development (USAID) the responsibility for the supervision, direction, and control of all audits and investigative activities relating to the programs and operations of the Inter-American Foundation (IAF) and the African Development Foundation (ADF). In the interest of ensuring the independent operations of the Inspector General, and that audits and investigations not be dependent upon the availability of funds to the IAF and the ADF, it was decided not to include a provision mandating that the IAF and ADF reimburse the Inspector General for all costs incurred with regard to audits and investigations of programs and activities of those agencies. Nonetheless, any such costs shall be reimbursed to the IG at the IG's request.

REPORT ON CUBAN DRUG TRAFFICKING

Section 206 requires the Secretary of State to report on the extent of international narcotics traffic through Cuba, the extent of involvement by the Cuban government, its agents and entities, and United States actions to investigate or prosecute such acts. The report may include an assessment of the credibility of the information, in which case it shall also include a statement of the reasons for such assessment. The section provides for a classified annex in order to ensure that the inclusion of information in the report will not compromise ongoing investigations. The exclusion from the unclassified report of "matters occurring before the grand jury" within the meaning of Federal Rule of Criminal Procedure 6(e) will be governed by the Rule to the same extent as the Rule would govern disclosure of such material to the public, and inclusion of such material in the classified annex shall be subject to the Rule to the same extent as the Rule would govern the sharing of such material among attorneys for the government. Information in the possession of the government which is subsequently given to a grand jury does not thereby automatically become grand jury material within the meaning of the Rule, although other considerations, such as protecting from disclosure the identities or testimony of witnesses, or information which would reveal the strategy or direction of an active investigation, is also protected by the Rule.

REVISION OF REPORTING REQUIREMENT

Section 207 reduces the frequency of a current reporting requirement regarding Iraq.

FOREIGN LANGUAGE PROFICIENCY

Section 208 requires an annual report to Congress containing data showing how many overseas positions are filled by language-qualified personnel. This reporting requirement replaces an analogous reporting provision in Section 304(c) of the Foreign Service Act of 1980.

CONTINUATION OF REPORTING REQUIREMENTS

Section 209 extends certain reports for fiscal years 2000–2001. In addition, the provision preserves certain reports that would otherwise be sunsetted by legislation enacted in 1995 repealing a number of reports government-wide.

JOINT FUNDS UNDER AGREEMENTS FOR COOPERATION IN ENVIRONMENTAL, SCIENTIFIC, CULTURAL AND RELATED AREAS

Section 210 allows the State Department to use the interest earned on funds held under bilateral agreements for scientific, cultural, and technical cooperation to pay the programmatic and administrative expenses of these programs.

REPORT ON INTERNATIONAL EXTRADITION

Section 211 requires a report by the Secretary of State 120 days after enactment regarding a review of all extradition treaties and agreements to which the U.S. is a party.

CONSULAR AUTHORITIES

MACHINE READABLE VISAS

Section 231 authorizes the collection and use of fees for up to $316,715,000 for each of fiscal years 2000–2002; fees collected above that amount are subject to reprogramming procedures.

FEES RELATING TO AFFIDAVITS OF SUPPORT

Section 232 allows the Secretary of State to charge a fee for services provided by the State Department for assistance in the preparation and filing of an affidavit of support as required by section 213A of the Immigration and Nationality Act.

PASSPORT FEES

Section 233 repeals an anachronistic provision of the Passport Act of 1920 that provided for the discretionary refund of passport fees in the event that a traveler was not able to obtain a visa to the country of intended travel. That authority, which reflects long-outmoded passport practices, is no longer used. According to statistics provided by the Department of State, approximately twenty-eight percent of the passport fee refunds during fiscal year 1998 were to applicants determined to be non-citizens or otherwise ineligible to receive passports. Approximately ten percent were to persons who withdrew their applications, and about fifty percent of the refunds were to persons who may have been citizens but who were unable to provide acceptable documentation of their citizenship. Applicants in the latter category typically provided documents unacceptable to the Department, such as birth certificates provided by a hospital, and were deemed to have abandoned their cases after failing to respond to requests for supplementary documentation. The regulations described in this subsection will provide for the reinstatement or revival of applications without payment of an additional fee, where the application has been denied on the sole ground of inadequate documentation and such documentation is subsequently provided.

DEATHS AND ESTATES OF UNITED STATES CITIZENS ABROAD

Section 234 repeals section 1709 of the Revised Statutes (22 U.S.C. 4195) and replaces it with new provisions in the State Department Basic Authorities Act to provide a modified statutory basis for the traditional consular function of protection and conservation, and ultimately disposition, of the estates of Americans who die outside the United States in those cases where a legal representative is not appointed by the heirs or other beneficiaries within a reasonable time.

DUTIES OF CONSULAR OFFICERS REGARDING MAJOR DISASTERS AND INCIDENTS ABROAD AFFECTING UNITED STATES CITIZENS

Section 235 expands the definition of U.S. employees who may perform consular functions in connection with deaths and estates of U.S. citizens abroad.

ISSUANCE OF PASSPORTS FOR CHILDREN UNDER AGE 14

Section 236 requires the Secretary to issue regulations so that children under the age of 14 may be issued a passport only if both parents or the child's legal guardian execute the necessary documents, or a parent or guardian demonstrates sole custody or consent of the other parent or guardian. The Secretary may by regulation provide for exceptions to this requirement in the event of exigent or special family circumstances. These exceptions are not designed to become, in practice, gaping loopholes that would swallow the new rule created by this section. Rather, they are designed to provide flexibility to the Secretary in appropriate cases.

PROCESSING OF VISA APPLICATIONS

Section 237 states that it shall be the policy of the State Department: (a) to process visa applications of immediate relatives and fiances of U.S. citizens within 30 days of receiving all necessary documents; and (b) to process applications sponsored by someone other than an immediate relative within 60 days. It also directs the Department to report every six months on the extent to which it is meeting these standards, and to establish a joint task force with other Federal agencies to reduce the overall processing time for visa applications.

FEASIBILITY STUDY ON FURTHER PASSPORT RESTRICTIONS ON INDIVIDUALS IN ARREARS ON CHILD SUPPORT

Section 238 requires the Secretary report on the costs and benefits of a reduction to $2,500 from $5,000 the amount of arrears for child support that would trigger a denial of a passport under existing law (sec. 452(k) of the Social Security Act).

REFUGEES

UNITED STATES POLICY REGARDING THE INVOLUNTARY RETURN OF REFUGEES

Section 251 carries over and slightly expands a provision of the Fiscal Year 1998–99 Foreign Relations Authorization Act prohibiting the use of funds for the involuntary return of any person to a country in which that person contains a well-founded fear of persecution, and requiring notification to Congress when such funds are used for involuntary repatriation of persons deemed to be non-refugees.

HUMAN RIGHTS REPORTS

Section 252 is a technical amendment. Information in the annual Country Reports on Human Rights Practices on the extent to which countries extend protection to refugees is already required by the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (P.L. 104-319). However, that statute only modified one of the two provisions in the Foreign Assistance Act dealing with the Country Reports. This section corrects that oversight by modifying the other section.

GUIDELINES FOR REFUGEE PROCESSING POSTS

Section 253 corrects two technical oversights in the refugee protection provisions of the International Religious Freedom Act of 1998 (P.L. 105–292). Although section 602(c) of the Act charged both the Attorney General and the Secretary of State to develop guidelines to address hostile biases in refugee processing, it referred only to biases of INS personnel. This section adds a reference to State Department personnel in the appropriate place. In addition, the Act prohibited the use of agents of persecuting governments to interpret conversations of persons seeking asylum in the United States. This section extends that prohibition to the overseas refugee adjudication process, and to agents of persecuting governments performing any function that could endanger the safety of the applicant or otherwise compromise the integrity of the process.

GENDER RELATED PERSECUTION TASK FORCE

Section 254 requires the Secretary to establish the task force in consultation with the Attorney General with the goal of determining eligibility guidelines for women seeking refugee status overseas due to gender-related persecution.

VIETNAMESE REFUGEES

An earlier House-passed provision regarding refugees was not included in this bill on the basis of assurances that U.S. refugee programs in Viet Nam will be conducted in accordance with most of the conditions set forth in section 274 of the House bill. Section

255, however, contains a provision designed to address one of the issues addressed by section 274. It extends through fiscal 2001 the McCain Amendment, which restores eligibility for U.S. refugee resettlement to certain sons and daughters of Vietnamese re-education camp survivors, and also provides such eligibility for sons and daughters who were denied the right to resettle in the United States because their government-issued residency documents did not prove "continuous coresidency" with their parents.

The Administration's decision that refugee programs in Viet Nam (as well as other closely related programs) will be directed by a Refugee Coordinator who will report directly to the Deputy Principal Officer at the Consulate General in Saigon and receive policy guidance from the Assistant Secretary for Population, Refugees, and Migration is appreciated. It is also important that these programs will use expatriate interpreters and case workers, so that refugee applicants will no longer be required to describe their persecution at the hands of the Vietnamese government in the presence of persons employed by or through that same government. The Administration's plan to send a special team of INS officers, similar in composition and training to the teams that adjudicated the ROVR cases, to interview former United States Government employees who have not yet been interviewed, and to use the results of these interviews in deciding whether to reopen the cases of former USG employees who may have been improperly denied is strongly supported.

It is encouraging that the Department of State intends to contract with a non-governmental organization with expertise in refugee resettlement for the retention of an "NGO Advisor" to assist the Refugee Coordinator and to help ensure transparency in our Vietnamese refugee programs. It remains a matter of deep concern that the Department decided to terminate its Joint Voluntary Agency (JVA) contract with the International Catholic Migration Commission, which was the most refugee-friendly component in the old ODP program. Members of Congress will continue to monitor carefully whether the new "Refugee Resettlement Unit" is an adequate substitute. If not, Members of Congress will urge the Department to reinstitute a JVA arrangement for our Vietnamese refugee programs. The Administration's position that U.S. refugee programs should focus primarily on identifying and rescuing persons who have recently been persecuted and/or who are at risk of future persecution rather than those who suffered persecution in the distant past is supported. The guidelines prepared by the Department and the INS for the new in-country refugee program in Viet Nam will be a solid basis for such a program provided they are generously interpreted and applied. Assurances were made that this program will not be limited to a few "high profile" cases, but will be implemented so as to identify and offer resettlement to any Vietnamese national who can show that he or she has experienced recent persecution or has a well-founded fear of future persecution on account of race, religion, nationality, political opinion, or membership in a particular social group.

There is strong support for the view that the focus on the new program cannot justify peremptory treatment of applicants who may have been wrongly denied under existing programs, or who may never have had genuine access to such programs. The new program is strongly supported on its merits, but it is also important for the United States to keep its promises, both express and implied. The Administration's assurance that Montagnard combat veterans who fulfill the requirements for the "HO" subprogram of the Orderly Departure Program (ODP)—which include at least three years of detention in "re-education camps"—will no longer be denied resettlement on the sole ground that in addition to their pre-1975 military service, they continued to fight the Communists after 1975 is encouraging. These applicants have been rejected on the ground that their subsequent punishment by the Communists must have been solely on account of their post-1975 activities rather than for their wartime service alongside U.S. forces. The Administration's commitment to review the cases of Montagnards who were previously registered for consideration for refugee resettlement but found not qualified for interview because part or all of their re-education time was judged not to be associated with pre-1975 U.S. government policies or practices is a positive development. The Administration has agreed to implement this review not only for Montagnards who applied on or before the ODP deadline and have not yet been interviewed, but also for any previously registered Montagnards who contact the State Department and request review of their cases during a specified period of time. It is understood and expected that the specified period of time will be approximately one year beginning on or about January 1, 2000.

Note has been taken of the Administration's agreement with respect to allied combat veterans whose detention began a few days prior to April 30, 1975 (the date of the fall of Saigon) because they were located in places such as Hue or Da Nang, which fell to the Communists before Saigon. These veterans have been wrongfully rejected on the ground that they were "prisoners of war" rather than re-education camp inmates. The Administration has agreed not to apply this rule against any applicants who applied on or before the ODP deadline and not yet interviewed. The Administration is urged to reconsider its decision not to review and reverse previous denials based on this hypertechnical rule.

The undertaking by the U.S. Immigration and Naturalization Service (INS) to promulgate written guidance with respect to requests for reconsideration and/or reopening of denied refugee applications is appreciated. It is understood that the INS will issue guidelines which will assure that each applicant understands why his or her case was denied, both in the initial adjudication and in the event of a denial of a request for reconsideration or reopening, and that will ensure transparent and fair adjudication of such requests. It is expected that these guidelines will resolve various cases in which reconsideration has been denied although the original denial was clearly contrary to the interest of justice. Examples of such cases include those in which the adjudicator found that a family relationship was not proved, but in which the relationship can now be established by DNA tests; in which the denial was based on doubts about the validity of a document and in which the applicant can subsequently provide extrinsic evidence of the validity of the document; and in which an applicant recounts instances of persecution which would establish a prima facie case for refugee status, but which he or she was unwilling or unable to recount in the presence of an interpreter whom the applicant reasonably believed to be an agent of the persecuting government.

Finally, many members of Congress strongly disagree with the Administration's refusal to reopen cases of applicants who missed the deadline for the ODP and ROVR programs due to circumstances beyond their control. According to refugee advocates, many of the people who missed the 1994 ODP deadline, including Montagnards in remote areas of the Central Highlands as well as re-education camp survivors who had been sentenced to internal exile in equally remote New Economic Zones, had no way of knowing about the deadline. Others were denied access to the program by brutal and/or corrupt local officials. Many of these people suffered terribly for their wartime associations with the United States. They then heeded our admonitions not to leave Viet Nam illegally by land or sea, choosing instead to wait patiently for their turn to resettle in the United States. The recent normalization of the U.S.-Viet Nam diplomatic relationship should have been used as an opportunity to get access to these people. Similarly, some Vietnamese asylum seekers appear to have been effectively prevented from signing up for ROVR because they were detained away from the registration sites. Others appear to have been misinformed about the ROVR criteria, or even denied the right to register, by host country officials who were themselves misinformed about the program. Some refugees in Thailand were even threatened with punishment upon return to Vietnam by an official Vietnamese delegation visiting their camp for the ostensible purpose of encouraging return under the ROVR program. Many members of Congress continue to believe that the Administration should consider on the merits all cases of eligible applicants who missed program deadlines for these and other compelling reasons.

ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

ORGANIZATION MATTERS

LEGISLATIVE LIAISON OFFICES OF THE DEPARTMENT OF STATE

Section 301 requires the Department of State to develop a plan for establishing legislative liaison offices for the Department that would be based on Capitol Hill.

STATE DEPARTMENT OFFICIAL FOR NORTHEASTERN EUROPE

Section 302 requires the designation of a senior official from within the State Department to coordinate U.S. policy with regard to Northeastern Europe.

SCIENCE AND TECHNOLOGY ADVISER TO SECRETARY OF STATE

Section 303 requires the Secretary to designate a science and technology adviser with relevant experience within the Department of State.

APPLICATION OF CERTAIN LAWS TO PUBLIC DIPLOMACY FUNDS

Section 304 rewrites section 1333(c) of the Foreign Affairs Reform and Restructuring Act of 1998, to ensure that statutory restrictions on the use of public diplomacy funds will continue to apply either if funds are specifically authorized, or if funds are notified in a Congressional Presentation Document or reprogrammed for public diplomacy purposes. As a this division does not include a separate authorization for public diplomacy funds. The substitute also reiterates that these restrictions will not impede the integration of USIA into the Department of State.

Specifically, this section amends section 1333 so that the Smith-Mundt and Zorinsky provisions will apply to all funds identified as public diplomacy funds in the Department's Congressional Presentation Document (CPD) or in any reprogramming of funds for public diplomacy purposes. The amendment also adds a new paragraph on construction of the provision. In particular, it provides that the provisions of section 1333(c) do not supersede existing reprogramming procedures. This provision is intended only to make clear that if, subsequent to the submission of the CPD, the Administration submits a reprogramming notification in accordance with the procedures that apply to a reprogramming of funds under section 34 of the State Department Basic Authorities Act, funds reprogrammed pursuant to such a notification for purposes other than public diplomacy will not be subject to the Smith-Mundt and Zorinsky restrictions on account of their previous identification as public diplomacy funds in a CPD.

DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE

Section 305 authorizes $18 million for enhancement of Diplomatic Telecommunications Service capabilities to be available until a comprehensive chargeback system is in place. In addition the provision requires the Diplomatic Telecommunications Service Program Office (DTS–PO) to: 1) ensure that enhancements of telecommunications capabilities be done with a priority on national security interests; 2) terminate leases for satellite systems located at posts in criteria countries be done not later than December 31, 1999, unless certain conditions are met; 3) institute a system of charges for utilization of bandwidth, and a chargeback system to recover the costs of telecommunications services provided to other federal agencies; 4) ensure that DTS–PO policies and procedures comply with those established by the Overseas Security Policy Board; and 5) maintain the allocation of the positions of Director and Deputy Director of DTS–PO as assigned as of June 1, 1999. Finally, it requires a report by the Director and Deputy Director of DTS–PO regarding the plan for improving specific communications capabilities.

PERSONNEL OF THE DEPARTMENT OF STATE

AWARDS OF FOREIGN SERVICE STARS

Section 321 modifies the State Department Basic Authorities Act of 1956 to create the Foreign Service Star award. The Foreign Service Star may be awarded by the President to any member of the Foreign Service or other federal employee who is wounded, injured, or contracts an illness while employed in an official capacity overseas. The Secretary of State will determine the procedures for awarding the Foreign Service Star, as well as selecting those to be recommended for the award. Flexibility is provided to the Secretary as to the date of the incident for which the award is being given.

UNITED STATES CITIZENS HIRED ABROAD

Section 322 deletes a statutory requirement that U.S. citizens hired locally by overseas posts be provided a total compensation package that has "the equivalent cost to that received by foreign national employees occupying the similar position at post."

LIMITATION ON PERCENTAGE OF SENIOR FOREIGN SERVICE ELIGIBLE FOR PERFORMANCE PAY

Section 323 reduces the percentage of members of the senior Foreign Service who can receive performance pay in a fiscal year from 50 percent to 33 percent.

PLACEMENT OF SENIOR FOREIGN SERVICE PERSONNEL

Section 324 requires a regular report on the placement of Senior Foreign Service Officers.

REPORT ON MANAGEMENT TRAINING

Section 325 requires the Secretary of State to produce a report to Congress regarding modifications to existing training programs so as to provide Department employees with "significant and comprehensive management training at all career grades for Foreign Service personnel."

WORKFORCE PLANNING FOR FOREIGN SERVICE PERSONNEL BY FEDERAL AGENCIES

Section 326 requires the Secretary of State to submit a report to the Congress every four years that describes the workforce plan for the following 5-year period, and that outlines the steps taken to promote uniform policies among agencies utilizing the Foreign Service personnel system.

RECORDS OF DISCIPLINARY ACTIONS

Section 327 requires that any disciplinary action of a Foreign Service member requiring more than five-days suspension from the Foreign Service be included in the member's personnel file until tenured or next promoted.

LIMITATION ON SALARY AND BENEFITS FOR MEMBERS OF THE FOREIGN SERVICE RECOMMENDED FOR SEPARATION FOR CAUSE

Section 328 requires the Secretary to place a Foreign Service Member on leave without pay if that individual is recommended for separation from the Service for cause.

TREATMENT OF GRIEVANCE RECORDS

Section 329 amends the Foreign Service Act of 1980 to ensure that proper documentation of disciplinary action is available to tenure and selection boards, by permitting the placement in the performance file of an employee who has been disciplined a notice that the discipline has been reviewed and sustained by the Foreign Service Grievance Board.

DEADLINES FOR FILING GRIEVANCES

Section 330 reduces from three years to two years the time for filing a grievance. It does provide flexibility of an additional year for members who are filing a grievance regarding an evaluation if the Foreign Service member is still supervised by the reviewer or rater of the evaluation.

REPORTS BY THE FOREIGN SERVICE GRIEVANCE BOARD

Section 331 requires the Foreign Service Grievance Board to compile information regarding its cases, and provide an annual report regarding the Board's activities during the previous year.

EXTENSION OF USE OF FOREIGN SERVICE PERSONNEL SYSTEM

Section 332 permits the State Department to allow non-State Department agencies to use the Foreign Service Act to appoint individuals abroad and to use the Foreign Service personnel system for those employees.

BORDER EQUALIZATION PAY ADJUSTMENT

Section 333 amends the Foreign Service Act of 1980 to provide for payment of a border equalization adjustment to an employee who regularly commutes from his or her home in the U.S. to an official duty station in Canada or Mexico. The adjustment is equal to the amount that the employee would receive as locality pay (under section 5304 of title 5, United States Code) if assigned to an official duty station within the United States locality pay area closest to the employee's official duty station. This provision was contained in the Fiscal Year 1999 Commerce, Justice, State Department Appropriations Act; this section would make the authority permanent.

TREATMENT OF CERTAIN PERSONS REEMPLOYED AFTER SERVICE WITH INTERNATIONAL ORGANIZATIONS

Section 334 provides the full scope of retirement benefits to Federal employees who transfer to international organizations under 5 U.S.C. 3582 by allowing such employees to participate in the Thrift Savings Plan ("TSP") for the period of their transfer to the international organization. This section amends the Thrift Savings provisions of Title 5 to allow persons who transfer to international organizations the ability to make up missed TSP contributions after they are re-employed in Federal service. The employee's make-up contributions are limited by the maximum annual employee contribution for the year in which the contributions would have been made. This section also provides that, with respect to persons covered under the 'new' retirement systems, the employing agency provides associated agency automatic contributions and retroactive matching contributions, as well as lost earnings on the agency contributions.

TRANSFER ALLOWANCE FOR FAMILIES OF DECEASED FOREIGN SERVICE PERSONNEL

Section 335 allows the Department to pay a "transfer allowance" (which covers certain costs associated with returning home to the United States) to surviving family members of overseas employees who are killed in the line of duty.

PARENTAL CHOICE IN EDUCATION

Section 336 allows certain overseas employees to elect to send their dependents to schools away from post at government expense, so long as the cost does not exceed the cost to the government of sending those dependents to adequate schools at the post of the employee.

MEDICAL EMERGENCY ASSISTANCE

Section 337 permits an advance of up to 3 months' pay to an employee who must undergo certain types of medical treatment abroad.

REPORT CONCERNING FINANCIAL DISADVANTAGES FOR ADMINISTRATIVE AND TECHNICAL PERSONNEL

Section 338 requests that the Department prepare a report for the Congress on the financial disadvantages suffered by administrative and technical personnel posted to U.S. missions abroad as a result of their not having diplomatic status.

STATE DEPARTMENT INSPECTOR GENERAL AND PERSONNEL INVESTIGATIONS

Section 339 requires the State Department Inspector General when conducting criminal investigations to abide by professional standards applicable to all law enforcement agencies and to provide subjects of investigations an opportunity to provide exculpatory information. In addition the provision mandates that the Inspector General report to Congress the instances when persons named in a report were not provided an opportunity to refute allegations or assertions made about the person in a final report of investigations. This section clarifies that the Inspector General must provide an opportunity to comment on allegations of wrongdoing or assertions regarding a material fact when they are set out in a final report of investigation. In addition, this section makes clear that failure to comply with this section does not give rise to any private right of action. This section makes several additional changes.

The term "Final Report of Investigation" as used in the provision means the written document produced by the Office of the Inspector General at the conclusion of the investigative phase of a case which is thereafter transmitted to the Department of Justice or Bureau of Personnel for possible prosecutorial or administrative action. Initial referrals or summaries provided to the Department of Justice by the Inspector General do not constitute a "Final Report of Investigation" as used in this amendment. This section is not intended to impede the development of a criminal prosecution by the Department of Justice.

In addition the notification required by new subparagraph (F) of section 209(d)(2) of the Foreign Service Act may summarize briefly the cases where the Inspector General did not afford an opportunity to refute the allegation of wrong doing or assertion of material fact.

STUDY OF COMPENSATION FOR SURVIVORS OF TERRORIST ATTACKS OVERSEAS

Section 340 requires the President to examine and report on the current benefit structure of survivors of U.S. government employees who are killed while serving abroad. The purpose is to evaluate whether the benefits are adequate, fair, and equitably distributed.

PRESERVATION OF DIVERSITY IN REORGANIZATION

Section 341 amends the Foreign Affairs Reform and Restructuring Act of 1998 to ensure women and minorities are not adversely affected by the reorganization while maintaining the flexibility to transfer all employees throughout the Department of State.

United States Informational, Educational, and Cultural Programs

EDUCATIONAL AND CULTURAL EXCHANGES AND SCHOLARSHIPS FOR TIBETANS AND BURMESE

Section 401 extends the authorization for the exchange and scholarship programs for Tibetan and Burmese exiles (contained in Public Law 104–319, the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996) through fiscal years 2000 and 2001. It also renames the Tibetan exchange program after Ngawang Choephel, the Fulbright Scholar and ethno-musicologist who is now serving a fifteen-year prison sentence on false charges brought by the Chinese government.

CONDUCT OF CERTAIN EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

Section 402 revises the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996. Subsection (a) is intended to ensure that programs of exchange with countries whose people do not fully enjoy freedom and democracy shall afford opportunities for significant participation for human rights and democracy leaders in such countries as well as to other persons who are committed to advancing human rights and democratic values. The term "where appropriate" in this section is intended solely to make clear that the section does not mandate significant participation by such persons in exchanges whose subject matter does not lend itself to such participation. The section does not require significant participation by human rights and democracy advocates in every single exchange with a country described in the section, but only that the programs in each such country, viewed in the aggregate, afford the opportunity for significant participation for such persons.

It is particularly important to note that the term "where appropriate" is not intended to allow the denial of participation in U.S. exchanges to human rights and democracy advocates possessing the requisite academic or professional qualifications on the grounds that such participation would cause political or diplomatic difficulties for the Department or for an exchange grantee organization.

The inclusion of human rights and democracy leaders or persons committed to the advancement of human rights and democratic values in U.S. exchange programs may in some cases involve an element of risk for the participant. The Department should take all appropriate steps to ensure that the personal safety of the participant is not compromised by inclusion in such a program.

Subsection (b)(2) calls on the Department to consider, in selecting grantee organizations for such programs, the willingness and ability of the organization to ensure that the governments of the countries described in the section do not have "inappropriate influence" in the process of selecting participants. This provision requires, among other requirements, that grantee organizations not select individual participants who are so thoroughly committed to the suppression of human rights and democracy that their selection could create an impression that the United States condones such suppression.

Finally, this section amends section 102 of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 to eliminate the illustrative list of countries whose people do not fully enjoy freedom and democracy. This list is unnecessary in light of the clear application to these and other countries of the generic description contained in the section. The elimination of the list is not intended to imply that the people of any of the listed countries now fully enjoy freedom and democracy.

NATIONAL SECURITY MEASURES

Section 403 requires the State Department to take appropriate steps to ensure that foreign espionage agents do not participate in U.S.-funded exchange programs.

SUNSET OF UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Section 404 provides the U.S. Advisory Commission on Public Diplomacy with an additional two years of operation prior to sunsetting the authority. The Commission will operate at half the current staff and operating costs. The Commission will become a standard State Department advisory committee when its statutory authority sunsets at the end of fiscal year 2001.

ROYAL ULSTER CONSTABULARY

Section 405 addresses certain training programs. For the past several years, the Federal Bureau of Investigation has conducted training programs for members of the Royal Ulster Constabulary (RUC) at the National Academy training program in Quantico, Virginia. This section requires that before further FBI or other federal law enforcement training for RUC members takes place, the President must submit a report on the FBI training for RUC members over the past five fiscal years. The President also must certify that the training is necessary and includes a significant human rights component, and that vetting procedures have been established to ensure that RUC members who had substantial knowledge of human rights violations or harassment of defense attorneys but failed to act on this knowledge are not included in the training program.

Such training should be conducted in a manner that supports the implementation of the September 1999 report issued by the Independent Commission on Policing for Northern Ireland. The report set forth 175 recommendations for the establishment of a new police service in Northern Ireland in the context of a peaceful resolution of the "Troubles" in Northern Ireland. One of the recommendations was a suggestion that "[i]nternational training exchanges should be further developed, focusing in particular on matters where the police in Northern Ireland need overseas police cooperation and on best practice developments in policing worldwide." (Recommendation 169).

RUSSIAN AND UKRANIAN BUSINESS MANAGEMENT EDUCATION

Sections 421–426 authorize $10,000,000 to provide training programs in Russia and Ukraine for their nationals to obtain skills in business administration, accounting, and marketing, with special emphasis on instruction in business ethics and in the basic terminology, techniques, and practices of those disciplines in order to achieve international standards of quality, transparency, and competitiveness.

United States International Broadcasting Activities

REAUTHORIZATION OF RADIO FREE ASIA

Section 501 extends the sunset of Radio Free Asia for 10 years and provides for a cap of $30 million for fiscal years 2000 and 2001 to operate Radio Free Asia.

NOMINATION REQUIREMENTS FOR THE CHAIRMAN OF THE BROADCASTING BOARD OF GOVERNORS

Section 502 modifies the provision of law creating the Broadcasting Board of Governors, which oversees all U.S. government-sponsored international broadcasting. The section subjects the designation of the position of Chairman of the Broadcasting Board of Governors to Senate advice and consent. Current law provides that all members are subject to Senate confirmation, but the President may designate any of these members as chairman at any time. Given that the Board became an independent entity in October, pursuant to the Foreign Affairs Reform and Restructuring Act of 1998, the Committee believes the appointment of the Chairman of the Board should be subject to Senate confirmation.

PRESERVATION OF RFE/RL (RADIO FREE EUROPE/RADIO LIBERTY)

Section 503 repeals a 1994 "sense of Congress" provision that RFE/RL should receive no U.S. government support after fiscal year 1999 and replaces it with a provision that would support RFE/RL broadcasting so long as certain specified conditions do not occur.

IMMUNITY FROM CIVIL LIABILITY FOR BROADCASTING BOARD OF GOVERNORS

Section 504 provides the same immunity to the Broadcasting Board of Governors when acting with regard to RFE/RL and Radio Free Asia (RFA) matters as they would have when acting as the Broadcasting Board of Governors.

Embassy Security and Counterterrorism Measures

SHORT TITLE

Section 601 states that this title may be cited as the "Secure Embassy Construction and Counterterrorism Act of 1999".

FINDINGS

Section 602 sets forth findings regarding the bombing of the U.S. Embassies in Dar es Salaam, Tanzania, and Nairobi, Kenya in August 1998, and the subsequent investigation by the State Department Accountability Review Boards, which were chaired by Admiral William Crowe, USN (ret.).

UNITED STATES DIPLOMATIC FACILITY DEFINED

Section 603 defines the term "United States diplomatic facility" to track with those used to notify foreign governments of U.S. diplomatic presence. This definition extends to other agencies that have a bilateral agreement with the host government so long as the records are contained in the State Department records. It is expected that the State Department will ensure it retains a record of all such agreements in its files so that this provision will have the broad application to U.S. agencies that is intended.

AUTHORIZATIONS OF APPROPRIATIONS

Section 604 authorizes $900 million in each of fiscal years 2000, 2001, 2002, 2003, and 2004 for Embassy Security, Construction and Maintenance. It also provides that any amounts which are authorized in a particular fiscal year, but for which the full amount is not appropriated in that fiscal year, carry forward and remain available in subsequent fiscal years until such amounts are appropriated.

OBLIGATIONS AND EXPENDITURES

Section 605 contains several provisions designed to ensure that funds appropriated to the Embassy Security, Construction and Maintenance Account are used only for (1) the intended purpose and (2) high priority projects.

Subsection (a) provides that funds be made available only for new construction or major security enhancements needed to bring U.S. diplomatic facilities into compliance with security standards. The Secretary of State is required to submit an annual report on the facilities that are a priority for replacement because of their vulnerability to terrorist attack. The report must list such facilities in groups of 20. The groups of 20 must then be ranked in order of most to least vulnerable. Funds made available in the account may only be used for those facilities in the first four groups—that is, the 80 most vulnerable facilities.

However, there are some exceptions: (1) The substitute provides an exception to the requirement that funds be used only for the first 80 facilities or posts on the list of facilities that are a priority for replacement. The amendment provides that the list required by subsection (a) may contain either diplomatic facilities or diplomatic and consular posts. This change is intended to allow the Department to identify either a single facility, or a city where a number of facilities are located, as occupying a single place on the list. (2) In addition, funds may be used for facilities beyond that list in two circumstances. First, if Congress authorizes or appropriates for a specific diplomatic facility, the Department may proceed with acquisition of such a facility even if it is not on the list. This exception recognizes that the President and the Secretary of State may request funds for acquisition of a new facility in the budget request. If Congress approves funds for that aspect of the budget request in a future authorization or appropriations bill, either specifically or in a lump sum authorization or appropriation, the Department may move forward with acquisition of the facility. Second, the exception applies if the Secretary notifies the appropriate congressional committees that the Department intends to use funds for such a facility in accordance with the procedures applicable to a reprogramming of funds under section 34 of the State Department Basic Authorities Act.

Subsection (b) prohibits the transfer of funds from this account.

Subsection (c) requires semiannual reports on obligations and expenditures from the account, projected obligations and expenditures, and the status of ongoing projects.

SECURITY REQUIREMENTS FOR UNITED STATES DIPLOMATIC FACILITIES

Section 606 identifies new security requirements with respect to United States diplomatic facilities. These new requirements, which are based on recommendations of the Accountability Review Board, are specifically focused on the threat of large vehicular bombs.

The section requires: (1) the Emergency Action Plan of each United States mission to address the threat of large explosive attacks vehicles and the safety of employees during such an attack; (2) that the State Department Security Environment Threat List contain a section that addresses potential acts of international terrorism against United States diplomatic facilities based on threat identification criteria that emphasize the threat of transnational terrorism, host government support and other relevant factors; (3) the State Department, in selecting sites for diplomatic facilities, to adhere to its existing security standard (set forth in 12 Foreign Affairs Handbook-5) requiring that all U.S. government offices and activities subject to the authority of the Chief of Mission be located in the same chancery buildings or on the same compound. Exceptions can be granted if the Secretary of State certifies to Congress that it is in the national interest of the United States to do so. This authority cannot be delegated by the Secretary of State; (4) each newly acquired or constructed U.S. diplomatic facility to be situated not less than 100 feet from the perimeter of the property on which the facility is situated. An exception can be granted if the Secretary of State certifies to Congress that it is in the national interest of the United States to do so. In addition to this primary threat, more attention should be given to providing integrated, real-time chemical and biological agent detection and identification, which is critical to protecting diplomatic facilities. The State Department should also evaluate the possibility of integrating a detection capability for chemical and biological weapons, and immediate action response to such a detection, in the physical security procedures of diplomatic facilities overseas; (5) the State Department to conduct crisis management training for State Department Headquarters personnel, as well as personnel serving in facilities overseas; (6) the State Department to provide sufficient support to the Foreign Emergency Support Team (FEST) to identify personnel to serve on the FEST as a collateral duty, conduct routine training exercises, and provide any additional support that may be necessary to make the FEST more effective in a post-crisis environment; (7) the President to develop a plan to replace on a priority basis the current FEST aircraft funded by the Department of Defense with a reliable replacement and backup aircraft. Not later than 60 days after the enactment of this act, the President shall submit to Congress a report describing the aircraft selected pursuant to this provision; (8) the Secretary of State to enter into a memorandum of understanding with the Secretary of Defense to better coordinate the requirements for a more effective rapid response procedure in times of emergency with respect to US diplomatic facilities; (9) all United States diplomatic facilities to maintain emergency equipment and records required stored at an offsite facility in case of an emergency situation; and (10) fitness standards be implemented for diplomatic security agents.

This section clarifies that waivers required for collocation and setback may not be delegated in the case of chancery and consulate buildings. All other cases may be delegated, but those decisions will still be made by senior State Department officials. This flexibility was added with the expectation that waivers used by the Secretary would be infrequent and therefore considered more seriously in the instances such a waiver is exercised. The grant of authority to delegate has been provided to the State Department only and has not been provided to other federal agencies for decisions regarding collocation. In this context, "chancery and consulate buildings" means a building solely or substantially occupied by the U.S. Government that is newly constructed or otherwise acquired where the main business of the U.S. Government is performed in that city. For example, the American Presence Posts are regarded as "consulates" but do not perform the same tasks and are intended to operate with one or two American employees.

AUTHORITY TO LEASE AIRCRAFT TO RESPOND TO A TERRORIST ATTACK ABROAD

Section 606(a)(7) provides the FBI with the authority for indemnification in the event of leasing aircraft pursuant to the authority provided for in the Commerce-State-Justice-and the Judiciary Appropriation Act for fiscal year 2000.

REPORT ON OVERSEAS PRESENCE

Section 607 requires the Secretary of State to review the report of the Overseas Presence Advisory Panel, which, according to its Charter, was charged with preparing a report recommending the criteria by which the Department, working with Chiefs of Mission, might determine the location, size, and composition of overseas posts in the coming decade. The Panel was also tasked with proposing a multi-year funding program for the Department to achieve the appropriate U.S. presence overseas.

The Panel issued its report on November 5, 1999. After reviewing the work of the Panel, the Secretary is required by this section to submit to Congress a report responding to that review and specified items, regardless of whether these are addressed by the Overseas Presence Panel. The Secretary's report will determine whether any U.S. diplomatic facility should be closed due to high vulnerability to terrorist threat and if adequate security enhancements cannot be provided to that facility. It will contain an analysis of the concept of regional facilities and recommend whether such a concept should be implemented at appropriate diplomatic facilities.

ACCOUNTABILITY REVIEW BOARDS

Section 608 modifies Section 301 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986, which requires the convening of Accountability Review Boards to examine an instance of serious injury, loss of life, or significant destruction of property at or related to a U.S. government mission abroad, or in case of serious breach of security involving intelligence activities of a foreign government. Under current law, there is no deadline for the convening of a board following such an event. This provision requires the Secretary of State to convene a board within 60 days of the event, and allows two 30-day extensions of this deadline. This provision does not apply to breaches of security involving intelligence activities.

INCREASED ANTITERRORISM TRAINING IN AFRICA

Section 609 requires a report by the Secretary on the establishment of an International Law Enforcement Academy in Africa.

International Commissions and Organizations Other Than the United Nations

INTERPARLIAMENTARY GROUPS

Section 701 provides technical changes to the name of the Transatlantic Legislators' Dialogue and the North Atlantic Assembly.

AUTHORITY OF THE INTERNATIONAL BOUNDARY AND WATER COMMISSION TO ASSIST STATE AND LOCAL GOVERNMENTS

Section 702 permits the U.S. Section of the International Boundary and Water Commission to provide tests, surveys, and other services on a reimbursable basis to state or local governments that request them. Reimbursements will be credited to the appropriation from which the cost of providing the services is paid.

INTERNATIONAL BOUNDARY AND WATER COMMISSION

Section 703 authorizes the International Boundary and Water Commission (IBWC) to use contributions from binational organizations for projects along the U.S.-Mexico border. It would also allow the U.S. section of the IBWC to apply a user fee toward operations and maintenance of the bridge between El Paso, Texas, and Juarez, Mexico.

SEMIANNUAL REPORTS ON UNITED STATES SUPPORT FOR MEMBERSHIP OR PARTICIPATION OF TAIWAN IN INTERNATIONAL ORGANIZATIONS

Section 704 requires semiannual reports, with a classified annex, from the Secretary of State on the United States government's efforts to boost efforts toward Taiwan's appropriate membership or participation in international organizations.

RESTRICTION RELATING TO UNITED STATES ACCESSION TO THE INTERNATIONAL CRIMINAL COURT

Section 705 prohibits funding for use by, or in support of the International Criminal Court, without Senate advice and consent to the treaty establishing the Court. On July 17, 1998 a majority of nations at the U.N. Diplomatic Conference in Rome, Italy, on the Establishment of an International Criminal Court voted 120-7, with 21 abstentions, in favor of a treaty that would establish an international criminal court. The court is empowered to investigate and prosecute war crimes, crimes against humanity, genocide and aggression. The United States voted against the treaty.

PROHIBITION ON EXTRADITION OR TRANSFER OF UNITED STATES CITIZENS TO THE INTERNATIONAL CRIMINAL COURT

Section 706 prohibits the use of funds to extradite any U.S. citizen to a foreign country that is under an obligation to surrender individuals to the International Criminal Court unless that country provides direct assurances to the United States that applicable prohibitions in existing extradition treaties apply to such surrender or gives other satisfactory assurances to the United States that it will not transfer that individual to the International Criminal Court (ICC). This section also bars the United States from providing consent to the transfer of such individual to a third country under an obligation to surrender persons to the ICC unless that third country confirms to the United States that applicable prohibitions on reextradition apply or gives other satisfactory assurances to the United States that it will not transfer that individual to the ICC.

REPORTS REGARDING FOREIGN TRAVEL

Section 707 extends the reporting requirement to fiscal years 2000–2001 and changes the reporting dates to January 31 and July 31 of each year with regard to travel by the Executive Branch for purposes of diplomatic conferences.

UNITED STATES REPRESENTATION AT THE INTERNATIONAL ATOMIC ENERGY AGENCY

Section 708 eliminates the Washington-based representative to the International Atomic Energy Agency (IAEA) and shifts those duties to the existing post of U.S. Representative to U.N. agencies based in Vienna.

UNITED NATIONS ACTIVITIES

UNITED NATIONS POLICY ON ISRAEL AND THE PALESTINIANS

Section 721 supports United States policy of seeking to end the inequity that Israel be denied participation in a regional bloc at the United Nations and therefore the opportunity of a rotating seat on the Security Council of the United Nations.

This section also supports a United States policy seeking to abolish certain groups within the United Nations, such as the Committee on the Exercise of the Inalienable Rights of the Palestinian People which reflects an anti-Israel bias.

Annual reports and consultations with the Congress on actions to accomplish the stated policies are also a requirement.

DATA ON COSTS INCURRED IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS

Section 722 requires the United States to report annually to the United Nations on the total costs of United States Department of Defense activities in support of Security Council resolutions—including assessed, voluntary and incremental costs. The section also requires the United States to request that the United Nations prepare and publish a report that compiles similar information for other United Nations member states. This comprehensive reporting will quantify all costs to the United States for peacekeeping activities, and enable the Congress to consider those costs in relation to the proposed operation or expansion of an operation prior to action by the United Nations Security Council.

REIMBURSEMENT FOR GOODS AND SERVICES PROVIDED BY THE UNITED STATES TO THE UNITED NATIONS

Section 723 is intended to ensure that the U.S. Government is reimbursed by the United Nations in a timely manner for military assistance it provides in support of the United Nations or U.N. peacekeeping operations, whether this assistance is provided to the United Nations or to another country participating in such an operation. The section is not intended to apply to civilian police monitors, which are funded individually by the nation contributing monitors. As drafted, this section does not impede the President in his ability to use any constitutional authority to provide assistance at any time. This section exempts the deployment of United States troops by the President from the requirement of reprogramming procedures under section 634A of the Foreign Assistance Act of 1961. As written, this section does not affect the President's constitutional authority as Commander-in-Chief. Nothing in this section shall be construed as an authorization of the use of force.

CODIFICATION OF REQUIRED NOTICE OF PROPOSED UNITED NATIONS PEACEKEEPING OPERATIONS

Section 724 consolidates many current reporting requirements regarding international peacekeeping activities.

Miscellaneous Provisions

DENIAL OF ENTRY INTO UNITED STATES OF FOREIGN NATIONALS ENGAGED IN ESTABLISHMENT OR ENFORCEMENT OF FORCED ABORTION OR STERILIZATION POLICY

Section 801 requires the Secretary of State to deny a visa to any foreign national who the Secretary of State finds to have been directly involved in the establishment or enforcement of coercive population control policies. Drafted with flexibility for the executive branch in mind, this provision allows the Secretary of State to determine which officials meet this definition, contains exceptions for heads of state, heads of government and cabinet level officials, and also contains a national interest waiver. In addition, it provides the Secretary some flexibility in cases where a foreign national has discontinued support for or involvement with such coercive population policies.

TECHNICAL CORRECTIONS

Section 802 makes several technical corrections to the Foreign Affairs Reform and Restructuring Act.

REPORTS WITH RESPECT TO A REFERENDUM ON WESTERN SAHARA

Section 803 requires reporting on the efforts of the Government of Morocco and the Popular Front for the Liberation of Seguia el Hamra, and Rio de Oro (POLISARIO) to bring about a referendum regarding the status of the Western Sahara.

REPORTING REQUIREMENTS UNDER PLO COMMITMENTS COMPLIANCE ACT OF 1989

Section 804 requires reporting regarding aid to the Palestinian Authority and democratic reforms.

REPORT ON TERRORIST ACTIVITY IN WHICH UNITED STATES CITIZENS WERE KILLED AND RELATED MATTERS

Section 805 requires reporting requirements regarding terrorist attacks in the territory of Israel or territories administered by Israel or the Palestinian Authority in which U.S. citizens were killed or injured.

ANNUAL REPORTING ON WAR CRIMES, CRIMES AGAINST HUMANITY AND GENOCIDE

Section 806 requires that the annual human rights report contain information regarding commission of war crimes, crimes against humanity and genocide.

RESTRICTIONS ON NUCLEAR COOPERATION WITH NORTH KOREA

Subtitle B of Title VIII addresses issues of nuclear cooperation with North Korea. Under the 1994 Agreed Framework between the United States and North Korea, President Clinton committed the United States to arrange the construction in North Korea of two 1000 megawatt(e) light water nuclear reactors. Inasmuch as these reactors are to be of U.S. design, it will be necessary under the Atomic Energy Act of 1954 for the United States and North Korea to enter a bilateral agreement for cooperation in the field of nuclear energy before key components of the reactors can be transferred to North Korea. In recognition of this requirement under existing U.S. law, both countries explicitly committed themselves in the Agreed Framework to conclude such an agreement.

The Agreed Framework contemplates that the bilateral agreement for nuclear cooperation will come into effect when a significant portion of the reactor project is completed. This coincides with the time under the Agreed Framework when North Korea is obligated to come into full compliance with its safeguards agreement with the International Atomic Energy Agency (IAEA) and permit the IAEA full access to all sites and information in North Korea that the IAEA deems necessary to verify the accuracy and completeness of its initial report to the IAEA.

This section requires that no agreement for nuclear cooperation with North Korea may become effective, no licenses may be issued for export directly or indirectly to North Korea of any nuclear material, facilities, components, or other goods, services or technology, and no approval may be given for the transfer or retransfer directly or indirectly to North Korea of any nuclear material, facilities, components, or other goods, services or technology, until the President makes a determination and report to specified committees of Congress.

The determination requirement has seven elements. The basic thrust of the required determinations is that North Korea is in full compliance with its obligations under the Agreed Framework. Actions that would undermine the object and purpose of the Agreed Framework that are addressed in specific elements of the determination requirement include having a uranium enrichment facility or a nuclear reprocessing facility elsewhere than at the facilities frozen pursuant to the Agreed Framework, making significant progress toward acquiring or developing such facilities, and either having nuclear weapons or making significant efforts to acquire, develop, test, produce, or deploy such weapons.

These requirements apply in addition to all other applicable procedures, requirements and restrictions contained in the Atomic Energy Act of 1954 and other laws.

PEOPLE'S REPUBLIC OF CHINA

FINDINGS

Section 871 contains the findings that are largely a restatement and concurrence with the findings of the State Department in its Country Reports on Human Rights Practices, which noted that serious human rights abuses persisted and, in some cases, intensified in China in 1998.

FUNDING FOR ADDITIONAL PERSONNEL AT DIPLOMATIC POSTS TO REPORT ON POLITICAL, ECONOMIC, AND HUMAN RIGHTS MATTERS IN THE PEOPLE'S REPUBLIC OF CHINA

Section 872 provides $2,200,000 for each of fiscal years 2000 and 2001 for additional personnel at the United States embassies in China and Nepal, and U.S. consulates in China, for the monitoring of political and social conditions with particular emphasis and respect for human rights.

PRISONER INFORMATION REGISTRY FOR THE PEOPLE'S REPUBLIC OF CHINA

Section 873 requires the establishment of a registry to list and provide information on all known political prisoners in China. According to the State Department, there are thought to be thousands of such prisoners in China, but to date, no comprehensive list of all known prisoners exists. The provisions allow the State Department to make funds available to non-government organizations to assist in establishing and maintaining the registry.

ARREARS PAYMENTS AND REFORM

GENERAL PROVISIONS

This subtitle (sections 901 and 902) outlines the short title and key definitions regarding this title.

ARREARAGES TO THE UNITED NATIONS

AUTHORIZATION OF APPROPRIATIONS

Section 911 authorizes $100,000,000 in fiscal year 1998, $475 million in fiscal year 1999, and $244 million in fiscal year 2000 for the repayment of arrears to the United Nations, United Nations peacekeeping activities, United Nations specialized agencies, and other international organizations. Funds are authorized to remain available until expended. The funds for fiscal years 1998 and 1999 are already appropriated.

OBLIGATION AND EXPENDITURE OF FUNDS

Section 912 outlines the manner in which disbursements will be made, and requires that certification of specified reforms be completed prior to any disbursement of funds by the United States. The Secretary of State must notify the Congress 30 days prior to the disbursement of any funds. This section also provides the Secretary with the authority to waive two required certifications in order to disburse the funds authorized by this bill. Specifically, with respect to the funds authorized for fiscal year 1999, the Secretary may waive the certification that the United Nations contains established a "contested arrears" account for disputed arrears if there is substantial progress in meeting this condition. A waiver of this condition shall require the Secretary to notify the United Nations that the United States Congress does not consider the United States obligated to pay these amounts. With respect to fiscal year 2000 funds the Secretary may waive the requirement that the United Nations cap at 20 percent the U.S. share of the regular budget.

FORGIVENESS OF AMOUNTS OWED BY THE UNITED NATIONS TO THE UNITED STATES

Section 913 permits the President to forgive the United Nations up to $107 million in debt currently owed to the United States. In order to forgive this debt the United Nations must reduce its record of U.S. arrears to the United Nations by the amount of the debt forgiven by the United States.

UNITED STATES SOVEREIGNTY

CERTIFICATION REQUIREMENTS

Supremacy of the U.S. Constitution

Section 921 requires that the Secretary of State certify that the United States Constitution controls U.S. law and no action by the United Nations or any of its agencies contains caused the U.S. to violate the Constitution.

No United Nations Sovereignty

Section 921 requires that the Secretary of State certify that neither the United Nations nor its specialized agencies have exercise authority over the United States or taken forward steps to require that the U.S. cede sovereignty.

No United Nations Taxation

Section 921 requires the Secretary of State to certify that U.S. law does not give the United Nations any legal authority to tax the American people; no taxes or comparable fees have in fact been imposed; and there contains been no effort sanctioned by the United Nations to develop, advocate or promote such a taxation proposal. The exception for fees charged by the World Intellectual Property Organization is not intended to limit the scope of the exception for "fees for publications or other kinds of fees that are not tantamount to a tax on United States citizens", thus fees such as those charged by the International Telecommunications Union may be viewed as falling under the broader exception.

No United Nations Standing Army

Section 921 requires that the Secretary of State certify that the United Nations has not taken formal steps to create or develop a standing army under Article 43 of the United Nations Charter.

No Interest Fees

Section 921 requires that the Secretary of State must certify that interest fees have not been levied on the United States for any arrears owed to the United Nations.

No United Nations Real Property Rights

Section 921 provides that the Secretary of State must certify that neither the United Nations nor its specialized agencies have exercised any authority or control over public or private property in the United States. It is agreed that this section should not be construed to override obligations of the International Organization Immunities Act, the Agreement Regarding the Headquarters of the United Nations, supplemental agreements to the Agreement, the Convention on the Privileges and Immunities of the United Nations, or under any other agreement with the United States according the United Nations or its specialized agencies, privileges and immunities, or which are otherwise provided for under United States law, or apply to property occupied or utilized under lease, sublease, or contract with private or government owners.

Termination of Borrowing Authority

Section 921 provides that the Secretary of State must certify that the United Nations has not engaged in external borrowing, nor have the financial regulations of the United Nations or any of its specialized agencies been amended to permit borrowing, nor has the United States paid any interest for any loans incurred through external borrowing by the United Nations or its specialized agencies.

REFORM OF ASSESSMENTS AND UNITED NATIONS PEACEKEEPING OPERATIONS

CERTIFICATION REQUIREMENTS

Section 931 requires that the Secretary shall not make her 1999 certification if she determines the 1998 certifications are no longer valid, and prior to payment of authorized arrears in fiscal year 1999, certify that the certification requirements set out below have been met.

Contested Arrears Account

Section 931 provides that the Secretary of State must certify a contested arrears account or some other appropriate mechanism has been created for the United States. This account represents the difference between what the United Nations says is owed by the United States and the amount recognized by the United States Congress. Thus, the sum of the obligations that the Congress is authorizing in this legislation is the total that the Congress will authorize to be appropriated to the United Nations for its arrears under the regular and peacekeeping budgets. Agreement must be reached with the United Nations that any monies identified in this account will not affect the voting rights of the United States as contained in Article 19 of the United Nations charter.

Limitation on Assessed Share of Budget for Peace Operations

Section 931 provides that the Secretary of State must certify that the share of the total peacekeeping budget for each United Nations assessed peace operation does not exceed 25 percent for any member.

Limitation on Share of Regular Budget

Section 931 provides that the Secretary of State must certify that the share of the total regular budget assessment for the United Nations does not exceed 22 percent for any member.

BUDGET AND PERSONNEL REFORM CERTIFICATION REQUIREMENTS

Section 941 requires that the Secretary shall not make her fiscal year 2000 certification if she determines the fiscal year 1998 and 1999 certifications are no longer valid, and prior to payment of authorized arrears in fiscal year 2000, certify that the certification requirements set out below have been met.

Limitation on Assessed Share of Regular Budget

Section 941 provides that the Secretary of State must certify that the share of the total regular budget assessment for the United Nations and its specialized agencies does not exceed 20 percent for any member.

Inspector General for Certain Organizations

Section 941 provides that the Secretary of State must certify that the three largest U.N. specialized agencies—the International Labor Organization, the Food and Agriculture Organization, and the World Health Organization—have each established an internal inspector general office comparable to the Office of Internal Oversight Services established in the United Nations following a similar certification requirement in the Foreign Relations Authorization Act, Fiscal Year 1994–95 (section 401 of Public Law 103–236).

With regard to subsection (B), the approval of the member states of those organizations need not be expressed in a formal voting procedure, but may be expressed by means of ascertaining and taking into account the view of the member states. If such means is used in lieu of a formal vote, the views of the United States must be taken into account. With regard to the distribution of reports in subsection (F) of this requirement, what is essential is that the United States (and other Member States) have access to all annual and other relevant reports without modification, except to the extent it is necessary to protect the privacy rights of individuals. When privacy rights are impacted, reports may be redacted to protect individuals. However, it is not anticipated that wrongdoer cited in such reports are entitled to privacy protections.

New Budget Procedures for the United Nations

Section 941 provides that the Secretary of State must certify that the United Nations is implementing budget procedures that require the budget agreed to at the start of a budgetary cycle to be maintained, and the system-wide identification of expenditures by functional categories. For purposes of this section, system-wide identification of expenditures by functional categories means an object class distribution of resources. The object class distribution should accompany the initial regular assessed budget estimates for both the United Nations and its specialized agencies.

Sunset Policy for Certain United Nations Programs

Section 941 provides that the Secretary of State must certify that the United Nations and the International Labor Organization, the Food and Agriculture Organization, and the World Health Organization have each established an evaluation system that requires a determination as to the relevance and effectiveness of each program. The United States is required to seek a "sunset" date for each program unless the program demonstrates relevance and effectiveness. There is strong objection to the incorporation of funding for terminated programs into the baseline of the U.N. budget for the next biennium. Funding for programs which have ceased and one-time expenditures should not be carried over into the next budget cycle. The sunset of programs should result in financial savings for the member states.

United Nations Advisory Committee on Administrative and Budgetary Questions

Section 941 provides that the Secretary of State must certify that the United States have a seat on the United Nations Committee on Administrative and Budgetary Questions (ACABQ). Until 1997, the United States served on this committee since the creation of the United Nations. The ACABQ is key to the budgetary decisions at the United Nations and the United States, as the largest contributing nation, should have a seat on that Committee.

National Audits

Section 941 provides that the Secretary of State must certify that the General Accounting Office (GAO) contains access to United Nations financial data so that the GAO may perform nationally mandated reviews of all United Nations operations. Financial data means data pertaining to the financial transactions of the United Nations as well as data relating to its organization and activities. It is contemplated that as a result of this provision GAO will have access to the data it needs to conduct reviews of all U.N. operations.

Personnel

Section 941 provides that the Secretary of State must certify that the United Nations is enforcing a personnel system based on merit and is enforcing a worldwide availability of its international civil servants; a code of conduct is being implemented that requires, among other standards, financial disclosure statements by senior United Nations officials; a personnel evaluation system is being implemented; periodic assessments are being completed by the United Nations to determine total staffing levels and reporting of those assessments; and the United States contains completed a review of the United Nations allowance system, including recommendations for reductions in allowances.

Reduction in Budget Authorities

Section 941 provides that the Secretary of State must certify that the International Labor Organization, the Food and Agriculture Organization, and the World Health Organization have each approved a budget that is a no-growth budgeting the 2000–2001 biennium as compared to levels agreed to for the 1998–1999 budgets.

New Budget Procedures and Financial Regulations for Specialized Agencies

Section 941 provides that the Secretary of State must certify that the International Labor Organization, the Food and Agriculture Organization, and the World Health Organization have each established procedures require the budget agreed to at the start of a budgetary cycle to be maintained; the system-wide identification of expenditures by functional categories; and approval of supplemental budget requests to the Secretariat in advance of appropriations for those requests.

Limitation on Share of Regular Budget for Specialized Agencies

Section 941 provides that the Secretary of State must certify that the share of the total regular budget assessment for the International Labor Organization, the Food and Agricultural Organization, and the World Health Organization does not exceed 22 percent for any member.

MISCELLANEOUS PROVISIONS

STATUTORY CONSTRUCTION ON RELATION TO EXISTING LAWS

Section 951 makes clear that this bill will not change or reverse any previous provision of law regarding restriction on funding to international organizations.

PROHIBITION ON PAYMENTS RELATING TO UNIDO AND OTHER INTERNATIONAL ORGANIZATIONS FROM WHICH THE UNITED STATES CONTAINS WITHDRAWN OR RESCINDED FUNDING

Section 952 prohibits payment to organizations from which the United States has withdrawn or from which Congress has rescinded funding because the United States no longer participates in the organization, including the United Nations Industrial Organization and the World Tourism Organization.

DIVISION B—ARMS CONTROL, NONPROLIFERATION, AND SECURITY ASSISTANCE

ARMS CONTROL AND NONPROLIFERATION

ARMS CONTROL

KEY VERIFICATION ASSETS FUND

Section 1111 gives an important new funding flexibility to the Department of State. The Senate proposal has been modified to authorize up to $5,000,000 to be made available, for fiscal years 2000 and 2001, to a "Key Verification Assets Fund." This fund is expected to be used for the research, development, and acquisition of verification technologies. However, because only a limited amount of funds is available, the Fund is directed to be generally used only as "seed money" for the Department to capitalize upon projects undertaken by other agencies.

Funds made available also may be used to retain verification assets. The Fund therefore can serve as a tool of the policy community in those instances when policy objectives diverge from intelligence community priorities. Again, because resources are limited, this Fund should not be used for the long-term retention of assets, but rather as an emergency, "stop-gap" funding source to keep critical verification assets afloat until a more appropriate source of funds can be identified.

In light of recent events, the Secretary of State needs to have discretionary funds available to prevent verification technologies and programs from falling by the wayside. The experience with the WC-135 aircraft (which is used to collect debris from nuclear tests) is a case in point. This plane is one of a kind, yet the Air Force tried to cancel this irreplaceable asset. Cancellation was narrowly avoided, and sufficient resources were scraped together to keep the plane flying for the near term, although longer-term commitment to the program by both the executive branch and Congress is still very much in doubt.

Had resources been available under this account, the Secretary of State could have applied funds to keep the plane operating temporarily. Indeed, resources under the account may yet be needed. The Executive is urged to ensure that the Cobra Dane radar is retained.

Finally, while the authority to transfer funds made available to the "Key Verification Assets Fund" resides with the Secretary, it is intended that the Assistant Secretary of State for Verification and Compliance assume responsibility for the identification of technologies or programs to be funded and manage those programs once State Department funds are applied. Funds, if appropriated, may not be reprogrammed from this account.

ASSISTANT SECRETARY OF STATE FOR VERIFICATION AND COMPLIANCE

Section 1112 establishes a bureau within the Department of State to be headed by an Assistant Secretary of State for Verification and Compliance, as proposed by the Senate. The Department of State has not provided for such a Bureau as a successor to the Arms Control and Disarmament Agency's Bureau for Intelligence, Verification, and Information Support (IVI), despite the fact that this Bureau was the only entity within the United States Government in which the principal function was the verification and enforcement of arms control treaties and commitments.

The reorganization plan implemented by the Department of State to accomplish the merger with ACDA scattered IVI's staff, leaving in its stead a Special Assistant to the Under Secretary for Arms Control and International Security and a Deputy Assistant Secretary within a larger bureau, neither of whom is confirmed by the Senate. This is a demotion of verification and compliance functions, as the principal advocate for arms control verification now has a position of far less stature than his counterparts within the State Department regional bureaus, and elsewhere in the executive branch.

It is essential that the verification and compliance aspects of arms control and nonproliferation agreements are given a voice at the most senior policy-making levels. A true commitment to vigorous enforcement of arms control and nonproliferation agreements and sanctions cannot be maintained by submerging compliance analysis within other bureaus.

The need for an Assistant Secretary—and a Bureau—for Verification and Compliance is supported by former ACDA Directors Ron Lehman and Eugene Rostow, as well as several other key Reagan, Bush, and former Clinton Administration officials. In addition, the Chairman and Vice Chairman of the Senate Intelligence Committee have expressed support for such a step.

Accordingly, this division establishes the position of Assistant Secretary of State for Verification and Compliance (V&C) and identifies the principal authorities and responsibilities of the position. Specifically, section 1112 provides that the Assistant Secretary for V&C has primary responsibility for all verification and compliance issues associated with arms control, nonproliferation, and disarmament agreements or commitments. As such, it is intended that the Assistant Secretary to have overall oversight of policy and resources relating to verification and compliance regarding not only various treaties, but also executive agreements and commitments, including those falling within the purview of regional bureaus (when such agreements or commitments pertain to arms control, nonproliferation, or disarmament).

Section 1112 ensures that—with some specific exceptions—the Assistant Secretary shall serve as the principal State Department participant in all executive branch interagency groups, including intelligence groups, concerned with verification or compliance matters. Further, this section stipulates that the Assistant Secretary for V&C, rather than any other official within the Department of State or elsewhere, shall be considered the principal liaison to the intelligence community on verification and compliance issues.

Finally, section 1112 identifies those reports, or portions thereof, for which the Assistant Secretary for V&C is to have primary responsibility. There is an inevitable tension between the enforcement of arms control, nonproliferation, and disarmament agreements and the implications that such enforcement has for various countries—and therefore the implications that the policies pursued by the Assistant Secretary for V&C will have for the policies pursued by other Bureaus. Therefore, these reports should be submitted to Congress as prepared by the Assistant Secretary to the maximum extent possible, with any concerns of other Bureaus or State Department officials presented in annexes to such reports.

ENHANCED ANNUAL ("PELL") REPORT

Section 1113 expands the reporting requirement contained in section 403 of the Arms Control and Disarmament Act to include an assessment of the adherence of other nations to commitments such as the Missile Technology Control Regime (MTCR). Compliance with commitments such as the MTCR (which is central to U.S. nonproliferation efforts) is no less important than compliance with arms control measures, and should be assessed in the same report, according to the same standards.

Section 1113 further amends section 403 of the Arms Control and Disarmament Act by requiring that each report specifically identify, to the maximum extent practicable in unclassified form, each and every compliance question that arises. Although the need to protect sensitive intelligence information and information on diplomatic initiatives is understood, the argument that the confidentiality clause of the START Treaty, in and of itself, bars public identification of violations of that treaty is rejected by most Members. Previous reports included specific unclassified discussions of compliance.

Additionally, section 1113 requires that compliance questions be carried in each successive report until the situation of concern has been resolved and the conclusion reported to the Congress. In this way, violations will not be allowed to go unresolved or be forgotten.

REPORT ON START AND START II TREATIES MONITORING ISSUES

Section 1114 requires an assessment of the capabilities of the intelligence community to monitor compliance with the START and START II Treaties. Specifically, the report requires an assessment of all monitoring activities, the intelligence community assets and capabilities that the Senate was informed would be necessary to accomplish those activities, and the status of those assets. In addition, the report must contain an assessment of all Russian activities relating to the START Treaty which have an impact on the United States' ability to monitor Russian compliance with that Treaty. This section also allows the Director of Central Intelligence to provide exceptionally sensitive, compartmented information separately to the Intelligence Committees. The Intelligence Committees, in turn, have an obligation to make the committees of jurisdiction aware of the pertinent aspects of such information.

STANDARDS FOR VERIFICATION

Section 1115 amends section 306(a) of the Arms Export Control Act to provide the chairman and ranking minority member of the Foreign Relations Committee of the Senate and International Relations Committee of the House of Representatives with the ability to request verifiability assessments of proposals made to, and by, the United States. The Assistant Secretary of State for Verification and Compliance is intended to be responsible for such assessments in accordance with the authorities under section 1112.

CONTRIBUTION TO THE ADVANCEMENT OF SEISMOLOGY

Section 1116 relates to seismic monitoring of underground events such as nuclear tests and earthquakes. The scientists who work in the field of seismology provide an invaluable service around the world. Their close monitoring of data helps mankind to anticipate earthquakes, tsunamis and other natural disasters. The field of seismology also is critical to United States monitoring of the nuclear weapons test programs of foreign nations. Section 1116 ensures that the non-governmental U.S. seismological community is given immediate access to all unclassified seismological data provided to the United States Government by any international organization in which the United States participates that is directly responsible for seismological monitoring. If the United States is going to invest funds in such organizations, it should ensure that its participation benefits the nation's universities, science centers, and seismological community. Section 1116 is not intended to require, however, that the United States make public seismological data that a country might submit to an international organization, but that is not part of a network managed or sponsored by such organization.

PROTECTION OF UNITED STATES COMPANIES

Section 1117 provides up to $2,000,000 in funds to be reimbursed by the Department of State to the Federal Bureau of Investigation, at the request of the FBI Director, for the Bureau's assistance in monitoring the activities of foreign nationals who must be given access to United States companies under the Chemical Weapons Convention (CWC). When the Senate gave its advice and consent to the CWC, an issue of great concern was the right of international inspectors to conduct intrusive visits of any company in the United States. To guard against the potential for economic espionage, the Congress required that a special agent of the Federal Bureau of Investigation accompany every inspection team. This imposes a financial burden on the FBI.

Although this authority has been provided for the next two years, upon expiration of the two year period, it is expected that the FBI will assume all financial responsibility for continued implementation of the Bureau's obligation under the CWC Implementation Act. Section 1117 requires a report from the FBI no later than a year and half from the date of enactment. The purpose of this report is to provide Congress with assurance that the Bureau has taken the necessary steps to assume full responsibility for all aspects of its legal obligations under the Chemical Weapons Convention Implementation Act of 1998.

REQUIREMENT FOR TRANSMITTAL OF SUMMARIES

Section 1118 requires that the committees of jurisdiction receive the various arms control summaries that are routinely prepared by United States delegations overseas. Such summaries are expected to be transmitted promptly to the committees.

MATTERS RELATING TO THE CONTROL OF BIOLOGICAL WEAPONS

Chapter 2 of Subtitle A of Title XI (sections 1121–1124) requires the conduct of national trial visits and investigations at United States government facilities and, if at all possible, at private locations such as pharmaceutical plants and biotechnology companies. It further stipulates that personnel specializing in protecting national security and proprietary information participate in these trials to ensure that the risks associated with such measures are fully understood and minimized. A presidential study and report are required regarding the need for investigations and visits, the benefits to be expected, and the risk to national security and commercial industry of such investigations and visits under a Biological Weapons Convention (BWC) compliance protocol now under negotiation.

It is noted that the threat of biological weapons attack is one of the greatest national security threats facing the United States. For a variety of reasons, the production and stockpiling of these weapons can be readily concealed. The executive branch has yet to articulate how various compliance measures being considered for addition to the existing Biological Weapons Convention will assist in the enforcement of that treaty. At the same time, United States companies that would be required to comply with compliance measures fear significant harm due to loss of proprietary information or unfounded allegations of BWC violations. Accordingly, Chapter 2 requires the executive branch to engage in the same approach to the BWC as was taken in the case of the Chemical Weapons Convention—namely, the conduct of national trial visits and investigations.

NUCLEAR NONPROLIFERATION, SAFETY, AND RELATED MATTERS

CONGRESSIONAL NOTIFICATION OF NONPROLIFERATION ACTIVITIES

Section 1131 revises and expands the obligation of executive branch agencies to keep the Committee "fully and currently" informed of nonproliferation issues. Several agencies have had this obligation for decades, including the Departments of Commerce, Energy, Defense, and State. However, it is a matter of concern that few have been fulfilling their obligations in a timely manner.

Section 1131 extends part of the reporting obligation contained in section 602 of the Nuclear Nonproliferation Act of 1978 to the Director of Central Intelligence, makes clear that all proliferation matters are to be covered, and requires disclosure of sensitive matters relating to proliferation activities of foreign nations to the Foreign Relations Committee of the Senate and International Relations Committee of the House within 60 days of the executive branch agency in question becoming aware of such activity.

EFFECTIVE USE OF RESOURCES FOR NONPROLIFERATION PROGRAMS

Section 1132 the allocation of any United States Government funds to any individual who is involved in offensive chemical or biological warfare programs. Such activities would violate the Chemical Weapons Convention or the Biological Weapons Convention. This prohibition does not extend to those individuals working on legitimate chemical or biological defense programs.

DISPOSITION OF WEAPONS-GRADE MATERIAL

Section 1133 requires the Secretary of Energy, with the concurrence of the Secretary of Defense, to identify for Congress the number of nuclear weapons pits of each type that it intends to dismantle pursuant to an excess plutonium disposition agreement with Russia. It is not clear to the Executive branch has identified the sources for a self-declared fifty metric tons of "excess" plutonium. Nor are the implications clear of such a program for maintenance of the Stockpile Stewardship Program of the Department of Energy.

Additionally, section 1133 seeks advance notice from the executive branch that when the agreement to establish a mixed oxide fuel fabrication or production facility in Russia is submitted to the Congress under section 123 of the Atomic Energy Act, the Secretary of State will be expected to certify that the proposed establishment of a mixed oxide (MOX) fuel plant in Russia will not become a major proliferation concern for future Administrations. Section 1133 seeks to guard against such nonproliferation concerns by insisting that clear guarantees be given to the United States by Russia that it will not supply fuel assemblies containing weapons-grade plutonium or sensitive technology related to the MOX facility to any country of concern to the United States. This is essential given the nuclear-supply relationship that Russia has with countries such as Iran and India. Further, section 1133 expects Russia to agree that the MOX facility will be subject to a sufficient level of international safeguards to ensure that special nuclear material (e.g. weapons-grade plutonium) is not diverted.

PROVISION OF CERTAIN INFORMATION TO CONGRESS

Section 1134 makes clear that no executive branch agency may legally withhold information that it is required to submit pursuant to section 602 of the Nuclear Nonproliferation Act. It also requires the issuance of directives by these agencies to ensure that all required information, including information contained in Special Access Programs, is provided to the Foreign Relations Committee of the Senate and International Relations Committee of the House of Representatives in a timely fashion, as required by law.

AMENDED NUCLEAR EXPORT REPORTING REQUIREMENT

Section 1135 clarifies the type of information that the appropriate committees expect to receive in connection with Congressional notifications of nuclear-related exports for commercial power generation. This provision is not intended in any way to establish an arms sale or reprogramming notification process. It is expected, however, that the Executive branch begin fulfilling its legal obligation to make the requisite nuclear export notifications to the Foreign Relations Committee of the Senate and the International Relations Committee of the House.

ADHERENCE TO THE MISSILE TECHNOLOGY CONTROL REGIME

Section 1136 amends section 74 of the Arms Export Control Act (AECA), relating to the Missile Technology Control Regime (MTCR), to clarify the meaning of several terms and to revise the report that is required to Congress under this section of the AECA. Most notably, section 1136 makes clear that a country will enjoy substantial protection from the MTCR sanctions law only if it specifically agrees not to transfer any missile-related equipment or technology that would be subject to U.S. jurisdiction under the AECA (if it were U.S.-origin equipment or technology). Any country that has not agreed to take this step—perhaps having only agreed to control production equipment, for instance—should be aware that it still may be sanctioned under the AECA even if it concludes a bilateral understanding with the United States.

Section 1136 also requires the Director of Central Intelligence to submit a detailed itemization of all credible information indicating that a country which has just concluded an MTCR-agreement with the United States has transferred, or conspired to transfer, equipment or technology in violation of the MTCR sanctions law in the previous two years.

AUTHORITY RELATING TO MTCR ADHERENTS

Section 1137 is a conforming amendment necessitated by the provisions of section 1136(a). It provides the President with the authority to invoke MTCR sanctions against a proliferating entity if such person has not concluded a comprehensive agreement with the United States as defined by section 74(b)(1) of the Arms Export Control Act.

TRANSFER OF FUNDING FOR SCIENCE AND TECHNOLOGY CENTERS IN THE FORMER SOVIET UNION

Section 1138 authorizes the use of funds made available under the "Nonproliferation, Antiterrorism, Demining, and Related Programs" accounts, beginning in fiscal year 2001, for science and technology centers in the former Soviet Union. It was decided that the application of this authority would be delayed until 2001 in order to provide the Department of State sufficient time to adjust its foreign operations budget to incorporate this programmatic transfer. The NADR account is more appropriate for science and technology center programs since those activities are, in essence, nonproliferation programs.

RESEARCH AND EXCHANGE ACTIVITIES BY SCIENCE AND TECHNOLOGY CENTERS

Section 1139 clarifies that section 503(a)(5) of the FREEDOM Support Act of 1992 authorizes the use of funds to support research activity involving the participation of civilian scientists and engineers, provided that the participation of former Soviet weapons scientists predominates. Section 1139 also makes clear that funding of international exchanges is permitted in order to facilitate the commercial exposure of former weapons scientists. This new flexibility is important to enable the science and technology centers to continue performing their important defense conversion and nonproliferation functions.

SECURITY ASSISTANCE

TRANSFERS OF EXCESS DEFENSE ARTICLES

EXCESS DEFENSE ARTICLES FOR CENTRAL AND SOUTHERN EUROPEAN COUNTRIES

Section 1211 allows the Department of Defense during fiscal years 2000 and 2001 to reduce excess or obsolete stocks of defense articles by offering equipment to eligible foreign governments for enhancement of their defense capabilities. These equipment transfers are an important element of United States foreign policy. The reauthorization through fiscal year 2004 of the authority to transfer excess defense articles to Greece and Turkey, in accordance with the established ratio, will benefit the security of the United States and bolster the military capabilities of these two important NATO allies.

EXCESS DEFENSE ARTICLES FOR CERTAIN OTHER COUNTRIES

Section 1212 gives the Department of Defense the authority to use funds appropriated for the national defense of the United States to pay for packing, crating, handling, and transportation of excess defense articles (EDA) to specific countries. Several countries operate under severe budget constraints, and could not afford the costs of packing, crating, handling, and transportation, even if the EDA itself were provided at no cost. Thus, utilization of this authority is recommended in such cases.

There is concern with the potential impact of section 1212 upon the Department of Defense. Accordingly, no funds shall be expended for the crating, packing, handling, or transportation of excess defense articles under this section until the Foreign Relations Committee of the Senate and the International Relations Committee of the House are notified of the amount proposed to be so expended. Through this notification procedure the committees of jurisdiction will minimize the impact upon the defense budget of the non-defense spending authorized under section 1212.

INCREASE IN ANNUAL LIMITATION ON TRANSFER OF EXCESS DEFENSE ARTICLES

Section 1213 increases the dollar value of excess equipment that may be given away for free by the Department of Defense on a yearly basis. The increase is substantial, from $350,000,000 to $425,000,000. This is needed because the United States Armed Forces have determined that it has stocks of obsolete equipment and munitions well in excess of the current ceiling. The military is unwilling to retain large quantities of obsolete material and will destroy or demilitarize useful equipment if it cannot be provided to another party in a timely manner.

FOREIGN MILITARY SALES AUTHORITIES

TERMINATION OF FOREIGN MILITARY FINANCED TRAINING

Section 1221 provides the United States Government with the ability to terminate training or study programs with foreign nations in a more orderly fashion by allowing funds to be expended, under certain circumstances, to complete training or study programs already underway at the time of termination.

SALES OF EXCESS COAST GUARD PROPERTY

Section 1222 authorizes the United States Government to provide excess Coast Guard equipment on a sales basis, in addition to the extant grant authority. On occasion, the United States Coast Guard determines that some of its smaller vessels are excess. These vessels are suitable for various countries which may not possess a "blue water" navy but are in need of equipment for coastal and riverine defense, and for Search-and-Rescue Operations.

Currently, section 516(i) of the Foreign Assistance Authorization Act of 1961 authorizes the grant transfer of excess Coast Guard equipment to eligible foreign countries for their defense capabilities. Current law, under section 21 of the AECA, does not authorize the sale of excess Coast Guard equipment. Section 1222 remedies this situation.

The sale of excess Coast Guard equipment to foreign countries is preferable to donation under a grant authority. This will generate funds for the United States Treasury miscellaneous receipts account. To the maximum extent possible, Coast Guard vessels will be transferred pursuant to this sale authority rather than grant authority.

COMPETITIVE PRICING FOR SALES OF DEFENSE ARTICLES

Section 1223 permanently amends current law to include a provision contained in annual appropriations legislation since fiscal year 1996. Section 1223 allows direct costs associated with meeting additional or unique requirements for foreign customers to be paid with foreign military financing (FMF) grants. Loadings associated with such costs must be at the same rates as those applicable to the Defense Department. Under this provision the costs of defense goods and services are reduced to FMF grant recipients, thereby stretching scarce security assistance resources.

NOTIFICATION OF UPGRADES TO DIRECT COMMERCIAL SALES

Section 1224 amends the Arms Export Control Act to ensure that the committees of jurisdiction are notified of any upgrades or enhancements to the technology or capability of a defense article or service which already has been notified to the Committee pursuant to section 36(c) of the Arms Export Control Act (which relates to commercial arms sales).

UNAUTHORIZED USE OF DEFENSE ARTICLES

Section 1225 amends section 3 of the Arms Export Control Act to require formal agreement between the United States and recipient nations that the United States retains the right to verify credible reports that United States Munitions List articles have been used for unauthorized purposes. Section 4 of the AECA enumerates the purposes for which defense articles may be furnished, including internal security and legitimate self-defense. Therefore, although it may prove difficult, the executive branch must ensure that defense articles are used only for these or other permitted activities, and not for non-authorized actions (such as torture and the violation of human rights).

STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

ADDITIONS TO UNITED STATES WAR RESERVE STOCKPILES FOR ALLIES

Pursuant to section 514 of the Foreign Assistance Act of 1961, the Department of Defense can only make additions to War Reserve Stockpiles for Allies as specifically provided for in legislation. Section 1231, proposed by the House, authorizes the President to make $40,000,000 in additions to stockpiles in Korea and $20,000,000 in Thailand for fiscal year 2000.

The War Reserve Stockpiles for Allies programs in both Korea and Thailand directly support the United States strategy of forward engagement in the Pacific theater. Both the Republic of Korea and the Government of Thailand assume the cost of storage, maintenance and security of these stockpiles, thereby saving the United States significant operating expenses. These stocks directly support the U.S. plans for the defense of Korea. They also help to ensure continued access to staging facilities in Thailand (which have become all the more important with the loss of base rights in the Philippines).

Stockpiles enable equipment and supplies to be pre-positioned in key parts of the world to enhance U.S. and host country defense readiness. While items in the stockpiles remain the property of the United States Government, they can be set aside for use by host nation forces in accordance with section 514(a) of the FAA. Since 1972 the United States has maintained a war stockpile in the Republic of Korea, placing obsolete or excess munitions in storage as military requirements determined. The stockpile in Thailand has been maintained since 1987.

Section 1231 will enable the United States to avoid the maintenance, storage, transportation, and demilitarization costs of excess munitions by transferring these items to Korea. By agreement with the Government of Korea, United States payment of the storage of assets designated as war reserve stockpiles is deferred until the United States uses or sells the munitions to another country, although the assets remain under U.S. title at all times.

While excess and obsolete munitions could be disposed of through either foreign military sales or demilitarization, neither option is optimal. Foreign military sales to other countries are limited due to the extra cost incurred by the buyer to transport the munitions from the Korean peninsula. Demilitarization is a very slow and expensive process. The cost to the United States Army to retrograde to the United States and demilitarize the munitions covered by section 1231 would also prove significant. Transfer of excess and obsolete munitions to the Korean War Reserve Stockpile, however, will result in the avoidance of those costs, increase storage space for U.S. Forces Korea, and improve the warfighting readiness of the Republic of Korea and the Combined Forces Command.

The additional $20,000,000 authorization for Thailand is required to fulfill expected U.S. obligations under the Memorandum of Understanding establishing the Thai War Reserve Stockpiles program. It is expected that the U.S. contribution will be matched dollar-for-dollar by the Government of Thailand.

TRANSFER OF CERTAIN OBSOLETE OR SURPLUS DEFENSE ARTICLES IN THE WAR RESERVES STOCKPILE FOR ALLIES

Section 1232 provides authority to the United States Armed Forces to transfer obsolete or surplus stocks out of the War Reserve Stockpiles in Korea and Thailand. In exchange for providing these stocks to Korea and Thailand, the United States will negotiate concessions in the form of cash compensation, services, waiver of charges otherwise payable by the U.S. Government, and other items of value. During 1995 and 1996, the U.S. Government traded $66,620,000 in obsolete and surplus equipment to the Republic of Korea for a like sum in concessions. These concessions included reclamation of equipment that was deemed surplus or obsolete but for which a need subsequently arose, minus the costs associated with storing the items, by the Republic of Korea. Additionally, the Republic of Korea demilitarized equipment at no cost to the United States and accepted older equipment such as the M48A5 tanks and the M–110A2 Howitzer from the stockpiles which were missing spares and no longer supportable.

Section 1232 requires fair market value compensation to the United States for surplus and obsolete munitions. It also will relieve the U.S. Government of financial indebtedness for back storage costs and other stockpile maintenance costs, and save millions in cost avoidance to demilitarize, destroy, or retrograde the munitions and equipment back to the United States.

Section 1232 requires the Department of Defense to submit a report to the Foreign Relations Committee of the Senate and the International Relations Committee of the House of Representatives at least 30 days prior to any transfer by the Department of Defense to the Republic of Korea or the Government of Thailand, detailing such transfer and the negotiated concessions for excess or obsolete equipment. A more comprehensive accounting of such concessions is expected than was previously provided pursuant to authority contained in the Fiscal Year 1994–95 Foreign Relations Authorization Act (Public Law 103–236).

DEFENSE OFFSETS DISCLOSURE

DEFENSE OFFSETS DISCLOSURE ACT OF 1999

Subtitle D of Title XII (sections 1241–1248) establishes United States policy on economic offsets, revises executive branch reporting requirements to Congress on such matters, expands the existing prohibition within the Arms Export Control Act relating to incentive payments, and establishes a National

Commission on the Use of Offsets in Defense Trade to assess all aspects of the issue.

The term "offsets" refers to the practice by foreign countries of demanding economic concessions as incentives to buy U.S. defense products. Notably, the demand by foreign nations for "offsets" in defense trade costs jobs and hurts the United States economy.

However, it is also noted that, in this highly-competitive era, offsets may prove necessary. As long as foreign competitors are willing to offer economic concessions and incentives, U.S. companies risk losing important sales if they refuse to do likewise. The Defense Offsets Disclosure Act of 1999 adopts a prudent, business-friendly approach to a matter that is of extreme sensitivity to United States companies. While the long-term objective of Subtitle D is to curtail the use of offsets in defense trade, as a practical matter the Act simply establishes a process whereby the President should seek multilateral agreement on standards for the use of offsets and may, if he concurs with the findings of a commission of experts, commence negotiation of a treaty to address the issue.

AUTOMATED EXPORT SYSTEM RELATING TO EXPORT INFORMATION

PROLIFERATION PREVENTION ENHANCEMENT ACT OF 1999

Subtitle E of Title XII (sections 1251–1256) creates an electronic filing system for shippers export declarations made to the U.S. Customs Service. Specifically, the Act mandates use of an automated export system that has been in existence since 1995, but which is only used by roughly 10 percent of the U.S. shipping community. Creation of an internet-based electronic system will enable the United States Government to track sophisticated efforts by nations to acquire sensitive technology. Currently, the United States is hampered in its efforts to track foreign acquisition efforts because the current export declaration process is paper-intensive, and because foreign nations seldom engage in "one stop shopping." Indeed, many nations engage in diffuse procurement schemes to acquire components and materials from a wide array of sources. It is very difficult for those agencies within the executive branch tasked with monitoring foreign weapons programs to cull through mountains of paper to discover important patterns and linkages.

The establishment of an internet system will assist in this effort. It also will, in the long-run, prove more "business friendly" than the current system. Section 1252 ensures that "on-line" help is given to those who must use the system, which must be secure and capable of handling the expected volume of information, and allows for printed hard copies of documents for business records. The Department of Commerce is expected to keep the Foreign Relations Committee of the Senate and the International Relations Committee of the House completely informed on the system's electronic architecture, and section 1254 requires the Department of Commerce to consult with other relevant agencies and submit a report on how the system can be optimized for law enforcement and nonproliferation purposes, consistent with the need to ensure the confidentiality of business information.

Section 1255 also addresses concerns of the U.S. business community by eliminating current salary limitations for the Office of Defense Trade Controls of the Department of State. These limitations, imposed by the Office of Personnel Management, have severely impaired the ability of ODTC to recruit and retain licensing officers and other individuals. It is anticipated that the flexibility provided under section 1255, together with the additional resources made available to ODTC under section 1310, will enable the Department of State to improve the efficiency of ODTC.

INTERNATIONAL ARMS SALES CODE OF CONDUCT ACT OF 1999

Subtitle F of Title XII (sections 1261 and 1262) directs the President to pursue negotiations to establish an international regime to promote global transparency with respect to arms transfers, and to limit, restrict, or prohibit arms transfers to countries that do not observe certain fundamentals of human liberty, peace, and international stability. While the President is given discretion in preparing a United States negotiating position, section 1262(b) enumerates criteria which should factor prominently.

In order to maintain momentum for negotiation of an international code of conduct, section 1612(c) requires frequent reports detailing the progress made, if any, throughout such negotiations. Further, this section directs that the annual human rights report prepared pursuant to the Foreign Assistance Act describe the extent to which foreign nations meet the criteria established under section 1262(b).

TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES

AUTHORITY TO TRANSFER NAVAL VESSELS

Section 1271 makes technical and conforming amendments to existing law relating to the transfer of naval vessels to foreign nations. Transfers of naval vessels, like the transfer of all military equipment, are subject to the jurisdiction of the Committee on Foreign Relations of the Senate and International Relations of the House of Representatives. However, for budgetary scoring reasons, the Congressional defense committees authorized a series of ship transfers under section 1018 of the National Defense Authorization Act for Fiscal Year 2000. That section authorizes the Secretary of the Navy to transfer naval vessels when, in fact, the authority should be given to the President in order to remain consistent with the requirements of the Foreign Assistance Act and the Arms Export Control Act. Section 1271 makes this minor technical amendment; it also transfers the authority to exempt naval vessel transfers from excess defense article limitations from the defense bill to the foreign affairs bill, which is the appropriate legislative vehicle for such an authority.

MISCELLANEOUS PROVISIONS

PUBLICATION OF ARMS SALES CERTIFICATIONS

Section 1301 amends section 36 of the Arms Export Control Act to ensure that the full unclassified text of all certifications of arms sales, including foreign military sales, commercial sales, and the provision of defense services, is published in the Federal Register in a timely fashion. This section also requires that if portions of such certifications are classified, pursuant to section 36(b) and (c), the classified information be accompanied by a description of the damage to the national security that could be expected to result from public disclosure of the information.

NOTIFICATION REQUIREMENTS FOR COMMERCIAL EXPORT OF ITEMS ON UNITED STATES MUNITIONS LIST

Section 1302 requires U.S. commercial defense exporters to submit information to the Department of State which will help to improve arms export shipment data. This provision is necessary to address the long-standing problem of incomplete commercial arms delivery data.

ENFORCEMENT OF ARMS EXPORT CONTROL ACT

Section 1303 strengthens enforcement of civil violations of the Arms Export Control Act. The Department of State relies on the Department of Justice to prosecute criminal violations of the AECA, but lacks resources to pursue administrative proceedings relating to civil violations as vigorously as would be desired.

In order to streamline the procedures in a manner that would continue to ensure a fair opportunity for persons and firms to represent their views, while simultaneously encouraging the viable and vigorous enforcement that is critical to protecting U.S. national security, the Secretary of State is provided with authority similar to that used to enforce other statutes, including the International Emergency Economic Powers Act, to assess civil penalties directly in accordance with regulations. It is expected that the Department of State will still be required to commence a civil action in order to recover such any such disputed penalties, thereby continuing to afford parties an opportunity to contest the assessment in court. It is further expected that the Department will provide draft regulations proposed to implement this section to the Committees on International Relations and Foreign Relations for review, thereby affording defense exporters the ability to provide input. Such regulations should permit the parties to explain their actions and make known their views fully through written submissions and provide ample opportunity for settlement.

This provision is not intended to erode due process for defense exporters, and such exporters, under regulations promulgated to implement this section, will be provided a fair and transparent process to understand and address any charges being asserted against them.

VIOLATIONS RELATING TO MATERIAL SUPPORT TO TERRORISTS

Section 1304 modifies section 38 of the Arms Export Control Act to ensure that the Office of Defense Trade Controls within the Department of State, which issues commercial defense export licenses, is fully informed of any person that is subject to an indictment or has been convicted of a violation of law regarding providing material support to terrorists.

AUTHORITY TO CONSENT TO THIRD PARTY TRANSFER OF EX-U.S.S. BOWMAN COUNTY TO USS LST SHIP MEMORIAL, INC.

Section 1305 enables a nonprofit veterans association to bring back to the United States from Greece a World War II Tank Landing Ship—the ex-U.S.S. *Bowman County*. This vessel will have its guns demilitarized prior to re-transfer and will be transformed into a movable museum that will dock at predetermined locations to teach children, and adults, about the crucial role played by tank landing ships and their crews during the Second World War. There is no more fitting a war memorial than a museum that is owned and operated by a group of its own veterans who are willing to dedicate their time to educating the citizens of the United States.

ANNUAL MILITARY ASSISTANCE REPORT

Section 1306 expands and clarifies the information relating to military assistance and military exports that the President is required to transmit to Congress each February 1, pursuant to section 655 of the Foreign Assistance Act of 1961. Currently, this report includes information about the International Military Education and Training (IMET) program, but not about other military education and training activities that the United States conducts with foreign countries. It is intended that future reports include information about activities under Title 10 of the U.S. Code, such as the Military-to-Military Contacts Program (MMCP) and the Joint Combined Exchange Training (JCET) program. This provision is not intended, however, to cover joint military exercises or NATO operations.

Section 1306 also requires separate identification of defense articles furnished with the financial assistance of the U.S. government, such as Foreign Military Financing loans and U.S. government-backed loan guarantees. These items are currently grouped together with commercial sales. Finally, the provision requires that the report be published in unclassified form on the internet through the State Department.

ANNUAL FOREIGN MILITARY TRAINING REPORT

Section 1307 creates a new report to be jointly prepared by the Departments of State and Defense. The report is to cover all military training provided to foreign military personnel by the Departments of Defense and State. The provision also requires that the report be published in unclassified form on the State Department's internet website.

SECURITY ASSISTANCE FOR THE PHILIPPINES

Section 1308 establishes United States policy for the transfer of excess defense articles to the Philippines and authorizes $5,000,000 in foreign military financing for each of fiscal years 2000 and 2001. The section encourages the President to transfer to the Philippines, on a grant basis, UH-1H helicopters, A-4 aircraft, amphibious landing craft, and other naval vessels that become available under the excess defense articles program. Section 1309 is viewed as a way of expressing Congressional support for reinvigorating our security relationship with the Philippines.

EFFECTIVE REGULATION OF SATELLITE EXPORT ACTIVITIES

Section 1309 establishes a requirement for the Department of State to expedite the export of commercial communications satellites (and related equipment) to NATO and major non-NATO allies when appropriate. It is intended that the determination of appropriateness reside with the Department of State. Section 1309 establishes four criteria that should denote a satellite or satellite-related license as eligible for expedited consideration. However, section 1309 makes clear that U.S. national security considerations and U.S. obligations under the Missile Technology Control Regime are given priority in the evaluation of any license, regardless of its end-user or time-sensitive nature. Further, the provision makes clear that the Department of State is, at all times, to provide such time as is necessary for U.S. national security agencies to fully review a license.

Section 1309 also seeks to expedite the licensing of United States Munitions List items across the board by applying additional resources to the Office of Defense Trade Controls within the Department of State. The provision authorizes $9,000,000 for ODTC for each of fiscal years 2000 and 2001. Additional resources are intended to be used to hire licensing officers and enforcement personnel, and to update ODTC's computer systems. Frequent, periodic briefings on ODTC plans and expenditures are expected and there is interest in progress toward implementing an internet-based filing and review system for Munitions List items.

STUDY ON LICENSING PROCESS UNDER THE ARMS EXPORT CONTROL ACT

Section 1310 requests that the Department of State undertake a highly-technical, highly-detailed analysis of the defense trade licensed by the Department of State. The broad scope of the information sought under section 1310 is intended to provide the Congress with information that will assist the committees of jurisdiction in working with the Department of State to improve the licensing process.

REPORT CONCERNING PROLIFERATION OF SMALL ARMS

Section 1311 requires the Department of State to complete an analysis of the global trade in small arms. The illicit transfer of small and light arms constitutes a source of global instability, but recognize that the monitoring of such trafficking is difficult. It is expected that Assistant Secretary for Verification and Compliance to be responsible for preparing portions of this report, including that relating to United States monitoring of the compliance of foreign governments with their commitments under international agreements.

CONFORMING AMENDMENT

Section 1312 is a conforming amendment to the Fiscal Year 1999 Defense Authorization Act. Specifically, section 1312 ensures that the Foreign Relations Committee of the Senate and the International Relations Committee of the House will be notified of developments in the pursuit of alternatives to anti-personnel land mines.

SENSE OF CONGRESS LANGUAGE

Sense of Senate or Sense of the Congress provisions approved in previous authorization bills were not included in the final bill. The House and Senate provisions, as passed, reflect the views of each of the respective houses of Congress.

The conference agreement would enact the provisions of H.R. 3428, as introduced on November 17, 1999. The text of that bill follows:

A BILL To provide for the modification and implementation of the final rule for the consolidation and reform of Federal milk marketing orders, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. USE OF OPTION 1A AS PRICE STRUCTURE FOR CLASS I MILK UNDER CONSOLIDATED FEDERAL MILK MARKETING ORDERS.

(a) FINAL RULE DEFINED.—In this section, the term "final rule" means the final rule for the consolidation and reform of Federal milk marketing orders that was published in the Federal Register on September 1, 1999 (64 Fed. Reg. 47897–48021), to comply with section 143 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7253).

(b) IMPLEMENTATION OF FINAL RULE FOR MILK ORDER REFORM.—Subject to subsection (c), the final rule shall take effect, and be implemented by the Secretary of Agriculture, on the first day of the first month beginning at least 30 days after the date of the enactment of this Act.

(c) USE OF OPTION 1A FOR PRICING CLASS I MILK.—In lieu of the Class I price differentials specified in the final rule, the Secretary of Agriculture shall price fluid or Class I milk under the Federal milk marketing orders using the Class I price differentials identified as Option 1A "Location-Specific Differentials Analysis" in the proposed rule published in the Federal Register on January 30, 1998 (63 Fed. Reg. 4802, 4809), except that the Secretary shall include the corrections and modifications to such Class I differentials made by the Secretary through April 2, 1999.

(d) EFFECT OF PRIOR ANNOUNCEMENT OF MINIMUM PRICES.—If the Secretary of Agriculture announces minimum prices for milk under Federal milk marketing orders pursuant to section 1000.50 of title 7, Code of Federal Regulations, before the effective date specified in subsection (b), the minimum prices so announced before that date shall be the only applicable minimum prices under Federal milk marketing orders for the month or months for which the prices have been announced.

(e) IMPLEMENTATION OF REQUIREMENT.—The implementation of the final rule, as modified by subsection (c), shall not be subject to any of the following:

(1) The notice and hearing requirements of section 8c(3) of the Agricultural Adjustment Act (7 U.S.C. 608c(3)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, or the notice and comment provisions of section 553 of title 5, United States Code.

(2) A referendum conducted by the Secretary of Agriculture pursuant to subsections (17) or (19) of section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

(3) The Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking.

(4) Chapter 35 of title 44, United States Code (commonly known as the Paperwork Reduction Act).

(5) Any decision, restraining order, or injunction issued by a United States court before the date of the enactment of this Act.

SEC. 2. FURTHER RULEMAKING TO DEVELOP PRICING METHODS FOR CLASS III AND CLASS IV MILK UNDER MARKETING ORDERS.

(a) CONGRESSIONAL FINDING.—The Class III and Class IV milk pricing formulas included in the final decision for the consolidation and reform of Federal milk marketing orders, as published in the Federal Register on April 2, 1999 (64 Fed. Reg. 16025), do not adequately reflect public comment on the original proposed rule published in the Federal Register on January 30, 1998 (63 Fed. Reg. 4802), and are sufficiently different from the proposed rule and any comments submitted with regard to the proposed rule that further emergency rulemaking is merited.

(b) RULEMAKING REQUIRED.—The Secretary of Agriculture shall conduct rulemaking, on the record after an opportunity for an agency hearing, to reconsider the Class III and Class IV milk pricing formulas included in the final rule for the consolidation and reform of Federal milk marketing orders that was published in the Federal Register on September 1, 1999 (64 Fed. Reg. 47897–48021).

(c) TIME PERIOD FOR RULEMAKING.—On December 1, 2000, the Secretary of Agriculture shall publish in the Federal Register a final decision on the Class III and Class IV milk pricing formulas. The resulting formulas shall take effect, and be implemented by the Secretary, on January 1, 2001.

(d) EFFECT OF COURT ORDER.—The actions authorized by subsections (b) and (c) are intended to ensure the timely publication and implementation of new pricing formulas for Class III and Class IV milk. In the event that the Secretary of Agriculture is enjoined or otherwise restrained by a court order from implementing a final decision within the time period specified in subsection (c), the length of time for which that injunction or other restraining order is effective shall be added to the time limitations specified in subsection (c) thereby extending those time limitations by a period of time equal to the period of time for which the injunction or other restraining order is effective.

(e) FAILURE TO TIMELY COMPLETE RULEMAKING.—If the Secretary of Agriculture fails to implement new Class III and Class IV milk pricing formulas within the time period required under subsection (c) (plus any additional period provided under subsection (d)), the Secretary may not assess or collect assessments from milk producers or handlers under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, for marketing order administration and services provided under such section after the end of that period until the pricing formulas are implemented. The Secretary may not reduce the level of services provided under that section on account of the prohibition against assessments, but shall rather cover the cost of marketing order administration and services through funds available for the Agricultural Marketing Service of the Department.

(f) IMPLEMENTATION OF REQUIREMENT.—The implementation of the final decision on new Class III and Class IV milk pricing formulas shall not be subject to congressional review under chapter 8 of title 5, United States Code.

SEC. 3. DAIRY FORWARD PRICING PROGRAM.

The Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following new section:

"SEC. 23. DAIRY FORWARD PRICING PILOT PROGRAM.

"(a) PILOT PROGRAM REQUIRED.—Not later than 90 days after the date of the enactment of this section, the Secretary of Agriculture shall establish a temporary pilot program under which milk producers and cooperatives are authorized to voluntarily enter into forward price contracts with milk handlers.

"(b) MINIMUM MILK PRICE REQUIREMENTS.—Payments made by milk handlers to milk producers and cooperatives, and prices received by milk producers and cooperatives, under the forward contracts shall be deemed to satisfy—

"(1) all regulated minimum milk price requirements of paragraphs (B) and (F) of subsection (5) of section 8c; and

"(2) the requirement of paragraph (C) of such subsection regarding total payments by each handler.

"(c) MILK COVERED BY PILOT PROGRAM.—

"(1) COVERED MILK.—The pilot program shall apply only with respect to the marketing of federally regulated milk that—

"(A) is not classified as Class I milk or otherwise intended for fluid use; and

"(B) is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce in federally regulated milk.

"(2) RELATION TO CLASS I MILK.—To assist milk handlers in complying with the limitation in paragraph (1)(A) without having to segregate or otherwise individually track the source and disposition of milk, a milk handler may allocate milk receipts from producers, cooperatives, and other sources that are not subject to a forward contract to satisfy the handler's obligations with regard to Class I milk usage.

"(d) DURATION.—The authority of the Secretary of Agriculture to carry out the pilot program shall terminate on December 31, 2004. No forward price contract entered into under the program may extend beyond that date.

"(e) STUDY AND REPORT ON EFFECT OF PILOT PROGRAM.—

"(1) STUDY.—The Secretary of Agriculture shall conduct a study on forward contracting between milk producers and cooperatives and milk handlers to determine the impact on milk prices paid to producers in the United States. To obtain information for the study, the Secretary may use the authorities available to the Secretary under section 8d, subject to the confidentiality requirements of subsection (2) of such section.

"(2) REPORT.—Not later than April 30, 2002, the Secretary shall submit to the Committee on Agriculture, Nutrition and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a report containing the results of the study.".

SEC. 4. CONTINUATION OF CONGRESSIONAL CONSENT FOR NORTHEAST INTERSTATE DAIRY COMPACT.

Section 147(3) of the Agricultural Market Transition Act (7 U.S.C. 7256(3)) is amended by striking "concurrent with" and all that follows through the period at the end and inserting "on September 30, 2001.".

Following is explanatory language on S. 1948 as introduced on November 17, 1999.

A BILL To amend the provisions of title 17, United States Code, and the Communications Act of 1934, relating to copyright licensing and carriage of broadcast signals by satellite

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intellectual Property and Communications Omnibus Reform Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SATELLITE HOME VIEWER IMPROVEMENT

Sec. 1001. Short title.
Sec. 1002. Limitations on exclusive rights; secondary transmissions by satellite carriers within local markets.
Sec. 1003. Extension of effect of amendments to section 119 of title 17, United States Code.
Sec. 1004. Computation of royalty fees for satellite carriers.
Sec. 1005. Distant signal eligibility for consumers.
Sec. 1006. Public broadcasting service satellite feed.
Sec. 1007. Application of Federal Communications Commission regulations.
Sec. 1008. Rules for satellite carriers retransmitting television broadcast signals.
Sec. 1009. Retransmission consent.
Sec. 1010. Severability.
Sec. 1011. Technical amendments.
Sec. 1012. Effective dates.

TITLE II—RURAL LOCAL TELEVISION SIGNALS

Sec. 2001. Short title.
Sec. 2002. Local television service in unserved and underserved markets.

TITLE III—TRADEMARK CYBERPIRACY PREVENTION

Sec. 3001. Short title; references.
Sec. 3002. Cyberpiracy prevention.
Sec. 3003. Damages and remedies.
Sec. 3004. Limitation on liability.
Sec. 3005. Definitions.
Sec. 3006. Study on abusive domain name registrations involving personal names.
Sec. 3007. Historic preservation.
Sec. 3008. Savings clause.
Sec. 3009. Technical and conforming amendments.
Sec. 3010. Effective date.

TITLE IV—INVENTOR PROTECTION

Sec. 4001. Short title.

Subtitle A—Inventors' Rights

Sec. 4101. Short title.
Sec. 4102. Integrity in invention promotion services.
Sec. 4103. Effective date.

Subtitle B—Patent and Trademark Fee Fairness

Sec. 4201. Short title.
Sec. 4202. Adjustment of patent fees.
Sec. 4203. Adjustment of trademark fees.
Sec. 4204. Study on alternative fee structures.
Sec. 4205. Patent and Trademark Office Funding.
Sec. 4206. Effective date.

Subtitle C—First Inventor Defense

Sec. 4301. Short title.
Sec. 4302. Defense to patent infringement based on earlier inventor.
Sec. 4303. Effective date and applicability.

Subtitle D—Patent Term Guarantee

Sec. 4401. Short title.
Sec. 4402. Patent term guarantee authority.
Sec. 4403. Continued examination of patent applications.
Sec. 4404. Technical clarification.
Sec. 4405. Effective date.

Subtitle E—Domestic Publication of Patent Applications Published Abroad

Sec. 4501. Short title.
Sec. 4502. Publication.
Sec. 4503. Time for claiming benefit of earlier filing date.
Sec. 4504. Provisional rights.
Sec. 4505. Prior art effect of published applications.
Sec. 4506. Cost recovery for publication.
Sec. 4507. Conforming amendments.
Sec. 4508. Effective date.

Subtitle F—Optional Inter Partes Reexamination Procedure

Sec. 4601. Short title.
Sec. 4602. Ex parte reexamination of patents.
Sec. 4603. Definitions.
Sec. 4604. Optional inter partes reexamination procedures.
Sec. 4605. Conforming amendments.
Sec. 4606. Report to Congress.
Sec. 4607. Estoppel effect of reexamination.
Sec. 4608. Effective date.

Subtitle G—Patent and Trademark Office

Sec. 4701. Short title.

CHAPTER 1—UNITED STATES PATENT AND TRADEMARK OFFICE

Sec. 4711. Establishment of Patent and Trademark Office.
Sec. 4712. Powers and duties.
Sec. 4713. Organization and management.
Sec. 4714. Public advisory committees.
Sec. 4715. Conforming amendments.
Sec. 4716. Trademark Trial and Appeal Board.
Sec. 4717. Board of Patent Appeals and Interferences.
Sec. 4718. Annual report of Director.
Sec. 4719. Suspension or exclusion from practice.
Sec. 4720. Pay of Director and Deputy Director.

CHAPTER 2—EFFECTIVE DATE; TECHNICAL AMENDMENTS

Sec. 4731. Effective date.
Sec. 4732. Technical and conforming amendments.

CHAPTER 3—MISCELLANEOUS PROVISIONS

Sec. 4741. References.
Sec. 4742. Exercise of authorities.
Sec. 4743. Savings provisions.
Sec. 4744. Transfer of assets.
Sec. 4745. Delegation and assignment.
Sec. 4746. Authority of Director of the Office of Management and Budget with respect to functions transferred.
Sec. 4747. Certain vesting of functions considered transfers.
Sec. 4748. Availability of existing funds.
Sec. 4749. Definitions.

Subtitle H—Miscellaneous Patent Provisions
Sec. 4801. Provisional applications.
Sec. 4802. International applications.
Sec. 4803. Certain limitations on damages for patent infringement not applicable.
Sec. 4804. Electronic filing and publications.
Sec. 4805. Study and report on biological deposits in support of biotechnology patents.
Sec. 4806. Prior invention.
Sec. 4807. Prior art exclusion for certain commonly assigned patents.
Sec. 4808. Exchange of copies of patents with foreign countries.
TITLE V—MISCELLANEOUS PROVISIONS
Sec. 5001. Commission on online child protection.
Sec. 5002. Privacy protection for donors to public broadcasting entities.
Sec. 5003. Completion of biennial regulatory review.
Sec. 5004. Public broadcasting entities.
Sec. 5005. Technical amendments relating to vessel hull design protection.
Sec. 5006. Informal rulemaking of copyright determination.
Sec. 5007. Service of process for surety corporations.
Sec. 5008. Low-power television.
TITLE VI—SUPERFUND RECYCLING EQUITY
Sec. 6001. Superfund recycling equity.

TITLE I—SATELLITE HOME VIEWER IMPROVEMENT

SEC. 1001. SHORT TITLE.

This title may be cited as the "Satellite Home Viewer Improvement Act of 1999".

SEC. 1002. LIMITATIONS ON EXCLUSIVE RIGHTS; SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS WITHIN LOCAL MARKETS.

(a) In General.—Chapter 1 of title 17, United States Code, is amended by adding after section 121 the following new section:

"§ 122. Limitations on exclusive rights; secondary transmissions by satellite carriers within local markets

"(a) Secondary Transmissions of Television Broadcast Stations by Satellite Carriers.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station into the station's local market shall be subject to statutory licensing under this section if—

"(1) the secondary transmission is made by a satellite carrier to the public;

"(2) with regard to secondary transmissions, the satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast station signals; and

"(3) the satellite carrier makes a direct or indirect charge for the secondary transmission to—

"(A) each subscriber receiving the secondary transmission; or

"(B) a distributor that has contracted with the satellite carrier for direct or indirect delivery of the secondary transmission to the public.

"(b) Reporting Requirements.—

"(1) Initial lists.—A satellite carrier that makes secondary transmissions of a primary transmission made by a network station under subsection (a) shall, within 90 days after commencing such secondary transmissions, submit to the network that owns or is affiliated with the network station a list identifying (by name in alphabetical order and street address, including county and zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission under subsection (a).

"(2) Subsequent lists.—After the list is submitted under paragraph (1), the satellite carrier shall, on the 15th of each month, submit to the network a list identifying (by name in alphabetical order and street address, including county and zip code) any subscribers who have been added or dropped as subscribers since the last submission under this subsection.

"(3) Use of subscriber information.—Subscriber information submitted by a satellite carrier under this subsection may be used only for the purposes of monitoring compliance by the satellite carrier with this section.

"(4) Requirements of networks.—The submission requirements of this subsection shall apply to a satellite carrier only if the network to which the submissions are to be made places on file with the Register of Copyrights a document identifying the name and address of the person to whom such submissions are to be made. The Register of Copyrights shall maintain for public inspection a file of all such documents.

"(c) No Royalty Fee Required.—A satellite carrier whose secondary transmissions are subject to statutory licensing under subsection (a) shall have no royalty obligation for such secondary transmissions.

"(d) Noncompliance With Reporting and Regulatory Requirements.—Notwithstanding subsection (a), the willful or repeated secondary transmission to the public by a satellite carrier into the local market of a television broadcast station of a primary transmission embodying a performance or display of a work made by that television broadcast station is actionable as an act of infringement under section 501, and is fully subject to the remedies provided under sections 502 through 506 and 509, if the satellite carrier has not complied with the reporting requirements of subsection (b) or with the rules, regulations, and authorizations of the Federal Communications Commission concerning the carriage of television broadcast signals.

"(e) Willful Alterations.—Notwithstanding subsection (a), the secondary transmission to the public by a satellite carrier into the local market of a television broadcast station of a performance or display of a work embodied in a primary transmission made by that television broadcast station is actionable as an act of infringement under section 501, and is fully subject to the remedies provided by sections 502 through 506 and sections 509 and 510, if the content of the particular program in which the performance or display is embodied, or any commercial advertising or station announcement transmitted by the primary transmitter during, or immediately before or after, the transmission of such program, is in any way willfully altered by the satellite carrier through changes, deletions, or additions, or is combined with programming from any other broadcast signal.

"(f) Violation of Territorial Restrictions on Statutory License for Television Broadcast Stations.—

"(1) Individual violations.—The willful or repeated secondary transmission to the public by a satellite carrier of a primary transmission embodying a performance or display of a work made by a television broadcast station to a subscriber who does not reside in that station's local market, and is not subject to statutory licensing under section 119 or a private licensing agreement, is actionable as an act of infringement under section 501 and is fully subject to the remedies provided by sections 502 through 506 and 509, except that—

"(A) no damages shall be awarded for such act of infringement if the satellite carrier took corrective action by promptly withdrawing service from the ineligible subscriber; and

"(B) any statutory damages shall not exceed $5 for such subscriber for each month during which the violation occurred.

"(2) Pattern of violations.—If a satellite carrier engages in a willful or repeated pattern or practice of secondarily transmitting to the public a primary transmission embodying a performance or display of a work made by a television broadcast station to subscribers who do not reside in that station's local market, and are not subject to statutory licensing under section 119 or a private licensing agreement, then in addition to the remedies under paragraph (1)—

"(A) if the pattern or practice has been carried out on a substantially nationwide basis, the court—

"(i) shall order a permanent injunction barring the secondary transmission by the satellite carrier of the primary transmissions of that television broadcast station (and if such television broadcast station is a network station, all other television broadcast stations affiliated with such network); and

"(ii) may order statutory damages not exceeding $250,000 for each 6-month period during which the pattern or practice was carried out; and

"(B) if the pattern or practice has been carried out on a local or regional basis with respect to more than one television broadcast station, the court—

"(i) shall order a permanent injunction barring the secondary transmission in that locality or region by the satellite carrier of the primary transmissions of any television broadcast station; and

"(ii) may order statutory damages not exceeding $250,000 for each 6-month period during which the pattern or practice was carried out.

"(g) Burden of Proof.—In any action brought under subsection (f), the satellite carrier shall have the burden of proving that its secondary transmission of a primary transmission by a television broadcast station is made only to subscribers located within that station's local market or subscribers being served in compliance with section 119 or a private licensing agreement.

"(h) Geographic Limitations on Secondary Transmissions.—The statutory license created by this section shall apply to secondary transmissions to locations in the United States.

"(i) Exclusivity With Respect to Secondary Transmissions of Broadcast Stations by Satellite to Members of the Public.—No provision of section 111 or any other law (other than this section and section 119) shall be construed to contain any authorization, exemption, or license through which secondary transmissions by satellite carriers of programming contained in a primary transmission made by a television broadcast station may be made without obtaining the consent of the copyright owner.

"(j) Definitions.—In this section—

"(1) Distributor.—The term 'distributor' means an entity which contracts to distribute secondary transmissions from a satellite carrier and, either as a single channel or in a package with other programming, provides the secondary transmission either directly to individual subscribers or indirectly through other program distribution entities.

"(2) Local market.—

"(A) In general.—The term 'local market', in the case of both commercial and noncommercial television broadcast stations, means the designated market area in which a station is located, and—

"(i) in the case of a commercial television broadcast station, all commercial television broadcast stations licensed to a community within the same designated market area are within the same local market; and *''(ii) in the case of a noncommercial educational television broadcast station, the market includes any station that is licensed to a community within the same designated market area as the noncommercial educational television broadcast station.*

''(B) County of License.—In addition to the area described in subparagraph (A), a station's local market includes the county in which the station's community of license is located.

''(C) Designated Market Area.—For purposes of subparagraph (A), the term 'designated market area' means a designated market area, as determined by Nielsen Media Research and published in the 1999–2000 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates or any successor publication.

''(3) Network Station; Satellite Carrier; Secondary Transmission.—The terms 'network station', 'satellite carrier', and 'secondary transmission' have the meanings given such terms under section 119(d).

''(4) Subscriber.—The term 'subscriber' means a person who receives a secondary transmission service from a satellite carrier and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.

''(5) Television Broadcast Station.—The term 'television broadcast station'—

''(A) means an over-the-air, commercial or noncommercial television broadcast station licensed by the Federal Communications Commission under subpart E of part 73 of title 47, Code of Federal Regulations, except that such term does not include a low-power or translator television station; and

''(B) includes a television broadcast station licensed by an appropriate governmental authority of Canada or Mexico if the station broadcasts primarily in the English language and is a network station as defined in section 119(d)(2)(A).''.

(b) Infringement of Copyright.—Section 501 of title 17, United States Code, is amended by adding at the end the following new subsection:

''(f)(1) With respect to any secondary transmission that is made by a satellite carrier of a performance or display of a work embodied in a primary transmission and is actionable as an act of infringement under section 122, a television broadcast station holding a copyright or other license to transmit or perform the same version of that work shall, for purposes of subsection (b) of this section, be treated as a legal or beneficial owner if such secondary transmission occurs within the local market of that station.

''(2) A television broadcast station may file a civil action against any satellite carrier that has refused to carry television broadcast signals, as required under section 122(a)(2), to enforce that television broadcast station's rights under section 338(a) of the Communications Act of 1934.''.

(c) Technical and Conforming Amendments.—The table of sections for chapter 1 of title 17, United States Code, is amended by adding after the item relating to section 121 the following:

''122. Limitations on exclusive rights; secondary transmissions by satellite carriers within local market.''.

SEC. 1003. EXTENSION OF EFFECT OF AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.

Section 4(a) of the Satellite Home Viewer Act of 1994 (17 U.S.C. 119 note; Public Law 103–369; 108 Stat. 3481) is amended by striking ''December 31, 1999'' and inserting ''December 31, 2004''.

SEC. 1004. COMPUTATION OF ROYALTY FEES FOR SATELLITE CARRIERS.

Section 119(c) of title 17, United States Code, is amended by adding at the end the following new paragraph:

''(4) Reduction.—

''(A) Superstation.—The rate of the royalty fee in effect on January 1, 1998, payable in each case under subsection (b)(1)(B)(i) shall be reduced by 30 percent.

''(B) Network and Public Broadcasting Satellite Feed.—The rate of the royalty fee in effect on January 1, 1998, payable under subsection (b)(1)(B)(ii) shall be reduced by 45 percent.

''(5) Public Broadcasting Service as Agent.—For purposes of section 802, with respect to royalty fees paid by satellite carriers for retransmitting the Public Broadcasting Service satellite feed, the Public Broadcasting Service shall be the agent for all public television copyright claimants and all Public Broadcasting Service member stations.''.

SEC. 1005. DISTANT SIGNAL ELIGIBILITY FOR CONSUMERS.

(a) Unserved Household.—

(1) In General.—Section 119(d) of title 17, United States Code, is amended by striking paragraph (10) and inserting the following:

''(10) Unserved Household.—The term 'unserved household', with respect to a particular television network, means a household that—

''(A) cannot receive, through the use of a conventional, stationary, outdoor rooftop receiving antenna, an over-the-air signal of a primary network station affiliated with that network of Grade B intensity as defined by the Federal Communications Commission under section 73.683(a) of title 47 of the Code of Federal Regulations, as in effect on January 1, 1999;

''(B) is subject to a waiver granted under regulations established under section 339(c)(2) of the Communications Act of 1934;

''(C) is a subscriber to whom subsection (e) applies;

''(D) is a subscriber to whom subsection (a)(11) applies; or

''(E) is a subscriber to whom the exemption under subsection (a)(2)(B)(iii) applies.''.

(2) Conforming Amendment.—Section 119(a)(2)(B) of title 17, United States Code, is amended to read as follows:

''(B) Secondary Transmissions to Unserved Households.—

''(i) In General.—The statutory license provided for in subparagraph (A) shall be limited to secondary transmissions of the signals of no more than two network stations in a single day for each television network to persons who reside in unserved households.

''(ii) Accurate Determinations of Eligibility.—

''(I) Accurate Predictive Model.—In determining presumptively whether a person resides in an unserved household under subsection (d)(10)(A), a court shall rely on the Individual Location Longley-Rice model set forth by the Federal Communications Commission in Docket No. 98–201, as that model may be amended by the Commission over time under section 339(c)(3) of the Communications Act of 1934 to increase the accuracy of that model.

''(II) Accurate Measurements.—For purposes of site measurements to determine whether a person resides in an unserved household under subsection (d)(10)(A), a court shall rely on section 339(c)(4) of the Communications Act of 1934.

''(iii) C-Band Exemption to Unserved Households.—

''(I) In General.—The limitations of clause (i) shall not apply to any secondary transmissions by C-band services of network stations that a subscriber to C-band service received before any termination of such secondary transmissions before October 31, 1999.

''(II) Definition.—In this clause the term 'C-band service' means a service that is licensed by the Federal Communications Commission and operates in the Fixed Satellite Service under part 25 of title 47 of the Code of Federal Regulations.''.

(b) Exception to Limitation on Secondary Transmissions.—Section 119(a)(5) of title 17, United States Code, is amended by adding at the end the following:

''(E) Exception.—The secondary transmission by a satellite carrier of a performance or display of a work embodied in a primary transmission made by a network station to subscribers who do not reside in unserved households shall not be an act of infringement if—

''(i) the station on May 1, 1991, was retransmitted by a satellite carrier and was not on that date owned or operated by or affiliated with a television network that offered interconnected program service on a regular basis for 15 or more hours per week to at least 25 affiliated television licensees in 10 or more States;

''(ii) as of July 1, 1998, such station was retransmitted by a satellite carrier under the statutory license of this section; and

''(iii) the station is not owned or operated by or affiliated with a television network that, as of January 1, 1995, offered interconnected program service on a regular basis for 15 or more hours per week to at least 25 affiliated television licensees in 10 or more States.''.

(c) Moratorium on Copyright Liability.—Section 119(e) of title 17, United States Code, is amended to read as follows:

''(e) Moratorium on Copyright Liability.—Until December 31, 2004, a subscriber who does not receive a signal of Grade A intensity (as defined in the regulations of the Federal Communications Commission under section 73.683(a) of title 47 of the Code of Federal Regulations, as in effect on January 1, 1999, or predicted by the Federal Communications Commission using the Individual Location Longley-Rice methodology described by the Federal Communications Commission in Docket No. 98–201) of a local network television broadcast station shall remain eligible to receive signals of network stations affiliated with the same network, if that subscriber had satellite service of such network signal terminated after July 11, 1998, and before October 31, 1999, as required by this section, or received such service on October 31, 1999.''.

(d) Recreational Vehicle and Commercial Truck Exemption.—Section 119(a) of title 17, United States Code, is amended by adding at the end the following:

''(11) Service to Recreational Vehicles and Commercial Trucks.—

''(A) Exemption.—

''(i) In General.—For purposes of this subsection, and subject to clauses (ii) and (iii), the term 'unserved household' shall include—

''(I) recreational vehicles as defined in regulations of the Secretary of Housing and Urban Development under section 3282.8 of title 24 of the Code of Federal Regulations; and

''(II) commercial trucks that qualify as commercial motor vehicles under regulations of the Secretary of Transportation under section 383.5 of title 49 of the Code of Federal Regulations.

''(ii) Limitation.—Clause (i) shall apply only to a recreational vehicle or commercial truck if any satellite carrier that proposes to make a secondary transmission of a network station to the operator of such a recreational vehicle or commercial truck complies with the documentation requirements under subparagraphs (B) and (C).

''(iii) Exclusion.—For purposes of this subparagraph, the terms 'recreational vehicle' and 'commercial truck' shall not include any fixed dwelling, whether a mobile home or otherwise.

''(B) Documentation Requirements.—A recreational vehicle or commercial truck shall be deemed to be an unserved household beginning 10 days after the relevant satellite carrier provides to the network that owns or is affiliated

with the network station that will be secondarily transmitted to the recreational vehicle or commercial truck the following documents:

"(i) DECLARATION.—A signed declaration by the operator of the recreational vehicle or commercial truck that the satellite dish is permanently attached to the recreational vehicle or commercial truck, and will not be used to receive satellite programming at any fixed dwelling.

"(ii) REGISTRATION.—In the case of a recreational vehicle, a copy of the current State vehicle registration for the recreational vehicle.

"(iii) REGISTRATION AND LICENSE.—In the case of a commercial truck, a copy of—

"(I) the current State vehicle registration for the truck; and

"(II) a copy of a valid, current commercial driver's license, as defined in regulations of the Secretary of Transportation under section 383 of title 49 of the Code of Federal Regulations, issued to the operator.

"(C) UPDATED DOCUMENTATION REQUIREMENTS.—If a satellite carrier wishes to continue to make secondary transmissions to a recreational vehicle or commercial truck for more than a 2-year period, that carrier shall provide each network, upon request, with updated documentation in the form described under subparagraph (B) during the 90 days before expiration of that 2-year period.".

(e) CONFORMING AMENDMENT.—Section 119(d)(11) of title 17, United States Code, is amended to read as follows:

"(11) LOCAL MARKET.—The term 'local market' has the meaning given such term under section 122(j).".

SEC. 1006. PUBLIC BROADCASTING SERVICE SATELLITE FEED.

(a) SECONDARY TRANSMISSIONS.—Section 119(a)(1) of title 17, United States Code, is amended—

(1) by striking the paragraph heading and inserting "(1) SUPERSTATIONS AND PBS SATELLITE FEED.—";

(2) by inserting "or by the Public Broadcasting Service satellite feed" after "superstation"; and

(3) by adding at the end the following: "In the case of the Public Broadcasting Service satellite feed, the statutory license shall be effective until January 1, 2002.".

(b) ROYALTY FEES.—Section 119(b)(1)(B)(iii) of title 17, United States Code, is amended by inserting "or the Public Broadcasting Service satellite feed" after "network station".

(c) DEFINITIONS.—Section 119(d) of title 17, United States Code, is amended—

(1) by amending paragraph (9) to read as follows:

"(9) SUPERSTATION.—The term 'superstation'—

"(A) means a television broadcast station, other than a network station, licensed by the Federal Communications Commission that is secondarily transmitted by a satellite carrier; and

"(B) except for purposes of computing the royalty fee, includes the Public Broadcasting Service satellite feed."; and

(2) by adding at the end the following:

"(12) PUBLIC BROADCASTING SERVICE SATELLITE FEED.—The term 'Public Broadcasting Service satellite feed' means the national satellite feed distributed and designated for purposes of this section by the Public Broadcasting Service consisting of educational and informational programming intended for private home viewing, to which the Public Broadcasting Service holds national terrestrial broadcast rights.".

SEC. 1007. APPLICATION OF FEDERAL COMMUNICATIONS COMMISSION REGULATIONS.

Section 119(a) of title 17, United States Code, is amended—

(1) in paragraph (1), by inserting "with regard to secondary transmissions the satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast station signals," after "satellite carrier to the public for private home viewing,";

(2) in paragraph (2), by inserting "with regard to secondary transmissions the satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast station signals," after "satellite carrier to the public for private home viewing,"; and

(3) by adding at the end of such subsection (as amended by section 1005(e) of this Act) the following new paragraph:

"(12) STATUTORY LICENSE CONTINGENT ON COMPLIANCE WITH FCC RULES AND REMEDIAL STEPS.—Notwithstanding any other provision of this section, the willful or repeated secondary transmission to the public by a satellite carrier of a primary transmission embodying a performance or display of a work made by a broadcast station licensed by the Federal Communications Commission is actionable as an act of infringement under section 501, and is fully subject to the remedies provided by sections 502 through 506 and 509, if, at the time of such transmission, the satellite carrier is not in compliance with the rules, regulations, and authorizations of the Federal Communications Commission concerning the carriage of television broadcast station signals.".

SEC. 1008. RULES FOR SATELLITE CARRIERS RETRANSMITTING TELEVISION BROADCAST SIGNALS.

(a) AMENDMENTS TO COMMUNICATIONS ACT OF 1934.—Title III of the Communications Act of 1934 is amended by inserting after section 337 (47 U.S.C. 337) the following new sections:

"SEC. 338. CARRIAGE OF LOCAL TELEVISION SIGNALS BY SATELLITE CARRIERS.

"(a) CARRIAGE OBLIGATIONS.—

"(1) IN GENERAL.—Subject to the limitations of paragraph (2), each satellite carrier providing, under section 122 of title 17, United States Code, secondary transmissions to subscribers located within the local market of a television broadcast station of a primary transmission made by that station shall carry upon request the signals of all television broadcast stations located within that local market, subject to section 325(b).

"(2) REMEDIES FOR FAILURE TO CARRY.—The remedies for any failure to meet the obligations under this subsection shall be available exclusively under section 501(f) of title 17, United States Code.

"(3) EFFECTIVE DATE.—No satellite carrier shall be required to carry local television broadcast stations under paragraph (1) until January 1, 2002.

"(b) GOOD SIGNAL REQUIRED.—

"(1) COSTS.—A television broadcast station asserting its right to carriage under subsection (a) shall be required to bear the costs associated with delivering a good quality signal to the designated local receive facility of the satellite carrier or to another facility that is acceptable to at least one-half the stations asserting the right to carriage in the local market.

"(2) REGULATIONS.—The regulations issued under subsection (g) shall set forth the obligations necessary to carry out this subsection.

"(c) DUPLICATION NOT REQUIRED.—

"(1) COMMERCIAL STATIONS.—Notwithstanding subsection (a), a satellite carrier shall not be required to carry upon request the signal of any local commercial television broadcast station that substantially duplicates the signal of another local commercial television broadcast station which is secondarily transmitted by the satellite carrier within the same local market, or to carry upon request the signals of more than one local commercial television broadcast station in a single local market that is affiliated with a particular television network unless such stations are licensed to communities in different States.

"(2) NONCOMMERCIAL STATIONS.—The Commission shall prescribe regulations limiting the carriage requirements under subsection (a) of satellite carriers with respect to the carriage of multiple local noncommercial television broadcast stations. To the extent possible, such regulations shall provide the same degree of carriage by satellite carriers of such multiple stations as is provided by cable systems under section 615.

"(d) CHANNEL POSITIONING.—No satellite carrier shall be required to provide the signal of a local television broadcast station to subscribers in that station's local market on any particular channel number or to provide the signals in any particular order, except that the satellite carrier shall retransmit the signal of the local television broadcast stations to subscribers in the stations' local market on contiguous channels and provide access to such station's signals at a nondiscriminatory price and in a nondiscriminatory manner on any navigational device, on-screen program guide, or menu.

"(e) COMPENSATION FOR CARRIAGE.—A satellite carrier shall not accept or request monetary payment or other valuable consideration in exchange either for carriage of local television broadcast stations in fulfillment of the requirements of this section or for channel positioning rights provided to such stations under this section, except that any such station may be required to bear the costs associated with delivering a good quality signal to the local receive facility of the satellite carrier.

"(f) REMEDIES.—

"(1) COMPLAINTS BY BROADCAST STATIONS.—Whenever a local television broadcast station believes that a satellite carrier has failed to meet its obligations under subsections (b) through (e) of this section, such station shall notify the carrier, in writing, of the alleged failure and identify its reasons for believing that the satellite carrier failed to comply with such obligations. The satellite carrier shall, within 30 days after such written notification, respond in writing to such notification and comply with such obligations or state its reasons for believing that it is in compliance with such obligations. A local television broadcast station that disputes a response by a satellite carrier that it is in compliance with such obligations may obtain review of such denial or response by filing a complaint with the Commission. Such complaint shall allege the manner in which such satellite carrier has failed to meet its obligations and the basis for such allegations.

"(2) OPPORTUNITY TO RESPOND.—The Commission shall afford the satellite carrier against which a complaint is filed under paragraph (1) an opportunity to present data and arguments to establish that there has been no failure to meet its obligations under this section.

"(3) REMEDIAL ACTIONS; DISMISSAL.—Within 120 days after the date a complaint is filed under paragraph (1), the Commission shall determine whether the satellite carrier has met its obligations under subsections (b) through (e). If the Commission determines that the satellite carrier has failed to meet such obligations, the Commission shall order the satellite carrier to take appropriate remedial action. If the Commission determines that the satellite carrier has fully met the requirements of such subsections, the Commission shall dismiss the complaint.

"(g) REGULATIONS BY COMMISSION.—Within 1 year after the date of the enactment of this section, the Commission shall issue regulations implementing this section following a rulemaking proceeding. The regulations prescribed under

this section shall include requirements on satellite carriers that are comparable to the requirements on cable operators under sections 614(b)(3) and (4) and 615(g)(1) and (2).

"(h) DEFINITIONS.—As used in this section:

"(1) DISTRIBUTOR.—The term 'distributor' means an entity which contracts to distribute secondary transmissions from a satellite carrier and, either as a single channel or in a package with other programming, provides the secondary transmission either directly to individual subscribers or indirectly through other program distribution entities.

"(2) LOCAL RECEIVE FACILITY.—The term 'local receive facility' means the reception point in each local market which a satellite carrier designates for delivery of the signal of the station for purposes of retransmission.

"(3) LOCAL MARKET.—The term 'local market' has the meaning given that term under section 122(j) of title 17, United States Code.

"(4) SATELLITE CARRIER.—The term 'satellite carrier' has the meaning given such term under section 119(d) of title 17, United States Code.

"(5) SECONDARY TRANSMISSION.—The term 'secondary transmission' has the meaning given such term in section 119(d) of title 17, United States Code.

"(6) SUBSCRIBER.—The term 'subscriber' has the meaning given that term under section 122(j) of title 17, United States Code.

"(7) TELEVISION BROADCAST STATION.—The term 'television broadcast station' has the meaning given such term in section 325(b)(7).

"SEC. 339. CARRIAGE OF DISTANT TELEVISION STATIONS BY SATELLITE CARRIERS.

"(a) PROVISIONS RELATING TO CARRIAGE OF DISTANT SIGNALS.—

"(1) CARRIAGE PERMITTED.—

"(A) IN GENERAL.—Subject to section 119 of title 17, United States Code, any satellite carrier shall be permitted to provide the signals of no more than two network stations in a single day for each television network to any household not located within the local markets of those network stations.

"(B) ADDITIONAL SERVICE.—In addition to signals provided under subparagraph (A), any satellite carrier may also provide service under the statutory license of section 122 of title 17, United States Code, to the local market within which such household is located. The service provided under section 122 of such title may be in addition to the two signals provided under section 119 of such title.

"(2) PENALTY FOR VIOLATION.—Any satellite carrier that knowingly and willfully provides the signals of television stations to subscribers in violation of this subsection shall be liable for a forfeiture penalty under section 503 in the amount of $50,000 for each violation or each day of a continuing violation.

"(b) EXTENSION OF NETWORK NONDUPLICATION, SYNDICATED EXCLUSIVITY, AND SPORTS BLACKOUT TO SATELLITE RETRANSMISSION.—

"(1) EXTENSION OF PROTECTIONS.—Within 45 days after the date of the enactment of the Satellite Home Viewer Improvement Act of 1999, the Commission shall commence a single rulemaking proceeding to establish regulations that—

"(A) apply network nonduplication protection (47 CFR 76.92) syndicated exclusivity protection (47 CFR 76.151), and sports blackout protection (47 CFR 76.67) to the retransmission of the signals of nationally distributed superstations by satellite carriers to subscribers; and

"(B) to the extent technically feasible and not economically prohibitive, apply sports blackout protection (47 CFR 76.67) to the retransmission of the signals of network stations by- satellite carriers to subscribers.

"(2) DEADLINE FOR ACTION.—The Commission shall complete all actions necessary to prescribe regulations required by this section so that the regulations shall become effective within 1 year after such date of enactment.

"(c) ELIGIBILITY FOR RETRANSMISSION.—

"(1) SIGNAL STANDARD FOR SATELLITE CARRIER PURPOSES.—For the purposes of identifying an unserved household under section 119(d)(10) of title 17, United States Code, within 1 year after the date of the enactment of the Satellite Home Viewer Improvement Act of 1999, the Commission shall conclude an inquiry to evaluate all possible standards and factors for determining eligibility for retransmissions of the signals of network stations, and, if appropriate—

"(A) recommend modifications to the Grade B intensity standard for analog signals set forth in section 73.683(a) of its regulations (47 CFR 73.683(a)), or recommend alternative standards or factors for purposes of determining such eligibility; and

"(B) make a further recommendation relating to an appropriate standard for digital signals.

"(2) WAIVERS.—A subscriber who is denied the retransmission of a signal of a network station under section 119 of title 17, United States Code, may request a waiver from such denial by submitting a request, through such subscriber's satellite carrier, to the network station asserting that the retransmission is prohibited. The network station shall accept or reject a subscriber's request for a waiver within 30 days after receipt of the request. The subscriber shall be permitted to receive such retransmission under section 119(d)(10)(B) of title 17, United States Code, if such station agrees to the waiver request and files with the satellite carrier a written waiver with respect to that subscriber allowing the subscriber to receive such retransmission. If a television network station fails to accept or reject a subscriber's request for a waiver within the 30-day period after receipt of the request, that station shall be deemed to agree to the waiver request and have filed such written waiver.

"(3) ESTABLISHMENT OF IMPROVED PREDICTIVE MODEL REQUIRED.—Within 180 days after the date of the enactment of the Satellite Home Viewer Improvement Act of 1999, the Commission shall take all actions necessary, including any reconsideration, to develop and prescribe by rule a point-to-point predictive model for reliably and presumptively determining the ability of individual locations to receive signals in accordance with the signal intensity standard in effect under section 119(d)(10)(A) of title 17, United States Code. In prescribing such model, the Commission shall rely on the Individual Location Longley-Rice model set forth by the Federal Communications Commission in Docket No. 98–201 and ensure that such model takes into account terrain, building structures, and other land cover variations. The Commission shall establish procedures for the continued refinement in the application of the model by the use of additional data as it becomes available.

"(4) OBJECTIVE VERIFICATION.—

"(A) IN GENERAL.—If a subscriber's request for a waiver under paragraph (2) is rejected and the subscriber submits to the subscriber's satellite carrier a request for a test verifying the subscriber's inability to receive a signal that meets the signal intensity standard in effect under section 119(d)(10)(A) of title 17, United States Code, the satellite carrier and the network station or stations asserting that the retransmission is prohibited with respect to that subscriber shall select a qualified and independent person to conduct a test in accordance with section 73.686(d) of its regulations (47 CFR 73.686(d)), or any successor regulation. Such test shall be conducted within 30 days after the date the subscriber submits a request for the test. If the written findings and conclusions of a test conducted in accordance with such section (or any successor regulation) demonstrate that the subscriber does not receive a signal that meets or exceeds the signal intensity standard in effect under section 119(d)(10)(A) of title 17, United States Code, the subscriber shall not be denied the retransmission of a signal of a network station under section 119 of title 17, United States Code.

"(B) DESIGNATION OF TESTER AND ALLOCATION OF COSTS.—If the satellite carrier and the network station or stations asserting that the retransmission is prohibited are unable to agree on such a person to conduct the test, the person shall be designated by an independent and neutral entity designated by the Commission by rule. Unless the satellite carrier and the network station or stations otherwise agree, the costs of conducting the test under this paragraph shall be borne by the satellite carrier, if the station's signal meets or exceeds the signal intensity standard in effect under section 119(d)(10)(A) of title 17, United States Code, or by the network station, if its signal fails to meet or exceed such standard.

"(C) AVOIDANCE OF UNDUE BURDEN.— Commission regulations prescribed under this paragraph shall seek to avoid any undue burden on any party.

"(d) DEFINITIONS.—For the purposes of this section:

"(1) LOCAL MARKET.—The term 'local market' has the meaning given that term under section 122(j) of title 17, United States Code.

"(2) NATIONALLY DISTRIBUTED SUPERSTATION.—The term 'nationally distributed superstation' means a television broadcast station, licensed by the Commission, that—

"(A) is not owned or operated by or affiliated with a television network that, as of January 1, 1995, offered interconnected program service on a regular basis for 15 or more hours per week to at least 25 affiliated television licensees in 10 or more States;

"(B) on May 1, 1991, was retransmitted by a satellite carrier and was not a network station at that time; and

"(C) was, as of July 1, 1998, retransmitted by a satellite carrier under the statutory license of section 119 of title 17, United States Code.

"(3) NETWORK STATION.—The term 'network station' has the meaning given such term under section 119(d) of title 17, United States Code.

"(4) SATELLITE CARRIER.—The term 'satellite carrier' has the meaning given such term under section 119(d) of title 17, United States Code.

"(5) TELEVISION NETWORK.—The term 'television network' means a television network in the United States which offers an interconnected program service on a regular basis for 15 or more hours per week to at least 25 affiliated broadcast stations in 10 or more States.".

(b) NETWORK STATION DEFINITION.—Section 119(d)(2) of title 17, United States Code, is amended—

(1) in subparagraph (B) by striking the period and inserting a semicolon; and

(2) by adding after subparagraph (B) the following:

"except that the term does not include the signal of the Alaska Rural Communications Service, or any successor entity to that service.".

SEC. 1009. RETRANSMISSION CONSENT.

(a) IN GENERAL.—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) by amending paragraphs (1) and (2) to read as follows:

"(b)(1) No cable system or other multichannel video programming distributor shall retransmit the signal of a broadcasting station, or any part thereof, except—

"(A) with the express authority of the originating station;

"(B) under section 614, in the case of a station electing, in accordance with this subsection, to assert the right to carriage under such section; or

"(C) under section 338, in the case of a station electing, in accordance with this subsection, to assert the right to carriage under such section.

"(2) This subsection shall not apply—

"(A) to retransmission of the signal of a noncommercial television broadcast station;

"(B) to retransmission of the signal of a television broadcast station outside the station's local market by a satellite carrier directly to its subscribers, if—

"(i) such station was a superstation on May 1, 1991;

"(ii) as of July 1, 1998, such station was retransmitted by a satellite carrier under the statutory license of section 119 of title 17, United States Code; and

"(iii) the satellite carrier complies with any network nonduplication, syndicated exclusivity, and sports blackout rules adopted by the Commission under section 339(b) of this Act;

"(C) until December 31, 2004, to retransmission of the signals of network stations directly to a home satellite antenna, if the subscriber receiving the signal—

"(i) is located in an area outside the local market of such stations; and

"(ii) resides in an unserved household;

"(D) to retransmission by a cable operator or other multichannel video provider, other than a satellite carrier, of the signal of a television broadcast station outside the station's local market if such signal was obtained from a satellite carrier and—

"(i) the originating station was a superstation on May 1, 1991; and

"(ii) as of July 1, 1998, such station was retransmitted by a satellite carrier under the statutory license of section 119 of title 17, United States Code; or

"(E) during the 6-month period beginning on the date of the enactment of the Satellite Home Viewer Improvement Act of 1999, to the retransmission of the signal of a television broadcast station within the station's local market by a satellite carrier directly to its subscribers under the statutory license of section 122 of title 17, United States Code.

For purposes of this paragraph, the terms 'satellite carrier' and 'superstation' have the meanings given those terms, respectively, in section 119(d) of title 17, United States Code, as in effect on the date of the enactment of the Cable Television Consumer Protection and Competition Act of 1992, the term 'unserved household' has the meaning given that term under section 119(d) of such title, and the term 'local market' has the meaning given that term in section 122(j) of such title.";

(2) by adding at the end of paragraph (3) the following new subparagraph:

"(C) Within 45 days after the date of the enactment of the Satellite Home Viewer Improvement Act of 1999, the Commission shall commence a rulemaking proceeding to revise the regulations governing the exercise by television broadcast stations of the right to grant retransmission consent under this subsection, and such other regulations as are necessary to administer the limitations contained in paragraph (2). The Commission shall complete all actions necessary to prescribe such regulations within 1 year after such date of enactment. Such regulations shall—

"(i) establish election time periods that correspond with those regulations adopted under subparagraph (B) of this paragraph; and

"(ii) until January 1, 2006, prohibit a television broadcast station that provides retransmission consent from engaging in exclusive contracts for carriage or failing to negotiate in good faith, and it shall not be a failure to negotiate in good faith if the television broadcast station enters into retransmission consent agreements containing different terms and conditions, including price terms, with different multichannel video programming distributors if such different terms and conditions are based on competitive marketplace considerations.";

(3) in paragraph (4), by adding at the end the following new sentence: "If an originating television station elects under paragraph (3)(C) to exercise its right to grant retransmission consent under this subsection with respect to a satellite carrier, section 338 shall not apply to the carriage of the signal of such station by such satellite carrier.";

(4) in paragraph (5), by striking "614 or 615" and inserting "338, 614, or 615"; and

(5) by adding at the end the following new paragraph:

"(7) For purposes of this subsection, the term—

"(A) 'network station' has the meaning given such term under section 119(d) of title 17, United States Code; and

"(B) 'television broadcast station' means an over-the-air commercial or noncommercial television broadcast station licensed by the Commission under subpart E of part 73 of title 47, Code of Federal Regulations, except that such term does not include a low-power or translator television station.".

(b) Enforcement Provisions for Consent for Retransmissions.—Section 325 of the Communications Act of 1934 (47 U.S.C. 325) is amended by adding at the end the following new subsection:

"(e) Enforcement Proceedings Against Satellite Carriers Concerning Retransmissions of Television Broadcast Stations in the Respective Local Markets of Such Carriers.—

"(1) Complaints by television broadcast stations.—If after the expiration of the 6-month period described under subsection (b)(2)(E) a television broadcast station believes that a satellite carrier has retransmitted its signal to any person in the local market of such station in violation of subsection (b)(1), the station may file with the Commission a complaint providing—

"(A) the name, address, and call letters of the station;

"(B) the name and address of the satellite carrier;

"(C) the dates on which the alleged retransmission occurred;

"(D) the street address of at least one person in the local market of the station to whom the alleged retransmission was made;

"(E) a statement that the retransmission was not expressly authorized by the television broadcast station; and

"(F) the name and address of counsel for the station.

"(2) Service of complaints on satellite carriers.—For purposes of any proceeding under this subsection, any satellite carrier that retransmits the signal of any broadcast station shall be deemed to designate the Secretary of the Commission as its agent for service of process. A television broadcast station may serve a satellite carrier with a complaint concerning an alleged violation of subsection (b)(1) through retransmission of a station within the local market of such station by filing the original and two copies of the complaint with the Secretary of the Commission and serving a copy of the complaint on the satellite carrier by means of two commonly used overnight delivery services, each addressed to the chief executive officer of the satellite carrier at its principal place of business, and each marked 'URGENT LITIGATION MATTER' on the outer packaging. Service shall be deemed complete one business day after a copy of the complaint is provided to the delivery services for overnight delivery. On receipt of a complaint filed by a television broadcast station under this subsection, the Secretary of the Commission shall send the original complaint by United States mail, postage prepaid, receipt requested, addressed to the chief executive officer of the satellite carrier at its principal place of business.

"(3) Answers by satellite carriers.—Within five business days after the date of service, the satellite carrier shall file an answer with the Commission and shall serve the answer by a commonly used overnight delivery service and by United States mail, on the counsel designated in the complaint at the address listed for such counsel in the complaint.

"(4) Defenses.—

"(A) Exclusive defenses.—The defenses under this paragraph are the exclusive defenses available to a satellite carrier against which a complaint under this subsection is filed.

"(B) Defenses.—The defenses referred to under subparagraph (A) are the defenses that—

"(i) the satellite carrier did not retransmit the television broadcast station to any person in the local market of the station during the time period specified in the complaint;

"(ii) the television broadcast station had, in a writing signed by an officer of the television broadcast station, expressly authorized the retransmission of the station by the satellite carrier to each person in the local market of the television broadcast station to which the satellite carrier made such retransmissions for the entire time period during which it is alleged that a violation of subsection (b)(1) has occurred;

"(iii) the retransmission was made after January 1, 2002, and the television broadcast station had elected to assert the right to carriage under section 338 as against the satellite carrier for the relevant period; or

"(iv) the station being retransmitted is a noncommercial television broadcast station.

"(5) Counting of violations.—The retransmission without consent of a particular television broadcast station on a particular day to one or more persons in the local market of the station shall be considered a separate violation of subsection (b)(1).

"(6) Burden of proof.—With respect to each alleged violation, the burden of proof shall be on a television broadcast station to establish that the satellite carrier retransmitted the station to at least one person in the local market of the station on the day in question. The burden of proof shall be on the satellite carrier with respect to all defenses other than the defense under paragraph (4)(B)(i).

"(7) Procedures.—

"(A) Regulations.—Within 60 days after the date of the enactment of the Satellite Home Viewer Improvement Act of 1999, the Commission shall issue procedural regulations implementing this subsection which shall supersede procedures under section 312.

"(B) Determinations.—

"(i) In general.—Within 45 days after the filing of a complaint, the Commission shall issue a final determination in any proceeding brought under this subsection. The Commission's final determination shall specify the number of violations committed by the satellite carrier. The Commission shall hear witnesses only if it clearly appears, based on written filings by the parties, that there is a genuine dispute about material facts. Except as provided in the preceding sentence, the Commission may issue a final ruling based on written filings by the parties.

"(ii) Discovery.—The Commission may direct the parties to exchange pertinent documents, and if necessary to take prehearing depositions, on such schedule as the Commission may approve, but only if the Commission first determines that such discovery is necessary to resolve a genuine dispute about material facts, consistent with the obligation to make a final determination within 45 days.

"(8) Relief.—If the Commission determines that a satellite carrier has retransmitted the television broadcast station to at least one person in the local market of such station and has failed to meet its burden of proving one of the defenses under paragraph (4) with respect to such retransmission, the Commission shall be required to—

"(A) make a finding that the satellite carrier violated subsection (b)(1) with respect to that station; and

"(B) issue an order, within 45 days after the filing of the complaint, containing—

"(i) a cease-and-desist order directing the satellite carrier immediately to stop making any further retransmissions of the television broadcast station to any person within the local market of such station until such time as the Commission determines that the satellite carrier is in compliance with subsection (b)(1) with respect to such station;

"(ii) if the satellite carrier is found to have violated subsection (b)(1) with respect to more than two television broadcast stations, a cease-and-desist order directing the satellite carrier to stop making any further retransmission of any television broadcast station to any person within the local market of such station, until such time as the Commission, after giving notice to the station, that the satellite carrier is in compliance with subsection (b)(1) with respect to such stations; and

"(iii) an award to the complainant of that complainant's costs and reasonable attorney's fees.

"(9) Court Proceedings on Enforcement of Commission Order.—

"(A) In General.—On entry by the Commission of a final order granting relief under this subsection—

"(i) a television broadcast station may apply within 30 days after such entry to the United States District Court for the Eastern District of Virginia for a final judgment enforcing all relief granted by the Commission; and

"(ii) the satellite carrier may apply within 30 days after such entry to the United States District Court for the Eastern District of Virginia for a judgment reversing the Commission's order.

"(B) Appeal.—The procedure for an appeal under this paragraph by the satellite carrier shall supersede any other appeal rights under Federal or State law. A United States district court shall be deemed to have personal jurisdiction over the satellite carrier if the carrier, or a company under common control with the satellite carrier, has delivered television programming by satellite to more than 30 customers in that district during the preceding 4-year period. If the United States District Court for the Eastern District of Virginia does not have personal jurisdiction over the satellite carrier, an enforcement action or appeal shall be brought in the United States District Court for the District of Columbia, which may find personal jurisdiction based on the satellite carrier's ownership of licenses issued by the Commission. An application by a television broadcast station for an order enforcing any cease-and-desist relief granted by the Commission shall be resolved on a highly expedited schedule. No discovery may be conducted by the parties in any such proceeding. The district court shall enforce the Commission order unless the Commission record reflects manifest error and an abuse of discretion by the Commission.

"(10) Civil Action for Statutory Damages.—Within 6 months after issuance of an order by the Commission under this subsection, a television broadcast station may file a civil action in any United States district court that has personal jurisdiction over the satellite carrier for an award of statutory damages for any violation that the Commission has determined to have been committed by a satellite carrier under this subsection. Such action shall not be subject to transfer under section 1404(a) of title 28, United States Code. On finding that the satellite carrier has committed one or more violations of subsection (b), the District Court shall be required to award the television broadcast station statutory damages of $25,000 per violation, in accordance with paragraph (5), and the costs and attorney's fees incurred by the station. Such statutory damages shall be awarded only if the television broadcast station has filed a binding stipulation with the court that such station will donate the full amount in excess of $1,000 of any statutory damage award to the United States Treasury for public purposes. Notwithstanding any other provision of law, a station shall incur no tax liability of any kind with respect to any amounts so donated. Discovery may be conducted by the parties in any proceeding under this paragraph only if and to the extent necessary to resolve a genuinely disputed issue of fact concerning one of the defenses under paragraph (4). In any such action, the defenses under paragraph (4) shall be exclusive, and the burden of proof shall be on the satellite carrier with respect to all defenses other than the defense under paragraph (4)(B)(i). A judgment under this paragraph may be enforced in any manner permissible under Federal or State law.

"(11) Appeals.—

"(A) In General.—The nonprevailing party before a United States district court may appeal a decision under this subsection to the United States Court of Appeals with jurisdiction over that district court. The Court of Appeals shall not issue any stay of the effectiveness of any decision granting relief against a satellite carrier unless the carrier presents clear and convincing evidence that it is highly likely to prevail on appeal and only after posting a bond for the full amount of any monetary award assessed against it and for such further amount as the Court of Appeals may believe appropriate.

"(B) Appeal.—If the Commission denies relief in response to a complaint filed by a television broadcast station under this subsection, the television broadcast station filing the complaint may file an appeal with the United States Court of Appeals for the District of Columbia Circuit.

"(12) Sunset.—No complaint or civil action may be filed under this subsection after December 31, 2001. This subsection shall continue to apply to any complaint or civil action filed on or before such date.".

SEC. 1010. SEVERABILITY.

If any provision of section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)), or the application of that provision to any person or circumstance, is held by a court of competent jurisdiction to violate any provision of the Constitution of the United States, then the other provisions of that section, and the application of that provision to other persons and circumstances, shall not be affected.

SEC. 1011. TECHNICAL AMENDMENTS.

(a) Technical Amendments Relating to Cable Systems.—Title 17, United States Code, is amended as follows:

(1) Such title is amended by striking "programing" each place it appears and inserting "programming".

(2) Section 111 is amended by striking "compulsory" each place it appears and inserting "statutory".

(3) Section 510(b) is amended by striking "compulsory" and inserting "statutory".

(b) Technical Amendments Relating to Performance or Displays Of Works.—

(1) Section 111 of title 17, United States Code, is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking "primary transmission embodying a performance or display of a work" and inserting "performance or display of a work embodied in a primary transmission";

(B) in subsection (b), in the matter preceding paragraph (1), by striking "primary transmission embodying a performance or display of a work" and inserting "performance or display of a work embodied in a primary transmission"; and

(C) in subsection (c)—

(i) in paragraph (1)—

(I) by inserting "a performance or display of a work embodied in" after "by a cable system of"; and

(II) by striking "and embodying a performance or display of a work"; and

(ii) in paragraphs (3) and (4)—

(I) by striking "a primary transmission" and inserting "a performance or display of a work embodied in a primary transmission"; and

(II) by striking "and embodying a performance or display of a work".

(2) Section 119(a) of title 17, United States Code, is amended—

(A) in paragraph (1), by striking "primary transmission made by a superstation and embodying a performance or display of a work" and inserting "performance or display of a work embodied in a primary transmission made by a superstation";

(B) in paragraph (2)(A), by striking "programming" and all that follows through "a work" and inserting "a performance or display of a work embodied in a primary transmission made by a network station";

(C) in paragraph (4)—

(i) by inserting "a performance or display of a work embodied in" after "by a satellite carrier of"; and

(ii) by striking "and embodying a performance or display of a work"; and

(D) in paragraph (6)—

(i) by inserting "performance or display of a work embodied in" after "by a satellite carrier of"; and

(ii) by striking "and embodying a performance or display of a work".

(3) Section 501(e) of title 17, United States Code, is amended by striking "primary transmission embodying the performance or display of a work" and inserting "performance or display of a work embodied in a primary transmission".

(c) Conforming Amendment.—Section 119(a)(2)(C) of title 17, United States Code, is amended in the first sentence by striking "currently".

(d) Work Made for Hire.—Section 101 of title 17, United States Code, is amended in the definition relating to work for hire in paragraph (2) by inserting "as a sound recording," after "audiovisual work".

SEC. 1012. EFFECTIVE DATES.

Sections 1001, 1003, 1005, 1007, 1008, 1009, 1010, and 1011 (and the amendments made by such sections) shall take effect on the date of the enactment of this Act. The amendments made by sections 1002, 1004, and 1006 shall be effective as of July 1, 1999.

TITLE II—RURAL LOCAL TELEVISION SIGNALS

SEC. 2001. SHORT TITLE.

This title may be cited as the "Rural Local Broadcast Signal Act".

SEC. 2002. LOCAL TELEVISION SERVICE IN UNSERVED AND UNDERSERVED MARKETS.

(a) In General.—Not later than 1 year after the date of the enactment of this Act, the Federal Communications Commission ("the Commission") shall take all actions necessary to make a determination regarding licenses or other authorizations for facilities that will utilize, for delivering local broadcast television station signals to satellite television subscribers in

unserved and underserved local television markets, spectrum otherwise allocated to commercial use.

(b) RULES.—

(1) FORM OF BUSINESS.—To the extent not inconsistent with the Communications Act of 1934 and the Commission's rules, the Commission shall permit applicants under subsection (a) to engage in partnerships, joint ventures, and similar operating arrangements for the purpose of carrying out subsection (a).

(2) HARMFUL INTERFERENCE.—The Commission shall ensure that no facility licensed or authorized under subsection (a) causes harmful interference to the primary users of that spectrum or to public safety spectrum use.

(3) LIMITATION ON COMMISSION.—Except as provided in paragraphs (1) and (2), the Commission may not restrict any entity granted a license or other authorization under subsection (a) from using any reasonable compression, reformatting, or other technology.

(c) REPORT.—Not later than January 1, 2001, the Commission shall report to the Agriculture, Appropriations, and the Judiciary Committees of the Senate and the House of Representatives, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Commerce, on the extent to which licenses and other authorizations under subsection (a) have facilitated the delivery of local signals to satellite television subscribers in unserved and underserved local television markets. The report shall include—

(1) an analysis of the extent to which local signals are being provided by direct-to-home satellite television providers and by other multichannel video program distributors;

(2) an enumeration of the technical, economic, and other impediments each type of multichannel video programming distributor has encountered; and

(3) recommendations for specific measures to facilitate the provision of local signals to subscribers in unserved and underserved markets by direct-to-home satellite television providers and by other distributors of multichannel video programming service.

TITLE III—TRADEMARK CYBERPIRACY PREVENTION

SEC. 3001. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This title may be cited as the "Anticybersquatting Consumer Protection Act".

(b) REFERENCES TO THE TRADEMARK ACT OF 1946.—Any reference in this title to the Trademark Act of 1946 shall be a reference to the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et seq.).

SEC. 3002. CYBERPIRACY PREVENTION.

(a) IN GENERAL.—Section 43 of the Trademark Act of 1946 (15 U.S.C. 1125) is amended by inserting at the end the following:

"(d)(1)(A) A person shall be liable in a civil action by the owner of a mark, including a personal name which is protected as a mark under this section, if, without regard to the goods or services of the parties, that person—

"(i) has a bad faith intent to profit from that mark, including a personal name which is protected as a mark under this section; and

"(ii) registers, traffics in, or uses a domain name that—

"(I) in the case of a mark that is distinctive at the time of registration of the domain name, is identical or confusingly similar to that mark;

"(II) in the case of a famous mark that is famous at the time of registration of the domain name, is identical or confusingly similar to or dilutive of that mark; or

"(III) is a trademark, word, or name protected by reason of section 706 of title 18, United States Code, or section 220506 of title 36, United States Code.

"(B)(i) In determining whether a person has a bad faith intent described under subparagraph (A), a court may consider factors such as, but not limited to—

"(I) the trademark or other intellectual property rights of the person, if any, in the domain name;

"(II) the extent to which the domain name consists of the legal name of the person or a name that is otherwise commonly used to identify that person;

"(III) the person's prior use, if any, of the domain name in connection with the bona fide offering of any goods or services;

"(IV) the person's bona fide noncommercial or fair use of the mark in a site accessible under the domain name;

"(V) the person's intent to divert consumers from the mark owner's online location to a site accessible under the domain name that could harm the goodwill represented by the mark, either for commercial gain or with the intent to tarnish or disparage the mark, by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the site;

"(VI) the person's offer to transfer, sell, or otherwise assign the domain name to the mark owner or any third party for financial gain without having used, or having an intent to use, the domain name in the bona fide offering of any goods or services, or the person's prior conduct indicating a pattern of such conduct;

"(VII) the person's provision of material and misleading false contact information when applying for the registration of the domain name, the person's intentional failure to maintain accurate contact information, or the person's prior conduct indicating a pattern of such conduct;

"(VIII) the person's registration or acquisition of multiple domain names which the person knows are identical or confusingly similar to marks of others that are distinctive at the time of registration of such domain names, or dilutive of famous marks of others that are famous at the time of registration of such domain names, without regard to the goods or services of the parties; and

"(IX) the extent to which the mark incorporated in the person's domain name registration is or is not distinctive and famous within the meaning of subsection (c)(1) of section 43.

"(ii) Bad faith intent described under subparagraph (A) shall not be found in any case in which the court determines that the person believed and had reasonable grounds to believe that the use of the domain name was a fair use or otherwise lawful.

"(C) In any civil action involving the registration, trafficking, or use of a domain name under this paragraph, a court may order the forfeiture or cancellation of the domain name or the transfer of the domain name to the owner of the mark.

"(D) A person shall be liable for using a domain name under subparagraph (A) only if that person is the domain name registrant or that registrant's authorized licensee.

"(E) As used in this paragraph, the term 'traffics in' refers to transactions that include, but are not limited to, sales, purchases, loans, pledges, licenses, exchanges of currency, and any other transfer for consideration or receipt in exchange for consideration.

"(2)(A) The owner of a mark may file an in rem civil action against a domain name in the judicial district in which the domain name registrar, domain name registry, or other domain name authority that registered or assigned the domain name is located if—

"(i) the domain name violates any right of the owner of a mark registered in the Patent and Trademark Office, or protected under subsection (a) or (c); and

"(ii) the court finds that the owner—

"(I) is not able to obtain in personam jurisdiction over a person who would have been a defendant in a civil action under paragraph (1); or

"(II) through due diligence was not able to find a person who would have been a defendant in a civil action under paragraph (1) by—

"(aa) sending a notice of the alleged violation and intent to proceed under this paragraph to the registrant of the domain name at the postal and e-mail address provided by the registrant to the registrar; and

"(bb) publishing notice of the action as the court may direct promptly after filing the action.

"(B) The actions under subparagraph (A)(ii) shall constitute service of process.

"(C) In an in rem action under this paragraph, a domain name shall be deemed to have its situs in the judicial district in which—

"(i) the domain name registrar, registry, or other domain name authority that registered or assigned the domain name is located; or

"(ii) documents sufficient to establish control and authority regarding the disposition of the registration and use of the domain name are deposited with the court.

"(D)(i) The remedies in an in rem action under this paragraph shall be limited to a court order for the forfeiture or cancellation of the domain name or the transfer of the domain name to the owner of the mark. Upon receipt of written notification of a filed, stamped copy of a complaint filed by the owner of a mark in a United States district court under this paragraph, the domain name registrar, domain name registry, or other domain name authority shall—

"(I) expeditiously deposit with the court documents sufficient to establish the court's control and authority regarding the disposition of the registration and use of the domain name to the court; and

"(II) not transfer, suspend, or otherwise modify the domain name during the pendency of the action, except upon order of the court.

"(ii) The domain name registrar or registry or other domain name authority shall not be liable for injunctive or monetary relief under this paragraph except in the case of bad faith or reckless disregard, which includes a willful failure to comply with any such court order.

"(3) The civil action established under paragraph (1) and the in rem action established under paragraph (2), and any remedy available under either such action, shall be in addition to any other civil action or remedy otherwise applicable.

"(4) The in rem jurisdiction established under paragraph (2) shall be in addition to any other jurisdiction that otherwise exists, whether in rem or in personam.".

(b) CYBERPIRACY PROTECTIONS FOR INDIVIDUALS.—

(1) IN GENERAL.—

(A) CIVIL LIABILITY.—Any person who registers a domain name that consists of the name of another living person, or a name substantially and confusingly similar thereto, without that person's consent, with the specific intent to profit from such name by selling the domain name for financial gain to that person or any third party, shall be liable in a civil action by such person.

(B) EXCEPTION.—A person who in good faith registers a domain name consisting of the name of another living person, or a name substantially and confusingly similar thereto, shall not be liable under this paragraph if such name is used in, affiliated with, or related to a work of authorship protected under title 17, United States Code, including a work made for hire as defined in section 101 of title 17, United States Code, and if the person registering the domain name is the copyright owner or licensee of the

work, the person intends to sell the domain name in conjunction with the lawful exploitation of the work, and such registration is not prohibited by a contract between the registrant and the named person. The exception under this subparagraph shall apply only to a civil action brought under paragraph (1) and shall in no manner limit the protections afforded under the Trademark Act of 1946 (15 U.S.C. 1051 et seq.) or other provision of Federal or State law.

(2) REMEDIES.—In any civil action brought under paragraph (1), a court may award injunctive relief, including the forfeiture or cancellation of the domain name or the transfer of the domain name to the plaintiff. The court may also, in its discretion, award costs and attorneys fees to the prevailing party.

(3) DEFINITION.—In this subsection, the term "domain name" has the meaning given that term in section 45 of the Trademark Act of 1946 (15 U.S.C. 1127).

(4) EFFECTIVE DATE.—This subsection shall apply to domain names registered on or after the date of the enactment of this Act.

SEC. 3003. DAMAGES AND REMEDIES.

(a) REMEDIES IN CASES OF DOMAIN NAME PIRACY.—

(1) INJUNCTIONS.—Section 34(a) of the Trademark Act of 1946 (15 U.S.C. 1116(a)) is amended in the first sentence by striking "(a) or (c)" and inserting "(a), (c), or (d)".

(2) DAMAGES.—Section 35(a) of the Trademark Act of 1946 (15 U.S.C. 1117(a)) is amended in the first sentence by inserting ", (c), or (d)" after "section 43(a)".

(b) STATUTORY DAMAGES.—Section 35 of the Trademark Act of 1946 (15 U.S.C. 1117) is amended by adding at the end the following:

"(d) In a case involving a violation of section 43(d)(1), the plaintiff may elect, at any time before final judgment is rendered by the trial court, to recover, instead of actual damages and profits, an award of statutory damages in the amount of not less than $1,000 and not more than $100,000 per domain name, as the court considers just.

SEC. 3004. LIMITATION ON LIABILITY.

Section 32(2) of the Trademark Act of 1946 (15 U.S.C. 1114) is amended—

(1) in the matter preceding subparagraph (A) by striking "under section 43(a)" and inserting "under section 43(a) or (d)"; and

(2) by redesignating subparagraph (D) as subparagraph (E) and inserting after subparagraph (C) the following:

"(D)(i)(I) A domain name registrar, a domain name registry, or other domain name registration authority that takes any action described under clause (ii) affecting a domain name shall not be liable for monetary relief or, except as provided in subclause (II), for injunctive relief, to any person for such action, regardless of whether the domain name is finally determined to infringe or dilute the mark.

"(II) A domain name registrar, domain name registry, or other domain name registration authority described in subclause (I) may be subject to injunctive relief only if such registrar, registry, or other registration authority has—

"(aa) not expeditiously deposited with a court, in which an action has been filed regarding the disposition of the domain name, documents sufficient for the court to establish the court's control and authority regarding the disposition of the registration and use of the domain name;

"(bb) transferred, suspended, or otherwise modified the domain name during the pendency of the action, except upon order of the court; or

"(cc) willfully failed to comply with any such court order.

"(ii) An action referred to under clause (i)(I) is any action of refusing to register, removing from registration, transferring, temporarily disabling, or permanently canceling a domain name—

"(I) in compliance with a court order under section 43(d); or

"(II) in the implementation of a reasonable policy by such registrar, registry, or authority prohibiting the registration of a domain name that is identical to, confusingly similar to, or dilutive of another's mark.

"(iii) A domain name registrar, a domain name registry, or other domain name registration authority shall not be liable for damages under this section for the registration or maintenance of a domain name for another absent a showing of bad faith intent to profit from such registration or maintenance of the domain name.

"(iv) If a registrar, registry, or other registration authority takes an action described under clause (ii) based on a knowing and material misrepresentation by any other person that a domain name is identical to, confusingly similar to, or dilutive of a mark, the person making the knowing and material misrepresentation shall be liable for any damages, including costs and attorney's fees, incurred by the domain name registrant as a result of such action. The court may also grant injunctive relief to the domain name registrant, including the reactivation of the domain name or the transfer of the domain name to the domain name registrant.

"(v) A domain name registrant whose domain name has been suspended, disabled, or transferred under a policy described under clause (ii)(II) may, upon notice to the mark owner, file a civil action to establish that the registration or use of the domain name by such registrant is not unlawful under this Act. The court may grant injunctive relief to the domain name registrant, including the reactivation of the domain name or transfer of the domain name to the domain name registrant.".

SEC. 3005. DEFINITIONS.

Section 45 of the Trademark Act of 1946 (15 U.S.C. 1127) is amended by inserting after the undesignated paragraph defining the term "counterfeit" the following:

"The term 'domain name' means any alphanumeric designation which is registered with or assigned by any domain name registrar, domain name registry, or other domain name registration authority as part of an electronic address on the Internet.

"The term 'Internet' has the meaning given that term in section 230(f)(1) of the Communications Act of 1934 (47 U.S.C. 230(f)(1)).".

SEC. 3006. STUDY ON ABUSIVE DOMAIN NAME REGISTRATIONS INVOLVING PERSONAL NAMES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Patent and Trademark Office and the Federal Election Commission, shall conduct a study and report to Congress with recommendations on guidelines and procedures for resolving disputes involving the registration or use by a person of a domain name that includes the personal name of another person, in whole or in part, or a name confusingly similar thereto, including consideration of and recommendations for—

(1) protecting personal names from registration by another person as a second level domain name for purposes of selling or otherwise transferring such domain name to such other person or any third party for financial gain;

(2) protecting individuals from bad faith uses of their personal names as second level domain names by others with malicious intent to harm the reputation of the individual or the goodwill associated with that individual's name;

(3) protecting consumers from the registration and use of domain names that include personal names in the second level domain in manners which are intended or are likely to confuse or deceive the public as to the affiliation, connection, or association of the domain name registrant, or a site accessible under the domain name, with such other person, or as to the origin, sponsorship, or approval of the goods, services, or commercial activities of the domain name registrant;

(4) protecting the public from registration of domain names that include the personal names of government officials, official candidates, and potential official candidates for Federal, State, or local political office in the United States, and the use of such domain names in a manner that disrupts the electoral process or the public's ability to access accurate and reliable information regarding such individuals;

(5) existing remedies, whether under State law or otherwise, and the extent to which such remedies are sufficient to address the considerations described in paragraphs (1) through (4); and

(6) the guidelines, procedures, and policies of the Internet Corporation for Assigned Names and Numbers and the extent to which they address the considerations described in paragraphs (1) through (4).

(b) GUIDELINES AND PROCEDURES.—The Secretary of Commerce shall, under its Memorandum of Understanding with the Internet Corporation for Assigned Names and Numbers, collaborate to develop guidelines and procedures for resolving disputes involving the registration or use by a person of a domain name that includes the personal name of another person, in whole or in part, or a name confusingly similar thereto.

SEC. 3007. HISTORIC PRESERVATION.

Section 101(a)(1)(A) of the National Historic Preservation Act (16 U.S.C. 470a(a)(1)(A)) is amended by adding at the end the following: "Notwithstanding section 43(c) of the Act entitled 'An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes', approved July 5, 1946 (commonly known as the 'Trademark Act of 1946' (15 U.S.C. 1125(c))), buildings and structures on or eligible for inclusion on the National Register of Historic Places (either individually or as part of a historic district), or designated as an individual landmark or as a contributing building in a historic district by a unit of State or local government, may retain the name historically associated with the building or structure.".

SEC. 3008. SAVINGS CLAUSE.

Nothing in this title shall affect any defense available to a defendant under the Trademark Act of 1946 (including any defense under section 43(c)(4) of such Act or relating to fair use) or a person's right of free speech or expression under the first amendment of the United States Constitution.

SEC. 3009. TECHNICAL AND CONFORMING AMENDMENTS.

Chapter 85 of title 28, United States Code, is amended as follows:

(1) Section 1338 of title 28, United States Codes, is amended—

(A) in the section heading by striking "***trade-marks***" *and inserting* "***trademarks***";

(B) in subsection (a) by striking "trade-marks" and inserting "trademarks"; and

(C) in subsection (b) by striking "trade-mark" and inserting "trademark".

(2) The item relating to section 1338 in the table of sections for chapter 85 of title 28, United States Code, is amended by striking "trade-marks" and inserting "trademarks".

SEC. 3010. EFFECTIVE DATE.

Sections 3002(a), 3003, 3004, 3005, and 3008 of this title shall apply to all domain names registered before, on, or after the date of the enactment of this Act, except that damages under *subsection (a) or (d) of section 35 of the Trademark Act of 1946 (15 U.S.C. 1117), as amended by section 3003 of this title, shall not be available with respect to the registration, trafficking, or use of a domain name that occurs before the date of the enactment of this Act.*

TITLE IV—INVENTOR PROTECTION

SEC. 4001. SHORT TITLE.

This title may be cited as the "American Inventors Protection Act of 1999".

Subtitle A—Inventors' Rights

SEC. 4101. SHORT TITLE.

This subtitle may be cited as the "Inventors' Rights Act of 1999".

SEC. 4102. INTEGRITY IN INVENTION PROMOTION SERVICES.

(a) IN GENERAL.—Chapter 29 of title 35, United States Code, is amended by adding at the end the following new section:

"§297. Improper and deceptive invention promotion

"(a) IN GENERAL.—An invention promoter shall have a duty to disclose the following information to a customer in writing, prior to entering into a contract for invention promotion services:

"(1) the total number of inventions evaluated by the invention promoter for commercial potential in the past 5 years, as well as the number of those inventions that received positive evaluations, and the number of those inventions that received negative evaluations;

"(2) the total number of customers who have contracted with the invention promoter in the past 5 years, not including customers who have purchased trade show services, research, advertising, or other nonmarketing services from the invention promoter, or who have defaulted in their payment to the invention promoter;

"(3) the total number of customers known by the invention promoter to have received a net financial profit as a direct result of the invention promotion services provided by such invention promoter;

"(4) the total number of customers known by the invention promoter to have received license agreements for their inventions as a direct result of the invention promotion services provided by such invention promoter; and

"(5) the names and addresses of all previous invention promotion companies with which the invention promoter or its officers have collectively or individually been affiliated in the previous 10 years.

"(b) CIVIL ACTION.—(1) Any customer who enters into a contract with an invention promoter and who is found by a court to have been injured by any material false or fraudulent statement or representation, or any omission of material fact, by that invention promoter (or any agent, employee, director, officer, partner, or independent contractor of such invention promoter), or by the failure of that invention promoter to disclose such information as required under subsection (a), may recover in a civil action against the invention promoter (or the officers, directors, or partners of such invention promoter), in addition to reasonable costs and attorneys' fees—

"(A) the amount of actual damages incurred by the customer; or

"(B) at the election of the customer at any time before final judgment is rendered, statutory damages in a sum of not more than $5,000, as the court considers just.

"(2) Notwithstanding paragraph (1), in a case where the customer sustains the burden of proof, and the court finds, that the invention promoter intentionally misrepresented or omitted a material fact to such customer, or willfully failed to disclose such information as required under subsection (a), with the purpose of deceiving that customer, the court may increase damages to not more than three times the amount awarded, taking into account past complaints made against the invention promoter that resulted in regulatory sanctions or other corrective actions based on those records compiled by the Commissioner of Patents under subsection (d).

"(c) DEFINITIONS.—For purposes of this section—

"(1) a 'contract for invention promotion services' means a contract by which an invention promoter undertakes invention promotion services for a customer;

"(2) a 'customer' is any individual who enters into a contract with an invention promoter for invention promotion services;

"(3) the term 'invention promoter' means any person, firm, partnership, corporation, or other entity who offers to perform or performs invention promotion services for, or on behalf of, a customer, and who holds itself out through advertising in any mass media as providing such services, but does not include—

"(A) any department or agency of the Federal Government or of a State or local government;

"(B) any nonprofit, charitable, scientific, or educational organization, qualified under applicable State law or described under section 170(b)(1)(A) of the Internal Revenue Code of 1986;

"(C) any person or entity involved in the evaluation to determine commercial potential of, or offering to license or sell, a utility patent or a previously filed nonprovisional utility patent application;

"(D) any party participating in a transaction involving the sale of the stock or assets of a business; or

"(E) any party who directly engages in the business of retail sales of products or the distribution of products; and

"(4) the term 'invention promotion services' means the procurement or attempted procurement for a customer of a firm, corporation, or other entity to develop and market products or services that include the invention of the customer.

"(d) RECORDS OF COMPLAINTS.—

"(1) RELEASE OF COMPLAINTS.—The Commissioner of Patents shall make all complaints received by the Patent and Trademark Office involving invention promoters publicly available, together with any response of the invention promoters. The Commissioner of Patents shall notify the invention promoter of a complaint and provide a reasonable opportunity to reply prior to making such complaint publicly available.

"(2) REQUEST FOR COMPLAINTS.—The Commissioner of Patents may request complaints relating to invention promotion services from any Federal or State agency and include such complaints in the records maintained under paragraph (1), together with any response of the invention promoters.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 29 of title 35, United States Code, is amended by adding at the end the following new item:

"297. Improper and deceptive invention promotion.".

SEC. 4103. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect 60 days after the date of the enactment of this Act.

Subtitle B—Patent and Trademark Fee Fairness

SEC. 4201. SHORT TITLE.

This subtitle may be cited as the "Patent and Trademark Fee Fairness Act of 1999".

SEC. 4202. ADJUSTMENT OF PATENT FEES.

(a) ORIGINAL FILING FEE.—Section 41(a)(1)(A) of title 35, United States Code, relating to the fee for filing an original patent application, is amended by striking "$760" and inserting "$690".

(b) REISSUE FEE.—Section 41(a)(4)(A) of title 35, United States Code, relating to the fee for filing for a reissue of a patent, is amended by striking "$760" and inserting "$690".

(c) NATIONAL FEE FOR CERTAIN INTERNATIONAL APPLICATIONS.—Section 41(a)(10) of title 35, United States Code, relating to the national fee for certain international applications, is amended by striking "$760" and inserting "$690".

(d) MAINTENANCE FEES.—Section 41(b)(1) of title 35, United States Code, relating to certain maintenance fees, is amended by striking "$940" and inserting "$830".

SEC. 4203. ADJUSTMENT OF TRADEMARK FEES.

Notwithstanding the second sentence of section 31(a) of the Trademark Act of 1946 (15 U.S.C. 111(a)), the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office is authorized in fiscal year 2000 to adjust trademark fees without regard to fluctuations in the Consumer Price Index during the preceding 12 months.

SEC. 4204. STUDY ON ALTERNATIVE FEE STRUCTURES.

The Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office shall conduct a study of alternative fee structures that could be adopted by the United States Patent and Trademark Office to encourage maximum participation by the inventor community in the United States. The Director shall submit such study to the Committees on the Judiciary of the House of Representatives and the Senate not later than 1 year after the date of the enactment of this Act.

SEC. 4205. PATENT AND TRADEMARK OFFICE FUNDING.

Section 42(c) of title 35, United States Code, is amended in the second sentence—

(1) by striking "Fees available" and inserting "All fees available"; and

(2) by striking "may" and inserting "shall".

SEC. 4206. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this subtitle shall take effect on the date of the enactment of this Act.

(b) SECTION 4202.—The amendments made by section 4202 of this subtitle shall take effect 30 days after the date of the enactment of this Act.

Subtitle C—First Inventor Defense

SEC. 4301. SHORT TITLE.

This subtitle may be cited as the "First Inventor Defense Act of 1999".

SEC. 4302. DEFENSE TO PATENT INFRINGEMENT BASED ON EARLIER INVENTOR.

(a) DEFENSE.—Chapter 28 of title 35, United States Code, is amended by adding at the end the following new section:

"§273. Defense to infringement based on earlier inventor

"(a) DEFINITIONS.—For purposes of this section—

"(1) the terms 'commercially used' and 'commercial use' mean use of a method in the United States, so long as such use is in connection with an internal commercial use or an actual arm's-length sale or other arm's-length commercial transfer of a useful end result, whether or not the subject matter at issue is accessible to or otherwise known to the public, except that the subject matter for which commercial marketing or use is subject to a premarketing regulatory review period during which the safety or efficacy of the subject matter is established, including any period specified in section 156(g), shall be deemed 'commercially used' and in 'commercial use' during such regulatory review period;

"(2) in the case of activities performed by a nonprofit research laboratory, or nonprofit entity such as a university, research center, or hospital, a use for which the public is the intended beneficiary shall be considered to be a use described in paragraph (1), except that the use—

"(A) may be asserted as a defense under this section only for continued use by and in the laboratory or nonprofit entity; and

"(B) may not be asserted as a defense with respect to any subsequent commercialization or use outside such laboratory or nonprofit entity;

"(3) the term 'method' means a method of doing or conducting business; and

"(4) the 'effective filing date' of a patent is the earlier of the actual filing date of the application for the patent or the filing date of any earlier United States, foreign, or international application to which the subject matter at issue is entitled under section 119, 120, or 365 of this title.

"(b) DEFENSE TO INFRINGEMENT.—

"(1) IN GENERAL.—It shall be a defense to an action for infringement under section 271 of this title with respect to any subject matter that would otherwise infringe one or more claims for a method in the patent being asserted against a person, if such person had, acting in good faith, actually reduced the subject matter to practice at least 1 year before the effective filing date of such patent, and commercially used the subject matter before the effective filing date of such patent.

"(2) EXHAUSTION OF RIGHT.—The sale or other disposition of a useful end product produced by a patented method, by a person entitled to assert a defense under this section with respect to that useful end result shall exhaust the patent owner's rights under the patent to the extent such rights would have been exhausted had such sale or other disposition been made by the patent owner.

"(3) LIMITATIONS AND QUALIFICATIONS OF DEFENSE.—The defense to infringement under this section is subject to the following:

"(A) PATENT.—A person may not assert the defense under this section unless the invention for which the defense is asserted is for a method.

"(B) DERIVATION.—A person may not assert the defense under this section if the subject matter on which the defense is based was derived from the patentee or persons in privity with the patentee.

"(C) NOT A GENERAL LICENSE.—The defense asserted by a person under this section is not a general license under all claims of the patent at issue, but extends only to the specific subject matter claimed in the patent with respect to which the person can assert a defense under this chapter, except that the defense shall also extend to variations in the quantity or volume of use of the claimed subject matter, and to improvements in the claimed subject matter that do not infringe additional specifically claimed subject matter of the patent.

"(4) BURDEN OF PROOF.—A person asserting the defense under this section shall have the burden of establishing the defense by clear and convincing evidence.

"(5) ABANDONMENT OF USE.—A person who has abandoned commercial use of subject matter may not rely on activities performed before the date of such abandonment in establishing a defense under this section with respect to actions taken after the date of such abandonment.

"(6) PERSONAL DEFENSE.—The defense under this section may be asserted only by the person who performed the acts necessary to establish the defense and, except for any transfer to the patent owner, the right to assert the defense shall not be licensed or assigned or transferred to another person except as an ancillary and subordinate part of a good faith assignment or transfer for other reasons of the entire enterprise or line of business to which the defense relates.

"(7) LIMITATION ON SITES.—A defense under this section, when acquired as part of a good faith assignment or transfer of an entire enterprise or line of business to which the defense relates, may only be asserted for uses at sites where the subject matter that would otherwise infringe one or more of the claims is in use before the later of the effective filing date of the patent or the date of the assignment or transfer of such enterprise or line of business.

"(8) UNSUCCESSFUL ASSERTION OF DEFENSE.—If the defense under this section is pleaded by a person who is found to infringe the patent and who subsequently fails to demonstrate a reasonable basis for asserting the defense, the court shall find the case exceptional for the purpose of awarding attorney fees under section 285 of this title.

"(9) INVALIDITY.—A patent shall not be deemed to be invalid under section 102 or 103 of this title solely because a defense is raised or established under this section.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 28 of title 35, United States Code, is amended by adding at the end the following new item:

"273. Defense to infringement based on earlier inventor.".

SEC. 4303. EFFECTIVE DATE AND APPLICABILITY.

This subtitle and the amendments made by this subtitle shall take effect on the date of the enactment of this Act, but shall not apply to any action for infringement that is pending on such date of enactment or with respect to any subject matter for which an adjudication of infringement, including a consent judgment, has been made before such date of enactment.

Subtitle D—Patent Term Guarantee

SEC. 4401. SHORT TITLE.

This subtitle may be cited as the "Patent Term Guarantee Act of 1999".

SEC. 4402. PATENT TERM GUARANTEE AUTHORITY.

(a) ADJUSTMENT OF PATENT TERM.—Section 154(b) of title 35, United States Code, is amended to read as follows:

"(b) ADJUSTMENT OF PATENT TERM.—

"(1) PATENT TERM GUARANTEES.—

"(A) GUARANTEE OF PROMPT PATENT AND TRADEMARK OFFICE RESPONSES.—Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the Patent and Trademark Office to—

"(i) provide at least one of the notifications under section 132 of this title or a notice of allowance under section 151 of this title not later than 14 months after—

"(I) the date on which an application was filed under section 111(a) of this title; or

"(II) the date on which an international application fulfilled the requirements of section 371 of this title;

"(ii) respond to a reply under section 132, or to an appeal taken under section 134, within 4 months after the date on which the reply was filed or the appeal was taken;

"(iii) act on an application within 4 months after the date of a decision by the Board of Patent Appeals and Interferences under section 134 or 135 or a decision by a Federal court under section 141, 145, or 146 in a case in which allowable claims remain in the application; or

"(iv) issue a patent within 4 months after the date on which the issue fee was paid under section 151 and all outstanding requirements were satisfied,

the term of the patent shall be extended 1 day for each day after the end of the period specified in clause (i), (ii), (iii), or (iv), as the case may be, until the action described in such clause is taken.

"(B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY.—Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including—

"(i) any time consumed by continued examination of the application requested by the applicant under section 132(b);

"(ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or

"(iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C),

the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued.

"(C) GUARANTEE OR ADJUSTMENTS FOR DELAYS DUE TO INTERFERENCES, SECRECY ORDERS, AND APPEALS.—Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to—

"(i) a proceeding under section 135(a);

"(ii) the imposition of an order under section 181; or

"(iii) appellate review by the Board of Patent Appeals and Interferences or by a Federal court in a case in which the patent was issued under a decision in the review reversing an adverse determination of patentability,

the term of the patent shall be extended 1 day for each day of the pendency of the proceeding, order, or review, as the case may be.

"(2) LIMITATIONS.—

"(A) IN GENERAL.—To the extent that periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

"(B) DISCLAIMED TERM.—No patent the term of which has been disclaimed beyond a specified date may be adjusted under this section beyond the expiration date specified in the disclaimer.

"(C) REDUCTION OF PERIOD OF ADJUSTMENT.—

"(i) The period of adjustment of the term of a patent under paragraph (1) shall be reduced by a period equal to the period of time during which the applicant failed to engage in reasonable efforts to conclude prosecution of the application.

"(ii) With respect to adjustments to patent term made under the authority of paragraph (1)(B), an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of 3 months that are taken to respond to a notice from the Office making any rejection, objection, argument, or other request, measuring such 3-month period from the date the notice was given or mailed to the applicant.

"(iii) The Director shall prescribe regulations establishing the circumstances that constitute a failure of an applicant to engage in reasonable efforts to conclude processing or examination of an application.

"(3) PROCEDURES FOR PATENT TERM ADJUSTMENT DETERMINATION.—

"(A) The Director shall prescribe regulations establishing procedures for the application for and determination of patent term adjustments under this subsection.

"(B) Under the procedures established under subparagraph (A), the Director shall—

"(i) make a determination of the period of any patent term adjustment under this subsection, *and shall transmit a notice of that determination with the written notice of allowance of the application under section 151; and*

"(ii) provide the applicant one opportunity to request reconsideration of any patent term adjustment determination made by the Director.

"(C) The Director shall reinstate all or part of the cumulative period of time of an adjustment under paragraph (2)(C) if the applicant, prior to the issuance of the patent, makes a showing that, in spite of all due care, the applicant was unable to respond within the 3-month period, but in no case shall more than three additional months for each such response beyond the original 3-month period be reinstated.

"(D) The Director shall proceed to grant the patent after completion of the Director's determination of a patent term adjustment under the procedures established under this subsection, notwithstanding any appeal taken by the applicant of such determination.

"(4) APPEAL OF PATENT TERM ADJUSTMENT DETERMINATION.—

"(A) An applicant dissatisfied with a determination made by the Director under paragraph (3) shall have remedy by a civil action against the Director filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent. Chapter 7 of title 5, United States Code, shall apply to such action. Any final judgment resulting in a change to the period of adjustment of the patent term shall be served on the Director, and the Director shall thereafter alter the term of the patent to reflect such change.

"(B) The determination of a patent term adjustment under this subsection shall not be subject to appeal or challenge by a third party prior to the grant of the patent.".

(b) CONFORMING AMENDMENTS.—

(1) Section 282 of title 35, United States Code, is amended in the fourth paragraph by striking "156 of this title" and inserting "154(b) or 156 of this title".

(2) Section 1295(a)(4)(C) of title 28, United States Code, is amended by striking "145 or 146" and inserting "145, 146, or 154(b)".

SEC. 4403. CONTINUED EXAMINATION OF PATENT APPLICATIONS.

Section 132 of title 35, United States Code, is amended—

(1) in the first sentence by striking "Whenever" and inserting "(a) Whenever"; and

(2) by adding at the end the following:

"(b) The Director shall prescribe regulations to provide for the continued examination of applications for patent at the request of the applicant. The Director may establish appropriate fees for such continued examination and shall provide a 50 percent reduction in such fees for small entities that qualify for reduced fees under section 41(h)(1) of this title.".

SEC. 4404. TECHNICAL CLARIFICATION.

Section 156(a) of title 35, United States Code, is amended in the matter preceding paragraph (1) by inserting ", which shall include any patent term adjustment granted under section 154(b)," after "the original expiration date of the patent".

SEC. 4405. EFFECTIVE DATE.

(a) AMENDMENTS MADE BY SECTIONS 4402 AND 4404.—The amendments made by sections 4402 and 4404 shall take effect on the date that is 6 months after the date of the enactment of this Act and, except for a design patent application filed under chapter 16 of title 35, United States Code, shall apply to any application filed on or after the date that is 6 months after the date of the enactment of this Act.

(b) AMENDMENTS MADE BY SECTION 4403.—The amendments made by section 4403—

(1) shall take effect on the date that is 6 months after the date of the enactment of this Act, and shall apply to all applications filed under section 111(a) of title 35, United States Code, on or after June 8, 1995, and all applications complying with section 371 of title 35, United States Code, that resulted from international applications filed on or after June 8, 1995; and

(2) do not apply to applications for design patents under chapter 16 of title 35, United States Code.

Subtitle E—Domestic Publication of Patent Applications Published Abroad

SEC. 4501. SHORT TITLE.

This subtitle may be cited as the "Domestic Publication of Foreign Filed Patent Applications Act of 1999".

SEC. 4502. PUBLICATION.

(a) PUBLICATION.—Section 122 of title 35, United States Code, is amended to read as follows:

"§ 122. Confidential status of applications; publication of patent applications

"(a) CONFIDENTIALITY.—Except as provided in subsection (b), applications for patents shall be kept in confidence by the Patent and Trademark Office and no information concerning the same given without authority of the applicant or owner unless necessary to carry out the provisions of an Act of Congress or in such special circumstances as may be determined by the Director.

"(b) PUBLICATION.—

"(1) IN GENERAL.—(A) Subject to paragraph (2), each application for a patent shall be published, in accordance with procedures determined by the Director, promptly after the expiration of a period of 18 months from the earliest filing date for which a benefit is sought under this title. At the request of the applicant, an application may be published earlier than the end of such 18-month period.

"(B) No information concerning published patent applications shall be made available to the public except as the Director determines.

"(C) Notwithstanding any other provision of law, a determination by the Director to release or not to release information concerning a published patent application shall be final and nonreviewable.

"(2) EXCEPTIONS.—(A) An application shall not be published if that application is—

"(i) no longer pending;

"(ii) subject to a secrecy order under section 181 of this title;

"(iii) a provisional application filed under section 111(b) of this title; or

"(iv) an application for a design patent filed under chapter 16 of this title.

"(B)(i) If an applicant makes a request upon filing, certifying that the invention disclosed in the application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing, the application shall not be published as provided in paragraph (1).

"(ii) An applicant may rescind a request made under clause (i) at any time.

"(iii) An applicant who has made a request under clause (i) but who subsequently files, in a foreign country or under a multilateral international agreement specified in clause (i), an application directed to the invention disclosed in the application filed in the Patent and Trademark Office, shall notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

"(iv) If an applicant rescinds a request made under clause (i) or notifies the Director that an application was filed in a foreign country or under a multilateral international agreement specified in clause (i), the application shall be published in accordance with the provisions of paragraph (1) on or as soon as is practical after the date that is specified in clause (i).

"(v) If an applicant has filed applications in one or more foreign countries, directly or through a multilateral international agreement, and such foreign filed applications corresponding to an application filed in the Patent and Trademark Office or the description of the invention in such foreign filed applications is less extensive than the application or description of the invention in the application filed in the Patent and Trademark Office, the applicant may submit a redacted copy of the application filed in the Patent and Trademark Office eliminating any part or description of the invention in such application that is not also contained in any of the corresponding applications filed in a foreign country. The Director may only publish the redacted copy of the application unless the redacted copy of the application is not received within 16 months after the earliest effective filing date for which a benefit is sought under this title. The provisions of section 154(d) shall not apply to a claim if the description of the invention published in the redacted application filed under this clause with respect to the claim does not enable a person skilled in the art to make and use the subject matter of the claim.

"(c) PROTEST AND PRE-ISSUANCE OPPOSITION.—The Director shall establish appropriate procedures to ensure that no protest or other form of pre-issuance opposition to the grant of a patent on an application may be initiated after publication of the application without the express written consent of the applicant.

"(d) NATIONAL SECURITY.—No application for patent shall be published under subsection (b)(1) if the publication or disclosure of such invention would be detrimental to the national security. The Director shall establish appropriate procedures to ensure that such applications are promptly identified and the secrecy of such inventions is maintained in accordance with chapter 17 of this title.".

(b) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a 3-year study of the applicants who file only in the United States on or after the effective date of this subtitle and shall provide the results of such study to the Judiciary Committees of the House of Representatives and the Senate.

(2) CONTENTS.—The study conducted under paragraph (1) shall—

(A) consider the number of such applicants in relation to the number of applicants who file in the United States and outside of the United States;

(B) examine how many domestic-only filers request at the time of filing not to be published;

(C) examine how many such filers rescind that request or later choose to file abroad;

(D) examine the status of the entity seeking an application and any correlation that may exist between such status and the publication of patent applications; and

(E) examine the abandonment/issuance ratios and length of application pendency before patent issuance or abandonment for published versus unpublished applications.

SEC. 4503. TIME FOR CLAIMING BENEFIT OF EARLIER FILING DATE.

(a) IN A FOREIGN COUNTRY.—Section 119(b) of title 35, United States Code, is amended to read as follows:

"(b)(1) No application for patent shall be entitled to this right of priority unless a claim is filed in the Patent and Trademark Office, identifying the foreign application by specifying the application number on that foreign application.

the intellectual property authority or country in or for which the application was filed, and the date of filing the application, at such time during the pendency of the application as required by the Director.

"(2) The Director may consider the failure of the applicant to file a timely claim for priority as a waiver of any such claim. The Director may establish procedures, including the payment of a surcharge, to accept an unintentionally delayed claim under this section.

"(3) The Director may require a certified copy of the original foreign application, specification, and drawings upon which it is based, a translation if not in the English language, and such other information as the Director considers necessary. Any such certification shall be made by the foreign intellectual property authority in which the foreign application was filed and show the date of the application and of the filing of the specification and other papers.".

(b) IN THE UNITED STATES.—

(1) IN GENERAL.—Section 120 of title 35, United States Code, is amended by adding at the end the following: "No application shall be entitled to the benefit of an earlier filed application under this section unless an amendment containing the specific reference to the earlier filed application is submitted at such time during the pendency of the application as required by the Director. The Director may consider the failure to submit such an amendment within that time period as a waiver of any benefit under this section. The Director may establish procedures, including the payment of a surcharge, to accept an unintentionally delayed submission of an amendment under this section.".

(2) RIGHT OF PRIORITY.—Section 119(e)(1) of title 35, United States Code, is amended by adding at the end the following: "No application shall be entitled to the benefit of an earlier filed provisional application under this subsection unless an amendment containing the specific reference to the earlier filed provisional application is submitted at such time during the pendency of the application as required by the Director. The Director may consider the failure to submit such an amendment within that time period as a waiver of any benefit under this subsection. The Director may establish procedures, including the payment of a surcharge, to accept an unintentionally delayed submission of an amendment under this subsection during the pendency of the application.".

SEC. 4504. PROVISIONAL RIGHTS.

Section 154 of title 35, United States Code, is amended—

(1) in the section caption by inserting "**, provisional rights**" after "**patent**"; and

(2) by adding at the end the following new subsection:

"(d) PROVISIONAL RIGHTS.—

"(1) IN GENERAL.—In addition to other rights provided by this section, a patent shall include the right to obtain a reasonable royalty from any person who, during the period beginning on the date of publication of the application for such patent under section 122(b), or in the case of an international application filed under the treaty defined in section 351(a) designating the United States under Article 21(2)(a) of such treaty, the date of publication of the application, and ending on the date the patent is issued—

"(A)(i) makes, uses, offers for sale, or sells in the United States the invention as claimed in the published patent application or imports such an invention into the United States; or

"(ii) if the invention as claimed in the published patent application is a process, uses, offers for sale, or sells in the United States or imports into the United States products made by that process as claimed in the published patent application; and

"(B) had actual notice of the published patent application and, in a case in which the right arising under this paragraph is based upon an international application designating the United States that is published in a language other than English, had a translation of the international application into the English language.

"(2) RIGHT BASED ON SUBSTANTIALLY IDENTICAL INVENTIONS.—The right under paragraph (1) to obtain a reasonable royalty shall not be available under this subsection unless the invention as claimed in the patent is substantially identical to the invention as claimed in the published patent application.

"(3) TIME LIMITATION ON OBTAINING A REASONABLE ROYALTY.—The right under paragraph (1) to obtain a reasonable royalty shall be available only in an action brought not later than 6 years after the patent is issued. The right under paragraph (1) to obtain a reasonable royalty shall not be affected by the duration of the period described in paragraph (1).

"(4) REQUIREMENTS FOR INTERNATIONAL APPLICATIONS.—

"(A) EFFECTIVE DATE.—The right under paragraph (1) to obtain a reasonable royalty based upon the publication under the treaty defined in section 351(a) of an international application designating the United States shall commence on the date on which the Patent and Trademark Office receives a copy of the publication under the treaty of the international application, or, if the publication under the treaty of the international application is in a language other than English, on the date on which the Patent and Trademark Office receives a translation of the international application in the English language.

"(B) COPIES.—The Director may require the applicant to provide a copy of the international application and a translation thereof.".

SEC. 4505. PRIOR ART EFFECT OF PUBLISHED APPLICATIONS.

Section 102(e) of title 35, United States Code, is amended to read as follows:

"(e) The invention was described in—

"(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

"(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a); or".

SEC. 4506. COST RECOVERY FOR PUBLICATION.

The Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office shall recover the cost of early publication required by the amendment made by section 4502 by charging a separate publication fee after notice of allowance is given under section 151 of title 35, United States Code.

SEC. 4507. CONFORMING AMENDMENTS.

The following provisions of title 35, United States Code, are amended:

(1) Section 11 is amended in paragraph 1 of subsection (a) by inserting "and published applications for patents" after "Patents".

(2) Section 12 is amended—

(A) in the section caption by inserting "**and applications**" after "**patents**"; and

(B) by inserting "and published applications for patents" after "patents".

(3) Section 13 is amended—

(A) in the section caption by inserting "**and applications**" after "**patents**"; and

(B) by inserting "and published applications for patents" after "patents".

(4) The items relating to sections 12 and 13 in the table of sections for chapter 1 are each amended by inserting "and applications" after "patents".

(5) The item relating to section 122 in the table of sections for chapter 11 is amended by inserting "; publication of patent applications" after "applications".

(6) The item relating to section 154 in the table of sections for chapter 14 is amended by inserting "; provisional rights" after "patent".

(7) Section 181 is amended—

(A) in the first undesignated paragraph—

(i) by inserting "by the publication of an application or" after "disclosure"; and

(ii) by inserting "the publication of the application or" after "withhold";

(B) in the second undesignated paragraph by inserting "by the publication of an application or" after "disclosure of an invention";

(C) in the third undesignated paragraph—

(i) by inserting "by the publication of the application or" after "disclosure of the invention"; and

(ii) by inserting "the publication of the application or" after "withhold"; and

(D) in the fourth undesignated paragraph by inserting "the publication of an application or" after "and" in the first sentence.

(8) Section 252 is amended in the first undesignated paragraph by inserting "substantially" before "identical" each place it appears.

(9) Section 284 is amended by adding at the end of the second undesignated paragraph the following: "Increased damages under this paragraph shall not apply to provisional rights under section 154(d) of this title.".

(10) Section 374 is amended to read as follows:

"§374. Publication of international application

"The publication under the treaty defined in section 351(a) of this title, of an international application designating the United States shall confer the same rights and shall have the same effect under this title as an application for patent published under section 122(b), except as provided in sections 102(e) and 154(d) of this title.".

(11) Section 135(b) is amended—

(A) by inserting "(1)" after "(b)"; and

(B) by adding at the end the following:

"(2) A claim which is the same as, or for the same or substantially the same subject matter as, a claim of an application published under section 122(b) of this title may be made in an application filed after the application is published only if the claim is made before 1 year after the date on which the application is published.".

SEC. 4508. EFFECTIVE DATE.

Sections 4502 through 4507, and the amendments made by such sections, shall take effect on the date that is 1 year after the date of the enactment of this Act and shall apply to all applications filed under section 111 of title 35, United States Code, on or after that date, and all applications complying with section 371 of title 35, United States Code, that resulted from international applications filed on or after that date. The amendments made by sections 4504 and 4505 shall apply to any such application voluntarily published by the applicant under procedures established under this subtitle that is pending on the date that is 1 year after the date of the enactment of this Act. The amendment made by section 4504 shall also apply to international applications designating the United States that are filed on or after the date that is

1 year after the date of the enactment of this Act.

Subtitle F—Optional Inter Partes Reexamination Procedure

SEC. 4601. SHORT TITLE.

This subtitle may be cited as the "Optional Inter Partes Reexamination Procedure Act of 1999".

SEC. 4602. EX PARTE REEXAMINATION OF PATENTS.

The chapter heading for chapter 30 of title 35, United States Code, is amended by inserting "**EX PARTE**" before "**REEXAMINATION OF PATENTS**".

SEC. 4603. DEFINITIONS.

Section 100 of title 35, United States Code, is amended by adding at the end the following new subsection:

"(e) The term 'third-party requester' means a person requesting ex parte reexamination under section 302 or inter partes reexamination under section 311 who is not the patent owner.".

SEC. 4604. OPTIONAL INTER PARTES REEXAMINATION PROCEDURES.

(a) IN GENERAL.—Part 3 of title 35, United States Code, is amended by adding after chapter 30 the following new chapter:

"CHAPTER 31—OPTIONAL INTER PARTES REEXAMINATION PROCEDURES

"Sec.
"311. Request for inter partes reexamination.
"312. Determination of issue by Director.
"313. Inter partes reexamination order by Director.
"314. Conduct of inter partes reexamination proceedings.
"315. Appeal.
"316. Certificate of patentability, unpatentability, and claim cancellation.
"317. Inter partes reexamination prohibited.
"318. Stay of litigation.

"§ 311. Request for inter partes reexamination

"(a) IN GENERAL.—Any person at any time may file a request for inter partes reexamination by the Office of a patent on the basis of any prior art cited under the provisions of section 301.

"(b) REQUIREMENTS.—The request shall—

"(1) be in writing, include the identity of the real party in interest, and be accompanied by payment of an inter partes reexamination fee established by the Director under section 41; and

"(2) set forth the pertinency and manner of applying cited prior art to every claim for which reexamination is requested.

"(c) COPY.—Unless the requesting person is the owner of the patent, the Director promptly shall send a copy of the request to the owner of record of the patent.

"§ 312. Determination of issue by Director

"(a) REEXAMINATION.—Not later than 3 months after the filing of a request for inter partes reexamination under section 311, the Director shall determine whether a substantial new question of patentability affecting any claim of the patent concerned is raised by the request, with or without consideration of other patents or printed publications. On the Director's initiative, and at any time, the Director may determine whether a substantial new question of patentability is raised by patents and publications.

"(b) RECORD.—A record of the Director's determination under subsection (a) shall be placed in the official file of the patent, and a copy shall be promptly given or mailed to the owner of record of the patent and to the third-party requester, if any.

"(c) FINAL DECISION.—A determination by the Director under subsection (a) shall be final and non-appealable. Upon a determination that no substantial new question of patentability has been raised, the Director may refund a portion of the inter partes reexamination fee required under section 311.

"§ 313. Inter partes reexamination order by Director

"If, in a determination made under section 312(a), the Director finds that a substantial new question of patentability affecting a claim of a patent is raised, the determination shall include an order for inter partes reexamination of the patent for resolution of the question. The order may be accompanied by the initial action of the Patent and Trademark Office on the merits of the inter partes reexamination conducted in accordance with section 314.

"§ 314. Conduct of inter partes reexamination proceedings

"(a) IN GENERAL.—Except as otherwise provided in this section, reexamination shall be conducted according to the procedures established for initial examination under the provisions of sections 132 and 133. In any inter partes reexamination proceeding under this chapter, the patent owner shall be permitted to propose any amendment to the patent and a new claim or claims, except that no proposed amended or new claim enlarging the scope of the claims of the patent shall be permitted.

"(b) RESPONSE.—(1) This subsection shall apply to any inter partes reexamination proceeding in which the order for inter partes reexamination is based upon a request by a third-party requester.

"(2) With the exception of the inter partes reexamination request, any document filed by either the patent owner or the third-party requester shall be served on the other party. In addition, the third-party requester shall receive a copy of any communication sent by the Office to the patent owner concerning the patent subject to the inter partes reexamination proceeding.

"(3) Each time that the patent owner files a response to an action on the merits from the Patent and Trademark Office, the third-party requester shall have one opportunity to file written comments addressing issues raised by the action of the Office or the patent owner's response thereto, if those written comments are received by the Office within 30 days after the date of service of the patent owner's response.

"(c) SPECIAL DISPATCH.—Unless otherwise provided by the Director for good cause, all inter partes reexamination proceedings under this section, including any appeal to the Board of Patent Appeals and Interferences, shall be conducted with special dispatch within the Office.

"§ 315. Appeal

"(a) PATENT OWNER.—The patent owner involved in an inter partes reexamination proceeding under this chapter—

"(1) may appeal under the provisions of section 134 and may appeal under the provisions of sections 141 through 144, with respect to any decision adverse to the patentability of any original or proposed amended or new claim of the patent; and

"(2) may be a party to any appeal taken by a third-party requester under subsection (b).

"(b) THIRD-PARTY REQUESTER.—A third-party requester may—

"(1) appeal under the provisions of section 134 with respect to any final decision favorable to the patentability of any original or proposed amended or new claim of the patent; or

"(2) be a party to any appeal taken by the patent owner under the provisions of section 134, subject to subsection (c).

"(c) CIVIL ACTION.—A third-party requester whose request for an inter partes reexamination results in an order under section 313 is estopped from asserting at a later time, in any civil action arising in whole or in part under section 1338 of title 28, United States Code, the invalidity of any claim finally determined to be valid and patentable on any ground which the third-party requester raised or could have raised during the inter partes reexamination proceedings. This subsection does not prevent the assertion of invalidity based on newly discovered prior art unavailable to the third-party requester and the Patent and Trademark Office at the time of the inter partes reexamination proceedings.

"§ 316. Certificate of patentability, unpatentability, and claim cancellation

"(a) IN GENERAL.—In an inter partes reexamination proceeding under this chapter, when the time for appeal has expired or any appeal proceeding has terminated, the Director shall issue and publish a certificate canceling any claim of the patent finally determined to be unpatentable, confirming any claim of the patent determined to be patentable, and incorporating in the patent any proposed amended or new claim determined to be patentable.

"(b) AMENDED OR NEW CLAIM.—Any proposed amended or new claim determined to be patentable and incorporated into a patent following an inter partes reexamination proceeding shall have the same effect as that specified in section 252 of this title for reissued patents on the right of any person who made, purchased, or used within the United States, or imported into the United States, anything patented by such proposed amended or new claim, or who made substantial preparation therefor, prior to issuance of a certificate under the provisions of subsection (a) of this section.

"§ 317. Inter partes reexamination prohibited

"(a) ORDER FOR REEXAMINATION.—Notwithstanding any provision of this chapter, once an order for inter partes reexamination of a patent has been issued under section 313, neither the patent owner nor the third-party requester, if any, nor privies of either, may file a subsequent request for inter partes reexamination of the patent until an inter partes reexamination certificate is issued and published under section 316, unless authorized by the Director.

"(b) FINAL DECISION.—Once a final decision has been entered against a party in a civil action arising in whole or in part under section 1338 of title 28, United States Code, that the party has not sustained its burden of proving the invalidity of any patent claim in suit or if a final decision in an inter partes reexamination proceeding instituted by a third-party requester is favorable to the patentability of any original or proposed amended or new claim of the patent, then neither that party nor its privies may thereafter request an inter partes reexamination of any such patent claim on the basis of issues which that party or its privies raised or could have raised in such civil action or inter partes reexamination proceeding, and an inter partes reexamination requested by that party or its privies on the basis of such issues may not thereafter be maintained by the Office, notwithstanding any other provision of this chapter. This subsection does not prevent the assertion of invalidity based on newly discovered prior art unavailable to the third-party requester and the Patent and Trademark Office at the time of the inter partes reexamination proceedings.

"§ 318. Stay of litigation

"Once an order for inter partes reexamination of a patent has been issued under section 313, the patent owner may obtain a stay of any pending litigation which involves an issue of patentability of any claims of the patent which are the subject of the inter partes reexamination order, unless the court before which such litigation is pending determines that a stay would not serve the interests of justice.".

(b) CONFORMING AMENDMENT.—The table of chapters for part III of title 25, United States Code, is amended by striking the item relating to chapter 30 and inserting the following:

"30. Prior Art Citations to Office and Ex Parte Reexamination of Patents	**301**
"31. Optional Inter Partes Reexamination of Patents	**311".**

SEC. 4605. CONFORMING AMENDMENTS.

(a) PATENT FEES; PATENT SEARCH SYSTEMS.—Section 41(a)(7) of title 35, United States Code, is amended to read as follows:

"(7) On filing each petition for the revival of an unintentionally abandoned application for a patent, for the unintentionally delayed payment of the fee for issuing each patent, or for an unintentionally delayed response by the patent owner in any reexamination proceeding, $1,210, unless the petition is filed under section 133 or 151 of this title, in which case the fee shall be $110.".

(b) APPEAL TO THE BOARD OF PATENTS APPEALS AND INTERFERENCES.—Section 134 of title 35, United States Code, is amended to read as follows:

"§134. Appeal to the Board of Patent Appeals and Interferences

"(a) PATENT APPLICANT.—An applicant for a patent, any of whose claims has been twice rejected, may appeal from the decision of the administrative patent judge to the Board of Patent Appeals and Interferences, having once paid the fee for such appeal.

"(b) PATENT OWNER.—A patent owner in any reexamination proceeding may appeal from the final rejection of any claim by the administrative patent judge to the Board of Patent Appeals and Interferences, having once paid the fee for such appeal.

"(c) THIRD-PARTY.—A third-party requester in an inter partes proceeding may appeal to the Board of Patent Appeals and Interferences from the final decision of the administrative patent judge favorable to the patentability of any original or proposed amended or new claim of a patent, having once paid the fee for such appeal. The third-party requester may not appeal the decision of the Board of Patent Appeals and Interferences.".

(c) APPEAL TO COURT OF APPEALS FOR THE FEDERAL CIRCUIT.—Section 141 of title 35, United States Code, is amended by adding the following after the second sentence: "A patent owner in any reexamination proceeding dissatisfied with the final decision in an appeal to the Board of Patent Appeals and Interferences under section 131 may appeal the decision only to the United States Court of Appeals for the Federal Circuit.".

(d) PROCEEDINGS ON APPEAL.—Section 143 of title 35, United States Code, is amended by amending the third sentence to read as follows: "In any reexamination case, the Director shall submit to the court in writing the grounds for the decision of the Patent and Trademark Office, addressing all the issues involved in the appeal.".

(e) CIVIL ACTION TO OBTAIN PATENT.—Section 145 of title 35, United States Code, is amended in the first sentence by inserting "(a)" after "section 134".

SEC. 4606. REPORT TO CONGRESS.

Not later than 5 years after the date of the enactment of this Act, the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office shall submit to the Congress a report evaluating whether the inter partes reexamination proceedings established under the amendments made by this subtitle are inequitable to any of the parties in interest and, if so, the report shall contain recommendations for changes to the amendments made by this subtitle to remove such inequity.

SEC. 4607. ESTOPPEL EFFECT OF REEXAMINATION.

Any party who requests an inter partes reexamination under section 311 of title 35, United States Code, is estopped from challenging at a later time, in any civil action, any fact determined during the process of such reexamination, except with respect to a fact determination later proved to be erroneous based on information unavailable at the time of the inter partes reexamination decision. If this section is held to be unenforceable, the enforceability of the remainder of this subtitle or of this title shall not be denied as a result.

SEC. 4608. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsection (b), this subtitle and the amendments made by this subtitle shall take effect on the date of the enactment of this Act and shall apply to any patent that issues from an original application filed in the United States on or after that date.

(b) SECTION 4605(a).—The amendments made by section 4605(a) shall take effect on the date that is 1 year after the date of the enactment of this Act.

Subtitle G—Patent and Trademark Office

SEC. 4701. SHORT TITLE.

This subtitle may be cited as the "Patent and Trademark Office Efficiency Act".

CHAPTER 1—UNITED STATES PATENT AND TRADEMARK OFFICE

SEC. 4711. ESTABLISHMENT OF PATENT AND TRADEMARK OFFICE.

Section 1 of title 35, United States Code, is amended to read as follows:

"§1. Establishment

"(a) ESTABLISHMENT.—The United States Patent and Trademark Office is established as an agency of the United States, within the Department of Commerce. In carrying out its functions, the United States Patent and Trademark Office shall be subject to the policy direction of the Secretary of Commerce, but otherwise shall retain responsibility for decisions regarding the management and administration of its operations and shall exercise independent control of its budget allocations and expenditures, personnel decisions and processes, procurements, and other administrative and management functions in accordance with this title and applicable provisions of law. Those operations designed to grant and issue patents and those operations which are designed to facilitate the registration of trademarks shall be treated as separate operating units within the Office.

"(b) OFFICES.—The United States Patent and Trademark Office shall maintain its principal office in the metropolitan Washington, D.C., area, for the service of process and papers and for the purpose of carrying out its functions. The United States Patent and Trademark Office shall be deemed, for purposes of venue in civil actions, to be a resident of the district in which its principal office is located, except where jurisdiction is otherwise provided by law. The United States Patent and Trademark Office may establish satellite offices in such other places in the United States as it considers necessary and appropriate in the conduct of its business.

"(c) REFERENCE.—For purposes of this title, the United States Patent and Trademark Office shall also be referred to as the 'Office' and the 'Patent and Trademark Office'.".

SEC. 4712. POWERS AND DUTIES.

Section 2 of title 35, United States Code, is amended to read as follows:

"§2. Powers and duties

"(a) IN GENERAL.—The United States Patent and Trademark Office, subject to the policy direction of the Secretary of Commerce—

"(1) shall be responsible for the granting and issuing of patents and the registration of trademarks; and

"(2) shall be responsible for disseminating to the public information with respect to patents and trademarks.

"(b) SPECIFIC POWERS.—The Office—

"(1) shall adopt and use a seal of the Office, which shall be judicially noticed and with which letters patent, certificates of trademark registrations, and papers issued by the Office shall be authenticated;

"(2) may establish regulations, not inconsistent with law, which—

"(A) shall govern the conduct of proceedings in the Office;

"(B) shall be made in accordance with section 553 of title 5, United States Code;

"(C) shall facilitate and expedite the processing of patent applications, particularly those which can be filed, stored, processed, searched, and retrieved electronically, subject to the provisions of section 122 relating to the confidential status of applications;

"(D) may govern the recognition and conduct of agents, attorneys, or other persons representing applicants or other parties before the Office, and may require them, before being recognized as representatives of applicants or other persons, to show that they are of good moral character and reputation and are possessed of the necessary qualifications to render to applicants or other persons valuable service, advice, and assistance in the presentation or prosecution of their applications or other business before the Office;

"(E) shall recognize the pubiic interest in continuing to safeguard broad access to the United States patent system through the reduced fee structure for small entities under section 41(h)(1) of this title; and

"(F) provide for the development of a performance-based process that includes quantitative and qualitative measures and standards for evaluating cost-effectiveness and is consistent with the principles of impartiality and competitiveness;

"(3) may acquire, construct, purchase, lease, hold, manage, operate, improve, alter, and renovate any real, personal, or mixed property, or any interest therein, as it considers necessary to carry out its functions;

"(4)(A) may make such purchases, contracts for the construction, maintenance, or management and operation of facilities, and contracts for supplies or services, without regard to the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Public Buildings Act (40 U.S.C. 601 et seq.), and the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.); and

"(B) may enter into and perform such purchases and contracts for printing services, including the process of composition, platemaking, presswork, silk screen processes, binding, microform, and the products of such processes, as it considers necessary to carry out the functions of the Office, without regard to sections 501 through 517 and 1101 through 1123 of title 44, United States Code;

"(5) may use, with their consent, services, equipment, personnel, and facilities of other departments, agencies, and instrumentalities of the Federal Government, on a reimbursable basis, and cooperate with such other departments, agencies, and instrumentalities in the establishment and use of services, equipment, and facilities of the Office;

"(6) may, when the Director determines that it is practicable, efficient, and cost-effective to do so, use, with the consent of the United States and the agency, instrumentality, Patent and Trademark Office, or international organization concerned, the services, records, facilities, or

personnel of any State or local government agency or instrumentality or foreign patent and trademark office or international organization to perform functions on its behalf;

"(7) may retain and use all of its revenues and receipts, including revenues from the sale, lease, or disposal of any real, personal, or mixed property, or any interest therein, of the Office;

"(8) shall advise the President, through the Secretary of Commerce, on national and certain international intellectual property policy issues;

"(9) shall advise Federal departments and agencies on matters of intellectual property policy in the United States and intellectual property protection in other countries;

"(10) shall provide guidance, as appropriate, with respect to proposals by agencies to assist foreign governments and international intergovernmental organizations on matters of intellectual property protection;

"(11) may conduct programs, studies, or exchanges of items or services regarding domestic and international intellectual property law and the effectiveness of intellectual property protection domestically and throughout the world;

"(12)(A) shall advise the Secretary of Commerce on programs and studies relating to intellectual property policy that are conducted, or authorized to be conducted, cooperatively with foreign intellectual property offices and international intergovernmental organizations; and

"(B) may conduct programs and studies described in subparagraph (A); and

"(13)(A) in coordination with the Department of State, may conduct programs and studies cooperatively with foreign intellectual property offices and international intergovernmental organizations; and

"(B) with the concurrence of the Secretary of State, may authorize the transfer of not to exceed $100,000 in any year to the Department of State for the purpose of making special payments to international intergovernmental organizations for studies and programs for advancing international cooperation concerning patents, trademarks, and other matters.

"(c) CLARIFICATION OF SPECIFIC POWERS.—(1) The special payments under subsection (b)(13)(B) shall be in addition to any other payments or contributions to international organizations described in subsection (b)(13)(B) and shall not be subject to any limitations imposed by law on the amounts of such other payments or contributions by the United States Government.

"(2) Nothing in subsection (b) shall derogate from the duties of the Secretary of State or from the duties of the United States Trade Representative as set forth in section 141 of the Trade Act of 1974 (19 U.S.C. 2171).

"(3) Nothing in subsection (b) shall derogate from the duties and functions of the Register of Copyrights or otherwise alter current authorities relating to copyright matters.

"(4) In exercising the Director's powers under paragraphs (3) and (4)(A) of subsection (b), the Director shall consult with the Administrator of General Services.

"(5) In exercising the Director's powers and duties under this section, the Director shall consult with the Register of Copyrights on all copyright and related matters.

"(d) CONSTRUCTION.—Nothing in this section shall be construed to nullify, void, cancel, or interrupt any pending request-for-proposal let or contract issued by the General Services Administration for the specific purpose of relocating or leasing space to the United States Patent and Trademark Office.".

SEC. 4713. ORGANIZATION AND MANAGEMENT.

Section 3 of title 35, United States Code, is amended to read as follows:

"§3. Officers and employees

"(a) UNDER SECRETARY AND DIRECTOR.—

"(1) IN GENERAL.—The powers and duties of the United States Patent and Trademark Office shall be vested in an Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (in this title referred to as the 'Director'), who shall be a citizen of the United States and who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall be a person who has a professional background and experience in patent or trademark law.

"(2) DUTIES.—

"(A) IN GENERAL.—The Director shall be responsible for providing policy direction and management supervision for the Office and for the issuance of patents and the registration of trademarks. The Director shall perform these duties in a fair, impartial, and equitable manner.

"(B) CONSULTING WITH THE PUBLIC ADVISORY COMMITTEES.—The Director shall consult with the Patent Public Advisory Committee established in section 5 on a regular basis on matters relating to the patent operations of the Office, shall consult with the Trademark Public Advisory Committee established in section 5 on a regular basis on matters relating to the trademark operations of the Office, and shall consult with the respective Public Advisory Committee before submitting budgetary proposals to the Office of Management and Budget or changing or proposing to change patent or trademark user fees or patent or trademark regulations which are subject to the requirement to provide notice and opportunity for public comment under section 553 of title 5, United States Code, as the case may be.

"(3) OATH.—The Director shall, before taking office, take an oath to discharge faithfully the duties of the Office.

"(4) REMOVAL.—The Director may be removed from office by the President. The President shall provide notification of any such removal to both Houses of Congress.

"(b) OFFICERS AND EMPLOYEES OF THE OFFICE.—

"(1) DEPUTY UNDER SECRETARY AND DEPUTY DIRECTOR.—The Secretary of Commerce, upon nomination by the Director, shall appoint a Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office who shall be vested with the authority to act in the capacity of the Director in the event of the absence or incapacity of the Director. The Deputy Director shall be a citizen of the United States who has a professional background and experience in patent or trademark law.

"(2) COMMISSIONERS.—

"(A) APPOINTMENT AND DUTIES.—The Secretary of Commerce shall appoint a Commissioner for Patents and a Commissioner for Trademarks, without regard to chapter 33, 51, or 53 of title 5, United States Code. The Commissioner for Patents shall be a citizen of the United States with demonstrated management ability and professional background and experience in patent law and serve for a term of 5 years. The Commissioner for Trademarks shall be a citizen of the United States with demonstrated management ability and professional background and experience in trademark law and serve for a term of 5 years. The Commissioner for Patents and the Commissioner for Trademarks shall serve as the chief operating officers for the operations of the Office relating to patents and trademarks, respectively, and shall be responsible for the management and direction of all aspects of the activities of the Office that affect the administration of patent and trademark operations, respectively. The Secretary may reappoint a Commissioner to subsequent terms of 5 years as long as the performance of the Commissioner as set forth in the performance agreement in subparagraph (B) is satisfactory.

"(B) SALARY AND PERFORMANCE AGREEMENT.—The Commissioners shall be paid an annual rate of basic pay not to exceed the maximum rate of basic pay for the Senior Executive Service established under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of title 5, United States Code. The compensation of the Commissioners shall be considered, for purposes of section 207(c)(2)(A) of title 18, United States Code, to be the equivalent of that described under clause (ii) of section 207(c)(2)(A) of title 18, United States Code. In addition, the Commissioners may receive a bonus in an amount of up to, but not in excess of, 50 percent of the Commissioners' annual rate of basic pay, based upon an evaluation by the Secretary of Commerce, acting through the Director, of the Commissioners' performance as defined in an annual performance agreement between the Commissioners and the Secretary. The annual performance agreements shall incorporate measurable organization and individual goals in key operational areas as delineated in an annual performance plan agreed to by the Commissioners and the Secretary. Payment of a bonus under this subparagraph may be made to the Commissioners only to the extent that such payment does not cause the Commissioners' total aggregate compensation in a calendar year to equal or exceed the amount of the salary of the Vice President under section 104 of title 3, United States Code.

"(C) REMOVAL.—The Commissioners may be removed from office by the Secretary for misconduct or nonsatisfactory performance under the performance agreement described in subparagraph (B), without regard to the provisions of title 5, United States Code. The Secretary shall provide notification of any such removal to both Houses of Congress.

"(3) OTHER OFFICERS AND EMPLOYEES.—The Director shall—

"(A) appoint such officers, employees (including attorneys), and agents of the Office as the Director considers necessary to carry out the functions of the Office; and

"(B) define the title, authority, and duties of such officers and employees and delegate to them such of the powers vested in the Office as the Director may determine.

The Office shall not be subject to any administratively or statutorily imposed limitation on positions or personnel, and no positions or personnel of the Office shall be taken into account for purposes of applying any such limitation.

"(4) TRAINING OF EXAMINERS.—The Office shall submit to the Congress a proposal to provide an incentive program to retain as employees patent and trademark examiners of the primary examiner grade or higher who are eligible for retirement, for the sole purpose of training patent and trademark examiners.

"(5) NATIONAL SECURITY POSITIONS.—The Director, in consultation with the Director of the Office of Personnel Management, shall maintain a program for identifying national security positions and providing for appropriate security clearances, in order to maintain the secrecy of certain inventions, as described in section 181, and to prevent disclosure of sensitive and strategic information in the interest of national security.

"(c) CONTINUED APPLICABILITY OF TITLE 5, UNITED STATES CODE.—Officers and employees of the Office shall be subject to the provisions of title 5, United States Code, relating to Federal employees.

"(d) ADOPTION OF EXISTING LABOR AGREEMENTS.—The Office shall adopt all labor agreements which are in effect, as of the day before

the effective date of the Patent and Trademark Office Efficiency Act, with respect to such Office (as then in effect).

"(e) CARRYOVER OF PERSONNEL.—

"(1) FROM PTO.—Effective as of the effective date of the Patent and Trademark Office Efficiency Act, all officers and employees of the Patent and Trademark Office on the day before such effective date shall become officers and employees of the Office, without a break in service.

"(2) OTHER PERSONNEL.—Any individual who, on the day before the effective date of the Patent and Trademark Office Efficiency Act, is an officer or employee of the Department of Commerce (other than an officer or employee under paragraph (1)) shall be transferred to the Office, as necessary to carry out the purposes of this Act, if—

"(A) such individual serves in a position for which a major function is the performance of work reimbursed by the Patent and Trademark Office, as determined by the Secretary of Commerce;

"(B) such individual serves in a position that performed work in support of the Patent and Trademark Office during at least half of the incumbent's work time, as determined by the Secretary of Commerce; or

"(C) such transfer would be in the interest of the Office, as determined by the Secretary of Commerce in consultation with the Director.

Any transfer under this paragraph shall be effective as of the same effective date as referred to in paragraph (1), and shall be made without a break in service.

"(f) TRANSITION PROVISIONS.—

"(1) INTERIM APPOINTMENT OF DIRECTOR.—On or after the effective date of the Patent and Trademark Office Efficiency Act, the President shall appoint an individual to serve as the Director until the date on which a Director qualifies under subsection (a). The President shall not make more than one such appointment under this subsection.

"(2) CONTINUATION IN OFFICE OF CERTAIN OFFICERS.—(A) The individual serving as the Assistant Commissioner for Patents on the day before the effective date of the Patent and Trademark Office Efficiency Act may serve as the Commissioner for Patents until the date on which a Commissioner for Patents is appointed under subsection (b).

"(B) The individual serving as the Assistant Commissioner for Trademarks on the day before the effective date of the Patent and Trademark Office Efficiency Act may serve as the Commissioner for Trademarks until the date on which a Commissioner for Trademarks is appointed under subsection (b).".

SEC. 4714. PUBLIC ADVISORY COMMITTEES.

Chapter 1 of part I of title 35, United States Code, is amended by inserting after section 4 the following:

"§5. Patent and Trademark Office Public Advisory Committees

"(a) ESTABLISHMENT OF PUBLIC ADVISORY COMMITTEES.—

"(1) APPOINTMENT.—The United States Patent and Trademark Office shall have a Patent Public Advisory Committee and a Trademark Public Advisory Committee, each of which shall have nine voting members who shall be appointed by the Secretary of Commerce and serve at the pleasure of the Secretary of Commerce. Members of each Public Advisory Committee shall be appointed for a term of 3 years, except that of the members first appointed, three shall be appointed for a term of 1 year, and three shall be appointed for a term of 2 years. In making appointments to each Committee, the Secretary of Commerce shall consider the risk of loss of competitive advantage in international commerce or other harm to United States companies as a result of such appointments.

"(2) CHAIR.—The Secretary shall designate a chair of each Advisory Committee, whose term as chair shall be for 3 years.

"(3) TIMING OF APPOINTMENTS.—Initial appointments to each Advisory Committee shall be made within 3 months after the effective date of the Patent and Trademark Office Efficiency Act. Vacancies shall be filled within 3 months after they occur.

"(b) BASIS FOR APPOINTMENTS.—Members of each Advisory Committee—

"(1) shall be citizens of the United States who shall be chosen so as to represent the interests of diverse users of the United States Patent and Trademark Office with respect to patents, in the case of the Patent Public Advisory Committee, and with respect to trademarks, in the case of the Trademark Public Advisory Committee;

"(2) shall include members who represent small and large entity applicants located in the United States in proportion to the number of applications filed by such applicants, but in no case shall members who represent small entity patent applicants, including small business concerns, independent inventors, and nonprofit organizations, constitute less than 25 percent of the members of the Patent Public Advisory Committee, and such members shall include at least one independent inventor; and

"(3) shall include individuals with substantial background and achievement in finance, management, labor relations, science, technology, and office automation.

In addition to the voting members, each Advisory Committee shall include a representative of each labor organization recognized by the United States Patent and Trademark Office. Such representatives shall be nonvoting members of the Advisory Committee to which they are appointed.

"(c) MEETINGS.—Each Advisory Committee shall meet at the call of the chair to consider an agenda set by the chair.

"(d) DUTIES.—Each Advisory Committee shall—

"(1) review the policies, goals, performance, budget, and user fees of the United States Patent and Trademark Office with respect to patents, in the case of the Patent Public Advisory Committee, and with respect to Trademarks, in the case of the Trademark Public Advisory Committee, and advise the Director on these matters;

"(2) within 60 days after the end of each fiscal year—

"(A) prepare an annual report on the matters referred to in paragraph (1);

"(B) transmit the report to the Secretary of Commerce, the President, and the Committees on the Judiciary of the Senate and the House of Representatives; and

"(C) publish the report in the Official Gazette of the United States Patent and Trademark Office.

"(e) COMPENSATION.—Each member of each Advisory Committee shall be compensated for each day (including travel time) during which such member is attending meetings or conferences of that Advisory Committee or otherwise engaged in the business of that Advisory Committee, at the rate which is the daily equivalent of the annual rate of basic pay in effect for level III of the Executive Schedule under section 5314 of title 5, United States Code. While away from such member's home or regular place of business such member shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

"(f) ACCESS TO INFORMATION.—Members of each Advisory Committee shall be provided access to records and information in the United States Patent and Trademark Office, except for personnel or other privileged information and information concerning patent applications required to be kept in confidence by section 122.

"(g) APPLICABILITY OF CERTAIN ETHICS LAWS.—Members of each Advisory Committee shall be special Government employees within the meaning of section 202 of title 18, United States Code.

"(h) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to each Advisory Committee.

"(i) OPEN MEETINGS.—The meetings of each Advisory Committee shall be open to the public, except that each Advisory Committee may by majority vote meet in executive session when considering personnel or other confidential information.".

SEC. 4715. CONFORMING AMENDMENTS.

(a) DUTIES.—Chapter 1 of title 35, United States Code, is amended by striking section 6.

(b) REGULATIONS FOR AGENTS AND ATTORNEYS.—Section 31 of title 35, United States Code, and the item relating to such section in the table of sections for chapter 3 of title 35, United States Code, are repealed.

(c) SUSPENSION OR EXCLUSION FROM PRACTICE.—Section 32 of title 35, United States Code, is amended by striking "31" and inserting "2(b)(2)(D)".

SEC. 4716. TRADEMARK TRIAL AND APPEAL BOARD.

Section 17 of the Act of July 5, 1946 (commonly referred to as the "Trademark Act of 1946") (15 U.S.C. 1067) is amended to read as follows:

"SEC. 17. (a) In every case of interference, opposition to registration, application to register as a lawful concurrent user, or application to cancel the registration of a mark, the Director shall give notice to all parties and shall direct a Trademark Trial and Appeal Board to determine and decide the respective rights of registration.

"(b) The Trademark Trial and Appeal Board shall include the Director, the Commissioner for Patents, the Commissioner for Trademarks, and administrative trademark judges who are appointed by the Director.".

SEC. 4717. BOARD OF PATENT APPEALS AND INTERFERENCES.

Chapter 1 of title 35, United States Code, is amended—

(1) by striking section 7 and redesignating sections 8 through 14 as sections 7 through 13, respectively; and

(2) by inserting after section 5 the following:

"§6. Board of Patent Appeals and Interferences

"(a) ESTABLISHMENT AND COMPOSITION.—There shall be in the United States Patent and Trademark Office a Board of Patent Appeals and Interferences. The Director, the Commissioner for Patents, the Commissioner for Trademarks, and the administrative patent judges shall constitute the Board. The administrative patent judges shall be persons of competent legal knowledge and scientific ability who are appointed by the Director.

"(b) DUTIES.—The Board of Patent Appeals and Interferences shall, on written appeal of an applicant, review adverse decisions of examiners upon applications for patents and shall determine priority and patentability of invention in interferences declared under section 135(a). Each appeal and interference shall be heard by at least three members of the Board, who shall be designated by the Director. Only the Board of Patent Appeals and Interferences may grant rehearings.".

SEC. 4718. ANNUAL REPORT OF DIRECTOR.

Section 13 of title 35, United States Code, as redesignated by section 4717 of this subtitle, is amended to read as follows:

"§13. Annual report to Congress

"The Director shall report to the Congress, not later than 180 days after the end of each fiscal year, the moneys received and expended by *the Office, the purposes for which the moneys were spent, the quality and quantity of the work of the Office, the nature of training provided to examiners, the evaluation of the Commissioner of Patents and the Commissioner of Trademarks by the Secretary of Commerce, the compensation of the Commissioners, and other information relating to the Office.".*

SEC. 4719. SUSPENSION OR EXCLUSION FROM PRACTICE.

Section 32 of title 35, United States Code, is amended by inserting before the last sentence the following: "The Director shall have the discretion to designate any attorney who is an officer or employee of the United States Patent and Trademark Office to conduct the hearing required by this section.".

SEC. 4720. PAY OF DIRECTOR AND DEPUTY DIRECTOR.

(a) PAY OF DIRECTOR.—Section 5314 of title 5, United States Code, is amended by striking:

"Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.".

and inserting:

"Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.".

(b) PAY OF DEPUTY DIRECTOR.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office.".

CHAPTER 2—EFFECTIVE DATE; TECHNICAL AMENDMENTS

SEC. 4731. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect 4 months after the date of the enactment of this Act.

SEC. 4732. TECHNICAL AND CONFORMING AMENDMENTS.

(a) AMENDMENTS TO TITLE 35, UNITED STATES CODE.—

(1) The item relating to part I in the table of parts for chapter 35, United States Code, is amended to read as follows:

"I. United States Patent and Trademark Office .... 1".

(2) The heading for part I of title 35, United States Code, is amended to read as follows:

"PART I—UNITED STATES PATENT AND TRADEMARK OFFICE".

(3) The table of chapters for part I of title 35, United States Code, is amended by amending the item relating to chapter 1 to read as follows:

"1. Establishment, Officers and Employees, Functions .... 1".

(4) The table of sections for chapter 1 of title 35, United States Code, is amended to read as follows:

"CHAPTER 1—ESTABLISHMENT, OFFICERS AND EMPLOYEES, FUNCTIONS

"Sec.
" 1. Establishment.
" 2. Powers and duties.
" 3. Officers and employees.
" 4. Restrictions on officers and employees as to interest in patents.
" 5. Patent and Trademark Office Public Advisory Committees.
" 6. Board of Patent Appeals and Interferences.
" 7. Library.
" 8. Classification of patents.
" 9. Certified copies of records.
"10. Publications.
"11. Exchange of copies of patents and applications with foreign countries.
"12. Copies of patents and applications for public libraries.
"13. Annual report to Congress.".

(5) Section 41(h) of title 35, United States Code, is amended by striking "Commissioner of Patents and Trademarks" and inserting "Director".

(6) Section 155 of title 35, United States Code, is amended by striking "Commissioner of Patents and Trademarks" and inserting "Director".

(7) Section 155A(c) of title 35, United States Code, is amended by striking "Commissioner of Patents and Trademarks" and inserting "Director".

(8) Section 302 of title 35, United States Code, is amended by striking "Commissioner of Patents" and inserting "Director".

(9)(A) Section 303 of title 35, United States Code, is amended—

*(i) in the section heading by striking "**Commissioner**" and inserting "**Director**"; and*

(ii) by striking "Commissioner's" and inserting "Director's".

(B) The item relating to section 303 in the table of sections for chapter 30 of title 35, United States Code, is amended by striking "Commissioner" and inserting "Director".

(10)(A) Except as provided in subparagraph (B), title 35, United States Code, is amended by striking "Commissioner" each place it appears and inserting "Director".

(B) Chapter 17 of title 35, United States Code, is amended by striking "Commissioner" each place it appears and inserting "Commissioner of Patents".

(11) Section 157(d) of title 35, United States Code, is amended by striking "Secretary of Commerce" and inserting "Director".

(12) Section 202(a) of title 35, United States Code, is amended—

(A) by striking "iv)" and inserting "(iv)"; and

(B) by striking the second period after "Department of Energy" at the end of the first sentence.

(b) OTHER PROVISIONS OF LAW.—

(1)(A) Section 45 of the Act of July 5, 1946 (commonly referred to as the "Trademark Act of 1946"; 15 U.S.C. 1127), is amended by striking "The term 'Commissioner' means the Commissioner of Patents and Trademarks." and inserting "The term 'Director' means the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.".

(B) The Act of July 5, 1946 (commonly referred to as the "Trademark Act of 1946"; 15 U.S.C. 1051 et seq.), except for section 17, as amended by 4716 of this subtitle, is amended by striking "Commissioner" each place it appears and inserting "Director".

(C) Sections 8(e) and 9(b) of the Trademark Act of 1946 are each amended by striking "Commissioner" and inserting "Director".

(2) Section 500(e) of title 5, United States Code, is amended by striking "Patent Office" and inserting "United States Patent and Trademark Office".

(3) Section 5102(c)(23) of title 5, United States Code, is amended to read as follows:

"(23) administrative patent judges and designated administrative patent judges in the United States Patent and Trademark Office;".

(4) Section 5316 of title 5, United States Code (5 U.S.C. 5316) is amended by striking "Commissioner of Patents, Department of Commerce.", "Deputy Commissioner of Patents and Trademarks.", "Assistant Commissioner for Patents.", and "Assistant Commissioner for Trademarks.".

(5) Section 9(p)(1)(B) of the Small Business Act (15 U.S.C. 638(p)(1)(B)) is amended to read as follows:

"(B) the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office; and".

(6) Section 12 of the Act of February 14, 1903 (15 U.S.C. 1511) is amended—

(A) by striking "(d) Patent and Trademark Office;" and inserting:

"(4) United States Patent and Trademark Office"; and

(B) by redesignating subsections (a), (b), (c), (e), (f), and (g) as paragraphs (1), (2), (3), (5), (6), and (7), respectively and indenting the paragraphs as so redesignated 2 ems to the right.

(7) Section 19 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831r) is amended—

(A) by striking "Patent Office of the United States" and inserting "United States Patent and Trademark Office"; and

(B) by striking "Commissioner of Patents" and inserting "Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office".

(8) Section 182(b)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2242(b)(2)(A)) is amended by striking "Commissioner of Patents and Trademarks" and inserting "Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office".

(9) Section 302(b)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2412(b)(2)(D)) is amended by striking "Commissioner of Patents and Trademarks" and inserting "Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office".

(10) The Act of April 12, 1892 (27 Stat. 395; 20 U.S.C. 91) is amended by striking "Patent Office" and inserting "United States Patent and Trademark Office".

(11) Sections 505(m) and 512(o) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(m) and 360b(o)) are each amended by striking "Patent and Trademark Office of the Department of Commerce" and inserting "United States Patent and Trademark Office".

(12) Section 702(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 372(d)) is amended by striking "Commissioner of Patents" and inserting "Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office" and by striking "Commissioner" and inserting "Director".

(13) Section 105(e) of the Federal Alcohol Administration Act (27 U.S.C. 205(e)) is amended by striking "United States Patent Office" and inserting "United States Patent and Trademark Office".

(14) Section 1295(a)(4) of title 28, United States Code, is amended—

(A) in subparagraph (A) by inserting "United States" before "Patent and Trademark"; and

(B) in subparagraph (B) by striking "Commissioner of Patents and Trademarks" and inserting "Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office".

(15) Chapter 115 of title 28, United States Code, is amended—

(A) in the item relating to section 1744 in the table of sections by striking "Patent Office" and inserting "United States Patent and Trademark Office";

(B) in section 1744—

(i) by striking "Patent Office" each place it appears in the text and section heading and inserting "United States Patent and Trademark Office"; and

(ii) by striking "Commissioner of Patents" and inserting "Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office"; and

(C) by striking "Commissioner" and inserting "Director".

(16) Section 1745 of title 28, United States Code, is amended by striking "United States Patent Office" and inserting "United States Patent and Trademark Office".

(17) Section 1928 of title 28, United States Code, is amended by striking "Patent Office"

and inserting "United States Patent and Trademark Office".

(18) Section 151 of the Atomic Energy Act of 1954 (42 U.S.C. 2181) is amended in subsections c. and d. by striking "Commissioner of Patents" and inserting "Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office".

(19) Section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182) is amended by striking "Commissioner of Patents" each place it appears and inserting "Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office".

(20) Section 305 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457) is amended—

(A) in subsection (c) by striking "Commissioner of Patents" and inserting "Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (hereafter in this section referred to as the 'Director')"; and

(B) by striking "Commissioner" each subsequent place it appears and inserting "Director".

(21) Section 12(a) of the Solar Heating and Cooling Demonstration Act of 1974 (42 U.S.C. 5510(a)) is amended by striking "Commissioner of the Patent Office" and inserting "Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office".

(22) Section 1111 of title 44, United States Code, is amended by striking "the Commissioner of Patents,".

(23) Section 1114 of title 44, United States Code, is amended by striking "the Commissioner of Patents,".

(24) Section 1123 of title 44, United States Code, is amended by striking "the Patent Office,".

(25) Sections 1337 and 1338 of title 44, United States Code, and the items relating to those sections in the table of contents for chapter 13 of such title, are repealed.

(26) Section 10(i) of the Trading with the enemy Act (50 U.S.C. App. 10(i)) is amended by striking "Commissioner of Patents" and inserting "Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office".

CHAPTER 3—MISCELLANEOUS PROVISIONS

SEC. 4741. REFERENCES.

(a) IN GENERAL.—Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to a department or office from which a function is transferred by this subtitle—

(1) to the head of such department or office is deemed to refer to the head of the department or office to which such function is transferred; or

(2) to such department or office is deemed to refer to the department or office to which such function is transferred.

(b) SPECIFIC REFERENCES.—Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Patent and Trademark Office—

(1) to the Commissioner of Patents and Trademarks is deemed to refer to the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office;

(2) to the Assistant Commissioner for Patents is deemed to refer to the Commissioner for Patents; or

(3) to the Assistant Commissioner for Trademarks is deemed to refer to the Commissioner for Trademarks.

SEC. 4742. EXERCISE OF AUTHORITIES.

Except as otherwise provided by law, a Federal official to whom a function is transferred by this subtitle may, for purposes of performing the function, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function under this subtitle.

SEC. 4743. SAVINGS PROVISIONS.

(a) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the President, the Secretary of Commerce, any officer or employee of any office transferred by this subtitle, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred by this subtitle; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date), shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law.

(b) PROCEEDINGS.—This subtitle shall not affect any proceedings or any application for any benefits, service, license, permit, certificate, or financial assistance pending on the effective date of this subtitle before an office transferred by this subtitle, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this subtitle had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this subtitle had not been enacted.

(c) SUITS.—This subtitle shall not affect suits commenced before the effective date of this subtitle, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this subtitle had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Department of Commerce or the Secretary of Commerce, or by or against any individual in the official capacity of such individual as an officer or employee of an office transferred by this subtitle, shall abate by reason of the enactment of this subtitle.

(e) CONTINUANCE OF SUITS.—If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the officer, and under this subtitle such function is transferred to any other officer or office, then such suit shall be continued with the other officer or the head of such other office, as applicable, substituted or added as a party.

(f) ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.—Except as otherwise provided by this subtitle, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred by this subtitle shall apply to the exercise of such function by the head of the Federal agency, and other officers of the agency, to which such function is transferred by this subtitle.

SEC. 4744. TRANSFER OF ASSETS.

Except as otherwise provided in this subtitle, so much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with a function transferred to an official or agency by this subtitle shall be available to the official or the head of that agency, respectively, at such time or times as the Director of the Office of Management and Budget directs for use in connection with the functions transferred.

SEC. 4745. DELEGATION AND ASSIGNMENT.

Except as otherwise expressly prohibited by law or otherwise provided in this subtitle, an official to whom functions are transferred under this subtitle (including the head of any office to which functions are transferred under this subtitle) may delegate any of the functions so transferred to such officers and employees of the office of the official as the official may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions under this section or under any other provision of this subtitle shall relieve the official to whom a function is transferred under this subtitle of responsibility for the administration of the function.

SEC. 4746. AUTHORITY OF DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET WITH RESPECT TO FUNCTIONS TRANSFERRED.

(a) DETERMINATIONS.—If necessary, the Director of the Office of Management and Budget shall make any determination of the functions that are transferred under this subtitle.

(b) INCIDENTAL TRANSFERS.—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, may make such determinations as may be necessary with regard to the functions transferred by this subtitle, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this subtitle. The Director shall provide for the termination of the affairs of all entities terminated by this subtitle and for such further measures and dispositions as may be necessary to effectuate the purposes of this subtitle.

SEC. 4747. CERTAIN VESTING OF FUNCTIONS CONSIDERED TRANSFERS.

For purposes of this subtitle, the vesting of a function in a department or office pursuant to reestablishment of an office shall be considered to be the transfer of the function.

SEC. 4748. AVAILABILITY OF EXISTING FUNDS.

Existing appropriations and funds available for the performance of functions, programs, and activities terminated pursuant to this subtitle shall remain available, for the duration of their period of availability, for necessary expenses in connection with the termination and resolution of such functions, programs, and activities, subject to the submission of a plan to the Committees on Appropriations of the House and Senate in accordance with the procedures set forth in section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as contained in Public Law 105–277.

SEC. 4749. DEFINITIONS.

For purposes of this subtitle—

(1) the term "function" includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(2) the term "office" includes any office, administration, agency, bureau, institute, council, unit, organizational entity, or component thereof.

Subtitle H—Miscellaneous Patent Provisions

SEC. 4801. PROVISIONAL APPLICATIONS.

(a) ABANDONMENT.—Section 111(b)(5) of title 35, United States Code, is amended to read as follows:

"(5) ABANDONMENT.—Notwithstanding the absence of a claim, upon timely request and as prescribed by the Director, a provisional application may be treated as an application filed under subsection (a). Subject to section 119(e)(3) of this title, if no such request is made, the provisional application shall be regarded as abandoned 12 months after the filing date of such application and shall not be subject to revival after such 12-month period.".

(b) TECHNICAL AMENDMENT RELATING TO WEEKENDS AND HOLIDAYS.—Section 119(e) of title 35, United States Code, is amended by adding at the end the following:

"(3) If the day that is 12 months after the filing date of a provisional application falls on a Saturday, Sunday, or Federal holiday within the District of Columbia, the period of pendency of the provisional application shall be extended to the next succeeding secular or business day.".

(c) ELIMINATION OF COPENDENCY REQUIREMENT.—Section 119(e)(2) of title 35, United States Code, is amended by striking "and the provisional application was pending on the filing date of the application for patent under section 111(a) or section 363 of this title".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to any provisional application filed on or after June 8, 1995, except that the amendments made by subsections (b) and (c) shall have no effect with respect to any patent which is the subject of litigation in an action commenced before such date of enactment.

SEC. 4802. INTERNATIONAL APPLICATIONS.

Section 119 of title 35, United States Code, is amended as follows:

(1) In subsection (a), insert "or in a WTO member country," after "or citizens of the United States,".

(2) At the end of section 119 add the following new subsections:

"(f) Applications for plant breeder's rights filed in a WTO member country (or in a foreign UPOV Contracting Party) shall have the same effect for the purpose of the right of priority under subsections (a) through (c) of this section as applications for patents, subject to the same conditions and requirements of this section as apply to applications for patents.

"(g) As used in this section—

"(1) the term 'WTO member country' has the same meaning as the term is defined in section 104(b)(2) of this title; and

"(2) the term 'UPOV Contracting Party' means a member of the International Convention for the Protection of New Varieties of Plants.".

SEC. 4803. CERTAIN LIMITATIONS ON DAMAGES FOR PATENT INFRINGEMENT NOT APPLICABLE.

Section 287(c)(4) of title 35, United States Code, is amended by striking "before the date of enactment of this subsection" and inserting "based on an application the earliest effective filing date of which is prior to September 30, 1996".

SEC. 4804. ELECTRONIC FILING AND PUBLICATIONS.

(a) PRINTING OF PAPERS FILED.—Section 22 of title 35, United States Code, is amended by striking "printed or typewritten" and inserting "printed, typewritten, or on an electronic medium".

(b) PUBLICATIONS.—Section 11(a) of title 35, United States Code, is amended by amending the matter preceding paragraph 1 to read as follows:

"(a) The Director may publish in printed, typewritten, or electronic form, the following:".

(c) COPIES OF PATENTS FOR PUBLIC LIBRARIES.—Section 13 of title 35, United States Code, is amended by striking "printed copies of specifications and drawings of patents" and inserting "copies of specifications and drawings of patents in printed or electronic form".

(d) MAINTENANCE OF COLLECTIONS.—

(1) ELECTRONIC COLLECTIONS.—Section 41(i)(1) of title 35, United States Code, is amended by striking "paper or microform" and inserting "paper, microform, or electronic".

(2) CONTINUATION OF MAINTENANCE.—The Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office shall not, pursuant to the amendment made by paragraph (1), cease to maintain, for use by the public, paper or microform collections of United States patents, foreign patent documents, and United States trademark registrations, except pursuant to notice and opportunity for public comment and except that the Director shall first submit a report to the Committees on the Judiciary of the Senate and the House of Representatives detailing such plan, including a description of the mechanisms in place to ensure the integrity of such collections and the data contained therein, as well as to ensure prompt public access to the most current available information, and certifying that the implementation of such plan will not negatively impact the public.

SEC. 4805. STUDY AND REPORT ON BIOLOGICAL DEPOSITS IN SUPPORT OF BIOTECHNOLOGY PATENTS.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States, in consultation with the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, shall conduct a study and submit a report to Congress on the potential risks to the United States biotechnology industry relating to biological deposits in support of biotechnology patents.

(b) CONTENTS.—The study conducted under this section shall include—

(1) an examination of the risk of export and the risk of transfers to third parties of biological deposits, and the risks posed by the change to 18-month publication requirements made by this subtitle;

(2) an analysis of comparative legal and regulatory regimes; and

(3) any related recommendations.

(c) CONSIDERATION OF REPORT.—In drafting regulations affecting biological deposits (including any modification of title 37, Code of Federal Regulations, section 1.801 et seq.), the United States Patent and Trademark Office shall consider the recommendations of the study conducted under this section.

SEC. 4806. PRIOR INVENTION.

Section 102(g) of title 35, United States Code, is amended to read as follows:

"(g)(1) during the course of an interference conducted under section 135 or section 291, another inventor involved therein establishes, to the extent permitted in section 104, that before such person's invention thereof the invention was made by such other inventor and not abandoned, suppressed, or concealed, or (2) before such person's invention thereof, the invention was made in this country by another inventor who had not abandoned, suppressed, or concealed it. In determining priority of invention under this subsection, there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.".

SEC. 4807. PRIOR ART EXCLUSION FOR CERTAIN COMMONLY ASSIGNED PATENTS.

(a) PRIOR ART EXCLUSION.—Section 103(c) of title 35, United States Code, is amended by striking "subsection (f) or (g)" and inserting "one or more of subsections (e), (f), and (g)".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to any application for patent filed on or after the date of the enactment of this Act.

SEC. 4808. EXCHANGE OF COPIES OF PATENTS WITH FOREIGN COUNTRIES.

Section 12 of title 35, United States Code, is amended by adding at the end the following: "The Director shall not enter into an agreement to provide such copies of specifications and drawings of United States patents and applications to a foreign country, other than a NAFTA country or a WTO member country, without the express authorization of the Secretary of Commerce. For purposes of this section, the terms 'NAFTA country' and 'WTO member country' have the meanings given those terms in section 104(b).".

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 5001. COMMISSION ON ONLINE CHILD PROTECTION.

(a) REFERENCES.—Wherever in this section an amendment is expressed in terms of an amendment to any provision, the reference shall be considered to be made to such provision of section 1405 of the Child Online Protection Act (47 U.S.C. 231 note).

(b) MEMBERSHIP.—Subsection (b) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

"(1) INDUSTRY MEMBERS.—The Commission shall include 16 members who shall consist of representatives of—

"(A) providers of Internet filtering or blocking services or software;

"(B) Internet access services;

"(C) labeling or ratings services;

"(D) Internet portal or search services;

"(E) domain name registration services;

"(F) academic experts; and

"(G) providers that make content available over the Internet.

Of the members of the Commission by reason of this paragraph, an equal number shall be appointed by the Speaker of the House of Representatives and by the Majority Leader of the Senate. Members of the Commission appointed on or before October 31, 1999, shall remain members."; and

(2) by adding at the end the following new paragraph:

"(3) PROHIBITION OF PAY.—Members of the Commission shall not receive any pay by reason of their membership on the Commission.".

(c) EXTENSION OF REPORTING DEADLINE.—The matter in subsection (d) that precedes paragraph (1) is amended by striking "1 year" and inserting "2 years".

(d) TERMINATION.—Subsection (f) is amended by inserting before the period at the end the following: "or November 30, 2000, whichever occurs earlier".

(e) FIRST MEETING AND CHAIRPERSON.—Section 1405 is amended—

(1) by striking subsection (e);

(2) by redesignating subsections (f) (as amended by the preceding provisions of this section) and (g) as subsections (l) and (m), respectively;

(3) by redesignating subsections (c) and (d) (as amended by the preceding provisions of this section) as subsections (e) and (f), respectively; and

(4) by inserting after subsection (b) the following new subsections:

"(c) FIRST MEETING.—The Commission shall hold its first meeting not later than March 31, 2000.

"(d) CHAIRPERSON.—The chairperson of the Commission shall be elected by a vote of a majority of the members, which shall take place not later than 30 days after the first meeting of the Commission.".

(f) RULES OF THE COMMISSION.—Section 1405 is amended by inserting after subsection (f) (as so redesignated by subsection (e)(3) of this section) the following new subsection:

"(g) RULES OF THE COMMISSION.—

"(1) QUORUM.—Nine members of the Commission shall constitute a quorum for conducting the business of the Commission.

"(2) MEETINGS.—Any meetings held by the Commission shall be duly noticed at least 14 days in advance and shall be open to the public.

"(3) OPPORTUNITIES TO TESTIFY.—The Commission shall provide opportunities for representatives of the general public to testify.

"(4) ADDITIONAL RULES.—The Commission may adopt other rules as necessary to carry out this section.".

SEC. 5002. PRIVACY PROTECTION FOR DONORS TO PUBLIC BROADCASTING ENTITIES.

(a) AMENDMENT.—Section 396(k) of the Communications Act of 1934 (47 U.S.C. 396(k)) is amended by adding at the end the following new paragraph:

"(12) Funds may not be distributed under this subsection to any public broadcasting entity that directly or indirectly—

"(A) rents contributor or donor names (or other personally identifiable information) to or from, or exchanges such names or information with, any Federal, State, or local candidate, political party, or political committee; or

"(B) discloses contributor or donor names, or other personally identifiable information, to any nonaffiliated third party unless—

"(i) such entity clearly and conspicuously discloses to the contributor or donor that such information may be disclosed to such third party;

"(ii) the contributor or donor is given the opportunity, before the time that such information is initially disclosed, to direct that such information not be disclosed to such third party; and

"(iii) the contributor or donor is given an explanation of how the contributor or donor may exercise that nondisclosure option.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to funds distributed on or after 6 months after the date of the enactment of this Act.

SEC. 5003. COMPLETION OF BIENNIAL REGULATORY REVIEW.

Within 180 days after the date of the enactment of this Act, the Federal Communications Commission shall complete the first biennial review required by section 202(h) of the Telecommunications Act of 1996 (Public Law 104–104; 110 Stat. 111).

SEC. 5004. PUBLIC BROADCASTING ENTITIES.

(a) CIVIL REMITTANCE OF DAMAGES.—Section 1203(c)(5)(B) of title 17, United States Code, is amended to read as follows:

"(B) NONPROFIT LIBRARY, ARCHIVES, EDUCATIONAL INSTITUTIONS, OR PUBLIC BROADCASTING ENTITIES.—

"(i) DEFINITION.—In this subparagraph, the term 'public broadcasting entity' has the meaning given such term under section 118(g).

"(ii) IN GENERAL.—In the case of a nonprofit library, archives, educational institution, or public broadcasting entity, the court shall remit damages in any case in which the library, archives, educational institution, or public broadcasting entity sustains the burden of proving, and the court finds, that the library, archives, educational institution, or public broadcasting entity was not aware and had no reason to believe that its acts constituted a violation.".

(b) CRIMINAL OFFENSES AND PENALTIES.—Section 1204(b) of title 17, United States Code, is amended to read as follows:

"(b) LIMITATION FOR NONPROFIT LIBRARY, ARCHIVES, EDUCATIONAL INSTITUTION, OR PUBLIC BROADCASTING ENTITY.—Subsection (a) shall not apply to a nonprofit library, archives, educational institution, or public broadcasting entity (as defined under section 118(g).".

SEC. 5005. TECHNICAL AMENDMENTS RELATING TO VESSEL HULL DESIGN PROTECTION.

(a) IN GENERAL.—

(1) Section 504(a) of the Digital Millennium Copyright Act (Public Law 105–304) is amended to read as follows:

"(a) IN GENERAL.—Not later than November 1, 2003, the Register of Copyrights and the Commissioner of Patents and Trademarks shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a joint report evaluating the effect of the amendments made by this title.".

(2) Section 505 of the Digital Millennium Copyright Act is amended by striking "and shall remain in effect" and all that follows through the end of the section and inserting a period.

(3) Section 1301(b)(3) of title 17, United States Code, is amended to read as follows:

"(3) A 'vessel' is a craft—

"(A) that is designed and capable of independently steering a course on or through water through its own means of propulsion; and

"(B) that is designed and capable of carrying and transporting one or more passengers.".

(4) Section 1313(c) of title 17, United States Code, is amended by adding at the end the following: "Costs of the cancellation procedure under this subsection shall be borne by the nonprevailing party or parties, and the Administrator shall have the authority to assess and collect such costs.".

(b) TARIFF ACT OF 1930.—Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "and (D)" and inserting "(D), and (E)"; and

(ii) by adding at the end the following:

"(E) The importation into the United States, the sale for importation, or the sale within the United States after importation by the owner, importer, or consigner, of an article that constitutes infringement of the exclusive rights in a design protected under chapter 13 of title 17, United States Code."; and

(B) in paragraphs (2) and (3), by striking "or mask work" and inserting "mask work, or design"; and

(2) in subsection (l), by striking "or mask work" each place it appears and inserting "mask work, or design".

SEC. 5006. INFORMAL RULEMAKING OF COPYRIGHT DETERMINATION.

Section 1201(a)(1)(C) of title 17, United States Code, is amended in the first sentence by striking "on the record".

SEC. 5007. SERVICE OF PROCESS FOR SURETY CORPORATIONS.

Section 9306 of title 31, United States Code, is amended—

(1) in subsection (a) by striking all beginning with "designates a person by written power of attorney" through the end of such subsection and inserting the following: "has a resident agent for service of process for that district. The resident agent—

"(1) may be an official of the State, the District of Columbia, the territory or possession in which the court sits who is authorized or appointed under the law of the State, District, territory or possession to receive service of process on the corporation; or

"(2) may be an individual who resides in the jurisdiction of the district court for the district in which a surety bond is to be provided and who is appointed by the corporation as provided in subsection (b)"; and

(2) in subsection (b) by striking "The" and inserting "If the surety corporation meets the requirement of subsection (a) by appointing an individual under subsection (a)(2), the".

SEC. 5008. LOW-POWER TELEVISION.

(a) SHORT TITLE.—This section may be cited as the "Community Broadcasters Protection Act of 1999".

(b) FINDINGS.—Congress finds the following:

(1) Since the creation of low-power television licenses by the Federal Communications Commission, a small number of license holders have operated their stations in a manner beneficial to the public good providing broadcasting to their communities that would not otherwise be available.

(2) These low-power broadcasters have operated their stations in a manner consistent with the programming objectives and hours of operation of full-power broadcasters providing worthwhile services to their respective communities while under severe license limitations compared to their full-power counterparts.

(3) License limitations, particularly the temporary nature of the license, have blocked many low-power broadcasters from having access to capital, and have severely hampered their ability to continue to provide quality broadcasting, programming, or improvements.

(4) The passage of the Telecommunications Act of 1996 has added to the uncertainty of the future status of these stations by the lack of specific provisions regarding the permanency of their licenses, or their treatment during the transition to high definition, digital television.

(5) It is in the public interest to promote diversity in television programming such as that currently provided by low-power television stations to foreign-language communities.

(c) PRESERVATION OF LOW-POWER COMMUNITY TELEVISION BROADCASTING.—Section 336 of the Communications Act of 1934 (47 U.S.C. 336) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection:

"(f) PRESERVATION OF LOW-POWER COMMUNITY TELEVISION BROADCASTING.—

"(1) CREATION OF CLASS A LICENSES.—

"(A) RULEMAKING REQUIRED.—Within 120 days after the date of the enactment of the Community Broadcasters Protection Act of 1999, the Commission shall prescribe regulations to establish a class A television license to be available to licensees of qualifying low-power television stations. Such regulations shall provide that—

"(i) the license shall be subject to the same license terms and renewal standards as the licenses for full-power television stations except as provided in this subsection; and

"(ii) each such class A licensee shall be accorded primary status as a television broadcaster as long as the station continues to meet the requirements for a qualifying low-power station in paragraph (2).

"(B) NOTICE TO AND CERTIFICATION BY LICENSEES.—Within 30 days after the date of the enactment of the Community Broadcasters Protection Act of 1999, the Commission shall send a notice to the licensees of all low-power televisions licenses that describes the requirements for class A designation. Within 60 days after such date of enactment, licensees intending to seek class A designation shall submit to the Commission a certification of eligibility based on the qualification requirements of this subsection. Absent a material deficiency, the Commission shall grant certification of eligibility to apply for class A status.

"(C) APPLICATION FOR AND AWARD OF LICENSES.—Consistent with the requirements set forth in paragraph (2)(A) of this subsection, a licensee may submit an application for class A *designation under this paragraph within 30 days after final regulations are adopted under subparagraph (A) of this paragraph. Except as provided in paragraphs (6) and (7), the Commission shall, within 30 days after receipt of an application of a licensee of a qualifying low-power television station that is acceptable for filing, award such a class A television station license to such licensee.*

"(D) RESOLUTION OF TECHNICAL PROBLEMS.—The Commission shall act to preserve the service areas of low-power television licensees pending the final resolution of a class A application. If, after granting certification of eligibility for a class A license, technical problems arise requiring an engineering solution to a full-power station's allotted parameters or channel assignment in the digital television Table of Allotments, the Commission shall make such modifications as necessary—

"(i) to ensure replication of the full-power digital television applicant's service area, as provided for in sections 73.622 and 73.623 of the Commission's regulations (47 CFR 73.622, 73.623); and

"(ii) to permit maximization of a full-power digital television applicant's service area consistent with such sections 73.622 and 73.623,

if such applicant has filed an application for maximization or a notice of its intent to seek such maximization by December 31, 1999, and filed a bona fide application for maximization by May 1, 2000. Any such applicant shall comply with all applicable Commission rules regarding the construction of digital television facilities.

"(E) CHANGE APPLICATIONS.—If a station that is awarded a construction permit to maximize or significantly enhance its digital television service area, later files a change application to reduce its digital television service area, the protected contour of that station shall be reduced in accordance with such change modification.

"(2) QUALIFYING LOW-POWER TELEVISION STATIONS.—For purposes of this subsection, a station is a qualifying low-power television station if—

"(A)(i) during the 90 days preceding the date of the enactment of the Community Broadcasters Protection Act of 1999—

"(I) such station broadcast a minimum of 18 hours per day;

"(II) such station broadcast an average of at least 3 hours per week of programming that was produced within the market area served by such station, or the market area served by a group of commonly controlled low-power stations that carry common local programming produced within the market area served by such group; and

"(III) such station was in compliance with the Commission's requirements applicable to low-power television stations; and

"(ii) from and after the date of its application for a class A license, the station is in compliance with the Commission's operating rules for full-power television stations; or

"(B) the Commission determines that the public interest, convenience, and necessity would be served by treating the station as a qualifying low-power television station for purposes of this section, or for other reasons determined by the Commission.

"(3) COMMON OWNERSHIP.—No low-power television station authorized as of the date of the enactment of the Community Broadcasters Protection Act of 1999 shall be disqualified for a class A license based on common ownership with any other medium of mass communication.

"(4) ISSUANCE OF LICENSES FOR ADVANCED TELEVISION SERVICES TO TELEVISION TRANSLATOR STATIONS AND QUALIFYING LOW-POWER TELEVISION STATIONS.—The Commission is not required to issue any additional license for advanced television services to the licensee of a class A television station under this subsection, or to any licensee of any television translator station, but shall accept a license application for such services proposing facilities that will not cause interference to the service area of any other broadcast facility applied for, protected, permitted, or authorized on the date of filing of the advanced television application. Such new license or the original license of the applicant shall be forfeited after the end of the digital television service transition period, as determined by the Commission. A licensee of a low-power television station or television translator station may, at the option of licensee, elect to convert to the provision of advanced television services on its analog channel, but shall not be required to convert to digital operation until the end of such transition period.

"(5) NO PREEMPTION OF SECTION 337.—Nothing in this subsection preempts or otherwise affects section 337 of this Act.

"(6) INTERIM QUALIFICATION.—

"(A) STATIONS OPERATING WITHIN CERTAIN BANDWIDTH.—The Commission may not grant a class A license to a low-power television station for operation between 698 and 806 megahertz, but the Commission shall provide to low-power television stations assigned to and temporarily operating in that bandwidth the opportunity to meet the qualification requirements for a class A license. If such a qualified applicant for a class A license is assigned a channel within the core spectrum (as such term is defined in MM Docket No. 87–286, February 17, 1998), the Commission shall issue a class A license simultaneously with the assignment of such channel.

"(B) CERTAIN CHANNELS OFF-LIMITS.—The Commission may not grant under this subsection a class A license to a low-power television station operating on a channel within the core spectrum that includes any of the 175 additional channels referenced in paragraph 45 of its February 23, 1998, Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order (MM Docket No. 87–268). Within 18 months after the date of the enactment of the Community Broadcasters Protection Act of 1999, the Commission shall identify by channel, location, and applicable technical parameters those 175 channels.

"(7) NO INTERFERENCE REQUIREMENT.—The Commission may not grant a class A license, nor approve a modification of a class A license, unless the applicant or licensee shows that the class A station for which the license or modification is sought will not cause—

"(A) interference within—

"(i) the predicted Grade B contour (as of the date of the enactment of the Community Broadcasters Protection Act of 1999, or November 1, 1999, whichever is later, or as proposed in a change application filed on or before such date) of any television station transmitting in analog format; or

"(ii)(I) the digital television service areas provided in the DTV Table of Allotments; (II) the areas protected in the Commission's digital television regulations (47 CFR 73.622(e) and (f)); (III) the digital television service areas of stations subsequently granted by the Commission prior to the filing of a class A application; and (IV) stations seeking to maximize power under the Commission's rules, if such station has complied with the notification requirements in paragraph (1)(D);

"(B) interference within the protected contour of any low-power television station or low-power television translator station that—

"(i) was licensed prior to the date on which the application for a class A license, or for the modification of such a license, was filed;

"(ii) was authorized by construction permit prior to such date; or

"(iii) had a pending application that was submitted prior to such date; or

"(C) interference within the protected contour of 80 miles from the geographic center of the areas listed in section 22.625(b)(1) or 90.303 of the Commission's regulations (47 CFR 22.625(b)(1) and 90.303) for frequencies in—

"(i) the 470–512 megahertz band identified in section 22.621 or 90.303 of such regulations; or

"(ii) the 482–488 megahertz band in New York.

"(8) PRIORITY FOR DISPLACED LOW-POWER STATIONS.—Low-power stations that are displaced by an application filed under this section shall have priority over other low-power stations in the assignment of available channels.".

TITLE VI—SUPERFUND RECYCLING EQUITY

SEC. 6001. SUPERFUND RECYCLING EQUITY.

(a) PURPOSES.—The purposes of this section are—

(1) to promote the reuse and recycling of scrap material in furtherance of the goals of waste minimization and natural resource conservation while protecting human health and the environment;

(2) to create greater equity in the statutory treatment of recycled versus virgin materials; and

(3) to remove the disincentives and impediments to recycling created as an unintended consequence of the 1980 Superfund liability provisions.

(b) CLARIFICATION OF LIABILITY UNDER CERCLA FOR RECYCLING TRANSACTIONS.—

(1) CLARIFICATION.—Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended by adding at the end the following new section:

"SEC. 127. RECYCLING TRANSACTIONS.

"(a) LIABILITY CLARIFICATION.—

"(1) As provided in subsections (b), (c), (d), and (e), a person who arranged for recycling of recyclable material shall not be liable under sections 107(a)(3) and 107(a)(4) with respect to such material.

"(2) A determination whether or not any person shall be liable under section 107(a)(3) or section 107(a)(4) for any material that is not a recyclable material as that term is used in subsections (b) and (c), (d), or (e) of this section shall be made, without regard to subsections (b), (c), (d), or (e) of this section.

"(b) RECYCLABLE MATERIAL DEFINED.—For purposes of this section, the term 'recyclable material' means scrap paper, scrap plastic, scrap glass, scrap textiles, scrap rubber (other than whole tires), scrap metal, or spent lead-acid, spent nickel-cadmium, and other spent batteries, as well as minor amounts of material incident to or adhering to the scrap material as a result of its normal and customary use prior to becoming scrap; except that such term shall not include—

"(1) shipping containers of a capacity from 30 liters to 3,000 liters, whether intact or not, having any hazardous substance (but not metal bits and pieces or hazardous substance that form an integral part of the container) contained in or adhering thereto; or

"(2) any item of material that contained polychlorinated biphenyls at a concentration in excess of 50 parts per million or any new standard promulgated pursuant to applicable Federal laws.

"(c) TRANSACTIONS INVOLVING SCRAP PAPER, PLASTIC, GLASS, TEXTILES, OR RUBBER.—Transactions involving scrap paper, scrap plastic, scrap glass, scrap textiles, or scrap rubber (other than whole tires) shall be deemed to be arranging for recycling if the person who arranged for the transaction (by selling recyclable material or otherwise arranging for the recycling of recyclable material) can demonstrate by a preponderance of the evidence that all of the following criteria were met at the time of the transaction:

“(1) The recyclable material met a commercial specification grade.

“(2) A market existed for the recyclable material.

“(3) A substantial portion of the recyclable material was made available for use as feedstock for the manufacture of a new saleable product.

“(4) The recyclable material could have been a replacement or substitute for a virgin raw material, or the product to be made from the recyclable material could have been a replacement or substitute for a product made, in whole or in part, from a virgin raw material.

“(5) For transactions occurring 90 days or more after the date of enactment of this section, the person exercised reasonable care to determine that the facility where the recyclable material was handled, processed, reclaimed, or otherwise managed by another person (hereinafter in this section referred to as a ‘consuming facility’) was in compliance with substantive (not procedural or administrative) provisions of any Federal, State, or local environmental law or regulation, or compliance order or decree issued pursuant thereto, applicable to the handling, processing, reclamation, storage, or other management activities associated with recyclable material.

“(6) For purposes of this subsection, ‘reasonable care’ shall be determined using criteria that include (but are not limited to)—

“(A) the price paid in the recycling transaction;

“(B) the ability of the person to detect the nature of the consuming facility’s operations concerning its handling, processing, reclamation, or other management activities associated with recyclable material; and

“(C) the result of inquiries made to the appropriate Federal, State, or local environmental agency (or agencies) regarding the consuming facility’s past and current compliance with substantive (not procedural or administrative) provisions of any Federal, State, or local environmental law or regulation, or compliance order or decree issued pursuant thereto, applicable to the handling, processing, reclamation, storage, or other management activities associated with the recyclable material. For the purposes of this paragraph, a requirement to obtain a permit applicable to the handling, processing, reclamation, or other management activity associated with the recyclable materials shall be deemed to be a substantive provision.

“(d) TRANSACTIONS INVOLVING SCRAP METAL.—

“(1) Transactions involving scrap metal shall be deemed to be arranging for recycling if the person who arranged for the transaction (by selling recyclable material or otherwise arranging for the recycling of recyclable material) can demonstrate by a preponderance of the evidence that at the time of the transaction—

“(A) the person met the criteria set forth in subsection (c) with respect to the scrap metal;

“(B) the person was in compliance with any applicable regulations or standards regarding the storage, transport, management, or other activities associated with the recycling of scrap metal that the Administrator promulgates under the Solid Waste Disposal Act subsequent to the enactment of this section and with regard to transactions occurring after the effective date of such regulations or standards; and

“(C) the person did not melt the scrap metal prior to the transaction.

“(2) For purposes of paragraph (1)(C), melting of scrap metal does not include the thermal separation of 2 or more materials due to differences in their melting points (referred to as ‘sweating’).

“(3) For purposes of this subsection, the term ‘scrap metal’ means bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, railroad box cars), which when worn or superfluous can be recycled, except for scrap metals that the Administrator excludes from this definition by regulation.

“(e) TRANSACTIONS INVOLVING BATTERIES.—Transactions involving spent lead-acid batteries, spent nickel-cadmium batteries, or other spent batteries shall be deemed to be arranging for recycling if the person who arranged for the transaction (by selling recyclable material or otherwise arranging for the recycling of recyclable material) can demonstrate by a preponderance of the evidence that at the time of the transaction—

“(1) the person met the criteria set forth in subsection (c) with respect to the spent lead-acid batteries, spent nickel-cadmium batteries, or other spent batteries, but the person did not recover the valuable components of such batteries; and

“(2)(A) with respect to transactions involving lead-acid batteries, the person was in compliance with applicable Federal environmental regulations or standards, and any amendments thereto, regarding the storage, transport, management, or other activities associated with the recycling of spent lead-acid batteries;

“(B) with respect to transactions involving nickel-cadmium batteries, Federal environmental regulations or standards are in effect regarding the storage, transport, management, or other activities associated with the recycling of spent nickel-cadmium batteries, and the person was in compliance with applicable regulations or standards or any amendments thereto; or

“(C) with respect to transactions involving other spent batteries, Federal environmental regulations or standards are in effect regarding the storage, transport, management, or other activities associated with the recycling of such batteries, and the person was in compliance with applicable regulations or standards or any amendments thereto.

“(f) EXCLUSIONS.—

“(1) The exemptions set forth in subsections (c), (d), and (e) shall not apply if—

“(A) the person had an objectively reasonable basis to believe at the time of the recycling transaction—

“(i) that the recyclable material would not be recycled;

“(ii) that the recyclable material would be burned as fuel, or for energy recovery or incineration; or

“(iii) for transactions occurring before 90 days after the date of the enactment of this section, that the consuming facility was not in compliance with a substantive (not procedural or administrative) provision of any Federal, State, or local environmental law or regulation, or compliance order or decree issued pursuant thereto, applicable to the handling, processing, reclamation, or other management activities associated with the recyclable material;

“(B) the person had reason to believe that hazardous substances had been added to the recyclable material for purposes other than processing for recycling; or

“(C) the person failed to exercise reasonable care with respect to the management and handling of the recyclable material (including adhering to customary industry practices current at the time of the recycling transaction designed to minimize, through source control, contamination of the recyclable material by hazardous substances).

“(2) For purposes of this subsection, an objectively reasonable basis for belief shall be determined using criteria that include (but are not limited to) the size of the person’s business, customary industry practices (including customary industry practices current at the time of the recycling transaction designed to minimize, through source control, contamination of the recyclable material by hazardous substances), the price paid in the recycling transaction, and the ability of the person to detect the nature of the consuming facility’s operations concerning its handling, processing, reclamation, or other management activities associated with the recyclable material.

“(3) For purposes of this subsection, a requirement to obtain a permit applicable to the handling, processing, reclamation, or other management activities associated with recyclable material shall be deemed to be a substantive provision.

“(g) EFFECT ON OTHER LIABILITY.—Nothing in this section shall be deemed to affect the liability of a person under paragraph (1) or (2) of section 107(a).

“(h) REGULATIONS.—The Administrator has the authority, under section 115, to promulgate additional regulations concerning this section.

“(i) EFFECT ON PENDING OR CONCLUDED ACTIONS.—The exemptions provided in this section shall not affect any concluded judicial or administrative action or any pending judicial action initiated by the United States prior to enactment of this section.

“(j) LIABILITY FOR ATTORNEY’S FEES FOR CERTAIN ACTIONS.—Any person who commences an action in contribution against a person who is not liable by operation of this section shall be liable to that person for all reasonable costs of defending that action, including all reasonable attorney’s and expert witness fees.

“(k) RELATIONSHIP TO LIABILITY UNDER OTHER LAWS.—Nothing in this section shall affect—

“(1) liability under any other Federal, State, or local statute or regulation promulgated pursuant to any such statute, including any requirements promulgated by the Administrator under the Solid Waste Disposal Act; or

“(2) the ability of the Administrator to promulgate regulations under any other statute, including the Solid Waste Disposal Act.

“(l) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to—

“(1) affect any defenses or liabilities of any person to whom subsection (a)(1) does not apply; or

“(2) create any presumption of liability against any person to whom subsection (a)(1) does not apply.”

(2) TECHNICAL AMENDMENT.—The table of contents for title I of such Act is amended by adding at the end the following item:

“SEC. 127. Recycling transactions.”.

BILL YOUNG.
JERRY LEWIS.
Managers on the Part of the House.

TED STEVENS.
PETE DOMÈNICI.
KAY BAILEY HUTCHISON.
Managers on the Part of the Senate.

EXTENSIONS OF REMARKS

COMPETITION IN THE U.S.-CHINA ALL-CARGO MARKET

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. TANNER. Mr. Speaker, earlier this year, the United States and the People's Republic of China completed a new civil aviation agreement. That agreement allows for one additional air carrier from each country to serve routes between these two nations. It has recently been suggested by some that Federal Express has a "monopoly" in the China market and that the Department of Transportation should grant another all-cargo carrier, such as UPS, the authority to serve China as opposed to expanding passenger carrier or Federal Express' service in this market. I believe that argument is meritless.

Federal Express initially applied to DOT in early 1992 for the authority it now holds. They pioneered U.S.-China express all-cargo services by acquiring an initial allocation of only 2 flights a week, under the old, more restrictive agreement. Only two other carriers, American International Airways and Evergreen International Airlines applied at that time. No other carriers even bothered to apply.

The Department selected Evergreen to operate the route and gave Federal Express backup authority. In early 1995, Federal Express and Evergreen jointly applied to transfer the primary authority to Federal Express because of problems experienced by Evergreen in its efforts to develop the market. At that time, DOT did consider, in response to comments filed by DHL, another air express carrier, whether the award to Federal Express would create a monopoly for express services. DHL was the only carrier to offer comments during these 1995 proceedings.

In its order approving the transfer from Evergreen to Federal Express, the Department concluded that Federal Express would not have monopoly power in the market, stating: "Moreover, in this case, we found that there are alternative means of transportation. Not only does DHL have the opportunity to use U.S. and Chinese carriers in the market, Chinese carriers on both their combination and all-cargo services and the U.S. carriers on their combination services, but there are also third country carriers in the market available for use."

Indeed, the market is already very competitive. Due to the historic imbalance in the number of flights DOT has allocated to passenger and air cargo services, U.S. passenger carriers, Northwest and United, can offer more freight capacity than Federal Express. Furthermore, I understand that both UPS and DHL already offer a wide range of express services through their joint ventures with SINOTRANS—the government-owned China National Foreign Trade Transportation Group Corporation. DHL has represented that it controls, with the help of its joint venture relationship with SINOTRANS, 35% of the China express market and UPS operates an extensive ground network in China. In addition, the U.S. Postal Service offers U.S-China express and parcel services. There are also two Chinese airlines, and at least 18 other foreign airlines that can offer U.S.-China cargo services, including some of the world's largest airlines like British Airways, Japan Air Lines and Lufthansa.

Because of the limited number of flights that it has been allocated, Federal Express today accounts for only 11.5% of the air express volume from the U.S. to China, and 4.8% of that volume in the opposite direction. That is hardly a monopoly.

Federal Express has pioneered the development of markets throughout Asia for the benefit of U.S. exporters. It was difficult in the early stages, but Federal Express made China a high priority in the development of its Asian network. Their commitment to this market has helped ensure that U.S. companies can even expand their trade and presence in China's major markets. In many of the Asian markets, such as Hong Kong, Japan, and the Philippines, other express carriers entered the market much later to compete with Federal Express. In each of these cases, Federal Express' rates were the same before as they were after the others entered the market.

Federal Express can only operate 8 flights per week today, increasing to 10 on April 1, 2000. It currently is the only incumbent U.S. airline that lacks the frequencies necessary to offer even two daily flights. Due to its limited number of frequencies, Federal Express operates a complex but incomplete schedule in the major markets it services in China. For example, it can offer daily service to Beijing in one direction only—westbound from the U.S.—with only three eastbound flights from the capital. It operates only five flights a week to and from Shanghai, and it is able to offer only eastbound service from Shenzhen.

Trade is the key to our competitiveness and prosperity in the global marketplace. Federal Express must be able to continue to develop this market to provide U.S. exporters the transportation services they require to be competitive. Federal Express has the presence in China to make this goal a reality in the near term.

The attempt by others to justify their belated interest in this market by characterizing Federal Express as a monopoly is not supported by the facts. The U.S.-China market for air express cargo services is competitive today.

TRIBUTE TO THE REGIONAL BOARD PRESIDENTS OF THE ANTI-DEFAMATION LEAGUE

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. BRAD SHERMAN

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. BERMAN. Mr. Speaker, we rise to pay tribute to the past Regional Board Presidents of the Anti-Defamation League (ADL) for their fifty years of service and leadership. These men and women have contributed their wisdom, knowledge, and dedication to the ADL and our community.

The past presidents of ADL have been at the forefront of efforts to deter and counter hate-motivated crimes. Not only has the ADL played a fundamental role in hate-crime legislation, it has organized rallies to increase public awareness of such acts. The pivotal role played by the ADL during this past year's shooting at the Jewish Community Center was a clear example of the efforts of this organization.

The Anti-Defamation League serves as a community resource for the government, media, law enforcement agencies, and the general public. Through ADL's monitoring and educational programs, public awareness of racism, extremism, bigotry, and anti-Semitism has been raised. In addition to these programs, ADL works as a liaison between Israel and U.S. policy-makers to educate the public about the complexities ot the peace process. These are only a few of the accomplishments of the ADL. We applaud the current and past presidents for their invaluable service to the ADL and for their invaluable contributions to our community. These men and women are an example to us all.

The ADL's Gala Dinner Dance is certainly a very special event and we are pleased to recognize your organization for its achievements. Again, congratulations to the dedicated presidents for their many years of contributions to the cultural and social well being of our society. Please accept our very best wishes for many more years of continued success.

Mr Speaker, we ask our distinguished colleagues to please join us in honoring Harry Graham Balter, I.B. Benjamin, Jack Y. Berman, Judge David Coleman, Faith Cookler, Hon. Norman L. Epstein, Hon. Robert Feinerman, David P. Goldman, Charles Goldring, Maxwell E. Greenberg, Bruce J. Hochman, Bernard S. Kamine, Harry J. Keaton, Joshua Kheel, Moe Kudler, Alexander L. Kyman, Myra Rosenberg Litman, Hon. Stanley Mosk, George E. Moss, Hon. Irwin J.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Nobron, Hon. Jack M. Newman, Hon. Marvin D. Rowen, and Barry R. Weiss for their ongoing service to the Jewish community and the community at large.

HOUSE RESOLUTION 350

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. SCHAFFER. Mr. Speaker, the House passage of H. Res. 350 advanced the firm position of the Congress in contradiction to the practice of trafficking in baby body parts for profit.

The topic, sir, is among the most ghastly imaginable. America's traditions of life and liberty are certainly challenged by procedures required to support such a barbaric trade as that addressed by the Resolution.

As further support for our efforts, I hereby, commend to the House an article delivered to me by Mrs. Kay Schrapel of Greeley, CO. Mrs. Schrapel requested I share this report with all Members and to fully honor and fulfill her humble request, I hereby submit the text of the report for the RECORD.

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THE HARVEST OF ABORTION

(By Lynn Vincent)

WARNING: This story contains some graphic detail.

As Monday morning sunshine spills across the high plains of Aurora, Colo., and a new work week begins, fresh career challenges await Ms. Ying Bei Wang. On Monday, for example, she might scalpel her way through the brain stem of an aborted 24-week-preborn child, pluck the brain from the baby's peach-sized head with forceps, and plop it into wet ice for later shipment. On Tuesday, she might carefully slice away the delicate tissue that secures a dead child's eyes in its skull, and extract them whole. Ms. Ying knows her employer's clients prefer the eyes of dead babies to be whole. One once requested to receive 4 to 10 per day.

Although she works in Aurora at an abortion clinic called the Mayfair Women's Center, Ms. Ying is employed by the Anatomic Gift Foundation (AGF), a Maryland-based nonprofit. AGF is one of at least five U.S. organizations that collect, prepare, and distribute to medical researchers fetal tissue, organs, and body parts that are the products of voluntary abortions.

When "Kelly," a woman who claimed to have been an AGF "technician" like Ms. Ying, approached Life Dynamics in 1997, the pro-life group launched an undercover investigation. The probe unearthed grim, hardcopy evidence of the cross-country flow of baby body parts, including detailed dissection orders, a brochure touting "the freshest tissue available," and price lists for whole babies and parts. One 1999 price list from a company called Opening Lines reads like a cannibal's wish list: Skin $100. Limbs (at least 2) $150. Spinal cord $325. Brain $999 (30% discount if significantly fragmented).

The evidence confirmed what pro-life bioethicists have long predicted: the nadir-bound plummet of respect for human life—and the ascendancy of death for profit.

"It's the inevitable logical progression of a society that, like Darwin, believes we came from nothing," notes Gene Rudd, an obstetrician and member of the Christian Medical and Dental Society's Bioethics Commission. "When we fail to see life as sacred and ordained by God as unique, this is the reasonable conclusion . . . taking whatever's available to gratify our own self-interests and taking the weakest of the species first . . . like jackals. This is the inevitable slide down the slippery slope."

In 1993, President Clinton freshly greased that slope. Following vigorous lobbying by patient advocacy groups, Mr. Clinton signed the National Institutes of Health (NIH) Revitalization Act, effectively lifting the ban on federally funded research involving the transplantation of fetal tissue. For medical and biotech investigators, it was as though the high government gate barring them from Research Shangri-La had finally been thrown open. Potential cures for Parkinson's, AIDS, and cancer suddenly shimmered in the middle distance. The University of Washington in Seattle opened an NIH-funded embryology laboratory that runs a round-the-clock collection service at abortion clinics. NIH itself advertised (and still advertises) its ability to "supply tissue from normal or abnormal embryos and fetuses of desired gestational ages between 40 days and term."

But, this being the land of opportunity, fetal-tissue entrepreneurs soon emerged to nip at NIH's well-funded heels. Anatomic Gift Foundation, Opening Lines, and at least two other companies—competition AGF representatives say they know of, but decline to name—joined the pack. Each firm formed relationships with abortion clinics. Each also furnished abortionists with literature and consent forms for use by clinic counselors in making women aware of the option to donate their babies' bodies to medical science. According to AGF executive director Brent Bardsley, aborting mothers are not approached about tissue donation until after they've signed a consent to abort.

Ironically, it is the babies themselves that are referred to as "donors," as though they had some say in the matter. Such semantic red flags—and a phalanx of others—have bioethicists hotly debating the issue of fetal-tissue research: Does the use of the bodies of aborted children for medical research amount to further exploitation of those who are already victims? Will the existence of fetal-tissue donation programs persuade more mothers that abortion is an acceptable, even altruistic, option? Since abortion is legal and the human bodies are destined to be discarded anyway, does it all shake out as a kind of ethical offset, mitigating the abortion holocaust with potential good?

While the ethical debate rages in air-conditioned conference rooms, material obtained by Life Dynamics points up what goes on in abortion clinic labs: the cutting up and parting out of dead children. The fate of these smallest victims is chronicled in more than 50 actual dissection orders or "protocols" obtained by the activist group. The protocols detail how requesting researchers want baby parts cut and shipped: "Dissect fetal liver and thymus and occasional lymph node from fetal cadaver within 10 (minutes of death)." "Arms and legs not be intact." "Intact brains preferred, but large pieces of brain may be usable."

Most researchers want parts harvested from fetuses 18 to 24 weeks in utero, which means the largest babies lying in lab pans awaiting a blade would stretch 10 to 12 inches—from your wrist to your elbow. Some researchers append a subtle "plus" sign to the "24," indicating that parts from late-term babies would be acceptable. Many stipulate "no abnormalities," meaning the baby in question should have been healthy prior to having her life cut short by "intrauterine cranial compression" (crushing of the skull).

On one protocol dated 1991, August J. Sick of San Diego-based Invitrogen Corporation requested kidneys, hearts, lungs, livers, spleens, pancreases, skin, smooth muscle, skeletal muscle and brains from unborn babies of 15–22 seeks gestational age. Mr. Sick wanted "5–10 samples of each per month." WORLD called Mr. Sick to verify that he had indeed order the parts. (He had.) When WORLD pointed out that Invitrogen's request of up to 100 samples per month would mean a lot of dead babies, Mr. Sick—sounding quite shaken—quickly aborted the interview.

Many of the dissection orders provide details of research projects in which the fetal tissue will be used. Most, in the abstract, are medically noble, with goals like conquering AIDS or creating "surfactants," substances that would enable premature babies to breathe independently.

Other research applications are chilling. For example, R. Paul Johnson from Massachusetts' New England Regional Primate Research Center requested second-trimester fetal livers. His 1995 protocol notes that the livers will be used ultimately for "primate implantation," including the "creation of human-monkey chimeras." In biology, a chimera is an organism created by the grafting or mutation of two genetically different cell types.

Another protocol is up-front about the researchers' profit motive. Systemix, a California-based firm wanted aborting mothers to know that any fetal tissue donated "is for research purposes which may lead to commercial applications."

That leads to the money trail.

Life Dynamics' investigation uncovered the financial arrangement between abortionists and fetal-parts providers. The Uniform Anatomic Gift Act makes it a federal crime to buy or sell fetal tissue. So entities involved in the collection and transfer of fetal parts operate under a documentary rubric that, while technically lawful, looks distinctly like a legal end-around: AGF, for example, pays the Mayfair Women's Center for the privilege of obtaining fetal tissue. Researchers pay AGF for the privilege of receiving fetal tissue. But all parties claim there is no buying or selling of fetal tissue going on.

Instead, AGF representatives maintain that Mayfair "donates" dead babies to AGF. Researchers then compensate AGF for the cost of the tissue recovery. It's a service fee, explains AGF executive director Brent Bardsley: compensation for services like dissection, blood tests, preservation, and shipping.

Money paid by fetal-tissue providers to abortion clinics is termed a "site fee," and does not, Mr. Bardsely maintains, pay for baby parts harvested. Instead the fee compensates clinics for allowing technicians like Ms. Ying to work on-site retrieving and dissecting dead babies—sort of a Frankensteinian sublet.

"It's clearly a fee-for-space arrangement," says Mr. Bardsley. "We occupy a portion of their laboratory, use their clinic supplies, have a phone line installed. The site fee offsets the use of clinic supplies that we use in tissue procurement."

According to Mr. Bardsley, fetal-tissue recovery accounts for only about 10 percent of AGF's business. The rest involves the recovery and transfer to researchers of non-transplantable organs and tissue from adult donors. But, in spite of the fact that AGF recovers tissue from all 50 states, Mr. Bardsley could not cite for WORLD an instance in which AGF pays a "site fee" to hospital morgues or funeral homes for the privilege of camping on-site to retrieve adult tissue.

Mr. Bardsley, a trained surgical technician, seems like a friendly guy. On the phone he sounds reasonable, intelligent, and sincere about his contention that AGF isn't involved in the fetal-tissue business for the money.

"We have a lot of pride in what we do," he says. "We think we make a difference with research and researchers' accessibility to human tissue. Every time you go to a drug store, the drugs on the shelf are there as a result of human tissue donation. You can't perfect drugs to be used in human beings using animals models."

AGF operates as a nonprofit and employs fewer than 15 people. Mr. Bardsley's brother Jim and Jim's wife Brenda founded the organization in 1994. The couple had previously owned a tissue-recovery organization called the International Institute for the Advancement of Medicine (IIAM), which had also specialized in fetal-tissue redistribution, counting, for example, Mr. Sick among its clients. But when IIAM's board of directors decided to withdraw from involvement with fetal tissue, the Bardsleys spun off AGF—specifically to continue providing fetal tissue or researchers.

Significantly, AFG opened in 1994, the year after President Clinton shattered the fetal-tissue research ban. Since then, the company's revenues have rocketed from $180,000 to $2 million in 1998. Did the Bardsleys see a market niche that was too good to pass up? Brenda Bardsley, who is now AFG president, says no. AGF's economic windfall, she says, is related to the company's expansion into adult donations, not the transfer of fetal tissue. She says she and her husband felt compelled to continue providing the medical community with a source of fetal tissue "because of the research that was going on."

"Abortion is legal, but tragic. We see what we're doing as trying to make the best of a bad situation," Mrs. Bardsley told WORLD. "We don't encourage abortion, but we see that good can come from fetal-tissue research. There is so much wonderful research going on—research that can help save the lives of wanted children."

Mrs. Bardsley says she teaches her own children that abortion is wrong. A Deep South transplant with a brisk. East coast accent. Mrs. Bardsley and her family attend a Southern Baptist church near their home on the Satilla River in White Oak, GA. Mrs. Bardsley homeschools her three children using, she says, a Christian curriculum: "I've been painted as this monster, but here I am trying to give my kids a Christian education," she says, referring to other media coverage of AGF's fetal-parts enterprise.

Mrs. Bardsley says she's prayed over whether her business is acceptable in God's sight, and has "gotten the feeling" that it is. She also, she says, reads the Bible "all the time." And though she can't cite a chapter and verse that says it's OK to cut and ferry baby parts, she points out that God commands us to love one another. For Mrs. Bardsley, aiding medical research by supplying fetal parts qualifies.

If they were in it for the money rather than for the good of mankind, says Mrs. Bardsley, AGF could charge much higher prices for fetal tissue than it does, because research demand is so high.

The issue of demand is one of several points on which the testimonies of Mrs. Bardsley and her brother-in-law Brent don't jibe. He says demand for fetal tissue "isn't all that high." She says demand for fetal tissue is "so high, we could never meet it." He says "only a small percentage" of aborting moms consent to donate their babies' bodies. She says 75 percent of them consent. He says AGF charges only for whole bodies, and doesn't see how the body-parts company Opening Lines could justify charging by the body part. She says AGF charges for individual organs and tissue based on the company's recovery costs.

Founded by pathologist Miles Jones, Opening Lines was, until recently, based in West Frankfort, Ill. According to its brochure, Opening Lines' parent company, Consultative and Diagnostic Pathology, Inc., processes an average of 1,500 fetal-tissue cases per day. While AGF requires that researchers submit proof that the International Research Board (IRB), a research oversight commission, approves their work, Opening Lines does not burden its customers with such technicalities. In fact, says the Opening Lines brochure, researchers need not tell the company why they need baby parts at all—simply state their wishes and let Opening Lines provide "the freshest tissue prepared to your specifications and delivered in the quantities you need it."

Opening Lines' brochure cloaks the profit motive in a veil of altruism. The cover tells abortionists that since fetal-tissue donation benefits medical science, "You can turn your patients' decision into something wonderful." But in case philanthropy isn't a sufficient motivator, Dr. Jones also makes his program financially appealing to abortionists. Like AGF, he offers to lease space from clinics so his staff can dissect children's bodies on-site, but also goes a step further: He offers to train abortion clinic staff to harvest tissue themselves. He even sweetens the deal for abortionists with a financial incentive: "Based on your volume, we will reimburse part or all of your employee's salary, thereby reducing your overhead."

Again the money trail: more dead babies harvested, less overhead. Less overhead, more profit.

But Dr. Jones' own profits may be taking a beating at present. When Life Dynamics released the results of its investigation to West Frankfort's newspaper The Daily American, managing editor Shannon Woodworth ran a front-page story under a 100-point headline:' "Pro-Lifers: Baby body parts sold out of West Frankfort." The little town of 9,000 was scandalized. City officials threatened legal action against Dr. Jones and his chief of staff Gayla Rose, a lab technician and longtime West Frankfort resident. The story splashed down in local TV news coverage, and Illinois right-to-life activists vowed to picket Opening Lines. Within a week, Gayla Rose had shut down the company's West St. Louis Street location, disconnected the phone, and disappeared.

Area reporters now believe Dr. Jones may be operating somewhere in Missouri. WORLD attempted to track him down, but without success.

The demands of researchers for fetal tissue will continue to drive suppliers to supply it. And all parties will continue to wrap their grim enterprise in the guise of the greater good. But some bioethicists believe that even the greater good has a spending cap.

Christopher Hook, a fellow with the Center for Bioethics and Human Dignity in Bannockburn, Ill., calls the exploitation of pre-born children "too high a price regardless of the supposed benefit. We can never feel comfortable with identifying a group of our brothers and sisters who can be exploited for the good of the whole," Dr. Hook says. "Once we have crossed that line, we have betrayed our covenant with one another as a society, and certainly the covenant of medicine."

TRIBUTE TO ETHEL GILROY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. McINNIS. Mr. Speaker, I would like to recognize Ethel Gilroy. Ethel was awarded the prestigious award Southeastern Colorado Chapter of the American Red Cross' Outstanding Supporter for 1999. Repeatedly, Ethel has gone far beyond the call of duty.

A native of Sandwich, Illinois, she married her husband John Gilroy in 1929. In 1981, after her husband passed away Ethel moved to Pueblo, Colorado. It was there that she began a dedication to the bettering of the Red Cross that is the stuff of legend. For most of her life she has been a supporter of the American Red Cross and has been affiliated with the Southeastern Colorado Chapter since 1989. Over the course of the years she has helped countless people stay warm and fed.

Ethel also supports the Salvation Army, Library for the Blind, El Pueblo Boys and Girls Ranch, PBS and Habitat for the Humanity. She is to be admired and commended for her contribution and service to the Pueblo community. So, it is with this Mr. Speaker, that I say thank you to this dedicated woman.

RECOGNIZING FLOOD RELIEF WORKERS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. SAM JOHNSON of Texas. Mr. Speaker, I would like to recognize the following young people who gave of themselves to help the people of New Braunfels, Comal, and Seguin, Texas, and Strong City, Kansas, in the wake of severe flooding in the fall of 1998. These men traveled many miles, at their own expense, to assist the citizens of these cities by removing countless loads of mud and debris from their houses and yards and by providing much-needed encouragement to those affected by the devastating floodwaters.

Anthony Anderson II, TX; David Bair, OH; Matthew Barber, British Columbia; Ryan Bedford, CA; Jacob Braddy, AZ; Jacory Brady, CO; Daniel Buhler, CA; Warren Burres, IN; James Connelly, CA; Andrew Conway, WA; Seth Cooke, TX; Steven Dankers, WI;

Joshua Dean, WI; Ryan DePoppe, WI; John Dixon, GA; David Edmonson, GA; Stephen Gaither, TX; Travis Gibson, FL; Zechariah

Hamilton, FL; David Haynes, MO; Prescott Hendrix, MI; Joshua Horvath, TX; Joshua Johnson, WA; Michael Jones, TX; Lindsay Kimbrough, IL;

Anthony Koca, CA; Mitchell Lane, AR; Joshua Long, CA; Gregory Mangione, MI; Daylan McCants, AZ; Matthew Moran, NY; Russell Moulton, OK; Jeremy Nordberg, TN; Joshua Norwood, WA; Jonah Offtermatt, TX; Daniel Rahe, CO; Isaac Reichardt, MI;

Jerome Richards, MI; David Servideo, VA; Jonathan Scott, CA; Brock Shinkle, KS; Donald Showalter, OH; Charles Snow, TN; Joseph Snow, TX; John Tanner, MI; Ryan Thomas, AL; Timothy Wann, FL; Stephen Watson, TX; Jared Yates, FL; Jonathan Wharton, TX.

THE INTRODUCTION OF LEGISLATION TO MAKE NON-PROFIT DOE CONTRACTORS SUBJECT TO CIVIL PENALTIES FOR SAFETY VIOLATIONS

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. BARTON of Texas. Mr. Speaker, today I am introducing legislation to correct a longstanding problem in the management of Department of Energy facilities.

Current law provides a special deal for DOE's non-profit contractors. When these non-profit contractors violate DOE's nuclear safety regulations, they are exempt from paying any fines for their misdeeds.

This exemption means that we now have two different sets of rules for DOE contractors—one set of rules for the conventional for-profit contractors, who are subject to fines for safety violations, and another set of rules for the non-profit contractors, who pay no penalty whatsoever for safety violations.

Because there are no adverse financial consequences when these non-profit contractors violate safety rules, we have unintentionally created a system in which there is little incentive for the non-profit contractors to take their nuclear safety responsibilities seriously.

The 1988 Price-Anderson Amendments to the Atomic Energy Act specifically exempted seven contractors, including non-profit institutions such as the University of California, from civil penalties. In a 1993 rule, the Secretary of Energy provided an automatic exemption from civil penalties for all non-profit educational institutions. This bill would amend the Atomic Energy Act to eliminate the statutory exemption for specific non-profit contractors and also eliminate the authority of the Secretary of Energy to provide, by regulation, an automatic exemption for all non-profit educational institutions.

At the Committee's request, the General Accounting Office recently completed a review of DOE's enforcement of nuclear safety rules, documenting recent DOE safety violations at DOE facilities. Of the total penalties assessed from 1996 through 1998 for safety violations, one-third of those penalties were assessed against non-profit contractors—and because of the exemptions in statute and in regulation, never had to be paid.

GAO concluded that the exemption for non-profit contractors should be eliminated. It made that recommendation in its report to Congress, and it testified to that effect before the Commerce Committee in a hearing on DOE Worker Safety on June 29, 1999.

This is a good example of how the legislative process works. Problems in agency performance, in this case recurrent safety problems at DOE facilities, prompted a closer look by the Oversight and Investigations Subcommittee, with the assistance of the GAO. This led to the legislation we are introducing today to solve those problems.

A TRIBUTE TO BERT ASKWITH

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mrs. LOWEY. Mr. Speaker, I rise today to express my great admiration for Bert Askwith, a leader in the worlds of business and philanthropy, who this year will be honored by the United Way for his exceptional community service.

Mr. Askwith is a living embodiment of the American dream. He founded Campus Coach Lines while still a college student in Depression-era Michigan. In the years that followed, Mr. Askwith would move Campus Coach Lines to New York and build it into a leading charter company. Indeed, today, Campus Coach supports everything from athletics to education to the arts by providing affordable, quality transportation to major institutions and individuals alike.

Mr. Askwith's business acumen and contributions to his field are evidenced by his election to six terms as President of the New York State Bus Association and by his service as a Director of the American Bus Association.

But in his home town of Harrison and home county of Westchester, Mr. Askwith is at least as well known for his volunteer work and boundless devotion to community needs. His contributions to the United Way alone have been vast—spanning everything from leadership of a local chapter to policy-making with the national organization.

Mr. Askwith is blessed with a wonderful family. His wife, Mimi, is a national resource in her own right and was voted Harrison's "Woman of the Year" in 1995. Mimi and Bert's energy and commitment are reflected in and shared by their three children, Patti Kenner, Dennis Askwith, and Kathy Franklin, as well as in their four grandchildren.

I am pleased to join in recognizing Bert Askwith on his many achievements and his towering personal example. He is a great man and a great American.

TRIBUTE TO EUGENE C. BAUER

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. PHELPS. Mr. Speaker, I rise today to pay tribute to Eugene C. Bauer. Mr. Bauer has recently retired from both his job at Ozee Terminal Incorporated and a life-long service to Coles County, Illinois. On September 28, 1914, Eugene C. Bauer was born and raised on his family's farm in Strasbourg, Illinois. Mr. Bauer and his wife Sharon are the parents of three children: Dr. Eugene A. Bauer, Dean of the School of Medicine at Stanford University, Kim M. Bauer, a Historic Research Specialist, at the Illinois Historical Preservation Society, and Mrs. Pamela K. Stewalt, who is employed by AmericanCIPS.

I am most pleased to inform my colleagues of Eugene C. Bauer's life-long dedication to improving the lives of his friends, neighbors, and fellow residents of Coles County. His accomplishments and accolades are almost too numerous to mention, but I want to take this time to do just that. Mr. Bauer has provided his valuable service and guidance to the Mattoon Association of Commerce, Mattoon Rotary Club, the American Red Cross, School District 100-Mattoon, Community Unit School District #2 of Coles County, Lake Land College, Mattoon Area Development Coalition, Coles Together, keeping and renovating the Post Office in downtown Mattoon and the Coles County Board. He was awarded the Rotary Club Man of the Year 1973–1974, the Postal Award in 1980, the Civic Award by the Mattoon Association of Commerce in 1981 and the Distinguished Service Award by Land Lake College in 1988. He is also the owner of Ozee Terminals Incorporated, which is a real estate holding and development company established in 1945 by Carl Ozee.

Mr. Speaker, I know that Eugene C. Bauer will be sorely missed by all the people he works with and the organizations he is affiliated with in Coles County during his retirement. However, I am sure that his presence in the Coles County Community will still be strong, while he is enjoying his retirement to the fullest. He enjoys reading, gardening, music, splitting wood and spending time with his family. I hope my fellow colleagues will join me now in congratulating Eugene C. Bauer on his retirement and wishing him God's speed in all his future endeavors.

COMMEMORATING THE 66TH ANNIVERSARY OF THE UKRAINIAN FAMINE OF 1932–1933

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. SCHAFFER. Mr. Speaker, this year, the Ukrainian nation and the entire Ukrainian-American community will solemnly commemorate the 66th anniversary of the Ukrainian famine of 1932–1933. The poignancy that envelopes this sorrowful episode in Ukrainian history stems from the fact the famine was an artificial famine. The Soviet government decided to break the resistance of all Ukraine through sheer naked force. Indeed; Josef Stalin was determined to crush all vestiges of Ukrainian nationalism.

Stalin quickly transformed the U.S.S.R. into an industrialized state at enormous cost to human and material resources. Between 7 to 10 million Ukrainians perished as a direct result of his forced agriculture collectivization.

In 1932, the Soviets increased the grain procurement quota for Ukraine by 44%. They were aware this extraordinarily high quota would result in a grain shortage, therefore resulting in the inability of the Ukrainian peasants to feed themselves. Soviet law was quite clear. No grain could be given to feed the peasants until the quota was met. The famine broke the peasants will to resist collectivization and left Ukraine politically, socially, and psychologically traumatized.

Although the world press reported the truth about the famine in Ukraine, regrettably, Western industrialists and businessmen proceeded to do business with the U.S.S.R.—especially by buying Ukrainian wheat at cheap prices, heedless of the fact that millions of Ukrainians had perished from hunger because Moscow had confiscated this wheat in order to sell it for profit abroad.

This Saturday, Ukrainian-Americans will be afforded an opportunity to observe this tragic chapter in Ukraine's history on November 21, 1999 with a special requiem service in New York's St. Patrick's Cathedral. This day has been designated as "Ukrainian Famine Day of Rememberance" in hopes that, in remembering this tragic event, the world community recognizes that the only safeguard to prevent future atrocities of this nature is to maintain and ensure support for an independent Ukrainian state.

RECOGNIZING TORNADO CLEANUP WORKERS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. SAM JOHNSON of Texas. Mr. Speaker, I would like to bring to the Congress' attention the work of the following 39 young men who spent two weeks assisting the people of Little Rock, Arkansas in clean-up efforts in the aftermath of a tornado that struck the city in January 1999. These men served under the direction of Mayor Jim Dailey to clear fallen trees and debris for property-owners. They should be commended for their hard work and dedication to helping others in a time of great need.

Robert Adamis, CA; Nathan Allen, OH; Ryan Anders, MI; Timothy Anderson, WY; Luke Borchers, MO; Jeff Bramhill, Ontario; Nathan Bryant, GA; Donald Burzynski, FL; Benjamin Caffee, AL; Brian Cahill, TX;

Curtis Eaton, TN; Timothy Ferry, NJ; Joshua Fox, CA; Jonathan Gunter, IN; Christopher Hanson, WI; Luke Hodges, OK; Thomas Hogarty, VA; Stephen Hough, IN; Riley Irwin, Alberta; Jeremy Jansen, KS;

Jeffery Jestes, OK; Seth Johnson, NE; Nathan Lord, GA; Jonathan McKeithen, FL; Nathan Nazario, PR; Timothy Noland, MA; Elisha Odegaard, MN; Andrew Papillon, MN; Stephen Parrish, TN; Daniel Petersen, GA;

Misha Randolph, TX; John Saucier, AL; Frank Shao, NJ; John Tanner, MI; Justin Tanner, MI; John Thornton IV, TN; Matthew Whitaker, NY; Vincent Williams, OK; David Winsinger, FL.

PROTECTING THE FUTURE OF SOCIAL SECURITY

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. CUNNINGHAM. Mr. Speaker, I rise today to talk about securing the future of Social Security.

Today, nearly 44.4 million Americans receive Social Security benefits. More than 4 million of these live in my home State of California. Seniors all over America rely on it as a major source of retirement income. However, Social Security is not just a retirement program. It also provides badly needed survivor and disability benefits to America's working men and women.

Unfortunately, the future of Social Security is not secure. Today, more young people believe in UFOs than believe Social Security will be there for them. We must work to strengthen Social Security and protect our nation's retirement system.

A simple first step is for politicians to stop raiding the Social Security Trust Fund to pay for more government spending. Every senior—and every future senior—that I talk with agrees with me on this.

In 1969, the Democrats were in control of Congress. They looked far and wide for money to pay for their new social welfare programs. That was the year they broke the people's trust. Every year since then, a portion of the Social Security Trust Fund surplus has been spent on other government spending. Americans have endured 30 years of this, turning our Social Security Trust Fund into a "slush fund."

For the seventh consecutive year, President Clinton proposed spending billions of the Social Security surplus on government programs. We Republicans in Congress would have none of it. For the first time in over a generation, we are not spending Social Security funds on anything other than Social Security benefits.

In addition, this spring, the House passed the Social Security and Medicare Safe Deposit Act of 1999 (H.R. 1259) and moved one step closer to protecting the future of Social Security. This bipartisan measure won a vote of 416–12, with all but one of the "nay" votes coming from members of the President's party—the same party that raided Social Security for thirty long years. Our Social Security lockbox legislation will change the way the budget is prepared so Social Security funds cannot be used for other purposes. It helps every American guard against politicians' attempts to raid the Social Security surpluses for more government spending. I call on my colleagues in the Senate to pass this bill and help us keep 100 percent of Social Security funds for Social Security.

Mr. Speaker, the American people are tired of politicians who say nice things about Social Security one day, then raid it for new government spending the next. The Republican Congress can and will protect 100 percent of the Social Security Trust Fund and stop the raid on Social Security this year. We will restore trust to the Social Security Trust Fund. And we will not go back. That is my plan, and I hope that my colleagues will join me in this important effort.

HONORING JACK WOOLF, AGRICULTURIST OF THE YEAR

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Jack L. Woolf, chairman of Woolf Enterprises and the Woolf Farming Company, for being named the 1999 Agriculturist of the Year by the Fresno Chamber of Commerce. Mr. Woolf is being honored on November 17, 1999 at the Ag Fresno Farm Equipment Exposition luncheon.

Jack Woolf is well known throughout the Central Valley agricultural community. In addition to Woolf Farming, Woolf Enterprises holds a major interest in Los Gatos Tomato Products; Harris-Woolf California Almond Processing; Cal-West Rain and Aliso Ranch, Madera County. Woolf is also president of Woolf Farming of Arizona.

Woolf currently serves on the Board of Directors for Valley Public Television and recently received the Public Television Development Leadership Award for 1999. He also serves on the Fresno Historical Society Board.

Jack Woolf began his agricultural career by joining Russell Giffen, Inc. in 1946 where he served as general manager for more than 28 years. Woolf also served as chairman of the Kingsburg Cotton Oil Co., president of the California Tomato Growers Association and as a member of the Board of Regents for Santa Clara University.

He is a past member of the board of directors for Westlands Water District, California Valley Bank and San Joaquin College of Law.

Mr. Speaker, I want to congratulate Jack Woolf for being named Agriculturist of the Year for 1999. I urge my colleagues to join me in wishing Jack many more years of continued success.

HONORING THE APPOINTMENT OF ALPHONSO "AL" MALDON, JR., TO THE POSITION OF ASSISTANT SECRETARY FOR FORCE MANAGEMENT POLICY, DEPARTMENT OF DEFENSE

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. CLYBURN. Mr. Speaker, I rise today to honor and congratulate Mr. Alphonso "Al" Maldon, Jr., for his confirmation as the Assistant Secretary for Force Management Policy at the Department of Defense. Many of us here in the House of Representatives know Al Maldon for his tireless dedication to the United States Government in his capacity as Deputy Assistant to the President for Legislative Affairs and White House Congressional Liaison to the Senate and House of Representatives.

In this capacity, he provides policy making and strategic advice to the President. Although Mr. Maldon is indirectly involved with a myriad of legislative issues, he is directly responsible for those issues in both the House and Senate involving Trade, Defense, International Affairs, Intelligence and Veterans Affairs.

In March 1993, Mr. Maldon was appointed as a Special Assistant to the President for Legislative Affairs. He subsequently served as the first African-American to be appointed as Deputy Assistant to the President and Director of the White House Military Office. In this capacity he managed and directed a large staff of over 1,900 personnel—providing operational, logistical, and state-of-the-art communications support to the President.

Prior to joining the Administration, Mr. Maldon enjoyed an outstanding military career. He entered active duty service as a commissioned officer in the United States Army in August of 1972. His assignments included tours in Europe, Korea, and various posts throughout the United States. Some of his highly visible positions included assignments as the Executive Officer, Armed Forces Staff College; and as Admissions and Public Liaison Officer at the United States Military Academy, West Point, NY. His career progressed through increasingly responsible positions as a Field Artillery and Adjutant General Corps Officer. He completed his military career as a Colonel with an assignment to the United States House of Representatives as the Deputy Director for Army Legislative Affairs in February 1993.

Mr. Maldon holds a Master of Arts Degree from the University of Oklahoma in Human Relations and a Bachelor of Arts Degree from Florida A&M University. He also graduated from various military schools and colleges, including the Command and General Staff College, the Armed Forces Staff College, and the Army's Organizational Effectiveness Management Consultant School in Monterey, CA. He is the recipient of numerous military decorations including the Legion of Merit, the Defense Meritorious Service Medal (with two oak leaf clusters), the Army Commendation Medal and the U.S. Army Staff Badge. In addition, Mr. Maldon is a recipient of the United States Congressional Award for Leadership and Patriotism, and he is listed in Who's Who in America.

He has been blessed with a loving and caring family including his wife Carolyn and their daughter Kiamesha Racha'el. The family resides in Fairfax Station, VA.

As Assistant Secretary for Force and Management Policy, Mr. Maldon will be responsible for policies, plans and programs for military and civilian personnel management, including recruitment, education, career development, equal opportunity, compensation, recognition, discipline, and separation of all Department of Defense personnel, both military and civilian.

Mr. Speaker, Al Maldon's dedication to public service, both as a civilian and as a member of the United States Army serves as a model to us all. I ask my colleagues to join me in wishing him the very best in his new assignment and his continued service to the citizens of the United States. I am proud to count him as a friend.

CONGRATULATING THE PEOPLE OF BONITA SPRINGS, FLORIDA

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. GOSS. Mr. Speaker, I am proud to recognize the creation of the ninth city in the Fourteenth District of Florida, the City of Bonita Springs. After many months of debate and discussion, the people of Bonita Springs cast their ballots in favor of incorporation as the fifth city in Lee County, FL on November 2, 1999.

As a new Millennium begins, so the citizens of Bonita Springs will embark on a new challenge, the challenge of creating a new city from residents' ideas of what their community ought to be. It comes as no surprise that there are those willing to do the hard work involved with new cityhood. I'm sure they will find the rewards great and surprising, as I discovered in my experience when the City of Sanibel was born 25 years ago.

Now that the incorporation debate is over, I know the people of Bonita Springs will come together, roll up their sleeves and begin the business of fashioning a city that they can be proud of. Beginnings are marvelous, because the imagination is the only limitation. Of course, not everything can be accomplished immediately, but the ideas that come forth now can certainly become part of long-range goals.

Again, my congratulations to the people of Bonita Springs. I stand ready to help them make their city the best it can be.

PRESIDENT ALIEV RECOMMITS AZERBAIJAN TO RELIGIOUS FREEDOM

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. SMITH of New Jersey. Mr. Speaker, I am pleased to bring to the attention of my colleagues recent positive developments on religious freedom in Azerbaijan. Members of the Commission on Security and Cooperation in Europe, which I chair, raised last week our concern over the raids of the Baptist and Lutheran churches in Baku, the threatened deportation of foreigners associated with these churches, and the firing of a number of Jehovah's Witnesses from their jobs because of their religious affiliation. In a letter to President Haidar Aliev on November 3, referencing Azerbaijan's OSCE commitments to religious liberty, we raised the recent incidents that violate religious liberty and asked Azerbaijan to register religious groups that have not been able to gain legal status.

On Monday, November 8, in a meeting with U.S. Ambassador Stanley Escudero, President Aliev publicly reaffirmed Azerbaijan's commitment to religious freedom, pledged to redress recent problems faced by minority religious groups, and gave assurances there would be no further religious liberty violations in Azerbaijan. In a statement that was carried by the government-controlled media, President Aliev said, "I have vigorously warned administrative bodies of the fact that arbitrariness on such issues is inconceivable. One cannot restrict freedom of conscience and creed." Our Embassy in Baku reports that the courts have set aside the deportation orders for the foreign Christians, and the Garadag Gas Plant has reinstated the jobs of the Jehovah's Witnesses.

Mr. Speaker, I commend Ambassador Stanley Escudero for persistently raising these issues with Azeri authorities. I also commend the work of Political Officer Michael Speckhard who has been a tireless advocate for religious freedom.

I am hopeful that President Aliev's remarks signal a new dawn in Azerbaijan and that his country will become the region's beacon for religious freedom. The prompt response of President Aliev to these recent events is encouraging, and I am hopeful that religious group that previously have not been able to obtain legal status will now be registered and will be free to practice their faith.

RECOGNIZING TORNADO RELIEF WORKERS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. SAM JOHNSON of Texas. Mr. Speaker, I would like to give recognition to a group of 21 young folks who traveled to the cities of Jackson and Clarksville, Tennessee at the request of city officials to provide assistance in clean-up efforts, following a tornado in January 1999. These outstanding young men were noted for their teamwork, enthusiasm and diligence in all they did to serve the people of Jackson and Clarksville. They are to be commended for their selfless service.

Jeff Bramhill, Ontario; Jason Brown, AL; Donald Burzynski, FL; Brian Cahill, TX; Brian Drozdov, WA; Christopher Ekstrom, OR; Paul Ellis, MS; Cory Finch, MO; Joshua Fox, CA; Christopher Hanson, WI;

John Hill, IA; Seth Johnson, NE; Jonathan Lancaster, MI; Joshua Meals, TN; Samuel Mills, TX; Daniel Petersen, GA; Lance Stoney, British Columbia; John Tanner, MI; John Thornton IV, TN; Mark Wahl, OR; Andrew Whitaker, NY.

NATIONAL PRAYER BREAKFAST TRANSCRIPT INDUCTION

HON. STEVE LARGENT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. LARGENT. Mr. Speaker, since the early 1950's, Members of the Senate and the House of Representatives prayer groups have hosted an annual gathering in our Nation's Capital known as the National Prayer Breakfast. The Breakfast has afforded the opportunity for both the House and Senate to come together, in a nonpartisan alliance, whether in times of peace or times of war, in times of abundance or times of scarcity, to prayerfully support the President and other leaders in this country. This year I was given the privilege of chairing this event.

We were honored once again to have the President and First Lady, and the Vice President and Mrs. GORE in attendance. We were also honored to have several heads of state from Macedonia, Albania, Ecuador, and Benin. Max Lucado, an author, pastor, and this year's keynote speaker, spoke of the model that Jesus of Nazareth gave of love, not only for those we like and agree with, but most importantly, for those we do not.

On behalf of the Members of the Senate and House who have hosted this Breakfast, I submit the transcript of the breakfast for insertion into the RECORD for our posterity.

1999 NATIONAL PRAYER BREAKFAST

Thursday, February 4, 1999, Hilton Washington and Towers Hotel, Washington, DC

Chairman: Representative Steve Largent

Representative LARGENT. My name is Steve Largent, and I want to welcome you to the National Prayer Breakfast. I am a member of the House of Representatives from the state of Oklahoma, and I am this year's chairman and will be acting as the Master of Ceremonies for the prayer breakfast this year.

It is my pleasure at this time to introduce Mr. Jim Kimsey, who will begin with our pre-breakfast prayer.

Mr. KIMSEY. Basil was a fourth-century saint from Asia Minor. He said, "We pray in the morning to give us the first stirrings of our mind to God. Before anything else, let the thought of God gladden you." Would you begin this day with me in prayer?

Dear God, may the efforts of all those gathered here today reach far and wide—our thoughts, our work, our lives. Make them blessings for your kingdom. Let them go beyond today. Our lives today have consequences unseen. Each life has a purpose. Please, God, grant us the wisdom to recognize that purpose.

Today is new and unlike any other day, for God makes each day different. To live each day wisely, we need wisdom—wisdom in our hearts and in our thoughts. We need wisdom in the choices we make. Psalm 90 implores us, "Lord, teach us to number our days aright, that we may gain wisdom in our heart."

Each day, like today, we pray to God to help us to do the things that matter, not to waste the time we have. We know the moments we have are precious. We pray that God helps us count them dear and to teach us to number our days aright; that he fills this day and every day with kindness so that we may be glad and rejoice all the days of our life.

Numbering our days aright is crucial for our own happiness, but it is even more important for the rest of the world. Each day we are presented with opportunities to make a difference; small differences, like a hello to a lonely neighbor, to extra change dropped in a homeless person's cup. And we can make big differences feeding the hungry, teaching children to read, bridging understanding and peace between nations. Every difference you make matters, just as every day matters. Edmund Burke wisely noted long ago, "The only thing necessary for the triumph of evil is for good men to do nothing."

We are especially blessed today. We have a unique opportunity in our frantic lives to begin with prayer and listen to the wisdom of the incredible group assembled here today. I would like to leave you with one thought. Yesterday is history, and tomorrow is a mystery. But today is a gift. Thank you.

(Opening Song by the United States Army Chorus.)

Representative LARGENT. Thank you to the United States Army Chorus. We appreciate that. That is inspiring, and a good way to start the breakfast.

At this time I would like to call to the podium General Dennis Reimer, who is the Chief of Staff of the Army, for our opening prayer.

General REIMER. Let us pray.

Almighty and eternal God, creator of all things, we ask your presence with us at this gathering this morning as we raise our minds and hearts to you. May the words we share be an echo of your voice. We are grateful for our nation's long and abiding legacy of freedom. We thank you for your gifts, which become richer as we share them, and more secure as we guard them for one another.

Gracious Lord, we praise you for the spirit of liberty you have established through our nation's founders. Lord, we remember this morning the words of Peter Marshall, who gave thanks for the rich heritage of this good land, for the evidences of thy favor in the past and for the hand that hath made and preserve this a nation. We thank you for the men and women who, by blood and sweat, by toil and tears, forged on the anvil of their own sacrifice all that we hold dear. May we never lightly esteem what they obtained at a great price. Grateful for rights and privileges, may we be conscious of duties and obligations. May his words continue to be timeless.

Lord, we ask that you will strengthen us to stand firmly against cruel and heartless discrimination or prejudice of any kind. In your holy presence we ask that the things which make for peace may not be hidden from our eyes. Help us catch your vision of a greater destiny and the call of holy responsibility. May the moral fibers of duty, honor and country be seen in all we do.

Lord our God, in profound gratitude we ask your blessing on the United States of America. Bless now this food to our use and us to your service. In your holy name we pray. Amen.

Representative LARGENT. Thank you, General Reimer, a great Oklahoman.

Please enjoy your meal. We will continue with the program in about 15 minutes. Thank you.

(Breakfast)

Representative LARGENT. In addition to the President and First Lady, and the Vice President, this morning we have a number of special guests. We have members of the Senate and the House, and Members of the President's Cabinet. We have Members of the Joint Chiefs, prime ministers, heads of corporations, student leaders and numerous other dignitaries. We have people from all 50 states and over 160 countries represented here this morning. (Applause.)

In addition, we have with us several heads of state which I would like to recognize at this time. We have His Excellency Ljubco Georgievski, Prime Minister of the Former Yugoslav Republic of Macedonia. (Applause.) Also joining us is His Excellency Mathieu Kerekou, President of the Republic of Benin. (Applause.) His Excellency Jamil Mahuad, President of Ecuador. (Applause.) And His Excellency Pandeli Majko, Prime Minister of the Republic of Albania. (Applause.) I get extra credit for all of that. (Laughter.)

At this time, I would like to introduce the head table. Beginning on my left and your right is Mr. Jim Kimsey. He is the founder of America On Line and is a gentleman who has a deep love for the District of Columbia. With Mr. Kimsey is Ms. Holidae Hayes. We are glad to have you here. (Applause.)

Next to them is Mr. Michael W. Smith. He is a Grammy-winning recording artist who will perform for us later, and his wife, Debbie. (Applause.)

Next we have Dr. Laura Schlessinger, also known as Dr. Laura. (Applause.) I don't even need to say who she is, right? (Laughter.) No, she is one of America's most listened-to-radio talk show hosts. She is the co-author of the current bestseller, "The Ten Commandments: The Significance of God's Law in Everyday Life." She is also a licensed marriage, family, and children's counselor and is frequently referred to as America's mommy. (Applause.)

Next to Dr. Schlessinger is Senator Kay Bailey Hutchison, an outstanding Senator from the State of Texas, who will share with you later about the Senate and House breakfast groups. Senator, thank you. (Applause.)

Next is Annie Glenn, wife of Senator John Glenn. Annie is a great friend and a great example for us all. (Applause.) And then we have Senator Glenn, who is one of our national heroes, whose return to space last year had me considering out of retirement, briefly. (Applause.)

Next is our Vice President, Al Gore. Every year Congress hosts a National Student Leadership Forum on Faith and Values, and this year the Vice President and his wife, Tipper, were kind enough to open up their home to about 200 student leaders from across the country and actually spent a lot of time with them individually, talking with them. Mr. Vice President, please tell Tipper we said thank you very much. (Applause.)

Next are President Clinton and the First Lady. (Applause.) I want to tell you an interesting story that I think also is a bit of a glimpse behind the scenes of President Clinton. After the prayer breakfast two years ago, I sent him a note thanking him for his remarks, which were wonderful, as they will be this morning. He actually was in the process of writing me a note and said, "No, I thought I would just call."

So he called our home, and my daughter Casie, who at that time was about 15 years old, answered the phone and said, "The President of the United States is calling for Congressman Steve Largent." My daughter put the phone on hold and came and got me and she said, "Dad, somebody said that the President is on the line. Would you please get him off the line because I've got Brad Pitt holding on the other line." (Applause.)

Next to the First Lady is my first lady, Terry Largent. (Applause.)

Next we have our speaker this morning, Max Lucado and his wife Denalyn. I will tell you more about Max just a little bit later. (Applause.)

Next to the Lucados is Senator Joseph Lieberman, a great senator and a man who is known for his integrity and for his love of God. (Applause.)

Next is one of my good friends and colleagues in the House of Representatives, Harold Ford, Jr. He is the first African-American in history to succeed his father in the U.S. House of Representatives. (Applause.)

And next to Congressman Ford are General Dennis Reimer, who I introduced earlier, one of our great military leaders, and his wife, Mrs. Mary Jo Reimer. (Applause.)

As we gather this morning, this is the National Prayer Breakfast, and there are many around the world who need our prayers here this morning. I want to take a moment to mention just a few of the people that are in dire need of our prayers this morning, including King Hussein, Billy Graham, Pope John Paul II, and the victims of the recent earthquake in Colombia. In fact, it is my understanding that King Hussein is undergoing therapy for cancer treatment as we are speaking and is watching the prayer breakfast this morning.

Many in the Senate and the House breakfast group have had the opportunity over the years to become friends in this fellowship with his majesty, King Hussein of Jordan. As friends, we have prayed with his majesty in times of triumph and times of trial. And as he undergoes treatment this week for the trial of a lifetime, we join all our prayers to uplift his spirit and strengthen his family, his loved ones and his medical care team in a special way.

Also, many of you may be here this morning asking, "What is the prayer breakfast and why am I here?" I want to tell you just a little bit about the prayer breakfast and its genesis. It is not very complicated, actually. There was a small group that began meeting in the Senate back in the early 1950s. They were joined later by a small group that began in the House. At some time they decided, wouldn't it be a good idea if the House group and the Senate group met together to pray for the President of the United States. And that is how the prayer breakfast began 47 years ago. You are going to hear a little bit more about the Senate and House groups from Senator Hutchison and what we are doing in both chambers as we speak.

The members concluded that whether our country is experiencing peace or war, bounty or struggle, there is a tremendous need for people of faith to lift the President up in prayer. This is not now, nor has it ever been, a political event. When we come to the prayer breakfast, we take our political hats off and come together to talk and pray about the principles of Jesus.

One individual who embodies these principles and who generally graces our presence here at the prayer breakfast is Dr. Billy Graham. Unfortunately, because of his health considerations, Dr. Graham is unable to attend this year. However, by way of a letter, he sends his greetings. I would like to share a portion of his letter with you, because I believe it captures the spirit of the occasion.

Dr. Graham writes, "After so many years, the most difficult thing for me to do is to inform you that I will not be able to come to the prayer breakfast as I had planned. I hope you will give my greetings and the promise of prayer for this important gathering this morning. Our country is in need of a unity that only God can bring. We must as a people repent of our sins and turn to God in faith. He alone can heal our divisions, forgive our sins and bring the spiritual renewal the nation needs if we are to survive. I deeply regret that I cannot be with you today, but I will be in prayer that God will give the greatest spirit of spiritual renewal that we have ever had. Please assure the President and Mrs. Clinton, Vice President and Mrs. Gore, and the other leaders gathered at the breakfast, that they are in my constant prayers. God bless you all. Billy Graham." (Applause.)

Mr. President, I would just add that our prayer is that while you are here with us, you will have a sense of peace and rest and will understand that as you leave here that there are people all over the world that are praying for you.

Now, Senator Kay Bailey Hutchinson will share with you about the House and Senate prayer groups.

Senator HUTCHISON. Thank you, Congressman Largent. And thank you for all the work you have done to make this a wonderful event. (Applause.) Mr. President and Mrs. Clinton, Mr. Vice President, we are so honored to have all of our guests today.

It is gratifying to see such a large and distinguished crowd for this great Washington tradition. We come for our own reasons, some more inspired than others. For some, it is the prayer. Perhaps for some it is the breakfast. (Scattered laughter.) But as I look around this morning, in this city, I am reminded about the small-town Texas preacher who phoned the local newspaper editor on Monday to thank him for making a mistake in the paper. And the editor said, "Well, why are you thanking me for the mistake?" And the preacher said, "Well, the topic I sent you was, 'What Jesus Saw in the Publicans and Plutocrats.' What you printed was, 'What Jesus Saw in Republicans and Democrats.' The curiosity brought me the greatest crowd of the year." (Laughter.)

Obviously, we do not come here today as Republicans or Democrats, or even as Americans. We come as God's human creation, seeking guidance in our daily lives. I am pleased to report for the United States Senate and the House of Representative this morning. Each of us has a regular weekly meeting at breakfast, and our regulars rarely miss it. It is the priority time on our schedules. It is a time for fellowship and reflection, two commodities that are often in short supply in the course of our daily lives.

It is also a time to renew old acquaintances. One of the regulars who grace the Senate meeting is former Senate Majority Leader Mike Mansfield. Every Wednesday morning he comes in and orders bacon and eggs and biscuits, and all of my younger colleagues are eating granola and fruit. (Laughter.) We tell him we love to see a guy that still eats like a guy. (Laughter.) We figure that the breakfast and the prayer is working for him, because he is 96 years old. (Applause.)

We are blessed with occasional drop-ins. Both the Vice President and the President have dropped in on our prayer breakfasts, and we enjoy it very much. But mostly it is just us, our members and our former members, who are always welcome. We spend our sessions discussing different things. Sometimes it is the events of the day and what bearing they may have on our spiritual growth and renewal. At other times, we hear the testimony of a colleague or we help him or her respond to a personal crisis. There is only one informal rule: we never discuss Senate or House business.

The Senate and the House are institutions, that, by their very nature and genius, are diverse. They represent varied sections and interests that define the great nation that is ours. They come together to find common ground. But in our prayer breakfast, we start on common ground and we grow together from there. We start from the acceptance that each of us is flawed, that we all need guidance, and that none of us alone has the answers. We grow from the relationship that bonds us. We gain the strength to fulfill our collective duty to develop and nurture one nation under God, indivisible, with liberty and justice for all. That is what all of us hope that this annual meeting does, to inspire us to do better in the next year for our respective nations.

Thank you. Thank you, Steve. (Applause.)

Representative LARGENT. Thank you, Senator. And now, for a reading from the Holy Scriptures, Dr. Laura Schlessinger.

Dr. SCHLESSINGER. First, I would just like to say I cannot tell you how touched and honored I am to be here doing this. You have no idea what it means to me. This is Deuteronomy 8.

"You shall faithfully observe all the instruction that I enjoin upon you today, that you may thrive and increase and be able to possess the land that the Lord promised on oath to your fathers. Remember, the long way that the Lord your God has made you travel in the wilderness these past 40 years, that he might test you by hardship to learn what is in your hearts, whether you would keep his commandments or not.

"He subjected you to the hardship of hunger and then gave you manna to eat, which neither you nor your fathers had ever known, in order to teach you that man does not live by bread alone, but that man may live on anything that the Lord decrees. The clothes upon you did not wear out, nor did your feet swell these 40 years.

"Bear in mind that the Lord your God disciplines you just as a man disciplines his son. Therefore, keep the commandments of the Lord your God. Walk in his ways and revere him. For the Lord your God is bringing you into a good land, a land with streams and springs and fountains issuing from plain and hill, a land of wheat and barley, of vines, figs and pomegranates, a land of olive trees and honey, a land where you may eat food without scarcity, where you will lack nothing, a land whose rocks are iron and from whose hills you can mine copper.

"When you have eaten your fill, give thanks to the Lord your God for the good land which he has given you. Take care, lest you forget the Lord your God and fail to keep his commandments, his rules and his laws, which I enjoin upon you today. When you have eaten your fill and have built fine houses to live in and your herds and flocks have multiplied and your silver and gold have increased and everything you own has prospered, beware lest your hearts grow haughty and you forget the Lord your God, who freed your from the land of Egypt, the house of bondage, who led you through the great and terrible wilderness with its serpents and scorpions, a parched land with no water on it, who brought forth water for you from the flinty rock, who fed you in the wilderness with manna, which your fathers had never known, in order to test you by hardship, only to benefit you in the end.

"You say to yourselves, 'My own power and the might of my own hand have won this wealth for me.' Remember that it is the Lord your God who gives you the power to get wealth in fulfillment of the covenant that he made an oath with your fathers, as is still the case. If you do forget the Lord your God and follow other gods to serve them or bow down to them, I warn you this day that you shall certainly perish. Like the nations that the Lord will cause to perish before you, so shall you perish, because you did not heed the Lord your God."

Shalom. (Applause.)

Representative LARGENT. Thank you, Dr. Laura. Now Michael W. Smith.

(Michael W. Smith sings "Salvation Belongs to God.")

Representative LARGENT. Thank you, Michael.

As you are aware, Senator Glenn made history recently by returning to space 36 years after he became the first American to orbit the earth. During Senator Glenn's space flight last year, he kept in contact with the President via e-mail. At one point, the Presdient E-mailed Senator Glenn to let him know he had spoken to an 83-year-old woman from Queens and asked her what she thought of the mission. She replied that it seemed like a perfectly fine thing for a young man like Senator Glenn to do. (Laughter.) So please welcome the young Senator Glenn to the podium. (Applause.)

Senator GLENN. Thank you. (Continued applause.) Thank you all very much. Thank you all very, very much. Steve, I thank you for that introduction very much also.

Let me add a couple of Old Testament thoughts to what Dr. Laura just read for you a moment ago. These readings have been favorites of mine for long time, and I wanted to add those before I get over into a couple of quotes from the New Testament.

I am sure you all are very familiar with that part in Ecclesiastes that starts out, "To everything there is a season, and a time for every purpose under heaven." I won't take time to read all of it exactly, but you remember that. "A time to be born and die, plant, pluck up that which is planted, a time to kill, heal, break down, build up, weep, laugh, mourn, dance, cast away stones, gather stones, embrace, time to refrain, time to get, time to lose, time to keep, cast away, rend and sow, silence, speak, love and hate, time of war, time of peace."

That about covers the whole gamut of the human experience. There is not much we could add to that. That has always been one that I thought leads us to believe that there is a time for everything intended for us, than God wants us to live a full life. There is a time for everything. There is a time to live and a time to do—for all these things.

There is another passage that I also like. This came to me and has been a favorite, because when I was training way back in World War II days, which does show my age, I guess, my mother sent a passage to me that I have always thought was very apropos, not only for that time and what I was looking forward to then, but also no matter what happens to us any time in life. And that is out of Psalms 139.

"Whither shall I go from thy spirit, or whither shall I flee from thy presence? If I ascend up into heaven, thou art there. If I make my bed in hell, behold, thou are there." And this part in particular: "If I take the wings of the morning and dwell in the uttermost parts of the sea, even there shall thy hand lead me and thy right hand shall hold me." To me, that dwelling in the uttermost parts of the sea also means going into space, I can tell you that. Those two passages together I have always thought were about my favorite parts of the Scripture.

Now to our New Testament reading, which I understand is also the favorite of some of the other people here this morning. Romans 8: "Who shall separate us from the love of Christ? Shall tribulation or distress or persecution or famine or nakedness or peril or sword? As it is written, 'For thy sake, we are killed all day long. We are counted as sheep for slaughter.' Nay, in all these things, we are more than conquerors through him that loved us. For I am persuaded that neither death nor life nor angels nor principalities nor powers nor things present nor things to come nor height nor depth nor any other creature shall be able to separate us from the love of God which is in Christ Jesus our Lord."

The second passage is out of Philippians: "Rejoice in the Lord always. And again I say, rejoice. Let your moderation be known unto all men. The Lord is at hand. Be careful for nothing, but in everything, by prayer and supplication, with thanksgiving, let your requests be made known unto God. And the peace of God, which passeth all understanding, shall keep your hearts and minds through Christ Jesus. Finally, brethren, whatsoever things are true, whatsoever things are honest, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report, if there be any virtue, if there be any praise, think on these things. Those things which ye have both learned and received and heard and seen in me, do. And the God of peace shall be with you."

Thank you. (Applause.)

Representative LARGENT. Thank you, Senator Glenn. Please welcome to the podium, ladies and gentlemen, the Vice President of the United States, Albert Gore, Jr. (Applause.)

Vice President GORE. Thank you, Steve. Thank you very much. Thank you. Congressman Largent; Mr. President, Mrs. Clinton; Mr. Speaker; distinguished guests.

To all of those who have worked so hard to make this breakfast what it is, including a lot of men and women in the Overflow Room, who did more work than anybody else, I want to thank them. When I went over to speak with them during the breakfast briefly, by sheer coincidence, I read exactly the same passage from Romans that John just picked here.

And to all of you, I want to thank you for joining us at this annual gathering, which reaffirms America as a pilgrim people and a nation of faith.

Every one of us, I believe, has a task appointed for us by the Lord. We are reminded, "Whatsoever thy hand findeth to do, do it with thy might." A teacher should teach with all his heart, a parent should care for her child as if all heaven were watching, a machinist should take the utmost pride in a job well done, because all of us are asked by God to devote our daily work to others and to his glory. All of us have a chance to be made great, not by our achievements measured in the world's eyes, but through our commitment to a path of righteousness and to one another.

I also believe our nation has a task appointed for it by the Lord. As the Gospel says, "Let your light so shine before men that they may see your good works and glorify your Father, which is in heaven." Though our founders separated Church and State, they never forgot that this eternal spiritual light illuminated the principles of democracy, and especially the idea of the preciousness and equality of every human being. The truth that underlies the Constitution is that every human being, no matter how rich or how poor, how powerful or how frail, is made in God's holy image and must be treated accordingly.

We have seen, especially in this century, how dangerous and destructive the world becomes when individuals, nations, and leaders forget this eternal truth. Without it, the door to evil is wrenched open, wreaking untold misery on the human race; demagoguery and cruelty, racial hatred and totalitarianism may enter unchecked.

When we understand our real nature and responsibility as true sons and daughters of the living God, it does not mean we retreat from the world, even though all of us know how hard the world can be on our ideals. Rather, God asks us to more forward into human institutions and, instead of conforming ourselves to them, change them for the better, doing our best to listen to the small, still voice that should guide us.

A little farther in that part of Romans, in a different translation, is a passage that has always meant a lot to me: "Do not be conformed to this world, but be transformed by the renewing of your mind, so that you may discern what is the will of God, what is good and acceptable and perfect. Let love be genuine. Hate what is evil. Hold fast to what is good. Live in harmony with one another. Do not be haughty, but associate with the lowly. Do not claim to be wiser than you are. Do not repay anyone evil for evil, but take thought for what is noble in the sight of all."

An old folk tale says there are two ways to warm yourself when it is very cold. One is by putting on a luxurious coat; the other is by lighting a fire. The difference is that the fur coat warms only yourself, while the fire lights anyone who comes near.

We have a comparable choice every day. Indeed, we are at a moment of great spiritual opportunity to choose right. The end of the millennium is drawing near, so let us carry no spiritual debts into a new time, but recommit to a future where we elevate mankind's faith and fill the world with justice. (Applause.)

Representative LARGENT. Thank you, Mr. Vice President.

I was joking with the Vice President earlier that the prayer breakfast is on Thursday, but his prayers were answered earlier in the week when Mr. Gephardt pulled out of the presidential primary. (Laughter.)

It gives me great honor to introduce our speaker this morning, Mr. Max Lucado. Max is probably best known as a best-selling author, having 11 million books in print. Although I have read many of his books, the one that truly touched me the most has been one of his children's books called "You Are Special." I have given this book to several friends and have read it aloud on various occasions, especially when I speak with young people. When I was asked to choose a speaker this morning, I immediately thought of Max, because I am convinced that someone who writes the way he writes knows a great deal about the unconditional love of God. So, Max, please come and share with us what is on your heart this morning. (Applause.)

Mr. LUCADO. Mr. President and Mrs. Clinton, Mr. Vice Presdient. I cannot thank you enough for this wonderful privilege that you have given me and my wife, Denalyn, to be with you this morning. Thank you, Congressman Largent, for those kind words.

I never quite know how people respond to those of us who write. Not long ago I was speaking at a conference and a man came up to me afterwards and said, "I've never had dinner with an author before." And I said, "Well, you buy, I'll eat." (Laughter.) So off we went and had a delightful chat. Some days later I received a note from him in which he said, "I thoroughly enjoyed our visit, but you were not as intelligent as I thought you would be." (Laughter.) You can't please everyone.

I will do my best to keep my remarks brief. Not long ago I was speaking and a man got up in the middle of my presentation and began walking out. I stopped everything and I said, "Sir, can you tell me where you're going?" He said, "I'm going to get a haircut." I said, "Why didn't you get one before you came in?" He said, "I didn't need one before I came in." (Laughter.)

I have asked several people associated with the breakfast why the invitation came my way. The answer that really made most sense was the briefest one, and that is, "We thought you might share a few words about Jesus," a request I am privileged to attempt to fulfill.

The final paragraph on the invitation that we received defines the National Prayer Breakfast as "a fellowship in the spirit of Jesus." How remarkable that such an event even exists. It speaks so No highly of you, or leaders, that you would convene such a gathering and clear times out of your very busy schedules to attend such a gathering, not under any religious or political auspices, but in the spirit of Jesus. Thank you for that during these dramatic hours you have made prayer a priority.

This breakfast speaks highly of you, our guests. You weave a tapestry this morning of 160 different nations, traditions and cultures, representing a varity of backgrounds but united by a common desire to do what is right for your people. And you are welcome here. Each and every one of you are welcome.

The breakfast is a testimony to you, our leaders, to you, our guests, but most of all, wouldn't you agree?, the breakfast is a testimony of Jesus of Nazareth. Regardless of our perception and understanding and opinion of him, how remarkable that 2,000 years after his birth, we are gathered to consider this life, a man of humble origins, a brother to the poor, a friend of sinners and the great reconciler of people.

It is this last attribute of Jesus I thought we could consider for just a few moments, his ability to reconcile the divided, his ability to deal with contentious people. After all, don't we all deal with people and don't we all know how contentious they can be? How does that verse go? "To live above with those we love, O, how that will be glory. But to live below with those we know, now, that's another story." (Laughter.)

I found this out in college when I found a girl whom I really liked and I took her home to meet my mom, but my mom didn't like her, so I took her back. (Laughter.) I found another girl I really liked, and so I took her home to meet my mom, but mom didn't like her either. So I took her back. I found another girl, took her home. Mom didn't like her. I went through a dormitory full of girls—(laughter)—until finally I found one that I knew my mom would like because she looked just like my mom. She walked like my mom. She talked like my mom. So I took her home, and my dad could not stand her. (Laughter.)

People are tough to deal with. But tucked away in the pages of the Bible is the story of Jesus guiding a contentious group through a crisis. If you will turn your attention to the inside of your program that you received, you will read the worlds written by a dear friend of Jesus, the apostle John. And he tells us this story:

"Jesus knew that the Father had put all things under his power and that he had come from God and was returning to God. So he got up from the meal, he took off his outer clothing, he wrapped a towel around his waist. After that he poured water into a basin and began to wash his disciples' feet, drying them with the towel that was wrapped around him. He came to Simon Peter, who said to him 'Lord, are you going to wash my feet?' And Jesus replied, 'You do not realize what I am doing, but later you will understand.' :'No,' said Peter, 'You shall never wash my feet.' And Jesus answered, 'Unless I wash your feet, you have no part with me.' 'Then, Lord,' Simon Peter replied, 'not just my feet, but my hands and my head as well.'"

It is the final night of Jesus' life, the night before his death, and Jesus and his disciples have gathered for what will be their final meal together. You would think his followers would be sensitive to the demands of the hour, but they are not. They are divided. Another follower by the name of Luke in his gospel writes these words: "The disciples began to argue about which of them was the most important." Can you imagine? The leader is about to be killed and the followers are posturing for power. This is a contentious group.

Not only are they contentious, they are cowardly. Before the night is over, the soldiers will come and the followers will scatter, and those who sit with him at the table will abandon him in the garden. Can you imagine a more stressful evening—death threats on one side and contentious and quarrelsome followers on the other? I suppose some of you can. That may sound like a typical day at the office. But we know that the response of Jesus was not at all typical.

But I wonder what our response would be. Perhaps we would preach a sermon on team work, maybe point a few fingers or pound a few tables. That is probably what we would do. But what does Jesus do? How does he guide a divided team through a crisis? He stands and he removes his coat and he wraps a servant's towel around his waist. He takes up the wash basin and he kneels before one of his disciples. Unlacing a sandal, he gently lifts the disciple's foot and places it in the wash basin, covers it with water and begins to clean it. One by one, Jesus works his way down the row, one grimy foot after another. He washes the feet of his followers.

By the way, I looked for the verse in the Bible that says Jesus washed all of the disciples' feet except the feet of Judas, but I could not find it. The feet of Judas were washed as well. No one was excluded.

You may be aware that the washing of feet was a task reserved not just for the servants but for the lowest of servants. Every group has its pecking order, and a group of household servants was no exception. And whoever was at the bottom of that pecking order was the one given the towel and the one given the basin. But in this case, the one with the towel and the one with the basin is the one whom many of us esteem as the creator and king of the universe. What a thought. Hands which shaped the stars, rubbing dirt; fingers which formed mountains, massaging toes. And the one before whom all nations will one day bow, kneeling before his friends, before his divided and disloyal band of friends.

It is important to note that Jesus is not applauding their behavior. He is not applauding their actions. He simply chooses to love them and respect them, in spite of their actions. He literally and symbolically cups the grimiest part of their lives in his hands and cleanses it with forgiveness. Isn't this what this gesture means? To wash someone's feet is to touch the mistakes of their lives and cleanse them with kindness. Sometimes there is no other option. Sometimes everything that can be said has been said. Sometimes the most earnest defense is inadequate. There are some conflicts, whether in nations or in homes, which can only be resolved with a towel and a basin of water.

"But Max," you might be saying, "I'm not the one to wash feet. I've done nothing wrong." Perhaps you have done nothing wrong. But neither did Jesus. You see, the genius of Jesus' example is that the burden of bridge-building falls on the strong one, not on the weak one. It is the one in the right who takes the initiative.

And you know what happens? When the one in the right volunteers to wash the feet of the one in the wrong, both parties end up on their knees. For don't we always think we are right? We kneel to wash feet only to look up and see our adversary, who is kneeling to wash ours. What better posture from which to resolve our differences?

By the way, this story offers a clear picture of what it means to be a follower of Jesus. We have allowed the definition to get so confusing. Some think it has something to do with attending a certain church or embracing a particular political view. Really it is much simpler. A follower of Jesus is one who has placed his or her life where the disciples placed their feet—in the hands of Jesus. And just as he cleansed their feet with water, so he cleanses our mistakes with forgiveness.

That is why followers of Jesus must be the very first to wash the feet of others. Jesus goes on to say, "If I, your Lord and master, have washed your feet, you also should wash one another's feet. I did this as an example so that you should do as I have done for you."

I wonder what would happen if we accepted this challenge, if we followed Jesus's example. What if we all determined to resolve conflict by the washing of feet? If we did, here is what might occur. We would listen, really listen, when people speak. We would be kind to those who curse us and quick to forgive those who ask our forgiveness. We would be more concerned about being fair than being noticed. We would not lower our God-given standards, nor would we soften our hearts. We should keep our minds open, our hearts tender and our thoughts humble. And we would search for and find the goodness that God has placed within each person, and love it.

Would our problems be solved overnight? No. Jesus's were not. Judas still sold out and the disciples still ran away. But in time—in fact, in short time—they all came back and they formed a nucleus of followers who changed the course of history. And no doubt they must have learned what I pray we learn this morning: that some problems can only be solved with a towel and a basin of water.

Let's pray together. Our Father, you have taught us that the line between good and evil does not run down geographical or political boundaries but runs through each of our hearts. Please expand that part of us which is good and diminish that part of us which is evil. Let your great blessings be upon our President and his family, our Vice President and his family, and all of these leaders and dignitaries gathered. But we look to you as the ultimate creator, director and author of the universe. Lead us to someone today whose mistakes we might touch with kindness. By your power we pray. Amen. (Applause.)

Representative LARGENT. Thank you, Max. At this time I want to make one other brief introduction, and that is the new Speaker of the House of Representatives, my friend from Illinois, Denny Hastert. (Applause.)

I want to say it is my privilege and high honor to at this time introduce the President of the United States, Mr. William Jefferson Clinton. (Applause.)

President CLINTON. Thank you very much.

Steve, distinguished head table guests, to the leaders from around the world who are here, the members of Congress, Mr. Speaker and others, ladies and gentlemen.

I feel exactly the way I did the first time I ever gave a speech as a public official, to the Pine Bluff Rotary Club Officers Installation Banquet in January of 1977. The dinner started at 6:30. There were 500 people there. All but three were introduced; they went home mad. (Laughter.) We had been there since 6:30. I was introduced at a quarter to 10. The guy that introduced me was so nervous he did not know what to do, and, so help me, the first words out of his mouth were, "You know, we could stop here and have had a very nice evening." (Laughter.) He did not mean it the way it sounded, but I do mean it. We could stop here and have had a very wonderful breakfast. You were magnificent, Max. Thank you very much. (Applause.)

I did want to assure you that one of the things that has been said here today repeatedly is absolutely true. Senator Hutchison was talking about how when we come here, we set party aside, and there is absolutely no politics in this. I can tell you that is absolutely so. I have had a terrific relationship with Steve Largent, and he has yet to vote with me the first time. (Laughter.) So I know there is no politics in this prayer breakfast. (Laughs.)

We come here every year. Hillary and I were staying up kind of late last night talking about what we should say today and who would be here. I would like to ask you to think about what Max Lucado said in terms of the world we live in, for it is easier to talk about than to do, this idea of making peace with those who are different from us.

We have certain signs of hope, of course. Last Good Friday in Northern Ireland, the Irish Protestants and the Irish Catholics set aside literally centuries of distrust and chose peace for their children.

Last October, at the Wye Plantation in Maryland, Chairman Arafat, Abu Mazin and the Palestinian delegation, and Prime Minister Netanyahu and the Israeli delegation went through literally sleepless nights to try to save the peace process in the Middle East and put it back on track.

Throughout this year, we have worked with our allies to deepen the peace in Bosnia, and we are delighted to have the leader of the Republika Srpska here today. We are working today to avoid a new catastrophe in Kosovo, with some hopeful signs.

We also have worked to guarantee religious freedom to those who disagree with all of us in this room, recognizing that so much of the trouble in the world is rooted in what we believe are the instructions we get from God to do things to people who are different from us. And we think the only answer is to promote religious freedom at home and around the world.

I want to thank all of you who helped us to pass the Religious Freedom Act of 1998. I would like say a special word of appreciation to Dr. Robert Seiple, the former head of World Vision, who is here with us today. He is now America's Ambassador at Large for International Religious Freedom. Later this month, I will appoint three members to the United States Commission on International Religious Freedom. The Congress has already nominated its members.

We know that is a part of it. But, respectfully, I would suggest it is not enough. As we pray for peace, as we listen to what Max said, we say, well, of course it is God's will. But the truth is, throughout history, people have prayed to God to aid them in war. People have claimed repeatedly that it was God's will that they prevail in conflict. Christians have done it at least since the time of the crusades. Jews have done it since the times of the Old Testament. Muslims have done it from the time of the Essenes down to the present day. No faith is blameless in saying that they have taken up arms against other faiths, other races, because it was God's will that they do so. Nearly everybody would agree that from time to time, that happens over the long course of history. I do believe that, even though Adolf Hitler preached a perverted form of Christianity, God did not want him to prevail. But I also know that when we take up arms or words against one another, we must be very careful in invoking the name of our Lord.

Abraham Lincoln once said that in the great Civil War neither side wanted war and both sides prayed to the same God; but one side would make war rather than stay in the union, and the other side would accept war rather than let it be rent asunder, so the war came. In other words, our great president understood that the Almighty has his own designs and all we can do is pray to know God's will.

What does that have to do with us? Martin Luther King once said we had to be careful taking vengeance in the name of God, because the old law of "an eye for an eye leaves everybody blind."

And so today, in the spirit in which we have been truly ministered to today, I ask you to pray for peace in the Middle East, in Bosnia and Kosovo; in Northern Ireland, where there are new difficulties. I ask you to pray that the young leaders of Ethiopia and Eritrea will find a way to avoid war. I ask you to pray for a resolution of the conflicts between India and Pakistan. I ask you to pray for the success of the peace process in Colombia, for the agreement made by the leaders of Ecuador and Peru, for the ongoing struggles to make the peace process work in Guatemala.

I ask you to pray for peace. I ask you to pray for the peacemakers; for the Prime Minister of Albania; for the Prime Minister of Macedonia; who are here. Their region is deeply troubled. I ask you to pray for Chairman Arafat and the Palestinians; for the government of Israel; for Mrs. Leah Rabin and her children, who are here, for the awful price they have paid in the loss of Prime Minister Rabin for the cause of peace. I ask you to pray for King Hussein, a wonderful human being, the champion of peace who, I promise you today, is fighting for his life mostly so he can continue to fight for peace.

Finally, I ask you to pray for all of us, including yourself; to pray that our purpose truly will reflect God's will; to pray that we can all be purged of the temptation to pretend that our willfulness is somehow equal to God's will; to remember that all the great peacemakers in the world in the end have to let go and walk away, like Christ, not from apparent but from genuine grievances. If Nelson Mandela can walk away from 28 years of oppression in a little prison cell, we can walk away from whatever is bothering us. If Leah Rabin and her family can continue their struggle for peace after the Prime Minister's assassination, then we can continue to believe in our better selves.

I remember on September the 19th, 1993, when the leaders of Israel and the Palestinian Authority gathered in Washington to sign the peace accord, the great question arose about whether, in front of a billion people on international television, for the very first time, Chairman Arafat and Prime Minister Rabin would shake hands.

Now this may seem like a little thing to you. But Yitzhak Rabin and I were sitting in my office talking, and he said: "You know, Mr. President, I have been fighting this man for 30 years. I have buried a lot of people. This is difficult." And I started to make an argument, and before I could say anything, he said, "But you do not make peace with your friends." And so the handshake occurred that was seen around the world.

A little while afterward, after some time passed, they came back to Washington. And they were going to sign these agreements about what the details were of handling over Gaza and parts of the West Bank. On this second signing, the two of them had to sign three copies of these huge maps, books of maps. There were 27 maps. There were literally thousands of markings on these maps, on each page: "What would happen at every little cross road? Who would be in charge? Who would do this, who would do that, who would do the other thing?" Right before the ceremony there was a hitch, and some jurisdictional issue was not resolved. Everybody was going around in a tizzy. I opened the door to the little back room, where the Vice President and I have lunch once a week. I said to these two people, who shook hands for the first time not so long ago: "Why don't you guys go in this room and work this out? This is not a big deal." Thirty minutes later they came out. No one else was in there. They worked it out; they signed the copies three times, 27 pieces each, each page they were signing. And it was over.

You do not make peace with your friends, but friendship can come, with time and trust and humility, when we do not pretend that our willfulness is an expression of God's will.

I do not know how to put this into words. A friend of mine last week sent me a little story our of Mother Teresa's life. She was asked, "When you pray, what do you say to God?" And she said, "I don't say anything; I listen." And then she was asked, "Well, when you listen, what does God say to you?" And she said, "He doesn't say anything either; he listens." (Soft laughter.)

In another way, Saint Paul said the same thing. "We do not know how to pray as we ought, but the Spirit himself intercedes for us, with signs too deep for words."

So I ask you to reflect on all we have seen and heard and felt today. I ask you to pray for peace, for the peacemakers, and for peace within each of our hearts—in silence.

(Moment of silence.) Amen.

(Applause.)

Representative LARGENT. Thank you Mr. President, for your remarks. You have asked us to pray for the leaders of the world and for leadership in the world. And at this time, I would like to ask my friend, Representative Harold Ford, to come forward to pray for world leaders.

Representative FORD. Thank you, Steve.

We pray, God, that you will help us to understand what the book of Ephesians means when it says, "We wrestle not against flesh and blood but against principalities and powers." We pray that we may heed the ancient summons, pray as if everything depended on God and act as if everything depended on you. Whether we worship in the shadow of the cross, under the Star of David or the crescent of Islam, it is in this spirit that we gather and in this spirit that we pray. We pray that God be above us to protect, beneath us to uphold, before us to guide and around us to comfort. We offer these prayers in the name of one God of all humanity. Let all of God's children say amen. (Applause.)

Representative LARGENT. Thank you, Harold. One of the real mysteries of the power of Jesus is that, Mr. President, as you said, I may not have voted with you in the four years that I have been in Congress, but I want you to know that I care for you and love you. That is part of the mystery of Jesus and the celebration that we have here this morning as we come to pray for our leaders and for our world.

At this time I would to ask Senator Lieberman to come forward and lead us in our benediction. (Applause.)

Senator LIEBERMAN. Thank you. Let us pray.

I pray, Lord, that you will open my lips, that I may declare your praise. We love you, Lord, because we come before you with a perfect faith that you will hear our prayer. And we have that faith not because of our confidence in our righteousness but because of our trust in your mercy.

Lord, thank you for waking us up this morning, restoring our souls to our bodies, bringing us to this place, but the destination we seek is a unified one, Lord, and it is you. You are the source of our lives, of our principles, of our purpose. We thank you for all that you have done for us. And as the President said so beautifully and compellingly and truthfully, for reasons that only impress us with our imperfection, so often our attempts to reach you have divided us.

But today, the spirit in this room is yours; in the Hebrew, Shekinah, the spirit of God, is here and it brings us together in a characteristically American way, in a way that the founders of this country understood, and they expressed in the very first paragraph by which they declared their independence that they held certain truths to be self-evident and that the first of these was that the rights they were granting us came from you; they were not the work of philosophers or lawers or politicians, but were the endowment we received from you, our creator.

Lord, we thank you for the leaders who are here, the speakers who are here who have shared their faith with us. We ask your prayers, especially on the leaders of our country, the President and Vice President and their devoted and gifted wives. We pray particularly today for the President of the United States. We thank you for the gifts you have given him of intellect, of judgment, of compassion, of communication, that have enabled him to be such a successful leader of our country and have raised up so many people in this country to a better life and have brought him to a point where people around the world depend on him, put their hopes in him.

And Lord, may I say a special prayer at this time of difficulty for our President, that you hear his prayers, that you help him in the work he is doing with his family and his clergy, that you accept his atonement in the spirit in which David spoke to the prophet and said, "I am distressed. Let me put my faith not in human hands but in the hands of God, who is full of abundant mercy."

So, Lord, we pray that you will not only restore his soul and lead him in the paths of righteousness for your name's sake, but help us join with him to heal the breach, begin the reconciliation and restore our national soul so that we may go forward together to make this great country even greater and better.

And I pray, Lord, too, for all the leaders from around the world who are here. And in the spirit that the President himself invoked, I want to reach out particularly to Chairman Arafat and Abu Mazin and Leah Rabin and her children, and to do so in the spirit of unity that fills this room, but also in the recollection and remembrance of the truth, that Abraham, with whom you entered the covenant that gave birth to at least three of the great religions that are here today, that Abraham loved his son Ishmael as he did his son Isaac. And we pray that you will bring that truth to Chairman Arafat and the leaders of Israel and you will guide them in the paths of peace so that their children and grandchildren may truly one day not just live in peace but sit together, as Dr. King evoked in all of us, at the table of brotherhood and sisterhood.

So, Lord, as we leave this place, we pray that you will take us by the hand and lead us home, but let us not leave here the spirit of unity and purpose that has filled this room. Let us resolve, each of us in our own way, to work to honor your name, to bring us closer each day to the realization of the prophet's vision, "when the valleys will be exalted and the hills and mountains made low, when the rough spots will be made straight and the glory of the Lord will fill the earth, and all flesh will see it and experience it." On that day, Lord, your name will truly be one and your children will be one.

Amen. (Applause.)

Representative LARGENT. Thank you, Senator Lieberman.

Ladies and gentlemen, this concludes the 47th National Prayer Breakfast.

Thank you all for being with us here this morning. Let's leave today and live out the principles Jesus taught about loving one another, loving our God with all our heart, soul and mind. Thank you, and have a good morning.

ACCREDITATION OF THE OAK PARK FIRE DEPARTMENT

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. DAVIS of Illinois. Mr. Speaker, on August 26, 1999 the Village of Oak Park Fire Department was awarded the title "Accredited Fire Department" by the Commission on Fire Accreditation International (C.F.A.I.).

The Oak Park Fire Department is only the third fire department in the State of Illinois and one of only 21 departments in the United States and Canada to achieve such accreditation.

Fire Chief Gerald Beeson and the other members of the department worked to complete their application for over 2 years.

Chief Beeson told the Wednesday Journal, "Those who review applications—members of the International Association of Fire Chiefs and the International Association of City and County Managers—look at all facets of fire service, including departmental aspects like training and response time and on the village side like finances and codes."

The accreditation is a benchmark, a set of standards, Oak Park can use to judge the quality of their fire protection service. The departmental achievement is a credit to all of Oak Park's fire fighters and we salute them for their outstanding accomplishment.

THE TENTH ANNIVERSARY OF THE FALL OF THE BERLIN WALL, THE PEOPLE OF BELARUS ARE STILL BEING OPPRESSED BY AUTHORITARIAN DICTATOR

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. GEJDENSON. Mr. Speaker, I rise to introduce a resolution on the gravity of the political and economic situation in Belarus. I believe it's time for U.S. Congress to express strong opposition to the continued egregious violations of human rights and the lack of progress toward the establishment of democracy and the rule of law in Belarus and call on President Alexandr Lukashenka to engage in negotiations with the representatives of the opposition and to restore the constitutional rights of the Belarusian people.

While the U.S. and Europe are marking the 10 year anniversary of the fall of the Berlin Wall, President Lukashenka is building a new wall between Belarus and democracy and trying to isolate Belarus by using old Soviet and Stalinist tactics of misinformation and intimidation. The people of Belarus have experienced a great deal of suffering over the years—as the victims of the Nazis, of Stalin, and of the Chernobyl disaster. I visited Belarus several months ago and it is clear to see that the people of Belarus are still getting a bad deal—again at the hands of their leadership.

In the fall of 1996, President Lukashenka used bogus tactics to impose a new constitution on Belarus, to abolish the existing parliament and replace it with a rubber-stamp legislature, and to illegally extend his presidential term. Although Lukashenka says that his government is willing to enter into negotiations with the opposition, his actions indicate the opposite. Lukashenka has created a climate of fear in Belarus, along the lines of Stalin's and Hitler's regimes, which he admires. He has targeted the opposition, non-governmental organizations, and the independent media. Opposition figures have disappeared; independent newspapers are fighting for survival; and those Belarusians who are brave enough to publicly protest Lukashenka's rule, get thrown into prison on trumped up charges.

Lukashenka is pushing his country deeper and deeper into an economic abyss. Prices remain under state control, and there has been no privatization to speak of. The average monthly wage is somewhere around $30 a month, and many people rely on subsistence farming in a backyard plot to feed their families.

We in the U.S. Congress have a moral responsibility to promote democracy and support economic development in Belarus. This resolution condemns the current Belarusian regime and calls for immediate dialogue between President Lukashenka and the Consultative Council of Belarusian opposition and the restoration of a civilian, democratically-elected government in Belarus, based on the rule of law, and an independent judiciary. The resolution urges President Lukashenka to respect the human rights of all Belarusian citizens, including those members of the opposition who are currently being illegally detained in violation of their constitutional rights.

President Lukashenka must make good on his promise to hold free parliamentary elections in 2000 and presidential elections in 2001. Please join me in supporting this resolution.

H.R. 3116, THE FAIR COMPETITION IN FOREIGN COMMERCE ACT

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. KOLBE. Mr. Speaker, for decades the United States has carried the standard in promoting democracy, market liberalization, and economic development abroad. To further those goals, we have spent literally billions of dollars in developing countries. And we have made progress. Nations have made economic progress over the past few decades and democracy is taking root in some of the rockiest soil in the globe. Thanks to the creation of the World Trade Organization a few years ago, the vast majority of international trade is now governed by clear and transparent rules.

But, as the Asian financial crisis and the theft of billions of dollars of IMF money in Russia shows, we still have a long way to go. Too many places in the world continue to be held in the grip of corruption and cronyism. The obvious impact of these two evils are the loss of untold millions, even billions, of dollars. But the corrosive effects of corruption and cronyism are worse; they are all too often hidden and ignored.

Government corruption undermines the rule of law—the very cornerstone of democracy. Government corruption undermines economic development, squandering billions of dollars of investment capital on enrichment of the few rather than the benefit of many. Government corruption undermines the ability of U.S. business to compete freely and fairly for foreign government contracts, costing U.S. corporations millions of dollars in lost sales. Government corruption undermines the integrity of public service and erodes the confidence of the public in their own government. Most important, government corruption steals hope—the hope for a better future that all citizens of the world have a right to expect. If nurturing democracy and expanding economic opportunity continue to be a goal of this country, then eliminating corruption and cronyism in government procurement must also be a priority. That is why I am proud to join with my colleague, ROBERT MATSUI in introducing H.R. 3116, the Fair Competition in Foreign Commerce Act. This legislation builds upon the excellent work of the Organization on Economic Development and Cooperation which set the international standard with its Agreement on Bribery and Corruption. The agreement makes it a crime to offer, promise or give a bribe to a foreign public official in order to obtain or retain international business deals. Sadly, there are today only thirty-four signatory countries to this agreement.

H.R. 3116 complements the work of the OECD, particularly that of the Development Assistance Committee Recommendation on Anti-Corruption Proposals for Aid-Funded Procurement, approaches the problem of corruption in international government Procurement through U.S. foreign aid and multilateral financial institutions, It is not a club or a blunt instrument, but its says in no uncertain terms that the United States will not continue to underwrite corrupt practices in other countries.

Our bill requires the Secretary of the Treasury to develop a plan to promote international government procurement reforms using U.S. participation in international as the tool. It prohibits U.S. non-humanitarian foreign assistance to nations that have not demonstrated significant progress towards institutionalizing open and transparent government procurement practices.

We want to assist the administration's efforts to promote government procurement transparency, whether through the World Trade Organization or the Free Trade Area of the Americas. But we also want to ensure that transparency in government procurement doesn't take a back seat—that is why we require the administration and other nations to focus on institutionalizing open and transparent international government procurement practices.

The key to the legislation is building institutions in countries which promote and protect transparency in government procurement activities. We want nations to develop the institutional capacity needed to properly monitor international government procurement contracts. Where nations lack such capacity, we encourage the use of third-party procurement monitoring to ensure openness and transparency in the process. Third-party procurement monitoring is a process where an uninvolved third-party is hired to monitor every stage of the procurement process. The procedure has been used successfully in South America and Africa to fight corruption in international government procurement. Third-party procurement monitors have the expertise needed to ensure that a project is competitively bid and effectively executed. In turn, this expertise gets passed on to the host governments, which further institutionalizes open procurement practices. The goal should be a process free from cronyism and corruption. This legislation will help us accomplish that goal.

RECOGNIZING THE WORK OF THE AIR LAND EMERGENCY RESOURCE TEAM

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. SAM JOHNSON of Texas. Mr. Speaker, I would like to bring to the Congress' attention seven young men and the members of the Joseph Rankin family who sacrificed time and effort to serve the people of Russia from July 10–August 25, 1999, by remodeling an orphanage in Moscow to improve living conditions. In addition to the joy they received from investing in the lives of others, this cross-cultural experience gave these individuals a greater appreciation for the benefits and privileges we enjoy in America. These individuals are to be commended for their willingness to put the needs of others before their own.

Daniel Buhler, MI; Michael Hadden, GA; Jesse Long, WA; Timothy Moye, GA; Joseph Rankin, MI; Joyce Rankin, MI; Benjamin Rankin, MI; Daniel Rankin, MI; Joseph Rankin, MI; Justin Tanner, MI; Jefferson Turner, GA; Neil Waters, VA.

CAMPAIGN FINANCE REFORM MISSES IMPORTANT TARGET

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. BEREUTER. Mr. Speaker, this Member highly commends to his colleagues this editorial I submit from the November 1, 1999, Norfolk Daily News regarding campaign finance reform. The editorial rightly notes that campaign finance reform must address the use of union dues (regardless of the union member's wishes) for political contributions.

[From the Daily News, Nov. 1, 1999]

REFORM MISSES IMPORTANT TARGET

CAMPAIGN FOR NEW RESTRICTIONS FAILS TO PUT FOCUS ON MAJOR SOURCE OF PROBLEMS

At the same time as the McCain-Feingold proposal aimed at changing rules of campaign financing was being defeated in the U.S. Senate, a major endorsement aimed at influencing the 2000 election results was taking place. Its unsurprising results bear on the issue, inaccurately described as "reform," since that term implies beneficial change, not cosmetic change.

McCain-Feingold's aim was to reduce the "soft money" contributions by which unlimited amounts may be given to political parties—not individual candidates—for advancing their views on major issues of the day. It is a contrast to the $1,000 individual contribution limits, never adjusted for inflation, which can be provided directly to candidates.

Bearing on this issue is the way in which some organizations, notably the AFL–CIO, can support their favored candidates with endorsements, publicity and in-house politicking with little regard for financing limitations.

The recent AFL–CIO endorsement of Vice President Al Gore's bid for the Democratic nomination was not unanimous, and it lacked important initial support from two of the major affiliates, the Teamsters Union and the United Auto Workers. They are likely to check in later. But that endorsement kicked into gear a $40 million union mobilization for the primaries and the general election. It is "soft money" but vital support—in part provided in violation of the rights of that apparent minority of union members which may want Bill Bradley as the nominee, or as an extreme example, members who might even choose a Republican.

The unions have every right to back whatever candidates they choose. They do not have the right, however, to spend mandatory dues money that was supposed to have been allocated to collective bargaining and the more restricted cause of improving the status of union workers.

Being forced, through mandatory fees, to support candidates and causes with which one disagrees is a violation of a fundamental tenet of a free society. The U.S. Supreme Court has addressed the issue and reached that conclusion. But it is one of several glaring cases of disregard for the law that the Clinton administration has ignored the principle. Without enforcement of that rule, any "reforms" of the current flawed campaign financing laws are worthless. Nothing wrong with unions spending big bucks for politics as long as the money is openly provided and comes from willing donors. Nothing wrong, either, with like amounts coming from readily identifiable business or other organizations operating under the same terms.

But let them use these resources openly to win friends and influence elections, and understand that true reform depends on voluntary contributions.

REAL ESTATE FLEXIBILITY ACT OF 1999

HON. JIM McCRERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. McCRERY. Mr. Speaker, today I am introducing legislation, the Real Estate Flexibility Act of 1999, to remove a present-law tax penalty that confronts individual real estate investors who wish to sell debt-encumbered property.

This legislation is important to our Nation's real estate markets. It would provide real estate investors with flexibility in managing tax liabilities while at the same time allowing debt-strapped property to be put to its highest and best use.

An example will help to illustrate the need for this legislation. Assume that an individual investor owns commercial investment real property that is valued at $100 and that is encumbered by debt of $90. The individual's basis in the property is zero. Assume that the individual wishes to enter the residential real estate market and that a buyer offers to purchase his commercial property for fair market value. Under the terms of the transaction, the buyer will assume the $90 of debt and will pay the individual $10 in cash.

Under current tax law, the individual will be taxed not only on the cash received, but also on the discharged debt. In this case, the tax paid by the individual on the sale—as much as $25 in this case (taking into account tax on unrecaptured depreciation)—will exceed the $10 in cash the individual actually receives. Thus, selling the property would force the individual to come up with cash out of pocket to pay the IRS.

In light of this disincentive, many individuals in this situation do not sell. Rather, they sit and hold. As a result, the underlying property does not pass into the hands of new owners who may be more likely to make improvements and put the property to its highest and best use.

In these circumstances, I believe an individual taxpayer should be given flexibility to pay this tax liability when he or she has the necessary cash. The Real Estate Flexibility Act of 1999 would allow individuals wishing to sell debt-encumbered property to elect to pay tax on the sale only to the extent of the cash received; the individual would have to reduce basis in other property to the extent that gains are not taxed. In our example, the individual would pay tax of $10—i.e., the amount of the cash actually received—upon disposition of the commercial real estate and would reduce his or her basis in other depreciable property by the amount of untaxed gain on the commercial property.

I ask my colleagues to join me in supporting this important legislation.

CONGRATULATORY REMARKS TO THE FOSTER GRANDPARENT PROGRAM OF SOUTHEAST MISSOURI FOR 26 YEARS OF SERVICE TO PUBLIC EDUCATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mrs. EMERSON. Mr. Speaker, I'd like to take this opportunity to commend the Foster Grandparent Program of Southeast Missouri for recently completing its 26th year serving the senior citizens in the communities of East Prairie, Poplar Bluff, and Sikeston, Missouri.

The Foster Grandparent Program of Southeast Missouri has had a tremendous impact on the senior citizens who serve as mentors to at-risk children in local elementary schools. This program serves as a way for these mentors to be significant change-agents in their communities during their golden years.

In addition to providing an opportunity for seniors to feel a sense of self-worthy and responsibility within the community, let me also share with you some stories from teachers who have seen first-hand the tremendous impact of the Foster Care Program.

One teacher from Mark Twain Elementary School in Sikeston, Missouri, spoke of a boy who suffered from a learning disability but progressed greatly with the help of a foster grandparent. "With his foster grandma's help, this child has made tremendous progress this year, in spite of his disability. He has changed from a frustrated student who couldn't read or spell to a student who beams because now he can pick up first grade and second grade-level books and read them with fluency. The positive impact that this foster grandparent has had in this student's life with her genuine care and concern, and one-on-one tutoring, cannot really be measured."

Another teacher spoke of a grandmother who worked one-on-one with several students throughout the school year. "This woman is such a great asset to our school and my classroom. She fulfills these children's needs in every way possible, not to mention the invaluable assistance she provides me. Without her, I could not give the extra attention to the students with the class size being so large. This grandmother is wonderful and gives the children an extended family while away from home."

I received dozens of letters from teachers, principals, participants, and mentors in the program, all of whom believe that this program is one of the most rewarding programs within their communities. I cannot emphasize enough the importance of programs like this that realize the potential of senior citizens to make significant contributions to our society, and I congratulate the Foster Grandparent Program of Southeast Missouri for their wonderful efforts over the past 26 years.

INTRODUCTION OF LEGISLATION ADDRESSING NAZI ASSET CONFISCATION

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. RAMSTAD. Mr. Speaker, over 50 years ago, Nazi Germany began a systematic process of eliminating an entire race. Over 6 million men, women and children lost their lives in this tragic chapter in human history simply because they were Jewish. They were the ultimate victims.

Others were forced to work as slaves in German factories. Some were subjected to brutal experiments, and others had their assets and belongings stolen from them to be given to those of "Aryan" stock or used by the German government in its war effort.

Amazingly, these criminal acts have yet to be settled. The U.S. government is currently involved in negotiations between German companies and Nazi victims here in the U.S. which could lead to compensation for some of the victims.

I believe the companies which profited from their complicity with the Nazi regime and the Holocaust should pay for their actions. It is absolutely appalling that to this day, German banks and businesses have not admitted their role in this theft nor have they returned the fruits of their crimes. It is inexcusable that German banks and businesses continue to deny their obvious guilt and refuse to compensate the victims.

That's why I am introducing legislation today which would allow victims of the Nazi regime to bring suit in U.S. federal court against German banks and businesses which assisted in and profited from the Nazi's Aryanization effort.

My legislation would clarify that U.S. courts do have jurisdiction over these claims and would extend any statute of limitations to 2010.

There are people who say this occurred too long ago and that we should leave these events in the past. I strongly and fundamentally disagree. There must never be a statute of limitations on Aryanization, as genocide and related crimes should always be punished.

These companies need to come forward, open their books and return their criminally-obtained gains to close this open wound on the soul of humanity.

This legislation will right a terrible wrong in the annals of world history, and it's long overdue.

RECOGNIZING TORNADO RELIEF WORKERS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. SAM JOHNSON of Texas. Mr. Speaker, I want to commend 58 young men who selflessly spent two weeks in Bridge Creek and Midwest City, Oklahoma last spring to help search for missing persons and clear debris in the aftermath of multiple tornadoes. From May 5–21, 1999, these young men served others at their own expense, and through their hard work and willing attitudes they brought encouragement and hope to citizens who had sustained great loss.

Paul Aber, OH; Peter Ackerman, IL; Derek Aloisi, NY; John Baker, OK; Paul Bell, TN; Erik Benson, WI; Shawn Bradley, TN; David Breneman, NM; Jared Busse, MO; Joshua Craymer, MI; Daniel Davies, IN; John Dew, MI; Matthew Field, Australia; Jeremy Flanagan, TX;

David French, CA; Philip George, IN; Edward Harris, TX; Jeremy Hebert, LA; John Hill, IA; Isaac Houser, OH; Jeremy Jansen, KS; Jeffery Jestes, OK; Joshua Koyejo, NJ; Jonathan Kranick, WA; Caleb Lachmann, IN; Joshua Lachmann, IN; Daniel Lamb, CA; Barak Lundberg, WA; Joseph Lyle, IL;

Gregory Mangione, MI; David McKenzie, SC; John Miller, CA; Samuel Mills, TX; Daniel Moulton, OK; Alex Nicolato, OH; Joseph Nix, MI; John Nix, MI; Marc Payant, Quebec; Sean Pelletier, WA; Jadon Rauch, IN; Micah Richmond, OR; Bruce Rozeboom, MI; Robert Shumer, OH;

Ben Sibley, WI; Eric Singer, PA; Mark Stanley, MN; Shane Stieglitz, IN; Jacob Strain, KS; John Tanner, MI; Jeffrey TenBrink, MI; Daryn Thompson, GA; Brian Tuplin, Alberta; Benjamin Vincent, MI; Aaron Waldier, OR; Ryan Ward, OR; Christopher Wilks, CA; Vincent Williams, OK; Joshua Young, CA.

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IN MEMORY OF AN OUTSTANDING KENTUCKIAN: PAMELA FARIS BROWN (1942–1970)

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. ROGERS. Mr. Speaker, almost three decades ago a 28-year-old woman set off on an adventure of a lifetime. It was an adventure that would end in heartbreak—an adventure from which she would not return.

At the time of her death Pamela Faris Brown had already made her mark as a nationally recognized actress and entertainer. Years earlier, she had also appeared on Kentucky's political stage—credited with helping to give a boost to the distinguished public service career of her father, John Y. Brown, Sr.

Tragically, however, along with her husband and another companion, Pam perished in September of 1970 while attempting to cross the Atlantic Ocean in a balloon.

I first encountered Pamela Brown in the early 1960's during my last two years of law school, when I served as a clerk for her father's criminal law practice in Lexington, Kentucky. Pamela was a bright, energetic and charismatic young woman whose love of life was only matched by her love of family and friends.

She was born in Lexington on August 26th, 1942, and attended the University of Kentucky and Stephens College before setting out on her performing career. Pamela's skill as an actress took her from 'Shakespeare in the Park' productions in Louisville to the pursuit of her career in New York City. Her mother, Dorothy, issued a warning to the young woman headed for the big city: "New York will change you," she warned, to which Pam replied: "I'll change New York."

Pamela Brown did make an impression on New York. She worked her way into a regular role on the television daytime drama 'Love is a Many Splendored Thing' and appeared on highly popular national television programs. She made guest appearances on the Ed Sullivan Show and the Lawrence Welk Show, and performed with Walter Abel in a summer stock production of 'Take Her, She's Mine'.

But Pam's enthusiasm wasn't just limited to the dramatic arts. In 1966, when an illness nearly forced her father to withdraw from his political campaign, Pamela volunteered to appear in his place at speaking engagements. Years later, her father would recall his opponent's campaign manager as saying, "You didn't beat us. Pamela did." Her brother, John Y. Brown, Jr., would also serve as Kentucky's governor.

A spirit like Pamela Brown's is impossible to contain—so was her enthusiasm for the adventure that would eventually claim her life. On Sunday, September 20th, 1970, Pamela and her husband, Rod Anderson, along with their companion, Malcolm Brighton, set off from East Hampton, Long Island, aboard the balloon they called 'The Free Life'. They set out to make history. The following day, the trio encountered a cold front and a driving rainstorm, which forced their craft into the sea.

The famous aviatrix Amelia Earhart perished attempting to set another aviation landmark 62 years ago. Earhart once eloquently explained the spirit that also led Pam to follow her balloon adventure: "Please know I am quite aware of the hazards," Earhart said. "I want to do it because I want to do it. Women must try to do things as men have tried. When they fail their failure must be but a challenge to others."

Today, Pamela Brown's memory lives on at the Actor's Theater of Louisville, whose main stage was named the Pamela Brown Auditorium to honor her. Her memory and her spirit also lives on in the hearts and minds of many of us—friends, family, and fellow Kentuckians, for whom Pamela Brown still is an inspiration.

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RECOGNIZING "BRAVO SAN DIEGO"

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. BILBRAY. Mr. Speaker, it is with great pleasure that I rise to bring to the attention of the Congress an event that symbolizes the synergy between the very best of human nature and the very best of human ability.

Too often, Members come to the floor to speak of tragedy, mishap, or malady; so much so, that when future generations look back upon us, it will appear as if our moment in history was consumed solely by the various tempests of our time. It is with this in mind that I bring news of an event to be held in my district of San Diego, California which celebrates the merger between the business community and the arts community, and highlights the philanthropic and community oriented nature of my constituency.

On November 20th, 1999 "Bravo San Diego" will being together over 800 arts, business and civic leaders for an evening of arts, food and entertainment. The goal of this event is to raise awareness and funds for the Business Volunteers for the Arts (BVA), a not-for-profit program administered by the Performing Arts League. The BVA provides volunteers from the business community to act as private, voluntary consultants to arts organizations so they may better abide by business protocol and practices, and exact the most efficient use of their resources.

"Bravo San Diego" will be hosted by Mr. Earl Holding, the owner of the Westgate Hotel, and supported by major sponsorships from Qualcomm, Gateway, Sempra and many other philanthropic-minded San Diego businesses. Additionally, the program will be coordinated by Mr. Georg Hochfilzer of the Westgate and Mr. Rod Appel, producer for the Performing Arts League. Representing the largest gathering of arts and culture ever in San Diego, "Bravo San Diego" will showcase the accomplishments and programs of over fifty performing arts organizations and seven museums.

Mr. Speaker, as we pay tribute this month to the impact that arts and culture have on each of our lives, it is important that we also recognize those persons and organizations who will ensure that these vital community needs survive the changing times. Therefore, I extend my most sincere congratulations to the BVA for their good work, and my most sincere thank you to the men and women who will make "Bravo San Diego" a success and example from which the rest of America may learn to support their arts and culture.

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INTRODUCTION OF THE MILITARY EXTRATERRITORIAL JURISDICTION ACT

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. CHAMBLISS. Mr. Speaker, currently, there are instances where American civilians have committed crimes outside the United States but have not been prosecuted because foreign governments decline to take any action and U.S. military or civilian law enforcement agencies lack the appropriate authority to prosecute these criminals. Consequently, only minor administrative sanctions are available to punish serious crimes.

Today, my colleague, Congressman BILL MCCOLLUM, and I are introducing legislation that will close a legal loophole that currently allows civilians accompanying the military outside the United States to avoid prosecution from crimes.

For example, a Department of Defense teacher raped a minor and videotaped the event. The host country chose not to prosecute, and the United States did not have the jurisdiction to prosecute the teacher.

The son of a contractor employee in Italy committed various crimes including rape, arson, assault, and drug trafficking. Because of a lack of jurisdiction to prosecute, the son was simply barred from the base.

A civilian spouse living overseas attacked her active duty husband with a kitchen knife and stabbed him in the shoulder. Although the spouse confessed to aggravated assault, the local national law enforcement agencies declined to prosecute.

A 13-year-old living on an Army base in Germany, sexually molested and raped several other children under the age of ten. German authorities decided not to prosecute. The only punishment for the offender was to be expelled from Germany.

An Air Force employee molested 24 children, ages 9 to 14. Because the host country refused to prosecute, the only recourse was to bar him from the base.

An Overseas Jurisdiction Advisory Committee has recommended to the Secretary of Defense and the Attorney General that this kind of "legislation is needed to address misconduct by civilians accompanying the force overseas in peacetime settings." Both the Department of Justice and the Department of Defense support legislation that will help to maintain order and discipline among our armed forces.

It is time that we close the loophole that allows civilian criminals to escape prosecution of their crimes. The Military Extraterritorial Jurisdiction Act we are introducing today, similar to S. 768 introduced by Senator JEFF SESSIONS and Senator MICHAEL DEWINE, will provide the federal government much greater ability to hold criminals responsible for crimes which they commit and will finally tighten our laws so that criminals do not go unpunished.

TRIBUTE TO SHARON BECK

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to honor a woman who is nearing the end of her tenure as president of the Oregon Cattlemen's Association. Sharon Beck is a remarkable woman who deserves the appreciation of all of those whose livelihoods depend on their ability to till the soil and raise cattle. She is a woman who has devoted a significant portion of her life to defending the farmers and ranchers of both Oregon and the United States and preserving their rural way of life.

Sharon's election by her peers as president of the OCA is merely one reflection of the respect and admiration she has garnered throughout her years of tireless devotion on behalf of the agricultural community. In 1984 the Beck family was named producers of the year by the Beef Improvement Federation. Sharon and her husband appeared on the cover of Beef Today in 1995. This year her family's farm received the high honor of being named the Oregon Wheat Growers League "State Conservation Farm of the Year." Sharon Beck has received awards from the Oregon Cattlewomen, has twice received the President's award from the Oregon Cattlemen's Association, and was named Union County's "Agricultural Woman of the Year." These awards represent not only Sharon's dedication to agriculture, but also that of her family and especially her husband Bob, who deserves a recognition of his own.

Sharon's son Rob summed up her life of achievement perfectly by noting that her commitment and dedication have allowed her to excel at any endeavor she undertakes, and that no matter what the odds, she is never overwhelmed. That's why farmers and ranchers turn to Sharon in times of trouble. And Mr. Speaker, that's why I rise today to recognize Sharon Beck—a true American rancher and a true friend of mine.

IN PRAISE OF UNCONVENTIONAL GIVING

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. MCCOLLUM. Mr. Speaker, I rise today to draw attention to the excellent and unconventional work accomplished at America's Community Bankers' Annual Convention in Orlando. I say "unconventional" because not many of the nation's millions of conventiongoers do what America's Community Bankers does.

Each year, ACB and its spouses' organization, Housing Partners, select a charity in their convention city, raise funds for it, and present the group with a check during the convention. On November 2 in Orlando, Housing Partners presented their 1999 charity, Orlando's Edgewood Children's Ranch, with a record donation of $170,000. Over the past 8 years, ACB's Housing Partners has donated more than $700,000 to charities around the country. The money is raised in a variety of ways, including a craft sale, a golf tournament, a benefit concert, and donations from member banks.

The Edgewood Children's Ranch, a residential child care and development facility that has been helping troubled youngsters and families in the Orlando area for more than 30 years, is one of my favorites in an area blessed with many fine helping organizations. The ranch has been called a "boot camp with love," because of its emphasis on structure, school, and parental involvement.

Although the ranch accepts children from all denominations and races, it expects them to attend chapel, pledge allegiance to the American flag, and respect their elders—activities, to quote Gaby Acks, the ranch's development director, "that disqualify us for public funds."

That's why America's Community Bankers' unrestricted gift of $170,000, which represents about one-tenth of the ranch's annual budget, is so important. "We are ecstatic," said Joan Consolver, executive director of the ranch. "It is unheard of for a convention group to leave a gift like this for the community."

I recognized America's Community Bankers' unique commitment to community in my remarks at the convention and I was glad that Orlando did as well. Mayor Glenda Hood and Orange County Chairman Mel Martinez both took time from their busy schedules to come to the check presentation ceremony and express the collective thanks of our community. Chairman Martinez said the philanthropic model developed by ACB's Housing Partners "serves as an example of leadership and community service for other trade associations and conventions." He commended them "for the extraordinary gesture of goodwill and the legacy they have left to our community." Mayor Hood proclaimed October 31–November 3, 1999 as America's Community Bankers and Housing Partners Day in Orlando "in recognition of their philanthropic excellence."

The Orlando Sentinel ran the following editorial.

BANKERS GIVE BACK TO LOCAL CHILDREN—THEY RAISED $170.000 FOR EDGEWOOD CHILDREN'S RANCH DURING THEIR CONVENTION

People who live near the Edgewood Children's Ranch can drive past it for years without ever knowing it's there. Tucked next to a lake and down the hill from a quiet street off Old Winter Garden Road, the sprawling campus affords a splendid view that few see.

Last week, a Washington, D.C.-based banker's group got the chance to set eyes on the ranch. And its members liked what they saw so much, they raised $170.000 for the 30-year old home for troubled kids, a record for the trade group.

America's Community Bankers picks a city for its convention each year, and every year, its organization of spouses and housing partners hold fund-raisers during the convention. In 1994, the group raised $50.000 for House of Hope, an Orlando-based teen program. Last year, it gave $150.000 to a battered women's shelter in Chicago.

From a popular craft sale to a big, convention-capping concert—this year's featured Frankie Avalon—the fund raising gives spouses a chance to do more than just tag along for golf outings or fancy dinners, said Joan Pinkerton, a spokeswoman for America's Community Bankers.

"People will say to me, 'That's the reason I come to the convention.'" Pinkerton said, "It's a neat way to tie into the community." For the children's ranch, which ekes out an existence on a $1.2 million annual budget and a lot of prayers, the gift is the largest ever that will go to its general fund. We were blown away by the amount," said Gaby Acks, children's development director for the ranch. Faith is a huge component at the ranch, which accepts struggling children and teens for a year or two. While the residents are not ordered by the courts to be there, many have chosen the ranch as an alternative to juvenile detention or other probationary conditions.

The rules are strict—hospital corners on the beds, neatly folded clothes and taking only what you can eat at meals—but the kids who live there find they don't mind after a few weeks.

Richard Amado, 16, found himself at the ranch after some minor scrapes with the law. Although he says he initially chafed at the carefully regimented days there, he has made up two grade levels in his schoolwork and has become a quiet, well-mannered young man.

During their convention, the bankers held a golf tournament in addition to the craft sale and the concert.

Some of them also toured the ranch, meeting the kids and seeing where their money will go. They were so impressed, they may donate some of next year's fund-raising haul to the ranch, Pinkerton said.

Acks, who said each day can bring small miracles for the often-strapped ranch, wasn't surprised at their reaction. Anyone who visits, she said, can't help but be touched.

"It's really just an amazing place," she said.

I commend America's Community Bankers for leaving its most recent hand-print in Orlando at the Edgewood Children's Ranch, and encourage other groups to follow this unique example of community involvement.

A CLARIFICATION FOR THE PATENT AND TRADEMARK PROVISIONS IN H.R. 1554, AS PASSED IN THE HOUSE OF REPRESENTATIVES ON NOVEMBER 9, 1999

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. MANZULLO. Mr. Speaker, H.R. 1554, the Satellite Home Viewer Act, includes most of the legislation that would impact the U.S. Patent system. I worked closely with the authors of the bill in the House of Representatives. I appreciate the time they took to listen to my strong concerns about the original bill, H.R. 1907, which passed in the House overwhelmingly this past August. I offer these remarks, however, to create a legislative history and to clarify language in one of the sections I believed needed reworking—the title concerning Third Party Re-Examination.

Under Subtitle F—Optional Inter Partes Reexamination Procedure, Section 4605 Conforming Amendments, paragraph (b) contains what I believe to be a technical error. Section 134 of title 35 of the United States Code is amended in two sub-paragraphs (a) and (b). H.R. 1554 uses the term "administrative patent judge" where it should read "primary examiner," in both paragraphs. Therefore, this section should read,

Section 134 of title 35, United States Code, is amended to read as follows:

"Section 134. Appeal to the Board of Patent Appeals and Interferences

"(a) Patent Applicant.—An applicant for a patent, any of whose claims has been twice rejected, may appeal from the decision of the primary examiner to the Board of Patent Appeals and interferences, having once paid the fee for such appeal.

"(b) Patent Owner.—A patent owner in any reexamination proceeding may appeal from the final rejection of any claim by the primary examiner to the Board of Patent Appeals and Interferences, having once paid the fee for such appeal."

I thank the Speaker for his indulgence in allowing me this opportunity to clarify the language of this section of H.R. 1554.

CELEBRATING THE 134TH ANNIVERSARY OF THE BETHEL MISSIONARY BAPTIST CHURCH OF CROCKETT, TX

HON. JIM TURNER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. TURNER. Mr. Speaker, I rise today to recognize and celebrate an important milestone in the history of Bethel Missionary Baptist Church, of Crockett, Texas. On October 10, 1999, Bethel Missionary Baptist Church celebrated 134 years of service to this East Texas community. As the church members celebrate this important anniversary, I ask all of my colleagues to join with me today in recognizing this milestone. I would also like to take this opportunity to congratulate Reverend Delvin Atchison for his continued leadership of the Bethel congregation.

Organized in 1965 by newly-freed slaves, Bethel Missionary Baptist Church today is a vibrant and growing ministry. As a resident of Crockett, I can truly attest to the tremendous impact the church and its members continue to have on the lives of Houston County residents. Bethel Missionary Baptist Church has become known throughout Crockett and surrounding communities as "A Community of Caring Christians."

Through the years Bethel Missionary Baptist Church as profoundly influenced the life of our community because it has been blessed with lay leaders who have also been leaders in the civic, cultural and political affairs of Crockett, Houston County and the State of Texas. In addition, Bethel has benefited from the leadership of many gifted and talented ministers exemplified by its current pastor, Delvin Atchison. My personal relationship with Reverend Atchison and with the late Reverend J.T. Groves has been a blessing to me and my family. Their leadership has expanded the boundaries of influence of Bethel Missionary Baptist Church.

Bethel's ministry has contributed not only to meeting the spiritual needs of the congregation but to the healing, reconciliation and racial harmony of the larger community. During the past 134 years, the members of the Bethel Missionary Baptist Church congregation have been at the forefront in advancing civil rights and civic participation and have fostered unity, justice and social progress for all citizens.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating the congregation of Bethel Missionary Baptist Church, under the guidance of Reverend Atchison, as it celebrates its 134th anniversary. All past and present church members and pastors should be proud of the numerous contributions Bethel Missionary Baptist Church has made in the spiritual life of the Crockett community over the past 134 years. May God continue to bless this ministry of service and caring.

RECOGNIZING THE U.S. BORDER PATROL'S SEVENTY-FIVE YEARS OF SERVICE

SPEECH OF

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1999

Mr. BONILLA. Mr. Speaker, I rise in support of this legislation "recognizing the United States Border Patrol's 75 years of service since its founding."

I have nearly 800 miles of the Texas-Mexico border in my congressional district. I know all too well the extent to which Border Patrol agents meet the daily challenge of keeping our borders safe and curbing the flow of illegal aliens and drugs into the United States with courage, patience and sheer tenacity. They go out every day and fight to keep our borders and our border residents safe.

Our Border Patrol field agents are the best in the business. It is an ongoing battle to keep our borders safe, drug-free and crime free. The Border Patrol is faced with carrying out a tremendous task with limited, often outdated and failing resources. Yet, every day they go out to defend our borders. The brave men and women of the Border Patrol put their lives on the line for us. Those of us in border communities know what a crucial role the Border Patrol plays in protecting our borders daily.

As a Texan I take pride in recognizing the fact that the founding members of the Border Patrol included Texas Rangers, sheriffs and deputized cowboys who patrolled the Texas frontier during the late 1800s and the early 1900s.

I am honored to support this legislation which honors our Border Patrol personnel who serve this nation in defending our borders.

INTRODUCTION OF THE FAIR CREDIT REPORTING AMENDMENTS ACT OF 1999

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. SESSIONS. Mr. Speaker, today I introduce legislation to provide a technical clarification to the Fair Credit Reporting Act (FCRA). This clarification is necessary to protect workers and small businesses from unsafe work conditions and to root out illegal activity in the workplace.

Provisions of the Fair Credit Reporting Act (FCRA) as amended in 1996 undermine investigations of sexual harassment, embezzlement, workplace violence, drug sales and other illegal activities in the workplace. Because of an interpretation by the Federal Trade Commission (FTC) of the 1996 FCRA amendments, employers who retain investigators, attorneys, or others to conduct inquiries into unlawful activities subject themselves to the provisions of the Act and must: Provide notice before initiating an investigation; obtain written authorization from the suspect and other employees; upon request, disclose the "nature and scope of the investigation"; and prior to taking any adverse action against an employee, provide the employee a complete and unedited copy of the investigative report.

When the FCRA amendments were passed in 1996, Congress did not intend for such burdensome restrictions to be placed on employers who seek to provide safe, crime free workplaces for their employees.

The Occupational Safety and Health Act requires employers to provide a safe and secure workplace. And Civil rights laws require employers to investigate allegations of sexual harassment and discrimination. Yet, the FCRA makes such inquiries impossible. Even if the employer is able to persuade a suspect employee to consent to an investigation, the investigation could still be thwarted by the accused who may be able to "cover his tracks." Even more important is the chilling effect of providing investigative reports to suspected miscreants. What witness will be forthcoming when they find out the accused will know who spoke to the investigator? What is the logic of asking a deranged employee if you can investigate him?

Americans are all concerned with the rise in incidences of workplace violence, including killings this month in Seattle, Washington and Honolulu, Hawaii. At a time when we are all concerned about workplace violence, the FCRA is tying the hands of employers who attempt to protect their employees.

The application of the FCRA is far broader than Congress intended when the law was amended in 1996. It now undercuts virtually all workplace investigations and may impact on legitimate inquiries outside of the workplace as well. Congress needs to make clear that these investigations are not covered by the Act.

The legislation I introduce today, the Fair Credit Reporting Amendments of 1999, has been drafted through a careful bipartisan process. Concerns from consumer groups and the FTC were incorporated into the final draft of this legislation. The legislation removes the requirement of employee consent for an employer to investigate a limited number of illegal or unsafe activities in the workplace. These limited activities include drug use or sales, violence, sexual harassment, employment discrimination, job safety or health violations, criminal activity including theft, embezzlement, sabotage, arson, patient or elder abuse, and child abuse.

Additionally, should an employer seek to use such a report to take any action against an employee, the employer must inform the employee that a report was prepared as well as the nature and scope of the report.

This is important legislation that should be considered early in the next session of Congress. I urge my colleagues to join as cosponsors and push for speedy passage of this bill to reduce crime and provide safer workplaces.

TRIBUTE TO DR. TOMMY J. DORSEY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Dr. Tommy J. Dorsey for his outstanding contributions to his community, particularly through the Meharry Medical College Benefit Golf Tournament.

The Meharry Medical College Benefit Golf Tournament began in Orlando, Florida, in December of 1991 to raise funds to support Meharry Medical College and its needy students. With golf participants in its first event, the tournament raised $10,000 for the college. In its second year, the tournament drew 120 golfers, and continues to grow yearly. To date, the tournament has raised over $100,000 for the college and its students.

Dr. Dorsey is one of the very distinguished alumni of the Meharry Medical College School of Dentistry. He graduated from Jones High School in 1961, and attended Fisk University where he received a B.A. in Biology. He then attended Meharry Medical College for 4 years where he received his D.D.S.

Dr. Dorsey served as a Lieutenant in the Navy from 1969–1971, and was awarded a Navy Commendation Medal in Human Relations. After his stint in the service, Dr. Dorsey served as the Chief Family Dentist at the Neighborhood Family Health Center of Miami for 4 years. In 1975, Dr. Dorsey went into private practice in Orlando, where he continues to work today.

Dr. Dorsey has held many positions in his community, and has been recognized for his service and dedication on many occasions. He founded and served as Executive Director of the Orlando Minority Youth Golf Association in 1991, he has served as the Vice Chairman of Orange County Membership Mission and Review Board, a member of the Community Development and Youth Service Board, President of the Orlando Alumni Chapter of Meharry Medical College, member of the Board of Trustees at Meharry Medical College, and was chosen as the 1994 Alumnus of the Year from Meharry Medical College. Dr. Dorsey also received the Winter Park Alumni Chapter Community Service Award from Kappa Alpha Psi Fraternity, Inc., in 1996, the Omega Psi Phi Outstanding Service Award in 1997, the Tiger Woods Foundation and The Minority Golf Association Recognition Award in 1997, the Orange County Classroom Teachers Association Martin Luther King, Jr. Award in 1998, the Orlando Alumni Chapter of the Year Award in 1998, and the Star 94.5 Home Town Hero Recognition.

Dr. Dorsey is a member of Omega Psi Phi Fraternity, Inc., he is a Prince Hall Affiliated Mason, a member of the Noble of the Ancient and Arabic Order of the Mystic Shrine, and a member of BETA XI BOULE—Sigma Pi Phi Fraternity, Inc.

Mr. Speaker, I ask you to join with me in honoring Dr. Tommy J. Dorsey for his outstanding community involvement, and in wishing him continued success with the Meharry Medical College Benefit Golf Tournament.

TRIBUTE TO WADE KING

HON. JACK METCALF

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. METCALF. Mr. Speaker, Wade King was a 10-year-old boy from my district who was killed on June 10th when a gasoline pipeline ruptured and exploded in Bellingham, Washington. I submit this letter written by someone who knew him very well, into the RECORD as a memorial to him.

A LETTER FROM WADE

Dear Mom & Dad, Sis, Bro, Lynn, Jessica, Grandma Dorothy and all:

I wanted you to know I arrived safely. Jesus met me and led the way. This is an awesome place. I asked him what happened and he told me a gas pipeline ruptured and exploded in the park, filling the creek where Steve and I were playing. I told him I thought that was a dumb place for a pipeline, and he said something like we humans still have a problem with foresight, whatever that means.

Anyway this place is just out of sight, and guess what, I don't have any burns and no pain, and all they tell you about Jesus is true. He loves us all and said he'd take care of you, Mom and Dad, and everyone else back in Bellingham.

I can't make up my mind what I like best about this place, because time doesn't matter; we can sleep when we want, eat when we want and the food is fantastic; you know how I like food, and sports are always being played. This morning Steve and I counted at least 12 baseball diamonds with games going on at all of them; some of the greats were playing—that DiMaggio guy and Mickey Mantle. I guess they were pretty good, weren't they Dad? And by the way I got to watch the Mariners on Saturday—way to go guys. I knew we could beat those Ferndale guys. It was a special hook-up because they knew how important this game was to me.

Mom, I hope you're not too sad, or mad at me; I know I've caused a lot of people to be sad, but tell everyone I'm fine, especially all the kids and teachers at Roosevelt. My education will continue; I have a lot of stripes to earn before I become an angel—can you imagine that? Me, an angel? Yeah, I know I can hear you all laughing, "Wade with wings?" Just imagine that—but you can bet I'm going to be the best angel possible.

Tell my 4th grade Sunday school class at St. Paul's that they should study the Bible; it has all that really matters in life; that will be my biggest task along with all the regular subjects.

I want you to know, too, how special a send-off you and Father John gave me at Harborview—to have you there gave me the strength to face the darkness until Jesus came for me.

I miss you all very much, and Jesus told me how much you all miss me, and then he pointed out that we can always replay the tapes of our lives to remember those special moments. Then he reminded me of the time he said, "I am with you always." Well, he said the same is true of us—I will be with you in spirit forever, just as Jesus is with you. I gave Jesus a high five when he reminded me of that—he is a cool guy.

You know we touched each other in life; I touched you and you touched me. Each of you went into making me who I am, and I'd like to think I helped you be who you are. If that is so, then I continue to live in you and you live in me.

Finally, thank you for celebrating my life today; it is special to know how much you are loved; I know I'm one very much loved boy and I love you all, too. Jesus says that is the key to life—loving each other. Remember his commandment, "Love one another as I have loved you."

I love you all.

WADE

Amen.

TRIBUTE TO MAYOR JAN RUDMAN

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. CALVERT. Mr. Speaker, throughout towns and cities across our nation there are individuals who are willing to step forward to dedicate their talents and energies to making life better for their friends and neighbors. The citizens of Corona, California, are fortunate to have such an individual in outgoing Mayor Jan Rudman.

Mayor Rudman's involvement with Corona city government, and community, began in 1994 when she was first elected to the Corona City Council. As a councilwoman she represented the community's concerns, set priorities for projects and plans of action, allocated funds, and made decisions essential to the future of Corona. Her energy seems endless, with the long list of her business and community involvements including: Circle City Rotary, 1993 Mayor's Task Force, Navy League, Corona Chamber of Commerce and First Congregational Church.

In 1998, the Corona, recognized her leadership and commitment and elected her mayor. Since then, she has accomplished many goals which have improved the community. One of her greatest accomplishments as mayor was the implementation of the "Partners in Community Service" program, implemented to recognize the many volunteer groups and organizations who have given back to the Corona community so graciously.

Mayor Rudman has made a lasting and positive impact in the Corona community. Her involvement and leadership has established a path for those individuals following in her footsteps. I would like to take this opportunity to thank Mayor Rudman for her dedication, influence and involvement in our community. She has served as an outstanding representative of municipal government. It is a great pleasure for me to congratulate Mayor Rudman for the outstanding job she has done as Mayor of Corona.

TRIBUTE TO J. THOMAS DE BRUIN ON THE OCCASION OF HIS RETIREMENT

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. PALLONE. Mr. Speaker, on Friday, November 19, 1999, Mr. J. Thomas De Bruin of West Long Branch, NJ, will be honored on the occasion of his retirement from the State of New Jersey's Office of the Public Defender, after 31 years of distinguished public service.

Mr. De Bruin served as a police officer in West Long Branch from 1967 to 1970. In October of 1970, he began working at the Public Defender's Office in what would prove to be a long and impressive career. From 1991 until his retirement, Mr. De Bruin was a Chief Investigator, and since 1995 he has been the Supervisor of the Polygraph Unit. He has been a certified polygraph examiner since 1982. His professional memberships include: the New Jersey Polygraphists, Inc., since 1983, and Past President 1997–98; the American Polygraph Association since 1986, including service on the Membership Committee 1998–99; and the Public Defenders' Investigators' Association of New Jersey, 1971–91.

Mr. De Bruin was also very active in community affairs. He served on a number of commissions and bodies in his home town of West Long Branch, including: the Zoning Board of Adjustment, the Sport Association, the Recreation Commission and the Historic Society. Mr. De Bruin is a Member of the Board of Trustees of the Old First United Methodist Church. He has served as Director of the West Long Branch Little League and as Treasurer of the Public School PTA. He has been a Webelos Leader of the Cub Scouts of America, and President of the Shore Regional High School Quarterback Club. He was a Manager/Coach of the first championship season of the West Long Branch Lions of the Seaboard Bigger League in 1971. Mr. De Bruin has also served as Musical Director of the Asbury Park and Red Bank Area Chapters of the Society for the Preservation and Encouragement of Barbershop Quartet Singing in America.

Tom De Bruin resides in West Long Branch with his wife Louise. They have two adult sons, Brian and Dominick, and a daughter-in-law.

Mr. Speaker, the Office of the Public Defender will be much the poorer with Mr. De Bruin's departure. But I am confident that Monmouth County will continue to benefit from his commitment to service and dedication to our community for many years to come.

TRIBUTE TO MR. GEORGE B. SALTER

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. RUSH. Mr. Speaker, I rise today to pay tribute to one of Chicago's unsung heroes, the late George B. Salter. His untimely death on October 24, 1999 will truly leave a deep void in our community.

Mr. George B. Salter was born in Hickory, Mississippi on October 13, 1916 to the union of Sallie Johnson Salter and Frank Salter. Mr. George B. Salter would later marry his high school sweetheart Louise Lucille Stroter. To this union two daughters were born, Brenda Yvonne Salter and Henrietta Louise Salter.

A Navy veteran, Mr. George B. Salter committed part of his life to protect the freedom of Americans and to further fight for the freedom of others around the world. While in the Navy Mr. George B. Salter was a member of the prestigious Navy band playing the trumpet while stationed in Earl, New Jersey.

Mr. George B. Salter was employed for over 40 years by the Chicago Burlington and Quincy Railroad (presently Burlington Northern Santa Fe Railroad) where he rose in the ranks and became the first African-American to be appointed to the position of crew supervisor. Mr. George B. Salter was a steadfast believer that with the proper amount of work anything was possible.

Mr. George B. Salter took an active part in his community. This was seen in his utmost consecration to his vocation as God's faithful servant. As a Senior Usher in charge of the Balcony at Liberty Baptist Church, George B. Salter enjoyed helping Liberty's official greeters bring their children upstairs. Mr. Salter brought hope and optimism to ordinary folks whose lives he touched so deeply never holding anyone at arm's length.

Mr. George B. Salter was a relentless community builder, a loving father, and a doting grandfather, completely unselfish in all of his endeavors. Mr. Salter leaves behind his devoted wife of 58 years Louise, his daughter Brenda Salter Jones married to James Jones Sr., Henrietta Salter Leak married to Spencer Leak Sr., and four beautiful grandsons James Jones Jr., Spencer Leak Jr., Stephen L. Leak and Stacy R. Leak. The man they called "Papa" will surely be missed.

My fellow colleagues please join me in honoring the memory of Mr. George B. Salter, a true beacon of the Chicago community.

HONORING JACK A. BROWN III

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. TOWNS. Mr. Speaker, I want to recognize the achievements of Jack A. Brown III.

Jack is a native New Yorker who was born and raised on the lower east side of Manhattan. He currently resides, in my district, in the Clinton Hill section of Brooklyn. Jack has had a distinguished 7-year career with the Correctional Services Corporation (CSC). The Corporation is a private company contracted by local, State and Federal Corrections Department to provide concrete services to the inmate population. As the vice president of Correctional Services Corporation Community Services Division, Mr. Brown maintains overall responsibility for the day to day operations of the five New York programs. These programs, three for the Federal Bureau of Prisons and two for the New York State Department of Corrections, are designed to provide inmates with the tools necessary to successfully reintegrate back into their prospective communities as self-sufficient, responsible, law abiding citizens.

Prior to his employment with CSC, Jack served as an officer in the United States Army's Air Defense Artillery Division for 4 years. He is a graduate of the State University of New York at Buffalo with a Bachelor's degree in Human Services, with a concentration in mental health, and Biology. During his academic years, he gained invaluable experience in the field of human services holding positions as Physiatrics Counselor, Chemical Dependency Counselor and Youth Counselor. In December, Jack expects to earn a double Masters degree, an MBA and a Master of Science and Economic Development, from the University of new Hampshire.

I wish Jack Brown success in his future endeavors and I commend his achievements to my colleagues' attention.

INDIA PROTESTS POPE'S VISIT

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. BURTON of Indiana. Mr. Speaker, I was disturbed to learn of the organized protests against Pope John Paul II in anticipation of his recent visit to India. In fact, many would tell you that there was more reason to worry about his safety on this trip than when he traveled to communist Poland under martial law. Although the Pope left the country safely, I cannot forget the ghastly image printed by the media of Hindu activists burning an effigy of Pope John Paul II in New Delhi before his visit.

Mr. Speaker, these protests were led by a violent faction of Hindu fundamentalists that are closely aligned with the Hindu nationalist government. They have carried out a wave of brutal attacks on Christians within the past year. Since Christmas Day of 1998, they have burned down Christian churches, prayer halls, and schools. Also, four priests have been murdered, and earlier this year Australian missionary Graham Staines and his two young sons were burned alive.

How much more of this must we witness? Already 200,000 Christians, 250,000 Sikhs, 65,000 Muslims, and tens of thousands of others have fallen at the hands of either the Indian government or those closely related to the government since the subcontinent's independence a half-century ago.

Mr. Speaker, I submit the articles from India Abroad and the New York Post into the RECORD regarding this disturbing issue.

[From the New York Post, Oct. 28, 1999]

POPE'S PASSAGE TO INDIA MAY BE MOST PERILOUS YET

(By Rod Dreher)

Will Pope John Paul II be safe in India? There is more reason to worry for the pontiff's welfare as he visits the world's largest democracy next week than there was when he went to communist Poland under marital law.

That's because a small but violent faction of Hindu fundamentalists aligned with the Hindu nationalist government have been conducting an organized campaign against the pope as part of a concerted effort to demonize and persecute the country's tiny Christian minority.

The government promises to protect the Holy Father from coalition fanatics. But while John Paul can rely on state security, his Catholic followers and Protestant brethren remain at the mercy of Hindu brownshirts.

These thugs have carried out vicious attacks on Christians since a coalition led by the hard-line Bharatiya Janata Party (BJP) came to power two years ago.

Freedom House, the Washington-based human-rights organization, says there have been more recorded incidents of violence against India's Christian minority in the past year than in the previous half-century.

The most shocking incident took place in January, when Hindu thugs burned alive Australian missionary Graham Staines and his two little boys. That was far from an isolated incident.

In 1998, the Catholic Bishop's Conference in India reported 108 cases of beatings, stonings, church burnings, looting of religious schools and institutions, and other attacks on Catholics and evangelicals.

It has been just as bad this year. Just last month, a Catholic priest working in the same territory as the Staines family was murdered while saying Mass for converts, his heart pierced by a poison-tipped arrow.

Why the attacks? Hindu nationalist leaders, particularly those associated with the BJP-allied World Hindu Congress (VHP), claim Christians are on "conversion overdrive."

This is preposterous. Despite being present in India for almost 2,000 years, and educating hundreds of millions of Indian children, Christianity claims the allegiance of less than 3 percent of the country's people.

Even in Orissa state, site of the worst anti-Christian violence, fewer than 500 conversions occur each year.

Still, Hindu nationalists continue to make wild-eyed assertions, such as VHP leader Mohan Joshi's recent statement that missionary homes run by Mother Teresa's order were "nothing but conversion centers."

Not true, but if it were, so what?

We know perfectly well what would have become of the diseased and the destitute had Mother Teresa's nuns not rescued them from the street: They would have been left to die in the gutter, condemned by a culture that decrees these lowborn souls deserve their fate.

"What has the VHP done to better the life of the low castes? The answer is nothing," says Freedom House investigator Joseph Assad.

"When I was in India, I talked to one Christian who was forcibly reconverted to Hinduism. He told me when no one cared for us, Christians came and gave us food, gave us shelter and gave us medicine."

An Indian Protestant activist who lives in New Jersey told me BJP rule has meant open season on followers of Christ.

"The last two years have been unprecedented," the man says.

"They have burned churches down, raped nuns, killed people. We complain to the government, but they look the other way."

The Hindu militants certainly do not represent the sentiments of all Hindus. But these thugs have the tacit support and protection of the ruling BJP. Indeed, the BJP Web site condemns "Semitic monotheism"—Judaism, Christianity and Islam—for "bringing intolerance to India."

This is what is known to professional propagandists as the Big Lie. No wonder Hindu hard-liners confidently pillage Christian communities.

How many more Hindu-led atrocities will Christians and others suffer before Prime Minister Atal Behari Vajpayee calls off the nationalist dogs?

Will it take a physical assault on the Holy Father for the world to wake up to the kind of place Gandhi's great nation has become.

[From India Abroad, Oct. 29, 1999]

PROTEST MARCH LAUNCHED AGAINST THE POPE'S VISIT

(By Frederick Noronha)

PANAJI, GOA.—Hindu right-wing groups flagged off a Goa-to-Delhi protest march on Oct. 21 that could fuel the controversy surrounding Pope John Paul II's visit to India, scheduled for early November.

The campaigners are protesting what they call large-scale conversions to Christianity in India and want the Pope to say that all religions are equal.

The protest march, which is scheduled to end in Delhi around the time of the Pope's visit, is being called a "Dharma Jagran Abhiyan." It was flagged off from Divar, an island off Old Goa, once a center for Catholic evangelization.

"This awareness march is for people of all religions. Christians are brothers of the same blood," said Subhash Velingkar, one of the organizers of the march.

Velingkar lashed out at the English language media for voicing concern that the march could ignite anti-Christian feelings.

At the same time, however, Velingkar condemned religious conversions saying that they changed "not just the religion of people, but also their culture and traditions."

He criticized Delhi Archbishop Alan de Lastic for "sending an SOS message to the Vatican" complaining about the situation in India. "Why should people from India complain to the Vatican?" he asked.

Velingkar reiterated the demand voiced by the Vishwa Hindu Parishad (VHP), the right-wing affiliate of the Bharatiya Janata Party (BJP) which leads the coalition government at the Center, that the Pope should make an admission in his public address at Delhi that all the religions are the same and all lead to salvation.

The VHP last week once again welcomed the Pope's visit, stating that it was not against Christianity, but was opposed to "Churchainity."

A VHP affiliate, the Sanskriti Raksha Manch, has already demanded an apology from the Pope for the atrocities committed during Inquisition in Portuguese-ruled Goa in the 16th century.

From Goa, the march passes through Belgaum, Nipani, Mumbai, Kolhapur and Nashik in Karnataka and Maharashtra, before entering Gujarat, Rajasthan and Madhya Pradesh and then onward to Delhi, covering the 1,300-mile route in about a fortnight. It will reach Delhi by the time of the Pope's visit on Nov. 5.

Newspaper reports quoted Manohar Parrikar, the BJP Leader of the Opposition in the Goa Assembly, as saying that his party was neither opposing nor supporting the march.

He said the movement's leadership was not under the control of the BJP and while individual members of the party were free to join it, the party could not be held responsible for any untoward incident arising from the march.

IN HONOR OF MARGE WILK, RECIPIENT OF THE "VOLUNTEER OF THE YEAR" AWARD FROM THE BAYONNE HISTORICAL SOCIETY, INC.

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Mrs. Marge Wilk, a life-long resident of Bayonne, New Jersey, for her dedicated service to the Bayonne Historical Society, and for being named this year's "Volunteer of the Year."

Mrs. Wilk began her remarkable career in volunteerism with the Bayonne Historical Society, an organization of residents dedicated to preserving the history of this great city. Serving as a trustee for this organization for many years, Mrs. Wilk worked to foster the growth of the Society.

In addition to her work with the Bayonne Historical Society, Mrs. Wilk became an active member of numerous civic and educational organizations, playing a vital role in their growth. She served as recording secretary of Marist High School PTA, president of Holy Family Academy Mothers Club, and president of the Holy Family Academy Alumni Mothers Club for eight years.

A graduate of Bayonne High School and the Horace Mann School, Mrs. Wilk is currently a trustee on the Board of the Bayonne Economic Opportunity Foundation and is the recording secretary of the Colgate Retirees Association. She is also a volunteer member of the Communications Committee of B21C, Bayonne in the Twenty-First Century.

Mrs. Wilk, wife of the late Henry Wilk, has worked as an advertising representative at the Bayonne Community News for the past 15 years and in the business office of the Bayonne Times for the past 19 years. She is the mother of four children and the grandmother of Evan and Nicolas.

Mrs. Wilk exemplifies what we appreciate most in the human spirit and provides a living example of what we all should strive for in our everyday lives. For her service to the residents of Bayonne, and for her hard work for the Bayonne Historical Society, I ask my colleagues to join me in honoring Mrs. Marge Wilk as "Volunteer of the Year."

A FOND FAREWELL TO I. MICHAEL HEYMAN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. STARK. Mr. Speaker, I rise today to pay tribute to my good friend I. Michael Heyman. As his friends and colleagues gather to honor his retirement from the Smithsonian Institute and his years of service to the University of California Berkeley, I would like to share with the House some of the highlights of Secretary Heyman's distinguished career.

I. Michael Heyman became the 10th secretary of the Smithsonian Institution on Sept. 19, 1994. He heads a complex of 16 museums and galleries and the National Zoological Park, as well as scientific and cultural research facilities in 10 states and the Republic of Panama.

Secretary Heyman served as chancellor of the University of California at Berkeley from 1980 to 1990. He began his career at Berkeley in 1959 as an acting professor of law and became a full professor in 1961. His distinguished teaching career has included service as a visiting professor of law at Yale (1963–1964) and at Stanford (1971–1972).

A strong leader and active fundraiser, he strengthened Berkeley's biosciences departments and successfully promoted ethnic diversification of the undergraduate student body while maintaining high academic standards. The university maintains several large museums and, as chancellor, he actively participated in their supervision.

His distinguished career includes serving as counselor to Secretary of the Interior Bruce Babbit and as deputy assistant secretary for policy at the Department of the Interior from 1993 to 1994. He is also a member of the state bars of California and New York.

Born on May 30, 1930, in New York City, I. Michael Heyman was educated at Dartmouth College, earning a bachelor's degree in government in 1951. After a year in Washington as a legislative assistant to Senator Irving M. Ives of New York, he served in the United States Marines as a first lieutenant on active duty from 1951 to 1953, and as a captain in the reserves from 1953 to 1958.

Secretary Heyman received his juris doctor in 1956 from Yale University Law School, where he was editor of the Yale Law Journal. He was an associate with the firm of Carter, Ledyard and Milburn in New York City from 1956 to 1957. He was chief law clerk to Chief Justice Earl Warren from 1958 to 1959.

Over the years, Secretary Heyman has served on and chaired numerous boards and commissions, including almost four years as a member of the Smithsonian's Board of Regents (1990–1994). He has dedicated more than a decade of service to Dartmouth, his alma mater, as a member of its board of trustees from 1982 to 1993 and as chairman of the board from 1991 to 1993. Heyman has also been a member of the board of trustees of the Lawyers' Committee for Civil Rights under Law since 1977.

He is married to Therese Thau Heyman, senior curator on leave from the Oakland Museum in California. Their son, James, is a physicist and teacher.

I join my California colleagues in gratitude and appreciation for Secretary Heyman's contributions to education, law, culture, and above all, public service. His is a career we can only hope others will emulate. We congratulate him on a successful and fulfilling professional life, and we wish him well.

TRIBUTE TO WORCESTER ACADEMY COACH TOM BLACKBURN

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. McGOVERN. Mr. Speaker, I rise today to pay tribute to a great coach and a tremendous athletic director, Tom Blackburn. Tom will be the recipient of a much-deserved "Banner Celebration" on November 21 at Worcester Academy's Daniels Gymnasium. Tom Blackburn came to Worcester Academy in the Fall of 1973 and retired this past spring. He holds the best coaching record in the school's basketball history, including 7 New England Class A Prep School Championships. As a graduate of Worcester Academy, I am proud to have this opportunity to congratulate Tom Blackburn on his achievements.

Mr. Speaker, I know my colleagues join me in paying tribute to Tom Blackburn for his dedication to his players, his school and his community. He is a treasured friend, and I wish him a happy and healthy retirement.

At this point, Mr. Speaker, I include for the RECORD an article on Tom Blackburn from Worcester Academy's alumni magazine, The Hilltopper.

THE BLACKBURN ERA COMES TO AN END

Late in the afternoon of February 27, Tom Blackburn made his final substitutions against Bridgton at the last home game of the season as his twenty-six year career as athletic director and coach at Worcester Academy drew to a close. Though Tom would have greatly preferred a different outcome (Bridgton won 73–64), the game itself was merely a prelude to an afternoon of moving tributes from former colleagues, players, current faculty, family and friends. Of these it was Dee Rowe '47 who seemed to capture the essence of Tom Blackburn: "I will always be grateful to Tom for distinguished service to Worcester Academy. He is an outstanding educator and a man of great honor and integrity."

As part of the celebration, a banner was hoisted commemorating Blackburn's coaching record at the Academy. It is a lofty record indeed. In addition to being the basketball coach with the most wins in the Academy's history (he has been at the helm for 395 of the 895 wins Worcester Academy has posted since 1917), coach Blackburn's team have also made impressive showings in the New England Class A Tournament Championships. Twenty-four of his twenty-six squads qualified for post-season play with eleven reaching the finals and seven earning championships. That's one championship team for every three-and-a-half years of coaching.

Tom Blackburn has also nurtured some great players over his quarter-century career. Former Boston Celtic player and current Indiana Pacers Assistant Coach Rick Carlisle '79, ex-LA Clipper Jeff Cross '80 and University of Maryland Center Obinna Ekezie '95 [as of fall '99, now of the NBA's Vancouver Grizzlies] come immediately to mind.

Morgan "Mo" Cassara '93, Tom's successor as basketball coach, commented, "My post-graduate year at WA was the greatest experience of my life athletically. Tom's discipline and style of coaching inspired me to become a coach too."

In 1995 Tom Blackburn was inducted into the Academy's Hall of Fame, evidence of his long-term impact and positive influence on its students and on the Academy as a whole.

Headmaster Dexter Morse reflected that, "Tom has been more than just a head coach and athletic director. He has been a wonderful representative of our school both in the Worcester community and in the greater independent school arena. He will always be known for his strong character, his dedication to teaching and his love for his family and his school. He is without question an inspiration to us all."

TRIBUTE TO RETIRED NATIONAL WEATHER SERVICE CENTRAL REGION DIRECTOR RICHARD P. AUGULIS

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to pay tribute to Richard P. Augulis on the occasion of his retirement as Director of the National Weather Service Central Region headquartered in my Congressional District.

A 35-year employee of the National Weather Service, part of the Department of Commerce's National Oceanic and Atmospheric Administration, Mr. Augulis has always held public safety as the first priority in his career, whether as a forecaster or as an office and regional manager. He recently retired after 12 years as Director of the 14-state Central Region and is currently enjoying his retirement in Las Vegas, where he relocated to be near his family.

Mr. Augulis joined the National Weather Service in August 1961 as a Weather Bureau Student Trainee at WBAS Midway Airport in Chicago while attending St. Louis University. He earned his Bachelor of Science in Meteorology in 1963 and added a Masters Degree in 1967. His distinguished career included a variety of forecasting and management positions with the National Weather Service in Salt Lake City, Utah; to Anchorage and Fairbanks, Alaska; Garden City, New York; and finally, to Kansas City.

As meteorologist in charge of the new Fairbanks Weather Forecast Office beginning in 1974, Mr. Augulis presided over a staff that operated service programs during the exciting and challenging times of the Trans-Alaska Pipeline construction.

Mr. Augulis' leadership was invaluable to employees during the mid 1970s transition from teletype machines to computers as the Automation of Field Operations (AFOS) communications network was implemented by the National Weather Service.

Mr. Augulus' last decade with the National Weather Service included the largest modernization and reorganization ever undertaken by the agency. He helped guide his Region through the introduction and implementation of sate-of-the-art Doppler radar, computer-enhanced weather modeling and forecasting, and restructuring from more than 300 offices of varying sizes and capabilities to an efficient network of 123 Twenty-First Century Weather Forecast Offices across the United States.

Mr. Augulis served proudly as an employee and a manager of the National Weather Service. He is a distinguished executive branch employee whose accomplishments reflect credit on himself, the National Weather Service, and the United States of America.

Mr. Speaker, on this occasion, please join with me, his family, friends, and colleagues as we honor Richard P. Augulis on his retirement from the National Weather Service and on his outstanding contributions to our region.

A TRIBUTE TO AN AMERICAN VETERAN—MR. JESSE CONTRERAS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. UNDERWOOD. Mr. Speaker, last week on the last Veterans Day of this century, President Clinton recalled the honor, duty and sacrifice of those soldiers, sailors and airmen who did not make it back home to America. He articulated a point that is worth quoting, for it poignantly captures a notion that is often not realized.

President Clinton's impassioned address stated that:

> [T]he young men and women who have died in defense of our country gave up not only the life they were living, but also the life they would have lived—their chance to be parents; their chance to grow old with their grandchildren. Too often when we speak of sacrifice, we speak in generalities about the larger sweep of history, and the sum total of our nation's experience. But it is very important to remember that every single veteran's life we honor today was just that—a life—just like yours and mine. A life with family and friends, and love and hopes and dreams, and ups and downs; a life that should have been able to play its full course.

Taking the President's words to heart and remembering our fallen heroes, I would like to describe the life of a very special man who bravely fought for this nation, was wounded in combat, survived the ardors of war, and came home to live a long life as a husband, a father, and a grandfather.

Private, First Class (PFC) Jesse Contreras, a California native, was drafted into the United States Army as an infantryman during the Second World War. As a Mexican-American during the 1940s, he may not have been completely accepted by his country and may have been seen by some as a second-class citizen. Jesse Contreras held no grudges, however, and when his country called upon him to defend the very freedoms and rights that may not have been fully extended to him or his family, Jesse did not hesitate. After basic training, PFC Contreras was bound for Europe as part of the 104th Timberwolf Infantry Division, 413th Infantry Brigade, 3rd Battalion, Company "I", under the brilliant command of Major General Terry de la Mesa Allen, himself an Hispanic-American.

The Timberwolves entered the war in the Autumn of 1944 and had quickly become legendary for the ferocious fighting that took place and because the men quickly proved themselves as agile combatants against the deeply entrenched and veteran units of the German Wehrmacht in France. The Division was engaged in sustained combat for approximately 195 days across Northern France towards the German frontier. The Allies were methodically driving the German forces from France. It would be only a matter of time before the Allies would be fighting on German soil on the way to Berlin. As the vice closed in on Germany, Hitler and the German General Staff planned for one last offensive against the Allies.

The strong German offensive, launched the morning of December 16, 1944 became known as the "Ardennes Offensive" or "Battle of the Bulge" and the 104th was directed to prepare an all-out defense of its sector. This delayed the planned crossing of the Roer river until 3:30 a.m., February 23, 1945 when the major offensive action to reach Cologne was begun. The Rhine was reached on March 7, 1945 whereupon Time Magazine reported, "The Germans fought for the Roer River, between Aachen and Cologne, as if it were the Meuse, the Marne, and the Somme of the last war all rolled into one." It was in this final German offensive that PFC Contreras's story comes to light.

The 104th Division had been engaged in fierce combat from the Roer River to the Rhine in an attempt to repulse the German onslaught. During one particularly fierce fire fight, PFC Contreras was wounded from a German grenade. The wound was not too serious to prevent PFC Contreras from continuing to fight but he quickly found that Company "I" had become overrun by the Germans. Captured, he and his fellow Timberwolves found themselves face to face with the treacherous Nazi soldiers.

The head German officer ordered that all the Americans line up. The Nazi officer, who spoke English but with a thick German accent, went down the line of his American prisoners one by one to demand information from them. With submachine guns pointed at the men of Company "I", the German officer who held a lead pipe in hand began barking orders and interrogating his captors.

PFC Contreras as a Mexican-American spoke both English and Spanish but since Spanish was his first language, he had trouble understanding the commands of the German officer. Believing that PFC Contreras was making fun of him or just being recalcitrant, the German officer struck him in the skull with the lead pipe, knocking him out. Before PFC Contreras and his fellow P.O.W.'s were moved to a German Camp, they were liberated by an advancing column of G.I.'s pushing back the Germans.

PFC Contreras was then transferred to a military hospital in England and eventually sent to recover in Ft. Houston, Texas. It was during his recovery that Germany had surrendered. PFC Contreras was soon discharged in September 1945 where upon he became Jesse Contreras, a civilian once again. For his wounds sustained through action with the enemy, PFC Contreras won the Purple Heart medal.

After the war, Jesse Contreras returned home to his wife and began raising his family. In 1998 Jesse passed away having lived a long and fruitful life full of stories, a beautiful wife and a big family that included 6 children, 16 grandchildren and 31 great-grandchildren. Jesse's legacy of service was passed along to subsequent generations of the Contreras family. His son Alfred Contreras became a U.S. Marine during the Vietnam War. And currently two of Jesse's grandchildren are in the Marine Corps while one other grandchild is about to become a Marine.

The life of this remarkable man was meaningful to me because as a little boy, he and his family lived across the street from us when my own family lived for a time, in Norwalk, California. His wife, Mary, and their family became especially close to us and they have always been helpful to us. In many ways I was a member of their family as well.

Jesse Contreras would entertain us for hours with many stories of his exploits during World War II. While he did not win the Congressional Medal of Honor he served his country selflessly and with honor like so many millions of other veterans. He was an average 24-year-old who was asked to do incredible things in the face of enemy fire and even risk his life for his country. It is all the more remarkable when you consider that like most men of his generation he was simply doing what was expected of him. In the years after the war, he remained in close contact with those survivors of Company "I" and attended many reunions of the 104th Timberwolves Association with his wife Mary.

Jesse was the typical veteran of World War II in that he fought for his country and asked little in return. He became a great family man whose influence extended to his neighbors like me. It was because of his experience as a wounded veteran struggling to keep a family afloat that helped make him strong of character and a role model for me. His sacrifice was part of a proud tradition of Mexican-Americans who fought with valor and patriotism during all of America's wars.

Mr. Speaker, this was one story about one life, among millions from that greatest of generations. It was a story about a regular family man who as a result of simply doing his duty shed his blood for his country. It was a story about a man who faced the incredible horrors of armed conflict and came home to raise a wonderful family. The United States was built by people like Jesse Contreras and is in many ways the land of the free because it is the home of the brave.

Mr. Speaker, I want to thank Mr. Contreras for his service to his country and for the kindness he showed me as a little boy. I want to also thank his wife Mary and her children who continue to be an inspiration for me for the strength and love of family that they continue to share to this very day. The world is a safer place because of the likes of Jesse Contreras and the millions of other American veterans. It was an honor to have known him and to have learned from him. May God bless his family and God bless the United States of America. Thank you.

TRIBUTE TO CARLOS BELTRÁN

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mr. Carlos Beltrán, an outstanding Puerto Rican athlete and a very successful baseball player. On November 10, 1999, Carlos was selected as the 1999 American League Rookie of the Year by the Baseball Writers Association of America. Carlos previously was honored as the league's top rookie by Baseball America, the Sporting News, and Baseball Digest.

Born in Manati, P.R., Carlos turned in Rookie of the Year numbers, hitting at a .293 clip with 112 runs scored, 22 home runs and 108 RBIs. He became the first American League rookie to collect 100 RBIs in a season since Mark McGwire in 1987 (118) and the first big league rookie with 100 RBIs since Los Angeles' Mike Piazza in 1993 (112).

Mr. Speaker, Carlos was the Royals' 2nd-round pick in the 1995 June Free Agent Draft. He has never played a game at the Triple-A level, as he made the jump from Double-A Wichita to Kansas City in September of last season. The 22-year-old was second in the American League with 663 at-bats, tied for third with 16 outfield assists and was seventh with 194 hits. He led A.L. rookies in runs, hits, home runs, RBIs, multi-hit games (54), total bases (301), stolen bases (27) and on-base percentage (.337).

Carlos Beltrán established numerous Royals rookie records in 1999, as he produced one of the best all-around seasons of any player in club history with 22 homers, 27 stolen bases, 108 RBIs, 112 runs and 16 outfield assists.

Through his dedication, discipline, and success in baseball, Mr. Beltrán serves as a role model for millions of youngsters in the United States and Puerto Rico who dream of succeeding, like him, in the world of baseball.

Mr. Speaker, I ask my colleagues to join me in congratulating Mr. Carlos Beltrán for his contributions and dedication to baseball, as well as for serving as a role model for the youth of Puerto Rico and the U.S.A.

AFRICAN-AMERICAN INITIATIVE FOR MALE HEALTH IMPROVEMENT

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Ms. KILPATRICK. Mr. Speaker, I rise today to call attention to a tragic health care crisis that currently exists among African-American men in my state of Michigan, as well as across the nation, with regard to undiagnosed and undertreated chronic disease. Research has established that African-Americans exhibit a greater prevalence of chronic diseases than the general population—including diabetes, hypertension, eye disease and stroke. And African-American men often suffer disproportionately.

For example, diabetes is the leading cause of morbidity and mortality in African-American men. Persons affected by diabetes suffer higher rates (often double) of serious preventable complications, including blindness, lower extremity amputation and end-stage renal disease. Poorly controlled diabetes is also a "gateway" condition in that it leads to cardiovascular disease (including hypertension), accounting for more than two-thirds of diabetes-related deaths. These unnecessary deaths are due to underlying atherosclerotic cardiovascular disease and result in heart attacks.

Uncontrolled diabetes progressively leads to deterioration in health status, poorer quality of life, and ultimately, premature mortality. It is increasingly clear that serious measures must be implemented in the short-term to address the chronic disease health crisis affecting African-American men in Michigan and to turn these troubling statistics around for the longer term.

Scientific studies show that these complications are preventable, and measures to implement prevention plans must be taken now. As the Federal Government evaluates the investment it should make in this particularly important area of minority and community health, I would strongly encourage cultivating partnerships with integrated health systems in the private sector who have years of substantive experience in designing highly effective community-based health programs.

I have recently become aware of the successful efforts of the Henry Ford Health System in Detroit, MI, to address the crisis through the establishment of the African-American Initiative for Male Health Improvement (AIM–HI). AIM–HI is reaching out with screening and assistance for people who suffer prevalent chronic diseases. AIM–HI provides test results, patient education and participant referrals, monitoring appointment compliance and providing assistance with finding treatment for underinsured participants who test positive. The locus of AIM–HI program services is in the Metropolitan Detroit area, where 75 percent of the Michigan target population resides. In order to reach the largest number of people in the African-American male population, AIM–HI provides program services throughout the community at churches, community centers, senior centers, parks, barber shops, union halls, and fraternal organization halls.

In addition to screening, educational, and treatment access services, AIM–HI is also developing a tool to evaluate the quality of health care delivered to African-American men with diabetes and other chronic diseases. This "report card" assesses health care quality and effectiveness across a set of performance indicators that have been developed jointly by a panel of experts and community representatives. This initiative, sponsored by the Henry Ford Health System, is now in an embryonic stage and has had to confine itself to a narrow target population and program scope due to limited resources. Yet, it is resoundingly clear that this particular model has the potential to make a significant impact in affecting positive outcomes and health status improvement for African-American males.

I would hope that as the Department of Health and Human Services develops its budget for Fiscal Year 2001, strong consideration will be given to investing federal resources in collaborative partnerships with integrated health systems in urban settings that have the expertise to develop innovative models for minority health improvements.

Mr. Speaker, I would like to thank the Chairman of the Labor, HHS, Education Appropriations Subcommittee, Mr. PORTER, and the ranking minority member, Mr. OBEY, for their clear commitment to improving the quality of health care for all Americans in Fiscal Year 2000. I look forward to working with the Subcommittee in the next session of Congress to increase support for critically needed minority health initiatives.

RECOGNIZING THE CONTRIBUTIONS OF SONOSITE, INC.

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. INSLEE. Mr. Speaker, I rise today to recognize SonoSite, Inc., a company located in my home State of Washington. SonoSite, is a spin-off from ATL Ultrasound, has revolutionized the quality and portability of ultrasound equipment by using advanced technology to provide for ultrasound delivery through a hand-held device. Physicians and their patients around the country will benefit from this new high-tech, ultra-portable diagnostic tool that is expected to expand the use of ultrasound in medical care.

Originally designed for the military under ATL Ultrasound, SonoSite's ultrasound system pioneers an advanced high performance, miniaturized all-digital broadband technology platform in a compact, lightweight system. This allows the simultaneous acquisition and interpretation of images, and provides the ability to diagnose conditions in any clinical or field setting. This advancement promises to alter current paradigms in routine patient care—at the patient's bedside, an imaging facility, or even a remote location.

Initially available for use in obstetrics, gynecology, and emergency medicine, this ultrasound technology will enable trained physicians to significantly expand the routine use of ultrasound for faster, more accurate patient evaluations anytime, anywhere, resulting in better patient care. Patients may benefit by avoiding "waiting trauma," the anxiety felt by both patients and physicians when a problem is indicated but diagnostic answers are not available at the point of care.

I recognize the work being done by the Agency for Health Care Policy and Research (AHCPR) to complete outcome-based studies assessing routine use of ultrasound in the assessment of abnormal uterine bleeding. I urge the continued partnership between the Agency and SonoSite to best meet the needs of patients and physicians.

The SonoSite ultrasound system is a highly accessible advance in medical technology—both in terms of portability and cost. The low cost of the new system can result in improved healthcare delivery at a time when health clinics and hospitals are facing additional cuts in their day to day financial operations. The portability of this new technology can allow physicians to expand the use of ultrasound in practice by adding an ultrasound machine to every exam room or otherwise supplementing current stationary ultrasound equipment.

I recognize SonoSite, Inc. for its efforts to maximize the use of innovative technology to advance the heavily-utilized ultrasound system as we move into the 21st century. Their efforts in partnership with the AHCPR, will result in quality, portable, and affordable medical care that will have a positive effect on my constituents in the State of Washington, and to others across the country.

In a State known for medical innovation and technological ingenuity, SonoSite deserves recognition for its pioneering technology.

INTRODUCTION OF STB MODERNIZATION BILL STATEMENT

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. NADLER. Mr. Speaker, today, I am introducing the Surface Transportation Board (STB) Modernization Act. Our rail freight system is an integral part of the distribution of goods across the Nation. The safe and efficient movement of rail freight in this country is an important, though at times unnoticed, part of the economy and the lives of everyday citizens. We take for granted that this system is working properly until goods do not arrive on supermarket shelves or the cost of heating our homes skyrockets due to costs caused by shipping delays.

The trend of carriers to consolidate has left the Nation with only six major railroads. As a result of these mergers, new problems and issues have been created that were not addressed in the Interstate Commerce Commission Termination Act, the law that created the STB. This bill attempts to address those issues and would improve the efficiency of the Nation's rail system and address many of the concerns of labor, shippers, and communities.

First, this bill would provide necessary protection to rail workers by ending "cram down." Cram down occurs when merging railroads override collective bargaining agreements with workers and "cram down" new terms on the workers to realize merger benefits. The STB has approved this practice for far too long. Under this bill, a collective bargaining agreement could be modified only if both the rail carriers and affected laborers agree. In addition, the existing minimum level of labor protection would be codified.

Second, this bill would improve the efficiency of shipping in several ways. It would bring an end to "bottlenecks" along rail lines. In bottlenecks, the STB allowed one rail carrier to prevent or discourage a shipper from interchanging with another rail carrier for more direct service by refusing to quote a rate or quoting an excessive rate along its portion of a line. In addition, this bill would broaden the STB's authority to transfer or direct the operations of a line and ease the ability of a carrier to gain access to terminal facilities; and narrow the exemption from antitrust laws that railroads currently enjoy.

Third, the bill contains several miscellaneous provisions that would address problems faced by rail carriers, shippers, and the public. The bill would reduce fees for bringing disputes before the STB, provide tax relief for carriers that invest in their rail yards, and codify the STB's decision to eliminate the requirement that shippers show an absence of product and geographic competition in rate cases.

Fourth, this bill would create a Federal Railroad Advisory Committee to study, among other things, the efficiency, maintenance, operation, and physical condition of the Nation's rail system. After 2 years, the Committee would make recommendations for improving the system to Congress and the President.

Overall, the STB Reauthorization Act of 1999 would guarantee that our Nation's rail system will be competitive, efficient, and safe as we enter the 21st century.

REMARKS OF DR. RUTH MERCEDES-SMITH

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. MANZULLO. Mr. Speaker, I am proud to take this opportunity to commend this speech given by Dr. Ruth Mercedes-Smith, President of Highland Community College on Freeport, Illinois, to my colleagues and other readers of the RECORD.

LEARNING BEGINS AT HOME

My topic today is "Learning begins at home." But let me be up-front about this topic. While learning does begin at home, we live, unfortunately, in a time when homes are not prepared to meet this challenge. Therefore, people like you and institutions like Highland Community College must join hands and help parents and families prepare themselves to make it happen.

Did you know that 50% of intellectual development takes place between birth and four years of age? That means that parents are important teachers. They provide the foundation for a child's learning skills at home. But, as I said earlier, many parents are not prepared to develop a learning environment. Consider the following statistics: According to a 1992 National Adult Literacy Survey, approximately 22% of America's adults have difficulty using certain reading, writing, and computational skills considered necessary for functioning in daily life. These adults, in general, are operating below the 5th grade level. Of the over 40 million adults with literacy needs, only 10% are enrolled in programs to assist them in improving their skills. Forty-three percent of adults at the lowest literacy level live in poverty. This contrasts with only 6% of those at the two highest literacy levels. Individuals with low literacy skills are at risk of not being able to understand materials distributed by health care providers. Adults with strong basic skills are more likely to ensure good health for themselves and their children. Teen pregnancy rates are higher among those with lower literacy skills.

Seventy-five percent of food stamp recipients performed in the two lowest literacy levels. In addition, 70% of prisoners performed in the two lowest levels. In a 1995 comparison of literacy among seven countries, the United States ranked next to last, when measured against Canada, Germany, Netherlands, Poland, Sweden, and Switzerland. Clearly a large percentage of our parents are adults at-risk. The question is, "What will our communities do to help them?" As a result of the lack of learning that takes place in the home due to parents who do not have the necessary educational skills we also find that we have large numbers of children who face major barriers as they grow toward adulthood.

Let me tell you about these children: Children who don't have the basic readiness skills when they enter school are 3 or 4 times more likely to drop out in later years. Children's chances for success in school are greatly affected by the educational attainment of their parents. A parent's education level is the single best indicator of a child's success in school. Parents who have books in the home and read to their children have children who are better readers and better students. When parents are involved in helping their school-age children with their schoolwork, social class drops out as a factor in poor performance.

Yes, large numbers of our children are at-risk. Again, I ask the question, "What will our communities do to help them?" An ancient saying from Africa sums it up well: "It takes an entire village to raise a child." I know Hillary Clinton used this as a book title, but I had used these words long before she made them famous. Think about that for a moment. It takes an entire village to raise a child. It seems to me that Freeport is a village in one sense of that word and that Freeport is of a size that could manage this type of challenge. The same applies to Lena, Stockton, Mt. Carroll, Forreston, and other towns in our region. You see, I have a vision. You are among the first to hear it. My vision is that every town in our community college district will become engaged in this educational challenge and that every town will decide that by the year 2010 every person in that town will have the skills they need to become self-sufficient—whatever the age. Does that sound plausible to You? Do you think it would be too difficult to accomplish? Well, I know we can do it. And I'll tell you why.

First of all, we have several programs from the college that lay the groundwork for such an initiative. One set of services is run by our Adult Education program. Their classes meet across Highland's district. This includes basic skills. GED prep, JobSmart, English-as-a-Second-Language or ESL, and short-term training. Last year these programs served 898 adults. Classrooms are aided by volunteer tutors who meet with students at these sites or at the homes of the tutors or the students. As you can see, this is a very flexible program designed for easy access for students. So here is the first challenge to you. How about becoming a tutor and helping an adult improve reading, writing or math skills? That adult, in turn, will help his or her children and thus we will break the cycle of unpreparedness. Tutors must take 12 hours of training, which is provided at all of our sites on selected evenings or Saturdays. During the last year, the Adult Education program taught 200 students in GED prep and 148 students obtained their GED diploma. I wish you could attend one of those graduations because you would be impressed. Families, including children, attend and celebrate with the graduates. Each year several of them are selected to speak to the group. Once one of the speakers told how her husband had lost his job and could not find another. They both decided to earn their diplomas and not only did they graduate together but he found two jobs. Now that is success! The year before that tears were shed when an 80 year old grandmother, who had conquered cancer, spoke about her desire to have a diploma to show her grandchildren that education was important.

A second program at HCC was developed several years ago when two Highland Foundation members became concerned about the cycle they were seeing in their little community of Mt. Morris. Parents who had not succeeded in school were raising children who seemed to be starting the cycle again. They came to the college to try to determine what types of services might help. They decided to begin a Parents as Teachers program. We worked with them and managed to find some seed money to start them on their way. This program served both parents and children. In the parent segment they created an activity in class that reinforced or taught school readiness; for example, shapes, numbers, and the alphabet. They learned how to work with their children in doing these activities at home. There was also a "parenting" component of the class where they shared concerns about family life and discussed solutions. The children attended separate classes, at the same time, with professional childcare workers. Their program goals were primarily physical, social and emotional rather than academic. Ages ranged from 3 to 5. Free transportation was provided for parents and children. This was a key ingredient. In addition, childcare reimbursement was available for children under 2. Recruitment was done through agency referrals such as the Department for Human Services and Head Start.

As the needs of the community have evolved, so has the program. The next iteration was the JobSmart program, which prepared parents for employment while simultaneously working on their parenting skills. Next, an ESL family literacy program was added to address the language needs of a growing Hispanic population in Mt. Morris. Currently, the community is working with us to establish a short-term training program. It has become clear to employees and employers alike that basic computer skills and an introduction to a range of employment possibilities are important for Mt. Morris. Those classes will begin next week.

Here's my point. The citizens of Mt. Morris have worked hard to stay in touch with the needs of their changing community. As they discovered issues, they worked with our staff to create services to address them. So, here comes my second challenge. Think about the Mt. Morris approach to literacy and self-sufficiency. When you identify a need in your community, think of us as a potential partner. We can sit down and talk about a plan, and by sharing our resources, we can make some things happen. A third program initiated by the college is workplace literacy. This service is provided to college district companies. It includes both assessment of worker math and reading skills as well as classroom instruction. Courses are taught at the business or nearby. To date the major sites have been Galena, Warren and Freeport. I have talked with some of these workers and am impressed by their dedication to learning. It is not easy, when one is an adult, to find out that your reading and/or math skills do not meet current workforce needs. Fortunately, all assessments are confidential and employers are only given group data. That allows the workers to feel safe and encourages them to take up the challenge of learning that may have been neglected when they were children. Well, you guessed it. Here comes challenge number three. Why not encourage more local employers to prepare for global competition by upgrading the skills of their workforce?

We know that 80% of the jobs in the new millennium will require a 2-year college education. In looking to the future, it will take three workers to support each retiree. Where will they come from if 1/3 of the nation is undereducated? In a 1990 national school enrollment study, it was reported that between the 9th and 12th grades, 24% of the students had dropped out. An additional 5%, who started 12th grade did not finish, which means 29% of this cohort did not complete a high school education. Today's dropouts are tomorrow's parents: 1 in 6 babies in the U.S. has a teenage mother; and 1 in 4 is born out of wedlock. As you can see, not only are our villages in trouble, but also our nation. We must work together for the following reasons:

1st: Each generation has a relationship to future generations. Justiz calls it "reciprocal dependency" because what one generation does affects what other generations can and will do.

2nd: We are, right now, in the midst of a short window of opportunity. A third world is developing within our nation. The gulf between the haves and the have nots is growing larger.

3rd: Our country is at risk. Our once unchallenged, preeminence in commerce, industry, science and technological innovation is being overtaken by competitors from across the world.

4th: Children who feel failure are beginning to decide that if they can't have total success their next best bet is to have total failure. they see incompetence as an advantage because it reduces expectations.

5th, and most importantly our children have no one to read to them. Remember your parents reading to you? Remember the times you climbed in bed and mom or dad picked up your favorite book? Can you recall the magic of those moments? And now imagine what your life would have been like without those moments. Not a pleasant thought, is it? So I share with you my final challenge—read to a child today!

I close with a quote from the report, *A Nation at Risk*;

"It is . . . the America of all of us that is at risk . . . It is by our willingness to take up the challenge, and our resolve to see it through, that America's place in the world will be either secured or fortified."

Please read to a child today—it will bring joy to the child and to you. That one small act can begin to change the future of our country, which lies in the hands of all of our children. Yes, learning begins at home, but all of us must help. Here are my challenges to you—once again:

1. Become a tutor and help an adult improve reading, writing or math skills.
2. Identify your community's literacy and self-sufficiency needs and partner with HCC to find resources to address.
3. Encourage more local employers to prepare for global competition by upgrading the skills of their workforce.
4. Read to a child today.

Yes, learning begins at home and this place is home to all of us. Let us join hands and bring the joy of learning to everyone in our communities . . . then learning will truly begin at home once more.

THE JESUIT MARTYRS OF EL SALVADOR

HON. JAMES P. McGOVERN

OF MASSACHSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. McGOVERN. Mr. Speaker, I have just returned from three days in El Salvador where, at the invitation of the Jesuit-run University of Central America (UCA) in San Salvador and the Association of Jesuit Colleges and Universities, I participated in events surrounding the commemoration of the 10th Anniversary of the murders of the Jesuit leadership of the UCA. While this horrific event stunned that small nation and the international community, the unraveling of that case and the identification of who within the Salvadoran armed forces committed this crime contributed to a negotiated settlement of the 12-year civil war in which over 70,000 Salvadoran civilians lost their lives.

Along with Congressman MOAKLEY, I delivered an address at the University of Central America on November 12th. I walked to the site behind the Jesuits' campus residence, the very ground where ten years ago the bodies of my beloved friends were discovered. This hallowed ground is now a beautiful rose garden. Each day people from all over come to the garden to nourish their hope and renew their commitment, and it is used by faculty and students alike for meditation and repose. There is now a chapel where the six priests are buried. The university has also installed a small and emotionally compelling museum dedicated to the lives and deaths of the six

Jesuit priests, their housekeeper and her daughter, who as witnesses were also murdered that night.

Mr. Speaker, the lives and deaths of these priests had a profound effect on my own life. I knew them in life, and I helped investigate and uncover who ordered and carried out their murders. I have remained involved and committed to peace, democracy, and development in El Salvador. I will never forget my friends, and I urge my colleagues to never forget our obligation to help El Salvador build a better future.

I would like to enter into the Record the address I made at the University of Central America and an article about the 10th Anniversary by Father Leo Donovan, the President of Georgetown University.

10th Anniversary Commemoration of the Jesuit Martyrs, Universidad Centroamericana Jose Simeon Canas, San Salvador, El Salvador, November 12, 1999

I feel privileged to be here tonight, to be part of this company of speakers, to hear the words and memories of the families, and to honor and remember the lives of our friends—Ignacio Ellacuria, Segundo Montes, Ignacio, Martin-Baro, Amando Lopez, Juan Ramon Moreno, Joaquin Lopez y Lopez, Elba Julia Ramos and Celina Ramos. Congressman Moakley and I are most associated with the investigation into their murders, but I was honored to know these priests for many years. I was honored to call them my friends. I learned from their insights, research and analysis. I laughed and sang songs with them. And I have been inspired by the lives they led.

The lives and deaths of my friends and my experiences in El Salvador have informed and influenced all other actions I have taken on human rights issues, they shape the way I tackle the challenges of social justice, fairness, and civil rights in my own country. And they are always in my thoughts as I think about the values and ideals I wish to pass along to my 18-month old son, Patrick George McGovern.

I believe with all my heart that the United States is a great country. That it is built upon the promotion and preservation of freedom, liberty and respect for the rights and dignity of every one of our citizens. The U.S. has fought to protect democracy, helped war-ravaged countries rebuild, and responded generously to natural disasters, like Hurricane Mitch. As someone who values a sense of history, I'm inspired by the principles enshrined in our founding documents.

The actions of my government, however, during the long years of the Salvauoran war, were a source of deep disappointment for me because U.S. policy did not reflect the values and ideals of America. Instead, that policy had more to do with our obsession with the Cold war than with the search for peace and justice in El Salvador.

The U.S. did not cause the war in El Salvador. But our policy did help prolong a war that cost tens of thousands of innocent lives—including the lives of the six men and two women were gather to honor tonight. Had we used our influence earlier to promote a negotiated settlement, perhaps our friends might be here celebrating with us.

We in the United States need to acknowledge that fact. In particular, our leaders need to acknowledge that fact.

There was an arrogance about U.S. policy that rationalized, explained away, and even condoned a level of violence against the Salvadoran people that would have been intolerable if perpetrated against our own citizens.

Presidents, Vice Presidents, Senators and Members of Congress have for years come to El Salvador to tell you what changes you must make in your nation. They—and I—have urged you to make institutional changes in El Salvador—in your military, your police, your judiciary, and your political institutions. And you have made changes, and you have made great progress in these areas.

To be frank, however, they and I have rarely talked about the institutional changes we need to make in the United States. But the fact is, we in the U.S. have a responsibility to change the culture and mindset of many of our own institutions.

I fear that we in the U.S. have institutions—namely our military and intelligence agencies—that have not fully learned the lessons of El Salvador. While there are examples where these agencies have performed admirably, we continue to make many of the same mistakes. Sadly, the U.S. continues to train, equip and aid repressive militaries around the world in the name of strategic interest—no matter the level of human rights abuses.

In late August, I traveled to East Timor. I was there nine days before the historic vote for independence. I spent a day out in the countryside with Catholic priests Hilario Madeira and Francisco Soares, who were protecting over 2,000 displaced people who had sought refuge from militia violence in the church courtyard. I had dinner in the home of Bishop Carlos Belo and heard him talk about the escalating violence against East Timorese people. And I thought about El Salvador, and the pastoral work of the Catholic Church, and my friends, the Jesuits, and the work of the UCA.

Two weeks after I returned to the United States, Father Hilario and Father Francisco were murdered, shot down on the steps of their church as they tried to protect their parishioners from massacre. Bishop Belo's house was burned to the ground, and he was forced to flee his country.

During the 24 years of Indonesian occupation of East Tmimor, the United States sent the Indonesian military over $1 billion in arms sales and over $500 million in direct aid and training. To the credit of the Clinton Administration, the U.S. severed military relations with Indonesia in September. But we should have done that sooner, and it was the Pentagon that was most reluctant to break relations with its military partners during the first critical weeks of violence that devastated the people of East Timor.

The problem with the Indonesian military, like the Salvadoran military of the 1980s, is not a problem of a "few bad apples." It is an institutional problem. And the U.S. approach to military aid, training and arms sales reflects an institutional problem within the U.S. military. Never again should the United States be in the position of training and equipping military personnel who cannot distinguish between civilian actors and armed combatants.

The U.S. has yet to sign the international treaty to ban antipersonnel landmines—a treaty the Government of El Salvador to its great credit has signed. You have seen the devastation of land mines—the tragedy of a young child missing a leg or an arm and maybe even missing a future. But why hasn't the U.S. yet signed the treaty? Because the institutional culture of the Pentagon rejects giving up any kind of weapon currently in its arsenal, no matter how deadly to innocent civilians. This must change.

Our military institutions should care as much about the lives and security of ordinary citizens as they do about strategic advantage and military relations. I have met many good men and women who serve in the Armed Forces, including many who serve in El Salvador. It is important that our institutions, like these individuals, realize that respecting human rights and safeguarding the lives of ordinary people is in the strategic and national interests of the United States.

And let me be clear, the U.S. Congress also must fulfill its responsibility and demand accountability of our military programs. All too often, Members of Congress simply don't want to know what our military and other programs abroad are doing.

We also must change the culture of secrecy and denial within our military and intelligence institutions

I have pushed my government hard to disclose all documents in its possession related to the case of the four U.S. churchwomen murdered in El Salvador in 1980. It's been 19 years—and the families of these murdered women still do not have the satisfaction of knowing all that their government knows.

I have also pushed my government to release all documents relating to the Pinochet case, including materials on the United States role in the overthrow of the government of Chile and its aftermath. The people of Chile have waited 26 years for justice. The action taken by Spanish Judge Garzon has broken new ground in international human rights law, making it clear that no one, no matter how high their office, who commits crimes against humanity, can escape the consequences of their actions.

I don't do this because I can't let go of the past. I do this because I want to ensure a better future. It is hard to change "old ways"—whether we are talking about institutions in the United States or in El Salvador. But we must change in order to protect the freedoms of tomorrow.

I believe the United States has a special obligation, given our past, to help El Salvador in its economic development, to assist the people of El Salvador in achieving their goals, and to support the rights of Salvadoran refugees still living in the United States. As a Member of the U.S. Congress, I believe it is my responsibility to fight for more resources to aid in the development of El Salvador; to help El Salvador confront the challenges of poverty and inequality that limit the futures of so many Salvadoran families; and to aid the people of this great country in pursuing their dreams and aspirations.

I'm proud of our current programs in El Salvador. I know our Ambassador and USAID director have made it a priority to reach out to the Salvadoran people, to encourage participation in the planning of United States development projects, and to forge a working relationship with communities throughout El Salvador—and I commend them for their fine work.

As a citizen of the United States, I want my country to be, in the words of my good friend and mentor, George McGovern, "a witness to the world for what is just and noble in human affairs." This will require the citizens of my country to bring our nation to a higher standard—and we will do so with respect and a deep love for our country.

Over a decade ago, the Jesuits of the UCA taught me that a life committed to social justice, to protecting human rights, to seeking the truth is a life filled with meaning and purpose. I hope my life will be such a life. And if it is, it will be due to my long association with the Jesuits, the UCA, and the people of El Salvador. And for that, I thank you—all of you—you who are here tonight, and those who are with us every day in spirit. You are truly "presente" in my life.

[From the Washington Post, Nov. 16, 1999]

MARTYRS IN EL SALVADOR

(By Leo J. O'Donovan, S.J.)

Ten years ago in the early morning darkness of Nov. 16, army soldiers burst into the Jesuit residence at the University of Central America (UCA) in San Salvador and brutally killed six Jesuit priests, their housekeeper and her young daughter. It was not the first assassination of church leaders: 18 Catholic priests, including Father Rutilio Grande and Archbishop Oscar Romero, and four North American churchwomen have been killed in El Salvador since the late 1970s— more than in any other nation in the world. And the murder of priests and nuns continues to scar the history of other countries, including India, Guatemala and most recently East Timor.

While we still grieve their loss the 10th anniversary of the Jesuit assassinations offers an important opportunity to reflect on the enduring legacy of the martyrs.

Far from silencing those dedicated to promoting justice, peace and the alleviation of misery for all in the human family, the Jesuit murders spurred the people of El Salvador—and the world—to witness a higher truth. Shortly after the murders, a U.N. Truth Commission was formed to investigate the killings. Although the government initially claimed that FMLN guerrillas had committed the murders, the Truth Commission determined that the government had in fact ordered the killings.

In an appalling step five days after the report was released, the Salvadoran National Assembly gave amnesty to those convicted. But through the U.N. Truth Commission, an essential truth about state violence in EL Salvador was uncovered, as well as the deeply disturbing fact that 19 of the 26 Salvadoran officers involved in the slayings had been trained at the U.S. Army School of the Americas at Fort Benning, Ga.

The murders—and the unfolding truth about who committed them—helped significantly undermine the power and prestige of the armed forces and provided impetus for the peace process. Signed on Jan. 16, 1992, the peace accords ended a war that had cost the lives of 75,000 citizens and represent the triumph of another of the Jesuits' essential goals—peace through dialogue.

While still fragile, the peace in El Salvador has enabled some political and judicial reform and provides the critical foundation for future advances. Since the end of the civil war, there have been two open, democratic elections, featuring candidates from both the National Republican Alliance Party (ARENA) and the opposing National Liberation Party (FMLN).

The macroeconomic indictors show that inflation is at its lowest level in nearly three decades. Newly elected President Francisco Flores of the ARENA Party has promised continued economic improvement and a vitally needed reduction of poverty. But many grave challenges face him and the people of El Salvator.

Approximately 40 percent of Salvadorans live in dire poverty. More than a third of citizens lack safe drinking water and adequate housing. And more than half the population lacks adequate health care. Education for all, a fundamental goal shared by the slain Jesuits, also continues to elude the country—more than 30 percent of Salvadorans are illiterate.

Violence continues to be a national scourge. A joint U.N. commission in 1994 reported that while military death squads had ceased to operate after the peace accords, criminal gangs or illegal armed groups were committing summary executions, posing death threats and carrying out other acts of intimidation for political motives. The Washington Office on Latin America reports that violent crime continues to threaten the still tender democratic political order. Unless the government can address the problem of citizen security, while respecting human and civil rights, the country may slip back into a state of war. Continuing the work of the martyred Jesuits is more important than ever.

As we look ahead, the Jesuit martyrs offer us a lasting model of courageous service to humanity. At a time when torture, intimidation and death-squad executions of civilians were daily occurrences, my Jesuit brothers regularly endured threats to their safety and well-being. During the civil war, the UCA campus and the Jesuit residence were bombed at least 16 times. But the Jesuit's teaching and research, their pastoral work, and their advocacy of social reform continued despite all challenge. They knew and accepted the great personal risk their work entailed—the risk of their lives.

In the days prior to his death Father Ignacio Ellacuria, president of UCA, had refused the opportunity to remain in his home country, Spain, and wait out the period of unrest in El Salvador. Father Ignatio Martin-Baro, academic vice president was asked, "Why don't you leave here, Father? It is dangerous." He responded: "Because we have much to do; there is much work." The spirit and conviction of these men endures through the efforts of those who bravely stepped forward to take their places, including Father Charles Beirne, S.J., who took over Martin-Baro's position in the aftermath of the assassinations and Father Chema Tojeria, S.J., who now serves as Father Ellacuria's successor. Their spirit endures in the human rights volunteers from around the world—people from organizations such as Catholic Relief Services, Amnesty International and the Lawyers Committee for Human Rights—all active in El Salvador.

It lives in the Salvadoran people. And the spirit of the Jesuit martyrs endures as we in distant countries around the globe learn from their example of steadfast commitment to the poor, to education and to a future built on freedom and justice, not opposition and bloodshed.

TRIBUTE TO OUTSTANDING TEACHERS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. PAYNE. Mr. Speaker, I rise to pay tribute and to congratulate the outstanding accomplishments of ten distinguished teachers from New Jersey. These great individuals have dedicated over twenty years each to educating and uplifting New Jersey's brightest little stars: our youth. They have truly demonstrated a solid commitment to building strong foundations for their students; in and outside of the schoolrooms.

As a result of their diligent work towards promoting leadership in our children, these teachers will be honored by the Phi Chapter of Iota Phi Lambda Sorority, Inc. on November 20. Iota Phi Lambda Sorority, a national business women's sorority, is devoted to projecting the philosophy of the pursuit of excellence in all worthy endeavors among youth.

The teachers being honored during the Apple for the Teacher program, part of the National Education Week celebration, are: Carolyn S. Banks; Gloria J. Bartee; Henry B. Clark; Phyllis K. Donoghue; Victoria Gong; Mary Jo Grimm; Gail D. Lane; Robin C. Lewis; Simone Wilson; Kathleen Witche.

Mr. Speaker, I ask that all my colleagues join me in congratulating these superb teachers on their efforts to improve the community. When our teachers demonstrate such initiative, we as a nation prosper.

MIAMI CHILDREN'S HOSPITAL

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Ms. ROS-LEHTINEN. Mr. Speaker, I proudly rise today to pay tribute to a place where children are second to none: Miami Children's Hospital, which will celebrate its 50th anniversary on March 21, 2000.

This world class children's hospital had its humble beginnings with a vision by our former Ambassador to the Vatican, David McLean Walters. After his granddaughter's sorrowful death from Leukemia, Ambassador Walters decidedly vowed to create a facility where South Florida's children could receive the best possible care, and where no child would lack excellent medical care. With his bold leadership, he worked tirelessly to raise funds through the Miami Children's Hospital Foundation, and what began as a humble idea twenty years ago is now commonly referred to as the Pinnacle of Pediatrics.

Today, under the exceptional steering and superb guidance of its current President, Tom Rozek, Miami Children's Hospital continues to administer superior care to scores of infirm children not only in South Florida, but throughout the entire United States and, indeed the world.

Essential to the achievement of excellence has been the dedication of a talented medical staff administered with tender, loving care and the support of a caring South Florida community.

Our future can only be as good as our children, and with the strong commitment to their health and future that is permeated at Miami Children's Hospital, it is evident that our future will be blazing brightly.

THE 100TH ANNIVERSARY OF THE FRATERNAL ORDER OF EAGLES AERIES #33 and #34

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. VENTO. Mr. Speaker, I want to note for the U.S. House of Representatives the 100th Anniversary of St. Paul, Minnesota's Fraternal Order of Eagles, Aerie #33 which was founded in 1899 and Minneapolis Aerie #34 which was founded the same year. These anniversaries are being celebrated this month with gatherings which reflect on the century of service and the positive impact upon families and communities as a result of the Fraternal Order of Eagles Aeries #33 and #34 in Minnesota.

The Minnesota chapters of the Eagles in 1998 alone raised $838,000 and nationally, the Fraternal Order of the Eagles (F.O.E.) donated $7 million to the Max Baer Heart Fund, $6 million for the Jimmy Durante Crippled Children and Cancer fund, $4 million for Alzheimer's research and $1.5 million to the Make a Wish Foundation.

These contributions speak for themselves as to the important role and spirit of care for those in need the F.O.E. has performed. Equally important are the local efforts and contributions of time and funds to youth and families in many local communities across the nation which has helped to sustain athletic and recreational activities and involvement that has enabled participation by many low and moderate income children and youth.

Even at a dinner celebrating their 100th anniversary in St. Paul, the volunteer athletic club of young men involved in boxing, and servers for the event were generously handed $200 in tips and the regular monthly support for their program monthly.

Certainly, as we emphasize the investment in families and communities and recognize anew today the importance of such private community based efforts, we should give a big thanks to the F.O.E. and especially recognize a century of service for St. Paul F.O.E. #33 and Minneapolis F.O.E. #34 in Minnesota. Their leadership and commitment to people has helped shape our cities, state and nation and certainly we hope that the F.O.E. will have positive success for the next century. They are an outstanding, quintessential example of the American spirit of generosity and grassroots non-profit self help that have well served our nation in the past, today and hopefully for the millenium.

A POINT-OF-LIGHT FOR ALL AMERICANS: THE BROOKLYN ALUMNAE CHAPTER OF DELTA SIGMA THETA SORORITY, INC.

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. OWENS. Mr. Speaker, on Sunday, November 21, 1999 at the Bridge Street AME Church the Members of the Brooklyn Alumnae Chapter of Delta Sigma Theta Sorority, Inc. will celebrate 50 years of Public Service to the Brooklyn, New York Community. The achievements of this very dedicated group deserves recognition from the wider "Caring Majority" community.

In observing it's 50th Anniversary, the Brooklyn Chapter will celebrate a history that began with it's charter in November, 1949 as the Delta Gamma Sigma Chapter of Delta Sigma Theta Sorority. The first meeting was called by the late Soror Catherine Alexander. Other sorors in attendance were Pearl Butler Fulcher, Ann Fultz, Dorothy Funn, Rhoda Green, Mary Hairston, Willie Rivers, Vennie Howard, Llewelyn Lawrence, Arneida Lee, Agnes Levy, Fannie Mary, Dorothy Paige, Olive Robinson, Ruth Scott, Gwendolyn Simpson, Carrie Smith, Helen Snead, Frances Van Dunk, and Edith Mott Young.

These twenty dedicated and committed sorors set out to organize programs to enhance the education and cultural life in the Brooklyn Community.

As the years passed, the chapter membership grew as more and more sorors in the area began to take notice of the contributions being made by the Brooklyn Chapter. Today the chapter is comprised of over 200 women dedicated to fulfilling the aims of Delta's National Five Point Program. The activities of these dedicated women provide immediate benefits for local constituents. The example set by the Brooklyn Alumnae Chapter of Delta Sigma Theta Sorority, Inc. should be viewed as a "POINT-OF-LIGHT" for all Americans.

TRIBUTE TO BRIAN LANCE GUTLIEB

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. WEINER. Mr. Speaker, I rise today to recognize an upstanding member of our community who is being recognized by the Brighton-Atlantic Unit #1672 of B'nai Brith on the occasion of its 1999 Youth Services Award Breakfast.

Brian Lance Gotlieb has earned a well-deserved reputation as a tireless fighter on behalf of the youth in our community, and is rightfully honored for his achievements by B'nai Brith on this special occasion.

Gotlieb, who serves as the liaison to Intermediate School 303 and Public Schools 90, 100, 209 and 253, is currently working on different ways to protect our community's children. As a member of the District 21 School Board, he has initiated the process of identifying unsafe streets throughout District 21 to ensure the safety of all pedestrians. And, throughout this school year, Gotlieb will be hosting a series of Child Safety Programs that will provide parents with free copies of their children's fingerprints along with Polaroid pictures to present to law enforcement personnel in the event of an emergency.

Further, as my Deputy Chief of Staff, Brian Lance Gotlieb has served as my liaison to the Board of Education and School Construction Authority for the last three years. In addition, he is primarily responsible for the intake and resolution of constituent concerns in my Community Office located in the Sheepshead Bay section of Brooklyn.

Gotlieb, who credits his late mother, Myrna, with teaching him the importance of helping others and being active in the community, created the highly successful organization Shorefront Toys for Tots in 1995. Founded in his mother's memory, Shorefront Toys for Tots has helped bring Chanukah cheer to more than 7,500 underprivileged children in the Shorefront community.

As a student at the Rabbi Harry Halpern Day School and its Talmud Torah High School division, Gotlieb packed and delivered Passover packages to aid needy senior citizens. Gotlieb strengthened his bond with the Jewish community as an undergraduate and graduate student through his involvement with the Jewish Culture Foundation at New York University and B'nai B'rith Hillel at the University of Florida, where he served as a Reporter for the Jewish Student News.

Gotlieb is a member of Community Board 13 and serves on it's Education and Library and Youth Services committees. He also serves his neighbors as a member of the Board of Directors in Section 4 of Trump Village and as an Executive Board member of the 60th Precinct Community Council.

Mr. Speaker, I applaud the members of Brighton-Atlantic Unit #1672 of B'nai Brith for recognizing the achievements of Brian Lance Gotlieb, a tireless worker for the people of Brooklyn and Queens.

INTRODUCTION OF DICKINSON DAM BASCULE GATES SETTLEMENT ACT

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. POMEROY. Mr. Speaker, I rise today to introduce the Dickinson Dam Bascule Gates Settlement Act to bring closure to a long-standing issue between the city of Dickinson, North Dakota and the Bureau of Reclamation. The legislation would permit the Secretary of the Interior to accept a one-time lump sum payment of $300,000 from the city of Dickinson in lieu of annual payments required under the city's existing repayment contract for the construction of the bascule gates on the Dickinson Dam.

In 1950, a dam was constructed on the Heart River in North Dakota to provide a supply of water to the city of Dickinson. However, by the 1970s, the need for additional water in the area was identified. Early in the 1980s the bascule gates were constructed as a Bureau of Reclamation project to provide additional water storage capacity in Lake Patterson, the reservoir created by the Dickinson Dam. At the time, the city expressed concern about the cost and viability of the gates. Prior to the placement of the gates in North Dakota, no testing on the gates had been conducted at any location in a northern climate. Unfortunately, this significant oversight proved fatal for the gates. In 1982, shortly after the start of operations of the bascule gates, a large block of ice caused excessive pressure on the hydraulic system causing it to fail. These damages added additional costs to the project and a financial burden on the city as modifications to the gate hydraulic system were made and a de-icing system installed.

Today, the city of Dickinson no longer benefits from the additional water capacity of Lake Patterson. The city of Dickinson now received their water through the Southwest Pipeline which was made possible through the Garrison Diversion Unit, another Bureau of Reclamation Project. The pipeline provides a high quality and more reliable water supply than the city's previous supply from Lake Patterson. To date, the city has repaid more than $1.2 million for the bascule gates despite the fact that they no longer provide any significant benefit to the city.

In addition to allowing a lump sum payment, the bill also requires the city of Dickinson to pay annual operation and maintenance costs for the bascule gates, up to a maximum of $15,000. Annual O&M costs to date have averaged about $9,000 over the past 10 years. Any annual O&M costs beyond $15,000 would be the responsibility of the federal government. Finally, the bill permits the Secretary of the Interior to enter into appropriate water service contracts with the city for any beneficial use of the water in Patterson Lake.

Mr. Speaker, I believe that the legislation represents a fair and appropriate resolution for the federal government and the city of Dickinson to this longstanding issue.

THE ALL AMERICAN CRUISE ACT OF 1999

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. HUNTER. Mr. Speaker, today I am introducing a bill critical to the future of our domestic shipbuilding industry. This bill, aptly named the "All American Cruise Act of 1999," takes steps that are long overdue to promote the construction of cruise ships by U.S. shipbuilders. My bill is a prime example of a "Made in the USA" initiative.

The United States is the largest cruise ship market in the world. In 1998, 120 foreign-built, foreign-registered cruise ships serviced the American market, which consists of nearly seven million passengers annually. Experts anticipate that by 2003 there will be 10 million passengers and 160 foreign-built and operated ships servicing North America. American shipbuilding firms have been placed at a decisive disadvantage in the global shipbuilding market due to U.S. tax laws and European subsidy policies. European builders of cruise ships receive numerous tax incentives and other assistance from their governments to reduce the price of their ships. Foreign cruise companies operating from U.S. ports pay no U.S. income tax, an immediate price advantage for the foreign competitor. For example, Carnival Cruise Lines, a Libyan registered company, is reported to have earned $652 million in tax-free income during 1998, yet 90 percent of their passengers are Americans.

The All American Cruise Act is designed to bring this industry back to our shores through tax parity desperately needed to encourage our domestic industry. My bill, among other recommended changes, would implement the following: tax credits to U.S. builders of cruise ships of 20,000 gross tons and greater; U.S. cruise ship owners will be exempt from paying U.S. corporate income tax; cruise ship owners will be able to depreciate their ships over a five-year period rather than the current 10-year period; the current $2,500 business tax deduction limit for a convention on a cruise ship would be repealed to give the same unlimited tax deductions for business conventions held at shore-side hotels; and a 20 percent tax credit will be granted to U.S. companies which operate ships using environmentally clean burning engines manufactured in the United States.

While some of these tax provisions may at first glance seem costly to the U.S. Treasury, it should be noted that, since cruise chips are not presently built domestically nor operated as U.S. companies, current tax revenues will not be impacted. In fact, when this bill is passed, hundreds of thousands of high technology and high skill manufacturing jobs will be created. Although my bill has not yet been scored by the Joint Tax Committee or the Congressional Budget Office, I am confident that it will actually contribute to the U.S. Treasury as well as to the U.S. manufacturing base.

In addition, the All American Cruise Act has national security implications. At this time there are only six private-sector shipyards in the United States. These shipyards are located in California, Connecticut and Rhode Island, Louisiana, Maine, Mississippi, and Virginia. Taking legislative action to ensure a robust domestic ship building industry will ensure that U.S. taxpayers have access to competitive prices, technology, and a ready supply of ships and labor in time of conflict. A recent Congressional Research Service Report (RL 30251) stated, ". . . competition in defense acquisition can generate benefits for the government and taxpayers by restraining acquisition costs, improving product quality, encouraging adherence to scheduled delivery dates, and promoting innovation." Further, "achieving effective competition in Navy ship construction has become more difficult in recent years due to the relatively low rate of Navy ship procurement . . ." It is in our best interest as a nation to do all we can to ensure that there is a viable and productive United States shipbuilding industry that will meet our national security, cargo and recreational needs long into the future.

The All American Cruise Act will also stimulate revenue for our nation's ports. With U.S. built and operated cruise ships in operation, American cruise lines will be able to dock at more than one U.S. port per trip. This will ultimately benefit both passengers and local ports.

It is also important to emphasize that ships built in the United States and operated by Americans adhere to the highest construction, labor, and environmental standards, unlike ships that are neither built nor operated to America's high safety standards. Our citizens deserve better. My bill will give American tourists the safety they deserve when vacationing at sea.

The All American Cruise Act is supported by both industry and labor. In fact, I am submitting letters in support of this legislation from the following organizations: the American Shipbuilding Association, the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, the American Maritime Officers, and the American Maritime Officers Service.

I urge all of my colleagues to join me in sponsoring this legislation. Throughout our history, seafaring vessels have played a critical role in our military, cargo movement and entertainment. The time has come to bring the cruise industry back to America's shores. Support the All American Cruise Act of 1999.

AMERICAN SHIPBUILDING ASSOCIATION
November 9, 1999.

Hon. DUNCAN HUNTER,
Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN HUNTER: On behalf of the shipbuilding industry, the American Shipbuilding Association (ASA) would like to express to you its strong support of your legislation, entitled the "All American Cruise Act of 1999". This bill will provide American shipbuilders, owners, and crews with tax parity with foreign builders and owners of cruise ships that operate almost exclusively from U.S. ports and derive over 90 percent of their income from U.S. citizens.

As you have recognized, American shipbuilders, ship owners, and crews have been placed at a severe competitive disadvantage in the American cruise ship market because of the U.S. tax code that rewards companies that build and register their ships in foreign countries while penalizing American companies who wish to build and register their ships in the United States. For example, the 120 cruise ships that serve the North American market depart U.S. ports with vacation tours bought by U.S. citizens. These ships, however, are built in foreign countries where governments provide tax credits and other assistance that equates to as much as a 50 percent reduction in the price of these ships. The ships in turn are operated by companies that register them in foreign countries to avoid U.S. corporate income tax. By building and operating these ships foreign, these companies avoid America's high environmental, labor, and safety standards in the construction and operation of their ships, and jeopardize the lives of American tourists.

Some in Congress would propose that the United States just surrender the U.S. cruise ship market to these foreign entities by repealing the American Passenger Vessel Services Act, which requires ships carrying passengers between two U.S. ports to be U.S.-built, owned, and crewed. Our industry believes there is a better way—your way—which would create an All American industry built by Americans for Americans. Your legislation would retain U.S. high safety standards in the construction and operation of cruise ships, while providing American builders and owners tax parity with foreign builders and owners of cruise ships that operate from U.S. shores.

Your bill would create hundreds of thousands of high technology, high skilled manufacturing and seagoing jobs for Americans; strengthen the American defense shipbuilding industrial base; and ignite a powerful engine that would propel all segments of the U.S. economy toward strong growth and prosperity into the 21st Century. Furthermore, American tourists would be assured that they would be vacationing on the safest constructed and operated ships in the world.

The American Shipbuilding Association commends you for your legislation and urges your colleagues to support the All American Cruise Act of 1999.

Sincerely,

CYNTHIA L. BROWN,
President.

AMERICAN MARITIME
OFFICERS SERVICE,
Washington, DC, November 9, 1999.

Hon. DUNCAN HUNTER,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN HUNTER: We understand that you are considering introducing legislation to address the inequities facing the creation of a domestic U.S.-flag, U.S.-built cruise industry. We have reviewed the draft bill and on behalf of the American Maritime Officers Service, we would like to express our strong support for your effort.

As you know, the United States is the largest cruise ship market in the world and represents one of the largest growth markets. Yet all of the large oceangoing cruise ships serving the American market are built and operated by foreign companies to avoid U.S. tax laws. This anomaly has created a market barrier to U.S. companies are to have an opportunity to develop an American cruise industry to serve our market. Your legislation will provide American companies tax parity with their foreign competitors and create hundreds of thousands of high technology jobs, highly skilled manufacturing and seagoing jobs. In addition, your legislation will increase port revenues in the United States.

Again, we wish to commend you for your efforts and urge you to introduce the "All-American Cruise Act of 1999" at the earliest possible date. Please do not hesitate to call me if I can be of any assistance in gaining support for your efforts.

Sincerely,

GORDON W. SPENCER,
Legislative Director.

AMERICAN MARITIME OFFICERS, A
NATIONAL UNION CELEBRATING 50
YEARS,
Washington, DC, November 9, 1999.

Hon. DUNCAN HUNTER,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN HUNTER: We understand that you are considering introducing legislation to address the inequities facing the creation of a domestic U.S. flag, U.S. built cruise industry. On behalf of the American Maritime Officers, the largest seagoing officer's union in the United States, we want to take this opportunity to commend you for your efforts. This proposed legislation is critical if Americans are to reenter a market currently being dominated by foreign built and foreign-crewed ships.

The United States is the largest cruise ship market in the world and represents one of the largest growth markets. All of the large oceangoing cruise ships serving the American market are built and operated by foreign companies to avoid U.S. tax law. This anomaly has created a market barrier to U.S. companies which pay U.S. taxes.

Tax parity must be provided if U.S. companies are to have an opportunity to develop an American cruise industry. Your legislation will provide tax parity in a number of very critical ways including tax credits to U.S. builders of cruise ships over 20,000 tons, accelerated depreciation for ships build in U.S. shipyards, elimination of the current $2,500 limit for the cost of conventions on cruise ships, and exemption from U.S. corporate income tax for U.S. cruise operators. Changes such as these are critical if Americans are to enter a market now dominated by foreign companies that pay no taxes.

Again we wish to commend you for your efforts and urge you to introduce the "All-American Cruise Act of 1999" at the earliest possible date. Please do not hesitate to call me if I can be of any assistance in gaining the support for your effort.

CHARLES T. CRANGLE,
Executive Director,
Congressional and Legislative Affairs
American Maritime Officers.

INTERNATIONAL BROTHERHOOD OF
BOILERMAKERS, IRON SHIP BUILDERS, BLACKSMITHS, FORGERS &
HELPERS,
November 8, 1999.

HON. DUNCAN HUNTER,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN HUNTER: We understand that you are considering introducing legislation to address the inequities facing the creation of a domestic U.S. flag, U.S. built cruise industry. We have reviewed the draft bill and on behalf of the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers, and Helpers, we would like to express our strong support for your effort.

As you know the United States is the largest cruise ship market in the world and represents one of the largest growth markets. Yet all of the large oceangoing cruise ships serving the American market are built and operated by foreign companies to avoid U.S. tax law. This is a huge market—120 foreign-built cruise ships serve the American market today. The number is expected to grow to 160 by 2003. Unless U.S. tax laws are amended to allow the entry of American companies into this market, these ships will continue to be built by European shipyards and be owned and operated by foreign companies. Your legislation will provide American companies the needed tax parity with their foreign competitors and create hundreds of thousands of highly skilled manufacturing jobs in the United States. It is a given that European builders of cruise ships receive numerous tax incentives and other assistance from their governments to reduce the price of their cruise ships. It is only fair that our shipyards and our skilled workers be given the same breaks as those provided to our competitors.

Again we wish to commend you for your efforts and urge you to introduce the "All-American Cruise Act of 1999" at the earliest possible date. Please do not hesitate to call me if I can be of any assistance in gaining the support for your effort.

Sincerely,

ANDE M. ABBOTT,
Assistant to the International President.

SENATE—*Thursday, November 18, 1999*

The Senate met at 11 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, the only source of lasting authentic courage, we thank You that You use ordinary people to do extraordinary things. This morning, we turn to the psalmist and to Jesus for the bracing truth about courage to see things through, not just to the end of the Senate session but to the accomplishment of Your ends. David reminds us: "Be of good courage, and He shall strengthen your heart, all you who hope in the Lord"—Psalm 31:24. And Jesus challenges us to take courage (John 16:33). We know that we can take courage to press on because You have taken hold of us. You have called us to serve You because You have chosen to get Your work done through us. So bless the Senators as they confront the issues of the budget, consider creative compromises, and seek to bring this Senate session to a conclusion. In this quiet moment, may they take courage and press on. Through our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JAMES INHOFE, a Senator from the State of Oklahoma, led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. INHOFE) The Senator from Ohio.

SCHEDULE

Mr. VOINOVICH. Mr. President, today the Senate will be in a period of morning business until 12 noon, with Senator VOINOVICH in control of the first 30 minutes and Senator DURBIN in control of the second 30 minutes.

For the information of all Senators, the final appropriations items were filed last night and are expected to be considered in the House throughout the day. Therefore, following morning business, it is expected that the Senate will begin consideration of the final appropriations items as they are received. Members will be notified as the schedule for consideration becomes clearer. The Senate may also consider any legislative or executive items cleared for action during today's session.

I thank my colleagues for their attention.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The assistant minority leader.

BANKRUPTCY REFORM

Mr. REID. Mr. President, I appreciate the Senator outlining for us what the intent is for the day. I hope that part of what we are going to do is to work on completing the bankruptcy bill. I say to my friends in the majority that we only have a few amendments remaining. I have spoken to Senator LEAHY and his staff, and I am ready to offer a unanimous-consent request. I will not ask that the Senator accept this, recognizing that he must speak with the manager of the bill, Senator GRASSLEY. But what I would like to do is ask unanimous consent that the following amendments numbered 2517, 2537, 2538, 2539, 2658, 2666, 2667, 2747, 2748, 2753, 2759, 2761, 2763, and 2670, and any amendment agreed upon by the two managers be the only amendments—those I have just read and those agreed to by the two managers—in order to S. 625, the bill to amend title 11, United States Code, and for other purposes, and that following the disposition of all the above-described amendments, the bill be immediately advanced to third reading; that the Senate then proceed to the House companion bill, H.R. 833; that all after the enacting clause be stricken, the text of the Senate bill, as amended, be inserted; that the bill be advanced to third reading; that a vote occur on passage of the bill without any intervening action, motion or debate; that the Senate insist on its amendments, request a conference with the House, and the Senate bill be placed back on the calendar.

Mr. President, that is the unanimous-consent request that I spread across the RECORD of the Senate, recognizing that at this time there will not be an objection to it. We will make this unanimous-consent request at some later time.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I am not asking, Mr. President, that there be objection. I am not asking unanimous consent at this time.

I say to the majority that we have enumerated 14 amendments. Seven of them have tentatively been agreed upon or they will be withdrawn. Only seven amendments are now between completing the bankruptcy bill and not completing it this year. The only two amendments of the seven that I understand are causing any controversy are the ones dealing with gun manufacturers and clinic violence.

On the gun manufacturing amendment, the proponents have agreed to a 70-minute time agreement, and on the amendment relating to clinic violence, the proponent has agreed to 30 minutes. So there is really not much left to complete this bill. I hope that during the day there can be discussions ongoing to complete this bill. We would be willing at any time the majority wants to lock in these amendments; we would be willing to come back and I would propound this unanimous consent request, or we could have the majority do so, so that this bill could be completed in a reasonably short period of time.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12 noon, with Senators permitted to speak therein up to 5 minutes.

Under the previous order, the time until 11:30 shall be under the control of the Senator from Ohio, Mr. VOINOVICH, or his designee.

ORDER OF PROCEDURE

Mr. NICKLES. Mr. President, my colleague from Nevada spent several minutes outlining a unanimous consent. It was on the time of the Senator from Ohio. I wonder if we might accommodate that.

Mr. REID. Absolutely.

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senator from Ohio have charge of the time until 11:35 and then the remainder of the time under the charge of the designee of the minority leader.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The PRESIDING OFFICER. The Senator from Ohio.

THE STATE OF AFFAIRS IN THE BALKANS

Mr. VOINOVICH. Mr. President, as the first session of the 106th Congress comes to a close, I want to remind my colleagues that the aftermath of our nation's largest foreign policy initiative this year and a 78-day air war, will be our nation's biggest foreign policy concern next year.

As my colleagues are aware, I opposed our nation's "sign or we'll bomb" diplomacy that ultimately led to the decision to conduct the air war over Kosovo and Serbia earlier this year. Instead, I believed that we should have done all that we could to negotiate a real diplomatic solution. Nevertheless, at the conclusion of the conflict, I came to the Senate floor and commented that "some good always blows in an ill wind."

The "good" that I saw in the ill wind of the bombing campaign was the opportunity for NATO and the United States to provide the impetus for a lasting peace throughout Southeastern Europe. Since that time, my staff and I have spent hours working hard to ensure that some good does blow in and that we do not lose this opportunity to promote peace, stability and prosperity in that region of our world.

To ensure the future of Southeast Europe, it is important to understand its past. Every student of history is well aware that this century's two most horrific wars had deep roots in the Balkans, but few people are aware of the level of violence, bloodshed, hatred and destruction that has been commonplace in the region for centuries. Indeed, the Balkans have been the site of numerous wars and countless battles, and have been fought over by every major regional power since the days of the Roman legions.

Over the last 10 years, regional ethnic tensions have resulted in yet another nightmare for the people of the Balkans. And for the third time this century, Europe, reluctantly, has turned its attention to their southern neighbors.

Their concern can be attributed to self-interest; an attempt to get Southeast Europe to settle down so as to avoid any possible spillover that could bring unrest to their nations, and a genuine concern over the ethnic cleansing and human rights violations in the region. To do this, Europe has involved the international community, and in particular, the United States, which, for the first time in our history, has immersed itself politically and militarily in the region.

Our willingness to get involved and lead should have come earlier. Indeed, when conflicts began in Bosnia in the early 1990's, it was reported that a key foreign policy official of the Bush Administration made the statement that "we have no dog in this fight." History records that nothing could have been further from the truth. According to Ambassador Richard Holbrooke in his book, "To End A War":

> Europe believed it could solve Yugoslavia without the United States; Washington believed that, with the Cold War over, it could leave Yugoslavia to Europe. Europe's hour had not dawned in Yugoslavia; Washington had a dog in this particular fight.

The overconfidence of Europe and the disengagement of the United States contributed greatly to the tragedy of Slavonia, Krijna and Bosnia-Herzegovina. When we finally realized it was important for the U.S. to get involved, we dealt with, and thus, legitimatized three war criminals—Slobodan Milosevic, Franco Tudjman and Alija Izetbegovic—at the Dayton Peace Accords.

Unfortunately, the legitimitization of Milosevic caused us to continue to have a relationship with him at a time when we should have been working with opposition leaders to get rid of him. Then, when he showed his true colors, we were reluctant to be as aggressive as we should have been. We misjudged him, we underestimated him, and now we're paying the price for our mistake.

As a result, we have spent at least $18 billion in operations in Bosnia and Herzegovina, Kosovo, Serbia and elsewhere. We will, no doubt, spend billions more. In addition, we have placed a tremendous strain on the equipment and personnel of our Armed Forces due to our past and present involvement in peacekeeping missions in Southeast Europe. Also, the State Department has paid an incredible amount of attention to the Balkans. And finally, we have complicated our relations with other nations on the international scene—primarily, Russia and China.

A November 1 article written by Elizabeth Sullivan, foreign-affairs correspondent for the Cleveland Plain Dealer, indicates that the Russians harbor resentment and incredulity towards the United States over our assuming an air of moral superiority regarding their actions in Chechnya. They see our attitude as a double standard, which affects our ability to appeal to their better instincts. She writes:

> The Kremlin is resolutely turning a deaf ear to U.S. admonitions for restraint in Chechnya. The criticisms have inflamed anti-U.S. feelings in Russia where it's bitterly recalled that NATO's unpopular bombing killed hundreds of Yugoslav civilians. It is the first big display of lost U.S. influence after Kosovo.

It is clear that instability in Southeast Europe has the potential to threaten America's overall interests throughout the rest of Europe. However, a full-fledged integration of Southeast Europe into the whole European community would remove the burden and expense of maintaining a constant peacekeeping force, end years of diplomatic wrangling and political posturing, and more important, end the death and destruction that has plagued the region.

Recently, I met with a number of Ambassadors from the Balkans region in the LBJ room here in the Capitol. They made it very clear to me that they are ready to work together. I was pleased that they realized they have a symbiotic relationship—a relationship that must be cultivated in order to bring about peace and implement a modern, free-market economy. The Holy Spirit was definitely present in that room. There was an aura of enlightenment among those leaders, and we must capitalize on the momentum of this cooperative spirit if we are to successfully bring the region into the broader European fold.

Consider that not so many years ago, no one would have thought that European political and economic cooperation, let alone union, was possible. After all, two world wars had been fought in the trenches and on the fields of Europe, fostering tremendous ill-will among many nationalities.

Today, those feelings have largely dissipated. Germans, French, Italians—all share the same currency. They cross national boundaries freely. They work cooperatively to solve economic problems because it is in their collective best interest. We are seeing that in terms of competition right now. The Ambassadors I met with see this cooperation and wish it for their nations, but, they are also quite frustrated with the lack of speed by the international community in responding to the humanitarian and economic needs of the region.

The NATO air war triggered immense human suffering which has not yet been fully remedied. Here are some facts:

The refugee exodus from Kosovo decimated the economies of surrounding nations, especially in Macedonia. Macedonia's reaching out to help their fellow man was done at a great sacrifice to their economy and the quality of life of their people.

In the Federal Republic of Yugoslavia (FRY), there are still 500,000 refugees from Slavonia, Krijna, and Bosnia. Another 150,000 were displaced during the Kosovo bombing.

In Kosovo, the international community has had to deal with 700,000 refugees who have returned after the conflict. 500,000 of these refugees are still officially considered "internally displaced persons," without any place to call their own.

Kosovo has turned into an armed camp where soldiers from numerous countries are forced to keep the peace and prevent further bloodshed.

The lack of an effective internal police force has led to virtual chaos, where organized crime and illegal drug trafficking is said to be rampant and a cause of great concern among its citizens.

On this last point, a senior official from the Organization for Security and Cooperation in Europe, OSCE, told me that the reason there is no effective police force in Kosovo is because there aren't enough qualified or even interested individuals willing to join the force. The official told me that if the crime problem in Kosovo isn't checked, it will spread to the entire region and into the rest of Europe.

Indeed, this point was illustrated again in the November 1 Elizabeth Sullivan article for the Cleveland Plain Dealer. She wrote:

> The scope of the gun, drug and prostitute trade fanned by the Kosovo conflict is also becoming clear. [Last week] Italian and Swiss police busted a ring that allegedly smuggled millions of dollars in Swiss weapons to Kosovo, and Albanian prostitutes out to Italy, using humanitarian aid as a cover.

The growing crime problem was definitely a topic of concern for the Ambassadors I met with. I was amazed that they considered organized crime and drugs their No. 1 or No. 2 concern to be addressed. Think of that, organized crime and drugs as their No. 1 or No. 2 concern in the region.

The fact of the matter is, the bombing has had a terribly destabilizing effect on the region, and a very real impact on the humanitarian situation and basic human existence as well, one that has not been widely reported to the American people. The T.V. cameras are gone now. You know how it is: out of sight, out of mind, and we have moved on to other issues.

Although it's hard to grasp the extent of the problem, for the last several months, the U.S. has been working through the United Nations and the International Committee for the Red Cross to deal with the needs of the region. Both the UN and the Red Cross claim that they will be able to keep people fed, clothed and sheltered through the upcoming winter. Yet, I have received a number of credible reports in recent weeks which indicate that in fact we will witness a humanitarian catastrophe in the region in the months ahead because of a lack of shelter, heat, food and medical care.

I am aware that there are individuals in the foreign policy community who are opposed to providing significant assistance to the people of Serbia. They believe that humanitarian suffering will lead to political discontent which will, in turn, lead to a popular movement that will bring about the removal of Slobodan Milosevic. I disagree.

With the exception of South Africa, crippling sanctions have not successfully brought about a change in political leadership. Just look at Saddam Hussein in Iraq. We don't know what is going on there anymore.

To emphasize this point, Professor Julie Mertus of the Ohio Northern University wrote an excellent piece which was recently published in the Washington Post. Professor Mertus specializes in international law. Here is what she has to say:

> How does a freezing and hungry Yugoslavia advance U.S. policy goals? Certainly Milosevic will not be hungry this winter. The idea is that the pain and suffering among the lowest strata of society will "trickle up" to the higher echelons. Protests by discontented citizens will lead to policy changes and perhaps even the removal of Milosevic. The problem is that humans do not behave this way. Cold, dispirited citizens do not take to the streets. Rather, they draw up inside their own homes and try to survive. If the going gets tough, they try to exit, often leaving the country. Only the few with hope continue to fight, and even they cannot persist for long when they are isolated from supportive networks.

Our sanctions policy has allowed Milosevic to blame Serbia's faltering economy, declining humanitarian situation and international isolation on the West. He has been able to deflect the ire of the Serbian people who have little access to independent media.

We must pursue specific courses of action that will help us get rid of Milosevic once and for all.

No. 1, we must continue to squeeze Milosevic so that his allies inside and outside the Serbian government will see that he is vulnerable and his hold on power is tenuous. Milosevic is an indicted war criminal, and we have to make his allies understand that his fate is their fate. In other words, leave now, or pay later.

No. 2, we should work with our allies to announce a detailed humanitarian and economic aid package that would be available to the people of Serbia once Milosevic is removed. The importance of this kind of package to the success of democratization was underscored recently when several of us met with the leaders of the anti-Milosevic force right here in the Capitol.

They talked about how important it was we have a clear, defined package that says, if he goes, here is what we are willing to do.

No. 3, we should provide as much assistance as we can, including such things as heating oil, food, clothing and direct financial assistance, as soon as possible to the Serbian opposition groups, particularly the mayors, who are struggling to bring about democratic change.

No. 4, we should continue to support President Djukanovic of Montenegro with whom I met two weeks ago. He is a bright and energetic leader and a key ally for peace and prosperity in Southeast Europe.

No. 5, we must undertake a massive effort to overrun Milosevic's monopoly control on Serbia's mass media. Milosevic's distorted information must be countered with the truth; a commodity we must get to the Serb people whatever way possible.

As I mentioned earlier, I held a meeting recently with a number of ambassadors and senior embassy staff from the nations of Southeast Europe to get their reaction to the Stability Pact initiative. And they were honest; they said things were not going well. They were very clear that it was essential that the United States be at the table to provide leadership and contribute our fair share.

Without our presence, they are not confident that our NATO allies will make good on the promises they made at the end of the war. And, quite frankly, I think it is up to us to make it clear to our European allies that we expect them to adhere to their commitment.

We are going to be at the table. We are going to have leadership. We are anteing up, and it is time for you to ante up and make good on your promises.

The best way I can summarize the attitude at the meeting I had with the ambassadors, and the meeting I had with the Serbian opposition leaders is a word in Serbo-Croatian—"edemo"—which means, "let's get going!"

On balance, I believe there has been some real progress made on a number of fronts in our policy towards Southeast Europe in recent months. The Stability Pact is moving ahead—albeit slowly and indeed need of some additional leadership, particularly ours. The policy toward sanctions seems to be finessed a bit and real work finally is being done on the ground in the region to deal with humanitarian concerns. I am pleased the administration is starting to soften up on this a little bit.

The administration is meeting with Serbian opposition leaders and financial support is beginning to trickle into the movement. Southeastern European nations are beginning to think regionally with the understanding they have a symbiotic relationship in their efforts to promote and develop their economies. That is wonderful.

Although in many respects, things are much better off today than they were after the war, the momentum has to be increased significantly, and that is the challenge of this Congress and this administration.

The administration, working through the State Department, bears the responsibility of bringing about real change in Serbia and honoring the commitments the United States has made to friendly governments in Southeast Europe. Congress has an obligation to provide oversight and support to the administration's policies towards the restoration of peace and stability in the region.

To that end, I look forward to working with my colleagues in the next session of Congress to loosen some of the restrictive language that was placed in the Foreign Operations appropriations bill, language that the State Department claims has made it difficult, and continues to make it difficult, for them to do the kinds of things they would like to be doing in Southeast Europe.

The Senate has already made a positive start with the recent unanimous passage of the Serbia Democratization

Act. I believe we need to build on that progress.

Southeast Europe is strategic to our national interests and key to our efforts to maintain peace in the world. Until the nations of Southeast Europe are welcomed into the broader European community, those efforts will remain unfulfilled. The United States must provide the leadership because we do "have a dog in this fight."

I thank the Chair. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

MILITARY STATE OF READINESS

Mr. INHOFE. Mr. President, I was presiding when the distinguished Senator from Ohio was talking about the problems the U.N. faces in Kosovo. I share all of the concerns the Senator from Ohio expressed. In addition to that, since I am the chairman of the Senate Armed Services Readiness Subcommittee, I have another concern, and that is the deployment of troops in 1995 into Bosnia, then again to Kosovo, and the way they are being deployed today has put us in an apparent condition in terms of our state of readiness.

It is very unfortunate that during this administration we have had a cut in our force strength by approximately 50 percent, only to find out just last week that two of our Army divisions are now rated at C-4. That means they are not capable of combat today. Those two divisions are the 10th Army Division, of which most are located in Bosnia, and the 1st Infantry Division located in Kosovo.

This means that if something should happen, we are not in a ready condition to defend America, where we do have national security interests which, in my opinion, we do not have and never had in either Bosnia or Kosovo. I stood side by side with the Senator from Ohio in trying to keep us from making that deployment. We were not successful. I do believe we should be looking very soon at any way we can bring our troops back to a state of readiness, to do what we are supposed to be doing, the No. 1 function of Government, and that is to defend America.

VIEQUES

Mr. INHOFE. Mr. President, I have been a little disturbed not knowing the certainty of the schedule and how long we will have to get some things done at the last minute. I want to bring up one issue that has to be discussed briefly, and that is the issue of the range that has been used for 58 years on the island of Vieques located 6 miles off the shores of Puerto Rico.

I am concerned about this because we started using this range 58 years ago. We have become dependent upon it because it is the only range we can use that offers an integrated three-level type of training—first, high-altitude bombing; second, the type of protection that comes from the ships to the shore using live fire; and third, the Marine expeditionary amphibious movements. All three of those can be done simultaneously and have been done successfully over the last 58 years.

The problem we have with this range is that there is no place else in the Western Hemisphere that we can actually give the training to our troops. Right, now we have deployed into the Persian Gulf the U.S.S. *Kennedy*. Because this President put a moratorium on training in Vieques, only half of those deployed on the U.S.S. *Kennedy* have ever had the necessary training should they have to become involved in combat.

We have scheduled for the 18th of February the deployment of the U.S.S. *Eisenhower* Battle Group. If this battle group goes through the Mediterranean and goes to the Persian Gulf, the chances are better than 50-50 they will see combat. If we do not allow them to have the training on the island of Vieques prior to their deployment, they will have to go into combat very likely without ever having any live ordnance training. This goes for the pilots flying the F-18s and the F-14s that will be deployed off the U.S.S. *Eisenhower*.

I was there 3 weeks ago and watched them during their training, but they were unable to use live ordnances and use that range. It goes for the 24th Marine Expeditionary Unit and the others who would be deployed at the same time.

I would like to quote, if I could, Gen. Wes Clark. Of course, he is one for whom we all have a great deal of respect. We watched the way he worked commanding the European forces and the NATO forces. He said:

> The live fire training that our forces were exposed to at training ranges such as Vieques helped ensure that the forces assigned to this theater—

We are talking about Kosovo, those 78, 79 days—

> were ready-on-arrival and prepared to fight, win and survive.

What General Clark is saying is, we were successful. Even though we should not have been in Kosovo to start with, once we made that decision, we were successful in dropping our cruise missiles in there and our bombs because of the training those pilots had on the island of Vieques.

Capt. James Stark, Jr., the commanding officer of the Roosevelt Roads Naval Station, said:

> When you steam off to battle you're either ready or you're not. If you're not, that means casualties. That means more POWs. That means less precision and longer campaigns. You pay a price for all this in war, and that price is blood.

We are talking about American blood. I am very proud of all the military, uniformed and others. This is the first time in the years I have served in the Senate that they have been willing to stand up for something they know is right, not knowing for sure where the President is going to be on this issue.

The President has imposed a moratorium on training on the island of Vieques. We are going to try our best to encourage him, for the lives of Americans, to allow us to use it to train those people who are on the U.S.S. Eisenhower, ready to be deployed.

Richard Danzig, the Secretary of the Navy, said:

> Only by providing this preparation can we fairly ask our service members to put their lives at risk.

In a joint statement between the Chairman of the Joint Chiefs of Staff, the Chief of Naval Operations, and the Commandant of the Marine Corps, they said: Vieques provides integrated live-fire training "critical to our readiness," and the failure to provide for adequate live-fire training for our naval forces before deployment will place those forces at unacceptably high risk during deployment.

This is military language to mean casualties, those who can be killed in action.

I am proud of Admiral Johnson, the Chief of Naval Operations, and General Jones, the Commandant of the Marine Corps, when they say: Without the ability to train on Vieques, the U.S.S. *Eisenhower* Battle Group and the 24th Marine Expeditionary Unit scheduled for deployment in February 2000 would not be ready for such deployment "without greatly increasing the risk to those men and women who we ask to go in harm's way."

Lastly, Admiral Murphy, the Commander of the Sixth Fleet of the Navy, said: The loss of training on Vieques would "cost American lives."

It is a very serious thing. I sometimes listen to the complaints we hear from some of the Puerto Ricans, but mostly from the people of the island of Vieques, who say: Wait a minute. How would you like to have bombs dropped and live ordnances fired where you are?

You can't do anything about that. They actually have a 10-mile buffer range between the bombing range and where people live.

I happen to represent the State of Oklahoma. We have a very fine organization there called Fort Sill, where we do all our artillery training. I have said on the floor here several times before that, while on Vieques they have a 10-mile buffer zone, we have only a 1-mile buffer zone in the State of Oklahoma between a population of 100,000 people living in Lawton and the live-fire range.

So let me just wind up and conclude by saying that many of us, including Senator WARNER, the chairman of our Armed Services Committee, are asking the President and pleading with him to work out some type of arrangement to, at the very least during this interim while we are in recess, provide for training on the island of Vieques because if that does not happen, we will lose American lives.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

Mr. DURBIN. Would the Chair be kind enough to tell me what the order of business is?

The PRESIDING OFFICER. We are in morning business until the hour of 12 o'clock and under the minority's time.

Mr. DURBIN. I understand that my colleague, Senator KENNEDY from Massachusetts, will be joining me on the floor shortly. I will certainly yield at that point.

VIDEO CAMERAS IN THE COCKPITS OF AIRCRAFT

Mr. DURBIN. Mr. President, I would like to address several topics that I think may be of interest to those who are following the debate in the Senate. One in particular has become a focal point of the news media across the United States and literally around the world. That was the crash of the EgyptAir aircraft just a few weeks ago and the loss of over 200 lives.

I find it interesting, as we try to piece together all the information to determine what happened in that aircraft disaster, how limited we are with respect to investigative tools. We have the so-called black box which has the flight data information. We are poring through that to try to determine what was happening mechanically on that plane when it went down. Then we have the audio recording which is now the focus of all sorts of international speculation. We listen to that audio recording for sounds, for words, and then try to piece together this mystery to determine what happened in the cockpit of that plane which led to this loss of life.

This is more than just to satisfy curiosity. This investigation is being undertaken, as most are, to determine whether there is something we can or should do to change the way aircraft are maintained and flown to protect those who are passengers. These investigations are critically important. We often come up with information about a mechanical failure. We then set out to repair it. We decide that planes won't go back up in the air until that is taken care of. If there is human error—that will happen in most accidents—we at least get to the bottom of the equation and understand what is going on.

The thing I find absolutely incredible, in 1999, is that we are dealing with such primitive tools when it comes to investigating aircraft disasters. The idea of an audio recording in a cockpit goes back to the 1930s. That was the state of the art then. But today, technology is far more advanced and I would suggest that we need to update plane safety by putting a video camera in the new planes' cockpits so we can determine what is happening in a crash.

The obvious is not being used. If you walk into a bank, if you walk into most office buildings, a casino, a convenience store, or stand in front of an ATM machine, you will be on a video camera which will reflect your conduct and your activities. Think what a difference it would make today if there had been a video camera in the cockpit of the EgyptAir aircraft.

The obvious question is, Why haven't we done this? The technology is there. It is a question of will. It may be a question of legislation. That is why I have written not only to the head of the Federal Aviation Administration as well as the Department of Transportation and the National Transportation Safety Board, urging them to expedite this question about whether or not we can safely install a video camera in the cockpit of aircraft to make certain that if there is an accident, so that we have another tool available to determine the reason for the disaster. We wouldn't be involved in all this speculation with the people of Egypt about the utterance of a prayer and whether that meant this was a suicide mission or something far different if we had a videotape we could refer to. We could find out who was at the controls and what they did at those controls. We would have an obvious clear answer to the question.

As I went through this, I was amazed. I stopped and thought for a moment, why in the world are we still stuck with a tape recording of voices and sounds in the investigation of this aircraft disaster? I am urging my colleagues, those who feel as I do, to join me in this effort to make certain we bring the very best technology to the cockpits of aircraft, not only in the United States but those who serve the United States, so the day may come that if there is a disaster, we will have a final and complete answer, not just to satisfy curiosity but, even more important, to make sure passengers across the world can at least have some piece of mind knowing we have done everything we can to make airline safety our top and highest priority.

CLOSING DAYS OF THE SESSION

Mr. DURBIN. In the closing days of this session—it is interesting—we have spent almost a year debating 13 appropriations bills. Now we are trying to bring them to a close. We have some six or seven bills that will finally be lumped together in a huge package which literally no single Member of the Senate will ever read.

It will come to the floor. And then weeks afterwards, when people pore through the details, they will call us in our offices and say: Did you know there was a paragraph in this bill which has an impact on some people or some businesses? In all honesty, we don't. We rely on our leadership and other appropriators. Frankly, we rely on a system that is flawed, a system that allows this to happen too often. It is an unfortunate system and, frankly, reflects the fact that this Congress has been very unproductive.

When Members of the Senate return to their homes and are asked by average families in their States, what did you accomplish to make life better for the families of America, we will be hard pressed to point to any significant thing we have done.

If we pay attention to the polling data of what Americans are worried about and what families are concerned about, we have missed the boat entirely. We have missed it entirely, when it comes to the question of the relationship between American families and their health insurance companies. Time and time again, when asked, these families respond that they are concerned about the fact doctors are no longer making decisions, nurses are no longer making decisions. Decisions are being made by insurance companies and their clerks.

We are down to the wire. Most of the major issues that are on the minds of the American public are being buried in this session of the Congress. Most of the bills, such as the Patients' Bill of Rights, that could have helped working families are being stifled and gutted. The Senate passed a bill several months ago which was an embarrassment. It was, in fact, a protection bill for the insurance companies. It didn't protect patients. It protected the CEOs of companies that are making literally millions of dollars off health care in America.

Over the steadfast opposition of the Republican leadership, the House of Representatives took a different course. They overwhelmingly approved, 275–151, a bipartisan bill with strong protections for all privately insured Americans. What a contrast. The Senate came up with an insurance version of the bill; the House came up with a version for American families.

Well, keep hope alive. Can there be a conference? Can we come together? Can we finally come up with a bill to protect American families? No. The honest answer is the Republican leadership in the House and the Senate refuse to convene the conference to come up with the bill and the House leadership has rigged the naming of conferees so that their conferees are all members who opposed the House passed bill. So we leave and close this session at the end of 1999 no better than when we started. We have nothing to say to the families across America when they ask whether we have taken any steps to protect them when it comes to their relationship with these insurance companies.

I am glad 68 Republicans in the House of Representatives broke from their leadership and voted with the Democrats for a real Patients' Bill of Rights. The bill the Senate passed on July 15 did absolutely nothing when it came to protecting Americans and dealing with their concerns about health insurance.

Let us take a look at some of the differences between the two bills introduced in the House and the Senate. This chart shows the Senate Republican bill and the bipartisan bill passed by Republicans and Democrats in the House of Representatives. It goes through a long litany of things American families tell us they want to see in their health insurance policies: protecting all patients, whether they are employed in a small or large business or bought their own insurance; the ability to hold plans accountable if they make the wrong decision about medical care; the definition of medical necessity; access to specialists; access to out-of-network providers—the list goes on and on—can a woman keep her OB/GYN as her primary care physician if that is the person with whom she is comfortable.

Some plans say no. Many women across America think that is a decision that should be made by them and their doctors. That is in this bill. And as we go through all of these, we find the bipartisan bill that passed the House of Representatives basically provides all these protections.

Look at the scant protections provided by the Senate Republican bill. You can see why many people across America think we have failed in our most important mission. The bill passed by the Senate excluded more than 100 million Americans from basic protections of health insurance reform. Most of the provisions applied only to the 48 million Americans in big employer-sponsored plans. It failed to provide basic protection to millions of others.

In my State, Caterpillar Tractor Company's workers would have been covered by the Senate bill; Motorola's employees would have been covered. John Deere's would be covered. But America's small business employees would be left behind by the Senate Republican bill. A farmer in Macoupin County, IL, who pays for his own family's insurance, and pays a lot for it, wouldn't be safe from insurance abuses. Public school teachers, policemen, women, firemen, and so many others would be out of luck.

I will return to this in a moment. I will speak to another issue, which I believe the Senator from Massachusetts is going to address. That is the perilous situation we find ourselves in in the closing hours of the session when it comes to the critical question of fairness in organ allocation.

We have a situation across America where over 4,800 Americans die every year waiting for an organ transplant. There are people in your State and mine sitting by the telephone hoping for the call that tells them they have a chance to live. It is hard to believe this has become a political issue. In fact, it has. An effort by the Department of Health and Human Services to make organs available across America to those in need is being stopped by an organization and a special interest group that really has put profit ahead of human well-being. I hope we can address this and address it forcefully. Let it be known on a bipartisan basis that we want to take the politics and the special interests out of organ allocation, that our dedication is to the men and women and children sitting by those telephones waiting for word of the availability of an organ.

At this point, I yield the floor to my colleague from Massachusetts, Senator KENNEDY.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. Under the previous order, 9 minutes remain until the hour of 12.

TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT

Mr. KENNEDY. Mr. President, today, the House of Representatives will take up one of the most important bills to come before this Congress, now labeled the Ticket To Work and Work Incentives Improvement Act, which is intended to move us closer to opening the workplace doors for the disabled in communities across the country.

It is a sad day when the U.S. Congress finds it necessary to attach a controversial provision to the legislation that could jeopardize the opportunity for large numbers of people with disabilities to fulfill their hopes and dreams of living independent and productive lives.

A decade ago, when Congress enacted the Americans With Disabilities Act, we promised our disabled fellow citizens a new and better life in which disability would no longer put an end to the American dream. Too often, for too many Americans, that promise has been unfulfilled. The Ticket To Work and Work Incentives Improvement Act is basically the legislation that Senator JEFFORDS of Vermont and I, Senator ROTH, and Senator MOYNIHAN urged the Senate to accept and had been accepted by the Senate by a 99-0 vote. Now the title is the Ticket To Work and Work Incentives Improvement Act, and it will dramatically strengthen the fulfillment of that promise.

We know that millions of disabled men and women in this country want to work and are able to work. But they are denied the opportunity, primarily because they lack the continued access to needed health care. As a result, the Nation is denied their talents and contributions to our community.

Eliminating the health care barriers to work will help large numbers of disabled Americans to achieve self-sufficiency and enable them to become equal partners in the American dream. The Ticket To Work and Work Incentives Improvement Act removes these unfair barriers to work that face so many Americans with disabilities. It makes health insurance available and affordable when a disabled person goes to work, or develops a significant disability while working; it gives people greater access to the services they need to become successfully employed; it phases out the loss of cash benefits as income rises, instead of the unfair sudden cutoff that workers with disabilities face today; it places work incentives in communities, rather than bureaucracies, to help workers with disabilities to learn how to obtain the employment services and support they need.

For far too long, disabled Americans have been left out and left behind. It is time for us to take the long overdue action needed to correct the injustices that have unfairly been placed upon those with disabilities. We should not have this legislation brought down by a controversial provision that does not belong in this bill—a provision that is effectively what they call around here a "poison pill." A provision that endangers the legislation.

I want to say that for a time it looked as if we were going to see a successful achievement for this legislation, and I want to commend my colleague and friend, the Senator from Vermont, Mr. JEFFORDS, for his strong leadership, as chairman of our Human Resource Committee. He has worked long and hard for this legislation. If we are able to achieve it, his role in support of it and also in its development is enormously important.

On the unacceptable amendment that I had mentioned, it is the amendment which would effectively undermine the proposal of the Secretary of HHS on Final Rule for organ transplantation. There is an excellent editorial in the Washington Post, dated 11–17–99. It puts this issue in perspective. It says:

> Congress has not quite given up the year-long attempt to block rules that would make the Nation's organ transplant network more equitable. House leaders are maneuvering to undo a deal reached by conferees allowing the rules to go into effect, even threatening to block an unrelated authorization for research and training at children's hospitals if the organ rules are not further delayed.

This was written at a time when they were threatening to hold up the help and assistance that pediatric hospitals need to train pediatricians, to make sure that pediatric hospitals were going to be treated fairly and equitably, as other teaching hospitals.

There is broad and wide bipartisan support for the proposal to support teaching in pediatric hospitals. But that was going to be the messenger, and the poison pill was going to be the language which, as I understand, would be a part of the legislation that we will see later on in the day.

Let me continue with the Post editorial:

> The rules issuance last year touched off furious counter-lobbying by the supporters of the small local transplant centers who feared that a new system based more on finding the patients with the most urgent need, and less on keeping organs near home, would force small centers to close. Never mind if it also would save lives. Currently, when an organ becomes available, it is offered locally first and then regionally. That leads to situations in which people languish on long waiting lists in some places, while the wait in other regions is much shorter. The wealthy can get on multiple waiting lists and fly to wherever a liver or kidney becomes available. Since some 4,000 people a year die while waiting for an organ, you would think a proposal to purge the distribution system of some of its inefficiencies would have been welcome. Instead, local transplant centers turn to Congress, which twice attached riders to appropriations bills delaying the regulations' effective date. They also turned to State governments, many of which passed laws that bar and prevent organs from being transferred out of State. Finally, conferees reached a compromise that would delay the rules 6 more weeks, then let them go into effect.

Mr. President, that agreement was broken with the language that has been included on the disability legislation. By breaking that agreement, the lives of tens of thousands of desperately ill people are put at risk. Every year, thousands of people die while waiting for transplantation—and at least one person every day dies because the transplantation system is not equitable. The language included on the disability legislation violates fundamental fairness—the fairness of the bargaining process in which an agreement was reached between the Secretary and the appropriators, and the fairness of the organ allocation system.

Mr. President, I will take only a moment or two more—because the time is moving on—to refer to the Institute of Medicine report, which really is the authoritative report on this whole issue. I will mention relevant parts of the institute report, and focus on the conclusion that the Institute of Medicine had on the whole question of developing rules on fairness for organ transplantation—the question of how to best address the moral issues and the ability of people to be able to be treated fairly under a system of organ distribution.

The Institute of Medicine's analysis shows that patients who have a less urgent need for a transplant sometimes receive transplants before more severely ill patients who are served by different OPOs. There is no credible evidence that implementing the HHS's recommendation would result in closure of smaller transplant centers.

Mr. President, that fear about the fate of small centers is the heart of the argument of those that have put on this rider. A rider that has no business being put on this legislation.

The Institute of Medicine analysis further found that there is no reason to conclude that minority and low-income patients would be less likely to obtain organ transplants as a result. Likewise, data does not support the assertion that potential donors and their families would decline to make donations because an organ might be used outside the donor's immediate geographical area.

The Institute of Medicine recommended that HHS—and this is on page 12 of the report—should exercise the legitimate oversight responsibilities assigned to it by the National Organ Transplant Act, and articulated in the Final Rule, to manage the system of organ procurement and transplantation in the public interest.

Federal oversight is needed to ensure that high standards of equity and quality are met. Those high standards of equity and quality were included in the Secretary's excellent recommendation. By tampering with those, we are undermining enormously powerful and important health policy issues. And this extremely controversial rider is added onto underlying legislation which is so important to millions of disabled individuals in our country. Individuals who thought—when this legislation moved through with very strong bipartisan support in the Senate, and then through the final months, has moved through the House of Representatives, and has the strong support of President Clinton, and has had the bipartisan support here in the Congress—thought that there was going to be a new day for those who have physical or mental challenges and disabilities to have the ability to participate in the workforce and become more productive, useful, active, and independent citizens in this country, and also to be able to contribute to the Nation in a more significant way.

I certainly hope we can work through this process because the legislation, which as I mentioned, has been completed and supported in a bipartisan way, is a lifeline to millions of Americans and deserves passage.

I see my friend and colleague, Senator JEFFORDS, who has been instrumental in having this legislation advanced. I am glad to see him on the floor at this time. I hope he will address the Senate on this issue.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

The Senator from Vermont.

EXTENSION OF MORNING BUSINESS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that morning business be extended until 1 p.m. with the time equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT

Mr. JEFFORDS. Mr. President, I thank the Senator from Massachusetts. I would be happy if he desires to more fully discuss what we have done. I was not here to hear his full speech. I thank him. We have worked together. He was here years before I came to the Senate. In 1975, we had the initial big step forward for the disabled and were able to set up the 94142, as it was called then, to make sure all children got a good education, and specially those with disabilities.

As we have walked through this over a period of many years, we have fought year by year to remove block by block what the disabled community has had to face. Finally, we are at that point where we are opening the final door to allow them to do what all disabled want to do, and that is to have a meaningful life, to be able to seek employment, and get employment without having the doors slammed because they lost their benefits.

I can't thank the Senator enough for what he has done. Also, there are others, some who have left this body, such as Bob Dole, who was another leader for the disabled. I praise him also for the work he did, and especially in this area where he helped us introduce the bill that we were so happy to be able to cosponsor and to see it put into the final steps.

I thank the Senator from Massachusetts profusely for all he has done. I would be happy to yield for any further comment.

Mr. KENNEDY. As I mentioned earlier, this has been a continuing process beginning with the passage of the Americans With Disabilities Act, when we put into law protections for the disabled so they wouldn't be discriminated against in the workplace based upon their disability.

As the Senator knows very well, that has been enormously important and has been effective. But as the Senator has pointed out, with this legislation complimenting what has been achieved with the Americans With Disabilities Act, we can open an entirely new dawn for millions who have some disability.

As we are getting closer to achieving that, I am sure the Senator agrees with me that when we finally have the President's signature on this, there will be people saying: What has taken them so long? This is such a commonsense approach. But as the Senator knows, this has been a battle every step of the way. There have been those who have felt that if we do this for this particular group, we might be establishing some form of precedent that may be used somewhere down the road, and worry if we know where it might lead.

There are a number of strong negative voices out there. Nonetheless, I think with the leadership of the Senator from Vermont and others—he mentioned certainly Senator Dole, Senator Weicker, and our good friend on our human resources committee, TOM HARKIN, who is generally recognized in this body as one of the real authorities on disability issues—this has been a common effort of this institution. It is an area of public policy where this institution has done what it is challenged to do; and that is to find common ground in a bipartisan way to address a common concern that affects millions of Americans and make progress on it.

I again thank the Senator from Vermont for the opportunity to work with him. We still have a ways to go to make sure the legislation actually reaches the people and addresses the regulations in the way it is intended. But I think this is going to be enormously important—and I hope soon to finally have the President's signature on this legislation. We are much closer today than we have ever been in the past.

I join with the Senator to thank him for his good work. We hope to see that this is actually put into place and implemented so it will benefit those that it should benefit.

I thank the Senator.

Mr. JEFFORDS. Mr. President, again, I thank the Senator from Massachusetts for those comments and for all the work he has done.

I am delighted to stand before you today, to speak about an extremely important piece of legislation. The bill we are sending to the President today, a bill I know he is eager to sign into law, will have a tremendous impact on people with disabilities. In fact, this legislation is the most important piece of legislation for the disability community since the Americans with Disabilities Act.

My reason for sponsoring this particular piece of legislation is quite simple. The Work Incentives Improvement Act of 1999 addresses a fundamental flaw in current law. Today, individuals with disabilities are forced to make a choice . . . an absurd choice. They must choose between working and receiving health care. Under current federal law, if people with disabilities work and earn over $700 per month, they will lose cash payments and health care coverage under Medicaid or Medicare. This is health care coverage that they need. This is health care coverage that they cannot get in the private sector. This is not right.

Once enacted, the Work Incentives Improvement Act of 1999 will allow individuals with disabilities, in states that elect to participate, continuing access to health care when they return to work or remain working. In addition, those individuals who seek it, will have access to job training and job placement assistance from a wider range of providers than is available at this time. Currently, there are 9.5 million individuals with disabilities across the country who receive cash payments and health care coverage from the federal government. Approximately 24,000 of these individuals live in my home state, Vermont. Once enacted, the Work Incentives Improvement Act will actually save the federal government money. For example, let's assume that 200 Social Security disability beneficiaries in each state return to work and forgo cash payments. That would be 10,000 individuals out of the 9.5 million individuals with disabilities across the country. The annual savings to the Federal Treasury in cash payments for just these 10,000 people would be $133,550,000! Imagine the savings to the Federal Treasury if this number were higher. Clearly, the Work Incentives Improvement Act of 1999 is fiscally responsible legislation.

I began work on this bill in 1996. Though it was a long and sometimes difficult task, many hands made light work. Senator KENNEDY, Ranking Member on the HELP Committee, joined me in March of 1997. Senators ROTH and MOYNIHAN, Chairman and Ranking Member on the Finance Committee signed on as committed partners in December of 1998. Last January, 35 of our colleagues, from both sides of the aisle, joined us in introducing S. 331, the Senate version of this legislation. One week later, in a Finance Committee hearing, we heard compelling testimony from our friend, former Senator Dole, a strong supporter of this legislation. A month later, we marked this legislation out of the Finance Committee with an overwhelming majority in favor of the bill. Finally, on June 15th, with a total of 80 cosponsors, we passed this legislation on the floor of the United States Senate, with a unanimous vote of 99–0.

Four months later, over 35 of our colleagues in the House of Representatives, took to the floor of their chamber, and spoke eloquently for their version of this legislation. Later that day, the bill passed the floor of the House with a vote of 412–9. Since then, the Senate and House Conferees have been working diligently in effort to reach common ground. I am very pleased today, that the differences in policy in the two different bills have been resolved and consensus has been reached on a conference agreement. This agreement does not compromise the original intent of the legislation, retaining key provisions from S. 331.

From my perspective, the Work Incentives Improvement Act of 1999 represents a natural and important progression in federal policy for individuals with disabilities. That is, federal policy increasingly reflects the premise that individuals with disabilities are cherished by their families, valued and respected in their communities, and are an asset and resource to our national economy. Today, most federal policy promotes opportunities for these individuals, regardless of the severity of their disabilities, to contribute to their maximum potential—at home, in school, at work, and in the community.

I have been committed to improving the lives of individuals with disabilities throughout my Congressional career. Providing a solid elementary and secondary education for children with disabilities, so that they will be equipped, along with their peers, to benefit from post-secondary and employment opportunities is crucial. When I came to Congress in 1975, Public Law 94–142, the Education for all Handicapped Children Act, now the Individuals with Disabilities Education Act (IDEA), was enacted into law. IDEA assures each child with a disability, a free and appropriate public education. I am proud to be one of the original drafters of this legislation which has reshaped what we offer to and expect of children with disabilities in our nation's schools.

In addition, I have been committed to providing job training opportunities for individuals with disabilities. In 1978, I played a central role in ensuring access to programs and services offered by the federal government for individuals with disabilities through an amendment to the Rehabilitation Act. I believe that this amendment alone laid the foundation for significant legislation that followed, including the Technology-Related Assistance for Individuals with Disabilities Act of 1988, now the Assistive Technology Act of

1998, both of which I drafted. Most importantly, this legislation opened the doors for the most comprehensive piece of legislation of all, the Americans with Disabilities Act of 1990. This legislation prohibits discrimination on the basis of disability in employment, public services, public accommodations, transportation, and telephone service.

These laws have forever changed the social landscape of America. They serve as models for other countries who recognize that their citizens with disabilities are an untapped resource. In our country, individuals with disabilities are seen everywhere, doing everything. Just this past weekend, thousands of physically disabled individuals participated in the New York City Marathon, as they have been doing for years. The expectations that these people set for themselves and the standards we apply to them have increasingly been raised, and now in many circumstances equal those set and applied to other individuals.

Unfortunately, one major inequity remains. That is, the loss of health care coverage if an individual on the Social Security disability rolls chooses to work. Individuals with disabilities want to work. They have told me this. In fact, a Harris survey found that 72 percent of Americans with disabilities want to work, but only one-third of them do work. With today's enactment of the Work Incentives Improvement Act of 1999, individuals with disabilities will no longer need to worry about losing their health care if they choose to work a forty-hour week, to put in overtime, or to pursue career advancement. Individuals with disabilities are sitting at home right now, waiting for this legislation to become law. Having a job will provide them with a sense of self-worth. Having a job will allow them to contribute to our economy. Having a job will provide them with a living wage, which is not what one has through Social Security.

In addition to continuing health care coverage and providing job training opportunities for individuals with disabilities, this legislation offers many other substantial long-term benefits. The Work Incentives Improvement Act of 1999 will give us access to data regarding the numbers, the health care needs, and the characteristics of individuals with disabilities who work. Furthermore, this legislation will provide the federal government as well as private employers and insurers, the facts upon which to craft appropriate future health care options for working individuals with disabilities. It will allow employers and insurers to factor in the effects of changing health care needs over time for this population. Hopefully, it will even improve the way in which employers operate return-to-work programs. Through increased tracking of data, we will learn the benefits of intervening with appropriate health care, when an individual initially acquires a disability. We will also learn the value of continuing health care to a working individual with a disability. If an individual, even with a severe disability, knows that he or she has access to uninterrupted, appropriate health care, the individual will be a healthier, happier and thus more productive worker.

I would like to take the time now to briefly outline the major provisions which have remained as part of this legislation. The conference agreement retains the two state options of establishing Medicaid buy-ins for individuals on Social Security disability rolls, who choose to work and exceed income limits in current law, as well as for those who show medical improvement, but still have an underlying disability. For working individuals with disabilities, the conference agreement extends access, beyond what is allowed in current law, to Medicare. In addition, the legislation before us today retains several key provisions from S. 331, including, the authority to fund Medicaid demonstration projects to provide access to health care to working individuals with a potentially severe disability; the State Infrastructure Grant Program, to assist states in reaching and helping individuals with disabilities who work; work incentive planners and protection and advocacy provisions; and finally, most of the provisions in the Ticket to Work Program.

In order to control the cost of this legislation, compromises were made. Although the purpose of the State Infrastructure Grant Program and the Medicaid Demonstration Grant Program remain the same, the terms and conditions of these grants were altered in conference. As a result, states are not required to offer a Medicaid buy-in option to individuals with disabilities on Social Security, who work and exceed income limits in current law, prior to receiving an Infrastructure or a Medicaid Demonstration Grant.

Also in Conference, the extended period of eligibility for Medicare for working individuals with disabilities has been changed from 24 to 78 months. During this extended period, the federal government is to cover the cost of the Part A premium of Medicare for a working individual with a disability, who is eligible for Medicare. S. 331 would have extended such coverage for an individual's working life, if he or she became eligible during a 6-year time period.

I would like to note two changes to the Ticket to Work program made during Conference. The new legislation shifts the appointment authority for the members of the Work Incentives Advisory Panel from the Commissioner of Social Security to the President and Congress. In addition, language regarding the reimbursements between employment networks and state vocational rehabilitation agencies was deleted in Conference. The new legislation gives the Commissioner of Social Security the authority to address these matters through regulation.

Although several changes have been made from the original Work Incentives bill, I am still very pleased with what we are adopting today. This is legislation that makes sense, and it will contribute to the well-being of millions of Americans, including those with disabilities and their friends, their families, and their co-workers. Today's vote provides us the opportunity to bring responsible change to federal policy and to eliminate a misguided result of the current system—if you don't work, you get health care; if you do work, you don't get health care. The Work Incentives Improvement Act of 1999 makes living the American dream a reality for millions of individuals with disabilities, who will no longer be forced to choose between the health care coverage they so strongly need and the economic independence they so dearly desire.

In closing, I would like to thank the many people who contributed to reaching this day. I especially thank the conferees, Majority Leader LOTT, Senators ROTH and MOYNIHAN, and in the House, Majority Leader ARMEY, and Congressmen ARCHER, BLILEY, RANGEL, and DINGELL. I also thank their staff who worked so closely in effort to reach this day. From my staff, I thank Pat Morrissey, Lu Zeph, Leah Menzies, Chris Crowley, and Kim Monk. I want to recognize and extend my appreciation to the staff members of my three fellow sponsors of this bill: Connie Garner in Senator KENNEDY's office, Jennifer Baxendell and Alexander Vachon with Senator ROTH, and Kristen Testa, John Resnick, and Edwin Park from Senator MOYNIHAN's staff. Finally, I wish to thank Ruth Ernst with the Senate Legislative Counsel for her drafting skill and substantive expertise, her willingness to meet time tables, and most of all, her patience.

In addition to staff, we received countless hours of assistance and advice from the Work Incentives Task Force of the Consortium for Citizens with Disabilities. These individuals worked tirelessly to educate Members of Congress about the need for and the effects of this legislation.

Finally, I would like to urge my colleagues in both chambers to set aside any concerns about peripheral matters and to focus on the central provisions of this legislation. Let's focus on what today's vote will mean to the 9.5 million individuals with disabilities across the nation. At last, these individuals will be able to work, to preserve their health, to support their families, to become independent, and most importantly, to contribute to their communities, the economy, and the nation. We are making a statement, a noble statement and we must do the right thing. Let's send this bill to the President.

Thank you, Mr. President.

Mr. DURBIN. Mr. President, under the unanimous consent agreement, how much time remains in morning business?

The PRESIDING OFFICER (Mr. BENNETT). We are in morning business until 1 o'clock, with the time equally divided between the two sides.

Mr. DURBIN. The remaining time on the Democratic side?

The PRESIDING OFFICER. Twenty-six minutes.

LEGISLATIVE LANDFILL

Mr. DURBIN. Mr. President, as we reflect at the end of this legislative session on our accomplishments, it is my belief that there are very few things we can go back home to tell the American people we achieved.

100 Senators and 435 Members of the House of Representatives came to Washington, DC, at the beginning of the year and listened closely to President Clinton's State of the Union Address where he outlined a program and some objectives, many stood and cheered. The applause lines were frequent during the course of that speech. People of both political parties left the State of the Union Address saying they were now energized and invigorated to go forward and address the issues facing America, and we began the legislative process.

For me, it is the 17th time I have been through this. It is hard for me to remember another session of the Congress as unproductive as this session of the Congress. When it came to issues that the people and families across America care about, this Congress refused to do anything. This wasn't a titanic struggle between the Republican conservative agenda and the progressive agenda of the Democrats where we brought issues to the floor and fought over amendments from one side to the other. That is what we are supposed to see on Capitol Hill. That didn't happen because there was no agenda on the other side. The Republican leadership had no agenda.

Recently, a Republican Congressman said we considered this year a "legislative timeout." When timeouts occur during the course of an NFL football game, most people leave the room and go to the refrigerator; if America's families had left the room and gone to the refrigerator, they would have spent a lot of time there this year if they were waiting for Congress to do something. We didn't do it. We didn't respond. Now we have to go home, as we should, and explain it.

Let me state some of the issues we failed to act on this year, issues that make a difference to families across America. The Patients' Bill of Rights: The relationship of a person, a family, a business, to their health insurance company. That is pretty basic. When we asked America's families, they said that is the No. 1 concern. We want to make certain, when we go in a doctor's office, that the doctor makes the decision, not some clerk at an insurance company off in Topeka, KS.

I know from my experience in Illinois, as most others know from their own personal experiences, many times doctors are being overruled. I can recall a doctor who said to me a mother came in the office with an infant and the baby had been complaining of a headache on the right side of his head for several months. The doctor asked if it was always complaining about one side of the head, and the mother said yes. The doctor thought: I had better take an MRI to see if there might be a brain tumor. Before he said that to the mother, he looked at her file for the name of her insurance company. He said, excuse me, left the room, got on the phone and called the insurance company. He said: The mother presents herself with an infant complaining of headaches for several weeks and months on one side of the head. It is my medical decision and opinion we should have an MRI to determine whether there is a possibility of a brain tumor.

The voice on the other end of the phone said: No; no. The insurance company that pays for the bills declines that procedure.

That doctor had to walk back to that room and not even tell the mother what had happened. He was bound by his contract not even to disclose that his medical judgment had been overruled by an insurance company clerk.

That is the state of health care in America. Families who go into those doctors' offices, confident the patient-doctor relationship is a sacred one that can be trusted, are beginning to think twice. They appeal to Members of Congress, Democrats and Republicans: Do something; restore our faith in our medical system. Restore quality health care. Pass a Patients' Bill of Rights.

No, not in this Congress. This Congress and the Senate on July 15 passed a bill friendly to the insurance companies—as if they needed another friend on Capitol Hill—a bill which, frankly, didn't address the most basic issues families worry over every single day.

I won't even get into the question of expanding medical insurance coverage. We wouldn't even utter those words on Capitol Hill for fear it might bring down charges of radicalism, the idea that the 44 million uninsured Americans who grow in number every year might have their Government care enough to do something. We are not in that business with the Republican-controlled Congress. We don't talk about those things—like the aunt who is somewhere off in the distance, never referred to by a family.

We don't talk about medical coverage for all Americans. Families talk about it. Families talk about their kids turning 23 years of age, coming off the health insurance policies of their moms and dads, and whether they have a chance to be covered. Families talk about whether or not someone with a preexisting condition can find insurance in this country. We don't talk about it in Congress, no. The insurance companies don't want Members to talk about it. The special interests ruled this session of Congress.

We see in the Republican legislative landfill of the 106th Congress the Patients' Bill of Rights, an issue we failed to address.

The nuclear test ban treaty: Just a few weeks ago, possible one of the worst decisions made by Congress in a decade, a decision to turn down a treaty where the United States not only would have the moral leadership in the world but enact a treaty that backs it up and says to countries around the world: If you are not a nuclear power, don't become one. If you have nuclear weapons, don't test them. Let's stop this nuclear arms race in place.

This nuclear test ban treaty failed in the Senate on a largely partisan vote. It was a sad day for America. It was a sad day for a country which has tried to lead the world and say to countries such as India and Pakistan, stop what you are doing, don't keep this arms race going and develop nuclear weapons that could mushroom into a war that would destroy not only people in those two countries but in many other nations. This Congress, this Senate, failed to enact a nuclear test ban treaty.

We failed to enact any legislation to deal with school construction. Take a look at the numbers: There will be more kids showing up for classes in the next 10 years than we have been serving in the last 10 or 20 years. Those kids need teachers, they need classrooms, they need modern schools, schools where they have the electricity to make certain they can sustain the computer technology, schools that are safe, schools where kids have a positive learning environment. When the President made this proposal for school construction, it was greeted with disbelief and disapproval on the other side of the aisle. We have done nothing in this session of Congress to deal with school construction.

Campaign finance reform: Is there a more basic issue for the future of Congress? Will we ever change the current system which has become a bidding war among special interests where Members of the Senate such as myself literally have to be on the phone day and night, begging for money for a campaign that costs millions of dollars? If you are not independently wealthy and cannot write a big check to sustain your own campaign in the

Senate, you spend most of your time begging for money. Is that what Americans want in the Senate or the House of Representatives? I don't think so.

A bipartisan bill—Senator JOHN MCCAIN, a Republican, of Arizona, and Senator RUSS FEINGOLD, a Democrat from Wisconsin—said we can clean up this system, but this Congress failed to enact meaningful campaign finance reform. Only 55 Senators—45 Democrats and 10 Republicans—came forward in support of this most basic change in reform.

As part of the legislative landfill of the 106th Congress, Republicans were successful in not passing campaign finance reform.

Minimum wage increase? The minimum wage in this country is $5.15 an hour. When you calculate that out, it means a little over $10,000 a year in income. Can any of us consider a life on $10,000 a year and what it would mean? Keep in mind, these are men and women who get up and go to work every single day and make $5.15 an hour. Inflation eats away at it, at a wage that was already too low to be livable. We tried this year to increase the minimum wage by 50 cents an hour each year over the next 2 years, saying it is only fair that working men and women have that help from their Government. We were resisted on the Republican side of the aisle. Ultimately, they came up with their own package. They do not do it over 2 years; they do it over 3 years, which costs those wage earners $1,200 a year in income to take that approach. Mr. President, $1,200? You might say that is not that big a deal. It is if you are making $10,000 a year; it is a very big deal.

The Republican approach representing special interests in stopping the minimum wage increase prevailed. They also added in there some tax breaks that, frankly, cannot be taken seriously because they did not pay for them. There we have it—the minimum wage issue into the landfill.

This is one you will remember, the juvenile crime control bill. You will remember it because it came up right after Columbine High School. It was an effort by the Senate to pass a sensible gun control law. When the final vote was cast, it was 50–50. Vice President Al Gore came to the floor, broke the tie, and we enacted the bill which said as follows: When people buy guns at gun shows, we want to know if they have a history of violent mental illness or a criminal record.

In an effort to keep guns out of the hands of criminals and kids, we passed a sensible gun control measure, sent it across the Rotunda to the House of Representatives, where it literally died because the National Rifle Association and the gun lobby decided they did not want to pass any gun control bills this session. This Nation, which was shocked by the occurrences at Columbine and so many other schools, had a chance to pass sensible gun control legislation and failed. We will go home now to face our constituents, many of whom live in cities where gun violence is a commonplace occurrence, and have to tell them this Congress failed to pass any sensible gun control legislation.

Smaller class size—thank goodness the President prevailed in his negotiations. The President's goal, and one I share, is to reduce class size in the early grades so quality teachers can meet with kids right when they are starting their education and help them along. You take the kids who are the best and the brightest and you give them the biggest challenges. You take those who may be suffering from some learning disability, you diagnose their problem and try to deal with it at an early age. You take the kids who do not learn as quickly and give them special attention. For teachers to achieve that, they need smaller class sizes. If you put 30 kids in a classroom, the teacher is lucky to maintain discipline, let alone meet the special needs of individual students.

So the President said, and I agree: We need to focus 100,000 teachers into reducing class size across America. Until a few days ago, the Republicans had opposed this. Finally, the President prevailed. Finally, we are moving forward on this initiative which we started last year that serves school districts all across America, not just in the cities but in the towns and suburbs alike.

Look at the efforts to help family farmers. We finally came through with that on a bipartisan basis. It is one of the things we achieved this year. But it begs the question, to leave it at that, because next year if we do not change the basic Federal farm policy, the so-called Freedom to Farm Act, we are going to see a rerun, unfortunately, of what we saw this year—farmers literally struggling to survive. As prices across the world have plummeted, they cannot make a decent income.

In my home State of Illinois, a State that has a very strong farm sector, just a few years ago the average net farm income for a farmer was about $48,000 a year. This year it will be about $25,000. That is about half. But $13,000 of the $25,000 will come from Federal payments. The other about $12,000 will come in farm operations. We cannot sustain a farm economy where half the income of farmers in Illinois and Minnesota or Nebraska comes from the Federal Treasury. The law has to be changed, and this year we did not take up a change in the law as we should have.

The last point I would like to make before I yield to my colleague from Minnesota is this. The Patients' Bill of Rights is an issue we have to return to as the highest priority in the next Congress. When you consider the lives of people who are dependent on this action, you understand the severity of it. I will tell one quick story.

Take a look at this little girl here. She is Theresa. She lives in Yorkville, IL. Her dad is a police officer and her mom stays at home to look after her. She suffers from a rare disease known as spinal muscular atrophy. It is a very debilitating disease. As you can see, she is on a ventilator, and I met a couple of kids just like this. This is what her mother says:

> She was hospitalized from September 2nd last year until February 15 of this year due to fighting the insurance company for certain provisions we could not do without in our home.
>
> We had to fight and fight with the insurance company for things the doctors had said were needed [for Theresa.] So we fought for 2½ months. We eventually did get everything that we needed, except it was a very long battle.

Can you imagine having your family separated that long because the insurance company did not want to help?

> Theresa caught RSV in the hospital while we were waiting for the appeal to go through. That is why she now has [a ventilator and tracheotomy.]

That is a real life family. Theresa's dad is a policeman. Theresa and her family would not be protected by the Republican version of the Patients' Bill of Rights. They would not have the benefit of an appeals process in a timely fashion so they could get a good answer, a sensible medical answer for this little girl. Instead, they are embroiled in month after month of weary debate with the insurance company. That is health care in America for too many American families. This Congress has failed, utterly failed to address this critical issue.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized. We are going from side to side.

Mr. WELLSTONE. I thank the Chair. I wonder if I can ask unanimous consent to follow the Senator from Kentucky?

Mr. INHOFE. Reserving the right to object, I inquire of the Chair, it is my understanding we had until the hour of 1 o'clock equally divided. I ask how much time is remaining on each side?

The PRESIDING OFFICER. On the Republican side, there are 22 minutes 37 seconds. On the Democratic side, there are 9 minutes 33 seconds.

Mr. INHOFE. I thank the Chair.

The PRESIDING OFFICER. Without objection, the Senator from Minnesota will be recognized following the Senator from Kentucky.

THE TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT

Mr. BUNNING. Mr. President, I rise in strong support of the work incentives and ticket to work legislation.

This is a day I have looked forward to for a long time.

It is a great day for the disabled in America. By passing this legislation, we are going to make it easier for them to return to work and become self-sufficient. We are going to give those who want to try to return to work the tools they need to support themselves and to escape from the dependency on a monthly Government check.

For years, the Social Security disability program has provided a vital safety net to assist those who fall on hard times and need help when they become sick or injured and cannot support themselves. It has done this job well. But for the many disabled people who have wanted to return to work and could be able to work, the disability program has not worked as well. It has not properly equipped them to return to the workforce. It has not given them the tools they need to move off the disability rolls. In fact, fewer than 1 percent of those who go on the disability rolls—that is currently 4.5 million people—never return to work because the program does not provide an adequate support network or resources for these Americans to move back into the workforce.

For these disabled people, the disability program has become a black hole. Once they fall in, they cannot escape. The bill we hope to pass today or tomorrow finally gives these Americans new hope, the ladder they need to climb out of that hole. The Ticket To Work and Work Incentives Improvement Act modernizes the disability program and moves it into the modern age and provides more options for the disabled who want to work. It provides them with a ticket that can be used to help acquire skills to reenter the workforce.

Under the old system, these workers had only one option if they wanted to return to work: they had to work through their State vocational rehabilitation programs. This option will still be open to them, but now they will also be able to use their "ticket" to go to other provider networks and employers to obtain skills and jobs. In short, the "ticket" expands opportunity for training and choices for rehabilitation for the disabled, and gives them the ability to tap into the power of the free market.

This legislation also addresses the most pressing need for most of those who want to leave the disability rolls and return to work—the availability of adequate health care. Many of these potential workers continue to require a high degree of medical care even after they return to work. Obtaining this care—and paying for it—is often a high hurdle to cross, especially for those who move back to the workplace in entry and lower-level positions. Under the bill we are dealing with today, we expand continued Medicare coverage for the disabled and also increase Medicaid funding to the States to help them address the problems.

All in all, this bill is win-win. It is a winner for the disabled community and a winner for the American taxpayers and all of us who pay Social Security taxes. The Congressional Budget Office tells us that for every 1 percent of disability recipients who return to work, the Social Security disability trust fund saves $3 billion. That is serious money. If this legislation only works partly as well as we expect, it will make a tremendous difference for the future of the trust fund and our ability to look after the neediest Americans.

It's been almost 5 years since Congress began looking into problems with the disability program. In 1995, when I was the chairman of the House Social Security Subcommittee, we began holding hearings on possible changes we could make to Social Security to help the disabled. After those hearings, former Congresswoman Barbara Kenelley and myself wrote reform legislation that passed in the House in 1998 by a vote of 410–1. While my bill died in the Senate last year because Senator KENNEDY put a hold on my bill and some shenanigans by the White House, it is at the core of the legislation we are passing today and I am very proud of that. We have worked very hard to make sure the ticket-to-work portion of this reflects the bill that passed the House last year 410–1.

This is a good bill, and I urge my colleagues to support it. It will truly make a difference for many Americans who need it the most, and I think it will stand as one of the most significant pieces of legislation to pass during this Congress.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

NORTHEAST DAIRY COMPACT

Mr. WELLSTONE. Mr. President, in a while—though it is not clear when—it is my understanding that Congressman OBEY from Wisconsin—and I see Senator FEINGOLD from Wisconsin on the floor right now—is in the House with any number of different motions to adjourn before this conference report is acted upon.

We will eventually get this huge omnibus conference report. Those of us from the midwest dairy States are indignant about what has been done. It goes beyond dairy. Later on, believe me, we are going to have plenty of time to talk about dairy farmers. We are going to talk about what it means to dairy farmers, what it means to our States, and what it means to the country when, in a conference committee, provisions that extend the Northeast Dairy Compact and also block what Secretary Glickman was trying to do with the milk marketing order reform are put into the overall bill.

What I want to focus on is the process. To focus on the process, one might say, is a little bit too inside Washington politics, but I do not think so because actually, I say to my colleagues, Democrats and Republicans alike, this is, in a way, what makes people most distrustful of what we do.

By the way, I am not going to argue that everything we do should be looked upon with suspicion by citizens. I am not going to engage in an across-the-board indiscriminate bashing of the whole political process. But I will say, if people do not believe in the process, they do not believe in the product.

Again, what has happened, in all due respect to the negotiators, is by not getting the work done on these appropriations bills and by putting all of this into an omnibus bill, we have had a few people negotiating. If the majority party in a conference committee wants to roll the minority party, they can do so. That is what they have done in the House by basically putting in this provision that extends the Northeast Dairy Compact and blocks the milk marketing order reform.

We had a vote on this in the Senate. We voted against extending the dairy compact. It was a square and fair debate and vote. Then, in a conference committee, completely unrelated to the appropriations bills, completely unrelated to what the scope of the conference committee was supposed to be, these provisions were put back in the bill in the dark of night. House Majority Leader ARMEY announced they had done it, and Senate Majority Leader LOTT announced the provision was in. There was never debate and discussion. They tucked into the conference report this huge monstrosity of a bill that hardly any of us have had a chance to read yet, which will be coming over here sometime.

I come to the floor to say to Congressman OBEY in the House: I applaud your efforts. What we have is raw politics—just get this through. That is what they have done with this Northeast Dairy Compact. They could not do it on the floor of the Senate. They stuck it in a conference report. They did it in the dead of night. They did it outside any public scrutiny. And now they present it to us in a conference report as a fait accompli. They set up a continuing resolution that goes into next week.

They figure out ways of jamming people, and it is unclear as to what leverage we have left. But, as Congressman OBEY is doing in the House, I am sure those of us who are from Wisconsin and Minnesota in the Senate intend to speak out. We intend to be very clear about what has happened, and we will do all we can as Senators. We will go from there.

I say to my colleagues that almost as much as the final product, I came to the floor of the Senate to strongly dissent from the way it was done.

I understand the rules. I understand what it is all about when people have figured out a way to roll Senators. I think that is what the majority leader, the Senate majority leader, and House Majority Leader ARMEY have done. I think that is what the Republicans have done in this conference committee. There is no question about it.

But I want people in Minnesota to know that we will continue to speak out about this, even as we see less and less opportunities for our leverage. We will fight in whatever way we can. We will certainly not be silent about this.

When this bill comes over, I would think, I say to my colleague from Wisconsin, Senator FEINGOLD, we can probably expect a considerable amount of discussion about not only the impact on dairy farmers and what it is going to mean for a lot of people who are going to go under who are already struggling enough, but I think also, I say to Senator FEINGOLD, who has been such a reformer, the way it has been done, the whole process, which I think is profoundly antidemocratic, with a small "d"—not up-or-down votes, late at night, tucked into a report; by whom, when, how, not at all clear, and then design rules in such a way you can just roll it through—we will certainly be speaking out loudly and clearly about it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

A PRODUCTIVE SESSION AND ISSUES FACING AMERICA

Mr. INHOFE. Mr. President, while presiding and listening to some of my distinguished colleagues talking about the lack of productivity of this session of the legislature, there are a few things that were very productive and that we can be very proud of when we go home and say we were able to get certain things done.

Before doing that, though, and to ensure I get one point out before using up the time that is allotted, the distinguished Senator from Illinois named a number of issues that he thought were somewhat disgraceful—for example, the fact that we do not have more gun control legislation.

Maybe because of my roots back in Oklahoma, I find it very difficult to understand this mentality, that somehow guns are the culprit as opposed to the people, and somehow that honest, law-abiding Americans should have to be disarmed, should have to give up their guns, while the criminal element would not be giving up their guns.

Time and time again, every survey that has been done, every study that has taken place, has come to the conclusion that the problems that we have are of a criminal element. There are people out there who are not getting adequately punished, and they will continue to have firearms.

I will just make one statement. It seems incredibly naive to me anyone could believe that if we pass a law that makes it illegal for all citizens to own guns, somehow the criminal element, who by their very definition and nature, are criminals, will comply with the law.

Also, it seems very frustrating to me that we have a President of the United States who wants to have all kinds of legislation to take away guns from law-abiding citizens and at the same time turns 16 terrorists loose on the streets of America; that we have a President of the United States who will make speeches—as this President made some 133 times, including in two State of the Union Messages—that now, for the first time in contemporary history, the first time since the dawn of the nuclear age, there is not one—I repeat, not one—missile aimed at American children tonight. When he made that statement, he knew full well that in at least one country, China, there were a minimum of at least 13 American cities that were targeted at that very moment. So we are living in a very dangerous world.

I listened to the concerns that we have on the nuclear test ban treaty. As chairman of the Readiness Subcommittee of the Senate Armed Services Committee, I would like to kind of lead into that to at least explain to thinking people that we did the right thing by not unilaterally disarming with the Comprehensive Test Ban Treaty, which is not verifiable.

First of all, I can say—and I do not think anyone can challenge this statement—we are now in the most threatened position that we have been in, in the history of America. By that, I mean for things that have happened in the last 7 years in three broad categories.

First of all, we have a President of the United States who, through his veto messages, starting in 1993 in vetoing the defense authorization bills, and then succeeding bills since that time, has done so, so that we would have to cut down the size of our military, so that we now have ended up having a force strength of one-half of what we had in 1991 and 1992 during the Persian Gulf war.

It is not a matter of the President vetoing defense authorization bills and taking money out of our defense system to put into his favorite domestic social programs, but at the same time he has deployed our troops to places all over the Earth where we have no national security interests. So now we have troops in Bosnia.

I remember in December of 1995, when we were on the floor trying to pass a resolution of disapproval, to stop the President from sending our rare military assets to places such as Bosnia. We lost it by three votes. The President said: Let me do this. If we defeat this resolution, and if we get to send troops into Bosnia, I promise they will be home for Christmas 1996. Here we are. We are getting close to Christmas 1999 and the troops are still not home. There is no end in sight.

We have the same thing in Kosovo. We have had serious problems. I have gone over to Kosovo, I am sure, more than any other Member has, only to find out this is a war that has been going on for 600 years, a war where the two sides alternate in who is the good guy and who is the bad guy. Ethnic cleansing has taken place historically for 600 years on both sides; both on the Serbian side and the Albanian side.

So it was a horrible awakening I had when I was over there, right after we went in there with cruise missiles, where we had refugees in different places such as Tirana, Albania. I can remember walking through the refugee camp. The people were well cared for. They were doing quite well. But then they looked at me and said: When are you and America going to do something about our problem?

I said: What is your problem?

They said: Well, we're refugees.

I said: Why should we in the United States be as concerned about that as other countries?

They said: Because it is because of you that we are refugees. It is because the ethnic cleansing was not accelerated until the time that the bombs started being dropped on that town.

So we now have a weakened defense system because we have starved it into a degree of weakness. Yet we are living in a time when virtually every country has weapons of mass destruction.

And now we find out that in conventional warfare we are not superior anymore. Wake up America. We are not superior anymore. We found out the other day that two of our Army divisions are ranked as C–4, which means they are not capable of combat. And what are these divisions? These divisions are the 10th Army Mountain Division in Bosnia and the 1st Infantry Division in Kosovo.

It is not the fault of our troops. They are put in places and they no longer have combat training, so they are not capable of combat without coming out of there and training for at least 6 months.

So if we are down to 10 Army divisions because of this President, and 2 of them are rendered incapable of combat, that is 8 Army divisions. We had 19 during the Persian Gulf war. So that is what has happened to our military.

Just the other day I was very proud of Gen. John Jumper, who had the courage to stand up and say publicly that we are no longer superior in air-to-air and air-to-ground combat. Our strategic fighters are not superior to those others on the market. He stated the SU-35, as made by the Russians, is on the market right now, the open market. It is for sale. Anyone can buy it—Iraq, Iran, Syria, Libya, anybody else—and it is better than anything we have, including the F-15 and the F-16.

We have to face up to this. It is a threat from the conventional side as well as from missiles.

I will make one comment about the missiles. Again, we hang this on President Clinton. In that same veto message in 1993, President Clinton said: I'm vetoing this bill. And I'm vetoing it because it has money in it for a national missile defense system, which we do not need because there is no threat out there. Yet we knew from our intelligence that the threat would be there and imminent by fiscal year 1998. And sure enough, it was.

So here we are with the combination of all these countries out there that have every kind of weapon of mass destruction: Biological, chemical, or nuclear. Yet we have countries such as China and Russia and now North Korea that have the capability of delivering those warheads to anywhere in America right now, when we are in Washington, DC. They could fire one from North Korea that would take 35 minutes to get here. There is not one thing in our arsenal to knock it down because this President vetoed our national missile defense effort.

Now the American people have awakened to this, and we have enough Democrats who are supporting Republicans to rebuild our system and to try to get a national missile defense system deployed. Unfortunately, it couldn't happen for another 2 years, maybe 2½ to 3 years.

That gets around to the Comprehensive Test Ban Treaty about which my distinguished colleague from Illinois was talking. I think probably the best thing that could have happened to us for our national security was to defeat that. If we don't have a national missile defense system, then what do we have to deter other countries from launching missiles at the United States?

What we have is a nuclear stockpile. We have nine weapons in the nuclear stockpile. Because of the President's moratorium, they haven't been tested for 7 years. We don't know whether or not they work. I suggest it might be better not even to have nuclear weapons than to have weapons but not know whether they work. That is exactly what we have right now. If we had passed the Comprehensive Test Ban Treaty, there would be no verification, there would be no way in the world we would have known whether or not our stockpile was working because they hadn't been tested.

I can remember quote after quote after quote by the people who were so much involved in this from our energy labs. They all said—I had the quotes: I don't have them in front of me right now—that if we can't test these nuclear weapons, there is no way we can determine whether or not they work. It is a very unsafe thing for America. These were the directors of the labs responsible for this nuclear arsenal.

So of the nine weapons we have, which I have listed here, we only have one we have adequately tested enough to know whether or not it would work. That is the W-84 warhead that we know would work.

This would have been a real disaster for America. People kept saying President Eisenhower was for a comprehensive test ban treaty, that President Bush was, that President Reagan was. That isn't true at all. This flawed treaty was a zero-yield treaty. We would only have had the word of our adversaries that they would not test their nuclear arsenals.

We keep our word in America: we don't test our arsenal. But we don't have any idea whether or not they are going to test theirs. In fact, during the course of the debate, both China and Russia said they would not comply with the zero yield. There is no way in the world we can detect that, that we would know what our adversaries were doing. That would, for all practical purposes, be unilateral disarmament.

I am asked back in Oklahoma by people who have good street sense, why is it the liberals in Congress are so committed to disarming our country, to taking our money that we are supposed to have to defend America and putting it into these various discretionary social programs? I have to explain to them that the people in Washington, and some of the Senators in this Chamber, are not like the people of Oklahoma. I think President Clinton honestly believes that if we all stand in a circle and hold hands and we unilaterally disarm, everyone will love each other and it won't be necessary to have a defense system.

That is what we are up against. In a very respectful way, I have to disagree with many of the things my distinguished colleague from Illinois stated.

I think we have had a very successful session. We have ensured a sound Social Security retirement system. We have improved educational opportunities for our children. Along this line, the major disagreement we had was that the Democrats thought the decisions should be made here in Washington; Republicans want to use the same amount of money but not make the decisions in Washington but send that money to the school districts. The school board in Tulsa, OK, is much better equipped to know what their education needs are in Oklahoma than we are in this August body of the Senate. The Democrats say the answer is not school buses, not computers, not the physical facilities that are available; it is 100,000 teachers. I think the more we can send these decisions back to the local level, the better the people of America will be served.

I believe we have had a good session. I am not pleased with the way it is turning out right now. The old saying we have heard so many times in the past that there are two things you never want to watch while they are being made—one is sausage and the other is laws—becomes very true during the last few days of legislative sessions.

I think we have done a very good job. I think we did the right thing in defeating the unverifiable test ban treaty. I think we have passed legislation of which America will be very proud. I am anxious to end all this fun we are having and go home and tell the people in Oklahoma about it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BUNNING). The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. INHOFE. Mr. President, I ask unanimous consent that the period for morning business be extended to the hour of 2 p.m. and that the time be equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that for the next quorum call the time be divided for each side equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak for up to 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Thank you, Mr. President.

PRESCRIPTION DRUGS FOR THE ELDERLY

Mr. WYDEN. Mr. President, I have come to the floor of the Senate on a number of occasions recently to talk about the issue of prescription drugs for the elderly.

I think there is a particularly relevant point to make this afternoon given the very extensive press coverage we have seen on this issue in recent days.

Over the weekend, David Rosenbaum in the New York Times had an excellent article on the issue. In the last couple of days, Time magazine had another very lengthy piece on the question of prescription drugs for seniors. And both of these articles ultimately make the point that Congress probably is not going to be able to agree on legislation during this session. The authors offer considerable skepticism about the ability of Congress to come together on a very difficult issue. Both of them, to some extent, go off into what I think are secondary questions—the questions of the role of the Internet, and the question of patents on drugs. Those are important matters.

But what is central and what the Congress needs to do on a bipartisan basis is pass legislation that would make it possible for frail and vulnerable older people to get insurance coverage that would provide for their medicine.

For example, if you are an elderly widow who is 78, maybe having early signs of Alzheimer's, and you spend more than half of your combined monthly income of Social Security and pension on prescription medicine—those are the kinds of letters that seniors are sending to me—it is not going to help you a whole lot to get a 10- or 15-percent discount because you shop over the Internet. Certainly, the role of the Internet in prescription drugs is going to be important. There will be a lot of issues. But to provide relief for the Nation's older people, what Congress needs to do on a bipartisan basis is pass legislation that provides insurance coverage making it possible for older people to pay these big bills. Patent issues and the question of the Internet are matters that are important, but what is needed is legislation that provides real relief.

Part of the effort to win bipartisan support for prescription drug legislation is coming to this floor and, as the poster says, urging seniors to send in copies of their prescription drug bills. Send them to each of us here in the Senate in Washington, DC.

I intend to keep coming to the floor of the Senate and actually reading from these letters. I have three today that I think tell an important story.

One is from a senior citizen in Medford, OR, in my home State. Another is from a senior citizen from Grants Pass, OR, and a third is from a senior citizen in O'Brien, OR, all of which reflect the kind of concerns I know are out there. Hopefully, as seniors learn about our campaign and see that we are urging them to send us copies of their prescription drug bills, it can help bring about bipartisan support for legislation in the Senate.

I am very proud that I have been able to team up in recent months with Senator OLYMPIA SNOWE on bipartisan legislation. I have been of the view that nothing more can happen in Washington, DC, unless it is bipartisan. The Snowe-Wyden legislation is a bill that uses marketplace forces and unleashes the forces of the private sector in an effort to make medicine more affordable for the Nation's older people.

What is sad is that our elderly are in effect hit by a double whammy. Millions of them can't afford their prescriptions. Medicare doesn't cover medicine. It hasn't since the program began in 1965.

On top of the fact that seniors don't have Medicare coverage, when they walk into a pharmacy—I see our friend from New Hampshire, our colleague who has a great interest in health care. As he knows, when a senior walks into a drugstore in New Hampshire, Oregon, or Kentucky, and can't pay for their prescription medicine, in addition they are subsidizing the big buyers of prescription drugs. The HMOs and the health care plans are in a position to negotiate a discount. They get a break on their prices. The seniors, people who are spending half their monthly income on prescriptions, are, in effect, subsidizing those big buyers.

The bipartisan Snowe-Wyden legislation, fortunately, has been able to generate a lot of interest in the Senate. Senator SNOWE and I are proud to have the support.

For example, more than 54 Members of the Senate—more than half the Senate—are now on record saying they would support a tobacco tax to pay for prescription drug benefits for older people. That strikes me as appropriate.

Medicare spent more than $12 billion last year picking up the costs of tobacco-related illnesses, and more than 50 Members of the Senate are now on record as saying they would be willing to support additional funding to help the vulnerable seniors from whom we are hearing.

Let me read a little bit from some of these letters because I think they sum it up. One I received in the last couple of days from Grants Pass says:

> No way can I afford to pay for my medicine. I did get a refill on Pepcid.

That is an important medication this elderly woman is taking now in Grants Pass, OR.

> I do hope you can do something to help us seniors.

When she writes, "No way can I afford to pay for my medicine," that essentially sums it up.

We can talk about people buying prescription drugs over the Internet; we can talk about the patent issue, both involving substantial sums of money. Whatever that person needs in Grants Pass—and the letter goes on to say she has no insurance coverage for her medicine—seniors need legislation that actually provides coverage through the insurance system to help pay for prescription drugs.

Another letter comes from Medford, OR. We can see the stack of bills going to a pharmacy in Medford, Southern Oregon Health Trust Pharmacy. This individual has spent $1,664 recently on prescription drugs in Medicare. She is sending bills to our office. Unfortunately, she doesn't get any help through the various insurance coverages she has. This is representative of what we have been hearing. She also goes on to point out that this large stack of bills she sent me does not even include some of the over-the-counter drugs she is taking such as ibuprofen.

These cases illustrate very well why our country cannot afford not to cover prescription medicine. All of these articles, including Time magazine, are always questioning whether the Nation can afford to cover prescription medicine. I have contended for some time now we cannot afford not to cover prescription medicine. These bills I have been reading from on the floor of the Senate show seniors can't afford drugs that help to lower cholesterol, help to lower their blood pressure. These are drugs that help older people to stay well.

Prescription drug coverage for seniors has been a priority ever since my days with the Gray Panthers before I was elected to Congress. Frankly, it is much more important today than ever because these drugs that so many seniors write that they cannot afford today help seniors to stay well. The variety of anticoagulant drugs that help to prevent strokes, as I have commented on the floor of the Senate in the past, might cost $1,000 a year for an older person to buy them to stay healthy. Compare that to the costs incurred if a senior suffers a stroke. If a senior cannot get an anticoagulant drug to help stay healthy and avoid a stroke, that senior might incur expenses of more than $100,000.

The question for the Senate is, Are we going to help frail and vulnerable seniors with prescription drug coverage that will cost just a fraction of the expenses that will be incurred through Medicare Part A, the hospital portion, and Medicare Part B, the outpatient portion, if the senior cannot get help and ends up getting sick and, very often, incurring extraordinary expenses?

The third letter I read comes from a woman in O'Brien, OR. She has spent more than $2,000 through November of 1999 on her prescription drugs, and just in recent days she has taken on a job in hopes she will be able to pay for her prescriptions. She is 78 years old. At present, she has her Social Security and Medicare. She now has taken on a small job in hopes she will have the funds to pay for her prescription medicine. She writes that she hopes the Snowe-Wyden legislation becomes law.

Other colleagues have different approaches. We appreciate that. What is important is we move forward together. Let's show the authors of all these recent articles in Time magazine, in the New York Times, and various other publications that are skeptical about whether the Congress can tackle a big issue such as this; let's prove them wrong. Let's show, in spite of a fairly polarized political climate in America today, when there is an important program, this Congress can come together.

I will keep coming to the floor and urging seniors to send in copies of their prescription drug bills. The poster lays it out: Send their bills to their Senator in Washington, DC. The Snowe-Wyden legislation, SPICE, for the Senior Prescription Insurance Coverage Equity Act, is a bill that, on a bipartisan basis, can be supported in the Senate. If other colleagues have different ideas, let's get them out on the table. Let's come up with a marketplace approach to holding down the costs of medicine.

These bills show access to coverage is very key, but holding down the costs of medicine is very key as well. There is a right way and a wrong way to hold down those costs. The right way is to use a model such as the health care system for Members of Congress. That is what is behind the Snowe-Wyden legislation that provides choice, competition, and marketplace forces for holding down medicine.

There is a wrong way—the various approaches that call for price controls. The real danger behind price controls is that the costs for anybody who is not in the price control group will be shifted on to other Americans who are having difficulty paying for medicines as well. It would not be a particularly useful thing for the Senate to come up with a price control regime for folks on Medicare and then have the costs shifted over to a divorced woman who is 27 years old with two children who is working her head off to try to help her family and help them pay for expenses and then her bills would go up because costs would be shifted to her.

I intend to keep coming back to the floor of the Senate and reading from these bills. Today I have read accounts from Medford, from Grants Pass, and from O'Brien. Seniors cannot afford today to cover prescription drugs.

When public opinion polls are taken, coverage of prescription drugs for older people is now one of the top two or three concerns in America—not just for seniors but for all Americans; certainly for the sandwich generation. Perhaps a young couple in their forties who have to try to provide some assistance to a parent who could not afford prescription medicine is following this issue. It is not just a seniors' issue; it is an issue for families; it is an issue for the quality of life of our country.

The Snowe-Wyden legislation is a bipartisan bill where more than 50 Senators have already indicated they will support the funding mechanism in prescription drug coverage as one way to proceed.

I am sure our colleagues have other ways to go. But what is important is to show the skeptics across this country who are writing in magazines and saying in news reports that nothing can be done that we can come together on a bipartisan basis and provide real relief for the Nation's older people.

I hope seniors will, as this poster indicates, continue to send copies of their prescription drug bills to us in the Senate, each of us in Washington, DC, because I intend to keep coming back to this floor again and again until we can secure passage of this legislation.

I do not want to see the attention of the Senate diverted to questions of the role of the Internet and patents and the variety of matters because, while they are important, they do not go to the heart of what is needed in this country. What is needed in America for the millions of seniors who are spending half of their income on prescription drugs—and that is what I have been describing on the floor of the Senate—is insurance coverage. They need coverage which will pick up that part of their insurance bill that goes for prescription drugs. That is what the Snowe-Wyden legislation does on a bipartisan basis.

We are going to keep coming back to the floor of this body to talk about the need for prescription drug coverage for the elderly. There are bipartisan proposals to do it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is conducting morning business until 2 o'clock.

Mr. LEAHY. I thank the distinguished Presiding Officer.

The PRESIDING OFFICER. The minority controls 5 more minutes.

Mr. LEAHY. Mr. President, I ask unanimous consent I be allowed to continue for not over 10 minutes in defense of the distinguished majority leader following an editorial in one of our papers today.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESPONDING TO CRITICS OF THE NORTHEAST DAIRY COMPACT

Mr. LEAHY. Mr. President, I read an editorial this morning in the Wall Street Journal that made incorrect statements about both the distinguished majority leader, Senator LOTT, and the Northeast Dairy Compact. In fact, the editorial was totally, factually wrong. If the editorial writers would have checked their facts, they would have known that.

Basically, the writers used arguments of opponents of the Northeast Dairy Compact, and they used those arguments without any determination of whether they are accurate or not. This time they used the arguments to go after the distinguished majority leader and others who supported the compact. They have used the so-called facts other times, but, again, they have always used them in the same wrong arguments.

I have referred many times to the major GAO study that was issued on milk prices. I have referred to the detailed OMB study on the compact. Opponents never offer any proof for their arguments. I am fed up with the Compact being criticized as a back room deal because I remind everybody that we actually had a vote on it, albeit in the form of a cloture motion, but we had a vote on it on the floor of the Senate and a majority of Senators, Republicans and Democrats alike, voted for it. The majority voted for it this year. Now those who oppose it are using filibusters and parliamentary dodges because they know that they lost the vote.

I am fed up with opponents attacking the compact as a special interest cartel, a compact which is made up of family farms, considering the largest opponent of the compact is Philip Morris, the tobacco giant which owns Kraft. The supporters are family farmers; the opponent, Philip Morris. It does not sound as if the supporters are really a cartel.

I am fed up when opponents of the compact say milk prices are higher in New England when typically milk prices are higher in Wisconsin and Minnesota than they are in New England. The places that do not have the compact and who are attacking it the most charge their consumers more for milk on average than the area that does have the compact.

GAO did a study of this and they looked at milk prices during the first six months after the Compact was implemented. GAO found that consumers in New England were able to buy milk considerably cheaper than in Wisconsin or Minnesota. The editorial writers and opponents of the compact do not point this out. Why do they not point this out? Because it points to the success of the compact and does not support the arguments made by the cartels that are opposed to it.

Let me read some examples from the GAO report. For example: In February, 1998 the average price of a gallon of whole milk in Augusta, ME, was $2.47. The price in Milwaukee, WI, was $2.63, and in Minneapolis, MN., it was $2.94 per gallon.

Take another New England city, Boston. In February 1998, the price of a gallon of milk was $2.54 as compared to Minneapolis, where the price, on average, was $2.94 a gallon.

Or let's look at the cost of 1 percent milk for November 1997. In Augusta, ME, it was $2.37 per gallon, the same average price for Boston and New Hampshire and Rhode Island. But in Minnesota, the price was $2.82 a gallon, in other words, 45 cents more per gallon in the area that opposes the compact as compared to the much lower price in the area that has the compact.

I could go on and on and compare low New England retail prices with higher prices in cities outside of New England. I invite anybody to review this GAO report.

There is another report on the compact that was done by OMB. They issued a report which found the retail milk prices in New England, after the Compact was in place, were, on average, lower than for the rest of the Nation.

The Wall Street Journal editorial page writers have ignored both the GAO report and the OMB report. Why? These are factual and objective reports that the Journal should have reviewed.

It is clear that our compact is working perfectly by benefiting consumers, local economies, and farmers, something that is not stated in the editorial that attacked Senator LOTT.

I am especially fed up when opponents say the compact blocks interstate trade in milk when OMB reports the compact has increased the sales of milk into New England as neighboring farmers in New York, who did not have the Compact, take advantage of it. OMB reported that while the Compact was in force for the first six months, there was an 8 percent increase in milk sales into the region. Instead of blocking interstate commerce, I would say an 8-percent increase in interstate commerce is an 8-percent increase in interstate commerce.

I am fed up when opponents say the compact does not help dairy farmers stay in business, when it greatly increases their income. My best guess is dairy farmers, just as wheat, corn, or soybean farmers, when their income increases, they are more likely to stay in business. I recognize the Nation's major opponent of the compact, Kraft, owned by Philip Morris, does not want farmers to have the additional income the compact provides. But opponents of the compact should not argue it does not give farmers more income when, in fact, it does.

Opponents of the compact say farmers in Wisconsin and Minnesota are going out of business, even though this is comparing apples with oranges. Even though the compact doesn't have an effect on them, they say we should not have a compact in the Northeast. Let farmers in the Midwest set up their own compact. I would vote for a compact for them or any other reasonable proposal that helps their farmers. Do not condemn one section of the country that is doing fine and protecting their farmers when, if they wanted to, they could do exactly the same thing in their own part of the country.

I wish to mention for a minute what the compact replaces. Opponents of the compact prefer prices to be set by Federal bureaucrats. Supporters of the compact prefer pricing to be determined by consumers and local representatives, not by the Federal Government. The Governors and legislators in the six New England States had five goals in mind when they enacted the compact into law in each of their States. They wanted to assure fresh local supplies of milk to consumers at lower prices than found in most of the Nation. They wanted to keep dairy farmers in business. They wanted to protect New England's rural environment from sprawl and destructive development, and they wanted to do this without burdening Federal taxpayers.

The Northeast Interstate Dairy Compact has delivered beyond the expectations of those Governors and State legislatures. The compact provided an added benefit. It has increased interstate trade into the region as neighboring farmers have taken advantage of the compact.

This great idea, coming from those six New England States, has created a successful and enduring partnership between dairy farmers and consumers throughout New England.

Thanks to the Northeast Compact, the number of farmers going out of business has declined throughout New England for the first time in many years.

It is unfortunate that some still favor Federal bureaucrats running this farm program. We ought to instead be blessing this compact. Here is something not run by the Federal Government, not costing the taxpayers anything, but being done by the people who are affected by it. Indeed, half the Governors of the Nation, half the State legislatures in the Nation, asked that the Congress allow their States to set their own dairy policy through interstate compacts that cost taxpayers nothing. It costs taxpayers nothing. Let me say it again: It costs taxpayers nothing. Why do people oppose a program that is not costing taxpayers anything and affects just the people in the region who want it?

This dairy compact passed with overwhelming support in almost all these States—Republicans and Democrats in the legislatures; Republican and Democratic Governors. Major environmental groups have endorsed the Northeast Dairy Compact. A New York Times and National Geographic article discussed the importance of keeping dairy farmers in business from an environmental standpoint.

Consumer prices are lower, farm income is higher, and no increased costs to taxpayers. One wonders, why does anybody oppose it?

One asks, why is it opposed? The answer is simple: Huge milk manufacturers, such as Suiza, headquartered in Texas, Kraft, which is owned by the tobacco giant Philip Morris, and other processors represented by the International Dairy Foods Association oppose the compact because they want to keep the money themselves. They do not want the farmers to have any of these profits.

Even the most junior investigative reporter could figure out the answer. All anyone has to do is look up the donations made by these and other giant processors. All the negative news stories about the compact have their genesis in the efforts of these giant processors and their front organizations.

I say this again on the floor, just so people understand, because it was an unfair editorial in singling out the distinguished majority leader of the Senate using facts which bear scrutiny. Indeed, one of the corporation front organizations, Public Voice for Food and Health Policy, apparently could not continue to exist when it was obvious that their policies were determined by corporate dollars rather than good policy. They had to close up shop when they lost their conscience.

I have detailed the close alliances between their lead executive who handled compact issues for them and the job he negotiated to represent the huge processors a couple of times on the Senate floor.

I will give the press another lead on the next public interest group whose funding should be investigated—the Consumer Federation of America. Indeed, one of their officers—formerly from Public Voice—is being taken around Capitol Hill offices by lobbyists representing processors. A glance at who funds their functions and efforts will be as instruction as investigations of Public Voice.

Why should Philip Morris or Kraft want to use these organizations instead of directly going to the editorial boards of the New York Times or the Washington Post to badmouth the compact? The question does not need me to provide the answer.

What would be the best attack—whether true or not—on the Compact that might swing public opinion?

It might be to simply allege that milk prices are higher for children in the school lunch program. Who would the editorial boards more likely listen to regarding school children: a public interest group or a tobacco company?

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are.

INTERNET TAX MORATORIUM

Mr. GREGG. Mr. President, today marks the 1-year anniversary of the Internet tax moratorium and the setting up of a commission to look into the manner in which we tax the Internet. This moratorium was to last for 3 years, and the commission was to meet and begin the process of trying to determine how best to deal with the variety of proposals to place taxes on the use of the Internet, products which are sold over the Internet, and services which are supplied over the Internet.

Obviously, the Internet represents a watershed mark possibly in history as to economic activity. It is a period in which we have seen the Internet become an economic engine of immense proportions for our Nation and for the world. The Wall Street Journal reported on October 18 that electronic commerce not only positively affects economic activity but has had a very positive impact on reducing the rate of inflation.

Products sold over the Internet are actually forcing down prices as competition occurs and products, such as prescription drugs, have been found on the Internet to be 28-percent cheaper and apparel 38-percent cheaper. The overall index found that products generally were about 13-percent cheaper on the Internet. The Internet has not only been a wonderful economic engine; it also has been a force for maintaining and controlling inflation during this period of dramatic prosperity.

Of course, the Internet is growing at an incredible rate. Over the last 12 months, Internet economic growth has been about 68 percent, which is a huge rate of growth compared to a national economic rate of growth which is somewhere in the 3- to 4-percent range, if we are lucky. The role of the Internet in our society is immense today and is getting even more significant.

The question is, How do we deal with it in the context of taxes? There is a large number of communities and a number of States in this country that wish to assess on Internet transactions their local sales tax activity, much the same as they attempt to assess catalog sales. There are something like 30,000 jurisdictions which could assess taxes on the Internet.

The effect, of course, of having this diffuse and extraordinarily large group of taxing authorities—50 States and 30,000 subjurisdictions of those States—with a potential of taxing the Internet at various rates could, quite simply, grind to a halt this wonderful engine of economic activity and prosperity into which our Nation has gone.

Literally, if we allow the Internet to be subject to this variety of taxes and this variety of tax authorities, and the imagination and creativity we always see from various Government entities when it comes to taxing, literally we could end up stopping the Internet as an effective force for economic expansion and prosperity.

Furthermore, the concept of taxing the Internet, which is clearly a national and really a global instrument of commerce, appears, to me at least, to fly in the face of our Constitution. The commerce clause of our Constitution is pretty specific. Section 8, clause 3, of the Constitution reads:

> The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

There can be nothing that is a form of commerce more among the several States than the Internet as it presently is expanding, growing, and becoming a force for economic activity.

Thus, the taxing of the Internet by all these different entities would clearly, in my opinion, raise serious constitutional problems. In fact, the Supreme Court addressed this issue when it came to catalog sales in the Quill case, where the Supreme Court essentially ruled that States, unless they have a nexus relationship with the seller of the assets, do not have traditionally the ability to tax that transaction.

Secondly, Congress needs to look at the issue of taxation because of the extraordinary, as I have mentioned, chilling effect it would have on commerce generally. We, as a nation, as the creators and inventors of the Internet and, therefore, controllers not only of the initial and expanding technology, but also of the language which dominates the Internet, have put ourselves essentially as a nation on a rocket sled of economic activity. We have expanded and accelerated at an extraordinary speed past the rest of the world towards economic prosperity.

I recall, rather vividly, in the late 1980s when the "woe is me" crowd was saying that Japan was going to overtake the United States in all functions of economic activity, and that our economic model for prosperity simply could not compete with the Japanese economic model of prosperity, which was intimidating and which remains significant.

But the fact is that it did not work out that way. It did not work out that way because America's strength is our entrepreneurship and our inventiveness. We took that entrepreneurship and inventiveness and we created this massive new vehicle for economic activity called the Internet. Thus, instead of being overwhelmed by our friends and neighbors and allies in the industrial world, we have, instead, exploded past them in the ability to produce prosperity and economic activity, in large part because of the Internet and the offspring of technology which it has created.

So we do not want to do anything which jeopardizes the unique and special international lead that we have in this area. Yet allowing thousands of different jurisdictions to tax the Internet would do exactly that. It would jeopardize that lead and undermine and, as I said, possibly bring to a complete halt the use of the Internet as an element of commerce.

The third thing we must be sensitive to in this area of the Internet is the international implications beyond the questions of trade. It has been suggested by people at the U.N. that the U.N. should start to fund itself by putting in place a tax on e-commerce and e-mail. At first it was an outrageous suggestion, but it is the type of suggestion you get at the U.N. from people who represent nations which maybe do not have as much of a financial interest in it as we do and know that we would end up paying the tax, our Nation would end up paying the burden. But the fact that has been suggested is just a sort of crack of the door behind which, if it were fully opened, you would see an international initiative of significant proportions to place taxes on the Internet.

As a result, if we have essentially come to the table, having already soiled our hands with taxing the Internet, it will be very extraordinarily difficult for us to resist, whether it is the U.N. or whether it is some other nation that also tries to pursue this course of action. It is essential, for the purposes of seeing an expansion of this technology and this form of economic activity, that we dampen down and restrict and as aggressively as we can resist having other nations pursue the path of taxation of Internet transactions.

Obviously, the U.N. has no right to step into this ground. In fact, as chairman of the appropriating committee that has jurisdiction over the U.N., I put specific language into an appropriations bill, which hopefully will pass today, that says the United States will not spend any money at the U.N. should the U.N. pursue this course of action, which I am sure they will not. This was some idea put forward by somebody there, but I do not think it speaks to the majority at the United Nations.

But those are three core reasons why we have to be extraordinarily sensitive to what the tax policy is relative to the Internet.

The reason I raise this is because it took 8 months for the Internet commission to get started. That was not their fault. Really, it was the fault of those bodies which had the obligation of appointing membership to the commission. Actually, under Governor Gilmore, this commission has done an excellent job of meeting. Governor Gilmore's position relative to taxation over the Internet is exactly the position that should be pursued. However, I am not sure he has a majority position within the commission. I hope he does.

But in order for us to assure this threat to our commerce does not occur, I believe we should extend this moratorium. Since we had at least 8 months of delay before we got this commission up and running, I think we should have an extension which recognizes that the commission should have the full 3-year period; therefore, we should extend the moratorium for another year, at a minimum, on the Internet.

I happen to think it should be extended beyond that, well beyond that, because I believe certainty in the area of taxation is one of the key issues for maintaining economic activity. If people participating in an economic activity can predict what their tax obligations are and what the tax implications will be to an economic initiative, then they are much more likely to be willing to invest capital and take the risks necessary to pursue that initiative. But if they cannot predict their tax liability, then that limits and dampens down the desire to put capital and take risks in a certain economic activity. We have seen that historically.

So I do believe very strongly that we should not only be extending this moratorium for a year but that we should be extending it for a series of years beyond the 3-year moratorium that presently exists.

Let's face it. The economic benefit which this Nation has seen as a result of this truly revolutionary event—in the history of economics, I suspect this is going to go down with the industrial revolution as one of the most significant turning points in the history of prosperity and the way nations generate wealth.

The benefits which we, as a nation, have obtained as a result of this, as a result of being the incubator, the developer, and now the provider in expertise in the area of the Internet, and the use of the Internet for commerce, the benefits which we have received, as a nation, are basically incalculable: the amount of new jobs which have been created; the number of people whose standard of living has been increased; the number of people who have been able to purchase goods at less of a price; and the number of people who have simply had a better chance to participate in prosperity.

The Nation as a whole has seen economic activity and economic prosperity that has been a blessing to everyone, in large part because of this huge expansion in e-commerce and in the Internet as a force. Those benefits dramatically exceed any benefit which we would obtain by allowing a large number of different States or municipalities to start taxing the Internet for the purposes of expanding their local governments.

It is the classic situation of the goose that lays the golden egg, to say the least. We have confronted a goose that is laying a lot of golden eggs for America, and for the prosperity of America, and for the opportunity of America to create jobs. For America to maintain its place as a world leader, we should not make the mistake of maybe not cutting off the goose's head but nicking that goose with thousands of different taxes which may cause it to, unfortunately, stumble or even be stopped as a result of allowing the creativity and the imagination of our various government units across this Nation to begin to tax the Internet.

So I hope as we wrap up this session we will consider this. Obviously, we probably are not going to get it in this major omnibus bill, although I tried to do that and it was rejected in committee—an extension of the Internet moratorium.

I do hope when we come back next year this will be a priority item—to make it clear, to make an unalterable statement to the community which is developing and promoting this incredible engine of prosperity that we are not going to stop them by turning loose the forces of government and taxation on them.

Mr. President, I yield the floor.

The **PRESIDING OFFICER**. The Senator from Vermont.

EXTENSION OF MORNING BUSINESS

Mr. **JEFFORDS**. Mr. President, I ask unanimous consent that the period for morning business be extended to the hour of 2:30 p.m. and that the time be equally divided in the usual form.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **JEFFORDS**. Mr. President, I yield myself such time as I may consume, or whatever.

THE NORTHEAST DAIRY COMPACT

Mr. **JEFFORDS**. Mr. President, I will take a moment to react to an editorial which I read this morning in the Wall Street Journal which had so many errors and erroneous comments that it shocked me to find out that such a fine newspaper as the Wall Street Journal would carry this.

I have been in Congress now 24 years, and as a result of unusual circumstances, for many years I had been sort of the leader of dairy for the Republicans in the House. That occurred because I was elected during the Watergate year. During the Watergate year, there were 92 freshmen Representatives who were elected and only 16 were Republicans. So all of us who came in that year immediately got seniority because there were not any other Members around.

I got to be the ranking member on the dairy subcommittee my first year. During that time, some 24 years, one thing I could be assured of was that any time something was going to come to the benefit of the dairy farmers, the Wall Street Journal, the New York Times, and the Washington Post would all write adverse editorials. Why is that? Well, do the dairy farmers buy any advertising in these newspapers? Of course, they don't. Who does buy the advertising? It is those who purchase milk. What is their motivation? To keep the dairy farmers getting the least money possible so they can maximize their profits. And they have done a masterful job.

But they also have a propensity, either because they, without any checking, believe everything told to them by the processors who pay for their ads or they just ignore the truth. The Wall Street Journal article of this morning was a very typical example. I will run through some of the facts that were utilized in this great paper to point out the errors.

First of all, they make statements which are just not true. They say we have to have a compact because our farmers are less efficient than the Midwestern farmers. Well, that is absolutely not true. Both are very efficient. The differences in the two areas are dramatic, but they are not relative to efficiency. Obviously, the Midwest farmers have an advantage because they are closer to the grain markets. They have more people producing cheese, and they have soils that are preferable to many of the other areas of the country, especially New England. So they have an advantage, not a disadvantage, by being not only efficient—and I don't think our farmers are any more efficient than theirs—but having lower costs to start with. So to make the statement that it is all based upon inefficiency is absolutely ridiculous.

Then this statement: Never mind that this milk costs consumers to the tune of about 20 extra cents a gallon. This is absolutely false. In fact, one of the ironic aspects of this whole argument occurred back when the compact first went into effect and the Midwestern farm representatives said: We will show them. We will show that this is all due to efficiency and all those kinds of things. So they asked OMB, not GAO or whoever else. Why? Because OMB was sympathetic to the administration at that time and they wanted help from the White House to try to back up their arguments.

Well, what happened? OMB did an analysis of the impact of the compact and found out just the opposite. Do we hear them quote that anymore? No. I have to bring it up every time. They still—either their friends in the newspapers that make the money off advertising or sometimes they do it themselves—ignore the fact that the study they asked for came back saying that, contrary to what they were telling people, actually the consumers in New England, where the compact was in effect, paid 5 cents less a gallon—not 20 cents more a gallon, 5 cents less a gallon—than the average in the rest of the country. But they still print something which they know is absolutely incorrect.

Also, for a conservative newspaper such as the Wall Street Journal—I wouldn't give that same label to the New York Times and the Washington Post—the Wall Street Journal should recognize that all of these States, all six States, are taking advantage of the Constitution which says that States can, if they want to, ask Congress for permission to create a commission to allow them to join together to sort of control or impact interstate commerce.

Well, the States have the right to do that and the States did do it. The New England States got together and said: Well, let us take a look and see what we can do to have a more organized pricing system. One has to understand a little bit about how the farming goes. If you are a dairy farmer, you have milk and you have to get rid of it. It is going to last about 3 days before you will have to throw it out. So you are at the mercy of the market. You can form cooperatives and things such as that, but no matter what you do, the milk has to go somewhere or it is going to spoil.

The thought was, instead of leaving ourselves at the mercy —and this is the basic part of the situation—of the processors, the people who buy the milk, who can sit there 2½ days and say: Well, it is going to be worthless tomorrow; I will give you 5 cents a gallon—well, it never gets quite that bad, but that is the kind of power they have. They don't want to lose that power. They want to be able to dictate to the dairy farmers the price they are going to get. The New England farmers got together and worked with their various legislators and decided, why don't we set up a commission that would have consumers represented, processors represented, farmers represented, and the general interest of the public represented. We will set what the price will be, keeping in mind that we don't want to end up with a huge surplus. We want to make it fair but make sure the consumers don't lose on this—in fact, maybe even gain—and the dairy farmers will gain because they will have a stable market situation.

It worked so well that, as I said, the price to consumers actually went down. I could speak at length on that, but it went down. The farmers got a significantly better price overall. They were happy. The processors got a fair price, and they haven't screamed, those that are participating in it. It is a good system. That is the problem with it. It is a good system.

Why does that scare the processors? They would rather get the lowest price possible to pay to the farmers and so they have lost that control. But to the Midwest, it shakes them up because what was their dream? Their dream was that all of the dairy farmers in the United States would go out of business except in the Midwest. And they are so sure they could provide all the milk the country needs, so why do we not put them out?

Well, the commission worked. The price to consumers has gone down, the farmers are getting a fair price, and the processors are not being injured in any way. That is why 25 States, now a total of 25, including New England, have said that is a great idea. Everybody is happy. What a wonderful situation.

The processor is happy, consumers are paying less in price, and everybody is happy. So why don't we join? Well, that, of course, has now made it a big threat to the Midwest. Because if the whole country goes to compacts, the farmers will stay in business, and the market expansion that the Midwest was hoping for won't occur.

That is why we are here today. The States have recognized that it is essential to make sure their farmers survive. Why is that? The basic concept of the law right now, from the 1930s and rewritten in the Farm Act of 1947, said it is critical that we ensure that every area of this Nation has an adequate supply of fresh milk. That is basic law; that is, to make sure that when you go to your store, there is always some fresh milk for you there. That is the basic law. All these States that are going into compacts are saying: We want to make sure that our area of the country has an adequate supply of fresh milk, and we ought to be able to do that. So that is what the real fight is about.

We have already had the editorial I anticipated in the Post. The Wall Street Journal came through right on time with one I anticipated. Theirs is so incredibly inaccurate in what they cite, it was a little embarrassing, on behalf of the paper, to read that. I expect the New York Times will follow suit probably in the next couple of days.

I want to make sure these facts are out there. What this Nation needs is stable farming. We all love our farmers. I can't think of Vermont or New England without the cows on the hillside. I can't think of what the Southeast would be without the ability of their farmers to produce milk. And they have, because of the weather situation and all, special problems in the Southeast, being able to produce milk at reasonable prices. But they are doing very well. They want to form a compact. The same is true in other parts of the country. What is wrong with people in the region getting together and deciding how to do it?

Another argument raised, which will be one for other editorials, is that it causes higher prices for WIC—Women, Infants and Children—and food. That is all taken care of by the commission. Farmers in the Midwest, right now, on an average, receive significantly more in the checks they get on a weekly or monthly basis—what they call the "mailbox price." They do better than the rest of the country. So they are not the ones suffering. They have advantages, as I pointed out, in cost of production and those things. They are doing well. They just want to be sure they can perhaps have a better future by shipping more milk.

Incidentally—and I will leave you with this because the statements are that this is somehow infringing on commerce and the ability of people to sell—they can bring their milk down now and sell it in the New England area. Why don't they? It costs too much to ship it down there. But the market is open; it is not closed out. There are no barriers built up to where the farmers can ship milk. In fact, the New England compact is in place right now, but a great deal of the milk comes from New York, Pennsylvania, New Jersey, and wherever else anyone wants to ship it.

The New England area itself is a negative producer. So we depend upon milk coming from other areas. When you come in, you know you are going to be bound by the price that is established by the commission. That, again, represents consumers, producers, the dairy farmers, the processors, the people who buy it, and it protects programs such as WIC. It is working so well. That is the problem.

Just remember, the reason for all the controversy right now is that this program is working so well for consumers, processors, and the producers, and it is a danger to those who want to do away with our local farming businesses.

Mr. President, I see no other Member present, so I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to proceed as in morning business for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Thank you Mr. President.

Mr. President, I rise today in strong support of the reauthorization of the Northeast Dairy Compact. I am pleased that it appears Congress will accomplish this vital task before we adjourn for the year.

The reauthorization of the Compact is more critical now than ever before. The U.S. Department of Agriculture recently predicted that milk prices for dairy farmers will be reduced 40 cents per gallon in December as a result of the announced drop in the basic formula price this past week. This translates into a 30 percent reduction in blend prices in December and will continue on into next year with additional declines in prices expected throughout the winter. The Dairy Compact will blunt the 40 cent per gallon drop in farm milk prices by one-half and will, by itself, make the difference between continuing in business and closing down for many small dairy farmers.

The Northeast Dairy Compact is a proven success and is critical to the survival of dairy farmers in Maine and throughout New England. The Compact has a proven track record of quantifiable benefits to both consumers and farmers. The Compact works by simply evening out the peaks and valleys in fluid milk prices, providing stability to the cost of milk and ensuring a supply of fresh, wholesome, local milk. The Compact works with market forces to help both the farmer and the consumer. As prices climb and farmers receive a sustainable price for milk, the Compact turns off. When prices drop to unsustainable levels, the Compact is triggered. The Compact simply softens the blow to farmers of an abrupt and dramatic drop in the volatile fluid milk market.

It is important to reiterate that consumers also benefit from the Compact. Not only does the Compact stabilize prices, thus avoiding dramatic fluctuation in retail cost of milk, it also guarantees that the consumer is assured of the availability of a supply of fresh, local milk. Let's remember that under the Compact, New England has lower retail fluid milk prices than many regions operating without a Compact.

Moreover, the Compact, while providing clear benefits to dairy producers and consumers in the Northeast, has proven it does not harm farmers or taxpayers from outside the region. A 1998 report by the Office of Management and Budget showed that, during its first 6 months of operation, the Compact did not adversely affect farmers from outside the Compact region and added no federal costs to nutrition programs. In fact, the Compact specifically excepts the Women, Infants, and Children (WIC) program from any costs related to the Compact.

The reauthorization of the Northeast Dairy Compact is also important as a matter of states rights. We often hear of criticism of the inside-the-beltway mentality that tells states, we here in Washington know better than you, even on issues traditionally under state and local control. Mr. President, that is wrong. In the Northeast Dairy Compact, we have a solution that was approved by all the legislatures and governors of the New England States. It is supported by every state commissioner in the region and overwhelmingly—if not unanimously—by Northeastern dairy farmers. We in Congress should not be an obstacle to this practical, workable, local solution.

I urge my colleagues to refrain from holding up this critical measure for Maine and for our Nation's dairy farmers. To small farms in my State and in states throughout New England, this is not just a matter of profit margins; it is a matter of their survival.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that I be able to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUVENILE JUSTICE BILL

Mrs. FEINSTEIN. Mr. President, today is November 18. It has been almost 6 months since the Senate passed the juvenile justice bill and more than 5 months since the House followed suit with its own legislation.

Since that time, the students at Columbine High School went home. They spent a summer trying to heal the wounds of one of our Nation's greatest tragedies, and they returned to school more than 2 months ago.

Many of those students touched by the tragedy even came to Washington to plead for our help. Yet this body has done nothing to stop future incidents of gun violence and nothing to fix our broken juvenile justice system.

The Columbine incident shocked this Nation and, I believe, this Congress. Watching events unfold on television made even the most skeptical observers realize that something should be done about gun violence. We have witnessed a number of other instances of gun violence in the media since then: In Atlanta, we saw a depressed day trader gun down his family and colleagues. In California, a bigot killed a postal worker just because he was Filipino, and then wounded five others in the North Valley Jewish Community Center in Granada Hills. Again, the pictures of those young children being led away from the scene of the tragedy were heart wrenching.

But since Columbine, more than 2,000 more children have died from gunshot wounds, about 12 to 13 a day, in incidents of gun violence that go relatively unreported and with outcomes not so public. These incidents will never stop until we do something to stop them. The death rate will never be diminished unless we stand up and take action.

When will the Congress realize that the time has come to move forward? The conference committee, which was appointed at the last minute before the August recess, has met but once, over 3 months ago. No issues have been resolved. The entire juvenile justice bill remains in doubt, in limbo.

Democrats in both Houses have been ready and willing to meet for months. Democrats are ready to discuss the merits of our differences and to reconcile them. The time has come to stop running away from the issue of gun violence. The time has come to enact some meaningful provisions to stem this tide of violence sweeping our schools and to institute some much-needed change to the system of juvenile justice in this Nation.

The Senate spent more than a week in May debating and voting on dozens of provisions to stem the tide of youth violence in this country and to try to curb the flood of guns reaching children and criminals. But still we have faced delay after delay, and the delays come in many forms—political maneuvering, parliamentary tactics; for example, my clip ban was blue slipped, and other tactics.

Enough is enough. It is time to come together to make some tough decisions and move forward with the Nation's business. No longer can we stand by, and I hope the Nation will not let us stand by, to allow the National Rifle Association to dictate the legislative needs of this Congress. The future of this bill rests squarely with the Republican leadership in both the House and the Senate. They have said they want to make progress with our gun laws, and they have it within their power to do so.

The Senate-passed juvenile justice bill is not an overreaching statement of where we want to go with gun control. I, for example, believe we should have universal registration and licensing of firearms, and in the next session I will introduce my legislation. I believe we should allow the Federal Government to set safety and consumer standards for guns, and I believe we should ban outright possession of military-style assault weapons. But none of these measures were even discussed in the Senate debate.

The provisions, rather, are very small in our bill. They are reasonable, and they can make a difference in the lives of our children. None of them are controversial, and every one of them, by virtually every poll, has a dominant majority of the American people supporting them. Let me describe what I am talking about.

That bill contains just four commonsense provisions to address gun violence. Does anyone in this Nation truly believe juveniles should be able to buy assault weapons? The answer is going to be no. That is one provision in Senator ASHCROFT's bill which would prohibit juveniles from possessing assault weapons.

Does anyone in this country truly believe the children from Columbine who went to a gun show and bought two assault weapons as juveniles with no information, no data check, no nothing—does anyone believe that loophole should not be closed? I do not believe so.

In Memphis, TN, not too long ago, a 5-year-old took a pistol off his grandfather's bureau and brought it to kindergarten to kill the teacher because the teacher had given that child a timeout the day before. Stories are legion about children mistaking real guns for play guns and shooting their friends.

The third provision is simple. It would require a safety lock with every gun sold. Does anyone believe guns should not be sold without safety locks? I do not believe so.

Finally, there is my provision which would plug a major loophole in the 1994 assault weapons legislation. That legislation, in fact, says you cannot today manufacture, transfer, sell, or possess a clip, drum, or strip of more than 10 bullets manufactured in the United States. That is the law today. The loophole is to permit the foreign importation of these clips, and they are coming into this country by the tens of millions with literally tens of thousands of them in drums of 250 rounds. They come in, as a matter of fact, from the United Kingdom, and they come in from 20 different countries throughout the world.

My provision would simply close that loophole and prohibit the importation. It actually passed the House by unanimous consent, and both the Speaker and the chairman of the House Judiciary Committee have assured me personally that they see no problem with it and would support it.

These are the four provisions relating to guns. Other than that, this bill contains countless provisions to stem the tide of youth violence. I sit on the Judiciary Committee. I have worked on this bill. I have worked on it with Senator HATCH. Part of this bill is a gang abatement act. It provides a Federal helping hand to local law enforcement agencies to fight criminal street gangs that are now crossing State lines and moving into so many of the cities of our Nation. You, Mr. President, were mayor of a great city. You know this to be the fact. This is an important part of this legislation.

It also contains the James Guelff Body Armor Act which contains reforms to take body armor out of the hands of criminals and put it in the hands of police. It is named after a San Francisco police officer by the name of James Guelff who went to a call at the corner of Pine and California Streets and came across a Kevlar-clad sniper with thousands of rounds of ammunition and a number of guns. He had a .38 revolver. As he speed loaded his revolver, this officer was shot in the head and killed. It took 150 police officers to equal the firepower of one sniper clad in Kevlar with high-powered weapons.

The Senate bill also establishes a new $700 million juvenile justice block grant program for States and localities, representing a significant increase in Federal aid to the States for juvenile crime control programs. These programs include additional law enforcement and juvenile court personnel, juvenile detention facilities, and prevention programs to keep juveniles out of trouble before they turn to crime, something both of us know, as past mayors, is vital if we are going to reverse juvenile crime in this country.

The bill encourages increased accountability for juveniles, and it implements a series of graduated penalties that ensure that subsequent offenses are treated with increasing severity, so that if you are going to be a continuing offender, the sentences are going to reflect that.

The bill also reforms juvenile record systems through improved record keeping and increased access to juvenile records by police, courts, and schools, so that a court or school dealing with a juvenile in my State, California, can know if they have committed violent offenses in Arizona, or a juvenile in your State, Ohio, had committed violent offenses in another surrounding State.

It extends Federal sentences for juveniles who commit serious violent crimes.

All of these commonsense provisions now remain in legislative purgatory. I am here to urge, once again, the majority to proceed with the conference, come to a compromise, and move this bill. That compromise should preserve intact the Senate-passed gun control legislation—four targeted measures—commonsense, reasonable; I call them no-brainers. Every poll shows a dominant majority of Americans supporting each of these. And they represent together a bare minimum of what we should do this year to stem the gun violence that is increasingly common on our streets and in our schools.

School has now been back in session for several months, and this Congress is about to adjourn for the year. So far, it looks as if we are going to be receiving a failing grade from the American people. There is still time to buckle down, to do the work, to pass the test that this Nation gave us so many months ago. What a wonderful Christmas gift it would be for the people of America.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Montana.

Mr. BAUCUS. Madam President, I ask unanimous consent to speak as in morning business.

Mr. BYRD. Reserving the right to object, and I will not object, would the Senator mind stating how long he wishes to speak?

Mr. BAUCUS. I would be very happy to tell the Senator. Less than 10 minutes.

Mr. BYRD. I have no objection. I thank the Chair and thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. I thank the Senator.

SATELLITE TV ACCESS TO NETWORK PROGRAMMING

Mr. BAUCUS. Madam President, I would like to make a few remarks about a serious problem for people in our country who do not live in our Nation's cities; that is, the loss of satellite TV access to network programming.

We all know that modern technology has made it possible to broadcast TV programming directly from satellites. Nationwide, over 11 million households subscribe to satellite TV. That number increases by over 2 million households every year.

Rural areas have come to depend on network coverage that satellites provide.

In my State, Montana, where over 35 percent of homes depend solely on satellite broadcasting for their TV reception, obviously this development has been a real boon.

While satellite broadcasting has improved the quality of life for folks in rural America, it has not been perfect. Satellite systems have not been able to carry local broadcast stations. So local viewers have not always been able to get local broadcasting.

This is not just a problem for satellite subscribers; it is a problem for local television broadcasters and for the fabric of local communities. Local broadcasters play a key role in our communities. They provide local news, local weather, and public service programming.

Viewers depend on these local broadcasts to find out what is going on in their community: When the school board, the PTA, and the city council are meeting, or when there is a parade or a fundraiser for their church or a civic group.

Local broadcasters are vital to our communities. They provide jobs, and they allow local businesses to grow through advertising. In short, the importance of local broadcasting is evident in all parts of community life.

Local broadcasters also provide network programming: NBC, ABC, CBS, and FOX. Nineteen of the 20 TV stations in Montana are affiliated with some of these networks or with PBS. These stations air national news, sports, and entertainment at times of the day when people with jobs and kids can watch them.

Without local broadcasts, you might miss the evening network news because it comes on before you get home from work or because it airs late at night. People want local network coverage because it works in their own lives and in their local community.

Until now, technology has not provided for rebroadcast of local signals by satellites. Many rural residents have not been able to get decent reception over the air.

Of course, we in the Senate cannot change technology or geography, but what we can do is change the law. We can make local-into-local broadcasting a reality, and we should.

Last spring, we passed H.R. 1554. At the time, we neglected an important responsibility. The language we passed would have required the turnoff of network programing to many rural satellite viewers. It would have done nothing to help the many local broadcasters in smaller cities and towns. It was an oversight.

Following the vote, I wrote a letter to the conference asking they pay attention to the needs of the many viewers, communities, and stations that had been ignored. Twenty-three of my colleagues, from both sides of the aisle, signed the letter.

As you know, Madam President, the conference on the satellite bill has paid little attention to our request. The language of the conference report, now titled the "Intellectual Property and Communications Omnibus Reform Act of 1999," includes some important new provisions.

It does allow satellite viewers in poor reception areas, the so-called "grade B contour" viewers, to continue to get network programming from satellites. Without this, many satellite viewers will lose their network TV at the end of next month.

It also includes a loan guarantee that will make it possible for all local stations to broadcast on satellite, not just those in the very largest cities and towns.

Without this, the other local-into-local provisions of the act are an empty promise to rural and small town America that depends on satellites.

Last week, the House passed the conference language by a near unanimous vote. But in the Senate, a few Members—and I might say, on the other side of the aisle—are blocking a vote on this conference report. They say: We promise to have more hearings. We should have another committee look at this.

They might as well say: Let them watch the radio.

The Senate should act now to ensure that the conference report language becomes law. It is clear the majority of the Senate is ready to vote to approve the measure, just as the House did. Instead, we are offered a weakened version attached to the omnibus appropriations bill, which we will get sometime soon, and a weak promise to do something next year.

This is a no-brainer. There are many people in rural America who would like to add satellite TV, network programming from their local stations. It is that simple. We have it within our power today to very simply pass a provision and provide for the financing, a loan guarantee. We all know it is going to pass. We all know we are going to do it. But there is one Senator who wants it in his committee. And I say, that one Senator represents a State where there are a lot of people who I think want local-into-local broadcasting from the satellites.

There are millions of Americans who depend on their satellites and want local network coverage—not national network coverage—or at least the option to get both local and national.

This is a no-brainer. I get more mail on this subject than any other subject. I daresay, Madam President, you probably get a lot of mail on this subject, too. I know a lot of Senators probably get as much mail on this one subject as any other. And we can simply solve it today very easily. It makes no sense for us not to.

Madam President, I yield the floor.

NOMINATION OF T. MICHAEL KERR

Mr. NICKLES. Madam President, I want to make a few comments regarding the nomination of T. Michael Kerr to be Administrator of the Wage and Hour Division of the Department of Labor. I held up this nomination until I could secure an agreement regarding the issue of unauthorized break time from the Secretary of Labor, outlined in a letter I will submit for the RECORD.

The need for this agreement with the Secretary was precipitated by a case pending before the Wage and Hour Division regarding an employee exceeding the allotted time for a rest/period break, and an employer deducting from the employee's compensation the time taken in excess of the break time.

The Fair Labor Standards Act does not require employers to provide its employees with a rest period/breaks. Nevertheless, many employers offer short breaks to their employees. Although the duration of a voluntary break is up to the employer, the breaks generally run between 5 and 20 minutes.

The Department of Labor does recognize that employers have the flexibility to determine the number of breaks and the length of breaks that they offer to their employees. The Department of Labor has taken the position that when an employer allows its employees to take a short break and an employee abuses the break time policy by exceeding the time that the employer allotted for the break, the employer must still compensate the employee for the first 20 minutes of the break.

Further, the Department of Labor has taken the position that if an employer offers its employees a compensable break of less than 20 minutes in duration, and an employee's break time exceeds the time that the employer allotted for the break, then the employer's only recourse against the employee is disciplinary action (such as a reprimand or termination), or elimination of the rest period.

Under the agreement I reached with the Secretary, the Department of Labor will conduct a complete review of its policy regarding unauthorized breaks. That review will be completed by February 1, 2000. Upon completion of the review, the Department of Labor will submit its findings in writing to the Chairman and Ranking Members of the relevant committees in the House and the Senate. The review will include consideration of what outcome is in the best interest of the employee if the employee exceeds the allotted time of a rest period/break: disciplinary action against the employee (such as a reprimand or termination); elimination of the rest period/break option; or deductions of compensation for the time in excess of the allotted break time.

Also, the Secretary committed the Department of Labor will assure that the resolution of any cases in which unauthorized break times are at issue, will be consistent with the findings in their review.

This is an important review of what is clearly an outdated policy. I look forward to the outcome of their review, and I thank the staff at the Department of Labor for working in good faith with my office, and the Secretary for working to a quick resolution of this issue so this nomination can move forward.

I ask unanimous consent that a letter from the Secretary of Labor be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SECRETARY OF LABOR,
Washington, DC, November 18, 1999.

Hon. DON NICKLES,
U.S. Senate,
Washington, DC.

DEAR SENATOR NICKLES: This is a follow-up to the meeting of our respective staffs yesterday. While the Department of Labor recognizes that employers have the flexibility to determine the number and length of breaks they offer to their employees, the Wage and Hour Division has taken the position that if an employer offers a break of less than 20 minutes in duration, the time the employee spends on that break typically is compensable hours worked under the Fair Labor Standards Act.

Most of the Wage and Hour Opinion Letters that address this issue involve authorized breaks. However, on several occasions, the Wage and Hour Administrator has stated that short unauthorized breaks may also count as hours worked. Wage and Hour has taken the position that if an employee exceeds the time allotted for an authorized break, an employer may take a disciplinary action against the employee, or the employer may eliminate the option for rest periods/breaks.

I am committing the Wage and Hour Division and the Solicitor's Office to carefully review our policy with respect to the compensability of unauthorized break time under the FLSA. Our review will specifically include those instances in which employees exceed the time allowed for a rest break. We will also consider what outcome is in the best interests of the employee if the employee exceeds the allotted time for a rest period/break, including the option of deductions of compensation for the time taken in excess of the allotted break time.

As part of our review, we will consider the statutory text, relevant legislative history and regulatory material, case law, previous Wage and Hour Opinion Letters, changing technology and any information that your office or a member of the public may provide. We will complete our review of this matter by February 1, 2000, and transmit our conclusions and supporting rationale in writing to the Chairman and Ranking Members of the relevant committees in the House and the Senate.

It is important that all officials of the Wage and Hour Division interpret and apply the law in a uniform manner, and so advise the public. I will instruct the Wage and Hour Division to assure that the resolution of any cases in which unauthorized break time are at issue is consistent with the outcome we reach in our overall review.

I very much appreciate your interest in these important questions.

Sincerely,

ALEXIS M. HERMAN.

COMPENSATING CERTAIN DEPARTMENT OF ENERGY WORKERS

Mr. THOMPSON. Madam President, yesterday, my colleague from New Mexico, Senator BINGAMAN, and I introduced legislation that is, frankly, long overdue.

For more than 2 years, I have been concerned that the Department of Energy was not taking seriously the complaints of a number of workers in Oak Ridge, Tennessee who are ill and who believe that their illnesses are linked to their employment at the DOE site in Oak Ridge. In November of 1997, two years ago, I wrote to the then-Surgeon General, Dr. David Satcher, to request that the Centers for Disease Control, CDC, come to Oak Ridge to try to determine whether a pattern of unexplained illnesses was present and, if so, if its cause could be determined. The CDC study, like others before it, looked at a narrow sample of individuals and did not produce conclusive results.

Since then, I have been working to get the Department of Energy to acknowledge that there is a problem, that certain of its current and former workers are ill, and that they should work with us to address the situation. This legislation—which we developed in conjunction with the Department—is an important step in that direction.

It says, for the first time, that if mistakes were made, and if harm was done to workers who helped this country win the Cold War, we need to act now to remedy those mistakes. It represents a recognition on the part of the government that if people have illnesses that are linked to their employment at a Department of Energy facility, they deserve compensation. That is progress, and I am proud to be a part of it.

Our bill has three parts. The first section, the Energy Employees' Beryllium Compensation Act, would provide compensation to current and former workers who have contracted chronic beryllium disease or beryllium sensitivity while performing duties uniquely related to the Department of Energy's nuclear weapons production program. There are approximately 90 Oak Ridge workers who have been diagnosed with either chronic beryllium disease or beryllium sensitivity to date, and a total of 2,200 Oak Ridge workers who were potentially exposed.

The second section, the Energy Employees' Pilot Project Act, would establish a special pilot program for a specific group of 55 Oak Ridge workers who are currently the subject of an investigation by a panel of physicians specializing in health conditions related to occupational exposure to radiation and hazardous materials. This section authorizes the Secretary of Energy to award $100,000 each to those Oak Ridge workers whose illnesses are determined to likely be linked to their employment at the Oak Ridge site.

Finally, our bill creates the Paducah Employees' Exposure Compensation Fund, which would compensate those current and former workers at the Paducah, KY gaseous diffusion plant who were exposed to plutonium and other radioactive materials without their knowledge, and who develop one of a specified list of conditions linked to radiation exposure. I want to note that there are workers at the K-25 gaseous diffusion plant in Oak Ridge who were exposed to the same contaminants as those in Paducah, and workers in Portsmouth, Ohio who were similarly affected as well. It is my hope that these two groups of workers would be added to this section of the legislation, upon the conclusion of the Department of Energy's investigation into what happened at these two sites, if the facts so warrant. Their absence at this time should in no way indicate that either the sponsors of this bill or the Department of Energy believe that they were not similarly affected. I strongly believe that workers at all of the DOE sites must be treated equally in this process, and I am committed to doing all I can to ensure that that is the case.

Let me just remind my colleagues who it is we are talking about. We are talking about workers who participated in the Manhattan Project, men and women who helped to ensure the superiority of America's nuclear arsenal, and who directly contributed to our nation's victory in the Cold War. We owe them a debt of gratitude. And if we put them in harm's way without their knowledge, it's time for us to make that right. This bill is a step in that direction. I look forward to its consideration by the Senate.

PAIN RELIEF PROMOTION ACT

Mr. NICKLES. Madam President, on June 23, 1999, Senator LIEBERMAN and I introduced S. 1272, the Pain Relief Promotion Act, which addresses two specific concerns. First, it provides federal support for training and research in palliative care. Second, it clarifies federal law on the legitimate use of controlled substances. On October 27, 1999 the House passed its companion measure H.R. 2260 by the resounding bipartisan vote of 271 to 156. It is my hope that the Senate will soon have the opportunity to debate and vote on this important legislation.

In anticipation of that debate, and in light of inaccurate characterizations of the second aspect of our bipartisan legislation, I believe it is important for me to ensure that the record reflects precisely how this bill will—and will not—affect current federal law with regard to Drug Enforcement Administration (DEA) oversight of the use of federally controlled substances.

To understand the effect the Pain Relief Promotion Act will have on pain control, we must begin with what the law is now. The Controlled Substances Act, CSA, of 1970 charged the DEA with the responsibility of overseeing narcotics and dangerous drugs—including powerful prescription drugs which have a legitimate medical use but can also be misused to harm or kill. In asserting its authority over these drugs, Congress declared in the preamble of the Controlled Substances Act of 1970 that "Federal control of the intrastate incidents of the traffic in controlled substances is essential to the effective control of the interstate incidents of such traffic" (21 U.S.C. 801 (6)).

In 1984, Congress amended the CSA due in part to a specific concern regarding the misuse of prescription drugs in lethal overdoses. The then Democratic-controlled House and a Republican Senate further strengthened the Act, empowering the DEA to revoke a physician's federal prescribing license if he or she uses it to endanger "health and safety" regardless of whether state law has been violated (21 U.S.C. 824, referencing 21 U.S.C. 823). The chairman of the Health subcommittee in the House agreed: "Drugs legally manufactured for use in medicine are responsible for a substantial majority of drug-related deaths and injuries" (Rep. WAXMAN, Hearing of July 31, 1984, Hearing Record No. 98–168, p. 365). Congress' view was that while the states are the first line of defense against misuse of prescription drugs, the Federal Government must have its own objective standard as to what constitutes such misuse—and it must have the authority to enforce that standard when a state cannot or will not do so. Congress' 1970 and 1984 decisions have been upheld time and time again by federal courts.

It is clear that federal law is intended to prevent use of these drugs for lethal overdoses, and contains no exception for deliberate overdoses approved by a physician. Nowhere in the Controlled Substances Act has death or assisting death ever been considered a "legitimate medical purpose" for use of these drugs. In the past, physicians who were involved in the use of these drugs for suicide or other lethal overdoses have lost their federal authority to prescribe controlled substances on the grounds that they had endangered "health and safety."

In 1997, Congress passed the Assisted Suicide Funding Restriction Act of 1997 without a dissenting vote in the Senate and by an overwhelming margin of 398–16 in the House. President Clinton stated in signing the bill that "it will allow the Federal Government to speak with a clear voice in opposing these practices." He further warned that "to endorse assisted suicide would set us on a disturbing and perhaps dangerous path." I would add only that authorizing a federal agency to endorse the use of controlled substances for assisted suicide would similarly "set us on a disturbing and perhaps dangerous path."

In November 1994, the State of Oregon adopted by referendum the so-called "Death with Dignity Act," allowing physicians to prescribe medication for the purpose of assisting patients' suicides. The week of that vote, Professor George Annas of Boston University pointed out the inconsistency between the Oregon referendum and the Controlled Substances Act in an article in the New England Journal of Medicine. He questioned whether such a state law was compatible with existing federal laws governing federally controlled drugs, "since the drafters of the federal statute certainly did not have this purpose [assisting suicides] in mind."

However, on June 5, 1998, overturning a previous determination by her own DEA Administrator, the Attorney General issued a letter carving out an exception for Oregon so it can use federally-controlled substances for assisted suicide. She claimed that Congress did not "intend to override a state determination as to what constitutes legitimate medical practice in the absence of a federal law prohibiting that practice." The Pain Relief Promotion Act will respond to the Attorney General's challenge, by clarifying that the intentional misuse of these drugs to cause patients' deaths is not authorized by Congress in any state, nor has it ever been.

On October 27, 1997, Oregon's "Death with Dignity Act" became effective. In the first year at least 15 patients have committed suicide with doctor's assistance under the new Oregon law. We really do not know the total number, because all reporting of cases is left completely in the hands of the doctors themselves, and the Oregon Health Division admits it has no idea how many unreported cases there are. But regarding those 15 reported cases we know one thing: Every one of those patient's deaths was caused by a federally controlled substance, prescribed with a federal DEA registration number, using federal authority. Today, without any decision to this effect by Congress or the President, the federal government is actively involved in assisting suicides in Oregon.

To hear some of the critics of this bill you might think that the Pain Relief Promotion Act creates a new authority on the part of the DEA to revoke doctors' registrations if they use controlled substances to assist suicide. On the contrary that authority has existed for 29 years and it exists now. Attorney General Janet Reno was very clear on this matter in her letter of June 5, 1998: "Adverse action under the CSA may well be warranted . . . where a physician assists in a suicide in a state that has not authorized the practice under any conditions, or where a physician fails to comply with state procedures in doing so."

What does this mean for current law and practice? First, the DEA has full authority to revoke a DEA registration for assisting suicide in any of the 49 states where assisting suicide is not authorized by state law. While critics of the Pain Relief Promotion Act have said that empowering the DEA to investigate physicians in such cases will have a "chilling effect" on the treatment of pain, the fact is that such authority already exists in 49 states.

What about the one State, Oregon, where the Attorney General said the DEA will not take adverse actions against physicians for assisting suicide in compliance with the Oregon law? Even in Oregon many cases of assisting suicide remain illegal under state law. The state law authorizes assisting the suicide of those who are terminally ill, but not others. Under the Attorney General's determination, then, the DEA can continue to review cases of assisting suicide to make sure they do not involve those who are not terminally ill, and it can scrutinize whether a given use of pain medication was really intended to assist suicide. All aspects of the Oregon guidelines for legally valid assisted suicide are also subject to DEA investigation, since the Attorney General has only authorized physicians to use federally controlled drugs for assisted suicides when they fully comply with those state guidelines.

Thus, as interpreted by the Attorney General, a registration to prescribe federally controlled substances can be revoked under the current Controlled Substances Act if these substances are used to assist suicide in any state in the Nation, with the exception of certain cases of assisted suicide that Oregon has legalized for the terminally ill. If DEA scrutiny of doctors' prescribing practices were going to "chill" the practice of pain control, that would already be occurring under current law.

How does the Pain Relief Promotion Act impact this situation? It establishes that, for the first time in federal law, the use of controlled substances for the relief of pain and discomfort is a "legitimate medical purpose," even if the large doses used in treating pain may unintentionally hasten death. Intentionally causing death or assisting in causing death remains forbidden. Thus this bill does not increase the DEA's regulatory authority at all. On the contrary, its only effect in 49 states (and even in Oregon, in cases involving those who are not terminally ill) is to provide new legal protection for physicians who prescribe controlled substances to control pain.

In Oregon, this bill eliminates the Attorney General's artificial exception designed to accommodate assisted suicides that are no longer penalized under Oregon law. The DEA can meet its responsibility here simply by looking at the reports required by Oregon law, in which doctors must identify the drugs used to assist suicide. Those records will make it clear whether federally controlled drugs were used: and since the physician is clearly reporting that his or her own intent was to help cause death, there will be no question of murky intentions or ambiguity. Thus this bill will not lead to any increase in the DEA trying to "second guess" or infer physicians' intentions, even in Oregon.*****-*****- -Name: -Payroll No. -Folios: J1S/13-J1S/14 -Date: -Subformat:

What of any unreported cases in which physicians assist the suicides of terminally ill patients? Those assisted suicides are already a crime under Oregon law, and thus already subject to adverse action by the DEA as well under the Attorney General's interpretation. Only if a physician officially reports the case to the Oregon Health Division is he or she exempted from state criminal penalties. So those cases are already covered by the same DEA authority that currently applies to assisted suicides in the other 49 states.

Let me take this situation step by step.

First, removing the Oregon exception to the existing nationwide policy cannot increase any "chilling effect" on pain relief outside of Oregon, because the bill does not increase one iota the authority of the DEA to investigate the misuse of controlled substances to assist suicide outside of Oregon. In fact, in those states its only effect is to provide a more explicit "safe harbor" for the practice of pain control, which is a significant advance and improvement for doctors and terminally ill patients. This is also true of assisted suicide cases within Oregon that do not comply with the state's reporting requirements or other guidelines. In all these cases, the Pain Relief Promotion Act gives the DEA no new mandate to investigate cases of assisted suicide more directly. Rather, it is expected to follow its longstanding practice of generally deferring to state authorities and allowing them to take the lead in investigating possible wrongdoing.

Second, no new questioning of physicians' intentions is warranted to address the cases of assisted suicide that are now permitted under Oregon law. To be free of criminal penalties under state law in Oregon, a doctor who assists a suicide must submit a report to Oregon authorities that includes information on the drugs prescribed to assist the suicide. The Drug Enforcement Administration, DEA, can obtain those reports from the Oregon authorities. It already has the authority to subpoena them, if necessary; again, our legislation has no impact on this.

Thus, even in Oregon, this bill will not result in any increase in DEA oversight or investigations of doctors based on their prescribing patterns or the dosages they use for particular patients. This is clearly stated in the House Judiciary Committee report on this bill, H. Rep. 106–378 Pt. 1, pp. 12–13.

It follows that if this bill is enacted, any doctors in Oregon who prescribe controlled substances for pain relief need not fear any increase in DEA scrutiny of their practices, and therefore should not in any way be deterred from prescribing adequate pain relief.

This bill cannot have a "chilling effect" on pain control, but will have the opposite effect. For the first time, it will place in the Controlled Substances Act, as the American Society of Anesthesiologists notes, "recognition that alleviating pain in the usual course of professional practice is a legitimate medical purpose for dispensing a controlled substance that is consistent with public health and safety, even if the use of such a substance may increase the risk of death." The American Medical Association says this bill, "provides a new and important statutory protection for physicians prescribing controlled substances for pain, particularly for patients at the end of life." As the American Academy of Pain Management observes, this will protect the ability of "prescribers to relieve pain without fear of regulatory discipline."

Those who are concerned about the possibility of a negative impact on pain relief if we pass this bill need to answer this question: do they believe that now the Drug Enforcement Administration is having a chilling effect on pain relief because federally controlled substances cannot be used to assist suicide in 49 states and even, in many cases, in Oregon?

If the answer is "no," then there is no basis to be concerned about this bill—for this bill will not increase investigations or oversight into the dosages of drugs used for pain relief, and in fact instructs the DEA to be even more sensitive to physicians' need to prescribe large doses of these drugs for pain control.

If the answer is "yes," then there is a great need for this bill—because for the first time it adds specific protections for doctors who prescribe controlled substances for pain control—resulting in a decrease in any "chilling effect" that may exist under current law.

Let me quote from the American Medical Association:

> The bill would not expand existing criminal penalties in the CSA for persons whose unauthorized use of a controlled substance leads to someone's death. . . . The bill would not expand the DEA's authority concerning jurisdiction, investigations or enforcement regarding the CSA. In fact, the inclusion of a recognition of the "double effect" in the CSA provides physicians in all jurisdictions an additional statutory protection in cases of alleged [physician-assisted suicide]. The bill has the potential, through its educational provisions, of sensitizing law enforcement personnel to the multiple issues of end-of-life care and prescribing.

It is noteworthy that although the Justice Department expressed concern about the portion of the bill that would prevent the use of federally controlled substances to assist suicide in Oregon, it agrees that the bill would aid, and not hinder, pain relief. In a letter dated October 19,1999, the Justice Department wrote that the bill "would eliminate any ambiguity about the legality of using controlled substances to alleviate the pain and suffering of the terminally ill by reducing any perceived threat of administrative and criminal sanctions in this context. The Department accordingly supports those portions of [the bill] addressing palliative care."

This bill makes it easier, not harder, to use controlled substances to relieve pain. That is why so many major medical organizations, including the National Hospice Organization, the American Academy of Pain Management and the American Society of Anesthesiologists, as well as the AMA, strongly support its enactment.

Some may wish to abolish the Controlled Substances Act altogether. They may think that the federal government's longstanding insistence on monitoring the distribution of these powerful drugs is an unwarranted intrusion into medical practice. I disagree with that stand, but at least it can be understood as a consistent position. What is untenable is the claim that this particular bill, which clearly improves the law's sensitivity to medical judgments on pain control, somehow mysteriously worsens that situation. Once we understand what the current law is and what this bill does, that claim simply does not make sense.

In short, the Pain Relief Promotion Act will foster pain control. It will improve existing law by adding significant new legal protections for physicians and pharmacists who prescribe and dispense controlled substances for pain control. It will reduce, and in no way increase, any possible "chilling effect" that could deter adequate pain control. And by clarifying federal law so the federal government will not facilitate the medical institutionalization of assisted suicide in any state, this legislation may help discourage doctors from simply suggesting assisted suicide instead of working to address their patients' real problems of uncontrolled pain. As protectors of public health and safety we should be encouraging doctors to kill the pain, not the patient.

Madam President, I ask unanimous consent that the following two editorials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Nov. 4, 1999]

DON'T KILL THE PAIN-RELIEF BILL

(By Wesley J. Smith)

Last week, by a vote of 271–156, the House approved the Pain Relief Promotion Act, designed to promote effective medical treatment of pain while deterring the misuse of narcotics and other controlled substances for assisted suicide. The bill's passage prompted an outpouring of hyperbole and misinformation from opponents. Here are the facts about the act:

It would not outlaw assisted suicide. Critics accuse Congress of "overturning" Oregon's assisted-suicide referendum. Would that it did. In fact, the act would outlaw only the intentional use of controlled substances to cause death. Lethal substances not controlled by federal drug regulations could still be prescribed legally on Oregon for use in assisted suicide.

It would not interfere with states' rights. Under the Controlled Substances Act the federal government, not the states, has the authority to determine what is and is not a proper medical use of the drugs specified in the act. Thus, as an editorial in the (Portland) Oregonian noted, it is the Oregon law that "barges into an area of long-standing federal jurisdiction." Thus passage of the act would return national uniformity to the enforcement of federal drug laws.

It merely reaffirms existing federal law. Because the act declares that assisted suicide is not a "legitimate medical purpose" under the Controlled Substances Act, critics have wrongly accused supporters of granting new authority to the Drug Enforcement Agency to punish doctors. In fact, DEA has had that authority for nearly 30 years. Since 1980 it has brought more than 250 enforcement actions for violating the federal legal standard of "legitimate medical purpose."

The medical community overwhelmingly favors it. Proponents of the bill include the American Medical Association, the National Hospice Organization, the Hospice Association of America, the American Academy of Pain Management, the American Society of Anesthesiologists and the American College of Osteopathic Family Physicians. (True, support isn't unanimous. Dissent within the medical community has been led by the Rhode Island Medical Association.)

It has broad bipartisan support. Seventy-one House Democrats voted for the bill, and its Senate sponsors include Joe Lieberman (D., Conn.), Chris Dodd (D., Conn.) and Evan Bayh (D., Ind.).

It would enhance pain control. If the act becomes law, pain control will for the first time be specifically identified in federal law as a proper use of controlled substances—even if the use of pain-controlling drugs has the unintended side effect of causing death. That is a much-needed legal reform, because many doctors fail to treat pain aggressively because they fear the government's second-guessing. Several states have recently passed similar laws, leading to dramatic increases in the use of morphine and other palliative medications.

The Pain Relief Promotion Act looks likely to pass the Senate. If President Clinton truly feels our pain, he will sign it the moment it hits his desk.

[From the Oregonian, July 1, 1999]

KILL THE PAIN, NOT THE PATIENTS

CONGRESS SHOULD ALLOW DOCTORS TO USE CONTROLLED DRUGS FOR AGGRESSIVE PAIN TREATMENT INSTEAD OF SUICIDE

It's no secret to any reader of this space that we oppose Oregon's venture into physician-assisted suicide.

But last year, when the American Medical Association and the National Hospice Organization came out against a bill in Congress giving medical review boards the power to deny or yank the federal drug-prescribing license to physicians who prescribed these drugs to assist in suicides, we took their concerns seriously.

The groups argued that the proposed law could reverse recent advances in end-of-life care. Doctors might become afraid to prescribe drugs to manage pain and depression—things that, when uncontrolled, can lead the terminally ill to consider killing themselves in the first place. We thought then that the problem could be worked out and that it was possible to keep doctors from using federally controlled substances to kill their patients without also preventing them from relieving their terminally-ill patients' agonies.

This Congress's Pain Relief Promotion Act proves it, and the proposed legislation comes not a moment too soon. A new report by the Center for Ethics in Health Care at Oregon Health Sciences University shows that end-of-life care in Oregon—which fancies itself a leader in this area—is far from all it should be. Too many Oregonians spend the last days of their life in pain.

There's no real need for that—and the Pain Relief Promotion Act of 1999 would go a long way toward addressing these systemic and professional failures here and elsewhere. The proposal would authorize federal health-care agencies to promote an increased understanding of palliative care and to support training programs for health professionals in the best pain management practices. It would also require the Agency for Health Care Policy and Research to develop and share scientific information on proper palliative care.

Further, the Pain Relief Promotion Act would clarify the Controlled Substances Act in two essential ways.

One, it makes clear that alleviating pain and discomfort is an authorized and legitimate medical purpose for the use of controlled substances.

Two, the bill states that nothing in the Controlled Substances Act authorizes the use of these drugs for assisted suicide or euthanasia and that state laws allowing assisted suicide or euthanasia are irrelevant in determining whether a practitioner has violated the Controlled Substances Act.

Technically, of course, the bill does not overturn Oregon's so-called Death with Dignity Act. But it would thwart it, for all practical purposes, because it makes it illegal for Oregon doctors to engage in assisted suicide using their federal drug-prescribing license. Suicide's advocates may think of some other method, but none seems obvious.

Is this a federal intrusion on a state's right to allow physician-assisted suicide or euthanasia?

To hear some recent converts to states' right talk, you might think so. But you could just as easily argue that Oregon's assisted suicide law intrudes on the federal domain. The feds have long had jurisdiction over controlled substances, even as states kept the power to regulate the way physicians prescribe them. At best, it's a gray area.

You'll recall that the Department of Justice declined to assert a federal interest in all of this when it plausibly could have, shortly after Oregon voters approved assisted suicide. It's probably better—and high time—that Congress asserts that interest explicitly.

This act would establish a uniform national standard preventing the use of federally controlled drugs for assisted suicide. That, in itself, should advance the national debate on this subject in a more seemly way than, say, the recent efforts of Dr. Jack Kervorkian.

Beyond that, it's high time that Congress made clear that improved pain relief is a key objective of our nation's health-care institutions and our Controlled Substances Act. The Pain Relief Promotion Act will do all this. No wonder the American Medical Association and the National Hospice Organization are now on board.

PRISON CARD PROGRAM

Mr. ASHCROFT. Madam President, I rise today to talk about an important and highly successful program operated for more than 25 years by the Salvation Army in conjunction with the Bureau of Prisons. This program is called the Prison Card Program. Under the program, greeting cards are donated to the Salvation Army that are then given to inmates at correctional facilities across the country. This program allows inmates to keep in touch with family and friends—not only during the holiday season—but throughout the year. The benefits of this program to the inmates and their loved ones are clear. However, there are also benefits to the community as well. Inmates who maintain strong ties with their families and friends are less likely to return to prison once their sentence is completed.

I want to commend the Salvation Army, the Department of Justice, and the Bureau of Prisons for supporting this program. In particular, I want the Department to know that this program has the support of Congress. I have spoken to Chairman GREGG, who has indicated that he is prepared to work with me and other supporters of the program in the coming months to ensure that this important charitable program is sustained well into the future.

THE CARIBBEAN BASIN INITIATIVE AND THE IMPACT ON TRADE WITH ISRAEL

Mr. JOHNSON. Mr. President, I would like to alert my colleagues to an issue raised by H.R. 434, the African Growth and Opportunity Act and the Caribbean Basin Initiative, regarding trade with Israel under the U.S.-Israel Free Trade Area Agreement. Notwithstanding our free-trade agreement with Israel, the CBI provisions of this legislation would unfairly discriminate against U.S. imports from Israel.

Under that legislation, most U.S. textile products made with Israeli inputs, such as yarn, fabric or thread, would not be eligible for duty free treatment when assembled into apparel in the Caribbean. To illustrate the contrast with current law, today, if a U.S. company uses Israeli yarn in manufacturing fabric, the products made from such fabric would be eligible for CBI benefits. The trade bill creates a unilateral change from the status quo in our trade with Israel and a major barrier to U.S. companies using Israeli-origin inputs.

I would like to submit for the RECORD a letter from the Economic Minister of the Israeli Embassy that was sent to each of the Members of the Senate Finance Committee urging Congress to treat Israeli inputs on par with U.S. inputs in this trade legislation. I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EMBASSY OF ISRAEL,
Washington, DC, June 15, 1999.

DEAR SENATOR: I am writing to you, as well other members of the Committee on Finance, to ask for your support during the

Committee's mark-up of the U.S.-Caribbean Basin Trade Enhancement Act (also known as the "CBI" trade parity bill) to ensure that it does not impose an economic barrier against U.S. imports of Israeli-origin inputs, such as yarn, fabric or thread, under the U.S.-Israel Free Trade Area Agreement ("FTAA").

My Government urges the inclusion of a provision in the CBI legislation that will enable U.S. companies to continue utilizing Israeli-origin inputs in producing American-made products without making such products ineligible for CBI duty-free trade preferences.

The current CBI trade program provides preferential tariff treatment to apparel made from U.S.-formed components that are finished in a CBI-eligible country. Currently such components may be cut from fabric, or formed from yarn, originating either in the United States or Israel. The legislation before the Committee incorporates a U.S.-only fabric and thread forward rule of origin. The CBI bill recently approved by the House Ways and Means Committee also incorporates a U.S.-only "yarn forward" requirement for knit-to-shape products. Either bill in its current form would adversely affect Israeli exports to the United States. Market conditions would all but require U.S. companies to halt imports of Israeli inputs so as not to disqualify their products from the duty-free trade preference to be extended unilaterally to CBI-eligible countries. The loss of sales to the U.S. market would harm both Israeli companies and U.S. companies that supply raw materials used in the manufacture of Israeli inputs, such as nylon yarn.

I am bringing this matter to your attention because the legislation to be considered by the Finance Committee should not damage U.S.-Israeli trade. Protecting against such harm can be accomplished by providing in the legislation that Israeli-origin inputs will, for purposes of CBI preferences, be treated no less favorably than U.S. inputs. Such a provision would ensure that restrictive consequences of the proposed legislation would not adversely affect U.S.-Israeli trade.

The legislative measure that we are asking you to support is consistent with previous trade measures approved by your Committee and enacted into U.S. law to preserve U.S.-Israeli trade under the FTAA. Such a provision would preserve the status quo in U.S.-Israeli trade, a goal that has been endorsed previously on a number of occasions by the Committee. It is not intended to create any new benefit for Israeli products.

In sum, our objective is to ensure that the CBI trade bill does not withdraw the practical benefits of the U.S.-Israel Free Trade Area Agreement and our mutual goal of expanding bilateral trade. I would very much welcome the opportunity to review this issue with you.

Sincerely,

OHAD MARANI,
Economic Minister.

Mr. JOHNSON. I do not think that it is the intent of the CBI legislation to undermine our trade with Israel. Preserving our existing trade with Israel will not in any way lessen the trade benefits we extend to the CBI countries. And it is critically important that we consider our existing trade agreement with Israel as we develop further trade measures. I urge my colleagues to address this issue as this bill moves forward, so that we do not prejudice our trade with Israel under the U.S.-Israel Free Trade Area Agreement.

CONGRESSIONAL BUDGET OFFICE REPORT

Mr. MURKOWSKI. Madam President, at the time Senate Report No. 623 was filed, the Congressional Budget Office report was not available. I ask unanimous consent that the report which is now available be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 10, 1999.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 623, the Dakota Water Resources Act of 1999.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Megan Carroll (for federal costs), and Marjorie Miller (for the impact on state, local, and tribal governments).

Sincerely,

BARRY B. ANDERSON,
(For Dan L. Crippen, *Director*).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 623—Dakota Water Resources Act of 1999

SUMMARY

CVO estimates the implementing S. 623 would cost $131 million over the 2000–2004 period, assuming appropriation of the necessary amounts. Starting in fiscal year 2002, S. 623 would affect direct spending; therefore, pay-as-you-go procedures would apply. CBO estimates, however, that changes in direct spending would not become significant until 2007. S. 623 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). The state of North Dakota and local governments in that state would probably incur some costs as a result of the bill's enactment, but these costs would be voluntary.

S. 623 would amend the existing authority for construction of the Garrison Diversion Unit (GDU) of the Pick-Sloan Missouri Basin Program, administered by the Bureau of Reclamation (the Bureau). S. 623 would authorize the appropriation of about $688 million (in 1999 dollars) for the Bureau to complete the GDU. Adjusting for anticipated cost growth, CBO estimates that implementing this legislation would require the appropriation of $793 million over the 2000–2017 period. Most of the outlays from such funding would occur after 2004. We estimate that enacting the bill would reduce offsetting receipts (a credit against direct spending) by less than $200,000 a year between 2002 and 2006, but would result in increased offsetting receipts of about $7 million a year starting in 2007.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact on S. 623 over the next five years is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By Fiscal Year, in Millions of Dollars				
	2000	2001	2002	2003	2004
CHANGES IN SPENDING SUBJECT TO APPROPRIATION[1]					
Estimated Authorization Level ...	0	24	33	47	31
Estimated Outlays	0	16	27	41	47

[1] Most of the costs of implementing S. 623 would occur after 2004. In addition, to the bill's discretionary costs, it would increase direct spending by less than $200,000 a year over the 2000–2004 period. (That estimated annual effect would continue through 2006, but S. 623 would reduce direct spending by about $7 million a year after 2006).

Assuming appropriation of the necessary funds, CBO estimates that implementing S. 623 would cost $131 million over the 2000–2004 period, $450 million over the 2000–2009 period, and $793 million over the 2000–2018 period. Initially, the bill would have no significant impact on direct spending, but after 2006, S. 623 would increase offsetting receipts by about $7 million a year.

BASIS OF ESTIMATE

Estimates of funds needed to meet design and construction schedules were provided by the Bureau. CBO adjusted those estimates to reflect anticipated cost growth during the construction period, as authorized by the bill. For purposes of this estimate, CBO assumes that S. 623 will be enacted during fiscal year 2000 and that the authorized amounts will be appropriated. Estimates of outlays are based on historical spending patterns for similar projects.

SPENDING SUBJECT TO APPROPRIATION

Red River Valley Water Supply Project.—S. 623 would authorize the appropriation of $200 million (in 1999 dollars) for the Bureau to construct facilities to meet the water quality and quantity needs of the Red River Valley. Based on information from the Bureau, CBO expects that construction would begin during fiscal year 2004 and would be substantially completed in 2007. Assuming appropriation of the necessary amounts, CBO estimates that design and initial construction would about $75 million over the 2000–2004 period.

Municipal, Rural, and Industrial Water Systems.—The bill also would authorize the appropriation of $200 million (in 1999 dollars) for the Bureau to make grants to North Dakota to construct municipal, rural, and industrial water systems. The bill would authorize the appropriation of an additional $200 million (in 1999 dollars) for the Bureau to construct, operate, and maintain, on a nonreimbursable basis, municipal, rural, and industrial water systems on certain Indian reservations. CBO estimates that implementing both of these provisions would cost about $45 million between 2000 and 2004.

Operation and Maintenance.—During construction of the Red River Valley Water Supply Project, operation and maintenance costs of the GDU would be covered by using funds appropriated for construction. Once the facility is completed in 2007, S. 623 would authorize the appropriation of amounts necessary for the Bureau to operate and maintain a certain portion of the facility. Based on information from the Bureau, CBO expects the facility to be put into use in 2007. At that time, we estimate that an additional appropriation of about $3 million would be required each year for operation and maintenance.

S. 623 also would authorize the appropriation of additional amounts necessary for the operation and maintenance of wildlife mitigation and enhancement facilities, including wildlife refuges. Based on information from the Bureau, CBO estimates this work would cost about $1 million annually starting in 2001.

Natural Resources Trust.—S. 623 would authorize the appropriation of $25 million for the Secretary of the Interior to make annual contributions to the Natural Resources Trust, a nonfederal corporation (currently known as the Wetlands Trust). The amount to be contributed in any fiscal year would equal 5 percent of the amount appropriated in that year for the Red River Valley Water Supply Project and for non-Indian municipal, rural, and industrial water supply systems. CBO estimates this provision would cost $6 million between 2000 and 2004.

Recreational Projects.—The bill would authorize the appropriation of $6.5 million for the Bureau to construct, operate, and maintain new recreational facilities, provided that the Secretary of the Interior has entered into agreements with nonfederal entities to provide half of the cost of operating and maintaining any such facilities. CBO estimates that implementing this provision would cost about $1 million between 2000 and 2004.

Oakes Test Area Title Transfer.—S. 623 would authorize the Secretary to convey the Oakes Test Area, an experimental irrigation facility in North Dakota, to the local irrigators. The Bureau currently spends less than $200,000 annually to operate and maintain the facility. These amounts are subject to appropriation and are reimbursed by users of the facility. Reimbursements are deposited in the Treasury as offsetting receipts and are unavailable for spending without appropriation action. Based on information from the Bureau, CBO expects that the title transfer would occur during fiscal year 2002. Starting in that year, this provision would yield annual discretionary savings of less than $200,000.

DIRECT SPENDING

Offsetting Receipts from Repayment Contracts.—Under current law, the GDU water supply features are not expected to be put into service, and thus will not generate offsetting receipts from repayment contracts. According to the Bureau, under S. 623 the unit would be placed into service during 2007 and the agency would start to collect repayments from project beneficiaries in that year. Repayments would be deposited in the Treasury as offsetting receipts and would be unavailable for spending without appropriation. CBO estimates that these receipts would total about $7 million a year starting in 2007.

Oakes Test Area Title Transfer.—CBO estimates that under the bill, the Secretary would transfer ownership of the Oakes Test Area to local users in 2002. This transfer would reduce offsetting receipts that are collected from irrigators under current law to reimburse the Bureau for operating costs. Thus, CBO estimates that this provision would reduce offsetting receipts by less than $200,000 a year starting in 2002.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The net changes in outlays that are subject to pay-as-you-go procedures are shown in the following table. For the purposes of enforcing pay-as-you-go procedures, only the effects in the budget year and the succeeding four years are counted.

	By Fiscal Year, in Millions of Dollars									
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Changes in outlays	0	0	0	0	0	0	0	−7	−7	−7
Changes in receipts	Not applicable									

Estimated impact on state, local, and tribal governments: S. 623 contains no intergovernmental mandates as defined in UMRA. Under current law, and under the amendments made by this bill, the state of North Dakota and local governments in that state would provide some of the funds necessary to construct and to operate and maintain the authorized facilities. All such spending would be a condition of federal assistance and would be voluntary.

Estimated impact on the private sector: This bill would impose no new private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Megan Carroll; Impact on State, Local, and Tribal Governments: Marjorie Miller.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business yesterday, Wednesday, November 17, 1999, the Federal debt stood at $5,690,918,151,426.47 (Five trillion, six hundred ninety billion, nine hundred eighteen million, one hundred fifty-one thousand, four hundred twenty-six dollars and forty-seven cents).

One year ago, November 17, 1998, the Federal debt stood at $5,586,021,000,000 (Five trillion, five hundred eighty-six billion, twenty-one million).

Five years ago, November 17, 1994, the Federal debt stood at $4,752,752,000,000 (Four trillion, seven hundred fifty-two billion, seven hundred fifty-two million).

Ten years ago, November 17, 1989, the Federal debt stood at $2,918,126,000,000 (Two trillion, nine hundred eighteen billion, one hundred twenty-six million) which reflects a doubling of the debt—an increase of almost $3 trillion—$2,772,792,151,426.47 (Two trillion, seven hundred seventy-two billion, seven hundred ninety-two million, one hundred fifty-one thousand, four hundred twenty-six dollars and forty-seven cents) during the past 10 years.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Madam President, I thank the Chair.

Madam President, what is the matter before the Senate?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The period for morning business has expired. The normal business before the Senate would be the bankruptcy bill.

Mr. BYRD. I thank the Chair.

Madam President, I ask unanimous consent to speak out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

HAPPY BIRTHDAY WISHES FOR THE HON. TED STEVENS

Mr. BYRD. Madam President, I want to call attention to the fact that today, November 18, 1999, is the birthday of the very distinguished chairman of the Senate Appropriations Committee, my friend. I would like to say lifelong friend; I just haven't had the pleasure of knowing him all of my life. The day after tomorrow, I will be 82 years old, if the Lord lets me live. So I can't say he is my lifelong friend, but he has been my friend over all the years he has served in the Senate.

I wish him a happy, happy birthday. He is a Senator who doesn't look up to the rich. He doesn't look down on the poor. He is a good man on the inside and on the outside. And he is a man who sticks by his principles.

He is a Republican. I am a Democrat. But neither he nor I puts political party above everything else. We know that political party is important, but there are other things in this life that are even more important. He recognizes that. His handclasp is like the handclasp of our ancestors. His word is his bond, as was the word of our ancestors.

I could say much more. I will simply say he is a Christian gentleman, a gentleman first, last, and always. My wife Erma and I extend to him our very best wishes on his birthday and our prayers and hopes that he will enjoy many, many more happy birthdays.

He is rendering a tremendous service to his country and to his State. I hope the people of Alaska realize what a treasure this man is. He works for Alaska every day in the Senate. We know that. He is effective. He is forceful. He is genuine.

Erma and I join in wishing him a happy birthday and expressing our good wishes also to his lovely wife, Catherine, and to his children.

I yield to the distinguished majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Madam President, I thank Senator BYRD for yielding me the time. I join in wishing a very happy birthday to our friend from Alaska. He makes the Senate a better place. He keeps us lively. He works hard. He makes sure we get our job done, and he does it with a lot of alacrity sometimes. He will get right up in your face and make sure you understand. That helps to clear the subject up in many instances.

He is a great guy. I am honored to be able to serve in this institution with the great Senator from Alaska who does so much for our country and certainly for his State of Alaska. I will not tell his wife, the lovely, charming wife to whom he is married, what his age is today because I assume she doesn't know what his actual age is. We will keep that a secret. But happy birthday to our great friend.

Mr. DASCHLE. Will the majority leader yield because I think this is the most appropriate time to add my wishes as well.

Mr. LOTT. I am happy to yield.

Mr. DASCHLE. I wish to identify with the warm and generous remarks made by the distinguished senior Senator from West Virginia. I agree entirely with his comments and with the views he has expressed. I think he and I speak for our caucuses in our admiration collectively for the Senator from Alaska. We may not always agree, but there isn't anyone who cares more deeply about this institution, about his State, and represents himself more effectively on the Senate floor and with his colleagues than the Senator from Alaska.

It is an honor for me to be one of those who have had the good fortune of working with him. I respect him immensely, and I, too, join in wishing him the happiest of birthdays. I wouldn't be surprised at all if Catherine knows exactly how old he is today.

MAKING FURTHER CONTINUING APPROPRIATIONS

MOTION TO PROCEED

Mr. LOTT. Madam President, I ask unanimous consent the Senate now proceed to the short-term continuing resolution.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, reserving the right to object, I speak on behalf of 11 million Americans, at least, many of them residents of the State of Alaska. We haven't solved the satellite home viewer matter. I don't see why we can't. It is very simple. All we have to do is put that loan guarantee in, which is very simple. If there are any wrinkles, they can easily be worked out. It makes no sense for us to go home without passing the loan guarantee provision so that the satellite viewers can rest assured and so that those who are going to put up satellites and develop satellites for local-to-local coverage are able to do so. I cannot understand, on behalf of those 11 million Americans who can't understand, why in the world we don't do something that is pretty simple.

Mr. LOTT. Will the Senator yield to me to respond?

Mr. BAUCUS. Madam President, I reserve the right to object.

Mr. LOTT. I have not propounded a unanimous consent request other than to proceed to the short-term continuing resolution so that Senator BYRD may begin to discuss an issue of concern to a number of Senators. I intended to talk to the Senator from Montana and others about trying to enter into an agreement with regard to time.

On the issue to which he referred, I think it is very important that we do take action in this final bill we will be taking up in the next day or so, or today, that will make sure the satellite bill is passed so that people across this country will continue to receive service from the networks on their television sets in the future in order to have this so-called local-to-local service where you get your local station on your local satellite. We are going to have to have some process, some way to get that service into rural areas and smaller areas such as those in Montana, Alaska, and in Mississippi. I am committed to getting that done. So is the Senator from Alaska, Mr. STEVENS. We are going to get that done.

We are going to have to have a very carefully thought out loan guarantee system that will get the satellites up, to get the towers that are necessary to make sure that that is done. The problem we have, as with so many other issues we have been dealing with in the last week, is getting all of that done in the last few hours to make sure we get it done right without the whole process being held up as we go forward.

I will talk to the Senator privately, but he has my assurances—Senator DASCHLE and I will put a colloquy in the RECORD—that we are going to get this done. We are going to get it done early next year. If there are dilatory tactics, we will have a bill that has been carefully massaged by all of the relevant committees, not just one. We will either get it done straight up or we will look for another vehicle. This is something to which we are committed, to which I am committed, and I know the Senator from Alaska is committed.

Mr. STEVENS. Will the Senator yield?

Mr. LOTT. I believe the Senator from Montana—

Mr. BAUCUS. Madam President, I yield to the Senator from Alaska without losing my rights to the floor.

Mr. STEVENS. I certainly won't make a long statement. I still am very committed to the loan guarantee provisions that were in the Satellite Home Viewer Act. But I am also convinced that we would have a period of time to get the regulations ready to proceed with that guarantee program. It would take roughly 6, 7 months.

I am going to ask the FCC to start preparing those regulations now. We have the commitment that we will have a loan guarantee bill before us, and we will be voting on it sometime in April. We will not delay the loan guarantee program for rural America by what we have done. I was assured of that, and I am assured in my own mind that it will work. We will be right on time by the time we get this bill.

We have a commitment coming that we will either have an improved authorization for a loan guarantee or we will vote what was in the bill we took out last night. I urge my friend to understand that we have not abandoned the loan guarantee program. Coming from where I do, I would never abandon it.

When I came to the Senate, the Army ran the communications system of Alaska; the U.S. Government owned all of the telephones in Alaska. Now, when you look at the distance we have come in a relatively short time of my service in the Senate, we are going to do the same thing with satellite communications in a very short period of time, in a new way, consistent with private enterprise, on a guarantee program rather than a Government loan program.

We need to have certainty to what we are doing. I know it will take a long time to get the regulations ready. We did not agree to delaying the loan guarantee program last night; we delayed the authorization for it, and we will have that authorization by April of next year.

Mr. BAUCUS. Madam President, reserving the right to object. I hear my good friend from Alaska and the majority leader. They have States that have the same concerns as do we. Not for a moment do I doubt the intentions of both of the Senators. They are two of the most honorable men I have had the pleasure to know. They are wonderful people.

But I also know how the Senate operates. I also know that the best intentions often don't materialize and something happens. I also know that some of the regulations I suspect the Senator talked about—it is a lot easier for the FCC to write regulations than not knowing in the abstract what the regulations are. I don't know what they can really do that is substantive or effective in the next several months, or whatever it takes.

I also know that the only objection to us proceeding really is one Senator who, for some reason, thinks he should have jurisdiction over this. It is an "inside baseball" objection. It is not a substantive objection in any great way.

I also know there is a lot in this omnibus bill that was written pretty quickly, where many minds got together to get something done. I also know that necessity is the motherhood of invention. If we want to do this, we will find a way to get it in.

I am suggesting that a vast majority of Members of this body want to do it.

I suggest that 90 percent want to do it. There is an objection not based on substance but based on another reason.

I very much appreciate the desire of the Senator from West Virginia to speak. But I might say that my objecting to proceeding here does not deprive the Senator from speaking. He will find ample opportunity, and I support his right to be able to speak. This is so black and white, so much of a no-brainer, and there are millions of Americans in rural America who want this thing, and there is so little reason not to do it.

So I will object.

The PRESIDING OFFICER. Objection is heard.

The majority leader has the floor.

Mr. LOTT. Madam President, I yield the floor. I believe the Senator from West Virginia was prepared to proceed to discuss his issue. I think he probably will do that. We will see what might be done to address concerns Senators may have, and we will be back later.

Mr. STEVENS. Mr. President, I checked with my office. TEA 21, the highway bill, had a loan guarantee program. It took 16 months for the regulations to be drawn before there was one guarantee made. We have the process to be started on the Satellite Home Viewer Act to create regulations for a new loan guarantee program, and I said it could be done in 6 months. My staff tells me I was very conservative; it will take much longer than that. We will have the law for authorizing the loan guarantee done by the end of April.

I do not believe that those who agree with me that there should be a loan guarantee program should be worried about the deletion of that authorization now. The problem on the loan guarantee program is to commence the drafting and, really, the presentation of the new program. It will be entirely new. It is not similar to any conduct of a loan guarantee program in history. So it will take a considerable amount of time.

I want the RECORD to note there is no reason to oppose this bill and particularly to oppose this continuing resolution on the basis of the deletion of the loan guarantee program from the Satellite Home Bureau Act.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

MOUNTAINTOP MINING

Mr. BYRD. Madam President, in the rush to complete work on an omnibus appropriations bill that will attract enough votes to pass both Chambers of Congress without incurring a veto from the White House, a number of important measures that should have been in the conference report have ended up on the cutting room floor. One of those issues is mountaintop mining.

I am extremely disappointed at the shortsightedness of the White House, as well as some Members of Congress, on this issue. We had a chance on the omnibus package to right a wrong, to remedy the crisis in West Virginia's coal fields that was triggered by a recent Federal court ruling. But the White House blocked that effort, leading the charge to exclude the proposed legislative remedy from the omnibus bill. As a result, thousands of coal miners in West Virginia, and throughout Appalachia, are facing a bleak and uncertain future.

Particularly troubling to me is that the ammunition used to defeat this proposal, the ammunition used to keep it out of the omnibus package, was, in large part, a campaign of misinformation, led by the White House.

My proposal is not antienvironment. The White House would have you believe otherwise. My proposal would not weaken or in any way alter the Clean Water Act. Let the White House hear! The White House would have the people believe otherwise. Let me say it again. This amendment which is cosponsored by Mr. MCCONNELL, the senior Senator from Kentucky; Mr. ROCKEFELLER, the junior Senator from West Virginia; and Mr. BUNNING, the junior Senator from Kentucky, would not weaken or in any way alter, modify, change, repeal, amend, or undermine the Clean Water Act.

I know the White House has tried to mislead people into believing that it would. It would not. Fie on the White House! fie for attempting to mislead the people. Now, one can honestly believe what he is saying and can mislead or one can mislead with the intention of misleading.

All the Byrd-McConnell amendment would do is preserve the status quo until an environmental impact assessment, which is already underway, is completed and regulations resulting from it are issued. That environmental impact assessment was not put in motion by the White House; it was put in motion by a court action last December.

No laws would be weakened by the Byrd-McConnell amendment. No regulations would be discarded. The legislative remedy that is proposed by this amendment is not an either/or proposition. This amendment would permit carefully controlled mountaintop mining while allowing work to continue on a broad environmental study that could spur better oversight and more environmentally friendly mining practices nationally in the years ahead. In my book, that is a win/win situation.

This mountaintop mining proposal is an effort to stand up for America's coal miners—and the railway workers, and the truckers, and the suppliers, and all who are involved directly or indirectly with mining. This proposal is an effort to stand up for the coal miners and the hundreds of thousands of jobs and the scores of other industries they support. Allowing this opportunity to slip through our fingers would be a grievous mistake.

We can't control what the people at the other end of Pennsylvania Avenue say. We can't control how they treat America's coal miners. But we can speak up for what we believe here in the Senate. We can send our message to the White House.

To get that message across, I hope to offer an amendment. I could speak at length on the omnibus appropriations bill when it comes before the Senate. We could be here another week. We could be here another 2 weeks.

They say time is running out for the continuing resolution. Madam President, time is running out for the coal miners and their families, and for the retired coal miners, and their wives, or their widows, and their families. Time is running out for them. The President wants this Appropriations Bill sent to him, in Greece. Indeed! What are we going to send to the coal miners who have been working for this country before he was born? What are we going to send them?

I have seriously considered this matter. This issue merits the time and the attention of Congress. I am prepared to give it some time.

I don't want to hold this measure up interminably. I want to see action on it. I want to vote. I want to vote on this amendment—the Byrd, McConnell, Rockefeller, Bunning, et al. amendment.

So, I take these few moments to speak the truth, to try to set the record straight on the impact of this amendment, of which I am the chief cosponsor, and to give this body, and hopefully the other body, one more chance this year to protect the jobs and the livelihoods of thousands of working men and women in West Virginia and throughout America, and to give the White House one more chance to reverse its current position and protect the jobs of the coal miners.

We are not just talking about coal miners; we are also talking about the coal industry; we are talking about other laborers—the truckers, the railway operators, the barge operators who go up and down the Ohio and other rivers. It isn't just the coal miners union that is concerned. The AFL-CIO is concerned. Take another look! Take another look at those who are opposed and who work against legislation that will benefit the working men and women of America.

On October 20, a Federal district court in West Virginia issued an opinion in a lawsuit involving Federal regulatory agencies that virtually set off an explosion in the coal fields. Mining companies immediately announced that there would be hundreds of coal miners who would be cut off, and new mines which were in the plans by companies to be built, would be scuttled.

In some instances, a new mine costs $50 million; it costs $75 million in some instances; and in some instances it costs $90 million, or more, to open a new mine. What mining company is going to invest $90 million in a new mine when the Federal judge issues a ruling such as this? There is no predictability at all in the future.

Before the court issued its opinion, as part of a settlement the mining industry in West Virginia was operating under two memoranda of understanding—two memoranda of understanding that had been agreed upon. Hear this: Two memoranda of understanding. I didn't have anything to do with those memoranda of understanding. Who agreed? Who entered into agreements concerning mountaintop mining? Who entered into agreements concerning mountaintop mining? Who entered into the memoranda of understanding? These were agreed upon by the Federal and State regulatory agencies. Hear me now! These were entered into and agreed upon by the regulatory agencies—both State and Federal—that oversee mining permits.

What are those agencies that entered into this agreement? The Federal Office of Surface Mining, the U.S. Army Corps of Engineers, and the State Division of Environmental Protection, the Environmental Protection Agency. These are this administration's regulatory agencies. This administration's regulatory agencies entered into those agreements.

Let me say that again. Hear me.

Who entered into those regulations? Who were the parties to those agreements? This administration's regulatory agencies, the EPA, the Army Corps of Engineers, the Department of the Interior through the Office of Surface Mining, and the West Virginia Division of Environmental Protection—Federal and State agencies—created these agreements, devised these memoranda of understanding. They weren't created by me. The administration's own Environmental Protection Agency, the great Federal protector of our land, water, and air, helped to write and signed onto these memoranda of understanding.

Do you, my friends, really believe that the EPA signed agreements that weakened environmental protections?

Let me say to the White House: Do you believe that your own Environmental Protection Agency signed onto agreements that weakened environmental protections? No. No. These memoranda of understanding—called MOUs—put into place stronger environmental protections in West Virginia.

Listen to this: These MOUs put into place stronger—get it, now—stronger environmental protections and regulations in West Virginia than exist in any other State in the Union. Hear me, environmentalists; you ought to be fighting for this amendment. You ought to be urging us on in our fight for this amendment. I am an environmentalist. Who was the majority leader of the Senate when SMCRA was passed in this body, the Surface Mining Control and Reclamation Act? Who was the majority leader of the Senate then? Who stood up for you environmentalists then?

West Virginia at one time was the only State in the United States that had no wildlife refuge. I put money in Appropriations bills, to bring the first wildlife refuge to West Virginia, the last State among the 50 that got a wildlife refuge. Hear me, environmentalists. Who put the money in for the Canaan Valley Wildlife Refuge—that West Virginia refuge was the 500th in the nation? I did.

I am an environmentalist. Who put the $138 million in for the fish and wildlife's national conservation and training facilities at Terrapin Neck, three miles out of Shepherdstown, WV? Who fought 5 years in the Senate Appropriations Committee for that $138 million? Who fought for it in the House-Senate conferences? This Senator; this environmentalist fought for it.

Nobody wants a cleaner environment than I do. But I hope I also have some common sense. We know that in West Virginia the great core industries have fueled the powerplants of the Nation, have fueled the war machine of the Nation. The coal industry, the steel industry, the glass industry, the chemical industry, these and other core industries have employed hundreds of people in West Virginia. The core industries are still there, but they are diminishing. There were 125,000 coal miners in West Virginia when I first ran for the House of Representatives in 1952. Today, there are only 20,000, give or take, in West Virginia.

These core industries cannot always be what they once were. But there are those who want coal mining stopped now. They want it stopped tonight. They want it stopped tomorrow. Shut it down! That is what they want. But we can't do that. It can't be done overnight. People have to work. Children have to eat. Widows have to live. We have to continue to operate the mines. We are trying to develop other industries in West Virginia—high-tech industries. I have tried to encourage Federal agencies to look to West Virginia for a better quality of life, for a safer life, where the people who work can at last buy a home, where people want to work and will turn in a good day's work.

We are trying to diversify our industries. It takes time. I have put appropriations into the corridor highways of West Virginia, so that other industries will be encouraged to come into West Virginia and to expand. They won't come where there are bad roads. They need an infrastructure that will support their industries and their people. It takes time. It can't be done overnight. Those environmentalists who want it done overnight, it can't be done overnight.

Those MOUs established stronger environmental protections and regulations in West Virginia than exist in any other State in the Nation, bar none. I say to the Administration, your own regulatory agencies agreed and worked out those regulations, and now you, the White House, want to turn your back on your own environmental agency, on your own Army Corps of Engineers, on your own Office of Surface Mining.

Peter heard the cock crow three times, and then he hung his head in shame. He denied his Lord thrice and then hung his own head in shame and walked away.

White House, hang your head in shame!

But the court's opinion, throw all these things out the window. The MOUs, the agreements that have been entered into by this administration's regulatory agencies, are all thrown out the window. The court ruled that the way in which the agencies were operating did not follow the letter and intent of the law.

Hear that. I helped to create those laws. I supported the Clean Water Act. I supported the Surface Mining and Control Reclamation Act. I supported it. But the court ruled that the way in which these agencies were operating did not follow the letter of the law and intent of the law.

Congress passed the law. The court disagreed with the way in which the Federal regulatory agencies and the State regulatory agency interpreted the law. But the court was wrong. There are 20,000 miners, 20,000 voices that come from the coal fields who say that the court was wrong. Its decision was completely contrary to the intent of Congress in passing those two laws, the Clean Water Act and the Surface Mining and Control and Reclamation Act.

While I disagree with the court, the ball is here. It is in our court now because the judge in his ruling said if application of Federal regulation prevents certain activities in the Appalachian coal fields "it is up to Congress." That is this body and the other body. He said . . . "it is up to Congress"—and the legislature—"to alter that result."

So we have accepted the responsibility. The judge said it is up to Congress. We, who are supporting this amendment, have accepted that responsibility and we are trying to do something about it. We are being impeded and we are being undercut by the White House, by my own White House.

Almost immediately after the judge issued his ruling, confusion reigned.

There was chaos in the coal fields. Layoff notices went out. Mining companies announced that they might not make significant investments in the State that had long ago been planned. That is real money that has to be spent. Those are real risks they take on. As a result of the court ruling, coal companies, truckers, barge operators, railroads—none of them had any certainty that the investments they might make today would be justifiable tomorrow.

Some say, it's just a West Virginia problem. You tell the people of Kentucky that. Tell the people of Pennsylvania that. Too bad for West Virginia. But I am here to say to my colleagues it is a national problem. Look out. Look out. That cloud that is over West Virginia is headed your way next, Kentucky. And MITCH MCCONNELL knows that. That is why he is a cosponsor of this amendment. That cloud just over the border, that cloud is just over the horizon in West Virginia. You will be next. And they know it. Look out, it is coming your way next. But if you want to head it off, the opportunity is here with this amendment. This is the time to head off this dragon. Beat it back. Take the sword that I offer, that MITCH MCCONNELL offers, that JAY ROCKEFELLER offers, that Senator BUNNING offers, and all the other Senators whose names are on this amendment offer—take this sword. Take this sword, and fight for the working men and women of this Nation, and do it now.

Some may say, "I would like to. I would like to sign up. I am willing to put on the suit of armor—but what about the environment? We can't upset the environment."

Let me assure my colleagues and the people who are watching out there—let me assure you, this amendment is not the toxic monster it is purported to be by some of the environmental organizations and by this White House. It is not the toxic monster they purport it to be. In fact, this amendment puts into place in West Virginia—get this—this amendment puts into place in West Virginia the tougher environmental standards prescribed by the very MOUs that this administration's own EPA helped to negotiate. But you certainly would not know that from all of the frothing at the mouth by people who either have no idea what they are talking about, or who, for some reason, are deliberately trying to mislead the people of this country. They either have no idea of what they are talking about or they are deliberately and dishonestly trying to mislead.

Those who have expressed opposition to this amendment, including the White House, claim it would harm clean water protections under both the Clean Water Act and SMCRA. There is not a word—not a word—of that true, and they ought to know it, the people who are saying it. As a matter of fact, as far as I am concerned, they do know it. But they certainly ought to if they don't.

This amendment would not harm the Clean Water and the Surface Mining Reclamation Acts, would not harm those protections. This amendment would not lay a hand on those protections. It would not touch—not touch them. It would not even brush up against them. This amendment specifically states —now hear this, hear this Senators—this amendment specifically states:

> Nothing in this section modifies, supersedes, undermines, displaces or amends any requirement of or regulation issued under the Federal Water Pollution Act commonly known as the Clean Water Act, or the Surface Mining Control and Reclamation Act of 1977.

What could be plainer? What could be clearer? What could give greater assurance than these words that are in the amendment?

Mr. McCONNELL. Will the Senator from West Virginia yield for a question?

Mr. BYRD. Yes, I yield to my friend, Senator MCCONNELL. Yes, I do.

Mr. McCONNELL. So the Senator from West Virginia is referring to the sentence in a letter from John Podesta, the Chief of Staff of the President, which says:

> As you know, this is consistent with the President's opposition to appropriation riders that would weaken or undermine environmental protections under current law.

I say to my friend from West Virginia—I ask him, that is simply incorrect, isn't it?

Mr. BYRD. Absolutely.

Mr. McCONNELL. They are not telling the truth, are they?

Mr. BYRD. They are not telling the truth.

Mr. McCONNELL. They either know it, in which case they are not telling the truth, or they are woefully uninformed, aren't they?

Mr. BYRD. They either know they are not telling the truth or they are woefully uninformed; exactly, preeminently precise.

Mr. McCONNELL. The President came to Hazard, KY, this year, and he bit his lip, and he felt our pain. And he said: What can we do for you? I am here in Appalachia to find out what I can do for you, to make life better.

This is it, isn't it? I say to my friend from Virginia. This is what they can do for us to make life better?

Mr. BYRD. That is it, that is it, and it has my fingerprints on it, and it has your fingerprints on it, may I say to my dear friend from Kentucky.

Mr. McCONNELL. And we have 20,000, 15,000 coal miners jobs in Kentucky, and 65,000 additional jobs that would not be there but for coal. And the only impression we can get from this is, they don't care.

Mr. BYRD. Exactly.

Mr. McCONNELL. I thank my friend.

Mr. BYRD. What other impression could one get?

Mr. McCONNELL. Because we have made it clear to them, haven't we, what this is all about? It does not change current law at all?

Mr. BYRD. It does not change current law at all. It doesn't touch current law.

Mr. McCONNELL. I thank my friend from West Virginia.

(Mr. ROBERTS assumed the chair.)

Mr. BYRD. Mr. President, the White House has pressed for changes in this amendment. The White House, according to Mr. Podesta's letter to the Speaker and Mr. Podesta's letter to me, wants a "time limited solution." This amendment is limited to 2 years or to the completion of the ongoing Federal study which was ordered by a court in December of last year and the issuance of any regulations resulting from that study.

The White House argues that because the district court has stayed its ruling, the jobs of thousands of miners in West Virginia and hundreds of thousands of workers in mining and related jobs on the east coast are no longer threatened. The White House is wrong.

The court, when it ordered the stay, said this stay has no legal basis. In other words, he said: The only reason I am issuing this stay is to pour a little oil on troubled waters, let the waters calm down a little bit. All this chaos and confusion flows from my decision; I am going to put a stay on that. You can have a little time to get your breath.

But he said there is no legal basis for it, which means that the court could lift the stay. When Congress gets out of town, who knows, the court may lift that stay. The court itself, as I say, noted that there is no legal basis for the stay, but, in fact, that the stay was issued in response to the uproar created by the court's ruling. That is why we have a stay.

The administration, whose representatives had been working with me on the language of this amendment, said to me there is no need now for any legislation. Do not believe it.

The White House argues that because the district court has stayed its ruling, the jobs of thousands miners in West Virginia and hundreds of thousands of workers in mining and related jobs on the east coast are no longer threatened. The court could lift its stay. Let me say again, the court itself noted that there was no legal basis for the stay.

We have no assurances as to how long that stay will remain in place. It provides no comfort for coal miners. It provides no comfort for mining companies who want to invest in new mines to employ more miners than their sons. It provides no comfort to others whose jobs rely on coal, such as the trucking industry, the barge industry, the railroad industry, the suppliers. To them, the stay is a stay. It is more like a weekend pass. That stay has placed a cloud of uncertainty, a cloud that hangs over the mining industry in West Virginia, a cloud that is sprouting long, gray tentacles that will stretch across the skies of other States.

I ask my colleagues and those who are watching—and I hope the White House is watching—just how many companies do you think are going to sign up to any real commitment of financial resources and invest the millions of dollars that it takes to operate? How many of them are going to sign up with this stay hanging over their heads? Why would they want to?

The permitting process was going along swimmingly before the judge's decision. It was going along under the regulations that were agreed to and created by the White House's own regulatory agencies: the EPA, the U.S. Army Corps of Engineers, and the Interior Department through the Office of Surface Mining. Fifty-nine of 62 pending permits could not be approved under that stay. There are 62 pending permits; 59 of these could not be approved under that stay, according to the West Virginia Division of Environmental Protection as of Monday of this week.

If this amendment is not adopted, there are those who will point to this day and call it a victory for environmental protection, but those individuals have not lifted a finger—they have not lifted a finger, have not lifted the smallest finger—to help the many residents of Appalachia who do not have safe water piped into their modest homes for their little children to drink. They do not carry banners. They do not carry banners and placards and write letters and lobby Congress about the fact that those same streams they applaud themselves for protecting from rock and dirt are being polluted by the wastewater of communities that are too poor to build sewage plants.

These head-in-the-clouds individuals peddle dreams of an idyllic life among old growth trees, but they seem to be ignorant of the fact that without the mines, jobs will disappear, the tables will go bare, the cupboards will be empty, schools will not have the revenue to teach the children, and towns will not have the income to provide even basics. But what do they care? They will have already thrown down their placards and their banners and gone off somewhere else.

These dreamers—I know. I have been down there. They have been carrying their banners around some of the meetings that I have addressed. They might as well talk to the trees. I am speaking for the coal miners. I lived in a coal miner's home. I grew up in a coal miner's home. I ate from a coal miner's table. I slept on a coal miner's bed. I lived under a coal miner's roof.

Loretta Lynn sings the song "I'm a Coal Miner's Daughter." I married a coal miner's daughter more than 62 years ago. My wife's brother died of pneumoconiosis. He died of black lung, contracted in the coal mines. And his father died under a slate fall—under a slate fall. He died in the darkness. He died in the darkness.

Many times I have gone to the miners' bath house and pulled back the canvas cover and peered into the face of a coal miner whom I knew and who had been killed under a slate fall or killed by being run over by an electric motor.

Many times I have walked those steep hillsides and helped to carry the heavy—and I mean heavy—coffins of miners who died following the edict of the Creator, when he drove Adam and Eve from the Garden of Eden, saying: In the sweat of thy brow shall thou eat bread. And those coal miners know what that means.

But this court ruling will take away the right of thousands of coal miners and truckers and railroad workers and barge operators to earn their bread in the sweat of their brow.

Hear me, coal miners! If you do not know now who your friends are, you soon will know. These dreamers would have us believe that if only our mountains—if only our mountains—remain pristine, new jobs will come. "Or," they suggest, "perhaps coalfields residents should simply commute to other areas for employment." To these individuals I say, "Get real!"

Those of you in the White House, who have been working behind my back on this amendment, go down there and talk to those coal miners. Tell them what you have done.

You do not have to drive the dangerous, winding, narrow roads over which these workers would have to commute each morning and evening.

When the picket signs are gone, when the editorials in the big city papers are lining bird cages, the people of the small mining communities will be left. You will be gone. You have thrown down your banners. You have thrown down your placards. You have thrown down your candles. But those people of the small mining communities will still be there. They will be left to repair the economic damage.

Mining will be part of the economic base of my State for the foreseeable future, and new ways must be explored to make mining practices more environmentally friendly. And I am for that. At the same time, we have to recognize that the amount of coal reserves in West Virginia is finite. We must continue to broaden our State's economic base. But such change cannot happen over night.

A new economic base cannot spring from the ocean foam. It cannot emanate from the brain of Jove, like Minerva, fully clothed and in armor. That effort requires time. And it requires money. And if you want to know the worth of money, try to borrow some. It requires the development of improved infrastructure, better highways, more modern highways, up-to-date highways, safer highways, like those Appalachian corridors that I have been trying for years to build, and for which I have been horse whipped orally and with the pen. I do not mind. I know for whom I am working. I am working for the people of West Virginia, and always will as long as the Lord lets me stand.

Water and sewer systems, accessible health care, safe schools—these are the kinds of basic facilities and programs that I have been promoting for many years. I do not carry my banner today and throw it down when the speech is over and go on somewhere else. Those coal miners are still there. And they are going to still have my attention, my respect, my reverence.

In a letter threatening a veto of legislation containing this amendment, the White House claimed to be prepared to discuss a solution that would ensure that "any adverse impacts on mining communities in West Virginia are minimized." Well, talk is cheap. But any real solution to minimize economic impact on these West Virginian communities won't be cheap.

Back in July, the President of the United States appeared in Hazard, KY, where he delivered an address to the people of Appalachia. Appalachia is my home. I was married there. Our first daughter was born there. Our second daughter was born there. I went to school there. I graduated from high school there in Appalachia.

The President of the United States expressed great sympathy for the economic distress in these mountainous States. It was an uplifting speech. He is very capable of giving uplifting speeches. It was a speech that reached out to the human spirit and built great expectations. Calling on corporate America to invest in rural America, President Clinton said: "This is a time to bring more jobs and investment and hope to the areas of our country that have not fully participated in this economic recovery." And I say: Amen, brother! Amen.

I agree with that message. It is the right thing to do. We should be bringing jobs to Appalachia. We should be bringing new businesses, too. But how can one peddle hope while undercutting the real jobs and businesses that do exist in Appalachia? If we don't act now, if the court lifts its stay, we will be back here a few months from now battling this issue all over again. It may not just be West Virginia then. It may be your own States, Senators. It may be your people, Senators. It may be your families.

There may be an appeal of the judges ruling, and that appeal may lead to a more equitable outcome. However, that

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Mr. BYRD. It does not change current law at all. It doesn't touch current law.

Mr. McCONNELL. I thank my friend from West Virginia.

(Mr. ROBERTS assumed the chair.)

Mr. BYRD. Mr. President, the White House has pressed for changes in this amendment. The White House, according to Mr. Podesta's letter to the Speaker and Mr. Podesta's letter to me, wants a "time limited solution." This amendment is limited to 2 years or to the completion of the ongoing Federal study which was ordered by a court in December of last year and the issuance of any regulations resulting from that study.

The White House argues that because the district court has stayed its ruling, the jobs of thousands of miners in West Virginia and hundreds of thousands of workers in mining and related jobs on the east coast are no longer threatened. The White House is wrong.

The court, when it ordered the stay, said this stay has no legal basis. In other words, he said: The only reason I am issuing this stay is to pour a little oil on troubled waters, let the waters calm down a little bit. All this chaos and confusion flows from my decision: I am going to put a stay on that. You can have a little time to get your breath.

But he said there is no legal basis for it, which means that the court could lift the stay. When Congress gets out of town, who knows, the court may lift that stay. The court itself, as I say, noted that there is no legal basis for the stay, but, in fact, that the stay was issued in response to the uproar created by the court's ruling. That is why we have a stay.

The administration, whose representatives had been working with me on the language of this amendment, said to me there is no need now for any legislation. Do not believe it.

The White House argues that because the district court has stayed its ruling, the jobs of thousands miners in West Virginia and hundreds of thousands of workers in mining and related jobs on the east coast are no longer threatened. The court could lift its stay. Let me say again, the court itself noted that there was no legal basis for the stay.

We have no assurances as to how long that stay will remain in place. It provides no comfort for coal miners. It provides no comfort for mining companies who want to invest in new mines to employ more miners than their sons. It provides no comfort to others whose jobs rely on coal, such as the trucking industry, the barge industry, the railroad industry, the suppliers. To them, the stay is a stay. It is more like a weekend pass. That stay has placed a cloud of uncertainty, a cloud that hangs over the mining industry in West Virginia, a cloud that is sprouting long, gray tentacles that will stretch across the skies of other States.

I ask my colleagues and those who are watching—and I hope the White House is watching—just how many companies do you think are going to sign up to any real commitment of financial resources and invest the millions of dollars that it takes to operate? How many of them are going to sign up with this stay hanging over their heads? Why would they want to?

The permitting process was going along swimmingly before the judge's decision. It was going along under the regulations that were agreed to and created by the White House's own regulatory agencies: the EPA, the U.S. Army Corps of Engineers, and the Interior Department through the Office of Surface Mining. Fifty-nine of 62 pending permits could not be approved under that stay. There are 62 pending permits; 59 of these could not be approved under that stay, according to the West Virginia Division of Environmental Protection as of Monday of this week.

If this amendment is not adopted, there are those who will point to this day and call it a victory for environmental protection, but those individuals have not lifted a finger—they have not lifted a finger, have not lifted the smallest finger—to help the many residents of Appalachia who do not have safe water piped into their modest homes for their little children to drink. They do not carry banners. They do not carry banners and placards and write letters and lobby Congress about the fact that those same streams they applaud themselves for protecting from rock and dirt are being polluted by the wastewater of communities that are too poor to build sewage plants.

These head-in-the-clouds individuals peddle dreams of an idyllic life among old growth trees, but they seem to be ignorant of the fact that without the mines, jobs will disappear, the tables will go bare, the cupboards will be empty, schools will not have the revenue to teach the children, and towns will not have the income to provide even basics. But what do they care? They will have already thrown down their placards and their banners and gone off somewhere else.

These dreamers—I know, I have been down there. They have been carrying their banners around some of the meetings that I have addressed. They might as well talk to the trees. I am speaking for the coal miners. I lived in a coal miner's home. I grew up in a coal miner's home. I ate from a coal miner's table. I slept on a coal miner's bed. I lived under a coal miner's roof.

Loretta Lynn sings the song "I'm a Coal Miner's Daughter." I married a coal miner's daughter more than 62 years ago. My wife's brother died of pneumoconiosis. He died of black lung, contracted in the coal mines. And his father died under a slate fall—under a slate fall. He died in the darkness. He died in the darkness.

Many times I have gone to the miners' bath house and pulled back the canvas cover and peered into the face of a coal miner whom I knew and who had been killed under a slate fall or killed by being run over by an electric motor.

Many times I have walked those steep hillsides and helped to carry the heavy—and I mean heavy—coffins of miners who died following the edict of the Creator, when he drove Adam and Eve from the Garden of Eden, saying: In the sweat of thy brow shall thou eat bread. And those coal miners know what that means.

But this court ruling will take away the right of thousands of coal miners and truckers and railroad workers and barge operators to earn their bread in the sweat of their brow.

Hear me, coal miners! If you do not know now who your friends are, you soon will know. These dreamers would have us believe that if only our mountains—if only our mountains—remain pristine, new jobs will come. "Or," they suggest, "perhaps coalfields residents should simply commute to other areas for employment." To these individuals I say, "Get real!"

Those of you in the White House, who have been working behind my back on this amendment, go down there and talk to those coal miners. Tell them what you have done.

You do not have to drive the dangerous, winding, narrow roads over which these workers would have to commute each morning and evening.

When the picket signs are gone, when the editorials in the big city papers are lining bird cages, the people of the small mining communities will be left. You will be gone. You have thrown down your banners. You have thrown down your placards. You have thrown down your candles. But those people of the small mining communities will still be there. They will be left to repair the economic damage.

Mining will be part of the economic base of my State for the foreseeable future, and new ways must be explored to make mining practices more environmentally friendly. And I am for that. At the same time, we have to recognize that the amount of coal reserves in West Virginia is finite. We must continue to broaden our State's economic base. But such change cannot happen over night.

A new economic base cannot spring from the ocean foam. It cannot emanate from the brain of Jove, like Minerva, fully clothed and in armor. That effort requires time. And it requires money. And if you want to know the worth of money, try to borrow some. It requires the development of improved infrastructure, better highways, more modern highways, up-to-date highways, safer highways, like those Appalachian corridors that I have been trying for years to build, and for which I have been horse whipped orally and with the pen. I do not mind. I know for whom I am working. I am working for the people of West Virginia, and always will as long as the Lord lets me stand.

Water and sewer systems, accessible health care, safe schools—these are the kinds of basic facilities and programs that I have been promoting for many years. I do not carry my banner today and throw it down when the speech is over and go on somewhere else. Those coal miners are still there. And they are going to still have my attention, my respect, my reverence.

In a letter threatening a veto of legislation containing this amendment, the White House claimed to be prepared to discuss a solution that would ensure that "any adverse impacts on mining communities in West Virginia are minimized." Well, talk is cheap. But any real solution to minimize economic impact on these West Virginian communities won't be cheap.

Back in July, the President of the United States appeared in Hazard, KY, where he delivered an address to the people of Appalachia. Appalachia is my home. I was married there. Our first daughter was born there. Our second daughter was born there. I went to school there. I graduated from high school there in Appalachia.

The President of the United States expressed great sympathy for the economic distress in these mountainous States. It was an uplifting speech. He is very capable of giving uplifting speeches. It was a speech that reached out to the human spirit and built great expectations. Calling on corporate America to invest in rural America, President Clinton said: "This is a time to bring more jobs and investment and hope to the areas of our country that have not fully participated in this economic recovery." And I say: Amen, brother! Amen.

I agree with that message. It is the right thing to do. We should be bringing jobs to Appalachia. We should be bringing new businesses, too. But how can one peddle hope while undercutting the real jobs and businesses that do exist in Appalachia? If we don't act now, if the court lifts its stay, we will be back here a few months from now battling this issue all over again. It may not just be West Virginia then. It may be your own States, Senators. It may be your people, Senators. It may be your families.

There may be an appeal of the judges ruling, and that appeal may lead to a more equitable outcome. However, that appeal may simply maintain the judge's decision and put us squarely back where we have been in recent weeks, trying to address the matter Congressionally—trying to reaffirm well-established Congressional intent that has been followed for the past 20 years while striving for improvements in the way mining is conducted.

In the meantime, with the scales tipped against them, mining families must hold on to a crumbling ledge. The heel is poised above their fingertips, ready to mash down.

We have a pretty good idea who the opponents of this effort are. But what of the supporters? Let me tell you who is standing by us: The United Mine Workers of America; the National Mining Association; the U.S. Chamber of Commerce; the Bituminous Coal Operators Association; the AFL–CIO—hear that, White House, the AFL–CIO—the National Association of Manufacturers; the Association of American Railroads; the United Transportation Union; the Norfolk Southern Railroad; CSX Railroad; the Brotherhood of Railroad Signalmen; the International Union of Operating Engineers; the Brotherhood of Maintenance of Way Employees; the Brotherhood of Locomotive Engineers; the Transport Workers of America; the Brotherhood of Locomotive Engineers; the International Brotherhood of Electrical Workers; the Utility Workers Union of America; American Electric Power.

You see, the environmentalists sent a letter to the White House, and they listed a few organizations that were supporting their opposition to this amendment. But listen to this list, too. This amendment has its friends.

I continue with the reading of the list: the Southern States Energy Board; the Southern Company; the United Steelworkers of America; the Independent Steelworkers Union—it isn't just coal miners, you see; these are brothers—the Laborers International Union of North America; the American Truckers Association; the International Brotherhood of Teamsters; the American Waterways Operators; the International Union of Transportation Communications; the American Federation of Teachers; the American Federation of State, County, and Municipal Employees; the American Federation of Government Employees—White House, it isn't just ROBERT BYRD and MITCH MCCONNELL and JAY ROCKEFELLER and Senator BUNNING, PETE DOMENICI, LARRY CRAIG, and PHIL GRAMM, and the fine Senator who sits in the Chair, PAT ROBERTS. It isn't just these. It isn't just the House delegation, the three Members of the House from West Virginia. These are not alone.

It is also the National Council of Senior Citizens.

These groups—representing millions of citizens—agree with us that a legislative remedy is needed, and is needed now. They agree that there must be a balanced approach. What this amendment does is simple. It establishes a fair, moderate balance between jobs and the environment, while also providing for additional review and regulation once the environmental impact study is complete.

It is time to put aside whatever animosity exists between the coal mining industry and the environmental movement.

I am not much for making predictions, but I can make this one: the coming years will bring us more challenges like this, when the environment and the economy must be harmonized. Today is a test of our ability to deal those challenges ahead.

This nation can put a man on the moon. Surely, we can adopt a solution to this problem that protects the environment and protects jobs of the coalfields.

This amendment seeks to go back to the regulations and the agreements that made up the status quo ante before the judge's order—that is all we ask—the status quo ante agreed upon by the administration's EPA, by the administration's Army Corps of Engineers, by the administration's Department of the Interior, the Office of Surface Mining. That is what we ask. And we ask not only for justice, but we ask also for mercy for the coal miners and the other working people of America.

I ask unanimous consent that the names of the cosponsors and sponsors of this amendment be printed in the RECORD, and they are as follows:

Senators BYRD, MCCONNELL, ROCKEFELLER, BUNNING, REID, CRAIG, BRYAN, HATCH, BENNETT, MURKOWSKI, CRAPO, ENZI, BURNS, and KYL. I have not put forth any big effort to shop this around. I also add Senators BREAUX, SHELBY, GRAMM, and GRAMS, as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The distinguished Senator from Kentucky is recognized.

MORNING BUSINESS

Mr. MCCONNELL. I ask unanimous consent that there now be a period of morning business until the hour of 5 p.m. and that the time be divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

BYRD-McCONNELL MINING AMENDMENT

Mr. MCCONNELL. Mr. President, I first thank my friend from West Virginia for his leadership on this extraordinarily important issue to my State and to his and, for that matter, to all the people of Appalachia where coal is mined.

Thanks to my friend from West Virginia, I had a unique experience last week. As the proud possessor of a zero rating from the AFL–CIO, I had never been invited to a rally by the United Mine Workers of America. Thanks to the distinguished Senator from West Virginia, who I assume warned the crowd to say nice things or at least to refrain from throwing anything, I joined him on the west front of the Capitol last Tuesday and had an opportunity to watch Senator BYRD in action in a different environment. I have seen him many times on the floor, always persuasive and always effective, but never before a rally largely of his people and my people who make their livelihood mining coal.

I must say, it was a memorable experience. If I ever do my memoirs, I say to my friend from West Virginia, that experience will be in it. We have joined together today. And there are many others on this side of the aisle, and I hope we will have some on that side of the aisle, who have had enough of this administration declaring war on legal industries engaged in an honest effort to keep the engines of this country moving forward. We have a number of Republican Senators from the West, and they all informed us over the years about the war on the West. Senator DOMENICI and Senator CRAIG have educated some of us southerners about the problems they have had. And I am pleased to say I have supported them over the years, without exception, in their efforts to preserve those jobs in the mining industry out west.

Well, I would say the war on the West is moving east, and we are beginning to feel the sting. Even though this amendment was generated by a very poorly reasoned district court decision in the Federal court in West Virginia, let me say that is just the beginning, as the Senator from West Virginia has pointed out; it is just the beginning.

All the Byrd-McConnell amendment seeks to do—not just for coal mining but for hard rock mining as well—is to restore us to the existing law, at least with regard to coal mining, as the distinguished Senator from West Virginia has pointed out. The letter from the White House, from Chief of Staff John Podesta to the President, either lies or is woefully ill informed.

It is clear to this Senator that the people downtown don't care what the facts are. They don't care about the 20,000 coal miners in West Virginia and the 15,000 coal miners in Kentucky. They really don't care. I don't think they have bothered to read the amendment of the Senator from West Virginia because, as he pointed out a few moments ago with regard to coal mining, we are seeking to reestablish the status quo, agreed to and entered into by the most radical EPA in the history of the country. There is no question in my mind that whenever any environmental group in America hiccups, it is felt downtown. Anytime they object to anything, the administration falls in line.

It has been fascinating to watch this issue develop because it pits the environmentalists against the unions—truly a Hobson's choice for the administration. When they had to pick a side between the environmentalists and the coal miners in West Virginia and in Kentucky, it is pretty clear whose side they chose. They don't care about these jobs. They are not interested in reading this amendment. They really don't care what is in the amendment. They are willing to sacrifice the 20,000 coal-mining jobs in West Virginia and the 15,000 coal-mining jobs in Kentucky in order to score points with a lot of environmentalists—who, I assume, enjoy having electricity all the time so they can read their reports—decrying the people who work in the industry so important to our States. Clinton and GORE are determined to put the agenda of the fringe environmental groups and Presidential political concerns ahead of the needs of coal miners in Appalachia.

As I said earlier in a colloquy with the Senator from West Virginia, and as he referred to in his speech, the President came to Appalachia last summer. He happened to have picked my State. He came to Hazard, KY. It was a large crowd. They were honored to have him there. The mayor of Hazard is still talking about it. It was one of the high points of his life. The President looked out at the people in Hazard, many of whom make a living in the coal mines, and he said, "I am here to help you."

Well, Mr. President, we need your help. I assume the whole idea behind coming to Kentucky was not to increase unemployment. My recollection of what that visit was about was how the Federal Government could actually produce new jobs for the mountains—something a lot of people have talked about and few have been able to deliver. Well, we would like to have new jobs, Mr. President, but I can tell you this: We would rather not lose any more of the few jobs we have remaining. That is not a step in the right direction.

We don't have as many coal jobs as we used to. The production is about the same. The employment is much smaller. Every time there has been an improvement in the coal-mining industry—whether on top of the mountain or underneath the mountain—safety has gone up, and that is important. But employment has gone down. We are not yet ready to walk away from coal in this country. We have not built a new nuclear plant in 20 years and are not likely to build any more. These people are engaged in an indispensable activity. They would like to have a little support from down on Pennsylvania Avenue. Where is the compassion? Where is the concern about these existing jobs in a critically important industry for our country?

Senator BYRD has really covered the subject, and there is not much I could add, other than just to read once again what this amendment is about. Nothing in our amendment modifies, supersedes, undermines, displaces, or amends any requirement of or regulation issued under the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act, or the Surface Mining Act of 1977. So in response to this outrageous and ridiculous court decision, we have not proposed changing the law. The judge, in his decision, has made it clear that he expects us to clear this up. He is inviting us to legislate. That is what we are hoping to do.

The EPA, the Office of Surface Mining, the Corps of Engineers, and other relevant agencies are in the process of conducting a thorough environmental impact study. At the conclusion of this process, if any of these agencies believe it is necessary, they may create new environmental regulations addressing the practice of mountaintop mining. Some might say that Senator BYRD and I and others are trying to delay the inevitable. I argue just the opposite. I argue that, by maintaining the status quo and allowing the EIS to move forward, you allow coal operators the ability to make the long-term plans essential to the viability of this industry.

So there are only two things you need to remember about our amendment: No. 1, it doesn't alter the Clean Water Act. No. 2, it doesn't alter the Surface Mining Act. It seeks to preserve the status quo.

I say to all of you who you are going to be down here asking us someday to help you save jobs in your State because of some outrageous action on the part of this administration—and some of you have done that already—we need your help. We need your help. This is an extraordinarily important vote to our States. The honest, hard-working people who make their living in the mines are under assault by this administration, and we would like to call a halt to it. We hope we will have your help in doing that.

Let me conclude by thanking again the Senator from West Virginia for his extraordinary leadership on this important issue to his State and to my State and, frankly, we believe, to a whole lot of other States because the principle is very sound. We call on our colleagues from the West—even those of us who have been voting with you over the years weren't quite sure what it was all about, but we have figured it out. This whole thing is moving its way east. We need your help.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Idaho is recognized.

ORDER OF PROCEDURE

Mr. CRAIG. Mr. President, I ask unanimous consent that following my statement, Senator ROCKEFELLER from West Virginia be allowed to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent that morning business be extended until 5:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

BYRD-McCONNELL MINING AMENDMENT

Mr. BYRD. Will the Senator yield?

Mr. CRAIG. Yes.

Mr. BYRD. Mr. President, I forgot to mention the specific names of two Senators cosponsoring this amendment. The two are Nevada Senators, Mr. REID and Mr. BRYAN. I wanted to mention their names for the RECORD.

Mr. CRAIG. Mr. President, I am glad the Senator from West Virginia has included our two colleagues from the State of Nevada. Today, Nevada is probably the lead mining State in our Nation as it relates to the production of gold.

For the last hour you have heard probably some of the most eloquent statements spoken on this floor on the issue of coal mining. The Byrd amendment does not deal only with coal, although it is extremely important, and the public attention of the last week has been focused on a judge's opinion about coal, coal mining in West Virginia, Kentucky, Pennsylvania, and up and down the Appalachia chain of this country.

But the amendment also has something else in it that my colleague from West Virginia and I agreed to some time ago: When we talk on this floor about mining, when we talk about the economy of mining, the environment of mining, and the jobs of mining, we would stand together; that we would not allow our political differences to divide us. Because if you support the economy of this country, you have to stand together.

I am absolutely amazed that the Speaker of the House or the senior Senator from West Virginia would get a letter from the White House of the kind to which both he and the Senator from Kentucky have referred. Lying? I hope not. Uninformed? I doubt it. Here is the reason I doubt their lack of information.

For the last 7 years, this administration has been intent on changing current mining law. I am referring primarily to the law of 1872. I am referring primarily to hard-rock mining on public lands, because the laws that the

Senator from West Virginia referred to that were passed in 1977, the Surface Mining Control and Reclamation Act, have become law, and established the principles and the policies under which we would mine the coal of America.

Then, on top of that, came the Clean Air Act, the Clean Water Act, and the National Environmental Policy Act—all of them setting a framework and a standard under which we could mine the minerals and the resources of this country and assure our citizens it would be done in a sound environmental way.

As the laws of West Virginia, which are the laws of America, which are the laws this Senate passed, apply to coal mining, at least in the instances of the Clean Air Act and the Clean Water Act, they, too, apply to the mining of the west—to hard-rock mining, to gold mining, to silver mining, to lead and zinc mining, and to open-pit gravel operations of America.

Yet there is an attorney—not a judge, not an elected U.S. Senator, but an attorney—who sits at a desk at the Department of Interior and upon his own volition 2 years ago decided he would rewrite the mining law of this country—a law that had been in place since 1872, tested in the courts hundreds of times, and that in every instance one principle stood out and was upheld. That was the principle of mill sites and how the operating agency, primarily the BLM, could, upon the request of a mining operation under a mining plan uniform with its processes, ask for additional properties under which to operate its mine. Consistently, for over 100 years, the Federal agencies of this country have granted those additional mill sites.

The attorney I am referring to, prior to his job with the Secretary of Interior, was an environmental activist. In the late 1980s, he wrote a book. His book decried the tremendous environmental degradation that the mining industries of America were putting upon this planet. In that book, he said there is a simple way to bring the mining industry to its knees. "If you can't pass laws to do it, you can do it through rule and regulation." Those are his words. He wrote it in the book, which was well read across America.

When I asked that solicitor to come before the subcommittee I chair, which is the Mining Subcommittee, I quoted back to him his own words and said: If that is not what you said, then what are you doing now? He didn't say yes, but he didn't say no. Here is what he did say. He said: I have reached out to every State director of every BLM operation in this Nation, and I have asked them if the process I have overruled by my decision is a process that has been well used by the agency. He said they responded to him: Not so—very lightly used and only used in recent years.

The tragedy of that statement is that it was a lie because the Freedom of Information Act shows that every State director wrote a letter to the solicitor a year before I asked him the question and every State director of every State office of the Bureau of Land Management said this is a practice in our manuals and has been used consistently since the 1872 law was implemented.

What did solicitor John Leshy do before the Mining Subcommittee of the Senate? He perjured himself. That is what he did. And the Freedom of Information Act shows that.

I would say to the Senator from West Virginia and the Senator from Kentucky, my guess is that the informational mind that wrote the letter that John Podesta sent to you came from an agency that had already perjured itself before the U.S. Senate. I know that as fact. I give that to you on my word and with my honor.

Therefore, in the Byrd-McConnell amendment is a provision that said: Mr. Leshy, you cannot arbitrarily or capriciously overturn over 100 years of mining law. That is not your job. You are a hired attorney. You are not an elected Senator or a President. That is our job—to change public policy and to do it in a fair and sound environmental way.

We are all environmentalists. The senior Senator from West Virginia said it so clearly. I say what I mean. And we all know as politicians and public people that none of our colleagues have ever run on the dirty air or the dirty water platform. We are all proud of our environmental records. We want the air and the water to be clean.

But have you ever driven to the mountains of the west or the mountains of West Virginia? They are rugged and steep. We must craft unique policies and procedures to mine the wealth from underneath those mountains. It is a tough struggle. We know it. We have learned in the last decades to do it in a much better way than our forebears. That is called good environmental policy and good stewardship.

Every one of us is an environmentalist. But we are not radical preservationists who would deny the thousands of working men and women in West Virginia and Kentucky no food for their table, no money in their pocket, or no education for their children. If you don't like the environment here, get in a car and drive down the road. To heck with your job and to heck with you.

I understand the young person in urban America today sitting at his or her keyboard, working the high-tech economy of our country, saying to the Senator from Idaho, West Virginia, and Kentucky: What are you talking about? Does it make much sense? We want a clean environment. Save the mountains of West Virginia, Idaho, Nevada, and Kentucky, and the plains of Texas.

Let me say to that marvelous young American sitting at his or her keyboard: As you touch that keyboard tonight, and it lights up for you and it energizes, it is the electricity generated by the coal of West Virginia that gave you the power to reach the Internet and to reach the stars beyond. That power surge through connections created of gold and silver came from the mines of Idaho, from the mines of Nevada, and from the Western States.

Please, America, broaden your vision of what it takes to make the leading economy of the world work so well.

It is our clean air, it is our clean water, and that we are proud of. But 60 percent of America's electricity is generated out of the coal mines of America, and the connections that create the fluidity of the flow of that electricity so there is less restriction is the gold and the silver of the West. That is what makes our country work so well. That is what makes our country the cleanest country in the world.

Our leadership, our policy, our clean coal technology, our ability not to tear up the Earth anymore—but when we do, we replace it, we reshape it, we change it—that is our law that causes it to happen. That is the law that this Senate crafted. So, no, we cannot be extreme nor can we be radical. We have to offer balance and we will offer that in the context of the best environment we can create.

I will not forget, when I asked Alan Greenspan to come before the Republican Policy Committee this spring to talk about surplus and how we handle them, afterwards I said: Mr. Greenspan, you watch our economy everyday: why is it so good? Why is it literally pulling the rest of the economy of the world with it? Last month, unemployment in this country was 4.1 percent: average wage, $13.39 an hour, the highest average wage ever and the lowest unemployment rate in 29 years. And we do it with the cleanest of the environments of the developed nations of the world. Why do we do it? Mr. Greenspan said it well: We just know how to do it better than anybody else. We know how to mine better than anybody else. We know how to create economies better than anybody else and, in almost every instance, we do it with the minimal form of government regulation.

The Senator from West Virginia makes a very clear case. It isn't that West Virginia was trying to do it better. They were. It is that this White House won't support this effort. They have not chosen to follow the route of the environmental community. They have chosen to follow the word of a few radical preservationists who would ask young Americans to turn on their computers tonight to the light of a candle. If it is the light of a candle that will lead this world, computers will not turn on, the economy will not energize, and the men and women of West Virginia will go hungry.

I support the Senator from West Virginia because he supports mining, as I do. It is time our Senate and the House bring balance to this issue. I hope they support attaching this critical amendment to the continuing resolution.

I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The distinguished Senator from West Virginia is recognized.

Mr. ROCKEFELLER. I note the presence of the Senator from Louisiana on the floor. I inquire if the Senator wishes to speak at some point on this subject.

Ms. LANDRIEU. I thank the Senator. I do wish to speak. I am happy to wait until the Senator has completed his remarks, if he could let me know how long he will be.

Mr. ROCKEFELLER. I will speak, then the Senator from Texas will speak, and then I ask unanimous consent that the Senator from Louisiana be permitted to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. I thank my distinguished senior colleague who has been daunting and relentless in his pursuit of his amendment, which is a very good amendment, an amendment which deserves to be passed.

What is fascinating to me has been said before by others. I will go back to the letter from John Podesta at the White House, the Chief of Staff to the President. He said that any solution that would undercut water quality protection under the Clean Water Act, or under SMCRA, the Surface Mining Control and Recreation Act, simply is unacceptable, and that the President's opposition to appropriations riders that would weaken or undermine environmental protections under current law would be unacceptable.

I emphasize as strongly as I possibly can he is wrong in that statement. The fact that he is wrong in that statement is of the utmost importance to our colleagues if they or their staffs are listening as they come to a decision about this amendment. If he were right, that would be an entirely different matter. However, he is not right. To make it perfectly clear, we have included that in the legislation that Senator BYRD and Senator MCCONNELL put forward. I will read it again for those who may not have been listening before: Nothing in this section modifies, supersedes, undermines, displaces or amends any requirement of or regulation issued under the Federal Water Pollution Control Act or the Surface Mining Control Reclamation Act of 1977.

It would be law. It is the case, in any event. We added this not because we thought it would be fortuitous to add it, not because we needed to add it, but because it was true at the outset. We did it to make the point even clearer for those who would raise this point.

Senator BYRD made the points most clearly and most powerfully. This amendment, on which we are asking for support, simply puts into law the memorandum of understanding which I hold in my hand, which has been signed off by the Environmental Protection Agency, by the Office of Surface Mining in the Department of Interior, and by the Corps of Engineers. The signatures are here—the signature from the Environmental Protection Agency, a very high senior official, the signature from the Regional Director at the Office of Surface Mining, the signature from the brigadier general of the U.S. Army Corps of Engineers, and the signature from an official in West Virginia.

The point is the Environmental Protection Agency has approved, and the OSM and the Corps of Engineers have approved and given their official written stamp of approval in writing, right here. This equals this amendment. There is no difference therein. I am not one who either baits or ridicules the environmental movement nor do most of my colleagues.

This country is constructed under the republican nature of its form of government as a system of checks and balances. I have a tremendous interest in health care public policy. I spend a lot of time being upset with the Health Care Finance Administration called HCFA. There are people, obviously, who are upset by EPA. By and large, I think EPA tries to do within its own understanding the best job it can. By and large, I think one of the reasons the environmental condition of our country is gradually improving, although slowly, is because some of those people take positions which are not popular with members of this body or the other body or with Governors or with the public. I do not ridicule what they do.

However, I do think they know in their hearts that what Senator BYRD and Senator MCCONNELL and some of the other Members are trying to do is completely consistent with the intent of Congress. In fact, in the case of SMCRA, for over the last 20 years.

Let me say this before I talk about the importance of mining in West Virginia and the problems of simply potentially eradicating coal mining—not just across West Virginia and Kentucky but, if this were to be extended and this were to catch fire, eradicating the potential for the 57 to 60 percent of electricity which is fueled by the use of coal across this country—that there is a balance. I recognize, sometimes when people say that, people say that is a word they use to get out of this situation or that situation. But this country has to run on a balance. One cannot simply say to southern West Virginia, to central West Virginia, to northern West Virginia, to other parts of our country: We are going to make these enormous changes, very radical in their content today because tomorrow will be a new day, because transition in America somehow just simply happens, and we move from one sort of a core industry type of economy in West Virginia to a modern, totally smokeless type of economy, and there does not need to be any interruption. So we will come in and we will stop this business called mountaintop mining.

In the process of that, we are probably, unless this amendment is agreed to, going to stop much of the underground mining of West Virginia and Kentucky and the 13 to 16 States in this country that produce coal because the effect under the law, under the judge's rule, says this can happen.

I want my colleagues to understand something about my State of West Virginia. We are not on the coasts. We do not have the advantage of the trade that flows to the Atlantic coast or the Pacific coast. We do not have the advantage yet, entirely, of the access that comes from the interstates that cut through our mountains and would allow us to become part of the flowing economy that so much of the rest of the Nation simply takes for granted. But most importantly, let me say to my colleagues, and let them hear this, please, with understanding: Only 4 percent of the land of West Virginia is flat. Only 4 percent of the landmass of West Virginia is flat. All of the rest of it is going uphill or going downhill, either at great steepness, very great steepness, or somewhat lesser steepness; it is not flat. Only 4 percent is flat.

Imagine, then, trying to construct an economy, an economy developing, much less the life of schools, the life of families, the life of recreation, the life of a State, on 4 percent of the land and then moving up the side of hills, where one can do that, and hoping the winter will pass quickly because it is very hard to plow those roads. It becomes a very difficult situation in the southern part of our State.

You cannot simply say we mine coal today and we do biotechnology and information technology tomorrow. You cannot walk across the Grand Canyon in one step.

Senator BYRD and the junior Senator from West Virginia, together, in different ways, have been trying very aggressively, over the last number of years, to modernize the economy of West Virginia. We have been doing so with a respect for our basic industries—steel, chemicals, coal, wood, natural gas, et cetera—but also understanding that the world is changing, that we are globalized. This Senator has spent the last 15 years making trips back and forth to various Asian countries, trying to globalize the economy of West Virginia through reverse investment and through the increase of exports. Indeed, the increase of exports in the last 5 years has gone up by 50 percent in West Virginia. So we are making progress.

But we do not start from the base that so many other States have. So what happens in southern West Virginia if the Senate or the Congress turns its back on this amendment is something I would like people to think about. We would lose approximately $2 billion in wages. Senator MCCONNELL, in his very good remarks, mentioned 4.1 percent of people are unemployed in this Nation. That is not true in the part of the State that we are talking about, in West Virginia. The counties I would mention would be six. In McDowell County there is over 14 percent unemployment today. The reason it is not higher is because so many of the people who were there have left. If they had stayed there, the figure would be much higher.

In Mingo County, which has a lot of coal reserves of very high quality—that is high Btu, low-sulfur-content coal—it is over 14 percent, over 14 percent. The national average is 4.1 percent—that is terrific, in Connecticut, Colorado, other places. I am proud of that, happy for that. But in Mingo County it is 14 percent. In Boone County it is less than that; it is 13.9 percent. A lot of our low-sulfur, high Btu, highly desirable for the making of steel coal is produced in that county; Logan County, 13.5 percent; Lincoln County, almost 11 percent; Wyoming County, almost 11 percent.

Can one understand what that means to me as a human being, much less as a U.S. Senator, when one struggles in land which is so steep, so desperately steep, land which used to be, many millions of years ago, higher than Mt. Everest? Because that is what the Appalachians were; they were the tallest mountains in the world. Over these millions of years, they have been ground down, but they have not been ground down to a level where economic activity is readily accessible. We cannot put the great big highways so easily into that kind of terrain.

Senator BYRD has done a remarkable job in trying to do that. But not all those roads have been built, and only a couple of those have been built in southern West Virginia because the cost per mile is so prohibitively high. Even if the Federal Government provides the money, the State can't match it. So progress is slow.

I also want to say something that is very important to me personally. This Surface Mining Act goes back to when I was Governor. The Senator from Idaho made those comments. I did not agree with everything the Senator from Idaho said, incidentally, about either the Environmental Protection Agency or other things, but I agree with the thrust on what he wants to do with this amendment. But I was Governor of West Virginia at that time. We were faced with this question of what we were going to do about surface mining and the Federal act.

I will say two things. One is that I have known for a long time, and I have been told by many people in and out of government, that a good deal of the Federal act was based upon what it was that we were doing, what it was I was causing to happen as Governor in West Virginia, in the way that surface mining was carried out. In other words, West Virginia, I will then say from that statement, has a higher level of requirements of surface mining than do other States and higher, in general terms, I might say, than the Federal Government.

But I also want to say Cecil Andrus, who is from the West and was tough—he was a tough Department of Interior Administrator, Secretary of the Interior—gave West Virginia something called primacy on surface mining.

All of this we are talking about—surface mining being the opposite of underground mining; anything that is not underground is surface; whether it is mountain mining or surface mining, it is all up above the ground—he gave us primacy. We were the first State in the Nation and the only State for quite a period of time to receive primacy.

What he was saying by that is that you in West Virginia do your surface mining reclamation so well that we are going to give you the authority to go ahead, and we will back out of it completely; we have no jurisdiction anymore; you have jurisdiction unless you start to do things which are wrong. Then we will take it back.

I was very proud of that. That caused me to have some of the views I have today.

When we talk about not gutting the Clean Water Act or not gutting SMCRA, we in West Virginia cannot afford to gut, so to speak, those Federal acts in a far more intense way than most other States because if we do, we are hurt by them much more than other States because of the enormously mountainous, hilly nature of our State, with only 4 percent of it being flat. All the rest of it goes up or it goes down at one level or another. We have to respect the laws.

Mountain mining has changed a bit over the years in the sense that it has gotten rather larger in the area it covers. Most of us in Congress understand that mountaintop mining in West Virginia is never going to be the same. In fact, the congressional delegation in the House and the Senate wrote an article in the West Virginia papers in which we said it is true, it never is going to be the same.

It may be possible we cannot afford to have, as far as the mountains are concerned, these enormous areas that are mined all at once. But when somebody comes along and says, oh, you should do that, you should restrict the size because you can't fill valleys, they are wrong. Under the Federal law, they are wrong. The Federal law specifically provides for that. I will not read it. I will simply hold it up. Here it is in SMCRA. It specifically provides for being able to do valley fill.

If the Federal judge who made this decision in West Virginia wants to eliminate that—but then again, in his opinion recently, he said: Nothing I am saying here is anything on the basis of merit; it is all on the basis of saying we want a little peace and calm so that the Federal Government, the Congress, can litigate on this matter and decide what needs to be done, which is why Senator BYRD, Senator MCCONNELL, and a number of us went ahead with this amendment.

We did have a system whereby the two sides—I do not even like to use the words "two sides"—the environmental community and the industrial community, could come together and work together. We had a system in which one of the people who works with me spent 5 weeks in the coal fields working with the environmental people, working with the State people, working with the mining people, working with the union people. They came very close to almost a total agreement on what should be done. There was only one area on which they could not reach final agreement. It was something called a buffer zone. They could have reached a final agreement. Then the Corps of Engineers came along and blew the whole thing out.

I appeal to my colleagues to understand there is a role and a place for reason, compromise, balance, and sensible action in all of this. This world is not divided between people who are strictly environmental in their purposes and people who are strictly for jobs in their purposes. There has to be that balance.

Global warming is a fact. I do not dispute the science. I look around me; I feel the temperature; I understand what is going on. On the other hand, at the same time I have those feelings in my bosom, having to speak grown up as an adult, as a VISTA volunteer in the southern coal fields of West Virginia, that these people who are mining coal—the coal miners Senator BYRD talks about so eloquently—are doing what they know how to do and doing it the best way they possibly can.

If we are not able to get our amendment accepted, if the judge lifts the stay, if his decree goes into effect, mining will more or less cease to exist in West Virginia because nobody will invest; nobody will say: All right, let's just wait for a couple of years and then we will come back and look at West Virginia. That will not happen. It will be more or less the end of mining in West Virginia, not just in southern

West Virginia, but it will probably be all over West Virginia because everywhere there are effects of the judge's opinion.

We have to have both. We have to have a way for people to provide the electricity the Senator from Idaho talked about to turn on those computers. We have to have a way to light up this Senate and to light up the homes of people all over America. As I indicated, 57 to 60 percent of all the electricity in this country is made by coal. It is not made by nuclear power. It is not made, at this point, by natural gas. It is made by coal. It is a fact of life. Reasonable people understand that.

You cannot just obliterate that and pretend there are not going to be consequences. Nobody wants economic devastation. I do not think any of our colleagues want economic devastation on the State of West Virginia. I do not think that is in their hearts; I do not think that is what is in their minds; but that is what is in the process of happening unless this Byrd-McConnell amendment is, in fact, agreed to and becomes part of the national law. All it will do is put into law precisely what the Environmental Protection Agency, the Office of Surface Mining, and the Corps of Engineers have officially signed off on as policy.

The stakes are tremendously high in West Virginia, and the stakes are tremendously high not only in Kentucky but all across this country. This is kind of a watershed decision we are about to make. Are we going to find some kind of a compromise, a way of working things through, or are we going to deem each other to be enemies, one to another, one on one side, one on the other—one environmentalist, who either feels or is deemed to feel they have no interest in jobs—which I doubt because environmentalists are people, too—or on the other side coal miners who then turn on environmentalists as being totally hostile people. All that does is degrade the content of public discussion and degrade the possibility of a reasonable resolution.

I hope very much this amendment will be adopted. I regret very much the White House has been so difficult on this whole matter, having given their word to the senior Senator from West Virginia and then reversed it the next day, having given their word on matters of steel during the course of a campaign in the northern part of our State and then reversed their view on that. One almost wonders whether or not there is an assault that is taking place on West Virginia.

But we are struggling. We know that along with two or three other States, we have more economic problems than any other State in the country. We live with that. We live with that every day. We try our very best. Senator BYRD, and this Senator, and our congressional delegation, try our very best every single day to try to improve the economic situation of our State, bringing in new industry that does not create any kind of pollution or industries that are entirely smokeless and entirely of a new order. But it cannot be done, as Senator BYRD said, overnight.

So you cannot have a crashing decision which descends on the good people of southern West Virginia and northern West Virginia that deprives them not only of their self-respect but of their ability to eat, to get medical care, or to exist as human beings.

We have not distinguished ourselves in this country in taking men or women in their 40s or 50s or 60s, and saying: All right. You are finished as a coal miner. Now we are going to train you to do something else. We talk about it all the time, but we do not do it. We do not know how to do it. The Canadians do; we do not.

So to banish people into oblivion is not something which is common with the practices of the soul of America, any part of the soul of America, or any part of the soul of this body. That is what would happen, however, were this amendment to fail.

I commend to my colleagues the integrity of the Byrd-McConnell amendment; I commend to my colleagues the honesty and the environmental soundness of the Byrd-McConnell amendment; and I commend to my colleagues the enormous crisis which potentially will take place if it fails because, as has been said, what starts in West Virginia—because this has now been picked up by the national movement—will move from State, to State, to State, to State.

Mr. BYRD. Mr. President, would my distinguished colleague briefly yield for a comment in connection with something he said?

Mr. ROCKEFELLER. I certainly will.

Mr. BYRD. Mr. President, when I went up to Rhode Island on Saturday, a few weeks ago, to attend the funeral services of the late Rhode Island Senator John Chafee, the national press people—the Washington Post, the New York Times—who were right on that plane indicated that the administration was supportive of that amendment. That was on Saturday.

I had run the language by the administration's representatives, who come to this hill often. I hoped the administration would support the language. So I was quietly running the language to the administration and certainly getting the support of the administration—if not openly, at least they were not opposed to it. We were working with them tacitly.

The very next day the tune changed, and the newspapers announced the administration was against the Byrd amendment. So they flip-flopped over night; they made a 180-degree turn over night. One day I had the confidence of them. They were looking at the language, making any responses they wished to make to express their viewpoint. The next day they were 100 percent on the other side.

So I say this amendment is a test. I say to the working men and women of America, do not believe the pretty words you may hear. Pretty words are easy. And I have heard pretty words myself. Watch what happens with this amendment. I say to the working men and women of America, Watch what happens to this amendment. See if the actions of those who say they are your friend do match those pretty promises.

I thank my distinguished friend and colleague. I am pleased to associate myself with his remarks. Well done, my friend.

Mr. ROCKEFELLER. I thank my senior colleague and I yield the floor, Mr. President.

The PRESIDING OFFICER. Under the previous order, the Senator from Texas is recognized.

SOMETHING IS OUT OF BALANCE IN AMERICA

Mr. GRAMM. Mr. President, it is easy when you come to work every day in the most historic and important building in the world to forget you are part of history—to forget you are in a sacred place where history has been made in the past. But it is even easier to forget you are making history now.

But I am reminded that we are making history now when I listen to Senator BYRD speak with righteousness on behalf of the working people of West Virginia. And might I also say, I have never heard a more eloquent speech in the Senate than Senator CRAIG's speech that he gave earlier.

Having heard those speeches—including Senator MCCONNELL's and Senator ROCKEFELLER's—I do not want to rise to talk about the substance. I do not think you can improve on what they had to say. But there is an important point, at least in my mind, that I want to make; and that is, something is wrong in America. Something is out of balance in America.

If tomorrow in West Virginia a subspecies of crickets develop that have legs 6 millimeters longer than crickets as we know them, or that have brown or white specks on them, they would be protected before the law. They would be protected by the Endangered Species Act. There would literally be thousands of people who would be willing to troop to West Virginia and hold signs and demand that this new sub-species of crickets be protected.

But yet when the livelihood of people who hear that alarm ring at 4:30 a.m. in the morning—and if you grew up in one of those houses—I know Senator BYRD did—the next sound you would hear is those two feet hitting the floor. It is predictable. You know what is going to happen, whether it is raining or whether it is not raining. These are people who get up every day, who work hard, who struggle to make ends meet, who sit down around the kitchen table on the first day of the month and get out that stub they got with their paycheck. Then they take the back of an envelope, or a piece of paper, and they try to figure out how they are going to be able to pay their bills, and who they can get by without paying this month. They contribute to America by producing things America needs.

I think something is out of kilter in America when our laws are more focused on protecting sub-species of crickets than they are focused on protecting people who earn a living with the sweat of their brow and with their hands.

I think something is very wrong in America when there does not seem to be much focus on working men and women. And what was moving to me about Senator BYRD's speech is he was speaking on behalf of the people who work with their hands, and who work for a living, and who often do not have much of a voice in American Government.

I am not here to criticize people who have focused, in some cases, their lives, their civic activity, and their leisure time activity on the environment. But I think something is wrong when, in focusing on the environment, we forget about people who work for a living and are affected.

I think, in some cases, environmentalism has gone too far. I think, in some cases, that it has become antigrowth. Maybe that makes sense if you live in a fancy air-conditioned house and if your children have gone to college. If you have boundless opportunities, it makes sense to say we need to protect the environment at all costs and that there is no burden that is too great to bear. After all, the person saying that already has a piece of the American pie and has already generally lived the American dream.

But I think what Senator BYRD has reminded us of is that not every American has lived the American dream. Not every American has gotten a piece of the pie.

I think when we have focused so much on a sub-species of crickets, it is about time that people in the Senate stand up and say: What about people who make a living in the mining industries of this country—people who have had placed on their livelihood less weight by American law than we place on the assumed well-being of subspecies of crickets? I think something is out of balance in America. I think we need to bring it back into balance. I think we need to remind people who are so concerned about one particular element of the environment that there is no more basic part of the environment than the ability of the people in West Virginia, or Kentucky, or Texas, or any other State in the Union to make their house payment, or their ability to earn a livelihood, or their ability to have self-respect in their own worth of what they do.

We are not talking about tearing down America's environmental laws. No country in history has a better environment than we have. No country has spent more resources and legitimate effort on their environment than we have.

EXTENSION OF MORNING BUSINESS

Mr. GRAMM. Mr. President, I ask unanimous consent that morning business extend until 6 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Mr. President, reserving the right to object—and I shall not—there are some of us who would like to speak on this debate concerning this particular issue and who have been waiting for a while. Could we get some sequence of order perhaps?

The PRESIDING OFFICER. Under the previous order, Senator LANDRIEU is to follow, and Senator KOHL is to follow Senator LANDRIEU. There is no UC. Senator LANDRIEU was the last covered.

Mr. GRAMM. As far as I am aware, we have gone back and forth from the Democrat side to the Republican side. I have listened to five other people speak. I have been well served by hearing their speeches. I will be as brief as I can.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I be in order of sequence on the Democratic side as we move back and forth.

Mr. GRAMM. Mr. President, reserving the right to object, if we could simply accommodate every speaker, while realizing that we are waiting for the omnibus bill to come over from the House, may I suggest we amend that unanimous consent request so that the Senator be recognized in the order of the sequence we have, but that when the omnibus bill comes over from the House, it continue to take precedence?

Mr. KERRY. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. It is my understanding the Senator appropriately asked for an extension until 6. It is my understanding the Senator from Louisiana wants to speak for only 10 minutes, or less. The Senator from Minnesota wants 5 minutes. I think if we could get an order, we could contain it within the time and everybody would be satisfied. I ask the Senator from Alaska how long he wants to speak.

Mr. MURKOWSKI. In responding to my friend from Massachusetts, about 6 minutes. I am satisfied if we go back and forth, as suggested, it would concur with the unanimous consent agreement pending.

Mr. KERRY. I ask unanimous consent that following the Senator from Texas, the Senator from Louisiana be recognized for 10 minutes; following that, the Senator from Alaska be recognized for 5 minutes; the Senator from Minnesota for 5 minutes; and I would like to follow the Senator from Minnesota for 5 minutes.

Mr. LOTT. Reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. To clarify that, when the District of Columbia appropriations conference report and its parts arrive, that will be taken up at that point regardless of the order. But then, of course, when that is completed, we can go back to this order.

Mr. KERRY. Mr. President, again, may I ask the distinguished majority leader: I think we have such a tight containment here, there are some who have some problems off the floor. So it may be that he would be held up by about 5 minutes, I think, in total.

Mr. LOTT. If it is something like that, it should not be a problem. But they are voting in the House at this time, so the papers will be headed this way. Rather than holding up the debate getting started, I think with the order we have lined up, we should be all right. I think we could extend the colloquy to the point where we couldn't do the business of the Senate.

Mr. KERRY. Would the majority leader then permit us to put in place the request we have made?

Mr. LOTT. I withdraw my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

Mr. GRAMM. Mr. President, it is obvious that there are a lot of people who want to speak. Let me sum up by saying that in an era where I think we have gotten Government out of balance, where extremist elements are determined to impose their will and their values—often at the expense of the jobs of people who work with their hands and who, in the process, contribute to America—when we become callous to the needs of working people by catering to people who are often quite well off and quite successful and quite comfortable, who, in some cases, would put their interests and their hobbies ahead of working people, it is very important that we have someone such as Senator BYRD who pulls us back to reality.

I think Senator BYRD mentioned my name as a cosponsor. But just in case he did not, I ask unanimous consent that my name be added.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. I am proud to support this amendment. I think the administration has become dominated by people who are more concerned about specific elements of the environment, as they define it, than they are concerned about the environment based on good science. I think they are more concerned about their values than the well-being of the people who do the work and pay the taxes and pull the wagon in America.

It is easy for a planner or an idealist to set out a policy and act as if destroying the livelihood of a coal miner is as irrelevant as simply overturning a regulation. But we know the difference between a regulation and the livelihood of a coal miner. It is because we know the difference that we are here.

I hope this amendment passes. I hope it sends a clear signal that the Clinton administration has become an extremist administration in terms of the environment. This is a bipartisan effort. I think it is important. I think it pulls us back to the center in recognizing we want a better environment. But we want to look at costs and benefits. We want to look at science. When we are putting thousands of people out of work, we ought to stop and reflect on what we are doing. Senator BYRD is asking us to do that today. I am proud to join him in this effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

NATIONAL ADOPTION MONTH

Ms. LANDRIEU. Mr. President, I am appreciative of the 10 minutes granted to speak on a different subject. I understand that mining is an important issue and deserves our attention. Until it is resolved, we will probably be working for many days. I know that the Senior Senator from West Virginia feels very passionately about this issue, and other Members may want to add their remarks as the evening goes on, so I will try to be brief.

A week from tomorrow, many of us will head home to be with our families and celebrate Thanksgiving. In my mind, it is extremely appropriate that Thanksgiving falls in this month, which many of you know is National Adoption Month. For like Thanksgiving, National Adoption Month is a time not only for celebration but also for reflection.

So let me begin with some facts about adoption that people may find interesting in hopes that this would be something the American people will embrace. In 1992, the last year for which adoption statistics were available, there were 127,000 children adopted in the United States. Forty-two percent of these children were adopted by step parents or relatives; 15 percent of these adoptions were from foster care; 5 percent adopted children from other countries; and 37 percent of these children were adopted by private agencies.

The poster behind me is a collage of just a few of the 130,000 legally freed children awaiting permanent families. Some of them are only children and some are sibling groups, some are younger children some are older. Although they are all different, all of these beautiful children are looking for someone to love and care for them and to make them a part of their home.

The fact remains that there are half a million children in foster care. By way of comparison, allow me to refer to a hometown landmark, the Superdome. The Superdome has hosted several superbowls—the Saints have never been to one there, but other teams have. We can seat about 80,000 people in the Superdome. To get an accurate vision of the number of children, picture 5 superdomes filled with children, one in every seat. That is a lot of children—if you think about one in each seat in five Superdomes—in need of homes in America.

The average age of children in foster care is 9.5 years. The problem is many children spend the average of 3 years in foster care. Three years is too long to live without the love and security of a permanent family. We need to shorten that time. If a child has to be removed from their biological parents because of terrible, unfortunate circumstances, they should spend a short time in foster care and then be placed permanently with a loving family. Seventy percent of the children available for adoption and foster care are under the age of 10. They should not spend their tender years without a home.

True, we are making progress and we should be proud. In 1996, 28,000 children in foster care were placed in permanent homes. It is projected that, in 1999, the number will be 36,000, an increase of about 30 percent.

In celebration of those who made this progress possible, the Congressional Coalition on Adoption instituted a wonderful idea that we hope will go on year after year. The Congressional Angels In Adoption. We asked all of our colleagues to send in recommendations for individuals in their respective States and districts who had done something extraordinary in the area of adoption. I would like to submit for the RECORD a list of the 55 families who have been nominated and selected for the first 1999 Angels In Adoption Awards.

I ask unanimous consent that this list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

1999 ANGELS IN ADOPTION

Freddie Mac Foundation, Virginia, Nancy Kleingartner, Bismarck, North Dakota, Jeff and Earletta Morris, Marshalltown, Iowa, Earl and Judy Priest, Caldwell, Idaho, Dave Thomas, Dublin, Ohio, Peter and Mary Myers, Sikeston, Missouri, James and Denise Jones, Grand Rapids, Michigan, Fletcher Thompson & Jim Thompson, Spartanburg, South Carolina, Carol McMahon, Pittsburgh, Pennsylvania, Lori and Willie Johnson, Russellville, Arkansas, Candice Mueller, Ewing, New Jersey, Joan McLaughlin, Morristown, New Jersey, Carol Stoudt, Fargo, North Dakota, Bill and Laura Trickey, Kansas City, Missouri, Tom and Debbie Ritter, Warrentown, Missouri, Debbie Breden, O'Fallon, Missouri, Senator Gordon and Sharon Smith, Hope Marindin, Chevy Chase, Maryland, Doreen Moreira, Cabin John, Maryland, Sky Westerlund, of Lawrence, Kansas.

Doug and Mary Spangler, Kansas City, Vivian Robinson, Harrisburg, Illinois, Reverend George Coates, Eldorado, Illinois, Ms. Gloria King of Oakland, California, Becky and Mike Dornoff, Williamsburg, Michigan, Steve and Cherie Karban, Rapid River, Michigan, James L. Gritter, Traverse City, Michigan, Ms. Sidney Duncan, Detroit, Michigan, Anne Pierson, Lancaster, Philadelphia, Jane Sarnes, Lexington, Nebraska, Peggy Soule, Rochester, New York, Laurence and Jane Leach, Raleigh County, West Virginia, Judge Gary Johnson, West Virginia, Hays and Gay Town of Baton Rouge, Louisiana, David and Jane Zatz Redmond, Washington, Dennis and Shirley Smithson, Nashville, Tennessee, Anne Desiderio, Albuquerque, New Mexico, Francis Ann Mobley, Daytona Beach, Florida, Kurt and Stacy Stahl, Lake Oswego, Oregon, Sallie Olson, Lake Oswego, Oregon.

Ruth Ann Gaines, Des Moines, Iowa, Larry and Jackie Bebo, Berthoud, Colorado, Gary Cerkvenik and Kim Stokes, Britt, Minnesota, Aimee Oullette, Milwaukee, Wisconsin, Bill and Brenda Baker, Redfield, South Dakota, Richard and Karen Butler, Faith, South Dakota, Reverend Ed and Diane Nesseslhuf, Vermillion, South Dakota, Debbie Hoffman, Sioux Falls, South Dakota, Melvina and Louie Winters, Pine Ridge, South Dakota, Geraldine Bluebird, Pine Ridge, South Dakota, Scott and Val Parsley, Madison, South Dakota, Mrs. Brenda Edusei, Bedford, New Hampshire, Debra Klopert, St. Louis, Missouri, Jessica Dennis of Rosedale, New York.

Ms. LANDRIEU. Here are some examples from around the country. I will read into the RECORD just a few. First of all, the Congressional Coalition on Adoption has recognized the Freddie Mac Foundation of Virginia, nominated because of countless contributions to the promotion of adoption. In this year alone, Freddie Mac has donated millions of dollars to help fund programs for adoption and foster care. Their commitment and dedication demonstrates their unique understanding that there is more to a home than four walls. We thank the Freddie Mac Foundation for their effort.

I will read a few more brief entries to give an example of some of the people that were honored. My friend, the Senior Senator from Arkansas, submitted a family from Russellville, Arkansas, Lori and Willie Johnson. In an increasingly self-absorbed world, Lori and Willie Johnson remind those around them of the meaning of the word "selfless." They are the proud parents of 17 children, 13 of whom are adopted and have special needs. Because of their love and dedication, these children have a family to call their own.

From Spartanburg, South Carolina, we have selected Fletcher Thompson and Jim Thompson, nominated by our colleague in the House, JAMES DEMINT. Having practiced adoption for over 25 years, they are rightly considered adoption experts. They place over 100 children a year. They practice law in a way that helps build families and brings hope to children and joy to parents. We thank them for their great work.

I would also like to mention, the Angel from Idaho—since the Senior Senator from that State was on the floor earlier speaking about the important mining issue,—as Co-chair of the Congressional Coalition he nominated Earl and Judy Priest from Caldwell, Idaho. For over 25 years, the Priests have opened their hearts and home to children of all ages and abilities. They are parents of five children, three of whom are adopted. In addition, they have fostered 160 other children.

Hays and Gay Town, from my own home State of Louisiana, founded and personally funded an agency that has placed over 200 children. They have also reached out to help young mothers in crisis.

There are many examples, from California to New York to Louisiana to Michigan. There have been examples of judges, attorneys, parents who have adopted children, advocates in the community, agencies, who are really contributing to making our goal of finding a home for every child in America and the world a reality.

In closing, I would like to remind my colleagues, of several pieces of pending legislation concerning adoption. First, we look forward to passing, with Senator HELMS' and Senator BIDEN's leadership, the Hague Convention on Intercountry Adoption. This treaty will, for the first time, lay out a framework for international adoption. Mr. Chairman, as a lawyer and a former prosecutor, you most certainly know the importance of laying out a legal framework to prevent fraud and abuse, reduce costs and make the process easier for families adopting abroad. Together with Senator ABRAHAM, I have introduced the Adoption Awareness Act to fund a nationwide campaign promoting adoption. Through this campaign, we hope to encourage potential adoptive parents to open their homes to a waiting child.

Finally, we hope to be able to increase the present adoption tax credit from $5,000 to $10,000.

As you can see, there is a lot of work we have to do when we come back. I want to take this opportunity, once again, to recognize all of our "Angels in Adoption," and to thank my colleagues for all the good work they have done on this issue. I look forward to working with them when we return to make the reality of a permanent and loving home real for so many children who need it.

Thank you.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Alaska.

BYRD-McCONNELL MINING AMENDMENT

Mr. MURKOWSKI. Mr. President, I think we all owe a tremendous debt of gratitude to the senior Senator from West Virginia.

What we have now is a situation concerning mining in the U.S. where a crucial decision is either going to be made to maintain an atmosphere where mining can continue or through the prevailing attitude within the Clinton administration to simply drive this industry offshore.

The Clinton administration, by its actions, evidently opposes the working people of America who are involved in mining.

Those opposing Senator BYRD's proposal basically are destroying the entire coal industry which exists west of the Mississippi—the mine workers whose jobs depend on that industry, the railroad workers, the barge men, and the truck drivers.

I think it is important to note that Senator BYRD's amendment directs the application of the Clean Water Act to be returned to the way it was at the beginning of October of this year.

Senator BYRD's amendment does not change the law. It does not change any practice that has been followed over the years. It is our job to change the law—not the White House and not the courts.

Senator BYRD's amendment gives the Congress and the Federal agencies time to apply existing law without destroying the coal mining industry of this country—time to apply the law, or make such adjustments that are necessary in a way that protects the environment, the coal mining industry, and all those who depend upon that industry for their well-being.

We are looking for a balance. The administration's proposal throws this out of balance.

The amendment goes further. There are two additional issues involved.

One deals with the recent Solicitor's opinion that would throw out 127 years of precedent on the size of mill sites—only 5 acres per claim, if followed through with, this would make mining on public lands absolutely impossible.

I do not know how many Members have an idea about what it takes to make up a mine. The mine needs a mill site, grinding and crushing facilities, shops, processing plants, tailings disposal, headquarters, a water plant, parking lots, and roads. This simply cannot fit on the space provided within the 5-acre mill site per claim. It simply can't be done. This is how they propose to eliminate mining. In my State of Alaska, we would not have a new mine developed, nor could we.

You are depriving us and this country the right to produce minerals from the rich resources we have.

Make no mistake; the Solicitor wrote the opinion to end mining in the West, to drive mining offshore, to drive the jobs offshore, and to drive the dollars offshore.

The provision in this amendment would allow mining operations that have been submitting plans prior to a recent Solicitor's opinion to continue under the law and the precedent that was relied on the developed plan.

The second issue is also a simple provision that would require the administration to follow sound science for a change—not emotion.

The provision would limit the ability of the Secretary of the Interior to propose new hard rock mining regulations for those areas where the National Academy of Science found that there were deficiencies. Why not give science a chance instead of emotion?

Finally, the National Academy of Science found that State and current Federal regulations on hard rock mining sufficiently protected the environment and needed only a few changes to bring it up to current standards.

What is wrong with the objective of the National Academy of Science?

There are two simple provisions: One that provides fundamental fairness by allowing companies that have relied on 127 years of interpretation to continue while the courts sort out whether this new interpretation is legal; and one that requires the administration to follow and comply with sound science.

We are calling for fundamental fairness and sound science. But the White House, in its single-minded determination to end the domestic mining industry, seems to have denied us both.

I certainly appreciate the support of the senior Senator from West Virginia. He has a sympathy and an understanding for the needs of the mining industry.

Unfortunately, we have seen these differences of opinion between the West and the East. But we certainly now have a common interest.

There is going to be little for the domestic mining industry to celebrate this Thanksgiving.

The White House, to serve its environmental constituency and the aspirations of, I guess, the Vice President, has abandoned the call for sound science. They are appealing to emotion.

We need fairness. We need to meet the needs of the men and women who labor in our mines.

This Nation will pay the price as coal mines in West Virginia, mining sites throughout the West, and in my State of Alaska close. Good, honest jobs that built this Nation will be lost. Union and nonunion workers will join the bread line that this administration will leave as its legacy for the mining industry.

I yield the floor.

I thank the President for his patience and perseverance.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, my understanding is that Senator KOHL was seeking recognition. I ask unanimous consent that Senator KOHL be allowed to speak for 5 minutes after Senator KERRY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I come to the floor to speak with some mixed feelings because I have heard several of my colleagues, and I specifically want to talk about the remarks of Senator BYRD and Senator ROCKEFELLER for whom I have a tremendous amount of respect. I know when they speak about miners, they speak from their hearts, and they speak from their souls.

I haven't looked at the specific wording of the amendment. But I want to raise some questions, if this amendment comes to a vote. I will look at the amendment and then decide.

But I think I heard some of my colleagues trivialize this question. Just looking at it from another very important point of view, I can say that I have spent a considerable amount of time in eastern Kentucky. That is where my wife's family is from. I spent some time years ago with an organization called "Save Our Cumberland Mountains" in east Tennessee.

When my colleagues come to the floor and talk about this as saving some exotic species, they are not talking about what I have seen with strip mining. What I have seen with strip mining in east Tennessee and east Kentucky is a situation where, first of all, the coal mining companies came to the region and took an awful lot of the wealth, and then they left an awful lot of the people poor.

But one of the things people had was their streams, rivers, and their creeks. They had the outdoors, and the land that they loved.

I want to say to my colleagues that when you take the tops off these mountains with the strip mining as opposed to deep mining, and you let the leftover rock and earth get dumped into the adjacent valleys and bury or pollute streams, it raises a big question.

Again, I say, in deference to my colleagues, that I know what they are saying. We will have a chance to analyze this and then decide how to vote.

But I do not believe this is a trivial question at all. I have seen communities ravaged by this strip mining. I have seen courageous people who have lived in the mountains their whole lives speak up. So I want to speak up by raising this question on the floor of the Senate.

I also want to say to my colleague, Senator BYRD—and others—who, as I said, from his heart cares about the miners, that when I hear some of my colleagues talk about the miners, I hope there will be equal concern for the miners in east Kentucky when they don't have the unions. Right now, they can't see 6 inches in front of them because of the coal dust level. I hope we will have the concern for the health and safety of the miners. When I hear speakers on the floor, I hope we will have the concern on raising wages; I hope we will have concern for civilized working conditions; and I hope we will have a concern for the right of miners and other people to be able to organize and bargain collectively.

When I hear about the President's trip to Hazard, KY, where is the concern for poverty? I hope we will also see the same kind of commitment to health care, to education, to affordable child care, to economic development, and all of the rest.

It is a little bit too much to hear some colleagues frame this debate in these terms given this broader context.

It is a difficult question. I said to Senator BYRD earlier I have not looked at the specific amendment yet. I will do that. But I don't want any Senator to come to the floor and act as if there isn't some question—again, the Senator can clear this up for me—as to whether or not, given section 404 of the Clean Water Act, we are or are not creating a loophole. That is a terribly important question for me to resolve before a final vote on the issue.

Mr. BYRD. Will the Senator yield?

Mr. WELLSTONE. I am happy to yield to the Senator.

Mr. BYRD. The distinguished Senator has mentioned my name. The word "waste" has been used. The newspapers have repeatedly used the word "waste," saying this amendment that I am sponsoring is to let coal companies continue to dump their waste into the streams.

As to the use of the term "waste," the Clean Water Act, section 404, governs the disposal of "dredged and fill" materials into waters of the United States. Excess material from coal mines has always been regulated in this fashion as "dredged and fill" material under section 404 of the Clean Water Act.

Judge Hayden in West Virginia, however, determined that excess material from coal mines is "waste" and, as such, could not be disposed of in valley fills.

For 20 years, the stream buffer zone regulation has not been interpreted as preventing the disposal of excess material from coal mines into streams. Rather, Congress relied on the Clean Water Act to govern this activity.

I thank the distinguished Senator for yielding.

I ask unanimous consent Mr. SHELBY be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired. The Senator from Massachusetts is recognized.

GRATITUDE TO JEANETTE BOONE SMITH

Mr. KERRY. Mr. President, I want to share with all of my colleagues, particularly with the citizens of Massachusetts, the deepest sense of appreciation I have for the longest serving member of my staff, someone I have been privileged to have work with me since I entered elective office in 1982. Jeanette Boone Smith is leaving my staff after serving all of that time, since 1982, both in the Lieutenant Governor's Office of Massachusetts and in the Senate. Throughout those years, Jeanette has symbolized the values and the priorities I have tried to represent in the Senate. I am, indeed, extraordinarily fortunate to have had her friendship and her counsel throughout my public life.

Jeanette embodies the fight for equality and for social justice that defines the entire second half of this century. Her life is filled with stories of personal struggle, public struggle, and of triumph, of sacrifice, and of victory. She was born in Englewood, NJ, and she remained in that State throughout young adulthood. For Jeanette, public service and political action came very early. She became president of Englewood's Fourth Ward Democratic Club, where she worked for local and national Democratic candidates. Her commitment to ensuring equality of opportunity and access to resources led her to fight tirelessly for the integration of the Englewood schools and for public housing. The success of the campaign in which she was involved opened up education and affordable housing to the whole community, and it serves as just one example of the countless times Jeanette sacrificed her time and her energy to help provide a better life to people who had traditionally been denied the full measure of the American dream.

Jeanette interviewed with me in January 1983 when I was putting my staff together for the Lieutenant Governor's Office. From that time on, through those early years, she served as my executive assistant, performing the endless and thankless tasks that all here understand are so vital to our ability to be able to manage our schedules and our State operations. As the years passed, she took on greater responsibilities as the director of constituent services where her warm, generous, open personality, and remarkable compassion for people in need allowed my office to advocate successfully to open and to successfully complete the work on more than 100,000 individual cases throughout Massachusetts.

As my colleagues well know, constituent services are critical in serving the people of our States and they are sometimes the most thankless and the most difficult tasks we confront. Jeanette assembled and managed a team that continues to help people in search of housing, education opportunities, and nutritional assistance. She has also overseen many complex housing partnerships with the U.S. Department of Housing and Urban Development and State agencies, helping to bring quality, affordable housing to thousands of people throughout the State.

Jeanette is leaving to enjoy more time with her husband Perry, her son Tracey, and his sons, and the South End community she loves so dearly. Within the South End, she formed the Four Corners Neighborhood Association, which led to the construction of the Langham Court Apartments. This complex is a wonderful example of Jeanette's abilities and her commitment to improving her community. It has been recognized with awards for its architecture and innovative program of mixed-income housing. She is also deeply involved in the Roxbury Presbyterian Church where she serves as an elder, a trustee, a member of the choir, and a member of the renovation committee.

These words today—and I know my colleagues will share this sense for any long-term staff person who departs—cannot fully recognize Jeanette's contributions to the people of Massachusetts or the full extent of my personal appreciation for her time with me. Although she departs my staff tomorrow, the principles she has represented in her work will never leave; rather, they will do as Jeanette has done, which is to serve as a moral compass pointed toward a better world where a bright future is open and available to everyone in this country.

I am deeply grateful for her time with me, and I extend to her and Perry my very best wishes as they begin a wonderful new chapter in their lives.

I yield the floor.

Mr. DASCHLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin.

THE NORTHEAST DAIRY COMPACT

Mr. KOHL. Mr. President, in the omnibus package that will be brought to the floor sometime this evening, there are two pieces of legislation on dairy that I want to spend a couple of minutes discussing because I think they are unfair and very much not in the spirit of the American economic system.

One is the Northeast Dairy Compact. The Northeast Dairy Compact is an arrangement in which the New England States literally fix the price of milk in those seven States and no one can tamper with that price. It is the only price at which milk can be distributed from the farmer to the processor. In effect, it takes all the competition out of that product in that State, in all the New England States. We have never done that before in this country. It is contrary to everything that is represented by the economic system in the United States.

The reason why we have such a great country in part is because our economic system provides that anybody with a good idea to develop a product or a service has an unfettered opportunity in all 50 States to market that product. That is what has made America great: competition. That is why we have full employment, the best economy in the world, and an economy that can compete anywhere in the world and succeed. That is because in this country we say: In order to get your share of market, you have to be able to provide the best product at the best price and market it in the best way. There are no restrictions in the 50 States to do that. That has been true since the United States of America was originated.

The northeast dairy cartel is in contrast to that. There is nothing about the cartel that is American in terms of how we do business. There is something else about that. They say, and I have heard this from some of the leaders in the northeast: Can't we just have our cartel? After all, it represents only a fraction of the milk market in the country. Why can't we just have our cartel? But, obviously, if they can have their cartel, then everybody can have a cartel. What stops us from having a Southeast cartel or a Southwest cartel? What stops us from having a Southern cotton cartel? What stops us from having a Midwest corn cartel or a Plains States wheat cartel? If a cartel makes sense in any form, then it makes sense not only in the New England States and not only for milk; it makes sense anywhere, conceivably, and for any product.

Now I ask the question: Does the Senate want to go on record as favoring this type of economic policy? I think we all know the answer is not yes. Nobody has defended this to me, even though it is coming tonight. Nobody has defended it to me. I talked with the leaders in the Senate. I asked them to explain why we should have this kind of legislation in the omnibus bill. I tell you, not a leader, not a single Senator, has explained to me and defended in any way that makes sense the idea of price-fixing cartels. Yet here it comes.

I am told it is coming because promises have been made and arrangements have already occurred, and so on and so forth. On something as important as this, which is price-fixing cartels, it seems to me that saying "promises have been made," and "it has been passed in the House," or "it is too late," or whatever, does not make any sense. May I also say I have been in dialog with the leaders in the Senate for months on this, so this is not a surprise. So here we are with this piece of legislation.

Then we also have this milk pricing policy which, as you all know, arbitrates that the farther you are from Wisconsin in this country, the more you get for your milk if you are a dairy farmer. We all know, again, this was set up 50 or 60 years ago when there was no refrigeration to transport milk and they wanted to encourage the development of the dairy industry. So we provided incentives for dairy farmers at points distant from Wisconsin to develop the dairy industry and to circumvent the need for refrigerated transportation. That is no longer true.

So what we are trying to do is not to eliminate that price differential because that would be too big a step to take at once. We are trying to reduce the price differential—not eliminate it, reduce it. USDA has come up with a program and 97 percent of the farmers in this country have voted for the change in the present milk pricing program. I am not suggesting we need to eliminate the price differential at this time. But let's accept the reduction of the price differential in view of the fact that the present system is archaic and makes no sense.

Again, coming over from the House is legislation that continues to mandate that the old Depression-era pricing system be continued. May I also say the present system, both with respect to the Northeast Dairy Compact and the pricing system, was mandated to conclude on October 1, and we would put in a new system. But before October 1, there was a Federal judge in Vermont who challenged that kind of outcome. So right now it is tied up in the courts and nothing is going to happen. The present system will stay until at least the courts rule on the validity of a new system.

So I suggested, and many have suggested, there be no dairy language in the omnibus; just don't say anything and let's let this thing roll because it is tied up in the courts now anyhow, and we can discuss it next year.

No, promises have been made. People have been won over in one way or another. Other agendas are on the table. So today it comes in an omnibus bill, with the Northeast Dairy Compact renewed. Price fixing cartels, does any Senator want to vote for that? Price fixing cartels, not just for the Northeast, because if you accept it in the Northeast you accept it elsewhere; not just on milk, because a cartel is not uniquely suited to milk. It can be on any other commodity anywhere.

Does the Senate want to go on record as supporting price fixing cartels in this country? Do we want to tear up the American economy in that way? That comes in the omnibus tonight. We are going to vote on that.

We are also going to vote on going back to the old milk marketing price system which, again, is totally outmoded. The USDA has come up with a new system. I am very upset, obviously, and I am obviously going to fight that omnibus bill to its conclusion in any way I can, to filibuster it and to require everything be done to demonstrate to us and to the American people that there is a giant bill coming down the pike which has at least an element in it which is not acceptable, in my judgment, to how America is supposed to function.

We are also considering a continuing resolution that will be brought to the floor momentarily. I understand. Of course, one of the options we have is to vote against a continuing resolution, which would, in effect, shut down the Government at midnight tonight. I could object to the CR and the Government would shut down. That is something I had considered. But if we do that or if I do that, obviously, it is a huge step, and there are many tens of thousands of people who would be out of a job, with enormous dislocations all across our country. It is a huge step one does not take easily. It is not a step I want to take. It is not a step I am going to take because I do not think it represents responsible action on my part. If some of the other people in this body want to act in a way I consider to be irresponsible and challenge me to be irresponsible—I am not an irresponsible person. Shutting down the Government is a huge, huge decision. One does not take it lightly. I am not going to make that decision over this issue.

But I do want to point out to my colleagues that some strong-arm tactics are at work here. Allowing price fixing cartels is a bad thing for this country. I very much hope we can and will find a way to undo the damage of price fixing cartels in an outmoded milk marketing system in the very near future.

Having said that, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Mr. President, there are a number of issues we are working on, but we have one unanimous consent request with regard to the loan guarantee for the satellite local situation we have worked out.

I ask unanimous consent that no later than March 30, 2000, if no Senate committee has reported a bill limited to providing loan guarantees to establish local television service to rural areas by satellite and other means, the Republican leader, or his designee, or the Democratic leader, or his designee, be recognized to introduce a bill limited to sections 2002, 2003, 2004, and 2006 of the conference report accompanying H.R. 1554 providing such loan guarantees, and that the Senate immediately begin consideration of the bill with relevant first-degree amendments in order and second-degree amendments that are relevant to the first-degree amendment proposed to be amended. Further, that if legislation is reported that is limited to such loan guarantees, it be considered on or before March 30 and be open to relevant amendments as provided above. Further, that upon disposition of all amendments, the bill be read a third time and passed, with no intervening action.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, I compliment the majority leader. This is the result of ongoing discussions we have had for some time. I appreciate very much the involvement and the work done by the distinguished Senator from Montana. This accomplishes much of what we hoped we could do. It is not everything. I am very hopeful we can get this done before April 1, but the majority leader has made as strong a commitment to me personally, and I am sure he is prepared to do it on the record, that he will work with us to accomplish the objectives laid out in this unanimous consent agreement.

I appreciate, as well, the cooperation of the distinguished Banking Committee chairman, and I believe as a result of the effort we have been able to demonstrate in getting to this point, we will achieve our goal. We cannot leave rural America out. We will have an opportunity to provide service to them. This will give us the vehicle to make that happen. So I do not object.

Mr. BAUCUS. Reserving the right to object.

Mr. LOTT. Mr. President, before the Senator reserves the right to object, I want to add my own personal comments rather than just the dry UC that I gave.

I, too, commend and thank the other Senator from Montana, Mr. BURNS, for his efforts in this area and for his tenacity. In fact, this very day, he ruined my lunch talking to me about this issue. I know Senator BAUCUS believes very strongly in it.

It is not just a Montana issue. This is important in South Dakota and this is important in Mississippi. This is important nationwide. If we are going to get this satellite local-to-local service in these smaller markets, we have to have this opportunity, but we want to make sure it is a loan guarantee that will work, that is actually going to do the job, that is not in some way going to improperly benefit any one individual or group of individuals, for that matter, and that it has been carefully thought through.

Again, I am absolutely determined to get this done. I will not only live up to this UC, which I have to, but I will do it with a great deal of vigor and activity.

I thank the Senator from Texas for his willingness to focus on this and get it done by a date certain and make sure he and other committees have added to it to make sure we do it right.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I earlier objected to bringing up the continuing resolution because I felt it made much more sense to include the loan guarantee along with the other provisions in the omnibus bill that will be taken up later providing for local-to-local satellite network service.

I thank the Senator from Mississippi, as well as my colleague from Montana. I have been working with my colleague today to figure out some way to lock in even more having loan guarantees passed by this body and by the other body.

The other body has made a similar commitment in a colloquy about 2 hours ago to make sure this is passed, so rural viewers of America have the opportunity to have local satellite service.

I compliment my friend from Montana for working so hard on this. He has worked very hard, as well as others. I am not going to hold up the continuing resolution to shut down the Government. In the whole scheme of things, we have our own priorities and know what the priorities should be. But it is important to get this provision in here because it does make it even more certain we are going to get this loan guarantee provision passed in the next year.

I thank the majority leader. He has been very gracious in working this out, as well as the chairman of the Appropriations Committee, who I know wants to work this out as well, and my good friend from Montana. I also thank the Banking Committee chairman. He has been very helpful.

The PRESIDING OFFICER. There is a unanimous consent request before the Senate. Is there objection?

Mr. BURNS. Reserving the right to object, and I will not object, this is a compromise to facilitate the passage of this omnibus bill. We have worked a long time on this. We are working up to a deadline where we could see some blue screens after December 31. But one cannot ignore the fact that even our satellite viewers should be able to receive local broadcasts or network stations in their local areas. The only way we will ever provide any competition for the cables under the rules they live by, under must carry, and still have a viable satellite service that will compete with cables is through this method.

I appreciate the commitment of the Senator from Texas, the chairman of the Banking Committee. I thank my friend from Montana. He has worked hard on this. I thank the majority leader. Without their commitments, we would be talking a different tune now. I also commend the leadership in the House of Representatives for making the same commitment that this legislation be passed early next year.

I yield the floor.

The PRESIDING OFFICER. A unanimous consent request is before the Senate. Is there objection? Without objection, it is so ordered.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. Will the Senator from Texas yield to the Senator from West Virginia?

Mr. GRAMM. Mr. President, I was going to speak on this subject of the satellite bill, but I yield to the Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that I be recognized as one of the managers of the continuing resolution. I am entitled to that recognition. I ask I be recognized immediately after the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from West Virginia has propounded a unanimous consent request. Is there objection? Without objection, it is so ordered.

The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I thank my colleagues. This has obviously been a very difficult issue. We passed the satellite bill in the Senate unanimously. I think every Member of the Senate realizes the ability to receive television signals in America is critically important. On Saturday, you want to watch Texas A&M. On Sunday, you want to watch the Dallas Cowboys. And one's life is diminished if you cannot do either one of those things.

The problem we had was we passed a bill in the Senate to set up the legal structure to get that job done. They passed a bill in the House to do the same. Neither bill had any loan guarantee language in it. The conferees realized there was a problem, but in their haste to get it done, it is my opinion that we ended up with language that was as good as anybody could have written during that short period of time.

Under the agreement we have reached, we have an opportunity to have representatives of the television stations, the satellite companies, and potential Internet suppliers come in. We have the ability to look at the technology.

We have the ability to look at loan guarantees we have given in the past. We have the ability to get the input of the Treasury. Hopefully, we will have the ability to put together a bill that will maximize the chances that every American will have access to their local television station.

I want my colleagues to know, as I have said many times as this debate has evolved, I intend, by the 30th of March, to report a bill from the Banking Committee. It is my goal not only to write a bill that will deal with this problem, but I hope we can develop a prototype for the future, where we recognize that there are some social goals that are not necessarily met by market forces, and that the market by itself might not provide this service which we have deemed to be important.

The question then is: What can you do to provide this service at the lowest possible cost and in the most efficient manner? It is my goal to put together a bill that will achieve that goal and perhaps be a prototype for similar problems in the future.

So I thank my colleagues. Probably as much effort has gone into this one little issue as anything throughout this whole process. It is an important issue. It involved an important principle. I think we have reached a good conclusion. I am happy about it. I believe, when we complete it, that every Member of the Senate and every Member of Congress and, hopefully, everybody who has a satellite dish or wants one will be happy about it as well.

I thank my colleagues.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I yield to the majority leader first.

The PRESIDING OFFICER. The Senator from West Virginia is yielding to the majority leader.

Mr. REID. Mr. President, would the majority leader yield?

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. WELLSTONE. Mr. President, I object.

The PRESIDING OFFICER (Mr. BURNS). Objection is heard.

The clerk will continue to call the roll.

The bill clerk continued with the call of the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. I object.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded so that the Senator from Minnesota can——

Mr. WELLSTONE. Mr. President, I object until I can read this.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the call of the roll.

The bill clerk continued with the call of the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. FEINGOLD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The bill clerk continued with the call of the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 82, H.J. RES. 83, AND H.R. 3194

Mr. LOTT. I thank my colleagues for not objecting.

Mr. President, I have a unanimous consent request that has been very carefully worked out, and after it is agreed to, we have three colloquies that Senator DASCHLE, Senator STEVENS, Senator BYRD, and I would like to enter into.

I ask unanimous consent that the Senate now turn to H.J. Res. 82, the continuing resolution, and following the reporting by the clerk, there be two first-degree amendments in order, and no second-degree amendments or motions to commit or recommit be in order. Those amendments are the following:

The Byrd-McConnell amendment regarding mining;

The Helms-Edwards amendment regarding disaster funds.

I further ask consent that following the disposition of the amendments, the joint resolution be read a third time and passed and the motion to reconsider be laid upon the table.

I further ask consent that when the Senate receives H.J. Res. 83, the joint resolution be deemed agreed to and the motion to reconsider be laid upon the table, all without any intervening action or debate.

Finally, I ask consent that when the Senate receives the conference report to accompany H.R. 3194, the reading of the conference report commence immediately following the motion to proceed made by the majority leader, to be followed by a vote on the motion to proceed.

The PRESIDING OFFICER. Is there an objection?

Mr. WELLSTONE. Reserving the right to object, could I ask the majority leader, following the motion to proceed by the majority leader, it says "to be followed by a vote on a motion to proceed." Is this going to be read?

Mr. LOTT. This is after the reading has been completed.

Mr. WELLSTONE. That is our understanding.

Mr. LOTT. That is correct.

Mr. FEINGOLD. Reserving the right to object, I ask the majority leader a question, if I could. We had an understanding prior to removing the quorum call that there is no time limitation.

Mr. LOTT. Correct, there is no time limitation in this agreement.

Mr. FEINGOLD. I thank the majority leader.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

Mr. LOTT. Mr. President, we do have a colloquy we will enter into. I don't know how much debate time will be required since there was no time limitation. It is safe to say there will be a period of time for debate, so if Members want to take this time to get something to eat they will probably have the time to do so. However, I do expect after some reasonable period of time there will be a vote or votes, and, of course, we will proceed to the conference report that has been delivered to the Senate at an appropriate time so it can be read, and for a motion or votes on that.

One important thing I want to emphasize, the Senate can only do what the Senate can do, and then our action has to go to the House. The House must act. With regard to these continuing resolutions, they have a number of options. I personally am going to vote for the Byrd amendment. I think the Senator is entitled to make his case. I hope the House will accept that. If they don't, it will be back in another venue in another way.

The same thing with regard to the Helms-Edwards disaster funds. An oversight occurred, as I understand it, in the final hours last night with regard to disaster funds for North Carolina. There were about three tranches of money that had been requested for disaster assistance. Two of those were included, which come to a total of around $800 million. However, $81 million, an important tranche, was not included. Hopefully, the House will accept this and hopefully the House will see fit to accept them both. I will talk to the Speaker and encourage him to do that.

I want to also emphasize, as has been the case in the past when my State has been involved, when South Dakota or North Dakota has been involved, when any place is involved in a disaster, they should get the assistance they need from a caring American people. That is the way we have been doing it for all the years I have been in the Congress. That is the way it is now and the way it should be.

If for whatever reason in this waning hour of the session this money is not made available, I am committed publicly, along with Senator DASCHLE and the chairman of the committee, that this money will be provided. It will be provided in the first available vehicle after the first of the year, and I presume that will be in a supplemental because there will be a supplemental available, and with the commitment of the chairman and the commitment of the leaders and also the commitment of the American people, those funds will be available. I want to make that part of the RECORD at this point.

I yield the floor for others to respond.

Mr. DASCHLE. Mr. President, let me say I agree wholeheartedly with the comments made by the majority leader. I don't know if there is a State right now that is hurting as badly as North Carolina. Senator EDWARDS has made that point over and over and over again to me, and I know that Senator HELMS has worked with Senator EDWARDS to try to provide the most comprehensive response to the situation as we can.

We have come a long way and made a great deal of progress in the legislation pending, the omnibus bill. As things happen when we work late into the night with a lot of different people working, there is always the possibility something will fall through the cracks. I truly believe that is what happened. I believe it was an honest mistake.

As the majority leader has indicated, whether it is fixed tonight, whether it is fixed before the end of the session, or whether it is fixed immediately when we come back, I don't know how one can get a stronger commitment than the one given by the majority leader or the one I am prepared to give and the one I know the chairman will be prepared to give to accommodate North Carolina.

I appreciate their willingness to work to do this. This should resolve this matter successfully once and for all, either tonight or at some point in the not too distant future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, as chairman of the Appropriations Committee, I regret this error. It was an error. We have put together several bills in one bill and it has been a rather difficult week in many ways. This error occurred because some of the Members of the House who are involved and should have been involved were not notified of the final decision that was made with regard to a request that came from the Senators of North Carolina.

Senator HELMS called me several times on the matter. I talked on the floor and on the phone with Senator EDWARDS before the final arrangement was reached. Frankly, they sought more money than is even in the amendment that was left out of the bill. However, we said we would have to take up the further money in the supplemental that comes before the Congress in the early part of the next year.

Last evening when this bill was being read out, I did receive a call concerning the fact that some of the Members of the House were disturbed by the changes that were proposed. It was determined then that had not been properly conveyed to the Members, although some of the staff, I believe, were notified and were part of it. It is just one of those things that a staff member's interaction did not take place, and I personally did not go over and tell the House Members—I probably should have—but it was one of the final items on the discussions we had, including those that involved the White House representatives who were before our committee yesterday.

As a consequence, I want to assure the Senators from North Carolina, I do believe that once we have reached a decision such as that, and we felt it had been cleared out, it is our responsibility now to make certain this commitment is made good, and we will do that. This bill will do it if the House will accept it and send it to the President. If that does not happen, we will, without any question, take the matter up in the first supplemental that comes before the Congress next year. We will have the supplemental bill for Kosovo coming. That was another request we received which was not fulfilled in this series of bills that are before the Senate now.

I want to assure Senator EDWARDS and Senator HELMS on this side—and both have been very diligent in seeking these moneys—that we will put this money in the next bill if this is not accepted by the House. I have every reason to believe it will be accepted by the House. I intend to get on the phone and talk to my friends and make sure they understand. If there was an error, it was one that was caused by the intensity of the work that was going on by the staffs of five different subcommittees trying to put a bill together, along with all the other bills that were being considered, many of which were rejected and are not in this bill that we all considered over this last week.

I do hope the Senators from North Carolina will accept that assurance. I can assure them this is an $81 million item and it is, in my judgment, small compared to the amount of money that will be in the next supplemental for the people who were affected by Hurricane Floyd anyway, so we will make up for this problem. We will make up the money, and we certainly will see to it that it is there.

I plead with the Members of the House to pass the bill tonight. In any event, we will take care of that error as quickly as we can.

Second, with regard to my good friend from West Virginia and his amendment and that of Senator MCCONNELL and the Western Senators, I think there is a clear, growing understanding of the provisions of this amendment. I have been saying, as Senator BYRD has been saying for some time, this does not change existing law. It is an amendment to try to preserve the status quo until Congress has a chance to review the changes that would take place if decisions of the Solicitor's Office and decisions of one Federal judge were followed, which would affect the mining industry of the whole Nation. I hope the House will certainly see fit to send that measure to the President, so we can see what the White House is going to do with that.

But for now, I hope the Senators involved will let us get on with the major bill, which is going to take some time. I again express my regret to the Senators involved that this incident has taken place, and we will do our best to see it does not happen. But the distinguished minority leader reminded me, on an amendment that we had on a bill earlier this year, a similar thing happened when there were just too many things going into one bill. Our provision was left out, but it got back in the next bill, I assure you.

Mr. President, I do hope the Senators involved will give us the courtesy now of permitting the Appropriations Committee to present, at last, the omnibus appropriations bill that will fulfill our commitment to pass 13 appropriations bills this year.

Mr. LOTT. Mr. President, I know the Senator from North Carolina might want to make a comment or ask a question at this point. I will be glad to yield the floor to him, or yield for him to do that while retaining the floor.

Mr. EDWARDS. I thank the majority leader.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, the human suffering and devastation we incurred in North Carolina is absolutely unparalleled. Our people have never suffered and struggled the way they are suffering right now. This storm has completely devastated us. Our farmers are in the worst shape they have ever been in.

I appreciate very much the majority leader's commitment, Senator STEVENS' commitment, and the minority leader's commitment. We have talked throughout this process on a daily basis. We had an agreement, a commitment to two things, basically. One was a loan forgiveness program, which has been talked about, and, second, some language that would help the payment for structural damage on farms in North Carolina.

I appreciate very much the commitment we have received today. I do have to say I am counting on my colleagues' commitments—the majority leader's commitment, Senator STEVENS' commitment, Senator DASCHLE's commitment—to do everything in their power to get this thing passed in this Congress; that it will be included in the CR we are discussing right now and that, when it goes to the House side, the majority leader will speak to the Speaker. We will do everything in our power, Senator HELMS and myself, to make sure that happens. But it is critical to Senator HELMS and me that we not need to rely on the commitment to do something after the first of the year, that we get this done tonight or tomorrow.

With that, I thank the majority leader.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. I will say on behalf of Senator HELMS, he has been following this very closely. I have spoken to him, and Senator EDWARDS has been in constant conversation with him, as has Senator STEVENS. He understands what we are doing here, and we have made a commitment to him, which we certainly are going to honor, and to Senator EDWARDS, that we will pursue this aggressively with the other Chamber. This money is going to be available, hopefully in this CR; if not, the first available vehicle next year.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000—CONFERENCE REPORT

Mr. LOTT. Mr. President, I ask that the Chair lay before the Senate the conference report to accompany the DC appropriations bill, H.R. 3194, and the conference report be considered as having been read.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. I ask for the reading.

Mr. LOTT. Is there objection?

Mr. FEINGOLD. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. I ask that the Senate now proceed to the conference report, and before the clerk begins reading, I announce to my colleagues, Senator KOHL has indicated to me, following the conclusion of the reading, he will insist on the conduct of a rollcall vote on the motion to proceed to the conference report.

Therefore, a procedural rollcall vote will occur at approximately 9:30 this evening.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The clerk will read the conference report.

The legislative clerk read the conference report.

(The conference report is printed in the House proceedings of the RECORD of November 17, 1999.)

Mr. MACK. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. ENZI). Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. MACK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I believe the regular order is for the vote to begin.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. ASHCROFT), the Senator from Missouri (Mr. BOND), the Senator from Kentucky (Mr. BUNNING), the Senator from Tennessee (Mr. FRIST), the Senator from Washington (Mr. GORTON), the Senator from Texas (Mrs. HUTCHISON), the Senator from Arizona (Mr. MCCAIN), and the Senator from Oregon (Mr. SMITH) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New York (Mr. MOYNIHAN), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

The result was announced—yeas 80, nays 8, as follows:

[Rollcall Vote No. 369 Leg.]

YEAS—80

Abraham
Akaka
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Breaux
Brownback
Bryan
Burns
Campbell
Chafee, L.
Cleland
Cochran
Collins
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Durbin
Edwards
Enzi
Feinstein
Graham
Gramm

Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NAYS—8

Byrd
Conrad
Dorgan
Feingold
Fitzgerald
Grams
Kohl
Wellstone

NOT VOTING—12

Ashcroft
Bond
Boxer
Bunning
Frist
Gorton
Hutchison
Lautenberg
McCain
Moynihan
Schumer
Smith (OR)

The motion was agreed to.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the pending conference report.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany the District of Columbia appropriations bill:

Trent Lott, Ted Stevens, Larry E. Craig, Judd Gregg, Tim Hutchinson, Don Nickles, Mike Crapo, Connie Mack, Slade Gorton, Ben Nighthorse Campbell, Arlen Specter, Pat Roberts, Chuck Hagel, Richard Shelby, Thad Cochran, and John Warner.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I ask unanimous consent this cloture vote occur at 3 p.m. on Friday, November 19, and the mandatory quorum call be waived.

Mr. FEINGOLD. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Unfortunately, our colleague from Wisconsin has chosen to object to what I think is a reasonable request, which would give us an opportunity to have a full debate and then get to a final vote on this issue. It would be a few hours to do that. However, that is his right.

Therefore, Senators should expect this cloture vote to occur at 1:01 a.m. Saturday, November 20: 1:01 a.m., Saturday, November 20. I just want to make sure everybody understands. That is early morning.

At that time, when we invoke cloture, then we can, in a relatively short period of time, go to a final vote.

HOUSE CONCURRENT RESOLUTION 235—ADJOURNMENT OF THE TWO HOUSES OF CONGRESS

Mr. LOTT. I now ask the Senate turn to the adjournment resolution, H. Con. Res. 235, the resolution be agreed to, the motion to reconsider be laid upon the table, all without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 235), was agreed to, as follows:

H. CON. RES. 235

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Thursday, November 18, 1999, through Monday, November 22, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand adjourned until noon on Thursday, December 2, 1999 (unless it sooner has received a message from the Senate transmitting its concurrence in the conference report to accompany H.R. 3194, in which case the House shall stand adjourned sine die), or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution; and that when the Senate adjourns on any day from Thursday, November 18, 1999, through Thursday, December 2, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution.

SEC. 2. When the House convenes for the second session of the One Hundred Sixth Congress, it shall conduct no organizational or legislative business on that day and, when the House adjourns on that day, it shall stand adjourned until noon on January 27, 2000, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution.

SEC. 3. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SEC. 4. The Congress declares that clause 2(h) of rule II of the Rules of the House of Representatives and the order of the Senate of January 6, 1999, authorize for the duration of the One Hundred Sixth Congress the Clerk of the House of Representatives and the Secretary of the Senate, respectively, to receive messages from the President during periods when the House and Senate are not in session, and thereby preserve until adjournment sine die of the final regular session of the One Hundred Sixth Congress the constitutional prerogative of the House and Senate to reconsider vetoed measures in light of the objections of the President, since the availability of the Clerk and the Secretary during any earlier adjournment of either House during the current Congress does not prevent the return by the President of any bill presented to him for approval.

SEC. 5. The Clerk of the House of Representatives shall inform the President of the United States of the adoption of this concurrent resolution.

Passed the House of Representatives November 18, 1999.

FURTHER CONTINUING APPROPRIATIONS, 2000

Mr. LOTT. Mr. President, I now ask unanimous consent the Senate resume the consideration of H.J. Res. 82 and there be 5 minutes of debate on each of the two amendments in order to the resolution.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LOTT. Therefore, at least one further vote will occur yet tonight. In addition, the Senate will convene tomorrow at 10 a.m., and hopefully process some legislative items that have been cleared and that would be considered by the House.

The Senate could also consider the Work Incentives conference report. Therefore votes can be expected to occur during the session of the Senate on Friday. We will stay in close touch with both sides of the aisle to see when the best time might be for that. We will try to accommodate as many Senators as possible and stack them if we need to.

The PRESIDING OFFICER. The clerk will report the joint resolution.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 82) making further continuing appropriations for the fiscal year 2000 and for other purposes.

The Senate proceeded to consider the resolution.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senate will please come to order.

AMENDMENT NO. 2780

Mr. BYRD. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. MCCONNELL, Mr. ROCKEFELLER, Mr. BUNNING, Mr. REID, Mr. CRAIG, Mr. BRYAN, Mr. HATCH, Mr. BENNETT, Mr. MURKOWSKI, Mr. CRAPO, Mr. ENZI, Mr. BURNS, Mr. KYL, Mr. BREAUX, Mr. SHELBY, Mr. GRAMM, and Mr. GRAMS, proposes an amendment numbered 2780.

Mr. BYRD. I ask unanimous consent the reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . DISPOSAL OF EXCESS SPOIL AND COAL MINE WASTE.

(a) IN GENERAL.—Notwithstanding any other provision of law (including any regulation or court ruling), hereafter—

(1) in rendering permit decisions for discharges of excess spoil and coal mine waste into waters of the United States from surface coal mining and reclamation operations, the permitting authority shall apply section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) and the section 404(b)(1) guidelines pursuant to section 404(b)(1) of the

Federal Water Pollution Control Act (33 U.S.C. 1344(b)(1)) and implementing regulations set forth in part 230 of title 40, Code of Federal Regulations (as in effect on October 19, 1999);

(2) the permitted disposal of such spoil or waste meeting the requirements of the section 404(b)(1) guidelines referred to in paragraph (1) shall be deemed to satisfy the criteria for granting a variance under regulations set forth in sections 816.57 and 817.57 of title 30, Code of Federal Regulations, and applicable State regulations; and

(3) Federal and State water quality standards shall not apply to the portions of waters filled by discharges permitted pursuant to the procedures set forth in paragraphs (1) and (2); all applicable Federal and State water quality standards shall apply to all portions of waters other than those filled pursuant to the permitting procedures set forth in paragraphs (1) and (2).

(b) DURATION OF EFFECTIVENESS.—The permitting procedures specified in subsection (a) shall remain in effect until the later of—

(1) the date that is 2 years after the date of enactment of this Act; or

(2) the effective date of regulations promulgated to implement recommendations made as a result of the environmental impact statement relating to the permitting process, the preparation of which was announced at 64 Fed. Reg. 5800 (February 5, 1999).

(c) EFFECT OF SECTION.—Nothing in this section modifies, supersedes, undermines, displaces, or amends any requirement of, or regulation issued under, the Federal Water Pollution Control Act (commonly known as the "Clean Water Act") (33 U.S.C. 1251 et seq.) or the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.), as applied by the responsible Federal agencies on October 19, 1999.

(d) PERIOD OF EFFECTIVENESS.—Notwithstanding any other provision of law repealing or terminating the effectiveness of this Act, this section shall remain in effect until the date of termination of the effectiveness of the permitting procedures in accordance with subsection (b).

SEC. . HARDROCK MINING.

(a) IN GENERAL.—For the purposes of section 1000(a)(3) of division B of the Act enacting H.R. 3194 of the 106th Congress, in lieu of section 357 of title III of H.R. 3423 of the 106th Congress, as introduced on November 17, 1999, regarding the issuance of regulations on hardrock mining, the following shall apply:

(1) HARDROCK MINING.—None of the funds made available under this Act or any other Act shall be used by the Secretary of the Interior to promulgate final regulations to revise subpart 3809 of 43, Code of Federal Regulations, except that the Secretary, after the end of the public comment period required by section 3002 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31; 113 Stat. 89), may issue final regulations to amend that subpart if the regulations are consistent with—

(A) the regulatory gap findings identified in the report of the National Research Council entitled "Hardrock Mining on Federal Lands"; and

(B) statutory authorities in effect as of the date of enactment of this Act.

(2) LIMITATION.—Nothing in this section expands the statutory authority of the Secretary of the Interior in effect as of the date of enactment of this Act.

(b) PERIOD OF EFFECTIVENESS.—This section—

(1) takes effect 1 day after the date of enactment of the Act enacting H.R. 3194 referred to in subsection (a); and

(2) notwithstanding any other provision of law repealing or terminating the effectiveness of this Act, shall remain in effect unless repealed by Act of Congress that makes specific reference to this section.

SEC. . MILLSITES.

(a) IN GENERAL.—For the purposes of section 1000(a)(3) of division B of the Act enacting H.R. 3194 of the 106th Congress, in lieu of section 337 of title III of H.R. 3423 of the 106th Congress, as introduced on November 17, 1999, regarding the millsites opinion, the following shall apply:

(1) MILLSITES OPINION.—No funds shall be expended by the Secretary of the Interior or the Secretary of Agriculture, for fiscal years 2000 and 2001, to limit the number or acreage of millsites based on the ratio between the number or acreage of millsites and the number or acreage of associated lode or placer claims with respect to—

(A) any patent application excluded from the operation of section 112 of the Department of the Interior and Related Agencies Appropriations Act, 1995, by section 113 of that Act (108 Stat. 2519);

(B) any operation or property for which a plan of operations has been approved before the date of enactment of this Act; or

(C) any operation or property for which a plan of operations, or amendment or modification to an existing plan, was submitted to the Bureau of Land Management or the Forest Service before May 21, 1999.

(2) NO RATIFICATION.—Nothing in this Act or the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31) shall be construed as an explicit or tacit adoption, ratification, endorsement, approval, rejection, or disapproval of the opinion dated November 7, 1997, by the Solicitor of the Department of the Interior concerning millsites.

(b) PERIOD OF EFFECTIVENESS.—This section—

(1) takes effect 1 day after the date of enactment of the Act enacting H.R. 3194 referred to in subsection (a); and

(2) notwithstanding any other provision of law repealing or terminating the effectiveness of this Act, shall remain in effect unless repealed by Act of Congress that makes specific reference to this section.

The PRESIDING OFFICER. Under the previous agreement, there is 5 minutes equally divided for debate at this time.

Mr. WELLSTONE. Mr. President, can we have order in the Chamber, please?

The PRESIDING OFFICER. The Senator is correct. Will the Senate please come to order?

The Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Mr. President, I had earlier planned to speak at least 2 weeks on this amendment. We are getting a bargain. I am only going to speak 3 minutes, not 2 weeks. Let me just say this: I made my speech earlier today. I will not make it again now. I urge my friends to vote for this amendment. When God drove Adam and Eve from the Garden of Eden, he pronounced an edict: "In the sweat of thy brow shalt thou eat bread."

The coal miners of West Virginia and Kentucky and other States of this country earn their bread in the sweat of their brow. But not only the coal miners have been affected by this court's jurisdiction, by its ruling; the truckers, the railway workers, the men and women who operate the barges that go up and down the rivers, the suppliers—these people, their families are affected by this judge's order.

This amendment does not seek to undercut, undermine, alter, modify, amend, or repeal the Clean Water Act or the Surface Mining Control and Reclamation Act. I say that on my honor. The other cosponsors and I do not seek to do that. We only seek to put the situation back to where it was prior to the U.S. District judge's order, the status quo ante, which at that time made West Virginia the most strictly controlled State in the Union environmentally as far as mountaintop mining was concerned, mountaintop mining—the strictest in the Union.

We want to go back to that, and the regulations that controlled then were agreed upon and devised by the administration's own regulatory agencies—the Army Corps of Engineers, the EPA, the Interior Department through its Office of Surface Mining.

This amendment states, so there can be no doubt about it:

> Nothing in this section modifies, supersedes, undermines, displaces, or amends any requirement of, or regulation issued under, the Federal Water Pollution Control Act (commonly known as the "Clean Water Act") . . . or the Surface Mining Control and Reclamation Act of 1977 . . . as applied by the responsible Federal agencies—

Which are the agencies of this administration—

> on October 19, 1999.

So there it is. The amendment has been misrepresented. There has been much misinformation about this amendment.

Mr. President, I close by thanking those who have cosponsored this amendment with me. Their names are on the amendment.

How much time have I used?

The PRESIDING OFFICER. The 2½ minutes.

Mr. BYRD. I yield myself another minute and a half.

The PRESIDING OFFICER. The time was 5 minutes equally divided, which is 2½ minutes.

Mr. BYRD. I ask unanimous consent that I may speak another minute and a half.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair.

The amendment is proposed by Mr. BYRD, for himself, Mr. MCCONNELL, Mr. ROCKEFELLER, Mr. BUNNING, Mr. REID, Mr. CRAIG, Mr. BRYAN, Mr. HATCH, Mr. BENNETT, Mr. MURKOWSKI, Mr. CRAPO, Mr. ENZI, Mr. BURNS, and Mr. KYL—I thank all those Senators who supported this amendment and others who will vote for it. Particularly I want to recognize the efforts of my chief cosponsor, the distinguished senior Senator from Kentucky, whose early and strong support was given to this amendment, for which I am extremely grateful. I thank both leaders for making this vote possible. I could speak longer, but I have said enough already.

I urge all Senators to vote for this amendment.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I thank my colleague from West Virginia. I appreciate his leadership not only on behalf of the coal miners of Kentucky but miners all across America.

The President of the United States came to Hazard, KY, this summer. He bit his lip; he felt our pain. He said he wanted to help us. We said: We need jobs. And when the opportunity came to support the Byrd amendment which would at least keep the jobs we have now, the President would not support him.

This administration is trying to destroy the mining industry in America, make no mistake about it. That is what this amendment is about.

I thank the Senator from West Virginia for his leadership, and we hope very much our colleagues will be able to support us.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I hope other Senators will want to speak in opposition. I think there should be opposition to this amendment. I have tremendous respect for my colleagues who have offered this amendment. I will say a couple things especially in response to the Senator from Kentucky.

I am a Senator who cares a great deal about workers and about mine workers. I am a Senator who appreciates the sentiment behind this amendment. But the question is, What happens when the strip mining takes place, and what are the consequences for the people who live in these communities?

I can speak certainly from what I have seen in eastern Kentucky, and it is pretty awful when that leftover rock and earth gets dumped into the streams. Many of the people have the wealth taken away from them, but they still have the land, they still have the streams, they still have the water, and now we see that kind of devastation.

My concern is this amendment will create a loophole to the Clean Water Act. I know my colleague from West Virginia believes otherwise, but it is a very real concern. I point out to colleagues that it is my understanding the Federal district judge put a stay on his own decision while it was being appealed to the court of appeals. So it is not operative right now.

I do not know why we are taking this action tonight. It is a big mistake from an environmental point of view, and I do not accept, I say to my colleague from Kentucky, the tradeoff that he presents as to workers versus some protection for the environment and some concern about the strip mining.

I did not want to be the person to speak in opposition, but I do believe there is another perspective. I will vote no.

I yield the floor.

Mr. BYRD. Mr. President, I ask unanimous consent to speak for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I know what is in this amendment. I prepared this amendment. I have been explaining it now for weeks. And, upon my honor, there is nothing in it that undermines or undercuts the Clean Water Act or the Surface Mining Control and Reclamation Act, both of which I supported, one of which I called up as majority leader in this Senate in 1977.

I know what I am talking about. I have lived under a coal miner's roof, ate from a coal miner's table, slept in a coal miner's bed. I have known the joys and the sorrows of coal miners. I married a coal miner's daughter. I know what I am talking about. I haven't just made a trip into West Virginia and come back to Washington to issue a news report on the State and its people. I have lived there for many years.

I will be 82 years old the day after tomorrow. I know what those miners need. I am not misleading anybody. Let me say this to the Senator: That stay he refers to that the judge put on has no legal basis. The judge stated that it has no legal basis. He put it on, and he can lift it the day this Congress winds up its work.

I hope Senators will vote for this amendment. There were 125,000 coal miners when I went to the House of Representatives; 125,000 in West Virginia. Today there are 20,000 or less. My dad was a coal miner. My wife's sister's husband died with black lung. My wife's sister's husband's father died under a slate fall. I know the joys and the sorrows of the mining people. I have helped to carry those miners, the heavy coffins, on the steep hillsides of West Virginia. I have not just gone into those hills poking around, and then coming back, and issuing news reports about their poverty. I know what they need, because I am one of them.

Those 20,000 coal miners earn their bread in the sweat of their brow. Let's give them a vote. If the Senator from Minnesota had people who were faced with the loss of their jobs, this Senator would vote with the Senator from Minnesota and not say a word about it. I resent anything such as has been said by the Senator about my State and its people.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I have 1 minute to respond.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I appreciate the words of my colleague. It is an honest difference of interpretation of the amendment.

The only thing I want to respond to, I do not want to be personal, but I would like to say to my colleague, I do not pretend to know West Virginia like you know West Virginia and Senator ROCKEFELLER does; that is not the position I am taking, but as to the bopping in and bopping out, I will say that I want my colleague to know I have spent quite a bit of time in eastern Kentucky. That is where my wife's family is from. Her grandparents were all coal miners. I have spent time in east Tennessee as well. I spent a lot of time with people. I have seen what the strip mining has done to those communities. I am just expressing my honest viewpoint. That is all I am trying to do, I say to the Senator.

I yield the floor.

Mr. ROBB. Mr. President, I join many others in this body in expressing my support for miners and for mining communities. In Virginia's Southwest region, mining creates the jobs that provide enough income to lift the next generation, that put the sons and daughters of miners through college, and that gives the region options other than coal.

Virginia miners have expressed deep concerns that the broad application of Judge Haden's ruling would result in the devastation of the mining industry in the Southern Appalachian coal fields. The Judge's decision is not limited to the mountain top mining that was the subject of the original suit. It would apply to the use of valley fills from other forms of mining, including underground mining. The practical effect of this ruling is a virtual moratorium on mining in mountainous regions. We need to protect the environment and we also need to protect the livilihood of those hardworking families. I had hoped we could reach a compromise on this issue that would effectively allow us to do both.

I have reviewed the Memorandum of Understanding between the federal and state agencies that could be used to mitigate the consequences of valley fills if they were allowed to continue. It was signed by the EPA, Department of the Interior, Army Corps of Engineers, and the State of West Virginia. All the signatories are sworn to protect the nation's water. I am convinced that if the MOU stood, the agencies involved would work diligently to mitigate any negative consequences from mining in the West Virginia coal fields. Nevertheless, it is imperative that we continue to be vigilant on the effects of mining on the environment, and work to minimize its effects.

I have also reviewed Judge Haden's ruling and see in that ruling the underlying conflict between what the regulations intend to do, and the actual costs of applying those regulations. It demonstrates once again how essential acting on regulatory reform is going to be in this Congress. It is imperative that we set in place a method of analyzing the true cost of the regulations, before they are put into place. I am certain the agencies involved want to do the right thing, by both miners and the environment. The rules as I read them make that virtually impossible. I am hopeful that this conflict can be resolved as quickly as possible. In the meantime, I intend to support the miners of Southwest Virginia.

I must however, voice my strong opposition to the language on hard rock mining that has been added at the last minute to this amendment. My vote on this amendment stems only from my concern for the immediate effect Judge Haden's ruling would have on the economy of Southwest Virginia. I have opposed and will continue to oppose efforts to delay the review and revision of the nation's hard rock mining standards. My vote in no way supports the inclusion of hard rock provisions in this package.

I ask unanimous consent that this statement be placed in the RECORD before the vote on Amendment No. 2780.

Mr. BUNNING. Mr. President, I urge my colleagues to support the Byrd amendment.

We are scrambling around right here in the U.S. Senate to pass a stopgap spending bill to keep from shutting down a major portion of the Federal Government.

So, it is very fitting that we add an amendment to that stopgap spending bill that would help us keep a Federal judge from shutting down the coal mining industry in West Virginia and possibly other States like Kentucky as well.

This is a matter of survival for many of our coal mines. It is essential that we act now to prevent unnecessary damage to the industry—to prevent unnecessary unemployment—and to prevent unnecessary economic devastation in areas which have already been bypassed by the economic boom times that have blessed much of the Nation.

A Federal district court judge in West Virginia ruled on October 21 that a well-balanced working agreement between the U.S. Environmental Protection Agency, the U.S. Department of the Interior, the U.S. Army Corps of Engineers and the West Virginia Division of Environmental Protection violated the Clean Water Act.

That arbitrary ruling which basically overrules three Federal agencies' interpretation of the law is going to jeopardize the coal industry immediately in West Virginia and potentially in other States like my own State of Kentucky as well.

We need to pass the Byrd Amendment to stay this ruling until we have had time to get the results of a pending environmental impact statement.

It is a matter of simple fairness. The jobs and lives of many of our constituents are at stake.

I urge my colleagues to support the Byrd amendment.

Mr. LEVIN. Mr. President, I voted in support of the Byrd amendment to provide for a 2-year moratorium during which mountain top mining activities may continue under a memorandum of agreement with the Environmental Protection Agency, the Department of Interior and the Army Corps of Engineers. The EPA which is in charge of implementation of the Clean Water Act was a party to the agreement which would continue to force during the 2-year moratorium. An environmental impact study will go forward during the moratorium and regulations pursuant to the environmental impact statement can be promulgated. My vote on this amendment does not commit me to support the continuation of any such moratorium beyond this 2-year period during which the courts and the regulatory agencies will more fully evaluate the impacts on both the environment and the affected coal miners and their communities. The fact that the court has stayed the effect of its own opinion is further evidence that this legislative moratorium is both warranted and will do no damage to the underlying act.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, has all time expired?

The PRESIDING OFFICER. All time has expired.

Mr. LOTT. Mr. President, I ask unanimous consent that I be allowed to offer an amendment at this time on behalf of Senators HELMS and EDWARDS of North Carolina with regard to funds for their disaster. And I ask unanimous consent that that vote occur in a stacked sequence, after it is debated, after the vote on the amendment by Senator BYRD and Senator MCCONNELL, and that the first vote be just 10 minutes, and then the second vote would be 10 minutes also.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2781

Mr. LOTT. Mr. President, I send to the desk then the amendment on behalf of Senators HELMS and EDWARDS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. HELMS and Mr. EDWARDS, proposes an amendment numbered 2781.

The amendment is as follows:

At the appropriate place insert:

COMMODITY CREDIT CORPORATION PRODUCER-OWNED MARKETING ASSOCIATIONS FORGIVENESS

SEC. 1. The Secretary of Agriculture shall reduce the amount of any principal due on a loan made to marketing association incorporated in the State of North Carolina for the 1999 crop of an agricultural commodity by at least 75 percent if the marketing association suffered losses of the agricultural commodity in a county with respect to which—(1) a natural disaster was declared by the Secretary for losses due to Hurricane Dennis, Floyd, or Irene; or (2) a major disaster or emergency was declared by the President for losses due to Hurricane Dennis, Floyd, or Irene under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

If the Secretary assigns a grade quality for the 1999 crop of an agricultural commodity marketed by an association described in subsection (a) that is below the base quality of the agricultural commodity, the Secretary shall compensate the association for losses incurred by the association as a result of the reduction in grade quality.

Up to $81,000,000 of the resources of the Commodity Credit Corporation may be used for the cost of this provision: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) and Section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 2. In administering $50,000,000 in emergency supplemental funding for the Emergency Conservation Program, the Secretary shall give priority to the repair of structures essential to the operation of the farm.

Mr. LOTT. Mr. President, I am honored they would allow me to do this on their behalf because I believe they were not treated properly in the wee hours of the morning with regard to an amount of money for disaster assistance for North Carolina. We are determined to assist them in getting that. We hope this will be accepted by the House in this form. But if not in this form, we will be back to carry out our commitment to the people in North Carolina and as a symbol to people all across America that, when it comes to disasters, there are no party lines and there is no division between the Capitol; we will do what is necessary to help people when they are desperate and need help.

So I urge my colleagues to vote for this amendment.

Mr. BYRD. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LOTT. Mr. President, I ask for the yeas and nays on the second amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 2780

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2780. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. ASHCROFT), the Senator from Missouri (Mr. BOND), the Senator from Kentucky (Mr. BUNNING), the Senator from Tennessee (Mr. FRIST), the Senator from Washington (Mr. GORTON), the Senator from Texas (Mrs. HUTCHISON), the Senator from Arizona (Mr. MCCAIN), and the Senator from Oregon (Mr. SMITH), are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from New York (Mr. MOYNIHAN), are necessarily absent.

The result was announced—yeas 56, nays 33, as follows:

[Rollcall Vote No. 370 Leg.]

YEAS—56

Abraham
Allard
Bayh
Bennett
Breaux
Bryan
Burns
Byrd
Campbell
Cleland
Cochran
Conrad
Coverdell
Craig
Crapo
DeWine
Dodd
Domenici
Dorgan
Edwards
Enzi
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Inhofe
Inouye
Kohl
Kyl
Levin
Lott
Mack
McConnell
Mikulski
Murkowski
Nickles
Reid
Robb
Roberts
Rockefeller
Santorum
Sessions
Shelby
Smith (NH)
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—33

Akaka
Baucus
Biden
Bingaman
Brownback
Chafee, L.
Collins
Daschle
Durbin
Feingold
Feinstein
Fitzgerald
Graham
Harkin
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Landrieu
Leahy
Lieberman
Lincoln
Lugar
Murray
Reed
Roth
Sarbanes
Schumer
Snowe
Torricelli
Wellstone
Wyden

NOT VOTING—11

Ashcroft
Bond
Boxer
Bunning
Frist
Gorton
Hutchison
Lautenberg
McCain
Moynihan
Smith (OR)

The amendment (No. 2780) was agreed to.

Mr. COVERDELL. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2781. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri: (Mr. ASHCROFT), the Senator from Missouri (Mr. BOND), the Senator from Kentucky (Mr. BUNNING), the Senator from Tennessee (Mr. FRIST), the Senator from Washington (Mr. GORTON), the Senator from Texas (Mrs. HUTCHISON), the Senator from Arizona (Mr. MCCAIN), and the Senator from Oregon (Mr. SMITH) are necessarily absent.

I further announce that, if present and voting, the Senator from Kentucky (Mr. BUNNING) would vote "yea."

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 1, as follows:

[Rollcall Vote No. 371 Leg.]

YEAS—88

Abraham
Akaka
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Breaux
Brownback
Bryan
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—1

Voinovich

NOT VOTING—11

Ashcroft
Bond
Boxer
Bunning
Frist
Gorton
Hutchison
Lautenberg
McCain
Moynihan
Smith (OR)

The amendment (No. 2781) was agreed to.

Mr. MURKOWSKI. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the joint resolution having been read the third time and passed, the motion to reconsider is laid upon the table.

The joint resolution (H.J. Res. 82), as amended, was passed.

REPORT OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FOR FISCAL YEAR 1998—MESSAGE FROM THE PRESIDENT—PM 77

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

I am pleased to transmit this report on the Nation's achievements in aeronautics and space during Fiscal Year (FY) 1998, as required under section 206 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2476). Aeronautics and space activities involved 14 contributing departments and agencies of the Federal Government, and the results of their ongoing research and development affect the Nation in many ways.

A wide variety of aeronautics and space developments took place during FY 1998. The National Aeronautics and Space Administration (NASA) successfully completed five Space Shuttle flights. There were 29 successful Expendable Launch Vehicle (ELV) launches in FY 1998. Of those, 3 were NASA-managed missions, 2 were NASA-funded/Federal Aviation Administration (FAA)-licensed missions, 8 were Department of Defense (DOD)-managed missions, and 16 were FAA-licensed commercial launches. Scientists also made some dramatic new discoveries in various space-related fields such as space science, Earth science, and remote sensing, and life and microgravity science. In aeronautics, activities included work on high-speed research, advance subsonic technology, and technologies designed to improve the safety and efficiency of our commercial airlines and air traffic control system.

Close international cooperation with Russia occurred on the Shuttle-*Mir* docking missions and on the ISS program. The United States also entered into new forms of cooperation with its partners in Europe, South America, and Asia.

Thus, FY 1998 was a very successful one for U.S. aeronautics and space programs. Efforts in these areas have contributed significantly to the Nation's scientific and technical knowledge, international cooperation, a healthier environment, and a more competitive economy.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *November 18, 1999.*

MESSAGE FROM THE HOUSE

At 2:47 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 82. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

At 3:40 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1167. An act to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes, and for other purposes.

H.R. 1953. An act to authorize leases for terms not to exceed 99 years on land held in trust for the Torres Martinez Desert Cahuilla Indians and the Guidiville Band of Pomo Indians of the Guidiville Indian Rancheria.

H.R. 3051. An act to direct the Secretary of the Interior, the Bureau of Reclamation, to conduct a feasibility study on the Jicarilla Apache Reservation in the State of New Mexico, and for other purposes.

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 1418. An act to provide for the holding of court at Natchez, Mississippi, in the same manner as court is held at Vicksburg, Mississippi, and for other purposes.

At 6:48 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 3194, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes.

The message also announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 83. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 234. Concurrent resolution tabling the bill (H.R. 2466) entitled “An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.”

ENROLLED BILLS SIGNED

At 7:40 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 278. An act to direct the Secretary of the Interior to convey certain lands to the county of Rio Arriba, New Mexico.

S. 382. An act to establish the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes.

S. 1235. An act to amend part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to allow railroad police officers to attend the Federal Bureau of Investigation National Academy for law enforcement training.

S. 1398. An act to clarify certain boundaries on maps relating to the Coastal Barrier Resources System.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1180) to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide individuals with meaningful opportunities to work, and for other purposes.

At 9:23 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 85. Joint resolution appointing the day for the convening of the second session of the One Hundred Sixth Congress.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 235. Concurrent resolution providing for an additional sine die adjournment of the first session of the One Hundred Sixth Congress.

H. Con. Res. 236. Concurrent resolution correcting the enrollment H.R. 1180.

The message further announced that the House has passed the following bills, without amendment:

S. 28. An act to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park, and for other purposes.

S. 67. An act to designate the headquarters building of the Department of Housing and Urban Development in Washington, District of Columbia, as the “Robert C. Weaver Federal Building.”

S. 438. An act to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation, and for other purposes.

S. 548. An act to establish the Fallen Timbers Battlefield and Fort Miamis National Historical Site in the State of Ohio.

S. 580. An act to amend title IX of the Public Health Service Act to revise and extend the Agency for Healthcare Policy and Research.

S. 574. An act to direct the Secretary of the Interior to make corrections to a map relating to the Coastal Barrier Resources System.

S. 580. An act to amend title IX of the Public Health Service Act to revise and extend the Agency for Healthcare Policy and Research.

S. 791. An act to amend the Small Business Act with respect to the women's business center program.

S. 1595. An act to designate the United States courthouse at 401 West Washington Street in Phoenix, Arizona, as the “Sandra Day O'Connor United States Courthouse.”

S. 1866. an act to redesignate the Coastal Barrier Resources System as the “John H. Chafee Coastal Barrier Resources System.”

The message also announced that the House agrees to the resolution (H. Res. 393) returning to the Senate the bill (S. 4) entitled the “Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999”, in the opinion of the House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

The message further announced that the House agrees to the resolution (H. Res. 394) returning to the Senate the bill (S. 1232) entitled the “Federal Erroneous Retirement Coverage Corrections Act”, in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-6227. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Papayas Grown in Hawaii: Increase in Assessment Rate” (FV-99-928-1 FR), received November 9, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6228. A communication from the Acting Administrator, Farm Service Agency, Farm and Foreign Agricultural Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Providing Notice to Delinquent Farm Loan Program Borrowers of the Potential for Cross-Servicing” (RIN0560-AF89), received November 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6229. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Mediterranean Fruit Fly; Removal of Quarantined Area” (Docket # 98-083-7), received November 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6230. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “User Fees; Agricultural Quarantine and Inspection Service” (Docket # 98-073-2), received November 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6231. A communication from the Under Secretary, Food, Nutrition and Consumer Services, transmitting, pursuant to law, the report of a rule entitled “National School

Lunch Program, School Breakfast Program, Child and Adult Care Food Program: Amendments to the Infant Meal Program" (RIN0584–AB81), received November 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6232. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Paraquat; Pesticide Tolerances for Emergency Exemptions" (FRL #6392-9), received November 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6233. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, three reports relative to EPA regulatory programs; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6234. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–6235. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report relative to use of the U.S. Emergency Refugee and Migration Assistance Fund for the Timor crisis and the North Caucasus crisis; to the Committee on Foreign Relations.

EC–6236. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report relative to the long-term strategy to carry out the counternarcotics responsibilities of the Department of State; to the Committee on Foreign Relations.

EC–6237. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Annuity Contracts" (Revenue Procedure 99–44), received November 16, 1999; to the Committee on Finance.

EC–6238. A communication from the Acting Trade Representative, Executive Office of the President, transmitting, a draft of proposed legislation entitled "Southeast Europe Trade Preference Act"; to the Committee on Finance.

EC–6239. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations; 64 FR 60706; 11/08/99", received November 16, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6240. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations; 64 FR 60709; 11/08/99", received November 16, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6241. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations; 64 FR 60711; 11/08/99", received November 16, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6242. A communication from the Federal Register Liaison Officer, Regulations and Legislation Division, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Safety and Soundness Standards" (RIN1550–AB27), received November 16, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6243. A communication from the Federal Register Liaison Officer, Regulations and Legislation Division, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Interagency Guidelines Establishing Year 2000 Standards for Safety and Soundness" (RIN1550–AB27), received November 16, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6244. A communication from the Managing Director, Office of the General Counsel, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Allocation of Joint and Several Liability on Consolidated Obligations Among the Federal Home Loan Banks" (RIN3069–AA78), received November 17, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–6245. A communication from the Assistant Attorney General, transmitting, a draft of proposed legislation entitled "Money Laundering Act of 1999"; to the Committee on Banking, Housing, and Urban Affairs.

EC–6246. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Cooperative Threat Reduction program; to the Committee on Armed Services.

EC–6247. A communication from the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, a report relative to DoD purchases from foreign entities; to the Committee on Armed Services.

EC–6248. A communication from the Acting Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Subcontracting Goals for Purchases Benefitting People who are Blind or Severely Disabled" (DFARS Case 99–D304), received November 16, 1999; to the Committee on Armed Services.

EC–6249. A communication from the Acting Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Debarment Investigation and Reports" (DFARS Case 99–D013), received November 16, 1999; to the Committee on Armed Services.

EC–6250. A communication from the Acting Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Comprehensive Small Business Subcontracting Plans" (DFARS Case 99–D306), received November 16, 1999; to the Committee on Armed Services.

EC–6251. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Municipal Waste Combustor State Plan for Designated Facilities and Pollutants: Indiana" (FRL #6476–2), received November 27, 1999; to the Committee on Environment and Public Works.

EC–6252. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, two reports relative to EPA regulatory programs; to the Committee on Environment and Public Works.

EC–6253. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Plant 'Lesquerella thamnophila' (Zapapa bladderpod)" (RIN1018–AE54), received November 17, 1999; to the Committee on Environment and Public Works.

EC–6254. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports for September 1999; to the Committee on Governmental Affairs.

EC–6255. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation dated November 10, 1999; to the Committee on the Budget.

EC–6256. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to an addition to and a deletion from the Procurement List, received September 13, 1999; to the Committee on Governmental Affairs.

EC–6257. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Definition of Napa County, California, to a Nonappropriated Fund Wage Area" (RIN3206–AI86), received November 16, 1999; to the Committee on Governmental Affairs.

EC–6258. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–6259. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–6260. A communication from the Executive Director, Securities and Exchange Commission, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–6261. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC–6262. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits", received November 16, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–6263. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Ohio Regulatory Program", received November 17, 1999; to the Committee on Energy and Natural Resources.

EC–6264. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Indiana Regulatory Program" (SPATS No. IN–143–FOR), received November 17, 1999; to the Committee on Energy and Natural Resources.

EC–6265. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Indiana Regulatory Program" (SPATS No. IN–044–FOR), received November 17, 1999; to the Committee on Energy and Natural Resources.

EC–6266. A communication from the Chairman, Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Landowner Notification, Expanded Categorical Exclusions, and Other Environmental Filing Requirements" (Docket No. RM98–17–000), received November 17, 1999; to the Committee on Energy and Natural Resources.

EC–6267. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Revisions to the NASA FAR Supplement on Property Reporting Requirements", received November 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6268. A communication from the Chief, Policy and Programming Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Local Competition Provision of the Telecommunications Act of 1996" (FCC 99–238) (CC Doc. 96–98), received November 17, 1999; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with amendments and an amendment to the title:

S. 1561. A bill to amend the Controlled Substances Act to add gamma hydroxybutyric acid and ketamine to the schedules of control substances, to provide for a national awareness campaign, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DASCHLE (for himself, Mr. Harkin, Mr. Inouye, Mr. Reid, and Mr. Johnson):

S. 1955. A bill to allow patients access to drugs and medical devices recommended and provided by health care practitioners that are not approved by the Food and Drug Administration, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE:

S. 1956. A bill to amend title 38, United States Code, to enhance the assurance of efficiency, quality, and patient satisfaction in the furnishing of health care to veterans by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans Affairs.

By Mr. SCHUMER (for himself, Mr. Robb, and Ms. Mikulski):

S. 1957. A bill to provide for the payment of compensation to the families of the Federal employees who were killed in the crash of a United States Air Force CT-43A aircraft on April 3, 1996, near Dubrovnik, Croatia, carrying Secretary of Commerce Ronald H. Brown and 34 others; to the Committee on Armed Services.

By Mr. KOHL:

S. 1958. A bill to amend the Child Nutrition Act of 1966 to authorize the Secretary of Agriculture to make grants for startup costs of school breakfast programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HARKIN:

S. 1959. A bill to provide for the fiscal responsibility of the Federal Government; to the Committee on Finance.

By Mr. KOHL (for himself and Mr. Feingold):

S. 1960. A bill to provide for the appointment of 1 additional Federal district judge for the eastern district of Wisconsin, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON (for himself, Mr. Kerrey, and Mr. Wellstone):

S. 1961. A bill to amend the Food Security Act of 1985 to expand the number of acres authorized for inclusion in the conservation reserve; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ASHCROFT:

S. 1962. A bill to amend the Congressional Budget Act of 1974 to protect Social Security and Medicare surpluses through strengthened budgetary enforcement mechanisms; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. McCAIN:

S. 1963. A bill to authorize a study of alternatives to the current management of certain Federal lands in Arizona; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself and Mrs. Boxer):

S. 1964. A bill to designate the United States Post Office located at 14071 Peyton Drive in Chino Hills, California, as the Joseph Ileto Post Office; to the Committee on Governmental Affairs.

By Mr. DOMENICI (for himself and Mr. Bingaman):

S. 1965. A bill to direct the Secretary of the Interior, the Bureau of Reclamation, to conduct a feasibility study on the Jicarilla Apache Reservation in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HAGEL (for himself and Mr. Roberts):

S. 1966. A bill to provide for the immediate review by the Immigration and Naturalization Service of new employees hired by employers subject to Operation Vanguard or similar programs, and for other purposes; to the Committee on the Judiciary.

By Mr. COCHRAN (for himself and Mr. Lott):

S. 1967. A bill to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes; to the Committee on Indian Affairs.

By Mr. DORGAN:

S. 1968. A bill to amend the Federal securities laws to enhance oversight over certain derivatives dealers and hedge funds, reduce the potential for such entities to increase systemic risk in the financial markets, enhance investor protections, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRAIG (for himself, Mr. Murkowski, and Mr. Thomas):

S. 1969. A bill to provide for improved management of, and increases accountability for, outfitted activities by which the public gains access to and occupancy and use of Federal land, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER:

S. 1970. A bill to amend chapter 171 of title 28, United States Code, with respect to the liability of the United States for claims of military personnel for damages for certain injuries; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAUCUS (for himself and Mr. Burns):

S. Res. 233. A resolution expressing the sense of the Senate regarding the urgent need for the department of Agriculture to resolve certain Montana civil rights discrimination cases; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEAHY (for himself, Mr. Kennedy, Mrs. Feinstein, Mr. Jeffords, Mr. Torricelli, Mrs. Murray, Mr. Durbin, Mr. Wellstone, Mr. Feingold, Mr. Harkin, Mr. Kerry, Ms. Mikulski, and Mrs. Boxer):

S. Con. Res. 76. A concurrent resolution expressing the sense of Congress regarding a peaceful resolution of the conflict in the state of Chiapas, Mexico and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself, Mr. Harkin, Mr. Inouye, Mr. Reid, and Mr. Johnson):

S. 1955. A bill to allow patients access to drugs and medical devices recommended and provided by health care practitioners that are not approved by the Food and Drug Administration, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

ACCESS TO MEDICAL TREATMENT ACT

Mr. DASCHLE. Mr. President, today I am introducing the Access to Medical Treatment Act. I am pleased to be joined by Senators Harkin, Reid, Inouye and Johnson in this effort to increase individuals' freedom of choice in health care.

At the outset, I want to extend my thanks to my friend Berkley Bedell, who formerly represented the 6th District of Iowa, for first bringing this issue to my attention and for his assistance in developing this bill. Berkley Bedell has experienced first-hand the life-saving potential of alternative treatments. His story underscores the need for the legislation I am introducing today and the importance of a national debate on ways to promote consumer choice and expand access to promising new medical treatments.

American consumers have already voted for expanded access to alternative treatments with their feet and their pocket-books. The Journal of the American Medical Association recently published a study by David Eisenberg and others that found that Americans spent nearly $27 billion on alternative therapies in 1997. Americans made more visits to alternative practitioners—a total of 629 million—than to primary care doctors. Expenditures for alternative medicine professional services increased 45.2 percent between 1990 and 1997 to $21.2 billion. Some type of alternative therapy is used by 46.3 percent of the American population.

Alternative therapies are also being incorporated into mainstream medical programs and practice. The curriculum of at least 22 of the nation's 125 medical schools include courses on alternative medicine. The National Institutes of Health now has a Center for Complementary and Alternative Medicine where work is underway to expand our knowledge of alternative therapies and their safe and effective use.

Despite the growing reliance on many types of alternative medicine, other alternative therapies remain unavailable because they do not fit the categories already carved out by Congress for exemption from the requirement to gain FDA approval. My bill would increase access to treatments that would normally be regulated by the FDA, but have not yet undergone the expensive and lengthy process currently required to gain FDA approval.

Given the popularity of alternative medicine among the American public and its growing acceptance among traditional medical practitioners, it would seem logical to remove some of the access barriers that consumers face when seeking certain alternative therapies. The time and expense currently required to gain FDA approval both discourages the exploration of innovative, life-saving treatments by individual practitioners, scientists and smaller companies and limits patient access to low-cost treatments.

Mr. President, the Access to Medical Treatment Act proposes one way to expand freedom of choice for medical consumers under carefully controlled situations. It asserts that individuals—especially those who face life-threatening afflictions for which conventional treatments have proven ineffective—should have the option of trying an alternative treatment, so long as they have been fully informed of the nature of the treatment, potential side effects, and given any other information necessary to meet carefully-crafted informed consent requirements. This is a choice that is rightly made by the consumer, and not dictated by the Federal government.

All treatments sanctioned by this Act must be prescribed by an authorized health care practitioner who has personally examined the patient. The practitioner must fully disclose all available information about the safety and effectiveness of any medical treatment, including questions that remain unanswered because the necessary research has not been conducted. Patients must be informed of any possible side effects or interactions with other drugs.

The bill carefully restricts the ability of practitioners to advertise or market unapproved drugs or devices or to profit financially from prescribing alternative medicine. This provision was included to ensure that practitioners keep the best interests of patients in mind and to retain incentives for seeking FDA approval. If an individual or a company wants to earn a profit from a product, they would be wise to go through the standard FDA approval process.

The bill protects patients by requiring practitioners to report any adverse reaction that could potentially have been caused by an unapproved drug or medical device. If an adverse reaction is reported, manufacture and distribution of the drug must cease pending a thorough investigation. If it is determined that the adverse reaction was caused by the drug or medical device, as a part of a total recall, the Secretary of the Department of Health and Human Services, along with the manufacturer, has the duty to inform all health care practitioners to whom the drug or device has been provided.

This legislation will help build a knowledge base regarding alternative treatments by requiring practitioners to report on effectiveness. This is critical because current information available about the effectiveness of many promising treatments is inadequate. The information generated through this Act will begin to reverse this reality, particularly because information will be collected and analyzed by the Center for Alternative Medicine at the National Institutes of Health.

In essence, this legislation addresses the fundamental balance between two seemingly irreconcilable interests: the protection of patients from dangerous and ineffective treatments and the preservation of the consumers' freedom to choose alternative therapies. The complexity of this policy challenge should not discourage us from seeking to solve it. I am convinced that the public good will be served by a serious attempt to reconcile these contradictory interests, and I am hopeful the discussion generated by introduction of this legislation will help point the way to its resolution.

Mr. President, this legislation represents an honest attempt to focus serious attention on the value of alternative treatments and overcome current obstacles to their safe development and utilization.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Access to Medical Treatment Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) ADULTERATED.—The term "adulterated" means any unapproved drug or medical device that in whole or part consists of any filthy, putrid, or decomposed substance that has been prepared, packed, or held under unsanitary conditions where such drug or device may have been contaminated with such filthy, putrid, or decomposed substance and be injurious to health.

(2) ADVERTISING CLAIM.—The term "advertising claim" means any representation made or suggested by statement, word, device, sound, or any combination thereof with respect to medical treatment.

(3) COSTS.—The term "costs" means a charge to patients equal to the amount necessary to recover expenses for making or obtaining the unapproved drug or medical device and providing for its transport to the health care practitioner.

(4) DANGER.—The term "danger" means an adverse reaction, to an unapproved drug or medical device, that used as directed—

(A) causes serious harm to the patient in a case in which such harm would not have otherwise occurred; or

(B) causes harm that is more serious than side effects for drugs or medical devices approved by the Federal Food and Drug Administration for the same disease or condition.

(5) DRUG.—The term "drug" has the same meaning given that term in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1)).

(6) HEALTH CARE PRACTITIONER.—The term "health care practitioner" means a physician or other individual who is a provider of health care, who is authorized under the law of a State to prescribe drugs or devices.

(7) INTERSTATE COMMERCE.—The term "interstate commerce" means commerce between any State or Territory and any place outside thereof, and commerce within the District of Columbia or within any other Territory not organized with a legislative body.

(8) LEGAL REPRESENTATIVE.—The term "legal representative" means a parent or other person who qualifies as a legal guardian under State law.

(9) MEDICAL DEVICE.—The term "medical device" has the same meaning given the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)).

(10) PATIENT.—The term "patient" means any person who seeks medical treatment from a health care practitioner for a disease or health condition.

(11) SECRETARY.—The term "Secretary" means the Secretary of the Department of Health and Human Services.

(12) UNAPPROVED DRUG OR MEDICAL DEVICE.—The term "unapproved", with respect to a drug or medical device, means a drug or medical device that is not approved or authorized for manufacture, sale, and distribution in interstate commerce under section 505, 513, or 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355, 360c, and 360e) or under section 351 of the Public Health Service Act (42 U.S.C. 201).

SEC. 3. ACCESS TO MEDICAL TREATMENT.

(a) IN GENERAL.—Notwithstanding sections 501(a)(2)(B), 501(e) through 501(h), 502(f)(1), 505, 513, and 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351(a)(2)(B), 351(e) through 351(h), 352(f)(1), 355, 360c, and 360e) and section 351 of the Public Health Service Act (42 U.S.C. 201) or any other provision of Federal law, a patient may receive, and a health care practitioner may provide or administer, any unapproved drug or medical device that the patient desires or the legal representative of the patient authorizes if—

(1) the unapproved drug or medical device is recommended by a health care practitioner within that practitioner's scope of practice under State law;

(2) the provision or administration of the unapproved drug or medical device is not a violation of the laws of the State or States in which the activity is carried out; and

(3) the health care practitioner abides by all of the requirements in subsection (b).

(b) REQUIREMENTS.—A health care practitioner may recommend, provide or administer any unapproved drug or medical device for a patient, pursuant to subsection (a), if that practitioner—

(1) does not violate State law by providing or administering the unapproved drug or medical device;

(2) does not violate the Controlled Substances Act (21 U.S.C. 801 et seq.) by providing or administering the unapproved drugs;

(3) has concluded based on generally accepted principles and current information that the unapproved drug or medical device, when used as directed, will not cause a danger to the patient;

(4) provides the recommendation under circumstances that give the patient sufficient opportunity to consider whether or not to use such a drug or medical device and that minimize the possibility of coercion or undue influence by the health care practitioner;

(5) discloses to the patient any financial interest that such a practitioner may have in the drug or medical device;

(6) has informed the patient in writing, prior to recommending, providing, or administering the unapproved drug or medical device—

(A) that the unapproved drug or medical device is not approved by the Secretary as safe and effective for the condition of the patient and is considered experimental;

(B) of the foreseeable risks and benefits of the unapproved drug or medical device, including any risk to an embryo or fetus, and expected possible side effects or discomforts that the patient may experience and any medical treatment available if side affects occur;

(C) of any appropriate alternative procedures or courses of treatment (including procedures or courses of treatment that may involve the use of a drug or medical device that has been approved by the Food and Drug Administration), if any, that may be advantageous for the patient's condition;

(D) of any interactions the unapproved drug or medical device may have with other drugs, if any;

(E) of the active and inactive ingredients of the unapproved drug and the mechanism of action of the medical device, if known;

(F) of the health condition for which the unapproved drug or medical device is provided, the method of administration that will be used, and the unit dose;

(G) of the procedures that will be employed by the health care practitioner in using such a drug or medical device;

(H) of the extent, if any, to which confidentiality of records identifying the patient will be maintained;

(I) for use of such a drug or medical device involving more than minimal risk, of the treatments available if injury occurs, what such treatments involve, and where additional information regarding such treatments may be obtained;

(J) of any anticipated circumstances under which the patient's use of such a drug or medical device may be terminated by the health care practitioner without regard to the patient's consent;

(K) that the use of an such a drug or medical device is voluntary and that the patient may suspend or terminate treatment at any time;

(L) of the consequences of a patient's decision to withdraw from the use of such a drug or medical device;

(M) if any information described in subparagraphs (A) through (L) cannot be provided by the health care practitioner because such information is not known at the time the practitioner provides or administers such drug or medical device, that such information cannot be provided by the practitioner; and

(N) of any other information or disclosures required by applicable State law for the administration of experimental drugs or medical devices to human subjects;

(7) has not made, except as provided in subsection (d), any advertising claims for the unapproved drug or medical device;

(8) does not impose a charge for the unapproved drug or medical device in excess of costs;

(9) complies with requirements for reporting a danger in section 4; and

(10) has received a signed affidavit from the patient or the patient's legal representative confirming that the patient or the legal representative—

(A) has received the written information required by this subsection and understands it; and

(B) desires treatment with the unapproved drug or medical device as recommended by the health care practitioner.

(c) MANDATORY DISCLOSURE.—Any manufacturer of an unapproved drug or medical device shall disclose, to any health care practitioner that has received such drug or medical device from such manufacturer, all information available to such manufacturer regarding such drug or medical device to enable such practitioner to comply with the requirements of subsection (b)(3) and make a determination regarding the danger posed by such drug or medical device. Compliance with this subsection shall not constitute a violation of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(d) ADVERTISING CLAIMS EXCEPTION.—Subsection (b)(7) shall not apply to a health care practitioner's dissemination of information on the results of the practitioner's administration of the unapproved drug or medical device in a peer-reviewed journal, through academic or professional forums, or through statements by a practitioner to a patient. Subsection (b)(7) shall not apply to any accurate and truthful statement made in person by a health care practitioner to an individual or a prospective patient.

SEC. 4. CESSATION OF USE, AND REPORTING OF, DANGEROUS DRUGS AND MEDICAL DEVICES.

(a) DUTY TO PROTECT PATIENT.—If a health care practitioner discovers that an unapproved drug or medical device causes a danger to a patient, the practitioner shall immediately cease use and recommendation of the unapproved drug or medical device and provide to the manufacturer of the unapproved drug or medical device and the Director of the Centers for Disease Control and Prevention—

(1) a written evaluation of the patient's medical condition before and after administration of the unapproved drug or medical device;

(2) a written evaluation of the adverse reaction, including its physiological manifestations, duration, and the effect of cessation of treatment upon the patient's condition;

(3) any other information the health care practitioner deems pertinent to an evaluation of the adverse reaction;

(4) the name, occupation, business address, and business telephone number of the physician;

(5) the name of the unapproved drug or medical device and a description of the method of administration and operation, dosage, and duration of treatment;

(6) the lot number, if any, of the unapproved drug or medical device; and

(7) an affidavit pursuant to section 1746 of title 28, United States Code, confirming that all statements made to the manufacturer are accurate.

(b) MANUFACTURER'S DUTY TO REPORT.—Any manufacturer of an unapproved drug or medical device that receives information provided under subsection (a) shall immediately—

(1) cease sale and distribution of the unapproved drug or medical device pending completion of an investigation to determine the actual cause of the danger;

(2) notify all health care practitioners to whom the manufacturer has provided the unapproved drug or medical device of the information provided to the manufacturer under subsection (a); and

(3) report to the Secretary in writing that an unapproved drug or medical device (identified by name, known method of operation, unit dose, and intended use) that the manufacturer provided to a health care practitioner for administration under this Act has been reported to be a danger to a patient and confirming that the manufacturer—

(A) has ceased sale and distribution of the unapproved drug or medical device pending completion of an investigation to determine the actual cause of the danger; and

(B) has notified health care practitioners to which the unapproved drug or medical device has been sent of the information it has received.

(c) INVESTIGATION.—

(1) IN GENERAL.—The Director of the Centers for Disease Control and Prevention, upon receipt of the information described in subsection (a), shall conduct an investigation of the unapproved drug or medical device that a health care practitioner has determined to cause a danger to a patient in order to make a determination of the actual cause of such danger.

(2) REPORT TO SECRETARY.—The Director of the Centers for Disease Control and Prevention shall prepare and submit a report to the Secretary regarding the determination made under paragraph (1), including a determination concerning whether the unapproved drug or medical device is or is not the actual cause of danger or whether the actual cause of danger cannot be determined.

(3) DUTY OF SECRETARY.—Upon receipt of the report described in paragraph (2), the Secretary shall—

(A) if the Director of the Centers for Disease Control and Prevention determines that the cause of such danger is the unapproved drug or medical device, direct the manufacturer of such drug or medical device to—

(i) cease manufacture, sale, and distribution of such drug or medical device; and

(ii) notify all health care practitioners to whom the manufacturer has provided such drug or medical device to cease using or recommending such drug or medical device, and to return such drug or medical device to the manufacturer as part of a complete recall;

(B) if the Director of the Centers for Disease Control and Prevention determines that the cause of such danger is not such drug or medical device, direct the manufacturer of such drug or medical device to inform all health care practitioners to whom the manufacturer has provided such drug or medical device of such a determination; and

(C) if the Director of the Centers of Disease Control and Prevention cannot determine the cause of the danger, direct the manufacturer of the drug or medical device to inform all health care practitioners to whom the manufacturer has provided such drug or medical device of such a determination.

(d) SECRETARY'S DUTY TO INFORM.—Upon receipt of the report described in subsection (b)(3), the Secretary shall promptly disseminate information concerning the danger to all health care practitioners in the United States, to the Director of the National Center for Complementary and Alternative Medicine, and to agencies of the States that have responsibility for regulating unsafe or adulterated drugs and medical devices.

SEC. 5. REPORTING OF RESULTS OF UNAPPROVED DRUGS AND MEDICAL DEVICES.

(a) REPORTING OF RESULTS.—If a health care practitioner provides or administers an unapproved drug or medical device, that in the opinion of the health care practitioner, produces results that are more beneficial than results produced from any drug or medical device approved by the Food and Drug Administration, or produces other results regarding the effectiveness of the treatment relative to treatments approved by the Food and Drug Administration for the same condition, the practitioner shall provide to the manufacturer—

(1) the results of the administration of the drug or device;

(2) a written evaluation of the patient's medical condition before and after administration of the unapproved drug or medical device;

(3) the name, occupation, business address, and business telephone number of the physician;

(4) the name of the unapproved drug or medical device and a description of the method of operation and administration, dosing, and duration of treatment; and

(5) an affidavit pursuant to section 1746 of title 28, United States Code, confirming that all statements made to the manufacturer are accurate.

(b) MANUFACTURER'S DUTY TO REPORT.—Any manufacturer of an unapproved drug or medical device that receives information under subsection (a) shall provide to the Director of the National Center for Complementary and Alternative Medicine—

(1) a complete copy of the information;

(2) the name, business address, and business telephone number of the manufacturer;

(3) the name, business address, and business telephone number of the health care practitioner who supplied information to the manufacturer;

(4) the name of the unapproved drug or medical device;

(5) the known method of operation and administration of the unapproved drug or medical device;

(6) the per unit dose; and

(7) the intended use of the unapproved drug or medical device.

(c) DIRECTOR'S DUTY TO MAKE PUBLIC.—The Director of the National Center for Complementary and Alternative Medicine shall review and analyze information received pursuant to subsection (b) about an unapproved drug or medical device and make available, on an Internet website and in writing upon request by any individual, an annual review and analysis of such information, and include a statement that such drug or medical device is not approved by the Food and Drug Administration.

SEC. 6. OTHER LAWS NOT AFFECTED BY THIS ACT.

This Act shall not be construed to have any effect on section 503A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353a) nor does this Act supersede any law of a State or political subdivision of a State, including laws governing rights and duties among health care practitioners and patients. This Act shall also not apply to statements or claims permitted or authorized under sections 403 and 403B of such Act (21 U.S.C. 343, 343-2). This Act shall not in any way adversely affect the distribution and marketing of vitamins and supplements.

SEC. 7. AUTHORIZED ACTIVITIES OF HEALTH CARE PRACTITIONERS.

(a) INTRODUCTION IN INTERSTATE COMMERCE.—To the extent necessary to comply with this Act, a health care practitioner may—

(1) introduce an unapproved drug or medical device into interstate commerce;

(2) deliver an unapproved drug or medical device for introduction into such commerce;

(3) transport an unapproved drug or medical device in such commerce;

(4) receive an unapproved drug or medical device in such commerce and deliver the unapproved drug or medical device; and

(5) hold an unapproved drug or medical device for sale after shipment of the unapproved drug or medical device in such commerce.

(b) RULE OF CONSTRUCTION.—This Act shall not be construed to limit or interfere with the authority of a health care practitioner to prescribe, recommend, provide or administer to a patient for any condition or disease any unapproved drug or medical device lawful under the law of the State or States in which the health care practitioner practices.

SEC. 8. PENALTY.

A health care practitioner or manufacturer found to have knowingly violated this Act shall be denied coverage under this Act.

Mr. HARKIN. Mr. President, I am pleased to join Senator DASCHLE today for the introduction of the Access to Medical Treatment Act. This bill will allow greater freedom of choice and increased access in the realm of medical treatments, while preventing abuses of unscrupulous entrepreneurs. The Access to Medical Treatment Act allows individual patients and their properly licensed health care provider to use certain alternative and complementary therapies not approved by the Food and Drug Administration (FDA).

Mr. President, we have made several important changes to the legislation from last Congress.

We have improved the informed consent protections for patients by modeling them after the NIH's human subject protection regulations. The patient must be fully informed, orally and in writing of: the nature, content and methods of the medical treatment; that the treatment is not approved by the FDA; the anticipated benefits AND risks of the treatment; any reasonably foreseeable side effects that may result; the results of past applications of the treatment by the health care provider and others; the comparable benefits and risks of any available FDA-approved treatment conventionally used for the patient's condition; and any financial interest the provider has in the product.

Providers and manufacturers are required to report to the Centers for Disease Control and Prevention (CDC) any adverse effects, and must immediately cease use and manufacture of the product, pending a CDC investigation. The CDC is required to conduct an investigation of any adverse effects, and if the product is shown to cause any danger to patients, the physician and manufacturers are required to immediately inform all providers who have been using the product of the danger.

Our legislation ensures the public's access to reliable information about complementary and alternative therapies by requiring providers and manufacturers to report the results of the use of their product to the National Center for Complementary and Alternative Medicine at NIH, which is then required to compile and analyze the information for an annual report.

In addition, the provider and manufacturer may make no advertising, claims regarding the safety and effectiveness of the treatment of therapy, and FDA has the authority to determine that the labeling of the treatment is not false or misleading.

Mr. President, this legislation preserves the consumer's freedom to choose alternative therapies while addressing the fundamental concern of protecting patients from dangerous treatments and those who would advocate unsafe and ineffective therapies.

It wasn't long ago that William Roentgen was afraid to publish his discovery of X-rays as a diagnostic tool. He knew they would be considered an "alternative medical practice" and widely rejected by the medical establishment. As everyone knows, X-rays are a common diagnostic tool today. Well into this century, many scientists resisted basic antiseptic techniques as quackery because they refused to accept the germ theory of disease. I think we can all be thankful the medical profession came around on that one.

In addition, the Office of Technology Assessment reported in a 1978 study that only about 25 percent of the practices of mainstream medicine were based on scientific evidence. And there is little evidence that has changed in the past two decades.

Today's consumers want alternatives. They want less invasive, less expensive preventive options. Americans want to stay healthy. And they are speaking with their feet and their pocketbooks. Mr. President, Americans spend $30 billion annually on unconventional therapies. According to a recent survey published in the Journal of the American Medical Association (JAMA), nearly one-half of Americans use some kind of complementary and alternative medicine. These practices, which range from acupuncture, to chiropractic care, to naturopathic, herbal and homeopathic remedies, are not simply complementary and alternative, but integral to how millions of Americans manage their health and treat their illnesses.

This legislation simply provides patients the freedom to use—with strong consumer protections—the complementary and alternative therapies and treatments that have the potential to relieve pain and cure disease. I thank Senator DASCHLE for his leadership on this issue, and urge my colleagues to cosponsor this bill.

By Ms. SNOWE:

S. 1956. A bill to amend title 38, United States Code, to enhance the assurance of efficiency, quality, and patient satisfaction in the furnishing of health care to veterans by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

THE VETERANS HEALTH CARE QUALITY ASSURANCE ACT

Ms. SNOWE. Mr. President, I rise today to introduce the Veterans Health Care Quality Assurance Act of 1999.

This legislation contains a number of proposals designed to ensure that access to high quality medical services for our veterans is not compromised as the Department of Veterans Affairs—the VA—strives to increase efficiency in its nationwide network of veterans hospitals.

Mr. President, the VA administers the largest health care network in the U.S., including 172 hospitals, 73 home care programs, over 800 community-based outpatient clinics, and numerous other specialized care facilities.

Moreover, there are approximately 25 million veterans in the U.S., including approximately 19.3 million wartime veterans, and the number of veterans seeking medical care in VA hospitals is increasing. The FY99 VA medical care caseload was projected to increase by 160,000 veterans over the FY98 level, and is projected to increase by an additional 54,000 in FY00, reaching a total of 3.6 million veterans, an increase from 2.7 million in FY97. In FY00, outpatient visits at VA medical facilities are projected to increase by 2.5 million to 38.3 million. The average age of veterans is increasing as well, and this is expected to result in additional demands for health care services, including more frequent and long-term health needs.

The VA is attempting to meet this unprecedented demand for health care services without substantial increases in funding, largely through efforts to increase efficiency. Not surprisingly, these seemingly competing objectives are generating serious concerns about the possibility that quality of care and/or patient satisfaction are being sacrificed.

Mr. President, many VA regional networks and medical center directors report that timely access to high quality health care is being jeopardized, and that is why I am introducing the Veterans Health Care Quality Assurance Act, legislation which seeks to ensure that no veteran's hospital is targeted unfairly for cuts, and that efforts to "streamline" and increase efficiency are not followed by the unintended consequence of undermining quality of care or patient satisfaction.

I believe that all veterans hospitals should be held to the same equitable VA-wide standards, and that quality and satisfaction must be guaranteed. Toward that end, the Veterans Health Care Quality Assurance Act calls for audits of every VA hospital every three years. This will ensure that each facility is subject to an outside, independent review of its operations on a regular basis, and each audit will include findings on how to improve services to our veterans.

The legislation will also establish an Office of Quality Assurance within the VA to ensure that steps taken to increase efficiency in VA medical programs do not undermine quality or patient satisfaction. This office will collect and disseminate information on efforts that have proven to successfully increase efficiency and resource utilization without undermining quality or patient satisfaction. The director of this new Office of Quality Assurance should be an advocate for veterans and would be placed in the appropriate position in the VA command structure to ensure that he/or she is consulted by the VA Secretary and Under Secretary for Veterans Health on matters that impact quality or satisfaction.

The bill would require an initial report to Congress within six months of enactment, which would include a survey of each VA regional network and a report on each network's efforts to increase efficiency, as well as an assessment of the extent to which each network and VA hospital is or is not implementing the same uniform, VA-wide policies to increase efficiency.

Under the bill's reporting requirement, the VA would also be required to publish—annually—an overview of VA-wide efficiency goals and quality/satisfaction standards that each veterans facility should be held to. Further, the VA would be required to report to Congress on each hospital's standing in relation to efficiency, quality, and satisfaction criteria, and how each facility compares to the VA-wide average.

In an effort to encourage innovation in efforts to increase efficiency within the agency, the bill would encourage the dissemination and sharing of information throughout the VA in order to facilitate implementation of uniform, equitable efficiency standards.

Finally, Mr. President, the bill includes provisions calling for sharing of information on efforts to maximize resources and increase efficiency without compromising quality of care and patient satisfaction; exchange and mentoring initiatives among and between networks in order to facilitate sharing of such information; incentives for networks to increase efficiency and meet uniform quality/patient satisfaction targets; and formal oversight by the VA to ensure that all networks are meeting uniform efficiency criteria and that efforts to increase efficiency are equitable between networks and medical facilities.

Last week America celebrated Veterans Day 1999—81 years after the Armistice was signed in France that silenced the guns and ended the carnage of World War I. World War I was supposed to be "the war to end all wars" . . . the war that made the world safe for democracy. Sadly, that was not to be, and America has been repeatedly reminded that the defense of democracy is an on-going duty.

Mr. President, keeping our promise to our veterans is also an ongoing duty. The debt of gratitude we owe to our veterans can never be fully repaid. What we can and must do for our veterans is repay the financial debt we owe to them. Central to that solemn duty is ensuring that the benefits we promised our veterans when they enlisted are there for them when they need them.

I consider it a great honor to represent veterans, these brave Americans. So many of them continue to make contributions in our communities upon their transition from military to civilian life—through youth activities and scholarship programs, homeless assistance initiatives, efforts to reach out to fellow veterans in need, and national leadership on issues of importance to veterans and all Americans. The least we can do is make good on our promise, such as the promise of access to high quality health care.

I have nothing but the utmost respect for those who have served their country, and this legislation is but a small tribute to the men and women and their families who have served this country with courage, honor and distinction. They answered the call to duty when their country needed them, and this is a component of my on-going effort to ensure that we, as elected officials, answer their call when they need us.

I urge my colleagues to join me in supporting this legislation.

By Mr. KOHL:

S. 1958. A bill to amend the Child Nutrition Act of 1966 to authorize the Secretary of Agriculture to make grants for startup costs of school breakfast programs; to the Committee on Agriculture, Nutrition, and Forestry.

LEGISLATION TO IMPROVE PARTICIPATION IN THE SCHOOL BREAKFAST PROGRAM

Mr. KOHL. Mr. President, I rise to introduce legislation that will go far in helping children start their school day ready to learn.

The relationship between a healthy breakfast and both behavior and academic achievement has been documented by a number of studies. Fortunately, participation of schools in the School Breakfast program has increased steadily since the program was made permanent in 1975. According to the School Breakfast Scorecard, a report recently released by the Food Research and Action Center (FRAC), a record number of schools—70,000—provided breakfast to school children last year. And nearly half of our states have 80 percent or more of their schools serving both lunch and breakfast under the National School Lunch and School Breakfast programs.

That's good news. The bad news is that the gulf between states with the highest rates of school participation in breakfast and those with the lowest is wide. 20 percent of our states have fewer than 55 percent of their schools participating in both breakfast and lunch; that's a full 20 points below the national average. In my home state of Wisconsin, only 30 percent of the schools that serve lunch also serve breakfast.

By another measure—participation of low-income children in both school lunch and breakfast—the results from the Scorecard are equally concerning. Nationally, only 42 percent of the kids receiving a free or reduced price lunch are also receiving breakfast; some states have fewer than 25 percent of kids receiving a free or reduced price lunch also receiving school breakfast.

The bill I am introducing today would help states provide an additional financial incentive for schools to participate in the school breakfast program. While there are a number of reasons that schools do not offer their children a school breakfast, certainly the barrier most difficult to overcome is the cost of the meals throughout the year. In short, the cost of the school breakfast program may simply be too high for some schools and school districts.

My bill authorizes, subject to appropriations, grants from the U.S. Department of Agriculture (USDA) to allow states to provide schools with an additional five cent per meal reimbursement during the first year in which they provide the school breakfast program. This additional reimbursement may be used to supplement both the existing federal per meal reimbursement and any additional per meal reimbursement provided by the state. To ensure that the grants are as effective as possible they are targeted to those states with poor school breakfast participation rates and that also have a program in place to promote school breakfast participation. State educational agencies will have the discretion to determine, based on participation rates, which schools or school districts will receive the supplemental assistance.

Providing a nutritious breakfast is the first step in ensuring that kids are ready to learn when they sit down at their desks each morning. The legislation I am introducing will go far in helping states and schools reach that goal and I encourage my colleagues to support it.

Mr. President, I ask unanimous consent that the text of this legislation and letters of support for my bill from Wisconsin State Superintendent John Benson and Wisconsin School Food Service Association President Renee Slotten-Beauchamp be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1958

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINANCIAL INCENTIVE GRANTS FOR SCHOOL BREAKFAST PROGRAMS.

Section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) is amended by adding at the end the following:

“(f) STARTUP GRANTS FOR SCHOOL BREAKFAST PROGRAMS.—

“(1) DEFINITION OF ELIGIBLE SCHOOL.—In this subsection, the term ‘eligible school’ means a school that agrees to operate the school breakfast program established with the assistance provided under this subsection for a period of not less than 3 years.

“(2) GRANTS.—The Secretary may make grants to State educational agencies, from funds made available to the Secretary, for a fiscal year, to assist eligible schools in initiating school breakfast programs.

“(3) PAYMENT RATES.—A State educational agency shall use grants made available under this subsection during the first fiscal year an eligible school initiates a school breakfast program—

“(A) to increase by not more than 5 cents the annually adjusted payment for each breakfast served by the eligible school; or

“(B) to assist eligible schools with non-recurring expenses incurred in initiating school breakfast programs.

“(4) FUNDS SUPPLEMENTARY.—A grant under this subsection shall supplement any payment to which a State educational agency is entitled under subsection (b).

“(5) PLAN.—To be eligible to receive a grant under this subsection, a State educational agency shall submit to the Secretary a plan to initiate school breakfast programs conducted in the State, including a description of the manner in which the State educational agency shall provide technical assistance and funding to eligible schools in the State to initiate the programs.

“(6) STATE EDUCATIONAL AGENCY PREFERENCES.—In making a grant under this subsection for a fiscal year to initiate school breakfast programs, the Secretary shall provide a preference to a State educational agency that—

“(A) has in effect a State law that promotes the expansion of State participation in the school breakfast program during the year;

“(B) has significant public or private resources that will be used to carry out the expansion of the school breakfast program during the year;

“(C)(i) has not more than 55 percent of schools in the State that are participating in the school lunch program also participating in the school breakfast program; or

“(ii) has not more than 30 percent of the students in the State receiving free or reduced price lunch also receiving free or reduced price breakfasts; and

“(D) serves an unmet need among low-income children, as determined by the Secretary.

“(7) REALLOCATION.—The Secretary shall act in a timely manner to recover and reallocate to other State educational agencies or States any amount made available to a State educational agency or State under this subsection that is not used by the agency or State within a reasonable period (as determined by the Secretary).

“(8) APPLICATION.—The Secretary shall allow application by State educational agencies on an annual basis for grants under this subsection.

“(9) PREFERENCES BY STATE EDUCATIONAL AGENCIES AND STATES.—In allocating funds within the State, each State educational agency shall give preference for assistance under this subsection to an eligible school that demonstrates the greatest need for assistance for a school breakfast program; based on the percentage of children not participating in the school breakfast program, as determined by the State educational agency.

“(10) MAINTENANCE OF EFFORT.—The expenditure of funds from State and local sources for the maintenance of the school breakfast program shall not be diminished as a result of grants made available under this subsection.”.

STATE OF WISCONSIN,
DEPARTMENT OF PUBLIC INSTRUCTION,
Madison, WI, November 5, 1999.

Hon. HERB KOHL,
US Senate, Washington, DC.

DEAR SENATOR KOHL: This letter is in support of your proposed amendment for Startup Grants for School Breakfast Programs. I believe this legislation will provide an essential incentive for schools to implement a School Breakfast Program (SBP). Understanding that breakfast is an important component for academic achievement as well as the health of our nation's children, I am very concerned with Wisconsin's low participation in the SBP.

The federal startup grants for SBP will enhance the many public and private efforts within our state to increase the number of schools offering breakfast. Our state legislature has supported my budget initiative for a ten cents per breakfast reimbursement, effective in fiscal year 2001. Statewide public and nonpublic collaborative initiatives to promote the importance of breakfast include the Good Breakfast for Good Learning Breakfast Awareness Campaign, now in its third year. Public and private hunger prevention coalitions are actively promoting school breakfast. Professional organizations, such the Wisconsin School Food Service Association and the Wisconsin Dietetic Association have taken a lead in school breakfast promotion efforts.

However, the bottom line is that schools cannot absorb financial loss in the Child Nutrition Programs. Fear that the SBP will have a negative impact on the school district's general fund has been detrimental to the promotional efforts identified above. The startup grants for SBP will help alleviate those fears and allow the children in this state to have access to a nourishing breakfast at the start of the school day.

I would like to commend your efforts to help the children in this state and the nation reach their full potential through promotion of School Breakfast Program.

Sincerely,

JOHN T. BENSON,
State Superintendent.

WISCONSIN SCHOOL
FOOD SERVICE ASSOCIATION,
November 17, 1999.

Hon. HERB KOHL,
U.S. Senate, Washington DC.

DEAR SENATOR KOHL:

This letter is in support of your proposed amendment for Startup Grants for School Breakfast Programs.

The Wisconsin School Food Service Association with its 1700 members, along with other allied associations have been working to increase the number of schools in Wisconsin offering breakfast. We understand the connection between good nutrition at breakfast and academic achievement. We see firsthand how difficult it is for a hungry child to concentrate on learning.

The federal startup grants for School Breakfast Programs will help our efforts to expand school breakfast participation. A real concern for many school districts is the cost of implementing and maintaining the program. During the 1997–98 school year Wisconsin schools lost an average of $0.23 per breakfast served. Our association believes school food and nutrition programs deserve adequate funding and reasonable regulations to help maintain financial integrity and nutritional quality of meals. As a commitment to the children of Wisconsin we made state funding for school Breakfast Programs a high legislative priority this year. Our state legislature recently supported a ten-cent per breakfast reimbursement, which will be in effect for the fiscal year 2001. Federal Startup Grants would help districts implement school Breakfast Programs.

The Wisconsin School Food Service Association feels the children of Wisconsin and the nation deserve every educational opportunity to reach their full potential. School breakfast is one of those opportunities.

Our association commends you for your efforts to expand School Breakfast.

Sincerely,

RENEE SLOTTEN-BEAUCHAMP R.D., D.C.
President.

By Mr. HARKIN:

S. 1959. A bill to provide for the fiscal responsibility of the Federal Government; to the Committee on Finance.

THE FISCAL RESPONSIBILITY ACT

Mr. HARKIN. Mr. President, today as we are debating how to protect Social Security and Medicare while making necessary investments in our nation's future, I am introducing legislation designed to provide some options for reducing spending. In an effort to promote greater fiscal responsibility within the federal government, "The Fiscal Responsibility Act" would eliminate special interest tax loopholes, reduce corporate welfare, eliminate unnecessary government programs, reduce wasteful spending, enhance government efficiency and require greater accountability.

The reforms contained in this bill would result in savings of up to $20 billion this year and up to $140 billion over the next five years. These savings could be used to pay down the federal debt, shore up Social Security and Medicare, provide middle-class tax relief, and/or pay for needed investment in education, health care and other priorities.

While I recognize that everyone won't agree on each of the provisions of this measure, I believe it is important for us to put forward options to be considered. I hope that we can work together on a bipartisan basis to produce a set of reforms such as these to lay a path of fiscal responsibility as we move into the next century.

The following is a summary of the bill's major provisions:

Elimination of Unnecessary Government Programs.

A number of outdated or unnecessary programs would be eliminated, including Radio Marti, TV Marti and certain nuclear energy research initiatives. These changes would save over $150 million this year.

Reduction of Wasteful Spending and Government Efficiency Improvements.

$13 billion a year is lost to Medicare waste and abuse. This would be substantially reduced through a series of comprehensive reforms. In addition, taxpayer support for the cost of certain nuclear energy lobbying activities would be eliminated.

A number of common sense steps would be implemented to improve the efficiency of government activities.

Spending by government agencies on travel, printing, supplies and other items would be frozen at 1998 levels. This change would save $2.8 billion this year and about $12 billion over 5 years.

Pentagon spending would be tied to the rate of inflation. This would force the Pentagon to reduce duplication and other inefficiencies identified by government auditors and outside experts. This change would save taxpayers $9.2 billion this year and approximately $69 billion over the next 5 years.

Enhancing the government's ability to collect student loan defaults would save taxpayers $892 million this year and $1 billion over five years.

Eliminating Special Interest Tax Loopholes and Give-Aways.

Tobacco use causes 400,000 deaths a year and costs taxpayers billions in preventable health care costs. And, yet, taxpayers are forced to cough up about $2 billion a year to subsidize the advertising and marketing of this deadly product. The tax deductibility of tobacco promotion would be ended and these funds would be saved.

A loophole that allows estates valued above $10 million to elude taxation would be closed.

The federal government allows mining companies to extract minerals from federally-owned lands at an actual cost of pennies on the dollar. This special interest giveaway would be ended, saving taxpayers $750 million over the next five years.

American citizens temporarily working in foreign countries can earn up to $70,000 without paying any U.S. taxes. This unfair provision would be eliminated, bringing in an estimated $15.7 billion over the next 5 years.

A foreign tax credit that allows big oil and gas companies to escape paying their fair share for royalties would be limited. This common sense change would generate $3.1 billion over 5 years to reduce the debt our kids and grandkids will inherit.

Increased Accountability.

Tobacco companies hook 3,000 children a day on their deadly products. One in three of these kids will be sentenced to an early death. Tobacco companies should be held accountable. Accordingly, a goal of reducing teen smoking by at least 15 percent each year would be set. If tobacco companies fail to meet this goal, they would have to pay a penalty. Such a system would generate approximately $6 billion this year and $20 billion over the next 5 years. It would also significantly reduce the number of young children who become addicted to tobacco.

Mr. President, I urge my colleagues to review the provisions in this bill and look forward to moving forward next year on a fiscally responsible budget plan.

By Mr. KOHL (for himself and Mr. FEINGOLD):

S. 1960. A bill to provide for the appointment of 1 additional Federal district judge for the eastern district of Wisconsin, and for other purposes; to the Committee on the Judiciary.

THE FEDERAL JUDGESHIP FOR NORTHEASTERN WISCONSIN ACT

Mr. KOHL. Mr. President, I rise today to introduce the Federal Judgeship for Northeastern Wisconsin Act of 1999. This bill would create one additional judgeship in the eastern district of Wisconsin and seat it in Green Bay, at the center of a region in desperate need of a district court. Let me explain how an additional judgeship could alleviate the stress that the current system places on business, law enforcement agents, witnesses, victims and individual litigants in northeastern Wisconsin.

First, while the four full-time district court judges for the eastern district of Wisconsin currently preside in Milwaukee, for most litigants and witnesses in northeastern Wisconsin, Milwaukee is well over 100 miles away. In fact, as the courts are currently arranged, the northern portion of the eastern district is more remote from a Federal court than any other major population center, commercial or industrial, in the United States. Thus, litigants and witnesses must incur substantial costs in traveling from northern Wisconsin to Milwaukee—costs in terms of time, money, resources, and effort. Indeed, driving from Green Bay to Milwaukee takes nearly two hours each way. Add inclement weather or a departure point north of Green Bay—such as Oconto or Marinette—and often the driving time alone actually exceeds the amount of time witnesses spend testifying.

Second, Mr. President, the few Wisconsin Federal judges serve a disproportionately large population. Last year, I commissioned a study by the General Accounting Office which revealed that Wisconsin Federal judges have to serve the highest population among all federal judges. Each sitting Federal judge in Wisconsin serves an average population of 859,966, while the remaining federal judges across the country—more than 650—serve less than half that number, with an average of 417,000 per judge. For example, while Louisiana has fewer residents than Wisconsin, it has 22 Federal judges, nearly four times as many as our state.

Third, Mr. President, Federal crimes remain unacceptably high in northeastern Wisconsin. These crimes range from bank robbery and kidnaping to Medicare and Medicaid fraud. However, without the appropriate judicial resources, a crackdown on Federal crimes in the upper part of the state will be made enormously more difficult. Additionally, under current law, the Federal Government is required to prosecute all felonies committed by Indians that occur on the Menominee Reservation. The reservation's distance from the Federal prosecutors and courts—more than 150 miles—makes these prosecutions problematic. And because the Justice Department compensates attorneys, investigators and sometimes witnesses for travel expenses, the existing system costs all of us. Without an additional judge in Green Bay, the administration of justice, as well as the public's pocketbook, will suffer enormously.

Fourth, many manufacturing and retail companies are located in northeastern Wisconsin. These companies often require a Federal court to litigate complex price-fixing, contract, and liability disputes with out-of-State businesses. But the sad truth is that many of these legitimate cases are never even filed—precisely because the northern part of the State lacks a Federal court. Mr. President, this hurts businesses not only in Wisconsin, but across the Nation.

Fifth, the creation of an additional judgeship in the Eastern District of Wisconsin is justified based on caseload. The Judicial Conference, the administrative and statistical arm of the Federal judiciary, makes biannual recommendations to Congress regarding the necessity of additional judgeships using a system of weighted filings—that is, the total number of cases modified by the average level of case complexity. In the Judicial Conference's most recent recommendations, new positions were justified where a district's workload exceeded 435 weighted filings per judge. Such high caseloads are common in the eastern district of Wisconsin, peaking in 1996 with an overwhelming 453 weighted filings. On this basis, an additional judgeship for the eastern district of Wisconsin is warranted.

Mr. President, our legislation is simple, effective and straightforward. It creates an additional judgeship for the eastern district, requires that one judge hold court in Green Bay, and gives the chief judge of the eastern district flexibility to designate which judge holds court there. And this legislation would increase the number of Federal district judges in Wisconsin for the first time since 1978. During that period, nearly 150 new Federal district judgeships have been created nationwide, but not a single one in Wisconsin.

And don't take my word for it, Mr. President, ask the people who would be most affected: since 1994, each and every sheriff and district attorney in northeastern Wisconsin has urged me to create a Federal district court in Green Bay. I ask unanimous consent that a letter from these law enforcement officials be included in the RECORD at the conclusion of my remarks. I also ask unanimous consent that a letter from the U.S. Attorney for the eastern district of Wisconsin, Tom Schneider, also be included. This letter expressed the support of the entire Federal law enforcement community in Wisconsin—including the FBI, the DEA and the BATF—for the legislation we are introducing. They needed this additional judicial resource in 1994, and certainly, Mr. President, that need has only increased over the last five years.

Perhaps most important, the people of Green Bay also agree on the need for an additional Federal judge, as the endorsement of our proposal by the Green Bay Chamber of Commerce demonstrates.

In conclusion, Mr. President, having a Federal judge in Green Bay will reduce costs and inconvenience while increasing judicial efficiency. But most important, it will help ensure that justice is more available and more affordable to the people of northeastern Wisconsin. For these sensible reasons, I urge my colleagues to support this legislation, either separately or as part of an omnibus judgeship bill that I hope Congress will consider next session. The Judicial Conference has recommended the creation of over 60 new judgeships, yet not one has been created since 1990. Should such a bill be considered, I will be right there to ensure that Northeastern Wisconsin is included.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1960

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Judgeship for Northeastern Wisconsin Act of 1999".

SEC. 2. ADDITIONAL FEDERAL DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WISCONSIN.

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate, 1 additional district judge for the eastern district of Wisconsin.

(b) TABLES.—In order that the table contained in section 133(a) of title 28, United States Code, reflects the change in the total number of permanent district judgeships authorized under subsection (a), such table is amended by amending the item relating to Wisconsin to read as follows:

"Wisconsin:
"Eastern 5
"Western .... 2".

(c) HOLDING OF COURT.—The chief judge of the eastern district of Wisconsin shall designate 1 judge who shall hold court for such district in Green Bay, Wisconsin.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act, including such sums as may be necessary to provide appropriate space and facilities for the judicial position created by this Act.

AUGUST 8, 1994.

U.S Senator HERB KOHL,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR KOHL: We are writing to urge your support for the creation of a Federal District Court in Green Bay. The Eastern District of Wisconsin includes the 28 eastern-most counties from Forest and Florence Counties in the north to Kenosha and Walworth Counties in the south.

Green Bay is central to the northern part of the district which includes approximately one third of the district's population. Currently, all Federal District Judges hold court in Milwaukee.

A federal court in Green Bay would make federal proceedings much more accessible to the people of northern Wisconsin and would alleviate many problems for citizens and law enforcement. Travel time of 3 or 4 hours each way makes it difficult and expensive for witnesses and officers to go to court in Milwaukee. Citizen witnesses are often reluctant to travel back and forth to Milwaukee.

It often takes a whole day to travel to come to court and testify for a few minutes. Any lengthy testimony requires an inconvenient and costly overnight stay in Milwaukee. Sending officers is costly and takes substantial amounts of travel time, thereby reducing the number of officers available on the street. Many cases are simply never referred to federal court because of this cost and inconvenience.

In some cases there is no alternative. For example, the Federal government has the obligation to prosecute all felony offenses committed by Indians on the Menominee Reservation. Yet the Reservation's distance from the Federal Courts and prosecutors in Milwaukee poses serious problems. Imagine the District Attorney of Milwaukee being located in Keshena or Green Bay or Marinette and trying to coordinate witness interviews, case preparation, and testimony.

As local law enforcement officials, we try to work closely with other local, state and federal agencies, and we believe establishing a Federal District Court in Green Bay will measurably enhance these efforts. Most important, a Federal Court in Green Bay will make these courts substantially more accessible to the citizens who live here.

We urge you to introduce and support legislation to create and fund an additional Federal District Court in Green Bay.

Gary Robert Bruno, Shawano and Menominee County District Attorney.

Jay Conley, Oconto County District Attorney.

John DesJardins, Outagamie County District Attorney.

Douglas Drexler, Florence County District Attorney.

Guy Dutcher, Waushara County District Attorney.

E. James FitzGerald, Manitowoc County District Attorney.

Kenneth Kratz, Calumet County District Attorney.

Jackson Main, Jr., Kewaunee County District Attorney.

David Miron, Marinette County District Attorney.

Joseph Paulas, Winnebago County District Attorney.

Gary Schuster, Door County District Attorney.

John Snider, Waupaca County District Attorney.

Ralph Uttke, Langlade County District Attorney.

Demetrio Verich, Forest County District Attorney.

John Zakowski, Brown County District Attorney.

William Aschenbrener, Shawano County Sheriff.

Charles Brann, Door County Sheriff.

Todd Chaney, Kewaunee County Sheriff.

Michael Donart, Brown County Sheriff.

Patrick Fox, Waushare County Sheriff.

Bradley Gehring, Outagamie County Sheriff.

Daniel Gillis, Calumet County Sheriff.

James Kanikula, Marinette County Sheriff.

Norman Knoll, Forest County Sheriff.

Thomas Kocourek, Manitowoc County Sheriff.

Robert Kraus, Winnebago County Sheriff.

William Mork, Waupaca County Sheriff.

Jeffrey Rickaby, Florence County Sheriff.

David Steger, Langlade County Sheriff.

Kenneth Woodworth, Oconto County Sheriff.

Richard Awonhopay, Chief, Menominee Tribal Police.

Richard Brey, Chief of Police, Manitowoc.

Patrick Campbell, Chief of Police, Kaukauna.

James Danforth, Chief of Police, Oneida Public Safety.

Donald Forcey, Chief of Police, Neenah.

David Gorski, Chief of Police, Appleton.

Robert Langan, Chief of Police, Green Bay.

Michael Lien, Chief of Police, Two Rivers.

Mike Nordin, Chief of Police, Sturgeon Bay.

Patrick Ravet, Chief of Police, Marinette.

Robert Stanke, Chief of Police, Menasha.

Don Thaves, Chief of Police, Shawano.

James Thorne, Chief of Police, Oshkosh.

U.S. DEPARTMENT OF JUSTICE,
Milwaukee, WI, August 9, 1994.

To: The District Attorney's, Sheriffs and Police Chiefs Urging the Creation of a Federal District Court in Green Bay.

From: Thomas P. Schneider, United States Attorney, Eastern District of Wisconsin.

Thank you for your letter of August 8, 1994, urging the creation of a Federal District Court in Green Bay. You point out a number of facts in your letter:

(1) Although 1/3 of the population of the Eastern District of Wisconsin is in the northern part of the district, all of the Federal District Courts are located in Milwaukee.

(2) A federal court in Green Bay would be more accessible to the people of northern Wisconsin. It would substantially reduce witness travel time and expenses, and it would make federal court more accessible and less costly for local law enforcement agencies.

(3) The federal government has exclusive jurisdiction over most felonies committed on the Menominee Reservation, located approximately 3 hours from Milwaukee. The distance to Milwaukee is a particular problem for victims, witnesses, and officers from the Reservation.

I have discussed this proposal with the chiefs of the federal law enforcement agencies in the Eastern District of Wisconsin, including the Federal Bureau of Investigation, Federal Drug Enforcement Administration, Bureau of Alcohol, Tobacco and Firearms, Secret Service, U.S. Marshal, U.S. Customs Service, and Internal Revenue Service-Criminal Investigation Division. All express support for such a court and give additional reasons why it is needed.

Over the past several years, the FBI, DEA, and IRS have initiated a substantial number of investigations in the northern half of the district. In preparation for indictments and trials, and when needed to testify before the Grand Jury or in court, officers regularly travel to Milwaukee. Each trip requires 4 to 6 hours of round trip travel per day, plus the actual time in court. In other words, the agencies' already scarce resources are severely taxed. Several federal agencies report that many cases which are appropriate for prosecution are simply not charged federally because local law enforcement agencies do not have the resources to bring these cases and officers back and forth to Milwaukee.

Nevertheless, there have been a substantial number of successful federal investigations and prosecutions from the Fox Valley area and other parts of the Northern District of Wisconsin including major drug organizations, bank frauds, tax cases, and weapons cases.

It is interesting to note that the U.S. Bankruptcy Court in the Eastern District of Wisconsin holds hearings in Green Bay, Manitowoc, and Oshkosh, all in the northern half of the district. For the past four years approximately 29 percent of all bankruptcy filings in the district were in these three locations.

In addition, we continue to prosecute most felonies committed on the Menominee Reservation. Yet, the Reservation's distance from the federal courts in Milwaukee poses serious problems. A federal court in Green Bay is critically important if the federal government is to live up to its moral and legal obligation to enforce the law on the Reservation.

In summary, I appreciate and understand your concerns and I join you in urging the creation of a Federal District Court in Green Bay.

THOMAS P. SCHNEIDER,
United States Attorney.
Eastern District of Wisconsin.

By Mr. JOHNSON (for himself, Mr. KERREY, and Mr. WELLSTONE):

S. 1961. A bill to amend the Food Security Act of 1985 to expand the number of acres authorized for inclusion in the conservation reserve; to the Committee on Agriculture, Nutrition, and Forestry.

THE CONSERVATION RESERVE PROGRAM ACREAGE EXPANSION ACT

• Mr. JOHNSON. Mr. President, I rise today to introduce legislation which would increase the acreage cap currently in place for the Conservation Reserve Program (CRP) under the United States Department of Agriculture (USDA).

CRP continues to be a popular alternative for landowners who wish to take a portion of their land out of production for conservation purposes. While the program serves a multitude of beneficial purposes, there are items of the program that we must continue to work on in Congress. As a start, I am introducing companion legislation to Congressman COLLIN PETERSON's (D-MN) bill in the House to increase the acreage allotted in CRP up to 45 million acres.

CRP has undergone significant changes as a result of the 1996 Farm Bill. Wildlife benefits provided by certain grass species and conservation practices are now heavily emphasized in the Environmental Benefits Index (EBI) which sets forth eligibility into the program. While many of these changes have been welcomed because of the favorable effect they have on conservation and the environment, I have some concerns with certain requirements farmers face in relation to the EBI requirements.

First, producers with existing CRP contracts that have tracts of land accepted for re-enrollment into CRP have indicated that in certain cases, they were required to plow under at least half of the existing grass stand on those tracts in order to plant new grass seeds to meet the EBI criteria. Those participants are concerned this may lead to soil erosion instead of soil conservation on tracts that are already highly erodible because plowing up half of grass stand exposes that land to the unpredictable forces of weather. Moreover, it often requires more than one growing season for new grass species to take root and establish adequate cover in order to protect habitat. That said, both producers and conservationists have expressed concern to me that this requirement may place habitat protection in a precarious position in some instances. Finally, the costs of seed varieties called for in the EBI, especially for native grass species, have skyrocketed to a point here it is oftentimes cost-prohibitive for producers to meet the requirements of establishing a new grass stand. These and other matters I plan to address with the input of all interested parties as we proceed with the legislation.

However, on the whole CRP remains a very popular program in my home state of South Dakota and across the country. During the twelve signups held between 1986 and 1992, 36.4 million acres were enrolled in CRP. USDA estimates that the average erosion rate on enrolled acres was reduced from 21 to less than 2 tons per acre per year. Retiring these lands also expanded wildlife habitat, enhanced water quality, and restored soil. The annual value of these benefits has been estimated from less than $1 billion to more than $1.5 billion; some estimates of these benefits approach or exceed annual costs, especially in areas of heavy participation. While major changes cannot occur to CRP until we undertake a renewed effort to change the Farm Bill, I am hopeful that Congress reconsider the current Farm Bill in 2000.

In addition to supporting CRP, I have co-sponsored S. 1426, the Conservation Security Act of 1999. This bill creates a voluntary incentive program to encourage conservation activities by landowners. This bill includes a variety of solid conservation practices that landowners may choose from in order to qualify for certain incentives. Some of the conservation practices include conservation tillage, runoff control, buffer strips, wetland restoration, and wildlife management.

I believe the Conservation Security Act is a strong piece of legislation that would benefit agriculture producers, wildlife, and the environment. I will continue to support and work with Senator HARKIN in seeing this legislation move forward.●

By Mr. ASHCROFT:

S. 1962. A bill to amend the Congressional Budget Act of 1974 to protect Social Security and Medicare surpluses through strengthened budgetary enforcement mechanisms; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have 30 days to report or be discharged.

THE SOCIAL SECURITY AND MEDICARE SAFE DEPOSIT BOX ACT

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1962

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security and Medicare Safe Deposit Box Act of 1999".

SEC. 2. PROTECTION OF SOCIAL SECURITY AND MEDICARE SURPLUSES.

(a) MEDICARE SURPLUSES OFF-BUDGET.—Notwithstanding any other provision of law, the net surplus of any trust fund for part A of Medicare shall not be counted as a net surplus for purposes of—

(1) the budget of the United States Government as submitted by the President;

(2) the congressional budget; or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) POINTS OF ORDER TO PROTECT SOCIAL SECURITY AND MEDICARE SURPLUSES.—Section 312 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

"(g) POINTS OF ORDER TO PROTECT SOCIAL SECURITY AND MEDICARE SURPLUSES.—

"(1) CONCURRENT RESOLUTIONS ON THE BUDGET.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or conference report thereon or amendment thereto, that would set forth an on-budget deficit for any fiscal year.

"(2) SUBSEQUENT LEGISLATION.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

"(A) the enactment of that bill or resolution as reported;

"(B) the adoption and enactment of that amendment; or

"(C) the enactment of that bill or resolution in the form recommended in that conference report,

would cause or increase an on-budget deficit for any fiscal year.

"(3) DEFINITION.—For purposes of this section, the term 'on-budget deficit', when applied to a fiscal year, means the deficit in the budget as set forth in the most recently agreed to concurrent resolution on the budget pursuant to section 301(a)(3) for that fiscal year.".

(c) CONTENT OF CONCURRENT RESOLUTION ON THE BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(2) by inserting after paragraph (5) the following new paragraph:

"(6) the receipts, outlays, and surplus or deficit in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, combined, established by title II of the Social Security Act;".

(d) SUPER MAJORITY REQUIREMENT.—

(1) POINT OF ORDER.—Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting "312(g)," after "310(d)(2),".

(2) WAIVER.—Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting "312(g)," after "310(d)(2),".

SEC. 4. PROTECTION OF SOCIAL SECURITY AND MEDICARE SURPLUSES.

(a) IN GENERAL.—Chapter 11 of subtitle II of title 31, United States Code, is amended by adding before section 1101 the following:

"§1100. Protection of social security and medicare surpluses

"The budget of the United States Government submitted by the President under this chapter shall not recommend an on-budget deficit for any fiscal year covered by that budget.".

(b) CHAPTER ANALYSIS.—The chapter analysis for chapter 11 of title 31, United States Code, is amended by inserting before the item for section 1101 the following:

"1100. Protection of Social Security and Medicare Surpluses.".

SEC. 5. EFFECTIVE DATE.

This Act shall take effect upon the date of its enactment and the amendments made by this Act shall apply to fiscal year 2001 and subsequent fiscal years.

By Mr. MCCAIN:

S. 1963. A bill to authorize a study of alternatives to the current management of certain Federal lands in Arizona; to the Committee on Energy and Natural Resources.

ALTERNATIAVE LAND MANAGEMENT STUDY FOR THE BARRY GOLDWATER MILITARY TRAINING RANGE

● Mr. MCCAIN. Mr. President, I rise today to introduce legislation that will require a comprehensive study of alternative land management options for areas comprising the Barry Goldwater military training range and Organ Pipe National Monument in Arizona.

Earlier this year, the Congress finalized the Department of Defense Authorization Act for fiscal year 2000 which included language to renew a land-withdrawal for the Barry Goldwater training range for an additional twenty-five years to the year 2024. The final proposal transferred land management of the natural and cultural resources within the range to the Air Force and the Navy, a decision that was fully supported by both the Interior Department and the President's Council on Environmental Quality.

In practical effect, the Air Force and Marine Corps have been performing the management functions at the Goldwater range for many years, and doing a very good job of it, according to most observers. In fact, the Department of Defense already dedicates significant resources to land and natural resource management of the Range. The decision to formally transfer management recognizes the superior fiscal and manpower resources available to the military Services, who also have the most compelling interest in maintaining future training access to the range, which can only be accomplished by effectively addressing environmental concerns regarding its use.

During consideration of the legislative environmental impact statements and subsequent renewal proposals, no one disagreed that essential military training should continue on the range.

However, several environmental groups registered concerns about the Administration's proposal for DOD management of the Range and expressed their fears that the military Services would be inappropriate and ineffective natural resources managers. I took personal interest in these expressed concerns and advocated for the strongest possible language in the final withdrawal bill to redress any potential problems should the land management of these areas ever be jeopardized under primary military authority.

However, in response to continuing apprehension about proper land management in the newly passed withdrawal package, I worked with the concerned individuals to develop language directing the Department of the Interior to study and make recommendations for alternative land management scenarios for the range. Such a comprehensive study would provide information to guide the Administration and the Congress in taking appropriate future action to ensure that the cultural and natural resources on the range will continue to be preserved and protected in future years.

Although I was unable to convince my colleagues that studying various land management options should be added to the Defense authorization package, I am continuing to explore appropriate land management options for the long-term. I do so because it is important that we assure that the best possible protection will be provided to the unique natural and cultural resources of these areas, consistent with the primary purpose of the range.

While the Barry Goldwater Range will continue to serve its vital purpose, we have an obligation to ensure proper stewardship of our natural resources. This study will provide us with the critical information necessary to fulfill that obligation. Once an alternative management study is completed, I will ensure that any recommendations for improved management of the Goldwater Range are considered and acted on, as necessary, by the Congress.

I strongly urge my colleagues to work with me to pass this legislation to ensure that the Goldwater Range is managed by the agency most qualified to protect the public's interest and preserve the precious land and natural resources of these pristine areas for future generations.●

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1964. A bill to designate the United States Post Office located at 14071 Peyton Drive in Chino Hills, California, as the Joseph Ileto Post Office; to the Committee on Governmental Affairs.

DESIGNATION OF THE JOSEPH ILETO POST OFFICE

Mrs. FEINSTEIN. Mr. President, today I am pleased to be joined by Senator BOXER in introducing a bill to designate the United States Post Office located at 14071 Peyton Drive in Chino Hills, California, as the "Joseph Ileto Post Office." This post office would be designated in memory and in celebration of the life of Joseph Santos Ileto, the Filipino American postal worker who was brutally gunned down during his postal route in August by Buford Furrow, Jr., a white supremacist. Only hours earlier, this same assailant opened fire on the North Valley Jewish Community Center, wounding three young children, one teenager, and one elderly woman.

Joseph Ileto touched many lives. He was a kind-hearted, intelligent man who gave so much to those he loved and even to those he did not know. He was known for his unselfishness and his willingness to give a helping hand to anyone in need. In fact, the day Joseph Ileto was killed, he was filling in for another mail carrier, as he had done so many times before. His life and death exemplify the ultimate sacrifice of public service, which we too often take for granted. As a U.S. Postal Service employee, he served our nation with honor and dignity and died doing his job.

My heart goes out to the Ileto family, who is grieving over the death of their son, brother, and friend. Despite the sadness of their loss, they can be proud that the life and spirit of Joseph Ileto lives on. His death only confirms the urgency in which we as a community must take a strong stand against hate crimes and racism. The number of hate crimes in the U.S. has increased during the last five years, and the time is now to have dialogue and pass meaningful legislation to address this issue. As a first step, it is my hope that we can expedite passage this bill, to remember and honor the life of Joseph Ileto.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF JOSEPH ILETO POST OFFICE.

The United States Post Office located at 14071 Peyton Drive in Chino Hills, California, shall be known and designated as the "Joseph Ileto Post Office".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the post office referred to in section 1 shall be deemed to be a reference to the Joseph Ileto Post Office.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1965. A bill to direct the Secretary of the Interior, the Bureau of Reclamation, to conduct a feasibility study on the Jicarilla Apache Reservation in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

LEGISLATION AUTHORIZING THE BUREAU OF RECLAMATION TO CONDUCT A FEASIBILITY STUDY REGARDING WATER SUPPLY TO THE JICARILLA APACHE INDIAN RESERVATION IN NEW MEXICO

Mr. DOMENICI. Mr. President, I am pleased to be joined by Senator BINGAMAN in introducing legislation authorizing the Bureau of Reclamation to conduct a feasibility study regarding water supply on the Jicarilla Apache Indian Reservation in New Mexico. There are major deficiencies with regard to safe water supplies for residents of the Jicarilla Apache Reservation, since the federally owned municipal water system is severely dilapidated.

The United States has a trust responsibility to ensure that adequate and safe water supplies are available to meet the economic, environmental, water supply, and public health needs of the Jicarilla Apache Indian Reservation . Today, the House of Representatives passed identical legislation to help resolve this problem.

The Jicarilla Apache Tribe is a federally recognized Indian nation in northern New Mexico, with over 3,000 citizens. In the 1920s, the Bureau of Indian Affairs (BIA) constructed a water delivery system to serve federal facilities on the Reservation. In the 1960s, the system was extended to serve tribal facilities and members, but for the last 20 years this federal owned and operated water system has been deteriorating due to inadequate federal funding for regular maintenance and improvements.

No capital improvements have been made to the system for at least ten years. Currently, the system is not in compliance with Federal safe drinking water standards or pollutant discharge standards.

In October of 1988, the inlet system collapsed and caused a devastating five-day water outage on the Reservation. That catastrophe required emergency assistance from the National Guard. A home burned to the ground without necessary water to fight the fire. After that experience, the Tribe expended its own funds to make some repairs, and began a large-scale evaluation of the system. The Tribe has discovered serious problems with the system.

Line breaks are common and frequent, and existing supply facilities are near or at maximum capacity. The Jicarilla Apaches have had to ration water for the last seven summers.

According to a recent EPA report, the water system on the Jicarilla Reservation is the third worst system operating in a six-state region. In addition to being out of compliance with federal drinking water standards, the sewage plant has been operating without a federal discharge permit, exposing the BIA to fines up to $25.000 per day.

Sewage lagoons are operating at 200% capacity, and wastewater spillage threatens not only the Jicarilla Apaches, but down-stream communities in New Mexico and beyond. The Jicarilla Apache Tribal Council has enacted a resolution declaring a state of emergency due to the continued operation of these unsafe water systems.

The Tribe has been forced to expend their own funds due to the serious health threats posed by the unsafe system. In addition to the severe health threats that these systems pose, their inadequate and unsafe condition has virtually suspended social and economic development on the Reservation.

The water deficiencies have forced the Tribe to place a moratorium on new projects, including housing, school, senior center, post office, and health care facility construction. These projects cannot be completed, even though many are already funded, because the existing infrastructure cannot support any further development. While the federal government is entirely responsible to maintain and operate the federal water systems which serve the Reservation, the BIA lacks the resources improve the system.

The water system on the Jicarilla Apache Reservation is one of only two or three such systems still being maintained by the BIA. The BIA does not even own equipment necessary for routine sewer cleaning. While the BIA has continued federal responsibility for these systems, BIA no longer budgets for water delivery systems.

In fact, Kevin Gover of the BIA referred the Tribe to the Bureau of Reclamation for assistance. The Bureau of Reclamation has the needed expertise to help, having experience in providing water to Native Americans through irrigation projects, as well as providing water supplies to other rural communities.

The Tribe wants to eventually own and operate the water system, and wishes to enter into a relationship with the Bureau of Reclamation for completion of rehabilitation of this project. This legislation will allow the Bureau of Reclamation to conduct a feasibility study to determine the best method for developing a safe and adequate municipal, rural, and industrial water supply for the residents of the Jicarilla Apache Indian Reservation in the State of New Mexico.

We want to help the Jicarilla Apaches end their water crisis, and secure congressional authorization for the necessary studies the Bureau of Reclamation has the expertise to conduct. I ask unanimous consent that our proposed legislation and the Jicarilla Apache Counsel Resolution be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) there are major deficiencies with regard to adequate and sufficient water supplies available to resident of the Jicarilla Apache Reservation in the State of New Mexico.

(2) the existing municipal water system that serves the Jicarilla Apache Reservation is under the ownership and control of the Bureau of Indian Affairs and is outdated, dilapidated, and cannot adequately and safely serve the existing and future growth needs of the Jicarilla Apache Tribe;

(3) the federally owned municipal water system on the Jicarilla Apache Reservation has been unable to meet the minimum Federal water requirements necessary for discharging wastewater into a public watercourse and has been operating without a Federal discharge permit;

(4) the federally owned municipal water system that serves the Jicarilla Apache Reservation has been cited by the United States Environmental Protection Agency for violations of Federal safe drinking standards and poses a threat to public health and safety both on and off the Jicarilla Apache Reservation;

(5) the lack of reliable supplies of potable water impedes economic development and has detrimental effects on the quality of life and economic self-sufficiency of the Jicarilla Apache Tribe;

(6) due to the severe health threats and impediments to economic development, the Jicarilla Apache Tribe has authorized and expended $4,500,000 of tribal funds for the repair and replacement of the municipal water system on the Jicarilla Apache Reservation; and

(7) the United States has a trust responsibility to ensure that adequate and safe water supplies are available to meet the economic, environmental, water supply, and public health needs of the Jicarilla Apache Indian Reservation.

SEC. 2. AUTHORIZATION.

(a) AUTHORIZATION.—Pursuant to reclamation laws, the Secretary of the Interior, through the Bureau of Reclamation and in consultation and cooperation with the Jicarilla Apache Tribe, shall conduct a feasibility study to determine the most feasible method of developing a safe and adequate municipal, rural, and industrial water supply for the residents of the Jicarilla Apache Indian Reservation in the State of New Mexico.

(b) REPORT.—Not later than 1 year after funds are appropriated to carry out this Act, the Secretary of the Interior shall transmit to Congress a report containing the results of the feasibility study required by subsection (a).

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $200,000 to carry out this Act.

THE JICARILLA APACHE TRIBE—RESOLUTION No. 99–R–314–06

Whereas, the Jicarilla Apache Tribe is a federally recognized Indian tribe organized under Section 17 of the Indian Reorganization Act of 1934, 25 U.S.C. §476 (1988); and

Whereas, the inherent powers of the Jicarilla Apache Tribe are vested in the Jicarilla Apache Tribal Council pursuant to Article XI, Section 1 of the Revised Constitution of the Jicarilla Apache Tribe; and

Whereas, the Jicarilla Apache Tribal Council is authorized by Article XI, Section I(d) of the Revised Constitution of the Jicarilla Apache Tribe to enact ordinances to promote the peace, safety, property, health and general welfare of the people of the Reservation and is authorized by Article X of the Revised Constitution to enact ordinances and resolutions on matters of permanent interest to the members of the tribe and on matters relating to particular individuals, officials or circumstances; and

Whereas, the Jicarilla Apache Tribal Council has the power to authorize tribal officials to act on its behalf for regulatory and other purposes; and

Whereas, the lack of adequate and safe drinking water facilities on the Jicarilla Apache Reservation leads to serious health problems among tribal members and other residents of the Reservation, such as early loss of life and morbidity and diseases; and

Whereas, the current water treatment plant, water delivery infrastructure and sewage systems that serve the Jicarilla Apache Reservation are owned and operated by the United States, through the Jicarilla Agency Bureau of Indian Affairs ("BIA"); and

Whereas, the Federal Government has a trust responsibility to provide safe drinking water to the Jicarilla Apache people and the United States has failed to carry out this responsibility by not providing the BIA adequate resources to properly maintain and operate the water systems;

Whereas, in October 1998, due to the lack of adequate Federal resources to properly maintain and operate the water systems, the inlet system, which diverts water from the Navajo River, collapsed causing a catastrophic five-day water outage on the Jicarilla Apache Reservation, which necessitated emergency relief by the National Guard; and

Whereas, the Jicarilla Apache Tribe worked around the clock to restore water and expended tribal funds to do so, and as a result of the water outage, the Jicarilla Apache Tribe began investigating and evaluating the operation of the water systems and discovered numerous additional problems; and

Whereas, the water treatment plant, which treats water diverted from the Navajo River prior to being released for public consumption in Dulce, New Mexico, has been the subject of various notices of environmental noncompliance by the United States Environmental Protection Agency ("EPA");

Whereas, the sewage facilities that serve the Jicarilla Apache Reservation are not in compliance with Federal law and are operating without a federal discharge permit, which exposes the BIA to fines up to $25,000 a day, and to meet the national requirements, a new waste water plant must be constructed; and

Whereas, although the Federal Government is responsible for maintaining and operating its own water systems that serve the Reservation, the Tribe has been forced to take action out of its own funds due to the serious health threats the these deficient and unsafe systems have on the people within and near the Reservation; and

Whereas, based on the analysis and recommendation of the Tribe's engineers and consultants, the Tribal Council has authorized the construction of a new inlet system, waste water treatment plant, and sewage facilities and the upgrade and rehabilitation of the water delivery infrastructure; and

Whereas, Congress amended the Safe Drinking Water Act, in 1996 and found, among other things, that:

(1) safe drinking water is essential to the protection of public health;

(2) because the requirements of the Safe Drinking Water Act (42 U.S.C. 300f et seq.) now exceed the financial and technical capacity of some public water systems, especially many small public water systems, the Federal Government needs to provide assistance to communities to help the communities meet Federal drinking water requirements;

(3) more effective protection of public health requires prevention of drinking water contamination through well-trained system operators, water systems with adequate managerial, technical and financial capacity and enhanced protection of source waters of public water systems;

(4) compliance with the requirements of the Safe Drinking Water Act continues to be a concern at public water systems experiencing technical and financial limitations and Federal, State and local governments need more resources and more effective authority to attain the objectives of the Safe Drinking Water Act;

(5) Federal health services to maintain and improve the health of the Indians are consistent with and required by the Federal Government's trust relationship with the American Indian people;

Whereas, the repair and replacement authorization by the Tribal Council is consistent with the Congressional purposes of ensuring safe drinking water to the public; and

Whereas, Indian tribes are recognized as domestic nations under the protection of the United States Government and possessed with the inherent powers of government; and

Whereas, pursuant to the Federal trust relationship between the Federal government and Indian tribes arising from the United States Constitution, United States Supreme Court caselaw, numerous treaties, statutes, and regulations, the Federal government had fiduciary duties to Indian tribes to protect tribal self-government and to provide and ensure adequate and safe drinking water; and

Whereas, in accordance with the Federal policy of Indian Self-Determination, the Federal government has pledged to assist Indian tribes in making reservations permanent homes from Indian people; and

Whereas, The Federal Indian policy of Self-Determination and the Federal trust responsibility to Indian tribes requires that the Federal government conduct government-to-government consultations with Indian tribes on matters affecting tribal interests and to promote tribal economic development, tribal governments, tribal self-sufficiency, which includes proper and adequate and safe drinking water facilities.

Now, Therefore, Be It Resolved, by the Tribal Council of the Jicarilla Apache Tribe that the Tribal Council hereby declares that the Jicarilla Apache Reservation is in a state of critical emergency due to the continued operation of the unsafe water systems that serve the Jicarilla Apache Reservation.

Be It Further Resolved, by the Tribal Council of the Jicarilla Apache Tribe that the Tribal Council, hereby authorizes the Vice-President and his staff to do all acts immediate and necessary to address this emergency, including but not limited to, executing contracts, consulting on a government-to-government basis with Congressional members and the Executive Branch, including the Federal agencies and the White House and lobbying for congressional appropriations.

And Be It Further Resolved, by the Tribal Council of the Jicarilla Apache Tribe that the Jicarilla Apache Tribe calls upon the United States Congress and the United States Department of Interior's Bureau of Indian Affairs and Bureau of Reclamation, the Department of Health and Human Services and the United States Environmental Protection Agency, to exercise their Federal Trust Responsibility and work with the Jicarilla Apache Tribe on a government-to-government basis to address this emergency.

By Mr. COCHRAN (for himself and Mr. LOTT):

S. 1967. A bill to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes; to the Committee on Indian Affairs.

MISSISSIPPI BAND OF CHOCTAW INDIANS

● Mr. COCHRAN. Mr. President, today I am introducing a bill to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, and to take certain land into trust for the Band.

Mr. President, the lands involved in this bill are lands currently owned by the tribe. Over the last 20 years, the tribe has attempted to transfer the land to reservation land, through the regular processes of the Department of Interior and the Bureau of Indian Affairs. The land transfer applications have the support of the State of Mississippi and the local neighboring governments.

Countless times over the years, the tribe has been told by the Department that land transfer applications have been lost and that action would occur soon.

Housing, a school and a medical clinic are among the construction plans that are detained because of the inaction by the Department and BIA. Mr. President, this tribe is simply out of time. The school waiting to be replaced has over two pages of safety violations from the BIA. The medical clinic will not pass its next inspection. Thousands of Mississippi Choctaw citizens have substandard living conditions because of the lack of available housing.

Mr. President, the Choctaws are held up as the best example of self determination. Yet, the federal government seems determined to throw obstacles in the course of their success. The history of these land acquisition applications and the treatment of the tribe is intolerable.

The Congressional Budget Office has reviewed the bill and advises it has no budgetary impact. I urge the Senate to pass this bill.●

By Mr. CRAIG (for himself, Mr. MURKOWSKI, and Mr. THOMAS):

S. 1969. A bill to provide for improved management of, and increases accountability for, outfitted activities by which the public gains access to and occupancy and use of Federal land, and for other purposes; to the Committee on Energy and Natural Resources.

THE OUTFITTER POLICY ACT OF 1999

Mr. CRAIG. Mr. President, I am pleased to introduce today in conjunction with my colleagues Senator MURKOWSKI and Senator THOMAS the Outfitter Policy Act of 1999.

This legislation is very similar to legislation I introduced in the past congress. As that legislation did, this bill would put into law many of the management practices by which federal land management agencies have successfully managed the outfitter and guide industry on National Forests, National Parks and other federal lands over many decades.

The bill recognizes that many Americans want and seek out the skills and experience of commercial outfitters and guides to help them enjoy a safe and pleasant journey through our forests and deserts and over the rivers and lakes that are the spectacular destinations for many visitors to our federal lands.

The Outfitter Policy Act would assure the public continued opportunities for reasonable and safe access to the special areas found throughout our public lands. It establishes high standards that will be met for the health and welfare of visitors who choose outfitted services. It will help guarantee that quality professional services. It will help guarantee that will be available for their recreational and educational experiences on federal land.

This legislation is needed because the management of outfitting and guiding services by this Administration had created problems that threaten to destabilize many of these typically small, independent outfitter and guide businesses. In addressing these problems, this legislation relies heavily on practices that have historically worked well for outfitters, visitors, and other users groups, as well as for federal land managers in the field. When the bill is enacted, it will assure that these past levels of service are continued and enhanced.

Previous hearings and discussions on prior versions of this legislation helped to refine the bill I am introducing today. This process provided the intended opportunity for discussion. It allowed for the examination of the historical practices that have offered consistent, reliable outfitter services to the public. The legislation I am now introducing is a result of that process.

I look forward to considering this legislation in the coming session of the 106th Congress.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1969

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Outfitter Policy Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) the experience, skills, trained staff, and investment in equipment that are provided by authorized outfitters are necessary to provide access to Federal land to members of the public that need or desire commercial outfitted activities to facilitate their use and enjoyment of recreational or educational opportunities on Federal land;

(2) such activities constitute an important contribution toward meeting the recreational and educational objectives of resource management plans approved and administered by agencies of the Department of Agriculture and the Department of the Interior;

(3) an effective relationship between those agencies and authorized outfitters requires implementation of agency policies and programs that provide for—

(A) a reasonable opportunity for an authorized outfitter to realize a profit;

(B) a fair and reasonable return to the United States through appropriate fees;

(C) renewal of outfitter permits based on a performance evaluation system that rewards outfitters that meet required performance standards and discontinues outfitters that fail to meet those standards; and

(D) transfer of an outfitter permit to the qualified purchaser of the operation of an authorized outfitter, an heir or assign, or another qualified person or entity; and

(4) the provision of opportunities for outfitted visitors to Federal land to engage in fishing and hunting is best served by continued recognition that the States retain primary authority over the taking of fish and wildlife on Federal land.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to establish terms and conditions of access to, and occupancy and use of, Federal land by visitors who require or desire the assistance of an authorized outfitter; and

(2) to establish a stable regulatory climate that encourages a qualified person or entity to provide, and to continue to invest in the ability to provide, outfitted visitors with access to, and occupancy and use of, Federal land.

SEC. 4. DEFINITIONS.

In this Act:

(1) Actual use.—The term "actual use" means the portion of a principal allocation of outfitter use that an authorized outfitter uses in conducting commercial outfitted activities during a period, for a type of use, for a location, or in terms of another measurement of the term or outfitted activities covered by an outfitter permit.

(2) Allocation of use.—

(A) In general.—The term "allocation of use" means a method or measurement of access that—

(i) is granted by the Secretary to an authorized outfitter for the purpose of facilitating the occupancy and use of Federal land by an outfitted visitor;

(ii) takes the form of—

(I) an amount or type of commercial outfitted activity resulting from an apportionment of the total recreation capacity of a resource area; or

(II) in the case of a resource area for which recreation capacity has not been apportioned, a type of commercial outfitted activity conducted in a manner that is not inconsistent with or incompatible with an approved resource management plan; and

(iii) is calibrated in terms of amount of use, type of use, or location of a commercial outfitted activity, including user days or portions of user days, seasons or other periods of operation, launch dates, assigned camps, or other formulations of the type or amount of authorized activity.

(B) Inclusion.—The term "allocation of use" includes the designation of a geographic area, zone, or district in which a limited number of authorized outfitters are authorized to operate.

(3) Authorized outfitter.—

(A) In general.—The term "authorized outfitter" means a person that conducts a commercial outfitted activity on Federal land under an outfitter authorization.

(B) Inclusion.—The term "authorized outfitter" includes an outfitter that conducts a commercial outfitted activity on Federal land under an outfitter authorization awarded under an agreement between the Secretary and a State or local government that provides for the regulation by a State or local agency of commercial outfitted activities on Federal land.

(4) Commercial outfitted activity.—The term "commercial outfitted activity" means an authorized outfitted activity—

(A) that is available to the public;

(B) that is conducted under the direction of paid staff; and

(C) for which an outfitted visitor is required to pay more than shared expenses (including payment to an authorized outfitter that is a nonprofit organization).

(5) Federal agency.—The term "Federal agency" means—

(A) the Forest Service;

(B) the Bureau of Land Management;

(C) the United States Fish and Wildlife Service; and

(D) the Bureau of Reclamation.

(6) Federal land.—

(A) In general.—The term "Federal land" means all land and interests in land administered by a Federal agency.

(B) Exclusion.—The term "Federal land" does not include—

(i) land held in trust by the United States for the benefit of an Indian tribe or individual; or

(ii) land held by an Indian tribe or individual subject to a restriction by the United States against alienation.

(7) Institutional recreation program.—The term "institutional recreation program" means a program of recreational activities on Federal land that may include the conduct of an outfitted activity on Federal land sponsored and guided by—

(A) an institution with a membership or limited constituency, such as a religious, conservation, youth, fraternal, or social organization; or

(B) an educational institution, such as a college or university.

(8) Limited outfitter authorization.—The term "limited outfitter authorization" means an outfitter authorization under section 6(f).

(9) Livery.—The term "livery" means the dropping off or picking up of visitors, supplies, or equipment on Federal land.

(10) Outfitted activity.—

(A) In general.—The term "outfitted activity" means an activity—

(i) such as outfitting, guiding, supervision, education, interpretation, skills training, assistance, or livery operation conducted for a member of the public in an outdoor environment; and

(ii) that uses the recreational, natural, historical, or cultural resources of Federal land.

(B) Exclusion.—The term "outfitted activity" does not include a service provided under the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b).

(11) Outfitted visitor.—The term "outfitted visitor" means a member of the public that relies on an authorized outfitter for access to and occupancy and use of Federal land.

(12) Outfitter.—The term "outfitter" means a person that conducts a commercial outfitted activity, including a person that, by local custom or tradition, is known as a "guide".

(13) Outfitter authorization.—The term "outfitter authorization" means—

(A) an outfitter permit; or

(B) a limited outfitter authorization.

(14) Outfitter permit.—The term "outfitter permit" means an outfitter permit under section 6.

(15) Principal allocation of outfitter use.—The term "principal allocation of outfitter use" means a commitment by the Secretary in an outfitter permit for an allocation of use to an authorized outfitter in accordance with section 9.

(16) Resource area.—The term "resource area" means a management unit that is described by or contained within the boundaries of—

(A) a national forest;

(B) an area of public land;

(C) a wildlife refuge;

(D) a congressionally designated area;

(E) a hunting zone or district; or

(F) any other Federal planning unit (including an area in which outfitted activities are regulated by more than 1 Federal agency).

(17) Secretary.—The term "Secretary" means—

(A) with respect to Federal land administered by the Forest Service, the Secretary of Agriculture, acting through the Chief of the Forest Service or a designee;

(B) with respect to Federal land administered by the Bureau of Land Management, the Secretary of the Interior, acting through the Director of the Bureau of Land Management or a designee;

(C) with respect to Federal land administered by the United States Fish and Wildlife Service, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service or a designee; and

(D) with respect to Federal land administered by the Bureau of Reclamation, the Secretary of the Interior, acting through the Commissioner of Reclamation or a designee.

(18) Temporary allocation of use.—The term "temporary allocation of use" means an allocation of use to an authorized outfitter in accordance with section 9.

SEC. 5. NONOUTFITTER USE AND ENJOYMENT.

Nothing in this Act enlarges or diminishes the right or privilege of occupancy and use of Federal land under any applicable law (including planning process rules and any administrative allocation), by a commercial or noncommercial individual or entity that is not an authorized outfitter or outfitted visitor.

SEC. 6. OUTFITTER AUTHORIZATIONS.

(a) In General.—

(1) Prohibition.—No person or entity, except an authorized outfitter, shall conduct a commercial outfitted activity on Federal land.

(2) Conduct of outfitted activities.—An authorized outfitter shall not conduct an outfitted activity on Federal land except in accordance with an outfitter authorization.

(3) Special rule for Alaska.—With respect to a commercial outfitted activity conducted in the State of Alaska, the Secretary shall not establish or impose a limitation on access by an authorized outfitter that is inconsistent with the access ensured under subsections (a) and (b) of section 1110 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3170).

(b) Terms and Conditions.—An outfitter authorization shall specify—

(1) the rights and obligations of the authorized outfitter and the Secretary; and

(2) other terms and conditions of the authorization.

(c) Criteria for Award of an Outfitter Permit.—The Secretary shall establish criteria for award of an outfitter permit that—

(1) identify skilled, experienced, and financially capable persons or entities with knowledge of the resource area to offer and conduct commercial outfitted activities;

(2) provide a stable regulatory climate in accordance with this Act and other law (including regulations) that encourages a qualified person or entity to provide, and to continue to invest in the ability to provide, commercial outfitted activities;

(3) offer a reasonable opportunity for an authorized outfitter to realize a profit; and

(4) subordinate considerations of revenue to the United States to the objectives of—

(A) providing recreational or educational opportunities for the outfitted visitor;

(B) providing for the health and welfare of the public; and

(C) conserving resources.

(d) Award.—

(1) In general.—The Secretary may award an outfitter permit under this Act if—

(A) the commercial outfitted activity to be authorized is not inconsistent with or incompatible with an approved resource management plan applicable to the resource area in which the commercial outfitted activity is to be conducted; and

(B) the authorized outfitter meets the criteria established under subsection (c)(1).

(2) Use of competitive process.—

(A) In general.—Except as otherwise provided by this Act, the Secretary shall use a competitive process to select an authorized outfitter to which an outfitter permit is to be awarded.

(B) Exception for certain activities.—The Secretary may award an outfitter permit to an applicant without conducting a competitive selection process if the Secretary determines that—

(i) the applicant meets criteria established by the Secretary under subsection (c); and

(ii) there is no competitive interest in the commercial outfitted activity to be conducted.

(C) Exception for renewals and transfers.—The Secretary shall award an outfitter permit to an applicant without conducting a competitive selection process if the authorization is a renewal or transfer of an existing outfitter permit under section 11 or 12.

(e) Provisions of Outfitter Permits.—

(1) In general.—An outfitter permit shall provide for—

(A) the health and welfare of the public;

(B) conservation of resource values;

(C) a fair and reasonable return to the United States through an authorization fee in accordance with section 7;

(D) a term of 10 years;

(E) the obligation of an authorized outfitter to defend and indemnify the United States in accordance with section 8;

(F) a principal allocation of outfitter use, and, if appropriate, a temporary allocation of use, in accordance with section 9;

(G) a plan to conduct performance evaluations in accordance with section 10;

(H) renewal or termination of an outfitter permit in accordance with section 11;

(I) transfer of an outfitter permit in accordance with section 12;

(J) a means of modifying an outfitter permit to reflect material changes from the terms and conditions specified in the outfitter permit;

(K) notice of a right of appeal and judicial review in accordance with section 14; and

(L) such other terms and conditions as the Secretary may require.

(2) Extensions.—The Secretary may award not more than 3 temporary 1-year extensions of an outfitter permit, unless the Secretary determines that extraordinary circumstances warrant additional extensions.

(f) Limited Outfitter Authorizations.—

(1) In general.—The Secretary may issue a limited outfitter authorization to an applicant for incidental occupancy and use of Federal land for the purpose of conducting a commercial outfitted activity on a limited basis.

(2) Term.—A limited outfitter authorization shall have a term of not to exceed 2 years.

(3) Reissuance or renewal.—A limited outfitter authorization may be reissued or renewed at the discretion of the Secretary.

SEC. 7. AUTHORIZATION FEES.

(a) Amount of Fee.—

(1) In general.—An outfitter permit shall provide for payment to the United States of a fair and reasonable authorization fee, as determined by the Secretary.

(2) Determination of amount of fee.—In determining the amount of an authorization fee, the Secretary shall take into consideration—

(A) the obligations of the outfitter under the outfitter permit;

(B) the provision of a reasonable opportunity for net profit in relation to capital invested; and

(C) economic conditions.

(b) Establishment of Amount Applicable to an Outfitter Permit.—

(1) In general.—The amount of the authorization fee paid to the United States for the term of an outfitter permit shall be specified in the outfitter permit.

(2) Requirements.—The amount of the authorization fee—

(A)(i) shall be expressed as—

(I) a simple charge per day of actual use; or

(II) an annual or seasonable flat fee;

(ii) if calculated as a percentage of revenue, shall be determined based on adjusted gross receipts; or

(iii) with respect to a commercial outfitted activity conducted in the State of Alaska, shall be based on a simple charge per user day;

(B) shall be subordinate to the objectives of—

(i) conserving resources;

(ii) protecting the health and welfare of the public; and

(iii) providing reliable, consistent performance in conducting outfitted activities; and

(C) shall be required to be paid by an authorized outfitter to the United States on a reasonable schedule during the operating season.

(3) Adjusted gross receipts.—For the purpose of paragraph (2)(A)(ii), the Secretary shall—

(A) take into consideration revenue from the gross receipts of the authorized outfitter from commercial outfitted activities conducted on Federal land; and

(B) exclude from consideration any revenue that is derived from—

(i) fees paid by the authorized outfitter to any unit of Federal, State, or local government for—

(I) hunting or fishing licenses;

(II) entrance or recreation fees; or

(III) other purposes (other than commercial outfitted activities conducted on Federal land);

(ii) goods and services sold to outfitted visitors that are not within the scope of authorized outfitter activities conducted on Federal land; or

(iii) operations on non-Federal land.

(4) Substantially similar services in a specific geographic area.—

(A) In general.—Except as provided in subparagraph (B), if more than 1 outfitter permit is awarded to conduct the same or similar commercial outfitted activities in the same resource area, the Secretary shall establish an identical fee for all such outfitter permits.

(B) Exception.—The terms and conditions of an existing outfitter permit shall not be subject to modification or open to renegotiation by the Secretary because of the award of a new outfitter permit at the same resource area for the same or similar commercial outfitted activities.

(5) Actual use.—

(A) In general.—For the purpose of calculating an authorization fee for actual use under clauses (ii) and (iii) of paragraph (2)(A), the sum of authorization fees proportionately assessed per outfitted visitor in a single calendar day for commercial outfitted activities at more than 1 resource area shall be not greater than the equivalent fee charged for 1 full user day.

(B) Reconsideration of fee.—The authorization fee may be reconsidered during the term of the outfitter permit in accordance with paragraph (6) or section 9(c)(3) at the request of the Secretary or the authorized outfitter.

(6) Adjustment of fees.—The amount of an authorization fee—

(A) shall be determined as of the date of the outfitter permit; and

(B) may be modified to reflect—

(i) changes relating to the terms and conditions of the outfitter permit, including 1 or more outfitter permits described in paragraph (5);

(ii) extraordinary unanticipated changes affecting operating conditions, such as natural disasters, economic conditions, or other material adverse changes from the terms and conditions specified in the outfitter permit;

(iii) changes affecting operating or economic conditions determined by other governing entities, such as the availability of State fish or game licenses; or

(iv) the imposition of new or higher fees assessed under other law.

(c) Establishment of Amount Applicable to a Limited Outfitter Authorization.—The Secretary shall determine the amount of an authorization fee, if any, under a limited outfitter authorization.

SEC. 8. LIABILITY AND INDEMNIFICATION.

(a) In General.—An authorized outfitter shall defend and indemnify the United States for costs or expenses associated with injury, death, or damage to any person or property caused by the authorized outfitter's negligence, gross negligence, or willful and wanton disregard for persons or property arising directly out of the authorized outfitter's conduct of a commercial outfitted activity under an outfitter authorization.

(b) No Liability.—An authorized outfitter—

(1) shall have no responsibility to defend or indemnify the United States, its agents, employees, or contractors, or third parties for costs or expenses associated with injury, death, or damage to any person or property caused by the acts, omissions, negligence, gross negligence, or willful and wanton misconduct of the United States, its agents, employees, or contractors, or third parties;

(2) shall not incur liability of any kind to the United States, its agents, employees, or contractors, or third parties as a result of the award of an outfitter authorization or as a result of the conduct of a commercial outfitted activity under an outfitter authorization absent a finding by a court of competent jurisdiction of negligence, gross negligence, or willful and wanton disregard for persons or property on the part of the authorized outfitter; and

(3) shall have no responsibility to defend or indemnify the United States, its agents, employees, or contractors, or third parties for costs or expenses associated with injury, death, or damage to any person or property resulting from the inherent risks of the commercial outfitted activity conducted by the authorized outfitter under the outfitter authorization or the inherent risks present on Federal land.

(c) Agreements.—An authorized outfitter may enter into contracts or other agreements with outfitted visitors, including agreements providing for release, waiver, indemnification, acknowledgment of risk, or allocation of risk.

SEC. 9. ALLOCATION OF USE.

(a) In General.—In a manner that is not inconsistent with or incompatible with an approved resource management plan applicable to the resource area in which a commercial outfitted activity occurs, the Secretary—

(1) shall provide a principal allocation of outfitter use to an authorized outfitter under an outfitter permit; and

(2) may provide a temporary allocation of use to an authorized outfitter under an outfitter permit.

(b) Renewals, Transfers, and Extensions.—The Secretary shall provide a principal allocation of outfitter use to an authorized outfitter that—

(1) in the case of the renewal of an outfitter permit, is not inconsistent with or incompatible with the terms and conditions of an approved resource management plan applicable to the resource area in which the commercial outfitted activity occurs; or

(2) in the case of the transfer or temporary extension of an outfitter permit, is the same amount of principal allocation of outfitter use provided to the current authorized outfitter.

(c) Waiver.—

(1) In general.—At the request of an authorized outfitter, the Secretary may waive any obligation of the authorized outfitter to use all or part of the amount of allocation of use provided under the outfitter permit, if the request is made in sufficient time to allow the Secretary to temporarily reallocate the unused portion of the allocation of use in that season or calendar year.

(2) Reclaiming of allocation of use.—Unless the Secretary has reallocated the unused portion of an allocation of use in accordance with paragraph (1), the authorized outfitter may reclaim any part of the unused portion in that season or calendar year.

(3) No fee obligation.—An outfitter permit fee may not be charged for any amount of allocation of use subject to a waiver under paragraph (1).

(d) Adjustment to Allocation of Use.—The Secretary—

(1) may adjust an allocation of use assigned to an authorized outfitter to reflect—

(A) material change arising from approval of a change in the resource management plan for the area of operation; or

(B) requirements arising under other law; and

(2) shall provide an authorized outfitter with documentation supporting the basis for any adjustment in the principal allocation of outfitter use, including new terms and conditions that result from the adjustment.

(e) Temporary Allocation of Use.—

(1) In general.—A temporary allocation of use may be provided to an authorized outfitter at the discretion of the Secretary for a period not to exceed 2 years.

(2) Renewals, transfers, and extensions.—A temporary allocation of use may be renewed, transferred, or extended at the discretion of the Secretary.

SEC. 10. EVALUATION OF PERFORMANCE UNDER OUTFITTER PERMITS.

(a) Evaluation Process.—

(1) In general.—The Secretary shall develop a process for annual evaluation of the performance of an authorized outfitter in conducting a commercial outfitted activity under an outfitter permit.

(2) Evaluation Criteria.—Criteria to be used by the Secretary to evaluate the performance of an authorized outfitter shall—

(A) be objective, measurable, and reasonably attainable; and

(B) include—

(i) standards generally applicable to all commercial outfitted activities;

(ii) standards specific to a resource area, an individual outfitter operation, or a type of commercial outfitted activity; and

(iii) such other terms and conditions of the outfitter permit as are agreed to by the Secretary and the authorized outfitter as measurements of performance.

(3) Special rule for Alaska.—With respect to commercial outfitted activities conducted in the State of Alaska, objectives relating to conservation of natural resources and the taking of fish and game shall not be inconsistent with the laws (including regulations) of the Alaska Department of Fish and Game.

(4) Requirements.—In evaluating the level of performance of an authorized outfitter, the Secretary shall—

(A) appropriately account for factors beyond the control of the authorized outfitter, including conditions described in section 7(b)(6)(B);

(B) ensure that the effect of any performance deficiency reflected by the performance rating is proportionate to the severity of the deficiency, including any harm that may have resulted from the deficiency; and

(C) allow additional credit to be earned for elements of performance that exceed the requirements of the outfitter permit.

(b) Levels of Performance.—The Secretary shall define 3 levels of performance, as follows:

(1) Good, indicating a level of performance that fulfills the terms and conditions of the outfitter permit.

(2) Marginal, indicating a level of performance that, if not corrected, will result in an unsatisfactory level of performance.

(3) Unsatisfactory, indicating a level of performance that fails to fulfill the terms and conditions of the outfitter permit.

(c) Performance Evaluation.—

(1) Evaluation system.—The Secretary shall establish a performance evaluation system that assures the public of continued availability of dependable commercial outfitted activities and discontinues any authorized outfitter that fails to meet the required standards.

(2) Procedure.—An authorized outfitter shall be entitled—

(A) to be present, or represented, at inspections of operations or facilities, which inspections shall be limited to the operations and facilities of the authorized outfitter located on Federal land;

(B) to receive written notice of any conduct or condition that, if not corrected, might lead to a performance evaluation of marginal or unsatisfactory, which notice shall include an explanation of needed corrections and provide a reasonable period of time in which the corrections may be made without penalty; and

(C) to receive written notice of the results of the performance evaluation not later than 30 days after the conclusion of the authorized outfitter's operating season, including the level of performance and the status of corrections that may have been required.

(d) Marginal Performance.—If an authorized outfitter's level of performance for a year is determined to be marginal, and the authorized outfitter fails to complete the corrections within the time period specified under subsection (c)(2)(B), the level of performance shall be determined to be unsatisfactory for the year.

(e) Determination of Eligibility for Renewal.—

(1) In general.—The results of all annual performance evaluations of an authorized outfitter shall be reviewed by the Secretary in the year preceding the year in which the outfitter permit expires to determine whether the authorized outfitter's overall performance during the term has met the requirements for renewal under section 11.

(2) Failure to evaluate.—If, in any year of the term of an outfitter permit, the Secretary fails to evaluate the performance of the authorized outfitter by the date that is 60 days after the conclusion of the authorized outfitter's operating season, the performance of the authorized outfitter in that year shall be considered to have been good.

(3) Notice.—Not later than 60 days after the end of the year preceding the year in which an outfitter permit expires, the Secretary shall provide the authorized outfitter with the cumulative results of performance evaluations conducted under this subsection during the term of the outfitter permit.

(4) Unsatisfactory performance in final year.—If an authorized outfitter receives an unsatisfactory performance rating under subsection (d) in the final year of the term of an outfitter permit, the review and determination of eligibility for renewal of the outfitter permit under paragraph (1) shall be revised to reflect that result.

SEC. 11. RENEWAL OR TERMINATION OF OUTFITTER PERMITS.

(a) Renewal at Expiration of Term.—

(1) In general.—On expiration of the term of an outfitter authorization, the Secretary shall renew the authorization in accordance with paragraph (2).

(2) Determination based on annual performance rating.—The Secretary shall

renew an outfitter authorization under paragraph (1) at the request of the authorized outfitter and subject to the requirements of this Act if the Secretary determines that the authorized outfitter has received not more than 1 unsatisfactory annual performance rating under section 10 during the term of the outfitter permit.

(b) TERMINATION.—An outfitter permit may be terminated only if the Secretary determines that—

(1) the authorized outfitter has failed to correct a condition for which the authorized outfitter received notice under section 10(c)(2)(B) and the condition is considered by the Secretary to be significant with respect to the health and welfare of outfitted visitors or the conservation of resources;

(2) the authorized outfitter is repeatedly in arrears in the payment of fees under section 7; or

(3) the authorized outfitter's conduct demonstrates repeated and willful disregard for—

(A) the health and welfare of outfitted visitors; or

(B) the conservation of resources on which the commercial outfitted activities are conducted.

SEC. 12. TRANSFERABILITY OF OUTFITTER PERMITS.

(a) IN GENERAL.—An outfitter permit shall not be transferred (including assigned or otherwise conveyed or pledged) by the authorized outfitter without prior written notification to, and approval by, the Secretary.

(b) APPROVAL.—

(1) IN GENERAL.—The Secretary shall approve a transfer of an outfitter permit unless the Secretary determines that the transferee does not have sufficient professional, financial, and other resources or business experience to be capable of performing under the outfitter permit for the remainder of the term of the outfitter permit.

(2) QUALIFIED TRANSFEREES.—Subject to section 6(d)(1), the Secretary shall approve a transfer of an outfitter permit—

(A) to a purchaser of the operation of the authorized outfitter;

(B) at the request of the authorized outfitter, to an assignee, partner, or stockholder or other owner of an interest in the operation of the authorized outfitter; or

(C) on the death of the authorized outfitter, to an heir or assign.

(c) NO MODIFICATION AS CONDITION OF APPROVAL.—The terms and conditions of an outfitter permit shall not be subject to modification or open to renegotiation by the Secretary because of a transfer described in subsection (a), unless the terms and conditions of the outfitter permit that is proposed to be transferred have become inconsistent or incompatible with an approved resource management plan for the resource area as a result of a modification to the plan.

(d) CONSIDERATION PERIOD.—

(1) THRESHOLD FOR AUTOMATIC APPROVAL.—Subject to paragraph (2), if the Secretary fails to approve or disapprove the transfer of an outfitter permit within 90 days after the date of receipt of an application containing the information required with respect to the transfer, the transfer shall be deemed to have been approved.

(2) EXTENSION.—The Secretary and the authorized outfitter making application for transfer of an outfitter permit may agree to extend the period for consideration of the application.

(e) CONTINUANCE OF OUTFITTER PERMIT.—If the transfer of an outfitter permit is not approved by the Secretary or if the transfer is not subsequently made, the outfitter permit shall remain in effect.

SEC. 13. RECORDKEEPING REQUIREMENTS.

(a) IN GENERAL.—An authorized outfitter shall keep such reasonable records as the Secretary may require to enable the Secretary to determine that all the terms of the outfitter authorization have been and are being carried out.

(b) BURDEN ON AUTHORIZED OUTFITTER.—The recordkeeping requirements established by the Secretary shall incorporate simplified procedures that do not impose an undue burden on an authorized outfitter.

(c) ACCESS TO RECORDS.—The Secretary, or an authorized representative of the Secretary, shall, until the end of the fifth calendar year beginning after the end of the business year of an authorized outfitter, have access to and the right to examine any books, papers, documents, and records of the authorized outfitter relating to each outfitter authorization held by the authorized outfitter during the business year.

SEC. 14. APPEALS AND JUDICIAL REVIEW.

(a) APPEALS PROCEDURE.—The Secretary shall by regulation—

(1) grant an authorized outfitter full access to administrative remedies under the Secretary's authority at the time of an appeal; and

(2) establish an expedited procedure for consideration of appeals of Federal agency decisions to deny, suspend, fail to renew, or terminate an outfitter permit.

(b) JUDICIAL REVIEW.—An authorized outfitter that is adversely affected by a final decision of the Secretary under this Act may commence a civil action in United States district court.

SEC. 15. INSTITUTIONAL RECREATION PROGRAMS.

(a) IN GENERAL.—The Secretary shall manage the occupancy and use of Federal land by institutional recreation programs that conduct outfitted activities under this Act.

(b) REQUIREMENTS.—In managing an institutional recreation program authorized under this Act, the Secretary shall require that the program—

(1) operate in a manner that is not inconsistent with or incompatible with an approved resource management plan applicable to the resource area in which the outfitted activity is conducted;

(2) provide for the health and welfare of members of the sponsoring organization or affiliated participants; and

(3) ensure the conservation of resources.

SEC. 16. CONSISTENCY WITH OTHER LAW AND RIGHTS.

(a) CONSISTENCY WITH OTHER LAW.—Each program of outfitted activities carried out on Federal land shall be consistent with the mission of the administering Federal agency and all laws (including regulations) applicable to the outfitted activities.

(b) CONSISTENCY WITH RIGHTS OF UNITED STATES.—Nothing in this Act limits or restricts any right, title, or interest of the United States in or to any land or resource.

SEC. 17. REGULATIONS.

Not later than 2 years after the date of enactment of this Act, the Secretary shall promulgate such regulations as are appropriate to carry out this Act.

SEC. 18. RELATIONSHIP TO OTHER LAW.

(a) NATIONAL PARK OMNIBUS MANAGEMENT ACT OF 1998.—Nothing in this Act supersedes or otherwise affects any provision of title IV of the National Park Omnibus Management Act of 1998 (16 U.S.C. 5951 et seq.).

(b) STATE OUTFITTER LICENSING LAW.—This Act does not preempt any outfitter or guide licensing law (including any regulation) of any State or territory.

SEC. 19. TRANSITION PROVISIONS.

(a) IN GENERAL.—

(1) OUTFITTERS WITH SATISFACTORY RATINGS.—An outfitter that holds a permit, contract, or other authorization to conduct commercial outfitted activities (or an extension of such a permit, contract, or other authorization) in effect on the date of enactment of this Act shall be entitled, on request or on expiration of the authorization, to the issuance of an outfitter permit under this Act if a recent performance evaluation determined that the outfitter's aggregate performance under the permit, contract, or other authorization was good or was the equivalent of good, satisfactory, or acceptable under a rating system in use before the date of enactment of this Act.

(2) OUTFITTERS WITH NO RATINGS.—For the purpose of paragraph (1), if no recent performance evaluation exists with respect to an outfitter, the outfitter's aggregate performance under the permit, contract, or other authorization shall be deemed to be good.

(b) EFFECT OF ISSUANCE OF OUTFITTER PERMIT.—The issuance of an outfitter permit under subsection (a) shall not adversely affect any right or obligation that existed under the permit, contract, or other authorization (or an extension of the permit, contract, or other authorization) on the date of enactment of this Act.

By Mr. SPECTER:

S. 1970. A bill to amend chapter 171 of title 28, United States Code, with respect to the liability of the United States for claims of military personnel for damages for certain injuries; to the Committee on the Judiciary.

FERES DOCTRINE REVERSAL LEGISLATION

Mr. SPECTER. Mr. President, I seek recognition to introduce a bill which will overturn what has come to be known as the "Feres doctrine." In the 1950 case of Feres v. U.S., the Supreme Court held that the United States Government is not liable under the Federal Tort Claims Act for injuries to military personnel where the injuries are sustained "incident to service." Under the Feres doctrine, therefore, a soldier would not be able to seek compensation from the government for injuries sustained due to government negligence unless the soldier happened to be on leave or furlough at the time he or she sustained the injuries.

Over the years, we have seen the Feres doctrine produce anomalous results which reflect neither the will of the Congress nor basic common sense. For instance, under Feres, a soldier who is the victim of medical malpractice at an army hospital cannot sue the government for compensation. Likewise, his family cannot sue for compensation if the soldier dies from the malpractice. But a civilian who suffers from the same malpractice would be entitled to file suit against the government. Likewise, if a soldier driving home from work on an army base is hit by a negligently driven army truck, he is barred from suing the government for compensation. If the soldier dies in the accident, his family will be barred from suing for compensation. Meanwhile, a civilian hit by the same truck would have a cause of action against the United States. Unfortunately, the individuals hurt by the Feres doctrine are the men and women of our armed forces—people whom we should protect and reward, not punish.

The recent decision of the Third Circuit Court of Appeals in O'Neil v. United States illustrates the troubling results produced by the Feres doctrine. In O'Neil, the family of slain Naval officer Kerryn O'Neil was barred from pursuing a wrongful death claim against the government under the Feres doctrine. O'Neil was murdered by her former fiancé, George Smith, a Navy ensign. The two met at the U.S. Naval Academy and were stationed at the same Naval base in California. After Ms. O'Neil broke off their engagement, Mr. Smith began to stalk her. One night while Ms. O'Neil was sitting in her on-base apartment watching a movie with a friend, Smith came to her building and killed her, her friend, and then himself.

After the murders, Kerryn O'Neil's family learned that Mr. Smith had scored in the 99.99th percentile for aggressive/destructive behavior in Navy psychological tests. Under Naval procedures, these results should have been forwarded to the Department of Psychiatry at the Naval Hospital for a full psychological evaluation. Had their claim not been barred, the O'Neils would have argued that the Navy was negligent in failing to follow up on these extreme test results. I do not know whether the O'Neil's deserved to be compensated under the Act—this depends on the specific facts and the case law in this area. But it does seem clear to me that the O'Neils should not have been barred from pursuing their claim because their daughter's fatal injuries were sustained "incident to service."

Of course, there are situations in which soldiers should not be allowed to sue the government in tort. For example, in a combat situation, countless judgment calls are made which result in death or injuries to soldiers. We cannot have lawyers and juries second guessing the decisions made by field commanders and combatants in the heat of battle. But such considerations do not necessitate that military personnel should lose the right to sue the government in any context.

The bill I introduce today will reverse the court-created Feres doctrine and return the law to the way it was originally intended by Congress. My bill is very short and simple. It amends the Federal Tort Claims Act to specifically provide that the Act applies to military personnel on active duty the same as it applies to anyone else. My bill further specifies that military personnel will be limited by the exceptions to government liability already included in the Act, including the bar on liability for injuries sustained by military personnel in combat and the bar on liability for claims which arise in a foreign country. In short, my bill will ensure that members of our armed forces will be entitled to damages they deserve when injured through the negligence or wrongful actions of the Federal government or its agents, except for certain limited cases contemplated by Congress when it originally passed the Act.

Congress passed the Federal Tort Claims Act in 1946 to give the general consent of the government to be sued in tort, subject to several specific restrictions. Under the common law doctrine of sovereign immunity, the United States cannot be sued without such specific consent. The Act provides that the government will be held liable "in the same manner and to the same extent as a private individual under the circumstances." Thus, the Act makes the United States liable for the torts of its employees and agents to the extent that private employers are liable under state law for the torts of their employees and agents.

The Act contains many exceptions to government liability, but it does not contain an explicit exception for injuries sustained by military personnel incident to service. In fact, one of the Act's exceptions prevents "any claim arising out of the combatant activities of the military or naval forces, or the Coast Guard during time of war." By including this exception, Congress clearly contemplated the special case of military personnel and decided that certain limits must be placed on government liability in this context. But by drawing this exception narrowly and limiting it to combat situations, Congress rejected any broad exception for injuries sustained "incident to service." The Supreme Court did far more than interpret our statute when it significantly broadened the limited combat exception provided by Congress. This bill leaves intact the government's exemption for injuries sustained in combat.

The Feres doctrine has been the subject of harsh criticism by some of the leading jurists in the nation. In the 1987 case of United States v. Johnson, a 5 to 4 majority of the Supreme Court held that the Feres doctrine bars suits on behalf of military personnel injured incident to service even in cases of torts committed by employees of civilian agencies. Justice Scalia wrote a scathing dissent in Johnson, in which he was joined by Justices Brennan, Marshall, and Stevens. Scalia wrote that Feres was "wrongly decided and heartily deserves the widespread, almost universal criticism it has received."

Judge Edward Becker, the Chief Judge of the Third Circuit Court of Appeals, has also spoken out strongly against the Feres doctrine. He has noted that "the scholarly criticism of the doctrine is legion" and has urged the Supreme Court to grant cert. to reconsider Feres. Judge Becker has written to me that given the failure of the Court to overturn Feres thus far, I should introduce legislation doing so.

Even in the Feres opinion itself, the Supreme Court expressed an uncharacteristic doubt about its decision. The justices recognized that they may be misinterpreting the Federal Tort Claims Act. They called upon Congress to correct their mistake if this were the case. The Court wrote:

> There are few guiding materials for our task of statutory construction. No committee reports or floor debates disclose what effect the statute was designed to have on the problem before us, or that it even was in mind. Under these circumstances, no conclusion can be above challenge, but if we misinterpret the Act, at least Congress possesses a ready remedy.

Congress does possess a ready remedy, and I call upon my colleagues to exercise it. The bill I introduce today will eliminate the judicially created Feres doctrine and revive the original framework of the Federal Tort Claims Act. There is no reason to deny compensation to the men and women of our armed services who are injured or killed in domestic accidents or violence outside the heat of combat. I hope that when we resume our business next year my colleagues will join me in supporting and passing this legislation.

ADDITIONAL COSPONSORS

S. 211

At the request of Mr. MOYNIHAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 211, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, and for other purposes.

S. 279

At the request of Mr. MCCAIN, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 279, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 345

At the request of Mr. ALLARD, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 486

At the request of Mr. EDWARDS, his name was added as a cosponsor of S. 486, a bill to provide for the punishment of methoamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes.

At the request of Mr. HATCH, his name, and the name of the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 486, supra.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1109

At the request of Mr. MCCONNELL, the names of the Senator from Arizona (Mr. KYL) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 1109, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1197

At the request of Mr. ROTH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1197, a bill to prohibit the importation of products made with dog or cat fur, to prohibit the sale, manufacture, offer for sale, transportation, and distribution of products made with dog or cat fur in the United States, and for other purposes.

S. 1257

At the request of Mr. HATCH, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1257, a bill to amend statutory damages provisions of title 17, United States Code.

S. 1380

At the request of Mr. HATCH, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1380, a bill to provide for a study of long-term care needs in the 21st century.

S. 1419

At the request of Mr. MCCAIN, the names of the Senator from Oklahoma (Mr. NICKLES), the Senator from Tennessee (Mr. THOMPSON), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1419, a bill to amend title 36, United States Code, to designate May as "National Military Appreciation Month."

S. 1447

At the request of Mr. WELLSTONE, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1447, a bill to amend the Public Health Service Act, Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to provide for nondiscriminatory coverage for substance abuse treatment service under private group and individual health coverage.

S. 1500

At the request of Mr. HATCH, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1500, a bill to amend title XVIII of the Social Security Act to provide for an additional payment for services provided to certain high-cost individuals under the prospective payment system for skilled nursing facility services, and for other purposes.

S. 1590

At the request of Mr. CRAPO, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1590, a bill to amend title 49, United States Code, to modify the authority of the Surface Transportation Board, and for other purposes.

S. 1668

At the request of Mr. KERRY, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1668, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 1708

At the request of Mr. MOYNIHAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1708, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to require plans which adopt amendments that significantly reduce future benefit accruals to provide participants with adequate notice of the changes made by such amendments.

S. 1812

At the request of Mr. WARNER, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from New York (Mr. MOYNIHAN), the Senator from Maine (Ms. SNOWE), the Senator from Oregon (Mr. SMITH), and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1812, a bill to establish a commission on a nuclear testing treaty, and for other purposes.

S. 1823

At the request of Mr. DEWINE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1823, a bill to revise and extend the Safe and Drug-Free Schools and Communities Act of 1994.

S. 1900

At the request of Mr. LAUTENBERG, the names of the Senator from Nevada (Mr. REID), the Senator from Wisconsin (Mr. FEINGOLD), and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1954

At the request of Mr. BINGAMAN, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1954, a bill to establish a compensation program for employees of the Department of Energy, its contractors, subcontractors, and beryllium vendors, who sustained beryllium-related illness due to the performance of their duty; to establish a compensation program for certain workers at the Paducah, Kentucky, gaseous diffusion plant; to establish a pilot program for examining the possible relationship between workplace exposure to radiation and hazardous materials and illnesses or health conditions; and for other purposes.

SENATE CONCURRENT RESOLUTION 53

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of Senate Concurrent Resolution 53, a concurrent resolution condemning all prejudice against individuals of Asian and Pacific Island ancestry in the United States and supporting political and civic participation by such individuals throughout the United States.

SENATE RESOLUTION 91

At the request of Mr. NICKLES, his name was added as a cosponsor of Senate Resolution 91, a resolution expressing the sense of the Senate that Jim Thorpe should be recognized as the "Athlete of the Century."

SENATE RESOLUTION 118

At the request of Mr. REID, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of Senate Resolution 118, a resolution designating December 12, 1999, as "National Children's Memorial Day."

SENATE RESOLUTION 128

At the request of Mr. COCHRAN, the names of the Senator from Virginia (Mr. ROBB) and the Senator from Nevada (Mr. REID) were added as cosponsors of Senate Resolution 128, a resolution designating March 2000, as "Arts Education Month."

SENATE CONCURRENT RESOLUTION 76—EXPRESSING THE SENSE OF CONGRESS REGARDING A PEACEFUL RESOLUTION OF THE CONFLICT IN THE STATE OF CHIAPAS, MEXICO AND FOR OTHER PURPOSES

Mr. LEAHY (for himself, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. JEFFORDS, Mr. TORRICELLI, Mrs. MURRAY, Mr. DURBIN, Mr. WELLSTONE, Mr. FEINGOLD, Mr. HARKIN, Mr. KERRY, Ms. MIKULSKI, and Mrs. BOXER) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 76

Whereas the United States and Mexico have a long history of close relations and share a wide range of interests;

Whereas a democratic, peaceful and prosperous Mexico is of vital importance to the security of the United States.

Whereas the United States Government provides assistance and licenses exports of military equipment to Mexican security forces for counter-narcotics purposes;

Whereas the Department of State's 1998 Country Report on Human Rights Practices in Mexico stated that a "culture of impunity pervades the security forces" and documented human rights violations, including arbitrary detention, torture, extrajudicial killings, and disappearances, by these forces;

Whereas confrontations in August 1999 between members of the Mexican military and supporters of the Zapatista National Liberation Army (EZLN) in Chiapas, Mexico are representative of the political tension and violence that has plagued the region for years;

Whereas the conflict has its roots in the poverty and injustice suffered by the indigenous people of Chiapas, and shared by the poor in the neighboring states of Oaxaca and Guerrero;

Whereas the lack of progress in implementing a preliminary peace agreement signed in 1996 and the intimidating level of militarization by the Mexican army, paramilitary groups and the EZLN has resulted in the forced displacement of thousands of indigenous people and exacerbated the impoverished conditions in Chiapas;

Whereas on September 14, 1999, the Commission for Peace and Reconciliation in Chiapas of the Conference of Mexican Catholic Bishops urged the Government of Mexico to consider relocating military forces in Chiapas to only those positions absolutely necessary to maintaining the integrity and security of Mexico;

Whereas the Government of Mexico has devoted resources to reduce poverty in Chiapas, but the breakdown in peace negotiations and the lack of trust between the Mexican Government and some indigenous communities have limited the impact of that assistance;

Whereas on September 7, 1999, the Government of Mexico pledged to renew dialogue with the EZLN, support the formation of a new mediation tea, and investigate human rights abuses in Chiapas;

Whereas the EZLN has not yet accepted the Government of Mexico's overtures to resume negotiations; and

Whereas the summary expulsions of American citizens and human rights monitors from Mexico are inconsistent with the freedoms of movement, association and expression: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Secretary of State should—

(1) take effective measures to ensure that United States assistance and exports of equipment to Mexican security forces—

(A) are used primarily for counter-narcotics purposes; and

(B) are not provided to units of security forces that have been implicated in human rights violations, unless the Government of Mexico is taking effective measures to bring the individuals responsible to justice;

(2) encourage the EZLN and the Government of Mexico to take steps to create conditions for good faith negotiations that address the social, economic and political causes of the conflict in Chiapas, to achieve a peaceful and lasting resolution of the conflict, and to vigorously pursue such negotiations;

(3) commend the Government of Mexico for its renewed commitment to negotiations and for establishing a date for the United Nations High Commissioner for Human Rights to visit Mexico to discuss human rights concerns there;

(4) give a higher priority in discussions with the Government of Mexico to criminal justice reforms that protect human rights, emphasizing United States concerns about arbitrary detention, torture, extra judicial killings, and disappearances, and the failure to prosecute individuals responsible for these crimes; and

(5) urge the Government of Mexico to implement the recommendations of the Inter-American Commission on Human Rights, particularly with regard to American citizens and others who have been summarily expelled from Mexico in violation of Mexican law and international law.

Mr. LEAHY. Mr. President, I am today submitting a concurrent resolution expressing the sense of Congress regarding measures to achieve a peaceful settlement of the conflict in the state of Chiapas, Mexico.

This resolution is cosponsored by Senators KENNEDY, FEINSTEIN, JEFFORDS, TORRICELLI, MURRAY, DURBIN, WELLSTONE, FEINGOLD, HARKIN, KERRY, MIKULSKI, and BOXER.

Congresswoman NANCY PELOSI is introducing an identical resolution today in the House of Representatives.

The purpose of this resolution is to convey our support for a peaceful settlement of the conflict in Chiapas that has been simmering since the Zapatista uprising in 1994. Since then, and despite repeated attempts at negotiations, the situation remains tense and prospects for productive dialogue remote. In August, armed confrontations between members of the Mexican military and Zapatista supporters in Chiapas was a reminder of the political violence that has plagued the region for years. I submitted a similar resolution just over a year ago and, unfortunately, the situation remains largely unchanged.

This resolution does not attempt to take sides or to dictate an outcome of that conflict. It is not meant to embarrass or interfere in Mexico's internal affairs. The situation in Chiapas is a complex one that has social, ethnic, economic and political dimensions. It is a manifestation of years of Mexican history. It is for the Mexican people to resolve.

But despite its complexities, there is no doubt that the indigenous people of Chiapas have been the victims of injustice for centuries. Most do not own any land and they live—as their parents and grandparents did—in abject poverty. The 1994 Zapatista uprising, in which some 150 people died, was a reflection of that injustice and despair, and the political tension and violence of recent years has only exacerbated their plight.

To his credit, President Zedillo has devoted considerable financial resources to address the poverty and lack of basic services in Chiapas. On September 7, 1999, he pledged to renew dialogue with the Zapatistas and investigate human rights abuses there. The scheduled November 23rd visit to Mexico by Mary Robinson, the United Nations High Commissioner for Human Rights, is an important and welcome development. I am hopeful that the Mexican Government will engage in an open dialogue with Ms. Robinson and that progress can be made on ways to further promote and protect human rights in Mexico.

Despite these positive steps, however, Mexican officials indicate that they expect little progress toward resolving the conflict before the presidential elections in July 2000. This is very disappointing. While mistrust runs deep on both sides, a great deal can be accomplished in eight months if the parties to the conflict are willing to take the steps to create conditions for good faith negotiations to succeed, and then sit down at the table together.

There is little evidence that the Mexican Government's strategy is working. Since early 1998, the Zedillo administration has, on the one hand, lavishly funded social programs in those indigenous communities in Chiapas that are willing to accept them. On the other hand, Mexican troops have tightened their grip on the impoverished communities of Zapatista supporters. They patrol the roads in and out of Chiapas in armored vehicles, brandishing weapons and establishing military check-points and bases when it is abundantly clear that neither the communities, nor the Zapatistas themselves, pose a credible threat to the Mexican Government. In addition, paramilitary forces, responsible for some of the worst atrocities, continue to operate in the region.

Human rights monitors, including Mexican citizens, have been harassed, and foreigners, including American citizens, have been summarily expelled from Mexico for activities that amount to nothing more than criticizing the policies of the Mexican Government.

The Zapatistas have also contributed to their isolation. They have not accepted the Mexican Government's recent overtures to resume dialogue and seem resigned to wait in their jungle stronghold until there is a new government before considering a return to talks. Again, July is a long way away, especially for the Zapatistas' supporters who struggle every day just to find food and shelter for themselves and their families. They have suffered long enough.

Mr. President, this resolution calls on our Secretary of State to encourage the Mexican Government and the Zapatistas to support negotiations that address the underlying causes of the conflict, to achieve a lasting peace. It seeks to convey our concern about the people of Chiapas, and the urgent need for concrete progress to resolve a conflict that has cost many innocent lives and threatens the economic and political development of our southern neighbor.

A stable, peaceful and prosperous Mexico is not only in the best interest of all Mexicans, it is also in the economic and security interests of the United States. And human rights abuses, wherever and however they occur, deserve our attention.

The resolution urges the Secretary of State to ensure that the United States is not contributing to the political violence, by reaffirming current law which limits assistance and exports of equipment only to Mexican security forces who are primarily involved in counternarcotics activities and who do not commit human rights abuses. In order to ensure that the law is faithfully implemented, the State Department needs to know who we train and who receives our equipment.

It calls on the Mexican Government to respect the freedoms of movement, association and expression by implementing the recommendations of the Inter-American Commission on Human Rights, particularly with regard to American citizens and others who have been summarily expelled from Mexico in violation of Mexican law and international law.

And it urges both sides to take initiatives for peace.

Mr. President, some may ask why we are submitting this resolution today, when this conflict has been simmering for years. It is my hope that in conjunction with Mary Robinson's visit next week, this Resolution will send a strong message to the Mexican Government, the Zapiatislas, our own administration and the international community that an intensified effort is needed urgently to resolve the conflict peacefully.

SENATE RESOLUTION 233—EXPRESSING THE SENSE OF THE SENATE REGARDING THE URGENT NEED FOR THE DEPARTMENT OF AGRICULTURE TO RESOLVE CERTAIN MONTANA CIVIL RIGHTS DISCRIMINATION CASES

Mr. BAUCUS (for himself and Mr. BURNS) submitted the following resolution; which was referred to the Committee on Agrilcuture, Nutrition, and Forestry:

S. RES. 233

Whereas there exists a strong public policy against discrimination against minority groups, whether the discrimination is committed by private individuals or by the Federal Government in the operation of its programs;

Whereas, whenever discrimination occurs in the conduct of a Federal Government program, the responsible Federal Government agency should take quick and aggressive action to remedy the discrimination;

Whereas, last year, the Department of Agriculture was held accountable for certain civil rights violations against United States agricultural producers in connection with their attempted participation in lending programs of the Department;

Whereas, a significant number of Montana civil rights petitioners have not received a timely, and equitable resolution of their complaints;

Whereas the agricultural community has faced a series of hardships, including record low prices, extreme weather disasters, and a shortage of farm loan opportunities;

Whereas additional frustration and financial difficulties perpetuated by the inadequate review process has further imposed undue hardship on the Montana civil rights petitioners;

Whereas the mission of the Office of Civil Rights of the Department of Agriculture requires the Office to facilitate the fair and equitable treatment of customers and employees of the Department while ensuring the delivery and enforcement of civil rights programs and activities;

Whereas the Department of Agriculture should be committed to the policy of treating its customers with dignity and respect as well as to providing high quality and timely products and services; and

Whereas an urgent need exists for the Department of Agriculture to resolve certain Montana civil rights discrimination cases, many backlogged, by a date certain in furtherance of that policy: Now, therefore, be it

Resolved, That it is the sense of the Senate that, not later than March 1, 2000, the Secretary of Agriculture should resolve, or take other action to resolve, all cases pending on the date of approval of this resolution of alleged civil rights discrimination by the Department of Agriculture against agricultural producers located in the State of Montana.

• Mr. BAUCUS. Mr. President, I rise today to submit a sense-of-the-Senate Resolution regarding the urgent need for the U.S. Department of Agriculture to resolve its civil rights discrimination cases. On behalf of Senator BURNS, the bill's cosponsor, and myself, I urge the Senate to recognize the urgency of this situation.

Mr. President, there exists a strong public policy against discrimination against minority groups, whether the discrimination is committed by private individuals or by the Government in the operation of its programs, and it is our firmly held belief that whenever discrimination occurs in the conduct of Government programs, the responsible Government agencies should take quick and aggressive action to remedy such discrimination.

I am most concerned that over the past year, such action has not been taken by the U.S. Department of Agriculture's Office of Civil Rights. In fact, many Montana civil rights cases that my office and that of Senator's BURNS have been working with are seriously backlogged in the system and have consequently remained unsatisfactorily addressed.

We have worked hard with the Montana Department of Agriculture's Farm Agency to resolve these cases. The Director of the FSA and the State FSA Committee has worked hard to resolve any outstanding problems concerning its programs and have made certain that these kinds of problems to not occur in Montana. I commend their outreach efforts in ensuring the equitable delivery of the Agency's programs to all eligible Montana recipients.

We need a better working relationship with the USDA's Office of Civil Rights to bring the outstanding cases to resolution in a timely manner. Repeated phone calls and requests have yielded few answers. For that reason, I am offering this resolution which binds the agency to its mission of facilitating the fair and equitable treatment of USDA customers and employees while ensuring the delivery and enforcement of civil rights programs and activities. Further we hope to commit the USDA to treating its customers with dignity and respect as well as to providing quality and timely products and services. Finally, the resolution resolves that not later than March 1, 2000, the Secretary should resolve all the outstanding cases of alleged civil rights discrimination by the Department of Agriculture.

It is high time to bring this issue to resolution, and I appreciate the Senate's consideration of this important matter.•

• Mr. BURNS. Mr. President. I am pleased to be joined by Mr. BAUCUS, in sponsoring a sense-of-the-Senate resolution which addresses the backlog of Montana civil rights complaints at the U.S. Department of Agriculture (USDA).

Last year, a finding was made that the USDA had, for decades, been guilty of violating many of America's producer's civil rights. When these producers tried to take advantage of the programs offered by the USDA they were treated differently than their friends and neighbors. We enacted Legislation last fall, that was intended to right this wrong. Even with passage of this provision, it remains a difficult challenge to ensure that those who have been harmed by USDA will receive a prompt and balanced resolution of their complaints.

It appears that a number of those previously investigated complaints have fallen into some sort of "black hole". Despite numerous phone calls and concerted pressure, no progress has been made in resolving these cases. We have been contacted by a number of Montanans who have shared horror stories about the treatment their cases have received from the USDA's Office of Civil Rights. These complaints are simply being ignored. The inadequacy of this process is adding insult to injury, keeping these producers in limbo and allowing their complaints to rest. unresolved. These constituents cannot get on with their lives until the USDA takes action. For those who have justified complaints, this delay is another slap in the face.

This resolution expreses the sense of the Senate that USDA's delays must stop. These cases must be resolved soon. It is our intent that they be resolved by March 1, 2000. These producers has suffered too much already. They cannot afford to wait any longer.

We look forward to working with members of other states affected by this abuse of the civil rights program to resolve these complaints as quickly a possible.●

AMENDMENTS SUBMITTED

FURTHER CONTINUING RESOLUTION, 2000

BYRD (AND OTHERS) AMENDMENT NO. 2780

Mr. BYRD (for himself, Mr. McCONNELL, Mr. ROCKEFELLER, Mr. BUNNING, Mr. REID, Mr. CRAIG, Mr. BRYAN, Mr. HATCH, Mr. BENNETT, Mr. MURKOWSKI, Mr. CRAPO, Mr. ENZI, Mr. BURNS, Mr. KYL, Mr. BREAUX, Mr. SHELBY, Mr. GRAMM, and Mr. GRAMS) proposed an amendment to the joint resolution (H.J. Res. 82) making further continuing appropriations for the fiscal year 2000, and for other purposes, as follows:

At the appropriate place, insert the following:

SEC. . DISPOSAL OF EXCESS SPOIL AND COAL MINE WASTE.

(a) IN GENERAL.—Notwithstanding any other provision of law (including any regulation or court ruling), hereafter—

(1) in rendering permit decisions for discharges of excess spoil and coal mine waste into waters of the United States from surface coal mining and reclamation operations, the permitting authority shall apply section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) and the section 404(b)(1) guidelines pursuant to section 404(b)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1344(b)(1)) and implementing regulations set forth in part 230 of title 40, Code of Federal Regulations (as in effect on October 19, 1999);

(2) the permitted disposal of such spoil or waste meeting the requirements of the section 404(b)(1) guidelines referred to in paragraph (1) shall be deemed to satisfy the criteria for granting a variance under regulations set forth in sections 816.57 and 817.57 of title 30, Code of Federal Regulations, and applicable State regulations; and

(3) Federal and State water quality standards shall not apply to the portions of waters filled by discharges permitted pursuant to the procedures set forth in paragraphs (1) and (2); all applicable Federal and State water quality standards shall apply to all portions of waters other than those filled pursuant to the permitting procedures set forth in paragraphs (1) and (2).

(b) DURATION OF EFFECTIVENESS.—The permitting procedures specified in subsection (a) shall remain in effect until the later of—

(1) the date that is 2 years after the date of enactment of this Act; or

(2) the effective date of regulations promulgated to implement recommendations made as a result of the environmental impact statement relating to the permitting process, the preparation of which was announced at 64 Fed. Reg. 5800 (February 5, 1999).

(c) EFFECT OF SECTION.—Nothing in this section modifies, supersedes, undermines, displaces, or amends any requirement of, or regulation issued under, the Federal Water Pollution Control Act (commonly known as the "Clean Water Act") (33 U.S.C. 1251 et seq.) or the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.), as applied by the responsible Federal agencies on October 19, 1999.

(d) PERIOD OF EFFECTIVENESS.—Notwithstanding any other provision of law repealing or terminating the effectiveness of this Act, this section shall remain in effect until the date of termination of the effectiveness of the permitting procedures in accordance with subsection (b).

SEC. . HARDROCK MINING.

(a) IN GENERAL.—For the purposes of section 1000(a)(3) of division B of the Act enacting H.R. 3194 of the 106th Congress, in lieu of section 357 of title III of H.R. 3423 of the 106th Congress, as introduced on November 17, 1999, regarding the issuance of regulations on hardrock mining, the following shall apply:

(1) HARDROCK MINING.—None of the funds made available under this Act or any other Act shall be used by the Secretary of the Interior to promulgate final regulations to revise subpart 3809 of 43, Code of Federal Regulations, except that the Secretary, after the end of the public comment period required by section 3002 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31; 113 Stat. 89), may issue final regulations to amend that subpart if the regulations are consistent with—

(A) the regulatory gap findings identified in the report of the National Research Council entitled "Hardrock Mining on Federal Lands"; and

(B) statutory authorities in effect as of the date of enactment of this Act.

(2) LIMITATION.—Nothing in this section expands the statutory authority of the Secretary of the Interior in effect as of the date of enactment of this Act.

(b) PERIOD OF EFFECTIVENESS.—This section—

(1) takes effect 1 day after the date of enactment of the Act enacting H.R. 3194 referred to in subsection (a); and

(2) notwithstanding any other provision of law repealing or terminating the effectiveness of this Act, shall remain in effect unless repealed by Act of Congress that makes specific reference to this section.

SEC. . MILLSITES.

(a) IN GENERAL.—For the purposes of section 1000(a)(3) of division B of the Act enacting H.R. 3194 of the 106th Congress, in lieu of section 337 of title III of H.R. 3423 of the 106th Congress, as introduced on November 17, 1999, regarding the millsites opinion, the following shall apply:

(1) MILLSITES OPINION.—No funds shall be expended by the Secretary of the Interior or the Secretary of Agriculture, for fiscal years 2000 and 2001, to limit the number or acreage of millsites based on the ratio between the number or acreage of millsites and the number or acreage of associated lode or placer claims with respect to—

(A) any patent application excluded from the operation of section 112 of the Department of the Interior and Related Agencies Appropriations Act, 1995, by section 113 of that Act (108 Stat. 2519);

(B) any operation or property for which a plan of operations has been approved before the date of enactment of this Act; or

(C) any operation or property for which a plan of operations, or amendment or modification to an existing plan, was submitted to the Bureau of Land Management or the Forest Service before May 21, 1999.

(2) NO RATIFICATION.—Nothing in this Act or the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31) shall be construed as an explicit or tacit adoption, ratification, endorsement, approval, rejection, or disapproval of the opinion dated November 7, 1997, by the Solicitor of the Department of the Interior concerning millsites.

(b) PERIOD OF EFFECTIVENESS.—This section—

(1) takes effect 1 day after the date of enactment of the Act enacting H.R. 3194 referred to in subsection (a); and

(2) notwithstanding any other provision of law repealing or terminating the effectiveness of this Act, shall remain in effect unless repealed by Act of Congress that makes specific reference to this section.

HELMS (AND OTHERS) AMENDMENT NO. 2781

Mr. LOTT (for Mr. HELMS (for himself, Mr. EDWARDS, and Mr. ROBB)) proposed an amendment to the joint resolution, H.J. Res. 82, supra; as follows:

At the appropriate place insert:

COMMODITY CREDIT CORPORATION PRODUCER-OWNED MARKETING ASSOCIATIONS FORGIVENESS

SEC. 1. The Secretary of Agriculture shall reduce the amount of any principal due on a loan made to marketing association incorporated in the State of North Carolina for the 1999 crop of an agricultural commodity by at least 75 percent if the marketing association suffered losses of the agricultural commodity in a county with respect to which—(1) a natural disaster was declared by the Secretary for losses due to Hurricane Dennis, Floyd, or Irene; or (2) a major disaster or emergency was declared by the President for losses due to Hurricane Dennis, Floyd, or Irene under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)

If the Secretary assigns a grade quality for the 1999 crop of an agricultural commodity marketed by an association described in subsection (a) that is below the base quality of the agricultural commodity, the Secretary, shall compensate the association for losses incurred by the association as a result of the reduction in grade quality.

Up to $81,000,000 of the resources of the Commodity Credit Corporation may be used for the cost of this provision: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) and prevent sequestration of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 2. In administering $50,000,000 in emergency supplemental funding for the Emergency Conservation Program, the Secretary shall give priority to the repair of structures essential to the operation of the farm.

ADDITIONAL STATEMENTS

TRIBUTE TO GRAHAM STILES NEWELL

● Mr. JEFFORDS. Mr. President, it gives me great pleasure to stand before the Senate today and pay tribute to a man who has greatly influenced the cultural maturity of my home state of Vermont. Graham Stiles Newell will be honored as Citizen of the Year by the Vermont Chamber of Commerce on December 4, 1999. Graham has made extraordinary contributions to Vermont in many areas throughout his life. And he has made his biggest contributions in one area in which I have spent a great deal of legislative energy—education.

Graham Newell probably learned to read before he learned to walk. I understand that he first secured a library card at the Saint Johnsbury Atheneum when he was in the first grade. Since then, he has been passing on his knowledge to anyone willing to learn, and that number is larger than you can imagine. After graduating from the University of Chicago in 1938, he launched an incredible career in education, one that touched three generations of many Vermont families.

Graham has been a leader in Vermont education in both the professional and legislative arenas. In the last seven decades he has been a teacher at the Junior High, High School, and College level, and will undoubtably keep teaching well into the next millennium. Graham began his teaching career at his alma mater, Saint Johnsbury Academy, in 1938, and remained on the faculty for nine years. From 1945 to 1982 he taught history at Lyndon State College full-time. After "retiring" in 1982, he returned to the Academy to teach Latin, where you will still find him today. He also continued to teach one or two history classes a semester at Lyndon State College until 1996.

Most people consider Latin a dead language, but if you were to enter Graham's classroom today you would find it to be as alive and enjoyable as ever. A testament to Graham's teaching skills was demonstrated at the Academy in 1997, when 47 of his 52 Latin students, over 90 percent, made honors on the National Latin Exam, an extremely challenging test taken by over 90,000 students across the United States.

Graham's contributions to education do not end in the classroom. While teaching, he also served in the Vermont Legislature for over 25 years. He was a member and chair of the Vermont Senate Education Committee during the 1960s, helping to create Vermont's education laws. Indeed, the self proclaimed Ambassador of the Northeast Kingdom has positively affected every single student in the state of Vermont over the last 30 years. In fact, his influence has even reached students outside of Vermont, due to his tenure on the New England Board of Higher Education. But Graham always remained supremely faithful to the students in his classroom, once even teaching class over the phone from the Vermont Statehouse.

One can look at Graham's education accomplishments alone and see a lifetime of work and success. However, his influence has touched many in other fields as well. As President of the Vermont Historical Society from 1965 to 1969, his many successes included securing a permanent home for the organization in the historic Pavilion Office Building in Montpelier. He has also served on a number of commissions, including the Commission on Interstate Cooperation, the Historic Sites Commission, the Commission to Study State Government (or "Little Hoover" as we called it), the Vermont Civil War Centennial Commission, the board of managers of the Council of State Governments, and the Education Commission of the States. In addition, the thousands of people who check into the Northeastern Vermont Regional Hospital each year should be thankful to Graham as he is largely responsible for its existence. I could go on, but I'm afraid it would take the remainder of this session of congress to do so.

I am thankful for the opportunity to provide my colleagues with a shining example of a real Vermont renaissance man. I join countless Vermonters in offering my heartfelt congratulations and gratitude to Graham Stiles Newell for his many years of hard work and dedication to the citizens of Vermont.●

TRIBUTE TO BARB RABE

● Mr. KOHL. Mr. President, I rise today to recognize the work of Barb Rabe, who retired after 29 years of service in the Oshkosh School District. She began her career in the Oshkosh School District in 1970 at the Perry Tipler Middle School as a Teachers Assistant, and then transferred to Oakwood Elementary School where she served for the next 27 years. During her years of service, Barb worked for six principals, adapting to each new principal's style, and was always actively involved as the staff grew from 12 to 42 and the student population grew from 200 to 500. She worked hard at creating partnerships with staff, students and families that would foster collaboration, cooperation and allegiance. Barb's strong work ethic, energy and enthusiasm will be missed.

While mastering the key elements of organization and flexibility, giving of her time and talent in serving the faculty and students of Oakwood School, and showing love and appreciation for students, she also came up with new ideas to adapt to the changing work environment. She developed the computerized milk and lunch money collection program at the school, which helped the school collect money more efficiently and thoroughly. She also purchased her own computer years before the school purchased them and took her work home to complete it in an organized fashion. When Oakwood School became computerized, she played an instrumental role in the conversion process. The students and staff of Oakwood will miss her professional and positive demeanor, although her husband of 45 years, Gordon, and their three sons and their families, will enjoy spending more time with her. Barb will be sorely missed by the entire Oakwood Elementary School community, however I extend my best wishes for a healthy, enriched and rewarding retirement.●

30TH ANNIVERSARY OF THE SAN DIEGO REGIONAL PRINTING FACILITY OF THE JOHN H. HARLAND COMPANY

● Mrs. FEINSTEIN. Mr. President, this year marks the 30th anniversary of the San Diego Regional Printing Facility of the John H. Harland Company.

The John H. Harland Company was founded in 1923, and is the second largest check printer in the United States.

The John H. Harland Company opened its doors in California in 1969. Today, the San Diego Regional Printing Facility employs 249 employees and fills 98,900 orders per week. The jobs this facility has brought to our state throughout the years have been of great benefit to California.

I offer my congratulations to the John H. Harland Company and its employees on the occasion of its 30th Anniversary and wish it great, continued success in the future.●

TRIBUTE TO MR. MICHAEL J. NAPLES

● Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to Mr. Michael J. Naples. "Napes," as he is affectionately called by all who know him, is retiring after 29 years of teaching at Ocean City High School in New Jersey. He has earned great respect from students and peers alike. Each year the students Mr. Naples' taught and the athletes he coached attest to his dedication to excellence.

Although his first commitment was to education, his enthusiasm for cross-country and track leave an enduring legacy at Ocean City High School. Mr. Naples' cross-country record over the last 21 years is 209 victories and 28 losses. His track record is 133 wins and only 8 losses. During his tenure as a track coach, Mr. Naples led the Raiders to two state titles and coached 9 individual state champions.

His greatest moment as a coach came during the 1989 cross-country season, when he inspired his girls' team to capture the first state title for an Ocean City High School team in 24 years!

Mr. President, it is often difficult to say goodbye to a teacher who has touched the lives of so many people. This is a teacher whose former students are continually coming back to thank him for inspiring them, educating them and, most importantly, caring about them. My deepest respects go to this inductee of the New Jersey Interscholastic Athletic Association

Hall of Fame. He has left a lasting legacy of high academic standards and excellence in sports.•

NATIONAL ADOPTION MONTH HONORS WEST VIRGINIA ADOPTION ANGELS

• Mr. ROCKEFELLER. Mr. President, I rise today to honor three West Virginia individuals who have recently been awarded "Adoption Angel" awards by the Congressional Coalition on Adoption. Larry and Jane Leech and Judge Gary Johnson are truly "angels" in adoption.

President Clinton recently proclaimed November "National Adoption Month". It is a good time to re-commit ourselves to doing all we can to ensure that all children have the opportunity to grow up in safe, stable and permanent homes.

During Adoption Month in 1997, the Adoption and Safe Families Act, a bill I sponsored, was signed into law. This act, for the first time ever, made children's safety, health and opportunity for loving, stable families the paramount factors to consider when planning for children in foster care. The act provided incentive bonuses for states successful in increasing adoptions.

My state of West Virginia has made a lot of progress in moving kids out of foster care and into permanent homes. When the adoption bonuses for 1999 were announced, I was proud that West Virginia, because three of our state's children, Brian, Shawn and Sarah Keane, had the honor of introducing President Clinton the day the bonuses were announced. The 3 Keane children along with 208 more West Virginia foster children moved in with their adoptive families in 1998.

Our State is working hard to increase public awareness of adoption and children needing homes. A quarterly newsletter, "Open Your Heart, Open Your Home" features stories of waiting children and successful adoptive families. In May, Dave Thomas came to West Virginia for the third annual Foster and Adoptive Parent Recognition Day, to recognize adoptive parents who provide homes for children with special needs.

We have been able to make this progress largely as a result of the efforts of the individuals who were honored by the Congressional Coalition on Adoption, and other dedicated and hard-working West Virginians like them. Let me tell you a little about these "angels".

Larry and Jane Leech have been foster parents for many years, opening their home and their hearts to children in need of both. Working with the West Virginia Department of Health and Human Resources, the Leeches adopted a sibling group of three young boys, twins age 4 and an older brother, age 6, in 1998. Now, a year later, the Leeches are again in the final stages of adopting another sibling group—this time, three older girls. Mr. and Mrs. Leech also have three biological children. They have a tremendous amount of love and a strong commitment to all nine of their children. Recently, the Leeches and their children visited the West Virginia Governor's mansion where they were honored by First Lady Hovah Underwood, for their commitment to children in need.

Judge Gary Johnson believes that all children in the foster care system deserve permanent homes. As the 28th Judicial circuit judge, elected in 1992, Judge Johnson has worked closely with the West Virginia Department of Health and Human Resources. He meets with them quarterly to review problems or identify issues that prevent children in West Virginia from achieving permanence in their lives. Judge Johnson continually increases his own knowledge of the issues by attending conferences on child welfare.

The progress we have made since the passage of the 1997 Adoption Act is significant. Certainly the 211 West Virginia children who found families last year, including the six children who now call Larry and Jane Leech "Mom" and "Dad" know that. But over 400 West Virginia children are still waiting and hoping to be adopted—over 100,000 children in our nation are still waiting and hoping to be adopted. Too many of these chilldren are growing up in the insecurity of foster care. Too many of them are becoming teenagers without a permanent family.

And that is why we need "National Adoption Month". We need opportunities to honor the angels in adoption like the Leeches and Judge Johnson. And we need the opportunity to publicly re-new our commitment to ensuring that all children have the opportunity for permanent adoptive homes.

I am pleased to join the other members of the Congressional Coalition on Adoption in honoring more than 50 "Angels of Adoption" from around the country. I am doubly pleased that 3 of these angels are from West Virginia. And I pledge to continue to work on legislation that will help all of West Virginia's, and America's foster children have the opportunity that the Leech children now have, the chance to grow up in a permanent, loving family.

I urge my colleagues to dedicate themselves to this effort as well.•

JEWISH HISTORY IN GREECE

• Mr. SARBANES. Mr. President, in recent years there has been renewed interest in the early history of the Jewish community in Greece. The Hellenic and Jewish peoples have had a long and constructive relationship, and that interaction has been one of the foundations of Western civilization.

An important part of this historical movement is the renewed research on historic Jewish sites in Greece. There is now an active and impressive Jewish museum in Athens which has served as a focal point for this activity. These efforts have spawned a number of individuals to do their own family and group research; and I am pleased to report that one of my constituents, Dr. Judith Mazza, has written an excellent account of her visit to Greece entitled, "First-time Traveler's Impressions of Jewish Sites in Greece," which was published in the spring 1999 issue of Kol haKEHILA. Dr. Mazza is descended from a Romaniote Jewish family from Greece, and her article depicts succinctly the rich and enduring Jewish cultural and religious legacy in Greece. I recommend it to all those interested in the history of the Jewish people and ask that the article be inserted at this point in the RECORD.

The article follows:

[From Kol haKEHILA, Spring 1999]

A FIRST-TIME TRAVELER'S IMPRESSIONS OF JEWISH SITES IN GREECE

(By Dr. Judith Mazza)

I first saw mention of the Jewish Museum of Greece, located in Athens, about twenty years ago. Curious about my family history, I joined the Museum as an "American Friend." Upon joining, I received a letter from the founder (now Director Emeritus) of the museum, Nicholas Stavroulakis, concerning my family name (Mazza, Matsas, Matza, etc). I learned from that letter that my family most probably was a Romaniote family rather than a Sephardi family. I then understood why my father's family never spoke Ladino (judaeo-espanol). My father, born in the United States, spoke Greek at home, as did his parents (who emigrated to the United States in the early 1900s from Ionnina and Corfu).

My husband and I were curious to visit Jewish sites in Greece. My interest had been stimulated by the book Jewish Sites and Synagogues of Greece (Athens, 1992) by Stavroulakis and Timothy DeVinney. Prior to reading this book, I knew little about the communities that had existed in Greece prior to World War II. I did not have the opportunity to travel to Greece until November 1998. As soon as I knew I would be in Athens, I attempted to contact the Jewish Museum of Greece. Kol haKEHILA, was the first internet source to give me a way to contact the museum by e-mail.

By e-mail, I asked the museum's curator, Zanet Battinou, to help find us a knowledgeable guide for our day in Athens. She recommended Dolly Asser. In addition to visiting ancient sites in Athens that day, Ms. Asser also took us to the Jewish Museum of Greece, and to the two modern synagogues in Athens.

ATHENS

We began our day at the Museum. It had recently relocated and now occupies an entire building in the Plaka neighborhood. The museum has a number of floors, each with a different focus. As a first-time visitor, I found it interesting to see historic artifacts, documents, clothing and a wide variety of religious and domestic objects. There is a research library on the top floor. School children arrived as we were leaving, so apparently a visit to the Jewish Museum of Greece has become a part of the public school curriculum.

After we left the museum, we visited the two synagogues. They are located on Melidoni Street, immediately across the street from one another. The street is gated and guarded by an armed policeman as a precaution against potential terrorist incidents.

We first went to the Beth Shalom synagogue, which is the only actively used synagogue for the 3,500 Jews in Athens today. Ms. Asser introduced us to Rabbi Jacob Arar, who studied in France and Israel, inasmuch as there are no rabbinical schools in Greece. The outside of the building has simple lines and is faced in white marble. The interior of the synagogue is mostly wood paneled and has a warm and comfortable feeling.

Directly across the street is the Ianniotiki synagogue, which had been built by Romaniote Jews from Ionnina. It is located on the second floor of the building. The lower floor houses the Athens Jewish community offices. We obtained the key to the synagogue from the office staff and walked through a hallway into a courtyard. The courtyard was fully paved except for a small area from which one large palm tree grew. We walked up the narrow exterior stairs to a walkway, and unlocked the door. This synagogue was smaller and seemed older than the synagogue across the street. We later learned that it is mostly used for special occasions. It is elegant in its simplicity.

RHODES

We had the opportunity to see one other Jewish site in Greece when we stopped in Rhodes a few days later. We had seen a website for the Jewish Museum of Rhodes before our travels began at www.RhodesJewishMuseum.org. We sought out the island's synagogue and adjacent museum. Finding the street in the old walled city of Rhodes was not too difficult, as it was clearly labeled and the synagogue is noted on tourist maps. As we walked toward the synagogue and museum, we knew that we were in what had once been the Jewish quarter of the city. We could see Hebrew inscriptions above some of the doorways, signifying houses built by prominent Jewish families. However, many of these buildings appeared to be in a state of disrepair. Unfortunately, we had no information about the buildings and knew virtually nothing about the Jewish community that once existed here.

As we walked, we could see through iron gates, that some buildings had interior courtyards with interesting floor patterns formed by smooth black and white stones. In some courtyards, the stone patterns were intact, while in others the patterns were quite deteriorated.

We could not find the synagogue itself, but luckily, we asked directions from an elderly woman. Lucia Modiano Sulam turned out to be the keeper of the synagogue and was kind enough to guide us to it. She was a Holocaust survivor, with tattooed numbers on her forearm.

We were quite unprepared for what we found when we entered Kahal Shalom synagogue. The synagogue, in very good condition, was more elaborate than the synagogues we had seen in Athens. Crystal chandeliers hung from the ceiling. Beautiful carpets lay on the floor. The mosaic floor inside was made of the same black and white smooth stones that we had seen elsewhere. Here, the stones were arranged in more elaborate patterns. Chairs were placed on the two long sides of the interior and the wooden bimah was in the middle of the room.

Just outside the synagogue entrance is a courtyard which has a stone mosaic floor. It is well preserved.

We also visited the Jewish Museum of Rhodes, located next to the synagogue. This is a new museum in its first stage of development. Aron Hasson, a Los Angeles attorney whose family came from Rhodes, founded it. The museum currently consists of one room with white rustic walls and a curved ceiling. When we were there, the museum exhibition consisted of photographs and other printed materials.

TOURISM TO JEWISH SITES IN GREECE

We knew that the Jewish population in Greece had been decimated by the Holocaust, and that only remnants of that once-thriving community remains there. However, as a traveler and tourist, I have been stuck by the difficulty in obtaining information about Jewish sites and Jewish history of Greece. I do not understand why one organization or resource does not reference another. Organizations that have websites or access to the Internet should have hypertext links to other Greek Jewish organizations, including e-mail links to facilities that may not yet have a website.

There should be a list of bibliographic references about Greek Jewry and Jewish tourist sites in Greece. When we were in the Jewish Museum of Greece shop in Athens, I was stunned to find an English language book about the Jews of Ionnina (Dalven, R., The Jews of Ioannina, Philadelphia, 1992). I purchased the book immediately! Likewise, it was through word of mouth from both Yitzhak Kerem (publisher of the electronic newsletter Sefarad) and Elias Messinas (editor of Kol haKEHILA) that I learned of the fascinating book written by Dr: Michael Matsas entitled The Illusion of Safety: The story of the Greek Jews During the Second World War (New York, 1997). In reading these books and in speaking with both Messinas and Kerem whom I recently met in Jerusalem, I understand that the Greek Jews, unlike Jews in some other parts of Europe, had ample opportunity to flee or hide from the Nazis. In instance after instance the warnings of the catastrophic consequences of not fleeing or hiding were not disseminated, or the seriousness of the situation was minimized. The communication among the communities was poor.

When we visited Rhodes, we stood on its acropolis and clearly saw the Turkish coast only 11 miles away. It was difficult to come to terms with the complacency of the Jewish population of Rhodes in 1944 that resulted in their slaughter. They were among the last Greek Jews to be sent to Auschwitz. By 1944, other communities in Greece had already been eliminated. Safety lay only eleven miles away. The Jews of the city of Rhodes did not even flee to the island's countryside. Perhaps a reader can explain this puzzling apparent fact.

The lesson today seems clear. To preserve the remnants of the Greek Jewish heritage, various interested organizations should cooperate with the another. They should use electronic hypertext links to cross-reference one another whenever possible. The Jewish Museum of Greece in Athens should have information about Jewish sites throughout Greece, including other museums, such as the one in Rhodes. Likewise, the Jewish Museum of Rhodes should link to as many Jewish sites throughout Greece as possible. Books, bibliographies and brochures about Jewish sites throughout Greece should be made available at each of the sites and at Tourist Offices. Never again should the Jewish community of Greece be weakened by poor communication among various components. Certainly, not in this age of electronic communications and the Internet. There are some dedicated people working in disparate organizations to preserve and memorialize Greek Jewish sites and culture. Now they need to recognize the gestalt effect that would result from closer cooperation.

We came away from our experience wanting to learn more about the various communities that only existed in the past, and also those which continue to survive. We hope that others will become interested in exploring and preserving Jewish heritage in Greece. The best way to do this and to attract Jewish tourists is to make information about Jewish sites more readily available. We hope that the various organizations and interested parties will work together to that end.●

IN RECOGNITION OF THE FOURTH BIRTHDAY OF THE PROVIDENCE GAY MEN'S CHORUS

● Mr. REED. Mr. President, I rise today to pay tribute to the Providence Gay Men's Chorus, which celebrated its fourth anniversary on November 14, 1999. I would like to thank the Chorus for its four years of community involvement, during which time the members have shared not only their melodious voices with the citizens of Rhode Island, but also their hopes and ambitions for a better world.

The Providence Gay Men's Chorus, which began in 1995 as a group of eight, now has 50 members. In addition to their musical talent, one of the attributes that is most unique about the Chorus, and most appreciated, is the group's mission to promote tolerance. As we know, the real work of fostering support for people with diverse backgrounds and lifestyles usually happens slowly, and within the context of shared activities and community. The Providence Gay Men's Chorus reaches out with its concerts to expand the bounds of community. By helping to create an atmosphere of tolerance and understanding, their work benefits not only the citizens of Rhode Island, but ultimately the entire nation.

I am pleased to make it known that November 14, 1999 was not only the fourth anniversary of the Chorus, but also was declared Providence Gay Men's Chorus Day in the State of Rhode Island. Mr. President, I ask that a gubernatorial proclamation from the Governor of my home state of Rhode Island proclaiming November 14th as "Providence Gay Men's Chorus Day" be printed in the CONGRESSIONAL RECORD.

I join in the chorus of voices supporting the Providence Gay Men's Chorus' dual mission of creating beautiful music and promoting mutual respect and understanding. I know this talented musical group will continue its good work and I wish them many, many more birthdays.

The proclamation follows:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS—GUBERNATORIAL PROCLAMATION

Whereas, the Providence Gay Men's Chorus was first conceived in a karaoke bar in Providence in October 1995. The first meeting of its original eight members from Rhode Island and Massachusetts was held in November 1995, in a home in Pawtucket. The name Providence Gay Men's Chorus (PGMC) was decided on after some deliberation and the group was then underway with a music director and an accompanist; and,

Whereas, the mission of the PGMC is to provide and foster continuing growth of men's voices. Through the sharing of song concerts, the PGMC hopes to foster mutual understanding, tolerance and support of people with diverse backgrounds and lifestyles; and.

Whereas, the membership started to blossom during the first year and moved to St. James Episcopal Church in North Providence. During this year, the first board was also formed and the first concert was held in Warcham, Massachusetts with 12 members; and.

Whereas, the chorus kept growing and moved again. This time to the Bell Street Chapel in Providence, where the now 35-member chorus was performing two seasons per year with three concerts per season. It was at the Bell Street Chapel that the PGMC achieved their first sell out audience; and,

Whereas, as membership approached 40 members, the chorus moved once again to the First Unitarian Church in Providence. During this time, the PGMC joined the national choral organization for gay and lesbians called GALA and received its first corporate sponsorship; and.

Whereas, the chorus is now approaching its fourth birthday, has a membership of 50 and is back at the Bell Street Chapel. The members will be performing series of concerts in November, singing at First Night 2000, and initiating a scholarship program. Future plans for the chorus are to bring a program to the Hasbro's Children's Hospital, perform to mainstream audiences throughout the city and state, and attend the national GALA conferences; and.

Whereas, on November 14, 1999 the chorus will hold a concert at the Newport Congregational Church, under the direction of Charles Pietrello and the accompaniment of Bruce Ruby;

Now, therefore, I, Lincoln Almond, Governor of the State of Rhode Island and Providence Plantations, do hereby proclaim November 14, 1999, as Providence Gay Men's Chorus Day.●

TRIBUTE TO WILLIAM AND OLENE DOYLE

● Mr. JEFFORDS. Mr. President, I am proud to stand before my colleagues today and pay tribute to a couple who have so positively influenced the people of Washington County, Vermont over the course of their lives. William and Olene Doyle will be honored as the Washington County Citizens of the Year by the Green Mountain Council of Boy Scouts on November 22nd, 1999.

My old friend Bill Doyle has navigated a well rounded career as a teacher, politician, and author. Since 1958, he has been teaching history and government at Johnson State College. In 1968, he was elected to serve as one of Washington County's three State Senators, a role in which he has thrived for over three decades. As a skilled teacher and a master of parliamentary rules, Bill has been an invaluable mentor and mediator in the Vermont State House. Bill has written two books, including The Vermont Political Tradition, which is regarded by many to be a "must read" on Vermont political history. He has also taken his passion for government and politics and created the annual "Doyle Poll," our yearly gauge of public opinion on the hottest and sometimes most controversial issues facing Vermonters. While admittedly unscientific, the poll's results are soundly reflective of Vermont sentiment.

As the son of an art teacher, I have always held a deep respect for the arts and for those who are able to inspire creativity in our nation's young people. Olene Doyle has taught art in elementary, secondary, and higher education institutions in the central Vermont region. Her dedication to arts and education led her to volunteer positions on the local school board in Montpelier, as well as on the board of the Wood Art Gallery, where, incidently, I now hold the annual Congressional Arts Competition.

Bill and Olene raised three wonderful children. However, they have never stopped teaching as evidenced by their ongoing community service and involvement in their local church and non-profit organizations. Given the countless hours they dedicate to community service, it is noteworthy that the couple finds the time to pursue personal hobbies such as golf and gardening. And while I have never had the privilege of seeing the Doyle gardens, I have been told they are a vibrant reflection of the dedication which Bill and Olene give to everything they do.

I am thankful for the opportunity to express my heartfelt praise. I can think of few couples more worthy of this award. Years of partnership and devotion to each other have inevitably spilled over into the Vermont community, where Bill and Olene have truly made their mark as two of Vermont's most influential and giving people.●

BRETT WAGNER ON RUSSIAN NUCLEAR MATERIALS

● Mr. KENNEDY. Mr. President, it is important that we remember how vital our nuclear nonproliferation programs with Russia are to our national security. That's why I was pleased, in recent weeks, to see two articles by Brett Wagner in the San Francisco chronicle and in the Wall Street Journal, which I would like to submit for the RECORD.

Mr. Wagner is the president of the California Center for Strategic Studies, and his articles bring much needed attention to an essential aspect of our nuclear nonproliferation policy—to ensure that Russian weapons-grade, highly-enriched uranium does not fall into the wrong hands. We need to live up to our agreement with Russia and strengthen our nuclear, chemical and biological nonproliferation program with that nation. Our future could well depend on it.

I believe that Mr. Wagner's articles will be of interest to all of us in Congress who care about these issues, and I ask that they be printed in the RECORD.

The articles follow.

[From the San Francisco Chronicle, Oct. 22, 1999]

U.S. MUST MOVE QUICKLY TO BUY RUSSIA'S EXCESS NUKES

(By Brett Wagner)

Without a doubt, what's been most frustrating about being a national security specialist in the 1990s has been urging that the United States buy the hundreds of tons of undersecured excess weapon-grade uranium scattered across Russia—only to repeatedly hear in response that this could never happen in the real world because of Washington's never-ending struggle to balance the federal budget.

My, how things change.

Today, Washington is awash in an unprecedented trillion-dollar budget surplus—a surplus expected to surpass $100 billion in the next fiscal year alone.

Politicians from both major parties are busy, of course, debating what to do with all the extra money. Unfortunately, neither party has even mentioned Russia's offer to sell its enormous stockpiles of excess weapon-grade uranium to the United States as quickly as possible in exchange for badly needed hard currency.

Congressional and presidential priorities aside, it's hard to imagine a better time to reconsider this issue.

By now, almost everyone who reads the newspaper or watches the evening news knows that Russia has yet to develop any reliable means of securing its enormous stockpiles of weapon-grade uranium and plutonium. It doesn't even have an accounting system capable of keeping track of them.

And as the media often remind us, these materials have already begun leaking into the West—troubling news, to say the least, considering that:

The blueprints and non-nuclear components necessary to build crude but highly effective nuclear weapons are already widely available;

It only takes 20 or 30 pounds of highly enriched uranium to arm a device capable of leveling a city the size of downtown Washington;

Rogue states and terrorist groups openly hostile to the United States have already attempted several times to purchase nuclear warheads or material from Russian nuclear workers;

There is no reliable way of keeping a nuclear weapon or contraband from being smuggled into U.S. territory if it ever does fall into the wrong hands.

What most people don't seem to remember, however, is that for several years now Russia has been trying to sell these same undersecured stockpiles of highly enriched uranium to the United States for use as nuclear fuel in commercial power plants and, what's more, that an agreement designed to help further this goal was signed by President Clinton and Russian leader Doris Yeltsin in February 1993.

Unfortunately, that agreement is a full year behind schedule, with shipments from 1993 through 1999 representing only 80 tons of highly enriched uranium—30 tons short of the minimum goal by the end of its seventh year in force. Moreover, even if the agreement were moving ahead at full speed, it would still cover only a fraction of Russia's excess weapon-grade uranium (500 of 1,200 tons), and none of its plutonium. A frustrated Russia can't understand why America wants to move so slowly.

Meanwhile, terrorism is spiraling out of control in and around Moscow, war is breaking out again in the Caucus and the nuclear materials from thousands of dismantled Russian warheads continue to pile up in poorly protected makeshift warehouses scattered across several time zones, many of them far from the central government's watchful eye.

All of which begs the question: How long can things go on this way, before we run out of luck? Or, in other words, how long can Russia's hundreds of tons of missile materials be stored so haphazardly before small but significant amounts begin winding up in the hands of terrorists or rogue states?

The time has come for Washington to finally put its money where its mouth is and use part of the enormous budget surplus to purchase as much of Russia's fissile materials—both uranium and plutonium—as Moscow is willing to sell, and as quickly as Moscow is wiling to sell them.

The case for taking such a bold step should be easy to make with the American people.

First, the sticker price would be remarkably low—less than $20 billion. And since the U.S. government would presumably one day sell most or all of the uranium and plutonium for use as nuclear fuel, the expense would not have to be counted as an expense—an argument sure to resonate well with fiscal conservatives eager to keep pace with Gramm-Rudman.

Second, one could compare the price tag with the hundreds of billions of dollars America spent to defend itself and its allies against nuclear weapons during the Cold War; the trillion dollars of human life that would result if a small nuclear device were ever successfully detonated in a place such as downtown Washington; and the billions of dollars that rogue states and terrorist groups have already offered Russian nuclear workers for extremely small amounts of the same nuclear material.

And there is the tremendous sense of relief in purchasing the very stuff that for so long threatened America's very survival, and which now threatens the whole world.

With the 2000 election cycle beginning to pick up steam, and with the possibility of a viable third-party presidential candidate growing by the day, one would think that the two major parties would be scrambling to take the lead on this most serious of national Security issues.

[From the Wall Street Journal, Sept. 9, 1999]

Nukes for Sale

(By Brett Wagner)

Strangely absent from the debate over how to spend Washington's projected $1 trillion surplus has been any discussion of Russia's longstanding offer to sell its stockpiles of excess weapon-grade uranium. The time has come to take Russia up on this offer.

Russia has never developed a reliable system for protecting the enormous stockpiles of weapon-grade uranium and plutonium it inherited from the Soviet Union. These stockpiles are often stored in makeshift warehouses, some protected only by $5 combination locks and soldiers who occasionally desert their posts in search of food. Small caches of these nuclear materials have already begun leaking out of Russia. It would only take 20 or 30 pounds of highly enriched uranium to arm a device capable of leveling a city the size of lower Manhattan.

In February 1993 Presidents Clinton and Boris Yeltsin signed an agreement for Russia to sell the U.S. highly enriched uranium extracted from its dismantled nuclear warheads in exchange for hard currency. Russia is currently dismantling thousands of warheads. Unfortunately, this unprecedented opportunity to advance U.S. and international security has fallen behind schedule at nearly every turn, primarily because Washington is constantly distracted by less important issues. So far Russia has shipped only 50.5 tons of highly enriched uranium—almost 30 tons short of the agreement's stated goal by this point.

One major holdup has been the U.S. enrichment Corp., a recently privatized company selected by the U.S. government to implement the American side of the accord. It has resisted accepting delivery of Russia's enriched uranium because, among other reasons, it claims that the materials are not pure enough for U.S. nuclear plants. But the corporation has a fundamental conflict of interest. Since it also produces enriched uranium, it wants to limit Russian competition in the international market.

The question is: How long do we have before we run out of luck? How long before some of Russia's uranium winds up in the hands of terrorists like Osama bin Laden or regimes like Saddam Hussein's?

Washington should switch the power of executive agent from the U.S. Enrichment Corp. to the Department of Energy. Given that most of the delays in implementing the agreement have stemmed from America's insistence that the highly enriched uranium be blended down into nuclear fuel in Russia, Washington should reverse this policy and accept Moscow's offer to ship its undiluted uranium directly to the U.S.

As soon as the agreement gets back on track, Washington should ask Moscow to expand it to include all of Russia's excess weapon-grade uranium, not to mention its excess plutonium. It makes no sense to purchase one stockpile of unsecured fissile material while leaving others in jeopardy.

The pricetag for such a deal would be remarkably low. The cost of purchasing 500 tons of Russia's highly enriched uranium, the quantity covered in the agreement, is approximately $8 billion. Beyond what the agreement covers, Moscow has some 700 tons of additional weapons-grade uranium it has deemed "excess." That would increase the price to around $19 billion. And for an additional $1 billion or $2 billion. Moscow would probably throw in its excess weapon-grade plutonium, which it has also been trying to sell for use as nuclear fuel.

With Russian parliamentary elections scheduled for later this year and a presidential election next June—which may well bring in a government less friendly to the West than Mr. Yeltsin's—the time to act is now rather than later.●

MORNING BUSINESS

Mr. MURKOWSKI. I ask consent that there be a period for the transaction of routine morning business, with any Senator permitted to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SALVAGE MOTOR VEHICLE CONSUMER PROTECTION ACT

Mr. LOTT. Mr. President, I am proud to add the American Automobile Association (AAA) and the California DMV to the long list of organizations that support S. 655, the National Salvage Motor Vehicle Consumer Protection Act that I introduced during this session to protect consumers from title fraud.

Other supporters of my title branding legislation include the American Association of Motor Vehicle Administrators (AAMVA), state DMV directors around the country, the Michigan Secretary of State and other Secretaries of State, the International Union of Police Associations AFL–CIO, International Association of Auto Theft Investigators, National Odometer and Title Fraud Enforcement Association, American Automobile Manufacturers Association, Association of International Automobile Manufacturers, National Automobile Dealers Association, National Association of Minority Automobile Dealers, National Independent Automobile Dealers Association, Honda North America, Nissan North America, Carfax, CarMax, American Service Industry Association, American Automotive Leasing Association, American Car Rental Association, American Salvage Pool Association, Automotive Engine Rebuilders Association, Automotive Parts and Accessories Association, Automotive Parts Rebuilders Association, National Association of Fleet Resale Dealers, National Auto Auction Association, and State Farm Insurance.

I also think it is worth recognizing 23 of our colleagues who have actively signaled their intention to protect motorists in their state and throughout the nation by formally supporting S. 655. Senators McCain, Breaux, Stevens, Conrad, Burns, Hutchison, Frist, Abraham, Mack, Warner, Bennett, Sessions, Murkowski, Shelby, Inhofe, Grams, Thomas, Roberts, Hatch, Thompson, Enzi, Kyl, and Hutchinson are to be commended for cosponsoring this important consumer protection measure.

The American Automobile Association represents over 40 million drivers. It is a nonpartisan organization that champions the interests of the driving public in virtually every city, county, and state across this great land. AAA supports S. 655 because it shares my belief that national standards for titling salvage, rebuilt salvage, non-repairable and flood damaged vehicles will help prevent the fraudulent sale of damaged vehicles and protect consumers from unknowingly purchasing them. Mr. President, I ask unanimous consent to print AAA's letter of support for S. 655 in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AAA WASHINGTON OFFICE,
Washington, DC, November 17, 1999.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR LOTT: As a representative of 42 million motorists, AAA appreciates your effort to establish more uniformity in the titling and registration of salvage and other damaged vehicles.

AAA shares your concern about the practice of unscrupulous individuals buying damaged vehicles at low cost, rebuilding them, and then retitling them in another state with less or no protections. A "washed" title does not disclose previous damage to a vehicle and therefore, subsequent purchasers have no knowledge of the damage. Unwitting consumers are the victims of such fraudulent practices.

In an effort to help AAA members avoid the pitfalls of buying damaged or rebuilt vehicles, AAA provides tips on ways to identify damaged or flood vehicles. AAA also recommends that consumers have used cars checked for safety and reliability by a reputable auto technician before they purchase the vehicle.

Minimum standards for titling salvage, rebuilt salvage, non-repairable and flood-damaged vehicles will help present the fraudulent sale of damaged vehicles and protect consumers from unknowingly purchasing them. However, because states often have unique and various problems relating specifically to salvage vehicles, AAA believes states should be provided flexibility to enact stricter standards that address individual state concerns as your bill allows.

S. 655 represents an important step toward addressing the problem, while recognizing the legitimate role states have in motor vehicle licensing and titling laws. AAA commends your leadership in working with all parties to craft a workable solution and is pleased to support your bill.

Sincerely,

SUSAN G. PIKRALLIDAS,
Interim Vice President,
Public & Government Relations.

Mr. LOTT. Mr. President, my goal from the outset has been to protect used car buyers from title fraud. The solution I proposed was simple, straightforward, and modeled after the recommendations of the Motor Vehicle Titling, Registration, and Salvage Advisory Committee. S. 655 merely establishes model uniform definitions and disclosure requirements for four basic terms: salvage; rebuilt salvage; flood; and nonrepairable vehicles. Under the legislation reported out by the Senate Commerce Committee, states would be free to utilize additional terms and to provide additional disclosures beyond those provided for in this bill. States that choose to adopt the four uniform terms and related provisions would be eligible for incentive grants. No state would be penalized for non-participation or for retaining different standards.

While there is substantial and broad support for this much needed legislation, there continues to be resistance to moving forward with this legislation in the Senate. Unfortunately, this resistance has the effect of allowing unsuspecting consumers to continue to purchase and drive potentially life-threatening vehicles. Delaying this legislation will cost used car buyers another $4 billion this year and place millions of structurally unsafe vehicles back on America's roads and highways. Roads that our family, friends, and neighbors share every day.

Even though S. 655 has wide-spread support and follows the recommendations of the Congressionally-chartered Salvage Advisory Committee, a few groups have attempted to undermine this measure at every stage of the process. Unfortunately, these groups seemed to have convinced some of my colleagues that it is better to delay the implementation of clearly needed consumer protections and continue to press for the imposition of untried, untested and in many cases anti-consumer requirements. Requirements that states have rejected time and again. Provisions that focus on post-purchase redress rather than pre-purchase disclosure. Definitions and standards that would perpetuate confusion rather than promote uniformity among the states, undermining the very purpose of this legislation. These groups claim to have the interests of consumers in mind, yet the best representative of car-buying consumers, the American Automobile Association, has rejected their approach and supports passage of S. 655.

As I am sure my colleagues will agree, advancing titling definitions and standards that states have rejected, and will continue to reject, will only exacerbate title fraud. Such an approach only benefits those who prey on unsuspecting car buyers and would jeopardize the minimum standards required to make the program work, unnecessarily harm many vehicle owners and buyers by needlessly reducing the value of their vehicles, create unreasonable or untested standards, foster unnecessary litigation, impinge on states rights, and promote a scheme that states will reject.

During the 104th and 105th Congresses, this was a bipartisan, better yet nonpartisan, initiative. My only interest has been to protect consumers by encouraging the use of minimal uniform disclosure standards for severely damaged vehicles—those involved in a serious accident, severely damaged by falling objects, or vehicles that have sustained significant and lingering water damage. Whether the used car buyer is in Mississippi, California, Nevada, Minnesota, or in any other state, he or she needs the pre-purchase disclosure information that S. 655 would provide.

I have made every effort to reach consensus on this legislation. In that vein, a number of changes were incorporated throughout the legislative process to address the concerns of State attorneys general, certain consumer groups, and many of my colleagues. The latest version of this legislation incorporates the full range of changes that DMV administrators, including California's Administrator, believe are practicable. The substitute makes it very clear that there is no preemption of state law. The substitute also mirrors much of the State of California's current titling requirements, ensuring that minimal change will be required by our largest state should it choose to apply for the bill's grant monies.

Mr. President, even though I have made numerous compromises on this legislation, the goal post continues to move further away. Instead of gaining acceptance, I was recently presented with yet another round of proposed modifications. AAMVA reviewed these proposed changes and determined they would eviscerate the purpose of this legislation. AAMVA opposes these additional changes because they could potentially harm the very people this legislation aims to protect, create a mountain of unnecessary paperwork, and would create a substantial amount of bureaucracy with no added value.

It makes no sense to adopt provisions that the experts on titling matters believe are harmful to used car consumers, the very people this balanced legislation aims to protect. AAMVA, Secretaries of State, local and state law enforcement, state legislators, and the automotive and insurance industries have repeatedly pronounced their support for S. 655. AAA and the California DMV also agree that my substitute bill is the right legislative solution.

Mr. President, if we do not pass this legislation, the real loser is the unfortunate used car buyer in these and other states who unknowingly purchases a wreck on wheels, perhaps a previously totaled government crash test vehicle. Every day that Congress fails to act on this prudent title branding legislation, thousands of individuals are harmed and millions of dollars are lost to the unscrupulous practice of title laundering. Let's pass this bill now.

S. 1949

Mr. LEAHY. Mr. President, I ask unanimous consent that the text of the bill, S. 1949, the "Clean Power Plant and Modernization Act," introduced on November 18, 1999, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1949

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Clean Power Plant and Modernization Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Combustion heat rate efficiency standards for fossil fuel-fired generating units.
Sec. 5. Air emission standards for fossil fuel-fired generating units.
Sec. 6. Extension of renewable energy production credit.
Sec. 7. Megawatt hour generation fees.
Sec. 8. Clean Air Trust Fund.
Sec. 9. Accelerated depreciation for investor-owned generating units.
Sec. 10. Grants for publicly owned generating units.
Sec. 11. Recognition of permanent emission reductions in future climate change implementation programs.
Sec. 12. Renewable and clean power generation technologies.
Sec. 13. Clean coal, advanced gas turbine, and combined heat and power demonstration program.
Sec. 14. Evaluation of implementation of this Act and other statutes.
Sec. 15. Assistance for workers adversely affected by reduced consumption of coal.
Sec. 16. Community economic development incentives for communities adversely affected by reduced consumption of coal.
Sec. 17. Carbon sequestration.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the United States is relying increasingly on old, needlessly inefficient, and highly polluting powerplants to provide electricity;

(2) the pollution from those powerplants causes a wide range of health and environmental damage, including—

(A) fine particulate matter that is associated with the deaths of approximately 50,000 Americans annually;

(B) urban ozone, commonly known as "smog", that impairs normal respiratory functions and is of special concern to individuals afflicted with asthma, emphysema, and other respiratory ailments;

(C) rural ozone that obscures visibility and damages forests and wildlife;

(D) acid deposition that damages estuaries, lakes, rivers, and streams (and the plants and animals that depend on them for survival) and leaches heavy metals from the soil;

(E) mercury and heavy metal contamination that renders fish unsafe to eat, with especially serious consequences for pregnant women and their fetuses;

(F) eutrophication of estuaries, lakes, rivers, and streams; and

(G) global climate change that may fundamentally and irreversibly alter human, animal, and plant life;

(3) tax laws and environmental laws—

(A) provide a very strong incentive for electric utilities to keep old, dirty, and inefficient generating units in operation; and

(B) provide a strong disincentive to investing in new, clean, and efficient generating technologies;

(4) fossil fuel-fired power plants, consisting of plants fueled by coal, fuel oil, and natural gas, produce nearly two-thirds of the electricity generated in the United States;

(5) since, according to the Department of Energy, the average combustion heat rate efficiency of fossil fuel-fired power plants in the United States is 33 percent, 67 percent of the heat generated by burning the fuel is wasted;

(6) technology exists to increase the combustion heat rate efficiency of coal combustion from 35 percent to 50 percent above current levels, and technological advances are possible that would boost the net combustion heat rate efficiency even more;

(7) coal-fired power plants are the leading source of mercury emissions in the United States, releasing an estimated 52 tons of this potent neurotoxin each year;

(8) in 1996, fossil fuel-fired power plants in the United States produced over 2,000,000,000 tons of carbon dioxide, the primary greenhouse gas;

(9) on average—

(A) fossil fuel-fired power plants emit 1,999 pounds of carbon dioxide for every megawatt hour of electricity produced;

(B) coal-fired power plants emit 2,110 pounds of carbon dioxide for every megawatt hour of electricity produced; and

(C) coal-fired power plants emit 205 pounds of carbon dioxide for every million British thermal units of fuel consumed;

(10) the average fossil fuel-fired generating unit in the United States commenced operation in 1964, 6 years before the Clean Air Act (42 U.S.C. 7401 et seq.) was amended to establish requirements for stationary sources;

(11)(A) according to the Department of Energy, only 23 percent of the 1,000 largest emitting units are subject to stringent new source performance standards under section 111 of the Clean Air Act (42 U.S.C. 7411); and

(B) the remaining 77 percent, commonly referred to as "grandfathered" power plants, are subject to much less stringent requirements;

(12) on the basis of scientific and medical evidence, exposure to mercury and mercury compounds is of concern to human health and the environment;

(13) pregnant women and their developing fetuses, women of childbearing age, and children are most at risk for mercury-related health impacts such as neurotoxicity;

(14) although exposure to mercury and mercury compounds occurs most frequently through consumption of mercury-contaminated fish, such exposure can also occur through—

(A) ingestion of breast milk;

(B) ingestion of drinking water, and foods other than fish, that are contaminated with methyl mercury; and

(C) dermal uptake through contact with soil and water;

(15) the report entitled "Mercury Study Report to Congress" and submitted by the Environmental Protection Agency under section 112(n)(1)(B) of the Clean Air Act (42 U.S.C. 7412(n)(1)(B)), in conjunction with other scientific knowledge, supports a plausible link between mercury emissions from combustion of coal and other fossil fuels and mercury concentrations in air, soil, water, and sediments;

(16)(A) the Environmental Protection Agency report described in paragraph (15) supports a plausible link between mercury emissions from combustion of coal and other fossil fuels and methyl mercury concentrations in freshwater fish;

(B) in 1997, 39 States issued health advisories that warned the public about consuming mercury-tainted fish, as compared to 27 States that issued such advisories in 1993; and

(C) the number of mercury advisories nationwide increased from 899 in 1993 to 1,675 in 1996, an increase of 86 percent;

(17) pollution from powerplants can be reduced through adoption of modern technologies and practices, including—

(A) methods of combusting coal that are intrinsically more efficient and less polluting, such as pressurized fluidized bed combustion and an integrated gasification combined cycle system;

(B) methods of combusting cleaner fuels, such as gases from fossil and biological resources and combined cycle turbines;

(C) treating flue gases through application of pollution controls;

(D) methods of extracting energy from natural, renewable resources of energy, such as solar and wind sources;

(E) methods of producing electricity and thermal energy from fuels without conventional combustion, such as fuel cells; and

(F) combined heat and power methods of extracting and using heat that would otherwise be wasted, for the purpose of heating or cooling office buildings, providing steam to processing facilities, or otherwise increasing total efficiency; and

(18) adopting the technologies and practices described in paragraph (17) would increase competitiveness and productivity, secure employment, save lives, and preserve the future.

(b) PURPOSES.—The purposes of this Act are—

(1) to protect and preserve the environment while safeguarding health by ensuring that each fossil fuel-fired generating unit minimizes air pollution to levels that are technologically feasible through modernization and application of pollution controls;

(2) to greatly reduce the quantities of mercury, carbon dioxide, sulfur dioxide, and nitrogen oxides entering the environment from combustion of fossil fuels;

(3) to permanently reduce emissions of those pollutants by increasing the combustion heat rate efficiency of fossil fuel-fired generating units to levels achievable through—

(A) use of commercially available combustion technology, including clean coal technologies such as pressurized fluidized bed combustion and an integrated gasification combined cycle system;

(B) installation of pollution controls;

(C) expanded use of renewable and clean energy sources such as biomass, geothermal, solar, wind, and fuel cells; and

(D) promotion of application of combined heat and power technologies;

(4)(A) to create financial and regulatory incentives to retire thermally inefficient generating units and replace them with new units that employ high-thermal-efficiency combustion technology; and

(B) to increase use of renewable and clean energy sources such as biomass, geothermal, solar, wind, and fuel cells;

(5) to establish the Clean Air Trust Fund to fund the training, economic development, carbon sequestration, and research, development, and demonstration programs established under this Act;

(6) to eliminate the "grandfather" loophole in the Clean Air Act relating to sources in operation before the promulgation of standards under section 111 of that Act (42 U.S.C. 7411);

(7) to express the sense of Congress that permanent reductions in emissions of greenhouse gases that are accomplished through the retirement of old units and replacement by new units that meet the combustion heat

rate efficiency and emission standards specified in this Act should be credited to the utility sector and the owner or operator in any climate change implementation program;

(8) to promote permanent and safe disposal of mercury recovered through coal cleaning, flue gas control systems, and other methods of mercury pollution control;

(9) to increase public knowledge of the sources of mercury exposure and the threat to public health from mercury, particularly the threat to the health of pregnant women and their fetuses, women of childbearing age, and children;

(10) to decrease significantly the threat to human health and the environment posed by mercury;

(11) to provide worker retraining for workers adversely affected by reduced consumption of coal; and

(12) to provide economic development incentives for communities adversely affected by reduced consumption of coal.

SEC. 3. DEFINITIONS.

In this Act:

(1) Administrator.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) Generating unit.—The term "generating unit" means an electric utility generating unit.

SEC. 4. COMBUSTION HEAT RATE EFFICIENCY STANDARDS FOR FOSSIL FUEL-FIRED GENERATING UNITS.

(a) Standards.—

(1) In general.—Not later than the day that is 10 years after the date of enactment of this Act, each fossil fuel-fired generating unit that commences operation on or before that day shall achieve and maintain, at all operating levels, a combustion heat rate efficiency of not less than 45 percent (based on the higher heating value of the fuel).

(2) Future generating units.—Each fossil fuel-fired generating unit that commences operation more than 10 years after the date of enactment of this Act shall achieve and maintain, at all operating levels, a combustion heat rate efficiency of not less than 50 percent (based on the higher heating value of the fuel), unless granted a waiver under subsection (d).

(b) Test Methods.—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Energy, shall promulgate methods for determining initial and continuing compliance with this section.

(c) Permit Requirement.—Not later than 10 years after the date of enactment of this Act, each generating unit shall have a permit issued under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) that requires compliance with this section.

(d) Waiver of Combustion Heat Rate Efficiency Standard.—

(1) Application.—The owner or operator of a generating unit that commences operation more than 10 years after the date of enactment of this Act may apply to the Administrator for a waiver of the combustion heat rate efficiency standard specified in subsection (a)(2) that is applicable to that type of generating unit.

(2) Issuance.—The Administrator may grant the waiver only if—

(A)(i) the owner or operator of the generating unit demonstrates that the technology to meet the combustion heat rate efficiency standard is not commercially available; or

(ii) the owner or operator of the generating unit demonstrates that, despite best technical efforts and willingness to make the necessary level of financial commitment, the combustion heat rate efficiency standard is not achievable at the generating unit; and

(B) the owner or operator of the generating unit enters into an agreement with the Administrator to offset by a factor of 1.5 to 1, using a method approved by the Administrator, the emission reductions that the generating unit does not achieve because of the failure to achieve the combustion heat rate efficiency standard specified in subsection (a)(2).

(3) Effect of waiver.—If the Administrator grants a waiver under paragraph (1), the generating unit shall be required to achieve and maintain, at all operating levels, the combustion heat rate efficiency standard specified in subsection (a)(1).

SEC. 5. AIR EMISSION STANDARDS FOR FOSSIL FUEL-FIRED GENERATING UNITS.

(a) All Fossil Fuel-Fired Generating Units.—Not later than 10 years after the date of enactment of this Act, each fossil fuel-fired generating unit, regardless of its date of construction or commencement of operation, shall be subject to, and operating in physical and operational compliance with, the new source review requirements under section 111 of the Clean Air Act (42 U.S.C. 7411).

(b) Emission Rates for Sources Required To Maintain 45 Percent Efficiency.—Not later than 10 years after the date of enactment of this Act, each fossil fuel-fired generating unit subject to section 4(a)(1) shall be in compliance with the following emission limitations:

(1) Mercury.—Each coal-fired or fuel oil-fired generating unit shall be required to remove 90 percent of the mercury contained in the fuel, calculated in accordance with subsection (e).

(2) Carbon dioxide.—

(A) Natural gas-fired generating units.—Each natural gas-fired generating unit shall be required to achieve an emission rate of not more than 0.9 pounds of carbon dioxide per kilowatt hour of net electric power output.

(B) Fuel oil-fired generating units.—Each fuel oil-fired generating unit shall be required to achieve an emission rate of not more than 1.3 pounds of carbon dioxide per kilowatt hour of net electric power output.

(C) Coal-fired generating units.—Each coal-fired generating unit shall be required to achieve an emission rate of not more than 1.55 pounds of carbon dioxide per kilowatt hour of net electric power output.

(3) Sulfur dioxide.—Each fossil fuel-fired generating unit shall be required—

(A) to remove 95 percent of the sulfur dioxide that would otherwise be present in the flue gas; and

(B) to achieve an emission rate of not more than 0.3 pounds of sulfur dioxide per million British thermal units of fuel consumed.

(4) Nitrogen oxides.—Each fossil fuel-fired generating unit shall be required—

(A) to remove 90 percent of nitrogen oxides that would otherwise be present in the flue gas; and

(B) to achieve an emission rate of not more than 0.15 pounds of nitrogen oxides per million British thermal units of fuel consumed.

(c) Emission Rates for Sources Required To Maintain 50 Percent Efficiency.—Each fossil fuel-fired generating unit subject to section 4(a)(2) shall be in compliance with the following emission limitations:

(1) Mercury.—Each coal-fired or fuel oil-fired generating unit shall be required to remove 90 percent of the mercury contained in the fuel, calculated in accordance with subsection (e).

(2) Carbon dioxide.—

(A) Natural gas-fired generating units.—Each natural gas-fired generating unit shall be required to achieve an emission rate of not more than 0.8 pounds of carbon dioxide per kilowatt hour of net electric power output.

(B) Fuel oil-fired generating units.—Each fuel oil-fired generating unit shall be required to achieve an emission rate of not more than 1.2 pounds of carbon dioxide per kilowatt hour of net electric power output.

(C) Coal-fired generating units.—Each coal-fired generating unit shall be required to achieve an emission rate of not more than 1.4 pounds of carbon dioxide per kilowatt hour of net electric power output.

(3) Sulfur dioxide.—Each fossil fuel-fired generating unit shall be required—

(A) to remove 95 percent of the sulfur dioxide that would otherwise be present in the flue gas; and

(B) to achieve an emission rate of not more than 0.3 pounds of sulfur dioxide per million British thermal units of fuel consumed.

(4) Nitrogen oxides.—Each fossil fuel-fired generating unit shall be required—

(A) to remove 90 percent of nitrogen oxides that would otherwise be present in the flue gas; and

(B) to achieve an emission rate of not more than 0.15 pounds of nitrogen oxides per million British thermal units of fuel consumed.

(d) Permit Requirement.—Not later than 10 years after the date of enactment of this Act, each generating unit shall have a permit issued under title V of the Clean Air Act (42 U.S.C: 7661 et seq.) that requires compliance with this section.

(e) Compliance Determination and Monitoring.—

(1) Regulations.—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Energy, shall promulgate methods for determining initial and continuing compliance with this section.

(2) Calculation of mercury emission reductions.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate fuel sampling techniques and emission monitoring techniques for use by generating units in calculating mercury emission reductions for the purposes of this section.

(3) Reporting.—

(A) In general.—Not less than often than quarterly, the owner or operator of a generating unit shall submit a pollutant-specific emission report for each pollutant covered by this section.

(B) Signature.—Each report required under subparagraph (A) shall be signed by a responsible official of the generating unit, who shall certify the accuracy of the report.

(C) Public reporting.—The Administrator shall annually make available to the public, through 1 or more published reports and 1 or more forms of electronic media, facility-specific emission data for each generating unit and pollutant covered by this section.

(D) Consumer disclosure.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations requiring each owner or operator of a generating unit to disclose to residential consumers of electricity generated by the unit, on a regular basis (but not less often than annually) and in a manner convenient to the consumers, data concerning the level of emissions by the generating unit of each pollutant covered by this section and each air pollutant covered by section 111 of the Clean Air Act (42 U.S.C. 7411).

(f) DISPOSAL OF MERCURY CAPTURED OR RECOVERED THROUGH EMISSION CONTROLS.—

(1) CAPTURED OR RECOVERED MERCURY.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations to ensure that mercury that is captured or recovered through the use of an emission control, coal cleaning, or another method is disposed of in a manner that ensures that—

(A) the hazards from mercury are not transferred from 1 environmental medium to another; and

(B) there is no release of mercury into the environment.

(2) MERCURY-CONTAINING SLUDGES AND WASTES.—The regulations promulgated by the Administrator under paragraph (1) shall ensure that mercury-containing sludges and wastes are handled and disposed of in accordance with all applicable Federal and State laws (including regulations).

(g) PUBLIC REPORTING OF FACILITY-SPECIFIC EMISSION DATA.—

(1) IN GENERAL.—The Administrator shall annually make available to the public, through 1 or more published reports and the Internet, facility-specific emission data for each generating unit and for each pollutant covered by this section.

(2) SOURCE OF DATA.—The emission data shall be taken from the emission reports submitted under subsection (e)(3).

SEC. 6. EXTENSION OF RENEWABLE ENERGY PRODUCTION CREDIT.

Section 45(c) of the Internal Revenue Code of 1986 (relating to definitions) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "and";

(B) in subparagraph (B), by striking the period and inserting ", and"; and

(C) by adding at the end the following:

"(C) solar power.";

(2) in paragraph (3)—

(A) by inserting ", and December 31, 1998, in the case of a facility using solar power to produce electricity" after "electricity"; and

(B) by striking "1999" and inserting "2010"; and

(3) by adding at the end the following:

"(4) SOLAR POWER.—The term 'solar power' means solar power harnessed through—

"(A) photovoltaic systems,

"(B) solar boilers that provide process heat, and

"(C) any other means.".

SEC. 7. MEGAWATT HOUR GENERATION FEES.

(a) IN GENERAL.—Chapter 38 of the Internal Revenue Code of 1986 (relating to miscellaneous excise taxes) is amended by inserting after subchapter D the following:

"Subchapter E—Megawatt Hour Generation Fees

"Sec. 4691. Imposition of fees.

"SEC. 4691. IMPOSITION OF FEES.

"(a) TAX IMPOSED.—There is hereby imposed on each covered fossil fuel-fired generating unit a tax equal to 30 cents per megawatt hour of electricity produced by the covered fossil fuel-fired generating unit.

"(b) ADJUSTMENT OF RATES.—Not less often than once every 2 years beginning after 2002, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall evaluate the rate of the tax imposed by subsection (a) and increase the rate if necessary for any succeeding calendar year to ensure that the Clean Air Trust Fund established by section 9511 has sufficient amounts to fully fund the activities described in section 9511(c).

"(c) PAYMENT OF TAX.—The tax imposed by this section shall be paid quarterly by the owner or operator of each covered fossil fuel-fired generating unit.

"(d) COVERED FOSSIL FUEL-FIRED GENERATING UNIT.—The term 'covered fossil fuel-fired generating unit' means an electric utility generating unit that—

"(1) is powered by fossil fuels;

"(2) has a generating capacity of 5 or more megawatts; and

"(3) because of the date on which the generating unit commenced commercial operation, is not subject to all regulations promulgated under section 111 of the Clean Air Act (42 U.S.C. 7411).".

(b) CONFORMING AMENDMENT.—The table of subchapters for such chapter 38 is amended by inserting after the item relating to subchapter D the following:

"SUBCHAPTER E. Megawatt hour generation fees.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced in calendar years beginning after December 31, 2000.

SEC. 8. CLEAN AIR TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end the following:

"SEC. 9511. CLEAN AIR TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Clean Air Trust Fund' (hereafter referred to in this section as the 'Trust Fund'), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the Trust Fund amounts equivalent to the taxes received in the Treasury under section 4691.

"(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Trust Fund shall be available, without further Act of appropriation, upon request by the head of the appropriate Federal agency in such amounts as the agency head determines are necessary—

"(1) to provide funding under section 12 of the Clean Power Plant and Modernization Act of 1999, as in effect on the date of enactment of this section;

"(2) to provide funding for the demonstration program under section 13 of such Act, as so in effect;

"(3) to provide assistance under section 15 of such Act, as so in effect;

"(4) to provide assistance under section 16 of such Act, as so in effect; and

"(5) to provide funding under section 17 of such Act, as so in effect.".

(b) CONFORMING AMENDMENT.—The table of sections for such subchapter A is amended by adding at the end the following:

"Sec. 9511. Clean Air Trust Fund.".

SEC. 9. ACCELERATED DEPRECIATION FOR INVESTOR-OWNED GENERATING UNITS.

(a) IN GENERAL.—Section 168(e)(3) of the Internal Revenue Code of 1986 (relating to classification of certain property) is amended—

(1) in subparagraph (E) (relating to 15-year property), by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following:

"(iv) any 45-percent efficient fossil fuel-fired generating unit."; and

(2) by adding at the end the following:

"(F) 12-YEAR PROPERTY.—The term '12-year property' includes any 50-percent efficient fossil fuel-fired generating unit.".

(b) DEFINITIONS.—Section 168(i) of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended by adding at the end the following:

"(15) FOSSIL FUEL-FIRED GENERATING UNITS.—

"(A) 50-PERCENT EFFICIENT FOSSIL FUEL-FIRED GENERATING UNIT.—The term '50-percent efficient fossil fuel-fired generating unit' means any property used in an investor-owned fossil fuel-fired generating unit pursuant to a plan approved by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, to place into service such a unit that is in compliance with sections 4(a)(2) and 5(c) of the Clean Power Plant and Modernization Act of 1999, as in effect on the date of enactment of this paragraph.

"(B) 45-PERCENT EFFICIENT FOSSIL FUEL-FIRED GENERATING UNIT.—The term '45-percent efficient fossil fuel-fired generating unit' means any property used in an investor-owned fossil fuel-fired generating unit pursuant to a plan so approved to place into service such a unit that is in compliance with sections 4(a)(1) and 5(b) of such Act, as so in effect.".

(c) CONFORMING AMENDMENT.—The table contained in section 168(c) of the Internal Revenue Code of 1986 (relating to applicable recovery period) is amended by inserting after the item relating to 10-year property the following:

"12-year property .... 12 years".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property used after the date of enactment of this Act.

SEC. 10. GRANTS FOR PUBLICLY OWNED GENERATING UNITS.

Any capital expenditure made after the date of enactment of this Act to purchase, install, and bring into commercial operation any new publicly owned generating unit that—

(1) is in compliance with sections 4(a)(1) and 5(b) shall, for a 15-year period, be eligible for partial reimbursement through annual grants made by the Secretary of the Treasury, in consultation with the Administrator, in an amount equal to the monetary value of the depreciation deduction that would be realized by reason of section 168(c)(3)(E) of the Internal Revenue Code of 1986 by a similarly-situated investor-owned generating unit over that period; and

(2) is in compliance with sections 4(a)(2) and 5(c) shall, over a 12-year period, be eligible for partial reimbursement through annual grants made by the Secretary of the Treasury, in consultation with the Administrator, in an amount equal to the monetary value of the depreciation deduction that would be realized by reason of section 168(c)(3)(D) of such Code by a similarly-situated investor-owned generating unit over that period.

SEC. 11. RECOGNITION OF PERMANENT EMISSION REDUCTIONS IN FUTURE CLIMATE CHANGE IMPLEMENTATION PROGRAMS.

It is the sense of Congress that—

(1) permanent reductions in emissions of carbon dioxide and nitrogen oxides that are accomplished through the retirement of old generating units and replacement by new generating units that meet the combustion heat rate efficiency and emission standards specified in this Act, or through replacement of old generating units with nonpolluting renewable power generation technologies, should be credited to the utility sector, and

to the owner or operator that retires or replaces the old generating unit, in any climate change implementation program enacted by Congress;

(2) the base year for calculating reductions under a program described in paragraph (1) should be the calendar year preceding the calendar year in which this Act is enacted; and

(3) a reasonable portion of any monetary value that may accrue from the crediting described in paragraph (1) should be passed on to utility customers.

SEC. 12. RENEWABLE AND CLEAN POWER GENERATION TECHNOLOGIES.

(a) In General.—Under the Renewable Energy and Energy Efficiency Technology Act of 1989 (42 U.S.C. 12001 et seq.), the Secretary of Energy shall fund research and development programs and commercial demonstration projects and partnerships to demonstrate the commercial viability and environmental benefits of electric power generation from—

(1) biomass (excluding unseparated municipal solid waste), geothermal, solar, and wind technologies; and

(2) fuel cells.

(b) Types of Projects.—Demonstration projects may include solar power tower plants, solar dishes and engines, co-firing of biomass with coal, biomass modular systems, next-generation wind turbines and wind turbine verification projects, geothermal energy conversion, and fuel cells.

(c) Authorization of Appropriations.—In addition to amounts made available under any other law, there is authorized to be appropriated to carry out this section $75,000,000 for each of fiscal years 2001 through 2010.

SEC. 13. CLEAN COAL, ADVANCED GAS TURBINE, AND COMBINED HEAT AND POWER DEMONSTRATION PROGRAM.

(a) In General.—Under subtitle B of title XXI of the Energy Policy Act of 1992 (42 U.S.C. 13471 et seq.), the Secretary of Energy shall establish a program to fund projects and partnerships designed to demonstrate the efficiency and environmental benefits of electric power generation from—

(1) clean coal technologies, such as pressurized fluidized bed combustion and an integrated gasification combined cycle system;

(2) advanced gas turbine technologies, such as flexible midsized gas turbines and baseload utility scale applications; and

(3) combined heat and power technologies.

(b) Selection Criteria.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall promulgate criteria and procedures for selection of demonstration projects and partnerships to be funded under subsection (a).

(2) Required criteria.—At a minimum, the selection criteria shall include—

(A) the potential of a proposed demonstration project or partnership to reduce or avoid emissions of pollutants covered by section 5 and air pollutants covered by section 111 of the Clean Air Act (42 U.S.C. 7411); and

(B) the potential commercial viability of the proposed demonstration project or partnership.

(c) Authorization of Appropriations.—

(1) In general.—In addition to amounts made available under any other law, there is authorized to be appropriated to carry out this section $75,000,000 for each of fiscal years 2001 through 2010.

(2) Distribution.—The Secretary shall make reasonable efforts to ensure that, under the program established under this section, the same amount of funding is provided for demonstration projects and partnerships under each of paragraphs (1), (2), and (3) of subsection (a).

SEC. 14. EVALUATION OF IMPLEMENTATION OF THIS ACT AND OTHER STATUTES.

(a) In General.—Not later than 2 years after the date of enactment of this Act, the Secretary of Energy, in consultation with the Chairman of the Federal Energy Regulatory Commission and the Administrator, shall submit to Congress a report on the implementation of this Act.

(b) Identification of Conflicting Law.—The report shall identify any provision of the Energy Policy Act of 1992 (Public Law 102–486), the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 791 et seq.), the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.), or the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 et seq.), or the amendments made by those Acts, that conflicts with the intent or efficient implementation of this Act.

(c) Recommendations.—The report shall include recommendations from the Secretary of Energy, the Chairman of the Federal Energy Regulatory Commission, and the Administrator for legislative or administrative measures to harmonize and streamline the statutes specified in subsection (b) and the regulations implementing those statutes.

SEC. 15. ASSISTANCE FOR WORKERS ADVERSELY AFFECTED BY REDUCED CONSUMPTION OF COAL.

In addition to amounts made available under any other law, there is authorized to be appropriated $75,000,000 for each of fiscal years 2001 through 2015 to provide assistance, under the economic dislocation and worker adjustment assistance program of the Department of Labor authorized by title III of the Job Training Partnership Act (29 U.S.C. 1651 et seq.), to coal industry workers who are terminated from employment as a result of reduced consumption of coal by the electric power generation industry.

SEC. 16. COMMUNITY ECONOMIC DEVELOPMENT INCENTIVES FOR COMMUNITIES ADVERSELY AFFECTED BY REDUCED CONSUMPTION OF COAL.

In addition to amounts made available under any other law, there is authorized to be appropriated $75,000,000 for each of fiscal years 2001 through 2015 to provide assistance, under the economic adjustment program of the Department of Commerce authorized by the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.), to assist communities adversely affected by reduced consumption of coal by the electric power generation industry.

SEC. 17. CARBON SEQUESTRATION.

(a) Carbon Sequestration Strategy.—In addition to amounts made available under any other law, there is authorized to be appropriated to the Environmental Protection Agency and the Department of Energy for each of fiscal years 2001 through 2003 a total of $15,000,000 to conduct research and development activities in basic and applied science in support of development by September 30, 2003, of a carbon sequestration strategy that is designed to offset all growth in carbon dioxide emissions in the United States after 2010.

(b) Methods for Biologically Sequestering Carbon Dioxide.—In addition to amounts made available under any other law, there is authorized to be appropriated to the Environmental Protection Agency and the Department of Agriculture for each of fiscal years 2001 through 2010 a total of $30,000,000 to carry out soil restoration, tree planting, wetland protection, and other methods of biologically sequestering carbon dioxide.

(c) Limitation.—A project carried out using funds made available under this section shall not be used to offset any emission reduction required under any other provision of this Act.

THE RUSSIAN LEADERSHIP PROGRAM

Mr. STEVENS. Mr. President, I am pleased to announce that Congress included $10 million in the Foreign Operations Appropriations bill to continue the Russian Leadership Program in Fiscal Year 2000.

The Russian Leadership Program was created earlier this year in the FY 1999 supplemental appropriations bill in order to bring emerging Russian leaders to the United States to see first hand how democracy and the American free market economic system function. The program was successful in bringing over 2,100 emerging leaders from 83 of the 89 states and republics in the Russian Federation during July, August, and September of this year. Dr. Billington, the Librarian of Congress, and one of the world's leading historians of Russian culture was asked to administer this program. Our thanks go to Dr. Billington for doing an excellent job implementing this program in a short period of time.

The program was modeled after the Marshall Plan which was implemented after World War II. Between 1946–1956, the U.S. Government brought over 10,000 Germans citizens to the United States to learn ways to rebuild their economy through technical assistance as well as cultural and political contacts. The Marshall Plan was one of the most successful foreign aid programs of the last century.

Similar to the Marshall Plan, participants in the Russian Leadership Program visited more than 400 communities in 46 states and the District of Columbia observing democracy in action at all levels of government. They met and discussed the American system of government with current and former U.S. Presidents, Members of the U.S. Senate and U.S. House, Governors, state legislators, state supreme court justices, mayors, and members of city and town councils.

Some of the participants also campaigned door-to-door with political candidates, visited police and fire stations, met with students in schools, visited hospitals, research facilities, businesses, soup kitchens, shelters and experienced firsthand the partnership among government, and the private sector.

This program was unique because more than 800 American families hosted our Russian visitors, welcoming them into their homes and communities, and spending the time to answer questions about and show our guests the American way of life. Vadim Baikov, one of the six Russians who visited Alaska, the State I represent, wrote after the program that, "In my opinion, the best cultural aspect is that we stayed with the families, because in this way one can actually gain insight of the genuine American lifestyle. I think that is what counts the most."

Organizations such as Rotary International, the United Methodist Church, Freedom Force, and the Church of Jesus Christ of Latter-day Saints played a key role in organizing the participants in the program both in Russia and the United States. In addition to volunteering their time, these families and hosting communities generously supplemented the government's $10 million appropriations by providing approximately $1.5 million worth of meals, cultural activities, additional transportation and medical care.

Beyond the strong ties of friendship that developed between guests and hosts, it is clear that the Russian Leadership Program fundamentally changed how these Russian guests see America. They constitute the largest single group ever to travel from Russia to the U.S. They return to Russia with clear ideas and strong commitment to positive change. A mayor from Tomsk spend time with the mayor of Cleveland and said: "If we were to meet more often, there would be more peaceful relations."

The Russian Leadership Program has had a tremendous impact in one year. It is a good program and I am pleased that we were able to provide the necessary funding to continue this program into the new millenium.

INTELLECTUAL PROPERTY AND COMMUNICATIONS OMNIBUS REFORM ACT OF 1999

Mr. SCHUMER. Mr. President, I rise today in support of the revised "Intellectual Property and Communications Omnibus Reform Act of 1999" (H.R. 1554). As a Member of the Judiciary Committee, I am particularly pleased that this legislation includes as Title IV, the "American Inventors Protection Act of 1999." This important patent reform measure includes a series of initiatives intended to protect the rights of inventors, enhance patent protections and reduce patent litigation.

Perhaps most importantly, subtitle C of title IV contains the so-called "First Inventor Defense." This defense provides a first inventor (or "prior user") with a defense in patent infringement lawsuits, whenever an inventor of a business method (i.e., a practice process or system) uses the invention but does not patent it. Currently, patent law does not provide original inventors with any protections when a subsequent user, who patents the method at a later date, files a lawsuit for infringement against the real creator of the invention.

The first inventor defense will provide the financial services industry with important, needed protections in the face of the uncertainty presented by the Federal Circuit's decision in the State Street case. *State Street Bank and Trust Company* v. *Signature Financial Group, Inc.* 149 F.3d 1368 (Fed. Cir., 1998). In State Street, the Court did away with the so-called "business methods" exception to statutory patentable subject matter. Consequently, this decision has raised questions about what types of business methods may now be eligible for patent protection. In the financial services sector, this has prompted serious legal and practical concerns. It has created doubt regarding whether or not particular business methods used by the industry—including processes, practices, and systems—might now suddenly become subject to new claims under the patent law. In terms of everyday business practice, these types of activities were considered to be protected as trade secrets and were not viewed as patentable material.

The first inventor defense strikes a fair balance between patent and trade secret law. Specifically, this provision creates a defense for inventors who (1) acting in good faith have reduced the subject matter to practice in the United States at least one year prior to the patent filing date ("effective filing date") of another (typically later) inventor; and (2) commercially used the subject matter in the United States before the filing date of the patent. Commercial use does not require that the particular invention be made known to the public or be used in the public marketplace—it includes wholly internal commercial uses as well.

As used in this legislation, the term "method" is intended to be construed broadly. The term "method" is defined as meaning "a method of doing or conducting business." Thus, "method" includes any internal method of doing business, a method used in the course of doing or conducting business, or a method for conducting business in the public marketplace. It includes a practice, process, activity, or system that is used in the design, formulation, testing, or manufacture of any product or service. The defense will be applicable against method claims, as well as the claims involving machines or articles the manufacturer used to practice such methods (i.e., apparatus claims). New technologies are being developed every day, which include technology that employs both methods of doing business and physical apparatus designed to carry out a method of doing business. The first inventor defense is intended to protect both method claims and apparatus claims.

When viewed specifically from the standpoint of the financial services industry, the term "method" includes financial instruments, financial products, financial transactions, the ordering of financial information, and any system or process that transmits or transforms information with respect to investments or other types of financial transactions. In this context, it is important to point out the beneficial effects that such methods have brought to our society. These include the encouragement of home ownership, the broadened availability of capital for small businesses, and the development of a variety of pension and investment opportunities for millions of Americans.

As the joint explanatory statement of the Conference Committee on H.R. 1554 notes, the provision "focuses on methods for doing and conducting business, including methods used in connection with internal commercial operations as well as those used in connection with the sale or transfer of useful end results—whether in the form of physical products, or in the form of services, or in the form of some other useful results; for example, results produced to the manipulation of data or other imports to produce a useful result." H. Rept. 106- , p. 31.

The language of the provision states that the defense is not available if the person has actually abandoned commercial use of the subject matter. As used in the legislation, abandonment refers to the cessation of use with no intent to resume. Intervals of non-use between such periodic or cyclical activities such as seasonable factors or reasonable intervals between contracts, however, should not be considered to be abandonment.

As noted earlier, in the wake of State Street, thousands of methods and processes that have been and are used internally are now subject to the possibility of being claimed as patented inventions. Previously, the businesses that developed and used such methods and processes thought that secrecy was the only protection available. As the conference report on H.R. 1554 states: "(U)nder established law, any of these inventions which have been in commercial use—public or secret—for more than one year cannot now be the subject of a valid U.S. patent." H. Rept. 106- , p. 31.

Mr. President, patent law should encourage innovation, not create barriers to the development of innovative financial products, credit vehicles, and e-commerce generally. The patent law was never intended to prevent people from doing what they are already doing. While I am very pleased that the first inventors defense is included in H.R. 1554, it should be viewed as just the first step in defining the appropriate limits and boundaries of the

State Street decision. This legal defense will provide important protections for companies against unfair and unjustified patent infringement actions. But, at the same time, I believe that it is time for Congress to take a closer look at the potentially broad and, perhaps, adverse consequences of the State Street decision. I hope that beginning early next year the Judiciary Committee will hold hearings on the State Street issue, so Senators can carefully evaluate its economic and competitive consequences.

Mr. TORRICELLI. My colleague is correct. The State Street decision may have unintended consequences for the financial services community. By explicitly holding that business methods are patentable, financial service companies are finding that the techniques and ideas, that were in wide use, are being patented by others.

The Prior Inventor Defense of H.R. 1554 is an important step towards protecting the financial services industry. By protecting early developers and users of a business method, the defense allows U.S. companies to commit resources to the commercialization of their inventions with confidence that a subsequent patent holder will prevail in a patent infringement suit. Without this defense, financial services companies face unfair patent-infringement suits over the use of techniques and ideas (methods) they developed and have used for years.

While I support the Prior Inventor Defense, as a member of the Judiciary Committee, I hope we will revisit this issue next year. More must be done to address the boundaries of the State Street decision with the realities of the constantly changing and developing financial services industry.

I look forward to working with Senator SCHUMER and my colleagues on the committee on this important issue.

ORDERS FOR FRIDAY, NOVEMBER 19, 1999

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Friday, November 19. I further ask consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that the Senate then proceed to morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MURKOWSKI. For the information of all Senators, when the Senate convenes, it will begin consideration of a number of legislative items that have been cleared for action and need to be considered in the House prior to adjournment. Following the consideration of these bills, the Senate will resume debate on the final appropriations bill. Further, as a reminder, cloture was filed today on the appropriations conference report, and there is still hope that the Wisconsin delegation will allow the cloture vote to occur at a reasonable hour during tomorrow's session. However, if no agreement is made, the cloture vote will occur at 1:01 a.m. on Saturday morning, and abbreviated postcloture debate is anticipated. Therefore, Senators can expect a vote to occur a few hours after the cloture vote.

In addition, the Senate may consider the Work Incentives conference report prior to the pending adjournment.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MURKOWSKI. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

Mr. FEINGOLD. Is there a unanimous consent request pending?

The PRESIDING OFFICER. There is, to adjourn.

Mr. FEINGOLD. Reserving the right to object, I ask unanimous consent with regard to the cloture vote which the Senator from Alaska described, that the vote take place at 10 a.m. on Saturday; and that should cloture be invoked, no more than 21 hours of debate remain.

Mr. MURKOWSKI. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. FEINGOLD. Reserving the right to object, I simply want to indicate, as one member from the Wisconsin delegation, there is an effort to be reasonable with respect to the hour of the vote and to limit our rights with respect to the 30 hours respectively. Our goal is certainly not to cause people to vote at a very extreme hour.

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 10 a.m., Friday, November 19, 1999.

Thereupon, the Senate, at 10:44 p.m., adjourned until Friday, November 19, 1999, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Thursday, November 18, 1999*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LATOURETTE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 18, 1999.

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Douglas Tanner, Faith and Politics Institute, Washington, D.C., offered the following prayer:

Almighty God, we come before You this week before Thanksgiving only partially conscious of the many gifts You bestow upon us. We know that while others are hungry, we are fed, and while others are without shelter, we live in comfort. We give thanks for our material blessings and often share a measure of our abundance with those less fortunate.

Yet, we can live as unaware of the gifts You give us in each other, the gifts of those who think differently from the way we do, those whose experiences shape their perspectives differently from ours, those whose cultures cultivate different values and sensitivities, those whom You have placed with us in a land which we call one nation, indivisible, with liberty and justice for all.

Grant us, we pray in this season, a deeper appreciation of our brothers and our sisters all across this land, and across the aisles in this chamber. Open our hearts and strengthen our souls until we are instruments of Your peace. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Massachusetts (Mr. MOAKLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. MOAKLEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3308

Mr. PHELPS. Mr. Speaker, I ask unanimous consent to remove my name as cosponsor of H.R. 3308.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.J. RES. 82, MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2000 AND H.J. RES. 83, MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2000

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 385 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 385

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 82) making further continuing appropriations for the fiscal year 2000, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 2. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 83) making further continuing appropriations for the fiscal year 2000, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, before we begin on the rule, I am going to yield such time as he may consume to the distinguished gentleman from South Dakota (Mr. THUNE) for a matter of interest to all Members of the House.

(Mr. THUNE asked and was given permission to speak out of order.)

TRIBUTE TO READING CLERK BOB BERRY

Mr. THUNE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I wish to rise today to recognize the contributions of Bob Berry, a fellow South Dakotan.

Bob Berry has served the last several months as a Reading Clerk on the House Floor. Bob's father is a legend in South Dakota, the former Congressman E.Y. Berry, who represented South Dakota from 1951 to 1971. After his father's service, Bob served this institution as the Republican Reading Clerk. After several years of service, Bob was able to retire from the House 11 years ago.

As a result of the temporary departure of another Reading Clerk, Bob was asked to temporarily return to his old position in the House. The institution greatly appreciated Bob's willingness to return and enjoyed the last several months of his daily service.

The end of this session will allow Bob to return to retirement. We know he and his lovely wife, Marilyn, are pleased that the need for his services has passed and that they can enjoy their freedom to travel and visit their children, grandchildren and friends again.

Bob, on behalf of the House, I want to express our thanks for your service. You have truly helped this institution over the last several months and your contributions are much appreciated.

MOTION TO ADJOURN

Mr. OBEY. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 14, nays 375, not voting 44, as follows:

[Roll No. 598]

YEAS—14

Etheridge
Filner
Green (WI)
Kind (WI)
Manzullo
McCrery
Obey
Peterson (MN)
Petri
Rahall
Ryan (WI)
Sensenbrenner
Spratt
Towns

NAYS—375

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (IN)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Paul
Payne
Pease
Pelosi
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—44

Ackerman
Bateman
Bilbray
Burton
Capps
Carson
Conyers
Cox
Cubin
Dingell
Dooley
Dunn
Fattah
Franks (NJ)
Gutierrez
Herger
Hill (MT)
Hinchey
Hoekstra
Hunter
Hutchinson
Kanjorski
Kasich
Klink
Martinez
McIntosh
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Oberstar
Pastor
Radanovich
Ros-Lehtinen
Sabo
Scarborough
Tauscher
Taylor (MS)
Vento
Watts (OK)
Wexler
Weygand
Wise
Young (AK)

☐ 1028

Messrs. COBURN, BLAGOJEVICH, DICKEY, McHUGH, MORAN of Virginia, LINDER, SALMON, BENTSEN, SPENCE, FROST, Ms. WOOLSEY, Ms. SANCHEZ, and Ms. DANNER changed their vote from "yea" to "nay."

Mr. RYAN of Wisconsin and Mr. PETRI changed their vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.J. RES. 82, MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2000 AND H.J. RES. 83, MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2000—Continued

The SPEAKER pro tempore (Mr. LaTourette). The pending business is consideration of House Resolution 385 offered by the gentleman from Florida (Mr. Goss).

The gentleman from Florida (Mr. Goss) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. Moakley), my colleague, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, today, we place before the House what will hopefully be the last continuing resolution for fiscal year 2000. Yesterday, I referred to the movie "Groundhog Day" to describe the events of the past few weeks, where we seem to wake up each morning and do the same things we did the day before. And while we are here again as we were yesterday considering a rule to bring forward another short-term extension of the budget deadline, we are confident that a final agreement has been brokered and the process is finally now near total completion.

Like yesterday's, this rule is a standard closed rule providing for consideration of a continuing resolution whose expiration date is November 23. The rule waives all points of order against consideration of the joint resolution, provides 1 hour of debate, equally divided between the chairman and ranking member of the Committee on Appropriations, and affords the traditional motion to recommit.

Mr. Speaker, we have all been struggling to find the right negotiating mix to bring this budget process to a conclusion. Our firm line in the sand has remained constant: we will not spend one dime of the Social Security Trust Fund. While there has been the normal and appropriate give and take between the White House and the Congress on a host of other issues, our constituents, both young and old, I think are the real winners today.

Mr. Speaker, for the first time in over the 3 decades, Washington, D.C., will not be using Social Security as a slush fund. We have made the tough choices necessary to balance the budget without touching Social Security. It has been a long, it has been an arduous process; but the end result under the circumstances, I think, is well worth the effort: a more secure retirement for all Americans.

Just as there was 5 years ago when our new majority pledged to balance the budget, some cynical naysayers have claimed that we could not do the job this year without borrowing from Social Security. They were wrong in 1994, and they are wrong again today. We can do better, and this budget proves it.

Mr. Speaker, I want to particularly commend at this time the gentleman from Illinois (Mr. Hastert), Speaker of the House, for his persistence and leadership, and the gentleman from Florida (Mr. Young), the chairman of the Committee on Appropriations, and all the other Members who have made this day come to pass.

It is a good victory for Congress, and a good one for the American people. I urge a "yes" vote on the rule and the underlying CR, of course.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from Florida (Mr. GOSS), who I have not seen since 4 o'clock this morning, for yielding me the customary half hour, and I yield myself such time as I may consume.

Mr. Speaker, even though we are 49 days into the fiscal year, only eight of the thirteen appropriation bills have been signed into law. Appropriation negotiations have been going on and on and on, with little hope in sight. That is until very early this morning.

Early this morning at about 2 o'clock, the appropriators and the White House reached agreement on an enormous omnibus appropriations bill that lumps all unfinished business together in one massive document nearly no one can understand. And supposedly, we just need to pass a couple of more continuing resolutions to keep the government open until the appropriation process is mercifully behind us, and the President signs this behemoth bill.

Mr. Speaker, the rule we are considering today makes in order not one, but two continuing resolutions. The first expires on November 23, and the second expires on December 2. I am told this is done to accommodate the deliberations of the Senate, so I see no reason to oppose it, despite the strange and inefficient process.

Mr. Speaker, I urge my colleagues to support this rule, and support the continuing resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. YOUNG), my colleague and friend, the chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman from Florida (Mr. GOSS) for yielding me the time, and I think we are going to pass the rule without too much difficulty.

But, Mr. Speaker, if I could have the attention of the House, the gentleman from Massachusetts (Mr. MOAKLEY) just mentioned the 4 o'clock hour, and he is right on target. At 6 minutes after 3 a.m. this morning, with the gentleman from California (Mr. DREIER) in the chair, I was able to file the final agreement on the last appropriations package.

We went to the Committee on Rules at 20 minutes after 3:00 and by 3:45, my part of it was complete and I was home by 4:30 this morning. I am not sure when the gentleman from Massachusetts got home, but the important issue here is that I have the opportunity to compliment and congratulate the Members of the Committee on Appropriations and the subcommittee chairmen and all of those who have done such a good job through this process.

But, Mr. Speaker, the unsung heroes do not often get those accolades, and I think it is appropriate that they do. Those heroes are the members of the Committee on Rules. They are here for early morning meetings and late night meetings. I want to compliment the gentleman from California (Mr. DREIER) and all of the members of the Committee on Rules for being available when the legislative process requires their presence.

In the last 10 days of our very serious negotiation with the representatives from the President's office, there have been numerous evenings when the Committee on Rules was told, be available, because we think we might have a bill for their consideration tonight. They have had to wait here until 10 or 11 o'clock at night, or midnight, and then the appropriators were not ready or the deal had not been struck yet. They have been so faithful to their responsibilities, and I just think it is timely to call attention to the work that they do and the generous giving of their time to help this process move.

Again, I want to thank the gentleman from California (Chairman DREIER) and the gentleman from Massachusetts (Mr. MOAKLEY), the ranking member, and all of the members of the Committee on Rules for being so patient with us as we move this process through.

Mr. MOAKLEY. Mr. Speaker, I yield 8 minutes to the gentleman from Wisconsin (Mr. OBEY), ranking member on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, first of all, before I begin, I simply want to say something about two people. I would like to say that the gentleman from Florida (Mr. YOUNG) is one of the most decent human beings I have ever dealt with in the over 30 years I have been a Member of this House. He and I do not share the same political philosophy on many, many issues; and he and I have different institutional responsibilities. We try to meet our institutional responsibilities to this House as one.

Mr. Speaker, I want to say with all the sincerity at my command that the gentleman from Florida (Mr. YOUNG), in the way that he deals honorably with each and every other Member of this House, is the way every Member of this place ought to deal with each and every Member. I know that if the gentleman promises me something, he will stick to it. And I know that he will do the best job that he can to deal with the concerns of each and every Member of this House.

I also want to say that with respect to his counterpart in the other body, Senator STEVENS, Senator STEVENS and I are both known for our placid temperaments. I simply want to say that I regard Senator STEVENS as one of the easiest people to deal with. Not because he is easy in negotiations; he is hard as nails. But one always knows where he is coming from, and he plays it straight; and I, again, appreciate that very much.

Mr. Speaker, I want to explain why I called the last motion, and why I will be calling a number of other motions today. I think there are certain requirements that this House ought to meet in dealing with the most basic responsibility it has each year, which is to pass the budget for the coming year.

Budgets are not just numbers. They define our priorities. They indicate our values. The budget is the primary document by which Congress tries to influence the future direction of this country. We owe it to the country to consider that budget in a serious, thoughtful, fair-minded and honest way.

We are not going to do that today. The gentleman from Florida (Mr. YOUNG) indicated that this rule was put to bed at almost 4 o'clock this morning. It looks like it. I saw Arianna Huffington, again a person with whom I do not share much in common philosophically, but I saw her on a television program on women's issues a few nights ago; and she observed that she was very concerned about politicians who would brag about the fact that they were up until 4 o'clock in the morning making decisions. She said, "I do not trust any decision that is made at 4 o'clock in the morning," and I think she is largely right.

My problem, and I have numerous problems with this bill and I will explain more of them in detail when we get to the actual appropriation vehicle later on today or tomorrow, but the fact is that there are two problems that I have that override all others. First of all, we have at least nine separate authorization measures which are being folded into this bill. One of them, a more than 300-page authorization bill which is yet to be conferenced, and yet it is being thrown in here. I defy my colleagues to tell me what is in it, and I urge my colleagues to remember that we will probably be, long after this bill is done, we will be trying to find out what is in it.

There are nine separate authorizations. I believe instead of having only 1 hour to debate all of those authorizations; plus the budgetary decisions that were made here in the bill before us today, I believe each of those authorizations should be pulled out of the bill. They should be debated separately and sequentially for at least an hour before we vote on each and every one of them.

Secondly, I think we should have had 24 hours to understand what is in this bill. We are going to be haunted by a number of things that are in this bill.

Mr. Speaker, among the authorizations that are added to this bill are the Medicare, Medicaid and State Children's Health Insurance program, which I probably favor. But I think we ought to know more about how they are being put together.

Second, we have the Admiral James W. Nance and Meg Donovan Foreign Relations Authorizations Act. I do not have the foggiest idea what is in that and neither does anybody else on the floor. We have H.R. 3428, which brings several dairy authorization measures to this floor, including the Northeast Compact. That compact was slipped into the law in the first place several years ago without ever having been voted on by either body. It was slipped in by the Senate, and now we are again slipping it in without it ever having been considered by either body. I think that is illegitimate.

The Intellectual Property and Communications Omnibus Reform Act. That is the satellite bill. I understand, coming from a rural area, the loan guarantees that are useful in rural areas have been taken out of that bill.

□ 1045

I understand there are also patents and trademark items in that bill. I think we ought to know more about that.

We have the Superfund Recycling Equity Act. This bill reminds me of what Churchill said about Russia, "A riddle wrapped in a mystery inside an enigma." We do not have any idea what that bill is really going to do in the fine print.

Then we have the Canyon Ferry Reservoir provisions, and international debt relief (again which I favor); but I am concerned, very, very concerned, about one section of that bill, which I think may not in fact deliver what it appears to promise.

Then we have a number of private bills which have been attached, one of which I think I would favor and the other which I am concerned about because it only includes a few people out of a much broader class that ought to be included in the kind of relief contemplated by that bill that is going to be given.

In my view, every time I make a motion which requires a rollcall before we can proceed to the next stage, that gives Members more time to find out what is in this bill before they actually cast the most important vote of the session. That is why I intend to make numerous motions today, and I most definitely would not count on being out of here by 4 p.m. or 5 p.m., or maybe even today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would remind all Members that it is not appropriate to make references to the characteristics of Senators, even favorable characteristics.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Speaker, I would like to begin by associating myself with the comments of the gentleman from Wisconsin.

Today, we have before us an omnibus bill which, unfortunately, bears many similarities to the legislation that we considered a year ago at the close of the session. And for many of us, we promised we would never again let ourselves be trapped in this situation. We had a bipartisan budget process reform task force that worked. We came up with a series of recommendations. But, tragically, none of these recommendations was even brought to the floor for debate. I hope that in the year 2000 we can indeed take up this budget reform proposal and, hopefully, avoid an omnibus catch-all bill of the type that is being criticized today.

I recognize there are many good points to the bill, and I too would compliment the chairman of the Committee on Appropriations for his work. I have deep respect for him. But I would like to point out that there are many things in there that ought to be separately considered or are simply inappropriate in the bill, and commitments were made earlier in the session by the Speaker, by the majority leader and others that these provisions would not show up in an appropriations bill.

One such provision relates to dairy policy. In this country we have endured a dairy policy which has split our Nation into separate zones for no good reason other than to try to maintain some anti-competitive framework in dairy. This is crazy. In early December, we will go to Seattle, many will go to Seattle, for the WTO conference where we will be urging that Congress expand our international trade opportunities. And why is it at the same time that we are expanding international trade opportunities we continue to balkanize our country with respect to dairy programming?

Mr. Speaker, it makes absolutely no sense that we would continue to balkanize this country for purposes of dairy policy so that fluid milk from one part of the country, namely the upper Midwest, is at a competitive disadvantage because of government policy with fluid milk from other parts of the country. We cannot allow this type of antiquated dairy policy to survive, and for this reason and others I will be opposing the bill.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I am sorry, marginally, to delay proceedings, but I do not think that significant deaths should go unnoticed. Unmourned, yes, but not unnoticed. And I am talking about the caps of 1997.

In 1997, this House engaged in a great orgy of self-congratulation by adopting a budget bill which not only cut Medicare, apparently without anybody here realizing that that was happening, but which enacted a set of restrictions on total spending. They would have lasted from 1997 until 2002, and they would be a template for the future. Alas, they did not last very long. The great balanced budget accomplishment of 1997, the caps, which were unnecessary and unrealistic at the time, have died. And it does not seem to me in this Chamber, where we are so given to ceremonial oratory, that we ought to allow that death to pass unnoticed.

The premature passing of the caps, as I said, is not an occasion for mourning. I think it is an occasion for celebration that reality has finally broken through the ideological miasma, but it ought to be noted. And it ought to be noted for a couple of reasons.

First of all, there were many of us who, in 1997, thought that the caps were, to use technical parliamentary language, a very stupid idea. They were clearly unrealistic, unsustainable, and they were a farce. And I find, Mr. Speaker, having been one of those who said that in 1997, that as I get older one of the few pleasures that increases with age is being able to say, "I told you so." So I do want to say that I and others told you so in 1997. Welcome to reality.

But it also is important because it shows that the vision of the role of the public sector that motivated this House, and particularly the majority in 1997, was flawed deeply. The American public understood better than this House did that there are needs that can best be served by private expenditures, but for a civilized society to achieve the right quality of life, some things have to be done together: transportation, the environment, compassion for people in need, public safety.

And the reason the caps died unceremoniously, hopefully unnoticed, according to the people on the other side, they have a new thing about Social Security spending, but I urge people to go back and read the budget debates of 1997. Never has an entity, the caps, been so widely praised and so quickly thrown over the side when reality broke in.

But the important point is that this is simply not a mistake made in numbers. It was a miscalculation about the American people's understanding of the importance of a public sector. The problem the people who put the caps had is this. It is a mathematical problem. They tried to construct a whole that was smaller than the sum of the parts.

All year we have been dealing with the parts. And as we look at those parts, public safety, education, the environment, highways, et cetera, et cetera, as we look at the parts, we find that they add up to more than that whole. And, therefore, the whole with the "W" has become a hole with an "H." It has become a hole in the ground into which the caps have been interred and over which today we will shovel the dirt.

So Members should be aware that when they vote today on the major bill, the multi-omnibus appropriation bill, they are funding the government at a reasonable level. And funding the government at a reasonable level means the end of the caps. And I hope that we will not again put ourselves through that.

Now, of course, it is also the case that that bill will undo part of what we did with Medicare. And as I look at the extent to which this bill today will repudiate what was so enthusiastically held in 1997, I do wonder whether or not the crack investigative team, assembled by the gentleman from Indiana on the Committee on Government Reform, ought not to be set forward. Because there is a possibility that in 1997 imposters invaded this House, impersonated Members and voted into public policy Medicare and spending programs that were so foolish that today we have to repudiate them.

Now, back in 1997, DNA evidence was not as developed, so we may never know whether it was the real Members of the House or a group of mass invaders who did it. But whatever the reason was, the fact that the bill today will be a thorough repudiation of the mistakes of 1997, is something to be noticed, although not mourned.

Mr. MOAKLEY. Mr. Speaker, I yield 4½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I wish we could vote. I wish we had something of consequence to vote on. I wish my colleagues on the other side of the aisle would have provided us with real legislation.

I thank my good friend from Massachusetts, the ranking member of the Committee on Rules; but unfortunately, what we have here is a bag of tricks. This is a continuing resolution with an extension to November 23. It is a rule for that. I would ask, though I do realize that we are facing the Thanksgiving holiday, that we take our responsibilities in this body seriously. And though I appreciate the work of the chairman of the Committee on Appropriations and the ranking member for their individual intensity in the negotiations of this particular omnibus bill, it is sad and it is not worthy of the American people.

Earlier this morning we heard a point that I think is very well taken. The American people do not even know what we are doing up here. They do not understand the concept, and all of the mishmash and misinformation that has been given to them leaves them confused.

I think this bill has some valuable points to it. Ultimately, when it comes to the floor, we are told that teaching hospitals, Medicare payments to hospitals, and health care providers are included. That is a positive. It helps my community in Houston. My own school district suffered for the lack of teachers, so 100,000 teachers will be valuable. Fifty thousand police will be valuable as well.

But I cannot tell for the life of me whether we are spending the Social Security surplus or whether we are saving it. And because my seniors are extremely important to me, I have great doubts about this bill. And, in fact, since it is not here on the table, I think all the Members should be questioning this bill.

Then it is interesting that although we have argued continuously about riders and legislating on appropriations bills, because every time we bring up the idea of a patients' bill of rights, which 80 percent of the American people would like to see us pass, or prescription protection for our seniors, who are begging for relief because they cannot pay for housing and food and prescriptions at the same time, we get an argument that we cannot legislate on appropriations bills. Yet we have a 300-page State Department bill, which nobody knows what is in it; we have satellite TV special interests, and I am sure they are interested in that. I happen to support the resolution on that. But here we are lumping all of that together. We have the dairy issue, which some of our Members are for and against.

□ 1100

We are lowering the maintenance and readiness of our military by cutting into that very deeply. We have literally taken women for granted and thrown them aside because we have said family planning for women around the world, protecting their lives is irrelevant; here goes women again; just throw them off the side of the Earth.

And then I have been meeting for the families of the victims of the Tanzania and Kenya bombings. We agree we were in error. We know we did not have the kind of secure premises that we should have had in our embassies overseas. And yet, nobody has responded to the plea of these families to provide them with any relief. At least no one has called my office and said that we have given relief to the victims of those bombings who have lost loved ones. Some family members lost two members of their family.

And then we leave in a deep, dark hole 300,000 immigrants who have been paying taxes in this country who pleaded to simply allow them to apply for legal citizenship because the INS messed up procedurally their right to apply for citizenship. We have been begging for relief for these individuals who own homes, who pay taxes, whose children are in school, but we have thrown them aside.

Human lives around here does not matter. But if they have got a big checkbook, they can write a check to somebody, you can be sure, to get their stuff in an omnibus bill.

I would tell Members who are considering voting for this that it is not worth voting for and sacrificing principles when they do not know whether they are saving Social Security or whether they are digging a big, deep hole.

If we had gone through this process the way we were supposed to go through it and had the appropriate review of these appropriations bills, maybe we would be able to have a considered process in dealing with this omnibus bill.

I would simply say, Mr. Speaker, that this continuing resolution really needs to be extended so that we can go to the drawing boards and deal with this bill in the way that the American people would like us to do so. And that is to include the likes of prescription protection for our seniors; include a patients' bill of rights; to discuss a real hate crimes bill; to provide compensation for the families who lost loved ones in the bombings in Africa; to keep family planning in; and, yes, to take care of our teaching hospitals, the 100,000 teachers and the 50,000 police.

But for God's sake, let us not vote on a ghost of a bill when we do not know whether we are saving Social Security or spending every dime.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I want to today associate myself with the remarks of the gentleman from Wisconsin (Mr. OBEY). This is no way to do the process and the work of the House.

As the gentleman from Wisconsin (Mr. OBEY) pointed out, we have nine authorizations in this bill. I would like to focus on one of them.

I have had the misfortune, I guess you might call it, of serving on the Livestock and Horticulture Subcommittee of the Committee on Agriculture the last 4 years and went through the process when Steve Gunderson and myself, as ranking member, and tried to bring some legislation to the floor.

At that time, we were told that this was too complicated; we could not legislate it; so we had to give this to the Department and set up a process to figure out how we are going to untangle this convoluted system that puts one part of the country against another.

So we went through that process. The results did not please the people that put this forward, so now they have turned around 180 degrees and they say, well, now it is not appropriate to do this by rule; now we are going to legislate it.

But what people need to understand, in addition to that, the fact that we are legislating 1(a), which is basically the current fluid milk differentials, we are also legislating the Northeast Compact again in this bill, we are taking probably the most important part of the dairy provision and suspending it until December 1, 2000. And that is the new manufacturing price maneuver that was established under this rule that USDA put forward.

Now, those of my colleagues that have dairy farms in their district should understand this. I represent a district that in some places we have more cows than we have people. I have one county that has 63,000 cows. I have more cows in my district than they have in the whole entire Northeast Dairy Compact. And so, we are very concerned about this. But the people that represent dairy farmers understand that the basic formula price that we have got in place has caused some tremendous volatility in the prices for dairy farmers.

We have seen a drop of $6 a hundredweight a few months ago. We just saw another big drop recently. We are not going to fix this by stalling this whole process and legislating, basically, the status quo on dairy.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, first of all, this is certainly a very terrible process, and it is no way to run a railroad.

There are many things that I would add, or there are many things that I would take out if I were in charge and was able to do it. But that is not the way the process works. And now we are at this particular point.

I think that there are more good things in this package than there are things that cause me concern to vote against it. One, I would like to focus on in particular is dairy.

The policies that we have been hearing talked about as it pertains to dairy does not take away from the issue of recognizing that the USDA's policy was going to cost small dairy farmers $200 million. It was not going to leave things the way they were. It was going to take $200 million from small dairy farmers who are on the verge of collapse or death and be put out of business. It retains an extension in a dairy compact that was a compact between the consumers and the dairy farmers.

If we look at the price differentials, we will see that the price of milk in the Northeast is five cents cheaper than the national average. So that has been a benefit between the farmers and the consumers.

I am also a member of the House Committee on Agriculture, and we work on these issues; and there is no unanimity to these issues, but there are always disagreements. I appreciate the ranking member of the Committee on Appropriations and the concerns that he shares, because some of us look at this glass of milk as half full rather than half empty.

I would also like to focus on the teachers, the teacher training, the smaller classrooms, more discipline, higher test scores. We are talking about 50,000 more police officers, safer schools, more protection in our community. We are looking at veterans' health care. And we are talking about corrections in the balanced budget amendment that impacted on hospitals and home health agencies.

So there are many things that I think that when we look at that we could be in opposition towards. And, believe me, there are many things that I would rewrite. But, as I have learned in this process, we will have an opportunity in the future to change those things, to fight for those things, and another day will be in front of us.

Mr. FROST. Mr. Speaker, I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume for the observation that this has been a debate about the continuing resolution rule, and I think it has been properly described.

I think it is a worthy rule. We all know we have to have the continuing resolution. We have provided for contingencies as this, as has been explained by the gentleman from Massachusetts (Mr. MOAKLEY) and myself. No matter how the Members feel about individual pieces of the appropriations process, I do urge their consideration and in a favorable way for this continuing resolution, which is necessary for us to get on with our business and the rest of the day's work.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

This will be a 15-minute vote followed by a possible 5-minute vote.

The vote was taken by electronic device, and there were—yeas 375, nays 45, not voting 13, as follows:

[Roll No. 599]

YEAS—375

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Ewing
Farr
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Kasich
Kelly
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes

Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—45

Baird
Becerra
Blumenauer
Bonior
Brown (OH)
Carson
Condit
DeFazio
Doggett
Evans
Filner
Forbes
Gutierrez
Hill (IN)
Hinchey
Inslee
Jackson-Lee (TX)
Kanjorski
Kennedy
Kildee
Klink
Kucinich
Lee
Lewis (GA)
Luther
Maloney (CT)
McDermott
Miller, George
Minge
Mollohan
Napolitano
Pastor
Rahall
Rangel
Scott
Shows
Stabenow
Stark
Strickland
Taylor (MS)
Thurman
Udall (NM)
Velazquez
Waters
Wise

NOT VOTING—13

Ackerman
Capps
Conyers
Dunn
Fattah
Franks (NJ)
Hoekstra
McIntosh
Meehan
Ros-Lehtinen
Scarborough
Wexler
Weygand

□ 1129

Mr. Inslee changed his vote from "yea" to "nay."

Ms. McCARTHY of Missouri, Mr. GEJDENSON, Ms. DeLAURO, Mr. WAXMAN, and Mr. RUSH changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER THE VOTE OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I move to reconsider the vote just taken.

The SPEAKER pro tempore (LATOURETTE). Did the gentleman from Wisconsin support the previous question?

Mr. OBEY. Yes, I did.

MOTION TO TABLE OFFERED BY MR. GOSS

Mr. GOSS. Mr. Speaker, I move to lay on the table the motion to reconsider.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. GOSS) to lay on the table the motion to reconsider the vote offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 316, noes 101, not voting 16, as follows:

[Roll No. 600]

YEAS—316

Abercrombie
Aderholt
Archer
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Clay
Clyburn
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Everett
Ewing
Farr
Fletcher
Foley
Fossella
Fowler
Frank (MA)
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Kasich
Kelly
Kilpatrick
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (NY)
Matsui
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McKinney
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pastor
Paul
Pease
Pelosi
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Roukema
Roybal-Allard
Royce
Rush
Ryun (KS)
Sabo
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stearns
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Upton
Vento
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—101

Allen
Andrews
Baldwin
Barrett (WI)
Becerra
Bentsen
Berry
Blumenauer
Bonior
Brown (FL)
Brown (OH)
Capuano
Carson
Clayton
Clement
Condit
Costello
Coyne
DeGette
DeLauro
Doyle
Edwards
Etheridge
Evans
Fattah
Filner
Forbes
Ford
Frost
Gejdenson
Gordon
Green (TX)
Green (WI)
Gutknecht
Hastings (FL)
Hill (IN)
Hinchey
Hoeffel
Holt
Hooley
Inslee
Jackson-Lee (TX)
Johnson, E. B.
Kanjorski
Kennedy
Kildee
Kind (WI)
Kucinich
Lantos
Larson
Lee
Lewis (GA)
Luther
Maloney (CT)
Manzullo
Markey
Martinez
Mascara
McCarthy (MO)
McDermott
McGovern
McNulty
Meek (FL)
Miller, George
Minge
Moakley
Mollohan
Napolitano
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Petri
Pomeroy
Rahall
Rivers
Rothman
Ryan (WI)
Sanchez
Scott
Sensenbrenner
Slaughter
Spratt
Stabenow
Stark
Stenholm
Taylor (MS)
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Wise
Woolsey
Wu

NOT VOTING—16

Ackerman
Capps
Chenoweth-Hage
Conyers
Dunn
Franks (NJ)
Hoekstra
Kleczka
McIntosh
Meehan
Peterson (MN)
Ros-Lehtinen
Scarborough
Strickland
Wexler
Weygand

□ 1139

Messrs. HOLT, OBERSTAR, and GUTKNECHT changed their vote from "aye" to "no."

Messrs. HERGER, DICKS, HALL of Ohio, and BOYD, and Mrs. MYRICK, Ms. BERKLEY, and Ms. ROYBAL-ALLARD changed their vote from "no" to "aye."

So the motion to table the motion to reconsider was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken: and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 352, noes 63, not voting 18, as follows:

[Roll No. 601]

AYES—352

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Hall (OH)
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pastor
Paul
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun (KS)
Sabo
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vento
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—63

Baldwin
Barrett (WI)
Becerra
Blumenauer
Borski
Brady (PA)
Brown (OH)
Clyburn
Condit
Costello
Coyne
Crowley
DeFazio
Delahunt
Doggett
Fattah
Filner
Forbes
Green (WI)
Gutierrez
Gutknecht
Hastings (FL)
Hill (IN)
Hilliard
Hoeffel
Holt
Hooley
Inslee
Jackson-Lee (TX)
Johnson, E. B.
Kennedy
Kind (WI)
Klink
Kucinich
Lee
Maloney (CT)
Manzullo
McDermott
Meeks (NY)
Miller, George
Minge
Mollohan
Oberstar
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Rahall
Ryan (WI)
Sanchez
Sensenbrenner
Stark
Stenholm
Stupak
Taylor (MS)
Thompson (MS)
Tierney
Velazquez
Visclosky
Waters
Wise

NOT VOTING—18

Ackerman
Barton
Berman
Capps
Conyers
Dunn
Franks (NJ)
Gekas
Hansen
Lowey
McIntosh
Meehan
Moore
Riley
Ros-Lehtinen
Scarborough
Wexler
Weygand

□ 1148

Ms. McCARTHY of Missouri, and Messrs. OBEY, LUCAS of Kentucky and PETRI changed their vote from "no" to "aye."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I move to reconsider the vote just taken.

The SPEAKER pro tempore (Mr. LATOURETTE). Did the gentleman vote in favor of the resolution?

Mr. OBEY. Yes, I did.

MOTION TO TABLE OFFERED BY MR. GOSS

Mr. GOSS. Mr. Speaker, I move to lay on the table the motion to reconsider.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. GOSS) to lay on the table the motion to reconsider the vote offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken: and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 294, noes 123, not voting 16, as follows:

[Roll No. 602]

AYES—294

Abercrombie
Aderholt
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Everett
Ewing
Fattah
Fletcher
Foley
Ford
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Holt
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (NY)
Matsui
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McKinney
Meek (FL)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup

Norwood
Nussle
Ose
Oxley
Packard
Pascrell
Pastor
Paul
Payne
Pease
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Roemer
Rogan
Rogers
Rohrabacher
Roukema
Royce
Rush
Ryun (KS)
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Schaffer
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stearns
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Upton
Vento
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NOES—123

Allen
Andrews
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Blumenauer
Bonior
Brown (FL)
Brown (OH)
Capuano
Carson
Clyburn
Condit
Costello
Coyne
Crowley
Danner
Delahunt
DeLauro
Doggett
Dooley
Doyle
Edwards
Etheridge
Evans
Farr
Filner
Forbes
Frank (MA)
Frost
Gejdenson
Gonzalez
Gordon
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hill (IN)
Hinchey
Hinojosa
Hoeffel
Hooley
Inslee
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Lampson
Larson
Lee
Levin
Lewis (GA)
Lofgren
Luther
Maloney (CT)
Manzullo
Markey
Martinez
Mascara
McCarthy (MO)
McDermott
McGovern
McNulty
Meeks (NY)
Millender-McDonald
Miller, George
Minge
Moakley
Mollohan
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pelosi
Peterson (MN)
Petri
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Ryan (WI)
Sanchez
Sandlin
Schakowsky
Scott
Sensenbrenner
Serrano
Shows
Slaughter
Spratt
Stark
Stenholm
Stupak
Taylor (MS)
Thompson (MS)
Tierney
Towns
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wu

NOT VOTING—16

Ackerman
Capps
Clay
Conyers
Dunn
English
Franks (NJ)
Gekas
Jones (NC)
McIntosh
Meehan
Riley
Ros-Lehtinen
Scarborough
Wexler
Weygand

☐ 1157

Mr. WAXMAN changed his vote from "aye" to "no."

So the motion to table the motion to reconsider was agreed to.

The result of the vote was announced as above recorded.

MOTION TO ADJOURN

Mr. KIND. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 25, noes 395, not voting 13, as follows:

[Roll No. 603]

AYES—25

Baldwin
Barrett (WI)
Berry
Dingell
Filner
Green (WI)
Gutknecht
Kind (WI)
Manzullo
McDermott
McKinney
Meek (FL)
Minge
Oberstar
Obey
Olver
Peterson (MN)
Petri
Rahall
Ryan (WI)
Sensenbrenner
Taylor (MS)
Towns
Udall (CO)
Wise

NOES—395

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Ackerman
Capps
Clay
Conyers
Deutsch
English
Hansen
Hilliard
McIntosh
Meehan
Ros-Lehtinen
Scarborough
Wexler

☐ 1213

Mr. EWING changed his vote from "aye" to "no".

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2420

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2420.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

MOTION TO ADJOURN

Mr. OBEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion to adjourn offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 24, nays 378, not voting 31, as follows:

[Roll No. 604]

YEAS—24

Baldwin
Barrett (WI)
Berry
Dingell
Filner
Green (WI)
Gutknecht
Kind (WI)
Kleczka
Manzullo
McDermott
Minge
Oberstar
Obey
Peterson (MN)
Rahall
Ryan (WI)
Sensenbrenner
Taylor (MS)
Towns
Udall (CO)
Visclosky
Waters
Wise

NAYS—378

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (NM)
Upton
Vento
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—31

Ackerman
Barr
Boucher
Cannon
Capps
Clayton
Conyers
Danner
DeFazio
Doyle
Ehrlich
Emerson
Frost
Johnson, Sam
Meehan
Moran (VA)
Murtha
Nussle
Olver
Peterson (PA)
Petri
Riley
Ros-Lehtinen
Salmon
Scarborough
Shadegg
Slaughter
Velazquez
Watts (OK)
Weldon (FL)
Wexler

☐ 1233

Mr. SHUSTER changed his vote from "yea" to "nay".

Mr. KLECZKA changed his vote from "nay" to "yea".

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

Washington, DC, November 17, 1999.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of the original Certificate of Election received from the Honorable Bill Jones, Secretary of State, State of California, indicating that, according to the semi-official canvas for the Special General election held November 16, 1999, the Honorable Joe Baca was elected Representative in Congress for the Forty-second Congressional District, State of California.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk.

SWEARING IN OF THE HONORABLE JOE BACA OF CALIFORNIA AS A MEMBER OF THE HOUSE

The SPEAKER. Will the Member-elect from California (Mr. BACA) come forward, accompanied by the California delegation, and raise your right hand?

Mr. BACA appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear the true faith and allegiance to the same; that you will take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations. You are now a Member of the House of Representatives.

INTRODUCTION OF THE HONORABLE JOE BACA, MEMBER OF THE HOUSE OF REPRESENTATIVES

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute.)

Mr. LEWIS of California. Mr. Speaker, it is my honor and privilege to be cochair of the California delegation. I share that responsibility with the gentleman from California (Mr. FARR).

Mr. Speaker, it is my privilege to yield to the gentleman from California (Mr. FARR) for remarks.

Mr. FARR of California. Mr. Speaker, I thank the gentleman from California very much for yielding to me.

Mr. Speaker, what a great day for the State of California. All of us in this House know the honor of being sworn in as a Member of the House of Representatives, the only place in Washington where everyone has to be elected in order to take the oath of office.

It is a distinct pleasure that we honor another Californian in that regard, a person who has a great deal of experience in public life, and brings to this Chamber experience as a member of the board of trustees with a community college, was elected to the California State Assembly, was elected as the first pro tempore, the first Latino pro tempore in California history to that job, served in the California State Senate, and now is elected to serve his district in Southern California.

He is following in the footsteps of a great Member of this House, George Brown. We all remember the great service that he gave to this country and the deeds that he left, the great record that he left.

So JOE BACA comes to us with his own career of distinction, and I think he will be a great addition to this House. So I congratulate you.

On behalf of the California Democratic delegation, which I am Chair of, along with the gentleman from California (Mr. LEWIS), who is Dean of the Republican delegation from California, and as a joint bipartisan effort, we welcome the newest Member of our delegation, a delegation which has had over eight Members elected in special elections. So we know the special moment you are having right now, you are sharing with your family who is watching this on C–SPAN, and we appreciate the fact that you are here today to get sworn in. Congratulations on a great race and a great election.

Mr. LEWIS of California. Mr. Speaker, reclaiming my time, JOE, you should note with interest that a very sizable number of the Members on the floor happen to be from the California delegation. It was not always the case that we would have an occasion like this and we would have almost the entire delegation present.

But in recent years, we have had kind of a reawakening of our State. In the past, we have often been laughed at by States like Texas who come together regularly on issues relative to their own interests. Today, California is working together as it never has in its history, and our numbers are here to have a positive impact on the country.

So working with you in the seat of the former Dean of the California delegation, you have a great career ahead of you. We look forward to your help as we go about attempting to improve the country as we work on behalf of California's interest. So welcome, JOE. It is a great day for all of us.

OPENING REMARKS OF THE HONORABLE JOE BACA

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, I ask permission to address the House for 1 minute. I wanted to make sure that I followed the rules and procedures that are here.

Mr. Speaker, I do appreciate the gentleman from California (Mr. FARR) lowering this podium. I used to be 6 foot 5 as a paratrooper, but I made a lot of jumps; that is why I am only 5 foot 6.

It is really an honor to be here. I would like to thank the leadership for their support, the gentleman from Missouri (Mr. GEPHARDT), all of the Members, the DCCC individuals who are very helpful.

I want to thank God because God gave me the courage to run and to serve. Too many times we forget that it is the strength that we have, and God provided that strength to give us that courage. So I want to thank God.

I want to thank my family. I wish my mom and dad were here to see this. They are both deceased, but I know it is a proud moment in their lives. I know that somewhere up above they are seeing this even though they cannot be here right now. But I know very well that they are proud of their son, because I am one of 15. I am the 15th child.

Like a lot of us, I come from a poor family, an individual, the only one that graduated from high school and college. My other brothers and sisters graduated, but I was able to pursue that. I know that they are very proud.

I wish my wife were here right now. She is watching this right now. She is Barbara Dominguez Baca, with whom I will be celebrating 31 years of marriage next week. On November 23, it will be our anniversary, so it will be 31 years of marriage to one wife, not two wives or three wives, but one wife.

I would like to also thank my children, because my children were supporters. I believe in strong family values, because family values are the core of what makes America great. It is what makes our country. I would like to thank my family, because they have been very supportive.

I would like to thank Joe, Jr. That is my first son. He is now 30. Then Jeremy Baca; that is my second son. Then my daughter, first daughter, and that is Natalie. Then, of course, my daughter that is 13 years of age. She is the reason my wife cannot be here because we believe it is important to have our children in school and to obtain that, and we did not want to take her out of school during that time. It was important for her to be there. My wife realizes that, because she is also a great student, a 4.0 student, doing well in school, so we want to make sure she continues to receive those grades. Of course, Mom is always there to help her.

So I love my family very much. I want to thank them.

But I also want to thank the voters, the voters of my district who made it possible for me to be here. Without the voters' support, I would not be here today.

I look forward to working in this House. It is going to be an honor for me to work on a bipartisan basis. I look forward to working with my colleague directly associated with me, and that is the gentleman from California (Mr. LEWIS). I look forward to working with him on issues that are important to all of us, the issues that are important to the State of California, because all of us care about the economy. All of us care about education, public safety, protecting Social Security, Medicare, drug prescriptions, areas that are important to a lot of us, health reform.

But most of all, we want to make sure that, as I look at the 52 Members of California, that we work together on a bipartisan basis to make California, like everybody else wants to make their State, a lot better. But I also look forward to working with the 52 delegates from California in assuring that we get our fair share of revenue coming back to California. No offense to the rest of the Members. But I believe, in reference to California, it is pretty big in population. We have over 34 million people in California. But it is important that we address those issues.

I want to work with them and also work with you on a bipartisan basis on other issues that are important with us as well that impact all of us.

What we all want is to improve the quality of life. We cannot do it by ourselves. We have to come together collectively. It has to come from a compromise, individuals willing to come together and do what is necessary to make our State and our Nation a lot better. It is not going to happen if we have political wedges that divide us. There are times that we have to come together to address those areas. We need to address those areas.

I want to thank you. I want to thank my family. I want to thank the leadership. I thank the gentleman from Missouri (Mr. GEPHARDT) very much for coming and getting all of the colleagues, the whips, you know, that raised all of the funds that were necessary.

I look forward to additional help from the other side in giving me additional monies. So it is very important for your support as well as we begin to work on a bipartisan effort.

Again, I thank the Speaker and my colleagues very much.

The SPEAKER. Does the gentleman from California (Mr. BACA) yield back the remainder of his time?

MOTION TO ADJOURN

Mr. OBEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion to adjourn offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 24, nays 379, not voting 31, as follows:

[Roll No. 605]

YEAS—24

Baldwin
Barrett (WI)
Berry
Brown (FL)
Filner
Green (WI)
Gutknecht
Kind (WI)
Kleczka
Luther
Manzullo
McDermott
McKinney
Minge
Oberstar
Obey
Peterson (MN)
Petri
Rahall
Ryan (WI)
Sensenbrenner
Taylor (MS)
Towns
Wise

NAYS—379

Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—31

Abercrombie
Ackerman
Berman
Capps
Conyers
Dingell
Doolittle
Doyle
Ehrlich
Fowler
Frost
Gekas
Greenwood
Gutierrez
Hutchinson
Jefferson
Kilpatrick
Maloney (CT)
Meehan
Mica
Moran (VA)
Murtha
Pombo
Ros-Lehtinen
Roukema
Ryun (KS)
Scarborough
Smith (MI)
Spratt
Watt (NC)
Wexler

□ 1304

Messrs. TANCREDO, BRADY of Texas, and NORWOOD changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2000

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 385, I call up the joint resolution (H.J. Res. 82) making further continuing appropriations for the fiscal year 2000, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 82 is as follows:

H.J. RES. 82

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–62 is further amended by striking "November 18, 1999" in section 106(c) and inserting in lieu thereof "November 23, 1999". Public Law 106–46 is amended by striking "November 18, 1999" and inserting in lieu thereof "November 23, 1999".

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 385, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.J. Res. 82, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

This continuing resolution extends the current CR for 5 days, until November 23, specifically for the purpose of allowing the Senate to have time to consider the measures that we will send them today.

Mr. Speaker, in the interest of allowing our Members to get home to their families and preparing for the Thanksgiving period, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 20 minutes.

Mr. Speaker, I would very much like to see Members get home for Thanksgiving, but I think my public duty is to help Members understand what they are going to be voting on before they go home, because otherwise when they do go home, their experience with the news media and angry constituents is not going to be a very pleasant one; and I am afraid there are a lot of nasty surprises in this bill, some of which I will be discussing over the next 12 to 15 hours.

Let me say, first of all, that this bill has been a battleground about national priorities and national direction. It has been the arena for battles between the President and his allies on one side and his political opponents on the other. By any measure, I think it is safe to say that the President has won victory after victory. We are going to be stuck having to extend the government, I am afraid, several times through CRs like this one because of some of the decisions made in the bill that is coming next, and people need to understand how they interrelate.

I think you can say, for instance, that in the area of international leadership, the President and those of us who agree with him have won a great victory in funding the Wye peace process agreement. We have won a very important battle in making sure that debts that would never be repaid are going to be wiped out so that Latin America and Africa can, in fact, become good markets for our products as well as stable neighbors in an ever more complicated world.

We have won the fight to, at least for now, take the U.S. off the list of U.N. deadbeats. On the environmental front, the President has beaten down virtually every antienvironmental rider that was tossed his way. In the fight against street crime, the President won 50,000 new cops.

On the education front, it is important to understand some of the major achievements that we have made. We have seen a lot of people denigrate the President's effort to provide for 100,000 new teachers. I want to put that effort in context. What Democrats have been fighting for on education in this package is a four-pronged research-based attack on educational incompetence and poor performance. The research shows, for instance, that children do much better in smaller classes. That is why the President fought so hard for and won the battle for 100,000 new teachers. That research also shows that, especially at the high school level, students perform better, they exhibit less antisocial adolescent behavior, and there is far less violence in high schools that are smaller.

And so we have an initiative that will provide for smaller high schools, or at least to help local school districts build smaller learning centers within their high schools. The research also shows that students do best when their teachers are welltrained. It sounds obvious, but some people seem to have missed it. So we have an initiative in this bill that will add additional funding for partnership grants between university schools of education and local school districts so that those schools of education are producing the kinds of teachers that the districts actually need. And also in the process, we are trying to raise the standards for those teachers so that they are actually getting a degree in the subject that they are going to wind up teaching, also I guess a shocking idea in some quarters.

And lastly, research also shows that if you want to reform schools, you need to do it from bottom to top and around again, that reform has to be comprehensive, systemic; and that is why this bill adds additional money to the Obey-Porter bipartisan comprehensive school reform package.

All of those are very good things. I say that there is no doubt on the major issues that have divided us the last 3 months, the President has run the table. He has won on issue after issue. But I think there are some things that are just as important as winning and losing, and I want to talk about some of them as we discuss this continuing resolution. We are being asked to continue the government a few more days so it gives us time to pass the next bill that is coming at us. I think we need to understand what is in that bill before we vote on this resolution.

There are many things in that package that disturb me. The protracted battle to persuade the majority to allow the United States to pay its back dues to the United Nations has resulted in a compromise that may still prevent release of all of the funds that are needed to return the U.S. to a position of good standing in the U.N. I think that is regrettable.

The Republican majority was also steadfast in its refusal to provide the Justice Department with the $14 million that they need to pursue tobacco litigation. This money is needed for efforts to recover the hundreds of billions of tax dollars paid through the Medicare trust fund, the Public Health Service, the veterans and military medical systems, and the Social Security disability fund in dealing with tobacco-related illnesses. The tobacco companies that lied repeatedly to the American people about the health effects of smoking should pay a substantial portion of those costs. The Republican majority is clearly trying to protect them from having to repay the taxpayers.

I believe funds will be found by the administration to initiate litigation; but as everybody knows, legal outcomes are often dictated by the relative size of legal war chests. That is one of the things, for instance, that I am told CBS news had to take into account when they discussed whether or not to put on that famous "60 Minutes" special which went after the tobacco companies for not telling the truth. I would say that while the appropriation requested by the Justice Department to augment their ability to pursue that issue is small, the long-term fiscal impact on the Federal Government could be enormous; and we have failed to recognize that in the bill that is coming to us.

The Republican majority also repeatedly refused to include language that both the White House and I asked them to include to ensure that 100 percent of the money paid from the Medicare and Social Security trust funds is returned to those trust funds if it is recovered in litigation. That item was repeatedly raised during negotiations. It is the fair thing to do with those funds. I find it hard to construct an argument that they should be used for a different purpose, but the Republican leadership flatly rejected that concept in both the Senate and the House.

□ 1315

I think the reason (and this was even said in conference,) they did not want to approve this language is because it would provide incentives to proceed with the lawsuit. Well, we ought to proceed with that lawsuit.

I think nothing more clearly underlies or underscores the hollowness of the claim of the majority that they have suffered a recent conversion and are now strong supporters of Social Security. Nothing is more clearly underscoring of the hollowness of that claim than their new-found concern over the solvency of those trust funds. It is a concern that suddenly emerged around here after Labor Day when polling data demonstrated to them how badly they had been damaged by their attempts to pass a huge tax bill that rewarded the rich, using all of the resources needed to strengthen Social Security and Medicare.

Another issue at the center of negotiations was whether to include a small across-the-board cut. This cut was not necessary to reach the offset targets to make sure the bill was paid for; more than enough money was available from other sources. It is simply an attempt by the majority to create a symbol that could be used to pretend that in the midst of this orgy of gimmickry in spending, that they are continuing to be fiscally responsible.

If my colleagues take a look at the dollars being provided across the board by the majority, it is apparent, it is apparent to me that the Republican leadership is willing to spend almost any amount to get out of town, just so long as we can obscure how much that really is through accounting gimmicks. I think that is a big mistake.

The problem with an across-the-board cut is that people say, "My God, any agency head ought to be able to administer a half a percent cut across the board." Of course they could. They could easily find waste if they are left to their own devices. But that is not the way this across-the-board cut is designed. Their across-the-board cut completely abandons the core responsibility of Congress to determine spending priorities. There are programs that could afford a 1 or 2 or even 10 percent cut. But, instead, the Congress requires much more limited authority be given to the President, and that means that this Congress ignores the fact that there are some programs that require a precise amount of money in order to protect the taxpayers' interest.

Those kinds of programs fall into two categories: one, to protect public safety, and the other to control the in-flow and out-flow of public funds. These are largely accounts that include things like the FBI, the Drug Enforcement Administration, the Air Traffic Control, Customs Service, and Border Patrol. Numerous studies have demonstrated that cuts in the administration of the Social Security agency can drive up the error rate in the disbursement of those funds enough to cost the Federal Government as much as $6 for every dollar saved in reduced expenditures in Social Security Administration; and yet those studies are ignored in the way this cut is applied.

Then we get to the question of national defense. The way national defense is treated in this across-the-board cut is very interesting. It was treated the way this bill treats it in order to protect congressional pork. So what the provision requires is that we will have to see about a $520 million reduction in operation and maintenance accounts, which is the core of our military readiness, and that is occurring at the same time that the Pentagon reported that two out of the 10 divisions in the U.S. Army are now rated at C-4; in other words, not close to having the parts, people, and maintenance that are necessary to undertake military action. Yet, operation and maintenance is going to be required to be cut by a larger percentage than anything else in this bill. The reason for that is because the folks who put this bill together wanted to protect the projects and the pork in the research and procurement accounts. So we get that weird anomalous result.

I will insert in the RECORD at this point, Mr. Speaker, extraneous material related to my remarks, and I will expand further on that subject for the RECORD.

Mr. OBEY. Mr. Speaker, I am amazed, for instance, that on pay-fors, that the conferees chose to ignore the opportunity to recoup for the taxpayers money that we should be recouping from the sale of what is known as the Block C portion of spectrum sales. Several years ago when block seed portion of the spectrum was auctioned off a number of winning bidders went into bankruptcy without paying the Government for the spectrum rights that they had purchased. They have been allowed to hold on to those spectrum rights, refused to make any payments, and now they have the prospect of reemerging from bankruptcy by selling their share of the spectrum for a good deal more than they paid for it. It is a good deal if you can get it, but the American taxpayers are taking a bath; and we were blocked from correcting this specifically by one Member of the House Republican leadership.

But what bothers me the most about this proposal is the fact that it is laced through with accounting fixes to conceal an orgy of spending that every Member would deny if confronted with it by his constituents. I will insert in the RECORD a chart which shows that when this bill is passed, the Congress will have spent $17.400 million that will not be counted in determining how much that we have spent. It also has declared almost $15 billion in expenditures to emergency spending so that they are also exempt from spending limits we are supposed to be abiding by.

LIST OF GIMMICKS IN APPROPRIATIONS BILLS

[In millions of dollars]

	BA	O
SPENDING NOT COUNTED BY CONGRESS		
Directed CBO to reduce their spending estimates, but actually spends Social Security:		
AG—Directed outlay scoring (1.14% of BA)		-163
CJ—Directed outlay scoring (1.14% of BA)		-336
DOD—Directed outlay scoring		-10,500
E&W—Directed outlay scoring (1.14% of BA)		-103
FO—Directed outlay scoring (1.14% of BA)		144
INT—Directed outlay scoring (1.14% of BA)		-170
L-HHS—Directed outlay scoring (1.14% of BA)		-970
Directed outlay scoring (highway and transit firewalls)		-1,341
TRANS—Directed outlay scoring (1.14% of BA)		-143
TPO—Directed outlay scoring (1.14% of BA)		-151
VA HUD—Directed outlay scoring (1.14% of BA)		-820
DOD—Spectrum asset sales	-2,600	-2,600
Subtotal	-2,600	-17,441
Declaration of emergencies for normal program spending:		
Declare Year 2000 Census an emergency	-4,476	-4,118
Defense emergency designations	-7,200	-5,500
Declare part of Head Start an emergency	-1,700	-629
LIHEAP emergency declaration	-1,100	-825
Refugees emergency declaration	-427	126
Forest Service Wildland Fire Management	-90	-3
Public health emergency declaration	-584	-310
Subtotal	-15,577	-11,511
FY 2000 SPENDING COUNTED AGAINST 1999 OR 2001		
Legally delay spending until the final days of the fiscal year so it is counted next year:		
DOD—Delay contractor payments	0	-1,250
Labor HHS—Delayed Obligations $5.0 B in BA delayed until 9/29/00		-1,674
VA medical care delay obligation of $900 M		-720
FO—Delayed obligations		-104
CJS—Delayed availability of balances in Crime Victims Fund until after FY 2000	-485	-485
Rescind section 8 housing funds	1,300	0
Subtotal, delayed obligations	-1,785	-4,233
Legally count spending against last fiscal year even though it is available for FY 2000: DOD—Advance Appropriations	-1,800	-1,800
Legally count spending against next fiscal year even though it is available for FY 2000:		
DOE—Elk Hills School Lands Fund	-36	36
L-HHS—Increased advance funding for FY 2001 (total FY 2001 advances are $19 billion)	-10,100	-532
HUD—section 8 advance appropriation for FY 2001 (37% of program total)	-4,200	0
Subtotal	-16,136	-2,368
MISCELLANEOUS SPECIAL ACCOUNTING GIMMICKS		
Across the Board cut 0.38%	-2,143	1,206
Capture Federal Reserve Surplus	-3,752	-3,752
New Hires Data Base for student loan collection (incl directed scoring)	-878	-876
Slip military and civilian pay by one day		-3,589
Labor HHS HEALTH loan recapture		-27
United Mine Workers Combined Benefit Fund	-68	-39
L-HHS—Title XX, social services block grant, cut below mandatory level	-608	-430
TRANS—Mandatory offsets (rescission of FAA contract authority)	-30	-10
Subtotal	-7,479	-9,929
Grand total	-43,577	-45,482

Mr. OBEY. Mr. Speaker, in this bill, for instance, they have decided now that they are going to declare Head Start to be an emergency. It has only been on the books since 1965. I guess we just found out that it is an emergency to deal with these kids. What they are really saying is they have a political emergency that requires them to hide the real cost of this bill from their taxpayers. That is the real emergency designation that is going on here.

Then they move about $4.2 billion in outlays into different years. That saves no money. It simply hides money. They have miscellaneous spending, accounting gimmicks all told of $45 billion on the outlays side, and $43 billion on the budget authority side. If my colleagues want to go home and explain to their constituents that kind of hide-and-seek attention to fiscal affairs, be my guest. That is not my flavor of ice cream.

Let me make one other comment, Mr. Speaker. One of the reasons that I have been so unhappy with this bill, as I said earlier, is that it stands over 1 foot high. I defy anyone to tell me, and I have a ruler to prove it, I defy any of my Republican colleagues, I defy any of my Republican colleagues to tell me what is in these authorization bills that they are asking us to swallow. How much are we going to hear? How much are the reporters in the gallery going to dig out after we have left that we do not know about? I am afraid, a lot. But I have to say that what bothers me more than anything is that these accounting gimmicks may appear to be funny, but in fact, they are not funny at all. I would not laugh too long, because what we are witnessing here is something that is immensely corrosive of democracy and this institution's role in democracy.

Mr. Speaker, the primary job that the Congress has each year is to pass a budget. If we cannot be honest with the American people about what we are doing in that budget, I think they have a right to question whether we are being honest with them on anything that we say to them. And the fact is that the list of accounting shell games that are in this bill, not for policy reasons, but for political reasons, I think brings discredit on the entire institution. That is because I guess we are determined to live under a fiction that requires us to pretend that we are spending billions of dollars less than we are actually spending.

Frankly, a lot of this spending is perfectly justifiable. I think that the Republican educational priorities are good. I support them as well as our own. But I do not like the fact that we are hiding what we are doing in the process. I will have more to say about this along the line.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I have no other speakers except myself to close, so I will continue to reserve my time.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Wisconsin (Mr. OBEY) has 10 minutes remaining.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I came to this body this morning prepared to vote for a bipartisan omnibus bill, prepared to support reforms in the quality and in the resources for our education budget and for our schoolchildren across the country; prepared to defend firewalls on Social Security and further reduce the deficit and the debt, which is the best tax cut for all Americans. I have spent the last hour and a half to 2 hours in the parliamentarian's office reading through this bill and getting through a little bit of it; and the more I read of it, the more concerns I have about Social Security and debt reduction.

The gentleman from Wisconsin (Mr. OBEY) has said that there are some gimmicks and games, and I think maybe a hope and a prayer in this budget that we do not dip further than CBO has already said, which they have stated that Congress has dipped $17 billion into Social Security. The most important thing for me in this budget is to not touch Social Security, further reduce the debt, and get quality education reforms. I do not see any firewalls on Social Security in this. CBO has not even scored this. We do not know what it does to Social Security.

Furthermore, when we have Head Start at $1.7 billion declared as an emergency, I am not sure what that does to Social Security. I am not sure saying that $2.4 billion becomes available on October 1, 2000, the next fiscal year, what is that impact on Social Security? Delayed obligations, $3 billion for NIH, $450 million for the Centers for Disease Control. What is the impact there on Social Security?

So all of these things give me a great deal of hesitation and reservation and concern, and I do not intend to vote for this omnibus bill.

Now, on education, Mr. Speaker, we have $145 million for public charter schools. I think that is a step in the right direction. We have $1.4 billion for more teachers, not just for more numbers; but we say 25 percent of the funds can go to quality improvement, to professional development. That is good progress, and I highly support that discretion and flexibility.

☐ 1330

We furthermore have $335 million for the Eisenhower Professional Development Program, again to try to address the shortage in quality of teaching and too many teachers teaching outside their subject area. So I think there are some high concerns for success in education but I do not think this addresses the Social Security firewalls. It does not get scored by CBO, and I would encourage my colleagues to read this bill.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding me this time.

Mr. Speaker, the budget process obviously allows us to say what is important to the American people. It is a process where we say some are winners and some are losers. It is a process for the Nation to declare what the priorities are. Obviously we cannot win everything we want so it has to be a compromise, but I can say, Mr. Speaker, the people in North Carolina, where there was actually a disaster, never was an emergency declared because it was not politically the right thing. Maybe those who indeed would have said that would have come from Social Security, we are trying to get the kind of basic relief, not all of it, just the basic relief, for our farmers which is in doubt.

Now, I want to vote for this bill because there are good things in it. I know there are winners and losers but I can say, Mr. Speaker, that as we go forward I think it says something about the American people when we ignore that over 72,000 people were affected in the region, farmers lost a tremendous amount of their crops. Many of them are going bankrupt and yet there is not the kind of relief that even responds in a very basic way to their needs, not all the relief because we knew an emergency was not declared.

We were willing to fight for that next year, but we need at least the $81 million that was there for marketing. So I would urge, Mr. Speaker, that we look at that to try to make sure that this budget process, as we vote on it, indeed is speaking to the basic need. Some will be winners, some will be losers, but the American nation should not lose the principle of responding to those who are most desperately in need, while we go forward with such an enormous amount of resources. Eighty-one million dollars is a pittance; it is what is symbolic of what we stand for that we should make sure that as we consider this bill that at least the American farmers know that they were part of the consideration in this budget process.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I very much appreciate and thank the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member, for yielding me time.

Mr. Speaker, as we approach yet another CR, with all of the terrible problems that the ranking member has described, I think it fair to say that none has been more harmed by the procedures of the House this year than the people I represent.

Shall I paraphrase Elizabeth Barrett Browning? How shall I dislike it? Let me count the ways.

What is this bill? The Commerce, Justice, State, Foreign Ops, Interior, Labor, HHS, DC bill, plus? All of our appropriations that remain have been packed on to the tiny D.C. appropriation. Five hundred thousand people are being used to take 300 million, or bills for 300 million, across the finish line, and the Nation's capital be damned; we just have to wait to spend our own money, understand, because almost all of the money in the D.C. appropriation is money raised in the District of Columbia.

Obviously I have to be for it. What kind of position does that put me in? The disgrace as affects the Nation's capital is outflanked only by what the procedures of the House this year have done for democracy itself and how we have displayed ourselves before the people of the United States. We have become, in and of ourselves, a threat to democracy. We have made democratic procedures a living joke on C-SPAN.

We are going to have before us a bill brimming with controversy. There is the international family planning gag rule that is certain to take the lives of countless of the poorest women in the world, with no chance to debate it up and down. There is the dairy controversy we have heard so much about today.

In a democracy, we vote our differences up and down. In a democracy we even vote our compromises up and down. This House has become an embarrassment to itself. However, I am very glad the Nation has been able to see it because maybe when we go home there will be a backlash that will keep us from ever doing this again.

The delay, with another CR, has needlessly harmed the people of the District of Columbia right at a time when we have gotten a new reform mayor and a reform city council. This has not made an ounce of difference to this body. The reputation of the House has been permanently damaged as an institution. We can reclaim it only by returning to regular order and democratic procedures.

Mr. OBEY. Mr. Speaker, I yield myself the remainder of the time.

Mr. Speaker, as I understand it section 1001 of the omnibus bill effectively waives the pay-as-you-go rules for all of the authorizing legislation included in the omnibus package. It also effectively, as I understand it, waives the pay-as-you-go rules for the outyear effects of other legislation passed this legislation.

I would like to ask the leadership of this House why these rules are being waived and how much spending is not being counted as a result of that?

We have seen no CBO scoring on the omnibus package. Can anyone tell us the amount of spending covered by these budget waivers?

I would also ask why Members' pay was exempted from this across-the-board cut when it was included in the previous across-the-board cut that was made?

I think those are but some of the questions that Members ought to be asking before they vote on the budget that is coming at us later this afternoon.

I would also say, Mr. Speaker, I regret the time that we have taken but I think every hour that we spend gives Members an additional opportunity to understand what is in these bills, and I think in the end that serves the interest both of every Member and the taxpayers that they are trying to represent.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I listened intently to all of the discussion and the debate from the Members on the other side of the aisle, and if any of that debate related to this CR that is presently before us I would have a lengthy response, but none of that debate relates to this CR. So at this point I would just like to make this suggestion, let us pass the CR and then get on to the appropriations bill that has been the subject of debate using this as a vehicle.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LaTOURETTE). All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 385, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the joint resolution?

Mr. OBEY. Mr. Speaker, under these circumstances, regrettably I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the joint resolution to the Committee on Appropriations.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The Chair would announce that if a vote on passage of the joint resolution is required, pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the time for votes on final passage and questions incidental thereto.

The vote was taken by electronic device, and there were—yeas 1, nays 420, not voting 13, as follows:

[Roll No. 606]

YEAS—1

Forbes

NAYS—420

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Ackerman
Bachus
Brady (TX)
Burton
Capps
Conyers
Delahunt
Hutchinson
Jefferson
Johnson, Sam
Meehan
Visclosky
Wexler

□ 1359

Messrs. TANNER, HEFLEY, BATEMAN, DAVIS of Illinois, MOLLOHAN, LINDER, CLYBURN, Ms. VELÁZQUEZ and Ms. JACKSON-LEE of Texas changed their vote from "yea" to "nay."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

☐ 1400

MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I move to reconsider the vote by which the House voted to reject the motion to recommit the bill to the Committee on Appropriations.

The SPEAKER pro tempore (Mr. LATOURETTE). Did the gentleman from Wisconsin vote on the prevailing side of the question on the motion?

Mr. OBEY. Yes, I did, Mr. Speaker.

MOTION TO TABLE OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Speaker, I move to lay on the table the motion to reconsider.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. YOUNG) to lay on the table the motion to reconsider the vote offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

The SPEAKER pro tempore. An insufficient number having arisen, a recorded vote is not in order.

So a recorded vote was refused.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 403, noes 16, not voting 15, as follows:

[Roll No. 607]

AYES—403

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—16

Baldwin
Barrett (WI)
Coburn
Forbes
Green (WI)
Kind (WI)
Manzullo
Miller, George
Oberstar
Obey
Paul
Peterson (MN)
Petri
Ryan (WI)
Sensenbrenner
Souder

NOT VOTING—15

Ackerman
Brady (TX)
Capps
Clyburn
Conyers
Delahunt
Herger
Jones (OH)
Meehan
Mink
Porter
Price (NC)
Visclosky
Wexler
Woolsey

☐ 1408

Mr. COYNE changed his vote from "no" to "aye".

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 329

Mr. FROST. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 329.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Texas?

There was no objection.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3194, CONSOLIDATED APPROPRIATIONS AND DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 386 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 386

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3194) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

SEC. 2. Upon adoption of the conference report addressed in the first section of this resolution, the House shall be considered to have adopted a concurrent resolution consisting of the text printed in section 3.

Sec. 3. The text of the concurrent resolution addressed in section 2 is as follows:

"Resolved by the House of Representatives (the Senate concurring), That the enrolled copy of the bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes, shall not be presented to the President, to the end that the bill be, and is hereby, laid on the table."

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 386 is a typical rule providing for consideration of H.R. 3194, the conference report for the District of Columbia appropriations bill for fiscal year 2000. The rule waives all points of order against the conference report and its consideration and provides that the conference report shall be considered as read.

H. Res. 386 also provides that, upon the adoption of the conference report, the text of the concurrent resolution printed in the rule tabling the conference report accompanying the Department of Interior appropriations bill shall be considered as adopted.

Finally, House rules provide 1 hour of general debate divided equally between the chairman and ranking minority member on the Committee on Appropriations and one motion to recommit with or without instructions as is the right of the minority.

Mr. Speaker, this rule and this conference report bring the budget process for the fiscal year 2000 to a close by implementing a bipartisan compromise on the remaining appropriations bills, District of Columbia, Interior, Commerce-Justice-State, Foreign Operations, and Education, Labor, Health and Human Services.

Only three times in the last two decades has the Congress passed all 13 appropriations bills by the fiscal deadline. I point out one was recently when the gentleman from Wisconsin (Mr. OBEY) was chairman. It is true that we did not make this deadline this year. However, it is also true that keeping our fiscal house in order does take a little longer than the free-wheeling, big-spending days of the past because we must ensure that all funding is spent efficiently and where it is needed the most.

☐ 1415

The conference report before us this afternoon not only holds the line on the President's additional spending requests, but also responsibly funds areas important to every American citizen and protects the American people from waste, fraud and abuse across the entire Federal Government.

Mr. Speaker, earlier this year the Republican Congress made a commitment to end the 30-year raid on Social Security and, according to the Congressional Budget Office, we have now completed that task. The President began the budget negotiations by taking a large step toward our position on the Social Security issue and joined us in locking away every penny of Social Security. We worked with him in a bipartisan fashion to protect retirement security. We were determined to protect American seniors and this Congress and its leadership denied any piece of legislation on the House floor that spent one penny of it.

To achieve our goal of protecting American seniors and responsibly funding important programs, we are including in this bill a plan to direct every Federal agency to reduce spending by less than one-half of one percent, .38 percent of 1 percent, by routing out waste, fraud, and abuse. Surely the government can save less than about half a penny out of every dollar. This Republican Congress is simply asking those who run Federal agencies to make fiscally responsible budgeting decisions with the money taxed out of our paychecks. We all know the agency directors and executives know where the waste is, and I am relatively certain they will be able to weed out at least that much in savings with this sensible plan.

In addition to meeting the fiscally responsible objectives, this conference report also ensures that our principles' of quality and flexibility in the funding for teachers have been met. In the Labor-HHS section of the bill, this Congress ensures that funding may no longer be used to hire unqualified teachers, provides that schools will have more flexibility in using their funding for improving the quality of uncertified teachers, and increases the amount of funding that may used for professional training for teachers.

The administration pushed for a one-size-fits-all mandate in which Washington controlled the 100,000 New Teachers program. Not every district needs new teachers. Some need better-trained teachers. Other districts need books, high-tech equipment, and updated math and reading programs. I think it is foolish for the Washington bureaucracy to tell every school district in America that Washington knows best how to spend tax dollars to educate our children.

The debate in Washington is not only about money. It is also about how that money should be spent. This bill moves us closer to the right balance of education funding by providing additional funds for America's students through programs like Pell grants and special education while lowering the bureaucratic burden imposed by Washington through programs like Goals 2000.

The Commerce, Justice, State section of the conference report maintains our commitment to enhancing local law enforcement without involving Washington bureaucrats. We also provide funding for 1,000 new border patrol agents, funds for increased criminal and illegal alien detention, and the resources necessary to end the severe naturalization backlog at the INS.

The District of Columbia continues to receive the high level of funding provided in each round of this process. The conference report paves the way for dramatic improvement in the education of Washington's children, the safety of our streets, and the management of our Nation's Capital.

H.R. 3194 also brokers a responsible compromise on the environment in the Interior appropriations section of this conference report. Republicans rejected attempts to impose the restrictions of the Kyoto global warming regime on Americans without Senate consideration of the treaty. Nevertheless, the bill maintains our high environmental standards and ensures our air and water will be cleaned into the next millennium.

While I will permit the chairman of the Committee on Appropriations to describe fully all the contents of the appropriations bill, I did want to note the inclusion of the satellite copyright legislation about which many of our constituents have expressed concerns during the past year. I am pleased that this bill will provide a new copyright license to satellite television that will allow constituents to receive their local television channels over their satellite service.

In addition, this bill will bring real competition, ensure better prices and choices for our constituents, protect existing subscribers from having their distant network service shut off, and make it easier for consumers to get either a waiver or an eligibility test for distant network service in the event the waiver request is denied. This bill is good for our constituents, and I am pleased to support it.

Mr. Speaker, I want to commend the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), each of the subcommittee chairmen on the Committee on Appropriations, and the ranking minority member, the gentleman from Wisconsin (Mr. OBEY), for their tireless efforts over the past few weeks to reach an agreement on the budget.

This rule was favorably reported by the Committee on Rules yesterday. I think that might have been this morning, at about 3:30 a.m., and I urge my colleagues to support the bill on the floor so we may proceed with the general debate and consideration of this important conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at 3:20 a.m. this morning the Committee on Rules was convened to report this rule. The chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), said at that time that he would like to take the time to explain to the committee what was in this conference agreement, but that to do so might take 4 days. While I know he was engaging in a little hyperbole, I cannot think he was too terribly off the mark.

Mr. Speaker, this rule rolls five appropriation bills, agriculture disaster assistance funding, and $576 million for Hurricane Floyd disaster assistance, all into one bill. The conference agreement also contains a much-needed Medicare reimbursement fix for hospitals and nursing homes, the authorization for the Department of State, which contains terms and conditions that must be met in order for U.S. arrearages to be paid, as well as other matters that were not made clear to the Committee on Rules early this morning.

I am perfectly aware that Members are anxious to end the session of the 106th Congress, but could we not wait an extra hour or 2 to give Members an opportunity to find out what is really in this bill? I am also concerned that this enormous bill is only going to get 1 hour of debate when in fact each one of these bills in it should be considered separately. Evidently, the Republican leadership does not think that it is necessary for Members to know what they are voting on.

This is a very bad way to do business, Mr. Speaker. And no one should be surprised if Members raise objections to considering this rule at this time. While the contents of this omnibus appropriations bill might be known to negotiators from Congress, the White House, and a few select others, most of the Members of this body know what is in the bill only through news reports and summaries.

This is not the first time this has happened, nor will it be the last; but, Mr. Speaker, how hard would it be to give Members of this body a few extra hours to ask questions? The Republican leadership is obviously making contingent plans in case the other body does not act quickly on this conference agreement. The Committee on Rules reported a rule making in order two additional continuing resolutions that will carry us through November 23 and December 2. A few hours more today is not an extraordinary request, Mr. Speaker.

So what is in this bill? There are currently some significant improvements over the earlier appropriations vetoed by the President, and these represent a victory for Democrats and for the people of this country. The Commerce, Justice, State appropriation contains increased funding for the COPS program, increases for the Office of Civil Rights, the EEOC, and for Legal Services.

The Foreign Operations appropriation fully fund the Wye Agreement, allowing the United States to meet its obligations in the Middle East. The Interior appropriation contains increases in funding for the Bureau of Indian Affairs and for Indian schools and tribal community colleges, provides funding for the Lands Legacy program, and deletes the most objectionable riders that have been added to the bill in the Senate.

The Labor-HHS, Education appropriation provides $35.7 billion in funding for one of the top Democratic priorities, class size reduction. This is a major victory for the President and for Democrats in Congress; but even more so, it is a victory for parents and their children and for quality public school education. This conference agreement also includes funding for the Maternal and Child Health Block Grant, for the Low-Income Home Energy Assistance Program, and for the Older Americans Act programs.

This bill represents a lot of hard work and many hard-won compromises. However, there is one provision that is problematic for many Members of this House. While the bill funds the arrearages owed to the United Nations, these funds have been won at an extraordinarily high cost, a cost that for some Members may be too high. The fact that this bill trades off payment to the U.N. for family planning around the world is tragic. Women's lives and health are being held hostage, Mr. Speaker; and for many of us in this body, such a situation is deplorable. No one should be surprised if Members vote against this conference agreement because of that issue alone.

Finally, Mr. Speaker, this bill does contain an across-the-board cut. Granted, it is far smaller than originally proposed by the Republican majority, but the symbolism is hard to miss. Because this bill has only been whole for a matter of hours, it is doubtful that the Congressional Budget Office has had an opportunity to cost it out. But this across-the-board cut is a fig leaf designed to conceal the fact that gimmicks and bells and whistles have been used to mask the fact that this bill most likely does cut into the Social Security surplus. The White House may have bought into this charade, but this is one Member who understands that in this case the emperor and all his men have no clothes.

Mr. Speaker, this agreement is a mixed bag; and Members should really be given the time to look at it so they can intelligently make a decision about how they want to vote. There is a lot at stake here, and surely it is worth a little more time.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Speaker, I want to rise in strong support of the rule as well as the bill.

There are numbers of issues here that are well taken care of in this bill, but I specifically want to say for people in New Jersey that we have not only help here for the victims of Hurricane Floyd, but also for New Jersey farmers who have suffered a terrible drought over the past year or more.

The FEMA use of money in this bill, $250 million, to buy out homes that were severely damaged by Floyd, is very, very necessary in New Jersey; and it will help to not only have mitigation efforts but also do the buyout of some of these homes.

But I rise particularly today to point out, as a member of the Committee on Banking and Financial Services as well as a member of the board of directors of Bread for the World, that we do have in this bill a wonderful effort to help debt burden relief for those poorest countries, and I think that is very important. I want to commend the majority leader, the gentleman from Texas (Mr. ARMEY), because it was through his efforts that we were able to get this money in there, help the hungry and the poorest countries of the world, and really help put in place reforms for the next year that will address the questions of transparency in the International Monetary Fund.

But for my part, aside from the fact that this is long overdue to help feed those poor people in the poorest countries, I also want to say that I will continue to track the distribution of that debt relief and ensure that it is not being diverted by corrupt government actions. This is a wonderful activity. We cannot forget these poor people, and it is in the grand tradition of our great country, the United States of America.

Although we have spent many weeks trying to get to this point I believe we have a fair compromise for all. Although there are many items in this bill that I could speak about today there are a few I would like to mention today.

First I am pleased that this bill contains extra funding to help victims of Hurricane Floyd and the disastrous drought suffered by our New Jersey farmers.

This legislation allows FEMA to use $215 million to buyout homes severely damaged by the flood caused by Hurricane Floyd. This is very important to my state of New Jersey where many homes were damaged. This will help relocate some of those homes outside of the natural flood plain.

This bill also has additional funds to help our farmers who have suffered from weather related disasters.

I would also like to put my colleagues on notice—we, in New Jersey, are still tallying the price tag of Floyd. When the totality of the damage from this unprecedented hurricane is determined, we will most likely have to address this issue again early next year. And when we do, I strongly urge my colleagues to address the unique circumstances of small businesses that were damaged by the storm. These small businesses are the economic backbone of many of our communities and need and deserve direct grants to help them back on their feet.

Also I am pleased that this bill contains many of the provisions of H.R. 1402 which implements the Option 1-A milk pricing system that is so important to the small dairy farmers in New Jersey and the northeast. It also extends the dairy Compact for two years.

Finally, I am pleased that this bill advances the international plan to provide debt relief to the world's poorest countries.

Mr. Speaker, I am on the Board of Directors of Bread for the World—one of the distinguished and notable groups that have been spearheading the debt relief movement. Indeed, much of the religious community is urging us to write off some of the unpayable debt of the world's poorest countries during the year 2000. And under the right conditions, it's the right thing to do.

The language Majority Leader ARMEY has negotiated with Treasury is very helpful and I commend him for his efforts. It will increase the impact of the funding the House has already voted to appropriate for the relief of debts that very poor countries owe to the United States. This language will ensure that the International Monetary Fund and other governments also help provide for this debt relief. In addition, I believe it will require accountability to ensure that the monies will be directed to feeding the hungry in these poorest countries.

For my part, I will continue to track the distribution of this debt relief to ensure that it is not being diverted by corrupt government actions.

Mr. Speaker, this language will also give Congress another opportunity next year to push for IMF reform. Many Members—from both parties—agree that the IMF should be more transparent and more accountable—to the taxpayer's of the United States and to people in the countries where it works.

There is also widespread agreement on the basic goal of debt relief—to support economic development and the reduction of poverty in the poorest countries. Treasury, the World Bank and IMF have adopted promising new policies and procedures recently, and Congress will need to be vigilant that these changes really do translate debt relief into help and opportunity for poor and hungry people.

Mr. Speaker, this nonomnibus package is far from perfect. Like many Members, I could find certain parts of this bill problematic. But, we must look at the whole picture. And on the whole this bill is fair.

I urge my colleagues to support this bill.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I thank my distinguished colleague for yielding me this time.

Mr. Speaker, once again I want to make clear why I have offered the motions that I have offered for the past 2½ hours. I did so because it was the plan of the leadership to bring the rule and the continuing resolution that just passed, to have that up right away at 10 o'clock, whiz it through the House, immediately move to the rule, which we are now on, and then move immediately to the omnibus appropriation bill, which none of us have read and none of us understand. And that vote would have been taken by noon without even having a single copy of that bill on the floor.

□ 1430

What I was trying to do is to give Members, first of all, enough time to simply get a copy on the floor; secondly, to give our staffs an opportunity to try to determine with greater certainty exactly what is in the authorization attachments and what is not; and thirdly, to develop at least some pieces of information available to rank and file Members so that those Members who were not in the negotiations understand just how replete with gimmicks and replete with fraud this upcoming bill is.

Now, we have done I think as much as we could reasonably do. It has never been my intention once the debate on the bill starts to offer further motions because I think both parties are entitled to lay out their views on that bill without interruption, and I have no intention of making future motions once we get to the bill itself.

I do ask the House, on this bill, to vote against this rule because we have no business doing business this way. We have no business adding nine separate authorization bills to the underlying appropriations bill. We have no business hiding from Members the $45 billion in spending gimmicks that are in these bills.

It just seems to me that the way we should proceed is to have an hour's debate on each of the provisions being added to the appropriations bills so that, whether Members are for them or against them, the House at least has an opportunity to understand what it is doing.

Nobody knows what we are doing on these bills except perhaps a few of the staffers who put them together. I will grant that. But I doubt that any Member is fully aware of all of the provisions in these bills. And we are going to regret a good many of them. I am sad to say.

I would simply say, for instance, that there are pieces of this bill, and this is not true of the appropriation items, but there are other pieces of the bill which we will consider which have not yet been scored by the Congressional Budget Office. We ought to know what they estimate the cost to be before we vote on this bill.

So I would urge my colleagues to vote against the rule.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, earlier in dissertation on the floor it was mentioned that the President won something in the area of education. I want to make sure, and I will do this several times this afternoon, that everybody understands that the President did not win anything in education.

The chairman of the Committee on Education and the Workforce did not win anything in the area of education. The children of the United States won a lot in the area of education. And, above all, the most disadvantaged children in the United States won in the area of education.

When I was able to show to the administration that 50 percent of many of the teachers in the schools in New York City and duplicated in large cities all over the country were totally uncertified and, beyond that, probably not qualified, some that were certified, they agreed there is no reason to put one more teacher in there. We better get those who are there properly qualified.

When they realized that last year 10 percent of all those new teachers that were hired were totally unqualified, they realized putting one teacher in there was not going to help anything, they better get the people who are there more qualified. And so, we say in that legislation agreed to by the administration that any new hires must be properly qualified and anybody that was hired last year that was not qualified must be qualified within 1 year.

That is why the administration agreed that we should move from 15 to 25 percent in the area of flexibility. That is why the administration agreed that we should move it 100 percent in those school districts where they have all the uncertified and unqualified teachers.

That is why the administration agreed that public school choice should be available to the 7,000 schools that are Title I schools who are not doing anything about improving the quality of their education, and they said those parents should have the right, and we agreed.

We brought it up. They agreed. So nobody won except the children of the United States and, above all, those children who are most disadvantaged.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I would like to talk about the calendar and explain that Thanksgiving does not come until Thursday, a week, and the "turkey" that we are about to consider today is stuffed with a lot of horrendous gifts and failures.

For example, stuffed away in this bill, unknown to many of my colleagues, is a gift of over $500 million a year to drug companies who have their pharmaceutical drugs exempted from certain protections under the Medicare bill. But at the same time we are giving $500 million a year to these pharmaceutical companies, members of the Committee on Ways and Means, all of them, all of the Republicans who were there voted to deny seniors a discount on their prescription drugs.

That means that the gentleman from Arizona (Mr. HAYWORTH), the gentleman from Pennsylvania (Mr. ENGLISH), the gentleman from Florida (Mr. SHAW), the gentleman from Florida (Mr. FOLEY), and the gentlewoman from Connecticut (Mrs. JOHNSON) all voted to deny the seniors in their district a discount on their prescription drugs, which would have cost the Federal Government not one penny. Yet, grandly, they are going to vote to give $500 million a year to the pharmaceutical companies.

Now, this bill is not paid for. There is a $4 billion gift to the medical providers. Yet it shortens Medicare solvency and raises the Part B premium on all of our seniors by $12.

At the same time, this bill has failed to give Medicaid to children of legal immigrants. Young children are denied medical care if they came to this country after 1996.

Yet, we had a great gift to the Blue Cross/Blue Shield company by weakening quality control standards for managed care under Medicare. We weakened the standards when this same Congress has been unable to finalize the managed care bill of rights. We are doing nothing under the Republican leadership except giving big dollars to the pharmaceutical companies in exchange for their donations, giving big gifts to Blue Cross and for-profit managed care plans who are reaming our seniors.

And yet, in the next bill to be considered, if this turkey that we will consider in the extenders happens to have a bowel movement, we are going to spend $40 million or $30 million a year turning the results of that activity into energy.

I would suggest, if we are going to put up with all this Republican alchemy, why do we not ask these same poultry producers to turn that by-product into gold; and then they might find the $17 billion they cannot find to pay for in this bill and, so, it is going to come out of the Social Security trust fund.

All in all, the gentleman from Texas (Mr. FROST) is correct. It is a bill we should not be voting on in the dark. Vote "no" on the rule and the bill.

Mr. LINDER. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I thank the gentleman, the Chairman of Appropriations, for yielding me the time.

Mr. Speaker, we are supposed to be talking about a rule. But, obviously, we are into the substance of these measures. There has been a characterization of some of that substance by the gentleman from California (Mr. STARK), and I would like to take just a couple of minutes to set the stage for those of our colleagues who may be nervous about the fact that the body does not know what we are doing in terms of the Medicare reform or that items have been slipped into this bill.

Perhaps the gentleman does not remember that we had a subcommittee, mark-up on October 15. We examined the bill at that time and voted it favorably to the full committee.

In between subcommittee passage and the full committee vote, the President wrote a letter to me dated October 19 and said, "Dear Mr. Chairman, I am writing to respond to your request about administrative actions."

He goes on and provides an outline for what the administration has been trying to do notwithstanding the Y2K computer problems that the administration has had the day after he signed the Balanced Budget Act of 1997. We were not aware of them prior to signing the bill, but they discovered them immediately after they signed the legislation.

His next-to-last paragraph said this: "We believe that our administrative actions can complement legislative modifications to refine BBA payment policies. These legislative modifications should be targeted to address unintended consequences of the Balanced Budget Act of 1997 that can expect to adversely affect beneficiary access to quality care."

That was exactly what we did. We targeted it. This is a refinement bill. And on October 21, it passed the full committee with a bipartisan vote. This is not something that was done in the dead of night at 3 a.m. in the morning. It went through the subcommittee. It went through the full committee. And then it came to the floor on November 5. And with 388 Members of the House supporting the very specific provisions that have been characterized as insidious or give-backs or rip-offs, 388 Members of the House voted for it.

But beyond that, after we worked with our sister committee on this side in jurisdiction, the Committee on Commerce, with the Senate Finance Committee, and with the White House to craft an agreement that looked virtually exactly like the House bill, there was a comment by White House representative Chris Jennings, who is identified as the health policy coordinator at the White House, in news stories published on November 11, Mr. Jennings said, "This is an honorable compromise. It lays down a foundation for more significant Medicare reforms next year."

It is quite true that the gentleman from California tried to offer a number of killer amendments to fundamentally alter Medicare, to change the entire structure on a modest bill that the President agreed needed to correct some flaws in the Balanced Budget Act of 1997 refinements.

No refinement bill could carry the kind of amendments the gentleman from California offered. And clearly, the purpose of those amends was to be able to stand up on the floor and then make a statement that somehow we refused to provide prescription drugs to seniors.

It seems to me that if less of that kind of hyperbole were employed and more of a willingness to work together, as has been indicated by the White House, health care coordinator, we could accomplish much. In a letter dated November 15 that was addressed to the Speaker signed by John Podesta, Chief of Staff to the President of the United States, in which he said, for example, in the third paragraph, "As Office of Management and Budget Director Lew indicated in his letter to Mr. Thomas on October 18, findings or clarifications by Congress do not change the law and do not result in scoring. Therefore, the attached clarifying language on the hospital outpatient department policy would not be scored by the OMB. With this in mind, we would not characterize such legislation as having an adverse effect in any way on the Social Security surplus."

A letter from the White House says it does not affect the Social Security surplus. The comments from the White House people we worked with said it was an "honorable compromise". CBO has scored it, and I will put it in the RECORD in terms of the dollar amounts on a 1-year, 5-year, 10-year, in fact, a detailed scoring.

Why anyone would stand up on the floor of this House and characterize the Medicare legislation as reckless or inappropriate, when Democrats that we worked with to put the package together, such as the gentleman from Maryland (Mr. CARDIN), White House representatives, Chief of Staff John Podesta and their health care coordinator say this is an honorable agreement, that we have it scored that it does not affect the important hospital outpatient area, any adverse effect on Social Security, I have got to say it sounds a little desperate on the part of some individuals who voted no in subcommittee, no on the floor, and are voting no now that, frankly, their colleagues do not agree with them.

This is a good package. People are pleased to and it is endorsed by Republicans, some Democrats, most Democrats, 388 votes on the floor of the House, and the White House.

I am pleased to work together with those who want to improve Medicare to make sure that it is better for our seniors today and tomorrow.

Mr. Speaker, I include the following for the RECORD:

THE WHITE HOUSE,
Washington, November 15, 1999.

Hon. DENNIS HASTERT,
Speaker of the House of Representatives,
Capitol Building, Washington, DC.

DEAR MR. SPEAKER: We are pleased that we have been able to work out a strong, bipartisan agreement on the Balanced Budget Refinement Act of 1999. All parties to the agreement, in particular Mr. Thomas, Mr. Bliley, Mr. Dingell, Mr. Rangel, Mr. Stark, Mrs. Johnson, Mr. McCrery, Senator Roth, Senator Moynihan and Senator Nickles, played critical roles in achieving this outcome. We know that this was as high a priority for you as it has been for the President and we appreciate your leadership.

As you know, a technical drafting change in the BBA has resulted in some confusion over the outpatient payment formula that could result in a reduction in payments. Aside from correcting a payment formula flaw, the hospital outpatient PPS was not designed to impose an additional reduction in aggregate payments. We continue to believe that such a reduction would be unwise. During our deliberations on the balanced Budget Refinement Act, we agreed to resolve any confusion through a Congressional intent clarification provision. Earlier today, language to this effect was worked out between the White House and Mr. Thomas.

As Office of Management and Budget (OMB) Director Law indicated in his letter to Mr. Thomas on October 18, findings or clarifications by Congress do not change the law and do not result in scoring. Therefore, the attached clarifying language on the hospital outpatient department policy would not be scored by OMB. With this in mind, we would not characterize such legislation as having an adverse effect in any way on the Social Security surplus.

Achieving a bipartisan consensus on addressing the unintended consequences of the BBA is an important accomplishment. The President hopes that we can build on this achievement and pass legislation to strengthen and modernize Medicare.

Sincerely,

JOHN D. PODESTA,
Chief of Staff to the President.

Enclosure.

BUDGETARY IMPACT OF THE "MEDICARE, MEDICAID, AND S-CHIP BALANCED BUDGET REFINEMENT ACT OF 1999"

[In billions of dollars]

Program refinement	CBO estimate	
	5 year	10 year
House-Senate agreement:		
Hospitals	3.4	5.3
Skilled Nursing Facilities	2.1	2.1
Outpatient Therapy Services	0.6	0.6
Home Health & Hospice	1.3	1.4
Dialysis & Durable Medical Equipment	0.3	0.8
Pap Smears & Immunosuppressive Drugs	0.2	0.4
Medicare+Choice	1.9	2.5
Medicaid	0.7	1.2
S-CHIP	0.2	0.4
Part B Interaction and Medicare+Choice interaction	0.8	1.8
Total spending (reflecting House-Senate agreement)[1]	12.4	17.1
Addition per administration's request:		
Administration's Request for Hospital Outpatient PPS Clarification[2]	3.9	9.6
Total spending (reflecting Administration's request)[1]	16.0	27.0

[1] Components may not add to total due to rounding.

[2] Request detailed in letters from the OMB (10/18/99). Clarification will not be scored by OMB on its baseline.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise reluctantly in opposition to this rule because I believe that it is not fair and it is not in keeping with the great tradition of this House for us to have an open debate and for Congress to work its will on important matters that affect our country.

□ 1445

There are at least nine bills rolled into this bill that this rule is for, five appropriations bills. I do not like to spend a good deal of time talking about process, but when the rule for a bill for at least nine pieces of legislation allows for 1 hour of debate, one-half an hour on each side, that is not serving the American people well.

One of the issues that I wish we could debate more fully if our bill on foreign operations were brought up separately, which it should have been, is the issue of international family planning. I think it is very instructive to the American people to see that the Republican majority in this House was willing to hold hostage the United States international role in the world. The Republican majority was willing to hold hostage the poorest women in the world and their access to family planning. They were willing to hold hostage, our position at the United Nations at a time when we are calling out for multilateralism and not the U.S. carrying the full burden.

I think it points to the extremism of the Republican Party that this is, and I point out, my colleagues, this is not about abortion; it is about family planning, that a majority of the Republicans have voted to oppose all funding for all international family planning, that they would take that position and use it against the administration and force the administration's hand to agree to their position in order for us to maintain our vote at the U.N. while we paid our dues.

I urge my colleagues to vote "no" on this rule in the hopes that we could bring back the substantive matters before this House in a fair and open and democratic way.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to the rule and wish to set the record straight on the swirling misperceptions that have surrounded the West Virginia delegation's efforts to provide a balance between protecting jobs so essential for our Nation's energy security and protecting our environment at the same time. Over the past several weeks, the national media, environmental organizations, and the White House have engaged in a campaign of misinformation regarding a proposal by the West Virginia congressional delegation to address a coal mining crisis in our State.

Over the years, litigation in the State of West Virginia has resulted in some of the toughest mining reclamation laws in the Nation. Indeed our coal industry in West Virginia operates under greater environmental scrutiny than the industry does in any other State in our Nation. As a result of litigation, environmental plaintiffs entered into a settlement agreement with the United States on matters involving both the Clean Water Act and the Surface Mining and Reclamation Act.

On October 20 of this year, a Federal court decision rendered a rather unique interpretation of the relationship between provisions of the Clean Water Act and SMARA. This interpretation in my view is contrary to congressional intent in enacting the applicable statutes. Our delegation has sought to reaffirm the interpretation of these provisions of law and regulations that have been upheld by the EPA, the Corps of Engineers and the Interior Department. Nothing, and I repeat, nothing in our efforts have sought to undercut the Clean Water Act. In fact, the provision of our legislation clearly states, and I quote, "nothing in this section modifies, supersedes, undermines, displaces or amends any requirement or any regulation issued under the Federal Water Pollution Control Act."

I do not know how to better state it, how to make it more clear. Yet despite these facts, a campaign of misinformation has been trumpeted around this Nation and has been unfair to our West Virginia congressional delegation. The White House certainly is to blame. This is unfortunate, because the White House and the President's senior advisors particularly have turned their back on the many hundreds of hardworking men and women whose livelihoods, whose families and whose futures now hang in the balance. These are the individuals who have toiled beneath the surfaces of this Nation in order to provide us energy security that lights this very chamber today.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia (Mr. WISE).

Mr. WISE. Mr. Speaker, I rise in opposition to this rule and to the final spending bill. There may be many laudable provisions, but unfortunately this bill does not include the important Byrd-McConnell mining amendment that the West Virginia delegation has sought so hard to include. Failure to include the West Virginia delegation's language which would rectify a Federal court decision means months, perhaps even years of uncertainty, uncertainty about whether to enter into coal contracts, uncertainty about whether to make investments in future mining, uncertainty in families' lives about whether they will continue their jobs in the mining industry and, finally, uncertainty, yes, even for the environmental advocates, because there are no final rules of the road.

If this day ends without the important Byrd-McConnell language, I believe, though, we must continue working. First, all parties must agree that the present stay of the court decision has to remain in effect. Second, the DEP and Federal agencies must work together to analyze the full impact of the court's decision. And, third, all parties, mining, State and Federal officials, and environmental representatives must undertake serious negotiations to see if agreement can be reached to deal with the most severe impact of the court's decision.

But, Mr. Speaker, let me make a point. Great progress has been made in improving surface mining. As a result of environmental legislation and a sweeping environmental settlement just months ago, surface mining will never be the same again in the State of West Virginia. So great progress has been made. The question is whether balance will be preserved. And the court's decision takes it too far the other way. The important Byrd-McConnell language would guarantee that there would be balance, that gains in regulating mining would be preserved and at the same time the important mining jobs, particularly in those areas of high unemployment, would be preserved.

Mr. Speaker, mountaintop removal will never be conducted the same again. That is already a given. The Byrd-McConnell language, though, would guarantee that as we improve regulation in mountaintop removal, we do not automatically result in job removal. I wish this language had been included.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time.

I reluctantly have to rise in opposition to this rule. I want to at least explain why. Early in the process we were told that there was not going to be an omnibus bill. We now know that that is not true. We were also told that very controversial issues would not be included in the final bill. We know that is not true, either. But part of the reason I have to rise in opposition to this rule is I remember several years ago when one of my favorite Presidents stood right there and he held up a bill that weighed about 45 pounds and he dropped it on the desk right here with a big thud, and he said, Congress should not send bills like this to my office, and he said, and if they do, I will veto them. He did not keep that promise. He probably should have.

But in many respects, we all know, everybody in this body knows it is wrong to have these omnibus bills where we throw almost everything into it. If anybody here can say with an honest expression on their face that they know what everything is in that bill, well, God save you. We know that there is a lot of stuff in that. We are going to read over the next several months about issues that are in the bill, and we are going to be embarrassed by it.

But I am most embarrassed about what is happening to the dairy farmers in the upper Midwest. Every morning, at 4:30 lights go on all over the upper Midwest, 3,000 in my district. Nobody works harder than dairy farmers, and this is a knife in the back to those people. For 62 years they have labored under the yoke of an unfair milk marketing order system, and this leadership has knifed them in the back in the 11th hour in a back-room deal. I can live with the outcome if we have regular order. I understand democracy. If we have an honest up or down vote and we lose in the House; we have an honest up or down vote and we lose in the Senate, I can live with that. That is called democracy. But when it is done at the 11th hour by a handful of leaders in a back-room deal, well, I cannot live with that, and I cannot vote for a rule that would support it.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I rise today to support this conference report and to commend my colleagues on the Committee on Appropriations, the gentleman from Wisconsin (Mr. OBEY) specifically, and those in the administration for their efforts. Bringing this package to the floor has not been easy. I want to applaud the patience and the determination both sides showed in reaching this agreement. I reluctantly opposed the conference report for the Interior appropriations bill earlier in the year because of numerous anti-environmental provisions that were attached by the other body. Thankfully we have removed or modified nearly all of those riders and significantly improved the Interior bill.

Additionally, though, through our negotiations with the White House, we were able to increase funding levels for some key programs that will better protect our environment. In the last few weeks, we negotiated millions of additional dollars for the President's land legacy initiative to protect sensitive or threatened lands in this country. The administration and Congress should be proud of the benefits this compromise means to our public lands.

Funding was included in both the Commerce Department as well as the Interior Department to help my State and three other West Coast States address the recent salmon listings under the Endangered Species Act. Funding for these programs was my top priority. I want to sincerely thank the gentleman from Kentucky (Mr. ROGERS), the gentleman from New York (Mr. SERRANO), and the gentleman from Ohio (Mr. REGULA) for working with me to provide these critical funds that will help our State protect and restore West Coast salmon provisions.

Additionally, funds were included to help implement the recently negotiated treaty between the United States and Canada that will aid our efforts to recover these fish by substantially reducing their harvest. I regret that the conference agreement did not provide the requested increase for the National Endowment for the Arts, but appreciate the modest increase for the National Endowment for the Humanities. I believe there is strong public support for both of the endowments and wish the funding levels to the arts better reflected that support.

Again I wish to warmly thank the gentleman from Ohio (Mr. REGULA) for his tireless work on the Interior appropriations bill. These negotiations were lengthy and tedious, but he demonstrated extraordinary leadership and was instrumental in bringing this agreement to the floor today.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I would like to speak out in opposition to not only this rule but to this final bill for many reasons, but chief among those reasons why I am opposing this rule and why I am opposing this bill is because of the dairy policy provisions contained within this bill. Blame can be spread all over the place. The President did not adequately protect his own agency's reform. The majority of Congress swept against us.

The point is this: we are preserving a 62-year-old antiquated program that pays a farmer more for the price of milk he produces the farther away from Eau Claire, Wisconsin, he lives. This Congress, which is elected to defend the Constitution, freedom, this Congress which contains most Members of Congress who proclaim to be in favor of free market principles, are voting in this bill to destroy those very free market principles. What I say to those Members of Congress from the Northeast, from the South, you like milking cows, I understand that, "Just don't milk our dairy farmers in the upper Midwest."

The problem with this bill is that half of this dairy policy never came to this body. It did come to the Senate and it was defeated. So why on earth are we dealing with this legislation in this big appropriations bill? This should be done through regular order. It should not be done in this appropriations bill. Worst of all, it pits one, two, three regions of dairy farmers against one region, the upper Midwest. We simply want a chance to compete fairly on a level playing field in the upper Midwest, and we are being deprived of that because of this legislation that is being tacked onto this bill like a giant, ugly ornament on a big Christmas tree.

Mr. Speaker, I urge Members of this body to vote against this bill.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me this time. There is so much to say and so little time, but I would like to focus on two specific items of importance to the American people.

Mr. Speaker, I consider the health-related provisions of this bill to be a mixed bag. I am extremely pleased to see that Congress is continuing its commitment to double the budget of the National Institutes of Health over 5 years. This is the lifesaving research which families fighting cancer and other dread diseases are depending on. The bill increases the NIH budget by another 15 percent, raising it from $15.6 billion last year to $17.9 billion in fiscal year 2000.

□ 1500

But, unfortunately, the shell game continues in order to pay for this spending.

The bill delays the release of $4 billion of the NIH appropriations until September 29, 2000. Twenty of our colleagues wrote to the conferees urging them not to take this action, because medical research is not a faucet that can be turned off and on. No disease will wait for a clinical trial to get to the next round of funding. A colony of bacteria is not going to hibernate until the researcher receives the promised grant. Frankly, I am not too sure the researcher will stick around either. I am deeply concerned about the impact of this delayed appropriations on vital medical research.

In addition, I am appalled that Congress and the administration have conspired to imperil the health and welfare of women across the world by attaching onerous conditions to international family planning spending. Under this bill, United States funds are not only barred from going to groups that perform abortions directly or indirectly, but also to any group that lobbies in any way regarding governmental policies on abortion. An organization could even be barred from informing a government how many women were being harmed by unsafe or botched abortions, not just lobbying for abortion rights.

If the President uses his authority to waive this provision, international family planning funds are cut by 3 percent. At that point, thousands of women will not receive birth control, leading to unintended pregnancies and abortions. It is simply beyond my grasp how abortion opponents believe that policies like this one help their cause.

This provision will not prevent a single abortion. It will only cause more and more dangerous abortions to occur. A woman in the Third World dies every 3 minutes. Surely that is the harshest kind of birth control, and we will be prevented from telling them how to prevent unintended pregnancy.

I am pleased that the bill makes progress in restoring the unexpectedly deep cuts made in Medicare reimbursement to hospitals, home care and other facilities under the Balanced Budget Act. Although the relief provided itself is modest, it will make a major difference in my district of Rochester, New York, in enabling our health care community to continue to provide world class care.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Speaker, I thank my colleague for yielding me time.

Mr. Speaker, what I think is important to note today as this House appears poised apparently to vote for this bill with the anti-dairy reform in it, is it is important to point out why it was added to this bill.

It was added to this bill because these anti-reform provisions could not pass Congress in the normal fashion. Extension of the compact and 1(a) have not passed both Houses of Congress. Right now, there is a fight going on in the Senate that I think proves that point. Because they could not pass it in the normal fashion, they had to add it in the wee hours of this debate. That is unfortunate, but maybe it means that there is hope for those of us who believe in free market reforms. Maybe it shows to us, the fact that they have to try to get it done this way, maybe it shows us that there are more people behind us than we realized.

I can only hope that in the future, if given a chance to proceed in the normal order, maybe, just maybe, we will prevail, and maybe, just maybe, we will have true dairy reform.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank my friend for yielding me time.

Mr. Speaker, I rise today in opposition to the rule and to the final bill. Where does a promise mean nothing anymore? Right here on the floor of the House of Representatives. Where is one of the last remaining vestiges of a Soviet style, state-controlled economic industry? Right here in the blessed United States of America, with a depression-era Federal milk marketing order policy. Unfortunately, because of a last minute deal brokered behind closed doors, the first significant step to reform an antiquated, senseless dairy policy will be blocked by language contained in this bill.

Just a couple of months ago, Mr. Speaker, I had a meeting with some of the leaders in the Republican Party on the House floor, where they promised me and other representatives that they would not allow any anti-dairy reform legislation to be attached to one of the year-end spending bills. But we wake up this morning and, lo and behold, there it is. Promises made, promises broken. And you would think an administration whose own reform proposals are under attack after three years of exhaustive work would stand a little more firm and fight for it, but that did not happen.

Now, it is never fun or pleasant to hold up the business of the House with delay tactics, and it is unfortunate we have had to resort to that tactic today. But I for one am willing to stay here until the cows come home, until we get this budget right, right for the American people, and right for the family farmers across the country.

For those of you who believe in budget integrity and fiscal discipline, there are a number of reasons for voting against it. It is $35 billion over the spending caps from the 1997 budget agreement. We are dipping into the Social Security surplus by $17 billion to $18 billion according to our own Congressional Budget Office. We have done absolutely nothing to extend the solvency of Social Security and Medicare by one day in this budget. To top it all off, we are milking family farmers across the country and consumers and taxpayers with this 11th hour, backroom deal that will prohibit reform of a depression-era national dairy policy. We can do a lot better. I think the American people demand that we do a lot better.

I would encourage my colleagues to vote no on this budget agreement. Let us start over, let us get it right, and then let us go home.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong support of the bill, and particularly want to call attention to the Medicare "salvation" section. It is really a testament to the vitality of our democracy.

This Medicare salvation section is the direct result of a lot of us getting out there, visiting our nursing homes, talking to the people who run them and hearing from seniors who were being denied critical care because of mistakes made in past legislation or in administration policy.

Let me tell you, democracy is not a spectator sport, and this bill reflects that truth. Members of the subcommittee were out there, other Members of Congress were out there, and our chairman, the gentleman from California (Mr. THOMAS), whose very bright mind and big heart wrote this bill, also took the time to get out there into the facilities and talk with the seniors. That enabled us to build a very precise effective package, providing relief to hospitals, home health care agencies and nursing home facilities.

And it is a very fine job we've done. It helps all of our providers, but it does not fundamentally step back on this Congress' commitment to save Medicare in the long run, from financial crisis, and to be there for our seniors with quality health care.

I just want to say that while the administration was very helpful and has really worked with us in many ways, it is unfortunate that the process, because it costs money, does not allow them to make specific proposals to help us. We did all of this, and it was heavy lifting, just as Members, listening to seniors and care providers and putting together an honest package that goes right to the heart of the problem and addresses it.

Members can take great pride in having saved Medicare quality health care for our seniors. As we go home, we can help our hospitals, nursing homes and health care agencies understand this expansion of resources and provide the care our seniors richly need and deserve.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Texas for yielding me time.

Mr. Speaker, this is what I have been trying to do in the last few minutes, is to review what this House has brought to the American people and calling it a budget, that has who knows what and does not address many of the concerns that the American people have asked them to address.

Just as an example, Mr. Speaker, this is what part of the bill looks like, lines drawn through, scribbles being made, and no one knows what was in it and what is out of it.

My concern, Mr. Speaker, as I said earlier, and this rule concerns me and I rise to oppose the rule, is that what we have is a mishmash that includes a number of addendums that have nothing to do with the appropriation process.

The satellite issue is an important issue that I would argue that we needed to support. The State Department authorization is likewise very important, and I have fought long and hard for Medicare help for our hospitals and health providers and will continue to fight for that. But we do not have a Patients' Bill of Rights, we do not have the protection of seniors for prescription drugs, and we have two inserts on the family planning issue typed up that deny family planning for women around the world.

Though I am certainly concerned about those who have a different view from me, I am likewise concerned about developing nations where women will be violated, intimidated, forgetting family planning because of this legislation.

I can say that I am gratified that my office worked to increase the amount of money for mental health services in the Community Mental Health Program, but I do say we are doing a tragic injustice to have Members be responsible for voting for a bill whose paperwork has yet to come to the floor and who has given us the responsibility of reading this within the few hours that we have.

Mr. Speaker, this is a bad rule, this is a bad process, and I am sorely disappointed that this is what we have come to. We need to go back to work and present to the American people the kind of legislative initiative that will be warranted of this country and this Congress.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Missouri (Mr. BLUNT)

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of the rule and support of the bill. First of all, I want to say how much I appreciate the work of the appropriators. The new chairman, the gentleman from Florida (Mr. YOUNG), has done a tremendous job at a time when we are really laying out some new rules for appropriations, and all the members of appropriations on both sides of the aisle have worked hard to try to redefine this culture of what we are trying to achieve: A balanced budget, without spending Social Security.

We have heard a lot of debate about whose numbers may be right, whose predictions may be right. We really did not debate those things. Apparently the Congress did not debate them for 40 years, because we did not have a balanced budget without spending Social Security and nobody seemed to care.

It is great that we are down now to debating whose projection about income may be the closest to accurate next September, because that is really the projection date that counts. I am convinced we are not going to spend for the second year in a row a penny of Social Security income.

I like the way the committee put this package together. It is a big package, but it is a package of individual bills. You can go to each of those bills and see exactly what was in them, and what is in them are the items that should be in them. This is not a package that people have put things in that should not be there or are not understood to be there.

Social Security was not spent. That gives us a chance to really look at the future of Social Security. We cannot really talk about Social Security reform if we cannot stop spending the trust fund.

Somebody said the problem with the Social Security trust fund has been there was no trust and there is no fund. Well, this restores both of those concepts.

The balanced budget adjusters do tremendous things for home health care, for rural hospitals. This is a good bill, this is a good rule. I urge my colleagues to support both.

Mr. LINDER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. I thank the gentleman from Georgia for yielding me time.

Mr. Speaker, for my colleagues who insist they do not know what is in this bill, they have not been paying attention during regular order, because within this bill are the multitude of bills that have been discussed in committee, discussed on this floor, and now rolled into one bill as we leave this process.

The others that suggest somehow we are dipping into the Social Security trust fund, the only reason we are here still is because the President keeps asking for more money, more spending, more funds for programs that he needs.

Now, some have suggested somehow we have been held hostage on international family planning. The President of the United States agreed to that provision in the bill.

Now, let us talk about why some people will vote against the fine bill here today. I challenge them to vote against increasing funding to Medicare choice. Organ transplant patients will have an extended coverage on anti-rejection drugs. Vote no to that today. I urge you to today.

Rehabilitation services, increasing therapy caps, something we have heard complaint after complaint from our citizens about, the need to increase physical therapy and rehabilitation.

Women's health. Pap smear tests now and cervical cancer screenings. Go ahead and vote against those fine initiatives. I challenge you to do it.

Increased flexibility for rural hospitals. Cancer hospitals, ensures that cancer hospitals will not face any reduction due to new outpatient prospective payment systems.

Changing the prospective payment system for hospital outpatients. Nursing home skilled facilities will be, in fact, have increased patients.

Home health care, reduce the scheduled reduction and increase benefit caps for some citizens.

Hospice care. Matt Lauer and I and several others were with hospice this week in Palm Beach County raising money for hospice.

□ 1515

This bill includes an increase in hospice coverage. Tell your hospice friends that you rejected this bill today because, I do not know why, but increased funding for them.

Teaching hospitals for New York and other places who have been belly-aching about not enough money for teaching hospitals. Thanks to the gentleman from California (Mr. THOMAS) and the Committee on Ways and Means, we have increased money for teaching hospitals. Durable equipment, increased senior access to durable equipment. Rural health care. On and on goes the list. For my Floridians who say they are going to vote against the bill, they are going to be voting against $142 million for Everglades restoration. Go back and tell that to the Floridians who depend on the Everglades for water. I urge my colleagues to vote "no" and go home and explain that.

Indian programs. You name the list of things that are accomplished in this bill through the hard work of the committee in order to make this a better country. Money for national forests, bettering education, continuing our commitment to block grants. On and on goes the list of fine things in this bill.

Those that live in rural farming areas, please pay special attention, because in this bill is a $178 million loan authorization for disaster relief, okay? My colleagues can go home and face their farmers this weekend and explain to them that they voted against this very important provision, if they have experienced a drought. Anyone from North Carolina, anyone from Florida, I urge you to go home and tell your farmers you had a chance to help them today and you chose not to from a partisan perspective. Juvenile accountability. On and on goes the list.

Mr. Speaker, I urge Members to support the rule, support the bill. It is a good bill.

Mr. FROST. Mr. Speaker, I yield the balance of my time to the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Committee on Appropriations.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from Wisconsin (Mr. OBEY) is recognized for 3½ minutes.

Mr. OBEY. Mr. Speaker, let me simply address two points, since other Members have also addressed the dairy issue.

I believe that in this House a handshake is as good as a contract, and I believe that the day that one's word ceases to be one's bond is the day that we lose something very precious in this democratic institution.

I was told in August and again in September, and this was confirmed by one of the two Members of the Republican leadership 3 days ago in a conversation with me. I was told that if I would cooperate procedurally on appropriation bills with the majority, they would assure me that no extraneous dairy provision would be attached to any appropriation vehicle. The three key words were "any appropriation vehicle." That promise has now been violated. I think that says more about the people who violated it than it says about anybody else in this institution. I deeply regret it.

I find it incredibly ironic that at a time when people are cheering with great huzzahs over the World Trade Organization-China deal, when they are earnestly pushing for free trade internationally, they are supporting internal trade barriers to the free flow of dairy products in the United States. That is absurdly old-fashioned, and no self-respecting free marketeer should be supporting it.

[From the Wall Street Journal, Nov. 18, 1999]

Lott Has a Cow

There are a million stories inside the Beltway, most of which the pols don't want you to know. But we thought you might be amused by the one about Trent Lott, dairy queen.

As Public Works Chair . . . sorry, Senate Majority Leader, Mr. Lott has already built himself a pork-barrel legacy for the Mississippi ages. But who would have thought his largess was big enough for all New England? There's apparently nothing the guy won't do to re-elect a fellow "singing senator," in this case the liberal James Jeffords of Vermont.

Vermont has lots of dairy farmers, most of whom are much less efficient than those in the Upper Midwest. Worse yet, Congressional permission for a six-state price-fixing dairy cartel known as the Northeast Compact is about to expire. So Mr. Jeffords who is running for a third term next November, got hold of Mr. Lott, who promised to jam an extension past an otherwise reluctant Senate.

Never mind that this milks consumers to the tune of about 20 extra cents a gallon. (Milk consumed by the same "poor children" who liberals like Mr. Jeffords and Vermont Democrat Pat Leahy are constantly invoking to sell their new programs.) Never mind that the Senate voted down and extension earlier this year.

And never mind that in the process of helping Mr. Jeffords, Mr. Lott is sticking a shiv in the back of another vulnerable GOP incumbent, Rod Grams of Minnesota. "I guess Jeffords is in a tough race," Mr. Grams told us ruefully. "But it can't be tougher than mine. And this is going to hurt me back in Minnesota, because it will hurt our farmers."

Mr. Lott likes to complain that he lacks a real conservative majority. Yet Mr. Jeffords is a routine apostate, agreeing with Ted Kennedy on demand, while Mr. Grams is a reliable conservative. It's nice to know how much Mr. Lott values ideological loyalty when he's doling out backroom favors.

Not that Mr. Lott deserves all of the credit. He has help in the House, where Speaker Dennis Hastert has caved in to Missouri Rep. Roy Blunt's attempt to gut the free market dairy reforms that Congress urged on a reluctant Clinton Administration as recently as 1996. Mr. Blunt's affront would add another 16 cents or so to a gallon of milk around the country. Mr. Lott wants to ram this into the end-of-session budget bill too.

Beyond the muscle politics, all of this is one more embarrassing sign that Republicans seem to have kicked over the reform stool. They're mainly into incumbent protection now. Messrs. Blunt and Lott are supposed to be GOP leaders. But the difference between them and Dick Gephardt is more and more a matter of whose special interest gets gored.

As of this writing, Mr. Grams and Wisconsin Democrat Herb Kohl were promising to filibuster the Lott-Jeffords-Blunt cartel plans. But the way these things usually go, the dissenters get run over by the Members stampeding to leave town to brag about all of the pork they just voted to deliver. Cowabunga, Trent.

[From the Washington Post, Nov. 17, 1999]

GOP Chiefs Sour on Milk Reform—White House, Wisconsin's Kohl Balk at Lott-Hastert Agreement

(By Michael Grunwald)

Three years after Congress ordered the Agriculture Department to revamp the nation's convoluted system for setting milk prices, Republican leaders agreed yesterday to send a new message to the department: Never mind.

Senate Majority Leader Trent Lott (R–Miss.) and House Speaker J. Dennis Hastert (R–Ill) settled on language undoing the department's modest market-oriented dairy reforms and largely preserving the depression-era "Eau Claire system" that sets milk prices according to distance from Eau Claire, Wis. They also agreed to a two-year extension of the controversial Northeast Dairy Compact, a regional milk cartel that sets prices even higher in New England.

But the last minute maneuvering faced stiff opposition from the White House, which warned that plans to attach the dairy provisions to a giant year-end spending bill could jeopardize the entire budget deal. "It would create all sorts of obstacles," said presidential spokesman Jake Siewert, who noted that Clinton had promised to veto other spending bills including the milk language.

The upshot of the proposal—which lott pushed on behalf of Sen. James M. Jeffords (R–Vt.), who is up for reelection in 2000—would be a bitter defeat for dairy farmers in the upper Midwest, a huge victory for dairy farmers in the Northeast, and a status-quo solution to a battle that could have resulted in lower prices for consumers. Sen. Herb Kohl (D–Wis.) yesterday vowed a last-ditch effort to hold up congressional business to block the deal, and he could have assistance from the administration.

"This is a very big thing for us, and I'm going to do whatever I need to do to try to make sure this doesn't happen," said Kohl, who noted that his state has 25,000 dairies, compared with 3,000 for all of New England.

The byzantine Eau Claire system was designed to ensure that every region of the country maintained a local supply of fresh milk, at a time when it was not possible to transport milk long distances in refrigerated trucks. The 1996 farm bill, touted as an effort to introduce free-market principles to America's farm economy, required the Clinton administration to propose a replacement for the Eau Claire regime. And while it authorized the Northeast Compact, it set its expiration date for this year.

Now Congress appears set to change its mind.

The Agriculture Department plan, which was supposed to go into effect last month before it was held up by a lawsuit in Vermont, would have smoothed out the formulas that favor farmers farther away from Eau Claire. Consumer advocates estimated that it would have cut milk prices by at least 2 cents a gallon nationally, saving consumers $185 million to $1 billion a year and saving taxpayers $42 million to $149 million on food programs. But the House passed a bill last month to suspend the new plan, and congressional leaders have agreed to include a version of that bill in the overall budget agreement. And yesterday's deal will extend the compact until February 2001.

Kohl complained that maintaining the status quo would mean maintaining an unfair playing field, providing government protection to help inefficient dairies compete with midwestern farmers. John Czwartacki, a spokesman for Lott, cautioned that no deal is final until the budget agreement is complete, but he suggested that midwestern senators such as Kohl and Rod Grams (R–Minn.), who also is up for reelection, will be unable to stop it.

"It's all done but the fireworks," Czwartacki said. "I'm sure people will voice their unhappiness in tried and true ways. But on this issue, you can't make everyone happy."

Not even the regional alliance of compact supporters—who include likely New York Senate candidate Hillary Rodham Clinton, but not her husband—got everything it wanted. It did not get a permanent extension of the Northeast Compact. And the agreement did not create a Southern Compact. Still, Kohl vowed yesterday to protest the deal by filibustering anything that hits the floor. And Grams warned that he might force the Senate clerk to read the entire budget bill aloud, which could take days.

"We have the government picking winners and losers, and that's wrong," Grams said. "It's the whole country ganging up on the Midwest."

The Agriculture Department proposals, while somewhat more market-oriented that the current system, would have maintained the government's guarantee of a minimum milk price in all regions. But according to Christopher Galen, spokesman for the National Milk Producers Federation, they would have cost dairy farmers across the country about $200 million a year, at a time when prices have dropped precipitously after several good years.

"We know people are upset in the Midwest, but we think this deal would create a rising tide that will lift almost all dairy farmers," said Galen, whose organization took no position on the compacts.

I also want to note that this bill is replete with gimmicks. This bill walks away from the majority party commitment to stick to the budget caps; it walks away from their "let-us-pretend" argument that they are saving Social Security; it hides $45 billion in budgetary sleight of hand.

We have in this bill, first of all, in spending that is not counted by Congress, $17 billion, $17 billion. We then have in so-called emergency spending, which is another way of avoiding the spending caps, we have over $11 billion in outlays; again, spending that is hidden in terms of whether or not it is going to be counted against the so-called budget limits that my Republican colleagues promised to live by in their own budget resolution.

Then we have what is called "delayed outlays." What this really means is that we legally delay spending until the final days of the fiscal year, so it is not counted this year, but it is still spent. That accounts for $4.2 billion. Then we have what is called "advance appropriations," spending that illegally counts spending against last year, even though it is available for this year, and that comes in at $2.4 billion. Then we have other gimmicks worth $9.9 billion. This from the new centurions who came in this place 5 years ago promising that under the Republican Party, things were going to be different. They are different. They have gotten worse.

So it seems to me, as I said earlier, this would be laughable if it was not so corrosive of the public's ability to believe what we are doing.

LIST OF GIMMICKS IN APPROPRIATIONS BILLS

[in millions of dollars]

	BA	0
Spending Not Counted By Congress		
Directed CBO to reduce their spending estimates, but actually spends Social Security:		
AG—Directed outlay scoring (1.14% of BA)	....	−163
CJ—Directed outlay scoring (1.14% of BA)	....	−336
DOD—Directed outlay scoring	....	−10,500
E & W—Directed outlay scoring (1.14% of BA)	....	−103
FO—Directed outlay scoring (1.14% of BA)	....	−144
INT—Directed outlay scoring (1.14% of BA)	....	−170
L-HHS—Directed outlay scoring (1.14% of BA)	....	−970
Directed outlay scoring (highway and transit firewalls)	....	−1,341
TRANS—Directed outlay scoring (1.14% of BA)	....	−143
TPO—Directed outlay scoring (1.14% of BA)	....	−151
VA HUD—Directed outlay scoring (1.14% of BA)	....	−820
DOD—Spectrum asset sales	−2,600	−2,600
Subtotal	−2,600	−17,441
Declaration of emergencies for normal program spending:		
Declare Year 2000 Census an emergency	−4,476	−4,118
Defense emergency designations	−7,200	−5,500
Declare part of Head Start an emergency	−1,700	−629
LIHEAP emergency declaration	−1,100	−825
Refugees emergency declaration	−427	−126
Forest Service Wildland Fire Management	−90	−3
Public health emergency declaration	−584	−310
Subtotal	−15,577	−11,511
FY 2000 Spending Counted Against 1999 or 2001		
Legally delay spending until the final days of the fiscal year so it is counted next year:		
DOD—Delay contractor payments	0	−1,250
Labor HHS—Delayed Obligations $5.0 B in BA delayed until 9/29/00	....	−1,674
VA medical care delay obligation of $900 M	....	−720
FO—Delayed obligations	....	−104
CJS—Delayed availability of balances in Crime Victims Fund until after FY 2000	−485	−485
Rescind section 8 housing funds	−1,300	0
Subtotal, delayed obligations	−1,785	−4,233
Legally count spending against last fiscal year even though it is available for FY 2000:		
DOD—Advance Appropriations	−1,800	−1,800
Legally count spending against next fiscal year even though it is available for FY 2000:		
DOE—Elk Hills School Lands Fund	−36	−36
L-HHS—Increased advance funding for FY 2001 (total FY 2001 advances are $19 billion)	−10,100	−532
HUD—section 8 advance appropriation for FY 2001 (37% of program total)	−4,200	0
Subtotal	−16,136	−2,368
Miscellaneous Special Accounting Gimmicks		
Across the Board cut 0.38%	−2,143	−1,206
Capture Federal Reserve Surplus	−3,752	−3,752
New Hires Data Base for student loan collection (incl directed scoring)	−878	−876
Slip military and civilian pay by one day	....	−3,589
Labor HHS—HEATH loan recapture	....	−27
United Mine Workers Combined Benefit Fund	−68	−39
L-HHS—Title XX, social services block grant, cut below mandatory level	−608	−430
TRANS—Mandatory offsets (rescission of FAA contract authority)	−30	−10
Subtotal	−7,479	−9,929
Grand total	−43,577	−45,482

The SPEAKER pro tempore. All time of the minority has expired.

The gentleman from Georgia (Mr. LINDER) has 30 seconds remaining.

AMENDMENT OFFERED BY MR. LINDER

Mr. LINDER. Mr. Speaker, I offer an amendment to the resolution.

The Clerk read as follows:

Amendment offered by Mr. LINDER:

At the end of the first section of the resolution add the following:

The conference report shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the conference report to final adoption without intervening motion except one motion to recommit.

Mr. LINDER. Mr. Speaker, at this time I urge my colleagues to support the rule and the amendment to the rule, and I move the previous question on the amendment and on the resolution.

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Wisconsin will state it.

Mr. OBEY. Mr. Speaker, I am trying to understand what the import of the previous motion was. I understand that this is the method which will gag us and prevent any further motions being offered in protest to the rule that is brought before us. That is the effect of the gentleman's motion. It is, in fact, a new gag order, which will prevent us from doing anything except obediently moving toward passage of the bill. I am not going to contest it, but I think people need to know what it is. It is another symptom of how this House is run.

The SPEAKER pro tempore. That is not a parliamentary inquiry. The gentleman from Georgia managing the rule is offering an amendment to the rule.

Without objection, the previous question is ordered on the amendment and on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Georgia (Mr. LINDER).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker. I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 226, nays 204, not voting 4, as follows:

[Roll No. 608]

YEAS—226

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dicks
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
McKinney
Meek (FL)
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Ortiz
Ose
Oxley
Packard
Pastor
Paul
Pease
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—204

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (OH)
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Coburn
Condit
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dickey
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hostettler
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Sensenbrenner
Serrano
Sherman
Shows
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—4

Brady (TX)
Capps
Conyers
Wexler

☐ 1543

Messrs. BONIOR, DICKEY, MATSUI, FLETCHER, BALDACCI, HINCHEY, WEYGAND, Ms. MALONEY of New York and Mrs. McCARTHY of New York changed their vote from "yea" to "nay."

Mr. DAVIS of Virginia changed his vote from "nay" to "yea."

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1598

Mr. COOK. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1598.

The SPEAKER pro tempore (Mr. HANSEN). Is there objection to the request of the gentleman from Utah?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

☐ 1545

CONFERENCE REPORT ON H.R. 3194, CONSOLIDATED APPROPRIATIONS AND DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 386, I call up the conference report on the bill (H.R. 3194) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. HANSEN). Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of November 17, 1999, Part II.)

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 3194, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are coming to the successful conclusion of a long road toward completion of our fiscal responsibilities. I thank my friend and colleague from Wisconsin (Mr. OBEY) for calling for order in the House. I want to say "thank you" to him for the many, many long hours and long days we have spent together during this process as the House concluded its work on 13 separate appropriations bills.

Mr. Speaker, the bills that are included in this conference report today, all of these bills, have gone before the House in one form or another. They have also gone before the House as part of a conference report. Most of those bills have not even been changed to any great extent from their previous forms.

The District of Columbia bill, which is the main vehicle for this conference report, has only one minor change that was acceptable to all parties involved. The bill on Foreign Operations is basically the same as passed the House, except for a minor change that was agreed to by all the parties. As for the other three bills remaining, the gentleman from Ohio (Mr. REGULA), the distinguished chairman of the Subcommittee on Interior Appropriations, will make some comments on that as we go through the debate.

The chairman of the Subcommittee on Labor, Health and Human Services, and Education Appropriations, the gentleman from Illinois (Mr. PORTER), will have some comments on that portion of the bill. And the chairman of the Subcommittee on Commerce, Justice, State and Judiciary Appropriations, the gentleman from Kentucky (Mr. ROGERS), will have some comments on that bill.

During the various discussions that have led up to the point where we are about to conclude consideration of our appropriations responsibilities, one of the complaints has been the size of the bill. And it is true that a number of nonappropriations issues have been added by virtue of reference to their bill number. But the fact is that the administration, the President's team, was here until nearly 3 o'clock this morning reading all of those pages, and they did read them all and gave us a sign-off to go ahead and file the bill. Not that we needed that, but it was a courtesy that we extended to the administration.

Mr. Speaker, of course, the staff representatives of the majority leadership and the minority leadership had access not only to this process last night and early this morning, but there has been ample opportunity for those who wanted to read the agreement and spend the hours late last night and early this morning to do so. They had that opportunity.

We have spent a considerable amount of time, long days and long nights, in negotiation with the representatives of the President. The gentleman from Wisconsin (Mr. OBEY) and I have spent a lot of time together in that room where we did the negotiating. But it is important to note, Members ought to know this, the negotiations were basically managed by the leadership of the subcommittees involved. This was not done at some high level with someone who was not involved in the day-to-day activities relative to these bills.

So, this is a real product of the Committee on Appropriations and the appropriations process. I can give at least 237 reasons to vote against this bill. But also I could give hundreds of reasons why this is a good bill. Throughout the debate we will do that, Mr. Speaker. I hope that we can get a good bipartisan vote for a good bipartisan bill that is even agreed to by the administration.

Mr. Speaker, I would ask that all of our colleagues on our side of the aisle show the gentleman from Wisconsin (Mr. OBEY) the courtesy of listening to what he has to say. There are some very strong differences here, and I would hope that the House would remain in order so that we could all hear what each of our speakers has to say.

Mr. Speaker, at this point in the RECORD I would like to insert tables showing the details of the District of Columbia Appropriations, Foreign Operation, Export Financing, and Related Programs Appropriations, and Miscellaneous Appropriations.

DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 2000

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	H.R. 2587	H.R. 3064	H.R. 3194	H.R. 3194 vs. enacted
FEDERAL FUNDS						
District of Columbia Resident Tuition Support			17,000	17,000	17,000	+17,000
Incentives for Adoption of Foster Children			5,000	5,000	5,000	+5,000
Citizens Complaint Review Board			500	500	500	+500
Federal Payment for Human Services			250	250	250	+250
Metrorail improvements and expansion	25,000					-25,000
Federal payment for management reform	25,000					-25,000
Federal payment for Boys Town U.S.A	7,100					-7,100
Nation's Capital Infrastructure Fund	18,778					-18,778
Environmental Study and Related Activities at Lorton Correctional Complex	7,000					-7,000
Federal payment to the District of Columbia corrections trustee operations	184,800	176,000	176,000	176,000	176,000	-8,800
Federal payment to the District of Columbia Courts	128,000	137,440	99,714	99,714	99,714	-28,286
Defender Services in D.C. Courts			33,336	33,336	33,336	+33,336
Federal payment to the Court Services and Offender Supervision Agency of the District of Columbia	59,400	80,300	93,800	93,800	93,800	+34,400
Federal payment for Children's National Medical Center	1,000		2,500	2,500	2,500	+1,500
Federal payment for Metropolitan Police Department	1,200		1,000	1,000	1,000	-200
Federal payment to General Services Administration - Lorton Correctional Complex					6,700	+6,700
Federal payment for Fire Department	3,240					-3,240
Federal payment to the Georgetown Waterfront Park Fund	1,000					-1,000
Reappropriation (sec. 176)					1,000	+1,000
Federal payment to Historical Society for City Museum	2,000					-2,000
Federal payment for a National Museum of American Music and Downtown Revitalization	700					-700
United States Park Police	8,500					-8,500
Federal payment for waterfront improvements	3,000					-3,000
Federal payment for mentoring services	200					-200
Federal payment for hotline services	50					-50
Federal payment for public charter schools	15,622					-15,622
Medicare Coordinated Care Demonstration Project	3,000					-3,000
National Revitalization Financing:						
Economic Development	25,000					-25,000
Special Education	30,000					-30,000
Year 2000 Information Technology	20,000					-20,000
Infrastructure and Economic Development	50,000					-50,000
Y2K conversion emergency funding (courts)	2,249					-2,249
Y2K conversion (emergency funding)	61,800					-61,800
Total, Federal funds to the District of Columbia	683,639	393,740	429,100	429,100	436,800	-246,839
DISTRICT OF COLUMBIA FUNDS						
Operating Expenses						
Governmental direction and support	(164,144)	(174,667)	(167,356)	(167,356)	(167,356)	(+3,212)
Economic development and regulation	(159,039)	(190,335)	(190,335)	(190,335)	(190,335)	(+31,296)
Public safety and justice	(755,786)	(778,670)	(778,770)	(778,770)	(778,770)	(+22,984)
Public education system	(788,956)	(850,411)	(867,411)	(867,411)	(867,411)	(+78,455)
Human support services	(1,514,751)	(1,525,996)	(1,526,361)	(1,526,111)	(1,526,361)	(+11,610)
Public works	(266,912)	(271,395)	(271,395)	(271,395)	(271,395)	(+4,483)
Receivership Programs	(318,979)	(337,077)	(342,077)	(342,077)	(342,077)	(+23,098)
Workforce Investments		(8,500)	(8,500)	(8,500)	(8,500)	(+8,500)
Buyouts and Management Reforms			(18,000)	(18,000)	(18,000)	(+18,000)
Reserve		(150,000)	(150,000)	(150,000)	(150,000)	(+150,000)
District of Columbia Financial Responsibility and Management Assistance Authority	(7,840)	(3,140)	(3,140)	(3,140)	(3,140)	(-4,700)
Financing and other		(384,948)				
Washington Convention Center Transfer Payment	(5,400)					(-5,400)
Repayment of Loans and Interest	(382,170)		(328,417)	(328,417)	(328,417)	(-53,753)
Repayment of General Fund Recovery Debt	(38,453)		(38,286)	(38,286)	(38,286)	(-167)
Payment of Interest on Short-Term Borrowing	(11,000)		(9,000)	(9,000)	(9,000)	(-2,000)
Certificates of Participation	(7,926)		(7,950)	(7,950)	(7,950)	(+24)
Human development	(6,674)					(-6,674)
Optical and Dental Insurance payments			(1,295)	(1,295)	(1,295)	(+1,295)
Productivity Bank			(20,000)	(20,000)	(18,000)	(+18,000)
Productivity Savings			(-20,000)	(-20,000)	(-18,000)	(-18,000)
Procurement and Management Savings	(-10,000)	(-21,457)	(-21,457)	(-21,457)	(-21,457)	(-11,457)
Total, operating expenses, general fund	(4,418,030)	(4,653,682)	(4,686,836)	(4,686,836)	(4,686,836)	(+268,806)
Enterprise Funds						
Water and Sewer Authority and the Washington Aqueduct	(273,314)	(279,608)	(279,608)	(279,608)	(279,608)	(+6,294)
Lottery and Charitable Games Control Board	(225,200)	(234,400)	(234,400)	(234,400)	(234,400)	(+9,200)
Office of Cable Television	(2,108)					(-2,108)
Public Service Commission	(5,026)					(-5,026)
Office of People's Counsel	(2,501)					(-2,501)
Office of Insurance and Securities Regulation	(7,001)					(-7,001)
Office of Banking and Financial Institutions	(640)					(-640)
Sports and Entertainment Commission	(8,751)	(10,846)	(10,846)	(10,846)	(10,846)	(+2,095)
Public Benefit Corporation	(66,764)	(89,008)	(89,008)	(89,008)	(89,008)	(+22,244)

DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	H.R. 2587	H.R. 3064	H.R. 3194	H.R. 3194 vs. enacted
D.C. Retirement Board	(18,202)	(9,892)	(9,892)	(9,892)	(9,892)	(-8,310)
Correctional Industries Fund	(3,332)	(1,810)	(1,810)	(1,810)	(1,810)	(-1,522)
Washington Convention Center	(48,139)	(50,226)	(50,226)	(50,226)	(50,226)	(+2,087)
Total, Enterprise Funds	(660,978)	(675,790)	(675,790)	(675,790)	(675,790)	(+14,812)
Total, operating expenses	(5,079,008)	(5,329,472)	(5,362,626)	(5,362,626)	(5,362,626)	(+283,618)
Capital Outlay						
General fund	(1,711,161)	(1,218,638)	(1,218,638)	(1,218,638)	(1,218,638)	(-492,523)
Water and Sewer Fund		(197,169)	(197,169)	(197,169)	(197,169)	(+197,169)
Total, Capital Outlay	(1,711,161)	(1,415,807)	(1,415,807)	(1,415,807)	(1,415,807)	(-295,354)
Total, District of Columbia funds	(6,790,169)	(6,745,279)	(6,778,433)	(6,778,433)	(6,778,433)	(-11,736)
Total:						
Federal Funds to the District of Columbia	683,639	393,740	429,100	429,100	436,800	-246,839
District of Columbia funds	(6,790,169)	(6,745,279)	(6,778,433)	(6,778,433)	(6,778,433)	(-11,736)

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 2000

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - EXPORT AND INVESTMENT ASSISTANCE						
EXPORT-IMPORT BANK OF THE UNITED STATES						
Subsidy appropriation	765,000	839,000	759,000	785,000	759,000	-6,000
Emergency funding (by transfer)	(10,000)	....	....	....	....	(-10,000)
(Direct loan authorization)	(1,333,000)	(1,687,000)	(1,350,000)	(1,333,000)	(1,350,000)	(+17,000)
(Guaranteed loan authorization)	(12,702,000)	(13,825,000)	(10,400,000)	(10,500,000)	(10,400,000)	(-2,302,000)
Administrative expenses	50,000	57,000	55,000	55,000	55,000	+5,000
Y2K conversion (emergency funding)	400	....	....	....	....	-400
Negative subsidy	-25,000	-15,000	-15,000	-15,000	-15,000	+10,000
Total, Export-Import Bank of the United States	790,400	881,000	799,000	825,000	799,000	+8,600
OVERSEAS PRIVATE INVESTMENT CORPORATION						
Noncredit account:						
Administrative expenses	32,500	35,000	35,000	31,500	35,000	+2,500
Y2K conversion (emergency funding)	840	....	....	....	....	-840
Insurance fees and other offsetting collections	-260,000	-303,000	-303,000	-303,000	-303,000	-43,000
Direct loans:						
Loan subsidy	4,000	14,000	10,500	14,000	14,000	+10,000
(Loan authorization)	(136,000)	(130,000)	(85,000)	(100,000)	(130,000)	(-6,000)
Guaranteed loans:						
Loan subsidy	46,000	10,000	10,000	10,000	10,000	-36,000
(Loan authorization)	(1,750,000)	(1,000,000)	(850,000)	(1,000,000)	(1,000,000)	(-750,000)
Y2K conversion (emergency funding)	1,260	....	....	....	....	-1,260
Total, Overseas Private Investment Corporation	-175,400	-244,000	-247,500	-247,500	-244,000	-68,600
TRADE AND DEVELOPMENT AGENCY						
Trade and development agency	44,000	48,000	44,000	43,000	44,000	....
Total, title I, Export and investment assistance	659,000	685,000	595,500	620,500	599,000	-60,000
(Loan authorizations)	(15,921,000)	(16,642,000)	(12,685,000)	(12,933,000)	(12,880,000)	(-3,041,000)
TITLE II - BILATERAL ECONOMIC ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
Agency for International Development						
Child survival and disease programs fund	650,000	600,000	685,000	....	715,000	+65,000
UNICEF	....	....	....	(105,000)	(110,000)	(+110,000)
Emergency funding	50,000	....	....	....	....	-50,000
Development assistance	1,225,000	770,440	1,201,000	1,928,500	1,228,000	+3,000
Transfer out - UNICEF	....	....	....	(-105,000)	....	....
Central America and the Caribbean Emergency Disaster Recovery Fund (Emergency Funding)	621,000	....	....	....	....	-621,000
Emergency funding (transfer out)	(-17,000)	....	....	....	....	(+17,000)
Development Fund for Africa	....	512,560	....	....	....	....
International disaster assistance	200,000	220,000	200,880	175,000	202,880	+2,880
Emergency funding	188,000	....	....	....	....	-188,000
Micro & Small Enterprise Development program account:						
Subsidy appropriation	1,500	1,500	1,500	1,500	1,500	....
(Direct loan authorization)	(1,000)	....	....	....	....	(-1,000)
(Guaranteed loan authorization)	(40,000)	(30,000)	(30,000)	(40,000)	(30,000)	(-10,000)
Administrative expenses	500	500	500	500	500	....
Urban and environmental credit program account:						
Subsidy appropriation (Title VI Funding)	1,500	3,000	....	1,500	1,500	....
(Guaranteed loan authorization)	(14,000)	(26,000)	....	(14,000)	(14,000)	....
Administrative expenses	5,000	5,000	5,000	4,000	5,000	....
Development credit authority program account:						
(By transfer)	....	(15,000)	....	(7,500)	(3,000)	(+3,000)
(Guaranteed loan authorization)	....	(200,000)	....	....	(40,000)	(+40,000)
Subtotal, development assistance	2,942,500	2,113,000	2,093,880	2,111,000	2,154,380	-788,120
Payment to the Foreign Service Retirement and Disability Fund	44,552	43,837	43,837	43,837	43,837	-715
Operating expenses of the Agency for International Development	479,950	522,739	479,950	495,000	520,000	+40,050
Emergency funding (by transfer)	(8,000)	....	....	....	....	(-8,000)
Y2K conversion (emergency funding)	10,200	....	....	....	....	-10,200
Operating expenses of the Agency for International Development Office of Inspector General	30,750	25,261	25,000	25,000	25,000	-5,750
Emergency funding (by transfer)	(1,500)	....	....	....	....	(-1,500)
Total, Agency for International Development	3,507,952	2,704,837	2,642,667	2,674,837	2,743,217	-764,735

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Other Bilateral Economic Assistance						
Economic support fund	2,362,000	2,543,000	2,227,000	2,195,000	2,345,500	-16,500
Emergency funding	211,500				450,000	+238,500
Emergency funding (transfer out)	(-3,770)					(+3,770)
International Fund for Ireland	19,600		19,600		19,600	
Assistance for Eastern Europe and the Baltic States	430,000	393,000	393,000	535,000	535,000	+105,000
Emergency funding	120,000					-120,000
Assistance for the Independent States of the former Soviet Union	801,000	1,032,000	725,000	780,000	839,000	+38,000
Emergency funding	46,000					-46,000
Total, Other Bilateral Economic Assistance	3,990,100	3,968,000	3,364,600	3,510,000	4,189,100	+199,000
INDEPENDENT AGENCIES						
Inter-American Foundation						
Appropriation		22,300				
(By transfer)	(20,000)		(5,000)	(18,000)	(5,000)	(-15,000)
Total	(20,000)	(22,300)	(5,000)	(18,000)	(5,000)	(-15,000)
African Development Foundation						
Appropriation		14,400				
(By transfer)	(11,000)		(14,400)	(12,500)	(14,400)	(+3,400)
Y2K conversion (emergency funding)	137					-137
Total	(11,137)	(14,400)	(14,400)	(12,500)	(14,400)	(+3,263)
Peace Corps						
Appropriation	240,000	270,000	240,000	220,000	245,000	+5,000
Emergency funding (by transfer)	(1,769)					(-1,769)
Department of State						
International narcotics control and law enforcement	261,000	295,000	285,000	215,000	305,000	+44,000
Emergency funding	255,600					-255,600
Migration and refugee assistance	640,000	660,000	640,000	610,000	625,000	-15,000
Emergency funding	266,000					-266,000
United States Emergency Refugee and Migration Assistance Fund	30,000	30,000	30,000	20,000	12,500	-17,500
Emergency funding	165,000					-165,000
Nonproliferation, anti-terrorism, demining and related programs	198,000	231,000	181,630	175,000	216,600	+18,600
Emergency funding	20,000					-20,000
National Commission on Terrorism	840					-840
U.S. Commission on International Religious Freedom	3,000					-3,000
Total, Department of State	1,839,440	1,216,000	1,136,630	1,020,000	1,159,100	-680,340
Department of the Treasury						
International affairs technical assistance	3,000	8,500	1,500	1,500	1,500	-1,500
Debt restructuring	33,000	370,000	33,000	43,000	123,000	+90,000
Emergency funding	41,000					-41,000
United States community adjustment and investment program (Title VI Funding)	10,000	17,000			10,000	
Subtotal, Department of the Treasury	87,000	395,500	34,500	44,500	134,500	+47,500
Total, title I, Bilateral economic assistance	9,664,629	8,591,037	7,418,397	7,469,337	8,470,917	-1,193,712
Appropriations	(7,675,192)	(8,591,037)	(7,418,397)	(7,469,337)	(8,020,917)	(+345,725)
Emergency funding	(1,994,437)				(450,000)	(-1,544,437)
Rescission	(-5,000)					(+5,000)
(By transfer)	(10,230)	(15,000)	(19,400)	(38,000)	(22,400)	(+12,170)
(By transfer) (emergency appropriations)	(11,269)					(-11,269)
(Loan authorizations)	(55,000)	(256,000)	(30,000)	(54,000)	(84,000)	(+29,000)

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE III - MILITARY ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
International Military Education and Training	50,000	52,000	45,000	50,000	50,000	
Foreign Military Financing Program:						
Grants	3,330,000	3,780,000	3,470,000	3,410,000	3,420,000	+90,000
(Limitation on administrative expenses)	(29,910)	(30,000)	(30,495)	(30,000)	(30,495)	(+585)
Direct loans:						
Subsidy appropriation	20,000					-20,000
(Loan authorization)	(167,000)					(-167,000)
FMF program level	(3,497,000)	(3,780,000)	(3,470,000)	(3,410,000)	(3,420,000)	(-77,000)
Total, Foreign Military Financing	3,350,000	3,780,000	3,470,000	3,410,000	3,420,000	+70,000
Emergency Funding (Title VI)	50,000				1,375,000	+1,325,000
Special Defense Acquisition Fund:						
Offsetting collections	-19,000	-6,000	-6,000	-6,000	-6,000	+13,000
Peacekeeping operations	76,500	130,000	76,500	80,000	153,000	+76,500
Total, title III, Military assistance	3,507,500	3,956,000	3,585,500	3,534,000	4,992,000	+1,484,500
(Limitation on administrative expenses)	(29,910)	(30,000)	(30,495)	(30,000)	(30,495)	(+585)
(Loan authorization)	(167,000)					(-167,000)
TITLE IV - MULTILATERAL ECONOMIC ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
International Financial Institutions						
World Bank Group						
Contribution to the International Bank for Reconstruction and Development:						
Global Environment Facility	192,500	143,333	50,000	25,000	35,800	-156,700
Rescission	-25,000					+25,000
Subtotal, Global Environment Facility	167,500	143,333	50,000	25,000	35,800	-131,700
Contribution to the International Development Association	800,000	803,430	568,600	776,600	775,000	25,000
Title VI Funding						
Contribution to Multilateral Investment Guarantee Agency		10,000		10,000	4,000	+4,000
(Limitation on callable capital subscriptions)		(50,000)		(50,000)	(20,000)	(+20,000)
Total, World Bank Group	967,500	956,763	618,600	811,600	814,800	-152,700
Contribution to the Inter-American Development Bank:						
Paid-in capital	25,611	25,611	25,611	25,611	25,611	
(Limitation on callable capital subscriptions)	(1,503,719)	(1,503,719)	(1,503,719)	(1,503,719)	(1,503,719)	
Fund for special operations	21,152					-21,152
Contribution to the Inter-American Investment Corporation (Title VI Funding)		25,000			16,000	+16,000
Contribution to the Enterprise for the Americas Multilateral Investment Fund	50,000	28,500				-50,000
Total, contribution to the Inter-American Development Bank	96,763	79,111	25,611	25,611	41,611	-55,152
Contribution to the Asian Development Bank:						
Paid-in capital	13,222	13,728	13,728	13,728	13,728	+506
(Limitation on callable capital subscriptions)	(647,858)	(672,745)	(672,745)	(672,745)	(672,745)	(+24,887)
Contribution to the Asian Development Fund	210,000	177,017	100,000	50,000	77,000	-133,000
Total, contribution to the Asian Development Bank	223,222	190,745	113,728	63,728	90,728	-132,494
Contribution to the African Development Bank:						
Paid-in capital (Title VI Funding)		5,100		5,100	4,100	+4,100
(Limitation on callable capital subscriptions)		(80,000)			(64,000)	(+64,000)
Contribution to the African Development Fund	128,000	127,000	108,000		128,000	
Contribution to the European Bank for Reconstruction and Development:						
Paid-in capital	35,779	35,779	35,779	35,779	35,779	
(Limitation on callable capital subscriptions)	(123,238)	(123,238)	(123,238)	(123,238)	(123,238)	
Total, International Financial Institutions	1,451,264	1,394,498	901,718	941,818	1,115,018	-336,246
(Limitation on callable capital subscript)	(2,274,815)	(2,429,702)	(2,299,702)	(2,349,702)	(2,383,702)	(+108,887)

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
International Organizations and Programs						
Appropriation	187,000	293,000	167,000	170,000	183,000	-4,000
(By transfer)	(2,500)	(2,500)	(2,500)	(2,500)	(2,500)	
Total, title IV, Multilateral economic assistance	1,638,264	1,687,498	1,068,718	1,111,818	1,298,018	-340,246
Appropriations	(1,663,264)	(1,687,498)	(1,068,718)	(1,111,818)	(1,298,018)	(-365,246)
Rescission	(-25,000)					(+25,000)
(By transfer)	(2,500)	(2,500)	(2,500)	(2,500)	(2,500)	
(Limitation on callable capital subscript)	(2,274,815)	(2,429,702)	(2,299,702)	(2,349,702)	(2,383,702)	(+108,887)
TITLE VI						
FUNDS APPROPRIATED TO THE PRESIDENT						
International Monetary Programs						
Loans to International Monetary Fund	3,361,000					-3,361,000
United States Quota, International Monetary Fund	14,500,000					-14,500,000
Total, International Monetary Programs	17,861,000					-17,861,000
Grand total	33,330,393	14,919,535	12,668,115	12,735,655	15,359,935	-17,970,458
Appropriations	(31,313,456)	(14,919,535)	(12,668,115)	(12,735,655)	(13,534,935)	(-17,778,521)
Emergency appropriations	(2,046,937)				(1,825,000)	(-221,937)
Rescission	(-30,000)					(+30,000)
(By transfer)	(12,730)	(17,500)	(21,900)	(40,500)	(24,900)	(+12,170)
(By transfer) (emergency appropriations)	(21,269)					(-21,269)
(Limitation on administrative expenses)	(29,910)	(30,000)	(30,495)	(30,000)	(30,495)	(+585)
(Limitation on callable capital subscript)	(2,274,815)	(2,429,702)	(2,299,702)	(2,349,702)	(2,383,702)	(+108,887)
(Loan authorizations)	(16,143,000)	(16,898,000)	(12,715,000)	(12,987,000)	(12,964,000)	(-3,179,000)
CONGRESSIONAL BUDGET RECAP						
Total mandatory and discretionary	31,246,456	14,919,535	12,668,115	12,735,655	13,534,935	-17,711,521
Mandatory	44,552	43,837	43,837	43,837	43,837	-715
Discretionary	31,201,904	14,875,698	12,624,278	12,691,818	13,491,098	-17,710,806

MISCELLANEOUS APPROPRIATIONS (H.R.3425)
(Amounts in thousands)

	Conference
TITLE I - EMERGENCY SUPPLEMENTAL APPROPRIATIONS	
CHAPTER 1	
DEPARTMENT OF AGRICULTURE	
Farm Service Agency:	
Agricultural Credit Insurance Fund Program Account:	
Loan authorizations:	
Farm ownership loans:	
Direct	(21,951)
Guaranteed	(568,627)
Subtotal	(590,578)
Farm operating loans:	
Direct	(400,000)
Guaranteed unsubsidized	(302,158)
Guaranteed subsidized	(702,558)
Subtotal	(1,404,716)
Emergency disaster loans	(547,000)
Total, Loan authorizations	(2,542,294)
Loan subsidies:	
Farm ownership loans:	
Direct (contingent emergency appropriations)	828
Guaranteed (contingent emergency appropriations)	3,184
Subtotal	4,012
Farm operating loans:	
Direct (contingent emergency appropriations)	23,441
Guaranteed unsubsidized (contingent emergency appropriations)	4,260
Guaranteed subsidized (contingent emergency appropriations)	61,895
Subtotal	89,596
Emergency disaster loans (contingent emergency appropriations)	84,949
Total, Agricultural Credit Insurance Fund Program Account	178,557
Emergency conservation program (contingent emergency appropriations)	50,000
Total, Farm Service Agency	228,557
Commodity Credit Corporation Fund:	
Crop loss assistance (contingent emergency appropriations)	186,000
Specialty crop assistance (contingent emergency appropriations)	2,800
Livestock assistance (contingent emergency appropriations)	10,000
Total, Commodity Credit Corporation Fund	198,800
Natural Resources Conservation Service:	
Watershed and flood prevention operations (contingent emergency appropriations)	80,000
Rural Housing Service:	
Rural Housing Insurance Fund Program Account:	
Loan authorizations:	
Single family (sec. 502)	(50,000)
Housing repair (sec. 504)	(15,000)
Farm labor (sec. 514)	(5,000)
Subtotal	(70,000)
Loan subsidies:	
Single family (sec. 502) (contingent emergency appropriations)	4,265
Housing repair (sec. 504) (contingent emergency appropriations)	4,584
Farm labor (sec. 514) (contingent emergency appropriations)	2,250
Total, Rural Housing Insurance Fund Program Account	11,099
Rural housing assistance grants (contingent emergency appropriations)	14,500
Total, Rural Housing Service	25,599
General Provisions	
Noninsured crop disaster assistance program (contingent emergency appropriations) (sec. 101)	20,000
Total, title I:	
New budget (obligational) authority	552,956
(Loan authorization)	(2,612,294)

MISCELLANEOUS APPROPRIATIONS (H.R.3425) — continued

(Amounts in thousands)

	Conference
TITLE II - OTHER APPROPRIATIONS MATTERS	
Department of Agriculture:	
Citrus canker/tree replacement (sec. 204)	16,000
Crop insurance pilot programs (sec. 205)	1,000
Harney County losses (sec. 207)	1,090
Tillamook Railroad disaster repairs (sec. 208)	5,000
Department of Defense:	
Operation and Maintenance, Army: Army readiness ennancements (sec. 218)	100,000
Operation and Maintenance, Defense-wide: Washington Square project (by transfer) (sec. 219)	(500)
Department of the Interior:	
United States Fish and Wildlife Service: Land and water conservation fund (sec. 222)	1,250
Legislative Branch:	
Payments to Widows and Heirs of Deceased Members of Congress: Gratuities, deceased Members (sec. 223)	137
Department of Transportation:	
Federal Transit Administration: Capital investment grants (Highway Trust Fund, Mass Transit Account): Buses and bus-related facilities (sec. 225)	6,000
Federal Railroad Administration: Pennsylvania Station redevelopment project (advance appropriations) (sec. 232)	60,000
General Services Administration:	
Extension of no-cost land conveyances (sec. 233)	2,000
Executive Office of the President:	
Office of National Drug Control Policy (sec. 237)	3,000
Department of the Treasury:	
United States Secret Service: Salaries and expenses (sec. 240)	10,000
(By transfer) (sec. 240)	(21,000)
Total, title II:	
New budget (obligational) authority	205,477
Appropriations	(145,477)
Advance appropriations	(60,000)
(By transfer)	(21,500)
(Loan authorization)	(2,612,294)
Grand total, all titles:	
New budget (obligational) authority	758,433
Appropriations	(145,477)
Contingent emergency appropriations	(552,956)
Advance appropriations	(60,000)
(By transfer)	(21,500)
(Loan authorization)	(2,612,294)

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Missouri (Mr. GEPHARDT), the honorable minority leader.

Mr. GEPHARDT. Mr. Speaker, I want to thank the Members of the Committee on Appropriations on both sides of the aisle for tremendous long hours and hard work. I want to thank all of the Members of the President's staff for the work that they did in trying to bring this to a successful conclusion.

Mr. Speaker, this has been an imperfect process, and this is an imperfect bill. But on balance, it has more to recommend it than not, and I will support its final passage. Procedurally, this bill repeats many of the same mistakes that were made last fall by the leadership. Despite the promises of the Speaker last January, once again we have a bill that was not done on time and was not done in regular order. We have an omnibus bill that reflects a "kitchen sink" approach to governing and, once again, Members did not have adequate time to read the bill to understand all of its provisions.

On the substance of the bill, I am disappointed over the family planning provision that was contained and attached to the U.N. funding. I do not think it is the right thing to do. And I am upset that we failed to include a hate crimes provision in this bill, and I think we had a chance to do that.

But on balance, this budget is an overall victory for our priorities. The President and Democrats in Congress hung together in support of an agreement that has made a real commitment to the priorities that we feel are critical to the continued health and well-being of America's families. Once again, as we did lasted fall in our negotiations with Speaker Gingrich, we snatched a modest victory out of a misguided Republican budget process that cared more about providing a tax cut for the wealthy and corporate special interests than about doing the right thing for average Americans.

We achieved a big win for our efforts to educate our children for the challenges of the next century. This bill contains funding for 100,000 new, qualified teachers to reduce class size and increase discipline and accountability in America's classrooms. I am very happy that that priority has been recognized in this budget.

It makes a strong commitment to after-school programs to keep kids off the street and in safe and productive environments until they go home. And it advances us substantially on our goal towards getting 1 million children included in Head Start finally in this country, and I am very happy that that priority has been advanced.

We achieved a big win in the effort to fight crime. This budget will allow local police departments to hire an additional 50,000 officers over and above the 100,000 that have already been hired to continue our progress in making our neighborhoods safe.

Mr. Speaker, we achieved a big win for the environment by stripping out the most extreme Republican anti-environmental provisions that were sneaked into the back door of this budget.

But for all we have accomplished in this bill, this Congress has this year failed the American people. Despite the progress we made in the last several weeks on behalf of these priorities, we have not done enough on the agenda of the American people. And instead of doing the people's business, we squandered at least 2 months debating a failed trillion dollar tax cut for the wealthy and special interests.

Despite the chest beating, the button wearing and the commercial airing of the Republicans, this Congress failed to extend the life of Social Security by 1 day. We have done nothing to provide a prescription drug benefit for seniors to modernize Medicare to meet their current needs. We failed to enact key bipartisan reform efforts, the Patients' Bill of Rights, and the Shays-Meehan campaign reform bill into law.

We dropped the ball, and we lost a real opportunity to modernize our health care system once and for all. And we did not help low-income families get a step up into the middle-class with a minimum wage increase. We did not strike a blow against violence in our schools and our playgrounds by passing common sense gun safety legislation.

Our work, in short, is not finished. In many ways, it has not even yet begun. We intend to be back here in January ready and prepared to fight for the priorities and the agenda of the American people. And I simply say to our friends on the other side of the aisle, we have achieved a certain level of agreement here today on some important priorities. I am glad for that, and I thank them for their help in bringing that about.

Mr. Speaker, in that same spirit of can-do, I say to our friends in the Republican Party today: let us continue to work together next year. Let us get a Patients' Bill of Rights that really gets the job done. Let us get campaign reform. Let us get something done on gun safety. Let us pass a minimum wage increase. Let us get Medicare reform. Let us extend the solvency of Social Security. Let us get a prescription drug benefit for our senior citizens. If we could do this, we can do that, and the American people would be very happy for it.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. ARMEY), the majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Florida (Mr. YOUNG) for yielding me this time. Let me just say, Mr. Speaker, I believe this is a very, very proud moment for this body. To think that we could in just these few short years move ourselves from where we had been in 1994, perpetual debt as much as $250 billion a year for as long as anybody could see to the point where with this budget deal we will consummate and finalize forever an end to the raid on Social Security.

Beginning in 1998, fiscal year 1999, and now with this budget agreement in fiscal year 2000, we will have retired a third of a trillion dollars' worth of debt for the American people. We will have stopped the raid on Social Security forever. We will have enforced this with an across-the-board spending reduction that acknowledges truly it is time now to be disciplined to eliminate waste, inefficiency, fraud in the use of the taxpayers' dollars. A new commitment of good government in government.

□ 1600

Then when we start looking at the details, some of the things we did in education to bring a real opportunity for the schools that serve the children better, and for those children in the most desperate of economic circumstances in their families who find themselves with the most desperate of situations in their schools, to actually have the opportunity now in this bill for public school choice is a wonderful new break, through reinforcing the consistent pattern of this year of providing respect for local communities as they manage their schools, providing greater opportunity to use the resources provided through the Federal Government for better management, better performance on the school on behalf of the children. It is just another good example of the good work we have done.

So I say to our colleagues, we saw the opportunity that was presented to us to stop the raid and to write good policy on education and defense and any number of ways. We seized the opportunity, and we saw it through, and today is the day.

Let us vote it through, and let us go home and enjoy the results with our schools, our communities, our families, and our constituents.

I say to everyone congratulations, and I thank all of my colleagues for their long, hard work. I know we are all tired at this time of the year, but we all should have such a sense of gratification. We did the right thing, and we did it well.

Mr. OBEY. Mr. Speaker, I yield 1 minutes to the gentleman from Michigan (Mr. BONIOR), the distinguished minority whip.

Mr. BONIOR. Mr. Speaker, I share the views of the gentleman from Missouri (Mr. GEPHARDT), my leader, with respect to the process in which we have been engaged. Seven weeks late on a budget, and of course this budget is minus many important issues that he enumerated: Nothing for Social Security solvency, nothing on Medicare reform, nothing on prescription drugs, nothing on Patients' Bill of Rights, nothing on the minimum wage.

We, indeed, have not done the people's work, and we have squandered a good deal of our time debating a tax bill that did not meet the approval of the American public.

But the bill that we have before us today does have some good features in it. It is with that in mind that I rise in support of it. It is a victory, first of all, for our children because it provides funding to hire and train 100,000 new teachers and dramatically expand the after-school program.

It is a budget victory, in a sense, for public safety because it provides funding to hire and train 50,000 police officers to patrol our streets and neighborhoods and keep our children safe in school.

Third, this budget is a victory for the environment because it increases funding to protect our clean water, to preserve community parks and forests and historic sites through the Lands Legacy Program, and to fight the congestion and pollution that threaten our quality of life of our constituents.

The fourth issue that I would mention here this afternoon is in the foreign policy area. This provides the resources to move the Mideast peace process forward, providing resources for the Israelis, the Palestinians, and the Jordanians. I think that moves on successes that we have had in the past.

This year, Federal funding allows schools in my congressional district Macomb and St. Clair Counties in Michigan to hire 60 new teachers. What that has done is it has translated into smaller classes, greater discipline, more learning, higher academic performance. This is an investment in our future, and it is an investment that will pay dividends in years to come.

This year's budget also provides funding to enable 675,000 students to participate in the after-school program where they can mentor with seniors and other adults working in athletic and crafts and the computer rooms and the libraries and all the things that are necessary to keep them safe in a safe environment after school, to help them mentor in a way in which they can learn the respect of their elders and work with their elders and learn the skills of those who have gone before them.

Programs like the Kids Klub in Macomb and St. Clair Counties will directly benefit from this budget and will help young people set off on the right foot.

This budget will also help keep our families safe through the hiring of 50,000 new police officers. As with the teacher initiative, this builds on our past successes.

Because of Federal funding, 85 extra officers patrol in my district today. That makes people safer in their homes and their businesses, and serves as a strong deterrent to would-be criminals. It also makes our students strong in their places of education.

So, Mr. Speaker, let me just conclude by saying that I am very pleased that we Democrats were able to strip some of these environmental riders from the bill, protecting the environment, protecting the budget process itself. We have done good things for education. We have done good things to protect our communities in terms of its safety with the addition of the police officers. We have done the responsible thing to move peace forward in foreign lands.

So for these reasons, for our children, for our communities, for our environment, for our international responsibilities and obligations, I am voting yes on this budget.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. Mr. Speaker, I want to congratulate the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, on an outstanding performance in bringing this bill to the floor and finalizing the budget process. This chairman of the Committee on Appropriations and the chairmen of the subcommittees have done an outstanding job.

I rise in support of this bill, but more importantly, I rise to set the record straight. The Republican majority in Congress has redefined the way that budgets are crafted. In so doing, we have set the Nation down the path to fiscal responsibility.

When I ran for office the first time, I ran because I found a situation where we were running up the debt on my children and my grandchildren and no one wanting to pay down the debt; that we had budgets that ran deficits as far as the eye could see and no one trying to balance the budget; that we had a situation where we raised surpluses in the Social Security Trust Fund so that we could spend the money on big government programs.

I ran for office and never really thought that I would be standing before my colleagues today very, very proud of the work of this House over the last 5 years. At this time, it is important for everyone to reflect on how far we have come.

When Republicans took control 5 years ago, we pledged that we would change the scope of government; and we are delivering on that promise, going down the line of issues that are important in this country. The fact is unavoidable that this Congress has been an overwhelming success.

Even when people would like to rewrite recent history, this is the first time in my 15-year career that we put 13 appropriations bills on the desk of the President. He signed eight of them and vetoed five because there was not enough spending to suit him.

We negotiated each bill individually. This is not an omnibus bill. Each bill was negotiated individually, and each authorizing bill that is in this package has been voted on by this House.

We have rebuilt our military after years of neglect. We took significant power over education away from the Federal Government, returned it to the States. We tried to cut waste by just suggesting a 1 percent across-the-board cut. Incredibly, the Democrats maintain that a measly 1 percent of waste could not be found in the Federal Government. Well, even the President eventually agreed with us. Now we have an across-the-board spending cut.

We have stopped the raid on Social Security. We have balanced the budget for the second time in 50 years without raising a dime of taxes to do it. We are paying down the debt, $99 billion last year. We will, next year, pay $130 billion down on our children's debt.

Mr. Speaker, this bill is the last step in a very successful budget season. We have worked hard to balance the budget and pay down the debt without raising taxes or raiding Social Security. The hard work has paid off. Vote for this bill.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I would like to encourage my colleagues to vote against this. It is not necessarily that it is an entirely bad bill. But a year ago right now, all of us went around our respective districts and asked for the opportunity to spend the people's money wisely.

The problem that I have with this bill is that, for the next 3 weeks, The Washington Post, the Washington Times, the New York Times are going to be running a series of articles every day of what was in this bill, and one is not going to know it was there. But one is going to have to tell one's constituents, well, gosh, I did not know that money for a fleet buyout in Alaska was there or for a wood lot in North Carolina was there or for all the other silly things.

I encourage my Republican colleagues to vote against it because many of them ran against Goals 2000. Yet, there is $491 million for Goals 2000 in here. Many of them said they were against the Department of Commerce. Well, it has got a $3.6 billion increase, but they call it emergency because it has got money for the census that apparently no one knew was coming even though the Constitution says we are going to do it every 10 years.

But more than everything else, I think my colleagues are playing a shell game with the men and women of the

United States military. Everyone was real proud a couple weeks ago when they said we increased the defense budget. Well, today, my colleagues are cutting it back by $1 billion. $1 billion.

To make matters worse, those troops who are already underpaid, who got a minuscule pay raise just a few weeks ago, my colleagues are now telling them we are going to delay the time they are paid. Now, for a Congressman, we make pretty good money. Getting paid a day or two later really should not affect us. But when one is an E–1, E–5, O–1, O–2, and one is just barely getting by, to move payday back, in many instances, is the difference between them being able to buy diapers for their kids or one can put food on the table.

It is not right. We should not do it. If it takes us waiting a couple more days to do it right, then I encourage us to do so.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2¼ minutes to the distinguished gentleman from Ohio (Mr. REGULA), chairman of the Subcommittee on the Interior.

Mr. REGULA. Mr. Speaker, Webster defines "perfect" as being without fault or flawless. He defines "good" as being praiseworthy, useful, or beneficial.

Well, the document before us is not perfect under Webster's definition. It abundantly does fit Webster's definition of good. It is praiseworthy. It is useful. It is beneficial.

In the conference report, we have modified a number of the riders. I believe many of my colleagues will be pleased with our changes. Most importantly, they are fair. I am especially pleased with this report as it continues our commitment to the American people in protecting the environment, in providing for our national parks, forests, wildlife refuges, and public lands, as well as our cultural resources.

As the gentleman from Michigan (Mr. BONIOR) said, this bill is a victory for the environment. It is a bill that will provide pride in America's heritage, not only now, but far into the future. I think it is something we all could take pride in.

I urge each of my colleagues to support the bill.

Mr. Speaker, I yield to the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) for a colloquy.

Mrs. CHENOWETH-HAGE. Mr. Speaker, I would like to ask the gentleman from Ohio (Mr. REGULA), chairman of the Subcommittee on Interior, to clarify some matters concerning the President's so-called American Heritage Rivers initiative that concerns the Interior and related agencies portion of the appropriations act.

Is it the understanding of the gentleman from Ohio (Mr. REGULA) that there is nothing in his bill that authorizes the American Heritage Rivers initiative?

Mr. REGULA. Yes, Mr. Speaker, I would like to clarify that matter. There is no language whatsoever in the Interior portion that provides an authorization for the American Heritage Rivers initiative.

Mrs. CHENOWETH-HAGE. Mr. Speaker, in addition, is it true that there is no separate appropriation for the American Heritage Rivers initiative in the Interior portion of the bill?

Mr. REGULA. Yes, Mr. Speaker, it is true there is no appropriation for the American Heritage Rivers initiative in the appropriations act.

Mrs. CHENOWETH-HAGE. Mr. Speaker, it is clear that there is no appropriations, nor authorization, but on their insistence on spending money on this unauthorized and unappropriated initiative, how have you instructed the Forest Service managers in this?

□ 1615

Mr. REGULA. There is no such authorization or appropriation, Mr. Speaker. The statement of the managers provides a limitation on spending for the Forest Service for purposes related to designated American Heritage Rivers.

This is not an appropriation, but provides the maximum that may be spent. It is language of limitation on what can be spent from existing funds.

Mr. Speaker, Webster defines "perfect" as being without fault, or flawless. He defines "good" as praiseworthy, useful or beneficial. While the document before you is not perfect under Webster's definition, it abundantly does fit Webster's definition of good.

In this new conference report we have modified a number of the riders and I believe that many of you will be pleased with our changes. Most importantly they are fair.

I am especially pleased with this conference report, as it continues our commitment to the American people in protecting the environment and in providing for our national parks, forests, wildlife refuges and public lands, as well as our cultural resources. As the gentleman from Michigan said, "This bill is a victory for the environment to the State of Florida." I urge you to support this new bill.

At this point Mr. Speaker, I would like to insert into the RECORD a table detailing the various accounts in the bill. It is a bill that will provide pride in America's heritage not only now but far into the future.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2000

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Management of lands and resources	612,511	641,100	631,068	634,321	646,218	+33,707
Wildland fire management	286,895	305,850	292,399	283,805	292,282	+5,387
Central hazardous materials fund	10,000	11,350	10,000	10,000	10,000	....
Construction	10,997	8,350	11,100	12,418	11,425	+428
Payments in lieu of taxes	125,000	125,000	145,000	135,000	135,000	+10,000
Land acquisition	14,600	48,900	15,000	17,400	15,500	+900
Oregon and California grant lands	97,037	101,650	99,225	99,225	99,225	+2,188
Range improvements (indefinite)	10,000	10,000	10,000	10,000	10,000	....
Service charges, deposits, and forfeitures (indefinite)	8,055	8,800	8,800	8,800	8,800	+745
Miscellaneous trust funds (indefinite)	8,800	7,700	7,700	7,700	7,700	-1,100
Total, Bureau of Land Management	1,183,895	1,268,700	1,230,292	1,218,669	1,236,150	+52,255
United States Fish and Wildlife Service						
Resource management	661,136	724,000	710,700	684,569	716,046	+54,910
Construction	50,453	43,569	43,933	40,434	54,583	+4,130
Emergency appropriations	37,612	....	....	....	....	-37,612
Land acquisition	48,024	73,632	42,000	56,444	50,513	+2,489
Cooperative endangered species conservation fund	14,000	80,000	15,000	21,480	23,000	+9,000
National wildlife refuge fund	10,779	10,000	10,779	10,000	10,779	....
North American wetlands conservation fund	15,000	15,000	15,000	15,000	15,000	....
Wildlife conservation and appreciation fund	800	800	800	800	800	....
Multinational species conservation fund	2,000	3,000	2,000	2,400	2,400	+400
Commercial salmon fishery capacity reduction	....	....	....	....	5,000	+5,000
Total, United States Fish and Wildlife Service	839,804	950,001	840,212	831,127	878,121	+38,317
National Park Service						
Operation of the national park system	1,285,604	1,389,627	1,387,307	1,355,176	1,365,059	+79,455
Emergency appropriations	2,320	....	....	....	....	-2,320
National recreation and preservation	46,225	48,336	49,449	51,451	53,899	+7,674
Historic preservation fund	72,412	80,512	46,712	42,412	75,212	+2,800
Construction	226,058	194,000	169,856	223,153	225,493	-565
Emergency appropriations	13,680	....	....	....	....	-13,680
Land and water conservation fund (rescission of contract authority)	-30,000	-30,000	-30,000	-30,000	-30,000	....
Land acquisition and state assistance	147,925	172,468	132,000	107,725	120,700	-27,225
Conservation grants and planning assistance	....	200,000	....	....	....	....
Urban park and recreation fund	....	4,000	....	....	....	....
Total, National Park Service (net)	1,764,224	2,058,943	1,755,324	1,749,917	1,810,363	+46,139
United States Geological Survey						
Surveys, investigations, and research	797,896	838,485	820,444	813,093	823,833	+25,937
Emergency appropriations	1,000	....	....	....	....	-1,000
Minerals Management Service						
Royalty and offshore minerals management	217,902	234,082	234,082	234,682	234,682	+16,780
Additions to receipts	-100,000	-124,000	-124,000	-124,000	-124,000	-24,000
Oil spill research	6,118	6,118	6,118	6,118	6,118	....
Total, Minerals Management Service	124,020	116,200	116,200	116,800	116,800	-7,220
Office of Surface Mining Reclamation and Enforcement						
Regulation and technology	93,078	94,391	95,693	95,891	95,891	+2,813
Receipts from performance bond forfeitures (indefinite)	275	275	275	275	275	....
Subtotal	93,353	94,666	95,968	96,166	96,166	+2,813
Abandoned mine reclamation fund (definite, trust fund)	185,416	211,158	196,458	185,658	196,208	+10,792
Total, Office of Surface Mining Reclamation and Enforcement	278,769	305,824	292,426	281,824	292,374	+13,605
Bureau of Indian Affairs						
Operation of Indian programs	1,584,124	1,694,387	1,631,050	1,633,296	1,670,444	+86,320
Construction	123,421	174,258	126,023	146,884	169,884	+46,463
Indian land and water claim settlements and miscellaneous payments to Indians	28,882	28,401	25,901	27,131	27,256	-1,626
Indian guaranteed loan program account	5,001	5,008	5,008	5,004	5,008	+7
(Limitation on guaranteed loans)	(59,682)	(59,682)	(59,682)	(59,682)	(59,682)	....
Indian land consolidation pilot	5,000	....	....	....	....	-5,000
Total, Bureau of Indian Affairs	1,746,428	1,902,054	1,787,982	1,812,315	1,872,592	+126,164

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2000—continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Departmental Offices						
Insular Affairs:						
Assistance to Territories	38,455	40,355	34,600	39,605	42,451	+3,996
Northern Marianas Islands Covenant	27,720	27,720	27,720	27,720	27,720	
Subtotal, Assistance to Territories	66,175	68,075	62,320	67,325	70,171	+3,996
Compact of Free Association	8,930	8,545	8,545	8,545	8,545	-385
Mandatory payments	12,000	12,000	12,000	12,000	12,000	
Subtotal, Compact of Free Association	20,930	20,545	20,545	20,545	20,545	-385
Total, Insular Affairs	87,105	88,620	82,865	87,870	90,716	+3,611
Departmental management	64,686	63,064	62,864	62,203	62,864	-1,822
Y2K conversion (emergency appropriations)	80,347					-80,347
Office of the Solicitor	36,784	41,500	36,784	36,784	40,196	+3,412
Office of Inspector General	25,486	27,614	26,086	26,614	26,086	+600
Office of the Special Trustee for American Indians	61,299	90,025	90,025	73,836	90,025	+28,726
Indian land consolidation pilot		10,000	5,000	5,000	5,000	+5,000
Natural resource damage assessment fund	4,492	7,900	5,400	4,621	5,400	+908
Management of Federal lands for subsistence uses	8,000					-8,000
Glacier Bay fishing (emergency appropriations)	26,000					-26,000
Total, Departmental Offices	394,199	326,723	309,024	296,928	320,287	-73,912
Total, title I, Department of the Interior:						
New budget (obligational) authority (net)	7,130,235	7,768,930	7,151,904	7,120,673	7,350,520	+220,285
Appropriations	(6,999,276)	(7,798,930)	(7,181,904)	(7,150,673)	(7,380,520)	(+381,244)
Emergency appropriations	(160,959)					(-160,959)
Rescissions	(-30,000)	(-30,000)	(-30,000)	(-30,000)	(-30,000)	
(Limitation on guaranteed loans)	(59,682)	(59,682)	(59,682)	(59,682)	(59,682)	
TITLE II—RELATED AGENCIES						
DEPARTMENT OF AGRICULTURE						
Forest Service						
Forest and rangeland research	197,444	234,644	204,373	187,444	202,700	+5,256
State and private forestry	170,722	252,422	181,464	190,793	202,534	+31,812
National forest system	1,298,570	1,357,178	1,254,434	1,239,051	1,269,504	-29,066
Wildland fire management	560,176	560,730	561,354	560,980	561,354	+1,178
Emergency appropriations	102,000	90,000		90,000	90,000	-12,000
Reconstruction and maintenance	297,352	295,000	396,602	362,095	398,927	+101,575
Emergency appropriations	5,611					-5,611
Land acquisition	117,918	118,000	1,000	36,370	79,575	-38,343
Acquisition of lands for national forests special acts	1,069	1,069	1,069	1,069	1,069	
Acquisition of lands to complete land exchanges (indefinite)	210	210	210	210	210	
Range betterment fund (indefinite)	3,300	3,300	3,300	3,300	3,300	
Gifts, donations and bequests for forest and rangeland research	92	92	92	92	92	
Southeast Alaska economic disaster fund					22,000	+22,000
Management of Federal lands for subsistence uses	3,000					-3,000
Total, Forest Service	2,757,464	2,912,645	2,603,898	2,671,404	2,831,265	+73,801
DEPARTMENT OF ENERGY						
Clean coal technology:						
Deferral	-40,000	-256,000	-256,000	-156,000	-156,000	-116,000
Fossil energy research and development	384,056	340,000	256,292	366,975	395,025	+10,969
Biomass energy development (by transfer)		(24,000)	(24,000)	(24,000)	(24,000)	(+24,000)
Alternative fuels production (indefinite)	-1,300	-1,000	-1,000	-1,000	-1,000	+300
Naval petroleum and oil shale reserves	14,000					-14,000
Elk Hills school lands fund	36,000	36,000	36,000			-36,000
Energy conservation	691,701	812,515	706,822	658,817	720,242	+28,541
Biomass energy development (by transfer)		(25,000)	(25,000)	(25,000)	(25,000)	(+25,000)
Economic regulation	1,801	2,000	2,000	2,000	2,000	+199
Strategic petroleum reserve	160,120	159,000	146,000	159,000	159,000	-1,120
SPR petroleum account		5,000				
Energy Information Administration	70,500	72,644	72,644	70,500	72,644	+2,144
Total, Department of Energy:						
New budget (obligational) authority (net)	1,316,878	1,170,159	962,758	1,101,292	1,191,911	-124,967
Appropriations	(1,356,878)	(1,426,159)	(1,218,758)	(1,257,292)	(1,347,911)	(-8,967)
Deferral	(-40,000)	(-256,000)	(-256,000)	(-156,000)	(-156,000)	(-116,000)
(By transfer)		(49,000)	(49,000)	(49,000)	(49,000)	(+49,000)

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2000— continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Indian Health Service						
Indian health services	1,950,322	2,094,922	2,085,407	2,138,001	2,078,967	+128,645
Indian health facilities	291,965	317,465	312,478	189,252	318,580	+26,615
Total, Indian Health Service	2,242,287	2,412,387	2,397,885	2,327,253	2,397,547	+155,260
OTHER RELATED AGENCIES						
Office of Navajo and Hopi Indian Relocation						
Salaries and expenses	13,000	14,000	13,400	8,000	8,000	-5,000
Institute of American Indian and Alaska Native Culture and Arts Development						
Payment to the Institute	4,250	4,250		4,250	2,125	-2,125
Smithsonian Institution						
Salaries and expenses	347,154	380,501	371,501	367,062	372,901	+25,747
Construction and improvements, National Zoological Park	4,400			4,400		-4,400
Repair and restoration of buildings	40,000	47,900	47,900	35,000	47,900	+7,900
Construction	16,000	19,000	19,000	19,000	19,000	+3,000
Y2K conversion (emergency appropriations)	4,700					-4,700
Total, Smithsonian Institution	412,254	447,401	438,401	425,462	439,801	+27,547
National Gallery of Art						
Salaries and expenses	57,938	61,438	61,538	61,438	61,538	+3,600
Repair, restoration and renovation of buildings	6,311	6,311	6,311	6,311	6,311	
Y2K conversion (emergency appropriations)	101					-101
Total, National Gallery of Art	64,350	67,749	67,849	67,749	67,849	+3,499
John F. Kennedy Center for the Performing Arts						
Operations and maintenance	12,187	14,000	12,441	14,000	14,000	+1,813
Construction	20,000	20,000	20,000	20,000	20,000	
Total, John F. Kennedy Center for the Performing Arts	32,187	34,000	32,441	34,000	34,000	+1,813
Woodrow Wilson International Center for Scholars						
Salaries and expenses	5,840	6,040	7,040	6,040	6,790	+950
National Foundation on the Arts and the Humanities						
National Endowment for the Arts						
Grants and administration	83,500	137,000	83,500	90,000	85,000	+1,500
Matching grants	14,500	13,000	14,500	13,000	13,000	-1,500
Total, National Endowment for the Arts	98,000	150,000	98,000	103,000	98,000	
National Endowment for the Humanities						
Grants and administration	96,800	129,800	96,800	101,000	101,000	+4,200
Matching grants	13,900	20,200	13,900	14,700	14,700	+800
Total, National Endowment for the Humanities	110,700	150,000	110,700	115,700	115,700	+5,000
Institute of Museum and Library Services/ Office of Museum Services						
Grants and administration	23,405	34,000	24,400	23,905	24,400	+995
Total, National Foundation on the Arts and the Humanities	232,105	334,000	233,100	242,605	238,100	+5,995
Commission of Fine Arts						
Salaries and expenses	898	1,078	935	1,078	1,005	+107
National Capital Arts and Cultural Affairs						
Grants	7,000	6,000	7,000	7,000	7,000	
Advisory Council on Historic Preservation						
Salaries and expenses	2,800	3,000	3,000	2,906	3,000	+200
National Capital Planning Commission						
Salaries and expenses	5,954	6,312	6,312	6,312	6,312	+358
Y2K conversion (emergency appropriations)	381					-381

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
United States Holocaust Memorial Council						
Holocaust Memorial Council	32,107	33,786	33,286	33,286	33,286	+1,179
Y2K conversion (emergency appropriations)	900					-900
Emergency appropriations	2,000					-2,000
Total, United States Holocaust Memorial Council	35,007	33,786	33,286	33,286	33,286	-1,721
Presidio Trust						
Presidio trust fund	34,913	44,400	44,400	44,400	44,400	+9,487
Total, title II, related agencies:						
New budget (obligational) authority (net)	7,167,568	7,497,207	6,851,705	6,983,037	7,312,391	+144,823
Appropriations	(7,091,875)	(7,663,207)	(7,107,705)	(7,049,037)	(7,378,391)	(+286,516)
Emergency appropriations	(115,693)	(90,000)		(90,000)	(90,000)	(-25,693)
Deferral	(-40,000)	(-256,000)	(-256,000)	(-156,000)	(-156,000)	(-116,000)
(By transfer)		(49,000)	(49,000)	(49,000)	(49,000)	(+49,000)
TITLE III						
Across-the-board cut in Floor action			-69,000	-48,000		
TITLE V						
United Mine Workers of America combined benefit fund (emergency appropriations)					68,000	+68,000
TITLE VI						
Priority land acquisitions and exchanges					197,500	+197,500
Grand total:						
New budget (obligational) authority (net)	14,297,803	15,266,137	13,934,609	14,055,710	14,928,411	+630,608
Appropriations	(14,091,151)	(15,462,137)	(14,220,609)	(14,151,710)	(14,956,411)	(+865,260)
Emergency appropriations	(276,652)	(90,000)		(90,000)	(158,000)	(-118,652)
Rescissions	(-30,000)	(-30,000)	(-30,000)	(-30,000)	(-30,000)	
Deferral	(-40,000)	(-256,000)	(-256,000)	(-156,000)	(-156,000)	(-116,000)
(By transfer)		(49,000)	(49,000)	(49,000)	(49,000)	(+49,000)
(Limitation on guaranteed loans)	(59,682)	(59,682)	(59,682)	(59,682)	(59,682)	
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management	1,183,895	1,268,700	1,230,292	1,218,669	1,236,150	+52,255
United States Fish and Wildlife Service	839,804	950,001	840,212	831,127	878,121	+38,317
National Park Service	1,764,224	2,058,943	1,755,324	1,749,917	1,810,363	+46,139
United States Geological Survey	798,896	838,485	820,444	813,093	823,833	+24,937
Minerals Management Service	124,020	116,200	116,200	116,800	116,800	-7,220
Office of Surface Mining Reclamation and Enforcement	278,769	305,824	292,428	281,824	292,374	+13,605
Bureau of Indian Affairs	1,746,428	1,902,054	1,787,962	1,812,315	1,872,592	+126,164
Departmental Offices	394,199	328,723	309,024	296,928	320,287	-73,912
Total, Title I - Department of the Interior	7,130,235	7,768,930	7,151,904	7,120,673	7,350,520	+220,285
TITLE II - RELATED AGENCIES						
Forest Service	2,757,464	2,912,645	2,603,898	2,671,404	2,831,265	+73,801
Department of Energy	1,316,878	1,170,159	962,758	1,101,292	1,191,911	-124,967
Indian Health Service	2,242,287	2,412,387	2,397,885	2,327,253	2,397,547	+155,260
Office of Navajo and Hopi Indian Relocation	13,000	14,000	13,400	8,000	8,000	-5,000
Institute of American Indian and Alaska Native Culture and Arts Development	4,250	4,250		4,250	2,125	-2,125
Smithsonian Institution	412,254	447,401	436,401	425,462	439,801	+27,547
National Gallery of Art	64,350	67,749	67,849	67,749	67,849	+3,499
John F. Kennedy Center for the Performing Arts	32,187	34,000	32,441	34,000	34,000	+1,813
Woodrow Wilson International Center for Scholars	5,840	6,040	7,040	6,040	6,790	+950
National Endowment for the Arts	98,000	150,000	98,000	103,000	98,000	
National Endowment for the Humanities	110,700	150,000	110,700	115,700	115,700	+5,000
Institute of Museum and Library Services	23,405	34,000	24,400	23,905	24,400	+995
Commission of Fine Arts	898	1,078	936	1,078	1,005	+107
National Capital Arts and Cultural Affairs	7,000	6,000	7,000	7,000	7,000	
Advisory Council on Historic Preservation	2,800	3,000	3,000	2,906	3,000	+200
National Capital Planning Commission	6,335	6,312	6,312	6,312	6,312	-23
Holocaust Memorial Council	35,007	33,786	33,286	33,286	33,286	-1,721
Presidio Trust	34,913	44,400	44,400	44,400	44,400	+9,487
Total, Title II - Related Agencies	7,167,568	7,497,207	6,851,705	6,983,037	7,312,391	+144,823
TITLE III						
Across-the-board cut in Floor action			-69,000	-48,000		
TITLE V						
United Mine Workers of America combined benefit fund (emergency appropriations)					68,000	+68,000

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2000— continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE VI						
Priority land acquisitions and exchanges	....	....	....	....	197,500	+197,500
Grand total	14,297,803	15,266,137	13,934,609	14,055,710	14,928,411	+630,608

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY), a member of the committee.

Mrs. LOWEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Yes, my colleagues, there is good news in this bill; but there is a strong commitment to the education of our young people, there is a significant increase to Title X, America's family planning program, and there is desperately needed relief for hospitals, which have been struggling with budget cuts.

The bill demonstrates our ongoing support for a secure and lasting peace in the Middle East. The Wye River package will help bolster Israel's security and provide the momentum needed to carry both parties through this delicate period in the peace process.

The bill also fulfills our obligation to pay our U.N. arrears. I have fought hard with my colleagues to make this a reality, but my enthusiasm has been dampened by the dangerous family planning restrictions that were forced upon us by the majority in return for these critical dues. The restrictions are unreasonable and irresponsible, and my colleagues can be sure I will fight to ensure that they are never again codified in U.S. law.

I am also very disturbed that Federal employees' access to contraceptive coverage has been damaged in this bill. The majority has modified the provisions which the President just signed into law only 2 months ago to dramatically expand the number of individuals who can opt out of providing contraceptives. My colleagues, this is sneaky politics, and it is bad policy.

I want to make it clear today that I will not rest in my efforts to ensure that Americans have true access to family planning services. We cannot continue to let a few extremists hold good public policy hostage to their narrow agenda.

Mr. YOUNG of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I rise in support of the bill.

Today, America's seniors will be able to breathe easier and worry less about their health care. Why? Because with the passage of the Medicare Balanced Budget Refinement Act of 1999, health care providers who have been struggling under the burden of money-saving regulations imposed in 1997 will now be getting some much-needed relief.

For several years Medicare Providers have been caring for Medicare patients day in and day out—often for Medicare payments that are not adequate to cover their costs. In my district, for example, the Sylvester Cancer Hospital was losing approximately $700,000 a year caring for Medicare cancer patients. Until now. This bill will give cancer hospitals the opportunity to break even. Hospices, which care for the most vulnerable Medicare patients will also benefit. They will get the help they need to provide the newest medications to comfort their patients.

In the last year I have worked with Chairman THOMAS, who I want to thank for his efforts in addressing the many concerns that have been brought to my attention by Medicare providers and beneficiaries in my district. The result of that work is this bill. While it doesn't provide all the Medicare fixes that are needed—it does address the most urgent needs immediately.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I rise to engage the majority leader in a colloquy regarding the satellite legislation which has been added to this omnibus bill.

As the majority leader is aware, I have been working for some time with my colleague, the gentleman from Virginia (Mr. BOUCHER), and many others, to pass legislation that will reauthorize the compulsory license for satellite broadcasts and encourage the development of technology that will deliver local network signals to satellite owners.

We passed the Satellite Home Viewer Act reauthorization earlier this year with overwhelming bipartisan support and engaged the other body in a lengthy and difficult conference. The conference report was filed and passed last week in the House by a vote of 411 to 8. Few bills of this magnitude have passed by such a wide margin. Included in this conference report was important language supported unanimously by the conferees to ensure that rural Americans are not left behind as this new local-into-local technology is rolled out by the satellite companies.

Mr. BOUCHER. Mr. Speaker, will the gentleman yield?

Mr. GOODLATTE. I yield to the gentleman from Virginia.

Mr. BOUCHER. Mr. Speaker, I thank the gentleman for yielding to me, and let me simply compliment my friend and colleague, the gentleman from Virginia (Mr. GOODLATTE), for the excellent work he has done in the face of very difficult circumstances in order to obtain a way that viewers in the cities, medium-sized and small, and throughout rural America will have the opportunity to have their local TV stations delivered to them by satellite.

We have had a range of problems. We are about to have those resolved in a manner that I think is satisfactory, and I want to thank my colleague and friend from Virginia for his very able assistance in reaching that satisfactory result.

Mr. GOODLATTE. Reclaiming my time, Mr. Speaker, I thank the gentleman for his kind words and for his critical support in this effort.

Yesterday, we delivered to the Speaker a letter that included over 245 signatures from Members who supported the rural provisions of this conference report. Similar letters were delivered to the Senate majority leader from rural Senators.

Mr. Speaker, Rural America should take note of the high level of support for this language in Congress and the hard work of members like Senator CONRAD BURNS of Montana, Senator TED STEVENS of Alaska, Senator JOHN WARNER of Virginia, Senator PATRICK LEAHY of Virginia, Congresswoman BARBARA CUBIN of Wyoming, and Congresswoman JOANN EMERSON of Missouri.

Unfortunately, problems in the other body have doomed this language for the year. Because the other body did not wish to take the steps required to pass the bill over a threatened filibuster, they have reached an agreement with our leadership in the House to attach the Satellite Home Viewer Act to the D.C. appropriations bill next year.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. BOUCHER) so that the gentlemen might continue their colloquy.

Mr. GOODLATTE. Mr. Speaker, will the gentleman yield?

Mr. BOUCHER. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the supporters of this legislation understand that along with this agreement comes a commitment from our leadership to work to pass similar legislation early next year, and if the gentleman will yield to him, the majority leader will clarify the details of this commitment.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BOUCHER. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding, and I want to congratulate the gentleman from Virginia (Mr. GOODLATTE) on his hard work on this important issue. I share the gentleman's commitment to ensuring that rural Americans can receive their network signals over satellite.

The Satellite Home Viewer Act conference report, which included the loan guarantee language, was supported by myself and the majority of both parties in the House. I share the gentleman's concern that time constraints prevented the conference report from being enacted as it passed the House; however, I appreciate the gentleman's willingness to reach an agreement that will ensure passage of the rest of this satellite legislation that is so important to satellite subscribers.

To address my good friend's concern, I commit to the gentleman from Virginia that we will move rural satellite loan guarantee legislation through the House early next year. It is my hope that the relevant committees of jurisdiction will engage in a full debate and discussion of the merits of this loan guarantee package and move appropriate legislation forward expeditiously.

However, if for whatever reason such legislation is not ready for floor consideration in the House under regular order by early spring, I further commit that I will allow the gentleman from Virginia an opportunity to have an up or down floor vote by March 31, 2000, on the rural loan guarantee program, similar to that which appeared in the Satellite Home Viewer Act conference report which passed in the House.

Mr. GOODLATTE. Mr. Speaker, will the gentleman continue to yield?

Mr. BOUCHER. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Speaker, I thank the distinguished majority leader for his support and commitment to scheduling floor time for this important legislation by April of next year.

Am I to understand that the legislation to be scheduled for a vote will authorize a level of appropriations that is both sufficient to accomplish such a program and at least $1.2 billion?

Mr. ARMEY. If the gentleman will continue to yield, it is my understanding that is consistent with the language in the Satellite Home Viewer Act conference report; that is correct.

Mr. GOODLATTE. It is also my understanding that the Senate leadership has made a similar commitment to floor consideration by a time certain next year.

Mr. ARMEY. That is also my understanding, yes.

In addition, I will commit to placing time limits on the referral of the legislation to committees in such a way that causes the legislation to be discharged by all relevant committees by the March 31 deadline, and I will work with the Speaker on committee referrals and understand that he shares my commitment to this timetable.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for his courtesy.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. ROGERS), the distinguished chairman of the Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations.

Mr. ROGERS. Mr. Speaker, this bill contains a victory for the American agenda. In my portion of the bill there is extra money for disasters through the disaster loan program in SBA. We fully fund the year 2000 census, every penny that is needed; we increase the drug and crime funding, FBI, DEA and local law enforcement block grants, as well as the COPS program of the President, which is fully funded at less than half of what he requested; and there is embassy security money here to beef up the security for our personnel serving overseas in our embassies.

But most importantly to me is a final vindication in this bill of an effort started by this subcommittee many years ago to reform the U.N. Along with the monies in the bill to fully pay the U.N. arrears payments of the U.S., there are conditions which the U.N. must agree to. This subcommittee several years ago began what now has become a full-blown U.N. reform agenda which now requires the U.N. to consider our payments of arrearages to be payment in full, reduces the rate of U.S. contributions to the U.N. from 25 to 22 percent for the annual assessment, plus a reduction from 31 to 25 percent for the peacekeeping rate of contributions, requires the U.N. to live with a zero-growth budget, requires personnel reforms at the U.N., opens their books to GAO scrutiny, requires IGs, inspectors general, in the affiliated organizations of the U.N., like the ILO, the WHO, and the FAO, and gives the U.S. a voice on the budget committee of the U.N., among other reforms. This is an effort that now is vindicated.

This subcommittee led the way many years ago. It gained a head of steam, and it has been a rough and rocky road; but now we can say that with these payments of the arrearages to the U.N. comes the conditions of reform in the U.N. that will make the U.N. a better agency for all of us.

I would like, at this point, to insert into the RECORD a table detailing the funding for the Commerce, Justice, State, and Judiciary section of the bill.

DEPARTMENTS OF COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - DEPARTMENT OF JUSTICE						
General Administration						
Salaries and expenses	79,328	87,534	79,328	82,485	79,328	
Joint automated booking system				6,000	1,800	+1,800
Narrowband communications		80,000		20,000	10,625	+10,625
(By transfer)			(101,434)		(92,545)	(+92,545)
Counterterrorism fund	10,000	27,000	10,000	27,000	10,000	
1st Responder grants	135,000					-135,000
Telecommunications carrier compliance fund		7,000	7,000	7,000	7,000	+7,000
Defense function		8,000	8,000	8,000	8,000	+8,000
Administrative review and appeals:						
Direct appropriation	75,312	89,901	84,200	30,727	98,136	+22,824
Crime trust fund	59,251	59,251	50,363	59,251	50,363	-8,888
Total, Administrative review and appeals	134,563	149,152	134,563	89,978	148,499	+13,936
Office of Inspector General	34,175	45,021	42,475	32,049	40,275	+6,100
Total, General administration	393,066	403,707	281,366	272,512	305,527	-87,539
Appropriations	(333,815)	(344,456)	(231,003)	(213,261)	(255,164)	(-78,651)
Crime trust fund	(59,251)	(59,251)	(50,363)	(59,251)	(50,363)	(-8,888)
United States Parole Commission						
Salaries and expenses	7,380	8,527	7,380	7,176	8,527	+1,147
Legal Activities						
General legal activities:						
Direct appropriation	466,540	568,316	355,691	299,260	357,016	-109,524
Crime trust fund	8,160	8,555	147,929	185,740	147,929	+139,769
Total, General legal activities	474,700	576,871	503,620	485,000	504,945	+30,245
Vaccine injury compensation trust fund (permanent)	4,028	4,028	3,424	4,028	4,028	
Antitrust Division	98,267	114,373	105,167	112,318	110,000	+11,733
Offsetting fee collections - carryover	-30,000	-47,799	-47,799		-28,150	+1,850
Offsetting fee collections - current year	-68,275	-66,574	-57,368	-112,318	-81,850	-13,575
Direct appropriation	-8					+8
United States Attorneys:						
Direct appropriation	1,009,253	1,217,788	1,161,957	589,478	1,161,957	+152,704
Crime trust fund	80,698	57,000		500,000		-80,698
Total, United States Attorneys	1,089,951	1,274,788	1,161,957	1,089,478	1,161,957	+72,006
United States Trustee System Fund:						
Current year fee funding	114,248	129,329	108,248	112,775	106,775	-7,473
Fees and interest (legislative proposal)		32,000	6,000		6,000	+6,000
Total, United States trustee system fund	114,248	161,329	114,248	112,775	112,775	-1,473
Offsetting fee collections	-114,248	-129,329	-108,248	-112,775	-106,775	+7,473
Offsetting fee collections - legislative proposal		-32,000	-6,000		-6,000	-6,000
Total, US trustee offsetting fee collections	-114,248	-161,329	-114,248	-112,775	-112,775	+1,473
Foreign Claims Settlement Commission	1,227	1,175	1,175	1,175	1,175	-52
United States Marshals Service:						
Direct appropriation	476,356	543,380	329,289	409,253	333,745	-142,611
Crime trust fund	25,553	26,210	209,620	138,000	209,620	+184,067
Construction	4,600	8,832	4,600	9,632	6,000	+1,400
Justice prisoner and alien transportation system				9,000		
Total, United States Marshals Service	506,509	578,422	543,509	565,885	549,365	+42,856
Federal prisoner detention	425,000	550,232	525,000	500,000	525,000	+100,000
Fees and expenses of witnesses	95,000	110,000	95,000	110,000	95,000	
Community Relations Service	7,199	10,344	7,199	7,199	7,199	
Assets forfeiture fund	23,000	23,000		23,000	23,000	
Total, Legal activities	2,626,606	3,128,860	2,840,884	2,785,765	2,871,669	+245,063
Appropriations	(2,512,195)	(3,037,095)	(2,483,335)	(1,962,025)	(2,514,120)	(+1,925)
Crime trust fund	(114,411)	(91,765)	(357,549)	(823,740)	(357,549)	(+243,138)
Radiation Exposure Compensation						
Administrative expenses	2,000	2,000	2,000	2,000	2,000	
Payment to radiation exposure compensation trust fund		21,714		20,300	3,200	+3,200
Total, Radiation Exposure Compensation	2,000	23,714	2,000	22,300	5,200	+3,200

DEPARTMENTS OF COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000—continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Interagency Law Enforcement						
Interagency crime and drug enforcement 1/	304,014	....	316,792	304,014	316,792	+12,778
High intensity inter-state gang activities	....	....	....	20,000	....	....
Total, Interagency Law Enforcement	304,014	....	316,792	324,014	316,792	+12,778
Federal Bureau of Investigation						
Salaries and expenses	2,396,239	2,742,876	2,044,542	2,432,791	2,044,542	-351,697
Counterintelligence and national security	292,473	260,000	292,473	260,000	292,473	....
FBI Fingerprint identification	47,800	....	....	....	....	-47,800
Direct appropriation	2,736,512	3,002,876	2,337,015	2,692,791	2,337,015	-399,497
Crime trust fund	223,356	280,501	752,853	280,501	752,853	+529,497
Subtotal, Salaries and expenses	2,959,868	3,283,377	3,089,868	2,973,292	3,089,868	+130,000
Construction	1,287	10,287	1,287	10,287	1,287	....
Total, Federal Bureau of Investigation	2,961,155	3,293,664	3,091,155	2,983,579	3,091,155	+130,000
Appropriations	(2,737,799)	(3,013,163)	(2,338,302)	(2,703,078)	(2,338,302)	(-399,497)
Crime trust fund	(223,356)	(280,501)	(752,853)	(280,501)	(752,853)	(+529,497)
Drug Enforcement Administration						
Salaries and expenses	875,523	1,055,572	1,012,330	878,517	1,013,330	+137,807
Diversion control fund	-76,710	-80,330	-80,330	-80,330	-80,330	-3,620
Direct appropriation	798,813	975,242	932,000	798,187	933,000	+134,187
Crime trust fund	405,000	405,000	344,250	419,459	343,250	-61,750
Subtotal, Salaries and expenses	1,203,813	1,380,242	1,276,250	1,217,646	1,276,250	+72,437
Construction	8,000	8,000	8,000	5,500	5,500	-2,500
Total, Drug Enforcement Administration	1,211,813	1,388,242	1,284,250	1,223,146	1,281,750	+69,937
Appropriations	(806,813)	(983,242)	(940,000)	(803,687)	(938,500)	(+131,687)
Crime trust fund	(405,000)	(405,000)	(344,250)	(419,459)	(343,250)	(-61,750)
Immigration and Naturalization Service						
Salaries and expenses	1,617,269	2,435,638	1,621,041	1,697,164	1,642,440	+25,171
Enforcement and border affairs	(1,069,754)	(1,900,627)	(1,086,030)	....	(1,107,429)	(+37,675)
Citizenship and benefits, immigration support and program direction	(547,515)	(535,011)	(535,011)	....	(535,011)	(-12,504)
Crime trust fund	842,490	500,000	1,311,225	873,000	1,267,225	+424,735
Subtotal, Direct and crime trust fund	2,459,759	2,935,638	2,932,266	2,570,164	2,909,665	+449,906
Fee accounts:						
Immigration user fee	(486,071)	(517,800)	(446,151)	(446,151)	(446,151)	(-39,920)
Land border inspection fund	(3,275)	(6,595)	(6,595)	(1,012)	(1,548)	(-1,727)
Immigration examinations fund	(635,700)	(688,579)	(712,800)	(712,800)	(708,500)	(+72,800)
Breached bond fund 2/	(176,950)	(116,900)	(117,501)	(127,771)	(110,423)	(-66,527)
Immigration enforcement fines	(4,050)	(3,800)	(1,303)	(1,303)	(1,850)	(-2,200)
H-1b Visa fees	....	(1,125)	(1,125)	(1,125)	(1,125)	(+1,125)
Subtotal, Fee accounts	(1,306,046)	(1,334,799)	(1,285,475)	(1,290,162)	(1,269,597)	(-36,449)
Construction	90,000	99,664	90,000	136,964	99,664	+9,664
Total, Immigration and Naturalization Service	(3,855,805)	(4,370,101)	(4,307,741)	(3,999,290)	(4,278,926)	(+423,121)
Appropriations	(1,707,269)	(2,535,302)	(1,711,041)	(1,836,128)	(1,742,104)	(+34,835)
Crime trust fund	(842,490)	(500,000)	(1,311,225)	(873,000)	(1,267,225)	(+424,735)
(Fee accounts)	(1,306,046)	(1,334,798)	(1,285,475)	(1,290,162)	(1,269,597)	(-36,449)
Federal Prison System						
Salaries and expenses	2,952,154	3,191,928	3,140,004	3,166,774	3,179,110	+226,956
Prior year carryover	-90,000	-70,000	-90,000	-50,000	-90,000	....
Direct appropriation	2,862,154	3,121,928	3,050,004	3,116,774	3,089,110	+226,956
Crime trust fund	26,499	26,499	22,524	46,599	22,524	-3,975
Subtotal, Salaries and expenses	2,888,653	3,148,427	3,072,528	3,163,373	3,111,634	+222,981
Buildings and facilities	410,997	556,791	556,791	549,791	556,791	+145,794
Federal Prison Industries, Incorporated (limitation on administrative expenses)	3,000	3,429	2,490	3,429	3,429	+429
Total, Federal Prison System	3,302,650	3,710,647	3,631,809	3,716,593	3,671,854	+369,204

DEPARTMENTS OF COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000—continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Office of Justice Programs						
Justice assistance	147,151	338,648	217,436	373,092	307,611	+160,460
(By transfer)		(7,000)	(7,000)		(7,000)	(+7,000)
State and local law enforcement assistance:						
Direct appropriations:						
Byrne grants (discretionary)	47,000			52,100		-47,000
Byrne grants (formula)	505,000			500,000		-505,000
Local law enforcement block grant			523,000		523,000	+523,000
Boys and Girls clubs (earmark)			(40,000)		(50,000)	(+50,000)
State prison grants			686,500		686,500	+686,500
State criminal alien assistance program			420,000		420,000	+420,000
Indian tribal courts program					5,000	+5,000
Subtotal, Direct appropriations	552,000		1,629,500	552,100	1,634,500	+1,082,500
Crime trust fund:						
Byrne grants (formula)		400,000	505,000		500,000	+500,000
Byrne grants (discretionary)		59,950	47,000		52,000	+52,000
Local law enforcement block grant	523,000			400,000		-523,000
Boys and Girls clubs (earmark)	(40,000)			(50,000)		(-40,000)
Police corps				(30,000)		
Juvenile crime block grant	250,000		250,000	100,000	250,000	
Drug testing and intervention program		100,000				
Indian tribal courts program	5,000	5,000		5,000		-5,000
Drug courts	40,000	50,000	40,000	40,000	40,000	
Crime identification technology	45,000			260,000		-45,000
Safe schools initiative				(15,000)		
Upgrade criminal history records				(40,000)		
Global criminal justice information netwrk				(12,000)		
State prison grants	720,500	75,000		75,000		-720,500
State criminal alien assistance program	420,000	500,000		100,000		-420,000
Violence Against Women grants	282,750	282,750	282,750	283,750	283,750	+1,000
State prison drug treatment	63,000	65,100	63,000	63,000	63,000	
DNA identification grants	15,000			30,000		-15,000
Certainty of punishment grants		35,000				
Indian country initiatives				45,000		
Other crime control programs	5,700	5,700	5,700	5,700	5,700	
Subtotal, Crime trust fund	2,369,950	1,578,500	1,193,450	1,407,450	1,194,450	-1,175,500
Total, State and local law enforcement	2,921,950	1,578,500	2,822,950	1,959,550	2,828,950	-93,000
Weed and seed program fund	33,500		33,500	40,000	33,500	
Crime trust fund		33,500				
Community oriented policing services:						
Direct appropriations:						
Crime analysis technology		100,000				
Hiring program			150,000	167,675	344,500	+344,500
School violence			17,500			
Crime identification technology			15,000		130,000	+130,000
Safe schools initiative					(15,000)	(+15,000)
Upgrade criminal history records					(35,000)	(+35,000)
DNA identification/crime lab					(30,000)	(+30,000)
Technology			15,500			
Bulletproof vest grants			25,000			
Management administration				17,325	29,825	+29,825
Methamphetamine					35,675	+35,675
Community prosecutors					10,000	+10,000
Subtotal, Direct appropriations		100,000	223,000	185,000	550,000	+550,000
Crime trust fund:						
Hiring program 3/	1,400,000	600,000		140,000	45,000	-1,355,000
Police corps 3/	30,000					-30,000
Crime identification technology		250,000	45,000			
Community prosecutors		200,000				
Prevention		125,000				
Subtotal, Crime trust fund	1,430,000	1,175,000	45,000	140,000	45,000	-1,385,000
Total, Community oriented policing services	1,430,000	1,275,000	268,000	325,000	595,000	-835,000
Juvenile justice programs	284,597	288,597	286,597	322,597	287,097	+2,500
Safe school initiative				(38,000)		

DEPARTMENTS OF COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000— continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Public safety officers benefits program:						
Death benefits	31,809	32,541	32,541	32,541	32,541	+732
Disability benefits		3,500		3,500		
Total, Public safety officers benefits program	31,809	36,041	32,541	36,041	32,541	+732
Total, Office of Justice Programs	4,849,007	3,550,286	3,661,024	3,056,280	4,084,699	-764,308
Appropriations	(1,049,057)	(763,286)	(2,422,574)	(1,508,830)	(2,845,249)	(+1,796,192)
Crime trust fund	(3,799,950)	(2,787,000)	(1,238,450)	(1,547,450)	(1,239,450)	(-2,560,500)
General Provisions						
General Pricing level adjustments				-2,463		
Total, title I, Department of Justice	18,207,450	18,542,949	18,138,926	17,098,025	18,646,502	+439,052
Appropriations	(12,736,493)	(14,392,933)	(14,061,712)	(13,048,025)	(14,613,288)	(+1,876,795)
Crime trust fund	(5,470,957)	(4,150,016)	(4,077,214)	(4,050,000)	(4,033,214)	(-1,437,743)
(By transfer)		(7,000)	(106,434)		(99,545)	(+99,545)
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES						
TRADE AND INFRASTRUCTURE DEVELOPMENT						
Office of the United States Trade Representative						
Salaries and expenses	24,200	26,501	25,205	26,067	25,635	+1,435
Supplemental appropriations (P.L. 106-31)	1,300					-1,300
International Trade Commission						
Salaries and expenses	44,495	47,200	44,495	45,700	44,495	
Total, Related agencies	69,995	73,701	69,700	71,767	70,130	+135
DEPARTMENT OF COMMERCE						
International Trade Administration						
Operations and administration	286,264	308,431	298,236	311,344	311,503	+25,239
Offsetting fee collections	-1,600	-3,000	-3,000	-3,000	-3,000	-1,400
Direct appropriation	284,664	305,431	295,236	308,344	308,503	+23,839
Export Administration						
Operations and administration	50,454	58,578	47,650	54,054	52,161	+1,707
CWC enforcement	1,877	1,877	1,877	1,877	1,877	
Total, Export Administration	52,331	60,455	49,527	55,931	54,038	+1,707
Economic Development Administration						
Economic development assistance programs	368,379	364,379	364,379	203,379	361,879	-6,500
Salaries and expenses	24,000	28,971	24,000	24,937	26,500	+2,500
Total, Economic Development Administration	392,379	393,350	388,379	228,316	388,379	-4,000
Minority Business Development Agency						
Minority business development	27,000	27,627	27,000	27,627	27,314	+314
Total, Trade and Infrastructure Development	826,369	860,564	829,842	691,985	848,364	+21,995
ECONOMIC AND INFORMATION INFRASTRUCTURE						
Economic and Statistical Analysis						
Salaries and expenses	48,490	55,123	48,490	51,158	49,499	+1,009
Bureau of the Census						
Salaries and expenses	136,147	156,944	136,147	156,944	140,000	+3,853
Periodic censuses and programs	1,186,902	4,637,754	142,320	2,914,754	142,320	-1,044,582
Supplemental appropriations (P.L. 106-31)	44,900					-44,900
Emergency appropriations			4,476,253		4,476,253	+4,476,253
Total, Bureau of the Census	1,367,949	4,794,698	4,754,720	3,071,698	4,758,573	+3,390,624

DEPARTMENTS OF COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000— continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
National Telecommunications and Information Administration						
Salaries and expenses	10,940	17,212	10,940	11,009	10,975	+35
Public telecommunications facilities, planning and construction	21,000	35,055	18,000	30,000	26,500	+5,500
Advance appropriations, FY 2001 - 2003	....	299,000	....	....	....	....
Information infrastructure grants	18,000	20,102	13,000	18,102	15,500	-2,500
Total, National Telecommunications and Information Administration	49,940	371,369	41,940	59,111	52,975	+3,035
Patent and Trademark Office						
Current year fee funding	643,026	785,976	735,538	785,976	755,000	+111,974
Prior year fee funding	71,000	....	....	....	....	-71,000
(Prior year carryover)	(40,500)	(115,774)	(116,000)	(115,774)	(116,000)	(+75,500)
Rescission	-71,000	....	....	....	....	+71,000
Subtotal	(683,526)	(901,750)	(851,538)	(901,750)	(871,000)	(+187,474)
Legislative proposal fees	102,000	20,000	....	....	....	-102,000
Total, Patent and Trademark Office	(785,526)	(921,750)	(851,538)	(901,750)	(871,000)	(+85,474)
Offsetting fee collections	-643,026	-785,976	-785,976	-785,976	-785,976	-142,950
Offsetting fee collections - legislative proposal	-102,000	-20,000	....	....	....	+102,000
Total, PTO offsetting fee collections	-745,026	-805,976	-785,976	-785,976	-785,976	-40,950
Total, Economic and Information Infrastructure	1,466,379	5,221,190	4,794,712	3,181,967	4,830,071	+3,363,692
SCIENCE AND TECHNOLOGY						
Technology Administration						
Under Secretary for Technology/ Office of Technology Policy						
Salaries and expenses	9,495	8,972	7,972	7,972	7,972	-1,523
National Institute of Standards and Technology						
Scientific and technical research and services	280,136	289,622	280,136	288,128	283,132	+2,996
Industrial technology services	310,300	338,536	99,836	336,336	247,436	-62,864
Construction of research facilities	56,714	106,798	56,714	117,500	108,414	+51,700
NTIS revolving fund	....	2,000	....	....	....	....
Total, National Institute of Standards and Technology	647,150	736,956	436,686	741,964	638,982	-8,168
National Oceanic and Atmospheric Administration						
Operations, research, and facilities	1,579,844	1,738,911	1,475,128	1,783,118	1,688,189	+108,345
Offsetting collections (fisheries) (proposed)	....	-20,000	....	....	....	....
Offsetting collections (navigations) (proposed)	....	-14,000	....	....	....	....
Supplemental appropriations (P.L. 106-31)	1,880	....	....	....	....	-1,880
Direct appropriation	1,581,724	1,704,911	1,475,128	1,783,118	1,688,189	+106,465
(By transfer from Promote and Develop Fund)	(63,381)	(64,926)	(67,226)	(66,426)	(68,000)	(+4,619)
(By transfer from Damage assessment and restoration revolving fund, permanent)	5,000	....	....	....	....	-5,000
(Damage assessment and restoration revolving fund)	-5,000	....	....	....	....	+5,000
(By transfer from Coastal zone management)	....	4,000	....	....	....	....
Total, Operations, research and facilities	1,581,724	1,708,911	1,475,128	1,783,118	1,688,189	+106,465
Procurement, acquisition and construction	584,677	630,578	480,330	670,578	596,067	+11,390
Advance appropriations, FY 2001 - 2018	....	5,363,345	....	....	....	....
Pacific coastal salmon recovery	....	160,000	....	100,000	58,000	+58,000
Coastal zone management fund	4,000	....	4,000	4,000	4,000	....
Mandatory offset	-4,000	4,000	-4,000	-4,000	-4,000	....
Fishermen's contingency fund	953	953	953	953	953	....
Foreign fishing observer fund	189	189	189	189	189	....
Fisheries finance program account	338	10,258	238	2,038	338	....
Total, National Oceanic and Atmospheric Administration	2,167,881	7,870,234	1,956,838	2,556,876	2,343,736	+175,855
Appropriations	(2,167,881)	(2,506,889)	(1,956,838)	(2,556,876)	(2,343,736)	(+175,855)
Advance appropriations	....	(5,363,345)	....	....	....	....
Total, Science and Technology	2,824,526	8,616,162	2,401,498	3,306,812	2,990,690	+166,164

DEPARTMENTS OF COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000— continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
General Administration						
Salaries and expenses	30,000	34,046	30,000	34,046	31,500	+1,500
Office of Inspector General	21,000	23,454	22,000	17,900	20,000	-1,000
Total, General administration	51,000	57,500	52,000	51,946	51,500	+500
National Oceanic and Atmospheric Administration						
Fisheries promotional fund (rescission)		-1,187	-1,187		-1,187	-1,187
Total, Department of Commerce	5,098,279	14,680,528	8,007,163	7,160,943	8,649,308	+3,551,029
Appropriations	(5,169,279)	(9,019,370)	(3,532,097)	(7,160,943)	(4,174,242)	(-995,037)
Emergency appropriations			(4,476,253)		(4,476,253)	(+4,476,253)
Rescissions	(-71,000)	(-1,187)	(-1,187)		(-1,187)	(+69,813)
Advance appropriations		(5,662,345)				
Total, title II, Department of Commerce and related agencies	5,168,274	14,754,229	8,076,863	7,232,710	8,719,438	+3,551,164
Appropriations	(5,239,274)	(9,093,071)	(3,601,797)	(7,232,710)	(4,244,372)	(-994,902)
Emergency appropriations			(4,476,253)		(4,476,253)	(+4,476,253)
Rescissions	(-71,000)	(-1,187)	(-1,187)		(-1,187)	(+69,813)
Advance appropriations		(5,662,345)				
(By transfer)	(63,381)	(64,926)	(67,226)	(66,426)	(68,000)	(+4,619)
TITLE III - THE JUDICIARY						
Supreme Court of the United States						
Salaries and expenses:						
Salaries of justices	1,690	1,698	1,698	1,698	1,698	+8
Other salaries and expenses	29,369	34,241	33,343	34,205	33,794	+4,425
Supplemental appropriations (P.L. 106-31)	921					-921
Total, Salaries and expenses	31,980	35,939	35,041	35,903	35,492	+3,512
Care of the building and grounds	5,400	22,658	6,872	9,652	8,002	+2,602
Total, Supreme Court of the United States	37,380	58,597	41,913	45,555	43,494	+6,114
United States Court of Appeals for the Federal Circuit						
Salaries and expenses:						
Salaries of judges	1,943	1,945	1,945	1,945	1,945	+2
Other salaries and expenses	14,158	15,691	14,156	14,966	14,852	+694
Total, Salaries and expenses	16,101	17,636	16,101	16,911	16,797	+696
United States Court of International Trade						
Salaries and expenses:						
Salaries of judges	1,506	1,525	1,525	1,525	1,525	+19
Other salaries and expenses	10,298	10,621	10,279	10,432	10,432	+134
Total, Salaries and expenses	11,804	12,146	11,804	11,957	11,957	+153
Courts of Appeals, District Courts, and Other Judicial Services						
Salaries and expenses:						
Salaries of judges and bankruptcy judges	238,329	240,375	240,375	240,375	240,375	+2,046
Other salaries and expenses	2,583,492	2,979,551	2,669,763	2,651,890	2,717,763	+134,271
Direct appropriation	2,821,821	3,219,926	2,910,138	2,892,265	2,958,138	+136,317
Crime trust fund	10,164	29,395	156,539	100,000	156,539	+146,375
Total, Salaries and expenses	2,831,985	3,249,321	3,066,677	2,992,265	3,114,677	+282,692
Vaccine Injury Compensation Trust Fund	2,515	2,581	2,138	2,581	2,515	
Defender services	360,952	374,839	361,548	353,888	358,848	-2,104
Crime trust fund	30,879	36,605	26,247		26,247	-4,632
Fees of jurors and commissioners	66,861	69,510	63,400	60,918	60,918	-5,943
Court security	174,569	206,012	190,029	196,026	193,028	+18,459
Total, Courts of Appeals, District Courts, and Other Judicial Services	3,467,761	3,938,868	3,710,039	3,605,678	3,756,233	+288,472
Administrative Office of the United States Courts						
Salaries and expenses	54,500	58,428	54,500	56,054	55,000	+500
Federal Judicial Center						
Salaries and expenses	17,716	18,997	17,716	18,476	18,000	+284

DEPARTMENTS OF COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Judicial Retirement Funds						
Payment to Judiciary Trust Funds	37,300	39,700	39,700	39,700	39,700	+2,400
United States Sentencing Commission						
Salaries and expenses	9,487	10,800	8,500	9,743	8,500	-987
General Provisions						
Judges pay raise (sec. 304)		9,000		9,611	9,611	+9,611
Total, title III, the Judiciary	3,652,049	4,163,972	3,900,273	3,813,685	3,959,292	+307,243
Appropriations	(3,611,006)	(4,097,972)	(3,717,487)	(3,713,685)	(3,776,506)	(+165,500)
Crime trust fund	(41,043)	(66,000)	(182,786)	(100,000)	(182,786)	(+141,743)
TITLE IV - DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Diplomatic and consular programs 4/	1,644,300	2,838,934	2,472,825	2,671,429	2,569,825	+925,525
Worldwide security upgrade			254,000		254,000	+254,000
Total, Diplomatic and consular programs	1,644,300	2,838,934	2,726,825	2,671,429	2,823,825	+1,179,525
Salaries and expenses	355,000					-355,000
Capital investment fund	80,000	90,000	80,000	50,000	80,000	
Office of Inspector General	27,495	30,054	28,495	26,495	27,495	
Educational and cultural exchange programs		210,329	175,000	216,476	205,000	+205,000
Representation allowances	4,350	5,850	4,350	5,850	5,850	+1,500
Protection of foreign missions and officials	8,100	9,490	8,100	8,100	8,100	
Security and maintenance of United States missions	403,561	747,683	403,561	583,496	428,561	+25,000
Worldwide security upgrade			313,617		313,617	+313,617
Advance appropriations, FY 2001 - 2005		3,600,000				
Emergencies in the diplomatic and consular service	5,500	17,000	5,500	7,000	5,500	
(By transfer)	(4,000)	(4,000)	(4,000)	(4,000)	(4,000)	
Commission on Holocaust Assets in U.S. (by transfer)	(2,000)	(1,162)	(1,162)		(1,162)	(-838)
Repatriation Loans Program Account:						
Direct loans subsidy	593	593	593	593	593	
Administrative expenses	607	607	607	607	607	
(By transfer)	(1,000)	(1,000)	(1,000)	(1,000)	(1,000)	
Total, Repatriation loans program account	1,200	1,200	1,200	1,200	1,200	
Payment to the American Institute in Taiwan	14,750	15,760	14,750	16,000	15,375	-625
Payment to the Foreign Service Retirement and Disability Fund	132,500	128,541	128,541	128,541	128,541	-3,959
Total, Administration of Foreign Affairs	2,676,756	7,694,841	3,889,939	3,714,587	4,043,064	+1,366,308
Appropriations	(2,676,756)	(4,094,841)	(3,889,939)	(3,714,587)	(4,043,064)	(+1,366,308)
Advance appropriations		(3,600,000)				
International Organizations and Conferences						
Contributions to international organizations, current year assessment	922,000	963,308	842,937	943,308	885,203	-36,797
Contributions for international peacekeeping activities, current year	231,000	485,000	200,000	387,925	500,000	+269,000
Arrearage payments	475,000	446,000	351,000		351,000	-124,000
International conferences and contingencies (by transfer)	(16,223)					(-16,223)
Total, International Organizations and Conferences	1,628,000	1,894,308	1,393,937	1,331,233	1,736,203	+108,203
International Commissions						
International Boundary and Water Commission, United States and Mexico:						
Salaries and expenses	19,551	20,413	19,551	19,551	19,551	
Construction	5,939	8,435	5,750	5,939	5,939	
American sections, international commissions	5,733	6,493	5,733	5,733	5,733	
International fisheries commissions	14,549	16,702	14,549	15,549	15,549	+1,000
Total, International commissions	45,772	52,043	45,583	46,772	46,772	+1,000
Other						
Payment to the Asia Foundation	8,250	15,000	8,000		8,250	
Eisenhower Exchange Fellowship Program, trust fund		525	525	465	465	-465
Israeli Arab scholarship program		350	350	340	340	-340
East-West Center		12,500		12,500	12,500	+12,500
North/South Center		2,500			1,750	+1,750
National Endowment for Democracy		32,000	31,000	30,000	31,000	+31,000
Total, Department of State	4,358,778	9,704,067	5,369,334	5,135,897	5,880,344	+1,521,566
Appropriations	(4,358,778)	(6,104,067)	(5,369,334)	(5,135,897)	(5,880,344)	(+1,521,566)
Advance appropriations		(3,600,000)				

DEPARTMENTS OF COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000— continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
RELATED AGENCIES						
Arms Control and Disarmament Agency						
Arms control and disarmament activities	41,500					-41,500
United States Information Agency						
International information programs	455,246					-455,246
Technology fund (by transfer)	(2,000)					(-2,000)
Educational and cultural exchange programs	202,500					-202,500
Eisenhower Exchange Fellowship Program, trust fund	525					-525
Israeli Arab scholarship program	350					-350
International Broadcasting Operations	362,365					-362,365
Broadcasting to Cuba (direct)	22,095					-22,095
Radio construction	13,245					-13,245
East-West Center	12,500					-12,500
North/South Center	1,750					-1,750
National Endowment for Democracy	31,000					-31,000
Total, United States Information Agency	1,101,576					-1,101,576
Broadcasting Board of Governors						
International Broadcasting Operations		431,722	410,404	362,365	388,421	+388,421
Broadcasting to Cuba				23,664	22,095	+22,095
Broadcasting capital improvements		20,868	11,258	13,245	11,258	+11,258
Total, Broadcasting Board of Governors		452,590	421,662	399,274	421,774	+421,774
Total, related agencies	1,143,076	452,590	421,662	399,274	421,774	-721,302
Total, title IV, Department of State	5,501,854	10,156,657	5,790,996	5,535,171	6,302,118	+800,264
Appropriations	(5,501,854)	(6,556,657)	(5,790,996)	(5,535,171)	(6,302,118)	(+800,264)
Advance appropriations		(3,600,000)				
(By transfer)	(25,223)	(6,162)	(6,162)	(5,000)	(6,162)	(-19,061)
TITLE V - RELATED AGENCIES						
DEPARTMENT OF TRANSPORTATION						
Maritime Administration						
Maritime Security Program	89,650	98,700	98,700	98,700	96,200	+6,550
Operations and training	69,303	72,164	71,303	72,664	72,073	+2,770
Maritime Guaranteed Loan (Title XI) Program Account:						
Guaranteed loans subsidy	6,000	6,000	5,400	11,000	6,000	
Administrative expenses	3,725	3,893	3,725	3,893	3,809	+84
Total, Maritime guaranteed loan program account	9,725	9,893	9,125	14,893	9,809	+84
Total, Maritime Administration	168,678	180,757	179,128	186,257	178,082	+9,404
Census Monitoring Board						
Salaries and expenses		4,000		4,000		
Commission for the Preservation of America's Heritage Abroad						
Salaries and expenses	265	265	265	490	490	+225
Commission on Civil Rights						
Salaries and expenses	8,900	11,000	8,900	8,900	8,900	
Commission on Electronic Commerce						
Salaries and expenses					1,400	+1,400
Commission on Security and Cooperation in Europe						
Salaries and expenses	1,170	1,250	1,170	1,250	1,182	+12
Equal Employment Opportunity Commission						
Salaries and expenses	279,000	312,000	279,000	279,000	282,000	+3,000
Federal Communications Commission						
Salaries and expenses	192,000	230,887	192,000	232,805	210,000	+18,000
Offsetting fee collections - current year	-172,523	-185,754	-185,754	-185,754	-185,754	-13,231
Direct appropriation	19,477	45,133	6,246	47,051	24,246	+4,769
Federal Maritime Commission						
Salaries and expenses	14,150	15,300	14,150	14,150	14,150	

DEPARTMENTS OF COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000— continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Federal Trade Commission						
Salaries and expenses	116,679	133,368	116,679	133,368	125,024	+8,345
Offsetting fee collections - carryover	-30,000	-39,472	-39,472	-19,309	-21,000	+9,000
Offsetting fee collections - current year	-76,500	-93,896	-77,207	-114,059	-104,024	-27,524
Direct appropriation	10,179					-10,179
Legal Services Corporation						
Payment to the Legal Services Corporation	300,000	340,000	250,000	300,000	305,000	+5,000
Marine Mammal Commission						
Salaries and expenses	1,240	1,300	1,240	1,300	1,270	+30
Ocean Policy Commission						
Salaries and expenses	3,500					-3,500
Securities and Exchange Commission						
Salaries and expenses	23,000					-23,000
Current year fees	214,000	230,000	193,200	240,000	173,800	-40,200
[illegible] fees	87,000	130,800	130,800	130,800	194,000	+107,000
Direct appropriation	324,000	360,800	324,000	370,800	367,800	+43,800
Small Business Administration						
Salaries and expenses	288,300	263,000	245,500	246,300	322,800	+34,500
Office of Inspector General	10,800	11,000	10,800	13,250	11,000	+200
Business Loans Program Account:						
Direct loans subsidy	2,200	4,000	762	4,000		-2,200
Guaranteed loans subsidy	128,030	144,368	128,030	164,368	137,800	+9,770
Administrative expenses	94,000	131,000	94,000	129,000	129,000	+35,000
Total, Business loans program account	224,230	279,368	222,792	297,368	266,800	+42,570
Disaster Loans Program Account:						
Direct loans subsidy	76,329	39,400	139,400	77,700	140,400	+64,071
Contingent emergency appropriations		158,000				
Administrative expenses	116,000	86,000	116,000	86,000	136,000	+20,000
Contingent emergency appropriations		75,000				
Total, Disaster loans program account	192,329	358,400	255,400	163,700	276,400	+84,071
Surety bond guarantees revolving fund	3,300					-3,300
Total, Small Business Administration	718,959	911,768	734,492	720,618	877,000	+158,041
State Justice Institute						
Salaries and expenses 5/	6,850	15,000		6,850	6,850	
Total, title V, Related agencies	1,856,368	2,198,573	1,798,591	1,940,666	2,068,370	+212,002
Appropriations	(1,856,368)	(1,965,573)	(1,798,591)	(1,940,666)	(2,068,370)	(+212,002)
Contingent emergency appropriations		(233,000)				
TITLE VII - RESCISSIONS						
DEPARTMENT OF JUSTICE						
General Administration						
Working capital fund (rescission)	-99,000			-22,577		+99,000
Legal Activities						
Assets forfeiture fund (rescission)	-2,000			-5,500		+2,000
Federal Bureau of Investigation						
FY 1998 FBI construction (rescission)	-4,000					+4,000
No Year FBI salaries and expenses (rescission)	-6,400					+6,400
FY 1996 VCRP (rescission)	-2,000					+2,000
FY 1997 VCRP (rescission)	-300					+300
Total, Federal Bureau of Investigation	-12,700					+12,700
Drug Enforcement Administration						
Drug diversion fund (rescission)				-35,000	-35,000	-35,000
Immigration and Naturalization Service						
Immigration emergency fund (rescission)	-5,000		-1,137		-1,137	+3,863

DEPARTMENTS OF COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000— continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
DEPARTMENT OF COMMERCE						
FY 1998 Commerce (rescission)	-2,090					+2,090
National Institute of Standards and Technology						
Industrial technology services (rescission)	-6,000					+6,000
National Oceanic and Atmospheric Administration						
Operations, research and facilities (rescission of emergency appropriations)		-3,400		-3,400		
DEPARTMENT OF STATE AND RELATED AGENCIES						
DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Security and maintenance of United States Missions (rescission)				-58,436		
United States Information Agency						
Buying power maintenance (rescission)	-20,000					+20,000
Broadcasting Board of Governors						
International broadcasting operations (rescission)			-14,829	-18,780	-15,516	-15,516
RELATED AGENCY						
DEPARTMENT OF TRANSPORTATION						
Maritime Administration						
Ship construction fund (rescission)	-17,000					+17,000
Small Business Administration						
Business Loans Program Account:						
Guaranteed loans subsidy (rescission)			-12,400		-13,100	-13,100
General reduction				-92,000		
Total, title VII, Rescissions	-163,790	-3,400	-28,366	-235,693	-64,753	+99,037
Appropriations				(-92,000)		
Rescissions	(-163,790)		(-28,366)	(-140,293)	(-64,753)	(+99,037)
Rescission of emergency appropriations		(-3,400)		(-3,400)		
TITLE VIII - OTHER APPROPRIATIONS						
DEPARTMENT OF JUSTICE						
Federal Bureau of Investigation						
Salaries and expenses	21,680					-21,680
Drug Enforcement Administration						
Salaries and expenses	10,200					-10,200
Immigration and Naturalization Service						
Salaries and expenses	10,000					-10,000
Border affairs	80,000					-80,000
Department of Justice (Y2K conversion)	84,396					-84,396
Total, Department of Justice	206,276					-206,276
DEPARTMENT OF COMMERCE AND RELATED AGENCIES						
National Oceanic and Atmospheric Administration						
Operations, research, and facilities	5,000					-5,000
Department of Commerce (Y2K conversion)	57,920					-57,920
Total, Department of Commerce	62,920					-62,920
THE JUDICIARY						
Judicial information technology fund (Y2K conversion)	13,044					-13,044
DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Diplomatic and consular programs	790,771					-790,771
Salaries and expenses	12,000					-12,000
Office of Inspector General	1,000					-1,000
Security and maintenance of United States missions	677,500					-677,500
Emergencies in the diplomatic and consular service	12,929					-12,929
Department of State (Y2K conversion)	64,918					-64,918
Total, Department of State	1,559,118					-1,559,118

DEPARTMENTS OF COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000— continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
RELATED AGENCIES						
Small Business Administration						
Disaster Loans Program Account:						
Direct loans subsidy	71,000	....	....	....	....	-71,000
Administrative expenses	30,000	....	....	....	....	-30,000
Total, Disaster loans program account	101,000	....	....	....	....	-101,000
Small Business Administration (Y2K conversion)	4,840	....	....	....	....	-4,840
Total, Small Business Administration	105,840	....	....	....	....	-105,840
DEPARTMENT OF TRANSPORTATION						
Maritime Administration (Y2K conversion)	530	....	....	....	....	-530
Federal Communications Commission (Y2K conversion)	8,516	....	....	....	....	-8,516
Federal Trade Commission (Y2K conversion)	550	....	....	....	....	-550
Marine Mammal Commission (Y2K conversion)	38	....	....	....	....	-38
Office of the US Trade Representative (Y2K conversion)	498	....	....	....	....	-498
Securities and Exchange Commission (Y2K conversion)	8,175	....	....	....	....	-8,175
United States Information Agency (Y2K conversion)	9,562	....	....	....	....	-9,562
Total, title VIII, emergency appropriations	1,975,067	....	....	....	....	-1,975,067
Grand total:						
New budget (obligational) authority	36,197,272	49,812,980	37,877,283	35,384,564	39,630,967	+3,433,695
Appropriations	(28,944,995)	(36,106,206)	(28,970,583)	(31,378,257)	(31,004,654)	(+2,059,659)
Emergency appropriations	(1,975,067)	....	(4,476,253)	....	(4,476,253)	(+2,501,186)
Contingent emergency appropriations	....	(233,000)	....	....	....	....
Advance appropriations	....	(9,262,345)	....	....	....	....
Rescissions	(-234,790)	(-1,187)	(-29,553)	(-140,293)	(-65,940)	(+168,850)
Rescission of emergency appropriations	....	(-3,400)	....	(-3,400)	....	....
Crime trust fund	(5,512,000)	(4,216,016)	(4,260,000)	(4,150,000)	(4,216,000)	(-1,296,000)
(By transfer)	(88,604)	(78,088)	(181,822)	(71,426)	(173,707)	(+85,103)

1/ The Administration's request proposes to eliminate this account and distribute the funding to GLA, US Attorneys, US Marshals, FBI, DEA and INS.

2/ The Administration's June 8, 1999 budget amendment proposes to reinstate the 245(i) adjustment of status fee, which would increase receipts in the Breached Bond Fund by $110 million.

3/ The President's request includes $30 million for the Police Corps within the hiring program.

4/ As a result of the Foreign Affairs Reform and Restructuring Act of 1998 and other changes, the amounts requested and recommended in FY 2000 include amounts appropriated separately in previous fiscal years for State Department, USIA and ACDA salaries and expenses.

5/ The President's budget proposed $5 million for State Justice Institute.

Mr. YOUNG of Florida. Mr. Speaker, will the Chair advise how much time is remaining on each side.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from Florida (Mr. YOUNG) has 15¼ minutes remaining, and the gentleman from Wisconsin (Mr. OBEY) has 15 minutes remaining.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2½ minutes to the gentleman from Illinois (Mr. PORTER), the chairman of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations.

Mr. PORTER. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership in bringing this bill to final passage.

Mr. Speaker, compromise is the nature of our process under the Constitution, and the American people are the winners with this legislation.

In the Labor, Health and Human Services, and Education portion of the bill we have plussed up Job Corps, consolidated health centers, and Ryan White AIDS they are at the highest priority. I am particularly proud that we have funded biomedical research through the National Institutes of Health with a 15 percent increase, or $2.3 billion. This is the second 15 percent increase in a row toward our goal of doubling funding for biomedical research over 5 years. This is the best spent money in all of government and lengthens and protects the lives of every American.

In education, we increased the overall account by $2.2 billion over FY 1999 and included large increases for impact aid, for Pell Grants, for the TRIO program, and a very large increase for special education, allowing our local school districts a great deal more flexibility with their own money.

Now, Mr. Speaker, for the record, I want to ensure that our intent on section 210, the provision concerning the Secretary's organ transplantation rule, is totally clear. Section 210 delays for 42 days publication of the organ transplant rule to allow the Secretary to consult with the transplant community. The provision is the result of difficult negotiations between Members of both bodies and the administration.

□ 1630

Our provision originally provided for a 90-day delay with a required 60-day comment period. Based on the agreement between myself; the gentleman from Florida (Mr. YOUNG), the chairman of the committee; the gentleman from Wisconsin (Mr. OBEY), the ranking member of the subcommittee and the full committee; the chairman of the Senate subcommittee, Senator SPECTER; and the administration, we changed the comment period from 60 days to 21 days and provided 21 days for the Secretary to review the comments.

There has been a major study by the Institute of Medicine Study on this issue and several periods of comment either have occurred or will occur under the proposed rule. The compromise assures that those with an interest in this issue will have one more chance to comment and have these comments reviewed. As a result, our agreement includes language in the Statement of the Managers that there will be no further delay following the 42-day period.

Mr. Speaker, this was a difficult negotiation. However, I believe that the provisions of this bill represent the true compromise between all parties, and not a provision placed in the worker incentive bill without the knowledge or any participation in the negotiations by those at our table, including the Secretary of Health and Human Services and the Director of OMB that were there in our negotiation.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds to engage in a colloquy with the gentleman from Illinois (Mr. PORTER).

Mr. Speaker, the conference agreement encourages the Secretary of Labor to spend up to $2 million to answer several questions relating to the costs and benefits of safety and health programs. But am I correct in stating that the conferees do not intend in any way that the Secretary delay her rulemaking on safety and health programs while developing this information?

Mr. PORTER. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Speaker, the gentleman is correct. It was not our intent in funding this data collection to block or delay the issuance of the safety and health program standard.

Mr. OBEY. Mr. Speaker, I thank the gentleman for his comments; and I want to say it has been a pleasure to work with him, as usual.

Mr. OBEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, we have come a long way from where we started in this session.

Originally, the Republican budget resolution that was presented in this House maintained the fiction that we could afford a huge tax cut with 70 percent of the benefit going to persons earning over $100,000 a year and still not do damage to the rest of our national priorities.

That tax cut would have used every single dollar that could have been used to extend the life of Social Security and Medicare. And the public understands that; and in the end they, I think, by their actions in the polls, convinced our friends on the Republican side to begin to walk away from that issue.

In September, we were given a different problem because the majority established a budget allocation for the bill containing Education and Health and Labor programs which would have resulted in cutting education funding by almost one-third in real terms. We said no to that. The President said no to that. And the shape of these appropriations bills today is far different as a result.

I want to publicly thank the President. I want to publicly thank the Vice President. I want to thank the President's Chief of Staff, John Podesta; Jack Lew, his principal budget negotiator; and all the others who stood with us fighting for smaller class sizes, fighting for quality teachers, fighting for more cops on the beat, fighting against legislation that threatened environmental cleanup, fighting against short-sighted efforts to limit our international leadership responsibilities abroad.

I am also proud of the fact that we have in the area of education provided for additional support for comprehensive school reform, for additional support for teacher training, additional support for smaller class size, and additional support to assist local school districts to reduce high school size in order to get a better handle on student violence and juvenile adolescent behavior.

I am also proud of the fact that, under this bill, 10 States will be provided planning grants in order to develop plans for a Federal-State partnership to cover all of their citizens with health coverage. I think that is a major breakthrough; and I hope it leads to ending the abomination in this country, the moral abomination of having some 40 million people in this country without health insurance.

But I am still going to oppose this bill despite all of those features because someone, I believe, has to stand for the institutional need to present budgets in a forthright way.

Three years ago, when the executive and legislative branches of Government agreed on a budget deal, I called it a public lie. I said, if it was not a public lie, it was at least a giant public fib, because it was promising that Congress would live by spending levels that, in fact, it would never live by. And history has demonstrated that to be correct.

Last year, Congress spent $35 billion more than that budget agreement provided; and this year it is spending much more than that before the limits. Some of that spending is outrageous, and some of it is perfectly defensible.

I do not so much object to some of that spending as I object to the fact that the Congress, in my view, is simply lying about it and pretending that it is not taking place. That, I think, is an even more fundamental problem.

It is clear to me that, in the end, after all of their initial efforts to cut all of the priorities that the President has been fighting for, it is clear that the Republican majority in this House, in order to get out of town, was willing to give the President virtually everything he asked for in spending so long as we would adopt accounting fictions that would hide what, in fact, we were doing. And that is the honest truth.

So, Mr. Speaker, I will vote against this. I understand there are many good things in the bill, and I am proud to have helped negotiate some of them. But, in the end, I believe that next year we are going to come back here with the budget problem being fundamentally worse because of the fictions we have in this bill.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Virginia (Mr. BLILEY), the chairman of our Committee on Commerce.

Mr. BLILEY. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in strong support of this bill. There are a few items in particular that I would like to highlight from the Medicare provisions of this bill.

First, it directs a significant amount of new monies toward hospitals. This includes more funds for small, rural hospitals and for patients who receive cancer treatments, those most in need of assistance. Congress cannot allow these hospitals, which serve an important role in our communities, to close their doors.

Additionally, we provide new monies for the Medicare+Choice program. This vital program gives seniors the option to choose a private health plan instead of remaining in the traditional Medicare program.

I am also proud to have strengthened this bill by including $150 million to pay for immunosuppressive drugs for transplant patients. Medicare currently only covers these drugs for 36 months. Through our work in the Conference Committee, however, we have ensured that organ transplants will have greater access to these life-saving drugs for a longer period of time. Access of these drugs to patients could literally mean the difference between life and death.

Finally, this bill dedicates more funding for community health centers and rural health clinics, for S-CHIP, and also for State outreach efforts for former welfare recipients.

Mr. Speaker, I rise today in strong support of the "Medicare, Medicaid and S-CHIP Balance Budget Refinement Act of 1999." This bill restores needed funds to hospitals, nursing homes, managed care providers, and home health agencies most seriously impacted by changes made in the Balanced Budget Act of 1997.

The Conference Report, included in this omnibus bill, reflects many hours of hard work in the House and the Senate. I want to particularly commend the efforts of Members of the Commerce Committee, Ways and Means Committee and the Senate Finance Committee. I am pleased that we were able to come together and craft this bill—there is much to be proud of in the legislation.

Congress made some very important changes to the Medicare and Medicaid programs when it passed the Balanced Budget Act. The Medicare program was facing bankruptcy and seniors' choice of private health plans and providers was limited. The Balanced Budget Act changed that and helped ensure the vitality of this program for years into the future.

In that legislation, the Commerce Committee also helped create the State Children's Health Insurance Program—otherwise known as S-CHIP—to provide health coverage for millions of low-income uninsured children. It was historic legislation and I am very proud of it.

But in some areas we all went a little too far. Now we are doing the right thing by going back and refining some of the policies put into effect by the BBA to address some of the unintended consequences of that legislation.

Mr. Speaker, I'm proud of the work the Committees in both chambers put into this bill. I know it enjoys wide bipartisan support and deserves the support of all my colleagues.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding the 1 minute.

Mr. Speaker, I am here to point to that portion of the deal that deals with seniors and the disabled in the Medicare section. This would not have happened without a bipartisan, cooperative effort.

I especially want to thank the staff: Ann Marie Lynch and the majority committee, Bill Vaughn, for his willingness to maintain confidentiality as we worked on this; the commerce staff, especially the members of the Subcommittee on both Ways and Means and Commerce; chairmen of the full committee, the gentleman from Texas (Mr. ARCHER) and the gentleman from Virginia (Mr. BLILEY), who just spoke; my friends and colleagues, the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Louisiana (Mr. MCCRERY), without which the congressional portion would not have been put together.

I want to thank Chris Jennings from the White House, Nancy Ann MinDeParle at the Health Care Financing Administration and Bonnie Washington.

Details of the Medicare measure can be found at TND.house.gov. This lays the groundwork for next year.

Republicans brought prevention in Medicare in 1997. We brought refinement this year. And working in a cooperative way, as evidenced by my friend the gentleman from Maryland (Mr. CARDIN), the gentleman from Wisconsin (Mr. KLECZKA), and other Democrats, we can move forward in modernizing Medicare next year as well.

I want to thank them all. There is no reason in the world why my colleagues should not vote yes on this measure.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I thank my colleague from Wisconsin for yielding 1 minute to me.

The previous speaker said there should be no reason to vote against this bill. I will give my colleagues one darn good reason why we should not vote for this bill, because this bill contains within it anti-dairy provisions which go right to the bottom line of the dairy farmers in the upper Midwest.

I really do applaud this Medicare provision. I would like to thank the gentleman from California (Mr. THOMAS), the chairman of the Subcommittee on Health, for including very important Medicare language which helps southern Wisconsin Medicare beneficiaries.

But what this legislation includes is legislation that has not even passed through the House of Representatives or through the United States Senate which goes right to the bottom line of the dairy farmers in the upper Midwest.

Mr. Speaker, I implore my colleagues, let us bring this legislation down the pike on regular order, not tack it on this ugly Christmas tree as a big ugly ornament.

This legislation is not fair for our dairy farmers. This legislation takes them and puts them at a competitive disadvantage against all other farmers in the country. And it revokes the free market principles that we were elected to protect.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1½ minutes to the gentleman from new York (Mr. GILMAN), chairman of the Committee on Foreign Affairs.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I am pleased to rise in support of this omnibus bill. I commend the House leadership, the majority leader, the majority whip, in addition to the Committee on Appropriations chairman, the distinguished gentleman, for their untiring efforts to finalize the conference report on the H.R. 3194 and for their willingness to include it in certain important authorization measures. I also extend thanks to House staffers Bill Inglee, Brian Gunderson, and Susan Hirschman for their diligent efforts on our behalf.

In particular, this package includes the authorization for the important U.N. reform and arrears payment package as well as other significant programs, such as the 5-year authorization for a greatly enhanced embassy security program to protect American personnel and facilities abroad and a 10-year authorization for Radio Free Asia.

The legislative vehicle by which this is accomplished is the inclusion of H.R. 3427, introduced by the distinguished gentleman from New Jersey (Mr.

SMITH) of the Subcommittee on International Operations and Human Rights; the gentlewoman from Georgia (Ms. MCKINNEY), the ranking Democrat on that subcommittee; and the gentleman from Connecticut (Mr. GEJDENSON), the committee's ranking member; and myself.

H.R. 3427 reflects the House and Senate agreements that were reached on H.R. 2415 and S. 886, the Senate amendments to H.R. 2415. This compromise measure also accommodates numerous requests of the administration. The House Committee on International Relations worked diligently to produce a bipartisan bill in concert with our colleagues on the Senate Foreign Relations Committee.

I thank the leadership of the Committee on Appropriations, and I urge my colleagues to fully support this omnibus measure.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from Florida (Mr. YOUNG) has 9 minutes remaining, and the gentleman from Wisconsin (Mr. OBEY) has 8½ minutes remaining.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me the time and for his leadership on the issue that he and I are joined together on, and that is dairy.

I must reluctantly urge my colleagues to vote against this bill today because of the dairy provisions that it contains.

It is real important to understand what has not happened today with the inclusion of these provisions. We have not done one thing to help dairy farmers in this Nation. We have not addressed the fact that most of the dairy farmers that we are losing in this Nation we are losing in the upper Midwest. In my home State, we are losing five each and every single day.

We have not addressed the fact that many of the Nation's largest co-ops are gouging our dairy farmers, underpaying them. And we have not taken one step away from the Soviet style dairy system that has ruled this country since 1937.

Because of what this bill does not do in dairy, I must reluctantly urge a no vote.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. WALSH), the very distinguished chairman of our Subcommittee on VA, HUD and Independent Agencies.

Mr. WALSH. Mr. Speaker, congratulations to the chairman. We did it. We balanced the budget, as we said we would. We cut the national debt by over $100 billion with this budget, as we said we would. And we did it without touching the Social Security trust fund for the first time in this half century.

Remember back in his State of the Union address, the President promised to spend 38 percent of the Social Security trust fund for the surplus for Social Security. We said, no, Mr. President, we want 100 percent of that surplus. And that is what we did. We gave our troops in the field a good solid pay raise, and they deserve it.

Let me say, Mr. Speaker, on dairy, it would be terribly wrong for us to harm 75 percent of the farmers, the dairy farmers in this country by supporting the Glickman-Clinton dairy proposal. It is wrong for the country. The Congress is on record opposing that legislation.

What is in this bill was supported by 380 Members of the Congress. This is good legislation. I urge my colleagues to support it.

□ 1645

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. GOODLING), chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding me this time. I rise to again indicate that the President did not win on education in this legislation, the chairman of the Committee on Education and the Workforce did not win in this legislation. The children in this country won in this legislation. Above all, the children who are most disadvantaged won, thanks to the gentleman from Illinois (Mr. PORTER) and the gentleman from Florida (Mr. YOUNG).

When we were able to show the administration that 50 percent of teachers in many of the cities including New York are not certified or qualified, agreed there is no reason to send not one more teacher into that area, we better improve the teachers that are there. This happens all over the country. Therefore, they decided that 100 percent of this money, they agreed with us, could go for teacher preparation and teacher training for those that are already existing.

We also indicated that overall, 25 percent of the money could be flexible for teacher preparation. We also indicated that to those schools, 7,000 of them in title I that are in schools improvement who have not improved even in 4 years' time, the parents have the opportunity to say, we go to another public school within that district where they are not a failing school.

I want to also include that we wipe out Goals 2000 in the year 2000. We wipe it out in the year 2000 and gave a lot of money for special ed, which is very important.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank the gentleman for yielding me this time.

Mr. Speaker, addressing the abortion compromise on Monday in Ankara, Turkey, our distinguished Secretary of State, Madeleine Albright said, and I quote, "we do believe it will have a minimal effect on family planning." She went on to say "the compromise will allow the President to carry out U.S. family planning policy around the world."

I agree wholeheartedly with the Secretary of State. In fact, the pro-life side has always argued that the Mexico City Policy has no effect on those family planning organizations that divest themselves from the grisly business of abortion. The compromise provides that at least 96 percent of all the money used for population purposes—that is about $370 million—will be subjected to the Mexico City safeguards that prohibit foreign nongovernmental organizations from performing abortions in foreign countries, from violating abortion laws of those countries, or from engaging in activities in efforts to change or alter those laws. If the President chooses, he can waive the restrictions for up to $15 million in that account.

I am very pleased, Mr. Speaker, that H.R. 3427 is also enacted by this Act. It is the product of our Subcommittee on International Operations and Human Rights. It is in essence, a bill passed by both Houses.

Mr. Speaker, addressing the abortion compromise on Monday in Ankara, Turkey, our distinguished Secretary of State, Madeleine Albright, said, "We do believe" it will have a "minimal effect on family planning" and that it, the compromise, "will allow the president to carry out—U.S. family planning policy around the world."

I agree wholeheartedly with Secretary Albright. In fact, the pro-life side has always argued that the Mexico City policy has no effect on those family planning organizations who divest themselves from the grisly business of abortion. Abortion is violence against children. Abortion dismembers or chemically poisons innocent children. It is not family planning. The compromise language before us today narrowly focuses on those organizations that advertise themselves as family planning groups, but promote and/or perform abortions in other countries.

Let me reiterate in the strongest terms possible, this controversy has been, and is, all about the performance and promotion of abortion overseas, and not about family planning per se. The compromise provides that at least 96% of all the money used for population purpose—that's about $370 million—will be subject to the Mexico City safeguards that prohibit foreign non-governmental organizations from performing abortions in foreign countries, from violating the abortion laws of these countries, or from engaging in activities or efforts to change these laws. If the President chooses, he can waive the restrictions on up to $15 million in the account (4%). The abortion compromise language is far from perfect, it is a compromise but it is significant. The effect of the waiver is that up to $15 million would then be able to go to foreign organizations that did not make the Mexico City certifications with respect to performing abortions, violating abortion laws, and engaging in activities or efforts to change abortion laws. But this option comes with a consequence—$12.5 million will be transferred from the population account to the Child Survival fund for activities that have measurable, direct, and high impact on saving the lives of children in the Third World.

On the negotiations with the White House, there was give and take—the compromise is the result of a good faith effort to resolve difficult and complex issues. Neither side got everything it wanted. On balance, however, this bill represents a major step forward for the protection of unborn children around the world—without endangering genuine family planning activities.

Mr. Speaker, I am also pleased that this bill enacts by reference the provisions of H.R. 3427, the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 200–2001, which I introduced along with Representatives CYNTHIA MCKINNEY, BEN GILMAN, and SAM GEJDENSON. I insert at this point in the RECORD an agreed statement of the legislative history of H.R. 3427.

LEGISLATIVE HISTORY OF H.R. 3427, THE ADMIRAL JAMES W. NANCE AND MEG DONOVAN FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2000–2001

Mr. Smith of New Jersey: Mr. Speaker, the conference report on H.R. 3194, the District of Columbia Appropriations Act, Fiscal Year 2000, incorporates and enacts by reference H.R. 3427, the Admiral James W. Nance and Meg Donovan Foreign Relations Act, Fiscal Years 2000–2001, which I introduced yesterday, November 17, 1999, along with Representatives Cynthia McKinney, Ben Gilman, and Sam Gejdenson.

Let me state for the record that H.R. 3427 is a compromise between H.R. 2415, the American Embassy Security Act, as passed by the House, and the Senate amendment to H.R. 2415, which incorporates the provisions of S. 886, the James W. Nance Foreign Relations Authorization Act. H.R. 3427 is a substitute for a conference report or an amendment between the Houses to resolve the differences between the House and the Senate versions of the bill.

The text and the Statement of Managers of H.R. 3427 (which appears in the explanatory statement to the conference report on H.R. 3194) were agreed upon by Mr. Gilman and Mr. Gejdenson, as well as by myself and Ms. McKinney—the Chairman and Ranking Minority Members, respectively, of the committee and subcommittee with jurisdiction over the bill in the House. In the Senate, the Statement of Managers of H.R. 3427 has the concurrence of a majority of the conferees appointed by the Senate for H.R. 2415.

The original Senate version of H.R. 2415, S. 886, was reported by the Committee on Foreign Relations on April 28, 1999 (S. Rept. 106–43) and passed the Senate, amended, on June 22, 1999 by a vote of 97–2.

H.R. 2415 passed the House, amended, on July 21, 1999. It was not reported by our Committee but was sent directly to the floor by action of the House pursuant to the special Rule. H.R. 2415 was a successor to H.R. 1211. H.R. 1211 was reported by the Committee on International Relations on March 29, 1999 (H. Rept. 106–122).

The legislative history of H.R. 3427 in the House is the legislative history of H.R. 2415 and H.R. 1211 in the House as far as is applicable. Similarly, in the Senate the legislative history of H.R. 3427 is the legislative history of S. 886.

The Foreign Relations Authorizations Act contains important provisions relating to the security of United States embassies and overseas employees, to human rights, to refugees, and to the activities of the States Department. I am particularly proud that the bill provides $12 million for the Bureau of Human Rights, Democracy, and Labor. It is scandalous that the State Department currently spends more on its public relations bureau than on the human rights bureau, and this legislation will put an end to that scandal. The bill also authorizes $750 million for refugee protection—unfortunately, far more than the Administration requested or than has been appropriated for FY 2000—but we will work to get the request and appropriations for FY 2001 up to the mark in the Authorization Act.

Mr. Speaker, the Foreign Relations Authorization Act (H.R. 3427) also contains important United Nations reforms—standards to which the United Nations must live up in order to receive the amounts provided in the settlement of the dispute over arrearages. It authorizes $4.5 billion over five years for Embassy construction and improvement so as to reduce dramatically the vulnerability of our overseas facilities to terrorism, and provides strict conditions to make sure the State Department really spends the money on security instead of any other preferences it might have.

Mr. Speaker, H.R. 3427 ensures that as the United States Information Agency is folded into the State Department, the international information programs of USIA will not be converted into domestic press offices or propaganda organs. It requires that U.S. educational and cultural exchange programs provide safeguards against the inclusion of thugs and spies from dictatorial regimes and to increase the opportunities for human rights and democracy advocates to participate in these programs. (One of the requirements is that we conduct no further police training programs for members of the Royal Ulster Constabulary until we have in place vetting procedures to exclude participation by RUC officers who participated in or condoned serious human rights violations, such as the murders of defense attorneys Patrick Finucane and Rosemary Nelson.)

Mr. Speaker, this bill makes clear that Congress expects important reforms in our Vietnamese refugee programs for allied combat veterans, former U.S. government employees, and their families. It continues a requirement of current law that the programs the United Nations Development Program conducts in Burma be conducted in consultation with the legitimately elected pro-democracy authorities in that country, and that these programs not serve the interests of the brutal military dictatorship that currently holds power in Burma. The bill also provides funding for UNICEF, the United Nations Voluntary Fund for Victims of Torture, the World Food Program, for the Tibet, Burma, East Timor, and South Pacific Scholarships, and for other programs which will promote American interests and American values around the world.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Speaker, I thank the gentleman very much for yielding me this time.

The Government Accounting Office, the Congressional Research Service, and the Pentagon have all complied with requests from the Congress or complied with law to document the amount of money that we have spent on legitimate U.N. peacekeeping activities. The total amount of money is at least $17.1 billion since 1992.

Now, the U.N. has legitimized that accounting because they have credited us with $1.8 billion of that against past dues. But regrettably this legislation that is before us gives the United Nations nearly $1 billion of taxpayers' money, in spite of the fact that the GAO, the CRS and the Pentagon itself have documented that the U.N. owes us at least $15 billion. This is a travesty that I hope future legislation can correct.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 30 seconds. I just wanted to point out that there has been talk about winners and losers and victories and defeats. I would like to just make this point. I was very impressed by one visit to President Reagan's Oval Office. He had a sign there, and I will paraphrase it because I do not remember it exactly, but it goes like this: It's amazing what can be accomplished if you don't care who gets the credit.

That is how we have tried to work through this entire appropriations process, without demanding or claiming credit for any one of our appropriators. We just get the job done. We believe that we have produced a good product here that would be acceptable to the American people and should be acceptable to the Representatives in the House.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York (Mr. FORBES), a member of the committee.

Mr. FORBES. Mr. Speaker, I thank the gentleman for yielding me this time. I come to the floor today severely grieved and sad because the old ways of Washington continue to prevail. The men and women we serve with here today are honorable people, but the process is dishonest. I think that those of us who came here in 1995 as part of the crowd that was going to end these megabills, these omnibus spending bills, catch-all bills that were thrown in with all kinds of pork, all kinds of spending, this is a dishonest process. I lament that. $385 billion on this floor right now passed by agreement last night at 4 o'clock in the morning. We should be ashamed, because we are upholding the old ways of Washington, the Washington math, dishonest. We are going home, and we are telling people that we did not spend the Social Security surplus. It is a bald-faced lie. Each one of us knows that. We should be ashamed.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Speaker, I rise in opposition to this bill. I just have to comment on the dairy part of this bill. We have people in this chamber who sing the praises of free trade with countries all over this world. Yet this chamber refuses to allow free trade in our own country. There is only one product, milk, only one product in this entire economy where the price of the product is dependent upon where it is made. That is wrong; that is a Soviet-style economy and everyone here knows it. The President did the right thing. The President tried to reform this system. Yet the Republican leadership in this House refuses to allow those market reforms to go into place. It is an embarrassment, and it is causing consumers all over this country to pay more for their milk. This bill should be defeated.

Mr. OBEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, first of all with respect to the dairy provisions, I would like to publicly thank President Clinton for his personal efforts to salvage dairy reform and keep nongermane dairy riders off this appropriation bill. I also want to thank Secretary Glickman for twice trying to bring some degree of modernization to the 1937 milk marketing practices which have long since outlived their usefulness. I understand that given all the other items in the bill, the President cannot veto the bill over that; but I do appreciate very much the fact that he and his staff went to the well to try to help us when we really needed their help.

Let me say, Mr. Speaker, that I think I should explain the motion to recommit. In large part due to the unrealistic budget caps established in the 1997 budget act, both parties agreed early on this year that the budget request for veterans medical care was inadequately funded. The Republican budget resolution this year called for an additional $1.7 billion for veterans medical care, but that increase was for fiscal 2000 only.

The next 4 years of the Republican budget plan assumed that veterans health care would decline to a level below that of last year. The Democratic alternative budget provided not only for the additional $1.7 billion in fiscal 2000, it continued that increase in future years. In total, the Democratic budget provided about $8 billion more for veterans health expenses than the Republican resolution that passed.

When the VA-HUD subcommittee first marked up the fiscal 2000 bill, it ignored the guidance of the Republican budget resolution. It provided only the 1999 level with virtually no increase. After the hue and cry from veterans groups and the indication from the administration that it would be submitting a budget amendment for an additional $1 billion for veterans health care, the majority added $1.7 billion above the original request.

Both in full committee and on the House floor, the gentleman from Texas (Mr. EDWARDS) tried to add $700 million more in veterans medical care by delaying for 1 year the effect of the Republicans' capital gains tax cut. We were rebuffed procedurally by the majority at every turn on that, with the argument that an appropriations bill could not be merged with tax measures. Let me point out today to my colleagues that this omnibus bill today contains several tax measures. So despite the availability of valid provisions that would have provided offsets negating the need for the across-the-board cut in this omnibus measure, the majority has once again decided to take an action which would provide veterans health care less than I believe they need.

Therefore, our recommittal motion will be very simple. It will simply recommit the bill to the committee on conference with instructions that House managers not agree to any provision whatsoever which would reduce or rescind appropriations for veterans medical care. In other words, it would eliminate the $72 million reduction in the Republican budget for veterans health care. It would restore that $72 million. I would urge Members to vote "yes" on the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield the balance of my time to the hard-working, straight-talking, straight-shooting Speaker of the House, a great leader, the gentleman from Illinois (Mr. HASTERT).

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

I do not have to tell my colleagues that it has been a long and often challenging road to get us to this point. Today, we have before us a good bill, a fair bill, a bill that reflects our priorities as a Congress and reflects our priorities as a Nation.

When I took over this job a little less than a year ago, I said the appropriations process needed to be a process that we sent the 13 bills. After we moved through the process of the committee and we sent them to the White House and the President has the chance of signing those bills or vetoing those bills, and if he chooses to veto, give us the message and send the bill back and we will work it.

We have done that. Every one of these pieces of legislation have gone through the process. Now we are back. We are dealing with the five bills that the President decided to veto. And over a long period of time, and working with the White House and working with our colleagues on the other side of the aisle, we have pieced together what we need in this Nation to make this Nation work on an appropriations process for the next fiscal year.

For the past 30 years, our government has taken money out of the pockets of seniors and spent it on more wasteful Washington spending. Last February, our majority pledged to stop this raid on Social Security Trust Funds, and in this bill we have. Stopping the raid on Social Security is not just good news for our seniors, it is good news for our children who unfairly have been burdened with the national debt and paying the interest on that debt year after year, not only now but way into the future.

□ 1700

With this bill's passage today, we will be on target to pay down $131 billion of national debt in this fiscal year. When I arrived in Congress in 1987, the idea of passing a budget that would actually pay down $130 billion worth of debt would have been laughable, and even 5 years ago the thought of debt reduction was just that, a thought, but now it is a reality.

This bill also represents a huge victory for those in this chamber who have spent many years fighting for local control of Federal education dollars. We had a long debate with the White House, and the White House wanted more teachers, and we put $300 million more in for education than the White House asked for. But with that we asked, let us give our local school districts, let us give our parents, let us give teachers and let us give superintendents and those people we ask to take care of our local schools the flexibility to do the work that they have to do.

We did that in this bill. Working with the White House and the good work of the gentleman from Pennsylvania (Mr. GOODLING), we got the flexibility, even in the teacher bill, so teachers would be there, we would have the people to do the discipline and do the teaching and do the work, but if we did not need teachers, we could use that money to lift up the level and capability of the teachers we already have.

The debate over education has now changed. Instead of arguing about whether there should be local control of education dollars, we are now debating about how much local control there should be. There is money in this bill that can be used to hire more teachers and lower classroom size, but there is also flexibility in this bill. Parents and teachers will have more freedom to use this money as they see fit. Keeping more dollars and decisions in our classrooms is a victory for this Congress and a victory for our children.

This bill also takes a very important first step in eliminating government waste. Every year our government spends billions and billions of dollars, and we are saying in this bill, let us take 38 cents out of every $100 that the Federal Government spends and find waste and abuse. I think that is doable, and I think next year we ought to do the same thing, over and over again, because that is what the American people expect us to do.

The across-the-board spending cut in this bill will force the agencies of government to take a close look at their budget and see what frivolous spending can be eliminated. Taxpayers deserve to have their money spent responsibly, and this bill will save the American taxpayers from over $1 billion in excess spending.

I would like to take this opportunity certainly to thank the gentleman from Florida (Chairman YOUNG), and to thank the subcommittee chairmen on the various appropriations committees, and to thank the gentleman on the other side of the aisle who has led a gallant fight and an honest and straight fight for what he believes is right.

We do not put legislation like this together just at a whim. It takes a long time. It takes people standing up for their principles and their ideals. Sometimes we have different principles and we have different ideals; but at the end, we have a product that we can stand up for, that we can vote for, that we can be proud of.

It is amazing to think about what this bill actually does. It stops the raid on Social Security, it keeps the budget balanced, it pays down our national debt and it gives parents and teachers more control and better benefits to our children. It was not too long ago that these accomplishments were nothing more than broad goals.

So I encourage my colleagues to vote for this agreement, and let the American people know that this Congress is committed to fiscal discipline and sound policy, and as we open up the new millennium, the Year 2000, we can promise our seniors that their pension funds are secure, that their Social Security funds are secure, and our children are not going to have to pick up the interest on our debt that we have piled on their shoulders over the past years.

I ask for support on this bill.

Mr. STARK. Mr. Speaker, the DC Appropriations bill is the shell in which the Republican leadership has chosen to place the legislative kitchen sink, so the speak. This bill includes a myriad of provisions that have nothing to do with the District of Columbia—Interior Appropriations; Labor-HHS Appropriations; a Satellite Home Viewers Act; certain dairy provisions and, the bill about which I am here to speak today: The Medicare BBA Refinement Act.

The Medicare BBA Refinement Act is a sweet and sour bill—it is has good features and bad features.

First, the good features. The move toward prospective payment systems is continued. The arbitrary $1500 caps on rehabilitation services have been lifted for two years while we develop a better payment system. Medicare's coverage of immuno-suppressive drugs for transplant patients has been extended 8 months. Patients in hospital outpatient departments are protected against ever having to pay more than a single day's hospital deductible for the cost of the outpatient procedure. Today, patients face out-of-pockets costs $2000 to $3000 for certain outpatient procedures. Now, their costs will be limited to about $776.

And, I want to commend Chairman THOMAS for a bill which did not give away the future of Medicare. The lobbying pressures have been enormous. It would have been easy to bring forth a $30 or $40 billion bill. The bill is limited and generally—with some exceptions—directs its spending to the areas where there is the most evidence that some adjustment is needed.

Nevertheless, I voted against the bill when it first passed the House, because it was not paid for-and thus shortened the life of the Medicare Trust Fund about a year, and increased beneficiary Part B premiums by at least 50 cents a month.

It still is not paid for—and now reduces solvency by more than a year, and increases beneficiaries' costs by several billion dollars over the next five years, increasing premiums about a dollar a month. It spends about $16 billion of the Social Security surplus over the next five years, and $27 billion over ten years.

It didn't need to be this way. In the $212 billion a year Medicare program, there is fraud, waste, and abuse, and we could have saved several billion a year to pay for the relief that some providers needed.

I am most disappointed about the budget games that were played on the 5.7 percent hospital outpatient department issue—which is a $4 billion gift to hospitals. When the BBA passed, we meant to reduce payments to hospitals which had been shifting overhead costs to outpatient departments. It is the rankest Orwellian revisionist history to claim otherwise. But revisionist history is what has happened. So that neither the White House nor the Congress would be charged for the $4 billion gift, there has been an exchange of letters in which no one is 'scored' for the cost of spending $4 billion more. It is like manna from heaven, a miracle for which no one is responsible and no one has to pay.

Mr. Speaker, it is all phony, it is all a distortion of the budget process. The give-away to hospitals does cost money; $1 billion will come from seniors. Therefore, we should have been honest and paid for it. It is money that will not be available to save Medicare. It is money that comes out of the Social Security surplus. And that is the truth.

Mr. Speaker, this kind of dishonest budget game destroys faith and trust in government. Its true cost is much more than the $4 billion gift to hospitals.

There are other bad features. There is absolutely no hard proof that some of these providers need more money. In many cases, the Congress has just been rolled by lobbyists and major contributors.

Standards for Medicare managed care plans have been weakened. We continue to grossly overpay HMOs. The HMO industry that we beat in the Patient Bill of Rights has crept in the backdoor of this bill to weaken consumer protections and receive $4 billion dollars in overpayments.

I would vote no if this were a free-standing bill based on is merits alone. That decision is made even easier by the process used here today which compiled all of these unrelated, important bills into one gaint package in order to try to force members of Congress to vote yes. Well, that theory doesn't work on everyone. I vote no.

Mr. CROWLEY. Mr. Speaker, I rise today to talk about the DC Appropriations/Omnibus budget Conference Report. This conference report is a vast improvement over previously vetoed appropriations bills, yet in some instances falls, in my opinion, short of where we should be. I will support this legislation as it is a true compromise and will bring many benefits to the citizens of this country, funding valuable programs while having the small 0.38 percent across the board budget cut. While I believe this bill to be fiscally responsible, it does nothing to extend the life of Social Security. I strongly encourage the Republican leadership to bring up legislation early next year to extend the life of Social Security by ensuring its solvency.

The Omnibus covers much ground and I would like to touch on several important issues to my constituents. In the areas of Health and Human Services and Education, I feel it is important to highlight the support this Omnibus gives to our nation's teachers and our education system; to AIDS funding and NIH research in general; to family planning services; and to Medicare payment relief for our hospitals.

Overall, the Omnibus provides $39 billion for education programs. This is a 7 percent increase over Fiscal Year 1999. Importantly, the Class Size Reduction Initiative remained intact. The controversy about this program led to the President's veto of previous Labor/HHS appropriations bills. However, the $1.3 billion appropriated for class size reduction will in large part remain designated for that purpose. School districts will be permitted to use up to 25 percent of the funds for professional development, an increase over last year. Nonetheless, the majority of funding will remain targeted for its intended purpose—reducing the sizes of our children's classes. This funding was imperative for schools in my district and in New York City. Last year, New York City used its funding under the class size reduction initiative to fund the full salaries of 808 new teachers and to partially fund the salaries of an additional 788 early grade teachers. Had there been no funding for class size reduction, the city would have been unable to retain more than 1500 teachers. This is important in my district, which contains the most overcrowded school district in the city, CSD 24, operating at 119 percent over capacity. Overall, the funding New York City receives will reduce the class sizes for approximately 90,000 students—27 percent of its K–3 enrollment.

While this is nowhere near enough—it is an important first step in improving the education for all K–3 children in New York City and across the country.

Another important program that this Omnibus funds is the 21st Century Community Learning Centers. This agreement appropriates $453 million for after-school centers, $253 million more than last year. After school centers are vital to keeping our children off the streets.

Our communities and schools are facing the fact that most families need to have two parents working full time to provide for their children. This leaves as many as 15 million school-aged children without supervision from the time school ends until the time their parents arrive home from work. After-school programs provide school-age children whose parents both work a supervised environment providing constructive activities. Such a structured setting makes these students less likely to use alcohol, drugs, and tobacco, commit crimes, receive poor grades, and drop out of school. No one in my district, or in the nation, wants to see children go home to empty houses or apartments, or worse yet, succumb to anti-social activities on the street.

The 21st Century Community Learning Centers program allows schools to address the educational needs of its community through after-school, weekend, and summer programs. After school programs enable schools to stay open longer, providing a safe place for homework centers, mentoring programs, drug and violence prevention programs, and recreational activities. Additionally, after school programs enhance learning, increase community responsibility, and decrease youth crime and drug use. I fully support the increase in Fiscal Year 2000 funding for the 21st Century Community Learning Centers program and only wish the there was more funding to enable more schools to provide this much needed service to our communities.

The Omnibus also increases funding for Head Start programs by 13 percent, bringing funding for Fiscal Year 200 to $5.3 billion. As you know, Mr. Speaker, the Head Start Program was instituted in 1965 and has been reauthorized through 2003. Head Start funds are provided directly to local grantees and the programs are locally designed and administered by a network of 1600 public and private nonprofit agencies. Head Start has been an unequivocal success. A 1995 report by the Packard Foundation presented evidence that high quality early childhood education for low-income children produces long-term educational, economic, and societal gains. I have one such program in my district, The Little Angels Program run by the Archdiocese of the Bronx, which exemplifies the mission of the head start program and success of the Head Start program. Little Angels provides comprehensive early childhood development, education, health, nutrition, social and other services to low income preschool children and their families. I applaud the leadership for continuing to support this essential early education and development program.

Under Health and Human Services programs, we once again expressed our support for the research being done by the National Institutes of Health, as well as AIDS programs and family planning. Overall, the Omnibus provides a 15 percent increase over Fiscal Year 1999 for NIH, bringing its funding to $17.9 billion. This majority of this money will be seen by NIH researchers this year, rather than being until September 29, 2000, as originally reposed by the Republican leadership. Imagine the impact of not funding research projects for almost an entire year. A year without cancer research, diabetes, lupus, this list goes on and on. Every day important break-throughs happen, and I am happy the Republican leadership did not sacrifice health research to balance the budget.

I am also heartened by the support for Ryan White AIDS program, which will receive $1.6 billion in funding, a 13 percent increase from last year, and $44 million more than the last Labor/HHS bill. We all know the battle we face against AIDS an HIV, the virus that causes AIDS. In 1998, the Center for Disease Control reported that 665,357 persons were living with the AIDS virus and CDC estimates that 650,000-900,000 American live with the HIV virus. Sadly, so far 401,028 individuals have not survived their battle with AIDS. However, we all know that due to lack of reporting or lack of knowledge on the part of individuals and states, that these numbers are low respsentations of the actual number of those living with HIV and AIDS.

In New York, the crisis is particularly acute. In 1998, there were 129,545 thousand reported AIDS cases and 80,408 reported AIDS deaths. New York City AIDS cases represent over 85 percent of the AIDS cases in New York State and 17 percent of the national total with 109,392 AIDS cases and 67,969 AIDS related deaths as reported in 1998.

My own Congressional District spans two Boroughs in New York City with rapidly growing AIDS cases. In the Bronx, the Pelham and Throggs Neck area covered by the 7th Congressional District has report 3,045 AIDS cases and 1,957 deaths due to the AIDS virus in 1998. In Queens, a Borough with a rapidly growing population, there are 6,962 AIDS cases and 4,082 known dead from AIDS related causes as reported in 1998.

Sadly, this horrible disease has disproportionately affected minorities. The majority of individuals living with AIDS in New York City are people of color. African Americans are more than eight times as likely as whites to have HIV and AIDS, and Hispanics more than four times are likely. The most stunning fact I have read comes from the U.S. Department of Health and Human Services in October of 1998, when they reported that AIDS is the leading killer of black men age 25-44 and the second leading cause of death for black women aged 25-44. Together, Black and Hispanic women represent one fourth of all women in the United States but account for more than three quarters of the AIDS cases among women in the country.

I know we are making progress, Mr. Speaker. The number of AIDS cases reported each year in Queens and the Bronx is on the decline. This is in large part to the bipartisan commitment by the House of Representatives to funding research at NIH and programs through the department of Health and Human Services. Now that we have had breakthroughs in treatment of HIV and delaying the onset of full blown AIDS, we must concentrate more of our effort on prevention and treatment programs. These programs are especially important for minorities, who are so disproportionately affected by this disease, and I fully support the inclusion of $138 million for early intervention programs in this Omnibus bill.

In my District, there is an organization that is actively reaching out to the community, both in treatment and services for AIDS sufferers and preventative education for the community. Steinway Child and Family Services, Inc., serves many areas in Queens that are devastated by high incidences of AIDS. The majority of these people are low-income minorities who have historically received little, if any, assistance due to low levels of funding.

Steinway's CAPE program (Case Management, Advocacy, Prevention & Education) offers services to people who have contracted HIV, increases general public awareness of the methods of HIV transmission, and provides targeted outreach services to people considered "at risk." Steinway's Scattered Site Housing program located dwellings in Queens for homeless persons with AIDS and their families. It is currently the largest program of its type in the country. I am proud that this Omnibus includes $50,000 in funding for Steinway's CAPE program.

Another area addressed by the Omnibus is family planning within Title X programs. On October 26, I sent a letter to President Clinton, signed by 53 of my colleagues, expressing our support for Title X of the Public Health Service Act, the only federal program devoted solely to the provision of high quality contraceptive care to almost five million low-income Americans. Title X has had a tremendous impact over the years on reducing rates on unintended pregnancy and abortion as well as improving maternal and child health. Primary care services provided by clinics receiving Title X funds range from contraceptive supplies and services to breast and cervical cancer screening, to anemia testing and STD/HIV screening.

I laud the Administration and the Republican leadership for appropriating $239 million to the Title X Family Planning program. This is a $24 million increase from last year. However, I must express my disappointment with the majority on adding a provision to the Commerce-Justice-State section of the Appropriations conference report, which allows physicians to refuse to "prescribe" contraceptives on the basis of moral or religious beliefs. This is in complete opposition to the provision passed by recorded vote in the FY 2000 Treasury Postal Appropriations that provides contraceptive coverage to federal employees covered by the Federal Employee Health benefits Plan.

Mr. Speaker, I also want to take a moment to address the measure which would give hospitals, nursing homes, home health care agencies and other health care providers relief from cuts in Medicare payments that were enacted in the 1997 Balanced Budget Act.

This agreement provides an estimated $12.8 billion over five years in additional Medicare payments for hospitals, home health care agencies, managed care plans and other health care providers to help them restore the 5.7 percent cut in payments to hospital outpatient departments suffered as an unintended result of the Balanced Budget Agreement of

1997. Additionally, I am happy that the conference committee was able to remove the egregious provision in the House passed version that would have severely impacted New York City's teaching hospitals. Rather than take away much needed funds from teaching hospitals that are perceived as receiving a higher share of funds, the conference agreement reduces inflation adjustments for hospitals with high doctor training costs. This cut is less than the original Subcommittees bill, which in turn is less devastating to our hospitals. I urge Congress to revisit this issue in the next year.

Finally, this Omnibus bill will also fund a number of key environmental priorities while at the same time deleting several of the anti-environmental amendments that would have been detrimental to the health and quality of life of my constituents in Queens and the Bronx.

I salute the conferees for providing funding for the Land and Water Conservation Fund (LWCF). Although the Congress was unable to provide all of the resources requested by the White House, the approximately $470 million allocated for land acquisition, preservation and conservation is a solid first step.

It is my hope that next year, we will be celebrating the passage of the Conservation and Reinvestment Act (CARA) which will provide even more badly needed funds for the Land and Water Conservation Fund, urban parks and historic and wildlife preservation. These additional resources will greatly assist the people of my district. As the only New York member of the House Committee on Resources, I will continue my responsibility to the people of my state in fighting for key environmental projects like the LWCF.

Further, I am pleased that the Urban and Community Forestry Program at the Department of Agriculture continues to receive stable funding under this measure. Over the last four years, the Urban and Community Forestry program (U&CF) has provided more than $1 million to contain and prevent further tree loss associated with Asian Longhorned Beetle outbreak in New York City. That includes providing specially trained smoke jumpers to assist city foresters in checking the tops of trees for beetle infestation where they are more difficult to detect. U&CF has also provided technical assistance to help city officials plant and care for trees that are resistant to the beetle to prevent future outbreaks. We've lost over 1400 trees in Queens alone from the Asian Longhorned Beetle, with more trees being infested. This is why the Urban and Community Forestry program is so important. It aims to provide increased green space and shade for our urban residents.

Additionally, this bill does not include some of the more troublesome riders that were feared to be included in this Omnibus bill. Specifically, there are no restrictions on the ability of the State of New York or the Federal government to sue coal-fired power plants in the Midwest that fail to comply with major modifications provisions of the Clean Air Act.

Furthermore, I am pleased that an amendment I offered to the original Interior bill last summer pertaining to urban minorities and their ability to receive grants from the National Endowment for the Arts was included in this final budget bill. My amendment would include urban minorities among the traditionally "underserved populations" who are given priority for services from the National Endowment for the Arts or awarding the NEA's financial assistance for projects and workshops that serve these communities.

My language specifies that "underserved populations" including African Americans, Latino Americans, Asian Americans, and other minority communities that are located in urban areas should have equal access to Federal arts funding.

This amendment will ensure that all Americans will have equal access to the arts and will fulfill the NEA's mission to guarantee that no person is left untouched by the arts. Projects targeted at urban youth will greatly help keep these young people off the streets, and away from the lure of drugs and crime. The arts also help to break down barriers, bring communities together, and offer hope.

In conclusion, Mr. Speaker, the positive funding increases outweigh the short amount of time and offsets of this Omnibus bill. Therefore, I support the measure and urge its passage by the House of Representatives.

Mr. CASTLE. Mr. Speaker, I rise today in support of the conference report to H.R. 3194, the FY2000 District of Columbia Appropriations Act. This legislation encompassing the five remaining appropriations bills for fiscal year 2000—the Commerce, Justice and State appropriations bill, the District of Columbia appropriations bill, the Foreign Operations appropriations bill, the Interior appropriations bill, and the Labor, Health and Human Services and education appropriations bill—is a good compromise that will address our Nation's domestic and foreign policy priorities while retaining fiscal discipline.

While I am concerned with the budget gimmicks that are being used to mask the size of the overall spending in this package, I will support the legislation because I believe that overall, this legislation will maintain a balanced budget and keep us on track toward budget surpluses in the future. This legislation represents an attempt to do something that other Congresses never attempted to do. By resisting the historic temptation to spend the Social Security surplus, we have changed the terms of debate in Washington. Future Congresses will now work to maintain a balanced budget and protect all of the Social Security trust fund surplus.

Following the 1994 election, Congress inherited a projected four-year budget deficit of $906 billion. In response, Congress with a Republican majority, worked to limit the growth of Federal spending and the President joined us in the 1997 balanced budget agreement. Limits on the growth of Federal spending and the continued strong performance of our economy helped to produce a net surplus of $63 billion in the Federal budget in fiscal years 1996 through 1999. In fiscal year 1999 the Federal Government enjoyed a $123 billion surplus, and the surplus is growing as we begin fiscal year 2000. Congress has ended the discretionary spending frenzy of the late 1980's and early 1990's and Federal spending is more responsible today.

With the goal of protecting the Social Security trust fund surplus, Congress is holding the line on expanding Government programs and is finally starting to pay down the national debt. We are accomplishing these goals while still meeting basic governmental responsibilities such as increasing Medicare payments to our hospitals and nursing homes by approximately $12 billion over five years, increasing funding or education and health care programs, and paying the United States overdue commitments to the United Nations. This legislation meets the basic needs of our country in a responsible manner.

To help meet our goal of limiting the growth of Federal spending, his legislation includes a 0.38 percent across-the-board spending reduction which applies to all thirteen annual appropriations bill, saving taxpayers about $1.3 billion. I support this type of "belt tightening." The Federal Government should find savings in every program to demonstrate to our constituents that the Federal Government can cut waste and operate more efficiently. I know from my days as Governor of Delaware that every government agency can and should be required to eliminate unneeded costs.

When Republicans became the majority party in Congress in January 1995, we promised to reform and improve our education programs to ensure that they help all children reach their full academic potential—regardless of their economic status or other personal challenges. According to the nonpartisan Congressional Research Service, in 1995 spending for elementary and secondary education programs totaled almost $15 billion, with all Department of Education programs funded at $32.3 billion (fiscal year 1995).

Since 1995, the House Education Committee, on which I serve, has worked to provide unprecedented accountability and flexibility in the operations of these programs. That effort paved the way for the bill the House of Representatives will consider today. I am pleased to report that this final appropriations bill provides $21 billion for elementary and secondary education programs and $39 billion for all Department of Education Programs—increases of 44 percent and 21 percent over fiscal year 1995 respectively.

Most important, this bill provides very generous funding for those programs that help all children receive a quality education. Specifically, it provides $8.7 billion for Title 1, the program that helps educate our most disadvantaged students—an increase of $265 million over fiscal year 1999. In addition, State grants for the education of children with disabilities are increased $700 million over fiscal year 1999, bringing the total to $5.8 billion. While this increase will not fully fund the Federal Government's share for the education of our disabled children, it will increase the per pupil contribution to 13 percent—the highest level in the history of the program.

In addition, this bill increases the maximum Pell Grant for low-income college students to $3,300—$175 over fiscal year 1999. Finally, it provides $1.3 billion to help our local schools and school districts reduce class size but also provides the necessary flexibility to ensure that all teachers receive the training they need to impart a high quality education to our children.

This legislation also includes important funding for Health and Human Services programs, such as Medicare, Medicaid, family support services and health research. As part of our ongoing commitment to double biomedical research in five years, the appropriations bill provides $17.9 billion for the National Institutes of Health. This 15 percent increase over fiscal year 1999 will help ensure progress on all diseases, including diabetes and Alzheimer's. It also provides $3 billion, nearly $264 million more than fiscal year 1999, for disease prevention programs run by the Centers for Disease Control. This funding will help prevent those chronic illnesses that result in death and major disability.

Of particular importance to many of Delaware's hospitals, nursing facilities and other providers, this bill also incorporates the budget fixes of the Medicare Refinement Act. This language ensures that America's seniors will continue to receive high quality health care by correcting the funding concerns that inadvertently arose as the result of the Medicare reforms in the Balanced Budget Act of 1997.

I am particularly pleased to note that the annual Medicare rehabilitation therapy caps will be lifted entirely for the next two years. This will ensure that those with multiple ailments can get the treatment they need to fully recover while experts consider a better way to implement payment modifications that address the real needs of rehabilitation patients. I am also pleased to note that this bill increases access to cervical cancer screening through the use of pap smears. By increasing the Medicare reimbursement rate, we ensure that more women will get the screening they need to identify and treat problems before they become a threat to their health, their fertility or their lives.

I am disappointed that the compromise language in this bill does not reflect the Senate position on community health centers and the prospective payment system, as these organizations play an important role in the delivery of health care in Delaware. That said, I believe these changes are an improvement on current law and I hope that we can continue to move legislation to strengthen the delivery of services to our most at-risk populations.

This bill also goes a long way toward restoring protections for the environment that were absent when the Interior appropriations conference report passed the House without my support. Seven of the twenty-four anti-environmental riders added by the Senate were stripped and the remaining riders were significantly changed to reduce their threat to the environment. The congressional leadership was responsive to concerns I raised that Congress should not attempt to prevent EPA enforcement action against midwest electric utility companies whose emissions are polluting Delaware's air and water. The judicial system is fully equipped to give these companies their day in court to defend their actions. I am extremely pleased that this proposed rider was not included in the bill. Furthermore, the Interior appropriation bill increases funding for our national parks, our national wildlife refuges, and restoration efforts in the everglades. Finally, the Interior bill contains funding for a program of particular interest to Delaware—the stateside land and water conservation fund, which provides Delaware with funding for its state parks and environmental land acquisition programs.

One of the weaknesses of this package is in the Commerce, Justice, State appropriations bill. I opposed this bill when it passed the House because it designated $4 billion in funding to conduct the 2000 census as "emergency" spending that is not subject to the annual spending limits. Although an accurate census is important, it is not a true unanticipated emergency like a hurricane. Congress should responsibly budget for this and all future censuses. this budget gimmick led to a 7.8 percent increase in spending on this bill—far too much for a single year increase. Despite this short coming, I am pleased that the bill privided increased spending on anti drug programs, legal aid programs for the poor, and programs to combat violence against women.

Another highlight of this bill was its attention to the needs of farmers in the northeast. The bill provides additional funds for farmers affected by natural disasters, such as flood damage from Hurrican Floyd and crop loss from this summer's drought.

Furthermore, the bill contains measures to ensure that Delaware's dairy farmers are adequately compensated for the fluid mild they supply to milk processors.

Finally, this legislative package contains the Satellite Home Viewer Act which benefit thousands of Delawareans. Legislation has been added to eliminating outdated restrictions on satellite TV companies that prohibit them from carrying local network television stations. Many Delawareans who rely on satellites to receive quality TV reception must watch out-of-State news shows due to their restrictions. This legislation will bring them needed relief and allow them to be better informed about local, state, and regional events.

I strongly urge the congressional leadership and the President to institute measures to allow Congress to finish its work on these spending bills earlier in the year to avoid last minute deals that inevitably lead to more spending. Strong budget enforcement mechanisms, such as biennial budgeting and my proposal for a "rainy day"account for emergency spending, should be considered in the next session.

Mr. Speaker, this is not a perfect piece of legislation. It contains compromises that were necessary to meet the President's demands and to reach agreement between Republicans and Democrats in Congress. Despite these compromises, this legislation maintains our hard-won commitment to fiscal responsibility and a balanced budget. This commitment to fiscal responsibility and a balanced budget. This commitment will help protect the Social Security trust fund and enable the rest of our Government to meet the needs of all Americans in a fiscally responsible manner.

Mr. KILDEE. Mr. Speaker, I rise to express my concern over one particular provision in the FY 2000 Omnibus Appropriations Act providing funding under the Elementary and Secondary Education Act's Title I program for school improvement and public school choice activities.

Specifically, this provision would provide $134 million in fiscal year 2000 to States, who in turn would distribute 100 percent of this funding to school districts, for (1) activities to provide assistance to schools which are failing academically, and (2) public school choice for all children in schools which are identified as "schools in school improvement" under Title I of the Elementary and Secondary Education Act. While on its face, this provisions seem beneficial, I am concerned about its impact on Title I and our nation's schools.

The statutory language of this provision does not specify how funds are distributed from the State to school district level. Presently, 98.5 percent of Title I funds are distributed directly to the local level. In addition, Title I funds designated for the local, or school district level, have always been distributed via a targeted formula that provides the bulk of funding to the most disadvantaged areas. This provision's departure from the current statutory focus opens the door to the elimination of targeting funds to the local level—a dangerous step towards taking precious Federal funds away from those who instruct our children on a day to day basis. I expect the Department of Education to issue regulations or guidance which will target these funds to either the school districts with the highest numbers of schools in school improvement or through the existing Title I formula.

I also have concerns over the mandate in this provision to provide public school choice. I do want to make clear that I support public school choice as one of several tools which local school districts may implement in their efforts to improve student achievement. H.R. 2, legislation passed by the House earlier this year reauthorizing Title I, also recognized the need to include public school choice provisions in Title I, also recognized the need to include public choice provisions in Title I, but contained important provisions that would (1) tie the requirement to implement public school choice to local school board policy, and (2) ensure that school districts had adequate time to properly design public school choice plans by providing 18 months to implement such plans. In contrast, the provisions contained in this legislation would become effective immediately and are vague on whether local school board policy would be superseded. It is my expectation that the Department of Education will issue guidance or regulations which ensure that school districts can responsibly implement this mandate in adequate time.

It is my hope that we can continue to refine the policy that will be implemented through the enactment of this provision as we finish our work on ESEA.

Mrs. CAPPS. Mr. Speaker, I rise in support of this legislation.

The bill before us addresses a number of critical national and local priorities of which I will only highlight a few. It provides funding to continue putting 100,000 more teachers in our classrooms. It will also allow school districts to use some of that money to meet other critical educational needs like teacher training if those needs are more pressing. The bill also continues our commitment to put 50,000 more police officers on our streets to fight crime. I have been a strong supporter of the COPS program, seeing the benefits in numerous Central Coast cities like Santa Maria, Lompoc, Atascadero and Morro Bay.

This bill also provides more money to the hospitals, doctors, home health agencies and nursing homes that take care of seniors in the Medicare program. Cuts imposed by the 1997

Balanced Budget Act threaten the ability of critical Central Coast health care providers to serve our seniors and this bill restores some of that funding. The bill also contains some changes to the Medicare HMO program to encourage more coverage in underserved areas like the Central Coast. While I support these provisions, they don't go far enough and I will continue to push for legislation to raise reimbursement rates in rural counties like San Luis Obispo and Santa Barbara.

Mr. Speaker, there are three provisions of particular importance to my district that I would like to highlight. First, this legislation contains $100,000 for Santa Barbara's Computers for Families organization. Run by the highly respected Santa Barbara Industry Education Council and the Santa Barbara Office of Education, DFF refurbishes old computers and gets them into the homes of low-income families. This valuable program helps open the doors of opportunities for all in our community and this expansion will enable CFF to bring this critical technology to more needy families.

The bill also provides $50,000 for the San Luis Obispo County Medical Society which, in conjunction with the Volunteers in Health Care program and pharmaceutical companies, will provide prescription drugs for some underserved seniors. Ensuring seniors' access to prescription drugs has been a priority of mine and this small program will help many needy seniors obtain the drugs they need to live a quality life.

Finally, this legislation authorizes a study of the beautiful Gaviota Coast in Santa Barbara county. This will allow the National Park Service, working in conjunction with Central Coast ranchers and preservation groups, to determine how we can best protect one of the last undeveloped stretches of California's coast. This provision is based on the Gaviota Coast Act of 1999, which I introduced earlier this year.

I must note, however, that there are items in this legislation that I do not support. For example, the bill inappropriately restricts funding to international family planning organizations. This shortsighted provision will keep life saving family planning services from poor women around the world.

While the bill does increase funding at the National Institutes of Health and continues us on a track to double the agency's overall funding, it still delays some $4 billion in NIH funding until the end of the fiscal year. This delay will actually have the effect of cutting the increase in NIH funding and could slow critically important medical research.

I am also deeply disappointed in the process that has brought us a bill that funds nearly half of the government programs at one time. This process does not allow Members to properly study the details of the legislation. I fear that over the next several days and weeks we will be appalled at special provisions that have been tucked into this bill for special interests. Taxpayers deserve more respect from Congress in the way it spends their money. This is not the way the House should do business. I urge the leadership of this House to begin work today on a bipartisan basis to ensure that we do not end up in this position again next year.

Mr. Speaker, this bill is far from perfect. I have serious reservations about the process and I oppose certain provisions in the bill. But, on balance, it represents a good compromise and I urge its adoption.

Mr. BLUMENAUER. Mr. Speaker, I will vote against the Omnibus Budget Agreement because it continues a pattern of budgeting which I feel undermines the confidence and credibility of the American public in one of the most important congressional responsibilities we have—managing the people's money.

I opposed the 1997 Balanced Budget Agreement because it was clear there was no intention of implementing it. It was a ruse. Last year, there was $35 billion in excess spending at the last minute omnibus bill. This year, there is no more time for analysis, and the amount of money that is being gimmicked, manipulated and spent in violation of the budget rules is up to $45 billion.

While there is much in the bill that I support, and while it has been made better due to heroic efforts on the part of the Administration and the House Democratic leadership, it still falls far short of the mark to which Congress should be accountable. I continue to hope that the day will come when the budget process is transparent, not larded with unfortunate spending decisions and is done in a fashion that both Congress and the people we represent can follow what we're doing. Until that day, I feel it appropriate to vote no.

Mr. SERRANO. Mr. Speaker, I rise in support of the conference report, and, in particular, of the final agreements on the programs of the Commerce, Justice, and State Departments, the Judiciary, and the related agencies under our Subcommittee's jurisdiction.

This has been a difficult process, Mr. Speaker, with more perils than Pauline, but at each step of the way the Commerce-Justice bill has been improved, first under the capable leadership of our Chairman, the gentleman from Kentucky (Mr. ROGERS) and finally in negotiations with the Administration.

I must repeat what others have already said, that the Committee and Subcommittee chairmen and ranking Democrats, our staff, and the President's staff have worked long and hard, day and night, weekday and weekend, to get us to this point. And don't forget that the staffs often stay hours longer when members go home. We owe the staff an enormous debt of gratitude.

Mr. Speaker, Chairman ROGERS has explained our part of this package, but I will just note that there is more money for COPS, for SBA, for NOAA, for various civil and employment rights activities, and that most of the President's funding priorities have been addressed.

Of special importance, in my view, is that the resources and authority are provided to let the U.S. pay a substantial portion of the arrears due the UN. This avoids loss of our vote in the UN General Assembly and enhances our leverage over both UN policies and activities in the world and the management of the UN itself.

But the price for this victory may be the lives and health of women all over the world. This is very troubling.

We were not able to include a Hate Crimes provision, but I hope this issue can be taken up in the next session.

Mr. Speaker, the procedure used to create this wrap-up bill was most unusual, and while I know there are very positive provisions in the bigger package, there are also sins of both omission and commission that have been discovered. But I wonder what sins may still be hidden from view since few have had the chance to read it through.

For my part, however, I believe that our work has mostly been well done and I intend to support the conference report.

Mr. NADLER. Mr. Speaker, I rise today, as a member of the Judiciary Committee, to express my support for the American Inventors Protection Act of 1999, which is included as Title IV of the Intellectual Property and Communications Omnibus Reform Act. This act is included in the Omnibus spending package, H.R. 3194, that we are considering today.

This patent reform measure includes a series of initiatives intended to protect the rights of inventors, enhance patent protections and reduce patent litigation. Perhaps most importantly, subtitle C of title IV contains the so-called "First Inventor Defense." This defense provides a first inventor (or "prior user") with a defense in patent infringement lawsuits, whenever an inventor of a business method (i.e., a practice process or system) uses the invention but does not patent it. Currently, patent law does not provide original inventors with any protections when a subsequent user, who patents the method at a later date, files a lawsuit for infringement against the real creator of the invention.

The first inventor defense will provide the financial services industry with important, needed protections in the face of the uncertainty presented by the Federal Circuit's decision in the *State Street* case. *State Street Bank and Trust Company* v. *Signature Financial Group, Inc.* 149 F.3d 1368 (Fed. Cir., 1998). In *State Street*, the Court did away with the so-called "business methods" exception to statutory patentable subject matter. Consequently, this decision has raised questions about what types of business methods may now be eligible for patent protection. In the financial services sector, this has prompted serious legal and practical concerns. It has created doubt regarding whether or not particular business methods used by the industry—including processes, practices, and systems—might now suddenly become subject to new claims under the patent law. In terms of every day business practice, these types of activities were considered to be protected as trade secrets and were not viewed as patentable material.

Mr. Speaker, the first inventor defense strikes a fair balance between patent law and trade secret law. Specifically, this provision creates a defense for inventors who (1) acting in good faith have reduced the subject matter to practice in the United States at least one year prior to the patent filing date ("effective filing date") of another (typically later) inventor; and (2) commercially used the subject matter in the United States before the filing date of the patent. Commercial use does not require that the particular invention be made known to the public or be used in the public marketplace—it includes wholly internal commercial uses as well.

As used in this legislation, the term "method" is intended to be construed broadly. The term "method" is defined as meaning "a method of doing or conducting business." Thus, "method" includes any internal method of doing business, a method used in the course of doing or conducting business, or a method for conducting business in the public marketplace. It includes a practice, process, activity, or system that is used in the design, formulation, testing, or manufacture of any product or service. The defense will be applicable against method claims, as well as the claims involving machines or articles the manufacturer used to practice such methods (i.e., apparatus claims). New technologies are being developed every day, which includes technology that employs both methods of doing business and physical apparatus design to carry out a method of doing business. The first inventor defense is intended to protect both method claims and apparatus claims.

When viewed specifically from the standpoint of the financial services industry, the term "method" includes financial instruments, financial products, financial transactions, the ordering of financial information, and any system or process that transmits or transforms information with respect to investments or other types of financial transactions. in this context, it is important to point out the beneficial effects that such methods have brought to our society. These include the encouragement of home ownership, the broadened availability of capital for small businesses, and the development of a variety of pension and investment opportunities for millions of Americans.

As the joint explanatory statement of the Conference Committee on H.R. 1554 notes, the provision "focuses on methods for doing and conducting business, including methods used in connection with internal commercial operations as well as those used in connection with the sale or transfer of useful end results—whether in the form of physical products, or in the form of services, or in the form of some other useful results; for example, results produced through the manipulation of data or other inputs to produce a useful result." H. Rept. 106–464, p. 122.

The language of the provision states that the defense is not available if the person has actually abandoned commercial use of the subject matter. As used in the legislation, abandonment refers to the cessation of use with no intent to resume. Intervals of non-use between such periodic or cyclical activities such as seasonable factors or reasonable intervals between contracts, however, should not be considered to be abandonment.

As noted earlier, in the wake of State Street, thousands of methods and processes that have been and are used internally are now subject to the possibility of being claimed as patented inventions. Previously, the businesses that developed and used such methods and processes thought that secrecy was the only protection available. As the conference report on H.R. 1554 states: "(U)nder established law, any of these inventions which have been in commercial use—public or secret—for more than one year cannot now be the subject of a valid U.S. patent." H. Rept. 106–464, p. 122.

Mr. Speaker, patent law should encourage innovation, not create barriers to the development of innovative financial products, credit vehicles, and e-commerce generally. The patent law was never intended to prevent people from doing what they are already doing. While I am very pleased that the first inventor's defense is included in this legislation, it should be viewed as just the first step in defining the appropriate limits and boundaries of the State Street decision. This legal defense will provide important protections for companies against unfair and unjustified patent infringement actions. But, at the same time, I believe that it is time for Congress to take a closer look at the State Street decision. I hope that next year the Judiciary Committee will consider holding hearings on the State Street issue, so that Members can carefully evaluate its consequences.

Mr. CLAY. Mr. Speaker, I am pleased this Omnibus bill rejects the devastating cuts on seniors, children, and young adults proposed only last month by the Republican majority. The Labor/HHS portion of this bill, which adds $7.3 billion over last year's bill, more appropriately reflects the overwhelming public support for increased investment in education and fairness in the workplace.

I am particularly pleased that the Conferees decided to continue funding the Clinton/Clay Class Size Reduction Program, which will hire 100,000 new, highly qualified teachers nationwide. I am particularly pleased that the Conferees rejected the Republican plan to divert class size funds into block grants, which could have been used for private school vouchers and purposes unrelated to class size reduction.

The Conference report provides an increase from $1.2 billion to $1.3 billion for class size reduction, it continues class size reduction as a separate program, and it ensures that such funds are targeted to the neediest public schools. The agreement also includes the Democratic plan to ensure that all teachers become fully certified, and it continues the program's flexibility to use funds for teacher recruitment and professional development in order to reduce class sizes.

It also provides new provisions, strongly advocated by President Clinton, that allows $134 million in Title I funds to be used to improve low-performing schools.

The conference report also increases investment in critical education and labor initiatives above the last conference agreement. It provides $454 million for After School Centers, an increase of $154 million over the vetoed bill and $254 million over 1999. It provides $8.6 billion for Title I grants for the disadvantaged, an increase of $144 million over the vetoed bill and $265 million over 1999. It provides $136 million for Historically Black Colleges and Universities, an increase of $7.25 million over the vetoed bill and $12.7 million over 1999. It also provides $7.7 billion for Pell Grants to fund a maximum award of $3.300—the same as the vetoed bill and a $175 increase over 1999.

In the Labor area, the bill provides $11.3 billion—$54 million over the vetoed bill, and $389 million over 1999.

I urge support for the bill.

Mr. PAUL. Mr. Speaker, I wish to take this opportunity to express my agreement with language contained in the report accompanying H.R. 3075, which was included in the Omnibus Appropriations bill, encouraging the Secretary of Health and Human Services to allow home health agencies to use technology to supervise their branch offices. This language also calls on the government to allow home health agencies to determine the adequate level of on-site supervision of their branch offices based on quality outcomes. I need not remind my colleagues that Congress is expecting home health agencies to operate efficiently under greatly reduced Interim Payment System (IPS) and Prospective Payment System (PPS) reimbursement. It is therefore necessary that home health agencies be allowed the flexibility to establish and serve large service areas by utilizing cost efficient branch offices.

My district includes many rural areas which are experiencing access problems due to the Health Care Financing Administration's (HCFA's) home health branch office policies affecting time/distance limitations and on-site supervision requirements. In many cases, these requirements do not recognize technology advances. In order to ensure that senior citizens in rural areas have access to quality home care, it is vital that any regulations on home health care branch offices promulgated by the Health Care Financing Administration (HCFA) evaluate the offices by quality of outcome instead of arbitrary administration requirements and restrictions.

In conclusion, Mr. Speaker, I reiterate my support for the report language accompanying H.R. 3075 urging the use of outcome instead of arbitrary requirements and restrictions, to determine a home health care agency's ability to establish and supervise branch offices.

Mr. COSTELLO. Mr. Speaker, I rise today in opposition to H.R. 3194, the Omnibus Appropriations Bill of 1999. This bill is a travesty, a massive symbol of the failure of this Congress to accomplish its most basic goal—passage of the 13 appropriations bills by September 30, the end of the fiscal year—on time and in order. Instead, we have lumped together numerous pieces of legislation, as well as five appropriations bills, and slapped them together like a giant Thanksgiving turkey to present to the American people.

The process by which we come to this vote on this House. This bill—over a foot high, hundreds of pages thick and in its final form with only a few copies available to all 435 members—was filed at 3:00 a.m. this morning. Members of this Chamber have not had the opportunity to read or even review this legislation. No one knows what kind of special-interest boondoggles lie in the text of this bill, and no one will know for days to come.

The majority in this House even voted to suspend the rules that govern the budget process by forbidding the Congressional Budget Office to 'score' this bill, which would let members know just how much all of these provisions will cost the taxpayers. According to the last CBO estimate of this bill, the majority would pass a bill that breaks their promise to leave untouched the Social Security Trust Fund. CBO recently said this bill would use $15 to $17 billion of the Trust Fund—and who knows just how much this Congress will raid from the Trust Fund once this bill in its final form is enacted.

Finally, it exceeds all of the budget caps put into place in 1997 to balance the federal budget, stretching credibility and the imagination by declaring things like the Head Start program—begun in 1964—as an 'emergency,' along with the census, operations of the Pentagon and other basic functions of government. If we intend to 'bust the budget caps' and declare them obsolete now that we have a budget surplus, we should do so in an honest way and be straight with the American people.

There are some good provisions in this legislation, along with the bad provisions. It provides the President with his priorities of 100,000 new teachers and tools to create smaller teacher/student classrooms; 50,000 more police on America's streets; and a much-needed pay raise for military personnel.

However, there is no reason why this Congress could not have passed these initiatives in a deliberative manner with full debate in this House, instead of in this format. Instead, the majority has cobbled together a massive Thanksgiving turkey of a bill, to present to the American people in one whole form to avoid the scrutiny that would mean the death of some of the more controversial provisions in this legislation. These are the same leaders that told the American people that if they were in charge they would pass a budget on time, with 13 appropriations bills passed separately, without spending any of the Social Security Trust Fund. Their failure to keep their word has resulted in this bill, which I urge my colleagues to oppose.

Ms. STABENOW. Mr. Speaker, I rise today in opposition to this bill and the process that brought it to the floor. My primary concerns are that we have not received sufficient guarantees that the Social Security surplus is protected, and we have not extended the Social Security Trust Fund for even one day. Prior to consideration of this package, the Congressional Budget Office certified that Congress was on pace to spend $17 billion from the Social Security Trust Fund in Fiscal Year 2000. Given that the offsets in this bill do not reach this level, and that this bill relies on numerous questionable budget gimmicks geared to mask the overall effect on Social Security, I cannot support it. At the same time, there are numerous examples of wasteful, unnecessary spending projects—money that would be better spent on Social Security and Medicare.

What makes the above problems all the more tragic is that there are many positive aspects to this measure. As a sponsor of the COPS 2000 legislation, which will authorize the placement of 50,000 additional police officers on our streets, I am especially pleased that a down payment on this funding is included in this bill. In addition, money to add 100,000 new teachers to our schools to reduce class size is also included, as well as an increased commitment to the Lands Legacy Initiative, which will protect our natural areas. I voted for funds to help implement the Wye River peace agreement when they were considered previously, and I would like to be able to vote for them today. This bill restores resources, at least modestly, to our hospitals, nursing homes, and home health facilities that have been negatively impacted by the Balanced Budget Act of 1997, but it does not do enough to solve the long term problems with Medicare reimbursement levels. I have been a leader of this effort, and I voted for similar provisions when they passed the House a few weeks ago. But I said at that time that more needed to be done to adequately address unfair cuts in Medicare. This budget puts pork barrel projects before funding for home health care, hospitals and nursing homes, and this is wrong.

Mr. Speaker, this Congress opened with a bipartisan commitment to preserving the integrity of the Social Security system. This budget does not live up to that commitment. Protecting and strengthening Social Security and Medicare are top priorities for the families I represent and this budget does not pass the test. I urge my colleagues to oppose this legislation.

Mr. BENTSEN. Mr. Speaker, I rise today in support of the conference report on the omnibus Fiscal Year 2000 Appropriations Bill for the District of Columbia, the Departments of Labor, Health and Human Services, Education, Commerce, Justice, State, Interior, and Foreign Operations.

Unfortunately, Mr. Speaker, the process which brought about this omnibus bill makes a mockery of regular order in this House. Over seven weeks into the new fiscal year, and requiring an array of accounting gimmicks purporting to stay within the budget caps, my colleagues on the other side of the aisle should be ashamed of themselves for bringing such a monstrosity forward at this eleventh hour. Filing conference reports at three in the morning and then insisting that we pass legislation which no one has had the opportunity to comprehensively review serves no useful purpose other than to convey to the American people how incapable the majority is of effectively governing. Their display of ineptitude is, however, a perfect ending to a session of Congress that will long be remembered as one of missed opportunities to address the needs of Americans. Included in this graveyard of dead legislation are such important initiatives as a patients' bill of rights, prescription drugs for the elderly, and substantive reform of Medicare and Social Security.

This bill caps this Congress' departure from the 1997 Balanced Budget Act which I helped write and supported. Because of that bill and previous actions, the Nation today enjoys both a budget surplus and good economic times. Early in the year, however, the Republican Leadership determined to increase funding for defense, agriculture, education; much of it justified, but in excess of the 1997 caps. Rather than honestly explaining this to the American people, the Republican Leadership chose instead to engage in budget gimmicks and subterfuge as is evident today. Unfortunately, at this late hour, they have held hostage must-pass initiatives related to health care, general government, foreign policy and education. Because of that fact, and the fact that we continue to maintain a balanced budget and dedicate the vast majority of the projected surplus to debt reduction, I will support this conference report. Many of the items contained in the bill are too important to be allowed to lapse.

For instance, this bill includes clarifications and corrections to the Medicare changes contained in the 1997 Balanced Budget Act which exceeded spending reduction targets at the expense of our seniors and teaching hospitals. This bill provides $12.8 billion over five years in new funding for Medicare reforms which are necessary and vital to the health of our nation's senior citizens.

Specifically, these provisions include a section based upon legislation, H.R. 1224, which I have sponsored, along with Representative CARDIN, to ensure fair and equitable Medicare funding for residents being trained to be physicians. Section 541 of Title V of this bill would, for the first time, ensure that teaching hospitals, such as those at the Texas Medical Center, will receive higher Medicare reimbursements for their physician residents. Under current law, these graduate medical education resident payments are based upon hospital-specific costs. As a result, teaching hospitals in Texas currently receive as much as six times less than those paid to hospitals in New York. This provision would fix this equity by establishing three new tiers of payments for residencies. For those teaching hospitals whose payments are more than 40 percent above the national average, their GME payments would be frozen for Fiscal Year 2001 and 2002. From Fiscal Year 2003 to 2005, their payments would be reduced by a factor of market basket minus 2 percent. For those hospitals whose payments are less than 40 percent of the national average, their payments would be increased to at least 70 percent of the national average.

This bill also includes a modified version of legislation, H.R. 1483, which I have sponsored, along with Representative CRANE, to provide graduate medical education funding for nursing and paramedical education programs. Under existing law, Medicare payments for nursing and paramedical graduate medical educational programs are based upon the number of traditional Medicare patients seen at these teaching hospitals. As more Medicare patients enroll in Medicare managed care plans, many of these patients are no longer seen at these facilities. As a result, teaching hospitals receive less funding for these nursing and paramedical programs. H.R. 1483 would carve out a portion of the payment paid to Medicare managed care plans and transfer these funds to those hospitals with these teaching programs similar to the manner in which physicians training programs are paid. Under this conference report, teaching hospitals with nursing and paramedical teaching programs will receive $60 million in new funding. Regrettably, this funding will not come from Medicare managed care plans. Rather, this funding would be transferred from physicians training programs. As a result, teaching hospitals with both physician and nursing training programs will receive no new net funding. I will continue working to restore to original funding stream so that Medicare managed care plans contribute toward the cost of these training programs.

Other important Medicare provisions include adjustments to ensure the higher costs of training our nation's physicians. This provision would increase Medicare reimbursements for Indirect Medical Education (IME) costs. The conference report provides an IME reimbursement of 6.5 percent in Fiscal Year 2000, 6.25 percent in Fiscal Year 2001, and 5.5 percent thereafter. Under existing law, these IME payments would be reduced to 5.5 percent. These provisions are estimated to save hospitals $700 million over five years.

I am also pleased that this conference report includes language to provide higher reimbursements for pap smears. Under existing law, Medicare reimbursements for pap smears are $7.15 each. This bill would increase this reimbursement level to $14.60 per pap smear. This reimbursement level has not been increased for many years and will help to ensure that senior citizens receive this important preventive health test. This provision also covers the new pap smear technology so women would be eligible to receive these state-of-the-art tests which have a better record of finding and diagnosing ovarian cancers. The Congressional Budget Office estimates that this provision will cost $100 million over five years and $300 million over ten years. I am pleased that Congress has decided to provide the investment for many women whose lives will be saved by this test.

This conference report also includes a provision to ensure that the State of Texas can keep $27 million to help states conduct outreach identifying Medicaid eligible children. The State of Texas has the highest uninsured rate of 24.5 percent of its population. The Texas Department of Health has determined that 800,000 of the 1.4 million uninsured children are eligible for, but not enrolled in, Medicaid. Under existing law, the State of Texas and other states would lose up to $500 million on December 31, 1999 because of a sunset provision in the Welfare Reform Act of 1995. This measure eliminates this deadline while ensuring that the State of Texas get the resources it needs to identify and enroll Medicaid-eligible children.

The conference report further includes $150 million in Medicare reimbursements for immunosuppressive drugs. Under existing law, Medicare beneficiaries can only receive three years of immunosuppressive drugs following a lifesaving transplant operation. However, all of these patients must take these drugs indefinitely. I have cosponsored legislation, H.R. 1115, to eliminate this 3-year restriction. The conference report would provide eight months of additional coverage for these life-sustaining drugs in Fiscal Year 2001 and 2002. In addition, this funding permits the Secretary of Health and Human Services to extend this coverage up to $150 million over five years. Although the 3-year restriction was not eliminated, I believe that this extension is important because it means that Medicare beneficiaries can receive the prescription drugs they need. For many Medicare beneficiaries, these immunosuppressive drugs are extremely expensive and a financial burden. Many of these transplant operations are conducted at the teaching hospitals in my district at the Texas Medical Center. I will continue to work to extend this coverage indefinitely for those who need it.

As a Co-Chair of the Congressional Biomedical Caucus, I am pleased that this bill will provide a total of $17.9 billion, or $2.3 billion more for biomedical research at the National Institutes of Health (NIH). This fifteen percent increase is the second down payment on our efforts to double the NIH's budget over five years. This increase is necessary to ensure adequate funding for cutting-edge research such as the Human Genome Project being conducted at Baylor College for Medicine in my district. Currently, NIH funds only one in three of peer-reviewed medical research grants and many potential cures and treatments go undiscovered.

While I am grateful for the increase, I am concerned that the Republican majority continues to insist on a budget gimmick to delay up to $3 billion in NIH's budget until the final day of the next fiscal year. As a result, some medical research grants will be delayed. This is better than an earlier proposal to delay $7.5 billion, but it is still counterproductive to speed up research for cures to diseases like juvenile diabetes and AIDS.

I am also pleased that this conference report includes funding for a project which I have been working on to provide $500,000 for the Center of Excellence for Research on Mental Health (CMRH) to the University of Texas MD Anderson Cancer Center in my district. This Center would build upon the Institute of Medicine report issued earlier this year indicating that there is a disproportionate share of minority and medically under-served patients who suffer from cancer and other health related diseases. The CRMH would establish a multi-disciplinary center for excellence in basic, applied, and clinical research to help meet the unique health-related challenges of minority and under-served populations. The goal of this Center would be to improve the low mortality rate among minority and medically under-served populations, and to translate these methods to other minority and under-served areas nationwide.

This omnibus measure also contains language which I requested to help ensure that the National Institutes of Health (NIH) is conducting sufficient research on breast and ovarian cancer among women of Askenazi descent who carry the BRCA1 gene. There is an abnormally high incidence of breast and cervical cancer among Azkenazi Jewish women. This research will help to identify and isolate some of the reasons for this high incidence of cancer. This conference report urges the NIH to provide funding for a binational program between the United States and Israel establishing a computerized data and specimen sharing system, subject recruitment and retention programs, and a collaborative pilot research program.

I am also pleased that this budget agreement makes education a top priority by providing $1.3 billion to hire and train 100,000 new teachers to help lower class size in the early grades. This is truly good news for our children and for their future. We know that school enrollments are exploding and that record numbers of teachers are retiring. Every parent and teacher in America knows that a child in a second-grade class with 25 students will not get as much attention as he or she needs and deserves. Overall, this plan means more teachers with higher educational credentials—and for students, more individual attention and a better foundation in the basics. I am also pleased that this budget doubles funds for after school and summer school programs while supporting greater accountability for results by helping communities turn around or close failing schools.

This omnibus measure also strengthens America's role of leadership in the world by paying our dues and arrears to the United Nations, by meeting our commitments to the Middle East peace process, and by making critical investments in debt relief for the poorest countries of the world. Of critical importance is the $1.8 billion to fund the United States' commitment to the Wye River Agreement. For decades, the U.S. has worked with Israel—our most consistent Middle East ally—to provide the aid and military equipment necessary to defend itself against hostile neighbors. The funds appropriated in this year's budget send the message that the United States is a full partner in securing a lasting peace in the Middle East.

This budget continues the Administration's COPS program by including funding to help local communities hire up to 50,000 police nationwide. This program has been tremendously successful in Harris County helping the County, and some of its cities including virtually all those in my district, more than 1,000 police positions to fight crime.

This bill also includes important funding for the Immigration and Naturalization Service (INS) to combat illegal immigration and administer legal immigration both functions of government terribly important to the people of the 25th District. The bill also funds the upcoming census, which is important to government and commerce.

Mr. Speaker, this is by no means a perfect bill and the process has been deplorable. However, this bill does meet important priorities in health care, education, crime control, immigration, general government and foreign affairs. Furthermore, this bill ensures that we maintain a balanced budget, dedicating the surplus to debt retirement and preserving its use for strengthening Social Security and Medicare in the future. On that basis, I urge my colleagues to support its passage.

Mr. BLILEY. Mr. Speaker, I also want to take this opportunity to explain to my colleagues an important change made to the Satellite Home Viewer Improvement Act of 1999 since the Conference Report was considered on the floor last week. As my colleagues know, I had been concerned that sections 1005(e) and 1011(c) of the Conference Report could unfairly discriminate against Internet and broadband service providers and, in doing so, would stifle the development of electronic commerce. I was particularly concerned that these provisions could be interpreted to expressly and permanently exclude any "online digital communication service" from retransmitting a transmission of a television program or other audiovisual work pursuant to a compulsory or statutory license.

Under the agreement embodied in the bill before us, these provisions were deleted, and rightly so. They were essentially added after agreement had been reached on the fundamental parameters of the Satellite Home Viewer Improvement Act, without any consultation with the Committee on Commerce and, equally important, without any record evidence submitted about their necessity. The committees of jurisdiction will now have an opportunity to give deliberate and careful consideration to the application of the Copyright Act to the Internet and broadband service providers. The importance of the Internet and other online communications technologies for enhancing consumer access to information and programming cannot be overstated. Online technology has transformed the way consumers receive information, including audiovisual works. Because rapid technological changes are having an ever more positive impact on our economy, it is thus essential that we give full attention to this issue early next year.

Mr. STENHOLM. Mr. Speaker, as with any compromise legislation, the final budget agreement has both very positive aspects and very troubling features. The agreement provides funding for several high priority spending items, particularly rural health care and education. In addition, the agreement preserves increases in programs affecting agriculture, veterans, defense and other priority areas. However, it falls far short of the standards of fiscal responsibility that were set forth in the Blue Dog budget and will create serious problems for the budget process that will begin next year.

This package provides much-needed relief for rural hospitals, nursing homes, community health centers, rural health clinics, home health agencies, and other health care providers who have struggled to cope with the impact of the Medicare payment reductions included in the Balanced Budget Act of 1997. Along with my colleagues in the House Rural Health Care Coalition, I introduced the Triple A Rural Health Improvement Act, legislation intended to help rural health care providers continue to provide vital services to rural seniors. I am pleased that this package includes a number of the important rural health provisions that we included in our legislation.

Specifically, this bill includes protection for low-volume, rural hospitals from the disproportionate impact of the hospital outpatient prospective payment system, an alternative payment system for community health centers and rural health clinics, reforms of the Medicare Rural Hospital Flexibility/Critical Access Hospital program, expansion of Graduate Medical Education opportunities in rural settings, Rebasing for Sole Community Hospitals, Extension of the Medicare Dependent Hospital program, and permitting certain rural hospitals in urban-defined counties to be recognized as rural for purposes of Medicare reimbursement.

The most significant accomplishment of the budget process this year is the success of fiscally responsible Members to block efforts to spend the projected surpluses over the next ten years on tax cuts or new entitlement spending. The bulk of the projected surpluses over the next ten years are preserved for debt reduction. I intend to join with my fellow Blue Dogs next year to renew our efforts to lock up half of these projected surpluses for debt reduction. In spite of all of the budget gimmicks and other fiscal shortcomings of this budget agreement, our successful vigilance in other efforts will result in a reduction of at least $130 billion in debt held by the public, following on the $123 billion in debt reduction achieved in fiscal year 1999.

Sadly, this particular budget agreement is a product of a terribly flawed process. Instead of spending the first eight months of the year debating a fiscally irresponsible tax cut that was destined to be vetoed, Congress should have been working with the administration to develop a responsible budget plan for the next five years. We should have set realistic spending caps and establish a framework for protecting the Social Security surplus and paying down the debt over the next five years.

The negotiating process did establish a very valuable precedent as a result of the administration's commitment to offset all increased spending they requested. Since the administration proposed offsets for all of their increased spending requests, any spending above the discretionary spending caps and any spending out of the Social Security surplus was a result of the legislation passed by the Majority in Congress prior to the budget negotiations.

The failure to put together a long-term budget framework has produced a bill that will cause real problems for the budget process next year and beyond. The cumulative effect of the budget legislation passed by Congress this year in the absence of a long-term plan will make it virtually impossible to comply with the discretionary caps in the next two fiscal years or balance the budget without counting Social Security. The discretionary spending caps in statute have lost much of their credibility as a tool to restrain spending.

As a result of all of the budget gimmicks placed in the spending bills passed by the Majority before the budget negotiations began, the final agreement will result in spending at least $17 billion of the Social Security surplus in 2000 and will put us on a course to spend a similar or greater amount of the Social Security surplus in 2001 and consume more than 75% of the projected on budget surplus in 2002.

When the timing shifts, emergency designations, and delays in the starting point for spending are taken into consideration, these bills put us on a path for an on-budget deficit of at least $20 billion in fiscal year 2001 and will reduce the fiscal year 2002 projected surplus from approximately $82 billion to approximately $13 billion in fiscal year 2002.

My fellow Blue Dogs and I have advocated locking up a portion of the projected on-budget surpluses to reduce debt held by the public to effectively pay back the money borrowed from the Social Security trust fund. The impact the final budget agreement will have on the on-budget surplus in the next two years would have been mitigated if it was accompanied by a solid commitment to repay any monies borrowed from the trust fund to meet operating expenses through additional debt reduction. Unfortunately, the Majority leadership never seriously considered this approach.

The outcome of the budget process this year underscores the critical importance of developing a responsible budget plan that addresses the long-term problems of Social Security and Medicare and provides for a reduction in the national debt in addition to providing room for tax cuts and priority programs. I am committed beginning work early next year with the administration and Congressional leadership on a bipartisan budget framework.

Mr. UDALL of Colorado. Mr. Speaker, I want to explain why I voted the way I did on this bill.

First, I had very serious concerns about the way in which this bill came before the House. It was a far-reaching measure, rolling into one oversize pile not just five appropriations bills but also several important authorization bills. It was filed in the early hours of this morning. I am confident that very few if any Members were able to read it all. Yet that is how it was, and we had to vote it up or down, with only limited time for debate and no chance to change it.

This is not the way we should do our work. While we are already more than two weeks late, today we passed yet another continuing resolution to keep the agencies covered by this bill operating. So we had some time—and we should have taken the time to do things the right way.

However, the majority's leadership decided to reject that more orderly way of proceeding. We had to choose a simple yes or no. And, after careful consideration, I decided to vote against this bill.

This was not an easy decision. In reaching it, I was conscious of many good things that were in the five appropriations bills and the other measures that were rolled into this one large, indigestible lump.

The bill has many provisions that are good for the country—and, in fact, some of particular benefit for Colorado as a whole and my own district in particular. Many of them were things that I have sought to have included.

For example, under the bill the National Oceanographic and Atmospheric Administration (NOAA) will receive an appropriation of $2.3 billion, up 8% from last year and nearly 20% more than in the House-passed bill. This is something that I worked to achieve, and something I strongly support.

Further, the National Institute of Standards and Technology is funded at $639 million, which is about 1.3% less than in fiscal 1999 but an increase of 46% above the amount in the House-passed bill. This includes funding for the Advanced Technology Program (ATP), which has been zeroed out in the House-passed bill. These appropriations are very important. Their inclusion is something I worked to achieve and I would have liked to have been able to support them.

I also would have liked to have been able to support the amounts the bill provides for the Department of the Interior and the Forest Service. Again, I have been working to provide these agencies the resources they need to properly manage our federal lands and to help in the crucial job of protecting our open spaces against growth and sprawl.

And I very much would have liked to have been able to vote for the bill's funding for education and its provisions to improve health care for seniors and other Americans. Nothing is more important for our society, and nothing is more important for me. And the bill includes other good things as well.

However, on balance, I decided that the bill's virtues were outweighed by its faults.

They were outweighed by the fact that the bill includes an arbitrary reduction across many departments and agencies which is not only totally unnecessary but also very unbalanced—even unfair—in the way it's structured. It isn't really across-the-board: for example, in the defense department it will not apply to protected pork-barrel items and thus will fall on operations and maintenance that are really the key to our national security. And, apparently just to make it even worse, it does not apply to Congressional pay, so that come the first of

.e year we will get a cost-of-living increase—something that I voted against—without any reduction. That was something I could not support.

The bill's virtues were also outweighed by the way it offends against fiscal candor and public accountability. It is loaded with accounting gimmicks and transparent fictions—things like calling the constitutionally-required census an "emergency," delaying some payments so they will technically fall into the next fiscal year, and directions to use the most convenient estimates of costs. The effect of these gimmicks and ruses is to pretend that more than $30 billion that's in the bill isn't really there.

"Peekaboo" is something that's fun to play with toddlers, but I don't think we should be trying to pull it on the taxpayers.

So, as I said, Mr. Speaker, my decision was not an easy one. But I think it was the right one. I hope that next year the choice will be different. I hope that the House will do its work the way it should be done, on time and in keeping with the best principles of fiscal responsibility and public accountability. Let us learn, and let us change.

Mr. MCINTYRE. Mr. Speaker, for the record, this is to clarify that the "no" vote I cast today against H.R. 3194, the District of Columbia Appropriations Conference Report for FY 2000, is by no means an indication that I am opposed to the Medicare Balanced Budget Act (BBA) refinement provisions included in this legislation. Indeed, I voted for the Medicare relief package when it came before the U.S. House of Representatives on November 5, 1999, and passed overwhelmingly by a vote of 388 to 25. As Co-Chairman of the Rural Health Care Coalition, I supported this legislation because it clearly represents a step in the right direction toward allaying the current health care crisis facing our nation and mitigating the impact of Medicare cuts mandated by the BBA on health care providers. Unfortunately, my colleagues and I in the House were not given the opportunity to vote on the revised language as free-standing legislation. Rather, it was attached to the D.C. Appropriations Conference Report with various other unrelated measures, including hurricane relief funding. The reason I voted against H.R. 3194 is because we, as a nation, have an obligation to provide the citizens of eastern North Carolina with the necessary emergency aid to recover from three major hurricanes. However, this measure does not go far enough in providing adequate relief to those individuals who need it the most.

Mr. VENTO. Mr. Speaker, I rise in reluctant support of this bill. Approaching almost two months into the Fiscal Year 2000, we are forced to vote on this massive catchall spending bill which covers programs that would normally be funded by five separate appropriations bills. I am not sure if my Colleagues are privy to the substance of this Omnibus Appropriation and it may take months to honestly sort through the ramifications of these provisions included in this careless budget process.

While H.R. 3194 contains important programs to hire additional teachers and police officers, finally fulfill our responsibilities in paying the United Nations (UN) back dues, underwrite and implement the Wye River peace accords, provide critical debt relief for the world's poorest nations, increase payments to Medicare health care providers and secure land acquisition for the purposes of environmental protection and conservation, this measure extends the Northeast Dairy Compact which adversely affects Minnesota's dairy farmers, and relies upon budget gimmicks in order to mask the perception of spending any of the Social Security Insurance Trust Fund.

Through across-the-board cuts, gimmicks and scorekeeping adjustments, the Republicans claim to keep their promise to balance the budget excluding Social Security. However, the CBO recently scored the Republican budget plan and verified that they have broken their promise by spending the Social Security surplus long before this measure was even considered.

According to CBO, the appropriations bill turns a $14.4 billion on-budget surplus into a $17.1 billion on-budget deficit. No cooking the books or scorekeeping gimmicks can deny the facts of the bottom line. This clearly shows that the Republicans are spending the Social Security surplus rather than saving it. It is indeed ironic that the Republicans are publicly attacking Democrats for "raiding Social Security" when their own Republican appointed budget scorekeeper, CBO, tells us that it is their appropriations that have already created an off-budget incursion into Social Security funds. Unfortunately the overall process of combining five appropriations bills, with numerous policy matters and attaching dozens of authorization bills which should be considered separately is an admission by the GOP leaders that they cannot deal with policy fairly and give Members of the House a vote on each. Rather the Leadership has stuffed this Omnibus Bill to the point of making it resemble a Thanksgiving turkey! What a sad way to do our work and serve the people.

The American public time and again has rated education as a top priority . . . above tax cuts, above foreign affairs, above Pentagon spending, even above gun safety and protecting social security. While I am not discrediting the need for Congress to address all of these issues, it is important that we listen to what constituents are saying. Republican rhetoric boasts a strong commitment to education, claiming funding levels exceeding last year's appropriations and above the president's requests. However, I have concerns about the methods used; this legislation resembles a pea and shell game, shifting funding responsibility and using advance FY2001 appropriations. The bottom line is that in terms of actual FY2000 funding the agreement actually provides less than last year's appropriations and bodes problems for FY2001 education budgeting.

However, I will concede that this final compromise is certainly a bit more palatable than the original legislation. I am pleased that additional funds have been designated for President Clinton's class size reduction program which just last year was agreed to, but denied funding by the GOP up and to the Administration's insistence, the increased flexibility for the use of these funds, for teacher qualification and certification is a plus. Important programs such as Goals 2000, School-to-Work, Education Technology, and 21st Century Community Learning Centers have been sufficiently funded. Additionally, I am supportive of increased funding for student financial aid. These investments in education are the smartest spending that our national government can make.

Although I would have preferred to see more funds dedicated to the President's initiative to hire new community police officers in FY 2000, I was pleased to see increased funding for a program to address violence against women.

This bill provides necessary relief to alleviate some of the Balanced Budget Act of 1997 (BBA) cuts on health care providers in my district and throughout the nation. I am particularly pleased that a clerical error which would have severely underfunded Minnesota hospitals that care for a disproportionate share of low-income individuals has been corrected. Also, this measure recognizes the importance of National Institutes of Health (NIH) research in addressing public health issues such as cardiovascular diseases, Alzheimers and diabetes. Regrettably, overall Medicare reform, prescription drug coverage and the imbalance in Medicare payment levels which adversely impacts seniors in Minnesota have not been addressed this session. I am also disappointed that the bill will continue a pattern of cuts to the Social Services Block Grant program which provides important social services to the elderly, poor and developmentally disabled.

I am pleased that I can, in good conscience, look favorably upon the provisions contained in the Interior funding portion of this legislation. Although it does not satisfy all of my concerns regarding many of the anti-environmental riders, the Democratic conferees and the Administration were successful in thwarting the most egregious of the riders to preserve the quality of our lands. Specifically, I commend the conferees for choosing to keep the authority of the Clean Water Act intact regarding mountaintop mining, allowing the Bureau of Land Management to cancel, modify or suspend grazing permits after their environmental review is complete and delaying the new formula for oil royalty valuation only until March 15, thus permitting implementation after nearly three years of GOP stalling to the benefit of the oil companies. In addition, I am also pleased to see that additional funds have been added to the Land and Water Conservation Fund (LWCF) for high priority land acquisitions. Both the federal and stateside portion of this program have been woefully underfunded for years. Hopefully this signals the end of that era and a renewed commitment to this vital LWCF law.

I would like to express my displeasure with Congress' inability to fund important clean air programs for fear that somehow the Administration will secretly implement the clean air agreement reached under the Kyoto Protocol. It is vitally important that this nation put the health and welfare of its citizens before the profit of utilities and big business. The costs associated with protecting the public will save this nation money and lives.

After three years of holding up UN arrears by linking restrictive language to family planning organizations, the President was forced to capitulate and prohibit funding for preventive family planning. The choice: lose the U.S.

vote in the UN or pay the dues with restrictive, unworkable conditions. Unfortunately, this policy will lead to an increase in unintended pregnancies, maternal deaths, and in abortions abroad. I will point out, however, that the President can waive these "Mexico City" provisions on the condition that overall family planning assistance would then be cut by $12.5 million. No doubt the President will find it necessary to do so to the predictable howls of protest by the proponents of these limits. Some it would seem want a political issue, not a workable policy.

I am pleased that the President's request of $1.8 billion to help implement the Wye River peace accords between Israel, the Palestinian Authority and Jordan was included. With this important funding, Israel and Palestine can move head with the Wye agreement and final status negotiations. This financial assistance is vital for the future of the peace process and all more critical for the United States to do its part in meeting its commitments and obligations. The United States has a deep commitment to Israel and its Arab partners in the peace process to facilitate the ongoing negotiations. Our continuing support now is both the right thing to do and serves to promote stability in the Middle East.

Moreover, I especially applaud the inclusion of debt relief for the world's poorest countries. Debt relief is one of the most humanitarian and moral challenges of our time. The agreement is very similar to the final product of H.R. 1095, which passed out of the Banking Committee earlier this month. Albeit the agreement deleted regrettably several amendments to the bill, including my amendment which requires the President to take into account a nation's record on child labor and worker's rights before granting debt relief.

Specifically, the agreement would authorize U.S. support for an IMF proposal to sell some of its gold reserves to finance debt forgiveness and participate in the HIPC initiative. The re-evaluation of the IMF's gold reserves and the profits from these sales, roughly $3.1 billion, could only be used for debt relief. In addition, H.R. 3194 includes $123 million for bilateral debt relief, which is about equal to the President's original request. Unfortunately, the first of four $250 million in payments for multilateral debt relief was not included, thus delaying action on the President's pledge with other industrial nations to forgive $27 billion in foreign debt owed by HIPC countries.

In regards to the Satellite Home Viewer Act provisions included in this agreement, I am pleased that this measure has finally dropped language which would have authorized $1.25 billion in loan guarantees for satellite companies to provide local-into-local service in rural areas. I had jurisdictional, policy and cost concerns due to the fact that this loan provision was not cleared through the Banking Committee, which led me to vote against the original conference agreement of the Satellite bill last week.

In conclusion, this bill provides essential increases in education, law enforcement, and public health initiatives; reaffirms our commitment to the UN, Israel and Palestine, authorizes debt relief for the world's poorest, and seeks to protect the environment. At the same time, this measure is a budgetary bag of tricks which offsets requires across the board cuts that will do mischief into necessary and fundamental federal commitments and consists of clever gimmicks to paper over the promise of breaking the Republicans majority to protect surpluses in the Social Security Trust Fund. But, considering the Republican control of Congress and the state of denial for the past 10 months more work and time would not likely cure the objections I harbor to this funding policy. The Clinton Administration and Democrats in Congress have balanced most of the adverse impacts of this Omnibus budget bill and I shall reluctantly cast a "yes" vote and urge its passage.

Mr. LEVIN. Mr. Speaker, well here we go again. Another year and another last minute, take-it-or-leave-it, catch-all budget that funds most of the government. The Republican Leadership didn't do its homework all year and now they expect a gold star because they got a C on the final exam.

Most Americans will probably find little fault with many of the major provisions of the legislation we are considering today. Although the Republican Majority fought it every step of the way, most Americans support our initiative to hire 100,000 new teachers to reduce class size in our schools. They support the President's program to put more police on the streets in our communities. They support our efforts to strip the harmful anti-environmental riders that threatened the ecological health of our land, water and air. The American people support our efforts to preserve access to health care for older Americans by correcting the excesses of the 1997 Balanced Budget Agreement. On all of these issues and countless others, President Clinton prevailed over the extreme opposition of the Republican Leadership.

The major shortcoming of this agreement is not what's in it; the problem with this bill is what's not in it. As just one example, the vast majority of Americans support managed care reform; indeed, the House passed a strong Patients' Bill of Rights earlier this year. There is one reason, and one reason alone why HMO reform is not included in the package we are debating today: the Republican Leadership does not support meaningful managed care reform.

The Congress also should have acted this year to extend prescription drug benefits to the elderly, too many of whom are being forced to choose between food and medicine. Most Americans support this, I support this, the President supports this. A major reason prescription drug coverage is not included in this budget is because the Republican Leadership does not support it. It's ironic that the Majority spent most of this year trying to push through a massive and irresponsible tax cut that chiefly benefited the very richest people in America, but was unwilling to even discuss a Medicare prescription drug benefit for seniors.

I remain dismayed that the Majority has also blocked campaign finance reform, a much needed raise in the minimum wage and sensible gun safety measures. In addition, this Congress should have done more to help low-income working families. Despite the good economy, the number of people with health insurance has declined and the number of children going hungry has actually increased. We should have taken action on all these fronts this year.

Finally, despite the repeated claims of the Majority that they are not spending even one dime of the Social Security surplus, the fact is that this agreement falls short of their rhetoric. As with the previously adopted appropriations bills, the budget package before us contains numerous accounting gimmicks whose only purpose is to disguise the real cost of this legislation. I don't think anybody is fooled by all the smoke and mirrors. What is the point of having a budget process when the Leadership of this body consistently refuses to follow it?

I will vote for this agreement, but I do so reluctantly. At the end of the day, the lasting legacy of this session of Congress will be shaped more by what we failed to accomplish this year than what we're doing in this legislation today.

Mr. DINGELL. Mr. Speaker, once again a more curious process has produced an omnivorous end-of-session spending bill. It is fair—and accurate—to say that most Members of this body would fail a pop quiz on the contents of this legislation, given that it only became available for review late this morning, replete with handwritten additions, deletions and elisions.

Almost in spite of itself, this Congress has written legislation that does some good.

For instance, one of the many extraneous provisions included in this package is the Satellite Home Viewer Act. Consumers will greatly benefit from this bill. They will finally be legally entitled to receive their local broadcast stations when they subscribe to satellite television service. No longer will consumers be required to fool with rabbit ears, or erect a huge antenna on their rooftop, to receive their local network television stations. The satellite dish many consumers buy this holiday season finally will be able to provide them with a one-stop source for all their television programming.

The bill also will allow satellite companies to compete more effectively with cable systems, and provide a real-market check on the rates they charge their consumers. If cable rates continue to climb, as they have done for the past several years, consumers will be able to fight back: they will have a real choice for their video programming service.

I am also pleased that this legislation rectifies some of the consequences of the 1997 Balanced Budget Act for Medicare beneficiaries and providers.

Nonetheless, the fact remains that we are voting on a matter of great importance to the 38 million Americans covered by Medicare, yet most members have had only hours to examine all of the provisions in this bill. Doubtless, there are secret little provisions in this bill that help special interests and are known only to Republicans.

Our Republican friends have also made a great fuss about the need to protect the Social Security surplus, but the bill they are offering is not paid for. Preliminary estimates show that the Medicare provisions of this bill cost almost $16 billion. Unpaid for, the bill will shorten the life of the Medicare Trust Fund and increase premiums to seniors. Apparently, fiscal responsibility only suits the Republican Party when it is convenient.

I am also concerned that in some areas, we may not have done enough. In the area of quality, this bill moves backward rather than forward. The bill further removes Medicare managed care plans from oversight and some quality requirements. They have even exempted some plans from the requirements entirely. Who knows what other nefarious provisions lurk within the dark corners of this bill?

The compromise on Community Health Centers is a good beginning, but a permanent solution is needed. I applaud the willingness of the Republican leadership to work with us to find a middle ground on assistance for these providers who serve a large number of America's uninsured and lower-income families.

For women with breast or cervical cancer, however, this bill is inadequate. We had the opportunity to include a bill by my colleague Ms. ESHOO that would have provided great assistance in treating breast and cervical cancer, but this evidently was not a priority for the Republican leadership.

The Republican leadership is at least consistent in its coddling of managed care companies. While the conferees on the Patients' Bill of Rights have yet to hold their first meeting, this legislation gives nearly $5 billion to managed care plans, despite considerable evidence from the General Accounting Office that these plans are already overpaid. At the same time, this bill omits what is perhaps the most important relief that Congress could offer to Medicare beneficiaries: relief from the high cost of prescription drugs. Seniors should not be forced to choose between food and needed medicines.

Mr. Speaker, my modest experience as a legislator teaches me that even the best legislation inevitably contains flaws and compromises. But the entire process by which the Republican leadership produced this massive package and brought it to the floor today is a travesty, and I hope to never again see it repeated.

In addition, Mr. Speaker, the BBA contains a study by GAO of the Community Health Centers payments under which the conferees intend that the GAO should look at all State programs including those with 1115 waivers.

Mr. STEARNS. Mr. Speaker, Is this a perfect bill? The answer is no. There are several provisions contained in this measure that I do not and did not support in the past. However, there are also many provisions contained in this funding bill that I do support. They are as follows.

The give-backs to Medicare that are included in H.R. 3624 are tremendously important to the people in my district. I want to compliment the conferees of the Committees on Commerce, Ways and Means and the Senate Finance Committee who worked so diligently to reach an agreement to ensure that Medicare beneficiaries have access to health care services. This measure will be of assistance to those who rely on Medicare for their health care needs.

I have worked closely with Chairmen BILIRAKIS and BLILEY to ensure that Medicare+Choice receives an increase in funding because we need to make sure that seniors have the same choices available to them as other Americans.

H.R. 3624 restores funding to the Medicare+Choice program. It also makes some positive changes that will offer Medicare beneficiaries more flexibility in a number of ways. First and foremost, it authorizes incentives for health care providers to enter counties that do not currently offer managed care plans. This is a key provision because I represent a rural area with very few HMOs.

It also allows Medicare+Choice beneficiaries an open enrollment period when they learn their plan is ending its contract. In addition, it would slow down the implementation of Medicare+Choice payment rates to reflect the differences in enrollees' costs. Lastly, it would provide beneficiaries more time to enroll in Medicare+Choice or Medigap plans when health plans withdraw from the market.

The bill is also endorsed by many organizations including the National Rural Health Association and the American Hospital Association. The bill contains specific provisions to correct many of the unintended consequences of the BBA that have adversely affected the rural communities.

It also strengthens the Medicare rural hospital critical access hospital program and expands Graduate Medical Education opportunities in rural settings.

Another important provision provides payments for orphan and cancer therapy drugs and new medical devices. I have focused on the issues my constituents said they wanted fixed, but there are certainly other improvements that I have not listed here today.

The Medicare Balanced Budget Refinement Act will provide much needed relief to Medicare beneficiaries and providers alike. It may not provide everything that has been requested, but it does address the issues with which my constituents have greatest concern.

This appropriation package also provides for a study to be conducted on the role of Ft. King in the Second Seminole war. This is something I have tried to accomplish for several years and I am pleased that it is moving forward. Ft. King is an important historical site located in Ocala, Marion County, Florida. I also want to thank Chairman REGULA for his help in getting this language included in the Interior bill.

I also was successful in securing funding for an aircraft training at an Aviation/Aerospace Center of Excellence project operated by the Florida Community College at Jacksonville utilizing resources at Cecil Field. This is an important instructional program that will prepare students to take the appropriate certification exams which are required by the Federal Aviation Administration for employment in aircraft maintenance. This is tremendously valuable since there is no such training program currently available in Northeast Florida.

Another important provision that I was able to help get included is the prohibition on the Public Broadcast Stations from sharing their donor lists with political parties or outside parties without the donors consent. We must ensure that taxpayer dollars are not misused for political purposes.

This measure also contains language allowing consumers choices when it comes to getting their television signals. As a member of the Telecommunications Subcommittee I worked to ensure that consumers can receive local television stations and further worked to ensure that they will not lose their distance signals.

Notwithstanding all these things that are good within the bill, I am concerned about the process. This bill forward funds much too much money. Also, I am concerned with the whole process of not being able to read the five (5) bills. Putting all five bills together in one omnibus spending bill is not good and does not serve this House well.

Mr. KLECZKA. Mr. Speaker, we have apparently not learned from history. The Omnibus Appropriations bill the House is considering today is very similar to the budget-busting, catch-all bill that Congress passed last year. This time the bill, which was filed at 3:00 a.m. this morning in the cloak of darkness, measures one foot tall. It is impossible for Members to know all the details included in this massive measure, including the type and amounts of pet projects inserted without debate. Sadly, this omnibus bill comes to us after we heard the Republican Leadership maintain their commitment to make the trains run on time and send the President 13 separate appropriations bills.

Although this bill contains many favorable provisions, such as increased nursing home funding for the most vulnerable seniors in the Medicare program and an agreement to permit satellite TV carriers to transmit the signals of local broadcast stations back to subscribers in the same local market, the negative aspects out-weigh the good and therefore I must oppose this legislation.

The Republican Leadership made a handshake agreement that they would not include dairy legislation on any appropriations bill. They have gone back on their word by attaching language that will maintain the depression-era milk pricing system and stop the Department of Agriculture's modest milk market dairy reforms. This provision will hurt Wisconsin dairy farmers and consumers nationwide.

I am also concerned that this bill does not go far enough to prevent the implementation of the Department of Health and Human Services organ allocation rule. The HHS proposal will take much-needed organs away from Wisconsin and threatens the very existence of our nation's smaller transplant centers. While I welcome any delay of this ill-conceived policy, I am extremely disappointed that Congress was unwilling to postpone the restructuring of the organ allocation system until we can address this issue in a more comprehensive manner.

Perhaps the most egregious parts of this bill are the accounting gimmicks used to "pay for" the programs within the bill. The .38% across-the-board spending cut allows the individual agencies and departments to determine which programs and accounts shall be subject to the spending reduction. However, no project can be cut by more that 15%. This means that wasteful and inappropriate pork-barrel spending projects, such as Naval ships not even requested by the Navy, cannot be targeted for elimination.

Another troubling gimmick is the bill's use of forward funding. Delaying payments for defense contractors, delaying veterans medical care obligations, and rescinding Section 8 housing program funds are just a few of these accounting gimmicks which add up to over $4 billion. Further so-called "savings" are achieved by delaying the paychecks of our military personnel and payments made to recipients of social services block grants.

Furthermore, roughly one-third of all education funding being spent this fiscal year is counted against next year's spending caps. This will spend nearly $12.4 billion that will not be counted until next year, subverting the budget caps. Even though this spending is within the Budget Caps, it still results in a Fiscal Year 2000 outlay that taps into Social Security funds. To top it off, $4.5 billion of the Census funding is classified as emergency spending and thus does not count against the spending caps. This too, spends funds from the Social Security Trust Fund—for an activity the government has performed like clockwork for every ten years for over 200 years! Not only is the Census called an "emergency," but also included in the long list of surprise spending by the government are funds for the Head Start program and the Low-Income Home Energy Assistance program.

Finally, even though this bill contains everything but the kitchen sink, it does nothing to extend the life of Social Security or to modernize the Medicare Program. This budget bill also does not offer a plan to allow seniors to buy prescription drugs at an affordable cost, nor does it contain legislation to allow patients and doctors to make medical decisions instead of HOMO bureaucrats.

For these reasons Mr. Speaker, I must oppose this bill.

Mr. POMEROY. Mr. Speaker, I rise in opposition to H.R. 3194, a $385 billion omnibus appropriations bill for fiscal year 2000. Although the bill includes many beneficial provisions that I have worked hard to advance, I regret that they have been tied to a package that is deeply flawed in both procedure and substance.

This bill violates a rather simple rule of good legislating—members ought have the opportunity to review legislation before they are asked to cast their vote. They clearly have not had that opportunity here. This mammoth bill, more than a foot thick and thousands of pages long, was filed after 3 a.m. this morning. It became available to view only a few short hours ago. In reality there is not one member of the House who knows all of what is in this bill. All we know for certain is that there are a multitude of provisions here that would never have survived the normal legislative process.

Second despite all the rhetoric of the majority party, this bill spends at least $17 billion of the Social Security surplus. The Congressional budget Office, like all of us, has not had the opportunity to review this legislation, and, as a result, we are voting without the benefit of an official cost estimate. The previous CBO report, however, that did not include the additional spending added in negotiations with the White House, estimated that the surplus generated by Social Security will be tapped for $17 billion.

This bill is stuffed full of accounting gimmicks to create that illusion that it does not spend Social Security surplus. The gimmick of choice was to artificially postpone spending just beyond fiscal year 2000 into 2001. Unfortunately, this gimmick results in even more money from the Social Security surplus being spent. If you add all the spending that has been pushed into the next fiscal year and subtract the total from the expected budget surplus in 2001, you'll find that not only does this bill spend Social Security surplus in 2000, but it spends more than $20 billion from Social Security in 2001.

As I said earlier, Mr. Speaker, I regret that this bill is so flawed in certain important respects, because in many other areas it deserves strong support. For instance, I strongly support the increases in funding for federal education programs in this legislation, including the class size reduction initiative. Last year, the class size reduction initiative provided North Dakota schools with over $5 million in additional resources, and I am pleased that this legislation increases funding for that program by 10 percent. This legislation fulfills the promise to our children made last year by ensuring that schools in North Dakota and across the country can continue to pay the dedicated teachers recruited last year.

Second, I am pleased that Congress has addressed the unintended financial consequences of the Balanced Budget Act of 1997 (BBA) on health care providers. As a member of the Congressional Rural Health Care Coalition, I have worked long and hard to address these problems on behalf of the hospitals, home health agencies and nursing homes in North Dakota. These health care providers have done their best to maintain a high standard of care, even under the constraints of the BBA. I believe it is time that Congress provide them with the relief they desperately need.

I was pleased to have voted for H.R. 3075, the Medicare Balanced Budget Refinement Act, in the House of Representatives. This measure, which passed by an overwhelming, bipartisan majority, was an important first step toward addressing the problems of the BBA. I look forward to working with health care providers in my state to come to an agreement on further relief in the coming year.

Finally, this measure also fulfills the promise we made to America's communities, by continuing funding for the COPS program. The dedicated community police officers funded through this program, many of whom serve my constituents in North Dakota, have helped keep our families safe, an they deserve our support.

In summary, Mr. Speaker, this bill contains many laudable provisions that have, unfortunately, been attached to legislation I simply cannot support. For this reason, I urge my colleague to vote "no" so that we can advance the positive features of this bill in legislation that is fiscally sound and protects Social Security.

Ms. WOOLSEY. Mr. Speaker, I rise today to express my disappointment with this omnibus appropriations bill.

While this appropriations bill is good for education and does make good on our commitment to the United Nations, this bill also contains a provision that compromises women's rights around the world.

Republican extremists, in their zeal to limit women's rights, left the President no choice but to accept a budget compromise that links the payment of the United Nations dues with restrictions on international family planning. That is wrong.

This compromise is a bad deal for women around the world.

Family planning shouldn't be linked to United Nations dues. It has nothing to do with family planning. This is about our fundamental responsibility as the remaining superpower to support the United Nations. This is not a trade-off.

Mr. Speaker, women are not negotiable.

The Republicans need to stop attacking women's rights and they need to start living up to our international obligations—no strings attached.

By adopting this appropriations language linking the payment of our United Nations dues to restrictions on family planning, we set a dangerous precedent.

Once legislative language is adopted, it will be hard to remove. Further, the waiver provision will be meaningless in the future if there's an anti-choice President in the Oval Office. The waiver is only as strong as the President who would sign it.

For every step backward that we are forced to take on family planning, we will have to take two steps forward to maintain progress.

We are disappointed by the political posturing that created this budget deal that hurts women. But make no mistake about it, the women of this House are as committed as ever to protecting the rights of women around the world.

Mr. DAVIS of Virginia. Mr. Speaker, this is the 6th time the D.C. Budget has been on the floor in the last 6 months. Let's hope our collective "sixth sense" will carry the day.

Way back in July the D.C. Appropriations Act was heralded with virtual unanimity. It was one of the first appropriation bills to hit the floor, and I joined many others on both sides of the aisle in showering Chairman ISTOOK with well-deserved praise.

That was two vetoes and three conference reports ago. Ironically, the D.C. Budget became a necessary vehicle for other matters.

The D.C. Budget incorporates all appropriations for the District of Columbia. This includes not only federal funds, but all locally generated revenue as well, which accounts for most all of the Budget. This local part of the D.C. Budget was passed in consensus form by the city's elected leaders and the Control Board.

When Congress did its constitutional duty and passed the D.C. Budget, not once but twice, I joined others in urging the president to approve it. I compliment the appropriators and conferees for their patience and persistence in continuing to refine the bill following the vetoes. I am particularly pleased by the addition of needed resources to address the environmental necessity of cleaning up the old Lorton Correctional Complex.

The resources in this budget will help the Nation's Capital continue its reform efforts.

While much progress has been made in the District, there are still enormous problems which must be addressed. The D.C. Subcommittee I chair will hold a hearing on December 14 to gather information on many of these questions.

A substantial number of city functions remain in receivership, including foster care and offender supervision. A recent audit and the Annual Report submitted by the Control Board to Congress highlights the crisis we are facing in this area. Our Congressional review can be particularly helpful in working through these concerns.

The D.C. Budget funds the local court system. These courts are going through an important process right now that demands our continuing interest. The GAO, at our request, has been supplying very helpful background material.

The House passed this month legislation I sponsored with ELEANOR HOLMES NORTON and others to enhance college access opportunities for D.C. students. I commend the president for signing that bill. Just this week it was officially designated as Public Law 106–98. I'm very proud of that. I thank the appropriators for working with me to make the money for that landmark new law subject to the authorizing enactment.

There is additional much-needed money in this budget for public education, including charter schools.

This budget contains the largest tax cut in the city's history, which is central to our goal of retaining and attracting economic development.

There is money in this budget to clean up the Anacostia River, open more drug treatment programs, and study widening of the 14th Street Bridge.

We've worked long and hard together to turn this city around. The D.C. Budget before us is another step in helping to keep us moving in the right direction.

Mr. COBLE. Mr. Speaker, today represents the culmination of a multi-year-long process to update the copyright licensing regimes covering the retransmission of broadcast signals. When the Satellite Home Viewer Act was first passed in 1988, satellite dishes were a rare sight in communities across America, and the dishes that did exist were almost all large, "C-band" dishes. Today, the satellite dish has become ubiquitous, and the dishes that most people use are now much smaller—only 18 inches across. The small dish industry alone has more than 10 million subscribers, with nearly two million other households still relying on large dishes. With this massive change in the marketplace, we are overdue for a fresh look at the laws governing retransmissions of television station programming.

The existing provisions of the Satellite Home Viewer Act allow satellite carriers to retransmit copyrighted programming for a set fee to a narrowly defined category of customers. The Act thus represents an exception to the general principles of copyright—that those who create works of authorship enjoy exclusive rights in them, and are entitled to bargain in the marketplace to sell those rights. In almost all other areas of the television industry, those bedrock principles work well. Indeed, virtually all of the programming that we enjoy on both broadcast and nonbroadcast stations is produced under that free market regime. Because exclusive rights and marketplace bargaining are so fundamental to copyright law, we should depart from those principles only when necessary and only to the most limited possible degree. Statutory licenses represent a departure from these bedrock principles, and should be construed as narrowly as possible.

Reflecting the need to keep such departures narrow, the existing Satellite Home Viewer Act permits network station signals to be retransmitted only to a narrowly defined group of "unserved households," i.e., those located in places, almost always remote rural areas, in which over-the-air signals are simply too weak to be picked up with a correctly oriented, properly functioning conventional rooftop antenna. The definition of an "unserved household" continues to be the same as it is in the current statute, i.e., a household that cannot receive, through the use of a properly working, stationary outdoor rooftop antenna that is pointed toward the transmitter, a signal of at least Grade B intensity as defined in Section 73.683(a) of the FCC's rules. The courts have already interpreted this provision and nothing in the Act changes that definition. The "Grade B intensity" standard is and has always been an "objective" signal strength standard—not, as some satellite carriers claimed, a subjective picture quality standard. (In fact, as the courts have discussed, Congress expressly rejected a subjective standard in first enacting the statute in 1988.) The objective Grade B intensity standard has long been used by the FCC and the television engineering community to determine the level of signal strength needed to provide an acceptable television picture to median, unbiased observers. Few, if any, subscribers in urban and suburban areas qualify as "unserved" under this objective, easy-to-administer definition.

The existing compulsory license for "unserved households," was not, however, designed to enable local TV stations to be retransmitted to their own local viewers. Congress has never before been asked to create such a license, because technological limitations made the local-to-local business unthinkable in 1988 and even in 1994, when Congress passed the first extension of the Satellite Home Viewer Act. Today, however, local-to-local service is no longer unthinkable. In fact, two satellite companies, DirecTV and EchoStar, stand ready to offer that service, at least in a limited number of markets, immediately.

To help local viewers in North Carolina and across the country, and to assist satellite companies in competing with cable, I have worked with my colleagues to help craft a new copyright statutory license that will enable local-to-local retransmissions. Today, we can finally celebrate the fruits of our efforts over many months of hard work and negotiation. The bill before the House reflects a carefully calibrated set of provisions that will, for the first time, authorize TV stations to be retransmitted by satellite to the viewers in their own local markets.

The bill will also extend, essentially unchanged, the current distant signal compulsory license in Section 119 of the Copyright Act. The only significant changes to that provision are that (1) the mandatory 90 day waiting period for cable subscribers will no longer be part of the law; (2) royalty rates for distant signals will be reduced from the marketplace rates currently in effect; (3) a limited, specifically defined category of subscribers subject to recent court orders will have delayed termination dates under the bill; (4) the bill will limit the number of distant signals that a satellite carrier may deliver even to "unserved households"; and (5) the bill will require satellite carriers to purchase rooftop antennas for certain subscribers whose service has been turned off by court order. Except for these specific changes in Section 119, nothing in the law we are passing today will take away any of the rights and remedies available to the plaintiffs in copyright infringement litigation against satellite carriers. Nor will anything in the bill (other than the specific provisions I have just mentioned) require any change whatsoever in the manner in which the courts have enforced Section 119.

I trust that the courts will continue to vigorously enforce the Copyright Act against those who seek to pretend it does not apply to them, including any satellite companies that have not yet been subject to injunctive relief for infringements they have committed. Indeed, the very premise on which Congress creates statutory licenses is that the limitations on those licenses will be strictly respected; when satellite carriers go beyond those limitations, they not only infringe copyrights, but destroy the premise on which Congress agreed to create the statutory license in the first place.

I want to say a word about the "white area" problem and about the delayed terminations of certain categories of subscribers. In particular, I want to express my extreme displeasure with the conduct by the satellite industry over the past few years. It is apparent, and at least two courts have found in final judgments (one affirmed on appeal), that satellite companies have purposely and deliberately violated the Copyright Act in selling these distant network signal packages to customers who are obviously unqualified. Those decisions have correctly and properly applied the Copyright Act. Whether or not satellite companies like the law, they have no right to merely disregard it. The "turnoff" crisis was caused by the satellite industry, not the Congress, and I do not appreciate having an industry take innocent consumers as hostages, which is what has happened here.

Now we as members of Congress, have been asked to fix this problem created by satellite industry lawbreaking. The bill reflects the conferees' best effort to find a solution to a problem that the satellite industry has created by signing up millions of ineligible customers. Unfortunately, the solution the conferees have devised—temporary grandfathering of certain categories of ineligible subscribers—may seem to amount to rewarding the satellite industry for its own wrongdoing. I find this very troubling, even though I understand the impetus to protect consumers who have been misled by satellite companies into believing that essentially everyone is eligible for distant network signals. In any event, let me be very clear: with the exception of delayed termination dates for certain subscribers, nothing in this bill in any way relieves any satellite company from any remedy whatsoever for any lawbreaking, past or future, in which they may engage. To list just a few, nothing in the bill will relieve any satellite carrier from any court order (a) requiring immediate termination of ineligible small-dish subscribers predicted to receive Grade A intensity signals from any station of the relevant network, (b) requiring strict compliance with the Grade B intensity standard for all signups after the date of the court order, (c) requiring the payment of attorney's fees pursuant to Section 5.5 of the Copyright Act or payment for testing costs pursuant to

Section 119(a)(9), or (d) imposing any statutorily mandated remedy for any willful or repeated pattern or practice of violations committed by a particular satellite carrier. Congress has determined the outer limits of permissible grandfathering in this bill, and courts need not entertain an arguments for additional grandfathering. And I should emphasize that the only subscribers that may have service restored pursuant to the grandfathering provisions of this Act are those that have had their service terminated as a result of court orders, and not for any other reason.

As Chairman of the Subcommittee on Courts and Intellectual Property of the House Judiciary Committee, I also want to make clear that Congress is not in any way finding fault with the manner in which the federal courts have enforced the Satellite Home Viewer Act. To the contrary, the courts (including the United States District Court for the Middle District of North Carolina, the Fourth Circuit, and the United States District Court for the Southern District of Florida) have done an admirable job in correctly carrying out the intent of Congress which established a strictly objective eligibility standard that applied to only a tiny fraction of American television households. Although the conferees have reluctantly decided to deal with the unlawful signups by postponing cutoffs of certain specified categories of consumers, that prospective legislative decision—to which Congress is resorting because of the no-win situation created by past satellite industry lawbreaking—does not reflect any criticism whatsoever of the federal courts. And I should emphasize that we have re-enacted, intact, the procedural and remedial provisions of Section 119, including, for example, the "burden of proof" and "pattern or practice" provisions that have been important in litigation under the Act.

The bill will require satellite carriers that have turned off ineligible subscribers pursuant to court decisions under section 119 to provide those subscribers with a free rooftop antenna enabling them to receive local stations over the air. This provision may redress, to some degree, the unfairness of appearing to reward satellite carriers for their own lawbreaking. The free-antenna provision is a pure matter of fairness to consumers, who were told, falsely, that they could receive distant network signals based on saying "I don't like my TV picture" over the telephone. I trust that many North Carolinians will benefit from the satellite carriers' compliance with this important remedial provision.

I should briefly discuss the addition of the word "stationary" to the phrase "conventional outdoor rooftop receiving antenna" in Section 119(d)(10) of the Copyright Act. As the Chairman of the Subcommittee on Courts and Intellectual Property of the House Judiciary Committee, which has jurisdiction over copyright matters, and as the original sponsor of this legislation, I want to stress that this one-word change to the Copyright Act does not require (or even permit) any change in the methods used by the courts to enforce the "unserved household" limitation of Section 119. The new language says only that the test is whether a "stationary" antenna can pick up a Grade B intensity signal; although some may have wished otherwise, it does not say that the antenna is to be improperly oriented (i.e., pointed away from the TV transmitter in question). To read the Act in that way would be extraordinarily hypocritical, since "stationary" satellite antennas themselves must be perfectly oriented to get any reception at all. In any event, the Act provides controlling guidance about antenna orientation in Section 119(a)(2)(B)(ii)(II) of the bill, which specifies that the FCC's existing procedures (requiring correct orientation) be followed. See 47 C.F.R. §73.686(d), Appendix B, at ¶(2)(iv); see also FCC Report & Order, Dkt. No. 98–201, at ¶59 (describing many precedents calling for correct orientation). A contrary reading would leave the Copyright Act with no fixed meaning at all, since while there is a single correct way to orient an antenna to receive a particular station (which is what the Act assumes), there are at least 359 wrong ways to do so as one moves in a circle away from the correct orientation.

A contrary reading would also fly in the face of the text of the Act, which makes eligibility depend on whether a household "cannot" receive the signal of particular stations. The Act is clear: if a household could receive a signal of Grade B intensity with a properly oriented stationary rooftop antenna of a particular network affiliate station, the household is not "unserved" with respect to that network.

The Copyright Act amendments also direct courts to continue to use the accurate consumer-friendly prediction and measurement tools developed by the FCC for determining whether particular households are served or unserved. I understand that the parties to court proceedings under Section 119 have already developed detailed protocols for applying those procedures, and nothing in today's legislation requires any change in those protocols. If the Commission is able to refine its already very accurate "ILLR" predictive model to make it even more accurate, the courts should apply those further refinements as well. But in the meantime, the courts should use the accurate, FCC-approved tools that are already available, in the same way in which they are doing now. As I mentioned, nothing in the Act requires any change whatsoever in the manner in which the courts are using those FCC-endorsed scientific tools.

The Act does authorize the Commission to make nonbinding suggestions about changes to the definition of Grade B intensity. (The definition of Grade B intensity is, of course, separate from FCC decisions concerning particular methods of measuring or predicting eligibility to receive network programming by satellite, as the FCC's February 1999 SHVA Report and order discusses in detail.) Any suggestions from the FCC about the definition of Grade B intensity will have no legal effect whatsoever until and unless Congress acts on them and incorporates them into the Copyright Act.

The conferees and many other members of this body have worked hard to achieve the carefully balanced bill now before the House. We have spent the better part of four years working with representatives of the broadcast, copyright, satellite, and cable industries fashioning legislation that is ultimately best for our constituents. The legislation before us today is not perfect, but it is a carefully balanced compromise. The real winners are our constituents, who can expect to enjoy local-to-local satellite delivery of their own hometown TV stations in more and more markets over the next few years.

I want to thank the chairman of the committee on the Judiciary, the gentleman from Illinois (Mr. HYDE), the ranking member, the gentleman from Michigan (Mr. CONYERS), as well as the subcommittee ranking member, the gentleman from California (Mr. BERMAN) for their support and leadership throughout this process. I also want to recognize the contributions of the leadership of the gentleman from Virginia (Chairman BLILEY); the ranking member, the gentleman from Michigan (Mr. DINGELL); the subcommittee chairman, the gentleman from Louisiana (Mr. TAUZIN); the gentleman from Ohio (Mr. OXLEY); and the ranking member, the gentleman from Massachusetts (Mr. MARKEY), who worked with us tirelessly to bring this to the Floor. Finally, I want to thank my fellow Subcommittee members, the gentleman from Virginia (Mr. GOODLATTE and Mr. BOUCHER) for their service on the committee of conference. I urge all Members to support this constituent-friendly legislation.

Mr. MOORE. Mr. Speaker, I intend to vote against the omnibus appropriations bill that is before us today. No respectable business would operate this way—and neither should our government.

I did not come to Congress to engage in business as usual. The people of Kansas' Third District expect more of us. As Congress has done for too many years, today it will be voting on a bill estimated at 2,000 pages, which no one in this chamber has read, or even had the opportunity to give a cursory review. We are asked to vote based upon sketchy summaries of a huge piece of legislation that was filed as a conference report at 3:00 a.m. this morning. Is it too much to ask that we have 24 hours to review and consider a $395 billion appropriations bill before voting? This bill has not even been printed or placed on-line for our review or for the public's examination. This is wrong and none of us should be a party to it.

But, more bothersome is that while the bill contains many programs which I have fought for and for which I would vote under normal circumstances, the bill is a lie and a cruel hoax on the American people. The majority claims they have not spent Social Security funds. Just the opposite is true.

There are many things in this bill which I support: increased funding to reduce public school class sizes by hiring qualified teachers and funding teacher training; funding for the National Institutes of Health; payment of the United States' outstanding debt to the United Nations; increased funding for the hiring of new community police officers; additional funds to preserve and acquire open spaces and ecologically important lands; funds to help implement the Wye River Accord between Israel, the Palestinian Authority and Jordan; and funds for development in the world's poorest nations and supports an IMF proposal to revalue some of its gold reserves to finance debt forgiveness.

There also, however, are a number of provisions in this bill which I oppose: a cut of $100 million in veterans' benefits; payment of the

United Nations arrears is linked to unwarranted restrictions on international family planning funding; funding for the Army's School of the Americas, which has a dismal record of training personnel supporting past military dictatorships in Latin America, who have been engaged in gross human rights violations; and most importantly, this package has not been scored by the Congressional Budget Office; despite the majority's unsupported claims to the contrary, we really do not know what the ultimate impact will be upon Social Security funds. Indeed, of the three major offsets provided in this conference report, only one actually reduces expenditures. The other two—expediting transfers from the Treasury to the Federal Reserve and delaying payments to our military personnel—are accounting gimmicks which start us in a hole in next year's budget process. This is not fiscally responsible and it does not protect Social Security.

Additionally, other non-appropriations measures have been added to this omnibus package at the last possible minute. I would gladly support several of these bills if I had the opportunity to vote on them individually, under regular order. These bills include measures to: increase Medicare payments to hospitals, nursing homes, home health care agencies and other health care providers, providing some financial relief from the Medicare cuts imposed by the Balanced Budget Act of 1997; allow satellite carriers to transmit the signals of local broadcast stations back to subscribers in the same local market and allows satellite subscribers scheduled to lose their distant signals at the end of the year to continue receiving them for five years; and preserve local, low power television stations when the broadcast industry upgrades to digital service.

Under the rules of the House, Congress is supposed to consider thirteen appropriations bills for each fiscal year. Under normal procedures, those bills should come before the House individually, with opportunities for amendment and debate. After a conference report is negotiated, the House should then have the opportunity to vote on each bill, standing alone. Unfortunately, Congress has refused to follow its own rules.

I have only been a member of this body for eleven months, but I understand that the rules and procedures of the House were put in place to protect the rights of all Members to represent fully the interests and concerns of our constituents. We cannot do so when we are confronted with an omnibus conference report which I am told is estimated at 2,000 pages, carries an overall price tag of $395 billion in fiscal year 2000 appropriations, and countless other provisions, whose consequences we cannot possibly know at this time.

I will vote against this package today and I urge my colleagues to do likewise.

Mr. SENSENBRENNER. Mr. Speaker, I rise reluctantly against H.R. 3194, the District of Columbia Appropriations Conference report. While I support many of the provisions of this legislation, I cannot support any legislation which perpetuates the Northeast Interstate Dairy Compact and does not allow for the modest federal milk marketing order reforms to go into effect. While this legislation maintains a balanced budget and protects Social Security, which I strongly support, I simply cannot condone its treatment of Wisconsin farmers. I understand the plight of farmers in other regions of the country; however, passing this legislation in an effort to help them directly punishes the farmers in my district, in my state, and throughout the Midwest. This is completely unacceptable and therefore, I must vote against it.

Mr. CROWLEY. Mr. Speaker, I rise today to express my disappointment in the so-called compromise worked out between the White House and the Republican leadership on the payment of U.S. arrears to the United Nations.

Do not be fooled by this slight of hand, there is no compromise. All this does is codify the Smith Mexico City policy in legislation for the first time and include a Presidential waiver that will result in a funding reduction. A funding reduction which will affect the healthcare of women and children around the world.

Mr. Speaker, let me be clear. I support payment of our financial obligation to the United Nations one hundred and ten percent. In fact, I am ashamed that the United States has lost so much prestige in an institution we helped create, in an organization instilled with many of the values we in this country hold so dear.

I am ashamed, Mr. Speaker, because the United States, which should be a respected leader in that world body has squandered its authority by not living up to its commitments. My Republican colleagues, as they've said so often, believe in moral leadership. Well, I ask them, where is the United States' moral leadership when we do not pay our fair share?

Mr. Speaker, paying our U.N. dues is an important national security concern; almost no one disputes this. Former Secretaries of States, former Presidents and former Senate Majority Leaders have all expressed the critical need to pay our arrears. Sensing this urgency, some in this House have placed partisan political considerations above the very real security needs of our country by linking the issue of our payment to the U.N. to the global gag rule on international family planning. For several years now, this linkage has held up the payment of our dues. I would submit an editorial from the November 17, 1999 New York Times which eloquently addresses this issue.

Now, some of my colleagues may question the harm in limiting the activities of international family planning organizations. Still others have deeply felt convictions on the issue of abortion and do not want to see U.S. taxpayer's funds pay for abortions. Not only do I sympathize with these sentiments, I agree with them. And that is exactly why I oppose the codification of the Smith Mexico City policy.

First, U.S. law rightly prohibits, in no uncertain terms, the use of U.S. funds to pay for an abortion, lobby for abortions, and coerce someone into having an abortion or purchase supplies or equipment to perform an abortion. And, no one has ever been able to show any U.S. funds used for this cause. Placing restrictions on the ability of foreign groups to use their own funds to participate in the democratic process and make their voices heard by their own governments is a violation of the sacred American right of free speech. This is just one way which this gag rule will prevent these organizations from doing their work to protect the health of families.

Second, the best means of preventing the instances of abortions overseas is to promote access to family planning services. Families that are in control and informed about their options are less likely to need or seek abortions. International family planning agencies around the world are committed to providing accurate information to families about their healthcare needs, from stopping the abhorrent practice of female genital mutilation to proper spacing of children to protect the health and well-being of mothers and children. Any reduction in these already under funded organizations, as this deal will ultimately result in, means that real women around the world will not have access to the basic medical information needed to raise their families in a healthy manner.

Mr. Speaker, while I am disappointed in this agreement, I am outraged that the will of a majority of the House was pushed aside to placate a few obstructionists who oppose providing access to family planning programs. In a historic compromise, the House included an amendment to the FY 2000 Foreign Operations Appropriations bill, offered by Congressman JIM GREENWOOD and Congresswoman NITA LOWEY, which provides an acceptable bipartisan and majority supported alternative set of restrictions on U.S. funds for international family planning. The Greenwood/Lowey compromise includes: a requirement that international family planning organizations use U.S. funds to reduce the incidences of abortions; it allows only foreign organizations which are in compliance with its own countries abortion laws to receive U.S. funds; and, it bars family planning aid from organizations which are in violation of their country's laws on lobbying or advocacy activities.

As I stated, a majority in the House supported this compromise, but the Republican leadership chose to ignore it. By ignoring the will of the House and codifying the Smith Mexico City policy, we set a dangerous precedent that will only serve to hurt women and families around the world.

Mr. Speaker, it is a shame that this provision was included in the Omnibus package which has so many other worthwhile programs. Funding for 100,000 teachers to help reduce class size, money for the COPS program, which keeps police on the beat and crime down, as well as other critical priorities supported by myself, my colleagues and a majority of Americans. Because of the inclusion of these key priorities, which will benefit the lives of every American, I will support this Omnibus package. However, I plan to work with my colleagues next year to restore the funding cuts that will result from this so-called compromise.

[From The New York Times, Nov. 17, 1999]

A COSTLY DEAL ON U.N. DUES

President Clinton paid a regrettably high price to win the House Republican leadership's assent to give almost $1 billion in back American dues to the United Nations. Last weekend, White House bargainers agreed to new statutory language restricting international family planning assistance that the administration had firmly and rightly resisted in the past. Understandably, advocates for women's health and reproductive choice.

even including Vice President Gore, bemoaned that damaging concession and questioned its necessity.

Nevertheless, House approval of the U.N. arrears payments, assuming that final details of the agreement can be worked out and sold to the Republican rank and file, will be a significant achievement. Failure to pay these assessments had undermined the finances of the U.N., weakened American influence there and put Washington's voting rights in the General Assembly at risk. The United States cannot exercise global leadership unless it honors its financial obligations. Nor can Washington reasonably expect other countries to consider Congressional demands for lower American dues assessments in the future until it pays off most of the dues it already owes.

To get the U.N. money approved, the White House compromised on an important issue of principle, and may have encouraged radical anti-abortion crusaders to expand their assault on abortion rights. Under the newly agreed language, foreign family planning organizations that spend their own money to provide abortions or lobby for less harsh abortion laws will now be legally ineligible for American assistance.

As part of the compromise, the administration won the right to waive this restriction if it chooses. But even with the waiver, no more than $15 million in American assistance can be given to organizations engaged in abortion services or lobbying. That is about the amount such groups got last year. Another part of the deal stipulates that if the administration exercises the waiver the $385 million budgeted for aid to women's health groups will be reduced by $12.5 million.

The practical effect of these restrictions is likely to be small, at least for as long as the Clinton administration is in office and invokes the waiver provision. But there is no disguising the political victory it hands the anti-abortion crusaders in the House who were willing to hold American foreign policy to their ideological agenda. Although part of only a one-year spending bill, the language is likely to reappear in future years unless a majority of House members vote to exclude it.

Senate Republicans, including committed abortion foes like Senator Jesse Helms, behaved more responsibly than their House colleagues on this issue. But the House obstructionists held firm, faced down the White House and walked away with a disturbingly large share of what they wanted.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of the Foreign Operations Conference Report and I applaud the Foreign Operations Subcommittee for joining together and bringing to the floor a bill to make the world a better place.

This is a good resolution, however I believe it fails to provide an adequate amount of funds for Sub-Saharan African nations, the most needy nations of the world. U.S. leadership and support are critical to the growth of Africa. In the past, our diplomatic efforts and bilateral aid programs have given significant stimulus to democracy-building and economic development. Our contributions leveraged with those of other donations to the programs of the World Bank and in Sub-Saharan Africa have reinforced economic policy reforms and infrastructure development across the continent.

The increase aid and debt relief for Sub-Saharan Africa has significant implications for U.S. interests. First, the progress realized to date, has stimulated growing interest and opportunities for U.S. business. Second, the emergence of more stable, more democratic governments has given us responsible partners with whom we can address the full range of regional and international issues: settling or preventing conflicts; combating crime, narcotics, terrorism, and weapons proliferation; protecting and managing the global environment; and expanding the global economy.

We must maximize our current efforts to protect and develop the vital human and physical resources that are necessary to drive economic prosperity in Sub-Saharan Africa. By increasing Sub-Saharan Africa aid and debt relief, we will ensure that the United States continues to be constructively engaged with the people of Africa. It's my hope as we approach the time to deliberate over a new Foreign Operations Conference Report we sincerely increase aid and debt relief to these needy nations. Again, I strongly support the Foreign Operations Conference Report and urge all members to vote yes.

Mr. LAFALCE. Mr. Speaker, the victory we have achieved on debt relief is arguably the most important legislative action the Congress has taken this year, and brings real hope to the world's poorest people and countries. It marks an important victory for all of those committed to reducing poverty and improving the standards of living in the world's highly indebted poor countries.

It is a victory for Pope John Paul II, who has said:

"Christians will have to raise their voice on behalf of all the poor of the world, proposing the jubilee as an appropriate time to give thought, among other things, to reducing substantially, if not cancelling outright, the international debt which seriously threatens the future of many nations."

It is a victory for Bread for the World and Oxfam who have pressed consistently and effectively for "using U.S. leadership internationally to provide deeper and faster debt relief to more countries, and directing the proceeds of debt relief to poverty reduction."

It is a victory for the United Church of Christ, which has termed debt relief "one of the foremost economic, humanitarian and moral challenges of our time" (John H. Thomas, President).

It is a victory for the Episcopal Church, which has emphasized that "closely linked with this notion of Jubilee is our heritage of caring for the poor and needy. . . . We must seize this historic opportunity to take moral action, grounded in Scripture and our compassion for those in need (Bishop Francis Campbell Gray)."

It is a victory for the U.S. Catholic Conference which has stated "we cannot let the new millennium begin without offering hope to millions of poor people in some of the world's most impoverished countries that the crushing burden of external debt will soon be relieved."

Had it not been for the concerted effort of the Jubilee 2000 Movement, including the nongovernmental private and voluntary organizations (NGOs) and the ecumenical array of church and faith-based organizations that have been pushing so hard for debt relief, we would never have gotten to this point. The following organizations and many others fully share in this victory and I am truly grateful for their efforts: the U.S. Catholic Conference, Bread for the World, Church World Service, The Episcopal Church, Evangelical Lutheran Church in America, Lutheran World Relief, National Council of Churches, Oxfam America, Presbyterian Church (USA), United Church of Christ, United Methodist Church, American Jewish World Service, and the Catholic Relief Service.

In enacting this legislation, we have responded to a moral and a practical imperative. The increasingly wide gap between the world's richest and poorest is both unjust and unsustainable. The economic prosperity the developed world now enjoys certainly imposes a concomitant obligation to help the less fortunate. But this debt relief agreement is also sound and prudent economic policy. The severe economic and social dislocation, and resulting political instability in the world's poorest countries will inevitably impact the developed world if it is not addressed.

Ever since the LDC debt crisis of the early 1980s, I have authored and pressed for passage of debt relief legislation. As part of those efforts, I have repeatedly urged and authored bills to mobilize the resources inherent in IMF gold holdings. Today I am particularly pleased because the debt relief provisions of the omnibus bill substantially reflect the Banking Committee reported version of H.R. 1095, the debt relief bill I introduced in March of this year. The agreement represents major victories for us in the following areas:

All bilateral debt of highly indebted poor countries will be totally cancelled;

Fundamental reforms have been made to the IMF and World Bank programs, and the relationship between those programs, to ensure a primary emphasis on poverty reduction rather than structural adjustment;

Mobilization of IMF gold using a revaluation rather than a sale, and using the resulting monies only for debt relief rather than structural adjustment, has been specifically authorized;

Greater transparency has been assured in regard to Paris Club deliberations on multilateral debt reduction (an informal forum where mainly industrial creditor countries discuss the settlement of official loans to countries unable to meet their debt service obligations);

Senate efforts to impose unreasonable trade policies on recipient countries, which would have severely restricted debt relief efforts, have been defeated.

All of these achievements reflect priorities and emphases of the bill reported by the Banking Committee.

While we should enjoy this victory, we must not lose sight of the fact that much more remains to be done. The agreement does not contain money for the HIPC Trust Fund, nor are such funds authorized. While the agreement provides for $123 million for bilateral debt relief for FY 2000, the Administration had requested $370 million, and is seeking $970 million over the next four years. We need to fully meet that standard. Finally, the agreement provides for use of a large portion of the resources coming from revaluation of the IMF gold for debt reduction, but still only a portion.

I am fully committed to pressing the Congress to begin early next year to meet these needs and finish the good work we have started.

Mr. CASTLE. Mr. Speaker, I am pleased to support H.R. 1095, the "Debt Relief for Poverty Reduction Act of 1999." This legislation has strong bipartisan support with over 130 cosponsors. Providing debt relief for Heavily Indebted Poor Countries (HIPC) (ie. countries with debt 220% higher than their annual exports or debt greater than 80% of their GNP), is a crucial form of foreign aid desperately needed by the citizens of these countries.

The United States won the Cold War not only through military expenditures, but also through foreign aid to countries that were targeted by pro-communist forces. Many of these countries were, at best, only beginning to evolve toward democracy and some were governed by autocrats who wasted these U.S. funds. Now future generations in these countries are saddled by these overwhelming debts making it difficult to provide for their basic human needs—food, clothing, medicine, and shelter. There is a consensus in the global community and among creditors from all sectors that some relief must be provided if these countries are to be able to meet the basic human needs to their citizens and grow their economies in their future.

Whenever debt relief is debated, there is always cause for concern that creditors create a "moral hazard" when they forgive the debts of others. The forgiveness of debt can encourage debtors not to pay back interest on loans in the future. However, in this circumstance, it is important to distinguish that the debt burden these countries face is so great that it would be impossible for them to repay. This is a form of international bankruptcy for these countries. The international community has recognized that conditions are so bad in these countries that future loans are not likely. Rather, grants are and will continue to be the form of assistance these countries receive.

As a strong fiscal conservative, I am cautious of programs that simply throw money at a problem. I believe government programs must be carefully structured to maximize efficiency and minimize waste in solving a problem. As originally drafted, H.R. 1095 contained measures conditioning debt relief on economic reforms in these countries. History has proven time and gain that free market capitalism maximizes efficiency and economic growth better than any other market system. Helping these countries move to a free market capitalism system is its own form of foreign aid in addition to foreign aid grants or debt relief. In fact, teaching foreign countries that the market is the most efficient way to allocate scarce resources is the only form of foreign aid that is truly lasting. Transitioning to a new market system is never easy. Change is always resisted by those empowered by the status quo. If the "carrot" of debt relief can be used to overcome the status quo in these countries in order to guide them to lasting relief, then Congress should structure this debt relief program to accomplish this goal. Unfortunately, these economic reform conditions were amended out of the original text during the House Banking Committee Markup.

Mr. Speaker, although I continue to support H.R. 1095, it is my intention to support efforts to restore the economic reform conditions before its final passage in the House.

Mr. COBLE. Mr. Speaker, I am pleased to rise in support of S. 1948, which will be enacted by reference upon the enactment of H.R. 3194. S. 1948, the "Intellectual Property and Communications Omnibus Reform Act of 1999," concludes years of hard work and compromise. We spent considerable time balancing the interests of our constituents, intellectual property owners, satellite carriers, local broadcasters, and independent inventors in formulating this legislation. We have spent the past five years working on this legislation, and I can say without hesitation that this is a very good bill. This legislation will have a tremendously beneficial affect on the citizens of this country, whether they are subscribers to satellite television, inventors, brand owners, or Internet users. Title I of S. 1948, the "Satellite Home Viewer Improvements Act," creates a new copyright license for local signals over satellite and makes necessary changes to the other television copyright licenses.

We have all been concerned about a lack of competition in the multi-channel television industry and what that means in terms of prices and services to our constituents. This bill gives the satellite industry a new copyright license with the ability to compete on a more even playing field, thereby giving consumers a choice.

With this competition in mind, the legislation before us makes the following changes to the Satellite Home Viewers Act.

1. It reauthorizes the satellite copyright compulsory license for five years.

2. It allows new satellite customers who have received a network signal from a cable system within the past three months to sign up immediately for satellite service for those signals. This is not allowed today.

3. It provides a discount for the copyright fees paid by the satellite carriers.

4. It allows satellite carriers to retransmit a local television station to households within that station's local market, just like cable does.

5. Protects existing subscribers from having their distant network service shut off at the end of the year and protects all C-band customers from having their network service shut off entirely.

6. It allows satellite carriers to rebroadcast a national signal of the Public Broadcasting Service.

7. It empowers the FCC to conduct a rulemaking to determine appropriate standards for satellite carriers concerning which customers should be allowed to receive distant network signals.

The satellite legislation before us today is a balanced approach. It is not perfect, like most pieces of legislation, but is a carefully balanced compromise. For instance, I am extremely disappointed the rural loan guarantee program was deleted from this legislation. We included those provisions in our original Conference Report to accompany H.R. 1554 to ensure all citizens, particularly those who live in small or rural communities, will receive the benefit of the new local-to-local service. I pledge I will do everything I can to ensure those provisions are acted upon early in the next session of Congress.

Additionally, language clarifying the application and eligibility of these compulsory licenses has also been deleted from this version of the legislation. This is not to be interpreted to indicate any change in the application of the cable or satellite compulsory licenses as they applied before the enactment of this legislation. The copyright compulsory licenses were created by Congress to address specific needs of a specific industry. Any further application of a compulsory license will be decided by Congress, not by an industry or a court. I am incorporating in this statement letters from the Register of Copyrights, Marybeth Peters, and from the Chairman and Ranking Members of the Judiciary Committee and the Subcommittee on Courts and Intellectual Property and from Professor Arthur R. Miller of the Harvard Law School which accurately restate the eligibility and interpretation of the copyright compulsory licenses. I am also enclosing extended remarks which express my views concerning the legislative history for the "Intellectual Property and Communications Omnibus Reform Act of 1999."

On balance, this is a very good piece of legislation and I urge all Members to support this constituent-friendly legislation.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON THE JUDICIARY,
Washington, DC, November 15, 1999.

Hon. TOM BLILEY,
Chairman, Committee on Commerce,
U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN BLILEY. Thank you for your letter concerning sections 1005(e) and 1011(c) of the conference report on the Intellectual Property and Communications Omnibus Reform Act ("IPCORA").

We do not believe there is any question about the current state of the law: Internet and similar digital online communications services are not, and have never been, eligible to claim the cable copyright compulsory license or satellite copyright compulsory license created by sections 111 and 119 of the Copyright Act, respectively. The cable copyright license was created in 1976 specifically to apply to the nature of the cable industry. The satellite license was created in 1988 specifically to apply to the nature of the satellite industry. It should be noted that the satellite industry could not avail itself of the cable license, because that license was created specifically for cable. It had to seek its own government license. The Internet services industry is not cable, nor is it satellite. It provides a new type of service which has not been considered by the Congress for purposes of a copyright compulsory license. Consequently, the Internet services industry may not avail itself of the cable copyright license or the satellite copyright license. If such a government imposed license is to apply to such services, it must be created by Congress specifically for those services.

To my knowledge, no court, administrative agency, or authoritative commentator has ever held or even intimated to the contrary. The Copyright Office, which administers these compulsory licenses, studied this issue exhaustively in 1997 and came to the same conclusion, which it reaffirmed in a letter this week. The conference provisions to which you object simply codify this well-established principle, nothing more.

Compulsory licenses constitute government regulation of private ownership, and therefore, like any other restriction on property, must be extended only with specific congressional action after considered deliberation. They are not flexible, nor are they to be interpreted to evolve to accommodate new situations. Government regulation of property is not to be decided by a court, but rather by Congress itself. Placing restrictions on property or preserving an "opportunity" for someone to make a case to an agency or court to take property without authorization is not proper under the law, or is it proper in the context of this conference.

A compulsory license is not an entitlement, but a specific public policy determination by Congress in response to a specific demonstrated need. Whether online services *should* have the benefit of a compulsory license to retransmit certain copyrighted materials without the permission of the copyright owner must be considered on its own merits after a need is demonstrated to the Congress. If Congress is to examine such a request, it must do so on the basis of a complete record, not in the haste of the closing hours of a session. Of course, nothing that is included in or omitted from the IPCORA conference report (or any other pending legislation) could possibly foreclose Congress from undertaking that examination in the future. Thus, any implication that approval of the conference report would "permanently" rule out any compulsory license for online services is unfounded. We are sure you did not intend to suggest otherwise.

Any resolution that we may adopt in the future does not change the current law which requires that issues concerning the dissemination of copyright materials over digital online communications services must be addressed and resolved in the marketplace, as no compulsory license currently exists for such services. Nothing prevents Internet services from negotiating directly with owners of copyrights regarding any of the exclusive rights guaranteed under section 106 of the Copyright Act pursuant to Article I, section 8, clause 8 of the Constitution.

We are currently prepared to consider other means of expressing the same conclusion in statutory language, but one way or the other it is essential that we spell out unambiguously what the law now is. To do otherwise would sow confusion and risk encouraging defiance of the law, and would undermine the well-settled property rights of a key sector of the U.S. economy, the copyright industries. Most significantly, it would also be a disservice to our common goal of encouraging the widespread dissemination of copyrighted material through all available technologies. We stand ready to work with you to avoid that outcome.

Sincerely,

HENRY J. HYDE,
Chairman.
JOHN CONYERS, Jr.,
Ranking Democratic Member.
HOWARD COBLE,
Chairman, Subcommittee on Courts and Intellectual Property.
HOWARD BERMAN,
Ranking Democratic Member, Subcommittee on Courts and Intellectual Property.

LIBRARY OF CONGRESS,
DEPARTMENT 17,
Washington, DC, November 10, 1999.
Hon. HOWARD COBLE,
Chairman, Subcommittee on Courts and Intellectual Property, Committee on the Judiciary, U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN COBLE. I am writing to you today concerning pending proposals regarding the Satellite Home Viewer Act, and particularly the compulsory copyright licenses addressed by that Act. As the director of the Copyright Office, the agency responsible for implementing the compulsory licenses, I have followed the actions of the Congress with great interest.

Let me begin by thanking you for all your hard work and dedication on these issues, and by congratulating you on your success in achieving a balanced compromise. Taken as a whole, the Conference Report on H.R. 1554, the Intellectual Property and Communications Omnibus Reform Act of 1999, represents a clear step forward for the protection of intellectual property. I particularly appreciate your support for provisions that improve the ability of the Copyright Office to administer its duties and protect copyrights and related rights.

I was greatly concerned when I heard the statements of Members on the floor of the House suggesting that in the final few legislative days of this session, subsection 1011(c) of the Conference Report should be amended or removed. Section 1011(c) makes unmistakable what is already true, that the compulsory license for secondary transmissions of television broadcast signals by cable systems does not apply to digital on-line communication services.

It is my understanding that some services that wish to retransmit television programming over the Internet have asserted that they are entitled to do so pursuant to to the compulsory license of section 111 of Title 17. I find this assertion to be without merit. The section 111 license, created 23 years ago in the Copyright Act of 1976, was tailored to a heavily-regulated industry subject to requirements such as must-carry, programming exclusivity, and signal quota rules—issues that have also arisen in the context of the satellite compulsory license. Congress has properly concluded that the Internet should be largely free of regulation, but the lack of such regulation makes the Internet a poor candidate for a compulsory license that depends so heavily on such restrictions. I believe that the section 111 license does not and should not apply to Internet transmissions.

I also question the desirability of permitting any existing or future compulsory license for Internet retransmissions of primary television broadcast signals. In my comprehensive August 1, 1997 report to Congress, *A Review of the Copyright Licensing Regimes Covering Retransmission of Broadcast Signals*, Internet transmissions were addressed in chapter VIII, entitled "Should the Cable Compulsory License Be Extended to the Internet?" The report concluded that it was inappropriate to "besto[w] the benefits of compulsory licensing on an industry so vastly different from the other retransmission industries now eligible for compulsory licensing under the Copyright Act."

The report observed that "Copyright owners, broadcasters, and cable interests alike strongly oppose . . . arguments for the Interest retransmitters' eligibility for any compulsory license. These commenters uniformly decry that the instantaneous worldwide dissemination of broadcast signals via the Internet poses major issues regarding the United States and international licensing of the signals, and that it would be premature for Congress to legislate a copyright compulsory license to benefit Internet retransmitters at this time." The Copyright Office believes that there would be serious international implications if the United States were to permit statutory licensing of Internet transmission of television broadcasts.

Therefore I urge that no action be taken to remove or alter section 1011(c) of the Conference Report. At this point, to do so could be construed as a statement that digital online communication services *are* eligible for the section 111 license. Such a conclusion would be reinforced in light of section 1011(a)(1), which replaces the term "cable system" in section 111 of Title 17 with the term "terrestrial system." In the absence of section 1011(c), section 1011(a)(1) might incorrectly be construed as implying a broadening of the section 111 license to include Internet transmissions.

The Internet is unlike any other medium of communication the world has ever known. The application of copyright law to that medium is of utmost importance, and I know that you have personally invested a great deal of time and energy in recent years to assure that a balance of interests is reached. Permitting Internet retransmission of television broadcasts pursuant to the section 111 compulsory license would pose a serious threat to that balance.

Please feel free to contact me if I can be of any assistance on this matter. Thank you.

Sincerely,

MARYBETH PETERS,
Register of Copyrights.

HARVARD LAW SCHOOL,
Cambridge, MA, November 15, 1999.
Hon. ORRIN G. HATCH,
Chairman, Judiciary Committee, U.S. Senate, Washington, DC.

Hon. HENRY J. HYDE,
Chairman, Judiciary Committee, House of Representatives, Washington, DC.

DEAR CHAIRMEN HATCH AND HYDE: I am writing to you to express my views on a proposal to amend the cable and satellite compulsory licenses in Sections 111 and 119 of the Copyright Act. I have taught Copyright Law at Harvard Law School, as well as Michigan and Minnesota, for over thirty-five years and have written extensively and lectured throughout the world on this area of the law. In addition, I was very active in the legislative process that led to the Copyright Act of 1976 and appointed by President Ford and served as a Commissioner on the Commission for New Technological Uses of Copyright Works (CONTU).

The Conference Report on H.R. 1554, the Intellectual Property and Communications Omnibus Reform Act of 1999, included amendments to Sections 111 and 119 to state explicitly that digital online communication services do not fall within the definitions of "satellite carrier" and "terrestrial system" (currently "cable system") and, therefore, are not eligible for either compulsory license. I understand that Congress is currently considering deleting these amendments or enacting legislation that would not include them. I believe that the amendments were wholly unnecessary and that the deletion or exclusion of them will have no effect on the law, which is absolutely clear digital online communication services are not entitled to the statutory license under either Section 111 or Section 119 of the Copyright Act.

A compulsory license is an extraordinary departure from the basic principles underlying copyright law and a substantial and significant encroachment on a copyright owners' rights. Therefore, any embiguity in the applicability of a compulsory license should be resolved against those seeking to take advantage of what was intended to be a very narrow extension to the copyright proprietor's exclusive rights. As the Fifth Circuit Court of Appeals has noted in a case involving another compulsory license: the compulsory license provision is a limited exception to the copyright holder's exclusive right to decide who shall make use of his [work]. As such, it must be construed narrowly, lest the exception destroy, rather than prove, the rule.

Fame Publishing Co. v. *Alabama Custom Tape, Inc.*, 507 F.2d 667, 670 (5th Cir. 1975).

In this situation, however, there is absolutely no ambiguity as to the correct construction of the cable and satellite compulsory licenses. Neither the language of the Copyright Act, nor any statement of Congressional intent at the time of their enactment, nor any judicial interpretation of Section III or Section 119 in any way suggests that these compulsory licenses could apply to digital online communication services. And, as far as I know. the representative of these services have not offered any substantive argument to the contrary—with good reason. No reasonable person—or court—could interpret these statutory licenses to embrace these services.

And if there was any doubt left in anyone's mind, the federal agency charged with interpreting and implementing these statutory licenses, the United States Copyright Office, has addressed this issue directly: retransmitting broadcast signals by way of the Internet is clearly outside the scope of the current compulsory licenses. In fact, the Copyright Office recommended in 1997 that Congress not even create a new compulsory license, concluding that it would be "inappropriate for Congress to grant Internet retransmitters the benefits of compulsory licensing." *See* U.S. Copyright Office. A Review of the Copyright Licensing Regimes Covering Retransmission of Broadcast Signals (August 1, 1997), at 99 and Executive Summary at xiii.

My work in the field of copyright over the past decades, especially my extensive activities in connection with the development of the legislation that became the Copyright Act of 1976, leads me to agree with the Office's conclusions that it would be far too premature to extend a compulsory license to the Internet. That conclusion seems sound given the enormous differences between the Internet and the industries embraced by the existing licensing provisions and the need to engage in extensive research and analysis regarding the potentially enormous implications of digital communications. We simply do not know enough to legislate effectively at this point. Doing so at this time—especially without hearing from numerous affected interests—would create a risk of upsetting the delicate balance between the rights of copyright proprietors and the interests of others.

Thus, in any judicial action, that might materialize by against the providers of digital online communications services, the court would be bound by the Copyright Office's interpretation of the statutory licenses. *See Cablevision Systems Development Co.* v. *Motion Picture Association of America, Inc.*, 836 F.2d 599, 609–610 (D.C. Cir. 1988) (deferring to the Copyright Office's interpretation of Section 111, noting Congress grant of statutory authority to the Copyright Office to interpret the Copyright Act, and the Supreme Court's indication that it also would defer to the Copyright Office's interpretation of the Copyright Act), *Satellite Broadcasting and Communications Assoc.* v. *Owens*, 17 F.3d 344, 345 (11th Cir. 1994) (holding that valid exercises of the Copyright Office's statutory authority to interpret the provisions of the compulsory licensing scheme are binding on the court).

In summary, based on the unmistakable fact that digital online communication services are ineligible for the cable and satellite compulsory licenses and the identical, unequivocal interpretation by the Copyright Office, amendments to the existing statute reiterating this legal truth are unnecessary. Consequently, the status quo with respect to who is eligible for the statutory licenses will remain undisturbed whether Congress deletes these amendments from the pending legislation or excludes them from subsequent legislation.

Respectfully yours,

ARTHUR R. MILLER,
Bruce Bromley Professor of Law.

The SPEAKER pro tempore (Mr. PEASE). All time has expired.

Pursuant to House Resolution 386, the previous question is ordered.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. OBEY. I think it is safe to say that I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Obey moves to recommit the conference report on H.R. 3194 to the Committee of Conference with instructions that the House Managers not agree to any provisions which would reduce or rescind appropriations for Veterans Medical Care.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore.

Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the conference report.

The vote was taken by electronic device, and there were—yeas 212, nays 219, not voting 4, as follows:

[Roll No 609]

YEAS—212

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green (TX)
Green (WI)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weygand
Wise
Woolsey
Wu
Wynn

NAYS—219

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell

Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich

Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan

Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—4

Brady (TX)
Capps

Conyers
Wexler

☐ 1725

Messrs. GARY MILLER of California, MANZULLO, DREIER, CUNNINGHAM, and Mrs. MYRICK changed their vote from "yea" to "nay."

Mr. LUTHER, Ms. RIVERS, Mr. McINTYRE, Mr. HILL of Indiana, Mr. HILLIARD, Ms. CARSON, Messrs. DOGGETT, LAFALCE, and GREEN of Wisconsin, and Ms. McKINNEY changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PEASE). The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 296, nays 135, not voting 4, as follows:

[Roll No. 610]

YEAS—296

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barrett (NE)
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Castle
Chambliss
Clay
Clyburn
Coble
Collins
Combest
Cooksey
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doyle
Dreier
Dunn
Ehrlich
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen

Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Granger
Greenwood
Hall (OH)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kasich
Kelly
Kennedy
Kilpatrick
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Maloney (NY)
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McIntosh
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald

Miller (FL)
Miller, Gary
Mink
Moakley
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Olver
Ortiz
Ose
Owens
Packard
Pascrell
Payne
Pease
Pelosi
Peterson (PA)
Pickering
Pickett
Pitts
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rangel
Regula
Reynolds
Riley
Rodriguez
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Saxton
Scott
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Tierney
Towns
Traficant
Turner
Velazquez
Vento
Vitter

Walden
Walsh
Wamp
Watt (NC)
Watts (OK)
Waxman

Weiner
Weldon (PA)
Weygand
Whitfield
Wicker
Wilson

Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—135

Baird
Baldwin
Barcia
Barr
Barrett (WI)
Bartlett
Becerra
Berkley
Berry
Blumenauer
Boswell
Brown (OH)
Burton
Campbell
Capuano
Carson
Chabot
Chenoweth-Hage
Clayton
Clement
Coburn
Condit
Cook
Costello
Cox
Coyne
Crane
Davis (FL)
DeFazio
DeGette
Delahunt
Doggett
Doolittle
Duncan
Edwards
Ehlers
Etheridge
Filner
Ford
Gejdenson
Goode
Gordon
Graham
Green (TX)
Green (WI)
Gutierrez

Gutknecht
Hall (TX)
Hefley
Hill (IN)
Hill (MT)
Hoeffel
Holden
Holt
Hostettler
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, Sam
Jones (NC)
Kaptur
Kildee
Kind (WI)
Kleczka
Kucinich
Larson
LaTourette
Lewis (GA)
Lipinski
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
McCarthy (MO)
McDermott
McInnis
McIntyre
Meehan
Miller, George
Minge
Mollohan
Moore
Moran (KS)
Napolitano
Oberstar
Obey
Oxley
Pallone
Pastor
Paul

Peterson (MN)
Petri
Phelps
Pombo
Pomeroy
Rahall
Ramstad
Reyes
Rivers
Roemer
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanford
Scarborough
Schaffer
Schakowsky
Sensenbrenner
Shadegg
Shays
Simpson
Spence
Stabenow
Stark
Stearns
Strickland
Tanner
Taylor (MS)
Terry
Thompson (MS)
Thurman
Toomey
Udall (CO)
Udall (NM)
Upton
Visclosky
Waters
Watkins
Weldon (FL)
Weller
Wise

NOT VOTING—4

Brady (TX)
Capps

Conyers
Wexler

☐ 1736

Mr. GORDON changed his vote from "yea" to "nay."

Mrs. PRYCE of Ohio and Mr. HILLIARD changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to Section 2 of House Resolution 386, House Concurrent Resolution 234 is considered as adopted.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. CON. RES. 173

Mrs. TAUSCHER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H. Con. Res. 173.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2000

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 385, I call up the joint resolution (H.J. Res. 83) making further continuing appropriations for the fiscal year 2000, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 83 is as follows:

H.J. RES. 83

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–62 is further amended by striking ``November 23, 1999'' in section 106(c) and inserting in lieu thereof ``December 2, 1999'', and by striking ``$346,483,754'' in section 119 and inserting in lieu thereof ``$755,719,054''. Public Law 106–46 is amended by striking ``November 23, 1999'' and inserting in lieu thereof ``December 2, 1999''.

The SPEAKER pro tempore. Pursuant to House Resolution 385, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 83 and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that the amendment at the desk be agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. YOUNG of Florida:

Strike ``November 23'' where it appears twice in the resolution and insert in lieu thereof ``November 18''.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. THOMAS. Mr. Speaker, reserving the right to object, and I shall not object, I rise to allow the House to recognize a public servant who for 21 years served this House, went into retirement 11 years ago and when the House asked would Bob Berry please come back and help us attend to the business of the House, Bob Berry came out of retirement in a very difficult time and allowed this House to function as we would like to function.

Bob Berry, the House owes to you our gratitude.

Mr. Speaker, I withdraw my reservation of objection.

Mr. OBEY. Mr. Speaker, reserving the right to object, I would ask the gentleman from Florida (Mr. YOUNG) to explain both the amendment that he is proposing and the resolution.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. The purpose of the amendment will address the issue of the previous continuing resolution. The CR that we passed earlier today would have authorized continuing appropriations from today until November 23. Because of the concern in the Senate that they may need a little extra time in dealing with this proposal and to give the President sufficient time to adequately review the appropriations agreement, this amendment would change the date from November 23 to December 2 to today until December 2.

Mr. OBEY. Further reserving the right to object, would the gentleman explain the amendment that strikes November 23 and inserts November 18?

Mr. YOUNG of Florida. November 18 is today, and we are amending this resolution so that it begins today and runs until December 2.

Mr. OBEY. So it is purely technical?

Mr. YOUNG of Florida. Purely technical. However, it does give additional time to the Senate and provides additional time for the President to use his full 10 days, if he so desires, to review this legislation.

Mr. OBEY. Mr. Speaker, further reserving the right to object, let me simply take 10 seconds to thank the staff on both sides of the aisle for all of the work that they have done. Even when that work sometimes produces turkeys as a result, it is not the fault of the staff; it is at the direction of the politicians themselves.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I would like to join the gentleman in that commendation of the appropriators and their staff, with our clerk Jim Dyer and your clerk Scott Lilly, with the front office staff, John Mikel and Chuck Parkinson and all of the members of the Committee on Appropriations staff. When we finished at 2:00 or 3:00 in the morning, they worked until 5:00 or 6:00 in the morning and they have worked almost every weekend for the last 2 months. They have done a really dynamic job, and I appreciate the gentleman raising that issue.

There are many more staff on the Committee on Appropriations that I would like to now recognize for the excellent work that they do.

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Joyce C. Stover, Secretary.

Mr. OBEY. Merry Christmas.

Mr. YOUNG of Florida. Happy Thanksgiving.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the amendment offered by the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The amendment is agreed to.

□ 1745

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). All time for debate has expired.

The joint resolution, as amended, is considered as having been read for amendment.

Pursuant to House Resolution 385, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution, as amended.

The joint resolution, as amended, was agreed to.

A motion reconsider was laid on the table.

REPORT ON NATION'S ACHIEVEMENTS IN AERONAUTICS AND SPACE DURING FISCAL YEAR 1998—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science:

To the Congress of the United States:

I am pleased to transmit this report on the Nation's achievements in aeronautics and space during Fiscal Year (FY) 1998, as required under section 206 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2476). Aeronautics and space activities involved 14 contributing departments and agencies of the Federal Government, and the results of their ongoing research and development affect the Nation in many ways.

A wide variety of aeronautics and space developments took place during FY 1998. The National Aeronautics and Space Administration (NASA) successfully completed five Space Shuttle flights. There were 29 successful Expendable Launch Vehicle (ELV) launches in FY 1998. Of those, 3 were NASA-managed missions, 2 were NASA-funded/Federal Aviation Administration (FAA)-licensed missions, 8 were Department of Defense (DOD)-managed missions, and 16 were FAA-licensed commercial launches. Scientists also made some dramatic new discoveries in various space-related fields such as space science, Earth science, and remote sensing, and life and microgravity science. In aeronautics, activities included work on high-speed research, advanced subsonic technology, and technologies designed to improve the safety and efficiency of our commercial airlines and air traffic control system.

Close international cooperation with Russia occurred on the Shuttle-*Mir* docking missions and on the ISS program. The United States also entered into new forms of cooperation with its partners in Europe, South America, and Asia.

Thus, FY 1998 was a very successful one for U.S. aeronautics and space programs. Efforts in these areas have contributed significantly to the Nation's scientific and technical knowledge, international cooperation, a healthier environment, and a more competitive economy.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 18, 1999.*

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2699

Mr. CHAMBLISS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2699.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1180, TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 387 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 387

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1180) to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the distinguished gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 387 would grant a rule waiving all points of order against the conference report to accompany H.R. 1180, the Ticket to Work Incentives Improvement Act of 1999, and against its consideration. The rule further provides that the conference report shall be considered as read.

Mr. Speaker, the conference report to accompany H.R. 1180 establishes a ticket to work program for recipients of Social Security disability benefits to seek vocational rehabilitation and employment services as well as enabling those individuals to work while keeping their health insurance. This legislation also creates new options for States to allow disabled individuals to purchase Medicaid insurance.

The conference agreement also provides approximately $15.8 billion in tax relief over 5 years, $18.4 billion over 10 years, by extending certain tax credits. This tax extenders package includes renewal of several expiring tax credit provisions, including the R&D tax credit, the Work Opportunity Tax Credit, and the Welfare-to-Work Tax Credit as well as providing tax relief for individuals and families by protecting at least 1 million families from higher taxes over the next 3 years due to the AMT tax. Finally, the measure includes approximately $2.6 billion in revenue offsets over the next 5 years and $2.9 billion over the next 10 years.

Mr. Speaker, I applaud the gentleman from Texas (Chairman ARCHER) and the gentleman from New York (Mr. RANGEL), ranking member, for their leadership in resolving the many complex issues contained in this legislation and urge my colleagues to support both the rule and the conference report itself.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume, and I want to thank the gentleman from Washington (Mr. HASTINGS) for yielding me the time.

Mr. Speaker, I have heard it said that human beings exhibit their most creative potential when they are kindergarten age. Well, whoever said that probably needs to spend a little time around here at the end of a session. There is some very creative work being done.

Vexing problems which have been around for months and may be even years are suddenly solved when the sand starts running out of the Congressional hour glass, or they are suddenly turned into bargaining chips. Witness what is happening with reproductive rights and the payment of our UN debts.

Major issues which have languished unattended are addressed and then tossed abroad whenever the legislative vehicle is leaving the station. Meanwhile, many others, such as the bill of rights protecting people from their HMOs or efforts to fight gun violence never get their tickets punched.

But rest assured, Mr. Speaker, the American people want a Patients' Bill of Rights, they want us to do better on gun violence, and they will be watching when we return in the year 2000.

As for the rule which is currently before us, H. Res. 387, it provides for the consideration of several disparate issues which have been corralled under a single bill title.

Part A of the bill is the Work Incentives Improvement Act, a bill to modernize our woefully outdated national disability policies.

When policies on Medicaid and other programs for the disabled were first developed decades ago, having a disability often meant that an individual is confined to home or an institution. Today, however, with advances in technology, training, and rehabilitation, many individuals with disabilities are allowed to hold good jobs and live very full lives in the mainstream of society.

The Work Incentives Improvement Act will allow persons with disabilities to continue receiving certain benefits, particularly health coverage, while returning to work. The proposal also provides for more State flexibility and serving individuals with disabilities through health programs, associated services like transportation assistance, and training.

This legislation does not benefit only persons with disabilities, it also has major benefits for the Federal Government and the taxpayer. If an additional one-half of 1 percent of the current Social Security Disability and Supplemental Security Income recipients were to cease receiving benefits as a result of employment, the savings and cash assistance would total $3.5 billion over the worklife of the individuals.

This worthy legislation was passed by the House overwhelmingly earlier this year, and I expect it will enjoy similar support today.

Part B of the underlying bill is a collection of tax extenders. I am pleased that this agreement includes a 5-year extension for research and development tax credit. Science and technology are critical for our future development, our knowledge about the world around us, and our understanding of ourselves.

I have long been a strong supporter of incentives to encourage businesses to invest in the development of new technologies and products. Through its existence, the R&D tax credit has served as a fundamental component of our Nation's competitiveness strategy by increasing the amount of research undertaken by the private sector.

One key provision which I would have strongly supported had it been allowed to remain in the bill would have entitled workers to better pension benefits through what is known as section 415 of the tax code. But, regrettably, this provision was left at the station.

In addition, the bill includes a delay in the implementation of rules proposed by the Department of Health and Human Services to restructure organ allocation in our Nation. While this delay is not likely to please people on either side of this emotional issue, it should at least allow the Congress to debate this matter more fully when we return in January.

Mr. Speaker, my main regret on the legislation is that we are dealing with what should have been several bills and are, instead, forced to consider them as a single package. This approach limits debate and prohibits many Members from exercising their right to discuss the legislation. It is unfair and it is unnecessary. There is no reason why these bills should not have been brought up earlier under open rules with full debate. This is to say nothing of the many, many worthwhile bills that are being pushed aside altogether in the majority's rush to adjourn.

But we are coming back with renewed energy and commitment to passing the Patients' Bill of Rights, increasing the minimum wage for working families, and halting the violence and gunfire which threatens our homes and our communities.

Mr. Speaker, by all accounts, this will be the final rule to be considered this century. This is also the final rule of this millennium. Those of us who serve on this important committee are keenly aware of its historical and institutional role in this Congress on behalf of the American people. Grounded by that tradition and honored by the opportunity, we are thankful to the Members who have gone before us, and we look forward to the new millennium and meeting the challenges facing the American people in the 21st Century. I am grateful for my colleagues on the Committee on Rules.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for noting that this is the last rule of this millennium. From my perspective, I had forgotten about that, and I thank the gentlewoman for bringing it up.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FROST. Mr. Speaker, I offer a resolution (H. Res. 391), and I ask unanimous consent for its consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 391

Resolved, That the following named Member be, and is hereby, elected to the following standing Committees of the House of Representatives:

Committee on Agriculture and Committee on Science: Mr. Baca of California.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1800

CONFERENCE REPORT ON H.R. 1180, TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999

Mr. ARCHER. Mr. Speaker, pursuant to House Resolution 387, I call up the conference report on the bill (H.R. 1180) to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to House Resolution 387, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of November 17, 1999, at page H12174.)

The SPEAKER pro tempore. The gentleman from Texas (Mr. ARCHER) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative within which to revise and extend their remarks and include extraneous material on the conference report H.R. 1180.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in strong support of H.R. 1180, the Ticket to Work and Work Incentives Act, which also contains an important package of tax relief for American workers and families.

First, let me discuss the Ticket to Work and Work Incentives Act. Most of those receiving disability benefits today, due to the severity of their impairments, cannot attempt to work. Today, however, the Americans with Disabilities Act, along with advances in technology, medicine and rehabilitation, are opening doors of opportunity never thought possible to individuals with disabilities. Now people can telecommute to work. There are voice-activated computers. And, as technology provides new ways to clear hurdles presented by a disability, government must also keep pace by providing opportunity and not just dependency. Government should be helping people to work, not building barriers to independence and freedom.

This is one more victory in a string of health care achievements that the Republican Congress has guided into law. We strengthened Medicare, we made health insurance more portable, we passed tax breaks for long-term health care and to cut health insurance costs for people who buy their own health insurance, unfortunately, only to see all those vetoed by the President. And now we have modernized a key program for people with disabilities so that the Government is a help and not a hindrance. Mr. Speaker, that is truly a record of achievement and progress.

Another significant victory is the tax relief package in this bill. Because of our action, millions of families can now breathe easier knowing they will not get hit with a surprise tax hike for the next 3 years because we fixed the alternative minimum tax. The AMT is a perfect example of an out-of-control Tax Code. Under the AMT, taxpayers are not allowed to claim the full child tax credit, the dependent care tax credit, the Hope Scholarship tax credit, and other tax credits which Congress passed to help Americans make ends meet. So the Tax Code was giving on one hand while quickly taking away with the other. This bill, today, fixes that for middle-income families, hundreds of thousands of them, for the next 3 years.

This bill also helps American companies maintain their cutting edge of research and development which will lead to new products, better medicines and a higher standard of living for consumers because it extends the most important R&D tax credit. For the first time in a long while, we have extended the tax credit for 5 years instead of hand-to-mouth year after year, on which no one can fully depend. Now businesses can plan for the future.

Another significant achievement of this bill is that Congress convinced the President that American taxpayers are paying too much and deserve some of their money back. Yes, it is only a small portion, but any amount of taxpayer funds that can be gotten out of Washington is money that cannot be spent on making government bigger. And that is exactly what this bill does.

This is one more achievement for a Congress that keeps delivering for the American people. We have made historic progress in paying down the debt, $140 billion alone in the last 2 years. We are locking away the Social Security surplus so it cannot be spent on other things, and we are working on a long-term plan to save Social Security for all time. And now we have agreed to start returning a portion of the non-Social Security surplus to the taxpayers who send it here, and that is real progress.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I was hoping that on this last bill, that the gentleman from Texas (Mr. ARCHER) and I have worked on together, that we might have found a more bipartisan tone than the one which the gentleman has just expressed today.

The gentleman talks about the accomplishments and what has been done for those people that are disabled as though his Democratic colleagues did not join with him to make this bill all that it is. The President presented this to the Congress and we worked together, and I agree that we do have a good bill.

There are some things that the gentleman does not talk about, and I expect that there is good reason for it. The gentleman has a delay here for the President's program dealing with transportation network for organ procurements, and the gentleman delays this from going into effect. It is controversial; it has nothing to do with taxes, but somehow the gentleman got that in there.

The gentleman has some other bill that came from the other side, a contractor that deals with NOAA. It has nothing to do with taxes or the disabled.

And then, when we get involved with taxes, the gentleman talked about a Congress that produces. Well, I had hoped that we would not end on this note; but the last I heard from the majority, they were pulling up the Tax Code by the roots. True, that was 6 years ago, 5 years ago, 4, 3, 2, 1, and continuously counting down. The closest the other side came to even dealing with the Tax Code, as I recall, was a $792 billion tax cut that never even got off the ground. And if we were to just weigh that bill, I hardly believe that even the staunchest conservative Republican would say that it simplified the Tax Code.

Now, I would have to agree with the gentleman that on the expiring provisions, the extensions of legislation that is existing law, that the gentleman and I worked together not as a Democrat or a Republican, but we worked together as tax writers, and with the help of the administration we were able to get these provisions paid for. We were able to put it in in a responsible way.

We could not stop all of the irresponsible things the other side wanted to do, so some people might want to focus on how the Republicans intend to make electricity out of chicken waste. But the gentleman insisted on the provision, we have it here, and God bless. The gentleman can join the wind and the closed-loop biomass, and if that is the way the other side wants to spend the credits, they are the majority and they can do it. But that is one of the things that we did not want to be associated with.

But I agree with the gentleman on the other good provisions. What are they? The extensions of existing law; to say that this Congress will not be irresponsible and allow these provisions to expire without doing the right thing.

So what I would like to say to the gentleman from Texas (Mr. ARCHER) is that he has no idea the pleasure it has been working with him on these positive things. And the only reason I stand up to point out some differences with the gentleman is that I would appreciate the gentleman not calling them Republican initiatives. The good ones are the bipartisan initiatives; the bad ones belong to the other side.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume simply to say that I think that it is unfortunate that the gentleman from New York has sought to try to, through his rhetoric, create some degree of partisanship. I would have liked to have given him far more credit on this bill. Much of what is in here are things that he wanted, but he would not sign the conference report. And, frankly, that does take away from bipartisanship.

Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. RAMSTAD), a member of the committee.

Mr. RAMSTAD. Mr. Speaker, I thank the chairman for yielding me this time, and I also thank him for his strong leadership on this legislation.

Mr. Speaker, I rise in strong support of this important bill. Helping people with disabilities live up to their full potential has been a top priority of mine ever since being elected to Congress, in fact, 10 years before as a State senator as well. I also strongly support the tax extender provisions in this bill.

I must say that I was disappointed, however, that the administration insisted that an important revenue-raising provision be dropped from the final agreement. This provision was based on legislation I sponsored, H.R. 3082, which was cosponsored by a strong bipartisan majority on the Committee on Ways and Means. This legislation would have protected employees' stock ownership plans, ESOPs for S-corporation workers by preventing the abuse of tax rules that help them build retirement savings and equity in their company. But unfortunately, the administration wanted to impose a draconian scheme that would have effectively killed ESOPs; would have killed this savings opportunity for thousands of American workers.

Thanks to the leadership of the gentleman from Texas (Mr. ARCHER) and the bipartisan support for S-corporation ESOPs in Congress on the Committee on Ways and Means and in the full body, the administration's misguided proposal was soundly rejected in negotiations over this extenders package, and for that I am grateful. This was a victory for American workers and a victory for boosting America's dangerously low savings rate.

Although these ESOPs S-Corporation legislation was not enacted in this bill this session, I am pleased that Congress resisted the administration's plan to dismantle ESOPs, because they are highly effective retirement savings programs.

We are going to be back with this next year, and again I thank the chairman for his leadership.

Mr. Speaker, I rise in strong support of the bill before us. Helping people with disabilities live up to their full potential has been one of my top priorities even since I was first elected to public office.

I also strongly support the important tax extender provisions which will save families from being unfairly penalized by the Alternative Minimum Tax and will keep U.S. businesses competitive, innovative and job-creating.

I was disappointed the Administration insisted that an important revenue-raising provision be dropped from the final agreement. This provision was based on legislation I introduced (H.R. 3082) which is cosponsored by a strong bipartisan majority of the Ways and Means Committee.

H.R. 3082 would protect employee stock ownership plans (ESOPs) for S corporation workers by preventing the abuse of tax rules that help them build retirement savings and equity in their company. But unfortunately, the Administration wanted to impose a draconian scheme that would have effectively killed this savings opportunity for thousands of American workers.

Thanks to the leadership of Chairman ARCHER and the bipartisan support for S corporation ESOPs in Congress, the Administration's misguided proposal was soundly rejected in negotiations over this extenders package. That was a victory for American workers, and a victory for boosting America's dangerously low savings rate.

Although H.R. 3082 was not enacted in this session, I am pleased Congress resisted the Administration's plan to dismantle these ESOPs, which are a highly effective retirement savings program. Thank you, Mr. Speaker.

Mr. Speaker, I can't tell you how long I have waited, along with many of my friends with disabilities in Minnesota, for this day. As many of my colleagues know, I have been working hard to help people with disabilities live up to their full potential since my election to this body in 1990, and as a Minnesota State Senator ten years prior. In fact, in 1993, Rep. Pete Stark and I introduced legislation to achieve the same goal we seek today.

As I have reminded my colleagues before, it was nine years ago that many of us enacted the ADA. It was nine long years ago that president Bush signed it into law and said, "Many of our fellow citizens with disabilities are unemployed. They want to work and they can work . . . this is a tremendous pool of people who will bring to jobs diversity, loyalty, low turnover rate, and only one request: the chance to prove themselves."

Mr. Speaker, despite the remarkably low unemployment rate in this country today, many of those with disabilities are still asking for this change to prove themselves in the workplace.

Despite all the good that the ADA has done to date, there is still room for improvement. The ADA did not remove all the barriers within current federal programs that prohibit people with disabilities from working. It's time to eliminate work disincentives for people with disabilities!

Eliminating work disincentives for people with disabilities is not just humane public policy, it is sound fiscal policy. It's not only the right thing to do; it's the cost-effective thing to do!

Discouraging people with disabilities from working, earning a regular paycheck, paying taxes and moving off public assistance actually results in reduced federal revenues.

People with disabilities have to make decisions based on financial reality. Should they consider returning to work or even making it through vocational rehabilitation, the risk of losing vital federal health benefits often becomes too threatening to future financial stability. As a result, they are compelled not to work. Given the sorry state of present law, that's generally a reasonable and rational decision.

We must transform these federal programs into spring-boards to the workforce for people with disabilities. This important bill does just that.

As I have said many times, preventing people from working runs counter to the American spirit, one that thrives on individual achievements and the larger contributions to society that result.

I implore my colleagues to vote for this important legislation before us today!

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume, and would just like to say to the chairman that I understand that my signature was expected at midnight last night, and I am sorry I could not be with him, because then the gentleman might have treated me more gently this evening.

Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this is a very important bill. It contains some very important provisions. I want to applaud the Clinton administration for the initiative and bringing forward the Ticket to Work legislation. It removes impediments from disabled individuals being able to return to work. It will save us money. If we get people off of disability to work, as they want to work, this legislation is very important.

Secondly, the tax extenders are very important. We all want to extend the tax provisions that would otherwise expire, whether it be for research and development or some of the other provisions that are in the bill.

But, Mr. Speaker, I must express my concern about a provision that was added that deals with the fair allocation of organs that would block HHS's regulation in this area. I believe that that provision will jeopardize the health of critically ill patients, and it is also inconsistent with our last vote on the budget omnibus bill.

The HHS regulation went through a process. It listened to the public; it listened to the Institute of Medicine and came forward with recommendations that tries to take geographical politics out of organ distribution and do it to people who are the most critically in need.

□ 1815

I hope we can follow the compromise that was in the last bill because that was a fair compromise that was reached that requires HHS to go out and listen and explain the regulations to the public. It is inconsistent with the provisions that are in this bill.

I hope that HHS will not have to follow the language because it is inconsistent with the last bill because, otherwise, I think we are going to jeopardize the health of the critically-ill individuals.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Speaker, let me begin by thanking the distinguished gentleman from Texas (Mr. ARCHER), the chairman of the Committee on Ways and Means, for his fine work and for his leadership in getting this to the floor. Let me thank the gentleman from Virginia (Mr. BLILEY), the chairman of my committee, for holding hearings immediately and being the first to actually move the Work Incentives Improvement Act.

This has been a remarkable achievement. I think there are many who believe that we would never get to this day. But, in fact, we are here.

I want to thank people on both sides of the aisle, the gentlewoman from Connecticut (Mrs. JOHNSON), the gentleman from Minnesota (Mr. RAMSTAD), the gentleman from California (Mr. MATSUI), and the gentleman from California (Mr. WAXMAN) for working in a bipartisan fashion on the Work Incentives Improvement Act.

Today, Mr. Speaker, we have the privilege of taking the most significant stride forward for rights of disabled people since the Americans with Disabilities Act. We are addressing the next great frontier when it comes to fully integrating disabled Americans into society, giving them the same economic opportunities that the rest of us enjoy.

Mr. Speaker, many Americans with disabilities rely on Federal health care and social services, assistance that makes it possible for them to lead independent and productive lives. But, unbelievably, we condition this assistance on their destitution. People with disabilities must get poor and stay poor if they are going to retain their health care benefits. They have got to choose between working and surviving.

That is why I introduced the Work Incentives Improvement Act, and that is why we have over 250 cosponsors from both sides of the aisle to end this perverse system of allowing Americans with disabilities to enter the workforce without endangering their health care coverage.

Mr. Speaker, a 1998 Harris survey found that 72 percent of Americans with disabilities want to work, but the fact remains that only one-half of one percent of dependent disabled Americans successfully move to work. Each percentage point of Americans moving to work represents 80,000 Americans who want to pay all or part of their own way but cannot; 80,000 Americans who are forced by a poorly designed system to sit on the sidelines while American businesses clamor for qualified workers.

This bill, in the end, Mr. Speaker, is about empowering people, people like a 39-year-old Navy veteran from my district who used to work on Wall Street and hoped to become a stockbroker but an accident in 1983 left him a quadriplegic. And even though he requires assistance for even the most basic daily activities, he never gave up on his dream. And 10 years after his accident, he passed the grueling stockbroker licensing exam. But, like most disabled Americans, he cannot afford to lose his health care benefits. If it were not for the current Federal rules, he would be a practicing, taxpaying stock broker today.

The Work Incentives Improvement Act ends this injustice. It rips down bureaucratic walls that stand between people with disabilities and a paycheck. It is important to remember that a paycheck means a lot more than just money. For a disabled American or any American, it means self-sufficiency. It means pride in a job well done. It means dignity.

Mr. Speaker, we have come a long, long way since the time when Americans with disabilities were shunted off to the farthest corners of our communities. Many Americans have been waiting for us to give them a chance to pursue the American dream. Today let us tell them that the wait is over. Let us get the Work Incentives Improvement Act passed today.

Mr. RANGEL. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, the disability provisions of this act are really important and are going to make a difference in the lives of many. But I want to talk about two other provisions that will make our country more prosperous, and that is the R&D tax credit and Section 127 of the Tax Code.

Our party's position, the Democratic position, as stated by our leader is that the R&D tax credit should be permanent. This 5-year extension is really in the right direction. I am happy to support it. But next year we are going to go for permanent.

On 127, I was so pleased that the gentleman from New York (Mr. RANGEL), the ranking member, has taken so much time to work on this. It is important that we support employer-supported tuition reimbursement plans. In this day and age, when the best educated workforce means they will be competitive, encouraging employers to help employees to continue their education is essential.

Again, I am happy to support this extension, and I look forward to extending this to graduate education. I thank the gentleman from New York (Mr. RANGEL) whose understanding and support of high-tech issues in this bill comes through loud and clear. He really followed through on the commitments he made when he came and visited Silicon Valley and really understood the issue of competitiveness and technology and education.

So kudos to the gentleman from New York (Mr. RANGEL) for his wonderful work. I look forward to taking both of these provisions just a little bit farther in the next Congress.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY), a member of the Committee on Ways and Means.

Mr. FOLEY. Mr. Speaker, I do want to just correct a statement made by the prior speaker when she described their efforts to extend permanently the R&D tax credit.

We can tell our colleagues from negotiations that Mr. Summers, the Treasury Secretary, vehemently opposed that permanent extension. So that, if that is the position of the party, we would like the Secretary of the Treasury to be informed of that position so that it would be much easier for the chairman of the Committee on Ways and Means to accomplish something he tried to do at the very outset of deliberations.

I want to also suggest to my colleagues how proud I am to stand up and support this bill. Credits to Puerto Rico and U.S. possessions, minimum tax relief for individuals, permitting full use of personal nonrefundable credits, welfare-to-work tax credits, work opportunity tax credits, a number of initiatives that I think will stimulate the economy, continue us on our road to prosperity, continue to see additional revenues to the Treasury so we can continue to reduce the debt of the American taxpayers to increase and enhance investment in America.

I commend the gentleman from Texas (Mr. ARCHER), the chairman of the Committee on Ways and Means, for seeing this bill to the successful conclusion. Especially, I would like to note the ticket-to-work and Work Incentives Improvement Act of 1999.

So oftentimes some of our vulnerable citizens in society who have been stricken by illnesses and ailments have been unable to make the required choice of whether to stay employed and then forgo, if you will, the Social Security, the Medicare-Medicaid provisions.

This bill now makes an attempt, to allow those capable and able individuals to be in the workforce, continue those vital health insurance needs provided by Medicaid and Medicare, and allow them to be productive, taxpaying citizens.

So I applaud the bill and I urge Members to vote for passage of this bill as it comes to the floor.

Mr. RANGEL. Mr. Speaker, it is with great pleasure that I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL), the former chairman and now ranking member of the Committee on Commerce, my friend and distinguished colleague.

Mr. DINGELL. Mr. Speaker, I thank my good friend, the gentleman from New York (Mr. RANGEL) for his kindness to me.

We take one step forward and one back. The bipartisan agreement on organ allocations was reached during negotiations between Labor, HHS and on that appropriations bill.

The revised regulation would not become final until 42 days after enactment, sufficient time to enable the comments on the revisions and, if necessary, to make further modifications. Now we are witnessing an end run by opponents to this proposal with regard to organ allocation policy.

The legislation before us contains a moratorium of 90 days on any allocation regulation. This delay has a huge cost. The regulation calls for broader organ sharing. This is consistent with the conclusion of the National Academy of Sciences, which studied the allocation system.

HHS has stated that approximately 300 lives per year could be saved through broader sharing. The math is simple. There is a difference between a 42-day delay and a delay of almost 90 days.

Two more points to be made. First, blocking HHS oversight amounts to privatization of Medicare and Medicaid expenditures attributable to organ transplants. If my colleagues want to privatize Medicare, let them do it in the open and proper fashion.

Second, blocking HHS oversight continues the proliferation of State organ allocation statutes, at least 12 by last count. That is directly in conflict with the current allocation criteria and with good sense.

The same Members who decry political or bureaucratic involvement in organ allocation policy when they have HHS in mind are stunningly silent when politicians and bureaucrats involved in this are State officials.

A lack of leadership on the issue is creating immense fragmentation of organ allocation policies, just the opposite direction of where IOM said the allocation policies should go.

In like fashion, the Work Incentives Act of 1999 is a large step in the correct fashion. It will ensure that the disabled no longer have to choose between health care and their jobs. The bill also includes a demonstration project to provide health coverage to people who have serious conditions but are not fully disabled, these people who have multiple sclerosis or cerebral palsy. This would enable them to remain as working members of society.

Thanks to hard work and dedication on the part of the administration and the disability community, additional funding has been secured for a very important project here.

During the past few weeks, controversy has swirled around proposed offsets in the bill. Parties from both sides have agreed to remove some of the most contentious payfors. However, I have heard objections from many of my constituents about two offsets that remain, a provision to change the way that students loans are financed and a tax on payments to attorneys who represent Social Security claimants.

Although I am going to vote for this bill, I have substantial concerns for these offsets. And, very truthfully, the things that are done here are wrong.

The Work Incentives Act has overcome many obstacles in its legislative history. The bill is on the floor today because it is based on good policy and because it will make a difference of lives of people with disabilities. For that reason, I support it.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. SHAW), the respected chairman of the Subcommittee on Social Security of the Committee on Ways and Means.

Mr. SHAW. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, this legislation is about work. Its goal is to help individuals with disabilities work and support themselves and support their families.

Today only three in ten adults with disabilities work, compared with eight in ten adults without disabilities. A big reason is Government programs take away cash and medical benefits if disabled individuals find and keep jobs. That must change. And it will change under this bill that is before us today.

No one should be afraid of losing benefits if they do the right thing and try to work. We should reward and help especially those who struggle to overcome their disabilities. That is why we are offering the new tickets disability individuals can use to obtain whatever services they need in order to work.

But we do not stop there. We extend health care coverage for a total of 8½ years so that no one has to fear losing their medical coverage if they go to work.

Some may still not risk going to work for fear of having to wait months or even years to get back on the benefits if their health begins to once again decline. So we ensure disabled individuals can quickly get back onto the rolls if they try to work but their health deteriorates.

That is the right kind of safety net, one that encourages work and protects those who need help along the way. From providing more help, finding and keeping a job, ensuring health care coverage, to strengthening the safety net to those who cannot stay on the job, this legislation does the right thing. This is another historic step to ensure that everyone can know the dignity that comes with work.

I urge all Members to support this bill.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN), the ranking member of the Subcommittee on Health and Environment of the Committee on Commerce.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for yielding me the time.

Mr. Speaker, this Congress owes a debt of gratitude to the gentleman from New York (Mr. LAZIO) and to the gentleman from California (Mr. WAXMAN). Thanks largely to their efforts, we have an opportunity to do something right. I wish I could say that more often.

We owe a debt of gratitude especially to the gentleman from Michigan (Mr. DINGELL) and the gentleman from New York (Mr. RANGEL) under whose leadership proponents of this legislation managed to defend repeated attempts to emasculate it.

Finally, we owe a debt of gratitude to President Clinton. The President and his exceptional health team have demonstrated their commitment to the goals of this bill in a number of ways, lending their assistance again and again as this arduous process moved forward.

The idea behind the bill is simple. If individuals want to work, let us help them work. For many disabled individuals, the ability to work hinges on reliable health care. Yet, under current law, work means losing access to that care. By providing continued access to Medicare and Medicaid, the Work Incentives Improvement Act enables individuals to leave the disability roles and go back to work.

H.R. 1180 taps into the tremendous human potential that all of us have and takes us closer to a time where equal opportunity for disabled people is no longer an objective, it is a fact.

Nothing is perfect. This bill could have been much closer to that ideal if the Republican leadership had not coopted it with a self-serving moratorium on the organ allocation bill. And there is a user fee provision that may reduce the number of attorneys willing to represent disabled clients. It is not a particularly well thought out provision. But overall, Mr. Speaker, the bill is a victory for the disabled and a much needed reminder that American values are, in fact, intact.

I ask for support of the bill.

☐ 1830

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), the respected chairman of the Subcommittee on Human Resources of the Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me this time. I want to comment briefly on two parts of this bill. First of all, it is really a joy to know that people in my district who suffer from physical or mental disabilities and who want to work and are capable of work but cannot work because of fear of losing their health coverage are going to be able to work. And as the Christmas holidays approach and they are offered longer hours, I know that they are going to be able to realize their dream of being a real part of the work team at their place of business. It is really a wonderful thing that we have done in this bill, to enable Americans simply to realize the opportunity of self-fulfillment that work offers.

But I also want to mention one other thing. How do we foster invention? Lots of times, we ask ourselves, how do we assure that there will be a strong economy for our children? In this bill is one of the keys. For the first time ever, we make the research and development tax credit in place and law for 5 years. Our goal is permanence, but we have never had 5 years. This will enable companies to plan and enable them to invest at a pace and at dimensions of dollars that we have never seen before. That drives new products. That drives state-of-the-art inventions. That drives economic leadership. And that drives good jobs, high-paying jobs, and a successful America.

I want to personally congratulate the gentleman from Texas for his dedication to the R&D tax credit that would be longstanding enough to foster the kind of growth and invention, support for an entrepreneurial economy that this R&D tax credit will achieve. I know that he would have preferred permanence as many of us would have. But this is a tremendous breakthrough. It is a real tribute to the gentleman from Texas and his dedication and to this Congress that we have extended the R&D tax credit for 5 years.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me this time. I guess I would like to focus on the dignity that this bill gives to many Americans who simply want a chance. I thank the ranking member. I thank the chairman of this committee. I could quarrel with the process in some of the extenders that we will also be including, but I want to respond with a focus on one of my constituents who saw me in the Heights, an area of my district in Houston, and spoke about her son. We were at a memorial giving tribute to those who had served in the military who lived in the Heights area. After the program, she came up and said, "What is the progress, when will you pass the Work Incentives Improvement Act? My son wants to be independent. My son wants to get on his feet. My son who is disabled simply wants to have his day in the sun."

And so this particular bill is of great relief to her and her family. It is a ticket to work and self-sufficiency program. And in fact over the years that I have been in Congress, I have enjoyed meeting with some of the physically and mentally disabled or challenged who have come to my office and have asked simply to be allowed to work and then not to lose their health benefits. That is their greatest crisis. In order for them not to be dependent, they need to have this kind of support system. I support this effort that would expand beneficiaries' access to public and private vocational rehabilitation providers and to employment service providers acting as employment networks under the program, and I support particularly the aspect of this bill that allows the disabled to go off and work and then, for example, if there is a problem, they still have the ability to come back within a 60-month period and get the benefits that they need without filing a new application. This is long overdue.

Mr. Speaker, I rise to support this important measure that both allows disabled persons to retain their federal health benefits after they return to work along and authorizes extensions for several tax provisions.

The conference report on H.R. 1180, Work Incentives Improvement Act is a true measure of bipartisan efforts and includes a compromise version of the original House and Senate bills. This bill would establish the "Ticket to Work and Self-sufficiency Program" that would expand beneficiaries' access to public and private vocational rehabilitation providers and to employment service providers acting as employment networks under the Program.

This bill will allow disabled individuals to receive an expedited reinstatement of benefits if they lose their benefits due to work activity. Disabled individuals would have 60 months after their benefits were terminated during which to request a reinstatement of benefits without having to file a new application. It is imperative that we protect these disabled individuals, and this bill would provide provisional benefits for up to six months while the Social Security Administration determines these requests for reinstatement.

In addition to allowing disabled persons to retain their federal health benefits after they return to work, this bill also includes extensions of various tax provisions, many of which are scheduled to expire at the end of this year. The conference agreement provides approximately $15.8 billion in tax relief over five years ($18.4 billion over 10 years) by extending certain tax credits.

More specifically, this measure extends the Research and Development tax credit for five years (this credit would be expanded to include Puerto Rico and possessions of the United States), the Welfare-to-Work and Work Opportunity tax credits for 30 months, and the Generalized System of Preferences through September 30, 2001. Finally, the measure includes approximately $2.6 billion in revenue offsets over five years ($2.9 billion over 10 years).

This bill also delays the effective date of the organ procurement and transplantation network final rule. This rider provides people with more time to comment on the rule and for the Secretary to consider these comments. Our organ distribution system requires changes to create a more national system, to diminish the enormous waiting times, and to ensure that those people who are suffering the most receive help in time. The late, great Walter Payton's sorrowful death is just another sad reminder that far too many people in need of organs are trapped on waiting lists.

Finally, the bill requires the National Oceanic and Atmospheric Administration to continue existing contracts for its multi-year program for climate database modernization and utilization.

This measure clearly is important to the American people on many fronts. It is imperative that we pass this important piece of legislation. It is a sign that we are unified on both sides of the aisle, and it proves to the American public that we have put their needs above political posturing.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Speaker, I rise today in strong support of H.R. 1180, the Work Incentives Improvement Act. I want to express my sincere appreciation to the gentleman from Texas (Mr. ARCHER) and to the gentleman from New York (Mr. RANGEL). We have heard much talk this evening about tax credits for R&D and the like and those are very important. But when I read this bill and I listen to the conversations, I hear freedom. I hear freedom for 5 million people who right now are confined or constrained because the law does not allow them to maintain their health benefits.

Mr. Speaker, if I could say one thing that just sends me home here soon with a light heart, it is that at the end of the 20th century as we did at the end of the 18th century, for over 5 million Americans this bill lets freedom ring. It lets them compete and participate. I applaud my colleagues.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. WATKINS), another respected member of the Committee on Ways and Means.

Mr. WATKINS. Mr. Speaker, I rise in support of the Work Incentives Improvement Act of 1999. First and foremost I say to my committee chairman and ranking minority member that the provisions here on the extenders is one that is going to be of great assistance and help to be able to continue moving the economy forward. The R&D for 5 years is a great need for business and industries that do a lot of research.

I would like to bring out a couple of things that are not highlighted, but I have had a chance of working personally with a number of individuals concerning this. One, the conference agreement would provide a 2-year open season beginning January 1 for clergy to revoke their exemption from Social Security coverage. This is something that a lot of ministers, and I have been associated with a lot of them through the fact that my former father-in-law was a minister. he is deceased now, but it is something I know he was concerned about back years ago.

The other provision is even a little closer. My wife and I have had our home available, licensed for foster children over the years; and I have worked with a lot of foster children. In this bill we have had a simplification of the definition of foster child under the earned income credit program. It provides for the simplification. Under this particular provision, a foster child would be defined as a child who is cared for by the taxpayer as if he or she were the taxpayer's own child; two, has the same principal place of abode as the taxpayer for the taxpayer's entire taxable year; and, three, either is the taxpayer's brother, sister, stepbrother, stepsister or descendant, including an adopted child, of any such relative.

This is something that has been focused. I do not know if any of you have ever tried to work with a lot of the situation dealing with foster children, but it is a very cumbersome problem. This will help eliminate that.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER), another respected member of the Committee on Ways and Means.

Mr. WELLER. Mr. Speaker, let me begin my comments by just again praising the leadership of our committee's chairman for his efforts in putting together this good package that we are voting on today, a package that deserves bipartisan support, as well as the good ranking member for his efforts in making this a bipartisan effort today.

Mr. Speaker, this is a big victory for a lot of folks back home. The disabled are big winners with the ticket to work provisions in this bill, legislation that helps the disabled enter the workforce and keep their health care benefits. I really want to commend the gentleman from Missouri (Mr. HULSHOF) for his hard work and efforts on this.

It is also a victory for the taxpayers. This Congress said no to the President's $238 billion in tax increases. This Congress said no to the President's plan to raid the Social Security Trust Fund by $340 billion. I do want to express my biggest disappointment for this year and that is when the President vetoed our efforts to help 28 million married working couples when the President vetoed our efforts to eliminate the marriage tax penalty.

This legislation is good legislation. It helps folks back home in Illinois. There are three provisions I would like to highlight. Of course, the 5-year extension of the research and development tax credit. That is so important in Illinois, a multiyear commitment to providing this incentive for research into cancer, research into biotechnology, to increase food productivity, to increase the opportunity to grow our new economy, particularly in high technology since Illinois ranks fourth in technology. I also would note that Puerto Rico is included with this extension of the R&D tax credit, extension of the work opportunity tax credit.

We want welfare reform to work. If we want welfare reform to work, of course we want to ensure that there is a job for those on welfare. The work opportunity tax credits help contribute to a 50 percent reduction in the welfare rolls in Illinois. We extend it for 2½ years.

Third and last, I want to note the brownfields tax incentive, a provision that many of us worked on to include in the 1997 budget act. This is successfully working. Of course we extend it. I would point out that the district I represent on the South Side of Chicago, that the former Republic Steel property, the largest brownfield in Illinois, the largest new industrial park in Illinois benefited from this brownfields tax incentive. This is good legislation, and it deserves bipartisan support.

Mr. RANGEL. Mr. Speaker, I yield myself the balance of my time. I would like to take this time to thank the gentleman from Texas for the courtesies he has extended to me. While we have had major policy differences, he has always been a gentleman, he has been fair, he has been honest, and above all he has been sincere. I want to thank Mr. Singleton and the entire majority staff as well as Janice Mays. We have probably one of the best staffs in the House and they have worked hard and they have worked with us.

While it is my opinion that we did not accomplish too much in this first year, I look forward to working with the gentleman side by side, hand in hand to see what we can do to restore confidence in the Social Security system, the Medicare system, and see what we can do about prescription drugs.

Mr. ARCHER. Mr. Speaker, I yield myself the balance of my time. I thank the gentleman for his comments. We have much work to do next year, where we can work hopefully together on a strong bipartisan basis on Social Security, trade issues, and many other issues before our committee.

Mr. RANGEL. Mr. Speaker, I would like to clarify a provision relating to the rum cover over provision for Puerto Rico. The House-Senate conference agreement calls for an increase in the rum cover over for Puerto Rico from the current level of $10.50 to $13.25. It is my understanding that by an agreement between the Administration and the Governor of Puerto Rico, the Honorable Pedro Rossello, one-sixth of the $2.75 increase in the rum cover over to Puerto Rico will be dedicated to the Puerto Rico Conservation Trust, a private, nonprofit section 501(c)(3) organization operating in Puerto Rico. The Puerto Rico Conservation Trust was created for the protection of natural resources and environmental beauty of Puerto Rico and was established pursuant to a Memorandum of Understanding between the Department of the Interior and Commonwealth of Puerto Rico dated December 24, 1968."

Mr. NEAL of Massachusetts. Mr. Speaker, I am going to vote for this legislation even though it is not paid for because added to the Ticket To Work program are important "must pass" tax provisions vital to all our constituents.

The most important provision in this bill is the extension of the current waiver of the alternative minimum tax rules affecting nonrefundable personal credits. Without enactment of this provision, next April approximately 1 million taxpayers will find they owe more money to the federal government than they thought, for an average "stealth" tax increase of about $900 each. Millions more will have to though the alternative minimum tax calculations, which can take 5 or 6 hours, just to find out they don't owe any more money.

In 1997 Congress approved new credits for children, and for education. We promised our constituents that the federal government would help them with these responsibilities. However, we subjected these credits to the alternative minimum tax. The result is that more and more middle income Americans will be forced into the AMA by our actions—and we will rightly get the blame.

So now we have to fix it. This bill does that for 3 years. But what we really need to do is to fix this problem permanently, because no middle income American should ever by subject to the alternative minimum tax calculation simply because they decided to send their kids to college.

Mr. Speaker, other members may focus their remarks regarding taxes on the research and development tax credit, or the Subpart F extension, or employer provided educational assistance. All important items. But not items that drive this bill—what is of paramount importance is the AMA fix, and I am pleased that we are finally taking steps to fix this for the immediate future.

Mr. STARK. Mr. Speaker, I rise with regret to oppose what is being called the "Ticket to Work and Work Incentives Improvement Act Conference Report." This title would never pass the "Truth in Labeling" test if it were on a box of food, but you can get still away with such falsehoods here in Congress—especially in the waning hours of the session.

The reason for my regret is that I have worked much of the year to encourage passage of the Work Incentives Improvement Act here in the House. This legislation is vitally important for disabled individuals. Our current system—which actively discourages disabled people from returning to the workforce—simply makes no sense. Allowing disabled people to maintain their health insurance through Medicare when they return to work is something that should have always been law, not something we are finally doing today.

I support that component of this bill which we are here considering today. I am unhappy that it has been weakened from the version that originally passed the House. In that bill, we would have given disabled individuals the ability to keep their Medicare health insurance for 10 years, while the bill before us today only extends that coverage for 8½ years. But, there is no question that this would be a significant improvement from the status quo.

However, there is much more to this bill than the title would suggest. Through late night negotiations, this bill changed. In addition to the provisions relating to the Work Incentive Improvement Act, the bill includes two completely unrelated provisions. The first of these is a 90-day moratorium preventing the Secretary of Health and Human Services from implementing a regulation to improve our organ allocation program in the U.S. Also included is a package of tax extenders that is not fully paid for.

The moratorium on the organ allocation regulation is especially egregious. The regulation is a product of negotiations with the transplant community, patients, and the general public and ensures the sickest patients get organs first—instead of basing life and death decisions on geography.

Republicans included this same 90-day delay of the HHS organ allocation regulations in legislation earlier this year. The President vetoed that bill and cited the organ allocation moratorium as "a highly objectionable provision." After that veto, Congressional budget negotiators and the White House agreed to permit the HHS organ allocation rule to go into effect after a 42-day consultation period. Yet only a few days later, they have decided to renege on that agreement.

Congress has already delayed the HHS rules for over a year—permitting the Institute of Medicine (IoM) to study the current system. The IoM report strongly validates the HHS regulations by calling for broader sharing of organs and for HHS to exercise its "legitimate oversight responsibilities." Twelve patients die every day while awaiting an organ transplant under the current system. The fact of the matter is this moratorium is a pork barrel project for members of Congress who either represent the federal contractor, or small transplant centers with poorer outcomes who stand to lose under the new regulations. The Secretary's regulation will save lives. This moratorium will cause people to die. Which side do you think is right?

Just like every other bill the Republicans have tried to push through this Congress, the tax extender provisions in the bill give big tax breaks to big business. It includes tens of millions of rifle-shot give-aways to GE—certainly not one of the neediest taxpayers in this country. It also spends $13 billion to give corporations money for research. Most companies would conduct research on their own regardless of whether or not taxpayers foot the bill. Do you really think that corporations like Schering-Plough would have halted research for their highly profitable drug Claritin if Congress had denied a research tax credit? Companies must conduct research in order to create profits. They don't need tax incentives from Congress to make a profit.

In addition, this bill throws money to the wind through the highly unsuccessful windmill tax credit. There are windmills up and down the highways of California in hopes that they might produce effective forms of electricity. Once again, we're extending $3 billion in tax breaks to energy companies so that they can continue pouring money into a lofty goal. Coupled with this tax break is one that will provide tax incentives to energy companies who can produce energy from poultry droppings. Why stop at energy? We should give them tax incentives to produce gold from chicken droppings!

Because of these unrelated provisions that were snuck into an otherwise very worthy bill, I am forced to vote against this bill today.

Mr. SENSENBRENNER. Mr. Speaker, I rise in support of H.R. 1180, the Work Incentives Improvement Act of 1999. As Chairman of the Committee on Science, I would like to highlight a provision of the bill that is particularly important to our nation's research base: the Research and Development Tax Credit (R&D tax credit).

H.R. 1180 includes the longest ever extension of the R&D tax credit. While I support a permanent extension of the R&D credit, this five-year extension is a step in the right direction. As federal discretionary spending for R&D is squeezed, incentives must be used to maximize private sector innovation and maintain our global leadership in high-tech, high-growth industries that help keep our economy the strongest in the world.

A long-term extension of the credit will aid the research community by creating incentives for private industry to fund research projects. Congress has extended the R&D Tax Credit repeatedly over a period of 18 years. The credit again lapsed on June 30th of this year. This five-year extension will put an end to the start-and-stop approach that has characterized this extension process.

A 1998 Coopers & Lybrand study found that U.S. companies would spend $41 billion more (in 1998 dollars) on R&D as a result of extending the credit. This in turn would lead to greater innovation from additional R&D investment and would begin to improve productivity almost immediately, adding more than $13 billion a year to the economy's productive capacity by the year 2010. The Coopers & Lybrand report went on to note that the R&D tax credit would ultimately pay for itself. "In the long run," the report states, "$1.75 of additional tax revenue (on a present value basis) would be generated for each dollar the government spends on the credit, creating a win-win situation for both taxpayers and the government."

Last year, the Science Committee released a National Science Policy Study entitled Unlocking Our Future: Toward A New National Science Policy. The Unlocking Our Future is the most comprehensive study of federal science policies ever conducted by Congress. And the full House passed a resolution adopting its recommendations. One of the study's primary recommendations was the permanent extension of the R&D tax credit. I am pleased that the House today is taking a concrete step toward enacting the study's recommendations.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today in support of H.R. 1180, the conference report on the Ticket to Work and Work Incentives Improvement Act.

This bill will provide a true "Ticket-to-Work" for disabled individuals by bringing them back into the workforce while still providing them with a safety net of government services that are needed to help make the transition. It is an important first step toward addressing the disincentives which exist in current law that discourage disabled individuals from working.

According to a Washington Post article published earlier this year, 6.6 million working-age Americans receive disability checks from the Federal Government every month. All too often, these individuals are unable to return to the workforce. Among the barriers they face upon returning to work is they risk the loss of important federal benefits such as Medicare health care coverage. Under this legislation, individuals would be eligible for up to four and a half additional years of Medicare benefits. While I would have preferred to have individuals eligible for Medicare for an additional six years, I believe this is a positive step forward and that further steps should be taken in the future.

In addition, this bill provides a voucher that individuals can exchange for rehabilitation, employment or other necessary services with their provider of choice.

The Ticket to Work bill will change the Social Security Administration's disability programs for the better. As Tony Young of the United Cerebral Palsy Association said in his testimony before the Ways and means Committee in March, these programs, "are transformed from a safety net into a trampoline; not only catching people with disabilities as they fall out of work, but also giving them a boost back into work as they are ready."

I urge my colleagues to support this legislation, which is an important step toward helping individuals with disabilities be independent, and to become a vital part of the workforce.

Mr. BILIRAKIS. Mr. Speaker, I rise today in support of H.R. 1180, the Work Incentives Improvement Act of 1999. I am a cosponsor of this important legislation and was proud to expeditiously move this proposal through my Subcommittee and support its passage through the House Commerce Committee.

My Subcommittee held a hearing at which we heard from federal, state and local officials, as well as individuals living with disabilities. All of the witnesses emphasized the need for this legislation. They noted that the current system unfairly forces people to choose between work and health care.

H.R. 1180 was introduced in March by our colleagues RICK LAZIO and HENRY WAXMAN, and this bill underscores the positive power of bipartisanship.

The bill removes barriers for individuals who want to work. By encouraging work over welfare, it also promotes personal dignity and self-sufficiency.

Two federal programs—Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI)—provide cash benefits to people with disabilities. By qualifying for these benefits, individuals are also eligible for health coverage through Medicare and Medicaid. These programs provide comprehensive services that people with disabilities value and need.

Ironically, individuals with disabilities risk losing these health protections if they enter the work force. Under current law, earnings above a minimal amount trigger the loss of both cash benefits and health coverage under Medicare and Medicaid.

H.R. 1180 would allow states to expand the Medicaid buy-in option to persons with disabilities through two optional programs. The bill also creates a trial program to extend Medicare Part A benefits to SSDI recipients. Further, it provides infrastructure and demonstration grants to assist the states in developing their capacity to run these expanded programs.

Finally, the bill creates a new payment system for vocational rehabilitation programs that serve individuals with disabilities. Similar provisions were passed by the House of representatives last year.

As I have emphasized before, H.R. 1180 will help people help themselves. Approval of this bill by the House of Representatives today is an important step in improving the quality of life for millions of Americans who live with disabilities.

Mr. BENTSEN. Mr. Speaker, I rise today in strong support of the conference report of H.R. 1180, the Work Incentives Improvement Act. This bill includes three separate bills, including the conference report for H.R. 1180, the tax extenders legislation, and a provision related to organ transplantation regulations. I strongly support all three of these proposals and urge my colleagues to support this bill.

I am pleased that the conference report for H.R. 1180 does not include certain provisions related to school-based health services. An earlier version of this bill, as approved by the House, included Section 407 to help offset the costs associated with this bill. Section 407 would be detrimental to our local schools districts who have worked to screen children for Medicaid eligibility. According to the U.S. Census Bureau there are 4.4 million children who are eligible for, but not enrolled in, Medicaid. Under existing laws, public schools can receive reimbursements through the Medicaid Administrative Claiming (MAC) program to help screen for these Medicaid eligible children. I learned about these provisions through the efforts of a local school district, the La Porte Independent School District (PISD). PISD is the lead district for a consortium of 200 small and rural Texas school districts participating in the MAC program. After learning about this provision, I also organized a letter to Speaker HASTERT in opposition to these offset provisions. I am pleased that the conference committee has removed all provisions related to school-based health programs that would have been harmful.

I support passage of this measure because it ensures that disabled persons can keep their health insurance when they return to work. Under current law, disabled persons who are eligible for Social Security disability benefits are precluded from earning significant income without losing their Medicare or Medicaid health insurance. This bill would permit disabled persons to work while maintaining their health insurance coverage. For many disabled persons, this health insurance is critically important since they can neither afford nor purchase health insurance in the open market. This bill would provide SSDI beneficiaries with Medicare coverage for eight and ½ years, instead of the current 4-year term. This legislation also provides vocational rehabilitative services to disabled persons, ensuring their access to the training they need to become more self-sufficient. As an original cosponsor of the underlying bill, I support all of these provisions.

This bill also includes a critically important provision related to organ transplantation policy. This bill would impose a 90-day moratorium on the proposed Department of Health and Human Services (HHS) regulations related to organ transplantation policy that would change the current allocation system from a regionally-based system to a national medical-need system. This provision also includes a requirement that HHS must reopen this proposal for public comment about this issue. I am very concerned about the impact of this proposed regulation on organ transplants done at the Texas Medical Center. The Texas Medical Center and the local organ procurement organization, LifeGift, have done an excellent job of encouraging organ donations in our area. The impact of this regulation would be to override the current system which was developed in consultation with our nation's premier transplantation physicians and practitioners. If this new regulation were implemented, many of these organs could possibly be transferred away from the local patients who need them. I am pleased that Congress has acted to provide itself with sufficient time to reauthorize the National Organ Transplant Act (NOTA). The House has already approved this bill, giving the Senate sufficient time to consider and approve a NOTA measure.

This is an important bill which we should approve and I would urge my colleagues to vote for this bill.

Mr. WAXMAN. Mr. Speaker, I rise in strong support of the basic provisions of H.R. 1180, the Work Incentive Improvement Act. The core program contained in this bill is designed to provide support and health care assistance to severely disabled people who want to work despite the obstacles their disabilities present, indeed who are determined to work and become productive and contributing members of society.

These are people who need to keep their health care coverage through Medicaid and Medicare to enable them to stay in the work force. We owe them nothing less.

It is a testament to the compelling nature of their case that this bill has had such broad and bipartisan support in both the House and the Senate. The President has also been strongly committed to seeing it enacted, from his call to the Congress to enact this program in his State of the Union message last January to the final negotiations to bring this bill here today. And I want to particularly note the contributions of RICK LAZIO, who I was pleased to join as the original sponsor of the bill, NANCY JOHNSON and BOB MATSUI from the Ways and Means Committee, and JOHN DINGELL and CHARLIE RANGEL who served on the conference committee.

We can all be proud of its enactment. I am especially pleased that the conference report increased the funds available to support demonstrations by States to provide health services to persons with potentially severe disabilities in order to keep their health from deteriorating and to allow them to continue to work. Surely, this is one of the most sensible and cost-effective things we can do.

But it is unfortunate that this exemplary piece of legislation has been used in the closing days of this session to pursue other agendas. The conference report includes a rider added to H.R. 1180 through stealth and political extortion which delays vital reforms of our national organ allocation system.

The one-year moratorium on the Department of Health and Human Service's Final Rule expired last month. Last week, the Administration and the appropriators, including Chairman YOUNG and Mr. OBEY, agreed to a final compromise 42-day comment period on the Final Rule's implementation.

But the defenders of UNOS and the status quo weren't satisfied. They twisted arms behind closed doors. They blocked passage of the Health Research and Quality Act of 1999 and the reauthorization of the Substance Abuse and Mental Health Administration. They blocked enactment of critical medical education payments for children's hospitals. And they subverted the authority of the committees of jurisdiction.

Now, the compromise is being abandoned by the Republican leadership. The commitments made to the Administration and to Members have been broken in bad faith.

And what's the result? The 42 days becomes 90 days.

Mr. Speaker, enough is enough.

There is no excuse for this action. The Final Rule is the result of years of deliberation. It embodies the consensus that organs should be shared more broadly to end unjust racial and geographical disparities.

Every day of delay is another day of unconscionable 200 to 300 percent disparities in transplant and survival rates across the country—disparities which the Final Rule addresses.

Every day delays action on the Institute of Medicine's recommendation "that the Final Rule be implemented" because broader sharing "will result in more opportunities to transplant sicker patients without adversely affecting less sick patients."

And every day condones a status quo of gross racial injustice and unjust, parochial self-interest.

Mr. Speaker, the status quo is slowly killing patients who deserve to live, but are deprived of that right by a system that stacks the odds against them. But in spite of this rider, in spite of the delay and the back-room politics, reforms will come. Therefore, I urge my colleagues to support the Final Rule and to oppose the organ allocation rider.

Mr. CRANE. Mr. Speaker, I rise in strong support of the tax relief provisions which have been attached to H.R. 1180.

This tax relief package renews several temporary tax relief provisions and addresses other time sensitive tax items.

For example, we give at least one million American families relief from an increase in their alternative minimum tax that would occur when they take advantage of the child tax credit, the dependent care tax credit, or other tax credits. In addition, we renew and extend the exclusion from income for employer-provided educational assistance.

For businesses, we are extending the very valuable research and experimentation (R&E) tax credit for five years while we extend the creditor to Puerto Rico and the other U.S. territories for the first time. The R&E credit will allow U.S. companies to continue to lead the world in innovative, cutting-edge technology.

In an effort to help get Americans off government assistance and into the workplace, we are extending the Work Opportunity Tax Credit and the Welfare-to-Work Tax Credit through the end of 2001.

One item that I was particularly grateful to have included in this package is an increase in the rum excise tax cover-over to Puerto Rico and the Virgin Islands from the current $10.50 per proof gallon to $13.25 per proof gallon. I was, however, disappointed that the provision did not include language to specifically state that a portion of Puerto Rico's increase is designated for the Conservation Trust Fund of Puerto Rico.

Instead, I understand that an agreement has been reached with the Governor of Puerto Rico to provide one-sixth of the increase to the Trust Fund during the time of the increase of the cover-over (July 1, 1999 through December 31, 2001). I appreciate the support of the Governor in this endeavor. The Conservation Trust Fund, which enjoys tremendous support from the people of Puerto Rico, plays an important role in the preservation of the natural resources of the island for the benefit of her future generations.

Mr. Speaker, I applaud the efforts of our Chairman, BILL ARCHER, in putting together this tax relief package and I urge my colleagues to support it.

Mr. PORTMAN. Mr. Speaker, I rise in support of the tax extender and Ticket to Work package. I commend the Chairman and my colleagues RICK LAZIO of New York and KENNY HULSHOF of Missouri for their leadership on this issue.

So many people with disabilities want to work, and technological as well as medical advances now make it possible for many of them to do so. Unfortunately, the current Social Security Disability program has an inherent number of obstacles and disincentives for people to leave the rolls and seek gainful employment because they will lose cash and critical Medicare benefits.

This proposal before us today is designed to eliminate those obstacles and allow beneficiaries to select from a wider choice of rehabilitation and support services. It also extends health benefits for disabled people returning to work, which has been one of the single biggest challenges for helping people to make this transition.

Specifically, it expands state options under the Medicaid program for workers with disabilities, and it extends Medicare coverage for SSDI beneficiaries.

Importantly, this bill not only will well serve the disabled, and also will save millions of Social Security dollars in the coming years. The key to this bill is that it will provide people with the opportunities and means they have asked us for to become productive members of society. This is a good and fiscally responsible bill.

I'd also like to express my support for the important package of tax extenders contained in this legislation. These extenders—like the R&D tax credit and others—are essential elements in our effort to maintain our strong economy.

I urge my colleagues to support this responsible package.

Mr. KLINK. Mr. Speaker, I rise today in opposition to the inclusion of the provision that stops the Department of Health and Human Services from improving the system of organ allocation in this country. The organ provision was only thrown into this bill at the last minute, and it has no place in this bill.

The current system for organ sharing is not fair and needs to be improved. Organ sharing is a matter of life and death. The problem is that every year people die unnecessarily because the current organ allocation system is broken. We can do better and I urge my colleagues not to let parochial interests get in the way of fixing the problem.

Whether or not you get the organ that will save your life should not depend on where you live. Organs do not and should not belong to any geographical or political entity. But, under the current system, depending on where the organ was harvested, it could be given to someone with years to live—while someone in the next town across the wrong border may die waiting for a transplant.

The most difficult organ to transplant is the liver. Pioneered at the University of Pittsburgh, upwards of 90% of all the liver transplant surgeons today were either trained at Pittsburgh or by doctors who were trained there. Yet facilities like Pittsburgh, Mt. Sinai, Cedars-Sinai, Stanford and other highly regarded transplant centers which take on the most difficult and riskiest transplant patients are struggling with the longest waiting times in the country.

While these centers are highly regarded, many of their patients do not come to them because of their reputations. The fact is that many of their patients only seek them out after having been turned down by their local transplant centers. There is strong evidence to suggest that many smaller transplant centers avoid the riskier transplants on the sicker patients because they are more difficult and would adversely impact their reputations should they not be successful.

This isn't right. Whether you live or die should not depend on where you live.

This debate is not about pitting big transplant centers against small ones, or about pitting one region against another. It is about making sure that the gift of life goes to the person who needs it the most rather than someone who happens to have the good fortune to live in the right state, county or city. Its about helping at least 300 people each year to continue to live.

The fact is that the current system discriminates against people who live near the highly regarded centers with the longer waiting lists. It's not their fault that their local center is willing to take the harder and sicker patients when other centers avoid the sicker patients in favor of patients who may be still able to work, go to school, or even play golf while patients elsewhere are near death without any opportunity to receive that organ because they have the misfortune of being on the wrong side of the Pennsylvania—Ohio line.

All HHS wants to do is: (1) require UNOS to develop policies that would standardize its criteria for listing patients and for determining their medical status, and (2) ensure that medical urgency, not geography, is the main determinant for allocating organs.

HHS should be allowed to proceed. The longer we delay the more lives are at risk. In this day of modern air travel and communications there is no good reason for an organ to stop at the border. There is no good reason why if I passed away while attending the Superbowl in New Orleans that my liver should go to a golfer in Louisiana when I may have a loved one who is in desperate need of a transplant at home.

People are dying because they happen to live in the wrong zip code and because states do not want to share their organs. Nowhere else in society would we allow a monopoly like this to continue. We must put an end to this craziness. There is no room in this country for politics to affect who lives and dies. The patients who need the organs the most should get them. Period.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ARCHER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 418, nays 2, not voting 15, as follows:

[Roll No. 611]

YEAS—418

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn

Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stfickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Berry
Stark

NOT VOTING—15

Baker
Brady (TX)
Callahan
Capps
Conyers
Everett
Fletcher
Frank (MA)
McIntosh
Nethercutt
Radanovich
Serrano
Shuster
Wexler
Wilson

□ 1903

Mr. BERRY changed his vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. CAPPS. Mr. Speaker, due to a family illness I was unable to attend votes today. Had I been here I would have made the following votes:

Rollcall No. 598—"no"; 599—"yes"; 600—"yes"; 601—"yes"; 602—"yes"; 603—"no"; 604—"no"; 605—"no"; 606—"no"; 607—"yes"; 608—"no"; 609—"yes"; 610—"yes"; 611—"yes".

PRIVILEGES OF THE HOUSE—RETURNING TO THE SENATE S. 4, SOLDIERS', SAILORS', AIRMEN'S, AND MARINES' BILL OF RIGHTS ACT OF 1999

Mr. WELLER. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution (H. Res. 393) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 393

Resolved, That the bill of the Senate (S. 4) entitled the "Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999", in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

The SPEAKER pro tempore (Mr. PEASE). In the opinion of the Chair, the resolution constitutes a question of the privileges of the House under rule IX.

The gentleman from Illinois (Mr. WELLER) is recognized for 30 minutes.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution is necessary to return to the Senate the bill, S. 4, which contravenes the constitutional requirement that revenue measures shall originate in the House of Representatives.

Section 202 of the bill authorizes members of the Armed Forces to participate in the Federal Thrift Savings Plan and permits them to contribute any part of a special or incentive pay that they might receive. However, it also effectively provides that the limitations of Internal Revenue Code section 415 will not apply to those extra contributions. Thus, the provision allows certain members of the uniformed services to avoid the negative tax consequences that would otherwise result in their extra contributions to the TSP. Accordingly, the provision is revenue affecting in a constitutional sense.

There are numerous precedents for this action I am requesting.

I want to emphasize that this action speaks solely to the constitutional prerogative of the House and not to the merits of the Senate bill. Proposed action today is procedural in nature, and it is necessary to preserve the prerogatives of the House to originate revenue measures, makes clear to the Senate that the appropriate procedure for dealing with revenue measures is for the House to act first on a revenue bill and for the Senate to accept it or amend it as it sees fit.

This resolution is necessary to return to the Senate the bill S. 4, the "Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999." S. 4 contravenes the constitutional requirement that revenue measures shall originate in the House of Representatives.

S. 4 would provide a variety of benefits to members of the Armed Forces. I strongly support our Armed Forces and agree that we need to modernize our military and compensate our officers and enlisted personnel fairly. However, S. 4, as passed by the Senate, would not only increase the compensation of members of the Armed Forces. It would also modify the tax treatment of some of their compensation. This change in tax treatment causes S. 4 to violate the Origination Clause of the United States Constitution.

Section 202 of the bill generally authorizes members of the Armed Forces to participate in the Federal Thrift Savings Plan. In particular, section 202 of the bill adds a new section 8440e to Title 5 of the United States Code. New section 8440e generally permits members of the uniformed services or Ready Reserve who are authorized to participate in the Thrift Savings Plan to contribute up to 5 percent of their basic pay to the Thrift Savings Plan. In addition, subsection (d) of new section 8440e permits members of the uniformed services to contribute to the Thrift Savings

Plan any part of their special or incentive pay they receive under section 308, 308a through 308h, or 318 of title 37. The subsection further provides in effect that the limitations of Internal Revenue Code section 415 will not apply to such contribution. Code section 415 generally provides limitations on benefits and contributions under qualified employee benefit plans.

Thus, the effect of subsection (d) of new section 8440e is to override the limits on the Thrift Savings Plan contribution imposed by Internal Revenue Code section 415. By overriding Code section 415, the provision allows certain members of the uniformed services to avoid the negative tax consequences that would result from such contributions. Accordingly, the provision is revenue-affecting in a constitutional senses.

Plainly, allowing members of the Armed Forces to participate in the Thrift Savings Plan causes a reduction in revenues as a budget scorekeeping matter, since contributions to the Thrift Savings Plan reduce the taxable incomes of participants by operation of the existing tax laws, and therefore their tax liabilities. However, the reduction in Federal revenues is viewed as an indirect effect of the provision since the provision does not attempt to specify or modify the tax rules that would otherwise apply to the provision, and therefore does not offend the constitutional requirement. Rather, new subsection (d) offends the Origination Clause because it directly amends the internal revenue laws. Subsection (d) overrides the limitations imposed by Code section 415, thereby directly modifying the tax liability of individuals who would otherwise be subject to its limits. Such a provision is plainly revenue-affecting and therefore constitutes a revenue measure in the constitutional sense. Accordingly, I am asking that the House insist on its constitutional prerogatives.

There are numerous precedents for the action I am requesting. For example, on July 21, 1994, the House returned to the Senate S. 1030, containing a provision exempting certain veteran payments from taxation. On October 7, 1994, the House returned to the Senate S. 1216, containing provisions exempting certain settlement income from taxation. On September 27, 1996, the House returned to the Senate S. 1311, containing a provision that overrode the Federal income tax rules governing recognition of tax-exempt status.

I want to emphasize that this action speaks solely to the constitutional prerogative of the House and not to the merits of the Senate bill. The proposed action today is procedural in nature and is necessary to preserve the prerogatives of the House to originate revenue measures. It makes clear to the Senate that the appropriate procedure for dealing with revenue measures is for the House to act first on a revenue bill and for the Senate to accept it or amend it as it sees fit.

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. WELLER. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, the bill of which the gentleman speaks, has that been previously passed here in the House?

Mr. WELLER. Yes, Mr. Speaker.

Mr. SKELTON. And the purpose of this is to comply with the Constitution to state that it originates in the House; is that correct?

Mr. WELLER. Yes. This resolution does not address the merits of the legislation, which many Members on both sides of the aisle support. What it does is preserve the prerogatives of the House revenue-affecting measures originating in the House under the Constitution.

Mr. SKELTON. Mr. Speaker, I thank the gentleman.

Mr. WELLER. Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2000

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent to consider and pass House Joint Resolution 84, making further continuing appropriations for fiscal year 2000.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. OBEY. Mr. Speaker, reserving the right to object, I think the House needs to understand exactly what it is we are doing, and I yield to the gentleman for the purpose of explaining what is happening again.

Mr. YOUNG of Florida. Mr. Speaker, I thank my friend for yielding.

Earlier this afternoon, we passed a continuing resolution taking us to December 2, 1999. Our colleagues in the Senate have asked that we extend that by one day, mainly because they need a clean vehicle over there, and that is exactly what this is, it extends continuing spending authority from December 2 to December 3, and it gives our colleagues in the Senate a clean vehicle that they need to conduct their business.

Mr. OBEY. Mr. Speaker, continuing under my reservation, I would simply note two things and then ask a question.

When we were debating how dairy would be handled, we were told that it had to be on the budget because we did not have any other vehicles. Now, in the space of about 15 minutes, the House has created two additional vehicles. I am beginning to think that we are making the keystone cops look like Barishnikov.

Mr. Speaker, I do not understand what the magic difference is between December 2 and December 3. Perhaps we could reach a compromise on December 2½. I do not know what is going on.

I mean, I have heard of continuing resolutions for a year, an hour, but not 10 minutes, which is what it has been since we passed the last one. How many more are we going to have to pass before we get our act together tonight?

Mr. YOUNG of Florida. Mr. Speaker, if the gentleman will yield further, my response to his question is rather simple. I have been advised that if we do not provide an extra vehicle for the Senate, it may be necessary for the House to either stay in session or reconvene tomorrow or the next day in order to complete legislative business. I am also advised that if they have a clean vehicle, it is very likely that we would not have to be back here sitting as the House.

Mr. OBEY. Mr. Speaker, continuing under my reservation, I would say I thought that is what we were told a few minutes ago, that we needed to pass the last one so we would not be in session.

I hope that sooner or later, we get things right.

Mr. YOUNG of Florida. Mr. Speaker, if the gentleman will yield further, I would like to say to my friend and my colleague with whom we have worked so well together throughout this year that in my opinion, we have done things right here; and I cannot answer for any other venue.

Mr. OBEY. Mr. Speaker, continuing under my reservation, I do not quarrel with that statement with respect to the committee, but I do think that this process, I have to say, has been the most chaotic that I have seen in the 31 years that I have been privileged to be a Member of this body. I do not think what is happening is the fault of the gentleman from Florida, it certainly is not mine, but I would hope that when we return in the first of the year in the next millennium, we will have a different set of arrangements that will enable us to do things in a quite different fashion.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 84

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106-62 is further amended by striking "November 18, 1999" in section 106(c) and inserting in lieu thereof "December 3, 1999", and by striking "$346,483,754" in section 119 and inserting in lieu thereof "$755,719,054". Public Law 106-46 is amended by striking "November 18, 1999" and inserting in lieu thereof "December 3, 1999".

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PRIVILEGES OF THE HOUSE—RETURNING TO THE SENATE S. 1232, FEDERAL ERRONEOUS RETIREMENT COVERAGE CORRECTIONS ACT

Mr. WELLER. Mr. Speaker, I rise to a question of privileges of the House, and I offer a privileged resolution (H. Res. 394) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 394

Resolved, That the bill of the Senate (S. 1232) entitled the "Federal Erroneous Retirement Coverage Corrections Act", in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

The SPEAKER pro tempore. In the opinion of the Chair, the resolution constitutes a question of the privileges of the House under rule IX.

The gentleman from Illinois (Mr. WELLER) is recognized for 30 minutes.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution is necessary to return to the Senate the bill S. 1232 which contravenes the constitutional requirement that revenue measures shall originate in the House of Representatives. Section 401 of the bill provides that no Federal retirement plan involved in the corrections under the bill shall fail to be treated as a tax-qualified retirement plan by reason of the correction.

☐ 1915

The bill also provides that no amount shall be includable in the income of any individual for Federal tax purposes because of fund transfers or government contributions made pursuant to the bill.

Accordingly, section 401 is revenue affecting in a constitutional sense and the bill therefore violates the origination requirement.

There are numerous precedents for the action I am requesting. I want to emphasize this action speaks solely to the constitutional prerogative of the House and not to the merits of the Senate bill.

The proposed action today is procedural in nature and is necessary to preserve the prerogatives of the House to originate revenue measures. It makes clear to the Senate that the appropriate procedure for dealing with revenue measures is for the House to act first on a revenue bill, for the Senate to accept it or amend it as it sees fit.

This resolution is necessary to return to the Senate the bill S. 1232, which contravenes the constitutional requirement that revenue measures shall originate in the House of Representatives. The bill provides that no Federal retirement plan involved in the corrections under the bill shall fail to be treated as a tax-qualified retirement plan by reason of the correction. The bill also provides that no amounts shall be includible in the income of any individual for Federal tax purposes because of fund transfers or government contributions made pursuant to the bill. Therefore, the bill violates the origination requirement.

Section 401 of the bill provides generally that no government retirement plan shall fail to be treated as a tax-qualified plan under the Internal Revenue Code for any failure to follow plan terms, or any actions taken under the bill to correct errors in misclassification of Federal employees into the wrong Federal retirement system. In general, Federal retirement plans are subject to the same rules that apply to tax-qualified retirement plans maintained by private sector employers. For example, tax-qualified retirement plans are afforded special tax treatment under the Code. These advantages include the fact that plan participants pay no current income tax on amounts contributed on their behalf, and the fact that earnings of the plan are tax-exempt.

Because of Section 401 of the bill, Federal retirement plans and participants in those plans would retain these advantages even if actions are taken pursuant to the bill that would otherwise jeopardize this favorable tax treatment.

The Federal retirement plans are also subject to the rules applicable to tax-qualified plans that limit the amount of contributions and benefits that may be provided to a participant under a tax-qualified plan. For example, section 415 of the Code limits that amount of annual contributions that may be made to a defined contribution plan, and the amount of annual benefits that are payable from a defined benefit plan. If amounts are contributed or benefits are paid that exceed these limits, plan participants could be subject to unfavorable tax consequences. Section 401 of the bill would permit the Federal government to make-up contributions on behalf of an employee without violating applicable limits on contributions and benefits for the year in which the make-up contribution was made.

Section 401 also provides that no amounts shall be includible in the taxable income of participants in Federal retirement plans because of fund transfers or government contributions made pursuant to the bill. Without this provision, amounts transferred from fund to fund or otherwise contributed by the government could be subject to income tax under the Internal Revenue Code.

Accordingly, Section 401 is revenue-affecting in a constitutional sense.

There are numerous precedents for the action I am requesting. For example, on July 21, 1994, the House returned to the Senate S. 1030, containing a provision exempting certain veteran payments from taxation. On October 7, 1994, the House returned to the Senate S. 1216, containing provisions exempting certain settlement income from taxation.

I want to emphasize that this action speaks solely to the constitutional prerogative of the House and not to the merits of the Senate bill. The proposed action today is procedural in nature and is necessary to preserve the prerogatives of the House to originate revenue measures. It makes clear to the Senate that the appropriate procedure for dealing with revenue measures is for the House to act first on a revenue bill and for the Senate to accept it or amend it as it sees fit.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, let me begin by just saying to the Members it is my privilege to say we have had the last vote of the day, the last vote of the week, the last vote of the year, the last vote of the century.

PROVIDING FOR ADJOURNMENT SINE DIE AFTER COMPLETION OF BUSINESS OF FIRST SESSION OF 106TH CONGRESS AND SETTING FORTH SCHEDULE FOR CERTAIN DATES DURING JANUARY 2000 OF SECOND SESSION

Mr. ARMEY. Mr. Speaker, I offer a privileged concurrent resolution (H.Con Res. 235), and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the concurrent resolution.

The Clerk read as follows:

That when the House adjourns on any legislative day from Thursday, November 18, 1999, through Monday, November 22, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand adjourned until noon on Thursday, December 2, 1999 (unless it sooner has received a message from the Senate transmitting its concurrence in the conference report to accompany H.R. 3194, in which case the House shall stand adjourned sine die), or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution; and that when the Senate adjourns on any day from Thursday, November 18, 1999, through Thursday, December 2, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution.

SEC. 2. When the House convenes for the second session of the One Hundred Sixth Congress, it shall conduct no organizational or legislative business on that day and, when the House adjourns on that day, it shall stand adjourned until noon on January 27, 2000, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution.

SEC. 3. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SEC. 4. The Congress declares that clause 2(h) of rule II of the Rules of the House of Representatives and the order of the Senate of January 6, 1999, authorize for the duration of the One Hundred Sixth Congress the Clerk of the House of Representatives and the Secretary of the Senate, respectively, to receive messages from the President during periods when the House and Senate are not in session, and thereby preserve until adjournment sine die of the final regular session of the One Hundred Sixth Congress the constitutional prerogative of the House and Senate to reconsider vetoed measures in light of the objections of the President, since the availability of the Clerk and the Secretary during any earlier adjournment of either House during the current Congress does not prevent the return by the President of any bill presented to him for approval.

SEC. 5. The Clerk of the House of Representatives shall inform the President of the United States of the adoption of this concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTING DAY FOR THE CONVENING OF THE SECOND SESSION OF THE 106TH CONGRESS

Mr. ARMEY. Mr. Speaker, I offer a joint resolution (H.J. Res. 85), and ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the joint resolution.

The Clerk read as follows:

H.J. RES. 85

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DAY FOR CONVENING OF SECOND SESSION OF ONE HUNDRED SIXTH CONGRESS.

The second regular session of the One Hundred Sixth Congress shall begin on Monday, January 24, 2000.

SEC. 2. ADDITIONAL SESSION PRIOR TO CONVENING.

If the Speaker of the House of Representatives and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House of Representatives and the Minority Leader of the Senate, determine that it is in the public interest for the Members of the House of Representatives and the Senate to reassemble prior to the convening of the second regular session of the One Hundred Sixth Congress as provided in section 1—

(1) the Speaker and Majority Leader shall so notify their respective Members; and

(2) Congress shall reassemble at noon on the second day after the Members are so notified.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPOINTMENT OF COMMITTEE OF TWO MEMBERS TO INFORM THE PRESIDENT THAT THE TWO HOUSES HAVE COMPLETED THEIR BUSINESS OF THE SESSION

Mr. ARMEY. Mr. Speaker, I offer a privileged resolution (H. Res. 395), and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 395

Resolved, That a committee of two Members be appointed by the House to join a similar committee appointed by the Senate, to wait upon the President of the United States and inform him that the two Houses have completed their business of the session and are ready to adjourn, unless the President has some other communication to make to them.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 395, the Chair appoints the following Members of the House to the committee to notify the President, the gentleman from Texas (Mr. ARMEY), and the gentleman from Missouri (Mr. GEPHARDT).

PERSONAL EXPLANATION

Mr. LAMPSON. Mr. Speaker, on November 17, 1999, on rollcall votes 596 and 597, I am recorded as not voting. I am happy to announce that I was present at the birth of my first grandchild, Nicholas William Shanning. Had I been present for votes, I would have voted "aye" on rollcall 596 and "no" on rollcall vote 597.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO EXTEND AND REVISE REMARKS IN CONGRESSIONAL RECORD UNTIL LAST EDITION IS PUBLISHED

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that Members may have until publication of the last edition of the CONGRESSIONAL RECORD authorized for the first session by the Joint Committee on Printing to revise and extend their remarks and to include brief, related extraneous material on any matter occurring before the adjournment of the first session sine die.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

AUTHORIZING SPEAKER TO ACCEPT RESIGNATIONS, APPOINT COMMISSIONS, BOARDS AND COMMITTEES NOTWITHSTANDING SINE DIE ADJOURNMENT

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that until the day the House convenes for the second session of the 106th Congress, and notwithstanding any adjournment of the House, the Speaker, the majority leader, and the minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S RESERVATION INDIAN RESERVED WATER RIGHTS SETTLEMENT AND WATER SUPPLY ENHANCEMENT ACT OF 1999

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 438) to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

Mr. GEORGE MILLER of California. Mr. Speaker, reserving the right to object, if the gentleman would take a moment to explain the bill.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, last month the House passed H.R. 795, the Rocky Boy's Water Rights Settlement Act. Today we have before us S. 438, a companion bill to H.R. 795. The only difference between these bills is a small change regarding the treatment of tribal water rights off reservation. This change has been agreed upon by all parties involved in the legislation. The Rocky Boy's Water Rights Settlement Act process has been important for a number of reasons. I congratulate the gentleman from Montana (Mr. HILL). In the State of Montana, the tribe has spent a good deal of time working on the issues in a constructive fashion, taking steps to minimize the impact on other affected water users.

Furthermore, there has been minimal emphasis on some of the outmoded basis that calculate in Federal reserve Indian water right claims. This process has allowed the parties to look to newer, more flexible negotiations that find the solutions which provide tribes with real opportunities without making demands that may destroy the economic livelihood of existing water users.

In addition, this process has brought new solutions, introduced private sector expertise into the tribe's efforts to utilize the water supplies once the settlement is authorized.

By approaching these water rights settlements in more creative ways, Congress and the Federal Government can narrow the divergent expectations of the parties as they enter negotiations and attempt to correct problems that have existed for decades. It is important for Congress to modernize the process and basis for settling these claims. It is taking far too long to arrive at a settlement. Often tribes receive water and money under circumstances that do not ultimately help them realize the benefits of a broader economy.

It is the intention of this settlement to help the tribe reach this goal of self-determination, and I urge my colleagues to support the legislation.

Mr. SAXTON. Mr. Speaker, last month, the House passed H.R. 795, the Rocky Boys Water Rights Settlement Act. Today we have before us S. 438, a companion bill to H.R. 795. The only difference between these two bills is a small change regarding the treatment of tribal water rights off reservation. This change has been agreed upon by all the parties involved in the legislation.

The Rocky Boys water right settlement process has been important for a number of reasons. Congressman HILL, the State of Montana and the Tribe have spent a good deal of time working through the issues in a constructive fashion, taking steps to minimize the impact on other affected water users.

Furthermore, there has been minimal emphasis on some of the outmoded bases for calculating Federal reserved Indian water right claims. This process has allowed the parties to look to newer, more flexible negotiations that find solutions which provide tribes with real opportunities without making demands that may destroy the economic livelihood of existing water users. Additionally, this process has brought new solutions and introduced private sector expertise into the tribes efforts to utilize these water supplies once the settlement is authorized.

By approaching these Indian water right settlements in more creative ways, Congress and the Federal Government can narrow the divergent expectations of the parties as they enter negotiations and attempt to correct problems that have existed for decades. It is important for Congress to modernize the process and bases for settling these claims. It is taking far too long to arrive at a settlement. Often tribes receive water and money under circumstances that do not ultimately help them realize the benefits of the broader economy. It is the intention that this settlement will help the tribe reach their goal of self-determination.

I urge my colleagues to support the legislation.

Mr. HILL of Montana. Mr. Speaker, I rise in strong support of S. 438, the Chippewa Cree Tribe Water Rights Settlement Act, introduced by Senator CONRAD BURNS.

I am the sponsor of the House companion to this bill which passed the House on October 18th. I thank Subcommittee Chairman JOHN DOOLITTLE and his staff Bob Faber and Josh Johnson for their tireless efforts to work with all parties involved to move this important piece of legislation.

This is truly a historic day. This bill is the culmination of many years of technical and legal work and many years of negotiations involving the Chippewa Cree Tribe, the State of Montana, and representatives of the United States Departments of the Interior and Justice.

The bill will ratify a settlement quantifying the water rights of the Tribe and providing for their development in a manner that will help the Chippewa Cree Nation while helping their neighbors, local communities, farmers and ranchers.

It provides Federal funds construction of water supply facilities and for Tribal economic development, and defines the Federal Government's role in implementing the settlement.

This Settlement bill has the full support of the Tribe, the State of Montana, the Department of Justice and the Department of the Interior, the Administration, and the water users who farm and ranch on streams shared with the Reservation.

The bill will effectuate a settlement that is a textbook example of how State, Tribal, and Federal governments can work together to resolve differences in a way that meets the concerns of all.

It is also a settlement that reflects the effectiveness of Tribal and non-Tribal water users in working together in good will and good faith with respect for each other's needs and concerns.

It is not an overstatement to say that the Chippewa Cree Tribe of the Rocky Boys Reservation Indian Reserved Water Rights Settlement Act is a historic agreement. This is truly a great occasion for all of those who have worked so hard to get us to this point.

I again want to thank Chairman DOOLITTLE, Chairman YOUNG, and the House leadership for scheduling this bill today. I also want to thank Congressman KILDEE for his cosponsorship and help in moving this bill forward.

I urge the adoption of S. 438.

Mr. KILDEE. Mr. Speaker, I am pleased that the House will today consider S. 438, a bill that would implement the settlement of the water rights of the Chippewa Cree Tribe of Montana. I am a cosponsor of a similar bill passed by the House earlier this year. This bill marks the 16th Indian water settlement presented to Congress in 10 years. I recall a time when in the late 1980s and early 1990s Congress regularly sanctioned and implemented state/tribal water agreements. I am encouraged by the resolution (No. 98–029) from the National Governors' Association endorsing the policy of negotiating Indian water rights settlements.

During a recent hearing before the Water and Power Subcommittee, Representative RICK HILL, sponsor of the bill, described this settlement as a textbook example of how state and tribal governments can work together with off-reservation local ranchers and farmers to resolve their differences. I concur with that characterization of this bill. I want to commend the state of Montana and the Tribe for working almost 15 years to reach an agreement. It is my understanding that the parties went sub-basin by sub-basin and even farm by farm until they had resolved the concerns of all affected parties. I also want to commend the Interior and Justice Departments—particularly Interior's Acting Deputy Secretary, David Hayes—for the role he and his colleagues played in reaching this accord.

One of the things I have learned over the years is that we must defer to the wishes of the states and tribes that bring these settlements to us. We all will have a tendency to want to micro-manage legislation of this nature and contend that it is precedential one way or another way, but history has proved that that is really not the case. A settlement in Montana may have little to do with the status of negotiations in New Mexico. While instream flows for fishery habitat may be vital to a tribe in the Pacific Northwest, it may have little application in Arizona. I say this because I have heard that certain members of the Senate who are not from Montana are examining this bill to determine if it is consistent with the laws of their state. Mr. Speaker, if a negotiated settlement in a given state had to be consistent with the laws and policies of every one of the other 49 states, or even just the western states, we would never have another Indian water rights settlement. So again, I hope we can agree that the individual States, Tribes and the Federal government must be given great deference in negotiating settlements that are consistent with the laws and policies of the given State and Tribe and which do not violate federal law.

Finally, I say to my colleagues that we and the Administration must follow up and ensure that funds are made available to implement the Chippewa Cree/Montana settlement. We must do so in a manner that does not take funds away from basic ongoing tribal programs. We must reexamine the idea of creating a permanent settlement fund for these types of State/Tribal agreements that is comparable to the Justice Department's settlement fund and which is not scored against the BIA's allocations. Again, my congratulations to the Chippewa Cree Tribe of the Rocky Boy's Reservation, to the state of Montana and to the members of the Federal Negotiating Team that helped bring this to fruition.

Mr. GEORGE MILLER of California. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Chippewa Cree Tribe of The Rocky Boy's Reservation Indian Reserved Water Rights Settlement and Water Supply Enhancement Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) in fulfillment of its trust responsibility to Indian tribes and to promote tribal sovereignty and economic self-sufficiency, it is the policy of the United States to settle the water rights claims of the tribes without lengthy and costly litigation;

(2) the Rocky Boy's Reservation was established as a homeland for the Chippewa Cree Tribe;

(3) adequate water for the Chippewa Cree Tribe of the Rocky Boy's Reservation is important to a permanent, sustainable, and

sovereign homeland for the Tribe and its members;

(4) the sovereignty of the Chippewa Cree Tribe and the economy of the Reservation depend on the development of the water resources of the Reservation;

(5) the planning, design, and construction of the facilities needed to utilize water supplies effectively are necessary to the development of a viable Reservation economy and to implementation of the Chippewa Cree-Montana Water Rights Compact;

(6) the Rocky Boy's Reservation is located in a water-short area of Montana and it is appropriate that the Act provide funding for the development of additional water supplies, including domestic water, to meet the needs of the Chippewa Cree Tribe;

(7) proceedings to determine the full extent of the water rights of the Chippewa Cree Tribe are currently pending before the Montana Water Court as a part of In the Matter of the Adjudication of All Rights to the Use of Water, Both Surface and Underground, within the State of Montana;

(8) recognizing that final resolution of the general stream adjudication will take many years and entail great expense to all parties, prolong uncertainty as to the availability of water supplies, and seriously impair the long-term economic planning and development of all parties, the Chippewa Cree Tribe and the State of Montana entered into the Compact on April 14, 1997; and

(9) the allocation of water resources from the Tiber Reservoir to the Chippewa Cree Tribe under this Act is uniquely suited to the geographic, social, and economic characteristics of the area and situation involved.

SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) To achieve a fair, equitable, and final settlement of all claims to water rights in the State of Montana for—

(A) the Chippewa Cree Tribe; and

(B) the United States for the benefit of the Chippewa Cree Tribe.

(2) To approve, ratify, and confirm, as modified in this Act, the Chippewa Cree-Montana Water Rights Compact entered into by the Chippewa Cree Tribe of the Rocky Boy's Reservation and the State of Montana on April 14, 1997, and to provide funding and other authorization necessary for the implementation of the Compact.

(3) To authorize the Secretary of the Interior to execute and implement the Compact referred to in paragraph (2) and to take such other actions as are necessary to implement the Compact in a manner consistent with this Act.

(4) To authorize Federal feasibility studies designed to identify and analyze potential mechanisms to enhance, through conservation or otherwise, water supplies in North Central Montana, including mechanisms to import domestic water supplies for the future growth of the Rocky Boy's Indian Reservation.

(5) To authorize certain projects on the Rocky Boy's Indian Reservation, Montana, in order to implement the Compact.

(6) To authorize certain modifications to the purposes and operation of the Bureau of Reclamation's Tiber Dam and Lake Elwell on the Marias River in Montana in order to provide the Tribe with an allocation of water from Tiber Reservoir.

(7) To authorize the appropriation of funds necessary for the implementation of the Compact.

SEC. 4. DEFINITIONS.

In this Act:

(1) ACT.—The term "Act" means the "Chippewa Cree Tribe of The Rocky Boy's Reservation Indian Reserved Water Rights Settlement and Water Supply Enhancement Act of 1999".

(2) COMPACT.—The term "Compact" means the water rights compact between the Chippewa Cree Tribe of the Rocky Boy's Reservation and the State of Montana contained in section 85–20–601 of the Montana Code Annotated (1997).

(3) FINAL.—The term "final" with reference to approval of the decree in section 101(b) means completion of any direct appeal to the Montana Supreme Court of a final decree by the Water Court pursuant to section 85–2–235 of the Montana Code Annotated (1997), or to the Federal Court of Appeals, including the expiration of the time in which a petition for certiorari may be filed in the United States Supreme Court, denial of such a petition, or the issuance of the Supreme Court's mandate, whichever occurs last.

(4) FUND.—The term "Fund" means the Chippewa Cree Indian Reserved Water Rights Settlement Fund established under section 104.

(5) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section 101(2) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a(2)).

(6) MR&I FEASIBILITY STUDY.—The term "MR&I feasibility study" means a municipal, rural, and industrial, domestic, and incidental drought relief feasibility study described in section 202.

(7) MISSOURI RIVER SYSTEM.—The term "Missouri River System" means the mainstem of the Missouri River and its tributaries, including the Marias River.

(8) RECLAMATION LAW.—The term "Reclamation Law" has the meaning given the term "reclamation law" in section 4 of the Act of December 5, 1924 (43 Stat. 701, chapter 4; 43 U.S.C. 371).

(9) ROCKY BOY'S RESERVATION; RESERVATION.—The term "Rocky Boy's Reservation" or "Reservation" means the Rocky Boy's Reservation of the Chippewa Cree Tribe in Montana.

(10) SECRETARY.—The term "Secretary" means the Secretary of the Interior, or his or her duly authorized representative.

(11) TOWE PONDS.—The term "Towe Ponds" means the reservoir or reservoirs referred to as "Stoneman Reservoir" in the Compact.

(12) TRIBAL COMPACT ADMINISTRATION.—The term "Tribal Compact Administration" means the activities assumed by the Tribe for implementation of the Compact as set forth in Article IV of the Compact.

(13) TRIBAL WATER CODE.—The term "tribal water code" means a water code adopted by the Tribe, as provided in the Compact.

(14) TRIBAL WATER RIGHT.—

(A) IN GENERAL.—The term "Tribal Water Right" means the water right set forth in section 85–20–601 of the Montana Code Annotated (1997) and includes the water allocation set forth in Title II of this Act.

(B) RULE OF CONSTRUCTION.—The definition of the term "Tribal Water Right" under this paragraph and the treatment of that right under this Act shall not be construed or interpreted as a precedent for the litigation of reserved water rights or the interpretation or administration of future compacts between the United States and the State of Montana or any other State.

(15) TRIBE.—The term "Tribe" means the Chippewa Cree Tribe of the Rocky Boy's Reservation and all officers, agents, and departments thereof.

(16) WATER DEVELOPMENT.—The term "water development" includes all activities that involve the use of water or modification of water courses or water bodies in any way.

SEC. 5. MISCELLANEOUS PROVISIONS.

(a) NONEXERCISE OF TRIBE'S RIGHTS.—Pursuant to Tribal Resolution No. 40–98, and in exchange for benefits under this Act, the Tribe shall not exercise the rights set forth in Article VII.A.3 of the Compact, except that in the event that the approval, ratification, and confirmation of the Compact by the United States becomes null and void under section 101(b), the Tribe shall have the right to exercise the rights set forth in Article VII.A.3 of the Compact.

(b) WAIVER OF SOVEREIGN IMMUNITY.—Except to the extent provided in subsections (a), (b), and (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666), nothing in this Act may be construed to waive the sovereign immunity of the United States.

(c) TRIBAL RELEASE OF CLAIMS AGAINST THE UNITED STATES.—

(1) IN GENERAL.—Pursuant to Tribal Resolution No. 40–98, and in exchange for benefits under this Act, the Tribe shall, on the date of enactment of this Act, execute a waiver and release of the claims described in paragraph (2) against the United States, the validity of which are not recognized by the United States, except that—

(A) the waiver and release of claims shall not become effective until the appropriation of the funds authorized in section 105, the water allocation in section 201, and the appropriation of funds for the MR&I feasibility study authorized in section 204 have been completed and the decree has become final in accordance with the requirements of section 101(b); and

(B) in the event that the approval, ratification, and confirmation of the Compact by the United States becomes null and void under section 101(b), the waiver and release of claims shall become null and void.

(2) CLAIMS DESCRIBED.—The claims referred to in paragraph (1) are as follows:

(A) Any and all claims to water rights (including water rights in surface water, ground water, and effluent), claims for injuries to water rights, claims for loss or deprivation of use of water rights, and claims for failure to acquire or develop water rights for lands of the Tribe from time immemorial to the date of ratification of the Compact by Congress.

(B) Any and all claims arising out of the negotiation of the Compact and the settlement authorized by this Act.

(3) SETOFFS.—In the event the waiver and release do not become effective as set forth in paragraph (1)—

(A) the United States shall be entitled to setoff against any claim for damages asserted by the Tribe against the United States, any funds transferred to the Tribe pursuant to section 104, and any interest accrued thereon up to the date of setoff; and

(B) the United States shall retain any other claims or defenses not waived in this Act or in the Compact as modified by this Act.

(d) OTHER TRIBES NOT ADVERSELY AFFECTED.—Nothing in this Act shall be construed to quantify or otherwise adversely affect the land and water rights, or claims or entitlements to land or water of an Indian tribe other than the Chippewa Cree Tribe.

(e) ENVIRONMENTAL COMPLIANCE.—In implementing the Compact, the Secretary shall comply with all aspects of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and all other applicable environmental Acts and regulations.

(f) Execution of Compact.—The execution of the Compact by the Secretary as provided for in this Act shall not constitute a major Federal action under the National Environmental Policy Act (42 U.S.C. 4321 et seq.). The Secretary is directed to carry out all necessary environmental compliance required by Federal law in implementing the Compact.

(g) Congressional Intent.—Nothing in this Act shall be construed to prohibit the Tribe from seeking additional authorization or appropriation of funds for tribal programs or purposes.

(h) Act not Precedential.—Nothing in this Act shall be construed or interpreted as a precedent for the litigation of reserved water rights or the interpretation or administration of future water settlement Acts.

TITLE I—CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S RESERVATION INDIAN RESERVED WATER RIGHTS SETTLEMENT

SEC. 101. RATIFICATION OF COMPACT AND ENTRY OF DECREE.

(a) Water Rights Compact Approved.—Except as modified by this Act, and to the extent the Compact does not conflict with this Act—

(1) the Compact, entered into by the Chippewa Cree Tribe of the Rocky Boy's Reservation and the State of Montana on April 14, 1997, is hereby approved, ratified, and confirmed; and

(2) the Secretary shall—

(A) execute and implement the Compact together with any amendments agreed to by the parties or necessary to bring the Compact into conformity with this Act; and

(B) take such other actions as are necessary to implement the Compact.

(b) Approval of Decree.—

(1) In general.—Not later than 180 days after the date of enactment of this Act, the United States, the Tribe, or the State of Montana shall petition the Montana Water Court, individually or jointly, to enter and approve the decree agreed to by the United States, the Tribe, and the State of Montana attached as Appendix 1 to the Compact, or any amended version thereof agreed to by the United States, the Tribe, and the State of Montana.

(2) Resort to the federal district court.—Under the circumstances set forth in Article VII.B.4 of the Compact, 1 or more parties may file an appropriate motion (as provided in that article) in the United States district court of appropriate jurisdiction.

(3) Effect of failure of approval to become final.—In the event the approval by the appropriate court, including any direct appeal, does not become final within 3 years after the filing of the decree, or the decree is approved but is subsequently set aside by the appropriate court—

(A) the approval, ratification, and confirmation of the Compact by the United States shall be null and void; and

(B) except as provided in subsections (a) and (c)(3) of section 5 and section 105(e)(1), this Act shall be of no further force and effect.

SEC. 102. USE AND TRANSFER OF THE TRIBAL WATER RIGHT.

(a) Administration and Enforcement.—As provided in the Compact, until the adoption and approval of a tribal water code by the Tribe, the Secretary shall administer and enforce the Tribal Water Right.

(b) Tribal Member Entitlement.—

(1) In general.—Any entitlement to Federal Indian reserved water of any tribal member shall be satisfied solely from the water secured to the Tribe by the Compact and shall be governed by the terms and conditions of the Compact.

(2) Administration.—An entitlement described in paragraph (1) shall be administered by the Tribe pursuant to a tribal water code developed and adopted pursuant to Article IV.A.2 of the Compact, or by the Secretary pending the adoption and approval of the tribal water code.

(c) Temporary Transfer of Tribal Water Right.—The Tribe may, with the approval of the Secretary and the approval of the State of Montana pursuant to Article IV.A.4 of the Compact, transfer any portion of the Tribal water right for use off the Reservation by service contract, lease, exchange, or other agreement. No service contract, lease, exchange, or other agreement entered into under this subsection may permanently alienate any portion of the Tribal water right. The enactment of this subsection shall constitute a plenary exercise of the powers set forth in Article I, section 8(3) of the United States Constitution and is statutory law of the United States within the meaning of Article IV.A.4.b.(3) of the Compact.

SEC. 103. ON-RESERVATION WATER RESOURCES DEVELOPMENT.

(a) Water Development Projects.—The Secretary, acting through the Bureau of Reclamation, is authorized and directed to plan, design, and construct, or to provide, pursuant to subsection (b), for the planning, design, and construction of the following water development projects on the Rocky Boy's Reservation:

(1) Bonneau Dam and Reservoir Enlargement.

(2) East Fork of Beaver Creek Dam Repair and Enlargement.

(3) Brown's Dam Enlargement.

(4) Towe Ponds' Enlargement.

(5) Such other water development projects as the Tribe shall from time to time consider appropriate.

(b) Implementation Agreement.—The Secretary, at the request of the Tribe, shall enter into an agreement, or, if appropriate, renegotiate an existing agreement, with the Tribe to implement the provisions of this Act through the Tribe's annual funding agreement entered into under the self-governance program under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.) by which the Tribe shall plan, design, and construct any or all of the projects authorized by this section.

(c) Bureau of Reclamation Project Administration.—

(1) In general.—Congress finds that the Secretary, through the Bureau of Reclamation, has entered into an agreement with the Tribe, pursuant to title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.)—

(A) defining and limiting the role of the Bureau of Reclamation in its administration of the projects authorized in subsection (a);

(B) establishing the standards upon which the projects will be constructed; and

(C) for other purposes necessary to implement this section.

(2) Agreement.—The agreement referred to in paragraph (1) shall become effective when the Tribe exercises its right under subsection (b).

SEC. 104. CHIPPEWA CREE INDIAN RESERVED WATER RIGHTS SETTLEMENT TRUST FUND.

(a) Establishment of Trust Fund.—

(1) In general.—

(A) Establishment.—There is hereby established in the Treasury of the United States a trust fund for the Chippewa Cree Tribe of the Rocky Boy's Reservation to be known as the "Chippewa Cree Indian Reserved Water Rights Settlement Trust Fund".

(B) Availability of amounts in fund.—

(i) In general.—Amounts in the Fund shall be available to the Secretary for management and investment on behalf of the Tribe and distribution to the Tribe in accordance with this Act.

(ii) Availability.—Funds made available from the Fund under this section shall be available without fiscal year limitation.

(2) Management of fund.—The Secretary shall deposit and manage the principal and interest in the Fund in a manner consistent with subsection (b) and other applicable provisions of this Act.

(3) Contents of fund.—The Fund shall consist of the amounts authorized to be appropriated to the Fund under section 105(a) and such other amounts as may be transferred or credited to the Fund.

(4) Withdrawal.—The Tribe, with the approval of the Secretary, may withdraw the Fund and deposit it in a mutually agreed upon private financial institution. That withdrawal shall be made pursuant to the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(5) Accounts.—The Secretary of the Interior shall establish the following accounts in the Fund and shall allocate appropriations to the various accounts as required in this Act:

(A) The Tribal Compact Administration Account.

(B) The Economic Development Account.

(C) The Future Water Supply Facilities Account.

(b) Fund Management.—

(1) In general.—

(A) Amounts in fund.—The Fund shall consist of such amounts as are appropriated to the Fund and allocated to the accounts of the Fund by the Secretary as provided for in this Act and in accordance with the authorizations for appropriations in paragraphs (1), (2), and (3) of section 105(a), together with all interest that accrues in the Fund.

(B) Management by secretary.—The Secretary shall manage the Fund, make investments from the Fund, and make available funds from the Fund for distribution to the Tribe in a manner consistent with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(2) Tribal management.—

(A) In general.—If the Tribe exercises its right pursuant to subsection (a)(4) to withdraw the Fund and deposit it in a private financial institution, except as provided in the withdrawal plan, neither the Secretary nor the Secretary of the Treasury shall retain any oversight over or liability for the accounting, disbursement, or investment of the funds.

(B) Withdrawal plan.—The withdrawal plan referred to in subparagraph (A) shall provide for—

(i) the creation of accounts and allocation to accounts in a fund established under the plan in a manner consistent with subsection (a); and

(ii) the appropriate terms and conditions, if any, on expenditures from the fund (in addition to the requirements of the plans set forth in paragraphs (2) and (3) of subsection (c)).

(c) Use of Fund.—The Tribe shall use the Fund to fulfill the purposes of this Act, subject to the following restrictions on expenditures:

(1) Except for $400,000 necessary for capital expenditures in connection with Tribal Compact Administration, only interest accrued on the Tribal Compact Administration Account referred to in subsection (a)(5)(A) shall be available to satisfy the Tribe's obligations for Tribal Compact Administration under the provisions of the Compact.

(2) Both principal and accrued interest on the Economic Development Account referred to in subsection (a)(5)(B) shall be available to the Tribe for expenditure pursuant to an economic development plan approved by the Secretary.

(3) Both principal and accrued interest on the Future Water Supply Facilities Account referred to in subsection (a)(5)(C) shall be available to the Tribe for expenditure pursuant to a water supply plan approved by the Secretary.

(d) INVESTMENT OF FUND.—

(1) IN GENERAL.—

(A) APPLICABLE LAWS.—The Secretary shall invest amounts in the Fund in accordance with—

(i) the Act of April 1, 1880 (21 Stat. 70, chapter 41; 25 U.S.C. 161);

(ii) the first section of the Act entitled "An Act to authorize the payment of interest of certain funds held in trust by the United States for Indian tribes", approved February 12, 1929 (25 U.S.C. 161a); and

(iii) the first section of the Act entitled "An Act to authorize the deposit and investment of Indian funds", approved June 24, 1938 (25 U.S.C.162a).

(B) CREDITING OF AMOUNTS TO THE FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations of the United States held in the Fund shall be credited to and form part of the Fund. The Secretary of the Treasury shall credit to each of the accounts contained in the Fund a proportionate amount of that interest and proceeds.

(2) CERTAIN WITHDRAWN FUNDS.—

(A) IN GENERAL.—Amounts withdrawn from the Fund and deposited in a private financial institution pursuant to a withdrawal plan approved by the Secretary under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.) shall be invested by an appropriate official under that plan.

(B) DEPOSIT OF INTEREST AND PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held under this paragraph shall be deposited in the private financial institution referred to in subparagraph (A) in the fund established pursuant to the withdrawal plan referred to in that subparagraph. The appropriate official shall credit to each of the accounts contained in that fund a proportionate amount of that interest and proceeds.

(e) AGREEMENT REGARDING FUND EXPENDITURES.—If the Tribe does not exercise its right under subsection (a)(4) to withdraw the funds in the Fund and transfer those funds to a private financial institution, the Secretary shall enter into an agreement with the Tribe providing for appropriate terms and conditions, if any, on expenditures from the Fund in addition to the plans set forth in paragraphs (2) and (3) of subsection (c).

(f) PER CAPITA DISTRIBUTIONS PROHIBITED.—No part of the Fund shall be distributed on a per capita basis to members of the Tribe.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

(a) CHIPPEWA CREE FUND.—There is authorized to be appropriated for the Fund, $21,000,000 to be allocated by the Secretary as follows:

(1) TRIBAL COMPACT ADMINISTRATION ACCOUNT.—For Tribal Compact Administration assumed by the Tribe under the Compact and this Act, $3,000,000 is authorized to be appropriated for fiscal year 2000.

(2) ECONOMIC DEVELOPMENT ACCOUNT.—For tribal economic development, $3,000,000 is authorized to be appropriated for fiscal year 2000.

(3) FUTURE WATER SUPPLY FACILITIES ACCOUNT.—For the total Federal contribution to the planning, design, construction, operation, maintenance, and rehabilitation of a future water supply system for the Reservation, there are authorized to be appropriated—

(A) $2,000,000 for fiscal year 2000;

(B) $8,000,000 for fiscal year 2001; and

(C) $5,000,000 for fiscal year 2002.

(b) ON-RESERVATION WATER DEVELOPMENT.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of the Interior, for the Bureau of Reclamation, for the construction of the on-Reservation water development projects authorized by section 103—

(A) $13,000,000 for fiscal year 2000, for the planning, design, and construction of the Bonneau Dam Enlargement, for the development of additional capacity in Bonneau Reservoir for storage of water secured to the Tribe under the Compact;

(B) $8,000,000 for fiscal year 2001, for the planning, design, and construction of the East Fork Dam and Reservoir enlargement, of the Brown's Dam and Reservoir enlargement, and of the Towe Ponds enlargement of which—

(i) $4,000,000 shall be used for the East Fork Dam and Reservoir enlargement;

(ii) $2,000,000 shall be used for the Brown's Dam and Reservoir enlargement; and

(iii) $2,000,000 shall be used for the Towe Ponds enlargement; and

(C) $3,000,000 for fiscal year 2002, for the planning, design, and construction of such other water resource developments as the Tribe, with the approval of the Secretary, from time to time may consider appropriate or for the completion of the 4 projects enumerated in subparagraphs (A) and (B) of paragraph (1).

(2) UNEXPENDED BALANCES.—Any unexpended balance in the funds authorized to be appropriated under subparagraph (A) or (B) of paragraph (1), after substantial completion of all of the projects enumerated in paragraphs (1) through (4) of section 103(a)—

(A) shall be available to the Tribe first for completion of the enumerated projects; and

(B) then for other water resource development projects on the Reservation.

(c) ADMINISTRATION COSTS.—There is authorized to be appropriated to the Department of the Interior, for the Bureau of Reclamation, $1,000,000 for fiscal year 2000, for the costs of administration of the Bureau of Reclamation under this Act, except that—

(1) if those costs exceed $1,000,000, the Bureau of Reclamation may use funds authorized for appropriation under subsection (b) for costs; and

(2) the Bureau of Reclamation shall exercise its best efforts to minimize those costs to avoid expenditures for the costs of administration under this Act that exceed a total of $1,000,000.

(d) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—The amounts authorized to be appropriated to the Fund and allocated to its accounts pursuant to subsection (a) shall be deposited into the Fund and allocated immediately on appropriation.

(2) INVESTMENTS.—Investments may be made from the Fund pursuant to section 104(d).

(3) AVAILABILITY OF CERTAIN MONEYS.—The amounts authorized to be appropriated in subsection (a)(1) shall be available for use immediately upon appropriation in accordance with subsection 104(c)(1).

(4) LIMITATION.—Those moneys allocated by the Secretary to accounts in the Fund or in a fund established under section 104(a)(4) shall draw interest consistent with section 104(d), but the moneys authorized to be appropriated under subsection (b) and paragraphs (2) and (3) of subsection (a) shall not be available for expenditure until the requirements of section 101(b) have been met so that the decree has become final and the Tribe has executed the waiver and release required under section 5(c).

(e) RETURN OF FUNDS TO THE TREASURY.—

(1) IN GENERAL.—In the event that the approval, ratification, and confirmation of the Compact by the United States becomes null and void under section 101(b), all unexpended funds appropriated under the authority of this Act together with all interest earned on such funds, notwithstanding whether the funds are held by the Tribe, a private institution, or the Secretary, shall revert to the general fund of the Treasury 12 months after the expiration of the deadline established in section 101(b).

(2) INCLUSION IN AGREEMENTS AND PLAN.—The requirements in paragraph (1) shall be included in all annual funding agreements entered into under the self-governance program under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.), withdrawal plans, withdrawal agreements, or any other agreements for withdrawal or transfer of the funds to the Tribe or a private financial institution under this Act.

(f) WITHOUT FISCAL YEAR LIMITATION.—All money appropriated pursuant to authorizations under this title shall be available without fiscal year limitation.

SEC. 106. STATE CONTRIBUTIONS TO SETTLEMENT.

Consistent with Articles VI.C.2 and C.3 of the Compact, the State contribution to settlement shall be as follows:

(1) The contribution of $150,000 appropriated by Montana House Bill 6 of the 55th Legislative Session (1997) shall be used for the following purposes:

(A) Water quality discharge monitoring wells and monitoring program.

(B) A diversion structure on Big Sandy Creek.

(C) A conveyance structure on Box Elder Creek.

(D) The purchase of contract water from Lower Beaver Creek Reservoir.

(2) Subject to the availability of funds, the State shall provide services valued at $400,000 for administration required by the Compact and for water quality sampling required by the Compact.

TITLE II—TIBER RESERVOIR ALLOCATION AND FEASIBILITY STUDIES AUTHORIZATION.

SEC. 201. TIBER RESERVOIR.

(a) ALLOCATION OF WATER TO THE TRIBE.—

(1) IN GENERAL.—The Secretary shall permanently allocate to the Tribe, without cost to the Tribe, 10,000 acre-feet per year of stored water from the water right of the Bureau of Reclamation in Lake Elwell, Lower Marias Unit, Upper Missouri Division, Pick-Sloan Missouri Basin Program, Montana, measured at the outlet works of the dam or at the diversion point from the reservoir.

The allocation shall become effective when the decree referred to in section 101(b) has become final in accordance with that section. The allocation shall be part of the Tribal Water Right and subject to the terms of this Act.

(2) AGREEMENT.—The Secretary shall enter into an agreement with the Tribe setting forth the terms of the allocation and providing for the Tribe's use or temporary transfer of water stored in Lake Elwell, subject to the terms and conditions of the Compact and this Act.

(3) PRIOR RESERVED WATER RIGHTS.—The allocation provided in this section shall be subject to the prior reserved water rights, if any, of any Indian tribe, or person claiming water through any Indian tribe.

(b) USE AND TEMPORARY TRANSFER OF ALLOCATION.—

(1) IN GENERAL.—Subject to the limitations and conditions set forth in the Compact and this Act, the Tribe shall have the right to devote the water allocated by this section to any use, including agricultural, municipal, commercial, industrial, mining, or recreational uses, within or outside the Rocky Boy's Reservation.

(2) CONTRACTS AND AGREEMENTS.—Notwithstanding any other provision of statutory or common law, the Tribe may, with the approval of the Secretary and subject to the limitations and conditions set forth in the Compact, enter into a service contract, lease, exchange, or other agreement providing for the temporary delivery, use, or transfer of the water allocated by this section, except that no such service contract, lease, exchange, or other agreement may permanently alienate any portion of the tribal allocation.

(c) REMAINING STORAGE.—The United States shall retain the right to use for any authorized purpose, any and all storage remaining in Lake Elwell after the allocation made to the Tribe in subsection (a).

(d) WATER TRANSPORT OBLIGATION; DEVELOPMENT AND DELIVERY COSTS.—The United States shall have no responsibility or obligation to provide any facility for the transport of the water allocated by this section to the Rocky Boy's Reservation or to any other location. Except for the contribution set forth in section 105(a)(3), the cost of developing and delivering the water allocated by this title or any other supplemental water to the Rocky Boy's Reservation shall not be borne by the United States.

(e) SECTION NOT PRECEDENTIAL.—The provisions of this section regarding the allocation of water resources from the Tiber Reservoir to the Tribe shall not be construed as precedent in the litigation or settlement of any other Indian water right claims.

SEC. 202. MUNICIPAL, RURAL, AND INDUSTRIAL FEASIBILITY STUDY.

(a) AUTHORIZATION.—

(1) IN GENERAL.—

(A) STUDY.—The Secretary, acting through the Bureau of Reclamation, shall perform an MR&I feasibility study of water and related resources in North Central Montana to evaluate alternatives for a municipal, rural, and industrial supply for the Rocky Boy's Reservation.

(B) USE OF FUNDS MADE AVAILABLE FOR FISCAL YEAR 1999.—The authority under subparagraph (A) shall be deemed to apply to MR&I feasibility study activities for which funds were made available by appropriations for fiscal year 1999.

(2) CONTENTS OF STUDY.—The MR&I feasibility study shall include the feasibility of releasing the Tribe's Tiber allocation as provided for in section 201 into the Missouri River System for later diversion to a treatment and delivery system for the Rocky Boy's Reservation.

(3) UTILIZATION OF EXISTING STUDIES.—The MR&I feasibility study shall include utilization of existing Federal and non-Federal studies and shall be planned and conducted in consultation with other Federal agencies, the State of Montana, and the Chippewa Cree Tribe.

(b) ACCEPTANCE OR PARTICIPATION IN IDENTIFIED OFF-RESERVATION SYSTEM.—The United States, the Chippewa Cree Tribe of the Rocky Boy's Reservation, and the State of Montana shall not be obligated to accept or participate in any potential off-Reservation water supply system identified in the MR&I feasibility study authorized in subsection (a).

SEC. 203. REGIONAL FEASIBILITY STUDY—

(a) IN GENERAL.—

(1) STUDY.—The Secretary, acting through the Bureau of Reclamation, shall conduct, pursuant to Reclamation Law, a regional feasibility study (referred to in this subsection as the "regional feasibility study") to evaluate water and related resources in North-Central Montana in order to determine the limitations of those resources and how those resources can best be managed and developed to serve the needs of the citizens of Montana.

(2) USE OF FUNDS MADE AVAILABLE FOR FISCAL YEAR 1999.—The authority under paragraph (1) shall be deemed to apply to regional feasibility study activities for which funds were made available by appropriations for fiscal year 1999.

(b) CONTENTS OF STUDY.—The regional feasibility study shall—

(1) evaluate existing and potential water supplies, uses, and management;

(2) identify major water-related issues, including environmental, water supply, and economic issues;

(3) evaluate opportunities to resolve the issues referred to in paragraph (2); and

(4) evaluate options for implementation of resolutions to the issues.

(c) REQUIREMENTS.—Because of the regional and international impact of the regional feasibility study, the study may not be segmented. The regional study shall—

(1) utilize, to the maximum extent possible, existing information; and

(2) be planned and conducted in consultation with all affected interests, including interests in Canada.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS FOR FEASIBILITY STUDIES.

(a) FISCAL YEAR 1999 APPROPRIATIONS.—Of the amounts made available by appropriations for fiscal year 1999 for the Bureau of Reclamation, $1,000,000 shall be used for the purpose of commencing the MR&I feasibility study under section 202 and the regional study under section 203, of which—

(1) $500,000 shall be used for the MR&I study under section 202; and

(2) $500,000 shall be used for the regional study under section 203.

(b) FEASIBILITY STUDIES.—There is authorized to be appropriated to the Department of the Interior, for the Bureau of Reclamation, for the purpose of conducting the MR&I feasibility study under section 202 and the regional study under section 203, $3,000,000 for fiscal year 2000, of which—

(1) $500,000 shall be used for the MR&I feasibility study under section 202; and

(2) $2,500,000 shall be used for the regional study under section 203.

(c) WITHOUT FISCAL YEAR LIMITATION.—All money appropriated pursuant to authorizations under this title shall be available without fiscal year limitation.

(d) AVAILABILITY OF CERTAIN MONEYS.—The amounts made available for use under subsection (a) shall be deemed to have been available for use as of the date on which those funds were appropriated. The amounts authorized to be appropriated in subsection (b) shall be available for use immediately upon appropriation.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON GOVERNMENT REFORM TO FILE REPORT AFTER SINE DIE ADJOURNMENT

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent to file a report after adjournment. I ask unanimous consent that the Committee on Government Reform be permitted to file an investigative report by December 10, 1999.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

FOUR CORNERS INTERPRETIVE CENTER ACT

Mr. CANNON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 28) to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park, and for other purpose, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

Mr. GEORGE MILLER of California. Mr. Speaker, reserving the right to object, I do so to yield to the gentleman to quickly explain the bill.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Utah.

Mr. CANNON. Mr. Speaker, I rise in support of S. 28, the Four Corners Interpretive Center Act. Having introduced companion legislation, H.R. 1384, S. 28 simply establishes the Four Corners Interpretive Center to provide a unique collection of cultural, historical and archeological specimens for the millions of people who visit the only geographic location in the nation where the boundaries of four States, Arizona, Colorado, New Mexico and Utah come together.

The Four Corners Monument Tribal Park is located on lands that fall within the Navajo Reservation and the Ute Mountain Reservation. In 1996, these tribes entered into a memorandum of understanding governing the future development of the park.

S. 28 and H.R. 1384 reflect that agreement, providing the initial facility of base communities to lead to full development of the park. This bill represents the cooperation of Federal, State and local and tribal governments in an effort to reaffirm the ties of our past while extending those ties to the future. I urge support for this bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 28

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Four Corners Interpretive Center Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) the Four Corners Monument is nationally significant as the only geographic location in the United States where 4 State boundaries meet;

(2) the States with boundaries that meet at the Four Corners are Arizona, Colorado, New Mexico, and Utah;

(3) between 1868 and 1875 the boundary lines that created the Four Corners were drawn, and in 1899 a monument was erected at the site;

(4) a United States postal stamp will be issued in 1999 to commemorate the centennial of the original boundary marker;

(5) the Four Corners area is distinct in character and possesses important historical, cultural, and prehistoric values and resources within the surrounding cultural landscape;

(6) although there are no permanent facilities or utilities at the Four Corners Monument Tribal Park, each year the park attracts approximately 250,000 visitors;

(7) the area of the Four Corners Monument Tribal Park falls entirely within the Navajo Nation or Ute Mountain Ute Tribe reservations;

(8) the Navajo Nation and the Ute Mountain Ute Tribe have entered into a memorandum of understanding governing the planning and future development of the Four Corners Monument Tribal Park;

(9) in 1992, through agreements executed by the Governors of Arizona, Colorado, New Mexico, and Utah, the Four Corners Heritage Council was established as a coalition of State, Federal, tribal, and private interests;

(10) the State of Arizona has obligated $45,000 for planning efforts and $250,000 for construction of an interpretive center at the Four Corners Monument Tribal Park;

(11) numerous studies and extensive consultation with American Indians have demonstrated that development at the Four Corners Monument Tribal Park would greatly benefit the people of the Navajo Nation and the Ute Mountain Ute Tribe;

(12) the Arizona Department of Transportation has completed preliminary cost estimates that are based on field experience with rest-area development for the construction of a Four Corners Interpretive Center and surrounding infrastructure, including restrooms, roadways, parking areas, and water, electrical, telephone, and sewage facilities;

(13) an interpretive center would provide important educational and enrichment opportunities for all Americans; and

(14) Federal financial assistance and technical expertise are needed for the construction of an interpretive center.

(b) Purposes.—The purposes of this Act are—

(1) to recognize the importance of the Four Corners Monument and surrounding landscape as a distinct area in the heritage of the United States that is worthy of interpretation and preservation;

(2) to assist the Navajo Nation and the Ute Mountain Ute Tribe in establishing the Four Corners Interpretive Center and related facilities to meet the needs of the general public;

(3) to highlight and showcase the collaborative resource stewardship of private individuals, Indian tribes, universities, Federal agencies, and the governments of States and political subdivisions thereof (including counties); and

(4) to promote knowledge of the life, art, culture, politics, and history of the culturally diverse groups of the Four Corners region.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) Center.—The term "Center" means the Four Corners Interpretive Center established under section 4, including restrooms, parking areas, vendor facilities, sidewalks, utilities, exhibits, and other visitor facilities.

(2) Eligible entity.—The term "eligible entity" means the State of Arizona, Colorado, New Mexico, or Utah, or any consortium of 2 or more of those States.

(3) Four corners heritage council.—The term "Four Corners Heritage Council" means the nonprofit coalition of Federal, State, tribal, and private entities established in 1992 by agreements of the Governors of the States of Arizona, Colorado, New Mexico, and Utah.

(4) Four corners monument.—The term "Four Corners Monument" means the physical monument where the boundaries of the States of Arizona, Colorado, New Mexico, and Utah meet.

(5) Four corners monument tribal park.—The term "Four Corners Monument Tribal Park" means lands within the legally defined boundaries of the Four Corners Monument Tribal Park.

(6) Secretary.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. FOUR CORNERS INTERPRETIVE CENTER.

(a) Establishment.—Subject to the availability of appropriations, the Secretary is authorized to establish within the boundaries of the Four Corners Monument Tribal Park a center for the interpretation and commemoration of the Four Corners Monument, to be known as the "Four Corners Interpretive Center".

(b) Land Designated and Made Available.—Land for the Center shall be designated and made available by the Navajo Nation or the Ute Mountain Ute Tribe within the boundaries of the Four Corners Monument Tribal Park in consultation with the Four Corners Heritage Council and in accordance with—

(1) the memorandum of understanding between the Navajo Nation and the Ute Mountain Ute Tribe that was entered into on October 22, 1996; and

(2) applicable supplemental agreements with the Bureau of Land Management, the National Park Service, and the United States Forest Service.

(c) Concurrence.—Notwithstanding any other provision of this Act, no such center shall be established without the consent of the Navajo Nation and the Ute Mountain Ute Tribe.

(d) Components of Center.—The Center shall include—

(1) a location for permanent and temporary exhibits depicting the archaeological, cultural, and natural heritage of the Four Corners region;

(2) a venue for public education programs;

(3) a location to highlight the importance of efforts to preserve southwestern archaeological sites and museum collections;

(4) a location to provide information to the general public about cultural and natural resources, parks, museums, and travel in the Four Corners region; and

(5) visitor amenities including restrooms, public telephones, and other basic facilities.

SEC. 5. CONSTRUCTION GRANT.

(a) Grant.—

(1) In general.—The Secretary is authorized to award a grant to an eligible entity for the construction of the Center in an amount not to exceed 50 percent of the cost of construction of the Center.

(2) Assurances.—To be eligible for the grant, the eligible entity that is selected to receive the grant shall provide assurances that—

(A) the non-Federal share of the costs of construction is paid from non-Federal sources (which may include contributions made by States, private sources, the Navajo Nation, and the Ute Mountain Ute Tribe for planning, design, construction, furnishing, startup, and operational expenses); and

(B) the aggregate amount of non-Federal funds contributed by the States used to carry out the activities specified in subparagraph (A) will not be less than $2,000,000, of which each of the States that is party to the grant will contribute equally in cash or in kind.

(3) Funds from private sources.—A State may use funds from private sources to meet the requirements of paragraph (2)(B).

(4) Funds of state of arizona.—The State of Arizona may apply $45,000 authorized by the State of Arizona during fiscal year 1998 for planning and $250,000 that is held in reserve by the State for construction toward the Arizona share.

(b) Grant Requirements.—In order to receive a grant under this Act, the eligible entity selected to receive the grant shall—

(1) submit to the Secretary a proposal that—

(A) meets all applicable—

(i) laws, including building codes and regulations; and

(ii) requirements under the memorandum of understanding described in paragraph (2); and

(B) provides such information and assurances as the Secretary may require; and

(2) enter into a memorandum of understanding with the Secretary providing—

(A) a timetable for completion of construction and opening of the Center;

(B) assurances that design, architectural, and construction contracts will be competitively awarded;

(C) specifications meeting all applicable Federal, State, and local building codes and laws;

(D) arrangements for operations and maintenance upon completion of construction;

(E) a description of the Center collections and educational programming;

(F) a plan for design of exhibits including, but not limited to, the selection of collections to be exhibited, and the providing of security, preservation, protection, environmental controls, and presentations in accordance with professional museum standards;

(G) an agreement with the Navajo Nation and the Ute Mountain Ute Tribe relative to site selection and public access to the facilities; and

(H) a financing plan developed jointly by the Navajo Nation and the Ute Mountain Ute Tribe outlining the long-term management of the Center, including—

(i) the acceptance and use of funds derived from public and private sources to minimize the use of appropriated or borrowed funds;

(ii) the payment of the operating costs of the Center through the assessment of fees or other income generated by the Center;

(iii) a strategy for achieving financial self-sufficiency with respect to the Center by not later than 5 years after the date of enactment of this Act; and

(iv) appropriate vendor standards and business activities at the Four Corners Monument Tribal Park.

SEC. 6. SELECTION OF GRANT RECIPIENT.

The Four Corners Heritage Council may make recommendations to the Secretary on grant proposals regarding the design of facilities at the Four Corners Monument Tribal Park.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATIONS.—There are authorized to be appropriated to the Department of the Interior to carry out this Act—

(1) $2,000,000 for fiscal year 2000; and

(2) $50,000 for each of fiscal years 2001 through 2005 for maintenance and operation of the Center, program development, or staffing in a manner consistent with the requirements of section 5(b).

(b) CARRYOVER.—Funds made available under subsection (a)(1) that are unexpended at the end of the fiscal year for which those funds are appropriated, may be used by the Secretary through fiscal year 2002 for the purposes for which those funds are made available.

(c) RESERVATION OF FUNDS.—The Secretary may reserve funds appropriated pursuant to this Act until a grant proposal meeting the requirements of this Act is submitted, but no later than September 30, 2001.

SEC. 8. DONATIONS.

Notwithstanding any other provision of law, for purposes of the planning, construction, and operation of the Center, the Secretary may accept, retain, and expend donations of funds, and use property or services donated, from private persons and entities or from public entities.

SEC. 9. STATUTORY CONSTRUCTION.

Nothing in this Act is intended to abrogate, modify, or impair any right or claim of the Navajo Nation or the Ute Mountain Ute Tribe, that is based on any law (including any treaty, Executive order, agreement, or Act of Congress).

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FALLEN TIMBERS BATTLEFIELD AND FORT MIAMIS NATIONAL HISTORIC SITE ACT OF 1999

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 548) to establish the Fallen Timbers Battlefield and Fort Miamis National Historical Site in the State of Ohio, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

Mr. GEORGE MILLER of California. Mr. Speaker, reserving the right to object, I do so for the purposes of yielding to the gentleman so he may explain the bill.

Mr. HANSEN. Mr. Speaker, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Speaker, I appreciate the gentleman yielding. Mr. Speaker, S. 548 introduced by Senator MIKE DEWINE from Ohio and the gentlewoman from Ohio (Ms. KAPTUR), who have worked so diligently on this bill, authorizes the establishment of the Fallen Timbers Battlefield and Fort Miamis National Historical Site in Ohio.

The historical site shall be established as an affiliated area of the national park system and shall be administered in a manner consistent with the National Park Service.

The Metropolitan Park District of the Toledo area would be established as the management entity and is responsible for developing a management plan for the site. The Secretary of the Interior will provide both financial and technical assistance to implement the management plan and develop programs to preserve and interpret the historical, cultural, natural, recreational and scenic resources of the site.

The National Park Service completed a special resource study in October of 1998 of the site, which is already designated as a national historic landmark, and recommended affiliate status.

The bill has support from the National Park Service and the minority, and I urge my colleagues to support this bill.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentlewoman from Ohio, who has worked so very, very hard on this legislation.

Ms. KAPTUR. Mr. Speaker, I just wanted to, as we close out this first session of the 106th Congress, and we close out this century, extend my deepest appreciation on behalf of the people of Ohio and, by affiliation, the people of Michigan, Indiana and Illinois to the chairman, the gentleman from Utah (Mr. HANSEN), who could not have been more diligent in working with us, and the ranking member, the gentleman from California (Mr. GEORGE MILLER), to permit the people of our region of the United States to tell the full story of our history, the battle that occurred on this site and the assumption of the northwest territory and the opening of our entire region of the Nation to settlement.

I cannot thank the gentlemen enough on behalf of the people of the Buckeye State and our adjoining sister States for making this possible, before this century ends.

Mr. Speaker, the bill before us today is a matter of great significance to the American Midwest and to the 9th District of Ohio in particular. The bill under consideration today, Senator DEWINE's S. 548, is the companion to legislation I have introduced in the House, H.R. 868. I wish to thank Senator DEWINE for taking the lead on this measure in the Senate.

Some authorities place the Battle of Fallen Timbers among the three most important battles in the formation of the United States, alongside the battles of Yorktown and Gettysburg. We should note that the Battle of Fallen Timbers did secure and open a large territory—now embracing parts of Ohio, Michigan, Indiana, and Illinois—for new settlements in our fledgling nation.

Another, contemporary battle should also be recognized here today. That is the struggle for national recognition of the Battle of Fallen Timbers as a keystone in the Maumee Valley and the Midwest.

In 1991, I was able to secure authorization in the Interior Appropriations bill for the National Park Service to assess the Maumee River Heritage Corridor for historically significant sites. The first site assessed was the Fallen Timbers battlefield.

We will hear later this morning from two people who have served in that more recent battle, Dr. G. Michael Pratt from Heidelberg College and Jean Ward, Director of Metroparks of the Toledo Area. Dr. Pratt heads the Center for Historic and Military Archeology. He led the archaeological study that definitively located the Fallen Timbers Battlefield site. Jean Ward has served the Toledo area as director of its park system for more than 30 years. Toledo Metroparks manages over 7,000 acres of parkland and historic sites in Lucas County.

THE BATTLE OF FALLEN TIMBERS

In 1794, the line of control between British forces and their Native American allies and the forces of the United States lay across the "Foot of the Rapids" on the Maumee River. On August 20, 1794, General Anthony Wayne led his legion down the Maumee River valley from near what is now Waterville, Ohio. Coming to an area where a recent storm had toppled much of the forest, Wayne's leading elements were engaged by about 1,100 warriors from a confederacy of Ohio and Great Lakes tribes. The U.S. soldiers fell back to their main lines and a pitched battle surged back and forth over the "fallen timbers." Finally, a concerted charge by the entire legion drove the Native Americans back to within sight of Fort Miamis to the northeast, and their resistance dissipated.

The Native American coalition included members of the Wyandot, Miami, Ottawa, Delaware, Mingo, Shawnee, Potawatomi, and Chippewa tribes as well as a few Canadian militia.

The battle was a clear victory for the United States, a policy failure for the British, and a disaster for the Native American Confederacy. The resultant Treaty of Greenville in 1795 gained the City of Detroit, then the largest city on the Great Lakes and secured much of the Northwest Territory for the growing United States.

I am holding here a typical U.S. Department of Defense sketch of the Battle of Fallen Timbers that has been widely displayed in Army installations across our nation for decades.

In addition to the battlefield, the Historic Site would include the nearby site of Fort Miamis, which played a role not only in the Wayne campaign but also in the War of 1812. In the spring of 1813, British forces landed troops and artillery on the site of the deteriorated Fort Miamis on the lower Maumee River. Together with Shawnee Chief Tecumseh, the British twice attacked the American garrison at Fort Meigs—another military outpost along the Maumee River—and twice were repulsed. These U.S. victories at Fort Meigs frustrated British attempts to regain the Northwest Territory and were a prelude to the victory of Commodore Perry's Battle of Lake Erie victory later in 1813, a large mural of which hangs just outside the House chamber.

THE BATTLE FOR FALLEN TIMBERS

The people of northwest Ohio have long held a strong interest in the history of our region and, in particular, in the battle that won the territory for the United States. In the mid-1930's, a 9-acre site on the banks of the Maumee River then thought to be the location of the Battle of Fallen Timbers was dedicated and a statue commemorating the battle erected. As interest in preserving both our local history and natural areas grew earlier this decade, I was able to secure the authorization for a resource study of the Fallen Timbers area by the National Park Service as part of a possible Maumee River Valley Heritage Corridor that lies between Toledo, Ohio, and Fort Wayne, Indiana. It remains one of the most scenic and bucolic stretches in the Midwest.

Beginning in 1995, an archaeological investigation led by Dr. Pratt set out to identify the exact location of the battle. Dr. Pratt's excellent work has proven conclusively that the battle actually took place some distance from the existing Fallen Timbers Monument. Development is beginning to encroach on the battlefield site, but a significant portion of the core battlefield is still in agricultural use and owned by the City of Toledo.

It is that site, along with the Monument site and the Fort Miamis site, that this legislation would establish as a National Historic Site and an interpretive locus for the entire heritage corridor.

Most impressive, however, has been the outpouring of grassroots interest in the Battle of Fallen Timbers and the preservation of its sites. Our office has received hundreds of letters supporting preservation of these sites including this batch of drawings of Fort Miamis sent by the students at the Fort Miami School in Maumee, Ohio. Local press coverage has been extensive.

We should particularly note the efforts of Marianne Duvendack and the Fallen Timbers Battlefield Commission. The Commission has produced a flyer describing the battle and its historic significance. It has also produced an excellent video presentation in support of preservation.

Another person whose efforts must not be forgotten is the former Mayor of the City of Maumee, Steve Pauken. His tireless efforts contributed as much as anyone's to saving Fallen Timbers.

Others that have contributed financial, individual, and organizational resources to the effort include the Ohio Historical Society, the City of Maumee, the City of Toledo, the Maumee Valley Heritage Corridor, Heidelberg College, Toledo Metroparks, and the Toledo Blade and its editorial staff, particularly Ralph Johnson.

The Fallen Timbers Battlefield was listed as number two on the 1996 list of the ten most endangered National Historic Landmarks in a report by the National Park Service. It was included in the 1959 National Survey of Historic Sites and Buildings as one of 22 sites representing the national historic theme "The Advance of the Frontier, 1763–1830." It was designated a National Historic Landmark in 1960 as "the culminating event which demonstrated the tenacity of the American people in their efforts of western expansion through the struggle for dominance in the Old Northwest Territory."

The National Park Service Resource Study concluded that the Fallen Timbers Battlefield site would be "eligible, suitable, and feasible for recognition as an affiliated area of the National Park System if the 185-acre core battlefield can be acquired for preservation purposes." The House should know that we have the commitments of the State of Ohio, the City of Toledo, and the City of Maumee to see this project through to completion.

Mr. Speaker, I urge all of our colleagues to support this bill which helps complete the appreciation of our nation's early history.

Mr. GEORGE MILLER of California. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 548

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fallen Timbers Battlefield and Fort Miamis National Historic Site Act of 1999".

SEC. 2. DEFINITIONS.

As used in this Act:

(a) DEFINITIONS.—

(1) The term "historic site" means the Fallen Timbers Battlefield and Monument and Fort Miamis National Historic Site established by section 4 of this Act.

(2) The term "management plan" means the general management plan developed pursuant to section 5(d).

(3) The term "Secretary" means the Secretary of the Interior.

(4) The term "management entity" means the Metropolitan Park District of the Toledo Area.

(5) The term "technical assistance" means any guidance, advice, or other aid, other than financial assistance, provided by the Secretary.

SEC. 3. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The 185-acre Fallen Timbers Battlefield is the site of the 1794 battle between General Anthony Wayne and a confederation of Native American tribes led by Little Turtle and Blue Jacket.

(2) Fort Miamis was occupied by General Wayne's legion from 1796 to 1798.

(3) In the spring of 1813, British troops, led by General Henry Proctor, landed at Fort Miamis and attacked the fort twice, without success.

(4) Fort Miamis and Fallen Timbers Battlefield are in Lucas County, Ohio, in the city of Maumee.

(5) The 9-acre Fallen Timbers Battlefield Monument is listed as a National Historic Landmark.

(6) Fort Miamis is listed in the National Register of Historic Places as a historic site.

(7) In 1959, the Fallen Timbers Battlefield was included in the National Survey of Historic Sites and Buildings as 1 of 22 sites representing the "Advance of the Frontier, 1763–1830".

(8) In 1960, the Fallen Timbers Battlefield was designated as a National Historic Landmark.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize and preserve the 185-acre Fallen Timbers Battlefield site;

(2) to recognize and preserve the Fort Miamis site;

(3) to formalize the linkage of the Fallen Timbers Battlefield and Monument to Fort Miamis;

(4) to preserve and interpret United States military history and Native American culture during the period from 1794 through 1813;

(5) to provide assistance to the State of Ohio, political subdivisions of the State, and nonprofit organizations in the State to implement the management plan and develop programs that will preserve and interpret the historical, cultural, natural, recreational and scenic resources of the historic site; and

(6) to authorize the Secretary to provide technical assistance to the State of Ohio, political subdivisions of the State, and nonprofit organizations in the State, including the Ohio Historical Society, the city of Maumee, the Maumee Valley Heritage Corridor, the Fallen Timbers Battlefield Commission, Heidelberg College, the city of Toledo, and the Metropark District of the Toledo Area, to implement the management plan.

SEC. 4. ESTABLISHMENT OF THE FALLEN TIMBERS BATTLEFIELD AND FORT MIAMIS NATIONAL HISTORIC SITE.

(a) IN GENERAL.—There is established, as an affiliated area of the National Park System, the Fallen Timbers Battlefield and Fort Miamis National Historic Site in the State of Ohio.

(b) DESCRIPTION.—The historic site is comprised of the following as generally depicted on the map entitled Fallen Timbers Battlefield and Fort Miamis National Historical Site-proposed, number NHS–FTFM, and dated May 1999:

(1) The Fallen Timbers site, comprised generally of the following:

(A) The Fallen Timbers Battlefield site, consisting of an approximately 185-acre parcel located north of U.S. 24, west of U.S. 23

I-475, south of the Norfolk and Western Railroad line, and east of Jerome Road.

(B) The approximately 9-acre Fallen Timbers Battlefield Monument, located south of U.S. 24; and

(2) The Fort Miamis Park site.

(c) MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 5. ADMINISTRATION OF HISTORIC SITES.

(a) APPLICABILITY OF NATIONAL PARK SYSTEM LAWS.—The historic site shall be administered in a manner consistent with this Act and all laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1, 2–4; commonly known as the National Park Service Organic Act), and the Act of August 21, 1935 (16 U.S.C. 461 et seq.; commonly known as the Historic Sites, Buildings, and Antiquities Act).

(b) COOPERATIVE AGREEMENT.—The Secretary may enter into a cooperative agreement with the management entity to provide technical assistance to ensure the marking, research, interpretation, education and preservation of the Fallen Timbers Battlefield and Fort Miamis National Historic Site.

(c) REIMBURSEMENT.—Any payment made by the Secretary pursuant to this section shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this section as determined by the Secretary, shall result in a right of the United States to reimbursement of all funds made available to such project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

(d) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary, in consultation with the management entity and Native American tribes whose ancestors were involved in events at these sites, shall develop a general management plan for the historic site. The plan shall be prepared in accordance with section 12(b) of Public Law 91–383 (16 U.S.C. 1a–1 et seq.; commonly known as the National Park System General Authorities Act).

(2) COMPLETION.—The plan shall be completed not later than 2 years after the date funds are made available.

(3) TRANSMITTAL.—Not later than 30 days after completion of the plan, the Secretary shall provide a copy of the plan to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS

There is authorized to be appropriated such funds as are necessary to carry out this Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DIRECTING SECRETARY OF INTERIOR TO MAKE TECHNICAL CORRECTIONS TO MAP RELATING TO COASTAL BARRIER RESOURCES SYSTEM

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the bill (H.R. 34) to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from New Jersey?

.Mr. GEORGE MILLER of California. Mr. Speaker, reserving the right to object, I do so for the purpose of asking the gentleman from New Jersey to explain his unanimous consent request.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, coastal barriers are dynamic ecosystems and are prone to frequent moving and shifting as the result of storms and other natural processes. Despite their vulnerability, these areas are attractive locations to live in and are popular for vacation destinations.

Congress approved the Coastal Barriers Resources Act of 1982 to protect these areas by establishing a system of barrier units that are precluded from receiving Federal development assistance, including Federal flood insurance. The System is administered by the Fish and Wildlife Service.

Maps depicting the various units are adopted by Congress, and any changes to the boundaries of System units require legislative action. The System includes 274 otherwise protected areas. Otherwise protected areas include lands that are held for conservation purposes by the Federal, State, and local governments or private conservation groups.

Mr. Speaker, H.R. 34 adopts maps drawn by the Fish and Wildlife Service that correctly portray the boundaries of the Cayo Costa State Park in Florida, and this is supported by the Fish and Wildlife Service and the Committee on Resources majority and minority.

H.R. 34 passed the House of Representatives as part of H.R. 1431 on September 21, 1999.

Mr. Speaker, I believe H.R. 34 corrects a true mapping error, and I strongly urge the passage of this legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, further reserving my right to object, this bill would authorize a minor map correction to change the boundaries of an otherwise protected area (OPA) to make these boundaries coterminous with the boundaries of a State park. This correction would exclude 14 acres of private land from the OPA.

The Committee on Resources has thoroughly reviewed the underlying justification for this map correction and has worked closely with the Fish and Wildlife Service throughout. The Committee has found nothing to prove conclusively that Congress intended to include private lands abutting the boundaries of the State park when it created this OPA in 1990. Also, there is reasonable doubt that these private lands would have qualified for inclusion under the Fish and Wildlife Service's designation criteria for otherwise protected areas or undeveloped coastal barriers.

This bill will rectify a previous mapping error by the Fish and Wildlife Service and bring this OPA into conformance with congressional intent to use existing park boundaries as the basis for OPA boundaries. The Administration supports this legislation and I urge that the House pass the bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the bill, as follows:

H.R. 34

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CORRECTIONS TO MAPS.

(a) IN GENERAL.—The Secretary of the Interior shall, before the end of the 30-day period beginning on the date of the enactment of this Act, make such corrections to the map described in subsection (b) as are necessary to ensure that depictions of areas on that map are consistent with the depictions of areas appearing on the map entitled "Amendments to the Coastal Barrier Resources System", dated , and on file with the Committee on Resources of the House of Representatives.

(b) MAP DESCRIBED.—The map described in this subsection is the map that—

(1) is included in a set of maps entitled "Coastal Barrier Resources System", dated November 2, 1994; and

(2) relates to unit P19–P of the Coastal Barrier Resources System.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 83. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

DIRECTING SECRETARY OF THE INTERIOR TO MAKE CORRECTIONS TO MAP RELATING TO COASTAL BARRIER RESOURCES SYSTEM

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 574) to direct the Secretary of the Interior to make corrections to a map relating to the Coastal Barrier Resources System, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. GEORGE MILLER of California. Mr. Speaker, reserving the right to object, I do so for the purpose of asking the gentleman from New Jersey to explain his unanimous consent request.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, S. 574 is a second correction to the Coastal Barrier Resources System. In this case, the proposed change is to a unit affecting the Cape Henlopen State Park in Delaware.

This modification will remove approximately 32 acres of this privately owned land that lies outside of the State park. This property was incorrectly incorporated within the unit, and it is appropriate to properly adjust the boundaries of DE-03P. Furthermore, this legislation adds approximately 245 acres of State park land that was inadvertently left out of the otherwise protected area in 1990. Therefore, the net effect of these boundary adjustments is to add some 213 acres to the Coastal Barrier Resources System.

Mr. Speaker, the House version of this legislation was the subject of a subcommittee hearing. It was carefully considered by the full Committee on Resources. It was adopted by the House of Representatives with the passage of H.R. 1431.

In addition, the other body unanimously adopted S. 574 as introduced by Senator BIDEN of Delaware on April 22. During our hearing, the administrative witnesses testified that the "modification of the boundary constitutes a valid technical correction that conforms to the boundaries of the OPA to the boundaries of the State park, which the U.S. Fish and Wildlife Service and the Department supports."

Mr. Speaker, I urge an aye vote.

Mr. GEORGE MILLER of California. Mr. Speaker, further reserving my right to object, this bill has been thoroughly reviewed by the Committee on Resources. The technical corrections contained in this bill are legitimate, non-controversial, and supported by the Administration.

I am especially pleased that this legislation would add an additional 213 acres of land within Cape Henlopen State Park to the Coastal Barrier Resource System. I support this bill and I urge an "aye" vote.

Mr. CASTLE. Mr. Speaker, I rise in strong support of S. 574, a bill to correct the boundary of the Coastal Barrier Resources System Map in Lewes, Delaware.

Back in 1990, when the U.S. Fish and Wildlife Service was drawing the boundary for this map, the service inadvertently included the Cape Shores Development and the Barcroft Corporation in the system. The Fish and Wildlife Service had intended to follow the boundary of Cape Henlopen State Park, but followed the wrong line on the map. As a result, this has made it difficult for Barcroft and the homeowners in Cape Shores to obtain affordable flood insurance.

This summer, the House passed an identical bill introduced to correct this problem as a subtitle to H.R. 1431, a comprehensive bill to reauthorize the Coast Barrier Resources Act. Due to time constraints, the Senate was not able to pass its own comprehensive reauthorization bill.

Therefore, in order to expedite the legislative process and make sure Barcroft Corporation and the residents of Cape Shores can obtain affordable flood insurance before winter storms strike Delaware, it is essential that we pass this legislation before the session ends.

I want to thank the Resources Committee Chairman, DON YOUNG; the Resources Fisheries Subcommittee Chairman, JIM SAXTON; and their staff for their tremendous efforts on this bill. The citizens of Delaware truly appreciate your assistance not just because it provides relief for Barcroft and Cape Shores, but also because it extends the protection of the Coastal Barrier Resources System to 245 additional acres in Cape Henlopen State Park.

I commend your work and urge my colleagues to support this bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 574

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CORRECTIONS TO MAP.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall make such corrections to the map described in subsection (b) as are necessary to move on that map the boundary of the otherwise protected area (as defined in section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591)) to the Cape Henlopen State Park boundary to the extent necessary—

(1) to exclude from the otherwise protected area the adjacent property leased, as of the date of enactment of this Act, by the Barcroft Company and Cape Shores Associates (which are privately held corporations under the law of the State of Delaware); and

(2) to include in the otherwise protected area the northwestern corner of Cape Henlopen State Park seaward of the Lewes and Rehoboth Canal.

(b) MAP DESCRIBED.—The map described in this subsection is the map that is included in a set of maps entitled "Coastal Barrier Resources System", dated October 24, 1990, as revised October 15, 1992, and that relates to the unit of the Coastal Barrier Resources System entitled "Cape Henlopen Unit DE-03P".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM ACT

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 1866) to redesignate the Coastal Barrier Resources System as the "John H. Chafee Coastal Barrier Resources System," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. GEORGE MILLER of California. Mr. Speaker, reserving the right to object, I take this time for the purpose of asking the gentleman from New Jersey for an explanation of his unanimous consent request.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, finally, we are considering S. 1866, the John H. Chafee Coastal Barrier Resources System Act. The late Senator John Chafee was instrumental in the creation of this program in 1982, and he remained one of the program's biggest supporters up until his untimely death earlier this year.

The late Senator Chafee, in his role as ranking member and later chairman of the Senate Environment and Public Works Committee, was a guardian of this System's integrity, and worked tirelessly to prevent any unnecessary encroachment into the System.

Senator Chafee served the people of Rhode Island with great distinction for over 20 years. It is a fitting tribute to his name to name the Coastal Barrier Resources System in his honor. I urge my colleagues to vote aye on this measure.

Mr. GEORGE MILLER of California. Mr. Speaker, further reserving my right to object, with the recent passing of Senator John H. Chafee, Congress has lost a compassionate and persuasive advocate for the protection and conservation of our Nation's natural heritage. Senator Chafee's many legislative contributions, including his leadership in authorizing and improving keystone environmental legislation such as the Clean Water Act, the Clean Air Act, and the Endangered Species Act to only name a few, leave a legacy of accomplishment that is both daunting and admirable. As many people know, Senator Chafee deeply loved the coastal barrier beaches and islands of his beloved Ocean State. Perhaps this lifelong affection explains why Senator Chafee worked so tirelessly to create the Coastal Barrier Resource System in 1982, and why he fought so strenuously to protect it in the intervening years.

If there really is a way to pay tribute to this modest and self-effacing man, I can think of no better testimonial than to re-name the Coastal Barrier Resources System in his honor. It will serve as a lasting tribute to the man, and a reminder to us all of the important work that still remains unfinished in order to protect our Nation's environment. I support this bill and urge all Members to vote for it.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "John H. Chafee Coastal Barrier Resources System Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) during the past 2 decades, Senator John H. Chafee was a leading voice for the protection of the environment and the conservation of the natural resources of the United States;

(2) Senator Chafee served on the Environment and Public Works Committee of the Senate for 22 years, influencing every major piece of environmental legislation enacted during that time;

(3) Senator Chafee led the fight for clean air, clean water, safe drinking water, and cleanup of toxic wastes, and for strengthening of the National Wildlife Refuge System and protections for endangered species and their habitats;

(4) millions of people of the United States breathe cleaner air, drink cleaner water, and enjoy more plentiful outdoor recreation opportunities because of the work of Senator Chafee;

(5) in 1982, Senator Chafee authored and succeeded in enacting into law the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.) to minimize loss of human life, wasteful expenditure of Federal revenues, and damage to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf Coasts; and

(6) to reflect the invaluable national contributions made by Senator Chafee during his service in the Senate, the Coastal Barrier Resources System should be named in his honor.

SEC. 3. REDESIGNATION OF COASTAL BARRIER RESOURCES SYSTEM IN HONOR OF JOHN H. CHAFEE.

(a) IN GENERAL.—The Coastal Barrier Resources System established by section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) is redesignated as the "John H. Chafee Coastal Barrier Resources System".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Coastal Barrier Resources System shall be deemed to be a reference to the John H. Chafee Coastal Barrier Resources System.

(c) CONFORMING AMENDMENTS.—

(1) Section 2(b) of the Coastal Barrier Resources Act (16 U.S.C. 3501(b)) is amended by striking "a Coastal Barrier Resources System" and inserting "the John H. Chafee Coastal Barrier Resources System".

(2) Section 3 of the Coastal Barrier Resources Act (16 U.S.C. 3502) is amended by striking "Coastal Barrier Resources System" each place it appears and inserting "John H. Chafee Coastal Barrier Resources System".

(3) Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is amended—

(A) in the section heading, by striking "**COASTAL BARRIER RESOURCES SYSTEM**" and inserting "**JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM**"; and

(B) in subsection (a), by striking "the Coastal Barrier Resources System" and inserting "the John H. Chafee Coastal Barrier Resources System".

(4) Section 10(c)(2) of the Coastal Barrier Resources Act (16 U.S.C. 3509(c)(2)) is amended by striking "Coastal Barrier Resources System" and inserting "System".

(5) Section 10(c)(2)(B)(i) of the Coastal Barrier Improvement Act of 1990 (12 U.S.C. 1441a–3(c)(2)(B)(i)) is amended by striking "Coastal Barrier Resources System" and inserting "John H. Chafee Coastal Barrier Resources System".

(6) Section 12(5) of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101–591) is amended by striking "Coastal Barrier Resources System" and inserting "John H. Chafee Coastal Barrier Resources System".

(7) Section 1321 of the National Flood Insurance Act of 1968 (42 U.S.C. 4028) is amended—

(A) by striking the section heading and inserting the following:

"JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM";

and

(B) by striking "Coastal Barrier Resources System" each place it appears and inserting "John H. Chafee Coastal Barrier Resources System".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FOSTER CARE INDEPENDENCE ACT OF 1999

Mrs. JOHNSON of Connecticut. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means and the Committee on Commerce be discharged from further consideration of the bill (H.R. 3443) to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

Mr. CARDIN. Mr. Speaker, reserving the right to object, I ask the gentlewoman from Connecticut (Mrs. JOHNSON) to explain her request.

Mr. Speaker, I yield to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding to me under his reservation.

Mr. Speaker, my colleagues may recall that the House acted on the Independent Living bill, H.R. 1802, in June and approved it overwhelmingly by a vote of 380 to 6. Every provision of this bill has been developed and written on a bipartisan basis. In this regard, I want to once again thank the gentleman from Maryland (Mr. CARDIN) for his exceptionally capable work on this legislation.

I also want to thank the administration, especially Secretary Shalala, for their timely help with this legislation. In addition, I thank the gentleman from Texas (Mr. DELAY), the Majority Whip, who testified in the House and Senate as a foster parent and who has been instrumental in securing passage of this legislation. Indeed, we would not be here today without his help.

We have been working with our colleagues in the other body over the last several days to resolve differences and have agreed upon the version of the bill before us. H.R. 3443 represents that consensus text. I want to especially acknowledge the work of Senators LOTT, ROTH, GRASSLEY, NICKLES, MOYNIHAN, and ROCKEFELLER on this bill.

Since the House is expected to conclude its business shortly, we are taking this action in order to expedite consideration in the other body and move the bill to the President's desk.

This bill will provide, for the first time, realistic support for our most unfortunate children, those who have been in foster care for many years and who reach adulthood essentially alone. Unfortunately, research shows that these children have terribly high levels of unemployment, mental illness, school failure, teen pregnancy, and homelessness, and are frequently the victims or predators of crime. These young Americans need our help to have the opportunity in life that all Americans dream of.

This bill contains only nine changes from the original legislation, all of them minor.

I close by commending the other body for commemorating the life of the great Senator, the life and work of the great Senator from Rhode Island, the incomparable John Chafee. Senator Chafee was a wonderful friend to many of us here in this House and a diligent worker for children. He was full of enthusiasm for this legislation and worked tirelessly to secure its progress through his committee, looking toward its passage in the Senate. In fact, we have been told that his last actions as a United States Senator were to lobby for this bill. Thus, it is highly fitting that we should rename this program the "John H. Chafee Foster Care Independence Program."

Mr. CARDIN. Mr. Speaker, further reserving my right to object, let me quickly point out how pleased I am that we were able to reach a bipartisan agreement and get this legislation moving, the Foster Care Independence Act. This represents a real victory for the 20,000 children who age out of foster care every year.

I want to especially congratulate the gentlewoman from Connecticut (Mrs. JOHNSON), chair of the Subcommittee on Human Resources, for the steadfast dedication to helping children and her incredible work with the other body so that we, in fact, could accomplish this legislation before we adjourn sine die.

I would also like to express my appreciation to the Clinton administration for their help in drafting this legislation.

Mr. Speaker, although we are acting on this bill, H.R. 3443, it started as H.R.

671 back in February of this year and became H.R. 1802 in the work of our subcommittee.

I finally want to also acknowledge the fine work of our staff Ron Haskins and Nick Wynn in the Committee on Ways and Means, the work that they have done.

I also want to join in recognizing Senator John Chafee for the work that he did in regards to this bill along with Senator ROCKEFELLER. He and Senator Chafee were incredible in seeing this legislation pass.

Senator Chafee's untimely death is a loss to all of us. Senator Chafee's unyielding commitment to improving the well being of all children and his willingness to reach beyond party and ideology will sorely be missed.

Mr. Speaker, this legislation is very important. As I indicated earlier, it is commitment by this body and by the Congress to say to children aging out of foster care that they are not going to be lost at the age of 18.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3443

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Foster Care Independence Act of 1999".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—IMPROVED INDEPENDENT LIVING PROGRAM

Subtitle A—Improved Independent Living Program

Sec. 101. Improved independent living program.

Subtitle B—Related Foster Care Provision

Sec. 111. Increase in amount of assets allowable for children in foster care.
Sec. 112. Preparation of foster parents to provide for the needs of children in State care.

Subtitle C—Medicaid Amendments

Sec. 121. State option of Medicaid coverage for adolescents leaving foster care.

Subtitle D—Adoption Incentive Payments

Sec. 131. Increased funding for adoption incentive payments.

TITLE II—SSI FRAUD PREVENTION

Subtitle A—Fraud Prevention and Related Provisions

Sec. 201. Liability of representative payees for overpayments to deceased recipients.
Sec. 202. Recovery of overpayments of SSI benefits from lump sum SSI benefit payments.
Sec. 203. Additional debt collection practices.
Sec. 204. Requirement to provide State prisoner information to Federal and federally assisted benefit programs.
Sec. 205. Treatment of assets held in trust under the SSI program.
Sec. 206. Disposal of resources for less than fair market value under the SSI program.
Sec. 207. Administrative procedure for imposing penalties for false or misleading statements.
Sec. 208. Exclusion of representatives and health care providers convicted of violations from participation in social security programs.
Sec. 209. State data exchanges.
Sec. 210. Study on possible measures to improve fraud prevention and administrative processing.
Sec. 211. Annual report on amounts necessary to combat fraud.
Sec. 212. Computer matches with Medicare and Medicaid institutionalization data.
Sec. 213. Access to information held by financial institutions.

Subtitle B—Benefits For Certain World War II Veterans

Sec. 251. Establishment of program of special benefits for certain World War II veterans.

Subtitle C—Study

Sec. 261. Study of denial of SSI benefits for family farmers.

TITLE III—CHILD SUPPORT

Sec. 301. Narrowing of hold harmless provision for State share of distribution of collected child support.

TITLE IV—TECHNICAL CORRECTIONS

Sec. 401. Technical corrections relating to amendments made by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

TITLE I—IMPROVED INDEPENDENT LIVING PROGRAM

Subtitle A—Improved Independent Living Program

SEC. 101. IMPROVED INDEPENDENT LIVING PROGRAM.

(a) Findings.—The Congress finds the following:

(1) States are required to make reasonable efforts to find adoptive families for all children, including older children, for whom reunification with their biological family is not in the best interests of the child. However, some older children will continue to live in foster care. These children should be enrolled in an Independent Living program designed and conducted by State and local government to help prepare them for employment, postsecondary education, and successful management of adult responsibilities.

(2) Older children who continue to be in foster care as adolescents may become eligible for Independent Living programs. These Independent Living programs are not an alternative to adoption for these children. Enrollment in Independent Living programs can occur concurrent with continued efforts to locate and achieve placement in adoptive families for older children in foster care.

(3) About 20,000 adolescents leave the Nation's foster care system each year because they have reached 18 years of age and are expected to support themselves.

(4) Congress has received extensive information that adolescents leaving foster care have significant difficulty making a successful transition to adulthood; this information shows that children aging out of foster care show high rates of homelessness, non-marital childbearing, poverty, and delinquent or criminal behavior; they are also frequently the target of crime and physical assaults.

(5) The Nation's State and local governments, with financial support from the Federal Government, should offer an extensive program of education, training, employment, and financial support for young adults leaving foster care, with participation in such program beginning several years before high school graduation and continuing, as needed, until the young adults emancipated from foster care establish independence or reach 21 years of age.

(b) Improved Independent Living Program.—Section 477 of the Social Security Act (42 U.S.C. 677) is amended to read as follows:

"SEC. 477. JOHN H. CHAFEE FOSTER CARE INDEPENDENCE PROGRAM.

"(a) Purpose.—The purpose of this section is to provide States with flexible funding that will enable programs to be designed and conducted—

"(1) to identify children who are likely to remain in foster care until 18 years of age and to help these children make the transition to self-sufficiency by providing services such as assistance in obtaining a high school diploma, career exploration, vocational training, job placement and retention, training in daily living skills, training in budgeting and financial management skills, substance abuse prevention, and preventive health activities (including smoking avoidance, nutrition education, and pregnancy prevention);

"(2) to help children who are likely to remain in foster care until 18 years of age receive the education, training, and services necessary to obtain employment;

"(3) to help children who are likely to remain in foster care until 18 years of age prepare for and enter postsecondary training and education institutions;

"(4) to provide personal and emotional support to children aging out of foster care, through mentors and the promotion of interactions with dedicated adults; and

"(5) to provide financial, housing, counseling, employment, education, and other appropriate support and services to former foster care recipients between 18 and 21 years of age to complement their own efforts to achieve self-sufficiency and to assure that program participants recognize and accept their personal responsibility for preparing for and then making the transition from adolescence to adulthood.

"(b) Applications.—

"(1) In general.—A State may apply for funds from its allotment under subsection (c) for a period of five consecutive fiscal years by submitting to the Secretary, in writing, a plan that meets the requirements of paragraph (2) and the certifications required by paragraph (3) with respect to the plan.

"(2) State plan.—A plan meets the requirements of this paragraph if the plan specifies which State agency or agencies will administer, supervise, or oversee the programs carried out under the plan, and describes how the State intends to do the following:

"(A) Design and deliver programs to achieve the purposes of this section.

"(B) Ensure that all political subdivisions in the State are served by the program, though not necessarily in a uniform manner.

"(C) Ensure that the programs serve children of various ages and at various stages of achieving independence.

"(D) Involve the public and private sectors in helping adolescents in foster care achieve independence.

"(E) Use objective criteria for determining eligibility for benefits and services under the programs, and for ensuring fair and equitable treatment of benefit recipients.

‘‘(F) Cooperate in national evaluations of the effects of the programs in achieving the purposes of this section.

‘‘(3) CERTIFICATIONS.—The certifications required by this paragraph with respect to a plan are the following:

‘‘(A) A certification by the chief executive officer of the State that the State will provide assistance and services to children who have left foster care because they have attained 18 years of age, and who have not attained 21 years of age.

‘‘(B) A certification by the chief executive officer of the State that not more than 30 percent of the amounts paid to the State from its allotment under subsection (c) for a fiscal year will be expended for room or board for children who have left foster care because they have attained 18 years of age, and who have not attained 21 years of age.

‘‘(C) A certification by the chief executive officer of the State that none of the amounts paid to the State from its allotment under subsection (c) will be expended for room or board for any child who has not attained 18 years of age.

‘‘(D) A certification by the chief executive officer of the State that the State will use training funds provided under the program of Federal payments for foster care and adoption assistance to provide training to help foster parents, adoptive parents, workers in group homes, and case managers understand and address the issues confronting adolescents preparing for independent living, and will, to the extent possible, coordinate such training with the independent living program conducted for adolescents.

‘‘(E) A certification by the chief executive officer of the State that the State has consulted widely with public and private organizations in developing the plan and that the State has given all interested members of the public at least 30 days to submit comments on the plan.

‘‘(F) A certification by the chief executive officer of the State that the State will make every effort to coordinate the State programs receiving funds provided from an allotment made to the State under subsection (c) with other Federal and State programs for youth (especially transitional living youth projects funded under part B of title III of the Juvenile Justice and Delinquency Prevention Act of 1974), abstinence education programs, local housing programs, programs for disabled youth (especially sheltered workshops), and school-to-work programs offered by high schools or local workforce agencies.

‘‘(G) A certification by the chief executive officer of the State that each Indian tribe in the State has been consulted about the programs to be carried out under the plan; that there have been efforts to coordinate the programs with such tribes; and that benefits and services under the programs will be made available to Indian children in the State on the same basis as to other children in the State.

‘‘(H) A certification by the chief executive officer of the State that the State will ensure that adolescents participating in the program under this section participate directly in designing their own program activities that prepare them for independent living and that the adolescents accept personal responsibility for living up to their part of the program.

‘‘(I) A certification by the chief executive officer of the State that the State has established and will enforce standards and procedures to prevent fraud and abuse in the programs carried out under the plan.

‘‘(4) APPROVAL.—The Secretary shall approve an application submitted by a State pursuant to paragraph (1) for a period if—

‘‘(A) the application is submitted on or before June 30 of the calendar year in which such period begins; and

‘‘(B) the Secretary finds that the application contains the material required by paragraph (1).

‘‘(5) AUTHORITY TO IMPLEMENT CERTAIN AMENDMENTS; NOTIFICATION.—A State with an application approved under paragraph (4) may implement any amendment to the plan contained in the application if the application, incorporating the amendment, would be approvable under paragraph (4). Within 30 days after a State implements any such amendment, the State shall notify the Secretary of the amendment.

‘‘(6) AVAILABILITY.—The State shall make available to the public any application submitted by the State pursuant to paragraph (1), and a brief summary of the plan contained in the application.

‘‘(c) ALLOTMENTS TO STATES.—

‘‘(1) IN GENERAL.—From the amount specified in subsection (h) that remains after applying subsection (g)(2) for a fiscal year, the Secretary shall allot to each State with an application approved under subsection (b) for the fiscal year the amount which bears the same ratio to such remaining amount as the number of children in foster care under a program of the State in the most recent fiscal year for which such information is available bears to the total number of children in foster care in all States for such most recent fiscal year, as adjusted in accordance with paragraph (2).

‘‘(2) HOLD HARMLESS PROVISION.—

‘‘(A) IN GENERAL.—The Secretary shall allot to each State whose allotment for a fiscal year under paragraph (1) is less than the greater of $500,000 or the amount payable to the State under this section for fiscal year 1998, an additional amount equal to the difference between such allotment and such greater amount.

‘‘(B) RATABLE REDUCTION OF CERTAIN ALLOTMENTS.—In the case of a State not described in subparagraph (A) of this paragraph for a fiscal year, the Secretary shall reduce the amount allotted to the State for the fiscal year under paragraph (1) by the amount that bears the same ratio to the sum of the differences determined under subparagraph (A) of this paragraph for the fiscal year as the excess of the amount so allotted over the greater of $500,000 or the amount payable to the State under this section for fiscal year 1998 bears to the sum of such excess amounts determined for all such States.

‘‘(d) USE OF FUNDS.—

‘‘(1) IN GENERAL.—A State to which an amount is paid from its allotment under subsection (c) may use the amount in any manner that is reasonably calculated to accomplish the purposes of this section.

‘‘(2) NO SUPPLANTATION OF OTHER FUNDS AVAILABLE FOR SAME GENERAL PURPOSES.—The amounts paid to a State from its allotment under subsection (c) shall be used to supplement and not supplant any other funds which are available for the same general purposes in the State.

‘‘(3) TWO-YEAR AVAILABILITY OF FUNDS.—Payments made to a State under this section for a fiscal year shall be expended by the State in the fiscal year or in the succeeding fiscal year.

‘‘(e) PENALTIES.—

‘‘(1) USE OF GRANT IN VIOLATION OF THIS PART.—If the Secretary is made aware, by an audit conducted under chapter 75 of title 31, United States Code, or by any other means, that a program receiving funds from an allotment made to a State under subsection (c) has been operated in a manner that is inconsistent with, or not disclosed in the State application approved under subsection (b), the Secretary shall assess a penalty against the State in an amount equal to not less than 1 percent and not more than 5 percent of the amount of the allotment.

‘‘(2) FAILURE TO COMPLY WITH DATA REPORTING REQUIREMENT.—The Secretary shall assess a penalty against a State that fails during a fiscal year to comply with an information collection plan implemented under subsection (f) in an amount equal to not less than 1 percent and not more than 5 percent of the amount allotted to the State for the fiscal year.

‘‘(3) PENALTIES BASED ON DEGREE OF NONCOMPLIANCE.—The Secretary shall assess penalties under this subsection based on the degree of noncompliance.

‘‘(f) DATA COLLECTION AND PERFORMANCE MEASUREMENT.—

‘‘(1) IN GENERAL.—The Secretary, in consultation with State and local public officials responsible for administering independent living and other child welfare programs, child welfare advocates, members of Congress, youth service providers, and researchers, shall—

‘‘(A) develop outcome measures (including measures of educational attainment, high school diploma, employment, avoidance of dependency, homelessness, nonmarital childbirth, incarceration, and high-risk behaviors) that can be used to assess the performance of States in operating independent living programs;

‘‘(B) identify data elements needed to track—

‘‘(i) the number and characteristics of children receiving services under this section;

‘‘(ii) the type and quantity of services being provided; and

‘‘(iii) State performance on the outcome measures; and

‘‘(C) develop and implement a plan to collect the needed information beginning with the second fiscal year beginning after the date of the enactment of this section.

‘‘(2) REPORT TO THE CONGRESS.—Within 12 months after the date of the enactment of this section, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report detailing the plans and timetable for collecting from the States the information described in paragraph (1) and a proposal to impose penalties consistent with paragraph (e)(2) on States that do not report data.

‘‘(g) EVALUATIONS.—

‘‘(1) IN GENERAL.—The Secretary shall conduct evaluations of such State programs funded under this section as the Secretary deems to be innovative or of potential national significance. The evaluation of any such program shall include information on the effects of the program on education, employment, and personal development. To the maximum extent practicable, the evaluations shall be based on rigorous scientific standards including random assignment to treatment and control groups. The Secretary is encouraged to work directly with State and local governments to design methods for conducting the evaluations, directly or by grant, contract, or cooperative agreement.

‘‘(2) FUNDING OF EVALUATIONS.—The Secretary shall reserve 1.5 percent of the amount specified in subsection (h) for a fiscal year to carry out, during the fiscal year, evaluation, technical assistance, performance measurement, and data collection activities related to this section, directly or through grants, contracts, or cooperative agreements with appropriate entities.

"(h) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this section and for payments to States under section 474(a)(4), there are authorized to be appropriated to the Secretary $140,000,000 for each fiscal year.".

(c) PAYMENTS TO STATES.—Section 474(a)(4) of such Act (42 U.S.C. 674(a)(4)) is amended to read as follows:

"(4) the lesser of—

"(A) 80 percent of the amount (if any) by which—

"(i) the total amount expended by the State during the fiscal year in which the quarter occurs to carry out programs in accordance with the State application approved under section 477(b) for the period in which the quarter occurs (including any amendment that meets the requirements of section 477(b)(5)); exceeds

"(ii) the total amount of any penalties assessed against the State under section 477(e) during the fiscal year in which the quarter occurs; or

"(B) the amount allotted to the State under section 477 for the fiscal year in which the quarter occurs, reduced by the total of the amounts payable to the State under this paragraph for all prior quarters in the fiscal year.".

(d) REGULATIONS.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue such regulations as may be necessary to carry out the amendments made by this section.

(e) SENSE OF THE CONGRESS.—It is the sense of the Congress that States should provide medical assistance under the State plan approved under title XIX of the Social Security Act to 18-, 19-, and 20-year-olds who have been emancipated from foster care.

Subtitle B—Related Foster Care Provision

SEC. 111. INCREASE IN AMOUNT OF ASSETS ALLOWABLE FOR CHILDREN IN FOSTER CARE.

Section 472(a) of the Social Security Act (42 U.S.C. 672(a)) is amended by adding at the end the following: "In determining whether a child would have received aid under a State plan approved under section 402 (as in effect on July 16, 1996), a child whose resources (determined pursuant to section 402(a)(7)(B), as so in effect) have a combined value of not more than $10,000 shall be considered to be a child whose resources have a combined value of not more than $1,000 (or such lower amount as the State may determine for purposes of such section 402(a)(7)(B)).".

SEC. 112. PREPARATION OF FOSTER PARENTS TO PROVIDE FOR THE NEEDS OF CHILDREN IN STATE CARE.

(a) STATE PLAN REQUIREMENT.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking "and" at the end of paragraph (22);

(2) by striking the period at the end of paragraph (23) and inserting "; and"; and

(3) by adding at the end the following:

"(24) include a certification that, before a child in foster care under the responsibility of the State is placed with prospective foster parents, the prospective foster parents will be prepared adequately with the appropriate knowledge and skills to provide for the needs of the child, and that such preparation will be continued, as necessary, after the placement of the child.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

Subtitle C—Medicaid Amendments

SEC. 121. STATE OPTION OF MEDICAID COVERAGE FOR ADOLESCENTS LEAVING FOSTER CARE.

(a) IN GENERAL.—Subject to subsection (c), title XIX of the Social Security Act is amended—

(1) in section 1902(a)(10)(A)(ii) (42 U.S.C. 1396a(a)(10)(A)(ii))—

(A) by striking "or" at the end of subclause (XIII);

(B) by adding "or" at the end of subclause (XIV); and

(C) by adding at the end the following new subclause:

"(XV) who are independent foster care adolescents (as defined in (section 1905(v)(1)), or who are within any reasonable categories of such adolescents specified by the State;"; and

(2) by adding at the end of section 1905 (42 U.S.C. 1396d) the following new subsection:

"(v)(1) For purposes of this title, the term 'independent foster care adolescent' means an individual—

"(A) who is under 21 years of age;

"(B) who, on the individual's 18th birthday, was in foster care under the responsibility of a State; and

"(C) whose assets, resources, and income do not exceed such levels (if any) as the State may establish consistent with paragraph (2).

"(2) The levels established by a State under paragraph (1)(C) may not be less than the corresponding levels applied by the State under section 1931(b).

"(3) A State may limit the eligibility of independent foster care adolescents under section 1902(a)(10)(A)(ii)(XV) to those individuals with respect to whom foster care maintenance payments or independent living services were furnished under a program funded under part E of title IV before the date the individuals attained 18 years of age.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to medical assistance for items and services furnished on or after October 1, 1999.

(c) CONTINGENCY IN ENACTMENT.—If the Ticket to Work and Work Incentives Improvement Act of 1999 is enacted (whether before, on, or after the date of the enactment of this Act)—

(1) the amendments made by that Act shall be executed as if this Act had been enacted after the enactment of such other Act;

(2) with respect to subsection (a)(1)(A) of this section, any reference to subclause (XIII) is deemed a reference to subclause (XV);

(3) with respect to subsection (a)(1)(B) of this section, any reference to subclause (XIV) is deemed a reference to subclause (XVI);

(4) the subclause (XV) added by subsection (a)(1)(C) of this section—

(A) is redesignated as subclause (XVII); and

(B) is amended by striking "section 1905(v)(1)" and inserting "section 1905(w)(1)"; and

(5) the subsection (v) added by subsection (a)(2) of this section—

(A) is redesignated as subsection (w); and

(B) is amended by striking "1902(a)(10)(A)(ii)(XV)" and inserting "1902(a)(10)(A)(ii)(XVII)".

Subtitle D—Adoption Incentive Payments

SEC. 131. INCREASED FUNDING FOR ADOPTION INCENTIVE PAYMENTS.

(a) SUPPLEMENTAL GRANTS.—Section 473A of the Social Security Act (42 U.S.C. 673b) is amended by adding at the end the following:

"(j) SUPPLEMENTAL GRANTS.—

"(1) IN GENERAL.—Subject to the availability of such amounts as may be provided in advance in appropriations Acts, in addition to any amount otherwise payable under this section to any State that is an incentive-eligible State for fiscal year 1998, the Secretary shall make a grant to the State in an amount equal to the lesser of—

"(A) the amount by which—

"(i) the amount that would have been payable to the State under this section during fiscal year 1999 (on the basis of adoptions in fiscal year 1998) in the absence of subsection (d)(2) if sufficient funds had been available for the payment; exceeds

"(ii) the amount that, before the enactment of this subsection, was payable to the State under this section during fiscal year 1999 (on such basis); or

"(B) the amount that bears the same ratio to the dollar amount specified in paragraph (2) as the amount described by subparagraph (A) for the State bears to the aggregate of the amounts described by subparagraph (A) for all States that are incentive-eligible States for fiscal year 1998.

"(2) FUNDING.—$23,000,000 of the amounts appropriated under subsection (h)(1) for fiscal year 2000 may be used for grants under paragraph (1) of this subsection.".

(b) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—Section 473A(h)(1) of the Social Security Act (42 U.S.C. 673b(h)(1)) is amended to read as follows:

"(1) IN GENERAL.—For grants under subsection (a), there are authorized to be appropriated to the Secretary—

"(A) $20,000,000 for fiscal year 1999;

"(B) $43,000,000 for fiscal year 2000; and

"(C) $20,000,000 for each of fiscal years 2001 through 2003.".

TITLE II—SSI FRAUD PREVENTION

Subtitle A—Fraud Prevention and Related Provisions

SEC. 201. LIABILITY OF REPRESENTATIVE PAYEES FOR OVERPAYMENTS TO DECEASED RECIPIENTS.

(a) AMENDMENT TO TITLE II.—Section 204(a)(2) of the Social Security Act (42 U.S.C. 404(a)(2)) is amended by adding at the end the following new sentence: "If any payment of more than the correct amount is made to a representative payee on behalf of an individual after the individual's death, the representative payee shall be liable for the repayment of the overpayment, and the Commissioner of Social Security shall establish an overpayment control record under the social security account number of the representative payee.".

(b) AMENDMENT TO TITLE XVI.—Section 1631(b)(2) of such Act (42 U.S.C. 1383(b)(2)) is amended by adding at the end the following new sentence: "If any payment of more than the correct amount is made to a representative payee on behalf of an individual after the individual's death, the representative payee shall be liable for the repayment of the overpayment, and the Commissioner of Social Security shall establish an overpayment control record under the social security account number of the representative payee.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to overpayments made 12 months or more after the date of the enactment of this Act.

SEC. 202. RECOVERY OF OVERPAYMENTS OF SSI BENEFITS FROM LUMP SUM SSI BENEFIT PAYMENTS.

(a) In General.—Section 1631(b)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1383(b)(1)(B)(ii)) is amended—

(1) by inserting "monthly" before "benefit payments"; and

(2) by inserting "and in the case of an individual or eligible spouse to whom a lump sum is payable under this title (including under section 1616(a) of this Act or under an agreement entered into under section 212(a) of Public Law 93-66) shall, as at least one means of recovering such overpayment, make the adjustment or recovery from the lump sum payment in an amount equal to not less than the lesser of the amount of the overpayment or 50 percent of the lump sum payment," before "unless fraud".

(b) Effective Date.—The amendments made by this section shall take effect 12 months after the date of the enactment of this Act and shall apply to amounts incorrectly paid which remain outstanding on or after such date.

SEC. 203. ADDITIONAL DEBT COLLECTION PRACTICES.

(a) In General.—Section 1631(b) of the Social Security Act (42 U.S.C. 1383(b)) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following:

"(4)(A) With respect to any delinquent amount, the Commissioner of Social Security may use the collection practices described in sections 3711(f), 3716, 3717, and 3718 of title 31, United States Code, and in section 5514 of title 5, United States Code, all as in effect immediately after the enactment of the Debt Collection Improvement Act of 1996.

"(B) For purposes of subparagraph (A), the term 'delinquent amount' means an amount—

"(i) in excess of the correct amount of payment under this title;

"(ii) paid to a person after such person has attained 18 years of age; and

"(iii) determined by the Commissioner of Social Security, under regulations, to be otherwise unrecoverable under this section after such person ceases to be a beneficiary under this title.".

(b) Conforming Amendments.—Section 3701(d)(2) of title 31, United States Code, is amended by striking "section 204(f)" and inserting "sections 204(f) and 1631(b)(4)".

(c) Technical Amendments.—Section 204(f) of the Social Security Act (42 U.S.C. 404(f)) is amended—

(1) by striking "3711(e)" and inserting "3711(f)"; and

(2) by inserting "all" before "as in effect".

(d) Effective Date.—The amendments made by this section shall apply to debt outstanding on or after the date of the enactment of this Act.

SEC. 204. REQUIREMENT TO PROVIDE STATE PRISONER INFORMATION TO FEDERAL AND FEDERALLY ASSISTED BENEFIT PROGRAMS.

Section 1611(e)(1)(I)(ii)(II) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)(ii)(II)) is amended by striking "is authorized to" and inserting "shall".

SEC. 205. TREATMENT OF ASSETS HELD IN TRUST UNDER THE SSI PROGRAM.

(a) Treatment as Resource.—Section 1613 of the Social Security Act (42 U.S.C. 1382b) is amended by adding at the end the following:

"Trusts

"(e)(1) In determining the resources of an individual, paragraph (3) shall apply to a trust (other than a trust described in paragraph (5)) established by the individual.

"(2)(A) For purposes of this subsection, an individual shall be considered to have established a trust if any assets of the individual (or of the individual's spouse) are transferred to the trust other than by will.

"(B) In the case of an irrevocable trust to which are transferred the assets of an individual (or of the individual's spouse) and the assets of any other person, this subsection shall apply to the portion of the trust attributable to the assets of the individual (or of the individual's spouse).

"(C) This subsection shall apply to a trust without regard to—

"(i) the purposes for which the trust is established;

"(ii) whether the trustees have or exercise any discretion under the trust;

"(iii) any restrictions on when or whether distributions may be made from the trust; or

"(iv) any restrictions on the use of distributions from the trust.

"(3)(A) In the case of a revocable trust established by an individual, the corpus of the trust shall be considered a resource available to the individual.

"(B) In the case of an irrevocable trust established by an individual, if there are any circumstances under which payment from the trust could be made to or for the benefit of the individual or the individual's spouse, the portion of the corpus from which payment to or for the benefit of the individual or the individual's spouse could be made shall be considered a resource available to the individual.

"(4) The Commissioner of Social Security may waive the application of this subsection with respect to an individual if the Commissioner determines that such application would work an undue hardship (as determined on the basis of criteria established by the Commissioner) on the individual.

"(5) This subsection shall not apply to a trust described in subparagraph (A) or (C) of section 1917(d)(4).

"(6) For purposes of this subsection—

"(A) the term 'trust' includes any legal instrument or device that is similar to a trust;

"(B) the term 'corpus' means, with respect to a trust, all property and other interests held by the trust, including accumulated earnings and any other addition to the trust after its establishment (except that such term does not include any such earnings or addition in the month in which the earnings or addition is credited or otherwise transferred to the trust); and

"(C) the term 'asset' includes any income or resource of the individual or of the individual's spouse, including—

"(i) any income excluded by section 1612(b);

"(ii) any resource otherwise excluded by this section; and

"(iii) any other payment or property to which the individual or the individual's spouse is entitled but does not receive or have access to because of action by—

"(I) the individual or spouse;

"(II) a person or entity (including a court) with legal authority to act in place of, or on behalf of, the individual or spouse; or

"(III) a person or entity (including a court) acting at the direction of, or on the request of, the individual or spouse.".

(b) Treatment as Income.—Section 1612(a)(2) of such Act (42 U.S.C. 1382a(a)(2)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting "; and"; and

(3) by adding at the end the following:

"(G) any earnings of, and additions to, the corpus of a trust established by an individual (within the meaning of section 1613(e)), of which the individual is a beneficiary, to which section 1613(e) applies, and, in the case of an irrevocable trust, with respect to which circumstances exist under which a payment from the earnings or additions could be made to or for the benefit of the individual.".

(c) Conforming Amendments.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by adding "and" at the end of subparagraph (F); and

(3) by inserting after subparagraph (F) the following:

"(G) that, in applying eligibility criteria of the supplemental security income program under title XVI for purposes of determining eligibility for medical assistance under the State plan of an individual who is not receiving supplemental security income, the State will disregard the provisions of section 1613(e);".

(d) Effective Date.—The amendments made by this section shall take effect on January 1, 2000, and shall apply to trusts established on or after such date.

SEC. 206. DISPOSAL OF RESOURCES FOR LESS THAN FAIR MARKET VALUE UNDER THE SSI PROGRAM.

(a) In General.—Section 1613(c) of the Social Security Act (42 U.S.C. 1382b(c)) is amended—

(1) in the caption, by striking "Notification of Medicaid Policy Restricting Eligibility of Institutionalized Individuals for Benefits Based on";

(2) in paragraph (1)—

(A) in subparagraph (A)—

(i) by inserting "paragraph (1) and" after "provisions of";

(ii) by striking "title XIX" the first place it appears and inserting "this title and title XIX, respectively,";

(iii) by striking "subparagraph (B)" and inserting "clause (ii)";

(iv) by striking "paragraph (2)" and inserting "subparagraph (B)";

(B) in subparagraph (B)—

(i) by striking "by the State agency"; and

(ii) by striking "section 1917(c)" and all that follows and inserting "paragraph (1) or section 1917(c)."; and

(C) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) in paragraph (2)—

(A) by striking "(2)" and inserting "(B)"; and

(B) by striking "paragraph (1)(B)" and inserting "subparagraph (A)(ii)";

(4) by striking "(c)(1)" and inserting "(2)(A)"; and

(5) by inserting before paragraph (2) (as so redesignated by paragraph (4) of this subsection) the following:

"(c)(1)(A)(i) If an individual or the spouse of an individual disposes of resources for less than fair market value on or after the look-back date described in clause (ii)(I), the individual is ineligible for benefits under this title for months during the period beginning on the date described in clause (iii) and equal to the number of months calculated as provided in clause (iv).

"(ii)(I) The look-back date described in this subclause is a date that is 36 months before the date described in subclause (II).

"(II) The date described in this subclause is the date on which the individual applies for benefits under this title or, if later, the date on which the individual (or the spouse of the individual) disposes of resources for less than fair market value.

"(iii) The date described in this clause is the first day of the first month in or after which resources were disposed of for less than fair market value and which does not occur in any other period of ineligibility under this paragraph.

"(iv) The number of months calculated under this clause shall be equal to—

"(I) the total, cumulative uncompensated value of all resources so disposed of by the individual (or the spouse of the individual) on or after the look-back date described in clause (ii)(I); divided by

"(II) the amount of the maximum monthly benefit payable under section 1611(b), plus the amount (if any) of the maximum State supplementary payment corresponding to the State's payment level applicable to the individual's living arrangement and eligibility category that would otherwise be payable to the individual by the Commissioner pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93-66, for the month in which occurs the date described in clause (ii)(II),

rounded, in the case of any fraction, to the nearest whole number, but shall not in any case exceed 36 months.

"(B)(i) Notwithstanding subparagraph (A), this subsection shall not apply to a transfer of a resource to a trust if the portion of the trust attributable to the resource is considered a resource available to the individual pursuant to subsection (e)(3) (or would be so considered but for the application of subsection (e)(4)).

"(ii) In the case of a trust established by an individual or an individual's spouse (within the meaning of subsection (e)), if from such portion of the trust, if any, that is considered a resource available to the individual pursuant to subsection (e)(3) (or would be so considered but for the application of subsection (e)(4)) or the residue of the portion on the termination of the trust—

"(I) there is made a payment other than to or for the benefit of the individual; or

"(II) no payment could under any circumstance be made to the individual,

then, for purposes of this subsection, the payment described in clause (I) or the foreclosure of payment described in clause (II) shall be considered a transfer of resources by the individual or the individual's spouse as of the date of the payment or foreclosure, as the case may be.

"(C) An individual shall not be ineligible for benefits under this title by reason of the application of this paragraph to a disposal of resources by the individual or the spouse of the individual, to the extent that—

"(i) the resources are a home and title to the home was transferred to—

"(I) the spouse of the transferor;

"(II) a child of the transferor who has not attained 21 years of age, or is blind or disabled;

"(III) a sibling of the transferor who has an equity interest in such home and who was residing in the transferor's home for a period of at least 1 year immediately before the date the transferor becomes an institutionalized individual; or

"(IV) a son or daughter of the transferor (other than a child described in subclause (II)) who was residing in the transferor's home for a period of at least 2 years immediately before the date the transferor becomes an institutionalized individual, and who provided care to the transferor which permitted the transferor to reside at home rather than in such an institution or facility;

"(ii) the resources—

"(I) were transferred to the transferor's spouse or to another for the sole benefit of the transferor's spouse;

"(II) were transferred from the transferor's spouse to another for the sole benefit of the transferor's spouse;

"(III) were transferred to, or to a trust (including a trust described in section 1917(d)(4)) established solely for the benefit of, the transferor's child who is blind or disabled; or

"(IV) were transferred to a trust (including a trust described in section 1917(d)(4)) established solely for the benefit of an individual who has not attained 65 years of age and who is disabled;

"(iii) a satisfactory showing is made to the Commissioner of Social Security (in accordance with regulations promulgated by the Commissioner) that—

"(I) the individual who disposed of the resources intended to dispose of the resources either at fair market value, or for other valuable consideration;

"(II) the resources were transferred exclusively for a purpose other than to qualify for benefits under this title; or

"(III) all resources transferred for less than fair market value have been returned to the transferor; or

"(iv) the Commissioner determines, under procedures established by the Commissioner, that the denial of eligibility would work an undue hardship as determined on the basis of criteria established by the Commissioner.

"(D) For purposes of this subsection, in the case of a resource held by an individual in common with another person or persons in a joint tenancy, tenancy in common, or similar arrangement, the resource (or the affected portion of such resource) shall be considered to be disposed of by the individual when any action is taken, either by the individual or by any other person, that reduces or eliminates the individual's ownership or control of such resource.

"(E) In the case of a transfer by the spouse of an individual that results in a period of ineligibility for the individual under this subsection, the Commissioner shall apportion the period (or any portion of the period) among the individual and the individual's spouse if the spouse becomes eligible for benefits under this title.

"(F) For purposes of this paragraph—

"(i) the term 'benefits under this title' includes payments of the type described in section 1616(a) of this Act and of the type described in section 212(b) of Public Law 93-66;

"(ii) the term 'institutionalized individual' has the meaning given such term in section 1917(e)(3); and

"(iii) the term 'trust' has the meaning given such term in subsection (e)(6)(A) of this section.".

(b) Conforming Amendment.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)), as amended by section 205(c) of this Act, is amended by striking "section 1613(e)" and inserting "subsections (c) and (e) of section 1613".

(c) Effective Date.—The amendments made by this section shall be effective with respect to disposals made on or after the date of the enactment of this Act.

SEC. 207. ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES FOR FALSE OR MISLEADING STATEMENTS.

(a) In General.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1129 the following:

"SEC. 1129A. ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES FOR FALSE OR MISLEADING STATEMENTS.

"(a) In General.—Any person who makes, or causes to be made, a statement or representation of a material fact for use in determining any initial or continuing right to or the amount of—

"(1) monthly insurance benefits under title II; or

"(2) benefits or payments under title XVI,

that the person knows or should know is false or misleading or knows or should know omits a material fact or who makes such a statement with knowing disregard for the truth shall be subject to, in addition to any other penalties that may be prescribed by law, a penalty described in subsection (b) to be imposed by the Commissioner of Social Security.

"(b) Penalty.—The penalty described in this subsection is—

"(1) nonpayment of benefits under title II that would otherwise be payable to the person; and

"(2) ineligibility for cash benefits under title XVI,

for each month that begins during the applicable period described in subsection (c).

"(c) Duration of Penalty.—The duration of the applicable period, with respect to a determination by the Commissioner under subsection (a) that a person has engaged in conduct described in subsection (a), shall be—

"(1) six consecutive months, in the case of the first such determination with respect to the person;

"(2) twelve consecutive months, in the case of the second such determination with respect to the person; and

"(3) twenty-four consecutive months, in the case of the third or subsequent such determination with respect to the person.

"(d) Effect on Other Assistance.—A person subject to a period of nonpayment of benefits under title II or ineligibility for title XVI benefits by reason of this section nevertheless shall be considered to be eligible for and receiving such benefits, to the extent that the person would be receiving or eligible for such benefits but for the imposition of the penalty, for purposes of—

"(1) determination of the eligibility of the person for benefits under titles XVIII and XIX; and

"(2) determination of the eligibility or amount of benefits payable under title II or XVI to another person.

"(e) Definition.—In this section, the term 'benefits under title XVI' includes State supplementary payments made by the Commissioner pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93-66.

"(f) Consultations.—The Commissioner of Social Security shall consult with the Inspector General of the Social Security Administration regarding initiating actions under this section.".

(b) Conforming Amendment Precluding Delayed Retirement Credit for any Month to Which a Nonpayment of Benefits Penalty Applies.—Section 202(w)(2)(B) of such Act (42 U.S.C. 402(w)(2)(B)) is amended—

(1) by striking "and" at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting ", and"; and

(3) by adding at the end the following:

"(iii) such individual was not subject to a penalty imposed under section 1129A.".

(c) Elimination of Redundant Provision.—Section 1611(e) of such Act (42 U.S.C. 1382(e)) is amended—

(1) by striking paragraph (4);

(2) in paragraph (6)(A)(i), by striking "(5)" and inserting "(4)"; and

(3) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(d) Regulations.—Within 6 months after the date of the enactment of this Act, the Commissioner of Social Security shall develop regulations that prescribe the administrative process for making determinations under section 1129A of the Social Security Act (including when the applicable period in subsection (c) of such section shall commence), and shall provide guidance on the exercise of discretion as to whether the penalty should be imposed in particular cases.

(e) Effective Date.—The amendments made by this section shall apply to statements and representations made on or after the date of the enactment of this Act.

SEC. 208. EXCLUSION OF REPRESENTATIVES AND HEALTH CARE PROVIDERS CONVICTED OF VIOLATIONS FROM PARTICIPATION IN SOCIAL SECURITY PROGRAMS.

(a) In General.—Part A of title XI of the Social Security Act is amended by inserting before section 1137 (42 U.S.C. 1320b-7) the following:

"EXCLUSION OF REPRESENTATIVES AND HEALTH CARE PROVIDERS CONVICTED OF VIOLATIONS FROM PARTICIPATION IN SOCIAL SECURITY PROGRAMS

"Sec. 1136. (a) In General.—The Commissioner of Social Security shall exclude from participation in the social security programs any representative or health care provider—

"(1) who is convicted of a violation of section 208 or 1632 of this Act;

"(2) who is convicted of any violation under title 18, United States Code, relating to an initial application for or continuing entitlement to, or amount of, benefits under title II of this Act, or an initial application for or continuing eligibility for, or amount of, benefits under title XVI of this Act; or

"(3) who the Commissioner determines has committed an offense described in section 1129(a)(1) of this Act.

"(b) Notice, Effective Date, and Period of Exclusion.—(1) An exclusion under this section shall be effective at such time, for such period, and upon such reasonable notice to the public and to the individual excluded as may be specified in regulations consistent with paragraph (2).

"(2) Such an exclusion shall be effective with respect to services furnished to any individual on or after the effective date of the exclusion. Nothing in this section may be construed to preclude, in determining disability under title II or title XVI, consideration of any medical evidence derived from services provided by a health care provider before the effective date of the exclusion of the health care provider under this section.

"(3)(A) The Commissioner shall specify, in the notice of exclusion under paragraph (1), the period of the exclusion.

"(B) Subject to subparagraph (C), in the case of an exclusion under subsection (a), the minimum period of exclusion shall be five years, except that the Commissioner may waive the exclusion in the case of an individual who is the sole source of essential services in a community. The Commissioner's decision whether to waive the exclusion shall not be reviewable.

"(C) In the case of an exclusion of an individual under subsection (a) based on a conviction or a determination described in subsection (a)(3) occurring on or after the date of the enactment of this section, if the individual has (before, on, or after such date of the enactment) been convicted, or if such a determination has been made with respect to the individual—

"(i) on one previous occasion of one or more offenses for which an exclusion may be effected under such subsection, the period of the exclusion shall be not less than 10 years; or

"(ii) on two or more previous occasions of one or more offenses for which an exclusion may be effected under such subsection, the period of the exclusion shall be permanent.

"(c) Notice to State Agencies.—The Commissioner shall promptly notify each appropriate State agency employed for the purpose of making disability determinations under section 221 or 1633(a)—

"(1) of the fact and circumstances of each exclusion effected against an individual under this section; and

"(2) of the period (described in subsection (b)(3)) for which the State agency is directed to exclude the individual from participation in the activities of the State agency in the course of its employment.

"(d) Notice to State Licensing Agencies.—The Commissioner shall—

"(1) promptly notify the appropriate State or local agency or authority having responsibility for the licensing or certification of an individual excluded from participation under this section of the fact and circumstances of the exclusion;

"(2) request that appropriate investigations be made and sanctions invoked in accordance with applicable State law and policy; and

"(3) request that the State or local agency or authority keep the Commissioner and the Inspector General of the Social Security Administration fully and currently informed with respect to any actions taken in response to the request.

"(e) Notice, Hearing, and Judicial Review.—(1) Any individual who is excluded (or directed to be excluded) from participation under this section is entitled to reasonable notice and opportunity for a hearing thereon by the Commissioner to the same extent as is provided in section 205(b), and to judicial review of the Commissioner's final decision after such hearing as is provided in section 205(g).

"(2) The provisions of section 205(h) shall apply with respect to this section to the same extent as it is applicable with respect to title II.

"(f) Application for Termination of Exclusion.—(1) An individual excluded from participation under this section may apply to the Commissioner, in the manner specified by the Commissioner in regulations and at the end of the minimum period of exclusion provided under subsection (b)(3) and at such other times as the Commissioner may provide, for termination of the exclusion effected under this section.

"(2) The Commissioner may terminate the exclusion if the Commissioner determines, on the basis of the conduct of the applicant which occurred after the date of the notice of exclusion or which was unknown to the Commissioner at the time of the exclusion, that—

"(A) there is no basis under subsection (a) for a continuation of the exclusion; and

"(B) there are reasonable assurances that the types of actions which formed the basis for the original exclusion have not recurred and will not recur.

"(3) The Commissioner shall promptly notify each State agency employed for the purpose of making disability determinations under section 221 or 1633(a) of the fact and circumstances of each termination of exclusion made under this subsection.

"(g) Availability of Records of Excluded Representatives and Health Care Providers.—Nothing in this section shall be construed to have the effect of limiting access by any applicant or beneficiary under title II or XVI, any State agency acting under section 221 or 1633(a), or the Commissioner to records maintained by any representative or health care provider in connection with services provided to the applicant or beneficiary prior to the exclusion of such representative or health care provider under this section.

"(h) Reporting Requirement.—Any representative or health care provider participating in, or seeking to participate in, a social security program shall inform the Commissioner, in such form and manner as the Commissioner shall prescribe by regulation, whether such representative or health care provider has been convicted of a violation described in subsection (a).

"(i) Delegation of Authority.—The Commissioner may delegate authority granted by this section to the Inspector General.

"(j) Definitions.—For purposes of this section:

"(1) Exclude.—The term 'exclude' from participation means—

"(A) in connection with a representative, to prohibit from engaging in representation of an applicant for, or recipient of, benefits, as a representative payee under section 205(j) or section 1631(a)(2)(A)(ii), or otherwise as a representative, in any hearing or other proceeding relating to entitlement to benefits; and

"(B) in connection with a health care provider, to prohibit from providing items or services to an applicant for, or recipient of, benefits for the purpose of assisting such applicant or recipient in demonstrating disability.

"(2) Social security program.—The term 'social security programs' means the program providing for monthly insurance benefits under title II, and the program providing for monthly supplemental security income benefits to individuals under title XVI (including State supplementary payments made by the Commissioner pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93-66).

"(3) Convicted.—An individual is considered to have been 'convicted' of a violation—

"(A) when a judgment of conviction has been entered against the individual by a Federal, State, or local court, except if the judgment of conviction has been set aside or expunged;

"(B) when there has been a finding of guilt against the individual by a Federal, State, or local court;

"(C) when a plea of guilty or nolo contendere by the individual has been accepted by a Federal, State, or local court; or

"(D) when the individual has entered into participation in a first offender, deferred adjudication, or other arrangement or program where judgment of conviction has been withheld.".

(b) Effective Date.—The amendment made by this section shall apply with respect to convictions of violations described in paragraphs (1) and (2) of section 1136(a) of the Social Security Act and determinations described in paragraph (3) of such section occurring on or after the date of the enactment of this Act.

SEC. 209. STATE DATA EXCHANGES.

Whenever the Commissioner of Social Security requests information from a State for the purpose of ascertaining an individual's eligibility for benefits (or the correct amount of such benefits) under title II or XVI of the Social Security Act, the standards of the Commissioner promulgated pursuant to section 1106 of such Act or any other Federal law for the use, safeguarding, and disclosure of information are deemed to meet any standards of the State that would otherwise apply to the disclosure of information by the State to the Commissioner.

SEC. 210. STUDY ON POSSIBLE MEASURES TO IMPROVE FRAUD PREVENTION AND ADMINISTRATIVE PROCESSING.

(a) STUDY.—As soon as practicable after the date of the enactment of this Act, the Commissioner of Social Security, in consultation with the Inspector General of the Social Security Administration and the Attorney General, shall conduct a study of possible measures to improve—

(1) prevention of fraud on the part of individuals entitled to disability benefits under section 223 of the Social Security Act or benefits under section 202 of such Act based on the beneficiary's disability, individuals eligible for supplemental security income benefits under title XVI of such Act, and applicants for any such benefits; and

(2) timely processing of reported income changes by individuals receiving such benefits.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report that contains the results of the Commissioner's study under subsection (a). The report shall contain such recommendations for legislative and administrative changes as the Commissioner considers appropriate.

SEC. 211. ANNUAL REPORT ON AMOUNTS NECESSARY TO COMBAT FRAUD.

(a) IN GENERAL.—Section 704(b)(1) of the Social Security Act (42 U.S.C. 904(b)(1)) is amended—

(1) by inserting "(A)" after "(b)(1)"; and

(2) by adding at the end the following new subparagraph:

"(B) The Commissioner shall include in the annual budget prepared pursuant to subparagraph (A) an itemization of the amount of funds required by the Social Security Administration for the fiscal year covered by the budget to support efforts to combat fraud committed by applicants and beneficiaries.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to annual budgets prepared for fiscal years after fiscal year 1999.

SEC. 212. COMPUTER MATCHES WITH MEDICARE AND MEDICAID INSTITUTIONALIZATION DATA.

(a) IN GENERAL.—Section 1611(e)(1) of the Social Security Act (42 U.S.C. 1382(e)(1)) is amended by adding at the end the following:

"(J) For the purpose of carrying out this paragraph, the Commissioner of Social Security shall conduct periodic computer matches with data maintained by the Secretary of Health and Human Services under title XVIII or XIX. The Secretary shall furnish to the Commissioner, in such form and manner and under such terms as the Commissioner and the Secretary shall mutually agree, such information as the Commissioner may request for this purpose. Information obtained pursuant to such a match may be substituted for the physician's certification otherwise required under subparagraph (G)(i).".

(b) CONFORMING AMENDMENT.—Section 1611(e)(1)(G) of such Act (42 U.S.C. 1382(e)(1)(G)) is amended by striking "subparagraph (H)" and inserting "subparagraph (H) or (J)".

SEC. 213. ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS.

Section 1631(e)(1)(B) of the Social Security Act (42 U.S.C. 1383(e)(1)(B)) is amended—

(1) by striking "(B) The" and inserting "(B)(i) The"; and

(2) by adding at the end the following new clause:

"(ii)(I) The Commissioner of Social Security may require each applicant for, or recipient of, benefits under this title to provide authorization by the applicant or recipient (or by any other person whose income or resources are material to the determination of the eligibility of the applicant or recipient for such benefits) for the Commissioner to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1101(2) of such Act) held by the institution with respect to the applicant or recipient (or any such other person) whenever the Commissioner determines the record is needed in connection with a determination with respect to such eligibility or the amount of such benefits.

"(II) Notwithstanding section 1104(a)(1) of the Right to Financial Privacy Act, an authorization provided by an applicant or recipient (or any other person whose income or resources are material to the determination of the eligibility of the applicant or recipient) pursuant to subclause (I) of this clause shall remain effective until the earliest of—

"(aa) the rendering of a final adverse decision on the applicant's application for eligibility for benefits under this title;

"(bb) the cessation of the recipient's eligibility for benefits under this title; or

"(cc) the express revocation by the applicant or recipient (or such other person referred to in subclause (I)) of the authorization, in a written notification to the Commissioner.

"(III)(aa) An authorization obtained by the Commissioner of Social Security pursuant to this clause shall be considered to meet the requirements of the Right to Financial Privacy Act for purposes of section 1103(a) of such Act, and need not be furnished to the financial institution, notwithstanding section 1104(a) of such Act.

"(bb) The certification requirements of section 1103(b) of the Right to Financial Privacy Act shall not apply to requests by the Commissioner of Social Security pursuant to an authorization provided under this clause.

"(cc) A request by the Commissioner pursuant to an authorization provided under this clause is deemed to meet the requirements of section 1104(a)(3) of the Right to Financial Privacy Act and the flush language of section 1102 of such Act.

"(IV) The Commissioner shall inform any person who provides authorization pursuant to this clause of the duration and scope of the authorization.

"(V) If an applicant for, or recipient of, benefits under this title (or any such other person referred to in subclause (I)) refuses to provide, or revokes, any authorization made by the applicant or recipient for the Commissioner of Social Security to obtain from any financial institution any financial record, the Commissioner may, on that basis, determine that the applicant or recipient is ineligible for benefits under this title.".

Subtitle B—Benefits For Certain World War II Veterans

SEC. 251. ESTABLISHMENT OF PROGRAM OF SPECIAL BENEFITS FOR CERTAIN WORLD WAR II VETERANS.

(a) IN GENERAL.—The Social Security Act is amended by inserting after title VII the following new title:

"TITLE VIII—SPECIAL BENEFITS FOR CERTAIN WORLD WAR II VETERANS

"TABLE OF CONTENTS

"Sec. 801. Basic entitlement to benefits.
"Sec. 802. Qualified individuals.
"Sec. 803. Residence outside the United States.
"Sec. 804. Disqualifications.
"Sec. 805. Benefit amount.
"Sec. 806. Applications and furnishing of information.
"Sec. 807. Representative payees.
"Sec. 808. Overpayments and underpayments.
"Sec. 809. Hearings and review.
"Sec. 810. Other administrative provisions.
"Sec. 811. Penalties for fraud.
"Sec. 812. Definitions.
"Sec. 813. Appropriations.

"SEC. 801. BASIC ENTITLEMENT TO BENEFITS.

"Every individual who is a qualified individual under section 802 shall, in accordance with and subject to the provisions of this title, be entitled to a monthly benefit paid by the Commissioner of Social Security for each month after September 2000 (or such earlier month, if the Commissioner determines is administratively feasible) the individual resides outside the United States.

"SEC. 802. QUALIFIED INDIVIDUALS.

"Except as otherwise provided in this title, an individual—

"(1) who has attained the age of 65 on or before the date of the enactment of this title;

"(2) who is a World War II veteran;

"(3) who is eligible for a supplemental security income benefit under title XVI for—

"(A) the month in which this title is enacted; and

"(B) the month in which the individual files an application for benefits under this title;

"(4) whose total benefit income is less than 75 percent of the Federal benefit rate under title XVI;

"(5) who has filed an application for benefits under this title; and

"(6) who is in compliance with all requirements imposed by the Commissioner of Social Security under this title,

shall be a qualified individual for purposes of this title.

"SEC. 803. RESIDENCE OUTSIDE THE UNITED STATES.

"For purposes of section 801, with respect to any month, an individual shall be regarded as residing outside the United States if, on the first day of the month, the individual so resides outside the United States.

"SEC. 804. DISQUALIFICATIONS.

"(a) IN GENERAL.—Notwithstanding section 802, an individual may not be a qualified individual for any month—

"(1) that begins after the month in which the Commissioner of Social Security is notified by the Attorney General that the individual has been removed from the United States pursuant to section 237(a) or 212(a)(6)(A) of the Immigration and Nationality Act and before the month in which the individual is lawfully admitted to the United States for permanent residence;

"(2) during any part of which the individual is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the United States or the jurisdiction within the United States from which the person has fled, for a crime, or an attempt to commit a crime, that is a felony under the laws of the place from which the individual has fled, or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of such State;

"(3) during any part of which the individual violates a condition of probation or parole imposed under Federal or State law; or

"(4) during which the individual resides in a foreign country and is not a citizen or national of the United States if payments for such month to individuals residing in such country are withheld by the Treasury Department under section 3329 of title 31, United States Code.

"(b) Requirement for Attorney General.—For the purpose of carrying out subsection (a)(1), the Attorney General shall notify the Commissioner of Social Security as soon as practicable after the removal of any individual under section 237(a) or 212(a)(6)(A) of the Immigration and Nationality Act.

"SEC. 805. BENEFIT AMOUNT.

"The benefit under this title payable to a qualified individual for any month shall be in an amount equal to 75 percent of the Federal benefit rate under title XVI for the month, reduced by the amount of the qualified individual's benefit income for the month.

"SEC. 806. APPLICATIONS AND FURNISHING OF INFORMATION.

"(a) In General.—The Commissioner of Social Security shall, subject to subsection (b), prescribe such requirements with respect to the filing of applications, the furnishing of information and other material, and the reporting of events and changes in circumstances, as may be necessary for the effective and efficient administration of this title.

"(b) Verification Requirement.—The requirements prescribed by the Commissioner of Social Security under subsection (a) shall preclude any determination of entitlement to benefits under this title solely on the basis of declarations by the individual concerning qualifications or other material facts, and shall provide for verification of material information from independent or collateral sources, and the procurement of additional information as necessary in order to ensure that the benefits are provided only to qualified individuals (or their representative payees) in correct amounts.

"SEC. 807. REPRESENTATIVE PAYEES.

"(a) In General.—If the Commissioner of Social Security determines that the interest of any qualified individual under this title would be served thereby, payment of the qualified individual's benefit under this title may be made, regardless of the legal competency or incompetency of the qualified individual, either directly to the qualified individual, or for his or her benefit, to another person (the meaning of which term, for purposes of this section, includes an organization) with respect to whom the requirements of subsection (b) have been met (in this section referred to as the qualified individual's 'representative payee'). If the Commissioner of Social Security determines that a representative payee has misused any benefit paid to the representative payee pursuant to this section, section 205(j), or section 1631(a)(2), the Commissioner of Social Security shall promptly revoke the person's designation as the qualified individual's representative payee under this subsection, and shall make payment to an alternative representative payee or, if the interest of the qualified individual under this title would be served thereby, to the qualified individual.

"(b) Examination of Fitness of Prospective Representative Payee.—

"(1) Any determination under subsection (a) to pay the benefits of a qualified individual to a representative payee shall be made on the basis of—

"(A) an investigation by the Commissioner of Social Security of the person to serve as representative payee, which shall be conducted in advance of the determination and shall, to the extent practicable, include a face-to-face interview with the person (or, in the case of an organization, a representative of the organization); and

"(B) adequate evidence that the arrangement is in the interest of the qualified individual.

"(2) As part of the investigation referred to in paragraph (1), the Commissioner of Social Security shall—

"(A) require the person being investigated to submit documented proof of the identity of the person;

"(B) in the case of a person who has a social security account number issued for purposes of the program under title II or an employer identification number issued for purposes of the Internal Revenue Code of 1986, verify the number;

"(C) determine whether the person has been convicted of a violation of section 208, 811, or 1632; and

"(D) determine whether payment of benefits to the person in the capacity as representative payee has been revoked or terminated pursuant to this section, section 205(j), or section 1631(a)(2)(A)(iii) by reason of misuse of funds paid as benefits under this title, title II, or XVI, respectively.

"(c) Requirement for Maintaining Lists of Undesirable Payees.—The Commissioner of Social Security shall establish and maintain lists which shall be updated periodically and which shall be in a form that renders such lists available to the servicing offices of the Social Security Administration. The lists shall consist of—

"(1) the names and (if issued) social security account numbers or employer identification numbers of all persons with respect to whom, in the capacity of representative payee, the payment of benefits has been revoked or terminated under this section, section 205(j), or section 1631(a)(2)(A)(iii) by reason of misuse of funds paid as benefits under this title, title II, or XVI, respectively; and

"(2) the names and (if issued) social security account numbers or employer identification numbers of all persons who have been convicted of a violation of section 208, 811, or 1632.

"(d) Persons Ineligible To Serve as Representative Payees.—

"(1) In general.—The benefits of a qualified individual may not be paid to any other person pursuant to this section if—

"(A) the person has been convicted of a violation of section 208, 811, or 1632;

"(B) except as provided in paragraph (2), payment of benefits to the person in the capacity of representative payee has been revoked or terminated under this section, section 205(j), or section 1631(a)(2)(A)(ii) by reason of misuse of funds paid as benefits under this title, title II, or title XVI, respectively; or

"(C) except as provided in paragraph (2)(B), the person is a creditor of the qualified individual and provides the qualified individual with goods or services for consideration.

"(2) Exemptions.—

"(A) The Commissioner of Social Security may prescribe circumstances under which the Commissioner of Social Security may grant an exemption from paragraph (1) to any person on a case-by-case basis if the exemption is in the best interest of the qualified individual whose benefits would be paid to the person pursuant to this section.

"(B) Paragraph (1)(C) shall not apply with respect to any person who is a creditor referred to in such paragraph if the creditor is—

"(i) a relative of the qualified individual and the relative resides in the same household as the qualified individual;

"(ii) a legal guardian or legal representative of the individual;

"(iii) a facility that is licensed or certified as a care facility under the law of the political jurisdiction in which the qualified individual resides;

"(iv) a person who is an administrator, owner, or employee of a facility referred to in clause (iii), if the qualified individual resides in the facility, and the payment to the facility or the person is made only after the Commissioner of Social Security has made a good faith effort to locate an alternative representative payee to whom payment would serve the best interests of the qualified individual; or

"(v) a person who is determined by the Commissioner of Social Security, on the basis of written findings and pursuant to procedures prescribed by the Commissioner of Social Security, to be acceptable to serve as a representative payee.

"(C) The procedures referred to in subparagraph (B)(v) shall require the person who will serve as representative payee to establish, to the satisfaction of the Commissioner of Social Security, that—

"(i) the person poses no risk to the qualified individual;

"(ii) the financial relationship of the person to the qualified individual poses no substantial conflict of interest; and

"(iii) no other more suitable representative payee can be found.

"(e) Deferral of Payment Pending Appointment of Representative Payee.—

"(1) In general.—Subject to paragraph (2), if the Commissioner of Social Security makes a determination described in the first sentence of subsection (a) with respect to any qualified individual's benefit and determines that direct payment of the benefit to the qualified individual would cause substantial harm to the qualified individual, the Commissioner of Social Security may defer (in the case of initial entitlement) or suspend (in the case of existing entitlement) direct payment of the benefit to the qualified individual, until such time as the selection of a representative payee is made pursuant to this section.

"(2) Time limitation.—

"(A) In general.—Except as provided in subparagraph (B), any deferral or suspension of direct payment of a benefit pursuant to paragraph (1) shall be for a period of not more than 1 month.

"(B) Exception in the case of incompetency.—Subparagraph (A) shall not apply in any case in which the qualified individual is, as of the date of the Commissioner of Social Security's determination, legally incompetent under the laws of the jurisdiction in which the individual resides.

"(3) Payment of retroactive benefits.—Payment of any benefits which are deferred or suspended pending the selection of a representative payee shall be made to the qualified individual or the representative payee as a single sum or over such period of time as the Commissioner of Social Security determines is in the best interest of the qualified individual.

"(f) HEARING.—Any qualified individual who is dissatisfied with a determination by the Commissioner of Social Security to make payment of the qualified individual's benefit to a representative payee under subsection (a) of this section or with the designation of a particular person to serve as representative payee shall be entitled to a hearing by the Commissioner of Social Security to the same extent as is provided in section 809(a), and to judicial review of the Commissioner of Social Security's final decision as is provided in section 809(b).

"(g) NOTICE REQUIREMENTS.—

"(1) IN GENERAL.—In advance, to the extent practicable, of the payment of a qualified individual's benefit to a representative payee under subsection (a), the Commissioner of Social Security shall provide written notice of the Commissioner's initial determination to so make the payment. The notice shall be provided to the qualified individual, except that, if the qualified individual is legally incompetent, then the notice shall be provided solely to the legal guardian or legal representative of the qualified individual.

"(2) SPECIFIC REQUIREMENTS.—Any notice required by paragraph (1) shall be clearly written in language that is easily understandable to the reader, shall identify the person to be designated as the qualified individual's representative payee, and shall explain to the reader the right under subsection (f) of the qualified individual or of the qualified individual's legal guardian or legal representative—

"(A) to appeal a determination that a representative payee is necessary for the qualified individual;

"(B) to appeal the designation of a particular person to serve as the representative payee of the qualified individual; and

"(C) to review the evidence upon which the designation is based and to submit additional evidence.

"(h) ACCOUNTABILITY MONITORING.—

"(1) IN GENERAL.—In any case where payment under this title is made to a person other than the qualified individual entitled to the payment, the Commissioner of Social Security shall establish a system of accountability monitoring under which the person shall report not less often than annually with respect to the use of the payments. The Commissioner of Social Security shall establish and implement statistically valid procedures for reviewing the reports in order to identify instances in which persons are not properly using the payments.

"(2) SPECIAL REPORTS.—Notwithstanding paragraph (1), the Commissioner of Social Security may require a report at any time from any person receiving payments on behalf of a qualified individual, if the Commissioner of Social Security has reason to believe that the person receiving the payments is misusing the payments.

"(3) MAINTAINING LISTS OF PAYEES.—The Commissioner of Social Security shall maintain lists which shall be updated periodically of—

"(A) the name, address, and (if issued) the social security account number or employer identification number of each representative payee who is receiving benefit payments pursuant to this section, section 205(j), or section 1631(a)(2); and

"(B) the name, address, and social security account number of each individual for whom each representative payee is reported to be providing services as representative payee pursuant to this section, section 205(j), or section 1631(a)(2).

"(4) MAINTAINING LISTS OF AGENCIES.—The Commissioner of Social Security shall maintain lists, which shall be updated periodically, of public agencies and community-based nonprofit social service agencies which are qualified to serve as representative payees pursuant to this section and which are located in the jurisdiction in which any qualified individual resides.

"(i) RESTITUTION.—In any case where the negligent failure of the Commissioner of Social Security to investigate or monitor a representative payee results in misuse of benefits by the representative payee, the Commissioner of Social Security shall make payment to the qualified individual or the individual's alternative representative payee of an amount equal to the misused benefits. The Commissioner of Social Security shall make a good faith effort to obtain restitution from the terminated representative payee.

"SEC. 808. OVERPAYMENTS AND UNDERPAYMENTS.

"(a) IN GENERAL.—Whenever the Commissioner of Social Security finds that more or less than the correct amount of payment has been made to any person under this title, proper adjustment or recovery shall be made, as follows:

"(1) With respect to payment to a person of more than the correct amount, the Commissioner of Social Security shall decrease any payment—

"(A) under this title to which the overpaid person (if a qualified individual) is entitled, or shall require the overpaid person or his or her estate to refund the amount in excess of the correct amount, or, if recovery is not obtained under these 2 methods, shall seek or pursue recovery by means of reduction in tax refunds based on notice to the Secretary of the Treasury, as authorized under section 3720A of title 31, United States Code; or

"(B) under title II to recover the amount in excess of the correct amount, if the person is not currently eligible for payment under this title.

"(2) With respect to payment of less than the correct amount to a qualified individual who, at the time the Commissioner of Social Security is prepared to take action with respect to the underpayment—

"(A) is living, the Commissioner of Social Security shall make payment to the qualified individual (or the qualified individual's representative payee designated under section 807) of the balance of the amount due the underpaid qualified individual; or

"(B) is deceased, the balance of the amount due shall revert to the general fund of the Treasury.

"(b) NO EFFECT ON TITLE VIII ELIGIBILITY OR BENEFIT AMOUNT.—In any case in which the Commissioner of Social Security takes action in accordance with subsection (a)(1)(B) to recover an amount incorrectly paid to an individual, that individual shall not, as a result of such action—

"(1) become qualified for benefits under this title; or

"(2) if such individual is otherwise so qualified, become qualified for increased benefits under this title.

"(c) WAIVER OF RECOVERY OF OVERPAYMENT.—In any case in which more than the correct amount of payment has been made, there shall be no adjustment of payments to, or recovery by the United States from, any person who is without fault if the Commissioner of Social Security determines that the adjustment or recovery would defeat the purpose of this title or would be against equity and good conscience.

"(d) LIMITED IMMUNITY FOR DISBURSING OFFICERS.—A disbursing officer may not be held liable for any amount paid by the officer if the adjustment or recovery of the amount is waived under subsection (b), or adjustment under subsection (a) is not completed before the death of the qualified individual against whose benefits deductions are authorized.

"(e) AUTHORIZED COLLECTION PRACTICES.—

"(1) IN GENERAL.—With respect to any delinquent amount, the Commissioner of Social Security may use the collection practices described in sections 3711(e), 3716, and 3718 of title 31, United States Code, as in effect on October 1, 1994.

"(2) DEFINITION.—For purposes of paragraph (1), the term 'delinquent amount' means an amount—

"(A) in excess of the correct amount of the payment under this title; and

"(B) determined by the Commissioner of Social Security to be otherwise unrecoverable under this section from a person who is not a qualified individual under this title.

"SEC. 809. HEARINGS AND REVIEW.

"(a) HEARINGS.—

"(1) IN GENERAL.—The Commissioner of Social Security shall make findings of fact and decisions as to the rights of any individual applying for payment under this title. The Commissioner of Social Security shall provide reasonable notice and opportunity for a hearing to any individual who is or claims to be a qualified individual and is in disagreement with any determination under this title with respect to entitlement to, or the amount of, benefits under this title, if the individual requests a hearing on the matter in disagreement within 60 days after notice of the determination is received, and, if a hearing is held, shall, on the basis of evidence adduced at the hearing affirm, modify, or reverse the Commissioner of Social Security's findings of fact and the decision. The Commissioner of Social Security may, on the Commissioner of Social Security's own motion, hold such hearings and conduct such investigations and other proceedings as the Commissioner of Social Security deems necessary or proper for the administration of this title. In the course of any hearing, investigation, or other proceeding, the Commissioner may administer oaths and affirmations, examine witnesses, and receive evidence. Evidence may be received at any hearing before the Commissioner of Social Security even though inadmissible under the rules of evidence applicable to court procedure. The Commissioner of Social Security shall specifically take into account any physical, mental, educational, or linguistic limitation of the individual (including any lack of facility with the English language) in determining, with respect to the entitlement of the individual for benefits under this title, whether the individual acted in good faith or was at fault, and in determining fraud, deception, or intent.

"(2) EFFECT OF FAILURE TO TIMELY REQUEST REVIEW.—A failure to timely request review of an initial adverse determination with respect to an application for any payment under this title or an adverse determination on reconsideration of such an initial determination shall not serve as a basis for denial of a subsequent application for any payment under this title if the applicant demonstrates that the applicant failed to so request such a review acting in good faith reliance upon incorrect, incomplete, or misleading information, relating to the consequences of reapplying for payments in lieu of seeking review of an adverse determination, provided by any officer or employee of the Social Security Administration.

"(3) NOTICE REQUIREMENTS.—In any notice of an adverse determination with respect to which a review may be requested under paragraph (1), the Commissioner of Social Security shall describe in clear and specific language the effect on possible entitlement to benefits under this title of choosing to reapply in lieu of requesting review of the determination.

"(b) JUDICIAL REVIEW.—The final determination of the Commissioner of Social Security after a hearing under subsection (a)(1) shall be subject to judicial review as provided in section 205(g) to the same extent as the Commissioner of Social Security's final determinations under section 205.

"SEC. 810. OTHER ADMINISTRATIVE PROVISIONS.

"(a) REGULATIONS AND ADMINISTRATIVE ARRANGEMENTS.—The Commissioner of Social Security may prescribe such regulations, and make such administrative and other arrangements, as may be necessary or appropriate to carry out this title.

"(b) PAYMENT OF BENEFITS.—Benefits under this title shall be paid at such time or times and in such installments as the Commissioner of Social Security determines are in the interests of economy and efficiency.

"(c) ENTITLEMENT REDETERMINATIONS.—An individual's entitlement to benefits under this title, and the amount of the benefits, may be redetermined at such time or times as the Commissioner of Social Security determines to be appropriate.

"(d) SUSPENSION AND TERMINATION OF BENEFITS.—Regulations prescribed by the Commissioner of Social Security under subsection (a) may provide for the suspension and termination of entitlement to benefits under this title as the Commissioner determines is appropriate.

"SEC. 811. PENALTIES FOR FRAUD.

"(a) IN GENERAL.—Whoever—

"(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in an application for benefits under this title;

"(2) at any time knowingly and willfully makes or causes to be made any false statement or representation of a material fact for use in determining any right to the benefits;

"(3) having knowledge of the occurrence of any event affecting—

"(A) his or her initial or continued right to the benefits; or

"(B) the initial or continued right to the benefits of any other individual in whose behalf he or she has applied for or is receiving the benefit,

conceals or fails to disclose the event with an intent fraudulently to secure the benefit either in a greater amount or quantity than is due or when no such benefit is authorized; or

"(4) having made application to receive any such benefit for the use and benefit of another and having received it, knowingly and willfully converts the benefit or any part thereof to a use other than for the use and benefit of the other individual,

shall be fined under title 18, United States Code, imprisoned not more than 5 years, or both.

"(b) RESTITUTION BY REPRESENTATIVE PAYEE.—If a person or organization violates subsection (a) in the person's or organization's role as, or in applying to become, a representative payee under section 807 on behalf of a qualified individual, and the violation includes a willful misuse of funds by the person or entity, the court may also require that full or partial restitution of funds be made to the qualified individual.

"SEC. 812. DEFINITIONS.

"In this title:

"(1) WORLD WAR II VETERAN.—The term 'World War II veteran' means a person who—

"(A) served during World War II—

"(i) in the active military, naval, or air service of the United States during World War II; or

"(ii) in the organized military forces of the Government of the Commonwealth of the Philippines, while the forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among the military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States, in any case in which the service was rendered before December 31, 1946; and

"(B) was discharged or released therefrom under conditions other than dishonorable—

"(i) after service of 90 days or more; or

"(ii) because of a disability or injury incurred or aggravated in the line of active duty.

"(2) WORLD WAR II.—The term 'World War II' means the period beginning on September 16, 1940, and ending on July 24, 1947.

"(3) SUPPLEMENTAL SECURITY INCOME BENEFIT UNDER TITLE XVI.—The term 'supplemental security income benefit under title XVI', except as otherwise provided, includes State supplementary payments which are paid by the Commissioner of Social Security pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93-66.

"(4) FEDERAL BENEFIT RATE UNDER TITLE XVI.—The term 'Federal benefit rate under title XVI' means, with respect to any month, the amount of the supplemental security income cash benefit (not including any State supplementary payment which is paid by the Commissioner of Social Security pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93–66) payable under title XVI for the month to an eligible individual with no income.

"(5) UNITED STATES.—The term 'United States' means, notwithstanding section 1101(a)(1), only the 50 States, the District of Columbia, and the Commonwealth of the Northern Mariana Islands.

"(6) BENEFIT INCOME.—The term 'benefit income' means any recurring payment received by a qualified individual as an annuity, pension, retirement, or disability benefit (including any veterans' compensation or pension, workmen's compensation payment, old-age, survivors, or disability insurance benefit, railroad retirement annuity or pension, and unemployment insurance benefit), but only if a similar payment was received by the individual from the same (or a related) source during the 12-month period preceding the month in which the individual files an application for benefits under this title.

"SEC. 813. APPROPRIATIONS.

"There are hereby appropriated for fiscal year 2000 and subsequent fiscal years, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this title.".

(b) CONFORMING AMENDMENTS.—

(1) SOCIAL SECURITY TRUST FUNDS LAE ACCOUNT.—Section 201(g) of such Act (42 U.S.C. 401(g)) is amended—

(A) in the fourth sentence of paragraph (1)(A), by inserting after "this title," the following: "title VIII,";

(B) in paragraph (1)(B)(i)(I), by inserting after "this title," the following: "title VIII,"; and

(C) in paragraph (1)(C)(i), by inserting after "this title," the following: "title VIII,".

(2) REPRESENTATIVE PAYEE PROVISIONS OF TITLE II.—Section 205(j) of such Act (42 U.S.C. 405(j)) is amended—

(A) in paragraph (1)(A), by inserting "807 or" before "1631(a)(2)";

(B) in paragraph (2)(B)(i)(I), by inserting ", title VIII," before "or title XVI";

(C) in paragraph (2)(B)(i)(III), by inserting ", 811," before "or 1632";

(D) in paragraph (2)(B)(i)(IV)—

(i) by inserting ", the designation of such 'person as a representative payee has been revoked pursuant to section 807(a)," before "or payment of benefits"; and

(ii) by inserting ", title VIII," before "or title XVI";

(E) in paragraph (2)(B)(ii)(I)—

(i) by inserting "whose designation as a representative payee has been revoked pursuant to section 807(a)," before "or with respect to whom"; and

(ii) by inserting ", title VIII," before "or title XVI";

(F) in paragraph (2)(B)(ii)(II), by inserting ", 811," before "or 1632";

(G) in paragraph (2)(C)(i)(II), by inserting ", the designation of such person as a representative payee has been revoked pursuant to section 807(a)," before "or payment of benefits";

(H) in each of clauses (i) and (ii) of paragraph (3)(E), by inserting ", section 807," before "or section 1631(a)(2)";

(I) in paragraph (3)(F), by inserting "807 or" before "1631(a)(2)"; and

(J) in paragraph (4)(B)(i), by inserting "807 or" before "1631(a)(2)".

(3) WITHHOLDING FOR CHILD SUPPORT AND ALIMONY OBLIGATIONS.—Section 459(h)(1)(A) of such Act (42 U.S.C. 659(h)(1)(A)) is amended—

(A) at the end of clause (iii), by striking "and";

(B) at the end of clause (iv), by striking "but" and inserting "and"; and

(C) by adding at the end a new clause as follows:

"(v) special benefits for certain World War II veterans payable under title VIII; but".

(4) SOCIAL SECURITY ADVISORY BOARD.—Section 703(b) of such Act (42 U.S.C. 903(b)) is amended by striking "title II" and inserting "title II, the program of special benefits for certain World War II veterans under title VIII,".

(5) DELIVERY OF CHECKS.—Section 708 of such Act (42 U.S.C. 908) is amended—

(A) in subsection (a), by striking "title II" and inserting "title II, title VIII,"; and

(B) in subsection (b), by striking "title II" and inserting "title II, title VIII,".

(6) CIVIL MONETARY PENALTIES.—Section 1129 of such Act (42 U.S.C. 1320a–8) is amended—

(A) in the title, by striking "II" and inserting "II, VIII";

(B) in subsection (a)(1)—

(i) by striking "or" at the end of subparagraph (A);

(ii) by redesignating subparagraph (B) as subparagraph (C); and

(iii) by inserting after subparagraph (A) the following new subparagraph:

"(B) benefits or payments under title VIII, or";

(C) in subsection (a)(2), by inserting "or title VIII," after "title II";

(D) in subsection (e)(1)(C)—

(i) by striking "or" at the end of clause (i);

(ii) by redesignating clause (ii) as clause (iii); and

(iii) by inserting after clause (i) the following new clause:

"(ii) by decrease of any payment under title VIII to which the person is entitled, or";

(E) in subsection (e)(2)(B), by striking "title XVI" and inserting "title VIII or XVI"; and

(F) in subsection (l), by striking "title XVI" and inserting "title VIII or XVI".

(7) RECOVERY OF SSI OVERPAYMENTS.—Section 1147 of such Act (42 U.S.C. 1320b–17) is amended—

(A) in subsection (a)(1)—

(i) by inserting "or VIII" after "title II" the first place it appears; and

(ii) by striking "title II" the second place it appears and inserting "such title"; and

(B) in the heading, by striking "SOCIAL SECURITY" and inserting "OTHER".

(8) RECOVERY OF SOCIAL SECURITY OVERPAYMENTS.—Part A of title XI of the Social Security Act is amended by inserting after section 1147 (42 U.S.C. 1320b–17) the following new section:

"RECOVERY OF SOCIAL SECURITY BENEFIT OVERPAYMENTS FROM TITLE VIII BENEFITS

"SEC. 1147A. Whenever the Commissioner of Social Security determines that more than the correct amount of any payment has been made under title II to an individual who is not currently receiving benefits under that title but who is receiving benefits under title VIII, the Commissioner may recover the amount incorrectly paid under title II by decreasing any amount which is payable to the individual under title VIII.".

(9) REPRESENTATIVE PAYEE PROVISIONS OF TITLE XVI.—Section 1631(a)(2) of such Act (42 U.S.C. 1383(a)(2)) is amended—

(A) in subparagraph (A)(iii), by inserting "or 807" after "205(j)(1)";

(B) in subparagraph (B)(ii)(I), by inserting ", title VIII," before "or this title";

(C) in subparagraph (B)(ii)(III), by inserting ", 811," before "or 1632";

(D) in subparagraph (B)(ii)(IV)—

(i) by inserting "whether the designation of such person as a representative payee has been revoked pursuant to section 807(a)," before "and whether certification"; and

(ii) by inserting ", title VIII," before "or this title";

(E) in subparagraph (B)(iii)(II), by inserting "the designation of such person as a representative payee has been revoked pursuant to section 807(a)," before "or certification"; and

(F) in subparagraph (D)(ii)(II)(aa), by inserting "or 807" after "205(j)(4)".

(10) ADMINISTRATIVE OFFSET.—Section 3716(c)(3)(C) of title 31, United States Code, is amended—

(A) by striking "sections 205(b)(1)" and inserting "sections 205(b)(1), 809(a)(1),"; and

(B) by striking "either title II" and inserting "title II, VIII,".

Subtitle C—Study

SEC. 261. STUDY OF DENIAL OF SSI BENEFITS FOR FAMILY FARMERS.

(a) IN GENERAL.—The Commissioner of Social Security shall conduct a study of the reasons why family farmers with resources of less than $100,000 are denied supplemental security income benefits under title XVI of the Social Security Act, including whether the deeming process unduly burdens and discriminates against family farmers who do not institutionalize a disabled dependent, and shall determine the number of such farmers who have been denied such benefits during each of the preceding 10 years.

(b) REPORT TO THE CONGRESS.—Within 1 year after the date of the enactment of this Act, the Commissioner of Social Security shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that contains the results of the study, and the determination, required by subsection (a).

TITLE III—CHILD SUPPORT

SEC. 301. NARROWING OF HOLD-HARMLESS PROVISION FOR STATE SHARE OF DISTRIBUTION OF COLLECTED CHILD SUPPORT.

(a) IN GENERAL.—Section 457(d) of the Social Security Act (42 U.S.C. 657(d)) is amended to read as follows:

"(d) HOLD HARMLESS PROVISION.—If—

"(1) the State share of amounts collected in the fiscal year which could be retained to reimburse the State for amounts paid to families as assistance by the State is less than the State share of such amounts collected in fiscal year 1995 (determined in accordance with section 457 as in effect on August 21, 1996); and

"(2)(A) the State has distributed to families that include an adult receiving assistance under the program under part A at least 80 percent of the current support payments collected during the preceding fiscal year on behalf of such families, and the amounts distributed were disregarded in determining the amount or type of assistance provided under the program under part A; or

"(B) the State has distributed to families that formerly received assistance under the program under part A the State share of the amounts collected pursuant to section 464 that could have been retained as reimbursement for assistance paid to such families,

then the State share otherwise determined for the fiscal year shall be increased by an amount equal to ½ of the amount (if any) by which the State share for fiscal year 1995 exceeds the State share for the fiscal year (determined without regard to this subsection).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective with respect to calendar quarters occurring during the period that begins on October 1, 1998, and ends on September 30, 2001.

(c) REPEAL.—Effective October 1, 2001, section 457 of the Social Security Act (42 U.S.C. 657) is amended—

(1) in subsection (a), by striking "subsections (e) and (f)" and inserting "subsections (d) and (e)";

(2) by striking subsection (d);

(3) in subsection (e), by striking the second sentence; and

(4) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

TITLE IV—TECHNICAL CORRECTIONS

SEC. 401. TECHNICAL CORRECTIONS RELATING TO AMENDMENTS MADE BY THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.

(a) Section 402(a)(1)(B)(iv) of the Social Security Act (42 U.S.C. 602(a)(1)(B)(iv)) is amended by striking "Act" and inserting "section".

(b) Section 409(a)(7)(B)(i)(II) of the Social Security Act (42 U.S.C. 609(a)(7)(B)(i)(II)) is amended by striking "part" and inserting "section".

(c) Section 413(g)(1) of the Social Security Act (42 U.S.C. 613(g)(1)) is amended by striking "Act" and inserting "section".

(d) Section 416 of the Social Security Act (42 U.S.C. 616) is amended by striking "Opportunity Act" and inserting "Opportunity Reconciliation Act" each place such term appears.

(e) Section 431(a)(6) of the Social Security Act (42 U.S.C. 629a(a)(6))) is amended—

(1) by inserting ", as in effect before August 22, 1986" after "482(i)(5)"; and

(2) by inserting ", as so in effect" after "482(i)(7)(A)".

(f) Sections 452(a)(7) and 466(c)(2)(A)(i) of the Social Security Act (42 U.S.C. 652(a)(7) and 666(c)(2)(A)(i)) are each amended by striking "Social Security" and inserting "social security".

(g) Section 454 of the Social Security Act (42 U.S.C. 654) is amended—

(1) by striking ", or" at the end of each of paragraphs (6)(E)(i) and (19)(B)(i) and inserting "; or";

(2) in paragraph (9), by striking the comma at the end of each of subparagraphs (A), (B), and (C) and inserting a semicolon; and

(3) by striking ", and" at the end of each of paragraphs (19)(A) and (24)(A) and inserting "; and".

(h) Section 454(24)(B) of the Social Security Act (42 U.S.C. 654(24)(B)) is amended by striking "Opportunity Act" and inserting "Opportunity Reconciliation Act".

(i) Section 344(b)(1)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2236) is amended to read as follows:

"(A) in paragraph (1), by striking subparagraph (B) and inserting the following:

'(B) equal to the percent specified in paragraph (3) of the sums expended during such quarter that are attributable to the planning, design, development, installation or enhancement of an automatic data processing and information retrieval system (including in such sums the full cost of the hardware components of such system); and'; and".

(j) Section 457(a)(2)(B)(i)(I) of the Social Security Act (42 U.S.C. 657(a)(2)(B)(i)(I)) is amended by striking "Act Reconciliation" and inserting "Reconciliation Act".

(k) Section 457 of the Social Security Act (42 U.S.C. 657) is amended by striking "Opportunity Act" each place it appears and inserting "Opportunity Reconciliation Act".

(l) Effective on the date of the enactment of this Act, section 404(e) of the Social Security Act (42 U.S.C. 604(e)) is amended by inserting "or tribe" after "State" the first and second places it appears, and by inserting "or tribal" after "State" the third place it appears.

(m) Section 466(a)(7)(A) of the Social Security Act (42 U.S.C. 666(a)(7)(A)) is amended by striking "1681a(f))" and inserting "1681a(f)))".

(n) Section 466(b)(6)(A) of the Social Security Act (42 U.S.C. 666(b)(6)(A)) is amended by striking "state" and inserting "State".

(o) Section 471(a)(8) of the Social Security Act (42 U.S.C. 671(a)(8)) is amended by striking "(including activities under part F)".

(p) Section 1137(a)(3) of the Social Security Act (42 U.S.C. 1320b–7(a)(3)) is amended by striking "453A(a)(2)(B)(iii))" and inserting "453A(a)(2)(B)(ii)))".

(q) Except as provided in subsection (l), the amendments made by this section shall take effect as if included in the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2105).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HEALTHCARE RESEARCH AND QUALITY ACT OF 1999

Mr. BLILEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 580) to amend title IX of the Public Health Service Act to revise and extend the Agency for Healthcare Policy and Research, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Mr. BROWN of Ohio. Mr. Speaker, reserving the right to object, I yield to the gentleman from Virginia (Mr. BLILEY) for an explanation of his unanimous consent request.

Mr. BLILEY. Mr. Speaker, I thank the gentleman from Ohio for yielding to me.

Mr. Speaker, S. 580 reauthorizes and renames the Agency for Healthcare Policy and Research as the agency for Health Research and Quality, AHRQ. It also refocuses the Agency's mission, which is to conduct and support research on the quality, outcomes, cost, and utilization of healthcare services, and access to those services.

The agency will promote quality by sharing information, build public-private partnerships to advance and share quality measures, report annually to Congress on the state of quality in the Nation, support the evaluation of state-of-the-art information systems for healthcare quality, support primary care and access in underserved areas, facilitate innovation in patient care with streamlined assessment of new technologies, coordinate quality improvement efforts to avoid duplication, and facilitate utilization of preventative health services.

The bill also authorizes appropriations for pediatric graduate medical education in children's hospitals. These represent important reforms.

Mr. Speaker, I urge my colleagues to support this request.

Mr. BROWN of Ohio. Mr. Speaker, further reserving my right to object, with that explanation, I want to associate myself with the remarks of the gentleman from Virginia (Mr. BLILEY) to let my colleagues know that I support the adoption of S. 580.

I am particularly pleased because one of the key provisions in this bill is the Graduate Medical Education Funding for children's hospitals. They will receive actual dollars in fiscal year 2000 if this authorization is enacted. We have worked in a bipartisan manner in this bill, and I am glad to see its inclusion.

HCPR is needed to study key health care issues as we go into the next century. These issues include access, cost, quality, and equity in virtually all aspects of the health care system.

The true bipartisanship exhibited by the gentleman from Virginia (Mr. BLILEY), the gentleman from Florida (Mr. BILIRAKIS), his staff, the Senate, particularly the efforts of Senators JEFFORDS, FRIST, KENNEDY, and their staff, especially the efforts of Ellie Dehoney in my office.

Mr. Speaker, I recommend that this bill be adopted by unanimous consent in the House of Representatives.

Mr. BILIRAKIS. Mr. Speaker, I am pleased to support consideration of S. 580, the Healthcare Research and Quality Act of 1999 by the House today. I introduced H.R. 2506 in the House on September 14, 1999. Following approval by my Subcommittee and the full Commerce Committee, the House voted overwhelmingly to pass H.R. 2506 on September 28, 1999.

Late last week, the Senate passed S. 580 by unanimous consent. The bill before us today represents a bipartisan agreement between the House and Senate authorizing committees on a compromise version of the bills previously approved by each body. This widely supported, bipartisan measure is critical to improving the quality of health care in this country. The "Healthcare Research and Quality Act of 1999" will significantly increase health care research and science-based evidence to improve the quality of patient care.

S. 580 reauthorizes the Agency for Health Care Policy and Research (AHCPR) for fiscal years 2000–2005, renames it as the "Agency for Healthcare Research and Quality," and refocuses the agency's mission to become a focal point, and partner to the private sector, in supporting of health care research and quality improvement activities.

Equally important, the bill authorizes critical funding for our nation's children's hospitals. I was pleased to support the adoption of these provisions when this bill was previously considered by the House. Passage of this legislation today is an important step in ensuring that America's children's hospitals receive the resources that they need.

Mr. BROWN of Ohio. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 580

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Healthcare Research and Quality Act of 1999".

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

(a) IN GENERAL.—Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended to read as follows:

"TITLE IX—AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

"PART A—ESTABLISHMENT AND GENERAL DUTIES

"SEC. 901. MISSION AND DUTIES.

"(a) IN GENERAL.—There is established within the Public Health Service an agency to be known as the Agency for Healthcare Research and Quality, which shall be headed by a director appointed by the Secretary. The Secretary shall carry out this title acting through the Director.

"(b) MISSION.—The purpose of the Agency is to enhance the quality, appropriateness, and effectiveness of health services, and access to such services, through the establishment of a broad base of scientific research and through the promotion of improvements in clinical and health system practices, including the prevention of diseases and other health conditions. The Agency shall promote health care quality improvement by conducting and supporting—

"(1) research that develops and presents scientific evidence regarding all aspects of health care, including—

"(A) the development and assessment of methods for enhancing patient participation in their own care and for facilitating shared patient-physician decision-making;

"(B) the outcomes, effectiveness, and cost-effectiveness of health care practices, including preventive measures and long-term care;

"(C) existing and innovative technologies;

"(D) the costs and utilization of, and access to health care;

"(E) the ways in which health care services are organized, delivered, and financed and the interaction and impact of these factors on the quality of patient care;

"(F) methods for measuring quality and strategies for improving quality; and

"(G) ways in which patients, consumers, purchasers, and practitioners acquire new information about best practices and health benefits, the determinants and impact of their use of this information;

"(2) the synthesis and dissemination of available scientific evidence for use by patients, consumers, practitioners, providers, purchasers, policy makers, and educators; and

"(3) initiatives to advance private and public efforts to improve health care quality.

"(c) REQUIREMENTS WITH RESPECT TO RURAL AND INNER-CITY AREAS AND PRIORITY POPULATIONS.—

"(1) RESEARCH, EVALUATIONS AND DEMONSTRATION PROJECTS.—In carrying out this title, the Director shall conduct and support research and evaluations, and support demonstration projects, with respect to—

"(A) the delivery of health care in inner-city areas, and in rural areas (including frontier areas); and

"(B) health care for priority populations, which shall include—

"(i) low-income groups;

"(ii) minority groups;

"(iii) women;

"(iv) children;

"(v) the elderly; and

"(vi) individuals with special health care needs, including individuals with disabilities and individuals who need chronic care or end-of-life health care.

"(2) PROCESS TO ENSURE APPROPRIATE RESEARCH.—The Director shall establish a process to ensure that the requirements of paragraph (1) are reflected in the overall portfolio of research conducted and supported by the Agency.

"(3) OFFICE OF PRIORITY POPULATIONS.—The Director shall establish an Office of Priority Populations to assist in carrying out the requirements of paragraph (1).

"SEC. 902. GENERAL AUTHORITIES.

"(a) IN GENERAL.—In carrying out section 901(b), the Director shall conduct and support research, evaluations, and training, support demonstration projects, research networks, and multi-disciplinary centers, provide technical assistance, and disseminate information on health care and on systems for the delivery of such care, including activities with respect to—

“(1) the quality, effectiveness, efficiency, appropriateness and value of health care services;

“(2) quality measurement and improvement;

“(3) the outcomes, cost, cost-effectiveness, and use of health care services and access to such services;

“(4) clinical practice, including primary care and practice-oriented research;

“(5) health care technologies, facilities, and equipment;

“(6) health care costs, productivity, organization, and market forces;

“(7) health promotion and disease prevention, including clinical preventive services;

“(8) health statistics, surveys, database development, and epidemiology; and

“(9) medical liability.

“(b) Health Services Training Grants.—

“(1) In general.—The Director may provide training grants in the field of health services research related to activities authorized under subsection (a), to include pre- and post-doctoral fellowships and training programs, young investigator awards, and other programs and activities as appropriate. In carrying out this subsection, the Director shall make use of funds made available under section 487(d)(3) as well as other appropriated funds.

“(2) Requirements.—In developing priorities for the allocation of training funds under this subsection, the Director shall take into consideration shortages in the number of trained researchers who are addressing health care issues for the priority populations identified in section 901(c)(1)(B) and in addition, shall take into consideration indications of long-term commitment, amongst applicants for training funds, to addressing health care needs of the priority populations.

“(c) Multidisciplinary Centers.—The Director may provide financial assistance to assist in meeting the costs of planning and establishing new centers, and operating existing and new centers, for multidisciplinary health services research, demonstration projects, evaluations, training, and policy analysis with respect to the matters referred to in subsection (a).

“(d) Relation to Certain Authorities Regarding Social Security.—Activities authorized in this section shall be appropriately coordinated with experiments, demonstration projects, and other related activities authorized by the Social Security Act and the Social Security Amendments of 1967. Activities under subsection (a)(2) of this section that affect the programs under titles XVIII, XIX and XXI of the Social Security Act shall be carried out consistent with section 1142 of such Act.

“(e) Disclaimer.—The Agency shall not mandate national standards of clinical practice or quality health care standards. Recommendations resulting from projects funded and published by the Agency shall include a corresponding disclaimer.

“(f) Rule of Construction.—Nothing in this section shall be construed to imply that the Agency's role is to mandate a national standard or specific approach to quality measurement and reporting. In research and quality improvement activities, the Agency shall consider a wide range of choices, providers, health care delivery systems, and individual preferences.

“(g) Annual Report.—Beginning with fiscal year 2003, the Director shall annually submit to the Congress a report regarding prevailing disparities in health care delivery as it relates to racial factors and socioeconomic factors in priority populations.

“PART B—HEALTH CARE IMPROVEMENT RESEARCH

“SEC. 911. HEALTH CARE OUTCOME IMPROVEMENT RESEARCH.

“(a) Evidence Rating Systems.—In collaboration with experts from the public and private sector, the Agency shall identify and disseminate methods or systems to assess health care research results, particularly methods or systems to rate the strength of the scientific evidence underlying health care practice, recommendations in the research literature, and technology assessments. The Agency shall make methods or systems for evidence rating widely available. Agency publications containing health care recommendations shall indicate the level of substantiating evidence using such methods or systems.

“(b) Health Care Improvement Research Centers and Provider-Based Research Networks.—

“(1) In general.—In order to address the full continuum of care and outcomes research, to link research to practice improvement, and to speed the dissemination of research findings to community practice settings, the Agency shall employ research strategies and mechanisms that will link research directly with clinical practice in geographically diverse locations throughout the United States, including—

“(A) health care improvement research centers that combine demonstrated multidisciplinary expertise in outcomes or quality improvement research with linkages to relevant sites of care;

“(B) provider-based research networks, including plan, facility, or delivery system sites of care (especially primary care), that can evaluate outcomes and evaluate and promote quality improvement; and

“(C) other innovative mechanisms or strategies to link research with clinical practice.

“(2) Requirements.—The Director is authorized to establish the requirements for entities applying for grants under this subsection.

“SEC. 912. PRIVATE-PUBLIC PARTNERSHIPS TO IMPROVE ORGANIZATION AND DELIVERY.

“(a) Support for Efforts To Develop Information on Quality.—

“(1) Scientific and technical support.—In its role as the principal agency for health care research and quality, the Agency may provide scientific and technical support for private and public efforts to improve health care quality, including the activities of accrediting organizations.

“(2) Role of the agency.—With respect to paragraph (1), the role of the Agency shall include—

“(A) the identification and assessment of methods for the evaluation of the health of—

“(i) enrollees in health plans by type of plan, provider, and provider arrangements; and

“(ii) other populations, including those receiving long-term care services;

“(B) the ongoing development, testing, and dissemination of quality measures, including measures of health and functional outcomes;

“(C) the compilation and dissemination of health care quality measures developed in the private and public sector;

“(D) assistance in the development of improved health care information systems;

“(E) the development of survey tools for the purpose of measuring participant and beneficiary assessments of their health care; and

“(F) identifying and disseminating information on mechanisms for the integration of information on quality into purchaser and consumer decision-making processes.

“(b) Centers for Education and Research on Therapeutics.—

“(1) In general.—The Secretary, acting through the Director and in consultation with the Commissioner of Food and Drugs, shall establish a program for the purpose of making one or more grants for the establishment and operation of one or more centers to carry out the activities specified in paragraph (2).

“(2) Required activities.—The activities referred to in this paragraph are the following:

“(A) The conduct of state-of-the-art research for the following purposes:

“(i) To increase awareness of—

“(I) new uses of drugs, biological products, and devices;

“(II) ways to improve the effective use of drugs, biological products, and devices; and

“(III) risks of new uses and risks of combinations of drugs and biological products.

“(ii) To provide objective clinical information to the following individuals and entities:

“(I) Health care practitioners and other providers of health care goods or services.

“(II) Pharmacists, pharmacy benefit managers and purchasers.

“(III) Health maintenance organizations and other managed health care organizations.

“(IV) Health care insurers and governmental agencies.

“(V) Patients and consumers.

“(iii) To improve the quality of health care while reducing the cost of health care through—

“(I) an increase in the appropriate use of drugs, biological products, or devices; and

“(II) the prevention of adverse effects of drugs, biological products, and devices and the consequences of such effects, such as unnecessary hospitalizations.

“(B) The conduct of research on the comparative effectiveness, cost-effectiveness, and safety of drugs, biological products, and devices.

“(C) Such other activities as the Secretary determines to be appropriate, except that a grant may not be expended to assist the Secretary in the review of new drugs, biological products, and devices.

“(c) Reducing Errors in Medicine.—The Director shall conduct and support research and build private-public partnerships to—

“(1) identify the causes of preventable health care errors and patient injury in health care delivery;

“(2) develop, demonstrate, and evaluate strategies for reducing errors and improving patient safety; and

“(3) disseminate such effective strategies throughout the health care industry.

“SEC. 913. INFORMATION ON QUALITY AND COST OF CARE.

“(a) In General.—The Director shall—

“(1) conduct a survey to collect data on a nationally representative sample of the population on the cost, use and, for fiscal year 2001 and subsequent fiscal years, quality of health care, including the types of health care services Americans use, their access to health care services, frequency of use, how much is paid for the services used, the source of those payments, the types and costs of private health insurance, access, satisfaction, and quality of care for the general population including rural residents and also for populations identified in section 901(c); and

"(2) develop databases and tools that provide information to States on the quality, access, and use of health care services provided to their residents.

"(b) Quality and Outcomes Information.—

"(1) In general.—Beginning in fiscal year 2001, the Director shall ensure that the survey conducted under subsection (a)(1) will—

"(A) identify determinants of health outcomes and functional status, including the health care needs of populations identified in section 901(c), provide data to study the relationships between health care quality, outcomes, access, use, and cost, measure changes over time, and monitor the overall national impact of Federal and State policy changes on health care;

"(B) provide information on the quality of care and patient outcomes for frequently occurring clinical conditions for a nationally representative sample of the population including rural residents; and

"(C) provide reliable national estimates for children and persons with special health care needs through the use of supplements or periodic expansions of the survey.

In expanding the Medical Expenditure Panel Survey, as in existence on the date of the enactment of this title in fiscal year 2001 to collect information on the quality of care, the Director shall take into account any outcomes measurements generally collected by private sector accreditation organizations.

"(2) Annual report.—Beginning in fiscal year 2003, the Secretary, acting through the Director, shall submit to Congress an annual report on national trends in the quality of health care provided to the American people.

"SEC. 914. INFORMATION SYSTEMS FOR HEALTH CARE IMPROVEMENT.

"(a) In General.—In order to foster a range of innovative approaches to the management and communication of health information, the Agency shall conduct and support research, evaluations, and initiatives to advance—

"(1) the use of information systems for the study of health care quality and outcomes, including the generation of both individual provider and plan-level comparative performance data;

"(2) training for health care practitioners and researchers in the use of information systems;

"(3) the creation of effective linkages between various sources of health information, including the development of information networks;

"(4) the delivery and coordination of evidence-based health care services, including the use of real-time health care decision-support programs;

"(5) the utility and comparability of health information data and medical vocabularies by addressing issues related to the content, structure, definitions and coding of such information and data in consultation with appropriate Federal, State and private entities;

"(6) the use of computer-based health records in all settings for the development of personal health records for individual health assessment and maintenance, and for monitoring public health and outcomes of care within populations; and

"(7) the protection of individually identifiable information in health services research and health care quality improvement.

"(b) Demonstration.—The Agency shall support demonstrations into the use of new information tools aimed at improving shared decision-making between patients and their care-givers.

"(c) Facilitating Public Access to Information.—The Director shall work with appropriate public and private sector entities to facilitate public access to information regarding the quality of and consumer satisfaction with health care.

"SEC. 915. RESEARCH SUPPORTING PRIMARY CARE AND ACCESS IN UNDERSERVED AREAS.

"(a) Preventive Services Task Force.—

"(1) Establishment and purpose.—The Director may periodically convene a Preventive Services Task Force to be composed of individuals with appropriate expertise. Such a task force shall review the scientific evidence related to the effectiveness, appropriateness, and cost-effectiveness of clinical preventive services for the purpose of developing recommendations for the health care community, and updating previous clinical preventive recommendations.

"(2) Role of agency.—The Agency shall provide ongoing administrative, research, and technical support for the operations of the Preventive Services Task Force, including coordinating and supporting the dissemination of the recommendations of the Task Force.

"(3) Operation.—In carrying out its responsibilities under paragraph (1), the Task Force is not subject to the provisions of Appendix 2 of title 5, United States Code.

"(b) Primary Care Research.—

"(1) In general.—There is established within the Agency a Center for Primary Care Research (referred to in this subsection as the 'Center') that shall serve as the principal source of funding for primary care practice research in the Department of Health and Human Services. For purposes of this paragraph, primary care research focuses on the first contact when illness or health concerns arise, the diagnosis, treatment or referral to specialty care, preventive care, and the relationship between the clinician and the patient in the context of the family and community.

"(2) Research.—In carrying out this section, the Center shall conduct and support research concerning—

"(A) the nature and characteristics of primary care practice;

"(B) the management of commonly occurring clinical problems;

"(C) the management of undifferentiated clinical problems; and

"(D) the continuity and coordination of health services.

"SEC. 916. HEALTH CARE PRACTICE AND TECHNOLOGY INNOVATION.

"(a) In General.—The Director shall promote innovation in evidence-based health care practices and technologies by—

"(1) conducting and supporting research on the development, diffusion, and use of health care technology;

"(2) developing, evaluating, and disseminating methodologies for assessments of health care practices and technologies;

"(3) conducting intramural and supporting extramural assessments of existing and new health care practices and technologies;

"(4) promoting education and training and providing technical assistance in the use of health care practice and technology assessment methodologies and results; and

"(5) working with the National Library of Medicine and the public and private sector to develop an electronic clearinghouse of currently available assessments and those in progress.

"(b) Specification of Process.—

"(1) In general.—Not later than December 31, 2000, the Director shall develop and publish a description of the methods used by the Agency and its contractors for health care practice and technology assessment.

"(2) Consultations.—In carrying out this subsection, the Director shall cooperate and consult with the Assistant Secretary for Health, the Administrator of the Health Care Financing Administration, the Director of the National Institutes of Health, the Commissioner of Food and Drugs, and the heads of any other interested Federal department or agency, and shall seek input, where appropriate, from professional societies and other private and public entities.

"(3) Methodology.—The Director shall, in developing the methods used under paragraph (1), consider—

"(A) safety, efficacy, and effectiveness;

"(B) legal, social, and ethical implications;

"(C) costs, benefits, and cost-effectiveness;

"(D) comparisons to alternate health care practices and technologies; and

"(E) requirements of Food and Drug Administration approval to avoid duplication.

"(c) Specific Assessments.—

"(1) In general.—The Director shall conduct or support specific assessments of health care technologies and practices.

"(2) Requests for assessments.—The Director is authorized to conduct or support assessments, on a reimbursable basis, for the Health Care Financing Administration, the Department of Defense, the Department of Veterans Affairs, the Office of Personnel Management, and other public or private entities.

"(3) Grants and contracts.—In addition to conducting assessments, the Director may make grants to, or enter into cooperative agreements or contracts with, entities described in paragraph (4) for the purpose of conducting assessments of experimental, emerging, existing, or potentially outmoded health care technologies, and for related activities.

"(4) Eligible entities.—An entity described in this paragraph is an entity that is determined to be appropriate by the Director, including academic medical centers, research institutions and organizations, professional organizations, third party payers, governmental agencies, minority institutions of higher education (such as Historically Black Colleges and Universities, and Hispanic institutions), and consortia of appropriate research entities established for the purpose of conducting technology assessments.

"(d) Medical Examination of Certain Victims.—

"(1) In general.—The Director shall develop and disseminate a report on evidence-based clinical practices for—

"(A) the examination and treatment by health professionals of individuals who are victims of sexual assault (including child molestation) or attempted sexual assault; and

"(B) the training of health professionals, in consultation with the Health Resources and Services Administration, on performing medical evidentiary examinations of individuals who are victims of child abuse or neglect, sexual assault, elder abuse, or domestic violence.

"(2) Certain considerations.—In identifying the issues to be addressed by the report, the Director shall, to the extent practicable, take into consideration the expertise and experience of Federal and State law enforcement officials regarding the victims referred to in paragraph (1), and of other appropriate public and private entities (including medical societies, victim services organizations, sexual assault prevention organizations, and social services organizations).

"SEC. 917. COORDINATION OF FEDERAL GOVERNMENT QUALITY IMPROVEMENT EFFORTS.

"(a) REQUIREMENT.—

"(1) IN GENERAL.—To avoid duplication and ensure that Federal resources are used efficiently and effectively, the Secretary, acting through the Director, shall coordinate all research, evaluations, and demonstrations related to health services research, quality measurement and quality improvement activities undertaken and supported by the Federal Government.

"(2) SPECIFIC ACTIVITIES.—The Director, in collaboration with the appropriate Federal officials representing all concerned executive agencies and departments, shall develop and manage a process to—

"(A) improve interagency coordination, priority setting, and the use and sharing of research findings and data pertaining to Federal quality improvement programs, technology assessment, and health services research;

"(B) strengthen the research information infrastructure, including databases, pertaining to Federal health services research and health care quality improvement initiatives;

"(C) set specific goals for participating agencies and departments to further health services research and health care quality improvement; and

"(D) strengthen the management of Federal health care quality improvement programs.

"(b) STUDY BY THE INSTITUTE OF MEDICINE.—

"(1) IN GENERAL.—To provide Congress, the Department of Health and Human Services, and other relevant departments with an independent, external review of their quality oversight, quality improvement and quality research programs, the Secretary shall enter into a contract with the Institute of Medicine—

"(A) to describe and evaluate current quality improvement, quality research and quality monitoring processes through—

"(i) an overview of pertinent health services research activities and quality improvement efforts conducted by all Federal programs, with particular attention paid to those under titles XVIII, XIX, and XXI of the Social Security Act; and

"(ii) a summary of the partnerships that the Department of Health and Human Services has pursued with private accreditation, quality measurement and improvement organizations; and

"(B) to identify options and make recommendations to improve the efficiency and effectiveness of quality improvement programs through—

"(i) the improved coordination of activities across the medicare, medicaid and child health insurance programs under titles XVIII, XIX and XXI of the Social Security Act and health services research programs;

"(ii) the strengthening of patient choice and participation by incorporating state-of-the-art quality monitoring tools and making information on quality available; and

"(iii) the enhancement of the most effective programs, consolidation as appropriate, and elimination of duplicative activities within various federal agencies.

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary shall enter into a contract with the Institute of Medicine for the preparation—

"(i) not later than 12 months after the date of the enactment of this title, of a report providing an overview of the quality improvement programs of the Department of Health and Human Services for the medicare, medicaid, and CHIP programs under titles XVIII, XIX, and XXI of the Social Security Act; and

"(ii) not later than 24 months after the date of the enactment of this title, of a final report containing recommendations.

"(B) REPORTS.—The Secretary shall submit the reports described in subparagraph (A) to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means and the Committee on Commerce of the House of Representatives.

"PART C—GENERAL PROVISIONS

"SEC. 921. ADVISORY COUNCIL FOR HEALTHCARE RESEARCH AND QUALITY.

"(a) ESTABLISHMENT.—There is established an advisory council to be known as the National Advisory Council for Healthcare Research and Quality.

"(b) DUTIES.—

"(1) IN GENERAL.—The Advisory Council shall advise the Secretary and the Director with respect to activities proposed or undertaken to carry out the mission of the Agency under section 901(b).

"(2) CERTAIN RECOMMENDATIONS.—Activities of the Advisory Council under paragraph (1) shall include making recommendations to the Director regarding—

"(A) priorities regarding health care research, especially studies related to quality, outcomes, cost and the utilization of, and access to, health care services;

"(B) the field of health care research and related disciplines, especially issues related to training needs, and dissemination of information pertaining to health care quality; and

"(C) the appropriate role of the Agency in each of these areas in light of private sector activity and identification of opportunities for public-private sector partnerships.

"(c) MEMBERSHIP.—

"(1) IN GENERAL.—The Advisory Council shall, in accordance with this subsection, be composed of appointed members and ex officio members. All members of the Advisory Council shall be voting members other than the individuals designated under paragraph (3)(B) as ex officio members.

"(2) APPOINTED MEMBERS.—The Secretary shall appoint to the Advisory Council 21 appropriately qualified individuals. At least 17 members of the Advisory Council shall be representatives of the public who are not officers or employees of the United States and at least 1 member who shall be a specialist in the rural aspects of 1 or more of the professions or fields described in subparagraphs (A) through (G). The Secretary shall ensure that the appointed members of the Council, as a group, are representative of professions and entities concerned with, or affected by, activities under this title and under section 1142 of the Social Security Act. Of such members—

"(A) three shall be individuals distinguished in the conduct of research, demonstration projects, and evaluations with respect to health care;

"(B) three shall be individuals distinguished in the fields of health care quality research or health care improvement;

"(C) three shall be individuals distinguished in the practice of medicine of which at least one shall be a primary care practitioner;

"(D) three shall be individuals distinguished in the other health professions;

"(E) three shall be individuals either representing the private health care sector, including health plans, providers, and purchasers or individuals distinguished as administrators of health care delivery systems;

"(F) three shall be individuals distinguished in the fields of health care economics, information systems, law, ethics, business, or public policy; and

"(G) three shall be individuals representing the interests of patients and consumers of health care.

"(3) EX OFFICIO MEMBERS.—The Secretary shall designate as ex officio members of the Advisory Council—

"(A) the Assistant Secretary for Health, the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, the Administrator of the Health Care Financing Administration, the Commissioner of the Food and Drug Administration, the Director of the Office of Personnel Management, the Assistant Secretary of Defense (Health Affairs), and the Under Secretary for Health of the Department of Veterans Affairs; and

"(B) such other Federal officials as the Secretary may consider appropriate.

"(d) TERMS.—

"(1) IN GENERAL.—Members of the Advisory Council appointed under subsection (c)(2) shall serve for a term of 3 years.

"(2) STAGGERED TERMS.—To ensure the staggered rotation of one-third of the members of the Advisory Council each year, the Secretary is authorized to appoint the initial members of the Advisory Council for terms of 1, 2, or 3 years.

"(3) SERVICE BEYOND TERM.—A member of the Council appointed under subsection (c)(2) may continue to serve after the expiration of the term of the members until a successor is appointed.

"(e) VACANCIES.—If a member of the Advisory Council appointed under subsection (c)(2) does not serve the full term applicable under subsection (d), the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

"(f) CHAIR.—The Director shall, from among the members of the Advisory Council appointed under subsection (c)(2), designate an individual to serve as the chair of the Advisory Council.

"(g) MEETINGS.—The Advisory Council shall meet not less than once during each discrete 4-month period and shall otherwise meet at the call of the Director or the chair.

"(h) COMPENSATION AND REIMBURSEMENT OF EXPENSES.—

"(1) APPOINTED MEMBERS.—Members of the Advisory Council appointed under subsection (c)(2) shall receive compensation for each day (including travel time) engaged in carrying out the duties of the Advisory Council unless declined by the member. Such compensation may not be in an amount in excess of the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which such member is engaged in the performance of the duties of the Advisory Council.

"(2) EX OFFICIO MEMBERS.—Officials designated under subsection (c)(3) as ex officio members of the Advisory Council may not receive compensation for service on the Advisory Council in addition to the compensation otherwise received for duties carried out as officers of the United States.

"(i) STAFF.—The Director shall provide to the Advisory Council such staff, information, and other assistance as may be necessary to carry out the duties of the Council.

"(j) DURATION.—Notwithstanding section 14(a) of the Federal Advisory Committee Act, the Advisory Council shall continue in existence until otherwise provided by law.

“SEC. 922. PEER REVIEW WITH RESPECT TO GRANTS AND CONTRACTS.

“(a) Requirement of Review.—

“(1) In general.—Appropriate technical and scientific peer review shall be conducted with respect to each application for a grant, cooperative agreement, or contract under this title.

“(2) Reports to director.—Each peer review group to which an application is submitted pursuant to paragraph (1) shall report its finding and recommendations respecting the application to the Director in such form and in such manner as the Director shall require.

“(b) Approval as Precondition of Awards.—The Director may not approve an application described in subsection (a)(1) unless the application is recommended for approval by a peer review group established under subsection (c).

“(c) Establishment of Peer Review Groups.—

“(1) In general.—The Director shall establish such technical and scientific peer review groups as may be necessary to carry out this section. Such groups shall be established without regard to the provisions of title 5, United States Code, that govern appointments in the competitive service, and without regard to the provisions of chapter 51, and subchapter III of chapter 53, of such title that relate to classification and pay rates under the General Schedule.

“(2) Membership.—The members of any peer review group established under this section shall be appointed from among individuals who by virtue of their training or experience are eminently qualified to carry out the duties of such peer review group. Officers and employees of the United States may not constitute more than 25 percent of the membership of any such group. Such officers and employees may not receive compensation for service on such groups in addition to the compensation otherwise received for these duties carried out as such officers and employees.

“(3) Duration.—Notwithstanding section 14(a) of the Federal Advisory Committee Act, peer review groups established under this section may continue in existence until otherwise provided by law.

“(4) Qualifications.—Members of any peer-review group shall, at a minimum, meet the following requirements:

“(A) Such members shall agree in writing to treat information received, pursuant to their work for the group, as confidential information, except that this subparagraph shall not apply to public records and public information.

“(B) Such members shall agree in writing to recuse themselves from participation in the peer-review of specific applications which present a potential personal conflict of interest or appearance of such conflict, including employment in a directly affected organization, stock ownership, or any financial or other arrangement that might introduce bias in the process of peer-review.

“(d) Authority for Procedural Adjustments in Certain Cases.—In the case of applications for financial assistance whose direct costs will not exceed $100,000, the Director may make appropriate adjustments in the procedures otherwise established by the Director for the conduct of peer review under this section. Such adjustments may be made for the purpose of encouraging the entry of individuals into the field of research, for the purpose of encouraging clinical practice-oriented or provider-based research, and for such other purposes as the Director may determine to be appropriate.

“(e) Regulations.—The Director shall issue regulations for the conduct of peer review under this section.

“SEC. 923. CERTAIN PROVISIONS WITH RESPECT TO DEVELOPMENT, COLLECTION, AND DISSEMINATION OF DATA.

“(a) Standards With Respect to Utility of Data.—

“(1) In general.—To ensure the utility, accuracy, and sufficiency of data collected by or for the Agency for the purpose described in section 901(b), the Director shall establish standard methods for developing and collecting such data, taking into consideration—

“(A) other Federal health data collection standards; and

“(B) the differences between types of health care plans, delivery systems, health care providers, and provider arrangements.

“(2) Relationship with other department programs.—In any case where standards under paragraph (1) may affect the administration of other programs carried out by the Department of Health and Human Services, including the programs under title XVIII, XIX or XXI of the Social Security Act, or may affect health information that is subject to a standard developed under part C of title XI of the Social Security Act, they shall be in the form of recommendations to the Secretary for such program.

“(b) Statistics and Analyses.—The Director shall—

“(1) take appropriate action to ensure that statistics and analyses developed under this title are of high quality, timely, and duly comprehensive, and that the statistics are specific, standardized, and adequately analyzed and indexed; and

“(2) publish, make available, and disseminate such statistics and analyses on as wide a basis as is practicable.

“(c) Authority Regarding Certain Requests.—Upon request of a public or private entity, the Director may conduct or support research or analyses otherwise authorized by this title pursuant to arrangements under which such entity will pay the cost of the services provided. Amounts received by the Director under such arrangements shall be available to the Director for obligation until expended.

“SEC. 924. DISSEMINATION OF INFORMATION.

“(a) In General.—The Director shall—

“(1) without regard to section 501 of title 44, United States Code, promptly publish, make available, and otherwise disseminate, in a form understandable and on as broad a basis as practicable so as to maximize its use, the results of research, demonstration projects, and evaluations conducted or supported under this title;

“(2) ensure that information disseminated by the Agency is science-based and objective and undertakes consultation as necessary to assess the appropriateness and usefulness of the presentation of information that is targeted to specific audiences;

“(3) promptly make available to the public data developed in such research, demonstration projects, and evaluations;

“(4) provide, in collaboration with the National Library of Medicine where appropriate, indexing, abstracting, translating, publishing, and other services leading to a more effective and timely dissemination of information on research, demonstration projects, and evaluations with respect to health care to public and private entities and individuals engaged in the improvement of health care delivery and the general public, and undertake programs to develop new or improved methods for making such information available; and

“(5) as appropriate, provide technical assistance to State and local government and health agencies and conduct liaison activities to such agencies to foster dissemination.

“(b) Prohibition Against Restrictions.—Except as provided in subsection (c), the Director may not restrict the publication or dissemination of data from, or the results of, projects conducted or supported under this title.

“(c) Limitation on Use of Certain Information.—No information, if an establishment or person supplying the information or described in it is identifiable, obtained in the course of activities undertaken or supported under this title may be used for any purpose other than the purpose for which it was supplied unless such establishment or person has consented (as determined under regulations of the Director) to its use for such other purpose. Such information may not be published or released in other form if the person who supplied the information or who is described in it is identifiable unless such person has consented (as determined under regulations of the Director) to its publication or release in other form.

“(d) Penalty.—Any person who violates subsection (c) shall be subject to a civil monetary penalty of not more than $10,000 for each such violation involved. Such penalty shall be imposed and collected in the same manner as civil money penalties under subsection (a) of section 1128A of the Social Security Act are imposed and collected.

“SEC. 925. ADDITIONAL PROVISIONS WITH RESPECT TO GRANTS AND CONTRACTS.

“(a) Financial Conflicts of Interest.—With respect to projects for which awards of grants, cooperative agreements, or contracts are authorized to be made under this title, the Director shall by regulation define—

“(1) the specific circumstances that constitute financial interests in such projects that will, or may be reasonably expected to, create a bias in favor of obtaining results in the projects that are consistent with such interests; and

“(2) the actions that will be taken by the Director in response to any such interests identified by the Director.

“(b) Requirement of Application.—The Director may not, with respect to any program under this title authorizing the provision of grants, cooperative agreements, or contracts, provide any such financial assistance unless an application for the assistance is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out the program involved.

“(c) Provision of Supplies and Services in Lieu of Funds.—

“(1) In general.—Upon the request of an entity receiving a grant, cooperative agreement, or contract under this title, the Secretary may, subject to paragraph (2), provide supplies, equipment, and services for the purpose of aiding the entity in carrying out the project involved and, for such purpose, may detail to the entity any officer or employee of the Department of Health and Human Services.

“(2) Corresponding reduction in funds.—With respect to a request described in paragraph (1), the Secretary shall reduce the amount of the financial assistance involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Director. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

"(d) APPLICABILITY OF CERTAIN PROVISIONS WITH RESPECT TO CONTRACTS.—Contracts may be entered into under this part without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529 and 41 U.S.C. 5).

"SEC. 926. CERTAIN ADMINISTRATIVE AUTHORITIES.

"(a) DEPUTY DIRECTOR AND OTHER OFFICERS AND EMPLOYEES.—

"(1) DEPUTY DIRECTOR.—The Director may appoint a deputy director for the Agency.

"(2) OTHER OFFICERS AND EMPLOYEES.—The Director may appoint and fix the compensation of such officers and employees as may be necessary to carry out this title. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

"(b) FACILITIES.—The Secretary, in carrying out this title—

"(1) may acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise through the Administrator of General Services, buildings or portions of buildings in the District of Columbia or communities located adjacent to the District of Columbia for use for a period not to exceed 10 years; and

"(2) may acquire, construct, improve, repair, operate, and maintain laboratory, research, and other necessary facilities and equipment, and such other real or personal property (including patents) as the Secretary deems necessary.

"(c) PROVISION OF FINANCIAL ASSISTANCE.—The Director, in carrying out this title, may make grants to public and nonprofit entities and individuals, and may enter into cooperative agreements or contracts with public and private entities and individuals.

"(d) UTILIZATION OF CERTAIN PERSONNEL AND RESOURCES.—

"(1) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—The Director, in carrying out this title, may utilize personnel and equipment, facilities, and other physical resources of the Department of Health and Human Services, permit appropriate (as determined by the Secretary) entities and individuals to utilize the physical resources of such Department, and provide technical assistance and advice.

"(2) OTHER AGENCIES.—The Director, in carrying out this title, may use, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, or local public agencies, or of any foreign government, with or without reimbursement of such agencies.

"(e) CONSULTANTS.—The Secretary, in carrying out this title, may secure, from time to time and for such periods as the Director deems advisable but in accordance with section 3109 of title 5, United States Code, the assistance and advice of consultants from the United States or abroad.

"(f) EXPERTS.—

"(1) IN GENERAL.—The Secretary may, in carrying out this title, obtain the services of not more than 50 experts or consultants who have appropriate scientific or professional qualifications. Such experts or consultants shall be obtained in accordance with section 3109 of title 5, United States Code, except that the limitation in such section on the duration of service shall not apply.

"(2) TRAVEL EXPENSES.—

"(A) IN GENERAL.—Experts and consultants whose services are obtained under paragraph (1) shall be paid or reimbursed for their expenses associated with traveling to and from their assignment location in accordance with sections 5724, 5724a(a), 5724a(c), and 5726(c) of title 5, United States Code.

"(B) LIMITATION.—Expenses specified in subparagraph (A) may not be allowed in connection with the assignment of an expert or consultant whose services are obtained under paragraph (1) unless and until the expert agrees in writing to complete the entire period of assignment, or 1 year, whichever is shorter, unless separated or reassigned for reasons that are beyond the control of the expert or consultant and that are acceptable to the Secretary. If the expert or consultant violates the agreement, the money spent by the United States for the expenses specified in subparagraph (A) is recoverable from the expert or consultant as a statutory obligation owed to the United States. The Secretary may waive in whole or in part a right of recovery under this subparagraph.

"(g) VOLUNTARY AND UNCOMPENSATED SERVICES.—The Director, in carrying out this title, may accept voluntary and uncompensated services.

"SEC. 927. FUNDING.

"(a) INTENT.—To ensure that the United States investment in biomedical research is rapidly translated into improvements in the quality of patient care, there must be a corresponding investment in research on the most effective clinical and organizational strategies for use of these findings in daily practice. The authorization levels in subsections (b) and (c) provide for a proportionate increase in health care research as the United States investment in biomedical research increases.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this title, there are authorized to be appropriated $250,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 through 2005.

"(c) EVALUATIONS.—In addition to amounts available pursuant to subsection (b) for carrying out this title, there shall be made available for such purpose, from the amounts made available pursuant to section 241 (relating to evaluations), an amount equal to 40 percent of the maximum amount authorized in such section 241 to be made available for a fiscal year.

"SEC. 928. DEFINITIONS.

"In this title:

"(1) ADVISORY COUNCIL.—The term 'Advisory Council' means the National Advisory Council on Healthcare Research and Quality established under section 921.

"(2) AGENCY.—The term 'Agency' means the Agency for Healthcare Research and Quality.

"(3) DIRECTOR.—The term 'Director' means the Director of the Agency for Healthcare Research and Quality.".

(b) RULES OF CONSTRUCTION.—

(1) IN GENERAL.—Section 901(a) of the Public Health Service Act (as added by subsection (a) of this section) applies as a redesignation of the agency that carried out title IX of such Act on the day before the date of the enactment of this Act, and not as the termination of such agency and the establishment of a different agency. The amendment made by subsection (a) of this section does not affect appointments of the personnel of such agency who were employed at the agency on the day before such date, including the appointments of members of advisory councils or study sections of the agency who were serving on the day before such date of enactment.

(2) REFERENCES.—Any reference in law to the Agency for Health Care Policy and Research is deemed to be a reference to the Agency for Healthcare Research and Quality, and any reference in law to the Administrator for Health Care Policy and Research is deemed to be a reference to the Director of the Agency for Healthcare Research and Quality.

SEC. 3. GRANTS REGARDING UTILIZATION OF PREVENTIVE HEALTH SERVICES.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following section:

"SEC. 330D. CENTERS FOR STRATEGIES ON FACILITATING UTILIZATION OF PREVENTIVE HEALTH SERVICES AMONG VARIOUS POPULATIONS.

"(a) IN GENERAL.—The Secretary, acting through the appropriate agencies of the Public Health Service, shall make grants to public or nonprofit private entities for the establishment and operation of regional centers whose purpose is to develop, evaluate, and disseminate effective strategies, which utilize quality management measures, to assist public and private health care programs and providers in the appropriate utilization of preventive health care services by specific populations.

"(b) RESEARCH AND TRAINING.—The activities carried out by a center under subsection (a) may include establishing programs of research and training with respect to the purpose described in such subsection, including the development of curricula for training individuals in implementing the strategies developed under such subsection.

"(c) PRIORITY REGARDING INFANTS AND CHILDREN.—In carrying out the purpose described in subsection (a), the Secretary shall give priority to various populations of infants, young children, and their mothers.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2000 through 2004.".

SEC. 4. PROGRAM OF PAYMENTS TO CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.

Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following subpart:

"Subpart IX—Support of Graduate Medical Education Programs in Children's Hospitals

"SEC. 340E. PROGRAM OF PAYMENTS TO CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.

"(a) PAYMENTS.—The Secretary shall make two payments under this section to each children's hospital for each of fiscal years 2000 and 2001, one for the direct expenses and the other for indirect expenses associated with operating approved graduate medical residency training programs.

"(b) AMOUNT OF PAYMENTS.—

"(1) IN GENERAL.—Subject to paragraph (2), the amounts payable under this section to a children's hospital for an approved graduate medical residency training program for a fiscal year are each of the following amounts:

"(A) DIRECT EXPENSE AMOUNT.—The amount determined under subsection (c) for direct expenses associated with operating approved graduate medical residency training programs.

"(B) INDIRECT EXPENSE AMOUNT.—The amount determined under subsection (d) for indirect expenses associated with the treatment of more severely ill patients and the additional costs relating to teaching residents in such programs.

“(2) Capped amount.—

“(A) In general.—The total of the payments made to children's hospitals under paragraph (1)(A) or paragraph (1)(B) in a fiscal year shall not exceed the funds appropriated under paragraph (1) or (2), respectively, of subsection (f) for such payments for that fiscal year.

“(B) Pro rata reductions of payments for direct expenses.—If the Secretary determines that the amount of funds appropriated under subsection (f)(1) for a fiscal year is insufficient to provide the total amount of payments otherwise due for such periods under paragraph (1)(A), the Secretary shall reduce the amounts so payable on a pro rata basis to reflect such shortfall.

“(c) Amount of Payment for Direct Graduate Medical Education.—

“(1) In general.—The amount determined under this subsection for payments to a children's hospital for direct graduate expenses relating to approved graduate medical residency training programs for a fiscal year is equal to the product of—

“(A) the updated per resident amount for direct graduate medical education, as determined under paragraph (2); and

“(B) the average number of full-time equivalent residents in the hospital's graduate approved medical residency training programs (as determined under section 1886(h)(4) of the Social Security Act during the fiscal year.

“(2) Updated per resident amount for direct graduate medical education.—The updated per resident amount for direct graduate medical education for a hospital for a fiscal year is an amount determined as follows:

“(A) Determination of hospital single per resident amount.—The Secretary shall compute for each hospital operating an approved graduate medical education program (regardless of whether or not it is a children's hospital) a single per resident amount equal to the average (weighted by number of full-time equivalent residents) of the primary care per resident amount and the nonprimary care per resident amount computed under section 1886(h)(2) of the Social Security Act for cost reporting periods ending during fiscal year 1997.

“(B) Determination of wage and non-wage-related proportion of the single per resident amount.—The Secretary shall estimate the average proportion of the single per resident amounts computed under subparagraph (A) that is attributable to wages and wage-related costs.

“(C) Standardizing per resident amounts.—The Secretary shall establish a standardized per resident amount for each such hospital—

“(i) by dividing the single per resident amount computed under subparagraph (A) into a wage-related portion and a non-wage-related portion by applying the proportion determined under subparagraph (B);

“(ii) by dividing the wage-related portion by the factor applied under section 1886(d)(3)(E) of the Social Security Act for discharges occurring during fiscal year 1999 for the hospital's area; and

“(iii) by adding the non-wage-related portion to the amount computed under clause (ii).

“(D) Determination of national average.—The Secretary shall compute a national average per resident amount equal to the average of the standardized per resident amounts computed under subparagraph (C) for such hospitals, with the amount for each hospital weighted by the average number of full-time equivalent residents at such hospital.

“(E) Application to individual hospitals.—The Secretary shall compute for each such hospital that is a children's hospital a per resident amount—

“(i) by dividing the national average per resident amount computed under subparagraph (D) into a wage-related portion and a non-wage-related portion by applying the proportion determined under subparagraph (B);

“(ii) by multiplying the wage-related portion by the factor described in subparagraph (C)(ii) for the hospital's area; and

“(iii) by adding the non-wage-related portion to the amount computed under clause (ii).

“(F) Updating rate.—The Secretary shall update such per resident amount for each such children's hospital by the estimated percentage increase in the consumer price index for all urban consumers during the period beginning October 1997 and ending with the midpoint of the hospital's cost reporting period that begins during fiscal year 2000.

“(d) Amount of Payment for Indirect Medical Education.—

“(1) In general.—The amount determined under this subsection for payments to a children's hospital for indirect expenses associated with the treatment of more severely ill patients and the additional costs related to the teaching of residents for a fiscal year is equal to an amount determined appropriate by the Secretary.

“(2) Factors.—In determining the amount under paragraph (1), the Secretary shall—

“(A) take into account variations in case mix among children's hospitals and the number of full-time equivalent residents in the hospitals' approved graduate medical residency training programs; and

“(B) assure that the aggregate of the payments for indirect expenses associated with the treatment of more severely ill patients and the additional costs related to the teaching of residents under this section in a fiscal year are equal to the amount appropriated for such expenses for the fiscal year involved under subsection (f)(2).

“(e) Making of Payments.—

“(1) Interim payments.—The Secretary shall determine, before the beginning of each fiscal year involved for which payments may be made for a hospital under this section, the amounts of the payments for direct graduate medical education and indirect medical education for such fiscal year and shall (subject to paragraph (2)) make the payments of such amounts in 26 equal interim installments during such period.

“(2) Withholding.—The Secretary shall withhold up to 25 percent from each interim installment for direct graduate medical education paid under paragraph (1).

“(3) Reconciliation.—At the end of each fiscal year for which payments may be made under this section, the hospital shall submit to the Secretary such information as the Secretary determines to be necessary to determine the percent (if any) of the total amount withheld under paragraph (2) that is due under this section for the hospital for the fiscal year. Based on such determination, the Secretary shall recoup any overpayments made, or pay any balance due. The amount so determined shall be considered a final intermediary determination for purposes of applying section 1878 of the Social Security Act and shall be subject to review under that section in the same manner as the amount of payment under section 1886(d) of such Act is subject to review under such section.

“(f) Authorization of Appropriations.—

“(1) Direct graduate medical education.—

“(A) In general.—There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payments under subsection (b)(1)(A)—

“(i) for fiscal year 2000, $90,000,000; and

“(ii) for fiscal year 2001, $95,000,000.

“(B) Carryover of excess.—The amounts appropriated under subparagraph (A) for fiscal year 2000 shall remain available for obligation through the end of fiscal year 2001.

“(2) Indirect medical education.—There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payments under subsection (b)(1)(A)—

“(A) for fiscal year 2000, $190,000,000; and

“(B) for fiscal year 2001, $190,000,000.

“(g) Definitions.—In this section:

“(1) Approved graduate medical residency training program.—The term ‘approved graduate medical residency training program’ has the meaning given the term ‘approved medical residency training program’ in section 1886(h)(5)(A) of the Social Security Act.

“(2) Children's hospital.—The term ‘children's hospital’ means a hospital described in section 1886(d)(1)(B)(iii) of the Social Security Act.

“(3) Direct graduate medical education costs.—The term ‘direct graduate medical education costs’ has the meaning given such term in section 1886(h)(5)(C) of the Social Security Act.”.

SEC. 5. STUDY REGARDING SHORTAGES OF LICENSED PHARMACISTS.

(a) In General.—The Secretary of Health and Human Services (in this section referred to as the “Secretary”), acting through the appropriate agencies of the Public Health Service, shall conduct a study to determine whether and to what extent there is a shortage of licensed pharmacists. In carrying out the study, the Secretary shall seek the comments of appropriate public and private entities regarding any such shortage.

(b) Report to Congress.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall complete the study under subsection (a) and submit to the Congress a report that describes the findings made through the study and that contains a summary of the comments received by the Secretary pursuant to such subsection.

SEC. 6. REPORT ON TELEMEDICINE.

Not later than January 10, 2001, the Secretary of Health and Human Services shall submit to the Congress a report that—

(1) identifies any factors that inhibit the expansion and accessibility of telemedicine services, including factors relating to telemedicine networks;

(2) identifies any factors that, in addition to geographical isolation, should be used to determine which patients need or require access to telemedicine care;

(3) determines the extent to which—

(A) patients receiving telemedicine service have benefited from the services, and are satisfied with the treatment received pursuant to the services; and

(B) the medical outcomes for such patients would have differed if telemedicine services had not been available to the patients;

(4) determines the extent to which physicians involved with telemedicine services

have been satisfied with the medical aspects of the services;

(5) determines the extent to which primary care physicians are enhancing their medical knowledge and experience through the interaction with specialists provided by telemedicine consultations; and

(6) identifies legal and medical issues relating to State licensing of health professionals that are presented by telemedicine services, and provides any recommendations of the Secretary for responding to such issues.

SEC. 7. CERTAIN TECHNOLOGIES AND PRACTICES REGARDING SURVIVAL RATES FOR CARDIAC ARREST.

The Secretary of Health and Human Services shall, in consultation with the Administrator of the General Services Administration and other appropriate public and private entities, develop recommendations regarding the placement of automatic external defibrillators in Federal buildings as a means of improving the survival rates of individuals who experience cardiac arrest in such buildings, including recommendations on training, maintenance, and medical oversight, and on coordinating with the system for emergency medical services.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill, S. 580, and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

WOMEN'S BUSINESS CENTERS SUSTAINABILITY ACT OF 1999

Mrs. KELLY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 791) to amend the Small Business Act with respect to the women's business center program, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

Mr. UDALL of New Mexico. Mr. Speaker, reserving the right to object, I do not intend to object, but I rise in strong support of Senate bill S. 791, the Women's Business Centers Sustainability Act of 1999. This is the Senate version of H.R. 491, which the House recently passed under suspension. With the passage of this bill, we will ensure that the women's business centers keep their doors open, and that the program will continue to grow with new centers in previously underserved areas.

Mr. Speaker, I would also like to thank the gentlewoman from New York (Mrs. KELLY) for all her hard work and leadership on this bill.

Mr. Speaker, under my reservation, I yield to the gentlewoman from New York (Mrs. KELLY) to explain her unanimous consent request.

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Mrs. KELLY. Mr. Speaker, the purpose of S. 791 is to allow for currently funded Women's Business Centers and graduated Business Women's Centers to recompete for Federal funding. S. 791 addresses the funding constraints that make it increasingly difficult for Women's Business Centers to sustain the level of services they provide and, in some instances, to remain open after they graduate from the Women's Business Centers Program and no longer receive Federal matching funds.

Mr. TALENT. Mr. Speaker, I rise today in support of Senate Bill 791, "The Women's Business Centers Sustainability Act of 1999."

Women-owned businesses are the fastest growing sector of small business in America today. In fact, women entrepreneurs are starting new firms at twice the rate of all other business and own nearly 40 percent of all firms in the U.S.

These strong numbers show the success that women entrepreneurs enjoy, but anyone who has ever started a new business, knows that the road is not always smooth. Women's Business Centers play a major role in making that road to success a little less bumpy. Women's Business Centers, like the public-private partnership of the St. Louis Women's Business Center in my District, play a major role in assisting women entrepreneurs establish strong business plans through courses, workshops, mentor services and provide access to financing for building businesses.

H.R. 1497 builds upon the legislation we passed earlier this year to help grow the number of Women's Business Centers across the nation. But as with anything, we must continue to take a well-balanced approach that allows successful centers to continue to compete for funding as they make the transition to the private sector. The Women's Business Center Sustainability Act makes it possible for Centers like the St. Louis Women's Business Center to have a sort of safety net as they make that transition at the end of their 5-year grant cycle.

Mr. Speaker, Women's Business Centers contribute to the success of thousands of women entrepreneurs by offering the critical community support necessary for them to succeed in today's business world. As more and more women decide to be their own boss, Women's Business Centers will provide them with the resources and training they need. I commend the spirit and innovation of all those whose entrepreneurial spirit has made America great and I urge my colleagues to support passage of the Women's Business Center Sustainability Act.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of S. 791 the Women's Business Centers Sustainability Act. Women entrepreneurs are an increasingly significant part of the U.S. economy. Women own more than 8 million businesses and account for approximately one-third of all U.S. businesses and are starting businesses at twice the rate of men. Shrouded by these stirring statistics, is the fact that women encounter numerous obstacles trying to start, maintain or expand a business—obstacles which must be eliminated if we are ever to realize the full potential of this dynamic sector of our economy.

In my particular District, there exists several entities that help women's small businesses expand, in some instances, get started. I am very proud of these organizations for their dedication and hard work. In a very orderly and organized way, without a lot of overhead, women's business centers, by various names, are helping women who have an idea about a small business, providing them with technical assistance, in some instances to provide micro loans, and in all instances to provide the knowledge and wherewithal and planning that is necessary so that they start off on the right foot. Therefore, Mr. Speaker, I urge all members to vote for this mindfall, well thought out bill and support our Nation's women's businesses.

Mr. UDALL of New Mexico. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentlewoman from New York?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 791

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women's Business Centers Sustainability Act of 1999".

SEC. 2. PRIVATE NONPROFIT ORGANIZATIONS.

Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following:

"(2) the term 'private nonprofit organization' means an entity that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code:"; and

(2) in subsection (b), by inserting "nonprofit" after "private".

SEC. 3. INCREASED MANAGEMENT OVERSIGHT AND REVIEW OF WOMEN'S BUSINESS CENTERS.

Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) by striking subsection (h) and inserting the following:

"(h) PROGRAM EXAMINATION.—

"(1) IN GENERAL.—The Administration shall—

"(A) develop and implement an annual programmatic and financial examination of each women's business center established pursuant to this section, pursuant to which each such center shall provide to the Administration—

"(i) an itemized cost breakdown of actual expenditures for costs incurred during the preceding year; and

"(ii) documentation regarding the amount of matching assistance from non-Federal sources obtained and expended by the center during the preceding year in order to meet the requirements of subsection (c) and, with respect to any in-kind contributions described in subsection (c)(2) that were used to satisfy the requirements of subsection (c), verification of the existence and valuation of those contributions; and

"(B) analyze the results of each such examination and, based on that analysis, make a determination regarding the programmatic and financial viability of each women's business center.

"(2) CONDITIONS FOR CONTINUED FUNDING.—In determining whether to award a contract (as a sustainability grant) under subsection (*l*) or to renew a contract (either as a grant or cooperative agreement) under this section with a women's business center, the Administration—

"(A) shall consider the results of the most recent examination of the center under paragraph (1); and

"(B) may withhold such award or renewal, if the Administration determines that—

"(i) the center has failed to provide any information required to be provided under clause (i) or (ii) of paragraph (1)(A), or the information provided by the center is inadequate; or

"(ii) the center has failed to provide any information required to be provided by the center for purposes of the report of the Administration under subsection (j), or the information provided by the center is inadequate."; and

(2) by striking subsection (j) and inserting the following:

"(j) MANAGEMENT REPORT.—

"(1) IN GENERAL.—The Administration shall prepare and submit to the Committees on Small Business of the House of Representatives and the Senate a report on the effectiveness of all projects conducted under this section.

"(2) CONTENTS.—Each report submitted under paragraph (1) shall include information concerning, with respect to each women's business center established pursuant to this section—

"(A) the number of individuals receiving assistance;

"(B) the number of startup business concerns formed;

"(C) the gross receipts of assisted concerns;

"(D) the employment increases or decreases of assisted concerns;

"(E) to the maximum extent practicable, increases or decreases in profits of assisted concerns; and

"(F) the most recent analysis, as required under subsection (h)(1)(B), and the subsequent determination made by the Administration under that subsection.".

SEC. 4. WOMEN'S BUSINESS CENTERS SUSTAINABILITY PILOT PROGRAM.

(a) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

"(l) SUSTAINABILITY PILOT PROGRAM.—

"(1) IN GENERAL.—There is established a 4-year pilot program under which the Administration is authorized to award grants (referred to in this section as 'sustainability grants') on a competitive basis for an additional 5-year project under this section to any private nonprofit organization (or a division thereof)—

"(A) that has received financial assistance under this section pursuant to a grant, contract, or cooperative agreement; and

"(B) that—

"(i) is in the final year of a 5-year project; or

"(ii) has completed a project financed under this section (or any predecessor to this section) and continues to provide assistance to women entrepreneurs.

"(2) CONDITIONS FOR PARTICIPATION.—In order to receive a sustainability grant, an organization described in paragraph (1) shall submit to the Administration an application, which shall include—

"(A) a certification that the applicant—

"(i) is a private nonprofit organization;

"(ii) employs a full-time executive director or program manager to manage the center; and

"(iii) as a condition of receiving a sustainability grant, agrees—

"(I) to a site visit as part of the final selection process and to an annual programmatic and financial examination; and

"(II) to the maximum extent practicable, to remedy any problems identified pursuant to that site visit or examination;

"(B) information demonstrating that the applicant has the ability and resources to meet the needs of the market to be served by the women's business center site for which a sustainability grant is sought, including the ability to fundraise;

"(C) information relating to assistance provided by the women's business center site for which a sustainability grant is sought in the area in which the site is located, including—

"(i) the number of individuals assisted;

"(ii) the number of hours of counseling, training, and workshops provided; and

"(iii) the number of startup business concerns formed;

"(D) information demonstrating the effective experience of the applicant in—

"(i) conducting financial, management, and marketing assistance programs, as described in paragraphs (1), (2), and (3) of subsection (b), designed to impart or upgrade the business skills of women business owners or potential owners;

"(ii) providing training and services to a representative number of women who are both socially and economically disadvantaged;

"(iii) using resource partners of the Administration and other entities, such as universities;

"(iv) complying with the cooperative agreement of the applicant; and

"(v) the prudent management of finances and staffing, including the manner in which the performance of the applicant compared to the business plan of the applicant and the manner in which grant funds awarded under subsection (b) were used by the applicant; and

"(E) a 5-year plan that projects the ability of the women's business center site for which a sustainability grant is sought—

"(i) to serve women business owners or potential owners in the future by improving fundraising and training activities; and

"(ii) to provide training and services to a representative number of women who are both socially and economically disadvantaged.

"(3) REVIEW OF APPLICATIONS.—

"(A) IN GENERAL.—The Administration shall—

"(i) review each application submitted under paragraph (2) based on the information provided under in subparagraphs (D) and (E) of that paragraph, and the criteria set forth in subsection (f);

"(ii) as part of the final selection process, conduct a site visit at each women's business center for which a sustainability grant is sought; and

"(iii) approve or disapprove applications for sustainability grants simultaneously with applications for grants under subsection (b).

"(B) DATA COLLECTION.—Consistent with the annual report to Congress under subsection (j), each women's business center site that is awarded a sustainability grant shall, to the maximum extent practicable, collect information relating to—

"(i) the number of individuals assisted;

"(ii) the number of hours of counseling and training provided and workshops conducted;

"(iii) the number of startup business concerns formed;

"(iv) any available gross receipts of assisted concerns; and

"(v) the number of jobs created, maintained, or lost at assisted concerns.

"(C) RECORD RETENTION.—The Administration shall maintain a copy of each application submitted under this subsection for not less than 10 years.

"(4) NON-FEDERAL CONTRIBUTION.—

"(A) IN GENERAL.—Notwithstanding any other provision of this section, as a condition of receiving a sustainability grant, an organization described in paragraph (1) shall agree to obtain, after its application has been approved under paragraph (3) and notice of award has been issued, cash and in-kind contributions from non-Federal sources for each year of additional program participation in an amount equal to 1 non-Federal dollar for each Federal dollar.

"(B) FORM OF NON-FEDERAL CONTRIBUTIONS.—Not more than 50 percent of the non-Federal assistance obtained for purposes of subparagraph (A) may be in the form of in-kind contributions that are budget line items only, including office equipment and office space.

"(5) TIMING OF REQUESTS FOR PROPOSALS.—In carrying out this subsection, the Administration shall issue requests for proposals for women's business centers applying for the pilot program under this subsection simultaneously with requests for proposals for grants under subsection (b).".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 29(k) of the Small Business Act (15 U.S.C. 656(k)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—There is authorized to be appropriated, to remain available until the expiration of the pilot program under subsection (l)—

"(A) $12,000,000 for fiscal year 2000;

"(B) $12,800,000 for fiscal year 2001;

"(C) $13,700,000 for fiscal year 2002; and

"(D) $14,500,000 for fiscal year 2003.";

(2) in paragraph (2)—

(A) by striking "Amounts made" and inserting the following:

"(A) IN GENERAL.—Except as provided in subparagraph (B), amounts made"; and

(B) by adding at the end the following:

"(B) EXCEPTIONS.—Of the amount made available under this subsection for a fiscal year, the following amounts shall be available for selection panel costs, post-award conference costs, and costs related to monitoring and oversight:

"(i) For fiscal year 2000, 2 percent.

"(ii) For fiscal year 2001, 1.9 percent.

"(iii) For fiscal year 2002, 1.9 percent.

"(iv) For fiscal year 2003, 1.6 percent."; and

(3) by adding at the end the following:

"(4) RESERVATION OF FUNDS FOR SUSTAINABILITY PILOT PROGRAM.—

"(A) IN GENERAL.—Subject to subparagraph (B), of the total amount made available under this subsection for a fiscal year, the following amounts shall be reserved for sustainability grants under subsection (l):

"(i) For fiscal year 2000, 17 percent.

"(ii) For fiscal year 2001, 18.8 percent.

"(iii) For fiscal year 2002, 30.2 percent.

"(iv) For fiscal year 2003, 30.2 percent.

"(B) USE OF UNAWARDED FUNDS FOR SUSTAINABILITY PILOT PROGRAM GRANTS.—If the amount reserved under subparagraph (A) for any fiscal year is not fully awarded to private nonprofit organizations described in subsection (l)(1)(B), the Administration is authorized to use the unawarded amount to fund additional women's business center sites or to increase funding of existing women's business center sites under subsection (b).".

(c) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall issue guidelines to implement the amendments made by this section.

SEC. 5. SENSE OF THE SENATE REGARDING GOVERNMENT PROCUREMENT ACCESS FOR WOMEN-OWNED SMALL BUSINESSES.

(a) FINDINGS.—The Senate finds that—

(1) women-owned small businesses are a powerful force in the economy;

(2) between 1987 and 1996—

(A) the number of women-owned small businesses in the United States increased by 78 percent, almost twice the rate of increase of all businesses in the United States;

(B) the number of women-owned small businesses increased in every State;

(C) total sales by women-owned small businesses in the United States increased by 236 percent;

(D) employment provided by women-owned small businesses in the United States increased by 183 percent; and

(E) the rates of growth for women-owned small businesses in the United States for the fastest growing industries were—

(i) 171 percent in construction;

(ii) 157 percent in wholesale trade;

(iii) 140 percent in transportation and communications;

(iv) 130 percent in agriculture; and

(v) 112 percent in manufacturing;

(3) approximately 8,000,000 women-owned small businesses in the United States provide jobs for 15,500,000 individuals and generate almost $1,400,000,000,000 in sales each year;

(4) the participation of women-owned small businesses in the United States in the procurement market of the Federal Government is limited;

(5) the Federal Government is the largest purchaser of goods and services in the United States, spending more than $200,000,000,000 each year;

(6) the majority of Federal Government purchases are for items that cost $25,000 or less; and

(7) the rate of Federal procurement for women-owned small businesses is 2.2 percent.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States should—

(1) conduct an audit of the Federal procurement system regarding Federal contracting involving women-owned small businesses for the 3 preceding fiscal years;

(2) solicit from Federal employees involved in the Federal procurement system any suggestions regarding how to increase the number of Federal contracts awarded to women-owned small businesses; and

(3) submit to Congress a report on the results of that audit, which report shall include—

(A) an analysis of any identified trends in Federal contracting with respect to women-owned small businesses;

(B) any recommended means to increase the number of Federal contracts awarded to women-owned small businesses that the Comptroller General considers to be appropriate, after taking into consideration any suggestions received pursuant to a solicitation described in paragraph (2), including any such means that incorporate the concepts of teaming or partnering; and

(C) a discussion of any barriers to the receipt of Federal contracts by women-owned small businesses and other small businesses that are created by legal or regulatory procurement requirements or practices.

SEC. 6. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on October 1, 1999.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CORRECTING ENROLLMENT OF H.R. 1180, TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 236) to correct the enrollment of the bill H.R. 1180, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 236

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (H.R. 1180), to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes, the Clerk of the House of Representatives shall make the following correction: Strike section 408 and insert in lieu thereof the following:

"CLIMATE DATABASE MODERNIZATION

"SEC. 408. Notwithstanding any other provision of law, the National Oceanic and Atmospheric Administration shall initiative a new competitive contract procurement for its multi-year program for key entry of valuable climate records, archive services, and database development in accordance with existing federal procurement laws and regulations."

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SANDRA DAY O'CONNOR UNITED STATES COURTHOUSE

Mr. COOKSEY. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the Senate bill (S. 1595) to designate the United States courthouse at 401 West Washington Street in Phoenix, Arizona, as the "Sandra Day O'Connor United States Courthouse", and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

Mr. OBERSTAR. Mr. Speaker, reserving the right to object, and I shall not object, but I will ask the gentleman from Louisiana for an explanation of the bill.

Mr. COOKSEY. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Louisiana.

Mr. COOKSEY. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, S. 1595 designates the United States courthouse in Phoenix, Arizona, as the Sandra Day O'Connor United States Courthouse. This legislation was introduced by Senator KYL and passed the Senate on October 8.

Sandra Day O'Connor grew up on a ranch founded by her grandfather in southeastern Arizona. The ranch house was a simple four bedroom adobe that did not have running water or electricity until she was 7. Justice O'Connor stayed with her grandmother and attended school in El Paso, Texas, until she graduated at the age of 16. She then entered Stanford University and in 1950 earned a degree in economics, graduating magna cum laude. Upon graduation, she entered Stanford Law School and graduated third in her class in 1952.

Justice O'Connor accepted a position as deputy county attorney in San Mateo, California. On her experience in San Mateo, Justice O'Connor was quoted as saying the job "influenced the balance of my life because it demonstrated how much I did enjoy public service." She then spent 3 years in Frankfurt, Germany, as a civilian lawyer for the Quartermaster Corps while her husband was serving in the United States Army Judge Advocate General Corps.

In 1957, Sandra Day O'Connor and her husband returned to the United States and settled in Maricopa County, Arizona. While maintaining a partnership in her law firm and raising her three children, O'Connor wrote questions for the Arizona bar exam, helped start the State's lawyer referral service, sat on the zoning commission, served on the County Board of Adjustments and Appeals, served on the Governor's Committee on Marriage and Family, worked as an administrative assistant on the Arizona State Hospital, was an adviser to the Salvation Army, and volunteered in schools for African American and Hispanic children.

In 1965, Justice O'Connor became an assistant State attorney general and continued her volunteer work. In 1969, she was appointed to fill a vacated seat in the State senate. She won reelection in two successive terms and served as majority leader in 1972. In 1974, O'Connor was elected to a State judgeship on the Maricopa County Superior Court before being appointed to the Arizona Court of Appeals.

In 1981, while serving in the Court of Appeals, Ronald Reagan fulfilled his campaign pledge of nominating a female justice to sit on the Supreme Court and nominated Sandra Day O'Connor. Justice O'Connor was confirmed 99 to 0 by the Senate as the Supreme Court's first female justice.

Justice O'Connor has had a major impact on the court and has distinguished herself as a justice, a public servant, volunteer and mother. This naming is a fitting honor to a person who has dedicated her life in so many ways to public service. I support the bill and urge my colleagues to support it as well.

Mr. OBERSTAR. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding, and I simply want to add a few remarks for the record.

I want to thank the chairman of the committee, the ranking member of the committee, and all those involved in this effort. S. 1595 is a fitting tribute to Justice Sandra Day O'Connor, a native of Arizona and a woman who has distinguished herself.

As my colleagues know, we have constructed a new United States courthouse in Phoenix, Arizona, and many of us active on this issue have been most anxious to designate this courthouse and to name it after Justice Sandra Day O'Connor. As my colleague, the gentleman from Louisiana (Mr. COOKSEY), has just recited, her career has been a distinguished one.

For a moment I would like to brag about the fact that Arizona has many women leaders. Five of the top elected officials in Arizona today are women, including our governor, our secretary of State, our attorney general, our superintendent of public instruction, and our State treasurer. But before they were elected as distinguished women leaders of Arizona, Justice O'Connor was a distinguished member of the Arizona bar, and my colleague, the gentleman from Louisiana (Mr. COOKSEY), has read off a litany of her accomplishments.

I simply want to say that as a young man growing up in Phoenix and taking the Arizona bar and some of the questions that Justice O'Connor wrote, she went on to distinguish herself and to set an example which I believe all people should follow, and to distinguish herself in the legal field. I am thrilled that Ronald Reagan appointed her to the United States Supreme Court as the first woman Justice on that court, I am thrilled that she continues to do Arizona well and to demonstrate the leadership of the women of Arizona and the women of this Nation, and I simply wanted to express my sincere appreciation and thanks to both the chairman and the ranking member of the committee for allowing this legislation to proceed through this evening.

Mr. OBERSTAR. Mr. Speaker, further reserving the right to object, I join with delight in supporting this legislation to honor the first woman to serve on the Supreme Court, Justice O'Connor, who has indeed distinguished herself. I have had the delight and privilege of meeting and visiting with her on several occasions.

Mr. Speaker, I rise in strong support of this bill, which designates the courthouse at 401 West Washington Street in Phoenix, Arizona, as the Sandra Day O'Connor United States Courthouse.

Justice O'Connor is the first woman to serve on the Supreme Court. She was nominated by President Reagan and was confirmed by a unanimous vote of the U.S. Senate in September of 1981. Ever since, she has served as a distinguished jurist on our Nation's highest court.

In addition to her outstanding legal career and dedication to judicial excellence, Justice O'Connor also devotes many hours as a volunteer for various charitable organizations, and she has a long history of participation in numerous civic and legal organizations.

Justice O'Connor has spent her career serving the public trust. She began her public career in legislative positions, including serving in the Arizona State Senate from 1969 until 1975, during which time she served as majority leader and a member of the Arizona Advisory Council on Intergovernmental Relations. Earlier in her career, from 1952 to 1953, Justice O'Connor served the public in California as the Deputy County Attorney in San Mateo County, and as Assistant Attorney General in Arizona from 1965 until 1969.

Her civic activities are numerous and reflect her broad interests and public services. She is a member of the National Board of the Smithsonian; she is President of the Board of Trustees of the Heard Museum; and she serves on the Advisory Board of the Salvation Army. Justice O'Connor has been Vice President of the National Conference of Christians and Jews, and a member of the Board of Trustees of her alma matter, Stanford. She has worked with the Arizona Academy, Arizona Junior Achievement, and Phoenix Historical Society.

Justice O'Connor has been active in the training and education committees for the judicial conference, and holds memberships in the America Bar Association and several state associations.

Amid all these accomplishments, Justice O'Connor has also been a devoted wife and mother. She and her husband, John, have been married almost 50 years and have three sons.

Her life has been filled with challenge, hard work, and promise. It is with great pleasure that I support S. 1595 in honor of Justice O'Connor, and urge my colleagues to join me.

Mr. Speaker, I would like to further add to the comments of the gentleman from Arizona who listed a number of women who serve in public office. The State of Arizona is very privileged to have my cousin, Rose Oberstar, serve as its governor.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1595

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF SANDRA DAY O'CONNOR UNITED STATES COURTHOUSE.

The United States courthouse at 401 West Washington Street in Phoenix, Arizona, shall be known and designated as the "Sandra Day O'Connor United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Sandra Day O'Connor United States Courthouse".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROBERT C. WEAVER FEDERAL BUILDING

Mr. COOKSEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 67) to designate the headquarters building of the Department of Housing and Urban Development in Washington, District of Columbia, as the "Robert C. Weaver Federal Building", and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

Mr. OBERSTAR. Mr. Speaker, reserving the right to object, and I shall not object, but take this reservation for the purpose of an explanation of the bill.

Mr. COOKSEY. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Louisiana.

Mr. COOKSEY. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, S. 67 designates the headquarters building of the Department of Housing and Urban Development in Washington, D.C. as the Robert C. Weaver Federal Building.

Robert C. Weaver was born on December 23, 1907 in Washington, D.C. He attended Harvard University and earned three degrees, including a doctorate in economics. In the 1930s and 1940s, Dr. Weaver was involved in many government agencies, where he advocated racial equality.

In the early 1960s, President KENNEDY appointed Dr. Weaver administrator of the Housing and Home Financing Agency, the predecessor to the Department of Housing and Urban Development. President JOHNSON designated HUD a Cabinet-level agency. Following service in the Federal Government, Mr. Weaver became a professor of numerous colleges.

Dr. Weaver passed away in July of 1997. This is a fitting designation. I support the bill and urge my colleagues to support it.

Mr. OBERSTAR. Mr. Speaker, further reserving the right to object, I too rise in support of S. 67 to designate the HUD headquarters as the Robert C. Weaver Federal Building.

I have had the privilege, as a member of the staff of my predecessor, to meet Bob Weaver; and I have only the highest respect for his professional accomplishments and for Dr. Weaver as a very decent, warm, caring, energetic, hard working, and visionary human being.

Dr. Robert Clifton Weaver has been one of the most instrumental and influential Americans in directing and administering federal housing policies. Dr. Weaver was a native Washingtonian, a graduate of Dunbar High School, and Harvard University in 1929. In 1931 he received his Masters degree, and in 1934 his Ph.D. in economics from Harvard.

He entered government in 1933, as one of the young professionals who were drawn to Washington because of the "New Deal" programs of President Roosevelt.

He quickly became a leader in promoting opportunities and efforts to increase minority participation in government projects and policy development. During the 1940's and 1950's, Dr. Weaver held a variety of prestigious positions, including Director of the Opportunity Fellowship Program of the John Hay Whitney Foundation, consultant to the Ford Foundation, State of New York Rent Administrator, and in 1960 he became the Vice Chairman of the New York City Housing and Redevelopment Board.

In 1961, President Kennedy named Dr. Weaver as the Administrator of the Housing and Home Finance Agency, then a loose collection of agencies including the mortgage-insuring Federal Housing Administration.

Dr. Weaver worked tirelessly to mold the agency into a single organization with a unified goal. In 1966, when the Department of Housing and Urban Development (HUD) was formed by President Johnson, Dr. Weaver was designated its first Secretary, the first African-American to hold a cabinet-level position.

After his service at HUD, Dr. Weaver returned to academic life and served as the President of Baruch College in New York City.

Dr. Weaver was the recipient of numerous awards and honors, including the NAACP's Springarn Medal, the Albert Einstein Commemorative Award, the New York City Urban League Frederick Douglass Award, and New York University's Robert F. Wagner Public Service Award.

Dr. Weaver led a rich, full life marked by professional accomplishments and excellence. His legacy in public service is a model for all of us. It is fitting and proper to honor Dr. Weaver with this designation and I join with the Gentleman from New York, Mr. RANGEL, the sponsor of the House's companion bill, in supporting S. 67.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 67

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF ROBERT C. WEAVER FEDERAL BUILDING.

In honor of the first Secretary of Housing and Urban Development, the headquarters building of the Department of Housing and Urban Development located at 451 Seventh Street, SW., in Washington, District of Columbia, shall be known and designated as the "Robert C. Weaver Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the "Robert C. Weaver Federal Building".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. COOKSEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1595 and S. 67, the measures just considered by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the bill (H.R. 3419) to amend title 49, United States Code, to establish the Federal Motor Carrier Safety Administration, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. OBERSTAR. Mr. Speaker, reserving the right to object, I would ask the chairman of the committee for an explanation of the bill.

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, I thank the gentleman for yielding to me.

This bill creates a new Federal Motor Carrier Safety Administration within the Department of Transportation and makes significant safety improvements. It is a good bipartisan bill that will improve safety on our Nation's highways.

Mr. Speaker, this bill will make our roads safer for everyone. We owe it to the driving public to ensure that the trucks with which they share the road are safe.

Without hampering honest operators, this bill will ensure that the authorities will have the resources they need to keep unsafe buses and trucks off the road. It closes loopholes and imposes tough penalties on repeat offenders.

This bill doubles the number of State truck inspectors and puts more inspectors on the Mexican border to ensure that income Mexican trucks meet all U.S. safety standards.

This is a time-sensitive bill because trucking safety currently does not have an organizational home at the Department of Transportation.

It is temporarily housed in the Office of the Secretary.

This bill will create a new Federal Motor Carrier Safety Administration effective January 1, 2000.

If Congress does not enact this bill, truck safety will remain in limbo at the Department.

This is truly a comprehensive bill that reforms Federal motor carrier safety efforts.

This new agency will be dedicated to truck and bus safety. In the past, motor carrier safety oversight was housed in the Federal Highway Administration, where it had to compete with large Federal infrastructure programs for attention.

The complexity and growth of the trucking industry justifies the creation of an agency with a clear, preeminent safety mission focused on truck and bus safety. Truck safety will now have the same status within the Department as aviation safety, automobile safety, pipeline safety, and maritime safety.

When this bill passed last month, some in the media said the bill would overturn NAFTA. Amazingly enough, they were wrong. This bill gives the Secretary the power to shut down unsafe Mexican trucks coming into the U.S.—that is it. To ensure this bill has no effect on NAFTA, we have included language that states that nothing in today's bill will over-ride NAFTA.

This is the most significant motor carrier safety legislation since 1986.

This bill was developed between the House and the Senate.

It is very similar to the truck safety bill passed earlier this year by the House of Representatives by the overwhelming margin of 415 to 5.

It is my hope that if the House passes this bill today that the Senate will pass it before the Congress adjourns.

This bill is a pro-safety bill that will improve highway safety for all Americans.

I urge passage of the bill.

Mr. OBERSTAR. Mr. Speaker, further reserving the right to object, I am very pleased with this bill. The Motor Carrier Safety Improvement Act of 1999 is a good bill. It preserves all the strong provisions of the bill that passed the House and adds provisions from the Senate bill that will further enhance safety. A strong House bill has been made even stronger.

I just want to express my great appreciation to my chairman, my partner, and the chairman of the subcommittee, the gentleman from Wisconsin (Mr. PETRI), and the ranking member, the gentleman from West Virginia (Mr. RAHALL), but especially to our chairman for championing this legislation. This is good legislation. It will only add to the gentleman's distinguished record of achievement in this House, especially one in the safety arena where he has been so strong an advocate.

Mr. SHUSTER. Mr. Speaker, if the gentleman would further yield, I am also submitting an explanatory statement of the bill to be printed in the RECORD. This document has been worked out by the Members on the House and Senate sides, by myself, the gentleman from Wisconsin (Mr. PETRI), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from West Virginia (Mr. RAHALL), as well as Senators MCCAIN and HOLLINGS.

I would particularly like to emphasize that the gentleman from Virginia (Mr. WOLF) certainly played a key role in serving as a catalyst to bring this legislation to our attention, and I certainly want to commend him for that.

I also would like to report to the House, as we close this session of the Congress, that of the 104 bills signed into law by the President thus far, 19 came from our committee. So approximately 20 percent of the bills which made their way through to law have come from the Committee on Transportation and Infrastructure. Additionally, another 50 bills, in fact this one will be 51 bills, will make their way through the House, and we look forward to many of them becoming law in the next session.

Mr. OBERSTAR. Reclaiming my time, under my reservation, Mr. Speaker, I thank the gentleman and concur in that observation.

Mr. SHUSTER. Mr. Speaker, if the gentleman will yield once again, I would be derelict in not noting the tremendous contribution of our staff, Jack Schenendorf, Mike Strachn, Roger Nober, Chris Bertram, Patti Doersch, Jess Sharp; and on the gentleman's side, Clyde Woodle, Rosalyn Millman, who is now acting administrator of NHTSA.

Everyone worked so hard to bring this bill to where it is today, and I want to commend the gentleman and thank him once again for the tremendous bipartisan support which we have had on our committee.

Mr. OBERSTAR. Mr. Speaker, reclaiming my time under my reservation of objection, I thank the gentleman and am certainly glad he cited the staff, because they certainly have worked hard and cooperatively all the way through this legislation.

The gentleman's statement underscores the success of the Committee on Transportation and Infrastructure. In a Congress that has been getting a bad rap for gridlock, this committee has worked together and achieved an extraordinary record of accomplishment. Just before the August break, it was 26 percent of all the bills that have passed the House enacted into law were bills from this committee.

☐ 2000

Our percentage has dropped only because other committees have awakened and have risen to the challenge and the examples set by the Committee on Transportation and Infrastructure. But again, it is due to the partnership and the cooperation we have achieved, I think, at the level of the chairman and ranking member.

Mr. Speaker, I rise in strong support of the Motor Carrier Safety Improvement Act of 1999. We originally passed this bill on October 14, but the Other Body has not completed work on its version of the bill. In order to make it possible to send a bill to the President before we adjourn, we have worked with the Senate Commerce Committee on a bipartisan basis to develop a bill that combines the best features of our bill and the companion motor carrier safety bill introduced in the Other Body. Our aim is to pass this compromise legislation in both Houses prior to adjournment and to send it to the President for his signature.

I am very pleased with the Motor Carrier Safety Improvement Act of 1999. This is a good bill. It preserves all the strong safety provisions in the House bill, and adds provisions from the Senate bill that will further enhance safety. A strong House bill has been made even stronger.

I want to commend our Committee Chairman, Mr. SHUSTER, Chairman PETRI of the Ground Transportation Subcommittee, and Subcommittee Ranking Member RAHALL for their diligent efforts in developing this bill. This important legislation will give federal government the direction, the incentives, and the resources needed to improve the safety of large trucks on our highways. Every year, crashes involving large trucks kill more than 5,300 people and injure about 130,000 people. On average, there are 14 deaths and 350 injuries every day of the year. Unless the federal safety program is significantly improved, there will be more deaths and injuries as the number of miles traveled by large trucks increases. This is not acceptable.

The Inspector General of the Department of Transportation, the General Accounting Office, and Norm Mineta, a former Chairman of our Surface Transportation Subcommittee and Full Committee, have concluded that the federal government's program to ensure the safety of motor carriers has major deficiencies. Their studies found that DOT has not been conduction enough commercial vehicle and driver inspections; and that the penalties imposed for violations are too low to deter future violations.

The studies also found that DOT rarely completes needed safety regulations on time. More than 20 motor carrier safety rulemakings have been in process for between three and nine years. These rulemakings involve important safety issues such as hours-of-service limits, motor carrier permits for carrying hazardous materials, and training standards for entry-level drivers.

DOT's databases are incomplete and unreliable; DOT lacks adequate personnel and facilities at our borders; and perceived conflicts of interest have undermined the credibility of DOT's research program.

Since these troubling reports by the IG and others were issued, the Secretary of Transportation, to his credit, has taken important steps to enhance the effectiveness of the motor carrier safety program. We support the Secretary's efforts. The legislation we have written will enhance these efforts and give DOT the resources needed to carry out the job.

There are four principles, I believe, that any good motor carrier safety bill should include—safety as the primary mission; sound credible research as the foundation for policy; vigorous oversight and enforcement; and adequate resources. This bill addresses each of these principles.

The bill creates a new Administration, the Federal Motor Carrier Safety Administration, without DOT. The bill gives the new Administrafion the direction, the incentives, and the resources it will need to improve motor carrier safety. The new Administration will also include a regulatory ombudsman, with authority to expedite rulemaking by assigning the necessary staff and resolving disagreements within the new agency.

The bill follows the model of the Federal Aviation Act of 1958, which established the Federal Aviation Administration to improve aviation safety. The bill directs the new Federal Motor Carrier Safety Administration to consider the assignment and maintenance of safety as the highest priority, recognizing the clear intent, encouragement, and dedication of Congress to the furtherance of the highest degree of safety in motor carrier transportation.

The bill requires the Secretary to develop a long-term strategy for improving motor carrier safety. Specific, measurable goals must be established to carry out the strategy, and estimates of funds and staff resources needed to accomplish the goals must be submitted to Congress annually.

The three top officials of the new Administration (the Administrator, Deputy Administrator, Chief Safety Officer) and the Administration's regulatory ombudsman are each required to sign a performance agreement with specific measurable goals to carry out this strategy, including increasing the number of inspections and compliance reviews, eliminating the backlog in rulemaking and enforcement cases, improving the quality and effectiveness of databases, and increasing inspection resources at the border. An official's progress toward meeting the goals is to be given substantial weight when bonuses and other achievement awards are dispersed within the Department.

The bill will give the Administration the resources it will need to do a better job. The bill provides a significant increase in guaranteed and authorized funding for motor carrier safety programs. Funding for personnel and resources of the new Administration will be 70 percent higher (an average of $38 million per year) than current staffing for the Office of Motor Carrier Safety. The additional funding will enable the Motor Carrier Administration to hire more federal inspectors, and more attorneys to complete rulemakings. The bill also provides an additional $55 million per year of guaranteed funding for motor carrier safety grants. In addition, the bill authorizes $75 million per year, subject to appropriation, for motor carrier safety grants above the guaranteed level.

The bill makes numerous programmatic changes to improve safety by keeping dangerous drivers off the roads and enhancing oversight. The bill improves the consistency of Commercial Driver's Licenses by closing loopholes in record keeping, establishing tougher penalties for crashes that cause fatalities, and authorizing DOT to decertify the CDL programs of States that do not comply with national requirements.

Trucks entering the United States will face more comprehensive oversight when DOT implements new staffing standards for inspectors at our international borders. Violators of safety laws and regulations will face penalties high enough to promote future compliance. Maximum fines will be assessed for repeat offenders as well as a pattern of violations of our safety laws and regulations.

A comprehensive study of crash causation along with an enhanced data collection effort will help DOT and the States target their education, oversight, and enforcement activities to address the most serious contributors to crashes.

I want to again commend Chairmen SHUSTER and PETRI, and Ranking Democratic Member RAHALL, for their efforts to develop this strong motor carrier safety bill. I urge my colleagues to support the bill.

Mr. Speaker, I include for the RECORD the following statement from Secretary Slater supporting the committee's action and supporting this bill:

Statement of U.S. Transportation Secretary Slater Supporting the Motor Carrier Safety Improvement Bill

I am gratified that the Congress is moving swiftly to pass the "Motor Carrier Safety Improvement Act of 1999" (H.R. 3419). This bill would give the U.S. Department of Transportation and states additional tools to significantly improve commercial motor carrier safety across the country and at our borders. President Clinton has made clear that safety is the highest priority for the Department of Transportation. The Administration strongly supports passage of H.R. 3419.

The leadership of House Transportation and Infrastructure Committee Chairman Bud Shuster and Ranking Member Jim Oberstar, and Senate Commerce Committee Chairman John McCain and Ranking Member Ernest Hollings was critical to this agreement.

This legislation is truly a broad-based, bipartisan effort and, if enacted, will reduce motor carrier crashes and save lives. It incorporates initiatives from Senate and House proposals: the Administration's proposal; a safety audit by the Department's Inspector General, Kenneth M. Mead; a review conducted for the Department by former House Public Works and Transportation Committee Chairman Norman Y. Mineta; and recommendations from labor, safety groups, industry, and state and local governments.

The bill would create a new Federal Motor Carrier Safety Administration focused on safety as its highest priority. I support that safety emphasis wholeheartedly and applaud other provisions to increase resources and regulatory and enforcement tools. Among the significant provisions are:

Commercial Driver's License Program. Comprehensive improvements would be made to the Commercial Driver's License (CDL) program. These would allow the Department and its state partners to more effectively identify problem drivers, take appropriate remedial action, and get high-risk drivers off the road.

New Entrants. A "new entrants" program would permit the Department and states to ensure the safety fitness of newly-formed motor carrier companies. New applicants for authority would demonstrate their knowledge of safety regulations, and the Department would be challenged to review the safety of new carriers within the first 18 months of operation.

Foreign Carriers. The Department would gain strong new sanctions to prevent foreign carriers from operating illegally in the United States. The Department would deny entry to carriers that are not properly registered and impose stiff fines on violators. If carriers operate outside the scope of their registration authority, their trucks would be placed out-of-service at the roadside.

Data Collection to Target Problems. New data and analysis tools would help the Department determine why truck and bus crashes happen and identify the best prevention measures. H.R. 3419 would fund a major crash causation study and put into place a new system for collecting crash data nationally. The bill would also require motor carriers to update their records with the Department, helping us to focus enforcement resources on carriers that present the greatest safety risk.

Increased Resources. With passage of this bill, states would receive a major boost in resources to conduct more inspections of vehicles, drivers, and carriers. They would be able to implement innovative new safety countermeasures, keep more complete records on driver violations, and greatly strengthen enforcement programs.

I urge the Congress to act expeditiously to approve the "Motor Carrier Safety Improvement Act of 1999." I believe we have a singular opportunity now to make major strides toward improving motor carrier safety and achieving the Administration's 50 percent fatality reduction goal. We at the Department look forward to working with all our partners in continuing these critical efforts to save lives and make our nation's highways safer.

Mr. Speaker, I concur with the statement of the chairman of the committee on the remarks and the document that he will include in the RECORD that serve as a joint statement of managers for this legislation.

Mr. SHUSTER. Mr. Speaker, if the gentleman will continue to yield, I am submitting for the RECORD the joint explanatory materials I referred to above:

Introductory Note to Joint Explanatory Materials

We are pleased to submit the accompanying Joint Explanatory Statement of the Motor Carrier Safety Improvement Act. These materials explain the provisions of the bill in detail. On September 24, the Committee on Transportation and Infrastructure filed its report (H. Rept. 106-333) on H.R. 2679, its Motor Carrier Safety Act, to establish a separate motor carrier administration at the Department of Transportation and to make reforms to the commercial driver's license program and related motor carrier safety programs. The House overwhelmingly passed H.R. 2679 on October 14. The Senate introduced S. 1501, the Motor Carrier Safety Improvement Act, in August but took no further action on the bill.

To expedite enactment of the significant motor carrier safety reforms included in this bill, the leadership of the House Transportation and Infrastructure Committee has worked with the Senate Commerce, Science, and Transportation Committee in developing the bill. This Joint Explanatory Statement therefore represents the views of the Chairmen and Ranking members of the Transportation and Infrastructure Committee and the Ground Transportation Subcommittee, along with the Chairman and Ranking Member of the Senate Commerce Committee.

This Joint Explanatory Statement will provide legislative history for interpreting this important safety legislation.

Joint Explanatory Statement of The Honorable Bud Shuster, The Honorable James Oberstar, The Honorable Thomas Petri, The Honorable Nick Rahall, The Honorable John McCain and The Honorable Ernest Hollings on H.R. 3419: Motor Carrier Safety Improvement Act of 1999

Section 1. Short Title; Table of contents

The provision provides that this Act may be cited as the "Motor Carrier Safety improvement Act of 1999." The section also includes a table of contents for the bill.

Sec. 2. Secretary defined

The provision defines the term "Secretary" to mean the Secretary of Transportation.

Sec. 3. Findings

The provision makes eight findings on motor carrier safety. Among other findings, Congress finds that the current rate, number, and severity of crashes involving motor carriers are unacceptable; the number of Federal and State motor carrier compliance reviews and commercial motor vehicle and operator inspections is insufficient; civil penalties for violators must be utilized to deter future violations; and meaningful measures to improve safety must be implemented expeditiously to prevent increases in motor carrier crashes, injuries, and fatalities. Congress further finds that proper use of Federal resources is essential to the Department of Transportation's ability to improve its research, rulemaking, oversight, and enforcement activities.

Sec. 4. Purposes

The provision lists the purposes of this Act as improving the administration of the Federal motor carrier safety program by establishing a Federal Motor Carrier Safety Administration in the Department of Transportation and by enacting measures to reduce the number and severity of large truck-involved crashes through increased inspections and compliance reviews, stronger enforcement measures, expedited rulemakings, scientifically sound research, and improvements to the commercial driver's license program.

TITLE I—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Sec. 101. Establishment of Federal Motor Carrier Safety Administration

Subsection 101(a) adds a new section 113 to title 49, United States Code, to establish, as a separate administration within the Department of transportation, the Federal Motor Carrier Safety Administration (FMCSA). The managers note that Section 101 provides that "in carrying out its duties, the Administrator shall consider the assignment and maintenance of safety as the highest priority." This subsection is modeled on provisions which govern the activities of the Federal Aviation Administration and the Secretary of Transportation's responsibilities for the regulation of air transportation. See 49 U.S.C. 40101(a)(1) & (d) and 49 U.S.C. 47101(a)(1). The Managers intend that new section 101 be interpreted and implemented in the same manner as the above-listed provisions in the laws governing aviation.

The Administration is headed by a Presidentially appointed, Senate-confirmed Administrator with professional experience in motor carrier safety; a Deputy Administrator appointed by the Secretary with the approval of the President, and a Chief Safety Officer appointed in the competitive service. In addition to any duties and powers prescribed by the Secretary, the Administrator shall carry out the duties and powers related to motor carriers and motor carrier safety set forth in chapters 5, 51, 55, 57, 59, 133 through 149, 311, 313, 315, and 317 of title 49, United States Code, and 42 U.S.C. 4917.

Subsection (b) provides dedicated funding for the administrative and research expenses of the FMCSA. This subsection increases funding 70 percent (an average of $38 million per year) above the level currently provided within the Federal Highway Administration, to improve the motor carrier safety research, rulemaking, oversight, and enforcement activities transferred to the FMCSA.

Subsections (c) and (d) make conforming amendments to titles 5 and 49, United States Code.

Subsection (e) caps the employment level currently at the Office of Motor Carrier Safety at its headquarters location in fiscal year 2000, except for staff transferred to the Office from the Federal Highway Administration, for fiscal year 2000. The cap includes Office of Motor Carrier Safety staff and FHWA transferred employees (FTEs) who were already dedicated to motor carrier safety matters when the Office of Motor Carrier Safety was established in October 1999. It does not preclude further transfers from the FHWA to the FMCSA during fiscal year 2000.

The Congress has provided additional motor carrier safety funding and expects those resources to be dedicated toward increased motor carrier safety enforcement and inspection activities and to expedite rulemakings. The cost of unnecessary headquarters administrative or overhead positions, including public affairs officers, congressional liaison representatives and other nonsafety-related positions, is not a proper use of the additional authorized funding. These headquarters' officials are not involved in carrying out safety responsibilities such as developing policies and regulations to enforce motor carrier safety laws.

Subsection (e) requires the Secretary to report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure on the specific FMSCA personnel requested for each of fiscal years 2001, 2002, and 2003. The Secretary's justifications for any additional FMSCA headquarters' administrative or overhead positions shall include detailed descriptions of the specific needs to be addressed by the additional personnel. Such justifications must be submitted to allow sufficient time for the Committees to review the Secretary's request.

Subsection (f) provides that the authority to promulgate safety standards for commercial motor vehicles and equipment subsequent to initial manufacture is vested in the Secretary of Transportation and may be delegated.

Subsection (g) requires the Secretary to comply with the requirements of a discretionary departmental regulation, at 48 C.F.R. 1252.209–70, concerning the disclosure of conflicts of interest in research contracts, and to include the text of such regulation in each such contract. This requirement is Department wide. This subsection also calls for a study to determine the effectiveness of this requirement. Eliminating or mitigating conflicts of interest will increase the likelihood that the research results will be more widely accepted and therefore be a more acceptable basis for policy decisions.

The managers note the bill does not establish any specific offices of the FMCSA because the Secretary is best positioned to determine the specific organizational structure of the Administration. The Congress intends for the Secretary to organize the new agency in a manner and structure that adequately reflects the unique demands of passenger vehicle safety, international affairs, and consumer affairs.

Sec. 102. Revenue aligned budget authority

Subsection 102(a) amends section 110 of title 23, United States Code, concerning revenue aligned budget authority, to include the motor carrier safety assistance program (MCSAP) in the group of programs for which funding is annually adjusted to correspond to Highway Trust Fund receipts.

Subsection (b) makes a number of technical and conforming amendments, including the relocation of a second section 110, concerning uniform transferability of Federal-aid highway funds, to a section 126 of title 23, United States Code.

Sec. 103. Additional funding for Motor Carrier Safety Grant Program

Subsection 103(a) authorizes an additional $75 million from the Highway Trust Fund for each of fiscal years 2001 through 2003 for the motor carrier safety assistance program.

Subsection (b) amends section 4003 of the Transportation Equity Act for the 21st Century (TEA 21) to increase the amount of guaranteed funding provided in TEA 21 for the motor carrier safety assistance program by the following amounts: $65 million for each of fiscal years 2001 through 2003. This subsection also amends section 1102 of TEA 21 to reduce the obligation ceiling for federal-aid highways and highway safety construction programs by $65 million for each of fiscal years 2001 through 2003.

Subsection (c) establishes a maintenance of effort requirement for States receiving MCSAP funds under this section. Each State must maintain its spending for MCSAP-eligible activities at a level equal to the average annual level of expenditures for MCSAP activities for fiscal years 1997, 1998, and 1999.

Subsection (d) permits the Secretary to provide emergency grants of up to $1 million to a State that is having difficulties in meeting the requirements associated with the commercial driver's license program and is in danger of having its program suspended due to noncompliance.

Subsection (e) provides that if a State is not in substantial compliance with each requirement of 49 U.S.C. 31311, concerning commercial driver's licensing, the Secretary shall withhold any allocation of MCSAP funds authorized under this section. This subsection also provides that it, before June 30 of the fiscal year in which it was found in noncompliance, a State is found by the Secretary to be in substantial compliance with each requirement of section 31311 of such title, the Secretary shall allocate to the State the funds withheld under this subsection.

Sec. 104. Motor carrier safety strategy

Subsection 104(a) requires the Secretary of Transportation, as part of the Department's existing federally required strategic planning efforts required under GPRA, to develop and implement a long-term strategy, including an annual plan and schedule for improving commercial motor vehicle, operator, and carrier safety, and sets forth four goals to be included in the strategy. The goals are: (1) reducing the number and rates of crashes, injuries, and fatalities involving commercial motor vehicles, (2) improving enforcement and compliance programs, (3) identifying and targeting enforcement at a high-risk carriers, vehicles, and drivers, and (4) improving research.

Subsection (b) requires that goals be established that are designed to accomplish the safety strategy and that estimates be developed concerning the funding and staffing resources needed to accomplish the goals. By working toward the measurable goals, the Administration will also be progressing toward the strategic goals.

Subsection (c) requires the submission of the strategy and annual plan with the President's annual budget submission, starting with fiscal year 2001.

Subsection (d) establishes that for each of the fiscal years 2001 through 2003, the following officials shall enter into annual performance agreements between: (1) the Secretary and the Federal Motor Carrier Safety Administrator; (2) the Administrator and the Deputy Federal Motor Carrier Safety Administrator; (3) the Administrator and the Chief Safety Officer of the Federal Motor Carrier Safety Administration; and (4) the Administrator and the regulatory ombudsman designated by the Administrator. Each of these officials shall enter into a performance agreement that contains the appropriate numeric or measurable goals of the Administration's motor carrier safety strategy.

The provision requires that the Secretary assess the progress of the officials toward achieving their respective goals, and that the Secretary convey the assessments to the officials, identifying possible future performance improvements. An official's progress toward meeting the goals of a performance agreement is to be given substantial weight by the Secretary when bonuses or other achievement awards are dispersed consistent with the Department's established performance appraisal system.

Subsection (e) requires that the Secretary and the Administrator of the FMCSA assess the progress of the Administration toward achieving the goals set out in subsection (a) no less frequently than semiannually. The assessment should be conveyed to the employees of the FMCSA, and deficiencies identified. The Secretary is required to report to the Congress the results of the individual and Administration progress assessment annually.

Subsection (f) requires the Administrator of the FMCSA to designate a regulatory ombudsman to expedite rulemakings in order to meet statutory and internal departmental deadlines.

Sec. 105. Commercial motor vehicle safety advisory committee

The provision permits the establishment of a commercial motor vehicle safety advisory committee to provide advice and recommendations on a range of commercial motor vehicle safety issues. Members are appointed by the Secretary and include representatives of industry, drivers, safety advocates, manufacturers, safety enforcement officials, representatives of law enforcement agencies from border States, and other individuals affected by rulemakings. No one interest may constitute a majority. If the Secretary establishes the advisory committee, it should provide advice to the Secretary on commercial motor vehicle safety regulations and other matters relating to activities and functions of the Federal Motor Carrier Safety Administration. The committee will remain in effect until September 30, 2003.

Sec. 106. Savings provision

The savings provision is intended to provide for the orderly transfer of personnel and property from the Office of Motor Carrier Safety to the FMCSA. The provision is also intended to ensure that legal documents and requirements that had been in effect on the date of the transfer, and proceedings in effect, will continue as if the Act had not been enacted. The savings provision also provides that lawsuits commenced against the Office of Motor Carrier Safety or its employees, in their official function, continue as if this Act had not been enacted. Further the provision assures the authority of officials of the FMCSA to continue the functions and performances that had been previously performed by officials of the Office of Motor Carrier Safety, and deems any reference to the Office of Motor Carrier Safety, or its predecessors, to apply to the FMCSA.

Sec. 107. Effective date

Subsection 107(a) provides that this Act shall take effect on the date of its enactment; except that the amendments made by section 101 which establish the Federal Motor Carrier Safety Administration, shall take effect on January 1, 2000.

Subsection (b) requires that the President's budget submission for fiscal year 2001 and each fiscal year thereafter reflect the establishment of the Federal Motor Carrier Safety Administration in accordance with this Act.

TITLE II—COMMERCIAL MOTOR VEHICLE AND DRIVER SAFETY

Sec. 201. Disqualifications

Subsection 201(a) amends section 31310 of title 49, United States Code, to make a single violation of driving a commercial motor vehicle with a revoked, suspended, or canceled commercial driver's license, or driving while disqualified, a one-year disqualifying offense, and to make a conviction for causing a fatality through the negligent or criminal operation of a commercial motor vehicle a one-year disqualifying offense. This subsection also makes the commission of more than one violation of driving a commercial motor vehicle with a revoked, suspended, or canceled commercial driver's license, or driving while disqualified, a lifetime disqualifying offense, and to make a conviction of more than one offense of causing a fatality through the negligent or criminal operation of a commercial motor vehicle a lifetime disqualifying offense.

Subsection (b) amends section 31310 to give the Secretary emergency disqualification authority to revoke the commercial driving privileges of an individual upon a determination by the Secretary that allowing the individual to continue to operate a commercial motor vehicle would create an imminent hazard. The Secretary can disqualify an individual under this provision for no more than 30 days without providing notice and an opportunity for a hearing.

Subsection (b) also amends section 31310 to require the Secretary to issue regulations establishing criteria for disqualifying from operating a commercial motor vehicle an individual who holds a commercial driver's license and who has been convicted of a serious offense involving a vehicle other than a commercial motor vehicle (CMV) resulting in the revocation, cancellation, or suspension of the individual's license, or has been convicted of a drug or alcohol-related offense involving a motor vehicle other than a commercial motor vehicle. The behavior of a CDL holder in operating vehicles other than CMV's is relevant to the CDL holder's fitness to operate a commercial motor vehicle; therefore the Secretary is directed to conduct a rulemaking to determine the appropriate minimum time periods for which a CDL holder should be disqualified, but in no case shall the time periods for which CDL holders are disqualified for such offenses be more stringent than the disqualification periods for offenses involving a commercial motor vehicle.

Subsection (c) amends section 31301 of title 49, United States Code, to add three offenses to the list of serious traffic violations for which a CDL holder can be disqualified under subsection 31310(e). The new offenses are: driving a CMV without obtaining a CDL; driving a CMV without a CDL in your possession; and driving without a required endorsement. But it shall not be a serious traffic violation if a driver cited for operating a CMV without a license in his or her possession can produce proof, before the time to appear or pay the fine for such citation, that he or she did have a valid CDL at the time of the citation.

Subsection (d) makes clarifying amendments to section 31305(b)(1) of title 49, United States Code.

Sec. 202. Requirements for State participation

Subsection 202(a) amends section 31311(a)(6) of title 49, United States Code, to require a State to request, before renewing an individual's CDL, all information about the driving record of such individual from any other State that has issued a driver's license to the individual.

Subsection (b) amends section 31311(a)(8) of such title to require a State, when notifying the Secretary, the operator of CDLIS, and the issuing State of the disqualification, revocation, suspension, or cancellation of a CDL holder's commercial driver's license, to also notify such entities of the underlying violation that resulted in such disqualification, revocation, suspension, or cancellation.

Subsection (c) revises 31311(a)(9) of such title to require a State to notify a CDL holder's home State of any violation of traffic laws committed by the CDL holder, not just violations involving a commercial motor vehicle. The subsection also requires a State to notify any State that has issued a driver's license (non-CDL) to an individual of any violation committed while the individual is operating a CMV.

Subsection (d) amends section 31311(a)(10) of such title to provide that a State may not issue any form of special license or permit, including a provisional or temporary license, to a CDL holder that would permit the CDL holder to drive a CMV during a period in which the CDL holder's license is revoked, suspended, or canceled, or the CDL holder is disqualified from operating a CMV.

Subsection (e) revises 31311(a)(13) of title 49 to provide that a State may establish penalties, with the Secretary's approval, that are consistent with chapter 313, for violations committed by an individual operating a commercial motor vehicle.

Subsection (f) adds a new paragraph 31311(a)(18) to title 49 to require the State to maintain, as part of its driver information system, a record of each violation of motor vehicle traffic control laws committed by a CDL holder, and to make to such record available upon request to the individual driver, the Secretary, employers, prospective employers, State licensing and law enforcement agencies, and their authorized agents.

Subsection (g) adds a new paragraph 31311(a)(19) to title 49 to prohibit both conviction masking and deferral programs by requiring every State to keep a complete driving record of all violations of traffic control laws (including CMV and non-CMV violations) by any individual to whom it has issued a CDL, and to make each such complete driving record available to all authorized persons and governmental entities having access to such record. This provision provides that a State may not allow information regarding such violations to be masked or withheld in any way from the record of a CDL holder.

Subsection (g) also adds a new paragraph 31311(a)(20) to title 49 to require each State to comply with the requirements of the regulation issued under 31310(g) of such title.

Sec. 203. State noncompliance

Section 203 clarifies the Secretary's authority to shut down a State's CDL program if a State is not substantially complying with Federal CDL requirements. The section permits a CDL holder or applicant to go to another State for licensing or renewal if his/her home state program has been shut down for noncompliance. This provision does not invalidate or otherwise affect commercial driver's licenses issued by a State before the State's CDL program was found to be noncompliant and shut down.

Sec. 204. Checks before issuance of driver's licenses

Section 204 amends section 30304 of title 49, United States Code, to require a State, before issuing or renewing any motor vehicle operator's license to an individual, to query both the National Driver Register (NDR) and the commercial driver's license information system (CDLIS). The intent of this provision is to close a loophole in the CDL program identified in the Department of Transportation's CDL Effectiveness Study, whereby a driver currently holding a valid CDL applies for a non-CDL without revealing or surrendering the CDL. Without a check of both NDR and CDLIS, the fact that the driver already holds a CDL at the time of application for a non-CDL can go undetected, thus defeating the fundamental "one driver, one license" principle behind the CDL program that prevents drivers from spreading multiple convictions over multiple licenses. The provision also amends section 31311(a)(6) to require that before issuing or renewing a commercial driver's license, the State shall request from any other State that has issued a driver's license to the individual all information about the driving record of the individual.

Sec. 205. Registration enforcement

The provision adds new subsection 13902(e) to authorize the Secretary to put a carrier out of service upon finding that the carrier is operating without authority or beyond the scope of its authority. Foreign motor carriers who operate vehicles in the U.S. are not permitted to operate in interstate commerce without evidence of registration in each motor vehicle.

SEC. 206. Delinquent payment of penalties

Subsection (a) amends section 13905(c) of title 49, United States Code, to provide that registration of a carrier, broker, or freight forwarder may be suspended, amended, or revoked for failure to pay civil penalty, or arrange and abide by a payment plan, within 90 days of the time specified by order of the Secretary for the payment of such penalty. This provision does not apply to a person unable to pay assessed penalties because a person is a debtor in a case under chapter 11 of title 11, United States Code.

Subsection (b) amends section 521(b) of title 49, United States Code, to provide that an owner or operator of a commercial motor vehicle who fails to pay an assessed civil penalty or fails to arrange and abide by an acceptable payment plan for such civil penalty, within 90 days of the time specified by order of the Secretary for the payment of such penalty, may not operate in interstate commerce. This provision does not apply to a person unable to pay assessed penalties because the person is a debtor in a case under chapter 11 of title 11, United States. Code.

Sec. 207. State cooperation in registration enforcement

The provision amends section 31102(b) of title 49, United States Code, to clarify that State motor carrier plans shall ensure State cooperation in enforcement of registration and financial responsibility requirements in sections 13902, 13906, 31138 and 31139 of such title.

Sec. 208. Imminent hazard

The provision revises the definition of imminent hazard in section 521(b)(5)(B) of title 49, United States Code, to refer to a condition that "substantially increases the likelihood of" serious injury or death.

Sec. 209. Household goods amendments

Subsection 209(a) is a technical amendment to the definition of household goods in section 13102(10)(A) of title 49, United States Code, regarding certain property moving from a store or factory.

Subsection (b) increases the limit for mandatory arbitration under section 14708(b)(6) of such title from $1,000 to $5,000.

Subsection (c) requires a General Accounting Office study on the effectiveness of DOT enforcement of household goods consumer protection rules and other potential methods of enforcement, including State enforcement.

Sec. 210. New motor carrier entrant requirements

This provision requires the Secretary to initiate a rulemaking to establish minimum requirements for new motor carriers to ensure applicant carriers are knowledgeable about applicable Federal motor carrier safety standards. It requires motor carrier owners and operators who ware granted new operating authority to be reviewed by a safety inspector within eighteen months of commencing operations. The provision requires the Secretary, in establishing the elements of the safety review, to consider the impact on small businesses and to consider establishing alternative locations for conducting such reviews. It also allows the new entrant review requirements to be phased in over time to take into account the availability of certified motor carrier safety auditors and provides for designating new motor carriers as "new entrants" until the required review is completed.

Sec. 211. Certification of safety auditors

The provision requires the Secretary to complete a rulemaking within one year of enactment to improve training and provide for the certification of motor carrier safety auditors, including private contractors, to conduct safety inspection audits. The provision prohibits private contractors from issuing safety ratings or operating authority, and authorizes the Secretary to decertify any motor carrier safety auditors.

Sec. 212. Commercial van rulemaking

This provision requires the Secretary to complete in one year an on-going rulemaking, Docket No. FHWA–99–5710, to determine which small passenger vans should be covered by Federal motor carrier safety regulations. At a minimum, the rulemaking shall apply safety regulations to commercial vans referred to as "camionetas"—carriers providing international transportation between points in Mexico and points in the United States—and to commercial vans operating in interstate commerce outside commercial zones that have been determined to pose serious safety risks. In no case should the rulemaking be concluded to exempt all small commercial passenger carrying vans.

The managers note there have been a number of fatal accidents involving small passenger vans known as camionetas particularly in the Southern border States. In an effort to address this safety problem, the Congress has acted on two separate occasions directing the Secretary to apply Federal motor carrier safety regulations to these passenger vans. First, the definition of passenger vans was amended as part of the ICC Termination Act of 1995 with the intent of applying safety regulations to these carriers. However, the Department took no action based on this statutory requirement. Due to the lack of action by the Department to regulate these vehicles, the Congress again directed the Department to apply certain motor carrier safety regulations to those vans in the Transportation Equity Act for the 21st Century (TEA 21). The TEA 21 provision required that all commercial vans carrying more than 8 passengers to be covered by most Federal motor carrier safety rules by June 1999, except to the extent DOT exempted operations as it determined appropriate through rulemaking. The Department took no action to even initiate the statutory rulemaking by the June deadline. On September 3, 1999, the Department finally issued a rule but it actually exempted the entire class of vehicles from regulation until further notice. The managers find the Department's blatant misinterpretation of the statute unacceptable. Therefore, a provision has been included in this bill directing the Secretary to finally address this identified safety problems.

Sec. 213. 24-hour staffing of telephone hotline

The provision amends section 4017 of TEA 21 to require that the Department's toll-free telephone hotline for reporting safety violations be staffed 24 hours a day, 7 days a week, by individuals knowledgeable about Federal motor carrier safety regulations and procedures. This section also increases the funding authorization for the hotline to the level of the Department of Transportation's estimate of the cost of 24-hour coverage.

Sec. 214. CDL school bus endorsement

The provision requires the Secretary to conduct a rulemaking to establish a special CDL endorsement for drivers of school buses. The section requires, at a minimum, that the endorsement (1) include a driving skills test in a school bus, and (2) address proper safety procedures for loading and unloading children, using emergency exits, and traversing highway grade crossings.

Sec. 215. Medical certificate

The provision requires the Secretary to initiate a rulemaking to provide for the Federal medical qualification certificate to be made part of the commercial drivers' license.

Sec. 216. Implementation of inspector general recommendations

The provision requires the Secretary to implement all the DOT Inspector General's motor carrier safety improvement recommendations contained in the IG's April 1999 report assessing the effectiveness of DOT's motor carrier safety program, except to the extent to which such recommendations are specifically addressed in sections 206, 208, 217, and 222 of this Act. These recommendations, found on pages 17, 18, 26, and 27 of the IG report, are as follows:

Recommendations to Improve the Effectiveness of Motor Carrier Safety Enforcement:

1. Strengthen its enforcement policy by establishing written policy and operating procedures to take strong action against motor carriers with repeat violations of the same acute or critical regulation. Strong enforcement actions would include assessing fines at the statutory maximum amount, the issuance of compliance orders, not negotiating reduced assessments, and when necessary, placing motor carriers out of service.
2. Remove all administrative restrictions on fines placed in the Uniform Fine Assessment program and increase the maximum fines to the level authorized by TEA–21.
3. Establish stiffer fines that cannot be considered a cost of doing business and, if necessary, seek appropriate legislation raising statutory penalty ceilings.
4. Implement a procedure that removes the operating authority from motor carriers that fail to pay civil penalties within 90 days after final orders are issued or settlement agreements are completed.
5. Establish criteria for determining when a motor carrier poses an imminent hazard.
6. Require follow-up visit and monitoring of those motor carriers with a less-than-satisfactory safety rating, at varying intervals, to ensure that safety improvements are sustained, or if safety has deteriorated that appropriate sanctions are invoked.
7. Establish a control mechanism that requires written justification by the OMC State Director when compliance reviews of high-risk carriers are not performed.
8. Establish a written policy and operating procedures that identify criteria and time frames for closing enforcement cases, including the current backlog.

Recommendations for Data Enhancement:

1. Require applicants requesting operating authority to provide the number of commercial vehicles they operate and the number of drivers they employ and require all motor carriers to periodically update this information.
2. Revise the grant formula and provide incentives through MSCAP grants for states to provide accurate, complete and timely commercial vehicle crash reports, vehicle and

driver inspection reports and traffic violation data.

3. Withhold funds from MCSAP grants for those States that continue to report inaccurate incomplete and untimely commercial vehicle crash data, vehicle and driver inspection data and traffic violation data within a reasonable notification period such as one year.

4. Initiate a program to train local enforcement agencies for reporting of crash, roadside inspection data including associated traffic violations.

5. Standardize OMC and NHTSA crash data requirements, crash data collection procedures, and reports.

6. Obtain and analyze crash causes and fault data as a result of comprehensive crash evaluations to identify safety improvements.

The provision requires that every 90 days, beginning 90 days after enactment, the Secretary provide status reports on the implementation of recommendations. The IG would also be directed to provide the Committees with assessments of the Secretary's progress. The IG report shall include an analysis of the number of violations cited by safety inspectors, the level of fines assessed and collected for such violations, the number of cases in which there are findings of extraordinary circumstances under section 222(c) of this Act, and the circumstances in which such findings are made.

Sec. 217. Periodic refiling of motor carrier, identification reports

The provision requires periodic updating, but not more frequently than once every two years, of the Motor Carrier Identification Report, Form MCS–150, filed by each motor carrier conducting operations in interstate or foreign commerce. An initial updating of the information is required within 12 months from enactment of the Act.

Sec. 218. Border staffing standards

Subsection 218(a) requires the Secretary to develop and implement appropriate staffing standards for Federal and State motor carrier safety inspectors in international border areas.

Subsection (b) lists the factors to be considered in developing the staffing standards. These include the volume of traffic, hours of operation of the border facilities, types of commercial motor vehicles (including passenger vehicles) and cargo in the border areas, and the responsibilities of Federal and State inspectors.

Subsection (c) prohibits the United States and any State from reducing its respective level of motor carrier safety inspectors in an international border area below the level of such inspectors in fiscal year 2000.

Subsection (d) provides that if, by October 1, 2001, and each fiscal year thereafter, the Secretary has not ensured that appropriate levels of staffing consistent with the staffing standards are deployed in international border areas, the Secretary should allocate five percent of motor carrier safety assistance program funds for border commercial motor vehicle and safety enforcement programs.

Sec. 219. Foreign motor carrier penalties and disqualifications

Subsection 219(a) provides for civil penalties and disqualifications for foreign motor carriers that operate, before implementation of the land transportation provisions of NAFTA, without authority outside of a commercial zone.

Subsection (b) provides that the civil penalty for an intentional violation shall not be more than $10,000 and may include disqualification from operating in U.S. for not more than 6 months.

Subsection (c) provides that the civil penalty for a pattern of intentional violations shall not be more than $25,000; the carrier shall be disqualified from operating in the U.S., and that such disqualification may be permanent.

Subsection (d) prohibits any foreign motor carrier from leasing its motor vehicles to any other carrier to transport property in the U.S. during any period in which a suspension, condition, restriction, or limitation imposed under 49 U.S.C. 13902(c) applies to the foreign carrier.

Subsection (e) provides that no provision may be enforced if inconsistent with international agreements.

Subsection (f) provides that acts committed without knowledge of the carrier or committed unintentionally are not grounds for penalty or disqualification.

Sec. 220. Traffic law initiative

The provision permits the Secretary to carry out a program with one or more States to develop innovative methods of improving motor carrier traffic law compliance, including the use of photography and other imaging technologies.

Sec. 221. State-to-Sate notification of violations data

The provision requires the Secretary to develop a uniform system to support the electronic transmission of data State-to-State on violations of all motor vehicle traffic control laws by individuals possessing a commercial driver's license.

Sec. 222. Minimum and maximum assessments

Subsection 222(a) directs the Secretary to ensure that motor carriers operate safely by imposing civil penalties at a level calculated to ensure prompt and sustained compliance with Federal motor carrier safety and commercial driver's license (CDL) laws.

Subsection (b) recommends the Secretary establish and assess minimum civil penalties for Federal motor carrier safety and CDL violations and requires the Secretary to assess the maximum civil penalty for repeat offenders or a pattern of violations.

Subsection (c) recognizes that extraordinary circumstances do arise that merit the assessment of civil penalties at a level lower than any level established under subsection (b) of this section. If the Secretary assesses such lower penalties, the Secretary must document the justification for them.

Subsection (d) requires the Secretary to conduct and submit to Congress a study of the effectiveness of revised civil penalties established in TEA 21 and this Act in ensuring compliance with Federal motor carrier safety and commercial driver's license laws.

Sec. 223. Motor carrier safety progress report

The provision directs the Secretary to submit a status report on the Department's progress in achieving its goal of reducing motor carrier fatalities by 50 percent by 2009.

Sec. 224. Study of commercial motor vehicle crash causation

Subsection (a) requires the Secretary to conduct a comprehensive study to determine the causes of, and contributing factors to, crashes involving commercial motor vehicles, including vehicles defined in section 31132(1)(B) of title 49, United States Code, and to identify the data requirements needed to improve the Department's and the States' ability to evaluate crashes and crash trends, identify crash causes and contributing factors, and develop safety measures to reduce such crashes.

Subsection (b) addresses the design of the study, requiring that it yield information to help the Department and the States identify activities likely to lead to significant reductions in commercial motor vehicle-involved crashes including crashes by commercial vans.

Subsection (c) lists the areas of expertise of the people with whom the Secretary is required to consult in conducting the study.

Subsection (d) requires the Secretary to provide for public comment on various aspects of the study.

Subsection (e) requires the Secretary to submit the results of the study to Congress, review the study at least once every five years, and update the study and report as necessary.

Subsection (f) provides $5 million in contract authority to carry out this section.

Sec. 225. Data collection and analysis

This provision directs the Secretary to carry out a program to improve the collection and analysis of data on commercial motor vehicle crashes, including crash causation. NHTSA, in cooperation with the new Federal Motor Carrier Safety Administration, is required to administer the program. It requires NHTSA to integrate driver citation and conviction information and provides $5 million from the FMCSA's administrative takedown to fund this program. This section also provides $5 million in contract authority for information systems under 49 U.S.C. 31106.

Sec. 226. Drug test results study

Subsection 226(a) directs the Secretary to conduct a study on the feasibility and merits of having medical review officers or employers report positive drug tests of CDL holders to the State that issued the CDL and requiring all prospective employers, before hiring any driver, to query the State that issued the driver's CDL on whether the State has on record any verified positive controlled substances test on such driver.

Subsection (b) lists factor to be considered in the study. They are: safeguarding confidentiality of test results; costs, benefits and safety impacts; and whether a process should be established to allow drivers to correct errors and expunge information from their records after a reasonable time.

Subsection (c) requires the Secretary to issue a report to Congress on the study within two years.

Sec. 227. Approval of agreements

Section 227 amends section 13703 of title 49, United States Code, by adding a new requirement to require the Surface Transportation Board to review every five years any agreement for any activities approved under section 13703. The provision also provides for the continuation of any pending cases before the Board, but prohibits certain nationwide agreements.

Sec. 228. DOT authority

This section clarifies Congressional intent with respect to the criminal investigative authority of the Department of Transportation Inspector General (IG).

When the Office of Motor Carrier Safety finds evidence of egregious criminal violations of motor carrier safety regulations through their regulatory compliance efforts, it refers these cases to the IG's Office of Investigations. Recently, a U.S. District Court concluded that an investigation undertaken by the IG exceeded its jurisdiction, see In the Matter of the Search of Northland Trucking Inc. (D.C. Arizona), finding that the motor carrier involved was not a grantee or contractor of the Department, nor was there evidence of collusion with DOT employees.

This narrow construction of the IG's authority is not well grounded in law, and the managers are concerned about the adverse impacts the Order could have on IG operations. This provision, therefore, clarifies Congressional intent with respect to the authority of the IG, reaffirming the IG's ability and authority to continue to conduct criminal investigations of parties subject to DOT laws or regulations, whether or not such parties receive Federal funds from the Department.

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 3419, which incorporates H.R. 2679, the Motor Carrier Safety Act. I am specially pleased to see that this bill includes provisions for Foreign Motor Carrier penalties and disqualifications.

Mexican-domiciled trucks are operating improperly in the United States and violate U.S. statutes by either not obtaining operating authority or operating beyond the scope of their authority. About 98% of these trucks are limited to operating within the commercial zones along the four southern border states, but Mexican trucks have been found as far away as Washington, New York and my home state of Illinois.

Mr. Speaker, in FY98, there were almost 24,000 safety inspections performed on drivers and/or vehicles of Mexico domiciled trucks. Forty one percent of these trucks failed to meet U.S. safety requirements, and were placed out of service for safety violations. Clearly, it is imperative that we keep these unsafe trucks off our highways.

Current law provides for only a $500 fine for those trucks operating where they are not suppose to. This bill will increase penalties for those trucks that operate without authority, raising the fines to a $10,000 fine and six month suspension maximum for the first offense and a $25,000 fine and possibly permanent suspension for subsequent offenses, a measure I strongly support.

I believe that this will minimize the number of unsafe trucks on our highways, ensuring safer roads for everybody. By moving the Office of Motor Carriers from the Federal Highway Administration, it is my hope that the Office will have the power to enforce compliance to this legislation.

I urge my colleague to join me in supporting this bill.

Mr. WOLF. Mr. Speaker, I rise in support of the bill offered by the gentleman from Pennsylvania. The Motor Carrier Safety Improvement Act of 1999 forms a new motor carrier safety administration that is charged with improving motor carrier safety from its current deplorable state. This bill also includes a number of needed changes to the commercial drivers license program and motor carrier operations along our southern border. This is a good beginning.

For the past year, the House Appropriations Committee, and the Transportation and Infrastructure Committee, have been reviewing a variety of truck safety issues. What we found was appalling. The Office of Motor Carriers, which until recently has been housed within the Federal Highway Administration, has allowed motor carrier safety to decline dramatically. Last year 5,374 people died in truck related accidents. The year before that, 5,398 people died—a decade high. During this same period, safety reviews on trucking companies dropped from 5 per month to one per month, and civil penalties declined to $1,600. Because of this, and other problems, the Department of Transportation Inspector General, the chairman of the National Transportation Safety Board, trucking representatives, the law enforcement community, and safety advocates all agree that the Office of Motor Carriers has been ineffective in reducing trucking accidents and fatalities.

The bill before you will address many of the problems found by Congress and these groups. It will strengthen truck safety activities both at the federal and at the state levels. As noted, it creates a new safety administration, which as its name implies, will be focused on safety. It is critical Mr. Speaker, that the Secretary appoint a good and decent person to the position of administrator, who will focus on safety first, making it their daily goal to reduce the number of truck related fatalities on our nation's highways. This person should not only be knowledgeable in the area of truck safety but be free of any conflicts of interest.

Finally, Mr. Speaker, I'd like to express my appreciation, and that of the nation, to the gentleman from Pennsylvania for moving this bill. Because of his efforts, along with those of the gentlemen from Wisconsin, Minnesota and West Virginia, thousands of families across the country will be spared that terrible phone call informing them that a relative has been involved in an accident. I want the world to know Mr. Speaker, that because of Mr. SHUSTER's leadership on this issue, America's highways will be safer. He deserves our thanks.

Mr. MENENDEZ. Mr. Speaker, this bill makes our roads for drivers, passengers, and pedestrians. For too long, the Department of Transportation has neglected commercial passenger van safety. When the Transportation Equity Act for the 21st Century passed, I thought the DOT would address this issue because that was the intent of Section 4008 in the bill. Unfortunately, the DOT did not meet this intent since they chose to delay the application of Federal Motor Carrier Safety regulations to for-profit commercial passenger vans.

I am pleased that this bill forces the Department of Transportation to complete its rulemaking and not exempt all for-profit commercial passenger van operators from the final rule when it is issued.

Another problem we have and that the bill addresses is the lack of data and information on the causes of and contributing factors to crashes involving commercial motor vehicles, specifically for-profit commercial passenger vans, regardless of where they originate. We have provided the DOT with the resources and guidance to complete a comprehensive study on this issue. It is my hope that this national study will give special attention to metropolitan areas like northern New Jersey.

I want to thank the Chairman, Mr. SHUSTER, and the Ranking Member, Mr. OBERSTAR, on these two important provisions which will lead to safer travel for all those who use our roads.

Mr. PETRI. Mr. Speaker, H.R. 3419—the Motor Carrier Safety Improvement Act of 1999—is a comprehensive bill that will improve truck and bus safety by strengthening Federal and State safety programs.

The bill creates a new Federal Motor Carrier Safety Administration within the U.S. Department of Transportation (DOT) on January 1, 2000; increases funding from the Highway Trust Fund for Federal and State safety efforts; and, closes loopholes in the Commercial Driver's License (CDL) program.

For example, the bill gives the Secretary emergency authority to revoke the license of a truck or bus driver found to constitute an imminent hazard.

The Federal Motor Carrier Safety Administration is given increased funding for safety to allow for growth in the number of safety inspectors and in safety research.

The bill guarantees $195 million over the next three years from the Highway Trust Fund for motor carrier safety grants. These grants fund State safety enforcement efforts. The bill also contains a number of programmatic reforms, including the closing of loopholes in the Commercial Driver's License, setting standards for fines, and improving border safety efforts.

I am submitting a Joint Explanatory Statement on the bill that explains the provisions of the bill in more detail.

It is critical that Congress enact this legislation before the end of the session since trucking safety functions of the Department are temporarily housed in the Office of the Secretary.

If we don't pass this legislation, I am afraid that this organizational limbo will continue.

The bill is very similar to the bill that passed the House earlier this year by a vote of 415 to 5, which had bipartisan support in Committee.

This is an important bill, that truly will improve highway safety. I urge passage of this legislation.

Mr. OBERSTAR. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the House bill, as follows:

H.R. 3419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Motor Carrier Safety Improvement Act of 1999".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Secretary defined.
Sec. 3. Findings.
Sec. 4. Purposes.

TITLE I—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Sec. 101. Establishment of Federal Motor Carrier Safety Administration.
Sec. 102. Revenue aligned budget authority.
Sec. 103. Additional funding for motor carrier safety grant program.
Sec. 104. Motor carrier safety strategy.
Sec. 105. Commercial motor vehicle safety advisory committee.
Sec. 106. Saving provisions.
Sec. 107. Effective date.

TITLE II—COMMERCIAL MOTOR VEHICLE AND DRIVER SAFETY

Sec. 201. Disqualifications.
Sec. 202. Requirements for State participation.

Sec. 203. State noncompliance.
Sec. 204. Checks before issuance of driver's licenses.
Sec. 205. Registration enforcement.
Sec. 206. Delinquent payment of penalties.
Sec. 207. State cooperation in registration enforcement.
Sec. 208. Imminent hazard.
Sec. 209. Household goods amendments.
Sec. 210. New motor carrier entrant requirements.
Sec. 211. Certification of safety auditors.
Sec. 212. Commercial van rulemaking.
Sec. 213. 24-hour staffing of telephone hotline.
Sec. 214. CDL school bus endorsement.
Sec. 215. Medical certificate.
Sec. 216. Implementation of Inspector General recommendations.
Sec. 217. Periodic refiling of motor carrier identification reports.
Sec. 218. Border staffing standards.
Sec. 219. Foreign motor carrier penalties and disqualifications.
Sec. 220. Traffic law initiative.
Sec. 221. State-to-State notification of violations data.
Sec. 222. Minimum and maximum assessments.
Sec. 223. Motor carrier safety progress report.
Sec. 224. Study of commercial motor vehicle crash causation.
Sec. 225. Data collection and analysis.
Sec. 226. Drug test results study.
Sec. 227. Approval of agreements.
Sec. 228. DOT authority.

SEC. 2. SECRETARY DEFINED.

In this Act, the term "Secretary" means the Secretary of Transportation.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) The current rate, number, and severity of crashes involving motor carriers in the United States are unacceptable.

(2) The number of Federal and State commercial motor vehicle and operator inspections is insufficient and civil penalties for violators must be utilized to deter future violations.

(3) The Department of Transportation is failing to meet statutorily mandated deadlines for completing rulemaking proceedings on motor carrier safety and, in some significant safety rulemaking proceedings, including driver hours-of-service regulations, extensive periods have elapsed without progress toward resolution or implementation.

(4) Too few motor carriers undergo compliance reviews and the Department's data bases and information systems require substantial improvement to enhance the Department's ability to target inspection and enforcement resources toward the most serious safety problems and to improve States' ability to keep dangerous drivers off the roads.

(5) Additional safety inspectors and inspection facilities are needed in international border areas to ensure that commercial motor vehicles, drivers, and carriers comply with United States safety standards.

(6) The Department should rigorously avoid conflicts of interest in Federally funded research.

(7) Meaningful measures to improve safety must be implemented expeditiously to prevent increases in motor carrier crashes, injuries, and fatalities.

(8) Proper use of Federal resources is essential to the Department's ability to improve its research, rulemaking, oversight, and enforcement activities related to commercial motor vehicles, operators, and carriers.

SEC. 4. PURPOSES.

The purposes of this Act are—

(1) to improve the administration of the Federal motor carrier safety program and to establish a Federal Motor Carrier Safety Administration in the Department of Transportation; and

(2) to reduce the number and severity of large-truck involved crashes through more commercial motor vehicle and operator inspections and motor carrier compliance reviews, stronger enforcement measures against violators, expedited completion of rulemaking proceedings, scientifically sound research, and effective commercial driver's license testing, recordkeeping and sanctions.

TITLE I—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 101. ESTABLISHMENT OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION.

(a) IN GENERAL.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

"§ 113. Federal Motor Carrier Safety Administration

"(a) IN GENERAL.—The Federal Motor Carrier Safety Administration shall be an administration of the Department of Transportation.

"(b) SAFETY AS HIGHEST PRIORITY.—In carrying out its duties, the Administration shall consider the assignment and maintenance of safety as the highest priority, recognizing the clear intent, encouragement, and dedication of Congress to the furtherance of the highest degree of safety in motor carrier transportation.

"(c) ADMINISTRATOR.—The head of the Administration shall be the Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be an individual with professional experience in motor carrier safety. The Administrator shall report directly to the Secretary of Transportation.

"(d) DEPUTY ADMINISTRATOR.—The Administration shall have a Deputy Administrator appointed by the Secretary, with the approval of the President. The Deputy Administrator shall carry out duties and powers prescribed by the Administrator.

"(e) CHIEF SAFETY OFFICER.—The Administration shall have an Assistant Federal Motor Carrier Safety Administrator appointed in the competitive service by the Secretary, with the approval of the President. The Assistant Administrator shall be the Chief Safety Officer of the Administration. The Assistant Administrator shall carry out the duties and powers prescribed by the Administrator.

"(f) POWERS AND DUTIES.—The Administrator shall carry out—

"(1) duties and powers related to motor carriers or motor carrier safety vested in the Secretary by chapters 5, 51, 55, 57, 59, 133 through 149, 311, 313, 315, and 317 and by section 18 of the Noise Control Act of 1972 (42 U.S.C. 4917; 86 Stat. 1249–1250); except as otherwise delegated by the Secretary to any agency of the Department of Transportation other than the Federal Highway Administration, as of October 8, 1999; and

"(2) additional duties and powers prescribed by the Secretary.

"(g) LIMITATION ON TRANSFER OF POWERS AND DUTIES.—A duty or power specified in subsection (f)(1) may only be transferred to another part of the Department when specifically provided by law.

"(h) EFFECT OF CERTAIN DECISIONS.—A decision of the Administrator involving a duty or power specified in subsection (f)(1) and involving notice and hearing required by law is administratively final.

"(i) CONSULTATION.—The Administrator shall consult with the Federal Highway Administrator and with the National Highway Traffic Safety Administrator on matters related to highway and motor carrier safety.".

(b) ADMINISTRATIVE EXPENSES.—Section 104(a)(1) of title 23, United States Code, is amended—

(1) in paragraph (1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and by moving the text of such clauses 2 ems to the right;

(2) in paragraph (1) by striking "exceed $1\frac{1}{2}$ percent of all sums so made available, as the Secretary determines necessary—" and inserting "exceed—

"(A) $1\frac{1}{6}$ percent of all sums so made available, as the Secretary determines necessary—";

(3) by striking the period at the end of paragraph (1)(A)(ii) (as redesignated by paragraphs (1) and (2) of this subsection) and inserting "; and" and the following:

"(B) $\frac{1}{3}$ of 1 percent of all sums so made available, as the Secretary determines necessary, to administer the provisions of law to be financed from appropriations for motor carrier safety programs and motor carrier safety research."; and—

(4) by adding at the end the following:

"(4) LIMITATION ON TRANSFERABILITY.—Unless expressly authorized by law, the Secretary may not transfer any sums deducted under paragraph (1) to a Federal agency or entity other than the Federal Highway Administration and the Federal Motor Carrier Safety Administration.".

(c) CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The analysis for chapter 1 of title 49, United States Code, is amended by adding at the end the following:

"113. Federal Motor Carrier Safety Administration.".

(2) FEDERAL HIGHWAY ADMINISTRATION.—Section 104 of title 49, United States Code, is amended—

(A) in subsection (c)—

(i) by striking the semicolon at the end of paragraph (1) and inserting "; and";

(ii) by striking paragraph (2); and

(iii) by redesignating paragraph (3) as paragraph (2);

(B) by striking subsection (d); and

(C) by redesignating subsection (e) as subsection (d).

(d) POSITIONS IN EXECUTIVE SERVICE.—

(1) ADMINISTRATOR.—Section 5314 of title 5, United States Code, is amended by inserting after

"Administrator of the National Highway Traffic Safety Administration."

the following:

"Administrator of the Federal Motor Carrier Safety Administration.".

(2) DEPUTY AND ASSISTANT ADMINISTRATORS.—Section 5316 of title 5, United States Code, is amended by inserting after

"Deputy Administrator of the National Highway Traffic Safety Administration."

the following:

"Deputy Administrator of the Federal Motor Carrier Safety Administration.

"Assistant Federal Motor Carrier Safety Administrator.".

(e) PERSONNEL LEVELS.—The number of personnel positions at the Office of Motor Carrier Safety (and, beginning on January 1, 2000, the Federal Motor Carrier Safety Administration) at its headquarters location in fiscal year 2000 shall not be increased above the level transferred from the Federal Highway Administration to the Office of Motor

Carrier Safety. The Secretary shall provide detailed justifications to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives for the personnel requested for fiscal years 2001, 2002, and 2003 for the Federal Motor Carrier Safety Administration when the President submits his budget, including a justification for increasing personnel at headquarters above the levels so transferred.

(f) AUTHORITY TO PROMULGATE SAFETY STANDARDS FOR RETROFITTING.—The authority under title 49, United States Code, to promulgate safety standards for commercial motor vehicles and equipment subsequent to initial manufacture is vested in the Secretary and may be delegated.

(g) CONFLICTS OF INTEREST.—

(1) COMPLIANCE WITH REGULATION.—In awarding any contract for research, the Secretary shall comply with section 1252.209–70 of title 48, Code of Federal Regulations, as in effect on the date of enactment of this section. The Secretary shall require that the text of such section be included in any request for proposal and contract for research made by the Secretary.

(2) STUDY.—

(A) IN GENERAL.—The Secretary shall conduct a study to determine whether or not compliance with the section referred to in paragraph (1) is sufficient to avoid conflicts of interest in contracts for research awarded by the Secretary and to evaluate whether or not compliance with such section unreasonably delays or burdens the awarding of such contracts.

(B) CONSULTATION.—In conducting the study under this paragraph, the Secretary shall consult, as appropriate, with the Inspector General of the Department of Transportation, the Comptroller General, the heads of other Federal agencies, research organizations, industry representatives, employee organizations, safety organizations, and other entities.

(C) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall transmit the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study conducted under this paragraph.

SEC. 102. REVENUE ALIGNED BUDGET AUTHORITY.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended—

(1) by redesignating the first section 110, relating to uniform transferability of Federal-aid highway funds, as section 126 and moving and inserting such section after section 125 of such chapter; and

(2) in the remaining section 110, relating to revenue aligned budget authority—

(A) in subsection (a)(2) by inserting "and the motor carrier safety grant program" after "relief)"; and

(B) in subsection (b)(1)(A)—

(i) by inserting "and the motor carrier safety grant program" after "program)";

(ii) by striking "title and" and inserting "title,"; and

(iii) by inserting ", and subchapter I of chapter 311 of title 49" after "21st Century".

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended—

(1) by striking

"110. Uniform transferability of Federal-aid highway funds.";

(2) by inserting after the item relating to section 125 the following:

"126. Uniform transferability of Federal-aid highway funds.";

and

(3) in the item relating to section 163 by striking "Sec.".

SEC. 103. ADDITIONAL FUNDING FOR MOTOR CARRIER SAFETY GRANT PROGRAM.

(a) IN GENERAL.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to carry out section 31102 of title 49, United States Code, $75,000,000 for each of fiscal years 2001 through 2003.

(b) INCREASED AUTHORIZATIONS FOR MOTOR CARRIER SAFETY GRANTS.—

(1) IN GENERAL.—Section 4003 of the Transportation Equity Act for the 21st Century (112 Stat. 395–398) is amended by adding at the end the following:

"(i) INCREASED AUTHORIZATIONS FOR MOTOR CARRIER SAFETY GRANTS.—The amount made available to incur obligations to carry out section 31102 of title 49, United States Code, by section 31104(a) of such title for each of fiscal years 2001 through 2003 shall be increased by $65,000,000.".

(2) CORRESPONDING REDUCTION TO OBLIGATION CEILING.—Section 1102 of such Act (23 U.S.C. 104 note; 112 Stat. 1115–1118) is amended by adding at the end the following:

"(j) REDUCTION IN OBLIGATION CEILING.—The limitation on obligations imposed by subsection (a) for each of fiscal years 2001 through 2003 shall be reduced by $65,000,000.".

(c) MAINTENANCE OF EFFORT.—The Secretary may not make, from funds made available by or under this section (including any amendment made by this section), a grant to a State unless the State first enters into a binding agreement with the Secretary that provides that the total expenditures of amounts of the State and its political subdivisions (not including amounts of the United States) for the development or implementation of programs for improving motor carrier safety and enforcement of regulations, standards, and orders of the United States on commercial motor vehicle safety, hazardous materials transportation safety, and compatible State regulations, standards, and orders will be maintained at a level at least equal to the average level of such expenditures for fiscal years 1997, 1998, and 1999.

(d) EMERGENCY CDL GRANTS.—Section 31107 of title 49, United States Code, is amended by adding at the end the following:

"(c) EMERGENCY CDL GRANTS.—From amounts made available by subsection (a) for a fiscal year, the Secretary of Transportation may make a grant of up to $1,000,000 to a State whose commercial driver's license program may fail to meet the compliance requirements of section 31311(a).".

(e) STATE COMPLIANCE WITH CDL REQUIREMENTS.—

(1) WITHHOLDING OF ALLOCATION FOR NONCOMPLIANCE.—If a State is not in substantial compliance with each requirement of section 31311 of title 49, United States Code, the Secretary shall withhold all amounts that would be allocated, but for this paragraph, to the State from funds made available by or under this section (including any amendment made by this section).

(2) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—Any funds withheld under paragraph (1) from any State shall remain available until June 30 of the fiscal year for which the funds are authorized to be appropriated.

(3) ALLOCATION OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds are withheld under paragraph (1) from allocation are to remain available for allocation to a State under paragraph (2), the Secretary determines that the State is in substantial compliance with each requirement of section 31311 of title 49, United States Code, the Secretary shall allocate to the State the withheld funds.

(4) PERIOD OF AVAILABILITY OF SUBSEQUENTLY ALLOCATED FUNDS.—Any funds allocated pursuant to paragraph (3) shall remain available for expenditure until the last day of the first fiscal year following the fiscal year in which the funds are so allocated. Sums not expended at the end of such period are released to the Secretary for reallocation.

(5) EFFECT OF NONCOMPLIANCE.—If, on June 30 of the fiscal year in which funds are withheld from allocation under paragraph (1), the State is not substantially complying with each requirement of section 31311 of title 49, United States Code, the funds are released to the Secretary for reallocation.

SEC. 104. MOTOR CARRIER SAFETY STRATEGY.

(a) SAFETY GOALS.—In conjunction with existing federally required strategic planning efforts, the Secretary shall develop a long-term strategy for improving commercial motor vehicle, operator, and carrier safety. The strategy shall include an annual plan and schedule for achieving, at a minimum, the following goals:

(1) Reducing the number and rates of crashes, injuries, and fatalities involving commercial motor vehicles.

(2) Improving the consistency and effectiveness of commercial motor vehicle, operator, and carrier enforcement and compliance programs.

(3) Identifying and targeting enforcement efforts at high-risk commercial motor vehicles, operators, and carriers.

(4) Improving research efforts to enhance and promote commercial motor vehicle, operator, and carrier safety and performance.

(b) CONTENTS OF STRATEGY.—

(1) MEASURABLE GOALS.—The strategy and annual plans under subsection (a) shall include, at a minimum, specific numeric or measurable goals designed to achieve the strategic goals of subsection (a). The purposes of the numeric or measurable goals are as follows:

(A) To increase the number of inspections and compliance reviews to ensure that all high-risk commercial motor vehicles, operators, and carriers are examined.

(B) To eliminate, with meaningful safety measures, the backlog of rulemakings.

(C) To improve the quality and effectiveness of data bases by ensuring that all States and inspectors accurately and promptly report complete safety information.

(D) To eliminate, with meaningful civil and criminal penalties for violations, the backlog of enforcement cases.

(E) To provide for a sufficient number of Federal and State safety inspectors, and provide adequate facilities and equipment, at international border areas.

(2) RESOURCE NEEDS.—In addition, the strategy and annual plans shall include estimates of the funds and staff resources needed to accomplish each activity. Such estimates shall also include the staff skills and training needed for timely and effective accomplishment of each goal.

(3) SAVINGS CLAUSE.—In developing and assessing progress toward meeting the measurable goals set forth in this subsection, the Secretary and the Federal Motor Carrier Safety Administrator shall not take any action that would impinge on the due process rights of motor carriers and drivers.

(c) SUBMISSION WITH THE PRESIDENT'S BUDGET.—Beginning with fiscal year 2001 and each fiscal year thereafter, the Secretary shall submit to Congress the strategy and annual plan at the same time as the President's budget submission.

(d) Annual Performance.—

(1) Annual performance agreement.—For each of fiscal years 2001 through 2003, the following officials shall enter into annual performance agreements:

(A) The Secretary and the Federal Motor Carrier Safety Administrator.

(B) The Administrator and the Deputy Federal Motor Carrier Safety Administrator.

(C) The Administrator and the Chief Safety Officer of the Federal Motor Carrier Safety Administration.

(D) The Administrator and the regulatory ombudsman of the Administration designated by the Administrator under subsection (f).

(2) Goals.—Each annual performance agreement entered into under paragraph (1) shall include the appropriate numeric or measurable goals of subsection (b).

(3) Progress assessment.—Consistent with the current performance appraisal system of the Department of Transportation, the Secretary shall assess the progress of each official (other than the Secretary) referred to in paragraph (1) toward achieving the goals in his or her performance agreement. The Secretary shall convey the assessment to such official, including identification of any deficiencies that should be remediated before the next progress assessment.

(4) Administration.—In deciding whether or not to award a bonus or other achievement award to an official of the Administration who is a party to a performance agreement required by this subsection, the Secretary shall give substantial weight to whether the official has made satisfactory progress toward meeting the goals of his or her performance agreement.

(e) Achievement of Goals.—

(1) Progress assessment.—No less frequently than semiannually, the Secretary and the Administrator shall assess the progress of the Administration toward achieving the strategic goals of subsection (a). The Secretary and the Administrator shall convey their assessment to the employees of the Administration and shall identify any deficiencies that should be remediated before the next progress assessment.

(2) Report to congress.—The Secretary shall report annually to Congress the contents of each performance agreement entered into under subsection (d) and the official's performance relative to the goals of the performance agreement. In addition, the Secretary shall report to Congress on the performance of the Administration relative to the goals of the motor carrier safety strategy and annual plan under subsection (a).

(f) Expediting Regulatory Proceedings.—The Administrator shall designate a regulatory ombudsman to expedite rulemaking proceedings. The Secretary and the Administrator shall each delegate to the ombudsman such authority as may be necessary for the ombudsman to expedite rulemaking proceedings of the Administration to comply with statutory and internal departmental deadlines, including authority to—

(1) make decisions to resolve disagreements between officials in the Administration who are participating in a rulemaking process; and

(2) ensure that sufficient staff are assigned to rulemaking projects to meet all deadlines.

SEC. 105. COMMERCIAL MOTOR VEHICLE SAFETY ADVISORY COMMITTEE.

(a) Establishment.—The Secretary may establish a commercial motor vehicle safety advisory committee to provide advice and recommendations on a range of motor carrier safety issues.

(b) Composition.—The members of the advisory committee shall be appointed by the Secretary and shall include representatives of the motor carrier industry, drivers, safety advocates, manufacturers, safety enforcement officials, law enforcement agencies of border States, and other individuals affected by rulemakings under consideration by the Department of Transportation. Representatives of a single interest group may not constitute a majority of the members of the advisory committee.

(c) Function.—The advisory committee shall provide advice to the Secretary on commercial motor vehicle safety regulations and other matters relating to activities and functions of the Federal Motor Carrier Safety Administration.

(d) Termination Date.—The advisory committee shall remain in effect until September 30, 2003.

SEC. 106. SAVINGS PROVISION.

(a) Transfer of Assets and Personnel.—Except as otherwise provided in this Act and the amendments made by this Act, those personnel, property, and records employed, used, held, available, or to be made available in connection with a function transferred to the Federal Motor Carrier Safety Administration by this Act shall be transferred to the Administration for use in connection with the functions transferred, and unexpended balances of appropriations, allocations, and other funds of the Office of Motor Carrier Safety (including any predecessor entity) shall also be transferred to the Administration.

(b) Legal Documents.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, settlements, agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the Office, any officer or employee of the Office, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred by this Act or the amendments made by this Act; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date),

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Administration, any other authorized official, a court of competent jurisdiction, or operation of law.

(c) Proceedings.—

(1) In general.—The provisions of this Act shall not affect any proceedings or any application for any license pending before the Office at the time this Act takes effect, insofar as those functions are transferred by this Act; but such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(2) Statutory construction.—Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any proceeding described in paragraph (1) under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(3) Orderly transfer.—The Secretary is authorized to provide for the orderly transfer of pending proceedings from the Office.

(d) Suits.—

(1) In general.—This Act shall not affect suits commenced before the date of the enactment of this Act, except as provided in paragraphs (2) and (3). In all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(2) Suits by or against omcs.—Any suit by or against the Office begun before January 1, 2000, shall be continued, insofar as it involves a function retained and transferred under this Act, with the Administration (to the extent the suit involves functions transferred to the Administration under this Act) substituted for the Office.

(3) Remanded cases.—If the court in a suit described in paragraph (1) remands a case to the Administration, subsequent proceedings related to such case shall proceed in accordance with applicable law and regulations as in effect at the time of such subsequent proceedings.

(e) Continuance of Actions Against Officers.—No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Office shall abate by reason of the enactment of this Act. No cause of action by or against the Office, or by or against any officer thereof in his official capacity, shall abate by reason of enactment of this Act.

(f) Exercise of Authorities.—Except as otherwise provided by law, an officer or employee of the Administration may, for purposes of performing a function transferred by this Act or the amendments made by this Act, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function under this Act or the amendments made by this Act.

(g) References.—Any reference to the Office in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Office or an officer or employee of the Office is deemed to refer to the Administration or a member or employee of the Administration, as appropriate.

SEC. 107. EFFECTIVE DATE.

(a) In General.—This Act shall take effect on the date of enactment of this Act; except that the amendments made by section 101 shall take effect on January 1, 2000.

(b) Budget Submissions.—The President's budget submission for fiscal year 2001 and each fiscal year thereafter shall reflect the establishment of the Federal Motor Carrier Safety Administration in accordance with this Act.

TITLE II—COMMERCIAL MOTOR VEHICLE AND DRIVER SAFETY

SEC. 201. DISQUALIFICATIONS.

(a) Driving While Disqualified and Causing a Fatality.—

(1) First violation.—Section 31310(b)(1) of title 49, United States Code, is amended—

(A) by striking "or" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting a semicolon; and

(C) by adding at the end the following:

"(D) committing a first violation of driving a commercial motor vehicle when the individual's commercial driver's license is revoked, suspended, or canceled based on the individual's operation of a commercial motor vehicle or when the individual is disqualified from operating a commercial motor vehicle based on the individual's operation of a commercial motor vehicle; or

"(E) convicted of causing a fatality through negligent or criminal operation of a commercial motor vehicle.".

(2) SECOND AND MULTIPLE VIOLATIONS.—Section 31310(c)(1) of such title is amended—

(A) by striking "or" at the end of subparagraph (C);

(B) by redesignating subparagraph (D) as subparagraph (F);

(C) by inserting after subparagraph (C) the following:

"(D) committing more than one violation of driving a commercial motor vehicle when the individual's commercial driver's license is revoked, suspended, or canceled based on the individual's operation of a commercial motor vehicle or when the individual is disqualified from operating a commercial motor vehicle based on the individual's operation of a commercial motor vehicle;

"(E) convicted of more than one offense of causing a fatality through negligent or criminal operation of a commercial motor vehicle; or"; and

(D) in subparagraph (F) (as redesignated by subparagraph (B) of this paragraph) by striking "clauses (A)-(C) of this paragraph" and inserting "subparagraphs (A) through (E)".

(3) CONFORMING AMENDMENT.—Section 31301(12)(C) of such title is amended by inserting ", other than a violation to which section 31310(b)(1)(E) or 31310(c)(1)(E) applies" after "a fatality".

(b) EMERGENCY DISQUALIFICATION; NONCOMMERCIAL MOTOR VEHICLE CONVICTIONS.—Section 31310 of such title is amended—

(1) by redesignating subsections (f), (g), and (h) as subsections (h), (i), and (j), respectively;

(2) by inserting after subsection (e) the following:

"(f) EMERGENCY DISQUALIFICATION.—

"(1) LIMITED DURATION.—The Secretary shall disqualify an individual from operating a commercial motor vehicle for not to exceed 30 days if the Secretary determines that allowing the individual to continue to operate a commercial motor vehicle would create an imminent hazard (as such term is defined in section 5102).

"(2) AFTER NOTICE AND HEARING.—The Secretary shall disqualify an individual from operating a commercial motor vehicle for more than 30 days if the Secretary determines, after notice and an opportunity for a hearing, that allowing the individual to continue to operate a commercial motor vehicle would create an imminent hazard (as such term is defined in section 5102).

"(g) NONCOMMERCIAL MOTOR VEHICLE CONVICTIONS.—

"(1) ISSUANCE OF REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations providing for the disqualification by the Secretary from operating a commercial motor vehicle of an individual who holds a commercial driver's license and who has been convicted of—

"(A) a serious offense involving a motor vehicle (other than a commercial motor vehicle) that has resulted in the revocation, cancellation, or suspension of the individual's license; or

"(B) a drug or alcohol related offense involving a motor vehicle (other than a commercial motor vehicle).

"(2) REQUIREMENTS FOR REGULATIONS.—Regulations issued under under paragraph (1) shall establish the minimum periods for which the disqualifications shall be in effect, but in no case shall the time periods for disqualification for noncommercial motor vehicle violations be more stringent than those for offenses or violations involving a commercial motor vehicle. The Secretary shall determine such periods based on the seriousness of the offenses on which the convictions are based."; and

(3) in subsection (h) (as redesignated by paragraph (1) of this subsection) by striking "(b)-(e)" each place it appears and inserting "(b) through (g)".

(c) SERIOUS TRAFFIC VIOLATIONS.—Section 31301(12) of such title is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (G); and

(3) by inserting after subparagraph (C) the following:

"(D) driving a commercial motor vehicle when the individual has not obtained a commercial driver's license;

"(E) driving a commercial motor vehicle when the individual does not have in his or her possession a commercial driver's license unless the individual provides, by the date that the individual must appear in court or pay any fine with respect to the citation, to the enforcement authority that issued the citation proof that the individual held a valid commercial driver's license on the date of the citation;

"(F) driving a commercial motor vehicle when the individual has not met the minimum testing standards—

"(i) under section 31305(a)(3) for the specific class of vehicle the individual is operating; or

"(ii) under section 31305(a)(5) for the type of cargo the vehicle is carrying; and".

(d) CONFORMING AMENDMENTS.—Section 31305(b)(1) of such title is amended—

(1) by striking "to operate the vehicle"; and

(2) by inserting before the period at the end "to operate the vehicle and has a commercial driver's license to operate the vehicle".

SEC. 202. REQUIREMENTS FOR STATE PARTICIPATION.

(a) REQUESTS FOR DRIVING RECORD INFORMATION.—Section 31311(a)(6) of title 49, United States Code, is amended—

(1) by inserting "or renewing such a license" before the comma; and

(2) by striking "commercial" the second place it appears.

(b) RECORDING OF VIOLATIONS.—Section 31311(a)(8) of such title is amended by inserting before the period at the end the following: ", and the violation that resulted in the disqualification, revocation, suspension, or cancellation shall be recorded".

(c) NOTIFICATION OF STATE OFFICIALS.—Section 31311(a)(9) of such title is amended to read as follows:

"(9) If an individual violates a State or local law on motor vehicle traffic control (except a parking violation) and the individual—

"(A) has a commercial driver's license issued by another State; or

"(B) is operating a commercial vehicle without a commercial driver's license and has a driver's license issued by another State;

the State in which the violation occurred shall notify a State official designated by the issuing State of the violations not later than 10 days after the date the individual is found to have committed the violation.".

(d) PROVISIONAL LICENSES.—Section 31311(a)(10) of such title is amended—

(1) by striking "(10)" and inserting "(10)(A); and

(2) by adding at the end the following:

"(B) The State may not issue a special license or permit (including a provisional or temporary license) to an individual who holds a commercial driver's license that permits the individual to drive a commercial motor vehicle during a period in which—

"(i) the individual is disqualified from operating a commercial motor vehicle; or

"(ii) the individual's driver's license is revoked, suspended, or canceled.".

(e) PENALTIES.—Section 31311(a)(13) of such title is amended—

(1) by inserting "consistent with this chapter that" after "penalties"; and

(2) by striking "vehicle" the first place it appears and all that follows through the period at the end and inserting "vehicle.".

(f) RECORDS OF VIOLATIONS.—Section 31311(a) of such title is amended by adding at the end the following:

"(18) The State shall maintain, as part of its driver information system, a record of each violation of a State or local motor vehicle traffic control law while operating a motor vehicle (except a parking violation) for each individual who holds a commercial driver's license. The record shall be available upon request to the individual, the Secretary, employers, prospective employers, State licensing and law enforcement agencies, and their authorized agents.".

(g) MASKING.—Section 31311(a) of such title is further amended by adding at the end the following:

"(19) The State shall—

"(A) record in the driving record of an individual who has a commercial driver's license issued by the State; and

"(B) make available to all authorized persons and governmental entities having access to such record,

all information the State receives under paragraph (9) with respect to the individual and every violation by the individual involving a motor vehicle (including a commercial motor vehicle) of a State or local law on traffic control (except a parking violation), not later than 10 days after the date of receipt of such information or the date of such violation, as the case may be. The State may not allow information regarding such violations to be withheld or masked in any way from the record of an individual possessing a commercial driver's license.".

(h) NONCOMMERCIAL MOTOR VEHICLE CONVICTIONS.—Section 31311(a) of such title is further amended by adding at the end the following:

"(20) The State shall revoke, suspend, or cancel the commercial driver's license of an individual in accordance with regulations issued by the Secretary to carry out section 31310(g).".

SEC. 203. STATE NONCOMPLIANCE.

(a) IN GENERAL.—Chapter 313 of title 49, United States Code, is amended by inserting after section 31311 the following:

"§ 31312. Decertification authority

"(a) IN GENERAL.—If the Secretary of Transportation determines that a State is in substantial noncompliance with this chapter, the Secretary shall issue an order to—

"(1) prohibit that State from carrying out licensing procedures under this chapter; and

"(2) prohibit that State from issuing any commercial driver's licenses until such time the Secretary determines such State is in substantial compliance with this chapter.

"(b) EFFECT ON OTHER STATES.—A State (other than a State subject to an order under subsection (a)) may issue a non-resident commercial driver's license to an individual domiciled in a State that is prohibited from such activities under subsection (a) if that individual meets all requirements of this chapter and the nonresident licensing requirements of the issuing State.

"(c) PREVIOUSLY ISSUED LICENSES.—Nothing in this section shall be construed as invalidating or otherwise affecting commercial driver's licenses issued by a State before the date of issuance of an order under subsection (a) with respect to the State.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 313 of such title is amended by inserting after the item relating to section 31311 the following:

"31312. Decertification authority.".

SEC. 204. CHECKS BEFORE ISSUANCE OF DRIVER'S LICENSES.

Section 30304 of title 49, United States Code, is amended by adding at the end the following:

"(e) DRIVER RECORD INQUIRY.—Before issuing a motor vehicle operator's license to an individual or renewing such a license, a State shall request from the Secretary information from the National Driver Register under section 30302 and the commercial driver's license information system under section 31309 on the individual's driving record.".

SEC. 205. REGISTRATION ENFORCEMENT.

Section 13902 of title 49, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) PENALTIES FOR FAILURE TO COMPLY WITH REGISTRATION REQUIREMENTS.—In addition to other penalties available under law, motor carriers that fail to register their operations as required by this section or that operate beyond the scope of their registrations may be subject to the following penalties:

"(1) OUT-OF-SERVICE ORDERS.—If, upon inspection or investigation, the Secretary determines that a motor vehicle providing transportation requiring registration under this section is operating without a registration or beyond the scope of its registration, the Secretary may order the vehicle out-of-service. Subsequent to the issuance of the out-of-service order, the Secretary shall provide an opportunity for review in accordance with section 554 of title 5; except that such review shall occur not later than 10 days after issuance of such order.

"(2) PERMISSION FOR OPERATIONS.—A person domiciled in a country contiguous to the United States with respect to which an action under subsection (c)(1)(A) or (c)(1)(B) is in effect and providing transportation for which registration is required under this section shall maintain evidence of such registration in the motor vehicle when the person is providing the transportation. The Secretary shall not permit the operation in interstate commerce in the United States of any motor vehicle in which there is not a copy of the registration issued pursuant to this section.".

SEC. 206. DELINQUENT PAYMENT OF PENALTIES.

(a) REVOCATION OF REGISTRATION.—Section 13905(c) of title 49, United States Code is amended—

(1) by inserting "(1) IN GENERAL.—" before "On application";

(2) by inserting "(A)" before "suspend";

(3) by striking the period at the end of the second sentence and inserting "; and (B) suspend, amend, or revoke any part of the registration of a motor carrier, broker, or freight forwarder (i) for failure to pay a civil penalty imposed under chapter 5, 51, 149, or 311 of this title, or (ii) for failure to arrange and abide by an acceptable payment plan for such civil penalty, within 90 days of the time specified by order of the Secretary for the payment of such penalty. Subparagraph (B) shall not apply to any person who is unable to pay a civil penalty because such person is a debtor in a case under chapter 11 of title 11.

"(2) REGULATIONS.—Not later than 12 months after the date of the enactment of this paragraph, the Secretary, after notice and opportunity for public comment, shall issue regulations to provide for the suspension, amendment, or revocation of a registration under this part for failure to pay a civil penalty as provided in paragraph (1)(B)."; and

(4) by indenting paragraph (1) (as designated by paragraph (1) of this section) and aligning such paragraph with paragraph (2) of such section (as added by paragraph (3) of this section).

(b) PROHIBITED TRANSPORTATION BY COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 521(b) of such title is amended—

(1) by redesignating paragraphs (8) through (13) as paragraphs (9) through (14), respectively; and

(2) by inserting after paragraph (7) the following:

"(8) PROHIBITION ON OPERATION IN INTERSTATE COMMERCE AFTER NONPAYMENT OF PENALTIES.—

"(A) IN GENERAL.—An owner or operator of a commercial motor vehicle against whom a civil penalty is assessed under this chapter or chapter 51, 149, or 311 of this title and who does not pay such penalty or fails to arrange and abide by an acceptable payment plan for such civil penalty may not operate in interstate commerce beginning on the 91st day after the date specified by order of the Secretary for payment of such penalty. This paragraph shall not apply to any person who is unable to pay a civil penalty because such person is a debtor in a case under chapter 11 of title 11.

"(B) REGULATIONS.—Not later than 12 months after the date of enactment of this paragraph, the Secretary, after notice and an opportunity for public comment, shall issue regulations setting forth procedures for ordering commercial motor vehicle owners and operators delinquent in paying civil penalties to cease operations until payment has been made.".

SEC. 207. STATE COOPERATION IN REGISTRATION ENFORCEMENT.

Section 31102(b)(1) of title 49, United States Code, is amended—

(1) by aligning subparagraph (A) with subparagraph (B) of such section; and

(2) by striking subparagraph (R) and inserting the following:

"(R) ensures that the State will cooperate in the enforcement of registration requirements under section 13902 and financial responsibility requirements under sections 13906, 31138, and 31139 and regulations issued thereunder;".

SEC. 208. IMMINENT HAZARD.

Section 521(b)(5)(B) of title 49, United States Code, is amended by striking "is likely to result in" and inserting "substantially increases the likelihood of".

SEC. 209. HOUSEHOLD GOODS AMENDMENTS.

(a) DEFINITION OF HOUSEHOLD GOODS.—Section 13102(10)(A) of title 49, United States Code, is amended by striking ", including" and all that follows through "dwelling," and inserting ", except such term does not include property moving from a factory or store, other than property that the householder has purchased with the intent to use in his or her dwelling and is transported at the request of, and the transportation charges are paid to the carrier by, the householder;".

(b) ARBITRATION REQUIREMENTS.—Section 14708(b)(6) of such title is amended by striking "$1,000" each place it appears and inserting "$5,000".

(c) STUDY OF ENFORCEMENT OF CONSUMER PROTECTION RULES IN THE HOUSEHOLD GOODS MOVING INDUSTRY.—The Comptroller General shall conduct a study of the effectiveness of the Department of Transportation's enforcement of household goods consumer protection rules under title 49, United States Code. The study shall also include a review of other potential methods of enforcing such rules, including allowing States to enforce such rules.

SEC. 210. NEW MOTOR CARRIER ENTRANT REQUIREMENTS.

(a) SAFETY REVIEWS.—Section 31144 of title 49, United States Code, is amended by adding at the end the following:

"(c) SAFETY REVIEWS OF NEW OPERATORS.—

"(1) IN GENERAL.—The Secretary shall require, by regulation, each owner and each operator granted new operating authority, after the date on which section 31148(b) is first implemented, to undergo a safety review within the first 18 months after the owner or operator, as the case may be, begins operations under such authority.

"(2) ELEMENTS.—In the regulations issued pursuant to paragraph (1), the Secretary shall establish the elements of the safety review, including basic safety management controls. In establishing such elements, the Secretary shall consider their effects on small businesses and shall consider establishing alternate locations where such reviews may be conducted for the convenience of small businesses.

"(3) PHASE-IN OF REQUIREMENT.—The Secretary shall phase in the requirements of paragraph (1) in a manner that takes into account the availability of certified motor carrier safety auditors.

"(4) NEW ENTRANT AUTHORITY.—Notwithstanding any other provision of this title, any new operating authority granted after the date on which section 31148(b) is first implemented shall be designated as new entrant authority until the safety review required by paragraph (1) is completed.".

(b) MINIMUM REQUIREMENTS.—The Secretary shall initiate a rulemaking to establish minimum requirements for applicant motor carriers, including foreign motor carriers, seeking Federal interstate operating authority to ensure applicant carriers are knowledgeable about applicable Federal motor carrier safety standards. As part of that rulemaking, the Secretary shall consider the establishment of a proficiency examination for applicant motor carriers as well as other requirements to ensure such applicants understand applicable safety regulations before being granted operating authority.

SEC. 211. CERTIFICATION OF SAFETY AUDITORS.

(a) IN GENERAL.—Chapter 311 of title 49, United States Code, is amended by adding at the end the following:

"§ 31148. Certified motor carrier safety auditors

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary of Transportation shall complete a rulemaking to improve training and provide for the certification of motor carrier safety auditors, including private contractors, to conduct safety inspection audits and reviews described in subsection (b).

"(b) Certified Inspection Audit Requirement.—Not later than 1 year after completion of the rulemaking required by subsection (a), any safety inspection audit or review required by, or based on the authority of, this chapter or chapter 5, 313, or 315 of this title and performed after December 31, 2002, shall be conducted by—

"(1) a motor carrier safety auditor certified under subsection (a); or

"(2) a Federal or State employee who, on the date of enactment of this section, was qualified to perform such an audit or review.

"(c) Extension.—If the Secretary determines that subsection (b) cannot be implemented within the 1-year period established by that subsection and notifies the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the determination and the reasons therefor, the Secretary may extend the deadline for compliance with subsection (b) by not more than 12 months.

"(d) Application With Other Authority.—The Secretary may not delegate the Secretary's authority to private contractors to issue ratings or operating authority, and nothing in this section authorizes any private contractor to issue ratings or operating authority.

"(e) Oversight Responsibility.—The Secretary shall have authority over any motor carrier safety auditor certified under subsection (a), including the authority to decertify a motor carrier safety auditor.".

(b) Conforming Amendment.—The analysis for such chapter 311 is amended by adding at the end the following:

"31148. Certified motor carrier safety auditors.".

SEC. 212. COMMERCIAL VAN RULEMAKING.

Not later than 1 year after the date of enactment of this Act, the Secretary shall complete Department of Transportation's rulemaking, Docket No. FHWA-99-5710, to amend Federal motor carrier safety regulations to determine which motor carriers operating commercial motor vehicles designed or used to transport between 9 and 15 passengers (including the driver) for compensation shall be covered. At a minimum, the rulemaking shall apply such regulations to—

(1) commercial vans commonly referred to as "camionetas"; and

(2) those commercial vans operating in interstate commerce outside commercial zones that have been determined to pose serious safety risks.

In no case should the rulemaking exempt from such regulations all motor carriers operating commercial vehicles designed or used to transport between 9 and 15 passengers (including the driver) for compensation.

SEC. 213. 24-HOUR STAFFING OF TELEPHONE HOTLINE.

Section 4017 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31143 note; 112 Stat. 413) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(2) by inserting after subsection (b) the following:

"(c) Staffing.—The toll-free telephone system shall be staffed 24 hours a day 7 days a week by individuals knowledgeable about Federal motor carrier safety regulations and procedures."; and

(3) in subsection (e) (as redesignated by paragraph (1) of this section)—

(A) by striking "104(a)" and inserting "104(a)(1)(B)"; and

(B) by striking "for each of fiscal years 1999" and inserting "for fiscal year 1999 and $375,000 for each of fiscal years 2000".

SEC. 214. CDL SCHOOL BUS ENDORSEMENT.

The Secretary shall conduct a rulemaking to establish a special commercial driver's license endorsement for drivers of school buses. The endorsement shall, at a minimum—

(1) include a driving skills test in a school bus; and

(2) address proper safety procedures for—±

(A) loading and unloading children;

(B) using emergency exits; and

(C) traversing highway rail grade crossings.

SEC. 215. MEDICAL CERTIFICATE.

The Secretary shall initiate a rulemaking to provide for a Federal medical qualification certificate to be made a part of commercial driver's licenses.

SEC. 216. IMPLEMENTATION OF INSPECTOR GENERAL RECOMMENDATIONS.

(a) In General.—The Secretary shall implement the safety improvement recommendations provided for in the Department of Transportation Inspector General's Report TR-1999-091, except to the extent that such recommendations are specifically addressed in sections 206, 208, 217, and 222 of this Act, including any amendments made by such sections.

(b) Reports to Congress.—

(1) Reports by the secretary.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until each of the recommendations referred to in subsection (a) has been implemented, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the specific actions taken to implement such recommendations.

(2) Reports by the inspector general.—The Inspector General shall periodically transmit to the Committees referred to in paragraph (1) a report assessing the Secretary's progress in implementing the recommendations referred to in subsection (a) and analyzing the number of violations cited by safety inspectors and the level of fines assessed and collected for such violations, and of the number of cases in which there are findings of extraordinary circumstances under section 222(c) of this Act and the circumstances in which these findings are made.

SEC. 217. PERIODIC REFILING OF MOTOR CARRIER IDENTIFICATION REPORTS.

The Secretary shall amend section 385.21 of the Department of Transportation's regulations (49 C.F.R. 385.21) to require periodic updating, not more frequently than once every 2 years, of the motor carrier identification report, form MCS-150, filed by each motor carrier conducting operations in interstate or foreign commerce. The initial update shall occur not later than 1 year after the date of enactment of this Act.

SEC. 218. BORDER STAFFING STANDARDS.

(a) Development and Implementation.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop and implement appropriate staffing standards for Federal and State motor carrier safety inspectors in international border areas.

(b) Factors To Be Considered.—In developing standards under subsection (a), the Secretary shall consider volume of traffic, hours of operation of the border facility, types of commercial motor vehicles, types of cargo, delineation of responsibility between Federal and State inspectors, and such other factors as the Secretary determines appropriate.

(c) Maintenance of Effort.—The standards developed and implemented under subsection (a) shall ensure that the United States and each State will not reduce its respective level of staffing of motor carrier safety inspectors in international border areas from its average level staffing for fiscal year 2000.

(d) Border Commercial Motor Vehicle and Safety Enforcement Programs.—

(1) Enforcement.—If, on October 1, 2001, and October 1 of each fiscal year thereafter, the Secretary has not ensured that the levels of staffing required by the standards developed under subsection (a) are deployed, the Secretary should designate the amount made available for allocation under section 31104(f)(2)(B) of title 49, United States Code, for such fiscal year for States, local governments, and other persons for carrying out border commercial motor vehicle safety programs and enforcement activities and projects.

(2) Allocation.—If the Secretary makes a designation of an amount under paragraph (1), such amount shall be allocated by the Secretary to State agencies, local governments, and other persons that use and train qualified officers and employees in coordination with State motor vehicle safety agencies.

(3) Limitation.—If the Secretary makes a designation pursuant to paragraph (1) for a fiscal year, the Secretary may not make a designation under section 31104(f)(2)(B) of title 49, United States Code, for such fiscal year.

SEC. 219. FOREIGN MOTOR CARRIER PENALTIES AND DISQUALIFICATIONS.

(a) General Rule.—Subject to subsections (b) and (c), a foreign motor carrier or foreign motor private carrier (as such terms are defined under section 13102 of title 49, United States Code) that operates without authority, before the implementation of the land transportation provisions of the North American Free Trade Agreement, outside the boundaries of a commercial zone along the United States-Mexico border shall be liable to the United States for a civil penalty and shall be disqualified from operating a commercial motor vehicle anywhere within the United States as provided in subsections (b) and (c).

(b) Penalty for Intentional Violation.—The civil penalty for an intentional violation of subsection (a) by a carrier shall not be more than $10,000 and may include a disqualification from operating a commercial motor vehicle anywhere within the United States for a period of not more than 6 months.

(c) Penalty for Pattern of Intentional Violations.—The civil penalty for a pattern of intentional violations of subsection (a) by a carrier shall not be more than $25,000 and the carrier shall be disqualified from operating a commercial motor vehicle anywhere within the United States and the disqualification may be permanent.

(d) Leasing.—Before the implementation of the land transportation provisions of the North American Free Trade Agreement, during any period in which a suspension, condition, restriction, or limitation imposed under section 13902(c) of title 49, United States Code, applies to a motor carrier (as defined in section 13902(e) of such title), that motor carrier may not lease a commercial motor vehicle to another motor carrier or a motor private carrier to transport property in the United States.

(e) Savings Clause.—No provision of this section may be enforced if it is inconsistent with any international agreement of the United States.

(f) Acts of Employees.—The actions of any employee driver of a foreign motor carrier or foreign motor private carrier committed without the knowledge of the carrier or committed unintentionally shall not be grounds for penalty or disqualification under this section.

SEC. 220. TRAFFIC LAW INITIATIVE.

(a) In General.—In cooperation with one or more States, the Secretary may carry out a program to develop innovative methods of improving motor carrier compliance with traffic laws. Such methods may include the use of photography and other imaging technologies.

(b) Report.—The Secretary shall transmit to Congress a report on the results of any program conducted under this section, together with any recommendations as the Secretary determines appropriate.

SEC. 221. STATE-TO-STATE NOTIFICATION OF VIOLATIONS DATA.

(a) Development.—In cooperation with the States, the Secretary shall develop a uniform system to support the electronic transmission of data State-to-State on convictions for all motor vehicle traffic control law violations by individuals possessing a commercial drivers' licenses as required by paragraphs (9) and (19) of section 31311(a) of title 49, United States Code.

(b) Status Report.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of the implementation of this section.

SEC. 222. MINIMUM AND MAXIMUM ASSESSMENTS.

(a) In General.—The Secretary of Transportation should ensure that motor carriers operate safely by imposing civil penalties at a level calculated to ensure prompt and sustained compliance with Federal motor carrier safety and commercial driver's license laws.

(b) Establishment.—The Secretary—

(1) should establish and assess minimum civil penalties for each violation of a law referred to in subsection (a); and

(2) shall assess the maximum civil penalty for each violation of a law referred to in subsection (a) by any person who is found to have committed a pattern of violations of critical or acute regulations issued to carry out such a law or to have previously committed the same or a related violation of critical or acute regulations issued to carry out such a law.

(c) Extraordinary Circumstances.—If the Secretary determines and documents that extraordinary circumstances exist which merit the assessment of any civil penalty lower than any level established under subsection (b), the Secretary may assess such lower penalty. In cases where a person has been found to have previously committed the same or a related violation of critical or acute regulations issued to carry out a law referred to in subsection (a), extraordinary circumstances may be found to exist when the Secretary determines that repetition of such violation does not demonstrate a failure to take appropriate remedial action.

(d) Report to Congress.—

(1) In general.—The Secretary shall conduct a study of the effectiveness of the revised civil penalties established in the Transportation Equity Act for the 21st Century and this Act in ensuring prompt and sustained compliance with Federal motor carrier safety and commercial driver's license laws.

(2) Submission to congress.—The Secretary shall transmit the results of such study and any recommendations to Congress by September 30, 2002.

SEC. 223. MOTOR CARRIER SAFETY PROGRESS REPORT.

Not later than May 25, 2000, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a status report on the Department of Transportation's quantitative progress toward reducing motor carrier fatalities by 50 percent by the year 2009.

SEC. 224. STUDY OF COMMERCIAL MOTOR VEHICLE CRASH CAUSATION.

(a) Objectives.—The Secretary shall conduct a comprehensive study to determine the causes of, and contributing factors to, crashes that involve commercial motor vehicles. The study shall also identify data requirements and collection procedures, reports, and other measures that will improve the Department of Transportation's and States' ability to—

(1) evaluate future crashes involving commercial motor vehicles;

(2) monitor crash trends and identify causes and contributing factors; and

(3) develop effective safety improvement policies and programs.

(b) Design.—The study shall be designed to yield information that will help the Department and the States identify activities and other measures likely to lead to significant reductions in the frequency, severity, and rate per mile traveled of crashes involving commercial motor vehicles, including vehicles described in section 31132(1)(B) of title 49, United States Code. As practicable, the study shall rank such activities and measures by the reductions each would likely achieve, if implemented.

(c) Consultation.—In designing and conducting the study, the Secretary shall consult with persons with expertise on—

(1) crash causation and prevention;

(2) commercial motor vehicles, drivers, and carriers, including passenger carriers;

(3) highways and noncommercial motor vehicles and drivers;

(4) Federal and State highway and motor carrier safety programs;

(5) research methods and statistical analysis; and

(6) other relevant topics.

(d) Public Comment.—The Secretary shall make available for public comment information about the objectives, methodology, implementation, findings, and other aspects of the study.

(e) Reports.—

(1) In general.—The Secretary shall promptly transmit to Congress the results of the study, together with any legislative recommendations.

(2) Review and update.—The Secretary shall review the study at least once every 5 years and update the study and report as necessary.

(f) Funding.—Of the amounts made available for each of fiscal years 2001, 2002, and 2003 under section 4003(i) of the Transportation Equity Act for the 21st Century (112 Stat. 395–398), as added by section 103(b)(1) of this Act, $5,000,000 per fiscal year shall be available only to carry out this section.

SEC. 225. DATA COLLECTION AND ANALYSIS.

(a) In General.—In cooperation with the States, the Secretary shall carry out a program to improve the collection and analysis of data on crashes, including crash causation, involving commercial motor vehicles.

(b) Program Administration.—The Secretary shall administer the program through the National Highway Traffic Safety Administration in cooperation with the Federal Motor Carrier Safety Administration. The National Highway Traffic Safety Administration shall—

(1) enter into agreements with the States to collect data and report the data by electronic means to a central data repository; and

(2) train State employees and motor carrier safety enforcement officials to assure the quality and uniformity of the data.

(c) Use of Data.—The National Highway Traffic Safety Administration shall—

(1) integrate the data, including driver citation and conviction information; and

(2) make the data base available electronically to the Federal Motor Carrier Safety Administration, the States, motor carriers, and other interested parties for problem identification, program evaluation, planning, and other safety-related activities.

(d) Report.—Not later than 3 years after the date on which the improved data program begins, the Secretary shall transmit a report to Congress on the program, together with any recommendations the Secretary finds appropriate.

(e) Funding.—Of the amounts deducted under section 104(a)(1)(B) of title 23, United States Code, for each of fiscal years 2001, 2002, and 2003 $5,000,000 per fiscal year shall be available only to carry out this section.

(f) Additional Funding for Information Systems.—

(1) In general.—Of the amounts made available for each of fiscal years 2001, 2002, and 2003 under section 4003(i) of the Transportation Equity Act for the 21st Century (112 Stat. 395–398), as added by section 103(b)(1) of this Act, $5,000,000 per fiscal year shall be available only to carry out section 31106 of title 49, United States Code.

(2) Amounts as additional.—The amounts made available by paragraph (1) shall be in addition to amounts made available under section 31107 of title 49, United States Code.

SEC. 226. DRUG TEST RESULTS STUDY.

(a) In General.—The Secretary shall conduct a study of the feasibility and merits of—

(1) requiring medical review officers or employers to report all verified positive controlled substances test results on any driver subject to controlled substances testing under part 382 of title 49, Code of Federal Regulations, including the identity of each person tested and each controlled substance found, to the State that issued the driver's commercial driver's license; and

(2) requiring all prospective employers, before hiring any driver, to query the State that issued the driver's commercial driver's license on whether the State has on record any verified positive controlled substances test on such driver.

(b) Study Factors.—In carrying out the study under this section, the Secretary shall assess—

(1) methods for safeguarding the confidentiality of verified positive controlled substances test results;

(2) the costs, benefits, and safety impacts of requiring States to maintain records of verified positive controlled substances test results; and

(3) whether a process should be established to allow drivers—

(A) to correct errors in their records; and

(B) to expunge information from their records after a reasonable period of time.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the study carried out under this section, together with such recommendations as the Secretary determines appropriate.

SEC. 227. APPROVAL OF AGREEMENTS.

(a) REVIEW.—Section 13703(c) of title 49, United States Code, is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(2) by striking "The Board" and inserting the following:

"(1) IN GENERAL.—The Board";

(3) by adding at the end the following:

"(2) PERIODIC REVIEW OF APPROVALS.—Subject to this section, in the 5-year period beginning on the date of enactment of this paragraph and in each 5-year period thereafter, the Board shall initiate a proceeding to review any agreement approved pursuant to this section. Any such agreement shall be continued unless the Board determines otherwise."; and

(4) by moving the remainder of the text of paragraph (1) (as designated by paragraph (2) of this subsection), including subparagraphs (A) through (D) (as designated by paragraph (1) of this subsection), 2 ems to the right.

(b) LIMITATION.—Section 13703(d) of such title is amended to read as follows:

"(d) LIMITATION.—The Board shall not take any action that would permit the establishment of nationwide collective ratemaking authority.".

(c) EXISTING AGREEMENTS.—Section 13703(e) of such title is amended—

(1) by striking "Agreements" and inserting the following:

"(1) AGREEMENTS EXISTING AS OF DECEMBER 31, 1995.—Agreements";

(2) by adding at the end the following:

"(2) CASES PENDING AS OF DATE OF ENACTMENT.—Nothing in section 227 (other than subsection (b)) of the Motor Carrier Safety Improvement Act of 1999, including the amendments made by such section, shall be construed to affect any case brought under this section that is pending before the Board as of the date of enactment of this paragraph."; and

(3) by aligning the left margin of paragraph (1) (as designated by paragraph (1) of this subsection) with paragraph (2) (as added by paragraph (2) of this subsection).

SEC. 228. DOT AUTHORITY.

(a) IN GENERAL.—The statutory authority of the Inspector General of the Department of Transportation includes authority to conduct, pursuant to Federal criminal statutes, investigations of allegations that a person or entity has engaged in fraudulent or other criminal activity relating to the programs and operations of the Department or its operating administrations.

(b) REGULATED ENTITIES.—The authority to conduct investigations referred to in subsection (a) extends to any person or entity subject to the laws and regulations of the Department or its operating administrations, whether or not they are recipients of funds from the Department or its operating administrations.

The House bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONTINUING REPORTING REQUIREMENTS OF SECTION 2519 OF TITLE 18, U.S.C., BEYOND DECEMBER 21, 1999

Mr. COBLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1769) to continue the reporting requirements of section 2519 of title 18, United States Code, beyond December 21, 1999, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Ms. LOFGREN. Mr. Speaker, reserving the right to object, I yield to the gentleman from North Carolina (Mr. COBLE), the chairman of the subcommittee, for a brief explanation of the bill.

Mr. COBLE. Mr. Speaker, I thank the gentlewoman from California (Ms. LOFGREN) for yielding.

Mr. Speaker, the Federal Reports Elimination and Sunset Act of 1995 provided that all periodic reports provided to Congress will sunset on December 21, 1999, unless reauthorized by the Congress. The intent of the Act was to spur Congress to reexamine all the periodic reports it receives and eliminate the obsolete ones.

After careful review, the Committee on the Judiciary determined that about 40 reports out of the thousands of reports subject to sunset are required for the committee to perform its legislative and oversight duties.

Examples include the United States Department of Justice's annual report on crime statistics and the Immigration and Naturalization Service's annual statistical report.

The bill passed the House on the suspension calendar. The companion Senate bill adds two more reports which the Senate has asked to be continued. The motion which I will make will continue all the reports contained in the House bill and the two additional reports contained in the Senate bill into one bill and send it back to the Senate for passage and presentment to the President.

Ms. LOFGREN. Mr. Speaker, continuing to reserve the right to object, I would like to note that the Sunset Act itself forces Congress to reexamine the usefulness of the reports. But, as the chairman has pointed out, there are some of these reports that are very important. And I am pleased to report that there has been a bipartisan effort to identify the very same reports the chairman has mentioned today.

We believe, on a bipartisan basis, that the reports identified and preserved under this Act will continue to provide information important to legislative and to oversight processes and, in particular, that it will allow the Congress to make sure that privacy is protected. And for that reason, if no other, we do need to act today.

Mr. Speaker, I would like to add finally a note of thanks to the Committee on the Judiciary's staff that worked on this measure, my own special counsel John Flannery; Cassandra Butts in the office of the minority leader, the gentleman from Missouri (Mr. GEPHARDT); and finally, the gentleman from Missouri (Mr. GEPHARDT) himself, who really was very passionate in making sure that the privacy issues that will be protected by this bill were brought to the forefront so that we could be here today on this bipartisan basis to make sure that this is enacted.

Mr. COBLE. Mr. Speaker, if the gentlewoman will continue to yield, I think she commented about staff. I want to add the name of Jim Wilon. Jim did great work on this matter, as well.

Ms. LOFGREN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1769

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Continued Reporting of Intercepted Wire, Oral, and Electronic Communications Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Section 2519(3) of title 18, United States Code, requires the Director of the Administrative Office of the United States Courts to transmit to Congress a full and complete annual report concerning the number of applications for orders authorizing or approving the interception of wire, oral, or electronic communications. This report is required to include information specified in section 2519(3).

(2) The Federal Reports Elimination and Sunset Act of 1995 provides for the termination of certain laws requiring submittal to Congress of annual, semiannual, and regular periodic reports as of December 21, 1999, 4 years from the effective date of that Act.

(3) Due to the Federal Reports Elimination Act and Sunset Act of 1995, the Administrative Office of United States Courts is not required to submit the annual report described in section 2519(3) of title 18, United States Code, as of December 21, 1999.

SEC. 3. CONTINUED REPORTING REQUIREMENTS.

(a) CONTINUED REPORTING REQUIREMENTS.—Section 2519 of title 18, United States Code, is amended by adding at the end the following:

"(4) The reports required to be filed by subsection (3) are exempted from the termination provisions of section 3003(a) of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104–66).".

(b) EXEMPTION.—Section 3003(d) of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104–66) is amended—

(1) in paragraph (31), by striking "or" at the end;

(2) in paragraph (32), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(33) section 2519(3) of title 18, United States Code.".

SEC. 4. ENCRYPTION REPORTING REQUIREMENTS.

Section 2519(1)(b) of title 18, United States Code, is amended by striking "and (iv)" and inserting "(iv) the number of orders in which encryption was encountered and whether such encryption prevented law enforcement from obtaining the plain text of communications intercepted pursuant to such order, and (v)".

SEC. 5. REPORTS CONCERNING PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 3126 of title 18, United States Code, is amended by striking the period and inserting ", which report shall include information concerning—

"(1) the period of interceptions authorized by the order, and the number and duration of any extensions of the order;

"(2) the offense specified in the order or application, or extension of an order;

"(3) the number of investigations involved;

"(4) the number and nature of the facilities affected; and

"(5) the identity, including district, of the applying investigative or law enforcement agency making the application and the person authorizing the order.".

Amendment in the Nature of a Substitute Offered by Mr. Coble

Mr. COBLE. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. COBLE:

"Strike out all after the enacting clause of the Senate bill and insert:

SECTION 1. EXEMPTION OF CERTAIN REPORTS FROM AUTOMATIC ELIMINATION AND SUNSET.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) The following sections of title 18, United States Code: sections 2519(3), 2709(e), 3126, and 3525(b).

(2) The following sections of title 28, United States Code: sections 522, 524(c)(6), 529, 589a(d), and 594.

(3) Section 3718(c) of title 31, United States Code.

(4) Section 9 of the Child Protection Act of 1984 (28 U.S.C. 522 note).

(5) Section 8 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997f).

(6) The following provisions of the Omnibus Crime Control and Safe Streets Act of 1968: sections 102(b) (42 U.S.C. 3712(b)), 520 (42 U.S.C. 3766), 522 (42 U.S.C. 3766b), and 810 (42 U.S.C. 3789e).

(7) The following provisions of the Immigration and Nationality Act: sections 103 (8 U.S.C. 1103), 207(c)(3) (8 U.S.C. 1157(c)(3)), 412(b) (8 U.S.C. 1522(b)), and 413 (8 U.S.C. 1523), and subsections (h), (l), (o), (q), and (r) of section 286 (8 U.S.C. 1356).

(8) Section 3 of the International Claims Settlement Act of 1949 (22 U.S.C. 1622).

(9) Section 9 of the War Claims Act of 1948 (50 U.S.C. App. 2008).

(10) Section 13(c) of the Act of September 11, 1957 (8 U.S.C. 1255b(c)).

(11) Section 203(b) of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. App. 1989c-2(b)).

(12) Section 801(e) of the Immigration Act of 1990 (29 U.S.C. 2920(e)).

(13) Section 401 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1364).

(14) Section 707 of the Equal Credit Opportunity Act (15 U.S.C. 1691f).

(15) Section 201(b) of the Privacy Protection Act of 1980 (42 U.S.C. 2000aa-11(b)).

(16) Section 609U of the Justice Assistance Act of 1984 (42 U.S.C. 10509).

(17) Section 13(a) of the Classified Information Procedures Act (18 U.S.C. App.).

(18) Section 1004 of the Civil Rights Act of 1964(42 U.S.C. 2000g-3).

(19) Section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414).

(20) Section 11 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 621).

(21) The following provisions of the Foreign Intelligence Surveillance Act of 1978: sections 107 (50 U.S.C. 1807) and 108 (50 U.S.C. 1808).

(22) Section 102(b)(5) of the Department of Justice and Related Agencies Appropriations Act, 1993 (28 U.S.C. 533 note).

SEC. 2. ENCRYPTION REPORTING REQUIREMENTS.

(a) Section 2519(2)(b) of title 18, United States Code, is amended by striking "and (iv)" and inserting "(iv) the number of orders in which encryption was encountered and whether such encryption prevented law enforcement from obtaining the plain text of communications intercepted pursuant to such order, and (v)".

(b) The encryption reporting requirement in subsection (a) shall be effective for the report transmitted by the Director of the Administrative Office of the Courts for calendar year 2000 and in subsequent reports.

SEC. 3. REPORTS CONCERNING PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 3126 of title 18, United States Code, is amended by striking the period and inserting ", which report shall include information concerning—

"(1) the period of interceptions authorized by the order, and the number and duration of any extensions of the order;

"(2) the offense specified in the order or application, or extension of an order;

"(3) the number of investigations involved;

"(4) the number and nature of the facilities affected; and

"(5) the identity, including district, of the applying investigative or law enforcement agency making the application and the person authorizing the order.".

Mr. COBLE (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read:

"A bill to exempt certain reports from automatic elimination and sunset pursuant to the Federal Reports Elimination and Sunset Act of 1995, and for other purposes.".

A motion to reconsider was laid on the table.

DIGITAL THEFT DETERRENCE AND COPYRIGHT DAMAGES IMPROVEMENT ACT OF 1999

Mr. COBLE. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 3456) to amend statutory damages provisions of title 17, U.S. Code, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. BERMAN. Mr. Speaker, reserving the right to object, I yield to the gentleman from North Carolina (Mr. COBLE), the chairman of the subcommittee, to just describe the legislation.

Mr. COBLE. Mr. Speaker, I thank the gentleman from California for yielding.

Mr. Speaker, H.R. 3456 is very similar to H.R. 1761, which was considered under suspension of the rules and agreed to by voice vote on August 2, 1999.

It makes significant improvements in the ability of the Copyright Act to deter copyright infringement by amending it to increase the statutory penalties for infringement. Copyright piracy, Mr. Speaker, is flourishing in the world. With the advanced technologies available and the fact that many computer users are either ignorant of the copyright laws or simply believe that they will not be caught or punished, the piracy trend will continue.

One way to combat this problem is to increase the statutory penalties for copyright infringement so that they will be an effective deterrent to this conduct.

Another significant aspect of H.R. 3456 addresses a problem on regarding the difficulty of prosecuting crimes against intellectual property. It instructs that within 120 days on enactment of this act or within 120 days after there is a sufficient number of voting members to constitute a quorum, the United States Sentencing Commission shall promulgate emergency guideline amendments to implement the sentencing mandate in the No Electronic Theft, popularly known as the NET Act, which became law in the 105th Congress.

It is vital that the United States recognizes intellectual property rights and provides strong protection and enforcement against violation of those rights.

This legislation, Mr. Speaker, makes significant and necessary improvements to the Copyright Act. The Subcommittee on Courts and Intellectual

Property and the Committee on the Judiciary support H.R. 3456 in a bipartisan manner, and I urge its adoption today.

If I may, Mr. Speaker, at this time I have one more bill and possibly two more bills that are very brief, but I would be remiss as we conclude the first session of the 106th Congress if I did not convey my personal expressions of thanks to the distinguished gentleman from California (Mr. BERMAN), the ranking member of the subcommittee; to each Democrat and Republican member of the subcommittee; to our very fine chairman, the gentleman from Illinois (Mr. HYDE); and to the staff on both the Democrat and Republican side for the accomplishments.

And pardon our immodesty, but I think we have realized accomplishments during this first session.

Mr. BERMAN. Mr. Speaker, continuing my reservation of objection, first let me just respond to the last comment of my friend.

As he knows, and I have discussed this privately, but it was a real pleasure to be his ranking member this past year. We did get a lot done. We did it, I think, on a bipartisan basis on almost every single issue we faced and accomplished quite a bit, probably not as much as the Transportation and Infrastructure committee, but a substantial work product, much of which was in the legislation that passed as part of the non-omnibus appropriations bill.

I also want to express my appreciation to the staff both of the subcommittees and the full committees and to the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS) as well for all their support.

On this particular legislation which is an important bill, it comes under our obligations under the intellectual property provisions of Article 1 of the Constitution to reassess the efficacy of our laws in protecting copyright. Toward that end, earlier this year the Committees on the Judiciary in both Houses resolved to address several concerns which have been brought to our attention regarding the deterrence of copyright infringement and penalties for such infringement in those instances when it, unfortunately, occurs.

While I support the bill that we previously passed, I concur in the passage of the bill before us tonight.

There are two key features in the legislation. First, it provides an inflation adjustment for copyright statutory damages. It has been well over a decade since we last adjusted statutory damages for inflation. Our purpose must be to provide meaningful disincentives for infringement, and to accomplish that, the cost of infringement must substantially exceed the cost of the compliance so that those who use or distribute intellectual property have incentive to comply with the law.

Secondly, passage of this bill is important to expedite the Sentencing Commission's adoption of a revised Intellectual Property sentencing guidelines. The newly confirmed Sentencing Commissioners will have 120 days to revise the Intellectual Property guideline to increase the deterrence.

In 1997, when we adopted the NET Act, we directed the Sentencing Commission to increase criminal penalties for Intellectual Property crimes. The current IP sentencing guidelines include perverse incentives that allow pirates to avoid significant prison terms. U.S. Attorneys refuse to bring copyright or trademark criminal cases because of the current weak guidelines. This bill will rectify that situation.

The new Commissioners will be required to focus on this important problem immediately. The increasing threat of intellectual property theft both in the on-line and off-line world will thus be fought with all available weapons.

Mr. Speaker, I continue my reservation of objection, and I yield to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the gentleman for yielding.

While I was praising all my colleagues on the Judiciary and on the subcommittee and, of course, intellectual property, inevitably omissions are committed and I inadvertently failed to mention the distinguished gentleman from Michigan (Mr. CONYERS), the ranking member of the full committee.

Mr. BERMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3456

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Digital Theft Deterrence and Copyright Damages Improvement Act of 1999".

SEC. 2. STATUTORY DAMAGES ENHANCEMENT.

Section 504(c) of title 17, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "$500" and inserting "$750"; and

(B) by striking "$20,000" and inserting "$30,000"; and

(2) in paragraph (2), by striking "$100,000" and inserting "$150,000".

SEC. 3. SENTENCING COMMISSION GUIDELINES.

Within 120 days after the date of the enactment of this Act, or within 120 days after the first date on which there is a sufficient number of voting members of the Sentencing Commission to constitute a quorum, whichever is later, the Commission shall promulgate emergency guideline amendments to implement section 2(g) of the No Electronic Theft (NET) Act (28 U.S.C. 994 note) in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

SEC. 4. EFFECTIVE DATE.

The amendments made by section 2 shall apply to any action brought on or after the date of the enactment of this Act, regardless of the date on which the alleged activity that is the basis of the action occurred.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES CONDEMNING RECENT HATE CRIMES IN ILLINOIS AND INDIANA

Mr. COBLE. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the resolution (H. Res. 254) expressing the sense of the House of Representatives condemning recent hate crimes in Illinois and Indiana, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 254

Whereas diversity and tolerance are essential principles of an open and free society;

Whereas all people deserve to be safe within their communities, free to live, work and worship without fear of violence and bigotry;

Whereas crimes motivated by hatred against African-Americans, Jews, Asian-Americans, or other groups undermine the fundamental values of our Nation;

Whereas the communities of Skokie, the West Rogers Park neighborhood of Chicago, Northbrook, and Urbana, Illinois, and Bloomington, Indiana, were terrorized by hate crimes over the Fourth of July weekend, a time when our Nation celebrates its commitment to freedom and liberty;

Whereas hate crimes tear at the fabric of American society, leave scars on victims and their families, and weaken our sense of community and purpose;

Whereas Ricky Byrdsong, at age 43, was a loving husband and father, an inspiring community leader, and a former basketball coach at Northwestern University;

Whereas Ricky Byrdsong was a man of deep religious faith who touched the lives of countless people and whose death is mourned by his family, friends, and community, and by the Nation;

Whereas Won-Joon Yoon, at age 26, was the only son in a family of 6, and was soon to become a doctoral student in Economics at Indiana University;

Whereas Won-Joon Yoon was a man who, through his demeanor and firmly-held Christian beliefs, positively influenced those who knew him, and whose death is mourned by his family, friends, and community, and by the citizens of the United States and Korea; and

Whereas individuals who commit crimes based on hate and bigotry must be held responsible for their actions and must be stopped from spreading violence: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the senseless violence that occurred in Illinois and Indiana over the Fourth of July weekend;

(2) conveys its deepest sympathy to the victims and their families;

(3) condemns the culture of hate and the hate groups that foster such violent acts;

(4) commends the communities of Illinois and Indiana for uniting to condemn these acts of hate in their neighborhoods;

(5) commends the efforts of Federal, State, and local law enforcement officials; and

(6) reaffirms its commitment to a society that fully respects and protects all people, regardless of race, religion, or ethnicity.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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SENSE OF CONGRESS THAT CHINESE GOVERNMENT SHOULD STOP PERSECUTION OF FALUN GONG PRACTITIONERS

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the concurrent resolution (H. Con. Res. 218) expressing the sense of the Congress that the Government of the People's Republic of China should stop its persecution of Falun Gong practitioners, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from New York?

Mr. BROWN of Ohio. Mr. Speaker, reserving the right to object, I yield to the gentleman from New York to explain the bill.

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H. Con. Res. 218, calling on the People's Republic of China to stop persecuting the Falun Gong practitioners which was introduced by the distinguished gentleman from New Jersey (Mr. SMITH), the chairman of the Subcommittee on International Operations and Human Rights. During the past few weeks, the leaders of the People's Republic of China have arrested, jailed, beaten and tortured thousands of peaceful followers of Falun Gong, a religious synthesis of traditional Chinese physical exercises and Buddhist and Taoist teachings. Adherents to this meditation movement have done nothing more than express their humble belief that people should be kind to one another and work on themselves to change their own lives. They are nonviolent and have not adopted any so-called foreign beliefs. They do not promote nor do they use drugs. They are not a cult. They only want to meditate, take their lives into their own hands and attempt to live productive and peaceful lives.

What in the world can be wrong with that? What sort of government finds that so threatening that it would have these good citizens arrested, tortured, dismissed from their job? What sort of government sends peaceful religious practitioners to labor camps and creates such circumstances whereby some of them felt that they had to take their own lives?

The answer to those questions is that the government of the People's Republic of China is doing just that. The same government that earlier this week threatened the State of Israel if its leaders had the audacity to meet with its holiness, the Dalai Lama. It is the same government that the Clinton administration so desperately wanted to be accepted as a member of the WTO. And it is the very same government that the State Department continues to promote military exchanges with.

Mr. Speaker, the government of China is led by those who do not share our beliefs in what is right and what is wrong. They have an agenda that is not moral. They have a purpose that is not peaceful. By their repression of Falun Gong, they demonstrate that they will use any means and methods to promote their effort to stay in power.

The repression of religion in China is a serious threat to all that civilized people hold dear. If our government and other democracies around the world continue business as usual with such a regime, we will have only ourselves to blame for the ultimate consequences.

Accordingly, I urge my colleagues to support H. Con. Res. 218.

Mr. BROWN of Ohio. Mr. Speaker, further reserving the right to object, I rise in strong support of this resolution which was introduced by my colleague on the Committee on International Relations and chairman of the Subcommittee on International Operations and Human Rights the gentleman from New Jersey (Mr. SMITH) and congratulate him on his good work.

Most Americans, and, for that matter, most Members of Congress probably had not heard of Falun Gong until last summer when the Chinese dictatorship banned and started throwing thousands of people in jail for practicing it. It is hardly surprising people that Chinese is systematically arresting, torturing and even killing its own citizens for wanting to practice their faith, which is what Falun Gong is. This is the same gang of dictators, after all, that persecutes Christians, Muslims and Buddhists and winks at forced abortions.

But even though this latest purge is completely in character, it is a perfect illustration why we need to radically alter our relations with that dictatorship. Because when Beijing decided to make practicing Falun Gong a capital offense, which is exactly what the rubber-stamp Chinese congress did before the visit to Beijing of our trade representative Charlene Barshefsky, we are seeing that life in the People's Republic is not much different from 10 years ago when the People's Liberation Army turned its tanks and machine guns on the people in Tiananmen Square who wanted nothing less than the very same political liberty that lets us stand here tonight and debate this resolution.

As I speak there are thousands of men and women in China who are being beaten and killed for choosing to believe in ideals we take for granted in this country, whether it is our faith in God, our right to vote or simply wanting to belong to Falun Gong. As we consider, Mr. Speaker, permanent NTR next year to China, let us remember what the Communist Chinese are doing to the Falun Gong.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank the gentleman for yielding.

Mr. Speaker, 2 weeks ago I introduced H. Con. Res. 218 which already has more than 70 bipartisan cosponsors, including the chairman of the full committee the gentleman from New York (Mr. GILMAN); the gentlewoman from California (Ms. PELOSI); the gentleman from Virginia (Mr. WOLF); the gentleman from California (Mr. LANTOS); the gentleman from Ohio (Mr. BROWN); the gentleman from Pennsylvania (Mr. PITTS) and many others, condemning the crackdown of the Falun Gong spiritual movement by the government of the People's Republic of China. As we all know by now, the Chinese dictatorship has long been brutal in its suppression of religious practice that is not state-controlled. Tibetan Buddhists, Catholics loyal to the Pope, Uighur Muslims in Xinjiang Province and Protestant House Church members have all borne the brunt of a systematic and brutal persecution by the Chinese government which often includes torture. In recent months, the Chinese government has embarked on a new campaign, an attempt, in its own words, to smash Falun Gong, a peaceful and nonviolent form of spiritual practice.

A meditative spirituality that blends elements of Buddhism and Taoism, Falun Gong has millions of adherents in China and elsewhere. Since the group was banned in July of this year, thousands of ordinary citizens from all over China have been jailed for refusing to give up their practice. There have been many credible reports of torture and inhumane treatment of detained practitioners, including a report that a 42-year-old woman was tortured to death by Chinese thugs. Numerous practitioners, Mr. Speaker, have been sentenced to labor camps without trial and thousands have lost their jobs or have been expelled from schools.

The Chinese government has also enacted laws criminalizing Falun Gong. This past Friday after a single, 7-hour closed hearing, China handed down the first sentences against Falun Gong practitioners. Three men and one woman received sentences ranging from 2 to 12 years for "using an evil cult to obstruct the law." It is feared that those were only the first of what will become many trials aimed at stamping out the practice of Falun Gong. According to press reports, China will begin a new series of approximately 300 trials starting on Sunday with the trial of a 63-year-old retired schoolteacher kicking that off. This is an absolute outrage. Thankfully the House, I hope, will soon go on record condemning it.

The fact that this rash of trials follows so closely on the heels of the Beijing visit of U.N. Secretary-General Kofi Annan demonstrates the failure of his visit to advance the cause of human rights in China. I could not believe my eyes, Mr. Speaker, reading yesterday's press reports of the Secretary-General's remarks on Tuesday. Mr. Annan stated that the Chinese foreign minister had given him "a better understanding of some of the issues involved" in the Falun Gong crackdown. He also parroted the Chinese official line, stating that, and I quote, "In dealing with this issue, the fundamental rights of citizens will be respected, and some of the actions they are taking are for the protection of individuals."

Certainly Mr. Annan cannot be ignorant of the credible reports to the contrary that have been pouring out of China in recent weeks. I fear that the Secretary-General's failure to empathize with and to speak out on behalf of these oppressed people and his willingness to give the Chinese oppressors the benefit of an unjustified doubt has only emboldened them in their efforts to crush Falun Gong.

The suppression of Falun Gong in China has been brutal, it has been systematic, and it continues as we meet here tonight. Two days ago, during the Secretary-General's visit, the authorities arrested 20 more people who were practitioners of Falun Gong who were meditating in Tiananmen Square. The police used force against the group, reportedly kicking and jumping on the peaceful protesters before removing them from the square in a van.

In response to this further suppression of fundamental human rights by the Beijing dictatorship, H. Con. Res. 218 expresses the sense of the Congress that the government of the PRC should stop persecuting Falun Gong practitioners and other religious believers and expresses our belief that the U.S. Government should use every appropriate forum to urge the PRC to release all detained Falun Gong practitioners; allow those practitioners to pursue their beliefs in accordance with the Chinese constitution; and to abide by the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights.

Given this Chamber's commitment to freedom of conscience and the undisguised severity of the persecution against Falun Gong, I strongly urge support of this resolution.

Mr. BEREUTER. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. Further reserving the right to object, I yield to the gentleman from Nebraska.

Mr. BEREUTER. I thank the gentleman for yielding.

Mr. Speaker, I wanted to report to my colleagues that this resolution introduced by the distinguished gentleman from New Jersey (Mr. SMITH) with many other cosponsors was reported to the Subcommittee on Asia and the Pacific only lately because it was introduced on November 2. We took a look at it, made very slight rhetorical changes, cleared it with the gentleman from California (Mr. LANTOS) and the gentleman from Connecticut (Mr. GEJDENSON) on the minority side who were also cosponsors along with the gentleman from New York (Mr. GILMAN) and other distinguished members of the Congress, including some on our committee, the Committee on International Relations, and we thought it was entirely appropriate that it was reported to the floor.

The gentleman from New Jersey has highlighted some of the concerns that obviously we have with the way the Falun Gong is being treated in China. It only hurts their credibility. I think it speaks unfortunately to their legitimacy. I would hope that this is a message that they will take to heart. I urge support of the resolution.

Mr. BROWN of Ohio. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 218

Whereas Falun Gong is a peaceful and nonviolent form of religious belief and practice with millions of adherents in China and elsewhere;

Whereas the Government of the People's Republic of China has forbidden Falun Gong practitioners to practice their faith;

Whereas this prohibition violates China's own Constitution as well as the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights;

Whereas thousands of ordinary citizens from all over China have been jailed for refusing to give up their practice of Falun Gong and for appealing to the government for protection of their constitutional rights;

Whereas there are many credible reports of torture and other cruel, degrading and inhuman treatment of detained Falun Gong practitioners, including a report that a 42-year-old woman, Zhao Jinhua, was tortured to death by Chinese government officials;

Whereas the People's Republic of China has enacted new criminal legislation that the government's official newspaper hailed as a "powerful new weapon to smash evil cultist organizations, especially Falun Gong";

Whereas some of the detained Falun Gong members have been charged with political offenses, such as violations of China's vague "official state secrets" law, and under the new legislation Falun Gong practitioners will be chargeable with such offenses as murder, fraud, and endangering national security;

Whereas other Falun Gong members have been sentenced to labor camps, apparently under administrative procedures allowing such sentences without trial;

Whereas Chinese authorities in recent months have reportedly confiscated, burned, or otherwise destroyed millions of Falun Gong books and tapes;

Whereas thousands of Falun Gong practitioners in China have lost their jobs and students have been expelled from schools for refusing to give up their beliefs; and

Whereas the brutal crackdown by the Chinese Government on Falun Gong is in direct violation of the fundamental human rights to freedom of religious belief and practice, expression, and assembly: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the Government of the People's Republic of China should stop persecuting Falun Gong practitioners and other religious believers;

(2) the Government of the United States should use every appropriate public and private forum, including but not limited to the United Nations Human Rights Commission, to urge the Government of the People's Republic of China—

(A) to release from detention all Falun Gong practitioners and put an immediate end to the practices of torture and other cruel, inhuman and degrading treatment against them and other prisoners of conscience;

(B) to allow Falun Gong practitioners to pursue their religious beliefs in accordance with article 36 of the Constitution of the People's Republic of China; and

(C) to abide by the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. GILMAN:

Strike out all after the resolving clause and insert:

That it is the sense of the Congress that—

(1) the Government of the People's Republic of China should stop persecuting Falun Gong practioners; and

(2) the Government of the United States should use every appropriate public and private forum, including but not limited to the United Nations Human Rights Commission,

to urge the Government of the People's Republic of China—

(A) to release from detention all Falun Gong practitioners and put an immediate end to the practices of torture and other cruel, inhuman and degrading treatment against them and other prisoners of conscience;

(B) to allow Falun Gong practitioners to pursue their personal beliefs in accordance with article 36 of the Constitution of the People's Republic of China; and

(C) to abide by the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights.

Mr. GILMAN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from New York (Mr. GILMAN).

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the concurrent resolution, as amended.

The concurrent resolution, as amended, was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. Gilman:

Insert a complete new preamble as follows:

Whereas Falun Gong is a peaceful and nonviolent form of personal belief and practice with millions of adherents in China and elsewhere;

Whereas the Government of the People's Republic of China has forbidden Falun Gong practitioners to practice their beliefs;

Whereas this prohibition violates China's own Constitution as well as the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights;

Whereas thousands of ordinary citizens from all over China have been jailed for refusing to give up their practice of Falun Gong and for appealing to the government for protection of their constitutional rights;

Whereas there are many credible reports of torture and other cruel, degrading and inhuman treatment of detained Falun Gong practitioners;

Whereas the People's Republic of China has enacted new criminal legislation that the government's official newspaper hailed as a "powerful new weapon to smash evil cultist organizations, especially Falun Gong";

Whereas some of the detained Falun Gong members have been charged with political offenses, such as violations of China's vague "official state secrets" law, and under the new legislation Falun Gong practitioners will be chargeable with such offenses as murder, fraud, and endangering national security;

Whereas other Falun Gong members have been sentenced to labor camps, apparently under administrative procedures allowing such sentences without trial;

Whereas Chinese authorities in recent months have reportedly confiscated, burned, or otherwise destroyed millions of Falun Gong books and tapes;

Whereas thousands of Falun Gong practitioners in China have lost their jobs and students have been expelled from schools for refusing to give up their beliefs; and

Whereas the brutal crackdown by the Chinese Government on Falun Gong is in direct violation of the fundamental human rights to freedom of personal belief and practice, expression, and assembly:

Mr. GILMAN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment to the preamble be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from New York (Mr. GILMAN).

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the matter just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

MERVYN MALCOLM DYMALLY POST OFFICE BUILDING

Mr. OSE. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the bill (H.R. 642) to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the "Mervyn Malcolm Dymally Post Office Building", and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, shall be known and designated as the "Mervyn Malcolm Dymally Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Mervyn Malcolm Dymally Post Office Building".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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NATIONAL CHILDREN'S MEMORIAL DAY

Mr. OSE. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the resolution (H. Res. 376) expressing the sense of the House of Representatives in support of "National Children's Memorial Day," and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 376

Whereas approximately 80,000 infants, children, teenagers, and young adults of families living throughout the United States die each year from myriad causes;

Whereas the death of an infant, child, teenager, or young adult of a family is considered to be one of the greatest tragedies that a parent or family will ever endure during a lifetime;

Whereas a supportive environment and empathy and understanding are considered critical factors in the healing process of a family that is coping with and recovering from the loss of a loved one, and

Whereas Senate Resolution 118 would designate December 12, 1999, as "Natinal Children's Memorial Day": Now, therefore, be it

Resolved,

That the House of Representatives supports the goals and ideas of "National Children's Memorial Day" in remembrance of the many infants, children, teenagers, and young adults of families in the United States who have died.

The resolution was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. OSE

Mr. OSE. Mr. Speaker, I offer an amendment to the preamble.

The clerk read as follows:

Amendment to the preamble offered by Mr. OSE:

Strike the final "whereas" clause.

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from California (Mr. OSE).

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON TOMORROW

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that when the

House adjourns today, it adjourn to meet at noon tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DESIGNATION OF THE HONORABLE CONSTANCE A. MORELLA OR THE HONORABLE FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE AND TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS FOR REMAINDER OF FIRST SESSION OF 106TH CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.
November 18, 1999.

I hereby appoint the Honorable CONSTANCE A. MORELLA or, if not available to perform this duty, the Honorable FRANK R. WOLF to act as Speaker pro tempore to sign enrolled bills and joint resolutions for the remainder of the First Session of the One Hundred Sixth Congress.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designations are agreed to.

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE,
Washington, DC, November 17, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House, Capitol,
Washington, DC.

DEAR MR. SPEAKER: I am transmitting herewith copies of the resolutions approved on November 10, 1999 by the Committee on Transportation and Infrastructure, as follows:

Committee survey resolutions authorizing the U.S. Army Corps of Engineers to study the following potential water resources projects: Brazoria County Shoreline, Texas; Dickinson Bayou, Texas; and for the City of Brownsville, Texas.

Committee resolution authorizing the natural Resources Conservation Service to undertake a small watershed project for the Middle Deep Red Run Creek Small Watershed, Oklahoma.

With kind regards, I am
Sincerely,
BUD SHUSTER,
Chairman.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DISTURBING PATTERN OF PAKISTANI ACTIONS DEMANDS SERIOUS SCRUTINY BY THE ADMINISTRATION AND CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, last Tuesday in this House we approved on a bipartisan basis a resolution congratulating the people of India and their government for the successful parliamentary elections recently concluded by that thriving democracy. I was pleased to support that resolution and to speak in favor of it.

Unfortunately, action on another resolution that has been approved by the Committee on International Relations and is ready for consideration on this floor has been delayed. That other resolution would express the strong opposition of Congress to the recent military coup in Pakistan that overthrew the civilian government. While individual members of Congress, including me, have spoken out against the Pakistani coup, it is important for the House of Representatives to go on record collectively stating that we do not tolerate the overthrow of an elected government.

I am very disappointed, Mr. Speaker, in the Republican leadership for the continued delay in bringing up this resolution. Since we are about to adjourn, it is likely the resolution is dead for this year.

Last month, Mr. Speaker, the military coup in Pakistan was one of a series of disturbing actions that deserve very close scrutiny and clear condemnation by the U.S. government, the Congress, as well as the administration. One of the most shocking of these was last week's rocket attacks against American and UN targets in the Pakistani capital of Islamabad. The rockets were aimed at buildings in the heart of the capital, including the U.S. Embassy, a library and cultural center known as the American Center, and an office tower housing several UN agencies. Thank God, no one was killed, although one person was injured, a Pakistani guard at the American Center.

Mr. Speaker, the attacks came 2 days before UN sanctions were scheduled to go into effect against the Taliban redream in neighboring Afghanistan unless that country turns over bin Laden, the international terrorist who has masterminded attacks against American and western targets in various countries. There has been solid evidence in the past linking bin Laden's operation with Pakistan, so this connection is extremely plausible.

As the New York Times reported last Saturday, November 13, the list of possible culprits is short. Apart from the Taliban itself, Pakistan is home to several well-armed paramilitary groups sympathetic to the Taliban and hostile to the United States, in addition to thousands of Pakistani militants, who, over the years have trained side-by-side, with Taliban Members in Islamic schools.

I should add, Mr. Speaker, that Pakistan has for years been identified with the violent separatist movement in India's state of Jammu and Kashmir, causing the deaths of thousands of civilians and the displacement of hundreds of thousands from their homes. Pakistan's role in selling death and destruction in Kashmir was exposed to the world earlier this year when Pakistani military leaders, many of the same elements who carried out last month's coup d'etat, precipitated a major crisis by unleashing an attack against Indian positions in the area of Kargil, along the line of control that separates India and Pakistani controlled areas of Kashmir.

Pakistan's actions were condemned by the U.S. and the international community, and Pakistan was forced to essentially withdraw. But the attacks by Pakistani forces on India army positions continued day-to-day, causing casualties on both sides and threatening the stability of the entire south Asia region.

You have to wonder, Mr. Speaker, why the U.S. continues to try to win the favor of the Pakistani regime, given the proven collaboration between Pakistan and the fundamentalist Taliban militia in Afghanistan, and with bin Laden. Bin Laden and the Taliban represent the height of violent anti-Americanism, and yet here is the Pakistani regime tolerating, if not directly supporting, the operations of these movements in their country.

We have recently seen another example of the lack of respect for democracy and the rule of law on the part of the new Pakistani military regime with the initiative to indict the deposed Prime Minister, Sharif, on trumped up charges of treason and hijacking, charges which carry the death penalty.

Mr. Speaker, I do not want to get carried away singing the praises of Mr. Sharif. He was deeply involved in the ill-fated military campaign in Kashmir earlier this year. But he was the recognized legitimate leader of the nation. He had apparently attempted to dismiss the army's Chief of Staff, General Musharraf, and, instead, the general turned the tables and dismissed the prime minister, indicating who is really in charge in Pakistan. The turn of events indicates that the notion of democratic civilian leadership and the rule of law are not well developed in Pakistan.

Reports in the last day out of Pakistan indicate that Prime Minister

Sharif, who has been in military custody since he was deposed in the October 12th coup, has been moved to the port city of Karachi in a military aircraft in preparation for a court appearance.

Mr. Speaker, in conclusion, there are some who seem to welcome the seizure of military power by the military in Pakistan as a recipe for stability. I believe this is misguided thinking. First, as the rocket attacks against American targets last week indicate, the military regime is no better at maintaining stability and security than the previous civilian government. Furthermore, this year's Pakistani attack on India in Kashmir demonstrates behavior that is highly destabilizing and could lead to a wider war that would devastate much of South Asia.

It was the military brass now in charge of the country who precipitated that conflict, and who continue to promote the ongoing border incidents. Finally, the fact that Pakistan has been under military dictatorship for approximately half of its 52 years of independence inevitably led General Musharraf to conclude that it was his right to dismiss the Prime Minister, not the other way around. Until that type of thinking changes, Pakistan's prospects for stability and democracy are dim. While we may not be able to change Pakistani behavior, the United States should not be playing the role of enabler, out of cynical expediency or in the misguided belief that the military regime will bring "stability." This body should go on record expressing our condemnation of this year's turn of events in Pakistan.

COMPREHENSIVE DEBT RELIEF ADOPTED BY OMNIBUS BUDGET RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. LEACH) is recognized for 5 minutes.

Mr. LEACH. Mr. Speaker, I rise today to emphasize to my colleagues and the public that as part of the omnibus spending resolution just adopted, the United States House of Representatives has endorsed the most seminal bill ever advanced for the developing countries of the world. Comprehensive debt relief has been adopted for the poorest of the poor, many, but not all of which, are in Africa.

Relieving the debt burdens of the world's poorest countries has become one of the foremost economic, humanitarian and moral challenges of our time. Indeed, seldom has there been such a compelling conjunction between abstract economics, ethics and public policy.

In an effort to address this problem, earlier this year I introduced H.R. 1095, an act which authorizes debt relief for certain countries and conditions that relief on those countries transferring the savings from debt service obligations into poverty reduction and sustainable development.

Although initially skeptical about the breadth of this legislative approach, the administration eventually embraced it, and I am particularly appreciative of the support of Secretary Summers in this cause. In Congress, a number of our colleagues have been instrumental in bringing this initiative to the floor, and I would like to thank the gentleman from Alabama (Mr. BACHUS), the gentleman from Alabama (Mr. CALLAHAN) and the gentleman from Texas (Mr. ARMEY) on this side of the aisle, and the gentleman from New York (Mr. LAFALCE), the gentleman from Massachusetts (Mr. FRANK), the gentlewoman from California (Ms. WATERS) and the gentlewoman from California (Ms. PELOSI) on the other.

That we are able to consider debt relief today is a result of extensive collaboration and dialogue with a coalition of non-traditional lobbyists. Such non-governmental organizations as OXFAM and Bread for the World have provided much needed impetus to the effort, and a group of some 200 religious groups embracing the entire spectrum of faiths and denominations have united under the banner of Jubilee 2000.

The term "jubilee" is particularly appropriate, as it invokes the Old Testament Biblical concept of restoration, providing a fresh start, in this case for the most abject poor, at the beginning of the new millennium.

A central text is Leviticus 25, which contains the injunction, "and ye shall hallow the fiftieth year, and proclaim liberty throughout all the land . . . In the year of this jubilee, you shall return every man unto his possession."

As the Book of Proverbs reminds, "If you refuse to listen to the cry of the poor, your own cry will not be heard."

The Jubilee movement is worldwide, but American leadership is critical. In recent years we have demonstrated to the world our capacity to lead in the use of force. Now we must show an equal commitment to leading in the delivery of compassion. In a world in which divisions between rich and poor daily become more accentuated, it is imperative that Jubilee relationships be righted, that the alternative to war and famine with their attendant social and capital costs be averted.

Just as the Marshall Plan symbolized practicality and generosity at the end of the greatest war in human history, debt relief under the Jubilee banner stands at the end of the second millennium after the birth of Christ as a critical moral response to social challenges in parts of the world where poverty is endemic and governments have proven unable or unwilling to serve well their people.

PROVIDING HOPE AND HELP TO FLOOD-RAVAGED NORTH CAROLINA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I want to thank the Members and the Congressional and administrative staff numbering more than 500 who boarded 12 buses on Saturday, November 6, to provide hope and help to flood-ravaged Eastern North Carolina. On that day we cleaned up and fixed up places that 6 weeks after the hurricane were still saturated with water.

□ 2045

As a result of the flooding, lives have been disrupted, disturbed, and disordered. Tens of thousands were forced from their homes. Mr. Speaker, 11,000 homes were destroyed, and hundreds are living in a state of virtual homelessness. One-third of our population continues to suffer from a disaster that is unprecedented in the entire history of the State of North Carolina.

Mr. Speaker, we faced record high floodwaters covering more than 20,000 square miles, a land area greater than the size of the whole State of Maryland. Many people lost everything, their homes, their farms, their business, and their loved ones. The full amount of damage is still yet unknown.

As we begin to move from the phase of immediate relief to the phase of recovery and then rebuilding and reconstruction, many in the private sector have been helping as well. Certainly, the Red Cross and Salvation Army have been at work. Business enterprises have stepped forward with their support. Individual citizens from across the Nation have helped. The church community is doing its part and will do more. In fact, on December 19, the church community across the country will hold a nationwide effort to gather support from various denominations to help with the housing needs, especially for those who are the working poor, disadvantaged and senior citizens.

Mr. Speaker, I believe those Members and staffers who joined us on the November 6 now have a clear view of the needs of the people of eastern North Carolina. I believe those Members and staff now understand why this Congress must indeed pass an emergency rebuilding and reconstruction package when we return in January.

When Congress returns, I and others will put before the Congress a comprehensive rebuilding and reconstruction bill. At that time, we will seek the support of our colleagues in the House and Senate, as well as the support of the administration.

One aspect of the legislation we will introduce will be the provision of grants rather than loans for those homeowners and businessowners who simply cannot be helped by loans alone. Unless we are able to provide grants, there are many, many who owned homes before the storm will not be able to afford replacement houses after the storm. Unless we are able to provide grants, there are many businesses, especially small farmers who were in business before the storm, but will not be able to return or remain in business because of the storm.

Over the years, America has come to the aid of many in foreign countries, as we should and as we must continue to do. We have helped to rebuild Europe. We have helped to boost the recovery of Japan. We have come and will continue to come again and again to the aid of Kosovo. Surely, Mr. Speaker, we can come to the aid of our fellow citizens in eastern North Carolina.

Mr. Speaker, America is at its best when conditions of our fellow citizens are at their worst. America was at its best on November 6 when those Members and staffers gave of their hearts and time and hands to those storm-torn communities and to the flood victims.

In the budget agreement we just voted on, Congress did indeed provide some immediate relief, for which I am very appreciative, although I was forced to vote against the bill because it did not contain $81 million promised by the Senate leadership for the agriculture cooperative that would have aided our tobacco farmers, our peanut and cotton farmers. There were indeed provisions in there that will provide a response to the Housing needs and additional resources for agriculture and loans and grants. I also want to thank the administration for its support.

With this budget, we have made a significant step, but only a step. Much, much more is needed before we can say that Congress has done its part. We must, indeed, do more.

TRAGEDY AT TEXAS A&M

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentleman from Texas (Mr. BARTON) is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Speaker, as one of the last speakers to speak in this chamber in this century in terms of other than the purely procedural motion, it is with great sadness that I rise this evening to talk of a terrible tragedy that happened early this morning in College Station, Texas.

The university where I graduated from in 1972 and where my father graduated from in 1947, where my son graduated from in 1993, and my daughter in 1997, has a tradition called Bonfire. Students spend several months going out and first cutting down the logs and then transporting the logs to the campus, and then once on campus, sorting them out and stacking them together to create a bonfire which some years has been over 100 feet tall, and which this year was somewhere about 40 feet tall and was scheduled to be about 60 feet tall. Earlier this morning, somewhere between 2:30 and 3 a.m., the bonfire stack catastrophically collapsed, sending 50 to 60 students that were on the stack plummeting down. Unfortunately, at least six of them have been killed; over 20 have been injured. There are still five unaccounted for, and there is a possibility that the death toll could rise to over 10 students.

Mr. Speaker, this is a terrible tragedy for Texas A&M; it is a terrible tragedy for the families of the victims; it is a terrible tragedy for young people in our country. It is a sad, sad day in College Station, Texas.

Texas A&M truly is a family. There are over 250,000 living former students of Texas A&M, and the Aggie family, literally all over the world, is in shock and mourning for the students and their families, the students that were injured and killed and their families.

Mr. Speaker, there are a number of other Aggie traditions, one of which, unfortunately, will have to be utilized in the very near future. Silver Taps is a tradition at Texas A&M where any student that dies while an active student, there is a ceremony on campus where all of the lights are turned out in the evening, all the students gather at a common area in front of the academic building and Silver Taps are played. So sometime in December, there will be Silver Taps for the students that were killed earlier this morning and Aggies mourn their passing.

There is a memorial service that is going on as we speak. The gentleman from Texas (Mr. BRADY), whose district Texas A&M is located in, flew down to College Station earlier this afternoon to be with the students there as they have that memorial service this evening.

The bonfire has been held every year but one year since 1909. In 1963, after the assassination of President Kennedy, the bonfire was canceled. That is the only time that it has been canceled until next week. Because of the tragic accident, there will be no bonfire at Texas A&M next week before the football game between Texas University and Texas A&M.

Mr. Speaker, again, I rise in strongest sympathy this evening. I would ask all of my colleagues in the House of Representatives to pray for the families whose children have been killed or injured. I have one more daughter, Kristin, who is a senior in high school this year, and she hopes to attend Texas A&M. It is my hope that the A&M administration, President Bowen, who is an excellent academic leader and faculty leader at Texas A&M, will conduct a full investigation of this accident. If there is a way to find a cause and to prevent it from happening in the future, I know that he will do that, but I also hope that we do not cancel the bonfire in the future.

Again, hundreds of thousands of former students of Texas A&M have participated in the bonfire. With almost no exceptions, those who have participated have nothing but the warmest, fondest memories. We need to grieve for our students who lost their lives early this morning; we need to support the investigation to find the cause of that catastrophic accident, and hopefully we can come up with safety procedures so that the bonfire can continue in the future.

Mr. Speaker, I ask that all of my colleagues pray for the families of those students who lost their lives early this morning at Texas A&M.

GIVE A KID A CHANCE LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as a Member of the delegation from Texas, let me join my colleague, the gentleman from Texas (Mr. BARTON), to offer my sympathy to the families of the victims of the bonfire tragedy at Texas A&M University, those who lost their lives and those who were severely injured. My sympathy to my colleague, Congressman BRADY whose district the university is in, and my sympathy to my constituents, many of whom attend Texas A&M and whose family members have attended Texas A&M. My prayers are with them and their families, and I hope that they will know that they are in our thoughts and that the university will proceed with a review of the circumstances. But I offer to them my deepest sympathy.

Mr. Speaker, today I rise on behalf of the children of America, more than 13.7 million that suffer from severe mental health disorders. When we think of the tragedies that we have discussed over the past year, the hateful acts of students allegedly in Cleveland, Ohio; the tragedy of a killing of a middle school youngster in my own community; the enormous tragedy of Columbine; the killings in Fort Worth, Texas and Jonesboro, we do know that our children need help, need aid, need nurturing, and need intervention.

Mr. Speaker, more than 13.7 million children in America suffer from severe mental disorders. I have long been an advocate for children's mental health services because I believe that good mental health is indispensable to overall good health.

Mr. Speaker, today I introduced Give a Kid a Chance Omnibus Mental Health Services Act of 1999. H.R. 3455 was offered and filed with over 42 original cosponsors. I believe that all children need access to mental health services, whether these services are provided in a private therapy session or in a group setting, in our communities, or available as an intervention method in our schools. My bill will provide mental health services to children, adolescents and their families in our schools and communities. By making these services more readily available, more accessible, more known, we can spot mental health issues in children early before we have escalated or they have escalated these incidences into violence.

Mr. Speaker, at least one in five children in adolescence has a diagnosable mental, emotional or behavioral problem that can lead to school failure, substance abuse, violence or suicide. However, 75 to 80 percent of these children do not receive any services in the form of specialty treatment or some form of mental health intervention.

Mr. Speaker, it is not always the kind of specialized treatment that is needed, but just to be able to give the family and parents access to some form of counseling that will be readily available that would not be distant, that would not be overly exorbitant in cost, that would not be beyond their reach. The lack of access to mental health services has resulted in an increase of children dropping out of school, becoming involved in delinquent or criminal activity and becoming involved in the juvenile justice or protective child systems.

In light of the Columbine tragedy and other violent events of the past 7 months, our children need us to pay close attention to the early signs of mental disorders. Clearly there are warning signs of trouble in young people that point to the possibility of emotional and behavioral disorders. These warning signs include isolation, depression, alienation and hostility. But if they have no access either through the community or school health services or their parents do not know where to go, these terrible warning signs can turn into actions of violence. Recognizing these signs is the first step to ensuring that the troubled youngsters get the attention they need early to address their mental health needs before it is too late.

Although the problem of youth violence cannot be traced to a single cause or source, unrecognized or unaddressed mental health disorders in children can be catastrophic. The current mental health system fails to provide a refuge for these children before they are dumped into the juvenile justice system. Two-thirds of the children who are in the juvenile justice system need mental health intervention. I believe that prevention and intervention from an early age are critical to stemming the tide of youth violence. We must put something in place to intervene in a child's life.

This bill provides for a comprehensive, community-based, culturally competent and developmentally appropriate prevention and early intervention program that provides for the identification of early mental health problems and promotes the mental health and enhances the resiliency of children from birth to adolescence and their families.

□ 2100

It incorporates families, schools and communities in an integral role in the programs. It coordinates behavioral health care services, Mr. Speaker, interventions and support in traditional and nontraditional settings and, finally, it provides a continuum of care for children from birth through adolescence along with their families.

Let me close simply, Mr. Speaker, by saying that I hope that all of my colleagues, Republicans and Democrats, will join in a unified voice in support of pushing this legislation quickly, because we are in great need of providing the kind of comfort and support of our children, intervention, support, mental health services accessible to all.

I rise today on behalf of the children—the more than 13.7 million that suffer from severe mental health disorders. I have long been an advocate for children's mental health services because I believe that good mental health is indispensable to overall good health. Today I introduced a bill, "Give a Kid a Chance Omnibus Mental Health Services Act of 1999," H.R. 3455 with forty-two (42) Original Co-Sponsors.

I believe that all children need access to mental health services. Whether these services are provided in a private therapy session or in a group setting in the schools, we need to make these services available.

My bill will provide mental health services to children, adolescents and their families in the schools and communities. By making these services more readily available, we can spot mental health issues in children early before we have escalated incidents of violence.

At least one in five children and adolescents has a diagnosable mental, emotional, or behavioral problem that can lead to school failure, substance abuse, violence or suicide. However, 75 to 80 percent of these children do not receive any services in the form of specialty treatment or some form of mental health intervention.

The lack of access to mental health services has resulted in an increase of children dropping out of school, becoming involved in delinquent or criminal activity, and becoming involved in the juvenile justice or child protective systems.

In light of the Columbine tragedy and other violent events of the past seven months, our children need us to pay close attention to the early signs of mental disorders. Clearly, there are warning signs of trouble in young people that point to the possibility of emotional and behavioral disorders. These warning signs include isolation, depression, alienation and hostility.

Recognizing these signs is the first step to ensure that troubled youngsters get the attention they need early to address their mental health needs before it is too late. Although the problem of youth violence cannot be traced to a single cause or source, unrecognized or unaddressed mental health disorders in children can be catastrophic.

The current mental health system fails to provide a refuge for these children before they are dumped into the juvenile justice system. I believe that prevention and intervention from an early age are critical to stemming the tide of youth violence. We must put a system in place that can intervene in a child's life early on, long before the first act of violence is ever committed.

However, there is a greater need to address the mental health needs of all children, not just those who end up in the juvenile justice system. We need to address the mental health needs of all children before they become at-risk or troubled youth. Our children need to feel more comfortable about seeking help for their problems.

In preparing this legislation, I worked with a coalition of mental health professionals—psychologists, counselors, social workers and others to create comprehensive mental health legislation that will benefit all children and their families.

Mental health is indispensable to personal well-being, family and interpersonal relationships. Mental health is the basis for thinking and communication skills, learning, emotional growth, resilience and self-esteem.

There were several issues that we considered—access to services, the issue of stigma and the cultural and ethnic barriers to treatment. This bill addresses each of these concerns. Access to mental health services is key to saving this generation from self-destructive behavior.

In addition to access, there is the significant issue of stigma, particularly among the various cultural groups in this country. As we all know, there is already a significant stigma attached to mental health services for adults.

Adults need to realize that mental health is not separate from physical or bodily health. Good physical health is all encompassing, inclusive of the mind and body. As adults, we need to feel more comfortable about our own issues. We cannot continue to believe in the stigma of mental help.

We must also explore the cultural and ethnic barriers to making mental health services available to all children. In certain ethnic cultures, the issue of mental health is almost a non-issue. For example, in some cultures, a person may complain of physical discomfort when the real issue is of a psychological nature.

In addition to internal cultural barriers to mental health treatment, there are cross-cultural barriers that must be overcome. Mental health professionals must be culturally savvy and have an understanding of various cultural and ethnic backgrounds.

People from various cultural backgrounds are often mistrustful of seeking professional mental health services because of a lack of trust in the system, economic constraints, and limited awareness of the value of good mental health. The challenge to the mental health profession is to overcome these barriers to provide comprehensive treatment.

This silence ultimately harms our children. For example, in the African-American community mental health is rarely discussed and it often goes untreated in both adults and children. Depression is the most common mental health disorder affecting 10 percent of the population, yet we still do not engage in a public dialogue about this issue.

The progress we make now in terms of mental health access and treatment, erasing the stigma and overcoming the cultural barriers will be long reaching.

I urge my colleagues to add their names to the list of cosponsors of this legislation. In the next session, I look forward to this bill passing.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. CAPPS (at the request of Mr. GEPHARDT) for today and the balance of the week on account of family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. MALONEY of Connecticut, for 5 minutes, today.

Mr. UDALL of New Mexico, for 5 minutes, today.

Mr. UDALL of Colorado, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request of Mr. BARTON of Texas) to revise and extend their remarks and include extraneous material:)

Mr. LEACH, for 5 minutes, today.

Mr. BARTON of Texas, for 5 minutes, today.

Mrs. MYRICK, for 5 minutes, today.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 278. An act to direct the Secretary of the Interior to convey certain lands to the county of Rio Arriba, New Mexico.

S. 382. An act to establish the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes.

S. 1235. An act to amend part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to allow railroad police officers to attend the Federal Bureau of Investigation National Academy for law enforcement training.

S. 1398. An act to clarify certain boundaries on maps relating to the Coastal Barrier Resources System.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 83. A joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

ADJOURNMENT

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 p.m.), under its previous order, the House adjourned until tomorrow, Friday, November 19, 1999, at noon.

OATH OF OFFICE OF MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 106th Congress, pursuant to the provisions of 2 U.S.C. 25:

JOE BACA, Forty-second, California.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5439. A letter from the Associate Administrator, Dairy Programs, Agricultural Marketing Service, transmitting the Service's final rule—Milk in the New England and Other Marketing Areas; Exemption of Handlers Operating Plants in Clark County, Nevada, From Order Requirements [Docket No. DA–00–01] received November 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5440. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Herbicide Safener HOE–107892; Extension of Tolerance for Emergency Exemptions [OPP–300933; FRL–6385–5] (RIN: 2070–AB78) received November 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5441. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Glyphosate; Pesticide Tolerance [OPP–300946; FRL–6390–5] (RIN: 2070–AB78) received November 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5442. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clopyralid; Pesticide Tolerances for Emergency Exemptions [OPP–300938; FRL–6388–5] (RIN: 2070–AB78) received November 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5443. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Avermectin B1 and its delta-8,9-isomer; Extension of Tolerance for Emergency Exemptions [OPP–300948; FRL–6391–8] (RIN: 2070–AB78) received November 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5444. A letter from the Acquisition and Technology, Principal Deputy Under Secretary of Defense, transmitting a report entitled "Establishing an Entitlement to Reimburse Rental Car Costs to Military Service Members"; to the Committee on Armed Services.

5445. A letter from the Secretary of Defense, transmitting a Report On Proposed Obligations For Weapons Destruction And Non-Proliferation In The Former Soviet Union; to the Committee on Armed Services.

5446. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; States of Colorado, Utah and Wyoming; General Conformity [CO–001–0035a; UT–001–0023a; WY–001–0004a; FRL–6471–4] received November 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5447. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; New Jersey; Approval of Carbon Monoxide State Implementation Plan Revision; Determination of Carbon Monoxide Attainment; Removal of Oxygenated Gasoline Program [Region 2 Docket No. NJ37–2–203 FRL–6477–3] received November 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5448. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Iowa Update to Materials Incorporated by Reference [IA 075–1075; FRL–6462–3] received November 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5449. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors [FRL–6477–9] (RIN: 2050–AE01) received November 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5450. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants:

Generic Maximum Achievable Control Technology [AD-FRL-6478-8] (RIN: 2060-AG91) received November 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5451. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology: Process Wastewater Provisions [AD-FRL-6478-6] (RIN: 2060-AI53) received November 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5452. A letter from the Chief, Policy and Programming Division, Federal Communications Commission, transmitting the Commission's final rule—In the Matter of Implementation of Local Competition Provisions of the Telecommunications Act of 1996 [CC Docket No. 96-98] received November 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5453. A letter from the Deputy Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Allocation of Spectrum Below 5 GHz Transferred from Federal Government Use [ET Docket No. 94-32] received November 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5454. A letter from the Assistant Bureau Chief, Management, International Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Space Stations to Provide Domestic and International Satellite Service in the United States [IB Docket No. 96-111] received November 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5455. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Landowner Notification, Expanded Categorical Exclusions, and Other Environmental Filing Requirements (Docket No. RM98-17-000; Order No. 609) received November 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5456. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2000-07, authorizing the furnishing of assistance from the Emergency Refugee and Migration Assistance Fund to meet the urgent needs related to the Timor crisis and for the North Caucasus crisis, pursuant to 22 U.S.C. 2601(c)(3); to the Committee on International Relations.

5457. A communication from the President of the United States, transmitting a report on progress toward a negotiated settlement of the Cyprus question covering the period August 1, 1999, to September 30, 1999, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

5458. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the justification and designation of Burma, China, Iran, Iraq, and Sudan as “countries of particular concern” for having engaged in or tolerated particularly severe violations of religious freedom; to the Committee on International Relations.

5459. A letter from the Chairman and Chief Executive Officer, Chemical Safety and Hazard Investigation Board, transmitting the Board's Annual Report on Audit and Investigative Activities for Fiscal Year 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5460. A letter from the Comptroller General, transmitting a list of General Accounting Office reports from the previous month; to the Committee on Government Reform.

5461. A letter from the Secretary of Transportation, transmitting the Semiannual Report of the Office of Inspector General for the period ended September 30, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5462. A letter from the the Chief Administrative Officer, U.S. House of Representatives, transmitting the quarterly report of the Statement of Disbursements of the House of Representatives covering receipts and expenditures of appropriations and other funds for the period July 1, 1999 through September 30, 1999, pursuant to 2 U.S.C. 104a; (H. Doc. No. 106-125); to the Committee on House Administration and ordered to be printed.

5463. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Indiana Regulatory Program [SPATS No. IN-143-FOR; State Program Amendment No. 98-5] received November 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5464. A letter from the Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Maryland Regulatory Program [MD-044-FOR] received November 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5465. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Ohio Regulatory Program [OH-246-FOR] received November 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5466. A letter from the Secretary of Agriculture, Secretary of the Army, transmitting notification of the intention of the Department of the Army and the Department of Agriculture to interchange jurisdiction of Military and National Forest System lands at the Army's Fort Hunter Liggett Military Reservation, California, and the USDA Forest Service's Toiyabe National Forest in Mineral County, Nevada, pursuant to 16 U.S.C. 505a; jointly to the Committees on Armed Services and Resources.

5467. A letter from the Acting Director, Office of Civilian Radioactive Waste Management, Department of Energy, transmitting a report entitled “A Roadmap for Developing Accelerator Transmutation of Waste Technology—A Report to Congress”; jointly to the Committees on Commerce and Science.

5468. A letter from the Secretary of Health and Human Services, transmitting activities taken relative to Medicare approved home health agencies including the status, implementation and impact of the revised survey cycle; jointly to the Committees on Ways and Means and Commerce.

5469. A letter from the Chairman of the Securities and Exchange Commission, Chairman of the Commodity Futures Trading Commission, Secretary of Treasury, Chairman of transmitting the President's Working Group on Financial Markets entitled “Over-the-Counter Derivatives Markets and the Commodity Exchange Act”; jointly to the Committees on Agriculture, Banking and Financial Services, and Commerce.

5470. A letter from the Acting, Executive Office of the President, transmitting a legislative proposal entitled, “Southeast Europe Trade Preference Act”; jointly to the Committees on Ways and Means, Education and the Workforce, and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LEACH: Committee on Banking and Financial Services. H.R. 1095. A bill to require the United States to take action to provide bilateral debt relief, and improve the provision of multilateral debt relief, in order to give a fresh start to poor countries; with an amendment (Rept. 106-483 Pt. 1). Ordered to be printed.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 728. A bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resource projects previously funded by the Secretary under such Act or related laws; with amendments (Rept. 106-484 Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2669. A bill to reauthorize the Coastal Zone Management Act of 1972, and for other purposes; with an amendment (Rept. 106-485). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1838. Referral to the Committee on Armed Services extended for a period ending not later than November 19, 1999.

H.R. 3081. Referral to the Committee on Education and the Workforce extended for a period ending not later than November 19, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. JOHNSON of Connecticut (for herself and Mr. Cardin):

H.R. 3443. A bill to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHENOWETH-HAGE (for herself, Mr. Barr of Georgia, Mr. Watts of Oklahoma, Mr. Doolittle, Mrs. Cubin, Mr. Gibbons, Mr. Coburn, Mr. Young of Alaska, Mr. McIntosh, Mr. Paul, Mr. Goode, Mr. Hastings of Washington, Mr. Cannon, Mr. Smith of Michigan, Mr. Skeen, Mr. Pickett, Mr. Hill of Montana, Mr. Bateman, Mr. Ryun of Kansas, and Mr. Wicker):

H.R. 3444. A bill to repeal section 658 of Public Law 104–208, commonly referred to as the Lautenberg amendment; to the Committee on the Judiciary.

By Mrs. FOWLER:

H.R. 3445. A bill to amend title 10, United States Code, to allow the Secretaries of the military departments to authorize civilian special agents of their respective military criminal investigative organizations to execute warrants and make arrests; to the Committee on Armed Services.

By Mr. OBERSTAR:

H.R. 3446. A bill to authorize appropriations for the Surface Transportation Board, to enhance railroad competition, to protect collective bargaining agreements, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HASTINGS of Washington (for himself and Mr. Walden of Oregon):

H.R. 3447. A bill to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for sales of electricity by the Bonneville Power Authority to joint operating entities; to the Committee on Resources, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREENWOOD (for himself, Mr. Dooley of California, Mr. Boehlert, and Mrs. Tauscher):

H.R. 3448. A bill to improve the management of environmental information and to encourage innovation in the pursuit of enhanced environmental quality, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREENWOOD:

H.R. 3449. A bill to amend the Clean Air Act to provide for a State waiver of the requirements concerning the oxygen content of gasoline; to the Committee on Commerce.

By Mr. EHLERS:

H.R. 3450. A bill to direct the Archivist of the United States to transfer certain Federal land located in the State of Michigan to the Gerald R. Ford Foundation in trust, and for other purposes; to the Committee on Government Reform.

By Mr. ABERCROMBIE:

H.R. 3451. A bill to amend the Internal Revenue Code of 1986 to allow the unused portion of the low-income housing credit for buildings financed with tax exempt State bonds to be used for the construction of military housing in the State; to the Committee on Ways and Means.

By Mr. BAKER (for himself, Mr. Hunter, Mr. Stump, Mr. Traficant, Mr. Hefley, Mr. Cooksey, Mr. Wamp, Mrs. Bono, Mrs. Chenoweth-Hage, Mr. Bachus, Mrs. Johnson of Connecticut, Mr. Sam Johnson of Texas, Mr. Cunningham, Mr. Tauzin, and Mr. Tancredo):

H.R. 3452. A bill to establish conditions on the payment of certain balances under the Panama Canal Act of 1979; to the Committee on Armed Services.

By Mr. GOODLATTE:

H.R. 3453. A bill to amend the Food Stamp Act of 1977 to require the Secretary of Agriculture to purchase additional commodities for distribution under section 214 of the Emergency Food Assistance Act of 1983 for fiscal years 2001 and 2002; to the Committee on Agriculture.

By Mr. CHAMBLISS:

H.R. 3454. A bill to designate the United States post office located at 451 College Street in Macon, Georgia, as the "Henry McNeal Turner Post Office"; to the Committee on Government Reform.

By Ms. JACKSON-LEE of Texas (for herself, Ms. Millender-McDonald, Ms. Kilpatrick, Ms. Lee, Ms. Schakowsky, Mr. Green of Texas, Mr. McDermott, Mr. Edwards, Mr. Pallone, Mr. Kucinich, Mrs. Mink of Hawaii, Mr. Rangel, Mr. Barrett of Wisconsin, Mr. Sawyer, Mr. Menendez, Mr. Pastor, Mr. Cramer, Mrs. Meek of Florida, Ms. Brown of Florida, Mr. Davis of Illinois, Mr. Clyburn, Mr. Towns, Mrs. Napolitano, Ms. Pelosi, Mr. Farr of California, Mr. Cummings, Mr. Udall of Colorado, Mr. Ford, Mr. Martinez, Mr. Forbes, Mr. Rodriguez, Mr. Jefferson, Mr. Gonzalez, Mr. Fattah, Mr. Larson, Mr. Owens, Mr. Baldacci, Mr. Pascrell, Mr. Weygand, Mr. Baca, Mr. Meeks of New York, Mr. Baird, Mr. Strickland, and Mr. Lampson):

H.R. 3455. A bill to amend the Public Health Service Act with respect to mental health services for children, adolescents and their families; to the Committee on Commerce.

By Mr. COBLE:

H.R. 3456. A bill to amend statutory damages provisions of title 17, United States Code; to the Committee on the Judiciary.

By Mr. UPTON (for himself, Mr. Stupak, Ms. Jackson-Lee of Texas, Mr. Bliley, and Mr. Roemer):

H.R. 3457. A bill to amend the Controlled Substances Act to direct the emergency scheduling of gamma hydroxybutyric acid, to provide for a national awareness campaign, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PRYCE of Ohio:

H.R. 3458. A bill to reduce the incidence of child abuse and neglect, and for other purposes; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 3459. A bill to provide that a person who brings a product liability action in a Federal or State court for injuries sustained from a product which is not in compliance with a voluntary or mandatory standard issued by the Consumer Product Safety Commission may recover treble damages, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACHUS (for himself and Mr. Jones of North Carolina):

H.R. 3460. A bill to amend title 10, United States Code, to require the consent of a member of the Armed Forces before administering the member with an investigational new drug or drug unapproved for its applied use; to the Committee on Armed Services.

By Mrs. BIGGERT (for herself and Mr. Traficant):

H.R. 3461. A bill to amend title XVIII of the Social Security Act to establish additional provisions to combat waste, fraud, and abuse within the Medicare Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHNER (for himself, Mr. Oxley, and Mr. Portman):

H.R. 3462. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to establish certain requirements enforceable under such title relating to certain stock purchase arrangements maintained by employers for employees, and to amend the Internal Revenue Code of 1986 to provide favorable treatment for such arrangements meeting such requirements, subject to certain restrictions on disposition of transferred shares; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BONIOR (for himself, Mr. Levin, Ms. Stabenow, Ms. Kaptur, Mr. Weldon of Pennsylvania, Mr. Hinchey, and Mr. Horn):

H.R. 3463. A bill to amend title 36, United States Code, to grant a Federal charter to the Ukrainian American Veterans, Incorporated; to the Committee on the Judiciary.

By Mr. BOSWELL:

H.R. 3464. A bill to establish a cooperative program of the Department of Agriculture, the Department of Energy, and the Environmental Protection Agency to evaluate the feasibility of using only fuel blended with ethanol to power municipal vehicles; to the Committee on Commerce.

By Mr. BRADY of Texas (for himself, Mr. McIntosh, and Mr. Bryan):

H.R. 3465. A bill to provide safer schools and a better educational environment; to the Committee on Education and the Workforce.

By Mr. CAMP (for himself, Mrs. Johnson of Connecticut, and Mrs. Thurman):

H.R. 3466. A bill to amend the Internal Revenue Code of 1986 to expand the credit for electricity produced from certain renewable resources to energy produced from landfill gas; to the Committee on Ways and Means.

By Mr. CAMPBELL:

H.R. 3467. A bill to amend title 10, United States Code, to direct the Secretary of Defense to establish procedures for ensuring that persons reporting instances of suspected child abuse occurring on military installations may submit such reports anonymously; to the Committee on Armed Services.

By Mr. CANNON:

H.R. 3468. A bill to direct the Secretary of the Interior to convey to certain water rights to Duchesne City, Utah; to the Committee on Resources.

By Mr. EVANS (for himself and Mr. Leach):

H.R. 3469. A bill to amend title 10, United States Code, to provide for the coverage and treatment of overhead costs of United States factories and arsenals when not making supplies for the Army, and for other purposes; to the Committee on Armed Services.

By Mr. GREEN of Wisconsin:

H.R. 3470. A bill to provide for the appointment of 1 additional Federal district judge for the eastern district of Wisconsin, and for other purposes; to the Committee on the Judiciary.

By Mr. GREENWOOD:

H.R. 3471. A bill to authorize the Secretary of Health and Human Services to carry out demonstration projects to increase the supply of organs donated for human transplantation: to the Committee on Commerce.

By Mr. HOLT:

H.R. 3472. A bill to provide for mandatory licensing and registration of handguns; to the Committee on the Judiciary.

H.R. 3473. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to restrict the transfer by local law enforcement agencies of certain firearms; to the Committee on the Judiciary.

H.R. 3474. A bill to suspend temporarily the duty on Fungaflor 500 EC; to the Committee on Ways and Means.

H.R. 3475. A bill to suspend temporarily the duty on NORBLOC 7966; to the Committee on Ways and Means.

H.R. 3476. A bill to suspend temporarily the duty on Imazalil; to the Committee on Ways and Means.

By Ms. HOOLEY of Oregon:

H.R. 3477. A bill to amend the Truth in Lending Act to require credit card statements to include the date by which a consumer's payment by mail must be postmarked in order to avoid the late fee and to prohibit a late fee for a consumer's payment by mail which is postmarked by such date, and for other purposes; to the Committee on Banking and Financial Services.

By Ms. KAPTUR (for herself, Mr. Kanjorski, Mr. Gillmor, and Mr. Hansen):

H.R. 3478. A bill to establish a compensation program for the contractors of the Departments of Energy and Defense and beryllium vendors who sustained a beryllium-related illness due to the performance of their duty, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KELLY (for herself, Mr. Franks of New Jersey, and Mr. Jones of North Carolina):

H.R. 3479. A bill to authorize the Small Business Administration to make grants and loans to small business concerns, and grants to agricultural enterprises, to enable such concerns and enterprises to reopen for business after a natural or other disaster; to the Committee on Small Business.

By Mr. KLINK (for himself and Ms. DeGette):

H.R. 3480. A bill to amend title XIX and XXI of the Social Security Act to expand enrollment of children under the Medicaid and State children's health insurance program (SCHIP) through the expanded use of presumptive eligibility; to the Committee on Commerce.

By Mrs. LOWEY:

H.R. 3481. A bill to impose a 2-year moratorium on the issuance of new Federal licenses to deal in firearms; to the Committee on the Judiciary.

By Mr. MALONEY of Connecticut:

H.R. 3482. A bill to amend title XVIII of the Social Security Act to assure access of Medicare beneficiaries to prescription drug coverage through the NICE drug benefit program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY:

H.R. 3483. A bill to amend the Federal securities laws to enhance oversight over certain derivatives dealers and hedge funds, reduce the potential for such entitles to increase systemic risk in the financial markets, enhance investor protections, and for other purposes; to the Committee on Commerce.

By Mr. McCOLLUM (for himself and Mrs. Johnson of Connecticut):

H.R. 3484. A bill to amend title 18, United States Code, to provide that certain sexual crimes against children are predicate crimes for the interception of communications, and for other purposes; to the Committee on the Judiciary.

By Mr. McCOLLUM (for himself, Mr. DeLay, Mr. Diaz-Balart, Mr. Saxton, Mr. Smith of New Jersey, Mr. Franks of New Jersey, Mr. Rogan, Mr. Foley, Mr. Tiahrt, and Ms. Ros-Lehtinen):

H.R. 3485. A bill to modify the enforcement of certain anti-terrorism judgments, and for other purposes; to the Committee on the Judiciary.

By Mr. MORAN of Kansas:

H.R. 3486. A bill to protect previously approved State Medicaid plans from changes in Federal payment for school-based health services for Medicaid-eligible children with individualized education programs; to the Committee on Commerce.

By Mr. OXLEY (for himself, Mr. Davis of Virginia, Mr. Boucher, Ms. Eshoo, and Mr. Stupak):

H.R. 3487. A bill to provide consumers in multitenant buildings with the benefits of competition among providers of telecommunications services by ensuring reasonable and nondiscriminatory access to rooftops of mulitenants buildings by competitive telecommunications carriers, and promote the development of fixed wireless, local telephony, and broadband infrastructure, and for other purposes; to the Committee on Commerce.

By Mr. PALLONE (for himself, Mr. Andrews, Mr. Smith of New Jersey, Mr. Franks of New Jersey, Mr. Pascrell, Mr. Frelinghuysen, Mr. Holt, Mr. LoBiondo, Mr. Rothman, Mr. Payne, Mr. Menendez, Mrs. Roukema, and Mr. Saxton):

H.R. 3488. A bill to designate the United States Post Office located at 60 Third Avenue in Long Branch, New Jersey, as the "Pat King Post Office Building"; to the Committee on Government Reform.

By Mr. PICKERING (for himself, Mr. Markey, Mrs. Wilson, Mr. Largent, and Mr. Tauzin):

H.R. 3489. A bill to amend the Communications Act of 1934 to regulate interstate commerce in the use of mobile telephones and to strengthen and clarify prohibitions on electronic eaves-dropping, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PORTMAN (for himself and Mr. Cardin):

H.R. 3490. A bill to amend the Internal Revenue Code of 1986 to clarify the status of professional employer organizations and to promote and protect the interests of professional employer organizations, their customers, and workers; to the Committee on Ways and Means.

By Mr. PORTMAN:

H.R. 3491. A bill to amend the Internal Revenue Code of 1986 to codify the authority of the Secretary of the Treasury to issue regulations covering the practice of enrolled agents before the Internal Revenue Service; to the Committee on Ways and Means.

By Mr. ROYCE (for himself, Mr. Bentsen, Mr. Jones of North Carolina, and Mr. Metcalf):

H.R. 3492. A bill to amend the Fair Debt Collection Practices Act to exempt mortgage servicers from certain requirements of the Act with respect to federally related mortgage loans secured by a first lien, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. RYAN of Wisconsin:

H.R. 3493. A bill to promote international monetary stability and to share seigniorage with officially dollarized countries; to the Committee on Banking and Financial Services.

By Mr. SANDERS (for himself, Ms. Pelosi, Ms. Waters, Mr. Filner, Mr. Kucinich, Mr. DeFazio, Mr. Owens, and Mr. Evans):

H.R. 3494. A bill to clarify that no provisions of title LXII of the Revised Statutes of the United States, the Home Owners' Loan Act, or any other Federal law have ever been intended, and may not be construed, to supersede nondiscriminatory State or local laws that regulate fees and surcharges imposed by operators of automated teller machines for use of such machines; to the Committee on Banking and Financial Services.

By Mr. STRICKLAND (for himself, Mr. Gordon, Mr. Udall of Colorado, Mr. Whitfield, Mrs. Tauscher, Mr. Baird, Mr. Brown of Ohio, Mr. Phelps, Mr. Forbes, Mr. Pallone, and Ms. Kaptur):

H.R. 3495. A bill to establish a compensation program for Department of Energy employees injured in Federal nuclear activities; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANNER:

H.R. 3496. A bill to amend the Internal Revenue Code of 1986 to provide that certain uses of a facility owned by a tax-exempt organization shall not be treated as private business use for purposes of determining whether bonds issued to provide the facility are tax-exempt bonds; to the Committee on Ways and Means.

By Mr. THOMPSON of Mississippi (for himself, Mr. Shows, and Mr. Taylor of Mississippi):

H.R. 3497. A bill to authorize a study on the feasibility of preserving certain Civil War battlefields along the Vicksburg Campaign Trail and of establishing a Civil Rights Trail in the State of Mississippi; to the Committee on Resources.

By Mr. TOWNS (for himself, Mr. Tauzin, Mr. Dingell, Mr. Markey, and Mr. Oxley):

H.R. 3498. A bill to amend the Communications Act of 1934 to improve the operations of the Telecommunications Development Fund; to the Committee on Commerce.

By Mr. TRAFICANT:

H.R. 3499. A bill to amend section 107 of the Housing and Community Development Act of 1974 to authorize the Secretary of Housing and Urban Development to make grants from community development block grant amounts to the Park and Recreation Commission, City of Youngstown, Ohio, for the construction of a community center and the renovation of a sports complex in such city;

to the Committee on Banking and Financial Services.

By Mr. UDALL of Colorado:

H.R. 3500. A bill to direct the Administrator of the Small Business Administration to conduct a pilot program to raise awareness about telecommuting among small business employers and to encourage such employers to offer telecommuting options to employees; to the Committee on Small Business.

By Mr. UDALL of Colorado (for himself and Mr. Udall of New Mexico):

H.R. 3501. A bill to promote and appropriately recognize the role of volunteers and partnership organizations in the stewardship of the resources and values of Federal lands administered by the Secretary of Agriculture and the Secretary of the Interior, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico:

H.R. 3502. A bill to enhance the ability of the National Laboratories to meet Department of Energy missions, and for other purposes; to the Committee on Science, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS:

H.R. 3503. A bill to provide for basic low-cost banking accounts, to eliminate certain automated teller machine surcharges, and to reauthorize a bank fee survey conducted by the Board of Governors of the Federal Reserve System, and for other purposes; to the Committee on Banking and Financial Services.

By Ms. WATERS (for herself, Mr. Clyburn, Mr. Towns, Mr. Markey, Mr. Conyers, Mrs. Meek of Florida, Mr. Frank of Massachusetts, Ms. Brown of Florida, Ms. Lee, Mr. Sanders, Mr. Payne, Mr. Capuano, Mrs. Maloney of New York, Ms. Millender-McDonald, Ms. Jackson-Lee of Texas, Mr. Meeks of New York, and Mrs. Jones of Ohio):

H.R. 3504. A bill to amend the Bank Holding Company Act of 1956, the Revised Statutes of the United States, the Community Reinvestment Act of 1977, and the Gramm-Leach-Bliley Act with regard to community reinvestment, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. WATKINS:

H.R. 3505. A bill to amend the Internal Revenue Code of 1986 to provide for a medical research tax credit; to the Committee on Ways and Means.

By Mr. WELDON of Florida:

H.R. 3506. A bill to amend the Service Contract Act of 1965 to provide for the responsibility in certain cases of a parent corporation of a Federal contractor to provide health care benefits to retired employees of the contractor if the contractor fails to provide such benefits; to the Committee on Education and the Workforce.

By Mr. WISE (for himself, Mr. Rahall, and Mr. Mollohan):

H.R. 3507. A bill to establish a program of supplemental unemployment benefits for unemployed coal miners who have exhausted their rights to regular unemployment benefits, and whose separation from employment is due to environmental laws or court orders directly related to the mining of coal; to the Committee on Ways and Means.

By Mr. WU (for himself, Mr. Davis of Virginia, and Mr. Stark):

H.R. 3508. A bill to amend the Immigration and Nationality Act to provide status in each of fiscal years 2000 through 2002 for 65,000 H–1B nonimmigrants who have a master's or Ph. D. degree and meet the requirements for such status and whose employers make scholarhip payments to institutions of higher education for undergraduate and postgraduate education; to the Committee on the Judiciary.

By Mr. YOUNG of Florida:

H.J. Res. 84. A joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes; to the Committee on Appropriations.

By Mr. ARMEY:

H.J. Res. 85. A joint resolution appointing the day for the convening of the second session of the One Hundred Sixth Congress; considered and agreed to.

H. Con. Res. 234. Concurrent resolution tabling the bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes; considered and agreed to.

By Mr. ARMEY:

H. Con. Res. 235. Concurrent resolution providing for the sine die adjournment of the first session of the One Hundred Sixth Congress; considered and agreed to.

By Mr. ROGERS:

H. Con. Res. 236. Concurrent resolution correcting the enrollment of H.R. 1180; considered and agreed to.

By Mr. George MILLER of California (for himself, Mr. Kildee, Mr. Kennedy of Rhode Island, Mr. Vento, Mr. Pastor, Mr. Inslee, Mr. Underwood, Mr. Faleomavaega, Mr. McDermott, Mrs. Christensen, Ms. Eshoo, and Ms. Waters):

H. Con. Res. 237. Concurrent resolution expressing the sense of the Congress that a portion of the budget surplus should be used to fulfill moral and legal responsibilities of the United States by ensuring proper payment and management of all federally held tribal trust fund accounts and individual Indian money accounts; to the Committee on Resources.

By Ms. PELOSI (for herself, Mr. Gejdenson, Mr. Porter, Mr. Lantos, Mr. DeFazio, Ms. Kilpatrick, Mr. Meehan, Mr. Oberstar, Mr. Holt, Mr. Delahunt, Ms. Eshoo, Ms. Schakowsky, Mr. Engel, Ms. Kaptur, Mr. Boucher, Mr. Stark, Mr. Moakley, Ms. Stabenow, Mr. Maloney of Connecticut, Mr. Kind, Mr. Frost, Mr. Hinchey, Mr. LaFalce, Ms. Woolsey, Mr. Udall of Colorado, Ms. Slaughter, Ms. Waters, Mr. McDermott, Mr. Payne, Mr. Berman, Mr. Cummings, Mr. McGovern, Mr. Sanders, and Mr. Olver):

H. Con. Res. 238. Concurrent resolution expressing the sense of Congress regarding a peaceful resolution of the conflict in the state of Chiapas, Mexico, and for other purposes; to the Committee on International Relations.

By Mr. FROST:

H. Res. 391. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. WELLER:

H. Res. 392. A resolution expressing the sense of the House of Representatives regarding National Pearl Harbor Remembrance Day; to the Committee on Government Reform.

H. Res. 393. A resolution returning to the Senate the bill S. 4; considered and agreed to.

H. Res. 394. A resolution returning to the Senate the bill S. 1232; considered and agreed to.

By Mr. ARMEY:

H. Res. 395. A resolution providing for a committee of two Members to be appointed by the House to inform the President; considered and agreed to.

By Mr. DREIER (for himself, Mr. Young of Florida, Mr. Bass, Mr. Whitfield, Mr. Jones of North Carolina, Mr. Condit, Mr. Luther, Ms. McCarthy of Missouri, Ms. Dunn, Mr. Sessions, Mr. Stearns, Mr. Regula, Mr. Gilchrest, Mr. Greenwood, Mr. Sensenbrenner, Mr. Goode, Mr. Thune, Mr. Lewis of Kentucky, Mrs. Myrick, Mr. Hastings of Washington, Mr. Baker, Mr. Vitter, Mr. Bachus, Mr. Castle, Mr. Royce, Mr. Hall of Texas, Mr. Wamp, Mr. Metcalf, Mr. LaFalce, Mrs. Roukema, Mr. Weldon of Florida, Mr. Simpson, Mr. Reynolds, Ms. Pryce of Ohio, Mr. Barton of Texas, Mr. Everett, Mr. Hayworth, Mr. Stump, Mr. Berman, Mr. Bilbray, Mr. Callahan, Mr. Cunningham, Mr. Young of Alaska, Mr. Kolbe, Mr. Salmon, Mr. Shadegg, Mr. Hutchinson, Mrs. Bono, Mr. Calvert, Mr. Campbell, Mr. Dooley of California, Mr. Doolittle, Mr. Hastert, Mr. Farr of California, Mr. Herger, Mr. Horn, Mr. Hunter, Mr. Kuykendall, Mr. Gallegly, Mr. McKeon, Mr. Martinez, Mr. Gary Miller of California, Mrs. Napolitano, Mr. Ose, Mr. Pombo, Mr. Radanovich, Mr. Rogan, Mr. Rohrabacher, Mr. Thomas, Mr. Thompson of California, Mr. Hefley, Mr. McInnis, Mr. Schaffer, Mr. Tancredo, Mrs. Johnson of Connecticut, Mr. Shays, Mr. Bilirakis, Mr. Canady of Florida, Mr. Diaz-Balart, Mr. Foley, Mrs. Fowler, Mr. McCollum, Mr. Mica, Mr. Miller of Florida, Mr. Scarborough, Mr. Shaw, Mr. Barr of Georgia, Mr. Bishop, Mr. Collins, Mr. Deal of Georgia, Mr. Isakson, Mr. Kingston, Mr. Linder, Mr. Norwood, Mr. Abercrombie, Mrs. Biggert, Mr. Crane, Mr. Hyde, Mr. LaHood, Mr. Manzullo, Mr. Porter, Mr. Shimkus, Mr. Weller, Mr. Burton of Indiana, Mr. Buyer, Mr. Hostettler, Mr. McIntosh, Mr. Souder, Mr. Latham, Mr. Leach, Mr. Moore, Mr. Moran of Kansas, Mr. Tiahrt, Mr. Fletcher, Mr. Lucas of Kentucky, Mrs. Northup, Mr. Cooksey, Mr. McCrery, Mr. Tauzin, Mr. Bartlett of Maryland, Mr. Ehrlich, Mrs. Morella, Mr. Camp, Mr. Ehlers, Mr. Hoekstra, Mr. Stupak, Mr. Upton, Mr. Minge, Mr. Peterson of Minnesota, Mr. Ramstad, Mr. Blunt, Ms. Danner, Mrs. Emerson, Mr. Hulshof, Mr. Armey, Mr. Skelton, Mr. Talent, Mr. Pickering, Mr. Taylor of Mississippi, Mr. Wicker, Mr. Barrett of Nebraska, Mr. Bereuter, Mr. Terry, Mr. Gibbons, Mr. Sununu, Mr. Andrews, Mr. Smith of New Jersey, Mr. Franks of New Jersey, Mr. Skeen, Mrs. Wilson, Mr. Boehlert, Mr. Fossella, Mr. Gilman, Mr.

Houghton, Mrs. Kelly, Mr. King, Mr. Lazio, Mr. McHugh, Mr. Owens, Mr. Quinn, Mr. Sweeney, Mr. Ballenger, Mr. Coble, Mr. Hayes, Mr. Burr of North Carolina, Mr. Boehner, Mr. Chabot, Mr. Gillmor, Mr. LaTourette, Mr. Ney, Mr. Oxley, Mr. Portman, Mr. Traficant, Mr. Coburn, Mr. Largent, Mr. Lucas of Oklahoma, Mr. Watts of Oklahoma, Mr. Blumenauer, Mr. Walden of Oregon, Mr. English, Mr. Fattah, Mr. Gekas, Mr. Goodling, Mr. Kanjorski, Mr. Peterson of Pennsylvania, Mr. Pitts, Mr. Sherwood, Mr. Toomey, Mr. Weldon of Pennsylvania, Mr. DeMint, Mr. Graham, Mr. Sanford, Mr. Spence, Mr. Bryant, Mr. Clement, Mr. Duncan, Mr. Hilleary, Mr. Jenkins, Mr. Archer, Mr. Bonilla, Mr. Brady of Texas, Mr. Combest, Ms. Granger, Mr. Sam Johnson of Texas, Mr. Sandlin, Mr. Smith of Texas, Mr. Stenholm, Mr. Thornberry, Mr. DeLay, Mr. Cook, Mr. Hansen, Mr. Bateman, Mr. Davis of Virginia, Mr. Boucher, Mr. Goodlatte, Mr. Sisisky, Mr. Inslee, Mr. Nethercutt, Mr. Smith of Washington, Mr. Green of Wisconsin, Mr. Ryan of Wisconsin, Mrs. Cubin, Mr. Goss, Mr. Saxton, Mr. Watkins, Mr. Packard, Mr. Ewing, Mr. Pease, Mrs. Tauscher, Mr. Hall of Ohio, Mr. Ganske, Mr. Riley, Mr. Matsui, Mr. LoBiondo, Mr. Hobson, Mr. Dickey, Mr. Ryun of Kansas, Mrs. Clayton, Mr. Bliley, Mr. Chambliss, Mr. Tanner, Mr. Shows, Mr. Ford, Mr. Scott, and Mr. Cannon):

H. Res. 396. A resolution expressing the sense of the House of Representatives that a biennial budget process should be enacted in the second session of the 106th Congress; to the Committee on the Budget.

By Mr. GEJDENSON (for himself, Mr. Bateman, Ms. DeLauro, Mr. Goode, Mr. Goodlatte, Mrs. Johnson of Connecticut, Mr. Larson, Mr. Maloney of Connecticut, and Mr. Shays):

H. Res. 397. A resolution commending the submarine force of the United States Navy on the 100th anniversary of the force; to the Committee on Armed Services.

By Mr. RADANOVICH (for himself and Mr. Bonior):

H. Res. 398. A resolution calling upon the President to provide for appropriate training and materials to all Foreign Service officers, United States Department of State officials, and any other executive branch employee involved in responding to issues related to human rights, ethnic cleansing, and genocide, and for other purposes; to the Committee on International Relations.

By Mr. TANCREDO (for himself, Mr. Coburn, Mr. McIntosh, Mr. Graham, Mrs. Chenoweth-Hage, Mr. Pitts, Mr. McInnis, Mr. Largent, Mr. Hoekstra, and Mr. Doolittle):

H. Res. 399. A resolution expressing the sense of the House of Representatives with respect to violence within our schools and the initiatives within States and localities to address this epidemic; to the Committee on Education and the Workforce.

By Mr. UDALL of New Mexico:

H. Res. 400. A resolution expressing the sense of the House of Representatives regarding Earth Day; to the Committee on Commerce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

285. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 68 to memorialize the Congress of the United States to end tobacco subsidies and to redirect this support to food-processing agricultural activities; to the Committee on Agriculture.

286. Also, a memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 113 memorializing the Congress of the United States to oppose the proposed transfer of the United States Navy ships and sailors from the Earle Naval Weapons Station, located in Monmouth County, New Jersey, to naval stations at Norfolk, Virginia and Mayport, Florida and requests the postponement of any final transfer decision so that the feasibility and practicality of the transfer can be properly studied; to the Committee on Armed Services.

287. Also, a memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 97 memorializing the Congress of the United States and the President to provide federal assistance to cover costs incurred by the State in providing health care at New Jersey hospitals to the Kosovo refugees; to the Committee on Commerce.

288. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to a resolution memorializing the President and the Congress to act boldly to secure that East Timor triumphantly transitions to independence by seeking the prompt ratification by the Indonesian National Assembly of the East Timorese's Referendum Vote, and for other purposes; to the Committee on International Relations.

289. Also, a memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 63 memorializing the Congress of the United States, the President of the United States, and the Secretary of the Interior to take whatever action is necessary to establish the Sandy Hook bay and peninsula, as a National Park Service entity separate and distinct from the Gateway National Recreation Area for administrative and funding purposes; to the Committee on Resources.

290. Also, a memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 79 memorializing the Federal Government to continue its financial support for the Port Newark-Elizabeth dredging project; to the Committee on Transportation and Infrastructure.

291. Also, a memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 1 memorializing the President and the Congress of the United States, and the Federal Emergency Management Agency to take all available steps to expeditiously provide relief to New Jersey's flood victims and not to deduct State monies provided for flood relief from the calculation of federal monies allocated to New Jersey for its recovery from the devastating effects of Hurricane Floyd and its aftermath; to the Committee on Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BONIOR:

H.R. 3509. A bill for the relief of Elizabeth McKenney Padgett; to the Committee on the Judiciary.

By Mrs. LOWEY:

H.R. 3510. A bill to authorize the Secretary of Transportation to convey the National Defense Reserve Fleet vessel S.S. GUAM to American Trade Fair Ship, Inc.; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 72: Mr. Fossella and Mrs. McCarthy of New York.

H.R. 73: Mr. Goodlatte.

H.R. 133: Mr. Blumenauer.

H.R. 148: Mr. Mascara.

H.R. 205: Mr. Wise.

H.R. 303: Mr. Cramer.

H.R. 332: Mr. Stearns.

H.R. 353: Mr. Smith of Texas.

H.R. 355: Mr. Wise.

H.R. 357: Ms. Stabenow and Mr. Boswell.

H.R. 372: Mr. Rothman.

H.R. 380: Mrs. Clayton and Ms. McCarthy of Missouri.

H.R. 407: Mr. Hunter.

H.R. 443: Mr. Becerra, Ms. Stabenow, Mr. Lazio, Mr. Weygand, Mr. Klink, Ms. Berkley, Mr. Udall of New Mexico, Mr. Thompson of California, Mr. Inslee, Mr. Price of North Carolina, and Mr. Greenwood.

H.R. 444: Mr. LaTourette and Mr. Stupak.

H.R. 475: Mrs. Christensen, Mr. Hansen, and Mr. Frost.

H.R. 531: Mr. Inslee.

H.R. 534: Mr. Oxley, Mr. Allen, Mr. LaHood, and Mrs. Wilson.

H.R. 648: Mr. Wise.

H.R. 670: Mr. Markey, Mr. Cox, Mr. Cramer, Mr. Gephardt, Mr. Gutierrez, Mrs. Maloney of New York, Mr. Dixon, Mr. Condit, Mr. Peterson of Minnesota, Mr. Bilbray, Mr. Hastings of Florida, Mr. LaTourette, Mr. Minge, Mr. Gejdenson, Mr. Callahan, and Mr. Barr of Georgia.

H.R. 701: Mr. Hansen, Mr. George Miller of California, Mr. Smith of New Jersey, and Mr. Saxton.

H.R. 721: Mr. Everett and Mr. Bachus.

H.R. 732: Mr. Camp.

H.R. 742: Ms. Lee.

H.R. 762: Mr. Hinojosa, Mrs. Roukema, Mr. John, Mr. Thompson of California, Mr. Dickey, Mr. George Miller of California, Mr. Kanjorski, Mr. Baird, and Mr. Ewing.

H.R. 797: Mr. Berry.

H.R. 815: Mr. Fletcher.

H.R. 827: Mrs. Christensen.

H.R. 846: Mr. Price of North Carolina, Mr. Owens, and Mr. Wu.

H.R. 847: Mr. McGovern.

H.R. 852: Mr. Lucas of Kentucky, Mr. John, and Mr. Barrett of Nebraska.

H.R. 864: Mr. Cannon.

H.R. 903: Ms. Lee.

H.R. 904: Mr. Smith of Washington.

H.R. 937: Mr. Miller of Florida.

H.R. 941: Mrs. Lowey.

H.R. 957: Mr. Walden of Oregon.

H.R. 982: Mrs. Cubin.

H.R. 997: Ms. DeGette and Ms. Rivers.

H.R. 1044: Mr. Bereuter.

H.R. 1060: Mr. Sanders.

H.R. 1071: Mrs. Christensen and Mr. Wise.

H.R. 1079: Mr. Dicks, Mr. Bonior, and Mr. Calvert.

H.R. 1095: Mr. Tierney.

H.R. 1102: Mr. McInnis.

H.R. 1115: Ms. Baldwin.

H.R. 1129: Ms. Stabenow.

H.R. 1142: Mr. Watkins.

H.R. 1187: Mr. Bilbray.

H.R. 1195: Mrs. Lowey.

H.R. 1217: Mr. Holden, Mr. Rodriguez, Mr. Baker, and Mr. Gallegly.

H.R. 1228: Mrs. Lowey and Mr. Horn.

H.R. 1274: Mrs. Maloney of New York.

H.R. 1276: Mr. Deal of Georgia.

H.R. 1291: Ms. Woolsey and Mr. Gallegly.

H.R. 1300: Ms. Lee and Mr. Packard.

H.R. 1310: Mr. Engel and Mr. Burr of North Carolina.

H.R. 1311: Mr. Burr of North Carolina.

H.R. 1387: Mr. Wise.

H.R. 1396: Mr. Wynn and Ms. Carson.

H.R. 1413: Mr. Wise.

H.R. 1422: Mr. Murtha, Mr. Doyle, Mr. Deutsch, Mr. Jefferson, Mr. Kuykendall, Mr. Diaz-Balart, and Mr. Holt.

H.R. 1445: Mr. Tierney.

H.R. 1452: Mrs. Jones of Ohio and Mr. Kucinich.

H.R. 1472: Mr. Pascrell.

H.R. 1494: Mr. Packard.

H.R. 1495: Ms. Eddie Bernice Johnson of Texas.

H.R. 1545: Ms. Stabenow.

H.R. 1591: Mr. Gonzalez.

H.R. 1592: Mr. McCollum.

H.R. 1593: Mr. Manzullo.

H.R. 1625: Mr. Romero-Barcelo and Mr. Sherman.

H.R. 1649: Mr. Cook.

H.R. 1686: Mr. Collins and Mr. DeLay.

H.R. 1708: Mr. Paul.

H.R. 1731: Mr. Calvert.

H.R. 1748: Mrs. McCarthy of New York.

H.R. 1775: Mrs. Thurman.

H.R. 1776: Mr. Ryun of Kansas.

H.R. 1816: Mr. Gutierrez.

H.R. 1824: Mr. Hoekstra and Mr. Boehner.

H.R. 1850: Mr. Chabot.

H.R. 1885: Ms. Lee.

H.R. 1926: Mr. Wise.

H.R. 1939: Mr. Baird.

H.R. 1943: Mr. Peterson of Minnesota.

H.R. 1967: Mr. Stickland.

H.R. 1990: Mr. Moran of Kansas and Mr. Holden.

H.R. 1997: Mr. Dixon.

H.R. 2000: Mr. John.

H.R. 2004: Mr. Walsh.

H.R. 2053: Mr. Dixon and Ms. Millender-McDonald.

H.R. 2057: Mrs. Myrick.

H.R. 2066: Mr. Bereuter.

H.R. 2106: Mr. Lewis of Georgia.

H.R. 2120: Ms. Roybal-Allard and Mrs. Jones of Ohio.

H.R. 2121: Mr. Lewis of Georgia.

H.R. 2137: Mr. McCollum.

H.R. 2221: Mr. Wamp.

H.R. 2233: Mr. Lewis of Georgia.

H.R. 2244: Mr. Lucas of Oklahoma.

H.R. 2259: Mrs. Morella.

H.R. 2282: Mr. Blumenauer, Mr. DeFazio, and Mr. Walden of Oregon.

H.R. 2340: Mr. Lewis of Georgia, Mr. Isakson, Mr. Etheridge, Mr. Canady of Florida, Mr. Kennedy of Rhode Island, Ms. McKinney, and Mr. Watkins.

H.R. 2372: Mr. Taylor of North Carolina, Mr. Sweeney, Mrs. Myrick, Mr. Ford, and Mr. Duncan.

H.R. 2420: Mr. Collins, Mr. Sherwood, Mrs. Maloney of New York, Mr. Condit, Mr. Bass, Mr. Abercrombie, and Mr. Ortiz.

H.R. 2494: Mr. Herger.

H.R. 2505: Mr. Frank of Massachusetts.

H.R. 2511: Mr. Hastings of Washington, Mr. LoBiondo, Mr. Packard, and Mr. Walden of Oregon.

H.R. 2534: Mr. Martinez, Mr. Bonior, and Mr. Sawyer.

H.R. 2539: Mr. Bilbray, Mr. Cunningham, Mr. Doolittle, Mr. Gallegly, Mr. Hunter Mr. Kuykendall, Mr. Ose, Mr. Pombo, Mr. Thomas, Mr. Herger, Mr. Rogan, Mr. Campbell, and Mr. Lewis of California.

H.R. 2544: Mr. Wamp and Mr. Lucas of Oklahoma.

H.R. 2551: Mr. Rahall, Mr. Gordon, Mr. Wamp, Mr. Mascara, Mr. Lantos, Mr. Ford, Ms. McKinney, Mr. Borski, Mr. Clement, and Mr. Blagojevich.

H.R. 2554: Mrs. LoBiondo, Mr. Frelinghuysen, and Mrs. Roukema.

H.R. 2572: Mr. Holden and Mr. Davis of Florida.

H.R. 2576: Mrs. Myrick.

H.R. 2620: Mr. Pallone.

H.R. 2631: Mr. George Miller of California.

H.R. 2635: Mr. Burr of North Carolina, Mr. Deutsch, Mr. Stearns, Ms. Eshoo, and Mrs. Fowler.

H.R. 2698: Mr. Shays.

H.R. 2707: Mr. Forbes.

H.R. 2718: Mr. Rush, Mr. Ehrlich, and Mr. Hall of Texas.

H.R. 2720: Mr. Smith of Washington, Mr. Smith of New Jersey, Mr. Petri, Mr. Collins, Mr. Coble, Mr. Moakley, and Mr. Sweeney.

H.R. 2722: Ms. Berkley, Mr. Sabo, Mr. Matsui, Mr. Oberstar, and Mr. Rodriguez.

H.R. 2726: Mr. Ortiz and Mr. Goodlatte.

H.R. 2733: Mr. Forst, Mr. Blumenauer, Mr. DeFazio, and Mr. Walden of Oregon.

H.R. 2763: Mr. Pascrell.

H.R. 2764: Mr. Martinez and Mr. Thompson of Mississippi.

H.R. 2798: Mr. Rogan.

H.R. 2802: Mr. Bonior.

H.R. 2829: Mr. Wise, Mr. Minge, and Mr. Hinchey.

H.R. 2830: Mr. Boswell, Mr. Lewis of Georgia, Mr. Thompson of Mississippi, Mr. Minge, and Mr. Hinchey.

H.R. 2870: Ms. Schakowsky, Mr. Markey, and Mr. Fossella.

H.R. 2900: Mr. Berman and Mr. Filner.

H.R. 2901: Mr. Aderholt.

H.R. 2902: Mr. Visclosky, Mr. Forbes, Mr. Rush, Mr. Sawyer, Mr. Jackson of Illinois, Mr. Delahunt, Mrs. Meek of Florida, Ms. Brown of Florida, Mr. Mascara, Mr. Pallone, Mr. Klink, Mr. Davis of Illinois, and Mr. Traficant.

H.R. 2906: Mr. Goodling and Mr. Canady of Florida.

H.R. 2928: Mr. Rohrabacher, Mr. Istook, Mr. Hoekstra, and Mr. Coburn.

H.R. 2933: Ms. Schakowsky, Mr. Martinez, Mr. Sawyer, and Mr. Udall of New Mexico.

H.R. 2934: Mr. Martinez, Mr. Sawyer, and Mr. Udall of New Mexico.

H.R. 2945: Mrs. Cubin, Mr. Bilbray, Mr. Kuykendall, Mr. Gibbons, Mr. Burr of North Carolina, Mr. LaHood, Mr. Oberstar, Mr. Towns, Mrs. Mink of Hawaii, Mr. Rahall, Mr. George Miller of California, Ms. Kaptur, Mr. Lampson, Mr. Dixon, Ms. Rivers, Mr. Frank of Massachusetts, Mrs. Capps, Ms. Jackson-Lee of Texas, Mr. Blumenauer, Mr. Filner, Mr. Jenkins, and Ms. Woolsey.

H.R. 2953: Mr. Sweeney.

H.R. 2866: Mr. Baldacci, Ms. Brown of Florida, Mr. Gallegly, Mr. Gephardt, Mr. Gonzalez, Mr. John, Mrs. Jones of Ohio, Mr. Kuykendall, Mr. LaHood, Ms. Lee, Mr. Metcalf, Mr. Tancredo, Mr. Traficant, Mr. Udall of Colorado, and Mr. Coyne.

H.R. 2985: Mr. Ose.

H.R. 2991: Mr. Pombo, Mr. Taylor of North Carolina, Ms. Granger, Mrs. Myrick, Mr. Lampson, Mr. Ryan of Wisconsin, Mr. McCrery, Mr. Bereuter, and Mr. Talent.

H.R. 2992: Mr. McIntosh, Mr. Cunningham, Mr. Skeen, Mr. Largent, Mr. Hunter, and Mr. Dreier.

H.R. 3003: Mr. Baird and Mr. Hinchey.

H.R. 3008: Mr. Blumenauer, Mr. Evans, Mr. Rush, Mr. Thompson of Mississippi, Mr. Conyers, Mr. Fattah, and Mrs. Christensen.

H.R. 3031: Mr. Blumenauer.

H.R. 3059: Mr. Udall of Colorado.

H.R. 3071: Mrs. Christensen.

H.R. 3082: Mr. Manzullo.

H.R. 3083: Mr. Cummings.

H.R. 3088: Mr. Petri, Mr. Souder, and Mr. Norwood.

H.R. 3091: Mr. Rush, Mr. Stupak, Mr. Etheridge, Ms. Stabenow, Mrs. Thurman, Ms. Baldwin, Mr. Barrett of Wisconsin, Mr. Jefferson, Mr. Inslee, Ms. Millender-McDonald, Mrs. Clayton, Mr. Blagojevich, Mr. Clyburn, Mr. Hoyer, Mr. Boehlert, Mr. Udall of Colorado, Mr. Maloney of Connecticut, Mr. Weldon of Pennsylvania, Mr. Sherman, Mr. Thompson of Mississippi, Mr. Dingell, Mr. Watt of North Carolina, Mrs. Tauscher, and Mr. Lipinski.

H.R. 3100: Mr. Moran of Virginia.

H.R. 3107: Ms. Pelosi and Mr. Frank of Massachusetts.

H.R. 3115: Mr. Bereuter and Mr. McCrery.

H.R. 3116: Mr. English and Mr. Maloney of Connecticut.

H.R. 3140: Mr. Olver, Mr. Lucas of Oklahoma, Mr. Shays, Mr. Rush, Mr. Peterson of Minnesota, Mr. Baird, and Mr. Goolding.

H.R. 3144: Mr. Spratt, Mr. Sandlin, Mr. Rush, and Mr. Berry.

H.R. 3148: Mr. Evans.

H.R. 3150: Mrs. Morella.

H.R. 3160: Mr. Hayworth.

H.R. 3173: Mr. Talent, Mr. Berry, and Mr. Riley.

H.R. 3180: Mr. Deal of Georgia.

H.R. 3192: Mr. Sandlin.

H.R. 3193: Mr. Klink, Mr. DeFazio, Mr. Pastor, Mr. Peterson of Minnesota, Mr. Combest, and Mrs. Kelly.

H.R. 3201: Mr. Moran of Kansas.

H.R. 3212: Mr. Deal of Georgia.

H.R. 3213: Mrs. Myrick.

H.R. 3218: Mr. Gilchrest, Mrs. Myrick, and Mr. Burr of North Carolina.

H.R. 3222: Mrs. Northup.

H.R. 3224: Ms. Slaughter.

H.R. 3232: Mr. Abercrombie.

H.R. 3233: Mrs. Mink of Hawaii.

H.R. 3235: Mr. Stupak and Mrs. Mink of Hawaii.

H.R. 3240: Mr. Oberstar and Mr. Miller of Florida.

H.R. 3242: Ms. Dunn, Mr. Isakson, Mr. Sanford, Mr. Hilliard, Mr. Boswell, and Mrs. Kelly.

H.R. 3248: Mrs. Myrick and Mr. Shadegg.

H.R. 3252: Mrs. Myrick.

H.R. 3262: Mr. Isakson.

H.R. 3270: Mrs. Johnson of Connecticut, Mrs. Fowler, Mrs. Myrick, and Mr. Foley.

H.R. 3275: Mr. Conyers, Ms. Slaughter, Mr. Kucinich, Ms. Millender-McDonald, Mr. Barrett of Wisconsin, Mr. Capuano, Mr. Hoeffel, Mr. Larson, Mr. Udall of Colorado, Mr. Wu, Mr. Forbes, and Mrs. McCarthy of New York.

H.R. 3293: Mr. Brown of Ohio, Mr. English, Mr. Conyers, Mr. Scarborough, Mr. Kucinich, Mr. Latham, and Mr. Smith of Texas.

H.R. 3301: Mrs. Capps.

H.R. 3308: Ms. McCarthy of Missouri, Mr. Saxton, Mr. Boehner, Mr. Largent, Mr. LaFalce, Mr. Hastings of Washington, Ms. Slaughter, Mr. Blagojevich, Mr. Ehrlich, and Mr. McKeon.

H.R. 3311: Mr. McINTOSH.

H.R. 3319: Mr. BENTSEN.

H.R. 3320: Mr. SCOTT, Mr. GEPHARDT, Mr. TAYLOR of Mississippi, Mr. HASTINGS of Florida, Mr. MURTHA, Ms. NORTON, Mr. BERMAN, and Mr. LIPINSKI.

H.R. 3330: Mr. PALLONE.

H.R. 3331: Mr. GILCHREST.

H.R. 3367: Mr. HERGER.

H.R. 3371: Mr. HERGER.

H.R. 3375: Mr. SWEENEY, Mr. HOLT, Mr. HOUGHTON, Mr. WALSH, Mr. WEINER, Mr. McHUGH, Mr. HOLDEN, Mr. HOYER, and Mr. NADLER.

H.R. 3377: Ms. RIVERS and Mrs. MALONEY of New York.

H.R. 3379: Mr. BRYANT.

H.R. 3387: Mr. ANDREWS, Mr. BOUCHER, Mrs. CAPPS, Mr. DEUTSCH, Mrs. EMERSON, Mr. HASTINGS of Florida, Mr. HILLIARD, Mr. HOEFFEL, Mr. HOUGHTON, Mr. LARSON, Ms. LEE, Mr. MENENDEZ, Mr. MORAN of Virginia, Ms. PELOSI, Mr. ROTHMAN, Mr. SAWYER, and Mr. WATT of North Carolina.

H.R. 3397: Mr. STUPAK.

H.R. 3405: Mrs. LOWEY, Mr. WEXLER, Mr. CAPUANO, Mr. FORBES, Mr. MENENDEZ, Mr. BILBRAY, Mr. MALONEY of Connecticut, and Mrs. MEEK of Florida.

H.R. 3408: Mr. HALL of Ohio, Mr. NEY, and Mr. McCOLLUM.

H.R. 3410: Ms. GRANGER.

H.R. 3439: Mr. FOSSELLA.

H.J. Res. 53: Mr. GOODLATTE.

H.J. Res. 55: Mr. GALLEGLY.

H.J. Res. 77: Mr. GRAHAM, Mr. METCALF, Mr. SALMON, Mr. YOUNG of Alaska, Mr. NETHERCUTT, Mr. CRANE, Ms. DANNER, and Mr. HUNTER.

H. Con. Res. 23: Mr. CALVERT.

H. Con. Res. 67: Mr. LUTHER and Mr. OLVER.

H. Con. Res. 79: Mr. RANGEL.

H. Con. Res. 115: Mrs. CHRISTENSEN.

H. Con. Res. 123: Mrs. THURMAN, Mr. BARRETT of Wisconsin, Mr. DAVIS of Illinois, and Mrs. JOHNSON of Connecticut.

H. Con. Res. 177: Mr. LANTOS and Mr. THOMPSON of Mississippi.

H. Con. Res. 186: Mr. DUNCAN, Mr. EVERETT, and Mr. METCALF.

H. Con. Res. 218: Mr. PALLONE, Ms. RIVERS, Mr. GOODLATTE, Mr. COYNE, and Mr. RUSH.

H. Con. Res. 225: Mr. PRICE of North Carolina and Mr. McGOVERN.

H. Con. Res. 228: Mrs. FOWLER, Mr. SNYDER, and Mr. ORTIZ.

H. Con. Res. 231: Mr. DUNCAN, Mr. NEY, Mr. WAMP, and Mr. DOOLITTLE.

H. Res. 37: Mr. GREEN of Texas and Ms. SCHAKOWSKY.

H. Res. 107: Mr. SABO.

H. Res. 144: Ms. ROYBAL-ALLARD and Mr. TURNER.

H. Res. 238: Mr. BLUMENAUER, Mr. DEFAZIO, and Mr. WALDEN of Oregon.

H. Res. 309: Mr. THOMPSON of Mississippi.

H. Res. 346: Ms. WATERS, Mr. SHOWS, Mr. COBURN, Mr. MEEKS of New York, Mr. PAYNE, Mr. DEAL of Georgia, Mr. OWENS, Ms. KILPARTICK, Ms. STABENOW, Ms. McKINNEY, Mr. FROST, Mr. LAMPSON, Mr. LUCAS of Kentucky, Mr. WATT of North Carolina, Mrs. MINK OF Hawaii, Mr. SMITH of Texas, and Mr. THOMPSON of Mississippi.

H. Res. 347: Mr. ENGLISH.

H. Res. 357: Mr. DAVIS of Florida, Mr. DELAHUNT, Mrs. CLAYTON, and Mr. BERMAN.

H. Res. 369: Mr. RUSH.

H. Res. 289: Mr. DELAHUNT, and Mr. KUCINICH.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 329: Mr. FROST.

H.R. 1598: Mr. COOK.

H.R. 2420: Mr. BOEHLERT.

H.R. 2699: Mr. CHAMBLISS.

H.R. 3308: Mr. PHELPS.

H. Con. Res. 173: Mrs. TAUSCHER.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

70. The SPEAKER presented a petition of the Town Board of Southampton, relative to Resolution No. 1199 petitioning the Federal Government to permit the Suffolk County Department of Health to have access to and participate in monitoring health related activity at the Plum Island Disease Center; to the Committee on Agriculture.

71. Also, a petition of the Southern Governors' Association, relative to a resolution petitioning support for funding efforts for the National Guard Youth Challenge Program; to the Committee on Armed Services.

72. Also, a petition of the Southern Governors' Association, relative to a resolution petitioning support for the reauthorization of the Older Americans Act; to the Committee on Education and the Workforce.

73. Also, a petition of the Southern Governors' Association, relative to a resolution petitioning the reauthorization of the Endangered Species Act; to the Committee on Resources.

74. Also, a petition of the Southern Governors' Association, relative to a resolution petitioning support for Outer Continental Shelf Coastal Impact Assistance; to the Committee on Resources.

75. Also, a petition of the Southern Governors' Association, relative to a resolution petitioning support for the reauthorization of the Airport Improvement Program; to the Committee on Transportation and Infrastructure.

76. Also, a petition of the Southern Governors' Association, relative to a resolution petitioning for the passage of "Fast-Track" authority for the President to Negotiate International Trade Agreements; to the Committee on Ways and Means.

77. Also, a petition of the Village of East Hazel Crest, relative to Resolution 99-4 petitioning Congressional Representatives to support the Firefighter Investment and Response Enhancement Act; jointly to the Committees on Science and Transportation and Infrastructure.

EXTENSIONS OF REMARKS

IN SUPPORT OF H.R. 2420

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. BAKER. Mr. Speaker, we need to make sure that America's schools, libraries, and rural clinics are allowed to capitalize on the newest computer and data communications technology.

In 1996, Congress and the Clinton Administration joined together to establish a program to extend the Internet to all our schools. That effort is underway—at a cost of about $2.45 billion a year, incidentally. But in this field, just like everywhere else, it is the weakest link in the chain that matters. And, the "weak link" here is the data communications network—or, more accurately, the lack of such a network.

Mr. Speaker, instead of trying to expand these networks by harnessing the power of competition, economic freedom, and individual choice, the Federal Communications Commission (FCC) seems to be relying on yesterday's tools—heavy handed and restrictive regulation.

That's not my estimate, it's the considered judgment of two of this country's experts—Congressman JOHN DINGELL and his colleague, the Chairman of the House Telecommunications Subcommittee, Congressman TAUZIN.

Their appraisal of the situation is that we need to modernize and reform FCC regulation—because, otherwise, the data links which this country needs, are just not going to be available. That is the philosophy reflected in their bill, H.R. 2420. And, it is a pro-growth, pro-progress view which I want to embrace.

Mr. Speaker, if we can accomplish reform in this field, all of the experts are predicting that there can be a rapid expansion of our communications networks. That expansion, in turn, will help connect our schools, libraries, and clinics faster. And that will yield substantial public policy dividends.

IN RECOGNITION OF THE TEXAS REALTOR OF THE YEAR

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. HALL of Texas. Mr. Speaker, I rise today to offer my congratulations to Barbara Russell of Denton, Texas, who this year was named the 1998 Realtor of the Year by the Texas Association of Realtors.

Barbara has served on the Texas Association of Realtors Board of Directors and is a former regional vice president and chairman of the legislative and economic development committees. She also served two three-year terms on the National Association of Realtors Board of Directors.

In Denton, Barbara has earned many honors, including the Greater Denton/Wise County Association of Realtors President's Award, Women's Council of Realtors Gold Rule Award, Realtor of the Year and Associate of the Year. In addition, she is active in various civic and charitable organizations, including serving as former chairman of the board of the Denton Chamber of Commerce and serving four years on the Denton Planning and Zoning Commission.

Barbara has nearly 30 years of experience in the real estate business, and this recent award is a testament to her professional accomplishments and her hard work. She is married to Benny Russell, and they have two daughters and four grandchildren.

And Mr. Speaker, I would be remiss if I also did not pay tribute to the late Mary Claude Gay, a prominent realtor in Denton and associate of Barbara's. Mary Claude's contributions to her profession also have been significant, and she, too, was very influential in Denton's community life.

Mr. Speaker, I am pleased to recognize Barbara Russell and Mary Claude Gay for their accomplishments in their profession and for their contributions to their community. The Texas Association of Realtors could not have selected a more giving and devoted Realtor of the Year. Barbara Russell is a class act and is the epitomy of the type of leadership and professionalism that bring respect and admiration for her profession.

As we adjourn today, and as we leave the floor of the House of Representatives for the last time this century, let us do so in respect and appreciation for the "Texas Realtor of the Year"—Barbara Russell.

CONFERENCE REPORT ON H.R. 2116, VETERANS MILLENNIUM HEALTH CARE AND BENEFITS ACT

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 2116. This bill makes a number of important changes to veteran's health care programs.

H.R. 2116—Veterans Millennium Health Care Act makes comprehensive reforms to improve access to, as well as the timeliness and quality of the Veterans Administration health care system. Reforms to improve veterans' access to care include requiring the VA to increase home and community based options for veterans needing extended care; requiring the VA to provide nursing home care to certain veterans through 2003; establishing means to enhance revenues for the VA; lifting the six-month limit on VA adult day health care; authorizing the VA to enhance mental health care services; and establishing a pilot program to make contract arrangements for assisted living services.

Although the calendar year indicates that we honor these men and women on Memorial Day and Veterans Day, I believe that we should pause everyday to thank them for their sacrifice. The collective experience of our 25 million living veterans encompasses the turbulence and progress America has experienced throughout the twentieth century. This nation's veterans have written much of the history of the last hundred years. They have served this nation without reservation or hesitation during its darker moments.

Their unwavering devotion to duty and country has brought this nation through two World Wars and numerous costly struggles against aggression. From World War I to the Gulf War, America's veterans have been leading this nation against those who have threatened the values and interests of our nation.

Only today are the accomplishments and sacrifices of our veterans being fully appreciated by historians and the public. These genuine heroes have often been ignored and denied their proper place in America's melting pot. We need to remember that America owes these men and women the best it can offer because they have given us the best they could when America was in need.

Mr. Speaker, I am fortunate to have The Houston Department of Veterans Affairs Medical Center located in my congressional district. Having just celebrated fifty years of service to the veterans in the Houston community. Some 1,646,700 veterans live in the State of Texas alone. The House VA Medical Center expects to receive and serve over 50,000 veterans in this year alone. I expect this measure to improve the quality of life for all our veterans who so proudly served our nation.

Mr. Speaker this bill is important not only because it provides for the needs of our veterans today but because it sends an important signal to the men and women serving our nation in places like Bosnia, Kosovo, Germany, Korea, Japan and other far off places around the world. That message is simple, that when you serve our nation we will answer the plea of President Lincoln "to care for him who shall have borne the battle."

I urge my colleague to vote "yes" on H.R. 2116 and care for the men and women who have borne the battle.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO JOHN DORRENBACHER—A GREAT AMERICAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. McINNIS. Mr. Speaker, it is with great sadness that I wish to take this moment to recognize the remarkable life and significant achievements of a leading civic servant, John Dorrenbacher. Tragically, John died in his home Monday, November 8, 1999. While family, friends and colleagues remember the truly exceptional life of John, I, too, would like to pay tribute to this remarkable man.

For the last 18 years, John ran the computers and books for the Colorado Republican Party. In his time at the party, he was a pioneer of the mailing list. In the earliest days of computers, he mastered integrating information to create better mailing lists. With this advancement, those who John served were able to do targeted mailings, therefore better contacting constituents and ultimately, better serving the people. There may not be a Colorado Republican in legislative or statewide office today who wasn't helped by a mailing list generated by John. Amazingly, John managed to serve five very different Republican chairman. In addition, he once served as Boulder County GOP chairman.

Although his professional accomplishments will long be remembered and admired, most who knew him well will remember John Dorrenbacher, above all else, as someone who loved his country and had a deep faith in our democracy. It is clear that the multitude of those who, like me, have come to know John as a friend will be worse off in his absence. However, Mr. Speaker, I am confident that, in spite of this profound loss, the family and friends of John Dorrenbacher can take solace in the knowledge that each is a better person for having known him.

TRIBUTE TO MRS. DAISY BATES

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. HILLIARD. Mr. Speaker, today I rise to with a great sense of twoness—one as an African American and another as an American to honor death of my mentor and friend, Mrs. Daisy Bates. Her death last Friday comes prematurely as we honor Congressional Gold Medals to the men and women, known as the Little Rock Nine, that she shepherded into Central High School against the will of a racist Governor and white neighbors. She worked for many years in the NAACP and with the Democratic National Committee to educate and register voters. In 1987, the City of Little Rock paid tribute to her work by naming an elementary school in her honor. Her life is a celebration of progress and shows us how man in his quest for justice, is determined and cannot be deterred. Her sacrifices to tear down the walls of prejudice and injustice through education and voter registration will go ahead, whether we accept it or not. Daisy Bates' life, along with the life of other Civil Rights Movement heroes, showcases how overcoming racism in this country has become one of the greatest adventures of all time. But, it is an adventure that must be overcome.

Today as I lift up Daisy Bates, I acknowledge that there is new knowledge to be gained, new rights to be won for the progress of not just African Americans, but all Americans. Whether this country likes it or not, there will come a day when the position of pre-eminence for the United States will not rest on the human rights it has obtained for others across the world, but the rights and dignity she has bestowed upon her own citizens.

Our forefathers made certain that this country would ride the first waves of the industrial revolution, the first waves of modern invention, the first waves of nuclear power, and the first waves of equality under the law. Unfortunately, we have not yet ridden the wave for equal justice and must struggle to once again be a part of it and lead it. The eyes of the world now look unto us for the banner of freedom and peace.

So, today, as I honor my mentor for her work and undying courage, I challenge my brothers and sisters across the world to begin establishing their lives, like Daisy Bates as instruments of knowledge and understanding.

IN HONOR OF THE SOKOL GREATER CLEVELAND'S NEW ATHLETIC FACILITY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to announce the grand opening of the Czech Cultural Center of Sokol Greater Cleveland's new athletic, a state-of-the-art expansion to the historic Bohemian National Hall.

After considerable planning and construction, the new facility opening this month will provide a variety of health, fitness, leisure, and cultural activities to everyone in the community. In the tradition of the American Sokol Organization, the Czech Cultural Center of Sokol Greater Cleveland's new athletic facility will provide Cleveland citizens with the opportunity to strengthen both their physical and mental character allowing them to enhance their celebration of life and vitality. With membership open to the community, this new facility is sure to provide Cleveland citizens with an opportunity to cultivate a harmonious and total person.

The Czech Cultural Center of Sokol Greater Cleveland's new athletic facility promises to be a popular place for fitness enthusiasts who will enjoy the volleyball, gymnasium, cardio-conditioning area and strength training center. Additionally, the facility will serve as a center for community development where both young and older generations can display their abilities and knowledge in dance and gymnastic performances. In short, the health and quality of life for everyone in Cleveland will improve greatly with the opening of this new facility.

My fellow colleagues, please join me in recognizing dedication of the Czech Cultural Center of Sokol Greater Cleveland for building this new athletic facility for the benefit of the Cleveland community.

EXPRESSING GRAVE CONCERN REGARDING ARMED CONFLICT IN NORTH CAUCASUS REGION OF RUSSIAN FEDERATION

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Con. Res. 206. This resolution expresses the sense of the Congress urging all parties involved in the conflict, to cease the indiscriminate use of force against civilian population in Chechnya. In addition this measure calls on all sides in this conflict to enter into a constructive dialogue under the auspicious of the Organization for Security and Cooperation in Europe. This group was successful in brokering a settlement to end the 1994–1996 war.

Yes, Mr. Speaker, this region as once before experienced the horrors of war. As the 1994–1996 Russo-Chechen war resulted in the massive use of force against civilians, causing immense human casualties, human rights violations, large-scale displacement of individuals, and the destruction of property. In recent months this conflict has been renewed as forces in Chechnya have mounted armed incursions into the Russian Federation of Dagestan and have committed bombing in Moscow.

Mr. Speaker, this Congress must insist that all parties in this conflict resolve this situation peacefully, with complete respect to the human rights of all the citizens of the Russian Federation. We must also insist that all parties commit themselves to allowing humanitarian assistance to the victims caught in the middle of this conflict.

I urge my colleagues to lend their support and the considerable weight of this body on all sides involved in this conflict.

HONORING DON SCOGGINS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. HALL of Texas. Mr. Speaker, it is a privilege to rise today in recognition of Don W. Scoggins, president of the Texas Eastman Division of Eastman Chemical Company in Longview, Texas, who is retiring this year after 37 years of service at Texas Eastman.

Mr. Scoggins joined Texas Eastman in 1962 as a Mechanical Engineer in the Plastics Laboratory. He has served as a supervisor, assistant supervisor, assistant to the general superintendent, senior mechanical engineer, and assistant superintendent of various divisions at Texas Eastman. He also served Eastman Chemical in Kingsport, Tennessee, in a variety of capacities before returning to Texas Eastman as director of Administration. He was named manager of Operations in 1989, became a vice president in 1990 and was named president in 1998.

Mr. Scoggins received a bachelor's degree in mechanical engineering from the University of Texas and is a Registered Professional Engineer in Texas. He serves on the Texas Chemical Council's Board of Directors and on the Board of Trustees at Good Shepherd Medical Center.

Texas Eastman's influence on economic development and community causes in Longview has been enormous, and the employees and administrators at Texas Eastman—like Don Scoggins—have played a significant role in those accomplishments. Mr. Speaker, I am pleased to recognize Don Scoggins for his contributions to Texas Eastman Division and to his community—and to wish him well in his retirement.

I am especially privileged in that Don's mother and father live in my hometown of Rockwall. They are, like Don, strong and loved members of the First United Methodist Church. They teach, direct, entertain, and lead us in both the Sunday School class and in the overall direction of our religious activities.

As we adjourn today—the last day of this century that the United States House of Representatives is in session—let us adjourn on this signal day in respect and admiration for Don Scoggins.

INTRODUCTION OF TWO BILLS TO REDUCE TAXES ON SOCIAL SECURITY BENEFITS

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. NADLER. Mr. Speaker, I rise today to join with Representative NITA LOWEY to announce the introduction of two bills to reduce taxes on Social Security benefits. The first bill would repeal the 1993 tax increase on Social Security benefits. I have always opposed this provision, and I believe that it is now time to repeal this tax on our Nation's seniors.

The 1993 economic plan imposed additional taxation on the benefits of single social security recipients with incomes over $34,000, and on married recipients with joint incomes over $44,000 by including, in each case, 85 percent of Social Security benefits in taxable income. At the time, proponents of the tax increase said it was necessary to reduce to deficit. Remember the atrocious national debt had risen from $800 billion in 1981 to more than $4 trillion in 1993. The annual deficit, which was almost $300 billion a year in 1992, was projected to increase to $500 billion a year later in the decade. We passed a tough economic plan, the economy improved, and the deficit was eliminated.

I believed it was unfair to tax seniors on their social security benefits to reduce the deficit, and, therefore, I joined with Representative NITA LOWEY in offering a bill which would have repealed the provision immediately and taken other steps to reduce the deficit. We demonstrated that you could still reduce the deficit without increasing taxes on social security benefits. Now that 6 years have passed and the deficit has been transformed into a surplus, it is more important than ever that we abolish this unnecessary tax on seniors. So, again, I am joining with Representative NITA LOWEY to abolish this unfair tax on social security benefits. I urge my colleagues to support this bill and work toward its swift passage.

Mr. Speaker, if we are unable to implement this bill quickly, then the very least we should do is adjust the 1993 income threshold to take into account the rise in the cost of living. That is why I am also announcing the introduction of another tax relief bill for our seniors, which should be implemented immediately. Again, I am proud to work with Representative NITA LOWEY to advance this effort.

This bill would ensure that we do not inadvertently tax more and more seniors with relatively less income every year. Under current law, the income levels that were set in 1993 were not adjusted for cost of living increases. As a result, more and more people are having their social security benefits taxes. This is unfair and unnecessary. So, this second bill would require the 1993 level to be adjusted on an annual basis to take account for the rise in the cost of living. I am hopeful that we can build strong bipartisan support for this legislation and work together to ease the tax burden on our Nation's seniors. I urge all of my colleagues to support these two tax cut measures.

THE TRAGEDY OF THE S.S. "LEOPOLDVILLE"

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. SHOWS. Mr. Speaker, today I would like to take a minute to tell my colleagues and the American People about a pitch-black night on Christmas Eve in 1944 during one of the darkest hours of World War II. A Belgian troop transport, the S.S. *Leopoldville*, was sunk by a German U-Boat, taking the lives of 802 American soldiers. The *Leopoldville* was part of a crossing of the English Channel for the Battle of the Bulge. 2,235 American Soldiers were being carried to this historic battle.

The *Leopoldville* was torpedoed and sunk 5½ miles from Cherbourg, France. The result was a horrific loss of lives—almost one-third of the 66th Infantry Division was killed. 493 bodies were never recovered from the cold and murky waters of the English Channel. Most of the soldiers who died were young Americans, from 18 to 20 years old, barely out of High School. These young men came from 46 out of the 48 states that were part of the Union at that time.

Sadly, this tragic story has been a mere footnote in the history books of World War II. Their efforts to preserve and sustain Democracy must be remembered. Their lives must not be vainly forgotten.

Today, I ask my colleagues and all Americans to join me in remembering and honoring those who gave their lives that we might be free today. The young men aboard the S.S. *Leopoldville*, those who perished and those who survived, were part of an American force that advanced Democracy and forever changed the world. They went because their country called. They sacrificed because their way of life was threatened. They rose to incredible heights of courage because their faith and resolve mandated no less.

My friend and fellow-Mississippian, Sid Spiro, was on the S.S. *Leopoldville*. Mr. Spiro, after the direct torpedo hit, lowered himself in the freezing water by a rope. And for three hours he floated and waited for help. The water was freezing and he nearly died. He was 19 years old then. Today, he and other survivors often gather to remember and commemorate their fellow Americans who died. I am in awe of these men. And I want Sid and all of them to know of my admiration and respect.

These young men, forever part of our national memory, must be honored. We must never forget. I salute the survivors of the S.S. *Leopoldville* and I honor the memory of those who gave their lives.

INTRODUCTION OF EXPEDITED RESCISSION LEGISLATION

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. STENHOLM. Mr. Speaker, I am introducing legislation today that will give the President an important tool to control spending by identifying low priority and wasteful spending that can be eliminated. The legislation I am introducing today, known as modified line item veto or expedited rescission legislation, would strengthen the ability of Presidents to identify and eliminate low-priority budget items with the support of a majority in Congress.

Under this legislation the President would be able to single out individual items in tax or spending legislation and send a rescission package to Congress. The President would have the option of earmarking savings from proposed rescissions to deficit reduction by proposing that the discretionary spending caps be reduced by the amount of the rescissions. Congress would be required to vote up or down on the package under an expedited procedure. Members could offer motions to remove individual items from the package by majority vote if their motion was supported by fifty members. The spending items would be eliminated or the tax item would be repealed if a majority of Congress approves the rescission package. If the rescission bill is defeated in either House the funds for any proposed rescission would be spent or the tax item would take effect.

This legislation embodies an idea which many Members, both Democrats and Republicans, have worked on for several years. Dan Quayle first introduced expedited rescission legislation in 1985. Tom Carper and DICK ARMEY did yeomen's work in pushing this legislation for several years. On the Democratic side, TIM JOHNSON, Dan Glickman, Tim Penny and L.F. Payne were particularly effective advocates of this legislation for years. Numerous Republicans, including Lynn Martin, Bill Frenzel, Gerald Solomon, Harris Fawell and others made meaningful contributions to expedited rescission legislation as it has developed.

Thanks to the efforts of these and other members, the House overwhelmingly passed expedited rescission legislation in the 102nd Congress. In the 103rd Congress, JOHN SPRATT and Butler Derrick worked with me to refine the legislation. This revised legislation was passed by the House in 1993. In 1994, Representatives JOHN KASICH and Tim Penny joined the effort and helped pass a strengthened version of this legislation. Since then, Representatives BOB WISE, ROB ANDREWS and others have advocated this approach. Today, I am joined by DAVID MINGE, ROB ANDREWS, COLLIN PETERSON, MARION BERRY, MAX SANDLIN, RALPH HALL and ALLEN BOYD in introducing this legislation.

We have heard a lot of talk about eliminating waste and pork barrel spending, but little serious action to actually eliminate pork barrel spending. In fact, the appropriations bills passed by the House includes hundreds of earmarks for spending items that were not requested by the administration and have not been subject to hearings or review. Senator JOHN MCCAIN has identified more than $14 billion of spending items buried in appropriations bills that have not been subjected to the proper review. Other private organizations have identified even more earmarked spending in the appropriations bills passed by Congress which they believe can be eliminated. Instead of subjecting these spending items buried in the appropriations bills to scrutiny, the Majority has proposed an across the board spending that would cut good programs just as much as we cut low priority and wasteful programs.

Forcing votes on individual items in tax and spending bills will bring a little more accountability to the budget process. I hope that my colleagues from both sides of the aisle who are serious about controlling spending and eliminating wasteful spending and special interest tax breaks that cannot withstand public scrutiny, will join me in cosponsoring this legislation.

SUMMARY OF EXPEDITED RESCISSION LEGISLATION

The legislation would amend the Budget Control and Impoundment Act of 1974 to require Congress to consider Presidential rescissions of appropriations or tax items by a majority vote.

The President could propose to cut or eliminate individual spending items in appropriations bills or to repeal targeted tax breaks (tax breaks which benefit a particular taxpayer or class of taxpayers, except benefits based on demographic conditions).

The President would be required to submit proposed rescissions of tax items within ten days of signing the tax bill. Proposed rescissions of spending items could be submitted at any time during the fiscal year.

The President could propose that the discretionary spending limits be reduced by the amount of the rescissions, but would not be required to do so.

Within ten legislative days after the President sends a rescission package to Congress, a vote shall be taken on the rescission bill in the House. The bill may not be amended on the floor, except that 50 House members can request a vote on a motion to strike an individual rescission from the package.

If the President's rescission package is approved by a simple majority of the House, the bill would be sent to the Senate for consideration under the same expedited procedure. Fifteen Senators may request a separate vote on an individual item.

If a simple majority in either the House or Senate defeats a rescission proposal, the funds for programs covered by the proposal would be released for obligation in accordance with the previously enacted appropriation, or the tax provision would take effect.

If a bill rescinding spending or eliminating tax benefits is approved by the House and Senate, it would be sent to the President for his signature. Upon Presidential signature, the spending items in the rescission package are reduced or eliminated, or the tax items in the rescission package are repealed.

TRIBUTE TO FRANCES L. MURPHY II

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Ms. NORTON. Mr. Speaker, I rise today to honor Frances L. Murphy II, publisher emeritus of the Washington AFRO-American Newspaper, and a great lady who has had major responsibility for this great asset to the city of Washington and the communities surrounding it. Her hard-hitting editorials and well written stories provide the local African American community with news and information that cannot be obtained elsewhere. She has trained and nurtured many young journalistic talents, who have taken what they learned at the AFRO to institutions as diverse as the NAACP, the Washington Post, and African Americans on Wheels magazine.

Ms. Murphy's grandfather, John H. Murphy, Sr., founded the AFRO in 1892. Her father, Dr. Carl Murphy, was editor and publisher of the AFRO-American Newspapers from 1918 until his death in 1967. But, Ms. Murphy did not start at the top. She learned her business inside out, starting as a library assistant, and moved up the ladder to reporter, then editor, magazine editor, and managing editor before becoming publisher.

In addition to her work as publisher of the AFRO, Ms. Murphy has spent much of her time as an educator. She started in the Baltimore schools in 1958, where she stayed until 1964, when she took her first position in higher education at Morgan State College. Until She retired from teaching in 1991, she held various teaching positions at University of Maryland Baltimore County, Buffalo State College, and Howard University. Her students rated her a top professor, and said, as others have said about her journalism, "She is tough but fair."

Ms. Murphy is well known for her contributions to her community, having served as a member of the National Board of Directors of the NAACP and of the Board of Trustees of both the State Colleges of Maryland and the University of the District of Columbia. She is on the board and serves as treasurer of the African American Civil War Memorial Freedom Foundation. She also is an active member of St. Luke's Episcopal Church, where she is a member of the flower guild, a lector, a member of the Search Committee and president of the Episcopal Church Women. All this from a woman who has been a distinguished journalist and publisher and managed, as well, to raise three children, and now to be grandmother to fourteen grandchildren, and great-grandmother to two.

Mr. Speaker, Ms. Murphy and her accomplished family are a quintessential family of service and a source of great and enduring pride to the entire Washington region. Like thousands of Washingtonians, I count Frances Murphy as a friend whom I greatly admire. I ask my colleagues to join me in a well deserved honor for the model life and career of Frances L. Murphy II.

OUTSTANDING VETERANS DAY ESSAYS FROM DISTRICT STUDENTS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues, seven outstanding Veterans Day essays by young individuals from the 3rd Congressional District of Illinois. For my annual Veterans Day Ceremony in Chicago, the following students wrote about what Veterans Day means to them. I hope you will also enjoy these essays:

VETERANS DAY

(By Katie Wiencek, Kinzie Elementary School)

Veterans Day is a very important day. It is the day when we remember the American soldiers who have lost their lives in the many wars. More than 58,000 soldiers died during the Vietnam War. It has been called one of the most painful periods in our history. But, America still had it good, after all, we had ceased fighting and were trying to rebuild South Vietnam by sending money. America has been the "good guy" in almost every war. This stereotype goes for not just the government, but the people and soldiers as well. I think they have a right to be remembered. It is our debt to them to have this memorial for four of the many soldiers who fought so hard for us. They need to be noticed. This memorial is a "good thing," as Martha Stewart would say. I would say, it is a very good thing.

VETERANS DAY

(By Rich Pala, Byrne Elementary School)

Veterans Day is a day all proud Americans honor the men and women who served the American Army. Some people fought and died for what they believed was right. Some went to war and many died for our country. These are the true heroes of America, and deserve all the respect of billions of American people. Without these brave men and women, America would not be what it is today. We owe everything to these men and women, because they put the pride and honor in America. They fought for everything America stands for.

VETERANS DAY

(By Shaun Caulfield, Byrne Elementary School)

Bring to mind images of brave soldiers fighting for our country in war time, working in peace time, and trying to keep our country free. Great soldiers come in mind: General Washington, George Patton, Audie Murphy, the less famous but not less important vet. John Joseph Kunkes, my grandfather, fought in Korea. He was missing from action from his platoon for one month. He was on his own staying alive on skills taught to him by the U.S. Army.

Thinking about my grandfather's adventures makes me remember every veteran has their tale to tell. It would be to our best interest to seek out his story and appreciate his commitments to his country and his branch of service.

To some, Veterans Day is a day off of school or work. But World War I, World War II, Korea and Vietnam fighters make me shiver. They fought in those wars and risked their lives that makes them so great.

On Veterans Day, remember and prav for courageous vets and honor them with the respect and dignity they deserve. To all past, present, and future veterans, remember we are all behind you.

VETERANS DAY

(By Julian Ollry, Nathan Hale Middle School)

Many brave men and women have given their lives in wartime for our country. One that was not so far in the past was the Vietnam War. The veterans of this war must be especially honored for their valor and loyalty at the most crucial time in American History.

This war was difficult for Americans because many of them disagreed with the war. In 1973, the United States government had agreed to stop fighting in Vietnam. When many soldiers returned from the hardships during the war, seeing friends or relatives die in battle, many Americans did not support them and many soldiers felt very unappreciated. Veterans are now beginning to be recognized by other foreign war heroes. Veterans gather at the Vietnam Veterans Memorial in Washington, DC to place gifts and stand quiet vigil at the names of their friends and relatives who fell in the Vietnam War. Families have lost sons and/or daughters in wars. Their thoughts and many others are toward peace and the avoidance of future wars.

Today, let us give thanks to these Vietnam veterans and all the brave men and women who fought for America. These soldiers are our heroes. They gave their lives for us and for the cause of freedom. May each and everyone be honored for eternity.

WHAT VETERANS DAY MEANS TO ME

(By Amanda Lally, Grade 7, St. Jane de Chantal Elementary School)

Veterans Day is a very important holiday in our country. It honors all of those who are living and dead—who served with the US armed forces in times of war. We owe so much to those brave men and women who fought for our freedom and protected our country.

I am very proud to have family members who have served for our country. My great-grandfather fought in World War II. He was captured by the enemy and became a prisoner of war, but he survived and came home. My great-uncle fought in the Korean Conflict. They were both proud to serve our country.

Without all of these brave men and women, where would our country be? they put their life on the line for all of us. We should not only honor our veterans on this commemorative day, but every day, because without our armed forces there would be no peace or freedom.

To all of the people who have served for our country, you make me feel proud to be an American.

WHAT VETERANS DAY MEANS TO ME

(By Jennifer Gename, Grade 8, St. Jane de Chantal Elementary School)

In my opinion, I think it is only fair to have a holiday commemorating the men who risked their lives to uphold the benefits and principles of our country. They worked hard to uphold our nation's belief in freedom, and they deserve to have a day of recognition.

Although Veterans Day is probably not one of the most publicly mentioned holidays, it has great meaning towards my family and me. My grandfather served in World War II, and thankfully survived unharmed. He, and all the other men, worked day and night in the midst of shootings, killings, and pain. They didn't know if they would ever get through a day, let alone survive until the end of the war. If this sort of endurance doesn't deserve a holiday, then I don't know what does. These men did so much for our country, so that everyone would be able to lead happy, safe lives.

So, to me, Veterans Day is a very important holiday, because it helps people realize what others went through to help the nation.

VETERANS DAY

(By William Matuszak, St. Rene Goupil Elementary School)

Veterans Day is a time to remember and honor men and women who have served in the Armed forces. This holiday is celebrated on November, 11.

Veterans Day is important to me for many reasons. Both my grandfathers have served in a war. One served in World War II and the other in the Korean Conflict. It is not only important to me, but to everyone, because many families have served in armies and have fought for their countries in war. Veterans Day can also show people between countries, because war is over and we can celebrate that also.

Veterans Day is a very important day to all. Men and women from all over the world have fought for their countries in many different ways, and we honor them on this very special day. We celebrate their accomplishments and sacrifices. Veterans Day is a great way to honor all who have died and all who are still living that have served their nation in the military. Let us keep all of the men and women who are presently serving in our military that God will keep them out of harm's way.

Mr. Speaker, I wish all of these fine authors the best of luck in their future studies.

COLLEGE STUDENT CREDIT CARD PROTECTION ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Ms. SLAUGHTER. Mr. Speaker, on October 25, JOHN DUNCAN of Tennessee and I introduced H.R. 3142, the College Student Credit Card Protection Act. Madison Avenue and the credit card companies have convinced our college students that getting a credit card is necessary for a fun college experience. But upon graduation, many of these young people find themselves buried in debt. Just recently, the House recognized the need to educate young people on this issue by passing a bill to encourage high schools to teach financial literacy, including credit education. College by college, state by state, this issue is being recognized as a serious problem that needs to be addressed.

A recent report found that one-fifth of the Nation's college students are carrying credit debts of more than $10,000. Seventy percent of undergraduates at 4-year colleges possess at least one credit card. One 19-year-old sophomore student in the Rochester, NY area who had no income recently attempted to declare bankruptcy; he had accumulated a stack of credit cards and owed the credit card companies $23,000! In Knoxville, TN, one college student ran up $30,000 in credit card debt in just 2 years. Students are snowballing into debt through the extension of unaffordable credit lines, peer pressure to spend, and financial naivete. Low minimum monthly payments and routine credit limits hikes add to the seductiveness of plastic.

Even though many students with credit cards have no income to pay the bills, credit card companies are aggressively marketing their cards to college students. Credit card companies set up tables during orientation week and outside college lunchrooms, advertising free gifts such as t-shirts and mugs, to sign up as many students as possible. Most of the time, all that is required is a student identification card. For many students, they experience problems when they cannot afford to make payments on their credit cards, which ruins their credit ratings before they have even entered the workforce. While many college students are adults, responsible for the debt they charge, the credit card industry's policy of extending high lines of credit to unemployed or underemployed students needs to be examined.

This bipartisan legislation would compel credit card companies to determine before approving a card whether any prospective customer who is a traditionally aged full-time student, can afford to pay off the balance. This bill would limit credit lines to 20 percent of a student's annual income without a cosigner. Students could also receive a starter credit card with a lower credit limit, allowing increases over time if prompt payments have been made. Another provision would eliminate the fine print in credit card agreements and solicitations, where fees and penalties are hidden. This print would have to be enlarged. Finally, parents would have to agree in writing to increases in the credit limit of cards which they have cosigned.

HONORING GORDON WOOD

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. STENHOLM. Mr. Speaker, I rise today with a great deal of Texas pride to recognize an outstanding individual, Gordon Wood of Brownwood, Texas.

In today's edition of the Dallas Morning News, the newspaper named Coach Wood, the "Coach of the Century" as part of its 100 Years of Texas High School Football series. I can think of no one more deserving. Coach Wood not only led and inspired many young people during his career but also brought great achievements to several Texas communities.

"Coach" was an important figure during the formative years of my life, and he has remained so. Early in his career, he coached in my hometown of Stamford. He led our team to two State championships, and I am proud to have been part of his early success. He went on to lead the Brownwood Lions to seven State championships and won a total of 405 games in his 43-year career.

Coach Wood is a legend in Texas not only for his coaching but for the way he has led his life. To me, that puts him in the Ranks of Tom Landry, Bear Bryant and Joe Paterno.

I wish to include in the RECORD a copy of the article that ran this morning in the Dallas Morning News.

This honor is a great tribute to Coach Wood and his wife, Katharine, and I know there are many folks who join me in sending them congratulations and best wishes.

[From the Dallas Morning News, Nov. 17, 1999]

Always in the Game—Football, Gordon Wood Style, Still Absorbs Coach of Century

(Kevin Sherrington)

BROWNWOOD, TEXAS.—Gordon Wood wears hearing aids in both ears. He had a triple bypass in 1990, and five years ago a stroke punched a few holes in his memory. He's working on his third artificial hip. He's diabetic. A faint white web of scars runs wild over his mottled face, the vestiges of 13 skin tumors.

This is what can happen to you if you live 85 years.

He can't play golf because of the bad left hip. He won't play checkers anymore because that's what he was doing when the world started spinning, and he walked into a restroom and couldn't find his way out. A stroke, the doctors told him. A woman came to get him in the restroom and asked him to step back with his right foot. He tried to comply but stepped forward instead, right into the toilet.

Checkers was fun, and he was good at it, but it's not worth it if it reminds him of that. So now the only hobby he has left is football.

This is what can happen to you if you coach 43 years.

Or maybe this is what happens if you're Gordon Wood, the greatest coach in the history of Texas high school football.

A Dallas Morning News panel of college coaches and sports writers chose Wood over a group that included Waco's Paul Tyson, who won four state championships in the 1920s, and Abilene's Chuck Moser, who won 49 consecutive games. Joe Golding got some consideration at Wichita Falls, as did Amarillo's Blair Cherry.

Wood wasn't a hard choice, though. He won nine state championships, two at Stamford and seven at Brownwood, which in the 40 years before he arrived had won only a single district title.

He won 405 games overall, which was more than anyone else in the nation when he retired in 1985 at 71.

But, if you're looking for numbers to define Wood's greatness, you must know that he is the only coach to win 100 games in three different decades, and the only coach who won state titles in three decades, as well.

Those numbers indicate that he never lost his enthusiasm for the game, never thought he knew so much that he couldn't learn more, never won so much that he got enough of it.

Not when he retired 14 years ago.

Not even now.

The numbers say a lot about Gordon Wood. But, if you really want to know why he was so great, you only have to go to a game with him.

He is better-looking in person than in photographs. Pictures can't capture his vitality or regal posture, his warmth, his habit of extending both hands to someone in greeting, or his habit of holding on to the hand of a young person while he's talking to him. In most pictures, he looks almost sad, or, at best, blank. They couldn't be less telling. Pictures can't show the balletic movement of a curious, inquisitive mind.

He is sitting in the press box of the stadium named after him, talking about his offense between bites of a ham sandwich.

Did you always run the Wing-T?

"I have since the war," Wood says.

He means World War II. He put in the offense at the counsel of Clyde "Bulldog" Turner, once called the toughest football player ever. But it was Turner's old college coach, Warren Woodson, who invented the offense, the same one he used at Hardin-Simmons and New Mexico State and Arizona, and in the process was the only coach ever to produce the nation's top rusher four years in a row.

"Warren Woodson was one of the greatest offensive coaches that ever was," Wood says. "Cocky little devil, too. He watched us one time and came up to me afterward and said, 'Coach, don't tell anybody you run our offense. You did such a lousy job.'

"Yeah, he was the best offensive coach I ever saw."

He takes a bit out of his sandwich.

"Sorriest defensive coach, too."

Warren Woodson is dead. So is Bulldog Turner. They are great names lost to a younger generation that wouldn't know a Wing-T offense from a wingtip shoe. Wood knew Turner and Woodson, and he knows Darrell Royal, who calls Wood "one of the all-time great football coaches, regardless of the level." He is a friend of Bum Phillips, who calls Wood the best coach he knows. Bear Bryant told Wood's son, Jim, that, had he stayed at Texas A&M, "I would have given your dad a heck of a run for the best coach in Texas."

Wood knows Bill Parcells. Maybe you remember the story that came out a couple of years ago, when Parcells took over as coach of the New York Jets after going to Super Bowls with two different organizations. Parcells told reporters about the time he coached linebackers for Texas Tech in the 1970s. They had 20 spring practices, and at more than a dozen, he saw the same leathery old man in a maroon cap with a "B" on it. Parcells introduced himself and asked the old man where he was from.

"A little town down the road here," the man said.

"Outside Lubbock?" Parcells asked.

"No, a little further."

"How far is it?"

"Well, it's 2½ hours one way."

Wood drove five hours a day to watch Tech's linebackers. He drove every day for two weeks to learn something from a coach half his age. Parcells said Wood had as much influence on him as Halas, Lombardi, Noll or Landry, and he thinks about him every summer when training camp starts, thinks about the old man with more than 300 wins "driving five hours a day to find out something."

Wood has gone farther than that. Every year, for 43 years, he has traveled around the country to the American Football Coaches Association meeting. He has lectured at coaching clinics in 18 states, most of them more than once. He spoke in Tennessee last summer.

He went to Canada three times, in the summers of 1967, '70 and '71. He was guest coach for the CFL's Winnipeg Blue Bombers, coached by a man named Jim Spavitol, who played at Oklahoma State and first met Wood in the Navy.

After one of his summer trips north, Katharine, his wife of 56 years, asked him what it was like working with professional players.

"They're just overgrown boys," he said.

He only had a few players who went on to play professional football. The best probably was Lawrence Elkins, the Baylor receiver, his career ruined by injuries in the NFL. The best set was the three Southall brothers—Si, Terry and Shae—all quarterbacks, the sons of his long-time assistant, Morris Southall.

Southall helped run the offense. In the Wing-T, the Lions flipped the offensive line to double their number of plays and simplify blocking assignments. Wood told Royal about it in 1960, when Royal invited him on a trip to New York. Royal used the flip-flop in 1963, when he won his first national championship.

"We ran more formations than most teams run plays," Wood says. "We'd run 36, 39, 42 plays a week in practice, and the second team got just as many reps as the first team."

And, always, the rules were the same.

"Kid makes a mistake in practice," Wood says, "we run it over again."

Wood hates mistakes. He made a point in his career of making players believe in themselves. He won a state championship his first season at Brownwood, in 1960. He says that, if you severely criticize a player at practice, you have to make sure you do something to build him up again.

But it is his obsessive perfectionism that drives him. He watches anxiously from a press box cubicle as the Lions play host to Joshua, a heavy underdog. He talks until a play starts and then stops talking until it's over. If the play is a success for Brownwood, he might say nothing, most likely picking up his speech where he left off. If the play favors Joshua, it might give him fits.

Like, say, a 10-yard burst on a trap play by Joshua.

"You go back to our state championship teams," he says, irritated, "and see how many zeroes it has there for what the other teams scored."

He is up from his press box seat, talking to someone about how in the world Joshua can be moving the ball at all when he suddenly realizes that the Joshua band is playing.

"Did they score?" he asks, incredulous.

Forty-one-yard field goal, someone says. Makes it 21–3, Brownwood.

"Gaw-dang," Wood says.

He settles down and goes back to talking about offense. He got plays everywhere. He'd see something in a college game on Saturday afternoon and put it in the game plan Sunday night.

He has spoken at so many clinics that most of what he says seems as if he were reading it off the walls of a locker room.

On a coach who wouldn't leave his team for a week: "If you can't leave for four days, you've got a poor group of assistant coaches. And if you leave for four days, the kids will listen to you more when you come back."

On the variety of offenses available: "It doesn't make a dang what you line up in; it's what you do after you get there."

On his coaching philosophy: "It's not the big things that beat you: it's a million little things."

The little things might surprise you. He watched a coach in practice one day and noticed that, on every offensive play, he put the ball down on a yard line. Wood couldn't believe it. How often does that happen in a game? Move the ball around, he told them. Make the players look to see where the ball is, and maybe they won't draw foolish penalties for lining up offsides.

His assistants knew what he wanted. Southall, the only assistant over elected president of the Texas High School Coaches Association, worked for him 31 of his last 38 years in coaching.

Southall left him only a couple of times, once to be head coach at Winters after Wood left from Stamford, where he won state championships in 1955 and '56.

"If I'd had him at Stamford . . ." Wood says of Southall and stops in mid-sentence when a ball bounces off a Brownwood receiver and into the hands of a Joshua defensive back.

"That's two balls they've dropped," he says.

He shakes his head.

"If I'd had him at Stamford," he says again, "I'd have won three state championships there. No doubt. He was the best quarterback coach in the state."

He thinks about the interception again and winces.

"That kills me when they do things like that," he says.

He sees mistakes everywhere. He watches the Cowboys every Sunday. He is a friend and "great fan" of Tom Landry, a reluctant admirer of the impersonal Jimmy Johnson and a defender of Barry Switzer.

But he is amazed at what happens on a professional football field. He cites a play in a recent game where Emmitt Smith fumbled on a pitch.

"You know why they fumbled and lost it?" he asks. "Damn poor coaching, that's what."

He says he thought about writing Cowboys coach Chan Gailey and telling him so. Wood is big on writing letters. They appear occasionally in The News and the Abilene Reporter-News, mostly defending teachers of U.S. Rep. Charles Stenholm, a former all-state end for Wood at Stamford. Sometimes he just writes to correct mistakes of any nature.

He'd write Gailey, he says, but he's not sure it would do any good. He pulls out a sheet of paper and diagrams his trademark play, the power pitch. Any team that wanted to beat his, he says, first had to stop the power pitch. They'd run it 20 times a game and never fumble.

Here's why the Cowboys fumble, he says, whether it's Tony Dorsett or Emmitt Smith: Coaches teach the running back to run at an angle toward the line of scrimmage before taking the pitch. Wood says they should have backs run parallel with the line, which would better allow them to catch the pitch, then square their shoulders before they hit the hole.

But wouldn't the Cowboys argue that a back gets to the hole faster if he runs at an angle?

"Might be quicker to the hole," Wood says tersely, his eyes returning to the field, "but you aren't gonna get to the hole with the ball."

He stares straight ahead.

"Just a fundamental mistake," he mutters. "S'all there is to it."

Asked his favorite college coaches, he immediately cites Texas Tech's Spike Dykes and Texas' Mack Brown. He is intrigued by Oklahoma's comeback under Bob Stoops, he's impressed by Kansas State Bill Snyder, and he's a great friend of Florida State's Bobby Bowden.

In his 1992 book, "Gordon Wood's Game Plan to Winning Football", he lists 36 coaches who have contributed to his beliefs, ranging from former assistants to Bo Schembechler, W.T. Staple, Gene Stallings and a high school coach from Ohio named Bron Bacevich.

Wood's education in football seems funny, considering how he started. His father was a farmer outside Abilene who didn't believe a man needed much in the way of schooling.

"If you get to third grade and can read and write," A.V. Wood told his eight children, "you're wasting your time going to college. You'll just be a teacher or preacher, and you'll starve."

Gordon Wood was the only one of A.V.s four sons to earn a high school diploma. He went on to Hardin-Simmons and never starved. But he didn't get rich, either. The most he ever made coaching and teaching, he says, was $42,000. He had an offer in the '50s to be an assistant coach at Texas Tech, but he didn't like the travel required in recruiting.

He and Katharine, who reared a son and daughter, live in a little three-bedroom house just two blocks from the high school, the same place they've lived since the early '60s, two doors down from Southhall. The day that Wood retired, he fulfilled a promise to himself when he bought a luxury car and the best golf cart he could find.

He drove the car into the garage, and Katharine told him it was nice. She also told him she'd never ride in it.

"There are too many hungry people in this town," she told her husband.

So he took the car back. He listens to Katharine, as long as she's not trying to send in a couple of new plays. He says he probably would have coached one more year, but she insisted that he retire, and he reluctantly agreed.

"It was time for me to quit," he says.

He sounds sincere. But he still has a radio program on Thursday evenings to talk about high school football, still has coffee with friends to talk about it. He watches it on television, reads about it in newspapers, visits coaches and players.

And, nearly every week, he goes to a game. "I enjoy watching," he says. "I really do."

Most of the time, anyway. With five minutes left in the Joshua game, he gets up to leave the press box and beat the rush. Brownwood is up, 35–6, and sitting on Joshua's goal line.

At one of the exits, he says to hold up a second. "Let's see if they score," he says.

As if on cue, a Brownwood player is flagged for illegal motion.

"Aw, crap," Wood says, and turns for the parking lot.

Mistakes kill him, and always did. "I'd die if we had two or three penalties a game," he says.

Mistakes kill him, but he says he didn't make one by staying at Brownwood all those years. Katharine had put it in perspective earlier. "You take Tom Landry and Spike Dykes and Grant Teaff and Hayden Fry," she said. "They're all great coaches, but they were all just kids who played high school football in Texas."

And Gordon Wood was a Texas high school football coach, the best ever, his peers say.

Even an old perfectionist couldn't beat that.

"I wouldn't change anything," he says softly, sitting in his driveway in his sensible sedan. "No."

HONORING RONALD R. ROGERS AS HE IS INSTALLED AS GRAND MASTER OF THE GRAND LODGE OF FREE AND ACCEPTED MASONS IN OHIO

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. PORTMAN. Mr. Speaker, I rise today to recognize Ronald R. Rogers, a constituent, who recently became Grand Master of the Grand Lodge of Free and Accepted Masons for 1999–2000.

Mr. Rogers has an extensive Masonic record. He began his Masonic career as Master Councilor of Ivanhoe Chapter of the Order of DeMolay. He received his Chavalier Degree in 1952 and was awarded the Active Legion of Honor in 1976. He became a Master Mason in Norwood Lodge No. 576 in 1972. Before becoming Grand Master, Mr. Rogers was elected Junior Grand Warden in 1996, Senior Grand Warden in 1997, and Deputy Grand Master in 1998.

A Cincinnati native, Mr. Rogers is a graduate of Norwood High School and received his B.A. from the University of Cincinnati. He worked for Clayton L. Scroggins, a management consulting firm in Cincinnati, for 35 years. Mr. Rogers is the proud father of a daughter, Robin, and the proud grandfather of a granddaughter, Leslie.

Active in his community, Mr. Rogers is a member of the Forest Chapel United Methodist Church. He has served Forest Chapel as Chairman of Finance, Chairman of Music and a member of the Administrative Board. He sang in the Forest Chapel Chancel Choir and also served as its president. Mr. Rogers is a past Area Financial Officer of United Way and past President of the Forest Park Band Boosters.

We congratulate Ronald Rogers on his position as Grand Master, and wish him every success during his tenure.

COMMUNICATIONS SATELLITE COMPETITION AND PRIVATIZATION ACT OF 1999

SPEECH OF

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1999

Mr. BLILEY. Mr. Speaker, I rise in support of H.R. 3261. I am pleased that today we will pass on suspension in bipartisan fashion our satellite reform and privatization legislation, H.R. 3261. The fact that we will pass this decisively and that no one has indicated he or she will vote against this bill indicates the widespread support in the House for this legislation. It is high time to end the current cartel-like ownership and management structure of INTELSAT and Inmarsat. They must not only be privatized, they must be privatized in a pro-competitive market. We must eliminate their privileges and immunities, warehoused orbital locations or frequencies, and limit their ability to use their governmental privileges to expand their services and assets pending privatization. There is no reason for government to be providing commercial communications services. We must also replace monopoly control with competition and provide full direct access in the United States to INTELSAT and Inmarsat.

As the author and manager of this legislation, I think it is important to specify what will be the legislative history for H.R. 3261. With the exception of section 641, the deletion of old section 642, the addition of section 649, and several date related changes, H.R. 3261 is identical to the bill the House passed on May 6, 1998, H.R. 1872. We have put this legislation on the suspension calendar because Members already voted for the same text year by a margin of 403 to 16. Because most of the bill is identical to last year's bill, it is unnecessary to go through the Committee hearing and report process again this year. Thus, no report will be filed with H.R. 3261. Instead, we intend that the Committee report for H.R. 1872 (See House Rpt. 105–494), the record for the legislative hearing held on September 30, 1997, and the floor debate on H.R. 1872, in relevant part, be used as legislative history for H.R. 3261.

What follows is a specific discussion of changes that have been made in H.R. 3261 when compared to H.R. 1872, which, when taken together with the H.R. 1872 legislative history discussed above, will serve as the legislative history for H.R. 3261.

Section 601(b)(1) advances the dates for the privatization of INTELSAT and Inmarsat, respectively, from January 1, 2002 to April 1, 2001, for INTELSAT, and from January 1, 2001 to April 1, 2000, for Inmarsat. The reason for this change is that it has become clear that the long transition periods provided in H.R. 1872 are no longer necessary. Both organizations have taken some steps toward some form of privatization. For example, Inmarsat moved to end its intergovernmental status, although it still has not proceeded with an initial public offering of its stock. Moreover, the INTELSAT Assembly of Parties announced some steps which could move INTELSAT in the direction of privatization.

Section 602(a)(1)(A) and section 621(1) also have been changed to reflect the new dates set out in section 601(b)(1). Similarly, the dates set out in 603(b) for the Federal Communications Commission to make annual findings and report to Congress on INTELSAT's progress toward privatization have been advanced to reflect the fact that longer transition periods are not needed. Thus, the first Commission finding is required on or before January 1, 2000.

Furthermore, given the fact that over a year has elapsed since passage of H.R. 1872, the number of annual findings has been reduced from four to three, with the second finding of H.R. 1872 now included in the first annual finding, as set out in section 603(b)(2). The last finding is due January 1, 2002, which is later than the April 1, 2001 date established for INTELSAT privatization. It may be appropriate to make the FCC finding date the same as the privatization date of April 1, 2001 at the next stage in the legislative process.

Finally, there have been changes in the dates by which the privatized INTELSAT and Immarsat must conduct initial public offerings of their shares; from January 1, 2001 to April 1, 2001 for INTELSAT, and from January 1, 2000 to April 1, 2000 for Inmarsat.

Section 624 deals specifically with Inmarsat. While there already have been some changes in the Inmarsat structure and some provisions of this section may need to be adjusted, such as the reference to the Inmarsat Signatory, this section is still applicable. While Inmarsat has conducted what it deems to be a privatization, that privatization has not been conducted in a pro-competitive manner.

Section 641 of H.R. 3261 ends the monopoly of COMSAT over access to the U.S. market for INTELSAT services. The Commission is to comply with section 641, by adopting orders ensuring the full implementation of all forms of direct access as provided in section 641(a).

Section 641 of H.R. 1872 dealt with various issues raised by ending COMSAT's exclusive access to INTELSAT and Inmarsat. We do not believe it necessary for the new section 641 to address these issues. First, given the changes at Inmarsat, and the provisions of other parts of the legislation dealing with Inmarsat, such as section 624(1), there is no need to specify direct access to Inmarsat in the new section 641. Second, it is appropriate to permit both non-investment, or contract, direct access (also known as Level 3) and investment (also known as Level 4) direct access to INTELSAT immediately upon the effective date of this legislation. All such direct access is in the public interest. It will increase competition for access to INTELSAT services and lower prices for consumers of INTELSAT services.

The Commission currently has the authority to pursue contract or Level 3 direct access. As was the case with respect to H.R. 1872, by including provisions on direct access in H.R. 3261, we do not intend to imply that there is a need to amend any provision of the Communications Satellite Act of 1962 to provide for direct access.

There are several other differences between H.R. 3261 and H.R. 1872 in section 641 regarding direct access. First, H.R. 3261 does not provide for or specifically authorize any signatory support costs. This is a change from H.R. 1872, which permitted compensation to INTELSAT signatories for support costs that the signatories would not otherwise be able to avoid under a direct access regime. Second, H.R. 3261 does not limit the ability of non-U.S. signatories of INTELSAT to provide direct access in the United States. Thus the sections of H.R. 1872 dealing with signatory fees and foreign signatories, along with section 641(1)(A)(iii) regarding carrier pass through of savings realized as a result of direct access, were deleted.

H.R. 3261 does not grant the Commission authority to impose a signatory fee or limit direct access by foreign signatories nor should the statement indicating that the Commission has authority to implement direct access be interpreted as meaning that the Commission has the authority to impose signatory fee or limit direct access by foreign signatories.

New section 641 also does not direct the Commission to take action on COMSAT's petition to be treated as a non-dominant common carrier because the FCC already has acted on this petition. Furthermore, section 641(4), stating that direct access regulation would be eliminated after a pro-competitive privatization of INTELSAT or Inmarsat is achieved was unnecessary and thus was deleted.

H.R. 3261 does not include an equivalent of section 642 of H.R. 1872 dealing with the renegotiation of monopoly contracts, which is also known as "fresh look." The sections of H.R. 3261 following section 641 were renumbered to reflect the deletion of old section 642.

New section 649 is intended to prevent U.S.-licensed international carriers and satellite operators from using leverage they may have in foreign markets to exclude other U.S.-licensed international carriers and satellite operators from gaining access to those foreign markets. The effect of Section 649 is to apply this policy to all foreign satellite operators seeking to do business in the United States. Exclusive market access is a critical barrier to the provision of competitive satellite services by United States companies.

Mr. Speaker, I urge my colleagues to support this important legislation.

CONGRATULATING SOUTH GRAND PRAIRIE HIGH SCHOOL

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. FROST. Mr. Speaker, I want to congratulate South Grand Prairie High for winning one of 13 New American High School awards from the Department of Education. This designation recognizes South Grand Prairie's tremendous efforts in raising academic standards and student achievement.

South Grand Prairie is a diverse high school of over 2,400 students. It reflects the changing demographics of the surrounding community, half of the student body comes from minority backgrounds. In 1996, South Grand Prairie undertook an extensive reform program to raise academic performance by the school's "middle majority," the large segment of the student body whose needs were not entirely being met. The high school created a full-academy model that incorporates Advanced Placement-level curricula with career-oriented programs.

Students at South Grand Prairie pursue a rigorous academic program in an area that best suits them—Business and Computer Technology, Creative and Performing Arts, Health Science and Human Services, Humanities or Law, and Math, Science and Engineering. This allows students to raise their performance by capitalizing on their interests.

South Grand Prairie has enlisted the entire community in this effort. They have formed partnerships with local middle schools and area colleges. An Academic Advisory Board comprised of students, teachers, and prominent local business and industry leaders, has been formed to develop a curriculum and assessments of the program. And the Chamber of Commerce participates in a teacher-shadowing program which allows educators to understand the skills needed in the vocational areas in which they are teaching.

The results of this innovative program have been remarkable. South Grand Prairie has raised its students passage rate on Texas' state math exam by 18 percent. South Grand Prairie students pass the state's reading test at a 24 percent higher rate than the state average, and the school has higher SAT scores and rates of college enrollment than the state's average.

Clearly, South Grand Prairie's academic reforms have been a success, the school is highly deserving of the New American High School award. If South Grand Prairie represents the future in American education, the future looks bright indeed. Congratulations to Principal Roy Garcia and all of South Grand Prairie's students, faculty, and parents. Your school is a model for all of America's high schools and you have made North Texas proud. I am pleased to be able to join South Grand Prairie officials at their White House award ceremony this Friday.

IN RECOGNITION OF THE 5TH ANNUAL COVENANT HOUSE WASHINGTON CANDLELIGHT VIGIL

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Ms. NORTON. Mr. Speaker, I rise today to recognize the Covenant House Candlelight Vigil, where I will speak on Tuesday, December 4, 1999. The Vigil is a national event held every year in early December in some 20 cities across the country. The Candlelight Vigil symbolizes community hope for the well being of all our children and highlights the plight of homeless, runaway, and at-risk children.

The Vigil in Washington alone has 3,000 concerned adults and youth marching, bearing candles and flashlights in support of youth. They will march shoulder to shoulder for a quarter of a mile to the Covenant House Washington Community Service Center, setting a tone of joy, solidarity, commitment, and hope. Similar rallies are held simultaneously at Covenant House sites across the country.

Since its inception in 1995, Covenant House Washington has invested over $13 million of private funding in our youth. They have given hundreds of youth a hand up by providing food, shelter, tutoring, life skills, job training, legal representation, and positive recreational opportunities.

Mr. Speaker, I ask all my colleagues to join me in honoring Covenant House Washington and their commitment to our most vulnerable young people and in recognizing the 1999 Covenant House Washington Candlelight Vigil.

HONORING THE WORK OF MIKE WOODS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. GORDON. Mr. Speaker, I rise today to honor Mike Woods and his more than 25 years of work as city clerk for the town of Smyrna, Tennessee. Mike's tenure will soon come to an end. He has decided to retire on November 30.

As clerk, Mike has seen Smyrna grow from a small community with an annual budget of $500,000 dollars and 27 employees to being, one of Tennessee's fastest growing cities with a population of more than 20,000, a current budget of more than $25 million dollars and over 300 employees.

Mike worked hard, along with former Mayor Sam Ridley, to make Smyrna the home of Nissan Motor Manufacturing U.S.A., which has almost 6,000 workers. His vision and invaluable experience have served Smyrna well, and the city has been recognized with numerous state and national awards. Mike truly exemplifies the best of public service and will be sorely missed in city government.

I have known Mike since he first began his tenure in Smyrna and consider him a close friend. He has given me lots of good advice over the years, and I thank him for that. I congratulate Mike for his admirable and distinguished career and wish him the best of luck in future endeavors.

SENSE OF HOUSE REGARDING DIABETES

SPEECH OF

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. HILLIARD. Mr. Speaker, I rise today to call for increased congressional spending to continue the research now progressing to seek a cure for diabetes. This devastating disease affects every family in America—my own brother is a victim of diabetes. The results of the disease are too numerous to count, but include blindness, loss of limbs, even shock resulting at times in death. At this time in our history, the incidence of diabetes in our population appears to be increasing.

We have made many strides in the treatment of diabetes, but much more needs to be done. It is very possible that in the near future we will be able to regenerate damaged beta cells in the pancreas, the cells which normally produce insulin. Alternatively, we may soon be able to generate new beta cells; in either case, it appears we will actually be able to cure the disease.

At this point in the process, we need to make an absolute commitment to this struggle to end this devastating disease. I commit myself and my vote to increasing spending on diabetes to an amount which will be sufficient for our scientists to accomplish this high goal.

RECOGNIZING AND HONORING WALTER PAYTON AND EXPRESSING CONDOLENCES OF THE HOUSE TO HIS FAMILY ON HIS DEATH

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to strongly support this measure that recognizes a true sports hero and legend, Walter Payton.

Payton died of bile duct cancer at age 45. He is survived by his wife, Connie; his daughter, Brittney; and his son, Jarrett.

But it is not his death that lingers in our minds. It is his way of life that fills our memories and our hearts.

As a member of the Chicago Bears, Walter Payton stretched athleticism past the bounds of our imaginations. He bulled and wove throughout the football field with a creativity that allowed brute force and artistic expression to merge into one perfect moment.

Payton, the National Football League's leader in yards rushing (16,726) and carries (3,838), was known for his durability. He missed just one game in his 13-year career with the Bears. And during that time, he earned a Super Bowl ring. Payton retired after the 1987 season, and the Bears retired his No. 34. In the first year he was eligible for the Pro Football Hall of Fame, he was a unanimous selection.

But we cannot limit his worth to mere statistics and on-the-field achievement. Walter Payton represented sheer perseverance. Some would call Walter Payton the Cal Ripken of football. I would suggest that Cal Ripken is the Walter Payton of baseball. Indeed, Payton is the very embodiment of the term, "iron will."

His commitment to excellence and immense endurance makes his death seem all the more unbelievable. But Walter Payton did not lose his battle with liver disease. He simply ran out of time.

During an emotional, invitation-only memorial service that drew about 1,200 people, friends and family remembered Payton's practical jokes, his passion for those around him, his determination to be the best at what he did, and his generosity.

The public also had its chance to say goodbye during a ceremony at Soldier Field. Thousands of Bears fans filed into the stadium, many carrying signs in tribute and others dressed in Payton's familiar No. 34 jersey.

Yet, sports aficionados are not the only members of society who claim Payton as their hero. Any American, regardless of race or gender, can identify with Walter Payton. The consummate statesman, Payton carried himself on and off the field with dignity and class. He achieved, yet, he always remained committed to his team—individuality was not his style. It is because of his gentle and caring demeanor that he truly earned his nickname, "Sweetness." He was as sweet a person in real life as he was to watch on the football field.

And as an African-American, I am proud that an African-American holds such an imposing NFL record. His rushing record shows that anyone can achieve lofty goals, regardless of race. It is a record that will stand for many years and will remain a testament to Payton's excellence.

Teammate Mike Singletary, one of five who offered a tribute at Payton's service, said if Payton saw people crying he would say: "Hold everything—I'm on hallowed ground. I'm running hills, I'm running on clouds. I'm running on stars. I'm on the moon."

"He affected so many people in a positive way, not only through athletic prowess, but through his generosity and for the way he lived his life," said Ditka, the coach of that Bears team that went 18–1. "Yeah, it isn't fair. Forty-five years on this Earth, you should be in the prime of your life. But I think it warns us that tomorrow is not promised."

We will remember Walter Payton and his famous jersey number "34" that he wore first at Jackson State and then with the Bears. We also will remember Payton in his Chicago uniform with his trademark white headband.

But most of all, we will remember Walter Payton for his pleasant smile, his warmth of character, and his will to achieve.

IN HONOR OF ANDREW SHARP PEACOCK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to say farewell to a good friend and great leader, Australian Ambassador, Andrew Peacock. Ambassador Peacock will retire from his duties as the Australian Ambassador to the United States. There will be a celebration in his honor to commend him for his many accomplishments and his lifetime service to his country and to the world's diplomatic corps.

Ambassador Peacock has had a brilliant career and has succeeded in every endeavor, at every level, and has done so with a joy of life. His life in public service began at the young age of 17, when he joined the Young Liberals in his native country, Australia. In just a few short years, his incredible leadership skills and great wit carried him to the position of President of the Young Liberal Movement. Shortly afterwards, Mr. Peacock became Vice-President and then President of the Victorian Division of the Liberal Party. Andrew Peacock made a great endeavor and entered Federal Parliament in 1966. As a parliamentarian, Mr. Peacock was instrumental in the nation's foreign affairs and industrial relations for almost 30 years. He redefined the Liberal Party in Australia and has proved his love of Australia throughout his career.

Mr. Peacock came to the United States from Australia in February 1997 after resigning from the Federal Parliament. His accomplishments here have been immeasurable and noteworthy. Ambassador Peacock has helped preserve the outstanding relationship between the United States and our loyal ally, Australia. Recently, Australia and the United States were able to move side by side in the peace-keeping efforts in East Timor, thanks to the enviable diplomatic skills of Ambassador Peacock.

My fellow colleagues, please join me in honoring Ambassador Peacock for dedicating his life to his native land of Australia, to the cause of human dignity, and to the cause of world peace. Not only has Ambassador Peacock proven to be a true hero in Australia but also a great friend to the American people through his great efforts as Ambassador. On a personal level, I am blessed to consider him a friend of many years, and I will miss his presence in our nation's capital. His laugh, his charm, and spirit has touched this city in so many ways. He has had a profound effect on Australia, America, and the world. I wish him well on all of his new endeavors.

IN REMEMBRANCE OF DUB HAYES

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. HALL of Texas. Mr. Speaker, it is an honor for me to rise today to pay tribute to an outstanding individual and close personal friend, James W. "Dub" Hayes of Whitesboro, Texas, who died suddenly on October 3 of this year. Dub was well-known and well-liked in Whitesboro and Grayson County as a prominent community leader who genuinely cared about people. His influence will be felt for generations to come.

Dub was honored as Outstanding Citizen of Whitesboro three times—in 1965, 1978, and 1994—a testimony to the contributions he made to the life of his home town. At the time of his death he was serving as a director of the Grayson County College Foundation, treasurer of Whitesboro Citizens for Excellence in Education and a member of the Whitesboro Economic Development Corporation Board of Directors.

He was an ardent proponent of education, having served for 33 years as a Trustee of Grayson County College and as past president of the board. He served on the Board from 1965, the year the school opened until 1997.

Dub also served as a charter member of the Texoma Blood Bank Board of Directors, a member of the Grayson County Airport Board and the Texoma Regional Planning Commission, past president of the Chamber of Commerce, Rotary Club and Quarterback Club in Whitesboro. Dub was active in the First Baptist Church of Whitesboro, where he served for many years as deacon, treasurer and Sunday School teacher.

Dub and his brother, Ed, owned and operated a retail pharmacy business in Whitesboro for 28 years. Dub also worked as a pharmacist for 15 years at Wilson N. Jones Hospital—and continued working until his death as a relief pharmacist and consultant. Dub will be lovingly remembered as one of those pharmacists who was willing to get up in the middle of the night to fill prescriptions for those who were sick.

He was a member of several professional organizations, including the Grayson, Collin, Cook Pharmaceutical Association, the Texas Pharmaceutical Association, the Texas Society of Hospital Pharmacists and the American Society of Hospital Pharmacists.

Born in 1925 in Whitesboro, the son of the late James Albert Hayes and Ruth Cherry Hayes, Dub graduated from Whitesboro High School, attended North Texas Agricultural College in Arlington and received his Pharmacy degree from the University of Texas. He served his county during World War II in both the Pacific and European theaters. In 1949 he married his wife of 50 years, Ruth Helen Acker.

Dub is survived by his wife, Helen; three children, Diane Hayes Gibson and her husband, Mark; Dr. Jim Hayes of Dallas; and Bill Hayes and his wife, Kelly; four grandchildren, Laura and Robert Gibson and Sarah and Charlie Hayes; brother, Ed Hayes, and his wife, Pat; sister-in-law Marjorie Acker Laney and her husband, Bobby; three nieces and two nephews.

Mr. Speaker, Dub Hayes was a truly great man who lived a life of devotion to his family, his community, his church, and his profession. He was a community leader who led an exemplary life—and he was loved by all who knew him. We will miss him—but his memory will be kept alive in our hearts and in our thoughts—and his legacy will continue to be felt in Whitesboro and Grayson County. Mr. Speaker, as we adjourn today for the last time during this century, I ask my colleagues to join me in paying our last respects to this outstanding man and great American—James W. "Dub" Hayes.

INTRODUCTION OF THE TELEHEALTH IMPROVEMENT ACT OF 1999

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. BILBRAY. Mr. Speaker, I rise today to announce the introduction of H.R. 3420, the Telehealth Improvement Act of 1999. As we are learning, telemedicine services can dramatically improve upon the range of health care services available in medically underserved areas through the use of telecommunications technologies and services. Telemedicine can improve the delivery and access of health care services, and is especially useful when a patient needs a specialist who is unavailable in his or her area.

By relying on technologies ranging from interactive video, e-mail, computers, fax machines, and satellites, patients will be able to communicate with their doctors and receive the health care they need regardless of their physical location. These telemedicine technologies can be used to deliver health care, diagnose patients, read X-rays, provide consultation, and educate health professionals, among other things.

Telemedicine services reduce the cost of health care by increasing the timeliness of care, reducing emergency transportation costs, improving patient administration, and strengthening the expertise available to primary-care providers. Telemedicine services also help to bring services to medically underserved areas in a quick and cost-effective manner, and can enable patients to avoid traveling long distances in order to receive access to health care.

While the Balanced Budget Act of 1997 includes a provision that provides for some Medicare reimbursement of telemedicine services, the Health Care Financing Administration (HCFA) has interpreted it too narrowly and as a result, has severely limited the services which are covered. The Telehealth Improvement Act of 1999 will clarify the intent of Congress regarding Medicare reimbursement for telemedicine services and increases telemedicine access to medically underserved areas. This legislation makes improvements to the way telemedicine services are currently regulated and reimbursed through the Medicare program, and applies to rural, underserved, and frontier areas, including areas designated as health professional shortage areas under the Public Health Service Act.

Mr. Speaker, I urge my colleagues in the House to support and cosponsor the Telehealth Improvement Act of 1999. We must continue to provide access to health care to underserved areas and provide adequate reimbursement to the hospitals and providers that are currently providing these services.

HONORING THE LATE D.R. MILLER, "MR. CIRCUS"

HON. WES WATKINS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. WATKINS. Mr. Speaker, today I pay tribute to the late D.R. Miller, known as "Mr. Circus" to those who knew him best, for his decades of service to his fellow citizens, and for his lifetime of providing laughter and fun to children of all ages.

D.R. Miller was born on July 27, 1916, in Smith Center, Kansas. But it was Hugo, the town in Oklahoma's Third Congressional District that serves as the winter headquarters for his Carson & Barnes Circus, that D.R. called home.

D.R. Miller passed away on September 8, 1999, in McCook, Nebraska—the very town where D.R.'s father and mother took D.R. and his brother to see their first circus, on August 24, 1924.

In 1937, after numerous business ventures, D.R., his father and brother, founded the famed Al G. Kelly Miller Bros. Circus, advertised as the 2nd Largest Circus in America, and toured the U.S. for years. When Ringling Bros. abandoned big top tents for buildings in 1956, the Al G. Kelly Miller Bros. Circus became the World's Largest Big Top Circus.

After several business and personal setbacks in the 1960s and 70s, D.R. roared back with the Carson & Barnes Circus, which grew and evolved into the 5 Ring Extravaganza that continues to entertain and amaze children of all ages.

In addition to his founding of two circuses, D.R. gave of himself to make this world a better place. D.R. served his country as a proud member of the Army's 273rd Artillery Division during World War II. He founded the Endangered Ark Foundation, a non-profit association dedicated to the preservation and procreation of endangered animals. He established the D.R. and Isla Miller Scholarship Fund to provide scholarships to deserving Hugo High School graduates. D.R. established the non-profit Showman's Rest Trust Fund to provide plots, burials and proper markers for indigent show people.

D.R. provided countless opportunities to circus artists and fellow dreamers. He was a friend to all. In January, 1995, he was inducted into the Circus Ring of Fame in Sarasota, Florida, with his wife and partner Isla Marie Miller, who preceded D.R. in passing.

D.R. Miller was an entertainer, a showman, a family man, a veteran, and a model citizen whose example of success and hard work shines like a beacon for all Americans who aspire to improve their own lives and the lives of others. D.R. Miller was believed by all who knew him.

Mr. Speaker, I ask that today the House pay tribute to Mr. Circus: D.R. Miller.

A TRIBUTE TO ISRAEL POLICY FORUM

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mrs. LOWEY. Mr. Speaker, I rise today to express my thanks to Israel Policy Forum.

Since its founding in 1993, IPF has been a vigorous and effective advocate for Middle East peace and Israel security. Few organizations have done so much to shape public attitude's about the peace process or to educate decision-makers about the significance of American international leadership.

On November 20th, the directors, members, and friends of Israel Policy Forum will hold their second Tribute Dinner. In addition to celebrating recent progress in the Middle East peace negotiations and welcoming Prime Minister Ehud Barak, this event will also be an occasion to recognize the outstanding contributions of several remarkable individuals.

Nathan Gantcher has devoted his considerable intellect and energy to the challenges of business, education, and community service. A towering figure in the world of finance, he is widely respected for his exceptional professional skills and deep devotion to principle.

Robert Lifton has contributed to remarkable range of fields, including law, real estate, entertainment, finance, and health care. His personal commitment to American-Israeli relations is evidenced by his leadership of groups as the American Jewish Congress, AIPAC, the Council on Foreign Relations, and many others.

Norman Pattiz is the founder and Chairman of Westworld One, the undisputed leader in the radio industry, with some 7,000 affiliated stations worldwide. His business acumen is matched by a powerful commitment to quality programming, and a creative understanding of the media's role in shaping a stronger society. His devotion to promoting Middle East Peace is prodigious, and he has pursued this goal both through personal involvement with Middle Eastern leaders and through tireless activism in the American Jewish community.

Peggy Tishman is a nationally-recognized philanthropic leader, whose devotion to the Jewish community has been particularly inspiring. She was the first President of the merged UJA-Federation, where she helped lay a strong foundation for the future success of the organization, and where she demonstrated the character and charisma that would make her such an invaluable resource to a range of civic endeavors.

I am very pleased to join in this special tribute, to express my enormous pride in IPF's fine work, and to salute the examples of dynamic public advocacy IPF's honorees and leaders set every day.

CONGRATULATING ST. SAVA'S SERBIAN ORTHODOX CHURCH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. VISCLOSKY. Mr. Speaker, It is with great pleasure that I congratulate St. Sava's Serbian Orthodox Church in Merrillville, Indiana, as it celebrates its 85th Anniversary as a parish this Sunday. I would also like to take this opportunity to congratulate Reverend Jovan Todorovich on this glorious occasion.

On November 20th, St. Sava's Serbian Orthodox Church will open its 85th Anniversary celebration at 9:30 a.m. at the church. Reverend Todorovich will begin with a liturgy, followed by a blessing of a new icon painting, and a Parastos, or ceremony for the dead. Beginning at noon in the church's small banquet hall in Hobart, Indiana, the celebration will continue with a Pomen ceremony, a wreath laying, taps, and a service by the American Legion in honor of all veterans from St. Sava's congregation. A banquet will be served at 1:00 p.m. in the main hall in Hobart. Entertainment will be provided by Drina Tamburitza, and Nikola P. Kostich will be the guest speaker at this gala occasion. Nikola Kostich is an attorney from Milwaukee and is the lead counsel for the Serbian Republic and for the United Nations International Criminal Tribunal for the former Yugoslavia.

A church of humble beginnings, St. Sava's Serbian Orthodox Church was founded in 1914 in Gary, Indiana by about 200 immigrant families. Today, it is home to 625 families. During the past 85 years, the congregation at St. Sava's has worshiped in five different locations and weathered a major disaster when one church building was destroyed by a fire. The history of the parish, from both a joyous and sorrowful perspective, will be remembered Sunday when the church celebrates its 85th Anniversary.

The church's roots go back to a group of Serbian immigrants who first formed a choir. In 1914, the choir members began meeting for church services at a hall located near 13th Avenue and Washington Street in Gary. By 1915, they had built and consecrated a church in Gary at 20th Avenue and Connecticut Street. In 1938, a new church was built at

13th Avenue and Connecticut Street. The congregation remained there until 1978, when the church burned down. The congregation held services at a hall located on their picnic grounds in Hobart, while they raised money to build a new church in Merrillville. In 1983, the church broke ground at 9191 Mississippi Street in Merrillville, and in 1991, the church was completed and consecrated.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating the parish family of St. Sava's Serbian Orthodox Church, under the guidance of Reverend Jovan Todorovich, as they prepare to celebrate their 85th anniversary. All past and present parishioners and pastors should be proud of the numerous contributions they have made out of the love and devotion they have displayed for their church throughout the past 85 years.

HONORING SOUTH POST OAK BAPTIST CHURCH

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. BENTSEN. Mr. Speaker, I rise to congratulate the members of the congregation of South Post Oak Baptist Church in my home district of Houston, Texas for celebrating their church's 40th anniversary. The South Post Oak Baptist Church family has been a pillar of the community, effectively ministering to its members for four decades.

South Post Oak Baptist Church was organized October 4, 1959 as a separate entity of Almeda Baptist Church and was incorporated in 1961. From its humble beginnings, the church has been a viable point of spiritual reference for the community. Under the leadership of Rev. Remus E. Wright, the membership of the church has grown rapidly, from 300 in 1991 to more than 4,500 members in 1999.

Over the past decade Rev. Wright and his wife Mia have worked to make South Post Oak Baptist Church, "A Positive Place in a Negative World." Their endurance and tremendous energy in addressing the needs of South Post Oak Baptist Church's congregation have served their community well.

The youngest of nine children born to Remus and Elizabeth Wright in Indianapolis, Indiana, Rev. Wright answered the call to the ministry during his mid-twenties, becoming an Associate Minister at Grace Apostolic church. He joined the Pentecostal Ambassadors and recorded two gospel albums on which he sang, wrote and produced most of the songs. Upon relocating to Houston, Pastor Wright found his home at South Post Oak Baptist Church, guiding the church into its largest ever period of growth. The Church's focus has been on the family; the responsibilities of men; special needs of our senior citizens; and "real life" programs for youth. Rev. Wright's focus on families is a major reason why he now devotes his energy to ministering to more than 2,500 families at South Post Oak Baptist Church.

While Rev. Wright's religious and spiritual obligations have always been paramount, as a community leader, he has undertaken his civic duties with the utmost seriousness and passion, serving on several boards and organizations. He serves on two local high school boards, the YMCA board, and is a volunteer with LifeGift Organ Donation Program. He was selected to serve as a Foreign Missionary and Church Planter for the Southern Baptist Association in Zimbabwe, Africa. Most recently, he became part of an on-going Summer Leadership Institute Program at Harvard University designed to strengthen faith-based programs throughout urban communities in the United States.

Mr. Speaker, South Post Oak Baptist Church has much to celebrate on its 40th anniversary. The church has been a haven for its community. Since its beginnings four decades ago through the last 8 years of unprecedented growth, South Post Oak Baptist Church should be commended for its dedication to God and commitment to the needs of its congregation and surrounding community.

CONGRATULATIONS TO THE UNIVERSITY OF WISCONSIN'S FOOTBALL TEAM

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Ms. BALDWIN. Mr. Speaker, I rise today to congratulate the University of Wisconsin's football team. This has been an exceptional season for the Badgers in many respects.

For the second straight year, the Badgers are off to play in a major NCAA Bowl Game. The Badgers could go to the Rose Bowl, just as they did last year, or to another major bowl, depending on how other college teams fare in the closing weeks of the season. On Saturday, a beautiful and unusually balmy day at Camp Randall, the Badgers sealed their ticket to a bowl game by defeating the Iowa Hawkeyes, 41 to 3, and winning the Big Ten championship.

But securing the championship was not all that was celebrated on Saturday. Before nearly 80,000 screaming Badger fans, tailback Ron Dayne made history as he became the all-time rushing leader in NCAA Division I football. Ron Dayne has finished his collegiate career with 6,397 yards—and is the favorite for winning this year's Heisman Trophy.

Ron Dayne's historic record and going to a major bowl game for the second straight year are only part of the triumphant season. The whole team created this championship. It was particularly heartening to see the team come together when Coach Barry Alvarez was either coaching from his hospital bed or the coach's box while waiting for knee replacement surgery.

The Badgers end the regular season with a 9–2 record. Congratulations to all the players, students and fans at the University of Wisconsin. I look forward to enjoying the Fifth Quarter at the bowl game. On Wisconsin!

STOPPING ABUSE OF COMPREHENSIVE OUTPATIENT REHABILITATION FACILITY PROGRAM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. STARK. Mr. Speaker, one of the good services in Medicare is the CORF (Comprehensive Outpatient Rehabilitation Facility) program, where beneficiaries recovering from an illness or operation can get a wide range of quality rehab services.

Unfortunately, there appears to be a loophole in the law allowing the establishment of "satellite" CORFs. In this scheme, doctors are getting letters offering to rent part of their office for the placement of a therapist. The rent offered is often sight-unseen and is far above what is a reasonable rental rate. It is, in my opinion, a violation of the anti-kickback laws and is a way to get referrals that greatly drives up utilization and costs for Medicare.

To stop this proliferation of services we never knew we needed, I am introducing a bill, with an effective date of today, to require that all CORF services be provided at one site. I submit a letter from the HCFA Deputy Administrator on this issue and on the steps Medicare is taking to avoid fraudulent utilization in this area. The Administration is to be commended for its efforts to prevent abuse in this area—but clarifying the law will also be helpful.

DEPARTMENT OF HEALTH AND HUMAN SERVICES, HEALTH CARE FINANCING ADMINISTRATION, DEPUTY ADMINISTRATOR

Washington, DC, Oct. 27, 1999.

Hon. PETE STARK,
House of Representatives, Washington, DC.

DEAR MR. STARK: Thank you for your letter to the Administrator regarding contracts being mailed to doctors to open uncertified mini-Comprehensive Outpatient Rehabilitation Facilities (CORFs) in physicians' offices. I am responding on her behalf, and I apologize for the delay in this response. You also stated that you earlier copied the Administrator on a letter you sent to the Department of Health and Human Services' (DHHS') Office of the Inspector General regarding this matter. You are requesting that the Administrator immediately put a halt to the proliferation of these "satellite" CORFs.

I share your concern with the apparent proliferation of satellite CORFs. Based on the information furnished, the establishment of satellite facilities is consistent with section 1861(cc) of the Social Security Act (the Act). Section 1861(cc)(1) of the Act states that in the case of physical therapy (PT), occupational therapy (OT), and speech pathology (SP) services there shall be no requirement that the item or service be furnished at any single, fixed location. All other CORF services must be provided at the site of the CORF approved for Medicare participation.

It should be noted that although the Act exempts these services from the single, fixed location requirement, it does not exempt them from any of the other CORF requirements. Since the CORF must make documentation available to the state survey agency surveyor demonstrating that it furnishes all services in compliance with the CORF requirements, we would expect the documentation at the CORF for services furnished off-site would not be unlike that for services furnished at the CORF. Also, state survey agencies are not precluded from making visits to the off-site locations as necessary, to ensure that the CORF requirements are met.

Recently, a briefing on CORFs and outpatient rehabilitation facilities was held for Kevin Thurm, Deputy Secretary of DHHS. I presented the Health Care Financing Administration' (HCFA's) program integrity action plan based on analysis we had initiated with the HCFA Miami Satellite Office. The plan includes intensified medical review in targeted areas, education of providers and fiscal intermediaries, and increased reviews of off-site locations. I believe these interventions and the increased oversight will curb inappropriate growth of the providers until HCFA is granted statutory authority to require that PT, OT, or SP be furnished at a single, fixed location.

Thank you for your interest in this matter.

Sincerely,

MICHAEL M. HASH,
Deputy Administrator.

A TRIBUTE TO BILL SHIVELY ON HIS RETIREMENT

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. RAMSTAD. Mr. Speaker, I rise today to pay tribute to one of our nation's best and brightest business leaders.

By any measure of merit, William C. Shively, is a truly visionary business leader. His hard work and pioneering efforts in the area of financial management and commitment to public service are absolutely exemplary—as well as an inspiration to us all.

Mr. Speaker, Bill Shively is retiring as Executive Vice President of the nationally recognized Gelco Information Network in my Third District of Minnesota.

Bill had the vision in 1992 to bring corporate America's soundest financial management practices to the federal government. In his book Best Practices, Bill Shively identified areas for immediate improvement and re-engineering. He targeted official business travel within government since, in the corporate world, travel is the third largest business expense behind payroll and data processing.

Mr. Speaker, in 1995 the federal government was spending over $7 billion on official business travel. Mr. Shively realized the government was spending unnecessary overhead based on the outdated business processes that governed federal travel.

The need for improvement in this arena, Mr. Speaker, was the source for Bill's vision to create a business unit dedicated to identifying improvements and recommending solutions to save taxpayer money. The vision's underlying theme was to save taxpayer money through the implementation of re-engineered systems and processes.

Mr. Speaker, the Government Services Division of Gelco was born on March 1, 1995 and was comprised of Bill and one other employee. Since 1995, the business has grown to close to 100 employees, supporting products and services utilized today within every single federal executive agency within our government.

Bill helped the Department of Defense through the evolutionary stages of defining its vision, leading to one of the largest non-weapon procurements—DTS.

Mr. Speaker, Bill Shively leaves a legacy of public service that will be long remembered. But, more important to Bill, he leaves a legacy to that is sure to inspire his family for generations to come. Despite the impact of his visionary actions around the world, Bill Shively's No. 1 priority has been his family. Bill has been a dedicated father of three sons and a devoted husband to his wife, Betty.

Mr. Speaker, Bill Shively has done much for his country. We must take the time to pay tribute to great Americans like Bill, citizens who share their special skills to make outstanding contributions to their nation. Bill Shively may be retiring, but he has improved federal processes and driven down costs to taxpayer—truly lasting contributions that will benefit our country for generations to come.

At a time when good role models are few and far between, a time when people of integrity are needed more than ever, Bill Shively is a shining example of how to achieve success in our personal, professional and public lives.

Mr. Speaker, please join with me today to honor William Shively for all he has done to help others. We wish him and his family all the best in his retirement and in all his future endeavors.

RESIGNATION OF NATIONAL FOREST SUPERVISOR GLORIA FLORA

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. GEORGE MILLER of California. Mr. Speaker, Gloria Flora, forest Supervisor of the Humboldt-Toiyabe National Forest in Nevada resigned last week, citing relentless "fed-bashing." Since becoming Supervisor of the largest national forest in the lower 48 just over a year ago, Ms. Flora has become embroiled in disputes over grazing, endangered species protection, and road closures. One of these disputes recently culminated in Elko County residents, including public officials, illegally rebuilding a forest road without federal permits, an act which in turn triggered a U.S. Fish and Wildlife Service emergency listing of the bull trout. At the forefront of these disputes are extremists whose radical anti-government stance has translated into several instances of intimidation and harassment of federal land managers and acts of violence against public servants and property.

It is deeply distressing that public servants who are administering and enforcing the law are subjected to such hostile circumstances that they are forced to leave their jobs and homes. We should keep in mind that federal land managers like Ms. Flora are charged with enforcing laws passed by the Congress and entrusted with public lands and natural resources that belong to all the people of this country.

For twenty years, the wise use movement in its various forms—the Sagebrush rebellion, states' rights, county supremacy—has fomented hostility and hatred toward officials enforcing the laws of Congress. Rather than perpetuate the disregard and disdain for the government and its laws, I urge my colleagues to use their good offices to create a climate of decency and cooperation.

Mr. Speaker, while I deeply regret that Ms. Flora has chosen to resign, I sincerely hope that we take this opportunity to express our support for her and for the many Forest Service employees who share her concerns. I submit Ms. Flora's letter to her fellow employees.

OPEN LETTER TO EMPLOYEES OF THE HUMBOLDT-TOIYABE NATIONAL FOREST

NOVEMBER 8, 1999

There is no easy way to say good-bye to a group of hard-working, dedicated employees and friends. But the time has come when I must do just that. The best part of working on this Forest is watching each of you perform your work so well. The results speak for themselves in the outstanding land stewardship and exemplary business practices found on this Forest.

I have become increasingly troubled by the difficult conditions that so many of us face in the state of Nevada. We now accept as commonplace unwarranted criticisms of and verbal attacks on federal employees. Officials at all levels of government in Nevada participate in this irresponsible fed-bashing. The public is largely silent, watching as if this were a spectator sport. This level of anti-federal fervor is simply not acceptable.

It is not like this in other places! As you know, I've worked throughout the Intermountain West: Montana, Idaho, Utah and Wyoming. Yes, there are arguments and strong disagreements over land use policy, but they usually stay within the bounds of reason. As tensions escalate, others weigh in with their opinions and the media does in-depth investigative reporting. There is a sense of balance. Outlandish words and acts, regardless of the origin, are repudiated openly by reasonable community members. Constructive collaboration and discourse are recognized as the methods to resolve complex natural resource issues. Yes, things may get heated but all people have a voice.

The attitude towards federal employees and federal laws in Nevada is pitiful. People in rural communities who do respect the law and accept responsibility for complying with it are often rebuked or ridiculed. They are compared to collaborators with the Vichy government in Nazi-controlled France! People who support the federal government or conservation of natural resources ask that they not be identified for fear of retaliation. When I speak against the diatribes and half-truths of the Sagebrush Rebellion, I am labeled a liar and personally vilified in an attempt to silence me. When I express concerns for Forest Service employees' safety, I am accused of inciting violence.

This is the United States of America. All people have a right to speak and all people have a right to protection from discrimination. However, I learned that in Nevada, as a federal employee, you have no right to speak, no right to do your job and certainly no right to be treated with respect. I could go on and on with examples of those of you who have been castigated in public, shunned in your communities, refused service in restaurants, kicked out of motels . . . just because of who you work for. And we cannot forget those who have been harassed, called before kangaroo courts, or had their very lives threatened.

It disturbs me to think that two million people in this state watch silently, or worse, in amusement, as a small percent of their number break laws and trounce the rights of others with impunity. Worse yet, there are elected officials who actively support these offenders. Those whose responsibility it is to help us enforce the laws passed by Congress and do our mandated jobs, always seem to have a reason why action must be postponed.

The Jarbidge situation is just another example of how certain elements would rather fight and excoriate the federal government than work towards a solution. These people need an "evil empire" to attack. When a member of the United States Congress joins forces with them, using the power of the office to stage a public inquisition of federal employees followed by a political fundraiser, I must protest. This member and others continue to do this, and we, as an agency, believe that it is best to keep turning the other cheek. Enough is enough. I am not promoting conflict; I'm simply advocating that our agency demands fairness and common decency. It's time to speak up.

But speaking up and continuing to work here are not compatible. By speaking out, I cannot provide you, my employees, with a safe working environment. And to date, I have not been able to convince others that the current atmosphere is unacceptable and requires a proactive response. I refuse to continue to participate in this charade of normalcy.

Equally troubling is our limited ability to perform the mission of the Forest Service under these conditions. As stewards for public lands, entrusted with protecting and restoring natural resources for present and future generations, we must be able to perform those functions in a collaborative and cooperative manner. The health of the land is paramount.

I am choosing to leave for my principles, for my personal well-being, and so I can actualize my commitment to natural resource management in a setting where respect and civil discourse is the norm. I have no definite plans and I am not seeking special treatment from the agency. I will stay at least until the end of the year to help ensure a smoother transition to new leadership.

I leave you with my fondest wishes for continuing your excellent work and gaining the fulfillment and respect that you all deserve. As I told you when I first arrived, simply demonstrate honesty, integrity and ethical behavior and you will succeed. Thank you for the tremendous support you have given me. I couldn't have asked for more from you.

Sincerely,

GLORIA E. FLORA,
Forest Supervisor.

TRIBUTE TO BRIAN LANCE GOTLIEB

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. WEINER. Mr. Speaker, I rise today to recognize an upstanding member of our community who is being recognized by the Brighton-Atlantic Unit #1671 of B'nai Brith on the occasion of its 1999 Youth Services Award Breakfast.

Brian Lance Gotlieb has earned a well-deserved reputation as a tireless fighter on behalf of the youth in our community, and is rightfully honored for his achievements by B'nai Brith on this special occasion.

Gotlieb, who serves as the liaison to Intermediate School 303 and Public Schools 90, 100, 209 and 253, is currently working on different ways to protect our community's children. As a member of the District 21 School Board, he has initiated the process of identifying unsafe streets throughout District 21 to ensure the safety of all pedestrians. And, throughout this school year, Gotlieb will be hosting a series of Child Safety Programs that will provide parents with free copies of their children's fingerprints along with Polaroid pictures to present to law enforcement personnel in the event of an emergency.

Further, as my Deputy Chief of Staff, Brian Lance Gotlieb has served as my liaison to the Board of Education and School Construction Authority for the last three years. In addition, he is primarily responsible for the intake and resolution of constituent concerns in my Community Office located in the Sheepshead Bay section of Brooklyn.

Gotlieb, who credits his late mother, Myrna, with teaching him the importance of helping others and being active in the community, created the highly successful organization Shorefront Toys for Tots in 1995. Founded in his mother's memory, Shorefront Toys for Tots has helped bring Chanukah cheer to more than 7,500 underprivileged children in the Shorefront community.

As a student at the Rabbi Harry Halpern Day School and its Talmud Torah High School division, Gotlieb packed and delivered Passover packages to aid needy senior citizens. Gotlieb strengthened his bond with the Jewish community as an undergraduate and graduate student through his involvement with the Jewish Culture Foundation at New York University and B'nai B'rith Hillel at the University of Florida, where he served as a Reporter for the Jewish Student News.

Gotlieb is a member of Community Board 13 and serves on it's Education and Library and Youth Services committees. He also serves his neighbors as a member of the Board of Directors in Section 4 of Trump Village and as an Executive Board member of the 60th Precinct Community Council.

Mr. Speaker, I applaud the members of Brighton-Atlantic Unit #1671 of B'nai Brith for recognizing the achievements of Brian Lance Gotlieb, a tireless worker for the people of Brooklyn and Queens.

CONGRATULATING THE PASCACK HISTORICAL SOCIETY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the Pascack Historical Society on the recent restoration of its museum, and for all the work the Society has done to preserve the heritage of the Pascack Valley.

The Pascack Historical Society Museum, located in Park Ridge, New Jersey, is a wonderful collection of artifacts depicting life in the region from the 18th Century through the early 20th Century. It is a popular destination for tourists and natives alike, and is a treasure-trove of archival information for scholars of local history.

Special recognition must go to a number of key individuals involved. The project was ably guided by Historical Society President Katharine P. Randall, Vice President Fracesca M. Moskowitz, Secretary Ellen Kramer and Treasurer Richard Ross.

The renovation would not have been possible without the generosity of the late Ellen Berdais, a long-time member of the Historical Society who died of cancer in 1995, just after the project began. In her honor, the annex will be named the Ellen Berdais Hall. In addition, the main museum building will be named in memory of its longtime curator, Wilma Uder.

The museum is housed in the 19th century former First Congregational Church of Park Ridge. During the three-year, $275,000 renovation, the church building was substantially restored and a dilapidated barn was replaced with an 18,000-square-foot addition. Its exhibits include the facade of a country store, a turn-of-the-century parlor, and a recreation of rooms from a small, Colonial-era home. Artifacts include items the Leni-Lenape Indian tribe and early settlers used for trading, farming and manufacturing. A machine for making the "wampum" ornaments Native Americans once used as currency is part of the collection, along with a printing press from a local newspaper and a wooden horse used by a saddle maker.

The Historical Society was founded in the 1930s by John C. Storms, publisher of the Park Ridge Local, and was formally incorporated in 1942. A small group of area residents dedicated themselves to collecting and preserving artifacts and written accounts of Pascack Valley history, and sharing the collection through exhibits, lectures and a quarterly newsletter. The society's collection was housed in various locations until it found a permanent home in 1952 with the purchase of the church, which had been a Park Ridge landmark since 1873.

During its nearly half-century of operation, thousands of school classes, civic organizations, researchers and individuals have visited the museum and attended the Historical Society's lectures. Staffed entirely by volunteers, the museum has depended on the generosity of its members and friends for financial support.

It became obvious in 1994 that the adjacent bar—used as a meeting room, research center, storage area and workroom—was in such a dangerous state of disrepair that its demolition was ordered by the borough. With the loss of this facility, it was necessary to temporarily close the museum and begin a major fundraising campaign to rebuild. Supports worked for five years to make the dream a reality.

I ask my colleagues in the House of Representatives to join me in commending the Pascack Historical Society and all its members on the hard work and dedication that have preserved this American historic treasure for the benefit of all.

THE BICENTENNIAL OF MONROE, NEW YORK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. GILMAN. Mr. Speaker, I am pleased to note to our colleagues that the Town of Monroe, New York, in my congressional district is currently celebrating its 200th anniversary.

With its population estimated in 1996 to be nearly 26,000, the Town of Monroe has long been considered one of the major hubs of our Hudson River valley. Within the boundaries of the Town are three incorporated villages: the Village of Monroe (incorporated in 1894), the Village of Harriman (incorporated in 1914), and the Village of Kiryas Joel (incorporated in 1977).

The Village of Monroe sprang up along a mill pond created by the construction of a dam and grist mill constructed prior to the Revolutionary War. Soon, stagecoach routes, inns, and taverns grew along Monroe's Mill Pond, and soon the community became the economic and social focal point of the area.

The Village of Harriman was the site of a creamery and grist mill, which early in this century became the site of the estate of the railroad magnate Edward H. Harriman. The Village was named in his honor, and became the home of his son, Averill, who served as a cabinet member, diplomat, and Governor of New York.

The Village of Kiryas Joel is the second legally incorporated community of Hasidic Jews in the world. The community is a unique village where traditional values and the centrality of family are the guiding principles of community life. To preserve these values, Kiryas Joel remains without television or radio.

The entire Town of Monroe has enjoyed a varied history over the past 200 years. In the earliest days, it was known for its iron mines and smelting furnaces. The famous giant chain which was stretched across the Hudson River to prevent invasion by the British army was forged in Monroe. The Monroe iron mines thrived as late as the 1880's.

For many years, Monroe was the center of a thriving dairy and cheese industry. We forget today that the concept of shipping fresh milk from the farm to the city is a relatively new concept which did not come about until the advent of the railroads. The Town of Monroe was host to a variety of dairy farms, and beginning in 1841 what are now the Villages of Monroe and Harriman were the railroad terminals from which dairy products were shipped.

But it is for cheese that Monroe is most famous. Two types of cheese beloved throughout the world—velveeta and liederkranz—were invented in Monroe and originally manufactured at the factory operated by Emil Frey.

Today, the Monroe Cheese Festival is the biggest and most successful event held annually in Monroe. Conceived by Village Mayor Robert Bonney—who tragically passed away soon after he "sold" the festival idea to the community—the cheese festival annually attracts thousands of visitors of all ages to the community from far and wide.

In 1997, a local newspaper reporter wrote that: "There are few places where a kid can wear a giant foam cheese wedge on his head and still look pretty cool. A Green Bay Packer game may be one. Another, most definitely, is the Monroe Cheese Festival."

Other long time traditions which permeate Monroe are the Mombasha Fire Department, over 100 years old, and the Museum Village, which preserves for tourists and scholars a typical colonial community. The legendary showman, George M. Cohan, was a resident of Monroe. When in his declining years the classic motion picture biography of his life, "Yankee Doodle Dandy" was released, he was too ill to travel to New York City for the grand premiere. So a special screening for Cohan and his family was arranged to take place at the Mombasha Fire House. Mr. Cohan applauded the portrayal of his life story by the legendary Jimmy Cagney.

Today, as we stand on the threshold of a new millennium, the Town of Monroe and the three Villages within its boundaries all look forward to the third hundred years with a sense of confidence that the challenges of tomorrow will be met.

Mr. Speaker, I invite all of our colleagues to join with me in saluting the town of Monroe, New York, on this milestone occasion.

TRIBUTE TO STEPHEN M. MELTZ

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. PHELPS. Mr. Speaker, I rise today to pay tribute to Stephen M. Meltz on his sixieth birthday. Stephen will gather with his friends and family to celebrate this momentous occasion just after Thanksgiving. Stephen was born in Chicago, Illinois, on December 15, 1939, to Jacob and Cecilia Meltz. He is married to Nadine (Greenberg) Meltz and has two sons: David and Gary. Stephen has lived in Chicago his entire life. He attended college at the University of Chicago, receiving both his undergraduate degree in political science and his M.B.A. at the prestigious university. He also served his country proudly in the United States Army Reserve.

Stephen M. Meltz is currently the President of Stephen M. Meltz and Associates, a C.P.A. firm located in Lincolnwood, Illinois. It is a successful business, where his clients know that the work done by Stephen's firm is both professional and honest. For the last year his son David Meltz has joined him at the firm, which now makes it truly a family business. But for all the success Stephen has had in his professional life, I know that his family is his greatest sense of pride and accomplishment.

Stephen has always made the best interests of his family his primary concern. He has taken care of his wife, his children, his parents, his wife's parents and many members of his extended family with loving care. He saw to it that his children received the best educations available. He made sure that the final years of his and his wife's parents were lived with dignity and comfort. Like many fathers, his dedication to his family has sometimes gone unnoticed, but he does not care for his loved ones for accolades, but because he loves his family. for all these reasons, Stephen is a patriarch in the truest sense of the term. A pillar of integrity that all his family can lean on in their hour of need and celebrate with during times of joy.

Mr. Speaker, it is often said, that the road to the Underworld is paved with good intentions. Contrary to this premise, Stephen M. Meltz has always had honor and a strong core of moral beliefs and intentions, and his actions have always mirrored those values. Aristotle said, "In the arena of human life the honors and rewards fall to those who show their good qualities in action." Stephen's rewards are both a devout family and loyal friends who have witnessed his lifelong "good qualities in action" and will honor him over dinner on his sixtieth birthday.

Mr. Speaker, lastly, I am particularly pleased to have this opportunity to congratulate Stephen M. Meltz, on his sixtieth birthday, because his son Gary C. Meltz is a member of my staff here in Washington, DC. Gary asked me to put into the CONGRESSIONAL RECORD a speech to commemorate his father's birthday. I am honored to do this for Gary and his father. I urge all my colleagues to join me now in wishing Stephen M. Meltz a happy sixtieth birthday and Godspeed.

M.D. ANDERSON CANCER CENTER

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. GREEN of Texas. Mr. Speaker, I wish to bring to the attention of my colleagues in the House of Representatives a recent article about the wonderful medical advances at the M.D. Anderson Cancer Center in Houston, Texas. The article tells the stories of two people, a young college student and the former Speaker of the House Jim Wright, dealing with cancer of the jaw and their experiences with this once debilitating disease. Their respective stories highlight the need to support our Nation's cancer centers and highlight how medical advances can truly give Americans hope where none previously existed.

Reconstructing Lives by Mary Jane Schier—For 19-year old James Smith, the quality of survival from cancer of the jaw is paramount in order to pursue his dream of playing professional football.

Smith is a junior majoring in health and human performance at McNeese State University in Lake Charles, LA, where he was an outstanding defensive tackle until diagnosed with a disease uncommon among teenagers.

He and his family were stunned to learn in November 1998 that he had a tumor in his right mandible, the horseshoe-shaped bone that forms the lower jaw. the mandible, he knows, is the largest and strongest bone in the face.

Smith was forced to take an extended timeout from the football team to begin the biggest challenge of his young life. Upon coming to M.D. Anderson, he joined a new team whose members are nationally ranked for treating head and neck cancers.

The head coaches in the multidisciplinary treatment regimen that Smith received are Dr.

Helmuth Goepfert and Dr. Geoffrey L. Robb, who chair the Department of Head and Neck Surgery and the Department of Plastic Surgery, respectively. For the coaches and their specialty colleagues, the common goal centers on removing patients, cancers and restoring optimal form and function.

Smith's surgery 3 days before last Christmas involved cutting out his diseased jaw and reconstructing the mandible with bone and tissue taken from his left leg. Although he couldn't talk or eat his favorite pizza for a while, Smith says now, "I'm getting stronger every day . . . and I'm eager to play again."

At the other end of the age spectrum is former U.S. House Speaker Jim Wright, who at age 76 also illustrates the importance of high quality in one's life.

I've always been a talker, so I was a little concerned before the surgery that I wouldn't be able to talk well enough for people to understand me," confides Wright, a Fort Worth Democrat whose 34-year span in Congress was complete in 1989.

During more than 13 hours of surgery at M.D. Anderson last March 12, Wright's cancerous right mandible, an adjacent segment of the tongue and eight teeth were removed, then a six inch piece of bone from his left leg was used to form a new jaw. Skin from his left thigh overlying the bone was also transplanted to replace part of his inside of his mouth and tongue and the external skin of his cheek.

"Believe me, I feel truly blessed," Wright says in a strong and clear voice.

His gratitude has been enhanced by recalling how his father lost a jaw to cancer more than 30 years ago. "There was no thought then of replacing it with bone from somewhere else in the body . . . (He) spent his last days with a facial disfigurement that was the mark then of many cancer victims," Wright remembers.

This was Wright's second bout with an oral cancer. In 1991, he had surgery at M.D. followed by radiation treatments. Since his latest extensive surgery, he has resumed most of his favorite activities, including writing a regular newspaper column and, of course, "talking with anyone who'll listen."

Intensive collaboration among head and neck surgeons and plastic surgeons in recent years has "greatly improved our ability to resect all sizes of tumors and to restore vital function and appearance as well as to extend survival," observes Dr. Goepfert, who holds the M.G. and Lillie A. Johnson Chair for Cancer Treatment and Research.

New methods developed by plastic surgeons permit reconstruction of the oral cavity safely and with increasingly good outcomes. The key to success involves transferring tissues—together with vital blood vessels and nerves—from elsewhere in a patient's body to use for rebuilding parts of the head and neck affected by cancer.

Dr. Robb explains, "The head and neck is the most difficult area to reconstruct. But through specialized Micro vascular techniques, we can move tissues, muscle, fat and bone, along with their blood supply, to use in reshaping jaws, the tongue, ahd parts of the nose, ears, and throat."

Age is no obstacle for performing big reconstructive procedures so long as older patients have good blood vessels to transfer with the tissues. Regardless of age, Dr. Robb says, "Our primary aim is to restore form, contour and function to the body parts affected by cancer surgery so that patients can enjoy the highest quality of life."

For Wright, being able to talk, chew, swallow and look virtually normal is a "miracle" stemming from remarkable medical progress and his religious faith. "The good news is that cancer is conquerable" and "useful life is prolongable."

Realizing the best quality of cancer survival for Smith, however, will occur when he can return to the football field. During a recent follow-up visit to M.D. Anderson, his doctors encouraged him to continue that dream.

COMMUNICATIONS SATELLITE COMPETITION AND PRIVATIZATION ACT OF 1999

SPEECH OF

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1999

Mr. PALLONE. Mr. Speaker, I wish to commend the distinguished Chairman of the Commerce Committee, Chairman BLILEY, and Chairman TAUZIN, who have worked diligently to bring satellite privatization legislation before the House in these last days of this Session. This bill is an important step toward legislation that will advance increased competition in the global satellite telecommunications market.

When the House passed this bill last year, it was with the firm belief that time and technology had passed by the 1962 law that created COMSAT. In spite of the overwhelming House support, the bill was stalled over concerns raised by colleagues in the other body. Since that time, Lockheed Martin has arrived on the scene to buy COMSAT and make it a normal, private company without legal immunities or exclusive access to the Intelsat system. This is exactly what the proponents of the Bliley-Tauzin bill want and is yet another example of the marketplace being ahead on Congress.

To date, Lockheed has followed regular order in its acquisition of COMSAT. It has received the approval of both the Federal Communications Commission and the Department of Justice to acquire 49% of COMSAT. Neither federal agency felt that competition or antitrust laws were threatened by Lockheed Martin's purchase.

Now it is Congress' turn to weigh on this issue and I believe that this bill goes to great lengths to achieve honest and fair competition in the satellite competition in the satellite communications market. I also believe that we can complete legislative action on this bill before Congress leaves this year, which I understand the Chairman has said he intends to do. But as we move toward that legislative objective, it is important that we realize that certain issues must be addressed before we can declare a victory for the private competitive marketplace.

First of all, there is the issue known as "Level IV direct access". In effect, it would result in the forced divestiture of billions of dollars of Comsat shareholder investment in Intelsat infrastructure—investment undertaken often at the behest of the U.S. Government. Level 4 direct access simply guts the economic rationale for a private company to invest in Comsat. Indeed, that may be the rationale behind this provision: to dissuade Lockheed from acquiring Comsat. If that is the case, it would be a cynical attempt to manipulate the free market in the name of "competition." This provision must be changed in conference. Similarly, Congress should simply repeal the ownership cap on Comsat upon enactment of final consensus legislation, rather than making it contingent upon occurrence of unrelated events as it does now.

Other outstanding differences between the House and Senate have been raised by other Members and must similarly be resolved in conference. I urge Chairman BLILEY to work with Mr. DINGELL toward a consensus, notably on the privatization criteria, which serve as FCC licensing criteria, and must be made more flexible.

Again, I consider myself as a supporter of this bill. The Congress has been very shrewd in letting the telecommunications marketplace work its will towards fair competition. We should use this opportunity to continue that successful record. I urge the conferees to consider these issues when crafting a final package to present to the Congress and ultimately the President.

A TRIBUTE TO FREDERICK C. MALKUS, JR.

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. HOYER. Mr. Speaker, I rise to pay tribute to a great statesman and leader in the State of Maryland. With the death of former state Senator Frederick C. Malkus, Jr., on November 9, Maryland, as well as the entire Country, lost a great patriot and a dutiful public servant.

Frederick C. Malkus, Jr. died at the age of 86, having spent all of his adult life in the service of his fellow citizens. Senator Malkus, a conservative Democrat, served in the legislature for 46 years—12 in the House of Delegates and 34 in the Senate—before retiring in 1994. Upon his retirement, he was the longest serving State Legislator in the United States.

Born July 1, 1913, in Baltimore, Senator Malkus moved to the 380 acre Egypt Road farm, nine miles outside of Cambridge, on Maryland's Eastern Shore where he was raised there by his aunt and uncle. He spent the past 83 years on the working farm that produces wheat, corn, and soybeans. He graduated for Western Maryland College in 1934 and received his law degree four years later from the University of Maryland Law School. During World War II, Senator Malkus served in the U.S. Army and rose to the rank of major. He returned to Maryland and in 1947 won a seat in the House of Delegates.

He was, Mr. Speaker, an unforgettable individual who was a wonderful servant to Maryland and America. To know Fred Malkus was to know how deeply he cared for rural America and more specifically for the Chesapeake Bay region. Senator Malkus was at the forefront of the fight to save the Bay. Even though he was pro-business in his views, he was a great environmentalist. His legacy will no doubt live on and serve as a model for future leaders of our State and our Country.

Senator Malkus is survived by his wife of 41 years, the former Margaret "Maggie" Moorer, his son, Frederick C. Malkus III, two daughters, Margaret Elizabeth "Betsy" LaPerch, and Susan Moorer Malkus, and three grandsons.

HONORING JACK A. BROWN III

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. TOWNS. Mr. Speaker, I want to recognize the achievements of Jack A. Brown III.

Jack is a native New Yorker who was born and raised on the lower east side of Manhattan. He currently resides, in my district, in the Clinton Hill section of Brooklyn. Jack has had a distinguished seven-year career with the Correctional Services Corporation (CSC). The Corporation is a private company contracted by local, State, and Federal Corrections Department to provide concrete services to the inmate population. As the Vice President of Correctional Services Corporation Community Services Division, Mr. Brown maintains overall responsibility for the day to day operations of the five New York programs. These programs, three for the Federal Bureau of Prisons and two for the New York State Department of Corrections, are designed to provide inmates with the tools necessary to successfully reintegrate back into their prospective communities as self-sufficient, responsible, law abiding citizens.

Prior to his employment with CSC, Jack served as an officer in the United States Army's Air Defense Artillery Division for four years. He is a graduate of the State University of New York at Buffalo with a Bachelor's degree in Human Services, with a concentration in mental health, and Biology. During his academic years, he gained invaluable experience in the field of human services holding positions as Physiatrics Counselor, Chemical Dependency Counselor and Youth Counselor. In December, Jack expects to earn a double Masters degree, an MBA and a Master of Science and Economic Development, from the University of New Hampshire.

I wish Jack Brown success in his future endeavors and I commend his achievements to my colleagues' attention.

TRIBUTE TO NATIONAL WOMAN'S CHRISTIAN TEMPERANCE UNION

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. BURTON of Indiana. Mr. Speaker, on November 18, 1999, the National Woman's Christian Temperance Union (WCTU) will celebrate 125 years in existence, making it the oldest, continuing, nonsectarian Christian woman's organization in the United States. Their motto is "For God and Home and Every Land."

Directed entirely by women from its beginning, the WCTU has united women from various backgrounds and geographical regions in their determination to educate the world about the dangers associated with the use of alcohol, tobacco, and other drugs. Throughout the years, the WCTU has advocated for universal voting rights for women and minorities, the eight-hour work day, equal pay for equal work, opposition to child labor, shelters for abused women and children, and world peace. In 1945, the WCTU became a charter member of the United Nations Non-Governmental Organizations (NGO).

Their first National president, Annie Wittenmyer, was thanked by Presidents Abraham Lincoln and Ulysses S. Grant for her work during the Civil War in organizing diet kitchens in military hospitals. Their second National president, Frances E. Willard, was honored in 1905 by having her statue placed in the Statuary Hall of the U.S. Capitol—the first woman and the only woman to be honored for more than 50 years. The current National president of the WCTU is Sarah Ward, a resident of the great State of Indiana, and I wish her all the best in her endeavors with the WCTU as they continue their good work for the protection of the home.

A TRIBUTE TO JENNIFER MUMMERT

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. LEWIS of California. Mr. Speaker, I would like today to pay tribute to Jenny Mummert, a hardworking, highly valued staff member of the Defense Subcommittee of the House Appropriations Committee, who is leaving November 19th after eight years to pursue her career in the private sector.

Whether she was putting in long days and endless hours working on behalf of our national defense—or struggling to look serious at the Paris Air Show—Jenny Mummert couldn't help being her ever-positive self. She has always been a vital member of the team, doing all she can to make the defense appropriations subcommittee the best committee in the House of Representatives.

Now she has decided to leave us to seek new challenges and opportunities. But she will always be a part of our family. We know that her husband, Joe, and their four children, Joey, Kandyce, Kevin and Karley, are excited about her new career. But they are very likely just as excited about the prospect of mom having a more normal work schedule.

Mr. Speaker, I ask you and my colleagues to join me in wishing all the best for Jenny in her new endeavor, and to let her know that we will miss her every day and will always be grateful for what she's done for the Congress and our national defense.

THE BOOKER T. WASHINGTON LEADERSHIP INSTITUTE AT HAMPTON UNIVERSITY

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. SCOTT. Mr. Speaker, I am pleased today to introduce "The Booker T. Washington Leadership Act of 1999". This legislation will establish the Booker T. Washington Leadership Institute at Hampton University in Hampton, Virginia.

Booker T. Washington is perhaps the most renowned alumnus of Hampton University. His vision championed the idea that black colleges and universities should embrace the responsibility not only to train men and women in their disciplines and trades, but to create and sustain new institutions and communities driven by the principle of service—service to God, country, and humankind.

The mission of this Institute reflects this vision. It is based on Hampton University's fundamental premise that leadership development is best understood and achieved in the moral context of social responsibility and service to society. The Institute will be committed to the development of ethical values, interpersonal skills and the competencies that are required for effective leadership in a broad range of business, civic and political environments.

Hampton University is uniquely prepared to launch this Institute. For the past 130 years, Hampton University has promoted higher education and positive character development as the cornerstones of effective leadership and responsible citizenship. Initially founded in 1868 to train promising young men and women to teach and lead their recently emancipated people, it has grown into a comprehensive university, offering a broad range of technical, liberal arts, pre-professional, professional and graduate degree programs. Over the past twenty years, Hampton University has doubled the student population from 2,700 to 7,000, and the average student SAT score has increased by 300 points. Forty-five academic programs have been added, including graduate degree programs in Business Administration, Museum Studies, Applied Mathematics and Chemistry, with PhD programs in Physics, Pharmacy, Physical Therapy and Nursing. Over 40% of Hampton University graduates enter graduate school within 5 years.

The Booker T. Washington Leadership Institute combines the heritage of Hampton University with the vision of Booker T. Washington, to educate young people with the knowledge, skills, insights, and positive values necessary for leading the United States into the new millennium.

Mr. Speaker, I submit the Booker T. Washington Leadership Act for my colleagues consideration.

SENSE OF HOUSE REGARDING DIABETES

SPEECH OF

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. KLECZKA. Mr. Speaker, I am proud to be a cosponsor of this important resolution expressing our continued commitment to the fight against diabetes.

Diabetes is one of the most costly health problems in America. More than 1 out of every 10 health care dollars in the United States, and about 1 out of every 4 Medicare dollars is spent on care for people with diabetes.

The devastation caused by diabetes, however, goes far beyond the financial costs. Over 16 million Americans suffer from this chronic disease for which there is no cure. Diabetes is the seventh leading cause of death in the United States.

While over 10 million Americans know that they are living with diabetes, another 5.4 million people are not even aware that they have the disease. Many people only realize that they have diabetes when they develop a life-threatening complication like blindness, kidney disease, nerve damage, heart disease or stroke.

Early diagnosis and treatment can help reduce the risk of these terrible complications. I am pleased to note that constituents in my district have access to a number of outstanding diabetes education programs, including those at the Children's Hospital of Wisconsin, Clement J. Zablocki VA Medical Center, Columbia Hospital, Froedtert Memorial Lutheran Hospital, St. Francis Hospital, St. Luke's Medical Center, Waukesha Memorial Hospital, and West Allis Memorial Hospital. The resolution before us today recognizes the important role that these dedicated health professionals and volunteers play in the fight against diabetes.

Mr. Speaker, these health providers and their patients need our help. Improvements in technology and the general growth in scientific knowledge have created unprecedented opportunities for advances that might lead to better treatments, prevention, and ultimately a cure. Congress has a responsibility to support this critical, life-saving research. I urge my colleagues to support this resolution and affirm their commitment to find a cure for diabetes.

IN RECOGNITION OF JOHN P. POWELL

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. RILEY. Mr. Speaker, I rise today to recognize John P. Powell, who was honored on November 14, 1999, at the official dedication of the newly named J.P. Powell Middle School in Chambers County, Alabama.

John P. Powell was born in Chambers County, Alabama, on September 13, 1912. After graduating from Florida A&M University, he began his teaching career at Langdale School in 1949. On September 24, 1954, he became the principal of the Chambers County Training School (renamed Southside Elementary School during the 1970–71 school year) and remained its principal for 27 years until his retirement on May 28, 1976. The Chambers County Board of Education by official action renamed the school, now a middle school for grades 6–8, in Professor Powell's honor on May 19, 1999.

During his career and after his retirement, Mr. Powell was active in the Lafayette, Alabama, community. He served on the Chambers County Industrial Board and was active in the Chambers County Extension Service. His community involvement included the Red Cross, the United Givers Fund, Powell Chapel United Methodist Church, the Chambers County Retired Teachers organization and senior citizens' groups. Even now, at the age of 87, Professor Powell is president of the Birmingham Rehabilitation Center where he resides.

In 1991, the Lafayette City Council proclaimed John Powell Day in Lafayette. In the resolution issued, Mr. Powell was commended for his community involvement and his leadership, particularly in the fields of education, industry and race relations. Now, once again, he is being recognized for what he has done to promote respect between races and the value of education for his students. Most important, however, he is recognized for his life-long commitment to public service.

I join the residents of Chambers County in thanking John P. Powell and saluting him on this special day of recognition.

CONDEMNING ARMENIAN ASSASSINATIONS

SPEECH OF

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. KING. Mr. Speaker, I rise today to express my concern about the violence that recently took place in Armenia. The Prime Minister and the Speaker of the Parliament, as well as other prominent Armenian politicians, were killed in a hail of gunfire on the floor of the Armenian Parliament.

Besides my deep concern and sympathy for the individuals who were brutally murdered and for their families and friends, I fear that this event could cause a delay or postponement of the peace talks currently underway between Armenia and Azerbaijan. Thankfully, both governments have stated that the peace process will not be interrupted by this tragic event.

Armenia should step up its efforts to push the peace process along. The conflict between Armenia and Azerbaijan has been going on for 11 years now, and more than 30,000 people have been killed and over a million refugees created on both sides, including over 800,000 in Azerbaijan. It is time to reach a peace agreement, and Presidents Heydar Aliyev of Azerbaijan and Robert Kocharian of Armenia have met four times in recent months to discuss such a settlement.

As original sponsor of legislation designed to repeal Section 907 of the Freedom Support Act, I would like to draw your attention to a statement in the New York Times, that appeared on November 3, urging to loft "the ban on giving Azerbaijan the same kind of economic assistance that it provides to all other former Soviet republics. This would serve both to recognize the risks that Heydar Aliyev, Azerbaijan's President, has taken for peace and begin to bring about more realistic attitudes in Armenia. If we are to be an effective broker, we must adopt a balanced approach."

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. ORTIZ. Mr. Speaker, during the following rollcall votes, I was unavoidably detained. Had I been present, I would have voted as indicated below.

Rollcall No. 587, "yes"; rollcall No. 588, "yes"; rollcall No. 589, "yes"; rollcall No. 590, "no"; rollcall No. 591, "yes"; rollcall No. 592, "yes"; rollcall No. 593, "yes"; rollcall No. 594, "yes"; rollcall No. 595, "no".

A PROPOSAL TO GUARANTEE HEALTH INSURANCE TO EVERY AMERICAN CHILD BORN IN THE NEXT CENTURY: SEEKING IDEAS AND COMMENTS ON THE PROPOSAL

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. STARK. Mr. Speaker, it is a national disgrace that 11.1 million children in the United States still do not have health insurance as we enter a new millennium.

What we have done so far has not worked. Since 1996, the numbers and percentages of children without insurance have actually crept upward. They have not yet reached a statistically significant degree of increase, but we are moving in the wrong direction.

The web of programs we pieced together in 1997, CHIP/Medicaid/transitional Medicaid, are failing to get health insurance coverage to more children.

We need to come back to this question, and find something that will work. America's children deserve health insurance.

I have begun to develop a bill to address this problem, currently in a rough draft form, which is based on the idea that we need a simple and comprehensive solution:

We want every child in America to have health insurance.

Every child in America is issued a birth certificate and social security number at birth. Let's automatically enroll every child at birth into a Medicare-type program; call it "MediKids."

MedKids will be both an umbrella and a safety net for all of the other programs insuring our children, so that no child will ever fall through the enrollment cracks again, much less 11.1 million children.

Our current approach places the burden on already disadvantaged parents. State and local enrollment and welfare workers are unable to determine which families match various programs—much less process pages of forms and documentation in order to enroll children in health insurance.

Instead, I propose we do what's right, sensible, and directly accomplishes the goal of health insurance for all of our children: (1) Enroll every child in MediKids automatically at birth; and (2) allow parents who do have other choices for a child's health insurance to attach evidence of coverage to their tax forms, thus exempting themselves from the premiums used to finance MediKids.

Children are relatively inexpensive to insure, but this program will have a budget impact. I am developing a plan for covering the costs of this program. Ultimately, however we pay for it, we must make the stand that some things are wotrh spending money on, particularly in this time of unprecedented, record-breaking economic growth.

My staff and I will be refining this bill over the holiday recess. For example, we will want to adjust the MediKids program to cover the specific services which children need. As our work progresses, we will be posting our drafts on our website, http://www.house.gov/stark and we invite everyone to visit the site and offer their input.

We plan to introduce this bill at the start of the next Congressional session—the first of the new millennium. I invited all of my colleagues, and everyone in America who cares about the health of our children, to join us in developing this idea, and to co-sponsor this important effort to get every millennium baby off to a good start.

IN HONOR OF THE PANPAPHIAN ASSOCIATION AND SAVAS C. TSIVICOS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay special tribute to the Panpaphian Association, its members, friends and special honoree, this year, Savas Tsivicos.

The Panpaphian Association was founded in 1987, by a group of Cypriot-Americans of Paphian ancestry in order to encourage and help promote awareness of the customs and traditions of the region of Paphos and Cyprus. It is a vital philanthropic organization concerned with education, the health and well-being of students from the United States and Cyprus, and the liberation of Cyprus from the Turkish invasion of 1974.

This year's honoree, Savas Tsivicos, exemplifies the honorable characteristics of the people from Paphos. He came to the United States in 1982 from a farming community in the village of Inia to live the "American Life." His life embodies the dreams, hopes and aspirations of thousands of immigrants who arrive in the United States to construct a decent life. Mr. Tsivicos holds a Bachelor's Degree and MBA from Fairleigh Dickinson University and a Masters Certificate from George Washington University, where he received numerous scholastic awards and honors.

Mr. Tsivicos has also become an outspoken community leader. He serves on the Ethnic Advisory Council of New Jersey and he has been elected President of the Cyprus Federation of America. He is a member of the Archdiocesan Council of the Greek Orthodox Church of America and is an Archon of the Ecumenical Patriarchate. Mr. Tsivicos is on the Advisory Board of the Center for Byzantine and Modern Greek Studies of Queens College, and on the Board of Directors for the Foundation of Hellenic Studies, the Greek American Chamber of Commerce, and the Council of Overseas Cypriots.

Savas Tsivicos is a proud American who has not forgotten his roots. He is imbued with determination to bring justice and freedom to Cyprus and has served as Vice President of the International Coordinating Committee Justice for Cyprus. A very successful businessman, Mr. Tsivicos is president and owner of Paphian Enterprises, Inc. He is married to Maria Tsivicos and they have three children, Haralambos, Elpetha and Evangelos ages 11, 9 and 6.

The Panpaphian Association is now led by Florentia Christodoulidou, and supported by: George Sophocleous, Debbie Riga Evangelides, Spyros Stylianou, Michael Hadjiloucas, Kyriaki Christodoulou, Irene Theodorou, Andreas Pericleous and George Theodorou, plus the Advisory Board, Stavors Charalambous, Annoula Constantinides, Andreas Chrysostomou, Anna Chrsostomou, Savvas Konnaris, Georgios Kouspos, Chrusi Kleopas Notskas, Ismini Michaelides, and Evan Tziazas.

Mr. Speaker, I salute Mr. Savas Tsivicos and the work of the officers and friends of the Panpaphian Association of America.

1999 INTERNATIONAL PRESS FREEDOM AWARDS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mrs. MORELLA. Mr. Speaker, I want to congratulate this year's recipients of the 1999 International Press Freedom Awards, presented by the Committee to Protect Journalists (CPJ).

CPJ was founded by American journalists in 1981 to defend the "human and professional rights of journalists around the world." CPJ works to protect reporters who are threatened by authoritarian regimes and other foes of accurate, independent journalism. Its annual awards honor those journalists working under the most onerous of conditions.

This year's honorees, who have been beaten, jailed, or had their lives threatened because of their work, will receive their awards at a ceremony in New York next week. I join CPJ in congratulating: Jesus Joel Diaz Hernandez, who is serving a four-year prison sentence in Cuba for starting an independent news agency; Baton Haxhiu, editor of Kosovo's leading independent newspaper, "Koho Ditore," which he continued to publish from exile after eluding Serbian police; Jugnu Mohsin and Najam Sethi, publisher and editor of "The Friday Times" of Lahore, Pakistan—last spring, Sethi was beaten, abducted, and jailed after the paper published charges of government corruption; and Maria Cristina Caballerio, a reporter for Colombia's "Semana," who received frequent death threats as a result of her work covering the country's civil war.

Mr. Speaker, too often we take a free press for granted. CPJ and this year's honoree's remind us that press freedoms are vital to the functioning of democratic government and that journalists often risk their lives to assure that the rest of us know the truth.

EXPRESSING SUPPORT OF CONGRESS FOR RECENT ELECTIONS IN REPUBLIC OF INDIA

SPEECH OF

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. ACKERMAN. Mr. Speaker, I rise in support of H. Con. Res. 211. First let me thank Mr. GEJDENSON, Mr. LANTOS, Mr. BROWN, and Mr. HASTINGS for co-sponsoring this resolution.

Mr. Speaker, the contrasting events in India and Pakistan over a single 24 hour period speak eloquently about the new challenges and opportunities that we face in South Asia. In India, we have seen hundreds of millions of voters enthusiastically exercise their votes in a free and fair election. In Pakistan, we witnessed a military coup.

This resolution, Mr. Speaker, recognizes that the people of India have a deep and abiding commitment to democracy and it salutes them for the passion with which they choose their own destiny. No country reflects our own values more in that part of the world than does India.

It is high time we seriously begin to recognize this fact and graduate from mere platitudes to some tangible policy changes toward India.

I believe that it is time to re-examine our basic premise regarding U.S. policy in South Asia. We should abandon old paradigms and Cold War hangups and see that India, a democracy, is our natural ally in the region.

The best way to demonstrate our commitment to the people of India is by ensuring that the President travels to India as soon as possible, as the resolution urges him to do.

I urge my colleagues to support the resolution.

CONFERENCE REPORT ON H.R. 2116, VETERANS MILLENNIUM HEALTH CARE AND BENEFITS ACT

SPEECH OF

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. DOYLE. Mr. Speaker, I rise today to speak about the final version of legislation that deals with a comprehensive and complex set of veterans' healthcare and benefits issues. Without question, this conference report on H.R. 2116, the Veterans Millennium Health Care and Benefits Act, deals constructively with a significant portion of the substantive matters considered at length by the Veterans Affairs Committees in both the House and the Senate.

I want to recognize the efforts of Senator SPECTER, Senator ROCKEFELLER, Senator STUMP, and Ranking Member EVANS for their demonstrated leadership in crafting collaborative compromises in the most productive manner as the conference allowed.

This agreement makes significant steps forward in defining the VA's mission in a number of critical health care areas: Extended care, emergency services, mental health services, and chiropractic treatment to name a few. This agreement also moves in the right direction in terms of addressing the lingering need for additional national veterans cemeteries and long-term care facilities, as well as needed renovations at various VA medical centers.

This agreement also provides constructive direction in the areas of veterans' education and housing, in meeting the needs of homeless veterans, and improving the administrative structure of the court of appeals for veterans claims.

I am disappointed however, that many of the provisions that were originally included in the House version of the bill pertaining to employee and veterans organizations participation in various VA decision-making and planning practices were not made part of this final package. I also think that the conference could have produced a better work product in terms of providing strong language that speaks to the need for cost-benefit analysis, employee protections, stringent hospital closure guidelines, and heightened oversight measures throughout the entire VA network. Inclusion of such provisions would have greatly improved the agreement's overall intentions and would have made them less susceptible to inconsistent treatment system wide.

So in summary, while the conference agreement is not a perfect piece of legislation, it is nonetheless worthy of members' support. And as Representative EVANS pointed out earlier, the conference agreement in many ways represents the need to demonstrate our concerted interest in reaffirming our commitment to our nation's veterans. But as I have repeatedly stated, the most well intentioned efforts in terms of authorizing language are only as good as the amount of adequate funding that is appropriated. I have very serious concerns that next year we will find ourselves in the same vicious circle of logical debate. And the circle begins and ends with the need to have adequate resources to sufficiently support our responsibilities in meeting the needs of our veterans.

It is my hope that all members who cast their vote in support of the conference agreement will maintain their focus on veterans issues so that in the next fiscal year we can reverse the course we have been on for far too long and begin our work on matters concerning veterans with enhanced resources, not severe budgetary cuts.

TRIBUTE TO COLONEL HARRY SUMMERS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. SKELTON. Mr. Speaker, Colonel Harry G. Summers, Jr., United States Army, died this week. In his passing, the Army and the Nation have lost a soldier and scholar, who ranks among the preeminent military strategists and analysts of this century.

As an Army officer, who began his professional life as an enlisted soldier, and later as a military analyst, author and commentator, Colonel Summers knew personally the bayonet-point reality of war and thought and wrote widely about strategic issues. He was a decorated veteran of combat in Korea and Vietnam, awarded the Silver Star and the Bronze Star for Valor, and the legion of Merit; twice awarded the combat infantry badge; and twice awarded the Purple Heart for wounds received in combat.

An infantry squad leader in the Korean conflict, he served as a battalion and corps operation officer during the Vietnam war, and later as a negotiator with the North Vietnamese in Saigon and in Hanoi. Instructor of strategy at the U.S. Army Command and General Staff College, he was a political-military action officer on the Army General Staff, a member of the then Army chief of staff Creighton Abrams' strategic assessment group, and served in the Office of the Army Chief of Staff from 1975 to 1980, before joining the faculty of the U.S. Army War College.

At the war college, Colonel Summers was at the heart of the rebirth of strategic studies in the professional military education of our Armed Forces in the early 1980's. His book On Strategy: The Vietnam War in Context provided a critical strategic appraisal of American strategy in that war and a seminal American work in the relationship of military strategy to national policy. On Strategy has been characterized as being "about" the Vietnam war in much the same way that Clausewitz is "about" the Napoleonic wars or that Mahan is "about" 18th-century naval struggles between France and England. That is, Harry Summers used the Vietnam war as a vehicle for analysis and illustration of principles of war that apply universally.

After his retirement from active service, Harry Summers continued to contribute to the professional development of the officer corps and to the development of strategic thought and military strategy as a lecturer, visiting professor, columnist, editor, and commentator.

When Harry Summers testified before the House Armed Services Committee in December 1990 before Operation Desert Storm, he reemphasized the need for clarity of purpose and the relation of means to objective as this House wrestled with the decision to go to war against Iraq and commit U.S. military forces to protect the vital interests of the United States. He appeared before the committee again as we reviewed what happened to U.S. forces in Somalia in 1994 and provided valuable insights on the relation of military force and commitment to our national objectives and commitment in that country.

Harry Summers was justifiably proud of his sons and their service as Army officers and of his daughter-in-law who served as a warrant officer in the Persian Gulf War. In all this, he was supported by his wife, Eloise. My good friend, Floyd Spence, the chairman of the House Armed Services, joins me in sending our sympathies to them at this time.

Colonel Harry Summers made a tremendous contribution to the rebirth of the study of military strategy and to the professional military education of our armed forces, and that legacy lives on after him. His commitment to the Nation and the Army that he loved was unstinting. The Nation and the Army are poorer for his passing.

IN HONOR OF MS. JAMILA DEMBY, NCAA WOMAN OF THE YEAR

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. OSE. Mr. Speaker, it is with great pride that I rise to acknowledge University of California Davis student, Jamila Demby, who was recently named NCAA Woman of the Year.

Ms. Demby, the first UC Davis athlete to earn this NCAA honor, was selected as a national finalist from among 50 state winners. Representing California, she was one of two Division II finalists.

It was a perfect ending to a perfect career at UC Davis. A seven-time All-American, Ms. Demby won eight conference championships in four years. During last year's California Collegiate Athletic Association championships, Ms. Demby established a new UC Davis 800-meter record of 2 minutes, 10.8 seconds. In addition, she ran the final leg of the 4400 relay team, which set a UC Davis record of 3:45.33.

In addition to her athletic achievements, Ms. Demby has been active in student and community activities. In addition to serving as a UC Davis Aggie team captain and sitting on the student-athlete advisory committee, Ms. Demby finds time to regularly visit children at the Shriner's Hospital and tutor at local schools. In fact, her work with children has become such an influential experience that she changed her career path from advertising to serving underprivileged and underrepresented youth.

As NCAA Woman of the Year, Ms. Demby was chosen from a group of highly accomplished women. Ms. Demby will graduate from UC Davis this December with a degree in rhetoric and communications and will continue to give back to her community.

In closing, I would like to congratulate Ms. Demby for a job well done.

FEDERAL GOVERNMENT'S OBLIGATION TO THE STATE OF LOUISIANA

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. JOHN. Mr. Speaker, I rise today to introduce a bill with Mr. TAUZIN and the entire Louisiana congressional delegation that will bring closure to an issue that has lingered long enough concerning our home State of Louisiana. Mr. Speaker, the State of Louisiana and the Federal Government have a long history of working together to develop our abundant natural resources in a cooperative manner that protects our unique habitat and spurs economic development. I am pleased that we have been able to rectify our differences when they occur in order to reach sensible and judicious decisions that foster goodwill and the efficient use of our resource base.

Mr. Speaker, there remains before this House an obligation on the part of the Federal Government to satisfy an authorization that was included in the Oil Pollution Act of 1990. This authorization was crafted to resolve a unique dispute between the State of Louisiana and the Federal Government over the development of the oil and gas resources on the Outer Continental Shelf. Unfortunately, this authorization has never been satisfied and my home state has lost literally millions of dollars as a result.

Today, I am joined by members from Louisiana, Texas, New York and Pennsylvania in introducing legislation directing the Minerals Management Service (MMS) to grant the State of Louisiana and its lessees a credit in the payment of Federal offshore royalties to satisfy the authorization contained within the Oil Pollution Act of 1990 for oil and gas drainage in the West Delta Field.

I will be brief with the history of this matter, but I feel compelled to clarify for all our colleagues why the language contained in OPA must be satisfied both out of concern for the treatment of the State and for the protection of our coastal environment.

In November of 1985, the State of Louisiana began to notify the MMS that a federal lessee was draining the West Delta Field at the expense of the State and its lessees. The Governor made this request based on the entire history of cooperative development agreements between the State and Federal government. The State sought to "unitize" the field by allocating the appropriate shares of the field's resources to each lessee. Unitization is standard practice in cases where multiple producers share common reservoirs. Much to the State's amazement, officials at MMS disagreed with the State and the entire Louisiana congressional delegation regarding the need and availability of relief for the State.

In order to bring some unbiased perspective to the debate, the Congress authorized an independent fact finder to review the situation and to determine if unauthorized drainage occurred and to what extent, if any, loss had been identified. In 1988, the Congress, in the Interior Appropriations Act for FY89, authorized the Secretary of the Interior to appoint an independent fact-finder to determine if Louisiana had been drained of its gas and oil reserves and, if so, the market value of those confiscated reserves.

That independent fact finder reported to Congress in 1989 that drainage had indeed occurred and quantified the resulting loss. At that point, the congressional delegation sought and obtained an authorization of appropriations for compensation that matched the determination of the fact finder. It is important to note that during the 4-year period of study, the federal lessee continued to drain the sacred reservoir and actually continued to drain the field until the Federal wells ceased producing in 1998.

Why is that important to note? Because the State is seeking compensation only for the drainage that can be empirically determined by the fact finder's report for those initial 4 years. All drainage that occurred for the next decade has basically been written off by my State although they would have every right to seek their share of those revenues siphoned by the Federal Government. In short, my State is knowingly leaving money on the table in order to make a good faith effort to resolve this issue.

In addition, we believe it is important to point out that satisfying this obligation in no way opens the doors to a myriad of similar demands on the Federal budget. From early on, the uniqueness of this situation was recognized when the Department of Interior wrote to then-Senator Johnston on September 19, 1991, that "To the best of our knowledge, the West Delta dispute is the only (emphasis added) situation in which the Department did not agree to unitization, or a similar joint development agreement on the Outer Continental Shelf when requested to do so by the Governor of a coastal State." To verify that this situation is unique, the State of Louisiana thoroughly reviewed its records and has confirmed that there are no other similar cases anywhere along the OCS boundary. In fact, in that same letter the Department wrote, "The Department agrees with your understanding that Section 6004 (c) of the Oil Pollution Act does not create a precedent for the payment of any funds to any parties other than the State of Louisiana and its lessees."

As for the environmental concerns raised by the Federal government's inappropriate actions, the record is clear. In OPA 90, the Congress specifically reiterated the harmful effects of "unrestrained competitive production on hydrocarbons from a common hydrocarbon-bearing geological area underlying the Federal and State boundary." The logic behind this language is simple. Why would we encourage the construction and operation of more oil and gas wells in U.S. waters than are necessary? If a field can be produced with one well, having two only doubles that chances of an accident. The concept is common sense and has been at the root of all Federal and State policies for decades. I see no reason to abandon that intelligent precedent now.

Mr. Speaker, after years of waiting, my State is interested in putting this issue behind us and moving on. What makes that statement so intriguing is that is the exact line the MMS stated in a letter to the dean of the Louisiana delegation over 9 years ago when they too wrote, "We are also very interested in putting this matter behind us."

Our legislation is simple. It will allow the State and its lessees to recover a portion of what was lost by the unauthorized development of the West Delta Field and will do so in the most benign of methods. The State and its lessees have proposed an alternative method for providing compensation by foregoing payment of federal royalties due by the lessee on other federal leases and distributing those withholdings to the State and lessee until the federal obligation is satisfied. Upon restitution, the lessee will resume their payments to the Federal Government. By withholding royalty payments and sharing those revenues proportionately between the State and its lessees we expect the Federal obligation will be satisfied within 2 to 3 years.

After more than a decade, it is time for the federal government to settle this outstanding obligation and, at the same time, protect the rights of my home State. In addition, we must reaffirm that this Congress does not support policies that may well create precedents that would needlessly and recklessly endanger our coastal environments.

PERSONAL EXPLANATION

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. MALONEY of Connecticut. Mr. Speaker, yesterday I was unavoidably detained during rollcall vote No. 588.

Had I been present I would have voted yea on rollcall No. 588.

CELEBRATING THE 100TH BIRTHDAY OF MRS. AGNES VENETTA STANDBRIDGE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Ms. ESHOO. Mr. Speaker, I rise in honor of Mrs. Agnes Venetta Standbridge, who will celebrate her 100th birthday on December 20, 1999.

As a young adult, Mrs. Standbridge observed first hand the effects that both World War I and World War II had on family and friends. She saw the world turned upside down as many of her friends, neighbors and family went off to the trenches in Europe and never returned or returned scarred by injury and the nightmares of battle. During World War II, Mrs. Standbridge was a young mother raising her four children in Lemington Spa near Coventry, England. There, she and her husband, Albert Standbridge did their best to protect their children from the sights and sounds of German aircraft bombing factories in the area. During these tumultuous times she developed a quiet courage and inner strength. By the early 1950's she would need that bravery to confront the passing of her beloved husband at a young age. She never remarried and his memory remains with her today.

Mrs. Standbridge began another memorable chapter in her life when she moved to Northern California and ultimately settled in Mountain View where she has lived for 38 years. Living in beautiful Silicon Valley, Mrs. Standbridge witnessed the world change again—in a far more positive way. The technological revolution that has occurred over the last few decades has made her world and ours, a more prosperous place than ever before.

The events of the 20th Century have had a great impact on Mrs. Standbridge's life and she has been shaped by the relationships of those who hold her dear. Family and friendship flow through her life and have enriched her century of living. She is a great example of resilience and courage. I'm proud to represent Mrs. Standbridge and ask my colleagues to join me in wishing this extraordinary woman a very blessed and a very happy 100th birthday.

TRIBUTE TO PETER McCUEN

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. OSE. Mr. Speaker, I rise today with a humble heart to pay tribute to a distinguished leader, a personal friend, and a true pioneer for the city of Sacramento, Mr. Peter McCuen. The city lost one of its great giants on Monday, when Peter succumbed to his third battle with cancer.

More than any other person in the last 20 years, Peter McCuen transformed the landscape of Sacramento and many of those who live in it. We can see the visual legacy he left when we drive through the Highway 50 corridor. The region's most graceful skyscraper and its most visible ziggurat building remind us how integral he was in bringing prosperity to the city.

Peter came to Sacramento in 1980 after having successful careers as a professor at Stanford University and a hi-tech entrepreneur in Silicon Valley. He had planned on retiring in the city. But immediately after he arrived, he saw the many opportunities Sacramento had to offer. He was involved in over 100 development projects, including the Library Plaza, the U.S. Bank Plaza, the Teale Data Building, and the redevelopment of Mather Air Field. He also played a vital role in brining major corporations like Intel and Sprint to this region, which created thousands of jobs for the people of Sacramento. His impact on the economic development of the Sacramento area is unparalleled.

But for many of us, it is not just the suburban business parks he built or the highrises he helped engineer that touched our lives. It is Peter's unreserved generosity, canny vision, boundless energy and incomparable intellect that make him a truly unique human being.

Peter's philanthropic efforts benefited a long list of causes and groups in the city. His renowned love of arts, education and civic organizations earned him the Regional Pride Excellence Award in 1991. He served on the advisory boards of the Cancer Center at UC Davis Medical Center and both the engineering school and the graduate school of management at UCD. He also served on the advisory board to the president of the Cal State University, Sacramento and the State's Clean Air Partnership.

Peter had a bright vision for our city, and he tried everything in his power to fulfill that vision. Sacramento is a better place because of Peter McCuen. My heart goes out to his wife Susan, his two children, Pamela and Patrick, and the entire McCuen family. Sacramento will miss one of its true leaders.

HOUSE OF REPRESENTATIVES—*Friday, November 19, 1999*

The House met at noon.

The Reverend Dr. Ronald F. Christian, Chaplain, Lutheran Social Services, Fairfax, VA, offered the following prayer:

Almighty God, we speak our words of gratitude from hearts that sense Your goodness.

You open Your hand and You satisfy the desire of every living thing, and so we raise our thankful song, for again the fall harvest has provided us with granaries that are overflowing.

The good Earth has produced bountiful fruits and seeds, and we are all blessed because of it.

So this day we are a chorus of Your grateful recipients, and we sing as so many have sung through the years.

Now thank we all our God with heart and hands and voices.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Indiana (Mr. PEASE) come forward and lead the House in the Pledge of Allegiance.

Mr. PEASE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

> H. Con. Res. 235. Concurrent resolution providing for a conditional sine die adjournment of the first session of the One Hundred Sixth Congress.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a joint resolution of the House of the following title:

> H.J. Res. 82. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THOUGHTS ON THE FIRST SESSION OF THE 106TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. HASTERT) is recognized for 5 minutes.

Mr. HASTERT. Mr. Speaker, as the first session of the 106th Congress concludes, I think it is proper to give this legislative body my thoughts on what the House has accomplished this year and what is left to accomplish next year. Together we have enjoyed many victories and some disappointments.

When I became Speaker last January, the House needed some serious work. The distrust and bitterness and rampant partisanship of both parties threatened to undermine the public support of this House. We had Members who would not even talk to each other, let alone work with one another.

Given that situation, last January in this very spot I said solutions to problems cannot be found in a pool of bitterness. Solutions can be found in an environment in which we trust one another, and we trust one another's word, and where we generate heat and passion, but where we recognize that each Member is equally important to our overall mission of improving the life of America's people.

We have made progress in putting that bitterness behind us, because we decided to go to work. Members of the minority cosponsored six out of the ten top bills introduced by the majority.

Our greatest achievements this year had bipartisan support: The budget bill that we just passed, the Social Security lockbox bill, the appropriations bills, the missile defense bill, the Education Flexibility bill and the Financial Services Modernization Act. Both parties must continue to promote their views and their philosophies, but we must never sacrifice the common good of the American people on the altar of partisan competition.

We have proved that when we work together, we get our work done. This year, we passed the budget on time for only the second time since 1974. By completing our budget on time, we were able to complete all 13 appropriations bills without dipping into the Social Security Trust Fund, doing that for the first time since 1967. For the second consecutive year we passed a balanced budget. That is the first time that has happened since 1960.

The appropriations process was hard work and took longer than I wanted to take, but, thanks to the dogged determination of the gentleman from Florida (Chairman YOUNG) and the ranking member, the gentleman from Wisconsin (Mr. OBEY), and the rest of the Committee on Appropriations, we completed the work of the House: and, by doing so, we made great progress in preparing America for the next century.

We had four goals at the beginning of this Congress: Protect retirement security for the next century, improve national security by bolstering our armed services, reform our education system so that all of our children can go to a good school in a safe environment, and promote economic security and fairness by paying down debt while giving tax relief to American families.

We have made progress in all four areas. Our budget stopped the raid on Social Security for the first time in 30 years. Why do we care so much about protecting Social Security and the surplus? Let me give you three reasons.

First, it helps to strengthen the Social Security system far into the next century. That means baby-boomers can have the peace of mind that Social Security will be there for them.

Second, when we protect the Social Security surplus, we also pay down the Nation's debt. Think about how good you feel when you pay off your home mortgage or your car loan. When we take responsibilities for our Nation's debt, we ease the crippling burden of our debt on our children and our grandchildren. Our budget discipline has allowed our government to make the largest debt reduction payment in the history of this Nation.

Third, when we protect the Social Security surplus, we stop the government's spending spree. We have torn up the government credit card and said that now it is time for a new era of fiscal responsibility.

Retirement security also includes vital programs like Medicare, and I am pleased that we were able to take steps to restore vital funding for Medicare. The health care bureaucrats misinterpreted the Balanced Budget Act guidelines and began slashing Medicare reimbursements to nursing homes, hospitals, and other health care agencies.

We believe that Medicare must be more efficient, yet still responsive to

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the needs of our citizens. We passed reform that fulfilled those needs and restored funding to the nursing homes and hospitals.

Millions of seniors rely on Medicare every day. Our government must continue to improve and strengthen this lifeline for our seniors. We still have a year left in this Congress, and I hope that the President will work with us to find long-term solutions to the problems that affect the Medicare program.

As important as retirement security is to older Americans, education is vital to the future of all Americans. As a former public schoolteacher, improving education is one of my top priorities.

America's teachers and parents and grandparents have told us that they want the government to help improve the Nation's schools. We have responded by putting education improvement at the top of our agenda, and I am proud to say that we passed more education funding with less strings attached, which ensures that more dollars will go directly to the classroom.

Earlier this year the President signed our legislation that would give more control over education to parents and teachers and local administrators. Although Washington provides only 6 percent of the resources for our Nation's schools, it mandates over 60 percent of the red tape that our schools have to deal with. The Federal Government should be providing a helping hand not a heavier load for our Nation's schools.

We also passed legislation to improve teacher quality, improve student results, and give parents and teachers more flexibility to teach our children. Every child should have the opportunity to go to a school in a safe environment, and we are committed to seeing that those opportunities exist.

Likewise, all Americans must be safe from international threats, and so our Republican majority will continue our commitment to improving the national security.

I am proud to say that we have successfully increased commitment to our men and women in uniform. We have given them a well-deserved pay increase. We have increased defense spending in other areas so that our troops have the resources to get the job done. And why have we made this commitment to our nation's defense? It is a dangerous world out there, and for too many years the administration has been slashing funding for our military, while at the same time asking our troops to serve in more and more dangerous places around the world.

We currently have soldiers and sailors stationed in the Middle East, in Bosnia, in Kosovo, in East Timor and Korea, to name just a few places. Our servicemen and servicewomen spend months away from their families and are poorly compensated for doing so, and, as a result, many of them are leaving the military. In these good economic times, it is crucial that we increase our military budget to deter hostile or maverick countries and to improve the quality of life for military personnel and their families.

We also passed and the President signed a national missile defense bill that will make our homes and neighborhoods safer. Many hostile nations are developing missile technology that will soon put the United States in harm's way. Fortunately, our missile defense bill makes it a national priority for the United States to develop a missile defense system capable of protecting us from the threat of enemy missiles.

As Americans, our liberty is our most valuable asset, and we must protect ourselves from those who would threaten it. National defense is among the most important roles of our Federal Government. This is why this Congress will continue to support our military and give our troops the funding they need to defend America and her interests.

Finally, we remain committed to providing tax relief to the American people. This is why we sent a fair and responsible tax relief package to the President's desk.

Currently we have a Tax Code that punishes couples for getting married through the marriage tax penalty. We have a Tax Code that punishes people for trying to save for retirement through the capital gains tax. We have a Tax Code that punishes widows through the death tax.

The time has come to get some fairness to the Tax Code. Couples should be able to get married without the fear of higher taxes, the government should be encouraging people to save for retirement, not punishing them, and our tax relief package was responsible because it took money out of Washington and put it back into the pockets of the people who earned it, the American people. It would be irresponsible to leave the whole $3 trillion surplus here in Washington so that only politicians can spend it.

Our tax relief package kept faith with the balanced budget and it secured $2.2 trillion for retirement security and for debt relief. As a matter of fact, our budget spends down $350 billion of national debt this year. Although the President vetoed this common sense proposal, I hope he will work with us next year to provide tax relief to the American people.

We have come a long way since the House first asked me to be the Speaker, but we still have much left to accomplish next year, and we will consider a conservative agenda that makes America a more compassionate place to live.

Earlier this month the President and I went to the South Side of Chicago to promote a plan that we hope will revitalize America's most impoverished urban and rural communities. It accomplishes this goal through tax incentives, environmental cleanup, and other private sector and public sector partnerships. Coupled with common sense education reform and better crime and drug control strategy, we can make these communities a safer place to grow up and to raise a family.

This is compassionate conservatism.

We will push for tax relief for the American family. It is compassionate to put more dollars into the family budget.

We will consider health care legislation that will make HMOs more accountable and health care insurance more accessible.

We will take up a trade bill for Africa and the Caribbean basin. We believe helping these countries help themselves is done more effectively with trade, not necessarily foreign aid.

We will continue to find ways to improve retirement security for our Nation's seniors by addressing the long-term problems that face our Social Security system, our Medicare system, and our pension system. And we will continue to do the work of the House.

As we continue our agenda in the second session of the 106th Congress, we will fight for certain principles. We will fight to keep the Social Security surplus dedicated only to retirement security, we will also continue to fight for the principles of a smaller and smarter government, and we will continue to fight against government waste, unnecessary government power and undue government influence.

Government does have an important role to play in the lives of the American people. It does have a responsibility to secure the freedom and promote the general welfare of its citizens.

But we must remember this: the Government works for the people; the people should not be forced to work for the Government.

I want to thank my colleagues for the great trust that they have placed in me over the course of this session. It is a great honor and privilege to serve as Speaker of the House. I look forward to an even more productive second session.

RECESS

The Speaker. Pursuant to clause 12 of rule I, the Chair declares the House in recess for 5 minutes.

Accordingly (at 12 o'clock and 20 minutes p.m.), the House stood in recess for 5 minutes.

□ 1225

AFTER RECESS

The recess having expired, the House was called to order at 12 o'clock and 25 minutes p.m.

CORRECTING ENROLLMENT OF H.R. 3194, CONSOLIDATED APPROPRIATIONS AND DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

Mr. PEASE. Mr. Speaker, I ask unanimous consent that House Concurrent Resolution 239, directing the Clerk of the House of Representatives to make a technical correction in the enrollment of the bill H.R. 3194, which has been introduced, be considered and adopted.

The Clerk read the title of the concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The text of House Concurrent Resolution 239 is as follows:

H. CON. RES. 239

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 3194), making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes, the Clerk of the House of Representatives shall insert before the comma at the end of section 1000(a)(7) of division B the following: “, except that subsection (c) of section 912 of H.R. 3427 shall be deemed to read as follows:

‘(c) ADVANCE CONGRESSIONAL NOTIFICATION.—

‘(1) FISCAL YEAR 1998.—Funds made available pursuant to section 911(a)(1) may be obligated and expended beginning on or after December 15, 1999, provided that the appropriate certification has been submitted to the appropriate congressional committees.

‘(2) FISCAL YEARS 1999 AND 2000.—Funds made available pursuant to paragraph (2) or (3) of section 911(a) may be obligated and expended only if the appropriate certification has been submitted to the appropriate congressional committees 30 days prior to the payment of the funds’ ”.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ADJOURNMENT TO MONDAY, NOVEMBER 22, 1999

Mr. PEASE. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. HASTERT, for 5 minutes, today.

ADJOURNMENT

Mr. PEASE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 26 minutes p.m.), under its previous order, the House adjourned until Monday, November 22, 1999, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5471. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List Additions—received November 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5472. A letter from the Director, Office of Procurement and Assistance Management, Department of Energy, transmitting the DOE's 1999 list of government activities not inherently governmental in nature; to the Committee on Government Reform.

5473. A letter from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting a report on the FY 1999 activities of the agency's formal management control review program, pursuant to 5 app.; to the Committee on Government Reform.

5474. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's commercial activities inventory; to the Committee on Government Reform.

5475. A letter from the Inspector General, Social Security Administration, transmitting the Administration's inventory of commercial activities; to the Committee on Government Reform.

5476. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Plant Lesquerella thamnophila (Zapata Bladderpod) (RIN: 1018–AE54) received November 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1838. Referral to the Committee on Armed Services extended for a period ending not later than November 22, 1999.

H.R. 3081. Referral to the Committee on Education and the Workforce extended for a period ending not later than November 22, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ACKERMAN (for himself, Mr. KING, Mr. WEINER, Mr. FORBES, Mrs. MALONEY of New York, Mr. CROWLEY, Mr. BENTSEN, Mr. CALVERT, Mr. CAPUANO, and Mr. OSE):

H.R. 3511. A bill to prohibit deductions under the Internal Revenue Code of 1986 for payments to Holocaust survivors under certain settlements; to the Committee on Ways and Means.

By Mrs. CHRISTENSEN:

H.R. 3512. A bill to amend title 46, United States Code, to exempt from inspection certain small passenger vessels that operate in waters of the United States only in the Virgin Islands; to the Committee on Transportation and Infrastructure.

By Mr. TALENT (for himself and Mr. THUNE):

H.R. 3513. A bill to provide for grants to assist value-added agricultural businesses; to the Committee on Agriculture.

By Mr. GILMAN (for himself and Mr. GEJDENSON):

H. Con. Res. 239. Concurrent resolution directing the Clerk of the House of Representatives to make a technical correction in the enrollment of the bill H.R. 3194; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 230: Ms. PELOSI.

H.R. 939: Ms. MCKINNEY and Mr. WATT of North Carolina.

H.R. 1168: Mr. FOSSELLA, Mr. GILCHREST, and Mr. MCINNIS.

H.R. 1275: Mr. LAZIO, Mr. RANGEL, Mr. CONYERS, Mr. SABO, Mr. WYNN, Ms. PELOSI, Mr. INSLEE, Mr. BILBRAY, Mr. BERMAN, and Mr. HALL of Ohio.

H.R. 1322: Mr. BILBRAY.

H.R. 1606: Mrs. MALONEY of New York.

H.R. 2166: Ms. BERKLEY and Mr. DEFAZIO.

H.R. 2511: Mr. GOODLATTE.

H.R. 2782: Mr. ROTHMAN

H.R. 2893: Mr. UDALL of Colorado

H.R. 2966: Mr. DELAHUNT

H.R. 3293: Mrs. MCCARTHY of New York, Ms. SLAUGHTER, and Mrs. FOWLER.

H.R. 3405: Mr. FRANKS of New Jersey and Mr. TALENT.

SENATE—*Friday, November 19, 1999*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mrs. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, it is with reverence and commitment that we address You as Sovereign of our lives and of our Nation. You are absolute Lord of all, the one to whom we are accountable and the only one we must please. Our forefathers and foremothers called You Sovereign, with awe and wonder as they established this land and trusted You for guidance and courage. Our founders really believed that they derived their power through You and governed with divinely delegated authority.

In our secularized society, Lord, recall the Senators to their commitment to Your sovereignty over all that is said and done. May this day be a reaffirmation that You are in control and that their central task is to seek and to do Your will. Thank You that this is the desire of the Senators. So speak, Lord; they are listening. Guide, strengthen, and encourage faithfulness to You. In Your holy, all-powerful name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHUCK HAGEL, a Senator from the State of Nebraska, led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. HAGEL. I thank the Chair.

SCHEDULE

Mr. HAGEL. Mr. President, on behalf of the leader, this morning the Senate will consider numerous legislative items that have been cleared for action. Following consideration of those bills, the Senate will resume debate on the final appropriations conference report. Cloture was filed on the conference report yesterday, and it is still hoped that those Senators objecting to an agreement to change the time of the cloture vote to occur at a reasonable hour during today's session will reconsider. However, if no agreement is made, the cloture vote will occur at 1:01 a.m., Saturday morning. Senators may also expect a vote on final passage to occur a few hours after the cloture vote. In addition, the Senate could consider the work incentives conference report prior to adjournment.

Mr. President, I thank you.

I suggest the absence of a quorum.

Mr. REID addressed the Chair.

Mr. HAGEL. Mr. President, I would ask the acting minority leader be recognized.

The PRESIDENT pro tempore. The Senator from Nevada.

BANKRUPTCY REFORM

Mr. REID. Mr. President, I hope in the final hours of the session in the final day we will not forget the progress that has been made on the bankruptcy bill. I spoke to the manager of the bill, the subcommittee chair, late yesterday evening, and he indicated that there was some thought by the Republican majority leadership they would accept the unanimous-consent agreement that I suggested yesterday morning. As I indicated at that time, we have gone from some 320 amendments down to 14, 7 of which have either been accepted or they will be resolved in some manner. We only have seven contested amendments.

I hope we do not lose the initiative that has taken place to this point in the next few hours, or the next few minutes, really, that we could enter into that unanimous-consent agreement so that at such time as we return to the bankruptcy bill, we have a finite number of amendments and can proceed to wrapping that up. I repeat that it is not the minority but, rather, the majority that is holding up this most important bill.

Mr. HAGEL. Mr. President, I note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Mr. HAGEL assumed the chair.)

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business.

The Senator from Illinois.

A CHALLENGING SESSION OF THE SENATE

Mr. DURBIN. Mr. President, the Senate, we hope today or perhaps tomorrow, will be bringing this session to a close. It has been a session which has involved some historic decisions by the Senate. Of course, it began with an impeachment trial of the President of the United States, which ended in a bipartisan decision of the Senate not to convict the President. Then, shortly thereafter, we faced a rather historic challenge in terms of our role in Kosovo. So we went from one extreme in the Constitution, involving an impeachment against the President, to the other extreme, where this Senate had to contemplate the possibility, the very real possibility, of war. That is how our session began, at such a high level with such great challenges.

There were so many other challenges that were presented to the Senate during the course of the year. I am sad to report that we addressed very few of them. Things that American families really care about we did not spend enough time on, we did not bring to a conclusion. So, as we return to our homes, States, and communities after this session is completed and we are confronted by those who are concerned about their daily lives and they ask us, What did you achieve during the course of this session? I am afraid there is very little to which to point.

This morning, I received some letters from my home State of Illinois from senior citizens concerned about the cost of prescription drugs, as well they should be, because not only are these costs skyrocketing, but we find gross disparities between the charges for prescription drugs in the United States and the cost of the very same drugs made by the same companies if they are sold in Canada or in Europe.

In fact, in the northern part of the United States, it is not uncommon for many senior citizens to get on a bus and go over the border to Canada to buy their prescription drugs at a deep discount from what they would pay in the United States. That is difficult for seniors to understand; it is difficult for Senators to understand as to why that same prescription drug should be so cheap if purchased overseas and so expensive for American citizens in a country where those pharmaceutical companies reside and do business.

The senior citizens have asked us, as well as their families who are concerned about the costs they bear, to do something. Yet this session comes to an end and nothing has been done—nothing has been done—either to address the spiraling cost of prescription drugs or to amend the Medicare program and to make prescription drugs part of the benefits.

Think about it: In the 1960s, under President Lyndon Johnson when Medicare was created, we did not include any provision for paying for prescription drugs. We considered it from a Federal point of view as if prescription drugs were something similar to cosmetic surgery, just an option that one might need or might not need, but certainly something that was not life-threatening.

Today, we know we were wrong. In many instances, because of the wide array of prescription drugs and the valuable things they can do for seniors, we find a lot of our senior citizens dependent on them to avoid hospitalizations and surgeries and to keep their lives at the highest possible quality level.

Last week, I went to East St. Louis, IL, the town where I was born, and St. Mary's Hospital and visited a clinic. I walked around and met groups of senior citizens and asked them how much they were paying for prescription drugs. The first couple took the prize: $1,000 a month came in from their Social Security; $750 a month went out for prescription drugs. Three-fourths of all the money they were bringing in from Social Security went right out the window to the pharmacy.

There was another lady with about $900 a month in Social Security; $400 a month paid in prescription drugs.

Another one, about $900 a month in Social Security; $300 a month in prescription drugs.

The last person we met, though, told another story. He was retired from a union job he worked at for many years, a tough job, a manual labor job, and he, too, had expensive prescription drugs, but he was fortunate. The union plan helped him to pay for them. Out of pocket, he puts down $5 to $15 a month and is happy to do it.

Think of the contrast between $750 a month and $15 a month. One can understand why people across America, seniors who want to continue to lead active and healthy lives, have turned to Congress and said: Please, learn from the President's lead in the State of the Union Address that we should have a prescription drug benefit.

This Senate—this Congress—will go home without even addressing that issue. That is sad. It is a reality facing American families. You will recall, as well as I, a few months ago we were all in shock over what happened at Columbine High School with the killing of those innocent students. This Senate made an effort to keep guns out of the hands of children and criminals with a very modest bill that said if you were going to buy a gun at a gun show, we want to know your background.

The bill passed. It was sent over to the House of Representatives. The gun lobby got its hands on it, and that was the end of it. End of discussion.

As we return home to face parents who say, what have you done to make America safer, to make communities, neighborhoods, and schools safer, the honest answer is nothing, nothing.

Take a look at campaign finance reform. Senator FEINGOLD of Wisconsin is on the floor. He has been a leader on this issue with Senator MCCAIN of Arizona. They had a bipartisan effort to clean up this mess of campaign funding in America. Yet when it came to a vote, we could muster 55 votes out of 100 favoring reform, which most people would say: You have a majority; why didn't you win?

Under Senate rules, it takes more than a majority. It takes 60 votes. We were five votes short. All of the Democratic Senators supported campaign finance reform, and 10 stalwarts on the Republican side came forward. Yet when it was all said and done, nothing was done. We will end this session never having addressed campaign finance reform, something so basic to the future of our democracy.

On a Patients' Bill of Rights, there is a term which a few years ago American families might not have been able to define. I think they understand it now. It was an effort on the floor of the Senate to say that families across America and individuals and businesses would get a fair shake from their health insurance companies; that life-and-death decisions would be made by doctors and nurses and medical professionals, not by clerks at insurance companies. It is that basic. Mr. President, you know as well as I, time and again, a good doctor making a diagnosis, who wants to go forward with a procedure, first has to get on the phone and ask for permission.

I can recall a time several years ago in a hospital in downstate Illinois where I accompanied a doctor on rounds for a day. I invite my colleagues to do that. It is an eye-opener to see what the life of a doctor is like, but also to understand how it has been changed because health insurance companies now rule the roost when it comes to making decisions about health care.

This poor doctor was trying to take care of his patients and do the right thing from a medical point of view, and he spent most of his time while I was with him on the phone with insurance companies. He would be at the nurses' station on a floor of St. John's Hospital in Springfield, IL, begging these insurance companies to allow him to keep a patient in the hospital over a weekend, a patient he was afraid might have some dangerous consequences if she went home before her surgery—her brain surgery—on Monday. Finally, the insurance company just flat out said: No, send her home.

He said: I cannot do that. In good conscience, she has to stay in the hospital, and I will accept the consequences.

That is what doctors face. Patients who go to these doctors expecting to get the straight answers about their medical condition and medical care find they are involved in a game involving health insurance companies and clerks with manuals and computers who decide their fate.

When we tried to debate that issue on the floor of the Senate, we lost. American families lost. The winners were the insurance companies. They came here, a powerful special interest, and they won the day. They had a majority of 100 Members of the Senate on their side, and American families lost.

Thank goodness that bill went to the other side of the Rotunda. The House of Representatives was a different story. Sixty-eight Republicans broke from the insurance lobby and voted with the Democrats for the Patients' Bill of Rights so that families across America would have a chance. But nothing came of it. That was the end of it. The debate in the House was the last thing said; no conference committee, no bill, no relief, no protection for families across America.

I will return to Illinois, and my colleagues to their States, unable to point to anything specific we have done to help families deal with this vexing problem.

The minimum wage debate is another one. Senator KENNEDY, who sits to my right, has been a leader in trying to raise the minimum wage 50 cents a year for the next 2 years to a level of $6.15. He has been trying to do this for years. He has been stopped for years. We are literally talking about millions of Americans, primarily women, who go to work in minimum-wage jobs and try to survive. Many of them are the sole bread winners of their families. We will leave this session of the Congress—the Senate and the House will go home—and those men and women will get up and go to work on Monday morning still facing $5.15 an hour.

In a Congress which could come up with $792 billion for tax breaks for the wealthiest people in America, we cannot find 50 cents for the hardest working men and women, who get up every single day and go to work, as people who watch our children in day-care centers, as those who care for our parents and grandparents in nursing homes, as those people who make our beds when we stay in hotels, service our tables when we go to restaurants. They get up and go to work every single day. This Senate did not go to work to help those people. We could find tax breaks for wealthy people, but when it came to helping those who are largely voiceless in this political process, we did nothing. We will return home and face the reality of that decision.

If there is any positive thing that came of this session, it emerged in the last few days. Finally, after an impasse over the budget that went on for month after weary month, the Republican leadership sat down at the table with the President. The President insisted on priorities, and you have to say, by any measure, he prevailed. And thank goodness he did.

Let me tell you some of the things that are achieved in the budget we will vote for. It has its shortcomings—and I will point out a few of them—but it has several highlights.

The President's 100,000 COPS Program across America has had a dramatic impact in reducing violent crime and making America a safer place to live. There was opposition from Republican leadership to continue this program. But, finally, the President prevailed, and we will move forward to send more police and community policemen into our neighborhoods and schools across America to make them safer. That is something achieved by the President, in negotiation with congressional leaders at the 11th hour and the 59th minute.

In the area of education, the President has an initiative at the Federal level which makes sense from a parent's point of view. If we can keep the class sizes in the first and second grade smaller—rather than larger—teachers have a better chance to connect with a child, to find out if this is a gifted child who has a bright future, or a child who needs some special help with a learning disability, or perhaps a slow learner who needs a little more tutorial assistance to get through the first and second grade.

You know what happens when those kids do not get that attention? They start feeling frustrated and falling behind, and the next thing you know, it is even a struggle to stay in school, let alone enjoy the experience and learn from it. The President has said: Let's take our Federal funds, limited as they are, and focus on an American initiative to make class sizes smaller in the first and second grade.

I went to Wheaton, IL, and I saw a class like this. Believe me, it works. Don't take my word for it. Ask the administrators at the school, who applied for it, and the teachers who benefit from it. And the parents are happy that it is there.

The Republican side of the aisle resisted the President's initiative. But thank goodness, in the closing minutes of the negotiations, the President prevailed. Common sense prevailed. And we will continue this initiative to reduce class size.

The way we are paying for some of these things is very suspect; I will be honest with you. We had this long debate during the course of the year about the future of the Social Security trust fund. Some on the Republican side said: We will never touch it. Well, historically we have touched it many times. The money, the excess and surplus in that fund that is not needed to pay Social Security recipients has been borrowed by President Reagan, President Bush, and President Clinton, with the understanding it would be paid back with interest.

Now that we have gotten beyond the deficit era in America, when we talk about surplus, we hope we do not have to borrow from it in the future. So this year, to avoid directly borrowing from the fund, Republicans argued that they have done some things that are fiscally responsible.

Let me give one illustration. This budget agreement contains $38 billion for education programs. That is 7 percent, $2.4 billion, more than last year. However, this increase is due to the fact that the agreement includes $6.2 billion more in advance appropriations than last year's bill.

What is an advance appropriation? You borrow from next year. You do not take your current revenue; you borrow from next year. So in order to provide more for education, we borrow from next year.

You might assume, then, we are going to have this huge surplus of money from which we continue to borrow. It is anybody's guess. We pass a bill, we appropriate the money, but we cannot account for its sources.

Let me tell you about Head Start.

This is a good story. Head Start is a program created by President Lyndon Johnson in the Great Society. There were people who were critics of the President's initiatives, but Head Start has survived because it is a great idea. We take kids from lower income and disadvantaged families, and bring them into a learning environment at a very early age, put them in something similar to a classroom, and give them a chance to start learning. And we involve their parents. That is the critical element in Head Start.

This budget is going to provide $5.3 billion—the amount requested by the President—to serve an additional 44,000 kids across America, and to stay on track to serve 1 million children by the year 2002.

Class size reduction, which I have mentioned to you, is one that is very important to all of us. Disadvantaged students—there is $8.7 billion for title I compensatory education programs. That is an increase of $274 million, but it is still short of what the President requested.

In special education there is good news. This budget will provide $6 billion, $912 million—or 18 percent—more than the fiscal year 1999 appropriations for special ed. In my home State of Illinois, school districts will receive $227 million, a 62-percent increase since 1997.

Keep in mind these school districts, because of a court decision and Federal legislation, now bring disabled children and kids with real problems into a learning atmosphere to give them a chance. But it is very labor intensive and very expensive. I am glad to see that this budget will provide more money to those school districts to help pay for those costs.

Afterschool programs: We provide $453 million, an increase of $253 million, to serve an additional 375,000 students in afterschool programs. How important are afterschool programs? Ask your local police department. Ask the families who leave their kids at the school door early in the morning, and perhaps do not return home from work until 6 or 7 o'clock at night. They have to be concerned about those kids, as anyone would be. And the people in the local police department will tell you, after school lets out, we often run into problems. So afterschool programs give kids something constructive to do after school. I am glad the Federal Government is taking some leadership in providing this.

In student aid, the agreement increases maximum Pell grant awards to college students by $175, from $3,125 to $3,300. Since President Clinton has taken office, we have seen the Pell grants increase by 43 percent.

This is an illustration of things that can be done when Congress works together. But we literally waited until the last minute to consider the education bill in the Senate. What is the highest priority for American families was the lowest priority of the Appropriations Committee. When we wait that long, we invite controversy and delay. Fortunately, it ended well. The President prevailed. These educational programs will be well funded.

Let me tell you of a bipartisan success story: The National Institutes of Health. That is one of the best parts of the bill that we are going to vote on. It receives a 15-percent increase over last year's funding level. The National Institutes of Health conducts medical research. Those of us who are in the Senate, those serving in the House, are visited every single year by parents with children who suffer from autism, juvenile diabetes, by people representing those who have Alzheimer's disease, cancer, heart disease, AIDS. And all of them come with a single, unified message: Please, focus more resources, more money on research, more money on the National Institutes of Health. We increase it this year some 15 percent.

Fortunately, one of the budget gimmicks which would have delayed giving the money to the National Institutes of Health until the last 48 hours of the fiscal year was changed dramatically. Because of that change, we do not believe there will be any disadvantage to this important agency.

I will give you an example of the life of a Senator and how this agency affects it. A few weeks ago, a family in Peoria, IL, who had a little boy named Eric with a life-threatening genetic disease called Pompe's disease, called my office. Their son's only chance to live was through a clinical trial; in other words, an experimental project at Duke University, which was being sponsored by a private company.

Unfortunately, there were not any additional slots available for Eric in this clinical trial. The company could only manufacture enough of the drug for three patients. Eric would have been the fourth. Eric was denied admission to the trial for this rare disease. Sadly, Eric passed away. Pompe's disease is rare. Children like Eric frequently rely on the Government and its sponsored research for cures because a cure for a rare disease is unlikely to be very profitable for a lot of the pharmaceutical companies. I am glad to salute Senator SPECTER, Republican of Pennsylvania; Senator HARKIN, my Democratic colleague from Iowa; and my colleague from Illinois, Congressman JOHN PORTER, a Republican. They have made outstanding progress in increasing the money available for the National Institutes of Health in this bill.

There is money also available for community health centers. We have talked about a lot of things in this Congress, but we don't talk about the 42 million Americans—and that number is growing—who have no health insurance. Many of these Americans who are not poor enough to qualify for Medicaid and not fortunate enough to have a job with health insurance go to community health centers, trying to get the basic health care which all of us expect for our families in this great Nation. These community health centers serve so many of these people, and they deserve our support. With a 30-year track record of providing quality service to America's most vulnerable, these community health centers need to have our support.

According to congressional testimony by the Health Resources Service Administration, which overseas health center programs, 45 percent of these health centers are at risk financially, 5 to 7 percent close to bankruptcy, and 5 to 10 percent in severe financial trouble. Between 60 and 70 health center delivery sites already have been forced to close their doors. Changes in the Medicaid program have cut the compensation for these centers. The Balanced Budget Act, which was good overall, made some cuts that really have resulted in deprivation of funds. An additional $100 million to community health centers would provide health care to another 350,000 Americans. It can open up 259 new clinics. This is something we should do.

Let me point to one thing I am particularly proud of in this bill. It is an initiative on asthma. I was shocked to learn of the prevalence of asthma in America today. I was stunned when I learned it is the No. 1 diagnosis of children who were admitted to emergency rooms across America. Asthma is the No. 1 reason for school absenteeism in America. When I asked my staff to research what we are doing to deal with asthma, I found that we did precious little. I started asking my colleagues in the Senate about their concerns over asthma and was surprised to find so many of them who either had asthma themselves or had a member of their family with asthma.

They joined in trying to find a new approach, a new initiative that would deal with this problem. Leading that effort was my colleague from the State of Ohio, Senator MIKE DEWINE. He and I put in an amendment, which was funded in this bill, to provide $10 million in funding to the Centers for Disease Control for childhood asthma programs.

What is asthma like? I have never suffered from it, thank God. But imagine this illustration: For the next 15 minutes, imagine breathing through a tiny straw the size of a coffee stir, never getting enough air. Now imagine suffering this three to six times a day. That is asthma.

There have been some innovative things that have been done. In Southern California, Dr. Jones, with the University of Southern California, has started a "breathmobile" moving around the areas and neighborhoods of highest incidence of asthma, identifying kids with the problem, making sure they receive the right treatment and that their parents and teachers know what to do. That is what we have to encourage. The $10 million Senator DEWINE and I have put in this bill for this type of outreach program for asthma can have dramatic positive results.

There is one other thing I will mention. That is a program in which I became interested in 1992. I went to Detroit, MI, and saw an effort that was underway to provide residential treatment to addicted pregnant women. I thought it was such a good program, I asked the directors: Where do you get your Federal funds? They said: We don't qualify for Federal funds. I went back to Washington and put a demonstration project in place so that we could take addicted mothers across America out of their drug-infested neighborhoods, put them in a safe environment, and try to make certain that the babies they would bear would be free from drug addiction.

It was a demonstration project, and it worked—1,500 children in 1994 in America were born drug free because of this program which we started in 1992. We were about to lose it this year. Imagine, we know a drug-addicted baby is extremely expensive, let alone, perhaps, a waste of great potential in human life. I was able to work with Senators SPECTER and HARKIN to put $5 million in the bill to expand our current efforts.

I say, in closing, there is one area of this bill I find particularly troubling. In a world which now has 6 billion people, in a world where we see the need for family planning and population control to avoid serious poverty, to avoid environmental disaster, and to avoid wars, the leadership in the House of Representatives and the Senate has turned a blind eye to international family planning. I cannot understand how this Republican Party—not all of them but many of them—can be so insensitive to the need for international family planning. Every year it is a battle. We have to understand that when population growth is out of control in underdeveloped countries, it is a threat to the stability not only of that country, of that region, but of the world and the United States.

We have to follow the lead of President Clinton and many in Congress who have said U.S. involvement in international family planning is absolutely essential. We hear arguments and see amendments offered because there are some who want to make this an abortion issue. The sad reality is that if a woman in a faraway land does not have the wherewithal to plan the size of her family and has an unintended pregnancy, it increases the likelihood of abortion. So family planning, when properly used, will reduce the likelihood of these unintended pregnancies. That is as night follows day, for those who care to even take a look at this policy issue.

I am sorry to report that although we are going to finally pay a major part of our U.N. dues, which has been an embarrassment to many of us for so many years while the Republican Congresses have refused to pay those dues, it was at the price of threatening international family planning programs. The Republican leadership in the House of Representatives insisted, if we are going to pay our U.N. dues, it has to be at the expense of international family planning programs. I think that is extremely shortsighted. I hope the next Congress will have a little more vision when it comes to family planning, when it comes to enacting a treaty, for example, a nuclear test ban treaty. The Senator from Nebraska, who is now presiding over the Senate, is working with Senator LIEBERMAN from Connecticut in an effort to revive that effort as well.

I hope the next session of Congress will be more productive in that area and many others.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. WELLSTONE. Mr. President, will the Senator from Nevada yield?

Mr. REID. Of course.

Mr. WELLSTONE. I ask unanimous consent I be allowed to follow the Senator from Nevada.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, before my friend from Illinois leaves the floor, I want to direct a few questions to him. I appreciate very much the outline of this congressional session made by my friend from Illinois. The Senator from Illinois and I came to the Senate from the House of Representatives. I feel a great affinity for my friend, not only for the great work he does but because we came as part of the same class. I made a number of notations as he gave his speech.

Isn't it about time we updated, revised, modernized Medicare? I say that because it was almost 40 years ago, certainly 35, 36 years ago, that Medicare passed. Almost 40 years ago, 4 decades ago, we didn't have prescription drugs; we didn't have drug therapies that extended lives or made life more comfortable for most people.

I say to my friend from Illinois, isn't it about time Medicare became modern? Isn't it about time senior citizens have a program where they can get an affordable prescription drug program to keep them alive, to keep them healthy?

Mr. DURBIN. I agree with the Senator from Nevada. Isn't it ironic that if you bought a hospitalization policy now, as an employee of a company, you would expect some sort of prescription drug benefit as part of it, that goes along with most policies?

Medicare does not include that. Seniors find themselves at a distinct disadvantage. Many of the seniors I talked to the other day in East St. Louis, IL, had heart problems. Back 35 years ago, we didn't have the wide array of potential prescription drugs to deal with blood pressure problems, for example. Now we do. The fact that these prescription drugs are available means longer and better lives for seniors.

Mr. REID. Also, while we are talking about prescription drugs, I offered an amendment in the Senate, which passed, that said for Federal employees—I tried to broaden it to cover all insurance policies but was unable to do that—health insurance programs, the people who are allowed to get prescription drugs should be allowed to get prescriptions for contraceptives. The reason is that there are 3.6 million unintended pregnancies in the United States and almost 50 percent of those wind up in abortion.

So if people really care about cutting back the number of abortions, we should have prescription drugs available in the form of contraceptives for people. But what the Senator didn't mention is hidden in this huge bill is language to lessen the effectiveness of this program. For reasons unknown to anyone, other than a way to attempt to help the insurance companies, they have said there is going to be a conscience clause for pharmacists. I say to my friend, I understand there should be a conscience clause for physicians who might prescribe these drugs, but does the Senator see any reason why you should weaken this most important piece of legislation in law and have a so-called conscience clause for pharmacists?

Mr. DURBIN. I do not. I agree with the Senator from Nevada that it is extremely shortsighted. Perhaps we are striking a moralistic pose when we say we are not going to allow prescriptions for contraception. In other words, we will acknowledge all of the other needs a woman may have, but not provide for birth control pills. That seems to me to be out of step with what American families expect us to do. Let them make the decision with their doctor. Instead, we are imposing on them what may be viewed by many as a moralistic point of view that should not be in our province. This is the first I have heard of this conscience clause, where a pharmacist, for example, might refuse to fill a prescription for birth control pills. Under this amendment that is being put in the bill, he or she is not required to do so.

Mr. REID. It is in this bill on which we are going to vote.

Mr. DURBIN. I think it really stretches credibility to think that a pharmacist, in this situation, would be allowed to make that decision and perhaps disadvantage a woman who may not have easy access to another pharmacy.

Mr. REID. The Senator has said it all there. Not everybody lives in metropolitan Chicago, where they can go to two or three different pharmacies within a matter of a few blocks. In some places, there is only one pharmacy.

I also say to my friend it seems unusual—while we are talking about health care—and the Senator did an excellent job in talking about the Patients' Bill of Rights. We passed a patients' non-bill of rights. We passed a bill here that is a bill in name only. If you read the Patients' Bill of Rights, the Senator knows it is not a Patients' Bill of Rights.

It is unusual in this country—and the Senator and I are both lawyers, and I know sometimes the legal profession doesn't have the greatest name, unless you need a lawyer. But in our great society, this country that we admire—and we salute the flag every day—it is interesting that the only two groups of people you can't sue in America are foreign diplomats and HMOs.

Doesn't the Senator think that should be changed?

Mr. DURBIN. I agree completely with the Senator from Nevada. If we did nothing else but change that to say these health insurance companies could be held liable in a court of law before a jury of Americans for their decisions on health care, it would have a dramatic overnight impact on their decisions also. They would think twice about denying a doctor's recommendation for a surgical procedure or a hospitalization. They would think twice about delaying these decisions.

I have noticed, and I am sure the Senator from Nevada has noticed as well, many times, poor families I represent in Illinois will get into a struggle with an insurance company to try to get help, for example, for a child with a serious illness or disease, and the struggle goes on for months; ultimately, the family prevails; but during that period of time, the poor child is suffering and the family is suffering. I think that giving those families across America the right to sue health insurance companies and saying to the health insurance companies that, like every other business in America, you will be held accountable for any wrongdoing, is just simple justice. To do otherwise is to suggest that we are going to create some special, privileged class of companies and that, literally, the health insurance companies are above the law. That is not America.

Mr. REID. My friend also knows that with part of the public relations mechanisms these giant HMOs have, they are going around saying, well, what these people in Washington want to do—the Congressmen—is allow suits against your employer. Now, the Senator knows that is fallacious. Any litigation that would be directed against the wrongful acts of the entity that disallows the treatment has nothing to do with the employer. Does the Senator understand that?

Mr. DURBIN. That is right. The Senator probably saw the survey that there are people against giving families the right to hold health insurance companies accountable in court, and they say, well, if you work for an employer who provides health insurance, those families may turn around and sue the employer, as opposed to the health insurance company. So we looked at that and did a survey; we investigated. We found out that only in a very rare situation has that occurred. Here is an example.

In one circumstance, the employer collected the health insurance premiums from the employee and then didn't pay the health insurance company. So when the family tried to get coverage for medical care, the next thing that occurred was they found out the premiums had not been paid by the employer. That was the only example we could find. But if the employer picks a health insurance company and they make a decision, we could not find a single case where the employer was held liable because of the health insurance company's bad medical decision.

So that, I think, is a red herring, one that really does a disservice to American families who deserve this right.

Mr. REID. The Senator also gave an example of one of his constituents in Illinois whose child has Pompe's disease, who, as we speak, is not receiving treatment for that.

Mr. DURBIN. The child has passed away.

Mr. REID. He wanted to participate in what is called a clinical trial. Is the Senator aware that HMOs almost universally deny the ability of their enrollees to participate in clinical trials?

Mr. DURBIN. Yes. Frankly, during the course of the debate here, the Senator can remember that when they referred to reputable medical leaders in the United States, such as Sloan Kettering—which is a great institution when it comes to cancer treatment and research and is respected around the world—they said, after their survey, that clinical trials really open the door for new treatments and therapies that, frankly, save us money. They found better and more efficient ways to keep people healthy. Meanwhile, the health insurance companies won't pay for them, and we are literally stopped in our tracks from moving forward with this kind of medical research and clinical trials.

In this case, with this little boy, Eric, who passed away from this disease, he was closed out of a clinical trial. Would he have survived with it? I am not sure, but because of the health insurance company, he never got a chance.

Mr. REID. On the floor today, right next to the Senator, is the Senator from Minnesota, who has been a leader in Congress fighting for the rights of those people who are disadvantaged because of mental disease. Well, there was a big fanfare a week or two ago about some big health entity in the Midwest that had decided they were going to let doctors make the decision, rather than checking them out. They looked on their accounting and found they could spend a lot of money trying to direct care. They said what they are going to do now is let doctors make the decision. What they didn't tell us is that this would not apply to people who had mental disease, who had emotional problems. Is the Senator aware of that?

Mr. DURBIN. I am aware of it. I salute the Senator from Minnesota, my friend, Senator PAUL WELLSTONE, and our colleague, Senator DOMENICI from New Mexico, for their leadership on this issue. It is a classic illustration of another problem facing American families which this Congress has refused to address. The problem is very straightforward.

An internist from Springfield, IL, came to see me and said, "Senator, I am literally afraid to put in a patient's record that I am giving them medication for depression because the insurance company will then label them as 'victims of chronic depression,' a mental illness, and discriminate against them when it comes to future health insurance coverage."

That is outrageous. Mental illness is an illness, it is not a moral shortcoming. These people can and deserve to receive the very best care. Unless and until the Senator from Minnesota and others of like mind prevail in the Senate and in the House of Representatives, we will continue to discriminate against the victims of mental illness. That is something this Congress can do something about. We will leave here today or tomorrow, again, with that unfinished item on the agenda.

Mr. REID. I also say to my friend that we were here last year wrapping up the congressional session. Is the Senator aware that since that time we have had 1½ million new people in America added to the uninsured rolls?

Mr. DURBIN. The list grows. The Senator from Nevada knows as well as I do that unless and until we face the reality that every American citizen and every American family deserves the peace of mind of health insurance coverage, you will continue to see employers deciding not to offer health insurance protection, and working, lower income people in America will be without the protection of either Medicaid or health insurance at work. These people get sick as other people do. When they present themselves to hospitals, they receive charity treatment which is paid for by everyone, instead of receiving quality health care from the start. Preventive care can avoid serious illness.

Again, it is an issue that this Congress has refused to address.

Mr. REID. I wanted to say this—the Senator has said it, but I want to underline it and make it more graphic. The Senator who is on the floor is the leader for the Democrats. I am the whip for the Democrats. We spend a lot of time here on the floor. Have we missed something? Has the Senator heard any debate dealing with the uninsured in this country?

Mr. DURBIN. No. We haven't missed it, as the Senator from Nevada knows very well. This is the third rail for a lot of politicians around here because you have to start to talk about things that cost a lot of money. Doing nothing costs a lot more money. People get ill, they have to go to the doctor, and to the hospital. When they need to have serious treatment, or hospitalization, that is very expensive, too.

It strikes me that those of us who sought this office to serve in the Senate or the House of Representatives did not do it just to collect a paycheck and accumulate years toward a pension but to do something to help families across this country. This is the No. 1 concern of families across the country.

If you have a child reaching the age of 23, and all of a sudden it dawns on you: Where is my daughter going to get her health insurance? I can't bring her under my policy. You start thinking. I am sure the Senator from Nevada has. I have. As a parent, every day I call my daughter in Chicago, who is an art student, and an artist, and say, "Jennifer, are you insured this month?" "Yes, dad." But I have to ask the question because health insurance is not automatic.

This Congress has done little, if anything, to help families across America who struggle with this every single day—not to mention those with preexisting conditions. If you have a preexisting condition and it is a serious one, and you have to change insurers, good luck. Most people find themselves being discriminated against.

I agree with the Senator from Nevada. We have been here day in and day out, and I have heard literally nothing suggested by the Republican leadership to deal with this.

Mr. REID. At the beginning of our August break, I traveled back to Nevada with my wife. As we flew home, my wife became very sick. We got off the airplane and went immediately to the Sunrise Hospital emergency room. As we walked in that room—she was wheeled into the room—there were lots of people. It was very crowded. We were probably among the 10 percent of the fortunate ones in that room; we had insurance to cover my wife's illness. She was there for 18 days. Ninety percent of the people there had no health insurance of any kind. They were there because they had no place else to go.

Those uninsured people get care. The most expensive kind of care you can get anyplace is in an emergency room. Who pays for that? You and I pay for it. Everybody in America pays for it in the form of higher taxes for indigent care—higher insurance premiums, higher insurance policies, and higher hospital and doctor bills. We all pay for it anyway.

But we don't have the direction from the majority here to have a debate on what we are going to do with the rapidly rising number of people with no health insurance.

Next year, we are going to probably have 2 million more. It is going up every year. We have 45 million people—actually 44 million people now—who have no health insurance. Next year, it will be close to 46 million people. Will the Senator agree with me that it is somewhat embarrassing for this great, rich country, the only superpower in the world, that 44 million people will have no health insurance?

Mr. DURBIN. It is an embarrassment, and it is sad. We have spent more time this morning on the floor of the Senate talking about providing health insurance to the uninsured than we have spent in the entire session this year debating any proposals to deal with the problem.

I would say to my friends on the Republican side of the aisle that if you have an idea, or a concept, or a piece of legislation, come forward with it. Let us put our best proposal on the table. That is what the Senate is supposed to be about. It is supposed to be a contest of ideas, and the hope that when it is all said and done, the American people will prosper because we will come out with something that improves the quality of their lives. This year we have not.

Mr. REID. I want the Senator, also, to react to this. If we passed all of the programs the Republicans have talked about, the majority has talked about, on rare occasions—medical savings accounts, tax breaks for employers, and insurance—does the Senator realize that would cover less than 5 million of the 45 million people?

Mr. DURBIN. The Senator from Nevada is right. We overlook the numbers. The numbers are important. It is good to do something symbolic, but it doesn't solve the problem. We know the problem grows, as the Senator from Nevada has indicated, by 1 or 2 million a year—more people without health insurance coverage, more people who are vulnerable, and a Congress which has a tin ear when it comes to this issue.

We look at the Time magazine polls where it talks about the concern of the American people about health care. It doesn't get through to the leadership in Congress, and we will leave this year having done nothing to make it better.

Mr. REID. The Senator made an outstanding statement relating to guns, juvenile justice, kids getting killed, and people getting killed. So that those people within the sound of our voice understand what we are talking about, we are talking about people who purchase a gun shouldn't be crazies or a criminal. Isn't that what we are saying?

Mr. DURBIN. It is very basic. That is it.

Mr. REID. We are saying that we believe the legislation we passed, with the Democrats voting for it and a few Republicans, basically said that under this law if you are mentally deranged, a criminal, or a felon, you shouldn't be able to buy a gun. It should apply to pawnshops, and it should apply to gun shows. Is that what the legislation we passed said, and we can't even get to conference on it?

Mr. DURBIN. That is what it came down to. Those who would argue that gun control legislation and Capitol Hill want to take your gun away, that is not the case at all. What it is all about here is to say if you want to purchase a gun in America, whether it is from a licensed dealer, a pawnshop, or a gun show, we want to know a little about you. Are you a stable person? Do you have a criminal record? If the answer is yes to either of those, if you are unstable, or you have a criminal record, then we will deny you the right to own a gun. Who can argue with that? A person who may in a weak moment do something to hurt an innocent person shouldn't be given advantage or given an opportunity by the purchase of a firearm.

We passed that when Vice President GORE came to the floor and cast a deciding vote just a few weeks after Columbine. And that issue died over in the U.S. House of Representatives when the gun lobby came through and said that is an outrageous suggestion—that you would keep guns out of the hands of kids and criminals.

I think American families see this a lot differently. I am hoping that when Members of the Senate who voted with the gun lobby go home, they will hear the other side of the story.

Mr. REID. The Senator also mentioned something we have not done—campaign finance reform. I would like the Senator to reflect a minute on how many people live in the State of Illinois, approximately.

Mr. DURBIN. About 12 million.

Mr. REID. In the State of Nevada, we have at least 2 million. But yet in a Senate race a little over a year ago in the State of Nevada, Harry REID and his opponent spent $20 million; that is, between the State party moneys, our own money, $20 million. That doesn't count independent expenditures by people who come from someplace and are spending money. You don't know who they are, and where they are from—another probably $3 million. So in a small State of Nevada, about $23 million.

Does that sound a little excessive to the Senator from Illinois?

Mr. DURBIN. It is more than a little excessive. It is outrageous. In Illinois, of course, we are faced with similar demands. If you want to buy television time, you have to raise money. If you can't write a personal check for it, you have to go out and beg for it.

Members of the Senate and House of Representatives who spend their time on the telephone begging for money from individuals and special interest groups are not using their time to represent people in Congress. They are, frankly, unfortunately bringing an element into this political process that is not positive. And the voters know this.

Interestingly enough, since 1960, we have seen a dramatic increase in spending on Presidential election campaigns, for example. And we have seen a dramatic decline in voter turnout and the number of people who participate. Voters have decided to vote with their feet and stay home. They are sick of the negative advertising. They are sick of the special interest groups. They are sick of the fundraising involved in this. And they are sick of the process. In a democracy, you can't stand that very long because if democracy is going to work, people have to be involved in it. And that means cleaning up our acts. When Senators FEINGOLD and MCCAIN came forward with campaign finance reform, 55 Senators—45 Democrats, 10 Republicans—said we agree, at least with respect to eliminating soft money. We should go forward with reform.

The Senator from Nevada, though, points to another problem: Even eliminating soft money will not eliminate the expense of campaigns, until we find a way to put legitimate candidates on the television without the extreme costs they run into now.

(Mr. BROWNBACK assumed the chair.)

Mr. REID. Let me say to my friend from Illinois to show how the system has frayed. I was interviewed in Washington by a Reno TV station for a half hour interview. During the interview, they said: How do you feel about the present Senate race? The person I had the good fortune of being able to beat is running again for the Senate; Senator BRYAN is not running for reelection. I said nice things about my opponent. I said I have known him; he is a nice man; I have known his family, and they always supported me. I said nice things about my opponent and I said nice things about the person who is going to be the Democratic nominee.

The Republican Senatorial Campaign Committee issues a press release they poured out to Nevada saying, "Reid endorses Ensign," because I said something nice about my former opponent. They stooped to the level of saying, Reid endorses John Ensign.

I like John Ensign; he is a nice man.

The system has gotten so callous. After this came out, a radio talk show host called me and said, I am a Republican but I want you to know I think what the Republican Senatorial Campaign Committee did is despicable. I think it is, too. We now are suspect because we say something nice about somebody who is running for office. Shouldn't it all be nice? We should be in a contest where we can determine who will be the best for the State of Nevada, the State of Illinois, the State of Minnesota—not the worst.

Mr. DURBIN. I agree with the Senator from Nevada. He came to Congress, as I did, in 1983. There has been a dramatic and palpable change in the atmosphere on Capitol Hill in that period of time. I know he can remember in the early days when there was real civility between the political parties and real dialogue and parties at night. We went to dinner together even if we fought like cats and dogs on an issue on the floor.

That has changed. The well has been poisoned by the obsession with negative politics. I think that is one of the reasons the American people are checking out. They said if that is the best that can be done, you professionals in the business, we would just as soon stay home and watch professional wrestling. Occasionally professional wrestlers are involved in politics. The point they make is they don't approve of what is happening as we sink to lower and lower depths in the Democratic or Republican campaigns.

I agree with the Senator from Nevada. If one can't say something honest and complimentary about someone across the aisle without another person looking for a political advantage, that is a sorry commentary on the state of political affairs in America.

Mr. REID. I very much appreciate the Senator's statement on education. The Senator talked about how important it is to have additional teachers in America to reduce class sizes.

My daughter is a second grade teacher. She said she can tell within the first few days with these little kids who the smart ones are and those who are not so smart. The problem is classes are so big, what can be done about those in between, the average kid? Most people are average. What happens to the average kids? Many times they are lost in our present system.

No matter how teachers struggle, work long hours, and prepare their lessons, they don't have time to do it all because the classes are too big. What we have been able to do as a result of the President hanging in there is get more teachers to reduce class size. That is a positive step.

One thing the Senator didn't mention, and I know we have spoken about it, is the problem we are having in America with high school dropouts. Every day we have about 3,000 children drop out of high school, half a million a year. We have no specific programs to address that. The Senator from New Mexico and I have introduced legislation two successive years. Last year, it passed; it was killed in the House when the Gingrich Congress killed it. It would have set up within the Department of Education a dropout czar who would have been able to work on programs that have been successful in other parts of the country and, in effect, give challenge grants to local school districts—they would still control the programs, of course—giving them guidance and direction in keeping kids in school.

This year on a strictly partisan vote the majority killed the Bingaman-Reid amendment.

Would the Senator acknowledge the fact we have to do something about high school dropouts, we need to do something to keep kids in school?

Mr. DURBIN. The Senator from Nevada knows that is the source of many problems. At juvenile justice facilities across America, whether in the courts or in the correctional system, we will generally find the kids who are there dropped out of high school. Having dropped out, with time on their hands and no skills to get a job, many of them veered toward drugs and crime and a life that is not productive.

We end up paying for that over and over and over and over again. The old saying about an ounce of prevention is true. The Senator from Nevada has been a leader on this, telling the Nation we have to look at high school dropouts not just as a sad reality but as a challenge to all to do better.

I look at some of the things I have learned recently about the American workforce. When I visited Dell Computer in Austin, TX, last week and talked to their officers and leaders in their company, they said they hired some 6,000 people in the previous 3 months to work for Dell Computer in Austin and Nashville, TN. I find their complaint or request similar to those I have heard in Illinois. We can't find enough skilled workers. That says to me that our educational system has to be better, it can't let any child fall behind and be forgotten. We have to address dropouts. We have to address skilled training. We have to address the kind of educational reform that goes way beyond the question about who wears a uniform to school and who doesn't. But we haven't done it in this Congress.

I am glad the Senator from Nevada has been a leader on this issue of dropout.

Mr. REID. If for no other statistics, we should look at the penitentiaries and jails in America. Eighty-three percent of the people sentenced for crimes in America today are high school dropouts, 83 percent. That says it all as far as I am concerned as to why we need to do something about dropouts.

Mr. WELLSTONE. Will the Senator yield?

Mr. REID. I am happy to yield to the Senator.

Mr. WELLSTONE. Mr. President, Judge Rick Solum from Minnesota told me—and I have to have this confirmed; it is dramatically jarring—there is actually a higher correlation between high school dropout and incarceration than between cigarette smoking and lung cancer. It is quite predictable.

The Senator from Nevada was talking about his daughter's experience as a second grade teacher. In many ways we harp on the complexity of it all to the point it becomes the ultimate copout, but a lot of these kids by kindergarten are way behind. There is a learning gap and they fall further behind and then they drop out of school and wind up all too often in prison.

It does seem to me this is a full agenda that we barely touched.

Sorry to interrupt. I am enjoying listening to the discussion.

Mr. REID. I appreciate hearing from the professor.

I want to talk with my friend from Illinois about Social Security. The Senator mentioned Social Security. One of the things that puts a smile on my face is when I hear the majority talking about having saved Social Security. If that doesn't put a smile on your face, nothing would because the Senator will recall a few years ago here in the Congress we were debating something called the constitutional amendment to balance the budget. As the Senator will recall, I offered the first amendment to say, fine, we want a constitutional amendment to balance the budget; let's exclude the Social Security trust fund from the balancing.

The Senator is aware they defeated that because they wanted to have their calculations applying the vast surplus that we have had the last several years with our Social Security fund, they wanted to apply that to balance the budget.

Is the Senator aware of that?

Mr. DURBIN. I remember that debate. Frankly, I think that was really the critical debate, when it came to the future of that amendment and when the Republican majority rejected our attempts to protect the Social Security trust fund in the balanced budget amendment debate. That was the end of the debate. As I recall, that amendment lost by one or two votes at the most. I voted against it. I think the Senator from Nevada did as well. If it was not going to protect Social Security, then we should not go forward with it.

As I reflect on it, it is a little over 2½ years ago that the battle cry on Capitol Hill was: The deficits, the balanced budget amendment, let the courts step in and have Congress stop spending; that was our only hope. Now we are in the era of surpluses. We have changed so dramatically without that constitutional amendment.

The Senator from Nevada recalls accurately the Social Security trust fund was a viable issue at that point.

Mr. REID. The Senator was also part of this Congress when, in 1993, without a single Republican vote, we passed the budget to address the deficit. It passed. We had to have the Vice President come down and break the tie. The Senator recalls at that time clearly, we had deficits of about $300 billion a year. Since then, we now have surpluses. We have done very well with low inflation, low unemployment—40-year employment highs in that regard. We have created about 20 million new jobs. We have about 350,000 fewer Federal employees than we had then. We have a Federal Government about the same size as when President Kennedy was President.

We could go on with other things that happened as a result of the hard vote we cast, without a single vote from the Republicans. Does the Senator remember that?

Mr. DURBIN. I was in the House of Representatives and cast a vote in favor of the President's program. I can tell you, literally, there were Democratic Members of the House of Representatives who lost in the next election, in 1994, because of that vote they cast. It was a really courageous effort on their part. It was exploited by those who said they were going to somehow destroy the economy and raise taxes across America. Yet look at what has happened. From 1993 to the current day, we have seen the Dow Jones index go from 3,500 to over 11,000, and all the things the Senator from Nevada has alluded to.

So that decision by President Clinton, supported exclusively by Democrats on Capitol Hill, had a very positive impact on America and its future. We have gone through one of the longest and strongest economic growth periods in our history. I think it relates back directly to that 1993 vote.

I can recall a number of my colleagues—Congresswoman Mezvinsky, a new Congresswoman from Pennsylvania who only served one term because she had the courage to cast that vote. If she had not, America might have gone on a different course than we have seen recently.

Mr. REID. I apologize to my friend from Minnesota. I want to end by asking one final group of questions to the Senator from Illinois.

We are here in kind of a celebratory fashion. We are going to complete this bill tonight, unless certain Members of the Senate keep our staff in all night long. Otherwise, we will finish it very quickly.

Does the Senator understand getting to this point has been really difficult and we, the minority, have had to hang very tough?

Remember, in an effort to get where we are, there have been a number of ways the majority has attempted to get to this point. You remember the Wall Street Journal article where they talked about the two sets of books the Republicans were keeping? They would, for certain things, go with the Office of Management and Budget and for certain things go with the Congressional Budget Office. Does the Senator remember that?

Mr. DURBIN. Yes.

Mr. REID. You can't keep two sets of books. The Senator recalls that didn't work. Does the Senator remember that?

Mr. DURBIN. Yes, I do.

Mr. REID. Does the Senator also remember they came up with this ingenious idea that they would add a month to the calendar? Does the Senator remember that?

Mr. DURBIN. That is right, 13 months.

Mr. REID. I remember the Senator from Illinois saying that is a great idea because we can just keep adding months to the year and we will never have a Y2K problem.

Mr. DURBIN. That is right.

Mr. REID. That was something also where we said: That is not fair, we are not going to do it. That didn't work.

Does the Senator also recall when they decided, with the earned-income tax credit, the program that President Reagan said was the best welfare program in the history of the country, where you would give the working poor tax incentives to keep working—does the Senator recall they wanted to withhold parts of those moneys to the poor in an effort to balance the budget?

Mr. DURBIN. I remember there was a certain Governor from Texas who admonished the Republican Members in the House and Senate, the House in particular, for their insensitivity. He said you should not balance the budget on the backs of working people, and that was about the time they abandoned that particular gimmick.

Mr. REID. Then there was the across-the-board cut. Does the Senator understand when they were doing that, and it was decided to do all these things, they did it without the offsets that would take an across-the-board cut of 7 or 8 percent, but now they are declaring a victory because they got an across-the-board cut—except the President can decide what is going to be cut—of .37 percent? Does the Senator from Illinois understand that crying victory over having a .3-percent across-the-board cut where the President can decide what would be cut is not something they should be crowing about victoriously?

Mr. DURBIN. It is a face-saving gesture on their part. Once we got into the budget negotiations and the Republican leadership was faced with actually saying, no, we won't add additional teachers, we will not have additional cops on the beat to address the crime problem across America, they could not do it. They ended up saying we actually won because we got this so-called across-the-board cut of .37 percent.

I might say to the Senator from Nevada, as he well knows, this is entirely within the discretion of the President, so it is not across the board. He can decide which areas of Federal spending to reduce to reach this target.

Mr. REID. I have enjoyed very much visiting with my friend from Illinois. As the session is drawing to a close, I want to express appreciation, on behalf of all the Democratic Senators, for the Senator being our floor leader. He has done an outstanding job. He has been here. He has been able to express himself very well, as we all know he can. I want to personally tell him how much I appreciate it. And on behalf of the Democratic Senators, for all of them, I tell the Senator how much we appreciate every word he has spoken, everything he has done, and I will make sure the majority keeps their ear to what the Senator from Illinois is saying. He has done extremely well in expressing what I believe are the views of the majority of the American people.

Mr. DURBIN. I thank the Senator. It could not have been done without Senator DASCHLE and Senator REID and the leadership of my colleagues who have joined me. I also say it could not have been done without having such good, strong issues the American people support, that we can come talk about on the floor each day, pointing out that in this session of Congress they have not been addressed.

I thank the Senator for his kind words.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

THE LACK OF SENATE ACCOMPLISHMENTS

Mr. WELLSTONE. Mr. President, I say to my colleagues, there are other colleagues on the floor. I have waited, for some time. I think it has been an important discussion, but I am going to try, since there are other Senators on the floor, to abbreviate my remarks. I actually could speak for 3 or 4 or 5 hours right now. I will not. We will see when we are going to finish up today.

I would like to build on a little bit of the discussion I just heard, and then I would like to go to the issue at hand, which is the extension of the Northeast Dairy Compact, the way this was done, the impact on my State of Minnesota, and why we have been fighting this out.

First of all, I also thank Senator DURBIN for his very strong voice on the floor of the Senate. I say to Senator REID from Nevada, sometimes we come out here and compliment each other to the point it becomes so flowery, people are not sure whether it is sincere or not. I believe it is sincere. Senator REID is a good example of somebody in politics who, if he suffers from anything, it is modesty. He rarely takes credit. He really has done some tremendous work in the mental health field. He has probably done more than anybody in the Senate to get us to focus on the problem of depression. He never takes the credit. He should have included himself in this discussion.

I am talking about Senator REID.

Mr. President, I am not sure how exactly to view this overall omnibus conference report we now have before us. I am a little worried about sounding so negative that it will seem I only come to the floor to be negative. I do not. I think some of what my colleagues have talked about—given the framework we were working within and given where we started, I think there are some things people can feel good about.

I am pleased to give the administration and Democrats some credit for at least being able to get some resources for some areas of priorities, such as more teachers and schools and moving toward smaller class size. It was a fix. I know for the State of Minnesota, and I am sure for many States, the Balanced Budget Act of 1997 and the cuts in Medicare reimbursement had, no pun intended, catastrophic consequences, especially for our rural hospitals, some of the nursing homes, home-based health care, and teaching hospitals. At least we were able to make a difference for a couple of years, though, again, it is temporary.

I feel pretty good about some investment of resources that are going to be helpful to people in Minnesota. If I had to pick out one priority, it would be $14 million for the Fon du Lac School, a pretty important commitment of resources. I count as one of the best days as a Senator the day I visited Fon du Lac School. It is a pretty horrendous facility, and for years I have been trying to get some money to build a new school for kids in the Indian community.

It is interesting, just this past week I was there, and at the end of the discussion I said to the students: I have to leave in 30 seconds, and I am sorry we are finishing. Can any of you talk about one thing you care more about than anything else?

This one student who is age 15 said: The thing I think the most about is I would like for the children—I viewed him as a child at age 15—I would like the children to live a better life than we have been able to live, and I would like to live a life that will help kids do better.

I said to this student: That was the most beautiful, powerful thing I heard said in any school I have visited, and I have been in a school every 2 weeks for the last 9, 9½ years I have been in the Senate.

I tend to come down more on the side of the editorial debate of the Washington Post. I do not think this Congress has much to be proud of at all. Part of what has happened is we have been engaged in a lot of mutual self-deception. I came out to the floor quite a while ago on an amendment dealing with veterans' health care. I said it was a deliberate effort to bust the budget caps.

The ways in which we have been talking about "not raiding the Social Security surplus" has been ridiculous. President Clinton started to do it. Tom DeLay has done it. We have put ourselves in a straitjacket. We know that is not what it is about, but it is great political sloganeering.

For Republicans who do not believe, when it comes to the most critical issues of people's lives, there is nothing the Government can or should do, then I think you are consistent and I respect your point of view, for those Republicans who take that position, and this is not a problem. But for Democrats and other Republicans who believe there are certain decisive areas of life in America, such as investment in children and education and opportunities for children, decent health care coverage, environmental protection, making sure we have some support for the most vulnerable citizens in the Congress, whether it be congregate dining or Meals on Wheels or affordable child care or, for God's sake, making sure children are not hungry in America, I do not think we have much to be proud of because we have done precious little.

As a matter of fact, I say to my colleagues on our side of the aisle, if you were to take the "non-Social Security surplus," 75 percent of it because of cuts in the budget caps of 2 years ago in a lot of these areas we say we care the most about, in real dollar terms we are still not spending as much as we spent several years ago.

I do not think we have all that much to be proud of and we have to do a lot better. I said at the beginning I would talk about some positive things. I do not want to come out here appearing to be shrill. I do think, unfortunately, this is a pretty rigorous analysis.

We did not pass campaign finance reform. That is the core issue. That is the core issue, the core problem. We did not pass patient protection legislation. We have done precious little to deal with the reality of 44 million people without any health insurance coverage and many other people having health insurance coverage but being underinsured.

Under title I—I saw this listed as one of our victories—we are funding about one-third of the kids who are eligible to be helped. These are some of our most vulnerable children in America, to the point where in Minnesota, in St. Paul, after you reach the threshold of a school that has 65 percent low-income population, there is no money for any other schools. It is about a $16 billion shortfall, and we have increased spending by $75 million.

We have done hardly anything for affordable child care. We did not include prescription drug coverage as a part of Medicare. On a whole host of amendments I have worked on as a Senator, almost all of them were eliminated in conference committee; whether it be at least some support for kids who witness violence in their homes or trying to deal with the problem of exploitation of women in international sex trafficking or juvenile justice mental health services or having an honest policy evaluation of what the welfare "reform" is doing around the country or increasing some funding—I mean real funding, a real increase of funding—for Meals on Wheels or congregate dining or social services support.

If you look at it from the point of view of how at least I think we can make life better for others—I am not going to speak for others—I think this has been a do-nothing Congress, I really do.

I will make one other point before I talk about this dairy compact, and it is this: I am hearing so much discussion about testing. George W. is talking about testing third graders, and if they do not pass those tests, they do not go on to fourth grade. It is high-stakes testing, and by the way, I will have an amendment next year to the Elementary and Secondary Education Act which makes sure we do not start testing at that young of an age.

Here is the point. Jonathan Kozol wrote a book "Savage Inequalities," in which he points out—and all of us know this about our States—some school districts have the best technology, a beautiful building, recruit the best teachers, have the best lab facilities, the best textbooks, and other schools have none of that. We do not do anything to change that.

I cite a second bit of evidence. We have all these reports and studies, irrefutable evidence that if you do not get it right for children by kindergarten, many of them come to school way behind and they fall further behind and then they drop out. This is critically important, and we invest hardly anything in affordable child care.

Third, we do not do anything about the concerns and circumstances of children's lives in New York City or Minneapolis-St. Paul or rural Aitkin County or rural anywhere or inner-suburban anywhere in the country before they go to school and when they go home, whether it be the violence in the homes, or the children who see the violence or the violence in the communities or children who come to school hungry or children who come to school with an abscess because they do not have dental care. It is not very easy for children to do well in school under these conditions. We do not do hardly anything to change any of those conditions for children's lives in America so that we can truly live up to the idea of equal opportunity for every child.

But we are going to flunk them. We are going to fail them. We are going to give them standardized tests and fail them. We already know which kids are going to do well and which kids are not. I would argue it is cowardly. I would argue it is a great political slogan, but it is cowardly. There is a difference between testing and standardized—we should have accountability, but there are different ways of testing.

If you cannot prove you are giving every child the same opportunity to achieve and do well in the test, what are you doing giving these kids these standardized tests and flunking them and not letting them go on to the next grade?

We have done so little when it comes to good health care for every citizen.

equal opportunity for every child, jobs at decent wages, and getting money out of politics and bringing people back into politics and speaking to the economic pain that exists among citizens in our country.

I start with agriculture. I am from an agricultural State. We have a failed farm policy that is driving family farmers off the land. We have not done a thing about the price crisis. We have had another bailout. We have some money for people so they can live to farm another day, but we have not changed a thing when it comes to farmers being able to get a decent price. We have not changed a thing when it comes to all the concentration of power in agriculture and in the media and in banking and in energy and in health insurance companies. We do not want to take on these big conglomerates. We do not want to talk about antitrust action.

So I argue that at the macrolevel this has been a do-nothing Congress. I think people in the country should hold us accountable. I say to the majority party, I think they should especially hold the majority party accountable because I think many of us have wanted to do much more. I think that is what the next election probably will be all about.

If people believe education and health care and opportunities for their children and jobs at decent wages are important issues to them—that is their center; that is the center of their lives—and they believe the Republican majority has not been willing to move on this agenda, and they feel as if there is a big disconnect between what is done here and the lives of people who we are suppose to represent, then I say, let the next election be a referendum. But I certainly wish we had done more.

A FAIR DEAL FOR MINNESOTA DAIRY FARMERS

Mr. WELLSTONE. Mr. President, final point. Some of us have been fighting for several days. We are out of leverage now. It is toward the end. But to be real clear about it, there was a time, when the Northeast Dairy Compact was brought to the floor, it was going to be part of the 1996 "Freedom to Farm." I think it is the "Freedom to Fail" bill. It was defeated.

But this compact, which was not in the farm bill that passed in either House, was then put into the conference committee. There is a reform issue on which we ought to work. There is one in which I am really interested. I do not think the conference committee, which has become the "third House" of the Congress, should be able to put an amendment, a provision, into conference that was not passed in either House; or, for that matter, take out a provision that was passed in both Houses.

So this got snuck in. It was part of a deal. It is how we got the "Freedom to Fail" bill, which has visited unbelievable economic pain and misery.

The argument that was made for the Freedom to Farm bill was it should all be in the market; there ought not be any safety net; so a family farmer should not have any real leverage for bargaining for a decent price. You name it. It was a great bill for grain companies, a great bill for the packers, but not a very good bill for family farmers. On the other hand, when it came to dairy, it was a different set of rules. And we were going to have these dairy compacts with administered prices.

Our dairy producers were just asking for a fair shot—dairy producers in States such as Wisconsin and Minnesota.

Let me explain. In my State, we have 8,700 dairy farms. We rank fifth in the Nation in milk production. These farms generate about $1.2 billion for our farmers each year. The average size of the Minnesota dairy farm is about 60 cows—60 cows per farm. We are talking about family-size farm operations. We are going to lose many more because this compact, for all sorts of reasons so negative, impacts on our dairy farmers.

Mr. President, I am disgraced by the recent action by the majority party to include such harmful dairy provisions to the State of Minnesota as part of the final spending bill this year. The tactics used to include dairy as part of this bill is yet another illustration of the flagrant abuse of power. I and my fellow colleagues have fought hard and have been successful in defeating previous attempts to extend the Northeast Dairy Compact. We fought openly and fairly on the Senate floor, and now our successful efforts may be unjustly curtailed by clandestine negotiations by those who overtly misuse their power. This type of backroom negotiating style is clearly not the first time that harmful dairy provisions have been attached to the bill. We have been fighting such tactics since the authorization of the compact. In fact, the authorization of the Northeast Dairy Compact was inserted into the 1996 farm bill as part of a backroom deal. In 1996, I offered an amendment which successfully struck the compact out of the Senate bill and the compact was not in the farm bill initially passed by either House of Congress. Instead, it was later inserted during the bill's conference in the passage of the 1996 Freedom to Farm bill. Yet ironically, the 1996 Freedom to Farm bill was passed with the intent to remove government from the marketplace. Although, I adamantly opposed the bill, many viewed the 1996 farm bill as a way to decouple payments to family farmers. The thought at that time was that farmers should produce for the market and that Congress should eliminate a safety net for our farmers.

For some reason, we seemed to play by a different set of rules when it comes to dairy. We told our corn and soybean farmers that to succeed in the 21st century they should pay close attention to market signals, but at the same time we considered implementing compacts that drown out those signals for dairy farmers. And yet even among dairy producers, we scrutinized and only allowed one region of the country to provide a safety net for their farmers, while hurting farmers in other parts of the country.

Minnesota is not asking for special favors. All Minnesota dairy producers are asking for is a fair shot. I have spoken here before about the importance of family dairy farming to my State's economy. Minnesota's dairy industry is one of the cornerstones of the State's economy. We have 8,700 dairy farms in Minnesota, ranking fifth in the Nation's milk production. The milk production from Minnesota farms generates more than $1.2 billion for our farmers each year. Yet, the average herd size of a Minnesota dairy farm is about 60 cows. Sixty cows per farm. So we are really talking about family operations in my State. Family businesses with a total of $1.2 billion in sales a year, contributing to their small-town economies, trying to live a productive life on the land.

Let me read from a few farmers in my State of Minnesota who are hurting:

Eunice Biel, a Harmony, MN dairy farmer:

> We currently milk 100 cows and just built a new milking parlor. We will be milking 120 cows next year. Our 22-year-old son would like to farm with us. But for us to do so he must buy out my husband's mother (his grandmother) because my husband and I who are 47-years-old, still are unable to take over the family farm. Our son must acquire a beginning farmer loan. But should he shoulder that debt if there is no stable milk price? We continuously are told by bankers, veterinarians and ag suppliers that we need to get bigger or we will not survive. At 120 cows, we can manage our herd and farm effectively and efficiently. We should not be forced to expand in order to survive.

Lynn Jostock, a Waseca, MN dairy farmer:

> I have four children. My 11-year-old son Al helps my husband and I by doing chores. But it often is too much to expect of someone so young. For instance, one day our son came home from school. His father asked Al for some help driving the tractor to another farm about 3 miles away. Al was going to come home right afterward. But he wound up helping his father cut hay. Then he helped rake hay. Then he helped bale hay. My son did not return home until 9:30 p.m. He had not yet eaten supper. He had not yet done his schoolwork. We don't have other help. The price we get at the farm gate isn't enough to allow us to hire any farmhands or to help our community by providing more jobs. And it isn't fair to ask your 11-year-old son to work so hard to keep the family going. When will he burn out? How will he ever want to farm?

Les Kyllo, a Goodhue dairy farmer:

> My grandfather milked 15 cows. My dad milked 26. I have milked as many as 100 cows, and I'm going broke. They made a living out here and I didn't. Since my son went away to college, my farmhands are my 73-year-old father and my 77-year-old father-in-law who has an artificial hip.
>
> I have a barn that needs repairs and updates that I can't afford. I have two children that don't want to farm. At one point, in a 30-mile radius, there were 15 Kyllos farming. Now there are three. And now I'm selling my cows. My family has farmed since my ancestors emigrated to the United States.
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> When I leave farming, my community will lose the $15,000 I spend locally each year for cattle feed; the $3,000 I spend at the veterinarian; the $3,600 I spend for electricity; or the money I spend for fuel, cattle insemination and other farm needs.

The testimony I just read were from MN farmers who felt comfortable to share their names. I have additional testimony, but the farmers who shared their stories, had requested that I not use their name. This is testimony from a farmer in East Ottertail, MN:

> Despite the ongoing difficulties, it is amazing the steadfast willingness of this family to try and hold things together. The farm is farmed by two families, a father and his son.
>
> Since dairy prices fell in the second quarter of 1999, there was not enough income for this family to make the loan payments and to provide for family living and cover farm operating expenses. The Farm Credit Services would not release a loan for farm operating assistance, and so the family had to borrow money from the lender from which they are already leasing their cows. They have not been able to feed the cows properly because of the lack of funds. Because they cannot adequately feed their dairy herd, their milk production has fallen and is considerably lower than the herd's average production. In addition, because there was no money for family living, the parents had to cash out what little retirement savings they had so that the two families had something to live on day to day.
>
> The son and wife had to let their trailerhouse go since they could not make the payments and moved into a home owned by a relative for the winter. Most of their machinery is being liquidated. However, there are a few pieces of machinery that go toward paying off their existing debt. The family will be selling off 120 acres of land in their struggle to reduce the debt. Recently, the father has been having serious back troubles and has been unable to help his son with the work. This is tremendous stress both physically and mentally on the son. The son has decided he is going to have to sell part of the herd in order to reduce the herd to a number that is more manageable for one person. In addition, the money acquired from selling off part of the herd will be applied toward their debt. The son hopes that these three items combined: selling machinery, land and part of the herd can pay off enough of their debt that he might be able to do some restructuring on the remainder of the farm and to reduce loan payments to a manageable amount where there is something left to live on after payments are made.

These are just a few of the stories. I read these stories, because it is important that when we consider national dairy policy here in the Senate, we need to keep in mind that we are determining the future of an industry and a way of life that are basic not only to the agricultural economy, but to the very soul of America's rural heartland. I am concerned that the dairy provisions attached to this omnibus bill will hurt Minnesota dairy farmers and frankly dairy farmers throughout the country. I have been on the floor before discussing how the dairy compacts and any reversal to the implementation of an equitable milk marketing system will harm Minnesota dairy farmers. However, the dairy language included in this bill goes even further and could potentially threaten all family dairy farmers throughout the nation.

What I am talking about and concerned about as are many Americans is the trend towards factory-farm and concentration in dairy. It is unnecessary and unwise. There is no reason we cannot have a family-farm based dairy system. A dairy system which promotes economic vitality in rural communities and one which is more environmentally sustainable than a factory-farm system. Family dairy farms are efficient and innovative. Family dairy farms can provide a plentiful supply of wholesome milk at a fair price. However, there is a provision stuck in this bill which no one has really discussed, and would harm family dairy farmers everywhere. The provision would establish a pilot program allowing for the expansion of forward contracting of milk.

Forward contracting reduces competition in the marketplace and results in lower prices to dairy producers. Forward contracting is not specific to the dairy industry. In fact, one can note the effect of forward contracting by the recent events occurring in the hog industry. Recently, the hog industry has witnessed a significant increase in the number of producers who decided to forward contract. Hog producers will contract with packers to guarantee them a minimum price for their pigs. Contracting is not inherently bad and there are some good contracts. However, what is occurring is that these deals are made often in private and do not reflect the spot market. There is a strong argument that contracting is partly responsible for the depressed hog prices and the rapid increase in the consolidation of the hog industry. What is happening in the hog industry is also happening in dairy.

This provision would expand forward contracting of milk by allowing processors to pay producers less than the federal milk price for milk. Under current law, forward contracting is allowed, however, only if the buyer is willing to offer at least as much as the federal minimum price. In other words, this provision will remove an important safety net for our dairy producers. Expanded forward contracting can also reduce the price for producers who do not forward contract by reducing the competition for milk, thereby damaging the entire dairy market structure. This provision could also discriminate against our family farmers because the most likely scenario is that processors would offer forward contracts to the largest producers. Again, we would see the domino effect of losing family farmers. By giving a better deal to larger producers, our family farmers cannot compete and we would see more losses of family farmers.

Those who support forward contracting contend that forward contracting is a risk management tool; however, this argument doesn't hold water. In fact, National Farmers' Union and other groups contend that the proposal for forward contracting will actually make it more difficult to manage risk by forcing producers to guess whether the volatile dairy market will go up or down. It is logically deduced that in the absence of an adequate support price, the market will continue to be highly volatile. What can happen is that anytime producers price guess wrong, they lose money under this proposal. The truth is that our family dairy farmers cannot compete in such a volatile market place. We must set policy that keeps family dairy farms in business while ensuring that consumer and taxpayer costs are kept at a reasonable level. What we need to achieve here is a fair, sustainable and stable price system for all dairy farmers.

That has clearly not happened, and that's partly why Minnesota continues to lose dairy farmers at an appalling rate. Minnesota is losing dairy farms at the rate of three per day due to base price that are already low and unstable. Let me read to you the past couple of BFP prices for family dairy farmers. The BFP is the basic formula price. It is the monthly base price per hundredweight paid to dairy farmers for their milk.

In August the BFP was $15.79 per hundredweight. That was quite high and it is a good price. Farmers could be pleased with that price. In September the BFP rose a little higher to $16.26 per hundredweight. I haven't seen the analysis of why the BFP price rose so high. Back in May of 1999, the BFP was only $11.26. Some would argue that it was due to the drought in the East that prices rose so high for August and September. The milk price was high because cows in the eastern region were strained and produces less milk. Therefore, milk was in demand and thus the price rose. If this is the case, our farmers are getting a decent price for their milk only at the expense of farmers in other parts of the country who are suffering.

In October, the BFP took a stumbling tumble from the $16.26-September price to $11.49 per hundredweight. This is a dramatic drop price. The BFP for this month will not be released until

December 3rd, but it is predicted to be even lower. Again, as I have stated before with such volatility in the market, it is no question why our farmers are having a difficult time to survive. And if dairy farmers are not struggling enough with the volatility of the market, Congress is now assisting and in some cases is making the price of my dairy farmers worse—and that is what has happened with the Northeast Dairy Compact. The Northeast Dairy Compact gives six states the right to join together to raise prices to help producers in the region. While it may help the Northeast, it is cutting into our markets. It is true that the compact provided a safety net this spring to certain farmers when dairy prices plunged. When the price of raw milk dropped by 37 percent, one Massachusetts farmer got a $2,100 check from the compact. Overall, that farmer said, aid from the compact totaled seven percent of his gross income during the first 12 months of its operation. Conversely, Midwest dairy farmers—who also confronted the sharp price decline—got no such price.

The Northeast Dairy Compact fixes fluid milk prices at artificially high prices for the benefit of dairy producers in just that region. This artificial price boost of a compact may benefit the producers covered by the compact, but it hurts all other dairy farmers. It is also no secret that the extension of the Northeast Compact encourages other regions such as the Southeast to form their own compact. This would be detrimental to the Upper Midwest. A recent report by University of Missouri dairy economist Ken Baily found that Minnesota's farm-level milk price would drop at least 21 cents per hundredweight if a Southeast dairy compact were allowed to be implemented alongside expanded Northeast dairy compact. This would translate into a $27.2 million annual reduction of Minnesota farm milk sales. The compacts in Baily's study would cover only 27 percent of U.S. milk production, yet would have a sizable negative impact. If more regions adopted compacts Minnesota prices would drop even further.

Many, such as I heard Senator LEAHY inquire, why doesn't the Upper Midwest form their own compact. Minnesota and Wisconsin farmers would not benefit from organizing their own compact. A compact's price boost applies for only fluid milk. The percentage of Upper Midwest milk going into fluid products is so low that any compact would do little for Minnesota's farmers' income. The negative impact of compacts would far outweigh any minimal boost to fluid prices here in Minnesota. Congress should not accept a policy that so clearly provides benefits to the producers of one region at the expense of consumers and producers elsewhere. Instead, there should be an effort to create a more uniform and rational national dairy policy—a policy without the regional fragmentation caused by compacts.

To put it simply, compacts erect trade barriers in our country. By fixing milk prices at artificially high levels, Compact proponents understand that their markets become vulnerable to market forces at work elsewhere in the nation. So in order to prevent milk from other regions entering those Compact markets at lower prices, a tariff-like mechanism is established to ensure that all milk entering the Compact area is priced at the level fixed by the price-fixing commission in the region. It is bad enough that the extension of the Northeast Dairy Compact is attached to this bill, but it is unacceptable for Congress to attempt to meddle with USDA's final plan by resurrecting an alternative similar to Option 1-A.

As you know, the referendum voted on by producers nationwide overwhelming passed this past summer. Given the prominence of Minnesota's dairy industry, it should be no surprise that I have pushed for reform of the existing milk pricing system. The Secretary's reforms are a step forward in a long overhaul of dairy policy toward a more unified and simplified pricing system that benefits all producers. We need to reduce and eliminate the regional inequities that exist within the federal order system. The current pricing system regulates the price of fluid milk based on the distance from Eau Claire, Wisconsin. This policy causes market distortions that disadvantage producers in the Upper Midwest. These reforms must move forward quickly, and be implemented as soon as possible by the Secretary.

These dairy provisions are putting at great risk dairy farmers not just in my State, but across the country. It is imperative that we establish a national and equitable dairy system for all. For this reason, and among numerous other inequities included as part of this mammoth omnibus package, I cannot vote for the bill.

Mr. President, milk prices per 100 weight were about $16. Now they are down to $11. They are going down further. We do not have any kind of national dairy policy that makes any sense.

What has happened, which affects Eunice Biel and Lynn Jostock, and Les Kyllo, and all sorts of other farmers who will remain anonymous but whose statements are included in the RECORD—they do not want their names used—it is hard when you are going through pain, and you are working 19 hours a day, and you are going to lose your farm.

What has happened, to add salt to the wound, insult to injury, is that in the dark of night in a conference committee a few people—it did not pass the Senate; they did not get it through—they put through a provision that extended this Northeast Dairy Compact, which would have run out, and they blocked the Secretary of Agriculture from being able to move forward with milk marketing order reform.

They have another provision which would allow for a pilot project for the expansion of the forward contracting of milk. That is what we have had in the hog industry. Contracting is not inherently bad, but what happens is these arrangements are made in private; they do not reflect the spot market. Basically, what happens is, you are going to have this consolidated industry, as in the hog industry. And what will happen is that the processors will be able to pay the producers less than the Federal milk price for milk. In other words, under current law, forward contracting is allowed; however, only if the buyer is willing to offer at least as much as the Federal minimum price. But this little-known provision—never debated on the floor of the Senate—would now remove that important safety net for our dairy producers. Processors are going to offer better forward contracts to the larger producers, to the largest producers, and our dairy farms are going to go under.

In Minnesota, we continue to lose dairy farms at an appalling rate. Minnesota is losing dairy farms at the rate of three per day due to a base price that is already so low and so unstable.

I say to each and every one of my colleagues that it is a triple blow to agriculture, to dairy farmers, in Minnesota. First of all, again, this horrendous piece of legislation, which was passed in 1996, that I think the Senate should be ashamed of, took the bargaining power away from farmers. They cannot even get a price to survive.

We have a depression in agriculture. We are going to lose a whole generation of producers. The way this happened, with the Northeast Dairy Compact, was to put that into the conference report. It never passed on the floor. It was part of the whole deal that made this bill possible.

Then this dairy compact was going to expire in 2 years. We had a vote on it. It did not get through the Senate. It came back into the conference committee, in this horrendous process—which will be my last point about this process—no vote, no public discussion, all sorts of provisions, one of which I just mentioned, put into this amendment, and now this omnibus conference report is brought to us, and we cannot amend it. We can't amend it. I can't come to the floor of the Senate and deal with this forward contracting of milk without the safety net. I can't come to the floor of the Senate with an amendment to knock out this amendment. You get a few people who decide in a closed room, outside of any scrutiny, and they put this back in.

I am outraged. But we fought this every way we know how. Today is the last day. There will be a vote, and we can't stop that vote—whether it be at 1 a.m. or in midafternoon. To me, that is no longer an issue. We have done everything we can.

But I say to my colleagues that I think what has been done to the dairy farmers in the Midwest is an injustice. I think it is an injustice in a piece of legislation that, in and of itself, doesn't represent all that much for America, even though I know everybody will be talking about how great this is. I am certainly going to vote against it.

I also say to my colleagues that I hope we will, next year, think about how we can reform the way we operate. On this, I hold the majority leader accountable—to the extent that I can hold him accountable. And I will figure out every way I can next year, when we come back, to keep raising this issue.

We didn't get a lot of these appropriations bills done. We had a lot of legislation that came to the floor. We weren't allowed to do amendments. Frankly, I don't know how anybody in here thinks we can be good legislators when we don't have the bills coming to the floor. We need to get them out here in the open and have debates that are introduced, have up-or-down votes, and then we move forward. And if we have to work from 9 in the morning until 9 at night, so be it. But instead, we don't do our work.

Those of us who believe the Senate floor is the place to fight for what we believe in and have the debates are not able to do so. Instead, we have this process where six, seven, eight people decide what is in and what is out, and we have this huge monstrosity called the "omnibus" bill that is presented to us, which none of us has read—or maybe two people have. But none of us has read this from cover to cover. I doubt whether there are more than two Senators who know everything that is in here.

I would like to raise the question, How can we be good legislators with this kind of process? We are not being good legislators. I am speaking for myself. I am not able to be an effective legislator representing Minnesota if we are going to continue making decisions in conference committees and rolling in six, seven, eight major pieces of legislation with no opportunity for me as a Senator from Minnesota to bring amendments to the floor. That was done on the dairy compact, and that is what has been done on a whole lot of other decisions. It is no way to legislate.

I contend that that is no way to legislate. I contend that this omnibus bill makes a mockery of the legislative process. I contend on the floor of the Senate today, not only because of what happened to dairy farmers in Minnesota but because of the whole way in which this decisionmaking process has worked, that this is unconscionable. I contend that this kind of decisionmaking process is going to lead to more and more disillusionment on the part of people in the country.

People hate the mix of money and politics. They don't like poison politics. They don't like all the hack-attack politics my colleagues, Senator REID and Senator DURBIN, were talking about earlier because they believe that is what is wrong. They don't like what, apparently, some of us relish. They don't like backroom deals, decisionmaking that is not open, accountable, and that people can understand and comprehend.

Now, my final point. I am not so sure that some of the major decisionmakers, given the sort of deck of cards they had to work with—I don't know that I want to point the finger at any one person. I don't think that is probably fair. I am making an argument about process, not about a particular Senator. Some of them who were involved in this probably did everything they could do from their point of view. They are very skillful. But I will tell you one thing. Minnesota dairy farmers came out on the short end of the stick.

I regret the fact that this has been done and stuck into a conference report and was not done in an honest way, with open debate on the floor of the Senate, where we could have amendments. I also regret a legislative process where we didn't get to the bills on time, didn't have the debate on the floor, didn't have amendments we could introduce, didn't have the up-or-down votes, and it all got done by a few people, really, basically, with very little opportunity for public scrutiny, for democratic accountability.

I am going to vote "no" on this bill. I think I would vote "no" just on the issue of the way in which these decisions have been made because, again, I think we have made a mockery of what should be the legislative process.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

UNANIMOUS CONSENT AGREEMENT

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senator from Iowa, Mr. GRASSLEY, be recognized for approximately 10 minutes, if that is sufficient for the Senator.

Mr. GRASSLEY. I think it is.

Ms. COLLINS. I also ask unanimous consent that he be followed by the Senator from New York, Mr. SCHUMER, for not to exceed 5 minutes, and that I be recognized to transact legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized.

CHINA'S ACCESSION TO THE WORLD TRADE ORGANIZATION

Mr. GRASSLEY. Mr. President, in my capacity as chairman of the International Trade Subcommittee and getting ready for the Seattle Round, as well as considering China's accession to the World Trade Organization, I want to speak on Congress' power and our responsibility on the whole issue of international trade.

It is very clear in the Constitution that the Congress of the United States has the power, as one of the specifically delineated powers of Congress in the first article, to regulate interstate and foreign commerce. So the United States has just concluded a bilateral market access agreement with China. It should pave the way for China's accession to the World Trade Organization.

From what I have heard about this agreement—and, of course, we only have summaries at this point—it is an exceptionally good one for the United States and especially for American agriculture. I said, when the agreement fell through on April 8, I was fearful that a lot of ground would be lost. I don't think, from what I know, there has been any ground lost with the renegotiation. Charlene Barshefsky, our U.S. Trade Representative, conducted herself in a highly professional way and negotiated what appears to be an excellent agreement, and she did it under very difficult circumstances.

Now that the negotiations are finished, the job of the Senate and the House of Representatives becomes even more important. Our constitutional responsibility requires that the Senate and the House carefully review the agreement in its entirety, and the extent to which there are changes in law, they obviously have to pass the Congress, as any law would, and be signed by the President.

It is a responsibility every Senator takes very seriously because it is assigned to us by the Constitution. And because the Congress has a unique and close relationship with the American people, we must also keep faith with the people who sent us here to fulfill our constitutional responsibilities.

That is why it is critical we know everything that was negotiated.

I want to put emphasis upon that statement.

That is why it is important that the Congress of the United States know everything that was negotiated—everything, every issue, every detail, and every interpretation—so there can be no surprises, no private exchanges of letters, no private understandings about the key meanings of key phrases in the agreement, and no reservations whatsoever that are kept just between negotiators.

In other words, if Congress is going to legislate these agreements and secure these agreements, Congress has a responsibility not only to make sure everything is on the table but to make sure the administration puts everything on the table.

Let me be clear about this. There is an absolute requirement of disclosure, Congress must see everything that is negotiated. And it has not always been this way, or I wouldn't be to the floor asking my colleagues to consider this, and with an admonition to the administration to make sure everything is given to Congress. When congressional approval is required, only what we see and vote on should become the law. Nothing should become the law of the land that is secretly negotiated and that isn't submitted to Congress for our approval.

Because there have been problems in this area in the past, Senator CONRAD of North Dakota and I have introduced legislation. This legislation is contained in the African trade bill. That trade bill was recently approved by the Senate. I will work very hard to see that this provision is part of the final bill approved by conference committee before the African trade bill is sent to the President.

Why are we where we are today with what Senator CONRAD and I have tried to accomplish, and did accomplish, as far as the Senate is concerned? Unfortunately, past administrations have not complied with their basic principles of complete disclosure and complete openness in their submittal of agreements to the Congress. A prior administration—it happened to be a Republican administration—violated the spirit, if not the letter, of this absolute good faith requirement of complete disclosure. This incident occurred in 1988. I want to give background on it because it was in regard to the Canadian Free Trade Agreement which became part of the North American Free Trade Agreement.

At that time, there was disagreement about the meaning of a term relating to Canada's price support system for wheat.

If anybody has heard the articulate speaking of the Senator from North Dakota on this issue—Senator CONRAD has talked about this many times, about wheat unfairly coming into the northern United States in violation of the free trade agreement but somehow being legal because of these side agreements that Congress didn't know about in the past.

There was a disagreement about the meaning of a term relating to Canada's price support system for wheat. The issue dealt with whether the Canadians were manipulating their price support system by unfairly defining a very key term in their favor, thus allowing them to sell wheat below cost in the United States market in violation of the clear meaning of a provision of the Canadian-United States free trade agreement.

The United States insisted that Canada was, indeed, selling wheat below cost in violation of the agreement. Canada denied the violation. The dispute was even taken to a binational panel for resolution.

In the argument before the binational panel for dispute resolution, the Canadian side at that time produced a letter from a few years back from the United States Trade Representative to the Canadians supporting the Canadian interpretation of the provision and very devastating to the case brought by the United States.

The question now is whether the U.S. Trade Representative's letter, or his interpretation of this controversial and important provision, was properly reported to the Congress before we considered that agreement, voted on it, and it became the law of the land. Some might argue that it was disclosed. Others say it was not.

In my view, because the issue of Canada's price support system for wheat was such a politically sensitive issue in the context of the NAFTA agreement, there should not have been any room for doubt what the administration's interpretation was. The disclosure of the administration's interpretation of this key language should have been fully and completely disclosed—not just in the fine print or in response to questions raised by a Senator at a hearing.

When important issues of foreign commerce are at stake and Congress is exercising its constitutional power of regulating foreign commerce, we in the Congress should not have to guess what the answer is or even have to figure out how to ask the right questions in the hearing at the right time and in the right way to get an honest answer, to have open disclosure of what our agreements are and what the results of the negotiation are.

This incident on the wheat and the Canadian Free Trade Agreement had unfortunate and profound consequences. It led some in Congress to believe they could not trust our negotiators. Some of us believed we weren't dealt with fairly. The American wheat farmer has been harmed as a result of it.

Now, I want to say I have the highest regard for our negotiators, especially for Ambassador Barshefsky. She has done a remarkable job. She has my complete trust. So this is not about Ambassador Barshefsky. It is not about any one of our negotiators. Nor is this a partisan concern. The incident that sparked my concern occurred during a Republican administration. I am concerned about one simple thing. The principle of openness and full disclosure to Congress.

This simple, basic principle applies not just to the agreement with China. In about ten days, the United States will help launch a new round of global trade negotiations in Seattle. This new round of trade liberalization talks will cover agriculture, services, and other key trade issues. Many of these issues are sensitive, and even controversial.

We must be confident that we will see everything that is negotiated in the new round before it can become law. The legislation Senator CONRAD and I wrote that is part of the Africa trade bill requires full disclosure to Congress of all agreements or understandings with a foreign government relating to agricultural trade negotiations—what we refer to here as agricultural trade negotiations, objectives, and consultation.

Anyway, our provision says that any such agreement or understanding that is not disclosed to Congress before legislation implementing a trade agreement is introduced in the Congress shall not become law. In other words, if Congress doesn't know about the agreement, it should not become law. That is very simple. It is very clear. It is a restatement of the principle of full disclosure. It is consistent with Congress' constitutional responsibility for foreign commerce, but I understand the administration opposes this commonsense provision. They want it removed from the bill.

Mr. President, it says in the Conrad-Grassley bill, no secret side deals. The Congress agreed that there should be fully submitted to Congress all of the provisions of any negotiations that must be approved by Congress. I don't know why the administration wants this language removed from the trade bill, but this is what they have sent to the conferees in the Congress of the United States. They list this section that says no secret side deals. They are suggesting we strike this subsection.

We cannot let this happen. I will do everything I can to make sure this physical disclosure provision becomes the law of the land when the House and Senate conferees finally consider the African trade bill. I believe our Government should live by the same standards we expect from farmers in my hometown of New Hartford, IA, or any businessman in Des Moines, IA. Tell us exactly what you mean. Show us everything in the agreement. Act in good faith.

I ask my colleagues to support this provision and vote for it when it comes back from the conference committee so we have physical disclosure of everything so Congress isn't asked to vote on something that is secret, that we don't know anything about. If we do that, we are violating our constitutional responsibility to the people of this country.

The PRESIDING OFFICER. Under the previous agreement the Senator from New York is recognized for 5 minutes.

GOOD NEWS FOR RURAL NEW YORK

Mr. SCHUMER. Mr. President, today I am happy to say there is good news in the omnibus budget bill for rural New Yorkers in two ways. The Satellite Home Viewer Act will finally allow rural residents in rural areas to receive local television programming, and the dairy language in the omnibus final package allows both option 1-A and the New England Dairy Compact to continue. Let me touch on both of these. It is clearly two dollops of good news for rural New Yorkers.

On the satellite bill, I have had constituent after constituent in areas such as Allegany County and Chenango County and Steuben County and Ulster County, throughout New York State in rural areas, tell me all of a sudden they were unable to receive over the air signals to receive local satellite programming. Imagine being cut off. Imagine for years depending on the weather reports before you took your kids to school or because you are a farmer and then not being able to get them. Imagine having your local news shows cut off. Imagine not being able to see things your family was accustomed to seeing, all because of a court action.

Today, that bill, that court action, is being overruled in the omnibus act. I am delighted to say half a million New York residents will now be able to get their local signal from their satellite which they were not able to do before—half a million people, all back the way they should be.

I hope we will continue the progress of the Satellite Home Viewer Act. The Federal provision was taken out. I understand the Senate Banking Committee plans to hold hearings next year to ensure that multiservice providers are encouraged to extend competition. I want to work with my colleagues to make sure my constituents in upstate rural New York, central New York, the west and southern tier, and in the north country have the same viewing options as those in downstate.

The other bit of good news, of course, is the dairy language in the final bill. First, I know some of my colleagues from Wisconsin and Minnesota have labored long and hard on behalf of their constituents in this regard. I salute their hard work, their tenacity, and their diligence. I heard the Senator from Minnesota say the average dairy farm in his State has 60 cows. It is no different in New York. We don't have large farms, by and large. We shouldn't be pitting one against the other. Without 1-A and without the dairy compact we would have had desperate times in rural New York for our dairy farmers. We are the third largest dairy State. Dairy is a vital industry in much of New York.

If option 1-B were allowed to be implemented, New York would experience the single largest loss of any State, $30.5 million a year. Compacts, of course, are necessary. The 1-A option passed both Houses. This is not something being done in the dark of night and not being debated. Both Houses, after full debate, passed both compacts.

I say with all due respect to my colleagues from Minnesota and Wisconsin, it is they who seek to thwart the will of the majority of the House and the Senate when they try at the last minute to stop an omnibus bill from going through. We need this compact.

In New York and New England, the price of milk has not risen by more than 4 cents over the national average in every given year. I say to my downstate constituents, to keep an industry vital to all New Yorkers going, is it worth it to pay that 4 cents? Almost everyone says yes. With senior citizen centers, WIC, and other types of good programs being exempt, this is a worthy piece of legislation. I think it is a good day for the dairy farmers of New York.

It is not all we wanted; I admit that. We want New York to be added to the Northeast Dairy Compact, and we will fight like the devil to make that happen in future years. Without 1-A and the existing dairy compact, which still benefits New York dairy farms in the north country and places such as Washington and Warren Counties and in central New York, those areas without the New England Dairy Compact, we would have suffered dramatically. Adding insult to injury, not having option 1-A would have been devastating.

In the last decade, New York State has lost one-third of its dairy farms, 13,000 to 8,600. The dairy compact and option 1-A will help my State and region retain this vital and cherished industry. I believe that can be done not at the expense of our counterparts in the Midwest.

In conclusion, it is a good day for rural New Yorkers in this omnibus bill. No. 1, the Satellite Home Viewer Act will allow half a million New York families to receive local signal once again; and, an extension of the dairy compact, as well as extension of option 1-A, will allow our dairy farmers who have been struggling over the last decade to have a better chance to survive, to grow, and to prosper in one of the industries most vital to all of New York State.

The PRESIDING OFFICER. Under the previous agreement, the Senator from Maine is recognized.

SENATE ACCOMPLISHMENTS

Ms. COLLINS. For the information of all of our colleagues, I inform Senators that we are still working out some last-minute issues that will then allow the Senate to move a number of important bills that have been cleared on both sides. While we are waiting for these last-minute glitches to be resolved, I want to take this opportunity to respond to some of the comments made by my colleagues on the other side of the aisle this morning.

I am disappointed in some of the process, and I do not support all of the provisions of the omnibus appropriations bill which we will consider later this day, but I very much disagree with the assertions made by some of my colleagues on the other side of the aisle that we have not accomplished anything during this Congress. We have, in fact, accomplished a great deal of which we can be proud. Rather than engaging in harsh partisan rhetoric, we should be coming together in these final hours of this session to celebrate what we have done for the American people.

First of all, I think we can take great pride in the accomplishment that we will be producing a balanced budget for the first time in decades, one which does not raid the Social Security trust fund. This is a tremendous accomplishment and it establishes a new milestone in fiscal responsibility. It has been the Republican caucus that has held firm in their determination to prevent one penny of the Social Security trust fund from being diverted to support expensive new unrelated Government programs. We have succeeded. We have kept that commitment. We have fulfilled our obligation to the senior citizens of this country. For the first time in 30 years, the Congress has produced a balanced budget which will result in a surplus that does not rely on funds from the Social Security trust fund. The raid on the Social Security trust fund has been stopped cold.

I give a great deal of credit to Senator DOMENICI, to Senator STEVENS, to Senator ABRAHAM, and to all colleagues in the Republican caucus who have united in their determination to secure the Social Security trust fund for our seniors and for future generations. That is an accomplishment of which we can be proud.

Second, I am delighted the omnibus appropriations bill includes what has been my highest priority in the last few months and that is to restore some of the unintended cuts made by the Balanced Budget Act of 1997 as well as by onerous regulations imposed by the Clinton administration that have impaired the ability of our rural hospitals, our home health care agencies, and our nursing homes to provide much needed quality health care to our Nation's senior citizens.

The Presiding Officer has been an early supporter of legislation that I have introduced to provide financial relief to our distressed home health care agencies. America's home health care agencies allow our senior citizens and our disabled citizens to receive the health care where they want it, in the security and the privacy of their own homes. Unfortunately, under the Balanced Budget Act of 1997, and exacerbated by misguided policies of the Clinton administration, America's home health agencies have found their ability to provide this care has been jeopardized. This care is so important to our Nation's senior citizens, particularly those who are living in rural areas of our country where access to home health care may spell the difference between staying in their own homes and having to travel many miles to receive health care.

Unfortunately, since cutbacks in home health care have gone into effect, there has been a devastating impact on the senior citizens of our country. Let me use the example of the State of Maine. As you can see, in just a year's time, more than 6,000 Maine senior citizens have lost their access to home care. In fact, it is 6,600 Maine seniors who have lost their access to home health care. The number of home health care visits in Maine has declined by more than 420,000. Reimbursements to Maine's home health agencies have declined in a year's time by more than $20 million.

Maine's home health agencies have had a long tradition of providing low-cost compassionate care. We are not talking about home health agencies that were in any way abusing the system, making too many visits, or overbilling Medicare. We are talking about home health agencies that were cost effective and efficient, providing quality low-cost care throughout the State of Maine.

I have visited with many of these seniors who have lost access to home health care. One was a retired priest in my hometown of Caribou, ME. He relied on his home health services and has now had to dig deeply into his savings to provide for the care out of his own pocket because Medicare is no longer providing the services he needs.

In another case, I visited an elderly couple in rural Maine who were able to stay together in their own home rather than go into a nursing home because of the valuable services provided by home health care nurses. The woman in this case was severely diabetic. She was confined to a wheelchair and had a wound that was not healing. It was home health care nurses who came three times a week to clean the wound, to change the dressing, to take care of her other health care needs. Home health care allowed her and her elderly husband to stay together in their golden years.

It is that kind of service which has made such a difference to the quality of life of our senior citizens, and it was that kind of service which has been so jeopardized by the ill-advised Clinton administration regulations and the unintended consequences of the Balanced Budget Act of 1997.

The legislation I introduced was a bipartisan bill. It was cosponsored by more than 30 of my colleagues, to reverse these unintended consequences. The Balanced Budget Remedies Act that is included in the omnibus appropriations bill does not go as far as I would like, frankly, but it is a good and necessary first step. I commend the chairman of the Finance Committee, Senator ROTH, as well as Senator MOYNIHAN, for working with us to come up with legislation that we can enact to ensure our senior citizens do not lose access to much needed health care.

That is also a very important bill to our rural hospitals. In our hospitals, in States such as Maine, we have been suffering from the cutbacks that jeopardize their ability to provide care. These hospitals, in most cases, are the only hospital in the community. If they are forced to close because of unfair and inadequate reimbursements from Medicare, it will devastate the communities. It will leave many of our senior citizens and others in the community without access to health care at all when they become ill and need hospitalization.

One of the features of the cutbacks in home health care troubles me. I wonder what has become of these nearly 7,000 Maine citizens. In some cases they have been forced to pay for the care themselves. Many of the seniors in Maine simply cannot afford that kind of out-of-pocket expense. They are living on Social Security, on limited incomes. They already have a very difficult time affording their prescription drugs. Some of them have become sicker because they have lost their access to home health care and have prematurely been forced into nursing homes or have been subject to repeated hospitalization which would have been avoided had the home health care services been provided. The irony and the wrongheaded effect of this policy is we are probably going to end up paying more for the care for these senior citizens who have lost access to their home health care because hospitalization and nursing home care is so much more expensive than home health care. Surely this has been a shortsighted policy.

I am pleased this legislation is going to take the first steps we need to provide much needed financial relief to our Nation's home health care agencies, our rural hospitals, and our nursing homes. It is going to make a real difference. There is much else that is very valuable in this legislation for our Nation's families. Not only our senior citizens but our children are going to benefit from this legislation.

When you hear the rhetoric in this Chamber about education, you would think that somehow there has been an attempt to slash education funding. Nothing could be further from the truth. In fact, the Republican Senate increased—increased, Mr. President—education spending by $500 million beyond what was requested by President Clinton in his budget.

The increase also represents a substantial hike in spending for education programs over last year's spending levels. In fact, the legislation we are about to consider increases education spending by $2 billion over the last fiscal year, and, again, the increase is $500 million over what the President proposed.

Clearly, there is a deep and heartfelt commitment in the Senate to increase education spending and to recognize its importance to the future of this country and to ensuring a bright future for our Nation's children. The issue has not been about money. The issue has been who is best able to make education decisions. That is the debate we will continue next year.

To me, the answer is obvious. We do need to increase the Federal investment in education, but at the same time we need to empower our local school boards, our parents, our teachers, and our principals to make the decisions and set the priorities. We need to hold them accountable for improved education achievement, but we do not need a Washington-knows-best, a one-size-fits-all approach to education policy.

There is other good news in the omnibus appropriations bill, and that is good news for students and their families who are pursuing higher education. Since I have come to the Senate, one of my highest priorities has been to increase Pell grants and student loans so that no qualified student faces a financial barrier that makes it impossible for him or her to attend college.

Prior to coming to the Senate, I worked at a small business and health college in Bangor, ME, known as Husson College. It was there that I first became aware of how critically important Federal financial assistance was for students who are attending college.

Eighty-five percent of the students at Husson College could not afford to attend college but for the assistance they were provided from student loans and from Pell grants. This assistance was absolutely essential in allowing them to attend college. Many of them were first-generation college students. They were the first people in their families to have the opportunity to attend college. They were taking a big step they knew would ensure a brighter future for them and more opportunities.

We know the vast majority of new jobs that are being created into the next century will require some kind of postsecondary education, either attendance at a technical college, a private college, or a university. We are going to need more and more skills, more and more education, if we are to compete for the jobs of the future.

That is why I am so delighted the legislation provides a significant increase for Pell grants.

As you can see, the maximum Pell grant will be increased in the appropriations bill. Currently, it is $3,125. The President proposed $3,250. The appropriations bill passed by the Senate proposed $3,325. Those are good steps. They will help make college a little bit more affordable for our Nation's young people; indeed, also for older adults who are returning to college because they realize they need additional skills.

Once again, it is important we emphasize, the Senate increased spending for these essential Pell grants beyond what the President recommended. This is a budget of which we can be proud. It does not include every provision each of us would like. It reflects hours, weeks, and months of work. It reflects compromise. That is what the system is all about.

Each of us would write this bill differently. Each of us wishes the process could be cleaner, that we could work to get our legislation accomplished earlier, that we had more cooperation with the White House in achieving this goal. But the fact is, this legislation will ensure brighter futures for the families of America.

I appreciate the opportunity to set the record straight on these important issues. The bill, which will be before us later today, is not perfect but it is good legislation that deserves the support of all our colleagues.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DECEPTIVE MAIL PREVENTION AND ENFORCEMENT ACT

Ms. COLLINS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 335) to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to sweepstakes, skill contests, facsimile checks, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 335) entitled "An Act to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to sweepstakes, skill contests, facsimile checks, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

TITLE I—DECEPTIVE MAIL PREVENTION AND ENFORCEMENT

Sec. 101. Short title.
Sec. 102. Restrictions on mailings using misleading references to the United States Government.
Sec. 103. Restrictions on sweepstakes and deceptive mailings.
Sec. 104. Postal service orders to prohibit deceptive mailings.
Sec. 105. Temporary restraining order for deceptive mailings.
Sec. 106. Civil penalties and costs.
Sec. 107. Administrative subpoenas.
Sec. 108. Requirements of promoters of skill contests or sweepstakes mailings.
Sec. 109. State law not preempted.
Sec. 110. Technical and conforming amendments.
Sec. 111. Effective date.

TITLE II—FEDERAL RESERVE BOARD RETIREMENT PORTABILITY

Sec. 201. Short title.
Sec. 202. Portability of service credit.
Sec. 203. Certain transfers to be treated as a separation from service for purposes of the thrift savings plan.
Sec. 204. Clarifying amendments.

TITLE III—AMENDMENT TO THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

Sec. 301. Transfer of certain property to State and local governments.

TITLE I—DECEPTIVE MAIL PREVENTION AND ENFORCEMENT

SEC. 101. SHORT TITLE.

This title may be cited as the "Deceptive Mail Prevention and Enforcement Act".

SEC. 102. RESTRICTIONS ON MAILINGS USING MISLEADING REFERENCES TO THE UNITED STATES GOVERNMENT.

Section 3001 of title 39, United States Code, is amended—

(1) in subsection (h)—

(A) in the first sentence by striking "contains a seal, insignia, trade or brand name, or any other term or symbol that reasonably could be interpreted or construed as implying any Federal Government connection, approval or endorsement" and inserting the following: "which reasonably could be interpreted or construed as implying any Federal Government connection, approval, or endorsement through the use of a seal, insignia, reference to the Postmaster General, citation to a Federal statute, name of a Federal agency, department, commission, or program, trade or brand name, or any other term or symbol; or contains any reference to the Postmaster General or a citation to a Federal statute that misrepresents either the identity of the mailer or the protection or status afforded such matter by the Federal Government"; and

(B) in paragraph (2)—

(i) in subparagraph (A) by striking "and" at the end;

(ii) in subparagraph (B) by striking "or" at the end and inserting "and"; and

(iii) by inserting after subparagraph (B) the following:

"(C) such matter does not contain a false representation stating or implying that Federal Government benefits or services will be affected by any purchase or nonpurchase; or";

(2) in subsection (i) in the first sentence—

(A) in the first sentence by striking "contains a seal, insignia, trade or brand name, or any other term or symbol that reasonably could be interpreted or construed as implying any Federal Government connection, approval or endorsement" and inserting the following: "which reasonably could be interpreted or construed as implying any Federal Government connection, approval, or endorsement through the use of a seal, insignia, reference to the Postmaster General, citation to a Federal statute, name of a Federal agency, department, commission, or program, trade or brand name, or any other term or symbol; or contains any reference to the Postmaster General or a citation to a Federal statute that misrepresents either the identity of the mailer or the protection or status afforded such matter by the Federal Government"; and

(B) in paragraph (2)—

(i) in subparagraph (A) by striking "and" at the end;

(ii) in subparagraph (B) by striking "or" at the end and inserting "and"; and

(iii) by inserting after subparagraph (B) the following:

"(C) such matter does not contain a false representation stating or implying that Federal Government benefits or services will be affected by any contribution or noncontribution; or";

(3) by redesignating subsections (j) and (k) as subsections (m) and (n), respectively; and

(4) by inserting after subsection (i) the following:

"(j)(1) Any matter otherwise legally acceptable in the mails which is described in paragraph (2) is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs.

"(2) Matter described in this paragraph is any matter that—

"(A) constitutes a solicitation for the purchase of or payment for any product or service that—

"(i) is provided by the Federal Government; and

"(ii) may be obtained without cost from the Federal Government; and

"(B) does not contain a clear and conspicuous statement giving notice of the information set forth in clauses (i) and (ii) of subparagraph (A).".

SEC. 103. RESTRICTIONS ON SWEEPSTAKES AND DECEPTIVE MAILINGS.

Section 3001 of title 39, United States Code, is amended by inserting after subsection (j) (as added by section 102(4)) the following:

"(k)(1) In this subsection—

"(A) the term 'clearly and conspicuously displayed' means presented in a manner that is readily noticeable, readable, and understandable to the group to whom the applicable matter is disseminated;

"(B) the term 'facsimile check' means any matter that—

"(i) is designed to resemble a check or other negotiable instrument; but

"(ii) is not negotiable;

"(C) the term 'skill contest' means a puzzle, game, competition, or other contest in which—

"(i) a prize is awarded or offered;

"(ii) the outcome depends predominately on the skill of the contestant; and

"(iii) a purchase, payment, or donation is required or implied to be required to enter the contest; and

"(D) the term 'sweepstakes' means a game of chance for which no consideration is required to enter.

"(2) Except as provided in paragraph (4), any matter otherwise legally acceptable in the mails which is described in paragraph (3) is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs.

"(3) Matter described in this paragraph is any matter that—

"(A)(i) includes entry materials for a sweepstakes or a promotion that purports to be a sweepstakes; and

"(ii)(I) does not contain a statement that discloses in the mailing, in the rules, and on the order or entry form, that no purchase is necessary to enter such sweepstakes;

"(II) does not contain a statement that discloses in the mailing, in the rules, and on the order or entry form, that a purchase will not improve an individual's chances of winning with such entry;

"(III) does not state all terms and conditions of the sweepstakes promotion, including the rules and entry procedures for the sweepstakes;

"(IV) does not disclose the sponsor or mailer of such matter and the principal place of business or an address at which the sponsor or mailer may be contacted;

"(V) does not contain sweepstakes rules that state—

"(aa) the estimated odds of winning each prize;

"(bb) the quantity, estimated retail value, and nature of each prize; and

"(cc) the schedule of any payments made over time;

"(VI) represents that individuals not purchasing products or services may be disqualified from receiving future sweepstakes mailings;

"(VII) requires that a sweepstakes entry be accompanied by an order or payment for a product or service previously ordered;

"(VIII) represents that an individual is a winner of a prize unless that individual has won such prize; or

"(IX) contains a representation that contradicts, or is inconsistent with sweepstakes rules or any other disclosure required to be made under this subsection, including any statement qualifying, limiting, or explaining the rules or disclosures in a manner inconsistent with such rules or disclosures;

"(B)(i) includes entry materials for a skill contest or a promotion that purports to be a skill contest; and

"(ii)(I) does not state all terms and conditions of the skill contest, including the rules and entry procedures for the skill contest;

"(II) does not disclose the sponsor or mailer of the skill contest and the principal place of business or an address at which the sponsor or mailer may be contacted; or

"(III) does not contain skill contest rules that state, as applicable—

"(aa) the number of rounds or levels of the contest and the cost to enter each round or level;

"(bb) that subsequent rounds or levels will be more difficult to solve;

"(cc) the maximum cost to enter all rounds or levels;

"(dd) the estimated number or percentage of entrants who may correctly solve the skill contest or the approximate number or percentage of entrants correctly solving the past 3 skill contests conducted by the sponsor;

"(ee) the identity or description of the qualifications of the judges if the contest is judged by other than the sponsor;

"(ff) the method used in judging;

"(gg) the date by which the winner or winners will be determined and the date or process by which prizes will be awarded;

"(hh) the quantity, estimated retail value, and nature of each prize; and

"(ii) the schedule of any payments made over time; or

"(C) includes any facsimile check that does not contain a statement on the check itself that such check is not a negotiable instrument and has no cash value.

"(4) Matter that appears in a magazine, newspaper, or other periodical shall be exempt from paragraph (2) if such matter—

"(A) is not directed to a named individual; or

"(B) does not include an opportunity to make a payment or order a product or service.

"(5) Any statement, notice, or disclaimer required under paragraph (3) shall be clearly and conspicuously displayed. Any statement, notice, or disclaimer required under subclause (I) or (II) of paragraph (3)(A)(ii) shall be displayed more conspicuously than would otherwise be required under the preceding sentence.

"(6) In the enforcement of paragraph (3), the Postal Service shall consider all of the materials included in the mailing and the material and language on and visible through the envelope or outside cover or wrapper in which those materials are mailed.

"(l)(1) Any person who uses the mails for any matter to which subsection (h), (i), (j), or (k) applies shall adopt reasonable practices and procedures to prevent the mailing of such matter to any person who, personally or through a conservator, guardian, or individual with power of attorney—

"(A) submits to the mailer of such matter a written request that such matter should not be mailed to such person; or

"(B)(i) submits such a written request to the attorney general of the appropriate State (or any State government officer who transmits the request to that attorney general); and

"(ii) that attorney general transmits such request to the mailer.

"(2) Any person who mails matter to which subsection (h), (i), (j), or (k) applies shall maintain or cause to be maintained a record of all requests made under paragraph (1). The records shall be maintained in a form to permit the suppression of an applicable name at the applicable address for a 5-year period beginning on the date the written request under paragraph (1) is submitted to the mailer.".

SEC. 104. POSTAL SERVICE ORDERS TO PROHIBIT DECEPTIVE MAILINGS.

Section 3005(a) of title 39, United States Code, is amended—

(1) by striking "or" after "(h)," each place it appears; and

(2) by inserting ", (j), or (k)" after "(i)" each place it appears.

SEC. 105. TEMPORARY RESTRAINING ORDER FOR DECEPTIVE MAILINGS.

(a) IN GENERAL.—Section 3007 of title 39, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by striking subsection (a) and inserting the following:

"(a)(1) In preparation for or during the pendency of proceedings under section 3005, the Postal Service may, under the provisions of section 409(d), apply to the district court in any district in which mail is sent or received as part of the alleged scheme, device, lottery, gift enterprise, sweepstakes, skill contest, or facsimile check or in any district in which the defendant is found, for a temporary restraining order and preliminary injunction under the procedural requirements of rule 65 of the Federal Rules of Civil Procedure.

"(2)(A) Upon a proper showing, the court shall enter an order which shall—

"(i) remain in effect during the pendency of the statutory proceedings, any judicial review of such proceedings, or any action to enforce orders issued under the proceedings; and

"(ii) direct the detention by the postmaster, in any and all districts, of the defendant's incoming mail and outgoing mail, which is the subject of the proceedings under section 3005.

"(B) A proper showing under this paragraph shall require proof of a likelihood of success on the merits of the proceedings under section 3005.

"(3) Mail detained under paragraph (2) shall—

"(A) be made available at the post office of mailing or delivery for examination by the defendant in the presence of a postal employee; and

"(B) be delivered as addressed if such mail is not clearly shown to be the subject of proceedings under section 3005.

"(4) No finding of the defendant's intent to make a false representation or to conduct a lottery is required to support the issuance of an order under this section.

"(b) If any order is issued under subsection (a) and the proceedings under section 3005 are concluded with the issuance of an order under that section, any judicial review of the matter shall be in the district in which the order under subsection (a) was issued.".

(b) REPEAL.—

(1) IN GENERAL.—Section 3006 of title 39, United States Code, and the item relating to such section in the table of sections for chapter 30 of such title are repealed.

(2) CONFORMING AMENDMENTS.—(A) Section 3005(c) of title 39, United States Code, is amended by striking "section and section 3006 of this title," and inserting "section,".

(B) Section 3011(e) of title 39, United States Code, is amended by striking "3006, 3007," and inserting "3007".

SEC. 106. CIVIL PENALTIES AND COSTS.

Section 3012 of title 39, United States Code, is amended—

(1) in subsection (a) by striking "$10,000 for each day that such person engages in conduct described by paragraph (1), (2), or (3) of this subsection." and inserting "$50,000 for each mailing of less than 50,000 pieces; $100,000 for each mailing of 50,000 to 100,000 pieces; with an additional $10,000 for each additional 10,000 pieces above 100,000, not to exceed $2,000,000.";

(2) in paragraphs (1) and (2) of subsection (b) by inserting after "of subsection (a)" the following: ", (c), or (d)";

(3) by redesignating subsections (c) and (d), as subsections (e) and (f), respectively; and

(4) by inserting after subsection (b) the following:

"(c)(1) In any proceeding in which the Postal Service may issue an order under section 3005(a), the Postal Service may in lieu of that order or as part of that order assess civil penalties in an amount not to exceed $25,000 for each mailing of less than 50,000 pieces; $50,000 for each mailing of 50,000 to 100,000 pieces; with an additional $5,000 for each additional 10,000 pieces above 100,000, not to exceed $1,000,000.

"(2) In any proceeding in which the Postal Service assesses penalties under this subsection the Postal Service shall determine the civil penalty taking into account the nature, circumstances, extent, and gravity of the violation or violations of section 3005(a), and with respect to the violator, the ability to pay the penalty, the effect of the penalty on the ability of the violator to conduct lawful business, any history of prior violations of such section, the degree of culpability and other such matters as justice may require.

"(d) Any person who violates section 3001(l) shall be liable to the United States for a civil penalty not to exceed $10,000 for each mailing to an individual.".

SEC. 107. ADMINISTRATIVE SUBPOENAS.

(a) IN GENERAL.—Chapter 30 of title 39, United States Code, is amended by adding at the end the following:

"§ 3016. Administrative subpoenas

"(a) SUBPOENA AUTHORITY.—

"(1) INVESTIGATIONS.—

"(A) IN GENERAL.—In any investigation conducted under section 3005(a), the Postmaster

General may require by subpoena the production of any records (including books, papers, documents, and other tangible things which constitute or contain evidence) which the Postmaster General considers relevant or material to such investigation.

"(B) Condition.—No subpoena shall be issued under this paragraph except in accordance with procedures, established by the Postal Service, requiring that—

"(i) a specific case, with an individual or entity identified as the subject, be opened before a subpoena is requested;

"(ii) appropriate supervisory and legal review of a subpoena request be performed; and

"(iii) delegation of subpoena approval authority be limited to the Postal Service's General Counsel or a Deputy General Counsel.

"(2) Statutory proceedings.—In any statutory proceeding conducted under section 3005(a), the Judicial Officer may require by subpoena the attendance and testimony of witnesses and the production of any records (including books, papers, documents, and other tangible things which constitute or contain evidence) which the Judicial Officer considers relevant or material to such proceeding.

"(3) Rule of construction.—Nothing in paragraph (2) shall be considered to apply in any circumstance to which paragraph (1) applies.

"(b) Service.—

"(1) Service within the United States.—A subpoena issued under this section may be served by a person designated under section 3061 of title 18 at any place within the territorial jurisdiction of any court of the United States.

"(2) Foreign service.—Any such subpoena may be served upon any person who is not to be found within the territorial jurisdiction of any court of the United States, in such manner as the Federal Rules of Civil Procedure prescribe for service in a foreign country. To the extent that the courts of the United States may assert jurisdiction over such person consistent with due process, the United States District Court for the District of Columbia shall have the same jurisdiction to take any action respecting compliance with this section by such person that such court would have if such person were personally within the jurisdiction of such court.

"(3) Service on business persons.—Service of any such subpoena may be made upon a partnership, corporation, association, or other legal entity by—

"(A) delivering a duly executed copy thereof to any partner, executive officer, managing agent, or general agent thereof, or to any agent thereof authorized by appointment or by law to receive service of process on behalf of such partnership, corporation, association, or entity;

"(B) delivering a duly executed copy thereof to the principal office or place of business of the partnership, corporation, association, or entity; or

"(C) depositing such copy in the United States mails, by registered or certified mail, return receipt requested, duly addressed to such partnership, corporation, association, or entity at its principal office or place of business.

"(4) Service on natural persons.—Service of any subpoena may be made upon any natural person by—

"(A) delivering a duly executed copy to the person to be served; or

"(B) depositing such copy in the United States mails, by registered or certified mail, return receipt requested, duly addressed to such person at his residence or principal office or place of business.

"(5) Verified return.—A verified return by the individual serving any such subpoena setting forth the manner of such service shall be proof of such service. In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such subpoena.

"(c) Enforcement.—

"(1) In general.—Whenever any person, partnership, corporation, association, or entity fails to comply with any subpoena duly served upon him, the Postmaster General may request that the Attorney General seek enforcement of the subpoena in the district court of the United States for any judicial district in which such person resides, is found, or transacts business, and serve upon such person a petition for an order of such court for the enforcement of this section.

"(2) Jurisdiction.—Whenever any petition is filed in any district court of the United States under this section, such court shall have jurisdiction to hear and determine the matter so presented, and to enter such order or orders as may be required to carry into effect the provisions of this section. Any final order entered shall be subject to appeal under section 1291 of title 28, United States Code. Any disobedience of any final order entered under this section by any court may be punished as contempt.

"(d) Disclosure.—Any documentary material provided pursuant to any subpoena issued under this section shall be exempt from disclosure under section 552 of title 5, United States Code.".

(b) Regulations.—Not later than 120 days after the date of the enactment of this section, the Postal Service shall promulgate regulations setting out the procedures the Postal Service will use to implement the amendment made by subsection (a).

(c) Semiannual Reports.—Section 3013 of title 39, United States Code, is amended by striking "and" at the end of paragraph (4), by redesignating paragraph (5) as paragraph (6), and by inserting after paragraph (4) the following:

"(5) the number of cases in which the authority described in section 3016 was used, and a comprehensive statement describing how that authority was used in each of those cases; and".

(d) Technical and Conforming Amendment.—The table of sections for chapter 30 of title 39, United States Code, is amended by adding at the end the following:

"3016. Administrative subpoenas.".

SEC. 108. REQUIREMENTS OF PROMOTERS OF SKILL CONTESTS OR SWEEPSTAKES MAILINGS.

(a) In General.—Chapter 30 of title 39, United States Code (as amended by section 107) is amended by adding after section 3016 the following:

"§3017. Nonmailable skill contests or sweepstakes matter; notification to prohibit mailings

"(a) Definitions.—In this section—

"(1) the term 'promoter' means any person who—

"(A) originates and mails any skill contest or sweepstakes, except for any matter described in section 3001(k)(4); or

"(B) originates and causes to be mailed any skill contest or sweepstakes, except for any matter described in section 3001(k)(4);

"(2) the term 'removal request' means a request stating that an individual elects to have the name and address of such individual excluded from any list used by a promoter for mailing skill contests or sweepstakes;

"(3) the terms 'skill contest', 'sweepstakes', and 'clearly and conspicuously displayed' have the same meanings as given them in section 3001(k); and

"(4) the term 'duly authorized person', as used in connection with an individual, means a conservator or guardian of, or person granted power of attorney by, such individual.

"(b) Nonmailable Matter.—

"(1) In general.—Matter otherwise legally acceptable in the mails described in paragraph (2)—

"(A) is nonmailable matter;

"(B) shall not be carried or delivered by mail; and

"(C) shall be disposed of as the Postal Service directs.

"(2) Nonmailable matter described.—Matter described in this paragraph is any matter that—

"(A) is a skill contest or sweepstakes, except for any matter described in section 3001(k)(4); and

"(B)(i) is addressed to an individual who made an election to be excluded from lists under subsection (d); or

"(ii) does not comply with subsection (c)(1).

"(c) Requirements of Promoters.—

"(1) Notice to individuals.—Any promoter who mails a skill contest or sweepstakes shall provide with each mailing a statement that—

"(A) is clearly and conspicuously displayed;

"(B) includes the address or toll-free telephone number of the notification system established under paragraph (2); and

"(C) states that the notification system may be used to prohibit the mailing of all skill contests or sweepstakes by that promoter to such individual.

"(2) Notification system.—Any promoter that mails or causes to be mailed a skill contest or sweepstakes shall establish and maintain a notification system that provides for any individual (or other duly authorized person) to notify the system of the individual's election to have the name and address of the individual excluded from all lists of names and addresses used by that promoter to mail any skill contest or sweepstakes.

"(d) Election To Be Excluded From Lists.—

"(1) In general.—An individual (or other duly authorized person) may elect to exclude the name and address of that individual from all lists of names and addresses used by a promoter of skill contests or sweepstakes by submitting a removal request to the notification system established under subsection (c).

"(2) Response after submitting removal request to the notification system.—Not later than 60 calendar days after a promoter receives a removal request pursuant to an election under paragraph (1), the promoter shall exclude the individual's name and address from all lists of names and addresses used by that promoter to select recipients for any skill contest or sweepstakes.

"(3) Effectiveness of election.—An election under paragraph (1) shall remain in effect, unless an individual (or other duly authorized person) notifies the promoter in writing that such individual—

"(A) has changed the election; and

"(B) elects to receive skill contest or sweepstakes mailings from that promoter.

"(e) Private Right of Action.—

"(1) In general.—An individual who receives one or more mailings in violation of subsection (d) may, if otherwise permitted by the laws or rules of court of a State, bring in an appropriate court of that State—

"(A) an action to enjoin such violation;

"(B) an action to recover for actual monetary loss from such a violation, or to receive $500 in damages for each such violation, whichever is greater; or

"(C) both such actions.

It shall be an affirmative defense in any action brought under this subsection that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent mailings in violation of subsection (d). If the court finds that the defendant willfully or knowingly violated subsection (d), the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under subparagraph (B).

"(2) ACTION ALLOWABLE BASED ON OTHER SUFFICIENT NOTICE.—A mailing sent in violation of section 3001(l) shall be actionable under this subsection, but only if such an action would not also be available under paragraph (1) (as a violation of subsection (d)) based on the same mailing.

"(f) PROMOTER NONLIABILITY.—A promoter shall not be subject to civil liability for the exclusion of an individual's name or address from any list maintained by that promoter for mailing skill contests or sweepstakes, if—

"(1) a removal request is received by the promoter's notification system; and

"(2) the promoter has a good faith belief that the request is from—

"(A) the individual whose name and address is to be excluded; or

"(B) another duly authorized person.

"(g) PROHIBITION ON COMMERCIAL USE OF LISTS.—

"(1) IN GENERAL.—

"(A) PROHIBITION.—No person may provide any information (including the sale or rental of any name or address) derived from a list described in subparagraph (B) to another person for commercial use.

"(B) LISTS.—A list referred to under subparagraph (A) is any list of names and addresses (or other related information) compiled from individuals who exercise an election under subsection (d).

"(2) CIVIL PENALTY.—Any person who violates paragraph (1) shall be assessed a civil penalty by the Postal Service not to exceed $2,000,000 per violation.

"(h) CIVIL PENALTIES.—

"(1) IN GENERAL.—Any promoter—

"(A) who recklessly mails nonmailable matter in violation of subsection (b) shall be liable to the United States in an amount of $10,000 per violation for each mailing to an individual of nonmailable matter; or

"(B) who fails to comply with the requirements of subsection (c)(2) shall be liable to the United States.

"(2) ENFORCEMENT.—The Postal Service shall, in accordance with the same procedures as set forth in section 3012(b), provide for the assessment of civil penalties under this section.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 30 of title 39, United States Code, is amended by adding after the item relating to section 3016 the following:

"3017. Nonmailable skill contests or sweepstakes matter; notification to prohibit mailings.".

(c) EFFECTIVE DATE.—This section shall take effect 1 year after the date of the enactment of this Act.

SEC. 109. STATE LAW NOT PREEMPTED.

(a) IN GENERAL.—Nothing in the provisions of this title (including the amendments made by this title) or in the regulations promulgated under such provisions shall be construed to preempt any provision of State or local law that imposes more restrictive requirements, regulations, damages, costs, or penalties. No determination by the Postal Service that any particular piece of mail or class of mail is in compliance with such provisions of this title shall be construed to preempt any provision of State or local law.

(b) EFFECT ON STATE COURT PROCEEDINGS.—Nothing contained in this section shall be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal statute of such State or any specific civil or criminal statute of such State.

SEC. 110. TECHNICAL AND CONFORMING AMENDMENTS.

(a) REFERENCES TO REPEALED PROVISIONS.—Section 3001(a) of title 39, United States Code, is amended by striking "1714," and "1718,".

(b) CONFORMANCE WITH INSPECTOR GENERAL ACT OF 1978.—

(1) IN GENERAL.—Section 3013 of title 39, United States Code, is amended—

(A) by striking "Board" each place it appears and inserting "Inspector General";

(B) in the third sentence by striking "Each such report shall be submitted within sixty days after the close of the reporting period involved" and inserting "Each such report shall be submitted within 1 month (or such shorter length of time as the Inspector General may specify) after the close of the reporting period involved"; and

(C) by striking the last sentence and inserting the following:

"The information in a report submitted under this section to the Inspector General with respect to a reporting period shall be included as part of the semiannual report prepared by the Inspector General under section 5 of the Inspector General Act of 1978 for the same reporting period. Nothing in this section shall be considered to permit or require that any report by the Postmaster General under this section include any information relating to activities of the Inspector General.".

(2) EFFECTIVE DATE.—This subsection shall take effect on the date of the enactment of this Act, and the amendments made by this subsection shall apply with respect to semiannual reporting periods beginning on or after such date of enactment.

(3) SAVINGS PROVISION.—For purposes of any semiannual reporting period preceding the first semiannual reporting period referred to in paragraph (2), the provisions of title 39, United States Code, shall continue to apply as if the amendments made by this subsection had not been enacted.

SEC. 111. EFFECTIVE DATE.

Except as provided in section 108 or 110(b), this title shall take effect 120 days after the date of the enactment of this Act.

TITLE II—FEDERAL RESERVE BOARD RETIREMENT PORTABILITY

SEC. 201. SHORT TITLE.

This title may be cited as the "Federal Reserve Board Retirement Portability Act".

SEC. 202. PORTABILITY OF SERVICE CREDIT.

(a) CREDITABLE SERVICE.—

(1) IN GENERAL.—Section 8411(b) of title 5, United States Code, is amended—

(A) by striking "and" at the end of paragraph (3);

(B) in paragraph (4)—

(i) by striking "of the preceding provisions" and inserting "other paragraph"; and

(ii) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(5) a period of service (other than any service under any other paragraph of this subsection, any military service, and any service performed in the employ of a Federal Reserve Bank) that was creditable under the Bank Plan (as defined in subsection (i)), if the employee waives credit for such service under the Bank Plan and makes a payment to the Fund equal to the amount that would have been deducted from pay under section 8422(a) had the employee been subject to this chapter during such period of service (together with interest on such amount computed under paragraphs (2) and (3) of section 8334(e)).

Paragraph (5) shall not apply in the case of any employee as to whom subsection (g) (or, to the extent subchapter III of chapter 83 is involved, section 8332(n)) otherwise applies.".

(2) BANK PLAN DEFINED.—Section 8411 of title 5, United States Code, is amended by adding at the end the following:

"(i) For purposes of subsection (b)(5), the term 'Bank Plan' means the benefit structure in which employees of the Board of Governors of the Federal Reserve System appointed on or after January 1, 1984, participate, which benefit structure is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act (and any redesignated or successor version of such benefit structure, if so identified in writing by the Board of Governors of the Federal Reserve System for purposes of this chapter).".

(b) EXCLUSION FROM CHAPTER 84.—

(1) IN GENERAL.—Paragraph (2) of section 8402(b) of title 5, United States Code, is amended by striking the matter before subparagraph (B) and inserting the following:

"(2)(A) any employee or Member who has separated from the service after—

"(i) having been subject to—

"(I) subchapter III of chapter 83 of this title;

"(II) subchapter I of chapter 8 of title I of the Foreign Service Act of 1980; or

"(III) the benefit structure for employees of the Board of Governors of the Federal Reserve System appointed before January 1, 1981, that is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act; and

"(ii) having completed—

"(I) at least 5 years of civilian service creditable under subchapter III of chapter 83 of this title;

"(II) at least 5 years of civilian service creditable under subchapter I of chapter 8 of title I of the Foreign Service Act of 1980; or

"(III) at least 5 years of civilian service (other than any service performed in the employ of a Federal Reserve Bank) creditable under the benefit structure for employees of the Board of Governors of the Federal Reserve System appointed before January 1, 1984, that is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act,

determined without regard to any deposit or redeposit requirement under either such subchapter or under such benefit structure, or any requirement that the individual become subject to either such subchapter or to such benefit structure after performing the service involved; or".

(2) EXCEPTION.—Subsection (d) of section 8402 of title 5, United States Code, is amended to read as follows:

"(d) Paragraph (2) of subsection (b) shall not apply to an individual who—

"(1) becomes subject to—

"(A) subchapter II of chapter 8 of title I of the Foreign Service Act of 1980 (relating to the Foreign Service Pension System) pursuant to an election; or

"(B) the benefit structure in which employees of the Board of Governors of the Federal Reserve System appointed on or after January 1, 1984, participate, which benefit structure is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act (and any redesignated or successor version of such benefit structure, if so identified in writing by the Board of Governors of the Federal Reserve System for purposes of this chapter); and

"(2) subsequently enters a position in which, but for paragraph (2) of subsection (b), such individual would be subject to this chapter.".

(c) PROVISIONS RELATING TO CERTAIN FORMER EMPLOYEES.—A former employee of the Board of Governors of the Federal Reserve System who—

(1) has at least 5 years of civilian service (other than any service performed in the employ

of a Federal Reserve Bank) creditable under the benefit structure for employees of the Board of Governors of the Federal Reserve System appointed before January 1, 1984, that is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act;

(2) was subsequently employed subject to the benefit structure in which employees of the Board of Governors of the Federal Reserve System appointed on or after January 1, 1984, participate, which benefit structure is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act (and any redesignated or successor version of such benefit structure, if so identified in writing by the Board of Governors of the Federal Reserve System for purposes of chapter 84 of title 5, United States Code); and

(3) after service described in paragraph (2), becomes subject to and thereafter entitled to benefits under chapter 84 of title 5, United States Code,

shall, for purposes of section 302 of the Federal Employees' Retirement System Act of 1986 (100 Stat. 601; 5 U.S.C. 8331 note) be considered to have become subject to chapter 84 of title 5, United States Code, pursuant to an election under section 301 of such Act.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to succeeding provisions of this subsection, this section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) PROVISIONS RELATING TO CREDITABILITY AND CERTAIN FORMER EMPLOYEES.—The amendments made by subsection (a) and the provisions of subsection (c) shall apply only to individuals who separate from service subject to chapter 84 of title 5, United States Code, on or after the date of the enactment of this Act.

(3) PROVISIONS RELATING TO EXCLUSION FROM CHAPTER.—The amendments made by subsection (b) shall not apply to any former employee of the Board of Governors of the Federal Reserve System who, subsequent to his or her last period of service as an employee of the Board of Governors of the Federal Reserve System and prior to the date of the enactment of this Act, became subject to subchapter III of chapter 83 or chapter 84 of title 5, United States Code, under the law in effect at the time of the individual's appointment.

SEC. 203. CERTAIN TRANSFERS TO BE TREATED AS A SEPARATION FROM SERVICE FOR PURPOSES OF THE THRIFT SAVINGS PLAN.

(a) AMENDMENTS TO CHAPTER 84 OF TITLE 5, UNITED STATES CODE.—

(1) IN GENERAL.—Subchapter III of chapter 84 of title 5, United States Code, is amended by inserting before section 8432 the following:

"§8431. Certain transfers to be treated as a separation

"(a) For purposes of this subchapter, separation from Government employment includes a transfer from a position that is subject to one of the retirement systems described in subsection (b) to a position that is not subject to any of them.

"(b) The retirement systems described in this subsection are—

"(1) the retirement system under this chapter;

"(2) the retirement system under subchapter III of chapter 83; and

"(3) any other retirement system under which individuals may contribute to the Thrift Savings Fund through withholdings from pay.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 84 of title 5, United States Code, is amended by inserting before the item relating to section 8432 the following:

"8431. Certain transfers to be treated as a separation.".

(b) CONFORMING AMENDMENTS.—Subsection (b) of section 8351 of title 5, United States Code, is amended by redesignating paragraph (11) as paragraph (8), and by adding at the end the following:

"(9) For the purpose of this section, separation from Government employment includes a transfer described in section 8431.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to transfers occurring before, on, or after the date of the enactment of this Act, except that, for purposes of applying such amendments with respect to any transfer occurring before such date of enactment, the date of such transfer shall be considered to be the date of the enactment of this Act. The Executive Director (within the meaning of section 8401(13) of title 5, United States Code) may prescribe any regulations necessary to carry out this subsection.

SEC. 204. CLARIFYING AMENDMENTS.

(a) IN GENERAL.—Subsection (f) of section 3304 of title 5, United States Code, as added by section 2 of Public Law 105–339, is amended—

(1) by striking paragraph (4);

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1) the following:

"(2) If selected, a preference eligible or veteran described in paragraph (1) shall acquire competitive status and shall receive a career or career-conditional appointment, as appropriate.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if enacted on October 31, 1998.

TITLE III—AMENDMENT TO THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

SEC. 301. TRANSFER OF CERTAIN PROPERTY TO STATE AND LOCAL GOVERNMENTS.

Section 203(p)(1)(B)(ii) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)(1)(B)(ii)) is amended by striking "December 31, 1999." and inserting "July 31, 2000. During the period beginning January 1, 2000, and ending July 31, 2000, the Administrator may not convey any property under subparagraph (A), but may accept, consider, and approve applications for transfer of property under that subparagraph.".

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I am delighted the Senate has now sent S. 335, the Deceptive Mail Prevention and Enforcement Act that I introduced to curb deceptive mailings, to the President for his signature.

The Senate originally passed this legislation by a vote of 93–0 on August 2. It will impose new disclosure requirements on sweepstakes mailings to protect consumers. It will also provide new authority to the Postal Service to take enforcement action against those companies sending deceptive mailings.

I want to thank several people whose hard work has made passage today possible. I particularly want to acknowledge the contributions of Senator LEVIN of Michigan, the ranking minority member of the permanent Subcommittee on Investigations, and the chief cosponsor of this important legislation. In addition, Senator COCHRAN and Senator EDWARDS were real leaders in this effort and contributed greatly to the legislation.

There were many other Senators, as well, who cosponsored this measure. In particular, I want to recognize the contributions of several members of the Committee on Governmental Affairs, including Chairman THOMPSON, Senators LIEBERMAN, STEVENS, DURBIN, DOMENICI, AKAKA, and SPECTER. They were early cosponsors of this legislation.

Senator CAMPBELL has also played an important role. He first introduced legislation to curb some of the deceptive practices of sweepstakes companies.

In addition, there are several Members of the House of Representatives who have also worked very hard to bring to about passage today. They include Congressman JOHN MCHUGH, who is chairman of the Subcommittee on the Postal Service; Congressman FATTAH, who is the ranking minority member of the subcommittee; Congressman LOBIONDO, Congressman ROGAN, Congressman MCCOLLUM, Congressman and Chairman DAN BURTON, and Congressman HENRY WAXMAN. All of them worked very hard to forge workable legislation that is going to make a real difference.

I also want to express my thanks to the members of my staff who worked very hard on this. On the subcommittee staff, Lee Blalack and Kirk Walder were instrumental, and on my personal staff, Michael Bopp, my legislative director—all of them worked very hard.

The requirements in this legislation will reduce the deceptive techniques that have caused countless Americans, hundreds of thousands of Americans, many of them elderly, to purchase products they do not need nor do they want. Once this legislation takes effect, mailings will be required to make crystal clear to consumers that no purchase is necessary to enter a sweepstakes and that making a purchase will not improve your chances of winning.

That is the primary misconception our investigation identified. Too many consumers believe if they make a purchase, somehow they will improve their chances of winning, but nothing could be further from the truth. It is easy to see why they have that misconception because that is exactly the impression these deceptive mailings are intended to leave.

In addition, the legislation will prohibit sweepstakes companies from telling people they are a winner unless they really have won a prize.

Enactment of this legislation concludes a year-long investigation by the Permanent Subcommittee on Investigations, which I chair. Prompted by complaints from my constituents in Maine, I began an investigation to examine deceptive mailings. Hearings before the subcommittee demonstrated that the deceptive techniques of major sweepstakes companies were misleading thousands of Americans into making purchases of products. Further investigation into the activities of the smaller sweepstakes companies, the ones that I call the "stealth companies," showed that their practices were even more deceptive. In some cases, they bordered on outright fraud.

The subcommittee heard heartbreaking testimony that deceptive sweepstakes can induce trusting consumers to buy thousands of dollars of unnecessary and unwanted merchandise. One example was a magazine subscription extending to the year 2018 that one witness testified that her 82-year-old father-in-law purchased because of sweepstakes promotions.

We found that our senior citizens are particularly vulnerable to these kinds of deceptive mailings. They are a trusting generation. Many seniors tend to believe what they read, particularly if it is endorsed by a trusted spokesman, comes from a well-known company, or involves a mailing that has been designed to appear as if it is from the Federal Government.

Family members told us of loved ones who were so convinced that they had won a sweepstakes that they refused to leave their home for fear they would miss the Prize Patrol. One constituent of mine actually canceled needed surgery because she did not want to miss Ed McMahon's visit. Sadly, of course, Ed McMahon never showed up.

We found cases of seniors enticed by the bold promises of sweepstakes who spent their Social Security checks, squandered their life's savings, and even borrowed money to buy unwanted magazines and other merchandise.

I will never forget the testimony of one man who broke down in tears as he recounted how the sweepstakes companies had deceived him into purchasing $15,000 worth of products in an effort to win the big prize.

The loss suffered by consumers cannot be measured in dollars alone. As one elderly gentleman put it:

> My wife has finally come to realize that she has been duped by the sweepstakes solicitations for all these years. Although the financial train is now halted, the loss of her dignity is incalculable.

Unfortunately, these are not isolated examples. According to a survey commissioned by the AARP, 40 percent of seniors surveyed believe there is a connection between purchasing and winning. It is easy to see why consumers believe they have already won or that they will win if they just purchase something as a result of these mailings.

I would like to show you, Mr. President, and read from a sweepstakes mailing that I received last week at my home in Bangor, ME. As you can see, in bold print, it proclaims: "Our sweepstakes results are now final." "Ms. Susan M. Collins has won a cash prize of $833,337." "A bank check for $833,337 is on its way to"—my address—"in Bangor." It further warns that I will forfeit the entire amount if I refuse to respond to this notice. On the back it says, again, "A bank check for $833,337 in cash will be sent to you by certified mail if you respond now."

I have a feeling you will not be surprised to learn that I am not the big winner. But if I relied on the information in this mailing, it would be easy to see why many people would be deceived into thinking they have, indeed, won the grand prize.

Now, in the small print—not in the bold type—but in the small print it explains that I have to have the winning number to really win the prize.

That message is overwhelmed by the bold proclamations telling me I am a winner. Of course, in case I am tempted not to enter, there is what appears to be a personal note that says, "Please don't say no now," and implores me to enter and to buy the product offered. This is not unusual. This is typical of the kinds of deceptive mailings that are all too common and that flood the mailboxes of American consumers with more than a billion pieces of mail a year.

You shouldn't have to be a lawyer, you shouldn't have to have a magnifying glass, to figure out the rules of the game and the odds of winning. Our legislation will make a real difference by requiring honest disclosures, by preventing sweepstakes companies from telling people they have won when they have not, and, most importantly, by making crystal clear to consumers that you don't have to make a purchase to win and that making a purchase will not increase your chances of winning.

Mr. President, as I said, I am pleased that the Senate is now poised to send my legislation to curb deceptive mailings to the President for his signature.

As I have described to my colleagues previously, you only have to look at some of these sweepstakes mailings to understand why. For example, one mailing by Publisher's Clearing House, which is famous for its Prize Patrol, tells the consumer to "Open Your Door To $31 Million on January 31." This mailing suggests to the reader that his or her past purchases are paying off. Specifically, the mailing states: "You see, your recent order and entry has proven to us that you're indeed one of our loyal friends and a savvy sweepstakes player. And now I'm pleased to tell you that you've passed our selection criteria to receive this special invitation."

Another mailing from American Family Publishers stated, "It's Down to a 2 person race for $11,000,000—You And One Other Person In Georgia Were Issued the Winning Number . . . Whoever Returns It First Wins It All!" Most people probably didn't see the fine print that declared, "If you have the winning number." Unless the contestant reads and understands this fine print, the mailing leaves the unmistakable impression that the recipient and one other person have the winning number for the $11 million prize.

Mr. President, the bill adopted by the Senate would curb these problems by, for the first time, establishing federal standards for a variety of promotional mailings, including sweepstakes mailings. Such mailings must clearly and conspicuously display several important disclosures, including statements that no purchase is necessary to enter the contest and that a purchase will not improve your chances of winning; the odds of winning; the value and nature of each prize; and the name and address of the sponsor. Sweepstakes mailings would also be required to include all the rules and entry procedures for the sweepstakes.

This legislation also addresses another problem consumers experience in dealing with sweepstakes companies. The Subcommittee heard from many individuals who found it difficult to have their name or a parent's name removed from the mailing lists of sweepstakes companies, or who were told that the name removal process might take as long as six months. To address this problem, this legislation includes a section developed by Senator EDWARDS that would require companies sending sweepstakes or skill contests to establish a system allowing consumers to call or write to have their names removed from the companies' mailing lists.

The House made several modifications to this section of the bill, including extending the time from 35 days to 60 days by which companies must remove names of consumers who do not wish to receive future sweepstakes or skill contest mailings. Non-profit mailers who use sweepstakes contests requested a time limit of longer than 35 days, arguing that their limited resources might not allow the establishment of a system to quickly remove names. The 60-day limit in the bill, however, should not be used by any company to continue to inundate with more mailings those consumers who have asked to be removed from sweepstakes mailing lists. Accordingly, companies should make every effort to remove names as quickly as possible.

The House also added provisions to allow consumers to bring a private right of action in state court if they receive a mailing after previously requesting to be removed from the mailing list of a skill contest or sweepstakes promoter. Sweepstakes promoters will have an affirmative defense if they have established and implemented, with due care, reasonable practices and procedures to effectively prevent mailings that would violate the section on name removal.

The notification system in the bill passed by the Senate, and modified by the House, requires companies to include in every mailing the address or a toll-free telephone number of the notification system, but does not require that consumers submit their name in writing to comply with the removal system. Companies are encouraged to adopt a consumer friendly system for the removal of names from their mailing lists, which may include the ability to have names removed by calling a toll-free number. Under this legislation, companies using a toll-free number to permit the removal of names would not need to require a consumer to also provide their name in writing. Any appropriate method of establishing a record of removal requests by consumers would comply with the requirements of Section 8(d) of the legislation. For example, companies may wish to electronically verify the consumer's election to be removed from their mailing list.

The legislation would strengthen the ability of the Postal Service to investigate, penalize, and stop deceptive mailings. It grants the Postal Inspection Service subpoena authority, nationwide stop mail authority, and the ability to impose tougher civil penalties. The House made several changes in the subpoena authority, including requiring the Postal Service to develop procedures for the issuance of subpoenas and their approval by the General Counsel or a Deputy General Counsel of the Postal Service. The new subpoena authority will give the Postal Inspection Service better ability to investigate and stop deceptive mailings, and I encourage the General Counsel of the Postal Service to recognize that effective enforcement of this legislation requires the timely issuance of subpoenas.

Mr. President, S. 335 will provide important new consumer protections against the many deceptive techniques currently used in promotional mailings. I thank my colleagues for their support of this measure.

I yield to the subcommittee's ranking minority member, Senator LEVIN. As I explained earlier in my remarks, he has been the chief cosponsor of this legislation and a true leader in the effort to crack down on deceptive mailings.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank the good Senator from Maine for her leadership in this and so many other consumer issues. This bill would not be here on the floor of the Senate without her leadership on the Permanent Subcommittee on Investigations, which has taken responsibility for getting this bill passed.

S. 335, the bill we have just passed and sent to the President is going to crack down on deceptive sweepstakes practices that have affected people in all of our States. Most of us have personal knowledge of the kind of egregious deceptive practices which have been perpetrated by too many companies, including some otherwise reputable companies that are using deceptive practices to suck into their net people who will be lured into believing that if they buy something or subscribe to something, somehow or other that will increase their chances of winning a prize.

The bill we are passing today is similar to one I had introduced in the 105th Congress to curb abuse of sweepstakes solicitations and provide for additional enforcement tools against deceptive mailings by the Postal Service. There were hearings held in September of 1998 in the Governmental Affairs Committee Federal Services Subcommittee that was then chaired by Senator COCHRAN.

We learned from witnesses at that hearing, including the Florida attorney general, the Michigan assistant attorney general, and the Postal Inspection Service, that senior citizens in particular are vulnerable to these deceptive solicitations and that the financial cost to seniors for deceptive and fraudulent sweepstakes is a serious problem. Deceptive sweepstakes solicitations not only cause significant financial losses but frequently carry heavy emotional losses as well.

We have constituents in Michigan, seniors, who have lost tens of thousands of dollars to deceptive sweepstakes. Their houses are frequently filled with hundreds of items they don't need that they bought because they thought somehow or other it might help them win the promised prize.

The Postal Service has inadequate tools to effectively shut down these deceptive marketing people, so we have added some tough enforcement tools in this bill.

Until this bill becomes law, the Postal Service, for instance, cannot impose a fine against a promoter who uses deceptive practices until the Postal Service first issues a stop order. Now, if you wait for a stop order to be violated before you can impose an administrative fine, what the deceptive sweepstakes promoter does is slightly modify in some way the deceptive mailing that is the subject of the stop order so they can avoid being caught by a violation of the Postal Service stop order. The Postal Service currently is too often powerless to stop these kinds of deceptive practices and the slight changes which are made in them which allow the companies that are using these practices to continue and ignore what appears to be a stop order.

In March and July of this year, Senator COLLINS chaired hearings in the Permanent Subcommittee on Investigations, where I serve as ranking member. The bill we are taking up today, S. 335, reflects what we learned at those hearings as well. Senator COLLINS has set forth for us some of the egregious examples. I will not take the time of this body to go through some of these additional examples we have. We have seen them all. We have seen the big print that says, "you have just won a big prize;" we have seen the fine, unreadable print that says but only "if you have the winning number;" the headline which says "a million dollars is yours" or "just submit this number" and you will have this big prize. The fine print says "no," you haven't. We have all seen those kinds of examples and the way people are taken in.

Fortunately, most people aren't taken in, but enough people are, so that a billion pieces of this kind of mail, sweepstakes mail, is sent out each year, including by some companies that are otherwise companies that have good reputations. We have had these kinds of deceptive mailings sent out by Time Warner, by Reader's Digest, by other companies whose names have generally prompted positive responses in people because their products have been good products. Yet they have stooped, in the case of sweepstakes, to deceptive practices in order to lull the people who receive these sweepstakes mailings into believing that if they will just buy that magazine or just buy that product, they will really seal the deal and the truck will really show up with the check. We have seen these ads on television, the come-ons. Thank God, 90 or 95 percent of the people look at them and can see them for what they are. It is that 5 or 10 percent, frequently seniors, who are taken in. We are trying to stop these practices. This bill, hopefully, will do exactly that.

We are going to require that the statement that a purchase will not increase an individual's chances of winning and that no purchase is necessary to win be clearly and conspicuously displayed in the mailing—in fact more conspicuously displayed than the other information in the mailing.

The House changed the term "prominently" in our Senate bill, which was used to describe how these two key required statements must be displayed and substituted "more conspicuously" for "prominently" to better match previous uses of the term. The intent of both houses on this subject is the same, however, and we have emphasized that point in the committee report. There should be no misunderstanding by the Postal Service and by the direct mail industry on what we intend by this.

S. 335 is also going to provide the Postal Service with authority to issue a civil penalty for the first-time violation of the statute, and we are going to give the Postal Service subpoena authority. Those are some of the things we have done.

Again, I thank the good Senator from Maine, Ms. COLLINS, her staff, my staff, Linda Gustitus and her good crew, who have made it possible for this bill to happen. Senator EDWARDS has been extremely helpful with his provision requiring a delisting of persons not wanting to receive sweepstakes mailings. Senator COCHRAN has been very much in the forefront of this effort. Again, the majority and minority staffs of the Permanent Subcommittee on Investigations have done an absolutely superb job of putting together these hearings and developing this legislation.

I am confident that with the Senate's passage today, the President will sign the bill into law. It is a bill that will help end the abuses which too often occur in this area and which take advantage of people who are too often vulnerable to the power of suggestion.

PRIVILEGE OF THE FLOOR

Ms. COLLINS. Mr. President, I ask unanimous consent that Benjamin Brown, a legislative assistant in Senator TED STEVENS' office, be granted floor privileges for the 19th and 20th of November.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNET GAMBLING PROHIBITION ACT OF 1999

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 158, S. 692.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 692) to prohibit Internet gambling, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

S. 692

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Gambling Prohibition Act of 1999".

SEC. 2. PROHIBITION ON INTERNET GAMBLING.

(a) IN GENERAL.—Chapter 50 of title 18, United States Code, is amended by adding at the end the following:

"§1085. Internet gambling

"(a) DEFINITIONS.—In this section:

"(1) BETS OR WAGERS.—The term 'bets or wagers'—

"(A) means the staking or risking by any person of something of value upon the outcome of a contest of others, a sporting event, or a game of chance, upon an agreement or understanding that the person or another person will receive something of value based on that outcome;

"(B) includes the purchase of a chance or opportunity to win a lottery or other prize (which opportunity to win is predominantly subject to chance);

"(C) includes any scheme of a type described in section 3702 of title 28; and

"(D) does not include—

"(i) a bona fide business transaction governed by the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47))) for the purchase or sale at a future date of securities (as that term is defined in section 3(a)(10) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(10)));

"(ii) a transaction on or subject to the rules of a contract market designated pursuant to section 5 of the Commodity Exchange Act (7 U.S.C. 7);

"(iii) a contract of indemnity or guarantee; or

"(iv) a contract for life, health, or accident insurance.

"(2) CLOSED-LOOP SUBSCRIBER-BASED SERVICE.—The term 'closed-loop subscriber-based service' means any information service or system that uses—

"(A) a device or combination of devices—

"(i) expressly authorized and operated in accordance with the laws of a State, exclusively for placing, receiving, or otherwise making a bet or wager described in subsection (f)(1)(B); and

"(ii) by which a person located within any State must subscribe and be registered with the provider of the wagering service by name, address, and appropriate billing information to be authorized to place, receive, or otherwise make a bet or wager, and must be physically located within that State in order to be authorized to do so;

"(B) an effective customer verification and age verification system, expressly authorized and operated in accordance with the laws of the State in which it is located, to ensure that all applicable Federal and State legal and regulatory requirements for lawful gambling are met; and

"(C) appropriate data security standards to prevent unauthorized access by any person who has not subscribed or who is a minor.

"(3) FOREIGN JURISDICTION.—The term 'foreign jurisdiction' means a jurisdiction of a foreign country or political subdivision thereof.

"(4) GAMBLING BUSINESS.—The term 'gambling business' means—

"(A) a business that is conducted at a gambling establishment, or that—

"(i) involves—

"(I) the placing, receiving, or otherwise making of bets or wagers; or

"(II) the offering to engage in the placing, receiving, or otherwise making of bets or wagers;

"(ii) involves 1 or more persons who conduct, finance, manage, supervise, direct, or own all or part of such business; and

"(iii) has been or remains in substantially continuous operation for a period in excess of 10 days or has a gross revenue of $2,000 or more from such business during any 24-hour period; and

"(B) any soliciting agent of a business described in subparagraph (A).

"(5) INFORMATION ASSISTING IN THE PLACING OF A BET OR WAGER.—The term 'information assisting in the placing of a bet or wager'—

"(A) means information that is intended by the sender or recipient to be used by a person engaged in the business of betting or wagering to place, receive, or otherwise make a bet or wager; and

"(B) does not include—

"(i) information concerning parimutuel pools that is exchanged exclusively between or among 1 or more racetracks or other parimutuel wagering facilities licensed by the State or approved by the foreign jurisdiction in which the facility is located, and 1 or more parimutuel wagering facilities licensed by the State or approved by the foreign jurisdiction in which the facility is located, if that information is used only to conduct common pool parimutuel pooling under applicable law;

"(ii) information exchanged exclusively between or among 1 or more racetracks or other parimutuel wagering facilities licensed by the State or approved by the foreign jurisdiction in which the facility is located, and a support service located in another State or foreign jurisdiction, if the information is used only for processing bets or wagers made with that facility under applicable law;

"(iii) information exchanged exclusively between or among 1 or more wagering facilities that are located within a single State and are licensed and regulated by that State, and any support service, wherever located, if the information is used only for the pooling or processing of bets or wagers made by or with the facility or facilities under applicable State law;

"(iv) any news reporting or analysis of wagering activity, including odds, racing or event results, race and event schedules, or categories of wagering; or

"(v) any posting or reporting of any educational information on how to make a bet or wager or the nature of betting or wagering.

"(6) INTERACTIVE COMPUTER SERVICE.—The term 'interactive computer service' means any information service, system, or access software provider that operates in, or uses a channel or instrumentality of, interstate or foreign commerce to provide or enable access by multiple users to a computer server, including specifically a service or system that provides access to the Internet.

"(7) INTERACTIVE COMPUTER SERVICE PROVIDER.—The term 'interactive computer service provider' means any person that provides an interactive computer service, to the extent that such person offers or provides such service.

"(8) INTERNET.—The term 'Internet' means the international computer network of both Federal and non-Federal interoperable packet switched data networks.

"(9) PERSON.—The term 'person' means any individual, association, partnership, joint venture, corporation (or any affiliate of a corporation), State or political subdivision thereof, department, agency, or instrumentality of a State or political subdivision thereof, or any other government, organization, or entity (including any governmental entity (as defined in section 3701(2) of title 28)).

"(10) PRIVATE NETWORK.—The term 'private network' means a communications channel or channels, including voice or computer data transmission facilities, that use either—

"(A) private dedicated lines; or

"(B) the public communications infrastructure, if the infrastructure is secured by means of the appropriate private communications technology to prevent unauthorized access.

"(11) STATE.—The term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a commonwealth, territory, or possession of the United States.

"(12) SUBSCRIBER.—The term 'subscriber'—

"(A) means any person with a business relationship with the interactive computer service provider through which such person receives access to the system, service, or network of that provider, even if no formal subscription agreement exists; and

"(B) includes registrants, students who are granted access to a university system or network, and employees or contractors who are granted access to the system or network of their employer.

‘‘(b) INTERNET GAMBLING.—

‘‘(1) PROHIBITION.—Subject to subsection (f), it shall be unlawful for a person engaged in a gambling business knowingly to use the Internet or any other interactive computer service—

‘‘(A) to place, receive, or otherwise make a bet or wager; or

‘‘(B) to send, receive, or invite information assisting in the placing of a bet or wager.

‘‘(2) PENALTIES.—A person engaged in a gambling business who violates this section shall be—

‘‘(A) fined in an amount equal to not more than the greater of—

‘‘(i) the total amount that such person bet or wagered, or placed, received, or accepted in bets or wagers, as a result of engaging in that business in violation of this section; or

‘‘(ii) $20,000;

‘‘(B) imprisoned not more than 4 years; or

‘‘(C) both.

‘‘(3) PERMANENT INJUNCTIONS.—Upon conviction of a person under this section, the court may enter a permanent injunction enjoining such person from placing, receiving, or otherwise making bets or wagers or sending, receiving, or inviting information assisting in the placing of bets or wagers.

‘‘(c) CIVIL REMEDIES.—

‘‘(1) JURISDICTION.—The district courts of the United States shall have original and exclusive jurisdiction to prevent and restrain violations of this section by issuing appropriate orders in accordance with this section, regardless of whether a prosecution has been initiated under this section.

‘‘(2) PROCEEDINGS.—

‘‘(A) INSTITUTION BY FEDERAL GOVERNMENT.—

‘‘(i) IN GENERAL.—The United States may institute proceedings under this subsection to prevent or restrain a violation of this section.

‘‘(ii) RELIEF.—Upon application of the United States under this subparagraph, the district court may enter a temporary restraining order or an injunction against any person to prevent or restrain a violation of this section if the court determines, after notice and an opportunity for a hearing, that there is a substantial probability that such violation has occurred or will occur.

‘‘(B) INSTITUTION BY STATE ATTORNEY GENERAL.—

‘‘(i) IN GENERAL.—The attorney general of a State (or other appropriate State official) in which a violation of this section allegedly has occurred or will occur, after providing written notice to the United States, may institute proceedings under this subsection to prevent or restrain the violation.

‘‘(ii) RELIEF.—Upon application of the attorney general (or other appropriate State official) of an affected State under this subparagraph, the district court may enter a temporary restraining order or an injunction against any person to prevent or restrain a violation of this section if the court determines, after notice and an opportunity for a hearing, that there is a substantial probability that such violation has occurred or will occur.

‘‘(C) INDIAN LANDS.—Notwithstanding subparagraphs (A) and (B), for a violation that is alleged to have occurred, or may occur, on Indian lands (as that term is defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703))—

‘‘(i) the United States shall have the enforcement authority provided under subparagraph (A); and

‘‘(ii) the enforcement authorities specified in an applicable Tribal-State compact negotiated under section 11 of the Indian Gaming Regulatory Act (25 U.S.C. 2710) shall be carried out in accordance with that compact.

‘‘(D) EXPIRATION.—Any temporary restraining order or preliminary injunction entered pursuant to subparagraph (A) or (B) shall expire if, and as soon as, the United States, or the attorney general (or other appropriate State official) of the State, as applicable, notifies the court that issued the order or injunction that the United States or the State, as applicable, will not seek a permanent injunction.

‘‘(3) EXPEDITED PROCEEDINGS.—

‘‘(A) IN GENERAL.—In addition to any proceeding under paragraph (2), a district court may, in exigent circumstances, enter a temporary restraining order against a person alleged to be in violation of this section upon application of the United States under paragraph (2)(A), or the attorney general (or other appropriate State official) of an affected State under paragraph (2)(B), without notice and the opportunity for a hearing as provided in rule 65(b) of the Federal Rules of Civil Procedure (except as provided in subsection (d)(3)), if the United States or the State, as applicable, demonstrates that there is probable cause to believe that the use of the Internet or other interactive computer service at issue violates this section.

‘‘(B) HEARINGS.—A hearing requested concerning an order entered under this paragraph shall be held at the earliest practicable time.

‘‘(d) INTERACTIVE COMPUTER SERVICE PROVIDERS.—

‘‘(1) IMMUNITY FROM LIABILITY FOR USE BY ANOTHER.—

‘‘(A) IN GENERAL.—An interactive computer service provider described in subparagraph (B) shall not be liable, under this section or any other provision of Federal or State law prohibiting or regulating gambling or gambling-related activities, for the use of its facilities or services by another person to engage in Internet gambling activity that violates such law—

‘‘(i) arising out of any transmitting, routing, or providing of connections for gambling-related material or activity (including intermediate and temporary storage in the course of such transmitting, routing, or providing connections) by the provider, if—

‘‘(I) the material or activity was initiated by or at the direction of a person other than the provider;

‘‘(II) the transmitting, routing, or providing of connections is carried out through an automatic process without selection of the material or activity by the provider;

‘‘(III) the provider does not select the recipients of the material or activity, except as an automatic response to the request of another person; and

‘‘(IV) the material or activity is transmitted through the system or network of the provider without modification of its content; or

‘‘(ii) arising out of any gambling-related material or activity at an online site residing on a computer server owned, controlled, or operated by or for the provider, or arising out of referring or linking users to an online location containing such material or activity, if the material or activity was initiated by or at the direction of a person other than the provider, unless the provider fails to take expeditiously, with respect to the particular material or activity at issue, the actions described in paragraph (2)(A) following the receipt by the provider of a notice described in paragraph (2)(B).

‘‘(B) ELIGIBILITY.—An interactive computer service provider is described in this subparagraph only if the provider—

‘‘(i) maintains and implements a written or electronic policy that requires the provider to terminate the account of a subscriber of its system or network expeditiously following the receipt by the provider of a notice described in paragraph (2)(B) alleging that such subscriber has violated or is violating this section; and

‘‘(ii) with respect to the particular material or activity at issue, has not knowingly permitted its computer server to be used to engage in activity that the provider knows is prohibited by this section, with the specific intent that such server be used for such purpose.

‘‘(2) NOTICE TO INTERACTIVE COMPUTER SERVICE PROVIDERS.—

‘‘(A) IN GENERAL.—If an interactive computer service provider receives from a Federal or State law enforcement agency, acting within its authority and jurisdiction, a written or electronic notice described in subparagraph (B), that a particular online site residing on a computer server owned, controlled, or operated by or for the provider is being used by another person to violate this section, the provider shall expeditiously—

‘‘(i) remove or disable access to the material or activity residing at that online site that allegedly violates this section; or

‘‘(ii) in any case in which the provider does not control the site at which the subject material or activity resides, the provider, through any agent of the provider designated in accordance with section 512(c)(2) of title 17, or other responsible identified employee or contractor—

‘‘(I) notify the Federal or State law enforcement agency that the provider is not the proper recipient of such notice; and

‘‘(II) upon receipt of a subpoena, cooperate with the Federal or State law enforcement agency in identifying the person or persons who control the site.

‘‘(B) NOTICE.—A notice is described in this subparagraph only if it—

‘‘(i) identifies the material or activity that allegedly violates this section, and alleges that such material or activity violates this section;

‘‘(ii) provides information reasonably sufficient to permit the provider to locate (and, as appropriate, in a notice issued pursuant to paragraph (3)(A) to block access to) the material or activity;

‘‘(iii) is supplied to any agent of a provider designated in accordance with section 512(c)(2) of title 17, if information regarding such designation is readily available to the public;

‘‘(iv) provides information that is reasonably sufficient to permit the provider to contact the law enforcement agency that issued the notice, including the name of the law enforcement agency, and the name and telephone number of an individual to contact at the law enforcement agency (and, if available, the electronic mail address of that individual); and

‘‘(v) declares under penalties of perjury that the person submitting the notice is an official of the law enforcement agency described in clause (iv).

‘‘(3) INJUNCTIVE RELIEF.—

‘‘(A) IN GENERAL.—The United States, or a State law enforcement agency acting within its authority and jurisdiction, may, not less than 24 hours following the issuance to an interactive computer service provider of a notice described in paragraph (2)(B), in a civil action, obtain a temporary restraining order, or an injunction to prevent the use of the interactive computer service by another person in violation of this section.

‘‘(B) LIMITATIONS.—Notwithstanding any other provision of this section, in the case of any application for a temporary restraining order or an injunction against an interactive computer service provider described in paragraph (1)(B) to prevent a violation of this section—

‘‘(i) arising out of activity described in paragraph (1)(A)(i), the injunctive relief is limited to—

‘‘(I) an order restraining the provider from providing access to an identified subscriber of the system or network of the interactive computer service provider, if the court determines that there is probable cause to believe that such

subscriber is using that access to violate this section (or to engage with another person in a communication that violates this section), by terminating the specified account of that subscriber; and

"(II) an order restraining the provider from providing access, by taking reasonable steps specified in the order to block access, to a specific, identified, foreign online location;

"(ii) arising out of activity described in paragraph (1)(A)(ii), the injunctive relief is limited to—

"(I) the orders described in clause (i)(I);

"(II) an order restraining the provider from providing access to the material or activity that violates this section at a particular online site residing on a computer server operated or controlled by the provider; and

"(III) such other injunctive remedies as the court considers necessary to prevent or restrain access to specified material or activity that is prohibited by this section at a particular online location residing on a computer server operated or controlled by the provider, that are the least burdensome to the provider among the forms of relief that are comparably effective for that purpose.

"(C) Considerations.—The court, in determining appropriate injunctive relief under this paragraph, shall consider—

"(i) whether such an injunction, either alone or in combination with other such injunctions issued, and currently operative, against the same provider would significantly (and, in the case of relief under subparagraph (B)(ii), taking into account, among other factors, the conduct of the provider, unreasonably) burden either the provider or the operation of the system or network of the provider;

"(ii) whether implementation of such an injunction would be technically feasible and effective, and would not materially interfere with access to lawful material at other online locations;

"(iii) whether other less burdensome and comparably effective means of preventing or restraining access to the illegal material or activity are available; and

"(iv) the magnitude of the harm likely to be suffered by the community if the injunction is not granted.

"(D) Notice and ex parte orders.—Injunctive relief under this paragraph shall not be available without notice to the service provider and an opportunity for such provider to appear before the court, except for orders ensuring the preservation of evidence or other orders having no material adverse effect on the operation of the communications network of the service provider.

"(4) Effect on other law.—

"(A) Immunity from liability for compliance.—An interactive computer service provider shall not be liable for any damages, penalty, or forfeiture, civil or criminal, under Federal or State law for taking in good faith any action described in paragraph (2)(A) to comply with a notice described in paragraph (2)(B), or complying with any court order issued under paragraph (3).

"(B) Disclaimer of obligations.—Nothing in this section may be construed to impose or authorize an obligation on an interactive computer service provider described in paragraph (1)(B)—

"(i) to monitor material or use of its service; or

"(ii) except as required by a notice or an order of a court under this subsection, to gain access to, to remove, or to disable access to material.

"(C) Rights of subscribers.—Nothing in this section may be construed to prejudice the right of a subscriber to secure an appropriate determination, as otherwise provided by law, in a Federal court or in a State or local tribunal or agency, that the account of such subscriber should not be terminated pursuant to this subsection, or should be restored.

"(e) Availability of relief.—The availability of relief under subsections (c) and (d) shall not depend on, or be affected by, the initiation or resolution of any action under subsection (b), or under any other provision of Federal or State law.

"(f) Applicability.—

"(1) In general.—Subject to paragraph (2), the prohibition in this section does not apply to—

"(A) any otherwise lawful bet or wager that is placed, received, or otherwise made wholly intrastate for a State lottery, or for a multi-State lottery operated jointly between 2 or more States in conjunction with State lotteries if—

"(i) each such lottery is expressly authorized, and licensed or regulated, under applicable State law;

"(ii) the bet or wager is placed on an interactive computer service that uses a private network;

"(iii) each person placing or otherwise making that bet or wager is physically located when such bet or wager is placed at a facility that is open to the general public; and

"(iv) each such lottery complies with sections 1301 through 1304, and other applicable provisions of Federal law;

"(B) any otherwise lawful bet or wager that is placed, received, or otherwise made on an interstate or intrastate basis on a live horse or a live dog race, or the sending, receiving, or inviting of information assisting in the placing of such a bet or wager, if such bet or wager, or the transmission of such information, as applicable, is—

"(i) expressly authorized, and licensed or regulated by the State in which such bet or wager is received, under applicable Federal and such State's laws;

"(ii) placed on a closed-loop subscriber-based service;

"(iii) initiated from a State in which betting or wagering on that same type of live horse or live dog racing is lawful and received in a State in which such betting or wagering is lawful;

"(iv) subject to the regulatory oversight of the State in which the bet or wager is received and subject by such State to minimum control standards for the accounting, regulatory inspection, and auditing of all such bets or wagers transmitted from 1 State to another; and

"(v) in the case of—

"(I) live horse racing, made in accordance with the Interstate Horse Racing Act of 1978 (15 U.S.C. 3001 et seq.); or

"(II) live dog racing, subject to consent agreements that are comparable to those required by the Interstate Horse Racing Act of 1978, approved by the appropriate State regulatory agencies, in the State receiving the signal, and in the State in which the bet or wager originates; or

"(C) any otherwise lawful bet or wager that is placed, received, or otherwise made for a fantasy sports league game or contest.

"(2) Bets or wagers made by agents or proxies.—

"(A) In general.—Paragraph (1) does not apply in any case in which a bet or wager is placed, received, or otherwise made by the use of an agent or proxy using the Internet or an interactive computer service.

"(B) Qualification.—Nothing in this paragraph may be construed to prohibit the owner operator of a parimutuel wagering facility that is licensed by a State from employing an agent in the operation of the account wagering system owned or operated by the parimutuel facility.

"(3) Advertising and promotion.—The prohibition of subsection (b)(1)(B) does not apply to advertising or promotion of any activity that is not prohibited by subsection (b)(1)(A).

"(g) Rule of construction.—Nothing in this section may be construed to affect any prohibition or remedy applicable to a person engaged in a gambling business under any other provision of Federal or State law.".

(b) Technical amendment.—The analysis for chapter 50 of title 18, United States Code, is amended by adding at the end the following:

"1085. Internet gambling.".

SEC. 3. REPORT ON ENFORCEMENT.

Not later than 3 years after the date of enactment of this Act, the Attorney General shall submit to Congress a report, which shall include—

(1) an analysis of the problems, if any, associated with enforcing section 1085 of title 18, United States Code, as added by section 2 of this Act;

(2) recommendations for the best use of the resources of the Department of Justice to enforce that section; and

(3) an estimate of the amount of activity and money being used to gamble on the Internet.

SEC. 4. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of this Act and the provisions of such amendments to any other person or circumstance shall not be affected thereby.

AMENDMENT NO. 2782

(Purpose: To provide a complete substitute)

Ms. COLLINS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. Collins], for Mr. Kyl, for himself and Mr. Bryan, proposes an amendment numbered 2782.

Ms. COLLINS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's Record under "Amendments Submitted.")

AMENDMENT NO. 2783 TO AMENDMENT NO. 2782

Ms. COLLINS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. Collins], for Mr. Campbell, proposes an amendment numbered 2783 to amendment No. 2782.

Ms. COLLINS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 35 of the Kyl-Bryan substitute, after line 18, insert the following:

(4) Indian Gaming.—

(A) In general.—Subject to paragraph (2), the prohibition in this section does not apply to any otherwise lawful bet or wager that is placed, received, or otherwise made on any game that constitutes class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory

Act, 25 U.S.C. 2703), or the sending, receiving, or inviting of information assisting in the placing of any such bet or wager, as applicable, if—

(i) the game is permitted under and conducted in accordance with the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.);

(ii) each person placing, receiving, or otherwise making such bet or wager, or transmitting such information, is physically located on Indian lands (as that term is defined in section 4 of Indian Gaming Regulatory Act, 25 U.S.C. 2703) when such person places, receives, or otherwise makes the bet or wager, or transmits such information;

(iii) the game is conducted on a closed-loop subscriber-based system or a private network; and

(iv) in the case of a game that constitutes class III gaming—

(I) the game is authorized under, and is conducted in accordance with, the respective Tribal-State compacts (entered into and approved pursuant to section 11(d) of the Indian Gaming Regulatory Act, 25 U.S.C. 2710) governing gaming activity on the Indian lands, in each respective State, on which each person placing, receiving, or otherwise making such bet or wager, or transmitting such information, is physically located when such person places, receives, or otherwise makes the bet or wager, or transmits such information; and

(II) each such Tribal-State compact expressly provides that the game may be conducted using the Internet or other interactive computer service only on a closed-loop subscriber-based system or a private network.

(B) ACTIVITIES UNDER EXISTING COMPACTS.—The requirement of subparagraph (A)(iv)(II) shall not apply in the case of gaming activity, otherwise subject to this section, that was being conducted on Indian lands on September 1, 1999, with the approval of the state gaming commission or like regulatory authority of the State in which such Indian lands are located, but without such required compact approval, until the date on which the compact governing gaming activity on such Indian lands expires (exclusive of any automatic or discretionary renewal or extension of such compact), so long as such gaming activity is conducted using the Internet or other interactive computer service only on a closed-loop subscriber-based system or a private network. For purposes of this subparagraph, the phrase "conducted on Indian lands" shall refer to all Indian lands on which any person placing, receiving, or otherwise making a bet or wager, or sending, receiving, or inviting information assisting in the placing of a bet or wager, is physically located when such person places, receives, or otherwise makes the bet or wager, or sends, receives, or invites such information.

Mr. KYL. Mr. President, I rise in strong support of S. 692, the Internet Gambling Prohibition Act of 1999. As we move toward passage of this landmark legislation, I want to thank especially Senator BRYAN, the original cosponsor of S. 692, Senator FEINSTEIN, the ranking member of the Subcommittee on Technology, Terrorism, and Government Information, and Senator HATCH, the Chairman of the Judiciary Committee. I also want to acknowledge the role of Senator CAMPBELL in helping ensure that the legislation addressed issues of concern to Indian tribes, and Senator LEAHY, the ranking member of the Judiciary Committee, who helped advance S. 692 notwithstanding his differences with some of its features. Finally, I want to thank all of my colleagues who joined the legislation as cosponsors following its introduction.

S. 692 enjoys extraordinarily broad public support. Those supporting it—ranging from Federal and State law-enforcement authorities to religious, consumer, and family groups, from the professional and amateur sports leagues to the thoroughbred racing industry—are fully identified in the Judiciary Committee report accompanying the bill. I want to acknowledge, in particular, the support of the National Association of Attorneys General, the National Football League, and the National Collegiate Athletic Association, and the constructive role played by the American Horse Council, the Major League Baseball Players Association, and America Online, which spearheaded a coalition of Internet service providers and others interested in this legislation. I would particularly like to thank David Remes, Gerry Waldron, Marty Gold, Daniel Nestel, and Stephen Higgins, whose hard work and diplomatic skills played an important role in securing the passage of the bill by unanimous consent.

The bill we are voting on today, which the Judiciary Committee approved in June by a recorded vote of 16–1, is the culmination of efforts begun in the last Congress, when Senator BRYAN and I first introduced legislation to prohibit Internet gambling. That legislation, S. 474, was approved by the Judiciary Committee in August 1997 and passed by a 90–10 vote as an amendment to the Commerce-Justice-State appropriations bill in July 1998. The Subcommittee on Crime of the House Judiciary Committee held hearings on an Internet gambling bill in that the last Congress (H.R. 2380) and approved a revised version of the bill (H.R. 4427), but the House did not complete action on the legislation due to the lateness of the session, and the Senate language was not included in the final version of the appropriations measure. New legislation, similar to S. 692, has been introduced in the House in this Congress, and I am quite hopeful that Internet gambling legislation will be enacted into law early next year.

Mr. President, as documented in the Judiciary Committee's report, both the number of Internet gambling sites, and Internet gambling revenues, have grown rapidly since Internet gambling first appeared in the summer of 1995. Two studies cited by the National Gambling Impact Study Commission in its "Final Report" to Congress this summer indicate that Internet gambling revenues have doubled every year for the past three years. One study reported growth from $300 million in 1998 to $651 million in 1999, and projected revenues of $2.3 billion by 2001. Another study reported growth from $445.4 million in 1997 to $919.1 million in 1998. The Commission noted estimates by the Financial Times and Smith Barney that Internet gambling will reach annual revenues of $10 billion early in the new millennium. A third study cited by the Commission found that the number of online gamblers had increased from 6.9 million to 14.5 million between 1997 and 1998. According to the Commission, "virtually all observers assume the rapid growth of Internet gambling will continue."

It is no exaggeration to say that the Internet has brought gambling into every home that has purchased a computer and chosen to go online. According to the Department of Commerce, 26.2 percent of U.S. households had Internet access at the end of 1998, representing 27 million households. That percentage will undoubtedly continue to grow (millions of other U.S. households have computers but simply have not yet chosen to go online) until, not long from now, online home computers will be as commonplace as the humble telephone—which, like the telegraph before it, seemed as revolutionary and wondrous, in its day, as the Internet seems today.

As a new technology, the Internet presents new problems that current law must be updated to address. These problems, which S. 692 is designed to remedy, are extensively documented in the Judiciary Committee's report. They include, among others, serious harms to our young people, who are the most adept users of Internet; harms from gambling on professional and amateur sports events and athletic performances; and harms relating to pathological gambling and criminal activity. It is vital that we legislate to prevent the Internet from being used as an instrument of gambling and establish an effective mechanism—specifically tailored to this new medium—for enforcing that prohibition. In establishing such a mechanism, however, it is also important to avoid impeding or disrupting the use of the Internet as an instrument of lawful activity. I am confident that S. 602 meets these objectives. Moreover, the fact that the legislation is strongly supported by the chief law enforcement officers of the States is compelling evidence that it strikes the right balance between Federal and State authority in this area.

S. 692 creates a new section 1085 of title 18. It prohibits any person engaged in a gambling business from using the Internet to place, receive, or otherwise make a bet or wager, or to send, receive, or invite information assisting in the placing of a bet or wager, and it establishes mechanisms tailored to the Internet to enforce this prohibition. The new section provides criminal penalties for violations, authorizes civil enforcement proceedings by Federal and State authorities, and establishes mechanisms for requiring Internet service providers to terminate or block access to material or activity that violates the prohibition.

Because section 1085, as reported by the Judiciary Committee, is comprehensively analyzed in the Judiciary Committee's report, I will only describe its structure here. Section 1085(a) contains definitions. Section 1085(b) contains the prohibitions and criminal penalties. Section 1085(c) provides for civil actions by the United States and the States to prevent and restrain violations, applicable to persons other than Internet service providers. Section 1085(d) establishes responsibilities for Internet service providers, enforceable through civil injunction actions by Federal and State authorities, and grants providers specified immunities from liability. Section 1085(e) specifies that the availability of relief under subsections (c) and (d), which is civil in nature, is independent of any criminal action under subsection (b) or any other Federal or State law. Section 1085(f) specifies categories of activities that, if otherwise lawful, are not subject to the prohibition of subsection (b). This subsection addresses State lotteries, pari-mutuel animal wagering, Indian gaming, and fantasy sports league games and contests. Section 1085(f) specifically preserves the regulatory authority of the States with respect to gambling and gambling-related activities not subject to the prohibition of subsection (b), but nothing in section 1085 authorizes discriminatory or other action by a State that would otherwise violate the Commerce Clause. Section 1085(g) specifies that section 1085 does not create immunity from any criminal prosecution under any provision of Federal or State law, except as provided in subsection (d), and does not affect any prohibition or remedy applicable to a person engaged in a gambling business under any other provision of Federal or State law.

Mr. President, the bill we are voting on today has been modified in several respects from the version reported by the Judiciary Committee. All but one of those modifications affect section 1085. The other affects section 3 of the bill, which calls for a report to Congress by the Department of Justice two years after enactment.

Proceedings by Sports Organizations. The bill has been amended by adding a new subparagraph (C) to section 1085(c)(2) to authorize a professional or amateur sports organization whose games, or the performances of whose athletes in such games, are alleged to be the basis of a violation of section 1085 to institute civil proceedings in an appropriate district court of the United States to prevent or restrain the violation. The right of action provided by this subparagraph is similar to the right of action for sports organizations provided in the Professional and Amateur Sports Protection Act, 28 U.S.C. 3701 et seq., which Congress passed in 1992 to halt the spread of legalized sports betting and S. 692 is intended to reinforce. The new subparagraph limits proceedings, by sports organizations against interactive computer service providers.

Advertising and promotion of Non-Internet Gambling. The bill has been amended by adding a new paragraph (4) to section 1085(d) to address the responsibilities and immunities of an Internet service provider relating to the use of its facilities by another person to advertise or promote non-online gambling. Paragraph (4) generally mirrors the approach of paragraph (1), which addresses the responsibilities and immunities of an Internet service provider relating to the use of its facilities by another person to engage in online gambling activity. Paragraph (4) provides that: if specified conditions are met, a provider shall not be liable, under any provision of Federal or State law prohibiting or regulating gambling or gambling-related activities, or under any State law prohibiting or regulating advertising and promotional activities, either (1) for content, provided by another person, that advertises or promotes non-Internet gambling activity that is unlawful under such Federal or State law, arising out of any of the activities described in section 1085(d)(1)(A)(i) or (ii); or (2) for content, provided by another person, that advertises or promotes non-Internet gambling activity that is lawful under both Federal law and the law of the State where the gambling activity is being conducted. To be eligible for immunity under paragraph (4), a provider must, among other things, offer residential customers at reasonable cost computer software, or another filtering or blocking system, that includes the capability of filtering or blocking access by minors to Internet gambling sites that violate section 1085. Paragraph (4) provides for injunctive relief under specified circumstances.

Horse Racing. The bill has been amended by adding language to subsection (f)(1)(B)(v)(I) to recognize, expressly, the authority of the State in which the bet or wager originates to prohibit or regulate the activity relating to live horse races described in subparagraph (B); this authority was implicit; the amendment makes it explicit.

Indian Gaming. The bill has been amended to address Indian gaming by adding a new paragraph (4) to section 1085(f). The new paragraph specifies that the prohibitions of section 1085 regarding the use of the Internet or other interactive computer service do not apply to any otherwise lawful bet or wager that is placed, received, or otherwise made on any game that constitutes class II gaming or class III gaming (as those terms are defined in the Indian Gaming Regulatory Act), or the sending, receiving, or inviting of information assisting in the placing of any such bet or wager, as applicable, if four conditions are met.

First, the game must be one that is permitted under and conducted in accordance with the Indian Gaming Regulatory Act.

Second, each person placing, receiving, or otherwise making such bet or wager, or transmitting (i.e., sending, receiving, or inviting) such information, must be physically located in a gaming facility on Indian lands when such person places, receives, or otherwise makes the bet or wager, or transmits such information.

Third, the game must be conducted on a closed-loop subscriber-based system or a private network.

Fourth, in the case of a game that constitutes class III gaming, the game must be authorized under, and be conducted in accordance with, the respective Tribal-State compacts that govern gaming activity on the Indian lands on which each person placing, receiving, or otherwise making such bet or wager, or transmitting such information, is physically located when such person places, receives, or otherwise makes the bet or wager, or transmits such information. In addition, each such Tribal-State compact must expressly provide that the game may be conducted using the Internet or other interactive computer service only on a closed-loop subscriber-based system or a private network.

To illustrate one application of the fourth condition, suppose that Person A, a player who is physically located on Indian lands in Florida, by using the Internet or other interactive computer service, places or makes a bet or wager with Person B, a person operating or employed by a casino who is physically located on Indian lands in Idaho. To be lawful under section 1085 in this illustration, the game, among other things, must be one that is expressly authorized (1) by the compact that governs gaming activity on the Indian lands in Florida on which Person A is physically located when he places or makes the bet or wager, and (2) by the compact that governs gaming activity on the Indian lands in Idaho on which Person B is physically located when the bet is placed, received, or otherwise made. In addition, both compacts must expressly provide such gaming activity may be conducted using the Internet or other interactive computer service only on a closed-loop subscriber-based system or a private network.

Paragraph (4) further provides that the requirement of compact language expressly allowing the game to be conducted using the Internet or other interactive computer service, if a closed-loop subscriber-based system or a private network is used, as set forth in paragraph (4)(A)(iv)(II), shall not apply in the case of gaming activity, otherwise subject to section 1085, that was being conducted on Indian lands using the Internet or other interactive computer service on September 1, 1999, with the approval of the State gaming commission or like regulatory authority of the State in which such Indian lands are located, but without the compact language required by paragraph (4)(A)(iv)(II). The exemption applies only until the date on which the compact governing gaming activity on such Indian lands expires (exclusive of any automatic or discretionary renewal or extension of such compact), and only to the extent that the gaming activity is conducted using the Interned or other interactive computer service on a closed-loop subscriber-based system or a private network. This exemption avoids the need to renegotiate compacts currently in effect if the specified conditions are satisfied. The exemption waives only the requirement of subparagraph (A)(iv)(II). It does not in any manner waive the compact authorization requirement of subparagraph (A)(iv)(I), the physical location requirement of subparagraph (A)(ii), the closed-loop or private network requirement of subparagraph (A)(iii), or any other requirement of subparagraph (A).

To use the previous illustration, if the compact that currently governs gaming on the Indian lands in Florida on which Person A is physically located when Person A places or makes the bet or wager does not expressly specify that the game may be conducted using the Internet or other interactive computer service (if a closed-loop subscriber-based system or a private network is used), the game may nevertheless be conducted on those Indian lands using the Internet or other interactive computer service (if a closed-loop subscriber-based system or a private network is used), notwithstanding section 1085, until that compact expires, if the game was one that was conducted on those Indian lands in Florida using the Internet or other interactive computer service on September 1, 1999, with the approval of the gaming commission or like regulatory authority of Florida. After the compact expires, however, any gaming on those Indian lands using the Internet or other interactive computer service is subject to the requirement of express approval (limited to use of a closed-loop subscriber-based system or a private network) in subsequent compacts governing gaming activity on those Indian lands.

Rule of Construction. The bill has been amended by adding a new paragraph to section 1085(g) to make even more explicit that, except as provided in subsection (d), section 1085 does not create immunity from any criminal prosecution under any provision of Federal or State law. This amendment responds to a concern expressed by Senator LEAHY.

Report on Enforcement. Section 3 of S. 692 has been amended to require the Justice Department to include in the required report to Congress further information specified by the Gambling Impact Study Commission in its "Final Report".

Mr. President, S. 692 is urgently needed to address a serious social problem. It reflects the very best thinking on how to update existing law to meet the challenges of a new technology. I respectfully urge its passage.

Mr. LEAHY. Mr. President, I have long been an advocate for legislation that ensures that existing laws keep pace with developing technology. It is for this reason that I have sponsored and supported over the past few years a host of bills to bring us into the 21st Century.

This same impetus underlies my support of legislation to ensure our nation's gambling laws keep pace with developing technology, particularly the Internet. The Department of Justice has noted that "the Internet has allowed for new types of electronic gambling, including interactive games such as poker or blackjack, that may not clearly be included within the types of gambling currently made illegal. . . ." This new technology clearly has the potential to diminish the effectiveness of current gambling statutes.

Vermonters have spoken clearly that they do not want certain types of gambling permitted in our state, and they do not want current laws to be rendered obsolete by the Internet. Vermont Attorney General William Sorrell strongly supports federal legislation to address Internet gambling, as do other law enforcement officials in Vermont.

I believe, therefore, that there is considerable value in updating our federal gambling statutes, which is why I voted for S. 692, the "Internet Gambling Prohibition Act," during Senate Judiciary Committee consideration. I support the bill as a step forward in our bipartisan efforts to make sure our federal laws continue to keep pace with emerging technologies.

I do, however, have concerns that S. 692 might unnecessarily weaken existing federal and state gambling laws.

My first concern is that the bill provides unnecessary exemptions from its Internet gambling ban for certain forms of gambling activities without a clear public policy justification. For example, the bill exempts parimutuel wagering on horse and dog racing from its ban on Internet gambling. The sponsors of S. 692 have offered no compelling reason for this special treatment of one form of gambling. Indeed, the Department of Justice is "especially troubled by the broad exemptions given to parimutuel wagering, which essentially would make legal on the Internet types of parimutuel wagering that are not legal in the physical world," according to its June 9, 1999 views letter on S. 692.

Broad exemptions from the Internet gambling ban also contradict the recent recommendations to Congress of the National Gambling Impact Study Commission. After 2 years of taking testimony at hearings across the country, the Commission has endorsed the need for Federal legislation to prohibit Internet gambling. But the Commission clearly rejected adding new exemptions to the law in such a ban.

Indeed, in a letter to me dated June 15, 1999, Kay C. James, Chair, and William Bible, Commissioner, of the National Gambling Impact Study Commission, wrote:

> The Commission recommends to the President, Congress, and the Department of Justice (DOJ) that the Federal government should prohibit, *without allowing new exemptions or the expansion of existing federal exemptions to other jurisdictions*, Internet gambling not already authorized within the United States or among parties in the United States and any foreign jurisdiction. (emphasis in the original)

My second concern is that the bill unnecessarily creates a new section in our Federal gambling statutes, which may prove inconsistent with existing law and established legal precedent. Instead of updating section 1084 of title 18, which has prohibited interstate gambling through wire communications since 1961, S. 692 creates a new section 1085 to title 18 to cover Internet gambling only. Creating a new section out of whole cloth with different definitions and other provisions from existing Federal gambling statutes creates overlapping and inconsistent Federal gambling laws for no good reason.

According to its views letter on S. 692, the Department of Justice believes overlapping and inconsistent Federal gambling laws can be easily avoided by amending section 1084 of title 18 to cover Internet gambling:

> We therefore strongly recommend that Congress address the objective of this legislation through amending existing gambling laws, rather than creating new laws that specifically govern the Internet. Indeed, the Department of Justice believes that an amendment to section 1084 of title 18 could satisfy many of the concerns addressed in S. 692, as well as ensure that the same laws apply to gambling businesses, whether they operate over the Internet, the telephone, or some other instrumentality of interstate commerce.

I want to thank the sponsors of the legislation, Senators KYL and BRYAN, for addressing my third concern in their substitute amendment. I was concerned that the bill might unnecessarily create immunity from criminal prosecution under State law for Internet gambling. Any new immunity would have been in sharp contrast to existing Federal law, which specifically does not grant immunity from State prosecution for illegal gambling over wire communications.

To address this concern, the substitute amendment adds a new Rules of Construction section, section 2 (g)(1), which I authored. This section makes it clear that, except for the liability limits provided to Interactive Computer Service Providers in section 2 (d) of the bill, S. 692 does not provide any other immunity from Federal or State prosecution for illegal Internet gambling.

Indeed, the New York Attorney General recently prosecuted an offshore Internet gambling company, World Interactive Gaming Corporation, for targeting New York citizens in violation of State and Federal anti-gambling statutes. This past July, the New York State Supreme Court upheld that prosecution.

As a former State prosecutor in Vermont, I strongly believe that Congress should not tie the hands of our State crime-fighting partners in the battle against Internet gambling when we do not mandate Federal preemption of state criminal laws for other forms of illegal gambling. Instead, we need to foster effective Federal-State partnerships to combat illegal Internet gambling.

During our consideration of the Internet Gambling Prohibition Act in this Congress and the last, the sponsors of the bill and members of the Senate Judiciary Committee have improved and refined the bill on a bipartisan basis. The bill now applies only to gambling businesses, instead of individual betters. This will permit Federal authorities to target the prosecution of interstate gambling businesses, while rightly leaving the prosecution of individual bettors to the discretion of state authorities acting under state law.

As Senators continue to work together to enact a ban on Internet gambling, we should keep these words from the Department of Justice foremost in our minds: "[A]ny prohibitions that are designed to prohibit criminal activity on the Internet must be carefully drafted to accomplish the legislation's objectives without stifling the growth of the Internet or chilling its use as a communication medium."

I look forward to working with my colleagues on both sides of the aisle and the administration to enact into law carefully drafted legislation to update our Federal gambling statutes to ensure that new types of gambling activities made possible by emerging technologies are prohibited.

Mr. TORRICELLI. Mr. President, I express my deep appreciation and thanks to Senator KYL for his diligent work to help resolve my concerns. This compromise is reflected in section 1085. This language is very important to permitting parimutuel wagering on horse racing to be exempted from the prohibition on Internet gambling that we are enacting.

The new language makes explicit which was implicit and assures that every State has the right to establish requirements for Internet and phone wagering that will best serve the public and governmental interests of the State and to do so, if it wishes, before such wagering takes place. I believe this is so important because it ensures that a State will have its traditional authority to safeguard the interests of its consumers and racing industry through the regulatory and approval process of proposed phone or Internet wagering.

Mr. CAMPBELL. Mr. President, today the Senate considers S. 692, entitled the "Internet Gaming Prohibition Act." As my colleagues know, I support this measure but from the day this bill was introduced I have had concern about its scope. As Chairman of the Committee on Indian Affairs I have been concerned that existing law, namely the Indian Gaming Regulatory Act, would be irreparably harmed unless we made certain changes to the bill.

This is an important bill and I support the intent of the bill's sponsors to make it more difficult for this kind of gaming to be conducted, particularly by underage players.

If enacted, this bill would prohibit Internet gambling, but make exceptions for certain segments of the gaming industry which currently use a variety of technologies to enhance traditional gaming.

It is important for my colleagues to realize that the bill does not prohibit all forms of gaming using available high-technology. When I reviewed S. 692 for the first time, I realized that certain gaming activities currently being conducted by Indian tribes would be prohibited by this bill.

My concerns centered on the fact that the same or similar activities were allowed to other entities—such as the states, the horse-racing industry and others—that were disallowed to tribes. This fundamental inequity is what led me to propose fair treatment for tribal governmental gaming.

In addition to issues of equity, the economic impacts of Indian gaming are substantial and should be acknowledged. These revenues provide an important source of development capital and jobs for many tribes across the country. Contrary to the views many here hold, Indian gaming is very highly regulated by federal, state and tribal officials, and has been subject to federal law for eleven years.

I addressed my concerns to the Senate Judiciary Committee in June of this year and began discussions on how best to address currently-legal Indian gaming in S. 692. My main concerns with drafting any language dealing with Indian gaming and the IGRA centered on the following requirements:

1. All gaming must be legal under current federal law;

2. All class III gaming (casino style) must be conducted pursuant to a tribal state compact; and

3. All aspects of the game must take place on Indian Lands (game, player, facility, server, etc.).

It is critical to note that there is no tribe in the U.S. that is currently offering online/Internet betting. Instead, several tribes currently use widely-available technology to broadcast bingo to numerous operations located on Indian lands or to link class III games for the purpose of determining an aggregate betting pool for the purpose of offering bigger prizes.

It is my understanding in supporting the substitute along with my amendment, that S. 692 allows tribes to continue their current practices regarding the use of technology to enhance the effectiveness and profitability of their operations, but does not authorize any tribe to operate betting on the Internet as it currently perceived by the general public.

The specific provisions of my amendment address all currently legal class II and class III gaming, as defined in the Indian Gaming Regulatory Act, 25 U.S.C. §2701 et seq.

Accordingly, for Indian gaming activities to not run afoul of the provisions of S. 692

1. The game must be conducted according to the requirements of IGRA.

2. All persons making or receiving a bet, or transmitting information regarding a bet must be on Indian lands. That means all aspects of the game must be located on tribal land, including the person playing the game, the actual machine which is the game, and any computer server which may be used to keep track of information relating to the play of the game. In the case of a satellite (which cannot be located on Indian land), all machinery used to receive the signal must be located on Indian land.

3. The game must be conducted on an interactive computer service which uses a closed-loop subscriber based service or a private network.

4. Where class III games are conducted, each tribe participating in a network must have a compact which authorizes games to be conducted using the technology described, that is, an interactive computer service which uses a closed-loop subscriber-based service or a private network. It is critical to understand that this means that a tribe must have a compact only in the state in which they are located, not that they compact with every state in which the network is located.

5. In jurisdictions where class III gaming is currently using technology to link games, but either have compacts which do not specifically authorize networked games, or that do authorize these games, but do not contain

closed-loop subscriber-based system or a private network is used, as set forth in paragraph (4)(A)(iv)(II), shall not apply in the case of gaming activity, otherwise subject to section 1085, that was being conducted on Indian lands using the Internet or other interactive computer service on September 1, 1999, with the approval of the State gaming commission or like regulatory authority of the State in which such Indian lands are located, but without the compact language required by paragraph (4)(A)(iv)(II). The exemption applies only until the date on which the compact governing gaming activity on such Indian lands expires (exclusive of any automatic or discretionary renewal or extension of such compact), and only to the extent that the gaming activity is conducted using the Interned or other interactive computer service on a closed-loop subscriber-based system or a private network. This exemption avoids the need to renegotiate compacts currently in effect if the specified conditions are satisfied. The exemption waives only the requirement of subparagraph (A)(iv)(II). It does not in any manner waive the compact authorization requirement of subparagraph (A)(iv)(I), the physical location requirement of subparagraph (A)(ii), the closed-loop or private network requirement of subparagraph (A)(iii), or any other requirement of subparagraph (A).

To use the previous illustration, if the compact that currently governs gaming on the Indian lands in Florida on which Person A is physically located when Person A places or makes the bet or wager does not expressly specify that the game may be conducted using the Internet or other interactive computer service (if a closed-loop subscriber-based system or a private network is used), the game may nevertheless be conducted on those Indian lands using the Internet or other interactive computer service (if a closed-loop subscriber-based system or a private network is used), notwithstanding section 1085, until that compact expires, if the game was one that was conducted on those Indian lands in Florida using the Internet or other interactive computer service on September 1, 1999, with the approval of the gaming commission or like regulatory authority of Florida. After the compact expires, however, any gaming on those Indian lands using the Internet or other interactive computer service is subject to the requirement of express approval (limited to use of a closed-loop subscriber-based system or a private network) in subsequent compacts governing gaming activity on those Indian lands.

Rule of Construction. The bill has been amended by adding a new paragraph to section 1085(g) to make even more explicit that, except as provided in subsection (d), section 1085 does not create immunity from any criminal prosecution under any provision of Federal or State law. This amendment responds to a concern expressed by Senator LEAHY.

Report on Enforcement. Section 3 of S. 692 has been amended to require the Justice Department to include in the required report to Congress further information specified by the Gambling Impact Study Commission in its "Final Report".

Mr. President, S. 692 is urgently needed to address a serious social problem. It reflects the very best thinking on how to update existing law to meet the challenges of a new technology. I respectfully urge its passage.

Mr. LEAHY. Mr. President, I have long been an advocate for legislation that ensures that existing laws keep pace with developing technology. It is for this reason that I have sponsored and supported over the past few years a host of bills to bring us into the 21st Century.

This same impetus underlies my support of legislation to ensure our nation's gambling laws keep pace with developing technology, particularly the Internet. The Department of Justice has noted that "the Internet has allowed for new types of electronic gambling, including interactive games such as poker or blackjack, that may not clearly be included within the types of gambling currently made illegal. . . ." This new technology clearly has the potential to diminish the effectiveness of current gambling statutes.

Vermonters have spoken clearly that they do not want certain types of gambling permitted in our state, and they do not want current laws to be rendered obsolete by the Internet. Vermont Attorney General William Sorrell strongly supports federal legislation to address Internet gambling, as do other law enforcement officials in Vermont.

I believe, therefore, that there is considerable value in updating our federal gambling statutes, which is why I voted for S. 692, the "Internet Gambling Prohibition Act," during Senate Judiciary Committee consideration. I support the bill as a step forward in our bipartisan efforts to make sure our federal laws continue to keep pace with emerging technologies.

I do, however, have concerns that S. 692 might unnecessarily weaken existing federal and state gambling laws.

My first concern is that the bill provides unnecessary exemptions from its Internet gambling ban for certain forms of gambling activities without a clear public policy justification. For example, the bill exempts parimutuel wagering on horse and dog racing from its ban on Internet gambling. The sponsors of S. 692 have offered no compelling reason for this special treatment of one form of gambling. Indeed, the Department of Justice is "especially troubled by the broad exemptions given to parimutuel wagering, which essentially would make legal on the Internet types of parimutuel wagering that are not legal in the physical world," according to its June 9, 1999 views letter on S. 692.

Broad exemptions from the Internet gambling ban also contradict the recent recommendations to Congress of the National Gambling Impact Study Commission. After 2 years of taking testimony at hearings across the country, the Commission has endorsed the need for Federal legislation to prohibit Internet gambling. But the Commission clearly rejected adding new exemptions to the law in such a ban.

Indeed, in a letter to me dated June 15, 1999, Kay C. James, Chair, and William Bible, Commissioner, of the National Gambling Impact Study Commission, wrote:

> The Commission recommends to the President, Congress, and the Department of Justice (DOJ) that the Federal government should prohibit, *without allowing new exemptions or the expansion of existing federal exemptions to other jurisdictions*, Internet gambling not already authorized within the United States or among parties in the United States and any foreign jurisdiction. (emphasis in the original)

My second concern is that the bill unnecessarily creates a new section in our Federal gambling statutes, which may prove inconsistent with existing law and established legal precedent. Instead of updating section 1084 of title 18, which has prohibited interstate gambling through wire communications since 1961, S. 692 creates a new section 1085 to title 18 to cover Internet gambling only. Creating a new section out of whole cloth with different definitions and other provisions from existing Federal gambling statutes creates overlapping and inconsistent Federal gambling laws for no good reason.

According to its views letter on S. 692, the Department of Justice believes overlapping and inconsistent Federal gambling laws can be easily avoided by amending section 1084 of title 18 to cover Internet gambling:

> We therefore strongly recommend that Congress address the objective of this legislation through amending existing gambling laws, rather than creating new laws that specifically govern the Internet. Indeed, the Department of Justice believes that an amendment to section 1084 of title 18 could satisfy many of the concerns addressed in S. 692, as well as ensure that the same laws apply to gambling businesses, whether they operate over the Internet, the telephone, or some other instrumentality of interstate commerce.

I want to thank the sponsors of the legislation, Senators KYL and BRYAN, for addressing my third concern in their substitute amendment. I was concerned that the bill might unnecessarily create immunity from criminal prosecution under State law for Internet gambling. Any new immunity would have been in sharp contrast to existing Federal law, which specifically does not grant immunity from State prosecution for illegal gambling over wire communications.

To address this concern, the substitute amendment adds a new Rules of Construction section, section 2 (g)(1), which I authored. This section makes it clear that, except for the liability limits provided to Interactive Computer Service Providers in section 2 (d) of the bill, S. 692 does not provide any other immunity from Federal or State prosecution for illegal Internet gambling.

Indeed, the New York Attorney General recently prosecuted an offshore Internet gambling company, World Interactive Gaming Corporation, for targeting New York citizens in violation of State and Federal anti-gambling statutes. This past July, the New York State Supreme Court upheld that prosecution.

As a former State prosecutor in Vermont, I strongly believe that Congress should not tie the hands of our State crime-fighting partners in the battle against Internet gambling when we do not mandate Federal preemption of state criminal laws for other forms of illegal gambling. Instead, we need to foster effective Federal-State partnerships to combat illegal Internet gambling.

During our consideration of the Internet Gambling Prohibition Act in this Congress and the last, the sponsors of the bill and members of the Senate Judiciary Committee have improved and refined the bill on a bipartisan basis. The bill now applies only to gambling businesses, instead of individual betters. This will permit Federal authorities to target the prosecution of interstate gambling businesses, while rightly leaving the prosecution of individual bettors to the discretion of state authorities acting under state law.

As Senators continue to work together to enact a ban on Internet gambling, we should keep these words from the Department of Justice foremost in our minds: "[A]ny prohibitions that are designed to prohibit criminal activity on the Internet must be carefully drafted to accomplish the legislation's objectives without stifling the growth of the Internet or chilling its use as a communication medium."

I look forward to working with my colleagues on both sides of the aisle and the administration to enact into law carefully drafted legislation to update our Federal gambling statutes to ensure that new types of gambling activities made possible by emerging technologies are prohibited.

Mr. TORRICELLI. Mr. President, I express my deep appreciation and thanks to Senator KYL for his diligent work to help resolve my concerns. This compromise is reflected in section 1085. This language is very important to permitting parimutuel wagering on horse racing to be exempted from the prohibition on Internet gambling that we are enacting.

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Mr. CAMPBELL. Mr. President, today the Senate considers S. 692, entitled the "Internet Gaming Prohibition Act." As my colleagues know, I support this measure but from the day this bill was introduced I have had concerns about its scope. As Chairman of the Committee on Indian Affairs I have been concerned that existing law, namely the Indian Gaming Regulatory Act, would be irreparably harmed unless we made certain changes to the bill.

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In addition to issues of equity, the economic impacts of Indian gaming are substantial and should be acknowledged. These revenues provide an important source of development capital and jobs for many tribes across the country. Contrary to the views many here hold, Indian gaming is very highly regulated by federal, state and tribal officials, and has been subject to federal law for eleven years.

I addressed my concerns to the Senate Judiciary Committee in June of this year and began discussions on how best to address currently-legal Indian gaming in S. 692. My main concerns with drafting any language dealing with Indian gaming and the IGRA centered on the following requirements:

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5. In jurisdictions where class III gaming is currently using technology to link games, but either have compacts which do not specifically authorize networked games, or that do authorize these games, but do not contain

the specific authorization required in S. 692, the amendment allows them to continue the operations of those games until the expiration of their current compact. The current language addressing technology that is included in most compacts does not contain the exact terminology as defined in S. 692.

Additionally, there are other states where language that addresses the use of technology is not contained in the compact, but the state has consented to the use of technology. My amendment contains a "grandfather clause" for those operations, which will run until their compacts expire by their own terms. Once a tribe's compact expires, the compact must be renegotiated and will be required to contain language which conforms to the requirements of S. 692.

Contrary to the views of some, Indian tribes are not generally interested in operating games which are broadcast on the "world wide web" or the Internet, and in which a person sitting in their home may "log on" to a computer and begin placing bets.

Indian tribes are, however, interested in continuing the operation of the games they currently have, and which they have agreed with their states are legal. This amendment allows them to do just that.

Mr. FEINGOLD. Mr. President, I rise today to express my opposition to the Internet Gambling Prohibition Act of 1999. I voted against this bill when it was brought to the floor last year as an amendment to an appropriations bill and again this year when it came through the Judiciary Committee.

I am pleased to see that Senator KYL was able to reach an agreement with Senator CAMPBELL and others to address Indian gaming issues. The bill's special treatment of certain forms of gambling was one of the reasons I voted against this bill when it was before the Judiciary Committee. It allowed state lotteries, fantasy sports leagues, and horse and dog track racing to continue to operate over the Internet, but prohibited use of the Internet for Indian gaming, which is expressly authorized by federal law. Under Senator CAMPBELL's amendment to S. 692, Indian gaming can continue to operate over the Internet under certain circumstances.

While I am glad to see the Indian gaming issue addressed, I nevertheless remain concerned with the fact that this bill singles out one emerging technology, the Internet, to try to attack the broad, complex social problems associated with gambling. The Internet is an evolving technology, and its full potential as a medium of expression has not been reached. While I share some of the concerns about the dangers of gambling that have inspired the sponsors of this legislation, I am reluctant to start down the path of restricting the use of the Internet for any particular lawful purpose. Once we have prohibited gambling on the Internet, what will be the next on-line activity that we will try to ban? We need to be very careful not to create a precedent that might stifle the commercial and educational development of this very exciting technological tool with unhealthy implications for the First Amendment. I fear that this bill starts us down a road in that direction.

Mr. President, in light of the expressed sentiment of this body last year, I did not object to the unanimous consent request to pass this bill in the closing days of this session, but I would like the record to reflect my continuing opposition to this bill.

Thank you. I yield the floor.

Ms. COLLINS. Mr. President, I ask unanimous consent that the amendments be agreed to, the substitute amendment be agreed to, as amended, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2783) was agreed to.

The amendment (No. 2782) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 692), as amended, was read the third time and passed, as follows:

[The bill was not available for printing. It will appear in a future edition of the RECORD.]

DATE-RAPE DRUG CONTROL ACT OF 1999

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 416, S. 1561.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill to amend the Controlled Substance Act to add gamma hydroxybutyric acid and ketamine to the schedules of control substances, to provide for a national awareness campaign, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with amendments as follows:

[Matter proposed to be deleted is enclosed in black brackets; new matter is printed in italic.]

S. 1516

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Date-Rape Drug Control Act of 1999".]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 1999".

SEC. 2. FINDINGS.

Congress finds as follows:

(1) Gamma hydroxybutyric acid (also called G, Liquid X, Liquid Ecstasy, Grievous Bodily Harm, Georgia Home Boy, Scoop) has become a significant and growing problem in law enforcement. At least 20 States have scheduled such drug in their drug laws and law enforcement officials have been experiencing an increased presence of the drug in driving under the influence, sexual assault, and overdose cases especially at night clubs and parties.

(2) A behavioral depressant and a hypnotic, gamma hydroxybutyric acid ("GHB") is being used in conjunction with alcohol and other drugs with detrimental effects in an increasing number of cases. It is difficult to isolate the impact of such drug's ingestion since it is so typically taken with an ever-changing array of other drugs and especially alcohol which potentiates its impact.

(3) GHB takes the same path as alcohol, processes via alcohol dehydrogenase, and its symptoms at high levels of intake and as impact builds are comparable to alcohol ingestion/intoxication. Thus, aggression and violence can be expected in some individuals who use such drug.

(4) If taken for human consumption, common industrial chemicals such as gamma butyrolactone and 1.4-butanediol are swiftly converted by the body into GHB. Illicit use of these and other GHB analogues and precursor chemicals is a significant and growing law enforcement problem.

(5) A human pharmaceutical formulation of gamma hydroxybutyric acid is being developed as a treatment for cataplexy, a serious and debilitating disease. Cataplexy, which causes sudden and total loss of muscle control, affects about 65 percent of the estimated 180,000 Americans with narcolepsy, a sleep disorder. People with cataplexy often are unable to work, drive a car, hold their children or live a normal life.

(6) Abuse of illicit GHB is an imminent hazard to public safety that requires immediate regulatory action under the Controlled Substances Act (21 U.S.C. 801 et seq.).

[SEC. 3. ADDITION OF GAMMA HYDROXYBUTYRIC ACID AND KETAMINE TO SCHEDULES OF CONTROLLED SUBSTANCES; GAMMA BUTYROLACTONE AS ADDITIONAL LIST I CHEMICAL.

[(a) ADDITION TO SCHEDULE I.—

[(1) IN GENERAL.—Section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended by adding at the end of schedule I the following:

["(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following substance having a depressant effect on the central nervous system, or which contains any of their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

["(1) Gamma hydroxybutyric acid.".

[(2) SECURITY OF FACILITIES.—For purposes of any requirements that relate to the physical security of registered manufacturers and registered distributors, gamma hydroxybutyric acid and its salts, isomers, and salts of isomers manufactured, distributed, or possessed in accordance with an exemption approved under section 505(i) of the Federal Food, Drug, and Cosmetic Act shall be treated as a controlled substance in schedule III under section 202(c) of the Controlled Substances Act.

[(b) ADDITION TO SCHEDULE III.—Schedule III under section 202(c) of the Controlled

Substances Act (21 U.S.C. 812(c)) is amended in (b)—

[(1) by redesignating (4) through (10) as (6) through (12), respectively; and

[(2) by redesignating (3) as (4);

[(3) by inserting after (2) the following:

["(3) Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained in a drug product for which an application has been approved under section 505 of the Federal Food, Drug, and Cosmetic Act."; and

[(4) by inserting after (4) (as so redesignated) the following:

["(5) Ketamine and its salts, isomers, and salts of isomers.".

[(c) ADDITIONAL LIST I CHEMICAL.—Section 102(34) of the Controlled Substances Act (21 U.S.C. 802(34)) is amended—

[(1) by redesignating subparagraph (X) as subparagraph (Y); and

[(2) by inserting after subparagraph (W) the following subparagraph:

["(X) Gamma butyrolactone.".

[(d) RULE OF CONSTRUCTION REGARDING CONTROLLED SUBSTANCE ANALOGUES.—Section 102(32) of the Controlled Substances Act (21 U.S.C. 802(32)) is amended—

[(1) in subparagraph (A), by striking "subparagraph (B)" and inserting "subparagraph (C)";

[(2) by redesignating subparagraph (B) as subparagraph (C); and

[(3) by inserting after subparagraph (A) the following new subparagraph (B):

["(B) The designation of gamma butyrolactone or any other chemical as a listed chemical pursuant to paragraph (34) or (35) does not preclude a finding pursuant to subparagraph (A) that the chemical is a controlled substance analogue.".

[(e) PENALTIES REGARDING SCHEDULE I.—

[(1) IN GENERAL.—Section 401(b)(1)(C) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(C)) is amended in the first sentence by inserting after "schedule I or II," the following: "gamma hydroxybutyric acid in schedule III,".

[(2) CONFORMING AMENDMENT.—Section 401(b)(1)(D) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(D)) is amended by inserting "(other than gamma hydroxybutyric acid)" after "schedule III".

[(f) DISTRIBUTION WITH INTENT TO COMMIT CRIME OF VIOLENCE.—Section 401(b)(7)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(7)(A)) is amended by inserting "or controlled substance analogue" after "distributing a controlled substance".]

SEC. 3. EMERGENCY SCHEDULING OF GAMMA HYDROXYBUTYRIC ACID AND LISTING OF GAMMA BUTYROLACTONE AS LIST I CHEMICAL.

(a) EMERGENCY SCHEDULING OF GHB.—

(1) IN GENERAL.—The Congress finds that the abuse of illicit gamma hydroxybutyric acid is an imminent hazard to the public safety. Accordingly, the Attorney General, notwithstanding sections 201(a), 201(b), 201(c), and 202 of the Controlled Substances Act, shall issue, not later than 60 days after the date of the enactment of this Act, a final order that schedules such drug (together with its salts, isomers, and salts of isomers) in the same schedule under section 202(c) of the Controlled Substances Act as would apply to a scheduling of a substance by the Attorney General under section 201(h)(1) of such Act (relating to imminent hazards to the public safety), except as follows:

(A) For purposes of any requirements that relate to the physical security of registered manufacturers and registered distributors, the final order shall treat such drug, when the drug is manufactured, distributed, or possessed in accordance with an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (whether the exemption involved is authorized before, on, or after the date of the enactment of this Act), as being in the same schedule as that recommended by the Secretary of Health and Human Services for the drug when the drug is the subject of an authorized investigational new drug application (relating to such section 505(i)). The recommendation referred to in the preceding sentence is contained in the first paragraph of the letter transmitted on May 19, 1999, by such Secretary (acting through the Assistant Secretary for Health) to the Attorney General (acting through the Deputy Administrator of the Drug Enforcement Administration), which letter was in response to the letter transmitted by the Attorney General (acting through such Deputy Administrator) on September 16, 1997. In publishing the final order in the Federal Register, the Attorney General shall publish a copy of the letter that was transmitted by the Secretary of Health and Human Services.

(B) In the case of gamma hydroxybutyric acid that is contained in a drug product for which an application is approved under section 505 of the Federal Food, Drug, and Cosmetic Act (whether the application involved is approved before, on, or after the date of the enactment of this Act), the final order shall schedule such drug in the same schedule as that recommended by the Secretary of Health and Human Services for authorized formulations of the drug. The recommendation referred to in the preceding sentence is contained in the last sentence of the fourth paragraph of the letter referred to in subparagraph (A) with respect to May 19, 1999.

(2) FAILURE TO ISSUE ORDER.—If the final order is not issued within the period specified in paragraph (1), gamma hydroxybutyric acid (together with its salts, isomers, and salts of isomers) is deemed to be scheduled under section 202(c) of the Controlled Substances Act in accordance with the policies described in paragraph (1), as if the Attorney General had issued a final order in accordance with such paragraph.

(b) ADDITIONAL PENALTIES RELATING TO GHB.—

(1) CONTROLLED SUBSTANCES ACT.—

(A) IN GENERAL.—Section 401(b)(1)(C) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(C)) is amended in the first sentence by inserting after "schedule I or II," the following: "gamma hydroxybutyric acid (including when scheduled as an approved drug product for purposes of section 3(a)(1)(B) of the Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 1999),".

(B) CONFORMING AMENDMENT.—Section 401(b)(1)(D) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(D)) is amended by striking ", or 30" and inserting "(other than gamma hydroxybutyric acid), or 30".

(2) CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—

(A) IN GENERAL.—Section 1010(b)(3) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(3)) is amended in the first sentence by inserting after "I or II," the following: "gamma hydroxybutyric acid (including when scheduled as an approved drug product for purposes of section 3(a)(1)(B) of the Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 1999),".

(B) CONFORMING AMENDMENT.—Section 1010(b)(4) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(4)) is amended by striking "flunitrazepam)" and inserting the following: "flunitrazepam and except a violation involving gamma hydroxybutyric acid)".

(c) GAMMA BUTYROLACTONE AS ADDITIONAL LIST I CHEMICAL.—Section 102(34) of the Controlled Substances Act (21 U.S.C. 802(34)) is amended—

(1) by redesignating subparagraph (X) as subparagraph (Y); and

(2) by inserting after subparagraph (W) the following subparagraph:

"(X) Gamma butyrolactone.".

SEC. 4. AUTHORITY FOR ADDITIONAL REPORTING REQUIREMENTS FOR GAMMA HYDROXYBUTYRIC PRODUCTS IN SCHEDULE III.

Section 307 of the Controlled Substances Act (21 U.S.C. 827) is amended by adding at the end the following:

"(h) In the case of a drug product containing gamma hydroxybutyric acid for which an application has been approved under section 505 of the Federal Food, Drug, and Cosmetic Act, the Attorney General may, in addition to any other requirements that apply under this section with respect to such a drug product, establish any of the following as reporting requirements:

"(1) That every person who is registered as a manufacturer of bulk or dosage form, as a packager, repackager, labeler, relabeler, or distributor shall report acquisition and distribution transactions quarterly, not later than the 15th day of the month succeeding the quarter for which the report is submitted, and annually report end-of-year inventories.

"(2) That all annual inventory reports shall be filed no later than January 15 of the year following that for which the report is submitted and include data on the stocks of the drug product, drug substance, bulk drug, and dosage forms on hand as of the close of business December 31, indicating whether materials reported are in storage or in process of manufacturing.

"(3) That every person who is registered as a manufacturer of bulk or dosage form shall report all manufacturing transactions both inventory increases, including purchases, transfers, and returns, and reductions from inventory, including sales, transfers, theft, destruction, and seizure, and shall provide data on material manufactured, manufactured from other material, use in manufacturing other material, and use in manufacturing dosage forms.

"(4) That all reports under this section must include the registered person's registration number as well as the registration numbers, names, and other identifying information of vendors, suppliers, and customers, sufficient to allow the Attorney General to track the receipt and distribution of the drug.

"(5) That each dispensing practitioner shall maintain for each prescription the name of the prescribing practitioner, the prescribing practitioner's Federal and State registration numbers, with the expiration dates of these registrations, verification that the prescribing practitioner possesses the appropriate registration to prescribe this controlled substance, the patient's name and address, the name of the patient's insurance provider and documentation by a medical practitioner licensed and registered to prescribe the drug of the patient's medical need for the drug. Such information shall be available for inspection and copying by the Attorney General.

"(6) That section 310(b)(3) (relating to mail order reporting) applies with respect to gamma hydroxybutyric acid to the same extent and in the same manner as such section applies with respect to the chemicals and drug products specified in subparagraph (A)(i) of such section.".

[SEC. 5. DEVELOPMENT OF FORENSIC FIELD TESTS FOR GAMMA HYDROXYBUTYRIC ACID.

[The Attorney General shall make a grant for the development of forensic field tests to assist law enforcement officials in detecting the presence of gamma hydroxybutyric acid and related substances.]

SEC. 5. CONTROLLED SUBSTANCES ANALOGUES.

(a) Rule of Construction Regarding Controlled Substance Analogues.—Section 102(32) of the Controlled Substances Act (21 U.S.C. 802(32)) is amended—

(1) in subparagraph (A), by striking "subparagraph (B)" and inserting "subparagraph (C)";

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph (B):

"(B) The designation of gamma butyrolactone or any other chemical as a listed chemical pursuant to paragraph (34) or (35) does not preclude a finding pursuant to subparagraph (A) of this paragraph that the chemical is a controlled substance analogue.".

(b) Distribution With Intent To Commit Crime of Violence.—Section 401(b)(7)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(7)(A)) is amended by inserting "or controlled substance analogue" after "distributing a controlled substance".

SEC. 6. DEVELOPMENT OF MODEL PROTOCOLS, TRAINING MATERIALS, FORENSIC FIELD TESTS, AND COORDINATION MECHANISM FOR INVESTIGATIONS AND PROSECUTIONS RELATING TO GAMMA HYDROXYBUTYRIC ACID, OTHER CONTROLLED SUBSTANCES, AND DESIGNER DRUGS.

(a) In General.— The Attorney General, in consultation with the Administrator of the Drug Enforcement Administration and the Director of the Federal Bureau of Investigation, shall—

(1) develop—

(A) model protocols for the collection of toxicology specimens and the taking of victim statements in connection with investigations into and prosecutions related to possible violations of the Controlled Substances Act or other Federal or State laws that result in or contribute to rape, other crimes of violence, or other crimes involving abuse of gamma hydroxybutyric acid, other controlled substances, or so-called "designer drugs"; and

(B) model training materials for law enforcement personnel involved in such investigations; and

(2) make such protocols and training materials available to Federal, State, and local personnel responsible for such investigations.

(b) Grant.—

(1) In general.—The Attorney General shall make a grant, in such amount and to such public or private person or entity as the Attorney General considers appropriate, for the development of forensic field tests to assist law enforcement officials in detecting the presence of gamma hydroxybutyric acid and related substances.

(2) Authorization of appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(c) Report.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and House of Representatives a report on current mechanisms for coordinating Federal, State, and local investigations into and prosecutions related to possible violations of the Controlled Substances Act or other Federal or State laws that result in or contribute to rape, other crimes of violence, or other crimes involving the abuse of gamma hydroxybutyric acid, other controlled substances, or so-called "designer drugs". The report shall also include recommendations for the improvement of such mechanisms.

[SEC. 6. ANNUAL REPORT REGARDING DATE-RAPE DRUGS; NATIONAL AWARENESS CAMPAIGN.]

SEC. 7. ANNUAL REPORT REGARDING DATE-RAPE DRUGS; NATIONAL AWARENESS CAMPAIGN.

(a) Annual Report.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall periodically submit to Congress reports each of which provides an estimate of the number of incidents of the abuse of date-rape drugs (as defined in subsection (c)) that occurred during the most recent one-year period for which data are available. The first such report shall be submitted not later than January 15, 2000, and subsequent reports shall be submitted annually thereafter.

(b) National Awareness Campaign.—

(1) Development of plan; recommendations of advisory committee.—

(A) In general.—The Secretary, in consultation with the Attorney General, shall develop a plan for carrying out a national campaign to educate individuals described in subparagraph (B) on the following:

(i) The dangers of date-rape drugs.

(ii) The applicability of the Controlled Substances Act to such drugs, including penalties under such Act.

(iii) Recognizing the symptoms that indicate an individual may be a victim of such drugs, including symptoms with respect to sexual assault.

(iv) Appropriately responding when an individual has such symptoms.

(B) Intended population.—The individuals referred to in subparagraph (A) are young adults, youths, law enforcement personnel, educators, school nurses, counselors of rape victims, and emergency room personnel in hospitals.

(C) Advisory committee.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish an advisory committee to make recommendations to the Secretary regarding the plan under subparagraph (A). The committee shall be composed of individuals who collectively possess expertise on the effects of date-rape drugs and on detecting and controlling the drugs.

(2) Implementation of plan.—Not later than 180 days after the date on which the advisory committee under paragraph (1) is established, the Secretary, in consultation with the Attorney General, shall commence carrying out the national campaign under such paragraph in accordance with the plan developed under such paragraph. The campaign may be carried out directly by the Secretary and through grants and contracts.

(3) Evaluation by General Accounting Office.—Not later than two years after the date on which the national campaign under paragraph (1) is commenced, the Comptroller General of the United States shall submit to Congress an evaluation of the effects with respect to date-rape drugs of the national campaign.

(c) Definition.—For purposes of this section, the term "date-rape drugs" means gamma hydroxybutyric acid and its salts, isomers, and salts of isomers and such other drugs or substances as the Secretary, after consultation with the Attorney General, determines to be appropriate.

SEC. 8. SPECIAL UNIT IN DRUG ENFORCEMENT ADMINISTRATION FOR ASSESSMENT OF ABUSE AND TRAFFICKING OF GHB AND OTHER CONTROLLED SUBSTANCES AND DRUGS.

(a) Establishment.—Not later than 60 days after the date of the enactment of this Act, the Attorney General shall establish within the Operations Division of the Drug Enforcement Administration a special unit which shall assess the abuse of and trafficking in gamma hydroxybutyric acid, flunitrazepam, ketamine, other controlled substances, and other so-called "designer drugs" whose use has been associated with sexual assault.

(b) Particular Duties.—In carrying out the assessment under subsection (a), the special unit shall—

(1) examine the threat posed by the substances and drugs referred to in that subsection on a national basis and regional basis; and

(2) make recommendations to the Attorney General regarding allocations and reallocations of resources in order to address the threat.

(c) Report on Recommendations.—

(1) Requirement.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and House of Representatives a report which shall—

(A) set forth the recommendations of the special unit under subsection (b)(2); and

(B) specify the allocations and reallocations of resources that the Attorney General proposes to make in response to the recommendations.

(2) Treatment of report.—Nothing in paragraph (1) may be construed to prohibit the Attorney General or the Administrator of the Drug Enforcement Administration from making any reallocation of existing resources that the Attorney General or the Administrator, as the case may be, considers appropriate.

SEC. 9. TECHNICAL AMENDMENT.

Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended by redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f), respectively.

Amend the title so as to read: "An Act to amend the Controlled Substances Act to direct the emergency scheduling of gamma hydroxybutyric acid, to provide for a national awareness campaign, and for other purposes.".

AMENDMENT NO. 2784

(Purpose: To modify the short title)

Ms. COLLINS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. Collins], for Mrs. Hutchison, proposes an amendment numbered 2784.

Ms. COLLINS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, beginning on line 4, strike "Samantha Reid and Hillory J. Farias" and insert "Hillory J. Farias and Samantha Reid".

On page 6, line 21, strike "Samantha Reid and Hillory J. Farias" and insert "Hillory J. Farias and Samantha Reid".

On page 7, line 12, strike "Samantha Reid and Hillory J. Farias" and insert "Hillory J. Farias and Samantha Reid".

Ms. COLLINS. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee amendment, as amended, be agreed to, and the bill be read the third time. I further ask unanimous consent that the Senate proceed to the consideration of the House companion bill, H.R.

2130, all after the enacting clause be stricken and the text of S. 1561, as amended, be inserted in lieu thereof. I further ask that the bill be read the third time and passed, the motion to reconsider be laid upon the table, the amendment to the title be agreed to, and that any statements relating to the bill be printed in the RECORD. Finally, I ask that S. 1561 be placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2784) was agreed to.

The committee amendments, as amended, were agreed to.

The bill (H.R. 2130), as amended, was read the third time and passed.

The title was amended so as to read: "An Act to amend the Controlled Substances Act to direct the emergency scheduling of gamma hydroxybutyric acid, to provide for a national awareness campaign, and for other purposes."

Ms. COLLINS. Mr. President, I yield to the distinguished Senator from Michigan, Mr. ABRAHAM, who has been a real leader on this bill, for any comments he might have.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, I wanted to make a few comments about the legislation we are about to pass. Before I do so, I would like to thank a number of people for their help in this effort.

First, I would like to thank my colleagues who cosponsored this legislation: Senators FEINSTEIN, LIEBERMAN, DEWINE, GRASSLEY, COVERDELL, and GRAHAM. Their support was crucial to moving forward with this bill and doing so in a timely fashion. Second, I would like to thank Senator HATCH, his Judiciary Chief Counsel Manus Cooney, his Deputy Chief Counsel Sharon Prost, his Chief of Staff Patricia Knight, and Bruce Artim and Pattie DeLoatche, all of whose commitment to seeing this effort through to fruition I appreciate both for the advice and guidance they provided and as the act of friendship I recognize it to be. Third, I would like to thank Senator BIDEN and his staff, especially Marcia Lee, whose assistance and cooperation in working out a final version of this bill acceptable to all involved, including the Administration, was indispensable. I would also like to thank my good friend Fred Upton, who first brought the serious problem that is the focus of this legislation to my attention, and Congressman BLILEY and his able staff, especially John Manthei, who patiently tolerated and assisted with the vagaries of bicameral legislative drafting. Finally, I would like to thank my own staff, especially my Subcommittee General Counsel Chase Hutto, who worked tirelessly and creatively on this effort, and Lee Otis, my Subcommittee Chief Counsel.

S. 1561, and its counterpart, H.R. 2130, are named for a young woman by the name of Samantha Reid. Samantha was born in the Henry Ford Hospital in Detroit on January 2, 1984. She grew up in Lincoln Park. She played trumpet in her elementary school band. She was a girl scout for eight years, with the help of her mother, Judi Clark, who was a troop leader. She was an "all star" 6th grade baseball player. She went on to attend Carlson High School in Gibraltar, where she played freshman basketball. Her favorite restaurant was McDonald's, and her favorite meal there was a Big Mac. She loved to go to Cedar Point Amusement Park, and got mad if she couldn't go at least twice a year. She earned her spending money by helping around the house with chores and babysitting, and indeed, on February 11, 1995, she earned an award for outstanding performance in completing babysitting training from the City of Lincoln Park. Her mother called her "Hammy Sammy" because of the way she always smiled in pictures. Her older brother Charles Reid, who is 18, remembers and misses her loud voice.

On January 17, 1999, Samantha died a few weeks after turning 15. She and two friends, none of them yet 16, were at a party given by a 25 year-old man in Woodhaven, Michigan. Samantha Reid drank a Mountain Dew—a soft drink—and passed out within minutes. She vomited in her sleep, and she died. Her friend, Melanie Sindone, also 15, passed out as well. Melanie lapsed into a coma, but she has survived.

These two girls had no reason to believe that they were drinking anything dangerous. But they were wrong. Their drinks had been laced with the drug GHB, commonly known as a "date rape drug." Samantha was undoubtedly slipped it for the purpose that this name suggests, although she died before that purpose was accomplished.

Mr. President, GHB and its analogues are becoming increasingly common in our nation. They are finding their way into nightclubs, onto campuses and into homes. They are being used by sexual predators against young—sometimes very young—women. Their unwitting victims may be raped, become violently ill, and even die.

GHB is especially dangerous because it is relatively easy to produce. According to the DEA, the clandestine synthesis involves the use of two common, non-regulated chemicals: gamma-butyrolactone (GBL), the primary precursor chemical, and sodium hydroxide (lye). GBL is a solvent with a wide range of industrial uses. Tens of thousands of metric tons are produced annually and it is readily available from chemical supply companies. The synthesis is a simple one-pot method requiring no special chemical expertise. In addition, kits for making GHB containing GBL and sodium hydroxide are being sold on the Internet. GBL, once absorbed from the gastrointestinal tract after oral administration, is readily converted to GHB in the body and produces the same profile of physiological and behavioral effects as GHB. The combination of the ease with which GHB can be produced and widespread ignorance about GHB's dangers especially among our nation's youth has led the law enforcement community to view GHB as a serious and growing threat.

The Controlled Substances Act provides an administrative mechanism for the Attorney General, in consultation with the Secretary of HHS, to place dangerous substances susceptible of abuse on a "schedule" of controlled substances, thereby restricting access to them and imposing criminal penalties for their illicit sale and manufacture. The Attorney General and the Secretary are in agreement that GHB should in fact be scheduled, but they are in disagreement over which schedule it should be placed on. This is because GHB is currently under investigational use as a means of treating narcolepsy and cataplexy, afflictions affecting about 70,000 Americans, and HHS has been understandably reluctant to agree that GHB belongs on Schedule I or II, which would carry the most serious penalties for illicit sale, because the security requirements that would accompany such scheduling would interfere with this medical research. On the other hand, the DEA has been understandably reluctant to agree to any lesser scheduling, because the result would be lower penalties for the unauthorized sale and distribution of this drug. Moreover, under the Controlled Substances Act, the fact that GHB is under investigation for possible medical use precludes the Attorney General from using her emergency authority to schedule it as an "imminent hazard to the public safety."

The result has been an administrative deadlock that has resulted in a complete failure to schedule GHB at all. Hence legislative intervention is needed.

This legislation has been drafted as a specific response to these various competing considerations, which the current scheduling categories are not all that well suited to handle in any event. Notwithstanding the current investigational medical use, the legislation determines that GHB is an imminent hazard to public safety. It therefore directs the Attorney General to place it on the schedule on which imminent hazards are ordinarily placed, which is Schedule I. It relaxes the physical security requirements that would ordinarily apply to Schedule I substances for the investigational medical uses of the drug, however, following the recommendation of the Secretary of HHS on what is appropriate in that area and thereby avoiding interfering with the ongoing research. It also makes clear that should this research pay off with a drug that the FDA approves because it concludes that it can responsibly be prescribed to treat narcolepsy, cataplexy, or other diseases, the FDA approved drug will be classified as a Schedule III drug, although the Attorney General can impose additional record keeping requirements to help assure that it is not diverted to improper uses. Finally, anyone involved in selling or distributing the diverted product will be subject to the same tough "Schedule I" penalties that apply to the sale or distribution of the illicit or unapproved drug.

In practice, this means that while medical research will continue unhampered by the most cumbersome consequences of placing this drug in Schedule I, the harsh penalties provided for the sale, manufacture, and distribution of all Schedule I substances will apply to any and all illicit trafficking in GHB, whether the drug originated in a bathtub or a medical facility. This means that traffickers will be subject to a 20 year statutory maximum for distributing this drug, and that if, as in the case of Samantha Reid, the drug is slipped to someone who dies, or if it is slipped to someone who is raped or suffers serious bodily injury, that 20 year maximum become a 20 year minimum.

This legislation also addresses three other major problems society has had in responding to the threat posed by this drug. First, it would require the Attorney General to develop, and make available to Federal, State, and local authorities, model protocols for taking toxicology specimens and victim statements in connection with suspected crimes involving GHB and other controlled substances or so-called designer drugs. The Attorney General also would be required to provide training materials for law enforcement officials responsible for investigating these offenses. And finally, she would be directed to make a grant for the development of standardized tests that could be used in the field to test for the presence of these drugs.

The reason for these requirements is that even many in law enforcement are unfamiliar with the operation of GHB. As a result, they may defer testing for it or taking victim statements on the mistaken assumption that the victim is drunk and will be more coherent later, whereas in fact this drug can be processed very quickly by the body and no longer be detectable at that time. Moreover, the victim's memory may be impaired by the substance and she may forget events that she would have remembered had her statement been taken more quickly. Hence the need for model protocols, training, and tests.

Second, the legislation directs the Secretary of HHS to conduct a National Awareness Campaign about the dangers of GHB. Consciousness of the dangers of this drug is lagging far behind the threat the drug presents, and it is critical that we make it a national priority to remedy that problem.

Finally, the legislation would direct the Attorney General to examine and recommend improvements to current mechanisms for coordinating federal, state and local investigations and prosecutions in this area. And it would establish a special unit within the DEA to assess the federal response to the abuse and trafficking of GHB, other controlled substances, and other designer drugs associated with sexual assault, recommended any reallocations of enforcement resources necessary to improve that response, and direct the Attorney General to make any such reallocations she believes are appropriate.

It is time to act, Mr. President, to save young people, and young women in particular, from these deadly drugs and the predators who use them.

I ask my colleagues to give their full support to this amendment.

I also ask unanimous consent that a number of letters from families and victims of date-rape drugs be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

TRINKA D. PORRATA, DESIGNER
DRUGS—TEACHING & CONSULTING,
Pasadena, CA, October 3, 1999.

Senator SPENCER ABRAHAM,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR ABRAHAM: I'm writing in support of Senate Bill 1561. For four years, my life has revolved around a world of drug abuse little known by law enforcement, medical personnel, politicians and parents. I've watched MDMA explode worldwide in the rave, college and club scenes. I've seen flunitrazepam (Rohypnol, aka roofies) make its mark on sexual assaults. I've seen LSD resurface. And, I've watched in horror as the drug gamma hydroxy butyrate (GHB) has marched coast to coast, plucking out young lives in its path, picking up momentum as it goes. I consider it simply the most dangerous drug I've encountered in 25 years as a police officer. This is because of the overwhelming amount of misinformation spread about GHB, the dramatic lack of real scientific knowledge of it.the difficulty in testing for it and recognizing it in the street, and how easily and unpredictably it kills. GHB is indeed the Bad Child of the Internet. And, it has forever change the face of sexual assault investigations.

Despite a world brimming with technology and communication devices, knowledge of this drug has been based primarily on information via the Internet that runs the gamut from outdated to totally false. Any drug abuser or drug pusher can go on the Internet and pump out volumes of lies and half truths unabated. There are thousands of websites claiming GHB to be the wonder drug that will cure anything you can think of and instructing everyone NOT to call 911 for the victim of a GHB overdose. Deadly advice indeed. Meanwhile, government, law enforcement and the medical world have failed to make significant gain in countering the flood of bad information, identifying and making available accurate testing methods for it and providing even the most basic education about GHB. The "system" has truly failed the American public on this drug. As a friend of Samantha Reid, the 15-year-old Michigan victim of GHB, so aptly put it, "You tell us every day about marijuana and other drugs. Why didn't you tell us about GHB?" Daily, I am asked by the families who have lost loved ones to GHB—"I've never heard of this drug. Why, why didn't we know about this drug?"

Each day that GHB is not a federally controlled substance is another day of failure by the "system." No, controlling a drug does not solve the problem, but it allows additional resources to be plugged into the tasks of educating the public, providing more standardized information to law enforcement, and developing testing procedures. It would be a giant step toward stopping the lies about GHB as a totally safe, wonder drug.

There isn't a meaningful data collection mechanism to capture drug trends like this. Existing systems are cumbersome, far behind in reporting statistics, and non-responsive to changing trends. In early 1997, the tally of GHB-related deaths kept by the Drug Enforcement Administration was seven. We knew that there was no way to put a figure on the possible number of deaths related to GHB where neither law enforcement nor the coroners knew to test for it. During our hearings before the California Legislature, Dennis Fraga showed up on the witness list. He arrived with autopsy report in hand, showing that his 25-year-old son, Jeffery, had died from alcohol and GHB ingestion. We realized that if we hadn't known about this death, there were undoubtedly more where the coroner knew that GHB was involved but hadn't known to report it to anyone. Dr. Jim Tolliver, who was at that time tracking GHB information for the DEA, began to make inquiries around the country, and the death count rapidly jumped to 26. The death toll continued to slowly increase, based on word of mouth, followed by the DEA obtaining a copy of the autopsy to review before including each death in the tally. Still, there was no reporting mechanism, no blanket means of obtaining information. Despite DEA polling its offices, where knowledge of this drug was limited by DEA agents and local authorities, it was obvious that not all cases were being spotted. I have personally worked closely with Dr. Chris Sannerud, who is now tracking GHB data for the DEA, and have referred numerous leads about deaths to her for investigation.

The count recently jumped to 49. I would like to point out to you that of the 49, ten have been in 1999. Furthermore, 25 additional cases have come to light, all but one of them in 1999. These cases are now being reviewed. That would mean more than 30 in 1999 to date. The victims get younger. More of them involve GHB and its analogs only (no alcohol or other drugs). I receive leads on GHB related death and rape cases virtually daily. And, we have only scratched the surface at this point. Law enforcement, legislators, doctors and parents are still largely unfamiliar with GHB. Remember too, these figures do not reflect the victims of impaired drivers under the influence of GHB.

Meanwhile, the drug company and the pro-drug abuse element want to divert attention saying that it is the homebrew aspect of GHB that is the problem and that it is only dangerous with alcohol and other drugs. The homebrew aspect occasionally adds an extra element of burns from high pH levels. But that isn't the problem. It is GHB that impairs, resulting in dangerous users behind the wheel causing accidents and deaths and resulting in victims unable to protect themselves from sexual assault. Look beyond the smoke and mirrors. The fact remains: 25-year-olds don't die from a .17 blood alcohol; Jeffery Fraga died that night BECAUSE he took GHB. Samantha Reid was drinking a Mountain Dew the night she died. And 20-year olds don't die from sleeping face down on a pillow . . . unless in coma from GHB ingestion. Kyle Hagmann took it as a sleep aid (after reading on the Internet that it is "totally safe"), not a recreational drug. It is GHB that kills.

Not nearly enough is known about this drug from a medical and scientific viewpoint. The literature is old and outdated. New information is being learned daily and still not nearly enough is known. The old literature says GHB is not addictive. We know this to be untrue. In fact, withdrawal from GHB addiction is life threatening. This is simply not a market-ready product—any drug that is leaving 13-year olds suffering pulmonary edema in our nation's hospitals and alleys is not ready for market. One doctor with nine years of GHB research walked away from it, saying a much safer, longer acting product is needed. One doctor currently researching GHB for narcolepsy first told me personally that it was eight to ten years away for being ready and changed his story only after claims were publicized that the supply would cease for research if it became a Schedule I drug. There is simply no reason to give concessions to future issues re this drug. Let the research take its course and determine the future. Other drugs have been developed in Schedule I. I personally do not believe it will be GHB, but a safer, longer acting cousin that is yet to be developed. Don't let them bypass proper research and development!!!!!

I have no doubt that if GHB is ever approved for narcolepsy, the horror of abuse will only skyrocket as doctors blatantly abuse the controversial, dangerous "off label use" policy that would enable them to prescribe it for anything, not just the combination of narcolepsy and cataplexy of which it is being researched. There is simply no mechanism in place that will prevent such abuse (there is plenty of evidence of abuse of other drugs because of this policy). And, I cannot imagine in my wildest dreams a company saying, "Oh excuse me, we are making too much money!!!!" If the Legislature is determined to deal with future issues, then I adamantly urge that this drug be specifically excluded from the "off label use" policy. Any use of GHB beyond narcolepsy/cataplexy would require its own proper research and development. If, as the drug company claims, their only interest is for narcolepsy/cataplexy patients, then there is simply no reason they would protest such a clause being included.

There is much work to be done on this drug in all arenas. The dangers of GHB need to made crystal clear to America's youth and parents. Law enforcement, prosecutors and medical personnel are not uniformly prepared to handle cases involving GHB. GHB has brought to the sexual assault investigation a unbelievably challenge to overcome and an added horror for rape victims that I cannot even begin to address in this document. As a start, we need to standardize all sexual assault medical kits nationwide to include urine samples from victims and upgrade investigative and testing procedures. Changes need to be made in the impaired driving world as well. Aggressive federal/state prosecution is needed against manufacturers and distributors of GHB and analogs.

The GHB death toll speaks for itself. Legislation and strong federal backing for education and enforcement is clearly overdue and urgently needed.

Sincerely,

TRINKA D. PORRATA,
Drug Consultant.

To the members of the Judiciary Committee:

On Jan. 17, 1999 I lost my only daughter, Samantha Reid, when GHB and/or GBL was slipped into her Mountain Dew soft drink. I knew nothing about GHB before this tragic event. I took six months off of work and began educating myself on GHB. The more I learn about this invisible predator the more concerned for our nations safety I become.

I have joined Spencer Abraham on campaigning to pass S. 1561. This bill is long overdue in our country and contains many positive programs for awareness and will give law enforcement the much needed tools necessary to prosecute GHB cases. S. 1561 will allow for education targeting teens who are now receiving false information on GHB. A nation wide awareness campaign will give many young ladies the information necessary to protect and ultimately save themselves from GHB. Parents can be reached through public service announcements giving them the opportunity to communicate the dangers of GHB to their children.

Samantha and I were not given the opportunity that S. 1561 has to offer.

Lets not wait for one more senseless death before passing this legislation. Not one more mother should have to water the grass of a fresh grave, or place wind chimes on a tender, young tree planted to shade the site of their daughter. Pumpkins for Halloween should be carved at the kitchen table together, not placed by a headstone.

Our country is in desperate need of all the good this bill has to offer.

Respectfully,

JUDI CLARK,
Rockwood, Michigan.

Mr. ABRAHAM. Mr. President, I would like to close by reading one of those letters, the letter I received from Judi Clark, Samantha Reid's mother, that, better than anything I can say, makes the case as to why this legislation is needed now. She wrote this letter to the members of the Senate Judiciary Committee.

It is as follows:

To the Members of the Senate Judiciary Committee:

On January 17, 1999, I lost my only daughter, Samantha Reid, when GHB and/or GBL was slipped into her Mountain Dew soft drink. I knew nothing about GHB before this tragic event. I took six months off of work and began educating myself on GHB. The more I learned about this invisible predator the more concerned for our nations safety I become.

I have joined Spencer Abraham on campaigning to pass S. 1561. This bill is long overdue in our country and contains many positive programs for awareness, and will give law enforcement the much needed tools necessary to prosecute GHB cases. S. 1561 will allow for education targeting teens who are now receiving false information on GHB. A nationwide awareness campaign will give many young ladies the information necessary to protect and ultimately save themselves from GHB. Parents can be reached through public service announcements giving them the opportunity to communicate the dangers of GHB to their children.

Samantha and I were not given the opportunity that S. 1561 has to offer. Lets not wait for one more senseless death before passing this legislation. Not one more mother should have to water the grass of a fresh grave, or place wind chimes on a tender young tree planted to shade the site of their daughter. Pumpkins for Halloween should be carved at the kitchen table together, not placed by a headstone.

Our country is in desperate need of all the good this bill has to offer.

Respectfully,

JUDI CLARK,
Rockwood, Michigan.

Mr. President, I would say in closing that I am happy we have finally taken the action which Judi Clark and other parents across this country have been asking us to take, to make sure that other children will be made aware of the dangers of GHB. Hopefully the predators who use drugs such as this will be treated in the fashion they deserve, which is to be prosecuted effectively and put behind bars where they belong.

No one else should have to go through what this family has suffered.

I am very determined to not only see this legislation pass, but also to work closely with the Department of Justice; the Drug Enforcement Agency, and State and local law enforcement agencies, to make sure this is just the first step in what will ultimately be a successful campaign to rid this Nation of the illicit use of this drug, and to make sure the children of our country are no longer the victims of predators who use it for criminal purposes.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine.

Ms. COLLINS. Mr. President, I commend the Senator from Michigan for his leadership and his eloquent statement.

Mr. HATCH. Mr. President, Today, the Senate adopted a significant measure against date rape and other heinous crimes associated with abusing certain types of drugs. I want to make a few comments on this bill, S. 1561, which addresses the abuse of the dangerous drug GHB which has been used to commit date rape and other crimes.

As Chairman of the Senate Judiciary Committee, I am proud that it was a member of our Committee, Senator SPENCER ABRAHAM, who introduced and has played the key leadership role in Senate passage of S. 1561. The Samantha Reid and Hillory J. Farias Date Rape Prohibition Act of 1999." I am also proud that other members of the Judiciary Committee, Senators DEWINE, FEINSTEIN, and GRASSLEY have joined Senator ABRAHAM in co-sponsoring this legislation.

It is only through the hard work and insistence of Senator ABRAHAM that this bill will pass the Senate today. I also want to commend his able staff, especially Lee Otis and Chase Hutto, who have spent considerable time and effort in improving this legislation. Their efforts were in the best tradition of staff of the United States Senate.

I also want to thank my friend on the other side of the aisle, Senator BIDEN, who has long been in the forefront of controlled substances and other drug abuse issues. I must also recognize the efforts of Ms. Marcia Lee of his staff for her diligence and creativity in developing this language.

I must also recognize the efforts of Chairmen THOMAS BLILEY and FRED UPTON for their work in developing and shepparding the House companion to S. 1561, H.R. 2310, through that body. In this regard, I must mention the efforts of John Manthei of the House Commerce Committee as well as Ms. Jane Williams of Rep. UPTON's staff. Both of them deserve recognition for their dedication to passing this bill.

S. 1561 is concerned with the proper regulation of gamma hydrobutyric acid, the chemical known on the street as GHB which has both hateful and hopeful uses. On one hand, many families across America have suffered due to abuse of this agent which has been used to lull unsuspecting women into a date-rape situation and has even resulted in death through overdose. On the other hand, GHB holds unprecedented promise to those one-quarter million Americans suffering from extreme sleep disorders such as cataplexy and narcolepsy.

Cataplexy is a debilitating condition suffered by some 70,000 Americans that results in an inability of the muscles to function. Narcolepsy, which attacks 170,000 Americans, causes a person suddenly and unpredictably to fall asleep. Neither of these terrible diseases have an effective treatment today. As author of the 1984 Orphan Drug Act which creates incentives for private sector drug firms to investigate treatments for rare diseases, I am particularly sensitive to the needs of families suffering from low-prevalence conditions. We need to do everything we can to get academic researchers and the pharmaceutical industry to find cures for the hundreds of currently untreatable rare diseases.

The problem for policymakers, both in the Congress and at the DEA, is how to encourage the use of the medically promising uses of GHB while discouraging and outlawing the illicit uses such as date rape.

While there are no known cases of diversion of this drug from the on-going and highly promising clinical trials of GHB as a treatment for cataplexy and narcolepsy, the problem of GHB abuse demands our attention.

According to DEA, hospital and law enforcement officials have reported about 5,500 cases of GHB abuse, including 49 deaths. Aggregate statistics, as alarming as they may be, cannot convey the absolute upheaval that GHB abuse can cause for an individual and a family.

Senator ABRAHAM has told me the story about the untimely death of a bright and vivacious 15-year-old young woman from Michigan, Samantha Reid. She went to a small gathering of friends, was given a drink from a soft drink bottle laced with GHB, and died. Samantha did nothing wrong. Her mother, Judi Clark, did nothing wrong. Unfortunately, this tragedy has struck this family.

Four young men have been charged under Michigan law for involuntary manslaughter and poisoning. But, given the prevalence and, as the Reid case highlights, the potential severity of GHB abuse, it seems clear—and both public health and law enforcement officials agree on this—that this chemical warrants regulation under the Controlled Substances Act. That's exactly what S. 1561 and its House companion accomplish.

Some may raise a question about whether the federal Controlled Substances Act failed to operate in a fashion that could have prevented deaths or sexual assaults through abuse of GHB.

Although there have been reports of substantial GHB abuse for several years now, I do not know why the Attorney General and Secretary of Health and Human Services have been unable to resolve the matters that have precluded this drug from being scheduled through the normal procedures under the Controlled Substances Act. I don't know why it took until September of 1997 for the DEA to request FDA to analyze the medical and scientific matters relating to GHB. I don't know why it took until May 19, 1999 to get a response to this request. I don't know why DEA has not acted in the last six months to bring this matter to a conclusion through administrative means. It should not take an act of Congress to schedule a dangerous drug under the Controlled Substances Act.

I do know that part of the unjustifiable delay in the scheduling of GHB stemmed from the fact that there is a difference of opinion between DEA and FDA about how to schedule this drug. But that answer is not good enough. It is simply inadequate to tell a mother of a child like Samantha Reid, a promising young woman with her whole life ahead of her, that the system "just takes time" because two bureaucracies disagreed about how something so serious should be handled.

This situation points out that a significant breakdown in the system has occurred with respect to the scheduling of GHB. It behooves the Congress to deliberate more over ways to make the key agencies, DEA and FDA, be more responsive in the future, rather than be forced to do their jobs for them. The lesson of GHB should not be to teach the agencies to wait for Congressional action whenever the bureaucracy cannot act.

Let me just say that as a general matter I do not favor legislative scheduling or rescheduling. By statute, the responsibility for scheduling is delegated to the experts at DOJ and HHS. The world is turned upside down when DOJ informs Congress, as if did on May 3, 1999, that: "DOJ believes that it is appropriate for Congress to schedule GHB at this time."

By any measure, a fair reading of the Controlled Substances Act places the primary responsibility for regulating dangerous drugs upon law enforcement and public health experts at the appropriate federal agencies. I do have a concern about Congress legislating on the safety and efficacy of individual drug products, especially before clinical testing or introduction into commerce commences. Nor should we allow the Congress to be placed in the position of making technical, scientific and law enforcement judgment whenever an individual drug product with an actual or potential legitimate medicinal use is determined by experts to warrant the application of the CSA.

I am firmly behind efforts to stop so-called "date rapes,"; this is a despicable crime and the Federal Government should take action to make sure it does not occur. While I wholeheartedly applaud the efforts of the House to strike a blow against abuse of GHB, I am concerned about Congress getting directly involved in the scheduling process as the House mandated in adopting H.R. 2130. In this regard, it was my strong sense that rather than for Congress to legislatively schedule GHB, it would have more impact to amend the statute and direct DEA to implement the Surgeon General's recommendations that were issued back on May 19, 1999.

I will not take the time today to consider the full implications of a policy of legislative rescheduling. I do plan in the future to re-examine the scheduling provisions of the Controlled Substances Act.

At this point, let me elaborate further on some of the issues I have raised.

Subsections (b) and (c) of section 201 of the Controlled Substances Act identify eight criteria that must be taken into account in scheduling a drug. With respect to scheduling a drug, these factors are:

> (1) Its actual or relative potential for abuse.
>
> (2) Scientific evidence of its pharmacological effect, if known.
>
> (3) The state of current scientific knowledge regarding the drug or other substance.
>
> (4) Its history and current pattern of abuse.
>
> (5) The scope, duration, and significance of abuse.
>
> (6) What, if any, risk there is to the public health.

> (7) Its psychic or physiological dependence liability.
>
> (8) Whether the substance is an immediate precursor of a substance already controlled under this title.

The statute proscribes that.

> The recommendations of the Secretary (of Health and Human Services) to the Attorney General shall be binding on the Attorney General as to such scientific and medical matters, and if the Secretary recommends that a drug or other substance not be controlled, the Attorney General shall not control the drug or other substances.

This is the section of the law which appears not to have functioned optimally in the case of GHB. We can, and should, do better in anticipating and combating the next GHB.

To a large degree, the legislation we adopt today implements the May 19, 1999 HHS recommendations and the accompanying "Eight Factor Analysis Report" that take into account both the illicit abuse of GHB as well as the highly promising legitimate uses of this substance. While I believe that the language worked out by Senators ABRAHAM and BIDEN, Chairman BLILEY, Chairman MCCOLLUM, and the DEA, is preferable to the earlier versions of the bill, I remain troubled by some aspects of how the current statute has worked and may work in the future.

First, I am troubled that if we place promising pharmaceutical candidates such as GHB into Schedule I of the Controlled Substance Act we undermine its integrity of the CSA and will discourage the legitimate, potential life-saving uses of such compounds. According to the statute, one of the three requirements of schedule I is that there is "no accepted medical use" in the United States. But the May 19, 1999 HHS recommendation has already found that the cataplexy product has cleared this hurdle:

> . . . the abuse potential of GHB, when used under an authorized research protocol, is consistent with substances typically controlled under Schedule IV . . . An authorized formulation of GHB is far enough along in the development process to meet the standard under Schedule II of a drug or substance having a "currently accepted medical use with severe restrictions." Under these circumstances, HHS recommends placing authorized formulations of GHB in Schedule III.

On October 12, 1999 DOJ sent a letter that disregards the May 19th HHS schedule III recommendation. DOJ first states ". . . the DEA strongly supports the control of GHB in Schedule I of the CSA" and then asserts: "The data collected to date would support control of the GHB product in Schedule II."

Second, in addition to giving no apparent deference to HHS on matters supposedly binding on DOJ under section 201(b) of the CSA, DOJ almost seems to be interpreting the statute as requiring full FDA approval before the "currently accepted medical use" language of the CSA can be satisfied. Such an outcome is neither compelled by the statute, nor does it reflect sound public health policy as it acts to discourage drug development and patient access to promising drugs in clinical trials.

I hasten to point out that I have advocated stiffening the penalties for abuse of date-rape drugs such as GHB. In 1997 I successfully led the charge to enact a law that imposed schedule I-level penalties for another date rape drug, flunitrazepam. This product was marketed for legitimate medical purposes overseas and did not meet the Schedule I requirement that "there is lack of accepted safety for use of the drug or other substance under medical supervision." Therefore, the Congress passed, and the President signed, my legislation to increase the penalties for this drug. But we stopped short of scheduling the pharmaceutical into Schedule I, recognizing that the product does have accepted medical uses. It was my hope that this could be the model for GHB legislation as well.

I want to work constructively with my colleagues in Congress to achieve our common goals of taking immediate action against GHB, preserving the integrity of the CSA, and sending a strong message to those agencies charged with implementing the CSA that they must work together in a cooperative and expeditious way to protect the American public.

While I think the bill we adopt today might have been written differently, I agree with my colleagues that our foremost goal must be to take quick and decisive action with respect to the criminalization of GHB used for nonmedical purposes. Senator Abraham's bill is a good bill and he deserves a lot of credit for putting this improved legislative package together.

Let me also note that the bill we have just passed includes language I drafted requiring DEA to create a Special Unit to assess the abuse and trafficking of GHB and other date rape drugs, and will identify the threat posed by date rape drugs on a national and regional basis. I am pleased to be the sponsor of S. 1947, the bill that creates this Special Unit. S. 1947 has been incorporated in the final language that we adopt today. I can assure all my colleagues that this is one Senator that will closely review the Attorney General's report on the allocation and reallocation of resources to combat date rape and other crimes related to designer drugs.

We can and should look further into the problems associated with the scheduling of drugs under CSA and whether we need to change the relevant laws. But today we honor the memory of Hillory Farias and Samantha Reid by taking an act that will hopefully reduce the risk of GHB abuse being visited upon unsuspecting women.

ELECTRONIC BENEFIT TRANSFER INTEROPERABILITY AND PORTABILITY ACT OF 1999

Ms. COLLINS. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 1733, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (S. 1733) to amend the Food Stamp Act of 1977 to provide for a national standard of interoperability and portability applicable to electronic food stamp benefit transactions.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2785

Ms. COLLINS. Mr. President, there is a substitute amendment at the desk submitted by Senator FITZGERALD, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Maine (Ms. COLLINS), for Mr. FITZGERALD, proposes an amendment numbered 2785.
>
> Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electronic Benefit Transfer Interoperabilty and Portability Act of 1999".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to protect the integrity of the food stamp program;

(2) to ensure cost-effective portability of food stamp benefits across State borders without imposing additional administrative expenses for special equipment to address problems relating to the portability;

(3) to enhance the flow of interstate commerce involving electronic transactions involving food stamp benefits under a uniform national standard of interoperability and portability; and

(4) to eliminate the inefficiencies resulting from a patchwork of State-administered systems and regulations established to carry out the food stamp program

SEC. 3. INTEROPERABILTY AND PORTABILITY OF FOOD STAMP TRANSACTIONS.

Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended by adding at the end the following:

"(k) INTEROPERABILTY AND PORTABILITY OF ELECTRONIC BENEFIT TRANSFER TRANSACTIONS.—

"(1) DEFINITIONS.—In this subsection:

"(A) ELECTRONIC BENEFIT TRANSFER CARD.—The term 'electronic benefit transfer card' means a card that provides benefits under this Act through an electronic benefit transfer service (as defined in subsection (i)(11)(A)).

"(B) ELECTRONIC BENEFIT TRANSFER CONTRACT.—The term 'electronic benefit transfer contract' means a contract that provides for the issuance, use, or redemption of coupons in the form of electronic benefit transfer cards.

"(C) INTEROPERABILTY.—The term 'interoperability' means a system that enables a coupon issued in the form of an electronic benefit transfer card to be redeemed in any State.

"(D) INTERSTATE TRANSACTION.—The term 'interstate transaction' means a transaction that is initiated in 1 State by the use of an electronic benefit transfer card that is issued in another State.

"(E) PORTABILITY.—The term 'portability' means a system that enables a coupon issued in the form of an electronic benefit transfer card to be used in any State by a household to purchase food at a retail food store or wholesale food concern approved under this Act.

"(F) SETTLING.—The term 'settling' means movement, and reporting such movement, of funds from an electronic benefit transfer card issuer that is located in 1 State to a retail food store, or wholesale food concern, that is located in another State, to accomplish an interstate transaction.

"(G) SMART CARD.—The term 'smart card' means an intelligent benefit card described in section 17(f).

"(H) SWITCHING.—The term 'switching' means the routing of an interstate transaction that consists of transmitting the details of a transaction electronically recorded through the use of an electronic benefit transfer card in 1 State to the issuer of the card that is in another State.

"(2) REQUIREMENT.—Not later than October 1, 2002, the Secretary shall ensure that systems that provide for the electronic issuance, use, and redemption of coupons in the form of electronic benefit transfer cards are interoperable, and food stamp benefits are portable, among all States.

"(3) COST.—The cost of achieving the interoperability and portability required under paragraph (2) shall not be imposed on any food stamp retail store, or any wholesale food concern, approved to participate in the food stamp program.

"(4) STANDARDS.—Not later than 210 days after the date of enactment of this subsection, the Secretary shall promulgate regulations that—

"(A) adopt a uniform national standard of interoperability and portability required under paragraph (2) that is based on the standard of interoperability and portability used by a majority of State agencies; and

"(B) require that any electronic benefit transfer contract that is entered into 30 days or more after the regulations are promulgated, by or on behalf of a State agency, provide for the interoperability and portability required under paragraph (2) in accordance with the national standard.

"(5) EXEMPTIONS—

"(A) CONTRACTS.—The requirements of paragraph (2) shall not apply to the transfer of benefits under an electronic benefit transfer contract before the expiration of the term of the contract if the contract—

"(i) is entered into before the date that is 30 days after the regulations are promulgated under paragraph (4); and

"(ii) expires after October 1, 2002.

"(B) WAIVER.—At the request of a State agency, the Secretary may provide 1 waiver to temporarily exempt, for a period ending on or before the date specified under clause (iii), the State agency from complying with the requirements of paragraph (2), if the State agency—

"(i) establishes to the satisfaction of the Secretary that the State agency faces unusual technological barriers to achieving by October 1, 2002, the interoperability and portability required under paragraph (2);

"(ii) demonstrates that the best interest of the food stamp program would be served by granting the waiver with respect to the electronic benefit transfer system used by the State agency to administer the food stamp program; and

"(iii) specifies a date by which the State agency will achieve the interoperability and portability required under paragraph (2).

"(C) SMART CARD SYSTEMS.—The Secretary shall allow a State agency that is using smart cards for the delivery of food stamp program benefits to comply with the requirements of paragraph (2) at such time after October 1, 2002, as the Secretary determines that a practicable technological method is available for interoperability with electronic benefit transfer cards.

"(6) FUNDING.—

"(A) IN GENERAL.—In accordance with regulations promulgated by the Secretary, the Secretary shall pay 100 percent of the costs incurred by a State agency under this Act for switching and settling interstate transactions—

"(i) incurred after the date of enactment of this subsection and before October 1, 2002, if the State agency uses the standard of interoperability and portability adopted by a majority of State agencies; and

"(ii) incurred after September 30, 2002, if the State agency uses the uniform national standard of interoperability and portability adopted under paragraph (4)(A).

"(B) LIMITATION.—The total amount paid to State agencies for each fiscal year under subparagraph (A) shall not exceed $500,000.".

SEC. 4. STUDY OF ALTERNATIVES FOR HANDLING ELECTRONIC BENEFIT TRANSACTIONS INVOLVING FOOD STAMP BENEFITS.

Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall study and report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on alternatives for handling interstate electronic benefit transactions involving food stamp benefits provided under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), including the feasibility and desirability of a single hub for switching (as defined in section 7(k)(1) of that Act (as added by section 3)).

Mr. FITZGERALD. Mr. President, I rise today to recognize the passage of the Electronic Benefit Transfer Interoperability and Portability Act of 1999. This legislation addreses the problem of food stamp beneficiaries being unable to redeem their benefits in authorized stores that may be located outside their state of residence.

As you may know, Congress passed legislation in 1996 that required the federal government to deliver food stamp benefits electronically, rather than using paper coupons. Most states have started the process of issuing plastic cards, very similar to ATM cards, to access these benefits. The federal government termed this new process, electronic benefits transfer (EBT).

You may have noticed a separate button on the payment terminal in your local supermarket with the designation "EBT" or a separate standalong payment terminal to handle these new transactions.

More than half of the country has already switched from the paper coupons to this new EBT card. However, one significant issue is causing problems in the program for retailers, states, and recipients. That issue is the inability of recipients to use their state-issued cards across state lines. This is especially true in communities that are near a state border.

Under the old paper system, recipients could use the coupons in any state in the country. Under the new electronic system, that is the case Customers go into a food store expecting to use their federal benefits to purchase food. When they cannot use their EBT cards, they become frustrated and dissatisfied with the food stamp program.

For example, under the old system, a food stamp recipient living in Palmyra, Missouri could use his food stamp coupons in his favorite grocery store in Quincy, Illinois, just over the border. Similarly, a recipient living in Illinois could visit family in Tennessee and still purchase food for his children. Food stamp beneficiaries are not unlike the average shopper. Cross-border shopping occurs for a variety of reasons. One reason is convenience; another equally important reason is the cost of groceries. The supermarket industry is very competitive. Customers paying with every type of tender except EBT have the ability to shop around for the best prices. Shouldn't recipients of our nation's federal food assistance benefits be able to stretch their dollars without regard to state borders?

Another reason for cross-border shopping is convenience. While one of my constituents may live in the metro east area of Illinois, he or she may work in St. Louis. Under the current situation, if the only grocery store between work and home is in Missouri, the recipient cannot purchase food without traveling miles out of the way.

The legislation would once again provide for the portability of food assistance benefits and allow food stamp recipients the flexibility of shopping at locations that they choose.

Interoperability works well today with ATM/Debit cards, the type of cards that EBT was modeled after. Consumers and merchants are confident that when a MAC card issued by a bank in Pittsburgh is presented, authorization and settlement of that transaction will work the same as when a Star card, issued by Bank of America in California is presented. This occurs regardless of where the merchant is located.

Unfortunately, this is currently not the case with EBT cards. If every state operated their EBT program under a standard set of operating rules, as this legislation requires, companies operating in multiple states could be more efficient, resolve any discrepancies in customer accounts more quickly, and ultimately hold down the price of groceries for all consumers.

This legislation is more about good government than it is about food stamps. Since 1996, the transition from paper coupons to electronic benefit transfers has saved the federal government a significant amount of money. For example, while the food stamp caseload decreased 24 percent from fiscal year 1995 to 1998, food stamp production and redemption costs dropped by an impressive 39 percent. While it is estimated that the bill's implementation will cost the federal government no more than $500,000 annually, it will save at least $20 million per year when paper coupons are a thing of the past.

This legislation is sound public policy that enjoys strong bipartisan support. I thank my colleagues, Senators LEAHY, LUGAR, HARKIN, CRAIG, COCHRAN, CRAPO, KOHL, and KERREY for joining me as co-sponsors of this bill. This legislation is vitally important to every food stamp recipient, every state food stamp program administrator, and every grocery store in the country.

I thank the presiding officer, and I yield the floor.

Ms. COLLINS. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2785) was agreed to.

The bill (S. 1733), as amended, was read the third time and passed, as follows:

[The bill was not available for printing. It will appear in a future edition of the RECORD.]

MAKING TECHNICAL CORRECTIONS TO THE ENROLLMENT OF H.R. 3194

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Senate Concurrent Resolution 77 now at the desk introduced earlier by Senators LOTT and DASCHLE, and that the resolution be considered read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 77) making technical corrections to the enrollment of H.R. 3194.

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. Without objection, the concurrent resolution is agreed to.

The concurrent resolution (S. Con. Res. 77) was agreed to.

The concurrent resolution (S. Con. Res. 77) is as follows:

S. CON. RES. 77

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 3194), making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes, shall make the following correction:

At the appropriate place of the bill insert the following:

COMMODITY CREDIT CORPORATION

PRODUCER-OWNED MARKETING ASSOCIATIONS FORGIVENESS

SEC. 1. The Secretary of Agriculture shall reduce the amount of any principal due on a loan made to marketing association incorporated in the State of North Carolina for the 1999 crop of an agricultural commodity by at least 75 percent if the marketing association suffered losses of the agricultural commodity in a county with respect to which—(1) a natural disaster was declared by the Secretary for losses due to Hurricane Dennis, Floyd, or Irene; or (2) a major disaster or emergency was declared by the President for losses due to Hurricane Dennis, Floyd, or Irene under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)

If the Secretary assigns a grade quality for the 1999 crop of an agricultural commodity marketed by an association described in this section that is below the base quality of the agricultural commodity, the Secretary shall compensate the association for losses incurred by the association as a result of the reduction in grade quality.

Up to $81,000,000 of the resources of the Commodity Credit Corporation shall be used for the cost of this section: *Provided*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) and Section 252(e) of such Act.

SEC. 2. In administering $50,000,000 in emergency supplemental funding for the Emergency Conservation Program, the Secretary shall give priority to the repair of structures essential to the operation of the farm.

EXEMPTIONS PURSUANT TO THE FEDERAL REPORTS ELIMINATION AND SUNSET ACT OF 1995

Ms. COLLINS. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of H.R. 3111, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3111) to exempt certain reports from automatic elimination and sunset pursuant to the Federal Reports Elimination and Sunset Act.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2786

(Purpose: To provide continued reporting of intercepted wire, oral, and electronic communications)

Ms. COLLINS. Mr. President, Senator LEAHY has an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine (Ms. COLLINS), for Mr. LEAHY, proposes an amendment numbered 2786.

Add at the end the following:

SEC. 2. (a) SHORT TITLE.—This Act may be cited as the "Continued Reporting of Intercepted Wire, Oral, and Electronic Communications Act".

(b) FINDINGS.—Congress makes the following findings:

(1) Section 2519(3) of title 18, United States Code, requires the Director of the Administrative Office of the United States Courts to transmit to Congress a full and complete annual report concerning the number of applications for orders authorizing or approving the interception of wire, oral, or electronic communications. This report is required to include information specified in section 2519(3).

(2) The Federal Reports Elimination and Sunset Act of 1995 provides for the termination of certain laws requiring submittal to Congress of annual, semiannual, and regular periodic reports as of December 21, 1999, 4 years from the effective date of that Act.

(3) Due to the Federal Reports Elimination Act and Sunset Act of 1995, the Administrative Office of United States Courts is not required to submit that annual report described in section 219(3) of title 18, United States Code, as of December 21, 1999.

(c) CONTINUED REPORTING REQUIREMENTS.—

(1) CONTINUED REPORTING REQUIREMENTS.—Section 2519 of title 18, United States Code, is amended by adding at the end the following:

"(4) The reports required to be filed by subsection (3) are exempted from the termination provisions of section 3003(a) of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104–66).".

(2) EXEMPTION.—Section 3003(d) of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104–66) is amended—

(a) in paragraph (31), by striking "or" at the end;

(b) in paragraph (32), by striking the period and inserting "; or"; and

(c) by adding at the end the following:

"(33) section 2519(3) of title 18, United States Code.".

(d) ENCRYPTION REPORTING REQUIREMENTS.—

(1) Section 2519(2)(b) of title 18, United States Code, is amended by striking "and (iv)" and inserting "(iv) the number of orders in which encryption was encountered and whether such encryption prevented law enforcement from obtaining the plain text of communications intercepted pursuant to such order, and (v)".

(2) The encryption reporting requirement in subsection (a) shall be effective for the report transmitted by the Director of the Administrative Office of the Courts for calendar year 2000 and in subsequent reports.

(e) REPORTS CONCERNING PEN REGISTERS AND TRAP AND TRACE DEVICES.—Section 3126 of title 18, United States Code, is amended by striking the period and inserting ", which report shall include information concerning—

"(1) the period of interceptions authorized by the order, and the number and duration of any extensions of the order;

"(2) the offense specified in the order or application, or extension of an order;

"(3) the number of investigations involved;

"(4) the number and nature of the facilities affected; and

"(5) the identity, including district, of the applying investigative or law enforcement agency making the application and the person authorizing the order.".

Mr. LEAHY. Mr. President, I am pleased that the Senate is today considering H.R. 3111 to exempt from automatic elimination and sunset certain reports submitted to Congress that are useful and helpful in informing the Congress and the public about the activities of federal agencies in the enforcement of federal law. Senator HATCH and I offer as an amendment to H.R. 3111 the text of a bill, S. 1769, which I introduced with Chairman HATCH on October 22, 1999 and which passed the Senate on November 5, 1999. This amendment will continue and enhance the current reporting requirements for the Administrative Office of the Courts and the Attorney General on the eavesdropping and surveillance activities of our federal and state law enforcement agencies.

For many years, the Administrative Office (AO) of the Courts has complied with the statutory requirement, in 18 U.S.C. §2519(3), to report to Congress annually the number and nature of federal and state applications for orders authorizing or approving the interception of wire, oral or electronic communications. By letter dated September 3, 1999, the AO advised that it would no longer submit this report because "as of December 21, 1999, the report will no longer be required pursuant to the Federal Reports Elimination and Sunset Act of 1995." I commend the AO for alerting Congress that their responsibility for the wiretap reports would lapse at the end of this year, and for doing so in time for Congress to take action.

The AO has done an excellent job of preparing the wiretap reports. We need to continue the AO's objective work in a consistent manner. If another agency took over this important task at this juncture and the numbers came out in a different format, it would immediately generate questions and concerns over the legitimacy and accuracy of the contents of that report.

In addition, it would create difficulties in comparing statistics from prior years going back to 1969 and complicate the job of congressional oversight. Furthermore, transferring this reporting duty to another agency might create delays in issuance of the report since no other agency has the methodology in place. Finally, federal, state and local agencies are well accustomed to the reporting methodology developed by the AO. Notifying all these agencies that the reporting standards and agency have changed would inevitably create more confusion and more expense as law enforcement agencies across the country are forced to learn a new system and develop a liaison with a new agency.

The system in place now has worked well and we should avoid any disruptions. We know how quickly law enforcement may be subjected to criticism over their use of these surreptitious surveillance tools and we should avoid aggravating these sensitivities by changing the reporting agency and methodology on little to no notice. I appreciate, however, the AO's interest in transferring the wiretap reporting requirement to another entity. Any such transfer must be accomplished with a minimum of disruption to the collection and reporting of information and with complete assurances that any new entity is able to fulfill this important job as capably as the AO has done.

The amendment would update the reporting requirements currently in place with one additional reporting requirement. Specifically, the amendment would require the wiretap reports prepared beginning in calendar year 2000 to include information on the number of orders in which encryption was encountered and whether such encryption prevented law enforcement from obtaining the plain text of communications intercepted pursuant to such order.

Encryption technology is critical to protect sensitive computer and online information. Yet, the same technology poses challenges to law enforcement when it is exploited by criminals to hide evidence or the fruits of criminal activities. A report by the U.S. Working Group on Organized Crime titled, "Encryption and Evolving Technologies: Tools of Organized Crime and Terrorism," released in 1997, collected anecdotal case studies on the use of encryption in furtherance of criminal activities in order to estimate the future impact of encryption on law enforcement. The report noted the need for "an ongoing study of the effect of encryption and other information technologies on investigations, prosecutions, and intelligence operations". As part of this study, "a database of case information from federal and local law enforcement and intelligence agencies should be established and maintained." Adding a requirement that reports be furnished on the number of occasions when encryption is encountered by law enforcement is a far more reliable basis than anecdotal evidence on which to assess law enforcement needs and make sensible policy in this area.

The final section of tus amendment would codify the information that the Attorney General already provides on pen register and trap and trace device orders, and would require further information on where such orders are issued and the types of facilities—telephone, computer, pager or other device—to which the order relates. Under the Electronic Communications Privacy Act ("ECPA") of 1986, P.L. 99-508, codified at 18 U.S.C. §3126, the Attorney General of the United States is required to report annually to the Congress on the number of pen register orders and orders for trap and trace devices applied for by law enforcement agencies of the Department of Justice. As the original sponsor of ECPA, I believed that adequate oversight of the surveillance activities of federal law enforcement could only be accomplished with reporting requirements such as the one included in this law.

The reports furnished by the Attorney General on an annual basis compile information from five components of the Department of Justice: the Federal Bureau of Investigation, the Drug Enforcement Administration, the Immigration and Naturalization Service, the United States Marshals Service and the Office of the Inspector General. The report contains information on the number of original and extension orders made to the courts for authorization to use both pen register and trap and trace devices, information concerning the number of investigations involved, the offenses on which the applications were predicted and the number of people whose telephone facilities were affected.

These specific categories of information are useful, and the amendment would direct the Attorney General to continue providing these specific categories of information. In addition, the amendmet would direct the Attorney General to include information on the identity, including the district, of the agency making the application and the person authorizing the order. In this way, the Congress and the public will be informed of those jurisdictions using this surveillance technique—information which is currently not included in the Attorney General's annual reports.

The requirement for preparation of the wiretap reports will soon lapse so I am delighted to see the Congress take prompt action on this legislation to continue the requirement for submission of the wiretap reports and to update the reporting requirements for both the wiretap reports submitted by the AO and the pen register and trap and trace reports submitted by the Attorney General.

Ms. COLLINS. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2786) was agreed to.

The bill (H. R. 3111), as amended, was read the third time and passed.

THIRD MILLENNIUM ELECTRONIC COMMERCE ACT

Ms. COLLINS. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 243, S. 761.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 761) to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Third Millennium Digital Commerce Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The growth of electronic commerce and electronic government transactions represent a powerful force for economic growth, consumer choice, improved civic participation and wealth creation.

(2) The promotion of growth in private sector electronic commerce through Federal legislation is in the national interest because that market is globally important to the United States.

(3) A consistent legal foundation, across multiple jurisdictions, for electronic commerce will promote the growth of such transactions, and that such a foundation should be based upon a simple, technology neutral, non-regulatory, and market-based approach.

(4) The Nation and the world stand at the beginning of a large scale transition to an information society which will require innovative legal and policy approaches, and therefore, States can serve the national interest by continuing their proven role as laboratories of innovation for quickly evolving areas of public policy, provided that States also adopt a consistent, reasonable national baseline to eliminate obsolete barriers to electronic commerce such as undue paper and pen requirements, and further, that any such innovation should not unduly burden inter-jurisdictional commerce.

(5) To the extent State laws or regulations do not provide a consistent, reasonable national baseline or in fact create an undue burden to interstate commerce in the important burgeoning area of electronic commerce, the national interest is best served by Federal preemption to the extent necessary to provide such consistent, reasonable national baseline eliminate said burden, but that absent such lack of consistent, reasonable national baseline or such undue burdens, the best legal system for electronic commerce will result from continuing experimentation by individual jurisdictions.

(6) With due regard to the fundamental need for a consistent national baseline, each jurisdiction that enacts such laws should have the right to determine the need for any exceptions to protect consumers and maintain consistency with existing related bodies of law within a particular jurisdiction.

(7) Industry has developed several electronic signature technologies for use in electronic transactions, and the public policies of the United States should serve to promote a dynamic marketplace within which these technologies can compete. Consistent with this Act, States should permit the use and development of any authentication technologies that are appropriate as practicable as between private parties and in use with State agencies.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to permit and encourage the continued expansion of electronic commerce through the operation of free market forces rather than proscriptive governmental mandates and regulations;

(2) to promote public confidence in the validity, integrity and reliability of electronic commerce and online government under Federal law;

(3) to facilitate and promote electronic commerce by clarifying the legal status of electronic records and electronic signatures in the context of writing and signing requirements imposed by law;

(4) to facilitate the ability of private parties engaged in interstate transactions to agree among themselves on the terms and conditions on which they use and accept electronic signatures and electronic records; and

(5) to promote the development of a consistent national legal infrastructure necessary to support of electronic commerce at the Federal and State levels within existing areas of jurisdiction.

SEC. 4. DEFINITIONS.

In this Act:

(1) ELECTRONIC.—The term "electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(2) ELECTRONIC AGENT.—The term "electronic agent" means a computer program or an electronic or other automated means used to initiate an action or respond to electronic records or performances in whole or in part without review by an individual at the time of the action or response.

(3) ELECTRONIC RECORD.—The term "electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

(4) ELECTRONIC SIGNATURE.—The term "electronic signature" means an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record.

(5) GOVERNMENTAL AGENCY.—The term "governmental agency" means an executive, legislative, or judicial agency, department, board, commission, authority, institution, or instrumentality of the Federal Government or of a State or of any county, municipality, or other political subdivision of a State.

(6) RECORD.—The term "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(7) TRANSACTION.—The term "transaction" means an action or set of actions relating to the conduct of commerce between 2 or more persons, neither of which is the United States Government, a State, or an agency, department, board, commission, authority, institution, or instrumentality of the United States Government or of a State.

(8) UNIFORM ELECTRONIC TRANSACTIONS ACT.—The term "Uniform Electronic Transactions Act" means the Uniform Electronic Transactions Act as reported to State legislatures by the National Conference of Commissioners on Uniform State Law in the form or any variation thereof that is authorized or provided for in such report.

SEC. 5. PRINCIPLES GOVERNING THE USE OF ELECTRONIC SIGNATURES IN INTERNATIONAL TRANSACTIONS.

To the extent practicable, the Federal Government shall observe the following principles in an international context to enable commercial electronic transaction:

(1) Remove paper-based obstacles to electronic transactions by adopting relevant principles from the Model Law on Electronic Commerce adopted in 1996 by the United Nations Commission on International Trade Law (UNCITRAL).

(2) Permit parties to a transaction to determine the appropriate authentication technologies and implementation models for their transactions, with assurance that those technologies and implementation models will be recognized and enforced.

(3) Permit parties to a transaction to have the opportunity to prove in court or other proceedings that their authentication approaches and their transactions are valid.

(4) Take a non-discriminatory approach to electronic signatures and authentication methods from other jurisdictions.

SEC. 6. INTERSTATE CONTRACT CERTAINTY.

(a) IN GENERAL.—The following rules apply to any commercial transaction affecting interstate commerce:

(1) A record or signature may not be denied legal effect or enforceability solely because it is in electronic form.

(2) A contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation.

(3) If a law requires a record to be in writing, or provides consequences if it is not, an electronic record satisfies the law.

(4) If a law requires a signature, or provides consequences in the absence of a signature, the law is satisfied with respect to an electronic record if the electronic record includes an electronic signature.

(b) METHODS.—The parties to a contract may agree on the terms and conditions on which they will use and accept electronic signatures and electronic records, including the methods therefor, in commercial transactions affecting interstate commerce. Nothing in this subsection requires that any party enter into such a contract.

(c) INTENT.—The following rules apply to any commercial transaction affecting interstate commerce:

(1) An electronic record or electronic signature is attributable to a person if it was the act of the person. The act of the person may be established in any manner, including a showing of the efficacy of any security procedures applied to determine the person to which the electronic record or electronic signature was attributable.

(2) The effect of an electronic record or electronic signature attributed to a person under paragraph (1) is determined from the context and surrounding circumstances at the time of its creation, execution, or adoption, including the parties' agreement, if any, and otherwise as provided by law.

(d) FORMATION OF CONTRACT.—A contract relating to a commercial transaction affecting interstate commerce may not be denied legal effect solely because its formation involved—

(1) the interaction of electronic agents of the parties; or

(2) the interaction of an electronic agent of a party and an individual who acts on that individual's own behalf or for another person.

(e) APPLICATION IN UETA STATES.—This section does not apply in any State in which the Uniform Electronic Transactions Act is in effect.

SEC. 7. STUDY OF LEGAL AND REGULATORY BARRIERS TO ELECTRONIC COMMERCE.

(a) BARRIERS.—Each Federal agency shall, not later than 6 months after the date of enactment of this Act, provide a report to the Director of the Office of Management and Budget and the Secretary of Commerce identifying any provision of law administered by such agency, or any regulations issued by such agency and in effect on the date of enactment of this Act, that may impose a barrier to electronic transactions,

or otherwise to the conduct of commerce online or be electronic means. Such barriers include, but are not limited to, barriers imposed by a law or regulation directly or indirectly requiring that signatures, or records of transactions, be accomplished or retained in other than electronic form. In its report, each agency shall identify the barriers among those identified whose removal would require legislative action, and shall indicate agency plans to undertake regulatory action to remove such barriers among those identified as are caused by regulations issued by the agency.

(b) REPORT TO CONGRESS.—The Secretary of Commerce, in consultation with the Director of the Office of Management and Budget, shall, within 18 months after the date of enactment of this Act, and after the consultation required by subsection (c) of this section, report to the Congress concerning—

(1) legislation needed to remove barriers to electronic transactions or otherwise to the conduct of commerce online or by electronic means; and

(2) actions being taken by the Executive Branch and individual Federal agencies to remove such barriers as are caused by agency regulations or policies.

(c) CONSULTATION.—In preparing the report required by this section, the Secretary of Commerce shall consult with the General Services Administration, the National Archives and Records Administration, and the Attorney General concerning matters involving the authenticity of records, their storage and retention, and their usability for law enforcement purposes.

(d) INCLUDE FINDINGS IF NO RECOMMENDATIONS.—If the report required by this section omits recommendations for actions needed to fully remove identified barriers to electronic transactions or to online or electronic commerce, it shall include a finding or findings, including substantial reasons therefor, that such removal is impracticable or would be inconsistent with the implementation or enforcement of applicable laws.

AMENDMENT NO. 2787

Ms. COLLINS. Mr. President, Senators ABRAHAM, WYDEN, and LEAHY have an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS] for Mr. ABRAHAM, for himself, Mr. WYDEN, and Mr. LEAHY, proposes an amendment numbered 2787.

The amendment is as follows:

[The amendment is printed in today's RECORD under "Amendments Submitted."]

Ms. COLLINS. I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2787) was agreed to.

Ms. COLLINS. It is my understanding the Senator from Michigan, Senator ABRAHAM, has a statement to make on this important legislation.

I yield to the Senator from Michigan.

Mr. ABRAHAM. Mr. President, I will briefly comment on this legislation. First, I thank the cosponsors of this legislation, the Millennium Digital Commerce Act, and Senator WYDEN, the lead cosponsor of the legislation, and Senators McCAIN, BURNS, and LOTT, who joined as cosponsors. I also thank Senator LEAHY, Senator SARBANES, Senator HOLLINGS, Senator McCAIN and others who have worked with Senator WYDEN and me in moving this through the legislative process. I express my appreciation to all my colleagues.

As we move into the era of e-commerce it is important that people who wish to engage in commercial transactions online over the Internet be able to do so as effectively and efficiently as possible. Part of the challenge we confront is when people are entering into contracts in this nonwritten context, the potential exists for questions to be raised as to the validity of the contractual arrangements. Without getting into all the details, the goal of the Millennium Digital Commerce Act is to address this issue. Approximately 42 States have already passed what in effect are digital signature authentication laws which address contracts entered into online or which address the validity of contracts entered into through the web. The problem is those 42 bills are all different. It is possible for people to argue that a contract is valid in one State and not valid in the State of the other contracting party and, thus, is an invalid document.

The purpose of our legislation is to try to make all such agreements valid if they fit or meet some parameters, identical to the ones the States are moving toward; a uniform system. In short, we believe this will be an interim approach until the States have passed a model uniform act. If we don't do this, impediments will exist between parties who wish to contract via the Internet and through electronic commerce. We believe the passage of this bill will relieve those impediments and allow for e-commerce to continue to expand and grow and strengthen our economy.

I am very pleased at the passage of the bill today, and look forward to working with our counterparts in the House, they have passed a slightly different bill, to pound out a final consensus through the conferencing process and bring back to the Senate the output of that process. I hope to do this very early in the next session, so we can enact this legislation and move it to the President for his signature, and, as I said at the outset, improve the efficiency with which we engage in an expanded e-commerce universe.

I yield the floor.

Mr. LOTT. Mr. President, I want to acknowledge the significant efforts of Senator ABRAHAM to author and pass legislation aimed at facilitating the growth of electronic commerce. Commerce that everyone agrees is a significant driving force behind our nation's robust and expanding economy.

Today, the Senate passed by unanimous consent an Abraham substitute for S. 761, the Millennium Digital Commerce Act. This measure is important because it would ensure the legal certainty of electronic signatures in interstate commerce.

Mr. President, right now, there are over forty different state electronic authentication regimes in play. This patchwork of inconsistent and often conflicting state laws makes it difficult to conduct business-to-business and business-to-consumer transactions over the Internet. Those involved in electronic transactions want assurance that their contractual arrangements are legally binding.

Senator ABRAHAM took the lead on this issue and crafted a bill to ensure that a national framework would govern the use of electronic signatures. It is a rational, coherent, and minimalist approach. An approach supported by America Online, American Bankers Association, American Council of Life Insurance, the American Electronics Association, American Financial Services Association, American Insurance Association, Apple, Business Software Alliance, Charles Schwab, the Coalition for Electronic Authentication, Consumer Mortgage Coalition, DLJ Direct, the Electronic Industry Alliance, FORD, Gateway2000, General Electric Company, GTE, Hewlett-Packard, IBM, Intel, Intuit, the Information Technology Association of America, the Information Technology Industry Council, Microsoft, NCR, the National Association of Manufacturers, National Retail Federation, and the U.S. Chamber of Commerce, among others.

Mr. President, in drafting his legislation, Senator ABRAHAM included key concepts and provisions developed by the National Conference of Commissioners on Uniform State Law (NCCUSL). A NCCUSL working group, which included legal scholars, experts on electronic commerce, state officials and other interested stakeholders, spent the better part of two years drafting the Uniform Electronic Transactions Act (UETA). This model legislation was formally approved in August and is expected to be enacted on a state-by-state basis, much like the process followed in approving the Uniform Commercial Code, over the next three to five years.

Senator ABRAHAM's electronic signatures measure is timely in that it serves as an interim solution needed to fill the void until states approve the model UETA package.

I applaud the junior Senator from Michigan for his continuing leadership on technology issues and commend the Senate's action today. This is definitely a significant step in the right direction.

Mr. President, Senator ABRAHAM, my colleagues on this side of the aisle, and I agree that the measure passed today, while a significant accomplishment, only gets consumers to the 50-yard line when it comes to e-commerce. In order to get to the end-zone, Congress still needs to address the issue of electronic records.

The Millennium Digital Commerce Act that was unanimously approved by the Senate Commerce Committee in July would have also provided legal certainty to electronic records. However, eleventh hour objections from the minority, some of which were completely unrelated to this bill, thwarted repeated efforts to bring this crucial measure to the floor.

Mr. President, I would point out that the reported bill, with its electronic records provisions, had bipartisan support and was strongly endorsed by the Administration, not once, but twice. In fact the Office of Management and Budget's Statement of Administration Policy noted "the Administration supports the passage of S. 761 . . . [Its] provisions strike the appropriate balance between the needs of each State to develop its own laws in relation to commercial transactions and the needs of the Federal government to ensure that electronic commerce will not be impeded by the lack of consistency in the treatment of electronic authentication."

The Commerce Committee reported measure did not, as some contend, alter federal or state consumer protection laws. Instead, Senator ABRAHAM's bill simply held that records could not be denied legal effect solely, and the key word is "solely," because such records were in electronic form.

Mr. President, consumers stand the most to gain from electronic records and the most to lose if such records are not clearly granted legal effect, validity, and enforceability. In order to further assuage concerns, Senator ABRAHAM, in earnest, offered a substitute version that largely incorporated key provisions of UETA, verbatim. Even so, and as perplexing as it would seem, his UETA substitute was opposed by the minority. Remember, these are the words developed and agreed to by an esteemed panel of national and state legal experts, and these are the same words that will go into effect as states adopt UETA during the next few years.

I would point out that the Department of Commerce, in its June 22, 1999 position letter supporting the Abraham substitute bill that passed the Commerce Committee, noted that "In the view of the Administration, the current UETA draft adheres to the minimalist 'enabling' framework advocated by the Administration, and we believe that UETA will provide an excellent domestic legal model for electronic transactions, as well as a strong model for the rest of the world."

With these glowing endorsements of both the Commerce Committee reported measure and UETA, both of which provide legal certainty to electronic records, I was surprised and dismayed that the Administration flip-flopped on the records issue at the last moment. One has to wonder what motivated this 180-degree change in position and why the Administration went to great lengths to stall and eventually oppose electronic transactions legislation that included digital records.

Consumers want and need electronic records, not only because digitized records are the equivalent of paper-notices, records, and disclosures, but also because such information is often easier to access, read, store and maintain. Electronic records will save consumers time, money, and the hassle of waiting for paper notices and disclosures. Used in conjunction with an electronic signature, electronic records, with appropriate and effective electronic disclosures, allow anyone, with a hook-up to the borderless World Wide Web, to transact business at any time and at any place.

Mr. President, it is the seamless nature of the Internet that makes it such a phenomenal communications and business medium. To ensure that no one is left out of this new millennium paradigm, the legal certainty of electronic records must be codified in federal statute—at least until UETA is adopted nationally. It is my sincere hope that Congress will address the legality of electronic records in the near term so consumers will experience the full benefits and to reap the rewards of the Internet.

Again, I want to applaud the efforts of the Senate in passing S. 761, Senator ABRAHAM's electronic signatures bill. This action is good for America's consumers, good for America's businesses, and good for our nation's economy and prosperity.

Mr. President, Senator ABRAHAM has once again proven that he is a champion of technology, a guardian of the consumer, and an extremely effective legislator.

Mr. LEAHY. Mr. President, I am pleased that the Senate today is passing the Abraham-Leahy substitute amendment to S. 761, the Millennium Digital Commerce Act. This bill seeks to permit and encourage the continued expansion of electronic commerce, and to promote public confidence in its integrity and reliability. These are worthy goals—goals that I have long sought to advance. In the last Congress, many of us worked together to pass the Government Paperwork Elimination Act, which established a framework for the federal government's use of electronic forms and electronic signatures. Today's legislation is part of our continuing efforts to ease the burdens of conducting business electronically.

This is an important bill on an issue of paramount concern to American businesses that engage in electronic commerce. It has had a long journey since it was reported by the Commerce Committee in June. As reported, the bill took a sweeping approach, preempting untold numbers of federal, state and local laws that require contracts, records and signatures to be in traditional written form. I was concerned that such a sweeping approach would radically undermine legislation that is currently in place to protect consumers.

For example, the Committee-passed bill would have enabled businesses to use their superior bargaining power to compel or confuse consumers into waiving their rights to insist on paper disclosures and communications, even when they do not have the technological capacity to receive, retain, and print electronic records. Could a borrower be compelled to receive delinquency or foreclosure notices by electronic mail, even if she did not have a computer, or her computer could not read the notices in the electronic format in which they were sent? Would she be entitled to revert to paper communications if her computer broke or became obsolete? Could a company require customers to check its Web site for important safety information regarding its products, or for recall notices?

Under S. 761 as reported, the company would not have been required to provide any information on paper, even if a state consumer protection law so required. Crucial information about the consumer's rights and obligations would not be received. It was federal preemption beyond need, to the detriment of American consumers.

The problem did not stop there. When information is provided electronically, for it to be useful at a later time to prove its contents, the electronic file must be tamperproof. Otherwise, a consumer could inadvertently change a single byte on the file and thus make it technically different from the original, and useless to prove its contents. The consumer would be left without any means of proving critical terms of the contract, including the terms of the warranty.

I have been working with Senator ABRAHAM and others since August to address these and other concerns I had with the bill. We crafted a bipartisan compromise several weeks ago, but it fell apart after certain industry representatives complained that it did not go far enough to relieve them of federal and state regulatory authority. Fortunately, other industry representatives recognized that this was not the primary or even an intended purpose of this legislation, and worked to get the legislative process back on track. I am pleased that we were able to do this and that we were able to reach agreement, for the second time, on an Abraham-Leahy substitute that encourages the continued expansion of electronic commerce, while leaving in place essential safeguards protecting the nation's consumers.

In a letter dated November 5, 1999, the National Conference of State Legislatures identified what it believed were four essential criteria for any federal legislation related to electronic signatures:

> (1) Any preemption of state law and authority must be limited in duration. The idea should be to ensure the validity of most electronic signatures for a period of time, thus giving the states time to act. (2) States must be allowed to adopt the Uniform Electronic Transactions Act or some similar legislation. (3) Essential state consumer protections must be preserved, along with the capacity of states to enact consumer protection measures in the future. (4) Any federal legislation must be limited to the topic of electronic signatures. It must not embrace any preemption of state regulatory and record keeping authority.

The Abraham-Leahy substitute meets these criteria.

Most importantly, the scope of the bill has been limited to address the principal concern of industry. When Senator ABRAHAM introduced S. 761 earlier this year, he said it was designed to eliminate uncertainty about the legality of electronic contracts signed with electronic signatures. Consistent with this design, the Abraham-Leahy substitute ensures that contracts will not be denied legal effect that they otherwise have under state law solely because they are in electronic form or because they were signed electronically. However, as section 4(4) of the bill makes clear, an electronic signature is valid only if executed by a person who intended to sign the contract.

The purpose of this legislation is to facilitate electronic commerce over the Internet. It is not intended that this legislation be the basis for unfair or deceptive attempts by some to avoid providing mandated information, disclosures, notices or content. For example, when the parties have conducted a transaction entirely in person, the fine print of a form contract cannot include an agreement that the contract can be provided electronically rather than on paper. The basic rules of good faith and fair dealing apply to electronic commerce, and this legislation is not intended to be a basis upon which consumers can be asked to agree to terms and conditions for using electronic signatures and electronic records which are unreasonable based on the circumstances surrounding the transaction.

Further, accurate copies of contracts must be delivered to consumers. The Abraham-Leahy substitute amendment therefore provides that if a law requires a contract to be in writing, an electronic record of the contract will not satisfy such law unless it is delivered to all parties in a form that can be retained for later reference and used to prove the terms of the agreement. This important provision is intended to protect consumers who execute contracts online, by ensuring that contracts are provided in a tamperproof, or "read-only" format. The delivery of any other type of electronic record would make it useless to prove its terms in court.

The new legislation also improves on the Committee-passed version by eliminating its "intent" section, which established interpretive rules regarding the intent of the parties to an electronic transaction. These rules inappropriately allowed businesses to put the risk of forgery, unauthorized use, and identity theft on consumers, by making it easier for the proponent of an electronic record or electronic signature to prove its authenticity. By eliminating these rules, we have ensured that current contract and evidence laws remain in place. A person is always entitled to assert that an electronic signature is a forgery, was used without authority, or otherwise is invalid for reasons that would invalidate the effect of a signature in written form.

Having just last year worked with Senator KYL on passage of the Kyl-Leahy substitute to S. 512, the Identity Theft and Assumption Deterrence Act, to combat identity theft, we should be careful to avoid taking actions that could have the unintended consequence of making such crimes easier to commit.

In his introductory floor statement, Senator ABRAHAM stressed that S. 761 was an interim measure, which would provide a national baseline for the use of electronic signatures only until the states enacted their own e-signature legislation. To ensure the temporary nature of the federal preemption, the Abraham-Leahy substitute which passes the Senate today includes a significant change from earlier versions of S. 761, including the version reported by the Commerce Committee. The Committee bill preempted a state's laws until the state enacted the Uniform Electronic Transactions Act ("UETA") as reported by the National Conference of Commissioners on Uniform State Law, or any variation that was "authorized or provided for in such report." The full Senate votes today on language that gives states more leeway on the version of the UETA that they choose to pass—including more leeway to adopt strong consumer protections. The revised definition is meant to cover the electronic transactions legislation passed earlier this year by the State of California, and will preserve the capacity of states to perform their traditional role in protecting the health and safety of their citizens.

Nothing in this bill would allow any of the notices that may accompany an electronic contract to be provided electronically. This is especially important to ensure that consumers are apprised of all their rights under federal and state laws. It was the records language of S. 761 that held the greatest potential to harm consumers, with its across-the-board invalidation of hard-won consumer protections embodied in such laws as the Truth in Lending Act, the Fair Credit Reporting Act, the Real Estate Settlement Procedures Act, and others. I am pleased that the sponsors of this legislation agreed to remove the electronic records language so that we can allow the critical provisions regarding contracts and signatures to move forward. There will be time in the coming months to revisit the broader issue of electronic records, and to craft legislation that will not place consumers at risk.

In the meantime, contrary to some of the rhetoric that has been heard of late, nothing prevents companies from providing notices and disclosures to consumers electronically, so long as they also provide paper notices and disclosures in the limited set of circumstances in which a law so requires. Requirements that certain information be provided in a particular format, or by a particular method of delivery, are often adopted to serve consumers' interests by providing them with information critical to making informed choices in the marketplace, understanding their rights and obligations during commercial transactions, and enforcing their rights when transactions go sour. Such laws should not be swept away without adequate assurance that consumers will be able to receive and retain the information electronically.

The AARP made this point in a letter to all Senators dated November 15, 1999, with respect to the more sweepingly preemptive H.R. 1714: "The time to investigate the implications of such a pivotal change in established consumer protections . . . is before, not after, legislation is enacted. Measures to take advantage of electronic market efficiencies must be tempered by a concern for legal and technological responsibilities that are being shifted to the consumer."

The benefits of electronic commerce should not, and need not, come at the expense of increased risk to consumers. I commend the Department of Commerce for its help in crafting a substitute amendment that is more carefully tailored to protect the interests of America's consumers. I also thank Senators SARBANES, who shared many of my concerns about the original bill's impact on consumers, and Senators ABRAHAM and WYDEN, for agreeing to address our concerns.

This bill shows what can be achieved by bipartisan cooperation and compromise. It enjoys broad support from the Administration, the states, consumer representatives, and responsible companies and trade associations that care about their customers. I urge its speedy enactment into law.

I ask unanimous consent to include in the RECORD a Statement of Administration Policy dated November 8, 1999, in support of the Abraham-Leahy substitute amendment: a letter dated November 8, 1999, from the National Automobile Dealers Association, and a letter dated November 5, 1999, from the National Conference of State Legislatures.

Statement of Administration Policy,
November 8, 1999 (Senate)

(This statement has been coordinated by OMB with the concerned agencies.)

S. 761—MILLENNIUM DIGITAL COMMERCE ACT (ABRAHAM (R) MICHIGAN AND 11 COSPONSORS)

Electronic commerce can provide consumers and businesses with significant benefits in terms of costs, choice, and convenience. The Administration strongly supports the development of this marketplace and supports legislation that will advance that development, while providing appropriate consumer protection. Many businesses and consumers are still wary of conducting extensive business over the Internet because of the lack of a predictable legal environment governing transactions. Both the Congress and the Administration have been working to address this important potential impediment to commerce.

S. 761 addresses important concerns associated with electronic commerce and the rise of the Internet as a worldwide commercial forum and marketplace. The Administration supports Senate passage of the amendment in the nature of a substitute to S. 761 expected to be offered by Senator Abraham, based on an agreement with Senators Leahy and Wyden. The Administration supports this version of S. 761 because the bill, as proposed to be amended, would: Ensure the legal validity of contracts between private parties that are made and signed electronically; preserve the ability of States to establish safeguards, such as consumer protection laws, to promote the public interest in electronic commerce among private parties just as they can now establish safeguards for paper-based commerce; cover only commercial transactions between private parties that affect interstate commerce; not affect Federal laws or regulations, but instead would give Federal agencies six months to conduct a careful study of barriers to electronic transactions under Federal laws or regulations and to develop plans to remove such barriers, where appropriate; and sunset completely as to the law of any State that enacts the Uniform Electronic Transactions Act.

National Automobile Dealers Association, Office of Legislative Affairs,
Washington, DC, November 8, 1999.

Hon. Patrick J. Leahy,
Ranking Member, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

Dear Senator Leahy: On behalf of the National Automobile Dealers Association (NADA), I am writing to express our views on S. 761, the Millennium Digital Commerce Act.

Like many entrepreneurs throughout the country, America's new car and truck dealers are using today's technological advances to better serve customers, and at NADA we understand the desire to accelerate the role of electronic commerce. Even so, we share your desire to preserve the state's role in this process.

The automobile is one of the single biggest purchases that a consumer makes. As a result, state legislatures throughout the country have enacted various requirements and disclosures governing the purchase and sale of motor vehicles. In light of this extensive body of existing state law, an overly preemptive federal statute would deny the states the ability to protect their citizens in the manner they deem appropriate in these types of transactions.

NADA does not oppose a temporary federal rule to ensure that contracts can not be invalidated solely because they are in electronic form or because they are signed electronically. We believe, however, that any federal legislation should only be an interim measure to provide stability while the states consider the Uniform Electronic Transactions Act (UETA). Once a state adopts the UETA, the temporary federal rule should sunset.

We understand that some drafts of the legislation that have been put forward would allow the federal rule to preempt the UETA in effect in a state, thus denying the states the opportunity to be more protective of consumers should they so desire. If that provision is retained, we believe that motor vehicle transactions should not be covered by the federal rule. This exception would be necessary to ensure that the states could still perform their traditional role of establishing the legal framework for major purchases.

We appreciate the opportunity to bring our concerns to your attention, and we appreciate all your efforts in addressing these matters before the legislation moves forward in the Senate.

Sincerely,

H. Thomas Greene,
Chief Operating Officer, Legislative Affairs.

National Conference of
State Legislatures,
Washington, DC, November 5, 1999.

Hon. Patrick J. Leahy
Russell Senate Office Building,
Washington, DC.

Dear Senator Leahy: The National Conference of State Legislatures understands the need to revise federal and state laws as a means of encouraging electronic commerce. In particular, NCSL understands that legislation is needed to allow the more widespread use of electronic signatures as a means of encouraging such commerce.

Over 40 state legislatures have addressed various state law issues related to the validity of electronic signatures. Nevertheless, NCSL has in principle no objection to federal legislation on this same topic, provided that it is tightly focused on removing barriers to legitimate electronic commerce and does not broadly preempt essential elements of state consumer protection and contract law.

NCSL believes that federal legislation related to electronic signatures must meet four criteria: (1) Any preemption of state law and authority must be limited in duration. The idea should be to ensure the validity of most electronic signatures for a period of time, thus giving the states time to act. (2) States must be allowed to adopt the Uniform Electronic Transactions Act or some similar legislation. (3) Essential state consumer protections must be preserved, along with the capacity of states to enact consumer protection measures in the future. (4) Any federal legislation must be limited to the topic of electronic signatures. It must not embrace any preemption of state regulatory and record keeping authority.

The version of S. 761 that is now being presented comes closer to meeting NCSL's criteria than earlier versions of the bill. In general, this "compromise" version is taking the right approach to the issue. NCSL looks forward to working with the sponsors and others to resolve any remaining issues of preemption and consumer protection. NCSL much prefers the new compromise to other earlier versions of electronic signatures legislation which we vigorously opposed because of its unnecessary preemption of state consumer protection and contract law.

For additional information about NCSL's position, please call Neal Osten (202-624-8660) or Michael Bird (202-624-8686).

Sincerely,

Joanne G. Emmons, *Michigan State Senate, Chair, NCSL Commerce and Communications Committee.*

Mr. ABRAHAM. Mr. President, the Senate is soon expected to pass the Millennium Digital Commerce Act—a bill introduced by Senators WYDEN, MCCAIN, BURNS, LOTT and myself which is designed to promote electronic commerce. I rise today to speak in support of this legislation and to thank the cosponsors for their tireless efforts to pass this legislation. I believe it will have a profound impact on the way commerce is conducted on the Internet.

By now, all of us have heard the prophetic pronouncements: "The Internet will change of all of our lives." "The Computer Age is reshaping the world." And so on. These words are true, and a review of the indicators which document the Internet's extraordinary growth bear this out. In 1993 about 90,000 Americans had access to these on-line resources. By early 1999 that number had grown to about 81 million, an increase of about 900 percent. The Computer Industry Almanac predicts 320 million Internet users world-wide by the end of the year 2000.

And now the figures are coming in on how electronic commerce is transforming the way we do business. They are equally impressive. E-commerce between businesses has grown to an estimate $64.8 billion for 1999. 10 million customers shopped for some product using the Internet in 1998 alone. And 5.3 million households had access to financial transactions like electronic banking and stock trading by the end of 1999.

While the Internet has experienced almost exponential growth since its inception, there is still room to expand. Today, new technologies enable the Internet to serve as an efficient new tool for companies to transact business as never before. This capability is provided by the development of secure electronic authentication methods. These technologies permit an individual to positively identify the person with whom they are transacting business and to ensure that information being shared by the parties has not been tampered with or modified without the knowledge of both parties.

While such technologies are seeing limited use today, the growth of this application has out-paced government's ability to appropriately modify the legal framework governing the use of electronic signatures and other authentication methods.

The growth of electronic signature technologies will increasingly allow organizations to enter into contractual arrangements without ever having to drive across town or fly thousands of miles to personally meet with a client or potential business partner. The Internet is prepared to go far beyond the ability to buy a book or order apparel on-line. It is ready to lead a revolution in the execution of business transactions which may involve thousands or millions of dollars in products or services; transactions so important they require that both parties enter into a legally binding contract.

Mr. President, the Millennium Digital Commerce Act is designed to promote the use of electronic signatures in business transactions and contracts. At present, the greatest barrier to such transactions is the lack of a consistent and predictable national framework of rules governing the use of electronic signatures. Over forty States have enacted electronic authentication laws, and no two laws are the same. This inconsistency deters businesses from fully utilizing electronic signature technologies for contracts and other business transactions. The differences in our State laws create uncertainty about the effectiveness or legality of an electronic contract signed with an electronic signature. This legal uncertainty limits the potential of electronic commerce, and, thus, our nation's economic growth.

Fortunately, the need for uniformity in electronic authentication rules was recognized early by the States. For the past two years, the National Conference of Commissioners on Uniform State Law, an organization comprised of e-commerce experts from the States, has been working to develop a uniform system for the use of electronic signatures for all fifty States. Their product, the Uniform Electronic Transactions Act, or UETA, was finished in July. As was expected, the UETA is an excellent piece of work and I look forward to the day when this model legislation is enacted by each of the 50 states.

But agreement on the final language of the UETA proposal is not the same as enactment, and despite the hard work of the Commissioners, uniformity will not occur until all fifty States actually enact the UETA. That will likely take some time. Because some State legislatures are not in session next year and other States have more pressing legislative items, it could take three to four years for forty-five or fifty States to enact the UETA. When you consider the changes that have taken place in just the last two years, it is obvious that in the high-technology sector four years is an eternity.

The Digital Millennium Commerce Act is therefore designed as an interim measure to provide relief until the States adopt the provisions of the UETA. It will provide companies the federal framework they need until a national baseline governing the use of electronic authentication exists at the State level. Once States enact the UETA, the Federal preemption is lifted.

To be specific, this legislation promotes electronic commerce in the following manner. First and foremost, the legislation provides that the electronic signatures used to agree to a contract shall not be denied effect solely because they are electronic in nature. This provision assures that a company will be able to rely on an electronic contract and that another party will not be able to escape such certainty, this bill will reduce the likelihood of dissatisfied parties attempting to escape electronic contractual agreements and transactions.

To ensure a level playing field for all types of authentication, the bill grants parties to a transaction the freedom to determine the technologies to be used in the execution of an electronic contract. In essence, this assures technology neutrality because businesses and consumers, not government, will make the decisions as to what type of electronic signatures and authentication technologies will be used in transactions.

Since the Internet is inherently an international medium, consideration must also be given to the manner in which the U.S. conducts business with overseas governments and businesses. This legislation therefore sets forth a series of principles for the international use of electronic signatures. In the last year, U.S. negotiators have been meeting with the European Commissioners to discuss electronic signatures in international commerce. In these negotiations, the U.S. Department of Commerce and the State Department have worked in support of an open system governing the use of authentication technologies. Some European nations oppose this concept, however. For example, Germany insists that electronic transactions involving a German company must utilize a German electronic signature application. I applaud the Administration for their steadfast opposition to that approach. This bill will bolster and strengthen the U.S. position in these international negotiations by establishing the following principles as the will of the Congress:

One, paper-based obstacles to electronic transactions must be eliminated.

Two, parties to an electronic transaction should choose the electronic authentication technology.

Third, parties to a transaction should have the opportunity to prove in court that their authentication approach and transactions are valid.

Fourth, the international approach to electronic signatures should take a non-discriminatory approach to electronic signature. This will allow the fees market—not a government—to determine the type of authentication technologies used in international commerce.

Mr. President, it is my hope that adoption of these principles will increase the likelihood of an open, market-based international framework for electronic commerce.

Finally, the bill directs the Department of Commerce and Office of Management and Budget to report on Federal laws and regulations that might pose barriers to e-commerce and report back to Congress on the impact of such provisions and provide suggestions for reform. Such a report will serve as the basis for Congressional action, or inaction, in the future.

Mr. President, Senator WYDEN, Senator MCCAIN, Senator BURNS, the Majority Leader and I worked very hard to address the multiple of issues and concerns raised by those most affected by this legislation, namely the high-tech industry, the states and the consumer. I also want to recognize the considerable time and effort dedicated to this legislation by Senator LEAHY, Senator HOLLINGS and Senator SARBANES. Senators LEAHY and SARBANES worked diligently with the sponsors of this bill to address protection issues. In particular, my colleagues were concerned about the effects of this legislation on the notification and disclosure requirements required by law. I understand very well the concerns my colleagues raised and I agree with many, but not all, of their conclusions.

I believe the use of electronic records in electronic transactions is crucial to real growth in electronic commerce. And if e-commerce is to truly expand the opportunities for individuals, businesses and consumers must have the freedom to agree to the types of documents and information they receive electronically. This right to choose to receive records electronically must be provided by Congress. The best way to do that is to pass laws which establish legal certainties for the sending, receipt and storage for the broad range of electronic records, and in particular, for records associated with loans and mortgages. Today, a vacuum exists with respect to these records. Aggressive businesses and small banks are filling this vacuum by providing loans and mortgages electronically even though there is question as to whether such transactions are protected under law. The increasing demand for such services demonstrates the popularity for electronic loans. By making applications easier and reducing associated consumer costs, these businesses are providing a service which is becoming increasingly popular with the American public. Rather than ignore this new market, or worse, condemn it, Congress should work with the industry and the proper regulatory agencies to ensure that these increased consumer opportunities are maintained and that relevant consumer protection provisions are modernized. I believe my proposal to permit individuals to opt-in to the receipt of records and to opt-out of receipt at any time represented reasonable middle ground on this issue, and am disappointed that my colleagues and I could not agree on a framework for records based on this model.

I intend to continue working toward a resolution which will permit individuals to have access to electronic records. It is simply in the long-term best interest of both consumers and the economy. And I am sure I will not labor on this effort alone. I am pleased to note that, among parties familiar with this debate, there is growing support for legislation to quickly address this important issue.

Mr. President, despite our philosophical differences, it was clear from the beginning that everyone involved was interested in working cooperatively to enact good legislation. And while I wish this bill could go further, I am nevertheless pleased with the product that we have passed today. So I want to thank Senator LEAHY and Senator SARBANES for their cooperation and hard work. I also want to recognize the efforts of the Ranking Member of the Commerce Committee, Senator HOLLINGS. Senator HOLLINGS made it clear very early that he had concerns surrounding the issue of preemption. His staff and mine worked quickly and effectively to find common ground on this legislation and his spirit of compromise allowed us to move forward on a bill that I do not doubt he would have written differently. I want to thank him for his contribution.

Finally, I wish to express my thanks to the Technology Division of the State of Massachusetts. Governor Paul Cellucci's staff provided indispensable counsel on existing State law governing the use of electronic signatures and the manner in which Federal law can bolster or hamstring State contract law. I value the Governor's input and will continue to work with him to address the extent to which the States are impacted by this legislation as it advances. Of course, the business and technology sectors have also been crucial in helping to craft this bill. Representatives from the Information Technology Association of America, Ford, the Coalition for Electronic Authentication, the Information Technology Industry Council, Apple, the American Electronics Association, NCR, America Online, the Electronic Industry Alliance, Microsoft, Hewlett-Packard, IBM and the National Association of Manufacturers have each lent their time and expertise to this effort. I appreciate their contributions and look forward to continuing this effort to ensure that we develop the best approach possible to promote use of electronic signatures in business transactions.

Mr. President, despite the great work that has taken place here in the Senate, there is more work to do on this legislation. The House is currently working on a companion bill and I look forward to working with the Chairman of the Commerce Committee and other Representatives to ensure that the legislation sent to the President for his signature is the best and most effective approach to expanding electronic commerce possible.

Mr. SARBANES. Mr. President, I rise today to discuss S. 761, the Third Millennium Digital Commerce Act. This is an important bill at a pivotal time in our nation's history. The rapid growth of the Internet, and its transformation from an academic research tool to a truly global communications network, is exerting its influence in more and more areas of our daily lives.

One are of enormous change is the way in which Americans buy, sell, and trade products and services. Just as the general store gave way to the shopping mall and mail order catalogues, these now "traditional" forms of retailing are being supplanted by electronic commerce over the Internet. Electronic retailers are providing consumers with a broad range of new choices in goods and services.

Electronic transactions are also becoming an integral part of business-to-business relationships. Ordering, billing, and a host of other activities are now being handled by electronic means, cutting both costs and transaction times. These techniques will make our overall economy more efficient, and the benefits should eventually be passed on to consumers.

The world of electronic commerce is not without its problems, however. One of the largest of these is the lack of coherent legal framework for the conduct of electronic transactions. The commercial world is governed by a patchwork of Federal, state, and local laws. Because electronic commerce is such a recent phenomenon, it can be difficult to apply existing commercial codes and statutes to these new kinds of transactions. Often the laws are simply silent on electronic issues, leading to uncertainty for businesses and consumers alike.

One such area is electronic signatures. Technology now exists that can replace written signatures on paper documents with computer code that performs the same functions. However, many states have not yet enacted laws to ensure that digital signature technologies, when used in a reasonable and appropriate manner, will be considered valid. According to business groups, this uncertainty has had a dampening effect on the growth of electronic commerce.

Many state legislatures are hard at work to devise a workable, consistent legal framework for electronic records and signatures. Until their efforts are complete, however, S. 761, the bill introduced by Senator ABRAHAM, will serve as a stop-gap measure. It will provide a measure of legal certainty, while protecting the rights of consumers under existing laws governing many types of transactions.

I am pleased to have worked closely with Senator ABRAHAM, Senator LEAHY, Senator WYDEN, members of the Commerce Committee, industry, and consumer groups to craft a bill that answers the legal need, yet provides for continued consumer protections. I would like briefly to describe some of these critical consumer protection aspects of the bill.

While electronic commerce can provide consumers with enormous benefits, a sad stream of news articles over the past few years show clearly that there are unscrupulous operators on the Internet. The passage of this Act is intended to serve as a means of protecting consumers from deceptive practices.

To provide businesses with greater legal certainty, the bill stipulates that contracts cannot be deemed unenforceable solely because they involved the use of an electronic signature. Under this bill, companies and consumers should only be able to agree to reasonable and appropriate electronic signature technologies that provide adequate security to both parties. However, as the definition of the electronic signature makes clear, the electronic signature is only valid under this Act if the person intended to sign the contract.

The basic rules of good faith and fair dealing apply to electronic commerce, and this Act should not be the basis upon which parties to a contract can be asked to agree to terms and conditions for using electronic signatures and electronic contracts which are unreasonable based on the circumstances surrounding the transaction. For example, when the parties have conducted a transaction entirely in person, the fine print of a form contract should not include an agreement that the contract can be provided electronically rather than on paper. In addition, companies must deliver to consumers electronic records of the contract in a form they can receive, retain, and use to prove the terms of an agreement. Such an electronic record would have to be provided in a "locked," or tamper proof, format.

Regarding new laws on electronic transactions, the states have been engaged for some time, through the National Conference of Commissioners on Uniform State Laws, in the formulation of a model Uniform Electronic Transactions Act (UETA). Versions of the UETA will be enacted by the individual states. The bill we are considering today includes a revised definition of UETA, changed from the bill reported by the Commerce Committee, that gives states more flexibility to pass versions of UETA that best meet the needs of their citizens. It is intended that California's recently passed version of UETA, for example, meet this test.

I would like once again to thank my colleagues, Senator ABRAHAM, Senator LEAHY, and Senator WYDEN for their hard work on this issue. I believe that we have reached an accommodation on this legislation that provides industry with the provisional legal certainty they seek, while ensuring that existing consumer laws are not diluted by the increasing use of electronic commerce. This is an important step toward making our commercial laws ready for the twenty-first century.

Mr. LIEBERMAN. Mr. President, I rise today to express my support for the Millennium Digital Commerce Act of 1999. I thank Senators ABRAHAM, LEAHY, and WYDEN for their leadership on this important issue. As a cosponsor of this legislation, I am proud of the steps it takes to support an important and still emerging technology and industry. The Millennium Digital Commerce Act will facilitate the continued growth of the Internet and of electronic commerce. With this legislation, the Senate recognizes the significant transformations taking place in our economy and how we do business today and into the future.

I think we all recognize that we are witnessing an electronic revolution. There is no shortage of statistics to prove what we are seeing all around us. According to a recent U.S. Department of Commerce report, approximately one third of the U.S. economic growth in the past few years has come from information technologies (over $1.1 trillion). Just this year, venture capitalists have invested more than $8 billion in Internet companies—twice the rate of last year.

According to a University of Texas report, e-commerce is growing at a much faster rate than many had expected. The digital economy generated more than $300 billion in revenue in 1998 and was responsible for 1.2 million jobs. Many e-commerce companies in my State of Connecticut, like Micro-Warehouse in Norwalk, Coastal Tool & Supply in West Hartford, and Sagemaker Inc. of Fairfield, are leading the way in the digital economy.

In the Senate, I have worked to support the growth of e-commerce by cosponsoring the Internet Tax Freedom Act which places a three year moratorium on new state and local taxes on the Internet in order to give the digital economy some breathing room to evolve.

This legislation takes further steps to continue the growth of e-commerce and is a powerful follow-on to the Internet Tax Freedom Act. With this legislation we will eliminate a major barrier to e-commerce by providing for the legal recognition of electronic signatures in contracting and by creating a consistent, but temporary, national electronic signatures law to preempt a multitude of sometimes inconsistent state laws. This bill is technology neutral, allowing contracting parties to determine the appropriate electronic signature technology for their transaction. Importantly, this legislation is the result of thoughtful compromise. It gives electronic signatures more legal certainty but also provides for consumer protection. It deals with electronic signatures only in creating contracts. It preempts state law only until the states enact their own statutes and standards as provided for by the Uniform Electronic Transactions Act (UETA).

Mr. President, I would like to thank those who have worked so diligently to create this Act. Through the considerate and collaborative approach of several of my colleagues, including Senators ABRAHAM, LEAHY, and WYDEN, we now have legislation with language that achieves a broad public purpose. We are now able to continue supporting the growth and evolution of electronic commerce and technologies that will effectively bring us into the next century.

Mr. WYDEN. Mr. President, for the past several years, Congress has been working in a bipartisan way to write the rules of the digital economy. We have made significant progress on Internet taxes, privacy, encryption and the Y2K problem. Now is the time to move forward on rules for electronic signatures.

The bill before us today, S. 761, is based on the premise that it's better to be online than waiting in line. A growing number of Americans who now have to wait in line for things like a driver's license or construction permit, could see their business expedited by a few clicks of their mouse.

We live in an increasingly mobile society, where young people get recruited for jobs clear across the country. They may need to move in a hurry but don't have the time, for example, to pack up a home in Virginia and look for another one in Portland, Oregon. With the Internet, they can shop for a house in another town. With this electronic signatures bill, they can pretty much conclude the whole transaction of purchasing the house online.

The legislation puts electronic and paper contracts and agreements on equal footing legally. Like the Internet Tax Freedom Act, the bill would establish technological neutrality between electronic and paper contracts and agreements. This means consumers will enjoy the same legal protections when purchasing a car or home online as when they walk into an auto dealership or real estate office and sign all the documents in person. We worked long and hard to make sure that the system established here benefits consumers who wish to receive information electronically without treating those without computers as second class citizens.

This legislation does not address the issue of electronic records because this matter deserves more thorough study and discussion. I intend to work with all interested parties on this—from consumer groups to financial services firms—over the course of the coming months to craft legislation that will extend the benefits of this measure to electronic records in a way that continues consumer protections.

Commercial transactions have traditionally been governed by State laws which are modeled on the Uniform Commercial Code. Forty-two states have some law in place relating to digital authentication. But differences between and among these laws can create confusion for e-entrepreneurs. The unstoppable growth of electronic commerce has led the States recently to develop a Uniform Electronic Transactions Act, or UETA (as part of the Uniform Commercial Code), to serve as a model for each State legislature in developing further its own electronic signatures law. However, only one State—California—has enacted a UETA. The purpose of this legislation is to provide interim Federal legal validity for electronic contracts and agreements until each state enacts its own UETA. This means e-commerce will not be hamstrung by the lack of legal standing.

I would like to take a minute to run through the highlights of S. 761:

Technological neutrality: It allows electronic signatures to replace written signatures. In interstate commerce a contract cannot be denied legal effect solely because of an electronic signature, electronic record or an electronic agent was used in its formation.

Choice of technology: It does not dictate the type of electronic signature technology to be used; it allows the parties to a transaction to choose their own authentication technology.

Consumer protections: It protects consumer rights under State laws; it does not preempt State consumer protection laws. It assures that consumers without a computer are not treated as second class citizens. If a consumer buys a car online, the consumer cannot be forced to use the computer to receive important recall or safety notices but retains the option to continue to get such notices through the mail.

No State preemption: Its provisions sunset when a State enacts UETA.

Excludes matters of family law: It specifically excludes agreements relating to marriage, adoption, premarital agreements, divorce, residential landlord-tenant matters because these are not commercial transactions.

Report on Federal statutory barriers to electronic transactions: It requires OMB to report to Congress 18 months after enactment identifying statutory barriers to electronic transactions and recommending legislation to remove such barriers.

In conclusion, M. President, I wish to acknowledge the leadership of Sen. ABRAHAM in moving this legislation forward. He and I have teamed up successfully on other legislation, and it was a pleasure to work with him and his tireless staff on this bill. I also want to recognize the contribution of Senator LEAHY, particularly with regard to the consumer protection provisions, as well as the effort of Senator HOLLINGS. It took a bipartisan team to get this bill through the Senate today, and I look forward to continuing to work with this team as we go to conference with the House on S. 761.

I ask unanimous consent that my statement be printed in the record following Senator ABRAHAM's statement on the passage of S. 761.

Mr. LIEBERMAN. Mr. President, I rise today to express my support for the Millennium Digital Commerce Act of 1999. I thank Senators ABRAHAM, LEAHY, and WYDEN for their leadership on this important issue. As a cosponsor of this legislation, I am proud of the steps it takes to support an important and still emerging technology and industry. The Millennium Digital Commerce Act will facilitate the continued growth of the Internet and of electronic commerce. With this legislation, the Senate recognizes the significant transformations taking place in our economy and how we do business today and into the future.

I think we all recognize that we are witnessing an electronic revolution. There is no shortage of statistics to prove what we are seeing all around us. According to a recent U.S. Department of Commerce report, approximately one third of the U.S. economic growth in the past few years has come from information technologies (over $1.1 trillion). Just this year, venture capitalists have invested more than $8 billion in Internet companies—twice the rate of last year.

According to a University of Texas report, e-commerce is growing at a much faster rate than many had expected. The digital economy generated more than $300 billion in revenue in 1998 and was responsible for 1.2 million jobs. Many e-commerce companies in my State of Connecticut, like Micro-Warehouse in Norwalk, Coastal Tool & Supply in West Hartford, and Sagemaker Inc. of Fairfield, are leading the way in the digital economy.

In the Senate, I have worked to support the growth of e-commerce by cosponsoring the Internet Tax Freedom Act which places a three year moratorium on new state and local taxes on the Internet in order to give the digital economy some breathing room to evolve.

This legislation takes further steps to continue the growth of e-commerce and is a powerful follow-on to the Internet Tax Freedom Act. With this legislation we will eliminate a major barrier to e-commerce by providing for the legal recognition of electronic signatures in contracting and by creating a consistent, but temporary, national electronic signatures law to preempt a multitude of sometimes inconsistent state laws. This bill is technology neutral, allowing contracting parties to determine the appropriate electronic signature technology for their transaction. Importantly, this legislation is the result of thoughtful compromise. It gives electronic signatures more legal certainty but also provides for consumer protection. It deals with electronic signatures only in creating contracts. It preempts state law only until the states enact their own statutes and standards as provided for by the Uniform Electronic Transactions Act (UETA).

Mr. President, I thank those who have worked so diligently to create this Act. Through the considerate and collaborative approach of several of my colleagues, including Senators ABRAHAM, LEAHY, and WYDEN, we now have legislation with language that achieves a broad public purpose. We are now able to continue supporting the growth and evolution of electronic commerce and technologies that will effectively bring us into the next century.

Ms. COLLINS. Mr. President, I ask unanimous consent the committee amendment in the nature of a substitute be agreed to as amended, the bill be read the third time and passed, the motion to reconsider laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 761), as amended, was read the third time and passed, as follows:

[The bill was not available for printing. It will appear in a future edition of the RECORD.]

UNANIMOUS-CONSENT AGREEMENT

Ms. COLLINS. Mr. President, I ask unanimous consent at 4 p.m. the Senate proceed to the Work Incentives conference report, and that there be 120 minutes equally divided in the usual form, with an additional 10 minutes under the control of Senator LOTT. I further ask consent that following the use or yielding back of time, the vote on the adoption of the conference report occur immediately following the vote on adoption of the conference report to accompany H.R. 3195.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. I further ask consent immediately following the vote on the adoption of the conference report, H. Con. Res. 236 be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHURCH PLAN PARITY AND ENTANGLEMENT PREVENTION ACT OF 1999

Ms. COLLINS. Mr. President, I ask unanimous consent the health committee be discharged from further consideration of S. 1309 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1309) to amend title I of the Employee Retirement Income Security Act of 1974 to provide for the preemption of State law in certain cases relating to certain church plans.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2788

(Purpose: To provide for a complete substitute)

Ms. COLLINS. Mr. President, there is a substitute amendment at the desk submitted by Senators SESSIONS and JEFFORDS. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS] for Mr. SESSIONS, for himself, and Mr. JEFFORDS, proposes an amendment numbered 2788.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. PURPOSE.

The purpose of this Act is only to clarify the application to a church plan that is a welfare plan of State insurance laws that require or solely relate to licensing, solvency, insolvency, or the status of such plan as a single employer plan.

SEC. 2. CLARIFICATION OF CHURCH WELFARE PLAN STATUS UNDER STATE INSURANCE LAW.

(a) IN GENERAL.—For purposes of determining the status of a church plan that is a welfare plan under provisions of a State insurance law described in subsection (b), such a church plan (and any trust under such plan) shall be deemed to be a plan sponsored by a single employer that reimburses costs from general church assets, or purchases insurance coverage with general church assets, or both.

(b) STATE INSURANCE LAW.—A State insurance law described in this subsection is a law that—

(1) requires a church plan, or an organization described in section 414(e)(3)(A) of the Internal Revenue Code of 1986 and section 3(33)(C)(i) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(33)(C)(i)) to the extent that it is administering or funding such a plan, to be licensed; or

(2) relates solely to the solvency or insolvency of a church plan (including participation in State guaranty funds and associations).

(c) DEFINITIONS.—For purposes of this section:

(1) CHURCH PLAN.—The term "church plan" has the meaning given such term by section 414(e) of the Internal Revenue Code of 1986 and section 3(33) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(33)).

(2) REIMBURSES COSTS FROM GENERAL CHURCH ASSETS.—The term "reimburses costs from general church assets" means engaging in an activity that is not the spreading of risk solely for the purposes of the provisions of State insurance laws described in subsection (b).

(3) WELFARE PLAN.—The term "welfare plan"—

(A) means any church plan to the extent that such plan provides medical, surgical, or hospital care or benefits, or benefits in the event of sickness, accident, disability, death or unemployment, or vacation benefits, apprenticeship or other training programs, or day care centers, scholarship funds, or prepaid legal services; and

(B) does not include any entity, such as a health insurance issuer described in section 9832(b)(2) of the Internal Revenue Code of 1986 or a health maintenance organization described in section 9832(b)(3) of such Code, or any other organization that does business with the church plan or organization sponsoring or maintaining such a plan.

(d) ENFORCEMENT AUTHORITY.—Notwithstanding any other provision of this section, for purposes of enforcing provisions of State insurance laws that apply to a church plan that is a welfare plan, the church plan shall be subject to State enforcement as if the church plan were an insurer licensed by the State.

(e) APPLICATION OF SECTION.—Except as provided in subsection (d), the application of this section is limited to determining the status of a church plan that is a welfare plan under the provisions of State insurance laws described in subsection (b). This section shall not otherwise be construed to recharacterize the status, or modify or affect the rights, of any plan participant or beneficiary, including participants or beneficiaries who make plan contributions.

Ms. COLLINS. I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2788) was agreed to.

Ms. COLLINS. Mr. President, I ask unanimous consent the bill be read the third time and passed, as amended, the motion to reconsider be laid upon the table and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1309), as amended, was read the third time and passed, as follows:

S. 1309

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE.

The purpose of this Act is only to clarify the application to a church plan that is a welfare plan of State insurance laws that require or solely relate to licensing, solvency, insolvency, or the status of such plan as a single employer plan.

SEC. 2. CLARIFICATION OF CHURCH WELFARE PLAN STATUS UNDER STATE INSURANCE LAW.

(a) IN GENERAL.—For purposes of determining the status of a church plan that is a welfare plan under provisions of a State insurance law described in subsection (b), such a church plan (and any trust under such plan) shall be deemed to be a plan sponsored by a single employer that reimburses costs from general church assets, or purchases insurance coverage with general church assets, or both.

(b) STATE INSURANCE LAW.—A State insurance law described in this subsection is a law that—

(1) requires a church plan, or an organization described in section 414(e)(3)(A) of the Internal Revenue Code of 1986 and section 3(33)(C)(i) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(33)(C)(i)) to the extent that it is administering or funding such a plan, to be licensed; or

(2) relates solely to the solvency or insolvency of a church plan (including participation in State guaranty funds and associations).

(c) DEFINITIONS.—For purposes of this section:

(1) CHURCH PLAN.—The term "church plan" has the meaning given such term by section 414(e) of the Internal Revenue Code of 1986 and section 3(33) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(33)).

(2) REIMBURSES COSTS FROM GENERAL CHURCH ASSETS.—The term "reimburses costs from general church assets" means engaging in an activity that is not the spreading of risk solely for the purposes of the provisions of State insurance laws described in subsection (b).

(3) WELFARE PLAN.—The term "welfare plan"—

(A) means any church plan to the extent that such plan provides medical, surgical, or hospital care or benefits, or benefits in the event of sickness, accident, disability, death or unemployment, or vacation benefits, apprenticeship or other training programs, or day care centers, scholarship funds, or prepaid legal services; and

(B) does not include any entity, such as a health insurance issuer described in section 9832(b)(2) of the Internal Revenue Code of 1986 or a health maintenance organization described in section 9832(b)(3) of such Code, or any other organization that does business with the church plan or organization sponsoring or maintaining such a plan.

(d) ENFORCEMENT AUTHORITY.—Notwithstanding any other provision of this section, for purposes of enforcing provisions of State insurance laws that apply to a church plan that is a welfare plan, the church plan shall be subject to State enforcement as if the church plan were an insurer licensed by the State.

(e) APPLICATION OF SECTION.—Except as provided in subsection (d), the application of this section is limited to determining the status of a church plan that is a welfare plan under the provisions of State insurance laws described in subsection (b). This section shall not otherwise be construed to recharacterize the status, or modify or affect the rights, of any plan participant or beneficiary, including participants or beneficiaries who make plan contributions.

Mr. LEAHY. Mr. President, the Senate is today passing an important bill, S. 1257, the Hatch-Leahy-Schumer "Digital Theft Deterrence and Copyright Damages Improvement Act of 1999." This legislation should help our copyright industries, which in turn helps both those who are employed in those industries and those who enjoy the wealth of consumer products, including books, magazines, movies, and computer software, that makes the vibrant culture of this country the envy of the world. This legislation has already traveled an unnecessarily bumpy road to get to this stage, and it is my hope that it will be sent promptly to the President's desk.

On July 1, 1999, the Senate passed four intellectual property bills which Senator HATCH and I had joined in introducing and which the Judiciary Committee had unanimously reported. Each of these bills (S. 1257, which we consider today; S. 1258, the Patent Fee Integrity and Innovation Protection Act; S. 1259, the Trademark Amendments Act; and S. 1260, the Copyright Act Technical Corrections Act) make important improvements to our intellectual property laws, and I congratulate Senator HATCH for his leadership in moving these bills promptly through the Committee.

Three of those four bills then passed the House without amendment and were signed by the President on August 5, 1999. The House sent back to the Senate S. 1257, the Digital Theft Deterrence and Copyright Damages Improvement Act, with two modifications which I will describe below.

I have long been concerned about reducing the levels of software piracy in this country and around the world. The theft of digital copyrighted works and, in particular, of software, results in lost jobs to American workers, lost taxes to Federal and State governments, and lost revenue to American companies. A recent report released by the Business Software Alliance estimates that worldwide theft of copyrighted software in 1998 amounted to nearly $11 billion. According to the report, if this "pirated software has instead been legally purchased, the industry would have been able to employ 32,700 more people. In 2008, if software piracy remains at its current rate, 52,700 jobs will be lost in the core software industry." This theft also reflects losses of $991 million in tax revenue in the United States.

These statistics about the harm done to our economy by the theft of copyrighted software alone, prompted me to introduce the "Criminal Copyright Improvement Act" in both the 104th and

105th Congresses, and to work for passage of this legislation, which was finally enacted as the "No Electronic Theft Act of 1997," Pub. L. 105-147. The current rates of software piracy show that we need to do better to combat this theft, both with enforcement of our current copyright laws and with strengthened copyright laws to deter potential infringes.

The Hatch-Leahy-Schumer "Digital Theft Deterrence and Copyright Damages Improvement Act" would help provide additional deterrence by amending the Copyright Act, 17 U.S.C. §504(c), to increase the amounts of statutory damages recoverable for copyright infringements. These amounts were last increased in 1988 when the United States acceded to the Berne Convention. Specifically, the bill would increase the cap on statutory damages by 50 percent, raising the minimum from $500 to $750 and raising the maximum from $20,000 to $30,000. In addition, the bill would raise from $100,000 to $150,000 the amount of statutory damages for willful infringements.

Courts determining the amount of statutory damages in any given case would have discretion to impose damages within these statutory ranges at just and appropriate levels, depending on the harm caused, ill-gotten profits obtained and the gravity of the offense. The bill preserves provisions of the current law allowing the court to reduce the award of statutory damages to as little as $200 in cases of innocent infringement and requiring the court to remit damages in certain cases involving nonprofit educational institutions, libraries, archives, or public broadcasting entities.

Finally, the bill provides authority for the Sentencing Commission expeditiously to fulfill its responsibilities under the No Electronic Theft Act, which directed the Commission to ensure that the guidelines provide for consideration of the retail value and quantity of the items with respect to which the intellectual property offense was committed. Since the time that this law became effective, the Sentencing Commission has not had a full slate of Commissioners serving. In fact, we have had no Commissioners since October, 1998. This situation was corrected last week with the confirmation of seven new Commissioners.

As I noted, the House amended the version of S. 1257 that the Senate passed in July in two ways. First, the original House version of this legislation, H.R. 1761, contained a new proposed enhanced penalty for infringers who engage in a repeated pattern of infringement, but without any scienter requirement. I shared the concerns raised by the Copyright Office that this provision, absent a willfulness scienter requirement, would permit imposition of the enhanced penalty even against person who negligently, albeit repeatedly, engaged in acts of infringement. Consequently, the Hatch-Leahy-Schumer bill, S. 1257, that we sent to the House in July avoided casting such a wide net, which could chill legitimate fair uses of copyrighted works. Instead, the bill we sent to the House would have created a new tier of statutory damages allowing a court to award damages in the amount of $250,000 per infringed work where the infringement is part of a willful and repeated pattern or practice of infringement. The entire "pattern and practice" provision, which originated in the House, has been removed from the version of S. 1257 sent back to the Senate.

Second, the original House version of this legislation provided a direction to the Sentencing Commission to amend the guidelines to provide an enhancement based upon the retail price of the legitimate items that are infringed and the quantity of the infringing items. I was concerned that this direction would require the Commission and, ultimately, sentencing judges to treat similarly a wide variety of infringement crimes, no matter the type and magnitude of harm. This was a problem we avoided in the carefully crafted Sentencing Commission directive originally passed as part of the No Electronic Theft Act. Consequently, the version of S. 1257 passed by the Senate in July did not include the directive to the Sentencing Commission. The House then returned S. 1257 with the same problematic directive to the Sentencing Commission.

I appreciate that my House colleagues and interested stakeholders have worked over the past months to address my concerns over the breadth of the proposed directive to the Sentencing Commission, and to find a better definition of the categories of cases in which it would be appropriate to compute the applicable sentencing guideline based upon the retail value of the infringed upon item. A better solution than the one contained in the No Electronic Theft Act remains elusive, however.

For example, one recent proposal seeks to add to S. 1257 a direction to the Sentencing Commission to enhance the guideline offense level for copyright and trademark infringements based upon the retail price of the legitimate products multiplied by the quantity of the infringing products, except where "the infringing products are substantially inferior to the infringed upon products and there is substantial price disparity between the legitimate products and the infringing products." This proposed direction appears to be under-inclusive since it would not allow a guideline enhancement in cases where fake goods are passed off as the real item to unsuspecting consumers, even though this is clearly a situation in which the Commission may decide to provide an enhancement.

In view of the fact that the full Sentencing Commission has not had an opportunity for the past two years to consider and implement the original direction in the No Electronic Theft Act, passing a new and flawed directive appears to be both unnecessary and unwise. This is particularly the case since the new Commissioners have already indicated a willingness to consider this issue promptly. In response to questions posed at their confirmation hearings, each of the nominated Sentencing Commissioners indicated that they would make this issue a priority. For example, Judge William Sessions of the District of Vermont specifically noted that:

> If confirmed, our first task must be to address Congress' longstanding directives, including implementation of the guidelines pursuant to the NET Act. Congress directed the Sentencing Commission to fashion guidelines under the NET Act that are sufficiently severe to deter such criminal activity. I personally favor addressing penalties under this statute expeditiously.

I fully concur in the judgment of Chairman HATCH that the Sentencing Commission directive provision added by the House and to send, again, S. 1257 to the House for action.

This bill represents an improvement in current copyright law, and I hope that it will soon be sent to the President for enactment.

TO AMEND THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT

Ms. COLLINS. Mr. President, I ask unanimous consent the Agriculture Committee be discharged from further consideration of S. 961, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (S. 961) to amend the Consolidated Farm and Rural Development Act to improve shared appreciation arrangements.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2789

(Purpose: To provide a substitute amendment)

Ms. COLLINS. Mr. President, there is a substitute amendment at the desk submitted by Senator BURNS, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Maine [Ms. COLLINS] for Mr. BURNS, proposes an amendment numbered 2789.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHARED APPRECIATION ARRANGEMENTS.

(a) IN GENERAL.—Section 353(e) of the Consolidated Farm and Rural Development Act

(7 U.S.C. 2001(e)) is amended by striking paragraph (2) and inserting the following:

"(2) TERMS.—A shared appreciation agreement entered into by a borrower under this subsection shall—

"(A) have a term not to exceed 10 years;

"(B) provide for recapture based on the difference between—

"(i) the appraised value of the real security property at the time of restructuring; and

"(ii) that value at the time of recapture, except that that value shall not include the value of any capital improvements made to the real security property by the borrower after the time of restructuring; and

"(C) allow the borrower to obtain a loan, in addition to any other outstanding loans under this title, to pay any amounts due on a shared appreciation agreement, at a rate of interest that is not greater than the rate of interest on outstanding marketable obligations of the United States of a maturity comparable to that of the loan.".

(b) APPLICATION.—The amendment made by subsection (a) shall apply to a shared appreciation arrangement entered into under section 353(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001(e)) that matures on or after the date of enactment of this Act.

Ms. COLLINS. Mr. President, I ask unanimous consent the amendment be agreed to, the bill be read the third time and passed as amended, the motion to reconsider be laid upon the table, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2789) was agreed to.

The bill (S. 961), as amended, was read the third time and passed, as follows:

[The bill was not available for printing. It will appear in a future edition of the RECORD.]

COPYRIGHT DAMAGES IMPROVEMENT ACT OF 1999

Ms. COLLINS. I ask unanimous consent the Chair lay before the Senate a message from the House to accompany S. 1257.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1257) entitled "An Act to amend statutory damages provisions of title 17, United States Code", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Copyright Damages Improvement Act of 1999".

SEC. 2. STATUTORY DAMAGES ENHANCEMENT.

Section 504(c) of title 17, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "$500" and inserting "$750"; and

(B) by striking "$20,000" and inserting "$30,000"; and

(2) in paragraph (2), by striking "$100,000" and inserting "$150,000".

SEC. 3. SENTENCING COMMISSION GUIDELINES.

Section 2(g) of the No Electronic Theft (NET) Act (28 U.S.C. 994 note) is amended by striking paragraph (2) and inserting the following:

"(2) In implementing paragraph (1), the Sentencing Commission shall amend the guideline applicable to criminal infringement of a copyright or trademark to provide an enhancement based upon the retail price of the legitimate items that are infringed upon and the quantity of the infringing items. To the extent the conduct involves a violation of section 2319A of title 18, United States Code, the enhancement shall be based upon the retail price of the infringing items and the quantity of the infringing items.

"(3) Paragraph (1) shall be implemented not later than 3 months after the later of—

"(A) the first day occurring after May 20, 1999; or

"(B) the first day after the date of the enactment of this paragraph,

on which sufficient members of the Sentencing Commission have been confirmed to constitute a quorum.

"(4) The Commission shall promulgate the guidelines or amendments provided for under this section in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.".

SEC. 4. EFFECTIVE DATE.

The amendments made by section 2 shall apply to any action brought on or after the date of the enactment of this Act, regardless of the date on which the alleged activity that is the basis of the action occurred.

AMENDMENT NO. 2790

(Purpose: To provide for the promulgation of emergency guidelines by the United States Sentencing Commission relating to criminal infringement of a copyright or trademark, and for other purposes)

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate concur in the House amendment with a further amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS] for Mr. HATCH, for himself, and Mr. LEAHY, proposes an amendment numbered 2790.

The amendment is as follows:

On page 1, line 2, insert "Digital Theft Deterrence and" before "Copyright".

On page 2, strike lines 2 through 26 and insert the following:

Within 120 days after the date of the enactment of this Act, or within 120 days after the first date on which there is a sufficient number of voting members of the Sentencing Commission to constitute a quorum, whichever is later, the Commission shall promulgate emergency guideline amendments to implement section 2(g) of the No Electronic Theft (NET) Act (28 U.S.C. 994 note) in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDING THE INSPECTOR GENERAL ACT

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 408, S. 1707.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1707) to amend the Inspector General Act of 1978 (5 U.S.C. app.,) to provide that certain designated Federal entities shall be establishments under such Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. THE TENNESSEE VALLEY AUTHORITY AS AN ESTABLISHMENT UNDER THE INSPECTOR GENERAL ACT OF 1978.

(a) FINDINGS.—Congress finds that—

(1) Inspectors General serve an important function in preventing and eliminating fraud, waste, and abuse in the Federal Government; and

(2) independence is vital for an Inspector General to function effectively.

(b) ESTABLISHMENT OF INSPECTOR GENERAL.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 8G(a)(2) by striking "the Tennessee Valley Authority,"; and

(2) in section 11—

(A) in paragraph (1) by striking "or the Commissioner of Social Security, Social Security Administration;" and inserting "the Commissioner of Social Security, Social Security Administration; or the Board of Directors of the Tennessee Valley Authority;"; and

(B) in paragraph (2) by striking "or the Social Security Administration;" and inserting "the Social Security Administration, or the Tennessee Valley Authority;".

(c) EXECUTIVE SCHEDULE POSITION.—Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Inspector General of the Small Business Administration the following:

"Inspector General, Tennessee Valley Authority.".

(d) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

(2) INSPECTOR GENERAL.—The person serving as Inspector General of the Tennessee Valley Authority on the effective date of this section—

(A) may continue such service until the President makes an appointment under section 3(a) of the Inspector General Act of 1978 (5 U.S.C. App.) consistent with the amendments made by this section; and

(B) shall be subject to section 8G (c) and (d) of the Inspector General Act of 1978 (5 U.S.C. App.) as applicable to the Board of Directors of the Tennessee Valley Authority, unless that person is appointed by the President, by and with the advice and consent of the Senate, to be Inspector General of the Tennessee Valley Authority.

SEC. 2. ESTABLISHMENT OF INSPECTORS GENERAL CRIMINAL INVESTIGATOR ACADEMY AND INSPECTORS GENERAL FORENSIC LABORATORY.

(a) INSPECTORS GENERAL CRIMINAL INVESTIGATOR ACADEMY.—

(1) ESTABLISHMENT.—There is established the Criminal Investigator Academy within the Department of the Treasury. The Criminal Investigator Academy is established for the purpose of performing investigator training services for offices of inspectors general created under the Inspector General Act of 1978 (5 U.S.C. App.).

(2) EXECUTIVE DIRECTOR.—The Criminal Investigator Academy shall be administered by an Executive Director who shall report to an inspector general for an establishment as defined

in section 11 of the Inspector General Act of 1978 (5 U.S.C. App.)—

(A) designated by the President's Council on Integrity and Efficiency; or

(B) if that council is eliminated, by a majority vote of the inspector generals created under the Inspector General Act of 1978 (5 U.S.C. App.).

(b) INSPECTORS GENERAL FORENSIC LABORATORY.—

(1) ESTABLISHMENT.—There is established the Inspectors General Forensic Laboratory within the Department of the Treasury. The Inspector General Forensic Laboratory is established for the purpose of performing forensic services for offices of inspectors general created under the Inspector General Act of 1978 (5 U.S.C. App.).

(2) EXECUTIVE DIRECTOR.—The Inspectors General Forensic Laboratory shall be administered by an Executive Director who shall report to an inspector general for an establishment as defined in section 11 of the Inspector General Act of 1978 (5 U.S.C. App.)—

(A) designated by the President's Council on Integrity and Efficiency; or

(B) if that council is eliminated, by a majority vote of the inspector generals created under the Inspector General Act of 1978 (5 U.S.C. App.).

(c) SEPARATE APPROPRIATIONS ACCOUNT.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following:

"(33) a separate appropriation account for appropriations for the Inspectors General Criminal Investigator Academy and the Inspectors General Forensic Laboratory of the Department of the Treasury.".

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry out this section such sums as may be necessary for fiscal year 2001 and each fiscal year thereafter.

Ms. COLLINS. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1707), as amended, was read the third time and passed, as follows:

S. 1707

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. THE TENNESSEE VALLEY AUTHORITY AS AN ESTABLISHMENT UNDER THE INSPECTOR GENERAL ACT OF 1978.

(a) FINDINGS.—Congress finds that—

(1) Inspectors General serve an important function in preventing and eliminating fraud, waste, and abuse in the Federal Government; and

(2) independence is vital for an Inspector General to function effectively.

(b) ESTABLISHMENT OF INSPECTOR GENERAL.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 8G(a)(2) by striking "the Tennessee Valley Authority,"; and

(2) in section 11—

(A) in paragraph (1) by striking "or the Commissioner of Social Security, Social Security Administration;" and inserting "the Commissioner of Social Security, Social Security Administration; or the Board of Directors of the Tennessee Valley Authority;"; and

(B) in paragraph (2) by striking "or the Social Security Administration;" and inserting "the Social Security Administration, or the Tennessee Valley Authority;".

(c) EXECUTIVE SCHEDULE POSITION.—Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Inspector General of the Small Business Administration the following:

"Inspector General, Tennessee Valley Authority.".

(d) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

(2) INSPECTOR GENERAL.—The person serving as Inspector General of the Tennessee Valley Authority on the effective date of this section—

(A) may continue such service until the President makes an appointment under section 3(a) of the Inspector General Act of 1978 (5 U.S.C. App.) consistent with the amendments made by this section; and

(B) shall be subject to section 8G (c) and (d) of the Inspector General Act of 1978 (5 U.S.C. App.) as applicable to the Board of Directors of the Tennessee Valley Authority, unless that person is appointed by the President, by and with the advice and consent of the Senate, to be Inspector General of the Tennessee Valley Authority.

SEC. 2. ESTABLISHMENT OF INSPECTORS GENERAL CRIMINAL INVESTIGATOR ACADEMY AND INSPECTORS GENERAL FORENSIC LABORATORY.

(a) INSPECTORS GENERAL CRIMINAL INVESTIGATOR ACADEMY.—

(1) ESTABLISHMENT.—There is established the Criminal Investigator Academy within the Department of the Treasury. The Criminal Investigator Academy is established for the purpose of performing investigator training services for offices of inspectors general created under the Inspector General Act of 1978 (5 U.S.C. App.).

(2) EXECUTIVE DIRECTOR.—The Criminal Investigator Academy shall be administered by an Executive Director who shall report to an inspector general for an establishment as defined in section 11 of the Inspector General Act of 1978 (5 U.S.C. App.)—

(A) designated by the President's Council on Integrity and Efficiency; or

(B) if that council is eliminated, by a majority vote of the inspector generals created under the Inspector General Act of 1978 (5 U.S.C. App.).

(b) INSPECTORS GENERAL FORENSIC LABORATORY.—

(1) ESTABLISHMENT.—There is established the Inspectors General Forensic Laboratory within the Department of the Treasury. The Inspector General Forensic Laboratory is established for the purpose of performing forensic services for offices of inspectors general created under the Inspector General Act of 1978 (5 U.S.C. App.).

(2) EXECUTIVE DIRECTOR.—The Inspectors General Forensic Laboratory shall be administered by an Executive Director who shall report to an inspector general for an establishment as defined in section 11 of the Inspector General Act of 1978 (5 U.S.C. App.)—

(A) designated by the President's Council on Integrity and Efficiency; or

(B) if that council is eliminated, by a majority vote of the inspector generals created under the Inspector General Act of 1978 (5 U.S.C. App.).

(c) SEPARATE APPROPRIATIONS ACCOUNT.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following:

"(33) a separate appropriation account for appropriations for the Inspectors General Criminal Investigator Academy and the Inspectors General Forensic Laboratory of the Department of the Treasury.".

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry out this section such sums as may be necessary for fiscal year 2001 and each fiscal year thereafter.

CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION ACT

Ms. COLLINS. I ask unanimous consent the Senate now proceed to the immediate consideration of Calendar No. 407, S. 964.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 964) to provide for equitable compensation for the Cheyenne River Sioux Tribe, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

TITLE I—CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Cheyenne River Sioux Tribe Equitable Compensation Act".

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) by enacting the Act of December 22, 1944, (58 Stat. 887, chapter 665; 33 U.S.C. 701-1 et seq.), commonly known as the "Flood Control Act of 1944", Congress approved the Pick-Sloan Missouri River Basin program (referred to in this section as the "Pick-Sloan program")—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(2) the Oahe Dam and Reservoir project—

(A) is a major component of the Pick-Sloan program, and contributes to the economy of the United States by generating a substantial amount of hydropower and impounding a substantial quantity of water;

(B) overlies the eastern boundary of the Cheyenne River Sioux Indian Reservation; and

(C) has not only contributed little to the economy of the Tribe, but has severely damaged the economy of the Tribe and members of the Tribe by inundating the fertile, wooded bottom lands of the Tribe along the Missouri River that constituted the most productive agricultural and pastoral lands of the Tribe and the homeland of the members of the Tribe;

(3) the Secretary of the Interior appointed a Joint Tribal Advisory Committee that examined the Oahe Dam and Reservoir project and concluded that—

(A) the Federal Government did not justify, or fairly compensate the Tribe for, the Oahe Dam and Reservoir project when the Federal Government acquired 104,492 acres of land of the Tribe for that project; and

(B) the Tribe should be adequately compensated for the land acquisition described in subparagraph (A);

(4) after applying the same method of analysis as is used for the compensation of similarly situated Indian tribes, the Comptroller General of the United States (referred to in this title as the "Comptroller General") determined that the appropriate amount of compensation to pay the Tribe for the land acquisition described in paragraph (3)(A) would be $290,723,000;

(5) the Tribe is entitled to receive additional financial compensation for the land acquisition described in paragraph (3)(A) in a manner consistent with the determination of the Comptroller General described in paragraph (4); and

(6) the establishment of a trust fund to make amounts available to the Tribe under this title is consistent with the principles of self-governance and self-determination.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To provide for additional financial compensation to the Tribe for the acquisition by the Federal Government of 104,492 acres of land of the Tribe for the Oahe Dam and Reservoir project in a manner consistent with the determinations of the Comptroller General described in subsection (a)(4).

(2) To provide for the establishment of the Cheyenne River Sioux Tribal Recovery Trust Fund, to be managed by the Secretary of the Treasury in order to make payments to the Tribe to carry out projects under a plan prepared by the Tribe.

SEC. 103. DEFINITIONS.

In this title:

(1) TRIBE.—The term "Tribe" means the Cheyenne River Sioux Tribe, which is comprised of the Itazipco, Siha Sapa, Minniconjou, and Oohenumpa bands of the Great Sioux Nation that reside on the Cheyenne River Reservation, located in central South Dakota.

(2) TRIBAL COUNCIL.—The term "Tribal Council" means the governing body of the Tribe.

SEC. 104. CHEYENNE RIVER SIOUX TRIBAL RECOVERY TRUST FUND.

(a) CHEYENNE RIVER SIOUX TRIBAL RECOVERY TRUST FUND.—There is established in the Treasury of the United States a fund to be known as the "Cheyenne River Sioux Tribal Recovery Trust Fund" (referred to in this title as the "Fund"). The Fund shall consist of any amounts deposited into the Fund under this title.

(b) FUNDING.—On the first day of the 11th fiscal year that begins after the date of enactment of this Act, the Secretary of the Treasury shall, from the General Fund of the Treasury, deposit into the Fund established under subsection (a)—

(1) $290,722,958; and

(2) an additional amount that equals the amount of interest that would have accrued on the amount described in paragraph (1) if such amount had been invested in interest-bearing obligations of the United States, or in obligations guaranteed as to both principal and interest by the United States, on the first day of the first fiscal year that begins after the date of enactment of this Act and compounded annually thereafter.

(c) INVESTMENT OF TRUST FUND.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Fund as is not, in the Secretary of Treasury's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.

(d) PAYMENT OF INTEREST TO TRIBE.—

(1) WITHDRAWAL OF INTEREST.—Beginning on the first day of the 11th fiscal year after the date of enactment of this Act and, on the first day of each fiscal year thereafter, the Secretary of the Treasury shall withdraw the aggregate amount of interest deposited into the Fund for that fiscal year and transfer that amount to the Secretary of the Interior for use in accordance with paragraph (2). Each amount so transferred shall be available without fiscal year limitation.

(2) PAYMENTS TO TRIBE.—

(A) IN GENERAL.—The Secretary of the Interior shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Tribe, as such payments are requested by the Tribe pursuant to tribal resolution.

(B) LIMITATION.—Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Tribe has adopted a plan under subsection (f).

(C) USE OF PAYMENTS BY TRIBE.—The Tribe shall use the payments made under subparagraph (B) only for carrying out projects and programs under the plan prepared under subsection (f).

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsections (c) and (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

(f) PLAN.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the governing body of the Tribe shall prepare a plan for the use of the payments to the Tribe under subsection (d) (referred to in this subsection as the "plan").

(2) CONTENTS OF PLAN.—The plan shall provide for the manner in which the Tribe shall expend payments to the Tribe under subsection (d) to promote—

(A) economic development;

(B) infrastructure development;

(C) the educational, health, recreational, and social welfare objectives of the Tribe and its members; or

(D) any combination of the activities described in subparagraphs (A) through (C).

(3) PLAN REVIEW AND REVISION.—

(A) IN GENERAL.—The Tribal Council shall make available for review and comment by the members of the Tribe a copy of the plan before the plan becomes final, in accordance with procedures established by the Tribal Council.

(B) UPDATING OF PLAN.—The Tribal Council may, on an annual basis, revise the plan to update the plan. In revising the plan under this subparagraph, the Tribal Council shall provide the members of the Tribe opportunity to review and comment on any proposed revision to the plan.

(C) CONSULTATION.—In preparing the plan and any revisions to update the plan, the Tribal Council shall consult with the Secretary of the Interior and the Secretary of Health and Human Services.

(4) AUDIT.—

(A) IN GENERAL.—The activities of the Tribe in carrying out the plan shall be audited as part of the annual single-agency audit that the Tribe is required to prepare pursuant to the Office of Management and Budget circular numbered A-133.

(B) DETERMINATION BY AUDITORS.—The auditors that conduct the audit described in subparagraph (A) shall—

(i) determine whether funds received by the Tribe under this section for the period covered by the audit were expended to carry out the plan in a manner consistent with this section; and

(ii) include in the written findings of the audit the determination made under clause (i).

(C) INCLUSION OF FINDINGS WITH PUBLICATION OF PROCEEDINGS OF TRIBAL COUNCIL.—A copy of the written findings of the audit described in subparagraph (A) shall be inserted in the published minutes of the Tribal Council proceedings for the session at which the audit is presented to the Tribal Council.

(g) PROHIBITION ON PER CAPITA PAYMENTS.—No portion of any payment made under this title may be distributed to any member of the Tribe on a per capita basis.

SEC. 105. ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS AND SERVICES.

No payment made to the Tribe under this title shall result in the reduction or denial of any service or program with respect to which, under Federal law—

(1) the Tribe is otherwise entitled because of the status of the Tribe as a federally recognized Indian tribe; or

(2) any individual who is a member of the Tribe is entitled because of the status of the individual as a member of the Tribe.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as may be necessary to cover the administrative expenses of the Fund.

SEC. 107. EXTINGUISHMENT OF CLAIMS.

Upon the deposit of funds (together with interest) into the Fund under section 104(b), all monetary claims that the Tribe has or may have against the United States for the taking, by the United States, of the land and property of the Tribe for the Oahe Dam and Reservoir Project of the Pick-Sloan Missouri River Basin program shall be extinguished.

TITLE II—BOSQUE REDONDO MEMORIAL

SEC. 201. SHORT TITLE.

This title may be cited as the "Bosque Redondo Memorial Act".

SEC. 202. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in 1863, the United States detained nearly 9,000 Navajo and forced their migration across nearly 350 miles of land to Bosque Redondo, a journey known as the "Long Walk";

(2) Mescalero Apache people were also incarcerated at Bosque Redondo;

(3) the Navajo and Mescalero Apache people labored to plant crops, dig irrigation ditches and build housing, but drought, cutworms, hail, and alkaline Pecos River water created severe living conditions for nearly 9,000 captives;

(4) suffering and hardships endured by the Navajo and Mescalero Apache people forged a new understanding of their strengths as Americans;

(5) the Treaty of 1868 was signed by the United States and the Navajo tribes, recognizing the Navajo Nation as it exists today;

(6) the State of New Mexico has appropriated a total of $123,000 for a planning study and for the design of the Bosque Redondo Memorial;

(7) individuals and businesses in DeBaca County donated $6,000 toward the production of a brochure relating to the Bosque Redondo Memorial;

(8) the Village of Fort Sumner donated 70 acres of land to the State of New Mexico contiguous to the existing 50 acres comprising Fort Sumner State Monument, contingent on the funding of the Bosque Redondo Memorial;

(9) full architectural plans and the exhibit design for the Bosque Redondo Memorial have been completed;

(10) the Bosque Redondo Memorial project has the encouragement of the President of the Navajo Nation and the President of the Mescalero Apache Tribe, who have each appointed tribal members to serve as project advisors;

(11) the Navajo Nation, the Mescalero Tribe and the National Park Service are collaborating to develop a symposium on the Bosque Redondo Long Walk and a curriculum for inclusion in the New Mexico school curricula;

(12) an interpretive center would provide important educational and enrichment opportunities for all Americans; and

(13) Federal financial assistance is needed for the construction of a Bosque Redondo Memorial.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To commemorate the people who were interned at Bosque Redondo.

(2) To pay tribute to the native populations' ability to rebound from suffering, and establish the strong, living communities that have long

been a major influence in the State of New Mexico and in the United States.

(3) To provide Americans of all ages a place to learn about the Bosque Redondo experience and how it resulted in the establishment of strong American Indian Nations from once divergent bands.

(4) To support the construction of the Bosque Redondo Memorial commemorating the detention of the Navajo and Mescalero Apache people at Bosque Redondo from 1863 to 1868.

SEC. 203. DEFINITIONS.

In this title:

(1) MEMORIAL.—The term "Memorial" means the building and grounds known as the Bosque Redondo Memorial.

(2) SECRETARY.—The term "Secretary" means the Secretary of Defense.

SEC. 204. BOSQUE REDONDO MEMORIAL

(a) ESTABLISHMENT.— Upon the request of the State of New Mexico, the Secretary is authorized to establish a Bosque Redondo Memorial within the boundaries of Fort Sumner State Monument in New Mexico. No memorial shall be established without the consent of the Navajo Nation and the Mescalero Tribe.

(b) COMPONENTS OF THE MEMORIAL.—The memorial shall include—

(1) exhibit space, a lobby area that represents design elements from traditional Mescalero and Navajo dwellings, administrative areas that include a resource room, library, workrooms and offices, restrooms, parking areas, sidewalks, utilities, and other visitor facilities;

(2) a venue for public education programs; and

(3) a location to commemorate the Long Walk of the Navajo people and the healing that has taken place since that event

SEC. 205. CONSTRUCTION OF MEMORIAL.

(a) GRANT.—

(1) IN GENERAL.—The Secretary may award a grant to the State of New Mexico to provide up to 50 percent of the total cost of construction of the Memorial.

(2) NON-FEDERAL SHARE.—The non-Federal share of construction costs for the Memorial shall include funds previously expended by the State for the planning and design of the Memorial, and funds previously expended by non-Federal entities for the production of a brochure relating to the Memorial.

(b) REQUIREMENTS.—To be eligible to receive a grant under this section, the State shall—

(1) submit to the Secretary a proposal that—

(A) provides assurances that the Memorial will comply with all applicable laws, including building codes and regulations; and

(B) includes such other information and assurances as the Secretary may require; and

(2) enter into a Memorandum of Understanding with the Secretary that shall include—

(A) a timetable for the completion of construction and the opening of the Memorial;

(B) assurances that construction contracts will be competitively awarded;

(C) assurances that the State or Village of Fort Sumner will make sufficient land available for the Memorial;

(D) the specifications of the Memorial which shall comply with all applicable Federal, State, and local building codes and laws;

(E) arrangements for the operation and maintenance of the Memorial upon completion of construction;

(F) a description of Memorial collections and educational programming;

(G) a plan for the design of exhibits including the collections to be exhibited, security, preservation, protection, environmental controls, and presentations in accordance with professional standards;

(H) an agreement with the Navajo Nation and the Mescalero Tribe relative to the design and location of the Memorial; and

(I) a financing plan developed by the State that outlines the long-term management of the Memorial, including—

(i) the acceptance and use of funds derived from public and private sources to minimize the use of appropriated or borrowed funds;

(ii) the payment of the operating costs of the Memorial through the assessment of fees or other income generated by the Memorial;

(iii) a strategy for achieving financial self-sufficiency with respect to the Memorial by not later than 5 years after the date of enactment of this Act; and

(iv) a description of the business activities that would be permitted at the Memorial and appropriate vendor standards that would apply.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

(1) $1,000,000 for fiscal year 2000; and

(2) $500,000 for each of fiscal years 2001 and 2002.

(b) CARRYOVER.—Any funds made available under this section that are unexpended at the end of the fiscal year for which those funds are appropriated, shall remain available for use by the Secretary through September 30, 2002 for the purposes for which those funds were made available.

Ms. COLLINS. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 964), as amended, was read the third time and passed, as follows:

S. 964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Cheyenne River Sioux Tribe Equitable Compensation Act".

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) by enacting the Act of December 22, 1944, (58 Stat. 887, chapter 665; 33 U.S.C. 701-1 et seq.), commonly known as the "Flood Control Act of 1944", Congress approved the Pick-Sloan Missouri River Basin program (referred to in this section as the "Pick-Sloan program")—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(2) the Oahe Dam and Reservoir project—

(A) is a major component of the Pick-Sloan program, and contributes to the economy of the United States by generating a substantial amount of hydropower and impounding a substantial quantity of water;

(B) overlies the eastern boundary of the Cheyenne River Sioux Indian Reservation; and

(C) has not only contributed little to the economy of the Tribe, but has severely damaged the economy of the Tribe and members of the Tribe by inundating the fertile, wooded bottom lands of the Tribe along the Missouri River that constituted the most productive agricultural and pastoral lands of the Tribe and the homeland of the members of the Tribe;

(3) the Secretary of the Interior appointed a Joint Tribal Advisory Committee that examined the Oahe Dam and Reservoir project and concluded that—

(A) the Federal Government did not justify, or fairly compensate the Tribe for, the Oahe Dam and Reservoir project when the Federal Government acquired 104,492 acres of land of the Tribe for that project; and

(B) the Tribe should be adequately compensated for the land acquisition described in subparagraph (A);

(4) after applying the same method of analysis as is used for the compensation of similarly situated Indian tribes, the Comptroller General of the United States (referred to in this title as the "Comptroller General") determined that the appropriate amount of compensation to pay the Tribe for the land acquisition described in paragraph (3)(A) would be $290,723,000;

(5) the Tribe is entitled to receive additional financial compensation for the land acquisition described in paragraph (3)(A) in a manner consistent with the determination of the Comptroller General described in paragraph (4); and

(6) the establishment of a trust fund to make amounts available to the Tribe under this title is consistent with the principles of self-governance and self-determination.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To provide for additional financial compensation to the Tribe for the acquisition by the Federal Government of 104,492 acres of land of the Tribe for the Oahe Dam and Reservoir project in a manner consistent with the determinations of the Comptroller General described in subsection (a)(4).

(2) To provide for the establishment of the Cheyenne River Sioux Tribal Recovery Trust Fund, to be managed by the Secretary of the Treasury in order to make payments to the Tribe to carry out projects under a plan prepared by the Tribe.

SEC. 103. DEFINITIONS.

In this title:

(1) TRIBE.—The term "Tribe" means the Cheyenne River Sioux Tribe, which is comprised of the Itazipco, Siha Sapa, Minniconjou, and Oohenumpa bands of the Great Sioux Nation that reside on the Cheyenne River Reservation, located in central South Dakota.

(2) TRIBAL COUNCIL.—The term "Tribal Council" means the governing body of the Tribe.

SEC. 104. CHEYENNE RIVER SIOUX TRIBAL RECOVERY TRUST FUND.

(a) CHEYENNE RIVER SIOUX TRIBAL RECOVERY TRUST FUND.—There is established in the Treasury of the United States a fund to be known as the "Cheyenne River Sioux Tribal Recovery Trust Fund" (referred to in this title as the "Fund"). The Fund shall consist of any amounts deposited into the Fund under this title.

(b) FUNDING.—On the first day of the 11th fiscal year that begins after the date of enactment of this Act, the Secretary of the Treasury shall, from the General Fund of the Treasury, deposit into the Fund established under subsection (a)—

(1) $290,722,958; and

(2) an additional amount that equals the amount of interest that would have accrued on the amount described in paragraph (1) if

such amount had been invested in interest-bearing obligations of the United States, or in obligations guaranteed as to both principal and interest by the United States, on the first day of the first fiscal year that begins after the date of enactment of this Act and compounded annually thereafter.

(c) INVESTMENT OF TRUST FUND.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Fund as is not, in the Secretary of Treasury's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.

(d) PAYMENT OF INTEREST TO TRIBE.—

(1) WITHDRAWAL OF INTEREST.—Beginning on the first day of the 11th fiscal year after the date of enactment of this Act and, on the first day of each fiscal year thereafter, the Secretary of the Treasury shall withdraw the aggregate amount of interest deposited into the Fund for that fiscal year and transfer that amount to the Secretary of the Interior for use in accordance with paragraph (2). Each amount so transferred shall be available without fiscal year limitation.

(2) PAYMENTS TO TRIBE.—

(A) IN GENERAL.—The Secretary of the Interior shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Tribe, as such payments are requested by the Tribe pursuant to tribal resolution.

(B) LIMITATION.—Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Tribe has adopted a plan under subsection (f).

(C) USE OF PAYMENTS BY TRIBE.—The Tribe shall use the payments made under subparagraph (B) only for carrying out projects and programs under the plan prepared under subsection (f).

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsections (c) and (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

(f) PLAN.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the governing body of the Tribe shall prepare a plan for the use of the payments to the Tribe under subsection (d) (referred to in this subsection as the "plan").

(2) CONTENTS OF PLAN.—The plan shall provide for the manner in which the Tribe shall expend payments to the Tribe under subsection (d) to promote—

(A) economic development;

(B) infrastructure development;

(C) the educational, health, recreational, and social welfare objectives of the Tribe and its members; or

(D) any combination of the activities described in subparagraphs (A) through (C).

(3) PLAN REVIEW AND REVISION.—

(A) IN GENERAL.—The Tribal Council shall make available for review and comment by the members of the Tribe a copy of the plan before the plan becomes final, in accordance with procedures established by the Tribal Council.

(B) UPDATING OF PLAN.—The Tribal Council may, on an annual basis, revise the plan to update the plan. In revising the plan under this subparagraph, the Tribal Council shall provide the members of the Tribe opportunity to review and comment on any proposed revision to the plan.

(C) CONSULTATION.—In preparing the plan and any revisions to update the plan, the Tribal Council shall consult with the Secretary of the Interior and the Secretary of Health and Human Services.

(4) AUDIT.—

(A) IN GENERAL.—The activities of the Tribe in carrying out the plan shall be audited as part of the annual single-agency audit that the Tribe is required to prepare pursuant to the Office of Management and Budget circular numbered A-133.

(B) DETERMINATION BY AUDITORS.—The auditors that conduct the audit described in subparagraph (A) shall—

(i) determine whether funds received by the Tribe under this section for the period covered by the audit were expended to carry out the plan in a manner consistent with this section; and

(ii) include in the written findings of the audit the determination made under clause (i).

(C) INCLUSION OF FINDINGS WITH PUBLICATION OF PROCEEDINGS OF TRIBAL COUNCIL.—A copy of the written findings of the audit described in subparagraph (A) shall be inserted in the published minutes of the Tribal Council proceedings for the session at which the audit is presented to the Tribal Council.

(g) PROHIBITION ON PER CAPITA PAYMENTS.—No portion of any payment made under this title may be distributed to any member of the Tribe on a per capita basis.

SEC. 105. ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS AND SERVICES.

No payment made to the Tribe under this title shall result in the reduction or denial of any service or program with respect to which, under Federal law—

(1) the Tribe is otherwise entitled because of the status of the Tribe as a federally recognized Indian tribe; or

(2) any individual who is a member of the Tribe is entitled because of the status of the individual as a member of the Tribe.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as may be necessary to cover the administrative expenses of the Fund.

SEC. 107. EXTINGUISHMENT OF CLAIMS.

Upon the deposit of funds (together with interest) into the Fund under section 104(b), all monetary claims that the Tribe has or may have against the United States for the taking, by the United States, of the land and property of the Tribe for the Oahe Dam and Reservoir Project of the Pick-Sloan Missouri River Basin program shall be extinguished.

TITLE II—BOSQUE REDONDO MEMORIAL

SEC. 201. SHORT TITLE.

This title may be cited as the "Bosque Redondo Memorial Act".

SEC. 202. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in 1863, the United States detained nearly 9,000 Navajo and forced their migration across nearly 350 miles of land to Bosque Redondo, a journey known as the "Long Walk";

(2) Mescalero Apache people were also incarcerated at Bosque Redondo;

(3) the Navajo and Mescalero Apache people labored to plant crops, dig irrigation ditches and build housing, but drought, cutworms, hail, and alkaline Pecos River water created severe living conditions for nearly 9,000 captives;

(4) suffering and hardships endured by the Navajo and Mescalero Apache people forged a new understanding of their strengths as Americans;

(5) the Treaty of 1868 was signed by the United States and the Navajo tribes, recognizing the Navajo Nation as it exists today;

(6) the State of New Mexico has appropriated a total of $123,000 for a planning study and for the design of the Bosque Redondo Memorial;

(7) individuals and businesses in DeBaca County donated $6,000 toward the production of a brochure relating to the Bosque Redondo Memorial;

(8) the Village of Fort Sumner donated 70 acres of land to the State of New Mexico contiguous to the existing 50 acres comprising Fort Sumner State Monument, contingent on the funding of the Bosque Redondo Memorial;

(9) full architectural plans and the exhibit design for the Bosque Redondo Memorial have been completed;

(10) the Bosque Redondo Memorial project has the encouragement of the President of the Navajo Nation and the President of the Mescalero Apache Tribe, who have each appointed tribal members to serve as project advisors;

(11) the Navajo Nation, the Mescalero Tribe and the National Park Service are collaborating to develop a symposium on the Bosque Redondo Long Walk and a curriculum for inclusion in the New Mexico school curricula;

(12) an interpretive center would provide important educational and enrichment opportunities for all Americans; and

(13) Federal financial assistance is needed for the construction of a Bosque Redondo Memorial.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To commemorate the people who were interned at Bosque Redondo.

(2) To pay tribute to the native populations' ability to rebound from suffering, and establish the strong, living communities that have long been a major influence in the State of New Mexico and in the United States.

(3) To provide Americans of all ages a place to learn about the Bosque Redondo experience and how it resulted in the establishment of strong American Indian Nations from once divergent bands.

(4) To support the construction of the Bosque Redondo Memorial commemorating the detention of the Navajo and Mescalero Apache people at Bosque Redondo from 1863 to 1868.

SEC. 203. DEFINITIONS.

In this title:

(1) MEMORIAL.—The term "Memorial" means the building and grounds known as the Bosque Redondo Memorial.

(2) SECRETARY.—The term "Secretary" means the Secretary of Defense.

SEC. 204. BOSQUE REDONDO MEMORIAL.

(a) ESTABLISHMENT.— Upon the request of the State of New Mexico, the Secretary is authorized to establish a Bosque Redondo Memorial within the boundaries of Fort Sumner State Monument in New Mexico. No memorial shall be established without the consent of the Navajo Nation and the Mescalero Tribe.

(b) COMPONENTS OF THE MEMORIAL.—The memorial shall include—

(1) exhibit space, a lobby area that represents design elements from traditional Mescalero and Navajo dwellings, administrative areas that include a resource room, library, workrooms and offices, restrooms, parking areas, sidewalks, utilities, and other visitor facilities;

(2) a venue for public education programs; and

(3) a location to commemorate the Long Walk of the Navajo people and the healing that has taken place since that event

SEC. 205. CONSTRUCTION OF MEMORIAL.

(a) GRANT.—

(1) IN GENERAL.—The Secretary may award a grant to the State of New Mexico to provide up to 50 percent of the total cost of construction of the Memorial.

(2) NON-FEDERAL SHARE.—The non-Federal share of construction costs for the Memorial shall include funds previously expended by the State for the planning and design of the Memorial, and funds previously expended by non-Federal entities for the production of a brochure relating to the Memorial.

(b) REQUIREMENTS.—To be eligible to receive a grant under this section, the State shall—

(1) submit to the Secretary a proposal that—

(A) provides assurances that the Memorial will comply with all applicable laws, including building codes and regulations; and

(B) includes such other information and assurances as the Secretary may require; and

(2) enter into a Memorandum of Understanding with the Secretary that shall include—

(A) a timetable for the completion of construction and the opening of the Memorial;

(B) assurances that construction contracts will be competitively awarded;

(C) assurances that the State or Village of Fort Sumner will make sufficient land available for the Memorial;

(D) the specifications of the Memorial which shall comply with all applicable Federal, State, and local building codes and laws;

(E) arrangements for the operation and maintenance of the Memorial upon completion of construction;

(F) a description of Memorial collections and educational programming;

(G) a plan for the design of exhibits including the collections to be exhibited, security, preservation, protection, environmental controls, and presentations in accordance with professional standards;

(H) an agreement with the Navajo Nation and the Mescalero Tribe relative to the design and location of the Memorial; and

(I) a financing plan developed by the State that outlines the long-term management of the Memorial, including—

(i) the acceptance and use of funds derived from public and private sources to minimize the use of appropriated or borrowed funds;

(ii) the payment of the operating costs of the Memorial through the assessment of fees or other income generated by the Memorial;

(iii) a strategy for achieving financial self-sufficiency with respect to the Memorial by not later than 5 years after the date of enactment of this Act; and

(iv) a description of the business activities that would be permitted at the Memorial and appropriate vendor standards that would apply.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

(1) $1,000,000 for fiscal year 2000; and

(2) $500,000 for each of fiscal years 2001 and 2002.

(b) CARRYOVER.—Any funds made available under this section that are unexpended at the end of the fiscal year for which those funds are appropriated, shall remain available for use by the Secretary through September 30, 2002 for the purposes for which those funds were made available.

INDIAN TRIBAL JUSTICE TECHNICAL AND LEGAL ASSISTANCE ACT OF 1999

Ms. COLLINS. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 409, S. 1508.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1508) to provide technical and legal assistance to tribal justice systems and members of Indian tribes, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

S. 1508

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Tribal Justice Technical and Legal Assistance Act of 1999".

SEC. 2. FINDINGS.

The Congress finds and declares that—

(1) there is a government-to-government relationship between the United States and Indian tribes;

(2) Indian tribes are sovereign entities and are responsible for exercising governmental authority over Indian lands;

(3) the rate of violent crime committed in Indian country is approximately twice the rate of violent crime committed in the United States as a whole;

(4) in any community, a high rate of violent crime is a major obstacle to investment, job creation and economic growth;

(5) tribal justice systems are an essential part of tribal governments and serve as important forums for ensuring the health and safety and the political integrity of tribal governments;

(6) Congress and the Federal courts have repeatedly recognized tribal justice systems as the most appropriate forums for the adjudication of disputes affecting personal and property rights on Native lands;

(7) enhancing tribal court systems and improving access to those systems serves the dual Federal goals of tribal political self-determination and economic self-sufficiency;

(8) there is both inadequate funding and an inadequate coordinating mechanism to meet the technical and legal assistance needs of tribal justice systems and this lack of adequate technical and legal assistance funding impairs their operation;

(9) tribal court membership organizations have served a critical role in providing training and technical assistance for development and enhancement of tribal justice systems;

(10) Indian legal services programs, as funded partially through the Legal Services Corporation, have an established record of providing cost effective legal assistance to Indian people in tribal court forums, and also contribute significantly to the development of tribal courts and tribal jurisprudence; and

(11) the provision of adequate technical assistance to tribal courts and legal assistance to both individuals and tribal courts is an essential element in the development of strong tribal court systems.

SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) to carry out the responsibility of the United States to Indian tribes and members of Indian tribes by ensuring access to quality technical and legal assistance.

(2) To strengthen and improve the capacity of tribal court systems that address civil and criminal causes of action under the jurisdiction of Indian tribes.

(3) To strengthen tribal governments and the economies of Indian tribes through the enhancement and, where appropriate, development of tribal court systems for the administration of justice in Indian country by providing technical and legal assistance services.

(4) To encourage collaborative efforts between national or regional membership organizations and associations whose membership consists of judicial system personnel within tribal justice systems; non-profit entities which provide legal assistance services for Indian tribes, members of Indian tribes, and/or tribal justice systems.

(5) To assist in the development of tribal judicial systems by supplementing prior Congressional efforts such as the Indian Tribal Justice Act (Public Law 103-176).

SEC. 4. DEFINITIONS.

For purposes of this Act:

(1) ATTORNEY GENERAL.—The term "Attorney General" means the Attorney General of the United States.

(2) INDIAN LANDS.—The term "Indian lands" shall include lands within the definition of "Indian country", as defined in 18 U.S.C. 1151; or "Indian reservations", as defined in section 3(d) of the Indian Financing Act of 1974, 25 U.S.C. 1452(d), or section 4(10) of the Indian Child Welfare Act, 25 U.S.C. 1903(10). For purposes of the preceding sentence, such section 3(d) of the Indian Financing Act shall be applied by treating the term "former Indian reservations in Oklahoma" as including only lands which are within the jurisdictional area of an Oklahoma Indian Tribe (as determined by the Secretary of Interior) and are recognized by such Secretary as eligible for trust land status under 25 CFR part 151 (as in effect on the date of enactment of this sentence).

(3) INDIAN TRIBE.—The term "Indian tribe" means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native entity, which administers justice or plans to administer justice under its inherent authority or the authority of the United States and which is recognized as eligible for the special programs and services provided by the United States to Indian tribes because of their status as Indians.

(4) JUDICIAL PERSONNEL.—The term "judicial personnel" means any judge, magistrate, court counselor, court clerk, court administrator, bailiff, probation officer, officer of the court, dispute resolution facilitator, or other official, employee, or volunteer within the tribal judicial system.

(5) NON-PROFIT ENTITIES.—The term "non-profit entity" or "non-profit entities" has the meaning given that term in section 501(c)(3) of the Internal Revenue Code.

(6) OFFICE OF TRIBAL JUSTICE.—The term "Office of Tribal Justice" means the Office of Tribal Justice in the United States Department of Justice.

(7) TRIBAL JUSTICE SYSTEM.—The term "tribal court", "tribal court system", or "tribal justice system" means the entire judicial branch, and employees thereof, of an Indian tribe, including, but not limited to, traditional methods and fora for dispute resolution, trial courts, appellate courts, including inter-tribal appellate courts, alternative dispute resolution systems, and circuit rider systems, established by inherent tribunal authority whether or not they constitute a court of record.

TITLE I—TRAINING AND TECHNICAL ASSISTANCE, CIVIL AND CRIMINAL LEGAL ASSISTANCE GRANTS

SEC. 101. TRIBAL JUSTICE TRAINING AND TECHNICAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to national or regional membership organizations and associations whose membership consists of judicial system personnel within tribal justice systems which submit an application to the Attorney General in such form and manner as the Attorney General may prescribe to provide training and technical assistance for the development, enrichment, enhancement of tribal justice systems, or other purposes consistent with this Act.

SEC. 102. TRIBAL CIVIL LEGAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to non-profit entities, as defined under section 501(c)(3) of the Internal Revenue Code, which provide legal assistance services for Indian tribes, members of Indian tribes, or tribal justice systems pursuant to federal poverty guidelines that submit an application to the Attorney General in such form and manner as the Attorney General may prescribe for the provision of civil legal assistance to members of Indian tribes and tribal justice systems, and/or other purposes consistent with this Act.

SEC. 103. TRIBAL CRIMINAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to non-profit entities, as defined by section 501(c)(3) of the Internal Revenue Code, which provide legal assistance services for Indian tribes, members of Indian tribes, or tribal justice systems pursuant to federal poverty guidelines that submit an application to the Attorney General in such form and manner as the Attorney General may prescribe for the provision of criminal legal assistance to members of Indian tribes and tribal justice systems, and/or other purposes consistent with this Act. Funding under this title may apply to programs, procedures, or proceedings involving adult criminal actions, juvenile delinquency actions, and/or guardian-ad-litem appointments arising out of criminal or delinquency acts.

SEC. 104. NO OFFSET.

No Federal agency shall offset funds made available pursuant to this Act for Indian tribal court membership organizations or Indian legal services organizations against other funds otherwise available for use in connection with technical or legal assistance to tribal justice systems or members of Indian tribes.

SEC. 105. TRIBAL AUTHORITY.

Nothing in this Act shall be construed to—

(1) encroach upon or diminish in any way the inherent sovereign authority of each tribal government to determine the role of the tribal justice system within the tribal government or to enact and enforce tribal laws;

(2) diminish in any way the authority of tribal governments to appoint personnel;

(3) impair the rights of each tribal government to determine the nature of its own legal system or the appointment of authority within the tribal government;

(4) alter in any way any tribal traditional dispute resolution fora;

(5) imply that any tribal justice system is an instrumentality of the United States; or

(6) diminish the trust responsibility of the United States to Indian tribal governments and tribal justice systems of such governments.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

For purposes of carrying out the activities under this title, there are authorized to be appropriated such sums as are necessary for fiscal years 2000 through 2004.

TITLE II—INDIAN TRIBAL COURTS

SEC. 201. GRANTS.

(a) In General.—The Attorney General may award grants and provide technical assistance to Indian tribes to enable such tribes to carry out programs to support—

(1) the development, enhancement, and continuing operation of tribal justice systems; and

(2) the development and implementation of—

(A) tribal codes and sentencing guidelines;

(B) inter-tribal courts and appellate systems;

(C) tribal probation services, diversion programs, and alternative sentencing provisions;

(D) tribal juvenile services and multi-disciplinary protocols for child physical and sexual abuse; and

(E) traditional tribal judicial practices, traditional tribal justice systems, and traditional methods of dispute resolution.

(b) Consultation.—In carrying out this section, the Attorney General may consult with the Office of Tribal Justice and any other appropriate tribal or Federal officials.

(c) Regulations.—The Attorney General may promulgate such regulations and guidelines as may be necessary to carry out this title.

(d) Authorization of Appropriations.—For purposes of carrying out the activities under this section, there are authorized to be appropriated such sums as are necessary for fiscal years 2000 through 2004.

SEC. 202. TRIBAL JUSTICE SYSTEMS.

Section 201 of the Indian Tribal Justice Act (25 U.S.C. 3621) is amended—

(1) in subsection (a), by striking "1994, 1995, 1996, 1997, 1998, 1999, and 2000" and inserting "2000 through 2007";

(2) in subsection (b), by striking "1994, 1995, 1996, 1997, 1998, 1999, and 2000" and inserting "2000 through 2007";

(3) in subsection (c), by striking "1994, 1995, 1996, 1997, 1998, 1999, and 2000" and inserting "2000 through 2007"; and

(4) in subsection (d), by striking "1994, 1995, 1996, 1997, 1998, 1999, and 2000" and inserting "2000 through 2007".

Ms. COLLINS. I ask unanimous consent that the committee amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1508), as amended, was read the third time and passed, as follows:

S. 1508

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Tribal Justice Technical and Legal Assistance Act of 1999".

SEC. 2. FINDINGS.

The Congress finds and declares that—

(1) there is a government-to-government relationship between the United States and Indian tribes;

(2) Indian tribes are sovereign entities and are responsible for exercising governmental authority over Indian lands;

(3) the rate of violent crime committed in Indian country is approximately twice the rate of violent crime committed in the United States as a whole;

(4) in any community, a high rate of violent crime is a major obstacle to investment, job creation and economic growth;

(5) tribal justice systems are an essential part of tribal governments and serve as important forums for ensuring the health and safety and the political integrity of tribal governments;

(6) Congress and the Federal courts have repeatedly recognized tribal justice systems as the most appropriate forums for the adjudication of disputes affecting personal and property rights on Native lands;

(7) enhancing tribal court systems and improving access to those systems serves the dual Federal goals of tribal political self-determination and economic self-sufficiency;

(8) there is both inadequate funding and an inadequate coordinating mechanism to meet the technical and legal assistance needs of tribal justice systems and this lack of adequate technical and legal assistance funding impairs their operation;

(9) tribal court membership organizations have served a critical role in providing training and technical assistance for development and enhancement of tribal justice systems;

(10) Indian legal services programs, as funded partially through the Legal Services Corporation, have an established record of providing cost effective legal assistance to Indian people in tribal court forums, and also contribute significantly to the development of tribal courts and tribal jurisprudence; and

(11) the provision of adequate technical assistance to tribal courts and legal assistance to both individuals and tribal courts is an essential element in the development of strong tribal court systems.

SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) to carry out the responsibility of the United States to Indian tribes and members of Indian tribes by ensuring access to quality technical and legal assistance.

(2) To strengthen and improve the capacity of tribal court systems that address civil and criminal causes of action under the jurisdiction of Indian tribes.

(3) To strengthen tribal governments and the economies of Indian tribes through the enhancement and, where appropriate, development of tribal court systems for the administration of justice in Indian country by providing technical and legal assistance services.

(4) To encourage collaborative efforts between national or regional membership organizations and associations whose membership consists of judicial system personnel within tribal justice systems; non-profit entities which provide legal assistance services for Indian tribes, members of Indian tribes and/or tribal justice systems.

(5) To assist in the development of tribal judicial systems by supplementing prior Congressional efforts such as the Indian Tribal Justice Act (Public Law 103-176).

SEC. 4. DEFINITIONS.

For purposes of this Act:

(1) ATTORNEY GENERAL.—The term "Attorney General" means the Attorney General of the United States.

(2) INDIAN LANDS.—The term "Indian lands" shall include lands within the definition of "Indian country", as defined in 18 U.S.C. 1151; or "Indian reservations", as defined in section 3(d) of the Indian Financing Act of 1974, 25 U.S.C. 1452(d), or section 4(10) of the Indian Child Welfare Act, 25 U.S.C. 1903(10). For purposes of the preceding sentence, such section 3(d) of the Indian Financing Act shall be applied by treating the term

"former Indian reservations in Oklahoma" as including only lands which are within the jurisdictional area of an Oklahoma Indian Tribe (as determined by the Secretary of Interior) and are recognized by such Secretary as eligible for trust land status under 25 CFR part 151 (as in effect on the date of enactment of this sentence).

(3) INDIAN TRIBE.—The term "Indian tribe" means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native entity, which administers justice or plans to administer justice under its inherent authority or the authority of the United States and which is recognized as eligible for the special programs and services provided by the United States to Indian tribes because of their status as Indians.

(4) JUDICIAL PERSONNEL.—The term "judicial personnel" means any judge, magistrate, court counselor, court clerk, court administrator, bailiff, probation officer, officer of the court, dispute resolution facilitator, or other official, employee, or volunteer within the tribal judicial system.

(5) NON-PROFIT ENTITIES.—The term "non-profit entity" or "non-profit entities" has the meaning given that term in section 501(c)(3) of the Internal Revenue Code.

(6) OFFICE OF TRIBAL JUSTICE.—The term "Office of Tribal Justice" means the Office of Tribal Justice in the United States Department of Justice.

(7) TRIBAL JUSTICE SYSTEM.—The term "tribal court", "tribal court system", or "tribal justice system" means the entire judicial branch, and employees thereof, of an Indian tribe, including, but not limited to, traditional methods and fora for dispute resolution, trial courts, appellate courts, including inter-tribal appellate courts, alternative dispute resolution systems, and circuit rider systems, established by inherent tribunal authority whether or not they constitute a court of record.

TITLE I—TRAINING AND TECHNICAL ASSISTANCE, CIVIL AND CRIMINAL LEGAL ASSISTANCE GRANTS

SEC. 101. TRIBAL JUSTICE TRAINING AND TECHNICAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to national or regional membership organizations and associations whose membership consists of judicial system personnel within tribal justice systems which submit an application to the Attorney General in such form and manner as the Attorney General may prescribe to provide training and technical assistance for the development, enrichment, enhancement of tribal justice systems, or other purposes consistent with this Act.

SEC. 102. TRIBAL CIVIL LEGAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to non-profit entities, as defined under section 501(c)(3) of the Internal Revenue Code, which provide legal assistance services for Indian tribes, members of Indian tribes, or tribal justice systems pursuant to federal poverty guidelines that submit an application to the Attorney General in such form and manner as the Attorney General may prescribe for the provision of civil legal assistance to members of Indian tribes and tribal justice systems, and/or other purposes consistent with this Act.

SEC. 103. TRIBAL CRIMINAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to non-profit entities, as defined by section 501(c)(3) of the Internal Revenue Code, which provide legal assistance services for Indian tribes, members of Indian tribes, or tribal justice systems pursuant to federal poverty guidelines that submit an application to the Attorney General in such form and manner as the Attorney General may prescribe for the provision of criminal legal assistance to members of Indian tribes and tribal justice systems, and/or other purposes consistent with this Act. Funding under this title may apply to programs, procedures, or proceedings involving adult criminal actions, juvenile delinquency actions, and/or guardian-ad-litem appointments arising out of criminal or delinquency acts.

SEC. 104. NO OFFSET.

No Federal agency shall offset funds made available pursuant to this Act for Indian tribal court membership organizations or Indian legal services organizations against other funds otherwise available for use in connection with technical or legal assistance to tribal justice systems or members of Indian tribes.

SEC. 105. TRIBAL AUTHORITY.

Nothing in this Act shall be construed to—

(1) encroach upon or diminish in any way the inherent sovereign authority of each tribal government to determine the role of the tribal justice system within the tribal government or to enact and enforce tribal laws;

(2) diminish in any way the authority of tribal governments to appoint personnel;

(3) impair the rights of each tribal government to determine the nature of its own legal system or the appointment of authority within the tribal government;

(4) alter in any way any tribal traditional dispute resolution fora;

(5) imply that any tribal justice system is an instrumentality of the United States; or

(6) diminish the trust responsibility of the United States to Indian tribal governments and tribal justice systems of such governments.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

For purposes of carrying out the activities under this title, there are authorized to be appropriated such sums as are necessary for fiscal years 2000 through 2004.

TITLE II—INDIAN TRIBAL COURTS

SEC. 201. GRANTS.

(a) IN GENERAL.—The Attorney General may award grants and provide technical assistance to Indian tribes to enable such tribes to carry out programs to support—

(1) the development, enhancement, and continuing operation of tribal justice systems; and

(2) the development and implementation of—

(A) tribal codes and sentencing guidelines;

(B) inter-tribal courts and appellate systems;

(C) tribal probation services, diversion programs, and alternative sentencing provisions;

(D) tribal juvenile services and multi-disciplinary protocols for child physical and sexual abuse; and

(E) traditional tribal judicial practices, traditional tribal justice systems, and traditional methods of dispute resolution.

(b) CONSULTATION.—In carrying out this section, the Attorney General may consult with the Office of Tribal Justice and any other appropriate tribal or Federal officials.

(c) REGULATIONS.—The Attorney General may promulgate such regulations and guidelines as may be necessary to carry out this title.

(d) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out the activities under this section, there are authorized to be appropriated such sums as are necessary for fiscal years 2000 through 2004.

SEC. 202. TRIBAL JUSTICE SYSTEMS.

Section 201 of the Indian Tribal Justice Act (25 U.S.C. 3621) is amended—

(1) in subsection (a), by striking "1994, 1995, 1996, 1997, 1998, 1999, and 2000" and inserting "2000 through 2007";

(2) in subsection (b), by striking "1994, 1995, 1996, 1997, 1998, 1999, and 2000" and inserting "2000 through 2007";

(3) in subsection (c), by striking "1994, 1995, 1996, 1997, 1998, 1999, and 2000" and inserting "2000 through 2007"; and

(4) in subsection (d), by striking "1994, 1995, 1996, 1997, 1998, 1999, and 2000" and inserting "2000 through 2007".

REAUTHORIZATION OF THE FEDERAL EMERGENCY MANAGEMENT FOOD AND SHELTER PROGRAM

Ms. COLLINS. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 406, S. 1516.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1516) to amend title III of the Stewart B. McKinney Homeless Assistance Act and so forth and Shelter Program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. Mr. President, I note I am proud to be a cosponsor of this important legislation. I am pleased to see the Senate take final action on it today.

I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1516) was read the third time and passed, as follows:

S. 1516

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 322 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11352) is amended to read as follows:

"SEC. 322. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $125,000,000 for fiscal year 2000, $130,000,000 for fiscal year 2001, and $135,000,000 for fiscal year 2002.".

SEC. 2. NAME CHANGE TO NOMINATING ORGANIZATION.

Section 301(b) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331(b)) is amended by striking paragraph (5) and inserting the following:

"(5) United Jewish Communities.".

SEC. 3. PARTICIPATION OF HOMELESS INDIVIDUALS ON LOCAL BOARDS.

Section 316(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11346(a)) is amended by striking paragraph (6) and inserting the following:

"(6) guidelines requiring each local board to include in their membership not less than 1 homeless individual, former homeless individual, homeless advocate, or recipient of food or shelter services, except that such guidelines may waive such requirement for any board unable to meet such requirement if the board otherwise consults with homeless individuals, former homeless individuals, homeless advocates, or recipients of food or shelter services.".

FEDERAL REPORTS ELIMINATION AND SUNSET ACT AMENDMENTS OF 1999

Ms. COLLINS. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 405, S. 1877.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1877) to amend the Federal Report Elimination and Sunset Act of 1995.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1877) was read the third time and passed, as follows:

S. 1877

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Reports Elimination and Sunset Act Amendments of 1999".

SEC. 2. CLARIFICATION OF SCOPE OF SUNSET.

Section 3003(a)(1) of the Federal Report Elimination and Sunset Act of 1995 (Public Law 104-66; 109 Stat. 734) is amended by—

(1) striking "regular"; and

(2) inserting "at predetermined and regular time intervals," after "report".

SEC. 3. EXEMPTIONS OF CERTAIN REPORTS FROM SUNSET.

Section 3003(d) of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104–66; 109 Stat. 734–36) is amended—

(1) in paragraph (31) by striking "or" after the semicolon;

(2) in paragraph (32) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(33)(A) sections 1105(a), 1106(a) and (b), and 1109(a) of title 31, United States;

"(B) section 446 of the District of Columbia Self-Government and Governmental Reorganization Act (Public Law 93–198; 87 Stat. 801); and

"(C) any other law relating to the budget of the United States Government;

"(34) the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.);

"(35) section 22(a) of the Act entitled 'An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress', approved June 28, 1929 (2 U.S.C. 2a(a));

"(36) section 3514(a)(1)(B) of title 44, United States Code;

"(37) section 202(e) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483(e));

"(38) section 203(o) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(o));

"(39) section 202(e)(1) and (3) of Congressional Budget Act of 1974 (2 U.S.C. 602(e)(1) and (3));

"(40) section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 685(e)); and

"(41) section 6 of title 3, United States Code.".

SEC. 4. EXTENSION OF REPORTS CONSOLIDATION AUTHORITY.

Section 404(b) of the Government Management Reform Act of 1994 (31 U.S.C. 501 note) is amended by striking "December 31, 1999" and inserting "April 30, 2000".

OFFICE OF GOVERNMENT ETHICS AUTHORIZATION ACT OF 1999

Ms. COLLINS. Mr. President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 403, S. 1503.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1503) a bill to amend the Ethics in Government Act of 1978 (U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2003.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1503) was read the third time and passed, as follows:

S. 1503

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Office of Government Ethics Authorization Act of 1999".

SEC. 2. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

Section 405 of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking "1997 through 1999" and inserting "2000 through 2003".

SEC. 3. EFFECTIVE DATE:

This Act shall take effect on October 1, 1999.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 1999

Ms. COLLINS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (H.R. 2280) to amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid for service-connected disabilities, to enhance the compensation, memorial affairs, and housing programs of the Department of Veterans Affairs, to improve retirement authorities applicable to judges of the United States Court of Appeals for Veterans Claims, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2280) entitled "An Act to amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid for service-connected disabilities, to enhance the compensation, memorial affairs, and housing programs of the Department of Veterans Affairs, to improve retirement authorities applicable to judges of the United States Court of Appeals for Veterans Claims, and for other purposes", with the following amendments:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 1999".

(b) REFERENCES TO TITLE 38, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. DISABILITY COMPENSATION.

(a) INCREASE IN RATES.—Section 1114 is amended—

(1) by striking "$95" in subsection (a) and inserting "$98";

(2) by striking "$182" in subsection (b) and inserting "$188";

(3) by striking "$279" in subsection (c) and inserting "$288";

(4) by striking "$399" in subsection (d) and inserting "$413";

(5) by striking "$569" in subsection (e) and inserting "$589";

(6) by striking "$717" in subsection (f) and inserting "$743";

(7) by striking "$905" in subsection (g) and inserting "$937";

(8) by striking "$1,049" in subsection (h) and inserting "$1,087";

(9) by striking "$1,181" in subsection (i) and inserting "$1,224";

(10) by striking "$1,964" in subsection (j) and inserting "$2,036";

(11) in subsection (k)—

(A) by striking "$75" both places it appears and inserting "$76"; and

(B) by striking "$2,443" and "$3,426" and inserting "$2,533" and "$3,553", respectively;

(12) by striking "$2,443" in subsection (l) and inserting "$2,533";

(13) by striking "$2,694" in subsection (m) and inserting "$2,794";

(14) by striking "$3,066" in subsection (n) and inserting "$3,179";

(15) by striking "$3,426" each place it appears in subsections (o) and (p) and inserting "$3,553";

(16) by striking "$1,471" and "$2,190" in subsection (r) and inserting "$1,525" and "$2,271", respectively; and

(17) by striking "$2.199" in subsection (s) and inserting "$2,280".

(b) SPECIAL RULE.—The Secretary of Veterans Affairs may authorize administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 1115(1) is amended—

(1) by striking "$114" in clause (A) and inserting "$117";

(2) by striking "$195" and "$60" in clause (B) and inserting "$201" and "$61", respectively;

(3) by striking "$78" and "$60" in clause (C) and inserting "$80" and "$61", respectively;

(4) by striking "$92" in clause (D) and inserting "$95";

(5) by striking "$215" in clause (E) and inserting "$222"; and

(6) by striking "$180" in clause (F) and inserting "$186".

SEC. 4. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 1162 is amended by striking "$528" and inserting "$546".

SEC. 5. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

(a) NEW LAW RATES.—Section 1311(a) is amended—

(1) by striking "$850" in paragraph (1) and inserting "$881"; and

(2) by striking "$185" in paragraph (2) and inserting "$191".

(b) OLD LAW RATES.—The table in section 1311(a)(3) is amended to read as follows:

"Pay grade	Monthly rate	Pay grade	Monthly rate
E–1	$881	W–4	$1,054
E–2	881	O–1	930
E–3	881	O–2	962
E–4	881	O–3	1,028
E–5	881	O–4	1,087
E–6	881	O–5	1,198
E–7	911	O–6	1,349
E–8	962	O–7	1,458
E–9	[1] 1,003	O–8	1,598
W–1 ...	930	O–9	1,712
W–2 ...	968	O–10	[2] 1,878
W–3 ...	997		

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $1,082.

"[2] If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $2,013.".

(c) ADDITIONAL DIC FOR CHILDREN.—Section 1311(b) is amended by striking "$215" and inserting "$222".

(d) AID AND ATTENDANCE ALLOWANCE.—Section 1311(c) is amended by striking "$215" and inserting "$222".

(e) HOUSEBOUND RATE.—Section 1311(d) is amended by striking "$104" and inserting "$107".

SEC. 6. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

(a) DIC FOR ORPHAN CHILDREN.—Section 1313(a) is amended—

(1) by striking "$361" in paragraph (1) and inserting "$373";

(2) by striking "$520" in paragraph (2) and inserting "$538";

(3) by striking "$675" in paragraph (3) and inserting "$699"; and

(4) by striking "$675" and "$132" in paragraph (4) and inserting "$699" and "$136", respectively.

(b) SUPPLEMENTAL DIC FOR DISABLED ADULT CHILDREN.—Section 1314 is amended—

(1) by striking "$215" in subsection (a) and inserting "$222";

(2) by striking "$361" in subsection (b) and inserting "$373"; and

(3) by striking "$182" in subsection (c) and inserting "$188".

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall take effect on December 1, 1999.

Amend the title so as to read "An Act to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.".

Ms. COLLINS. I ask unanimous consent the Senate agree to the amendments of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. HOLOCAUST ASSETS COMMISSION EXTENSION ACT OF 1999

Ms. COLLINS. Mr. President, I ask unanimous consent the Banking Committee be discharged from further consideration of H.R. 2401, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2401) to amend the U.S. Holocaust Assets Commission Act of 1998 to extend the period by which the final report is due and to authorize additional funding.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2401) was read the third time and passed.

AMENDING THE FEDERAL RESERVE ACT

Ms. COLLINS. Mr. President, I ask unanimous consent the Banking Committee be discharged from further consideration of H.R. 1094, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1094) to amend the Federal Reserve Act to broaden the range of discount window loans which may be used as collateral for Federal reserve notes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRAMM. Mr. President, today the Senate is taking up for its consideration H.R. 1094, a bill to amend the Federal Reserve Act to broaden the range of discount window loans which may be used as collateral for Federal Reserve notes. This legislation will expand the field of assets that the Federal Reserve may use to collateralize Federal Reserve notes. All currency in circulation must be backed by specific assets, but much of the collateral that the Federal Reserve accepts for discount window loans is ineligible under current law for use to back the currency. The changes put in place by this legislation will allow the Federal Reserve to apply all eligible discount loan assets to collateralize the currency.

This legislation poses some risks unless adequate safeguards are in place. The Federal Reserve applies a discount to each type of asset used as collateral. Broadening the scope of eligible assets makes it even more imperative that strict and aggressive discounting be applied to any assets used to back U.S. currency. The Federal Reserve should discount aggressively these assets through an objective and clearly defined process that leaves no room for doubt that our currency is fully backed by reliable assets. At the most basic level, when valuing these assets this should be our general rule: when in doubt, discount.

Failure to discount collateral assets aggressively would do more than threaten the safety and soundness of the Federal Reserve's balance sheet: it would threaten the U.S. economy and all economies that rely on a stable dollar. Many countries around the world recently have learned a painful lesson on the value of a sound currency.

We must remember that any country can engage in monetary mismanagement, and most have at some point in time. The United States must avoid that path. With a currency that is considered a stable medium by U.S. citizens and a store of value by both domestic and foreign investors, the Federal Reserve must hold sound money paramount as it implements this important change in currency collateral requirements. It has taken nearly two decades to rebuild the reputation of the dollar after the inflation of the Carter years. Today, "sound as a dollar" has meaning here and all over the world. We must do nothing to undermine it.

Ms. COLLINS. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1094) was read the third time and passed.

PARTICIPATION OF TAIWAN IN THE WORLD HEALTH ORGANIZATION

Ms. COLLINS. I ask unanimous consent the Senate proceed to the consideration of Calendar No. 382, H.R. 1794.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (H.R. 1794) concerning the participation of Taiwan in the World Health Organization.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1794) was read the third time and passed.

VETERANS' MILLENNIUM HEALTH CARE ACT—CONFERENCE REPORT

Ms. COLLINS. Mr. President, I submit a report of the committee of conference on the bill (H.R. 2116) to amend title 38, United States Code, to establish a program of extended care services for veterans and to make other improvements in health care programs of the Department of Veterans Affairs, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

> The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill, H.R. 2116, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of November 16, 1999.)

Mr. SPECTER. Mr. President, I urge my colleagues to join me in support of the Veterans Millennium Health Care and Benefits Act of 1999. On Veterans Day, many of the members honored America's veterans and acknowledged our debt to them for their service. This legislation gives the Senate an opportunity to do something tangible to honor our veterans.

The Veterans Millennium Health Care and Benefits Act of 1999 contains 74 substantive provisions; I refer the Members to the conference report text for a complete description. Let me highlight just a few provisions now.

Long-term care for veterans is one of the most pressing issues facing America—and the Department of Veterans Affairs (VA). A half century ago, the 16 million youthful veterans of World War II looked forward to building new civilian lives. Today, only about 6 million survive, and their average age is 75. Health care is their primary concern, the long-term care is a critical component of their health care needs. Simply put, what World War II veterans need from VA is long-term care. Soon, so too will the 4 million Korean war veterans, now in their mid-sixties, and the 8 million Vietnam veterans, now in their fifties, who follow them.

Under current law, VA is not required to provide long-term care to any veteran. Such care is purely discretionary to VA; it is supplied on a space available basis only. Under this "discretionary" authority—as inadequate as it has been—VA has made a substantial contribution to the long term care needs of veterans—by directly providing (at an annual cost of $1.1 billion) nursing home care to an average of approximately 13,000 veterans per day; by paying for nursing home care received by approximately 6,500 veterans per day in private nursing homes (at as annual cost of $316.8 million); by subsidizing (at an annual cost approximately $200 million per year) nursing home care provided to approximately 14,000 veterans per day in State veterans' homes; and by providing non-institutional alternatives to nursing home care to an average of 11,000 veterans at any given time at an annual cost of $154 million.

Notwithstanding these significant contributions by VA, there is increasing evidence that the discretionary nature of VA's long-term care mission has created an incentive for VA to divert resources to other missions and reduce its capacity to provide long-term care. This bill responds to that negative trend by requiring VA to maintain long term capacity at least the 1998 level. In addition, this legislation would, for the first time, require—not authorize—VA to provide nursing home care to veterans who need it to treat service-connected conditions, and to severely service-disabled veterans who need it to cope with other conditions.

Nursing home care is the most expensive form of long-term care and, from the veterans' standpoint, the form of care which is to be avoided if possible, or delayed until it is inevitable. This bill will assure that non-institutional alternatives to nursing home care—home-based primary care, home health aide visits, adult day health care, and similar services—will be available to veterans who need such services by requiring that VA include them in the package of medical services to which each veteran who enrolls for VA care is entitled. The provision of such services, as an alternative to much more expensive inpatient nursing home care, will save money and improve aging veterans' lives.

This legislation also directs VA to operate pilot programs to identify the best—and most cost-effective—ways to meet veterans' long term needs. Armed with the data generated by these pilot programs, Congress will reevaluate VA nursing home and non-institutional long term care after three years and determine how best to proceed at the four-year "sunset" point of this legislation. I might add that the conferees were all in agreement that, when we get to the point where we consider renewal of this legislation, we will be looking for ways to improve it, not to repeal it.

There is one additional key feature of this legislation that merits mention: this bill will plug a substantial hole in VA health care coverage by allowing VA to fund the emergency care needs of all enrolled veterans who do not have other health care coverage to fund such care. The President has stated that all Americans should have access to emergency care. This bill assures that veterans who rely on VA for care will.

I am particularly pleased that this bill will extend, expand, and improve VA's authority to provide counseling to the victims of sexual trauma while on active duty. It will also extend and improve services for homeless veterans; it will liberalize eligibility for survivors' benefits for widows of totally disabled ex-POWs; it will expand benefits available to veterans exposed to radiation while in service; and—importantly—it will ensure that the World War II Veterans' Memorial is constructed in a timely manner by facilitating fund raising for that monument.

This legislation does many positive things, particularly for our older veterans. The Committee on Veterans' Affairs, however, must also respond to the needs of veterans who are leaving the service today. Educational assistance is the most important benefit that our Nation provides to young veterans. Earlier this year, the Senate passed legislation which would have substantially improved benefits under the Montgomery GI bill. Unfortunately, budgetary pressures compelled the conferees to set these provisions aside for now. I know, however, that the House supports improvements in Montgomery GI bill benefits, and we will take that issue up again in the second session.

This legislation reflects the hard work and dedication of many members of the Senate and the other body. I particularly acknowledge the contribution of the Ranking Minority Member of the Committee on Veterans' Affairs, Senator ROCKEFELLER, and our Committee's longest-serving member and a member of the conference committee, Senator THURMOND. The conference committee could not have reached a successful conclusion without them, or without the energy and commitment of the chairman of the House Committee.

BOB STUMP and his ranking member, LANE EVANS. I thank them. And I urge the Senate to approve this conference report.

Mr. DOMENICI. Mr. President, it is with great pleasure that I rise today to talk about the Senate passage of the Veterans' Millennium Health Care Act.

I am extremely pleased the act contains a provision that will extend the useful life of the Santa Fe National Cemetery in New Mexico. I also want to thank Senator SPECTER for his assistance in making passage of this Bill possible.

The men and women who have served in the United States Armed Forces have made immeasurable sacrifices for the principles of freedom and liberty that make this Nation unique throughout civilization. The service of veterans has been vital to the history of the Nation, and the sacrifices made by veterans and their families should not be forgotten.

These veterans at the very least deserve every opportunity to be buried at a National Cemetery of their choosing. Unfortunately, projections show the Santa Fe National Cemetery will run out of space to provide casketed burials for our veterans at the conclusion of 2000. However, with Senate passage of this bill we are ensuring the continued viability of the Santa Fe National Cemetery.

I believe all New Mexicans can be proud of the Santa Fe National Cemetery that has grown from 39/100 of an acre to its current 77 acres. The cemetery first opened in 1868 and within several years was designated a National Cemetery in April of 1875.

Men and women who have fought in all of nation's wars hold an honored spot within the hallowed ground of the cemetery. Today the Santa Fe National Cemetery contains almost 27,000 graves that are mostly marked by upright headstones.

The Senate's action today guarantees the Santa Fe National Cemetery will not be forced to close next year. A provision in the bill passed today allows the Secretary of Veterans Affairs to provide for the use of flat grave markers that will extend the useful life of the cemetery until 2008.

While I wish the practice of utilizing headstones could continue indefinitely if a veteran chose, my wishes are outweighed by my desire to extend the useful life of the cemetery. I would note that my desire is shared by the New Mexico Chapter of the American Legion, the Albuquerque Chapter of the Retired Officers' Association, and the New Mexico Chapter of the VFW who have all endorsed the use of flat grave markers.

Finally, this is not without precedent because exceptions to the law have been granted on six prior occasions with the most recent action occurring in 1994 when Congress authorized the Secretary of Veterans Affairs to provide for flat grave markers at the Willamette National Cemetery in Oregon.

Mr. President, I again want to thank Senator SPECTER for his assistance and state how pleased I am with the final passage of this important bill.

Mr. ROCKEFELLER. Mr. President, as the ranking member of the Committee on Veterans' Affairs, I am enormously pleased that the Congress has passed this comprehensive bill which would make extensive changes to a wide range of veterans' benefits and services. This legislation is the culmination of extensive oversight and investigation, as well as the normal process of developing legislation—hearings and markups in both the House and Senate. Further, the bill represents compromise on both sides of the aisle and in both Houses of Congress. It represents many, many hours of staff and Members' work, and for that, I thank everyone involved.

The bill covers a wide spectrum of issues—from long-term care to new educational benefits for servicemembers. I will address some of the more substantive provisions.

Mr. President, H.R. 2116, as amended, represents a comprehensive effort to address the long-term care needs of our veterans.

We know that there is an expanding need for long-term care in our country, and in the VA, the demand is even more pressing. About 35 percent of the veteran population is 65 years or older, and that number will grow dramatically in the next few years. With this legislation, we are taking an important step forward for our veterans, and I am hopeful that it signals a new concern for providing long-term care for all elderly Americans.

For the first time, the VA will be required to provide extended care services to enrolled veterans. Section 101 directs the VA to provide nursing home care to any veteran who is in need of such care for a service-connected condition, or who is 70 percent or more service-connected disabled. In addition, the VA is directed to provide noninstitutional care, such as home care and adult day health care, to all enrolled veterans. This latter provision was included in the Veterans' Long-term Care Enhancement Act of 1999 which I introduced this summer. Within three years of the bill's enactment, VA would evaluate and report to the House and Senate Committees on Veterans' Affairs on its experience in providing services under both of these provisions.

Under the bill, the VA is also required to operate and maintain extended care programs so as to ensure that the level of extended care services is not less than the level of such services provided during fiscal year 1998.

Finally, in order to offset the cost of this new program expansion, the conference agreement requires new long-term care copayments for services exceeding 21 days in any year. Veterans who have compensably rated service-connected conditions and veterans with incomes below the pension rate are exempted from these copayments. Under this provision, VA would be required to develop a methodology for establishing the amount of copayments, taking into account the income of the veterans, the need to protect the veteran's spouse from financial difficulties, and the desire to allow the veteran to retain a personal allowance. Further, it was the conferees' desire that copayments would not apply to patients who are currently receiving long-term care services.

Section 102—also based on the Veterans' Long-term Care Enhancement Act of 1999 which I authored—mandates that the Secretary of Veterans Affairs carry out a series of pilot programs, over a period of three years, which would be designed to gauge the best way for VA to meet veterans' long-term care needs: either directly, through cooperative arrangements with community providers, or by purchasing services from non-VA providers.

While VA has developed significant expertise in long-term care over the past 20-plus years, it has not done so with any mandate to share its learning with others, nor has it pushed its program development beyond that which met the current needs at the time. Some experts even believe that VA's expertise is gradually eroding. For VA's expertise to be of greatest use to others, it needs both to better capture what it has done and to develop new learning that would be most applicable to other health care entities.

A key purpose of the pilot program would be to test and evaluate various approaches to meeting the long-term care needs of eligible veterans, both to develop approaches that could be expanded across VA, as well as to demonstrate to others outside of VA the effectiveness and impact of various approaches to long-term care. To this end, the pilot program would include specific data collection on matters such as cost effectiveness, quality of health care services provided, enrollee and health care provider satisfaction, and the ability of participants to carry out basic activities of daily living.

Another provision based on my veterans' long-term care legislation would authorize the VA to establish a pilot program for assisted living services. Assisted living is the last remaining gap in VA's long-term care continuum, and the Federal Advisory Committee on the Future of VA Long-Term Care recommended that VA be granted the authority to provide assisted living services. I urge VA to undertake this pilot program, as it will provide a basis on which to recommend expanding the authority.

Mr. President, earlier this year I joined with Senator DASCHLE as an original cosponsor to S. 1146, the Veterans' Access to Emergency Care Act of 1999. In June, I offered the provisions included in this bill as an amendment to a veterans omnibus measure being discussed at a Senate Committee on Veterans' Affairs markup. The amendment was agreed to by a majority of the Committee members.

Just this week I was reminded of the need for better coverage for non-VA emergency care. The wife of a seriously ill veteran in my state of West Virginia called my office. Her husband is a non-service-connected, low income veteran with no health insurance. Recently, severe chest pains sent him to a VA medical center. Because he is a cardiac patient and because he was in so much distress, his family wanted to call the rescue squad to transport him to the VA medical center. The veteran refused. Why? Because he had used the ambulance service before in an emergency situation, leaving the family with a sizeable bill that they are unable to pay. So, this sick veteran almost crawled to the family car, insisting that his family drive him. Once there, the VA medical staff told the veteran and his family that by not calling for an ambulance, the veteran was placed at risk.

Section 111 would authorize the VA to make non-VA emergency care reimbursement payments on behalf of enrolled veterans in all priority groups, provided the veteran has received VA care within a two-year period prior to the emergency and has no other health insurance options.

While this emergency care provision is significantly more restrictive than I had wanted, it is a valuable first attempt at ensuring that veterans who do not have other health insurance options—like the seriously ill West Virginia veteran who refused when his family tried to call for an ambulance—will be reimbursed for their non-VA emergency care services. In negotiating this provision, I was resolute in pushing for all enrolled veterans to have this coverage. I will be watching closely to ensure that this more limited emergency care provision is working for our veterans.

Section 112 is based on legislation introduced by Senator ROBB. It would establish a specific eligibility for VA health care for veterans who were awarded the Purple Heart. This provision is designed to provide priority for enrollment to these veterans who have no other special eligibility for care.

According to the Military Order of the Purple Heart, there are about one-half million veterans with this award. Roughly half of these honored veterans already would qualify for high priority care based on a service-connected disability or because of income.

The recipients of the Purple Heart award are American heroes, and I thank Senator ROBB for his leadership on this measure, which will ensure that the remaining 500,000 Purple Heart veterans will have unfettered access to VA health care services.

Military retirees have had a difficult time accessing various health care programs. Reductions in military treatment facilities, in particular, have restricted military retirees' health care options. Section 113 attempts to improve their situation.

Under the bill, the Secretaries of Defense and Veterans Affairs will be directed to enter into an agreement to allow for VA reimbursement for health care services provided to military retirees. Veterans who have retired from military service and who are not otherwise eligible for VA care will not be responsible for copayments.

In order to protect current enrollees, the Secretary must document that VA—in a given area—has the capacity in such an area to provide timely care to enrollees and has determined that VA would recover its cost of providing such care.

I am very pleased that House and Senate conferees were able to reach agreement on this provision to improve care for military retirees.

Section 117 is of particular interest to me as it addresses VA's specialized mental health services for veterans.

Last year, I directed my staff on the Committee on Veterans' Affairs to undertake a study of the services the Department of Veterans Affairs offers to veterans with special needs. Earlier this summer, I received the report my Committee staff wrote based on their 8-month oversight investigation, which sought to determine if VA is complying with a Congressional mandate to maintain capacity in five of the specialized programs: Prosthetics and Sensory Aids Services, Blind Rehabilitation, Spinal Cord Injury (SCI), Post-Traumatic Stress Disorders (PTSD), and Substance Use Disorders. I was dismayed to learn that because of staff and funding reductions, with the resulting workload increases and excessive waiting times, the latter two programs are failing to sustain services at the needed levels.

With specific regard to PTSD, VA has been moving to reduce inpatient treatment of PTSD, while expanding its use of outpatient programs. VA's decision has been fueled in part by studies of the cost effectiveness of various treatment approaches. The potential to stretch limited VA dollars to be able to treat more veterans is appealing. However, VA needs to be cautious before subscribing to the idea that outpatient care is as good as inpatient care for all veterans with PTSD. For some of the more seriously affected veterans—those who have not succeeded in shorter inpatient or outpatient programs, are homeless or unemployed, or have dual diagnoses—longer inpatient or bed-based care may be a necessity.

Substance use disorders also present complex treatment problems and have taken the brunt of reductions in specialized programs. Some substance use disorder programs have terminated inpatient treatment completely, except for veterans requiring short detoxifications in extreme situations. While some medical centers have closed inpatient substance use disorder beds, they have worked to provide alternative, sheltered living arrangements. Unfortunately, not all facilities have made these efforts. Many have moved directly to the closure of inpatient units without first developing these other alternatives.

As an outgrowth of this oversight effort, I developed legislation to require that VA provide better care for veterans in need. I thank Chairman SPECTER for accepting this legislation and including it in S. 1076, the Veterans Benefits Act of 1999.

Under section 117, the Secretary of Veterans Affairs is required to carry out programs to enhance the provision of specialized mental health services to veterans. The conference agreement specifically targets services for those afflicted with PTSD and substance use disorders. The legislation also requires that $15 million in funding will be made available, in a centralized manner, to fund proposals from the VISNs and the individual facilities to provide specialized mental health services. The legislation specifically ensures that this $15 million in grant funding will be over and above what VA currently spends on these programs.

The focus of Section 117 is on expanding outpatient and residential treatment facilities, developing better case management, and generally improving the availability of services. Though not specifically mentioned in the legislation, I encourage VA to carry out programs for the following: (1) additional outpatient and residential treatment facilities for PTSD in areas that are underserved by existing programs; (2) short-term or long-term care services that combine residential treatment of PTSD; (3) dedicated case management services on an outpatient basis for veterans suffering from PTSD; (4) enhanced staffing of existing PTSD programs; (5) additional community-based residential treatment facilities for substance use disorder programs; (6) expanded opioid treatment services; and (7) enhanced substance use disorder services at facilities where such services have been eliminated.

In my view, VA's mental health treatment programs, in general, have been cut back to the point that veterans in some areas of the country are suffering needlessly. That is why I am so pleased that H.R. 2116 includes provisions to prompt VA to begin to rebuild some of what has been lost.

Section 201—based on the House bill—would allow the Secretary of Veterans Affairs the authority to set copayments, both for pharmaceuticals and for outpatient treatment. Currently, all veterans who are below 50 percent service-connected disabled, and veterans whose income is below the pension level, are required to pay $2 for each 30-day supply of medication. And all "category C" veterans are required to pay copayments based on the estimated average cost of an outpatient visit—currently $45.80.

The outpatient copayment rate needs to be adjusted. This charge is incurred each and every time a category C veteran receives outpatient care, regardless of the services provided. There is no doubt that $45 for a routine outpatient visit is unreasonable at best, and at its worst, may, in fact, discourage veterans from getting the primary care they need. I am confident that VA will study this issue closely and will set the outpatient copayment to be more in line with managed care plans which charge either $5 or $10.

While I am supportive of adjusting the outpatient copayment, I have serious concerns about increasing the pharmaceutical drug copayment. The House Committee on Veterans' Affairs was adamant that the Senate recede to this increase to help offset the Senate-sponsored program expansions in long-term care and emergency care. And although the $2 per prescription charge that veterans are paying now may seem like an insignificant amount to some, I can assure my colleagues that to the veteran and his family living on a very limited income, it is quite significant. I hear from a number of veterans whose income hovers just above the pension level, who must pay the assigned copayment for their pharmaceuticals. Many of them are older veterans who are on a number of different medications for multiple medical conditions.

It is critically important that we do not place this segment of our veteran population in the same situation as many of our aging population receiving care in the private sector—having to choose between buying their medication or putting food on the table.

In an effort to prevent this from happening, I strongly urge the VA to set maximum monthly and annual copayment amounts which are sensitive to the financial situation of veterans for those who have multiple outpatient prescriptions. I will be closely watching the implementation of this provision to ensure that it does not impose an undue burden on our veterans.

While the Senate was not able to stave off the House in increasing prescription copayments, we were able to flatly reject a House provision to require copayments for hearing aids and eyeglasses. Such a provision would penalize veterans who are taking advantage of a needed benefit.

Section 206 extends the VA's program for the evaluation of the health of spouses and children of Gulf War veterans for four years. I pushed for the original legislation providing for these health evaluations after hearing about Gulf War veterans and their families who reported miscarriages, birth defects, and other reproductive problems.

Last year, the Congress modified this program to allow VA to use fee-basis care. It seems that these modifications are working well, as many new dependants have applied and are now waiting to be seen.

I am delighted that this program has been extended because the need for assessments continues. By this time last year, 2,800 dependents had applied for the program, and this year that total is up to 4,000. However, although 4,000 dependents have applied for the evaluations, VA has only completed 1,140 examinations. I urge VA to process these examinations as rapidly as possible. These dependents of servicemembers should not be delayed in their quest for answers.

Section 208 contains provisions to improve VA's enhanced use lease authority. I am delighted with these provisions, because I believe enhanced use leases are a critical component of VA's management strategy for its property. Many terrific projects that better serve veterans and assist the VA have been developed under this authority. By way of this legislation, we are encouraging VA to develop more enhanced use lease projects to leverage its assets, rather than begin to dispose of irreplaceable property.

Since VA received enhanced use authority, it has been used in a variety of ways. One approach has been to lease land to companies that build nursing homes where VA can place veterans at discounted rates, resulting in savings of millions of dollars. Another use has been to provide transitional housing for homeless veterans. Other projects have created reliable child care and adult day care facilities for VA employees' families, so that they can care for veterans without having to worry about the health and safety of their loved ones. In other locations, VA regional offices are moving onto VA medical center campuses, resulting in more convenient access for veterans and better cooperation between the Veterans Benefits Administration and the Veterans Health Administration.

Section 208 of H.R. 2116 would remove many of the current barriers preventing VA from having an even more successful enhanced use lease program. It would allow VA to enter into leases with terms of up to 75 years, rather than the current 20 and 35 years, while eliminating the distinction in lease terms that exists between leases involving new construction or substantial renovation, and those involving current structures.

I am very interested in seeing VA engage in more of these projects, so I am pleased to see that H.R. 2116 would require the Secretary to provide training and outreach regarding enhanced use leasing to personnel at VA medical centers. The bill also requires the Secretary to contract for independent assessments of opportunities for enhanced use leases. These assessments would include surveys of suitable facilities, determinations of the feasibility of projects at those facilities, and analyses of the resources required to enter into a lease. I hope that more training—which until now has been sporadic and provided primarily on a by-request basis—and a more systematic and centralized approach would assist the VA in maximizing its enhanced use lease opportunities.

While VA currently has a policy which allows for fee-basis care for chiropractic care, section 303 of H.R. 2116 requires the VA Under Secretary for Health, in consultation with chiropractors, to establish a wider VA policy on chiropractic care. While conferees have agreed that VA should establish a policy regarding chiropractic care, they have remained silent on mandating that VA furnish veterans with chiropractic treatment. Indeed, it is Congress' intent that this provision not be read as an endorsement for chiropractic care.

Complementary and alternative medicine, including chiropractic care, are important aspects of health care. I urge VA to use this opportunity to develop a policy on all forms of complementary and alternative medicine. In particular, the report "VHA Complementary and Alternative Medicine Practices and Future Opportunities" recommended that VHA consider providing acupuncture, following guidelines set forth by the National Institutes of Health, since NIH has already approved acupuncture as an effective treatment for back pain.

I am extremely disappointed that the House would not move the Senate Montgomery GI Bill (MGIB) enhancement legislation. The Senate passed MGIB enhancements on three occasions this year, but the House did not respond.

S. 1402, the education bill reported out of the Senate Committee on Veterans' Affairs, contained a provision, among others, to increase the monthly benefit provided to current servicemembers from $528 to $600. This more than 12 percent increase would have followed on the heels of a 20 percent increase last year. Additionally, the Senate bill would have allowed servicemembers to elect to contribute up to an additional $600, in exchange for receiving four times their contribution. Although these increases fall short of the full tuition recommended by the so-called Transition Commission, they would have provided a substantial assistance to veterans. The costs of tuition and fees for public and private educational institutions rose approximately 90 percent from 1980–1995, while the MGIB benefit rates only increased 42 percent from 1985 to 1995.

The statistics regarding education and employment for veterans are also revealing. Despite almost full enrollment in the program by servicemembers, the number of eligible veterans who take advantage of their MGIB benefits is startlingly low, around 50 percent. Less than 20 percent of those who use the MGIB attend private institutions. And the Transition Commission reports that the unemployment rate for veterans ages 20–24 and 35–39 is higher than their non-veteran counterparts. All these are reasons why I believe that there is more that we can and must do. Unfortunately, we will need to wait until at least next year to tackle these issues.

H.R. 2116 does provide for two provisions—relating to test preparation and Officer Candidate Training—which while small, can make a significant difference to the individual veterans affected.

The Department of Veterans Affairs currently has authority to provide MGIB benefits for post-graduate exam preparatory courses that are required for a particular profession, such as CPA exam or bar review courses. However, it does not have authority to provide for pre-admission preparatory coursework.

Nevertheless, studies by national consulting companies have shown improvement of over 100 points on the SAT exam and an average improvement of seven points in LSAT scores for students who take exam preparatory courses. An article in the April 13, 1998, New Republic stated, "[t]horough, expertly taught preparation can raise a student's ability to cope with, and hence succeed on, a particular exam. In many cases, then, test prep can make the difference between getting into a top-flight law school and settling for the second tier." At some of the nation's top schools, scores on entrance exams can count for half of the total application.

The problem is that many of these exam preparatory courses are quite costly. One national provider charges as much as $750 for a two-month, part-time, SAT preparatory course. One educational advocacy group, Fairtest, argues that "[t]he SAT has always favored students who can afford coaching over those who cannot . . ." To be able to compete, it is critical that veterans have access to such courses.

That is why I am pleased that section 701 corrects that disparity by allowing veterans to use their MGIB benefits for preparatory courses for entrance examinations required for college and graduate school admission ("test prep"). By giving veterans the opportunity to better their admissions test scores, this amendment would expand the choices available to veterans in their course of higher education. It will also improve access to the top educational institutions for veterans.

Section 702 allows servicemembers who failed to complete their initial period of service—because of entry to Officer Candidate School or Officer Training School ("OCS")—to retain their eligibility for MGIB benefits. This would allow their OCS service to count toward that initial obligated period of service (generally three years total).

In most instances, these servicemembers had already made a $1,200 contribution to the MGIB, which cannot be refunded, by law. Rather than refund this money, the House and Senate agree that we should allow these men and women to retain their MGIB eligibility and further their education.

Like the test prep provision, it should be our policy to always encourage servicemembers and veterans to strive for greater achievement. This provision corrects an oversight in the MGIB statutes that penalizes servicemembers for seeking promotions.

As we are all sadly aware, the veteran population is aging rapidly. In 1997, 537,000 veterans died. Projections of the veteran death rate show an increase through the year 2008, when the death rate of the world War II and Korea-era veterans will peak at 620,000 veterans. Unless expanded, 21 national cemeteries are scheduled to close to inground burial or close completely by FY 2005. National cemeteries take an average of seven years to open. That is why I felt it was critical to address now VA's plan to provide burial sites for our nation's veterans.

VA conducted studies in 1987 and 1994 that identified the top 10 veteran population areas that are not served by a national cemetery. Pursuant to those studies, VA has begun, and in some cases completed, construction of six cemeteries in: Cleveland (OH), Chicago (IL), Seattle (WA), Dallas (TX), Saratoga (NY), and San Joaquin Valley (CA).

However, there has been no activity in the remaining six locations contained on the 1987 and 1994 lists: Detroit (MI), Sacramento (CA), Miami (FL), Atlanta (GA), Pittsburgh (PA), and Oklahoma City (OK). That is why I am pleased that H.R. 2116 authorizes VA to build cemeteries in the top areas in need. I am hopeful that the Appropriations Committee will fund construction of these cemeteries, particularly in light of their direction of advanced planning funds in this year's VA-HUD Appropriations bill.

Sections 601–603 authorize the American Battle Monuments Commission to borrow funds from the Treasury Department to construct the WWII memorial on the Mall if it is unable to raise sufficient funds through private donations. It also extends the authority to break ground for four years. This will ensure that the veterans who are to be honored by this memorial will be able to see it constructed.

I have agreed to a study, based on a House provision, of the current state of cemeteries to assess repair needs, ways to improve appearance, and the number of cemeteries needed to serve veterans who die after 2005. Finally, section 621 requires that the VA study the adequacy and effectiveness of burial benefits that a veteran's dependents receive, as well as options to better serve veterans and their families. In light of inflation in the cost of burials, as well as the increase in options such as cremation and burial at sea, it is appropriate that VA reevaluate this program.

This bill contains a number of benefits provisions that will aid veterans. For example, section 503 will add bronchiolo-alviolar carcinoma to the list of presumptive conditions associated with exposure to ionizing radiation. Bronchiolo-alviolar carcinoma is a type of lung cancer. The Senate has passed provisions adding lung cancer to the list of presumptive conditions on several occasions, but the House has not moved similar legislation.

Section 711 will extend the reservist home loan guaranty authority to December 31, 2007. The current authority is set to expire in 2003. However, a reservist must serve six years before being eligible for the home loan guaranty. Therefore, in order for it to be used as a recruiting incentive, the authority must be extended beyond 2006.

I am extremely gratified that section 501 authorizes payment of dependency and indemnity compensation ("DIC") to the surviving spouse of a former POW veteran who dies of a non-service-connected condition if the former POW was rated totally disabled due to a POW-related presumptive condition for a period of one or more years immediately prior to death. In the case of former POWs, this reduces the 10-year period prior to death that a veteran must be rated 100 percent service-connected for the spouse to receive DIC if the veteran dies of a non-service-connected condition. This provision recognizes that former POW's suffered extreme hardships and that their spouses cared for them throughout the years that VA did not recognize their health conditions as being service-related. I am proud that we named this provision of the bill the "John William Rolen Act." John passed away this year. He was a tireless advocate for America's former POWs, and I will miss him.

Section 502 of H.R. 2116 corrects an oversight in last year's transportation bill (TEA 21) that reinstated DIC to remarried widows of veterans whose remarriages have now been terminated. The benefit had previously been cut off as a budget reconciliation item. While reinstating DIC payments, however, the transportation bill failed to restore the limited ancillary benefits that accompany the receipt of DIC: CHAMPVA, home loan guaranty, and educational benefits. This bill restores those ancillary benefits.

Finally, I am so glad that we will maintain our commitment to homeless veterans by reauthorizing the Homeless Veteran Reintegration Program (HVRP). Section 901 authorizes increased funding levels for job training for veterans for four consecutive years, beginning with $10 million additional in the first year, $15 million additional in the second year, and $20 million additional in each of the third and fourth years. We have also required, in section 903, that VA formulate a comprehensive plan that includes the Departments of Labor and Housing and Urban Development, to conduct a cross-cutting report evaluating the effectiveness of homeless programs beyond six months of placement or service delivery.

Title XI of H.R. 2116 provides VA with authority to offer voluntary separation incentives through December 31, 2000, to a specified number of FTEE. As is well known, inadequate VA budgets in the last several years have forced VA to make sweeping changes, (many of which were warranted, including the downsizing of employees. VHA has already eliminated thousands of employees via "reductions in force" ("RIFs"). VHA FTEE staff now stands at 182,000, down from 218,000 in 1994. VBA FTEE has also declined, from 13,500 in 1994 to 11,200 today. All this is occurring at a time when VA is treating more patients and deciding more claims.

Usually, a condition of voluntary separation incentives—or buyouts as they are known—is that the FTEE slot is eliminated in a one-for-one reduction, i.e. downsizing. But I believe that VA has already reached the precipice of staff reductions—the point beyond which we should not go if quality of VA health care is to be maintained. However, VA says that it still requires buyouts in order to "rightsize." That is, VA must let go of employees who do not have the needed skills, in order to free up FTEE positions so that VA can hire the most appropriately qualified people. The buyout language in this bill prohibits VA from eliminating the FTEE positions of employees who have received buyouts.

If we do not provide VA with buyout authority, VA will proceed down the path of reductions regardless. For example, VHA will RIF thousands of employees next year. However, RIFs are an inexact management tool. RIFs would not necessarily result in the skills mix VA needs, due to the civil service employment rights that allow senior employees to take the job of junior employees. I believe that buyouts offer a better option, but one that must still be used wisely and monitored carefully—which is why H.R. 2116 allows only limited buyouts under very strict conditions.

I am very disappointed that we were unable to move the Senate provision overturning the "$1,500 rule." Since 1933, the law has required VA to suspend the compensation or pension benefits of incompetent veterans who have no dependents and are hospitalized at government expense. This suspension is triggered when the veteran's estate exceeds $1,500, and VA benefits are cut off until the veteran's estate is spent down to $500. At that time, the VA commences reinstating the veteran's compensation, until such time the veteran is hospitalized again and the estate exceeds $1,500, when the benefits are cut off again. No similar suspension is made for competent veterans or for incompetent veterans who are not hospitalized.

The rationale for cutting off benefits was that these veterans might have been institutionalized for years, and that it was not good policy to allow their estates to build up when they have no dependents to inherit them. There was also a fear of fraud on the part of the veteran's guardian or fiduciary.

The dollar amounts have not changed since 1933, when $1,500 equaled almost three years' worth of VA benefits at a 100 percent rating level. In today's dollars, this is less than one month's benefit at a 100 percent rating level.

Although veterans are generally being hospitalized for shorter periods of time, based on the low dollar limit, the rule may be applied very quickly, sometimes immediately, when it does apply. Further, it takes VA an average of 66 days to restore the benefits to incompetent veterans once their estates have been spent down. Since incompetent veterans are no longer routinely institutionalized for years at a time, it is very difficult for a non-Medicaid eligible veteran (which would be any veteran receiving any significant amount of VA compensation) to be released from the hospital and placed in either a private assisted living or group home with only $500 in his bank account. I fear some of these veterans may end up on the streets because of this policy, despite the best efforts of VHA to place them at discharge.

I believe that this outdated and indefensible policy discriminates against incompetent veterans—those who are least likely to be able to fight for themselves. The fact is, we are means testing VA compensation for this one class of veterans. Why is a competent veteran with no dependents entitled to receive his compensation, but an incompetent veteran not entitled? There is no justification for this discrimination. It may also have some harmful effects for a small population of veterans, facilitating their downward spiral into homelessness. That may be too much of a price to pay for the government to save some money from reverting to the state if that veteran died while hospitalized. While we were not successful in addressing this issue in this bill, I plan to readdress this policy until it is corrected.

Mr. President, in closing, I want to acknowledge the work of our Committee's Chairman, Senator SPECTER, in developing this comprehensive legislation. Through his efforts, and that of his staff—especially the former Committee Staff Director, Charles Battaglia, and the new Committee Staff Director, William Tuerk—the Senate Committee on Veterans' Affairs has fully met its responsibilities and can be proud of the legislation we consider today.

I appreciate the willingness of the House Committee on Veterans' Affairs, especially Chairman BOB STUMP and Ranking Member LANE EVANS, to work together to reach compromise on so many vital issues.

And I would be remiss if I did not acknowledge the efforts of my own staff, Minority Staff Director, Jim Gottlieb, Professional Staff Member, Kim Lipsky, and Counsel, Mary Schoelen. I am enormously grateful for their diligence, and for their commitment to the work we do in this Committee on behalf of our Nation's veterans.

Ms. SNOWE. Mr. President, I rise in support of H.R. 2116, the Veterans Millennium Health Care and Benefits Act of 1999.

I would like to begin by thanking my colleague, Senator SPECTER, chairman of the Senate Veterans' Affairs Committee, for his leadership on issues of importance to veterans. H.R. 2116 contains a number of provisions that will benefit veterans in Maine and elsewhere because of his strong leadership. I applaud Senator SPECTER for his efforts.

I would especially like to thank the chairman for his efforts to address a concern I had about a specific provision in the House-passed version of the bill, which would have jeopardized millions of dollars in grant funding for the Maine State Veterans Homes system.

H.R. 2116 contains a provision which fundamentally reorders the manner in which VA construction grants will be awarded in the future, placing the focus on renovation of existing facilities so that maintenance projects will take precedence in grant awards over proposals to construct new facilities. The House-passed version of the bill would have made Maine veterans homes and state homes in a number of states ineligible for funding, even through they had already prepared and filed grant applications under existing law and regulations.

In an effort to address this concern, I worked closely with Senator SPECTER to craft a transition provision balancing the need to treat current state home applicants fairly and not change the rules in the middle of the game, while at the same time implementing the new rules as soon as possible.

I am very pleased that the conference for H.R. 2116 agreed to the measure I helped author that grandfathers proposals already filed by veterans homes, thereby exempting them from new criteria in the bill that would have precluded funding in this and coming fiscal years.

I believe this compromise remains true to the intent of the new criteria included in the House-passed version of the bill, while at the same time protecting the interests of states that had already submitted applications for funding.

In addition to work with Senator SPECTER personally, I wrote a letter to the chairman in September alerting him to my concerns, followed by a letter to my colleague from Maine, Senator COLLINS. In addition, last month, I spearheaded a letter with 14 other Senators urging modification of the House construction grant provision to grandfather proposals made by Maine and other states under existing law, so that it would not change the methodology in the middle of the current fiscal year—after applications have been filed; after architectural, engineering, and legal fees have been incurred, and after local matching funds have been appropriated or borrowed by states for these projects.

If the House-passed provision had been enacted without this change, many states veterans homes would have lost their positions for Fiscal Year 2000 grants because these applications would have been judged according to a new set of criteria.

In Maine, this would have jeopardized funding for the entire Maine Veterans Homes system, which earlier this year applied for about $9.3 million in grant funding, and is seeking to construct new veterans' residential care facilities in Augusta, Bangor, Caribou, and Scarborough. In their applications, the Maine Veterans Home System notes that more than half of Maine's veterans population is reaching the age where long-term nursing care or domicillary care is typically required. Since 1991, the number of Maine veterans aged 75–79 has doubled, from 6,000 to 12,500. Over the same time period, the numbers of veterans aged 80–84 has doubled from 2,400 to 6,000; and veterans over the age of 85 has increased by 50 percent from 1,200 to 1,800.

I would also like to thank Senator SPECTER for supporting another provision in H.R. 2116 based on legislation I introduced in the Senate, S. 1579, the Veterans Sexual Trauma Treatment Act. S. 1579 extends a VA program that offers counseling and medical treatment to veterans who were sexually abused while serving in the military, and requires a VA mental health professional to determine when counseling is necessary. Currently, the VA Secretary makes this determination. The bill also calls for the dissemination of information concerning the availability of counseling services to veterans through public service announcements.

According to the Department of Defense, at least 55 percent of active duty women and 14 percent of active duty men have been subjected to sexual harassment. As a member of the Senate Armed Services Committee, I credit the DoD with working to reduce the prevalence of sexual harassment in the military. However, as long as there is harassment in the military, it is vital that victims have access to treatment, and H.R. 2116 provides the tools to do this.

Finally, I would like to commend the Senate and House Veterans' Affairs Committees and the conferees for H.R. 2116 for their efforts to expand a whole range of benefits for veterans in this conference report. For example, the bill expands long-term care for veterans, and will increase home and community-based care and assisted-living options for veterans. It expands mental health services, and requires the VA to enhance specialized services for PTSD and drug abuse disorders. It provides coverage for uninsured veterans who need care but who do not have access to a VA facility. It expands VA authority to provide services to homeless veterans. It improves Montgomery GI bill benefits by providing benefits for students in preparatory courses and to those whose enlistment is interrupted to attend officers training school. And these are just a few of the important provisions in this bill.

Mr. President, this is a strong bill, and I urge my colleagues to join me in a strong show of support.

I yield the floor.

SECTION 207

Mr. SMITH of New Hampshire. Mr. President, I too, would like to recognize Senator SPECTER, for his tremendous work and skillful leadership and sensitivity in bringing the Veterans Millennium Health Care bill (H.R. 2116) to the floor. As a veteran myself, I can assure you that this bill means a great deal in providing for the health and welfare of our veterans both in my state of New Hampshire as well as those veterans throughout the country. I congratulate Senator SPECTER's leadership on issues that are of particular importance to our veteran community.

If I may also ask the senator to clarify the transition clause of Section 207(c) of the bill. Does the Senator mean that provided that state home grant applicants covered by the transition clause follow all applicable laws and regulations in effect on November 10, 1999, that the Secretary of Veterans Affairs shall award grants to all applications remaining unfunded for fiscal year 1999 priority one projects first, then proceed to awarding grants to priority one projects as outlined and in the order in which they appeared in the Department of Veteran Affairs Fiscal Year 2000 priority list as covered by Section 207(c) of the bill, prior to awarding grants to any other applicants?

Mr. SPECTER. Yes, the Senator is correct. The purpose of this section is to reform the priorities under which state home grant applications are considered so that much needed renovation and maintenance projects will receive more appropriate consideration for funding than under the current system.

I am pleased that we were able to craft a transition provision that balanced the desire to ensure that all states had an opportunity to participate under the old rules, with the desire to implement the new rules as quickly as possible.

Mr. SMITH of New Hampshire. Thank you Mr. Chairman and again I appreciate your consideration and sensitivity to the veteran community. Your leadership on this issue will enable the Veterans Home in Tilton, New Hampshire to better meet the medical needs of veterans in New Hampshire. I yield the floor.

Ms. SNOWE. I commend my colleague, Senator SPECTER, chairman of the Senate Veteran's Affairs Committee, for the remarkably responsive and skillful manner in which he managed the progress of H.R. 2116. This bill means a lot to veterans throughout the nation, and especially in my home state of Maine. I applaud Senator SPECTER's leadership on issues of importance to veterans.

I have only one point of clarification. Does the transition clause of Section 207(c) of the bill mean, that for all state home grant applications covered by the transition clause and otherwise in compliance with applicable law and regulations in effect on November 10, 1999, the Secretary of Veterans Affairs shall award grants first to all unfunded applications remaining for fiscal year 1999 priority one projects? And that following those projects, the Secretary shall next fund those FY 2000 applications and which both meet the criteria set forth in the bill and which were accorded priority one status for FY 2000? And that the Secretary would fund these projects in the order in which they would appear on the fiscal year 2000 priority one list, prior to awarding grants to any other applications?

Mr. SPECTER. Yes, the Senator is correct. The purpose of this section is to reform the priorities under which state home grant applications are considered so that much needed renovation and maintenance projects will receive more appropriate consideration for funding than under the current system. I am pleased that we were able to craft a transition provision that balanced the desire to ensure that all states had an opportunity to participate under the old rules, with the desire to implement the new rules as quickly as possible.

Ms. SNOWE. I thank the chairman once again, and I yield the floor.

Ms. COLLINS. I ask unanimous consent the conference report be agreed to, the motion to reconsider be laid upon the table, and any statements related to the conference report be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUDAN PEACE ACT

Ms. COLLINS. Mr. President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 410, S. 1453.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1453) to facilitate famine relief efforts and a comprehensive solution to the war in Sudan.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

S. 1453

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sudan Peace Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) With clear indications that the Government of Sudan intends to intensify its prosecution of the war against areas outside of its control, which has already cost nearly 2,000,000 lives and has displaced more than 4,000,000, a sustained and coordinated international effort to pressure combatants to end hostilities and to address the roots of the conflict offers the best opportunity for a comprehensive solution to the continuing war in Sudan.

(2) A viable, comprehensive and internationally sponsored peace process, protected from manipulation, presents the best chance for a permanent resolution of the war, protection of human rights, and a self-sustaining Sudan.

(3) Continued strengthening of humanitarian relief operations in Sudan is an essential element in the effort to bring an end to the war.

(4) Continued leadership by the United States is critical.

(5) Regardless of the future political status of the areas of Sudan outside of the control of the Government of Sudan, the absence of credible civil authority and institutions is a major impediment to achieving self-sustenance by the Sudanese people and to meaningful progress toward a viable peace process.

(6) Through manipulation of traditional rivalries among peoples in areas outside their full control, the Government of Sudan has effectively used divide and conquer techniques to subjugate their population, and Congress finds that internationally sponsored reconciliation efforts have played a critical role in reducing the tactic's effectiveness and human suffering.

(7) The Government of Sudan is increasingly utilizing and organizing militias, Popular Defense Forces, and other irregular troops for raiding and slaving parties in areas outside of the control of the Government of Sudan in an effort to severely disrupt the ability of those populations to sustain themselves. The tactic is in addition to the overt use of bans on air transport relief flights in prosecuting the war through selective starvation and to minimize the Government of Sudan's accountability internationally.

(8) The Government of Sudan has repeatedly stated that it intends to use the expected proceeds from future oil sales to increase the tempo and lethality of the war against the areas outside its control.

(9) Through its power to veto plans for air transport flights under the United Nations relief operation, Operation Lifeline Sudan (OLS), the Government of Sudan has been able to manipulate the receipt of food aid by the Sudanese people from the United States and other donor countries as a devastating weapon of war in the ongoing effort by the Government of Sudan to subdue areas of Sudan outside of the Government's control.

(10) The efforts of the United States and other donors in delivering relief and assistance through means outside OLS have played a critical role in addressing the deficiencies in OLS and offset the Government of Sudan's manipulation of food donations to advantage in the civil war in Sudan.

(11) While the immediate needs of selected areas in Sudan facing starvation have been addressed in the near term, the population in areas of Sudan outside of the control of the Government of Sudan are still in danger of extreme disruption of their ability to sustain themselves.

(12) The Nuba Mountains and many areas in Bahr al Ghazal, Upper Nile, and Blue Nile regions have been excluded completely from relief distribution by OLS, consequently placing their populations at increased risk of famine.

(13) At a cost which can exceed $1,000,000 per day, and with a primary focus on providing only for the immediate food needs of the recipients, the current international relief operations are neither sustainable nor desirable in the long term.

(14) The ability of populations to defend themselves against attack in areas outside the Government of Sudan's control has been severely compromised by the disengagement of the front-line sponsor states, fostering the belief within officials of the Government of Sudan that success on the battlefield can be achieved.

(15) The United States should use all means of pressure available to facilitate a comprehensive solution to the war, including—

(A) the maintenance and multilateralization of sanctions against the Government of Sudan with explicit linkage of those sanctions to peace;

(B) the support or creation of viable democratic civil authority and institutions in areas of Sudan outside government control;

(C) continued active support of people-to-people reconciliation mechanisms and efforts in areas outside of government control;

(D) the strengthening of the mechanisms to provide humanitarian relief to those areas;

(E) cooperation among the trading partners of the United States and within multilateral institutions toward those ends; and

(F) the use of any and all possible unilateral and multilateral economic and diplomatic tools to compel Ethiopia and Eritrea to end their hostilities and again assume a constructive stance toward facilitating a comprehensive solution to the ongoing war in Sudan.

SEC. 3. DEFINITIONS.

In this Act:

(1) GOVERNMENT OF SUDAN.—The term "Government of Sudan" means the National Islamic Front government in Khartoum, Sudan.

(2) IGAD.—The term "IGAD" means the Inter-Governmental Authority on Development.

(3) OLS.—The term "OLS" means the United Nations relief operation carried out by UNICEF, the World Food Program, and participating relief organizations known as "Operation Lifeline Sudan".

SEC. 4. CONDEMNATION OF SLAVERY, OTHER HUMAN RIGHTS ABUSES, AND NEW TACTICS BY THE GOVERNMENT OF SUDAN.

Congress hereby—

(1) condemns—

(A) violations of human rights on all sides of the conflict in Sudan;

(B) the Government of Sudan's overall human rights record, with regard to both the prosecution of the war and the denial of basic human and political rights to all Sudanese;

(C) the ongoing slave trade in Sudan and the role of the Government of Sudan in abetting and tolerating the practice; and

(D) the Government of Sudan's increasing use and organization of "murahalliin" or "mujahadeen", Popular Defense Forces (PDF), and regular Sudanese Army units into organized and coordinated raiding and slaving parties in Bahr al Ghazal, the Nuba Mountains, Upper Nile, and Blue Nile regions; and

(2) recognizes that, along with selective bans on air transport relief flights by the Government of Sudan, the use of raiding and slaving parties is a tool for creating food shortages and is used as a systematic means to destroy the societies, culture, and economies of the Dinka, Nuer, and Nuba peoples in a policy of low-intensity ethnic cleansing.

SEC. 5. SUPPORT FOR THE IGAD PEACE PROCESS.

(a) SENSE OF CONGRESS.—Congress hereby—

(1) declares its support for the efforts by executive branch officials of the United States and the President's Special Envoy for Sudan to lead in a reinvigoration of the IGAD-sponsored peace process;

(2) calls on IGAD member states, the European Union, the Organization of African Unity, Egypt, and other key states to support the peace process; and

(3) urges Kenya's leadership in the implementation of the process.

(b) RELATION TO UNITED STATES DIPLOMACY.—It is the sense of Congress that any such diplomatic efforts toward resolution of the conflict in Sudan are best made through a peace process based on the Declaration of Principles reached in Nairobi, Kenya, on July 20, 1994, and that the President should not create any process or diplomatic facility or office which could be viewed as a parallel or competing diplomatic track.

(c) UNITED STATES DIPLOMATIC SUPPORT.—The Secretary of State is authorized to utilize the personnel of the Department of State for the support of—

(1) the secretariat of IGAD;

(2) the ongoing negotiations between the Government of Sudan and opposition forces;

(3) any peace settlement planning to be carried out by the National Democratic Alliance and IGAD Partners' Forum (IPF); and

(4) other United States diplomatic efforts supporting a peace process in Sudan.

SEC. 6. INCREASED PRESSURE ON COMBATANTS.

It is the sense of Congress that the President, acting through the United States Permanent Representative to the United Nations, should—

(1) sponsor a resolution in the United Nations Security Council to investigate the practice of

slavery in Sudan and provide recommendations on measures for its eventual elimination;

(2) sponsor a condemnation of the human rights practices of the Government of Sudan at the United Nations conference on human rights in Geneva in 2000;

(3) press for implementation of the recommendations of the United Nations Special Rapporteur for Sudan with respect to human rights monitors in areas of conflict in Sudan;

(4) press for UNICEF, International Committee of the Red Cross, or the International Federation of Red Cross and Red Crescent Societies, or other appropriate international organizations or agencies to maintain a registry of those individuals who have been abducted or are otherwise held in bondage or servitude in Sudan;

(5) sponsor a condemnation of the Government of Sudan each time it subjects civilian populations to aerial bombardment; and

(6) sponsor a resolution in the United Nations General Assembly condemning the human rights practices of the Government of Sudan.

SEC. 7. REPORTING REQUIREMENT.

Beginning 3 months after the date of enactment of this Act, and every 3 months thereafter, the President shall submit a report to Congress on—

(1) the specific sources and current status of Sudan's financing and construction of oil exploitation infrastructure and pipelines;

(2) the extent to which that financing was secured in the United States or with involvement of United States citizens;

(3) such financing's relation to the sanctions described in subsection (a) and the Executive Order of November 3, 1997;

(4) the extent of aerial bombardment by the Government of Sudan forces in areas outside its control, including targets, frequency, and best estimates of damage;

(5) the number, duration, and locations of air strips or other humanitarian relief facilities to which access is denied by any party to the conflict; and

(6) the status of the IGAD-sponsored peace process and any other ongoing effort to end the conflict, including the specific and verifiable steps taken by parties to the conflict, the members of the IGAD Partners Forum, and the members of IGAD toward a comprehensive solution to the war.

SEC. 8. REFORM OF OPERATION LIFELINE SUDAN (OLS).

It is the sense of Congress that the President should organize and maintain a formal consultative process with the European Union, its member states, the members of the United Nations Security Council, and other relevant parties on coordinating an effort within the United Nations to revise the terms of OLS to end the veto power of the Government of Sudan over the plans by OLS for air transport relief flights.

SEC. 9. CONTINUED USE OF NON-OLS ORGANIZATIONS FOR RELIEF EFFORTS.

(a) FINDING.—Congress recognizes the progress made by officials of the executive branch of Government toward greater utilization of non-OLS agencies for more effective distribution of United States relief contributions.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should continue to increase the use of non-OLS agencies in the distribution of relief supplies in southern Sudan.

(c) REPORT.—Not later than 90 days after the date of enactment of this Act, the President shall submit a detailed report to Congress describing the progress made toward carrying out subsection (b).

SEC. 10. CONTINGENCY PLAN FOR ANY BAN ON AIR TRANSPORT RELIEF FLIGHTS.

(a) PLAN.—The President shall develop a detailed and implementable contingency plan to provide, outside United Nations auspices, the greatest possible amount of United States Government and privately donated relief to all affected areas in Sudan, including the Nuba Mountains, Upper Nile, and Blue Nile, in the event the Government of Sudan imposes a total, partial, or incremental ban on OLS air transport relief flights.

(b) ELEMENT OF PLAN.—The plan developed under subsection (a) shall include coordination of other donors in addition to the United States Government and private institutions.

(c) REPORT.—Not later than 2 months after the date of enactment of this Act, the President shall submit a classified report to Congress on the costs and startup time such a plan would require in the event of a total ban on air transport relief flights or in the event of a partial or incremental ban on such flights if the President has made the determination required by subsection (a)(2).

(d) REPROGRAMMING AUTHORITY.—Notwithstanding any other provision of law, in carrying out the plan developed under subsection (a), the President may reprogram up to 100 percent of the funds available for support of OLS operations (but for this subsection) for the purposes of the plan.

SEC. 11. NEW AUTHORITY FOR USAID'S SUDAN TRANSITION ASSISTANCE FOR REHABILITATION (STAR) PROGRAM.

(a) SENSE OF CONGRESS.—Congress hereby expresses its support for the President's ongoing efforts to diversify and increase effectiveness of United States assistance to populations in areas of Sudan outside of the control of the Government of Sudan, especially the long-term focus shown in the Sudan Transition Assistance for Rehabilitation (STAR) program with its emphasis on promoting future democratic governance, rule of law, building indigenous institutional capacity, promoting and enhancing self-reliance, and actively supporting people-to-people reconciliation efforts.

(b) ALLOCATION OF FUNDS.—Of the amounts made available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq:, relating to development assistance) for the period beginning on October 1, 2000, and ending on September 30, 2003, $16,000,000 shall be available for development of a viable civil authority, and civil and commercial institutions, in Sudan, including the provision of technical assistance, and for people-to-people reconciliation efforts.

(c) ADDITIONAL AUTHORITIES.—Notwithstanding any other provision of law, the President is granted authority to undertake any appropriate programs using Federal agencies, contractual arrangements, or direct support of indigenous groups, agencies, or organizations in areas outside of control of the Government of Sudan in an effort to provide emergency relief, promote economic self-sufficiency, build civil authority, provide education, enhance rule of law and the development of judicial and legal frameworks, support people-to-people reconciliation efforts, or implementation of any programs in support of any viable peace agreement at the local, regional, or national level.

(d) IMPLEMENTATION.—It is the sense of Congress that the President should immediately and to the fullest extent possible utilize the Office of Transition Initiatives at the Agency for International Development in an effort to pursue the type of programs described in subsection (c).

(e) SENSE OF CONGRESS.—It is the sense of Congress that enhancing and supporting education and the development of rule of law are critical elements in the long-term success of United States efforts to promote a viable economic, political, social, and legal basis for development in Sudan. Congress recognizes that the gap of 13–16 years without secondary educational opportunities in southern Sudan is an especially important problem to address with respect to rebuilding and sustaining leaders and educators for the next generation of Sudanese. Congress recognizes the unusually important role the secondary school in Rumbek has played in producing the current generation of leaders in southern Sudan, and that priority should be given in current and future development or transition programs undertaken by the United States Government to rebuilding and supporting the Rumbek Secondary School.

(f) PROGRAMS IN AREAS OUTSIDE GOVERNMENT CONTROL.—Congress also intends that such programs include cooperation and work with indigenous groups in areas outside of government control in all of Sudan, to include northern, southern, and eastern regions of Sudan.

SEC. 12. ASSESSMENT AND PLANNING FOR NUBA MOUNTAINS AND OTHER AREAS SUBJECT TO BANS ON AIR TRANSPORT RELIEF FLIGHTS.

(a) FINDING.—Congress recognizes that civilians in the Nuba Mountains, Red Sea Hills, and Blue Nile regions of Sudan are not receiving assistance through OLS due to restrictions by the Government of Sudan.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should—

(1) conduct comprehensive assessment of the humanitarian needs in the Nuba Mountains, Red Sea Hills, and Blue Nile regions of Sudan;

(2) respond appropriately to those needs based on such assessment; and

(3) report to Congress on an annual basis on efforts made under paragraph (2).

SEC. 13. OPTIONS OR PLANS FOR NONLETHAL ASSISTANCE FOR NATIONAL DEMOCRATIC ALLIANCE PARTICIPANTS.

(a) REPORT.—Not later than 90 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report, in classified form if necessary, detailing possible options or plans of the United States Government for the provision of nonlethal assistance to participants of the National Democratic Alliance.

(b) CONSULTATIONS.—Not later than 30 days after submission of the report required by subsection (a), the President should begin formal consultations with the appropriate congressional committees regarding the findings of the report.

(c) DEFINITION.—In this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

Ms. COLLINS. I ask unanimous consent the committee substitute amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1453), as amended, was read the third time and passed, as follows:

S. 1453

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sudan Peace Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) With clear indications that the Government of Sudan intends to intensify its prosecution of the war against areas outside of its control, which has already cost nearly 2,000,000 lives and has displaced more than 4,000,000, a sustained and coordinated international effort to pressure combatants to end hostilities and to address the roots of the conflict offers the best opportunity for a comprehensive solution to the continuing war in Sudan.

(2) A viable, comprehensive, and internationally sponsored peace process, protected from manipulation, presents the best chance for a permanent resolution of the war, protection of human rights, and a self-sustaining Sudan.

(3) Continued strengthening of humanitarian relief operations in Sudan is an essential element in the effort to bring an end to the war.

(4) Continued leadership by the United States is critical.

(5) Regardless of the future political status of the areas of Sudan outside of the control of the Government of Sudan, the absence of credible civil authority and institutions is a major impediment to achieving self-sustenance by the Sudanese people and to meaningful progress toward a viable peace process.

(6) Through manipulation of traditional rivalries among peoples in areas outside their full control, the Government of Sudan has effectively used divide and conquer techniques to subjugate their population, and Congress finds that internationally sponsored reconciliation efforts have played a critical role in reducing the tactic's effectiveness and human suffering.

(7) The Government of Sudan is increasingly utilizing and organizing militias, Popular Defense Forces, and other irregular troops for raiding and slaving parties in areas outside of the control of the Government of Sudan in an effort to severely disrupt the ability of those populations to sustain themselves. The tactic is in addition to the overt use of bans on air transport relief flights in prosecuting the war through selective starvation and to minimize the Government of Sudan's accountability internationally.

(8) The Government of Sudan has repeatedly stated that it intends to use the expected proceeds from future oil sales to increase the tempo and lethality of the war against the areas outside its control.

(9) Through its power to veto plans for air transport flights under the United Nations relief operation, Operation Lifeline Sudan (OLS), the Government of Sudan has been able to manipulate the receipt of food aid by the Sudanese people from the United States and other donor countries as a devastating weapon of war in the ongoing effort by the Government of Sudan to subdue areas of Sudan outside of the Government's control.

(10) The efforts of the United States and other donors in delivering relief and assistance through means outside OLS have played a critical role in addressing the deficiencies in OLS and offset the Government of Sudan's manipulation of food donations to advantage in the civil war in Sudan.

(11) While the immediate needs of selected areas in Sudan facing starvation have been addressed in the near term, the population in areas of Sudan outside of the control of the Government of Sudan are still in danger of extreme disruption of their ability to sustain themselves.

(12) The Nuba Mountains and many areas in Bahr al Ghazal, Upper Nile, and Blue Nile regions have been excluded completely from relief distribution by OLS, consequently placing their populations at increased risk of famine.

(13) At a cost which can exceed $1,000,000 per day, and with a primary focus on providing only for the immediate food needs of the recipients, the current international relief operations are neither sustainable nor desirable in the long term.

(14) The ability of populations to defend themselves against attack in areas outside the Government of Sudan's control has been severely compromised by the disengagement of the front-line sponsor states, fostering the belief within officials of the Government of Sudan that success on the battlefield can be achieved.

(15) The United States should use all means of pressure available to facilitate a comprehensive solution to the war, including—

(A) the maintenance and multilateralization of sanctions against the Government of Sudan with explicit linkage of those sanctions to peace;

(B) the support or creation of viable democratic civil authority and institutions in areas of Sudan outside government control;

(C) continued active support of people-to-people reconciliation mechanisms and efforts in areas outside of government control;

(D) the strengthening of the mechanisms to provide humanitarian relief to those areas;

(E) cooperation among the trading partners of the United States and within multilateral institutions toward those ends; and

(F) the use of any and all possible unilateral and multilateral economic and diplomatic tools to compel Ethiopia and Eritrea to end their hostilities and again assume a constructive stance toward facilitating a comprehensive solution to the ongoing war in Sudan.

SEC. 3. DEFINITIONS.

In this Act:

(1) GOVERNMENT OF SUDAN.—The term "Government of Sudan" means the National Islamic Front government in Khartoum, Sudan.

(2) IGAD.—The term "IGAD" means the Inter-Governmental Authority on Development.

(3) OLS.—The term "OLS" means the United Nations relief operation carried out by UNICEF, the World Food Program, and participating relief organizations known as "Operation Lifeline Sudan".

SEC. 4. CONDEMNATION OF SLAVERY, OTHER HUMAN RIGHTS ABUSES, AND NEW TACTICS BY THE GOVERNMENT OF SUDAN.

Congress hereby—

(1) condemns—

(A) violations of human rights on all sides of the conflict in Sudan;

(B) the Government of Sudan's overall human rights record, with regard to both the prosecution of the war and the denial of basic human and political rights to all Sudanese;

(C) the ongoing slave trade in Sudan and the role of the Government of Sudan in abetting and tolerating the practice; and

(D) the Government of Sudan's increasing use and organization of "murahalliin" or "mujahadeen", Popular Defense Forces (PDF), and regular Sudanese Army units into organized and coordinated raiding and slaving parties in Bahr al Ghazal, the Nuba Mountains, Upper Nile, and Blue Nile regions; and

(2) recognizes that, along with selective bans on air transport relief flights by the Government of Sudan, the use of raiding and slaving parties is a tool for creating food shortages and is used as a systematic means to destroy the societies, culture, and economies of the Dinka, Nuer, and Nuba peoples in a policy of low-intensity ethnic cleansing.

SEC. 5. SUPPORT FOR THE IGAD PEACE PROCESS.

(a) SENSE OF CONGRESS.—Congress hereby—

(1) declares its support for the efforts by executive branch officials of the United States and the President's Special Envoy for Sudan to lead in a reinvigoration of the IGAD-sponsored peace process;

(2) calls on IGAD member states, the European Union, the Organization of African Unity, Egypt, and other key states to support the peace process; and

(3) urges Kenya's leadership in the implementation of the process.

(b) RELATION TO UNITED STATES DIPLOMACY.—It is the sense of Congress that any such diplomatic efforts toward resolution of the conflict in Sudan are best made through a peace process based on the Declaration of Principles reached in Nairobi, Kenya, on July 20, 1994, and that the President should not create any process or diplomatic facility or office which could be viewed as a parallel or competing diplomatic track.

(c) UNITED STATES DIPLOMATIC SUPPORT.—The Secretary of State is authorized to utilize the personnel of the Department of State for the support of—

(1) the secretariat of IGAD;

(2) the ongoing negotiations between the Government of Sudan and opposition forces;

(3) any peace settlement planning to be carried out by the National Democratic Alliançe and IGAD Partners' Forum (IPF); and

(4) other United States diplomatic efforts supporting a peace process in Sudan.

SEC. 6. INCREASED PRESSURE ON COMBATANTS.

It is the sense of Congress that the President, acting through the United States Permanent Representative to the United Nations, should—

(1) sponsor a resolution in the United Nations Security Council to investigate the practice of slavery in Sudan and provide recommendations on measures for its eventual elimination;

(2) sponsor a condemnation of the human rights practices of the Government of Sudan at the United Nations conference on human rights in Geneva in 2000;

(3) press for implementation of the recommendations of the United Nations Special Rapporteur for Sudan with respect to human rights monitors in areas of conflict in Sudan;

(4) press for UNICEF, International Committee of the Red Cross, or the International Federation of Red Cross and Red Crescent Societies, or other appropriate international organizations or agencies to maintain a registry of those individuals who have been abducted or are otherwise held in bondage or servitude in Sudan;

(5) sponsor a condemnation of the Government of Sudan each time it subjects civilian populations to aerial bombardment; and

(6) sponsor a resolution in the United Nations General Assembly condemning the human rights practices of the Government of Sudan.

SEC. 7. REPORTING REQUIREMENT.

Beginning 3 months after the date of enactment of this Act, and every 3 months thereafter, the President shall submit a report to Congress on—

(1) the specific sources and current status of Sudan's financing and construction of oil exploitation infrastructure and pipelines;

(2) the extent to which that financing was secured in the United States or with involvement of United States citizens;

(3) such financing's relation to the sanctions described in subsection (a) and the Executive Order of November 3, 1997;

(4) the extent of aerial bombardment by the Government of Sudan forces in areas outside its control, including targets, frequency, and best estimates of damage;

(5) the number, duration, and locations of air strips or other humanitarian relief facilities to which access is denied by any party to the conflict; and

(6) the status of the IGAD-sponsored peace process and any other ongoing effort to end the conflict, including the specific and verifiable steps taken by parties to the conflict, the members of the IGAD Partners Forum, and the members of IGAD toward a comprehensive solution to the war.

SEC. 8. REFORM OF OPERATION LIFELINE SUDAN (OLS).

It is the sense of Congress that the President should organize and maintain a formal consultative process with the European Union, its member states, the members of the United Nations Security Council, and other relevant parties on coordinating an effort within the United Nations to revise the terms of OLS to end the veto power of the Government of Sudan over the plans by OLS for air transport relief flights.

SEC. 9. CONTINUED USE OF NON-OLS ORGANIZATIONS FOR RELIEF EFFORTS.

(a) Finding.—Congress recognizes the progress made by officials of the executive branch of Government toward greater utilization of non-OLS agencies for more effective distribution of United States relief contributions.

(b) Sense of Congress.—It is the sense of Congress that the President should continue to increase the use of non-OLS agencies in the distribution of relief supplies in southern Sudan.

(c) Report.—Not later than 90 days after the date of enactment of this Act, the President shall submit a detailed report to Congress describing the progress made toward carrying out subsection (b).

SEC. 10. CONTINGENCY PLAN FOR ANY BAN ON AIR TRANSPORT RELIEF FLIGHTS.

(a) Plan.—The President shall develop a detailed and implementable contingency plan to provide, outside United Nations auspices, the greatest possible amount of United States Government and privately donated relief to all affected areas in Sudan, including the Nuba Mountains, Upper Nile, and Blue Nile, in the event the Government of Sudan imposes a total, partial, or incremental ban on OLS air transport relief flights.

(b) Element of Plan.—The plan developed under subsection (a) shall include coordination of other donors in addition to the United States Government and private institutions.

(c) Report.—Not later than 2 months after the date of enactment of this Act, the President shall submit a classified report to Congress on the costs and startup time such a plan would require in the event of a total ban on air transport relief flights or in the event of a partial or incremental ban on such flights if the President has made the determination required by subsection (a)(2).

(d) Reprogramming Authority.—Notwithstanding any other provision of law, in carrying out the plan developed under subsection (a), the President may reprogram up to 100 percent of the funds available for support of OLS operations (but for this subsection) for the purposes of the plan.

SEC. 11. NEW AUTHORITY FOR USAID'S SUDAN TRANSITION ASSISTANCE FOR REHABILITATION (STAR) PROGRAM.

(a) Sense of Congress.—Congress hereby expresses its support for the President's ongoing efforts to diversify and increase effectiveness of United States assistance to populations in areas of Sudan outside of the control of the Government of Sudan, especially the long-term focus shown in the Sudan Transition Assistance for Rehabilitation (STAR) program with its emphasis on promoting future democratic governance, rule of law, building indigenous institutional capacity, promoting and enhancing self-reliance, and actively supporting people-to-people reconciliation efforts.

(b) Allocation of Funds.—Of the amounts made available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq:, relating to development assistance) for the period beginning on October 1, 2000, and ending on September 30, 2003, $16,000,000 shall be available for development of a viable civil authority, and civil and commercial institutions, in Sudan, including the provision of technical assistance, and for people-to-people reconciliation efforts.

(c) Additional Authorities.—Notwithstanding any other provision of law, the President is granted authority to undertake any appropriate programs using Federal agencies, contractual arrangements, or direct support of indigenous groups, agencies, or organizations in areas outside of control of the Government of Sudan in an effort to provide emergency relief, promote economic self-sufficiency, build civil authority, provide education, enhance rule of law and the development of judicial and legal frameworks, support people-to-people reconciliation efforts, or implementation of any programs in support of any viable peace agreement at the local, regional, or national level.

(d) Implementation.—It is the sense of Congress that the President should immediately and to the fullest extent possible utilize the Office of Transition Initiatives at the Agency for International Development in an effort to pursue the type of programs described in subsection (c).

(e) Sense of Congress.—It is the sense of Congress that enhancing and supporting education and the development of rule of law are critical elements in the long-term success of United States efforts to promote a viable economic, political, social, and legal basis for development in Sudan. Congress recognizes that the gap of 13–16 years without secondary educational opportunities in southern Sudan is an especially important problem to address with respect to rebuilding and sustaining leaders and educators for the next generation of Sudanese. Congress recognizes the unusually important role the secondary school in Rumbek has played in producing the current generation of leaders in southern Sudan, and that priority should be given in current and future development or transition programs undertaken by the United States Government to rebuilding and supporting the Rumbek Secondary School.

(f) Programs in Areas Outside Government Control.—Congress also intends that such programs include cooperation and work with indigenous groups in areas outside of government control in all of Sudan, to include northern, southern, and eastern regions of Sudan.

SEC. 12. ASSESSMENT AND PLANNING FOR NUBA MOUNTAINS AND OTHER AREAS SUBJECT TO BANS ON AIR TRANSPORT RELIEF FLIGHTS.

(a) Finding.—Congress recognizes that civilians in the Nuba Mountains, Red Sea Hills, and Blue Nile regions of Sudan are not receiving assistance through OLS due to restrictions by the Government of Sudan.

(b) Sense of Congress.—It is the sense of Congress that the President should—

(1) conduct comprehensive assessment of the humanitarian needs in the Nuba Mountains, Red Sea Hills, and Blue Nile regions of Sudan;

(2) respond appropriately to those needs based on such assessment; and

(3) report to Congress on an annual basis on efforts made under paragraph (2).

SEC. 13. OPTIONS OR PLANS FOR NONLETHAL ASSISTANCE FOR NATIONAL DEMOCRATIC ALLIANCE PARTICIPANTS.

(a) Report.—Not later than 90 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report, in classified form if necessary, detailing possible options or plans of the United States Government for the provision of nonlethal assistance to participants of the National Democratic Alliance.

(b) Consultations.—Not later than 30 days after submission of the report required by subsection (a), the President should begin formal consultations with the appropriate congressional committees regarding the findings of the report.

(c) Definition.—In this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

REAUTHORIZING THE COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

Ms. COLLINS. Mr. President, I now ask unanimous consent the Senate proceed to the consideration of Calendar No. 328, S. 1119.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1119) to amend the act of August 9, 1950, to continue funding for the Coastal Wetlands Planning, Protection and Restoration Act.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1119) was read the third time and passed, as follows:

S. 1119

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FUNDING OF THE COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT.

Section 4(a) of the Act of August 9, 1950 (16 U.S.C. 777c(a)), is amended in the second sentence by striking "1999" and inserting "2009".

HOLDING OF COURT AT NATCHEZ, MISSISSIPPI, IN THE SAME MANNER AS COURT IS HELD AT VICKSBURG, MISSISSIPPI

Ms. COLLINS. Mr. President, I now ask unanimous consent the Chair lay before the Senate a message from the House to accompany S. 1418.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

Resolved, That the bill from the Senate (S. 1418) entitled "An Act to provide for the holding of court at Natchez, Mississippi, in the same manner as court is held at Vicksburg, Mississippi, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. HOLDING OF COURT AT NATCHEZ, MISSISSIPPI.

Section 104(b)(3) of title 28, United States Code, is amended in the second sentence by striking all beginning with the colon through "United States".

SEC. 2. HOLDING OF COURT AT WHEATON, ILLINOIS.

Section 93(a)(1) of title 28, United States Code, is amended by adding after Chicago "and Wheaton".

Ms. COLLINS. I ask unanimous consent the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDING THE CONGRESSIONAL BUDGET ACT OF 1974

Ms. COLLINS. Mr. President, I ask unanimous consent the Senate proceed to the consideration of H.R. 3257, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3257) to amendment the Congressional Budget Act of 1974 to assist the Congressional Budget Office with the scoring of State and local mandates.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3257) was read the third time and passed.

COMMUNICATIONS SATELLITE COMPETITION AND PRIVATIZATION ACT OF 1999

Ms. COLLINS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 376) to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 376) entitled "An Act to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Communications Satellite Competition and Privatization Act of 1999".

SEC. 2. PURPOSE.

It is the purpose of this Act to promote a fully competitive global market for satellite communication services for the benefit of consumers and providers of satellite services and equipment by fully privatizing the intergovernmental satellite organizations, INTELSAT and Inmarsat.

SEC. 3. REVISION OF COMMUNICATIONS SATELLITE ACT OF 1962.

The Communications Satellite Act of 1962 (47 U.S.C. 101) is amended by adding at the end the following new title:

"TITLE VI—COMMUNICATIONS COMPETITION AND PRIVATIZATION

"Subtitle A—Actions To Ensure Procompetitive Privatization

"SEC. 601. FEDERAL COMMUNICATIONS COMMISSION LICENSING.

"(a) LICENSING FOR SEPARATED ENTITIES.—

"(1) COMPETITION TEST.—The Commission may not issue a license or construction permit to any separated entity, or renew or permit the assignment or use of any such license or permit, or authorize the use by any entity subject to United States jurisdiction of any space segment owned, leased, or operated by any separated entity, unless the Commission determines that such issuance, renewal, assignment, or use will not harm competition in the telecommunications market of the United States. If the Commission does not make such a determination, it shall deny or revoke authority to use space segment owned, leased, or operated by the separated entity to provide services to, from, or within the United States.

"(2) CRITERIA FOR COMPETITION TEST.—In making the determination required by paragraph (1), the Commission shall use the licensing criteria in sections 621 and 623, and shall not make such a determination unless the Commission determines that the privatization of any separated entity is consistent with such criteria.

"(b) LICENSING FOR INTELSAT, INMARSAT, AND SUCCESSOR ENTITIES.—

"(1) COMPETITION TEST.—The Commission shall substantially limit, deny, or revoke the authority for any entity subject to United States jurisdiction to use space segment owned, leased, or operated by INTELSAT or Inmarsat or any successor entities to provide non-core services to, from, or within the United States, unless the Commission determines—

"(A) after April 1, 2001, in the case of INTELSAT and its successor entities, that INTELSAT and any successor entities have been privatized in a manner that will not harm competition in the telecommunications markets of the United States; or

"(B) after April 1, 2000, in the case of Inmarsat and its successor entities, that Inmarsat and any successor entities have been privatized in a manner that will not harm competition in the telecommunications markets of the United States.

"(2) CRITERIA FOR COMPETITION TEST.—In making the determination required by paragraph (1), the Commission shall use the licensing criteria in sections 621, 622, and 624, and shall not make such a determination unless the Commission determines that such privatization is consistent with such criteria.

"(3) CLARIFICATION: COMPETITIVE SAFEGUARDS.—In making its licensing decisions under this subsection, the Commission shall consider whether users of non-core services provided by INTELSAT or Inmarsat or successor or separated entities are able to obtain non-core services from providers offering services other than through INTELSAT or Inmarsat or successor or separated entities, at competitive rates, terms, or conditions. Such consideration shall also include whether such licensing decisions would require users to replace equipment at substantial costs prior to the termination of its design life. In making its licensing decisions, the Commission shall also consider whether competitive alternatives in individual markets do not exist because they have been foreclosed due to anticompetitive actions undertaken by or resulting from the INTELSAT or Inmarsat systems. Such licensing decisions shall be made in a manner which facilitates achieving the purposes and goals in this title and shall be subiect to notice and comment.

"(c) ADDITIONAL CONSIDERATIONS IN DETERMINATIONS.—In making its determinations and licensing decisions under subsections (a) and (b), the Commission shall take into consideration the United States obligations and commitments for satellite services under the Fourth Protocol to the General Agreement on Trade in Services.

"(d) INDEPENDENT FACILITIES COMPETITION.—Nothing in this section shall be construed as precluding COMSAT from investing in or owning satellites or other facilities independent from INTELSAT and Inmarsat, and successor or separated entities, or from providing services through reselling capacity over the facilities of satellite systems independent from INTELSAT and Inmarsat, and successor or separated entities. This subsection shall not be construed as restricting the types of contracts which can be executed or services which may be provided by COMSAT over the independent satellites or facilities described in this subsection.

"SEC. 602. INTELSAT OR INMARSAT ORBITAL LOCATIONS.

"(a) REQUIRED ACTIONS.—Unless, in a proceeding under section 601(b), the Commission determines that INTELSAT or Inmarsat have been privatized in a manner that will not harm competition, then—

"(1) the President shall oppose, and the Commission shall not assist, any registration for new orbital locations for INTELSAT or Inmarsat—

"(A) with respect to INTELSAT, after April 1, 2001; and

"(B) with respect to Inmarsat, after April 1, 2000; and

"(2) the President and Commission shall, consistent with the deadlines in paragraph (1), take all other necessary measures to preclude procurement, registration, development, or use of new satellites which would provide non-core services.

"(b) EXCEPTION.—

"(1) REPLACEMENT AND PREVIOUSLY CONTRACTED SATELLITES.—Subsection (a) shall not apply to—

"(A) orbital locations for replacement satellites (as described in section 622(2)(B)); and

"(B) orbital locations for satellites that are contracted for as of March 25, 1998, if such satellites do not provide additional services.

"(2) LIMITATION ON EXCEPTION.—Paragraph (1) is available only with respect to satellites designed to provide services solely in the C and Ku for INTELSAT, and L for Inmarsat bands.

"SEC. 603. ADDITIONAL SERVICES AUTHORIZED.

"(a) SERVICES AUTHORIZED DURING CONTINUED PROGRESS.—

"(1) CONTINUED AUTHORIZATION.—The Commission may issue an authorization, license, or permit to, or renew the license or permit of, any provider of services using INTELSAT or Inmarsat space segment, or authorize the use of

such space segment, for additional services (including additional applications of existing services) or additional areas of business, subject to the requirements of this section.

"(2) ADDITIONAL SERVICES PERMITTED UNDER NEW CONTRACTS UNLESS PROGRESS FAILS.—If the Commission makes a finding under subsection (b) that conditions required by such subsection have not been attained, the Commission may not, pursuant to paragraph (1), permit such additional services to be provided directly or indirectly under new contracts for the use of INTELSAT or Inmarsat space segment, unless and until the Commission subsequently makes a finding under such subsection that such conditions have been attained.

"(3) PREVENTION OF EVASION.—The Commission shall, by rule, prescribe means reasonably designed to prevent evasions of the limitations contained in paragraph (2) by customers who did not use specific additional services as of the date of the Commission's most recent finding under subsection (b) that the conditions of such subsection have not been obtained.

"(b) REQUIREMENTS FOR ANNUAL FINDINGS.—

"(1) GENERAL REQUIREMENTS.—The findings required under this subsection shall be made, after notice and comment, on or before January 1 of 2000, 2001, and 2002. The Commission shall find that the conditions required by this subsection have been attained only if the Commission finds that—

"(A) substantial and material progress has been made during the preceding period at a rate and manner that is probable to result in achieving pro-competitive privatizations in accordance with the requirements of this title; and

"(B) neither INTELSAT nor Inmarsat are hindering competitors' or potential competitors' access to the satellite services marketplace.

"(2) FIRST FINDING.—In making the finding required to be made on or before January 1, 2000, the Commission shall not find that the conditions required by this subsection have been attained unless the Commission finds that—

"(A) COMSAT has submitted to the INTELSAT Board of Governors a resolution calling for the pro-competitive privatization of INTELSAT in accordance with the requirements of this title;

"(B) the United States has submitted such resolution at the first INTELSAT Assembly of Parties meeting that takes place after such date of enactment; and

"(C) the INTELSAT Assembly of Parties has created a working party to consider and make recommendations for the pro-competitive privatization of INTELSAT consistent with such resolution.

"(3) SECOND ANNUAL FINDING.—In making the finding required to be made on or before January 1, 2001, the Commission shall not find that the conditions required by this subsection have been attained unless the INTELSAT Assembly of Parties has approved a recommendation for the pro-competitive privatization of INTELSAT in accordance with the requirements of this title.

"(4) THIRD ANNUAL FINDING.—In making the finding required to be made on or before January 1, 2002, the Commission shall not find that the conditions required by this subsection have been attained unless the pro-competitive privatization of INTELSAT in accordance with the requirements of this title has been achieved by such date.

"(5) CRITERIA FOR EVALUATION OF HINDERING ACCESS.—The Commission shall not make a determination under paragraph (1)(B) unless the Commission determines that INTELSAT and Inmarsat are not in any way impairing, delaying, or denying access to national markets or orbital locations.

"(c) EXCEPTION FOR SERVICES UNDER EXISTING CONTRACTS IF PROGRESS NOT MADE.—This section shall not preclude INTELSAT or Inmarsat or any signatory thereof from continuing to provide additional services under an agreement with any third party entered into prior to any finding under subsection (b) that the conditions of such subsection have not been attained.

"Subtitle B—Federal Communications Commission Licensing Criteria: Privatization Criteria

"SEC. 621. GENERAL CRITERIA TO ENSURE A PRO-COMPETITIVE PRIVATIZATION OF INTELSAT AND INMARSAT.

"The President and the Commission shall secure a pro-competitive privatization of INTELSAT and Inmarsat that meets the criteria set forth in this section and sections 622 through 624. In securing such privatizations, the following criteria shall be applied as licensing criteria for purposes of subtitle A:

"(1) DATES FOR PRIVATIZATION.—Privatization shall be obtained in accordance with the criteria of this title of—

"(A) INTELSAT as soon as practicable, but no later than April 1, 2001; and

"(B) Inmarsat as soon as practicable, but no later than April 1, 2000.

"(2) INDEPENDENCE.—The successor entities and separated entities of INTELSAT and Inmarsat resulting from the privatization obtained pursuant to paragraph (1) shall—

"(A) be entities that are national corporations; and

"(B) have ownership and management that is independent of—

"(i) any signatories or former signatories that control access to national telecommunications markets; and

"(ii) any intergovernmental organization remaining after the privatization.

"(3) TERMINATION OF PRIVILEGES AND IMMUNITIES.—The preferential treatment of INTELSAT and Inmarsat shall not be extended to any successor entity or separated entity of INTELSAT or Inmarsat. Such preferential treatment includes—

"(A) privileged or immune treatment by national governments;

"(B) privileges or immunities or other competitive advantages of the type accorded INTELSAT and Inmarsat and their signatories through the terms and operation of the INTELSAT Agreement and the associated Headquarters Agreement and the Inmarsat Convention; and

"(C) preferential access to orbital locations, including any access to orbital locations that is not subject to the legal or regulatory processes of a national government that applies due diligence requirements intended to prevent the warehousing of orbital locations.

"(4) PREVENTION OF EXPANSION DURING TRANSITION.—During the transition period prior to full privatization, INTELSAT and Inmarsat shall be precluded from expanding into additional services (including additional applications of existing services) or additional areas of business.

"(5) CONVERSION TO STOCK CORPORATIONS.—Any successor entity or separated entity created out of INTELSAT or Inmarsat shall be a national corporation established through the execution of an initial public offering as follows:

"(A) Any successor entities and separated entities shall be incorporated as private corporations subject to the laws of the nation in which incorporated.

"(B) An initial public offering of securities of any successor entity or separated entity shall be conducted no later than—

"(i) April 1, 2001, for the successor entities of INTELSAT; and

"(ii) April 1, 2000, for the successor entities of Inmarsat.

"(C) The shares of any successor entities and separated entities shall be listed for trading on one or more major stock exchanges with transparent and effective securities regulation.

"(D) A majority of the board of directors of any successor entity or separated entity shall not be subject to selection or appointment by, or otherwise serve as representatives of—

"(i) any signatory or former signatory that controls access to national telecommunications markets; or

"(ii) any intergovernmental organization remaining after the privatization.

"(E) Any transactions or other relationships between or among any successor entity, separated entity, INTELSAT, or Inmarsat shall be conducted on an arm's length basis.

"(6) REGULATORY TREATMENT.—Any successor entity or separated entity shall apply through the appropriate national licensing authorities for international frequency assignments and associated orbital registrations for all satellites.

"(7) COMPETITION POLICIES IN DOMICILIARY COUNTRY.—Any successor entity or separated entity shall be incorporated and headquartered in a nation or nations that—

"(A) have effective laws and regulations that secure competition in telecommunications services;

"(B) are signatories of the World Trade Organization Basic Telecommunications Services Agreement; and

"(C) have a schedule of commitments in such Agreement that includes non-discriminatory market access to their satellite markets.

"(8) RETURN OF UNUSED ORBITAL LOCATIONS.—INTELSAT, Inmarsat, and any successor entities and separated entities shall not be permitted to warehouse any orbital location that—

"(A) as of March 25, 1998, did not contain a satellite that was providing commercial services, or, subsequent to such date, ceased to contain a satellite providing commercial services; or

"(B) as of March 25, 1998, was not designated in INTELSAT or Inmarsat operational plans for satellites for which construction contracts had been executed.

Any such orbital location of INTELSAT or Inmarsat and of any successor entities and separated entities shall be returned to the International Telecommunication Union for reallocation.

"(9) APPRAISAL OF ASSETS.—Before any transfer of assets by INTELSAT or Inmarsat to any successor entity or separated entity, such assets shall be independently audited for purposes of appraisal, at both book and fair market value.

"(10) LIMITATION ON INVESTMENT.—Notwithstanding the provisions of this title, COMSAT shall not be authorized by the Commission to invest in a satellite known as K–TV, unless Congress authorizes such investment.

"SEC. 622. SPECIFIC CRITERIA FOR INTELSAT.

"In securing the privatizations required by section 621, the following additional criteria with respect to INTELSAT privatization shall be applied as licensing criteria for purposes of subtitle A:

"(1) NUMBER OF COMPETITORS.—The number of competitors in the markets served by INTELSAT, including the number of competitors created out of INTELSAT, shall be sufficient to create a fully competitive market.

"(2) PREVENTION OF EXPANSION DURING TRANSITION.—

"(A) IN GENERAL.—Pending privatization in accordance with the criteria in this title, INTELSAT shall not expand by receiving additional orbital locations, placing new satellites in existing locations, or procuring new or additional satellites except as permitted by subparagraph (B), and the United States shall oppose such expansion—

"(i) in INTELSAT, including at the Assembly of Parties;

"(ii) in the International Telecommunication Union;

“(iii) through United States instructions to COMSAT;

“(iv) in the Commission, through declining to facilitate the registration of additional orbital locations or the provision of additional services (including additional applications of existing services) or additional areas of business; and

“(v) in other appropriate fora.

“(B) EXCEPTION FOR CERTAIN REPLACEMENT SATELLITES.—The limitations in subparagraph (A) shall not apply to any replacement satellites if—

“(i) such replacement satellite is used solely to provide public-switched network voice telephony or occasional-use television services, or both;

“(ii) such replacement satellite is procured pursuant to a construction contract that was executed on or before March 25, 1998; and

“(iii) construction of such replacement satellite commences on or before the final date for INTELSAT privatization set forth in section 621(1)(A).

“(3) TECHNICAL COORDINATION AMONG SIGNATORIES.—Technical coordination shall not be used to impair competition or competitors, and coordination under Article XIV(d) of the INTELSAT Agreement shall be eliminated.

“SEC. 623. SPECIFIC CRITERIA FOR INTELSAT SEPARATED ENTITIES.

“In securing the privatizations required by section 621, the following additional criteria with respect to any INTELSAT separated entity shall be applied as licensing criteria for purposes of subtitle A:

“(1) DATE FOR PUBLIC OFFERING.—Within one year after any decision to create any separated entity, a public offering of the securities of such entity shall be conducted.

“(2) PRIVILEGES AND IMMUNITIES.—The privileges and immunities of INTELSAT and its signatories shall be waived with respect to any transactions with any separated entity, and any limitations on private causes of action that would otherwise generally be permitted against any separated entity shall be eliminated.

“(3) INTERLOCKING DIRECTORATES OR EMPLOYEES.—None of the officers, directors, or employees of any separated entity shall be individuals who are officers, directors, or employees of INTELSAT.

“(4) SPECTRUM ASSIGNMENTS.—After the initial transfer which may accompany the creation of a separated entity, the portions of the electromagnetic spectrum assigned as of the date of the enactment of this title to INTELSAT shall not be transferred between INTELSAT and any separated entity.

“(5) REAFFILIATION PROHIBITED.—Any merger or ownership or management ties or exclusive arrangements between a privatized INTELSAT or any successor entity and any separated entity shall be prohibited until 15 years after the completion of INTELSAT privatization under this title.

“SEC. 624. SPECIFIC CRITERIA FOR INMARSAT.

“In securing the privatizations required by section 621, the following additional criteria with respect to Inmarsat privatization shall be applied as licensing criteria for purposes of subtitle A:

“(1) MULTIPLE SIGNATORIES AND DIRECT ACCESS.—Multiple signatories and direct access to Inmarsat shall be permitted.

“(2) PREVENTION OF EXPANSION DURING TRANSITION.—Pending privatization in accordance with the criteria in this title, Inmarsat should not expand by receiving additional orbital locations, placing new satellites in existing locations, or procuring new or additional satellites, except for specified replacement satellites for which construction contracts have been executed as of March 25, 1998, and the United States shall oppose such expansion—

“(A) in Inmarsat, including at the Council and Assembly of Parties;

“(B) in the International Telecommunication Union;

“(C) through United States instructions to COMSAT;

“(D) in the Commission, through declining to facilitate the registration of additional orbital locations or the provision of additional services (including additional applications of existing services) or additional areas of business; and

“(E) in other appropriate fora.

This paragraph shall not be construed as limiting the maintenance, assistance or improvement of the GMDSS.

“(3) NUMBER OF COMPETITORS.—The number of competitors in the markets served by Inmarsat, including the number of competitors created out of Inmarsat, shall be sufficient to create a fully competitive market.

“(4) REAFFILIATION PROHIBITED.—Any merger or ownership or management ties or exclusive arrangements between Inmarsat or any successor entity or separated entity and ICO shall be prohibited until 15 years after the completion of Inmarsat privatization under this title.

“(5) INTERLOCKING DIRECTORATES OR EMPLOYEES.—None of the officers, directors, or employees of Inmarsat or any successor entity or separated entity shall be individuals who are officers, directors, or employees of ICO.

“(6) SPECTRUM ASSIGNMENTS.—The portions of the electromagnetic spectrum assigned as of the date of the enactment of this title to Inmarsat—

“(A) shall, after January 1, 2006, or the date on which the life of the current generation of Inmarsat satellites ends, whichever is later, be made available for assignment to all systems (including the privatized Inmarsat) on a nondiscriminatory basis and in a manner in which continued availability of the GMDSS is provided; and

“(B) shall not be transferred between Inmarsat and ICO.

“(7) PRESERVATION OF THE GMDSS.—The United States shall seek to preserve space segment capacity of the GMDSS.

“SEC. 625. ENCOURAGING MARKET ACCESS AND PRIVATIZATION.

“(a) NTIA DETERMINATION.—

“(1) DETERMINATION REQUIRED.—Within 180 days after the date of the enactment of this section, the Secretary of Commerce shall, through the Assistant Secretary for Communications and Information, transmit to the Commission—

“(A) a list of Member countries of INTELSAT and Inmarsat that are not Members of the World Trade Organization and that impose barriers to market access for private satellite systems; and

“(B) a list of Member countries of INTELSAT and Inmarsat that are not Members of the World Trade Organization and that are not supporting pro-competitive privatization of INTELSAT and Inmarsat.

“(2) CONSULTATION.—The Secretary's determinations under paragraph (1) shall be made in consultation with the Federal Communications Commission, the Secretary of State, and the United States Trade Representative, and shall take into account the totality of a country's actions in all relevant fora, including the Assemblies of Parties of INTELSAT and Inmarsat.

“(b) IMPOSITION OF COST-BASED SETTLEMENT RATE.—Notwithstanding—

“(1) any higher settlement rate that an overseas carrier charges any United States carrier to originate or terminate international message telephone services; and

“(2) any transition period that would otherwise apply,

the Commission may by rule prohibit United States carriers from paying an amount in excess of a cost-based settlement rate to overseas carriers in countries listed by the Commission pursuant to subsection (a).

“(c) SETTLEMENTS POLICY.—The Commission shall, in exercising its authority to establish settlements rates for United States international common carriers, seek to advance United States policy in favor of cost-based settlements in all relevant fora on international telecommunications policy, including in meetings with parties and signatories of INTELSAT and Inmarsat.

“Subtitle C—Deregulation and Other Statutory Changes

“SEC. 641. ACCESS TO INTELSAT.

“(a) ACCESS PERMITTED.—Beginning on the date of the enactment of this title, users or providers of telecommunications services shall be permitted to obtain direct access to INTELSAT telecommunications services and space segment capacity through purchases of such capacity or services from, or through investment in, INTELSAT.

“(b) RULEMAKING.—Within 180 days after the date of the enactment of this title, the Commission shall complete a rulemaking, with notice and opportunity for submission of comment by interested persons, to determine if users or providers of telecommunications services have sufficient opportunity to access INTELSAT space segment capacity directly from INTELSAT to meet their service or capacity requirements. If the Commission determines that such opportunity to access does not exist, the Commission shall take appropriate action to facilitate such direct access pursuant to its authority under this Act and the Communications Act of 1934. The Commission shall take such steps as may be necessary to prevent the circumvention of the intent of this section.

“(c) CONTRACT PRESERVATION.—Nothing in this section shall be construed to permit the abrogation or modification of any contract.

“SEC. 642. SIGNATORY ROLE.

“(a) LIMITATIONS ON SIGNATORIES.—

“(1) NATIONAL SECURITY LIMITATIONS.—The Federal Communications Commission, after a public interest determination, in consultation with the executive branch, may restrict foreign ownership of a United States signatory if the Commission determines that not to do so would constitute a threat to national security.

“(2) NO SIGNATORIES REQUIRED.—The United States Government shall not require signatories to represent the United States in INTELSAT or Inmarsat or in any successor entities after a pro-competitive privatization is achieved consistent with sections 621, 622, and 624.

“(b) CLARIFICATION OF PRIVILEGES AND IMMUNITIES OF COMSAT.—

“(1) GENERALLY NOT IMMUNIZED.—Notwithstanding any other law or executive agreement, COMSAT shall not be entitled to any privileges or immunities under the laws of the United States or any State on the basis of its status as a signatory of INTELSAT or Inmarsat.

“(2) LIMITED IMMUNITY.—COMSAT and any other company functioning as United States signatory to INTELSAT or Inmarsat shall not be liable for action taken by it in carrying out the specific, written instruction of the United States issued in connection with its relationships and activities with foreign governments, international entities, and the intergovernmental satellite organizations.

“(3) PROVISIONS PROSPECTIVE.—Paragraph (1) shall not apply with respect to liability for any action taken by COMSAT before the date of the enactment of the Communications Satellite Competition and Privatization Act of 1999.

“(c) PARITY OF TREATMENT.—Notwithstanding any other law or executive agreement, the Commission shall have the authority to impose similar regulatory fees on the United States signatory which it imposes on other entities providing similar services.

"SEC. 643. ELIMINATION OF PROCUREMENT PREFERENCES.

"Nothing in this title or the Communications Act of 1934 shall be construed to authorize or require any preference, in Federal Government procurement of telecommunications services, for the satellite space segment provided by INTELSAT, Inmarsat, or any successor entity or separated entity.

"SEC. 644. USE OF ITU TECHNICAL COORDINATION.

"The Commission and United States satellite companies shall utilize the International Telecommunication Union procedures for technical coordination with INTELSAT and its successor entities and separated entities, rather than INTELSAT procedures.

"SEC. 645. TERMINATION OF COMMUNICATIONS SATELLITE ACT OF 1962 PROVISIONS.

"Effective on the dates specified, the following provisions of this Act shall cease to be effective:

"(1) Date of the enactment of this title: Sections 101 and 102; paragraphs (1), (5) and (6) of section 201(a); section 301; section 303; section 502; and paragraphs (2) and (4) of section 504(a).

"(2) On the effective date of the Commission's order that establishes direct access to INTELSAT space segment: Paragraphs (1), (3) through (5), and (8) through (10) of section 201(c); and section 304.

"(3) On the effective date of the Commission's order that establishes direct access to Inmarsat space segment: Subsections (a) through (d) of section 503.

"(4) On the effective date of a Commission order determining under section 601(b)(2) that Inmarsat privatization is consistent with criteria in sections 621 and 624: Section 504(b).

"(5) On the effective date of a Commission order determining under section 601(b)(2) that INTELSAT privatization is consistent with criteria in sections 621 and 622: Paragraphs (2) and (4) of section 201(a); section 201(c)(2); subsection (a) of section 403; and section 404.

"SEC. 646. REPORTS TO CONGRESS.

"(a) ANNUAL REPORTS.—The President and the Commission shall report to the Committees on Commerce and International Relations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Foreign Relations of the Senate within 90 calendar days of the enactment of this title, and not less than annually thereafter, on the progress made to achieve the objectives and carry out the purposes and provisions of this title. Such reports shall be made available immediately to the public.

"(b) CONTENTS OF REPORTS.—The reports submitted pursuant to subsection (a) shall include the following:

"(1) Progress with respect to each objective since the most recent preceding report.

"(2) Views of the Parties with respect to privatization.

"(3) Views of industry and consumers on privatization.

"(4) Impact privatization has had on United States industry, United States jobs, and United States industry's access to the global marketplace.

"SEC. 647. CONSULTATION WITH CONGRESS.

"The President's designees and the Commission shall consult with the Committees on Commerce and International Relations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Foreign Relations of the Senate prior to each meeting of the INTELSAT or Inmarsat Assembly of Parties, the INTELSAT Board of Governors, the Inmarsat Council, or appropriate working group meetings.

"SEC. 648. SATELLITE AUCTIONS.

"Notwithstanding any other provision of law, the Commission shall not have the authority to assign by competitive bidding orbital locations or spectrum used for the provision of international or global satellitecommunications services. The President shall oppose in the International Telecommunication Union and in other bilateral and multilateral fora any assignment by competitive bidding of orbital locations or spectrum used for the provision of such services.

"SEC. 649. EXCLUSIVITY ARRANGEMENTS.

"(a) IN GENERAL.—No satellite operator shall acquire or enjoy the exclusive right of handling telecommunications to or from the United States, its territories or possessions, and any other country or territory by reason of any concession, contract, understanding, or working arrangement to which the satellite operator or any persons or companies controlling or controlled by the operator are parties.

"(b) EXCEPTION.—In enforcing the provisions of this section, the Commission—

"(1) shall not require the termination of existing satellite telecommunications services under contract with, or tariff commitment to, such satellite operator; but

"(2) may require the termination of new services only to the country that has provided the exclusive right to handle telecommunications, if the Commission determines the public interest, convenience, and necessity so requires.

"Subtitle D—Negotiations To Pursue Privatization

"SEC. 661. METHODS TO PURSUE PRIVATIZATION.

"The President shall secure the pro-competitive privatizations required by this title in a manner that meets the criteria in subtitle B.

"Subtitle E—Definitions

"SEC. 681. DEFINITIONS.

"(a) IN GENERAL.—As used in this title:

"(1) INTELSAT.—The term 'INTELSAT' means the International Telecommunications Satellite Organization established pursuant to the Agreement Relating to the International Telecommunications Satellite Organization (INTELSAT).

"(2) INMARSAT.—The term 'Inmarsat' means the International Mobile Satellite Organization established pursuant to the Convention on the International Maritime Organization.

"(3) SIGNATORIES.—The term 'signatories'—

"(A) in the case of INTELSAT, or INTELSAT successors or separated entities, means a Party, or the telecommunications entity designated by a Party, that has signed the Operating Agreement and for which such Agreement has entered into force or to which such Agreement has been provisionally applied; and

"(B) in the case of Inmarsat, or Inmarsat successors or separated entities, means either a Party to, or an entity that has been designated by a Party to sign, the Operating Agreement.

"(4) PARTY.—The term 'Party'—

"(A) in the case of INTELSAT, means a nation for which the INTELSAT agreement has entered into force or been provisionally applied; and

"(B) in the case of Inmarsat, means a nation for which the Inmarsat convention has entered into force.

"(5) COMMISSION.—The term 'Commission' means the Federal Communications Commission.

"(6) INTERNATIONAL TELECOMMUNICATION UNION.—The term 'International Telecommunication Union' means the intergovernmental organization that is a specialized agency of the United Nations in which member countries cooperate for the development of telecommunications, including adoption of international regulations governing terrestrial and space uses of the frequency spectrum as well as use of the geostationary satellite orbit.

"(7) SUCCESSOR ENTITY.—The term 'successor entity'—

"(A) means any privatized entity created from the privatization of INTELSAT or Inmarsat or from the assets of INTELSAT or Inmarsat; but

"(B) does not include any entity that is a separated entity.

"(8) SEPARATED ENTITY.—The term 'separated entity' means a privatized entity to whom a portion of the assets owned by INTELSAT or Inmarsat are transferred prior to full privatization of INTELSAT or Inmarsat, including in particular the entity whose structure was under discussion by INTELSAT as of March 25, 1998, but excluding ICO.

"(9) ORBITAL LOCATION.—The term 'orbital location' means the location for placement of a satellite on the geostationary orbital arc as defined in the International Telecommunication Union Radio Regulations.

"(10) SPACE SEGMENT.—The term 'space segment' means the satellites, and the tracking, telemetry, command, control, monitoring and related facilities and equipment used to support the operation of satellites owned or leased by INTELSAT, Inmarsat, or a separated entity or successor entity.

"(11) NON-CORE SERVICES.—The term 'non-core services' means, with respect to INTELSAT provision, services other than public-switched network voice telephony and occasional-use television, and with respect to Inmarsat provision, services other than global maritime distress and safety services or other existing maritime or aeronautical services for which there are not alternative providers.

"(12) ADDITIONAL SERVICES.—The term 'additional services' means Internet services, high-speed data, interactive services, non-maritime or non-aeronautical mobile services, Direct to Home (DTH) or Direct Broadcast Satellite (DBS) video services, or Ka-band services.

"(13) INTELSAT AGREEMENT.—The term 'INTELSAT Agreement' means the Agreement Relating to the International Telecommunications Satellite Organization ('INTELSAT'), including all its annexes (TIAS 7532, 23 UST 3813).

"(14) HEADQUARTERS AGREEMENT.—The term 'Headquarters Agreement' means the International Telecommunication Satellite Organization Headquarters Agreement (November 24, 1976) (TIAS 8542, 28 UST 2248).

"(15) OPERATING AGREEMENT.—The term 'Operating Agreement' means—

"(A) in the case of INTELSAT, the agreement, including its annex but excluding all titles of articles, opened for signature at Washington on August 20, 1971, by Governments or telecommunications entities designated by Governments in accordance with the provisions of the Agreement; and

"(B) in the case of Inmarsat, the Operating Agreement on the International Maritime Satellite Organization, including its annexes.

"(16) INMARSAT CONVENTION.—The term 'Inmarsat Convention' means the Convention on the International Maritime Satellite Organization (Inmarsat) (TIAS 9605, 31 UST 1).

"(17) NATIONAL CORPORATION.—The term 'national corporation' means a corporation the ownership of which is held through publicly traded securities, and that is incorporated under, and subject to, the laws of a national, state, or territorial government.

"(18) COMSAT.—The term 'COMSAT' means the corporation established pursuant to title III of the Communications Satellite Act of 1962 (47 U.S.C. 731 et seq.)

"(19) ICO.—The term 'ICO' means the company known, as of the date of the enactment of this title, as ICO Global Communications, Inc.

"(20) REPLACEMENT SATELLITE.—The term 'replacement satellite' means a satellite that replaces a satellite that fails prior to the end of the duration of contracts for services provided over such satellite and that takes the place of a satellite designated for the provision of public-switched network and occasional-use television

services under contracts executed prior to March 25, 1998 (but not including K–TV or similar satellites). A satellite is only considered a replacement satellite to the extent such contracts are equal to or less than the design life of the satellite.

"(21) GLOBAL MARITIME DISTRESS AND SAFETY SERVICES OR GMDSS.—The term 'global maritime distress and safety services' or 'GMDSS' means the automated ship-to-shore distress alerting system which uses satellite and advanced terrestrial systems for international distress communications and promoting maritime safety in general. The GMDSS permits the worldwide alerting of vessels, coordinated search and rescue operations, and dissemination of maritime safety information.

"(b) COMMON TERMINOLOGY.—Except as otherwise provided in subsection (a), terms used in this title that are defined in section 3 of the Communications Act of 1934 have the meanings provided in such section.".

Mr. SCHUMER. Mr. President, I rise today to speak about the Satellite Home Viewer Act, which is part of the Intellectual Property and Communications Omnibus Reform Act of 1999. There are approximately half a million direct broadcast satellite households in New York State that have been disadvantaged by the restrictions currently facing satellite service providers. There are countless others who would like the privilege of having satellite service as a multi-channel video program provider.

Earlier this year, direct broadcast satellite customers in many areas of New York State had their local network service shut-off as a result of a court order. This meant that satellite service customers were unable to receive their local news, weather, and major broadcast stations from their local broadcast companies. We now have a bill that will allow direct broadcast satellite companies the ability to provide their local customers with local programming. For small, rural communities, it is imperative that residents be allowed to receive notice of local events, like school closings, weather reports, cultural happenings, and local business developments. In addition, New York is one of the two states that will benefit from retroactive local programming via satellites.

For residents of New York rural counties like Allegheny, Chenango, Clinton, Niagara, Ulster, and many others, that rely on distant broadcast network programming because they are typically unable to receive over-the-air broadcast signals, this bill allows them to continue to receive faraway television networks.

While I am pleased that we were able to pass the Satellite Home Viewer Act before it expired on December 31, 1999, I hope we will continue to further its progress. The federal loan provision that was included during conference, and regrettably taken out of the Senate conference report, must be revisited. It is my understanding that the Senate Banking committee plans on holding hearings next year to ensure that multi-channel service providers are encouraged to extend satellite service to rural and underserved communities. I look forward to working with my colleagues on that committee to make sure my constituents in Western and Northern New York have the same viewing options as those in downstate New York.

Ms. COLLINS. Mr. President, I ask unanimous consent the Senate disagree to the amendment of the House, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Presiding Officer appointed Mr. MCCAIN, Mr. STEVENS, Mr. BURNS, Mr. HOLLINGS, and Mr. INOUYE conferees on the part of the Senate.

RADIATION EXPOSURE COMPENSATION ACT AMENDMENTS OF 1999

Ms. COLLINS. Mr. President, I now ask unanimous consent the Senate proceed to the consideration of Calendar No. 370, S. 1515.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1515) to amend the Radiation Exposure Compensation Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment; as follows:

(The part of the bill intended to be inserted is shown in italic.)

S. 1515

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Radiation Exposure Compensation Act Amendments of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) recognized the responsibility of the Federal Government to compensate individuals who were harmed by the mining of radioactive materials or fallout from nuclear arms testing;

(2) a congressional oversight hearing conducted by the Committee on Labor and Human Resources of the Senate demonstrated that since enactment of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), regulatory burdens have made it too difficult for some deserving individuals to be fairly and efficiently compensated;

(3) reports of the Atomic Energy Commission and the National Institute for Occupational Safety and Health testify to the need to extend eligibility to States in which the Federal Government sponsored uranium mining and milling from 1941 through 1971;

(4) scientific data resulting from the enactment of the Radiation Exposed Veterans Compensation Act of 1988 (38 U.S.C. 101 note), and obtained from the Committee on the Biological Effects of Ionizing Radiations, and the President's Advisory Committee on Human Radiation Experiments provide medical validation for the extension of compensable radiogenic pathologies;

(5) above-ground uranium miners, millers and individuals who transported ore should be fairly compensated, in a manner similar to that provided for underground uranium miners, in cases in which those individuals suffered disease or resultant death, associated with radiation exposure, due to the failure of the Federal Government to warn and otherwise help protect citizens from the health hazards addressed by the Radiation Exposure Compensation Act of 1990 (42 U.S.C. 2210 note); and

(6) it should be the responsibility of the Federal Government in partnership with State and local governments and appropriate healthcare organizations, to initiate and support programs designed for the early detection, prevention and education on radiogenic diseases in approved States to aid the thousands of individuals adversely affected by the mining of uranium and the testing of nuclear weapons for the Nation's weapons arsenal.

SEC. 3. AMENDMENTS TO THE RADIATION EXPOSURE COMPENSATION ACT.

(a) CLAIMS RELATING TO ATMOSPHERIC NUCLEAR TESTING.—Section 4(a)(1) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

"(1) CLAIMS RELATING TO LEUKEMIA.—

"(A) IN GENERAL.—An individual described in this subparagraph shall receive an amount specified in subparagraph (B) if the conditions described in subparagraph (C) are met. An individual referred to in the preceding sentence is an individual who—

"(i)(I) was physically present in an affected area for a period of at least 1 year during the period beginning on January 21, 1951, and ending on October 31, 1958;

"(II) was physically present in the affected area for the period beginning on June 30, 1962, and ending on July 31, 1962; or

"(III) participated onsite in a test involving the atmospheric detonation of a nuclear device; and

"(ii) submits written documentation that such individual developed leukemia—

"(I) after the applicable period of physical presence described in subclause (I) or (II) of clause (i) or onsite participation described in clause (i)(III) (as the case may be); and

"(II) more that 2 years after first exposure to fallout.

"(B) AMOUNTS.—If the conditions described in subparagraph (C) are met, an individual—

"(i) who is described in subclause (I) or (II) of subparagraph (A)(i) shall receive $50,000; or

"(ii) who is described in subclause (III) of subparagraph (A)(i) shall receive $75,000.

"(C) CONDITIONS.—The conditions described in this subparagraph are as follows:

"(i) Initial exposure occurred prior to age 21.

"(ii) The claim for a payment under subparagraph (B) is filed with the Attorney General by or on behalf of the individual.

"(iii) The Attorney General determines, in accordance with section 6, that the claim meets the requirements of this Act.".

(b) DEFINITIONS.—Section 4(b) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by inserting "Wayne, San Juan," after "Millard,"; and

(B) by amending subparagraph (C) to read as follows:

"(C) in the State of Arizona, the counties of Coconino, Yavapai, Navajo, Apache, and Gila; and"; and

(2) in paragraph (2)—

(A) by striking "the onset of the disease was between 2 and 30 years of first exposure," and inserting "the onset of the disease was at least 2 years after first exposure, lung cancer (other than in situ lung cancer that is discovered during or after a post-mortem exam),";

(B) by striking "(provided initial exposure occurred by the age of 20)" after "thyroid";

(C) by inserting "male or" before "female breast";

(D) by striking "(provided initial exposure occurred prior to age 40)" after "female breast";

(E) by striking "(provided low alcohol consumption and not a heavy smoker)" after "esophagus";

(F) by striking "(provided initial exposure occurred before age 30)" after "stomach";

(G) by striking "(provided not a heavy smoker)" after "pharynx";

(H) by striking "(provided not a heavy smoker and low coffee consumption)" after "pancreas"; and

(I) by inserting "salivary gland, urinary bladder, brain, colon, ovary," after "gall bladder,".

(c) CLAIMS RELATING TO URANIUM MINING.—

(1) IN GENERAL.—Section 5(a) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

"(a) ELIGIBILITY OF INDIVIDUALS.—

"(1) IN GENERAL.—An individual shall receive **$100,000** for a claim made under this Act if—

"(A) that individual—

"(i) was employed in a uranium mine or uranium mill (including any individual who was employed in the transport of uranium ore or vanadium-uranium ore from such mine or mill) located in Colorado, New Mexico, Arizona, Wyoming, South Dakota, Washington, Utah, Idaho, North Dakota, Oregon, and Texas at any time during the period beginning on January 1, 1942, and ending on December 31, 1971; and

"(ii)(I) was a miner exposed to 40 or more working level months of radiation and submits written medical documentation that the individual, after that exposure, developed lung cancer or a nonmalignant respiratory disease; or

"(II) was a miller or ore transporter who worked for at least 1 year during the period described under clause (i) and submits written medical documentation that the individual, after that exposure, developed lung cancer or a nonmalignant respiratory disease *or renal cancers and other chronic renal disease including nephritis and kidney tubal tissue injury*;

"(B) the claim for that payment is filed with the Attorney General by or on behalf of that individual; and

"(C) the Attorney General determines, in accordance with section 6, that the claim meets the requirements of this Act.

"(2) INCLUSION OF ADDITIONAL STATES.—Paragraph (1)(A)(i) shall apply to a State, in addition to the States named under such clause, if—

"(A) an Atomic Energy Commission uranium mine was operated in such State at any time during the period beginning on January 1, 1942, and ending on December 31, 1971;

"(B) the State submits an application to the Department of Justice to include such State; and

"(C) the Attorney General makes a determination to include such State.

"(3) PAYMENT REQUIREMENT.—Each payment under this section may be made only in accordance with section 6.".

(2) DEFINITIONS.—Section 5(b) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(A) in paragraph (3)—

(i) by striking "and" before "corpulmonale";

(ii) by striking "; and if the claimant," and all that follows through the end of the paragraph and inserting ", silicosis, and pneumoconiosis"; and

(iii) by striking "and" at the end of the paragraph;

(B) by striking the period at the end of paragraph (4) and inserting a semicolon; and

(C) by adding at the end the following:

"(5) the term 'written medical documentation' for purposes of proving a nonmalignant respiratory disease or lung cancer means, in any case in which the claimant is living—

"(A)(i) an arterial blood gas study; or

"(ii) a written diagnosis by a physician meeting the requirements of subsection (c)(1); and

"(B)(i) a chest x-ray administered in accordance with standard techniques and the interpretive reports of a maximum of 2 National Institute of Occupational Health and Safety certified 'B' readers classifying the existence of the nonmalignant respiratory disease of category 1/0 or higher according to a 1989 report of the International Labor Office (known as the 'ILO'), or subsequent revisions;

"(ii) high resolution computed tomography scans (commonly known as 'HRCT scans') (including computer assisted tomography scans (commonly known as 'CAT scans'), magnetic resonance imaging scans (commonly known as 'MRI scans'), and positron emission tomography scans (commonly known as 'PET scans')) and interpretive reports of such scans;

"(iii) pathology reports of tissue biopsies; or

"(iv) pulmonary function tests indicating restrictive lung function, as defined by the American Thoracic Society;

"(6) the term 'lung cancer'—

"(A) means any physiological condition of the lung, trachea, or bronchus that is recognized as lung cancer by the National Cancer Institute; and

"(B) includes in situ lung cancers;

"(7) the term 'uranium mine' means any underground excavation, including 'dog holes', as well as open pit, strip, rim, surface, or other aboveground mines, where uranium ore or vanadium-uranium ore was mined or otherwise extracted; and

"(8) the term 'uranium mill' includes milling operations involving the processing of uranium ore or vanadium-uranium ore, including both carbonate and acid leach plants.".

(3) WRITTEN DOCUMENTATION.—Section 5 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following:

"(c) WRITTEN DOCUMENTATION.—

"(1) DIAGNOSIS ALTERNATIVE TO ARTERIAL BLOOD GAS STUDY.—

"(A) IN GENERAL.—For purposes of this Act, the written diagnosis and the accompanying interpretive reports described in subsection (b)(5)(A) shall—

"(i) be considered to be conclusive; and

"(ii) be subject to a fair and random audit procedure established by the Attorney General.

"(B) CERTAIN WRITTEN DIAGNOSES.—

"(i) IN GENERAL.—For purposes of this Act, a written diagnosis made by a physician described under clause (ii) of a nonmalignant pulmonary disease or lung cancer of a claimant that is accompanied by written documentation shall be considered to be conclusive evidence of that disease.

"(ii) DESCRIPTION OF PHYSICIANS.—A physician referred to under clause (i) is a physician who—

"(I) is employed by the Indian Health Service or the Department of Veterans Affairs; or

"(II) is a board certified physician; and

"(III) has a documented ongoing physician patient relationship with the claimant.

"(2) CHEST X-RAYS.—

"(A) IN GENERAL.—For purposes of this Act, a chest x-ray and the accompanying interpretive reports described in subsection (b)(5)(B) shall—

"(i) be considered to be conclusive; and

"(ii) be subject to a fair and random audit procedure established by the Attorney General.

"(B) CERTAIN WRITTEN DIAGNOSES.—

"(i) IN GENERAL.—For purposes of this Act, a written diagnosis made by a physician described in clause (ii) of a nonmalignant pulmonary disease or lung cancer of a claimant that is accompanied by written documentation that meets the definition of that term under subsection (b)(5) shall be considered to be conclusive evidence of that disease.

"(ii) DESCRIPTION OF PHYSICIANS.—A physician referred to under clause (i) is a physician who—

"(I) is employed by—

"(aa) the Indian Health Service; or

"(bb) the Department of Veterans Affairs; and

"(II) has a documented ongoing physician patient relationship with the claimant.".

(d) DETERMINATION AND PAYMENT OF CLAIMS.—

(1) FILING PROCEDURES.—Section 6(a) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following: "In establishing procedures under this subsection, the Attorney General shall take into account and make allowances for the law, tradition, and customs of Indian tribes (as that term is defined in section 5(b)) and members of Indian tribes, to the maximum extent practicable.".

(2) DETERMINATION AND PAYMENT OF CLAIMS, GENERALLY.—Section 6(b)(1) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following: "All reasonable doubt with regard to whether a claim meets the requirements of this Act shall be resolved in favor of the claimant.".

(3) OFFSET FOR CERTAIN PAYMENTS.—Section 6(c)(2)(B) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(A) in clause (i), by inserting "(other than a claim for workers' compensation)" after "claim"; and

(B) in clause (ii), by striking "Federal Government" and inserting "Department of Veterans Affairs".

(4) APPLICATION OF NATIVE AMERICAN LAW TO CLAIMS.—Section 6(c)(4) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following:

"(D) APPLICATION OF NATIVE AMERICAN LAW.—In determining those individuals eligible to receive compensation by virtue of marriage, relationship, or survivorship, such determination shall take into consideration and give effect to established law, tradition, and custom of the particular affected Indian tribe.".

(5) ACTION ON CLAIMS.—Section 6(d) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(A) by inserting "(1) IN GENERAL.—" before "The Attorney General";

(B) by inserting at the end the following: "For purposes of determining when the 12-month period ends, a claim under this Act shall be deemed filed as of the date of its receipt by the Attorney General. In the event of the denial of a claim, the claimant shall be permitted a reasonable period in which to seek administrative review of the denial by the Attorney General. The Attorney General shall make a final determination with respect to any administrative review within 90 days after the receipt of the claimant's request for such review. In the event the Attorney General fails to render a determination within 12 months after the date of the receipt of such request, the claim shall be deemed awarded as a matter of law and paid."; and

(C) by adding at the end the following:

"(2) ADDITIONAL INFORMATION.—The Attorney General may request from any claimant under this Act, or from any individual or entity on behalf of any such claimant, any reasonable additional information or documentation necessary to complete the determination on the claim in accordance with the procedures established under subsection (a).

"(3) TREATMENT OF PERIOD ASSOCIATED WITH REQUEST.—

"(A) IN GENERAL.—The period described in subparagraph (B) shall not apply to the 12-month limitation under paragraph (1).

"(B) PERIOD.—The period described in this subparagraph is the period—

"(i) beginning on the date on which the Attorney General makes a request for additional information or documentation under paragraph (2); and

"(ii) ending on the date on which the claimant or individual or entity acting on behalf of that claimant submits that information or documentation or informs the Attorney General that it is not possible to provide that information or that the claimant or individual or entity will not provide that information.

"(4) PAYMENT WITHIN 6 WEEKS.—The Attorney General shall ensure that an approved claim is paid not later than 6 weeks after the date on which such claim is approved.

"(5) NATIVE AMERICAN CONSIDERATIONS.—Any procedures under this subsection shall take into consideration and incorporate, to the fullest extent feasible, Native American law, tradition, and custom with respect to the submission and processing of claims by Native Americans.".

(e) REGULATIONS.—

(1) IN GENERAL.—Section 6(i) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following: "Not later than 180 days after the date of enactment of the Radiation Exposure Compensation Act Amendments of 1999, the Attorney General shall issue revised regulations to carry out this Act.".

(2) AFFIDAVITS.—

(A) IN GENERAL.—The Attorney General shall take such action as may be necessary to ensure that the procedures established by the Attorney General under section 6 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) provide that, in addition to any other material that may be used to substantiate employment history for purposes of determining working level months, an individual filing a claim under those procedures may make such a substantiation by means of an affidavit described in subparagraph (B).

(B) AFFIDAVITS.—An affidavit referred to under subparagraph (A) is an affidavit—

(i) that meets such requirements as the Attorney General may establish; and

(ii) is made by a person other than the individual filing the claim that attests to the employment history of the claimant.

(f) LIMITATIONS ON CLAIMS.—Section 8 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) by inserting "(a) IN GENERAL.—" before "A claim"; and

(2) by adding at the end the following:

"(b) RESUBMITTAL OF CLAIMS.—After the date of enactment of the Radiation Exposure Compensation Act Amendments of 1999, any claimant who has been denied compensation under this Act may resubmit a claim for consideration by the Attorney General in accordance with this Act not more than 3 times. Any resubmittal made before the date of enactment of the Radiation Exposure Compensation Act Amendments of 1999 shall not be applied to the limitation under the preceding sentence.".

(g) EXTENSION OF CLAIMS AND FUND.—

(1) EXTENSION OF CLAIMS.—Section 8 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by striking "20 years after the date of the enactment of this Act" and inserting "22 years after the date of enactment of the Radiation Exposure Compensation Act Amendments of 1999".

(2) EXTENSION OF FUND.—Section 3(d) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended in the first sentence by striking "date of the enactment of this Act" and inserting "date of enactment of the Radiation Exposure Compensation Act Amendments of 1999".

(h) ATTORNEY FEES LIMITATIONS.—Section 9 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended in the first sentence by striking "10 per centum" and inserting "2 percent".

(i) GAO REPORTS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, and every 18 months thereafter, the General Accounting Office shall submit a report to Congress containing a detailed accounting of the administration of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) by the Department of Justice.

(2) CONTENTS.—Each report submitted under this subsection shall include an analysis of—

(A) claims, awards, and administrative costs under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note); and

(B) the budget of the Department of Justice relating to such Act.

SEC. 4. ESTABLISHMENT OF PROGRAM OF GRANTS TO STATES FOR EDUCATION, PREVENTION, AND EARLY DETECTION OF RADIOGENIC CANCERS AND DISEASES.

Subpart I of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

"SEC. 417C. GRANTS FOR EDUCATION, PREVENTION, AND EARLY DETECTION OF RADIOGENIC CANCERS AND DISEASES.

"(a) DEFINITION.—In this section the term 'entity' means any—

"(1) National Cancer Institute-designated cancer center;

"(2) Department of Veterans Affairs hospital or medical center;

"(3) Federally Qualified Health Center, community health center, or hospital;

"(4) agency of any State or local government, including any State department of health; or

"(5) nonprofit organization.

"(b) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration in consultation with the Director of the National Institutes of Health and the Director of the Indian Health Service, may make competitive grants to any entity for the purpose of carrying out programs to—

"(1) screen individuals described under section 4(a)(1)(A)(i) or 5(a)(1)(A) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) for cancer as a preventative health measure;

"(2) provide appropriate referrals for medical treatment of individuals screened under paragraph (1) and to ensure, to the extent practicable, the provision of appropriate follow-up services;

"(3) develop and disseminate public information and education programs for the detection, prevention, and treatment of radiogenic cancers and diseases; and

"(4) facilitate putative applicants in the documentation of claims as described in section 5(a) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note).

"(c) INDIAN HEALTH SERVICE.—The programs under subsection (a) shall include programs provided through the Indian Health Service or through tribal contracts, compacts, grants, or cooperative agreements with the Indian Health Service and which are determined appropriate to raising the health status of Indians.

"(d) GRANT AND CONTRACT AUTHORITY.—Entities receiving a grant under subsection (b) may expend the grant to carry out the purpose described in such subsection.

"(e) HEALTH COVERAGE UNAFFECTED.—Nothing in this section shall be construed to affect any coverage obligation of a governmental or private health plan or program relating to an individual referred to under subsection (b)(1).

"(f) REPORT TO CONGRESS.—Beginning on October 1 of the year following the date on which amounts are first appropriated to carry out this section and annually on each October 1 thereafter, the Secretary shall submit a report to the Committee on the Judiciary and the Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on the Judiciary and the Committee on Commerce of the House of Representatives. Each report shall summarize the expenditures and programs funded under this section as the Secretary determines to be appropriate.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purpose of carrying out this section $20,000,000 for fiscal year 1999 and such sums as may be necessary for each of the fiscal years 2000 through 2009.".

Ms. COLLINS. I ask unanimous consent the committee substitute amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1515), as amended, was read the third time and passed.

FOR THE RELIEF OF KERANTHA POOLE-CHRISTIAN

Ms. COLLINS. Mr. President, I ask unanimous consent the Senate now proceed to the immediate consideration of Calendar No. 384, S. 302.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 302) for the relief of Kerantha Poole-Christian.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 302) was read the third time and passed, as follows:

S. 302

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLASSIFICATION AS A CHILD UNDER THE IMMIGRATION AND NATIONALITY ACT.

(a) IN GENERAL.—In the administration of the Immigration and Nationality Act, Kerantha Poole-Christian shall be classified as a child within the meaning of section 101(b)(1)(E) of such Act, upon approval of a petition filed on her behalf by Clifton or Linette Christian, citizens of the United States, pursuant to section 204 of such Act.

(b) LIMITATION.—No natural parent, brother, or sister, if any, of Kerantha Poole-Christian shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

RELIEF OF REGINE BEATIE EDWARDS

Ms. COLLINS. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 385, S. 1019.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1019) for the relief of Regine Beatie Edwards.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1019) was read the third time and passed, as follows:

S. 1019

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLASSIFICATIONS AS A CHILD UNDER THE IMMIGRATION AND NATIONALITY ACT.

(a) IN GENERAL.—In the administration of the Immigration and Nationality Act, Regine Beatie Edwards shall be classified as a child within the meaning of section 101(b)(1)(E) of such Act, upon approval of a petition filed on her behalf by Stan Edwards, a citizen of the United States, pursuant to section 204 of such Act.

(b) LIMITATION.—No natural parent, brother, or sister, if any, of Regine Beatie Edwards shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

RELIEF OF SERGIO LOZANO, FAURICIO LOZANO AND ANA LOZANO

Ms. COLLINS. Mr. President, I now ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 383, S. 276.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 276) for relief of Sergio Lozano, Fauricio Lozano, and Ana Lozano.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. PERMANENT RESIDENT STATUS FOR SERGIO LOZANO.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Sergio Lozano shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Sergio Lozano enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Sergio Lozano, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

Amend the title to read as follows: "For the relief of Sergio Lozano".

Ms. COLLINS. I ask unanimous consent the committee substitute be agreed to, the bill be read the third time and passed, the amendment to the title be agreed to, the motion reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 276), as amended, was read the third time and passed, as follows:

S. 276

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR SERGIO LOZANO.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Sergio Lozano shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Sergio Lozano enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Sergio Lozano, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

Amend the title to read as follows: "For the relief of Sergio Lozano".

MINTING OF COINS IN CONJUNCTION WITH REPUBLIC OF ICELAND

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3373, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3373) to require the Secretary of the Treasury to mint coins in conjunction with the minting of coins by the Republic of Iceland in commemoration of the millenium of the discovery of the new world by Leif Ericson.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRAMM. Mr. President, I rise today to speak in support of H.R. 3373, the Leif Ericson Millennium Commemorative Coin Act. This bill authorizes three separate commemorative coin programs which will commemorate the following historic events: the millennial anniversary of Leif Ericson's discovery of the New World, the bicentennial of the Lewis and Clark expedition, and the bicentennial of the first meeting of the United States Congress in the Capitol building after moving to Washington, D.C.

Companion bills for each of the three coin programs included in H.R. 3373 have also been introduced separately in the Senate. All three of the free-standing bills, S.1710, S. 1187, and S. 1468, have satisfied the rules of the Senate Committee on Banking, Housing, and Urban Affairs on commemorative coin legislation, including having obtained a minimum of sixty-seven Senate cosponsors. The effort to combine the three bills and pass them as one coin package has been worked out by the House and Senate Banking Committees, and this bill was subsequently introduced and passed by the House of Representatives.

Mr. President, this legislation has the support of the Committee on Banking, Housing, and Urban Affairs as it fully meets the standards set forth by the committee and furthermore, each bill adheres to the commemorative coin reforms enacted in the 104th Congress. Those reforms were necessary to keeping the time-honored pasttime of coin collecting from becoming overrun with far too many coin programs commemorating events or figures of lesser national recognition. I look forward to swift enactment of this legislation.

Mr. HARKIN. Mr. President, I am pleased to support H.R. 3373, providing for the minting of a Leif Ericson Millennium Commemorative dollar coin. This bipartisan legislation would authorize the U.S. Mint to issue a coin jointly with the Icelandic National Bank in commemoration of Leif Ericson and his voyage and exploration of North America. The part of the measure concerning Leif Ericson is identical to S. 1710 that Senator GRAMS and I introduced which has the support of 74 Senators. The House bill was introduced by Congressman JIM LEACH of my home state of Iowa who has worked hard toward the passage of this measure. I want to commend him for his good work.

The famous Viking explorer is regarded as the first European to set foot on North American soil in the year 1000 AD. In a time of sea voyages and land exploration, perhaps the most recognized Viking in history is Leif Ericson. Ericson's determination, nobility and spirit of exploration are demonstrated in his Voyage of Discovery. Next year marks the 1000th anniversary of Leif Ericson's Voyage of Discovery and this coin will commemorate this landmark event in North American history.

Leif Ericson, son of Eric the Red, was born in Iceland in the mid 900's AD. There he learned about reading and writing runes, the Celtic and Russian tongue and the ways of trade. Ericson was also taught the old sagas, plant studies and the use of weapons. As a young boy, Ericson and his friends would spend time watching ships coming in and out of the harbor and dream about someday going on voyage of their own. Ericson grew to be a large and imposing man, one known for his far judgment and honesty. Having his father's adventurous hand, Ericson had a strong urge to travel and explore.

Ericson was able to do some traveling between Iceland and Greenland, but his major Voyage of Discovery did not occur until 1000 AD, when explorer Bjarni Herjólfsson relayed exciting news of a new land that he had seen when he lost his course in the fog. Ericson bought Herjólfsson's ship, gathered a crew of 35, and sailed westward. Unlike today, Ericson's voyages on the sea were without many modern conveniences. He did not travel by a motor-powered ship, nor have any of today's advanced technological navigational tools. Instead, Ericson and his small crew used the wind and tides as their primary source of motive power, relying on the weather as the engine for his vessel. His Viking ship did not do too well against hard winds with their single sails, but fortunately, fair weather allowed Ericson to navigate 600 miles west up the western coast. Soon he was following the outlines of the new lands he had heard of.

The first island Ericson landed on was among glaciers and seemed to be one huge slab of rock. Because of this he named it Helluland (Slab Land or Flat Rock Land), which is now believed to be Baffin Island. Ericson then sailed south and found another land that was flat with white beaches and some trees. He named this land Markland (Woodland) which today is believed to be Labrador on the eastern coast of Canada.

Finally, Ericson sailed southeast for two days and came to an island with a mainland. On this land the Viking explorer and his crew came upon an abundance of grapes as well as vegetation, they had never seen before. They also were astounded by the size of fish and other animal life they saw while exploring this land. Ericson and his crew settled in for the winter, but the winter here was very peculiar. No frost came to the grasses. They also noticed that the days and nights were of more equal length here. When spring came and the men were ready to go, Ericson gave this land the name Vinland, which either means Wineland or Pastureland. Vinland is believed to be today's L'Anse aux Meadows in Newfoundland and archaeological findings of this winter camp seem to confirm this belief.

Ericson's Voyage of Discovery is a significant event in North American history and symbolizes a long relationship between the U.S. and Iceland. The Government of Iceland is an important North Atlantic Treaty Organization (NATO) ally and this action would reiterate our strong relationship with and support for their nation. Iceland votes with the United States on virtually all United Nations and NATO issues and has formulated foreign policies parallel to ours. They also are cutting costs at our military base in Keflavi. Iceland has refrained from whaling, encouraged more U.S. trade and investment and initiated a partnership with the state of Alaska. The Government of Iceland has already approved a silver 1000 Kroner Icelandic coin to be produced by the U.S. Mint that will be packaged and issued simultaneously with the U.S. Leif Ericson Commemorative Coin. We believe jointly issuing these coins will help further relations between our nations.

The United States Congress strengthened U.S.-Icelandic relations in 1930 by presenting a statue of Leif Ericson as a gift to Iceland memorializing Ericson's Voyage of Discovery. In 1964, President Lyndon B. Johnson made October 9 "Leif Ericson Day" in commemoration of the famous Viking explorer. The Leif Ericson Commemorative Coin in the year 2000 would commemorate the millennial anniversary of Ericson's voyage and would display our commitment to continuing this relationship for the coming millennium.

H.R. 3373 allows a simultaneous issuance of a commemorative U.S. silver dollar coin and a silver 1000 Kroner Icelandic coin. Both coins are to be produced in limited mintages, with U.S. Mint issuing a boxed set. Mint and surcharge proceeds from the coins will fund scholarships and student exchange programs between Iceland and United States. The U.S. Mint has read and approved the identical House version as meeting all the guidelines contained in the 1995 Congressional House Banking Committee Commemorative Coin Reforms Act, which protects the taxpayer from any costs. We feel such a coin is an important step in recognizing the important role Iceland has played in North American history. H.R. 3373 also provides for a Lewis and Clark Expedition Commemorative Coin which I strongly support and a Capitol Visitor Center Commemorative Coin.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3373) was read the third time and passed.

REAUTHORIZING OVERSEAS PRIVATE INVESTMENT CORPORATION AND TRADE AND DEVELOPMENT AGENCY

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3381, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3381) to reauthorize the Overseas Private Investment Corporation and the Trade and Development Agency, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3381) was read the third time and passed.

MIAMI, FLORIDA, AS PERMANENT LOCATION FOR SECRETARIAT OF FTAA

Ms. COLLINS. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. Con. Res. 71 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 71) expressing the sense of the Congress that Miami, Florida, and not a foreign competing foreign city, should serve as the permanent location for the Secretariat of the Free Trade Area of the Americas (FTAA) beginning in 2005.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 71) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 71

Whereas deliberations on establishing a "Free Trade Area of the Americas" (FTAA) will help facilitate greater cooperation and understanding on trade barrier reduction throughout the Americas;

Whereas the trade ministers of 34 countries of the Western Hemisphere agreed in 1998 to create a permanent Secretariat in order to support negotiations on establishing the FTAA;

Whereas the FTAA Secretariat will employ persons to provide logistical, administrative, archival, translation, publication, and distribution support for the negotiations;

Whereas the FTAA Secretariat will be funded by a combination of local resources and institutional resources from a tripartite committee consisting of the Inter-American Development Bank (IDB), the Organization of American States (OAS), and the United Nations Economic Commission on Latin America and the Caribbean (ECLAC);

Whereas the temporary site of the FTAA Secretariat will be located in Miami, Florida, from 1999 until February 28, 2001, at which point the Secretariat will rotate to Panama City, Panama, until February 28, 2003, and then rotate to Mexico City, Mexico, until February 28, 2005;

Whereas by 2005 the FTAA Secretariat will have international institution status providing jobs and tremendous economic benefits to its host city;

Whereas a permanent site for the FTAA Secretariat after 2005 will likely be selected from among the 3 temporary host cities;

Whereas the city of Miami, Miami-Dade County, and the State of Florida have long served as the gateway for trade with the Caribbean and Latin America;

Whereas trade between the city of Miami, Florida, and the countries of Latin America and the Caribbean totaled $36,793,000,000 in 1998;

Whereas the Miami-Dade area and the State of Florida possess the necessary infrastructure, local resources, and culture necessary for the FTAA Secretariat's permanent site;

Whereas the United States possesses the world's largest economy and is the leading proponent of trade liberalization throughout the world; and

Whereas the city of Miami, Florida, the State of Florida, and the United States are uniquely situated among other competing locations to host the "Brussels of the Western Hemisphere": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should direct the United States representative to the "Free Trade Area of the Americas" (FTAA) negotiations to use all available means in order to secure Miami, Florida, as the permanent site of the FTAA Secretariat after February 28, 2005.

CONDEMNING VIOLENCE IN CHECHNYA

Ms. COLLINS. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 223 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 223) condemning the violence in Chechnya.

There being no objection, the Senate proceeded to consider the resolution.

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution be agreed to, a technical amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2791

(Purpose: To make clerical corrections)

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for Mr. HELMS, proposes an amendment numbered 2791.

The amendment is as follows:

In the second whereas clause of the preamble, strike "is" and insert "are".

The amendment (No. 2791) was agreed to.

The resolution (S. Res. 223) was agreed to.

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, is as follows:

[The resolution was not available for printing. It will appear in a future edition of the RECORD.]

FREEDOM OF BELIEF, EXPRESSION, AND ASSOCIATION IN THE PEOPLES REPUBLIC OF CHINA

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 404, S. Res. 217.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 217) relating to the freedom of belief, expression, and association in the People's Republic of China.

There being no objection, the Senate proceeded to consider the resolution which had been reported from the Committee on Foreign Relations with amendments to the preamble, as follows:

(The parts of the preamble intended to be stricken are shown in boldface brackets, and the parts of the preamble intended to be inserted are shown in italic.)

S. RES. 217

Whereas the United Nations Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights affirm the freedoms of thought, conscience, religion, expression, and assembly as fundamental human rights belonging to all people;

Whereas the United Nations Universal Declaration of Human Rights is a common standard of achievement for all peoples and all nations, including the People's Republic of China, a member of the United Nations;

Whereas the People's Republic of China has signed the International Covenant on Civil and Political Rights but has yet to ratify the treaty and thereby make it legally binding;

Whereas the Constitution of the People's Republic of China provides for the freedom of religious belief and the freedom not to believe;

Whereas according to the Department of State and international human rights organizations, the Government of the People's Republic of China does not provide these freedoms but continues to restrict unregistered religious activities and persecutes persons on the basis of their religious practice through measures including harassment, prolonged detention, physical abuse, incarceration, and police closure of places of worship: *and*

Whereas under the International Religious Freedom Act, the Secretary of State has designated the People's Republic of China as a country of special concern;

[Whereas the Government of the People's Republic of China has issued a decree declaring a wide range of activities illegal and subject to prosecution, including distribution of Falun Gong materials, gatherings or silent sit-ins, marches or demonstrations, and other activities to promote Falun Gong and has begun the trials of several Falun Gong practitioners;

[Whereas the National People's Congress of the People's Republic of China on October 30, 1999, adopted a new law banning and criminalizing groups labeled by the Government of the People's Republic of China as cults; and

[Whereas the Government of the People's Republic of China has officially labeled the Falun Gong meditation group a cult and has formally charged at least four members of the Falun Gong under this new law:] Now, therefore, be it

Resolved, That the Senate calls on the Government of the People's Republic of China to—

(1) release all prisoners of conscience and put an immediate end to the harassment, detention, physical abuse, and imprisonment of Chinese citizens exercising their legitimate rights to free belief, expression, and association; and

(2) demonstrate its willingness to abide by internationally accepted norms of freedom of belief, expression, and association by repealing or amending laws and decrees that restrict those freedoms and proceeding promptly to ratify and implement the International Covenant on Civil and Political Rights.

Mr. HUTCHINSON. Mr. President, I rise in support of S. Res. 217, which calls upon the Government of the People's Republic of China to release all prisoners of conscience, to end its persecution of people of faith, and to abide by internationally accepted human rights standards. This resolution is cosponsored by Senators LOTT, NICKLES, MACK, COVERDELL, COLLINS, FEINGOLD, DURBIN, LEAHY, SNOWE, GORTON, and WELLSTONE.

Mr. President, the crackdown in China is escalating. The most immediate target is Falun Gong—a movement which combines traditional breathing exercises with elements of Buddhism, Taoism and the beliefs of its founder. Since April, when more than 10,000 practitioners of Falun Gong shocked the Chinese government by gathering in front of the leadership compound in Beijing, the Chinese government has tried to systematically eradicate the practice.

The Beijing regime rounded up thousands of practitioners, arrested its leaders, ransacked homes, confiscated and burned Falun Gong materials, and forced adherents to renounce their beliefs. The government then banned the practice of Falun Gong in July and officially labeled it a cult as part of a nationwide propaganda campaign to discredit practitioners. But this was not enough. On October 30, 1999, in a perverse maneuver, the National People's Congress raised the stakes of persecution by adopting a new law banning and criminalizing groups deemed by the Chinese government to be cults—perverse because this is the Chinese government's way of legitimizing their abuses of human rights—perverse because the law is being applied retroactively.

Protestors of this law faced police who beat, kicked, and yanked the hair of several elderly women protestors. Practitioners, mostly middle-aged or senior citizens, sitting or standing in silent meditation were dragged away from Tiananmen square. But they remained peaceful.

The Chinese government has wasted no time in arresting Falun Gong leaders and charging them under this law. As of November 9, 1999, according to Chinese officials, 111 people had been formally arrested on charges ranging from disrupting state security to stealing state secrets. Many more have been detained and sent to re-education programs or labor camps. Now, at least four leaders have been convicted, with sentences ranging from two to twelve years. Many more will be convicted.

The truth of the matter is that the Chinese government is insecure and cannot tolerate any group that is outside of its control. That is why it is engaged in this crackdown. That is why it sentenced four pro-democracy activists to jail terms ranging from four to 11 years. That is why it continues to persecute people of faith.

In August, police detained a 65-year-old bishop of China's underground Roman Catholic Church in Hebei province and convicted seven lay members of the underground Catholic church in Jiangxi province.

In October, in Guangzhou, some 200 police officers demolished a shelter used by House Church Christians. They detained, brutalized, and warned five House Church Christians against preaching or practicing their faith. I am extremely concerned about the well being of Christians who are suffering in detention for their faith, including Pastor Li Dexian, one of the Guangzhou House Church members, Zhang Ronglian from Henan, and Zheng Xinqi from Anhui.

These incidents re simply anecdotal. They reflect a greater pattern of ongoing religious persecution.

Mr. President, at the same time that the Chinese government is cracking down on its own citizens, at the same time it is authorizing harsher punishments for believing outside of government control, the Beijing regime is flouting international norms, and even tossing aside its own constitution, which supposedly provides for the freedom of religious belief and the freedom not to believe.

The freedoms of thought, conscience, religion, expression, and assembly are not "western values" or "American values" that we are trying to impose on China. These values have been embraced by the international community. And it is up to the international community to uphold them when they are being trampled—to speak out in the face of injustice.

This resolution is part of our responsibility. With this resolution, we urge the Chinese government to step back into the realm of international standards, to end its crackdown, and to release its prisoners of conscience. We urge the Chinese government to end its "campaign for stability," which has only caused far greater instability.

Mr. President, I expect that this resolution will be adopted. I also expect that the Clinton Administration will not offer silence as a hidden concession for the WTO agreement signed with China but will instead use this statement by the Senate to strengthen its hand in advocating an end to persecution in China.

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution be agreed to, the amendments to the preamble be agreed to, the preamble, as amended, be agreed to, the motions to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 217) was agreed to.

The amendments to the preamble were agreed to.

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, reads as follows:

[The resolution was not available for printing. It will appear in a future edition of the RECORD.]

Ms. COLLINS. Mr. President, I note that I am proud to be a cosponsor of this resolution which was introduced by our colleague, Senator HUTCHINSON of Arkansas, who has been a real leader on this issue.

RECOGNIZING 75 YEARS OF SERVICE OF UNITED STATES BORDER PATROL

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 122, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 122) recognizing the United States Border Patrol's 75 years of service since its founding.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 122) was agreed to.

The preamble was agreed to.

CELEBRATING ONE AMERICA

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 390, H. Con. Res. 141.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 141) celebrating One America.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Ms. COLLINS. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection,it is so ordered.

The concurrent resolution (H. Con. Res. 141) was agreed to.

The preamble was agreed to.

Mr. LEAHY. Mr. President, I commend Representative CHARLES RANGEL for authorizing the "One America" resolution, H. Con. Res. 141, which we just passed.

VETERANS OF THE BATTLE OF THE BULGE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 371, H.J. Res. 65.

The PRESIDING OFFICER. The Clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 65) commending the World War II veterans who fought in the Battle of the Bulge, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. HUTCHINSON. Mr. President, I rise today in support of H.J. Res. 65, which commends the World War II veterans who fought bravely in the Battle of the Bulge. This resolution was passed unanimously by the House on October 5, 1999 and mirrors S.J. Res. 32, which I introduced earlier this year.

Mr. President, in mid-1994, the Allies were hopeful. The Russian Red Army was closing in on the German army on the Eastern front and German cities were being devastated by American bombing. The Allies had taken Paris, Casablanca, Tripoli, Naples, and Rome, and they were looking toward an end to the war in Europe. Hitler was on the run.

In desperation, Hitler planned a surprise counterattack on the Allies on an 80 mile front running from southern Belgium to the middle of Luxembourg. Hitler hoped to break through this thinly held line in the Ardennes forest region, cripple Allied fuel supply lines, and inflame tensions within the alliance.

On the harsh winter morning of December 16, 1944, five months after the Allied landings at Normandy, France, eight German armored divisions and thirteen Germany infantry divisions launched a brutal onslaught against five divisions of the United States first Army. A screaming hail of artillery fire sent many men to their deaths. Roger Rutland, First Sergeant in the 106th Infantry, described the devastation. "We lost many men that first day. An infantry company was approximately 200 men. A Company was 21 men after the first day. C Company could account for 59 men, and in my company, I lost only 28 men the first day. Every company commander was missing the first day except my company's commander . . . some of my better men in garrison were some of the first to crack under combat conditions. They were like hugging each other and just shivering . . . They never had seen such a thing before." The American forces were pushed back. Many ran out of ammunition. After three days of fighting, more than 4,000 of the 106th were forced to surrender. But the American forces regrouped and pressed on.

For forty-one days, American forces fought against two enemies, German forces and the worst European winter in memory. Freezing conditions made it difficult to see more than ten or twenty yards ahead, much less fight out of frozen foxholes. Halfway through the battle, American troops were still waiting for the main shipment of winter boots. Men became cut off from their division. They lost the feeling in their feet as their toes froze. Some had to have their feet amputated at the ankles. Fifteen thousand soldiers were taken off the line because they suffered from frostbite. Some wounded soldiers froze to death. But the American forces did not give in. They pushed on. They were met with brutality.

On December 17th, 140 Americans were taken prisoner at Baugnez. While on the road headed for Malmedy, 86 of these unarmed American soldiers were shot by their German captors in cold blood in what is now known as the Malmedy Massacre.

In spite of this horror, American soldiers fought on and took the key Belgian town of Bastogne. One of the heroes at Bastogne was James Hendrix, a Private in the 53rd Armored Infantry Battalion. 4th Armored Division and a native of Lepanto, Arkansas. On the night of December 26th, Private Hendrix was part of the leading element in the final thrust to break through to Bastogne. He and his fellow soldiers were met with fierce artillery and small arms fire. But he did not back down. Instead, he advanced against two 88mm guns and overpowered them. He saved two of his fellow soldiers who were wounded, helpless, and at the mercy of intense machine gun fire. He fought on and in another selfless act, Private Hendrix ran through sniper fire and exploding mines to pull a soldier out of a burning half-track. Because of his courage and valor, because of men who fought like him, because of the heroic efforts of the 101st Airborne. American forces fought successfully at Bastogne. Private Hendrix was later awarded a Medal of Honor for his selfless heroism.

When the skies cleared at the end of December, Allied air forces were able to assist the ground forces. By early January 1945, Allied forces began pushing Hitler's troops back. At the end of January, American troops made their way back to the lines they had held when the battle began. Three months later, Allied forces put an end to Nazi Germany.

Six hundred thousand American troops, 55,000 British soldiers, and other Allied participated in the Battle of the Bulge. With catastrophic casualties, the Army constantly had to find new men to take the place of fallen soldiers. Training was cut. Physical standards were lowered. Many of these soldiers were only 18 or 19 years old. At the end of these forty-one days, over 80,000 American soldiers were maimed, captured, or killed. Nineteen thousand gave their lives to stave off the forces of tyranny.

They made sure that we could live in freedom today. I believe that Ronald Reagan put it well when he said. "If we look to the answer as to why for so many years we achieved so much, prospered as no other people of Earth, it was because here in this land we unleashed the energy and individual genius of man to a greater extent than has ever been done before. Freedom and the dignity of the individual have been more available and assured here than in any other place on Earth. The price for this freedom at times has been high. But we have never been unwilling to pay that price."

Mr. President, the soldiers who fought in the Battle of the Bulge bought with their lives a precious gift for all Americans—freedom. it is this gift that we must continually cherish.

We cannot forget these sons. husbands, and fathers who died for our great country. We cannot forget their families. who endured through days of worry and nights of grief. We cannot forget those men who were exposed to blistering cold. to unyielding enemy fire—to this unimaginable nightmare.

For those who died at Ardennes—for those who were massacred at Malmedy—for those who won at Bastogne. we must remember their sacrifices. There is no more appropriate time than now. for the Senate and the Congress to honor those who fought in the Battle of the Bulge. I urge my colleagues to support this resolution.

Ms. COLLINS. Mr. President. I ask unanimous consent that the joint resolution be read a third time and passed. the preamble be agreed to. the motion to reconsider be laid upon the table. and any statements relating to the joint resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection. it is so ordered.

The joint resolution (H.J. Res. 65) was read the third time and passed.

The preamble was agreed to.

NATIONAL FAMILY WEEK

Ms. COLLINS. Mr. President. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 351. S. Res. 204.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 204) designating the week beginning November 21, 1999, and the week beginning November 19. 2000, as "National Family Week," and for other purposes.

There being no objection. the Senate proceeded to consider the resolution.

Ms. COLLINS. Mr. President. I ask unanimous consent that the resolution be agreed to. the preamble be agreed to. the motion to reconsider be laid upon the table. and any statement relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection. it is so ordered.

The resolution (S. Res. 204) was agreed to.

The preamble was agreed to.

The resolution. with its preamble. reads as follows:

S. RES. 204

Whereas the family is the basic strength of any free and orderly society:

Whereas it is in the family that America's youth are nurtured and taught the values vital to success and happiness in life: respect for others. honesty. service. hard work, loyalty. love, and others:

Whereas the family provides the support necessary for people to pursue their goals:

Whereas it is appropriate to honor the family unit as essential to the continued well-being of the United States: and

Whereas it is fitting that official recognition be given to the importance of family loyalties and ties: Now. therefore. be it

Resolved, That the Senate designates the week beginning on November 21. 1999. and the week beginning on November 19. 2000. as "National Family Week". The Senate requests the President to issue a proclamation calling on the people of the United States to observe each week with appropriate ceremonies and activities.

NATIONAL BIOTECHNOLOGY WEEK

Ms. COLLINS. Mr. President. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 200.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 200) designating the week of February 14-20 as "National Biotechnology Week."

There being no objection. the Senate proceeded to consider the resolution. which had been reported from the Committee on Foreign Relations with amendments. as follows:

(The parts of the resolution intended to be stricken are shown in boldface brackets and the parts of the resolution intended to be inserted are shown in italic.)

Whereas biotechnology is increasingly important to the research and development of medical. agricultural. industrial. and environmental products:

Whereas biotechnology has been responsible for breakthroughs and achievements which have benefited people for centuries and. in the 20th century. has contributed to increasing the lifespan of Americans by 25 years through the development of vaccines. antibiotics. and other drugs:

Whereas biotechnology is central to research for cures to diseases such as cancer. diabetes. epilepsy. multiple sclerosis. heart and lung disease. Alzheimer's disease. Acquired Immune Deficiency Syndrome (AIDS). and innumerable other medical ailments:

Whereas biotechnology contributes to crop yields and farm productivity and enhances the quality. value. and suitability of crops for food and other uses which are critical to America's agricultural system:

Whereas biotechnology promises environmental benefits including protection of water quality. conservation of topsoil. improvement of waste management techniques. and reduction of chemical pesticide usage:

Whereas biotechnology contributes to the success of the United States in international commerce and trade:

Whereas biotechnology will be an important catalyst for creating jobs in the 21st century: and

Whereas it is important for all Americans to understand the role biotechnology contributes to their quality of life: Now. therefore. be it

Resolved. That the Senate—

(1) designates **[**the week of February 14-20**]** *January* of the year 2000 as "National Biotechnology **[**Week**]** *Month*"; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe this **[**week**]** *month* with appropriate programs. ceremonies. and activities.

Amend the title so as to read: "A resolution designating January 2000 as 'National Biotechnology Month'."

AMENDMENT NO. 2792

Ms. COLLINS. Mr. President. Senator GRAMS has an amendment at the desk. and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS]. for Mr. GRAMS. proposes an amendment numbered 2792.

The amendment is as follows:

In the heading of S. Res. 200: strike "the week of February 14-20" and insert "January 2000:" strike the word "week" and insert "Month."

In the title of S. Res. 200: strike "the week of February 14-20" and insert "January 2000:" strike the word "week" and insert "Month."

On page 2 line 2 strike "the week of February 14-20" and insert "January."

On page 2. line 3. strike "Week" and insert "Month."

On page 2. line 7. strike the word "week" and insert "month."

Ms. COLLINS. Mr. President. I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection. it is so ordered.

The amendment (No. 2792) was agreed to.

Ms. COLLINS. Mr. President. I ask unanimous consent that the resolution. as amended. be agreed to. the preamble be agreed to. the motion to reconsider be laid upon the table. the title amendment be agreed to. and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection. it is so ordered.

The resolution (S. Res. 200). as amended. was agreed to.

The preamble was agreed to.

The resolution. with its preamble. reads as follows:

[The resolution was not available for printing. It will appear in a future edition of the RECORD.

The title was amended so as to read: "A resolution designating January 2000 as 'National Biotechnology Month'."

NATIONAL CHILDREN'S MEMORIAL DAY

Ms. COLLINS. Mr. President. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 388. S. Res. 118.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 118) designating December 12. 1999. as "National Children's Memorial Day."

There being no objection. the Senate proceeded to consider the resolution.

Ms. COLLINS. Mr. President. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 118) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 118

Whereas approximately 80,000 infants, children, teenagers, and young adults of families living throughout the United States die each year from myriad causes;

Whereas the death of an infant, child, teenager, or young adult of a family is considered to be 1 of the greatest tragedies that a parent or family will ever endure during a lifetime; and

Whereas a supportive environment and empathy and understanding are considered critical factors in the healing process of a family that is coping with and recovering from the loss of a loved one: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL CHILDREN'S MEMORIAL DAY.

The Senate—

(1) designates December 12, 1999, as "National Children's Memorial Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities in remembrance of the many infants, children, teenagers, and young adults of families in the United States who have died.

Ms. COLLINS. Mr. President, I also note that the Senator from Nevada is the chief sponsor of this resolution designating December 12 as "National Children's Memorial Day." I wanted to recognize his efforts.

DESIGNATING A DAY TO "GIVE THANKS, GIVE LIFE"

Ms. COLLINS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from consideration of S. Res. 225 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 225) to designate November 23, 2000, Thanksgiving Day, as a day to "Give Thanks, Give Life" and to discuss organ and tissue donation with other family members.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I am delighted to join with my distinguished colleagues, Senators FRIST, DEWINE, KENNEDY, LEVIN and others in supporting the passage of Senate Resolution 225, which designates November 23, 2000, Thanksgiving Day, as a day for families to discuss organ and tissue donation with other family members and to Give Thanks, Give Life. The purpose of this legislation is to encourage discussions concerning family members' intentions to donate their organs so that informed decisions can be made if the occasion to donate arises.

As we prepare to recess for the Thanksgiving holiday, we are all aware that this is one of the few times throughout the year for families to take time out of their busy lives to come together and give thanks for the many blessings in their lives. This occasion presents an ideal opportunity for family members to have frank discussions about their intentions on the issue of organ and tissue donation. This is a discussion about life and sharing the gift of life and fits perfectly with the theme of Thanksgiving Day. Although family members may have already designated themselves as organ donors on their driver's license or voter registration, that step does not ensure donation will take place since the final decision on whether a potential donor will share the gift of life is usually made by surviving family members regardless of their loved one's initial intent.

There are approximately 21,000 men, women, and children in the United States who receive the gift of life each year through transplantation surgery made possible by the generosity of organ and tissue donors. This is only a small proportion of the more than 66,000 Americans who are on the waiting list, hoping for their chance to prolong their lives by finding a matching donor. Tragically, nearly 5,000 of these patients each year, or 13 patients each day, die while waiting for a donated heart, liver, kidney, or other organ.

In order to narrow the gap between the supply and the increasing demand for donated organs, we must step up our effort to encourage willing donors to make their desire to donate clear to the only people usually able to make the decision if the occasion should arise—their immediate family members. Although there are up to 15,000 potential donors annually, families' consent to donation is received for less than 6,000 donors. As the demand for transplantation increases due to prolonged life expectancy and increased prevalence of diseases that lead to organ damage and failure, including hypertension, alcoholism, and hepatitis C infection, this shortfall will become even more pronounced. Additionally, the need for a more diverse donor pool, including a variety of racial and ethnic minorities, will also continue to grow with the predicted population trends.

Many Americans will spend part of the Thanksgiving Day with some of those family members who would be most likely approached to make the important decision of whether or not to donate. Therefore, this would be a good time for families to spend a portion of that day discussing how they might give life to others on a day devoted to giving thanks for their own blessings. Open family discussions on this topic on a day of relaxation and family togetherness will increase awareness of the intentions of those willing to make the courageous and selfless decision to be organ donors, leading to more lifesaving transplants in the future. Designation of November 23, 2000, Thanksgiving Day, as a day for families to Give Thanks, Give Life is an important next step to promoting the dialogue between willing donors and their families, so that family members will know their loved ones' wishes long before the issue arises.

We have received a great outpouring of support for this resolution from many of the national organ and tissue donation organizations, including the American Heart Association, American Kidney Fund, American Liver Foundation, American Lung Association, American Society of Transplant Surgeons, American Thoracic Society, Association of Organ Procurement Organizations, Coalition on Donation, Eye Bank Association of America, James Redford Institute for Transplant Awareness, National Kidney Foundation, National Minority Organ and Tissue Transplant Education Program (MOTTEP), Transplant Recipients International Organization (TRIO), United Network for Organ Sharing (UNOS), and the Wendy Marks Foundation for Organ Donor Awareness. The tireless efforts of these groups and others have been critical in increasing donor awareness and education of the public on this extremely important cause. Their willingness to become involved with the Give Thanks, Give Life resolution and to provide their expertise in the development and implementation of a national campaign targeted at Thanksgiving 2000 will be invaluable in making this a national event with far-reaching effects.

The adoption of this resolution is a small victory for the organ donation awareness cause, but we must not forget the many casualties who have died awaiting a donated organ. One tragic loss that so many of us can relate to is the recent death of Walter Payton, an American hero. He contracted a rare liver disease that is often cured if the patient can receive a liver transplant. In Payton's case, the risk of deadly complications grew too quickly for him to be saved. He likely would have had to wait for years for his life-saving organ. The prevention of deaths like that of this great man and of so many other silent heroes is why our efforts in this life-saving cause must continue. A day must come when no one dies because there is no available liver, kidney, heart, lung or other organ to save his or her life.

Mr. President, I thank all of my colleagues for joining me in supporting this worthwhile resolution designating Thanksgiving day of 2000 as a day for families to discuss organ and tissue donation with other family members, a day to "Give Thanks, Give Life."

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 225) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 225

Whereas traditionally, Thanksgiving is a time for families to take time out of their busy lives to come together and to give thanks for the many blessings in their lives;

Whereas approximately 21,000 men, women, and children in the United States are given the gift of life each year through transplantation surgery, made possible by the generosity of organ and tissue donations;

Whereas more than 66,000 Americans are awaiting their chance to prolong their lives by finding a matching donor;

Whereas nearly 5,000 of these patients each year (or 13 patients each day) die while waiting for a donated heart, liver, kidney, or other organ;

Whereas nationwide there are up to 15,000 potential donors annually, but families' consent to donation is received for less than 6,000;

Whereas the need for organ donations greatly exceeds the supply available;

Whereas designation as an organ donor on a driver's license or voter's registration is a valuable step, but does not ensure donation when an occasion arises;

Whereas the demand for transplantation will likely increase in the coming years due to the growing safety of transplantation surgery due to improvements in technology and drug developments, prolonged life expectancy, and increased prevalence of diseases that may lead to organ damage and failure, including hypertension, alcoholism, and hepatitis C infection;

Whereas the need for a more diverse donor pool, including a variety of racial and ethnic minorities, will continue to grow in the coming years;

Whereas the final decision on whether a potential donor can share the gift of life usually is made by surviving family members regardless of the patient's initial intent;

Whereas many Americans have indicated a willingness to donate their organs and tissues but have not discussed this critical matter with the family members who are most likely to make the decision, if the occasion arises, as to whether that person will be an organ and tissue donor;

Whereas some family members may be reluctant to give consent to donate their deceased loved one's organs and tissues at a very difficult and emotional time if that person has not clearly expressed a desire or willingness to do so;

Whereas the vast majority of Americans are likely to spend part of Thanksgiving Day with some of those family members who would be approached to make such a decision; and

Whereas it is fitting for families to spend a portion of that day discussing how they might give life to others on a day devoted to giving thanks for their own blessings: Now, therefore, be it

Resolved, That the Senate designates November 23, 2000, Thanksgiving Day, as a day to "Give Thanks, Give Life" and to discuss organ and tissue donation with other family members so that informed decisions can be made if the occasion to donate arises.

RECOGNIZING CONTRIBUTIONS OF OLDER PERSONS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 234 recognizing the contribution of older persons to their communities, submitted earlier today by Senator BAYH and others.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. 234) recognizing the contribution of older persons to their communities and commending the work of organizations that participate in programs assisting elderly persons and that promote the goal of the International Year of Older Persons.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BAYH. Mr. President, today I rise as the author of the International Year of the Older Persons resolution to recognize the contributions of all the individuals, organizations and agencies that have worked hard to participate in the United Nations declared "International Year of the Older Persons." Since 1999 has been declared the Year of the Older Persons, around the world seniors, organizations active in senior issues, and representatives of all generations have spread the message that collectively we should create an environment in which seniors can remain active in their communities during each and every stage of their life. This resolution pays tribute to all the United States' participants for representing our country in the various events held in celebration of the International Year of the Older Persons. They have been active throughout the year. It is time Congress added its voice and support the efforts of these organizations and individuals. This resolution serves as a first step in the role Congress can play to assist with the advancement of this year's theme and goals.

The theme of the year, a "society for all ages," recognizes that longevity is relevant to all stages of the life cycle, and that successful aging is a product of long-term planning, lifelong decisions. It is important for the world to reflect upon this theme. Too often in America we focus on the negative images associated with aging and not the contributions that are made when people remain productive throughout their lifetime. America needs to celebrate that Americans are living longer! We need to acknowledge that aging can be a positive process that benefits everyone in our communities.

The most important goals of the year are to increase awareness about aging within countries and across national boundaries and to formulate policies and programs to promote the well-being of older persons. The principles highlighted by the resolution include independence, participation, care, self-fulfillment, and dignity. The purpose of the year is to empower people to spend their senior years happy and healthy. Although the goals and principles of this year have been advanced internationally, we need to particularly acknowledge that the United States has been well represented by several organizations such as the Federal Committee to Prepare for the International Year of Older Persons, the Leadership Council of Aging Organizations, and the American Association for International Aging.

While America's senior organizations have been deeply involved, it is my hope is this resolution will serve as a signal that it is important for Congress to take the goals set forth this year and continue the efforts to achieve them. Congress should take the leadership the United Nations has provided on this issue and continue to build momentum. We need to not only recognize and assist those spreading the message but implement legislation that actively addresses the needs of seniors. As a member of the Special Committee on Aging, I have learned about the issues that seniors face and have explored viable administrative and legislative solutions.

I know America needs to be better prepared for its future aging population. Currently, about 12.8 million Americans report needing long-term care. By 2018, it is estimated that there will be 3.6 million elderly persons in need of a nursing home bed, an increase of two million from the current future. By 2030, the number of Americans in nursing homes will double and the cost of caring for them will quadruple. Part of creating a society for all ages includes addressing the needs of all ages.

Long-term care insurance is an option that should be more widely discussed among younger people as they begin to prepare for their retirement or senior years. However, often we need raise awareness and encourage people to take responsibility. That is why I support a tax deduction for the purchase of long-term care insurance. In addition, with an increasing number of people needing long-term care, we should make various options for long-term care more available and affordable.

While long-term care insurance for community-based care is one option, being cared for by a loved one at home should be another option. Therefore, in August, I introduced S. 1518, the Caregivers Assistance and Resources Enhancement (CARE) tax credit. It takes courage and dedication to take care of a loved one at home and the least we can do is make the process less financially burdensome. Research indicates that the services provided by family caregivers annually are valued at $196 billion. The care these families provide at home is not only more compassionate, it saves the government billions of dollars. Annually, we spend $83 billion in nursing home care and $32 billion in formal home health care, we should thank caregivers by providing them with some economic relief.

There is still a great deal of work that can be done to take care of current seniors and prepare for the future. We need to have the difficult discussions and search for the solutions.

I want to thank Senator GRASSLEY and Senator BREAUX for their support and involvement on this resolution and for their leadership on the Special Committee on Aging.

I commend all the organizations and individuals who have worked so hard throughout the year to help spread the message associated with the International Year of the Older Persons. As America works the remainder of this year and in the years to come to achieve the goals set forth by the International Year of the Older Persons, we need to seriously consider what we in Congress can do to create a society for all ages.

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 234) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

[The resolution was not available for printing. It will appear in a future edition of the RECORD.]

HONORING HEROIC EFFORTS OF AIR NATIONAL GUARD'S 109TH AIRLIFT WING

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 205, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 205) recognizing and honoring the heroic efforts of the Air National Guard's 109th Airlift Wing and its rescue of Dr. Jerri Nielsen from the South Pole.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Ms. COLLINS. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 205) was agreed to.

The preamble was agreed to.

COMMENDING UNITED STATES NAVY ON 100TH ANNIVERSARY OF SUBMARINE FORCE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of S. Res. 196 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 196) commending the submarine force of the United States Navy on the 100th anniversary of the force.

There being no objection, the Senate proceeded to consider the resolution.

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 196) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 196

Whereas the submarine force of the United States was founded with the purchase of the U.S.S. HOLLAND on April 11, 1900;

Whereas in overcoming destruction resulting from the attack of United States forces at Pearl Harbor, Hawaii, on December 7, 1941, and difficulties with defective torpedoes, the submarine force destroyed 1,314 enemy ships in World War II (weighing a cumulative 5,300,000 tons), which accounts for 55 percent of all enemy ships lost in World War II;

Whereas 16,000 United States submariners served with courage during World War II, and 7 United States submariners were awarded Congressional Medals of Honor for their distinguished gallantry in combat above and beyond the call of duty;

Whereas in achieving an impressive World War II record, the submarine force suffered the highest casualty rate of any combatant submarine service of the warring alliances, losing 375 officers and 3,131 enlisted men in 52 submarines;

Whereas from 1948 to 1955, the submarine force, with leadership provided by Admiral Hyman Rickover and others, developed an industrial base in a new technology, pioneered new materials, designed and built a prototype reactor, established a training program, and took to sea the world's first nuclear-powered submarine, the U.S.S. NAUTILUS, thus providing America undersea superiority;

Whereas subsequent to the design of the U.S.S. NAUTILUS, the submarine force continued to develop and put to sea the world's most advanced and capable submarines, which were vital to maintaining our national security during the Cold War;

Whereas the United States Navy, with leadership provided by Admiral Red Raborn, developed the world's first operational ballistic missile submarine, which provided an invaluable asset to our Nation's strategic nuclear deterrent capability, and contributed directly to the eventual conclusion of the Cold War; and

Whereas in 1999, the submarine force provides the United States Navy with the ability to operate around the world, independent of outside support, from the open ocean to the littorals, carrying out multimission taskings on tactical, operational, and strategic levels: Now, therefore, be it

Resolved,

(a) That the Senate—

(1) commends the past and present personnel of the submarine force of the United States Navy for their technical excellence, accomplishments, professionalism, and sacrifices; and

(2) congratulates those personnel for the 100 years of exemplary service that they have provided the United States.

(b) It is the sense of the Senate that, in the next millennium, the submarine force of the United States Navy should continue to comprise an integral part of the Navy, and to carry out missions that are key to maintaining our great Nation's freedom and security as the most superior submarine force in the world.

ORDER FOR REVISION OF STANDING RULES OF THE SENATE AND PRINTING OF A SENATE DOCUMENT

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be directed to prepare a revised edition of the Standing Rules of the Senate and that such Standing Rules be printed as a Senate document. I further ask unanimous consent that beyond the usual number, 2,500 additional copies of this document be printed for the use of the Committee on Rules and Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING THE PRINTING OF A REVISED EDITION OF THE SENATE ELECTION LAW GUIDEBOOK

Ms. COLLINS. Mr. President, I now ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 235, submitted earlier by Senator MCCONNELL.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 235) to authorize the printing of a revised edition of the Senate Election Law Guidebook.

There being no objection, the Senate proceeded to consider the resolution.

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 235) was agreed to, as follows:

S. RES. 235

Resolved, That the Committee on Rules and Administration shall prepare a revised edition of the Senate Election Law Guidebook, Senate Document 105–12, and that such document shall be printed as a Senate document.

SEC. 2. There shall be printed, beyond the usual number, 600 additional copies of the document specified in the first section for the use of the Committee on Rules and Administration.

AUTHORIZING THE PRINTING OF A REVISED EDITION OF THE NOMINATION AND ELECTION OF THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

Ms. COLLINS. Mr. President, I now ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 236, submitted earlier by Senator MCCONNELL.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 236) to authorize the printing of a revised edition of the Nomination and Election of the President and Vice President of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 236) was agreed to, as follows:

S. RES. 236

Resolved, That the Committee on Rules and Administration shall prepare a revised edition of the document entitled Nomination and Election of the President and Vice President of the United States, Senate Document 102–14, and that such document shall be printed as a Senate document.

SEC. 2. There shall be printed, beyond the usual number, 600 additional copies of the document specified in the first section for the use of the Committee on Rules and Administration.

AUTHORIZING THE PRINTING OF BROCHURES

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 221, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 221) authorizing printing of the brochures entitled "How Our Laws Are Made" and "Our American Government", the pocket version of the United States Constitution, and the document-sized, annotated version of the United States Constitution.

There being no objection, the Senate proceeded to consider the concurrent resolution.

AMENDMENT NO. 2793

(Purpose: To authorize the printing of documents)

Ms. COLLINS. Mr. President, there is a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS] for Mr. MCCONNELL, for himself and Mr. ROBB, proposes an amendment numbered 2793.

The amendment is as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. OUR AMERICAN GOVERNMENT.

(a) IN GENERAL.—The 1999 revised edition of the brochure entitled "Our American Government" shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $412,873, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 2. DOCUMENT-SIZED, ANNOTATED UNITED STATES CONSTITUTION.

(a) IN GENERAL.—The 1999 edition of the document-sized, annotated version of the United States Constitution shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $393,316, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 3. HOW OUR LAWS ARE MADE.

(a) IN GENERAL.—An edition of the brochure entitled "How Our Laws Are Made", as revised under the direction of the Parliamentarian of the House of Representatives in consultation with the Parliamentarian of the Senate, shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $200,722, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 4. POCKET VERSION OF THE UNITED STATES CONSTITUTION.

(a) IN GENERAL.—The 20th edition of the pocket version of the United States Constitution shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $115,208, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 5. CAPITOL BUILDER: THE SHORTHAND JOURNALS OF CAPTAIN MONTGOMERY C. MEIGS, 1853–1861.

(a) IN GENERAL.—There shall be printed as a Senate document the book entitled "Capitol Builder: The Shorthand Journals of Captain Montgomery C. Meigs, 1853–1861", prepared under the direction of the Secretary of the Senate, in consultation with the Clerk of the House of Representatives and the Architect of the Capitol.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

(c) NUMBER OF COPIES.—In addition to the usual number of copies, there shall be printed with suitable binding the lesser of—

(1) 1,500 copies for the use of the Senate, the House of Representatives, and the Architect of the Capitol, to be allocated as determined by the Secretary of the Senate and the Clerk of the House of Representatives; or

(2) a number of copies that does not have a total production and printing cost of more than $31,500.

SEC. 6. THE UNITED STATES CAPITOL: A CHRONICLE OF CONSTRUCTION, DESIGN, AND POLITICS.

(a) IN GENERAL.—There shall be printed as a Senate document the book entitled "The United States Capitol: A Chronicle of Construction, Design, and Politics", prepared by the Architect of the Capitol.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

(c) NUMBER OF COPIES.—In addition to the usual number of copies, there shall be printed with suitable binding the lesser of—

(1) 6,500 copies for the use of the Senate, the House of Representatives, and the Architect of the Capitol, to be allocated as determined by the Secretary of the Senate; or

(2) a number of copies that does not have a total production and printing cost of more than $143,000.

Ms. COLLINS. Mr. President, I ask unanimous consent that the amendment be agreed to, the resolution be agreed to, as amended, the motion to reconsider be laid upon the table, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2793) was agreed to.

The concurrent resolution (H. Con. Res. 221), as amended, was agreed to.

RECOGNIZING THE 4-H YOUTH DEVELOPMENT PROGRAM'S CENTENNIAL

Ms. COLLINS. Mr. President, I now ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S. Res. 218, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

> A resolution (S. Res. 218) expressing the sense of the Senate that a commemorative postage stamp should be issued recognizing the 4-H Youth Development Program's centennial.

There being no objection, the Senate proceeded to consider the resolution.

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution be agreed, the preamble be agreed to, the motion to reconsider be laid upon the table, and finally that any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 218) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 218

Whereas the 4-H Youth Development Program celebrates its 100th anniversary in 2002;

Whereas the 4-H Youth Development Program has grown to over 5,600,000 annual participants, from 5 to 19 years of age;

Whereas today's 4-H Club is very diverse, offering agricultural, career development, information technology, and general life skills program;

Whereas these programs are offered in rural and urban areas throughout the world; and

Whereas the 4-H Youth Development Program continues to make great contributions toward the development of well-rounded youth: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States Postal Service should make preparations to issue a commemorative postage stamp recognizing the 4-H Youth Development Program's centennial; and

(2) the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a postage stamp be issued in 2002.

HONORING THE MEMBERS OF THE ARMED FORCES WHO HAVE BEEN AWARDED THE PURPLE HEART

Ms. COLLINS. Mr. President, I ask unanimous consent that the committee on Governmental Affairs be discharged from further consideration of S. Con. Res. 42, and that the Senate proceed to its immediate consideration.

. The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 42) expressing the sense of the Congress that a commemorative postage stamp should be issued by the United States Postal Service honoring the members of the Armed Forces who have been awarded the Purple Heart.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Ms. COLLINS. Mr. President, I ask unanimous consent that the concurrent resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 42) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 42

Whereas the Order of the Purple Heart for Military Merit, commonly known as the Purple Heart, is the oldest military decoration in the world in present use;

Whereas the Purple Heart is awarded in the name of the President of the United States to members of the Armed Forces who are wounded in conflict with an enemy force or while held by an enemy force as a prisoner of war, and posthumously to the next of kin of members of the Armed Forces who are killed in conflict with an enemy force or who die of a wound received in conflict with an enemy force;

Whereas the Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit or the Decoration of the Purple Heart;

Whereas the award of the Purple Heart ceased with the end of the War of the Revolution, but was revived out of respect for the memory and military achievements of George Washington in 1932, the year marking the 200th anniversary of his birth; and

Whereas 1999 is the year marking the 200th anniversary of the death of George Washington: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) a commemorative postage stamp should be issued by the United States Postal Service honoring the members of the Armed Forces who have been awarded the Purple Heart; and

(2) the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued in 1999, the year marking the 200th anniversary of the death of George Washington.

THE CALENDAR

Ms. COLLINS. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration, en bloc, of the following bills reported by the Governmental Affairs Committee: S. 1295, calendar No. 398; H.R. 100, calendar No. 391; H.R. 197, calendar No. 392; H.R. 1191, calendar No. 394; H.R. 1251, calendar No. 395; H.R. 1327, calendar No. 396, and H.R. 1377, calendar No. 397.

I ask unanimous consent that any committee amendments, if applicable, be agreed to, that the bills be considered read a third time and passed, the motions to reconsider be laid upon the table, and that any statements related to any of these bills be printed in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

LANCE CORPORAL HAROLD GOMEZ POST OFFICE

The bill (S. 1295) to designate the United States Post Office located at 3813 Main Street in East Chicago, Indiana, as the "Lance Corporal Harold Gomez Post Office," was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF LANCE CORPORAL HAROLD GOMEZ POST OFFICE.

The United States Post Office located at 3813 Main Street in East Chicago, Indiana, shall be known and designated as the "Lance Corporal Harold Gomez Post Office".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the post office referred to in section 1 shall be deemed to be a reference to the "Lance Corporal Harold Gomez Post Office".

UNITED STATES POSTAL SERVICE BUILDING IN PHILADELPHIA, PENNSYLVANIA

The bill (H.R. 100) to establish designations for United States Postal Service buildings in Philadelphia, Pennsylvania, was considered, ordered to a third reading, read the third time, and passed.

CLIFFORD R. HOPE POST OFFICE

The bill (H.R. 197) to designate the facility of the United States Postal Service at 410 North 6th Street in Garden City, Kansas, as the "Clifford R. Hope Post Office," was considered, ordered to a third reading, read the third time, and passed.

DESIGNATE FACILITIES OF THE UNITED STATES POSTAL SERVICE IN CHICAGO, ILLINOIS

The bill (H.R. 1191) to designate certain facilities of the United States Postal Service in Chicago, Illinois, was considered, ordered to a third reading, read the third time, and passed.

NOAL CUSHING BATEMAN POST OFFICE BUILDING

The bill (H.R. 1251) to designate the United States Postal Service building located at 8850 South 700 East, Sandy, Utah, as the "Noal Cushing Bateman Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

MAURINE B. NEUBERGER UNITED STATES POST OFFICE

The bill (H.R. 1327) to designate the United States Postal Service building located at 34480 Highway 101 South in Cloverdale, Oregon, as the "Maurine B. Neuberger United Sates Post Office," was considered, ordered to a third reading, read a third time, and passed.

JOHN J. BUCHANAN POST OFFICE BUILDING

The Senate proceeded to consider the bill (H.R. 1377) to designate the facility of the United States Postal Service at 13234 South Baltimore Avenue in Chicago, Illinois, as the "John J. Buchanan Post Office Building," which had been reported from the Committee on Governmental Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. DESIGNATION.

The facility of the United States Postal Service, located at 9308 South Chicago Avenue, Chicago, Illinois, 60617, is designated as the "John J. Buchanan Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, regulation, map, document, paper, or other record of the United States to the facility referred to in section 1 shall be considered to be a reference to the "John J. Buchanan Post Office Building".

The committee amendment, in the nature of a substitute, was agreed to.

The bill (H.R. 1377), as amended, was considered read the third time and passed.

The title was amended so as to read: "To designate the facility of the United States Postal Service located at 9308 South Chicago Avenue, Chicago, Illinois, as the 'John J. Buchanan Post Office Building'.".

FOR THE RELIEF OF SUCHADA KWONG

Ms. COLLINS. Mr. President, I now ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 322, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 322) for the relief of Suchada Kwong.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 322) was read the third time and passed.

AUTHORIZATION OF REPRESENTATION

Ms. COLLINS. Mr. President, I now ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 238 submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 238) to authorize representation of Member of the Senate in the case of Brett Kimberlin v. Orrin Hatch, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, this resolution concerns a civil action commenced by a pro se plaintiff in the United States District Court for the District of Columbia against Senator HATCH and a former member of the staff of the Judiciary Committee. The plaintiff is a federal prisoner serving a sentence for offenses related to a series of bombings in 1979. The complaint seeks damages from Senator HATCH and staff for their alleged role in the United States Parole Commission's 1997 revocation of the plaintiff's parole for failure to satisfy an outstanding civil judgment against him in favor of one of the victims of his bombings.

The plaintiff's claims of unfairness and political bias in his parole revocation hearing have already been rejected by the federal district court in Maryland in habeas corpus proceedings initiated by the plaintiff.

This resolution authorizes the Senate Legal Counsel to represent Senator HATCH in this action. The Senate Legal Counsel will seek dismissal of the suit for failure to state a claim for relief and for other reasons.

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and finally that any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 238) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 238

Whereas, in the case of *Brett Kimberlin* v. *Orrin Hatch, et al.*, C.A. No. 99-1590, pending in the United States District Court for the District of Columbia, the plaintiff has named as a defendant Senator Orrin G. Hatch;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Senator Hatch in the case of *Brett Kimberlin* v. *Orrin Hatch, et al.*

DETERMINED AND FULL ENGAGEMENT AGAINST THE THREAT OF METHAMPHETAMINE OR DEFEAT METH ACT OF 1999

Ms. COLLINS. Mr. President, I now ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 260, S. 486.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 486) to provide for the punishment of methamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Methamphetamine Anti-Proliferation Act of 1999".

SEC. 2. ENHANCED PUNISHMENT OF AMPHETAMINE LABORATORY OPERATORS.

(a) AMENDMENT TO FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with this section with respect to any offense relating to the manufacture, importation, exportation, or trafficking in amphetamine (including an attempt or conspiracy to do any of the foregoing) in violation of—

(1) the Controlled Substances Act (21 U.S.C. 801 et seq.);

(2) the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.); or

(3) the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

(b) GENERAL REQUIREMENT.—In carrying out this section, the United States Sentencing Commission shall, with respect to each offense described in subsection (a) relating to amphetamine—

(1) review and amend its guidelines to provide for increased penalties such that those penalties are comparable to the base offense level for methamphetamine; and

(2) take any other action the Commission considers necessary to carry out this subsection.

(c) ADDITIONAL REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall ensure that the sentencing guidelines for offenders convicted of offenses described in subsection (a) reflect the heinous nature of such offenses, the need for aggressive law enforcement action to fight such offenses, and the extreme dangers associated with unlawful activity involving amphetamines, including—

(1) the rapidly growing incidence of amphetamine abuse and the threat to public safety that such abuse poses;

(2) the high risk of amphetamine addiction;

(3) the increased risk of violence associated with amphetamine trafficking and abuse; and

(4) the recent increase in the illegal importation of amphetamine and precursor chemicals.

(d) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The United States Sentencing Commission shall promulgate amendments pursuant to this section as soon as practicable after the date of the enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired.

SEC. 3. ADVERTISEMENTS FOR DRUG PARAPHERNALIA AND SCHEDULE I CONTROLLED SUBSTANCES.

(a) DRUG PARAPHERNALIA.—Section 422 of the Controlled Substances Act (21 U.S.C. 863) is amended—

(1) in subsection (a)(1), by inserting ", directly or indirectly advertise for sale," after "sell"; and

(2) by adding at the end the following:

"(g) In this section, the term 'directly or indirectly advertise for sale' includes the use of any communication facility (as that term is defined in section 403(b)) to initiate the posting, publicizing, transmitting, publishing, linking to, broadcasting, or other advertising of any matter (including a telephone number or electronic or mail address) knowing that such matter has the purpose of seeking or offering, or is designed to be used, to receive, buy, distribute, or otherwise facilitate a transaction in.".

(b) SCHEDULE I CONTROLLED SUBSTANCES.—Section 403(c) of such Act (21 U.S.C. 843(c)) is amended—

(1) in the first sentence, by inserting before the period the following: ", or to directly or indirectly advertise for sale (as that term is defined in section 422(g)) any Schedule I controlled substance"; and

(2) in the second sentence, by striking "term 'advertisement'" and inserting "term 'written advertisement'".

SEC. 4. MANDATORY RESTITUTION FOR VIOLATIONS OF CONTROLLED SUBSTANCES ACT AND CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT RELATING TO AMPHETAMINE AND METHAMPHETAMINE.

(a) MANDATORY RESTITUTION.—Section 413(q) of the Controlled Substances Act (21 U.S.C. 853(q)) is amended—

(1) in the matter preceding paragraph (1), by striking "may" and inserting "shall";

(2) by inserting "amphetamine or" before "methamphetamine" each place it appears; and

(3) in paragraph (2)—

(A) by inserting ", the State or local government concerned, or both the United States and the State or local government concerned" after "United States" the first place it appears; and

(B) by inserting "or the State or local government concerned, as the case may be," after "United States" the second place it appears.

(b) DEPOSIT OF AMOUNTS IN DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND.—Section 524(c)(4) of title 28, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(3) by adding at the end the following:

"(D) all amounts collected—

"(i) by the United States pursuant to a reimbursement order under paragraph (2) of section 413(q) of the Controlled Substances Act (21 U.S.C. 853(q)); and

"(ii) pursuant to a restitution order under paragraph (1) or (3) of section 413(q) of the Controlled Substances Act for injuries to the United States.".

SEC. 5. CRIMINAL PROHIBITION ON DISTRIBUTION OF CERTAIN INFORMATION RELATING TO THE MANUFACTURE OF CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 21 the following new chapter:

"CHAPTER 22—CONTROLLED SUBSTANCES

"Sec.

"421. Distribution of information relating to manufacture of controlled substances.

"§421. Distribution of information relating to manufacture of controlled substances

"(a) PROHIBITION ON DISTRIBUTION OF INFORMATION RELATING TO MANUFACTURE OF CONTROLLED SUBSTANCES.—

"(1) CONTROLLED SUBSTANCE DEFINED.—In this subsection, the term 'controlled substance' has the meaning given that term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

"(2) PROHIBITION.—It shall be unlawful for any person—

"(A) to teach or demonstrate the manufacture of a controlled substance, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use of a controlled substance, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal crime; or

"(B) to teach or demonstrate to any person the manufacture of a controlled substance, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture or use of a controlled substance, knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal crime.

"(b) PENALTY.—Any person who violates subsection (a) shall be fined under this title, imprisoned not more than 10 years, or both.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 21 the following new item:

"22. Controlled Substances .... 421".

SEC. 6. NOTICE; CLARIFICATION.

(a) NOTICE OF ISSUANCE.—Section 3103a of title 18, United States Code, is amended by adding at the end the following new sentence: "With respect to any issuance under this section or any other provision of law (including section 3117 and any rule), any notice required, or that may be required, to be given may be delayed pursuant to the standards, terms, and conditions set forth in section 2705, unless otherwise expressly provided by statute.".

(b) CLARIFICATION.—(1) Section 2(e) of Public Law 95–78 (91 Stat. 320) is amended by adding at the end the following:

"Subdivision (d) of such rule, as in effect on this date, is amended by inserting 'tangible' before 'property' each place it occurs.".

(2) The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

SEC. 7. TRAINING FOR DRUG ENFORCEMENT ADMINISTRATION AND STATE AND LOCAL LAW ENFORCEMENT PERSONNEL RELATING TO CLANDESTINE LABORATORIES.

(a) IN GENERAL.—

(1) REQUIREMENT.—The Administrator of the Drug Enforcement Administration shall carry out the programs described in subsection (b) with respect to the law enforcement personnel of States and localities determined by the Administrator to have significant levels of methamphetamine-related or amphetamine-related crime or projected by the Administrator to have the potential for such levels of crime in the future.

(2) DURATION.—The duration of any program under that subsection may not exceed 3 years.

(b) COVERED PROGRAMS.—The programs described in this subsection are as follows:

(1) ADVANCED MOBILE CLANDESTINE LABORATORY TRAINING TEAMS.—A program of advanced mobile clandestine laboratory training teams, which shall provide information and training to State and local law enforcement personnel in techniques utilized in conducting undercover investigations and conspiracy cases, and other information designed to assist in the investigation of the illegal manufacturing and trafficking of amphetamine and methamphetamine.

(2) BASIC CLANDESTINE LABORATORY CERTIFICATION TRAINING.—A program of basic clandestine laboratory certification training, which shall provide information and training—

(A) to Drug Enforcement Administration personnel and State and local law enforcement personnel for purposes of enabling such personnel to meet any certification requirements under law with respect to the handling of wastes created by illegal amphetamine and methamphetamine laboratories; and

(B) to State and local law enforcement personnel for purposes of enabling such personnel to provide the information and training covered by subparagraph (A) to other State and local law enforcement personnel.

(3) CLANDESTINE LABORATORY RECERTIFICATION AND AWARENESS TRAINING.—A program of clandestine laboratory recertification and awareness training, which shall provide information and training to State and local law enforcement personnel for purposes of enabling such personnel to provide recertification and awareness training relating to clandestine laboratories to additional State and local law enforcement personnel.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2000, 2001, and 2002 amounts as follows:

(1) $1,500,000 to carry out the program described in subsection (b)(1).

(2) $3,000,000 to carry out the program described in subsection (b)(2).

(3) $1,000,000 to carry out the program described in subsection (b)(3).

SEC. 8. COMBATTING METHAMPHETAMINE AND AMPHETAMINE IN HIGH INTENSITY DRUG TRAFFICKING AREAS.

(a) IN GENERAL.—

(1) IN GENERAL.—The Director of National Drug Control Policy shall use amounts available under this section to combat the trafficking of methamphetamine and amphetamine in areas designated by the Director as high intensity drug trafficking areas.

(2) ACTIVITIES.—In meeting the requirement in paragraph (1), the Director shall provide funds for—

(A) employing additional Federal law enforcement personnel, or facilitating the employment of additional State and local law enforcement personnel, including agents, investigators, prosecutors, laboratory technicians, chemists, investigative assistants, and drug-prevention specialists; and

(B) such other activities as the Director considers appropriate.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) $15,000,000 for fiscal year 2000; and

(2) such sums as may be necessary for each of fiscal years 2001 through 2004.

(c) APPORTIONMENT OF FUNDS.—

(1) FACTORS IN APPORTIONMENT.—The Director shall apportion amounts appropriated for a fiscal year pursuant to the authorization of appropriations in subsection (b) for activities under subsection (a) among and within areas designated by the Director as high intensity drug trafficking areas based on the following factors:

(A) The number of methamphetamine manufacturing facilities and amphetamine manufacturing facilities discovered by Federal, State, or local law enforcement officials in the previous fiscal year.

(B) The number of methamphetamine prosecutions and amphetamine prosecutions in Federal, State, or local courts in the previous fiscal year.

(C) The number of methamphetamine arrests and amphetamine arrests by Federal, State, or local law enforcement officials in the previous fiscal year.

(D) The amounts of methamphetamine, amphetamine, or listed chemicals (as that term is defined in section 102(33) of the Controlled Substances Act (21 U.S.C. 802(33)) seized by Federal, State, or local law enforcement officials in the previous fiscal year.

(E) Intelligence and predictive data from the Drug Enforcement Administration and the Department of Health and Human Services showing patterns and trends in abuse, trafficking, and transportation in methamphetamine, amphetamine, and listed chemicals (as that term is so defined).

(2) CERTIFICATION.—Before the Director apportions any funds under this subsection to a high intensity drug trafficking area, the Director shall certify that the law enforcement entities responsible for clandestine methamphetamine and amphetamine laboratory seizures in that area are providing laboratory seizure data to the national clandestine laboratory database at the El Paso Intelligence Center.

(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of the amount appropriated in a fiscal year pursuant to the authorization of appropriations for that fiscal year in subsection (b) may be available in that fiscal year for administrative costs associated with activities under subsection (a).

SEC. 9. COMBATING AMPHETAMINE AND METHAMPHETAMINE MANUFACTURING AND TRAFFICKING.

(a) ACTIVITIES.—In order to combat the illegal manufacturing and trafficking in amphetamine and methamphetamine, the Administrator of the Drug Enforcement Administration may—

(1) assist State and local law enforcement in small and mid-sized communities in all phases of investigations related to such manufacturing and trafficking, including assistance with foreign-language interpretation;

(2) staff additional regional enforcement and mobile enforcement teams related to such manufacturing and trafficking;

(3) establish additional resident offices and posts of duty to assist State and local law enforcement in rural areas in combating such manufacturing and trafficking;

(4) provide the Special Operations Division of the Administration with additional agents and staff to collect, evaluate, interpret, and disseminate critical intelligence targeting the command and control operations of major amphetamine and methamphetamine manufacturing and trafficking organizations; and

(5) carry out such other activities as the Administrator considers appropriate.

(b) ADDITIONAL POSITIONS AND PERSONNEL.—In carrying out activities under subsection (a), the Administrator may establish in the Administration not more than 50 full-time positions, including not more than 31 special-agent positions, and may appoint personnel to such positions.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Drug Enforcement Administration for each fiscal year after fiscal year 1999, $6,500,000 for purposes of carrying out the activities authorized by subsection (a) and employing personnel in positions established under subsection (b).

SEC. 10. ENVIRONMENTAL HAZARDS ASSOCIATED WITH ILLEGAL MANUFACTURE OF AMPHETAMINE AND METHAMPHETAMINE.

(a) USE OF AMOUNTS OR DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND.—Section 524(c)(1)(E) of title 28, United States Code, is amended—

(1) by inserting "(i) for" before "disbursements";

(2) by inserting "and" after the semicolon; and

(3) by adding at the end the following:

"(ii) for payment for—

"(I) costs incurred by or on behalf of the Department of Justice in connection with the removal, for purposes of Federal forfeiture and disposition, of any hazardous substance or pollutant or contaminant associated with the illegal manufacture of amphetamine or methamphetamine; and

"(II) costs incurred by or on behalf of a State or local government in connection with such removal in any case in which such State or local government has assisted in a Federal prosecution relating to amphetamine or methamphetamine, to the extent such costs exceed equitable sharing payments made to such State or local government in such case;".

(b) GRANTS UNDER DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.—Section 501(b)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting before the semicolon the following: "and to remove any hazardous substance or pollutant or contaminant associated with the illegal manufacture of amphetamine or methamphetamine".

(c) AMOUNTS SUPPLEMENT AND NOT SUPPLANT.—

(1) ASSETS FORFEITURE FUND.—Any amounts made available from the Department of Justice Assets Forfeiture Fund in a fiscal year by reason of the amendment made by subsection (a) shall supplement, and not supplant, any other amounts made available to the Department of Justice in such fiscal year from other sources for payment of costs described in section 524(c)(1)(E)(ii) of title 28, United States Code, as so amended.

(2) GRANT PROGRAM.—Any amounts made available in a fiscal year under the grant program under section 501(b)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 for the removal of hazardous substances or pollutants or contaminants associated with the illegal manufacture of amphetamine or methamphetamine by reason of the amendment made by subsection (b) shall supplement, and not supplant, any other amounts made available in such fiscal year from other sources for such removal.

SEC. 11. ANTIDRUG MESSAGES ON FEDERAL GOVERNMENT INTERNET WEBSITES.

Not later than 90 days after the date of the enactment of this Act, the head of each department, agency, and establishment of the Federal Government shall, in consultation with the Director of the Office of National Drug Control Policy, place antidrug messages on appropriate Internet websites controlled by such department, agency, or establishment which messages shall, where appropriate, contain an electronic hyperlink to the Internet website, if any, of the Office.

SEC. 12. MAIL ORDER REQUIREMENTS.

Section 310(b)(3) of the Controlled Substances Act (21 U.S.C. 830(b)(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(2) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

"(A) As used in this paragraph:

"(i) The term 'drug product' means an active ingredient in dosage form that has been approved or otherwise may be lawfully marketed under the Food, Drug, and Cosmetic Act for distribution in the United States.

"(ii) The term 'valid prescription' means a prescription which is issued for a legitimate medical purpose by an individual practitioner licensed by law to administer and prescribe the drugs concerned and acting in the usual course of the practitioner's professional practice.";

(3) in subparagraph (B), as so redesignated, by inserting "or who engages in an export transaction" after "nonregulated person"; and

(4) adding at the end the following:

"(D) Except as provided in subparagraph (E), the following distributions to a nonregulated person, and the following export transactions, shall not be subject to the reporting requirement in subparagraph (B):

"(i) Distributions of sample packages of drug products when such packages contain not more than 2 solid dosage units or the equivalent of 2 dosage units in liquid form, not to exceed 10 milliliters of liquid per package, and not more than one package is distributed to an individual or residential address in any 30-day period.

"(ii) Distributions of drug products by retail distributors that may not include face-to-face transactions to the extent that such distributions are consistent with the activities authorized for a retail distributor as specified in section 102(46).

"(iii) Distributions of drug products to a resident of a long term care facility (as that term is defined in regulations prescribed by the Attorney General) or distributions of drug products to a long term care facility for dispensing to or for use by a resident of that facility.

"(iv) Distributions of drug products pursuant to a valid prescription.

"(v) Exports which have been reported to the Attorney General pursuant to section 1004 or 1018 or which are subject to a waiver granted under section 1018(e)(2).

"(vi) Any quantity, method, or type of distribution or any quantity, method, or type of distribution of a specific listed chemical (including specific formulations or drug products) or of a group of listed chemicals (including specific formulations or drug products) which the Attorney General has excluded by regulation from such reporting requirement on the basis that such reporting is not necessary for the enforcement of this title or title III.

"(E) The Attorney General may revoke any or all of the exemptions listed in subparagraph (D) for an individual regulated person if he finds that drug products distributed by the regulated person are being used in violation of this title or title III. The regulated person shall be notified of the revocation, which will be effective upon receipt by the person of such notice, as provided in section 1018(c)(1), and shall have the right to an expedited hearing as provided in section 1018(c)(2).".

SEC. 13. THEFT AND TRANSPORTATION OF ANHYDROUS AMMONIA FOR PURPOSES OF ILLICIT PRODUCTION OF CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Part D of the Controlled Substances Act (21 U.S.C. 841 et seq.) is amended by adding at the end the following:

"ANHYDROUS AMMONIA

"SEC. 423 (a) It is unlawful for any person—

"(1) to steal anhydrous ammonia, or

"(2) to transport stolen anhydrous ammonia across State lines,

knowing, intending, or having reasonable cause to believe that such anhydrous ammonia will be used to manufacture a controlled substance in violation of this part.

"(b) Any person who violates subsection (a) shall be imprisoned or fined, or both, in accordance with section 403(d) as if such violation were a violation of a provision of section 403.".

(b) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 421 the following new items:

"Sec. 422. Drug paraphernalia.

"Sec. 423. Anhydrous ammonia.".

(c) ASSISTANCE FOR CERTAIN RESEARCH.—

(1) AGREEMENT.—The Administrator of the Drug Enforcement Administration shall seek to enter into an agreement with Iowa State University in order to permit the University to continue and expand its current research into the development of inert agents that, when added to anhydrous ammonia, eliminate the usefulness of anhydrous ammonia as an ingredient in the production of methamphetamine.

(2) REIMBURSABLE PROVISION OF FUNDS.—The agreement under paragraph (1) may provide for the provision to Iowa State University, on a reimbursable basis, of $500,000 for purposes the activities specified in that paragraph.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for the Drug Enforcement Administration for fiscal year 2000, $500,000 for purposes of carrying out the agreement under this subsection.

SEC. 14. REPORT ON METHAMPHETAMINE CONSUMPTION IN RURAL AREAS, SUBURBAN AREAS, SMALL CITIES, MIDSIZE CITIES, AND LARGE CITIES.

(a) IN GENERAL.—The Secretary of Health and Human Services shall submit to the designated committees of Congress on an annual basis a report on the problems caused by methamphetamine consumption in rural areas, suburban areas, small cities, midsize cities, and large cities.

(b) CONCERNS ADDRESSED.—Each report submitted under this section shall include an analysis of—

(1) the manner in which methamphetamine consumption in rural areas differs from methamphetamine consumption in areas with larger populations, and the means by which to accurately measure those differences;

(2) the incidence of methamphetamine abuse in rural areas and the treatment resources available to deal with methamphetamine addiction in those areas;

(3) any relationship between methamphetamine consumption in rural areas and a lack of substance abuse treatment in those areas; and

(4) any relationship between geographic differences in the availability of substance abuse treatment and the geographic distribution of the methamphetamine abuse problem in the United States.

(c) DEFINITIONS.—In this section:

(1) The term "designated committees of Congress" means the following:

(A) The Committees on the Judiciary and Appropriations of the Senate.

(B) The Committees on the Judiciary and Appropriations of the House of Representatives.

(2) The term "large city" means any city that is not a small city or a midsize city.

(3) The term "midsize city" means a city with a population under 250,000 and over 20,000.

(4) The term "rural area" means a county or parish with a population under 50,000.

(5) The term "small city" means a city with a population under 20,000.

SEC. 15. EXPANSION OF METHAMPHETAMINE ABUSE PREVENTION EFFORTS.

(a) EXPANSION OF EFFORTS.—Section 515 of the Public Health Service Act (42 U.S.C. 290bb-21) is amended by adding at the end the following:

"(e)(1) The Administrator may make grants to and enter into contracts and cooperative agreements with public and nonprofit private entities to enable such entities—

"(A) to carry out school-based programs concerning the dangers of abuse of and addiction to methamphetamine and other illicit drugs, using methods that are effective and science-based, including initiatives that give students the responsibility to create their own anti-drug abuse education programs for their schools; and

"(B) to carry out community-based abuse and addiction prevention programs relating to methamphetamine and other illicit drugs that are effective and science-based.

"(2) Amounts made available under a grant, contract or cooperative agreement under paragraph (1) shall be used for planning, establishing, or administering prevention programs relating to methamphetamine and other illicit drugs in accordance with paragraph (3).

"(3)(A) Amounts provided under this subsection may be used—

"(i) to carry out school-based programs that are focused on those districts with high or increasing rates of methamphetamine abuse and addiction and targeted at populations which are most at risk to start abuse of methamphetamine and other illicit drugs;

"(ii) to carry out community-based prevention programs that are focused on those populations within the community that are most at-risk for abuse of and addiction to methamphetamine and other illicit drugs;

"(iii) to assist local government entities to conduct appropriate prevention activities relating to methamphetamine and other illicit drugs;

"(iv) to train and educate State and local law enforcement officials, prevention and education officials, members of community anti-drug coalitions and parents on the signs of abuse of and addiction to methamphetamine and other illicit drugs, and the options for treatment and prevention;

"(v) for planning, administration, and educational activities related to the prevention of abuse of and addiction to methamphetamine and other illicit drugs;

"(vi) for the monitoring and evaluation of prevention activities relating to methamphetamine and other illicit drugs, and reporting and disseminating resulting information to the public; and

"(vii) for targeted pilot programs with evaluation components to encourage innovation and experimentation with new methodologies.

"(B) The Administrator shall give priority in making grants under this subsection to rural and urban areas that are experiencing a high rate or rapid increases in methamphetamine abuse and addiction.

"(4)(A) Not less than $500,000 of the amount available in each fiscal year to carry out this subsection shall be made available to the Administrator, acting in consultation with other Federal agencies, to support and conduct periodic analyses and evaluations of effective prevention programs for abuse of and addiction to methamphetamine and other illicit drugs and the development of appropriate strategies for disseminating information about and implementing these programs.

"(B) The Administrator shall submit to the committees of Congress referred to in subparagraph (C) an annual report with the results of the analyses and evaluation under subparagraph (A).

"(C) The committees of Congress referred to in this subparagraph are the following:

"(i) The Committees on Health, Education, Labor, and Pensions, the Judiciary, and Appropriations of the Senate.

"(ii) The Committees on Commerce, the Judiciary, and Appropriations of the House of Representatives.".

(b) AUTHORIZATION OF APPROPRIATIONS FOR EXPANSION OF ABUSE PREVENTION EFFORTS AND PRACTITIONER REGISTRATION REQUIREMENTS.—There is authorized to be appropriated to carry out section 515(e) of the Public Health Service Act (as added by subsection (a)) and section 303(g)(2) of the Controlled Substances Act (as added by section 18(a) of this Act), $15,000,000 for fiscal year 2000, and such sums as may be necessary for each succeeding fiscal year.

SEC. 16. EXPANSION OF METHAMPHETAMINE RESEARCH.

Section 464N of the Public Health Service Act (42 U.S.C. 285o–2) is amended by adding at the end the following:

"(c) METHAMPHETAMINE RESEARCH.—

"(1) GRANTS OR COOPERATIVE AGREEMENTS.—The Director of the Institute may make grants or enter into cooperative agreements to expand the current and on-going interdisciplinary research and clinical trials with treatment centers of the National Drug Abuse Treatment Clinical Trials Network relating to methamphetamine abuse and addiction and other biomedical, behavioral, and social issues related to methamphetamine abuse and addiction.

"(2) USE OF FUNDS.—Amounts made available under a grant or cooperative agreement under paragraph (1) for methamphetamine abuse and addiction may be used for research and clinical trials relating to—

"(A) the effects of methamphetamine abuse on the human body, including the brain;

"(B) the addictive nature of methamphetamine and how such effects differ with respect to different individuals;

"(C) the connection between methamphetamine abuse and mental health;

"(D) the identification and evaluation of the most effective methods of prevention of methamphetamine abuse and addiction;

"(E) the identification and development of the most effective methods of treatment of methamphetamine addiction, including pharmacological treatments;

"(F) risk factors for methamphetamine abuse;

"(G) effects of methamphetamine abuse and addiction on pregnant women and their fetuses;

"(H) cultural, social, behavioral, neurological and psychological reasons that individuals abuse methamphetamine, or refrain from abusing methamphetamine.

"(3) RESEARCH RESULTS.—The Director shall promptly disseminate research results under this subsection to Federal, State and local entities involved in combating methamphetamine abuse and addiction.

"(4) AUTHORIZATION OF APPROPRIATIONS.—

"(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1), such sums as may be necessary for each fiscal year.

"(B) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated pursuant to the authorization of appropriations in subparagraph (A) for a fiscal year shall supplement and not supplant any other amounts appropriated in such fiscal year for research on methamphetamine abuse and addiction.".

SEC. 17. STUDY OF METHAMPHETAMINE TREATMENT.

(a) STUDY.—

(1) REQUIREMENT.—The Secretary of Health and Human Services shall, in consultation with the Institute of Medicine of the National Academy of Sciences, conduct a study on the development of medications for the treatment of addiction to amphetamine and methamphetamine.

(2) REPORT.—Not later than nine months after the date of the enactment of this Act, the Secretary shall submit to the Committees on the Judiciary of the Senate and House of Representatives a report on the results of the study conducted under paragraph (1).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated for the Department of Health and Human Services for fiscal year 2000 such sums as may be necessary to meet the requirements of subsection (a).

SEC. 18. REGISTRATION REQUIREMENTS FOR PRACTITIONERS WHO DISPENSE CERTAIN NARCOTIC DRUGS FOR MAINTENANCE TREATMENT OR DETOXIFICATION TREATMENT.

(a) IN GENERAL.—Section 303(g) of the Controlled Substances Act (21 U.S.C. 823(g)) is amended—

(1) in paragraph (2), by striking "(A) security" and inserting "(i) security", and by striking "(B) the maintenance" and inserting "(ii) the maintenance";

(2) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(3) by inserting "(1)" after "(g)";

(4) by striking "Practitioners who dispense" and inserting "Except as provided in paragraph (2), practitioners who dispense"; and

(5) by adding at the end the following:

"(2)(A) Subject to subparagraphs (D) and (G), the requirements of paragraph (1) are waived in the case of the prescribing or dispensing, by a practitioner, of narcotic drugs in schedule IV or V or combinations of such drugs if the practitioner meets the conditions specified in subparagraph (B) and the narcotic drugs or combinations of such drugs meet the conditions specified in subparagraph (C).

"(B) For purposes of subparagraph (A), the conditions specified in this subparagraph with respect to a practitioner are that, before prescribing of dispensing narcotic drugs in schedule IV or V, or combinations of such drugs, to patients for maintenance or detoxification treatment, the practitioner submit to the Secretary a notification of the intent of the practitioner to begin dispensing the drugs or combinations for such purpose, and that the notification contain the following certifications by the practitioner:

"(i) The practitioner is a physician licensed under State law, and the practitioner has demonstrable training or experience and the ability to treat and manage opiate-dependent patients.

"(ii) With respect to patients to whom the practitioner will provide such drugs or combinations of drugs, the practitioner has the demonstrated capacity to refer the patients for appropriate counseling and other appropriate ancillary services.

"(iii) In any case in which the practitioner is not in a group practice, the total number of such patients of the practitioner at any one time will not exceed the applicable number. For purposes of this clause, the applicable number is 20, except that the Secretary may by regulation change such total number.

"(iv) In any case in which the practitioner is in a group practice, the total number of such patients of the group practice at any one time will not exceed the applicable number. For purposes of this clause, the applicable number is 20, except that the Secretary may by regulation change such total number, and the Secretary for such purposes may by regulation establish different categories on the basis of the number of practitioners in a group practice and establish for the various categories different numerical limitations on the number of such patients that the group practice may have.

"(C) For purposes of subparagraph (A), the conditions specified in this subparagraph with respect to narcotic drugs in schedule IV or V or combinations of such drugs are as follows:

"(i) The drugs or combinations of drugs have, under the Federal Food, Drug and Cosmetic Act or section 351 of the Public Health Service Act, been approved for use in maintenance or detoxification treatment.

"(ii) The drugs or combinations of drugs have not been the subject of an adverse determination. For purposes of this clause, an adverse determination is a determination published in the Federal Register and made by the Secretary, after consultation with the Attorney General, that the use of the drugs or combinations of drugs for maintenance or detoxification treatment requires additional standards respecting the qualifications of practitioners to provide such treatment, or requires standards respecting the quantities of the drugs that may be provided for unsupervised use.

"(D)(i) A waiver under subparagraph (A) with respect to a practitioner is not in effect unless (in addition to conditions under subparagraphs (B) and (C)) the following conditions are met:

"(I) The notification under subparagraph (B) is in writing and states the name of the practitioner.

"(II) The notification identifies the registration issued for the practitioner pursuant to subsection (f).

"(III) If the practitioner is a member of a group practice, the notification states the names of the other practitioners in the practice and identifies the registrations issued for the other practitioners pursuant to subsection (f).

"(IV) A period of 45 days has elapsed after the date on which the notification was submitted, and during such period the practitioner does not receive from the Secretary a written notice that one or more of the conditions specified in subparagraph (B), subparagraph (C), or this subparagraph, have not been met.

"(ii) The Secretary shall provide to the Attorney General such information contained in notifications under subparagraph (B) as the Attorney General may request.

"(E) If in violation of subparagraph (A) a practitioner dispenses narcotic drugs in schedule IV or V or combinations of such drugs for maintenance treatment or detoxification treatment, the Attorney General may, for purposes of section 304(a)(4), consider the practitioner to have committed an act that renders the registration of the practitioner pursuant to subsection (f) to be inconsistent with the public interest.

"(F) In this paragraph, the term 'group practice' has the meaning given such term in section 1877(h)(4) of the Social Security Act.

"(G)(i) This paragraph takes effect on the date of enactment of the Methamphetamine Anti-Proliferation Act of 1999, and remains in effect thereafter except as provided in clause (iii) (relating to a decision by the Secretary or the Attorney General that this paragraph should not remain in effect).

"(ii) For the purposes relating to clause (iii), the Secretary and the Attorney General shall, during the 3-year period beginning on the date of enactment of the Methamphetamine Anti-Proliferation Act of 1999, make determinations in accordance with the following:

"(I)(aa) The Secretary shall—

"(aaa) make a determination of whether treatments provided under waivers under subparagraph (A) have been effective forms of maintenance treatment and detoxification treatment in clinical settings;

"(bbb) make a determination regarding whether such waivers have significantly increased (relative to the beginning of such period) the availability of maintenance treatment and detoxification treatment; and

"(ccc) make a determination regarding whether such waivers have adverse consequences for the public health.

"(bb) In making determinations under this subclause, the Secretary—

"(aa) may collect data from the practitioners for whom waivers under subparagraph (A) are in effect;

"(bb) shall issue appropriate guidelines or regulations (in accordance with procedures for substantive rules under section 553 of title 5, United States Code) specifying the scope of the data that will be required to be provided under this subclause and the means through which the data will be collected;

"(cc) shall, with respect to collecting such data, comply with applicable provisions of chapter 6 of title 5, United States Code (relating to a regulatory flexibility analysis), and of chapter 8 of such title (relating to congressional review of agency rulemaking); and

"(dd) shall make a determination regarding whether such waivers have adverse consequences for the public health.

"(II) The Attorney General shall—

"(aa) make a determination of the extent to which there have been violations of the numerical limitations established under subparagraph (B) for the number of individuals to whom a practitioner may provide treatment; and

"(bb) make a determination regarding whether waivers under subparagraph (A) have increased (relative to the beginning of such period) the extent to which narcotic drugs in schedule IV or V or combinations of such drugs are being dispensed or possessed in violation of this Act.

"(iii) If, before the expiration of the period specified in clause (ii), the Secretary or the Attorney General publishes in the Federal Register a decision, made on the basis of determinations under such clause, that this paragraph should not remain in effect, this paragraph ceases to be in effect 60 days after the date on which the decision is so published. The Secretary shall, in making any such decision, consult with the Attorney General, and shall, in publishing the decision in the Federal Register, include any comments received from the Attorney General for inclusion in the publication. The Attorney General shall, in making any such decision, consult with the Secretary, and shall, in publishing the decision in the Federal Register, include any comments received from the Secretary for inclusion in the publication.

"(H) During the 3-year period beginning on the date of enactment of the Methamphetamine Anti-Proliferation Act 1999, a State may not preclude a practitioner from dispensing narcotic drugs in schedule IV or V, or combinations of such drugs, to patients for maintenance or detoxification treatment in accordance with this paragraph, or the other amendments made by section 22 of that Act, unless, before the expiration of that 3-year period, the State enacts a law prohibiting a practitioner from dispensing such drugs or combination of drugs.".

(b) CONFORMING AMENDMENTS.—Section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended—

(1) in subsection (a), in the matter following paragraph (5), by striking "section 303(g)" each place the term appears and inserting "section 303(g)(1)"; and

(2) in subsection (d), by striking "section 303(g)" and inserting "section 303(g)(1)".

SEC. 19. ENHANCED PUNISHMENT OF METHAMPHETAMINE LABORATORY OPERATORS.

(a) FEDERAL SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with paragraph (2) with respect to any offense relating to the manufacture, attempt to manufacture, or conspiracy to manufacture amphetamine or methamphetamine in violation of—

(A) the Controlled Substances Act (21 U.S.C. 801 et seq.);

(B) the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.); or

(C) the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

(2) REQUIREMENTS.—In carrying out this paragraph, the United States Sentencing Commission shall—

(A) if the offense created a substantial risk of harm to human life (other than a life described in subparagraph (B)) or the environment, increase the base offense level for the offense—

(i) by not less than 3 offense levels above the applicable level in effect on the date of enactment of this Act; or

(ii) if the resulting base offense level after an increase under clause (i) would be less than level 27, to not less than level 27; or

(B) if the offense created a substantial risk of harm to the life of a minor or incompetent, increase the base offense level for the offense—

(i) by not less than 6 offense levels above the applicable level in effect on the date of enactment of this Act; or

(ii) if the resulting base offense level after an increase under clause (i) would be less than level 30, to not less than level 30.

(3) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The United States Sentencing Commission shall promulgate amendments pursuant to this subsection as soon as practicable after the date of enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired.

(b) EFFECTIVE DATE.—The amendments made pursuant to this section shall apply with respect to any offense occurring on or after the date that is 60 days after the date of enactment of this Act.

SEC. 20. METHAMPHETAMINE PARAPHERNALIA.

Section 422(d) of the Controlled Substances Act (21 U.S.C. 863(d)) is amended in the matter preceding paragraph (1) by inserting "methamphetamine," after "PCP,".

AMENDMENT NO. 2794

Ms. COLLINS. Mr. President, there is a substitute amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for Mr. HATCH, proposes an amendment numbered 2794.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Ms. COLLINS. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2794) was agreed to.

Mr. HATCH. Mr. President, I rise today to commend my fellow Senators for unanimously supporting the passage of S. 486, the Methamphetamine Anti-Proliferation Act of 1999. This bill, introduced by Senator ASHCROFT and amended in committee to include provisions from bills that I and Senator GRASSLEY had introduced, passed by acclamation in the Judiciary Committee earlier this year and represents a significant bipartisan effort to combat the scourge of methamphetamine. With this bill we are arming our communities with responsible, innovative enforcement tools designed to curb the manufacturing and trafficking of this most destructive drug.

I want to take a moment to highlight some of the provisions in this bill that will assist Federal, State, and local law enforcement in their efforts against drug traffickers:

(1) The bill bolsters the DEA's ability to combat the manufacturing and trafficking of methamphetamine by authorizing the creation of satellite offices and the hiring of additional agents to assist State and local law enforcement officials. More than any other illicit drug, methamphetamine manufacturers and traffickers operate in small towns and rural areas. And, unfortunately, rural law enforcement agencies often are overwhelmed and in dire need of the DEA's expertise in conducting methamphetamine investigations.

(2) The bill will assist State and local officials in handling the dangerous toxic waste left behind by methamphetamine labs.

(3) Another section of the bill will help prevent the manufacture of methamphetamine by prohibiting the dissemination of drug "recipes" on the Internet.

(4) The bill amends the Federal anti-drug paraphernalia statute to clarify that the ban includes Internet advertising for the sale of controlled substances and drug paraphernalia.

(5) To counter the dangers that manufacturing drugs like methamphetamine inflict on human life and on the environment, the bill imposes stiffer penalties on manufacturers of all illegal drugs when their actions create a substantial risk of harm to human life or to the environment.

(6) The bill also works to keep all drugs away from children and to punish severely those who prey on our children, especially while at school away from their parents. The bill does this by increasing the penalties for distributing illegal drugs to minors and for distributing illegal drugs near schools and other locations frequented by juveniles.

(7) Finally, the bill increases penalties for manufacturing and trafficking the drug amphetamine, a lesser-known, but no-less dangerous drug than methamphetamine. Other than for a slight difference in potency, amphetamine is manufactured, sold, and used in the same manner as methamphetamine. Moreover, amphetamine labs pose the same dangers as methamphetamine labs. Not surprisingly, every law enforcement officer with whom I have spoken agreed that the penalties for amphetamine should be the same as those for methamphetamine. For these reasons, the bill equalizes the punishment for manufacturing and trafficking the two drugs.

In addition to these law enforcement tools, the bill establishes and funds prevention measures and a creative new treatment program for helping those trapped in drug addiction. Specifically, it contains provisions from S. 324, the "Drug Addiction Treatment Act," which I and my good friend Senator LEVIN introduced earlier this session. These provisions undoubtedly will usher in a new generation of drug treatments. Senators LEVIN, BIDEN, and MOYNIHAN, as well as my colleague in the House, Chairman BLILEY, and experts at the Departments of Justice and Health and Human Services, deserve special thanks for their bipartisan efforts in developing this new treatment paradigm. While we know that vigorous law enforcement is the key to defeating those who manufacture and sell drugs, we must also embrace proven prevention and treatment programs that hold out the promise of turning Americans away from drug use.

Mr. President, as I stated on the floor just last week, the timeliness of this bill cannot be overstated. According to a report prepared by the Community Epidemiology Work Group, which is part of the National Institute on Drug Abuse, methamphetamine abuse levels "remain high . . . and there is strong evidence to suggest this drug will continue to be a problem in west coast areas and to spread to other areas of the United States." This threat is real and immediate, and the numbers are telling. According to the Drug Enforcement Administration the number of labs cleaned up by the Administration has almost doubled each year since 1995. Last year, more than 5,500 amphetamine and methamphetamine labs were seized by DEA and State and local law enforcement officials, and millions of dollars were spent on cleaning up the pollutants and toxins created and left behind by operators of these labs. In Utah alone, there were 266 lab seizures last year, a number which elevated Utah to the unenviable position of being ranked third in the nation for highest per capita clandestine lab seizures.

Mr. President, this bill furnishes the means for our ongoing battle against those who manufacture and sell illicit drugs. Perhaps even more important, this bill underscores our unwavering commitment to win this battle. Let there be no misunderstanding: we will not throw up our hands and surrender our streets to those who sell misery and destruction. For the sake of our children and grandchildren, we will defeat this plague. I again thank my colleagues for joining with me in this effort.

Mr. LEAHY. The manufacture and distribution of methamphetamines and amphetamines is an increasingly serious problem, and this bill would provide significant additional resources for both law enforcement and treatment. It was unfortunate that the majority has played politics with this important issue and strained the strong bipartisan support for this bill by including its provisions in a larger, controversial amendment to S. 625, the Bankruptcy Reform Act of 1999, which amendment was approved by a vote of 50–49 on November 10, 1999. I strongly opposed that amendment, which significantly increased the use of mandatory minimum penalties for powder cocaine offenses and unwisely diminished local control of schools.

That amendment to the bankruptcy bill mandated a 10-year mandatory minimum sentence for crimes involving 500 grams or more of powder cocaine, instead of the current 5 kilogram threshold. It also instituted a 5-year mandatory minimum sentence for crimes involving 50 grams or more of powder cocaine, instead of the current 500-gram threshold. I oppose mandatory minimums both because they are extraordinarily costly for taxpayers and because they are counterproductive to our law enforcement efforts. The Justice Department estimated that the amendment's powder cocaine provision would cost more than $10 billion over the next 30 years simply to build 11,000 more prison beds. Moreover, the use of mandatory minimums for smaller and smaller quantities of drugs gives federal prosecutors further incentive to prosecute lower-level drug offenders, further distorting the balance between state and federal law enforcement responsibilities. It simply makes no sense—except perhaps as a matter of politics—to federal our Nation's drug laws to such an extreme extent.

In addition, that amendment provided the wrongheaded approach to the necessary task of rectifying the disparity between sentences for powder and crack cocaine. Under current law, the quantity threshold to trigger mandatory minimum penalties for crack offenders is 100 times more severe than for powder cocaine offenders. Under this amendment the quantity threshold to trigger mandatory minimums for crack offenders would still be 10 times more severe, and the amendment would do nothing to mitigate the unnecessary federalization and extreme penalties that the criminal justice system imposes for lower-level crack offenses.

Finally, that amendment contained education provisions that would take funding and control away from local school authorities. First, it dictates that local school boards adopt certain specific policies on illegal drug use by students, including mandatory reporting of students to law enforcement and mandatory expulsion for at least one year of students who possess illegal drugs on school property. Second, it authorizes the use of public funds to pay tuition for any private schools, including parochial schools, for students who were injured by violent criminal offenses on public school grounds. This provision raises serious constitutional and policy questions, and should not have been slipped into an end-of-session amendment to a bankruptcy bill.

Because of the extreme reservations that I and many of my colleagues from both sides of the aisle expressed about that amendment to the bankruptcy bill, I pressed for the original methamphetamine bill to be considered as a separate matter. I am pleased that we have an opportunity to consider and pass this legislation without the poison pills that the Republican leadership inserted.

I continue to have some reservations about this bill. For example, I disapprove of its order to the Sentencing Commission to increase penalties for certain amphetamine and methamphetamine crimes by a specific number of base offense levels. I oppose such specific directives for some of the same reasons that I oppose mandatory minimums—they subvert the considered sentencing process that Congress wanted when it established the Sentencing Commission.

But the good in this bill outweighs the bad. In addition to creating tougher penalties for those who manufacture and distribute amphetamines as illicit drugs, this bill allocates additional funding to assist local law enforcement, allows for the hiring of new DEA agents, and increases research, training and prevention efforts. This is a good and comprehensive approach to America's growing amphetamine problem.

We significantly improved this bill during committee considerations. As the comprehensive substitute for the original bill was being drafted, I had three primary reservations: First, earlier versions of the bill imposed numerous mandatory minimums. As I stated earlier, I continue to believe that mandatory minimums are generally an inappropriate tool in our critically important national fight against drugs. Simply imposing or increasing mandatory minimums subverts the more considered process Congress set up in the Sentencing Commission. The Federal Sentencing Guidelines already provide a comprehensive mechanism to equalize sentences among persons convicted of the same or similar crime, while allowing judges the discretion they need to give appropriate weight to individual circumstances.

The Sentencing Commission goes through an extraordinary process to set sentence levels. For example, pursuant to our 1996 antimethamphetamine law, the Sentencing Commission increased meth penalties after careful analysis of recent sentencing data, a study of the offenses, and information from the DEA on trafficking levels, dosage unit size, price and drug quantity. Increasing mandatory minimums takes sentencing discretion away from judges. We closely examine judges' backgrounds before they are confirmed and should let them do their jobs.

Mandatory minimums also impose significant economic and social costs. According to the Congressional Budget Office, the annual cost of housing a federal inmate ranges from $16,745 per year for minimum security inmates to $23,286 per year for inmates in high security facilities. It is critical that we take steps that will effectively deter crime, but we should not ignore the costs of the one size fits all approach of mandatory minimums. We also cannot ignore the policy implications of the boom in our prison population. In 1970, the total population in the federal prison system was 20,686 prisoners, of whom 16.3 percent were drug offenders. By 1997, the federal prison population had grown to almost 91,000 sentenced prisoners, approximately 60 percent of whom were sentenced for drug offenses. The cost of supporting this expanded federal criminal justice system is staggering. We ignore at our peril the findings of RAND's comprehensive 1997 report on mandatory minimum drug sentences: "Mandatory minimums are not justifiable on the basis of cost-effectiveness at reducing cocaine consumption, cocaine expenditures, or drug-related crime."

This is why I have repeatedly expressed my concerns about creating new mandatory minimum penalties, including as recently as last October, when another antimethamphetamine bill was before the Judiciary Committee.

Second, earlier drafts of this bill would have contravened the Supreme Court's 1999 decision in Richardson versus U.S. I, along with some other members of the Committee, believed that it would be inappropriate to take such a step without first holding a hearing and giving thorough consideration to such a change in the law. The Chairman of the Committee, Senator HATCH, was sensitive to this concern and I thank him for agreeing to remove that provision from this legislation.

Third, an earlier version of the bill contained a provision that would have created a rebuttable presumption that may have violated the Constitution's Due Process Clause. Again, I believed that we needed to seriously consider and debate such a provision before voting on it. And again, the Chairman was sensitive to the concerns of some of us on the Committee and agreed to remove that provision.

By reaching an accord on each of those issues, I was able to join as a cosponsor of this bill. I support it strongly, and I look forward to seeing it become law.

Mr. KOHL. Mr. President, I rise today with my colleagues to express my support for the Methamphetamine Anti-Proliferation Act of 1999, of which I am proud to be a cosponsor. This bipartisan measure is a crucial step in the battle against the spread of Methamphetamine, also known as "Meth." It sets forward a comprehensive approach including targeted enforcement through increased resources, training and penalties, expansion of prevention and intervention programs, environmental cleanup, and research.

The Meth problem is growing rapidly—not only across the country westward, but also in my home state: our Wisconsin State Crime Laboratory has tripled the number of Meth examinations since 1996, with prosecutions doubling from previous years; thefts of the precursor chemical Anhydrous Ammonia from farmers and retailers are becoming routine; and more Meth producers are emptying out shelves of "blister packs"—packages of Sudafed and other cold remedies which are legal products used as precursor chemicals and sold in our markets and retail stores. Just last week, law enforcement officers in Fox Valley, Wisconsin reported their first seizure of a Meth lab, evidencing Meth's quick spread across the state.

In fact, Wisconsin has become a source of one of the most toxic of Meth recipes—known to its Western producers as the "Nazi variety"—which causes the most aggressive behavior. This is largely due to the availability of Anhydrous Ammonia, which accelerates users to a fast and violent high. At the same time, the environmental dangers associated with this chemical pose a serious threat to our law enforcement officers and our communities.

I am particularly pleased that the bill includes several provisions from the Rural Methamphetamine Use Response Act of 1999, introduced by Senator GRASSLEY and me earlier this year. In particular, the underlying bill authorizes $6.5 million for additional Drug Enforcement Administration (DEA) agents in rural areas and $5.5 million for DEA training designed to combat "meth" production. In addition, it criminalizes the transport and sale of Anhydrous Ammonia. These provisions will be of great assistance to rural states like Wisconsin, adding to the ongoing efforts of state and local law enforcement and building on the $1 million in funding I helped secure through the Appropriations process for a Meth "Task Force" in Western Wisconsin.

As Meth continues its devastation throughout the Midwest, it is time to confront this raging menace at multiple levels and with cooperative strength. This bipartisan legislation is an important step in that direction.

Mr. ASHCROFT. Mr. President, I rise today to commend the Senate for passing, S. 486, the Methamphetamine Anti-Proliferation Act of 1999. I'm proud to say this comprehensive anti-methamphetamine bill was built upon the DEFEAT Meth legislation that I introduced earlier this year. This reflects a tremendous amount of bi-partisan work by the members of the judiciary committee.

And the reason for the level of bipartisan effort in crafting this bill was the recognition by all involved that it is needed desperately to combat one of the fastest growing threats to American society: the explosive problem of methamphetamine.

With its roots on the West coast, this epidemic has now exploded in middle America. Meth in the 1990s is what cocaine was in the 1980s and heroin was in the 1970s. It is currently the largest drug threat we face in my home state of Missouri. Unfortunately, it may be coming soon to a city or town near you.

If you wanted to design a drug to have the worst possible effect on your community, you'd make methamphetamine. It is highly addictive, highly destructive, cheap, and easy to manufacture.

To give you an idea of the scope of the problem, in 1992, law enforcement seized 2 clandestine Meth labs in my state of Missouri. By 1994, there were 14 seizures. In 1998, they seized 679 labs. Based on the figures collected so far this year, that number will jump again this year to over 800 labs.

And with this growth have come all of the problems. As meth abuse has increased, domestic abuse, child abuse, burglaries and meth related murders have also increased proportionately. From 1992 to 1998 meth-related emergency room incidents increased 63 percent.

What is more unacceptable is that meth is ensnaring our children. In 1998, the percentage of 12th graders who used meth was double the 1992 level. In recent conversations I have had with local law enforcement officers in Missouri, they estimated that as many as 10% of high school students know the receipe for meth. In fact, one need only log on to the Internet to find scores of web sites giving detailed instructions to set up you own meth lab. This is unacceptable.

Despite the appropriation of over $35 million dollars in the past two appropriation cycles for the Drug Enforcement Administration to train local law enforcement in the interdiction and clean-up of methamphetamine labs, the meth problem continues to grow.

And that is why I am so pleased S. 486, the Methamphetamine Anti-Proliferation Act of 1999 passed the Senate. This bill provides the necessary weapons to fight the growing meth problem in this country, including the authorization of $9.5 million for DEA programs to train State and local law enforcement in techniques used in meth investigations, $5.5 million for the hiring of new agents to assist State and local law enforcement in small and mid-sized communities, $15 million for school and community-based meth abuse and addiction prevention programs, $10 million for treatment of meth addicts, and $15 million to the Office of National Drug Control Policy to combat trafficking of meth in designated HIDTA's (High Intensity Drug Trafficking Areas) which have had great success in Missouri and the Midwest.

This bill also amends the Sentencing Guidelines by increasing the mandatory minimum sentences for manufacturing meth and significantly increases mandatory minimum sentences if the offense created a risk of harm to the life of a minor or incompetent. Furthermore, the bill includes meth paraphernalia in the federal list of illegal paraphernalia.

But focusing on reducing supply through interdiction and punishment is not enough. The bill also authorizes substantial resources for education and prevention targeted specifically at the problem of meth. Local law enforcement in Missouri tells me that 10% of high school students know the recipe for meth. I want to ensure that 100% of them know that meth is a recipe for disaster.

Meth presents us with a formidable challenge. We have faced many other challenges in the past and we can face this one as well. In fact, the history of America is one of meeting challenges and surpassing people's highest expectations. Meth is no exception. All its takes is that we marshal our will and channel the great indomitable American spirit. Through legislative efforts like this bill we will meet this new meth challenge and defeat it.

Mr. BIDEN. Mr. President, three years ago I joined with my distinguished friend and colleague, Senator HATCH, to introduce the "Hatch-Biden Methamphetamine Control Act" to address the growing threat of methamphetamine use in our country before it was too late.

Our failure to foresee and prevent the crack cocaine epidemic is one of the most significant public policy mistakes in recent history. We were determined not to repeat that mistake with methamphetamine.

That 1996 Act provided crucial tools that we needed to stay ahead of the methamphetamine epidemic—increased penalties for possessing and trafficking in methamphetamine and the precursor chemicals and equipment used to manufacture the drug; tighter reporting requirements and restrictions on the legitimate sales of products containing precursor chemicals to prevent their diversion; increased reporting requirements for firms that sell those products by mail; and enhanced prison sentences for meth manufacturers who endanger the life of any individual or endanger the environment while making this drug. We also created a national working group of law enforcement and public health officials to monitor any growth in the methamphetamine epidemic.

I have no doubt that our 1996 legislation slowed this epidemic significantly. But we are up against a powerful and highly addictive drug.

The Methamphetamine Anti-Proliferation Act of 1999—which I have cosponsored—builds on the 1996 Act. First and foremost, it closes the “amphetamine loophole” in current law by making the penalties for manufacturing, distribution, importing and exporting amphetamine the same as those for meth. After all, the two drugs differ by only one chemical and are sold interchangeably on the street. If users can't tell the difference between the two substances, there is no reason why the penalties should be different.

The amendment also addresses the growing problem of meth labs by establishing penalties for manufacturing the drug with an enhanced penalty for those who would put a child's life at risk in the process. We provide the Drug Enforcement Administration with much needed funding to clean up clandestine labs after they are seized as well as to train state local law enforcement officers to handle the hazardous wastes produced in the meth labs and certify them to train their colleagues.

Methamphetamine is made from an array of hazardous substances—battery acid, lye, ammonia gas, hydrochloric acid, just to name a few—that produce toxic fumes and often lead to fires or explosions when mixed. I am revealing nothing by naming some of these chemical ingredients. Anyone with access to the Internet can download a detailed meth recipe with a few simple keystrokes. Our legislation would make such postings illegal.

We provide money for the Drug Enforcement Administration to clean up these toxic sites and certify state and local officials to handle the hazardous byproducts at the lab sites. We provide funds for additional law enforcement personnel—including agents, investigators, prosecutors, lab technicians, chemists, investigative assistants and drug prevention specialists in High Intensity Drug Trafficking Areas where meth is a problem.

We also provide funds for new agents to assist State and local law enforcement in small- and mid-sized communities in all phases of drug investigations and assist state and local law enforcement in rural areas.

Further, the legislation provides much needed money for prevention, treatment and research, including clinical trials. It asks the Institute of Medicine to issue a report on the status of pharmacotherapies for treatment of amphetamine and methamphetamine addiction.

I understand that the scientists at the National Institute on Drug Abuse are making headway in isolating amino acids and developing medications to deal with meth overdose and addiction.

We also have a provision that would allow certain doctors to dispense Schedule III, IV and V drugs from their offices to treat addiction. I am glad to see this provision included. Ten years ago, I asked the question: “If drug abuse is an epidemic, are we doing enough to find a medical ‘cure’?” Unfortunately that question is still with us. But today we also have another question: “Are we doing enough to get the ‘cures’ we have to those who need them?” We have an enormous “treatment gap” in this country. Less than half of the estimated 4.4 to 5.3 million people who need drug treatment are receiving it. Licensing qualified doctors to prescribe certain pharmacotherapies from their offices is a significant step toward bridging the treatment gap.

Also to that end, this bill authorizes $10 million for treatment of methamphetamine addiction.

The bill also tightens the restrictions on direct and indirect advertising of illegal drug paraphernalia and Schedule I drugs. Under this legislation, it would be illegal for on-line magazines and other websites to post advertisements for such illegal material or provide “links” to websites that do. We crafted this language carefully so that we restrict the sale of drug paraphernalia without restricting the First Amendment.

All in all, I believe that this is a comprehensive bill that attacks the methamphetamine and amphetamine problem from every angle.

Today the Senate also passed the “Date Rape Drug Control Act of 1999,” a very important piece of legislation which will place the most stringent controls on GHB, a drug which is being used with increasing frequency to commit rape. I commend Senator ABRAHAM for his efforts to get this bill passed and I thank him for acknowledging my efforts as well.

For nearly five years now, I have been working to raise awareness about date rape drugs including rohypnol and ketamine.

In 1996, I first introduced legislation to schedule these drugs under the Controlled Substances Act. This was not a step I took lightly because there is a regulatory procedure in place for scheduling controlled substances. But my view was that the regulatory process would take years to do what needed to be done in months, forfeiting valuable time in the fight to stop these drugs from being used to commit heinous crimes.

Federal scheduling is important for three simple reasons. First, federal scheduling triggers increased state drug law penalties. This is because state law penalties are linked to the level at which a drug appears on the federal controlled substance schedule. Since more than 95 percent of all drug cases are prosecuted at the state level, not by the federal government, federal scheduling is vitally important.

Second, federal scheduling triggers tough federal penalties.

And third, scheduling has proven to work. In 1984, I worked to reschedule Quaaludes from Schedule II to Schedule I. Congress passed the law and the Quaalude epidemic was greatly reduced. Again in 1990, I worked to reclassify steroids as a Schedule III substance. Congress passed the law and again a drug epidemic that had been on the rise was reversed.

Progress on scheduling date rape drugs has been slow. This past August—four years after I first called for stricter regulations—the Drug Enforcement Administration finally classified ketamine as a Schedule III drug.

Rohypnol has yet to be classified as a Schedule I drug, though we have passed legislation that stipulates that it is subject to federal penalties. Far from perfect, but it is a small step in the right direction.

In 1996, we passed legislation to crack down on those who commit violent crimes—including rape—by giving the victim a controlled substance without that person's knowledge.

As a result of that legislation, this cowardly act is punishable by up to 20 years in prison.

And today the Senate passed legislation that recognizes that GHB is a significant public safety hazard and will result in the drug being designated as a Schedule I substance. At the same time, the legislation recognizes that there is a public health interest here. GHB is currently being studied as a treatment for narcolepsy and this bill goes to great lengths to ensure that this research can continue without undue burdens.

Further, the “Date Rape Drug Control Act” requires the Attorney General to assist in the development of forensic tests to help law enforcement detect GHB and related substances and develop training materials on date rape drugs for police officers. The bill also calls for a national awareness campaign to warn people about the danger of these drugs.

Recently, these date rape drugs have been used in my State of Delaware. Several women at “The Big Kahuna,” the largest nightclub in Wilmington have had drugs slipped into their drinks.

This is a serious problem and we must take bold steps, like passing the measure we passed today, to establish strict penalties for this cowardly crime.

I am pleased that the Senate has passed both of these important pieces of legislation today and I hope to see them enacted into law.

Mr. LEVIN. Mr. President, the Senate has now approved a long-time crusade of mine—that of speeding the development and delivery of anti-addition medications that block the craving for illicit addictive substances. This is one way in which we can fight and win the war on drugs—by blocking the craving for illegal substances. The proposal, which has now passed the Senate as embodied in S. 324, the Drug Addiction Treatment Act, which I introduced in January of this year along with Senator HATCH, Senator MOYNIHAN and Senator BIDEN, will achieve this goal.

Mr. President, the Drug Addiction Treatment Act, reported out of the Judiciary Committee as Sec. 18 of the Methamphetamine Anti-Proliferation Act of 1999, enables qualified physicians to prescribe schedule IV and V anti-addiction medications in their offices, under certain strict conditions. There are a number of reasons why this legislation is necessary. The Narcotic Addict Treatment Act of 1974, requires separate DEA registrations for physicians who want to use approved narcotics in drug abuse treatment and separate approvals of registrants by the U.S. Department of Health and Human Services (HHS) and by state agencies. The result has been a treatment system consisting primarily of large clinics, preventing physicians from treating patients in an office setting or in rural areas or small towns, thereby denying treatment to thousands in need of it. Additionally, experts say that many heroin addicts who want treatment are often deterred because of the stigma that is associated with such clinics.

The medications Buprenorphine and Buprenorphone/naloxone combination have proven to be effective blockers of craving for heroin. Dr. Alan Leshner, Director of the National Institute on Drug Abuse (NIDA) substantiates this finding in the "many NIDA funded studies [that] support the effectiveness, safety and efficacy of Buprenorphine and buprenorphine combined with naloxone for the treatment of opiate dependence."

The intent of the Drug Addiction Treatment Act, S. 324, is to make it possible for medications like Buprenorphine, because of the unlikelihood of diversion or abuse, to be used effectively to block the craving for heroin. To do this, the medication must be made available in physician offices and there must be safeguards that such availability is not abused. The protections in the legislation against such abuse are as follows: Physicians may not treat more than 20 patients in an office setting unless the Secretary adjusts this number; the Secretary, as appropriate, may add to these conditions and allow the Attorney General to terminate a physician's DEA registration if these conditions are violated; and the program may be discontinued within three years after the date of enactment, if the Secretary and Attorney General determine that this new type of decentralized treatment has not proven to be an effective form of treatment.

States may opt out of the provision. Also, nothing in the waiver policy is intended to change the rules pertaining to methadone clinics or other facilities or practitioners that conduct drug treatment services under the dual registration system imposed by current law. In crafting the waiver provisions of this legislation, we consulted with the U.S. Department of Health and Human Services, including the Federal Drug Administration, and the Drug Enforcement Administration.

The National Institute on Drug Abuse (NIDA), in collaboration with a private pharmaceutical company developed Buprenorphine for the treatment of heroin addiction. Because of the reluctance of the pharmaceutical industry to become involved in developing anti-addiction medications, NIDA has played an active role in supporting research at every step of the drug development process. NIDA's Medications Development Division has been working to accelerate the identification, evaluation, development, and approval of new medications to treat drug addiction, which I call anti-addiction drugs. Through this process, NIDA has been able to bring a number of effective medications into drug treatment. In the case of Buprenorphine products, NIDA has supported research for many years which indicates that the medication is effective in blocking the craving for heroin.

Mr. President, the crisis of illegal drug use continues to cost society both in human toll and in the loss of billions of dollars each year. Consider the startling and compelling findings of the January 1995 Institute of Medicine Report, which estimates the cost to society for drug abuse and dependence treatment at $66.9 billion in 1990 alone, and estimated the cost of drug-related crime at $46 billion that same year. A 1995 report of the Office of National Drug Control Policy tells us that users of illegal drugs spent $48.7 billion on the purchase of illicit substances to feed their addiction.

Recent findings of the Monitoring the Future Program, headed by Dr. Lloyd Johnson of the University of Michigan, indicates that heroin use among American teens doubled between 1991 and 1998, and represents a clear and present danger for a significant number of American young people. Dr. Johnson attributes this to a "sharp increase in use . . . resulting from adoption of non-injectable modes of administration—smoking and snorting, in particular." Dr. Johnson goes on to say that "the very high purity of heroin on the street has made these new developments possible and that unfortunately, a number of those users will become dependent on heroin and will switch over to injection, which is a more efficient way to derive the equivalent high"

The President of the Michigan Public Health Association, Dr. Stephanie Meyers Schim, has spoken out eloquently about the "great problems" of substance abuse. In her recent letter in support of S. 324, she says: Substance abuse affects health care costs, mortality, workers' compensation claims, reduced productivity, crime, suicide, domestic violence, child abuse, and increases costs associated with extra law enforcement, motor vehicle crashes, crime, and lost productivity. Dr. Schim goes on to say, "Buprenorphine will allow drug addicted individuals to maximize everyday life activities, and participate more fully in work day and family activities while seeking the needed treatment and counseling to become drug free".

Dr. James H. Wood, Professor of Pharmacology at the University of Michigan Medical School recently wrote: "One of the most important aspects of your bill is the use of Buprenorphine by well-trained physicians to treat narcotic addiction from their offices, which has the potential to attract and treat effectively sizable populations of currently untreated addicts . . . a major byproduct of this increased treatment, of course, will be reduction in the demand for illicit narcotics in the U.S."

Dr. Thomas Kosten, President of the American Academy of Addiction Psychiatry echoed these sentiments in recent testimony on The Drug Addiction Treatment Act before the House Commerce Committee on Health and Environment, and I quote: ". . . I would like to support the availability of Buprenorphine for office based practice. Addiction is a brain disease and office-based practice is primarily needed for effective treatment of Buprenorphine."

The American Society of Addiction Medicine (ASAM), and the College on Problems of Drug Dependence which is the nation's longest standing organization of scientists addressing drug dependence and drug abuse, have stated that the availability of Buprenorphine in physicians' offices adds a needed expansion of current treatment for heroin addiction. ASAM also cautioned that Buprenorphine will have limited utility if it is tied to the regulatory structure for current treatments of heroin addiction.

There are other compelling reasons why we must expedite the delivery of anti-addiction medications. Of the juveniles who land behind bars in state institutions, more than 60 percent of them reported using drugs once a week or more, and over 40 percent reported being under the influence of drugs while committing crimes, according to a report from the Bureau of Justice Statistics. Drug-related incarcerations are up and we are building more jails and prisons to accommodate them—more than 1000 have been built over the past 20 years. According to the July 14, 1999 Office of National Drug Control Policy Update, and I quote: "Drug-related arrests are up from 1.1 million arrests in 1988 to 1.6 million arrests in 1997—steady increases every year since 1991."

These sentiments were also expressed during a May 9, 1997 Drug Forum on Anti-addiction Research, which I convened along with Senator MOYNIHAN, Senator BOB KERREY and other members of the Senate. Forum participants, including distinguished experts such as Dr. Herbert Kleber and Dr. Donald Landry of Columbia University, Dr. Charles Schuster of Wayne State University and Dr. James Woods of the University of Michigan, made it crystal clear that time is of the essence—we must act expeditiously on new treatment discoveries that block the craving for illicit addictive substances.

Mr. President, I received a very supportive letter from HHS Secretary Donna Shalala: "I am especially encouraged by the results of published clinical studies of Buprenorphine. Buprenorphine is a partial mu opiate receptor agonist, in Schedule V of the Controlled Substances Act, with unique properties which differentiate it from full agonists such as methadone or LAAM. The pharmacology of the combination tablet consisting of Buprenorphine and naloxone results in . . . low value and low desirability for diversion on the street Published clinical studies suggest that it has very limited euphorigenic affects, and has the ability to percipitate withdrawal in individuals who are highly dependent upon other opioids. Thus, Buprenorphine and Buprenorphine/naloxone products are expected to have low diversion potential. Buprenorphine and Buprenorphine naloxone products are expected to reach new groups of opiate addicts—for example, those who do not have access to methadone programs, those who are reluctant to enter methadone treatment programs, and those who are unsuited to them (this would include for example, those in their first year of opiates addiction or those addicted to lower doses of opiates). Buprenorphine and Buprenorphine/naloxone products should increase the amount of treatment capacity available and expand the range of treatment options that can be used by physicians. Secretary Shalala went on to say, "Buprenorphine and Buprenorphine/Naloxone would not replace methadone. Methadone and LAAM clinics would remain an important part of the treatment continuum."

Mr. President, a companion bill has been introduced and reported out of Committee in the House. It is my hope that full House will act as expeditiously as the Senate on this important legislation.

Mr. BIDEN. Mr. President, 3 years ago I joined with my distinguished friend and colleague, Senator HATCH, to introduce the Hatch-Biden Methamphetamine Control Act to address the growing threat of methamphetamine use in our country before it was too late. Our failure to foresee and prevent the crack cocaine epidemic is one of the most significant public policy mistakes in recent history. We were determined not to repeat that mistake with methamphetamine.

That 1996 act provided crucial tools that we needed to stay ahead of the methamphetamine epidemic—increased penalties for possessing and trafficking in methamphetamine and the precursor chemicals and equipment used to manufacture the drug; tighter reporting requirements and restrictions on the legitimate sales of products containing precursor chemicals to prevent their diversion; increased reporting requirements for firms that sell those products by mail; and enhanced prison sentences for meth manufacturers who endanger the life of any individual or endanger the environment while making this drug. We also created a national working group of law enforcement and public health officials to monitor any growth in the methamphetamine epidemic.

I have no doubt that our 1996 legislation slowed this epidemic significantly. But we are up against a powerful and highly addictive drug. The Methamphetamine Anti-Proliferation Act of 1999—which I have cosponsored—builds on the 1996 act. First and foremost, it closes the "amphetamine loophole" in current law by making the penalties for manufacturing, distribution, importing and exporting amphetamine the same as those for meth. After all, the two drugs differ by only one chemical and are sold interchangeably on the street. If users can't tell the difference between the two substances, there is no reason why the penalties should be different.

The bill also addresses the growing problem of meth labs by establishing penalties for manufacturing the drug with an enhanced penalty for those who would put a child's life at risk in the process. We provide the Drug Enforcement Administration with much needed funding to clean up clandestine labs after they are seized as well as to train state and local law enforcement officers to handle the hazardous wastes produced in the meth labs and certify them to train their colleagues. Methamphetamine is made from an array of hazardous substances—battery acid, lye, ammonia gas, hydrochloric acid, just to name a few—that produce toxic fumes and often lead to fires or explosions when mixed. I am revealing nothing by naming some of these chemical ingredients. Anyone with access to the Internet can download a detailed meth recipe with a few simple keystrokes. Our legislation would make such postings illegal.

We provide money for the Drug Enforcement Administration to clean up these toxic sites and certify state and local officials to handle the hazardous byproducts at the lab sites. We provide funds for additional law enforcement personnel—including agents, investigators, prosecutors, lab technicians, chemists, investigative assistants and drug prevention specialists in High Intensity Drug Trafficking Areas where meth is a problem. We also provide funds for new agents to assist State and local law enforcement in small- and mid-sized communities in all phases of drug investigations and assist state and local law enforcement in rural areas. Further, the legislation provides much needed money for prevention, treatment and research, including clinical trials. It asks the Institute of Medicine to issue a report on the status of pharmacotherapies for treatment of amphetamine and methamphetamine addiction. I understand that the scientists at the National Institute on Drug Abuse are making headway in isolating amino acids and developing medications to deal with meth overdose and addiction.

We also have a provision that would allow certain doctors to dispense Schedule III, IV and V drugs from their offices to treat addiction. I am glad to see this provision included. Ten years ago, I asked the question: "If drug abuse is an epidemic, are we doing enough to find a medical 'cure'?" Unfortunately that question is still with us. But today we also have another question: "Are we doing enough to get the 'cures' we have to those who need them?" We have an enormous "treatment gap" in this country. Less than half of the estimated 4.4 to 5.3 million people who need drug treatment are receiving it. Licensing qualified doctors to prescribe certain pharmacotherapies from their offices is a significant step toward bridging the treatment gap. Also to that end, this bill authorizes $10 million for treatment of methamphetamine addiction.

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I drugs. Under this legislation, it would be illegal for on-line magazines and other websites to post advertisements for such illegal material or provide "links" to websites that do. We crafted this language carefully so that we restrict the sale of drug paraphernalia without restricting the first amendment. All in all, I believe that this is a comprehensive bill that attacks the methamphetamine and amphetamine problem from every angle. Today the Senate also passed the "Date Rape Drug Control Act of 1999," a very important piece of legislation which will place the most stringent controls on GHB, a drug which is being used with increasing frequency to commit rape. I commend Senator ABRAHAM for his efforts to get this bill passed and I thank him for acknowledging my efforts as well.

For nearly 5 years now, I have been working to raise awareness about date rape drugs including rohypnol and ketamine. In 1996, I first introduced legislation to schedule these drugs under the Controlled Substances Act. This was not a step I took lightly because there is a regulatory procedure in place for scheduling controlled substances. But my view was that the regulatory process would take years to do what needed to be done in months, forfeiting valuable time in the fight to stop these drugs from being used to commit heinous crimes. Federal scheduling is important for three simple reasons. First, Federal scheduling triggers increased state drug law penalties. This is because state law penalties are linked to the level at which a drug appears on the Federal controlled substance schedule. Since more than 95 per cent of all drug cases are prosecuted at the state level, not by the Federal government, federal scheduling is vitally important.

Second, Federal scheduling triggers tough federal penalties.

And third, scheduling has proven to work. In 1984, I worked to reschedule Quaaludes from Schedule II to Schedule I, Congress passed the law and the Quaalude epidemic was greatly reduced. Again in 1990, I worked to reclassify steroids as a Schedule III substance, Congress passed the law and again a drug epidemic that had been on the rise was reversed.

Progress on scheduling date rape drugs has been slow. This past August—4 years after I first called for stricter regulations—the Drug Enforcement Administration finally classified ketamine as a Schedule III drug. Rohypnol has yet to be classified as a Schedule I drug, though we have passed legislation that stipulates that it is subject to federal penalties. Far from perfect, but it is a small step in the right direction.

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Further, the Date Rape Drug Control Act requires the Attorney General to assist in the development of forensic tests to help law enforcement detect GHB and related substances and develop training materials on date rape drugs for police officers. The bill also calls for a national awareness campaign to warn people about the danger of these drugs. Recently, these date rape drugs have been used in my State of Delaware. Several women at "The Big Kahuna," the largest nightclub in Wilmington have had drugs slipped into their drinks. This is a serious problem and we must take bold steps, like passing the measure we passed today, to establish strict penalties for this cowardly crime. I am pleased that the Senate has passed both of these important pieces of legislation today and I hope to see them enacted into law.

Mr. MOYNIHAN. Mr. President, I rise to commend the Senate for unanimously passing the Drug Addiction Treatment Act of 1999 (S. 324), as Title II, Subsection B, of the DEFEAT Meth Act of 1999 (S. 486). The Senate's action today marks a milestone in the treatment of opiate dependence. The Drug Addiction Treatment Act increases access to new medications, such as buprenorphine, to treat opiate addiction. I thank my colleagues Senator LEVIN (whose long-term vision inspired this legislation), Senator HATCH, and Senator BIDEN for their leadership and dedication in developing this Act, and I look forward to seeing the Drug Addiction Treatment Act of 1999 become law.

Determining how to deal with the problem of addiction is not a new topic. Just over a decade ago when we passed the Anti-Drug Abuse Act of 1988, I was assigned by our then-Leader ROBERT BYRD, with Sam Nunn, to co-chair a working group to develop a proposal for drug control legislation. We worked together with a similar Republican task force. We agreed, at least for a while, to divide funding under our bill between demand reduction activities (60 percent) and supply reduction activities (40 percent). And we created the Director of National Drug Control Policy (section 1002); next, "There shall be in the Office of National Drug Control Policy a Deputy Director for Demand Reduction and a Deputy Director for Supply Reduction."

We put demand first. To think that you can ever end the problem by interdicting the supply of drugs, well, it's an illusion. There's no possibility.

I have been intimately involved with trying to eradicate the supply of drugs into this country. It fell upon me, as a member of the Nixon Cabinet, to negotiate shutting down the heroin traffic that went from central Turkey to Marseilles to New York—"the French Connection"—but we knew the minute that happened, another route would spring up. That was a given. The success was short-lived. What we needed was demand reduction, a focus on the user. And we still do.

Demand reduction requires science and it requires doctors. I see the science continues to develop, and The Drug Addiction Treatment Act of 1999 will allow doctors and patients to make use of it.

Congress and the public continue to fixate on supply interdiction and harsher sentences (without treatment) as the "solution" to our drug problems, and adamantly refuse to acknowledge what various experts now know and are telling us: that addiction is a chronic, relapsing disease; that is, the brain undergoes molecular, cellular, and physiological changes which may not be reversible.

What we are talking about is not simply a law enforcement problem, to cut the supply; it is a public health problem, and we need to treat it as such. We need to stop filling our jails under the misguided notion that such actions will stop the problem of drug addiction. The Drug Addiction Treatment Act of 1999 is a step in the right direction.

Ms. COLLINS. Mr. President, I ask unanimous consent that the committee substitute, as amended, be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 486), as amended, was read the third time and passed.

ESTABLISHING THE ABRAHAM LINCOLN BICENTENNIAL COMMISSION

Ms. COLLINS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1451, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1451) to establish the Abraham Lincoln Bicentennial Commission.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2795

(Purpose: To provide a complete substitute)

Ms. COLLINS. Mr. President, there is a substitute amendment at the desk submitted by Senators HATCH, LEAHY, FITZGERALD, and DURBIN, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for Mr. HATCH, for herself, Mr. LEAHY, Mr. FITZGERALD and Mr. DURBIN, proposes an amendment numbered 2795.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Abraham Lincoln Bicentennial Commission Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Abraham Lincoln, the 16th President, was one of the Nation's most prominent leaders, demonstrating true courage during the Civil War, one of the greatest crises in the Nation's history.

(2) Born of humble roots in Hardin County, Kentucky, on February 12, 1809, Abraham Lincoln rose to the Presidency through a legacy of honesty, integrity, intelligence, and commitment to the United States.

(3) With the belief that all men were created equal, Abraham Lincoln led the effort to free all slaves in the United States.

(4) Abraham Lincoln had a generous heart, with malice toward none and with charity for all.

(5) Abraham Lincoln gave the ultimate sacrifice for the country Lincoln loved, dying from an assassin's bullet on April 15, 1865.

(6) All Americans could benefit from studying the life of Abraham Lincoln, for Lincoln's life is a model for accomplishing the "American Dream" through honesty, integrity, loyalty, and a lifetime of education.

(7) The year 2009 will be the bicentennial anniversary of the birth of Abraham Lincoln, and a commission should be established to study and recommend to Congress activities that are fitting and proper to celebrate that anniversary in a manner that appropriately honors Abraham Lincoln.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the Abraham Lincoln Bicentennial Commission (referred to in this Act as the "Commission").

SEC. 4. DUTIES.

The Commission shall have the following duties:

(1) To study activities that may be carried out by the Federal Government to determine whether the activities are fitting and proper to honor Abraham Lincoln on the occasion of the bicentennial anniversary of Lincoln's birth, including—

(A) the minting of an Abraham Lincoln bicentennial penny;

(B) the issuance of an Abraham Lincoln bicentennial postage stamp;

(C) the convening of a joint meeting or joint session of Congress for ceremonies and activities relating to Abraham Lincoln;

(D) a redesignation of the Lincoln Memorial, or other activity with respect to the Memorial; and

(E) the acquisition and preservation of artifacts associated with Abraham Lincoln.

(2) To recommend to Congress the activities that the Commission considers most fitting and proper to honor Abraham Lincoln on such occasion, and the entity or entities in the Federal Government that the Commission considers most appropriate to carry out such activities.

SEC. 5. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members appointed as follows:

(1) Two members, each of whom shall be a qualified citizen described in subsection (b), appointed by the President.

(2) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Illinois.

(3) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Indiana.

(4) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Kentucky.

(5) Three members, at least one of whom shall be a Member of the House of Representatives, appointed by the Speaker of the House of Representatives.

(6) Three members, at least one of whom shall be a Senator, appointed by the majority leader of the Senate.

(7) Two members, at least one of whom shall be a Member of the House of Representatives, appointed by the minority leader of the House of Representatives.

(8) Two members, at least one of whom shall be a Senator, appointed by the minority leader of the Senate.

(b) QUALIFIED CITIZEN.—A qualified citizen described in this subsection is a private citizen of the United States with—

(1) a demonstrated dedication to educating others about the importance of historical figures and events; and

(2) substantial knowledge and appreciation of Abraham Lincoln.

(c) TIME OF APPOINTMENT.—Each initial appointment of a member of the Commission shall be made before the expiration of the 120-day period beginning on the date of enactment of this Act.

(d) CONTINUATION OF MEMBERSHIP.—If a member of the Commission was appointed to the Commission as a Member of Congress, and ceases to be a Member of Congress, that member may continue to serve on the Commission for not longer than the 30-day period beginning on the date that member ceases to be a Member of Congress.

(e) TERMS.—Each member shall be appointed for the life of the Commission.

(f) VACANCIES.—A vacancy in the Commission shall not affect the powers of the Commission but shall be filled in the manner in which the original appointment was made.

(g) BASIC PAY.—Members shall serve on the Commission without pay.

(h) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(i) QUORUM.—Five members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(j) CHAIR.—The Commission shall select a Chair from among the members of the Commission.

(k) MEETINGS.—The Commission shall meet at the call of the Chair. Periodically, the Commission shall hold a meeting in Springfield, Illinois.

SEC. 6. DIRECTOR AND STAFF.

(a) DIRECTOR.—The Commission may appoint and fix the pay of a Director and such additional personnel as the Commission considers to be appropriate.

(b) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—

(1) DIRECTOR.—The Director of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(2) STAFF.—The staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

SEC. 7. POWERS.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers to be appropriate.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take by this Act.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable the Commission to carry out this Act. Upon request of the Chair of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

SEC. 8. REPORTS.

(a) INTERIM REPORTS.—The Commission may submit to Congress such interim reports as the Commission considers to be appropriate.

(b) FINAL REPORT.—The Commission shall submit a final report to Congress not later than the expiration of the 4-year period beginning on the date of the formation of the Commission. The final report shall contain—

(1) a detailed statement of the findings and conclusions of the Commission;

(2) the recommendations of the Commission; and

(3) any other information that the Commission considers to be appropriate.

SEC. 9. BUDGET ACT COMPLIANCE.

Any spending authority provided under this Act shall be effective only to such extent and in such amounts as are provided in appropriation Acts.

SEC. 10. TERMINATION.

The Commission shall terminate 120 days after submitting the final report of the Commission pursuant to section 8.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Ms. COLLINS. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2795) was agreed to.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1451), as amended, was read the third time and passed.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

UNANIMOUS-CONSENT REQUEST—S. RES. 237

Mr. REID. On behalf of Senator BOXER, I send a Senate resolution to the desk and ask for its immediate consideration.

Ms. COLLINS. On behalf of the Republican leader, I object.

The PRESIDING OFFICER. Objection is heard.

S. Res. 237 will lie over under the rule.

Mrs. BOXER. Mr. President, today I am submitting a resolution on the Convention to Eliminate All Forms of Discrimination Against Women.

For those unfamiliar with this issue, the Treaty, known by its acronym CEDAW, is the most comprehensive and detailed international treaty to date that addresses the rights of women.

The United States was an active participant in drafting this treaty. It was approved by the General Assembly in 1979. President Carter signed the treaty on behalf of the United States.

To date, 165 nations have ratified or acceded to the treaty. The United States joins the likes of Afghanistan, North Korea and Iran as the few nations who have decided not to become state parties to this treaty.

The Convention requires that nations take measures to eliminate discrimination against women. Discrimination is defined as "any distinction, exclusion or restriction made on the basis of sex which has the effect of impairing or nullifying the recognition, enjoyment, or exercise by women, irrespective of their marital status."

The treaty addresses "human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field."

Let me be clear, this treaty covers the most basic rights for women. For example, Article 5 recognizes the common responsibility of men and women for raising children. Article 6 requires measures to suppress all forms of traffic in women and exploitation of prostitution of women.

Articles 7 and 8 would ensure that women have the right to vote, run for office, and represent their countries in international activities.

Article 10 calls for the elimination of discrimination in the field of education.

Article 11 gives women the right to work and free choice of employment.

Article 12 eliminates discrimination in the delivery of health care services.

This treaty covers other areas of discrimination as well, but as you can tell by the few Articles I have described, this treaty is extremely important to the rights of women throughout the world.

And, ratification of this treaty will strengthen our capability to urge other nations to promote these rights.

In 1994 the Senate Foreign Relations overwhelmingly supported this treaty approving the resolution of ratification by a vote of 13 to 5.

Unfortunately, time ran out in the 103rd Congress before the full Senate had the opportunity to consider the treaty.

Today, I am offering amendment stating that it is the Sense of the Senate that the Foreign Relations Committee should once again hold hearings on CEDAW.

It also states the Senate should take action on the treaty prior to March 8, 2000—International Women's Day.

The United States needs to show that it is the world leader on promoting human rights and that includes the rights of women throughout the world.

I urge my colleagues to join us in cosponsoring this resolution.

CHILD ABUSE PREVENTION AND ENFORCEMENT ACT

Ms. COLLINS. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of calendar No. 356, H.R. 764.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 764) to reduce the incidence of child abuse and neglect, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

TITLE I—THE CHILD ABUSE PREVENTION AND ENFORCEMENT ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "Child Abuse Prevention and Enforcement Act".

SEC. 102. GRANT PROGRAM.

Section 102(b) of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601(b)) is amended by striking "and" at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting "; and", and by adding after paragraph (16) the following:

"(17) the capability of the criminal justice system to deliver timely, accurate, and complete criminal history record information to child welfare agencies, organizations, and programs that are engaged in the assessment of risk and other activities related to the protection of children, including protection against child sexual abuse, and placement of children in foster care.".

SEC. 103. USE OF FUNDS UNDER BYRNE GRANT PROGRAM FOR CHILD PROTECTION.

Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751) is amended—

(1) by striking "and" at the end of paragraph (25);

(2) by striking the period at the end of paragraph (26) and inserting a semicolon; and

(3) by adding at the end the following:

"(27) enforcing child abuse and neglect laws, including laws protecting against child sexual abuse, and promoting programs designed to prevent child abuse and neglect; and

"(28) establishing or supporting cooperative programs between law enforcement and media organizations, to collect, record, retain, and disseminate information useful in the identification and apprehension of suspected criminal offenders.".

SEC. 104. CONDITIONAL ADJUSTMENT IN SET ASIDE FOR CHILD ABUSE VICTIMS UNDER THE VICTIMS OF CRIME ACT OF 1984.

(a) IN GENERAL.—Section 1402(d)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(2)) is amended—

(1) by striking "(2) the next $10,000,000" and inserting "(2)(A) Except as provided in subparagraph (B), the next $10,000,000"; and

(2) by adding at the end the following:

"(B)(i) For any fiscal year for which the amount deposited in the Fund is greater than the amount deposited in the Fund for fiscal year 1998, the $10,000,000 referred to in subparagraph (A) plus an amount equal to 50 percent of the increase in the amount from fiscal year 1998 shall be available for grants under section 1404A.

"(ii) Amounts available under this subparagraph for any fiscal year shall not exceed $20,000,000.".

(b) INTERACTION WITH ANY CAP.—Subsection (a) shall be implemented so that any increase in funding provided thereby shall operate notwithstanding any dollar limitation on the availability of the Crime Victims Fund established under the Victims of Crime Act of 1984.

TITLE II—JENNIFER'S LAW

SECTION 201. SHORT TITLE.

This title may be cited as "Jennifer's Law".

SEC. 202. PROGRAM AUTHORIZED.

The Attorney General is authorized to provide grant awards to States to enable States to improve the reporting of unidentified and missing persons.

SEC. 203. ELIGIBILITY.

(a) APPLICATION.—To be eligible to receive a grant award under this title, a State shall submit an application at such time and in such form as the Attorney General may reasonably require.

(b) CONTENTS.—Each such application shall include assurances that the State shall, to the greatest extent possible—

(1) report to the National Crime Information Center and when possible, to law enforcement authorities throughout the State regarding every deceased unidentified person, regardless of age, found in the State's jurisdiction;

(2) enter a complete profile of such unidentified person in compliance with the guidelines established by the Department of Justice for the

National Crime Information Center Missing and Unidentified Persons File, including dental records, DNA records, x-rays, and fingerprints, if available;

(3) enter the National Crime Information Center number or other appropriate number assigned to the unidentified person on the death certificate of each such unidentified person; and

(4) retain all such records pertaining to unidentified persons until a person is identified.

SEC. 204. USES OF FUNDS.

A State that receives a grant award under this title may use such funds received to establish or expand programs developed to improve the reporting of unidentified persons in accordance with the assurances provided in the application submitted pursuant to section 203(b).

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $2,000,000 for each of fiscal years 2000, 2001, and 2002.

Ms. COLLINS. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (H.R. 764), as amended, was read the third time and passed.

Mr. LEAHY. Mr. President, I am pleased that the Senate has approved the Child Abuse Prevention and Enforcement Act, which Senator DEWINE and I recently introduced in the Senate. Our bipartisan legislation builds on the successful passage into law of the Crime Identification Technology Act of 1998, which Senator DEWINE and I sponsored in the last Congress. Our bill also complements S. 249, the Missing, Exploited and Runaway Children Protection Act, which Senator HATCH and I worked together to steer to final passage just last month.

Unfortunately, the number of abused or neglected children in this country nearly doubled between 1986 and 1993. Each day there are 9,000 reports of child abuse in America and more than three million cases annually of abused or neglected children. In my home state of Vermont, 2,309 children were reported to child protective services for child abuse or neglect investigations in 1997, the last year data is available. After investigation, 1,041 of these reports found substantiated cases of child maltreatment in Vermont.

Each child behind these statistics is an American tragedy. But we can help. The Child Abuse Prevention and Enforcement Act provides these abused or neglected children with the Federal assistance that they deserve. And our legislation can make a real difference in the lives of our nation's children without any additional cost to taxpayers.

Our bipartisan legislation will make a difference by giving State and local officials the flexibility to use existing Department of Justice grant programs to prevent child abuse and neglect, investigate child abuse and neglect crimes and protect children who have suffered from abuse and neglect. The bill does this by making three changes to current law.

First, the Child Abuse Prevention and Enforcement Act amends the Crime Identification Technology Act of 1998 to make grant dollars available specifically to enhance the capability of criminal history information to agencies and workers for child welfare, child abuse and adoption purposes. Congress has authorized $250 million annually for grants under the Crime Identification Technology Act.

Second, the Child Abuse Prevention and Enforcement Act amends the Byrne Grant Program to permit funds to be used for enforcing child abuse and neglect laws, including laws protecting against child sexual abuse, and promoting programs designed to prevent child abuse and neglect. Congress has traditionally funded the Byrne Grant Program at about $500 million a year.

Third, the Child Abuse Prevention and Enforcement Act doubles the available funds, from $10 million to $20 million, for grants to each State for child abuse treatment and prevention from the Crime Victims Fund. This fund is financed through the collection of criminal fines, penalties and other assessments against persons convicted of crimes against the United States. In the 1998 fiscal year, the Crime Victims Fund held $363 million. To ensure that other crime victim programs support by the Fund are not reduced, the expansion of the child abuse treatment and prevention earmark applies only when the Fund exceeds $363 million in a fiscal year. This year, the Crime Victims Fund is expected to collect more than $1 billion due in part to large anti-trust penalties.

Despite the tireless efforts of concerned Vermonters, including the many dedicated workers and volunteers at Prevent Child Abuse in Vermont and the Vermont Department of Social and Rehabilitative Services, Vermont is below the national average for its ability to provide services to abused or neglected children. In 1997, 411 children found to be abused or neglected received no services, about 40 percent of investigated cases. Nationally, about 25 percent of all abused or neglected children received no services. Our legislation provides more resources to help Vermonters and other Americans provide services to all abused or neglected children.

I want to thank the many advocates who support our bill and the companion legislation introduced by Representatives PRYCE and TUBBS JONES, H.R. 764, which passed the House of Representatives by a vote of 425–2 on October 5, 1999. These advocates include the diverse National Child Abuse Coalition: ACTION for Child Protection; Alliance for Children and Families; American Academy of Pediatrics; American Bar Association; American Dental Association; American Professional Society on the Abuse of Children; American Prosecutors Research Institute; American Psychological Association; Association of Junior Leagues International; Boy Scouts of America; Child Welfare League of America; Childhelp USA; Children's Defense Fund; General Federation of Women's Club; National Alliance of Children's Trust and Prevention Funds; National Association of Child Advocates; National Association of Counsel for Children; National Association of Social Workers; National Children's Alliance; National Committee to Prevent Child Abuse; National Council of Jewish Women; National Court Appointed Special Advocates Association; National Education Association; National Exchange Club Foundation for Prevention of Child Abuse; National Network for Youth; National PTA; Parents Anonymous; and Parents United. In addition, the National Center for Missing and Exploited Children and Prevent Child Abuse America have endorsed our bill and its House counterpart.

I look forward to the House of Representatives passing the Child Abuse Prevention and Enforcement Act for the sake of our nation's children.

Ms. COLLINS. Mr. President, I am sure my colleagues will be as pleased as I am to know we have reached the end, at least of this list, of the bills that we can clear. We are still hoping to clear some additional ones later today.

NATIONAL COLORECTAL CANCER AWARENESS MONTH

Ms. COLLINS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 108, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 108) designating the month of March each year as "National Colorectal Cancer Awareness Month".

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENT NO. 2796

(Purpose: To amend the designation date of "National Colorectal Cancer Awareness Month.")

Ms. COLLINS. Mr. President, there is a technical amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the technical amendment.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS] for Mr. HATCH, proposes an amendment numbered 2796.

The amendment is as follows:

On page 2, line 5, strike "March of each year" and insert "March, 2000,".

Amend the title so as to read: "Resolution designating the month of March, 2000, as National Colorectal Cancer Awareness Month".

Ms. COLLINS. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2796) was agreed to.

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution, as amended, be agreed to, the preamble be agreed to, the title amendment be agreed to, the motion to reconsider be laid upon the table, and finally, that any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 108), as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

[The resolution was not available for printing. It will appear in a future edition of the RECORD]

Ms. COLLINS. Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. LEAHY. I wonder if the Senator from Maine would yield for one comment?

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. LEAHY. Would the Senator from Pennsylvania yield for 30 seconds?

Mr. SPECTER. I would.

Mr. LEAHY. Mr. President, I commend the Senator from Maine. She has cleared out the Judiciary Committee docket to a fare-thee-well. A lot of the legislation was worked in a bipartisan fashion by Senator HATCH and myself and the distinguished Senator from Pennsylvania and others.

Ms. COLLINS. I thank the Senator for his comments.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Pennsylvania.

FUNDING FOR DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION

Mr. SPECTER. Mr. President, I have sought recognition to comment on the pending appropriations bill which includes funding for the three Departments of Health and Human Services, Education, and Labor, the subcommittee which I chair for the Appropriations Committee.

The legislative process has proceeded to this point in an extraordinary way. It had been my hope and plan that the bill for my subcommittee would have been taken up by the Congress, passed, and presented to the President in advance of the close of the fiscal year, September 30, but that has not occurred.

It had been my hope and plan to present it to the President before the end of the fiscal year so he could have signed it or vetoed it and, had he chosen to veto it, there could have been a public debate on the priorities in the bill and also the key point of having local control on the decision of $1.3 billion, which has been allocated for additional teachers for the reduction of classroom size.

Unfortunately, it has been the practice in the Congress in recent years to pass the bills after the close of the fiscal year and in a context where we are going to yield to the President's wishes, subject to a veto, because it may result in the closing down of the Government. Winston Churchill had it right when he said that democracy is a terrible form of government except compared to everything else. I think that would apply to representative democracy as well. Somehow we muddle through. We are in the final stage of the muddling process now.

To describe the process to people who are not familiar with the inside of the Senate is very challenging. I was discussing with my son last night the plan to have the Senate convene at 12:01 a.m., November 20, Saturday morning, to take up a cloture motion on the appropriations bill, and then to vote at 1:01 a.m. It was necessary to have the conversation because I had to defer lunch with my 4-year-old granddaughter, Perri, and picking up my 6-year-old granddaughter, Silvi, from school, all of which is fine, but there has to be some reason for that.

We have Senators exercising their rights which, to be repetitious, they have a right to do, such as to have bills read for several hours, which does not change the ultimate outcome, or to have cloture votes with these extraordinary scheduling problems. I learned a long time ago that the Senate is a lot smarter than I am and the rules of the Senate are in place for a purpose.

As one of our distinguished colleagues said yesterday in a closed caucus, Senators ought not be discouraged from exercising their rights because when they take to the floor and debate, have a filibuster, and have extended discussions for the purpose of acquainting the country with what is going on, perhaps it may arouse some public reaction to perhaps change what the Senate might be doing.

So, in essence, I am delighted to see the Senate rules observed and rights to Senators activated. For whatever delay there is, so be it. It is my hope that next year the appropriations bill for my subcommittee on the Departments of Labor, Health and Human Services, and Education will be completed at an early date. I have talked to our distinguished majority leader, Senator LOTT, and I have had some encouragement that my bill may be taken up first next year, so that priorities can be established in regular course by the subcommittee, the full committee, and the Senate—the same on the House side—then conferenced and presented to the President for his signature or for his veto. If he chooses to veto the bill, so be it.

The bill which was voted out of the Senate by a vote of 73–25 had been very carefully crafted on a bipartisan basis with my distinguished colleague from Iowa, Senator TOM HARKIN. I learned a long time ago that if you want to get anything done in Washington in the Senate and the Congress, it has to be bipartisan. Senator HARKIN and I worked through our bill. We had a very attractive bill. We had emphasized $300 million more than the President's figure on education, establishing the priorities which we thought were in order.

We had provided very substantial increases to the National Institutes of Health because of the great work done there in looking for cures and being on the verge of cures for very many major maladies. We are within 5 years striking distance, so the experts say, on Parkinson's and have made great progress on Alzheimer's and heart disease and cancer—prostate cancer, breast cancer and cervical cancer.

We picked a figure of $93.7 billion because we thought that would attract very substantial bipartisan support, that being $300 million higher in education than the President had, that it would qualify for a President's signature.

Regrettably, the House of Representatives did not pass the bill. In conference, the bill was substantially altered, being joined with the bill for the District of Columbia. It had an across-the-board cut of almost 1 percent. The bill was ultimately vetoed. Then it came back for reconsideration.

On reconsideration, the White House administration wanted to add some $2.3 billion more. I knew that would cause a major strain on the Republican side of the aisle, and there was a great deal of pressure to yield to the President because of the bad experience we had in December 1995 and early 1996 when the Government was closed down and the Republican-controlled Congress took the blame. The result is that the Congress is now gun shy to fight with the President, gun shy because, with his threatened veto, the Congress has a strong tendency to back down, perhaps not on every point—the family planning issue and the U.N. dues was a notable exception—but backing down on almost every point. The result has been that we are developing an imperial presidency because we have a gun-shy or timid Congress. That is very unfortunate.

The issue came into sharp focus on the matter of classroom size reduction and additional teachers, with the President's program to add 100,000 teachers. I think it is a very good program. I support it. But I do not support it if the local school district says that there are other needs at the local level which are more important to the school district than additional teachers and classroom size.

When we crafted our bill, we said we would acknowledge the President's ideas as the first priority, but if the local school district made a decision after a fact finding study that they wanted to use the money for something else, then let them use the money for something else. We held tough to that position. Without going into all the details, finally we were undercut. The rug was pulled out, and there was a concession to the President on that point, with a bone being thrown to the Congress so that 25 percent could be used for teacher training. But that is not the kind of flexibility that is best public policy. The best public policy is, OK, class size reduction and additional teachers are important and they are the first priority, but if a local school district says our local needs are different, then let's not put them in a Washington, DC, bureaucratic straitjacket. That is the result of what has happened.

It is my hope that next year we can take this bill up early. This issue will still be with us next year and President Clinton will still be with us next year. When Senator HARKIN and I and other Republicans and Democrats, on a bipartisan basis, establish our priorities, let's legislate. As the Constitution says, the power of the purse is with the Congress—the appropriation power—so let us present the bill to the President. If he vetoes it, let's take the case to the public. I think we can certainly win on the issue of local control versus the Washington bureaucratic straitjacket. To do that, the bill has to be presented to the President before the end of the fiscal year. It has to be presented to the President in September—hopefully early September. That is the plan for next year.

I would like to see the process modified where we do not have the White House officials in the legislative process as part of the negotiations. The Constitution says that Congress submits a bill to the President and he signs it or vetoes it. But that system has been aborted, observed in the breach more often than in the rule by having OMB officials, the Director of OMB, sitting down with the appropriators to decide what the President will accept before the Congress makes a decision and submits a bill to the President. That is not the constitutional way and we ought to change it.

So against that backdrop with substantial concerns about what has been done, I do intend to vote for this appropriations package. I do so because the good points outweigh the bad points, perhaps close, but the benefits do outweigh the negatives. We come through in this bill with an increase in the National Institutes of Health funding by $2.3 billion, for a total of $17.9 billion. Senator HARKIN and I have taken the lead with an increase, 2 years ago, of almost $1 billion, last year $2 billion, and this year $2.3 billion. Some objections have been lodged, but nobody with sufficient bravado to try to take it out of the bill.

Enormous advances have been made on dreaded diseases. They are within 5 years of curing Parkinson's, so say the experts, with major research advances in Alzheimer's, cancer, heart ailments, and a whole range of various other ailments. With the Federal budget of $1.8 trillion, $17.9 billion is not chopped liver, but it is not too much.

This bill also has an increase in special education by $913 million, bringing the total to more than $6 billion on what is essentially a Federal obligation, and it frees State and local funds for other purposes. The Head Start increase is $608 million, to more than $5.2 billion. Afterschool learning centers more than doubled for a total of $453 million. The substance abuse and mental health program increases by $163 million over fiscal year 1999, for more than $2.6 billion. AIDS funding increased by $185 million over last year to almost $1.6 billion. There is first-time funding of $75 million for the Ricky Ray Hemophilia Act, which are appropriations that are long past due.

We worked out an accommodation on the issue of organ allocation and, regrettably, at the last minute on a backdoor arrangement, a different provision has been added to another bill that will be voted upon by the Congress. Organ allocation has been very contentious. Last year we agreed, under considerable reluctance, to a 1-year deferral. The Secretary of Health and Human Services, Donna Shalala, promulgated regulations on October 1, and then came the cry for an additional delay. Some wanted it at 90 days.

Finally, in a rather unusual way in my capacity as chairman of the conference, I invited Secretary Shalala to come to the conference on Wednesday, November 10. She was on her way home. We reached her in her car and she turned around from Georgetown and headed back to Capitol Hill. For more than an hour and a half we had a meeting with the House chairman, BILL YOUNG, who very much wanted a 90-day delay and the ranking Democrat on Appropriations, Congressman OBEY from Wisconsin, who also argued strongly for a delay. I urged that we not have the delay, as did Congressman JOHN PORTER, chairman of the House subcommittee. Finally, we hammered out an agreement for 42 days—21 days for additional comments and 21 more days for a response to those comments.

I had thought that closed the matter out and reported back to the leadership. The general rule is to leave these issues with the subcommittee chairmen, and we have hammered it out. I found out late yesterday that there is another bill with a 90-day extension. It is not possible to put a hold on the other measure, which is a conference report. There could be some delay, such as a reading of the bill, a vote for cloture, but the result would be the same.

Let me say this to those who have increased the delay: It increases our tenacity to get these regulations into effect. There is some thinking that there will be an authorization bill that is going to validate the regulations. I am not one for predictions, but I am prepared to make one here. There won't be 60 votes for cloture. If that should be wrong, there certainly won't be 67 votes to override a Presidential veto. George Shultz, when he was Secretary of State, once made a prophetic comment that "nothing is ever settled in Washington." That very thing is true in Washington; he hit that right on the head. Nothing is ever settled in Washington. I thought the delay on the organ transplant issue had been resolved, but it wasn't settled. George Shultz may be wrong; we may settle it with finality when this 90-day period expires.

In summary, the Congress will finally get the job done on this appropriations bill and finally move ahead on the bill from my subcommittee on funding the Departments of Health and Human Services and Labor and Education. I have given a brief thumbnail description as to what the pluses and minuses are. I will vote for it because the advantages outweigh the disadvantages. But it is my hope that we will learn from the experiences this year and do a much better job next year.

I thank the Chair and yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000—CONFERENCE REPORT

Mr. SHELBY. Mr. President, on behalf of the majority leader I submit a report of the committee of conference on the bill (H.R. 1555) to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 1555, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The Conference report is printed in the House proceedings of the RECORD of November 5, 1999).

Mr. SHELBY. Mr. President, I ask unanimous consent that there be 60 minutes for debate with the time divided as follows: Forty minutes equally divided between the chairman and vice chairman of the Intelligence Committee; 20 minutes under the control of Senator LEVIN.

I further ask unanimous consent that following the use or yielding back of time, which we anticipate, the conference report be agreed to, the motion to reconsider be laid upon the table, and any additional statements relating to the conference report be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I rise today to ask that my colleagues support the conference report on the Intelligence Authorization Act for Fiscal Year 2000.

I want to thank my colleagues in the House for their work on this legislation and especially Chairman GOSS and Ranking Member DIXON for their leadership in the conference.

I believe that the conference committee put together a solid package for consideration by the full Senate that fairly represents the intelligence priorities set forth in both the Senate and House versions of the Intelligence Authorization Act.

I am pleased to report that the conference committee accomplished its task in a bipartisan manner, and I want to thank my colleague from Nebraska, Senator KERREY, for working so closely with me to produce this legislation.

I believe that the conference report embraces many of the key recommendations that the Senate adopted in its version of the bill.

We recommended significant increases in funding for high-priority projects aimed at better positioning the Intelligence Community for the threats of the 21st century, while at the same time reducing funds for programs and activities that were not adequately justified or redundant.

In so doing, we authorized a moderate increase in overall funding for intelligence programs above the President's request. This is a positive step and I hope that next year the administration will follow our lead and begin to reinvest in our intelligence gathering capabilities.

The conference report includes key initiatives that I believe are vital for the future of our Intelligence Community.

These initiatives include:

1. bolstering advanced research and development across the Community, to facilitate, among other things, the modernization of NSA and CIA;
2. strengthening efforts in counterproliferation, counter-terrorism, counter-narcotics, counter-intelligence, and effective covert action;
3. expanding the collection and exploitation of measurements and signatures intelligence, especially ballistic missile intelligence;
4. boosting education, recruiting, and technical training for Intelligence Community personnel;
5. enhancing analytical capabilities;
6. streamlining dissemination of intelligence products;
7. developing our ability to process, exploit and disseminate commercial imagery; and
8. providing new tools for information operations.

I believe that the conferees have provided the funds and guidance necessary to ensure that military commanders and national policymakers continue to receive timely, accurate information on threats to our security.

At the same time, we have found some critical areas within the Community that are in need of major improvements.

In the Senate, we had a distinguished panel of Americans with a broad range of expertise—our Technical Advisory Group—that took a look at some key areas within the Intelligence Community and brought forward some very important recommendations.

We thank all the members of the Technical Advisory Group for their time and efforts.

I will briefly summarize some of their findings, to the extent that I can in open session, along with some of the other findings of our conference.

First, our ability to collect and analyze information on the proliferation of weapons of mass destruction requires renewed emphasis and innovative thinking.

As our potential enemies seek out the ability to produce chemical, biological, and nuclear weapons, we must develop the ability to detect these efforts.

This bill places a great deal of emphasis on our ability to collect such information known as Measurements and Signatures Intelligence or MASINT.

Second, both the House and Senate Intelligence Committees agree that our Intelligence Community and our Defense Department must move quickly to address what our Technical Advisory Group identifies as a critical shortfall in our ability to properly task, process, exploit, and disseminate intelligence information collection by our airborne and overhead imagery assets.

As we modernize our Imagery Intelligence or IMINT architecture, the Intelligence and Armed Services Committees agree that we should not be spending the taxpayers money on collection architectures that we may not be able to utilize fully.

Third, we have once again placed strong emphasis on recapitalizing the National Security Agency's information technology infrastructure.

As we demand more from our Intelligence Community in a number of areas, we also demand fiscal responsibility. The conference report includes a number of reductions to programs that were not adequately justified or were redundant with other elements within the Intelligence Community.

The legislation contains some important new authorities for the Intelligence Community. I'll mention some of the highlights:

First, there are new protections for the identities of former covert agents and for the operational files of the National Imagery and Mapping Agency or "NIMA."

Second, there are new counterintelligence authorities—these include provisions allowing access to government computers used in classified work by executive branch employees. Also, there are new requirements for the FBI to begin its consultation with agencies that they are investigating at a far earlier stage than before.

Third, we have established a commission to study the role and missions of the National Reconnaissance Office or "NRO." This commission will look at the NRO from top to bottom—its findings and recommendations to us and the Senate Armed Services Committee will serve to guide our committees on the future funding and operations of the NRO.

I look forward to working with the chairman and ranking member of the Senate Armed Services Committee to ensure that the best candidates are selected for membership on this very important commission.

If any Member of the Senate wishes to review the classified portions of the bill, they are available off the Senate floor.

Finally, Mr. President, there is a significant piece of legislation in this bill that is intended to go after foreign international drug traffickers and those that support their illicit activities.

Title eight of this bill, the so-called "Foreign Narcotics Kingpin Designation Act," is modeled after the Executive Order that targets the assets of named Colombian traffickers and those that assist them in their trafficking activities.

Mr. President, I support strongly efforts to target and destroy significant foreign drug trafficking organizations. I have placed significant emphasis on counter-narcotics in this and every Intelligence Authorization bill since I became Chairman of this Committee. The record is clear.

The existing Colombian program has been highly successful. I would be the first to support the President if he chose to expand the program in a thoughtful and measured way. In fact, the Chief Executive already has the constitutional and statutory authority to do so. The President does not need this legislation to expand the scope of this program.

Accordingly, Mr. President, I, along with other Members of Congress, have expressed concern with this legislation because it may have some very serious unintended consequences for innocent American citizens.

Although the express language of the "Kingpin" legislation deals exclusively with foreign persons and entities, it will affect American citizens. Lurking within the seemingly innocuous language is the real possibility of unwitting and innocent American citizens being caught up in its global net. For example, an American business owner may be a joint venture partner with a foreign company that has been designated as "supporting" the activities of a foreign narcotics trafficker. Although the American person may be completely unaware of the illicit activities of their foreign partner, their own assets will also be blocked if they are jointly held.

The "Kingpin" legislation does not provide an opportunity for an American person to seek judicial review of the blocking of their jointly held assets. The result is that Americans may be deprived of their property without due process of law. Let me repeat that, Mr. President. Americans may be deprived of their property without due process of law.

Mr. President, I strongly support the expansion of this successful program. I do not, however, support depriving innocent Americans of their fundamental right to due process.

Many attempts were made to amend the "Kingpin" legislation in conference to make it clear that American citizens have an immediate avenue into Federal District Court should they be snared unjustifiably in this trap. Unfortunately, the sponsors and proponents of this bill in the House and Senate opposed any effort to clarify this fundamental American right. In fact, I have been told that if we were to expressly state that a United States citizen has the right to immediate judicial review, this would, quote, gut the bill, unquote. I disagree.

Thomas Jefferson said that our "Bill of Rights is what the people are entitled to against any government on earth . . . and what no just government should refuse, or rest on inference." Mr. President, I also believe that our right to due process should not "rest on inference," but rather we should state it clearly and without equivocation. We do not do that in this bill.

Mr. President, I fear that in our earnest to pass a "tough drug bill" we may have sacrificed part of our freedom. I applaud the sponsors and proponents of this bill for their dedication to protecting our shores from the scourge of illegal drugs. I caution them, however, that their enthusiasm may be dampened as the true implications of this legislation become known.

Notwithstanding my concerns, I am encouraged that the conferees did agree to include a provision in the so-called "Kingpin" legislation that creates a panel to study whether these kinds of sanction regimes affect U.S. persons doing legitimate business with foreign partners, and whether there are adequate and fair remedies for honest U.S. persons.

I commend my colleague from Nebraska, Senator KERREY, for suggesting this study and also for other areas of leadership on which I have worked with the Senator during my tenure on the Intelligence Committee. He will be leaving the Intelligence Committee at the end of this year whenever his term is up, and we will miss him because he has certainly been a friend, but he has also been a leader to put America's national security first and foremost everywhere it comes up.

In my opinion, we have put the cart squarely before the horse dealing with due process. I am confident that such a panel as I alluded to earlier will confirm my concerns and the concerns of others and make substantive recommendations that my well-meaning colleagues will ultimately acknowledge and I hope will be able to accept.

The conference committee worked closely together in a bipartisan fashion to produce the comprehensive intelligence authorization act. I urge my colleagues to support its adoption.

Mr. SMITH of New Hampshire. Mr. President, I would like to recognize and thank Senator SHELBY and Senator KERREY for their leadership and support with regard to the POW/MIA sections of the Intelligence Authorization Act that originally passed the full Senate earlier this year. I am pleased that one of these sections has remained largely intact in the conference report we are now adopting. That provision (Section 308), will require a declassification review of two assessments of Vietnam's cooperation on the POW/MIA issue which were conducted in 1998. One of these assessments was prepared by my office and the other by the National Intelligence Council. Much of the information in both of these documents does not require continued classification, and I believe the interests of the POW/MIA families and our nation's veterans is best served by having as much information as possible in the public domain concerning Vietnam's performance on the POW/MIA question. As the Chairman will recall, there is a provision in Section 308 that allows the Director of Central Intelligence to withhold from declassification the names of living foreign individuals who have cooperated with U.S. efforts to account for missing personnel from the Vietnam War. I wish to make clear that the Congressional intent with respect to this provision was related to individuals identified in the National Intelligence Estimate as "cooperative" with U.S. officials in Hanoi. Indeed, this specific area of concern was cited by the Director of Central Intelligence in a letter to the Senate on August 3, 1998. However, this is not meant to include information pertaining to the two former Vietnamese officials who are alleged to have prepared the so-called "1205" and "735" documents which we received through the Russian government which were reviewed in both of the above-referenced assessments. Is that the Chairman's understanding as well?

Mr. SHELBY. Yes it is.

Mr. SMITH of New Hampshire. I thank the Chairman for that clarification.

Mr. President, I also want to take this opportunity to express by profound disappointment that the other section concerning release of POW/MIA information to the Congress was not adopted by the Conference because of Member opposition from the House Permanent Select Committee on Intelligence. This provision, previously adopted by the full Senate this summer with the support of the Chairman and Vice Chairman of the Senate Select Committee on Intelligence, required our intelligence agencies to provide to Congress, within 120 days, a list of POW-MIA related documents that are still classified. This list would help the Congress exercise oversight on the POW/MIA issue on behalf of the families of missing personnel and our nation's veterans. I fail to see why such a reasonable provision could not have been adopted with the full support of the Conference. I plan to revisit this matter in the coming months, and would appreciate having the Chairman's views as to how we might proceed with respect to this important matter.

Mr. SHELBY. I share the disappointment expressed by my colleague, the senior Senator from New Hampshire.

As he knows, I have worked steadily with him over the past several years to address his well-founded concerns with respect to the way the POW/MIA issue has been addressed by our Intelligence Community. I agree that the provision to which he refers would help us with our oversight responsibilities. That is why I supported his amendment, as did my Vice-Chairman, when our intelligence bill passed the full Senate earlier this year. I want the Senator to know that I will work closely with him over the next few months to find a way to get the listing of POW/MIA reports he seeks provided to the Senate. He has a right to review these reports, as does every Member of the Senate. I would urge the Director of Central Intelligence and heads of each of our intelligence agencies to work cooperatively with the Select Committee on Intelligence on this matter. I also want the Senator to know that I will include his provision in next year's authorization measure if the information he seeks is not provided to the Senate in the next few months. I thank him for his leadership on this important matter.

Mr. SMITH of New Hampshire. I thank my distinguished colleague for that clarification and for his continued support on the POW/MIA issue.

Mr. SHELBY. Mr. President, I ask unanimous consent that, following my remarks, an editorial which appeared recently in the New York Times dealing with drug kingpin legislation, and specifically the due process problem I raised, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

EXHIBIT 1

Carried Away by Drugs

The target of a new anti-drug initiative now speeding toward final congressional approval is a worthy one—big international drug traffickers. But as too often happens when Congress collaborates with the Clinton administration to toughen law enforcement policies, civil liberties stand to suffer.

The measure, called the Foreign Narcotics Kingpin Designation Act, over-whelmingly passed the House two weeks ago. A House-Senate conference committee incorporated the measure in the annual intelligence authorization bill that needs only a final floor vote in the Senate before going to the president's desk for his signature. All of this occurred without any public hearings or extended debate to explore the legislation's implications for due process and other constitutional values.

Under the measure, the government will be required to compile an annual list of those it determines to be "significant foreign narcotics traffickers" under standards that the bill does not articulate. The government would then have authority to freeze their assets in the United State without any chance for judicial review of the basis of the designation.

Americans who engage in financial dealings with a person or company on the list could have their assets blocked, again without the benefit of full judicial review. The measure makes no exception for those investors or partners who thought they were dealing with legitimate businesses.

"Is this the America we want?" asked Representative Jerrold Nadler, Democrat of New York, as he waged a lonely and futile fight against the bill in the House. "What is the remedy if the bureaucracy gets the wrong person?" Those pertinent questions were sadly lost in the rush to crack down on foreign drug lords before Congress adjourns.

Mr. SHELBY. I yield the floor.

Mr. KERREY. Mr. President, I rise to join Chairman SHELBY in urging my colleagues to vote in favor of the intelligence authorization conference report. This report is a culmination of the lengthy effort to fund intelligence activities for fiscal year 2000. It has not been easy to arrive at this point because the committee had to address many significant nonintelligence issues ranging from the reorganization of the Department of Energy to the establishment of procedures for blocking the assets of drug kingpins. We have arrived at this point because we have reached several important compromises with our House colleagues, and the report deserves the Senate's full support.

This conference report supports many new initiatives. In my view, one of the most important new initiatives is to make the year 2000 a watershed year for intelligence. The watershed represents a turnaround in spending on intelligence activities. I believe it is time to increase spending because we now have a much better understanding of the threats facing the United States of America and the important role intelligence plays in meeting those threats.

One of the most difficult parts of my job as the Intelligence Committee vice chairman has been to talk to people about the importance of intelligence. This job is difficult because most of the information is classified. Therefore, public debate on the condition of the intelligence community is extremely rare and discussing funding levels is almost impossible.

My colleagues are well aware that classified conference reports and the classified schedules of authorizations are available for their review in S–407 but you have to go there to get the details. We cannot talk about them now.

Let me say, however, intelligence is stretched very thin. Our global reach is supported by intelligence as global coverage. Without adequate coverage, we make policy mistakes. The Intelligence Community is stretched thin in trying to meet all of its commitments to policy makers. But I can't tell you on the floor of the Senate how thin it is stretched, and I can't tell you how much it's going to cost to fix. I can only tell you I'm glad fiscal year 2000 is a watershed year for intelligence.

A second initiative this bill supports is striking the balance between intelligence collection and the subsequent exploitation and dissemination of the information collected. My colleagues should know that one of the problems of insufficient funding is that the Intelligence Community is unable properly to exploit and disseminate all of the information it gathers. If you think about it, this may seem odd. That is, the Community is collecting more information than it is able to analyze and deliver to its customers. But it is not odd. Among other things, it reflects constrained Intelligence budgets. As the Community has moved into advanced technologies, it has invested in the future by developing new intelligence collection systems. The idea was that by the time these new systems were ready to be used, we would have been able to find the funding to exploit and disseminate the information being collected. Well the future is now, and we haven't been able to find the funding to balance collection, exploitation, and dissemination. In this bill we have confronted the issue and proposed important solutions. Again, I urge my colleagues to read the classified report in S–407 in order to get the details.

Another important provision in this bill is the creation of a National Commission for the review of the National Reconnaissance Office. Mr. President, the NRO is a national treasure. They acquire and operate the nation's space reconnaissance satellites—the so-called spy satellites. They have a long and proud history of being on the leading edge of technology so that our nation's leaders could be better informed about our adversaries. We all got a glimpse at their extraordinary abilities when the Corona spy satellite imagery was released to the public. It is literally an eye-opening experience to be able to see now what our President was able to see years ago about the Soviet Union during the height of the Cold War. This is the type of effort we have come to expect from NRO.

But the NRO has come under public attack in the recent past. Unfavorable news accounts have caused some to be unsure about the NRO and the path it is following. Others have questioned whether the NRO should remain an agency resting somewhere between the authorities of the Director of Central Intelligence and the Secretary of Defense. Moreover, the end of the Cold War has altered forever the nature of the threats we face. New threats mean a changed emphasis for intelligence. Furthermore, the explosion of information technology has created new opportunities for the collection and the delivery of intelligence. Thus, the Conferees decided there is a need to evaluate the NRO's roles and missions, organizational structure, technical skills, contractor relationships, uses of commercial satellite imagery, acquisition authorities, and its relationships to other agencies and departments of the Federal Government in order to assure continuing success in satellite reconnaissance. I look forward to the Commission's work.

Finally, Mr. President, I would like to comment briefly on the "Foreign Narcotics Kingpin Designation Act" contained in the conference report. This is a significant piece of legislation intended to attack drug traffickers at the heart by blocking all of their assets either within the United States or that are under U.S. control. It establishes a procedure for the President of the United States to publicly identify drug kingpins and to block the kingpin's assets. As my colleagues may recall, a similar provision sponsored by Senators COVERDELL and FEINSTEIN was accepted as an amendment to the Intelligence Authorization Bill during floor action.

As I mentioned at the beginning of my statement, this provision has made the Intelligence Conference extremely interesting. Several of us joined the Chairman in being concerned about the right of judicial review for U.S. persons whose assets could be seized as a result of being involved in a joint venture with someone later identified as a drug kingpin. This was a matter of debate during discussions leading to the conference meeting and was addressed during the conference. The House Conferees argued strenuously for their vision of the legislation which passed the House by a vote of 385 to 26. Further, the Administration supported the House version. Nonetheless, Chairman SHELBY and several of us remained concerned about due process being afforded to those who might unwittingly get caught up in the kingpin designation and subsequent blocking of assets.

The Conference agreed the concerns were of sufficient merit to warrant the appointment of a special judicial review panel to evaluate these concerns and report its findings. The commission is charged with the responsibility of reviewing judicial, regulatory, and administrative authorities relating to the blocking of assets. It also is to report on its evaluation of the remedies available to U.S. persons affected by the Government's blocking of assets of foreign persons. I believe their detailed and extended evaluation will provide the Congress insights into both the complexities of the Drug Kingpin legislation contained in the Intelligence Conference Report and the consequences to American persons when the assets of foreign persons are blocked under the International Emergency Economic Powers Act.

In conclusion, Mr. President, I would like to note this is my last Conference Report as the committee's Vice Chairman. My term on the Committee expires toward the end of January 2000. I have had the privilege of serving under highly distinguished Chairmen and Vice Chairmen: DAVID BOREN, FRANK MURKOWSKI, DENNIS DECONCINI, JOHN WARNER, ARLEN SPECTER, and RICHARD SHELBY. In every instance, I have experienced a commitment to a bipartisan approach to intelligence.

Throughout my time on the Committee, the members always have treated intelligence activities and intelligence policy as serious issues deserving their close attention. Because the issues have always been treated very seriously, committee members have had disagreements. But, Mr. President, in the end we always found a bipartisan answer to our differences. Bipartisanship has been a hallmark of the committee because intelligence is not a partisan issue. If it ever should become a partisan issue, I believe we can look forward to a consequent politicization of intelligence.

This can be very bad for Congress and even worse for the country.

Again, I thank Chairman SHELBY for his leadership in delivering the conference report to the floor and for his commitment to finding bipartisan answers to some very complex questions. I look forward to the opportunity in the future to speak more fully on the floor concerning intelligence and its values.

Lastly, I call to my colleagues' attention and to the attention of the American people that the intelligence community is full of highly dedicated men and women who are working under some of the most difficult of circumstances. Their professionalism, their patriotism knows no bounds, and I salute them for their excellent work. Being the committee vice chairman has, indeed, been a great privilege.

I yield the floor.

UNANIMOUS-CONSENT AGREEMENT—H.R. 1180

Mr. LOTT. Mr. President, I ask unanimous consent that the agreement relative to the Work Incentives conference report commence at 3 p.m. today and that the remaining parameters of the consent agreement remain in order.

I further ask consent that the cloture vote relative to the appropriations conference report occur no later than 5 p.m. and that if cloture is invoked, adoption of the conference report immediately occur, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. In light of this agreement, there will be three back-to-back votes that will occur a few minutes before 5 o'clock this afternoon, the first being the cloture vote relative to the appropriations conference report, the second being passage of the appropriations conference report, and the third being passage of the Work Incentives conference report.

There are two very important colloquies we must have this afternoon before the votes, one with regard to understandings with regard to the Work Incentives bill and another colloquy we will have with the leadership on the Democratic side, and I will participate in, along with Senator LUGAR and others, to discuss the overall dairy situation. We will fulfill that commitment.

I thank Senator DASCHLE, Senator KOHL, Senator FEINGOLD, and everybody who has been involved. I know how emotional and how strongly held these feelings are. I also share those feelings, and I will make that clear in a colloquy here in a few minutes.

Senator DASCHLE, do you want to do that now or in a few minutes?

Mr. DASCHLE. Mr. President, I know there are a number of other Senators who asked to be a part of this colloquy and they are not on the floor yet. I do recognize the importance of the authorization bill that is currently being considered. I know we need to give both of our managers the time they need to be able to complete their work. This is a very important piece of legislation.

Mr. LOTT. Let me just say, Mr. President, if I might, Senator DASCHLE and I will work with Senator KOHL and Senator REID and Senator LUGAR and others and will be prepared to do our colloquy when the debate is concluded on this very important piece of legislation. Thank you for allowing us to interpret at this point. If you will complete your work, we will be ready to go.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000—CONFERENCE REPORT—Continued

Mr. DASCHLE. I might also say, I heard the distinguished Chair talk about the service provided to this committee and to the Senate by the distinguished ranking member, the Senator from Nebraska. I will make a full statement at a later time, but let me say for the record now, no one has served this committee, this caucus, and this Senate more effectively, taking his intelligence responsibility more seriously, than the distinguished Senator from Nebraska. He has been an extraordinary leader, an extraordinary Member, and one who has taken his responsibilities on this committee as seriously as anybody has to date.

He departs with the actions taken today. He will leave the committee as a result of the statute requiring a certain limit of time for each Senator. I know I speak for all Senators in expressing our gratitude to him and our admiration for a job very well done. I yield the floor.

Mr. LOTT. Mr. President, if I may take a moment of my leader time to join Senator DASCHLE in those remarks.

This is a very important committee. It is a committee that operates in the best tradition of total bipartisanship.

nonpartisanship. Chairman SHELBY has been doing an outstanding job. It really makes the leaders feel good when we see two Senators of two parties work together for our national interests and our intelligence community. Senator KERREY certainly has been just outstanding, the way he has handled that job. He has been cooperative, nonpartisan.

These two Senators, Senator SHELBY and Senator KERREY, have worked together the way it is supposed to be done. I hope your successors will only do as well. I thank you for your service.

The PRESIDING OFFICER. Senator from Nebraska.

Mr. KERREY. I thank both leaders for their kind remarks.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I start by thanking the Senator from Nebraska for the extraordinary service he has rendered to the Intelligence Committee. I have served with him on that committee for a very short period of time, but I have seen the way he, working with Senator SHELBY, has been able to bring bipartisan leadership to this committee that is so essential for the working of this committee.

I say to our colleagues—I know Senator SHELBY has and as I know every member of the committee feels—Senator KERREY has made a unique and extraordinary contribution to the committee. He has attempted to strengthen the intelligence community every step of the way. He has done so in a bipartisan way. I commend him on his service. I know he is being rotated out of the committee, but that is what our rules provide. He will be missed.

The conference report to H.R. 1555, the Fiscal Year 2000 Intelligence Authorization Act, includes legislation under title 8 entitled "Foreign Narcotics Kingpin Designation Act."

Title 8 is intended to strengthen the Government's efforts to identify the assets, financial networks, and business associates of major foreign narcotics trafficking groups in an effort to disrupt these criminal organizations and bankrupt their leadership. I think all Senators agree with that laudable goal of combating the insidious effects of drug trafficking. In fact, an earlier version of this legislation was seen as being so without controversy that it was added by the Senate to the intelligence authorization bill in July of this year with little debate and on a voice vote.

Senators should be aware, however, that title 8, as it is now written, does have a significant national security, law enforcement, judicial, and drug trafficking implication that belie the legislation's simple design and are somewhat different from the original amendment that was offered, I believe, by Senator COVERDELL and by Senator FEINSTEIN.

I am not aware, however, despite the implications of this new language added in conference, of any committee of jurisdiction in either the Senate or the House having held a single hearing on the provision contained in title 8. The Senate Intelligence Committee has not had a hearing on title 8. The Senate Judiciary Committee has not had a hearing. Not a single legal or national security expert inside or outside of Government has testified before a congressional hearing as to whether title 8 should or should not become law, and if it does, how the legal rights of Americans might be changed as a result.

Except for the recent and very perfunctory House of Representatives debate and vote on this provision, the only public debate on the complexities of title 8 has occurred in the press. The way the issue has been characterized in press reports erroneously suggest that if you are ready to sign up to title 8 as now set forth after this conference committee in H.R. 1555, then you are being tough on foreign drug traffickers. If, however, you are troubled by the effect that the title 8 language would have on currently existing due process protections afforded innocent Americans, you are described by some in the press as doing the bidding of narcolobbyists.

This simplistic characterization is not only false, it is an insult to Members of this body, and it obscures a vitally important civil liberties issue which is at the core of title 8, which is the rights of innocent American citizens to challenge in our courts the taking of their property.

As a member of the Intelligence Committee, I was a conferee. I did not sign the conference report accompanying the bill because of the contradiction existing between the stated legislative intent of title 8 and the actual language contained in the bill, a contradiction which I attempted but failed in conference to correct by amendment.

Specifically, my objection is that title 8, as presently written, would undermine the due process protections now afforded a U.S. citizen or business that has interests or assets blocked under title 8 to challenge the legality of the blocking under the Administrative Procedures Act.

This is what the conference report before us says about title 8:

> There is no intention that this legislation affect Americans who are not knowingly and willfully engaged in international narcotics trafficking, nor is it intended in any way to derogate from existing constitutional and statutory due process protections for those whose assets are blocked or seized pursuant to law.

That is the stated intent. That is well and good, and I commend the authors on that intent. The problem is that the words of the bill before us do not, I am afraid, comport with that stated intention.

According to the Department of Treasury, which is tasked in title 8 with developing the list of significant foreign narcotics traffickers, due process protections exist in law today for those U.S. citizens to challenge the legality of the blocking of assets in court.

On November 8, I wrote a letter to the Secretary of Treasury Lawrence Summers requesting an opinion on two legal questions concerning title 8. The first question was the following:

> What existing constitutional and statutory due process protections would allow an American citizen who has an interest blocked by executive branch action to challenge the blocking?

Question 2 was:

> If H.R. 1555 is enacted into law, how would these existing constitutional and statutory due process protections be changed?

In his November 10 reply to me, Richard Newcomb, who is Director of the Treasury's Office of Foreign Assets Control, or OFAC, stated the following with regard to currently existing judicial review of the blocking of American assets:

> The Administrative Procedures Act, or the APA, provides for judicial review of final agency action.

Mr. President, 5 U.S. Code 702 is the citation.

> In existing sanctions programs administered by the Office of Foreign Assets Control (OFAC) the final agency action related to blocking are subject to challenge by affected parties through judicial review afforded by the Administrative Procedures Act.

Then they go on to say:

> Because of normal rules of standing and other jurisdictional principles, a U.S. citizen may, in many cases, not be able directly to challenge the blocking of a foreign person's assets pursuant to APA. However—

However, and this is the key line—

> as discussed below, agency review by OFAC, followed by judicial review under APA of any resulting final agency action as to that citizen may still be available. In addition to any statutory review available under the APA, a U.S. citizen may also seek judicial review of constitutional claims or challenges related to blockings under existing OFAC sanctions programs.

Under the process that is currently in place, OFAC determines who is a foreign drug kingpin after an internal Department of Treasury review of the evidence and evidentiary review that is coordinated with the Department of Justice.

Under Executive Order 12978 issued in 1995, the State Department and Justice Department are required to be consulted by Treasury prior to that designation and prior to the blocking of assets. After designation is made and assets are blocked, OFAC regulations allow for a named party to petition OFAC—

The PRESIDING OFFICER. The Senator's time has expired. Under the previous order, we will proceed to H.R. 1180.

Mr. LEVIN. Parliamentary inquiry. I did not realize I was acting under a time constraint.

Mr. SHELBY. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. KERREY. The majority leader did not complete his unanimous consent request as a consequence of some observations.

Mr. SHELBY. He was going to complete it after this.

The PRESIDING OFFICER. The agreement provided we go to this bill at 3 o'clock, and it is now 3 o'clock.

Mr. LEVIN. I ask unanimous consent to be yielded 30 seconds.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Michigan is granted 30 seconds.

Mr. KERREY. I ask unanimous consent that the Senator be given an additional minute and the Senator from Georgia be given 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, reserving the right to object, the time had been set at 5 o'clock for the beginning of the votes. There are a number of us who have commitments to depart, and have had for some time. Ordinarily it would not be a matter of concern to this Senator, but if we are to complete the arrangements which have been made with a great many Senators, I understand from the Parliamentarian that under the prevailing order, debate will resume on this matter but at the conclusion of the votes.

The PRESIDING OFFICER. That is correct.

Mr. KERREY. An additional 5 minutes for the Senator from Georgia right now would not affect the 5 o'clock vote.

Mr. ROTH. Reserving the right to object, we do have a number of people who want to speak. We only have an hour.

Mr. LEVIN. If I could just have——

Mr. KERREY. I have a unanimous consent request for time for the Senator from Michigan and the Senator from Georgia.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEVIN. I am not going to complete my speech now. I simply want to apologize to my colleagues. I did not realize there was a unanimous consent agreement that would trigger a 3 o'clock debate on a different bill. That is all I had to say.

I am perfectly happy to pick up my speech after whatever is scheduled is completed.

The PRESIDING OFFICER. The Senator from Georgia has 5 minutes.

Mr. COVERDELL. Mr. President, I will try to do this in 2 minutes.

First, I compliment the chairman of the Intelligence Committee, and the ranking member, the cochairs, for their diligent work on the overall bill and for their efforts that dealt with the Narcotic Kingpin Designation Act. There have been some legitimate and reasonable differences of opinion. I am obviously, as a sponsor of the Narcotic Kingpin Designation Act, pleased that it is proceeding to passage.

To make my point, in deference to the difficulties with time here, I simply ask unanimous consent that the letter to Senator LEVIN of November 17 from the Department of the Treasury, by Richard Newcomb, Director, Office of Foreign Assets Control, which says, ". . .we believe that the proposed law would not deny a U.S. citizen any rights he previously would have had to raise constitutional claims," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE TREASURY,
Washington, DC, November 17, 1999.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: I received your November 12 letter to Secretary Summers requesting our position on the following question: Do you support maintaining the present right afforded a United States citizen who has an interest in assets blocked by Executive Branch action to challenge the blocking under the Administrative Procedure Act?

In my October 13 letter to Senator COVERDELL, the Department has indicated that it would not oppose judicial review of Treasury decisions. However, we also can work with the text of Title VIII of H.R. 1555 as finalized by the conference committee. The proposed statute does not eliminate all avenues for seeking relief. I want to emphasize that as the program under the proposed legislation is implemented, the Office of Foreign Assets Control's (OFAC) traditional administrative mechanisms will be employed. Thus, a U.S. citizen whose interests have been blocked will be able, if he chooses, to avail himself of OFAC's licensing authority. In current OFAC-administered programs, this mechanism has served to minimize the adverse impact on innocent U.S. citizens while vigorously implementing sanctions against targeted foreign persons. Additionally, a U.S. citizen will be able to petition OFAC for the unblocking of his interest in blocked property. *Similarly, we believe that the proposed law would not deny a U.S. citizen any rights he previously would have had to raise constitutional claims.*

We hope that this information is of assistance.

Sincerely,

R. RICHARD NEWCOMB,
Director, Office of Foreign Assets Control.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the letter from the Department of the Treasury dated November 10 to Senator LEVIN of Michigan by Richard Newcomb, Director, Office of Foreign Assets Control, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE TREASURY,
Washington, DC, November 10, 1999.

Hon. CARL LEVIN,
U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: This letter responds to your letter to Secretary Summers of November 8, 1999, concerning Title VIII of H.R. 1555, the Fiscal Year 2000 Intelligence Authorization Act, entitled the "Foreign Narcotics Kingpin Designation Act" (the "Act"). You requested an opinion concerning two questions arising under sections 804 and 805 of the proposed legislation: What existing constitutional and statutory due process protections would allow An American citizen who has an interest in assets blocked by Executive Branch action to challenge the blocking? If H.R. 155 is enacted into law, how would these existing constitutional and statutory due process protections be changed?

As noted in my October 13, 1999 letter to Senator Coverdell, the Administrative Procedure Act (the "APA") provides for judicial review of final agency action. 5 U.S.C. 702. In existing sanctions programs administrated by the Office of Foreign Assets Control ("OFAC"), final agency actions related to blocking are subject to challenge by affected parties through judicial review afforded by the APA. Because of normal rules of standing and other jurisdictional principles, a U.S. citizen may in many cases not be able directly to challenge the blocking of a foreign person's assets pursuant to the APA. However, as discussed below, agency review by OFAC, followed by judicial review under the APA of any resulting final agency action as to that citizen, may still be available. In addition to any statutory review available under the APA, a U.S. citizen also may seek judicial review of constitutional claims or challenges related to blockings under existing OFAC sanctions programs.

If H.R. is enacted, section 805(f) presumably would foreclose U.S. citizens from bringing a claim under the APA to challenge a blocking. Such statutory preclusion of judicial review under the APA is expressly provided for in the APA itself. 5 U.S.C. 701(a)(1). Despite the limitation on judicial review in section 805(f), however, a U.S. citizen would not be foreclosed from other meaningful avenues of review.

First, even when assets are properly blocked under the law, a U.S. citizen can petition OFAC for a license unblocking the U.S. citizen's interest in blocked assets. OFAC has a long-established practice of utilizing its licensing authority in sanctions programs to minimize the adverse impact on innocent U.S. persons while vigorously implementing the sanctions against targeted foreign persons. OFAC regulations in every major sanctions program contain licensing authority. The Act would provide the Treasury Department with similar authority. The ability of OFAC (or even a reviewing court, if judicial review were available) to grant relief would, of course, depend on the nature of the U.S. citizen's interest in blocked assets.

Second, a U.S. citizen would have recourse to agency reviewing of the blocking. If the U.S. citizen believed that its interest in the foreign person's assets is mistakenly or wrongfully blocked, that U.S. citizen could petition OFAC to have the interest unblocked. OFAC has the authority pursuant to section 805(b) of the proposed legislation to unblock assets.

Also, as section 805(f) must be read to avoid any Constitutional problems, a U.S. citizens would not be precluded by that section from pursuing any Constitutional claims.

Finally, one point in your November 8 letter requires clarification. Paragraph three refers to my October 13 letter to Senator Coverdell. That letter was written in response to the Senate draft of H.R. 1555 received in this office on October 13. My reference to judicial review, quoted only in part in your letter, addressed not the current provisions of the Act, but provisions (section 704(f), and in particular, 704(f)(2) of the October 13 draft) that were subsequently deleted. We believe it is important to understand the context of my letter, as well as to examine my statement in its entirety: "The Administrative Procedure Act already provide for judicial review of final agency actions; *and, therefore, additional judicial review provisions are unnecessary*" (emphasis supplied). That statement reflected the Department's position that judicial review did not need to be addressed separately in the proposed legislation.

We hope this information is of assistance.

Sincerely,

R. Richard Newcomb,
Director, Office of Foreign Assets Control.

Mr. COVERDELL. Mr. President I ask unanimous consent the New York Times op-ed written by A.M. Rosenthal, of August 27, 1999, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, Aug. 27, 1999]

On My Mind—Vote on Drugs

(A.M. Rosenthal)

Notice to the public: Vote now on drugs, one of the only two ways.

1. If you support the war against drugs, vote now for pending Congressional legislation designed to wound major drug lords around the world. It cuts them off from all commerce with the U.S., now a laundry for bleaching the blood from drug-trade billions and turning them into investments in legitimate businesses.

Vote by telling your members of Congress that when the House-Senate bill authorizing intelligence funds comes up for final decision, probably next month, you want them to vote for the section called "blocking assets of major narcotics traffickers."

Insist they start now to tell the Administration not to try to water it down to satisfy any country for diplomatic or economic reasons—including Mexico, the biggest drug entry point for America, already complaining about "negative consequences" of the proposal.

Turn yourself and your civil, labor or commercial organization, or religious congregation, into lobbies for the bill—counterweight to the lobbies of drug-transfer nations and American companies beholden to them.

2. If you are against the war on drugs or just don't care about what drugs are doing to our country, then don't do a thing. that is a vote, too.

That's the way it is in Washington. Members of Congress introduce legislation, committees discuss it for months, votes are taken and then when the time comes to work out House-Senate differences, administrations on the fence and under professional lobbyists' pressure use their power to try to mold the legislation to their liking.

That is exactly the time for ordinary Americans around the country to do their own lobbying.

The bill targeting drug lords extends throughout their vicious world the economic sanctions already directed at Colombian drug lords, by President Clinton's executive order. It will prohibit any U.S. commerce by specifically named drug operators, seize all their assets in the U.S., and ban trading with them by American companies.

The bill specifies that every year the U.S. Government list the major drug lords of the world, by name and nation. The lists are certain to include top drug traders from countries such as Afghanistan, Jamaica, the Dominican Republic, Thailand and Mexico.

In the Senate it was introduced by Paul Coverdell, a Georgia Republican, and Dianne Feinstein, Democrat from California, and passed with bipartisan support. In the House it also has support in both parties, including Porter Goss of Florida, a Republican and chairman of the House Intelligence Committee, and Charles Rangel, the New York Democrat. It waits the final September House-Senate Joint Intelligence Committee vote.

For awhile I heard from within the Administration the kind of mutters that preceded the Clinton certification last year that Mexico was carrying out anti-drug commitments satisfactorily, which was certainly a surprise to Mexican drug lords.

Then, yesterday, the White House told me that it favored some target sanctions.

Its objection to the bill was that the Administration would have to list all major drug lords for the President to choose targets, and that could endanger investigations. The White House said it would be better for the President to select targets without having to choose from a list.

Bit of a puzzle. The bill already gives him the right of decide which of the drug lords to target from the Administration's unpublished list. But some members of Congress think the motive is to avoid a list that might include just a little too many from a "sensitive country."

No one bill will end the drug war. Only the determination of Americans to use every sort of resource will do that—parental teaching, law enforcement with some compassion toward first offenders and none for career drug criminals, enough money for therapy in and out of jails, targeting drug lords—and passionate leadership.

That would preclude Presidential candidates who mince around about whether they used drugs when they were younger—unless they grow up publicly and quickly.

Dr. Mitchell S. Rosenthal, head of the Phoenix House therapeutic communities, says that the bill "reflects the kind of values that we don't hear enough these days." So vote—one way or the other.

Mr. COVERDELL. Mr. President, I yield back my time in accordance to the pressure of the moment here.

Mr. LEVIN. Mr. President, the conference report to H.R. 1555, the Fiscal Year 2000 Intelligence Authorization Act, include legislation under Title VIII of the bill entitled the "Foreign Narcotics Kingpin Designation Act." Title VIII is intended to strengthen U.S. Government efforts to identify the assets, financial networks and business associates of major foreign narcotics trafficking groups in an effort to disrupt these criminal organizations and bankrupt their leadership. No doubt all Senators would agree with this laudable goal of combating the insidious effects of drug trafficking. In fact, an earlier version of this legislation was seen as being so without controversy that it was added by the Senate to the Intelligence Authorization bill in July of this year with little debate and on a voice vote.

Senators should be aware, however, that Title VIII as it is now written has significant national security, law enforcement, judicial, and drug trafficking implications that belie the legislation's simple design. Yet, I am not aware of any committee of jurisdiction in either the Senate or the House having held a single hearing on the provisions contained in Title VIII. The Senate Intelligence Committee has not held a hearing. The Senate Judiciary Committee has not held a hearing. Not a single legal or national security expert, inside or outside government, has testified before a congressional hearing as to whether Title VIII should or should not become law, and, if it does, how would the legal rights of Americans be changed as a result.

Except for recent and perfunctory House of Representatives debate on the provision, the only public debate on the complexities of Title VIII has occurred in the press. The way that the issue has been characterized in press reports erroneously suggests that if you are ready to sign up to Title VIII as set forth in H.R. 1555, you are tough on foreign drug traffickers. If, however, you are troubled by the effect that the Title VIII language would have on currently existing due process protections afforded innocent Americans, you are described as doing the bidding of "narco-lobbyists."

This simplistic characterization is not only false and an insult to the Members of this body, it obscures a vitally important civil liberties issue at the core of Title VIII: the rights of innocent American citizens to challenge in our Courts the taking of their property.

As a member of the Senate Intelligence Committee, I was a conferee to H.R. 1555. However, I did not sign the conference report accompanying the bill because of the contradiction existing between the stated legislative intent of Title VIII and the actual language contained in the bill, a contradiction I attempted but failed in conference to correct by amendment.

Specifically, my objection is that Title VIII, as presently written, would undermine the due process protections now afforded to a U.S. citizen or business who has interest in assets blocked under Title VIII to challenge the legality of the blocking under the Administrative Procedure Act.

This is what the conference report accompanying H.R. 1555 says about Title VIII:

"There is no intention that this legislation affect Americans who are not knowingly and willfully engaged in international narcotics trafficking. Nor is it intended in any way to derogate from existing constitutional and statutory due process protections for those whose assets are blocked or seized pursuant to law." That's the stated intent. But what do the words of this CR do?

According to the Department of Treasury, which is tasked in Title VIII with developing the list of significant foreign narcotics traffickers, due process protections exist today for those U.S. citizens to challenge the legality of the blocking of assets in court.

On November 8th, I wrote a letter to Secretary of the Treasury Lawrence Summers requesting an opinion on two legal questions concerning Title VIII.

The first question was: "What existing constitutional and statutory due process protections would allow an American citizen who has an interest blocked by Executive Branch action to challenge the blocking?"

The second question was: "If H.R. 1555 is enacted into law, how would these existing constitutional and statutory due process protections be changed?"

In his November 10, 1999 reply to me, Mr. Richard Newcomb, Director of the Treasury's Office of Foreign Assets Control (or "OFAC"), stated the following with regard to currently existing judicial review of the blocking of American assets:

". . . the Administrative Procedure Act (the "APA") provides for judicial review of final agency action. 5 U.S.C. 702. In existing sanctions programs administered by the Office of Foreign Assets Control ("OFAC"), the final agency actions related to blocking are subject to challenge by affected parties through judicial review afforded by the APA. Because of normal rules of standing and other jurisdictional principles, a U.S. citizen may in many cases not be able directly to challenge the blocking of a foreign person's assets pursuant to APA. However, as discussed below, agency review by OFAC, followed by judicial review under APA of any resulting final agency action as to that citizen, may still be available. In addition to any statutory review available under the APA, a U.S. also may seek judicial review of constitutional claims or challenges related to blockings under existing OFAC sanctions programs."

Under the process currently in place, OFAC determines who is a foreign drug kingpin after an internal Department of Treasury review of the evidence, an evidentiary review that is coordinated with the Department of Justice. Executive Order 12978, issued in 1995, requires that the State and Justice Departments be consulted by Treasury prior to this designation and blocking of assets. After designation is made and assets are blocked, OFAC regulations allow for a named party to petition OFAC to have its designation removed through an administrative appeal. Most petitioners initiate this administrative review process simply by writing OFAC. Exchanges of correspondence, additional fact-finding, and, often, meetings occur before OFAC decides whether there is a basis for removing the designation and unblocking assets. Once the named party has exhausted this administrative remedies process, OFAC's final decision can be challenged in federal court under the Administrative Procedure Act.

To repeat, the Administrative Procedure Act, or APA, provides some due process protection under current law for an American to challenge the blocking of his or her assets pursuant to a Department of Treasury OFAC agency decision.

However, a straightforward reading of section 805 of Title VIII makes clear that these existing statutory due process protections, referenced in the conference report as being unaffected by the bill, could well be, in fact, foreclosed if H.R. 1555 becomes law in its present form.

More specifically, section 805(a) of the bill states, in part: "A significant foreign narcotics trafficker publicly identified . . . shall be subject to any and all sanctions as authorized."

Section 805(b) of the bill provides that "all property and interests in property within the United States, or within the possession or control of any United States person" are blocked effective as of the date of a report designating the significant foreign narcotics traffickers.

And then the critically important language of section 805(f): "The determinations, identifications, finding, and designations made pursuant to section 804 and subsection (b) of this section shall not be subject to judicial review."

In sum, under Title VII, designation in the drug kingpin report automatically results in the blocking of assets, including any assets held by innocent U.S. citizens and businesses unaware of the association the foreign business entity allegedly has with narcotics trafficking. The blocking of assets, in turn, is not subject to judicial review, according to section 805(f) of the bill. Thus, Title VII would limit the statutory opportunity that exists today under the APA for innocent Americans to petition the courts to challenge the blocking of assets.

Could American citizens and businesses with no knowledge of, or participation in, foreign narcotics trafficking find their assets blocked under Title VIII of this bill? Certainly. For example, an American business involved in a joint venture agreement with a foreign shipping firm could find its assets blocked under the provisions of Title VIII. Or, American citizens owning stock in a company found to be owned or operated by drug traffickers and money launderers could have their assets blocked and suffer devastating economic loss as a result, despite being innocent of any wrongdoing themselves.

Under current law, the scenarios I have described resulting in the blocking of assets under the control of U.S. citizens, if not remedied in the administrative appeals process, could be challenged in federal court. Title VIII will have the effect of taking away this judicial appeal opportunity, thereby enhancing the authority federal bureaucrats have to not only hear but decide all challenges to Department of Treasury designation and asset blocking decisions.

The Department of Treasury confirms this change in statutory due process protections in its November 10th letter to me:

"If H.R. 1555 is enacted, section 805(f) presumably would foreclose U.S. citizens from bringing a claim under the APA to challenge the blocking."

That is what the Department of Treasury, the agency empowered under current law as expanded by Title VIII to block assets, says about how this bill will foreclose currently existing statutory due process protections.

Mr. President, at this point I ask that both my November 8, 1999 letter to Secretary Summers and the November 10, 1999 reply from OFAC be printed in the Record in their entirety.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

A different section of Title VIII provides perhaps the most conclusive evidence that this legislation is being brought to a vote in haste and without the careful consideration it needs. Section 810 of the bill, creates a Judicial Review Commission on Foreign Asset Control.

The conference report includes six judicial review and due process questions the prospective Commission is being asked to examine and report on to Congress in the next year. I am going to read each of the six questions and, as I do so, I ask that my colleagues consider whether we should have the answers to these important legal questions before approving Title VIII of H.R. 1555:

"(1) Whether reasonable protections of innocent U.S. businesses are available under the regime currently in place that is utilized to carry out the provisions of the International Emergency Economic Powers Act ("IEEPA")."

Should not the Senate know the answer to this question before we act on Title VIII?

"(2) Whether advance notice prior to blocking of one's assets is required as a matter of constitutional due process"

Should not the Senate know the answer to this question before we act on Title VIII?

"(3) whether there are reasonable opportunities under the current IEEPA regulatory regime and the Administrative Procedure Act for an erroneous blocking of assets of mistaken listing under IEEPA to be remedied"

We know the most important part of the answer already. The Department of Treasury confirms that Americans would no longer be able to use the Administrative Procedure Act and a court appeal from an agency determination under that act to remedy an erroneous blocking of assets or mistaken listing. Should not the Senate have the answer to this question before we act on Title VIII?

"(4) whether the level of proof that is required under the current judicial, regulatory, or administrative scheme is adequate to protect legitimate business interests from irreparable financial harm"

Should not the Senate know the answer to this question before we act on Title VIII?

"(5) whether there is constitutionally adequate accessibility to the courts to challenge agency actions under IEEPA, or the designation of persons or entities under IEEPA"

We know that section 805(f) of Title VIII will foreclose the statutory access to the courts to challenge agency actions, but should not the Senate know the complete answer to this question before we act on Title VIII?

"(6) whether there are remedial measures and legislative amendments that should be enacted to improve the current asset blocking scheme under IEEPA or this title [Title VIII]"

Should not the Senate know the answer to this question before we act on Title VIII?

These are crucially important questions and strike to the very essence of due process protections afforded to U.S. citizens. So important are these questions that I believe the Senate as a body should know the answers to them before approving a law with potentially far-reaching legal consequences. These questions deserve careful consideration through a hearing process in the Judiciary Committee, the Intelligence Committee and other committees of jurisdiction. We should know the answers before we vote on the bill before us.

As it stands today, the Senate is being asked to approve a new law which will foreclose a currently existing statutory right of judicial appeal without the benefit of this hearing record and without a complete understanding of how this change in due process protections could harm innocent Americans.

Senators should be aware that the original drug kingpin amendment to the Intelligence Authorization Act—the Coverdell-Feinstein amendment—approved by the Senate on July 21st on a voice vote, did not eliminate or alter the existing judicial review avenue afforded innocent Americans under the Administrative Procedure Act to challenge the legality of the blocking of assets. The Coverdell-Feinstein amendment was silent on the issue. Only at the insistence of the House conferees during conference on the bill was the language contained in section 805(f) foreclosing statutory review of final agency actions included in the final conference agreement. So Senators should be clear that this significant difference exists between the original Coverdell-Feinstein amendment approved by the Senate in July and what we are being asked to adopt today.

Because the House approved the conference report to H.R. 1555 last week, the rules of the Senate preclude a motion to recommit the bill back to conference with instructions to remove the provision of Title VIII eliminating current review of final agency actions under the Administrative Procedure Act.

Realistically, the conference report to H.R. 1555, even with this offending provision, will pass overwhelmingly given the signatures on the conference report. The only way to minimize the damage it could do to innocent U.S. citizens is to attempt to amend Title VIII after it becomes law. Therefore, I ask unanimous consent to be allowed to speak in morning business for the purpose of introducing a bill to do just that.

Mr. President, I send a bill to the desk on behalf of myself, Senator SHELBY, Senator KERREY of Nebraska, and Senator ROBERTS.

This bill would restore the right that U.S. citizens are about to lose under section 805(f) of H.R. 1555 to challenge in court under the Administrative Procedure Act an illegal blocking of their assets by Executive Branch decision.

Based on my reading of the conference report language accompanying H.R. 1555, the conferees may not have intended or fully understood that Title VIII would foreclose a currently existing avenue of judicial review under the Administrative Procedure Act. It wasn't until after the conference on H.R. 1555 was concluded did any one in either Congress or the Executive Branch state in writing that this would be the bill's effect. I argued this position at the conference called immediately before the conferees voted. Therefore, I am hopeful that this significant flaw in H.R. 1555 can be corrected soon and that the American people will be assured that the United States Congress is not taking away rights of Americans to challenge the wrongful taking of their property by bureaucratic action. Because of this flaw, if there had been a recorded vote on the conference report before us, I would have voted "no".

Mr. President, I yield the floor.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, November 8, 1999.

Hon. LAWRENCE H. SUMMERS,
Secretary of the Treasury,
Department of the Treasury, Washington, DC.

DEAR MR. SECRETARY: On Friday, Senate and House of Representatives conferees completed work on H.R. 1555, the Fiscal Year 2000 Intelligence Authorization Act. The conference agreement which has yet to be passed by either body, contains Title VIII, the "Foreign Narcotics Kingpin Designation Act."

I have a concern that Title VIII, as presently written, would undermine the due process protections now afforded to an innocent U.S. citizen or business who has interest in assets blocked under this Act to challenge the blockage under the Administrative Procedure Act of any other avenue of judicial review.

According to the October 13, 1999 letter from Mr. R. Richard Newcomb, Director of the Department of Treasury's Office of Foreign Assets Control (OFAC) to Senator Paul Coverdell, the Administrative Procedure Act "already provides for judicial review of final agency actions" concerning the blocking of assets. The report accompanying H.R. 1555 adds that Title VIII is not "intended in any way to derogate from existing constitutional and statutory due process protections for those whose assets are blocked or seized pursuant to law."

However, a straightforward reading of section 805 of H.R. 1555 raises significant concerns that these "existing constitutional and statutory due process protections" may be eroded if the Act becomes law.

More specifically, section 805(a) of the bill states, in part: "A significant foreign narcotics trafficker publicly identified . . . shall be subject to any and all sanctions as authorized." Section 805(b) goes on to state that "all property and interests in property within the United States, or within the possession or control of any United States person" are blocked effective as of the date of Treasury's report. Finally, section 805(f) states: "The determinations, identifications, findings, and designations made pursuant to section 804 and subsection (b) of this section shall not be subject to judicial review."

In sum, designation in the Treasury report automatically results in the blocking of assets. The blocking of assets, in turn, is not subject to judicial review, according to section 805(f) of the Act. Thus, H.R. 1555 would seem to limit the opportunity that exists today for innocent American citizens and businesses to petition the courts to challenge the blocking of assets.

Because H.R. 1555 may come before the Senate for consideration in short order, I asked that the Department of Treasury, in consultation with the Department of Justice, provide a written legal opinion to me answering two important questions:

(1) What existing constitutional and statutory due process protections would allow an American citizen who has interest in assets blocked by Executive Branch action to challenge the blocking?

(2) If H.R. 1555 is enacted into law, how would these existing constitutional and statutory due process protections be changed?

Your immediate response to my request is appreciated.

Sincerely,

CARL LEVIN,
Ranking Minority Member.

DEPARTMENT OF THE TREASURY,
Washington, DC, November 10, 1999.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: This letter responds to your letter to Secretary Summers of November 8, 1999, concerning Title VIII of H.R. 1555, the Fiscal Year 2000 Intelligence Authorization Act, entitled the "Foreign Narcotics Kingpin Designation Act" (the "Act"). You requested an opinion concerning two questions arising under sections 804 and 805 of the proposed legislation:

What existing constitutional and statutory due process protections would allow an American citizen who has an interest in assets blocked by Executive Branch action to challenge the blocking?

If H.R. 1555 is enacted into law, how would these existing constitutional and statutory due process protections be changed?

As noted in my October 13, 1999 letter to Senator Coverdell, the Administrative Procedure Act (the "APA") provides for judicial review of final agency action. 5 U.S.C. 702. In existing sanctions programs administered by the Office of Foreign Assets Control ("OFAC"), final agency actions related to blocking are subject to challenge by affected parties through judicial review afforded by the APA. Because of normal rules of standing and other jurisdictional principles, a U.S. citizen may in many cases not be able directly to challenge the blocking of a foreign person's assets pursuant to the APA. However, as discussed below, agency review by OFAC, followed by judicial review under the APA of any resulting final agency action as to that citizen, may still be available. In addition to any statutory review available under the APA, a U.S. citizen also may seek judicial review of constitutional claims or challenges related to blockings under existing OFAC sanctions programs.

If H.R. 1555 is enacted, section 805(f) presumably would foreclose U.S. citizens from bringing a claim under the APA to challenge a blocking. Such statutory preclusion of judicial review under the APA is expressly provided for in the APA itself. 5 U.S.C. 701(a)(1). Despite the limitation on judicial review in section 805(f), however, a U.S. citizen would not be foreclosed from other meaningful avenues of review.

First, even when assets are properly blocked under the law, a U.S. citizen can petition OFAC for a license unblocking the U.S. citizen's interest in blocked assets. OFAC has a long-established practice of utilizing its licensing authority in sanctions programs to minimize the adverse impact on innocent U.S. persons while vigorously implementing the sanctions against targeted foreign persons. OFAC regulations in every major sanctions program contain licensing authority. The Act would provide the Treasury Department with similar authority. The ability of OFAC (or even a reviewing court, if judicial review were available) to grant relief would, of course, depend on the nature of the U.S. citizen's interest in blocked assets.

Second a U.S. citizen would have recourse to agency review of the blocking. If the U.S. citizen believed that its interest in the foreign person's assets is mistakenly or wrongfully blocked, that U.S. citizen could petition OFAC to have the interest unblocked. OFAC has the authority pursuant to section 805(b) of the proposed legislation to unblock assets.

Also, as section 805(f) must be read to avoid any Constitutional problems, a U.S. citizen would not be precluded by that section from pursuing any Constitutional claims.

Finally, one point in your November 8 letter requires clarification. Paragraph three refers to my October 13 letter to Senator Coverdell. That letter was written in response to the Senate draft of H.R. 1555 received in this Office on October 13. My reference to judicial review, quoted only in part in your letter, addressed not the current provisions of the Act, but provisions (section 704(f), and in particular, 704(f)(2) of the October 13 draft) that were subsequently deleted. We believe it is important to understand the context of my letter, as well as to examine my statement in its entirety. "The Administrative Procedure Act already provides for judicial review of final agency actions; *and, therefore additional judicial review provisions are unnecessary*" (emphasis supplied). That statement reflected the Department's position that judicial review did not need to be addressed separately in the proposed legislation.

We hope this information is of assistance.

Sincerely,

R. RICHARD NEWCOMB,
Director, Office of Foreign Assets Control.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, November 12, 1999.

Hon. LAWRENCE H. SUMMERS,
Secretary of the Treasury,
Department of the Treasury, Washington, DC.

DEAR MR. SECRETARY: Thank you for your November 10, 1999 reply to my letter requesting a legal opinion of Title VIII of H.R. 1555, the Fiscal Year 2000 Intelligence Authorization Act, entitled the "Foreign Narcotics Kingpin Designation Act." Your reply was not only prompt but responsive to the questions I posed.

Paragraph three of your letter contains the following conclusion about how H.R. 1555, if enacted into law, would change existing statutory due process protections:

"If H.R. 1555 is enacted, section 805(f) presumably would foreclose U.S. citizens from bringing a claim under the APA [Administrative Procedure Act] to challenge a blocking."

I do not believe this current existing avenue for judicial review of final agency action should be foreclosed. Therefore, I am requesting that you forward to me a written answer to the following question before the Senate considers the conference report to H.R. 1555 next Tuesday:

Do you support maintaining the present right afforded a United States citizen who has an interest in assets blocked by Executive Branch action of challenge the blocking under the Administrative Procedure Act?

Your immediate response to my request is appreciated.

Sincerely,

CARL LEVIN,
Ranking Minority Member.

DEPARTMENT OF THE TREASURY,
Washington, DC, November 17 1999.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC

DEAR SENATOR LEVIN: I received your November 12 letter to Secretary Summers requesting our position on the following question:

Do you support maintaining the present right afforded a United States citizen who has an interest in assets blocked by Executive Branch action to challenge the blocking under the Administrative Procedure Act?

In my October 13 letter to Senator Coverdell, the Department has indicated that it would not oppose judicial review of Treasury decision. However, we also can work with the text of Title VIII of H.R. 1555 as finalized by the conference committee. The proposed statute does not eliminate all avenues for seeking relief. I want to emphasize that as the program under the proposed legislation is implemented, the Office of Foreign Assets Control's (OFAC) traditional administrative mechanisms will be employed. Thus, a U.S. citizen whose interests have been blocked will be able, if he chooses, to avail himself of OFAC's licensing authority. In current OFAC-administered programs, this mechanism has served to minimize the adverse impact on innocent U.S. citizens while vigorously implementing sanctions against targeted foreign persons. Additionally, a U.S. citizen will be able to petition OFAC for the unblocking of his interest in blocked property. Similarly, we believe that the proposed law would not deny a U.S. citizen any rights he previously would have had to raise constitutional claims.

We hope that this information is of assistance.

Sincerely

R. RICHARD NEWCOMB,
Director, Office of Foreign Assets Control.

Mr. DOMENICI. Mr. President, I am pleased that the Senate today will pass S. 1515, an important bill to make some much needed changes to the Radiation Exposure Compensation Act. I am pleased to join my colleagues, including the Chairmen of the Senate Judiciary and Indian Affairs Committees, in support of this legislation.

Mr. President, my home state of New Mexico is the birthplace of the atomic bomb. One of the unfortunate consequences of our country's rapid development of its nuclear arsenal was that many of those who worked in the earliest uranium mines became afflicted with terrible illnesses.

I noticed this problem more than twenty years ago, when I learned that miners had contracted an alarmingly high rate of lung cancer and other diseases commonly related to radiation exposure.

Many of the miners were Native Americans, mostly members of the Navajo Nation, with whom the United States government has had a longstanding trust relationship based on the treaties and agreements between our country and the tribes. Some 1,500 Navajos worked in the uranium mines from 1947 to 1971. Many of them have since died of horrible radiation-related illnesses.

All of the uranium miners, including the Navajos, performed a great service out of patriotic duty to this country. Their work helped us to win the Cold War. Unfortunately, our Nation failed to fulfill its duty to protect the miners' health. After hearing of the problem, I began the effort the miners' health. After hearing of the problem, I began the effort to see that the miners and their families received just compensation for their illnesses.

Mr. President, I want to take a moment to recognize a person who has been a champion in the hearts of uranium miners and their families throughout the Colorado Plateau. This person, a former uranium miner himself, has worked tirelessly in advocating many of the reforms we have established within this bill.

Mr. President, Paul Hicks of Grants, New Mexico deserves a large amount of credit for bringing attention to this legislation in the United States Senate. Paul is President of the New Mexico Uranium Workers Council and he has spearhearted the grassroots effort that is responsible for several of these much needed reforms.

Paul was a uranium miner for over twelve years in New Mexico. He later worked as a lead miner, a shift boss, and ended his mining career as a mine foreman. But as Paul will tell you, "it takes about ten years to make a good miner, but only ten minutes to make a good foreman." Mr. President, Paul Hicks is and will always be a miner at heart.

Paul has fought this effort for the miners of the Navajo nation, Acoma Pueblo, Grants, New Mexico, and Dove Creek and Grand Junction, Colorado. Paul Hicks is truly a hero in the heart's of the many people along the Colorado Plateau that have been adversely affected by exposure to uranium.

Unfortunately Mr. President, Paul is now facing another battle. That is fight against cancer. Paul was diagnosed last week with bone cancer and now, he must endure massive radiation treatments for the next six weeks. It will be a tough fight, but one I know he'll win. Simply, because I know Paul Hicks.

Way back in 1979, I held the first field hearing on this issue in Mr. Hicks' hometown of Grants, New Mexico to learn about the concerns and the health problems faced on uranium miners. In later years, I traveled to Shiprock, New Mexico and the Navajo Nation Indian Reservation to gather more information about the uranium miners and their families.

Twelve years after I introduced that first bill, President Bush signed RECA into law. At the time, RECA was intended to provide fair and swift compensation for those miners and downwinders who had contracted certain radiation-related illnesses.

Since the RECA trust fund began making awards in 1992, the Department of Justice has approved a total 3,135 claims valued at nearly $232 million. In my home state of New Mexico, there have been 371 claims approved with a value of nearly $37 million. For that work, the Department of Justice is to be commended.

The original RECA was a compassionate law which unfortunately has come to be administered in a bureaucratic, dispassionate and often unfair manner. Many claims have languished at the Department of Justice for far too long.

Miners and their families, particularly Navajos, often have waited many years for their claims to be processed. Many claims were denied because the miners were smokers and could not prove that their diseases were related solely to uranium mining. In other cases, miners faced problems establishing the requisite amount of working level months needed to make a successful claim. Native American claims by spousal survivors often were denied because of difficulties associated with documenting Native American marriages.

This bill makes some important, common-sense changes to the radiation compensation program to address the problems I have outlined. First, it expands the list of compensable diseases to include new cancers, including leukemia, thyroid and brain cancer. It also includes certain non-cancer diseases, including pulmonary fibrosis. Medical science has been able to link these diseases to uranium mining in the 10 years since the enactment of the original RECA. We now know that prolonged radiation exposure can cause many additional diseases. This bill uses the best available science to make sure that those who were injured by radiation exposure are compensated.

The bill also extends eligibility to above-ground and open-pit miners, millers and transport workers. The latest science tells us that the risks of disease associated with radiation exposure were not necessarily limited to those who worked in unventilated mines.

Most importantly, the bill requires the Department of Justice to take Native American law and customs into account when deciding claims. I have heard countless stories about the inequities faced by the spouses of Navajo miners who have been unable to successfully document their traditional tribal marriages to the satisfaction of the Justice Department under current law and regulations. This bill will change that, and make it easier of spousal survivors to make successful claims.

Mr. President, I am pleased to support this important legislation. The Congressional Budget Office estimates that the bill will cost close to $1 billion over the next 21 years. That is far less than some of the other proposals floated in the House and Senate during the past few years. This is a common-sense approach, which addresses many of the problems with the existing program, without unnecessarily expanding the scope of the Radiation Exposure Compensation Act. The Chairman of the Senate Judiciary Committee has done a fine Job crafting this bill and I have been pleased to work with him in that regard. I yield the floor.

Mr. COVERDELL. Mr. President, today marks a major breakthrough in our War on Drugs. H.R. 1555, the Intelligence Reauthorization bill, contains a provision authored by myself and Senator DIANE FEINSTEIN, which is designed to put drug kingpins out of business. Enactment of our Drug Kingpin legislation represents the most dramatic change in our Nation's drug laws since the drug certification process was established in 1986.

The Drug Kingpin legislation, which Senator FEINSTEIN and I introduced earlier this year as a free-standing bill, targets major drug kingpins by blocking their assets in the U.S. and by preventing their access to U.S. markets. Our objective is to use U.S. economic power to undercut the financial base of the cartels and their kingpins, thereby providing a tool that directly targets a major security threat to this country. Simply stated, we are hitting drug traffickers where it hurts them most—in their wallets.

This legislation codifies and expands an existing Presidential Executive Order which has had remarkable success in financially isolating and weakening Colombian drug cartels. In 1995, President Clinton signed Executive Order 12978, exercising the International Emergency Economic Powers Act (IEEPA) against four major drug kingpins affiliated with Colombia's Cali cartel. The Executive Order blocks any financial, commercial and business dealings with any entity associated with the four named drug traffickers, recognizing that drug traffickers who pump cocaine and heroin into our communities pose a threat to our national security.

The Coverdell-Feinstein initiative expands the President's Executive Order to include all foreign narcotics traffickers deemed as threats to our national security and enhances congressional oversight of this important and effective program. Here's how it works: As under the President's Executive Order, the Treasury Department's Office of Foreign Assets Control (OFAC) would develop a list of Specially Designated Foreign Narcotics Traffickers in consultation with the Department of Justice, the Department of State, and other executive branch agencies. Any foreign entity which appears on the list would be prohibited from conducting any economic activity with the United States. American firms or individuals who violate this prohibition would be subject to significant financial penalties and, potentially, prison terms.

Mr. President, this program's track record in Colombia is impressive. The United States targeted over 150 companies and nearly 300 individuals involved in the ownership and management of the Colombian drug cartels' non-narcotics business empire, which included a variety of companies ranging from drugstores to poultry farms. Once labeled as drug-linked businesses, these companies found themselves financially isolated. Banks and legitimate companies chose not to do business with the blacklisted firms, choking off key revenue streams to the cartels. Over 40 drug-funded companies, with estimated combined sales of over $200 million, were liquidated or in the process of liquidation by February 1998. I am submitting for the RECORD a recent Treasury Department Impact Summary on the Colombia program.

The best part of this approach to fighting foreign drug kingpins is that it supports the efforts of foreign governments who need our help to take down the cartels. To that end, it is essential that implementation of this program occurs with the cooperation and participation of the host country. Indeed, in the case of Colombia, the participation and high level of cooperation by the Colombian government and the Colombian Banking Association were crucial to the success of the program. It is our hope and intention that as this program is expanded in legislation, a similar framework of cooperation and participation is developed with other countries.

One of our principle intentions with this legislation is to avoid the country-to-country confrontation that often occurs and to focus instead on the bad actors who are producing and trafficking the illegal drugs and who are causing so much damage to our nation. At the same time, it is designed to be a supplement, not a replacement for the current drug certification process.

The Coverdell-Feinstein provision is not country specific. It is a global initiative which targets foreign drug kingpins and their associates regardless of nationality and location—from Burma to Nigeria to Colombia.

Despite the proven track-record of this program, some raised concerns that this legislation would not adequately protect U.S. business interests. I disagree. So do the vast majority in both Houses of Congress, the Department of Treasury that implemented the successful Colombia program and the National Security Council. This legislation has been thoroughly vetted and painstakingly examined by the experts in Congress and in the Executive Branch. Since its unanimous passage in July 1999 as an amendment to the Intelligence Reauthorization bill, important changes were made which perfected and refined this provision that will be soon signed into law.

It is important to remember that this bill targets foreign drug traffickers and their front companies, not U.S. entities. This program is implemented so as to minimize the possibility of unfairly tarnishing the reputation of an individual or company. If a U.S. company is knowingly or unknowingly conducting business with drug traffickers or their associates, they are warned by the Treasury Department before any further steps are taken. According to Treasury Department practice, alert letters are sent by Treasury to U.S. entities who are potentially conducting business with a designated foreign narcotics trafficker or their associates. Often, a Treasury Department representative will personally warn the U.S. entity. Actions would only be taken if the U.S. entity continues the business relationship with the narcotics trafficker.

The purpose is not to harm unwitting U.S. businesses. Instead, it is to inform U.S. persons of the identities of the prohibited foreign parties. In the case of the Colombia program, U.S. businessmen have termed this program as "a good preventative measure" that helps them steer clear of the cartels' front and agents. If a U.S. entity does happen to be adversely affected, it has recourse to administrative remedies through the Treasury Department, and of course has access to U.S. courts—as would any U.S. citizen under the Constitution. I am submitting for the RECORD a copy of several Treasury Department letters on this issue, which should put this matter to rest once and for all. In addition, at the suggestion of Senator RICHARD SHELBY and Senator BOB KERREY, the legislation provides for a commission to examine a range of legal issues that could arise through implementation of the program.

As for the foreign drug kingpins, this legislation treats them for what they really are: a national security threat. Many of these criminals, who peddle their wares on our streets and in our school yards, are already under indictment in the U.S. These are the thugs responsible for thousands of deaths each year. In several cases tried before U.S. district courts since 1995, U.S. federal judges have found the designation process to be appropriate and applicable to the named foreign entities.

The provision unanimously passed the Senate as an amendment to the Intelligence Authorization Bill in July. It then passed the House on November 2 as a free-standing bill by a vote of 385–26. The provision was accepted in the Intelligence Conference on November 5. And then, last week, the House unanimously passed the Intelligence Conference Report, which included this provision. And, today, this provision received final approval in the Senate and will soon be sent to the President for his signature.

This provision is time-tested, has had extraordinary success in Colombia, and will continue to be an effective tool when applied on a global basis. This is a tough but fair measure. It punishes some of the worst criminals alive today, and at the same time protects the rights of innocent U.S. citizens.

Take legitimate U.S. dollars out of drug dealers' pockets is a vital step in destroying their ability to traffic narcotics across our borders. This is a bold but necessary tool to fight the war on drugs.

Finally, Mr. President, I would like to thank the distinguished Senator from California Senator DIANE FEINSTEIN, for her leadership and dedication to this issue. I would also like to recognize Representative PORTER GOSS and Representative BILL MCCOLLUM for their work on behalf of this bill and their tireless efforts in fighting the war on drugs.

Mrs. FEINSTEIN. Mr. President, I rise in strong support of the Coverdell-Feinstein Drug Kingpin bill, which is contained in modified form within this Intelligence Authorization Conference Report.

That bill, also co-sponsored by Senators LOTT, TORRICELLI, DEWINE, HELMS, CRAIG, GRAHAM and REID, is designed to strengthen the President's hand in combating foreign narcotics traffickers around the world. Senator COVERDELL and I have worked for months to answer questions about the bill, iron out remaining problems, and satisfy the concerns of the Clinton Administration over how the bill will work.

We and our staffs met with representatives from the White House, the Justice Department, the Treasury Department, the Department of State, the National Security Council, other Senate offices and many others during that time. I am gratified to report that we now have the support of this Administration, as well as both Houses of Congress.

Let me speak a bit about this provision and why it is so important. This provision is patterned after an Executive Order issued by President Clinton in 1995, which targeted the assets of the powerful Colombian drug kingpins.

That Order expanded the International Emergency Economics Powers Act to include "Specially Designated Narcotics Traffickers." As issued, the President's Executive Order applies to four drug traffickers affiliated with the Colombian Cali cartel. The goal is to completely isolate the targeted drug traffickers.

The Executive Order blocks any financial, commercial and/or business dealings with any entity associated with the four named drug traffickers—to include criminal associates, associated family members, related businesses and financial accounts.

Under the Coverdell-Feinstein provision now contained in this Conference report—as under the President's Executive Order—the Treasury Department's Office of Foreign Assets Control (OFAC) would develop a list of Specially Designated Narcotics Traffickers in consultation with the Department of Justice, the CIA and the Department of State. Now, this list can contain traffickers throughout the world, and not just in Colombia.

By focusing on the financial relationships between drug cartels and their associated business relationships, the Executive Order—and now this new provision—is directed toward the entities that are creating the drug problem in our country—the drug cartels.

Now, this provision will codify and expand that Presidential directive to include other foreign narcotics traffickers considered a threat to our national security—Colombia was a good start, and we believe it is time to set our sights elsewhere around the world.

The goal is to isolate targeted drug traffickers and their affiliated businesses by freezing their assets under U.S. jurisdiction and cutting off their ability to do business in the United States.

Under the Executive Order, more than 400 companies and individuals affiliated with drug trafficking have been targeted by the Treasury Department.

These entities are denied access to banking services in the U.S. and Colombia, and existing bank accounts have been shut down.

As a result, more than 400 Colombian accounts have been closed, affecting over 200 companies and individuals engaged in drug trafficking.

By February 1998, over 40 of these companies, with an estimated combined annual sales of over $200 million, had been forced out of business.

Drug cartels today are more powerful, more violent and have a far greater reach than traditional organized crime organizations ever had been in the past. And, I believe they pose a major threat to our national security.

Indeed, measured in dollar value, at least four-fifths of all illicit drugs consumed in the U.S. are of foreign origin, including virtually all the cocaine and heroin.

With the authority to reach countries beyond Colombia, the President can work to isolate major criminal drug syndicates around the world, and impose upon them and their associates a similar fate as that of the Cali cartel.

It is my hope that with new emphasis on this expanded authority, and with a concerted intelligence effort to develop sufficient data about the cartels and their associates, in this country and abroad, the United States will be able to work with our allies to expose, isolate, and cut off the major drug trafficking syndicates that pose a tremendous threat to our societies.

This crucial mission can only be accomplished together, and we must work together to see that our governments are properly equipped to carry it out successfully.

To that end, this amendment establishes clear procedures through which the various parts of our own government will be able to share information with their counterparts, and make recommendations to the President as to those cartels that represent the greatest risk to our nation.

Coordinated by the Office of Foreign Assets Control in the Department of Treasury, the expanded program will target new international drug cartels with the same successful financial choke holds that worked so well in Colombia.

And let me also be clear about one thing. Nothing in this provision should in any way be read to say that the United States Government should stop cooperating with other governments in the fight against drugs.

To the utmost extent possible, the United States under this provision should continue and even expand upon its current agreements with other nations in the fight against drugs. While valid concerns over the compromise of national security, sources and methods, or ongoing investigations must be taken into account, we must also make sure that we continue to work cooperatively with those governments also intent on solving this drug crisis.

This will not be an easy process, and the results will not be immediate. But over time, we hope that the flow of drugs across our borders will be diminished.

Before I yield the floor, I want to address one concern that has been raised about due process for American citizens under this bill. Some have expressed a concern that this bill would leave U.S. citizens without redress for blocked assets, in possible violation of their due process rights. Such an outcome is certainly not what we are trying to accomplish with this bill, and I have been assured by the Treasury Department that avenues of redress will remain open to United States Citizens.

According to Richard Newcomb, the Director of Foreign Assets Control (OFAC), the entity responsible for carrying out the provisions of this bill:

> Even when assets are properly blocked under U.S. law, a U.S. citizen can petition OFAC for a license unblocking the U.S. Citizens interest in blocked assets. OFAC has a long-established policy of utilizing its licensing authority in sanctions programs to minimize adverse impact on U.S. persons while vigorously implementing the sanctions against targeted foreign persons.

Second, according to Newcomb, OFAC will have the ability under section 805(b) of this Act to completely unblock assets:

> If the U.S. citizen believed that its interest in the foreign person's assets is mistakenly or wrongfully blocked, that U.S. citizen could petition OFAC to have the interest unblocked.

Finally, "Also, as section 805(f) must be read to avoid any Constitutional problems, a U.S. citizen would not be precluded from that section from pursuing any Constitutional claims."

In other words, Mr. President, U.S. citizens are now, and will continue to be, offered significant protections against wrongful blocking or seizure of their assets. The Treasury Department has assured us that nothing in this bill will eliminate a U.S. citizen's absolute, Constitutional right to due process, and nothing in this bill attempts to do so. The clear purpose of the bill is to seek out foreign drug kingpins and cut off their access to the American economy.

I'd like to thank Senator COVERDELL for working so tirelessly with me on this bill, and I thank my colleagues on both sides of the aisle for supporting our efforts. I yield the floor.

Mr. KENNEDY. Mr. President, for the record, I want to ensure that congressional intent on the Secretary of Health and Human Services' organ transplantation rule is clear. The provision in the tax extender bill, which provides for a 90 day delay with a required 60 day comment period, does not reflect the views of the Health, Education, Labor, and Pensions Committee. Rather, congressional intent is expressed by the provision in the Consolidated Appropriations bill, which simply delays the effective date of the regulation by 42 days. This compromise assures that the transplant community and affected patients will have one final chance to discuss this issue, and that the Secretary shall then proceed with the regulation. Therefore, the provision in the Consolidated Appropriations bill should have legal effect, notwithstanding the provision in the tax extender bill.

I ask unanimous consent a statement of Administration Policy be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POLICY ON H.R. 1180—TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT

Today, the Senate is expected to vote on the conference report to accompany H.R. 1180, the Ticket to Work and Work Incentives Improvement Act of 1999. The President has a deep and long-standing commitment to empowering and promoting the independence of people with disabilities.

H.R. 1180 would give people with disabilities a new chance to work without fear of losing their Medicare and Medicaid coverage. This bill also would create a demonstration program that provides people who are not yet too disabled to work the opportunity to "buy into" Medicaid to help them keep working. In addition, it would enhance opportunities for Social Security disability beneficiaries to obtain vocational rehabilitation and employment services from their choice of participating providers. The Administration strongly supports these provisions that will enable more people with disabilities to work.

The Administration is deeply troubled that H.R. 1180 includes a provision concerning the organ transplantation rule of the Department of Health and Human Services that would provide for a 90-day delay in the rule, including a required 60-day comment period. This provision is in conflict with the provision in the Consolidated Appropriations bill that would provide for a 42-day delay. The Statement of the Managers for the Consolidated bill makes clear their intent that there be no further delay following the 42-day period. The provision in the Consolidated bill represents the true compromise that resulted from negotiations involving all parties. The Administration agreed to and supports the compromise provision in the Consolidated bill and believes that the rule should be issued without further delay after the 42-day period expires.

H.R. 1180 contains several time-sensitive provisions that extend expiring tax laws. The Administration supports many of these provisions, including the extension of alternative minimum tax provisions, the research and experimentation tax credit, the qualified zone academy bond authorization, the brownfields provisions, and the District of Columbia homebuyers credit. Although the extension of certain expiring tax laws is essential, the failure to fully offset the revenue losses resulting from these provisions is unfortunate. The Administration also is disappointed that H.R. 1180 includes the special allowance adjustment for student loans because it exposes the Federal Government, rather than lenders, to substantial financial risk due to the difference between Treasury and commercial paper borrowing rates.

TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will report the conference report.

The assistant legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 1180, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

(The conference report is printed in the House proceedings of the RECORD of November 17, 1999.)

The PRESIDING OFFICER (Mr. ROBERTS). Who yields time?

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. I ask the Chair, what is the status?

The PRESIDING OFFICER. The time until 5 o'clock is equally divided between the Senator from Delaware and the Senator from New York.

Mr. KERREY. The Senate is currently on the conference report for tax extenders?

The PRESIDING OFFICER. The Senator is correct.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000—CONFERENCE REPORT—Continued

Mr. KERREY. Mr. President, I ask unanimous consent that that conference report be temporarily set aside so we can have a voice vote on the intelligence conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. I urge adoption of the conference report on intelligence.

The PRESIDING OFFICER. The question is on agreeing to the conference report on H.R. 1555.

The conference report was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Mr. KERREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The distinguished majority leader is recognized.

Mr. LOTT. I know we have this very important legislation involving work incentives for our disabled citizens that—

Mr. MOYNIHAN. May we have order.

The PRESIDING OFFICER. The Senator from New York is exactly correct. The Senate is not in order. We will be in order. The Senate will be in order. Will Senators to my right please cease all audible conversation.

The majority leader.

Mr. LOTT. Thank you, Mr. President. And I thank the Senator from New York.

DAIRY COMPACTS

Mr. LOTT. We do need to have a colloquy now, before we begin the final debate on this very important work incentives legislation on the matter of dairy and the dairy language in the appropriations bill. There is no use at this point of me going back and recounting all that has gone on in us reaching the point where we are in the language in this bill.

There are a lot of Senators on both sides of the aisle who believe that the Northeast Dairy Compact should have been included. There are Senators who think that portions of the bill H.R. 1402, known as the 1–A, should have been included. There are other Senators who believe equally as strongly that neither of those should have been included in this bill. I must say, I am in that group.

I do not think what we have come up with on dairy is where we should leave it. It was something that was laboriously worked out. I tried my very best to find some way that we could come up with something that was in the best interests of dairy, the consumers, something that was acceptable to Senator GRAMS, Senator JEFFORDS, Senator KOHL, Senator WELLSTONE, and Senator FEINGOLD, but there was no way to find a solution with which all sides could be content. Regardless of how this agreement was reached, we are here, and it will be in law. But I do not think we should leave it on this line.

I do not think compacts are the answer, personally. I believe it very strongly. I do not think that trying to expand it—more compacts—and have the kinds of controls you have now by the Government, or will have in this by the Government, is the answer.

So I find myself philosophically very sympathetic to Senator GRAMS and Senator KOHL and Senator DOMENICI and Senator FITZGERALD, but I also know of the position of the Senate on this issue, and Senator JEFFORDS and Senator LEAHY were able to produce a majority of the Senate, although neither side could produce a 60-vote margin to break a filibuster.

So all I want to say today is that while this legislation, I believe, is going to pass, we should not stop at this point. We should look for a better way to do this. We should look for a way to get away from compacts and a way to get away from the type of Government controls we now have.

Do I have a magic solution? Can I guarantee by the first week in February this will be resolved? No. I have been wrangling around with this for 20 years, as the Senator in the Chair, who was chairman of the Agriculture Committee, tried mightily and could not find the solution.

But I am committed here today to work with those who believe we should not be doing this to find a way to do it better. I know the Senators on the other side will fight tenaciously against that, but I want the RECORD to reflect my true feelings on this and reflect my commitment that we are not going to leave it on this line.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The distinguished Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I associate myself with the remarks made by the distinguished majority leader. He noted that this is a matter of great import to many Senators, including those from the Northeast. They have made their position known, and I respect that position.

I have also indicated to them personally, and I have said publicly, that I do not support compacts. I do not support the Northeast Dairy Compact. I do not believe it is good economic policy. I think the process that allowed the Northeast Dairy Compact in H.R. 1402 to be inserted in the budget process was flawed and wrong and unfair. This isn't the way we ought to deal with complex and extraordinarily important economic policy affecting not hundreds or thousands but millions of rural Americans.

I oppose compacts in any form, but I especially oppose them when they are loaded into a bill without the opportunity of a good debate, without the opportunity of votes, without the opportunity of amendment.

We will come back to this issue. We must revisit this question. We must find a way by which to assure that all views are taken into account, and all sections of the country are treated fairly.

In this case, the two Senators from Wisconsin in particular, and the Senators from Minnesota, WELLSTONE and GRAMS, were not treated fairly. I do not fault anybody. These things happen. Senator LOTT and I have to deal with a lot of different challenges and issues. He and I have admitted that we wished this could have been done differently. Those four Senators were not treated fairly. I applaud them for coming to the floor to express themselves, and to say in as emphatic a way as they can, as eloquently as they have, how important this matter is to them and how determined they are to see it resolved.

My hat is off to them. I thank them. I also thank them for their cooperation in working with us to come up with a way to resolve this. It is one thing to throw things and to stomp up and down and to cause all kinds of havoc. Anyone can do that. But it takes courage, it takes character, it takes class to say, look, in spite of the fact that we were not treated fairly, we are going to work with you to assure that people in other circumstances will be treated more fairly. I thank them for that.

Again, I appreciate the majority leader's comments in acknowledging the unfairness of this and ensuring that we will deal with it appropriately at a later date.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I enter this colloquy because I want to give a little bit of historical perspective, as chairman of the Agriculture Committee.

Mr. LOTT. Will the Senator yield briefly.

Mr. LUGAR. Yes.

Mr. LOTT. I ask unanimous consent that this colloquy extend for not to exceed 10 more minutes.

The PRESIDING OFFICER. Is there objection?

Mr. MOYNIHAN. Mr. President, it may take a little longer. We are in an accommodating mode, thanks to our colleagues.

Mr. REID. If I could say to the majority leader, we have a number of people, Senator LUGAR, Senator GRAMM, Senator BYRD, who——

Mr. LOTT. I think it would help if I withdraw that and urge my colleagues, be profound but succinct.

The PRESIDING OFFICER. The distinguished Senator from Indiana has the floor.

Mr. LUGAR. The history of this situation goes back to the farm bill of 1996. At that time, the dairy provisions were the final issue to be compromised. At that time, the House and the Senate agreed upon a New England dairy compact for 2 years. The 2 years were to end September 30, 1998. During that time, the USDA was charged with the need to reform the entire dairy system and reduce the number of the arrangements for pricing from roughly 38 to 13.

USDA acted this year. The Secretary promulgated some reforms that moved toward more of a market system. Likewise, the Secretary did not make further comment about the compacts because, under the law, they were supposed to be gone at this point. Obviously, they have not disappeared. A similar legislative predicament last year gave a wedge for the compacts to continue for another year in New England. Obviously, as the leaders have described it, that situation has occurred once again.

Let me say, as chairman of the Agriculture Committee, we would like to reclaim the issue. It is in our jurisdiction. It is not in the jurisdiction of the people who worked this out. They had no right to do this. They have been widely condemned for doing it. There has been no debate on the compacts in our committee or on the floor, except for the ag bill. And they should have been gone by September 30, 1998, under those provisions. Likewise, although the House did decide to disagree with the Secretary of Agriculture, the Senate did not. The Senate did not have debate on this and, the fact is, the leadership of the committee wrote to commend our Secretary of Agriculture in a bipartisan way.

Let me reassure the distinguished Senators from Wisconsin and Minnesota that the Agriculture Committee of the Senate will be eager to take up legislation that deals definitively with this situation. It will require a majority of the committee and a majority of this body and, likewise, some cooperation from the House. But that is the proper way to proceed. A suggestion has been made that we ought to be heard as a Senate. I suggest that that is the way we will follow.

We will entertain legislation with regard to these issues at the earliest possible time and ask for the support of Senators who are here on the floor involved in this colloquy to help us in that quest.

I thank the Chair.

The PRESIDING OFFICER. The distinguished Senator from Nevada is recognized.

Mr. REID. Mr. President, I yield to the Senator from West Virginia.

Mr. BYRD. Mr. President, as ranking member of the Senate Appropriations Committee, let me say a few words. I would like to say more about this man from Wisconsin but time constraints will not allow me to do that.

He is the Stonewall Jackson of Wisconsin. He stands like a stone wall. If I had the voice of Jove, I would shout from the ends of the earth. Yet I would not be able to move this man, HERB KOHL, when he takes a determined stand. He has been talking with me time and time again about this issue that is so important to him and the people of Wisconsin. He has been absolutely indefatigable; he has been unshakable, and I salute him. He has stood up for the people of Wisconsin. That is what I like about him. He stands for principle. He stands for his people.

I have been criticized many times for standing for my people in West Virginia. Who sends me here? They do. The distinguished Senator from Wisconsin feels the same way. He is courteous; he doesn't talk very much or very loud; but he always listens. Always, when I have had a problem affecting my State in particular, he has listened. I sat down in his office with him and talked with him. So I listen to him. I salute him. The people of Wisconsin have a real treasure in HERB KOHL, and I have a real treasure in HERB KOHL as a friend. I want him to know that at any future time when this issue comes up, he knows the number of my office, the number on my telephone. I will be glad to see him, talk with him, and help him in his fight.

The PRESIDING OFFICER. The distinguished Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, I come to the floor today stunned by the addition of harmful dairy provisions in the final appropriations bill. This omnibus bill contains another extension of the Northeast Dairy Compact for 24 months—which I consider the most brazen attempt in my memory as a member of Congress to steal and move an industry from one region of the country to another. This economic power grab is alternatively characterized as a matter of states' rights, a way to guarantee a fresh supply of milk to local consumers, a means to ensure lower-priced milk to consumers, and a means to help the small family farmer survive. All of these arguments are false—a thinly veiled disguise to cover the truth, which is that this is an unvarnished economic power grab of major proportions.

But first, I would like to explain what dairy compacts are, and explain why they are so destructive to the heart of dairy production in America and the Upper Midwest. The Northeast Dairy Compact raises the price of Class I fluid milk above the prevailing federal milk marketing order price within the participating states, and, I might add, above what the market would pay. Milk processors have to pay the higher price for the raw milk they process, and this higher price is passed along to the consumer at the grocery store. With higher prices, consumption goes down, and children are the biggest losers. I don't argue against a fair price or honest price—for any dairy farmer in Minnesota or Vermont or any other state. But I cannot support price- fixing schemes that legislatively transfer market share.

The Northeast Compact was authorized in 1996 during consideration of the larger Federal Agriculture Improvement and Reform (FAIR) Act. This controversial issue was inserted in the conference committee, avoiding a separate vote, after the measure had been overwhelmingly defeated on the floor. While most of the FAIR Act was designed to help farmers compete in world markets and reduce government involvement in agriculture, the Northeast Interstate Dairy Compact established a regional price-fixing cartel within our very own country. The Northeast Dairy Compact has harmed dairy farmers in Minnesota, and this kind of unfair subsidy should be terminated. We should not be passing laws that will have such a harmful impact on any American. This compact does.

When this issue came to the fore, compacts were roundly condemned in the major newspapers of the compact region. The New York Times, Boston Herald, the Connecticut Post, and the Hartford Courant all weighed in against the cartel, in addition to publications such as USA Today and the Washington Post.

Again, compacts were hardly consensus legislation to begin with. The House refused to put the provision in its broader farm bill. And I must reiterate, the Senate voted on the floor to strip the Compact language from its bill. Despite these defeats, the compact provision was slipped into the bill in conference and signed by the President. The Compact legislation could not withstand the scrutiny of a fair debate on the floor, and had to be muscled in at the last minute in conference, just as we've seen with this attempted extension today. Knowing that this scheme was a bad idea from the start, Congress limited the life of the compact, and that is why compact proponents asked for an extension and could only achieve an extension sneaked into an omnibus bill as we are about to head out of town for the session.

Retail prices of milk jumped immediately after the higher Compact price was implemented. As predicted, the milk produced in New England increased by four times the national rate of increase in a six-month period following Compact implementation. The surplus milk was converted into milk powder, leading to a 60% increase in milk powder production. That surplus directly harms dairy farmers in Minnesota and Wisconsin, driving down prices and demand in the Midwest.

Soon after implementation, the Northeast Compact had to begin reimbursing school food service programs for the increases in cost caused by the milk price hikes: an admission that prices have gone up and consumers are being affected. However, low-income families that need milk in their diet are not being reimbursed by the Compact for their increased costs. Milk is a food staple, and one of the healthiest foods we have. Are we going to permit the extension of this milk tax that hits low- income citizens hardest? Are we going to continue a food tax on the group of citizens who spend the highest percentage of their income on food? What's next, a special tax on bread, eggs, ground beef, or potatoes? But that won't happen—Why? Because it would be unfair, just as this compact cartel is unfair. Consider the low-income families with small children and the elderly on fixed incomes in your state and ask if this is the population you want bearing the brunt of this regressive milk tax.

Despite all of the discrediting information about dairy compacts, members continue to contemplate extending for the second time this bad policy that was initially only to be "temporary" assistance to Northeast producers. Everyone who truly understands this issue admits that compacts are harmful for consumers and for American agriculture, but somehow we can't muster the political will to say no to the entrenched interests that support the compact. Thus, we keep hitting the snooze button—preferring to "temporarily" extend bad policy rather than addressing it on a policy basis. What is even more egregious is other regions of the country are promoting compacts for themselves to tap into these goodies at the expense of other regions of the country such as the Upper Midwest. And again would force consumers to pay unfair high prices for milk.

This is really Economics 101. If you artificially raise the price received for a commodity, you can count on more being produced. Where does the excess go? It goes into areas where there isn't a floor price, and that excess production depresses the price that producers in my state receive. It's really not that hard to understand, despite the sentimental arguments that compact supporters use to cloud the real issues at play in this debate. Again, we are trying to knock down or reduce trade barriers around the world to open markets and give our farmers a level playing field to compete, but would erect these same barriers to trade inside our own borders that will not allow dairy farmers in the Midwest to fairly compete.

As I said earlier, I must address some of these urban myths about the benefits of compacts, myths that are so often repeated around here by colleagues that they have become difficult to distinguish from the truth. One of these claims is that compacts are somehow a matter of "states' rights," and that compacts make an important contribution toward devolving power back to the states.

The fact is that regulation of interstate commerce is a power specifically delegated to Congress in Article I, Section 8 of the Constitution, which states that Congress shall have power "to regulate commerce with foreign nations, and among the several states, and with the Indian tribes."

Regulation of interstate commerce was one of the chief reasons our country's founders abandoned the Articles of Confederation and moved to adopt the Constitution. I consider it one of the great ironies of this debate when I hear colleagues claim that the dairy compact issue boils down to "states' rights."

Professor Burt Neuborne, a constitutional law professor at the New York University School of Law, in testimony before a subcommittee of the House Judiciary Committee, noted that the chief motive for the Founding Fathers' decision to abandon the Articles of Confederation in favor of the Constitution was to foster a free market of trade within the United States. Under the weaker Articles of Confederation that entrusted commerce powers in the states, states enacted price controls to protect high-cost producers from competition from other regions of the country. The Constitution corrected this problem by empowering Congress to regulate interstate commerce. According to Professor Neuborne,

> At the close of the Revolution, the thirteen original states experimented with a loose confederation that delegated power over foreign affairs to a national government, but retained power over virtually everything else at the state and local level. The lack of a national power to regulate interstate Commerce led to the eruption of a series of trade wars, pitting states and regions against one another in a mutually destructive spiral . . .

United States Supreme Court Justice Robert H. Jackson, reviewing the history of the Commerce Clause in a 1949 opinion, stated that:

> The sole purpose for which Virginia initiated the movement which ultimately produced the Constitution was 'to take into consideration the trade of the United States; to examine the relative situations of trade of said States; to consider how far a uniform system in their commercial regulations may be necessary to their common interest and their permanent harmony' and for that purpose the General Assembly of Virginia in January of 1786 named commissioners and proposed their meeting with those from other states. The desire of the Forefathers to federalize regulation of foreign and interstate commerce stands in sharp contrast to their jealous preservation of the state's power over its internal affairs. No other federal power was so universally assumed to be necessary, no other state power was so readily relinquished. [As Madison] indicated, "want of a general power over Commerce led to an exercise of this power separately, by the states, (which) not only proved abortive, but engendered rival, conflicting, and angry regulations."

Continuing to quote again from Professor Neuborne.

> James Madison noted that the single most important achievement of the Constitutional Convention was to rescue the nation from a continuation of the parochial trade wars that had marred the first ten years of its existence and threatened its future permanent harmony. . . . Congress should reflect on the fact that Madison's understanding of the relationship between economic protectionism and the erosion of political unity was brilliantly prescient. One of the Founders' enduring insights was that regional economic

> protectionism is ultimately corrosive of national political unity. To prevent economic regionalism, the Founders imposed a constitutional prohibition on state and regional efforts to discriminate against goods and services produced elsewhere in the nation. To tamper with that constitutional prohibition is to tamper with the mainspring of the nation's political and economic fabric.

Professor Neuborne's research on the topic of interstate compacts, which originate under Congress' grant of power in Article I, Section 10, revealed that prior to the Northeast Regional Dairy Compact, Congress had never granted the compact power to enable states to engage in economic protectionism. Two hundred ninety-nine times before, the compact power had been used for a constitutionally legitimate purpose. Only now, with the advent of the dairy compact, has Congress ever contorted the meaning of Article I, Section 10 as an opportunity to set up a protectionist, multi-state cartel, in direct conflict with the Commerce Clause of the Constitution.

The Supreme Court has repeatedly ruled that by granting to Congress the power to regulate interstate commerce via Article I, Section 8, the Constitution carries with it a negative implication precluding the states from engaging in protectionist schemes that favor local economic interests at the expense of national competitors.

Mr. President, are we not in fact returning to the very types of behavior that the Constitution was in large part designed to remedy? Are we really willing to pit region against region, and create protectionist regimes, under the guise of dairy compacts, even within our own country?

The next pro-compact argument I would like to address is the claim that the compact is necessary to guarantee an "adequate supply of fresh, locally produced milk" to consumers. As I have said before, I believe the constant refrain that compact supporters are merely trying to guarantee an "adequate supply of fresh, locally produced milk" is a calculated deception designed to mislead consumers into believing that without this legislation, there may not be a consistent supply of milk in the grocer's dairy case. This is simply false our nation produces three times more milk than it consumes as a beverage. And I should note that Minnesota farmers have not come to the federal government asking for pricing advantages so they can grow oranges or lemons and guarantee Minnesota consumers a quote "adequate supply of fresh, locally produced citrus." Minnesota farmers want to produce what they produce best, which are dairy products, and they can deliver them to the consumer much cheaper, too.

In fact, some compact supporters have the audacity to claim that without a compact, the region would pay more for milk as high shipping costs for imported milk was factored into the price. This is also false. If local producers can sell a product for less than their competitors, then they would have no need of a compact. They could keep their markets by beating the price of the competition. But the truth is, high quality milk can be trucked into New England at the peak of freshness and at less cost than it can be produced in most New England states.

Compact supporters also claim that the compacts are necessary to save the small, family dairy farm. Interestingly enough, according to USDA figures, the average dairy herd size is 85 head in Vermont, while in Minnesota it's 57 head. This means that herd sizes in Vermont are almost 50% larger than those in Minnesota. So much for the idea that the compact is protecting dairy producers from competing against large, Midwestern dairy farmers. This is just one of the distortions that I have had to deal with in this dairy debate, and I'm tired of the hardworking dairy farmers in Minnesota being labeled as, quote, "corporate dairy farmers." The average Minnesota dairy farmer grazes a 57-head herd on 160 acres. I know Minnesota dairy farmers don't want to consolidate into larger and larger operations; they just want a level playing field where they can earn enough to support their families and continue to do something they love to do. I would ask my opponents to please not cloak the dairy cartels with the mantle of supposedly helping the little guy against encroaching agribusiness conglomerates. The hard evidence shows that on average, the wealthy, large producers are not, I repeat, not, in the Midwest, and the rich will only get richer if a compact extension gets rammed through the Senate.

Mr. President, not only are certain members of this Congress trying to impose expensive dairy compacts on the American consumer, but they are also trying to strong-arm through milk marketing order changes that adversely impact both Upper Midwest producers in the dairy heartland of America and low-income consumers. I also want to review how we have arrived at this point today where Congress is trying not only through compacts but through the milk marketing order system, to blatantly seize market share from dairy producers in one area of the country and give it to producers in another. This bill not only hits Midwest producers once, but twice.

The current milk marketing system requires processors to pay higher minimum prices for fluid milk the further the region is located from Eau Claire, Wisconsin. To reform this antiquated, Depression-era method for supplying milk to consumers, which basically picks winners and losers in the dairy industry, Congress, through the 1996 FAIR Act, required USDA to significantly reduce the number of milk marketing orders, and transition to a more market-oriented system of milk distribution. After many months of study and having received comments from hundreds of market participants, USDA proposed Options 1–A and 1–B. The Option 1–A proposal made minimal changes to the old marketing order pricing system, while Option 1–B contained some basic free market reforms and modernizations of the system. The Upper Midwest did not like what it saw in 1–B, actually, and liked the compromise even less, but it was a small step in the right direction, and we supported it as a compromise.

The compromise came after the USDA received testimony concerning the two alternatives, and, as I said previously, the final rule takes steps toward simplifying and modernizing the milk marketing order system. As an Option 1–B supporter, I hoped for a proposal closer to 1–B, but accepted the need for compromise and, again, supported it. Implementation of the new compromise orders has unfortunately been postponed by a lawsuit in federal court.

Option 1–A is basically no reform, and would ignore the direction of Congress in the FAIR Act. It would increase prices for consumers, affecting most the low-income consumers that spend a high percentage of their wages on food. Option 1–A also keeps in place a regionally discriminatory milk pricing system that benefits producers in some parts of the country at the expense of dairy farmers in other regions, much like compacts. Again, it's a government program that picks winners and losers, not allowing the market to set the prices. It is opposed by free market taxpayer advocacy groups, consumer groups, regional producer groups, and processor groups, and it does nothing to protect the nation's supply of fresh fluid milk. Our nation produces an abundance of milk that is sufficient to supply consumers' needs.

Secretary Glickman, writing about the final rule, said that:

> USDA's own analysis shows that nationally, dairy farmers will realize virtually the same cash receipts under the new, fairer plan as they do now, and when aggregated, the all-milk price will remain essentially unchanged from that under the existing program, which virtually all sides agree sorely needs changing[.]

Moreover, Agriculture Committee Chairman LUGAR said that the final compromise rule "is a good first step toward a policy that places the nation's dairy industry in a position to better meet the challenges of the global markets of the new century[.]"

What we also need to ask ourselves is why are we considering these controversial issues without going through the committee process, with full hearings and testimony? The Agriculture Committee has jurisdiction over milk marketing orders; nonetheless, we are here today trying to circumvent that jurisdiction.

Again, the final rule is a compromise, not the best for either 1A or 1B advocates but a middle ground. We should not rush to reverse a process that took months to complete in order to replace it with 1A. Adoption of 1A would in effect maintain the status quo that, again, heavily favors some dairy farms at the expense of others. And please don't look at this debate as a mere balance sheet of who wins and who loses, or count votes that way. Remember that the Upper Midwest has been at a price disadvantage for more than sixty years, and this reform was only a modest, and, in fact, inadequate, attempt to correct the unfairness. Compacts are bad enough, but retaining these failed dairy policies of the past on top of that is incomprehensible.

Currently 85% of the milk produced in the Midwest goes into manufacturing. When other regions of the country receive higher Class I differentials, the excess production spills into Midwestern markets and lowers the prices that our producers receive. Artificially inflated prices will always, always, always increase production. You can count on it like the sun rising in the morning. And by artificially inflating milk prices in areas of the country that are not particularly suitable to dairy production, Congress is literally trying to micro-manage where America's milk will be produced, and to take away dairy markets from the Upper Midwest.

No other product receives the same kind of discriminatory pricing treatment that milk does in our country. The Upper Midwest can produce milk for a third less than some regions of the country. Why should the family farmers in the Upper Midwest not be allowed to benefit from the comparative advantage they have in milk production?

Some will claim that the compromise reform will cost the dairy farmers across the country $200 million. This is not true. Actually, according to a USDA study, net farm income will be higher under the compromise rule in comparison to the status quo. And the Food and Agricultural Policy Research Institute at Iowa State, an agricultural policy research group, concluded that 60% of the nation's dairy farmers would receive more income under the USDA plan.

Some supporters of H.R. 1402 (the legislation upon which these provisions now before us are based) also make the same argument as dairy compact proponents that if we do not implement H.R. 1402 then milk will be produced by agribusiness, or that further farm consolidations will occur. Going back to the USDA figures, North Carolina, whose congressional delegation has argued strenuously for the reversion to Option 1A, has an almost 20% larger per head average dairy farm size than my home state of Minnesota. Of course, Minnesota is part of one of the regions of the country that the opposition tries to demonize as the center of corporate dairy farming. Proof that this is not a battle between, quote, "small family dairy farms" and large Midwestern dairy farms only gets more striking. New York, a state that has also seen significant political support for H.R. 1402, has an average herd size per dairy farm that is 37% larger than Minnesota's. Georgia's average herd size is 72% larger than Minnesota's, and Florida's average herd size is four times larger than my home state's. Like the dairy compact argument, so much for the idea that we are saving the family farmer through passage of H.R. 1402.

As an aside, because of the blatant unfairness of the system, and because the efforts of Upper Midwesterners to compromise in good faith have been ignored, forcing us to fight these last minute riders and strong-arm tactics, I have recently introduced legislation to totally deregulate the milk marketing order system, effective upon the date of enactment. This milk marketing order system is a relic from the past. It's a byzantine arrangement of complicated pricing formulas that looks like something conceived in 1980s Eastern Europe. It's time to tear this entire decaying, outdated infrastructure down, and start anew with an even playing field on which all producers can compete. That's what my legislation does, and I ask my colleagues who believe in fair trade and a fair shake for hard working farmers to sign on as cosponsors.

Mr. President, the dairy compact and the other dairy provisions attached to this legislation are anti-competitive, anti-consumer, unprincipled, and an affront to the family dairy farmers in my state. To be candid, I'm thoroughly disgusted by this entire turn of events. We have sacrificed any basic sense of fairness during this process. These provisions have been added at the last minute, behind closed doors because they won't survive the scrutiny of public debate. Because of the blatant injustice that is being done to Minnesota farmers, I am committed to joining my Upper Midwest colleagues in doing all I can do to ensure that this legislation does not reach the President's desk.

Mr. President, I would now like to read several newspaper editorials that have been written across the country in opposition to dairy compacts and H.R. 1402.

To begin, from the March 15, 1997 edition of The New York Times:

> Agriculture Secretary Dan Glickman blundered last year when he approved a dairy cartel in the Northeast that would jack up consumer prices by perhaps 25 percent. . . . The Dairy cartel, also called a compact, would control the production and distribution of milk in New England, raising its price by between 13 and 35 cents a gallon. That would pump money into the bank accounts of the region's 3,600 dairy farmers by pushing prices back up to last year's sky-high levels. But it would hit 13 million consumers in Maine, Vermont, New Hampshire, Connecticut and Rhode Island with an added cost of up to $100 million. Poor parents, who spend about twice as much of their income on food as do non-poor families, would suffer the most. Food stamps would buy less milk and other dairy products. High milk prices would also raise the cost of national, state and local nutrition programs. With Washington cutting money for welfare, food stamps and other poverty programs, this is no time to impose needless costs on the poor. It will be hard for Mr. Glickman to admit he erred when he approved the cartel. But it would be even harder on parents to pay more for their children's milk.

From the March 2, 1998 USA Today:

> Imagine being a widget maker in Georgia or New Hampshire with a federal guarantee that assures you a higher price for your product than widget makers in Wisconsin or Iowa. Sounds incredible, huh?
>
> Imagine being a cattle raiser in Florida or Oregon with a guaranteed price for your beef that's better than what ranchers in Texas or Nebraska can get. Impossible? Yes—but only because you're producing widgets or hamburger. If you're in the milk industry, it's business as usual.
>
> Pressured by the dairy industry, the government maintains a Depression-era formula that makes some cows (and their owners) more equal than others, depending on where they live. Millions of consumers and taxpayers pay the price: higher milk costs for themselves, higher taxes for government-bought milk for schools and other programs. . . .
>
> Apologists for government control claim the program is necessary to keep farmers in business and assure a supply of milk. The number of dairy cows plunged from 23.6 million in 1940 to 9.4 million in 1996; farms with dairy cows dropped from 4.7 million in 1940 to 155,300 in 1992. But the milk produced per cow has nearly quadrupled. U.S. milk production is up from 109 billion pounds in 1940 to a projected 162 billion pounds in 2000, despite a 60% reduction in the number of cows. And while sales of cheese, cream and speciality products like eggnog and yogurt are up, U.S. demand for liquid milk has been essentially flat for more than 20 years.
>
> Yet dairy farmers continue to get special privileges, eluding even the 1996 "Freedom to Farm" law that committed the government to phasing out price supports and market manipulation for corn, soybeans, wheat and other commodities. . . . Aggressive dairy lobbies in state capitals from Louisiana to New York are pressing to form or enlarge new regional compacts that permit even more manipulation of milk prices at the consumer's expense—adding up to 15 or 20 cents a gallon. That's on top of the indefensible marketing orders, which inflate retail milk prices by at least $1.5 billion a year for a program that isn't needed. Congress abolished "welfare as we know it" for mothers and children. Welfare for cows and dairy farmers should end as well.

The next editorial shows that though the compacts are ostensibly put in place to help small dairy farms, they have failed to do so, and exist as subsidies to large New England operations. Following are excerpts from a July 19, 1999 Boston Globe editorial:

> Dairy farming in New England, especially in Massachusetts has been a chancy proposition for small, family-run operation. . . . Congress, which must soon decide

> whether to extend the system's enabling legislation, should modify it to focus more closely on smaller farms rather than lavishing money on larger operations that are fully capable of competing in a tough economic environment. Congress should also resist the temptation to expand the system to other parts of the country. . . .
>
> The rescue effort now in place is a federally sanctioned system of mandated price supports, which amount to about 14 cents a gallon. In Massachusetts this generates $40 million annually, but only $2 million goes to Massachusetts farmers, with most of the balance going to Vermont farms, many of which are larger and have lower costs. Massachusetts's agriculture commissioner, Jay Healy, has proposed limiting the subsidy to a fixed level of production, about 1.5 million gallons of milk annually, which is typical for smaller farms.

Concluding with an excerpt from the editorial, it says:

> Even the New England system provides more subsidies than are needed to achieve its objective. The funds that now go to larger farms would be more effective if they were used to increase small-farmer subsidies, typically $3,000 to $4,000 per farm.

Now, I must disagree with the editorialist's assessment that the subsidies should be continued, but I find it very significant that even in New England they recognize that since the subsidy does not specifically target the smaller farms, it disproportionately helps the larger operations because the subsidy is based upon the volume produced. It should not be surprising that efforts to cap the subsidy to a fixed level of production have been successfully resisted by the large dairy farms in New England.

The next editorial I will read is from the April 27, 1999 edition of the Houston Chronicle:

> The Texas House of Representatives recently approved a bill that seeks to raise milk prices and deprive Texans of the benefits of competition. The Senate need not reflect long before rejecting it. House Bill 2000 would require Texas to join the Southern Dairy Compact, which sets the minimum price for milk paid to producers in its member states. The minimum price inevitably would be higher than the price Texans pay in a competitive market.

I should note at this point that Congress has not in fact authorized the Southern Dairy Compact, and if common sense, prevails, it won't. Congress has arbitrarily chosen New England consumers to pay the milk tax, and New England producers to receive it.

Again continuing with the Houston Chronicle article:

> Texas dairy farmers are producing all the milk that Texas families and dairy product manufacturers need and more. There is no reason why state government should make families pay more for the milk, ice cream and other dairy products they buy. The state purpose of House Bill 2000 is to preserve family dairy farms and ensure a supply of fresh milk. But history shows that milk price controls heighten the financial advantage enjoyed by the largest producers without sustaining uneconomical small farms.
>
> Furthermore, anyone who thinks Texas needs added government regulation to provide a reliable milk supply has not seen the dairy cases at the supermarket that are filled to overflowing with milk and dairy products of every description. Why change a system that provides ample supply and variety at the lowest possible price? Adding Texas to the Southern Dairy Compact would do little to help Texas milk producers, but it would deprive Texas dairy product manufacturers of an advantage they enjoy over competitors in state where the price of milk is controlled.
>
> This bill is bad for consumers, bad for manufacturers and bad for the taxpayers who pay for or subsidize milk consumed by schoolchildren, prisoners, patients in public hospitals and food stamp recipients. Few bills could provide more reason to reject them than the authors of House Bill 2000 have provided.

The next editorial is from the June 15, 1999 edition of the Philadelphia Inquirer:

> In 1996, Congress revamped federal farm laws, intending to ratchet down government's intrusion in agriculture. But a bill now pending would use that law to create regional cartels that would set artificially high prices for milk. Pennsylvania consumers should be lobbying lawmakers against this move. Despite the fact that the state's outdated milk-board system already sets minimum milk prices—but no maximum—the legislature last week allowed Pennsylvania to join the cartel known as the Northeast Interstate Dairy Compact.
>
> Consumers here who consistently pay more for milk than in neighboring states should wince at the prospect of a regional price-fixing body imposing still higher prices. Here's how it works: Congress established the Northeast compact under the 1996 act, an agreement among six New England states to prop up milk prices in an effort to save small, dairy farms. When milk prices on the open market fall below a ceratin target price, the compact states tack a surcharge onto milk. The extra revenue is passed back to farmers; the higher milk price gets passed along to consumers.
>
> The compact is set to expire October 1, but a bill introduced in April would make it permanent and expand it to include six more states, including Pennsylvania. What's worse, the bill also would establish a Southern Dairy Compact, which could include up to 15 more states. Already the Northeast compact has raised milk prices by almost 20 cents a gallon since its inception. By federal and state law, the compact could raise milk prices in Pennsylvania by about 70 cents a gallon, consumer groups warn. The logic behind the original legislation, to save small dairy farms, had some appeal. Dairy farms nationwide have been going out of business, usually because they are acquired by larger producers, at an average rate of 5.1% a year in the 1990s, experts say.
>
> But that doesn't prove the compact would protect small farmers; it may hurt them. Larger dairy farms which produce the most milk reap the most benefit in subsidies from the compact. Alarmed by the potential harm both to middle-class consumers and low-income families, various groups are protesting the new bill. Nutrition and consumer groups, government-spending watchdogs and milk processors and retailers all have lined up against the concept. Congress should reject this attempt to extend the counterproductive intrusion on the workings of the free market. Let the milk cartel die.

The following editorial is from the January 5, 1999 issue of Newsday:

> Despite a few new consumer protections that made the deal acceptable to the Democratic Assembly, the state should not have allowed New York's dairy farmers to join a regional milk cartel. This sour stuff will keep the wholesale price of milk artificially high, forcing processors and retailers to pass the cost on to consumers. The hit will fall hardest on the poorest parents who buy milk for their children. And it's not clear now much it will help the small farm owners most in need.
>
> Besides, there are other ways to help dairy farmers that wouldn't necessarily push up milk prices in markets. The state, for instance, could cut or subsidize a variety of taxes about which farmers have complained. Meanwhile, wholesale milk prices are at a record high, easing some pressure on farmers. Entrance into the Northeast Interstate Dairy Compact would tie New York's farmers into a New England cartel designed to keep prices higher when they otherwise would collapse. Rather than benefit from lower prices, consumers would pay the higher ones when wholesale prices soar. And the law's cap on retail prices is so high that, barring severe inflation, it won't ever be reached. Schools are protected but not other nonprofits. Now, there's only one way to stop this deal. Congress has to approve it. It shouldn't."

This next editorial is from the April 4, 1999 edition of the Atlanta Journal-Constitution:

> Since the federal Freedom to Farm Act was passed in 1996, the U.S. government has been trying to wean the nation's farmers, including the dairy industry, from government price supports and other subsidies that interfere with the workings of the free market. Unfortunately, the dairy industry is trying to undo that progress by pressuring Congress and states such as Georgia to approve interstate dairy compacts. If the industry succeeds in that lobbying campaign, consumers will have to pay higher prices for a basic food commodity essential for good health.
>
> The compacts, if approved would essentially establish legal cartels for dairy farmers and allow the cartels to set milk prices higher than the market would otherwise allow. In Georgia, dairy farmers have rammed through the recent session of the General Assembly a bill allowing them to join the Southern Dairy Compact. The same bill was passed a year ago by the General Assembly but was vetoed by Gov. Zell Miller, who noted that it might be unconstitutional and would certainly raise costs for consumers. The decision whether to sign the latest bill rests with Miller's successor, Roy Barnes.
>
> Barnes was elected last year in part by portraying himself as a consumers' advocate. If he honors the philosophy, he too should recognize the dairy compact as nothing more than a back-door tax increase and veto it accordingly. Government should not use its power to guarantee any business or industry a profit.
>
> A dairy compact already exists in New England. After it was enacted in 1997, the price of milk rose from $2.54 and fluctuated to a high of $3.21 a gallon. Milk prices there initially jumped about 20 cents a gallon, enough to generate an additional $46.7 million for dairy farmers in less than two years. Not surprisingly, New England dairy farmers see the compact as a safety net designed to prevent their profits from dropping too dramatically.

Those who actually pay higher prices, however, see it as little more than a special-interest tax increase that will only hurt consumers, particularly the poor, the elderly and those on fixed incomes. Milk prices go up and down monthly all over the country, but when prices drop significantly in the spring and fall, they only drop slightly in dairy compact states. The savings to the consumer is lost so the dairy farmer can keep a high return on the product.

"It socialism. It's a controlled economy," said John Schnittker, an economist with Public Voice for Food and Health Policy. "Compacts are a really bad deal for consumers. They add about 22 cents a gallon to today's milk price. And they keep paying high prices when prices all over drop.' Nine southern states besides Georgia have already approved creation of a Southern Dairy Compact to mimic the protectionism found in New England. However, that and other proposed compacts must still be approved by Congress, which also has to decide whether to renew the New England Dairy Compact."

Congress should reject both these proposals as unnecessary, counterproductive intrusions on the workings of the free market. However, if Barnes signs the Georgia law and Congress approves the Southern compact, Georgia consumers are stuck. The state can withdraw from the compact only through passage of another law by Congress and then only after a one-year waiting period. Approval of dairy compacts in the South would not suspend the law of supply and demand. It would only distort it. Some economists predict that as a result of higher prices, dairy compacts would reduce milk consumption by 8 percent nationwide. Those most vulnerable would be families with young children, who in many cases are already struggling to make ends meet.

Georgia's dairy industry is going through a painful consolidation. The state lost 117 dairy farms over the past four years, and farmers warn that without government protection, more and more milk will have to be imported from other states. However, dairy farms in neighboring states have also been disappearing; the trend toward consolidation is nationwide. Furthermore, milk from Alabama or Tennessee tastes the same as Georgia milk, and today's technology allows quick transport to prevent milk products from spoiling.

Free enterprise, competition and the open market have been the economic pillars of the United States' economy for more than 200 years. Every experiment at subsidizing an industry has proven to be a failure, particularly in agriculture. Gov. Roy Barnes should protect Georgia consumers and families by vetoing that state's entry into the Southern Dairy Compact. And Congress should dismiss the entire concept as an unnecessary infringement on free enterprise.

I also want to share with my colleagues some editorials concerning the milk marketing order system.

This editorial is from the Dallas Morning News, dated September 14, 1999. It says:

Minnesota Gov. Jesse Ventura wants Beaumont, Texas to be the center of the dairy universe instead of Eau Claire, Wisconsin. Mr. Ventura knows that there are no dairy cows in Beaumont. Nevertheless, his logic is faultless. That's because federal farm policy dictates that the farther a dairy farmer lives from Eau Claire, the more milk processors must pay him for his milk. Minnesota profits little from the arrangement because it borders Wisconsin. But it is 1,200 miles from Beaumont. So making Beaumont the new Eau Claire makes sense for Minnesota's hard-pressed dairy farmers.

In truth, Mr. Ventura favors a free market in agriculture. His facetious advocacy for Beaumont is designed to focus public attention on absurd federal dairy policies, which punish efficient producers and gouge consumers. The United States needs to abandon the Depression-era thinking that led it to calculate milk prices based largely on dairy farms' proximity to Eau Claire. Times have changed; U.S. agricultural policy remains mired in the 1930s.

Unfortunately, Congress seems poised to revoke the few tentative reforms that it passed in 1996 and to expand and give extended life to a program that would create consumer-antagonistic milk cartels in sections of the country. A simplified milk-pricing system is supposed to go into effect on October 1. And federal price supports are supposed to end on Dec. 31. But a key congressional committee has approved a bill that would stifle both of these reforms. Another congressional committee is expected to vote soon on a bill that would expand a milk cartel of six northeastern states to as many as 27 states; if Congress does nothing, the cartel would disappear on October 1.

Congress should leave the reforms in place and let the milk cartel ride into the sunset. Monkeying with the free marked has raised prices for consumers and hasn't kept marginal dairy farms from going bankrupt.

This next editorial is from the July 29, 1999 Chicago Tribune:

The U.S. justifiably accuses Europe of protectionism when it comes to beef and bananas. But when lamb and milk are on the menu, the accuser stands accused. The Clinton administration just slapped tariffs on lamb imports from Australia and New Zealand to protect U.S. sheep producers. That's outrageous and makes a mockery of the case the U.S. is trying to build that phasing out agricultural subsidies must be a priority when the next round of World Trade Organization negotiations is launched in Seattle this November.

But as outrageous as the lamb tariffs are, they pale in comparison to the mischief currently afoot in Congress to extend and expand what can only be called domestic protectionism in milk pricing. Who needs the rest of the world for a trade war? If some in Congress have their way, we'll soon have our very own All-American trade war, pitting the Midwest against the Northeast and the South while needlessly raising milk prices for consumers.

The facts are these: As part of the 1996 Federal Agriculture Improvement and Reform (FAIR) Act, the decades-old milk price support program was to be phased out over three years and the Department of Agriculture was ordered by Congress to reform its unfathomable pricing system. The farm bill also created a "temporary" milk cartel among six New England states—which account for all of 3 percent of U.S. milk production—to keep less expensive milk out of that region. The rationale was that small family-owned dairy farms in those states needed an adjustment period to prepare them for free-market competition come October 1999 when the cartel would expire.

Now there is an effort in Congress to roll back the USDA pricing reforms, to extend the life of the New England cartel beyond October and expand it to include six other states, including New York and Pennsylvania. And 15 southern states say that, in order to compete with their brethren to the north, well, they're going to need a cartel of their own. Follow the map west to see where this is headed. There are about 9,000 dairy farmers in America—40,000 of them are in the upper Midwest and, at some point, why shouldn't they have a cartel too? And, of course, the West will need one to compete with all the others. Don't do it, Congress. The FAIR Act properly and at long last got Washington out of the milk business. Let the market work."

This editorial is from the April 3, 1999 edition of the Boston Herald:

The federal government is reorganizing its milk cartels, and that made news this week. Every bit of attention that can be focused on this absurd system of price controls ought to be considered help, no matter how small, toward eventual abolition. The Agriculture Department has a new set of price-setting formulas, which it estimates will reduce the national average price by 2 cent a gallon, and is consolidating regional cartels to make 11 cover the country instead of the previous 31.

Nothing fundamental will change. The "marketing order" regions are protected markets for farmers—all dairies in one must pay the same government-dictated price to farmers. It is illegal to ship milk from one region to another. Nothing else in the economy is sold like this—not even essentials like gasoline or shoes. The effect is to keep prices higher than they would be otherwise and transfer wealth from families with children to dairy farmers. The farmers, the productivity of whose cows just keeps increasing, argue in essence they ought not to be driven out of business by economic forces.

If we accepted that as a principle, we'd be subsidizing manufacturers of gas lamps and buggy whips.

This editorial is from the July 17, 1999 edition of the Kansas City Star:

In 1996, Congress ordered the administration to simplify the pricing of milk. That's easy enough: Stop regulating it. But this is the farm sector, and a free market in milk is somehow inconceivable. Instead, milk prices are calculated from rules and equations filling several volumes of the Code of Federal Regulations.

The administration's proposed reform would reduce the number of regions for which the price of wholesale milk is regulated from 33 to 11. Fine, but it would also perpetuate the loopy, Depression-era notion that the price of milk should be based in part on its distance from Eau Claire, Wisconsin. Under current policy, producers farther away from this supposed heart of the dairy region generally receives higher premiums, or "differentials."

The administration called for slightly lower differentials for beverage milk in many regions, but in Congress even this minuscule step toward rationality is being swept aside. The House Agriculture committee has substituted a measure that essentially maintains the status quo. Similar moves are afoot in the Senate.

Worse, some dairy supporters are working to reauthorize and expand the Northeast Interstate Dairy Compact, a regional milk cartel, and allow a similar grouping for Southern states. Missouri's legislature, by the way, has already voted to join a Southern compact, even though it would result in higher prices for consumers. The Consumer Federation of American reports that the Northeast Compact raised retail milk prices an average of 15 cents a gallon over two years.

Kansas lawmakers gave tentative approval to participation in a compact but would have to act again to make the decision final. Dairy producers concerned about the long view should be worried. Critics point out that the higher milk differentials endorsed by the House Agriculture Committee may well lead to lower revenue for many producers. This is because the higher prices will encourage more production, driving down the "base" milk prices and negating the higher differential.

The worse idea in this developing stew is the prospect of dairy-compact proliferation. A compact works like an internal tariff. Because the cartel prohibits sales above an agreed-upon floor price, producers within the region are protect from would-be-outside competitors. Opponents point out that more regional compacts—and the higher prices they support—will breed excessive production, creating surplus dairy products that will be dumped in the markets of other regions. This will prompt other states to demand similar protection, promoting the spread of dairy compacts.

Ultimately, as in the 1980s, political pressure will build to liquidate the dairy surplus in a huge, multibillion-dollar buyout of cheese, milk powder and even entire herds . . . Congress should permit the Northeast Compact to "sunset," or expire, which will occur if the lawmakers simply do nothing. In fact, doing nothing to the administration's proposal seems the best choice in this case, or more properly, the least bad. Perhaps some day Washington will debate real price simplification, as in ditching dairy socialism and letting prices fluctuate according to supply and demand.

This editorial is from the September 14, 1999 edition of the San Antonio Express-News:

During the Depression, when it was impractical to truck milk long distances from dairy farms to processing plants, Congress devised a system of price supports that flattened the price farmers—and consumers—paid for milk. That system, still in place, pays dairy farmers more for milk the farther they are from Eau Claire, Wisconsin, the "center," said Congress in the 1930s, of the dairy industry.

While refrigerated trucks and modern dairy farms make the system arcane, Congress preserved it until 1996, when it ordered the Agriculture Department to phase it out. Price supports are scheduled to end December 31. However, Congress is toying with keeping them and adding to the mess by creating a new dairy compact.

There already is a Northeast compact, designed to help family farms. However, it helps large dairy farms more than small ones and adds from 50 cents to $1 to the price of a gallon of milk. This not only negatively impacts families, but also child nutrition programs. The Northeast dairy compact also was supposed to die December 31, but some members of Congress now want to create a Southern compact . . . Let the dairy price supports expire and don't create a new Southern dairy compact.

This editorial is from the September 20th edition of the Florida Time-Union:

There is a good lesson to learn as reformers in Congress continue efforts to end milk subsidies. The lesson is that a government handout, once in place, is as close to having eternal life as anything on earth. Millions of consumers would benefit from the end of dairy price supports and milk marketing orders, but hundreds of wellheeled milk magnates would have a little taken off the bottom line, perhaps.

Every product that contains any milk costs more because of them. Like most subsidies, it involves a double cost: higher taxes and higher prices. Even those who are lactose intolerant are injured by the subsidies. For example, taxpayers get hit hard when they buy milk for the Women, Infants and Children program and school lunches.

People with food stamps get hurt because they pay more for milk and therefore have less for other staples. The industry's lobbyists stalk the halls of Congress carrying tales of woe about the diminishing number of dairy cows. Yet, they rarely talk about the nearly four-fold increase in milk from each cow that occurred between 1940 and 1996.

The federal government got into the dairy business in 1933. Citizens Against Government Waste notes that the excuse was to relieve the existing national economic emergency by increasing agricultural purchasing power.

Call Washington: The Great Depression has ended.

Price supports and marketing orders are part of a . . . system rivaling anything devised in the old Kremlin's central planning office. They cut off the dairy farmer from the realities of the market, causing overproduction and waste, with the government trying to clean up its mess by buying huge stockpiles of cheese or even entire dairy herds. Price supports are winding down because of the 1996 Farm Bill, but marketing orders remain.

Clinging to the days when long-distance refrigeration was a potential problem, the order include differential pricing based on how far manufacturing plants are from Eau Claire, Wisconsin, which makes that hamlet the center of the dairy universe for no logical reason. That translates into 35 cents more per gallon of milk for Florida residents, Citizens Against Government Waste says. Parents can do the math.

Lobbyists succeeded in muddying the 1996 bill. Congress should now revisit the law and improve on the improvements. There simply is no rational reason for the federal government to set the price of milk. End the milk tax.

This one is from the September 24, 1999 of the Christian Science Monitor:

No one can dispute the difficulties many family farms face today, problems farmers have struggled with this entire century. For many, farming is more than just earning a living, it's a way of life and a connection with the land. The nation, too, has a stake in preserving farms. But at what price? It's mistake to argue that agriculture can be insulated from shifting market forces forever. Government can help farmers adjust but not always survive.

This week saw Congress swing backward in its own mandate to update a federal system of setting milk prices that currently props up many dairy farms. It's not a minor issue: Dairy sales make up roughly 10 percent of American farm income. The House voted Wednesday to block the Agriculture Department (USDA) from modernizing the 1937 pricing system in which dairy farmers get higher prices for raw milk the farther they live from Eau Claire, Wisconsin. (Then considered the "center" of dairy farming). The idea back then was to ensure fresh milk supplies nationwide. But with modern refrigeration and transportation, it's obsolete.

A 1996 law handed USDA the job of devising and implementing a new system since Congress, representing competing interests, couldn't get it done. The 1937 system expires October 1. While the USDA plan is more market-friendly, it's only a first step. It simplifies pricing and narrows disparities between efficient Midwestern farmers and less-efficient ones elsewhere that can get up to $3 more per 100 pounds of milk. But in doing so, it would remove a $200 million, consumer-paid subsidy, potentially driving many Northeastern and Southern dairy farmers out of business.

The House scrapped the Eau Claire system, but left in place pricing that hurts consumers, who pay artificially high prices for milk. The Senate shouldn't follow suit; if it does, the President should veto the bill. Meanwhile, Vermont's senators are spearheading an effort to renew the federally authorized Northeast Dairy Compact, which is expiring. Separate from the USDA pricing system, the compact allows regional officials to set higher prices for milk. Some Southern senators want a similar cartel.

Yet all this price-fixing has failed to halt the decline of inefficient dairy farms. Between 1992 and 1998, the number of dairy farms fell about 5 percent a year to 91,508. Price-fixing only drags out the difficult process at consumer expense.

This editorial is from the April 29, 1999 of the Cincinnati Enquirer:

Three years ago, Congress busted its bib-overall buttons with pride after it planted a few seeds of agricultural reform in the Freedom to Farm Act. Problem is, nobody's remembered to water them since. That neglect is placing a huge economic burden on farmers, says Representative John Boehner.

The bill, co-written by Mr. Boehner, began to phase out some farm subsidies over seven years to create a free-market structure for agriculture that reflected America's economic reality. So far, so good. But the other part of the deal, Mr. Boehner points out, was the federal government was supposed to help farmers through the transition by opening new markets for their goods, cutting estate taxes and easing the regulatory burden on farmers.

What's happened? Nothing, of course. President Clinton has made some occasional noises about the need to "tear down barriers, open markets and expand trade," but administration officials conveniently forgot that part—and Congress hasn't been exactly diligent in reminding them. In fact, the White House only made matters worse—notably with a new set of costly federal environmental mandates on farmers announced last month. . . .

On Tuesday, Mr. Boehner sounded the alarm on legislative efforts to renew one interstate price-fixing dairy compact and to create a new one. Such deals "are bad for consumers, bad for farmers and bad for the future of American agriculture," he said. It would be another step backward from free-market reform—a troubling turn of events. And so the Freedom to Farm Act itself has been left to take the rap for farmers' woes—low prices resulting from a record harvest, coupled with overseas financial crises. The news is terrible: Kansas farm income plunged 72 percent last year, the Kansas Farm Management Association announced Tuesday.

"Farmers today are having a tough time, and Washington's inaction on this forgotten side of Freedom to Farm is making it even tougher," says Mr. Boehner, who's virtually alone in criticizing this federal foul-up. "It is fundamentally wrong for the Clinton administration to make Freedom to Farm the scapegoat for its own failure to deliver on its promises to farmers."

> He says Mr. Clinton ought to help Congress with trade, estate-tax and regulatory relief legislation instead of throwing up roadblocks and imposing new sets of rules on farmers. Mr. Boehner is right, and his colleagues should join him in putting the pressure on the White House. As reforms go, Freedom to Farm was pretty tame, a watered-down compromise that left a lot of pet projects intact.
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> But it did manage to break federal precedent, by starting to reverse 60 years of Depression-era subsidies and controls that made little sense once America recovered from economic devastation. Now, those modest gains are in danger from a rule-happy, control-freak administration, enabled by a complacent Congress. . . .

Finally, the last editorial I'm going to read is from Wednesday's edition of the Washington Post. It says:

> This is a Congress that began with lofty discussions of saving Social Security, modernizing Medicare, etc. But all legislatures come back to the fundamentals in the end. Among the few issues that remained as the two chambers were completing their work—right up there with U.N. dues and Third World debt relief—was milk price supports.
>
> Somewhere in the final mega-bills will be provisions allowing New England to maintain a dairy compact that keeps milk prices artificially high, and abandoning a modest reform that Congress itself virtuously ordered a few years ago reducing such supports elsewhere in the country. These provisions are brought to you by people who in other contexts present themselves as foes of government regulation. But they like it well enough when it produces what they want—extorting higher prices for milk, for example.
>
> In the Freedom to Farm Act of 1996, while reducing supports for other crops, Congress called for a study of the milk marketing order system, which props up prices at the checkout counter. The study produced a recommendation that the system be preserved but eased. Even that seems too much for the milk folks in Congress. Though the issue was still in play, it appeared last night they would succeed in keeping the old system intact. It's just like the emergency aid they've doled out to producers of other crops in the past two years, repealing by another name the reduced supports in Freedom to Farm. Meanwhile, the New England compact, which was due to expire, will be allowed to remain in effect for two more years.
>
> The result will be to transfer hundreds of millions of dollars from consumers to inefficient producers who couldn't otherwise compete. By definition, most of the benefit will go to larger producers. The impact will be disproportionately felt by lower-income consumers. It will be evident inside government-feeding programs as well, including that for low-income women, infants and children; the available dollars will buy less. It's a fitting testament to the instincts of a Congress that, from the standpoint of the public interest, can't go home soon enough.

Mr. President, the editorial boards have got it right this time, and now is the time to end these distortions and fundamental unfairness in dairy markets before it gets worse.

Mr. President, I wanted to take a moment to thank the majority leader and the Democratic leader for taking the time to work with us. I appreciated all their help and support in working with my colleagues, Senators KOHL, WELLSTONE, and FEINGOLD. We don't see eye to eye on every issue, but on something as important to our States as this, I appreciated the opportunity to work with them.

I want to say that any Senator who has one ounce of support for the capital market, the free market system, they could not support this part of the dairy provisions. The Northeast Dairy Compact and the bill, H.R. 1402, is unacceptable. I am not happy with this bill, but I am glad the majority leader has recognized the problem and has offered to work with us in the months ahead. I appreciate that. When we look at Freedom to Farm—the bill that passed—it says we should compete in the open marketplace, go head to head. The best person and the best farmer who can be competitive is going to win.

Now, we should not be pitting our dairy farmers one against the other through an unfair, archaic Government program. Let our dairy farmers compete head to head in the marketplace, but let's not have Government pick winners and losers. I have worked closely with Senator JEFFORDS from Vermont. I told him, after we had a vote on the floor dealing with the Northeast Dairy Compact, I wasn't satisfied with that, as well, and we needed to get together and work out something where our dairy farmers are not put at a disadvantage, one against the other.

Again, I appreciate all the efforts that have been put into this. I look forward to working with all our colleagues next year to try to bring some kind of fairness to this dairy program, as we have done with other farmers. We should not leave dairy unanswered. I thank everybody for their help, and I look forward to working with colleagues to make sure we can work out a fair bill that will satisfy everybody when it comes to dairy.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Texas is recognized.

Mr. GRAMM. Mr. President, what we have before us is not the answer to our prayers, but it is what we call in politics "consensus."

Margaret Thatcher said of consensus:

> To me, consensus seems to be the process of abandoning all beliefs, principles, values, and policies in search of something in which no one believes.

Well, I would like to say to our dear colleagues, Senator KOHL and Senator GRAMS, that I do not support dairy compacts. There are two sides to every issue, and I know we have people on both sides. In this case, however, at least in my mind, there is a right side and a wrong side. Dairy compacts would make a Soviet commissar blush. The idea of allowing a regional group of producers to conspire, with Government support, and set prices is an absolute outrage. We ought to be ashamed of it, especially having passed Freedom to Farm.

I share the outrage of my two colleagues. I just want to say to Rod GRAMS and Herb KOHL, on this issue, not only did they fight for their States but for every consumer across this country. Senator BYRD, if the great general had been from Wisconsin it would have been a much shorter war, from a historians point of view, and that would have meant a much better outcome from a humanitarian's point of view. In any case, we have had people here who stood up and fought for what they believed in, what was right for their States. In this body we still honor those people. I commend both Senator KOHL and Senator GRAMS.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have had the good fortune, in the past several days, to work to resolve many issues. We have made some progress. I want to say that what we have seen in the last few days could not be a better illustration of what politics and Government is all about. I say that in a positive fashion. We have had people from the State of Wisconsin and the State of Minnesota fighting for what they believe is right. The Constitution was developed to protect the minority, not the majority. The majority can always protect themselves.

The Constitution is set up, especially through the Senate, to always protect the minority. That is what they were doing, protecting themselves. They, in effect, didn't get a fair deal in this omnibus bill.

About the Senator from Wisconsin, there have been a number of things said, especially by the Senator from West Virginia. I underscore and applaud that. We have to make sure the other Senator from Wisconsin is also recognized. They have both been stalwarts in this battle.

I direct everybody's attention to yesterday's CONGRESSIONAL RECORD. On page S14794, there was a statement made by Senator KOHL. If anyone is ever concerned about what the free enterprise system is all about, read what Senator KOHL said yesterday on the Senate floor. That is what this debate has been all about—about the free enterprise system in this great country of ours.

In effect, what the Senators from Wisconsin have been fighting about is whether or not the free enterprise system is going to be circumvented by a cartel, a deal that has been, in effect, condoned, underlined, and set forth by the Federal Government. It should not be. So I direct everyone's attention to this. I appreciate very much the cooperation of the Senators from Wisconsin and especially the Senator from Minnesota, Mr. WELLSTONE. He has fought long and hard, and he has been on this floor for the last several days.

To my friends from Minnesota and Wisconsin, I appreciate their recognizing that they have rights. They have done everything they could to protect their rights under the Constitution.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I am going to defer to Senator KOHL, and I will follow him and Senator FEINGOLD. I have literally 30 seconds.

I yield to Senator KOHL.

Mr. KOHL. Mr. President, I sincerely thank all of my colleagues who have spoken up this afternoon. It has been remarkable to hear Senators from both sides of the aisle express themselves in such a heartwarming way, and I think in such a fair and clear way with respect to this country of ours and how our economy works and how it is intended to work.

It is remarkable to me that all these leaders have made clear that while we are passing dairy legislation this afternoon, it is of necessity, and not because they and we believe in the specifics of that legislation. It is heartwarming for me to know that when we come back next year, we apparently have common agreement on both sides of the aisle that we are going to work together to come up with dairy legislation that more clearly and fairly represents the interests not only of the different parts of our country in terms of our States and regions but more clearly represents the real intentions of our Constitution with respect to how this economy is supposed to work and how the free enterprise system is supposed to work.

It has been a long, hard fight for myself, Senator FEINGOLD, Senator WELLSTONE, Senator GRAMS, and others. Certainly, what happened here this afternoon, in my opinion, justifies that fight and leaves me feeling very good about my colleagues on both sides of the aisle and feeling very optimistic about the things we can look forward to next year.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I thank all the people that have participated in the colloquy for their kind words about our effort and for coming to the floor to say it. My primary purpose in rising at this point is to praise my senior colleague, Senator KOHL.

The words that have been said about many in this effort are true. But I want everyone to know that this was not an effort that he initiated a week ago, or 2 weeks ago, or 2 years ago. Every single day since I have been in the Senate I have found working with Senator KOHL on this critical issue to be one of the best opportunities to work with another Senator together for our State. This has been certainly the most dramatic example. But it is an example also of the tenaciousness that Senator KOHL has on behalf of our dairy farmers.

Both he and I spent our entire youth in Wisconsin. He and I both know that in 1950 there were 150,000 dairy farms in this Wisconsin. Now there are less than 23,000. Over that time you begin to realize that some of the old dairy policies maybe once worked but now, frankly, are absurd. The notion of having this difference between the class I milk across the country based on issues that refrigeration and transportation that stopped existing decades ago makes no sense. The idea of a dairy cartel in one part of the country and a system that is supposed to be based on national economy and free enterprise is also ridiculous.

We know this Congress asked that the Department of Agriculture take a look at these issues, and said: What do you think we ought to do? They came back with a conclusion to narrow those differentials and get rid of the compact. Over 90 percent of the producers in the country said that is the right idea. That is why Senator KOHL and I fought so hard, because it wasn't just our idea. It wasn't just Wisconsin. It was a national consensus.

Unfortunately, I think this Congress has very inappropriately overturned that. And Senator KOHL and I will not give up until we have had the opportunity to reverse this unfortunate decision.

But I want to join with my senior colleague in thanking everyone for their courtesies on this. We obviously could have taken this to an even greater extent, and we realize the issues that are involved in that. This is a very important issue to not only Wisconsin, but to Minnesota, and to other States. We certainly will be back early next year to continue the battle.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, first of all, I also would like to thank all of my colleagues. I appreciate their comments.

I think the only thing I say that might be a little different is I remain pretty skeptical, to be honest. I am glad to hear what my colleagues have said. I think that is real progress. We are talking about working together. I think we are very committed—I say this to Senator KOHL, to Senator FEINGOLD, and to Senator GRAMS—to making sure that working together leads to a product. We have to change what we have right now because the compact blocking the milk marketing order reform has a disastrous impact on our dairy farms.

I come from a State where we lose about three dairy farms a day. I appreciate the comments that have been made. I know the Senators who have made them have made them in good faith. That gives me confidence. On the other hand, given what has happened, permit me to be skeptical until we see the product. The proof is in the pudding.

Finally, since my colleague from Texas mentioned the Freedom to Farm bill—what some of us call the "freedom to fail" bill —I think dairy is part, just part of it. We have to write a new farm bill. We have a failed farm policy. We have to change this. We are going to press hard to do so.

Thank you very much. I yield the floor.

Mr. JEFFORDS. Mr. President, I must set the record straight with regard to the Northeast Interstate Dairy Compact. Rarely in all my years in Congress have I witnessed such ill-considered comment and media hysteria as has occurred over the Dairy Compact in these last few days.

I recognize that my Senate colleagues from the Midwest are, very understandably, raising the dairy issue to a new level of concern and I welcome the opportunity to respond to their call for productive changes in our dairy policy. As for my media friends, I appreciate the heightened scrutiny of our dairy policy, because we in the northeast share a common concern with our Midwestern Senate colleagues over the current state of our nation's dairy policy.

To my Senate colleagues from the Midwest: I have worked on the dairy issue for all of my twenty-four years in the Congress. More than most, I appreciate the complexity and difficulty of this issue. There is nothing I would like more than to join with you in common cause to improve our nation's dairy policy.

But let us be frank with each other. The key issue that has divided us in all my time here, and which continues to divide us, is your insistence that the Midwest should somehow be seen as the source of our nation's supply of fluid, or beverage, milk.

This insistence has been and still remains simply contrary to the overwhelming will of this Congress. And this is not just an issue that divides the northeast and the Midwest; this is an issue that divides the Midwest from the rest of the country.

The universal constituencies of every member of Congress, from every region including your own, demand a local supply of fluid milk. This is not a free market issue, not merely an issue of the best interests of dairy farmers.

The real issue is the very nature of our basic food supply and so extends way beyond the mere interest of a single constituent group. Regionally and on behalf of the nation as a whole, the Congress simply will not yield to the destruction of our local supplies of fresh, wholesome drinking milk, and the inevitable result of the consumption of reconstituted milk.

For now and for the foreseeable future, our nation's dairy policy will be based on the maintenance of local, regional supplies of fluid milk. You must recognize that we cannot compromise on this issue.

This fact must and will define our national policy. The Midwest will never be called upon to provide the supply of fluid milk for the rest of the country.

And so I call upon my Senate colleagues from the Midwest to look elsewhere than to reformation of the fluid marketplace for a solution to the problems your dairy industry faces. I make this call in the spirit of cooperation and with a positive spirit.

To my media friends: I welcome this opportunity to respond to the specifics of the various misstatements and misinformation contained in the most recent descriptions of the Dairy Compact. Before doing so, I would like first to highlight for you a simple and incontrovertible fact about the Dairy Compact:

Twenty-five of our fifty states have now passed dairy compact legislation patterned after the original compact language first adopted by the Vermont legislature in 1987. This means that twenty-five legislatures and twenty-five governors (more, if you count the number of governors who have supported the bill over the years) have committed their active support to this unique legislation.

With this important fact in the background, I would like to respond to the charges and assertions that have recently been raised against the Dairy Compact.

For purposes of this discussion, I will address directly the substance of the editorial that appeared yesterday in the Wall Street Journal. To summarize the editorial, the Dairy Compact is a "price fixing cartel" which benefits "inefficient" Vermont dairy farmers unfairly at the expense of their more efficient Upper Midwest counterparts.

To compound this misery, the Compact unduly burdens milk consumers in the northeast, particularly the most vulnerable "poor children", "to the tune of 20 cents a gallon."

Now I would like first generally to ask this body: Who in their right mind would support such a clearly wrong-headed policy as so characterized by the Wall Street Journal? Who could support any measure which pits a relatively small number of farmers against a vastly greater constituency of consumers, and which disadvantages our most vulnerable citizens?

Certainly not the twenty-five state legislatures and governors which have adopted Compact legislation. And certainly not the 40 Senators and over 160 House Members who co-sponsored legislation to approve Compact legislation here in the Congress.

Certainly not the Compact's bi-partisan supporters in the Congress and around the country, who represent the country's most rural and most urban constituencies. And such an initiative could never have been embraced simultaneously by our nation's most divergent regions—the northeast and the deep south.

Just look at the list of co-sponsors here in the Senate. Senator JESSE HELMS joins Senator TED KENNEDY. Senator SCHUMER from New York is a co-sponsor along with Senator THURMOND from South Carolina. Need I say more about the diversity of support for the Compact?

And so I call upon the media to look at the Compact with a fresh gaze. If you will do so, I think you will find that the reason for this unusual if not truly unique support for the Compact is really quite simple: The Compact manages to respond simultaneously to all of the divergent interests at play in today's dairy marketplace.

The Compact does not just respond to the needs of dairy farmers. Consumers, processors, retailers, as well as farmers, all find their place in the regulatory process created by the Compact.

Because the consumer ultimately pays, the consumer controls the decision as to whether the price should be raised. Perhaps most importantly, because the Compact is made up of individual sovereign states, the sovereign right of each state to control its own regulatory fate is ultimately protected by the Compact.

In short, the Compact truly promotes the public interest. Let me see if I can further advance the discussion by clearing up at least some of the cloud of confusion which the Journal and others have cast around the Compact.

Let's begin with the claim that the Compact is a "price-fixing cartel". Along with the Journal, the Washington Post also yesterday referred to the Compact as a "cartel" in an editorial. And our supposed "newspaper of record", The New York Times, has repeatedly described the Compact as a cartel in its coverage of the Compact.

For the benefit of all these erudite commentators whose stock in trade is the precise use of the English language, let's consider the dictionary definition of a cartel. Webster's dictionary defines "cartel" as follows

"(1) a written agreement between belligerent nations: (2) a combination of independent commercial enterprises designed to limit competition; (3) a combination of political groups for common action.

The definition contained in the Random House dictionary similarly describes a "cartel" as:

(1) an international syndicate, combine, or trust generally formed to regulate prices and output in some field of business; (2) a written agreement between belligerents, esp. for the exchange of prisoners; (3) (in French or Belgian politics) a group acting as a unit toward a common goal; (4) a written challenge to a duel.

Notwithstanding use of this term by our most respected media commentators, it becomes quickly obvious that the Compact in no way shape or form resembles such a "cartel."

Indeed, were I to challenge these commentators to a duel in writing, that absurd challenge would actually be a more accurate use of the term cartel than is their use of the term to describe the Compact.

I guess our political commentators have now tilted so far away in their zeal to embrace the so-called free market that they recognize no role for the government in regulating the marketplace. Or, I guess, they simply no longer trust the government.

Even so, is their distrust of government so great that they cannot give even simple recognition to the simple distinction between businesses price-fixing for private gain and states regulating in the public interest?

Such regulation in the public interest, which provides the basis for the Compact, is central to our system of government. Even the most ardent free-marketeers recognize the need for the government to play at least some role in the policing of the marketplace in the public interest.

The basic function of the Compact is this: To determine whether the price received by dairy farmers must be adjusted in the public interest. Not solely in the interest of farmers, but in the public interest of all those who participate in the fluid milk marketplace—processors, wholesalers, retailers and consumers, including low-income consumers.

Adjustment may mean an increase in price, or simply stability in price. Presently, the Compact provides for both some increase in price as well as price stability.

I will address the various concerns raised by the increase in price in a minute, but first I would like to address the issue of price stability, because it brings home the fact that the Compact serves the larger public interest, of which farmers comprise only one part.

Various stories have alluded to the problem of erratic wholesale prices and their adverse impact on consumers.

Indeed, nobody really benefits, other than retailers, from an increasingly market-driven farm price for milk. This is an issue addressed by the Compact. The Compact, in the public interest, provides for price stability, to the benefit of all market participants. (Even retailers.)

Now about the increase in price resulting from operation of the Compact in New England. Here are some simple numbers. Over the last two years, the Compact has raised the price of farm milk by no more than ten cents per gallon. No more than ten cents. Not twenty cents, as we have heard over and over and over and over. As they say, you could look it up, so let me repeat: Ten cents. Period.

And that is just the impact on the farm price. What of the impact on consumer prices. You can look this up, as well. If you do so, you will find that prices in New England are actually lower than in the corresponding New York City market, where the Compact is not in place.

And what of the impact on "poor children"? Under current operation of the Compact, the WIC program and the School Lunch Program are both exempt. There is no impact on participants in these programs. Let me repeat: No impact on participants in the WIC and School Lunch programs. Period.

In conclusion, let me again speak directly to my troubled colleagues from the Upper Midwest.

As we look to the new millennium and our future, I wish my Midwestern colleagues again to understand that I will strive to work with them in common purpose. Our farmers from the northeast and Midwest are so similar. They are among the yeoman farmers who built this country so proud. We must be responsive to their common plight. Surely we should be able to reason together based on those issues we share in common rather than continue to dispute over issues which divide us.

In all the recent discussion about the Dairy Compact, one key fact seems to have gotten overlooked. Twenty-five of our fifty states have now passed dairy compact legislation. One-half of the states have embraced the Compact idea.

This means that twenty-five state legislatures and twenty-five governors (more, if you count the number of governors who have supported the bill over the years) have adopted the Compact approach as the best way to solve the dairy issue we all find so vexing.

I call upon my colleagues, especially those Members on my side of the aisle, to give due deference to the rights of the states to assist the Congress in defining policy. The states have spoken and are telling us that the free marketplace does not work with dairy pricing. We should listen to their wise counsel.

These Interstate Compacts are not all about dairy policy, but about the rights of states to work together under the compact clause of the constitution. It's a states right issue that deserves to be heard and understood. I hope my colleagues will take the time to understand the law and the purpose of this important state initiative.

I fully believe that those Members who have today spoken against them may see Dairy Compacts in a new light if they will view them from the perspective of the states which have adopted them. Instead of seeing cartels, they will see a regulatory framework that operates in the public interest. Instead of seeing a system of price supports that works only for dairy farmers, they will see a regulatory mechanism that benefits all the citizens of the states—consumers, processors and farmers, alike.

This is the way our federalist system is supposed to work—the states talk and we listen. As an issue of states rights, I urge the Judiciary Committee to take this issue up when next we consider it.

TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999—CONFERENCE REPORT—Continued

Mr. ROTH. Mr. President, I am pleased with the progress we have made in two very important areas on issues that will affect the lives of Americans everywhere. This legislation—the Ticket to Work and Work Incentives Improvement Act of 1999—will go a long way toward improving the quality of life for millions of Americans with disabilities. At the same time, important provisions within this legislation—provisions that extend important tax and trade relief provisions—will bring meaningful relief and increased opportunities to individuals and families. The Ticket to Work and Work Incentives Improvement Act will help Americans with disabilities live richer, more productive lives. Its core purpose is to assist disabled individuals in returning to work. It removes the real risk many people with disabilities face of losing their health insurance, and it provides new ways of helping them find and keep meaningful employment.

Is there any question how important this is?

Millions of Americans with disabilities are waiting for the vote. They are waiting to be freed from a disability system that stifles initiative and thwarts productivity rather than rewarding them—a system that tells individuals with disabilities that if they leave their homes and try to find productive employment they will lose their access to health insurance. The current system isn't right, Mr. President. It isn't productive. And it certainly is not ennobling.

Under current law, if a person with a disability wants to return to work—even taking a job with modest earnings—he or she will jeopardize access to insurance coverage through the Medicaid and Medicare programs. And as many individuals with disabilities have difficulties securing private sector insurance coverage, losing access to Medicaid or Medicare is not an option. In fact, it's a tragic consequence for many people with medical conditions that demand ongoing treatment. As a result, the only recourse these individuals have is to forego the opportunity to work—to build and grow professionally and personally—and to stay at home.

No one, Mr. President, should be forced to choose between health care and employment. Robbing an individual of the opportunity to work becomes a double tragedy in the life of someone who is living with a disability. It's been said that work is the process by which dreams become realities. It is the process by which idle visions become dynamic achievements. Work spells the difference in the life of a man or woman. It stretches minds, utilizes skills and lifts us from mediocrity.

No one should have to choose between health care and work, and passage of the Work Incentives Improvement Act will make that choice unnecessary. By acting on this legislation today, the Senate will offer new promise to millions of Americans with disabilities. This legislation will help promote their independence and personal growth. It will help restore confidence and meaning in their lives—and greater security in the lives of their families.

But this legislation is not about big government. We do not tell the states what they must do. There are no mandates. And we do not tell individuals with disabilities what they must do. We create options. We create choices. And choice is the essence of independence, isn't it?

The unemployment rate among working-age adults with severe disabilities is nearly 75 percent. What a tragic consequence of errant public policy that discourages those who can and want to work from attaining their desires. It's my firm belief that this number will come down—it will come down dramatically as we pass this law allowing them to return to the workplace. My belief is based in part on the fact that over 300 groups of disability advocates, health care providers, and insurers endorse this change and are anxiously waiting for us to act.

These groups and individuals are not the only Americans watching what we do here today. Along with them, are countless other who are looking to this legislation to extend important tax and trade relief provisions that are included in the work incentives bill.

These provisions are "must do" business. Like appropriations, extenders are provisions that we have an obligation to address before we conclude this session. They are necessary fixes to our Tax Code, and will go a long way toward helping families and creating greater economic opportunity in our communities.

Among the important provisions contained in these extenders is one that excludes nonrefundable tax credits from the alternative minimum tax ("AMT"). This change alone will insure that middle-income families receive the benefits of the $500 per child tax credit, the HOPE Scholarship credit, the Lifetime Learning credit, the adoption credit, and the dependent care tax credit. In this legislation, such relief is extended through December 31, 2002.

Another important provision in this legislation extends and expands the tax credit for production of energy from wind and closed loop biomass. This important alternative energy provision expired on June 30, 1999. In this legislation, the tax credit is expanded to cover poultry litter-based biomass, and it is extended through December 31, 2001. For my home State of Delaware and many other poultry producing regions, this provision provides an important option for the disposition of poultry litter in a way that will be beneficial and productive.

Other important expiring tax provisions included in this legislation are a 5-year extension and enhancement of the research and development tax credit and the tax-free treatment of employer-provided educational assistance. I can't overstate how important the R&D credit is to the high-tech community and many other important leading American economic sectors. The extension offered in this legislation will give businesses the certainty they need and will result in more and higher paid jobs for American workers. And as far as employer-provided educational assistance, I've made it clear that my goal is to make this provision permanent and expand it to graduate education. I know this is an important goal for Senator MOYNIHAN as well. Over one million workers will benefit from this extension, and under this legislation, the provision is extended through the end of 2001 for undergraduate education.

But, Mr. President, important extenders do not stop here. This legislation will also extend incentives designed to help Americans move from welfare to work through the end of 2001. These incentives include the work opportunity tax credit and the welfare to work tax credit.

Other extenders include the active finance exception to Subpart F—a provision that puts our banks, insurance, and securities firms on equal footing with their foreign competitors in overseas markets—and five other important tax provisions that are scheduled to expire. These provisions, which are extended through the end of 2001, include the "brownfields" expansing treatment of environmental cleanup costs. In addition, the school repair and renovation costs of some school districts are met by an extension of the qualified zone academy bond program.

But the provisions included in this legislation are not limited to tax relief. We also include some important trade issues. For example, we extend the Generalized System of Preferences, as well as Trade Adjustment Assistance programs. Both of these trade provisions are extended through the end of 2001. Beyond these, there are several revenue raising provisions that we've included. Most of these, I am pleased to report, close loopholes in the Tax Code raising some $3 billion in return.

When all is said and done with this legislation, Mr. President, I am pleased that the tax relief in this bill amounts to a net tax of $15.8 billion over 5 years and $18.4 billion over 10.

There's no question that what have before us is a dynamic piece of legislation. From providing hope and opportunity to Americans with disabilities to extending and expanding important tax provisions for individuals and families, this is a comprehensive package. It has been carefully constructed, debated, and addressed in conference. It include that efforts of many of our colleagues and countless hours of staff work.

I want to thank several Senators who have worked closely with me over the past year to bring the work incentives bill to the floor—Senators MOYNIHAN, JEFFORDS, KENNEDY, and BUNNING. Passage of the Work Incentives Improvement Act has been one of my top health care priorities during this Congress. It would have been impossible without close, productive, bipartisan cooperation. Likewise, the effort we've made to address the important tax and trade extenders. Without the work and cooperation of my distinguished friend and the Finance Committee's Ranking Democratic Member, Senator MOYNIHAN, we wouldn't be here today with a conference agreement.

In closing, let me also mention that there are two provisions in this bill outside the Finance Committee's jurisdiction, one dealing with the organ donor and the other dealing with a NOAA procurement matter. I ask my colleagues to join us in seeing that all of these important provisions are passed into law.

The PRESIDING OFFICER. The distinguished Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I do wish there were more Members present that we might rise in a general applause to the Senator from Delaware, chairman of the Finance Committee. I refer to him as our revered colleague. This legislation could not be here, most of it would not have been conceived, without him. It is a triumph against what has become our procedures that it is here today and will shortly be approved.

Millions of Americans who will not know that he has done this will benefit from what he has done, and that, for him, will be sufficient knowledge and reward. I want to say that.

I don't want to speak at length because other Senators wish to join in this matter. I simply make two points. One is how very much I appreciate the chairman's mention of the importance of providing employer education assistance for graduate students. Go to any major metropolis in this country, any area where there is a college, and find night schools where young America and not so young come to acquire further skills and greater economic capacity.

Nothing could be more clearly in our national interests. It will go on whether we have a tax credit or not, but on the margins, it is important, first, recognizing the need for new skills, recognizing the need for developing new areas. Send our own employees to graduate school. Let them get this further degree while they are on the job, come back, be promoted, earn more, and be more valuable.

I spoke with our friend, the House majority leader, Mr. ARMEY. Of course he is a distinguished economist. He noted the last 5 years he was teaching, he was teaching at night school and teaching people who wanted to be there. They didn't have to be there to play soccer—put it that way.

I would secondly like to note, and I know the chairman would agree, absent from our measure today are two matters reported from the Committee on Finance: The Africa Growth and Opportunity Act of 1999 and the Caribbean Basin Initiative. They came out of the Finance Committee as near matter unanimous as can be—under our chairman, things come out of our committee unanimous. We did not suceed given the complexities of these negotiations this time. We will be back. I hope these matters will be addressed. I know on our side of the aisle, if you will, in the House, Representative Rangel, the ranking member in Ways and Means, my counterpart, very much hopes this will happen, and so do I.

Mr. President, I would briefly note, for the RECORD, some important provision in this legislation.

With regard to tax extenders, this bill extends the research and experimentation credit for five years and it extends all other provisions through December 31, 2001. Extending these provisions as long as possible was simply the right thing to do—providing certainty to employers and workers.

Might I add that some of these provisions are vitally important to working families. If we do not, for instance, pass the alternative minimum tax provision, approximately 1.1 million Americans will lose part or all of the $500 child credit, the HOPE scholarship credit, or other non-refundable credits. We also, rightfully so, extend the Welfare-to-work and the Work opportunity credits.

I would also like to clarify two matters with respect to a provision based on S. 213, which I introduced on January 19, 1999—and which is known as the rum cover-over provision. I am very pleased that we were able to increase from $10.50 to $13.25 the amount of excise taxes on rum that is transferred to Puerto Rico and the Virgin Islands. Unfortunately, procedural obstacles required a delay in most of the transfer from fiscal year 2000 to fiscal year 2001.

Instead, up to $20 million will be transferred 15 days after enactment. The remainder of the amount will not, however, be transferred until after September 30, 2000. However, our distinguished Finance Committee Chairman, Senator ROTH, and Chairman ARCHER from the House Ways and Means Committee have made a commitment that, to the extend possible, the delayed payments will be accelerated, or interest on the delayed amounts will be provided for in the Africa and CBI legislation next year.

With respect to the second matter, the rum cover-over provision, as passed by this body on October 29, 1999, included an additional transfer of 50 cents from the government of Puerto Rico to the National Historic Conservation Trust of Puerto Rico—the purpose of which is the protection and enhancement of the natural resources of Puerto Rico. Unfortunately, the 50 cent transfer is not included in the legislation before us today. However, it is my understanding that the Governor of Puerto Rico, the Honorable Pedro Rossello, has made the commitment to transfer one-sixth (45 cents), of the increase provided by this legislation, to the Trust. I applaud the Governor for his commitment.

I am also very pleased that this legislation would remedy some of the barriers and disincentives that individuals enrolled in Federal disability programs face in returning to work. Many disabled Americans do not return to work because they must lose their health care coverage and because they have inadequate access to employment and rehabilitation services.

In 1986, we took our first step to remove obstacles facing disabled Americans who want to work. Our former Finance Committee Chairman and Majority Leader—Senator DOLE—introduced the Employment Opportunities for Disabled Americans Act to make permanent a demonstration project that enabled Supplemental Security Income—or "SSI" recipients to maintain Medicaid benefits during a transition to work. I was an original co-sponsor of the bill which was enacted on November 11, 1986. Building on that first step and other subsequent initiatives, Senators JEFFORDS, KENNEDY, ROTH and I introduced this work incentives bill in the Senate on January 28th of this year. The legislation has enjoyed overwhelming bipartisan support, passing the Senate 99–0 on June 16th and the House 412–9 on October 19.

The bill addresses an issue of paramount concern: how to encourage disabled individuals to return to work. Currently, less than one-half of one percent of individuals receiving disability benefits now leave the rolls and return to work. A survey by the National Organization on Disability found that only 29 percent of all disabled adults are employed full-time or part-time, compared to 79 percent of the non-disabled adult population. The disabled find it difficult to work because if they earn income above a certain level, they lose their disability benefits and their health care coverage. In fact, witnesses testifying before the Finance Committee cited the potential loss of health care coverage as the primary obstacle between the disabled and their ability to work.

This legislation tries to remove this barrier by guaranteeing that working individuals with disabilities can maintain their Medicare and Medicaid coverage for a longer period of time. Under current law, Social Security disability beneficiaries, who go back to work and earn a modest income, may only continue their Medicare coverage for four years. This legislation would permit disabled workers to retain their Medicare coverage for an additional four and a half years.

Two important Medicaid provisions are included in this bill. The first would permit more lower-income disabled workers to pay premiums and buy into the Medicaid program. The second establishes a demonstration project that would provide Medicaid coverage to persons likely to become disabled without medical treatment. This is good common-sense policy: providing preventive health coverage to working individuals with serious medical conditions before such conditions worsen to a disabling level.

This legislation does more than just extend greater health care coverage to the disabled. Through a program called "Ticket to Work," it would make it easier for disabled workers to access coordinated vocational rehabilitation and employment assistance services. It provides grants to States to develop the program infrastructure and to perform the outreach necessary to help disabled individuals to work. The legislation would also ensure that a mere return to work does not automatically trigger eligibility reviews that could result in being removed form the disability rolls. In addition, it would streamline the process for individuals to be reinstated for disability benefits, if they are unable to continue working.

Lastly, the bill funds Social Security demonstration projects on how best to encourage disabled individuals to return to work. For example, one innovative project will determine whether a sliding-scale reduction of disability benefits by $1 for every $2 earned would make it easier to go back to work. Such a result seems far more reasonable than the current situation where workers who earn income above a statutory limit lose their disability benefits entirely.

The overwhelming support for his legislation is not surprising given its simple and universal goal: providing disabled Americans the opportunity they deserve to work and contribute to the fullest of their ability. For Americans with disabilities, enacting this legislation would take a great step forward in removing the many barriers they face in returning to work.

Before I conclude, Mr. President, I did want to mention that regrettably, this bill includes an extraneous provision delaying implementation of a new regulation to improve the Nation's system of allocating human organs for transplant.

Mr. President, I thank the Chairman for his commitment to this tax extenders and work incentive legislation. I would also like to thank the staffs of the Joint Committee on Taxation, the Senate Finance Committee and the House Way and Means and Commerce Committees. Now, let's go home.

Mr. ROTH. I yield 5 minutes to the distinguished Senator from Vermont.

The PRESIDING OFFICER. May the Chair ascertain how many minutes?

Mr. ROTH. I yield 5 minutes.

The PRESIDING OFFICER. The distinguished Senator from Vermont is recognized for 5 minutes.

PRIVILEGE OF THE FLOOR

Mr. JEFFORDS. Mr. President, first I ask unanimous consent Lu Zeph and Tom Valuck, fellows on my staff, be granted the privilege of the floor during consideration of the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I see the Senator from Iowa, with whom I have worked all these years, was here just a moment ago. I would like to wish him a happy 60th birthday. I am sure all of us would like to join in that, and I will move on now and get to the purpose of being here today.

Mr. President, I am thrilled that the Senate will soon send to the President the Work Incentives Improvement Act of 1999. This landmark legislation will open doors to jobs across the country for disabled Americans.

As we all know, the Federal Government often sets policies with the best of intentions, and the least of common sense. There are lots of examples, but today's policy for disability benefits takes the prize.

If you are disabled and don't work, you have access to federally funded health care. If you are disabled and you do work, you lose access to federally funded health care. Does it make any sense to you? No, it does not to me, either.

Access to health care is important to everyone, of course, but to severely disabled people it is absolutely vital for the everyday needs of life. And the price tag for this care can be astronomical.

Three years ago, this paradox was brought to my attention, and I began the process of trying to figure out how we could solve it.

I realized that, unless and until we gave individuals with disabilities access to health care, they would not, could not work to their full potential. That is why I am so proud that we are on the verge of changing the law that will, at last, change the lives of 9.5 million individuals with disabilities who have been waiting, pleading that we take this step.

These millions of Americans want and will use the job training and job placement assistance that this legislation authorizes. They will benefit from the advice and guidance that will be available on the complicated work incentives options in Federal law. They will go to work, work longer hours, work more hours, and seek advancement knowing that their health care will be there when they need it.

For those who look beyond what this legislation means in human terms, to its monetary applications, I say, you will see results. The taxpayer rolls will expand. Use of Federal and State public assistance programs will decrease. Data on the health care needs and costs of working individuals with severe disabilities will be collected. Private employers and their insurers will have data from which they may calculate risks and craft health care insurance options for employees with disabilities.

This conference report represents sound federal policy. Last night our colleagues in the House, on a vote of 418 to 2, endorsed this policy. We must do the same. Let us celebrate and confirm the consensus we have achieved. Individuals with disabilities are waiting to show us how they are ready, willing, and able to join the workforce, support their families, and contribute to their communities and our national economy.

The action we are taking is the next logical step in our efforts to ensure that disabled Americans can fully participate in our society. In 1975 we guaranteed each child with a disability a free appropriate education through the precursor to the Individuals with Disabilities Education Act. In 1978, we prohibited discrimination based on disability in all services, programs, and employment offered by or through the federal government. In 1988, for the first time, we recognized and addressed the need to provide assistive technology to individuals with disabilities.

And in 1990, we enacted the most comprehensive civil rights law for individuals with disabilities, the Americans with Disabilities Act.

Each of these actions was a building block toward true independence for individuals with disabilities.

But the promise of employment rights under the ADA was an empty one for millions of Americans who couldn't afford to take advantage of their rights. Today, we are making good on that promise.

I want to again commend the principal cosponsors of this legislation, Senators KENNEDY, ROTH, and MOYNIHAN for their incredible contributions. Five months ago, the four of us joined President Clinton in a room just off the Senate floor to call for enactment of this legislation.

I was confident then that the day would soon come, and I am elated that it finally has. It is the end of the session, we are all tired, and some tempers are frayed. But Mr. President, as we conclude our work for the year and return to our states, this is one accomplishment of which we can all be proud.

The PRESIDING OFFICER. Who yields time?

The distinguished Senator from New York.

Mr. MOYNIHAN. Mr. President, I have the pleasure to yield up to 15 minutes to my good and old friend, the senior Senator from Massachusetts, who has been so instrumental in this matter.

The PRESIDING OFFICER. The distinguished Senator from Massachusetts is recognized for up to 15 minutes.

Mr. KENNEDY. Mr. President, I join with Senator MOYNIHAN and Senator ROTH in commending our colleagues on the Finance Committee for their strong work in helping bring us to where we are today. I thank them for their leadership.

I would especially like to acknowledge Senator JEFFORDS, who has been instrumental in the development of the legislation. And I, all of us on this side and throughout the Senate and across the country always recognize the real leader on all of the disability issues, our friend from Iowa, Senator HARKIN, who has had a lifetime of commitment on the issues of promoting the interests of disabled Americans. The Senate will welcome his comments this afternoon.

Today, Congress will complete action on the Ticket to Work and the Work Incentives Improvement Act, and this important legislation will go at long last to the White House. When President Clinton signs this bill into law, he will truly be signing a modern Declaration of Independence for millions of men and women with disabilities in communities across the country who will have a priceless new opportunity to fulfill their hopes and dreams of living independent and productive lives.

We know how far we have come in the ongoing battle over many decades to ensure that people with disabilities have the independence they need to be participating members of their communities.

Mr. President, 67 years ago this month we elected a disabled American to the highest office in the land. He became one of the greatest Presidents, but Franklin Roosevelt was compelled by the prevailing attitudes of his time to conceal his disability as much as possible. The World War II Generation began to change all that. The 1950s showed the Nation a new class of people—people with disabilities—as veterans returned from the war to an inaccessible society. Each decade since then has brought significant progress.

In the 1960s, Congress responded with new architectural standards so we could build a society of which everyone could be a part.

The 1970s convinced us that full participation in society was needed, not only for disabled veterans but for disabled children and family members and for those injured in everyday accidents. Congress responded with a range of federally funded programs which improved the lives of people with mental retardation, supported the rights of children with disabilities to go to school, ensured the right of people with disabilities to vote, and gave people with disabilities greater access to health care.

The 1980s brought a new realization that when we are talking about assisting people with disabilities, we must not look only to Federal programs, but to the private sector as well. Congress again responded by guaranteeing fair housing opportunities for people with disabilities, by ensuring access to air travel, and making telecommunication advances available for people who are hard of hearing or deaf.

The 1990s brought us the Americans with Disabilities Act, which promised every disabled citizen a new and better life, in which disability would no longer put an end to the American dream.

But too often, for too many Americans, the promise of the ADA has been unfulfilled. Now, with this legislation, we will finally link civil rights clearly with health care. It isn't civil and it isn't right to send a person to work without the health care they need and deserve.

As Bob Dole stated in his eloquent testimony to the Finance Committee earlier this year, this issue is about people going to work—"it is about dignity and opportunity and all the things we talk about, when we talk about being an American."

Millions of disabled men and women in this country want to work and are able to work. But they have been denied the opportunity to work because they lack access to needed health care. As result, the Nation has been denied their talents and their contributions to our communities.

Current laws are an anachronism. Modern medicine and modern technology make it easier than ever before for disabled persons to have productive lives and careers. Current laws are often a greater obstacle to that goal than their disability itself. It's ridiculous that we punish disabled persons who dare to take a job by penalizing them financially, by taking away their health insurance lifeline, and by placing other unfair obstacles in their path.

Currently, there are approximately 9 million working-age adults who receive disability benefits, many of whom could take jobs if they could keep their governmentally financed health benefits. A national survey earlier this year showed that, while 76 percent of people with disabilities wanted to work, nearly 75 percent are unemployed. Of those receiving benefits, only ½ of 1% leave the disability roles to return to work.

Disability groups have estimated that about 2 million of the 8 million would consider forgoing disability payments and take jobs as a result of this legislation.

The estimated cost of this new program would be recouped if only 70,000 people leave the disability benefit roles. If 210,000 of them take jobs, the government would actually save $1 billion annually in disability payments.

That 210,000 constitutes only 10% of the number of people who the disability community believe will avail themselves of this program. If their estimates are even close to accurate, the savings to the Federal Government could eventually approach $10 billion per year. Far more important that the savings is the impact on people's lives. It is about dignity. It is about opportunity that is by far the most important charge.

Today is a new beginning for persons with disabilities in their pursuit of the American dream. This bill corrects the injustice they have unfairly suffered.

The Work Incentives Improvement Act removes these unfair barriers to work that face so many Americans with disabilities:

In makes health insurance available and affordable when a disabled person goes to work, or develops a significant disability while working.

It gives people with disabilities greater access to the services they need to become successfully employed.

It phases out the loss of cash benefits as income rises, instead of the unfair sudden cut-off that workers with disabilities face today.

It places work incentive planners in communities, rather than in bureaucracies, to help workers with disabilities learn how to obtain the employment services and support they need.

Many leaders in communities throughout the country have worked long and hard and well to help us reach this milestone. They are consumers, family members, citizens, and advocates. They showed us how current job programs for people with disabilities are failing them and forcing them into poverty.

In all the time I have been in the Senate, I doubt if there has really been a single piece of legislation that has so coherently reflected the common concerns of a constituency and all of that constituency worked so effectively on recommendations to the Congress of the United States.

We have worked together for many months to develop effective ways to right these wrongs. And to all of them I say, thank you for helping us to achieve this needed legislation. It truly represents legislation of the people, by the people and for the people. It is all of you who have been the fearless, tireless warriors for justice.

When we think of citizens with disabilities, we tend to think of men and women and children who are disabled from birth. But fewer than 15% of all people with disabilities are born with their disabilities. A bicycle accident or a serious fall or a serious illness can suddenly disable the healthiest and most physically able person.

In the long run, this legislation may be more important than any other action we have taken in this Congress.

I say that very sincerely. In the long run, this legislation may be the most important piece of legislation we have passed in this Congress. Its offers a new and better life to large numbers of our fellow citizens. Disability need no longer end the American dream. That was the promise of the Americans with Disabilities Act a decade ago, and this legislation dramatically strengthens our fulfillment of that promise.

This bill has a human face. It is for Alice in Oklahoma, who was disabled because of multiple sclerosis and receives SSDI benefits. She will now be able to get personal assistance to work and live in here community. No longer will she have to use all of her savings and half of her wages to pay for personal assistance and prescription drugs. No longer will she be left in poverty.

This bill is for Tammy in Indiana, who has cerebral palsy and uses a wheelchair and works part-time at Wal-Mart. No longer will she be forced to restrict her hours of work. Her goals of becoming a productive citizen will no longer be denied—because now she will have access to the health care she needs.

This bill is for Abby in Massachusetts, who is six years old and has mental retardation. Her parents are very concerned about her future. Already, she has been denied coverage by two health insurance firms because of the diagnosis is of mental retardation. Without Medicaid, her parents would be bankrupted by her current medical bills. Now when Abby enters the work force, she will not have to live in poverty or lose her Medicaid coverage. All that will change, and she will have a fair opportunity to work and prosper.

This bill is for many other citizens whose stories are told in this diary, called "A Day in the Life of a Person with a Disability."

Disabled people are not unable. Our goal in this legislation is to banish the stereotypes, to reform and improve existing disability programs, so that they genuinely encourage and support every disabled person's dream to work and live independently, and be a productive and contributing member of their community. That goal should be the birthright of all Americans—and with this legislation, we are taking a giant step toward that goal.

A story from the debate on the Americans with Disabilities Act illustrates the point. A postmaster in a town was told that he must make his post office accessible. The building had 20 steep steps leading up to a revolving door at the only entrance. The postmaster questioned the need to make such costly repairs. He said, "I've been here for thirty-five years, and in all that time, I've yet to see a single customer come in here in a wheelchair." As the Americans with Disabilities Act has proved so well, if you build the ramp, they will come, and they will find their field of dreams. This bill builds new ramps, and vast numbers of the disabled will now come—to work.

The road to economic prosperity and the right to a decent wage must be more accessible to all Americans—no matter how many steps stand in the way. That is our goal in this legislation. It is the right thing to do, and it is the cost effective thing to do. And now we are finally doing it.

Eliminating these barriers to work will help disabled Americans to achieve self-sufficiency. We are a better and stronger and fairer country when we open the door of opportunity to all Americans, and enable them to be equal partners in the American dream. For millions of Americans with disabilities, this bill is a declaration of independence that can make the American dream come true. Now, when we say "equal opportunity for all," it will be clear that we mean all.

No one in America should lose their medial coverage—which can mean the difference between life and death—if they go to work. No one in this country should have to choose between buying a decent meal and buying the medication they need.

Nearly a year ago, President Clinton signed an executive order to increase employment and health care coverage for people with disabilities. Today, with strong bipartisan support, Congress is demonstrating its commitment to our fellow disabled citizens. But our work is far from done.

This bill is only the first step in the major reform of the Social Security disability programs that will enable individuals with disabilities to have the rights and privileges that all other Americans enjoy; 54 million Americans with disabilities are waiting for our action. We will not stop today, we will not stop tomorrow, we will not ever stop until America works for all Americans.

Mr. President, in these final moments, I especially commend President Clinton, Vice President Gore, and Secretary Shalala. President Clinton made this one of his top priorities over this year and during these final negotiations. He understands the importance of this legislation, and this was a matter of central importance to him and his Presidency.

I also thank John Podesta and Chris Jennings who saw this through to the very end.

I commend the many Senate staff members whose skilled assistance contributed so much to the achievement: Jennifer Baxendale, Alec Vachon, and Frank Polk of Senator ROTH's staff; Kristin Testa, John Resnick, Edwin Park, and David Podoff of Senator MOYNIHAN's staff; Pat Morrissey, Lu Zeph, Chris Crowley, Jim Downing, and Mark Powden of Senator JEFFORDS' staff; Connie Garner—a special thanks to Connie Garner—Jim Manley, Jonathan Press, Jeffrey Teitz, and Michael Myers of my own staff; and the many other staff members of the Health Committee and the Finance Committee.

No longer will disabled Americans be left out and left behind. The Ticket to Work and the Work Incentives Improvement Act of 1999 is an act of courage, an act of community, and, above all, an act of hope for the future. I urge its passage, and I reserve the remainder of the time of the Senator from New York.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Delaware.

Mr. ROTH. Mr. President, I yield 10 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 10 minutes.

Mr. DOMENICI. Thank you very much, I say to Senator ROTH.

I might say, on the bill that we are speaking to, the Ticket to Work and Work Incentives Improvement Act, I do not know how many Senators have ever had a disabled person who is holding a job and getting a paycheck. Come and see them. A disabled person who is holding a job and just got a paycheck—and you get to visit with them—they are glowing. They are filled with pride that they are able to work. Actually, it is the best therapy in the world for a disabled person to have a job.

I happen to know that from personal experience in my own family. But I have seen it in scores of faces of people who come and tell me as disabled people that they are working and they are getting a paycheck.

The U.S. Government, probably because it did not understand what it was doing, decided that we would help disabled people who were not working with health insurance, either under Medicare or Medicaid. Then what a cruel hoax, as soon as they started working and making sufficient money, as low as $700 a month, they started losing their health care coverage, and they began to wonder and their parents began to wonder, why did they ever take a job?

For some, they did not even make any net profit out of getting a job. Because if they are cut off from health care, some of them have to pay their entire paycheck to take care of their illness. That is just not right. Frankly, it was a hard issue in terms of drafting something that could work, and I compliment everybody that worked on this bill. I think it is a very important day today.

In fact, I am sorry it is getting passed along with a great deal of other legislation because the importance of it might very well get lost. Sometimes a long debate on a bill is meritorious, for the country finds out what we are doing. They are not necessarily going to find out about this bill because we did not use a lot of time today. But I asked the distinguished chairman if I could use a few moments and he gave it to me. Now, if the Senate would bear with me, I just want to take the remaining time I have, and how much is that?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

THE BUDGET

Mr. DOMENICI. I am going to take a few moments to thank a few people and summarize the budget bill that we are going to pass this evening, hopefully.

I want to thank the White House for their cooperation in coming to an agreement with reference to the appropriations bill and all of those things that are in the so-called omnibus package.

In particular, I want to thank the director of the Office of Management and Budget, Mr. Lew. The last evening when we were about to depart and part company and say we will go our own ways, they asked me if I would meet with Mr. Lew, and if we could see if we could work something out. We are here today with a bipartisan bill because we did work something out.

I thought it was the very best thing we could do. Frankly, I am proud of it. I wish it could have been done sooner. I am hoping that next year we will get the appropriations bills done perhaps 6 to 7 or 8 weeks sooner than we did this year. But I want to start by quoting from the New York Times, not necessarily a newspaper that thinks what Republicans do is necessarily good, as I do, but they said in their editorial, on their editorial page, the following thing about this budget bill that we are going to have before us:

There are modest spending increases in some of the President's priority areas like education but over all the Republican approach of spending restraint has shaped this budget."

I am very proud of that. I think that is true because what we have done is we have kept the faith with those who want a balanced budget. This budget proposal ensures a balanced budget without using Social Security trust fund money.

I ask parenthetically for those who still doubt that because they do not have a Congressional Budget Office letter that says it, if the President of the United States would be asking Democrats to vote for this measure if he and his OMB Director thought it was using Social Security trust fund money? I think the answer is no. They know it does not. I know it does not. And I can promise the Senate, come February or March, when you reestimate everything, it will not be using the Social Security trust fund money.

I think that is the new discipline that has been imposed on our economy and our fiscal policy. It is a brand new event to say we are not going to spend Social Security money, and it is the best thing we can do for the American economy because, Senator MOYNIHAN, to the extent we do not spend it, we reduce the public debt. So for those who are wondering about the public debt, the public debt is reduced dollar for dollar when you leave Social Security surpluses alone year by year as they accumulate and do not spend them.

Now, let me tell you a dramatic statement about our current fiscal policy. Who would think a budget chairman could stand on the floor and say to the Senators who are listening, we will pay down the publicly-held debt by $130 billion? Think of that—$130 billion. If that does not mean that as soon as we saw surplus we did not run out and spend it, then I do not know what it means.

Frankly, I think my good friend, Senator GRAMM from Texas, is correct: in about 30 or 40 years, when they look back on this period in time, they are going to say: Incredible. With the kind of surpluses that existed, not a single new entitlement program of major proportion was started, and not a single new American spending program was started because the accumulations went into the Social Security trust fund instead of being used to pay for more Government.

I am proud of that. I think it is the best medicine for growth and prosperity in the future.

It holds Government spending, as we calculate it overall, to about 3.3 percent this year over last year—that includes entitlements and appropriations—a very interesting number.

In the 1970's, it was 11 percent growth.

In the 1980's, it was 8 percent growth.

For those who in editorial comments across this land call this a bloated budget, let me suggest, the fiscal policy of the United States which has the Government growing less than the economy is growing is not bad fiscal policy. That is about where we are now under the culmination of this budget process for this year.

In the meantime, when we passed the budget resolution in April of this past year, we said we wanted to do some very important things.

First, we wanted to increase the flexibility in education programs. It does not matter how much the President or others claim that the President won the education battle. The truth of the matter is, Republicans put more money in education than the President asked for.

For the first time we have flexibility. Twenty percent of the money that was going to go to teachers directly, and targeted and for nothing else, can be flexibly used by school districts. And the philosophical battle of the future will be flexibility of education funds with accountability versus the targeting and direct aid in very numerous and numbers of targeted mandates that Government says one size fits all. You all use it this way, or you cannot use it at all.

We suggested in our budget resolution that we should put more money into research on the dread diseases that affect our people and mankind. We increased NIH $2.3 billion, which is $2 billion more than the President asked for, for dreaded diseases like cancer, Alzheimer's, and the whole list.

Mr. MOYNIHAN. Food allergies.

Mr. DOMENICI. Allergies—all kinds of things.

We believe the breakthroughs will come in the next the millennium from this kind of investment. We are proud of it. We increased national defense—if you take out emergencies—by $13.5 billion, and increased the pay for the military at a very significant rate, which was long overdue and much needed.

In addition, also in this bill, we have taken care of the shortcomings in Medicare that came from the Balanced Budget Act. And $16 billion goes into that in the next 5 years, including $2.1 billion to replenish skilled nursing home payments. Also, the therapy caps have changed. There are slower reductions in payments for teaching hospitals, and a long list of changes.

I ask unanimous consent that the list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEDICARE AND MEDICAID PROVISIONS SUMMARY

[Nov. 18, 1999, CBO estimates, in billions of dollars]

	2000	2000–2004	2000–2009
Increase Skilled Nursing Facilities Payments	0.3	2.1	2.1
2 Year Moratorium on Therapy Caps	0.2	0.6	0.6
Slow Reductions for Teaching Hospitals	0.2	0.6	0.6
Hospital Outpatient Department Payments	0.3	5.3	11.1
Rural Hospital Provisions	0.0	0.8	1.7
Delay 15% Home Health Reduction	0.0	1.3	1.3
Medicare+Choice Payments	0.0	1.9	2.5
Miscellaneous Medicaid and S–CHIP	0.1	0.9	1.6
Other	0.1	2.5	5.5
Total	1.2	16.0	27.0

1. Nursing homes

Increases payment rates for medically complex cases by 20% from April 2000 to September 2000.

Increases all payments by 4% in 2001 and 2002.

Allows use of higher of federal or current rate at each facility.

2. Therapy caps

Provides a 2 year moratorium on further implementation of the $1,500 therapy caps.

3. Teaching hospitals

Freezes the indirect medical education (IME) add-on rate at 6.5% in 2000 (same as 1999).

Phases-in further reductions more slowly than the Balanced Budget Act schedule.

4. Hospital outpatient departments

Clarifies that the outpatient department prospective payment system should not include an initial 5.7% cut.

Provides temporary protection to hospitals so that payment rates can fall no more than defined percentages from their 1996 levels.

5. Rural hospitals

Provides a five year extension of the Medicare dependent hospital program, and several miscellaneous expansions to the critical access hospital program.

6. Home health

Delays implementation of the 15% cut until October 1, 2001.

7. Medicare+Choice

Phases-in risk adjustment slowly over the period 2000 to 2003 and increases the update by 0.2 percentage point in 2002.

8. Medicaid Disproportionate Share Hospitals (DSH)

Permanently increases the allotment for New Mexico by $4 million per year beginning in 2000.

Many people in the Senate deserve to be thanked for putting this entire appropriations package and budget together. To name a few, I thank the distinguished senior Senator from Alaska, Mr. TED STEVENS, who chairs the overall Appropriations Committee. What a job he had, and what a job he did. And Senator ROBERT BYRD, ranking member, what a difficult job he had. We are here with a bipartisan budget agreement this afternoon because he and other Democrats worked with Republicans to get it done.

Last but not least, I thank the majority leader,, who tried very hard to understand what we were doing, and worked with us. He now is a budget expert. That is good. From time to time, I am very glad we can take matters into his office and he understands it thoroughly.

With that, I yield the floor.

TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999—CONFERENCE REPORT—Continued

PRIVILEGE OF THE FLOOR

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that Kyle Kinner, a presidential management intern with the Finance Committee minority staff, be granted the privilege of the floor during the consideration of this conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. I have the great pleasure to yield 5 minutes to my friend from Illinois, Senator DURBIN.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. DURBIN. I salute Senator ROTH, Senator MOYNIHAN, Senator KENNEDY, Senator JEFFORDS, Senator HARKIN, and others who worked so hard on this Work Incentives Improvement Act.

A close friend of my family had a son who was mentally ill. This young man wanted more than anything to go to work. He knew if he did so, he would lose the protection of health insurance. So he was held back from that opportunity. I don't believe he was better for that. I don't believe America was better for that.

This bill addresses that challenge and says that as the disabled go to work, they will still be able to use Medicaid and Medicare to protect themselves with health insurance even as they earn some income. That is only just. It opens up an opportunity that currently is not there. I am happy to be a supporter of this legislation. I look forward to voting for it when it comes to the floor.

There is some reservation in my mind about the bill that is before us, not because of the provision I just mentioned, nor because of the extension of certain tax credits and benefits, but, rather, because of the language in this bill relating to organ donation.

This is the challenge we face in America. If you are an American grievously ill, in need of an organ transplant, your chances of survival depend more than anything on your address and how much money you have. You could be the most seriously ill person in some State in this Union and be overlooked and bypassed in favor of another patient in another State who is not as seriously ill and might be able to wait. That needs to change. That is certainly not a fair or American way.

The rules we are trying to promulgate to make that change have been the source of great controversy on Capitol Hill. It is sad when it comes to a point where Members of the House and Senate are deeply involved in a debate over the availability of organs for donation to those who need a transplant to live.

In my State of Illinois, over the last 3 years, 97 people have died waiting for organ transplants at the University of Chicago. I see my colleague from the State of Pennsylvania, Senator SANTORUM, where 187 people died waiting at the University of Pittsburgh. My colleagues, Senator MOYNIHAN and Senator SCHUMER, know that 99 people died waiting at Mount Sinai in New York. In the last week alone, two people have died at one of the Chicago transplant centers because an organ did not become available.

If you are an American who needs a liver transplant to survive and you live in the following States, you have much less chance of receiving the transplant: Arizona, California, Colorado, Connecticut, Illinois, Massachusetts, Maryland, Michigan, New York, or Pennsylvania.

This is not a fair system. It is a system which cries out for justice and one that cries out for the politicians to step aside. Let the medical community find the best and most efficient way organs can move to the people who need them to live, instead of getting caught up in some special interest tangle here or political dogfight. It is sad that we are now in a situation on this bill where we have not resolved this contentious issue. I sincerely hope all parties will come together, and soon, to make certain that changes are made to make the system fairer. We know, by the people we represent, that this is literally a life-or-death argument.

Kathryn Krivy lives in Chicago. She runs the wellness clinic at the Northwestern Memorial Hospital. She is desperately in need of a new liver. She has developed primary biliary cirrhosis, a very rare autoimmune disease that is incurable. She has been on the transplant list in Chicago for over 2 years, but currently, because of the delay, she has decided to sign up at the Mayo Clinic in Minnesota because it is much more likely she can receive a transplant in a shorter period of time. She has the knowledge and the resources to make that decision, but many of the poorer people in America waiting for an organ transplant do not have that luxury.

We should not reach the point in America where something as basic as the gift of life, an organ donation, depends on your home address. That is exactly what has occurred. An estimated 66,000 potential organ recipients are waiting their turn. Only 20,000 will see an organ transplant this year. Nearly, 5,000 Americans will die each year, at least 13 every day, while awaiting organ transplants. Of those, it is estimated that 300 to 1,000 Americans, maybe up to 3 a day, might be spared if this system were fairer and were revised. Unfortunately, that is not the case.

Though this is an excellent bill which I support, I believe it is a sad commentary that we have reached this state of affairs. I hope in the next session of Congress we can bring justice to organ donation.

I yield the floor.

Mr. ASHCROFT. Mr. President, today the United States Senate completes its business for calendar year 1999 by passing two important bills: H.R. 3194—the final spending bill, and H.R. 1180—the Work Incentives Act, which provides new opportunities for disabled individuals to enter the work force and includes $18 billion dollars in tax cuts. I am pleased to announce my support for both these bills.

The Chairman of the Senate Budget Committee has eloquently explained how this budget agreement keeps faith with the Republican pledge that no Social Security trust fund monies be used to pay for other government programs.

Last year, for the first since 1960—during the Eisenhower Administration—we balanced the budget without counting the Social Security surplus. Mr. President, for the first time in 39 years the government did not divert money from the Social Security Trust Fund to pay for other programs.

As a result of the spending plan pursued by this Republican Congress, which called for protection of Social Security, increased spending on education and defense, and reduction of the national debt, we have begun to put our fiscal House in order.

When I was elected to this body in 1994, the incoming 104th Congress inherited a projected four-year budget deficit of $906 billion. Now, through the hard work and discipline of this Congress, the tables have turned. That actual four-year period produced a net budget surplus of $63 billion—a turnaround of $969 billion, just a shade under a trillion dollars. With the passage of the final FY 2000 appropriations bill, we will continue on that path, reducing our national debt by $140 billion dollars in the current fiscal year.

Unlike last year's omnibus appropriations package that increased spending by almost $14 billion, this Congress successfully obtained offsets for all of the President's new spending, including an across-the-board cut that will help eliminate government waste and excess. In addition, despite President Clinton's best efforts, the offsets do not include a tax increase.

At the beginning of this year, I said that the Congress' primary responsibility was to protect the Social Security surplus. With the passage of this budget, we have accomplished that goal. In addition, not only have we avoided a tax hike, but we have also given the American people an $18 billion tax cut through the provisions contained in H.R. 1180—the Work Incentives Act.

I am pleased that the final bill includes over $2 billion in additional education spending over last year and gives local school districts more flexibility in how they spend that federal assistance. The appropriations bill also contains an increase of $1.7 billion for veterans spending above President Clinton's request, as well as an increase in funding for national defense that includes a boost in pay and benefits for our soldiers, sailors, and airmen.

But this bill does not just fund these important priorities, it also provides real cuts in government waste and abuse. The legislation includes a 0.38% across the board reduction that is essential to maintaining our fiscal discipline and protecting Social Security.

Included in this package are provisions to address some unintended consequences of the Balanced Budget Act of 1997 to protect Medicare recipients and providers. This bill includes $16 billion over 5 years to ensure that senior citizens can continue to receive quality health care.

These Medicare changes will help Medicare patients in hospitals—particularly rural, teaching, and cancer hospitals—skilled nursing facility residents, home health care recipients, and seniors who wish to receive their health care through the innovative Medicare+Choice program rather than through the conventional fee-for-service mechanism. I have traveled around Missouri and heard from countless doctors, patients, nurses, and other health care providers about the necessity of these changes. These provisions are good for the seniors in Missouri and across the Nation.

The package also provides for State Department Reauthorization, including language I authored that requires the State Department to publish a report documenting American victims of terrorist attacks in Israel, Gaza, and the West Bank.

In addition, the almost 400,000 Missouri households that are satellite television viewers will be pleased that this bill includes language that will allow them to continue receiving local programming. The Satellite Home Viewer Act will give real price competition and choice in video programming to all Missourians.

Finally, Mr. President, I am pleased that unlike last year, when we lumped all the bills together, allowing $14 billion in extra spending into one package, this year we finished our work on each of the bills, and negotiated each bill on its individual merits. While this bill is an omnibus package for procedural reasons, it was not negotiated as an omnibus package. Every provision was negotiated according to regular order, and as a result, we were able to succeed in our goal of protecting Social Security.

Mr. WELLSTONE. Mr. President, I rise to support this conference report and I say, Mr. President, that I am very happy to have been an original cosponsor of the Work Incentives Improvement Act of 1999.

People all across Minnesota who have contacted my office know the importance of the Work Incentives Improvement Act and how it will further expand the possibilities opened up by the Americans with Disabilities Act which was enacted in 1990. Thanks to the ADA, many people with disabilities in Minnesota and around the country are working, but others still cannot accept jobs because they would lose their health care coverage. This Act will allow them to fulfill their dreams for employment and to be productive citizens.

This legislation has enjoyed overwhelming bipartisan support—with 79 Senate cosponsors. It would make it easier for those receiving disability benefits through Social Security programs to go to work without losing their Medicare or Medicaid health benefits. The legislation also encourages the disabled to seek paid employment by gradually reducing their cash benefits as income increases, rather than cutting them off completely.

Let's look at the current situation for disabled individuals who seek employment and require health insurance coverage. For some of these people, employer-based coverage is unavailable because they are self-employed or because their disabilities prevent them from working full-time. For others, coverage is unaffordable because of copays and co-insurance for repeated, ongoing treatments. For those offered affordable employer insurance, these plans generally cover only primary and acute care, not the specialized medications, equipment, supplies and other long term care needs that individuals with disabilities unfortunately require.

Last year, in the Spring of 1998, the Minnesota Consortium for Citizens with Disabilities surveyed 1200 Minnesotans who have disabilities and found the vast majority were ready to go to work if their current health care benefits remained intact.

Here are two examples from Minnesota:

Let me tell my colleagues about Steve. Steve is a middle-aged adult with advanced Limb Girdle Muscular Dystrophy. He is married, has two grown children, and owns his own home in rural Minnesota. As the manifestations of his condition progressively worsen, Steve has struggled to remain self-sufficient as long as possible using all of his personal resources. Steve's desire to remain an independent contributing member of society is evident in his efforts to develop the skills that enable him to work from home in a computer-based business. Steve is on SSDI making him eligible for Medical Assistance that pays for his health care needs. He is growing weaker and cannot afford to lose his medical assistance eligibility. Steve has a fledgling publishing business; ghost-writing and copy-writing. He crafts sales ads and creates direct mail advertising packages. Steve uses the Internet to market his services. He uses his website as a forum for other authors to advertise their books. He sells space as one would a classified ad. Steve is becoming involved with e-bay auctioning focusing onbooks—first editions and autographed copies. Steve says the Work Incentives Improvement Act is his only opportunity to become financially independent. "If a person in my position is at risk for all of the medical expenses that one could incur, that is a big incentive not to try to get ahead. I still have my pride, my ego, the desire to rise above."

Another Minnesotan whose story I would like to tell is Jean. Jean is in her mid-forties and has had Charcot-Marie-Tooth Disease since early childhood. Her muscles have wasted away from her elbows to her finger tips and from her thighs to her toes. She has trunk weakness and uses a power wheelchair for mobility. Jean works in an office as a clerk-typist using a pencil held between her two hands to strike the computer keys and a trackball to navigate her computer. Jean's career is limited by not being able to accept raises, declining wage rewards for the continuing education and skills she has gained, because if she accepted these well deserved raisers, she would exceed Supplemental Security Income's (SSI) earnings threshold of just $500/month and lose her eligibility for medical assistance. "It just seems unfair that people with disabilities don't have the same opportunities to advance in their careers. Why can't we earn enough money to live in a house? To purchase a van with a lift? To travel?"

These are but two of the thousands of disabled Americans who, with guaranteed continued health care coverage—coverage they already have—would be able to lead more productive lives, productive for themselves, for their families and for their communities. In my state there are not enough workers to meet the needs of Minnesota employers, and I know it is also the case in many communities around the country. According to the Disability Institute, in 7 years Minnesota will need 1 million new workers. The Work Incentives Improvement Act will help match the needs of Minnesota's disabled community with Minnesota employers. That is what I call a real win-win situation.

When President Bush signed the Americans with Disability Act in 1990, he noted that when you add together all the state, federal, local and private funds, it costs almost $200 billion annually to support people with disabilities—to keep them dependent. The ADA was the first giant step forward to allow Americans with disabilities to be independent. The Work Incentives Improvement Act of 1999 which we have before us today is another giant step along the same path, and today I am happy to say that we will be taking that step.

Mr. FRIST. Mr. President, yesterday, the House and Senate Conference Committee reached agreement on the Ticket to Work and Work Incentives Improvement Act of 1999, which addresses a fundamental inequity for individuals with disabilities.

As a heart and lung transplant surgeon, I witnessed unfair discrimination against patients with disabilities. After a successful transplant, several of my patients were faced with a serious dilemma. They had to choose between keeping their health insurance coverage or returning to work. Under current law, if these patients choose to return to work and earn more than $500 per month, they lose their disability payments and health care coverage provided through Medicare and Medicaid as part of their Social Security Disability Insurance (SSDI). This is health care coverage that they simply cannot get in the private sector, as it is extremely difficult for individuals with severe disabilities to obtain coverage due to their medical history.

Let me illustrate the profound impact this dilemma has had on our disabled Americans. Today, the unemployment rate among working-age adults with disabilities is nearly 75 percent. Only 7% of disabled Americans—318,728 of the 4.2 million non-blind individuals with disabilities—were working in 1997, according the General Accounting Office. Many persons with disabilities who currently receive federal disability benefits, such as SSDI and Supplemental Security Income (SSI), want to work; however, less than one-half of one percent of these beneficiaries successfully forego disability benefits and become self-sufficient. If disabled individuals try to work and increase their income, they lose their disability cash benefits and their health care coverage. The loss of these benefits is simply too powerful of a disincentive to return to work.

In addition, more than 7.5 million disabled Americans receive cash benefits from SSI and SSDI. Disability benefit spending for SSI and SSDI totals $73 billion a year, making these disability programs the fourth largest entitlement expenditure in the federal government. If only one percent—or 75,000—of the 7.5 million disabled adults were to become employed, federal savings in disability benefits would total $3.5 billion over the lifetime of the beneficiaries. Removing barriers to work is not only a major benefit to disabled Americans in their pursuit of self-sufficiency, but it also contributes to preserving the Social Security Trust Fund.

This legislation is critical to the health and well-being of our disabled Americans. It will create new opportunities for individuals with disabilities to return to work while allowing them to maintain their health insurance coverage and disability benefits. In particular, this bill expands new options to states under the Medicaid program for workers with disabilities; continues Medicare coverage for working individuals with disabilities; and establishes a ticket to work and self-sufficiency program.

I would like to thank Senator JEFFORDS for his leadership on this critical issue. I would also like to thank Senators LOTT, ROTH, MOYNIHAN and KENNEDY and their House colleagues for their dedication toward reaching consensus on this important legislation.

Mr. KOHL. Mr. President, I rise today in support of the Work Incentives Conference Report. As my colleagues know, this conference report contains a number of items that have been joined together in order to accommodate the end of session schedule, and I would like to offer brief comments on several of those items.

With regard to the tax portion of the conference report, I am in support of the compromise that was reached to extend the expired tax credits. Earlier this year, I supported an ambitious tax relief package which extended the credits and contained my child care tax credit and farmer income averaging relief provisions, as well as targeted tax measures to help Americans pay for education and health care and to expand the low-income housing tax credit. Hardworking American taxpayers created the budget surplus, and a significant portion of that surplus should be returned to them, allowing them to keep more of their own paychecks and helping them plan for their future. It is my hope that when we return in the spring, we will rise above partisan concerns and achieve bipartisan progress towards comprehensive tax relief, as well as the challenge of reforming both Medicare and Social Security And we must do so while continuing our vigilance in protecting the balanced budget gains of recent years.

But for today we will content ourselves with the limited extenders package before us. The research and development tax credit promotes innovation and enhances the competitiveness of American business. The work opportunity and welfare-to-work tax credits continue the partnership between the public and private sector to move those in need of a helping hand off of public assistance and into the workforce. I am also pleased that this tax package preserves eligibility to important tax benefits, such as the child tax credit, by protecting against the encroachment of the alternative minimum tax. While I am concerned that the conferees did not offset fully the costs of these provisions and would have preferred a final version along the lines of the bipartisan, and fully offset, Senate bill, this package is modest and urgently needed. It deserves our endorsement.

I am extremely pleased that we are finally taking the final step to enact the Work Incentives Improvement Act into law. I cosponsored this legislation because I believe strongly that it will have a tremendous impact on the lives of people with disabilities.

Currently, over 9 million people receive disability benefits through the SSDI and SSI programs. Only ½ of 1 percent of SSDI beneficiaries, and only 1 percent of SSI beneficiaries ever return to work. Yet we know that many—in fact, the vast majority—of people with disabilities want to work. In study after study, people with disabilities report that the single biggest obstacle to returning to work is the loss of health care benefits that often comes along with their decision to work. Many do not have access to employer-based health insurance and find policies in the individual insurance market prohibitively expensive. Therefore, disabled beneficiaries who want to work are faced with the choice of returning to work while risking their health benefits or forgoing work to maintain health coverage.

This is simply unacceptable. People with disabilities deserve every opportunity to live healthy, productive lives, and we should encourage and support their efforts to work by ensuring that they continue to have access to the health care services they need. I am pleased that the Work Incentives Improvement Act accomplishes that goal. This bill will ensure that millions of people with disabilities have the opportunity to work if they are able—without the fear of losing the health insurance coverage they need in order to live healthier lives and to succeed in their work. I want to commend the bipartisan efforts of Chairman ROTH, Senator MOYNIHAN, Chairman JEFFORDS, and Senator KENNEDY, in making this bill a reality.

Again, I regret that end-of-year pressure has forced us to combine so many unrelated provisions into a single bill. However, I support the conference report for the reasons I have just stated, and I urge my colleagues to vote for its adoption.

Mr. ALLARD. Mr. President, it is with great reluctance that I vote for the Work Incentives Act Conference Report.

A particular provision, Section 408, has been added to this important piece of legislation at a date too late to make further changes. Section 408 was introduced in the House, included in the Conference Report, but never debated in the Senate. I am a cosponsor of the Senate version of this bill.

In an effort to finish the first session of the 106th Congress we have had no time to sound our concerns and make due changes. Section 408 extends the authority of state medicaid fraud units. Not only would this provision mandate more federal control over what has been historically governed by the states, it also calls for investigation and prosecution of resident abuse in non-Medicaid board and care facilities. This provision allows the federal government unprecedented control over the quality of care in private institutions. This is yet another example of government authority exceeding its boundaries. I have always been a supporter of state's rights and less government control and I feel these regulations are best promulgated by the states. Certainly they should not be promulgated in the final days of the session.

It is my opinion that we must reduce the amount of federal government regulation and not further impede the rights of care providers and state officials to monitor private industry. I make an effort to examine all pieces of legislation to ensure that the end results is objective and does not further burden individuals with undue regulation.

Again it is with great reluctance that I vote for this act. The changes made in the Conference Report at this late date are onerous and threaten the sanctity of private health care providers.

Mr. LIEBERMAN. Mr. President, I rise to express my support for the tax extenders package included in the Work Incentives Act conference report. In the context of our current budget situation of a small projected on-budget surplus for FY 2000, I believe this tax package strikes an important balance between fiscal responsibility and tax relief.

Although I would have preferred a fully offset tax package, I am pleased that the bill is fully offset for FY2000 and partially offset for FY2001, the two years for which most of the tax provisions are extended by law. If two years from now when we reconsider most of these provisions a on-budget surplus does not exist, I will push for an extenders package that is fully offset to ensure that we do not go into deficit as a result of tax relief measures.

The package includes several important provisions that I strongly support. The Research and Experimentation Tax Credit is important for our future international competitiveness. This tax credit provides an important incentive for our companies to research and innovate. I hope that in the near future we will update this credit to reflect current business conditions and to make it a permanent part of the tax code.

The AMT modification, the Worker Opportunity Tax Credit, and the Welfare-to-Work Tax Credit are all important provisions to help low to moderate income earners create more opportunities and to improve their living standards. I am pleased that the Finance Committee decided to include renewal of the Generalized System of Preferences in this tax package. This is a critical program for promoting growth in developing economies and for increasing international trade integration.

I strongly support the provision to extend and modify the tax credit for electricity produced by wind and biomass materials. In order to ensure energy security and address national environmental priorities such as clean air and mitigation of global climate change, it is essential that renewable energy options become more competitive. These tax provisions will ensure that renewable energy technologies will be able to compete more equitably with fossil sources such as coal and oil. However, while this package includes modest extensions and modifications, I am disappointed that the bill does not go further by extending the credit to include landfill methane and other cellulosic feedstocks.

I would like to thank Chairman ROTH and Senator MOYNIHAN for their hard work in getting this package together. It is a fiscally responsible and an appropriate package under our current fiscal situation. I urge my colleagues to support this bill.

Mr. JEFFORDS. Mr. President I am delighted to stand before you today, to speak about an extremely important piece of legislation. The bill we are sending to the President today, a bill I know he is eager to sign into law, will have a tremendous impact on people with disabilities. In fact, this legislation is the most important piece of legislation for the disability community since the Americans with disabilities Act.

My reason for sponsoring this particular piece of legislation is quite simple. The Work Incentives Improvement Act of 1999 addresses a fundamental flaw in current law. Today, individuals with disabilities are forced to make a choice . . . an absurd choice. They must choose between working and receiving health care. Under current federal law, if people with disabilities work and earn over $700 per month, they will lose cash payments and health care coverage under Medicaid or Medicare. This is health care coverage that they need. This is health care coverage that they cannot get in the private sector. This is not right.

Once enacted, the Work Incentives Improvement Act of 1999 will allow individuals with disabilities, in states that elect to participate, continuing access to health care when they return to work or remain working. In addition, those individuals who seek it, will have access to job training and job placement assistance from a wider range of providers than is available at this time. Currently, there are 9.5 million individuals with disabilities across the country who receive cash payments and health care coverage from the federal government. Approximately 24,000 of these individuals live in my home state, Vermont. Once enacted, the Work Incentives Improvement Act will actually save the federal government money. For example, let's assume that 200 Social Security disability beneficiaries in each state return to work and forgo cash payments. That would be 10,000 individuals out of the 9.5 million individuals with disabilities across the country. The annual savings to the Federal Treasury in cash payments for just these 10,000 people would be $133,550,000! Imagine the savings to the Federal Treasury if this number were higher. Clearly, the Work Incentives Improvement Act of 1999 is fiscally responsible legislation.

I began work on this bill 1996. Though it was a long and sometimes difficult task, many hands made light work. Senator KENNEDY, Ranking member on the HELP Committee, joined me in March 1997. Senators ROTH and MOYNIHAN, Chairman and Ranking Member on the Finance Committee signed on as committed partners in December of 1998. Last January, 35 of our colleagues, from both sides of the aisle, joined us in introducing S. 331, the Senate version of this legislation. One week later, in a Finance Committee hearing, we heard compelling testimony from our friend, former Senator Dole, a strong supporter of this legislation. A month later, we marked this legislation out of the Finance Committee with an overwhelming majority in favor of the bill. Finally, on June 15th, with a total of 80 cosponsors, we passed this legislation on the floor of the United States Senate, with a unanimous vote of 99–0.

Four months later, over 35 of our colleagues in the House of Representatives, took to the floor of their chamber, and spoke eloquently for their version of this legislation. Later that day, the bill passed the floor of the House with a vote of 412–9. Since then, the Senate and House Conferees have been working diligently in effort to reach common ground. I am very pleased today, that the differences in policy in the two different bills have been resolved and consensus has been reached on a conference agreement. This agreement does not compromise the original intent of the legislation, retaining key provisions from S. 331.

From my perspective, the Work Incentives Improvement Act of 1999 represents a natural and important progression in federal policy for individuals with disabilities. That is, federal policy increasingly reflects the premise that individuals with disabilities are cherished by their families, valued and respected in their communities, and are an asset and resource to our national economy. Today, most federal policy promotes opportunities for these individuals, regardless of the severity of their disabilities, to contribute to their maximum potential—at home, in school, at work, and in the community.

I have been committed to improving the lives of individuals with disabilities throughout my Congressional career. Providing a solid elementary and secondary education for children with disabilities, so that they will be equipped, along with their peers, to benefit from post-secondary and employment opportunities is crucial. When I came to Congress in 1975, Public Law 94–142, the Education for all Handicapped Children Act, now the Individuals with Disabilities Education Act (IDEA), was enacted into law. IDEA assures each child with a disability, a free and appropriate public education. I am proud to be one of the original drafters of this legislation which has reshaped what we offer to and expect of children with disabilities in our nation's schools.

In addition, I have been committed to providing job training opportunities for individuals with disabilities. In 1978, I played a central role in ensuring access to programs and services offered by the federal government for individuals with disabilities through an amendment to the Rehabilitation Act. I believe that this amendment alone laid the foundation for significant legislation that followed, including the Technology-Related Assistance for Individuals with Disabilities Act of 1988, now the Assistive Technology Act of 1998, both of which I drafted. Most importantly, this legislation opened the doors for the most comprehensive piece of legislation of all, the Americans with Disabilities Act of 1990. This legislation prohibits discrimination on the basis of disability in employment, public services, public accommodations, transportation, and telephone service.

These laws have forever changed the social landscape of America. They serve as models for other countries who recognize that their citizens with disabilities are an untapped resource. In our country, individuals with disabilities are seen everywhere, doing everything. Just this past weekend, thousands of physically disabled individuals participated in the New York City Marathon, as they have been doing for years. The expectations that these people set for themselves and the standards we apply to them have increasingly been raised, and now in many circumstances equal those set and applied to other individuals.

Unfortunately, one major inequity remains. That is, the loss of health care coverage if an individual on the Social Security disability rolls chooses to work. Individuals with disabilities want to work. They have told me this. In fact, a Harris survey found that 72 percent of Americans with disabilities want to work, but only one-third of them do work. With today's enactment of the Work Incentives Improvement Act of 1999, individuals with disabilities will no longer need to worry about losing their health care if they choose to work a forty-hour week, to put in overtime, or to pursue career advancement. Individuals with disabilities are sitting at home right now, waiting for this legislation to become law. Having a job will provide them with a sense of self-worth. Having a job will allow them to contribute to our economy. Having a job will provide them with a living wage, which is not what one has through Social Security.

In addition to continuing health care coverage and providing job training opportunities for individuals with disabilities, this legislation offers many other substantial long-term benefits. The Work Incentives Improvement Act of 1999 will give us access to data regarding the numbers, the health care needs, and the characteristics of individuals with disabilities who work. Furthermore, this legislation will provide the federal government as well as private employers and insurers, the facts upon which to craft appropriate future health care options for working individuals with disabilities. It will allow employers and insurers to factor in the effects of changing health care needs over time for this population. Hopefully, it will even improve the way in which employers operate return-to-work programs. Through increased tracking of data, we will learn the benefits of intervening with appropriate health care, when an individual initially acquires a disability. We will also learn the value of continuing health care to a working individual with a disability. If an individual, even with a severe disability, knows that he or she has access to uninterrupted, appropriate health care, the individual will be a healthier, happier and thus more productive worker.

I would like to take the time now to briefly outline the major provisions which have remained as part of this legislation. The conference agreement retains the two state options of establishing Medicaid buy-ins for individuals on Social Security disability rolls, who choose to work and exceed income limits in current law, as well as for those who show medical improvement, but still have an underlying disability. For working individuals with disabilities, the conference agreement extends access, beyond what is allowed in current law, to Medicare. In addition, the legislation before us today retains several key provisions from S. 331, including, the authority to fund Medicaid demonstration projects to provide access to health care to working individuals with a potentially severe disability; the State Infrastructure Grant Program, to assist states in reaching and helping individuals with disabilities who work; work incentive planners and protection and advocacy provisions; and finally, most of the provisions in the Ticket to Work Program.

In order to control the cost of this legislation, compromises were made. Although the purpose of the State Infrastructure Grant Program and the Medicaid Demonstration Grant Program remain the same, the terms and conditions of these grants were altered in conference. As a result, states are not required to offer a Medicaid buy-in option to individuals with disabilities on Social Security, who work and exceed income limits in current law, prior to receiving an Infrastructure or a Medicaid Demonstration Grant.

Also in Conference, the extended period of eligibility for Medicare for working individuals with disabilities has been changed from 24 to 78 months. During this extended period, the federal government is to cover the cost of the Part A premium of Medicare for a working individual with a disability, who is eligible for Medicare. S. 331 would have extended such coverage for an individual's working life, if he or she became eligible during a 6-year time period.

I would like to note two changes to the Ticket to Work program made during Conference. The new legislation shifts the appointment authority for the members of the Work Incentives Advisory Panel from the Commissioner of Social Security to the President and Congress. In addition, language regarding the reimbursements between employment networks and state vocational rehabilitation agencies was deleted in Conference. The new legislation gives the Commissioner of Social Security the authority to address these matters through regulation.

Although several changes have been made from the original Work Incentives bill, I am still very pleased with what we are adopting today. This is legislation that makes sense, and it will contribute to the well-being of millions of Americans, including those with disabilities and their friends, their families, and their co-workers. Today's vote provides us the opportunity to bring responsible change to federal policy and to eliminate a misguided result of the current system—if you don't work, you get health care; if you do work, you don't get health care. The Work Incentives Improvement Act of 1999 makes living the American dream a reality for millions of individuals with disabilities, who will no longer be forced to choose between the health care coverage they so strongly need and the economic independence they so dearly desire.

In closing, I would like to thank the many people who contributed to reaching this day. I especially thank the conferees, Majority Leader LOTT, Senators ROTH and MOYNIHAN, and in the House, Majority Leader ARMEY, and Congressmen ARCHER, BLILEY, RANGEL, and DINGELL. I also thank their staff who worked so closely in effort to reach this day. From my staff, I thank Pat Morrissey, Lu Zeph, Leah Menzies, Chris Crowley, and Kim Monk. I want to recognize and extend my appreciation to the staff members of my three fellow sponsors of this bill: Connie Garner in Senator KENNEDY's office, Jennifer Baxendell and Alexander Vachon with Senator ROTH, and Kristen Testa, John Resnick, and Edwin Park from Senator MOYNIHAN's staff. Finally, I wish to thank Ruth Ernst with the Senate Legislative Counsel for her drafting skill and substantive expertise, her willingness to meet time tables, and most of all, her patience. In addition to staff, we received countless hours of assistance and advice from the Work Incentives Task Force of the Consortium for Citizens with Disabilities. These individuals worked tirelessly to educate Members of Congress about the need for and the effects of this legislation.

Finally, I would like to urge my colleagues in both chambers to set aside any concerns about peripheral matters and to focus on the central provisions of this legislation. Let's focus on what today's vote will mean to the 9.5 million individuals with disabilities across the nation. At last, these individuals will be able to work, to preserve their health, to support their families, to become independent, and most importantly, to contribute to their communities, the economy, and the nation. We are making a statement, a noble statement and we must do the right thing. Let's send this bill to the President.

Mr. REED. Mr. President, I rise today in strong support of the Ticket to Work and Work Incentives Improvement Act.

I want to pay tribute to my colleagues, Senators KENNEDY and JEFFORDS, who began working on this legislation in the last Congress—effectively building support for this bill from a handful of senators to 79 cosponsors.

I also want to commend Senators MOYNIHAN and ROTH, who have dedicated their time and effort to this important cause. They have kept the debate on this bill focused on the substance, and have prevented it from degenerating into grandstanding or partisan bickering.

But the lion's share of credit should go to the members of the disability community, who have been tireless advocates for work incentives legislation. Without their hard work, we would not be here today. This bill is the product of their grassroots activism—making a common sense idea into a national policy.

As my colleagues know, the major provisions of the Ticket to Work and Work Incentives Improvement Act are infinitely sensible. They would remove the most significant barrier that individuals with disabilities face when they try to return to work—continued access to adequate health care.

Currently, individuals with disabilities face the dilemma of choosing between the Medicare and Medicaid health benefits they need and the job they desire. Mr. President, this is not a choice at all, and it is regrettable.

According to surveys, about three quarters of individuals with disabilities who are receiving Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) benefits want to work. Sadly, less than one percent are actually able to make a successful transition into the workforce. A major barrier seems to be the lack of sufficient health care coverage.

By passing this legislation, we will extend eligibility for Medicare and Medicaid and provide a helping hand to individuals with disabilities who aspire to work.

Mr. President, this legislation also takes a step to help workers who are stricken with progressive, degenerative diseases, such as Multiple Sclerosis, HIV/AIDS, and Parkinson's Disease, which can be slowed with proper treatment. With the health coverage buy-in offered under this bill, these workers can continue to hold a job instead of leaving the workforce in hopes of meeting the need requirements for Medicaid coverage.

These citizens can continue to make substantial contributions to the workplace and to society while benefitting intellectually and emotionally.

With the Americans with Disabilities Act, Congress adopted legislation to combat discrimination and remove physical barriers from the workplace. Now, we have the chance to lift yet another barrier to work, the loss of health care coverage.

In my home state of Rhode Island, more than 40,000 individuals with disabilities could benefit from the work incentives bill. Across the country, more than 9.5 million people could be positively affected by this legislation.

Our booming economy has created millions of new jobs, and has brought thousands of Americans into the workforce for the first time. By passing this legislation, we can take another step to help a significant group of Americans participate in our national economic prosperity.

Mr. President, before I yield, I would like to briefly mention my concern about some offsets attached to this measure. As colleagues who have followed this bill know, it seemed as if there was a revolving door when it came to the consideration of offsets during the Conference. Provisions came and went and returned again.

I was pleased that a controversial offset regarding the refund of FHA upfront mortgage insurance premiums was withdrawn. This offset was essentially a $1,200 tax on approximately 900,000 low- and middle-income families and first-time home-buyers, and the conferees were right to omit it from this bill.

Regrettably, the bill retains two other controversial offsets, which I oppose. The first is an assessment on attorneys representing clients with Social Security disability benefits claims. Although the Administration supports this offset, I believe that it will discourage qualified attorneys from taking on these complicated, labor-intensive claims cases—which already offer little remuneration to attorneys. Ultimately, this assessment will hurt those individuals trying to secure their rightful benefits, not the attorneys. I commend the conferees for taking steps to blunt the impact of this provision by capping the fee at 6.3% and requiring GAO to study the cost and efficiency of this and alternative assessment structures. Nonetheless, I still believe that this is an inappropriate offset.

The other offset changes the index for student loan interest rates from the 91-day Treasury bill to the three-month rate for commercial paper. This provision saves a modest amount of money in the short-term. Unfortunately, those savings will not be transferred to students, and the offset will actually put taxpayers on the hook if the markets turn sour. Let me add that this provision flies in the face of an agreement reached in last year's Higher Education Act Amendments. Under that legislation, we were to study the impact of this type of conversion. We are still awaiting the findings of that study, and in the absence of an authoritative conclusion, I believe it is premature to entertain this change in policy. Mr. President, setting these important concerns aside, I believe that the Ticket to Work and Work Incentives Improvement Act is a major victory for all Americans, and we should all support it. I want to again commend the leading Senate sponsors, Senators KENNEDY, JEFFORDS, MOYNIHAN, and ROTH for their tremendous work in bringing this legislation to this point, and I urge all of my colleagues to vote for it.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. Mr. President, I yield 8 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 8 minutes.

Mr. SANTORUM. Mr. President, I want to pick up where the Senator from Illinois left off. I think he hit the nail on the head with respect to our concern with a provision in this bill which will create an additional moratorium for the organ allocation regulations to go into effect.

There will be a 90-day moratorium. Senator DURBIN, Senator SCHUMER, Senator MOYNIHAN, Senator SPECTER, and I, and many others have some grave concerns about its impact on thousands of people who are on transplant lists across this country and their ability to get organs in what may be the last few days of their lives. That is, unfortunately, what is going to occur. We are going to delay a system being put into place which would put a priority on the health status of the person on the transplant list as opposed to the residency status of where that person happens to be in the hospital.

It is a battle. It is an economic battle in many respects. And certainly, from some perspectives, I have transplant centers in my State that support these regulations; I have transplant centers in my State that oppose them. I look at it from the unbiased position of, what is in the best interest of the patient? For me, as Senator DURBIN just said, when 3 of the 11 people who will die today because organs are not available, when 3 of them needlessly die because we are transplanting organs that would otherwise go to them into people who are healthier and would not die but for the transplant, then we have something seriously wrong in this country. We have something seriously wrong when geography trumps patient need. That is what the current organ allocation system has.

Why has that occurred? This was a system that was put in place well over 10 years ago, when there were fewer transplant centers and when organs could not survive as long after being harvested. So geography did play an important role because the organ that was harvested had to be quickly transported to a hospital and implanted into the donee. That has changed. Now organs survive for around 4 hours, according to our transplant surgeon, Dr. FRIST, who lectured us on this a little while ago. Now we have the ability to more broadly spread these organs out so we can reach sicker people. Yet the organ allocation system developed well over 10 years ago still focuses on geography. It may have been applicable at one time. It doesn't work anymore. People are dying as a result of it.

We have 4,000 people on transplant lists; 1,000 will die. And it is incredible to me that those will die unnecessarily—4,000 will die and 1,000 will die unnecessarily—because of our regulations.

We have gone through a moratorium on these regs. I know this is a very controversial issue. It is a controversial issue because of economics. There is no controversy anymore as to what is in the best interest of patients. Last year, when Bob Livingston was able to get a year delay as chairman of the Appropriations Committee, we said, well, the medical evidence will sustain their position that geography is the best way to do this. So we asked for a study—the study of the Institute of Medicine—to determine the findings of a nonpartisan, nonbiased organization. Let me tell you what they came back with:

> On the basis of the analysis of this report, it seems apparent that patients on liver transplant—

That is what they specifically looked at—

> waiting lists will be better served by an allocation system that facilitates broader sharing within broader populations.

The Institute of Medicine says "broader sharing," with geography being a lower priority factor in the decision.

This question was also put forward: Will more people die if we continue this system?

Again, the Institute of Medicine was very clear:

> Increased sharing of organs would result in increasing transplantation rates for status 1 patients, the sickest patients, decreasing pre-transplantation mortality for sicker patients, which is status 2(b), and decreasing transplantation rates for status 3 patients, without increasing mortality.

That is the key. Yes, status 3, the healthier patients, will get fewer organs, but they won't die as a result of that. Yes, status 1 and 2(b) patients will get more transplantations and will live as a result of that, where they otherwise would die.

So it is clear, again, from the medical evidence the Institute of Medicine has put forward that a broader geographic sharing is the way to go. That is what these regulations dictate—that the sicker patients should get these before they die, not healthy patients who would otherwise live or would live for a long period of time without transplants.

The other issue you will hear brought up is that we need geography to be a big factor because it increases the availability of organs, that people want to donate organs in their community. The Institute of Medicine looked at this and found no convincing evidence to support the claim that broader sharing would adversely affect donation rates, or potential donors would decline to donate because an organ might be used outside the immediate geographic area.

I have an organ donor card. I am someone who, upon my demise, wants to be able to give organs to someone else so they might live. I don't care whether it goes to somebody in Pittsburgh, or in Chicago, or in Alabama, as long as it goes to the person who needs it the most.

That brings me to my final point, on which I think we can all agree. This debate is contentious, and the reason for that is, we don't have enough organs. So I just say that we can all agree that we need to do more to encourage organ donation. People are needlessly dying because people and families have trouble at that moment of death—I know how difficult that can be—making the decision to donate the organs of somebody who is brain dead to someone else who can live as a result of that donation. Hopefully, through this discussion, we can also work on how we can broaden the availability of organs so this contentious issue of regional transplant centers will be minimized in the future.

Mr. President, with that, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Mr. President, I have the great honor and pleasure to yield 5 minutes to the Senator from Iowa, who is so active in the Ticket to Work legislation.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 5 minutes.

Mr. HARKIN. Mr. President, I thank the ranking member on the committee. I rise in strong support of the Work Incentives Improvement Act. I really want to commend my two colleagues, Senator JEFFORDS of Vermont and Senator KENNEDY from Massachusetts, for their excellent work in getting this very important piece of legislation through. I want to also thank the members of the Finance Committee—in particular, Senator ROTH and Senator MOYNIHAN—for their hard work on this legislation.

For people with disabilities all over this country, this is truly an incredible day. Congress is continuing to fulfill the promise we made to people with disabilities 9 years ago when we passed the Americans With Disabilities Act in 1990. When we passed the ADA, they told Americans with disabilities that the door to equal opportunity was finally open. And the ADA has opened doors of opportunity—plenty of them. Americans with disabilities now expect to be treated as full citizens, with all the rights and responsibilities that entails.

But our work is not finished. Far too many people with disabilities who want to work are unemployed. One of the main reasons they are unemployed is, under the current system, people have to choose between a job and health care. I could not put it any better than a constituent of mine, a young woman by the name of Phoebe Ball. Phoebe just graduated from the University of Iowa. She was shocked when they found that if she took an entry-level job paying $18,000 a year, she would suffer a huge loss—her health insurance.

So Phoebe wrote an article for the newspaper. I will read part of it:

> I want off SSI desperately . . . I want to work. I want to know that I have earned the money I have . . .
>
> My parents and my society made a promise to me. They promised me that I can live with this disability, and I can . . . What is limiting me right now is not this wheelchair, and it's not this limb that's missing. It's a system that says if I can work at all, then I'm undeserving of any assistance. I'm undeserving of the basic medical care that I need to stay alive.
>
> . . . What is needed is a government that understands its responsibility to its citizens . . . then we'll see what we are capable of, then we'll be working and proving the worth of the Americans With Disabilities Act.

I could not say it any better than Phoebe just did. The Work Incentives Improvement Act is a comprehensive bill that will be the answer to Phoebe Ball's dilemma. If only 1 percent—or 75,000—of the 7.5 million people with disabilities, such as Phoebe, who are now on benefits were to become employed, Federal savings would total $3.5 billion over the work life of these beneficiaries. That not only makes economic sense, it contributes to preserving the Social Security trust fund.

The disability community across this country and Members from both sides of the aisle have wholeheartedly endorsed this bill. Rarely do we see such broad bipartisan support. But that is because on this particular issue it is easy to agree—people with disabilities should continue to move toward greater and greater independence.

In that spirit, Senator SPECTER and I introduced the Medicaid Community Attendant Services and Supports Act earlier this week. Its shorthand name is MCASSA. This bill will build on what we are doing today with the Work Incentives Improvement Act. Ten years after the passage of the Americans With Disabilities Act, next year, we are still facing the situation where our current long-term care program favors putting people into institutions.

A person has a right to the most expensive form of care—a nursing home bed—because nursing home care is an entitlement. But if that same person with a disability wants to live in the community, he or she is going to have to face a lack of available services because community services are optional under Medicaid. Nursing home is a mandatory entitlement, but if you want to live in the community, that is optional. Well, the purpose of our bill is to level the playing field and give people with disabilities a real choice.

Our bill would allow any person entitled to medical assistance who would go to a nursing facility to use the money for community attendant services and support. In shorthand, what our bill says is: Let the Federal money follow the person and not the program. If that person wants to use that money for community-based services and attendant services, that person with a disability ought to be able to use the money that way. If they want to use the money for a nursing home, leave it up to the individual; we should not be dictating where they ought to live and how they ought to live. As is the work incentives bill, MCASSA is rooted in the promise of ADA—equality of opportunity, full participation, independent living, and economic self-sufficiency for all.

I thank the Chair.

I thank the President.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. Mr. President, I yield 4 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 4 minutes.

Mr. SESSIONS. Mr. President, I thank the Senator from Delaware, and

I thank him particularly for his interest on this issue and so many other issues that have been before this Senate, including all of the major tax cuts in our country in the last number of years. He has been a key player in that.

The issue before us today involves many different aspects. I believe very strongly that the organ transplant issue is critical for our Nation. We have made such magnificent progress in enhancing the availability of organs, helping people who receive those organs, and increasing the success rate of organ transplants. It has been a continual series of advancements—whether it is medication to avoid rejection, or the skill of a surgeon, and so forth. The key to that has been the magnificent services rendered by organ transplant centers all over the country.

The plan that has been directed and proposed by Secretary Shalala of HHS, which gives her, in fact, the total ability to void and dictate the regulations, that plan has been opposed and is not supported by the overwhelming number of organ transplant centers in this country. They do not believe it will save lives. They do not believe it will help the system to have Washington decide who gets organ transplants.

We have a system that is working and getting better on a daily basis, which is something of which we can be extraordinarily proud.

In Alabama, the University of Alabama at Birmingham is No. 1 in the world in kidney transplants. They are exceptionally skilled at that procedure, and is one of the great organ transplant centers in the world. Others are similar around the country. They are very uneasy about and object to this consolidation of power in the Secretary's office—a person who is not elected by the people, and yet is about to impose regulations on the dispersement of organs in America.

This is a matter that ought to be and by law and right should be done in the U.S. Congress. The House passed a bill quite different from the Secretary's proposal. The committee met in the appropriations, and several Senators who had a view on this came up with a bill giving a 42-day window to change any rule she might pass. We will hardly be in session. We will not be in session in 42 days. Ninety days is the minimum time we can have so that this Congress can fulfill its responsibility to the health and safety of this country by having hearings and passing legitimate legislation on organ transplantation.

I would point out that the chairman of that subcommittee of the committee of which I am a member, Senator FRIST, Dr. FRIST, is one of the great organ transplant surgeons in America. He did the first organ-lung transplant in the history of the State of Tennessee. He will chair that committee. He is going to be fair on this issue.

But there is a congressional responsibility, and the minimum time we can accept is the 90 days that has been proposed.

I thank the Chair.

I hope and I am confident that will be part of this legislation.

Mr. MOYNIHAN. Mr. President, I am happy to yield 3 minutes to my colleague and friend from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 3 minutes.

Mr. SCHUMER. Mr. President, I thank the Senator for yielding time.

I rise, along with my colleagues from Pennsylvania and Illinois, very much against my colleague from Alabama on this important issue.

When somebody donates a liver or lungs or a kidney or a heart, they do not donate it in a particular area. They don't donate it and say: I want the person who lives in the State of Alabama or the State of New Jersey to have it. They donate it to do the most good.

Finally, we have come up with a solution with provisions that are fair—that say it doesn't matter where you live but rather what your need is in terms of getting an organ.

All of a sudden, to my disappointment, in the dark of night a ruling of that position was put into the legislation.

I think this is wrong. When somebody needs a liver in New York, and they need it, and their life depends on the liver, that liver should not go to someone in another State who has at least 3 years to live on their existing organs.

It is so wrong to create geographic divisions. We have learned that. The Secretary of HHS has promulgated regulations which, if I had my way, would be promulgated immediately.

My friend and colleague, who I know is very sincere in this, the Senator from Alabama, and others, put in a provision to delay this for 90 days.

I thank the Senator from Pennsylvania, Senator LOTT, and the Secretary of HHS for trying to compromise this issue so it can be fair to all.

We must and we will continue to fight, those of us who believe that organ donations should go to those who need it the most, and not those who live in a certain geographical area be given those organs.

The system has been supported by the National Academy of Sciences Institute of Medicine. It was developed by medical people and scientists. That is the way it ought to be.

We ought not hold organs hostage to political, geographic, and other divisive considerations.

Again, when somebody donates an organ, a beautiful and selfless act, it ought not be marred by politics. It ought to go to the person of greatest need, no matter where that person lives.

Mr. President, I yield the remainder of my time.

Mr. MOYNIHAN. Mr. President, I am happy to yield 3 minutes to my friend, Senator WELLSTONE.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 3 minutes.

Mr. WELLSTONE. Mr. President, I want to actually start out on a positive note by raising one question.

This Work Incentives Improvement Act is a very important piece of legislation for all the reasons my colleagues have explained. I will go through that in a moment.

I don't understand why there is in this piece of legislation a $1.7 billion subsidy for higher education lenders. I don't understand what that is doing in this piece of legislation. We are talking about whether or not people with disabilities are going to be able to work and maintain their health care coverage. That is what is so important about this legislation. It is incredibly important to the disabilities community in my State and across the country.

I thank Senators KENNEDY, JEFFORDS, ROTH, and MOYNIHAN. But I have to raise this question just for the record.

What are we doing putting a $1.7 billion subsidy in here for higher education lenders? Students could use this money by way of expanding the Pell grant. Students could use the money by way of low interest loans. Students could use the money to make higher education more affordable. But why is this provision being linked to another piece of legislation?

I must say again that when we get back to how we conduct our business, I hope next time we will not put these kinds of provisions together. This is not the way to legislate.

I think it is a great piece of legislation. I am going to support it. But I certainly don't think we should have this $1.7 billion subsidy for the lenders as a part of this bill.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I ask unanimous consent that the voting schedule occur no later than 5 p.m. this evening, and that it be reversed so that the first vote will now occur on the adoption of the Work Incentives conference report, to be followed by the cloture vote, and finally adoption of the appropriations conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, in the spirit of the hour, the Democratic side yields the remainder of its time to the distinguished and ebulliently happy majority leader.

Mr. LOTT. Thank you, Mr. President. It is always a great pleasure to work with the Senator from New York. It is even more fun to hear him speak. I am not sure what he said, but it sounded beautiful. I take it as a high compliment as I always do.

For the sake of a colloquy to clarify a section in the work incentives bill, I yield to Senator SANTORUM. We will have a colloquy with Senator SANTORUM, Senator SCHUMER, and myself.

Mr. SANTORUM. Mr. President, there is an issue over the language contained in section 413 of H.R. 1180 and the intent thereof that I ask the majority leader to clarify.

Mr. LOTT. Mr. President, I thank the Senator from Pennsylvania, and the Senator from New York, Mr. SCHUMER, for working with me on this and for their devotion to this important public health issue.

It is one which is important to our country and to the people that need the organ transplants. We have to try to find the best and the fairest way to deal with this issue. I am happy to clarify this issue contained in the legislative measure.

Mr. SANTORUM. I wish to clarify the language in section 413 of H.R. 1180 pertaining to the implementation of the Secretary of Health and Human Service's final rule on organ procurement and the transplantation printed in the Federal Register on October 20, 1999, specifically to ensure that this language allows, but does not require, the Secretary of HHS to revise this rule after the 90-day period beginning on the date of enactment of this act.

Mr. LOTT. Mr. President, the language will delay the rule for 90 days. That is what is required and that was my intent, from the date of enactment of H.R. 1180, in order to facilitate additional public review. It is not the intent of the legislation to cause any unreasonable delay in the formulation of necessary improvements in national organ transplant policies, but rather to permit constructive review of the information that will be available and for the Congress to review it.

Furthermore, I make clear section 413 provides that the rule is not effective until the expiration of the 90-day rule beginning on the date of enactment of this act. During that 90-day period, the Secretary shall publish a notice eliciting public comments on the rule and shall conduct a full review of the comments. At the end of the period, section 413 allows, but does not require, the Secretary to make any revisions in the rule that she deems appropriate.

Mr. SANTORUM. I thank the majority leader for the clarification.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, will the Senator from Pennsylvania yield for a brief statement?

Mr. LOTT. I believe I have the time and I will yield.

Mr. SCHUMER. Mr. Leader and Senator SANTORUM, I have spoken with the Secretary of HHS and she has assured me this clarification has the support of the administration and it is something she, and it, intend to stand by.

Mr. LOTT. I thank the Senator.

Does the Senator from Alabama wish to speak?

Mr. SESSIONS. Mr. President, is it your expectation following the 90-day period during which the Secretary reviews the public comments that as of today we have not had a formal comment period, as I understand it; that the Secretary should inform the Congress of her reasons behind any final decision she would make?

Mr. LOTT. Yes, absolutely. I expect that and I believe she will do that.

Mr. SESSIONS. I wish to say that I know a lot of hard work has gone into this very contentious issue. Some said this had happened in the dead of night. What happened in the dead of night—I serve on the health committee that should be dealing with this—this 42-day rule went in. Our committee never voted on that or had hearings on it.

This at least gives our committee a narrow window of opportunity to try to deal with it. It won't be a full 90 days because we will be out half of that. It will be a narrow opportunity with Senator BILL FRIST chairing it and maybe we can work out some things that make sense. Right now I am very troubled. The overwhelming majority of the transplant centers are not happy with these rules as they are being developed. I think the Congress must speak.

I yield the floor.

Mr. LOTT. Mr. President, if I have time remaining, I yield the floor. I believe we are prepared to begin our series of votes, unless the chairman or ranking member would desire to wrap up.

The PRESIDING OFFICER. All time has expired.

Mr. ROTH. Mr. President, I would also like to quickly thank several staff members who have been working long and hard to make this bill possible.

Let me thank several members of Senator MOYNIHAN's staff—as always, they are skilled professionals who have been our partners working on this bill every step of the way.

In particular, let me thank Jon Resnick, Edwin Park, and David Podoff. And I would like to thank a former member of the Moynihan staff, Kristen Testa, who was there at the very beginning of this bill's legislative life and without whom there would not have been a Work Incentives Improvement Act.

I would also like to thank Pat Morrissey, Leah Menzies, and Lu Zeph of Senator JEFFORDS' office, and Connie Garner on Senator KENNEDY's staff. They have been tireless in their efforts on behalf of this legislation. Jennifer Baxendell and Alec Vachon from my staff worked tirelessly on this legislation and deserve special commendation.

Since this bill's inception, our staffs have worked together closely and well. I would like to thank you all for your dedication and hard work throughout all the many ups and downs this bill has faced.

Mr. President, I would also like to thank the dedicated professionals who worked so diligently to complete this year's tax legislation. First of all, I would like to thank my Finance team—Frank Polk, Joan Woodward, Mark Prater, Brig Pari, Tom Roesser, Bill Sweetnam, Jeff Kupfer, Ed McClellan, Ginny Flynn, Tara Bradshaw, Connie Foster and Myrtle Agent. I would also like to thank John Duncan and Bill Nixon from my personal staff for their commitment to seeing this process through to its successful completion.

I would also like to thank the members of Senator MOYNIHAN's Finance staff who have helped make this a bipartisan effort—David Podoff, Russ Sullivan, Stan Fendley, Anita Horn, and Mitchell Kent.

It is also important to recognize the professionals of the Joint Committee on Taxation. In particular, I would like to thank Lindy Paull, Bernie Schmitt, Rick Grafmeyer, Carolyn Smith, Cecily Rock, Mary Schmitt, Greg Bailey, Tom Barthold, Ben Hartley, David Hering, Harold Hirsch, Laurie Matthews, Sam Olchyk, Oren Penn, Todd Simmens, Paul Schmidt, Mel Schwarz, and Barry Wold.

I would also like to thank Jim Fransen and Mark Mathiesen of the Senate's Legislative Counsel office who have the thankless job of turning tax policy into statute.

Finally, I would like to thank the Treasury's Office of Tax Policy. In particular, Linda Robertson, Jon Talisman and Joe Mikrut deserve special recognition for their help in this important legislation.

On this occasion I would also like to thank the staff who worked so hard on the Medicare, Medicaid, and SCHIP reform provisions included in the Omnibus Appropriations Act. They have worked incredibly long hours, with real dedication, to develop the strong, consensus product before the Senate today. In particular, let me thank Kathy Means, Teresa Houser, Mike O'Grady, Jennifer Baxendell, and Alec Phillips on the Majority staff.

I would also like to thank Senator MOYNIHAN's staff for their cooperation and input. Let me thank Chuck Konigsberg, Liz Fowler, Edwin Park, Jon Resnick, Faye Drummond, Kyle Kinner, Dustin May, Julianne Fisher, Jewel Harper, and Doug Steiger.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN), the Senator from Washington (Mr. GORTON), and the Senator from Oregon (Mr. SMITH) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. SMITH) would vote yea.

Mr. REID. I announce that the Senator from Washington (Mrs. MURRAY), is absent attending a funeral.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 1, as follows:

[Rollcall Vote No. 372 Leg.]

YEAS—95

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—1

Voinovich

NOT VOTING—4

Gorton
McCain
Murray
Smith (OR)

The conference report was agreed to.

Mr. GORTON. Mr. President, had I been present for the vote on the conference report on H.R. 1180, I would have voted "no." I would have done so in spite of my high approval of most of the tax extenders and of many of the work initiative provisions. Nevertheless, the bill included an unwise and ill-considered new tax credit for the use of chicken waste for power production. That provision could never have survived standing alone. It is another unjustified complication in our tax code never considered by either House of Congress. It poisons the entire bill.

Mr. MOYNIHAN. I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The majority leader.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I ask unanimous consent that the next two votes in this series be limited to 10 minutes in length.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEASONS GREETINGS

Mr. LOTT. Mr. President, once again, I thank Senators on both sides for their cooperation and for their good work this year and wish you all a Happy Thanksgiving and a Merry Christmas.

I yield the floor.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000—CONFERENCE REPORT—Resumed

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative assistant read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany the District of Columbia appropriations bill.

Trent Lott, Ted Stevens, Larry E. Craig, Judd Gregg, Tim Hutchinson, Don Nickles, Mike Crapo, Connie Mack, Slade Gorton, Ben Nighthorse Campbell, Arlen Specter, Pat Roberts, Chuck Hagel, Richard Shelby, Thad Cochran, and John Warner.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that the conference report accompanying H.R. 3194, an act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oregon (Mr. SMITH), the Senator from Arizona (Mr. McCAIN), and the Senator from Washington (Mr. GORTON) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. SMITH) would vote yea.

Mr. REID. I announce that the Senator from Washington (Mrs. MURRAY) is absent attending a funeral.

The yeas and nays resulted—yeas 87, nays 9, as follows:

[Rollcall Vote No. 373 Leg.]

YEAS—87

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Edwards
Enzi
Feinstein
Frist
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NAYS—9

Conrad
Dorgan
Durbin
Feingold
Fitzgerald
Graham
Grams
Kohl
Wellstone

NOT VOTING—4

Gorton
McCain
Murray
Smith (OR)

The PRESIDING OFFICER. On this vote, the ayes are 87, the nays are 9. Three-fifths of the Senators duly chosen and sworn having he voted in the affirmative, the motion is agreed to.

FISHERIES RESEARCH VESSEL

Mr. LOTT. Mr. President, the NOAA budget includes $51.56 million in funds to procure the first of four state-of-the-art fishery research vessels to conduct critical research on our Nation's fishery resources. This is an important step in providing for sustainable fisheries for our fishermen, U.S. trade, and U.S. consumers. It is my understanding that these ships will be some of the most technically complex research vessels in the world. It Is critical that the procurement of thee ships reflect this complexity, and that all U.S. shipbuilders with technical expertise in oceanographic research ships will have the opportunity to offer their expertise to the Government. Is it the Senator's understanding that this solicitation will be open to all U.S. shipbuilders, without set-asides that limit competition?

Mr. STEVENS. The Majority Leader is correct. In providing for the first of these ships to be built, we understood that the public will benefit from free and unrestricted competition on this vessel. The demands placed on our fishery management system dictate that we procure the most technically sophisticated ship possible from our U.S. shipbuilding industry. The only way to guarantee this result is to conduct a free and open competition among all

U.S. shipbuilders and meet with Dr. Baker, the Director of NOAA, who has agreed to homeport this vessel in Kodiak. By locating it mid way between the Gulf of Alaska and the Bering Sea, it will have ready access to the Nation's two largest fisheries.

Mr. CRAIG. Mr. President, my friends from Alaska, Senator MURKOWSKI, and Nevada, Senator REID, have worked hard to protect the mining jobs in their States and in mine, and I extend my thanks to them for working with me to keep the Department of Interior from mindlessly destroying jobs and lives by trying to rewrite the Mining Law. We want to make sure the intent of the provision on mill sites included in the Department of Interior portion of the appropriations bill is clear, and would like to ask your clarification on a few points.

Mr. REID. I thank my friend from Idaho for his hard work. I want to confirm my understanding of one absolutely critical thing with respect to the language in Section 337 protecting plans of operations submitted prior to November 7, 1997. It is my understanding that the language covers revisions, modifications, and amendments to such plans that are made before such plans are fully approved by the BLM or Forest Service. If an as yet unapproved plan of operations was submitted prior to November 7, 1997 and revised earlier this year, for instance, then the proposed operation, as revised, would be protected. It is the operation, not a specific property position—whether mining claims or mill sites—that is protected. This is very important to my State and I ask the chairman to specifically confirm my understanding.

Mr. STEVENS. I can say unequivocally that your understanding is correct. We all know that plans and operations are often revised by the applicant before being finally approved. Indeed, some revisions are required by the BLM or Forest Service during the plan review process. It is the clear intent of the language to protect revisions made prior to the plan's final approval. It is the operation, not a specific property position (whether mining claims or mill sites), that is protected. Anything less would be grossly inequitable and directly contrary to the clear intent of the conference.

Mr. MURKOWSKI. I thank my friends from Alaska and Nevada for that clarification. It is also my understanding that the provision is intended to protect large investments made in mining operations approved by the Department of Interior under its old interpretation of the law. Frankly, it would be shameful for us to endorse the actions of a Federal agency that approves a project, allows the proponent to spend millions of dollars to develop it, and then changes its mind about what the law says and on that basis shuts the operation down. I understand that the provision would protect these enormous investments and the jobs they create from such arbitrary action by the Department of Interior.

Mr. STEVENS. My friend is right. In compromising the House and Senate versions, our intention was to avoid the retroactive application of the Solicitor's opinion of November 7, 1997 and the resulting destruction of existing jobs and investments.

Mr. MURKOWSKI. I thank the chairman for that clarification. Finally, as my friend knows, mining operations are large, complex undertakings, and circumstances change all the time, requiring changes in the plan of operations. Miners must ask the BLM and Forest Service to approve amendments to their plans all the time in order to keep operating. In fact, the BLM and Forest Service often require these miners to amend their plans. I'm concerned that unless these types of amendments to existing plans are protected, the provision we are adopting would be of very little value. The BLM or the Forest Service could simply require an operator of a large existing mine to amend its plan of operations, and then deny the plan amendment and shut down the operation on the basis of the Solicitor's opinion. I would like clarification that amendments to existing plans are protected by the provision.

Mr. STEVENS. I assure my colleague that it was never our intent to shut down existing operations under any circumstances. Applying the opinion to these existing operations through the back door of a plan amendment would undermine the entire provision and make it meaningless. Anybody who knows the mining industry knows that plan amendments are routine. We want operators to be able to amend their plans when necessary to make them better. The provision covers such amendments, and protects them from the legal interpretation contained in the Solicitor's opinion.

Mr. REID. I thank my friends from Alaska, the committee chairmen, for these important clarifications.

Mr. LOTT. Mr. President, for many years I have been working with the Minority Leader, Senator DASCHLE, to develop and enact legislation to provide liability relief for recyclers of scrap metal and other material, under the Superfund program. I am pleased that we have been able to work together to reach a successful resolution on this issue, and that the legislation incorporates the agreement of a broad spectrum of parties.

Mr. DASCHLE. I have appreciated the hard work of the Majority Leader on this issue, and I am pleased that this legislation has been included as part of the omnibus appropriations bill. I hope that this provision will serve to achieve our goal of encouraging recycling.

It is also my understanding that the language of the bill is not intended to exempt from liability parties who had reason to believe that the recyclable material originated from the portion of a DOD, DOE, NRC or Agreement State-licensed facility where source, byproduct or special nuclear material, as defined in the Atomic Energy Act, was processed, utilized or managed. Is it your understanding that the agreement does not cover these materials?

Mr. LOTT. Yes, that is correct.

Mr. DASCHLE. Mr. President, this issue is of great significance to many of my colleagues and to members of the public. In particular, it is of great interest to the Senator from Arkansas, and I deeply appreciate her leadership on this issue.

Mrs. LINCOLN. Mr. President, for the last six years I have worked in Congress to provide relief from liability to legitimate recyclers. Congress never intended to create a disincentive to recycle when it created the Superfund program, and for that reason, I am delighted that this legislation was included in the omnibus appropriations bill.

In addition, I agree with Senator DASCHLE's clarification of the intent of this bill. I am very concerned about the possibility that this legislation could be misinterpreted to relieve from Superfund liability persons who release radioactive material to recyclers, such as those in the steel industry in my home state of Arkansas, who may be unaware of the danger of the products they are receiving, and who could in turn pass it on to consumers. I believe it is critical that we further clarify that this was not intended, and I am hopeful that the Majority Leader and the Minority Leader will work with me to do so.

Mr. DASCHLE. I agree completely with the Senator from Arkansas. Since an explicit provision to this effect was inadvertently omitted, would the Majority Leader agree to address this issue through a technical correction to be enacted at the earliest possible opportunity next session?

Mr. LOTT. Yes. I would be happy to work with the Minority Leader and the Senator from Arkansas early next year to pass a technical correction to this legislation to achieve this goal.

Mr. MURKOWSKI. Mr. President, on November 1 of this year, the Committee on Energy and Natural Resources reported S. 623, the Dakota Water Resources Act of 1999, to the Senate. The legislation amends existing law in an effort to address the water needs of North Dakota. The legislation, as is true of most water related legislation in the arid West, is not without controversy.

Proposals to divert water from the Missouri River to meet agricultural, municipal and industrial, and other needs in North Dakota have a long history. The Missouri, like the Colorado and the Columbia, serves many States and a multitude of interests, including navigation. The Missouri is also important to the management and operation of the Mississippi. Although there are sufficient resources in each of those Basins to meet all the water related needs if the resources were developed using on-stream and off-stream storage, that development has not occurred and for various reasons, including what I believe are short sighted concerns by national organizations, are not likely to occur in the near term. That being the case, it is not surprising that whenever any Basin State manages to corral all the competing interests in its State and even obtains support from the Administration that other States that could be potentially affected want to examine the agreement and reassure themselves that this particular solution does not come at their expense.

The best way to accomplish that is to bring all the parties together to allow them to review their concerns and work out whatever arrangement will best address their needs. Our Committee did just that several years ago as part of the legislation to settle the water claims of the Colorado Ute Tribes. Once we had revised the agreement in a fashion that was acceptable to the Tribes, the State of Colorado, and the other affected water users, we then had several weeks in intense discussions with the other Colorado River Basin States. I want to point to that process, because it did result in the passage of legislation that was supported by all the parties and provided for the completion of the Dolores and Animas projects.

I rise today to speak and offer reassurance to the North Dakota delegation and the Missouri delegation that the Energy and Natural Resources Committee is committed to assisting these two delegations in working out their difficulties regarding S. 623, the Dakota Water Resources Act of 1999.

I appreciate the hard work and good will expressed by both delegations over the past several weeks, but we have just run out of time in this session of Congress to address the concerns of all affected states. To continue these discussions, I have proposed to my colleagues that when Congress returns next year, the Energy Committee will hold a workshop or other forum so that the Senate can fully identify, discuss, and attempt to resolve the issues that have prevented this legislation from moving this year.

With the assistance of my colleagues, I propose that the Energy Committee staff work with their staffs during the recess and that we convene a meeting during the first week in February to bring all the parties together. Hopefully, if we use the time well during the recess, we can identify who the technical people are who need to be involved so that the delegations will be able to have a constructive meeting. I want to note that Senator SMITH, the Chairman of the Subcommittee on Water and Power, who held the hearings earlier this year on the legislation has indicated that he is also willing to assist in this process.

Mr. DORGAN. I appreciate the Chairman's cooperation and assistance on this bill and his willingness to work with me in the Energy Committee to bring this legislation to the floor. His commitment to convene a workshop to resolve outstanding issues provides the basis for moving forward with this legislation, which would meet the outstanding Federal commitment to our state.

As the Senator from Alaska knows, North Dakota has significant water quality and water quantity needs that must be addressed. In many parts of my state, well water in rural communities resembles weak coffce or strong tea; it is unfit for drinking and other domestic uses. Several parts of my state, including the Red River Valley, do not have access to reliable sources of water. This bill is designed to address those needs and help provide clean, reliable water to families and businesses across North Dakota. When the Senate attempted to consider this legislation in recent days, objections were registered by other Senators who had concerns about the bill. In response, Senator CONRAD and I have worked with those Senators to address their concerns.

I am certain that with the Chairman's assistance and that of Senator SMITH we will be able to resolve these concerns expeditiously.

Mr. BOND. I too, extend my thanks to the Chairman of the Energy Committee for his willingness to help us on this very complex and difficult issue. Missouri, and other States in the Missouri River Basin are dependent on the flow of the Missouri River. Any legislation that affects this flow must be thoroughly vetted by the people in our state who have the knowledge and the expertise. Since this legislation came up at the end of the session with no time for debate on the Senate floor, we appreciate the opportunity the Chairman is providing us to bring together those people from our States who know this issue well. A forum with the free exchange of ideas is an excellent way to air very serious concerns as well as explore possible solutions that can make this a win-win situation for everyone. Representatives of the Missouri Basin States are currently in deep negotiations to discuss water flow. This forum should be held in the context of those negotiations.

Mr. ASHCROFT. I would like to associate myself with the remarks of my colleague from Missouri. We in Missouri are just as protective of our water as any other State in the Missouri River Basin, or for that matter, the rest of the United States. Before either of us can agree to any legislation that has the potential to affect our State, we must have the opportunity for our state experts to go over this legislation with a fine-tooth comb. I welcome the chance that the Senator from Alaska has offered and I know our state water experts will be happy to participate. As I have repeatedly stated, I am willing to work with my colleagues to try to resolve any concerns in a manner that will fully protect the interests of Missouri.

Mr. CONRAD. I also appreciate the Senator's continued willingness to work with us. We will continue to work in good faith to develop a bill that can be passed by the Congress.

I want to be absolutely clear that it is not our intent or that of anyone in North Dakota to harm any of our neighbors. This legislation significantly reduces the amount of irrigated acreage from that authorized by current law and completely eliminates any irrigated acreage from this project in the Hudson River drainage. We have significantly increased the levels of review by both the State Department to ensure compliance with the Boundary Water Treaty and by EPA to ensure compliance with the Clean Water Act on any trans-basin diversion that might occur. There is no guarantee that such a diversion will actually occur. I also want to make it clear that we are willing to discuss the timing, amount, and source of any diversions to ensure that the legitimate needs of our neighboring Basin States are met. The Chairman's offer is helpful and I hope that with a full and frank discussion we will be able to fully resolve all concerns.

Mr. BINGAMAN. I agree with this proposal. I want to assure my colleagues that I will work with the Chairman to provide a forum to allow the North Dakota and Missouri delegations, along with adjacent states, to resolve their concerns.

C-BAND INDUSTRY

Mr. STEVENS. Mr. President, I would like to engage the Senator from Utah, the chairman of the Judiciary Committee, in a colloquy.

As the Senator knows, the C-Band industry is declining and the conferees correctly exempted existing C-Band consumers from numerous provisions in this bill at my request. It is my understanding the conferees sought to exempt the C-Band industry from the program exclusivity rules that we are applying in the satellite bill. Complying with the program exclusivity rules would be technically and economically unreasonable for the C-Band industry and would only deprive C-Band consumers with some of their favorite programming.

Mr. HATCH. Yes, the Senator from Alaska is correct; that was the intent of the conferees. And, I appreciate the

Senators concerns and pledge to work with him to ensure that when the FCC promulgates these rules, the C-Band industry is exempt and C-Band consumers are protected.

Mr. STEVENS. I thank the Senator.

Mr. GRASSLEY. I would like to ask the distinguished Chairman of the Committee on Finance a question regarding a tax provision which Congress adopted this summer as part of the vetoed Taxpayer Refund and Relief Act of 1999.

Mr. Chairman, section 1005 of that Act would have provided that the principles of section 482 should be used to determine whether transactions between tax-exempt organizations and related non-exempt entities give rise to unrelated business income tax. This provision was needed to insure that legitimate arms length transactions between these entities are not penalized.

Unfortunately, it appears that this session will end without our having another opportunity to once again enact this vitally needed protection for the tax exempt community. As a result, I would like to ask the distinguished Chairman whether he would agree that this provision should be included as a high priority in the first tax vehicle that we adopt in the second session.

Mr. ROTH. I can assure the distinguished Senator that the enactment of this provision, which has already been agreed to by both the House and Senate, is a high priority for our next tax bill.

Mr. NICKLES. I want to join my distinguished colleague from Iowa in his remarks, and also thank our distinguished Chairman for his commitment to enact this provision next year. Tax exempt organizations provide critical services to our communities, and this provision will make it far easier for them to continue to perform these important functions.

Mr. ROTH. I look forward to working with both the Senators from Iowa and Oklahoma next year to provide the relief that this provision would give to the many fine exempt organizations that are awaiting its enactment.

NURSE ANESTHETISTS

Mr. HARKIN. In 1994, the Health Care Financing Administration issued a draft regulation deferring to State law on the issue of physician supervision of certified registered nurse anesthetists (CRNA's). This action was followed in 1997 by a proposed HCFA rule deferring to State law on this issue. HCFA's rule has been subject to great scrutiny and numerous studies. Nevertheless, HCFA has to date failed to issue its final rule on the matter, and defer this issue to State law. Would the distinguished Chairman of the Senate Labor, Health and Human Services, and Education Appropriations Subcommittee agree with this assessment?

Mr. SPECTER. I agree with my distinguished colleague, the ranking subcommittee member. States should have the authority to regulate CRNA's in the same manner as States regulate other health care providers. There is a wealth of information already in existence that supports the view that the issue of supervision should be left to the States, just as HCFA has proposed.

Mr. HARKIN. Therefore, we agree that HCFA's proposed rule has been extensively researched and that HCFA should move forward expeditiously.

Mr. GORTON. I join with my distinguished colleagues to agree that HCFA should move forward expeditiously to resolve this issue.

Mr. SPECTER. Absolutely. HCFA should do what it has initially proposed several years ago and defer to State law on this issue.

Mr. GORTON. I thank the Senators. I look forward to working with them both to resolve this matter.

Mr. HOLLINGS. As you know, I initially objected to the movement of this legislation because of my concerns about the manner in which it preempted state law. As introduced, this bill would have nullified any ability of state legislatures to adopt the Uniform Electronic Transactions Act, (UETA), in a manner that varied from the provisions of the bill, or in a manner that reserved the right of states to adopt UETA in conformance with their consumer protection laws. When the bill was reported by the Commerce Committee, provisions were included to provide states this flexibility. Since the reporting of the bill, the preemption language has been amended to provide that to avoid adherence to the federal law, a state must adopt UETA "in the form, or any substantially similar variation" as provided to the states by the National Conference on Uniform State Law.

Do you agree that notwithstanding this change, the purpose and intent of the preemption provisions, either pursuant to the definitions in the bill or otherwise, have not changed? And that the legislation, in its current form, is intended to permit states the flexibility of adopting and enacting UETA in a manner and form that ensures its conformance with state consumer protection laws?

Mr. ABRAHAM. Yes, Senator Hollings, that is certainly the intent of the legislation in its current form, but I would note that there must be a modicum of common sense involved in this approach. It is expected that states will pass consumer protection provisions in conjunction with the Electronic Transactions Act. It is important, however, that states not use the heading of "consumer protection" to enact changes which are inconsistent with the spirit of UETA and which threaten to undermine the uniformity which UETA is intended to convey. I believe the current language realizes these important goals.

Mr. HOLLINGS. I would like to address another change to the bill since its reporting by the Committee. As you know, the legislation has been amended to incorporate language providing that the bill applies to the business of insurance. This language has the effect of permitting the validation of insurance contracts pursuant to electronic commerce. As you know, state insurance commissioners have expressed reservations about this provision. There is concern that the provision could potentially adversely affect the ability of states to maintain their full regulatory authority over these transactions. Do you agree that insurance companies that enter into agreements via electronic commerce are still required to meet all other state insurance regulatory requirements?

Mr. ABRAHAM. I agree wholeheartedly. The purpose of this section is to permit insurance companies to use electronic signatures in the same manner and extent as other market participants. Under no circumstances is the legislation intended to allow insurance companies to evade state insurance regulations.

Mr. BURNS. As the sponsor of the low power television provisions contained in the Intellectual Property and Communications Omnibus Reform Act of 1999, I would like to take this opportunity to clarify one of the provisions. Specifically, I want to ensure that a qualified low power television (LPTV) station in New York City serving the Korean-American community on Channel 17 (WEBR(LP), formerly W17BM) is not prohibited from obtaining Class A licensing as a result of Sec. 5008(f)(7)(C)(ii) of the Act.

As drafted, Section 5008(7)(C)(ii) requires a qualified LPTV station to demonstrate the it will not interfere with land mobile radio services operating on Channel 16 in New York City in order to obtain the Class A license. However, in 1995, the Commission authorized public safety agencies to use Channel 16 in New York City on a conditional basis pursuant to a waiver of the Commission's rules. The Order granting that waiver specifically stated that the low power television station on Channel 17 would not have any responsibility to protect land mobile televisions on adjacent Channel 16. Do you agree with my understanding of Section 5008(f)(C)(ii), namely that this section is not intended to prevent that low power station's qualification for the Class A license?

Mr. HATCH. Yes, it is also my understanding that the low power station on Channel 17 in New York City should not be precluded from the Class A license due to Section 5008(f)(7)(ii). The interference that is currently permitted by the Commission is intended to continue. Is this also your understanding Senator Moynihan?

Mr. MOYNIHAN. Yes, it is. Otherwise, the Channel 17 LPTV station in

New York City will be permanently deprived of a Class A license, notwithstanding the fact that it exemplifies exactly the type of low power station that should have the opportunity to achieve Class A status. WEBR(LP) has a demonstrated strong commitment to the local Korean community in New York, providing locally originated programming 24 hours a day, 7 days a week. This station's worthwhile service to the community has been a benefit to the public good, and this legislation should not thwart such service from continuing.

THE SCOPE OF COMPULSORY LICENSES FOR TELEVISION BROADCAST SIGNALS

Mr. HATCH. Mr. President, the measure before us contains some technical amendments to various provisions of the Copyright Act, including sections 111 and 119, which deal with the cable and satellite compulsory licenses, respectively. It is important to emphasize that these technical amendments make no change whatsoever in the key definitional provisions of these two compulsory licenses. Section 111(f) defines "cable systems," and section 119(d)(6) defines "satellite carrier." Neither of these definitions is changed by the measure before us.

Mr. LEAHY. Will the Senator from Utah yield for a question?

Mr. HATCH. I am glad to yield to my friend from Vermont.

Mr. LEAHY. I thank the Senator with whom I worked on this important legislation. Does he agree that these definitions should be interpreted in exactly the same way after enactment of this legislation as they were interpreted before its enactment?

Mr. HATCH. The Senator is correct. In other words, if a facility qualified as a "cable system" under section 111(f) prior the enactment of this measure, it should also qualify after enactment. Conversely, if a facility did not meet the definition of "cable system" before this measure was enacted, it still would not meet that definition after enactment, and therefore the operations of that facility could not rely upon the cable compulsory license established by section 111. And an entity which was not entitled to claim the section 119 compulsory license because it did not meet the definition of a "satellite carrier" prior to enactment of the measure before us would be in exactly the same position after enactment, that is, it could not claim the satellite compulsory license under section 119.

Mr. LEAHY. I appreciate that response.

Mr. HATCH. I would point out that none of this is affected by the fact that in any earlier version of this legislation, there were technical amendments that would have affected these definitions. Those particular amendments do not appear in this legislation, and neither their inclusion in the earlier version nor their omission here has any legal significance. Would the Senate from Vermont agree with that statement?

Mr. LEAHY. I would, and I would hope that both the Copyright Office and the courts would take the same approach. In that regard, I would ask my friend from Utah, the chairman of the Judiciary Committee, for his understanding of the current state of the law concerning the availability of these compulsory licenses to digital online communications services?

Mr. HATCH. In reply to that question, I would say that certainly under current law, Internet and similar digital online communications services are not, and have never been, eligible to claim the cable or satellite compulsory licenses created by sections 111 or 119 of the Copyright Act. To my knowledge, no court, administrative agency, or authoritative commentator has ever held or even intimated to the contrary.

Mr. LEAHY. Is the distinguished chairman aware of the views of the Copyright Office on this question? After all, since the Copyright Office administers these compulsory licenses, their views are of particular importance.

Mr. HATCH. The Copyright Office studied this issue exhaustively in 1997 and came to the same conclusion which I have just stated. In fact, in undertaking the study, the Copyright Office asked the fundamental question whether a statutory license should be created for the Internet. The underlying assumption of the question was that there was not, and never was, a statutory license applicable to the Internet. In response, there was little or no comment challenging that assumption. And I would point out that valid exercises of the Office's statutory authority to interpret the provisions of these compulsory licensing schemes are binding on the courts.

Mr. LEAHY. I recall the Copyright Office's 1997 study, entitled "A Review of the Copyright Licensing Regimes Covering Retransmission of Broadcast Signals," which concluded that no existing statutory license authorizes retransmission of television broadcast signals via the Internet or any online service. We held a hearing on that report. I recently received a letter from the Register of Copyrights reaffirming this interpretation. Indeed, in that letter, dated November 10, 1999, the Register stated that "the compulsory license for secondary transmissions of television broadcast signals by cable systems does not apply to digital online communication services," and specifically that "the section 111 license does not and should not apply to Internet transmissions."

Mr. HATCH. I also received such a letter from the Register. And along the same lines, I have received a letter on this issue from one of America's most distinguished copyright scholars, Professor Arthur Miller of Harvard Law School. Professor Miller's interpretation of the scope of eligibility for these compulsory licenses under current law appears to be very similar to the Register's, and his letter also underscores the point I was making earlier, that there is no legal significance to the fact that this legislation omits certain technical amendments to the definition of "cable system" and "satellite carrier" that appeared in earlier versions of this legislation. I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE REGISTER OF COPYRIGHTS
OF THE UNITED STATES OF AMERICA,
Washington, DC, November 10, 1999.
Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: I am writing to you today concerning pending proposals regarding the Satellite Home Viewer Act, and particularly the compulsory copyright licenses addressed by that Act. As the director of the Copyright Office, the agency responsible for implementing the compulsory licenses, I have followed the actions of the Congress with great interest.

Let me begin by thanking you for all your hard work and dedication on these issues, and by congratulating you on your success in achieving a balanced compromise. Taken as a whole, the Conference Report on H.R. 1554, the Intellectual Property and Communications Omnibus Reform Act of 1999, represents a clear step forward for the protection of intellectual property. I particularly appreciate your support for provisions that improve the ability of the Copyright Office to administer its duties and protect copyrights and related rights.

I was greatly concerned when I heard the statements of Members on the floor of the House suggesting that in the final few legislative days of this session, subsection 1011(c) of the Conference Report should be amended or removed. Section 1011(c) makes unmistakable what is already true, that the compulsory license for secondary transmissions of television broadcast signals by cable systems does not apply to digital on-line communication services.

It is my understanding that some services that wish to retransmit television programming over the Internet have asserted that they are entitled to do so pursuant to the compulsory license of section 111 of Title 17. I find this assertion to be without merit. The section 111 license, created 23 years ago in the Copyright Act of 1976, was tailored to a heavily-regulated industry subject to requirements such as must-carry, programming exclusivity and signal quota rules—issues that have also arisen in the context of the satellite compulsory license. Congress has properly concluded that the Internet should be largely free of regulation, but the lack of such regulation makes the Internet a poor candidate for a compulsory license that depends so heavily on such restrictions. I believe that the section 111 license does not and should not apply to Internet transmissions.

I also question the desirability of permitting any existing or future compulsory license for Internet retransmission of primary television broadcast signals. In my comprehensive August 1, 1997 report to Congress, *A Review of the Copyright Licensing Regimes Covering Retransmission of broadcast Signals*, Internet transmissions were addressed in Chapter VIII, entitled "Should the Cable Compulsory License Be Extended to the Internet?" the report concluded that it was inappropriate to "besto[w] the benefits of compulsory licensing on an industry so vastly different from the other retransmission industries now eligible for compulsory licensing under the Copyright Act."

The report observed that "Copyright owners, broadcasters, and cable interests alike strongly oppose . . . arguments for the Internet retransmitters' eligibility for any compulsory license. These commenters uniformly decry that the instantaneous worldwide dissemination of broadcast signals via Internet poses major issues regarding the United States and international licensing of the signals, and that it would be premature fur Congress to legislate a copyright compulsory license to benefit Internet retransmitters at this time." the Copyright Office believes that there would be serious international implications if the United States were to permit statutory licensing of Internet transmissions of television broadcasts.

Therefore I urge that no action be taken to remove or alter section 1011(c) of the Conference Report. At this point, to do so could be construed as a statement that digital online communication services *are* eligible for the section 111 license. Such a conclusion would be reinforced in light of section 1011(a)(1), which replaces the term "cable system" in section 111 of Title 17 with the term "terrestrial system." In the absence of section 1011(c), section 1011(a)(1) might incorrectly be construed as implying a broadening of the section 111 license to include Internet transmissions.

The Internet is unlike any other medium of communication the world has ever known. The application of copyright law to that medium is of utmost importance, and I know that you have personally invested a great deal of time and energy in recent years to assure that a balance of interests is reached. Permitting Internet retransmission of television broadcasts pursuant to the section 111 compulsory license would pose a serious threat to that balance.

Please feel free to contact me if I can be of any assistance in this matter. Thank you.

Sincerely,

MARYBETH PETERS,
Register of Copyrights.

HARVARD LAW SCHOOL,
Cambridge, MA, November 15, 1999.

Hon. ORRIN G. HATCH,
Chairman, Judiciary Committee,
U.S. Senate, Washington, DC.
Hon. HENRY J. HYDE,
Chairman, Judiciary Committee,
House of Representatives, Washington, DC.

DEAR CHAIRMEN HATCH AND HYDE: I am writing to you to express my views on a proposal to amend the cable and satellite compulsory licenses in Sections 111 and 119 of the Copyright Act. I have taught Copyright Law at Harvard Law School, as well as Michigan and Minnesota, for over thirty-five years and have written extensively and lectured throughout the world on this area of the law. In addition, I was very active in the legislative process that led to the Copyright Act of 1976 and was appointed by President Ford and served as a Commissioner on the Commission for New Technological Uses of Copyright Works (CONTU).

The Conference Report on H.R. 1554, the Intellectual Property and Communications Omnibus Reform Act of 1999, included amendments to Sections 111 and 119 to state explicitly that digital online communication services do not fall within the definitions of "satellite carrier" and "terrestrial system" (currently "cable system") and, therefore, are not eligible for either compulsory license. I understand that Congress is currently considering deleting these amendments or enacting legislation that would not include them. I believe that the amendments were wholly unnecessary and that the deletion or exclusion of them will have no effect on the law, which is absolutely clear: digital online communication services are not entitled to the statutory license under either Section 111 or Section 119 of the Copyright Act.

A compulsory license is an extraordinary departure from the basic principles underlying copyright law and a substantial and significant encroachment on a copyright owner's rights. Therefore, any ambiguity in the applicability of a compulsory license should be resolved against those seeking to take advantage of what was intended to be a very narrow exception to the copyright proprietor's exclusive rights. As the Fifth Circuit Court of Appeals has noted in a case involving another compulsory license: the compulsory license provision is a limited exception to the copyright holder's exclusive right to decide who shall make use of his (work). As such, it must be construed narrowly, lest the exception destroy, rather than prove, the rule.

Fame Publishing Co. v. *Alabama Custom Tape, Inc.*, 507 F.2d 667, 670 (5th Cir. 1975).

In this situation, however, there is absolutely no ambiguity as to the correct construction of the cable and satellite compulsory licenses. Neither the language of the Copyright Act, nor any statement of Congressional intent at the time of their enactment, nor any judicial interpretation of Section 111 or Section 119 in any way suggests that these compulsory licenses could apply to digital online communication services. And, as far as I know, the representatives of these services have not offered any substantive argument to the contrary—with good reason. No reasonable person—or court—could interpret these statutory licenses to embrace these services.

And if there was any doubt left in anyone's mind, the federal agency charged with interpreting and implementing these statutory licenses, the United States Copyright Office, has addressed this issue directly: retransmitting broadcast signals by way of the Internet is clearly outside the scope of the current compulsory licenses. In fact, the Copyright Office recommended in 1997 that Congress not even create a new compulsory license, concluding that it would be "inappropriate for Congress to grant Internet retransmitters the benefits of compulsory licensing." See U.S. Copyright Office, A Review of the Copyright Licensing Regimes Covering Retransmission of Broadcast Signals (August 1, 1997), at 99 and Executive Summary at xiii.

My work in the field of copyright over the past decades, especially my extensive activities in connection with the development of the legislation that became the Copyright Act of 1976, leads me to agree with the Office's conclusions that it would be far too premature to extend a compulsory license to the Internet. That conclusion seems sound given the enormous differences between the Internet and the industries embraced by the existing licensing provisions and the need to engage in extensive research and analysis regarding the potentially enormous implications of digital communications. We simply do not know enough to legislate effectively at this point. Doing so at this time—especially without hearing from numerous affected interests—would create a risk of upsetting the delicate balance between the rights of copyright proprietors and the interests of others.

Thus, in any judicial action that might materialize by or against the providers of digital online communication services, the court would be bound by the Copyright Office's interpretation of the statutory licenses. See *Cablevision Systems Development Co.* v. *Motion Picture Association of America, Inc.*, 836 F.2d 599, 609–610 (D.C. Cir. 1988) (deferring to the Copyright Office's interpretation of Section 111, noting Congress' grant of statutory authority to the Copyright Office to interpret the Copyrights Act, and the Supreme Court's indication that it also would defer to the Copyright Office's interpretation of the Copyright Act). *Satellite Broadcasting and Communications Assoc* v. *Oman*, 17 F.3d 344, 345 (11th Cir. 1994) (holding that valid exercises of the Copyright Office's statutory authority to interpret the provisions of the compulsory licensing scheme are binding on the court).

In summary, based on the unmistakable fact that digital online communication services are ineligible for the cable and satellite compulsory licenses and the identical, unequivocal interpretation by the Copyright Office, amendments to the existing statute reiterating this legal truth are unnecessary. Consequently, the status quo with respect to who is eligible for the statutory licenses will remain undisturbed whether Congress deletes these amendments from the pending legislation or excludes them from subsequent legislation.

Respectfully yours,

ARTHUR R. MILLER,
Bruce Bromley Professor of Law.

Mr. LEAHY. I thank my colleague from Utah for his responses. I believe this colloquy should help to clarify that this legislation leaves these crucial definitions unchanged, and also to clarify what is the current state of the law, which this legislation does not disturb.

Mr. HATCH. I think the Senator from Vermont. And I would clarify one other point relating to a minor modification we made to the definition of "unserved household" in the distant signal satellite statutory license found in section 119 of Title 17 of the United States Code. The conferees decided to add the word "stationary" to the phrase "conventional outdoor rooftop receiving antenna" in Section 119(d)(10) of the Copyright Act. As the Chairman of the Conference Committee and of the Senate Judiciary Committee, which has jurisdiction over copyright matters, I should make clear that this change should not require any alteration in the methods used by the courts to enforce the "unserved household" limitation of Section 119. The new language states only that the antenna is to be "stationary"; it does not state that the antenna is to be misoriented (*i.e.*, pointed away from the station in question). Any interpretation that assumed misorientation would be inconsistent with the basic premise of the definition of "unserved household," which defines that term in relation to an individual TV station rather than to all network affiliates in a market—and speaks to whether a household "cannot" receive a Grade B intensity signal from a particular station. If a household can receive a signal of Grade B intensity with a properly oriented stationary conventional antenna, it is not "unserved" within the meaning of Section 119. In addition, if station towers are located in different directions, conventional over-the-air antennas can be designed so as to point towards the different towers without requiring the antenna to be moved. And reading the definition of "unserved household" to assume misoriented antennas would mean that the "unserved household" limitation had no fixed meaning, since there are countless different ways in which an antenna can be misoriented, but only one way to be correctly oriented, as the Commission's rules make clear.

With that clarification, I yield the floor.

PATENT REFORM LEGISLATION

Mrs. FEINSTEIN. I want to thank the Chairman and the Ranking Member for their tireless efforts on patent reform. I strongly support passage of S. 1798, which is included in this omnibus measure, because so many companies in California and across the nation depend on a strong and well-functioning patent system.

While S. 1798 will provide important protection for inventors and innovators and help reduce needless patent litigation, I do have some concerns regarding the compromise reached regarding the reexamination procedure set forth in Title VI. As I understand it, this section will reduce the burden of patent cases in our federal courts. However, we need to be sure that the procedure fully and fairly protects the rights of all parties, and some concerns about this process have been brought to my attention over the last few weeks.

Out of deference to the Chairman and the Ranking Member of the Judiciary Committee, and being sensitive to the compromise that the House reached, I did not seek amendments to this title of the bill. Furthermore, I feel strongly that the bill should move forward without further delay, so I support its final passage. This does not mean, however, that I believe we should cease to be concerned about how the new system will function. Accordingly, I would like to receive assurances from Chairman HATCH that we will keep a close eye on how well this new reexamination system works. In particular, I would like to request that the Committee obtain an interim report from the Patent and Trademark Office under the authority specified in section 606 of S. 1798 not later than 18 months after this bill becomes effective. I would also invite Chairman HATCH to hold a hearing to consider this information, and to obtain views from people who both supported and opposed this compromise system.

Mr. HATCH. I thank the Senator from California for her remarks and appreciate her support for this important legislation. I agree that Congress must closely monitor the effectiveness and fairness of the new reexamination procedure. I also believe it would be very useful to obtain the interim report she mentioned in a timely fashion and look forward to continuing to work with her on this issue.

CPB LIST SHARING PROVISION

Mr. MCCONNELL. Mr. Chairman, I would like to engage with you in a colloquy concerning the Corporation for Public Broadcasting (CPB) list-sharing prohibition in the Intellectual Property and Communications Reform Act.

Mr. HATCH. I would be happy to.

Mr. MCCONNELL. The bill amends Section 396(h) of the Communications Act to prevent public broadcasting entities that receive federal funds from renting or exchanging lists with political candidates, parties or committees.

Mr. Chairman, am I correct in reading this language as providing that the list-sharing restriction only applies to the CPB and not any other organizations?

Mr. HATCH. That is correct.

Mr. MCCONNELL. Mr. Chairman, in my view, CPB is a unique entity and its unique nature may be used by supporters of this provision to justify the restrictions on list sharing. CPB is unique because it is created, controlled and funded by the government with a legal obligation to be balanced and objective.

Many non-profit organizations rely upon exchanges of lists with political organizations as a way to attract new members to their organizations to support their charitable works. A number of mainstream non-profit organizations, such as the Disabled Veterans of America, have expressed concern that this CPB provision may set a precedent for future restrictions on list sharing by other non-profit organizations. It is my understanding, however, that this list sharing restriction is not a precedent for similar restrictions on other non-profits that are not: (1) created by the federal government; (2) controlled by the federal government; (3) funded by the federal government; and (4) legally required to be balanced and objective. Thus, I do not think this provision relating to CPB is a precedent for imposing such restrictions on other non-profits. Does the Chairman agree with my assessment?

Mr. HATCH. Yes, the Senator's assessment is correct. The conferees included the CPB list-sharing language in the bill because of concerns related to CPB's unique status. This provision should in no way be interpreted as precedent for restrictions on list sharing by other non-profit organizations that may receive federal funds.

Mr. MURKOWSKI. Mr. President, I would like to ask a question of the senior Senator from Alaska, Mr. Stevens, in his capacity as chair of the full Committee on Appropriations, and the senior senator from Washington, Mr. GORTON, who is chair of the Interior Subcommittee, regarding clarification of a vital issue facing the State of Alaska.

The Year 2000 will be the 20th anniversary of the passage of the Alaska National Interest Lands Conservation Act of 1980. ANILCA is the most far-reaching piece of legislation ever passed—in the history of the United States—in terms of creating massive set-asides for conservation purposes.

Last year, in the appropriations conference report, Congress passed specific language requiring that the federal managers chosen from around the United States to oversee the implementation of ANILCA's Conservation Units receive adequate, in-depth training on its many components and ramifications. The language read as follows:

> The Committees agree that the Secretary of the Interior and the Secretary of Agriculture should provide comprehensive training to land managers on the history and provisions of statutes affecting land and natural resource management in Alaska, including but not limited to Revised Statute 2477, the Act of May 17, 1906 (34 Stat. 197), the Alaska Statehood Act, the Mineral Leasing Act of 1920, the White Act, the Alaska National Interest Lands Conservation Act, the Alaska Native Claims Settlement Act, and the Magnuson-Stevens Fishery Conservation and Management Act.

When this language passed it was our hope that this training would also be provided to those employees who manage programs in Alaska and to employees whose jobs entail knowledge of one or more of the laws described above.

I want to further clarify that it is our hope that the Secretary of the Interior and the Secretary of Agriculture would enter into an agreement with, and provide funding to, Alaska Pacific University, in conjunction with University of Washington School of Law and Northwestern School of Law, Lewis and Clark College, to develop and conduct training.

I feel training in these laws very specific to Alaska is badly needed, as most federal employees arriving in the state know little about Arctic and sub-Arctic environments. Many people coming to Alaska imagine incorrectly that the statute governing Alaska's federal Parks and Refuges is identical to those they have worked with in the South 49. This, of course, is far from the truth.

Because of the dimensions of ANILCA's reclassification of Alaska's lands, encompassing more than 104 million acres, an area larger that the State of California, the Congress rightfully tailored the law with a series of Alaska-specific provisions, unfamiliar to other states. The purpose of these provisions was clearly intended to ensure that these land designations protect the natural glories of Alaska's most beautiful regions but neither destroy the way of life of Alaska's Native people nor violate the promises made to all Alaskans in the Compact made between our people and the U.S. Government in the Alaska Statehood Bill.

During the August recess, I held hearings in Alaska to discover how the federal managers of the federal Conservation Units in Alaska are doing in carrying out and living by the provisions required in the law. Sadly, I must report a long litany of abuses being suffered by Alaskans as individuals, as outdoor sports participants, as business owners, and as a community due to ignorance by federal managers. Much of this ignorance is through honest misunderstanding of the Statute. I, therefore, ask my honorable colleagues to respond to my query about the status of the language passed last year that would fill this void.

I also want to call to your attention that Alaska Pacific University's Institute of the North has followed up on that language, and is inaugurating a semester course this coming semester addressing all of these issues on the 20th anniversary of ANILCA. All stakeholders—from conservationists to Native peoples to resource harvesters—will be part of the discussions and learning process. The University is working with Lewis and Clark's Northwestern School of Law to develop the needed legal research in this area. And while the University was invited to participate at its own expense in the one-day ANILCA training held here in Washington this spring, I believe the Interior Department and the Department of Agriculture have done no more than that to fulfill Congressional intent.

I believe a good curriculum can be developed at a cost of some $300,000, a small investment for an issue this important. The existing course can be reformatted in a thorough but intensive week-long seminar and delivered specifically for the federal employees who constantly are rotated into Alaska to serve on the front line of this pioneering experiment in conservation and sustainable development.

Mr. STEVENS. Mr. President, I agree with my colleague, the Chairman of the Committee on Energy and Natural Resources. The Senator from Alaska and the Senator from Washington will remember that I asked that the language in the conference report be inserted last year. I, too, am concerned that no action has taken place. It is my intent, as chairman of this committee, that the training called for in last year's conference report take place, and that the program led by Alaska Pacific University, in conjunction with two of the closest law schools in Washington and Oregon, take place. There are sufficient funds in the training budgets of the several Interior agencies to make this happen, and I believe it should happen in conjunction with the outside resources who are developing this curriculum. While I participated in the program held in Washington, DC, on this issue, I would hope that a greater effort is put forth in the future.

Mr. GORTON. Mr. President, I concur with the Alaska Senator's intent, and I believe the Interior and Agriculture budgets are sufficient to allow the Department to contract with these schools to provide the training we called for. Each of these Alaska laws referred to in the report language last year is important, is unique, and needs appropriate training for our managers to ensure that Congressional intent is followed.

Mr. MURKOWSKI. Thank you, Mr. President, and through the chair, thank you to my colleagues. We have considered making this a legal requirement in an amendment to law, but I believe this year—in the 20th anniversary of ANILCA—we should see that the training gets started. We will be following it closely in the year to come, and we appreciate the comments provided by the committee chairman and the manager of the bill.

BLM CLOSURE OF TWIN FALLS AIRTANKER RELOAD BASE

Mr. CRAIG. Mr. President, I would like to discuss with the Chairman of the Interior Appropriations Subcommittee a problem that has come up in Twin Falls in my State of Idaho. In July 1998, the Bureau of Land Management's state office closed the tanker resupply base at the Twin Falls airport, after an internal inspection indicated unsafe conditions. At the time of that closing, the BLM Shoshone and state BLM offices expressed their interest in re-opening the facility as soon as possible. Over the following months, discussions between BLM and local officials included mention of re-opening as early as during fiscal year 2000.

Then, approval and timing of the project appeared to enter a twilight zone somewhere between south Idaho and Washington, DC. In February of this year, a project data sheet was produced showing a request for FY 2001. Local officials in Twin Falls were told that this delay was the result of no prioritization decision being made at the national level, and that FY 2001 was going to be the earliest year for which the request could be made. Subsequently, local officials were told both, that no final decisions had been made, and that the project had slipped to a lower priority and would be delayed at least until FY 2002.

Prompt replacement of this airtanker reload base is important for several reasons. It is the only such base within 100 miles of most of the Idaho-Nevada border and is therefore situated to provide the fastest possible response in the area during the fire season. Because of the location of the airport and its clear departure paths, it offers fast, safe turnaround times. Many customers in addition to BLM need a base in this area. If the base is not reopened soon, it will hurt airport operations and hurt the local economy.

I am not suggesting to the Chairman that anyone is acting inappropriately. But I do think it is important for us to look into the matter, find out more about the decisionmaking process and what it is producing, consider what the fairest, most prompt outcome should be, and engage with BLM to arrive at that solution.

Mr. GORTON. I appreciate the gentleman bringing this to the Subcommittee's attention. I certainly can understand the Senator's concern with the closure of this base and his constituents' frustration with seemingly inexplicable delays in making progress toward a re-opening. I look forward to working with the Senator and with BLM, to look into this matter and arrive at the best, earliest possible resolution.

DESULFURIZATION (BDS) GRANT

Mr. STEVENS. The FY 2000 Interior Appropriations conference report provides a grant to a refinery in Alaska for a pilot project to demonstrate the effectiveness of diesel biocatalytic desulfurization technology, or BDS for short. This technology holds great promise for helping our petroleum refining industry reduce the sulfur content of diesel fuel in order to meet new EPA regulations. Would the Chairman of the Subcommittee clarify a couple of points about this grant?

Mr. GORTON. Certainly.

Mr. STEVENS. It is my understanding that the Chairman intends for this grant to be made available only to a refinery owned by a small business in Alaska. Is that correct?

Mr. GORTON. The Senator is correct. I understand that the BDS technology is ideally suited to small refineries. Therefore, I believe that the grant should be made available only to a refinery that meets the Small Business Administration's definition of small; that is, less than 75,000 barrels per day capacity of petroleum-based inputs and less than 1,500 employees.

Mr. STEVENS. Why is the BDS technology better suited to small refineries?

Mr. GORTON. It has to do with the nature of the technology itself. As the Senator may know, diesel engine manufacturers currently are in the process of developing new technologies with the potential to radically reduce harmful diesel emissions, but which will require fuel with very low sulfur content in order to work effectively. To reduce the environmental impact of diesel emissions, the EPA is considering new regulations which would require significant reductions in the sulfur content of diesel fuel.

Large-scale, fully-integrated refineries are capable of cost-effectively producing low-sulfur diesel fuel using the traditional technology for removing sulfur from gasoline and diesel fuel, called hydrodesulfurization, or HDS. However, small refineries do not have that capability. HDS is a highly complex, energy intensive, and expensive process. As a result, it is not well-suited to small refineries, which generally are much more simply configured and produce a smaller variety and quantity of refined products than large refineries, and therefore cannot justify the expense of building and operating HDS units.

BDS, on the other hand, is a simple, efficient, and low cost technology which uses much less energy than the traditional HDS technology. A BDS unit is likely to cost 50% less to construct and operate than a traditional HDS unit. For these reasons, BDS technology is particularly well-suited to small refineries and holds great promise as a cost-effective alternative for producing low-sulfur diesel fuel. Because small refineries will be the principal users of the BDS technology if it works like we hope it will, it makes sense to first try it out at a small refinery. Therefore, we believe that the grant for a demonstration project should be directed to a small refinery.

Mr. STEVENS. Thank you.

Mr. CRAIG. Senator GORTON, I have in my hand a copy of an August 27 order from Judge William Dwyer instructing the parties in a lawsuit over timber sales in the Pacific Northwest to negotiate a settlement regarding a requirement to survey for 77 species of mollusks, lichens, bryophytes, salamanders and slugs prior to conducting ground disturbing activities. This lawsuit has held up over one quarter of a billion board feet of federal timber sales.

Let me read a single sentence from the Judge's order:

> Negotiations should now be resumed, should include the defendant-interveners, and should explore short-term solutions that would reduce the impact of injunctive relief on logging contractors and their employees while complying with the Northwest Forest Plan.

I have been advised by media accounts that the settlement announced, with great fanfare, by Under Secretary Jim Lyons yesterday did not involve the "defendant-interveners." Indeed, in his public comments Mr. Lyons indicates that, the defendant-interveners were excluded from discussions. Defendant-interveners have been unsuccessful in even securing basic information that the government currently has available about affected sales. Furthermore, the settlement did not "reduce the impact of injunctive relief on logging contractors and their employees" at all. Instead, it actually expanded the injunction by adding four more sales to the dozens that are already either enjoined by the Court, or not awarded by a decision of the Administration. Mr. Lyons gave the environmental plaintiffs more than what Judge Dwyer ordered in his original decision simply to settle the case and claim that his Northwest Forest Plan was "back on track." This seems more like a capitulation, rather than a settlement.

Mr. GORTON. The Senator is correct. Additionally, I also understand that the day before this "deal" was announced, Judge Dwyer held a status conference with all the parties, including the defendant-interveners. The government attorneys told him that no agreement had been reached, and that the next mediation session was to occur on December 2. The Judge then set December 3 for the next status conference. Apparently, this Administration has as much trouble speaking with any probity to the Judicial Branch as they have recently with the Congress. It appears that the Judge's admonition to include the "defendant-interveners" in the discussions was ignored.

Mr. CRAIG. Senator, I also understand that Section 334 of the Interior Appropriations Bill was dropped, in part, because of concerns by the Administration that the measure would disrupt the negotiations that were underway, and could prevent the release of any of the enjoined timber sales. But, the settlement announced yesterday will not release any of the enjoined sales.

To add insult to injury, Mr. Lyons is nevertheless claiming that the settlement he announced yesterday will, indeed, allow the sales to go forward. I understand that nothing could be further from the truth. These sales are still on hold while the Forest Service tries to figure out how to search for slugs, slime and salamanders. Most importantly, the Administration is not willing to commit to a time-frame to complete these surveys. I believe this is a wrong that must be corrected.

Mr. GORTON. I concur with the observations of my colleague from Idaho. The sales in question have not been made available to operate. They are still subject to the impossible survey requirements that caused the injunction to begin with. That is why I would urge the Administration in the strongest terms to return to the negotiating table with the defendant-interveners and address their concerns.

Specifically, there should be an agreed-upon time-frame and a date certain for the completion of the agreed-upon survey requirements. Failure to conduct a good-faith effort to complete the settlement process in the fashion ordered by the Judge should be grounds for withholding final approval of the agreement.

Mr. CRAIG. I agree. It seems to me that, based upon the Administration's performance, Congress should reinstate Section 334 or some similar measure in the FY2000 Supplemental Appropriations bill and direct the Administration to release these sales immediately. The Administration's present course will keep this conflict alive interminably, and expose the taxpayers to the liability of damage claims from contract holders. Moreover, this consistent record of deceit and chicanery from the Administration must stop. We made a good faith effort to respond to the Administration's concerns over Section 334 based, in part, on its promise to negotiate a fair settlement of this legal dispute. Not only did they not do that, they now have the audacity to claim publicly that they did, and spin their announcement in the most shameful of ways. If truth is the coin of the realm, Mr. Lyons and his cohorts are hopelessly bankrupt.

Mr. SMITH of New Hampshire. I would like to ask the Chairman of the Interior Appropriations subcommittee to clarify some matters concerning the President's American Heritage Rivers initiative that concerns the Interior and related agencies portion of the appropriations act. Senator GORTON, is it your understanding that there is nothing in this bill that authorizes the American Heritage Rivers initiative?

Mr. GORTON. Yes, I would like to clarify that matter. There is no language whatsoever in the Interior portion that provides an authorization for the American Heritage Rivers Initiative.

Mr. SMITH of New Hampshire. Thank you Mr. Chairman. In addition, is it true that there is no separate appropriation for the American Heritage Rivers initiative in the Interior portion of the bill?

Mr. GORTON. Yes, it is true that there is no appropriation for the American Heritage Rivers initiative in the appropriations act. In fact, the bill includes in Title three a provision that clearly prohibits the transfer of any funds from this act to the Council on Environmental Quality (CEQ) for purposes related to the American Heritage Rivers initiative.

Mr. SMITH of New Hampshire. Thank you Mr. Chairman. In addition, can you comment on some guidance that you have given the Forest Service in your statement to the managers?

Mr. GORTON. Yes, certainly. The statement of the managers provides a limitation on spending for the Forest Service for purposes related to designated American Heritage Rivers. This is not an appropriation, but it provides a maximum that may be spent from funds appropriated for other purposes on any efforts that are consistent with existing authorized programs. I would also like to point out that the Interior subcommittee has questioned this initiative previously. The Committee reports accompanying the FY 1999 bill clearly stated that efforts on this initiative by agencies covered by the Interior bill must complete with, or be normal part of, the authorized program of work of the agency.

INTELLECTUAL PROPERTY AND COMMUNICATIONS

Mr. SCHUMER. Mr. President, I rise today in support of the revised "Intellectual Property and Communications Omnibus Reform Act of 1999" (H.R. 1554). As a Member of the Judiciary Committee, I am particularly pleased that this legislation includes as Title IV, the "American Inventors Protection Act of 1999." This important patent reform measure includes a series of initiatives intended to protect rights of inventors, enhance patent protections and reduce patent litigation.

Perhaps most importantly, subtitle C of title IV contains the so-called "First Inventor Defense." This defense provides a first inventor (or "prior user") with a defense in patent infringement lawsuits, whenever an inventor of a business method (i.e., a practice process or system) uses the invention but does not patent it. Currently, patent law does not provide original inventors with any protections when a subsequent user, who patents the method at a later date, files a lawsuit for infringement against the real creator of the invention.

The first inventor defense will provide the financial services industry with important, needed protections in the face of the uncertainty presented by the Federal Circuit's decision in the *State Street* case. *State Street Bank and Trust Company* v. *Signature Financial Group, Inc. 149* F.3d 1368 (Fed. Cir. 1998). In *State Street*, the Court did away with the so-called "business methods" exception to statutory patentable subject matter. Consequently, this decision has raised questions about what types of business methods may now be eligible for patent protection. In the financial services sector, this has prompted serious legal and practical concerns. It has created doubt regarding whether or not particular business methods used by this industry—including processes, practices, and systems—might now suddenly become subject to new claims under the patent law. In terms of every day business practice, these types of activities were considered to be protected as trade secrets and were not viewed as patentable material.

Mr. President, the first inventor defense strikes a fair balance between patent law and trade secret law. Specifically, this provision creates a defense for inventors who (1) acting in good faith have reduced the subject matter to practice in the United States at least one year prior to the patent filing date ("effective filing date") of another (typically later) inventor; and (2) commercially used the subject matter in the United States before the filing date of the patent. Commercial use does not require that the particular invention be made known to the public or be used in the public marketplace—it includes wholly internal commercial uses as well.

As used in this legislation, the term "method" is intended to be construed broadly. The term "method" is defined as meaning "a method of doing or conducting business." thus, "method" includes any internal method of doing business, a method used in the course of doing or conducting business, or a method for conducting business in the public marketplace. It includes a practice, process, activity, or system that is used in the design, formulation, testing, or manufacture of any product or service. The defense will be applicable against method claims, as well as the claims involving machines or articles the manufacturer used to practice such methods (i.e., apparatus claims). New technologies are being developed every day, which include technology that employs both methods of doing business and physical apparatus designed to carry out a method of doing business. The first inventor defense is intended to protect both method claims and apparatus claims.

When viewed specifically from the standpoint of the financial services industry, the term "method" includes financial instruments, financial products, financial transactions, the ordering of financial information, and any system or process that transmits or transforms information with respect to investments or other types of financial transactions. In this context, it is important to point out the beneficial effects that such methods have brought to our society. These include the encouragement of home ownership, the broadened availability of capital for small businesses, and the development of a variety of pension and investment opportunities for millions of Americans.

As the joint explanatory statement of the Conference Committee on H.R. 1554 notes, the provision "focuses on methods for doing and conducting business, including methods used in connection with internal commercial operations as well as those used in connection with the sale or transfer of useful end results—whether in the form of physical products, or in the form of services, or in the form of some other useful results; for example, results produced through the manipulation of data or other inputs to produce a useful result." H. Rept. 106–464 p. 122.

The language of the provision states that the defense is not available if the person has actually abandoned commercial use of the subject matter. As used in the legislation, abandonment refers to the cessation of use with no intent to resume. Intervals of non-use between such periodic or cyclical activities such as seasonable factors or reasonable intervals between contracts, however, should not be considered to be abandonment.

As noted earlier, Mr. President, in the wake of *State Street*, thousands of methods and processes that have been and are used internally are now subject to the possibility of being claimed as patented inventions. Previously, the businesses that developed and used such methods and processes thought that secrecy was the only protection available. As the conference report on H.R. 1554 states: "(U)nder established law, any of these inventions which have been in commercial use—public or secret—for more than one year cannot now be the subject of a valid U.S. patent." H. Rept. 106-464, p. 122.

Mr. President, patent law should encourage innovation, not create barriers to the development of innovative financial products, credit vehicles, and e-commerce generally. The patent law was never intended to prevent people from doing what they are already doing. While I am very pleased that the first inventors defense is included in H.R. 1554, it should be viewed as just the first step in defining the appropriate limits and boundaries of the *State Street* decision. This legal defense will provide important protections for companies against unfair and unjustified patent infringement actions. But, at the same time, I believe that it is time for Congress to take a closer look at the potentially broad and, perhaps, adverse consequences of the *State Street* decision. I would hope that beginning early next year that the Judiciary Committee will hold hearings on the *State Street* issue, so that Senators can carefully evaluate its economic and competitive consequences.

Mr. TORRICELLI. My college is correct. The *State Street* decision may have unintended consequences for the financial services community. By explicitly holding that business methods are patentable, financial service companies are finding that the techniques and ideas, that were in wide use, are being patented by others.

The Prior Inventor Defense of H.R. 1554 is an important step toward protecting the financial services industry. By protecting early developers and users of a business method, the defense allows U.S. companies to commit resources to the commercialization of their inventions with confidence that a subsequent patent holder will prevail in a patent-infringement suit. Without this defense, financial services companies face unfair patent-infringement suits over the use of techniques and ideas (methods) they developed and have used for years.

While I support the Prior Inventor Defense, as a member of the Judiciary Committee, I hope that we will revisit this issue next year. More must be done to address the boundaries of the

State Street decision with the realities of the constantly changing and developing financial services industry.

I look forward to working with Senator SCHUMER and my colleagues on the committee on this important issue.

Mr. JEFFORDS. Mr. President, I rise today to support an extremely important provision in the budget agreement. A provision which will mean the difference for many dairy farmers around the country on whether they will stay in business or not.

The dairy compromise that is included in the budget agreement will help bring stability to the price dairy farmers around the country receive for their product—as well as protect consumers and processors by helping to maintain a fresh local supply of milk.

The agreement extends the very successful Northeast Dairy Compact and overturns Secretary Glickman's flawed pricing rule, saving dairy farmers around the country millions of dollars in lost income.

Take one look at this chart and you will know why the dairy compromise in the budget agreement is so important to the survival of this country's dairy farmers.

Why, because every farmer in every state in the red would lose money out of their pockets if Secretary Glickman's flawed pricing rule known as option 1–B were to be put in place. The dairy compromise corrects this and creates a pricing formula that is fair for both farmers and consumers.

For three years the farmers in New England have had a program that works. It's called the Northeast Dairy Compact. Because the Dairy Compact pilot program has worked so well—no less than twenty-five states have approved Compacts and are now asking Congress for approval.

Today, I am so pleased two of the people responsible for creating the idea of the dairy compact are here in Washington today. Bobby Starr and Dan Smith are two Vermonters that over 10 years ago put their heads together in an effort to help protect the Vermont way of life.

It was my hope and the hope of the majority of the Senate that we could have expanded the compacts into other regions so other states could benefit from having a means of stabilizing prices for both their farmers and consumers.

Unfortunately, this time we were not able to expand the dairy compact into other regions. However, a great deal of progress has been made as more and more states are seeing the benefits of protecting their dairy farmers and rural economies through the use of Interstate Compacts.

Given the broad support for compacts among the states, we all know that the issue of regional pricing is one that will continue to be debated. I am pleased with the tremendous progress the Southern states and other Northeastern states have made to move their compacts forward.

While the debate continues, this reasonable compromise allows the Northeast Compact to continue as the pilot project for the concept of regional pricing

The Northeast Dairy Compact has given farmers and consumers hope. The Compact, which was authorized by the 1996 farm bill as a three-year pilot program, has been extremely successful.

The Compact has been studied, audited, and sued but has always come through with a clean bill of health. Because of the success of the Compact it has served as a model for the entire country.

Mr. President, I am of course aware that some of my colleagues oppose our efforts to bring fairness to our states and farmers by continuation of the Dairy Compact pilot project.

Also, unfortunately, Congress has been bombarded with misinformation from an army of lobbyists representing the national milk processors, led by the International Dairy Foods Association (IDFA) and the Milk Industry Foundation. These two groups, backed by the likes of Philip Morris, have funded several front groups to lobby against this compromise.

Their handy work has been seen recently in misinformed newspaper editorials, deceiving advertisements and uninformed television ads. Yesterday Senator LEAHY and I came to the floor to correct the misinformation contained in the Wall Street Journal Editorial.

Mr. President, I would like to take this opportunity to set the record straight about the operation of the Northeast Compact. It is crucial that Congress understand the issues presented by dairy compacts on the merits, rather than based on misinformation.

When properly armed with the facts, I believe you will conclude that the Northeast Dairy Compact has already proven to be a successful experiment and that the other states which have now adopted dairy compacts should in the future be given the opportunity to determine whether dairy compacts will in fact work for them as well.

Contrary to the claims of the opposition, regional compact regulation remain open to the interstate commerce of all producer milk and processor milk products, from whatever source. Compacts establish neither "cartels", "tariffs" nor "barriers to trade" and are not "economic protectionism."

According to the opponents characterizations, dairy compacts somehow establish a "wall" around the regions subject to compact regulation, and thereby prohibit competition from milk produced and processed from outside the regions.

These are entirely misleading characterizations.

It is really quite simple and straightforward: All fluid, or beverage milk sold in a compact region is subject to uniform regulation, regardless of its source within or outside the compact region.

This means that all farmers, including farmers from the Upper Midwest, providing milk for beverage sale in the region, receive the same pay prices without discrimination. It can thus be seen that there is no economic protectionism or the erection of barriers to trade.

Except for uniform regulation, the market remains open to all, and the benefits of the regulations are provided without discrimination to all participating in the market, including those who participate in the market from beyond the territorial boundaries of the region.

Next, I would like to address the actual and potential impact of dairy compacts on consumer prices. In short, opposition claims about the actual and possible impact of dairy compacts on consumers, including low income consumers, are unfounded and grossly distorted.

Over the years, while farm milk prices have fluctuated wildly, remaining constant overall during the last ten years, consumers prices have risen sharply.

The explanation for this is apparently that variations in store prices do not mirror the wild fluctuations in farm prices.

In other words, when farm prices go up, the store prices go up, but when the farm prices recede, the store prices do not come back down as quickly or at the same rate. Hence, and quite logically, if you take away the fluctuations in farm prices, you take away the catalyst for unwarranted increases in store prices.

When the 1996 Farm Bill granted consent to the Northeast Dairy Compact as a pilot program, Congress gave the six New England states the right under the compact clause of the Constitution to join together to help regulate the price paid to farmers for fluid milk in the New England region.

The six New England states realized that in order to maintain a viable agriculture infrastructure and an adequate supply of milk for the consumers they needed to work together.

When the compact passed as part of the 1996 Farm Bill, the opponents were so sure the compact would not operate as its supporters had promised, they asked the Office of Management of Budget to conduct a study on the economic effects of the Northeast Dairy Compact.

The opponents of the dairy compact intended for the OMB study to discredit the dairy compact. The study did just the opposite. Instead, the OMB study proved just what we had thought—that the dairy compact works and it works well.

The OMB studied the economic effects of the Northeast Dairy Compact and especially its effects on the federal food and nutrition programs. The study also examined the impacts of milk prices at various levels on utilization and shipment of milk, and on farm income both within and outside the Compact region.

Here's what the study concluded:

The New England retail milk prices were $.05 cents per gallon lower on average then retail milk prices nationally following the first six months of operation of the Northeast Dairy Compact.

The compact over-order payments made in New England through the Compact Commission have had little impact on the price consumers pay as a result of the compact. Consumers, who are well represented on the Compact Commission, are very pleased with how the Dairy Compact has operated.

The Northeast Dairy Compact has not added any costs to federal nutrition programs, such as the Women, Infants and Children (WIC) and the school lunch and breakfast program, due to compensation procedures implemented by the New England Compact Commission. A program that helps protect farmers and consumers with no cost to the federal government.

The OMB study found that the Dairy Compact was economically beneficial to dairy producers. It increased their income from the milk sales about six percent.

The study concluded that the retail prices in New England were lower than the national average and it increased the income of dairy producers. No wonder twenty-five states are interested in having compacts in their states. And it's no wonder why governors, state legislatures, consumers and farmers alike support the continuation of the Northeast dairy compact.

Also, the OMB study concluded that there were no adverse affects for dairy farmers outside the Compact region and the study noted that some dairy producers outside the region actually received increased financial benefits through the sale of their milk into New England.

The OMB study helped Congress understand just how well the compact works. The opponents of the compact did not get what they had hoped for—instead we all have benefitted, both opponents and proponents of the compact, with the facts.

Despite what some of my colleagues have said, the Northeast Dairy Compact is working as it was intended to.

Instead of trying to destroy an initiative that works to help dairy farmers with no cost to the federal government, I urge my colleagues from the Upper Midwest to respect the states' interest and initiative to help protect their farmers and encourage other regions of the country to explore the possibility of forming their own interstate dairy compact in the future.

Mr. President, the Northeast Dairy Compact has worked well. Just think if other commodities and other important resources around the country developed a program that had no cost to the federal government and benefitted both those who produce, sell, and purchase the product.

Mr. FEINGOLD. Mr. President, I rise today in strong opposition to this legislation, which would revive an arcane and unjust federal dairy policy that has destroyed thousands of family dairy farms.

Once again, the Senate is faced with dairy riders that fly in the face of recommendations from the Secretary of Agriculture, our nation's dairy farmers, and numerous taxpayer and consumer groups. It seems that political favors are more important to some in this Congress than policy decisions that help our nation's dairy farmers.

During the last four years neither of these two harmful provisions—Option 1A or the Northeast dairy compact—has won Senate approval. I ask my colleagues on the other side of the aisle: why must Senate and House leaders continue to play political games at the expense of our nation's dairy farmers?

Mr. President, these backdoor deals must stop. America's dairy farmers deserve a national dairy policy that ensures that all dairy farmers receive a fair price for their milk.

Unfortunately, the House and Senate leadership went into a back room, and snuck in these two riders that step up the attack on our dairy industry.

These decisions were separate even from the eyes and ears of members, and most members of the Senate Agriculture committee. With the proliferation of these backroom deals, it is no wonder that the general public is frustrated with Congress.

The simple fact is that neither of these two dairy riders has been approved by both chambers of Congress, or the President.

I would like to make my colleagues aware of the history behind these two provisions. During the last four years, the only Senate vote explicitly on the Northeast dairy compact resulted in a resounding rejection.

This year, the Senate again voted on a package containing the Northeast dairy compact, and it again failed to gain enough support to invoke cloture.

Mr. President, the House has yet to take a single vote specifically on the Northeast dairy compact. Compared to the record of the House, these two votes make the Senate look like experts on the Northeast dairy compact.

Furthermore, Mr. President, the 1996 farm bill required that the Northeast dairy compact expire upon implementation of USDA's reforms. Unfortunately these dairy riders seek to defy the will of Congress, and give the back of their hand to America's dairy farmers.

After tens of thousands of comments, USDA came up with a modest plan to reform our 30-year-old milk marketing order structure.

More than 59,000 dairy farmers from all over the United States participated in a USDA national referendum and 96% voted in favor of the United States Department of Agriculture's final rule to consolidate the current 31 federal milk marketing orders into 11, and to reform the price of Class I milk.

USDA's proposal garnered nearly uniform support in each of the 11 regions, including the Southeast, Midwest, and Northeast.

The second of these harmful dairy riders, would overturn these reforms.

Well, Mr. President, I take the floor today to deliver a simple message: Congress should not renew a milk marketing order system that devastates family farmers, and imposes higher costs on consumers and taxpayers.

There has been a great deal of confusion over the effects of these harmful dairy provisions. Some say that mandating Option 1A and a two year extension of the Northeast dairy compact simply preserves the status quo.

This legislation does much more than simply extend the 60-year milk marketing system.

A new forward contracting provision in this dairy rider enables processors to pay farmers much less than the federal blend price for their milk.

This forward contracting provision will also make the market less competitive for all other producers by reducing demand on the open market. Since it is likely that forward contracts would be offered to only the largest producers, this provision will result in losses to small and medium-sized producers, who will become residual suppliers.

Mr. President, these dairy provisions shift the attack on our nation's dairy farmers into overdrive. This harmful legislation will continue to push our nation's dairy farmers out of business, and off their land.

For sixty years, dairy farmers across America have been steadily driven out of business, and disadvantaged by the very Federal dairy policy this legislation seeks to revive.

In 1950, Wisconsin had over 143 thousand dairy farms. After nearly 50 years of the current dairy policy, Wisconsin is left with only 23 thousand farms. Let me repeat: 23 thousand farms.

Why would anyone seek to revive a dairy policy that has destroyed over 110 thousand dairy farms in a single state? That's more than five out of six farms in the last half-century.

This devastation has not been limited to Wisconsin. Since 1950, America has lost over three million dairy farms. And this trend is accelerating, since 1985, America has lost over half of its dairy producers.

Day after day, season after season, we are losing small farmers at an alarming rate. While these operations disappear, we are seeing the emergence of larger dairy farms.

The trend toward a few large dairy operations is mirrored in States throughout the nation. The economic losses associated with the reduction of small farms goes well beyond the impact on the individual farm families that have been forced off their land.

The loss of these farms has devastated rural communities where small family-owned dairy farms are the key to economic stability.

Option 1A also hurts these communities in other ways: through higher costs passed on to both consumers and taxpayers.

Option 1A would increase prices for milk and cheese in virtually every state in the country. Low income families and federal nutrition programs, which rely heavily on milk and cheese, will be seriously hurt by the price increases mandated by this legislation.

The poor and elderly will be especially burdened by higher costs. Under Option 1A and the Compact food stamp recipients would lose $40 million a year due to increases in beverage milk prices and another $18 million a year due to increased cheese prices.

This legislation also soaks taxpayers with a milk tax by imposing higher costs on every taxpayer because we all pay for nutrition programs such as food stamps and the national school lunch program.

According to USDA, Option 1A alone would increase the average beverage milk price by nearly five cents a gallon and the cost of milk used for cheese by about two cents a gallon.

If we add up these costs to all of the federal nutrition programs, the costs mount up quickly.

Option 1A would cost the school lunch and school breakfast programs $19 million a year in higher beverage milk prices and cheese prices.

The WIC program would face over $16 million in higher cheese and milk prices.

Mr. President, the loss caused by Option 1A to the three major nutrition programs is $93 million. These regressive taxes unfairly burden children and the elderly. These hidden penalties on America's children and elderly must not be allowed to continue.

The fact is, we need a new national dairy policy that stops devastating small farmers, and imposing higher costs on taxpayers and consumers.

During my six years in the United States Senate, and twelve years in the Wisconsin State Senate, the overwhelming message I hear from dairy farmers in Wisconsin, Minnesota and throughout the Midwest, is that we need milk marketing order reform.

Congress recognized the need for a new national dairy policy, and in 1996, mandated that USDA reform the Federal milk marketing order system.

Well, let's take a look at why farmers across the U.S. support USDA's reforms. This chart compares Class I milk prices under the final rule and the current pricing system.

Under USDA's final rule dairy farmers in New England would receive 19.29 per hundredweight, a $.26 increase over the current system. Farmers in eastern New York and Northern New Jersey would receive $19.04 per hundredweight, an $.11 per hundredweight increase. In Northern Florida, farmers would receive $20.34, a $.97 increase over the current system.

These statistics underscore the importance of USDA's reforms for dairy farmers across the nation.

As this chart makes clear, USDA's reforms provide relief to America's dairy farmers, and begin to re-institute fairness into our dairy pricing structure.

Perhaps even more compelling is this simple bar graph that illustrates the national average Class I milk price that farmers receive under the final rule and the current pricing system.

As you can see farmers would have received 58 cents more per hundredweight under USDA's final rule.

Farmers, consumer advocates, and taxpayer groups support USDA's reforms, and oppose these harmful dairy riders.

Mr. President, America's farmers demanded USDA's reforms. We should heed their call and support USDA's final rule.

Unfortunately, supporters of this legislation feel that they know better than America's dairy farmers, and wish to prevent USDA's moderate reforms. Ironically, one of the few changes to Federal dairy policy over the last 60 years has accelerated the attack on small farmers.

Despite the discrimination against Wisconsin dairy farmers under the Eau Claire rule, backdoor politicking during the eleventh hour of the conference committee for the 1996 farm bill, stuck America's dairy farmers with the devastatingly harmful Northeast Dairy Compact. This provision further aggravated the inequities of the Federal milk marketing order system by establishing the Northeast Interstate Dairy Compact. While the Compact may sound benign, it establishes a price fixing entity for six Northeastern States—Vermont, Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut.

The Northeast Interstate Dairy Compact Commission is empowered to set minimum prices for fluid milk higher than those established under Federal milk marketing orders. Never mind that farmers in the Northeast already receive higher minimum prices under the antiquated, 60 year old Eau Claire rule.

The compact not only allows these six States to set artificially high prices for their producers, it permits them to block entry of lower-priced milk from producers in competing States. Further distorting the markets are subsidies given to processors in these six States to export their higher-priced milk to non-compact States.

Who can defend this system with a straight face? This compact amounts to nothing short of government-sponsored price fixing. It is outrageously unfair, and also bad policy.

The compact interferes with interstate commerce and wildly distorts the marketplace by erecting artificial barriers around one specially protected region of the nation.

The compact arbitrarily provides preferential price treatment for farmers in the Northeast at the expense of farmers in other regions who work just as hard, who love their homes just as much and whose products are just as good or better.

It also irresponsibly encourages excess milk production in one region without establishing effective supply control. This practice flaunts basic economic principles and ignores the obvious risk that it will drive down milk prices for producers outside the compact region.

Despite what some have argued, the Northeast Dairy Compact hasn't even helped small Northeast farmers.

Since the Northeast first implemented its compact in 1997, small dairy farms in the Northeast, where this is supposed to help, have gone out of business at a rate of 41 percent higher than they had in the previous 2 years—41 percent higher.

In fact, compacts often amount to a transfer of wealth to large farms by affording large farms a per-farm subsidy that is actually 20 times greater than the meager subsidy given to small farmers.

We need to support USDA's moderate reforms, reject these harmful dairy riders and let our dairy farmers get a fair price for their milk.

Mr. President, I yield the floor.

Mr. KYL. Mr. President, today we are considering the District of Columbia appropriations bill, which includes not only funding for the nation's capital, but also regular appropriations for seven cabinet-level departments—the Departments of Labor, Health and Human Services, Education, State, Justice, Commerce, and Interior.

The package also includes four major authorization bills covering Medicare, foreign operations, satellite television, dairy programs, and scrap-metal recycling.

Mr. President, under ordinary circumstances, legislation should not be packaged this way. If I were to base my vote merely upon the process that led us to combine these measures into one huge bill, I would vote no, as I have on the other omnibus bills that have come before the Senate during the last few years. However, I think there are some important distinctions between the package before us this year and what we have seen in the past.

Unlike last year, for example, when free-for-all negotiations resulted in an orgy of new spending and wholesale concessions to the White House, this year the individual parts of the bill were negotiated separately, in a largely orderly process. Unlike last year, any additional spending won by the White House was required to be offset so that net spending would not increase.

With the exception of the dairy provisions, which I oppose, I have concluded that I would vote for each of the measures included here if we had the opportunity to vote on them separately. For this reason and, because on balance, I believe the good in the rest of the package outweighs the bad, I will vote aye.

Mr. President, when we look back on this legislation five or 10 years from now, I think we will see one aspect of it as truly historic.

The legislation, despite its shortcomings, establishes a historic new precedent against ever again raiding the Social Security trust fund for other purposes—a precedent that future Presidents and Congresses will deviate from only at their own peril.

The package has been designed to avoid intentionally spending a dime of the Social Security surplus. And if our estimates turn out to be right, it will be the first time since 1960—the first time in nearly 40 years—that Congress did not tap the Social Security surplus to pay for other programs. It also means that we will be able to pay down publicly held debt by another $130 billion or so this year.

Mr. President, I think everyone needs to recognize that estimates of spending and revenues can be affected by even the slightest changes in the economy, and so we will need to be prepared to adjust spending levels early next year if it appears that that is necessary to take further action to safeguard the Social Security surplus. We should even consider putting an automatic mechanism in place, as proposed in legislation I cosponsored with Senator ROD GRAMS, to make sure Social Security is never again tapped.

In any event, it is important to recognize just how far we have come since 1995. That was the year Bill Clinton sent Congress a budget that would have spent every penny of the Social Security surplus every year for the foreseeable future, and still run $200 billion annual deficits on top of that. The President's FY96 budget submission would have resulted in actual deficits rising from about $259 billion in 1995 to roughly $289 billion this year.

We did not follow the President's recommendations. We charted an entirely different course. The result: We now have a budget that sets aside the entire Social Security surplus and even runs an estimated $1 billion surplus in the government's operating budget. That is progress.

Because we do not raid Social Security, we had to do a better job of setting priorities so that we could take care of those things the American people care most about, and to a large degree, I think we succeeded. This bill provides a substantial increase in funds for medical research at the National Institutes of Health. We provide even more resources for education than the President asked for, and we take a modest first step in the direction of public school choice and providing local school districts with increased flexibility in how they will use federal funds to meet the particular needs of their students. We restore funding for hospitals and nursing homes that care for Medicare patients.

We also include additional resources for law enforcement, including funding for 1,000 new Border Patrol agents, and funds to combat the scourge of methamphetamine in our communities. We are able to provide more money than the President sought for the Violence Against Women Act. And we provide money to make sure federal agencies can be better stewards of our national parks, forests, and wildlife refuges.

We require that international family-planning money be used for just that—family planning, not abortion or lobbying to liberalize the abortion laws of other countries. Although the compromise provisions would allow the President to waive the limitations and provide about $15 million to groups that engage in such activity, about 96 percent of the dollars would still remain subject to the restrictions.

Of course, funding these various priorities means we had to limit spending in other areas in order to keep our promise not to raid Social Security. For example, the National Endowment for the Arts does not get the increase it sought. There will not be as much foreign aid as President Clinton wanted. We cut the President's Advanced Technology Program. To make doubly sure we keep our pledge to stay out of Social Security, we include a small across-the-board spending cut to force agencies to ferret out waste and abuse.

It is hard for me to conceal my disappointment in several regards. First, I regret that Congress did not protect the projected surplus in the non-Social Security part of the budget. This bill, combined with the other appropriations bills that have already been signed into law, will spend the entire $14 billion surplus that was projected in the government's operating budget—excluding Social Security—and it will bust the spending caps Congress and the President agreed to only two years ago.

Second, there is still far too much wasteful spending in the budget.

And third, there is so much advance funding in the bill for FY2001 that it will be difficult for us to stay within our spending targets for next year.

On balance, though, it strikes me that the short-term cost of exceeding the caps and spending the relatively small non-Social Security surplus for this year is more than outweighed by the long-term discipline that will be imposed by the precedent we have set with regard to protecting Social Security.

Mr. President, with that in mind, I intend to vote for this bill.

A BAD DEAL FOR WORKING AMERICANS

Mr. GRAMS. Mr. President, a year ago I was here in this chamber speaking on the 1998 Omnibus Appropriations legislation. I criticized the abusive process that made the entire negotiations exclusive, arbitrary, and conducted behind closed doors by only a few congressional leaders and White House staff, and few Members of the Congress had any idea what was in the bill but were asked to approve it without adequate review and amendments. I also urged the Congress not to repeat the mistake that we need to reform the process and start the process early in the year to avoid appropriations pressure.

Many of my colleagues shared my views at the time and agreed that the federal budget process had become a reckless game, and it not only weakened the nation's fiscal discipline but also undermined the system of checks and balances established by the Constitution.

At the beginning of the 106th Congress, I argued repeatedly in this chamber that the key to a successful budget process was to pursue comprehensive budget process reforms. I have introduced legislation to achieve these goals which includes legislation that would force us to pass a legally-binding federal budget, allow an automatic continuing resolution to kick-in to prevent government shutdown, set aside funds each year in the budget for true emergencies; strengthen the enforcement of budgetary controls; enhance accountability for Federal spending; mitigate the bias toward higher spending; modify Pay-As-You-Go (PAYGO) procedures to accommodate budget surpluses; and establish a look-back sequester mechanism to ensure the Social Security surplus will be protected. We also need to pursue biennial budgeting and getting rid of the so-called "baseline budgeting."

We were assured by Senate leaders that we were going to pursue real budget process reform early this year and that we would never have another omnibus spending bill in the future.

Mr. President, I believe what we have before us today is a repeat of what was promised to never occur again. Once more, with inadequate time to review. The Houses passed this omnibus bill with absolutely no knowledge of what was in it. This is nearly a play-by-play of 1998 because we have not reformed our budget process. As a result, after seven Continuing Resolutions, we have before us an omnibus spending bill that is full of creative financing and earmarked pork programs.

Mr. President, when will we ever learn our lessons?

Mr. President, it is entirely irresponsible and reckless that Congress has over-used advanced appropriations, used directed scoring, emergency spending and many other budgetary smoke and mirrors to dodge fiscal discipline and significantly increase government spending. Like last year's omnibus bill, this legislation is heavily loaded with irresponsible and inappropriate provisions. It is severely flawed by new spending, no CBO scoring, gimmick offsets and billions of pork-barrel programs. Many last-minute spending needs were loaded into this omnibus bill just in the last few days. I still cannot even tell you what they are, since we haven't been given enough time to review it. The double whammy delivered to Minnesota dairy farmers by adding a two-year extension of the Northeast dairy compact and 1 A order reform is my main reason for opposing this bill. These outrageous last-minute additions seriously hurt Mid-West dairy farmers and are the reason why we are still here today.

This omnibus bill has again proven that big government is well and alive in Washington. The bill provides a total $385 billion for just five spending bills, a significant increase over last year's levels. Congress is recklessly and irresponsibly throwing more and more taxpayers' money to help the President enlarge the government. Billions of dollars were added to the spending legislation avoiding the normal committee process, without any amendments and full debate. If hiring more police officers and more elementary school teachers is the solution to stop crime and improve education, let us have an open debate on the merits of the policy through the usual democratic process. Let's not cut deals behind the closed door in meetings by just a few.

Since we established statutory spending limits, Washington has repeatedly broken them because of lack of fiscal discipline. We have done so again this year.

In my judgment, this omnibus spending bill and the other appropriation bills have been enacted have spent billions of dollars more than the spending caps if we would use honest numbers to score them. To date, the Congressional Budget Office has not provided us with its estimates on this bill. Because of the CBO's inability to score the bill, we do not know what the real cost of it, or whether it stays within the 302(b) allocations.

But we do know many accounting rules have been bent in putting this bill together to avoid the tighter spending caps. Let me explain: This bill relies heavily on the so-called "directed scoring" technique for it increased spending. Traditionally, Congress always uses the Congressional Budget Office estimates for scorekeeping. However, because the Office of Management and Budget (OMB) has more favorable estimates for some government programs than the CBO, the Congress simply directed CBO to use OMB numbers to keep score for this year's spending bills.

One of these OMB estimates the CBO was directed to use is the $2.4 billion spectrum sales revenue expected to be collected next year. We all know that level of sales will not be reached. In fact, we criticized the President for using this overoptimistic number in his past budgets.

Just by using the OMB's rosy estimates, without making any hard choices, Congress has increased this year's 302(b) allocations by over $17.4 billion. But the real danger is, by the end of the year, the CBO will use its own estimates to score our budget surplus or deficit. If OMB's numbers prove to be unrealistic and wrong, we end up spending the Social Security surplus we have vowed to protect and it will be too late to adjust the budget accordingly. This is the last thing we want to do. That is why I was disappointed my bill to provide an automatic sequester triggered by spending of the Social Security surplus was not passed. This procedure is absolutely essential to ensure we keep our commitment to protect Social Security.

Again and again, Washington lowers the fiscal bar and then jumps over it, or finds ways around it, at the expense of the American taxpayers, so all the spenders and those special interests who benefit at other expenses go home happy.

Mr. President, abusive use of emergency spending is another gimmick applied in this omnibus spending bill, as well as in the other appropriation bills we've passed. Last year alone, Congress appropriated $35 billion for so-called emergencies. This year again, over $24 billion of emergency spending was appropriated. Since 1991, emergency spending has totaled over $145 billion. Most of these "emergencies" were used to fund regular government programs, not unanticipated true emergencies. Emergency spending is sought as a vehicle to add on even more spending priorities and thus to dodge fiscal discipline because emergency spending is not counted against the spending caps. This has gone too far. We need a better way to budget for emergencies. Most of this spending can be planned within our budget limits. Even natural disasters happen regularly—why not budget for them, as I proposed in my budget process legislation.

Mr. President, while I agree "advance appropriations," "advance funding" and "forward funding" are not uncommon practice here, it does not mean they are the right thing to do, particularly when these budget techniques are used to dodge much-needed fiscal discipline.

In the past five years, "advance appropriations" have increased dramatically, jumping from $1.9 billion in FY 1996 to $11.6 billion in FY 2000, an increase of $9.7 billion over five years. This year, at least $19 billion was advanced into FY 2001 and outyears which will create even worse problems for us next year and in the future.

I understand the upward spending pressure the Congress is facing this year and in the outyears. But I believe we should, and can, meet this challenge by prioritizing and streamlining government programs while maintaining fiscal discipline. We can reduce wasteful, unnecessary, duplicated, low-priority government programs to fund the necessary and responsible function of government. But we need a Biennial Budget, as Senator DOMENICI recommends, to give us time to do this.

Instead of streamlining federal spending, we have thrown in more money to please big spenders without the needed analysis to ensure the spending will help us solve problems. Like last year's bill, this bill looks like a Christmas tree full of pork projects. Many are added in the last minute negotiation. But we don't know exactly what they are and how much they cost, because again we have not been given enough time to review this bill. Here are a few examples as identified by Senator MCCAIN:

An entirely new title is included in the legislation during last minute negotiations, the "Mississippi National Forest Improvement Act of 1999," which had not previously been considered in the previous Senate or House bills. A half million dollars is added for the Salt Lake City Olympic tree program. It earmarked $2 million for the University of Mississippi Center for Sustainable Health Outreach and $3 million for the Center for Environmental Medicine and Toxicology at the University of Mississippi Medical Center at Jackson. An earmark of $3 million is added for the Wheeling National Heritage Area and $3 million for the Lincoln Library. It earmarked $2 million for Tupelo School District in Mississippi for technology innovation. It includes an earmark of $3 million for the Southwest Pennsylvania Heritage Area. It also earmarked $1 million for the completion of the Easter Seal Society's Early Childhood Development Project for the Mississippi River Delta Region and $1 million for the Center for Literacy and Assessment at the

University of Southern Mississippi. It also includes an increase of $3.6 million for Washington State Hatchery Improvement.

As the result, we've ended up spending much more money than we should have. My biggest fear, Mr. President, is this omnibus spending legislation may allow Congress and the President to spend some of the Social Security surplus by not imposing an adequate across-the-board spending reduction.

Even counting all the "directed scoring," "advanced appropriations," every penny of the $14 billion on-budget surplus and other budgetary gimmicks, it is estimated that Congress could still dip into the Social Security surplus by nearly $5 billion. To fill that gap we need to reduce government spending by 0.97 percent across-the-board. But the agreement reached between congressional leaders and the White House allows only a 0.38 percent reduction which would result in $1.3 billion savings. Clearly, this is done just for face-saving reason, and will not ensure that the Social Security surplus is protected.

The proponents of this omnibus bill may quickly point out that there are offsets to fund the new spending. But we all know most of the offsets are simply gimmicks. The best example is a $3.5 billion transfer from the Federal Reserve surplus to the Treasury.

As you know, there is nothing new about this proposal and it has been around for quite a while. In the past, Chairman Greenspan called this transfer of the Fed's surplus to the Treasury "a gimmick that has no real economic impact on the deficit." Because it is just an intra-governmental transfer that would not change the government's true economic and financial position.

Other offsets such as a one-day delay in pay for our military and civilians will cause enormous financial hardship for millions of American families who depend on the regular paychecks to pay their mortgage, daycare for their kids, and other priorities. Many small businesses and contractors can be adversely affected by this offset as well. Again, this has proven that the victims of Washington's spending spree are the American taxpayers.

Mr. President, there are many provisions in the omnibus appropriations bill I support, such as the BBA Medicare fix which includes reinstatement of Minnesota's DSH allotment, the State Department Authorization which includes payment of the U.N. arrears and my embassy security proposal, Home Satellite TV access and others. In fact I have worked hard on many of these proposals. However, I believe the dairy provisions and the general lack of fiscal discipline in the bill have far overshadowed the good provisions. Overall, it is a bad deal for working Americans in general and it is a bad deal for my fellow Minnesotans in particular. I therefore cannot in good conscience vote for this fiscally irresponsible legislation.

Mr. GRASSLEY. Mr. President, I rise to express my deep disappointment at the language affecting Federal dairy policy included in the Omnibus appropriations bill before us. As the Members know, the Omnibus measure includes an extension of the Northeast Dairy Compact and language on reforming our Nation's Federal dairy policy which has been in place since the Depression.

It may seem unusual to some Members that a Senator from Iowa would have an interest in this matter. While Iowa's reputation as an agriculture powerhouse is well-established and well-deserved, I think when many people think of agriculture in Iowa, they think of commodities such as soybeans or pork. However, the dairy industry is very important to Iowa as well. The total economic contribution of the dairy industry to the Iowa economy is over $1.5 billion annually. Nearly 10,000 Iowans are employed through dairy farming and processing. Furthermore, Iowa ranks 12th in the Nation in Dairy Production. So the State of Iowa has good reason to be concerned about Federal dairy policy.

I have long been concerned about the impact of the Northeast Dairy Compact, which was authorized by the 1996 farm bill and which was due to sunset in October of this year, has had, and how it will affect producers in the future. I voted in 1996 to strip the language from the farm bill which allowed for the formation of the Northeast Dairy Compact. The only reason the language was included in the farm bill was political trading at the last minute. Since the inception of the Northwest Compact, it is clear that its consequences have not been good.

According to the International Dairy Foods Association, the Northeast Compact has cost New England milk consumers nearly $65 million in higher milk prices, at the same time costing child nutrition programs $9 million more. Consumers have paid a price that is too high for the Northeast Compact. We should not make more consumers suffer the same consequences. I also believe that compacts are an abuse of the Constitution. While the Constitution does allow for the formation of compacts, it is usually invoked for transportation or public works project.

The Northeast Dairy Compact is the first time that compacts have been used for the purpose of price fixing for regional interests. For the most effective functioning of the U.S. economy, it must be unified. Preventing economic protectionism is at the heart of our Constitution. Renewing or expanding compacts flies in the face of that basic tenet. Furthermore, neither the Judiciary Committee or the Agriculture Committee, which have jurisdiction over such matters, has had the opportunity to review this measure. Such a committee examination is warranted and necessary.

One of the things that worries me about dairy compacts is their potential effect on other commodities. Higher prices mean more milk and less demand. The key to increasing dairy producers' income is expanding demand for milk and dairy products. If we take steps to expand dairy compacts, we will be going in the opposite direction. It is also my view that compacts are contradictory to the philosophy of freedom to farm, which my friend, the senior Senator from Vermont, supported. The whole philosophy behind freedom to farm was moving away from the old "command and control", government-run AG policies of the past. We need more free markets and free trade, not less, which brings me to my final point on compacts. As Chairman of the Finance Committee's Subcommittee on Trade, maintaining a strong trade position for the United States is my top priority. One of the reasons why the United States is the only true superpower left in the world and why our Nation remains economically strong while others have faltered is because we function as one economically. Our economic prosperity is undeniable proof of the superiority of free and open markets. If we were to allow the perpetuation of dairy compacts, it would send a very damaging signal to the rest of the world.

It would send the message that we do not have the confidence that a free and open economy will ensure that producers who come to the market with a quality product will be able to support themselves. Not only is the compact language in this bill unacceptable for dairy producers in the Midwest, but the Omnibus bill also includes language on the Nation's milk marketing orders that is detrimental to Iowa's dairy producers. Members know that milk marketing orders are a system put in place over 60 years ago to regulate milk handlers in a particular order region to promote orderly marketing conditions.

The 1996 farm bill required USDA to cut the number of marketing orders by over half and implement an up-to-date market oriented system of milk distribution. After a great deal of study and comment, USDA came up with two proposals, Option 1-A, and Option 1-B. Option 1-A is close to the status quo and Option 1-B is geared toward the free market and modernizing the system. While neither proposal was perfect, Option 1-B was definitely a better choice. However, given the concerns expressed by the public about both proposals, USDA issued a compromise initiative, which was still preferable to Option 1-A. Unfortunately, Option 1-A proponents have succeeded in getting Option 1-A language included in the Omnibus appropriations bill.

Those who favor 1-A sometimes make the argument that the compromise devised by USDA would cost dairy farmers nationwide $200 million. However, according to the USDA, net farm income would be higher under the compromise that under the status quo which is what 1-A is in many ways. The Food and Agricultural Policy Research Institute, which is located in my State at Iowa State University, has concluded that 60 percent of the Nation's dairy farmers would receive more income under the USDA compromise plan.

The unequal treatment of the old system, which is maintained by 1-A, artificially raises prices for milk in other parts of the country, encouraging excess production which spills into Midwestern markets. This simply lowers the price that Midwestern producers receive.

The Federal Milk Marketing order System is out of date and out of touch with modern production and economics. It is long overdue for reform and this language in the Omnibus bill just puts that off. My producers and others in other Midwestern States have endured the inequities of the Milk Marketing Order System long enough. I am very disappointed that the unfairness of the old system would be perpetuated by the language in this bill. We could still correct the mistakes made by this bill which would have a tremendously detrimental effect on dairy producers within Iowa and the rest of Midwest.

I urge the leadership on both sides of the aisle to work with Midwestern Senators to help put an end to the unfair treatment of the Midwestern dairy farmers. Thank you.

Ms. SNOWE. Mr. President, I reiterate my support for the two year extension of the very successful Northeast Interstate Dairy Compact. And after all I have read recently—not that one should believe everything they read—I feel compelled to set the record straight on this issue one more time.

The Northeast Dairy Compact has addressed the needs of states in New England who compacted together within their region to determine fair prices for locally produced supplies of fresh milk. All six legislatures and all six governors in New England approved the Compact.

In fact, in 1989–1990, the Vermont House passed it unanimously and the Senate passed it 29 to 1. The Maine House passed it 114 to 1 and it was unanimously adopted by the Senate. The legislatures in Connecticut, Massachusetts, New Hampshire and Rhode Island adopted it overwhelmingly in 1993.

I would also note that despite the varying views, party affiliations and economic philosophies, this is one issue where the entire New England Congressional Delegation is united. And that, in and of itself, is quite a feat.

Let me tell you why New England is united behind the Dairy Compact. We want our family farmers. This way of life is threatened for a number of reasons including the encroachment of development which leads to the increased cost of land.

I think one Mainer summed it up quite nicely in a letter to the editor. In this letter she noted that it was okay to be against the Compact ". . . if you think we will be better off having subdivisions where our farms once stood, if you believe it's to our advantage to say good-bye to the last family farms and hello to big business controlling the production, distribution and pricing . . . ."

In my own state of Maine we have lost 31 percent of our dairy farms in the last 10 years. We have 485 dairy farms left and they average 80 milking cows and provide 2100 related jobs. They allow the continuation of a rural way of life that is fast disappearing not only in New England but throughout the country. And it is a way of life that we will not give up without a fight.

The men and women who own our dairy farms are doing it because it is in their blood—their parents did it, their grandparents did it and in many cases their great grandparents did it. You don't go into dairy farming to make money—you go into it because it is in your blood, it is what you know and what you love. And the Compact is the only thing standing between many of these families and the loss of not only their farm but their way of life.

In Maine we have a saying that you are "from away" if you are not from Maine. Let me assure you that if you told a Maine dairy farmer that he was part of a price fixing cartel, as several newspapers have claimed, he would immediately know that you were from away . . . far, far away.

The beauty of the Compact is that it reflects the New England way of life—self-reliance—we don't ask the federal government for one penny. Instead, New Englanders pay a few cents more for milk to support the Compact—a very small price to pay to protect our rural way of life.

Let me repeat that—we are not asking the federal taxpayer in Wisconsin or Texas or Minnesota to subsidize our farmers—although I might add that New England's taxpayers have historically subsidized farmers in other parts of the country.

The Compact has proven to be an effective approach to address farm insecurity. The Compact has protected New England against the loss of their small family dairy farms and the consumers against a decrease in the fresh local supply of milk. The Compact has stabilized the dairy industry in this entire region and protected farmers and consumers against volatile price swings.

Over ninety-seven percent of the fluid milk market in New England is self-contained within the area, and fluid milk markets are local due to the demand for freshness and because of high transportation costs, so any complaints raised in other areas about unfair competition are quite disingenuous.

All we are asking, Mr. President, is the continuation of the Northeast Dairy Compact, the existence of which does not threaten or financially harm any other dairy farmer in the country.

Let there be no mistake, the Northeast Dairy Compact does not stand alone in the Omnibus bill. Additional dairy language is included in the bill that restores the existing federal program, the Milk Marketing Order system, which fixes the price of milk in different regions across the country, and is initiated and approved by producers in specific areas.

The USDA adopted a final Rule on Milk Marketing Orders in March, a rule I might add that favors dairy farmers in the Upper Midwest at the expense of the rest of the country. On September 22, the House expressed its opposition to this rule when they voted 285–140 to restore the current system by placing a moratorium on the Final Rule. So, this is not one region of the country speaking—although some apparently believe that New England's family farmers make a good scapegoat—as 65 percent of the House of Representatives voted to pass the moratorium language.

The New England Compact adds about two cents a gallon to the consumer—not 20 cents as the Wall Street Journal would have you believe. They seem to be under the impression that the farmers set the price for the milk you buy at the store—the fact is that the prices, as we all know, are set by the retailer. Under the Compact, New England retail milk prices have been among the lowest and the most stable in the country.

The opposition has tried to make the argument that interstate dairy compacts increase milk prices. This is just not so as milk prices around the U.S. have shown time and again that prices elsewhere are much higher and experience much wider price shifts than in the Northeast Compact states. Just take a look at dairy prices around the country for a gallon of milk.

The price in Bangor and Augusta, Maine ranged from $2.89 to $2.99 per gallon from February to April of 1999 and has remained stable at $2.89 for the last several months.

In the Boston, Massachusetts market, the price stayed perfectly stable—at $2.89—from February to April of 1999.

The price in Seattle ranged from $3.39 to $3.56 over the same time period. Washington State is not in a compact, yet their milk was approximately 50 cents higher per gallon than in Maine. The range in Los Angeles was from $3.19 to $3.29. In San Diego, the range was from $3.10 to $3.62. California is not in a compact.

Las Vegas prices were $2.99 all the way up to $3.62. Not much price stability there, but then, Nevada is not in a compact. In Philadelphia, the range was $2.78 to $3.01 per gallon—not as wide a shift as Nevada but a much wider price shift than the Northeast Compact states. It's no wonder Pennsylvania dairy farmers want to join us.

How about Denver—Colorado is not in a compact. A gallon of milk in Denver has cost consumers anywhere from $3.45 to $3.59 over the past few months, over one half of a dollar more than in New England. So, the Northeast Dairy Compact has not resulted in higher milk prices in New England, but the milk prices are among the lowest in the country—and are among the most stable.

Only the consumers and the processors in the New England region pay a few cents extra for milk that already costs less than just about anywhere else in the country—to provide for a fairer return to the area's family dairy farmers and to protect a way of life important to the people of the Northeast.

Also, where is the consumer outrage from the Compact states for spending a few extra pennies for fresh fluid milk so as to ensure a safety net for dairy farmers so that they can continue an important way of life? I have not heard any swell of outrage of consumer complaints over the last three years. Why, because the consumers also realize this initial pilot project, whose costs are borne entirely by the New England consumers and processors, has been a huge success.

So, I ask my colleagues to look at the facts, not the fables being spread by those who have simply chosen not to let the facts get in their way.

Mr. KENNEDY. Mr. President, I welcome this opportunity to express my strong support for the Northeast Dairy Compact. Since taking effect in October 1997, the Compact has stabilized milk prices for both farmers and consumers in New England.

Farmers across the country are unable to make ends meet. The number of farmers in New England has declined significantly in recent years. In 1992, Massachusetts had 365 dairy farms. Today, that number has declined to 290 dairy farms. Farmers in New England are losing a priceless heritage, that their families have owned for generations—some since the 1600s. The Northeast Dairy Compact helps ensure that in the face of these difficult times for their industry, our farmers will have a consistent income to preserve their way of life.

There are many misconceptions about the Dairy Compact. One of the most serious misconceptions is that taxpayers pick up the cost of the Compact. Taxpayers do not pay for this program—it is run at no cost to the federal government.

In addition, with respect to competition a Congressional a condition imposed on the Compact specifically provides that: "The Northeast Interstate Dairy Compact Commission shall not prohibit or in any way limit the marketing in the compact region of any milk or milk product produced in any other production area in the United States."

Another misconception is that the Dairy Compact hurts the poor. This program does not hurt poor people. WIC and the school lunch program are exempt. In fact, in New England, the Compact overpaid these programs for two years in a row.

When approved in 1996, the purpose of the Dairy Compact was to ensure the viability of dairy farming in the Northeast and to ensure an adequate supply of local milk to consumers. The Compact is a price support, and was never intended to make anyone rich. It was intended to preserve small family farms and provide safeguards against excessive production.

The Compact has been a great success. The price of milk has actually dropped by an average of 5 cents a gallon across New England, and for many months at a time, prices have remained so stable that no compact money has been paid to farmers.

The Dairy Compact is good for our farmers, preserving their way of life. It is good for the environment, preserving farms and green space that Western Massachusetts is known for. And it is good for consumers, stabilizing prices and ensuring a fresh and local supply of milk.

We stand for free competition, but we also stand for fair competition. In many areas of current law, there are long-standing provisions designed to produce competition that is both free and fair. The New England Dairy Compact deserves the support it has received from the Senate in recent years, and I hope that it will continue to receive that support.

Mr. HARKIN. Mr. President, this is a great day for the critically important search for medical breakthroughs. I am very pleased to say that the omnibus appropriations act contains a record $2.3 billion increase in support for medical research through the National Institutes of Health. We are now well on our way towards our goal of doubling our nation's investment in the search for medical breakthroughs.

This increase will directly benefit the health of the American people. It will speed up the day when we have a cure for cancer and other deadly diseases.

On top of that, the Senate has passed S. 1268, the Twenty-First Century Research Laboratories Act of 1999. This bill cosponsored by Senators FRIST, KENNEDY, CHAFEE, REED of Rhode Island, MACK, MIKULSKI, MURRAY, CLELAND, HELMS, WARNER, SARBANES, SCHUMER, COCHRAN, DURBIN, MOYNIHAN, BOXER, ROBERTS, REID of Nevada, SPECTER, FEINSTEIN, COLLINS, INOUYE and HAGEL. I want to thank my colleagues for cosponsoring this legislation, and for their support in getting it passed.

This bill addresses a critical shortfall in our nation's medical research enterprise. I was pleased to work with Senator SPECTER this year to achieve a $2.3 billion increase for the National Institutes of Health. The Conference Agreement of the Fiscal Year 2000 Labor, Health and Human Services, Education and Related Agencies Appropriations Subcommittee, provides $17.9 billion for the NIH. This puts us well on track to double funding for the NIH over the next five years, a target that was agreed to by the Senate, 98–0, in 1997.

However, as Congress embarks on this important investment in improved health, we must strengthen the totality of the biomedical research enterprise. While it is critical to focus on high quality, cutting edge basic and clinical research, we must also consider the quality of the laboratories and buildings where that research is being conducted.

In fact, Mr. President, the infrastructure of research institutions, including the need for new physical facilities, is central to our nation's leadership in medical research. Despite the significant scientific advances produced by Federally-funded research, most of that research is currently being done in medical facilities built in the 1950's and 1960's, a time when the Federal government obligated from $30 million to $100 million a year for facility and equipment modernization. Since then, however, annual appropriations for modernization of our biomedical research infrastructure have dramatically declined, ranging from zero to $20 million annually over the past decade.

I am pleased to report that this year we were able to increase that amount to $75 million in our appropriations bill. While this is an important improvement, much more is needed. As a result, many of our research facilities and laboratories are outdated and inadequate to meet the challenge of the next millennium.

In order to realize major medical breakthroughs in Alzheimer's, diabetes, Parkinson's, cancer and other major illnesses, our nation's top researchers must have top quality, state-of-the-art laboratories and equipment. Unfortunately, the status of our research infrastructure is woefully inadequate.

A recent study by the National Science Foundation finds that academic institutions have deferred, due to lack of funds nearly $11.4 billion in repair, renovation, and construction projects. Almost one quarter of all research space requires either major renovation or replacement and 70% of medical schools report having inadequate space in which to perform biomedical research.

A separate study by the National Science Foundation documents the laboratory equipment needs for researchers and found that 67 percent of research institutions reported an increased need for laboratory instruments. At the same time, the report found that spending for such instruments at colleges and universities actually declined in the early 1990s.

Several other prominent organizations have documented the need for increased funding for research infrastructure. A March 1998 report by the Association of American Medical Colleges stated that "The government should reestablish and fund a National Institutes of Health construction authority. . . ." A June 1998 report by the Federation of American Societies of Experimental Biology stated that "Laboratories must be built and equipped for the science of the 21st century . . . Infrastructure investments should include renovation of existing space as well as new construction, where appropriate."

As we work to double funding for medical research over the next few years, the already serious shortfall in the modernization of our nation's aging research facilities and labs will continue to worsen unless we take specific action. Future increases in NIH must be matched with increased funding for repair, renovation and construction of research facilities, as well as the purchase of modern laboratory equipment.

Mr. President, the bill that passed the Senate today expands federal funding for facilities construction and state-of-the-art laboratory equipment through the NIH by increasing the authorization for this account within the National Center for Research Resources to $250 million in FY 2000 and $500 million in FY 2001.

In addition, the bill authorizes a "Shared Instrumentation Grant Program" at NIH, to be administered by the Center. The program will provide grants for the purchase of shared-use, state-of-the-art laboratory equipment costing over $100,000. All grants awarded under these two programs will be peer-reviewed, as is the practice with all NIH grants and projects.

We are entering a time of great promise in the field of biomedical research. We are on the verge of major breakthroughs which could end the ravages of cancer, heart disease, Parkinson's and the scores of illnesses and conditions which take the lives and health of millions of Americans. But to realize these breakthroughs, we must devote the necessary resources to our nation's research enterprise.

I want to thank the Association of American Universities, the Association of American Medical Colleagues and the Federation of American Societies of Experimental Biology for their support for this legislation.

I thank my colleagues for their support of this important health care legislation, and I look forward to working with our colleagues in the House of Representatives next year to ensure this legislation is signed into law. Thank you.

Mr. FRIST. Mr. President, I am pleased that the Senate passed today, S. 1243, the Prostate Cancer Research and Prevention Act, which I introduced on June 18, 1999 to address the serious issue of prostate cancer.

This year 37,000 American men will die, and 179,300 will be diagnosed with prostate cancer, the second leading cause of cancer-related deaths in American men. Cancer of the prostate grows slowly, without symptoms, and thus is often undetected until in its most advanced and incurable stage. It is critical that men are aware of the risk of prostate cancer and take steps to ensure early detection.

While the average age of a man diagnosed with prostate cancer is 66, the chance of developing prostate cancer rises dramatically with age—which makes it important for men to be screened or consult their health care professional. The American Cancer Society and the American Urological Association recommend that men over 50 receive both an annual physical exam and a PSA (prostate-specific antigen) blood test. African-American men, who are at higher risk, and men with a family history of prostate cancer should begin yearly screening at age 40.

Even if the blood test is positive, however, it does not mean that a man definitely has prostate cancer. In fact, only 25 percent of men with positive PSAs actually have prostate cancer. Further testing is needed to determine if cancer is actually present. Once the cancer is diagnosed, treatment options vary according to the individual. In elderly men, for example, the cancer may be especially slow growing and may not spread to other parts of the body. In those cases, treatment of the prostate may not be necessary, and physicians often monitor the cancer with follow-up examinations.

Unfortunately, preventive risk factors for prostate cancer are currently unknown and the effective measures to prevent this disease have not been determined. In addition, scientific evidence is insufficient to determine if screening for prostate cancer reduces deaths or if treatment of disease at an early stage is more effective than no treatment in prolonging a person's life. Currently, health practitioners cannot accurately determine which cancer will progress to become clinically significant and which will not. Thus, screening and testing for early detection of prostate cancer should be discussed between a man and his health care practitioners.

In an effort to help address the serious issues of prostate cancer screening, to increase awareness and surveillance of prostate cancer, and to unlock the current mysteries of prostate cancer through research, the "Prostate Cancer Research and Prevention Act" expands the authority of the Centers for Disease Control and Prevention (CDC) to carry-out activities related to prostate cancer screening, overall awareness, and surveillance of the disease. In addition, the bill extends the authority of the National Institutes of Health to conduct basic and clinical research in combating prostate cancer.

The bill directs the CDC to establish grants to States and local health departments in an effort to increase awareness, surveillance, information dissemination regarding prostate cancer, and to examine the scientific evidence regarding screening for prostate cancer. The main focus is to comprehensively evaluate the effectiveness of various screening strategies for prostate cancer and the establishment of a public information and education program about the issues regarding prostate cancer. The CDC will also strengthen and improve surveillance on the incidence and prevalence of prostate cancer with a major force on increasing the understanding of the greater risk of this disease in African-American men.

The bill also reauthorizes the authority of the CDC to conduct a prostate screening program upon consultation with the U.S. Preventive Services Task Force and professional organizations regarding the scientific issues regarding prostate cancer screening. The screening program, when implemented, will provide grants to States and local health departments to screen men for prostate cancer with priority given to low income men and African-American men. In addition the screening program will provide referrals for medical treatment of those screened and ensure appropriate follow up services including case management.

Finally, to continue the investment in medical research, the bill extends the authority of the National Cancer Institute at the National Institutes of Health to conduct and support research to expand the understanding of the cause of, and find a cure for, prostate cancer. Activities authorized include basic research concerning the etiology and causes of prostate cancer, and clinical research concerning the causes, prevention, detection and treatment of prostate cancer.

Mr. President, on the very day I introduced this bill last June, I participated in an event sponsored by the American Cancer Society and Endocare to award our former colleague Senator Dole for his leadership in raising public awareness for prostate cancer. In 1991, Senator Dole was diagnosed with prostate cancer, and since that diagnosis and successful treatment he has turned this potential tragedy into a triumph as he has helped untold others by raising public awareness of this devastating disease. I want to take this opportunity to thank Senator Dole and organizations that have worked tirelessly to help promote this and other men's health issues, including The American Cancer Society, The Men's Health Network, and American Urological Association. I also want to thank these organizations for their support and help in drafting this legislation. I am pleased that the Senate has acted to pass this important bill, which will help to further increase awareness, surveillance and research of this deadly disease, and look forward to its ultimate enactment into law.

Mr. CLELAND. Mr. President, I would like to add some additional comments to my statement that appeared in the CONGRESSIONAL RECORD on Tuesday, November 16, 1999.

Just a few days ago, on Tuesday, November 16, several constituents of mine were involved in a disastrous truck-related crash on I–285, a major commuter route around Atlanta. The crash took place during the morning rush hour. Four tractor-trailer trucks were involved in the crash, two of which were tankers hauling flammable materials. Four passenger cars were also involved in the crash, and tragically, one woman was killed when her vehicle was crushed between two tractor-trailer trucks. Four others were rushed to the hospital to be treated for injuries. Thankfully, no further fatalities have been reported and no evacuation was required due to the sensitive material two of the trucks were hauling. This crash underscores the need to guarantee that truck safety is a priority in this country, and hopefully, reduce the occurrence of accidents such as this.

H.R. 3419 is a step in the right direction. It creates a new motor carrier safety administration. In a hearing before the Senate Commerce Committee, of which I am a member, the Department of Transportation (DOT) Inspector General (IG) testified that the current oversight system for the trucking industry within the Federal Highway Administration (FHWA) is not adequate. In fact, one of the main supporters of this legislation is Transportation Secretary Slater, who saw the need to create a separate motor carrier oversight administration focused entirely on safety.

Now that Congressional sentiment has swung toward adoption of H.R. 3419 and the establishment of a new Motor Carrier Safety Administration, my colleagues and I should track the implementation of this statute to ensure that the new agency will not bring with it the problems associated with the former body. Safety and compliance should be the utmost concerns of this office, with the American motorist as the benefactor of their efforts.

Mrs. BOXER. Mr. President, I would like to speak about H.R. 3419, the Motor Carrier Safety Improvement Act, which the Senate approved today. I commend Senator MCCAIN, chairman of the Commerce Commitee, for holding hearings on this issue. These hearings, as well as reports from the Department of Transportation's Inspector General, have shown how critical it is for us all to pay closer attention to the safety problems on our highways.

In 1998, 5,374 people were killed in truck-related crashes and over 127,000 were injured. Although trucks account for only 3 percent of registered vehicles, they are involved in 9 percent of fatal crashes, and 12 percent of all highway-related deaths. This is simply unacceptable, and we must do all we can to reduce fatalities and injuries on our highways.

Recently, I met with one of my constituents, Cynthia Cozzolino, who lost her brother, sister-in-law, young nephew, and niece in a horrible truck-related crash last August. This terrible tragedy could have been prevented if we made safety a higher priority, particularly truck inspection. Worn straps may have contributed to a truck spilling its load of concrete piping instantaneously killing this young family riding in their van behind the truck.

Highway truck traffic is an increasing part of our economy. California highway trucks carry 57 billion tons per mile, second only to Texas. In Southern California, the growing goods movement from ports and airports will push the current regional truck volume up by 40 percent over the next 20 years. One section of Interstate 15 is likely to see almost 13,000 truck trips a day. That is why we must do all we can to strengthen our commitment to safety on our highways.

I am encouraged by certain key features of H.R. 3419. By establishing a separate Motor Carrier Safety Administration, at long last we are making safety a priority. The bill directs the Secretary of Transportation to develp a long term strategy for improving commercial motor vehicle, operator and carrier safety. It also directs the Secretary to implement safety improvement recommendations from the Inspector General, and it calls for the development of staffing standards for motor carrier safety inspectors at our international border areas, an important element for California.

In addition, strengthening the Commercial Driver License regulations by explicitly directing the disqualification of any commercial driver found to have caused a death because of negligent or criminal operation of a truck or bus and establishing stern penalties for foreign carriers who operate illegally beyond the current southern border commercial zone, are key improvements. Disqualifying these carriers on the spot will send a strong deterrent measure to any foreign trucking or bus companies who think that they can violate current motor carrier laws and regulations with impunity.

However, I am concerned that H.R. 3419 is not stronger in terms of potential conflict of interest in the research conducted for this new administration. According to testimony before the Surface Transportation Subcommittee, in 1996, the Office of Motor Carriers (OMC) awarded more than $8 million to the trucking industry and its consultants to perform research on various issues, including driver fatigue and graduated licensing. I understand that such research can form the basis for future rulemakings governing the trucking industry.

The new Motor Carrier Safety Administration must maintain a high degree of integrity and independence. I supported a provision that specifically forbids any research for rulemaking and other programs that is conducted by any entity with a vested economic interest in its outcome, and to forbid any individual who serves in a senior position within the new motor carrier agency from maintaining any affiliation with the trucking industry. H.R. 3419 includes a provision that directs the new motor carrier administrator to comply with the current Federal regulations regarding conflict of interest, and it also directs the administrator to conduct a study to determine whether compliance with these regulations is sufficient to avoid conflicts of interest. I look forward to the results of that study as well as any swift action by Congress to correct this problem if the study finds additional protection for conflicts of interest is warranted.

H.R. 3419 would establish a separate administration for Motor Carrier Safety. I would prefer to transfer the OMC from the Federal Highway Administration to the National Highway Traffic Safety Administration (NHTSA) and avoid the creation of a separate modal administration. NHTSA already issues regulations for newly manufactured trucks, and in truck-car crashes 98 percent of the deaths are suffered by the passenger vehicle occupants.

Nevertheless, today we have taken an important step toward building greater confidence in highway safety. The creation of a new administration dedicated to safety is a new direction that I hope will lead to improved safety for the traveling public.

Mr. KERREY. Mr. President, I would like to rectify some information entered into the RECORD during the debate on the Bankruptcy Reform Bill on November 5, 1999.

A comprehensive bankruptcy study was cited during the course of debate. This study was conducted by Professors Marianne Culhane and Michaela White from Creighton University, an impressive institution of higher learning in my home State of Nebraska.

When discussing this study, my colleague from Iowa referred to a GAO Report that reviewed four different bankruptcy studies, including the one written by Professors Culhane and White. It is my understanding some comments were made indicating that GAO challenged the methodology the Creighton professors used in conducting this study. After reviewing the GAO Report, that was not my understanding. In fact, the GAO Report specifically says, "In our review, we found that the Creighton/ABI researchers prepared and analyzed their data in a careful, thorough manner."

In order to clarify the record and any misperceptions about the GAO's findings, I ask unanimous consent the following "Scope and Methodology" section of GAO Report, number 99-103 "Personal Bankruptcy: Analysis of Four Reports on Chapter 7 Debtors' Ability to Pay", be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD.

GAO REPORT #99-103: PAGES 5 AND 6 SCOPE AND METHODOLOGY

To evaluate and compare the four reports' research methodologies, we assessed the strengths and limitations, if any, of each report's assumptions and methodology for determining debtors' ability to pay and the amount of debt that debtors could potentially repay. The comments and observations in this report are based on our review of the March 1998 and March 1999 Ernst & Young reports, the March 1999 Creighton/ABI report, and the January 1999 EOUST report; some additional information we requested from each report's authors; independent analyses using the Creighton/ABI report's database; and our experience in research design and evaluation. We reviewed specific aspects of each report's methodology, including the proposed legislation on which the report was based, how the bankruptcy cases used in the analysis were selected, what types of assumptions were made about debtors' and their debt repayment ability, how debtors' income and allowable living expenses were determined, and whether appropriate data analysis techniques were used. We also assessed the similarities and differences in the methodologies used in the four reports.

In addition to reviewing the reports, we had numerous contacts with the reports' authors. On March 16, 1999, we met with one of the authors of the Creighton/ABI report, and on March 25, 1999, we met with the authors of the two Ernst & Young reports to discuss our questions and observations about each report's methodology and assumptions. Following these discussions, we created a detailed description of each report's methodology (see app.I), which we sent to the authors of each report for review and comment. On the basis of the comments received, we amended our methodological descriptions as appropriate. The authors of the Creighton/ABI report responded to written questions we submitted. Ernst & Young, Creighton/ABI, and EOUST provided additional details on their methodologies and assumptions that were not fully described in their reports. We did not verify the accuracy of the data used in any of these reports back to the original documents filed with the bankruptcy courts. However, the Creighton/ABI authors provided us with a copy of the database used in their analysis. Ernst & Young declined to provide a copy of their database, citing VISA's proprietary interest in the data. (VISA U.S.A. and MasterCard International sponsored the Ernst & Young reports.) We received the EOUST report in early April and, because of time constraints, did not request the database for the report. We reviewed the Creighton/ABI data and performed some analyses of our own to verify the authors' categorization of data used in their analyses. In our review, we found that the Creighton/ABI researchers prepared and analyzed their data in a careful, thorough manner.

The team that reviewed the reports included specialists in program evaluation, statistical sampling, and statistical analysis from our General Government Division's Design, Methodology, and Technical Assistance group. We did our work between February and May 1999 in Washington, D.C., in accordance with generally accepted government auditing standards. On May 18, 1999, we provided a draft of our report to Ernst & Young, the authors of the Creighton/ABI report, and EOUST for comment. Each provided written comments on the report. In addition, on May 28, 1999, we met with representatives from Ernst & Young to discuss their comments on the draft report. Ernst & Young and Creighton/ABI also separately provided technical comments on the report, which we have incorporated as appropriate. The Ernst & Young, Creighton/ABI, and EOUST written comments are summarized at the end of this letter and contained in appendixes III through V.

Mr. McCAIN. Mr. President, just like the rest of our health care delivery system, our nation's military health care delivery system cries out for reform. While both systems are plagued with rising costs and barriers to full access, the military health care delivery system is facing some very unique challenges. I intend to submit the "Contract With Our Service Members—Past and Present" first thing next session. A principal objective of this Contract will be military health care reform.

One of the critical challenges is how best to reconfigure the military health care delivery system so that it might continue to meet its military readiness and peace-time obligations at a time of continuous change for our base and force structure.

This is a challenge with which I have been grappling for some time. In the process of deciding how to proceed, I have been meeting with, and hearing from, many military family members, veterans and military retirees from around the country. I was inundated with suggestions for reform. In every meeting and every letter, I encountered retired service men and women who have problems with every aspect of the military medical care system—with long waiting periods, with access to the right kind of care, with access to needed pharmaceutical drugs, and with the broken promise of lifetime health care for military retirees and their spouses. I heard these concerns expressed as I have traveled across the United States over the past several months.

One of the areas of greatest concern among military retirees and their families is the "broken promise" of lifetime medical care, especially for those over age 65.

I believe grappling with these issues presents a great challenge and demands our very best effort. Not lost on me is the urgent need to address the over-age 65 issue since there are reportedly 1,000 World War II and Korean veterans dying every day. It is imperative that as changes are made to our nation's military force and continue to be made in the future with regards to base structure, that Congress not only stay fixated on bringing health care costs under control, but that steps be taken to retain the health care coverage so critical to our nation's active duty personnel, their families, retirees, and survivors. While the world situation necessitates a modified force and base structure transformed for the new millennium, it should not carry with it an abandonment of the responsibility that our nation has to assist those who have served our country to obtain access to the health care services they need.

Make no mistake, retiree health care is a readiness issue, as well. Today's servicemembers are acutely aware of retirees' disenfranchisement from military health coverage, and exit surveys cite this issue with increasing frequency as one of the factors in members' decisions to leave service. In fact, a recent GAO study found that "access to medical and dental care in retirement" was the number five career dissatisfier among active duty officers in retention-critical specialties.

Failure to keep health care commitments is hurting service recruiting efforts as well. Traditionally, retirees have been the services' most effective recruiters, and their children and those of family friends have had a high propensity to serve. Unfortunately, increasing numbers of retirees who have seen the government renege on its "lifetime health care" promises have become reluctant to recommend service careers to their family members and friends. Restoring their confidence in their health care coverage will go a long way toward restoring this invaluable recruiting resource.

One of the reasons that Congress has not implemented meaningful reform in the past is because of the cost of providing quality health care. Although Congress has increased the President's defense budget requests to attempt to meet our future needs, it has squandered billions each year on projects the military did not request and does not need. This year alone, Congress appropriated over $6 billion for wasteful, unnecessary, and low-priority projects that have absolutely no positive effect on preparing our military for future challenges.

Congress also continues to refuse to close military bases that are not essential to our security, permitting politics to outweigh military readiness, at a cost to the taxpayer of nearly $7 billion each year. If Congress would allow the Pentagon to privatize or consolidate depot and base maintenance activities, savings of $2 billion each year could be achieved. In addition, Congress refuses to eliminate anti-competitive "Buy American" restrictions, which could save almost $5.5 billion annually on defense contracts.

These common sense reforms alone would free up more than $20 billion per year, which could be used to begin remedying our readiness shortfalls and provide once-and-for-all a quality health care delivery system for our aged military retirees.

Additionally, most disgraceful is the fact that, while Congress wastes taxpayer money on obsolete infrastructure, unneeded weapons systems, and projects that have no meaningful value to the Armed Forces, it simultaneously refuses to adequately pay the nearly 12,000 enlisted military personnel who are forced to subsist on food stamps.

In October 1999, the Chairman of the Joint Chiefs of Staff and the rest of the Joint Chiefs testified before the Senate Armed Services Committee on the state of the military and universally declared the year 2000 to be the year of health care reform. Although this was a critical step for the senior uniformed military leadership to acknowledge this thinking in their testimony to the Senate, it must not become our military's Y2K problem and fall prey to election year politics.

On October 26, 1999 General Henry Shelton, Chairman of the Joint Chiefs of Staff, testified before the Senate Committee on Armed Services:

> Although we have done much over the past year to improve readiness, much more needs to be done to sustain the momentum. This year, for example, we intend to focus on another component that affects personnel readiness, the quality of our military medical system . . . . The Joint Chiefs are fully committed to supporting the Department of Defense efforts to improve both the fact and the perception of military health care for all the beneficiaries. Those who serve or have served proudly deserve quality care.

One of the critical pieces of the last several years' laws on military health care was the institution of several limited pilot projects in Medicare subvention and FEHBP. As important as the select locations was the cooperation that was achieved between several agencies who were responsible for implementing the pilot project legislation devised by the Republican Congress. These pilot projects serve as important interim measures for health care reform and as a valuable comparisons of the strengths and weaknesses of the military health care delivery system. Moreover, valuable lessons can be learned from comparing the current state of the military health care program with those available in the private sector system that may have applicability to the military system, to lay the groundwork for a more comprehensive reform effort.

The rush to implement military health care reform and the evaluation of current health care delivery pilot projects must be balanced with the need to provide critical health care to the over-65 military retirees and their families. Their angst towards losing any minimal health care they had from the time they retired to turning age-65 is multiplied on their 65th birthday. If this is to be the year of military health care, a key part of this effort must entail reassuring these older retirees that the Department of Defense will no longer deny or ignore their legitimate health care needs. By doing so, Congress also will be taking an essential step to reassure today's servicemembers that the government does, in fact, keep its recruiting and retention promises concerning health care and other career service benefits.

The legislation that I am working on in the Senate would be the next step down the road to meaningful reform of our Nation's military health care delivery system. This legislation would offer the military retiree and his family several health care delivery plans to choose from. Having the choice to decide which health care plan works well is important for two reasons. One to be able to control overall health care reform costs and secondly, each retirees needs are different. Some military retirees may not mind driving 100 miles to a military treatment facility for health care as long as they have access to a viable, quality pharmaceutical plan. Other military retirees and their families may not be able to drive long distances for their primary health care needs and instead require a health care delivery plan that is much closer to their home. Another objective of this health care reform plan, is that in the event of another base closure round, any plan be portable and less dependent on any military hospital system.

Some military retirees live near military installations and would be happy to use military care if they only had access to it. Others who live far from installations may be satisfied with the addition of a relatively low-cost prescription drug benefit. Still others desperately need full-coverage insurance such as FEHBP.

I am working on another key health care bill with cosponsors Representative NORWOOD from Georgia and Representative SHOWS from Mississippi. I have worked closely with my dear friend and Medal of Honor recipient, Colonel Bud Day, over the years and he has helped me to understand how unfair our health care system is to our military retirees and the governments' failure to keep its promise to them. I believe that if we are to restore the credibility in our government we must begin by keeping our promises to our men and women in uniform, past and present.

The health care reform plan that is enacted must also promote more efficiency in the military health care system. Right now our military health care system which offers limited health care benefits to those over-age 65 retirees is operating $800 million in the red. There are many efficiency practices that the beneficiaries have brought to my attention that would improve the military health care delivery system through: better billing practices, quality control of electronic forms processing, regular surveys of military health care beneficiaries, and bringing the various health care delivery systems under a single system could save hundreds of millions of dollars.

The federal government must not abandon the health care coverage needs of our nation's military retirees, their families, and survivors. I will continue to work over the next couple of months with The Military Coalition and The Military Veterans Alliance, representing nearly 10 million members, to enact comprehensive reform of the military health care system, which fulfills our obligation to our military retirees, and bolsters retention and readiness among today's servicemembers by assuring them that retention promises will be fulfilled once their active service is over.

Mr. President, next year will be, in the words of the Joint Chiefs, the year of health care reform. I hope that my colleagues will join me in supporting the "Contract With Our Service Members—Past and Present." A key objective of this Contract, legislation to reform our military health care system, must be successful if Congress is to restore the American people's faith in their government.

Thank you and I yield the floor.

Mr. REED. Mr. President, I would like to offer a few comments about H.R. 1693, a bill to amend the Fair Labor Standards Act of 1938 (FLSA) and clarify the overtime exemption for employees engaged in fire protection activities.

This bipartisan bill was passed on the House Suspension Calendar without objection on November 4, 1999, and just passed the Senate under a unanimous consent agreement.

Generally, under the Fair Labor Standards Act, workers are entitled to overtime compensation for hours worked in excess of 40 in a given week. The FLSA contains an exemption for overtime, under Section 7(k), for employees of public agencies who are engaged in fire protection activities. This exemption allows employees engaged in fire protection activities some flexibility in scheduling their work hours. It also recognizes the extended periods of time that firefighters are often on duty by allowing firefighters to work up to 212 hours within a period of 28 consecutive days before triggering the overtime pay requirement.

H.R. 1693 clarifies this firefighter exemption as it relates to emergency medical personnel. This bill provides that paramedics who are cross-trained/dual role firefighters, and work in a fire department and have the responsibility to perform both fire fighting and emergency medical services, be treated as firefighters for the purpose of Section 7(k) of the Fair Labor Standards Act. H.R. 1693 does not create a new exemption from the FLSA, it merely clarifies the definition of firefighter.

Supported by the International Association of Fire Fighters and the International Association of Fire Chiefs, H.R. 1693 ensures that unreasonable burdens are not placed on fire departments when accounting for hours worked. In effect, it elucidates the original intent of the Section 7(k) provision of the FLSA, the provisions that apply to firefighters who perform normal fire fighting duties, and hopefully the Senate's passage of this clarification addresses the concerns of the interested parties.

Mr. KENNEDY. Mr. President, this legislation, H.R. 1693, amending the Fair Labor Standards Act, is necessary to resolve the confusion in current law over whether firefighters who are also trained as paramedics are covered by the exemption in section 7(k) of the Fair Labor Standards Act.

This bill defines "employee engaged in fire protection activities" to make clear that fire fighters who perform fire fighting duties are covered by the exemption, regardless of the number of hours they spend in responding to Emergency Medical Services calls. This legislation restores the original intent of the 1986 law that created the section exemption.

Significantly, the legislation also states that in order to qualify for the exemption, an employee must have the "legal authority and responsibility to engage in fire suppression." This phrase was added for the express purpose of assuring that single-role emergency medical personnel are not covered by the exemption. Simply sending paramedics to the fire academy will not automatically bring them under the exemption. Fire suppression must be an integral part of the responsibilities for all employees covered by the exemption.

Mr. COCHRAN. Mr. President, I am pleased to be a cosponsor and to support the passage of the Deceptive Mail Prevention and Enforcement Act, S. 335.

I congratulate the distinguished Senator from Maine, Ms. COLLINS, for her successful efforts to get this legislation adopted to curb deceptive mailings. She has provided strong leadership and sound guidance on this important issue. As Chair of the Permanent Subcommittee on Investigations, Senator COLLINS has worked effectively to examine the problems relating to sweepstakes and promotional mailings and develop this legislation to strengthen our laws. I applaud her work in crafting this bill and her continuing efforts to protect consumers.

The Deceptive Mail Prevention and Enforcement Act includes new safeguards to protect consumers against misleading and dishonest sweepstakes and other promotional mailings, including government look-alike mailings. The bill grants additional investigative and enforcement authority to the United States Postal Service to stop unscrupulous mailings and establishes standards for all sweepstakes mailings by requiring certain disclosures on each mail piece.

This bill is an important step toward the prevention of deception in sweepstakes and other promotional mailings. I compliment Senator COLLINS on her efforts, and I am pleased to support the passage of the Deceptive Mail Prevention and Enforcement Act.

Mr. FITZGERALD. Mr. President, I am pleased that the Senate is prepared to pass the Abraham Lincoln Bicentennial Commission Act of 1999. The year 2009 is the 200th anniversary of President Lincoln's birth, and this measure would establish a commission to study and recommend to the Congress activities that are appropriate to celebrate that anniversary.

It is most fitting that we make these arrangements to honor Abraham Lincoln, one of our nation's wisest and most courageous former Presidents, on the bicentennial of his birth. The son of a Kentucky frontiersman, Abraham Lincoln was born on February 12, 1809 in a log cabin. From these humble beginnings, he went on to become the sixteenth President of the United States. Today, he is perhaps best remembered for leading the Union through a turbulent Civil War and for issuing the Emancipation Proclamation, which freed the nation's slaves.

Few people have a greater appreciation for President Lincoln than the residents of my home state of Illinois. President Lincoln spent about eight years in the Illinois State Legislature, and he also represented Illinois in the U.S. House of Representatives for a term. The only home that Abraham Lincoln owned is located in Springfield, Illinois. Today, people from all parts of the United States travel to Springfield to see Abraham Lincoln's family home, tour the Old State Capital where Mr. Lincoln said "a house divided cannot stand," and visit his final resting place in Springfield's Oak Ridge Cemetery.

The Abraham Lincoln Bicentennial Commission Act, which originated in the House of Representatives, provides for the establishment of a national commission to recommend "fitting and proper" activities to celebrate the bicentennial of Lincoln's birth. The commission would be composed of fifteen members, including at least one person appointed by the President on the recommendation of the Governor of Illinois.

Congress created a similar commission in anticipation of the centennial of Lincoln's birth in 1909. That year, this country celebrated President Lincoln's birthday in a big way: Lincoln's image appeared on a postage stamp, his birthday became a national holiday, Congress passed legislation which led to the Lincoln Memorial's construction, and the White House approved the minting of a Lincoln penny. It is appropriate that we again prepare for the anniversary of his birth by passing this measure to establish the Abraham Lincoln Bicentennial Commission.

I close by noting that the Abraham Lincoln Bicentennial Commission Act of 1999 has tremendous support in both chambers of Congress. The bill passed the House of Representatives by a vote of 411 to 2 last month. The Senate version is the product of cooperation among Senators HATCH, LEAHY, DURBIN and me. I also commend Judiciary Chairman HATCH, ranking member LEAHY, and their staffs for their efforts to help pass this important bill.

Mr. DODD. Mr. President, there are obviously many issues that one might discuss in the context of the omnibus spending bill that is currently pending before the Senate. I would like to take a few moments to mention two very important issues that have been included in the pending legislation, the IMF debt initiative and payment of U.N. arrears.

I was extremely pleased that the House and Senate leadership were able to reach agreement earlier this week with Secretary of Treasury Larry Summers and other administration officials on legislative language that will permit the IMF's historic debt relief initiative to move forward. Just a few short days ago, it seemed unthinkable that the Congress and the Executive would reach a compromise to permit the United States to support the IMF debt initiative for highly indebted poor nations around the globe before the end of this session of Congress.

The provisions contained in the pending legislation authorize U.S. support for IMF participation in the international debt reduction initiative by permitting the United States to vote for the immediate non-market sale of the amount of gold necessary to generate profits of $3.1 billion; permit the use of 64% of the interest earned on the invested profits to be used for debt relief; authorize the U.S. share of a special reserve account at the IMF to also be used for debt relief purposes, and appropriate $123 million for FY 2000 bilateral U.S. debt reduction programs that will be undertaken in conjunction with the international debt initiative.

With the enactment of this bill into law, the United States will be able to make a major step forward toward achieving the commitments made by President Clinton and other so called G–7 heads of state at this year's Cologne Summit. Among other things, this will enable the IMF, for the first time, to utilize its own resources to participate in international efforts to reduce the mounting debt burden that has been a yoke around the necks of the most impoverished nations of the world—countries which are home to nearly half a billion people. With this debt relief and the economic reforms that will be an integral part of the IMF's multilateral initiative, the poorest countries in Africa and Latin America can now approach the next millennium with prospects for a brighter future. I am extremely pleased that bipartisanship ultimately won the day during negotiations of this important issue.

Another important issue with major international implications has also finally been successfully resolved, namely the authorization and appropriation of $926 million in long overdue U.S. payments to the United Nations. While I would have preferred to see this issue treated on its own merits, rather than linked to restrictions on bilateral funding for family planning programs of foreign private and international population organizations, at least this issue has been finally resolved, and the United States will not lose its vote at the United Nations.

I believe that extremist elements in the Congress jeopardized United States national security and foreign policy interests by holding up our payments to the UN for more than three years. They held this money hostage to the unrelated issue of international population programs. I am not happy with the compromise that had to be agreed to in order to resolve this issue. It is un-American in my view to legislatively seek to limit the free speech of foreign non-governmental organizations with respect to local family planning laws as a condition for receiving United States funding for their important family planning programs. Were I to have had the opportunity to vote on this language as a free standing amendment I would have certainly voted against it, as would a majority of the Senate. Unfortunately, because it has been included in the omnibus conference report we do not have that option. We must balance our distaste for this provision against the many positive programs that will be funded, including UN arrears, once this bill becomes law. Having done so, I will vote in favor of the pending legislation.

Mr. President, the IMF, the United Nations and its related specialized organizations—UNICEF, the International Labor Organization, the World Health Organization, the Commission for Human Rights el al.—have a daily impact of the lives of the world's people—and it is an impact for the better. Without doubt, these international organizations further United States national security and foreign policy interests through their programs and initiatives. Representatives of the United Nations are on the ground in the far comers of the world—in East Timor, Kosovo, Haiti, and Iraq to mention but a few ongoing missions of the United Nations. The United States is able to maximize its interests and advance its foreign policy agenda at much lower cost thanks to our participation in this important international organization.

There are clearly many reasons for voting to support this spending bill, despite its many flaws. The IMF Debt Relief Initiative and payment of UN arrears are two of the more compelling ones in my opinion. I urge my colleagues to support this bill when it comes to a vote later today.

Mr. LOTT. Mr. President, today, the United States Senate unanimously passed much needed legislation to protect some of America's most threatened historic sites, the Vicksburg Campaign Trail and the Corinth battlefield.

S. 710, the Vicksburg Campaign Trail Battlefields Preservation Act of 1999, is a bipartisan measure that authorizes a feasibility study on the preservation of Civil War battlefields and related sites in the four states along the Vicksburg Campaign Trail.

As my colleagues know, Vicksburg served as a gateway to the Mississippi River during the Civil War. The eighteen month campaign for the "Gibraltar of the Confederacy" included over 100,000 soldiers and involved a number of skirmishes and major battles in Mississippi, Arkansas, Louisiana, and Tennessee.

The Mississippi Heritage Trust and the National Trust for Historic Preservation named the Vicksburg Campaign Trail as being among the most threatened sites in the state and the nation.

S. 710 would begin the process of preserving the important landmarks in the four state region that warrant further protection. I appreciate the cosponsorship of Chairman MURKOWSKI, Chairman THOMAS, and Senators LANDRIEU, BREAUX, COCHRAN, HUTCHINSON, and CRAIG on this measure.

Mr. President, the Senate also approved S. 1117, the Corinth Battlefield Preservation Act of 1999, a measure that establishes the Corinth Unit of the Shiloh National Military Park.

The battle of Shiloh was actually part of the Union Army's overall effort to seize Corinth. This small town was important to both the Confederacy and the Union. Corinth's railway was vitally important to both sides as it served as a gateway for moving troops and supplies north and south, east and west. The overall campaign led to some of the bloodiest battles in the Western Theater. In an effort to protect the city, Southern forces built a series of earthworks and fortifications, many of which remain, at least for now, in pristine condition. Unfortunately, the National Park Service in its Profiles of America's Most Threatened Civil War Battlefields, concluded that many of the sites associated with the siege of Corinth are threatened.

S. 1117 would give Corinth its proper place in American history by formally linking the city's battlefield sites with the Shiloh National Military Park.

Mr. President, I want to thank Senators ROBB, COCHRAN, and JEFFORDS for cosponsoring this measure.

I would also like to express my appreciation to Chairman THOMAS for his ever vigilant efforts on parks legislation, and in particular, for moving both the Vicksburg Campaign Trail and Corinth battlefield bills forward.

I would also like to take this opportunity to recognize Chairman MURKOWSKI for his continued stewardship over the Senate Energy and Natural Resources Committee.

Mr. President, I also want to recognize Ken P'Pool, Deputy State Historic Preservation Officer for Mississippi; Rosemary Williams, Chairman of the Siege and Battle of Corinth Commission; John Sullivan, President of the Friends of the Vicksburg Campaign and Historic Trail; and Terry Winschel and Woody Harrell of the United States Park Service for their support and guidance on these important preservation measures.

Lastly, I would like to recognize several staff members including Randy Turner, Jim O'Toole, and Andrew Lundquist from the Senate Energy Committee, Darcie Tomasallo from Senate Legislative Counsel, and Stan Harris, Angel Campbell, Steven Wall, Jim Sartucci, and Steven Apicella from my office, for their efforts to preserve Mississippi's and America's historic resources.

Mr. President, as a result of the Senate's action today, our children will be better able to understand and appreciate the full historic, social, cultural, and economic impact of the Vicksburg Campaign Trail and the Siege and Battle of Corinth.

Mr. SESSIONS. Mr. President, I rise to ask my colleagues to join Senator JEFFORDS and me in supporting the enactment of the pending bill which clarifies the status of church welfare plans under state insurance law. These plans provide health and other benefits to ministers and lay workers at churches and church-controlled institutions. It is estimated that more than 1 million individuals rely on these programs for their health benefits.

Today, the status of these programs under state insurance laws is uncertain. This legislation merely provides that church welfare plans are not engaged in the business of insurance for purposes of state insurance laws that relate to licensing, solvency, or insolvency.

In addition, this legislation clarifies that a church plan is single employer plan for purposes of applying state insurance laws. The language in the bill is intended to eliminate concerns by network providers and insurance companies about the legal status of a church plan under state insurance law. By enacting this legislation, networks and insurance companies otherwise doing business in a state will be able to offer to church plans the same services they offer to corporate benefit programs.

Mr. President, I first became aware of the need for this legislation when I heard from Bishop Morris from my own state of Alabama. He explained that too frequently church plans are denied access to network providers that offer discounted rates. He also explained that from time-to-time questions arise about the legal right of church plans to provide coverage under state insurance law. He asked me to look into what I could do help clarify the legal status of health plans maintained by churches and synagogues. It seemed like a reasonable request since Congress has authorized churches to maintain denominational benefit programs. However, this is also a technical area of the law that involves constitutional issues of separation of church and state. It also involves technical issues regarding insurance and benefit laws.

This legislation has been carefully crafted with the help of the church benefits community represented by the Church Alliance, a coalition of more than 30 denominational benefit programs. While they may differ on questions of theology, it is obvious that they are united in their efforts to serve those who serve their respective churches and synagogues. I also want to commend the National Association of Insurance Commissioners for their assistance in helping to work out the language of this bill. It is obvious that State Insurance Commissioners respect the right of churches to maintain benefit programs that serve clergy and lay workers.

Mr. President, churches should be commended for the commitment they have demonstrated, in some cases for more than a hundred years, to offer comprehensive benefit programs to their employees. These programs have many unique design and structural features reflecting the fact that they are maintained by denominations. As we consider health care legislation in Congress, I believe that it is important for all of us to recognize these unique features and to be mindful of the important role these church-maintained programs perform within their respective churches.

In order to give my colleagues and the public a better understanding of this legislation, I ask unanimous consent that a section-by-section of the bill appear immediately after my remarks.

Mr. President, on behalf of ministers, rabbis, and church lay workers across this country who receive benefit coverage from church plans, I urge passage of this legislation.

CLARIFICATION OF CHURCH WELFARE PLAN STATUS UNDER STATE INSURANCE LAW

Section 1 provides a statement of purpose. This section provides that the only purpose of this Act is to clarify the status of church welfare plans under certain specified state insurance law requirements and the status of a church welfare plan as a plan sponsored by a single employer. This Act clarified the status of church plans under state law. It also addresses the problem of health insurance issuers refusing to do business with church plans because of concern that church plans could be classified as unlicensed entities.

Subsection 2(a) provides that a church welfare plan is deemed to be sponsored by a single employer that does not engage in the business of insurance for the purposes of state insurance laws described in subsection (b). This subsection permits network providers and insurance companies to establish the same contractual relationships with a church plan as they are allowed to establish with any single employer plan covered under the Employee Retirement Income Security Act (ERISA) in such state.

Subsection 2(b) describes state insurance laws that (1) would require a church welfare plan or an entity that can administer or fund such a plan (only to the extent that it engages in such activity) to be licensed; or (2) relate to solvency or insolvency (including participation in guaranty funds and associations). For example, state insurance laws that impose reserve requirements or require posting of security would be described in this subsection. Similarly the plan is deemed to satisfy the licensing requirements of state insurance law.

Subsection 2(c)(1) defines the term "church plan."

Subsection 2(c)(2) defines the term "reimburses costs from general church assets." The affect of this definition is to provide that church welfare plans are not engaging in the business of insurance for certain state insurance law provisions otherwise described in this subsection 2(b).

Subsection 2(c)(3) defines the term "welfare plan." This subsection clarifies that the term "welfare plan" only includes church plans and does not include HMOs, health insurance issuers and other entities doing business with church plans or organizations sponsoring or maintaining the plan.

Subsection 2(d) provides that while the Act exempts church welfare plans from state licensing requirements, states preserve authority to enforce state insurance law provisions that remain applicable to church plans. This subsection deems welfare plans to be licensed for purposes of all other insurance laws not specifically excluded in subsection 2(b). This subsection is necessary because under some state insurance laws, only entities that are actually licensed can be subject to enforcement action under any provision of such law.

Subsection 2(e) provides that while subsections (a) and (b) deem that a church plan reimburses costs or provides insurance from general church assets for the purpose of determining its status under certain state insurance laws, the rights of plan participants and beneficiaries, including those who actually make plan contributions, are not otherwise affected by the application of section 2.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the following newspaper article appear in the RECORD following my statement on H.R. 1180, Work Incentives/Tax Extenders Conference Report.

[From the New York Times, Nov. 12, 1999]

A BUDGET TOO FLUSH TO FIGHT ABOUT

(By Alice M. Rivlin)

WASHINGTON—The United States political system, arguably the most effective in the world, has an uncanny penchant for making its successes look like failures. The wrangling now going on in Washington over the federal budget is an ugly, confusing spectacle—long on finger-pointing and gotcha moves, short on conciliation and statesmanship. As the vetoes, gimmickry and accusations of "raiding Social Security" fly up and down Pennsylvania Avenue, it is hard to remember that the battle is over marginal adjustments in an increasingly responsible fiscal policy.

The federal budget is already in substantial surplus—revenues exceeded expenditures by about $120 billion in the fiscal year 1999, which would have seemed like a miracle only a few years ago—and the public, polls indicate, is pushing politicians to raise the bar. The new goal, harder but entirely appropriate, is an even bigger surplus, sufficient to reduce the debt and help the economy prepare for the rapid aging of the population.

Acrimony over small changes in a successfully balanced budget is a welcome change from the 1980's, when there was so much more to be acrimonious about. The huge deficits of that decade were clear evidence of policy failure.

The stunning success of this decade began when President George Bush and the leaders of Congress hammered out an agreement in 1990 that raised some taxes and set explicit caps on future discretionary spending. The effect was not immediately apparent because the recession the next year cut revenues, but the ground-work for a falling deficit had been laid.

The goal of President Clinton's budget plan in 1993, extended the caps and raised some taxes, was to cut the deficit in half in four years. The deficit for the fiscal year 1992 was $290 billion—a $50 billion surplus in Social Security, offset by a $340 billion deficit in the rest of the budget. No one thought that getting to overall balance was a goal realistic enough to talk about, let alone reaching balance without counting the Social Security surplus.

But now that the overall budget has been balanced for two years, it's time to follow the public's leaning and adopt the more ambitious objective of balancing the budget without counting the Social Security surplus.

Paradoxically, although this raising of the bar is highly desirable, the reasons have little to do with Social Security.

Two or three decades from now, we will have a much higher ratio of retirees to workers, and the standard of living of both groups will depend on making the economy grow faster, so more goods and services are available to be consumed by everyone. Running a larger government surplus would help the economy grow. It would reduce the national debt, put downward pressure on interest rates and encourage new investment.

It doesn't matter much whether the surplus is in the Social Security fund or the rest of the budget; it is the debt reduction that helps the economy grow. Explaining the raising of the bar as "not spending the Social Security surplus" is a convenient way of suggesting a connection between the aging of the population and the need for growth. But the current budget debate does not affect the status of the Social Security fund or the rights of beneficiaries in any way. That's a debate for another (post-election) day.

If political discourse were more civil, Congress and the president would have settled their differences over the fiscal year 2000 budget long before now, probably by enacting modest increases in the spending caps and celebrating the fact that the surplus is larger than anyone expected. Then they would have gone on to explain why an even bigger surplus would be a good thing for future growth.

A growing surplus can only be achieved by restraining spending growth and avoiding a major tax cut. A tax cut would hurt prospects for economic growth by encouraging more consumer spending and forcing the Federal Reserve to raise interest rates to avoid inflation.

With any luck, the new budget will be wrapped up in a few days and Congress will go on to other business. The public will breathe a small sigh of relief but will not realize that it ought to be celebrating.

The good news is that the budget surplus is growing, no significant tax cut is being considered, and politicians are beginning to notice that the public wants them to act responsibly for the long term and reduce the federal debt.

That's a lot of good news. It's a shame the process is so ugly.

NOAA VESSEL "RAINIER"

Mr. STEVENS. Mr. President, during the last month of negotiations on the FY00 Commerce, Justice, State Appropriations conference report, there has been much discussion between the Alaska delegation and Commerce Department officials regarding where to homeport the *Rainier*. The *Rainier* is one of four hydrographic survey vessels currently homeported in Seattle. However, the *Rainier* spends nearly all of its time performing hydrographic surveys in Southeast Alaska, where the need for hydrographic surveys is great. Substantial amounts of time and money are wasted every time the *Rainier* transits the 650 miles between Seattle and Southeast Alaska.

Alaska has more than half of the United States' coastline, and no State is more dependent on marine transportation. Nonetheless, most of southeast Alaska lacks adequate hydrographic surveys. In fact, more than half of NOAA's critical backlog of survey areas is in Alaska. Much of that backlog is in southeast Alaska, where three cruise ships ran aground this summer. These ships ran aground in critical backlog areas and other areas that are literally not on the map. New coastline opens up every time a receding glacier creates a new inlet, giving vessels access to totally uncharted waters.

Chairman YOUNG of the House Resources Committee met personally with Commerce Secretary Daley on this issue recently. The Secretary agreed that Alaska was an appropriate home for the *Rainier*. The city of Ketchikan has offered to make space available for the *Rainier* and to provide $300,000 cash to offset the one-time cost of the move. Moving this vessel to Ketchikan makes good fiscal sense and good policy sense. I urge the Secretary to relocate the *Rainier* to Ketchikan at once.

PACIFIC SALMON TREATY

Mr. STEVENS. Mr. President, as Chairman of the Senate Appropriations Committee, I would like to explain the provisions relating to Pacific salmon and the Pacific Salmon Treaty included in the conference report for the fiscal year 2000 Commerce, State, Justice Appropriations bill. The conference report provides funding to implement the 1999 Pacific Salmon Treaty Agreement between the United States and Canada and for Pacific coastal salmon recovery efforts in Alaska, Washington, Oregon, and California. Section 623 of the conference report authorizes this funding and addresses other issues which are critical to the success of the 1999 Pacific Salmon Treaty Agreement.

Section 623(a) establishes the Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund and the Southern Boundary Restoration and Enhancement Fund. The 1999 Agreement requires the United States to capitalize these two funds at $75,000,000 and $65,000,000, respectively, over the next 4 years. Interest earned from these funds will be spent each year to develop better information to support resource management, to rehabilitate and restore marine and freshwater habitat, and to enhance wild stock production. This investment will complement a C$400,000,000 Canadian investment in habitat restoration and license buyback programs.

Each fund will be managed by a bilateral committee of three United States and three Canadian representatives. Appropriately, the three United States representatives on the Northern Fund Committee are Alaskans: Alaska's Commissioner and Deputy Commissioner to the Pacific Salmon Commission and the Regional Administrator of the Alaska Region of the National Marine Fisheries Service. Likewise, the three United States representatives on the Southern Fund Committee are from the Lower 48: one representative of the States of Washington and Oregon; one representative of the treaty Indian tribes; and the Regional Administrator of the Northwest Region of the National Marine Fisheries Service. I expect that the Northern Fund Committee will consult with the Northern Panel of the Pacific Salmon Commission on funding proposals prior to making its decisions. Likewise, the Southern Fund Committee should consult with the Southern Panel.

Section 623(b) implements the 1999 Agreement by addressing several conditions to that agreement. First, it provides that the $20,000,000 appropriated to capitalize the Northern Fund and the Southern Fund will not be made available until two events occur. First, the parties to the Boldt-related litigation must be sign and file stipulations staying that litigation for the duration of the 1999 Agreement. Second, the Secretary of Commerce must determine that the conduct of Alaska's fisheries under the 1999 Agreement, without further clarification or modification of the management regimes contained in the 1999 Agreement, do not cause jeopardy to salmon species listed under the Endangered Species Act. If the Secretary of Commerce requires alterations, modifications, or any other changes to the fishery management regimes contained in the Treaty, this condition is not satisfied.

The 1999 Agreement is expressly conditioned on both of these requirements being met. The document titled "Understanding of United States Negotiators," signed June 22, 1999, by eight United States negotiators, describes the stipulations to be filed, extended, or otherwise addressed for the duration of the 1999 Agreement. Similarly, the transmittal letter which accompanied the 1999 Agreement, signed June 23, 1999 by the Chief Negotiators for the United States and Canada, states that the 1999 agreement is conditioned on whether the conduct of Alaska's fisheries under the Treaty violates the Endangered Species Act. It is important to note that Congress has every reason to believe Alaska's fisheries do not cause jeopardy to listed salmon stocks. Alaska's fisheries operated under a "no jeopardy" finding before our fishermen gave up 25 percent of their Chinook catch in order to get a deal on the 1999 Agreement. To address process concerns, this subsection requires the parties to request that the court enter the stipulations before the end of the year, and that the court enter the stipulations by March 1, 2000.

Sections 623(b)(3) and 623(b)(4) specify conditions under which the Secretary of Commerce may "initiate or reinitiate" consultation on Alaska Fisheries under the Endangered Species Act. Subsections (b)(3) and (b)(4) address any consultation on Alaska fisheries which is commenced after the initial consultation required in subsection (b)(1). By using the words "initiate or reinitiate," Congress has addressed both those species which are currently listed under the Endangered Species Act as well as any species listed under ESA in the future. Therefore, before the Secretary of Commerce may initiate consultation on any listed species, including any species listed after this Act has passed, and before the Secretary may reinitiate a previously conducted consultation, the conditions in subsections (b)(3) and (b)(4) of section 623 must be met.

Section 623(b)(3) requires the Secretary of Commerce to issue a jeopardy determination on Southern United States fisheries before he may initiate or reinitiate consultation on Alaska fisheries. Section 623(b) defines Southern United States fisheries as the directed Pacific salmon fisheries in Washington, Oregon, and the Snake River basin of Idaho that are subject to the Pacific Salmon Treaty. Subsection (b)(3) will also require the Secretary to develop the maximum sustainable yield (MSY) data or other escapement data necessary to make such a determination. The Secretary should work with the Pacific Salmon Commission to develop this information.

Section 623(b)(4) requires the Secretary of Commerce to provide the Pacific Salmon Commission a reasonable opportunity to implement the 1999 Agreement including, if necessary, the weak stock provisions in the 1999 Agreement, and to make a determination that the 1999 Agreement will not meet MSY goals before he may initiate or reinitiate consultation on Alaska fisheries under ESA. The phrase "reasonable opportunity" is intended to provide sufficient time for the 1999 Agreement to work. If the Pacific Salmon Commission implements the weak stock provisions, the phrase "reasonable opportunity" is intended to provide sufficient time for the weak stock provisions to work as well. A reasonable opportunity will encompass several life cycles of the salmon under consideration.

Subsection (b)(4) purposefully adopts the recovery standard contained in the Pacific Salmon Treaty. This standard requires that the weak stock provisions return escapements as expeditiously as possible to maximum sustainable yield or other biologically-based escapement objectives agreed to by the Pacific Salmon Commission. This subsection recognizes that conservation is the foremost tenet of the Pacific Salmon Treaty. The Treaty also recognizes the importance of the salmon fisheries to the social, cultural, and economic well-being of the West Coast. Therefore, the Treaty seeks to satisfy its conservation objective with minimum disruption to the commercial, tribal, and sport fisheries. Recognizing these, objectives, the determination of whether escapement objectives have been met as expeditiously as possible must be made over a reasonable period of time, likely encompassing several life cycles of the salmon species under consideration.

The most important feature of this law is that it requires the Secretary to delay the enforcement of the Endangered Species Act until the Pacific Salmon Commission has an opportunity to implement the Treaty and, if necessary, the weak stock provisions of the Treaty. This later-enacted law relieves the Secretary of his duty to apply the Endangered Species Act during the time the Commission is implementing the Treaty and the weak stock provisions. This is important because the Commission is better able to recover weak stocks using the Treaty than is the Secretary using the Endangered Species Act. The Commission can require harvest restrictions in Canada, where up to half of the coastwide Chinook harvest is caught. Unlike the Pacific Salmon Treaty, the Endangered Species Act does not apply in Canada. Subsection (b)(4) recognizes the important role the Pacific Salmon Commission should play in the recovery of weak stocks by ensuring that the Commission has the opportunity to fully implement the weak stock provisions of the Pacific Salmon Treaty.

Section 623(c) makes needed changes to the voting structure of the Pacific Salmon Commission. The Pacific Salmon Treaty Act of 1985 required the three voting United States Commissioners to reach unanimous agreement before making a decision on behalf of the United States. This requirement was put in place without knowing how disruptive it would prove to subsequent negotiations. In practice, it has allowed Canadian negotiators to leverage northern and southern U.S. interest against each other. Subsection (c) prevents this unintended consequence by providing that the southern U.S. interests represent the United States on southern fisheries and Alaska represents the United States on northern fisheries. In fact, the 1999 Agreement itself did not take shape until Alaska and Canada were able to negotiate northern fisheries issues without interference from southern interests. Chinook salmon, which can migrate through northern and southern jurisdictions, are exempt from this provision.

Section 623(d) authorizes $20,000,000 total to capitalize the Northern Fund and the Southern Fund. To meet a condition of the 1999 Agreement, these amounts will not be released until stipulations have been signed and court orders requested in certain litigation involving the application of tribal fishing rights. Subsection (d) also authorizes $58,000,000 for salmon recovery efforts in Alaska, Washington, Oregon, and California. Amounts appropriated to the four States are subject to a 25 percent non-federal match requirement. States may meet this requirement with cash or other in-kind contributions supported by existing state funding.

I understand Washington State and Oregon will use their shares of this funding to address the significant habitat issues they face in those States. Alaska has neither enjoyed the benefits nor suffered the consequence of extensive development inside its borders, although some would say that we have suffered the consequences of development elsewhere through the harvest restrictions our fishermen have endured over the years. I expect that in addition to habitat restoration, Alaska will participate in other programs consistent with Treaty implementation, such as marketing initiatives. Alaska also has the authority to participate in salmon initiatives in other States and on tribal, lands. Many of the tribes will likely use their funding to participate in demonstration projects on supplementation including the use of Mitchell Act hatcheries to increase production of wild stocks. A close analysis of NMFS's artificial propagation policy may lead to different policies which help meet the recovery goals outlined in the Pacific Salmon Treaty. I look forward to the results of the States and tribal efforts.

Mr. DORGAN. Mr. President, one of the bills that will pass today as part of an Energy and Natural Resources Committee package is S. 769, which provides a final settlement on certain debts owed by the city of Dickinson, North Dakota to the Bureau of Reclamation. The legislation, which was introduced by Senator KENT CONRAD and myself, is virtually identical to that introduced during the last Congress.

The Dickinson Dam Bascule Gates Settlement Act (S. 769) will afford long overdue relief to the citizens of Dickinson. Let me briefly explain why the debt liquidation is needed and appropriate. For one thing, the Bureau of Reclamation built a faulty project. The debt was incurred by the city of Dickinson for construction of a dam with gate structures which never worked properly. In addition, the need for the bascule gates as regulating structures to help provide a reliable local water supply was eclipsed by the construction of the Southwest Pipeline. The pipeline is part of the Garrison Diversion Project which is managed by the same Bureau of Reclamation.

Consequently, it makes no sense for the city of Dickinson to have two water supply systems when it needs only one—especially when the first system was a faulty one. The city has already repaid more than $1.2 million for the bascule gates, even though they now provide virtually no benefit to the city.

The legislation itself is actually quite simple. It would permit the Secretary of the Interior to accept one final payment of $300,000 from the city of Dickinson in place of a series of payments, totaling about $1.5 million, required by city's current repayment contract. The final payment may be adjusted for payments made after June 2, 1998.

The bill also clarifies that the city of Dickinson will be responsible for up to $15,000 in annual operation and maintenance (O&M) costs. This amount represents the average costs for O&M on the gate structures over the past 15 years. The bill as introduced was not explicit on this point and Senator CONRAD and I have worked with the Energy Committee on an amendment that is part of the reported bill.

I want to thank Chairman FRANK MURKOWSKI, Ranking Member JEFF BINGAMAN, Subcommittee Chairman GORDON SMITH, and their staffs for their cooperation and assistance. I also want to underscore the leadership of Senator CONRAD in developing this legislation and the excellent work of his Deputy Legislative Director, Kirk Johnson. May I also commend Dickinson Mayor Fred Gengler and City Administrator Greg Sund for their help and persistence in seeking a fair resolution to this matter.

TECHNICAL EDIT TO H.R. 486

Mr. BURNS. Mr. President, as the prime sponsor of S. 1547, the Senate companion bill to H.R. 486, I would like to make remarks on a technical edit to H.R. 486. I believe Sec. 3(f)(1) of Sec. 5008 needs some clarification. Subsection (1)(D) states very clearly that the "Commission shall act to preserve the contours of low-power television licensees pending the final resolution of a class A application." The Commission's function to preserve the protected contours is very clear. But creating separate subsections for the certification and application processes may have created some uncertainty regarding the timing of when the Commission should begin to provide this protection. I want to assure my colleagues that I agree with the prime sponsors of H.R. 486 that the front-end certification process is an integral first step in the application process. It is clearly our intent that as soon as the Commission is in receipt of an acceptable certification notice, it should protect the contours of this station until final resolution of that application. Of course, this provision does not exempt licensees from other provision of this act.

Thank you, Mr. President.

Mr. HELMS. Mr. President, for those who may wonder why H.R. 3427, which was deemed enacted as a separate law in H.R. 3194, the D.C. Appropriations bill is called the "Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act for 2000 and 2001," it is because of our love, affection and respect for Admiral Bud Nance and Meg Donovan.

Bud Nance was Chief of Staff of the Foreign Relations Committee until he passed away on May 11.

Bud served his country his entire adult life—as an ensign aboard the USS *North Carolina* in the Pacific Theater during World War II and later as a test pilot and fighter pilot. Among his many honors, he earned two Distinguished Service Medals and capped off his distinguished 38-year navy career as skipper of the aircraft carrier USS *Forrestal*.

Bud went on to serve as President Ronald Reagan's Deputy National Security Advisor. And at my request in 1991 Bud became minority staff director for the Foreign Relations Committee. From January 1995 until his passing in May, he served as Chief of Staff for the majority. Bud refused to take the job until I agreed that he would not take a paycheck. Bud said that his country had been good to him and this was how he could give something back to his country.

Bud was my lifelong friend. We were born two months apart, two blocks apart in the little town of Monroe, North Carolina. I miss my friend; it was a blessing to know him.

I am pleased that the House and the Senate agreed to recognize Bud and his influence on this bill, which was the last bill on which he had the opportunity to work. In addition, Meg Donovan has been added to the bill's name. I know Bud would have been honored to share this bill with Meg for whom he had a deep affection.

Like Bud, Meg Donovan, who died at age 47 of cancer last October, had spent much of her life in government service and international affairs. She served as the Deputy Assistant Secretary for Legislative Affairs at the State Department at the time of her death, and before that was a longtime House International Relations Committee staff member.

Meg worked closely with the Senate on the confirmation of key foreign affairs nominations, including those of Secretary of State Warren Christopher, and later, Madeleine K. Albright. In the Congress, she worked primarily on issues dealing with political and religious dissidents, minorities and other persecuted groups, including Tibetans, Soviet Jews and women.

Both Bud and Meg are missed by the staffs of the Senate Foreign Relations Committee and the House International Relations Committee, and by me and countless others, all of whom are pleased that this legislation bears the names of these two fine Americans.

Mr. L. CHAFEE. Mr. President, I rise today to express my support for the extension of the Northeast Dairy Compact. I also wish to commend my colleagues from New England for all of their hard work on this issue. Senators JEFFORDS, SPECTER, LEAHY, and others all have worked diligently to protect the dairy farmers in our region. I thank them for their efforts.

As my colleagues know, the Northeast Dairy Compact was approved by Congress in 1996 as a part of the Freedom to Farm bill. It was implemented after the Secretary of Agriculture found that there was a "compelling public interest" for its creation.

A state-generated response to the decline in the New England dairy industry over the last decade, the Dairy Compact has preserved local milk supplies for the Northeast. In 1978, there were 6,439 dairy farms in New England. By 1992, the number of dairy farms fell to 3,974. During this same time, the number of dairy farms in my home state fell from 93 to 41—a 60 percent decrease. As I stand here today, there are only 30 dairy farms remaining, 93 to 30. This certainly is an alarming number.

Why is this alarming? Dairy farms are the essence of New England—independent and hard working—the very symbol of our region. They are not in far away rural areas such as those in other parts of the country. Most are close to fast growing areas which are ripe for development. It would be very easy for any one of our local dairy farmers to sell their land to area developers and settle for an easier lifestyle.

In New England, we value the contributions of our dairy farmers. As areas feel the pressure of population growth, and the resulting stress on the environment, it becomes more and more important to support dairy farming and the benefits we all reap from their existence. We do not want to see them disappear. To have them extinguished from the New England countryside would be the equivalent of the Liberty Bell leaving Pennsylvania, the Statue of Liberty leaving New York, and Mount Rushmore being torn down for townhomes in South Dakota.

The Northeast Dairy Compact works. It is only fitting that we are here today to extend its existence. To do otherwise would jeopardize the progress that has been made to preserve our lands and the farming economy in New England.

Again, I thank my colleagues for their attention, and I yield the floor.

Mr. ROBB. Mr. President, I'd like to commend the efforts of those of my colleagues who joined in the effort to make an important change to the Satellite Home Viewer Improvement Act of 1999. As initially drafted, the conference report on H.R. 1554 caused many of us great concern because it included two provisions which could have discriminated against Internet and broadband service providers by expressly and permanently excluding any "online digital communication service" from retransmitting a television signal or other audiovisual work pursuant to a compulsory or statutory license. Like many of my colleagues, I was deeply concerned that in the race to adjourn, Congress would neglect to fix these potentially damaging provisions.

Under the agreement which has been reached on this bill, these provisions have been deleted. This was the right thing to do: these two provisions had been added to the conference report late in the process, after agreement had been reached on the fundamental parameters of the bill, and without any public debate. Now that the provisions have been removed, the committees of jurisdiction will have an opportunity to consider the proper application of the compulsory and statutory licensing provisions of the Copyright Act to Internet and broadband service providers.

Given the enormous importance of the Internet for enhancing consumer access to programming, it is essential that Congress give full attention to this issue early next year. I look forward to working with my colleagues to ensure that we take steps to further enhance the range of choices consumers have in the marketplace.

I also wanted to take a moment to commend Senator BAUCUS and others for their efforts in securing an agreement to address the problems that small-market and rural areas now face in obtaining satellite broadcasts of their local television stations. By my estimates, the only market in Virginia that will get local-into-local service with the current bill is the metropolitan D.C. area, leaving over 94% of satellite households in my state without this crucial service. All Virginians, however, and, indeed, all Americans, deserve quality local satellite service, and I intend to make this issue a top priority when Congress returns next year.

Mr. LOTT. Mr. President, today the Senate passed the Intellectual Property and Communications Omnibus Reform Act of 1999. This bill makes many needed and timely reforms to the Satellite Home Viewer Act which originally passed almost 12 years ago. I have said for many months I believed this was a measure that Congress should enact before adjourning this year, and am pleased that we have been able to move forward on this important piece of legislation.

For a number of years, great strides have been made by providers of direct broadcast satellite to compete for customers with cable, the traditional provider of multichannel video services. Congress recognized this marketplace development and the necessity to update the rules of the road to advance such competition.

Satellite television providers have a unique product to offer, and more and more consumers are opting for television via satellite, including my own son Chet. During a visit in his home, I learned firsthand just what this debate is all about. So I disagree with those who say this is just a broadcaster bill or this is just a satellite bill. Clearly, both sides had to compromise, and the end result is one that is fair to the various industry segments.

As always, when dealing with such contentious issues in the legislative process as were confronted in this measure, the competing interests of several parties had to be balanced. A number of compromises were reached, and the bill considered by the full Senate today will be good for consumers and good for competition.

This bill allows, for the first time ever, satellite providers to offer local signals in local markets. Consumers value their local signals. They want to see their local news, their local weather, their local sports. Promoting localism was a goal of the conferees, while at the same time giving the satellite industry the tools it needed to grow its business. This provision will go a long way toward freeing satellite providers to compete head-on with cable for customers who want their local signals, or to provide service in many areas where cable is not even an available option.

This measure will not only boost competition in the multichannel video marketplace, but will also ensure that consumers are not stranded in a catch-22, without service. I know many of my colleagues, myself included, heard from literally hundreds of thousands of constituents across the country. Constituents who had, in good faith, subscribed to satellite television. Constituents who were about to lose, or had already lost, their distant network programming channels, through no fault of their own. S. 1948 includes a reasonable, balanced approach to restore eligibility for many of these subscribers, while preventing further pending shutoffs.

Other consumer friendly provisions were adopted. An improved model to more accurately predict eligibility to receive distant network signals from a satellite provider. Increased certainty in the waiver process when dealing with their local broadcasters.

I feel very strongly that consumers should not be put in a bind again by being sold a service, only to have it taken away.

The revised rules of the road will help level the playing field for the direct broadcast satellite industry as well. Copyright rates are slashed. Existing satellite copyright compulsory licenses are extended for 5 years. A 90-day waiting period to begin serving current cable customers who want to switch to satellite is eliminated. And the FCC will be required to review the distant signal eligibility standard and recommend improvements to Congress. The compromise also allows for a phase-in period for obtaining permission to bring local signals into markets, so that consumers and local stations benefit from local-into-local as soon as possible.

Mr. President, the offering of local-into-local is an expensive undertaking. Many of my colleagues in Congress, particularly those who represent rural states, recognize that economics will drive local-into-local into larger, urban markets first. They wonder whether rural and small markets will receive this service.

While debating the merits of the overall bill, this legitimate concern was raised. A concern that I share as well. I want my constituents to be able to choose a satellite provider for television without having to sacrifice watching their local broadcast stations. The largest designated market area in my home state of Mississippi is Jackson, which ranks number 89 out of more than 200 designated market areas. Satellite providers have clearly indicated they are likely to offer this new service in the top 60 to 70 markets. This translates into a lack of comparable choices for my constituents, and for millions of other Americans across the country. So this is an important issue that deserves the attention of Congress.

From the beginning, Senator BURNS has been the champion of the idea of a loan guarantee program to foster the development of systems to deliver local-into-local in rural and small market areas. Although a number of Senators have stood up to talk about how important this program is for their respective states, it has been Senator BURNS who has stood firm and fought for this program.

It is Senator BURNS who is responsible for establishing the process for the full Senate to consider the loan guarantee proposal early next year.

I also want to thank Senator GRAMM, the distinguished Chairman of the Senate's Banking Committee, for his cooperation in moving this legislation forward.

Based on my conversations with him and other Members, I was pleased that a unanimous consent agreement was reached. This agreement requires that a loan guarantee bill be reported to the Senate by March 30, 2000. It is my intention to get this provision enacted into law soon thereafter.

Mr. President, I want to be clear. This unanimous consent agreement does not delay the implementation of the loan guarantee program. In fact, Senator BURNS' proposal, if passed today, would still be subject to Fiscal Year 2001 appropriations anyway. So the earliest this program could take effect under any scenario is in Fiscal Year 2001. The agreed upon schedule for consideration of the loan guarantee authorization is consistent with the appropriations timetable.

So, I believe the right incentives are in place to timely act on this matter when the Senate reconvenes next year. And I hope we can all work together, from both sides of the aisle. Without this kind of incentive, millions of Americans could be left behind.

Mr. President, the participation of Members was integral in bringing this bill to fruition. I want to commend Senator HATCH, Chairman of the Senate Judiciary Committee, for his leadership and determination to complete the Senate and House negotiations on this legislation. He worked diligently for weeks, dealing with major competing interests to achieve a balanced policy. Senator HATCH, Senator

MCCAIN, Chairman of the Senate Commerce, Science, and Transportation Committee, Congressman BLILEY, Chairman of the House Commerce Committee, and Congressman HYDE, Chairman of the House Judiciary Committee, along with all of the other Members of the conference, contributed greatly to the process, and I am grateful to them for their service.

This bill would not have been completed without the dedicated efforts and countless long hours of negotiation among staff. Their hard work is very much appreciated, and I want to take a moment to recognize who they are: Monica Azare, Ed Barron, Pete Belvin, Renee Bennett, Shawn Bentley, Benjamin Cline, Tony Coe, Manus Cooney, Colin Crowell, Troy Dow, Jon Dudas, Julian Epstein, Paula Ford, Doug Farry, Bob Foster, Mitch Glazier, Jim Hippe, Tim Kurth, Jon Leibowitz, Peter Levitas, Andy Levin, Justin Lilley, Garry Malphrus, Maureen McLaughlin, Mark Monson, Ann Morton, Al Mottur, Mitch Rose, Jim Sartucci, Jonathan Schwantes, and Alison Vinson.

Mr. President, this bill is an improvement over the current state of play in today's multichannel video marketplace. It is not perfect, but it is a positive step forward in advancing competition among industries and choice for consumers.

Mr. GORTON. Mr. President, I would like briefly to address Section 2002 of the Intellectual Property and Communications Omnibus Reform Act of 1999, which is an amendment to the Omnibus package, to clarify its meaning with my colleague who drafted the provision.

There are a number of United States companies that have applied to the FCC for licenses to operate non-geostationary satellite systems in the so-called "Ku-band." These firms are spending substantial amounts of private capital to develop satellite systems that will provide a host of telecommunications services to benefit the public. The satellite systems that have applied for licenses in the Ku-band are designed to operate globally on a primary basis, and already are treated as primary users of the Ku-band in the International Table of Frequency Allocations.

Mr. President, I bring this up because section 2002(a) directs the FCC to consider issuing licenses, possibly in the same bands, for new terrestrial communications services that provide local television to rural areas. Section 2002(b)(2) provides that the FCC must ensure that any new licensees for local television in rural areas do not cause harmful interference to primary users of the spectrum, presumably the Ku-band spectrum.

I want to clarify that Section 2002(b)(2) requires the FCC to prevent harmful interference not only with those who have been designated as primary users on the date of enactment of this Act, but also with prospective primary users of the Ku-band. If the FCC were to misinterpret this section, that is, if the FCC prevented only harmful interference with those who are primary users on the date of enactment, the public could be denied the substantial benefits of emerging satellite technologies.

Mr. MCCAIN. I agree with my colleague that the authors of this bill did not mean to interfere with the expert technical and regulatory judgment of the FCC with respect to licensing applicants in the Ku-band. The term "primary user" in Section 2002 is intended to include primary users, regardless of whether these users are primary on the date of enactment or are later designated as primary. The provision in no way seeks to grant preferential regulatory treatment to terrestrial license applicants over satellite system applicants. While there appears to be an error in the report accompanying this legislation, which incorrectly states that the statute says that "existing" primary users must be protected, clearly the statute does not contain this qualifier, and it is our intent that the FCC protect primary users, whether designated now, or later.

Mr. CLELAND. Mr. President, on November 9, 1999, the House of Representatives overwhelmingly passed (411-8) the conference report on H.R. 1554, the Intellectual Property and Communications Omnibus Reform Act of 1999. Arriving at a conference report compromise was a long process. For months, conferees have been negotiating over these provisions. The bill the Committee produced was a good bill, and that is underscored by the overwhelming, bipartisan support the final version received.

However, the Senate will not act on this bill propr to adjourning for the year. Instead, Congress will recess without passing the complete Conference Committee version of H.R. 1554. In an attempt to achieve some of the gains from this bill, a modified version of the Satellite Home Viewers Act will be attached to the final omnibus appropriations bill and passed by Congress. However, it will be absent one important provision that would help ensure that rural citizens are not overlooked as they often are in other sectors.

The two major direct broadcast satellite (DBS) companies have stated to Congress that they will only serve the most popular markets with local broadcast channels once the statutory restriction prohibiting this action is removed. An incentive needs to be there for businesses to develop this same service for households in second tier markets and rural areas as well. The conference report to H.R. 1554 would have provided $1.25 billion in loan guarantees for satellite companies that seek to serve these often overlooked markets. It was an idea I strongly supported because it would have encouraged development of this service in second tier and rural markets in Georgia and elsewhere in the country.

Instead, a single Senator demanded the removal of this provision because of procedural issues and because, at the end of a legislative session it generally takes unanimous consent to expedite consideration of each measure, the bill presented to the Senate as part of the final appropriations bill reflects an acquiescence to this demand. To respond to those of us who supported the loan guarantee, the Chairman of the Banking Committee has promised to take up this provision and pass appropriate legislation by April 1, 2000. In the meantime, millions of satellite viewers who live in middle and rural America will not have the opportunity to view their local channels nor will they have the solace in knowing such service will be coming soon. This is very disappointing, and it is my sincere hope that the promise to act swiftly on the loan guarantees will be kept in an environment where promises and compacts are too often ignored.

As a member of the Commerce Committee, I have been closely following this bill throughout the entire process. At the heart of this debate is viewers' access to local broadcast television. I say to my colleagues that rural Americans deserve the same access to their local broadcast stations that urban and suburban DBS customers will soon enjoy. I will work next year to ensure that this loan guarantee program is acted upon swiftly.

Mr. HOLLINGS. Mr. President, this conference report represents a first step in promoting satellite as a competitor to cable. The conference was presented with two bills which approached a number of the major issues in very different ways. In order to reach an agreement, compromises were made. As a result, I believe consumers are better off with the passage of this bill, and satellite companies are now in a better position to compete with cable companies.

A number of provisions in particular will improve and expand satellite service to consumers. This conference report establishes a framework for satellite companies to deliver local network signals into local markets. This allows satellite consumers to receive their local network stations by satellite. The satellite companies have indicated that it is crucial that they are able to deliver local broadcast signals to satellite consumers if they are to compete with cable. I hope going forward, satellite companies embrace this provision and provide local signals to as many markets as possible, including those in rural areas.

In addition to these provisions, the conference report directs the FCC to establish a waiver process to allow satellite consumers who cannot receive their broadcast signals over an outdoor antenna, to obtain a waiver and be allowed to get distant network signals. This provision establishes a uniform waiver process and ensures that a consumer's request for a waiver will be addressed within 30 days. The conference report also requires the FCC to improve the accuracy of the methodology used to predict which consumers cannot receive their broadcast signals over the air, and therefore, can obtain distant network signals by satellite. Language also has been placed in the bill to improve the negotiating position of the satellite companies in their negotiations with broadcasters to obtain programming. Hopefully, this provision will help satellite providers to obtain programming from broadcasters on fair and reasonable terms, and ultimately, provide consumers with service at a competitive price.

As noted previously, compromises were made. As the bill advanced through committee, I opposed the grandfathering of satellite customers who had been illegally provided distant network signals. At that time, I stated that illegal activities should not be rewarded. Satellite companies should not benefit from a grandfather of illegally provided distant broadcast signals to consumers. Nonetheless, the conference decided to allow satellite consumers who can receive their local network signals of Grade B intensity over an antenna, to continue to receive distant network signals by satellite. It also allowed satellite consumers who receive distant broadcast signals through big (C-band) dishes to continue receiving such service regardless of whether their distant broadcast signals have been cut-off or have been scheduled to be cut-off. In this bill, we have taken a number of steps to provide a better framework for the provision of satellite service. Therefore, I hope satellite companies will comply with the law going forward.

I expect the passage of this conference report will result in the delivery of better satellite service to consumers, and ensure that satellite companies can provide consumers with a competitively priced option to cable service.

Mr. BOND. Mr. President, as many of my colleagues know, the so-called "patent reform" act was placed in the Satellite Home Viewer Act in the waning hours of the conference. Even though this bill did not clear the Senate floor in regular order and never had a vote on the floor of the Senate and was highly controversial for three years the proponents had to resort to these tactics to secure passage. The Satellite Act was very important and many Americans were relying on its passage so it provided the leverage. This is an unfortunate development in this legislative battle. Over the strenuous objections of several members, the bill stayed in the conference report. The inventors never even got a debate on the floor of the Senate. I think the entrepreneurs of America deserve far better than this sort of treatment.

Special recognition should be given to the staff of the Alliance for American Innovation for their hard work on behalf of American Inventors, particularly Steven Shore and Beverly Selby. Also, Congresswoman Helen Bentley labored tirelessly on behalf of America's inventors, they deserve a great deal of recognition for their fight. As does Jim Morrison of the National Association of the Self Employed. They won many victories in this battle and the proponents had to resort to these sorts of tactics to defeat them. It is unfortunate how this bill was handled, the American inventors deserved a debate and a vote—for all that they do for America, they deserve better. We are going to be watching carefully the impact of this bill on innovation in America.

Mr. DEWINE. Mr. President, for the past several months I have served as a member of the House-Senate conference on H.R. 1554, the Satellite Home Viewer Improvement Act of 1999, which has been reported as a part of H.R. 3194, the District of Columbia Appropriations Act. The Satellite Home Viewer Improvement Act is a complicated and technical bill, but at its heart lies a simple premise—to protect interests of consumers by allowing more choices in the market for television providers. The conference agreement does this by allowing satellite companies the same opportunity to provide local signals that cable providers currently enjoy—and this increased competition should lead to better prices and better services for consumers. I hope my colleagues will join me in supporting the act.

As is to be expected in any complex piece of legislation, there were a number of difficult issues, and many public policy goals to be considered. The most important of these public policy goals is to protect the interests of consumers, and we needed to consider two factors in that regard—enhancing consumer choice in television service, and protecting the local television stations that so many rely on for their news, traffic, weather and sports. Accordingly, the conference agreement features a number of compromises that aim to protect both of these consumer interests.

Perhaps the best example of this is the so-called "must carry" provision. This provision requires that if a multichannel video provider (for example cable, or satellite) is carrying any broadcast signals in a given market, that provider must carry all broadcast signals in a given market. This requirement protects local television stations by assuring that their signals will be carried, whether consumers are purchasing satellite service or cable service. At first this may limit the number of markets that satellite providers can reach, but as technology and satellite capacity increase we are confident that satellite service, and the benefits of local signal competition, will reach more and more markets. This provision does not go into effect until January 1, 2002, in order to give the satellite companies time to further develop their technology and improve their product for consumers.

In the meantime, this act offers a number of other benefits to consumers. It sets the copyright rate for local signals at zero, and cuts the copyright rate for the so-called "distant local signals" by as much as 45 percent. It provides a "grandfather" clause for a large group of consumers already receiving satellite service, who might otherwise be cut off by a federal court ruling. And it makes it easier for consumers to determine what type of satellite service they are eligible for, a process which in the past has been somewhat difficult.

As many of my colleagues have noted, this act may not completely cure the competitive problems faced by consumers in the marketplace for video services. Certain provisions will require further action by the Federal Communications Commission and by Congress. But it is a good step in the right direction. I believe the Satellite Home Viewer Improvement Act of 1999 will increase competition in these markets, and it will increase consumer choice. In the short run, and in the long run, this act is good for competition, and good for consumers.

COMPULSORY LICENSING AND ONLINE SERVICE PROVIDERS

Mr. WARNER. Mr. President, I rise to explain to my colleagues an important change made to the Satellite Home Viewer Improvement Act of 1999, which was reintroduced as S. 1948 and included in the measure before us today. As my colleagues may know, I and other Senators had been very concerned that two sections of the legislation would unfairly have discriminated against Internet service providers. Many of my constituents were concerned that sections 1005(e) and 1011(c) of the legislation would be interpreted by the courts or the Copyright Office to expressly and permanently exclude any "online digital communication service" from retransmitting a transmission of a television program or other audiovisual work pursuant to a compulsory or statutory license under the Copyright Act.

I am pleased to report that these potentially damaging provisions were deleted from the bill before us. As my colleagues may know, these provisions originally were inserted in conference, even though the committees of jurisdiction had never held hearings on them, had never received any record evidence as to their need, and had never considered them in open debate. The committees of jurisdiction in the House and the Senate will now have an opportunity to carefully consider the application of the Copyright Act to the Internet and broadband service providers.

As someone proud to represent most of the major Internet service providers in the world, I have little doubt about the importance of the Internet and other online communications technologies for enhancing consumer access to information and programming. Online technology has transformed the way consumers receive information, including audiovisual works. It undoubtedly will bring other benefits, but only if Congress makes certain that it does not place unreasonable barriers in the way.

Because rapid technological changes are having an ever more significant impact on our economy, it is essential that the Congress give full attention to this issue early next year.

THE INTELLECTUAL PROPERTY AND COMMUNICATIONS ACT

Mr. KERRY. Mr. President, I am pleased that Sec. 2002 of S. 1948 directs the Federal Communications Commission to expedite its review of license applications to deliver local television signals into all local markets. it's my understanding that the FCC has had applications pending before it since January, which, if approved, would clear the way for nationwide deployment of an innovative digital terrestrial wireless system for multi-channel video programming. This new technology will benefit all Americans by providing robust competition to incumbent cable systems in Massachusetts and across the entire nation. Equally important, it will provide rural Americans with the same access to local signals as their urban and suburban counterparts. Under Sec. 2002(b)(2), the FCC shall ensure that licensees will not cause harmful interference to existing primary users of the spectrum. Moreover, the FCC, consistent with its mission to manage the spectrum in the public interest, will address, any coordination related to new users of a particular band.

Mr. DEWINE. Mr. President, I rise today in support of the American Inventors Protection Act of 1999, which is incorporated into the Satellite Home Viewers Act Conference Committee Report. I am a Member of that Conference Committee. Ultimately, the Satellite Home Viewers Act Conference Committee Report will be included in this year's omnibus appropriations bill, the District of Columbia Appropriations Act of 2000.

With regard to the American Inventors Protection Act, I am particularly pleased with the Act's inclusion of the first inventor or "prior user" defense, created by Subtitle C. Unfortunately, the fact that this Act is being considered by the Senate in the closing days of the legislative session has limited the Judiciary Committee's ability to include a complete legislative history on the Act. As a Member of the Judiciary Committee, my intent is that this statement supplement the Senate's legislative history with regard to Subtitle C of the American Inventors Protection Act.

The prior user defense to patent infringement is of great importance to the financial services industry. For years, the financial services industry developed "back office" methods and processes that are fundamental to the delivery of many financial services. The House Judiciary Committee Report refers to the breadth of the types of methods and processes used by the financial services industry: "These financial services may embody methods or processes incorporated into any number of systems including, but not limited to, trading, investment and liquidity management, securities custody and reporting, balance reporting, funds transfer, ACH, ATM processing, on-line banking, check processing and compliance and risk management. In each of these systems, multiple processing and method steps are acting upon a customer's data without its knowledge." Minor changes in the bill since it was reported by the House Judiciary Committee do not affect the scope of methods to be considered under this Title.

Virtually no one in the industry believed that these methods or processes were patentable. Instead, the only legal protections believed to be available were those granted under trade secret laws. Last year, in State Street Bank & Trust Company v. Signature Financial Group, Inc., the financial services industry was dealt a blow when the Court of Appeals for the Federal Circuit held that business methods can be patented. Early this year, the Supreme Court denied certiorari in that case, making it official. After State Street, methods and processes that were developed by the financial services industry years ago are subject to patent. Some of these methods and processes are transparent to the end user of the services and can be "reverse engineered" and then easily copied. A later user of the method can now patent a method or process that another inventor had developed and put into use first. The actual inventor would then be prohibited from using his own invention, or be required to pay royalties to the subsequent inventor.

This situation is clearly unfair. Fortunately, Subtitle C of the American Inventors Protection Act partially corrects the unfortunate consequences of the State Street decision by adding a new section to the patent code establishing the "prior user" defense. Specifically, this provides a defense to a claim of patent infringement where a person has commercially used or made serious preparations to commercially use a process that later becomes the subject matter of a patent issued to another. Under this subtitle, an "internal commercial use or arm's length commercial transfer of a useful end result" includes a method or process, the subject matter of which may be directed to an information or data processing system providing a financial service, whether in the form of physical products, or in the form of services, or in the form of some useful results.

The term "method" should be interpreted broadly so that it includes any "method of doing or conducting business," including a process. The method that is the subject matter of the defense may be an internal method of doing business, a method used in the course of doing or conducting business, or a method for conducting business in the public marketplace. It can be a method used in the design, formulation, preparation, application, testing, or manufacture of a product or service. A method is any systematic way of accomplishing a particular business goal. The defense should be applicable against patent infringement claims regarding methods, and to claims involving machines or articles of manufacture used to practice such methods (if such apparatus claims are included in the asserted patent). In the context of the financial services industry, methods would include financial instruments (e.g., stocks, bonds, mutual funds), financial products (e.g., futures, derivatives, asset-backed securities), financial transactions, the ordering of financial information, any system or process that transmits or transforms information with respect to eventual investments or financial transactions, and any method or process listed as examples by the House Judiciary Committee in its report.

Of course, the defense is not a general license; it extends only to the specific subject matter claimed in the patent. A person asserting the defense under this new section has the burden of establishing it by clear and convincing evidence. As used in this title "person" includes each parent, subsidiary, affiliate, division, or other entity related to the holder of the defense when they are accused of infringement of the relevant patent. If the defense is asserted by a person who is ultimately found to infringe a patent, and subsequently fails to demonstrate a reasonable basis for asserting the defense, then the court must award attorneys fees under section 285 of Title 35.

The first inventors defense is not available if a person has abandoned commercial use of the subject matter. In the context of this Act, abandonment means cessation of use with no intent to resume. In the financial services industry, certain activities are naturally periodic or cyclical. Intervals of non-use because of factors such as seasonal needs, or reasonable intervals between contracts, should not be considered abandonment.

Mr. President, subtitle C strikes a balance between the rights of the later inventor who obtains patent protection to enjoy his exclusive rights in the claimed subject matter, and the inherent fairness to the earlier user to continue to use its methods and processes to conduct and, even expand, its business. Thus, by creating a personal, prior user defense, subtitle C would give the patent owner its statutory patent rights enforceable against all except the earlier inventor and commercial user of common subject matter.

Mr. KOHL. Mr. President, I rise in support of the Satellite Home Viewer Improvement Act of 1999 which is now included as part of this year's Omnibus Appropriations Bill. Simply put, these changes in the law are long overdue.

It should come as no surprise that the final version of this legislation is the product of compromise. Certainly, no one received everything they wanted. However, at the end of the day, everyone can walk away and say they got something. That holds true for broadcasters, satellite companies and, most importantly and to the greatest degree, consumers.

The single most important thing that this bill will do is "level the playing field" so that satellite companies can better compete with cable. It does so by changing the anomaly in the law that prohibits satellite companies from broadcasting local signals to local people, lowering the royalty rates paid by satellite companies and, among other things, removing the unconscionable 90 day waiting period that a consumer must endure before switching from cable to satellite service. We also grant a six month "grace period" for "local-into-local" retransmission consent agreements. I am not so sure that this is quite the "Holy Grail" for consumers that some believe it is; however, I doubt the sky is going to fall down for the networks either.

To ensure that all local stations are carried and to keep the playing field as level as possible, this legislation imposes full "must carry" obligations by 2002 upon satellite providers, just as current law does on cable. That is, if a satellite company carries one local station in a market, then it must carry all the local stations. Now, reasonable people can disagree about "must carry"—the Supreme Court upheld its constitutionality by a slim 5-4 vote—but it is only fair to apply it evenly to both cable and satellite companies.

This Conference Report also lays to rest many of the thorny disputes that have served only to hurt consumers. Both the Senate and the House have agreed to "grandfather" those consumers in the Grade B service area who currently receive "distant network" signals. To be sure, some satellite companies have been bad actors in this debate and so have some subscribers. Nonetheless, short of deposing each and every consumer, it's best to put these problems behind us and start off on a clean slate. We expect that going forward the letter of the law will be adhered to and respected—heavy penalties await those who would do otherwise, and rightfully so.

The matter of "if and when" a consumer should receive a waiver from a local broadcaster currently resembles a Sherlock Holmes mystery. So we order the FCC to draft "consumer-friendly" regulations to govern the waiver process. Our bill tells local broadcasters that if they fail to act on waiver requests within 30 days, the request will be "deemed" approved. We trust the FCC will improve and simplify this process even further.

Just as importantly, we ask the FCC to take a hard look at whether the Grade B standard is sufficient to determine what a good picture is in today's world. The truth is that if there's a fairer standard out there, then we should apply it. Rest assured, the Congress will get the last bite at the apple by requiring the FCC to report back to Congress with its findings, rather than allowing the Commission to "self-execute" its new study.

Let me make one final point regarding one of the most difficult matters in Conference: retransmission consent. The original House language was predicated on the belief that there exists unequal bargaining positions between the broadcasters and the satellite companies. Our Senate bill took precisely the opposite approach. But our law comes out somewhere in the middle: it will prohibit exclusive deals, ensure that parties negotiate in "good faith" when making these agreements, and put some teeth into "good faith" by adding the "competitive marketplace considerations" language.

That said, there may be some disagreement as to what exactly this new provision means. At the very least, "competitive marketplace considerations" may simply be interpreted as the normal, everyday jostling that takes place in the business world. At the very most, a "competitive marketplace" would tolerate differences based upon legitimate cost justifications, but not anti-competitive practices such as illegal tying and bundling. The answer probably lies somewhere between these two interpretations and we trust the sometimes confused FCC, as we often do, to properly divine the real intent of a somewhat confused Congress.

Again, this isn't a perfect bill. Far from it. But we can't let the perfect be the enemy of the good. This measure will allow satellite companies to compete more aggressively with cable; it will provide more choice for consumers; with luck, it may even discipline rising cable rates. So I urge my colleagues to support this bipartisan, fair, and comprehensive legislation that was the product of a great deal of hard work and negotiation. We owe consumers no less than that.

Mr. President, one final note: I ask unanimous consent to have printed in the RECORD the names of the Conference Committee staff to show my appreciation for their hard work. They are to be commended for putting in the long hours it took to get this bill done.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SATELLITE HOME VIEWER IMPROVEMENT ACT OF 1999 CONFERENCE STAFF

Shawn Bentley, Senate Judiciary Committee—Senator Hatch
Troy Dow, Senate Judiciary Committee—Senator Hatch
Pete Belvin, Senate Commerce Committee—Senator McCain
Mitch Rose, Senator Stevens
Paula Ford, Senate Commerce Committee—Senator Hollings
Al Mottur, Senate Commerce Committee—Senator Hollings
Maureen McLaughlin, Senate Commerce Committee—Senator McCain
Peter Levitas, Senate Judiciary Committee—Senator DeWine
Ed Barron, Senate Judiciary Committee—Senator Leahy
Jon Leibowitz, Senate Judiciary Committee—Senator Kohl
Jonathan Schwantes, Senate Judiciary Committee—Senator Kohl
Jim Hippe, Senator Thurmond
Jim Sartucci, Senator Lott
Renee Bennett, Senator Lott
Justin Lilley, House Commerce Committee—Representative Bliley
Ed Hearst, House Commerce Committee—Representative Bliley
Linda Bloss-Baum, House Commerce Committee—Representative Bliley
Mitch Glazier, House Judiciary Committee—Representative Hyde
Vince Garlock, House Judiciary Committee—Representative Coble
Monica Azare, House Commerce Committee—Representative Tauzin
Bob Foster, House Commerce Committee—Representative Oxley
Andy Levin, House Commerce Committee—Representative Dingell
Colin Crowell, House Commerce Committee—Representative Markey
Ann Morton, House Commerce Committee—Representative Boucher
Ben Cline, House Judiciary Committee—Representative Goodlatte
Garg Sampak, House Judiciary Committee—Representative Conyers
Bari Schwartz, House Judiciary Committee—Representative Berman
Tim Kurth, Office of the Speaker
Doug Farry, Office of the Majority Leader
Tony Coe, Senate Legislative Counsel
Steven Cope, House Legislative Counsel

Mr. HATCH. Mr. President, the Appropriations conference report before us contains most of the text of the Conference Report accompanying H.R. 1554, a reform of the Satellite Home

Viewers Act. In addition to Satellite Home Viewers Improvement Act, this legislation contains two other major intellectual property bills, a major reform of the patent system and a bill to protect against the growing problem of "cybersquatting," whereby the valuable names of businesses and individuals are registered by others in bad faith to either trade on those names or damage their value. These three pieces of legislation are major reforms that help American consumers and American businesses. I will briefly discuss these reforms in turn.

As the Chairman of the Conference Committee and sponsor of the original Senate copyright legislation underlying the Satellite Home Viewer Improvements Act, I am delighted that the conferees have been able to put together a comprehensive package of consumer-friendly reforms for satellite viewers. The bill reflects an enormous effort on the part of members and their staffs on both sides of Congress from both parties, and represents a major advance in copyright and communications law.

The world of video communication has changed enormously since television began some 70 years ago in the small home workshop of inventor and Utah native Philo T. Farnsworth, who, together with his wife and colleagues, viewed the first television transmission: a single black line that rotated from vertical to horizontal. At the risk of offending those who may disagree, I think TV programming has greatly improved since the Farnsworths' rotating black line. Since that day in the Farnsworths' workshop, television viewers have benefitted from steady advances in technology that have brought increased access to an ever more diversified range of programming choices. The television industry has progressed from one or two over-the-air broadcast stations, to a full range of broadcast networks delivering local and syndicated national programming, to cable television delivering both broadcast and made-for-cable programming. And in the past decade, satellite carriers, delivering to customers with both large and, increasingly, small dishes are emerging as new and potent competitors in the television delivery business.

The legislation before us today will—for the first time —allow satellite carriers to provide local subscribers with their local television signals. This means every television viewer in Utah can have access to Utah news, weather, sports, and other locally-relevant programming, as well as national network programming. Emerging technology now makes this possible, and our bill will make it legal. The bill also reduces the copyright fees that are passed along to subscribers. As a result, eligible viewers in parts of Utah unserved by over-the-air television will enjoy access to network stations at lower prices.

Let me illustrate some of the benefits of this legislation for Utah and for Utahns. Similar benefits can accrue across the country if this legislation is fully utilized. Many areas of Utah are unserved by over-the-air television or even by cable systems. Satellite service has been the only television option for many Utahns. Up until the passage of this conference report, these Utahns were able to get network stations, but usually from cities outside of Utah, such as New York or Los Angeles. And, those Utahns who had satellite dishes but lived in areas which did receive local television over-the-air could not legally get any network television programming using their satellite dishes, but had to get them with an off-air antenna or by cable. Under the provisions of this conference report, every Utahn will be able to get local network programming, which includes both national network shows like "ER" and "The X-Files" and local news, weather, sports, and public affairs programming. And those people who live in the so-called "white areas" that are unserved by local television can get local programming from Salt Lake City, as well as keep their distant signals if they wish to. Making Utah information and entertainment available to all Utahns is a great benefit to us as a state, and helps bind us together as a community. And in 2002, the satellite carriers will be required to carry all the local television stations, just like cable. This means that viewers will have the same range of local programming as they have come to expect from cable, and that the viewers, rather than satellite carriers, will be able to choose which local stations to watch.

Making local television signals available to all Utahns, and citizens of similar communities across the country, is the most important reason for this legislation. But there are many other benefits to consumers: copyright rates for satellite signals are cut almost in half, and the local signals are free. The Federal Communications Commission will work to ensure that eligibility decisions for distant network signals are clearer and prompter. Some satellite subscribers have expressed frustration that they do not get prompt responses from local television stations to distant signal eligibility waiver requests, although the situation is better in Utah than in some other places. To remedy the problem, we included a provision that says if a subscriber asks a local station for a waiver to allow them to get distant network signals, this conference report requires a response in 30 days or the waiver is deemed approved. There was a provision in the previous law that required cable subscribers to wait 90 days after unhooking their cable before they could get satellite service. We removed that waiting period so that Utahns who want to switch from cable can do so immediately.

We heard from the owners of recreational vehicles that they wanted to be able to put satellite dishes on their RV's when they go camping or traveling. In this bill, we allow RV owners who comply with certain documentation requirements to get satellite service. So Utahns do not need to leave their satellite service behind when they travel. The same rules would apply to long-haul truckers.

Recent lawsuits enforcing the distant signal eligibility rules under the copyright act have put many satellite subscribers in danger of losing their distant network signal service. Let me be clear that I do not condone or support what appears to have been law-breaking by the satellite carriers. But I am concerned about subscribers being caught in the middle, especially those who are not clearly served by over-the-air television from their local broadcasters. So, in this legislation, we protect the eligibility for satellite service received by current subscribers have who do not get a city-grade or Grade A signal. In this way, we can protect those subscribers who may have been misled about their eligibility and who may be in an area that is not clearly served, so that they will not be out their investment. With regard to the signal intensity rules that make up the eligibility standard for distant signals, we have asked the FCC to give us their best judgment about how we should reform the law, so that we can have their best input before we consider any further major reforms on this issue.

I have talked about the benefits that will accrue to satellite subscribers if the satellite carriers take full advantage of these copyright license reforms. But the benefits are not just limited to satellite subscribers. There will be benefits to cable subscribers, too, that will come from a satellite industry equipped to compete with cable head on in the market. Satellite service consistently ranks high on consumer surveys for service satisfaction. It has a vast array of channels for viewers to choose from. As I mentioned earlier, the growth of the satellite television business has been phenomenal, even without the ability to deliver local television stations. Recent consumer surveys indicate that 85 percent of respondents said that the lack of local signals is the reason why consumers who considered buying satellite service decided not to. Imagine the growth in this industry now that they will be able to compete with cable with the offering of local programming. What does this all mean for cable subscribers? One of the reasons why many believe cable is rated low on customer satisfaction is that it usually does not have a real competitor. Many local cable systems know its customers have nowhere else to go, so they do not exert themselves as much to please the customer as they might with a competitor. Armed with local signals, as well as the rest of the benefits satellite offers, there should be a new spark of competition in those areas where local satellite service is available. That will lead to lower prices, increased choices, and happy customers for both satellite and cable, and all television viewers.

Today we are also considering a patent reform package which contains the most significant reforms to our nation's patent code in half a century. This bill, which Senator LEAHY and I introduced as the "American Inventors Protection Act," is one of the most important high-tech reform measures to come before this body. It is widely supported by an overwhelming majority of members on both sides of the aisle, by the Administration, and by a broad coalition of industry, small businesses, and American inventors. Its consideration here today is imminently appropriate on the eve of a new millennium in which America's ability to compete and the strength of our economy will depend on the strength of the patent system and the protections it affords.

Intellectual property, and patents in particular, are among our nation's greatest assets. From semiconductor chip technology, to computer software, to biotechnology, to Internet and telecommunications technology, the United States remains the undisputed world-leader in technological innovation. In fact, according to Newsweek Magazine, the United States is home to seven of the world's top ten technology centers, which includes my own state of Utah. Moreover, American creative industries now surpass all other export sectors in foreign sales and exports. As the Internet, electronic commerce, and new innovative technologies increasingly drive the growth of our economy, the strength of our patent system and its ability to respond to the challenges of new technology and global competition will be more important than ever. This bill will enable our patent system to meet these challenges and to protect American inventors and American competitiveness into the next century.

As many of my colleagues know, this bill is a compromise bill that reflects years of discussion and extensive efforts to reach agreement on all sides. Since first introducing this bill as an omnibus measure in the 104th Congress, we have literally engaged in countless hours of discussions and adopted over 100 amendments to this bill in order to forge a consensus on a package of responsible patent reforms. The Senate made significant progress toward consensus in the last Congress when the Judiciary Committee reached several key compromises to strengthen the bill's protections for small businesses and independent inventors. I was pleased to see those efforts continued in the House this year, where the supporters and former opponents of the bill agreed to sit down and work through their differences in an effort to produce a constructive patent reform bill. As a result of these cooperative efforts in the House and Senate, the bill before us now enjoys overwhelming bipartisan, bicameral support, and it is now endorsed by the most vocal opponents of earlier reform measures.

This broad support is reflected in the several votes that have already occurred on this measure this year. The House has passed this bill three times this year, including by a 376-43 vote on the bill as stand alone measure in August and by a 411-8 vote on the bill as part of the conference report on the "Intellectual Property and Communications Omnibus Reform Act." The Senate Judiciary Committee also passed the bill by an 18-0 roll call vote earlier this month.

Having touched upon some of the compromises that have brought people together on this bill, let me take just a minute to highlight what this bill will do for American inventors.

1. The bill protects against fraudulent invention promoters which prey upon novice inventors.

2. It reduces patent fees for only the second time in history, saving American inventors an estimated $30 million each year. The bill will also ensure that patent fees are not used to subsidize trademark operations and will require the PTO to study alternative fee structures to encourage maximum participation by small inventors.

3. It protects American companies and their workers from patent infringement suits as a result of recent policy changes that have allowed patents to begin to issue on internal business methods that were previously thought to be unpatentable and which have been used under trade secret protection.

4. It guarantees that every diligent inventor with a patentable invention will receive at least 17 years of patent protection (which is what they would have received pre-GATT); most will receive a great deal more.

5. It allows American inventors and innovators to see foreign technology at least 12 months earlier than today, while allowing American inventors to maintain protections of existing law that allow them to keep their inventions secret during patent pendency. It also gives American inventors new protections by given them provisional rights during the pendency of internationally published applications.

6. It creates a new optional administrative procedure in the Patent and Trademark Office to reduce litigation costs for patent owners and to allow members of the public to participate in testing the validity of patents, all while fully protecting patent holders against repetitive challenges.

7. It restructures the Patent and Trademark Office to eliminate red tape and provide greater oversight by the American inventing community, especially by small businesses and independent inventors.

8. It protects our national security by requiring the PTO to maintain a program with the Office of Personnel Management to identify national security positions at the PTO and by protecting strategic information from disclosure.

9. Finally, it restricts the ability of the PTO Commissioner to exchange U.S. patent data with certain foreign nations.

In short, this is one of the most important technology-related bills to come before Congress in recent memory. It has been years in the making and reflects the input of many, many people from all sides. The time to act on this package of reforms has clearly come, and I am pleased that the Senate is finally taking this measure up.

I am also pleased that the Senate will complete action on the "Anticybersquatting Consumer Protection Act" and send that legislation to the President. In short, this is another key high-tech bill that will curb the harmful practice of "cybersquatting"—a term used to refer to the deliberate and bad-faith registration of Internet domain names in violation of the rights of trademark owners. Cybersquatting is a very serious threat to consumers and the future growth of electronic commerce. For example, we heard testimony in the Judiciary Committee of consumer fraud being perpetrated by the registrant of the "attphonecard.com" and "attcallingcard.com" domain names, who set up Internet sites purporting to sell calling cards and soliciting personally identifying information, including credit card numbers. Sammy Sosa had his name cybersquatted and used for a website that implied his endorsement of the products being sold. There are countless other similar examples of so-called "dot-con" artists who prey on consumer confusion and trade on the goodwill of others.

The fact is that if consumers cannot rely on brand-names online as they do in the world of bricks and mortar store-fronts, few will be willing to engage in e-commerce. Those who do will bear substantial risks of being confused or even deceived. Few Internet users would buy a car, fill a prescription, or even shop for books online if you they cannot be sure who they are dealing with.

This legislation will go a long way to ensure this sort of online brand-name protection for consumers. At the same time, the bill carefully balances these interests of consumers and trademark owners with the interests of Internet users and others who would make fair or otherwise lawful uses of trademarked names in cyberspace.

As with trademark cybersquatting, cybersquatting of personal names poses similar threats to consumers and e-commerce in that it causes confusion as to the source or sponsorship of goods or services, including confusion as to the sponsorship or affiliation of websites bearing individuals' names. In addition, more and more people are being harmed by people who register other peoples names and hold them out for sale for huge sums or money or use them for various nefarious purposes. I am particularly troubled at the prospect of what someone might do with websites bearing the name of such people as Mother Teresa, which I understand are currently being offered for $7 million by a cybersquatter.

For this reason, I was pleased that the House amendments to the Senate bill clarified that famous names that enjoy service mark status, such as celebrity actors and very likely Mother Teresa, are included. As I have said, however, this bill should not be just about protecting celebrities. I am thus pleased that the legislation in this conference report goes further to protect those whose names don't meet the relatively high threshold of a famous mark, but who are nonetheless targeted by cybersquatters. For example, ESPN has reported that a number of cybersquatters have targeted the names of high-school athletes in anticipation that they may some day become famous. Earlier versions of the House and Senate bills would not have protected these individuals, but this legislation will. Furthermore, this bill directs the Commerce Department to report to Congress on ways to better protect personal names against cybersquatting and to work in conjunction with the Internet Corporation for Assigned Names and Numbers (ICANN) to include personal name disputes in the ICANN dispute resolution policy.

This a key measure to promote electronic commerce and to protect consumers and individuals online. While I recognize the global nature of the cybersquatting problem, I believe this legislation is an important start to a worldwide solution—as evidenced by the fact that the latest ICANN dispute resolution policy reflects a number of the policies embodied in the Senate bill. I appreciate Senator ABRAHAM's effort to move this bill through Congress, and I am pleased we will pass it today.

These are important intellectual property reforms that are helpful to American consumers and American businesses. They are the product of the hard work of many people. Mr. President, I would like to thank many people who have worked hard to get this conference report agreed to and passed. First, let me thank and personally congratulate each of my colleagues on the Conference Committee for their diligent work in achieving this goal, especially my distinguished Ranking Member and original co-sponsor Senator LEAHY, as well as Chairman McCAIN, and Senators THURMOND, STEVENS, DEWINE, HOLLINGS, and KOHL, all of whom made important contributions. On the House side, I extend my gratitude and congratulations to Chairman HYDE AND CHAIRMAN BLILEY and to Representatives COBLE, TAUZIN, GOODLATTE, OXLEY, DINGELL, CONYERS, MARKEY, BERMAN, and BOUCHER. Of course, this successful result is also the product of tireless efforts by our capable staffs, who have worked through many late nights and weekends, to make this successful resolution possible. Among the many Senate staff members who have made critical contributions are Manus Cooney, Shawn Bentley, and Troy Dow of my staff; Bruce Cohen, Ed Barron, Beryl Howell of Senator LEAHY's staff; and from the other Senate conferees, Mitch Rose, Pete Belvin, Maureen McLaughlin, Paula Ford, Al Mottur, Gary Malphrus, Jim Hippe, Pete Levitas, Jon Leibowitz, John Schwantes, and many others on the Senate side. Let me congratulate each of them on their work. Tony Coe of Senate Legislative Counsel and Bill Roberts of the Copyright Office both put in many long hours to provide technical assistance. I know I speak for all of the Senate conferees in expressing my gratitude to all these first-rate staff members, as well as to the fine staff on the House side. The leadership staff from both houses, particularly, Jim Sartucci and Renee Bennett from Senator LOTT's staff and Doug Farry from Representative ARMEY's office were key liaisons in this process.

On patent reform, let me note my very sincere appreciation to the Ranking Member on the Judiciary Committee, Senator LEAHY, with whom I have worked for the better part of three Congresses to bring about these important reforms. His leadership on the Democratic side has been a key part to getting this bill done. I want to also recognize the extraordinary efforts of our House colleagues on this bill. Chairman COBLE, who is the bill's primary sponsor in the House, along with the Ranking Member on the Subcommittee on Courts and Intellectual Property, Congressman BERMAN, as well as Chairman HYDE and Ranking Member CONYERS, have all dedicated tremendous time and effort over the last four years to moving this legislation forward. Their able leadership is reflected in the support this bill received in the House. But I want to mention in particular Congressman ROHRABACHER and Congressman CAMPBELL who in years past had led the opposition in the House to this bill. It is because of their efforts to work cooperatively with the proponents of this legislation in the House to craft a package of truly responsible reforms on behalf of American inventors that we have a bill before us today. I want to recognize them for their leadership, and for their good faith both in the House and in the Senate this year.

Finally, with respect to cybersquatting legislation, I want to again commend the Senator from Michigan, Senator ABRAHAM, for his sponsorship of this legislation, as well as the Ranking Member, Senator LEAHY, with whom I have again worked hand in hand to bring this bill to final passage.

All of these people and others were instrumental in the success of this legislation, but let me express an especially warm thanks to Senator LEAHY, with whom I have worked closely on these and so many other intellectual property matters, and to the Chairman of the Appropriations Committee, Senator STEVENS. We worked particularly closely in the satellite reform conference, and he played a unique and crucial role in the ultimate passage of this package of important intellectual property legislation. I thank him for his leadership and his steadfast support. And let me single out the efforts of Mitch Rose of Senator STEVENS' staff who worked along with my staff and Steve Cortese of Senator STEVENS' Appropriations Committee staff, under Senator STEVENS' leadership, to ensure that these important intellectual property matters were ultimately enacted into law despite the difficulties encountered in the process. They are superb public servants and they work for one of the finest members of this August body with whom I have had the pleasure of working. Finally, let me mention Bruce Cohen, Ed Barron, and Beryl Howell of Senator LEAHY's staff, who, along with Senator LEAHY, work with me and my staff with exceptional cooperation on intellectual property matters. We have had a particularly productive relationship on these important matters, and I look forward to continuing that relationship. On my own staff, I express my appreciation for the work of Shawn Bentley and Troy Dow, who have labored long and hard to successfully enact this legislation, and I thank their families for their support of their efforts on behalf of American innovators, creators, and consumers. Finally, let me thank my Chief Counsel, Manus Cooney, for overseeing all of this fine work, and putting in countless hours of strenuous effort to ensure its completion. He is a consummate leader, and I thank him for his stellar service.

I ask unanimous consent that the statements of Senators LEAHY, DEWINE, and KOHL, followed by a number of colloquies between myself and a number of different senators on diverse matters included in the satellite conference report, be included in the RECORD at this point as though read, together with supporting documents, and I yield the floor.

Mr. LEAHY. Mr. President, the Judiciary Committee is about to achieve an end-of-the-session high technology sweep that comes on the heels of landmark Internet and intellectual property reforms that our committee achieved in the 105th Congress.

Others are observing that this is the most productive and forward-looking two years of achievement in updating intellectual property laws of this or any previous era. I believe they are right.

We may never have another such set of opportunities where we are able to provide so many benefits to consumers, innovators and to the high technology innovators in the business community in such a short span of time.

In one fell swoop we are providing consumers with local-into-local television, protecting patent terms, spurring innovation and enhancing electronic commerce and protecting trademarks.

One of the challenges we face at this early stage of the Information Age is to bring the order of intellectual property law to the Wild West of the Internet and to other burgeoning information technologies. That challenge is at the heart of these three bills.

I want to make just a couple points about each of them. The patent bill is long overdue. It will put American innovations on a more equal footing with European and Japanese inventors. It also helps protect inventors against invention promotion scams and against needless PTO delay in approving patents.

The anti-cybersquatting bill protects merchants who want to be able to control where their names and brands are being displayed and protect them from abuse. More than 200 years ago Ben Franklin said that a person's honor and good name is like fine china—easily broken but impossible to mend. This is still the case today and the bill protects the rights of trademark holders against malicious abuse. It arms online merchants and consumers with new tools to derail these "squatters" who try to create bad waves for honest cybersurfers.

And then there is the satellite bill, which is a charter for a new era of television service competition that will benefit consumers in several tangible ways. It sets the stage for the first real head-to-head competition between cable and satellite TV that will be a brand new experience for hundreds of communities.

It will contribute a new unifying influence and greater sense of community in states like Vermont, where citizens in most of the state for the first time will have access to all Vermont stations. It will avert further waves of programming cutoffs to satellite TV customers, including what would have been the largest cutoff of all, in December.

The satellite bill will, over time, mean that some families will be able to get local network television for the first time ever. I believe that making local television signals available throughout much of a state will be a unifying force and enhance public participation in state and community issues. It will remove the artificial isolation caused by mountain ridges or distance from broadcast towers. It will also prevent these infuriating and seemingly mindless cutoffs and promote direct head-to-head competition with cable.

We have had some major bumps in the road in getting here with these three bills.

I want to mention the rural satellite TV provisions. I know that we had preliminary discussions about this six months ago and that Department of Agriculture attorneys and program experts met with our staffs to go over the details months ago.

I proposed that USDA handle this loan guarantee program because they have 50 years of experience with financing rural telephone and rural electric cooperatives. Vast areas of this nation were able to get electric and telephone service solely because of these programs.

It is hard to believe in this day and age, but thousands of Americans still remember when these USDA loan programs gave them electricity for the first time.

I am disappointed that the final bill does not include this provision that we worked on—but I am pleased that the Senate leaders have worked out an arrangement with us so that this matter will be resolved early next year.

Without this loan guarantee program I am convinced that rural areas—75 percent of the U.S. landmass—might not receive local-into-local satellite TV until 10 or 20 years after urban areas do.

Another major hurdle concerned a request by AOL and YAHOO for changes to the bill. This concerned whether or not they should receive a compulsory license to show regular TV programming over the Internet. Chairman HATCH and I resolved this by agreeing to have hearings on this important matter of convergence of technology and the protection of copyrighted material—converging TV, data, telephone, messages and other transmissions through broadband technologies while protecting ownership rights to copyrighted material.

A third bump in the road was over the GAO study Senator HATCH and I proposed of current practices regarding the patent protection for business methods resulting from the State Street case. In the end, we took out that language but agreed that we would ask the GAO to look into this for us. This issue will test the limits of what is proper subject matter to be patented and what is not. I can easily see Senator HATCH and I having more than one hearing on this issue.

So here we are in the death throes of this session of Congress. It is satisfying to know that some of the farthest-reaching achievements of this session are the products of the work of the Judiciary Committee, and of my partnership with Chairman HATCH.

I am delighted that as Conferees on the satellite bill that we have been able to put this complex and important legislation, which originated with the Hatch-Leahy Satellite Home Viewers Improvements Act in the Senate, into final form.

We worked closely with a number of Senators and members of the other body on this important legislation. Any time that you work with four Committees in a Conference there are a lot of members and staff who do very creative and important work late into the night, night after night after night.

I want to single out just a few staff even though I know I am leaving out many who deserve equal praise. Shawn Bentley with Chairman HATCH displayed enormous poise and breath of knowledge regarding satellite TV issues. He balanced, as did his Chairman, a variety of complex issues very carefully and very well.

Troy Dow similarly was extremely helpful regarding patent and cybersquatting issues and deserves a great deal of credit.

I want to also thank Ed Barron of my staff regarding the satellite TV and patent bills and Beryl Howell on cybersquatting. They both worked very diligently on these and other issues and did a great job.

Subcommittee Chairman DEWINE and ranking Member KOHL were also Conferees, along with Senator THURMOND, and played a major role regarding satellite TV issues.

This bill will provide viewers with more choices and will greatly increase competition in the delivery of television programming, while ensuring minimal interference with the free market copyright system that serves our country so well.

For years I have raised concerns about the lack of competition with cable TV and escalating cable rates. This bill will allow satellite TV providers to compete directly with cable in offering local stations and will give consumers a wider range of choice. It also protects local TV affiliates while postponing certain cutoffs of satellite TV service.

Most promisingly, the bill will permit local TV signals, as opposed to distant out-of-state network signals, to be offered to viewers via satellite. Vermont is a state in which satellite dishes play a very important role, and I know that Vermont viewers eagerly await the day when their local stations will be available by satellite.

It is absurd for home dish owners—whether they live in Vermont, Utah, or California—to have to watch network stations imported from distant states instead of local stations. They should have a choice. I expect the satellite industry to do everything in its power to extend local-to-local coverage beyond the biggest cities and into important smaller markets such as those in Vermont, and the satellite industry should not expect further Congressional largesse if it fails to do so.

One satellite company called Capitol Broadcasting has already committed to serve Vermont once its spot beam technology satellites have been launched and other technological requirements have been put in place. I am counting on that happening over the next two or three years.

I was very pleased to have met with the moving force behind Capitol Broadcasting—Jim Goodmon. This company was formed by his grandfather, A. J. Fletcher, in 1937. Under Jim Goodmon's management, Capitol Broadcasting has expanded into satellite communications, the Internet and high definition television. In April, Jim received the Digital Television Pioneer Award from Broadcasting and Cable magazine. One of their stations, CBC, was the first broadcaster to transmit a high definition television digital signal. I look forward to helping inaugurate their local-into-local service into Vermont.

I expect that others will compete in Vermont. I understand the EchoStar, under its CEO, Charlie Ergen, and DirecTV, are also looking at providing service to Vermont.

Providing local TV stations to Vermont dish owners will lead to head-to-head competition between cable and satellite TV providers which should lead to more services for Vermonters at lower prices. Also, the bill will allow households who want to subscribe to this new satellite TV service to receive all local Vermont TV stations over the satellite.

The goal is to offer Vermonters with more choices, more TV selections, but at lower rates. In areas of the country were there is this full competition with cable providers, rates to customers are considerably lower.

Over time this initiative will permit satellite TV providers to offer a full selection of all local TV channels to viewers throughout most of Vermont, as well as the typical complement of superstations, weather and sports channels, PBS, movies and a variety of other channels.

This means that local Vermont TV stations will be available over satellite to many areas of Vermont currently unserved by satellite or by cable.

I have gotten lots of letters from Vermonters who complained about the current situation where local TV stations challenged their right to receive that signal.

Under current law, it is illegal for satellite TV providers to offer local TV channels over a satellite dish when you live in an area where you are likely to get a clear TV signal with a regular rooftop antenna at least half of the time.

This means that thousands of Vermonters living in or near Burlington cannot receive local signals over their satellite dishes.

Under current law, those families must get their local TV signals over an antenna which often does not provide a clear picture. This bill will remove that legal limitation and allow satellite carriers to offer local TV signals to viewers no matter where they live in Vermont.

Presently, Vermonters receive satellite signals with programming from stations in other states—in other words they would get a CBS station from another state but not WCAX, the Burlington CBS affiliate.

By allowing satellite providers to offer a larger variety of programming, including local stations, the satellite industry would be able to compete with cable, and the cable industry will be competing with satellite carriers. Cable will continue to be a very effective competitor with its ability to offer extremely high-speed Internet connections to homes and businesses.

As mentioned earlier, the second major improvement in this initiative is that satellite carriers that offer local Vermont channels in their mix of programming will be able to reach Vermonters throughout Vermont. The system will be based on regions called Designated Market Areas, or DMAs. Vermont has one large DMA covering most of the state and part of the Adirondacks in New York—the Burlington-Plattsburg DMA—and parts of two smaller ones in Bennington County (the Albany-Schenectady-Troy DMA) and in Windham county (the Boston DMA).

This new satellite system is not available yet, and may not be available in Vermont until two to three years from now. Companies such as Capitol Broadcasting are preparing to launch spot-beam satellites to take advantage of this bill. Using current technology, signals would be provided by spot-beam satellites using regional uplink sites throughout the nation to beam local signals up to one or two satellites. Those satellites could use 60 spot beams to send those local signals, received from the regional uplinks, back to satellite dish owners. High definition TV would be offered under this system at a later date.

Under this bill, Vermonters will have more choices. I want to point out that those who want to keep their current satellite service can do just that.

In addition, we have protected the C-Band dish owners who have invested a lot of money in this now out-dated, but still used, technology. I did not think it was fair to pull the plug on them.

Those who want to stick with cable, or with regular broadcast TV, are welcome to continue to participate that way.

Since technology advances so quickly, other systems could be developed before this bill is fully implemented that would provide similar service but using a different technology.

The bill will also extend the distant signal compulsory license in Section 119. In almost all respects, the distant signal license will apply in the same way in the future as it applies today. The most important exception is that the bill will allow continued delivery of distant network stations to thousands of Vermonters and residents of other states who would otherwise have distant network satellite service terminated at the end of the year (or who have had such service terminated by court order since July 1998).

The purpose of this temporary "grandfathering" is not to reward satellite carriers that have broken the law. Rather, the purpose of the grandfathering is to assist certain subscribers in Vermont and elsewhere who might have been misled by satellite companies into believing that they were eligible to receive distant network programming by satellite. The purpose is also to aid in achieving a smooth transition to local-into-local programming which avoids many of these issues.

The subscribers who will be grandfathered are those who are not predicted to receive a signal of Grade A intensity from any station affiliated with the relevant network, along with certain additional C-band subscribers.

I want to make clear that I do not condone lawbreaking by satellite companies or anyone else, and nothing that Congress is doing today should be read in that light. Satellite companies remain liable for every other remedy provided by the Copyright Act or other law for any infringements they have committed. Satellite carriers should not be heard to argue for any grandfathering beyond what Congress has expressly approved, or to contend that they should be relieved of any other available remedy because of Congress' actions.

The second change to Section 119 is that there will no longer be a 90-day waiting period for cable subscribers that is currently part of the definition of "unserved household." This change will help to make the satellite industry more competitive with cable, an objective I know every member of this body shares. Third, the bill will limit to two the number of distant signals that a satellite carrier may deliver to unserved households.

Except with respect to these specific changes in Section 119, nothing in the law we are passing today will take away any of the rights and remedies available to the parties to copyright infringement litigation against satellite carriers. Nor does anything in this bill suggest any criticism of the courts for enforcing the Copyright Act. It is their job to apply the law to the facts.

It is crucial to our system that all players in the marketplace, including satellite carriers, be required to obey the law and held accountable in the courts for the consequences of their own lawbreaking. Indeed, if a particular satellite carrier has engaged in a willful or repeated pattern or practice of infringements, it should be held to the statutory consequences of that misconduct.

The addition of the word "stationary" to the phrase "conventional outdoor rooftop receiving antenna" in Section 119(d)(10) of the Copyright Act merits a word of discussion. As the Ranking Member of the Senate Judiciary Committee, which has jurisdiction over copyright matters, and one of the original sponsors of this legislation, I want to emphasize that use of this word should not be misunderstood.

The new language says only that the antenna is to be "stationary"; it does not say that the antenna is to be improperly oriented, that is pointed in way that does not obtain the strongest signal. The word "stationary" means, for example, that testing should be done using a stationary antenna, as the FCC has directed.

Satellite companies must not be encouraged to urge consumers to point antennas in the wrong direction to qualify for different treatment.

As to antenna orientation, the relevant guidance is provided in Section 119(a)(2)(B)(ii)(II) of the bill, which specifies that the FCC's procedures (requiring correct orientation) be followed. Since satellite dishes must be properly oriented to receive a picture at all, it would make no sense to specify misorientation of over-the-air antennas.

Permitting misorientation would also be inconsistent with the entire structure of the definition of "unserved household," which looks to whether a household is capable of receiving a signal of Grade B intensity from a particular type of affiliate, that is an ABC station or a Fox station, not whether it is capable of receiving all of the stations in the market.

As I mentioned before, the Copyright Act amendments direct courts to continue to use the accurate, consumer-friendly prediction and measurement tools developed by the FCC for determining whether particular households are served or unserved. If the Commission is able to refine its so-called "ILLR" predictive model to make it even more accurate—as I hope it will—the courts should apply those further refinements as well.

In fact, the Copyright Act amendments in the bill specifically address the possibility that the FCC may be able to modify its ILLR model to make it even more accurate. Specifically, the Act provides in new Section 119(a)(2)(B)(ii)(I) of the Copyright Act that if the FCC should later modify the ILLR model to make it still more accurate, courts should, under Section 119(a)(2)(B)(ii)(I), use the even more accurate version in the future for predictive purposes.

Whether a proposed modification to the ILLR model makes it more accurate is an empirical question that the Commission should address by comparing the predictions made by any proposed model against actual measurements of signal intensity. The Commission's analysis should reflect our policy objective: to determine whether a household is—or is not—capable of receiving a signal of Grade B intensity from at least one station affiliated with the relevant network.

The FCC has properly recognized that reducing one type of errors, underprediction, while increasing another type of errors, overprediction, does not increase accuracy, but simply puts a thumb on the scale in favor of one side or the other. The issue under Section 119(a)(2)(B)(ii) is the overall accuracy of the model, as tested against available measurement data, with regard to whether a household is, or is not, capable of receiving a Grade B intensity signal from at least one affiliate of the network in question.

The conferees and many other members of this body have worked hard to achieve the carefully balanced bill now before the Senate. I urge my colleagues to give it their full support. Most of all, I thank and congratulate my distinguished colleague and good friend, Chairman HATCH, for his outstanding work over many months on this important bill, which will provide lasting benefits for my constituents in Vermont and for citizens in every other state.

I'm also pleased that the Conference Report directs the Federal Communications Commission to take expedited action on getting new technologies deployed that can deliver local television signals to viewers in smaller television markets. We've known all along, if we pass legislation authorizing local-into-local, the DBS carriers would readily deliver local channels to those subscribers who are fortunate enough to live in the largest markets. There are 210 local television Designated Market Areas in our country, and most Vermonters live in the 91st-ranked DMA. That is why it is so important for the FCC to expedite review of alternative technologies, such as the digital terrestrial wireless system developed by Northpoint Technology, which are capable of delivering local signals into all markets on a must carry basis.

I want to briefly mention the patent bill.

This patent bill is important to America's future. I have heard from inventors, from businesses large and small, from hi-tech to low-tech firms—this bill will give American inventors and businesses an improved competitive edge now enjoyed by many European countries.

We should be on a level playing field with them.

This bill reduces patent fees for only the second time in history. The first time that was done was in a Hatch-Leahy bill passed by the Senate in the 105th Congress.

All the concepts in this bill—such as patent term guarantees, domestic publication of patent applications filed abroad, first inventor defense—have been thoroughly examined. Indeed, they have been included in several bills that the Congress has carefully studied.

I wish to point out that the Senate Judiciary Committee last year also developed a strong bill—S. 507—which contained many of the same concepts and approaches found in H.R. 1907 and S. 1798.

American business needs this patent bill, American technology companies need this patent bill, American inventors and innovators need this patent bill.

The Administration says that we must have the reforms in this bill. It will: reduce legal fees that are paid by inventors and companies; eliminate duplication of research efforts and accelerate research into new areas; increase the value of patents to inventors and companies; and facilitate U.S. inventors and companies' research, development, and commercialization of inventions.

In Vermont, we have a number of independent inventors and small companies. It is, therefore, especially important to me that this bill be one that helps them as well as the larger companies in Vermont like IBM.

Over the past several years, Congress has held eight Congressional hearings with over 80 witnesses testifying about the various proposals incorporated in the bill. Republican and Democratic Administrations alike, reaching back to the Johnson Administration, have supported these similar reforms.

I also want to thank Secretary Daley and the Administration for their unflagging support of effective patent reform.

The "American Inventors Protection Act" was designed to make targeted improvements to the patent code in order to enable the American patent system to meet the challenges of new technology and new markets as we approach the next millennium.

The bill builds upon compromises forged in the Senate Judiciary Committee in the 105th Congress, as well as additional compromises in the House of Representatives in the 106th Congress, to achieve these goals while protecting and promoting the interest of American inventors at home and abroad.

I also want to discuss the comments of Senators SCHUMER and TORRICELLI regarding the patent bill and the State Street decision. I look forward to working with both of those Senators on the issues they raise. I expect that the Committee will have hearings on this matter next year. Also, the Conference Report on the bill contains a detailed analysis of these important issues which was accepted by all Conferees.

The FY 2000 Omnibus Appropriations bill also includes provisions that Senator HATCH and I and others have crafted to address cybersquatting on domain names. We have worked hard to craft this legislation in a balanced fashion to protect trademark owners and consumers doing business online, and Internet users who want to participate in what the Supreme Court has described as "a unique and wholly new medium of worldwide human communication." Reno v. ACLU, 521 U.S. 844.

Trademarks are important tools of commerce. The exclusive right to the use of a unique mark helps companies compete in the marketplace by distinguishing their goods and services from those of their competitors, and helps consumers identify the source of a product by linking it with a particular company. The use of trademarks by companies, and reliance on trademarks by consumers, will only become more important as the global marketplace grows larger and more accessible with electronic commerce. The reason is simple: when a trademarked name is used as a company's address in cyberspace, customers know where to go online to conduct business with that company.

The growth of electronic commerce is having a positive effect on the economies of small rural states like mine. A Vermont Internet Commerce report I commissioned earlier this year found that Vermont gained more than 1,000 new jobs as a result of Internet commerce, with the potential that Vermont could add more than 24,000 jobs over the next two years. For a small state like ours, this is very good news.

Along with the good news, this report identified a number of obstacles that stand in the way of Vermont reaching the full potential promised by Internet commerce. One obstacle is that "merchants are anxious about not being able to control where their names and brands are being displayed." Another is the need to bolster consumers' confidence in online shopping.

Cybersquatters hurt electronic commerce. Both merchant and consumer confidence in conducting business online are undermined by so-called "cybersquatters" or "cyberpirates," who abuse the rights of trademark holders by purposely and maliciously registering as a domain name the trademarked name of another company to divert and confuse customers or to deny the company the ability to establish an easy-to-find online location. A recent report by the World Intellectual Property Organization (WIPO) on the Internet domain name process has characterized cybersquatting as "predatory and parasitical practices by a minority of domain registrants acting in bad faith" to register famous or well-known marks of others—which can lead to consumer confusion or downright fraud.

Enforcing trademarks in cyberspace will promote global electronic commerce. Enforcing trademark law in cyberspace can help bring consumer confidence to this new frontier. That is why I have long been concerned with protecting registered trademarks online. Indeed, when the Congress passed the Federal Trademark Dilution Act of 1995, I noted that:

> Although no one else has yet considered this application, it is my hope that this antidilution statute can help stem the use of deceptive Internet addresses taken by those who are choosing marks that are associated with the products and reputations of others.

The Federal Trademark Dilution Act of 1995 has been used as I predicted to help stop misleading uses of trademarks as domain names. One court has described this exercise by saying that "attempting to apply established trademark law in the fast-developing world of the Internet is somewhat like trying to board a moving bus . . ." Bensusan Restaurant Corp. v. King, 126 F.3d 25. Nevertheless, the courts appear to be handling "cybersquatting" cases well. As University of Miami Law Professor Michael Froomkin noted in testimony submitted at the Judiciary Committee's hearing on this issue on July 22, 1999, "in every case involving a person who registered large numbers of domains for resale, the cybersquatter has lost."

For example, courts have had little trouble dealing with a notorious cybersquatter, Dennis Toeppen from Illinois, who registered more than 100 trademarks—including "yankeestadium.com," "deltaairlines.com," and "neiman-marcus.com"—as domain names for the purpose of eventually selling the names back to the companies owning the trademarks. The various courts reviewing his activities have unanimously determined that he violated the Federal Trademark Dilution Act.

Similarly, Wayne State University Law Professor Jessica Litman noted in testimony submitted at the Judiciary Committee's hearing that those businesses that "have registered domain names that are confusingly similar to trademarks or personal names in order to use them for pornographic web sites . . . have without exception lost suits brought against them."

Even as we consider this legislation, we must acknowledge that enforcing or even modifying our trademark laws will be only part of the solution to cybersquatting. Up to now, people have been able to register any number of domain names in the popular ".com" domain with no money down and no money due for 60 days. Network Solutions Inc., the dominant Internet registrar, recently announced that it was changing this policy, and requiring payment of the registration fee up front. In doing so, NSI admitted that it was making this change to curb cybersquatting.

In addition, we need to encourage the development of alternative dispute resolution procedures that can provide a forum for global users of the Internet to resolve domain name disputes. For this reason, I authored an amendment that was enacted last year as part of the Next Generation Internet Research Act authorizing the National Research Council of the National Academy of Sciences to study the effects on trademark holders of adding new top-level domain names and requesting recommendations on inexpensive and expeditious procedures for resolving trademark disputes over the assignment of domain names. Both the Internet Corporation for Assigned Names and Numbers and WIPO are also making recommendations on these procedures. Adoption of a uniform trademark domain name dispute resolution policy should be of enormous benefit to American trademark owners.

We should encourage the sensible development of case law in this area, the ongoing efforts within WIPO and ICANN to build a consensus global mechanism for resolving online trademark disputes, and the implementation of domain name registration practices designed to discourage cybersquatting. The legislation we pass today as part of the Omnibus Appropriations bill for the upcoming fiscal year is intended to build upon this progress and provide constructive guidance to trademark holders, domain name registrars and registries and Internet users registering domain names alike.

This legislation has been significantly improved since it was first introduced. As originally introduced by Senator ABRAHAM and others, S. 1255, the "Trademark Cyberpiracy Prevention Act", proposed to make it illegal to register or use any "Internet domain name or identifier of an online location" that could be confused with the trademark of another person or cause dilution of a "famous trademark." Violations were punishable by both civil and criminal penalties.

I voiced concerns at a hearing before the Judiciary Committee that, in its original form, S. 1255 would have a number of unintended consequences that would have hurt rather than promoted electronic commerce, including the following specific problems:

The definition was overbroad. As introduced, S. 1255 covered the use or registration of any "identifier," which could cover not just second level domain names, but also e-mail addresses, screen names used in chat rooms, and even files accessible and readable on the Internet. As one witness pointed out, "the definitions will make every fan a criminal." How? A file document about Batman, for example, that uses the trademark "Batman" in its name, which also identifies its online location, could land the writer in court under that bill. Cybersquatting is not about file names.

The original bill threatened hypertext linking. The Web operates on hypertext linking, to facilitate jumping from one site to another. The original bill could have disrupted this practice by imposing liability on operators of sites with links to other sites with trademark names in the address. One could imagine a trademark owner not wanting to be associated with or linked with certain sites, and threatening suit under this proposal unless the link were eliminated or payments were made for allowing the linking.

The original bill would have criminalized dissent and protest sites. A number of Web sites collect complaints about trademarked products or services, and use the trademarked names to identify themselves. For example, there are protest sites named "boycott-cbs.com" and "www.PepsiBloodbath.com." While the speech contained on those sites is clearly constitutionally protected, as originally introduced, S. 1255 would have criminalized the use of the trademarked name to reach the site and made them difficult to search for and find online.

The original bill would have stifled legitimate warehousing of domain names. The bill, as introduced, would have changed current law and made liable persons who merely register domain names similar to other trademarked names, whether or not they actually set up a site and used the name. The courts have recognized that companies may have legitimate reasons for registering domain names without using them and have declined to find trademark violations for mere registration of a trademarked name. For example, a company planning to acquire another company might register a domain name containing the target company's name in anticipation of the deal. The original bill would have made that company liable for trademark infringement.

For these and other reasons, Professor Litman concluded that, "as introduced, S. 1255 would in many ways be bad for electronic commerce, by making it hazardous to do business on the Internet without first retaining trademark counsel." Faced with the risk of criminal penalties, she stated that "many start-up businesses may choose to abandon their goodwill and move to another Internet location, or even to fold, rather than risk liability."

Domain name cybersquatting is a real problem. For example, whitehouse.com has probably gotten more traffic from people trying to find copies of the President's speeches than those interested in adult material.

While the problem is clear, narrowly defining the solution is trickier. The mere presence of a trademark is not enough. Legitimate conflicts may arise between companies offering different services or products under the same trademarked name, such as Juno Lighting Inc. and Juno online services over the juno.com domain name, or between companies and individuals who register a name or nickname as a domain name, such as the young boy nicknamed "Pokey" whose domain name "pokey.org" was challenged by the toy manufacturer who owns the rights to the Gumby and Pokey toys. A site may also use a trademarked name to protest a group, company or issue, such as pepsibloodbath.com, or even to defend one's reputation, such as www.civil-action.com, which belongs not to a motion picture studio, but to W.R. Grace to rebut the unflattering portrait of the company as a polluter and child poisoner created by the movie.

There is a world of difference between these sorts of sites and those which use deceptive naming practices to draw attention to their site for example, whitehouse.com, or those who use domain names to misrepresent the goods or services they offer, for instance, dellmemory.com, which may be confused with the Dell computer company.

We must also recognize certain technological realities. For example, merely mentioning a trademark is not a problem. Posting a speech that mentions AOL on my web page and calling the page aol.html, confuses no one between my page and America Online's site. Likewise, we must recognize that while the Web is a key part of the Internet, it is not the only part. We simply do not want to pass legislation that may impose liability on Internet users with e-mail addresses, which may contain a trademarked name. Nor do we want to crack down on newsgroups that use trademarks descriptively, such as alt.comics.batman.

In short, it is important that we distinguish between the legitimate and illegitimate use of domain names, and the cybersquatting legislation that we pass today does just that.

Due to the significant flaws in S. 1255, the Senate Judiciary Committee reported and the Senate passed a complete substitute to that bill. On July 29, 1999, Senator HATCH and I, along with several other Senators, introduced S. 1461, the "Domain Name Piracy Prevention Act of 1999." This bill then provided the text of the Hatch-Leahy substitute amendment that the Senate Judiciary Committee reported unanimously to S. 1255 the same day. This substitute amendment, with three additional refinements contained in a Hatch-Leahy clarifying amendment, was passed by the Senate on August 5, 1999.

This Hatch-Leahy substitute provided a better solution than the original, S. 1255, in addressing the cybersquatting problem without jeopardizing other important online rights and interests.

Following Senate passage of the bill, the House passed a version of the legislation, H.R. 3208, the "Trademark Cyberprivacy Prevention Act", which has been modified for inclusion in the FY 2000 Omnibus Appropriations bill.

This legislation, now called the "Anti-Cybersquatting Consumer Protection Act", would amend section 43 of the Trademark Act by adding a new section to make liable for actual or statutory damages any domain name registrant, who with bad-faith intent to profit from the goodwill of another's trademark, without regard to the goods or services of the parties, registers, traffics in or uses a domain name that is identical or confusingly similar to a distinctive trademark or dilutive of a famous trademark. The fact that the domain name registrant did not compete with the trademark owner would not be a bar to recovery. This legislation also makes clear that personal names that are protected as marks would also be covered by new section 1125.

Furthermore, this legislation should not in any way frustrate the global efforts already underway to develop inexpensive and expeditious procedures for resolving domain name disputes that avoid costly and time-consuming litigation in the court systems either here or abroad. In fact, the legislation expressly provides liability limitations for domain name registrars, registries or other domain name registration authorities when they take actions pursuant to a reasonable policy prohibiting the registration of domain names that are identical or confusingly similar to another's trademark or dilutive of a famous trademark. The ICANN and WIPO consideration of these issues will inform the development by domain name registrars and registries of such reasonable policies.

Uses of infringing domain names that support liability under the legislation are expressly limited to uses by the domain name registrant or the registrant's authorized licensee. This limitation makes clear that "uses" of domain names by persons other than the domain name registrant for purposes such as hypertext linking, directory publishing, or for search engines, are not covered by the prohibition.

Other significant sections of this legislation are discussed below:

Domain names are narrowly defined to mean alphanumeric designations registered with or assigned by domain name registrars or registries, or other domain name registration authority as part of an electronic address on the Internet. Since registrars only register second level domain names, this definition effectively excludes file names, screen names, and e-mail addresses and, under current registration practice, applies only to second level domain names.

The terms "domain name registrar, domain name registry, or other domain name authority that registered or assigned the domain name" in Section 3002(a) of the Act, amending 15 U.S.C. 1125(d)(2)(a), is intended to refer only to those entities that actually place the name in a registry, or that operate the registry, and would not extend to other entities, such as the ICANN or any of its constituent units, that have some oversight or contractual relationship with such registrars and registries. Only these entities that actually offer the challenged name, placed it in a registry, or operate the relevant registry are intended to be covered by those terms.

Liability for registering a trademark name as a domain name requires "bad faith intent to profit from that mark". The following non-exclusive list of nine factors are enumerated for courts to consider in determining whether such bad faith intent to profit is proven:

(i) the trademark or the intellectual property rights of the domain name registrant in the domain name;

(ii) whether the domain name is the legal name or the nickname of the registrant;

(iii) the prior use by the registrant of the domain name in connection with the bona fide offering of any goods or services;

(iv) the registrant's legitimate noncommercial or fair use of the mark at the site accessible under the domain name;

(v) the registrant's intent to divert consumers from the mark owner's online location in a manner that could harm the mark's goodwill, either for commercial gain or with the intent to tarnish or disparage the mark, by creating a likelihood of confusion as to the source, sponsorship, affiliation or endorsement of the site;

(vi) the registrant's offer to sell the domain name for financial gain without having used, or having an intent to use, the domain name in the bona fide offering of goods or services or the registrant's prior conduct indicating a pattern of such conduct;

(vii) the registrant's intentional provision of material, false and misleading contact information when applying for the registration of the domain name, intentions, failure to maintain accurate information, or prior conduct indicating a pattern of such conduct;

(viii) the registrant's registration of multiple domain names that are identical or similar to or dilutive of another's trademark; and

(ix) the extent to which the mark is or is not distinctive.

Significantly, the legislation expressly states that bad faith shall not be found "in any case in which the count determines that the person believed and had reasonable grounds to believe that the case of the domain name was a false use or otherwise lawful." In other words, good faith, innocent or negligent uses of a domain name that is identical or confusingly similar to another's mark or dilutive of a famous mark are not covered by the legislation's prohibition.

In short, registering a domain name while unaware that the name is another's trademark would not be actionable. Nor would the use of a domain name that contains a trademark for purposes of protest, complaint, parody or commentary satisfy the requisite scienter requirement.

Bad-faith intent to profit is required for a violation to occur. This requirement of bad-faith intent to profit is critical since, as Professor Litman pointed out in her testimony, our trademark laws permit multiple businesses to register the same trademark for different classes of products. Thus, she explains:

> Although courts have been quick to impose liability for bad faith registration, they have been far more cautious in disputes involving a domain name registrant who has a legitimate claim to use a domain name and registered it in good faith. In a number of cases, courts have refused to impose liability where there is no significant likelihood that anyone will be misled, even if there is a significant possibility of trademark dilution.

In civil actions against cybersquatters, the plaintiff is authorized to recover actual damages and profits, or may elect before final judgment to an award of statutory damages of not less than $1,000 and not more than $100,000 per domain name, as the court considers just. In addition, the court is authorized to forfeit, cancel, or transfer the domain name to the plaintiff. To reduce frivolous litigation and the risk of reverse domain name hijacking, the court is authorized to award courts and attorneys' fees to the prevailing party.

In Rem Actions. The bill would also permit an in rem civil action to be filed by a trademark owner in the judicial district in which the registrar, registry or other domain name authority that actually registered or assigned the domain name is located. Such an action may be filed only in circumstances where the domain name violates the owner's rights in the trademark and where the court finds that (1) the trademark owner was not able to obtain in personam jurisdiction over the domain name registrant; or (2) the owner through due diligence was not able to find the domain name holder to bring an in personam civil action by sending notice to the registrant at the postal and email address provided to the registrar and publishing notice as the court may direct promptly after filing the action.

The remedies of an in rem action are limited to a court order for forfeiture or cancellation of the domain name or the transfer of the domain name to the trademark owner. To protect the domain name registrant, the registrar or registry shall not transfer, suspend, or modify the domain name during the pendency of the action except as the court may order. By contrast to the House-passed version of this legislation, under the legislation passed today, a trademark holder would be permitted to file an in rem action only when in personam jurisdiction cannot be exercised.

In Porsche Cars North American Inc. v. Porsche.com, 51 F. Supp. 2nd 707, the court dismissed an in rem action against a domain name, even though Network Solutions Inc. had surrendered the underlying domain name registration documents to the court to give it control over the "res." The court held that in rem actions against allegedly diluting marks are not constitutionally permitted without regard to whether in personam jurisdiction may be exercised. The court explained:

> Porsche correctly observes that some of the domain names at issue have registrants whose identities and addresses are unknown and against whom in personam proceedings might be fruitless. But most of the domain names in this case have registrants whose identities and addresses are known, and who rightly would object to having their interests adjudicated in absentia. The Due Process Clause requires at least some appreciation for the difference between these two groups, and Porsche's pursuit of an in rem remedy that fails to differentiate between them at all is fatal to its Complaint.

This legislation does differentiate between those two different categories of domain name registrants and limits in rem actions to those circumstances where in personam jurisdiction cannot be obtained.

Liability Limitations. The bill would limit the liability for monetary damages and, in certain circumstances, for injunctive relief of domain name registrars, registries or other domain name registration authorities for any action they take to refuse to register, remove from registration, transfer, temporarily disable or permanently cancel a domain name, where the action is taken pursuant to a court order or in the implementation of reasonable policies prohibiting the registration of domain names that are identical or confusingly similar to another's trademark, or dilutive of a famous trademark.

Prevention of Reverse Domain Name Hijacking. Reverse domain name hijacking is an effort by a trademark owner to take a domain name from a domain name registrant who registered the domain name legitimately and in good faith. There have been some well-publicized cases of trademark owners demanding the take-down of certain web sites set up by parents who have registered their children's names in the .org domain, such as two-year-old Veronica Sam's "Little Veronica" website and 12-year-old Chris "Pokey" Van Allen's web page.

In order to protect the rights of domain name registrants in their domain names, the legislation provides that registrants may recover damages, including costs and attorney's fees, incurred as a result of a knowing and material misrepresentation by a person that a domain name is identical or similar to, or dilutive of, a trademark. Moreover, should the domain name registrant prevail in a suit for cybersquatting, the registrant as the prevailing party is authorized to award costs and attorneys' fees.

In addition, a domain name registrant, whose domain name has been suspended, disabled or transferred, may sue upon notice to the mark owner, to establish that the registration or use of the domain name by the registrant is lawful. The court in such a suit is authorized to grant injunctive relief, including the reactivation of a domain name or the transfer or return of a domain name to the domain name registrant.

Personal Names. Commercial sites are not the only ones suffering at the hands of domain name pirates. This issue has struck home for many in this body. The Congress is not immune: while cspan.org provides detailed coverage of the Senate and House, cspan.net is a pornographic site. Moreover, Senators and presidential hopefuls are finding that domain names like bush2000.org and hatch2000.org are being snatched up by cyber poachers intent on reselling these domain names for a tidy profit.

This legislation addresses this problem by making liable a domain name registrant in a civil action for injunctive relief, including forfeiture, cancellation, or transfer of a domain name for registering the name of another living person with the specific intent to profit by selling the domain name for financial gain to that person or any third party. This provision applies only prospectively.

In addition, the legislation directs the Commerce Department in consultation with PTO and the Federal Election Commission to study and report to Congress on procedures for resolving disputes over personal names registered as domain names and to collaborate with ICANN on these procedures.

Cybersquatting is an important issue both for trademark holders and for the future of electronic commerce on the Internet. Any legislative solution to cybersquatting must tread carefully to ensure that authorized remedies do not impede or stifle the free flow of information on the Internet. In many ways, the United States has been the incubator of the World Wide Web, and the world closely watches whenever we venture into laws, customs or standards that affect the Internet. We must only do so with great care and caution. Fair use principles are just as critical in cyberspace as in any other intellectual property arena. In my view, this legislation respects these considerations.

Mr. HATCH. Mr. President, I am pleased to rise today as the Senate finishes its consideration of the last in a package of four very important intellectual property related "high-tech" bills that Senate LEAHY and I introduced earlier this year. Three of those bills—the "Trademark Amendments Act of 1999," the "Patent Fee Integrity and Innovation Protection Act of 1999," and a Copyright Act technical corrections bill—were passed by the House and Senate and signed into law in August of this year. The fourth of those bills—the "Digital Theft Deterrence and Copyright Damages Improvement Act" (S. 1257)—was passed by the House with an amendment and returned to the Senate. Each of these bills is designed to promote the continued growth of vital sectors of the American economy and to protect the interests and investment of the entrepreneurs, authors, and innovators who fuel their growth.

Technology continues to be the driving force in the American economy today, and American technology is setting new standards for the global economy, from semiconductor chip technology, to computer software, Internet and telecommunications technology, to leading pharmaceutical and genetic research. In my own state of Utah, these information technology industries contribute in excess of $7 billion each year to the State's economy and pay wages that average 66 percent higher than the state average. Their performance has placed Utah among the world's top ten technology centers according to Newsweek Magazine. Similar success is seen in areas across the country, with the U.S. being home to seven of the world's top ten technology centers and with American creative industries now surpassing all other export sectors in foreign sales and exports.

Underlying all of these technologies are the intellectual property rights that serve to promote creativity and innovation by safeguarding the investment, effort, and goodwill of those who venture into these fast-paced and volatile fields. Strong intellectual property protections are particularly critical in the global high-tech environment where electronic piracy is so easy, so cheap, and yet so potentially devastating to intellectual property owners—many of which are small entrepreneurial enterprises. In Utah, 65 percent of these companies have fewer than 25 employees, and a majority have annual revenues of less than $1 million. Intellectual property is the lifeblood of these companies, and even a single instance of piracy could drive them out of business. What's more, without adequate international protection, these companies would simply be unable to compete in the global marketplace.

That is why we enacted a number of measures last year to provide enhanced protection for intellectual property in the new global, high-tech environment. For example, the Digital Millennium Copyright Act (DMCA) implemented two new World Intellectual property Organization Treaties setting new global standards for copyright protection in the digital environment. We also paved the way for new growth in online commerce by providing a copyright framework in which the Internet and other new technologies can flourish.

The "Digital Theft Deterrence and Copyright Damages Improvement Act" builds upon those protections by raising the Copyright Act's limit on statutory damages to make it more costly to engage in cyber-piracy and copyright theft. Section 504(c) of the Copyright Act provides for the award of statutory damages at the plaintiff's election in order to provide greater security for owners, who often find it difficult to prove actual damages in infringement cases—particularly in the electronic environment—and to provide greater deterrence for would-be infringers. The current provision caps statutory damages at $20,000 ($100,000 in cases of willful infringement), which reflects figures set in statute in 1988 when the United States joined the Berne Convention. The combination of more than a decade of inflation and revolutionary changes in technology have rendered those figures largely inadequate to achieve their aims. The bill before us updates these statutory damage provisions to account for both these factors.

Under the bill, the cap on statutory damages is increased by 50 percent, from $20,000 to $30,000, and the minimum is similarly increased from $500 to $750. For cases of willful infringement, the cap is raised to $150,000. This will not mean that a court must impose the full amount of damages in any given case, or even that it will be more likely to do so. In most cases, courts attempt to do justice by fixing the statutory damages at a level that approximates actual damages and defendant's profits. What this bill does is give courts wider discretion to award damages that are commensurate with the harm caused and the gravity of the offense. At the same time, the bill preserves provisions of the current law allowing the court to reduce the award of statutory damages to as little as $200 in cases of innocent infringement and requiring the court to remit damages in certain cases involving nonprofit educational institutions, libraries, archives, or public broadcasting entities.

The House of Representatives amend the bill to include an amendment to the "No Electronic Theft (NET) Act." The NET Act—enacted to curb digital piracy by expanding criminal copyright infringement to include certain electronic infringements done without an intent to profit—directed the U.S. Sentencing Commission to revise the sentencing guidelines for crimes against intellectual property to ensure that the applicable guideline range is sufficiently stringent to deter such crimes and to provide for consideration of the retail value and quantity of the infringed upon items with respect to which the crime against intellectual property was committed. This directive, and its specificity, reflected the concern on the part of Congress that the existing guidelines' reliance on the value of the infringing items (i.e., the street value of a bootlegged video) both underestimates the true economic harm inflicted on copyright owners and results in penalties that are so disproportionately low that U.S. attorneys are simply unwilling to prosecute such cases. Despite Congress' directive, the old guidelines remain in place unamended. The result is that today, nearly two years later, there has been only one case brought under the NET Act, and electronic piracy continues as a significant and growing concern.

The House amendment to S. 1257 would revise the outstanding NET Act directive to require the Sentencing Commission to amend the sentencing guidelines to provide an enhancement based upon the retail price of the legitimate items that are infringed upon and the quantity of the infringing items, as well as to require the Commission to act within a set time. While the proposed revision is consistent with Congress' intent to strengthen the sentencing guidelines applicable to intellectual property-related crimes and to better reflect the economic harm in cases of electronic piracy, there was some concern that the amended guidelines would overstate economic harm or have other unintended consequences with respect to infringements not involving digital reproductions.

The amendment Senator LEAHY and I are offering today—which is the result of many hours of discussions and the subject of widespread agreement—will leave the existing NET Act directive unchanged, but will require the Commission to act on that directive within the later of 120 days from the bill's enactment or 120 days from the first date on which there are sufficient voting members of the Sentencing Commission to constitute a quorum. I expect that the Sentencing Commission will move expeditiously once its commissioners are in place to complete revision of the applicable sentencing guidelines as directed by the NET ACT, and that it will do so in a manner that is consistent with Congress' intent to provide improved deterrence in this area.

In sum, this bill is an important high-tech measure that will spur creativity and enhance protection for American copyrighted works at home and abroad. I want to thank Senator LEAHY for his assistance, cooperation, and leadership in this process, and I look forward to the Senate swiftly passing this bill with the Hatch-Leahy Amendment.

Mr. BAYH. Mr. President, For years the American people have become increasingly cynical about our federal government and apathetic about political participation. There are many reasons for this unfortunate state of affairs. This year's budget exemplifies several.

One reason is our inability to do what every family and business must do, balance our budget. After years of large, chronic deficits, last year we finally, if barely, balanced the federal budget. If great care is not taken, the budget will not be balanced for long.

Another reason is Washington's unwillingness to be honest with the American people. This budget is only the latest example. Proponents claim it is balanced. It is not. They say it does not raid social security, but it does. It purports to meet certain "emergencies", when no reasonable person could possibly consider them such. It's time we ended this "business as usual" in Washington and began to regain the trust of the American people.

I oppose this bill because it spends too much and uses gimmicks that will make future budgets even more difficult. It ignores the greatest financial challenge facing our nation, entitlement reform, and makes matters even worse by taking money from the Social Security Trust Fund to pay for spending today. It foreshadows a return of chronic deficits. If we must resort to such foolishness when times are good, what will happen when times are tough? It makes the prospect of meaningful tax cuts much more remote because it spends the surplus and then some.

There are circumstances that could justify my support for this budget and some of the items that I object to. But none exist now. If meaningful entitlement reform had been included. If the economy were weak and the gimmicks were only temporary expedients, not the permanent fixtures they promise to be. If we had a few more years, not just one, of balanced budgets under our belt. There are several good things in this budget, things I strongly support: funding for 100,000 additional teachers in our classrooms, putting 50,000 additional police officers on our streets, relief for hospitals and other providers from excessive Medicare cuts, enhanced Land and Water Conservation funds, expanded biomedical research through NIH, expanded Head Start and increased After School Care.

All of these have merit. All should be done. But we must have the honesty and integrity to pay for them, or the restraint to wait until we can, and not just perpetuate the cynicism created by annual budget charades.

I look forward to voting for a future budget. One that preserves and strengthens the foundation of financial security so important to our nation's well-being. Even more, I look forward to that day when this Congress enjoys the respect and admiration of our fellow citizens. This budget will not hasten that day.

Mrs. LINCOLN. Mr. President, today is a historic day in the United States Senate. With the inclusion of the Superfund Recycling Equity Act in the 1999 Omnibus Appropriations Bill, we have righted a wrong to the recycling industry of this Nation. We have removed the Superfund bias against recycled materials and set this country back on a path to promoting reuse of all recyclable materials. The Superfund Recycling Equity Act of 1999 will finally place traditional recyclable materials which are used as feedstocks in the manufacturing process on an equal footing with their virgin, or primary feedstock, counterparts. Traditional recyclables are made from paper, glass, plastic, metals, batteries, textiles, and rubber.

Mr. President, we have been working to right this wrong for over six years. During the 103d Congress, I first introduced a bill to relieve legitimate recyclers of scrap metal from unintended Superfund liability. The bill was developed in conjunction with the recycling industry, the environmental community, and the Administration. We worked closely together and consistently agreed that liability relief for recyclers is necessary and right. The language in this bill is the culmination of a process that we have been working on since 1993.

As I'm sure you can see, Mr. President, the push to relieve these legitimate recyclers of this unintended liability has received broad, bipartisan support. This bill has received 67 cosponsors in the Senate this year and thanks to the strong leadership of Senators LOTT, DASCHLE, CHAFEE, and WARNER, we have successfully brought this important piece of legislation to the floor.

Mr. President, as the sponsoring member of this legislation when I was a member of the House of Representatives, I would like to make a couple of important points. First, this Superfund

Recycling Equity Act is both retroactive and prospective. Slightly different standards must be met for recyclers to be relieved of Superfund liability for recycling transactions that occurred prior to the date of enactment than for those that occur after the date of enactment. But in either scenario, legitimate recyclers of paper, glass, plastic, metals, textiles, and rubber will no longer be treated as if they were "arranging for the disposal" of materials containing hazardous substances each time they sell their materials as manufacturing feedstocks. Rather, they will be treated as if they were selling a product, which is the same standard to which suppliers of virgin materials are held. Virgin materials are in direct competition with recyclables and this legislation will help to increase recycling in our nation.

Recognizing that this issue has been the focus of much litigation, the Congress intended that the recycling situation be clarified through the Superfund Recycling Equity Act. That is why we have written this legislation in such a fashion that virtually all lawsuits that deal with recycling transactions of paper, glass, plastic, metals, textiles, and rubber are extinguished by this legislation. Only those lawsuits brought prior to enactment of this legislation directly by the United States government against a person will remain viable. All other lawsuits brought by private parties, or against third party defendants in lawsuits originally brought by the U.S. Government will no longer proceed under this legislation. This will resolve the inequities suffered by recyclers in a quick, fair, and equitable manner.

It should also be reiterated that this bill addresses the product of recyclers, that is the recyclables they sell which are utilized to make new products. This does not affect liability for contamination that is created at a facility owned or operated by a recycler. Neither does it affect liability related to any process wastes sent by a recycler for treatment or disposal. In order to assure that only bonafide recycling facilities benefit from this bill, a number of tests have been established within the bill by which liability relief will be denied to sham recyclers.

With the passage of this important legislation, we have taken a bold step in the right direction for America. We have taken a step to promote legitimate recycling and to put recycled materials on an equal footing with new materials.

Thank you, Mr. President.

Mr. DEWINE. Mr. President, as original co-sponsors of the Safe Senior Assurance Study Act of 1999 (S. 818), Senator REID and I wish to express, for the record, our gratification for the language contained in the conference report on H.R. 3194 concerning physician supervision of anesthesia services under Medicare's Conditions of Participation.

We read the report as calling upon the Secretary of Health and Human Services to base her determination as to appropriate supervision standards on sound scientific outcome data—a principle which is at the core of S. 818, which was to assure that Medicare beneficiaries will continue to receive the highest quality medical care—one which I am sure is shared by every member of this body—and the Senator from Nevada and I think adoption of the report will help us attain this objective.

Preliminary data from recent outcome research has suggested that supervision of anesthesia care by physicians trained in that discipline represents an important factor in anesthesia safety, and we want to be certain that the Secretary takes the final results of this research into account. Medicare beneficiaries have resoundingly said, in response to recent national surveys, that they favor retention of the current supervision rule, and in our view, any change in that rule must be supported by scientific data showing that anesthesia safety for our nation's seniors would not be impaired. We congratulate the committees with jurisdiction over Medicare in the House and Senate for their clear commitment to this view.

Mrs. MURRAY. Mr. President, as the Senate finally concludes its work for the legislative year, I want to outline my position on a few of the final issues. Unfortunately, I needed to travel back to Washington state to attend the funeral of my good friend and mentor, Pat McMullen, and missed three votes.

Before leaving, I voted in favor of the "motion to proceed" to the omnibus appropriations bill, which also included fixes to the Balanced Budget Act of 1997 and the tax extenders package. With that vote, I registered my support for this important funding and corrections bill. I also would have voted in favor of the Work Incentives Act.

First, I would like to address just some important provisions in the omnibus appropriations bill. There are many things that we do here that have little direct impact on the lives of real people and real families. However, this legislation is one of those times when we act to provide real help and real hope to working families, children and our senior citizens.

The package that we are about to enact, provides an additional $2 billion investment in the National Institutes of Health (NIH). There are few people in this country who are not touched in some way by the research supported by NIH. An additional $2 billion keeps us on track to doubling our investment in medical research. Research that saves lives and prevents human suffering. Our investment has already brought us closer to finding a cure for devastating diseases like Parkinson's, leukemia, heart disease, and breast cancer. We must continue this commitment as this investment is about saving dollars and lives. The impact on Washington state is also significant. I am proud of the fact that Washington state is one of the top recipients of NIH grants. The outstanding research being conducted at research institutions like the University of Washington and the Fred Hutchinson Cancer Research Center are known throughout the world. We are truly a world leader in medical research.

This appropriations package will also provide additional resources to improve access to quality health care for the uninsured and the most vulnerable. The additional funding for the Centers for Disease Control (CDC) and the additional $100 million provided for Community Health and Migrant Health Care Centers provide a critical health care safety net for those working families who simply cannot afford insurance. There are more than 80 clinics in Washington state providing quality, affordable health care services who will be able to expand and meet the growing needs of the uninsured populations.

I am pleased we have been successful in providing, for the first time, a direct appropriation to support poison control efforts and education and training for Children's Hospitals. I have been a long time proponent of these efforts and recognize the importance of this investment in our children.

Overall, this appropriations package includes a $34.5 billion investment in health care programs. This investment will strengthen the public health infrastructure, provide essential prevention and treatment services to individuals with mental illness and ensure that our senior citizens are not forgotten. The additional $45 million provided to support Older Americans Act programs ensures that we can honor our commitment to our nation's elderly by providing important services like nutritional assistance, employment training, respite care, in-home care, and abuse prevention.

In addition, as part of this appropriations bill, we have succeeded in saving quality health care for millions of Medicare beneficiaries. The corrections to the Balanced Budget Act address the unintended consequences of the reductions called for in 1997. Then, we anticipated a total of $100 billion over five years to ensure Medicare's solvency. Unfortunately, our estimates have proven incorrect and we were facing well over $200 billion in reductions which are impacting quality care for millions of seniors and the disabled. The BBA97 corrections provide additional resources for home health care, skilled nursing facilities, nursing homes, hospitals, cancer treatment centers, teaching hospitals like the

University of Washington, community health care centers, rehabilitation services, and health maintenance organizations. This one time correction will prevent the closing of facilities or home health care agencies and does not jeopardize our goal of solvency for the Medicare Trust Fund. I know from my own health care providers and my own hospitals what this fix means. I also know that without it, rural health care was in real jeopardy. I told my constituents that I would not leave for the year until we acted to address the looming crisis. This has been accomplished in a bipartisan and comprehensive manner.

I would also like to address the tax extenders package included in this bill. I generally support the tax extenders package. It includes the expansion of some tax credits that I have strongly supported over the years. First, the research and experimentation tax credit represents a critical investment for our nation. If we are to continue creating more and higher-paying jobs for American workers, we must encourage the business community to invest in research and development. This bill does just that. I have cosponsored two bills to make the R&E tax credit permanent, so I look forward to working with my colleagues to make that happen.

I am also pleased this legislation includes extensions of the Welfare-to-Work Tax Credit and the Work Opportunity Tax Credit, which help us move toward our goal of ensuring that all Americans benefit from the new economy.

This extenders package also includes an extension of employer provided educational assistance. I am disappointed the package does not include compensation for graduate school assistance. I believe this commission is short-sighted. At a time when the American economy is so rapidly changing, we need to ensure that our workforce is able to meet the demands of the new economy.

Our tax code should also reflect our commitment to cleaner energy. While this package extends the wind and biomass tax credit, it does not expand the definition of biomass to include open loop biomass. Meanwhile, it expands the code to include incentives for the production of energy from chicken waste. I have no doubt that some of my colleagues are trying to address legitimate animal waste issues in their states. However, if the code is to be expanded, it should be expanded to include open loop biomass. If Congress considers major tax legislation next year, this should be a top priority.

While the efforts I have mentioned above help businesses and the poor, the bill also helps middle class Americans. In 1997, we passed important non-refundable tax credits, like the child tax credit, that have greatly benefitted the middle class. This legislation will ensure families can continue to use these credits without being affected by the alternative minimum tax.

Finally, the Senate passed another piece of important legislation today: the Work Incentives Act. The WIA bill rewards those disabled individuals who want to go back to work but face the prospect of falling off the so called "health care cliff." We have been successful in treating many illnesses and injuries that once permanently disabled workers. They may not be cured but can be productive. Unfortunately, if they do try and return to work they lose their link to life, their health insurance. This legislation, of which I am proud to have been an original cosponsor, will allow workers to return to work and continue to receive Medicare. It will also allow many to buy-in to Medicaid. This legislation is not just about giving people the chance to return to some kind of productive life. It is about saving precious dollars as well. Workers who give up their Social Security disability payments to go back to work will be paying taxes and contributing to the Social Security and Medicare Trust Fund. This is a win-win for all of us. It is also the kind of policy that simply makes sense. People should not be penalized for trying to go back to work.

Mr. President, I have voted in support of the motion to proceed to this omnibus appropriations, B.B.A. of '97, and tax extenders package. I am particularly pleased we have been able to secure yet another year of commitment to our children by helping reduce class sizes in the early grades. I will be working hard to ensure this important program is authorized in the Elementary and Secondary Education Act next year. I must also note extreme disappointment in the decision to pit United Nations dues against women's reproductive health care. I remain committed to family planning throughout the world and will be working with the administration to ensure the United States continues to lead the way in protecting women's health, including our reproductive health.

Mr. ABRAHAM. Mr. President, I rise today to voice my strong support for this final Appropriations package. This is a good package that protects the Social Security surplus from being raided to pay for non-Social Security spending, that provides sufficient funds for important national programs, and which addresses critical issues specifically for Michigan. I trust that the President will be able to sign this quickly and get these Fiscal Year 2000 funds to the programs that will disburse them to Michiganians as soon as possible.

Mr. President, I am confident that this package will not raid the Social Security surplus as has been the norm for almost 30 years. The Congressional Leadership and the Administration have crafted a package of appropriations and offsets that will not touch the Social Security surplus The precise bookkeeping agreed upon by the Administration and Congress used in this bill will help regulate how these funds are actually spent by the government, so that we don't spend the Social Security surplus. These aren't gimmicks, but finely crafted tools necessary for the Office of Management and Budget to ensure that bureaucrats don't spend their funds faster than Congress intended, so as to protect the Social Security surplus.

However, for those that are concerned that such tools could potentially be insufficient to control the rate of spending, and may in fact lead to the government dipping into the Social Security surplus, I will carefully track the revenue and outlay totals for the Federal Government over the next few months. And if it appears that we are falling behind in maintaining a sufficient buffer to protect the Social Security surplus, then I will immediately introduce and push for as large of a rescission package as necessary to prevent that from occurring. But that, in my opinion, will not be necessary. Already for the first month of Fiscal Year 2000, the Congressional Budget Office is reporting that we are running $6.4 billion ahead of last year, or almost $77 billion more in net revenue than last year. Considering the CBO estimated that net revenues would actually drop by $1 billion between Fiscal Years 1999 and 2000, I believe we will have more than enough of a non-Social Security surplus buffer to accommodate even the worst case assumptions that CBO may put forward.

As a specific note, Mr. President, one of the tools used to control spending in this package is an across-the-board 0.38 percent cut in discretionary spending. Although I would rather see specific cuts to achieve the $1.3 billion in fiscal discipline provided by this cut, such as cutting in half the funding for the Space Station, this is a modest enough cut to be palatable, especially considering the significant latitude given the executive agencies in finding these cuts. However, because of the vagaries of the budget process, the pay of Congressional Members has been exempted from this cut. I cannot support such unequal treatment, and declare that I will return an equal proportion of my Senatorial pay to the Department of Treasury. Nothing else would be fair.

But this package is not just about what it does not do. Mr. President, this appropriations package does a great deal of good as well. It increases funding for Head Start by over 10%, while providing over $35 billion for education in general, including funds for 100,000 new teachers while also significantly expanding the discretion local school districts will have to use that money for teacher testing and quality training. It will put 50,000 more police on our streets as well as providing over $2.1 billion for assistance programs to local law enforcement agencies. The National Institute of Health will see its funding increased by 15% to almost $18 billion, while important high-tech legislation that I sponsored to stop the poaching of corporate and identifiable World Wide Web address names by unscrupulous profiteers and carpetbaggers does not continue unimpeded.

And maybe most significantly, the unintended effects upon Medicare and Medicaid of the Balanced Budget Act of 1997, as well as the onerous additional regulations levied by the Health Care Financing Agency in implementing that Act, will be softened through the provision of over $27 billion in additional health care funds over the next 10 years. This will provide specific relief for Michigan's hospitals by easing the reductions in the reimbursements they receiving for treating our Medicare beneficiaries in Michigan, and thereby expanding the access for quality medical care. It will also increase the unrealistically low reimbursement rates set for Skilled Nursing Facility care, while also ensuring that the arbitrary $1,500 per patient cap on physical and rehabilitative therapy set by the Administration is not allowed to deny our seniors the help they need to recover from such debilitating conditions as strokes and severe heart conditions. It improves the ability of women to receive pap smear tests, provides greater access to renal dialysis treatment, while also making immunosuppressive drugs more readily available. And it provides very much needed protection for Rural Health Clinics and Federally Qualified Health Centers from capricious reductions in their reimbursements, thereby allowing them to protect the uninsured and Medicare dependent population that they overwhelmingly serve.

But, Mr. President, this package is good for Michigan is well as our nation. A number of issues that significantly affect my constituents are addressed in this package. Our unique Great Lakes environment is protected through the continued funding of the Great Lakes Environmental Research Laboratory, increased funding for the Great Lakes Fishery Commission, Sea Lamprey control, and Sea Grant Research funds, as well as funding for a new simulator at the Great Lakes Maritime Academy in Traverse City to ensure our commercial shipping maintains its peerless safety record. This appropriations package funds worthy projects such as Detroit's Focus:HOPE information technology training program for the city's poorest residents, Central Michigan's charter school and education performance institute, Northern Michigan's Olympics Training Facility, and almost $2.5 million in funding to protect and preserve Isle Royale National Park and Keweenaw National Historical Park. This bill brings new Tribal funding for a new band of the Pottawatomi Indians and $15 million more in PILT (Payment in Lieu of Taxes) funds which are desperately needed by Michigan's more rural counties. And on the international front, this package provides almost $2 million to support the Middle East Peace Process through the Wye River Accord agreement, as well as a number of policy and funding initiatives overseas such as continued support for Armenia in its dispute over Nagorno-Karabakh and the further development of education and infrastructure in Lebanon.

Mr. President, many will try to make political hay out of opposing this bill for this or that various reason. But on the whole, this final appropriations package achieves three very important goals: it stops the 30-year raid by big Washington spenders on the Social Security Trust Fund, it adequately funds important national priorities, and it addresses several specific programs in Michigan important to my constituents. We were sent to Washington to govern, Mr. President, and at this point in the session, I asked myself if I was going to be an effective legislator, or simply a politician. I'm glad I chose the former in supporting this bill.

Mr. President, I yield the floor.

Mr. BINGAMAN. Mr. President, the appropriation for the Department of Education includes an additional $134 million, added during final negotiations over the bill, to promote school accountability and improvement under Title I of the Elementary and Secondary Education Act of 1965, which funds educational services to educationally disadvantaged children. These funds will provide critical resources to schools most in need—those in need of improvement and identified for corrective action under Title I.

Dedicated funds are necessary to develop improvement strategies and to hold schools accountable for continuous student improvement. The federal government directs over $8 billion dollars of federal funding to provide critical support programs for disadvantaged students under Title I, but the accountability provisions in Title I have not been adequately implemented due to insufficient resources. Title I authorizes state school support teams to provide support for schoolwide programs and to provide assistance to schools in need of improvement through activities such as professional development or identifying resources for changing instruction and organization. In 1998, only eight states reported that school support terms have been able to serve the majority of schools identified as in need of improvement. Less than half of the schools identified as being in need of improvement in 1997-98 reported that this designation led to additional professional development or assistance. Schools and school districts need additional support and resources to address weaknesses soon after they are identified, promote a progressively intensive range of interventions and continuously assess the results of interventions.

The money provided in this appropriations bill can be used to ensure that school districts have necessary resources available to implement the corrective action provisions of Title I, by providing immediate, intensive interventions to turn around low-performing schools. The types of intervention that the school district could provide using these funds include:

(1) Purchasing necessary materials such as up-to-date textbooks, curriculum, technology;

(2) Providing intensive, ongoing teacher training.

(3) Providing access to distance learning;

(4) Extending learning time for students—after school, Saturday or summer school—to help students catch up;

(5) Providing rewards to low-performing schools that show significant progress; and

(6) Intensive technical assistance from teams of experts outside the school to help develop and implement school improvement plans in failing schools. The terms would determine the causes of low-performance—for example, low expectations and an outdated curriculum, poorly trained teachers, unsafe conditions) and assist in implementing research-based models for improvement.

The portion of the bill relating to these additional funds also requires that school districts give students in Title I schools the option of transferring to another public school if the schools they attend have been identified as in need of improvement. This requirement applies only to districts that receive a portion of this additional money, and not to districts that do not accept these additional funds. While I have a bill that is supportive of right to transfer at the corrective action stage of the Title I accountability system, it is my understanding that the language in this appropriation bill apples only to schools accepting funding from this new funding source of $134 million.

Mr. BAUCUS. Mr. President, it is very unfortunate that the Senate finds itself in virtually the same position as we did last year with appropriations matters. As my colleagues will recall, we voted on a giant omnibus appropriations bill which contained eight appropriations bills, plus numerous other authorizing legislation. It ran on for nearly 4,000 pages and weighed in at some 40 pounds. It was called a "gargantuan monstrosity" by the distinguished Senator from West Virginia, Senator BYRD.

But it was a monstrosity not just because of its length. It was also in the size of its insult to the democratic process, to individual Senators, and to the people they represent.

It was bad enough that no Senator was able to read the bill before they were required to vote on it. Worse still was the fact the bill was presented to the Senate in a "take it or leave it" form. No amendments were permitted. Every Senator was effectively muzzled.

I voted against that bill. Not because it didn't contain good provisions, good for the country, and good for my State of Montana. It did. I opposed that bill because writing such an important piece of legislation should not be done behind closed doors among a small group of people with no recourse for the others. I said at the time that the process dangerously disenfranchised most Senators, House Members, and the American people.

Many of my colleagues agreed with my sentiments then. And there were statements that this would not happen again. But it has.

True, this bill is somewhat shorter. It covers only five appropriations bills, not eight. It has fewer authorizing bills attached to it.

However, it still was written largely by a relatively few people, members of the majority, representatives from the Administration, a few members of the minority. And all behind closed doors, again.

But the bigger danger this year is that we are passing major bills by reference. The text of four appropriations bills and four authorizing bills appears nowhere in this bill. Instead, this bill provides for their enactment by referring to them by number and date of introduction, which just so happens to be less than 48 hours ago.

Members of the Senate do not have this language before them. Even if we could offer amendments, how would we do it? How can you amend a bill that is included only by reference? Even more fundamentally, will bills that are enacted into law "by reference" withstand a Constitutional challenge that they violate the presentment clause?

The courts will have to decide the Constitutional issues. But it is one more reason why I believe this is a very dangerous process. It further erodes the rights of the minority, indeed the rights of all Senators. Coming, as I do, from a state with a small population, we depend greatly on the Senate to protect our states' interest, something that cannot always be done in the House of Representatives, where population determines voting power.

Mr. President, we already face a population that is increasingly cynical of government and those who serve it. People believe more and more that government does not look after their interests, but only after special interests. And the more we operate behind closed doors, without an open, public process, the more we feed that cynicism. And the more we encourage mistrust.

That is not healthy for our democracy or our people. One of the best things Montanans did when we rewrote our State constitution in 1972 was to require open government, at all levels. It has helped keep government officials honest and helped the people have faith in that government. I wish this process were as open.

Someday, I hope that the Congress will return to the open process on appropriations bills and authorizing bills we had not so long ago. We could debate issues, offer amendments, make compromises, win, lose. But all in front of the people.

But this bill goes too far in the other direction and therefore, I cannot support it.

Mr. ROBB. Mr. President, as we near the end of this session of Congress, there are some accomplishments we should celebrate and some disappointments we should work to remedy in the next session of the 106th Congress. While there are many items in the appropriations and tax bills that benefit our nation, there are a few I'd like to highlight. This year's final budget package will continue to provide more crime reduction and school safety funding so our children are safer in their neighborhoods and in their schools. It will continue our efforts to reduce class size so our children get more individualized attention from a top-quality teacher. And it will provide what I hope will be the first installment of school modernization funding so that our children's schools are safe and equipped for the future.

With the passage of the appropriations and tax measures this session, Congress will uphold its commitment to continue reducing crime on our streets and in our schools. We've come a long way from the original Senate committee bill that would have killed the COPS initiative, which has placed 100,000 new police officers in our communities since 1994. This year's appropriations bill provides enough funding to hire another 50,000 officers over the next few years, and it sets aside $225 million in Department of Justice funding for school safety initiatives. The first obligation of government is to provide for the safety of every man, woman, and child, and I believe our funding levels for COPS and school safety programs live up to that obligation.

We will also be living up to the commitment we made last year to hire 100,000 new teachers so our children's class sizes are smaller and their individual time with their teachers is greater. We made a down payment last year and hired 29,000 teachers. This year, we will provide $1.3 billion to states so we can keep those teachers in the classroom and hire even more. But as we all know, school systems can't hire new teachers if they don't have the extra classrooms. So, I'm especially pleased that we have finally recognized the school infrastructure crisis in America.

The tax package we will pass today will provide an additional $800 million in zero interest bonds under the Qualified Zone Academy Bond Initiative. These bonds will help our neediest schools renovate buildings that are relics of the past and turn them into schools of the future. It will help them purchase new equipment—from classroom computers to new, safe school buses. It will help them train teachers and develop challenging curricula to raise expectations and achievement scores of our nation's students.

The continuation of this school renovation initiative is just one component of the school modernization bill I introduced with many others in July, and I am grateful to so many education, labor, and professional organizations for their unwavering support. I thank my colleagues who co-sponsored the legislation, Rep. Charlie Rangel for his work on similar legislation, and the administration's commitment to ensuring that our schools are safe and modern havens for learning. We're sending the right message to our nation's school boards, teachers, parents, and students: that we see the leaky roofs, that we see the cracked walls, that we see all the trailers—and that we're willing to help.

But there remains much unfinished business. Over 14 million children attend schools in need of extensive repair or complete replacement. Twelve million children attend schools with leaky roofs, and 7 million children attend schools with safety code violations. Our schools are on average over forty years old. They're overcrowded, they're under-equipped with technology, and many are unsafe. In Virginia alone, there are over 3,000 trailers being used to hold classes. In short, our national renovation needs total $112 billion and our new construction needs total $73 billion. Given these tremendous needs, I view the $800 million in the this year's tax package as the first installment of the nationwide renovation and modernization of our children's schools.

Mr. President, the other major disappointment of this session concerns one of our nation's most important transportation arteries. I am quite dismayed that this Congress has not lived up to its responsibility to fund the replacement of the Woodrow Wilson Bridge. This is the only federally owned bridge in the entire country. It is a major gateway in the Washington metropolitan area, and a critical route for commerce along the entire east coast. We have an obligation to support its replacement.

I worked closely with the administration to advance this project, and I was gratified by the fact that funding was among the administration's top priorities during the budget negotiations. Unfortunately, however, Congress declined to provide funding, so we will revisit the issue next year, when construction is scheduled to begin. We have become all too familiar with the devastating effects of traffic jams in this area—on our economy, on our environment, and most importantly, on our quality of life. The unresolved matter of funding for the Woodrow Wilson Memorial Bridge project continues to threaten the region, and I intend to continue the fight next session to be fiscally responsible and responsive to our region's biggest transportation need.

Mrs. BOXER. Mr. President, the two bills we passed today—the tax extenders bill and the Omnibus Appropriations Act—like this entire session of Congress, can be summarized by four words: the good, the bad, the missing, and the undone.

Let me begin with the good, because we have achieved victories on several important Democratic priorities. Funding for after-school programs was more than doubled. As a result, there will be spaces for 675,000 young people.

In another priority of mine, the days of the sweet deal for the big oil companies will be over next March 15. At that time, the Interior Department will finally be allowed to issue a regulation to ensure that oil companies pay their fair share of oil royalties to the federal government when they drill on federal land, ending the $66 million annual loss to the taxpayers.

I was also pleased to see a 42 percent increase in funding for the lands program, known as the Lands Legacy Initiative. Most of this money will be used to acquire lands and historical sites so that they can be preserved for future generations.

There are other good things as part of the budget agreement: funding to reduce elementary school class sizes; putting 6600 cops on the streets and in the schools; paying the arrears the United States owes to the United Nations; debt relief for developing countries; full funding for the Middle East Peace Agreement; a $2.3 billion increase in funding for the National Institutes of Health; correcting problems with Medicare funding that were part of the Balanced Budget Act of 1997, so that we ensure seniors continue to have access to health care, particularly home health care and nursing home care; a $108 million increase in funding for nutrition assistance for pregnant women and infants; extension of some important tax credits, including the Research and Experimentation Tax Credit, employer-provided educational assistance, and trade adjustment assistance; and most of the anti-environmental riders were stripped out of the bill or were significantly weakened.

But, Mr. President, despite these good things, I am voting against the bill because of the bad things as well as the things that are missing.

First, let me comment on the process. If the Republican controlled Congress had done its work and passed the appropriations bills by October 1, which is what is supposed to happen, we would not have needed these protracted and secretive negotiations that gave undue power to just a handful of people. As my colleague from Nebraska said, this whole process turned government "of the people, by the people, and for the people" into "government of and by four people".

I want to mention three specific provisions of this bill that I oppose. First, the funding for international family planning is inadequate. We have had level funding for this program for four years now. And on top of that, the omnibus appropriations bill reinstates the so-called Mexico City policy that prevents organizations from using their own, privately-raised money to provide abortion services or to lobby against draconian abortion laws. Under the provisions of this bill, the President could waive this restriction, but if he does, the funding would be cut $12.5 billion, which could deny contraception to over 40,000 women for an entire year.

I was also extremely dismayed to find in this bill a provision that would allow pharmacists to deny women in federal health plans prescriptions for contraceptive drugs, if they claim a sort of "conscientious objector" status. This is an outrageous assault on the right of women to receive the full range of health benefits.

Also, this bill contains an absolutely unnecessary—and potentially dangerous—across the board spending cut. This cut will affect funding for education and health care and medical research and veterans. It is a silly way to do business, and it is unnecessary. Congress should have done its job and made the decisions about what is important and what is not.

There are also a lot of holes in this legislation, a lot of things missing. These are things that were in there at one point or on the table for discussion, but for some reason were taken out. I am talking about the lack of hate crimes legislation, which passed the Senate. I am talking about my amendment, which also passed the Senate unanimously, to ban the sale of guns to people who are intoxicated. There is once again no long-term, large-scale commitment to repair America's schools. There is no prescription drug benefit under Medicare, so that millions of senior citizens will not have to make a choice between medicine and food. There is not enough money for after-school programs. And the rural loan guarantee program for satellite TV—something that is crucial to rural communities around the country—was taken out of the bill at the request of one senator.

In the category of the undone, this Congress will go home for the year without having acted on several issues of enormous importance to all Americans—things that the people have said over and over again they want us to do. This includes: a real patients bill of rights, common sense gun control, campaign finance reform, and an increase in the minimum wage.

Some will say that we could not do these things because we did not have the money. Let me point out that if this Republican-controlled Congress had not insisted on increasing the defense budget by about $8 billion more than the President said we needed, then we would have had plenty of money to pay for both the well-deserved pay raise for our servicemen and women and the priorities I have just talked about.

So, Mr. President, I regret that this bill was not all it could have been and that this Congress did not accomplish all that it should have. But, I look forward to the next session in the hope that we finally address the priorities of the American people.

Mr. GRAHAM. Mr. President, to quote Yogi Berra, it's deja vu all over again. A little less than a year ago Congress passed an Omnibus Appropriations bill for fiscal year 1999. That legislation combined eight separate appropriations bills and included $200 billion in discretionary spending. Last year's Omnibus spending bill also included $21 billion in emergency spending—$13 billion of which directly reduced the surplus for Fiscal Year 1999 and $5 billion of which reduced the surplus for Fiscal Year 2000. Members decried the process that led to last year's bill, threw themselves on the mercy of the American public asking forgiveness, and vowed that it would never happen again.

One senior Republican, speaking on condition of anonymity about the level of frustration with last year's budget process, said earlier this year: "We are looking for ways to avoid what happened last year. We are determined not to go through that again this year." Unfortunately, Mr. President, here we are again—only worse. This year's bill clearly demonstrates that Congress has not learned from its past mistakes.

What makes this bill even more insidious is that we not only repeat last year's mistakes, but in fact, build upon them with even more creative ways to flaunt fiscal discipline. For that reason, I will oppose it.

Mr. President, I am not alone. I ask unanimous consent immediately after my remarks an editorial which appeared in today's Washington Post titled ". . . And Brought Forth a Mouse" be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

I fully understand, Mr. President, that we work with budget projections that are subject to revision as economic factors change. We must base our decisions, however, using reasonable assumptions of what will occur, not rosy expectations of what the future might bring. The beginning of this congressional session was filled with opportunity—opportunity brought about by 5 years of fiscal discipline. That discipline helped to fuel a strong economy and produce the first budget surplus in more than a generation. Indeed, budget surpluses are projected far into the future.

Instead of seizing this opportunity to use those resources in improving our long-term fiscal future, Congress seems content to fritter them away on short-term political giveaways. A strong economy and favorable budget outlook give Congress a wonderful opportunity to make important investments for our future. What are some of those investments?

Early in 1999, Democrats and Republicans stated that saving Social Security and strengthening Medicare were the first items of business on this year's legislative agenda. The President made this statement during his State of the Union Address earlier this year:

"Now, last year we wisely reserved all of the surplus until we knew what it would take to save Social Security. Again, I say, we shouldn't spend any of it—not any of it—until after Social Security is truly saved. First things first."

My colleagues may remember that we followed the President's statement with a considerable amount of applause. Both commitments—extending the solvency of Social Security and strengthening Medicare—have been ignored. Both American political parties are identified co-conspirators in this unsavory result. There will be no structural changes to extend the solvency of the Social Security program. In fact, the most positive Social Security achievement we can cite underscores our failure to solve this important problem.

The only meaningful step Congress has taken to improve Social Security is an agreement not to spend the Social Security surplus—an agreement, I might add, that we have violated to the tune of $17 billion. The culmination of these negotiations will result in a budget that reduces the federal debt by $130 billion. That debt reduction, however, would have been $168 billion had we remained true to our commitment to save Social Security first. We could have reduced the Federal debt by an additional $38 billion had we not spent the full $21 billion on-budget surplus and $17 billion of the Social Security surplus. But even had we kept this promise, it would have done nothing to extend the program's insolvency date of 2034. Accomplishing that goal will require additional resources—resources that could come from the on-budget surpluses as long as they can be preserved.

Mr. President, we must hold true to our commitment to ensure Social Security's solvency until 2075. Our actions on Medicare are even more deplorable. We started this year with the goal of extending the solvency of the Medicare Trust fund and possibly expanding the benefits for beneficiaries, such as providing a prescription drug benefit. Instead, however, we've gone backwards. The Medicare benefit package has not been modernized. Efforts to rationalize the program have been rejected.

Finally, and perhaps most disappointingly, the solvency of the Hospital Insurance Trust Fund has been reduced by 1 year. Estimates at the beginning of this year placed the date of insolvency for the Hospital Insurance Trust Fund in Fiscal Year 2015. As a result of the unfunded additional Medicare spending included in this bill, the insolvency date has moved forward to Fiscal Year 2014.

Not only were we unfaithful to the commitments we made regarding Social Security and Medicare, we missed other opportunities to make constructive use of the on-budget surplus.

Mr. President, we could have further strengthened the economy by pursuing tax reform. We could have made critical investments to protect our national treasures such as the National Park system. Or we could have reduced the disgraceful number of Americans, particularly children, who don't have access to health care. These proposals have one thing in common—a bold, coherent vision. This final appropriations bill and its blizzard of special interest handouts reflects no such vision. It contains no bold initiatives worthy of the 21st century. Instead it fritters away a substantial portion of the surplus—squandering resources that could instead be used to build a better future.

Mr. President, how did we get here? At the beginning of the year, CBO projected the FY 2000 on-budget surplus to be $21 billion. In May Congress passed a supplemental appropriations bill providing $15 billion for reconstruction aid for Central America and the Caribbean, assistance to Jordan pursuant to the Wye River accords, farm loan assistance, and funding for our operations in Kosovo. Much of the May supplemental bill was designated as an emergency and thus was not offset with corresponding spending reductions or revenue increases.

The consequence of that legislation was a $15 billion reduction in the non-Social Security surplus—$7 billion of which reduced the FY 2000 on-budget surplus. Passage of the May Supplemental transformed a $21 billion surplus into a $14 billion surplus. In August, Congress passed the fiscal year 2000 Agriculture appropriations bill that included more than $8 billion of "emergency" spending. Like the Supplemental before it, these "emergency" funds were not offset with corresponding spending reductions or revenue increases.

Therefore, this spending directly reduced the FY 2000 surplus. A $14 billion on-budget surplus quickly shrunk to $6 billion.

In October, Congress considered the appropriations bill covering the Defense Department. Incredibly, that legislation designated funding for routine operations and maintenance as an emergency. That designation, as with those proceeding it, means that the no offsets were required. No offsets, however, does not mean that the spending does not have a real economic effect. The emergency spending included in the Defense Appropriations bill further reduced the Fiscal Year 2000 on-budget surplus by $5 billion, which the next column in my chart illustrates.

Mr. President, by the end of October Congress' voracious spending reduced the on-budget surplus from $21 billion to $1 billion. With passage of this Omnibus appropriations bill, Congress will not only complete its assault on the on-budget surplus but also begin its raid on the Social Security surplus. The $21 billion on-budget surplus projected for FY 2000 has vanished. In addition, this Omnibus bill spends $17 billion of the FY 2000 Social Security surplus.

Mr. President, no amount of budget trickery or accounting slight of hand can hide these facts. Those attempting to obscure this reality will soon be exposed. At the end of the year the Congressional Budget Office will total up the cost of our actions and tell us how they affected the national debt. The debt will no doubt be reduced in Fiscal Year 2000. Because of these budgetary tricks and shenanigans, however, we will miss the opportunity to make an even more substantial reduction in the national debt and the burden it imposes on our Nation. Worse yet, we have already staked claims against the on-budget surpluses projected beyond next year.

For example, at the beginning of the fiscal year the discretionary spending limit was $572 billion. With this bill, actual spending will be closer to $610 billion. If we assume that Congress maintains this level of spending—$610 billion—for each of the next ten years, CBO's projected on-budget surplus of $996 billion shrinks by $145 billion. These are the on-budget surpluses CBO projected in July assuming we would adhere to the discretionary spending caps.

The orange bars show the surpluses we can expect if we hold freeze spending at the levels established for Fiscal Year 2000 for each of the next four years.

As my colleagues can see, it is increasingly unlikely that the large on-budget surpluses over which we salivated throughout the summer will materialize.

In addition, this budget agreement contains other items—Medicare spending and tax breaks—which are not offset by either spending reductions or additional revenues.

The Omnibus appropriations bill includes changes to the Medicare reimbursement rules which increase Medicare spending by $1 billion in Fiscal Year 2000 and $27 billion over the next ten years.

That increased spending will come directly out of the Social Security surplus in Fiscal Year 2000 and from the on-budget surplus in later years.

This afternoon we will consider a bill to extend certain expired provisions of the Internal Revenue Code.

Earlier this month, the Senate passed legislation that extended these provisions on a fiscally responsible basis.

That bill was fully offset, and as such, would not have jeopardized the on-budget surplus.

I regret that the product coming out of the Conference is not as responsible.

The "extenders" bill before us today will reduce the on-budget surplus over the next ten years by $18 billion.

These spending commitments—a higher discretionary spending baseline as a result of the Fiscal Year 2000 appropriations bills, the extenders bill and the BBA addbacks—will spend almost 20 percent of the $996 billion on-budget surplus projected for the next ten years.

In fact, Mr. President, the additional spending as a result of the BBA addbacks and the lost revenue from the extenders bill are likely to completely wipe out the Fiscal Year 2001 surplus.

CBO projects that Medicare spending will increase by $6 billion in Fiscal Year 2001 as a result of this bill.

The Joint Committee on Taxation estimates that the "extenders" legislation will reduce revenues in Fiscal Year 2001 by $3 billion.

That $9 billion cost is greater than the $3 billion on-budget surplus that will remain in Fiscal Year 2001 assuming spending for that year is frozen at this year's levels.

Mr. President, what did we buy with this torrent of spending?

Certainly some positive things are included in this legislation.

I am deeply concerned, however, with many of the provisions in this gargantuan bill and their implications for our future.

Let me give you two examples.

YELLOWSTONE

Many of the decisions reflected in this agreement were made in isolation and will have unexpected negative consequences.

The individual operating budgets for the national parks have not been adjusted to accommodate the full 4.8 percent federal employee pay raise.

Instead, their budgets reflect only a pay raise of 4.4 percent.

The additional 0.4 percent must be absorbed through reductions in the remainder of their budgets—principally operations and maintenance.

The parks must absorb an additional 0.4% reduction as a result of the across-the-board cut included in this bill.

Yellowstone National Park's budget is $24 million—90 percent of which goes to pay salaries.

The combination of the pay raise shortfall and the across-the-board cut will force a reduction of $200,000 from the operations and maintenance accounts.

Why is this important?

Yellowstone National Park was included as one of this year's ten most endangered parks by the National Parks and Conservation Association.

It has been referred to as "the poster child for the neglect that has marred our national parks."

The policies established in this bill, combined with the previously adopted pay raise, raise serious concerns that the quality of our national parks will continue to decline.

I do not allege that anyone started out with this goal, but the consequences of this budget agreement may have that result.

I suspect this example of Yellowstone National Park will be repeated throughout the federal government.

BBA ADDBACKS

This bill also represents a triumph of special interests.

Having previously beaten back the Patient's Bill of Rights legislation, the managed care industry uses this bill to further advance its financial position.

$8.7 billion of the $27 billion of additional Medicare spending in this bill will go to the HMO industry.

Mr. President, what this means is nearly one-third of the Medicare money in this bill will go to the managed-care industry even though they only cover one-sixth of the beneficiaries.

This comes at a time when the General Accounting Office and Medpac say that HMOs are being overpaid, not underpaid, by Medicare.

I find it strange, Mr. President, that lobbyists for the managed care industry came to Capitol Hill crying for help when they tell their shareholders a very different story.

Let me read excerpts from a few HMOs' recent press releases.

For example, Pacificare said this in its press release announcing its third quarter earnings: "We posted strong revenue growth . . . due to membership growth and favorable premium pricing. Our confidence in and outlook on the future is very positive." (Oct. 27, 1999)

Aetna had this to say: "This is the seventh consecutive quarter of growth in operating earnings per share for Aetna . . . Aetna U.S. Healthcare continued to post solid commercial HMO membership increases." (Oct. 28, 1999)

United Health Group made the following bold proclamation: "Our strong results continue to be driven by a balanced combination of growth, operating margin expansion, and capital structure enhancement. We look for ongoing progression in these key areas as we move into and through the year 2000." (Nov. 3, 1999)

These are surprisingly upbeat statements coming from an industry that came to Congress crying the blues.

The Medicare section of this bill has other deficiencies.

An opportunity for reform through competitive-bidding of the HMO industry was cut off at the knees in a midnight assault.

This bill includes language prohibiting the Secretary of HHS to negotiate with durable medical equipment providers to secure better prices for the Medicare program and Medicare beneficiaries.

By putting off the implementation of these provisions, possibly for years, we are taking millions of potential savings out of the pockets of Medicare beneficiaries.

The question members of Congress must ponder over the coming holidays is how to avoid a repeat of this awful process next year.

I hope that the FY 2001 budget will be one that I can support.

In order for that to occur, next year's budget must start with a bipartisan process.

This first 10 months of this year were spent with the President and Congress ignoring each other's existence.

Only during the past ten days—fully 40 days after the fiscal year end—did the two sides begin negotiating a conclusion to this year's budget clash.

We must break the cycle of end-of-the-year budget showdowns that produce nothing but partisan rancor.

We must also press for budget reforms that will ensure the bad habits of the past two years do not become institutionalized.

While there are many targets for reform, at the top of the list is the need to change the manner in which we designate certain spending as an "emergency".

Two-thirds of the reduction of this year's surplus—more than $25 billion—happened because Congress overrode fiscal discipline by using "emergency" designations.

Senator SNOWE of Maine and I have introduced legislation that would establish permanent safeguards to protect the surplus from questionable "emergency" uses.

Specifically, that legislation would do the following:

1. Create a 60-vote point of order that prevents non-emergency items from

being included in emergency spending bills.

2. Create a 60-vote point of order that allows members to challenge the validity of items that are designated as "emergencies."

3. Require a 60-vote supermajority in the Senate for the passage of any bill that contains "emergency" spending.

Given that next year is a Presidential election year, it is unlikely that much will be accomplished.

An issue that will receive a great deal of attention in next year's election will be how best to use the on-budget surplus.

Several Presidential candidates have already outlined proposals that envision using the on-budget surplus for larger goals.

Vice President GORE supports the President's proposal for using some of the on-budget surplus to extend the solvency of the Social Security program.

He has also outlined a series of steps to expand health care coverage to the uninsured.

Senator BRADLEY has championed a plan to extend health care coverage to 95% percent of the nearly 45 million uninsured adults and children.

Governor Bush supports cuts in marginal tax rates, reductions in the so-called marriage penalty, and the elimination of the estate tax.

Senator MCCAIN would dedicate a portion of the surplus to tax cuts and transitioning the Social Security program to one that incorporates individual accounts.

Incidentally, Senator MCCAIN characterized this deal as "a scathing, unconscionable depiction of the way we do business in Washington."

Other candidates have proposals—transitioning to a flat tax, education reform—most of which look to the on-budget surplus as a means of financing.

These are all significant ideas, but if Congress continues this year's pattern in Fiscal Year 2001, they will be ideas starved for the resources to make them a reality, whomever the people elect.

Ultimately, the American people will provide their input on this matter through the decision they make next November.

Next year's budget should not short-circuit those ideas.

Instead, the goal for next year's budget should be to protect the surplus and therefore preserve the options available to the next President.

We must avoid a last minute, unfunded spending spree like that contained in the bill before us today.

Mr. President, it is a major disappointment that we didn't exercise this kind of fiscal discipline in 1999.

But when we return to inaugurate the second session of the 106th Congress, we will have the benefit of a new century, a new millennium, and a fresh start.

I hope that we can use that opportunity to seize the future rather than repeating the mistakes of the past.

This session began with great opportunities. We had a budget surplus. We had a strong economy. We had an opportunity to make decisions that have long-ranging positive effects on our economy. We have largely frittered away all of those opportunities.

The President and the congressional leadership began the year by joint commitment that our first priority was going to be to save Social Security and to strengthen Medicare. What happened after we finished the applause at the State of the Union? What has happened is we have ignored both of those commitments.

Social Security: No structural change. We have not extended by a second the solvency of the Social Security program. Yes, as the Senator from New Mexico said, we have reduced the national debt by $130 billion as a result of funds from the Social Security trust fund. That is the good news. The bad news is we should have reduced it by $168 billion, which is what we would have done had we preserved all of the surplus for strengthening Social Security and Medicare. His statement admits the fact that $17 billion of Social Security surplus has, in fact, been spent for purposes other than reducing the national debt and saving Social Security.

Medicare: We have made no structural changes in Medicare. Medicare, in fact, has 1 year less solvency as a result of what we are doing than it did when we started this process in January.

How did we get here? We got here because we have frittered away $168 million surplus down to $130 billion by a series of, first, emergency spending, and then an avalanche of budget gimmickry at the end of the session, much of which is in the bill we are about to vote on which has chewed up all of the non-Social Security surplus and $17 billion of the Social Security surplus.

What is the long-term consequence? The long-term consequence is we have already spent $190 billion of our 10-year non-Social Security surplus of $996 billion. One out of every $5 that we had in January for the non-Social Security surplus we have either spent or committed in the fiscal year. In fiscal year 2001, we have already spent all but $3 billion of the over $40 billion of the non-Social Security surplus. And with the actions we are about to take, we are going to be into Social Security for the next fiscal year by over $6 billion. That is what we have done with all the opportunities that were available.

I hope we will have learned from these lessons that we will apply some basic principles for next year, that we will try to be more bipartisan, that we will try to adopt some processes that will constrain us against the kinds of actions that have led to this sorry state of affairs this year, that we will commit we will exercise real fiscal discipline so the American people, based on who they elect as President in November of next year, will have an opportunity to make some fundamental decision.

Do they want our surplus to be used for Social Security? Do they want it to be used for Medicare? Do they want it to be used for tax cuts? Do they want it to be used to reduce the number of Americans who do not have health care coverage? What are their priorities? We are spending the money like drunken sailors and the American people are being denied the opportunity to state their opinions as to what we should be doing with their money.

It is with regret, as we have repeated against what we did last year, I must vote no on the legislation that will soon come before the Senate as the concluding fiscal act of 1999 and hope we will do better next year.

EXHIBIT 1

[From the Washington Post, Nov. 19, 1999]

. . . AND BROUGHT FORTH A MOUSE

It is fitting that this legislative year should end with an almost imperceptible across-the-board spending cut that will not be across the board. It is hard to think of a single aspect of the budget that has not been seriously misrepresented in the past nine months of debate. There is always a certain amount of straying from the truth in regard to budgets. This year it has reached Orwellian proportions.

The final agreement on which the House was to vote last night and the Senate thereafter was touted yesterday by both sides as a major achievement. The major achievement consisted of no more than passage six weeks into the fiscal year of the last five of the 13 regular appropriations bills on which the operation of the government depends. Those 13 ordinary bills are the only fiscal accomplishment of a Congress that began with lofty talk on the part of the president as well as the leadership of both parties of solving long-range fiscal problems. They solved none. The only consolation is that, by virtue of incompetence, they managed not to make any seriously worse, either.

The Republicans crow that they came through the year without using the Social Security surplus to help finance the rest of government. But (a) that's a non-accomplishment, in the sense that the same IOUs are put in the trust fund whether the surplus is used to finance other programs or pay down debt. And (b) it didn't happen. They achieved the result on paper only, by use of gimmicks. In some cases, they simply denied that spending for which they voted—and which they busily called to the voters' attention as evidence of why they should be reelected—would actually occur. They disappeared it. In other cases, they simply kicked it over into next year. It will hugely compound their problems then. There has been much talk that a new fiscal standard has been obliquely adopted, whereby the rest of government, meaning all but Social Security, will hereafter have to live within its own means. That would be fine with us, but what this year's record suggests is not a new standard to be adhered to so much as a new one to be systematically lied about.

Meanwhile, they did what they always do in writing end-of-session bills. They stuffed it full of goodies, using public funds or power to curry favor with the folks back home. There is fine print in the legislation meant to benefit Sallie Mae, the giant and decidedly non-needy Student Loan Marketing Association; dairy farmers; the recycling industry; transplant surgeons; and who knows who else. Most of these are provisions that, for good reason, could not pass on their own. The president called the agreement a "hard-won victory for the American people." In fact, it's a shabby, showy end to perhaps the least productive, nastiest and most duplicitous session of Congress in modern memory. They should hang their heads as they scurry home.

Mr. FEINGOLD Mr. President, I don't know if many of my colleagues have actually taken the time to read the bill before us.

If they have, they would have found some interesting provisions.

For example, Section 1001, titled "PAYGO Adjustments."

It appears at the very end of the printed text of H.R. 3194.

There are three subsections to this provision, and from what I can tell, this is what they do.

The first subsection declares that the mandatory spending that was folded into this bill—I believe mostly the provisions that restore Medicare funding—are not to be scored against the discretionary spending caps.

The second subsection then declares that the Medicare funding shall not be scored on the PAYGO ledger.

In other words, Mr. President, the roughly $16 billion in mandatory spending provided in the Medicare portions of this bill over the next 5 years will be completely excluded from the statutory budget rules that require such spending to be offset.

The last subsection, Mr. President, then zeroes out the PAYGO ledger entirely.

This means that no spending in this bill and none of the net cost of the tax expenditures in the tax extenders bill—none of it—will be counted on the PAYGO ledger.

It won't have to be offset this year, next year, or ever.

Mr. President, what is going on here? Why is this language needed?

It is needed, Mr. President, if you don't want to pay for the mandatory spending done in this bill or the net revenue losses in the tax extenders bill.

The proponents of this language may wish to argue that they are using the budget surplus to pay for all of this.

Mr. President, let me ask them: "What surplus is that?"

We did not have a surplus this past fiscal year.

And given the track record of this Congress, when September 30, 2000 rolls around, there is an excellent chance we won't have a surplus then, either—at least not without counting the Social Security Trust Fund revenues.

Mr. President, yesterday I was pleased to add my name to a measure the senior Senator from Texas was circulating honoring among others the Nobel Prize winning economist Milton Friedman.

As many know, Professor Friedman made famous the phrase: "There is no free lunch."

Well, Mr. President, I must tell my colleagues that passing a law declaring a free lunch will not make it so.

Congress can declare that the Medicare provisions of this bill will not cost anything, but that doesn't make it true.

Congress can declare that the tax extenders bill will not result in any lost revenue, but again, that will not make it true.

Mr. President, the PAYGO Adjustments section isn't the only one that tries to declare a free lunch.

We see it in the indefensible use of the so-called emergency designation.

I'll take just one example, the decennial census.

Mr. President, we have known for many years that there would be a census taken next year.

In fact, it's provided for in our Constitution.

In a very real sense, we have known for over 200 years that there would be a census next year.

It comes as no surprise.

But you wouldn't know that if you read this bill, Mr. President.

This measure provides that nearly $4.5 billion in funding for the census is to be declared an emergency.

An emergency, Mr. President.

Who are we kidding?

Next year's census is an emergency?

This is nothing more than a budget gimmick to avoid having to make tough choices.

Mr. President, I have no doubt there are other examples of the misuse of the emergency designation in this bill.

Over the next few weeks we will probably see news stories about just what Congress views as an emergency.

Mr. President, as must be painfully obvious to my colleagues by now, the dairy provisions alone in this bill make it completely unacceptable to me, and I will be voting against the bill for that reason.

However, even if those provisions were not included in the legislation, I would still oppose it, and I would oppose it in part for the budget gimmicks that are strewn throughout it.

Mr. President, I yield the floor.

Mr. McCAIN. Mr. President, I cannot support this budget deal because it spends the budget surplus, breaks our pledge to reduce the size and intrusiveness of the government, fails to deliver the tax relief American families deserve, and further imperils the Social Security system upon which so many Americans depend for their retirement security.

The "budget crisis" has become an annual, end-of-the-year ritual in which closed-door deals produce even more fodder for public cynicism about their government. This budget deal shortchanges American taxpayers and benefits special interests, illustrating once again that the President and a majority of the Congress would rather spend the budget surplus on big government, special interest giveaways, and pork-barrel spending.

This deal makes a mockery of our obligation to responsibly exercise the "power of the purse" conferred on the Congress by the Constitution.

It busts the budget caps set just two years ago by more than $20 billion.

It obscures the true cost of the deal by using $36 billion in budget gimmickry.

It contains nearly $14 billion in everyday, garden-variety pork-barrel spending.

It spends every dime of the non-Social Security surplus, instead of setting that money aside to provide tax relief to American families, and shore up Social Security and Medicare.

It resorts to an across-the-board budget cut to avoid dipping into the Social Security surplus, rather than making the hard choices among spending priorities.

Some people have said this year's deal is not as bad as last year's deal. Looking at some statistics, that could be true to a certain extent:

Last year, the omnibus appropriations bill was 4,000 pages long and weighed over 40 pounds; this year's stack of bills is only about 1,500 pages long but it's almost a foot high.

Last year's deal was done 21 days late and covered 8 of the regular appropriations bill that funded 10 federal agencies; this year's deal covers only 5 of the regular spending bills for 7 agencies, but it's 50 days overdue—more than twice as late as last year.

Last year, the negotiators added more than $20 billion in extra spending; this year, they only added a little more than $6 billion.

And last year, the whole deal was wrapped up in a single bill that included the text of 7 spending bills and a host of other legislation; this year, we are casting one vote, but it will count as a vote on each of 10 separate bills.

I guess one could legitimately claim, based on those statistics, that this year's deal is not as bad as last year's deal. But like last year, this year's budget-busting behemoth is not amendable by any Member of Congress not involved in the negotiations over the past several weeks. Like last year, the process was deliberately designed to prevent any Member of Congress from changing any aspect of this back-room deal. What a farce.

Mr. President, like last year, this non-amendable budget deal is loaded down with pork, its true cost is obscured by budget gimmickry, and it is weighed down by policy "riders" that have no place in budget bills.

Before this deal was cut, the Senate had already passed spending bills containing over $13 billion in wasteful, unnecessary, and low-priority spending that was added without benefit of consideration in the normal, merit-based review process. That's more than the $11 billion added by Congress for Fiscal Year 1999, and almost twice the $7 billion wasted in Fiscal Year 1998. On my website, I have published 264 pages of pork-barrel spending projects in the appropriations bills that passed the Senate earlier this year.

The bill before the Senate today contains even more everyday, garden-variety pork-barrel spending—almost half a billion dollars more than in the original bills. Some items which agencies were "encouraged" or "urged" to fund in earlier versions of these appropriations bills have now been earmarked for funding. Other projects that were earmarked in report language are now included in the bill language. Presumably, these further clarifications of Congressional intent were included to improve upon the already near certainty that these pork-barrel projects will be funded ahead of other projects of possibly higher priority or more deserving of the taxpayers' support.

Just a few examples of new earmarks and special interest items in this bill include:

$2 million for the University of Mississippi for a phytomedicine project.

$1 million for the Noble Army Hospital of Alabama bio-terrorism program.

$300,000 for the Vasona Center Youth Science Institute.

$5 million for the International Law Enforcement Center for the Western Hemisphere in Roswell, New Mexico

$160,000 for a Mason City, Iowa, bus facility

$250,000 for the New York Hall of Science in Queens, New York

$100,000 for the Philadelphia Orchestra's Philly Pops to run a jazz-in-the-schools program in Philadelphia

$2.5 million for the Dante-Fascell North-South Center

$1,840,000 for Kansas buses and bus facilities (in addition to the $1.5 million already provided).

Mr. President, as my colleagues know, over $7.4 billion of the pork-barrel spending in this year's budget is in the defense budget, including almost $1 billion in low-priority military construction projects. This waste is disgraceful at a time when the Army's most recent assessments of its forces show none of the Army's divisions is rated at the highest state of readiness, or C-1. Not one of our Army divisions has the resources and training to undertake the wartime missions for which they are ordered to be ready. Shortfalls in personnel, parts, and funding, combined with extended deployments on peacekeeping and other contingency operations, have contributed to a serious decline that puts our soldiers at greater risk if a conflict were to erupt, and threatens the ability of our forces to prevail. This is a disgrace and an abomination that the American people will not tolerate.

Mr. President, for those who wonder how these projects are paid for, let's look at the clever budget gimmicks that are included in this deal.

First, there is the "emergency" spending designation, which most reasonable people assume should be used only for disasters, emergencies, and other unforeseeable happenings. Well, in this deal, the Congress has expanded somewhat the definition of "emergency" to include: the 2000 census, which we've known about since the Constitution was written, routine military training and base operations, and even the Head Start program.

So-called emergencies in this year's spending bills add up to $24 billion. Some of the uses of these funds are truly emergencies, such as alleviating severe economic hardship on small farmers or assisting those devastated by hurricanes. But over half of the emergency funds are designated as such in a blatant effort to avoid the discipline of the budget caps. The reality, however, is that "emergency" spending must still be paid for by tax revenues. And the tax revenues that will pay for most of these emergencies are those generated by Social Security taxes, that are supposed to be reserved to pay benefits for retirees.

Another gimmick is the use of "forward-funding", whereby money is appropriated for projects or programs, but it cannot be spent until the first day of the next fiscal year. This money is not counted against this year's budget caps, but again, it is real spending that must be paid for next year, within even more stringent budget caps.

Using the "forward funding" gimmick, a staggering $10 billion for job training, medical research, and education grants is pushed into next year, potentially impairing the management and effectiveness of these programs. In addition, the Department of Defense is directed to delay timely payments on its contracts to save $2 billion. This gimmick will result in higher costs for the Pentagon because of late payment fees and disruption in programs under contract.

Mr. President, most disgraceful, however, is a new gimmick that will delay paychecks for all military personnel and federal civilian employees for three days from September 29 to October 2, 2000. For the sake of a few billion dollars worth of pork, the Congress is withholding hard-earned pay from those who volunteer to serve their nation in the military or as a civil servant.

The potential impact on these men and women and their families is immeasurable. Many may have to pay late fees on rent or other bills and penalties and higher interest on credit cards. Some families, especially those who already are forced to subsist on food stamps, will have to struggle doubly hard to put food on the table while they wait for the Congress to pay them for their service.

Mr. President, I find it absolutely outrageous that the Congress would attempt to balance this pork-laden budget deal on the backs of our men and women in uniform. Is this the way we show our respect and appreciation for those who are willing to put their lives at risk for all of our freedoms? Is this the way we repay the families of our service men and women who spend many months and years separated from their loved ones during wars and overseas assignments? This is disgraceful, and I am ashamed that the Congress would take this action against those whose duty and sacrifice we should honor, not abuse.

Mr. President, I think it is important that the American public know that this paycheck slip gimmick—a gimmick that denies our proud men and women in the military, and hard-working people who work for the government the pay they have worked for and deserve—this gimmick does not affect the Congress. No one who works on Capitol Hill will get their paychecks even a day late. No one who was involved in negotiating this abominable deal—not Senators or Congressmen or their staffs—will get their paychecks late. Clearly, this demonstrates to the American people the Congress' opinion of its own importance.

Several other gimmicks abound in this deal—transferring surplus funds from the Federal Reserve into general revenues, improved collection of student loans, and more rescissions of funding from various programs, totaling several billion dollars in claimed savings.

And finally, in order to get closer to balancing the books on this budget deal, the negotiators picked and chose among the cost estimates provided by the competing budget scorekeepers for the Congress and the Administration, taking the lowest estimate they could find for each program so that they could squeeze more pork into the deal. The negotiators claim that their deal costs about $17 billion less the Congressional Budget Office estimates. What this means is that, despite vehement claims to the contrary, $17 billion of the Social Security surplus will be used to pay for the waste and largesse in this budget deal. Taking another $17 billion from an already financially unstable Social Security system will only exacerbate the fears of many Americans about their retirement security.

Ironically, Mr. President, none of these specific gimmicks yielded enough "savings" to bring the budget deal back under control and keep our hands out of the Social Security cookie jar. And since no one was willing to volunteer cuts in any of their special interest programs, the negotiators took the easy way out. Rather than setting budget priorities, like any American family must do to make ends meet, the negotiators resorted to an across-the-board cut of about $2 billion.

At first glance, one would think that the President, who so stridently objected to this indiscriminate cut when he vetoed an earlier bill, would have objected to its inclusion in this deal. But it seems that the negotiators decided to give the President a whole lot of flexibility in choosing the programs that will be cut. For example:

If the President doesn't want to cut the White House travel budget by four-tenths of a percent, he can instead cut funding for the National Security Council staff.

If he doesn't want to cut the staff budget of the Attorney General, he can instead cut the funding for the Waco investigation or take a million dollars out of programs to prevent violence against women.

If he doesn't want to cut the administrative accounts of the Secretary of Education, he can cut Head Start by another couple million dollars.

If he doesn't want to cut the drug czar's office expenses account, he can cut $200,000 or more of the funding for the anti-heroin strategy.

If the President doesn't want to cut four-tenths of a percent of the funding for any one program, he can instead cut up to 15 percent of any line item approved by the Congress in any appropriations bill this year to get the savings.

Even though I clearly don't think Congress has done a very good job of allocating resources among our nation's priorities, why in the world would the Congress cede to the President the ability to decide where to take almost $2 billion from programs that have been approved by Congress through the appropriations process? Frankly, I recommend that the President take that money out of the $13 billion in pork that the Congress added to the budget.

Finally, Mr. President, let me take a moment to talk about the policy "riders" that have found their way into the appropriations process this year. As my colleagues know, the Senate has a rule—Rule 16—that is supposed to prevent the inclusion of legislative or authorizing provisions in spending bills. In fact, the Senate voted earlier this year to reinstate that rule. Unfortunately, when a process moves behind closed doors, these "riders" seem to proliferate.

There were over 65 legislative riders on the appropriations bills that passed the Senate earlier this year, but it seems that every time I turn around, I hear about another issue that will be rolled into this non-amendable budget package.

Perhaps that is a result of the fact that these end-of-the-year budget deals are usually negotiated by Members of the Appropriations Committee, rather than the authorizers. Or it may be driven by the need to garner support for the deal from Members who may have a special interest in an issue. Whatever the reason, the inclusion of legislative matters thwarts the very process that is needed to ensure that our laws address the concerns and interests of all Americans, not just a few who seek special protection or advantage.

Some of these riders are not necessarily objectionable to me, but the circumvention of the authorization process that took place makes me unable to benefit from the advice and recommendations of the committees of jurisdiction and their members. I should note, however, that many of the reported efforts to add riders to the bill were unsuccessful, for which I applaud the negotiators. However, most of the 32 new riders in this bill are highly objectionable because of their content as well as the process that led to their inclusion in this budget deal.

For example, one of the last-minute riders in this legislation would grant a new lease on life to the milk cartel known as the Northeast Dairy Compact, which milks consumers in New England by providing an above-market price to the region's dairy farmers. The compact is set to expire under a bill this Congress passed in 1996, but the pending legislation would reverse this "Freedom to Farm" reform. The legislation before us would also overturn milk pricing reforms mandated by Congress in 1996, supported by our Department of Agriculture, and ratified by the nation's dairy farmers in a referendum last summer. These reforms were developed by USDA over a three-year period and reflect a consensus-based approach worked out with America's dairy farmers and producers. Consumer groups estimate that blocking milk pricing reform in favor of the current system, as this legislation does, will cost consumers across America between $185 million and $1 billion a year—a sharp blow to low-income individuals, who spend more on dairy products as a portion of household income. I cannot in good conscience support the repeal of market-oriented reforms passed by a Republican Congress in 1996 to benefit American consumers. I fear that, yet again, a narrow core of special interests has trumped the people's interest in consumer-oriented milk pricing and marketing reforms.

Another last-minute rider will carve out liability exemptions for certain recycling businesses under the Superfund law. Although these same provisions are under consideration in a separate bill as well as part of a broader Superfund reform effort, this rider affords special treatment to a small group of affected industries with a last-minute add-on that is another of a targeted special interest deal. Superfund reform is important to our nation, yet such piece-meal measures can thwart the intentions and progress of those who have made good-faith efforts to work through a legislative process.

Regarding the inclusion in this deal of the restoration of certain Medicare benefits, in 1997, Congress made some difficult, but necessary changes in the financial structure of the Medicare system as a part of the Balanced Budget Act. These changes were needed to strengthen the system and delay its impending bankruptcy from 2001 until 2015. These reforms allowed us to preserve and protect the Medicare program while increasing choice and expanding benefits for beneficiaries.

However, at the end of last year, many of us began hearing from health care providers and seniors about the unintended negative consequences which certain provisions may be having on current beneficiaries and providers in the Medicare system. There has been increasing concern that certain reimbursement reductions and caps contained in the Balanced Budget Act could result in access problems for our nation's seniors if they were not adjusted this year. Personally, I have grown increasingly concerned about this problem, particularly about the negative impact on health care delivery which it may pose for our nation's most frail or rural elderly.

While I support the overall intentions of these provisions, I am concerned about provisions which have been slipped in to benefit only a select area or specific companies, rather than addressing the national problem of access to safe, quality and affordable health care for Medicare recipients. For example, hospitals in Iredell County, North Carolina; Orange County, New York; Lake County, Indiana; Lee County, Illinois; Hamilton-Middletown, Ohio; Brazoria County, Texas; and Chittenden County, Vermont are given special consideration for reimbursement under the Medicare program. Wesley Medical Center in Mississippi as well as Lehigh Valley Hospital are given special reimbursement consideration under this bill. Meanwhile, the District of Columbia, Minnesota, Wyoming and New Mexico are provided increases for their hospitals. Sadly, Congress has once again taken a well intentioned piece of legislation and inserted provisions directly benefitting only a select few at the expense of all taxpayers.

Finally, Mr. President, nothing would please me more than being able to endorse all the satellite television provisions included in this appropriations bill. Some of them are good news for satellite TV consumers, who would gain the ability to receive local TV signals as part of their satellite TV service package, have discontinued distant network TV station signal service restored, and be relieved of unfair limitations on their ability to subscribe to distant network signals when their local network stations are unwatchable off-air. Cable TV subscribers would also be indirect beneficiaries, because anything that makes satellite TV a more attractive alternative to cable TV increases the cable operators' incentive to keep monthly rates in check. Considering the fact that cable TV rates have increased more than 20 percent since the passage of the 1996 Telecom Act, cable subscribers more than deserve this kind of break.

Despite all this, and despite the fact that I have worked for over a year and a half to bring procompetitive relief to satellite TV and cable TV subscribers, I find myself having to speak out against some of the other satellite TV provisions that also appear in this bill.

Why? Because these other provisions substantially undercut the bill's promised consumer benefits. Why, then, were they included? To protect special interests—in this case, the TV broadcasters, the TV program producers, and the professional sports leagues.

The primary special interest benefitted by these new provisions is the TV broadcasters. Under the law they're considered to be "public trustees," and as such they have enjoyed considerable protection against competition, thanks to the Congress (which fears the power of the local network stations) and to the FCC (which fears the Congress).

Nevertheless, neither Congress nor the FCC can hold back technology, and local broadcasters have increasingly found themselves subjected to competition from new multichannel video technologies—first cable TV, and now, satellite TV. So the last thing the broadcast TV industry is receptive to is the prospect that satellite TV might be able to increase its competitive power and thereby lure more of the local broadcast audience—and revenue base—away.

That was one of the reasons why local broadcasters finally sued satellite TV companies that were offering distant network TV stations to subscribers who technically weren't entitled to receive them—even though many of these subscribers had, in fact, been receiving them for years without causing any apparent harm to local stations. The lawsuit was successful, and as a result many existing satellite TV subscribers found their distant network stations suddenly dropped, even when they couldn't get satisfactory off-air service from their local stations.

Not surprisingly, this led to widespread consumer protest. The House and the Senate Commerce Committees passed legislation that, taken together, would have solved satellite TV consumers' problems without inflicting material harm on broadcasters. But the legislation before us today contains a number of new provisions that will hurt satellite TV consumers and serve no purpose other than protecting the congruent interests of the well-heeled TV broadcasters, program producers, and professional sports leagues. These new provisions will adversely impact the very competition Congress claims it's trying to enhance, and the very satellite TV consumers Congress claims it's trying to help.

The first of these objectionable new provisions directly affects the ability of satellite TV companies to offer their subscribers local TV stations. Specifically, it governs the process whereby satellite TV companies negotiate with the TV networks for the rights to carry their local affiliates.

This issue has always been one of considerable concern because the TV networks have the stronger bargaining position, and the incentives, to extract unfair prices and conditions from satellite TV companies in return for giving them the right to carry local affiliates. Satellite TV companies' inability to offer local network stations has been cited repeatedly as the principal competitive disadvantage satellite TV companies face. The TV networks, therefore, begin with a strong bargaining advantage. Added to this is the fact that the networks also hold substantial cable TV programming interests, which increases the possibility that they could seek to extract further competition-dampening conditions that would serve the interests of their cable-channel partners. And, of course, the fact that the networks' local affiliates have been in litigation with the satellite TV industry adds to the concerns about the networks' incentives to withhold consent to carry their local affiliates unless, and until, the satellite TV carriers agree to whatever onerous and unfair terms and prices the networks might choose to dictate.

Now let's see how this legislation deals with this critical issue. Not only does this legislation omit fair-dealing requirements that had been included in the House bill; it adds a new provision, dictated by the broadcast industry, that makes a mockery of any notion of fair dealing.

This new provision gives satellite TV companies a six-month "shot-clock" to negotiate and obtain a signed retransmission consent agreement from a TV network for carriage of its local affiliate. During this time the satellite TV company could begin offering the station to its subscribers.

But there's a catch if, at the end of six months, the satellite TV company doesn't get the consent. First of all, the broadcaster, and only the broadcaster, is allowed to file a complaint and request a cease-and-desist order from the FCC. Moreover, the legislation doesn't simply deprive an aggrieved satellite TV company of the ability to file a complaint against an unreasonably recalcitrant broadcaster; it goes further, and specifically denies the satellite TV company any right to claim that the broadcaster didn't negotiate in good faith. These patently unfair provisions are complemented by penalties so stringent that no satellite TV company in its right mind would knowingly risk them.

Let's examine exactly what this is will mean in real terms. The big benefit that satellite TV consumers are supposed to get from this legislation is local signals, and their ability to get local signals depends on their satellite TV company's ability to close a deal with the networks, which have strong bargaining power and palpable disincentives to deal dispassionately. So what does this new provision do? It deletes the substantive provision that would have provided a statutory guarantee of fair dealing, adds a complaint process front-loaded to benefit the party that has the stronger bargaining position and the incentive to deal unfairly, deprives the party that's in the weaker bargaining position from raising unfair treatment as a defense, and imposes huge penalties on the party with the weaker bargaining position if it fails to enter into an agreement before the six-month deadline expires.

In practical terms, this presents any underdog satellite TV companies that don't already have retransmission consent agreements with a set of Hobson's Choices when it comes to offering local stations. They can, of course, simply not begin carrying local stations unless and until they have the required retransmission consents. That's the safest thing to do. But if they don't start carrying local signals right away, they certainly won't be offering their customers the "local stations by Christmas" promised by those who back this legislation. In addition, they'll not only be perpetuating the competitive disadvantage they already face when it comes to competing with cable TV; they'll be incurring a completely new competitive disadvantage when it comes to competing with other satellite TV companies that already have agreements. If, on the other hand, a satellite TV company begins offering local signals before obtaining the necessary agreements, it entails the risk that if the six month negotiation period runs out without mutually-acceptable terms having been reached, the satellite TV company will have to either drop the local signals or agree to whatever terms the network wants.

Pretty clearly, the effect of this new provision is pro-broadcaster, not pro-consumer or pro-competitive. But it's not the only new provision that protects special interests at the expense of the public's interest. This legislation also protects local network TV stations from any action by the FCC to change an outdated 50-year-old law whose effect is to prevent many satellite TV subscribers from receiving additional distant network stations.

The legislation's new program blackout provisions are another Congressional valentine to special interests. These provisions could result in blackouts of scheduled network programming, non-network programming, and especially sports programming, on the distant stations satellite TV consumers get. This will make the broadcasters and TV program producers happy, at the expense of making millions of satellite TV consumers unhappy when uninterrupted reception of distant station programming becomes a thing of the past. The sports programming that so many satellite TV consumers enjoy is at the greatest risk. In a special favor to the NFL and the other professional sports leagues, the legislation will require satellite TV carriers to black out sports programming on distant network stations unless the FCC finds it's "economically prohibitive" for the satellite TV company to do so—a standard that virtually guarantees blackouts. And when these blackouts are imposed, no existing satellite TV subscriber—not even those who have their distant network signal service restored, or the big backyard dish owners who were the very first satellite TV subscribers—would be exempt, no matter how long they have received multiple distant stations without blackouts and without inflicting any detectable harm on any of the special interests at whose behest these new provisions were added.

Rather than prolonging this discussion further, let me sum up. Before you now is the latest example of how special interests can, and do, make Congress shape legislation to suit what they want, rather than what average Americans need and deserve.. At some point, the American people will get fed up, and the ability of special interests to exercise unwarranted influence like this will be constrained. Unfortunately, that's not going to happen today, and therefore I will close—but not without some promises that, I assure you, I intend to keep.

I will continue to do everything I can to make sure that satellite TV consumers are helped, and multichannel competition improves, after this legislation is enacted. I will convene the Commerce Committee early next year to examine how competition and consumers are being affected by this legislation. I will introduce and I will move new legislation to correct any problems we see.

I will also make sure that the FCC does all it can to help Congress serve the interests of satellite TV consumers and multichannel video competition. To begin this process I will send a letter tomorrow to FCC Chairman William Kennard, requesting that the Commission establish, as quickly as possible, the minimum requirements for bargaining in "good faith" for retransmission consent agreements, and submit recommendations to Congress, as quickly as possible, on further legislation that will redefine what constitutes a "viewable" local TV signal. This will remove the problem that keeps satellite TV subscribers from getting as many distant TV stations from their satellite TV companies as they otherwise could.

All these measures will enable us to cure the problems these particular special-interest provisions will cause. In the meantime, it's helpful to recall that in the final analysis they won't affect our everyday lives as profoundly as other special interests do when it comes to other legislation. The provisions before us today won't determine how much we must pay in taxes, how we are permitted to educate our children, how we obtain health care, or how our seniors will be protected. But in spite of that, they will serve to remind us—when we watch satellite TV or open our monthly cable TV bills—that, when it comes to legislation pending before Congress, no corporate issue is too small, and no consumer issue is too big, to avoid the pervasive grasp of entrenched special interests.

Mr. President, I cannot support this budget deal.

I wonder, Mr. President, when will we begin to listen to the American people? When will we take heed of the absolute cynicism about the ways of Washington? When will we reform the way we do business so that we might reclaim the faith and confidence of the people we are sworn to serve?

Sadly, we seem never to learn. The last-minute, end-of-year budget agreement has become a yearly ritual and a tired cliche.

Mr. President, we have all year to complete our business in a responsible manner like grownups. But every day, at great expense to the taxpayers, we whirl about in our self-importance, never to be diverted from playing at our pathetic partisan political games.

After all the hearings, paper-shuffling, and speech-making, the taxpayers' hard-earned money is spent according to the whims of a massive, hastily compiled budget deal that contains lots of goodies for Members of Congress and special interests, but very little for the American people—an annual monument to our arrogance that is chock full of pork-barrel spending, special-interest riders, and clever budget gimmicks, but not one morsel of family tax relief.

Mr. President, in just a few short weeks, we will usher in a new century and a new millennium. This is a time of renewal and reform. Just as individual Americans take stock of themselves and resolve to do and be better, perhaps we elected officials might resolve to set a better example in the way we conduct the people's business. Perhaps in the year 2000, we might address ourselves not to partisan gridlock and political games, but to restoring the people's faith in their elected leaders. Perhaps next year we can spare the American people the grim faces and high drama of the last-minute budget summit, and simply do our work responsibly, in the open, and on time.

Maybe then we can restore the confidence in our public institutions that is so badly flagging, but is so essential to making the new century worthy of the highest dreams and aspirations of the people we are privileged to serve.

Mr. LUGAR. Mr. President, I will vote for this final appropriations package, because I believe that, on balance, it is a good product. However, the situation we are in today is hauntingly familiar to that of a year ago, and my disappointment in the appropriations process continues. Last minute budgeting makes sound decisions increasingly difficult. We should reform the appropriations process to safeguard the interests of taxpayers and achieve a more balanced use of our time and resources.

We all know that the appropriations process has grown to an inordinate length. We spend months holding hearings and negotiations, crafting sound public policy, only to scrap it in a hasty year-end scramble when we cobble together a bill negotiated by the White House budget chiefs and a few members of Congress. A 1996 CRS study revealed that budget matters eat up 73% of the Senate's time. I can't imagine we spent much less time on budget matters this year.

As I have been recommending since 1993, along with our distinguished Budget Committee Chairman and many other Senators, Congress should adopt a two-year budget cycle, and do the budgeting in non-election years. This would double the time available for non-budget policy issues and for carrying out often neglected oversight duties. Our goal must be to engage in lawmaking in the deliberative manner the Founders intended.

Mr. LEVIN. Mr. President, once again the Senate is considering a massive appropriations bill in the final hours of a session of Congress. This one spends more than $385 billion, contains legislation which rightly belongs in five separate appropriations bills, and other important legislation which doesn't belong in an appropriations bill at all. This is a process which reflects poorly on the Congress both because it represents a failure to get the nation's work done on time, and because the final rush precludes the kind of careful consideration and debate which wise decisionmaking demands. The combination of its enormous size and the swiftness with which it was thrown together makes certain that Senators will only after the fact learn full details about many provisions which have been added.

Democrats have won critical victories in this bill providing funds for new teachers to reduce class size in our schools, a first installment toward 50,000 new police officers by 2005, the necessary funding to implement the Wye River peace agreement and more than $514 million for the Lands Legacy Initiative to preserve and safeguard our most precious public lands, as well as funds for after-school programs to benefit 675,000 students. Other needed legislation is included to reverse some of the unintended consequences of the 1997 Balanced Budget Act on hospitals, nursing homes and other health care facilities and legislation to benefit consumers by increasing competition between cable and satellite companies and permitting satellite companies to provide local network signals in local markets. However, like last year, even as I acknowledge some important budget victories, I do not support this process and, on balance, cannot vote for this bill.

Mr. FEINGOLD. Mr. President, as some of my colleagues know, I have been posted, here on the Senate floor, day after day this week because of my concerns about the dairy provisions that are included in the budget package, and I know other Senators support those provisions because of the States they represent. For now, I just want to comment more broadly on the budget package and how we got here.

Mr. President, we have before us a measure that we are told will direct something like $400 billion in spending in such areas as the Justice Department including the FBI, Education including funding for local school districts, increased security for our foreign embassies, the Interior Department including our national parks system, Health and Human Services including critical funding for aging programs like the congregate and home delivered meals programs, and much more.

But, Mr. President, you would not know that by reading this bill. That roughly $400 billion in spending is distributed in a few pages of text. With the exception of District of Columbia funding, it's all on one page—the last page.

I have not been here as long as some of my colleagues, but I cannot recall ever seeing anything like this. Last year's omnibus appropriations bill was bad enough. It, too, lumped several appropriations bills together into one giant omnibus appropriations measure. It, too, was loaded with special interest measures that were slipped in, never having been debated, and unlikely to pass on their own. But at least, Mr. President, the spending done in that bill was explicitly a part of the document formally placed before the Senate. If you took the time to read the several thousand page appropriations bill, you would have found those items last year.

Mr. President, the bill before us is another matter entirely. It legislates by reference. Other than the DC Appropriations bill, there are no details provided in this document that indicate how those hundreds of billions of dollars are to be spent, only references to other bills.

Mr. President, when this bill goes to the President for his approval, what will he be signing into law? Essentially, he will be signing into law little more than a glorified table of contents.

Mr. President, this is a horrible precedent. This kind of gimmick may have been used before, but never on anything so momentous as an omnibus appropriations bill. And it is perhaps fitting that this piece of legislation should be structured the way it is.

This bill is the "poster child" of the 106th Congress. Unable to meet the budget deadline, we are once again presented with an omnibus appropriations bill, laden with the kind of special interest provisions that undermine our budget as well as the confidence of the public. And unwilling to bring any but a handful of authorizing bills to the floor for open debate, the leadership has now crammed this perverse bill full of legislation that has no business in an appropriations measure.

Mr. President, earlier this year this body voted to restore some order to the appropriations process by re-establishing the point of order against legislating on appropriations. This bill renders that exercise utterly meaningless. Worse, it means that while the Senate is precluded from adding authorizing language after thorough debate on the floor, a few people in a backroom are free to add anything they wish, with no debate and out of public view.

Mr. President, the 106th Congress is not yet half over a but it has already earned itself a sorry reputation. This is the Congress of Convenience. The 106th Congress found it inconvenient to finish the simple job of passing appropriations bills before the end of the fiscal year, so it cuts a few backroom deals and lumps five appropriations bills together. The 106th Congress found it inconvenient to debate authorizing bills fully and openly, so it bundled several together and shoved them into this omnibus appropriations bill. And now, the 106th Congress finds it inconvenient to provide even the details of this $400 billion compost heap, so it engages in some drafting gymnastics, and gives the public little more than a glorified table of contents.

Mr. President, I realize there are some strong feelings about the provisions of this bill. I know that some of my colleagues support some of the provisions in this measure. Chances are there are provisions in this measure that I, too, would support, but how would I know? But I hope that a few weeks from now, after this thing is enacted, my colleagues will consider just what has been wrought this week and this past year. The normal procedures of the Senate and the other body have been run over by a steamroller in the name of political expediency and convenience, and that cannot be good, even for those who may have gained a temporary victory.

In the play A Man for All Seasons, there is an exchange between Sir Thomas More and his son-in-law, Roper. More asks Roper—"What would you do? Cut a great road through the law to get after the devil?" Roger responds—"I'd cut down every law in England to do that!" More then replies—"Oh? And when the last law was down, and the devil turned round on you—where would you hide, Roper, the laws all being flat? . . . This country's planted thick with laws from coast to coast—man's laws, not God's—and if you cut them down—and you're just the man to do it—d'you really think you could just stand upright in the winds that would blow then?"

Mr. President, the 106th Congress has done more than its share of flattening our rules and procedures. Those of us in the minority on the issue before us today perhaps feel it most keenly, but let me suggest that many more may come to regret the precedents set by the Congress of Convenience.

Mr. KOHL. Mr. President, before I begin my remarks, I want to express my appreciation for all of the hard work that Senators STEVENS and BYRD, SPECTER and HARKIN have put into the Labor, Health and Human Services, Education Appropriations bill in the face of enormous budgetary challenges. I also appreciate all they have done to accomodate my priorities during this process.

The 20th Century is coming to a close during a time of unprecedented economic growth and budget surpluses. However, as we celebrate our nation's prosperity, we must make sure we don't leave any of our most vulnerable citizens behind. In my opinion, that's what this bill, which funds vital health and education programs in the year 2000, should be about: making a strong commitment to our aging parents and grandparents—who made this country what it is today, as well as to our children—who will determine its future.

I am pleased that this bill takes several important steps in that direction. First, this bill continues to make early childhood education and child care a top priority. I am very pleased that the bill includes a $608 million increase to the Head Start program. This program gives young children from lower-income families a real chance to succeed by providing educational, health, and other child care services.

Second, I am glad to see that this bill includes a nearly $30 million increase for States to inspect nursing homes and ensure they are safe. As a member of the Senate Aging Committee, I have had the unfortunate opportunity to hear firsthand about cases of abuse and neglect in many of our nation's nursing homes. Our seniors and disabled deserve the best possible care, and this funding will help make sure they get it. In addition, the bill includes a $1 million increase for the Long-term Care Ombudsman program. Ombudsmen serve as advocates for long-term care residents and help them to resolve complaints of neglect and abuse. They are a critical component of ensuring the safety of our seniors in nursing homes and other long-term care settings.

I am also extremely pleased that the bill includes another $100 million increase for Community Health Centers. The number of uninsured in our country continues to grow. Health centers provide treatment to large numbers of uninsured and should be commended for the incredible work they do. This increase will help them meet the increased demand for care, and ensure that patients get the quality health care services they need.

This bill also fully funds the LIHEAP program. This program is vital to low-income families in Wisconsin who need assistance with heating costs during the cold winter months. I am pleased that this bill continues to make this program a top priority.

I am also pleased that in addition to the $2 billion increase for the National Institutes of Health, report language was included in the bill that targets many of the diseases that are devastating families across our nation. The bill includes report language I requested to increase research into epilepsy, particularly intractable epilepsy, which primarily starts in childhood and affects nearly 75,000 of the 3 million individuals with epilepsy.

In addition, at my urging, the bill also includes $90 million for the National Institute of Nursing Research within NIH. Nursing research is different from biomedical research but just as necessary. This research focuses on reducing the burden and suffering of illness, improving the quality of life by preventing and delaying the onset of disease, and by looking for better ways to promote health and prevent disease.

I am pleased that the bill also includes report language that strongly urges more research into Alzheimer's Disease. This devastating disease affects nearly 4 million people in the United States, including 100,000 in Wisconsin. The total annual cost of Alzheimer care is over $100 billion. Searching for new treatments—and ultimately a cure—must be one of our top priorities in biomedical research, to alleviate both the suffering and the costs associated with this awful disease.

I also want to thank Senators SPECTER and HARKIN for their willingness to work with me on some of my other priorities. At my request, language was included in the Senate report to start a demonstration program within HRSA to increase the number of mental health professionals in underserved areas—particularly those suffering from recent farm crises. I am hopeful that HRSA will allocate at least $1 million toward this initiative.

Funds have also been provided to CDC to expand their efforts to prevent birth defects through the promotion of folic acid among women of child-bearing age. I have sponsored, along with Senators ABRAHAM and BOND, a bill that would authorize $20 million to CDC for this purpose, and I am pleased that this appropriations bill gets this initiative underway. In addition, I am pleased that the Ryan White Comprehensive Care program received an increase of $86 million to expand services for people living with HIV and AIDS.

I'd now like to talk a bit about funding for education. While I am concerned about the use of advance funding for many of our education programs, I am pleased that this bill provides necessary increases for education. Title I—which provides assistance to disadvantaged youth, received a $209 million increase, although we must do much better than that in the future in order to serve all Title I-eligible children. I am also pleased that Special Education received a large increase in funding, although we still have a great deal of work to do to live up to our commitment to fund 40% of the costs of the program. We still need to do more in both these areas, but this is a good start.

In addition, I strongly support the $253 million increase for 21st Century Community Learning Centers, for a total of $453 million for FY 2000. I have visited several of these afterschool programs in my State and I have seen firsthand how successful and critically important they are. These programs give kids a safe place to go after school, keep them off the streets, and out of trouble. It is supported on a bipartisan basis, by parents, teachers, and police chiefs. Last year, thousands of applications were submitted for only 184 grants. However, I believe it deserves an even stronger investment than this bill provides, which is why I voted for an amendment during consideration of the Senate version to provide $600 million for this worthy program. Although that amendment failed, I will continue to fight for more funding for after-school programs next year.

This bill also makes greater strides to give students the tools they need to go to college. First, the bill increases the maximum Pell Grant award to $3,300, and I am hopeful we can further increase this amount next year. It also increases the Federal Work-Study program by $64 million. TRIO programs also received a $45 million increase, and I am pleased that more students will be able to take advantage of TRIO programs that give lower-income students a better chance to go to college. I also strongly support the $80 million increase for the GEAR-UP program. This program gives many middle school students their first real opportunity to strive toward going to college. I am hopeful that we will further increase funding for this program in future years.

Finally, I am pleased that the conference report maintains and increases our commitment to hiring 100,000 teachers and reducing class sizes in the early grades. Class size reduction efforts have produced tremendous results in Wisconsin and across the nation. It is essential that we continue to provide the resources States and school districts need to put a qualified teacher in every classroom. Our students deserve nothing less.

I am pleased that these important education programs have received increases. However, I also have several significant concerns about the education section of the bill.

First, I am deeply concerned that the bill level funds the Child Care & Development Block Grant. The Senate bill included an amendment, which I supported, to increase funding for the CCDBG from $1.2 billion to $2 billion. This amendment had strong bipartisan support because there is now widespread recognition that child care is critical to the success of working families. Unfortunately, this amendment was dropped during negotiations of the conference report. This is a serious mistake, and one that will have serious repercussions for working families. Programs funded by the CCDBG ensure that parents have a safe, educational place to send their children during the workday. Businesses experience less absenteeism and greater productivity when their employees know their children are well taken care of. When families who need quality, affordable child care are able to find it, everybody wins. It's that simple. I strongly believe that we must renew our commitment to expanding access to child care, and I will continue to make child care funding a top priority and fight hard for future increases.

Second, and even more importantly, I have serious concerns about the bill's substantial use of advance funding for education. I am not convinced that this practice is completely benign, and I believe we must watch carefully how the delayed release of education funds impacts school budgets.

However, I have an even deeper concern about the use of advance funding. The hard truth is this: we would not be forced to use advance funding, nor any budget gimmicks at all, if this bill received the priority it deserved. This bill, which funds our most basic needs—health care and education—was left for dead last. It was raided repeatedly to fund other programs, leaving it at one point with a more than $15 billion shortfall. We would not be in the budgetary box we find ourselves in today if this bill had been the top priority it should be. I hope that in the future my colleagues on the other side of the aisle will have the will to pass this bill early and send a strong message that education and health care are our top priorities, not our last.

Besides education, there are several other areas of the bill that I believe must be improved in future budgets. First, while I am pleased that the bill sets aside $19.1 million in the Child Care & Development Block Grant for Resource and Referral programs, I am concerned this just isn't enough. R&R programs serve as a resource to help parents locate quality, affordable child care in their communities. When parents need child care, they call R&R agencies, who have the tools to direct parents to appropriate child care providers in their area that meet each family's unique needs. With growing numbers of parents entering the workforce, the need for R&R is greater than ever. I would like to continue to work with Senators SPECTER and HARKIN, as well as all of my colleagues, on increasing this set-aside to $50 million to meet the increasing demand for referral services.

I am also very concerned about the cut in the Social Services Block Grant. The State of Wisconsin and our counties rely on SSBG to fund a variety of social service programs. These include supportive home care and community living services for the elderly and disabled, drug and alcohol abuse treatment, temporary shelter for homeless families, and child abuse prevention and intervention services. States and counties rely on these funds, and it is wrong to renege on our commitment to SSBG funding.

I am also very concerned about programs for senior citizens under the Older Americans Act. I am pleased to see that the bill includes a $35 million increase for home-delivered meals to seniors. However, we must also find a way to make a stronger investment in the Supportive Services and Senior Centers program. This program provides funds to Area Agencies on Aging, which in turn provide a wide range of assistance to frail elderly. In addition, we must also provide assistance to the growing number of Americans who are taking care of elderly and disabled relatives. I am a cosponsor of the Family Caregiver Support Act, which provides $125 million in assistance and respite for caregivers. Unfortunately, this bill does not fund this necessary program, but I hope we can enact it into law quickly next year.

The National Senior Service Corps is a program we should all be proud of and support increased funding. These programs utilize the skills and experience of older Americans in our communities. Foster Grandparents, Senior Companions, and RSVP give seniors a chance to work with children, families and other seniors, and we are all the richer for their contributions. I am pleased that the bill includes increases for these programs, and I believe we must provide more in the future lest we waste this priceless resource we have in our seniors.

In addition to the Labor, HHS component, this Omnibus Appropriations bill includes some desperately needed relief for our nation's health care providers. The Balanced Budget Act of 1997 included many provisions that reduced Medicare payments further than Congress intended. Providers have been forced to reduce benefits or worse—many providers in my State and across the nation have closed altogether. I have strongly supported efforts to alleviate those cuts and have worked with many of my colleagues over the past year to fight for a solution. I am pleased that the Conference Report includes provisions to assist hospitals, home health agencies, skilled nursing facilities and other providers. In the end, Medicare beneficiaries are the ones who truly benefit, and this bill will help ensure that seniors in Wisconsin and throughout the nation continue to receive the health care services they need and deserve.

Overall, I believe this is a good bill, and I commend the Chairmen and Ranking Members of the Appropriations Committee and the Labor, HHS Subcommittee, as well as the Finance Committee, for their hard work. Unfortunately, because unrelated dairy provisions that I strongly oppose were included in this conference report, I reluctantly must vote against it. However, I want to make clear that I strongly support the vast majority of the increases in this bill—increases that will go a long way toward ensuring that our children and our elderly receive the important services they need. I want to thank the Chairman and Ranking Member of the Subcommittee for doing such a great job this year under such difficult budgetary circumstances, and for their willingness to work with me on items of concern to me and my State. I look forward to working with them again next year on this vitally important bill.

Mr. ROTH. Mr. President, I intend to support the consolidated appropriations package. This large legislative package—the result of hard work by many on both sides of the aisle—provides funding for a number of programs which are important and affect people in a direct way. This bill includes funding for programs under the D.C. Appropriations bill, the Interior Appropriations bill, the Foreign Operations Appropriations Bill, the Commerce-Justice-State Appropriations bill, and the Labor-Health and Human Services-Education Appropriations bill.

In addition, incorporated in the legislation are other important measures, including the Satellite Competition and Consumer Protection Act, provisions important for dairy farmers in my State, the State Department Authorization bill, and our Medicare refinement plan. As with any product this large and with as many compromises which were necessary to move the process forward, there will be provisions with which one will disagree.

While this is certainly a substantial legislative undertaking, I would point out that nearly all of the matters contained in this package have previously been debated in full by the Senate and passed by wide margins.

Mr. President, I would like to highlight some provisions contained in this legislation for which I have advocated. This legislation will continue the Trade Adjustment Assistance program.

Earlier this month, my distinguished colleague on the Finance Committee, Senator MOYNIHAN, and I, stressed the importance of this program for our American workers during the debate on the Africa Trade bill. The Africa Trade bill passed by the Senate extended the authority for the TAA program which lapsed in June of this year. As time did not permit us to resolve our differences with the House on the trade package, we needed to insure that the benefits to workers displaced from their jobs as a result of trade activity be continued. I am very pleased that this provision is included in this package.

The package also includes the Satellite Copyright, Competition, and Consumer Protection Act. My State has over 30,000 households which depend on satellite dishes for their television programming and I have long advocated a modernization of the laws affecting satellite television programming. I am also pleased that an agreement was reached to have the Senate consider legislation which will facilitate satellite local to local service in small and rural markets, as this will be important to bring local programming to my constituents.

I have joined with my colleague from Delaware, JOE BIDEN, in sponsoring legislation to continue the important programs he has championed—the COPS program and the Violence Against Women Act. This measure provides funding for these programs. Also contained in the package is funding for the State Side program under the Land and Water Conservation Fund. I had joined with our late colleague, Senator Chafee, in sponsoring legislation to provide these funds for the first time in several years to promote open space and recreation opportunities at the discretion of our State governments.

The package maintains the commitment we made with the passage of the Balanced Budget Act in 1997 to prioritize education. Since the passage of the 1997 bill, we have followed through with substantial increases in funding for our important education programs and have done so in a manner which promotes flexibility.

Finally, Mr. President, I would like to discuss the Finance Committee's Medicare, Medicaid, & SCHIP Refinement Act of 1999, H.R. 3426.

A little more than two years ago Congress passed and the President signed into law the historic Balanced Budget Act of 1997. This important legislation has been instrumental in making possible the budget surpluses we are beginning to see materialize.

However, not all of the consequences of the Balanced Budget Act have been positive, and many of them were unintended. Two years of implementation allowed us to identify some areas, particularly related to Medicare provider reimbursement, that needed to be revisited.

The Finance Committee carefully monitored the impact of the Balanced Budget Act on various categories of health care providers. In fact, this year the Committee held a number of hearings on Medicare and Medicaid matters.

Throughout the course of these hearings, providers presented us with compelling testimony about significant fiscal and patient care-related problems that have resulted, unintentionally, from decisions the Congress made in the Balanced Budget Act of 1997.

Mr. President, let me be clear that we should be proud of the program improvements and the corresponding savings achieved through the Balanced Budget Act. We had no intention of fundamentally undoing that work.

However, there were problems that needed to be addressed to make sure we pay providers appropriately to meet the real health care needs of Medicare beneficiaries. At passage, the 1997 BBA reduced Medicare and Medicaid spending by nearly $120 billion. This package restores $27 billion over 10 years to address unintended consequences of the original law.

New provisions in this bill restore some $17 billion in funding over 10 years. Accordingly, in October, the Committee marked up and overwhelmingly passed a package of payment adjustments to fine tune the policies enacted through the Balanced Budget Act. This package was developed in a bipartisan manner with the close cooperation of Senator MOYNIHAN and his staff.

For the past several days, we have been working to reconcile this Finance Committee package with a similar bill passed by the House of Representatives last Friday.

The bill before us today represents an excellent compromise between the House and Senate bills, with input from the Administration.

The payment adjustments included in the House-Senate compromise package will benefit Medicare beneficiaries by improving payment to all sectors of the health care market place—including hospitals, physicians' offices, nursing facilities, community health centers, and home health care agencies, among many others. In addition, the package includes other technical adjustments to Medicaid and the State Children's Health Insurance Program.

The provisions included in the package are consistent with a few basic goals I have tried to work toward from the beginning of this process. First, I felt that the overriding purpose of this package should be to address the most significant problems resulting from BBA policies.

In my view, larger Medicare reform continues to be an important objective. However, even the White House ultimately agreed this was neither the moment nor the legislative vehicle by which to pursue that goal.

The Senate Finance Committee will continue in its efforts to develop a bipartisan consensus on broader Medicare reform when we resume our work in January. That will be the time and place to consider lasting and far-reaching Medicare reforms.

Second, we sought to keep payment adjustments focused on areas in which we face demonstrated problems resulting from the Balanced Budget Act. Furthermore, we tired to make short-term adjustments in payment practices without revisiting the underlying policies set forth in the BBA.

Finally, it was particularly important to me not to let this become a partisan process. These are not partisan issues and I have tried to resist any effort to make them so. I am hopeful that this compromise can be supported by all Senators.

The provisions included in the package reflect the priorities of Senators on and off the Finance Committee. In addition, like all of you I have consulted extensively with my own constituents in Delaware, as well as with national health care and beneficiary organizations. They are strongly supportive.

Mr. President, the provisions included in this conference agreement make some significant contributions to protecting the care provided to seniors in nursing homes. We provide increased funding for medically complex patients and for rehabilitation services in nursing, homes, and we help these facilities' transition to the new payment systems required under the Balanced Budget Act. The Agreement also includes something I consider to be of vital importance to Medicare beneficiaries; we put a moratorium on the arbitrary annual dollar cap on the amount of rehabilitation therapy services a beneficiary could access. In addition, we mitigate the impact of scheduled reductions for home health agencies, increase funding and regional payment equity for teaching hospitals, and enhance programs for rural health care facilities.

The Conference Agreement also includes important protections for hospitals as the new outpatient prospective payment system goes into effect next year. I am especially pleased at the steps we have taken to stabilize the Medicare+Choice program, so that beneficiaries can count on Medicare health plan choices in the future.

Mr. President, today we have an opportunity to solve the problems that have been interfering with the ability of the provider community to make sure our constituents receive the high quality health care they deserve, without retreating from the important policy reforms enacted in the Balanced Budget Act. I ask all of you to join me in supporting this important legislation.

Mr. GRAHAM. Mr. President, today, the Senate is considering a multi-billion package focused on adjusting certain Medicare provisions in the Balanced Budget Act of 1997.

That historic legislation made changes in payment structures for programs and providers within Medicare and Medicaid.

Many in the Medicare provider community are concerned that these changes have negatively affected their ability to provide adequate access and quality care to their patients.

Mr. President, I commend the Administration and my colleagues for completing the difficult task of designing a bill that addresses many of these concerns.

I have heard from hospitals, physicians, community health centers and a variety of other Medicare providers, all of whom are very concerned that the quality of care provided to Medicare beneficiaries may decline significantly if cuts to provider payments are not softened.

There are many provisions in this bill that I would like to see enacted. These include a moratorium on the $1500 therapy cap, support for the skilled nursing facilities, cancer centers and disproportionate share hospitals, and enhancements to Medicaid and the Children's Health Insurance Program.

But while there is some clear evidence that Congress may have erred in designing some of the Medicare provisions in the Balanced Budget Act, that fact does not relieve us of our fiduciary responsibilities to the American public.

Our commitment to revisiting Medicare provider adjustments must be accompanied by a commitment to pay for these actions.

By refusing to pay for this bill, we are funding changes to a balanced budget agreement in a way that steals from future generations.

This is an irony we cannot afford.

Mr. President, allow me to explain.

To date, we have spent all of our anticipated revenue for Fiscal Year 2000. Any further government spending comes straight from the Social Security surplus.

It is easy to spend money when it is not your own.

Didn't we prove that during the last thirty years of "borrow and spend" budgeting—a period in which our national debt rose from $366 million in 1969 to $5.6 billion today?

Let's not start down that slope again.

Mr. President, I clearly remember the day we passed the Balanced Budget Act in 1997. We all congratulated each other on a job well done.

We slapped each other on the back and took full and deserved credit for balancing the budget for the first time in a generation.

Now we are facing up to some of the realities of that great achievement.

Just as we took responsibility for our accomplishments in 1997, we must now take responsibility for fixing some of our mistakes.

If Congress believes that provider relief is necessary, then it must exercise fiscal responsibility and pay for it with true offsets—not surplus funds.

Congress has clearly stated that ensuring retirement security for the American public is its top priority.

Democrats and Republicans have made clear that saving Social Security and Medicare must be the first items of business on any legislative agenda.

But future generations are depending on our deeds—not our words.

Mr. President, we must hold true to our commitment to ensure Social Security's solvency until 2075 and to strengthen and modernize Medicare before we look to the surplus for any other purpose.

During his State of the Union Address, President Clinton made a commitment to bolster Social Security and Medicare. Congress has joined him in that commitment.

A test of our commitment to protecting Social Security surplus is being played out on the Senate floor today.

Since the beginning of this debate I have offered proposals to restore payments to providers without stealing from Social Security and Medicare.

When the Finance Committee marked up its bill, I offered an amendment that would have fully offset the cost of this package through a series of modest, non-Medicare-related revenue increases.

It was my hope that the Committee would have shown the same enthusiasm for fiscal responsibility as it did two years ago.

However, it thwarted our commitment to save Social Security and Medicare by a vote of 14 to 6.

I also offered an amendment that would have put a down payment on true Medicare reform, while saving the Medicare system $4 billion over 10 years—nearly one third of the overall cost of the bill.

This focused on five proven and tested proposals, including a competitive bidding for part B services provision that was passed unanimously by the Finance Committee in 1997.

By fulfilling our obligation to help the Medicare system provide quality care while promoting cost efficiency, this amendment embraced the same principles that helped us achieve a balanced budget in 1997.

But our dedication to these principles now appears to have vanished.

The audacity of paying for this bill with the Social Security surplus is exacerbated by the fact that it includes provisions that actually do away with cost saving programs enacted in the Balanced Budget Act of 1997

Allow me to direct your attention to two of the less heralded provisions in this package.

First, the postponement of the enactment of the "inherent reasonableness" provision in the Balanced Budget Act of 1997 until final regulations are published. This provision prevents beneficiaries from realizing millions of dollars in savings by blocking the government's ability to negotiate rates with home oxygen and durable medical equipment suppliers.

By reimbursing providers on a market basis, the competitive bidding process will save the system money by setting a true price for medical goods and services, while ensuring that beneficiaries continue to receive comprehensive coverage.

By putting off the implementation of this provision, potentially for years, we are essentially taking $500 million of potential savings out of the pockets of Medicare beneficiaries.

Second, is the inclusion of the following language in the conference report concerning the risk adjuster for Medicare+Choice plans:

"The parties to the agreement note that in 1997, when Congress required the Secretary to develop a risk adjuster for Medicare+Choice plans, it was concerned that those plans that treated the most severely ill enrollees were not adequately paid. The Congress envisioned a risk adjuster that would be more clinically based than the old method of adjusting payments. The Congress did not instruct HCFA to implement the provision in a manner that would reduce aggregate Medicare+Choice payments. In addition, the Congressional Budget Office did not estimate that the provision would reduce aggregate Medicare+Choice payments. Consequently, the parties to the agreement urge the Secretary to revise the regulations implementing the risk adjuster so as to provide for more accurate payments, without reducing overall Medicare+Choice payments."

Mr. President, the Health Financing Administration (HCFA) currently estimates that risk adjustment will decrease plan payments by approximately $10 billion over ten years. This estimate is based on the additional money that plans are paid relative to fee-for-service Medicare after adjusting for health status. Plans that serve a higher proportion of sicker beneficiaries would not see a decrease in payments. Plans that skim the healthiest patients from the Medicare population would see the biggest decrease in payments.

Since first learning that HCFA was planning to decrease plan payments under risk adjustment, lobbyists for the managed care industry have been claiming that congressional intent was for risk adjustment to be budget neutral, and they have been lobbying this issue on the Hill. They tried to get it into the Senate Finance Committee report but were unsuccessful. The language was included in the House Ways and Means committee report, however. The House-Senate agreement language comes straight from the House report.

It's telling that the statute does not explicitly state that risk adjustment should be budget neutral. In addition, it's telling that lobbyists for the managed care industry have not publicly stated that congressional intent was to make risk adjustment budget neutral.

In terms of what congressional intent actually was in BBA 97—I think the story is not entirely clear. It could be that no one thought much about the issue. But regardless of whether you are sympathetic to managed care plans or not, it is disingenuous to claim definitively that congressional intent was not to reduce plan payments in BBA.

This is an outrage Mr. President.

I believe that we should correct mistakes that were made in the BBA and pay for those mistakes. Equally, it is my feeling that we should seize the opportunity to make fundamental reforms to the Medicare program in order to modernize and improve services for Medicare beneficiaries.

In passing this legislation, we are trading fiscal responsibility for fiscal recklessness. We are ignoring innovation in favor of the status quo.

Mr. President, I am committed to working to find a solution to the difficult problem of bringing Medicare into the 21st Century and keeping it solvent.

It was my hope that we would have the opportunity to vote today on a package that represented good public policy and included an offset that upheld our commitment to fiscal responsibility.

I regret that this is not the case.

But most of all, I regret the overt lack of concern that this body has shown for the future generations whose Medicare and Social Security benefits hang in the balance.

Thank you, Mr. President.

Mr. BIDEN. Mr. President, I am pleased that the Conference Report before the Senate contains the State Department authorization bill.

With enactment of this legislation, we will finally—after three years of effort—approve critical legislation to authorize the payment of nearly $1 billion in back dues to the United Nations. Enactment of this legislation will serve, I believe, three important purposes. It should finally end the long-festering feud between the U.N. and Washington about our unpaid back dues; it should bring much-needed reforms to the world body so that it can more effectively perform its missions; and it should, I hope, end the debate about the utility of the U.N., and restore bipartisan support in Congress for the U.N. system.

The agreement before us will allow us to pay $926 million in arrears to the United Nations contingent upon the U.N. achieving specific reform conditions, or "benchmarks," to borrow the Chairman's expression.

The first set of these conditions can be readily certified—thereby releasing $100 million immediately. The second and third set of conditions will be difficult to achieve. But I have great confidence in our ambassador to the United Nations, Richard Holbrooke. And I believe that with the money on the table—that is, with the assurance that the U.S. payment will be available—the reforms will be easier to obtain then they might otherwise be.

The State Department authorization bill contains several other important provisions which I would like to highlight briefly.

First, the bill authorizes $4.5 billion in funding over the next five years for construction of secure embassies overseas. The tragic embassy bombings in East Africa in August 1998 underscored the current vulnerability of our embassies to terrorist attack. Simply stated, the large majority of our embassies around the world do not meet current security standards. Thousands of U.S. government employees—both Americans and foreign nationals—are at risk, and we must do all that we can to protect them. In addition to authorizing funding, this bill codifies many important security standards, including the requirement of that embassies be set back 100 feet from the street, and the requirement that all agencies be co-located in the embassy compound.

All this is important. But what is essential is that we provide the actual funding. So far, aside from last fall's emergency appropriations bill, funding for embassy security has fallen far short of need. The President requested $3 billion in advance appropriations in his budget request, which was rejected by the Appropriations Committees. We must give our attention to funding this priority matter next year.

Second, the bill provides for the establishment of a Bureau of Verification and Compliance in the Department of State to monitor arms control and non-proliferation agreements. In his plan for the integration of the Arms Control and Disarmament Agency into the State Department, the President proposed that the functions of verification and compliance be handled by a "Special Adviser" to the Undersecretary of State for Arms Control and International Security.

We think the Administration's proposal is ill-advised. Given the way the State Department operates—where key policy battles are waged among bureaus at the Assistant Secretary level—this "adviser" would be a weak bureaucratic actor, and the function of assuring compliance with arms control treaties and non-proliferation regimes would thereby be unacceptably diminished. Therefore, the conference report includes a provision which requires that this important duty be handled by an Assistant Secretary of State for Verification and Compliance.

Third, the bill reauthorizes Radio Free Asia (RFA) for another ten years. RFA, which was established in 1994 pursuant to legislation I introduced, broadcasts news and information to the People's Republic of China and other non-democratic states in East Asia. I am pleased that Congress has given its further stamp of approval to this important instrument of American foreign policy.

It is fitting that this bill is named for two devoted public servants who were deeply involved in the development of foreign policy legislation for the last two decades—James Nance and Meg Donovan.

Admiral James W. Nance, known to everyone as "Bud", served as staff director of the Committee on Foreign Relations for most of the 1990s, working with his long-time friend, the Chairman of the Committee, Senator HELMS. Admiral Nance was a steady hand in guiding the Committee staff for so many years, and was integral to the initial development of the "Helms-Biden" legislation in 1997.

Meg Donovan was long-time staffer for our House counterpart committee, serving under Chairman Dante Fascell. After Chairman Fascell retired, Meg worked closely with the Foreign Relations Committee on behalf of Secretary Christopher, and then Secretary Albright, as a senior deputy in the Bureau of Legislative Affairs. Meg's advice and counsel was important on dozens of occasions—not only to senior State Department officials but also to our committee.

Bud Nance and Meg Donovan were both deeply committed to a bipartisan foreign policy. They were both taken from us too soon. It is therefore in tribute to them that we have named this bill—which represents an important act of bipartisanship—in their honor.

THE NEED FOR SMALL BUSINESS SUPERFUND RELIEF

Mr. LOTT. Mr. President, as we end this session of the 106th Congress, it is appropriate to reflect on what we have accomplished and what remains to be done. In particular, Mr. President, I would like to focus on our efforts to enact Superfund reform.

As my colleagues know, I have fought for many Congresses to free our nation's recyclers from needless Superfund liability. I could not be more pleased to finally accomplish this goal by including the text of mine and Senator DASCHLE's bill, S. 1528, in this year's final appropriations package. I know many of you, on both sides of the aisle, join me in celebrating this long-awaited reform of an unfair system.

However, our work is not done, Mr. President. Like the recyclers, thousands of small businesses are needlessly dragged into the Superfund web each year. Although Superfund is intended to clean up the nation's hazardous waste sites, small businesses are being sued for simply throwing out their trash. Certainly we can all agree that potato peels and cardboard boxes are far from toxic waste.

Yet, another year has gone by without reform for small business. In that year, 165 small businesses in Quincy, Illinois were forced to pay over $3 million for legally sending trash to the local landfill. In that year, Administrator Browner again publicly stated her desire to get small businesses out of Superfund. In that year, reform efforts were again stymied by those who want to hold incremental reforms hostage to comprehensive fixes.

Mr. President, we had the opportunity this year to enact targeted Superfund reform for small businesses, but we did not do so. Senators and Congressmen on both sides of the aisle, as well as the EPA, agree that we should provide the relief so desperately needed by the small business community. For nearly a decade, inaction has left thousands of small business owners with no choice but to mortgage their businesses, their employees and their future to pay for damage they did not do. Small businesses struggle to survive under the threat of thousands of dollars in penalties and lawsuits—all for legally disposing of their garbage.

That's why, Mr. President, I will continue to work to free innocent small businesses from Superfund liability. I hope my colleagues on both sides of the aisle will join me in the continued fight for fair treatment of the small businesses that keep our nation's economy strong.

Mr. STEVENS. Mr. President, I have some comments on issues raised by the conference report to the Interior appropriations bill.

On the matter of contract support costs for Bureau of Indian Affairs and Indian Health Service programs operated by native organizations under the provisions of P.L. 93-638, I am pleased that we have been able to add $10 million to BIA funding and $25 million to IHS funding over fiscal year 1999 levels to support additional payments of contract support costs for these programs. This new funding will allow BIA and IHS to bring existing programs' contract support cost payments closer to the full amount of negotiated support and will allow a limited number of new and expanded programs in both agencies to go forward.

However, I am concerned that the tribes have been operating, in the distribution of contract support costs, under the assumption that contract support costs are an entitlement under the law. The House and Senate committees on appropriations have taken exception to that interpretation and have tried to persuade the IHS to change its allocation methodology and to set reasonable limits on the number and size of new and expanded contracts it executes consonant with resources made available by Congress for the payment of contract support costs. The Federal circuit's court of appeals in its October 27, 1999 decision in Babbitt v. Oglala Sioux Tribal Public Safety Department (1999 WL 974155 (Fed. Cir.)) has now affirmed that contract support costs are not an entitlement, but rather are subject to appropriations. Contract support cases raising similar legal issues are pending in the 10th circuit court of appeals and in various Federal district courts around the country. The Federal circuit's decision was correct both in its holding and in its reasoning and should serve as precedent for other pending cases. To assume that Congress would create a system in which tribes receive the majority of their contract support costs through funds appropriated to the Indian Health Service or Bureau of Indian Affairs and which requires tribes to seek the balance in court through the claims and judgment fund turns logic on its ear. "Subject to appropriations" means what it says.

The Indian Health Service has made improvements to its distribution methodology in fiscal year 1999 but continues to distribute funds at varying rates for different contracts, compacts and annual funding agreements. More disturbing, the current IHS system pays contractors with high overhead costs (relative to program costs) at the same percentage rate as it pays contractors with low overhead rates, rewarding inefficient operators and creating an incentive to maximize overhead costs.

The bill allows the funding in FY 2000 of a limited number of new and expanded contracts through the Indian Self Determination (ISD) Fund of $10 million. It is expected that, once the contract support cost total (paid at an average rate not to fall above or below the average rate of payment of contract support costs to existing contractors in FY 2000) for new and expanded programs has reached $10 million, IHS will not execute any further new or expanded contracts until Congress has provided funds specifically earmarked for that purpose. Existing IHS policy does not permit reduction of existing service providers' funding in order to fund new entrants into the system. This bill does not modify that policy. If funds remain in the ISD fund after all new entrants have been accommodated, those funds should be distributed equitably across existing programs, with particular emphasis on the most underfunded.

The Indian Health Service should include as part of its FY 2001 budget request a detailed cost estimate for new and expanded contracts so that Congress will be aware of anticipated need when it establishes a funding level for an ISD account in FY 2001. Congress and the courts have made it plain that IHS can no longer enter into new and expanded contracts without regard to the level of funding provided for that purpose by Congress. Congress will be aided in its efforts to establish a reasonable level of support for new and expanded contracts if the IHS provides accurate estimates of anticipated need as part of the budget process.

The authorizing committees in the Senate and House are encouraged, in consultation with the Indian Health Service, the Bureau of Indian Affairs and tribal organizations, to develop timely proposals to address the longer term issues surrounding contract support costs, including the apparent contradiction between the self-determination principles laid out in P.L. 93-638 and the legal requirement that contract support costs are "subject to appropriations."

Our committees encourage the transition of employees from Federal to tribal employment as part of self-determination contracts and self-governance compacts and strongly believe that the IHS should not provide disincentives for such transfers. We have noted that each year start-up costs from new and expanded contracts for the previous year are returned to the base for distribution to other contracts. These funds, currently estimated at $4.5 million, will be available in FY 2000. With my support, the House and Senate Committees on Appropriations will soon be sending a letter to the IHS requesting that it set aside a portion of base contract support funds associated with prior year start up costs for use as a transition fund for costs associated with employees who elect to transfer from Federal employment to tribal employment during the period after which contract support costs for individual contracts have been determined for that year. To the extent set aside funds are not needed for employee transition, they should be distributed equitably among existing contractors, with emphasis on the most underfunded contracts.

In the last fiscal year and the one we are funding now, we will have added a total of $60 million in new contract support cost funding to the IHS budget. We know that these funds are critical to the success of Indian-operated health programs and that shortfalls still remain. However, in the current environment of caps on discretionary spending, we must develop policies that support the self-determination principles embodied in P.L. 93-638 while taking into account the fiscal realities of limits on funding for these programs. I look forward to receiving recommendations from the authorizing committees, the IHS and BIA, and tribal organizations which will address these issues in time for the committees' consideration during the FY 2001 appropriations cycle.

The conference report also includes a provision to authorize the investment of Exxon Valdez oil spill—or EVOS—settlement funds outside of the Treasury. This section is the exact language of legislation, S. 711, reported by the Senate Energy and Natural Resources Committee earlier this year, and represents an accord struck among many interests. The details of this accord are discussed more fully in the committee report (Senate Rpt. 106-124) accompanying S. 711. These interests include Koniag, a native regional corporation with a great interests in seeing that their native lands are valued at the level they feel appropriate given their prominence in the oil spill zone.

The continuing availability of EVOS funds for habitat conservation raises another important issue I hope can be resolved in the coming months. It regards revenue sharing payments arising from oil spill area acquisitions. New additions to refuge lands, such as those from EVOS settlement land acquisitions, qualify adjacent communities to increased federal payments in lieu of taxes under the Revenue Sharing Act of 1935.

In 1995, the U.S. Fish and Wildlife Service agreed to purchase from Old Harbor, Akiok-Kaguyak and Koniag Native Corporations over 160,000 acres of land within the Kodiak National Wildlife Refuge. These lands were acquired using funds derived from the consent decree in settling the United States' and State of Alaska's civil claims against Exxon, Inc. for damages caused by the *Exxon Valdez* oil spill in 1989.

The Exxon Valdez Trustee Council, which was formed to implement the consent decree, adopted its restoration plan in 1994 with habitat protection as a key component of the plan to recover the damages caused by the oil spill. The trustee council subsequently solicited interest from land owners throughout the spill zone and ranked the habitat based on its restoration value for the species and services injured by the spill. The council, working through State and Federal land managing agencies, commissioned land appraisals and authorized negotiations with land owners.

Negotiated agreements with land owners, resulting in significant habitat acquisitions, exceeded the appraisals approved by Federal and State appraisers. The trustee council in its resolutions authorizing these acquisitions with settlement funds made several findings. I'm advised that these findings included the following:

"Biologists, scientists and other resource specialists agree that, in their best professional judgment, protection of habitat in the spill area to levels above and beyond that provided by existing laws and regulations will likely have a beneficial effect on recovery of injured resources and lost or diminished services provided by these resources."

"There has been widespread public support for the acquisition of these lands, locally, within the spill zone and nationally."

"It is ordinarily the Federal Government's practice to pay fair market value for the lands it acquires. However, due to the unique circumstances of this proposed acquisition, including the land's exceptional habitat for purposes of promoting recovery of natural resources injured by EVOS and the need to acquire it promptly to prevent degradation of the habitat, the trustee council believes it is appropriate in this case to pay more than fair market value for these particular parcels."

"This offer is a reasonable price given the significant natural resource and service values protected; the scope and pervasiveness of the EVOS environmental disaster and the need for protection of ecosystems . . ."

The trustee council-commissioned appraisals—which were performed in accordance with Federal regulations—for the three large parcels acquired within Kodiak National Wildlife Refuge are estimates of fair market value. However, they varied substantially from the landowners' appraisals and what they believed to be their fair market value. The landowners rejected the initial offers made by the U.S. Fish and Wildlife Service to purchase the lands based on the trustee council's commissioned appraisals.

The estimates of fair market value based on the Federal appraisals are below the prices actually paid for the various parcels of land, and they do not consider the purchase price paid in these and other governmental acquisitions in Alaska. The trustee council, through its public process, difficult negotiations and subsequent findings determined that the price paid for the lands was a "reasonable price" for a variety of reasons including past Federal large scale acquisitions.

The acquisition in fee of these three large parcels within Kodiak NWR now requires the U.S. Fish and Wildlife Service to make payments in lieu of taxes to the Kodiak Island borough in accordance with the Revenue Sharing Act of 1935. The act directs the agency to make such payments based on the fair market value of acquired lands.

The service is currently using the federally approved appraisals estimating fair market value of these three large parcels as the basis for computing the revenue sharing payment to the borough. The borough has rightly challenged the service's determination of fair market value based on the unique circumstances of these acquisitions and the findings made by the trustee council in approving funds for these acquisitions.

A plain reading of the Revenue Sharing Act (which authorizes the Secretary of the Interior to make refuge revenue sharing payments) requires that the determinations of fair market value be made in a manner that "the Secretary considers to be equitable and in the public interest." Clearly, the public interest associated with these unique acquisitions has been well documented in the findings of the trustee council.

The Revenue Sharing Act imposes no legal impediment for the Secretary to make a determination of fair market value that incorporates the unique circumstances of these acquisitions and the specific findings and actions taken by the trustee council. Thus, I urge the Secretary to review the Kodiak Island borough's appeal to the service's determinations for making revenue sharing payments and do what is fair and equitable as called for by the act.

These are unique circumstances that exist nowhere else in the United States and are limited in Alaska to lands acquired in the Exxon Valdez spill zone with settlement funds. Thus, there should be no consequences for how revenue sharing payments are computed for service acquired lands in other parts of Alaska or throughout the rest of the country.

At this opportunity, upon the passage of another year's funding for the Federal and Indian lands management agencies, I must call to the attention of my colleagues and to the attention of the President of the United States, an issue that troubles me deeply. Over the years, our Government has made commitments to native Americans which it has not kept. Many Americans thought that practice ended with the new, more enlightened self-determination approach to Indian policy. But as one of Alaska's representatives in the Senate, members of the President's staff made personal promises to me just last fall on behalf of the native people of the Chugach region which have not been kept.

In 1971 Congress passed the Alaska Native Claims Settlement Act (ANCSA). The act cleared the way for Alaska native people, including the Chugach natives, to receive title to a small portion of their traditional lands as settlement of their aboriginal land claims. The act also cleared the way for the additional millions of acres to our national parks, wildlife refuges, forests, and wilderness areas. Allowing native people to develop their lands freed them from economic bondage to the Federal Government. No longer would they have to depend exclusively on the benevolence of the Federal Government for hand-outs. They could create their own jobs, generate their own income, and determine their own destiny. But only if they had access to their lands.

Both the administration and the Congress recognized the lands would be virtually valueless if there was no way to get to them. The Claims Act recognized that native lands were to be used for both traditional and economic development purposes. Alaska natives were guaranteed a right of access, under law, to their lands across the vast new parks, refuges, and forests that would be created.

In 1971 and again in 1982, under the terms of the Chugach Native Inc. settlement agreement, the Federal Government made a solemn vow to ensure the Chugach people had access to their aboriginal lands. Now, a quarter of a century later, that commitment has not been fulfilled. Many of the native leaders who worked with me to achieve the landmark Native Land Claims Settlement Act have died after waiting for decades without seeing that promise honored. Last year, Congressman DON YOUNG, chairman of the House Resources Committee, added a provision to the House Interior appropriations bill that required, by a date certain, the Federal Government to live up to the access promises it made to the Chugach natives decades ago. In the conference last fall on the omnibus appropriations bill, the administration spoke passionately and repeatedly against the provision.

Why? They fully admitted the obligation to grant an access easement exists. They acknowledged further that access delayed is access denied and that further delays were harmful to the Chugach people. They opposed the provision on the grounds that it was not necessary since they were going to move with all due haste to finalize the easement before the end of 1998. Katie McGinty, then head of the President's Council on Environmental Quality sat across from me, looked me in the eye, and promised me they would fulfill this long overdue promise before the end of the year.

She even offered to issue a "Presidential proclamation" promising once again to do what had already been promised and promised and promised. My staff worked with OMB on the content of such a proclamation, but I told them it would not be necessary. I would take her at her word and believed the administration would live up to the personal commitment she made to me.

Here we are a year later. Chugach still has not received its easement. Ms. McGinty is gone, but her commitment on behalf of this administration remains. It is now the responsibility of others to ensure the promises she made to me and to Alaska's native people are kept.

Congressman YOUNG's House resources Committee has reported a bill, H.R. 2547, to address this issue legislatively, in the hope of forcing the administration to do what it has promised to do. Senator MURKOWSKI has been tireless in his efforts to get the Federal Government to live up to the promises made to Alaskans concerning access to our State and native lands. I support those efforts.

But I take the time today to say clearly to this administration that the promises made by our Government to the Chugach people for access to their lands—and to me personally as their representative—must be honored. Make no mistake, if the promises made to me by officials in this administration last fall are not lived up to soon, if they oppose the efforts of Congressman YOUNG and Senator MURKOWSKI on this issue, if they continue to obfuscate and "slow roll" this commitment, it will be clear to all that his administration does not perceive the true meaning of Robert Service's memorable phrase: "A promise made is a debt unpaid!"

Mr. LOTT. Mr. President, On behalf of myself and my cosponsor, Minority Leader DASCHLE, I would like to insert in the RECORD a legislative history which describes the purpose of each section of S. 1528, the Superfund Recycling Equity Act of 1999. Throughout the negotiations of this language there has been quite a bit of misrepresentation of the purpose of this bill. I hope this will be useful in clearing the confusion.

Mr. President, I ask unanimous consent that the legislative history be inserted in the RECORD at this point.

LEGISLATIVE HISTORY FOR S. 1528

SECTION 127—RECYCLING TRANSACTIONS

Summary

The Superfund Recycling Equity Act of 1999 (the language of S. 1528) seeks to correct the unintended consequence of CERCLA that actually discourages legitimate recycling. The Act recognizes that recycling is an activity distinct from disposal or treatment, thus sending material for recycling is not the same as arranging for disposal or treatment, and recyclable materials are not a waste. Removing the threat of CERCLA liability for recyclers will encourage more recycling at all levels.

The Act has three major elements. First, it creates a new CERCLA §127 which clarifies liability for recycling transactions. Second, it defines those recycling transactions for which there is no liability by providing that only those persons who can demonstrate that they "arranged for the recycling of recyclable material" as defined by the criteria in sections 127(c) through (e) are not liable under section 107(a)(3) or (a)(4). The specific definition of "arranged for recycling" varies depending upon the recyclable material involved. Third, a series of exclusions from the liability clarification are specified such that persons who arranged for recycling as defined above may still be liable under CERCLA sections 107(a)(3) or (4) if the party bringing an action against such person can prove one of a number of criteria specified in §127(f). Lastly, new CERCLA §§127(g) through 127(l) clarify several miscellaneous issues regarding the proper application of the liability clarification.

Discussion

§127(a)(1) is intended to make it clear that anyone who, subject to the requirements of §127(b), (c), (d) and (e) arranged for the recycling of recyclable materials is not held liable under §§107(a)(3) or (4) of CERCLA. §127 provides for relief from liability for both retroactive and prospective transactions.

§127(a)(2) is intended to preserve the legal defenses that were available to a party prior to enactment of this Act for those materials not covered by either the definition of a recyclable material in §127(b) or the definition of a recycling transaction within the bill. It is not Congress' intent that the absence of a material or transaction from coverage under this Act create a stigma subjecting such material or transaction to Superfund liability.

§127(b)(1) is meant to include the broad spectrum of materials that are recycled and used in place of virgin material feedstocks. Whole scrap tires have been excluded from eligibility under this provision because of concerns about the environmental and health hazards associated with stockpiles of whole scrap tires. Processed tires including material from tires that have been cut or granulated, are eligible for the benefits of this provision.

The term "recyclable materials" is defined to include "minor amounts of material incident to or adhering to the scrap material . . ." This is because in the normal course of scrap processing various recovered materials may be commingled. An appliance may, for example, be run though a shredder that also shreds automobiles. As a result, the metal recovered from the appliance may come into contact with oil that entered the shredded incident to an automobile. Numerous other examples exist.

§127(b)(1)(A) is intended to exclude from the definition of recyclable material shipping containers between 30 and 3000 liters capacity which have hazardous substances other than metal bits and pieces in them. The terms "contained in" or "adhering to" do not include any metal alloy, including hazardous substances such as chromium or nickel, that are metallurgically or chemically bonded in the steel to meet appropriate container specifications.

§127(b)(1)(B) means that any item of material which contained PCBs at a concentration of more than 50 parts per million ("ppm") at the time of the transaction does not qualify as recyclable material. Material, which previously held a concentration of PCBs in excess of 50 ppm, but has been cleaned to levels below 50 ppm, would still qualify for exempt treatment. Item, in this context, is meant to apply only to a distinct unit of material, not an entire shipment.

This legislation builds a test to determine what are recycling transaction that should be encouraged under the legislation and what are recycling transactions that are really treatment or disposal arrangements cloaked in the mantle of recycling. The test specified in 127(c) applies to transactions involving scrap paper, plastic, glass, textiles, or rubber. Transactions can be a sale to a consuming facility; a return for recycling, whether or not accompanied by a fee; or other similar agreement.

§127(c), (d) and (e), the term "or otherwise arranging for the recycling of recyclable material" recognizes that while recyclables have intrinsic value they may not always be sold for a net positive amount. Thus a transaction in which one who arranges for recycling does not receive any remuneration for the material but rather pays an amount, less than the cost of disposal, still qualifies for the protection afforded by this §127.

A commercial specification grade as referred to in §127(c)91), can include specifications as those published by industry trade associations, or other historically or widely utilized specifications are acceptable. It is also recognized that specifications will continue to evolve as market conditions and technologies change.

For purposes of Sec. 127(c)(3), evidence of a market can include, but is not limited to: a third-party published price (including a negative price), a market with more than one buyer or one seller for which there is a documentable price, and a history of trade in the recyclable material.

§127(c)(3) means that for a transaction to be deemed arranging for recycling, a substantial portion, but not all, of the recyclable material must have been sold with the intention that the material would be used as a raw material, in place of a virgin material, in the manufacture of a new product. The fact that the recyclable material was not, for some reason beyond the control of the person who arranged for recycling, actually used in the manufacture of a new product should not be evidence that the requirements of this §127 were not met.

Additionally, no single benchmark or recovery rate is appropriate given variable market conditions, changes in technology, and differences between commodities. Instead, a common sense evaluation of how much of the material is recovered is appropriate. For example, in order to be economically viable as a recycling transaction a relatively high volume of the inbound material is expected to be recovered for feedstocks of relatively low per unit economic value (such as paper or plastic), while a dramatically lower volume of material is expected to be recovered to justify the recycling of a feedstock of very high economic value (such as gold or silver).

It is not necessary that the person who arranged for recycling document that a substantial portion of the recyclable material was actually used to make a new product. Instead, the person need only be prepared to demonstrate that it is common practice for recyclable materials that he handles to be made available for use in the manufacture of a new saleable product. For example, if recyclable stainless steel is sold to a stainless steel smelter, it is presumptive that recycling will occur.

The first part of §127(c)(4) acknowledges the fact that modern technology has developed to the point were some consuming facilities exclusively utilize recyclable materials as their raw material feedstock and manufacture a product that, had it been made at another facility, may have been manufactured using virgin materials. Thus, the fact that the recyclable material did not directly displace a virgin material as the raw material feedstock should not be evidence that the requirements of §127 were not met.

Secondary feedstocks may compete both directly and indirectly with virgin or primary feedstocks. In some cases a secondary feedstock can directly substitute for a virgin material in the same manufacturing process. In other cases, however, a secondary feedstock used at a particular manufacturing plant may not be a direct substitute for a virgin feedstock, but the product of that plant completes with a product made elsewhere from virgin material. For example aluminum may be utilized at a given facility using either virgin or secondary feedstocks meeting certain specifications. In this case, the virgin and secondary feedstock materials compete directly. A particular steel mill, however, may only utilize scrap iron and steel as a feedstock because of the design restrictions of the facility. If that mill makes a steel product that competes with the steel product of another mill, which utilizes a virgin feedstock, the conditions of this paragraph have been met. In this example, the two streams of feedstock materials do not directly compete, but the product made from them do. It is the intent of this paragraph that the person be able to demonstrate the general use for which the feedstock material was utilized. It is not the intent that the person show that a specific unit was incorporated into a new product.

Section 127 provides for relief from liability for both retroactive and prospective transactions. However, an additional requirement is placed on prospective transactions in this paragraph such that persons arranging for such transactions take reasonable care to determine the environmental compliance status of the facility to which the recyclable material is being sent. Reasonable care is determined using a variety of factors, of which no one factor is determinant. The clause "not procedural or administratrative" is included to protect one who arranges for recycling from losing the protection afforded by §127 due to a record keeping error, missed deadline or similar infraction by the consuming facility which is out of control of the person arranging for recycling. For transactions occurring prior to, or during the 90 days after, enactment of §127 the requirements of §127(c)(5) shall not be considered in determining whether §127 shall apply.

The person arranging for the transaction must exercise reasonable care at the time of the transaction (i.e., at the time when the buyer and seller reach a meeting of the minds). Should a consuming facility's compliance record indicate past non-compliance with the environmental laws, but at the time the person arranged for the transaction the person exercised reasonable care to determine that the consuming facility was in compliance with all applicable laws, the transaction would qualify for relief under §127.

In addition, the person must only determine the status of the consuming facility's compliance with laws, regulations, or orders, which directly apply to the handling, processing, reclamation, storage, or other management activity associated with the recyclable materials sent by the person. Thus, for example, a person who arranges for the recycling of scrap metal to a consuming facility would not be responsible for determining the consuming facility's compliance with regulations governing the consuming facilities production of its product, just the consuming facility's compliance with management of the scrap metal as an in-feed material.

It is common practice in the industry for scrap processors to otherwise arrange for the recycling of a secondary material through a broker. The broker chooses to which consuming facility the secondary material will be sold. In such cases, it is the responsibility of the broker, not the original person who entered into the transaction with the broker, to take reasonable care to determine the compliance status of the consuming facility. Likewise, a scrap processor may sell material to a consuming facility which in turn arranges for recycling of all or part of that material to another consuming facility. It is only the responsibility of the scrap processor to inquire into the compliance status of the party he arranged the transaction with, not subsequent parties.

In determining whether a person exercised reasonable care, the criteria to be applied should be considered in the context of the time of the transaction. Thus, when looking at "the price paid in the recycling transaction" in §127(c)(6)(A) one should look not only at whether the price bore a reasonable relationship to other transactions for similar materials at the time of the transaction in question but should also take into account the circumstances surrounding the individual transaction such as whether it was part of a long term deal involving significant quantities. In addition, market conditions vary considerably over any given time period for any given commodity. Thus, when determining whether the price paid was reasonable, general market conditions, and variations should be considered.

Congress recognizes that small businesses often have less resources available to them than large businesses. Thus, §127(c)(6)(B) acknowledges the fact that a small company may be able to determine less information about the consuming facility's operations than a large company. The size of an individual facility may be an important factor in the facility's ability to detect the nature of the consuming facility's operations.

§127(c)(6)(c) requires a responsible person who arranges for the recycling of a recyclable material to inquire of the appropriate environmental agencies as to the compliance status of the consuming facility. Federal, State, and local agencies may not respond quickly (or respond at all) to inquiries made regarding a specific facility's compliance record. §127(c)(5) only requires a person to make *reasonable* inquiries; inquiries need not be made before every transaction. Inquiries need only be made to those agencies having primary responsibilities over environmental matters related to the handling, processing, etc. of the secondary materials involved in the recycling transaction.

§127(d)(1)(B) provides that a person who arranges for the recycling of scrap metal must meet all of the criteria set forth in §127(c) as they relate to scrap metal and be in compliance with federal regulations or standards associated with scrap metal recycling that were in effect at the time of the transaction in question (not regulations promulgated or standards issued sequent to the time of the transaction). In addition, compliance must only be shown with Solid Waste Disposal Act regulations, which were promulgated and came into effect subsequent to enactment of §127.

Section 127(d)(1)(C) as modified by §127(d)(2) is not intended to exclude from liability relief such activities as welding, cutting metals with a torch, "sweating" iron from aluminum or other similar activities.

Section 127(d)(3) defines scrap metal using the regulatory definition found at 40 CFR 261.1 The Administrator is given the authority to exclude, by regulation, scrap metals that are determined not to warrant the exclusion from liability. Because §127 grants relief from liability both prospectively and retroactively, any exclusion by the Administrator would only apply to transactions occurring after notice, comment and the final promulgation of a rule to such effect.

Persons who arrange for the recycling of spent batteries must meet the criteria specified in §127(e), in addition to the criteria already discussed above and laid out in §127(c) for transactions involving scrap paper, plastic, glass, textiles, or rubber.

The act of recovering the valuable components of a battery refers to the breaking (or smelting) of the battery itself in order to reclaim the valuable components of such battery. The generation, transportation, and collection of such batteries by persons who arrange for their recycling is an activity distinct from recovery. Thus, a person who generates, transports, and/or collects a spent battery, but does not themselves break or smelt such battery, is not liable under §§107(a)(3) and (4) provided all other requirements set out in this Section are met.

Section 127(e)(2)(A) provides that for spent lead-acid batteries, the party seeking the exemption must show that it met the federal environmental regulations or standards in effect at the time of the transaction in question (not regulations or standards issued subsequent to the time of the transaction).

Persons who arrange for recycling as defined by the criteria specified in sections 127(a)–(e) and discussed above may be liable under CERCLA §§107(a)(3) or (4) if the party bringing an action against such a person can demonstrate that one of the exclusions provided for in section 127(f) apply. Thus, the burden is on the government or other complaining party to demonstrate the criteria specified in section 127(f).

§127(f)(1)(A) is intended to mean that an "objectively reasonable basis for belief" is not equivalent to the reasonable care standard. The objectively reasonable basis for belief standard is meant to be a more rigorous standard than the reasonable care standard.

§127(f)(1)(A)(i) means that in order for the government to show that a recycling transaction should not receive the benefit of §127, it would have to prove that a person knew that the material would not be recycled. Moreover, it is not necessary that every component of the recyclable material be recycled and actually find its way into a new product in order to meet this requirement.

For the purposes of §127(f)(1)(A)(ii), smelting, refining, sweating, melting, and other operations which are conducted by a consuming facility for purposes of materials recovery are not considered incineration, nor would they be categorized as burning as fuel or for energy recovery. However, nothing in this bill shall be construed to limit the definition of recycling so as to restrict, inhibit, or otherwise discourage the recovery of energy through pyroprocessing from scrap rubber and other recyclable materials by boilers and industrial furnaces (such as cement kilns).

§127(f)(1)(A)(iii) sets forth certain obligations upon one who arranges for a recycling transaction which occurs within the first 90 days after enactment and had an objectively reasonable basis to believe that the consuming facility was not in substantive compliance with environmental laws and regulations. This is the corollary to §127(c)(5). The clause "not procedural or administrative" is included to protect one who arranges for recycling from losing the protection afforded by §127 due to record keeping error, missed deadline or similar infraction by the consuming facility which is out of control of the person arranging for recycling. There is no expectation that the person who arranged for recycling would necessarily have carried out any type of records search or made any extensive inquiries of administrative agencies.

The provision in §127(f)(1)(B) is intended to apply to persons who intentionally add hazardous substances to the recyclable material in order to dispose or otherwise rid themselves of the substance.

§127(f)(1)(C) is intended to mean that reasonable care is to be judged based on industry practices and standards at the time of the transaction. Thus, in order to determine if a person failed to exercise reasonable care with respect to the management and handling of the recyclable material, one should look to the usual and customary management and handling practices in the industry at the time of the transaction.

In enacting §127(i) Congress clearly intends that the exemptions from liability granted by §127 shall not affect any concluded judicial or administrative action. Concluded action means any lawsuit in which a final judgment has been entered or any administrative action, which has been resolved by consent decree, which has been filed in a court of law and approved by such court. Furthermore, §127 shall not affect any pending judicial action brought by the United States prior to enactment of this section. Any pending judicial action, whether it was brought in a trial or appellate court, by a private party shall be subject to the grant of relief from liability. For purposes of this section, Congress intends that any third party action or joinder of defendants brought by a private party shall be considered a private party action, regardless of whether or not the original lawsuit was brought by the United States. Additionally, any administrative action brought by any governmental agency but not yet concluded as set forth above, shall be subject to the grant of relief from liability set forth in this §127.

§127(l)(1) preserves the rights of a person to whom §127(a)(1) does not apply to raise any defenses that might otherwise be raised under CERCLA. This is consistent with the explanation for §127(a)(2).

By adding §127(l)(2) Congress intended to make certain that no presumption of liability is created against a person solely because that person is not afforded the relief granted by §127(a)(1).

Mr. DASCHLE. This past Wednesday—the day we finally produced a fragile budget agreement—marked the 199th anniversary of the first time Congress ever met in Washington, DC. They met that day in what was then an unfinished Capitol. Several times during the negotiations, the thought occurred to me that, if the same people who are running this Congress were in charge back then, the Capitol might still be unfinished.

These negotiations took longer, and were more difficult, than they needed to be. The good news is: We finally have a budget that will keep America moving in the right direction. Many longtime members and observers of Congress say this has been perhaps the most confusing, convoluted budget process they can remember.

There have been a lot of technical questions these last few weeks about accounting methods, economic growth projections, and CBO versus OMB scoring. But the big question—the fundamental question that was at the heart of this budget debate—is quite simple: Are we going to move forward—or backward?

We have chosen, thank goodness, to move forward. This budget continues the progress we've made over the last seven years. It maintains our hard-won fiscal discipline. It invests in America's future. And it honors our values.

This budget will put more teachers in our children's classrooms, and more police on our streets. It will enable us to honor our commitments to our parents, and fulfill America's obligations as a world leader. And, it will enable us to protect our environment and preserve precious wilderness areas for generations not yet born.

I want to thank the Majority Leader, my Democratic colleagues, especially Senator HARRY REID, our whip, and Senator ROBERT BYRD, ranking member of the Appropriations Committee. I also want to thank some of my colleagues on the other side of the aisle, particularly Senator STEVENS, chairman of the Appropriations Committee.

In addition, I want to acknowledge and thank President Clinton and Vice President GORE, as well as the incredibly skillful, patient White House negotiating team, especially Chief of Staff John Podesta, Deputy Chief of Staff Sylvia Matthews, OMB Director Jack Lew; Larry Stein and Chris Jennings.

I also want to thank my own staff, and the staff of Appropriations Committee, who have worked many weekends, many late nights, to turn our ideas and debate into a workable budget document.

Finally, I want to acknowledge our dear friend, the late Senator John Chafee. Losing Senator Chafee so suddenly was one of the saddest moments in this difficult year. He embodied what is best about the Senate. He was a reasonable, honorable man who cared deeply about people. Completing the budget process was a major challenge. But in the end, I believe we have produced a budget John Chafee would have approved of.

This budget invests in our children's education - the best investment any nation can make. It maintains our commitment to reduce class size by hiring 100,000 teachers. It contains money to help communities repair old schools and build new ones. It will enable more children to get a Head Start in school, and in life. And it will allow more young people to attend after-school programs where they will be safe, and where they will have responsible adult supervision.

This budget protects Medicare beneficiaries by providing fair payments to the hospitals, clinics, home health care providers and nursing homes they rely on.

This budget will make our communities safer by putting 50,000 more police officers on the street—in addition to the 100,000 who have already been hired—and by investing in youth crime prevention.

This budget will help keep Americans healthy . . . by reducing hunger and malnutrition among pregnant women, infants and young children . . . and by increasing funding for the National Institute of Health and the national Centers for Disease Control.

This budget protects our environment. We took out riders that would have harmed our environment, and put in money to fund the President's Lands Legacy program.

This budget will help working families find affordable housing.

It will help farm and ranch families weather these hard times.

This budget protects our national security . . . by increasing military pay and readiness . . . and by reducing the nuclear threat at home and around the world.

This budget will help us fulfill our responsibilities as the world's only superpower. It provides money to pay our UN arrears and fund the Wye Accord to promote peace to the Middle East. It will also enable us to ease the crushing burden of debt on some of the world's poorest countries, so those nations can begin to invest in their own futures.

At the beginning of the year, our Republican colleagues proposed an $800 billion tax cut. For months, we all heard a lot of debate about what such a huge tax cut would mean. This budget makes it clear. There is no way we could have paid for an $800 billion tax cut without exploding the deficit again, or raiding Medicare, education, and other programs working families depend on.

Instead of moving backwards on taxes, we're moving forward. We're cutting taxes the right way. We're widening the circle of opportunity . . . by extending the R&D tax credit, and other tax credits that stimulate the economy . . . and by empowering people with disabilities by allowing them to maintain their Medicare and Medicaid coverage when they return to work.

There is one other point I want to make about the budget: For every dollar Democrats succeeded in restoring these last few weeks . . . for teachers, and police officers and other critical priorities . . . we have provided a dollar in offsets. Dollar for dollar, every one of our priorities is paid for. If CBO determines that this budget exceeds the caps, the overspending is in the basic budget our Republican colleagues drafted—on their own.

THE UNFINISHED AGENDA

As I said, Mr. President, this budget does move the country in the right direction—but only incrementally. My great regret and frustration with this Congress, is that we have achieved so little beyond this budget.

Look what we are leaving undone! In a year in which gun violence horrified America . . . a year in which gun violence invaded our schools and even a day care center . . . the far right has prevented this Congress from passing even the most modest gun safety measures—measures that would make it harder for children and criminals to get guns.

The far right has prevented this Congress—so far—from passing a Patients' Bill of Rights. More than 90 percent of Americans—Democrats and Republicans—support a real Patients' Bill of Rights that holds HMOs accountable. So does the AMA, the American Nurses Association—and 200 other health care and consumer organizations. And so does a bipartisan majority in both the House and Senate. Yet the Republican leaders in this Congress continue to use parliamentary tricks to deny patients their rights. As we leave here for the year, HMO reform, like gun safety, has been stuck for months in the black hole of conference committees.

The Republican leadership clearly is hoping that we will forget about all the shootings . . . forget about the families who have been injured because some HMO accountant overruled their doctor and denied needed medical treatment. I am here to tell them: The American people will not forget. And neither will Senate Democrats.

We will fight to close the gun show loophole. And we will fight to pass a real Patients' Bill of Rights next year. We will continue the fight for meaningful campaign finance reform. We will continue the fight to preserve and strengthen Medicare—including adding a prescription drug benefit. We will resume the fight for a decent minimum wage increase. We will fight for a fair resolution of the dairy-pricing issue. And, we will restore the rural loan guarantee program for satellite TV service, so rural Americans aren't left with second-class service.

It's taken a long time, but we finally have a budget that keeps America moving in the right direction. That is a relief, and a victory for the American people. But we still have a long way to go. We are leaving here with too many urgent needs unmet. We must do better next year.

Mr. LOTT. Mr. President, today the Superfund Recycling Equity Act, S. 1528, is being sent to the President as part of H.R. 3194. This is a great day for environmental law—this is the day that the public policy restores recycling as a rewarded, rather than punished activity.

This is a great day because partisan feuding was set aside so that the Congress could find a realistic, incremental, and common sense environmental fix. The freestanding Superfund Recycling Equity Act has strong bipartisan support with 68 cosponsors—68 Senators who have worked together to advance a fix to a small piece of the Superfund debate.

In this controversial world of environmental legislation it is rare that the leaders of the two parties in either Congressional body would agree on a piece of legislation. Well, here in the Senate we do. I wish to thank Minority Leader DASCHLE who understood the merits of recycling and twice joined with me to sponsor this legislation. Without his leadership, this legislation would not have been possible.

Mr. President, I would also like to commend the Senators who originally joined Senator DASCHLE and me in introducing this legislation. Senators WARNER and LINCOLN, who sponsored this measure in a previous Congress, have long exhibited their enthusiasm for fixing recycling rules. They are true leaders—leaders who have fostered this reasonable, workable, environmental proposal. Senator BAUCUS, the Ranking Minority Member of the Environment and Public Works Committee, has also been an avid supporter of recycling by including a version of the Superfund Recycling Equity Act in his comprehensive Superfund reform bill in the 103rd Congress. His six years of leadership in trying to fix public policy for recyclers is appreciated.

Mr. President, this bill would not be where it is at today, on the cusp of becoming law, had it not been for the active support of the late Senator John Chafee—a dear friend to me and many of our colleagues. John Chafee was a respected leader of the Environment and Public Works Committee. His advice and counsel helped shape my bill and he was an original cosponsor. I am proud to have been associated with him on this bill and its legislative process. I consider it a tribute that this bipartisan bill, negotiated with the Administration, representatives of the national environmental community, and the recycling industry, was supported by John Chafee, a man for whom consensus was so important. I believe this is not a footnote to John Chafee's legacy; rather I believe that he made this kind of cooperation possible.

The former mayor of Warwick, Rhode Island, is now the newly appointed Senator from Rhode Island. I have already had an opportunity to hear our newest senator—Senator LINCOLN CHAFEE—tell me about what Warwick has done with regards to recycling. It is a proud record—a record that would be extended and enhanced by this bill. I find it a credit to John Chafee's legacy that his son would be working with me on this legislation. Less than a month in the Senate and already LINCOLN's voice is being heard in ways that will directly help Rhode Island.

Mr. President, I also must recognize the vision of trade associations like American Petroleum Institute and National Federation of Independent Businesses for supporting an incremental solution. It would have been easier for these groups to oppose the bill because it did not address all the fixes for which they have been advocating. However, AFI and NFIB recognized that this increment would not jeopardize their efforts; rather it exemplifies the efforts of various stakeholders to accomplish something positive for the environment albeit it incremental.

And finally, I must thank the various staff members who have diligently worked toward the passage of this legislation: Eric Washburn and Peter Hanson of Senator DASCHLE's staff, Tom Gibson and Barbara Rogers of the Environment and Public Works committee staff, Charles Barnett of Senator LINCOLN's staff, Ann Loomis of Senator WARNER's staff, and my former staffer, Kristy Simms, who set the stage for this years success.

While too often Senators have seen various interest groups tell Congress why we cannot achieve some worthy environmental goal, the history of the Superfund Recycling Equity Act is replete with evidence of people coming together to correct a problem. Everyone, including myself, realizes that comprehensive reform is necessary to fix the vast array of problems in many different sectors of the environmental community. Unfortunately, we do not live in a perfect world, so Congress must do what is achievable whenever it is possible. This is good public policy —increments will show all parties there is a bridge for bipartisan environmental fixes. Recycling is the first of many necessary fixes, and I would bet my colleagues that it will not be the last fix.

This is a great day for many environmental groups who saw a change that they supported, not be taken hostage by the debate that has for so many years paralyzed reforms to Superfund. The original negotiation that resulted in the basis of the bill was tough and long—but it was fair. Each of the negotiating partners left items on the table that they would have wanted in an otherwise perfect world. Their collective approach was always bipartisan—they never pitted one party against another by pledging one group of interests against another. They remained loyal to their agreement for an unheard of five years—an eternity in Washington. Though this legislation was a long time in coming, I am grateful for its passage.

Mr. President, this is a great day for my good friend and fellow Mississippian, Phillip Morris. It is also a great day for the thousands of mom-and-pop recycling firms across America, like the one owned by Phillip Morris. This legislation protects the legacy of these firms which in most cases have been handed down through generations—often started by new immigrants to America nearly a hundred years ago. This ends the long Superfund nightmare that our nation's recyclers have suffered. Each time they sold their recyclable products they were, unintentionally, exposing themselves to costly Superfund liability. Removing Superfund as an impediment to recycling is a predicate to higher recycling rates throughout the nation.

The Superfund Equity Act is not about special interests getting a fix. No, this bill is about representing constituent interests throughout America and promoting the public interest. That is why Senator DASCHLE and I have 68 cosponsors—cosponsors that range completely across the liberal and conservative political spectrum, and range across all regions of America.

Mr. President, let me be clear, the Superfund Recycling Equity Act corrects a mistake nobody intended to make. When the Comprehensive Emergency Response, Compensation and Liability Act (CERCLA) was enacted in 1980, there was no suggestion that traditional recyclables—paper, plastic, glass, metal, textiles, and rubber were ever intended to be subject to Superfund liability. As a result of court interpretations, however, the sale of recyclables as manufacturing feedstock was considered to be arranging for the disposal of the material and, therefore, subject to Superfund's liability scheme. However, as we have all come to know as a matter of public policy, recycling is not disposal; it is the exact opposite of disposal.

Mr. President, let me say that again—recycling is not disposal, and a law is needed to remove this confusion. Sad, but true.

Enactment of this legislation clarifies this point and corrects the misinterpretations that have cost recyclers—primarily small family-owned businesses—millions and millions of dollars for problems they did not cause. With passage of the Superfund Recycling Equity Act, the costs of cleanup at sites that utilize recyclable materials as feedstock will be borne, rightfully, by those persons who actually cause or contribute to the pollution. As a result, those facilities will be less likely to cause contamination because they will no longer have recyclers to help them pay for Superfund cleanup. That's a powerful market incentive and will cause the consuming facility to become more environmentally conscientious.

Let me be clear, this legislation will not alter the basic tenants of environmental law—polluters will still pay. This legislation does not relieve recyclers of Superfund liability where they have polluted their own facilities. It also does not protect these businesses when they have sent materials destined for disposal to landfills or other facilities where those materials contributed, in whole or in part, to the pollution of those facilities. Furthermore, the public can expect recyclers to continue to be environmentally vigilant because they must operate their businesses in an environmentally sound manner, in order to be relieved of Superfund liability.

Today is a victory for coalition building that avoids the attack strategies that are so often employed by trade associations in DC. I hope they see the wisdom in building coalitions around achievable increments. This is how Congress can move forward. This is how Congress shows that it not only hears from its constituents but it acts successfully. Hostage taking, distortion, and scorch the earth approaches are not productive legislative strategies or lobbying tactics. Trade associations need to seek achievable solutions, develop responsible legislative goals, and avoid Beltway attack politics. I am extremely pleased that Congress has been able to take this tiny but very important step forward in reforming the Superfund law. I hope this accomplishment will inspire others to work for sensible, incremental solutions that help both our environment and our nation's economy.

I am proud that today Congress leveled the playing field and created equity in the statutory treatment of recycled material and virgin materials. I am proud to have removed the disincentives to recycling without loosening any existing liability laws for polluters. I am proud to have represented the mom and pop recyclers across America. I'm especially proud of the fact that this was all done in a bipartisan manner.

Mr. MOYNIHAN. Mr. President, 2 years ago, as part of the effort to balance the Federal budget, Congress enacted the Balanced Budget Act of 1997—which we have come to know as the "BBA." Among other provisions, the BBA enacted major changes in the way Medicare pays for medical services. As implementation of these changes proceeds, concerns have been raised that some of them are having unintended consequences that threaten the viability of health care providers—and consequently the overall availability of health care to our constituents.

In order to alleviate some of these unintended consequences of the BBA, the appropriations conference report before the Senate today incorporates by reference H.R. 3426, the "Medicare, Medicaid and SCHIP Balanced Budget Refinement Act of 1999." This legislation will restore some $17 billion over 10 years to hospitals, skilled nursing facilities, home health agencies, and other Medicare and Medicaid providers. The bill will also facilitate administrative actions that will provide an additional $10 billion of relief to hospital outpatient departments.

H.R. 3426 has many important provisions; here are some of the highlights:

Teaching hospitals will receive $600 million in additional Indirect Medical Education (IME) payments over fiscal years 2000 and 2001. They will also benefit from other provisions that add money back to hospital outpatient departments, and which scale back cuts in Medicare disproportionate share payments to hospitals serving low-income patients. I will have more to say about teaching hospitals in a moment.

Rural hospitals will be assisted by: an exemption from the new payment system for hospital outpatient departments; improvements in the Critical Access Hospital (CAH) program; a 5-year extension of the Medicare Dependent Hospital program; and an update in payments for Sole Community Hospitals (SCHs).

Skilled Nursing Facilities—usually referred to as SNFs—would receive $2.1 billion of assistance over 10 years by: increasing payments for certain medically complex patients; permitting SNFs to switch immediately to a more favorable payment system; and excluding certain high cost items from consolidated billing.

The caps on payments for rehabilitation therapy would be suspended for two years pending development of a better payment system; and hospice facilities, which are covered under Medicare part A, would receive temporary payment increases in fiscal years 2001 and 2002.

Other provisions of the bill would: stabilize the formula used to calculate payment for physician services; lift time limits for state use of a fund for delinking of welfare and Medicaid eligibility; slow the phase-down of a Medicaid cost reimbursement to community health centers and rural health clinics; and provide adjustments to the State Children's Health Insurance Program—known as CHIP—which was enacted by the BBA of 1997

GRADUATE MEDICAL EDUCATION

I would like to focus the remainder of my remarks on one particular aspect of this legislation—funding for graduate medical education. My State of New York is the home to 117 teaching hospitals—almost 10 percent of our Nation's academic medical centers.

The cumulative effect of several provisions in the Balanced Budget Act of 1997 has produced an unintended financial burden on teaching hospitals. First, the BBA enacted a multi-year reduction in payments for the indirect costs associated with medical education, known as IME payments. Second, many teaching hospitals serve a large share of low-income inpatients and have therefore been burdened by the BBA's cuts in disproportionate share hospital (DSH) payments. Finally, many teaching hospitals are also subject to the BBA's reductions in hospital outpatient department reimbursements.

I am pleased that the legislation we are voting on today, mitigates the fiscal pressures on teaching hospitals by adding back Indirect Medical Education (IME) funds in fiscal years 2000 and 2001. Teaching hospitals in New York will receive more than $150 million in additional IME payments over these 2 fiscal years.

In addition, the bill's relief to disproportionate share hospitals—those serving low-income patients—will assist the many teaching hospitals serving those populations. Finally, teaching hospitals across the Nation will benefit from the nearly $10 billion over 10 years in additional payments to hospital outpatient departments.

I am concerned, however, about a change made in this bill to Direct Graduate Medical Education (DGME) payments. Medicare DGME payments compensate teaching hospitals for the costs directly related to the graduate training of physicians. Such DGME costs include residents' salaries and fringe benefits, the salaries and benefits of the faculty who supervise the residents, as well as other direct and overhead costs.

The current payment methodology for DGME was developed in the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). Under COBRA, a hospital-specific per-resident amount was determined based on each individual hospital's 1984 Medicare allowable costs. This per-resident amount took into account the extent to which teaching hospitals already had alternative sponsorship—such as from a university, medical school, or faculty practice plan—and locked payments at that level, so as not to replace outside funding sources. In determining current DGME payments, 1984 costs are updated for inflation and subjected to a formula based on each hospital's number of current residents (which is capped under BBA), and each hospital's proportion of inpatient Medicare beds.

Consequently, there is wide variation in DGME payments from hospital to hospital. On average, New York has a higher average per-resident amount ($85,000/per resident) than the rest of the country ($67,000/per resident). However, DGME payments are hospital specific, not region specific; even within New York great variation exists. In New York DGME payments range from $156,000 per-resident to $38,000 per-resident. There are a number of factors which account for the variation in the hospital specific payments: the level of outside support from non-hospital sources; the relationship to the medical school; and state or local government appropriations. In addition, residents' salaries, which are determined by geographic cost of living factors, further explains the variation.

The version of this legislation that passed the House of Representatives included DGME language that would change the hospital specific per-resident formula to a payment based on a wage-adjusted national average. I am pleased to say that during negotiations on these provisions, I and the distinguished ranking Democrat on the Ways & Means Committee, Representative Rangel, with Chairman Roth's support were able to significantly narrow the scope of the House provision, thereby protecting many teaching hospitals in New York and elsewhere from abrupt changes in DGME payments. The scaling back of the House provision will provide time to address the complicated DGME system in a comprehensive and fair manner.

The negotiations necessary to reach agreement on both the IME and DGME adjustments in this legislation clearly demonstrate the need for fundamental change in the way that medical education is financed in this country. What is needed is not year-to-year adjustments in Medicare funding but an explicit and dedicated source of funding for these institutions—a Medical Education Trust Fund as I have proposed this year and in the past.

The legislation that I introduced would require that the public sector, through the Medicare and Medicaid programs, and the private sector, through an assessment on health insurance premiums, contribute broad-based and fair financial support. Changing the funding source for graduate medical education from primarily Medicare funds to multiple payers would protect graduate medical education for the long term. Teaching hospitals are national treasures; they are the very best in the world. Yet today they find themselves in a precarious financial situation as market forces reshape the health care delivery system in the United States. The all-payer trust fund I have proposed would ensure that America continues to lead the world in the quality of its health care system.

Mr. THURMOND. Mr. President, I rise in support of the Conference Report to H.R. 1554, the Satellite Home Viewer Improvement Act. This is pro-consumer legislation which will promote much needed competition among television providers.

This legislation allows satellite carriers to carry local television stations for the first time. Consumers now will have a choice between cable companies and satellite companies that offer similar programming. This competition should help lower costs and increase quality service for all consumers.

In addition, this legislation contains many other pro-consumer provisions. For example, it protects consumers who are about to lose their distant signals and establishes a new consumer-friendly process to determine distant signal eligibility.

This legislation also protects local broadcasters who provide a valuable service to our communities. Most importantly, local broadcasters should benefit from the legislation's must carry requirements. The members of the conference also agreed on a provision which would encourage satellite carriers and other entities to provide local into local network service in small and rural markets. However, this provision was taken out at the last minute. I strongly support fiscally sound ways of encouraging satellite carriers and other entities to provide local network television in small and rural markets.

This legislation is a good step in promoting competition among satellite and cable providers. I urge support of this legislation, and I look forward to working early next year with other Senators regarding local into local network service for small and rural markets.

Mr. LIEBERMAN. Mr. President, I rise today with renewed hope for the safety of our public roads. In 1998, 5,374 people were killed in truck-related crashes. In my State there is a strong public sense of alarm about this safety problem. And as trucks get bigger and heavier and the volume of trucks on our roads increases, the General Accounting Office (GAO) predicts that by the year 2000, over 6,000 people will be killed every year as a result of truck-related crashes. This prediction comes at a time when the Office of Motor Carriers (OMC)—the federal agency charged with overseeing truck safety—has failed in its duties to protect the American public. The Department of Transportation Inspector General, the National Transportation Safety Board, the GAO and members of this Congress have all brought to light and documented the many inadequacies of this broken agency.

I commend the leaders of the Senate Commerce Committee for pursuing this very important issue. H.R. 3419, The Motor Carrier Safety Improvement Act of 1999, addresses the numerous failings of the Office of Motor Carriers by strengthening federal motor carrier safety programs, and by creating a new Federal Motor Carrier Safety Administration. Although H.R. 3419 takes a large step in the right direction, federal truck safety oversight needs a new look, with a focus dedicated to reducing truck-related fatalities and injuries, and not simply a new agency with new letterhead.

The Inspector General in his April 1999 report showed that the OMC has not maintained an "arm's length" relationship between itself and the industry it regulates. In fact, the report suggests OMC has developed too close a relationship with the industry it must regulate. This has limited OMC in taking the tough regulatory and enforcement actions that the accident data suggests are needed to protect public safety. One example of this problem is that the OMC has consistently awarded research contracts to the regulated industry to perform some of the most critical, and highly sensitive research on future rulemakings governing the industry. This practice appears questionable. In order to protect the American public, an independent relationship should be established by the new Federal Motor Carrier Administration.

H.R. 3419 provides us with an opportunity for real progress in improving truck safety, but only if the new Federal Motor Carrier Safety Administration and its leaders commit to a new culture which truly holds safety as the highest priority. This Congress and the Department of Transportation must restore the American public's trust in federal motor carrier safety programs, and take action that produces safer results.

Mrs. FEINSTEIN. Mr. President, today I am pleased the Senate is considering the Balanced Budget Refinement Act of 1999, to restore some of the unanticipated cuts in Medicare and Medicaid made in 1997 and I commend the Senate leadership, the Finance Committee, Senators ROTH and MOYNIHAN, and the Administration for their hard work in developing this bill. The bill includes several important provisions.

The Balanced Budget Act of 1997 has been one of several factors threatening the overall stability of the health care system in California, which many believe to be on the verge of collapse. Today I will focus on eight provisions of the bill which are particularly important to California.

CALIFORNIA'S HEALTH CARE SYSTEM ERODING

During the past few months, I have met with many California health care leaders who have convinced me that the Medicare and Medicaid cuts contained in the Balanced Budget Act of 1997 have undermined the financial stability of California's health care system. In the past 6 months, I have urged President Clinton, Secretary Shalala, and Senators ROTH and MOYNIHAN to join me in addressing the impact the Balanced Budget Act of 1997 is having on our nation's health care system.

California's health care system, in the words of a November 15th Wall Street Journal article, is a "chaotic and discombobulated environment." It is stretched to the limit:

Thirty-seven California hospitals have closed since 1996, and up to 15 percent more may close by 2005.

By 2002, the Balanced Budget Act of 1997 will result in cuts of $5.2 billion for California hospitals. For California's two largest Catholic health systems, Catholic Healthcare West and St. Joseph's Health System, the loss amounts to over $842 million.

Over half of my state's hospitals lose money on hospital operations annually.

Hospitals have laid off staff.

California physician groups are failing at the rate of one a week, with 115 bankruptcies or closures since 1996.

Academic medical centers, which incur added costs unique to their mission, are facing margins reduced to zero and below.

The University of California's five medical centers will lose $225 million.

California hospitals are contending with the impact of BBA while facing a projected margin of negative 7.58 percent by 2002, compared to the national rate of negative 4 percent.

For rural California hospitals, because 40 percent of patients receive Medicare and 20 percent receive Medicaid, 69 percent lost money in 1998, according to the California Health Care Association.

In short, restoring Medicare cuts is crucial to stabilizing California's health delivery system.

HOSPITALS

This bill contains several provisions that will help stabilize California's hospitals by restoring $400 million, according to preliminary estimates of the California Health Care Association. This bill clarifies that Congress' intent was not to impose a 5.7 percent cut in outpatient services, which restores $137 million to California, according to preliminary estimates by the California Health Care Association. Cancer hospitals are held harmless permanently. Since Medicare is a major payer for hospital care, improving payment rates and methods is a significant way to stop further closures and stabilize the system.

SAFETY NET HOSPITALS

I want to thank the Finance Committee and the Administration for including a provision maintaining adequate Medicaid payments to disproportionate share hospitals. California has a disproportionate burden of uncompensated care. We have one of the highest uninsured rates in the country at 24 percent, while the national rate is 17 percent. California has the fourth highest uninsured rate in the country, a rate that has risen over the last 5 years and now totals over seven million people. As a result of Medicaid reductions in the Balanced Budget Act of 1997, California's Medicaid disproportionate share hospital program could lose more than $200 million by 2002, representing a 20 percent reduction in the program, if what is know as the "transition rule" for California's public hospitals is not extended. At my urging, this bill continues for California only the "transition rule" allowing California DSH hospitals to calculate Medicaid payments at 175 percent of unreimbursed costs. Under this provision, tens of millions of dollars will be restored to California hospitals.

Public hospitals carry a disproportionate share of caring for the poor and uninsured. The uninsured often choose public hospitals and frequently wait until their illnesses are exacerbated when they come to the emergency room, making their care even more costly. Without this transition rule, for example, Kern Medical Center, in Bakersfield, would lose $8 million. Alameda County, would lose $14 million.

Forty percent of all California uninsured hospital patients were treated at public hospitals in 1998, up from 32 percent in 1993. The uninsured as a share of all discharges for public hospitals grew from 22 percent in 1993 to 29 percent in 1998. While overall public hospital discharges declined from 1993 to 1999 by 15 percent, discharges for uninsured patients increased by 11 percent. Large numbers of uninsured add huge uncompensated costs to our public hospitals.

MEDICAID COMMUNITY CLINICS

Another important provision is the Medicaid payment method for community health clinics. Extending the phase out of cost-based reimbursement for community health clinics over four years will help alleviate the financial burden associated with the more expedited phase-out proposed under the Balanced Budget Act of 1997.

BBA 1997 allowed state Medicaid programs to phase-out the previous requirement that clinics be paid on the basis of cost. The phase-out was to occur over 5 years. Under the phase-out, health centers could lose as much as $1.1 billion in Medicaid revenues. California health clinics' could have lost $969 million annually. To halt further decreases in payments to community health, an extended phase-out of cost-based reimbursement has been included in the bill which allows clinics in fiscal year 2000 to be reimbursed at 95 percent and by 2003 at 90 percent of costs.

California has over 7 million uninsured, and 306 federally qualified health centers and 218 rural health clinics that rely on federal funding so that they can provide vital health services to some of the state's sickest and poorest. Over 80 of California's clinics are located in underserved areas and provide primary and preventive services to 10 percent of the uninsured people in the state. According to the federal Bureau of Primary Health Care's Uniform Data System, 42 percent of California community health center patients are children, 52 percent are adults ages 21-64, and 6 percent are the elderly.

HOME HEALTH

I am also pleased that the bill addresses home health care in this bill. For example, the provision which delays the 15 percent reduction in payment for one year will enable home health providers to transition more smoothly and better maintain continuity of services to patients. California will gain $162 million over 5 years as a result of all the home health provisions included in the bill, according to preliminary estimates by the California Association of Health Services at Home.

While the intent of the BBA 1997 law was to restrain the growth of Medicare home health expenditures, it is now anticipated that home health expenditures in fiscal year 2000 will be lower than they were projected in 1997. CBO estimated that BBA 1997 would cut $16 billion over 5 years. Recent estimates show cuts of $48 billion over 5 years, which is three times more than originally expected. HCFA's 1998 data shows that total Medicare payments to home health agencies declined between 1997 and 1998 by 33 percent; reimbursements dropped from $1.1 billion to $745 million.

California home health providers have suffered immeasurably since passage of the BBA. In California, 230 home health agencies have closed since 1997, which is 25 percent of all state licensed agencies, largely due to the effects of BBA, according to the California Association for Health Services at Home. For example, the home health agency at the San Gabriel Valley Medical Center, which was providing nearly 10,000 patient visits per year, was forced to close this year due in part to the effects of the BBA. Additionally, between 1997–1998 there has been a 12 percent decrease in the number of patients served nationally and a 35 percent decrease in the number of home health visits nationally. As the population ages and families are more dispersed, it is especially important to help people stay in their own homes.

MEDICAL EDUCATION

I support the provisions included in the bill which alleviate reductions in graduate medical education and begin to restore equity in payment levels. Freezing cuts in the indirect medical education (IME) payment at the current level of 6.5 percent for fiscal year 2000, 6.25 percent in 2001, and 5.5 percent in 2002 and thereafter could help stabilize teaching hospitals and prevent a loss of about $3 billion for teaching hospitals nationwide over five years. For example, freezing indirect medical education payment rates represents $5 million to UCLA's teaching hospital. California's teaching hospitals as a whole will receive approximately $52 million because of this freeze, according to preliminary estimates by the California Health Care Association.

The bill also takes a good first step to correct Medicare's direct medical education (DME) formula, a geographic disparity in payments, that has paid California teaching hospitals far less than teaching hospitals in the Northeast so that California's teaching hospitals can begin to receive payments for medical residents closer to those of their counterparts in other states. Currently, California teaching hospitals receive 40% less in Medicare payments for medical education than similar New York institutions. The DME provision in this bill begins to reform a longstanding inequity in the formula that has unfairly compensated medical education in California. California's teaching hospitals will benefit from this provision by approximately $52 million over five years, according to the California Health Care Association.

Many of the nation's teaching hospitals, including UCLA in California, are premier research and clinical care facilities and will be forced to close down beds and lower the quality of care they provide if reductions in indirect medical education (IME) payments continues. According to the Association of American Medical Colleges, 30 percent of all teaching hospitals nationwide are now operating in the red, and by 2002, 50 percent of all teaching hospitals will be losing money without this bill.

Academic medical centers deserve protection because they have multiple responsibilities—teaching, research, and patient care—which cause them to incur costs unique to such facilities. There are 400 teaching hospitals across the country. Teaching hospitals only account for 5.5 percent of the nation's 5,000 hospitals but they house 40 percent of all neonatal intensive care units, 53 percent of pediatric intensive care units, and 70 percent of all burn units. Our nation's teaching hospitals are providing care to some of the nation's sickest patients.

Academic medical centers also provide care to a disproportionate share of the uninsured and underinsured. They provide 44 percent of all care for the poor. The University of California's academic medical centers are the second largest safety net for a state that has the fourth highest uninsured rate in the country.

Medicaid disproportionate share payments to hospitals that serve the impoverished were also reduced five percent over five years as a result of the Balanced Budget Act of 1997. Teaching hospitals receive two-thirds of all Medicaid disproportionate share payments, worth $4.5 billion annually.

In California, graduate medical education (GME) funding helps support 108 hospitals that train more than 6,700 residents over three-to-five year periods. In 1997, the direct medical education funding in California totaled $95 million. Dr. Gerald Levey, the Medical Provost at the University of California Los Angeles wrote that:

> In the 5½ years I have been in my position at UCLA, my colleagues and I have implemented virtually every conceivable cost-cutting measure to keep us financially strong in order to compete in the brutal managed care market and maintain our academic mission of research and teaching. Coming on the heels of these measures, the Balanced Budget Act of 197 has served to literally "break the camel's back."

Teaching hospitals' ability to serve their communities, advance research, and train physicians will be compromised if we do not pass this bill.

ADEQUATELY PAYING DOCTORS

I also thank the Finance Committee and Administration for addressing the issue of the "sustainable growth rate" factor in payments to physicians under Medicare. The Balanced Budget Act of 1997 changed how Medicare physician payment rates are updated every year, including creating the new sustainable growth rate factor. In the first two years of using the sustainable growth rate, it appears that errors in its calculations were made because projections were used to determine the rate rather than actual data. As a result of these errors, physicians are caring for one million more patients than Medicare anticipated, at a cost of $3 billion according to the American Medical Association.

California's doctors have made a compelling case that errors in its estimates have caused unintended reductions in payments to physicians. The bill would require HCFA to use actual data beginning in 2001 to calculate payments instead of projections in order to stabilize payments to physicians who treat Medicare patients. While it does not go far enough, it is a step in the right direction towards decreasing fluctuations in physician payments from year to year.

RETAINING MEDICAID

. Another provision included in this bill that is of great importance to California is removing the December 21, 1999 expiration date for the $500 million Temporary Assistance to Needy Families (TANF) Fund. The expiration date for these funds must be repealed so that states like California can continue to use TANF funds to enroll low-income children and adults in Medicaid and CHIP. As part of the 1996 welfare reform, Medicaid was "de-linked" from cash assistance, and states were given increased matching federal funds for administering a new Medicaid family coverage category.

Of the $500 million provided, as of July 1999, states have only spent 10 percent. Unless federal law is changed very soon, 34 states, including California, will lose these funds by the end of this year because under the law, states have to spend the funds within the first 12 calendar quarters that their TANF programs are in effect. Thus, December 31, 1999, California will lose access to the $78 million remaining of the $84 million allocated if we do not act. Fifteen other states will lose access to their remaining funds in December as well. On September 30, 1999, sixteen states lost access their funds due to these time limits.

We cannot let these funds lapse in California because we need to enroll more working, low-income people in

Medicaid and children in CHIP and ensure that more Californians have access to health services.

I thank the Committee and Administration for including this provision.

MEDICARE MANAGED CARE REFORM

I am pleased with the five-year moratorium placed on NCFA's use of health status risk adjuster for payments to managed care plans included in the bill. HCFA has been using hospitalizations as a measure of health, which is not only an incomplete measure of health but also unfairly penalizes states like California that historically have had a heavy penetration of managed care, lower hospital admissions rates and shorter hospital lengths of stay. The way Medicare pays managed care plans deserves a thorough review to determine if both the payment methodology and the payment rats are appropriate. This moratorium could give us time to conduct a review as well as give HCFA time to develop a better measure of health. Under this provision, $130 million over five years will be restored so that managed care plans can pay providers more adequately, according to preliminary estimates by the California Health Care Association.

ENVIRONMENT POST-BALANCED BUDGET ACT OF 1997

Circumstances have changed since 1997 when we passed the Balanced Budget Act. We have eliminated the federal deficit. Because we have a robust economy, lower inflation, higher GDO growth and lower unemployment, we also have lowered Medicare spending growth more than anticipated. This climate provides us an opportunity to revisit the reductions made by the Balanced Budget Act of 1997 and to strengthen the stability of health care services, a system that in my state is on the verge of unraveling.

We should not end this session without passing this bill. Without it, we could have a more severe health care crisis on our hands, especially in my state. I urge my colleagues to join me in passing this bill.

Mr. LOTT. Mr. President, today concludes a grueling debate on the state of the dairy industry. Though the process was long and often times quite confusing, I think the Senate has come to an agreement on a package that will prove to be beneficial to most interested parties at this time.

Mr. President, I must say this process would not have been possible without the diligent work of one of my former staffers, Congressman CHIP PICKERING. I have always said "once a Lott staffer, always a Lott staffer." Although CHIP has moved on to represent the people of the third district of Mississippi, he continues to constantly be of great help to me, and to always keep the best interest of the entire state of Mississippi at heart.

CHIP believes that Option 1A is absolutely essential for allowing most dairies in Mississippi and outside the upper Midwest to remain in business, and he worked with me to see that this legislation was put into law. He organized House members from across the country to fight in order to see that the crucial dairy language we needed became law this year.

CHIP realizes Option 1A is the only way the interests of Mississippi's dairy farmers can be protected. Having grown up working on his family's dairy farm, meeting with dairy farmers across Mississippi, and working with Mississippi Farm Bureau, CHIP knows the importance of this legislation to the survival of dairy farms and to the continued fresh supply of milk for all Mississippians. I thank Congressman PICKERING for his relentless efforts on behalf of Mississippi dairy farmers.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the conference report to accompany H.R. 3194.

The yeas and nays have not been ordered.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oregon (Mr. SMITH) is necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. SMITH) would vote "yea."

Mr. REID. I announce that the Senator from Washington (Mrs. MURRAY) is absent attending a funeral.

The result was announced—yeas 74, nays 24, as follows:

[Rollcall Vote No. 374 Leg.]

YEAS—74

Abraham
Akaka
Ashcroft
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bryan
Bunning
Burns
Campbell
Chafee, L.
Cleland
Cochran
Collins
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Durbin
Feinstein
Frist
Gorton
Gramm
Grassley
Gregg
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kyl
Landrieu
Lautenberg
Leahy
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Snowe
Specter
Stevens
Thompson
Thurmond
Torricelli
Warner
Wyden

NAYS—24

Allard
Baucus
Bayh
Boxer
Byrd
Conrad
Dorgan
Edwards
Enzi
Feingold
Fitzgerald
Graham
Grams
Hagel
Inhofe
Kohl
Levin
McCain
Sessions
Shelby
Smith (NH)
Thomas
Voinovich
Wellstone

NOT VOTING—2

Murray
Smith (OR)

The conference report was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to table was agreed to.

COLLOQUY BETWEEN SENATOR WARNER AND SENATOR HELMS

Mr. WARNER. I rise to address a number of aspects of the State Department Authorization Act, which has been included in the final omnibus budget package of legislation. This bill contains a number of provisions that, directly and indirectly, affect the jurisdiction of the Armed Services Committee, and I am very concerned by the fact that this major bill was included with virtually no consultation with our committee. I believe that the process works better when the normal legislative procedures are followed.

I would like to raise a specific issue with the distinguished chairman of the Foreign Relations Committee. Section 1134 of the State Department Authorization Act prohibits Executive Branch agencies from withholding information regarding nonproliferation matters, as set forth in section 602(c) of the Nuclear Non-Proliferation Act of 1978, from the Senate Foreign Relations Committee and the House International Relations Committee, including information in special access programs.

I am aware that problems with the dissemination of nonproliferation information have arisen in the past. DOD has taken steps to correct these problems and has established a policy that special access programs will not include nonproliferation information, as defined in section 602(c) of the Nuclear Non-Proliferation Act of 1978. Based on my review of DOD's special access programs, I believe that the Department of Defense does not now have special access programs which include such nonproliferation information. I have been assured that, in the future, DOD will provide nonproliferation information to the appropriate committees of Congress.

Mr. HELMS. I thank my colleague, the chairman of the Armed Services Committee. I too have been assured by the Department that it will not use special access program status to deny the Foreign Relations Committee access to the nonproliferation information required by section 602(c).

Mr. WARNER. I am concerned that some might interpret section 1134 of the State Department Authorization Act as requiring expanded access to sensitive DOD intelligence sources and methods, as contrasted with nonproliferation information itself. I believe that section 1134 would not require DOD to change its current procedures for protecting such sensitive sources and methods. Is this also the understanding of the chairman of the Foreign Relations Committee?

Mr. HELMS. I believe that is correct. If the Department's assurances are accurate, then this provision would not modify DOD's current policies regarding the protection of sensitive sources and methods. The Foreign Relations Committee has no intention of seeking expanded access to such sources and methods, or to DOD special access programs, so long as DOD lives up to its reporting obligations under existing law. DOD's policy of not handling nonproliferation information within special access channels certainly provides a significant reassurance in that regard. Our concern is only to ensure that DOD policy regarding special access programs or intelligence sources and methods not be seen as obviating its long-standing legal obligations to inform appropriate committees of Congress.

Mr. WARNER. That is the case now, and I am pleased that DOD has assured both of us that the prerogatives of the Foreign Relations Committee will be protected. I thank my distinguished colleague, the chairman of the Foreign Relations Committee.

Mr. HELMS. I appreciate these assurances and thank my colleague, the chairman of the Armed Services Committee.

Mr. SHELBY. I am concerned with section 1134 which requires the DCI to provide certain information, including information contained in special access programs, to the chairman and ranking member of the Foreign Relations Committees. I note that this language on special access programs was added after the bill was passed by the Senate. I wish to clarify that the legislative intent of this provision does not wish to clarify that the legislative intent of this provision does not include expanded information relating to intelligence operational activities or sensitive sources and methods.

I ask for the chairman of the Foreign Relations Committee's clarification regarding the companion section in the State Department Authorization bill, section 1131. Am I correct in understanding that this provision does not levy the same requirement upon the Director of Central Intelligence that is required of the Secretaries of Defense, State, and Commerce?

Mr. HELMS. That is correct, Mr. Chairman. Unlike the other Secretaries you have mentioned, the Director of Central Intelligence is required only to disclose information covered under subparagraph (B). That information relates to significant proliferation activities of foreign nations. The Director is exempt from reporting information under subparagraph (A) and (B) which relates to the agency's operational activities. The Foreign Relations Committee understands that intelligence operations fall within the jurisdiction of the Intelligence Committee, and therefore did not include such activities in this reporting requirement.

Mr. SHELBY. I thank the Chairman for that explanation and yield the floor. I look forward to fully reviewing those provisions in the Intelligence Committee next year.

UNANIMOUS-CONSENT AGREEMENT—H. CON. RES. 236

The PRESIDING OFFICER. Under the previous order, H. Con. Res. 236 is agreed to.

The motion to reconsider is laid upon the table.

The concurrent resolution (H. Con. Res. 236) was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I am prepared to ask unanimous consent to be recognized for 5 minutes as in morning business, but I would certainly defer to the minority leader or majority leader if either has anything to address at this time.

The PRESIDING OFFICER. Without objection, the Senator from Oklahoma.

RECESS APPOINTMENTS

Mr. INHOFE. Mr. President, first of all I applaud the White House—this is probably the first time I have done that in 7 years—for responding to an issue that is very critical, probably one of the most critical issues we will be facing.

Going back in the history of recess appointments, the Constitution provided for recess appointments to be allowed, thereby avoiding the constitutional prerogative of the Senate of advice and consent in certain conditions. The major condition was that a vacancy would occur during the course of the recess. This goes back to the horse-and-buggy days when we were in session for 2 or 3 months at a time and then we were gone. So if someone such as the Secretary of State would die in office, it would allow the President to replace that person without having to go through the advice and consent.

Throughout the years, both Democrat and Republican Presidents have abused this. They have made recess appointments. In 1985, President Reagan made quite a few of them. The majority at that time, the Democrats, under the majority leadership of Senator BYRD from West Virginia, made the determination that he was making too many recess appointments.

He challenged the President to submit a letter that would outline future recess appointments during the Reagan administration. In 1985, a letter was sent from President Reagan to then-majority leader, Senator BYRD from West Virginia that stated no more recess appointments would take place unless the names of the individuals who were considered for recess appointment were submitted in writing in sufficient time in advance that the majority or minority leaders could take some type of action.

For example, if they were going to have someone recess appointed for the express purpose of avoiding the advice and consent of the Senate, then they would just not go into recess; they would go into pro forma, where they would have someone in the Chair all the time to make sure that did not happen. Also, it would be an opportunity to make sure they were not doing it for the express purpose of avoiding advice and consent.

Last May, there was an appointment during the recess of James Hormel to be Ambassador to Luxembourg. There were several people who were opposed to his appointment and had holds on his appointment. The major reason was not that he was a gay activist, but he had not submitted the appropriate financial information to the appropriate committee for consideration. The President went ahead and appointed him.

Consequently—that was already done, and there was no attempt to undo it even though it was contrary to the Constitution—I sent a letter to the President asking him if he would agree to the same thing Ronald Reagan agreed to back in 1985. Of course, I did not get a very favorable response. However, I said: In the event I do not do that, I will put a hold on every nondefense or nonmilitary appointment or nominee from the President. And I did so.

The weeks went by, and finally I got a letter from the President that said:

> I share your opinion that the understanding reached in 1985 between President Reagan and Senator Byrd cited in your letter remains a fair and constructive framework which my administration will follow.

I have been concerned because this President has a long history of doing things he says he is not going to do and not doing things he says he will do. Consequently, I sent a letter to the President which I submitted for the RECORD last Wednesday. The letter was dated November 10, signed by myself and 16 other Senators, that said: Make sure you comply with the spirit of this agreement, this letter you have sent; we are going to serve notice right now that in the event you have recess appointments that do not comply with the spirit of the letter, we will put holds for the remaining of the term of your Presidency on all of the judicial nominees. A very serious thing. I repeated this several times last Wednesday to make sure there was no misunderstanding.

Since that time, the White House has cooperated and submitted a list of 13 names. I will read these names and the positions for which they have been nominated: Cliff Stuart, EEOC; Delmond Won, Commissioner of the Federal Maritime Commission; Leonard Page, general counsel for the Labor Relations Board; Luis Laurado, Development Bank; Mark Schneider, Peace Corps; Frank Holleman, Deputy Secretary of Education; Mike Walter, Veterans Administration; Mr. Jeffers, whose first name I do not have, J-E-F-F-E-R-S; Bill Lann Lee, Assistant Attorney General for Civil Rights; Sally Katzen, Deputy Director of OMB; John Holum, Under Secretary for Arms Control and International Security of the Department of State; Carl Spielvogel, Ambassador to the Slovak Republic; and Jay Johnson—not to be confused with the military Jay Johnson—a nominee for the U.S. Mint.

Of this list of 13, there are 5 who either have holds on them or there are intended holds on these individuals. Consequently, I make the statement at this time—and I think it is very important the RECORD reflect this accurately and everyone understands it thoroughly—that anyone other than the names I will read off—Cliff Stuart, Delmond Won, Leonard Page, Luis Laurado, Mark Schneider, Frank Holleman, Mike Walker, Mr. Jeffers—if there are any names that are submitted and are sought to be appointed during this recess, recess appointments, we, who undersigned the letter on the 10th of this month, will put a hold on every judicial nominee who comes before the Senate during the entire remainder of the term of President Clinton.

I am going to repeat that because it is very important. Any name, other than these eight names I just read, who is recess appointed, if anyone other than these eight individuals is recess appointed, we will put a hold on every single judicial nominee of this President for the remainder of his term of office. That means specifically we will not agree to Bill Lann Lee, Sally Katzen, John Holum, Carl Spielvogel, and Jay Johnson.

I will conclude with that. I reemphasize, if there is some other interpretation as to the meaning of the letter, it does not make any difference, we are still going to put the holds on them. I want to make sure there is a very clear understanding, if these nominees come in, if he does violate the intent as we interpret it, then we will have holds on these nominees.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, what is the pending business?

BANKRUPTCY REFORM ACT OF 1999—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 625) to amend title 11, United States Code, and for other purposes.

Pending:

Hatch/Torricelli amendment No. 1729, to provide for domestic support obligations.

Wellstone amendment No. 2537, to disallow claims of certain insured depository institutions.

Wellstone amendment No. 2538, with respect to the disallowance of certain claims and to prohibit certain coercive debt collection practices.

Feinstein amendment No. 1696, no limit the amount of credit extended under an open end consumer credit plan to persons under the age of 21.

Feinstein amendment No. 2755, to discourage indiscriminate extensions of credit and resulting consumer insolvency.

Schumer/Durbin amendment No. 2759, with respect to national standards and homeowner home maintenance costs.

Schumer/Durbin amendment No. 2762, to modify the means test relating to safe harbor provisions.

Schumer amendment No. 2763, to ensure that debts incurred as a result of clinic violence are nondischargeable.

Schumer amendment No. 2765, to include certain dislocated workers' expenses in the debtor's monthly expenses.

Dodd amendment No. 2531, to protect certain education savings.

Dodd amendment No. 2753, to amend the Truth in Lending Act to provide for enhanced information regarding credit card balance payment terms and conditions, and to provide for enhanced reporting of credit card solicitations to the Board of Governors of the Federal Reserve System and to Congress.

Hatch/Dodd/Gregg amendment No. 2536, to protect certain education savings.

Feingold amendment No. 2748, to provide for an exception to a limitation on an automatic stay under section 362(b) of title 11, United States Code, relating to evictions and similar proceedings to provide for the payment of rent that becomes due after the petition of a debtor is filed.

Schumer/Santorum amendment No. 2761, to improve disclosure of the annual percentage rate for purchases applicable to credit card accounts.

Feingold amendment No. 2779 (to Amendment No. 2748), to modify certain provisions providing for an exception to a limitation on an automatic stay under section 362(b) of title 11, United States Code, relating to evictions and similar proceedings to provide for the payment of rent that becomes due after the petition of a debtor is filed.

Mr. LOTT. Mr. President, the Senate has been considering this bankruptcy bill as the main Senate business since November 4, 1999, after a failed cloture vote in September. There have been dozen of votes conducted with respect to this issue, and yet there are still at least a dozen amendments pending to be offered, debated, and voted upon. It is with this in mind that I need to file this cloture motion on the bill in order to ensure we get a final vote, and that will be available when we come back after the first of the year.

A lot of good work has been done on this bill on both sides, by the managers of the legislation and a number of Senators who have worked on it—Senator GRASSLEY, Senator HATCH, Senator SESSIONS, on our side; Senator TORRICELLI, on the other side, has been involved; Senator LEAHY has worked on this. So there is a lot of work that has been done and a lot of relevant amendments that have been voted on.

I want to particularly note the good work of Senator REID because he began with, I don't know, probably over 100 amendments.

Mr. DASCHLE. Three hundred.

Mr. LEAHY. Three hundred.

Mr. LOTT. Three hundred amendments. I do not understand how the fertile minds of the Senate can be so productive to produce 300 amendments on a bill such as this that has been already marked up in committee. Then we got it down to 36, and it continued to be narrowed.

I hope when we come back after the first of the year something can be worked out where it will not be necessary to go forward with this. But I do believe there is a necessity to have this protection so that we will have this option of cloture so we can complete the bill, if there is no other way to do it when we come back after the first of the year.

CLOTURE MOTION

Mr. LOTT. So I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 109, S. 625, an act to amend title 11 of the United States Code, and for other purposes:

Trent Lott, Chuck Grassley, Paul Coverdell, Mike Crapo, Craig Thomas, Larry E. Craig, Orrin Hatch, Don Nickles, Conrad Burns, Rod Grams, Mitch McConnell, Pat Roberts, Fred Thompson, Slade Gorton, Phil Gramm, and Mike DeWine.

Mr. LOTT. Under rule XXII, this cloture vote will occur on Tuesday, January 25, 2000. I ask unanimous consent that the vote occur at 12 noon on Tuesday and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object, and I certainly will not object, let me say the majority leader and I talked about this. I am appreciative of his position. I am disappointed he has filed cloture. I hope it isn't received in the wrong way by all of those who worked so hard to get to this point.

I had told my colleagues that if they continue to work and if they continue to cooperate, if they continue to allow time agreements, that we would not be in a position where we would have to file cloture and we would get to the final passage. That was my commitment. Senator LOTT did not make that. I made it to my colleagues. In this case, I am going to have to explain to my colleagues why what I said is not what we are going to do.

We are down now to a handful of amendments, with time agreements. So I am as convinced today as I was a couple of days ago, as I was before that, that cloture certainly isn't necessary. I am hopeful, with those tight time agreements, and with the opportunity to dispose of the amendments, we can come to final passage. But I will certainly work with the majority leader to see if we might find a way to make that happen.

I hope he will work with us to assure those who have relevant amendments will have an opportunity to have their votes and we can finish.

I do not object to the request.

Mr. LEAHY. Reserving the right to object, and I will not object, just so we know the numbers, we had 320 amendments and are now down to 14. I compliment Senators on both sides of the aisle. Senator REID deserves enormous credit. Senator GRASSLEY, Senator TORRICELLI, Senator HATCH, and I worked very hard on that. We are working very hard again on both sides of the aisle. I think most Senators want a bankruptcy bill. We know there has to be a change.

Mr. President, I am disappointed that the majority filed cloture on the Bankruptcy Reform Act.

This week we made bipartisan progress on the Bankruptcy Reform Act by disposing of amendments. On Wednesday, we were able to clear 9 more amendments and accepted another one by a roll call vote for a total of 10 amendments that were accepted to improve this bill.

During our debate on the bill, the managers have accepted 37 amendments to improve the Bankruptcy Reform Act, amendments offered by Democrats and Republicans.

Senator TORRICELLI, Senator REID and I worked in good faith with Senator GRASSLEY and Senator HATCH to clear amendments and set roll call votes on amendments that we could not clear.

From a total of 320 amendments that were filed by senators on both sides of the aisle on November 5th, Senator TORRICELLI and I, working with the Assistant Democratic Leader, have narrowed down the remaining Democratic amendments on this bill to a mere handful.

We are ready to debate and vote on these Democratic amendments. The remaining amendments from our list are all relevant to the issues of bankruptcy under our unanimous consent agreement.

It appears the majority is refusing to allow the Senate to consider two amendments. One by Senator LEVIN on firearm-related debts in bankruptcy and one by Senator SCHUMER on debts incurred through the commission of violence at health service clinics.

Both of these amendments are relevant to the issue of bankruptcy.

Senator LEVIN is willing to limit the time on his amendment to 70 minutes and Senator SCHUMER is willing to limit the time on his amendment to only 30 minutes. These are very reasonable time agreement offers.

I am a cosponsor of Senator SCHUMER's amendment, but I am not sure if I will support Senator LEVIN's amendment. But I am sure that both these Senators deserve to debate and vote on their relevant amendments. What is the majority afraid of? Vote on the amendments up or down?

Some of the other remaining amendments focus on adding credit industry reforms to the bill. The millions of credit card solicitations made to American consumers the past few years have caused, in part, the rise in consumer bankruptcy filings. The credit card industry should bear some of this responsibility and reform its lax lending practices. These amendments improve the Truth In Lending Act to provide for better disclosure of credit information so consumers may better manage their debts and avoid bankruptcy altogether.

Last year's Senate bankruptcy reform bill was fair and balanced because it included credit industry reforms. We should remember that last year's fair and balanced bill passed this chamber by a vote of 97–1.

We should strive to follow last year's Senate-passed bill as the model during the remainder of debate on this bill.

Democrats are also ready to offer short time agreements on our remaining amendments if we cannot agree with the majority on them. Many Democratic senators are willing to offer time agreements of a half hour or an hour on their amendments.

Democrats are prepared to debate this bill and vote on amendments. This is how the Senate works and how it should work.

I commend Senators for coming to the floor last week and this week to offer their amendments. Despite hours of debate on four non-germane, nonrelevant amendments and party caucuses and extended morning business hours last week and this week, Senators from both sides of the aisle offered 64 amendments to improve the Bankruptcy Reform Act.

Unfortunately, the Senate did not consider the Bankruptcy Reform Act yesterday or today. I do not understand why the majority is refusing to allow the Senate to debate this bill.

Next year, I hope we can have a full and fair debate on the few remaining amendments to the Bankruptcy Reform Act and then proceed to a vote on final passage.

With that, I yield the floor.

Mr. HATCH. Mr. President, enough is enough. Hard-working American people are being denied common-sense legislation that they overwhelmingly support, because some on the Democratic side are insisting on votes relating to the politically charged issues of abortions and guns. At some point, I would hope that this will stop, and we can move ahead with the people's agenda, instead of trying to win political points.

We have been on the bankruptcy bill for two weeks now. The Democrats demanded the ability to have votes on other politically motivated, non-relevant issues. We debated and had a vote on minimum wage. We have agreed to or voted on 31 Democrat amendments. These are amendments in addition to the Grassley-Torricelli package amendment which included numerous other provisions insisted upon by the Democrats.

This is a fair, bipartisan bill, drafted jointly by Senators GRASSLEY, TORRICELLI, BIDEN and SESSIONS. This legislation was developed in a fair and inclusive manner. With the more than 31 amendments, plus additional amendments jointly developed by Republicans and Democrats, such as the Grassley-Torricelli healthcare amendment, the Hatch-Torricelli domestic and child support amendment, the Hatch-Dodd amendment on protecting educational savings accounts, among many others, this is a much improved bill that provides unprecedented consumer protections, while preserving the bankruptcy system for those who truly need it. What also is included in this bill are unprecedented consumer disclosures that are not even bankruptcy related, but are banking law amendments which Senators TORRICELLI and GRASSLEY have taken the leadership to develop, and I commend them for that.

Mr. President, throughout the process of consideration of this bill, at both the drafting stage, at the Committee level, and here on the floor, we have worked hard to address any concerns any member has with the bill. Senators GRASSLEY, LOTT and I have been more than patient and cooperative. It is apparent, however, that efforts were underway to defeat this important legislation this year by insisting on extraneous political agenda items, regardless of all the progress we made.

We are open to further debate. But this bill, which the Minority had said would only take two days to complete, was on the floor for two weeks. They did not agree to a time limit for debate, but it is now clear why that was.

I hope we can get the cooperation of the Minority to drop their remaining politically-motivated items and pass legislation early next year that provides meaningful and much-needed reform to the bankruptcy system. Rampant bankruptcy filings are a big problem, and last year over 1.4 million Americans filed for bankruptcy. In the same year, about $45 billion in consumer debt was erased in personal bankruptcies. Under current law, families who do not file for bankruptcy are unfairly having to subsidize those who do. This is our opportunity to do something about it. I would hope that my colleagues would take the time over these next few months and consider the desires of the American public. Let's do what is right and pass this important legislation early next year. Thank you.

Mr. LOTT. Mr. President, let me observe one of the problems we had in not being able to complete it even this week. While the sponsors of some of the amendments had indicated—or maybe all the amendments—indicated a willingness to have limited time agreements, we had, I know, at least a couple of Senators on this side who were not willing to agree to limit the time, therefore possibly tying up half a day or a day one a couple of these amendments.

We may still be able to work out something where we could have a short time agreed to on both sides and get a vote after the first of the year. But you reach a point, in the final days of a session, where motions are such that you just cannot get that kind of agreement.

ORDER OF BUSINESS

Mr. LOTT. Mr. President, the second session of the 106th Congress will convene, then, at 12 noon on Monday, January 24. We do not yet have absolute certainty that there will be a State of the Union Address the next night, although it is preliminary indicated. I believe that is the date we would expect to have a State of the Union Address: that is, Tuesday, the 25th. That could be postponed upon a request from the White House, but we will need to be back and in business in order to be here for that date.

So there will be a need for a live quorum to establish the beginning of the second session on Monday. A period of morning business will commence for the remainder of that day. And this 12 noon cloture vote on Tuesday, January 25, would be the first vote of the second session of the 106th Congress.

Again, I thank my colleagues for their continued cooperation and wish everyone a safe and happy holiday season.

Let me say, too, we have a number of bills that are in conference now. I had an opportunity to discuss the schedule for next year, or some of the bills for next year, with the President. We have a number of bills that are in a position where we could get early agreement out of conference, including the trade bill on which we worked so hard. We spent 2 weeks getting that out for Africa and CBI. We could have maybe even done it this week but we had so many things we were working on we could not get that completed.

We have the FAA reauthorization bill that good work has been done on, and a series of bills, including the juvenile justice bill, which we hope we can get early in the session next year. So we will continue to work on that.

I understand we are about ready to do a series of energy bills.

I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, we have cleared a number of nominations on the Executive Calendar. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 228, 273, 292, 326, 327, 329, 331, 332, 333, 366, 377, 394, 404, 405, 406, and all nominations in the Coast Guard on the Secretary's desk.

I further ask consent that the HELP Committee be discharged from further consideration of the following nominations, and the Senate proceed to their consideration, en bloc: Magdalena Jacobsen, Francis Duggan, Ernest DuBester, and John Truesdale.

I further ask consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session, and that the Senator from Vermont be notified that Judge Linn is in this list for confirmation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF ENERGY

Ivan Itkin, of Pennsylvania, to be Director of the Office of Civilian Radioactive Waste Management, Department of Energy.

DEPARTMENT OF THE TREASURY

Neal S. Wolin, of Illinois, to be General Counsel for the Department of the Treasury.

THE JUDICIARY

Richard Linn, of Virginia, to be United States Circuit Judge for the Federal Circuit.

UNITED STATES INSTITUTE OF PEACE

Stephen Hadley, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003.

Zalmay Khalilzad, of Maryland, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Paul Steven Miller, of California, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2004. (Reappointment)

DEPARTMENT OF LABOR

Irasema Garza, of Maryland, to be Director of the Women's Bureau, Department of Labor.

T. Michael Kerr, of the District of Columbia, to be Administrator of the Wage and Hour Division, Department of Labor.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Anthony Musick, of Virginia, to be Chief Financial Officer, Corporation for National and Community Service.

DEPARTMENT OF STATE

Alan Phillip Larson, of Iowa, to be Under Secretary of State (Economic, Business and Agricultural Affairs.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Joseph R. Crapa, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Susan M. Wachter, of Pennsylvania, to be an Assistant Secretary of Housing and Urban Development.

DEPARTMENT OF COMMERCE

Linda J. Bilmes, of California, to be an Assistant Secretary of Commerce.

Linda J. Bilmes, of California, to be Chief Financial Officer, Department of Commerce.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Deanna Tanner Okun, of Idaho, to be a Member of the United States International Trade Commission for a term expiring June 16, 2008.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE COAST GUARD

Coast Guard nomination of Richard B. Gaines, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of October 12, 1999.

Coast Guard nominations beginning Peter K. Oittinen, and ending Joseph P. Sargent, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 27, 1999.

NATIONAL LABOR RELATIONS BOARD

John C. Truesdale, of Maryland, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2003.

NATIONAL MEDIATION BOARD

Magdalena G. Jacobsen, of Oregon, to be a Member of the National Mediation Board for a term expiring July 1, 2002.

Francis J. Duggan, of Virginia, to be a Member of the National Mediation Board for a term expiring July 1, 2000.

Ernest W. DuBester, of New Jersey, to be a Member of the National Mediation Board for a term expiring July 1, 2002.

Mr. MURKOWSKI. Mr. President, today is a uniquely historic day. One hundred and thirty six years ago, Abraham Lincoln gave the Gettysburg Address; 80 years ago today, the United

States Senate rejected the ill-conceived League of Nations. And 30 years ago, the second manned Apollo capsule landed on the moon and two more Americans walked on the surface of the moon.

But for the family of Deanna Tanner Okun, this is a singular day. For the United States Senate has just confirmed her Presidential nomination to be a Commissioner on the International Trade Commission. (ITC). I would note that it has taken Deanna barely nine days to go from nomination to confirmation. That could be close to a Senate record.

One of the reasons that Deanna's nomination has sped through so quickly is because the Chairman of the Senate Finance Committee, BILL ROTH, and the Ranking Member, PAT MOYNIHAN were willing to put in the work to hold a confirmation hearing barely six days after Deanna was nominated. I greatly appreciate their work in expediting that hearing.

But most importantly, I believe the primary reason Deanna's confirmation has gone so smoothly is because of the universal admiration and respect that Senators and professional staff hold for her. Deanna is simply a consummate professional and I know that the Senate's loss will be offset by the tremendous gain that is being achieved today by the ITC. today. I know the Commission will never be the same once Deanna is sworn in.

Mr. President, I have been privileged to have worked with Deanna for more than five years. I cannot imagine anyone who is more qualified to become a Commissioner on the International Trade Commission. Not only is Deanna remarkably bright, she is one of the most thorough and conscientious individuals I have ever met.

She is fully versed in all aspects of international trade matters and an expert on U.S. foreign policy issues. No one can doubt her intellectual and professional capacity to serve as a Commissioner.

Mr. President, I want to repeat some of my prepared remarks for Deanna's confirmation hearing.

But I want to tell the United States Senate a little about Deanna, the person. she is a remarkably affable and charming individual who, no matter what the pressures—whether negotiating in a markup of a trade bill or working under the time constraints of a hearing on spying at U.S. weapons laboratories—Deanna never loses her professionalism. She always gets the job done.

In the years that she has worked on my staff, she has had to deal with some of the most difficult and tough Senate staffers in the leadership and on many committees. I know that every single one of those staff people have universal respect and admiration for the work Deanna does and the charm she brings to the job. That is a singular feat that few other Senate staffers can claim.

Finally, Mr. President, I would note that three years ago, Deanna changed her work schedule from five days a week to four days a week. She did this because she wanted to spend more time raising her two beautiful daughters, Kelsi and Rachel. I can unhesitatingly tell you that in those four days at work, she produces what other staffers could maybe produce in five, more likely six days. She is truly remarkable as a mother and as a professional staffer.

She is a stellar person and I know that her husband Bob and her parents take great pride in her confirmation.

It is difficult to lose Deanna after all these years. I will miss her, but I know that the world trade community will greatly benefit from her appointment to the Commission.

Thank you, Mr. President and to Deanna, I wish you the best of success in your new position.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I did not want to speak until that was done. I thank the distinguished majority leader and the distinguished Democratic leader. Both of them are dear friends of mine with whom I have served for many, many years.

I thank them for their consideration, especially of Calendar No. 292. That is not simply a number on the calendar. It represents a very real person. Richard Linn is an extraordinary man, extraordinary husband, extraordinary father, and wonderful bother. He will do a great job and be an outstanding judge. I thank both leaders for their help and their consideration.

Mr. HATCH. Mr. President, I rise today to report on the success that the Senate has enjoyed this session in performing its constitutional advice and consent duties with respect to judicial nominees. The Judiciary Committee and the Senate have maintained a low vacancy rate in the federal Judiciary, reached an agreement to have votes on certain controversial nominees, and maintained a fair and principled confirmations process.

At the end of the last Congress, the Judiciary Committee and the Senate had reduced the number of vacancies in the federal Judiciary to 50—the lowest vacancy level since the expansion of the Judiciary in 1990. Indeed, in his January 1999 report on the state of the federal Judiciary, Chief Justice Rehnquist applauded the work of the Senate in bringing the vacancy number to such a low level, stating: "I am pleased to report on the progress made in 1998 by the Senate and the President in the appointment and confirmation of judges to the federal bench. . . ."

This session, despite partisan rhetoric, the Senate has maintained a low vacancy rate. The Judiciary Committee reported 42 judicial nominees, and the full Senate confirmed 34 of these—a number comparable to the average of 39 confirmations for the first sessions of the past 5 Congresses when vacancy rates were generally much higher. In total, the Senate has confirmed 338 of President Clinton's judicial nominees since he took office in 1993.

In addition, the Committee reported 22 Executive Branch nominees to the Senate floor this Session. The Senate has confirmed all of these nominees, bringing the total number of confirmations for President Clinton's non-judicial nominees for which the Committee has jurisdiction to 277 since 1993.

After all of these confirmations, we have reduced the number of judicial vacancies to 56—very close to the lowest number of vacancies since the expansion of the Judiciary in 1990. Indeed, the number of vacancies at the end of this Session of Congress is 7 *less* than the 63 vacancies that existed when Congress adjourned in 1994 when Bill Clinton was President and the Democrats controlled the Judiciary Committee. Moreover, we were able to create 9 new district court judgeships for a few districts in which the caseloads are very high.

In addition, the Committee reported two controversial nominees—Marsha Berzon and Richard Paez—to the Senate floor this Session. And Senator LOTT worked in a bipartisan manner with Senator DASCHLE to reach an agreement to vote on these controversial nominees and other nominees by March 15, 2000.

A controversial nominee will, of course, move more slowly than other nominees because it takes longer to garner a consensus to support such a nominee. And, depending on the nature of the controversy, the Committee may have to conduct an even more exacting examination of that nominee's credentials and respect for the rule of law. Nonetheless, a controversial nominee will be treated with the utmost respect and fairness The more controversial a nominee, however, the more crucial the support of the nominee's home state senators and home state grass roots organizations.

It was deeply disturbing that earlier this year some implied or expressly alleged that the Senate's treatment of certain nominees differed based on their race or gender. Indeed, a so-called independent group claimed that the Senate treated female and minorities nominees less favorably than white male nominees.

After a flurry of rhetoric, however, the facts began to surface. First, the so-called independent group—Citizens for Independent Courts—was discovered to have prepared its report with the assistance of the Democratic, but not Republican, Judiciary Committee staff.

Second, a close review of the report revealed that for noncontroversial nominees who were confirmed, there was little if any difference between the timing of confirmation for minority nominees and nonminority nominees in 1997 and 1998. Only when the President appointed a controversial female or minority nominee who was not confirmed did a disparity arise. Third, in 1991 and 1992, when George Bush was President, the Democratically controlled Senate confirmed female and minority nominees at a far slower pace than white male nominees. Fourth, this year, over 50% of the nominees that the Judiciary Committee reported to the full Senate have been women and minorities. Finally, even the Democratic former chairman of the Judiciary Committee, Senator JOE BIDEN, stated publicly that the process by which the committee, under my chairmanship, examines and approve judicial nominees "has not a single thing to do with gender or race."

As chairman of the Judiciary Committee, I take the constitutional duties of advice and consent and the responsibility for maintaining the institutional dignity of the Senate very seriously. Although the President has occasionally nominated controversial candidates, under my tenure as chairman, not one nominee has suffered a public attack on his, or her, character by this committee. Not one nominee has had his, or her, confidential background information leaked to the public by a member of this committee. And not one nominee has been examined for anything other than his, or her, integrity, competence, temperament, and respect for the rule of law.

The Senate has conducted the confirmations process in a fair and principled manner, and the process has worked well. As the first session of the 106th Congress comes to an end, the federal Judiciary is once again sufficiently staffed to perform its function under Article III of the Constitution. Senator LOTT, and the Senate as a whole, are to be commended.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that all nominations received by the Senate during the 106th Congress, first session, remain in status quo, notwithstanding the November 19, 1999 adjournment of the Senate, and the provisions of rule XXXI, paragraph 6 of the standing rules of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SHARED APPRECIATION AGREEMENTS

Mr. BURNS. Mr. President, shared appreciation agreements have the potential to cause hundreds of farm foreclosures across the nation, and especially in my home state of Montana. Ten years ago, a large number of farmers signed these agreements. At that time they were under the impression that they would be required to pay these back at the end of ten years, at a reasonable rate of redemption.

However, that has not proved to be the case. The appraisals being conducted by the Farm Service Agency are showing increased values of ridiculous proportions. By all standards, one would expect the value to have decreased. Farm prices are the lowest they have been in years, and there does not seem to be a quick recovery forthcoming. Farmers cannot possibly be expected to pay back a value twice the amount they originally wrote down. Especially in light of the current market situation, I believe something must be done about the way these appraisals are conducted.

USDA is attempting to fix the problem with proposed rules and regulations but farmers need help with these agreements now. The USDA has published several regulations addressing the issue but the comment period will further drag out the process. I am fearful that in the meantime more farmers will be forced into foreclosure.

My bill mandates by legislation these important regulations. It will exclude capital investments from the increase in appreciation and allow farmers to take out a loan at the "Homestead Rate," which is the government's cost of borrowing.

Farmers should not be penalized for attempting to better their operations. Nor can they be expected to delay capital improvements so that they will not be penalized. It will be necessary for most of these agricultural producers to take out an additional loan during these hard times. It is important that the interest rate on that loan will accommodate their needs. The governments current cost of borrowing equals about 6.25 percent, far less than the original 9 percent farmers and ranches were paying.

I look forward to working with members in other states to alleviate the financial burdens imposed by shared appreciation agreements. I hope that we may move this through the legislative process quickly to provide help as soon as possible to our farmers.

TWENTY-FIRST CENTURY RESEARCH LABORATORIES ACT

Mr. KENNEDY. Mr. President, biomedical research is making great strides in providing new treatments for a wide range of diseases. Thousands of talented scientists across the country are making new discoveries about the fundamental mechanisms of health and disease. Yet the talents of these researchers are often undermined by a lack of adequate facilities and equipment to conduct their crucial work.

Numerous authoritative studies have demonstrated that medical research laboratories are critically in need of reconstruction and repair. The National Science Foundation found that over half the institutions conducting biomedical research in this country suffer from inadequate space for medical research. The Foundation also reported that medical research institutions have had to postpone nearly $11 billion in renovation and construction projects due to lack of adequate funding. As a result, over a quarter of medical research facilities in the nation are in urgent need of renovation or reconstruction.

The need to revitalize the infrastructure of our research enterprise is recognized throughout the medical community. The Association of American Medical Colleges and the Federation of Societies for Experimental Biology have both issued statements calling on the federal government to provide increased resources for reconstruction and renovation of medical research facilities.

The bill before the Senate today significantly increases our commitment by authorizing a substantial increase in the funds available to the National Institute of Health to provide peer-reviewed grants for laboratory construction and renovation.

Not only have medical research facilities fallen into disrepair, but laboratories frequently lack needed research equipment. Modern medical instruments are increasingly sophisticated. Scientists are gaining new insights into such basic processes as the workings of the brain and the genetic basis of disease. With this increase in sophistication has come an increase in cost. The rising price of medical technology means that scientists must often curtail research programs, because they lack access to sensitive instruments such as MRI scanners or high resolution microscopes.

To address the acute need for sophisticated scientific instruments, the bill before us also provides needed funds for medical researchers to purchase major pieces of scientific equipment. Only by giving medical researchers the equipment they need to use their talents fully can we achieve the scientific breakthroughs necessary to meet our most pressing health needs.

We should not enter the twenty-first century with medical laboratories that lack adequate space, adequate facilities and adequate equipment. We must provide the funding that is urgently needed to construct modern laboratories and give researchers the equipment necessary for their cutting-edge research. I urge my colleagues to join with me in supporting this legislation that is so vital to the health care needs of our nation and I commend my distinguished colleague from Iowa, Senator HARKIN, for his leadership on this and many other critical health care issues.

CLINICAL RESEARCH ENHANCEMENT ACT OF 1999

Mr. KENNEDY. Mr. President, biomedical research continues to produce great advances in our ability to combat deadly diseases, and its promise for the future is vast. For that promise to be fully realized in improvements in people's health, we need a stronger commitment to bring medical discoveries from the laboratory to the bedside. Increased support for clinical research is vital for developing cures and better treatments for disease. Clinical research brings insight into the most effective ways to care for patients. It offers effective ways to reduce both the human and financial costs of disease.

Despite these clear benefits, clinical research faces a worsening crisis. The Institute of Medicine, the National Academy of Sciences and the National Institutes of Health have all concluded that the nation's ability to conduct clinical research has declined significantly in recent years. Passing the bill currently before the Senate will reverse this dangerous decline, by addressing the major factors that have led to the weakening of our nation's ability to conduct clinical research.

One of these factors is the steep financial barrier than health care professionals encounter when considering a career in clinical research. Burdened with debt from their professional training, clinicians must often forego a research career in order to earn the money necessary to pay back their loans. Our bill will lower the economic barriers to careers in clinical research by providing financial incentives for doctors to conduct patient-research. The bill authorizes the National Institutes of Health to establish a loan repayment program to lessen the debt they must carry if they pursue careers in clinical research. The bill also provides for peer-reviewed grants to support clinical researchers at all stages of their careers.

While the current state of clinical research is cause for great concern, the future of this vital health care field is even more worrying. Many of today's young clinical investigators have inadequate training in the methods of clinical research. Dr. Harold Varmus, Director of the National Institutes of Health, has emphasized the need for clinicians to have access to specialized training in patient-oriented research. This bill will provide grant support for young medical professionals to receive graduate training in such research.

To meet the nation's need for clinical research, it is not enough to increase the number of doctors conducting such research. Clinical researchers must also have the facilities necessary to conduct their lifesaving work. In these days when hospitals are squeezed more and more tightly by financial pressures, there is little room for them to devote scarce resources to clinical research. To address this problem, the bill provides grants to General Clinical Research Centers, now established in 27 states, where health professionals can have access to the vital hospital resources necessary to conduct high quality patient-oriented research.

This measure is supported by more than 70 biomedical associations. I commend the Chairman of our Health Committee, Senator JEFFORDS, for his effective leadership on this legislation. It is vital to the quality of health care in the nation in years ahead, and I urge the Senate to approve it.

DEBT RELIEF LEGISLATION

Mr. SARBANES. Mr. President, I want to note that Congress is taking the first important step toward providing debt relief for the Heavily Indebted Poor Countries (HIPC) Initiative. As co-sponsor, with Senator MACK, of legislation to authorize U.S. participation in this critically important international initiative, I believe that easing the debt burden of the world's poorest countries is one of the most meaningful things we can do to help these nations eradicate poverty and grow their economies on a sustainable basis.

The final version of the Foreign Operations appropriations bill contained enough money and authorizations to permit the HIPC Initiative to go forward, but there is more we have to do in Congress, beginning early next year, to provide the resources necessary to address the debt burden of the countries that are expected to qualify. As ranking member on the authorizing subcommittee in Foreign Relations, I intend to work hard to achieve the necessary additional authorizations there, including the very important one for U.S. contributions to the HIPC Trust Fund. I would like today to engage Senator GRAMM in a colloquy on the commitment I understand he made to the Administration to act on the necessary remaining IMF authorization in the Banking Committee as well.

Mr. GRAMM. I thank the Senator. As you know, we agreed on language that would permit the U.S. to support mobilization of the amount of IMF gold necessary to provide a stream of interest earnings sufficient for IMF participation in the HIPC initiative. However, we agreed that only 9/14 of the interest earnings could be used for HIPC debt relief, until such time as Congress authorized the U.S. to vote in favor of using the remaining 5/14 of the earnings as well. I committed to the Administration that the Banking Committee would act on this remaining IMF authorization no later than May 1, 2000. It is my hope, of course, that the Foreign Relations Committee could act with similar dispatch.

Mr. SARBANES. Thank you, Senator. I will certainly do everything I can to help you meet your May 1 deadline—in fact, I hope and believe we should be able to act sooner.

FINANCIAL SERVICES MODERNIZATION ACT

Mrs. LINCOLN. Mr. President, a week ago today, President Clinton signed S. 900, The Financial Services Modernization Act. Beyond the obvious positive implications that this legislation has for the bankers of my state of Arkansas, there is a provision in the bill that I rise to speak of today that has been a long time in coming and will finally bring fairness to Arkansas' banking market.

Section 731 of the Financial Services Modernization Act is titled "Interest Rates and Other Charges at Interstate Branches." This section was not included in the original version of S. 900 that passed this body, but with the support of the entire Arkansas congressional delegation it was added to the House version, and retained in the conference committee. Because of the importance of this provision to my state, because of the role that both Arkansas Senators played in protecting this provision in the conference committee, and because there was no debate on the provision in the Senate, I will speak briefly on the history that led to this new law, and the reason it was so vitally needed.

With the passage of the Riegle-Neal Interstate Banking and Branching Act several years ago, the question arose as to which state law concerning interest rates on loans would apply to branches of interstate banks operating in a "host state." Would those branches be governed by the interest rate ceiling of the charter location or that of their physical location? The Office of the Comptroller of the Currency and the Federal Deposit Insurance Corporation addressed this issue with opinions that basically gave branches of interstate banks the option of being governed by either their home or host state requirements concerning interest rates by structuring the loan process to meet certain requirements.

In Arkansas this had a profound effect upon the local banking community. Under Article 19, Section 13 of the Arkansas Constitution, the state places the maximum rate that can be charged for many classes of loans at 5% above the Federal Reserve Discount Rate. However, over 40% of the banking locations in Arkansas are non-Arkansas based interstate banks, and were, in effect, not governed by this constitutional provision after Riegle-Neal became the law of the land. The out of state banks were able to price freely, while Arkansas banks were bound by the usury restrictions in the Arkansas Constitution. This placed Arkansas banks at a significant competitive disadvantage.

In light of this clear inequity, and because, if left uncorrected, my state could have lost virtually all of its local community banks, the Arkansas delegation wholly supported the language of Section 731 that provides our local banks with loan pricing parity in all regards with non-Arkansas interstate banks operating branches in Arkansas. Remedying this disparity was our intent, Mr. President, and I am pleased that my colleagues supported its inclusion in the Financial Services Modernization Act.

The local banks in Arkansas play such an important role in the small and rural communities they serve. Not only do they provide the capital that fuels the local economy, but they are always out front in charity and community service. You always see their names in the back of the football program, or leading the drive to buy the new band uniforms. The local bankers in my state are much more than business men and women, they are neighbors and friends, and dedicated to their homes.

In short, Mr. President, Congress put Arkansas banks at a severe competitive disadvantage with the passage of the Riegle-Neal Interstate Banking and Branching Act. The entire Arkansas delegation, therefore, considered it appropriate, if not our duty, to work to rectify this inequity here in Congress where it was created. I am glad we were successful.

RICHARD ALLEN LAUDS THE LATE BUD NANCE

Mr. LOTT. Mr. President, I have at hand the printed text of the beautiful remarks by Richard Allen, National Security Advisor to Ronald Reagan during those eventful years of the Reagan presidency. Mr. Allen spoke last evening, November 18, in Greensboro, N.C.

Mr. Allen's "Tribute to Bud Nance" was an assessment of the remarkable career of Admiral James W. Nance, a distinguished retired Navy officer. All of us knew and admired Bud Nance, who was a beloved and admired chief of staff of the Senate Committee on Foreign Relations.

Mr. President, I ask unanimous consent that Richard Allen's address be printed in the RECORD at the conclusion of my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TRIBUTE TO BUD NANCE

Just last Friday I flew from Tokyo to Munich, Germany where I met up with President George Bush, who received an important honor in connection with the celebration of the Fall of the Berlin Wall. In his acceptance speech, he said something that struck me as both important and generous: he remarked, "I am here tonight to accept this award not because of what I did, but because I am standing on the shoulders of giants who made this possible, and in the first instance I refer to my great predecessor in office, Ronald Reagan."

It was an emotional moment for me, for twenty-one years ago this very month my wife, Pat, who is here with me tonight, and I accompanied Ronald Reagan on his very first trip to Germany. We went to Berlin, and stood in front of the monstrous Wall. Reflecting on what it signified, he tensed, turned to Peter Hannaford and to me and said: "We've got to find a way to knock this thing down." Nine years later, as President, he again stood in front of the Wall, and demanded that Mr. Gorbachev come to Berlin to "tear down this Wall."

Ronald Reagan was one of the giants to whom George Bush referred, but my thoughts turned to this Thursday evening event, and the reflection that one more giant who made all this possible, and upon whose sturdy shoulders Ronald Reagan leaned for years, is my friend of many years, Senator Jesse Helms.

So, this evening I have the special honor to pay tribute to two friends with whom I have worked for many years. Both have a special place of honor in my memory and in my heart, and both have given me the great gifts of constant friendship and unfailing loyalty.

You must recognize, ladies and gentlemen, that in the world of politics, policy and public affairs, the essential human qualities undergird all relationships. Trust and the ability to rely on another's word are among the most valuable qualities in any life, and nowhere are they better reflected in the lives of Senator Jesse Helms and Admiral James W. Nance.

For nearly forty years I have lived in and around Washington and have been an eager student of foreign affairs. I began my first active years as an academic, then worked in the 1968 election as Richard Nixon's foreign policy coordinator, later serving twice with him in national security and international economic affairs in the White House.

In the mid-1970s I had the opportunity to meet the freshman Senator from North Carolina, and in 1976 the first real opportunity to work closely with him. In that year, his principled determination made possible a close race between Gerald Ford and Ronald Reagan. Neither side would allow the other to write the foreign policy platform, and so I was asked to take on that task. It was a special opportunity, and I quickly accepted. Determined to write a platform that reflected real American principles, I finished my draft and flew to Kansas City. There, Senator Helms was shaping the work of the Platform Committee, and the issue of Taiwan was of great importance. With the delegates, Senator Helms and I were able to collaborate in shaping a fair, realistic and helpful plank to support Taiwan against its constant threat, Mainland China. The important point in all this was that every time Jesse Helms gave his word, he delivered, never trimming, never flinching, always sticking to fundamental principles—no matter how strong the opposition.

Ever since, he has exemplified the crusade for what is right. Fred Barnes said it best in 1997, when he wrote, "Next to Ronald Reagan, Jesse Helms is the most important conservative of the last 25 years. No conservative, save Reagan, comes close to matching Helm's influence on American politics and policy—he has led on everything—he has made history. He's an event-making politician, not merely one who's served in eventful times."

So, ladies and gentlemen, this is why I am especially honored to be here to participate in a tribute to a great Senator, a true leader, a man who always keeps his word.

The Jesse Helms Center Foundation at Wingate University has a distinguished board of Directors, one of whom is Mrs. Dorothy Helms (Roger Milliken, that champion of good causes). But another of those distinguished persons is not with us this evening, and it is about him—a very special person—that I am honored to speak some heartfelt words.

I refer, of course, to Admiral James W. Nance, and extraordinary patriot who was laid to rest on May 19th at Arlington National Cemetery. He was perhaps the Senators' closest confidant after Mrs. Helms, and was a man with whom I was privileged to have a close relationship for nearly two decades.

It's just not possible to capture either the depth of sorrow that reigned over Washington when Bud Nance departed this earth, nor is it possible to capture in words the grandeur and beauty of the successive honors and tributes so justly showered upon him as we celebrated his extraordinary career, his lifetime with his loving family and with us.

Bud Nance and Jesse Helms, two distinct persons, friends since they were little boys and friends for life, men who knew and understood each other as stalwart loyalists to God, Family and Country, and who fought side by side for freedom, democracy and just causes. To evoke the name of one is to remind us of the other, and this had a special meaning for me.

I had worked for four years with Ronald Reagan in his approach to the 1980 presidential campaign, serving as his foreign policy advisor. Following his landslide victory and during the transition, the Chairman-designate of the Senate Agriculture Committee called to ask if I would meet with a recently retired admiral. As the Chairman put it, "this is good ole boy I've known for a long time; he's worked in the Pentagon and he knows how to fly planes on and off aircraft carriers. He is tough, smart and loyal." The Senator told me he might be interested in "some kind of junior staff job at the National Security Council," which I had been designated to head.

Bud Nance came aboard that transition team steaming at thirty knots, said he liked tough assignments, could execute them well, and what did I have for him to do. For starters, I asked him to take on the task of "cleaning out" the Carter National Security Council Staff. Bud said: "Oh, I get it, I'm supposed to be just like a vacuum cleaner, just blow 'em all out of there?" And he did just that. It was not the last time that Bud would be called upon to clean up an organization!

At the honors for Bud in May, Secretary of State Madeleine Albright—who was one of those staffers Bud was assigned to show out the front door—reminded me that Bud had called her for a meeting. Some of the Carter staffers actually thought they should be kept on, and Bud was going to make certain that the delusion was quickly erased. Madeleine Albright, a feisty lady, said to Bud, "Why are you talking to me? I don't want to work with you people anyway!! As it turned out, she was certainly right. But Bud wasn't taking any chances.

Instead of a "junior position" on the National Security Council staff, I asked Bud to become my number one Deputy. I knew he would work well with me, but more important, with President Reagan. I was right about that.

Bud Nance was just about the finest associate and the hardest working man a fellow could ever have. He insisted on doing the heavy lifting, and served the National Security Council and his President faithfully and well. On one occasion, in the summer of 1981, the Navy decided to run a very important operation into the Gulf of Sidra, near Libyan waters, to establish freedom of navigation there. After we approved the operation, I flew to California with the President for continuing budget discussions. Bud insisted on sleeping the night in the Situation Room, in order to supervise the operation. At about midnight on the West Coast, I got a hotline call from Bud, who in a matter-of-fact tone said, "Dick, we sent our carrier in there, and two Libyan fellas came flyin' out at us in Russian Migs. We put up our planes, and now the Libyans ain't flyin' any more because they locked their radars onto our boys, and their planes got all tore up with our missiles, and those Libyan boys are definitely down in the drink. Now, if I was you, I'd be callin' the President, and I'm goin' home to get some sleep."

If I were to recite the extraordinary career and accomplishments of this very special man, I'd merely repeat what more than twenty Senators of both parties related to eloquently in their special tributes on the floor of the Senate—filling fifteen solid pages of the Congressional Record. Or I'd retell what his granddaughter, Catherine, and son Andrew said so movingly at the memorable funeral services for this patriot.

Leaving the White House in 1982, Bud worked for the Grace Commission on Waste and Fraud in Government, and then for Boeing until Senator Helms drafted him to come up to Capitol Hill and take charge of the Foreign Relations Committee in 1991. After the Navy, after the White House, after the Grace Commission, after Boeing, he again accepted the call to duty. Everyone in Washington knew the basis on which he agreed to work again—he declared that he would work free, saying that his pension and Social Security were quite enough, thank you, and that "America has been good to me." He was not permitted to do that, and had to accept the minimum wage of $2.96 a week, later raised by cost of living increases, and eventually was forced to accept the munificent sum of $4.53 a week.

Each of us who knew, respected and loved him miss him very much.

On May 19th, the motorcade that left the Lewinsville Presbyterian Church in McLean enroute to Arlington National Cemetery stretched for nearly two miles. The cannon fired their salute, the rifles cracked, the bugler played Taps, the Honor Guard stood by, and Bud's pastor asked us to stand for the flyover.

North across the Potomac they came, four magnificent F-18 Navy jets, flying in precise formation; as they roared directly over the assembled mourners, three proceeded straight ahead while one ignited his afterburner, peeled off in a long and beautiful arc, flying straight up into the heavens, at once symbolizing Bud's career and the passage to his Maker. It was a profound moment, reminiscent of how much Bud liked that little placard that President Reagan put on his desk on the first morning of his presidency. Its inscription said. "There's no limit to what a man can do or where he can go if he doesn't mind who gets the credit."

That was Ronald Reagan's unspoken message to his staff and to his Cabinet. Some read and heeded it, others did not. Bud Nance did, because he was just the sort of man who did his job well, and never did mind who got the credit.

COY A. SHORT

Mr. THURMOND. Mr. President, everyone recognizes that to field an efficient fighting force, we must have the service of patriotic and selfless individuals who are willing to enter the military and stand ready to defend our nation, its citizens, interests, and ideals. What many do not recognize is the vital importance of building support in the greater community for those brave young men and women who are serving in uniform. We need our citizens who are not in military service to be supportive of those who do, especially of those who serve in the Guard and Reserve. I rise today to pay tribute to a faithful public servant, Mr. Coy A. Short of Atlanta, Georgia, whose hard work and selflessness have contributed greatly to the Reserve and Guard programs of our armed forces.

On December 6th, Coy Short will be honored by the State of Georgia for his nine years of able and visionary leadership as the Chairman of the Georgia Committee for Employer Support of the Guard and Reserve. In that capacity he has been responsible for helping to raise employer awareness about the importance of Guard and Reserve forces to our national defense.

While Coy is going to be saluted for the work he did as Chairman of the Georgia Committee, his commitment to public service goes far deeper and runs far longer than his tenure in that position. Clearly, his contributions have benefitted the State of Georgia and the nation. Coy began his career in public service when as a young 1957 graduate of Emory University, he took the oath of an officer in the United States Army and accepted a commission in the Artillery. He rose to the rank of Captain before leaving military service, and his time on active duty taught him many valuable lessons, not the least of which was the importance of maintaining a strong defense and supporting those who serve.

After leaving the Army, Coy tried his hand at a number of entrepreneurial enterprises and while successful, he like many who serve their country missed the satisfaction that came from doing something for the benefit of others. In 1977, he began a career with the Social Security Administration that has been a tremendous success by any measure, rising to the position of Deputy Regional Commissioner. The most important gauge of success, however, would be the assistance he has rendered to tens of thousands of Americans. Coy's tireless efforts and adept abilities as a manager have earned him repeated recognitions, including the "Commissioner's Citation", the highest award given by the Social Security Administration.

Coy learned at an early age the importance of supporting our men and women in uniform. Nothing does more for the morale of those who serve in the military than to know that they are appreciated by those they protect. Toward that goal, Coy Short has always been more than willing to roll-up his sleeves and lend his support to any effort that makes life for our troops a little easier, or demonstrates to them the high regard in which they are held by their fellow Americans. He is especially well known for his work as Chairman of the Georgia Committee for Employer Support of the Guard and Reserve, where he has sought to involve others in this important endeavor. This work is especially critical in a day and age when we increasingly rely on those who serve in non-active components to support "real world" missions. The recognition that is being bestowed upon him early next month is a testament to the fine job he has done in boosting support in the community for our "citizen-soldiers", his work has made it easier for men and women to get time off from work to meet their obligations to their units and help us meet our national defense goals.

While we can all be proud of what Coy Short has accomplished as Chairman of the Georgia Committee for Employer Support of the Guard and Reserve, his commitment to helping the military is not limited to his service to that body. He also serves as President of the B-29 Superfortress Association, which has restored and put on display at Dobbins Air Reserve Base one of those classic World War II era bombers, named "The Sweet Eloise", and is working on restoring the tenth C-130 Hercules to have been produced in Georgia, which will also be displayed at that facility. Additionally, Coy serves on the Executive Committee of the USO Council of Georgia, as Ambassador for the U.S. Army Reserve, and is a member of the Atlanta Chamber of Commerce's Greater Atlanta Military Affairs Council Executive Committee. In the past, he has served as the President of the Atlanta Chapter of the Association of the United States Army and as the Chairman of Peach Bowl's Community Events Committee. Not surprisingly. Coy's efforts have won him deservingly high praise and recognition in many forms including winning the prestigious Sam Nunn Award for Outstanding Support of the National Guard: the Oglethorpe Distinguished Service Medal for Outstanding Support of the Georgia Guard: the National Distinguished Service Award from the Association of the United States Army: the National Committee for Employer Support of the Guard and Reserve Award for Outstanding Public Service: the Army Commendation Medal, awarded for public service on behalf of Army Forces Command: the Atlanta Chamber of Commerce Phoenix Award: the Dobbins Air Reserve Base Man of the Year Award: the Eli White Award of the Old Guard of the Gate City Guard: and, twice winning the National Guard Association's Patrick Henry Award.

I am pleased and proud to be able to have this opportunity to commend my good friend. Coy Short, on his many years of public service and the invaluable support he has given to our armed forces, particularly those who serve in the Guard and Reserve. It is my hope that others will be inspired to follow the lead that Coy has set for public service. The qualities of patriotism. selflessness, and duty were obviously instilled in him at an early age, and we have all benefitted from his devotion to service. Certainly Coy's mother. Eloise Strom. as well as Coy's wife Judy. deserve special recognition for the role they played in Coy's success.

Coy, we appreciate all your good work and know you will continue to find ways to make a difference in the lives of those who live in Georgia, Atlanta, and all those who serve in the armed forces of the United States.

THE DEPARTURE OF STEVEN APICELLA. LEGISLATIVE FELLOW

Mr. LOTT. Mr. President. I would like to take a moment to recognize my Legislative Fellow. Steven Apicella, who will be leaving the LOTT staff, my team, at the end of this session.

I must admit, when Steven first joined us, I was not sure who he was or why he was lurking in my meetings. However, I quickly learned that thanks to the wisdom of my Chief of staff and then Legislative Director, the Department of Energy had lent me and Mississippi one of their best.

Over the past twenty months. Steven has become an indispensable part of my legislative shop. He has worked hard on a broad range of issues—each time jumping in feet first. soaking up knowledge, and moving legislation forward in this often complicated process.

Steven began his Capitol Hill experience during the lengthy and grueling TEA-21 negotiations. He quickly realized my transportation priorities for my home state of Mississippi. and was helpful in making sure these issues were not ignored. During these long hours spent hammering out the details of TEA-21. Steven earned the respect of staff. as well as mine.

Steven advised me on a variety of high-tech issues. and was an active participant of the team which formulated a focus for the Republican Technology Task Force. He worked with the staffs of several of my colleagues to reach a consensus—often not an easy task.

Steven has also been very diligent in advancing a meaningful and updated encryption policy—one that balances national security. law enforcement and trade interests. He continually made sure that all parties realized that these are not mutually exclusive priorities. Steven detected this significant issue and was responsible for bringing it to my attention and guiding me as the bill worked its way through the Commerce committee.

Digital signatures is another issue Steven has aggressively pursued. He played an active role in getting the government portion of the legislation enacted into law last Congress. and worked extensively toward today's Senate passage of this needed opportunity for the private sector.

An important service on behalf of the State of Mississippi has been Steven's diligence on national parks legislation. This year Steven was very helpful in preparing two bills that I introduced in this area—one to add the battlefield at Corinth as part of the Shiloh National Park. and another to begin the planning for the designation of the Vicksburg Campaign Trail. On each of these bills. Steven worked effectively with the Senate committee of jurisdiction and was responsible for getting the funds authorized before introduction. I am happy to say that today those bills passed the Senate by unanimous consent.

Finally. with Steven's help I again fought the uphill battle of Title Branding. Steven worked with and strengthened a large, bipartisan effort to draft and support legislation to brand the titles of severely damaged salvaged vehicles, so consumers will be able to identify potentially dangerous used cars before they are purchased. Steven searched for a compromise. and constantly pushed the envelope of consensus. Steven tirelessly championed this pro-consumer bill and his efforts brought it to the threshold of Senate passage.

Although Steven was assigned areas which were outside the realm of his "parent" employer. Department of Energy—he has been an excellent ambassador. He has helped the staff understand the intricacies of the agency and appreciate its problems. As Steven returns to his duties at DOE. I hope his experiences and the skills and contacts he has developed while serving as a part of my staff will serve him well.

Over the past several years. I have been privileged to have the services of legislative fellows. to provide stellar support for my efforts. Steven has been fantastic. I thank Steven for his dedication and determination. and I thank DOE for their patience—I'm sure they are ready to have him back. working his magic there. I wish Steven. and his son Jarrett. Godspeed in their future endeavors.

REMARKS ON THE DEPARTURE OF IVAN SCHLAGER

Mr. HOLLINGS. Mr. President. I rise today with both pride and sadness as we say goodbye to a long time member of my staff. Ivan Schlager. I have known Ivan for nearly 20 years. One cold afternoon at Northwestern University in 1983. Ivan approached a woman. he thought to be a staffer on the Hollings for President Campaign and offered to volunteer on that effort.

That "staffer" turned out to my wife. Peatsy Hollings. and before Ivan knew what had happened. he was driving and wading through the snow of New Hampshire in support of my effort.

After finishing at Northwestern and law school at Georgetown. Ivan joined the Commerce Committee staff in 1989 and began to assist both Senator ROCKEFELLER and myself at the Subcommittee on Tourism and Foreign Commerce. In this job. he played an important role on many of the international trade agreements concluded over the past decade. including most notably the Uruguay Round agreement which created the WTO and the North American Free Trade Agreement.

I truly believe that Ivan is one of the most knowledgeable and substantive individuals with regard to international trade. He was instrumental in insuring that all voices were heard during these important debates.

More than 3 years ago. Ivan became the Commerce Committee's staff director and he has overseen its operations since that time. He has provided the committee Democrats with a thoughtful and pragmatic approach to a remarkable variety of issues. Moreover. he has developed a fine working relationship with Chairman MCCAIN. his staff and the remainder of the Republicans on the committee.

On many occasions. these relationships have assisted in forging a bipartisan consensus on a variety of issues that have helped advance good public policy in areas such as telecommunications and broadcast policy. aviation. trucking and rail issues. technology development and environmental and oceans concerns.

One particular issue stands out. last year's tobacco debate. Under difficult personal circumstances. Ivan worked closely with both Republicans and

Democrats to help craft a compromise that was reported out of the committee by a 19–1 vote.

On other occasions, such as product liability or international trade we have been unable to reach bipartisan consensus and have been forced to hash cut our differences on the Senate floor. In those instances, I have been blessed to have Ivan's energy, quick thinking, political intuition and wise counsel during the debate.

As, I mentioned earlier, I first met Ivan when he was in his early twenties. Both Peatsy and I have seen him grow from a college student to a dedicated and accomplished public servant. We rejoiced when he met and married his lovely wife, Martha Verrill. We celebrated when they had a baby boy, Ethan, and then a second, William. We grieved with him when his father passed away last year. And today we wish him well as he moves onto his next step in joining the internationally recognized law firm of Skadden, Arps.

Ivan, thank you for all that you have done for Peatsy and me, the Commerce Committee, and for our country. We will miss you.

JUDICIAL NOMINATIONS IN THE FIRST SESSION OF THE 106TH CONGRESS

Mr. LEAHY. Mr. President, as the Senate concludes this first session of the 106th Congress, I want to take a moment to thank Senator LOTT, the Majority Leader, and Senator HATCH, the Chairman of the Senate Judiciary Committee, for working with us to confirm some of the judges desperately needed around the country.

Senator HATCH has pressed forward with three confirmation hearings since October 5, in the last five weeks of this session, to bring the total number of hearings to seven for the year. Those hearings allowed for 12 additional judicial nominees to be reported to the Senate calendar and another two being ready for action by the Committee. Senator HATCH supported all but one of the nominees voted upon by the Senate this year and worked hard to clear judicial nominees reported by the Committee for action by the Senate.

I thank the Majority Leader for working with me and Senator DASCHLE, our Democratic leader, to find a way to consider each of the judicial nominations reported to the Senate by the Judiciary Committee. In early October he committed to working with us, and this month he announced that he would press forward for votes on the nominations of Judge Richard Paez and Marsha Berzon by March 15 and on the other nominations left pending on the Senate Executive Calendar, as well. With his assurance, Senator BOXER was willing to proceed immediately to consider a nomination important to the Senator from Mississippi.

I want to commend Senator BOXER and Senator FEINSTEIN for their efforts on behalf of both Judge Paez and Ms. Berzon. With their support these nominees are each now headed toward final confirmation votes.

For the year, the Senate confirmed 34 federal judges to the District Courts and Courts of Appeals around the country and to the Court of International Trade. The Senate has voted to fill only 34 of the 100 vacancies that exist this year. There remain 35 judicial nominees still pending before the Senate. Most regrettably, the Senate rejected the nomination of Justice Ronnie White on an unprecedented partline vote. Senator HATCH is fond of saying that the Senate could do better. I agree with him and hope that we will continue to do much better next year.

I began this year challenging the Senate to maintain that pace it established last year when the Senate confirmed 65 judges. I urged the Senate to move away from "the destructive politics of [1996 and 1997] in which the Republican Senate confirmed only 17 and 36 judges." We did not achieve much movement in the first nine months of this year. It is my hope that developments over the last few week signal that the Senate is finally moving toward recognition of our constitutional duty regarding judicial nominations and that we will consider them more promptly and fairly in the coming months.

I note that during the last two years of the Bush Administration, a Democratic Senate confirmed 106 federal judges. To reach that total this Congress, the Senate next year will need to confirm 72 additional judges—more than in any year since the Republican Majority took control. That will take commitment and work, but we can achieve it. In 1994, with a Democratic majority in the Senate, we confirmed 101 judges, and in 1992, the last year of the Bush Administration, a Democratic Senate confirmed 64 federal judges.

Meanwhile we end this year with more judicial vacancies than existed when we adjourned at the end of last year. We have again lost ground in our efforts to fill longstanding judicial vacancies that are plaguing the federal courts. In 1983s vacancies numbered only 16. Even after the creation of 85 new judgeships in 1984, the number of vacancies had been reduced to only 33 by the end of the 99th Congress in 1986. At the end of the 100th Congress in 1988, which had a Democratic majority and a Republican President, judicial vacancies numbered only 23. In 1999 the Republican Senate adjourns leaving 65 vacancies with 10 on the horizon.

Moreover, the Republican Congress has refused to consider the authorization of the additional judges needed by the federal judiciary to deal with their ever increasing workload. In 1984 and in 1990, Congress did respond to requests for needed judicial resources by the Judicial Conference. Indeed, in 1990, a Democratic majority in the Congress created judgeships during a Republican presidential administration. Two years ago the Judicial Conference of the United States requested that an additional 53 judgeships be authorized around the country. This year the Judicial Conference renewed its request but increased it to 72 judgeships needing to be authorized around the country. If Congress had passed the Federal Judgeship Act of 1999, S. 1145, as it should have, the federal judiciary would have 128 vacancies today. That is the more accurate measure of the needs of the federal judiciary that have been ignored by the Congress over the past several years.

More and more of the vacancies are judicial emergencies that have been left vacant for longer periods of time. The President has sent the Senate qualified nominees for 15 of the current judicial emergency vacancies, which nominations remain pending as the Senate adjourns for the year.

Most troubling is the circuit emergency that had to be declared three months ago by the Chief Judge of the Court of Appeals for the Fifth Circuit. That is a situation that we should have confronted by expediting consideration of the nominations of Alston Johnson and Enrique Moreno this year. I hope that the Senate will consider them both promptly in the early part of next year. In the meantime, I regret that the Senate is adjourning and leaving the Fifth Circuit to deal with the crisis in the federal administration of justice in Texas, Louisiana and Mississippi as best it can but without the resources that it desperately needs. I look forward to our resolving this difficult situation at the beginning of the coming year.

COMPREHENSIVE TEST BAN TREATY

Mr. DODD. Mr. President, due to the illness of a family member, I was unable to participate in much of the debate on the Comprehensive Test Ban Treaty. I voted in favor of ratification of the treaty, and, now that there is ample time, I want to express my views on the treaty and the debate prior to the Senate's vote against ratification.

In my view, that vote was a sad day for the United States Senate, for our nation and for the world. During the debate, my colleague, Senator CLELAND spoke eloquently of the pride he felt as a young man sitting in this chamber 36 years ago when the Senate voted to ratify the first nuclear test ban treaty which prohibited atmospheric nuclear tests. I doubt that many people can express a similar sense of pride over the outcome of the Senate's consideration of the Test Ban Treaty earlier this fall.

My disappointment rests, firstly, with the manner in which this treaty was considered. It can only be characterized as hurried, a legislative rush to judgement. For instance, Senator BYRD, one of the most senior members of this chamber and a former majority leader, rose to speak prior to a procedural vote. He dared to ask for fifteen minutes to speak during this chamber's headlong rush to vote against a treaty that would ban nuclear explosions throughout the world. The majority was well aware that there were not 67 votes for this treaty, and they knew what the final outcome would be. Sadly, though, the majority found it necessary to brush aside the most senior member on this side of the aisle. That is not the way we should conduct business in the Senate.

Unfortunately, that episode characterized the entire debate on this treaty. There was a hastiness and a needless sense of urgency about arriving at that ratification vote that we rarely see in this body. The sudden scheduling of the vote, prior to a single hearing, brought one week of frenzied focus that some members characterized as ample consideration. I think that it fell far short. All hearings on this treaty were crammed into one week, and most of the floor debate time was allocated on a Friday, prior to a three day weekend and after the week's final vote.

The brief debate and vote on this treaty were closely watched within this country and around the world. As evidence of that, most, if not all, Senators received a high volume of constituent calls, and no Senator is unaware that foreign leaders made rare appeals to this body.

The process followed with this treaty bore little resemblance to the process the Senate normally follows when it receives a treaty. The normal process includes careful consideration of a treaty's merits, an airing of the arguments from those who have objections, the addition of any safeguards that may be necessary, and, finally, a vote on ratification. In this case, that process was ignored and, some would argue, even maligned.

The Senate could have easily avoided a ratification vote, and, given the haste of its actions and the profound importance of the subject at hand, should have done so. Moreover, some members on the other side of the aisle clearly stated that they needed more time to examine this treaty, study its implications, and propose any appropriate amendments or side agreements. In fact, a majority of this body appeared to want more time to do so. That view is eminently reasonable considering how quickly this treaty was considered. Instead, all Senators were forced to make a fast decision and put their position on record. It is hard to avoid the conclusion that the defeat of this treaty was an end in itself, rather than a byproduct of considered action. Now, by this vote, the United States Senate has allowed friend and foe to conclude that we want more nuclear testing and we need more nuclear explosions. We ignored Senator LEVIN's injunction to, at the very least, "do no harm." Instead, we have at a minimum muddied this nation's position with respect to containing the threat of nuclear warfare. All we had to do to avoid this outcome was to delay the vote. There were those on the other side of the aisle who endorsed doing just that. Regrettably, they were overruled by their colleagues who are overzealous opponents of this Administration.

I support the Comprehensive Test Ban Treaty, and, as the President stated, I expect that the treaty will be ratified—if not this year, then some year. Nuclear test explosions are becoming anachronisms; the tide of history is quickly sweeping away the last vestiges of their legitimacy. Prior to the vote, I had decided to support the President's request to put off the vote on ratification. It had become clear to the President and me and most other members of this chamber that, despite our strong support of this treaty, the Senate was not yet ready to support ratification. It was with regret that I arrived at that conclusion, because no one enjoys putting off a vote that will benefit the people of this nation, and, in this case, the people of the world. This treaty has been signed by over 150 nations. It is supported by nearly every member of the United Nations. Clearly it merited several days or even weeks of hearings in which experts on both sides of this issue would have a chance to present testimony and answer questions. More than that, though, it deserved to be ratified. Our nation is the world's greatest force for peace and freedom. It is not worthy of that stature for us to be outside the community of civilized nations that have committed themselves to an end to nuclear testing.

We have missed an opportunity to lead these nations, and to provide an example to countries like India and Pakistan, both of whom are on the verge of signing this treaty. Instead, we have, I fear, energized forces in those countries and others around the world that favor further testing or revoking pledges not to test.

This treaty will make the world more safe for our children and our children's children. We have a responsibility, despite the vote, to those future generations to do our part to stop nuclear detonations. If we fail in our responsibility, we will dash the hopes of generations yet to come. They may wonder why, when the world finally seemed ready to halt nuclear testing, the United States refused to go along.

Throughout the Cold War, nuclear tests may have been necessary to modernize this nation's nuclear weapons capability. But at the height of tensions with the Soviet Union, President Eisenhower said that the failure to achieve a nuclear test ban "would have to be classed as the greatest disappointment of any administration, of any decade, of any time and of any party."

In 1992, President Bush, a former CIA Director and Ambassador to the United Nations, unilaterally halted nuclear weapons tests in the United States. President Clinton subsequently continued the moratorium. This treaty would halt nuclear weapons tests in other nations, as well. It would force other nations to do what this nation has already done and has been doing for these past several years.

Since the first test in 1945, the United States has conducted 1030 nuclear explosions—more than all other nations combined. As a result, we have far more test data and a far more deadly nuclear arsenal than any other nation. This treaty would effectively preserve this nation's position as the preeminent nuclear weapons power.

It would limit the ability of nuclear-capable nations from developing more sophisticated and more deadly nuclear weapons. It does not outlaw improvements and advancements to weapons, but without the ability to test the new weapons, nations would be hesitant to deploy them.

For those nations that do not yet possess a nuclear arsenal, this treaty will hinder their ability to develop such an arsenal. Those nations will be barred from conducting and studying a single nuclear explosion. Perhaps they could develop, at some time in the future, a crude nuclear arsenal, but they would face daunting uncertainties without having witnessed a single explosion.

This treaty enhances our national security. It has the support of the Joint Chiefs of Staff and several former military leaders including Gen. Colin Powell. Besides solidifying this nation's vast lead in nuclear technology and nuclear weaponry, it would assist us in monitoring nuclear explosions throughout the world. Regardless of whether this treaty goes into force, this nation must determine whether other nations are conducting nuclear explosions. This treaty mandates a global network of sensors and allows for on-site inspections, so it would greatly assist this nation in meeting its monitoring responsibilities.

Questions have been raised about whether we can maintain the reliability of our nuclear arsenal absent more nuclear tests. Many nuclear experts, however, assert that we can maintain a reliable deterrent, as we have since 1992, without the nuclear explosions. Furthermore, this nation plans to allocate $45 billion over the next ten years to ensure the reliability of our stockpile. What other nation has greater resources to dedicate to its stockpile? What other nation is better able, given its experience, to ensure the reliability of nuclear weapons?

Our allies, Britain and France, have conducted far fewer nuclear explosions than we have, yet they have ratified this treaty. Over half of the nuclear-capable nations in the world have ratified this treaty. We have the least to lose and the most to gain if this treaty goes into force. This nation must do its part and help rid the world of these terrible nuclear explosions. I urge my colleagues to support a reexamination of these issues and a reconsideration of the Senate's regrettable course of action.

S CORPORATION ESOPS

Mr. BREAUX. Mr. President, in 1996 and 1997, I supported the creation of S corporation ESOPs, which—while they may sound a bit obscure to some—are an innovative way of giving employees an ownership stake in their companies and providing for their retirement.

The design of these programs was quite deliberate, and intended to accomplish very specific policy objectives. We sought to create not only an administrable structure for these plans, but also a program that encouraged private businesses to give their workers a "piece of the rock" and help them save for their retirement. The law therefore allows some deferral of tax liability on current-year revenues of a participating S corporation, but of course only for that portion of the company's revenues that are put into the ESOP accounts of employees. That is to say, the deferral only exists so long as the monies are not realized by employee-owners; when they withdraw the funds for their retirement benefit, they also pay a tax, and in this case, at a much higher rate than standard capital gains.

Recently, some have questioned whether this incentive should be eliminated. I am delighted that a strong bipartisan majority of the members of the Senate Finance Committee and House Ways and Means Committee have indicated they want to preserve the fundamental attributes of S corporation ESOPs. We have carefully scrutinized this matter in recent months, particularly in the context of the tax extenders legislation. We have determined that Treasury's proposal to eliminate the deferral aspect of S corporation ESOPs is a serious threat to the vitality of S corporation ESOPs. In rejecting this proposal, Congress has affirmed that—at a time when national savings rates are abysmally low, when Americans worry how they will fund their retirement, and when we in Congress worry about the future of Social Security—we cannot afford to undo such important programs.

In response to Treasury's concerns with possible abuse of the system, we included a revenue raising provision in the extenders package to strengthen the 1996 law. However, the Treasury Department objected to the provision and it was dropped during the last minute negotiations on the bill. Secretary Summers has agreed to work with me over the coming months on a provision to strengthen and preserve broad-based employee ownership of S corporations through ESOPs in the future.

Today, there are 100,000 or more workers in America who are using and benefiting from the S corporation ESOP rules that we designed. We have reason to be proud of this accomplishment, and to point to it as an example of how we are helping Americans build wealth for their futures and their families through private ownership. I believe more workers stand to benefit from this great opportunity, which is working as Congress intended. I believe, along with a strong bipartisan group of my colleagues, that we must do all we can to sustain and promote S corporation ESOPs. I appreciate the strong support of Chairman ROTH and other members of the Finance Committee in particular to achieve this objective, and look forward to working with them on an ongoing basis for this very important cause.

FALL OF THE BERLIN WALL

Mr. GRAMS. At the Brandenburg Gate, West Berlin, on June 12, 1987, President Reagan issued a stunning challenge: "General Secretary Gorbachev, if you seek peace if you seek prosperity for the Soviet Union and Eastern Europe, if you seek liberalization: Come here to this gate! Mr. Gorbachev, open this gate! Mr. Gorbachev, tear down this wall!" And less than three years later, the wall crumbled, along with the threat of communism as a viable, universalist alternative to democracy.

I remember reporting on the fall of the Berlin Wall as a newscaster. I remember those first tentative attempts to climb over it, and the rush of revelers that followed when no shots were fired. Remember, the wall was built to keep people in, and freedom out. The guard posts in the East were facing eastward, not toward West Berlin. It is incredible that the tenth anniversary of this seminal event passed almost without comment. For it marked the end of the Soviet Empire, and foreshadowed the end of the Soviet Union itself. The global correlation of forces, as the Soviets used to say, aligned with freedom, not oppression.

The Wall crumbled because President Reagan was committed to achieving peace through strength. The Reagan Doctrine asserted the need to confront and rollback communism by aiding national liberation movements in Afghanistan, Angola, Grenada, Cambodia, and Nicaragua. He proved that once countries were in the Soviet camp, they need not remain there forever. He realized that our national prestige is reinforced and enhanced when we operate with a coherent, concise, and understandable foreign policy. And by doing so, he succeeded in inspiring and supporting dissidents behind the Iron Curtain who eroded the mortar of that Wall.

In contrast, the Clinton Administration has reacted to foreign policy crises, but has failed to a develop a foreign policy. The Administration has lurched from managing one crisis to another, but never articulated the national interest in accordance with a core philosophy. Instead of consistently safeguarding and promoting our values abroad, it has acted on an ad hoc basis according to the needs of the moment, confusing our allies and emboldening rogue nations. Serbia was emboldened to conduct ethnic cleansing in Kosovo; North Korea was emboldened to develop nuclear weapons; Saddam Hussein was emboldened to strengthen his position in northern Iraq.

What is the Clinton Doctrine? We have been told about a "do-ability doctrine" whereby the United States acts "in the places where our addition of action will, in fact, be the critical difference." However, that alone cannot be the criteria for U.S. intervention. Under that formulation we could be expected to intervene anywhere in the world. And as Secretary Albright stated as our Ambassador to the U.N. "we are not the world's policeman, nor are we running a charity or a fire department."

However, as a practical matter, the combination of a "do-ability doctrine" with so-called "assertive multilateralism"—places the United States in the very position which Secretary Albright derided. It has resulted in both the abdication of our responsibilities and the misguided projection of our power. Instead of applying the Reagan Doctrine by equipping and training the Bosnian forces over our allies' objections, the Administration subcontracted our role of arming the Bosnians to a terrorist regime in Iran, unnecessarily endangering the lives of U.S. troops. Instead of arming the Bosnians, we supported our allies standing by in U.N. blue helmets, watching unarmed civilians be massacred in Srebrenica. In contrast, the attempt at nation building in Somalia, and the refusal to provide equipment requested on the ground because it would send the wrong signal, sacrificed the lives of 18 brave soldiers without regard to whether such action advanced our vital concerns. When this Administration acts according to the exigencies of the moment instead of according to an underlying philosophy, the country lurches from paralysis to "mission creep" without regard to the national interest.

Recently, there has been discussion of the possibility of reworking our entire military force structure—which is presently based on the capacity to fight two simultaneous major regional conflicts—in order to enable us to commit US troops to an ever-growing number of multilateral "peacekeeping" missions. I am concerned that we may sacrifice our vital national security interests in order to be able to participate in peripheral endeavors. We should not be shortsighted. We should not lose sight of what we must do in order to accomplish what we can do. Our military should be used to protect our national security interests, not provide peacekeeping in areas without strategic significance.

That kind of distinction will never happen under the Clinton Administration. President Clinton does not have the clarity of purpose of Ronald Reagan. No walls will be torn down. There is no Clinton Doctrine. There is only a half-hearted attempt to justify random acts under an artificial rubric and a series of slogans. And our country is the worse for it. We should note the fall of the Berlin Wall symbolizes more than just a victory of liberty over totalitarianism. It shows that armed with a core philosophy, a coherent doctrine, and a lot of courage, there is no limit to what we can accomplish.

ROMANIAN CHAIRMANSHIP OF OSCE

Ms. LANDRIEU. Mr. President, as we attempt to conclude our business for this session of Congress, I wanted to mention an important decision that has just occurred in Istanbul. Mr. President, as you know, Turkey is hosting the annual summit of the Organization for Security and Cooperation in Europe (OSCE). Our President was in attendance, and from reports, this summit has been a robust forum for debate.

Given recent history, it is impossible to overstate the importance that the OSCE might play in maintaining Europe's peace and stability. It is the only forum available where all the nations of Europe meet to discuss European concerns. Clearly, the status of European Security is more fluid at this time then at any other in the last 40 years. Therefore, one of the very important decisions that the OSCE must make at the Istanbul Summit, is who will chair the OSCE in 2001.

I am very pleased to announce that the OSCE has chosen the nation of Romania to undertake this important leadership role. The United States and several leading European nations had advanced Romania's candidacy, and I believe that the OSCE has made a very wise choice. Romania's value as OSCE chair derives from a number of factors. First, Romania's geostrategic position places it in the heart of the region where stability is needed most. Despite lying at the crossroads of the Balkans, the Caucasus, and European Russia, Romania has managed to maintain excellent relations with all the parties. The OSCE desperately needs leadership that understands the problems of this region, while having no vested interest in any particular outcome. That is the sort of leadership that only Romania can bring to the table. Second, Romania is a role model for other Balkan nations. The economic and political reforms that Romania has undertaken, have not come easy—but that is part of her attraction to the other nations of the region. Romania's experience demonstrates that if willing to make the necessary sacrifices, democracy and a liberalized economy are within reach. Finally, Romania has a strong tradition of cooperation with this nation. Our friendship has been formalized through the 1997 Strategic Partnership, as well as Romania's vigorous participation in the Partnership for Peace.

Mr. President, Romanian chairmanship is a very positive harbinger for the future of Europe, and for the future of the Balkan Region. I congratulate the OSCE for their excellent choice. I wish Romania's leadership the very best wishes upon assuming this very weighty responsibility. We look forward to another session of productive dialogue and meaningful diplomacy upon their accession to the chairmanship.

THE 1999 STATE PARKS GOLD MEDAL

Mr. GRAHAM. Mr. President, today, I rise with my colleague Senator MACK to take a moment to recognize our Florida state park system, which recently received the prestigious 1999 National State Parks Gold Medal from the National Sports Foundation, Inc., a part of the 25,000-member National Sporting Goods Association. The State Parks Gold Medal is awarded every other year to the state park system considered America's best. We are proud and honored that Florida's state park system, which includes 151 diverse state parks throughout the state covering more than one-half million acres, received this recognition in October at the National Recreation and Park Association Annual Congress in Nashville, Tennessee.

Congratulations to Governor Jeb Bush, Florida Department of Environmental Protection, Secretary David Struhs, and the Department's Division of Recreation and Parks Director, Fran Mainella, on this achievement.

This nation's state parks play a key role in our society—they provide much needed recreational opportunities to Americans while protecting key resources. These parks create the link between our national parks, dedicated specifically to protection of the resources for which the park was created, and our local parks, dedicated specifically to recreation. Without a strong state park system, the resources in our national parks will become stressed as people seek to fill unmet recreational needs. We are proud that the state of Florida recognizes this connection, and works to maintain a strong state park system.

In honor of "Florida's State Parks—Voted America's Best," Governor Bush and the Florida Cabinet have designated Saturday, November 20 as a "free day" when admission charges to Florida state parks will be waived for all visitors. We invite all of our colleagues to a free day in one or more of America's best state parks that day.

Thank you, Mr. President, for the opportunity to recognize these outstanding natural areas, preserved forever for the enjoyment of this and future generations.

NOMINATION OF JOSEPH E. BRENNAN

Ms. SNOWE. Mr. President, last Wednesday, the Senate confirmed Governor Joseph E. Brennan as a commissioner on the Federal Maritime Commission, and this week Governor Brennan was sworn in for a term to expire in 2003.

Governor Brennan, who formerly served as a Member of Congress for four years, where he was a member of the House Merchant Marine and Fisheries Committee, and Governor of Maine for eight years prior to that, is eminently qualified to confront the challenges facing the maritime community. With his broad experience at both the state and federal level, Governor Brennan is an outstanding choice to serve as a Commissioner on the FMC.

His service in Congress gave him first-hand knowledge of federal maritime issues as a member of the House Merchant Marine and Fisheries Committee that will be invaluable on the Maritime Commission.

Established in 1961, the Federal Maritime Commission—FMC—is an independent regulatory agency charged with administering laws relating to shipping and the waterborne domestic and offshore commerce of the U.S.

The FMC's jurisdiction encompasses many facets of the maritime industry. The Chairman and four Commissioners of the FMC are responsible for protecting shippers, carriers and others engaged in foreign commerce from restrictive rules and regulations of foreign governments and from the practices of foreign-flag carriers that have an adverse effect on shipping in U.S. trades. The FMC also reviews and monitors agreements under shipping law, reviews and approves or rejects tariff filings, issues licenses for ocean freight activities, administers passenger indemnity laws, reviews alleged or suspected violations of shipping statutes, and promulgates rules and regulations on shipping laws.

The maritime sector is vitally important to our economy, and the FMC's responsibilities are fundamental to sustaining U.S. competitiveness in this area.

As a Senator from Maine, a state with a rich maritime heritage, I am keenly aware that our nation has always been dependent upon the sea and has thus enjoyed a rich maritime tradition. To this day, our merchant marine remains an integral part of our culture and our economy.

Today, one out of every six jobs in the United States is marine related. America's ports support more than 95 percent of all our overseas foreign trade, and within the U.S., more than one billion tons of commercial cargo is transported by ship each year. We must do all that we can to preserve our maritime legacy for future generations, and the FMC plays a key role in the commercial component of this legacy.

Mr. President, I would also like to recognize Senator McCAIN, Chairman of the Commerce Committee, for his leadership, and for making it possible to move the nominations of both Governor Brennan and Anthony Merck prior to adjournment. I am grateful to Senator McCAIN and to Majority Leader LOTT for their efforts to move this nomination expeditiously—and to my colleagues for their support.

Finally, I would like to offer my heartfelt congratulations to Governor Brennan. I am very pleased that the President recognized that he would make a valuable contribution to the FMC. As senior Senator from Maine and a member of the Commerce Committee, I look forward to working with Governor Brennan on maritime issues in the years to come.

Mr. President, once again, I would like to thank Chairman McCAIN Majority Leader LOTT, and my colleagues, and I yield the floor.

THE RISING COST OF PRESCRIPTION DRUGS

Mr. JOHNSON. Mr. President, I want to address an issue of critical importance to millions and millions of Americans, an issue I have come to the floor previously to discuss and an issue that has become one of my highest legislative priorities, the lack of affordable prescription drugs.

Today, nearly thirty five percent of Medicare beneficiaries, 14 million people, have absolutely no coverage for prescription drugs. Unfortunately, these are also the same individuals who consume the majority of prescription drugs in our country. Studies indicate that eighty percent of retirees take at least one prescription drug every day and those over the age of sixty-five take on average, eighteen and a half prescription drugs per year.

Older Americans spend a tremendous amount of money out of pocket on their health care expenses. It is estimated that seniors spend an average of fourteen percent on hospital admission costs, thirty one percent on physician visits, thirty four percent on prescription drugs and twenty one percent on other health care related expenses. Prescription drugs have become the number one health care expense for senior citizens in our country.

I came to the floor a few weeks ago to talk about this very same issue, but I am addressing this issue again because I believe this matter is too critical for Congress to ignore. It appears as though Congress will not reach an agreement before we adjourn for the year, or even have a meaningful discussion, on how we will provide relief to the millions of needy seniors throughout our country and my state of South Dakota who struggle every day to pay for their medications.

While prices for the prescription drugs most often used by older Americans are skyrocketing far beyond inflation, recently the pharmaceutical industry reveled in record breaking stock prices and an announcement of a proposed multi-billion dollar merger between Warner Lambert and American Home Products. This proposed deal would form the biggest merger in the history of the drug industry and create the largest drug maker in the world. The transaction between Warner Lambert and American Home Products is worth nearly seventy three billion dollars, billions more than the federal government spends on most of their thirteen individual appropriation bills.

News of this proposed merger, prompted another drug industry giant, Pfizer, Inc. to announce a counter offer to buy Warner Lambert at a cost of eighty-two and a half billion dollars.

On the heels of the pharmaceutical industry's financial exploits, "Families USA: The Voice for Health Care Consumers" recently released a report indicating that more than two thirds of the fifty most commonly prescribed drugs for seniors increased in price nearly two to three times faster than the rate of inflation. Last year, wholesale prices for fifty prescriptions commonly filled by the elderly rose by six and a half percent even though the overall inflation rate that year was just one and a half percent.

For example, the drug Lorazepam, used to treat Parkinson's disease, increased three hundred and eighty five percent over the last five years. The report also found that while the median profit for all Fortune five hundred companies was four and a half percent, manufacturers of drugs most commonly prescribed to seniors relished in profits at or above twenty percent in 1998.

The findings in the Families USA study reflect similar results that I found in a study that I had requested from the House Government Reform Committee on drug prices paid by South Dakota seniors.

The South Dakota study found that South Dakota's elderly pay more than twice as much for their prescription drugs as does a pharmaceutical company's favored customers, such as HMO's, large insurance companies or the federal government. The study found that price differentials are as high as one thousand four hundred and sixty nine percent for some drugs.

For the last several months, I have been holding meetings in communities across South Dakota on the subject of prescription drug prices. The response from seniors and young people alike on this issue has been overwhelming to say the least.

I have received nearly five thousand postcards and hundreds more letters in response to my request for South Dakotans to contact me with their opinions on this issue. I have asked South Dakotans to become a Citizen Cosponsor of the prescription drug legislation that I introduced with Senator KENNEDY, called the Prescription Drug Fairness For Seniors Act". Our bill would allow Medicare beneficiaries access to the same low prescription drug prices that the drug companies offer their "favored" customers, such as HMO's, large insurance companies and the federal government. This bill ends the price discrimination that now exists against the segment of the society who rely on prescription drugs the most, older Americans. South Dakotans have told me that they support this effort to make prescription drugs affordable.

Mr. President, we are forcing our senior citizens to make the unimaginable choice between "heating and eating" or buying their medication. This is a choice that no human being should have to make.

With the proposed drug industry merger between Warner Lambert and American Home Products, and the recently released Families USA study, today highlights two more examples which reinforces my belief that we need legislation to help lower the high cost of prescription drugs for American consumers.

A 73 billion drug industry merger has the potential to decrease any competition that still exists in the industry. Stock prices for the pharmaceutical industry are at an all time high which adds to their record profits. The losers for all of this are the American consumers who are forced to pay increasingly higher prices for prescription drugs.

By joining forces, these two drug companies expect a total cost savings of over one billion dollars over three years by spreading the cost of developing new drugs, while increasing the sales force needed to market old and new products. If this merger deal goes through. I wonder if the drug companies would be willing to pass along any of their one billion dollar savings to the thousands of seniors that I have heard from across South Dakota who cannot afford their monthly medication bills?

I ask that a summary of the Families USA study be inserted into the RECORD following my statement.

There being no objection. the summary was ordered to be printed in the RECORD, as follows:

HARD TO SWALLOW: RISING DRUG PRICES FOR AMERICA'S SENIORS

INTRODUCTION

For older Americans. the affordability of prescription drugs has long been a pressing concern. Outpatient prescription drug coverage is one of the last major benefits still excluded from Medicare. and the elderly are the last major insured consumer group without access to prescription drugs as a standard benefit. Although many Medicare beneficiaries have access to supplemental prescription drug coverage. too often that coverage is very expensive and very limited in scope. What is more. such coverage is on the decline. As a result. older Americans—who are by far the greatest consumers of prescription drugs—pay a larger share of drug costs out of their own pockets than do those who are under 65. This means the prices of prescription drugs have a greater impact on older Americans than on younger persons.

Four years ago. Families USA found that the prices of prescription drugs commonly used by older Americans were rising faster than the rate of inflation. To determine if this trend of steadily increasing prices for prescription drugs has improved. remained the same. or worsened. Families USA gathered information on the prices of the prescription drugs most heavily used by older Americans over the past five years. Using data from the Pennsylvania Pharmaceutical Assistance Contract for the Elderly (PACE) program. we analyzed the prices of the 50 top-selling prescription drugs most heavily used by older persons.

Our analysis shows that. in each of the past five years. the prices of the 50 prescription drugs most used by older Americans have increased considerably faster than inflation. While senior citizens generally live on fixed incomes that are adjusted to keep up with the rate of inflation. the cost of the prescription drugs they purchase most frequently has risen at approximately two times the rate of inflation over the past five years and more than four times the rate of inflation in the last year.

FINDINGS

The prices of the 50 prescription drugs most frequently used by the elderly rose by more than four times the rate of inflation during calendar year 1998. (The data on average drug price increases used in this report weight drug price increases by sales. This means that the average drug price increases reported take into account the market share of each of the 50 top-selling drugs. This is the methodology often used by industry sources.) On average. the prices of these top 50 drugs increased by 6.6 percent from January 1998 to January 1999. though the general rate of inflation in that period was 1.6 percent.

From January 1998 to January 1999. of the 50 drugs most commonly used by the elderly:

More than two-thirds of these drugs (36 out of 50) rose two or more times faster than the rate of inflation.

Nearly half of these drugs (23 out of 50) rose at more than three times the rate of inflation.

Over one-third of these drugs (17 out of 50) rose at more than four times the rate of inflation.

Among the 50 drugs most frequently used by seniors, the following drugs rose more significantly in price from January 1998 to January 1999:

Lorazepam (manufactured by Mylan and used to treat conditions such as anxiety. convulsions. and Parkinson's). which rose by over 279.4 percent (more than 179 times the rate of inflation);

Furosemide (a diuretic manufactured by Watson that is used to treat conditions such as hypertension and congestive heart failure). which rose by 106.6 percent (more then 68 times the rate of inflation);

Lanoxin (manufactured by Glaxo Wellcome and used to treat congestive heart failure). which rose by 15.4 percent (almost 10 times the rate of inflation);

Xalatan (manufactured by Pharmacia & Upjohn and used to treat glaucoma). which rose by 14.5 percent (more than nine times the rate of inflation); and

Atrovent (manufactured by Boehringer Ingelheim and used as a respiratory agent in the treatment of asthma. bronchitis. and emphysema). which rose by 14.1 percent (more than nine times the rate of inflation.)

Over the five years from January 1994 to January 1999. the prices of the 50 prescription drugs most frequently used by older Americans rose twice as fast as the rate of inflation. On average. the prices of these drugs rose by 25.2 percent—twice the rate of inflation.which was 12.8 percent over that period.

Of the 50 drugs most frequently used by older Americans, 39 have been on the market for the five-year period from January 1994 to January 1999.

The prices of 36 of those 39 drugs increased faster than the rate of inflation over the five-year period.

More than two-thirds of those drugs (28 out of 39) rose at least 1.5 times as fast as the rate of inflation over the five-year period.

Nearly half of those drugs (19 out of 39) rose at more than two times the rate of inflation over the five-year period.

More than one-fourth of those drugs (10 out of 39) rose at least three times the rate of inflation over the five-year period.

Of the 39 drugs that were used most frequently be seniors and that were on the market for the period from January 1994 to January 1999. the drugs that rose most significantly in price are:

Lorazepam. which rose by over 385 percent (more than 30 times the rate of inflation);

Imdur (manufactured by Schering and used to treat angina). which rose by 111 percent (almost nine times the rate of inflation);

Furosemide. which rose by 107 percent (more than eight times the rate of inflation);

Lanoxin. which rose by 88 percent (almost seven times the rate of inflation); and

Klor-Con 10 (manufactured by Upsher-Smith and used as a potassium replacement). which rose by 84 percent (more than six times the rate of inflation).

Of the 39 drugs that were used most frequently by seniors and that were on the market for the period from January 1994 to January 1999. 31 increased in price on at least five occasions during those five years. During those years. the following drugs increased in price at least seven times:

Imdur. which increased 10 times;

Premarin (manufactured by Wyeth-Ayerst and used as an estrogen replacement). which increased eight times;

Atrovent. which increased eight times;

Pravachol (manufactured by Bristol-Myers Squibb and used to reduce cholesterol). which increased seven times;

Synthroid (manufactured by Knoll and used as a synthetic thyroid agent). which increased seven times; and

K-Dur 20 (manufactured by Schering and used as a potassium replacement). which increased seven times.

During the last two years. there has been an acceleration in price increases of the drugs most commonly used by seniors. From 1995 to 1996 to 1997. those drug prices rose 1.3 and 1.2 times faster. respectively. than the rate of inflation. From 1997 to 1998 and 1998 to 1999. those drug prices rose 1.7 and 4.2 times faster. respectively. than the rate of inflation.

The median net profit for manufacturers of the 50 most prescribed drugs for senior citizens was 20.0 percent in 1998—4.5 times larger than the median net profit of 4.4 percent for all Fortune 500 companies.

AMERICA'S ROLE IN THE 21ST CENTURY

Mr. COVERDELL. Mr. President. I rise to day to draw your attention to an informative and thought-provoking foreign policy lecture that our colleague and good friend, MIKE DEWINE. recently gave in Oxford, Ohio. at his alma mater—Miami University. His address was a part of Miami University's distinguished Hammond Lecture Series. which first began nearly 38 years ago in January 1962. Our esteemed former colleague from Arizona. Barry Goldwater. presented the first lecture in the Series. which. incidently. Senator DEWINE attended during his first visit to the Miami campus.

I draw your attention to Senator DEWINE's address because it focuses on a fundamental question that the American people. the President. and we here in Congress must consider. That question is this: "What role will the United States play in the world. as we enter the 21st Century? In posing this critical question. Senator DEWINE discusses several of the challenges and concerns that our country faces in forming a foreign policy doctrine for the future. I encourage you to take some time to read this reasoned. well-grounded piece. and consider the questions it raises.

Mr. President. I ask unanimous consent that a copy of the 1999 Hammond Lecture. given by Senator MIKE DEWINE. be printed in the RECORD.

There being no objection. the material was ordered to .be printed in the RECORD as follows:

"AMERICA'S ROLE IN THE WORLD IN THE 21ST CENTURY

Dr. Shriver. thank you very much. It is always a daunting task to follow Dr. Shriver. And. for that kind introduction. I thank you. President Garland and members of the Hammond Lecture Series Committee—thank you for inviting me to be with all of you here tonight.

Dr. Shriver, my wife Fran, and I started at Miami University on the same day. Dr. Shriver started as President in the Fall of 1965, and Fran and I started as freshmen that same day. We all entered Miami together—Dr. Shriver just stayed here a little longer!

Fran and I did spend four very productive years here at Miami. We left with two degrees and two children—two children, by the way, who graduated from Miami and have married Miami graduates. Of our eight children, three—so far—also have graduated from Miami.

I am particularly honored to be giving the Dr. W.A. Hammond Lecture this year. As Dr. Shriver said, Dr. Hammond lived in our home county—in Greene County. He was a chemist, an industrialist, a community leader—a person who cared passionately about our history, about government, about politics, and about America.

His legacy is not just this lecture series. I see his legacy every time that I'm back home. I see it in the long stretch of land that lies along the Little Miami River—still undeveloped and still beautiful. That's just one of his legacies. I also see it when I go to Xenia and see the Galloway log cabin. He was instrumental in preserving it with his own efforts, his own money and his own ingenuity. So, he has left a legacy for us in our home county and a legacy for our state.

As a high school freshman, I came on the Miami University Campus to attend the first W.A. Hammond Lecture. The speaker was then United States Senator Barry Goldwater. It was January 1962. It was a rather interesting day for me, because it was actually not only the first time I saw a United States Senator, but it was also the first time I had seen this wonderful campus.

One of the things that I recall from that speech by Senator Goldwater is that I thought the question and answer period was a lot more interesting than the speech. I think it's probably typical of most speeches. The speech was fine, but I thought the questions and answers were particularly interesting. So, I hope tonight to spend a significant period of time with you on comment and questions on whatever topics you want to address

As we approach a new millennium, as well as the next presidential election, I think it is appropriate for us to discuss where the United States is going as we enter the next century. What kind of a country do we expect our children, our grandchildren, and our great-grandchildren to live in?

When John F. Kennedy was running for President in 1960, he said that the job of a president is to lay before the American people the unfinished business of the country. That's still the job of the President—a job, I think also, of Senators and other leaders.

So, I'd like to talk tonight about that unfinished business of this country and particularly the unfinished business of this generation and of the next generation.

What are the big challenges and other important things that we have to deal with?

We have a crisis in education, particularly in our inner cities, and particularly in Appalachia.

We must solve—especially in Ohio—the school funding disparity problem and question.

We must, as a country, attract the smartest, the best, and the brightest of our students to the profession of education—the profession of teaching.

And, quite candidly, our schools of education must continue to aggressively reexamine how they prepare our teachers for the future.

We must do a better job of attracting and encouraging professionals and people with real world experiences to make teaching a second career.

The Congress, the President, and the American people must—within the next several years—deal with the Medicare question and deal with the Social Security question. For all of the talk by both the President and the Congress—Democrats and Republicans—about "saving Social Security" and "saving" this surplus for Social Security, the reality is that Social Security and Medicare cannot be "saved" without fundamental reform. All of the surpluses in the world cannot hold back the demographic tidal wave of the baby boom generation as it approaches retirement. Reform—reform, not budget surpluses, will save Social Security.

There are certainly other issues that this generation must tackle: health care, medical research, and a subject near and dear to my heart—the crisis in our country's foster care system.

However, our topic tonight is foreign affairs and what the U.S. role in the world should be in the 21st Century. So, I will now take a stab at that.

When Senator Goldwater addressed Miami in 1961, our nation was in the midst of the Cold War, and certainly no typical American family could go through any day without being touched by that larger, global struggle. It was a time of bomb shelters and of school children crawling under their desks. Young American men and women were sent to all corners of the globe—to places they barely could pronounce, spell, or even find on a map—all in defense against communist expansion. We raced the Soviets to the Moon—and won. The Olympic games were seen as epic struggles to reaffirm the strength of our system.

Senator Goldwater devoted the first Hammond Lecture to a discussion of the ideological struggle between democracy and communism. And, as he said on that January night nearly thirty-eight years ago: "We are fighting an ideology that is dedicated to destroying us. We can win this fight against Communism without firing a shot or dropping a bomb."

Perhaps, to his own surprise, Senator Goldwater lived to see the fulfillment of that prophecy. Ten years ago this week, the most dramatic symbol of the Cold War—the Berlin Wall—fell, and most significantly, not because of some advancing army. It fell because its foundation—communism—could no longer sustain itself.

In retrospect, the fall of the Soviet Union was neither a complete defeat for totalitarianism, nor really a complete victory for democracy.

The end of the Cold War also did not end the nuclear threat.

The world remains today a dangerous and very uncertain place. Although we are experiencing a period of peace and prosperity really not seem in our country since the 1920s, this "peace" has not been tranquil. American air and ground forces have been dispatched to places such as Saudi Arabia, Somalia, Haiti, Bosnia, and Serbia. We've engineered military actions against Iraq and strikes against terrorists in the Sudan and the hills of Afghanistan.

We stand on the brink of a nuclear arms and missile race in South and East Asia and the Middle East. And, nationalism has raised the prospect of war in several regions—from Central Europe to the Asian Subcontinent. And, nations in our own hemisphere face threats that could undermine—if not overwhelm—the progress of our movement toward democracy that we successfully achieved in this hemisphere over a decade ago. In sum, we have moved from a Cold War to a Hot Peace.

The challenges of global stability did not cease with the end of the Cold War. Peace must be protected, enforced, and advanced with the same vigilance and determination we demonstrated to arrive at this point in our history. As Henry Kissinger observed more than ten years ago: "History knows no resting places; what does not advance must sooner or later decline."

Since the beginning of the so-called American century, when a Canton, Ohio, resident named William McKinley was re-elected to the presidency, our nation's chief executives have faced the challenge of defining America's role in shaping and responding to world events.

The eight Presidents who have led our nation during the Cold War were presented with the opportunity to pronounce, or perhaps characterize, the nature of American foreign policy. During that time, we went from a policy of containment to a policy of detente, and from there to a policy of political containment and military buildup. Now, one may agree or disagree with each of these policies, but there is no dispute that each of these Presidents—from Harry Truman to George Bush—led with a clear vision, or doctrine, if you will, that guided U.S. foreign policy and influenced the shaping of multinational affairs during their terms of office.

Unfortunately, our current Administration never seized the opportunity to articulate a clear, thoughtful doctrine, outlining America's role and place in a post-Cold War world.

Sadly, history will not record nor remember the Clinton doctrine.

Instead of a foreign policy geared toward anticipating and shaping events abroad, we have watched events abroad shape our foreign policy.

The future and security of our nation must be—absolutely must be—the dominant theme of the next presidential election. Each candidate has to answer one fundamental question: What should be America's role in this post-Cold War world?

The next President—working with Congress, with the American people, and with our global partners—must develop a new bipartisan foreign policy doctrine—a McCain Doctrine, or a Bradley Doctrine, or a Gore Doctrine, or a Hatch Doctrine—a doctrine for this country and for our people—a doctrine to define our role as we move into the next century.

To be sure, there is not one right answer to what role we should play. These are very, very difficult questions. The world is a complicated place. There are no easy, simple solutions to any of the conflicts and challenges our world faces. But, one thing is certain: Protecting our national security and promoting our interests abroad will depend on the kind of vision, the kind of leadership, and the kind of foreign policy doctrine that our next President brings to this task.

As we enter the 21st Century, our next President must—in a bi-partisan manner—engage Congress and the American people in how best to define and how best to articulate a principled and practical approach to U.S. engagements abroad. This means including the American people in an open, foreign policy dialogue. It means getting their support of U.S. involvements in global struggles. And, finally, it means creating a foreign policy doctrine that is neither a Republican nor a Democrat plan, but is rather "the American plan."

In so doing, I believe that there are certain fundamental principles that should serve as the basis for defining America's role in foreign affairs. So, tonight, I'd like to spend a few minutes sharing some of my thoughts about what those principles are and how they can affect our U.S. role in the 21st Century world. I do not mean for this to be an exhaustive list, but I believe that our foreign policy must include, at the very least, these principles.

And so, I offer them in the spirit of discussion and dialogue—in the spirit of what I expect of the next President. That means that I expect the next President to lead this discussion with the American people, with an understanding that the choices are tough, and many times the choices we are faced with are not good ones. And, while it is tough, unless we start the dialogue—unless we start the discussion—unless we frame it with the sense of where do we go as a country in the post-Cold War era, we are never going to end up where we want to be and where we need to be.

PRINCIPLE NO. 1

The first, and perhaps most obvious, principle is that the United States must lead. We have to lead in foreign affairs. Our country must be an active, engaged player in the world, striving for solutions that look beyond the short-term. Our credibility in the world community depends on it.

Without a clear vision and direction for U.S. foreign policy, our nation will continue on an aimless path. After more than forty years of a bipolar-driven foreign policy, the end of the Cold War put this country at a fundamental foreign policy crossroads. Seven years later, tragically, we are still at that crossroads.

A lack of solid U.S. leadership in the area of foreign affairs has not come without cost. Our military has been deployed around the world to its breaking point. Our credibility in the world community certainly has declined. And, the world is even more dangerous and unstable now than during the Cold War.

I've noted already some examples of exactly how dangerous the world is today. What's troubling is how little U.S. involvement has done to reduce the dangers that we face. Despite billions in U.S. assistance, Russia's government and economy teeter on the verge of collapse under the weight of rampant crime and rampant corruption. North Korea has become the single largest recipient of U.S. aid in East Asia, but continues to develop nuclear technology and missiles capable of reaching most of the Western United States, and, I might add, also continues to starve its own people. Despite our stern warnings, China and Russia continue to assist rogue nations like Iran and Iraq in their obsessive quests to acquire weapons of mass destruction. All these issues, together, present challenges that require strategic thinking and bi-partisan U.S. leadership.

We, as a nation, must take a lead in exporting our democratic values to our neighbors in the Western Hemisphere and to other areas of the world. When the world looks for leadership, it can look to only one place—and that place is the United States. History has put us where we are. If the United States does not lead, there is no one else who can lead—and frankly, no one else who will lead.

PRINCIPLE NO. 2

The second key principle that I believe should guide our foreign policy in the next century is this: The peace and stability of our own hemisphere must be one of our top priorities. You see, the problems of our hemispheric neighbors are our problems, as well. We, as a nation, stand to lose or gain, depending on the economic health and security of our own neighbors. In other words, a strong, and free, and prosperous hemisphere means a strong, and free, and prosperous United States.

Let's look at the example of our neighbors to the south in Latin America. When I was first elected to the U.S. House of Representatives in 1982, Soviet and Cuban influence in Latin America was the dominant issue. Today, the communists have been replaced as a power by the drug dealers. The perverse presence of drug trafficking throughout the region represents a very significant and very real concern—one that puts at risk the stability of our hemisphere.

The disintegraing situation in democractic Colombia really illustrates this.

No democracy in our hemisphere today faces a greater threat to its own survival than does Colombia. That democratically elected government is embroiled in a bloody, complex, three decade-long civil war against two well-financed, heavily-armed guerrilla insurgency groups—the Revolutionary Armed Forces of Colombia (otherwise known as the FARC) and the National Liberation Army (or ELN). Also involved is a competing band of about 5,000 rutheless paramilitary operatives.

The real source of violence and instability in Colombia, though, is the drug traffickers. According to the Colombian Finance Ministry, the Colombian drug trade brings in to Colombia up to $5 billion a year, making it Colombia's top export. To maintain a profitable industry, a significant sum of these drug revenues goes to hire the guerrillas and, increasingly, the paramilitary groups.

Just to give you an idea about how the lives of people in Cincinnati, Ohio, and Bogota, Colombia, are closely linked, consider this: When a drug user buys cocaine on a street corner in Cincinnati, or Cleveland, or Chicago, that person is funding violent anti-democratic activity that threatens the lives of innocent Colombians. I have walked through the poppy fields in Colombia with the President of Colombia and have seen—first-hand—how the drug trade is fueling the violence and instability in that country and in the region.

The United States has a clear economic interest in the future stability of Colombia. Last year's two-way legal trade between the United States and Colombia was more than $11 billion. In fact, the United States is Colombia's number-one trading partner, and Colombia is the fifth largest market for U.S. exports in the region.

I have met with Colombian President Pastrana both in Washington and in Bogota to discuss how our two countries can work together to resolve this deteriorating situation. One way is to invest more in Colombia's drug fighting capability and improve economic opportunities. I have introduced legislation to provide that additional investment. But, this legislation also strengthens the capability of the Colombian government to enforce the law—the rule of law—and provides assistance for human rights training and alternative crop and economic development—two things that are absolutely essential. With this bill, we are investing in making Colombia a stronger, more stable democracy, and a stronger, capable partner in building a hemisphere free from the violence and the decaying influence of drug traffickers and human rights abusers.

Stopping the drug trade, though, in Colombia and Latin America is only one way that we can preserve democracy. We must move forward to integrate the entire hemisphere economically. The North American Free Trade Agreement (NAFTA) is the first and most significant step we've taken in that direction. Recently, the Senate took a positive step toward hemispheric trade liberalization by passing legislation that would extend the benefits of NAFTA to the countries in Central American and the Caribbean.

We have to do even more to pursue a hemispheric free trade initiative. Trade integration will occur in this hemisphere, whether or not we are a part of it. It is in our national interest to bring more Latin American countries into bilateral and multilateral trade agreements with the United States. If we fail, others will fill the void. Right now, Europe, Asia, and Canada are consolidating their economic base throughout Latin America. They certainly are not waiting for the United States. They'd prefer us standing on the sidelines. We must not let this happen. The longer we wait, the more we stand to lose.

PRINCIPLE NO. 3

The third principle that I will offer for discussion tonight is this: Our foreign policy must reinforce and promote our own core values of democracy, free markets, human rights, and the rule of law. I am not at all ashamed to say that our most important export to the international community is our ideals and our ideas. In this country, we are committed to democracy and human rights. We cherish open elections, and we cherish our freedom of speech. We strive to promote free trade and fair trade, so that everyone in our nation has a chance to prosper. We fiercely protect our freedoms, as we should.

I believe passionately that every person in the world should have the same opportunity to enjoy these basic democratic values. We have, over the last twenty years, made significant progress in promoting our democratic values abroad. Let's again look at the example of Latin America.

In 1981, 16 of the 33 countries in our hemisphere were ruled by authoritarian regimes—either of the left or of the right. Today, all but one of those nations—Cuba—have democratically elected heads of government. They're not perfect. Maybe they don't comply exactly with how we see democracy, but they're all moving in the right direction.

The hard, day-to-day work of democracy, however, comes after the elections. It is by no means an easy task to create a democratic society that fosters freedom or expression, where votes matter and human rights are respected. Democracy-building is a slow, often cumbersome process that evolves over time.

Key to sustaining democracy and nurturing prosperity in Latin America, or in any developing democracy, requires a commitment to the rule of law. That means providing effective responses to current threats, including corruption, criminal activity, drug trafficking and violence. Police and impartial judiciaries must be in place to fight such threats.

If no one enforces the law, no one will uphold the law. And, if that is the case, there will be no jobs, and there will be no economic growth, because there will be no foreign or domestic investment.

I have traveled to a number of these countries and what you see in country after country is a struggle for democracy, as the people move from the election process to the tough work of democracy. This is the daunting challenge they face.

The daunting challenge, quite candidly, is that, many times, there is not rule of law after election day. People and companies won't investment in these countries. They are afraid to invest—they are afraid to invest, because they don't know if their assets will be protected or if they will be stolen. And, if they are stolen, they don't know if there will be any redress. That kind of uncertainty does not encourage investment.

People need to be able to look to the courts, and to the prosecutors, and to the judicial system. When you help that judicial system, you help investment, and you ultimately help create jobs and help people come out of poverty.

The same thing is true for farmers—campesinos—in Guatemala, or Honduras, or Nicaragua, or throughout this hemisphere. If they do not believe that they own land—that they can control their land—they won't invest in their land. They won't put anything back into the soil, as farmers must, if they are to prosper.

So, again, it goes back to the judicial system—to the rule of law—and to the courts. One of the greatest things our country has the ability to do is send abroad our judicial and rule of law expertise. We've been doing that. And, while I think we have been doing a pretty good job, there is still more we can do.

Economies cannot expand and democracies cannot thrive without law enforcement officers and judges committed to law and order. The challenge we face today is that a number of Latin American countries do not have the kind of judiciaries needed to make the rule of law work.

Citizens should not fear the police. Law enforcement should be trained to protect the people and to provide stability and tranquility. Many of the emerging democracies have a long, long history of police abusing human rights and of the military abusing human rights. That has to change. And, it can change through our assistance and through our expertise.

We already are investing time and money to export our principles of law enforcement to train police in Central America through the International Criminal Investigative Training Assistance Program, known as ICITAP. This is an important program, but it's only half of the law enforcement equation. A well-trained police force means little or nothing if corrupt and incompetent prosecutors and judges cannot prosecute and sentence criminals.

It means nothing if a certain elite class of the population—economic, political, ethnic—is above the rule of law and operates in the country with impunity. That has to change in these countries, as well. And, that we can accomplish.

The U.S. government already has worked to help strengthen some aspects of the judiciary systems in Latin America and in other places in the world such as Bosnia, but we have a great deal farther to go. If we fail to focus on this matter, we will miss a great opportunity to build on the foundation we worked so hard to establish. Even worse, we put the very foundation, itself, at risk of collapse. One of the great wonders of a free society is that all of its core values—democracy, free markets, rule of law, and human rights—really reinforce the others. To strengthen one strengthens them all.

CONCLUSION

As we enter the 21st Century and contemplate our nation's role in the world, we must think about past mistakes, learn from them, and move forward toward a more balanced, principled, bi-partisan foreign policy. In doing so, we should consider these principles, which I have outlined tonight:

1. The United States must lead in foreign affairs;
2. The peace and stability of our own hemisphere must be one of our top priorities; and
3. Our foreign policy must reinforce and promote our own core values of democracy, free markets, human rights, and rule of law.

In the global struggle for peace and stability, there is no substitute for strong, effective U.S. leadership. Leadership means foresight. It means thinking ahead. It also means credibility.

This week, ten years ago, the Berlin Wall fell, marking the beginning of the end of the Cold War. During this time of remembrance for this anniversary and as we pause, as Dr, Shriver so appropriately pointed out, to pay honor to our veterans, the following words, I think, have significance:

"Ladies and gentleman, the United States stands at this time at the pinnacle of world power. It is a solemn moment for the American democracy. For with this primacy in power is also joined an awe-inspiring accountability to the future. As you look around you, you must feel not only the sense of duty done, but also you must feel anxiety lest you fall below the level of achievement."

Now these words, while they would be a fitting tribute to the resilience of our nation during the Cold War, actually were spoken by Winston Churchill more than fifty years ago at Westminister College in Fulton, Missouri. Although known for its reference to "the iron curtain," Mr. Churchill's now famous speech was actually titled, "The Sinews of Peace." In his typically less than subtle manner, Mr. Churchill was suggesting that times of peace require the same strength of purpose as times of war. He certainly was right.

Winston Churchill saw, before many did, what lay ahead for the world. He saw a difficult, uncertain, and volatile peace. He did advise his American allies to pursue an overall strategic concept and outline the methods and resources needed to enforce this strategy. He was calling on America to define its role in a post-World War II world. President Harry Truman, fortunately for us, had the vision and the resolve to accept this challenge and to redefine America's role in foreign affairs.

No doubt, Mr. Churchill would offer similar advice today. All of us here do have an "awe-inspiring accountability to the future." The challenges are many, but I believe they can be met. Doing so requires one significant first step: We must develop, as a country, a doctrine that will guide and define our role in the world. If our next President does that—if our next President follows the example of John Kennedy, Dwight Eisenhower, or Harry Truman, we will have a doctrine that will take us into the next century. And, we will have a doctrine that will be consistent with our principles, with our values, and with our vision of the types of world in which we want our children, our grandchildren, and our great-grandchildren to grow up.

FLORIDA'S ANTI-TOBACCO YOUTH MOVEMENT: THE SWAT TEAM

Mr. GRAHAM. Mr. President, I have been to the floor many times in the past to speak about the expense smoking has cost this great country—both in terms of dollars that the federal and state governments have paid for the care of those afflicted with tobacco-related illnesses and in terms of lives lost from this dreadful addiction.

I have supported state and federal efforts to recoup a portion of these lost dollars from the tobacco industry, as well as their efforts to begin education campaigns that would teach all Americans about tobacco's harmful effects.

And, most importantly, I have worked with my colleagues to ensure that tobacco companies are no longer targeting our youth.

Tobacco companies must stop marketing their wares to our most vulnerable population, be it through magazine ads that depict smoking as the "cool" thing to do or through the strategic placement of billboard advertisements near their schools and play areas.

Mr. President, I am here today to let this distinguished body know that in Florida our message is being heard.

Florida's children are learning about the health hazards that tobacco poses, and they are deciding not to smoke.

This great news is due, in large part, to the successes of our innovative anti-tobacco pilot program—the "Truth" campaign.

Funded with the monies awarded in Florida's 1997 tobacco settlement, the "Truth" campaign has a very simple mission—to counter the misinformation that our youth hear about smoking.

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Much of this truth-telling is done by students working in what are known as SWAT teams.

The Students Working Against Tobacco concept was created in February 1998.

Today, SWAT teams are operating in all 67 counties of Florida, with more than 10,000 members throughout the state.

With a goal of reducing teen smoking through youth empowerment, the SWAT teams have formed partnerships with their communities and developed both marketing and education campaigns to impart the truth about tobacco.

Although SWAT teams have been operational for less than two years, they are already making progress in the war against tobacco.

Statewide studies are showing that over 95 percent of Florida's youth recognize the "Truth" Campaign and know its message to be anti-tobacco.

Additonally, surveys are showing that teenage smoking has decreased since SWAT's 1998 inception.

Tobacco use among high school students has dropped by 8.5 percent, and middle schools have seen a dramatic 21 percent decline in student tobacco use.

This reduction is particularly significant when compared to national statistics showing that states without an anti-tobacco campaign have seen an approximately eleven percent rise in tobacco use.

Florida's success may be due to SWAT's willingness to employ both education and mass media as means of spreading their message.

Ads that are designed by students are played on local television stations, informing teens of the perils of tobacco use.

Similarly, billboards that the SWAT teams have designed are displayed within the communities.

These are complemented by an education component that is adaptable for all school grades.

Health classes provide an opportunity to discuss the impact smoking has upon the body, from halitosis to lung cancer.

In reading classes, young children learn to read using books that are about how to stay healthy and smoke-free.

Science courses have moved the anti-tobacco campaign into the technology age, employing CD-Rom programs such as "Science, Tobacco and You," an innovative computer program that demonstrates tobacco's effects on the body—from first puff to final drag.

Students scan their photo into the computer, becoming a virtual reality smoker.

As the program progresses, students watch their teeth, skin, bones and lungs begin to deteriorate.

Currently, SWAT teams are strengthening their community outreach and grassroots work.

In their current effort, students are working to get tobacco ads removed from magazines that have either one million youth readers or over ten percent of total readership under age 18.

They are collecting these ads and returning them in bulk to the tobacco companies, with a cover letter stating that Big Tobacco needs to strengthen their commitment to reducing teen smoking.

SWAT teams have offered to meet with industry representatives to share ideas about how this mutual goal might be met.

Once again, the SWAT program has achieved success.

At their next board meeting, they will be joined by representatives from Brown & Williamson Tobacco Company to discuss how to better target tobacco ad campaigns to adults, not youth.

Mr. President, I am very proud of these young people.

I am here today to commend them publicly, and to share their accomplishments with all of you because they are truly making a difference in the battle against teenage smoking.

Florida has encouraged its youth to creatively combat one of the foremost problems facing today's teenagers, entrusting them with the tools and means to successfully meet their goals.

As other areas work towards the development of a youth-based anti-tobacco initiative, SWAT will be the model upon which their programs will be based.

To the over 10,000 members of SWAT, thank you for your efforts to educate Floridians about the dangers of tobacco.

DEATH ON THE HIGH SEAS ACT

Mr. SPECTER. Mr. President, as it appears unlikely the House and Senate conferees will come to agreement this year on a bill to reauthorize the Federal Aviation Administration, I have sought recognition today to introduce legislation which will provide equitable treatment for families of passengers involved in international aviation disasters. This measure is identical to legislation I introduced in the 105th Congress, and similar to provisions contained in both the House and Senate FAA bills.

As my colleagues know, the devastating crash of Trans World Airlines Flight 800 on July 17, 1996 took the lives of 230 individuals. Perhaps the community hardest hit by this tragedy was Montoursville, PA, which lost 16 students and 5 adult chaperones from Montoursville High School who were participating in a long-awaited French Club trip to France.

Last Congress it was brought to my attention by constituents, who include parents of the Montoursville children lost on TWA 800, that their ability to seek redress in court is hampered by a 1920 shipping law known as the Death on the High Seas Act, which was originally intended to cover the widows of seafarers, not the relatives of jumbo-jet passengers embarking on international air travel.

Under the Warsaw Convention of 1929, airlines are limited in the amount they must pay to families of passengers who died on an international flight. However, domestic air crashes are covered by U.S. law, which allow for greater damages if negligent conduct is proven in court.

The Warsaw Convention limit on liability can be waived if the passengers' families show that there was intentional misconduct which led to the crash. This is where the Death on the High Seas Act comes into play. This law states that where the death of a person is caused by wrongful act, neglect, or default occurring on the high seas more than 1 marine league which is 3 miles from U.S. shores, a personal representative of a decedent can sue for pecuniary loss sustained by the decedent's wife, child, husband, parent, or dependent relative. The Act, however, does not allow families of the victims of TWA 800 or other aviation incidents such as the Swissair Flight 111 crash and the recent EgyptAir 990 tragedy to obtain other types of damages, such as recovery for loss of society or punitive damages, no matter how great the wrongful act or neglect by an airline or airplane manufacturer.

My legislation would amend Federal law to provide that the Death on the High Seas Act shall not affect any remedy existing at common law or under State law with respect to any injury or death arising out of an aviation incident occurring after January 1, 1995. In effect, it would clarify that federal aviation law does not limit remedies in the same manner as maritime law, and permits international flights to be governed by the same laws as domestic flights.

My legislation is not about blaming an airline or airplane manufacturer. It is not about miltimillion dollar damage awards. It is about ensuring access to justice and clarifying the rights of families of victims of plane crashes.

The need for this legislation is suggested by the Supreme Court decision *Zicherman* v. *Korean Airlines*, 116 S. Ct. 629 (1996), in which a unanimous Court held that the Death on the High Seas Act of 1920 applies to determine damages in airline accidents that occur more than 3 miles from shore. By contrast, the Court has ruled that State tort law applies to determine damages in accidents that occur in waters 3 miles or less from our shores. *Yamaha* v. *Calhoun*, (1996 WL 5518)

I believe it is inequitable to make such a distinction at the 3 mile limit in civil aviation cases where the underlying statute predates international air travel. I would note that the Gore Commission on Aviation Safety and Security noted in its final report that "certain statutes and international treaties, established over 50 years ago, historically have not provided equitable treatment for families of passengers involved in international aviation disasters. Specifically, the Death on the High Seas Act of 1920 and the Warsaw Convention of 1929, although designed to aid families of victims of maritime and aviation disasters, have inhibited the ability of family members of international aviation disasters from obtaining fair compensation."

I would further note that in an October, 1996 brief filed at the Department of Transportation by the Air Transport Association, the trade association of U.S. airlines, there is an acknowledgment that the Supreme Court in Zicherman did not apparently consider 49 U.S.C. §40120(a) and (c), which preserve the application of State and common law remedies in tort cases and also prohibit the application of Federal shipping laws to aviation. My legislation amends 49 U.S.C. §40120(c) to clarify that nothing in the Death on the

High Seas Act restricts the availability of remedies in suits arising out of aviation disasters.

In September, 1998, during consideration of the Federal Aviation Administration authorization bill, I offered a compromise amendment with a limit on damages in order to move ahead to obtain some possible compensation for victims' families beyond pecuniary damages. I did so because had an amendment to the Death on the High Seas Act been enacted which would have had unlimited damages, there was the announced intent to filibuster the bill. While my amendment was accepted by a voice vote in the Senate, the underlying FAA bill was not enacted into law.

This year the Senate passed a new FAA reauthorization bill which included the compromise provision agreed to last year. As the bill conferees appear unlikely to reach agreement with the House this year, I am reintroducing the original version of my bill because I fundamentally oppose any cap on damages and am hopeful that this legislation can be enacted independently of the FAA bill to provide the fullest amount of relief to the families of aviation disaster victims.

At a time when so many Americans live, work, and travel abroad, taking part in the global economy or seeing the cultural riches of foreign lands, they and their families should know that the American civil justice system will be accessible to the fullest extent if the unthinkable occurs.

I urge my colleagues to support this legislation and look forward to working with them to ensure its ultimate enactment during the second session of the 106th Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEATH ON THE HIGH SEAS ACT.

Section 40120(c) of title 49, United States Code, is amended to read as follows:

“(c) ADDITIONAL REMEDIES.—

“(1) IN GENERAL.—Nothing in this part or the Act entitled ‘An Act relating to the maintenance of actions for death on the high seas and other navigable waters’ approved March 30, 1920 (46 U.S.C. App. 761 et seq.), popularly known as the ‘Death on the High Seas Act,’ shall, with respect to any injury or death arising out of any covered aviation incident, affect any remedy—

“(A) under common law; or

“(B) under State law.

“(2) ADDITIONAL REMEDIES.—Any remedy provided for under this part or the Act referred to in paragraph (1) for an injury or death arising out of any covered aviation incident shall be in addition to any of the remedies described in subparagraphs (A) and (B) of paragraph (1).

“(3) COVERED AVIATION INCIDENT DEFINED.—In this subsection, the term ‘covered aviation incident’ means an aviation disaster occurring on or after January 1, 1995.”.

75TH ANNIVERSARY OF THE U.S. BORDER PATROL

Mrs. HUTCHISON. Mr. President, on behalf of Senators ABRAHAM, KYL, and GRAMM, I am proud to introduce Senate Concurrent Resolution No. 74, honoring the 75th anniversary of the United States Border Patrol.

Mr. President, the men and women of the Border Patrol are our Nation's first line of defense in the war on drugs and illegal immigration. Since 1924, the Border Patrol has guarded some 8,000 miles of international boundaries, and has maintained a reputation for getting the job done. The Border Patrol story is one of long hours and hard work in defense of our country.

The Department of Labor Appropriations Act of 1924 created a Border Patrol within the Bureau of Immigration, with an initial force of 450 Patrol Inspectors, a yearly budget of $1 million, and a yearly salary of $1,300 for each Patrol Inspector, with each patrolman furnishing their own house.

The Border Patrol has grown from that initial force of 450 to more than 8,000 today, located in 146 stations under 21 sectors. The Border Patrol's officers have assisted in controlling civil disturbances, performing National security details, aided in foreign training and assessments, and responded with security and humanitarian assistance in the aftermath of numerous natural disasters. 86 agents and pilots have lost their lives in the line of duty—six in 1998 alone.

By far, the Border Patrol's greatest challenge has come along our nation's Southwest Border, which is a sieve for illegal drugs and aliens. Last year, there were 6,359 drug seizures along the Southwest Border by the Border Patrol. These drugs had an estimated street value of $2 billion. There were also nearly 5 million illegal crossings.

The Border Patrol and the Congress are responding to this challenge, providing funding to hire 1,000 new agents in fiscal year 2000, just as we have for the past two years. I hope that the Immigration and Naturalization Service will put these funds to good use, hiring these critical agents, and using other resources Congress has provided to improve the equipment and technology available to the Border Patrol.

The United States Border Patrol has the difficult dual mission of protecting our borders and enforcing our immigration laws in a fair and humane manner. They do both very well under difficult conditions.

I want to congratulate all who serve with the U.S. Border Patrol on this 75th anniversary and express to them to thanks of a grateful nation.

• Mrs. FEINSTEIN. Mr. President, I rise today to submit a resolution that commends and remembers events that transpired in Remy, France as its citizens honored the fallen World War II Army Air Corps pilot, Lieutenant Houston Braly. This inspiring story happened over fifty years ago, but its example of compassion and brotherhood remains in our hearts and minds.

On August 2, 1944, Lt. Braly's squadron of P–51 fighters on patrol in northern France encountered a German munitions train. After three unsuccessful attack runs at the camouflaged train, Lt. Braly's fire hit a car carrying explosives, causing a tremendous explosion.

Airplanes circling 13,000 feet over the battle were hit by shrapnel from the train, haystacks in fields some distance away burned, and nearly all buildings in the small French town were demolished. A 13th century church in the town of Remy barely escaped destruction, but its historic stained-glass windows were shattered.

It was this explosion that tragically claimed the life of Lt. Braly at only twenty-two years of age.

Despite the near total destruction of the small town, the residents of Remy regarded that young American as a hero. A young woman pulled Braly's body from the burning wreck of the plane, wrapped him in the nylon of his parachute, and placed him in the town's courtyard. Hundreds of villagers left flowers around his body, stunning German authorities.

The next morning, German authorities discovered that villagers continued to pay tribute to the young pilot despite threats of punishment. The placement of flowers on Lt. Braly's grave continued until American forces liberated Remy to the cheers of the townspeople.

Almost 50 years later, Steven Lea Vell of Danville, California, discovered this story in his research. Mr. Lea Vell was so moved by the story that he visited Remy, France, only to find that the stained glass windows of the magnificent 13th century church which were destroyed in the explosion had never been replaced. He contacted members of the 364th Fighter Group, under which Lt. Braly had served. After hearing how the residents of Remy had honored their fallen friend, veterans joined together to form Windows for Remy, a non-profit organization that would raise $200,000 to replace the stained glass windows as a gesture of thanks to Remy for its deeds.

On Armistice Day, November 11, 1995, fifty years after the war ended, the town of Remy paid tribute once more to Lt. Braly. On that day they renamed the crossroads where he perished to “Rue de Houston L. Braly, Jr.”

I know that my fellow senators will want to join me in commending the people of Remy for their kindness and recognize the comrades of Lt. Braly for their good will.

Mr. President, I ask unanimous consent that the text of the resolution be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. CON. RES. —

Whereas on August 2, 1944, a squadron of P-51s from the United States 364th Fighter Group strafed a German munitions train in Remy, France;

Whereas the resulting explosion killed Lieutenant Houston Braly, one of the attacking pilots, and destroyed much of the village of Remy, including 7 stained glass windows in the 13th century church;

Whereas despite threats of reprisals from the occupying German authorities, the citizens of Remy recovered Lieutenant Braly's body from the wreckage, buried his body with dignity and honor in the church's cemetery, and decorated the grave site daily with fresh flowers;

Whereas on Armistice Day, 1995, the village of Remy renamed the crossroads near the site of Lieutenant Braly's death in his honor;

Whereas the surviving members of the 364th Fighter Group desire to express their gratitude to the brave citizens of Remy; and

Whereas to express their gratitude, the surviving members of the 364th Fighter Group have organized a nonprofit corporation to raise funds through its project "Windows for Remy" to restore the church's stained glass windows: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the bravery and honor of the citizens of Remy, France, for their actions with respect to the American fighter pilot Lieutenant Houston Braly, during and after August 1944; and

(2) recognizes the efforts of the surviving members of the United States 364th Fighter Group to raise funds to restore the stained glass windows of Remy's 13th century church.

THE WAKPA SICA RECONCILIATION PLACE ACT

Mr. JOHNSON. Mr. President, I am pleased to join with my colleague from South Dakota, Senate Democratic Leader TOM DASCHLE, as a cosponsor of the Wakpa Sica Reconciliation Place Act, which will establish the Wakpa Sica Reconciliation Place in Ft. Pierre, South Dakota. The Wakpa Sica Reconciliation Place would be an important cultural and interpretive center, in part to compliment the National Lewis and Clark Trail, but with the unique perspective of the Sioux tribes and the impact of the Lewis and Clark encounter on tribal culture and economics.

During the Lewis and Clark expedition, Captains Merriweather Lewis and William Clark anchored their river boats where the Wakpa Sica, or Bad River, flows into the Missouri. After four months of travel from St. Louis, history was made on September 24, 1804. The next day 44 men landed on the west bank of the Missouri and paraded under the United States flag.

These men then joined Chief Black Buffalo and braves from the Teton Sioux for council in the chief's buffalo skin lodge. This was a key and pivotal meeting between representatives of the great Sioux tribes and those of the United States of America. This meeting was less than amicable.

Throughout the rest of South Dakotas history the relationship between native peoples and non-natives has not been a peaceful one. Today we are still facing the challenging experience of working and living together side by side. I am proud of the South Dakotans who set their differences aside and came together and created the Mni Wiconi water project. There is a growing need for a Reconciliation Place.

The Reconciliation Place would occupy the site in which Captains Lewis and Clark, and the members of the tribes came together to meet for the first time—which is a fitting site to bring Indian and non-Indian peoples together. It is my hope that this center will bring people together to learn about the culture and the rich history this area of the United States holds. Through this understanding, it is my hope that we may be able to achieve better relations between Tribal and non-Tribal peoples.

This project is a cultural center which will serve as a home for Sioux law, history, culture and arts for the Lakota, Dakota, and Nakota peoples. It will also serve as a repository for Sioux historical documents, which are currently scattered throughout the West. Many native people do not have access to these documents. With the construction of this facility the native people will be able to house these documents close to home. This will allow interested parties to research their rich past.

The Reconciliation Place will also be the home of the Sioux Nation Supreme Court. This will serve to be a stable legal setting to assist in achieving greater social and economic welfare in Indian Country. Increased legal stability will help promote business investment in the vast human resources that are situated on the reservations in my state. This will bring about more self sufficiency, and less reliance by tribes on the federal government. Similarly, the Native American Economic Development Council will be located in this same facility. This council will assist tribes and tribal members to provide opportunities for economic development. The council will assist in opening the doors to private investment and other resources that are designed to promote development and job creation.

Mr. President, this focal point for Native American culture, law, and economic development assistance is desperately needed. It is apparent that there is a need to strengthen current, and build future understanding between Indian and non-Indian peoples, as well as promote the government-to-government relationship between the tribes and the United States. I urge my colleagues to join myself and Senator DASCHLE to support this legislation, and recognize the need for such an important center. I ask unanimous consent that I be added as a cosponsor of the Wakpa Sica Reconciliation Place Act, and that my statement be included in the RECORD.

SENATOR BYRD'S 82ND BIRTHDAY

Mr. McCONNELL. Mr. President, I rise today on a personal note. I had planned to make these remarks as we passed the midnight milestone on our way to cloture on the appropriations bill, because, as the clock strikes twelve, and November 20 begins, my Committee colleague, our Ranking Member, ROBERT C. BYRD will celebrate a birthday. I wish my colleague a happy and productive 82nd year.

Senator BYRD has a wonderful and widely quoted sign up on his office wall: "There are four things people in West Virginia believe: God Almighty, Sears Roebuck, Carter's Little Liver Pills, and Robert C. Byrd." I'd like to take a little literary license to suggest that there are four things that ROBERT C. BYRD believes in: God Almighty, his 62 year long love affair with his wife, Erma, his constituents and the Senate.

And, Senator BYRD is not just your run of the mill believer. I have listened many times to the wisdom and intensity of his words, words which flow from a faith that runs as deep as his West Virginia roots, as deep as the coal mines which seam the earth of Appalachia. His words are what have led many to see Senator BYRD as the faithful historian and effective guardian of the precedents and privileges, of the rules and Constitutional role of the United States Senate. But, Senator BYRD is more than an institutional advocate, he is a living history of the Senate and democracy. The Senator from West Virginia gives a clear voice both to our finest traditions and what he sees as his life long purpose, serving what he so nobly refers to as "my people." His reverence and respect for the Senate are surpassed by the deep regard and abiding passion he has for the needs of his constituents.

He speaks of those needs virtually every week. Senator BYRD breathes life into images of each West Virginian he introduces to us in remarks on the floor—even those who have passed from the scene. When he describes a man who dies in a slate fall while mining West Virginia's coal, he speaks softly of a man, alone, who died in the dark. The illuminating power of this image flows from the passion of his commitment.

It is his commitment which crosses partisan lines and has earned Senator

BYRD legendary respect. In the last week, I have been privileged to experience this commitment while working with him to protect our coal miner's from the predatory reach of an overbearing judge.

As Senator BYRD begins another year and the Senate another session, I will look forward to continuing our work together, succeeding in reversing the devastating consequences of a bad decision, and serving well our constituents.

HONORING NOTAH BEGAY III AN INSPIRATION FOR ALL AMERICANS

Mr. BINGAMAN. Mr. President, in celebration of American Indian Heritage Month I rise today to celebrate the accomplishments of one remarkable young man Notah Begay III. You may have heard of Mr. Begay as he was a two-time PGA tour winner this season with victories at the Reno-Tahoe Open and the Michelob Championship. This is a true accomplishment by any standard, but even more significant when you consider that he is only 27. I rise today to honor Mr. Begay because of the fact that he is the first full-blooded Native American to play on the Professional Golf Association Tour.

Notah's path to success is uncommon among his peers in the PGA. He didn't grow up in a privileged environment. While the Begay family was not poor, they did not have the resources to pay for costly private golf lessons for young Notah. In exchange for golf balls and practice time, Notah often woke up at 5:00 AM to move carts, wash range balls and serve as an all-around gopher at the city-owned course in Albuquerque. And when Notah visited his grandparents on the Navajo Reservation, the determined young golfer would hit golf balls off of the hard clay dirt of the reservation. Still today, the Navajo Nation does not have one golf course on its 25,000 square miles.

Despite his uncommon beginnings, Notah has been truly successful at every level of competition. During high school, Notah led his high school basketball team to back-to-back state championships. But more impressive, he was the No. 2 junior golfer in the nation.

After high school, Notah traveled west to Stanford University. Although Notah's teammate, Tiger Woods, is often spotlighted by the media, it was Notah and his Stanford teammates who won the 1994 NCAA Championship trophy, one year before Mr. Woods joined the team. Notah played an integral role by shooting a 62 in the second round of the Championship tournament, a tournament record that remains today. And while many great college athletes do not finish their studies, I am very proud to say that Notah is a fellow graduate of Stanford, earning a degree in economics.

Notah turned pro after college and has been quickly rising in the PGA ranks. At the Nike Dominion Open this year he became only the third player in history to shoot a 59 on a U.S. pro tour. He joins Al Geiberger and Chip Beck as the only players to score such a feat. Because of his outstanding success this year, Notah is a candidate for top rookie honors.

Notah has dedicated himself to providing new opportunities for young Native Americans. By working to raise money to establish golf programs at reservation schools and seeking donations of golf equipment for kids who could never afford the costly clubs, Notah is providing the tools that may lead to more great golfers with Native American roots.

In some ways, Notah Begay's success is not surprising. He is half Navajo and half Pueblo Indian and he follows a tradition of courage and strength, exemplified by his grandfather. Notah's grandfather, Notah Begay I, was one of the famous Code Talkers during World War II. The Code Talkers relayed sensitive information for the United States military through a code based on the Navajo language. They proved to be a critical component of the military intelligence during World War II.

Notah's unprecedented success has shown a generation of young Americans that with hard work and dedication, any dream is achievable. The success Notah has earned is equal only to the inspiration he provides for Native American youth in my home state of New Mexico and across the country. I commend him not only for his golf success, but also for his commitment to the youth of New Mexico.

Mr. President, I yield the floor.

EAST TIMOR

Mr. FEINGOLD. Mr. President, I want to say a few words about a piece of legislation that is not moving this year. I want to speak about it because it deals with an extremely important topic, one that has not received the attention and commitment that it deserves from this body.

That topic is the appropriate state of U.S.-Indonesian relations today.

Mr. President, I introduced S. 1568, the East Timor Self-Determination Act of 1999, on September 8—well over two months ago. That legislation, which passed the Foreign Relations Committee on September 27 by an overwhelming vote of 17–1, was cosponsored by the Chairman of that Committee as well as many other Members of the Senate.

I took that action, in cooperation with my colleagues, because events in East and West Timor demanded it.

On August 30, well over 99% of registered voters in East Timor courageously came to the polls to express their will regarding the political status of that territory.

More than 78% of those voters marked their ballot in favor of independence.

But weeks of violence immediately followed the vote, as the Indonesian military—a military that our country has long supported—colluded with militia groups in waging a scorched earth campaign against the East Timorese people and their democratic aspirations throughout the territory.

Hundreds of thousands of people were forced to flee, and many were killed.

But for the East Timorese run out of their homes in the fray, the nightmare did not end there.

There seems to be a perception out there that all is well in Indonesia today, and that the East Timor crisis is over. Unfortunately, that is simply not true.

Last week, the Associated Press reported on the public comments of the spokesperson for the United Nations High Commissioner for Refugees. The spokesman said that many East Timorese are being forced at gunpoint to remain in camps that lack food, sanitation and medical care. He said, and this is a direct quote, that "the moment an East Timorese expresses a desire to leave the camps and go home their life is in danger." And the UNHCR spokesperson noted, in last week's AP report, that many relief organizations have received reports of refugees being raped and beaten by militiamen.

Mr. President, to this day, militia members harass and intimidate East Timorese in West Timor's refugee camps. Only about 56,000 refugees have returned home to East Timor. Approximately two hundred thousand remain, in many cases against their will, in the refugee camps of West Timor.

To this day, humanitarian organizations do not have the access that they need to all of the refugee camps to which East Timorese fled.

Throughout all of this pain, throughout the destruction of lives and property, throughout this brutal retaliation for courageous acts of democratic expression, this Senate has been silent. We have had no floor debate and no vote. My original bill, despite being voted out of committee with only one dissenting vote, has languished on the calendar for weeks.

In response to that silence, Mr. President, I negotiated an arrangement to introduce an amendment to the bankruptcy bill addressing this issue. Squeezing this important topic into the middle of a debate on an unrelated bill was certainly not the most desirable approach, but I was determined to pursue this legislation.

The amendment I had planned to offer was considerably different from my original bill. I made significant alterations to it in order to respond to changing events and the concerns of other Senators and the Administration.

Mr. President, I wanted to pursue this legislation to encourage democracy and accountability in Indonesia, and to hold out clear incentives for a policy of accountability and cooperation. And I wanted to hold this Administration to its word, ensuring that passing political whims do not soften America's rejection of the kind of methods that the Indonesian military used in East Timor.

The amendment would have reached out to the Indonesian government, celebrating its democratic transition and recognizing its economic needs, while keeping the pressure on elements in Indonesia that are moving in the opposite direction—elements moving away from democracy, reform, and accountability and moving toward repression, violence, and impunity.

With its clear message and incentives, this amendment would have set the stage for a responsible and strong partnership between the U.S. and Indonesia.

Mr. President, it concerns me that the Administration has behaved as though they wish this legislation would just go away, although it is a codification of their own policy.

The Administration has told me that they desire more flexibility—particularly with regard to licensing defense related articles for export to Indonesia—than this amendment would allow.

Despite the fact that I worked closely and carefully with the State Department to develop a reasonable list of conditions that must be met in order to re-establish miliary and security relations, in the end, the Administration did not want to be pinned down to any standards at all.

Mr. President, I will speak frankly. The Administration's unwillingness to commit to a responsible policy and to a solid series of prerequisites for resuming military and security ties concerns me, and convinces me that vigilance will be necessary in the months ahead.

And so Mr. President, while I foresee no opportunity to move this legislation this year, I want to remind this Senate and this Administration that my amendment will remain in order when we return to the bankruptcy bill, and I am prepared to take up this issue again in January, or at any other time the circumstances warrant it.

I will continue to be certain that this Senate has a voice in the future of U.S.-Indonesian relations. I will continue to push for accountability for the abuses perpetrated by the Indonesian military and militia groups. And I will continue to insist that U.S. engagement with the Indonesian miliary is contingent upon an end to the harassment and intimidation of East Timorese refugees with impunity.

I pledge to my colleagues and to this Administration that I will monitor this matter, and monitor it closely in the weeks and months ahead. I will stand by, ready with several versions of my legislation, should the Indonesian military fail to take the steps toward reform and accountability that are absolutely essential prerequisites to a military and security relationship with the United States.

And make no mistake, I will come to the floor again and again should this Administration appear ready to engage with and support an Indonesian military that has not seriously lived up to its own commitment to respect the rights of ordinary East Timorese civilians who seek only to live their lives in peace and security.

Mr. President, I yield the floor.

BIENNIAL BUDGETING

Mr. DOMENICI. Yesterday (November 18), House Rules Committee Chairman DAVID DREIER introduced H. Res. 396, a resolution expressing the sense of the House that biennial budgeting legislation should be enacted in the second session of the 106th Congress.

Notably, this resolution has 245 cosponsors, significantly more than a majority of that body. Those sponsors include the entire House Republican leadership, 25 members of the House Appropriations Committee, including the Chairman, and 45 Democrats.

Critics of biennial budgeting often point to lack of support in the House as a reason why the proposal will never be adopted. That hurdle seems now to have been swept away, as significantly more than a majority of the House has been convinced by the inescapable logic and numerous advantages of a biennial budget process.

This year, we have yet again been faced with a numbing repetition of the all-too-familiar appropriations end game. Annual appropriations have been stalled because of a handful of controversial policy and funding issues.

While the vast bulk of appropriations are routine and are funded from year to year with only incremental change, they nonetheless are held hostage to these controversial and often unrelated budget and policy debates. This is unnecessary and counterproductive.

A biennial budget process would restore the integrity and effectiveness of the appropriations process, would reinvigorate the tradition of separate Congressional authorization and oversight, and would give Federal departments and agencies badly needed time to carry out and evaluate Federal programs more effectively.

Many Senators of both parties have long acknowledged the need for a biennial budget process. A majority of House members now concurs. Both President Clinton and Vice-President GORE support biennial budgeting, and recently Governor George W. Bush voice strong support for the idea.

All sides now agree that biennial budgeting is the right thing to do. Now is time to go forward. We have studied, talked, and debated enough. Let's now resolve to act on this important bill as soon as possible when we return from the congressional adjournment.

Mr. HATCH. Mr. President, I would like to take just a few minutes in these final hours of the First Session of the 106th Congress to comment on several legislative initiatives I authored this year, and which I am pleased to say have either passed or were substantially incorporated into other bills that were approved and will be sent to the President.

One of the most important issues for my state of Utah is the Radiation Exposure Compensation Act (RECA) Amendments of 1999, S. 1515, which I introduced earlier. I am delighted that the Senate passed this important legislation earlier today.

This bill will guarantee that our government provides fair compensation to the thousands of individuals adversely affected by the mining of uranium and from fallout during the testing of nuclear weapons in the early post-war years.

Senator BEN NIGHTHORSE CAMPBELL; the distinguished Senate Minority Leader, Senator TOM DASCHLE; Senator JEFF BINGAMAN; and Senator PETE DOMENICI all joined me in introducing this legislation, and I appreciate their support.

In 1990, the Radiation Exposure Compensation Act (42 U.S.C. 2210) was enacted in law. RECA, which I was proud to sponsor, required the federal government to compensate those who were harmed by the radioactive fallout from atomic testing. Administered through the Department of Justice, RECA has been responsible for compensating approximately 6,000 individuals for their injuries. Since the passage of the 1990 law, I have been continuously monitoring the implementation of the RECA program.

Quite candidly, I have been disturbed over numerous reports from my Utah constituents about the difficulty they have encountered when they have attempted to file claims with the Department of Justice. I introduced S. 1515 in response to their concerns.

This bill honors our nation's commitment to the thousands of individuals who were victims of radiation exposure while supporting our country's national defense. I believe we have an obligation to care for those who were injured, especially since, at the time, they were not adequately warned about the potential health hazards involved with their work.

Another issue which many of my constituents contacted me about over the past year was the Medicare provisions contained in the 1997 Balanced Budget Act (BBA) and the impact of these provisions on health care providers and Medicare beneficiaries.

I am pleased that the House has given its approval to the Medicare, Medicaid, and CHIP Adjustment Act of 1999 which is now ready for Senate consideration and passage today.

This important measure will help to ensure that Medicare beneficiaries can continue to receive high-quality, accessible health care.

Overall, the bill increases payments for nursing homes, hospitals, home health agencies, managed care plans, and other Medicare providers. It will also increase payments for rehabilitative therapy services, and longer coverage of immunosuppresive drugs.

Over $27 billion in legislative restorations are contained in this package for the next 10 years.

Clearly we now know that there were unintended consequences as a result of the reimbursement provisions contained in the BBA. Many of the changes provided for in the BBA resulted in far more severe reductions in spending than we projected in 1997. As a result, skilled nursing facilities, home health agencies and hospitals have been particularly hard hit from these changes in the Medicare law.

In 1997, Medicare was in a serious financial condition and was projected to go bankrupt in the year 2001. The changes we made in 1997 saved Medicare from financial insolvency and have resulted in extending the program's solvency until 2015.

Nevertheless, the reductions we enacted in 1997 created a serious situation for many health care providers who simply are not being adequately reimbursed for the level and quality of care they were providing.

This situation is particularly evident in the nursing home industry. Many skilled nursing facilities, or SNFs, are now facing bankruptcy because the current prospective payment system, which was enacted as part of the BBA, does not adequately compensate for the costs of care to medically complex patients.

As a result, I introduced the Medicare Beneficiary Access to Quality Nursing Home Care Act of 1999, S. 1500, which was designed to provide immediate financial relief to nursing homes who care for medically complex patients.

The Chairman of the Budget Committee, Senator DOMENICI, was the principal cosponsor of this important legislation. And I would like to take this opportunity now to thank him for the extraordinary effort he made in helping to have major provisions of our bill incorporated into the final conference agreement on the BBA Restorations bill.

Moreover, I want to thank the other 44 Senators who cosponsored S. 1500 and who lent their support in helping to move this issue to conference.

This is an important victory for Medicare beneficiaries who depend on nursing home care. As we have seen over the past several years, those beneficiaries with medically complex conditions were having difficulty in gaining access to nursing home facilities, or SNFs, because many SNFs simply did not want to accept these patients due to the low reimbursement levels paid by Medicare.

The current prospective payment system is flawed. It does not accurately account for the costs of these patients with complex conditions. The Health Care Financing Administration (HCFA) has acknowledged that the system needs to be corrected.

Under the provisions of the BBA Restoration bill we are passing today, reimbursement rates are increased by 20% for 15 payment categories, or the Resource Utilization Groups—RUGs—beginning in April 2000. These increases are temporary until HCFA has fine-tuned the PPS and made adjustments to reflect a more accurate cost for these payment categories.

Moreover, after the temporary increases have expired, all payment categories will be increased by 4% in fiscal year 2001 and 2002.

These provisions will provide immediate increases of $1.4 billion to nursing home facilities to care for these high-cost patients.

In addition, the bill also gives nursing homes the option to elect to be paid at the full federal rate for SNF PPS which will provide an additional $700 million to the nursing community.

I would also add that I am pleased the conference report includes a provision to provide a two-year moratorium on the physical/speech therapy and occupational therapy caps that were enacted as part of the BBA. As we all well know, these arbitrary caps have resulted in considerable pain and difficulty for thousands of Medicare beneficiaries who have met and exceeded the therapy caps.

I joined my colleague and good friend, Senator GRASSLEY, as a cosponsor of this important legislation, and I want to commend him for his leadership in getting this bill incorporated into the final BBA Restoration conference report.

There are many other important features of this bill that are included in the conference report agreement and, clearly, these provisions will do a great deal to health restore needed Medicare funding to providers. Overall, $2.7 billion is restored to SNFs under this legislation.

The bottomline is all of this is ensuring that Medicare beneficiaries have access to quality health care. We need to keep that promise and I believe we have done that through the passage of this legislation today.

With respect to other providers, I would briefly add that the bill contains funding for home health agencies as well. The bill will ease the administrative requirements on home health agencies as well as delay the 15 percent reduction in reimbursement rate for one year. This reduction was to have taken effect on October 2000 but will now be delayed for one year until October 1, 2001.

I have worked very closely with my home health agencies in my state who were extremely concerned over the impact of the 15% reduction next year. I am pleased to tell them that we have addressed their concerns by delaying this reduction for another year. I think this time will give us an opportunity to focus on this provision to determine what other adjustments, if any, may be required in the future.

Overall, the bill adds $1.3 billion back into the home health care component of Medicare.

So I believe we have taken some significant steps to ensure that home health care agencies will be able to operate without the threat of increased Medicare reductions on their bottomline.

We have also taken steps to help hospitals and teaching hospitals with over $7 billion in Medicare restorations. These increases will help to smooth the transition to the PPS for outpatient services—an issue that was brought to my attention by practically every hospital administrator in my state.

On the separate, but equally important issue of children's graduate medical education funding, I am especially pleased that the House has passed legislation that will authorize, for the first time, a new program to provide children's hospitals with direct and indirect graduate medical education funding.

Independent children's hospitals, including Primary Children's Hospital in Salt Lake City, receive very little Medicare graduate medical education funding (GME). This is because they treat very few Medicare patients, only children with end stage renal disease, and thus do not benefit from federal GME support through Medicare.

I cosponsored this legislation in the Senate which passed earlier this year. The measure has now cleared the House and will soon be sent to the President who is expected to sign the measure into law very soon.

Moreover, $40 million is contained in the appropriation's bill that will serve as an excellent foundation on which to provide assistance to children's hospitals.

I am also pleased that provisions from S. 1626, the Medicare Patient Access to Technology Act, were included in the BBA Restoration measure.

These important provisions guarantee senior citizens access to the best medical technology and pharmaceuticals. Currently, Medicare beneficiaries do not always have access to the most innovative treatments because Medicare reimbursement rates are inadequate. And I just don't think that it's fair to older Americans. My provisions contained in the restoration bill change this by allowing more reasonable Medicare reimbursements for these therapies.

Take, John Rapp, my constituent from Salt Lake City, Utah. Mr. Rapp, who is 71 years old, was diagnosed with prostate cancer last May. He was presented with a series of treatment options and decided to have BRACHY therapy because it was minimally invasive, he could receive it as an outpatient and it had fewer complications than radical surgery.

This new innovative therapy implants radioactive seeds in the prostate gland in order to kill cancer cells. The success rate of this therapy has been overwhelming.

So, what's the problem? Without my legislation, services such as BRACHY therapy would not be available in the hospital outpatient setting to future Medicare patients due to the way the outpatient prospective payment system is being designed. Life saving services such as BRACHY therapy would be reimbursed at significantly lower-reimbursement rates, from approximately about $10,000 to $1500, and, therefore, it would not be cost-effective for hospitals to offer this service. Fortunately, the provisions included in the omnibus spending bill change all of that—innovative treatments, such as BRACHY therapy, will now be available to future prostate cancer patients.

We must get the newest technology, to seniors as quickly as possible. Government bureaucracy should not stand in the way of seniors receiving the best care available. We must put Medicare patients first, not government bureaucracy. That is why my legislation is necessary and I am so pleased that it was included in the Medicare package.

Finally, I am pleased that this package also addressed the serious concerns of the community health centers. The community health centers community came to us because there were concerns about the financial hardship that the Balanced Budget Act would have imposed on these health centers and their patients. I worked hard with Finance Committee Chairman ROTH, Senator GRASSLEY, and Senator BAUCUS to resolve this important issue. I believe that the conference committee came up with a good solution, however, I intend to monitor this situation closely over the next couple of years.

Mr. President, there are numerous other provisions in this restoration package that I will not take the time to comment on now, but they are equally important. I want to commend the leadership in the Senate and House for working to put together this important measure that will clearly help millions of Medicare beneficiaries throughout the country.

THE DAKOTA WATER RESOURCES ACT

Mr. CONRAD. Mr. President, I rise today to discuss an important piece of legislation for my State of North Dakota. S. 623, the Dakota Water Resources Act, is legislation I introduced in the last Congress and early in this Congress to re-direct the existing Garrison Diversion project. This bill is designed to meet the contemporary water needs of the State of North Dakota, substantially reduce the cost of the project, and require compliance with environmental laws and our international treaty obligations with Canada.

North Dakota has significant water quality and water quantity needs that must be addressed. In many parts of my state, well water in rural communities resembles weak coffee or strong tea. It turns the laundry gray after the first wash, and in many places is unfit even for cattle to drink. This bill is designed to address those situations and help provide clean, reliable water to families and businesses across North Dakota.

This bill was favorably reported from the Senate Energy Committee earlier this year, after hearings were held in this Congress and in the previous Congress. During consideration in the Energy Committee, several amendments were adopted that reduced the cost of the bill by $140 million and strengthened environmental protections in the bill. I should also note that this bill reduces the cost of constructing the currently-authorized project by about $1 billion.

The bill is now pending on the Senate calendar, and was packaged with a group of other bills reported by the Energy Committee to be considered by this body. Unfortunately, when the Senate attempted to consider this legislation in recent days, objections to its consideration were registered by other Senators from another state who had concerns about the bill. In response, Senator Dorgan and I have worked with those Senators to address their concerns. We have engaged in those discussions in good faith, believing that if we continued to work with other states we would be able to address their concerns.

Unfortunately, those discussions have not yielded the results we were hoping for that would have allowed the bill to pass the Senate. Enacting this legislation will help my state overcome the tremendous water needs that are well documented, and I will continue to work in good faith with other Senators to pass this important bill. I am willing to address the concerns of other states, but it must be a two-way street. I look forward to our discussions under the auspices of the Energy Committee in February to resolve those issues.

I thank the Chair and yield the floor.

THE VERY BAD DEBT BOXSCORE

Mr HELMS. Mr. President, at the close of business yesterday, Thursday, November 18, 1999, the Federal debt stood at $5,693,813,174,823.97 (Five trillion, six hundred ninety-three billion, eight hundred thirteen million, one hundred seventy-four thousand, eight hundred twenty-three dollars and ninety-seven cents).

One year ago, November 18, 1998, the Federal debt stood at $5,586,312,000,000 (Five trillion, five hundred eighty-six billion, three hundred twelve million).

Five years ago, November 18, 1994, the Federal debt stood at $4,752,722,000,000 (Four trillion, seven hundred fifty-two billion, seven hundred twenty-two million).

Twenty-five years ago, November 18, 1974, the Federal debt stood at $481,413,000,000 (Four hundred eighty-one billion, four hundred thirteen million) which reflects a debt increase of more than $5 trillion—$5,212,400,174,823.97 (Five trillion, two hundred twelve billion, four hundred million, one hundred seventy-four thousand, eight hundred twenty-three dollars and ninety-seven cents) during the past 25 years.

VIEQUES ISLAND TRAINING FACILITY

Mr. WARNER. Mr. President, I rise today to speak about a very important issue that threatens to undermine the readiness of our Navy and Marine Corps units that are scheduled to deploy to the Mediterranean Sea and the Persian Gulf in February. That issue is the current situation on the Puerto Rican Island of Vieques where the Navy is being prevented by unrestrained civil disobedience from conducting training critical to its preparations for deploying into a possible combat environment.

Two weeks ago, I and four of my colleagues introduced Senate Resolution 220, that would express the Sense of the Congress that the Secretary of the Navy should initiate the required training for the Eisenhower Battle Group and the 24th Marine Expeditionary Unit on the island of Vieques, and that the President should not deploy these forces unless the President determines that they are free of serious deficiencies in their major warfare areas.

Over the past two weeks there have been discussions between the Federal government and the Government of Puerto Rico to try and reach an accommodation that would resolve the current impasse between the Navy and the people of Vieques. Unfortunately, these discussions have not born fruit and there is no resolution in sight. The simple fact is the President needs to act to resolve this impasse.

Today, the Armed Forces are at risk of reaching unacceptably low levels of preparedness. Last week we learned that two Army Divisions are not ready to execute the National Military Strategy without unacceptable risk to the personnel in those units.

If the required training for the Eisenhower Battle Group and the 24th Marine Expeditionary Unit is not conducted in December, in February these two units will be unable to deploy without serious deficiencies in their warfighting capabilities. We cannot allow this degradation in the readiness of our Armed Forces to occur if we intend to maintain our position as a world leader, and honor our commitment to our military personnel to reduce the risk they incur when they sail into harm's way. As Vice Admiral Murphy, Commander of the Sixth Fleet of the Navy, recently testified before the Armed Services Committee, the loss of training on Vieques would "cost American lives." Over the past several weeks, the Armed Services Committee has held a series of hearings on the important issue of Vieques. Over the course of these hearings, I have become increasingly convinced that it would be irresponsible to deploy our naval forces without the training that takes place at the Vieques facilities.

On Tuesday, September 22, 1999, the Readiness and Management Support Subcommittee, under the leadership of Senator INHOFE, held a hearing to review the need for Vieques as a training facility and explore alternative sites that might be utilized. At that hearing both Admiral Fallon, commander of the Navy's Second Fleet, and General Pace, commander of all Marine Forces in the Atlantic, testified that the Armed Forces of the United States need Vieques as a training ground to prepare our young men and women for the challenges of deployed military operations.

On October 13th, the Seapower Subcommittee, under the leadership of Senator SNOWE, heard from Admiral Murphy, commander of the Navy's Sixth Fleet and the commander who receives the naval forces trained at Vieques, who stated that a loss of Vieques would "cost American lives."

Earlier this month, after the release of the report prepared by the Special Panel on Military Operations on Vieques, the so-called Rush Panel, I held a hearing of the Senate Armed Services Committee to discuss with Administration and Puerto Rican officials the recommendations of that report, and to search for a compromise solution that addresses the national security requirements and the interests of the people of Vieques. In outlining the need for Vieques at that hearing, Secretary Danzig, the Secretary of the Navy, stated that only by providing the necessary training can we fairly ask our service members to put their lives at risk. Admiral Johnson, Chief of Naval Operations, stated that the Eisenhower Battle Group would not be able to deploy in February without a significant increase in the risk to the lives of the men and women of that battle group unless they are allowed to conduct required training on Vieques. Finally, General Jones, Commandant of the Marine Corps, testified that the loss of training provided on Vieques "will result in degraded cohesion on the part of our battalions and our squadrons and our crews, decreased confidence in their ability to do their very dangerous jobs and missions, a decreased level of competence and the ability to fight and win on the battlefield."

At that hearing, I asked Admiral Johnson and General Jones "Is there any training that can be substituted for Vieques live fire training between now and February that will constitute, in your professional judgment, a sufficient level of training to enable you to say to the Chairman of the Joint chiefs of Staff, the Eisenhower Battle Group and the 24th Marine Expeditionary Unit are ready to go." In response they stated "no, sir, not without—not without greatly increasing the risk to those men and women who we ask to go in harm's way, no, sir."

I remain convinced that the training requirement is real and will continue to directly effect the readiness of our Carrier Battle Groups and Marine Expeditionary Units. As General Shelton recently testified before the Senate Armed Services Committee, the training on Vieques is "critical" to military readiness. He further stated that he "certainly would not want to see our troops sent into an area where there was going to be combat, without having had this type of an experience. We should not deploy them under those conditions."

All of the military officers with whom we have spoken on this issue have informed us that the loss of Vieques would increase the risk to our military personnel deploying to potential combat environments. The Rush Panel, appointed at the request of the Resident Commissioner from Puerto Rico and the direction of the President, recognized the need for Vieques and recommended its continued use for at least five years.

What we have learned in these hearings is that Vieques is a unique training asset, both in terms of its geography with deep open water and unrestricted airspace and its training support infrastructure. The last two East coast carrier battle groups which deployed to the Adriatic and Persian Gulf completed their final integrated live fire training at Vieques. Both battle groups, led by the carriers U.S.S. *Enterprise* and U.S.S. *Theodore Roosevelt*, subsequently saw combat in Operations Desert Fox (Iraq) and Allied Force (Kosovo) within days of arriving in the respective theater of operations. Their success in these operations, with no loss of American life, was largely attributable to the realistic and integrated live fire training completed at Vieques prior to their deployment.

According to Article II, section 2, of the Constitution of the United States, the President is the Commander-in-Chief of the U.S. Armed Forces. As such, he bears the ultimate responsibility for ensuring that the men and women in uniform he orders into harm's way, receive the training necessary to perform their mission with the least risk to their lives.

I am encouraged that the President has tried to resolve this matter with the Governor of Puerto Rico in such a way that would allow the Navy to conduct the necessary training. However, I am disappointed that the President and the Governor have been unable to achieve such a resolution.

Mr. President, as long as we are committing our nation's youth to military operations throughout the world; and as long as Vieques is necessary to train these individuals so that they can perform their missions safely and successfully; it would be unconscionable to deploy these forces without first allowing them to train at this vital facility.

Mr. President, the Eisenhower Battle Group and the 24th Marine Expeditionary Unit will soon deploy to the Mediterranean Sea and the Persian Gulf. In order to do so safely, they must begin preparations to conduct the necessary pre-deployment training on the island of Vieques in December.

The time has come for the President to make a decision to protect our national security and the safety of our men and women in uniform. He must decide to allow the Navy and the Marine Corps to conduct this training, and to notify the Secretary of the Navy and the Governor of Puerto Rico of his decision.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting two withdrawals and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 4:00 p.m., a message from the House of Representatives, delivered by Ms. Niland one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 34. An act to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System.

H.R. 642. An act to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and know as the Compton Main Post Office, as the "Mervyn Malcolm Dymally Post Office Building."

H.R. 3456. An act to amend statutory damages provisions of title 17, United States Code.

H.R. 3419. An act to amend title 49, United State Code, to establish the Federal Motor Carrier Safety Administration, and for other purposes.

H.R. 3443. An act to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes.

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 1769. An act to continue the reporting requirements of section 2519 of title 18, United States Code, beyond December 21, 1999, and for other purposes.

The message further announced that pursuant to House Resolution 395, the Speaker appoints the following named Members of the House of Representatives to the Committee to notify the President: Mr. ARMEY and Mr. GEPHARDT.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 218. Concurrent resolution expressing the sense of the Congress that the Government of the People's Republic of China should stop its persecution of Falun Gong practitioners.

H. Con. Res. 239. Concurrent resolution directing the Clerk of the House of Representatives to make a technical correction in the enrollment of the bill H.R. 3194.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 34. An act to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System; to the Committee on Environment and Public Works.

H.R. 642. An act to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the "Mervyn Malcolm Dymally Post Office Building"; to the Committee on Governmental Affairs.

The following bills, previously received from the House of the Representatives for the concurrence of the Senate, were read the first and second times by unanimous consent and referred as indicated:

H.R. 862. An act to authorize the Secretary of the Interior to implement the provisions of an agreement conveying title to a distribution system from the United States to the Clear Creek Community Service District; to the Committee on Energy and Natural Resources.

H.R. 916. An act to make technical amendments to section 10 of title 9, United States Code, and for the other purposes; to the Committee on the Judiciary.

H.R. 992. An act, to convey the Sly Park Dam and Reservoir to the El Dorado Irrigation District, and for the other purposes; to the Committee on Energy and Natural Resources.

H.R. 1235. An act to authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purpose; to the Committee on Energy and Natural Resources.

H.R. 1444. An act to authorize the Secretary of the Army to develop and implement projects for fish screens, fish passage devices, and other similar measures to mitigate adverse impacts associated with irrigation system water diversions by local governmental entities in the States of Oregon, Washington, Montana, and Idaho; to the Committee on Energy and Natural Resources.

H.R. 1691. An act to protect religious liberty; to the Committee on the Judiciary.

H.R. 1714. An act to facilitate the use of electronic records and signatures in the interstate or foreign commerce; to the Committee on Commerce Science, and Transportation.

H.R. 1875. An act to amend title 28, United States Code, to allow the applications of the principles of Federal diversity jurisdiction to interstate class actions; to the Committee on the Judiciary.

H.R. 1869. An act to amend title 18, United States Code, to expand the prohibition on stalking, and for other purposes; to the Committee on the Judiciary.

H.R. 1953. An act to authorize leases for terms not to exceed 99 years on land held in trust for the Torres Martinez Desert Cahuilla Indians and the Guidiville Band of Pomo Indians of the Guidiville Indian Rancheria; to the Committee on Indian Affairs.

H.R. 2260. An act to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes; to the Committee on the Judiciary.

H.R. 2307. An act to designate the building of the United States Postal Service located at 5 Cedar Street in Hopkinton, Massachusetts, as the "Thomas J. Brown Post Office Building"; to the Committee on Governmental Affairs.

H.R. 2389. An act to restore stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for use by the counties for the benefit of public schools, roads, and other purposes; to the Committee on Energy and Natural Resources.

H.R. 2442. An act to provide for the preparation of a Government report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgment of such injustices by the President; to the Committee on the Judiciary.

H.R. 2513. An act to direct the Administrator of General Services to acquire a building located in Terre Haute, Indiana, and for other purposes; to the Committee on Governmental Affairs.

H.R. 2541. An act to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi; to the Committee on Energy and Natural Resources.

H.R. 2607. An act to promote the development of the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, to authorize appropriations for the Office of Space Commercialization, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2818. An act to prohibit oil and gas drilling in Mosquito Creek Lake in Cortland, Ohio; to the Committee on Energy and Natural Resources.

H.R. 2862. An act to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange; to the Committee on Energy and Natural Resources.

H.R. 2863. An act to clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah; to the Committee on Energy and Natural Resources.

H.R. 2879. An Act to provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the "I have A Dream" speech; to the Committee on Energy and Natural Resources.

H.R. 3002. An act to provide for continued preparation of certain useful reports concerning public lands, Native Americans, fisheries, wildlife, insular areas, and other natural resources-related matters, and to repeal provisions of law regarding terminated reporting requirements concerning such matters; to the Committee on Energy and Natural Resources.

H.R. 3051. An act to direct the Secretary of the Interior, the Bureau of Reclamation, to conduct a feasibility study on the Jicarilla Apache Reservation in the State of New Mexico, and for other purposes; to the Committee on Indian Affairs.

H.R. 3063. An act to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any one State, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3073. An act to amend part A of title IV of the Social Security Act to provide for grants for projects designed to promote responsible fatherhood, and for other purposes; to the Committee on Finance.

H.R. 3075. An act to amend titles XVIII, XIX, and XXI of the Social Security Act to make corrections and refinements in the Medicare, Medicaid, and State children's health insurance programs, as revised by the Balanced Budget Act of 1997; to the Committee on Finance.

H.R. 3077. An act to amend the Act that authorized construction of the San Luis Unit of the Central Valley Project, California, to facilitate water transfers in the Central Valley Project; to the Committee on Energy and Natural Resources.

H.R. 3090. An Act to amend the Alaska Native Claims Settlement Act to restore certain lands to the Elim Native Corporation, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3137. An act to amend the Presidential Transition Act of 1963 to provide for training of individuals a President-elect intends to nominate as department heads or appoint to key positions in the Executive Office of the President; to the Committee on Governmental Affairs.

H.R. 3164. An act to provide for the imposition of economic sanctions on certain foreign persons engaging in, or otherwise involved in, international narcotics trafficking; to the Committee on Foreign Relations.

H.R. 3189. An act to designate the United States post office located at 14071 Peyton Drive in Chino Hills, California, as the "Joseph Ileto Post Office"; to the Committee on Governmental Affairs.

H.R. 3234. An act to exempt certain reports from automatic elimination and sunset pursuant to the Federal Reports and Elimination and Sunset Act of 1995; to the Committee on Governmental Affairs.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 218. Concurrent resolution expressing the sense of the Congress that the Government of the People's Republic of China should stop its persecution of Falum Gong practitioners; to the Committee on Foreign Relations.

The following concurrent resolutions, previously received from the House of Representatives for the concurrence of the Senate, were read and referred as indicated:

H. Con. Res. 124. Concurrent resolution expressing the sense of the Congress relating to recent allegations of espionage and illegal campaign financing that have brought into question the loyalty and probity of Americans of Asian ancestry; to the Committee on the Judiciary.

H. Con. Res. 165. Concurrent resolution expressing United States policy toward the Slovak Republic; to the Committee on Foreign Relations.

H. Con. Res. 189. Concurrent resolution expressing the sense of the Congress regarding the wasteful and unsportsmanlike practice known as shark finning; to the Committee on Commerce, Science, and Transportation.

H. Con. Res. 193. Concurrent resolution expressing the support of Congress for activities to increase public participation in the decennial census; to the Committee on Governmental Affairs.

H. Con. Res. 199. Concurrent resolution expressing the sense of the Congress that prayers and invocations at public school sporting events contribute to the moral foundation of our Nation and urging the Supreme Court to uphold their constitutionality; to the Committee on the Judiciary.

H. Con. Res. 206. Concurrent resolution expressing grave concern regarding armed conflict in the North Caucasus region of the Russian Federation which has resulted in civilian casualties and internally displaced persons, and urging all sides to pursue dialog for peaceful resolution of the conflict; to the Committee on Foreign Relations.

H. Con. Res. 211. Concurrent resolution expressing the strong support of the Congress for the recently concluded elections in the Republic of India and urging the President to travel to India; to the Committee on Foreign Relations.

H. Con. Res. 213. Concurrent resolution encouraging the Secretary of Education to promote, and State and local educational agencies to incorporate in their education programs, financial literacy training; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 222. Concurrent resolution condemning the assassination of Armenian Prime Minister Vazgen Sargsian and other officials of the Armenian Government and expressing the sense of the Congress in mourning this tragic loss of the duly elected leadership of Armenia; to the Committee on Foreign Relations.

H. Con. Res. 223. Concurrent resolution expressing the sense of the Congress regarding Freedom Day; to the Committee on the Judiciary.

H. Con. Res. 234. Concurrent resolution tabling the bill (H.R. 2466) entitled "An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times and placed on the calendar:

H.R. 170. An act to require certain notices in any mailing using a game of chance for the promotion of a product or service, and for other purposes.

H.R. 1167. An act to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes, and for other purposes.

H.R. 1801. An act to make technical corrections to various antitrust laws and to references to such laws.

H.R. 1832. An act to reform unfair and anticompetitive practices in the professional boxing industry.

H.R. 2904. An act to amend the Ethics in Government Act of 1978 to reauthorize funding for the Office of Government Ethics, and to clarify the definition of a "special Government employee" under title 18, United States Code.

The following bill was read twice and ordered placed on the calendar:

S. 1982. A bill to clarify the standing of United States citizens to challenge the blocking of assets by the United States under the Foreign Narcotics Kingpin Designation Act.

ENROLLED JOINT RESOLUTION SIGNED

The following enrolled joint resolution, previously signed by the Speaker of the House, was signed on November 18, 1999, by the President pro tempore (Mr. THURMOND):

H.J. Res. 83. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on November 19, 1999, he had presented to the President of the United States, the following enrolled bills:

S. 278. An act to direct the Secretary of the Interior to convey certain lands to the country of Rio Arriba, New Mexico.

S. 382. An act to establish the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes.

S. 1235. An act to amend part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to allow railroad police officers to attend the Federal Bureau of Investigation National Academy for law enforcement training.

S. 1398. An act to clarify certain boundaries on maps relating to the Coastal Barrier Resources System.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–6269. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737 Series Airplanes; Docket No. 99–NM–02 {11-2 11–4}" (RIN2120–AA64) (1999–0436), received November 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6270. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 777–200 Series Airplanes; Docket No. 99–NM–03 {11–2/11–4}" (RIN2120–AA64) (1999–0435), received November 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6271. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab Model SAAB SF340A and 340B Series Airplanes; Docket No. 99–NM–199 {11–2/11–4}" (RIN2120–AA64) (1999–0433), received November 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6272. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dornier Model 328–100 Series Airplanes; Docket No. 99–NM–01 {11–2/11–4}" (RIN2120–AA64) (1999–0434), received November 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6273. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model SA–365N, SA–365N1, and AS 365N2 Helicopters; Docket No. 98–SW–60 {11-3/11–4}" (RIN2120–AA64) (1999–0431), received November 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6274. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model SA330F, G, J, and AS322C, L, and L.1 Helicopters; Request for Comments; Docket No. 99–SW–01 {11–5/11–8}" (RIN2120–AA64) (1999–0437), received November 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6275. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled

"Airworthiness Directives: Bell Helicopter Textron Canada Model 222, 222B, and 222U Helicopters; Request for Comments; Docket No. 99-SW-51 {11-4/11-4}" (RIN2120-AA64) (1999-0429), received November 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6276. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron Canada Model 430 Helicopters; Request for Comments; Docket No. 99-SW-50 {11-4/11-4}" (RIN2120-AA64) (1999-0430), received November 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6277. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Robinson Helicopter Company Model R44 Helicopters; Request for Comments; Docket No. 99-SW-12 {11-3/11-4}" (RIN2120-AA64) (1999-0432), received November 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6278. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace: Mountain View, MO; Direct Final Rule; Request for Comments; Docket No. 99-CE-46 {11-3/11-4}" (RIN2120-AA66) (1999-0362), received November 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6279. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Change Name of Using Restricted Area R-5203; Oswego, NY; Docket No. 99-AEA-12 {11-5/11-8}" (RIN2120-AA66) (1999-0364), received November 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6280. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the San Juan Low Offshore Airspace Area, PR; Docket No. 99-ASO-1 {11-5/11-8}" (RIN2120-AA66) (1999-0363), received November 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6281. A communication from the Assistant Bureau Chief, International Bureau, Satellite Radiocommunications Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "First Order of Reconsideration in the Matter of Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Space Stations to Provide Domestic and International Satellite Service in the United States" (IB Docket No. 96-111) (FCC 99-325), received November 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6282. A communication from the Deputy Chief, Wireless Telecommunications Commission, Auctions and Industry Analysis Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Allocation of Spectrum Below 5 GHz Transferred from Federal Government Use; 4660-4685 MHz; ET Docket No. 94-32; 'Fourth Report and Order', FCC 98-213" (ET Docket No. 94-32) (FCC 98-213), received November 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6283. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna Fishery; Purse Seine Category Allocation Adjustment" (I.D. 061899A), received November 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6284. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Amendment 1 to the Fishery Management Plan for Corals and Reef Associated Plants and Invertebrates of Puerto Rico and the U.S. Virgin Islands" (RIN0648-AG88), received November 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6285. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Termination of the Georges Bank Sea Scallop Exemption Program" (RIN0648-AM24), received November 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6286. A communication from the Deputy Assistant Administrator, National Ocean Service, Coastal Services Center, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Federal Register Notice/Coastal Services Center Broad Area Announcement: Fiscal Year 2000 Programs" (RIN0648-ZA73), received November 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6287. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Avermectin B1 and its delta-8,9-isomer; Extension of Tolerance for Emergency Exemptions" (FRL #6391-8, received November 17, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6288. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clopyralid; Pesticide Tolerance for Emergency Exemptions" (FRL #6388-5), received November 17, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6289. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Herbicide Safener HOE-107892; Extension of Tolerance for Emergency Exemptions" (FRL #6385-5), received November 17, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6290. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Glyphosate; Pesticide Tolerance" (FRL #6390-5), received November 17, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6291. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology (Generic MACT); Process Wastewater Provisions" (FRL #6478-6), received November 17, 1999; to the Committee on Environment and Public Works.

EC-6292. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology (Generic MACT); Process Wastewater Provisions" (FRL #6478-8), received November 17, 1999; to the Committee on Environment and Public Works.

EC-6293. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Iowa Update of Materials Incorporated by Reference" (FRL #6462-3), received November 17, 1999; to the Committee on Environment and Public Works.

EC-6294. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; New Jersey; Approval of Carbon Monoxide State Implementation Plan Revisions; Determination of Carbon Monoxide Attainment; Removal of Oxygenated Gasoline Program" (FRL #6477-3), received November 17, 1999; to the Committee on Environment and Public Works.

EC-6295. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; States of Colorado, Utah, and Wyoming; General Conformity" (FRL #6471-4), received November 17, 1999; to the Committee on Environment and Public Works.

EC-6296. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors" (FRL #6477-9), received November 17, 1999; to the Committee on Environment and Public Works.

EC-6297. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, two reports relative to EPA regulatory programs; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 795. A bill to amend the Fastener Quality Act to strengthen the protection against the sale of mismarked, misrepresented, and counterfeit fasteners and eliminate unnecessary requirements, and for other purposes (Rept. No. 106–224).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRAMM (for himself, Mr. Abraham, Mr. Allard, Mr. Ashcroft, Mr. Bayh, Mr. Bennett, Mr. Biden, Mr. Bond, Mr. Brownback, Mr. Bryan, Mr. Bunning, Mr. Burns, Mr. Campbell, Mr. Chafee, Mr. Cochran, Ms. Collins, Mr. Coverdell, Mr. Craig, Mr. Crapo, Mr. Daschle, Mr. DeWine, Mr. Dodd, Mr. Domenici, Mr. Durbin, Mr. Enzi, Mr. Feingold, Mr. Fitzgerald, Mr. Grams, Mr. Grassley, Mr. Gregg, Mr. Hagel, Mr. Hatch, Mr. Helms, Mr. Hutchinson, Mrs. Hutchison, Mr. Inhofe, Mr. Jeffords, Mr. Kerrey, Mr. Kerry, Mr. Kyl, Ms. Landrieu, Mr. Leahy, Mr. Lott, Mr. Lugar, Mr. Mack, Mr. McConnell, Mr. Murkowski, Mr. Nickles, Mr. Reed, Mr. Reid, Mr. Roberts, Mr. Roth, Mr. Santorum, Mr. Schumer, Mr. Sessions, Mr. Shelby, Mr. Smith of New Hampshire, Mr. Smith of Oregon, Ms. Snowe, Mr. Specter, Mr. Stevens, Mr. Thomas, Mr. Thompson, Mr. Thurmond, Mr. Voinovich, Mr. Warner, Mr. Wellstone, Mr. Wyden, Mr. Frist, and Mr. Moynihan):

S. 1971. A bill to authorize the President to award a gold medal on behalf of the Congress to Milton Friedman, in recognition of his outstanding and enduring contributions to individual freedom and opportunity in American society through his exhaustive research and teaching of economics, and his extensive writings on economics and public policy; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ALLARD:

S. 1972. A bill to direct the Secretary of Agriculture to convey to the town of Dolores, Colorado, the current site of the Joe Rowell Park; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN:

S. 1973. A bill to simplify Federal oil and gas revenue distributions, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER (for himself, Ms. Snowe, Mr. Bayh, and Mr. Smith of Oregon):

S. 1974. A bill to amend the Internal Revenue Code of 1986 to make higher education more affordable by providing a full tax deduction for higher education expenses and a tax credit for student education loans; to the Committee on Finance.

By Mr. MACK (for himself and Mr. Breaux):

S. 1975. A bill to amend the Internal Revenue Code of 1986 to modify the tax on generation-skipping transfers to eliminate certain traps for the unwary and otherwise improve the fairness of such tax; to the Committee on Finance.

By Mr. THOMPSON:

S. 1976. A bill to amend the Internal Revenue Code of 1986 to provide that certain uses of a facility owned by a tax-exempt organization shall not be treated as private business use for purposes of determining whether bonds issued to provide the facility are tax-exempt bonds; to the Committee on Finance.

By Mr. McCAIN (for himself, Mr. Thompson, Mr. Lieberman, and Mr. Abraham):

S. 1977. A bill to review, reform, and terminate unnecessary and inequitable Federal subsidies; to the Committee on Governmental Affairs.

By Mr. DOMENICI:

S. 1978. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Albuquerque, New Mexico, metropolitan area; to the Committee on Veterans Affairs.

By Mr. CONRAD (for himself and Mr. Moynihan):

S. 1979. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to provide that restrictions on application of State laws to pension benefits shall not apply to State laws prohibiting individuals from benefitting from crimes involving the death of pension plan participants; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. Harkin, Mr. Daschle, Mr. Kerrey, Mr. Durbin, Mr. Johnson, Mr. Wellstone, Mr. Conrad, Mr. Rockefeller, Mr. Bryan, Mr. Reid, Mr. Leahy, Mr. Wyden, and Mrs. Murray):

S. 1980. A bill to amend the Rural Electrification Act of 1936 to ensure improved access to the signals of local television stations by multichannel video providers to all households which desire such service in unserved and underserved rural areas by December 31, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KENNEDY:

S. 1981. A bill to amend title XI of the Public Health Service Act to provide for the use of new genetic technologies to meet the health care needs of the public; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEVIN:

S. 1982. A bill to clarify the standing of United States citizens to challenge the blocking of assets by the United States under the Foreign Narcotics Kingpin Designation Act; read twice; ordered placed on the calendar.

By Mrs. MURRAY (for herself, Mr. Craig, Mr. Smith of Oregon, Mrs. Boxer, and Mrs. Feinstein):

S. 1983. A bill to amend the Agricultural Trade Act of 1978 to increase the amount of funds available for certain agricultural trade programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HARKIN (for himself and Mr. Lugar):

S. 1984. A bill to establish in the Antitrust Division of the Department of Justice a position with responsibility for agricultural antitrust matters; to the Committee on the Judiciary.

By Mr. TORRICELLI:

S. 1985. A bill to amend the Internal Revenue Code of 1986 to lower the adjusted gross income threshold for deductible disaster casualty losses to 5 percent, to make such deduction an above-the-line deduction, and to allow an election to take such deduction for the preceding or succeeding year; to the Committee on Finance.

By Mr. BAUCUS (for himself and Mr. Burns):

S. 1986. A bill to amend title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1998, relating to the Canyon Ferry Reservoir, Montana; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself, Ms. Collins, Mr. Kohl, Mr. Wellstone, Mr. Reid, Mr. Graham, Mr. Harkin, Ms. Mikulski, Ms. Landrieu, Mr. Dodd, Mrs. Boxer, Mr. Johnson, and Mr. Cleland):

S. 1987. A bill to amend the Violence Against Women Act of 1994, the Family Violence Prevention and Services Act, the Older Americans Act of 1965, and the Public Health Service Act to ensure that older women are protected from institutional, community, and domestic violence and sexual assault and to improve outreach efforts and other services available to older women victimized by such violence, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself, Mr. Hatch, Mr. Brownback, Mr. Harkin, Mr. Johnson, Mr. Dorgan, Mr. Baucus, Mr. Conrad, Mr. Bingaman, Mr. Voinovich, and Mr. Burns):

S. 1988. A bill to reform the State inspection of meat and poultry in the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KOHL:

S. 1989. A bill to ensure that employees of traveling sales crews are protected under the Fair Labor Standards Act of 1938 and under other provisions of law; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself and Mrs. Feinstein):

S. 1990. A bill to designate the Federal building located at 501 I Street in Sacramento, California, as the "Joe Serna, Jr. United States Courthouse and Federal Building"; to the Committee on Environment and Public Works.

By Mr. THOMPSON (for himself, Mr. Lieberman, Ms. Collins, and Mr. Leahy):

S. 1991. A bill to amend the Federal Election Campaign Act of 1971 to enhance criminal penalties for election law violations, to clarify current provisions of law regarding donations from foreign nationals, and for other purposes; to the Committee on Rules and Administration.

By Ms. SNOWE:

S. 1992. A bill to provide States with loans to enable State entities or local governments within the States to make interest payments on qualified school construction bonds issued by the State entities or local governments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THOMPSON (for himself and Mr. Lieberman):

S. 1993. A bill to reform Government information security by strengthening information security practices throughout the Federal Government; to the Committee on Governmental Affairs.

By Mr. KERRY (for himself and Mr. Bryan):

S. 1994. A bill to amend the Internal Revenue Code of 1986 to provide assistance to first-time homebuyers; to the Committee on Finance.

By Mr. KOHL:

S. 1995. A bill to amend the National School Lunch Act to revise the eligibility of private organizations under the child and adult care food program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, and Mr. FRIST):

S. 1996. A bill to amend the Public Health Service Act to clarify provisions relation to the content of petitions for compensation under the vaccine injury compensation program; considered and passed.

By Mr. BINGAMAN:

S. 1997. A bill to simplify Federal oil and gas revenue distributions, and for other proposes; to the Committee on Energy and Natural Resources.

By Mr. McCAIN:

S. 1998. A bill to establish the Yuma Crossing National Heritage Area; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAYH (for himself, Mr. BREAUX, Mr. GRASSLEY, Mr. BURNS, Mr. REED, Mr. JEFFORDS, Mr. LUGAR, Mr. WARNER, Mr. ABRAHAM, Mr. DURBIN, Mr. BRYAN, Mr. KENNEDY, Mrs. MURRAY, Mr. SMITH of Oregon, Mr. REID, Mr. EDWARDS, Mr. DORGAN, Mr. COCHRAN, Ms. MIKULSKI, Mr. JOHNSON, Mr. STEVENS, Mr. CLELAND, Mr. AKAKA, Mr. SPECTER, Ms. LANDRIEU, Mr. WELLSTONE, Mr. BAUCUS, Mr. KERRY, Mr. DEWINE, Mr. LIEBERMAN, Mr. WYDEN, Mr. ENZI, Mr. BINGAMAN, Mr. ROBB, Mr. INOUYE, Mrs. BOXER, Mrs. LINCOLN, Mr. DODD, Mr. TORRICELLI, Mr. SCHUMER, Mr. GRAHAM, Mr. FEINGOLD, and Mrs. FEINSTEIN):

S. Res. 234. A resolution recognizing the contribution of older persons to their communities and commending the work of organizations that participate in programs assisting older persons and that promote the goals of the International Year of Older Persons; considered and agreed to.

By Mr. McCONNELL:

S. Res. 235. A resolution to authorize the printing of a revised edition of the Senate Election Law Guidebook; considered and agreed to.

S. Res. 236. A resolution to authorize the printing of a revised edition of the Nomination and Election of the President and Vice President of the United States; considered and agreed to.

By Mrs. BOXER (for herself, Mrs. MURRAY, Mrs. LINCOLN, Ms. MIKULSKI, Mrs. FEINSTEIN, Ms. COLLINS, Ms. LANDRIEU, and Ms. SNOWE):

S. Res. 237. A resolution expressing the sense of the Senate that the United States Senate Committee on Foreign Relations should hold hearings and the Senate should act on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); ordered to lie over under the rule.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 238. A resolution to authorize representation of Member of the Senate in the case of Brett Kimberlin v. Orrin Hatch, et al; considered and agreed to.

By Mr. ROBB:

S. Res. 239. A resolution expressing the sense of the Senate that Nadia Dabbagh, who was abducted from the United States, should be returned home to her mother, Ms. Maureen Dabbagh; to the Committee on Foreign Relations.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 240. A resolution commending Stephen G. Bale, Keeper of the Stationery, United States Senate; considered and agreed to.

By Mr. LOTT:

S. Res. 241. A resolution to direct the Senate Commission on Art to recommend to the Senate two outstanding individuals whose paintings shall be placed in two of the remaining unfilled spaces in the Senate reception room; considered and agreed to.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Con. Res. 77. A concurrent resolution making technical corrections to the enrollment of H.R. 3194; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MACK (for himself and Mr. BREAUX):

S. 1975. A bill to amend the Internal Revenue Code of 1986 to modify the tax on generation-skipping transfers to eliminate certain traps for the unwary and otherwise improve the fairness of such tax; to the Committee on Finance.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

THE GENERATION-SKIPPING TRANSFER TAX AMENDMENTS ACT

Mr. MACK: Mr. President, today Senator BREAUX and I join in introducing legislation to correct serious problems in the allocation of generation-skipping transfer tax (GST) exemptions. This legislation would provide relief to taxpayers for missed allocations of the GST exemption and would make the exemption allocation automatic, in place of the current law requirement that the taxpayers take an affirmative step to claim the exemption. This proposed change was included in the Taxpayer Refund and Relief Act of 1999, but failed to become law due to the President's veto of that bill.

Under this legislation, the GST exemption is automatically allocated to "indirect skip" transfers made while the donor is alive. An indirect skip is a transfer of property subject to the gift tax that is made to a GST trust. Direct skips (generally, transfers solely for the benefit of grandchildren) are already covered by an automatic allocation rule. An individual may elect not to have the automatic allocation rule apply to an indirect skip. Also, under this legislation, the GST exemption may be allocated retroactively when there is an unnatural order of death. If a lineal descendant of the transferor predeceased the transferor, then the transferor may allocate the unused GST exemption to any previous transfer or transfers to the trust on a chronological basis.

This legislation also provides authorization and direction to the Treasury Secretary to grant extensions of time to make the election to allocate the GST exemption and to grant exceptions to the time requirement. If such relief is granted, then the value on the date of transfer to the trust would be used for determining GST exemption allocation.

Mr. President, this is important legislation which deserves enactment at the earliest possible date. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1975

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Generation-Skipping Transfer Tax Amendments Act of 1999".

SEC. 2. DEEMED ALLOCATION OF GST EXEMPTION TO LIFETIME TRANSFERS TO TRUSTS; RETROACTIVE ALLOCATIONS.

(a) IN GENERAL.—Section 2632 of the Internal Revenue Code of 1986 (relating to special rules for allocation of GST exemption) is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following new subsections:

"(c) DEEMED ALLOCATION TO CERTAIN LIFETIME TRANSFERS TO GST TRUSTS.—

"(1) IN GENERAL.—If any individual makes an indirect skip during such individual's lifetime, any unused portion of such individual's GST exemption shall be allocated to the property transferred to the extent necessary to make the inclusion ratio for such property zero. If the amount of the indirect skip exceeds such unused portion, the entire unused portion shall be allocated to the property transferred.

"(2) UNUSED PORTION.—For purposes of paragraph (1), the unused portion of an individual's GST exemption is that portion of such exemption which has not previously been—

"(A) allocated by such individual,

"(B) treated as allocated under subsection (b) with respect to a direct skip occurring during or before the calendar year in which the indirect skip is made, or

"(C) treated as allocated under paragraph (1) with respect to a prior indirect skip.

"(3) DEFINITIONS.—

"(A) INDIRECT SKIP.—For purposes of this subsection, the term 'indirect skip' means any transfer of property subject to the tax imposed by chapter 12 made to a GST trust.

"(B) GST TRUST.—The term 'GST trust' means a trust that could have a generation-skipping transfer with respect to the transferor unless—

"(i) the trust instrument provides that more than 25 percent of the trust corpus must be distributed to or may be withdrawn by 1 or more individuals who are non-skip persons—

"(I) before the date that the individual attains age 46,

"(II) on or before 1 or more dates specified in the trust instrument that will occur before the date that such individual attains age 46, or

"(III) upon the occurrence of an event that, in accordance with regulations prescribed by the Secretary, may reasonably be expected to occur before the date that such individual attains age 46;

"(ii) the trust instrument provides that more than 25 percent of the trust corpus must be distributed to or may be withdrawn by 1 or more individuals who are non-skip persons and who are living on the date of death of another person identified in the instrument (by name or by class) who is more than 10 years older than such individuals;

"(iii) the trust instrument provides that, if 1 or more individuals who are non-skip persons die on or before a date or event described in clause (i) or (ii), more than 25 percent of the trust corpus either must be distributed to the estate or estates of 1 or more of such individuals or is subject to a general power of appointment exercisable by 1 or more of such individuals;

"(iv) the trust is a trust any portion of which would be included in the gross estate of a non-skip person (other than the transferor) if such person died immediately after the transfer;

"(v) the trust is a charitable lead annuity trust (within the meaning of section 2642(e)(3)(A)) or a charitable remainder annuity trust or a charitable remainder unitrust (within the meaning of section 664(d)); or

"(vi) the trust is a trust with respect to which a deduction was allowed under section 2522 for the amount of an interest in the form of the right to receive annual payments of a fixed percentage of the net fair market value of the trust property (determined yearly) and which is required to pay principal to a non-skip person if such person is alive when the yearly payments for which the deduction was allowed terminate.

For purposes of this subparagraph, the value of transferred property shall not be considered to be includible in the gross estate of a non-skip person or subject to a right of withdrawal by reason of such person holding a right to withdraw so much of such property as does not exceed the amount referred to in section 2503(b) with respect to any transferor, and it shall be assumed that powers of appointment held by non-skip persons will not be exercised.

"(4) AUTOMATIC ALLOCATIONS TO CERTAIN GST TRUSTS.—For purposes of this subsection, an indirect skip to which section 2642(f) applies shall be deemed to have been made only at the close of the estate tax inclusion period. The fair market value of such transfer shall be the fair market value of the trust property at the close of the estate tax inclusion period.

"(5) APPLICABILITY AND EFFECT.—

"(A) IN GENERAL.—An individual—

"(i) may elect to have this subsection not apply to—

"(I) an indirect skip, or

"(II) any or all transfers made by such individual to a particular trust, and

"(ii) may elect to treat any trust as a GST trust for purposes of this subsection with respect to any or all transfers made by such individual to such trust.

"(B) ELECTIONS.—

"(i) ELECTIONS WITH RESPECT TO INDIRECT SKIPS.—An election under subparagraph (A)(i)(I) shall be deemed to be timely if filed on a timely filed gift tax return for the calendar year in which the transfer was made or deemed to have been made pursuant to paragraph (4) or on such later date or dates as may be prescribed by the Secretary.

"(ii) OTHER ELECTIONS.—An election under clause (i)(II) or (ii) of subparagraph (A) may be made on a timely filed gift tax return for the calendar year for which the election is to become effective.

"(d) RETROACTIVE ALLOCATIONS.—

"(1) IN GENERAL.—If—

"(A) a non-skip person has an interest or a future interest in a trust to which any transfer has been made,

"(B) such person—

"(i) is a lineal descendant of a grandparent of the transferor or of a grandparent of the transferor's spouse or former spouse, and

"(ii) is assigned to a generation below the generation assignment of the transferor, and

"(C) such person predeceases the transferor,

then the transferor may make an allocation of any of such transferor's unused GST exemption to any previous transfer or transfers to the trust on a chronological basis.

"(2) SPECIAL RULES.—If the allocation under paragraph (1) by the transferor is made on a gift tax return filed on or before the date prescribed by section 6075(b) for gifts made within the calendar year within which the non-skip person's death occurred—

"(A) the value of such transfer or transfers for purposes of section 2642(a) shall be determined as if such allocation had been made on a timely filed gift tax return for each calendar year within which each transfer was made,

"(B) such allocation shall be effective immediately before such death, and

"(C) the amount of the transferor's unused GST exemption available to be allocated shall be determined immediately before such death.

"(3) FUTURE INTEREST.—For purposes of this subsection, a person has a future interest in a trust if the trust may permit income or corpus to be paid to such person on a date or dates in the future.".

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 2632(b) of such Code is amended by striking "with respect to a direct skip" and inserting "or subsection (c)(1)".

(c) EFFECTIVE DATES.—

(1) DEEMED ALLOCATION.—Section 2632(c) of the Internal Revenue Code of 1986 (as added by subsection (a)), and the amendment made by subsection (b), shall apply to transfers subject to chapter 11 or 12 of such Code made after December 31, 1999, and to estate tax inclusion periods ending after December 31, 1999.

(2) RETROACTIVE ALLOCATIONS.—Section 2632(d) of the Internal Revenue Code of 1986 (as added by subsection (a)) shall apply to deaths of non-skip persons occurring after the date of the enactment of this Act.

SEC. 3. SEVERING OF TRUSTS.

(a) IN GENERAL.—Subsection (a) of section 2642 of the Internal Revenue Code of 1986 (relating to inclusion ratio) is amended by adding at the end the following new paragraph:

"(3) SEVERING OF TRUSTS.—

"(A) IN GENERAL.—If a trust is severed in a qualified severance, the trusts resulting from such severance shall be treated as separate trusts thereafter for purposes of this chapter.

"(B) QUALIFIED SEVERANCE.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—The term 'qualified severance' means the division of a single trust and the creation (by any means available under the governing instrument or under local law) of 2 or more trusts if—

"(I) the single trust was divided on a fractional basis, and

"(II) the terms of the new trusts, in the aggregate, provide for the same succession of interests of beneficiaries as are provided in the original trust.

"(ii) TRUSTS WITH INCLUSION RATIO GREATER THAN ZERO.—If a trust has an inclusion ratio of greater than zero and less than 1, a severance is a qualified severance only if the single trust is divided into 2 trusts, one of which receives a fractional share of the total value of all trust assets equal to the applicable fraction of the single trust immediately before the severance. In such case, the trust receiving such fractional share shall have an inclusion ratio of zero and the other trust shall have an inclusion ratio of 1.

"(iii) REGULATIONS.—The term 'qualified severance' includes any other severance permitted under regulations prescribed by the Secretary.

"(C) TIMING AND MANNER OF SEVERANCES.—A severance pursuant to this paragraph may be made at any time. The Secretary shall prescribe by forms or regulations the manner in which the qualified severance shall be reported to the Secretary.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to severances after the date of the enactment of this Act.

SEC. 4. MODIFICATION OF CERTAIN VALUATION RULES.

(a) GIFTS FOR WHICH GIFT TAX RETURN FILED OR DEEMED ALLOCATION MADE.—Paragraph (1) of section 2642(b) of the Internal Revenue Code of 1986 (relating to valuation rules, etc.) is amended to read as follows:

"(1) GIFTS FOR WHICH GIFT TAX RETURN FILED OR DEEMED ALLOCATION MADE.—If the allocation of the GST exemption to any transfers of property is made on a gift tax return filed on or before the date prescribed by section 6075(b) for such transfer or is deemed to be made under section 2632 (b)(1) or (c)(1)—

"(A) the value of such property for purposes of subsection (a) shall be its value as finally determined for purposes of chapter 12 (within the meaning of section 2001(f)(2)), or, in the case of an allocation deemed to have been made at the close of an estate tax inclusion period, its value at the time of the close of the estate tax inclusion period, and

"(B) such allocation shall be effective on and after the date of such transfer, or, in the case of an allocation deemed to have been made at the close of an estate tax inclusion period, on and after the close of such estate tax inclusion period.".

(b) TRANSFERS AT DEATH.—Subparagraph (A) of section 2642(b)(2) of such Code is amended to read as follows:

"(A) TRANSFERS AT DEATH.—If property is transferred as a result of the death of the transferor, the value of such property for purposes of subsection (a) shall be its value as finally determined for purposes of chapter 11; except that, if the requirements prescribed by the Secretary respecting allocation of post-death changes in value are not met, the value of such property shall be determined as of the time of the distribution concerned.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 1431 of the Tax Reform Act of 1986.

SEC. 5. RELIEF PROVISIONS.

(a) IN GENERAL.—Section 2642 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(g) RELIEF PROVISIONS.—

"(1) RELIEF FOR LATE ELECTIONS.—

"(A) IN GENERAL.—The Secretary shall by regulation prescribe such circumstances and procedures under which extensions of time will be granted to make—

"(i) an allocation of GST exemption described in paragraph (1) or (2) of subsection (b), and

"(ii) an election under subsection (b)(3) or (c)(5) of section 2632.

Such regulations shall include procedures for requesting comparable relief with respect to transfers made before the date of enactment of this paragraph.

"(B) BASIS FOR DETERMINATIONS.—In determining whether to grant relief under this paragraph, the Secretary shall take into account all relevant circumstances, including evidence of intent contained in the trust instrument or instrument of transfer and such other factors as the Secretary deems relevant. For purposes of determining whether to grant relief under this paragraph, the time for making the allocation (or election) shall be treated as if not expressly prescribed by statute.

"(2) SUBSTANTIAL COMPLIANCE.—An allocation of GST exemption under section 2632 that demonstrates an intent to have a zero inclusion ratio with respect to a transfer or a trust shall be deemed to be an allocation of so much of the transferor's unused GST exemption as produces, to the extent possible, a zero inclusion ratio. In determining whether there has been substantial compliance, all relevant circumstances shall be taken into account, including evidence of intent contained in the trust instrument or instrument of transfer and such other factors as the Secretary deems relevant.".

(b) EFFECTIVE DATES.—

(1) RELIEF FOR LATE ELECTIONS.—Section 2642(g)(1) of the Internal Revenue Code of 1986 (as added by subsection (a)) shall apply to requests pending on, or filed after, the date of the enactment of this Act.

(2) SUBSTANTIAL COMPLIANCE.—Section 2642(g)(2) of such Code (as so added) shall take effect on the date of the enactment of this Act and shall apply to allocations made prior to such date for purposes of determining the tax consequences of generation-skipping transfers with respect to which the period of time for filing claims for refund has not expired. No negative implication is intended with respect to the availability of relief for late elections or the application of a rule of substantial compliance prior to the enactment of this amendment.

• Mr. BREAUX. Mr. President, I am pleased to join my colleague from the Senate Finance Committee, Senator MACK, in introducing legislation designated to address past problems with the allocation of the generation-skipping transfer (GST) exemption, and to provide for automatic allocations going forward.

Under current law, taxpayers must make affirmative allocations of the GST exemption for transfers to a trust. As a result, many taxpayers have not made timely allocations and face the prospect of losing a significant portion of the exemption's benefit. This legislation is designed to assure that taxpayers get the full benefit of the law by making GST exemption allocations automatic for transfers to a trust and to give taxpayers the opportunity to cure past allocations which were not made on a timely basis.

This legislation was included in the tax bill that was sent to the President earlier this summer. It enjoys Republican and Democratic support on both sides of the hill. I urge its inclusion in the next tax bill sent to the White House.•

By Mr. MCCAIN (for himself, Mr. THOMPSON, Mr. LIEBERMAN, and Mr. ABRAHAM):

S. 1977. A bill to review, reform, and terminate unnecessary and inequitable Federal subsidies; to the Committee on Governmental Affairs.

CORPORATE SUBSIDY REFORM COMMISSION ACT OF 1999

• Mr. MCCAIN. Mr. President, I rise today to introduce legislation to establish a process to eliminate and reform federal subsidies and tax advantages received by corporations. This bill, "The Corporate Subsidy Reform Commission Act" is identical to a bill that was reported out of the Senate Governmental Affairs Committee in May, 1997. I am pleased to have as cosponsors Senators THOMPSON, LIEBERMAN, and ABRAHAM.

I would like to briefly describe the major provisions of the Corporate Subsidy Reform Commission Act. It defines inequitable subsidies as those provided to corporations without a reasonable expectation that they will return a commensurate benefit to the public.

The Act excludes any subsidies that are primarily for research and development, education, public health, safety, or the environment. Also excluded are subsidies or tax advantages necessary to comply with international trade or treaty obligations.

The Act would create a nine-member commission nominated by the President and the Congressional leadership. Federal agencies would be required to submit to the Commission, at the time of the Administration's next budget, a list of subsidies and tax advantages that it believes are inequitable. The Commission will provide recommendations to either terminate or reduce the corporate subsidies. The President has the authority under the Act to either terminate the process, or submit the Commission's recommendations to the Congress as a legislative initiative.

The Congress would then have four months to review the Commission's recommendations which have been endorsed by the President. At that time, the actions of all involved committees in each respective body would be sent to the floor for debate, under expedited procedures.

Many federal subsidies and special-interest tax breaks for corporations are unnecessary, and do not provide a fair return to the taxpayers who bear the heavy burden of their cost. If a corporation is receiving taxpayer-funded subsidies or tax breaks that are unsupported by a compelling benefit to the public, the subsidy should be ended.

Our nation is just now beginning to pay down a national debt of over $5 trillion. Every American shoulders an unconscionable amount of debt—somewhere in the range of $19,000 each—not due to any profligate spending of their own, but because of the fiscal irresponsibility of their elected officials in Congress. The citizens who expect leadership and accountability from their representatives have gotten special interest pandering in return. This is devastating to our nation's fiscal stability, and crippling to the ability of the Congress to respond to truly urgent social needs such as health care, education, and national security.

Let me note a couple of estimates of this scope of unjustified federal subsidies to corporations that illustrates how expensive this burden is. When I first introduced this legislation, the CATO Institute had identified 125 federal programs that provided over $85 billion in industry subsidies. The Progressive Policy Institute identified an additional $30 billion in tax loopholes for major industries.

Unfortunately, the pervasive system of pork-barreling and special interest legislating is speeding along unabated in Washington. Instead of pursuing our nation's priorities in a bipartisan manner, both parties continue to legislate, posture, and spend for partisan advantage. I have worked hard during my service in the Senate to eliminate wasteful earmarks in appropriations bills. Yet this year alone, more than $13 billion in pork barrel spending was approved by the Senate. I was also dismayed at the inclusion of numerous special-interest tax breaks contained in the comprehensive tax bill passed by the Congress this year, then vetoed.

Mr. President, I want to state openly that I would strongly prefer to eliminate corporate subsidies and inequitable tax subsidies without resorting to a commission. I would rather have every committee in the House and Senate open the next session of Congress by expeditiously examining their areas of jurisdiction for unwarranted corporate pork. Then, each respective body could engage in a full and thorough debate on the merits of each subsidy, and vote on their termination or modification. However, I regret that approach is unlikely to occur, because of the difficulty in resisting the requests of the special interests. The bill I am introducing today represents a practical approach to establishing not only a credible process to identify corporate pork, but to then take the important next step of achieving real reductions on behalf of over-taxed constituents.

I look forward to this bill being brought before the Senate Governmental Affairs Committee early next year. To ensure that the Senate Committee on Finance has an opportunity to evaluate any tax policy modifications contained in this Act, I have agreed to a sequential referral consent request with the leadership of those two committees. I am hopeful that this bill represents the beginning of a serious and productive process to alleviate the public burden of unnecessary corporate subsidies and tax breaks.•

By Mr. DOMENICI:

S. 1978. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Albuquerque, New Mexico, metropolitan area; to the Committee on Veterans' Affairs.

ALBUQUERQUE NATIONAL CEMETERY LEGISLATION

Mr. DOMENICI. Mr. President, it is with great pleasure and honor that I rise today to introduce a bill to create a National Veterans Cemetery in Albuquerque, New Mexico.

The men and women who have served in the United States Armed Forces have made immeasurable sacrifices for the principles of freedom and liberty that make this Nation unique throughout civilization. The service of veterans has been vital to the history of the Nation, and the sacrifices made by veterans and their families should not be forgotten.

These veterans at the very least deserve every opportunity to be buried at a National Cemetery with their fellow comrades. However, the Santa Fe National Cemetery, which serves the Northern two thirds of New Mexico, is rapidly approaching maximum capacity.

Unfortunately, even though the Senate has already passed my legislation to extend the useful life of the Santa Fe National Cemetery by authorizing the use of flat grave markers the life of the Cemetery will only be extended to 2008. Consequently, I would submit that it is not too soon to being planning or the day when Santa Fe will no longer be available.

Before I continue, I would like to take a moment to talk about the Santa Fe National Cemetery. I believe all New Mexicans can be proud of the Santa Fe National Cemetery that has grown from 39/100 of an acre to its current 77 acres.

The cemetery first opened in 1868 and within several years was designated a National Cemetery in April of 1875. Men and women who have fought in all of nation's wars hold an honored spot within the hallowed ground of the cemetery.

With that said, I believe now is the right time to begin looking for another suitable site to serve as the last resting place for those New Mexico veterans who gave of themselves to protect the American ideals of liberty and freedom. The need to begin planning becomes even more pressing by virtue of the fact that more than half of New Mexico's 180,000 veterans live in the Albuquerque/Santa Fe area and internments are expected to peak in 2008.

Consequently, I am introducing legislation today to create a National Veterans Cemetery in Albuquerque, New Mexico. I also want to compliment Congresswoman Heather Wilson who offered this far-sighted legislation in the House of Representatives last week with the knowledge that there is only a finite amount of space available over the long term at the existing national cemetery in Santa Fe.

The Bill simply directs the Secretary of Veterans Affairs to establish a national cemetery in the Albuquerque metropolitan area and to submit a report to Congress setting forth a schedule for establishing the cemetery.

Mr. President, in conclusion I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF NATIONAL CEMETERY.

(A) IN GENERAL.—The Secretary of Veterans Affairs shall establish, in accordance with chapter 124 of title 38, United States Code, a national cemetery in the Albuquerque, New Mexico, metropolitan area to serve the needs of veterans and their families.

(b) REPORT.—As soon as practicable after the date of the enactment of this Act. The Secretary shall submit to Congress a report that sets forth a schedule for the establishment of the national cemetery under subsection (a) and an estimate of the costs associated with the establishment of the national cemetery.

By Mr. CONRAD (for himself and Mr. MOYNIHAN):

S. 1979. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to provide that restrictions on application of State laws to pension benefits shall not apply to State laws prohibiting individuals from benefitting from crimes involving the death of pension plan participants; to the Committee on Finance.

THE SLAYER STATUTE ACT

• Mr. CONRAD. Mr. President, I rise to address an oversight in the Employment Retirement Income Security Act (ERISA) brought to my attention by a constituent of mine in Grand Forks, North Dakota.

On October 14, 1997, Betty Rambel disappeared. Two days later, the burnt-out shell of her car was found. Inside the trunk was an unrecognizable body. On October 24, 1997, using dental records, the body was identified as Betty. That day, her husband, Steve, was arrested for her murder.

Steve Rambel's trial took place in November of 1998, roughly a year ago. After a week-long trial the jury found him guilty of murder in the second degree, assault with a deadly weapon, and arson. Steve was sentenced to life in prison on March 5, 1999.

Even once is too often, yet this sort of situation occurs more frequently than that: people are killed by people they trust. We read the headlines, are bombarded with the lurid details, and our thoughts move to other matters when the killer is convicted and sentenced. However, for the other victims of these crimes—the family and friends of the victim—the nightmare drags on. In the midst of the shock, the anger, the inconsolable sorrow of their loss, these victims have to pick up the pieces of their lives and go through the business of getting back on their feet. I rise today to speak about the "business" of moving on.

With her sister gone and her brother-in-law in jail, Phyllis Marden assumed responsibility for the care of her minor niece and nephew. In the midst of settling her deceased sister's estate, Phyllis was notified that she was named as the second beneficiary to Betty's pension benefits. When coming to agreement with her sister's employer on the award of benefits, Ms. Marden was upset to find that, although it is prohibited by state law, under ERISA her sister's killer can lay future claim to her pension benefits. Justifiably disturbed by this oversight in federal law, Phyllis contacted my office.

ERISA preempts state laws that govern the award of pension benefits, even clear-cut rulings like those made against Steven Ramble. To correct this situation and others like it, we have drafted a bill which would waive the ERISA preemption in cases where a state's "slayer statute" applies to the application of benefits. This bill simply provides that individuals will not have access to ERISA benefits as a result of crimes they commit causing the death of pension plan participants. While many insurance plans already have language to this effect, ERISA does not. The aim of the bill is to codify the direction of the court in recent decisions of this issue and the Internal Revenue Service decision made on this matter in February 24, 1999, private letter ruling.

While no one thinks that killers should benefit from their victims' pension plans, some suggest that waiving the ERISA preemption in these cases might start us down a "slippery slope," where we begin waiving the ERISA preemption to support and enforce social policy. They would prefer to deal with these matters on a case-by-case basis. I understand this line of reasoning; however, I strenuously disagree. I side with the Phyllis Mardens of America.

Individuals subjected to these tragic, uncommon circumstances have been through enough both emotionally and financially; they should not be responsible for added legal costs on a clear-cut issue. At a time like this, they should not be expected to realize that they need a lawyer familiar with the intricacies of ERISA.

I have alluded to the fact that not all lawyers are familiar with the available legal remedies to these problems; ERISA is notoriously complex. A bright line should be drawn that—without affecting the ERISA preemption on the whole—allows survivors of this specific sort of crime relief from further emotional and financial hardship at the hands of the perpetrator. I feel that this bill makes that sort of clear distinction.

A day does not pass that Betty is not on Phyllis's mind. Phyllis understands that this bill will not affect her situation—she is already paying her legal bills. However, she knows that someone else will have to go through the legal process she has been through. This bill will remove an obstacle from their path and get them on their way home.•

By Mr. BAUCUS (for himself, Mr. HARKIN, Mr. DASCHLE, Mr. KERREY, Mr. DURBIN, Mr. JOHNSON, Mr. WELLSTONE, Mr. CONRAD, Mr. ROCKEFELLER, Mr. BRYAN, Mr. REID, Mr. LEAHY, Mr. WYDEN, and Mrs. MURRAY):

S. 1980. A bill to amend the Rural Electrification Act of 1936 to ensure improved access to the signals of local television stations by multichannel video providers to all households which desire such service in unserved and underserved rural areas by December 31, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

21ST CENTURY RURAL UTILITY SERVICE RURAL DEVELOPMENT ENHANCEMENT THROUGH LOCAL INFORMATION ACT

• Mr. BAUCUS. Mr. President, along with Senators HARKIN, DASCHLE, KERREY, DURBIN, JOHNSON, WELLSTONE, CONRAD, ROCKEFELLER, BRYAN, REID, LEAHY, WYDEN, and MURRAY. I am pleased to introduce a bill today on behalf of our country's rural satellite consumers. This is a bill to amend the Rural Electrification Act of 1936, appropriately entitled, "the 21st Century Rural Utility Service Rural Development Enhancement Through Local Information Act."

We all know that modern technology has made it possible to broadcast TV programming directly from satellites. Nationwide, over 11 million households subscribe to satellite TV, and that number increases by over 2 million households a year.

Rural areas have come to depend on the network coverage that satellites provide. In Montana, where over 35 percent of homes depend on satellite broadcasting for their TV reception, this development has been a real boon.

While satellite broadcasting has improved the quality of life for folks in rural America, it hasn't been perfect. Satellite systems haven't been able to carry local broadcast stations. So local viewers haven't always been able to get local broadcasting.

And this is not just a problem for satellite subscribers. It's a problem for the local TV broadcasters and for the fabric of local communities. Local broadcasters play a key role in our communities.

They provide local news, local weather, and public service programs. Viewers depend on these broadcasts to find out about what's going on in their community. When the school board, PTA, and city council are meeting. Or when there's a parade or a fund-raiser for their church or civic groups.

Local broadcasters are vital to our local economies. They provide jobs, and they allow local businesses to grow through advertising. In short, the importance of local broadcasting is evident in all parts of community life.

And they also provide network programming: NBC, ABC, CBS, and FOX. Nineteen of the twenty TV stations in Montana are affiliated with one of these networks, or with the Public Broadcasting System.

These stations air national news, sports and entertainment at times of the day when people with jobs and kids can watch.

Without these local broadcasts, you might miss the evening network news because it comes on before you get home from work, or because it airs late at night. People want local network coverage because it works in their lives.

Until now, technology has not provided for rebroadcast of local signals by satellites. Many rural residents haven't been able to get decent reception over the air.

Of course, we in the Senate cannot change technology or geography. What we can do is change the law. We can make local into local broadcasting a reality, and we should.

Last spring, we passed H.R. 1554. At the time, we neglected an important responsibility. The language we passed would have required the turn-off of network programming to many rural satellite viewers.

It would have done nothing to help the many local broadcasts in smaller cities and towns. A big oversight.

Following the vote, I wrote a letter to the conference asking that it pay attention to the needs of the many viewers, communities, businesses and stations that had been ignored. Twenty-three of my colleagues, from both sides of the aisle, signed the letter.

As you know, Mr. President, yesterday the House passed the omnibus appropriations bill, and the Senate is slated to take the same vote this evening. Mr. President, I was very disheartened when I learned that the ever important loan guarantee provision was pulled out of the Conference Report on the Satellite bill at the last minute. That is why I'm introducing this bill today, because this loan guarantee will help America's 11 million rural satellite consumers. It's time for us as lawmakers to say "we care about those folks up in 2 Dot that simply want to watch local news." This is our chance to expand rural access so that no matter how large or small your town is, you're going to be able to enjoy the benefits of Satellite TV.

This bill includes a loan guarantee that will make it possible for all local stations to be broadcast on satellite. Not just those in the very largest cities and towns. Without this, the other "local into local" provisions of the Satellite Home Viewer Act are an empty promise to the rural and small town Americans who depend on satellites.

Mr. President, I look forward to holding hearings on this bill during our adjournment and coming back to see a swift resolution to this issue in January. It is time, no, it's overtime, for us to act on this important issue.•

By Mr. KENNEDY:

S. 1981. A bill to amend title XI of the Public Health Service Act to provide for the use of new genetic technologies to meet the health care needs of the public; to the Committee on Health, Education, Labor, and Pensions.

GENETICS AND PUBLIC HEALTH SERVICES ACT

Mr. KENNEDY. Mr. President, advances in biomedical science and technology in this century have given us many tools to improve our understanding of the causes of disease, and to develop better strategies to prevent and treat human illness. The recent explosion of knowledge in genetics offers us the newest and most powerful weapons in the war against disease and suffering.

The legislation I am introducing, the Genetics and Public Health Services Act, will increase the federal, state and local public health resources needed to translate genetic information and technology into strategies to improve public health.

Our national investment in science, and in particular in the National Institutes of Health, is reaping important dividends for the entire country. As a result of the Human Genome Project and other public and private sector research, we soon may have access to the entire human genetic code. From work accomplished so far, scientists have begun to develop a greater understanding of how genes contribute to the development of common diseases, such as cancer, diabetes, hypertension, depression, heart disease and many other illnesses. Genetic information and technology have enormous potential for improving our efforts to promote health and combat disease.

Based on current understanding of genes and human disease, we know that at least 65 percent of Americans have or will have a health problem for which there is a clear genetic contribution. Some have rare, but serious, conditions—such as cystic fibrosis, sickle cell disease or phenylketonuria. Many more have common disorders—asthma, diabetes, cancer, heart disease, stroke and depression—in which genetic predisposition plays an important role.

Genetic information can help us to understand and identify those at risk for serious diseases and conditions, and help doctors monitor their health in order to diagnose and treat the diseases before they cause irreversible injury or death.

Advancing our understand of genetics will revolutionize the treatment of disease. For example, understanding the genetic factors that contribute to Alzheimer's disease will help us to understand why some patients seem to respond to a new treatment, while others do not. Genetic information may soon be able to predict the types of individuals who have intolerable side effects from certain therapies. Doctors will be able to use genetic information to choose safer and more effective treatments that are tailored to each individual.

Medical scientists are now beginning to think about genetic-based strategies to prevent illness, too. Understanding how genes contribute to the development of disease will give us new ways to intervene before disease develops. We will be able to use new therapies to prevent stroke, heart disease and many other conditions that cause disability and premature death.

We have an unprecedented opportunity to use the expanding knowledge in genetics to improve health care. Scientific discoveries based on genetic information will change the face of health care in the future. But we lack the resources and systems needed today to translate that information into effective steps to diagnose, treat, and ultimately prevented disease.

In order to realize the potential benefits of genetic information and technology, we must invest the resources needed to translate this knowledge into practical approaches to health care. We must do this quickly, to keep pace with the explosion of knowledge coming from public and private sector scientists.

This legislation accomplishes these goals by creating two new grant programs in the Department of Health and Human Services. The first provides grants to states to develop and maintain ways to safely and effectively use genetic information in their state and local public health programs. The second grant program focuses on the translation of new genetic information and technologies to practical public health strategies that can be used in public and private health care.

The grant program for states will support methods to incorporate genetics at every level of state and local public health systems. Each state and territory has a unique population and a unique public health program. This proposal provides states with the support and flexibility to design approaches tailored to their specific needs and existing resources. States may use funds to establish and maintain essential resources, such as information systems, service programs, and other fundamental elements. States will be required to monitor, evaluate and report on the impact of programs and systems funded by the Act.

Responsible use of genetic information must be based on scientific data. The second grant program created by this legislation addresses the need for ongoing development and evaluation of public health strategies that use genetic information and technology. The bill creates a demonstration program for public and private non-profit organizations to test innovative approaches for using genetic information to improve people's health, and to evaluate the suitability of such approaches for incorporation into state and local public health programs.

Broad input from all parties is a key ingredient for successful and safe use of genetic information to improve public health. Individuals must not be coerced to participate in genetic testing. It is important to involve the public in local, state and federal decisions about how to use genetic information in developing public health policy.

Evidence suggests that many people are afraid to take advantage of available genetic tests because they fear discrimination in the workplace or in the health insurance market. Until we pass legislation to stop such discrimination, those fears are grounded in reality. We know that steps can be taken to protect the confidentiality of genetic information and to better educate the public about the issues surrounding genetic testing. This legislation requires each state to show how it plans to involve the public in the design and implementation of its proposal. The legislation also establishes a federal advisory committee to assist the Secretary of Health and Human Services in the implementation and oversight of programs under this Act.

Public participation is essential. Our system has failed if we offer population-wide testing for predisposition to stroke, but fail to educate individuals who must decide whether to be tested. Our system has failed if we implement population-wide testing for predisposition to breast cancer, but fail to provide access to the care that is needed to reduce the risk of developing disease.

Effective integration of genetics into public health systems must build on current efforts of the private and the public sector, including the work of many federal agencies. These include the achievements of the Human Genome Project at the National Institutes of Health, the Food and Drug Administration's oversight of certain aspects of genetic testing, the ongoing work of the Secretary's Advisory Committee on Genetic Testing, and the contributions of the project on the Ethical Legal and Social Implications of the Human Genome Project at the Department of Energy. Our new Federal commitment to safe and effective use of new genetic information and technology in the public health system will also draw significantly upon the expertise of the Health Resources and Services Administration. Translating genetic information and technology into practice will benefit as well from the expertise of the Centers for Disease Control and Prevention in disease surveillance and in developing and testing new public health strategies.

This legislation emphasizes the need to educate both health care providers and the general public. It also provides the structure and resources to include genetics in all aspects of public health—from the development of policy to the delivery of services. We must ensure that our entire public health system is ready and able to respond to the challenge of using genetic information for improving health.

The Genetics and Public Health Services Act is supported by leading public health and genetics organizations, including the American Public Health Association, the American College of Medical Genetics, the National Society of Genetic Counselors, and the American Society of Human Genetics. The Alliance of Genetic Support Groups—representing those who live with genetic diseases—has written eloquently about the need to improve the resources dedicated to integrating genetics into public health. I am confident this support will grow in the coming months.

Genetics research has brought us to an era of limitless possibility. The 21st century will be the century of life sciences. I hope my colleagues will join me in this effort to take advantage of this unprecedented opportunity to improve America's health. I ask unanimous consent that a summary of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE GENETICS AND PUBLIC HEALTH SERVICES ACT

Amends the Public Health Service Act to (1) establish, expand and maintain resources and expertise needed for safe and effective use of genetic information and technology in state and local public health programs and (2) support essential applied research and systems development to translate new and emerging genetic information into practical public health strategies.

BLOCK GRANTS, APPLIED RESEARCH AND DEMONSTRATION PROJECTS

Creates a new federal-state matching block grant program to (1) develop systems that promote access to quality genetic services regardless of race, ethnicity, and ability to pay; (2) establish, maintain, or supervise programs to reduce the mortality and morbidity for heritable disorders in the population of the state; (3) identify and develop a network of experts within state and county health agencies to assess the need for and assure the referral to or provision of quality genetic services; (4) promote understanding among the public and health care professionals of genetic disorders; and (5) provide a mechanism for public input on state-designed genetic policies and programs.

Establishes new authority to develop and evaluate strategies to use emerging genetic information and technology to improve the public health.

Application requirements and procedures

Block grants: In general, individual states will apply for and receive the block grants; however, two or more states may submit a joint multi-state application.

Applied research/demonstration projects: Eligible entities are states and public or private non-profit organizations, which may partner with other entities in the private sector.

ESTABLISHES AN ADVISORY COMMITTEE

Members include representatives from other appropriate federal agencies, the clinical genetics community, research community, private sector, the public, and state health agencies. The Committee shall (1) assist the Secretary in the implementation of the Act, (2) assist with coordination among participating agencies and (3) maintain involvement of the broader health community in the development and oversight of related Public Health and Genetics programs.

AUTHORIZATION AND ALLOCATIONS

Authorizes $100,000,000 for each of fiscal years 2000 through 2009. Seventy percent is dedicated to state block grant programs, evaluation activities and the Advisory Committee. Thirty percent of the total allocation is set-aside for funding demonstration projects. States are eligible for a minimum of up to $400,000 annually from the block grant; allocations in excess of $400,000 are determined by a formula based upon population. Funds may be expended for two fiscal years after initial award; unspent funds may be reallocated. States must provide $2 for every $3 federal dollars.

REPORTS

States report annually to HHS on the activities supported by the block grant. HRSA and CDC submit an annual report to the Advisory Committee on activities supported by the Act; this report is transmitted by the Advisory Committee with comments to the Secretary and to Congress.

AMERICAN PUBLIC HEALTH ASSOCIATION,
Washington, DC, November 9, 1999.
Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: The American Public Health Association (APHA), representing over 50,000 public health professionals dedicated to advancing the nation's health is pleased with your introduction of the Genetics and Public Health Services Act.

This legislation would amend the Public Health Service Act to expand public health resources needed to translate genetic information and technology into practical strategies to improve the public health. APHA strongly supports the safe and effective integration of genetic information and technology into public health practice.

Specifically, the legislation would provide funding to states to develop and maintain resources needed to use genetic information and technology at all levels of public health systems. The bill would support the development of expertise within state and county health agencies to evaluate the potential impact of public health strategies based on genetic information, to assess the need for genetic services, to provide expert input for policy development, and to assure appropriate referral to or provision of quality genetic services regardless of race, ethnicity or ability to pay.

APHA looks forward to working with you in moving this important legislation forward. Thank you again for your leadership on this important public health matter.

Sincerely,

MOHAMMAD N. AKHER,
Executive Director.

ALLIANCE OF GENETIC SUPPORT GROUPS,
Washington, DC, November 10, 1999.
Senator EDWARD KENNEDY,
U.S. Senate,
Washington DC.

DEAR SENATOR KENNEDY: On behalf of the members of the Alliance of Genetic Support Groups, I am writing to express our strong interest in increasing resources for the necessary expansion of genetic services within state, federal and local public health systems.

The Alliance of Genetic Support Groups is a national coalition of individuals, families and professionals working together to enhance the lives of everyone with genetic conditions. The Alliance mission is to bring the "people perspective" to the forefront of discussions about access to quality healthcare, privacy, discrimination and research. Representing 280 support groups of individuals and families with genetic conditions and professional organizations, the Alliance acts on behalf of over three million individuals and families.

We know, through our membership network and callers to our Genetics Helpline, that resources are desperately needed to address the disparities across the state and federal public health systems.

We want to emphasize that genetics, from a public health perspective, is much more than simply genetic testing. Vastly increased resources are needed to prepare public health systems to deliver comprehensive and quality genetic services. We need to train public health professionals, educate the public, create family-centered public policies and develop a comprehensive care system that links people to all the services they need—before, after and as a result of genetic testing.

We applaud your commitment to address these concerns, as well as others close to our members' hearts, about genetic discrimination, privacy and access to quality health care. The Alliance of Genetic Support Groups deeply appreciates all that you have done and are continuing to do to ensure the translation of genetic knowledge into improved public health.

Sincerely,

MARY E. DAVIDSON,
Executive Director.

AMERICAN COLLEGE
OF MEDICAL GENETICS
Bethesda, MD, November 10, 1999.
Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: As President of the American College of Medical Genetics (ACMG), I am writing to express our deep appreciation and support for your efforts to address the need for more extensive resources and services for public health genetics at the state and federal levels.

The ACMG is a professional organization representing board-certified clinical and laboratory geneticists. We are the newest specialty to be recognized by the American Board of Medical Specialties, and we have full representation in the House of Delegates of the American Medical Association.

As I recently testified before the Secretary's Advisory Committee on Genetic Testing, knowledge of genetics has expanded rapidly thanks to the enormous international investment in the Human Genome Project. However, little attention has been paid to the crucial issue of integrating it into health care delivery. Medical geneticists are uniquely aware of the need for a thoughtful and organized approach to the translation of achievements in research so that all physicians can more effectively address the problems of individuals who suffer from or have a predisposition toward diseases caused by genetic defects. It is increasingly clear that virtually every common (or rare) disease has a genetic component, thereby making every American citizen a potential beneficiary of medical genetic services. Thus the tools to prevent and to effectively treat diabetes, cancer, hypertension, heart disease, Alzheimer's, asthma, and so many others, will depend not only on knowledge and technology, but also on a systematic integration of these into our health care system at all levels.

The bill you have introduced (Genetic and Public Health Services Act) provides the resources and organization that can unite the expertise of geneticists and public health officials and help us enter the next century with tools to dramatically improve the public health.

Sincerely,

R. RODNEY HOWELL,
President.

NATIONAL SOCIETY OF
GENETIC COUNSELORS, INC.,
Wallingford, PA, November 16, 1999.
Senator EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: The National Society of Genetic Counselors (NSGC) is pleased to write this letter of support for a bill you are introducing to establish "The Genetics and Public Health Services Act."

The National Society of Genetic Counselors is the leading voice, authority and advocate for the genetic counseling profession and represents over 1700 genetic counselors. Genetic counselors are master's degree level trained healthcare professionals. We work with patients to help them understand the genetics of their condition and implications for other family members, coordinate evaluations, testing and care and link patients with supportive resources. In our work with patients, we translate complex genetic information into understandable terms and promote autonomous decision-making about their healthcare. Additional information about the NSGC can be found on our website (*http://www.nsgc.org*).

Advances are rapidly being made on the identification of gene mutations that cause diseases and genetic conditions. The Human Genome Project, which was initiated in 1990, is mapping the location of all genes. The wealth of genetic information generated by the Human Genome Project will require wide dissemination. Strategies must be developed to translate this genetic information into quality healthcare. Clearly, there is a great need for the development of programs that will ensure that patients are appropriately referred and have access to quality genetic services regardless of race, ethnicity and ability to pay. It will also be important to develop programs that will ease the physical burden associated with genetic conditions and improve treatment.

We would like to express our appreciation for your past efforts on healthcare issues, particularly your efforts with the Kennedy-Kassebaum bill to address the risk of genetic discrimination. With the introduction of "The Genetics and Public Health Services Act," you demonstrate foresight in anticipating the greater need for genetic services, once again showing your commitment to quality healthcare for all of us.

Sincerely,

WENDY R. UHLMANN,
President.

THE AMERICAN SOCIETY
OF HUMAN GENETICS,
Bethesda, MD, November 10, 1999.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: As President of the American Society of Human Genetics (ASHG), I am writing to express our deep appreciation and support for your efforts to address the need for more extensive resources and services for public health genetics at the state and local levels.

The ASHG is a professional organization representing a wide spectrum of human genetics professionals including clinical and laboratory geneticists, genetic counselors, nurses and others interested in the many phases of human genetics studies.

As was recently stated before the Secretary's Advisory Committee on Genetic Testing, knowledge of genetics has expanded rapidly thanks to the enormous international investment in the Human Genome Project. However, little attention has been paid to the crucial issue of integrating this knowledge into health care delivery. Medical geneticists are uniquely aware of the need for a thoughtful and organized approach to the translation of achievements in research, so that all physicians can more effectively address the problems of individuals who suffer from or have a predisposition to diseases caused by genetic defects. It is increasingly clear that genetic factors are important for virtually every common condition that affects large segments of the population. Thus, the capability to prevent and effectively treat diabetes, cancer, hypertension, heart disease, Alzheimer's, asthma, and many others, will depend not only on expanding knowledge and technology, but also on a systematic integration of these advances into our health care system at all levels.

The bill you have introduced (Genetic and Public Health Services Act) provides the resources and organization that can unite the expertise of geneticists and public health officials and provide the means to dramatically improve the health of the people by the provision of quality genetic services.

Sincerely,

UTA FRANCKE,
President.

By Mrs. MURRAY (for herself, Mr. CRAIG, Mr. SMITH of Oregon, Mrs. BOXER, and Mrs. FEINSTEIN):

S. 1983. a bill to amend the Agricultural Trade Act of 1978 to increase the amount of funds available for certain agricultural trade programs; to the Committee on Agriculture, Nutrition, and Forestry.

THE AGRICULTURAL MARKET ACCESS AND DEVELOPMENT ACT

Mrs. MURRAY. Mr. President, I rise today with Senators CRAIG, SMITH of Oregon, BOXER, and FEINSTEIN to introduce the Agricultural Market Access and Development Act.

Mr. President, farmers and ranchers in our nation are hurting. Rural communities in my home state of Washington have been severely impacted by the current crisis in agriculture. The causes are complex and diverse, and have been discussed at great length on the floor of the United States Senate. Low prices, the loss of markets in Asia, foreign trade barriers, dumping, and industry concentration are just a few of the difficulties farmers and ranchers, the Administration, and Members of Congress are struggling to overcome.

I am pleased Congress acted to provide emergency assistance as part of the fiscal year 2000 agriculture appropriations act. However, while this package was desperately needed, it left our many so-called "minor crop" producers across the country. It failed to reform our nation's plicy on unilateral sanctions. And it didn't compel us to dedicate time to really resolve long-term issues that will put American agriculture on a more solid foundation. One long-term issue that deserves attention is federal support for market access and development.

Today, I am introducing the Agricultural Market Access and Development Act to ensure our producers have the resources they need to expand their overseas markets. My bill would authorize the Secretary of Agriculture to spend up to $200 million—but not less than the current $90 million—for the Market Access Program. And it would set a floor of $35 million for spending on the foreign Market Development "Cooperator" Program.

While many Members of Congress and producers have advocated increased funding for MAP and the Cooperator Program, these efforts have been complicated by our work to balance the budget and meet other important national commitments. At the same time, the agricultural community is frustrated over the use—or lack of use—of the Export Enhancement Program.

Debate will continue on the merits of using the Export Enhancement Program. Nevertheless, I believe we cannot afford to continue wasting the precious dollars we target toward agricultural trade. That is exactly what is happening now: hundreds of millions of dollars in the Export Enhancement Program remain unspent and unused while foreign governments heavily subsidize and protect their agricultural economies to the detriment of American producers.

My bill seeks to recover some of our lost trade resources and convert them into new opportunities for our farmers and ranchers. My bill would give the Secretary of Agriculture the authority to direct a percentage of unspent Export Enhancement Program dollars to market access and development programs within the Commodity Credit Corporation. If less than 20 percent of funds authorized for the Export Enhancement Program are spent by July 1 of a given fiscal year, the Secretary could direct up to 50 percent of unspent EEP funds to other programs. If less than 50 percent—but more than 20 percent—of funds authorized for EEP are spent by July 1 of a given fiscal year, the Secretary could direct up to 20 percent of unspent EEP funds to other programs.

Mr. President, I am introducing this legislation today to advance the discussion on using all of our trade resources. The numbers included in my bill will be subject to further discussion and I welcome it. However, I believe this legislation represents a serious effort to use our scarce resources wisely.

Our current trade negotiations on agriculture show that we must be willing and able to use federal resources to promote trade. If we do not, our negotiations and our producers cannot succeed.

As we head into the Seattle Round of the World Trade Organization this fall, we need to commit ourselves to promoting trade and expanding market access. Without this commitment, we will lose opportunities to market our products overseas. Without this commitment, the changes we made to our farm policy in 1996 will not have a chance in the world of succeeding.

As I said before, Mr. President, agricultural producers in my state of Washington are hurting. My state is home to more than 200 "minor" crops. Washington state is known for its productive apple industry. Unfortunately, that industry is in the midst of a terrible economic crisis. The loss of markets in Asia, non-frozen apple juice concentrate dumping by China, oversupply, poor weather conditions in 1998, and generally low prices are driving hundreds of family farms out of business.

This Congress needs to do a better job of addressing the plight of all commodity producers, not just those who grow major commodities. My legislation is a step in the right direction. It seeks to increase funding for the Market Access Program, which is popular among fruit and vegetable growers. In fact, it is one of the few federal programs that benefit fruit and vegetable producers. Since this Congress has shown its reluctance to target meaningful federal aid to minor crop producers, the least we can do is strengthen the voluntary programs that work for these producers. If we do not, we will be failing to promote economic stability in many rural communities.

However, my bill is not just intended to help fruit and vegetable producers. It also encourages transferring unused trade dollars to the Foreign Market

Development Program, which is used by program commodities. Both MAP and FMD represent the kind of federal-industry partnerships we should be encouraging at a time of limited government resources.

Mr. President, let me briefly address one criticism of the Market Access Program: the issue of whether it is primarily a program that benefits large corporations. Congress reformed MAP—known before the 1996 farm bill as the Market Promotion Program—in 1996 to ensure that large corporations with no connections to producers could not access MAP funds. I strongly supported that change.

The new law did allow for the program's continued use by farmers' cooperatives, some of which are major industry players. However, it is clear to me, and to others who follow the farm economy, that encouraging the development of farmers' cooperatives is one of the few bright spots in our efforts to keep family farms on the land. Therefore, while opponents will continue to point to a few examples of entities they believe in no way should be involved in the program, I believe my colleagues should keep the broader picture in mind. MAP deserves our support.

Next year, Congress should address long-term agricultural issues. And one of those issues should be the transfer of unused Export Enhancement Program funds to market access and development programs. I urge my colleagues to join me in this effort.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1983

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Agricultural Market Access and Development Act of 1999".

SEC. 2. MARKET ACCESS PROGRAM.

Section 211(c)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)(1)) is amended by striking "and not more than $90,000,000 for each of fiscal years 1996 through 2002," and inserting "not more than $90,000,000 for each of fiscal years 1996 through 1999, and not less than $90,000,000 nor more than $200,000,000 for each of fiscal years 2000 through 2002,".

SEC. 3. USE OF EXPORT ENHANCEMENT PROGRAM FUNDS FOR MARKET ACCESS OR DEVELOPMENT PROGRAMS.

Section 301(e) of the Agricultural Trade Act of 1978 (7 U.S.C. 5651) is amended by adding at the end the following:

"(3) USE OF EXPORT ENHANCEMENT PROGRAM FUNDS FOR MARKET ACCESS OR DEVELOPMENT PROGRAMS.—

"(A) LESS THAN 20 PERCENT USE.—If on July 1 of a fiscal year less than 20 percent of the maximum amount of funds authorized to carry out the program established under this section have been expended during that fiscal year to carry out the program established under this section, the Commodity Credit Corporation may use not more than 50 percent of the unexpended amount to carry out market access and development programs of the Commodity Credit Corporation during that fiscal year.

"(B) LESS THAN 50 PERCENT USE.—If on July 1 of a fiscal year less than 50 percent, but more than 20 percent, of the maximum amount of funds authorized to carry out the program established under this section have been expended during that fiscal year to carry out the program established under this section, the Commodity Credit Corporation may use not more than 20 percent of the unexpended amount to carry out market access and development programs of the Commodity Credit Corporation during that fiscal year.".

SEC. 4. FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM.

Section 703 of the Agricultural Trade Act of 1978 (7 U.S.C. 5723) is amended to read as follows:

"SEC. 703. FUNDING.

"The Secretary shall use to carry out this title for each of fiscal years 2000 through 2002 not less than $35,000,000 of the funds of the Commodity Credit Corporation.".

• Mr. SMITH of Oregon. Mr. President, I rise before the Senate today to express my support for legislation, introduced by Senator MURRAY and others, that would allow the U.S. Department of Agriculture to allocate to the Market Access Program unused Export Enhancement Program funds.

I have long been a supporter of the Market Access Program, which was designed to promote American agricultural products in foreign markets. Since its inception, it has proven to be a model program and has successfully fostered the growth of American agriculture producers through the expansion of exports. For smaller states like Oregon, the Market Access Program has played a critical role in getting the word out on an array of agricultural goods that otherwise have difficulty penetrating overseas markets. Many Oregon commodities, such as grass seed, tree fruits, and potatoes have benefitted greatly in recent years from the Market Access Program funding. For example, last year the Market Access Program enabled a delegation of Oregon grass seed growers to travel to China to meet with government officials interested in finding quality grass seed to stabilize river banks near the Three Gorges Dam project on the Yangtze River. There are numerous other examples where Oregon commodities have been able to make good use of these federal dollars.

Despite the achievements of the Market Access Program in recent years, funding for the program has been capped at $90 million. I am pleased today to cosponsor this bill which authorizes the Secretary of Agriculture to increase the Market Access Program funding up to a total of $200 million using unapportioned Export Enhancement Program funds.

This proposal has widespread support in my state from farmers and the agricultural groups that represent them. they recognize, as I do, that expanding markets overseas will be key to restoring the farm economy.

Mr. President, I am hopeful that the Senate will take up this issue early in the next session. I urge my colleagues to join in support of this legislation to enhance American agricultural export efforts and the family farms that depend upon them.•

By Mr. TORRICELLI:

S. 1985. A bill to amend the Internal Revenue Code of 1986 to lower the adjusted gross income threshold for deductible disaster casualty losses to 5 percent, to make such deduction an above-the-line deduction, and to allow an election to take such deduction for the preceding or succeeding year; to the Committee on Finance.

• Mr. TORRICELLI. Mr. President, I rise today to introduce the Disaster Victims Tax Relief Act. This legislation will help mitigate the losses that hundreds of thousands of Americans incur each year as a result of natural disasters, and helps clear the path towards full recovery.

My home state of New Jersey is not known as a place which suffers tropical storms or hurricanes with great frequency. However, this past September, many of my constituent witnessed nature's fury first hand. Hurricane Floyd, one of the largest storms in recent history, battered much of New Jersey, along with the several other Eastern states, with winds in excess of 140 miles per hour and flash downpours which caused extensive flooding. To date, the flooding caused by this disaster has inflicted more than $500 million in damages in New Jersey alone, and it is estimated that this figure may exceed more than $1 billion when the final costs are calculated. In terms of economic damages, New Jersey was the second most heavily damaged state as a result of Floyd.

Natural disasters, such as the one we recently witnessed, too often cause people to lose their homes and the businesses that were made successful through a lifetime of hard work. This pain is exacerbated by the fact that they are still required to meet a heavy tax burden for that year. It is unreasonable to expect these unfortunate Americans to meet their full tax responsibilities after suffering a cataclysmic disaster such as a hurricane such as a hurricane or flood. While our current tax code includes a provision that addresses this situation, qualification requirements ensure that the overwhelming majority of victims cannot utilize the provision to their benefit.

Under current law, an individual may deduct uninsured damages or "casualty losses" incurred from a natural disaster so long as those losses exceed 10 percent of their adjusted gross income (AGI). Unfortunately, many victims of disasters have found that this threshold is too high for them to qualify. Compounding this situation is the fact that only the small percentage of taxpayers who itemize their deductions are effectively eligible to claim their disaster losses as a deduction. This is troubling because 75 percent of taxpayers who do not itemize, comprised mostly of lower and middle class families who need this benefit most, cannot participate.

The bill I introduce today is straight forward. First it would reduce the current AGI threshold from 10 percent to 5 percent. Second, it would make the deductions available an "above the line" deduction. These two provisions would enable the majority of American taxpayers, who do not itemize their returns, to benefit. Third, my bill would institute a 2-year "carry back or forward" provision which would allow people who incur casualty losses to claim the deductions on either the previous year's return, or they can defer and claim the losses either the following year or the year after. Finally this bill is narrowly tailored to provide relief to those people who need it most; those who live in a federally declared disaster area. This will help avoid abuse of the provision.

Mr. President, people who have emerged from earthquakes, tornadoes, hurricanes and floods are confronted with the daunting task of rebuilding their lives in the face of overwhelming economic loss and the emotional trauma of losing everything they own. Their tax burden should not be one of the obstacles that they must overcome in order to embark on the road to recovery. This bill will help ensure that this is not the case. I would urge my colleagues in the Senate to fully support this legislation.●

By Mr. DASCHLE (for himself, Mr. HATCH, Mr. BROWNBACK, Mr. HARKIN, Mr. JOHNSON, Mr. DORGAN, Mr. BAUCUS, Mr. CONRAD, Mr. BINGAMAN, Mr. VOINOVICH, and Mr. BURNS):

S. 1988. A bill to reform the State inspection of meat and poultry in the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

NEW MARKETS FOR STATE-INSPECTED MEAT ACT OF 1999

Mr. DASCHLE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1988

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "New Markets for State-Inspected Meat Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Review of State meat and poultry inspection programs.

TITLE I—MEAT INSPECTION

Sec. 101. Federal and State cooperation on meat inspection for intrastate distribution.
Sec. 102. State meat inspection programs.

TITLE II—POULTRY INSPECTION

Sec. 201. Federal and State cooperation on poultry inspection for intrastate distribution.
Sec. 202. State poultry inspection programs.

TITLE III—GENERAL PROVISIONS

Sec. 301. Regulations.
Sec. 302. Termination of authority to establish interstate inspection programs.

SEC. 2. REVIEW OF STATE MEAT AND POULTRY INSPECTION PROGRAMS.

(a) IN GENERAL.—Not later than September 30, 2001, the Secretary of Agriculture shall conduct a comprehensive review of each State meat and poultry inspection program, which shall include—

(1) a determination of the effectiveness of the State program; and

(2) identification of changes that are necessary to enable future transition to a State program of enforcing Federal inspection requirements as described in the amendments made by sections 102 and 202.

(b) COMMENT FROM INTERESTED PARTIES.—In designing the review described in subsection (a), the Secretary of Agriculture shall, to the maximum extent practicable, obtain comment from interested parties.

(c) FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(2) AVAILABLE FUNDS.—Notwithstanding any other provision of law, only funds specifically appropriated under paragraph (1) may be used to carry out this section.

TITLE I—MEAT INSPECTION

SEC. 101. FEDERAL AND STATE COOPERATION ON MEAT INSPECTION FOR INTRASTATE DISTRIBUTION.

(a) REDESIGNATION.—

(1) IN GENERAL.—The Federal Meat Inspection Act is amended—

(A) by redesignating title III (21 U.S.C. 661 et seq.) as title V and moving that title to the end of that Act;

(B) by redesignating section 301 (21 U.S.C. 661) as section 501;

(C) in title V (as redesignated by subparagraph (A)), by striking the title heading and inserting the following:

"TITLE V—FEDERAL AND STATE COOPERATION ON MEAT INSPECTION FOR INTRASTATE DISTRIBUTION";

and

(D) in the fourth sentence of section 501(c)(1) (as redesignated by subparagraph (B)), by striking "section 301 of the Act" and inserting "subsection (a)(4)".

(2) CONFORMING AMENDMENTS.—

(A) Section 7(c) of the Federal Meat Inspection Act (21 U.S.C. 607(c)) is amended in the second sentence by striking "section 301 of this Act" and inserting "section 501(a)(4)".

(B) Section 24 of the Federal Meat Inspection Act (21 U.S.C. 624) is amended in the last sentence by striking "section 301 of this Act" and inserting "section 501(a)(4)".

(C) Section 205 of the Federal Meat Inspection Act (21 U.S.C. 645) is amended by striking "section 301 of this Act" and inserting "section 501(a)(4)".

(3) EFFECTIVE DATE.—This subsection takes effect on October 1, 2001.

(b) REPEAL.—

(1) IN GENERAL.—Title V of the Federal Meat Inspection Act (as amended by subsection (a)(1)) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 7(c) of the Federal Meat Inspection Act (21 U.S.C. 607(c)) (as amended by subsection (a)(2)(A)) is amended in the second sentence by striking "section 501(a)(4)" and inserting "section 413".

(B) Section 24 of the Federal Meat Inspection Act (21 U.S.C. 624) (as amended by subsection (a)(2)(B)) is amended in the last sentence by striking "section 501(a)(4)" and inserting "section 413".

(C) Section 205 of the Federal Meat Inspection Act (21 U.S.C. 645) (as amended by subsection (a)(2)(C)) is amended by striking "section 501(a)(4)" and inserting "section 413".

(3) EFFECTIVE DATE.—Except as provided in section 302, this subsection takes effect on October 1, 2002.

SEC. 102. STATE MEAT INSPECTION PROGRAMS.

(a) IN GENERAL.—The Federal Meat Inspection Act (as amended by section 101(a)(1)(A)) is amended by inserting after title II (21 U.S.C. 641 et seq.) the following:

"TITLE III—STATE MEAT INSPECTION PROGRAMS

"SEC. 301. POLICY AND FINDINGS.

"(a) POLICY.—It is the policy of Congress to protect the public from meat and meat food products that are adulterated or misbranded and to assist in efforts by State and other government agencies to accomplish that policy.

"(b) FINDINGS.—Congress finds that—

"(1) the goal of a safe and wholesome supply of meat and meat food products throughout the United States would be better served if a consistent set of requirements, established by the Federal Government, were applied to all meat and meat food products, whether produced under State inspection or Federal inspection;

"(2) under such a system, State and Federal meat inspection programs would function together to create a seamless inspection system to ensure food safety and inspire consumer confidence in the food supply in interstate commerce; and

"(3) such a system would ensure the viability of State meat inspection programs, which should help to foster the viability of small establishments.

"SEC. 302. APPROVAL OF STATE MEAT INSPECTION PROGRAMS.

"(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary may approve a State meat inspection program and allow the shipment in commerce of carcasses, parts of carcasses, meat, and meat food products inspected under the State meat inspection program in accordance with this title.

"(b) ELIGIBILITY.—

"(1) IN GENERAL.—To receive or maintain approval from the Secretary for a State meat inspection program in accordance with subsection (a), a State shall—

"(A) implement a State meat inspection program that enforces the mandatory antemortem and postmortem inspection, reinspection, sanitation, and related Federal requirements of titles I, II, and IV (including the regulations issued under those titles); and

"(B) enter into a cooperative agreement with the Secretary in accordance with subsection (c).

‘‘(2) ADDITIONAL REQUIREMENTS.—

‘‘(A) IN GENERAL.—In addition to the requirements specified in paragraph (1), a State meat inspection program reviewed in accordance with section 2 of the Federal Meat and Poultry State Inspection Requirements Act of 1999 shall implement, not later than October 1, 2002, all recommendations from the review, in a manner approved by the Secretary.

‘‘(B) REVIEW OF NEW STATE MEAT INSPECTION PROGRAMS.—

‘‘(i) DEFINITION OF NEW STATE MEAT INSPECTION PROGRAM.—In this subparagraph, the term ‘new State meat inspection program’ means a State meat inspection program that is not approved in accordance with subsection (a) between October 1, 2001, and September 30, 2002.

‘‘(ii) REVIEW REQUIREMENT.—Not later than 1 year after the date on which the Secretary approves a new State meat inspection program, the Secretary shall conduct a comprehensive review of the new State meat inspection program, which shall include—

‘‘(I) a determination of the effectiveness of the new State meat inspection program; and

‘‘(II) identification of changes necessary to ensure enforcement of Federal inspection requirements.

‘‘(iii) IMPLEMENTATION REQUIREMENTS.—In addition to the requirements specified in paragraph (1), to continue to be an approved State meat inspection program, a new State meat inspection program shall implement all recommendations from the review conducted in accordance with this subparagraph, in a manner approved by the Secretary.

‘‘(c) COOPERATIVE AGREEMENT.—Notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into a cooperative agreement with a State that establishes the terms governing the relationship between the Secretary and the State meat inspection program and provides for the following:

‘‘(1) PROVISIONS CONSISTENT WITH THIS ACT.—The State will adopt (including adoption by reference) provisions identical to titles I, II, and IV (including the regulations issued under those titles).

‘‘(2) MARKING OF PRODUCT.—

‘‘(A) OFFICIAL MARKS.—State-inspected and passed meat and meat food products will be marked under the supervision of a State inspector with the official mark and be deemed to have been inspected by the Secretary for the purposes of this Act and to have passed the inspection.

‘‘(B) ADDITIONAL MARKS.—In addition to the official mark, State-inspected and passed meat and meat food products may be marked with the mark of State inspection, in accordance with requirements issued by the Secretary.

‘‘(3) LABELING REQUIREMENTS.—The State will comply with all labeling requirements issued by the Secretary governing meat and meat food products inspected under the State meat inspection program.

‘‘(4) AUTHORITY OF THE SECRETARY.—The Secretary shall have authority—

‘‘(A) to detain and seize livestock, carcasses, parts of carcasses, meat, and meat food products under the State meat inspection program;

‘‘(B) to obtain access to facilities, records, livestock, carcasses, parts of carcasses, meat, and meat food products of any person, firm, or corporation that slaughters, processes, handles, stores, transports, or sells meat or meat food products inspected under the State meat inspection program to determine compliance with this Act (including the regulations issued under this Act); and

‘‘(C) to direct the State to conduct any activity authorized to be conducted by the Secretary under this Act (including the regulations issued under this Act).

‘‘(5) OTHER TERMS.—The cooperative agreement shall include such other terms as the Secretary determines to be necessary to ensure that the actions of the State and the State meat inspection program are consistent with this Act (including the regulations issued under this Act).

‘‘(d) ADDITIONAL REQUIREMENTS.—

‘‘(1) IN GENERAL.—A State may impose additional requirements on establishments under the State meat inspection program, as approved by the Secretary.

‘‘(2) RESTRICTION ON ESTABLISHMENT SIZE.—The Secretary shall authorize a State to establish the maximum size of establishments that the State will accept into the State meat inspection program.

‘‘(e) REIMBURSEMENT OF STATE COSTS.—The Secretary may reimburse the State for not more than 60 percent of the State's costs of meeting the Federal requirements for the State meat inspection program.

‘‘(f) SAMPLING.—

‘‘(1) SALMONELLA SAMPLING AND TESTING.—To the extent that the Secretary requires establishments to meet microbiological performance standards for Salmonella, the Secretary shall sample and test for Salmonella in establishments subject to inspection under the State meat inspection program.

‘‘(2) OTHER SAMPLING AND TESTING.—In addition to the activities described in paragraph (1), the Secretary may perform other sampling and testing of meat and meat food products in establishments described in that paragraph.

‘‘(g) NONCOMPLIANCE.—If the Secretary determines that a State meat inspection program does not comply with this title or the cooperative agreement under subsection (c), the Secretary shall take such action as the Secretary determines to be necessary to ensure that the carcasses, parts of carcasses, meat, and meat food products in the State are inspected in a manner that effectuates this Act (including the regulations issued under this Act).

“SEC. 303. AUTHORITY TO TAKE OVER STATE MEAT INSPECTION PROGRAMS.

‘‘(a) NOTIFICATION.—If the Secretary has reason to believe that a State is not in compliance with this Act (including the regulations issued under this Act) or the cooperative agreement under section 302(c) and is considering the revocation or temporary suspension of the approval of the State meat inspection program, the Secretary shall promptly notify and consult with the Governor of the State.

‘‘(b) SUSPENSION AND REVOCATION.—

‘‘(1) IN GENERAL.—The Secretary may revoke or temporarily suspend the approval of a State meat inspection program and take over a State meat inspection program if the Secretary determines that the State meat inspection program is not in compliance with this Act (including the regulations issued under this Act) or the cooperative agreement.

‘‘(2) PROCEDURES FOR REINSTATEMENT.—A State meat inspection program that has been the subject of a revocation may be reinstated as an approved State meat inspection program under this Act only in accordance with the procedures under section 302(b)(2)(B).

‘‘(c) PUBLICATION.—If the Secretary revokes or temporarily suspends the approval of a State meat inspection program in accordance with subsection (b), the Secretary shall publish the determination under that subsection in the Federal Register.

‘‘(d) INSPECTION OF ESTABLISHMENTS.—Upon the expiration of 30 days after the date of publication of a determination under subsection (c), an establishment subject to a State meat inspection program with respect to which the Secretary makes a determination under subsection (b) shall be inspected by the Secretary.

“SEC. 304. EXPEDITED AUTHORITY TO TAKE OVER INSPECTION OF STATE-INSPECTED ESTABLISHMENTS.

‘‘Notwithstanding any other provision of this title, if the Secretary determines that an establishment operating under a State meat inspection program is not operating in accordance with this Act (including the regulations issued under this Act) or the cooperative agreement under section 302(c), and the State, after notification by the Secretary to the Governor, has not taken appropriate action within a reasonable time as determined by the Secretary, the Secretary may immediately determine that the establishment is an establishment that shall be inspected by the Secretary, until such time as the Secretary determines that the State will meet the requirements of this Act (including the regulations) and the cooperative agreement with respect to the establishment.

“SEC. 305. ANNUAL REVIEW.

‘‘(a) IN GENERAL.—The Secretary shall develop and implement a process to review annually each State meat inspection program approved under this title and to certify the State meat inspection programs that comply with the cooperative agreement entered into with the State under section 302(c).

‘‘(b) COMMENT FROM INTERESTED PARTIES.—In designing the review process described in subsection (a), the Secretary shall solicit comment from interested parties.

“SEC. 306. FEDERAL INSPECTION OPTION.

‘‘(a) IN GENERAL.—An establishment that operates in a State with an approved State meat inspection program may apply for inspection under the State meat inspection program or for Federal inspection.

‘‘(b) LIMITATION.—An establishment shall not make an application under subsection (a) more than once every 4 years.’’.

(b) RESTAURANTS AND RETAIL STORES.—Title IV of the Federal Meat Inspection Act is amended—

(1) by redesignating section 411 (21 U.S.C. 681) as section 414; and

(2) by inserting after section 410 (21 U.S.C. 680) the following:

“SEC. 411. RESTAURANTS AND RETAIL STORES.

‘‘(a) LIMITATION ON APPLICABILITY OF INSPECTION REQUIREMENTS.—The provisions of this Act requiring inspection of the slaughter of animals and the preparation of carcasses, parts of carcasses, meat, and meat food products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, if the operations are conducted at a retail store, restaurant, or similar retail establishment for sale of such prepared articles in normal retail quantities or for service of the articles to consumers at such an establishment.

‘‘(b) CENTRAL KITCHEN FACILITIES.—

‘‘(1) IN GENERAL.—For the purposes of this section, operations conducted at a central kitchen facility of a restaurant shall be considered to be conducted at a restaurant if the central kitchen of the restaurant prepares meat or meat food products that are ready to eat when they leave the facility and are served in meals or as entrees only to customers at restaurants owned or operated by the same person, firm, or corporation that owns or operates the facility.

‘‘(2) EXCEPTION.—A facility described in paragraph (1) shall be subject to section 202 and may be subject to the inspection requirements of title I for as long as the Secretary determines to be necessary, if the Secretary determines that the sanitary conditions or practices of the facility or the processing procedures or methods at the facility are such that any of the meat or meat food products of the facility are rendered adulterated.

“SEC. 412. ACCEPTANCE OF INTERSTATE SHIPMENTS OF MEAT AND MEAT FOOD PRODUCTS.

“Notwithstanding any provision of State law, a State or local government shall not prohibit or restrict the movement or sale of meat or meat food products that have been inspected and passed in accordance with this Act for interstate commerce.

“SEC. 413. ADVISORY COMMITTEES FOR FEDERAL AND STATE PROGRAMS.

“The Secretary may appoint advisory committees consisting of such representatives of appropriate State agencies as the Secretary and the State agencies may designate to consult with the Secretary concerning State and Federal programs with respect to meat inspection and other matters within the scope of this Act.”.

(c) EFFECTIVE DATE.—This section takes effect on October 1, 2001.

TITLE II—POULTRY INSPECTION

SEC. 201. FEDERAL AND STATE COOPERATION ON POULTRY INSPECTION FOR INTRASTATE DISTRIBUTION.

(a) REDESIGNATION.—

(1) IN GENERAL.—Section 5 of the Poultry Products Inspection Act (21 U.S.C. 454) is redesignated as section 34 and moved to the end of that Act.

(2) INTRASTATE PROGRAM.—Section 34 of the Poultry Products Inspection Act (as redesignated by paragraph (1)) is amended by striking the section heading and inserting the following:

“SEC. 34. FEDERAL AND STATE COOPERATION ON POULTRY INSPECTION FOR INTRASTATE DISTRIBUTION.”.

(3) CONFORMING AMENDMENTS.—

(A) Section 8(b) of the Poultry Products Inspection Act (21 U.S.C. 457(b)) is amended in the second sentence by striking “section 5 of this Act” and inserting “section 34(a)(4)”.

(B) Section 11(e) of the Poultry Products Inspection Act (21 U.S.C. 460(e)) is amended by striking “section 5 of this Act” and inserting “section 34(a)(4)”.

(4) EFFECTIVE DATE.—This subsection takes effect on October 1, 2001.

(b) REPEAL.—

(1) IN GENERAL.—Section 34 of the Poultry Products Inspection Act (as redesignated by subsection (a)(1)) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 8(b) of the Poultry Products Inspection Act (21 U.S.C. 457(b)) (as amended by subsection (a)(3)(A)) is amended in the second sentence by striking “section 34(a)(4)” and inserting “section 33”.

(B) Section 11(e) of the Poultry Products Inspection Act (21 U.S.C. 460(e)) (as amended by subsection (a)(3)(B)) is amended by striking “section 34(a)(4)” and inserting “section 33”.

(3) EFFECTIVE DATE.—Except as provided in section 302, this subsection takes effect on October 1, 2002.

SEC. 202. STATE POULTRY INSPECTION PROGRAMS.

(a) IN GENERAL.—The Poultry Products Inspection Act (21 U.S.C. 451 et seq.) (as amended by section 201(a)(1)) is amended by inserting after section 4 the following:

“SEC. 5. STATE POULTRY INSPECTION PROGRAMS.

“(a) POLICY.—It is the policy of Congress to protect the public from poultry products that are adulterated or misbranded and to assist in efforts by State and other government agencies to accomplish that policy.

“(b) FINDINGS.—Congress finds that—

“(1) the goal of a safe and wholesome supply of poultry products throughout the United States would be better served if a consistent set of requirements, established by the Federal Government, were applied to all poultry products, whether produced under State inspection or Federal inspection;

“(2) under such a system, State and Federal poultry inspection programs would function together to create a seamless inspection system to ensure food safety and inspire consumer confidence in the food supply in interstate commerce; and

“(3) such a system would ensure the viability of State poultry inspection programs, which should help to foster the viability of small official establishments.

“(c) APPROVAL OF STATE POULTRY INSPECTION PROGRAMS.—

“(1) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary may approve a State poultry inspection program and allow the shipment in commerce of poultry products inspected under the State poultry inspection program in accordance with this section and section 5A.

“(2) ELIGIBILITY.—

“(A) IN GENERAL.—To receive or maintain approval from the Secretary for a State poultry inspection program in accordance with paragraph (1), a State shall—

“(i) implement a State poultry inspection program that enforces the mandatory antemortem and postmortem inspection, reinspection, sanitation, and related Federal requirements of sections 1 through 4 and 6 through 33 (including the regulations issued under those sections); and

“(ii) enter into a cooperative agreement with the Secretary in accordance with paragraph (3).

“(B) ADDITIONAL REQUIREMENTS.—

“(i) IN GENERAL.—In addition to the requirements specified in subparagraph (A), a State poultry inspection program reviewed in accordance with section 2 of the Federal Meat and Poultry State Inspection Requirements Act of 1999 shall implement, not later than October 1, 2002, all recommendations from the review, in a manner approved by the Secretary.

“(ii) REVIEW OF NEW STATE POULTRY INSPECTION PROGRAMS.—

“(I) DEFINITION OF NEW STATE POULTRY INSPECTION PROGRAM.—In this clause, the term ‘new State poultry inspection program’ means a State poultry inspection program that is not approved in accordance with paragraph (1) between October 1, 2001, and September 30, 2002.

“(II) REVIEW REQUIREMENT.—Not later than 1 year after the date on which the Secretary approves a new State poultry inspection program, the Secretary shall conduct a comprehensive review of the new State poultry inspection program, which shall include—

“(aa) a determination of the effectiveness of the new State poultry inspection program; and

“(bb) identification of changes necessary to ensure enforcement under the new State poultry inspection program of Federal inspection requirements.

“(III) IMPLEMENTATION REQUIREMENTS.—In addition to the requirements specified in subparagraph (A), to continue to be an approved State poultry inspection program, a new State poultry inspection program shall implement all recommendations from the review conducted in accordance with this clause, in a manner approved by the Secretary.

“(3) COOPERATIVE AGREEMENT.—Notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into a cooperative agreement with a State that establishes the terms governing the relationship between the Secretary and the State poultry inspection program and provides for the following:

“(A) PROVISIONS CONSISTENT WITH THIS ACT.—The State will adopt (including adoption by reference) provisions identical to sections 1 through 4 and 6 through 33 (including the regulations issued under those sections).

“(B) MARKING OF PRODUCT.—

“(i) OFFICIAL MARKS.—State-inspected and passed poultry products will be marked under the supervision of a State inspector with the official mark and be deemed to have been inspected by the Secretary for the purposes of this Act and to have passed the inspection.

“(ii) ADDITIONAL MARKS.—In addition to the official mark, State-inspected and passed poultry products may be marked with the mark of State inspection, in accordance with requirements issued by the Secretary.

“(C) LABELING REQUIREMENTS.—The State will comply with all labeling requirements issued by the Secretary governing poultry products inspected under the State poultry inspection program.

“(D) AUTHORITY OF THE SECRETARY.—The Secretary shall have authority—

“(i) to detain and seize poultry and poultry products under the State poultry inspection program;

“(ii) to obtain access to facilities, records, and poultry products of any person that slaughters, processes, handles, stores, transports, or sells poultry products inspected under the State poultry inspection program to determine compliance with this Act (including the regulations issued under this Act); and

“(iii) to direct the State to conduct any activity authorized to be conducted by the Secretary under this Act (including the regulations issued under this Act).

“(E) OTHER TERMS.—The cooperative agreement shall include such other terms as the Secretary determines to be necessary to ensure that the actions of the State and the State poultry inspection program are consistent with this Act (including the regulations issued under this Act).

“(4) ADDITIONAL REQUIREMENTS.—

“(A) IN GENERAL.—A State may impose additional requirements on official establishments under the State poultry inspection program, as approved by the Secretary.

“(B) RESTRICTION ON ESTABLISHMENT SIZE.—The Secretary shall authorize a State to establish the maximum size of official establishments that the State will accept into the State poultry inspection program.

“(5) REIMBURSEMENT OF STATE COSTS.—The Secretary may reimburse the State for not more than 60 percent of the State's costs of meeting the Federal requirements for the State poultry inspection program.

“(6) SAMPLING.—

“(A) SALMONELLA SAMPLING AND TESTING.—To the extent that the Secretary requires official establishments to meet microbiological performance standards for Salmonella, the Secretary shall sample and test for Salmonella in official establishments subject to inspection under the State poultry inspection program.

“(B) OTHER SAMPLING AND TESTING.—In addition to the activities described in subparagraph (A), the Secretary may perform other sampling and testing of poultry products in official establishments described in that subparagraph.

"(7) Noncompliance.—If the Secretary determines that a State poultry inspection program does not comply with this section, section 5A, or the cooperative agreement under paragraph (3), the Secretary shall take such action as the Secretary determines to be necessary to ensure that the poultry products in the State are inspected in a manner that effectuates this Act (including the regulations issued under this Act).

"(d) Annual Review.—

"(1) In general.—The Secretary shall develop and implement a process to review annually each State poultry inspection program approved under this section and to certify the State poultry inspection programs that comply with the cooperative agreement entered into with the State under subsection (c)(3).

"(2) Comment from interested parties.—In designing the review process described in paragraph (1), the Secretary shall solicit comment from interested parties.

"(e) Federal Inspection Option.—

"(1) In general.—An official establishment that operates in a State with an approved State poultry inspection program may apply for inspection under the State poultry inspection program or for Federal inspection.

"(2) Limitation.—An official establishment shall not make an application under paragraph (1) more than once every 4 years.

"SEC. 5A. AUTHORITY TO TAKE OVER STATE POULTRY INSPECTION ACTIVITIES.

"(a) Authority To Take Over State Poultry Inspection Programs.—

"(1) Notification.—If the Secretary has reason to believe that a State is not in compliance with this Act (including the regulations issued under this Act) or the cooperative agreement under section 5(c)(3) and is considering the revocation or temporary suspension of the approval of the State poultry inspection program, the Secretary shall promptly notify and consult with the Governor of the State.

"(2) Suspension and revocation.—

"(A) In general.—The Secretary may revoke or temporarily suspend the approval of a State poultry inspection program and take over a State poultry inspection program if the Secretary determines that the State poultry inspection program is not in compliance with this Act (including the regulations issued under this Act) or the cooperative agreement.

"(B) Procedures for reinstatement.—A State poultry inspection program that has been the subject of a revocation may be reinstated as an approved State poultry inspection program under this Act only in accordance with the procedures under section 5(c)(2)(B)(ii).

"(3) Publication.—If the Secretary revokes or temporarily suspends the approval of a State poultry inspection program in accordance with paragraph (2), the Secretary shall publish the determination under that paragraph in the Federal Register.

"(4) Inspection of establishments.—Upon the expiration of 30 days after the date of publication of a determination under paragraph (3), an official establishment subject to a State poultry inspection program with respect to which the Secretary makes a determination under paragraph (2) shall be inspected by the Secretary.

"(b) Expedited Authority To Take Over Inspection of State-Inspected Official Establishments.—Notwithstanding any other provision of this title, if the Secretary determines that an official establishment operating under a State poultry inspection program is not operating in accordance with this Act (including the regulations issued under this Act) or the cooperative agreement under section 5(c)(3), and the State, after notification by the Secretary to the Governor, has not taken appropriate action within a reasonable time as determined by the Secretary, the Secretary may immediately determine that the official establishment is an establishment that shall be inspected by the Secretary, until such time as the Secretary determines that the State will meet the requirements of this Act (including the regulations) and the cooperative agreement with respect to the official establishment.".

(b) Restaurants and Retail Stores, Acceptance of Interstate Shipments of Poultry Products, and Advisory Committees for Federal and State Programs.—The Poultry Products Inspection Act (21 U.S.C. 451 et seq.) is amended by inserting after section 30 the following:

"SEC. 31. RESTAURANTS AND RETAIL STORES.

"(a) Limitation on Applicability of Inspection Requirements.—The provisions of this Act requiring inspection of the slaughter of poultry and the processing of poultry products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, if the operations are conducted at a retail store, restaurant, or similar retail establishment for sale of such prepared articles in normal retail quantities or for service of the articles to consumers at such an establishment.

"(b) Central Kitchen Facilities.—

"(1) In general.—For the purposes of this section, operations conducted at a central kitchen facility of a restaurant shall be considered to be conducted at a restaurant if the central kitchen of the restaurant prepares poultry products that are ready to eat when they leave the facility and are served in meals or as entrees only to customers at restaurants owned or operated by the same person that owns or operates the facility.

"(2) Exception.—A facility described in paragraph (1) shall be subject to section 11(b) and may be subject to the inspection requirements of this Act for as long as the Secretary determines to be necessary, if the Secretary determines that the sanitary conditions or practices of the facility or the processing procedures or methods at the facility are such that any of the poultry products of the facility are rendered adulterated.

"SEC. 32. ACCEPTANCE OF INTERSTATE SHIPMENTS OF POULTRY PRODUCTS.

"Notwithstanding any provision of State law, a State or local government shall not prohibit or restrict the movement or sale of poultry products that have been inspected and passed in accordance with this Act for interstate commerce.

"SEC. 33. ADVISORY COMMITTEES FOR FEDERAL AND STATE PROGRAMS.

"The Secretary may appoint advisory committees consisting of such representatives of appropriate State agencies as the Secretary and the State agencies may designate to consult with the Secretary concerning State and Federal programs with respect to poultry product inspection and other matters within the scope of this Act.".

(c) Effective Date.—This section takes effect on October 1, 2001.

TITLE III—GENERAL PROVISIONS

SEC. 301. REGULATIONS.

Not later than October 1, 2001, the Secretary of Agriculture may promulgate such regulations as are necessary to implement the amendments made by sections 102 and 202.

SEC. 302. TERMINATION OF AUTHORITY TO ESTABLISH AN INTERSTATE INSPECTION PROGRAMS.

If the Secretary of Agriculture has not approved any State meat inspection program or State poultry inspection program by entering into a cooperative agreement under title III of the Federal Meat Inspection Act and sections 5 and 5A of the Poultry Products Inspection Act (as amended by this Act) by September 30, 2002, sections 101(b), 102, 201(b), and 202, and the amendments made by those sections, are repealed effective as of that date.

By Mr. KOHL:

S. 1989. A bill to ensure that employees of traveling sales crews are protected under the Fair Labor Standards Act of 1938 and under other provisions of law; to the Committee on Health, Education, Labor, and Pensions.

TRAVELING SALES CREW PROTECTION ACT

Mr. KOHL. Mr. President, today I have introduced legislation to crack down on abuses in the traveling sales crew industry. These companies employ crews who travel from city to city selling products door to door. Often times, however, these companies mistreat their workers and violate local, state, and federal labor law. Because they rapidly move from state to state, enforcement efforts are difficult if not impossible for local authorities.

The plight of the workers in this business came home to me, and the citizens of Wisconsin, as a result of a particularly tragic crash in March of this year. A van carrying 14 young people overturned due to reckless driving, killing seven and injuring the others, many seriously. The driver had a suspended license and a series of violations. Unfortunately this is not an isolated incident. Since 1992, forty-two sales people have been killed or injured in similar crashes. The company involved in the Wisconsin crash had 92 labor violations and 105 violations for soliciting without a license.

Regrettably, there is more to these companies than just bad driving records. In 1987 Senator Roth, as part of the Permanent Subcommittee on Investigations looked into this industry, and was appalled at what he found. Incidents of verbal and physical abuse of workers were widespread. Young people were coerced into continuing to sell long after they wanted to leave through threats and taunts from their employees. When sellers were able to get free they were often unpaid or denied the bus ticket home they were promised when they signed up.

The compensation system for the workers was also rigged to ensure that workers could not leave. Prospective sellers were promised big bucks when they were recruited, but soon found that decent pay was difficult to come by. Sellers were paid on a commission basis according to their sales, but they were also charged by the company for their accommodations and fined for small infractions like showing up late to meetings or sleeping on the van. Salespeople were not paid in a timely manner, but their earnings were kept on "paper" and the employees only drew a daily allowance to pay for food. Employees were seldom allowed to see the paper work that tracked their earnings so they had little idea about how much they are entitled. Many found that they were not able to keep up with the sales and fell in debt to the company. After working 12 hours days, six days a week for months, employees actually owed the company money! These young people became indentured servants, working long hours for only room and board.

In the twelve years since Senator ROTH's investigation, nothing has changed. These abuses continue, and Congress should act.

In the Wisconsin case the company's record of disregard for local and state laws was a signal of their disdain for the safety of their workers. This company should not have been allowed to continue to operate with this kind of record. Government needed to step in earlier, before this tragedy occurred, instead of picking up the pieces afterward.

I am not one to frivolously engage in regulating business, but in this case the need for federal involvement is clear. Because of the mobility of these companies, states cannot crack down on these groups alone. They need federal help to eliminate the unscrupulous actors in the industry.

The Traveling Sales Crew Protection Act would take important steps to eliminate employers who abuse their workers. First, it would no longer allow minors to be employed in this line of work. Door to door sales can be dangerous work and combined with the long hours and hazardous travel, creates a job too dangerous for children. Second, the bill would narrowly eliminate the exemption under the Fair Labor Standards Act for these specific kinds of operations. Covering these employees with minimum wages laws and overtime requirements protects them from becoming indentured servants to their employers through complex compensation systems. This provision is carefully crafted to cover only traveling sales crews, individuals who sell over the road, or at trade shows would be unaffected. Lastly the bill creates a licensing procedure through the Department of Labor to monitor those engaged in supervising and running these operations.

These measures are important steps forward in a nationwide effort to eliminate this particularly abusive form of worker exploitation. I hope I will have my colleagues support as I try to make the painful crash in Janesville, the last chapter in this shameful story.

Mr. President, I ask unanimous consent that the text of my legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1989

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Traveling Sales Crew Protection Act".

TITLE I—FAIR LABOR STANDARDS ACT OF 1938

SEC. 101. APPLICATION OF PROVISIONS TO CERTAIN OUTSIDE SALESMAN.

(a) IN GENERAL.—Section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213) is amended by adding at the end the following:

"(k) For purposes of subsection (a)(1), and notwithstanding any other provision of law, the term 'outside salesman' shall not include any individual employed in the position of a salesman where the individual travels with a group of salespeople, including a supervisor, team leader or crew leader, and the employees in the group do not return to their permanent residences at the end of the work day.".

(b) LIMITATION ON CHILD LABOR.—Section 12 of the Fair Labor Standards Act of 1938 (29 U.S.C. 212) is amended by adding at the end the following:

"(e) No individual under 18 years of age may be employed in a position requiring the individual to engaged in door to door sales or in related support work in a manner that requires the individual to remain away from his or her permanent residence for more than 24 hours.".

(c) RULES AND REGULATIONS.—The Secretary of Labor may issue such rules and regulations as are necessary to carry out the amendments made by this section, consistent with the requirements of chapter 5 of title 5, United States Code.

TITLE II—PROTECTION OF TRAVELING SALES CREWS

SEC. 201. PURPOSE.

It is the purpose of this title—

(1) to remove the restraints on interstate commerce caused by activities detrimental to traveling sales crew workers;

(2) to require the employers of such workers to register under this Act; and

(3) to assure necessary protections for such employees.

SEC. 202. DEFINITIONS.

In this title:

(1) CERTIFICATE OF REGISTRATION.—The term "Certificate of Registration" means a Certificate issued by the Secretary under section 203(c)(1).

(2) EMPLOY.—The term "employ" has the meaning given such term by section 3(g) of the Fair Labor Standards Act of 1938 (29 U.S.C. 201(g)).

(3) GOODS.—The term "goods" means wares, products, commodities, merchandise, or articles or subjects of interstate commerce of any character, or any part or ingredient thereof.

(4) PERSON.—The term "person" means any individual, partnership, association, joint stock company, trust, cooperative, or corporation.

(5) SALE, SELL.—The terms "sale" or "sell" include any sale, exchange, contract to sell, consignment for sale, shipment for sale, or other disposition of goods.

(6) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(7) TRAVELING SALES CREW WORKER.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "traveling sales crew worker" means an individual who—

(i) is employed as a salesperson or in related support work;

(ii) travels with a group of salespersons, including a supervisor; and

(iii) is required to be absent overnight from his or her permanent place of residence.

(B) LIMITATION.—The term "traveling sales crew worker" does not include—

(i) any individual who meets the requirements of subparagraph (A) if such individual is traveling to a trade show or convention; or

(ii) any immediate family member of a traveling sales crew employer.

SEC. 203. REGISTRATION OF EMPLOYERS AND SUPERVISORS OF TRAVELING SALES CREW WORKERS.

(a) REGISTRATION REQUIREMENT.—

(1) IN GENERAL.—No person shall engage in any form of employment of traveling sales crew workers, unless such person has a certificate of registration from the Secretary.

(2) SUPERVISORS.—A traveling sales crew employer shall not hire, employ, or use any individual as a supervisor of a traveling sales crew, unless such individual has a certificate of registration from the Secretary.

(3) DISPLAY OF CERTIFICATE OF REGISTRATION.—Each registered traveling sales crew employer and each registered traveling sales crew supervisor shall carry at all times while engaging in traveling sales crew activities a certificate of registration from the Secretary and, upon request, shall exhibit that certificate to all persons with whom they intend to deal.

(b) APPLICATION FOR REGISTRATION.—Any person desiring to be issued a certificate of registration from the Secretary, as either a traveling sales crew employer or traveling sales crew supervisor, shall file with the Secretary a written application that contains the following:

(1) A declaration, subscribed and sworn to by the applicant, stating the applicant's permanent place of residence, the type or types of sales activities to be performed, and such other relevant information as the Secretary may require.

(2) A statement identifying each vehicle to be used to transport any member of any traveling sales crew and, if the vehicle is or will be owned or controlled by the applicant, documentation showing that the applicant is in compliance with the requirements of section 204(d) with respect to each such vehicle.

(3) A statement identifying, with as much specificity as the Secretary may require, each facility or real property to be used to house any member of any traveling sales crew and, if the facility or real property is or will be owned or controlled by the applicant, documentation showing that the applicant is in compliance with section 204(e) with respect to each such facility or real property.

(4) A set of fingerprints of the applicant.

(5) A declaration, subscribed and sworn to by the applicant, consenting to the designation by a court of the Secretary as an agent available to accept service of summons in any action against the applicant, if the applicant has left the jurisdiction in which the action is commenced or otherwise has become unavailable to accept service.

(c) ISSUANCE OF CERTIFICATE OF REGISTRATION.—

(1) IN GENERAL.—In accordance with regulations, and after any investigation which the Secretary may deem appropriate, the Secretary shall issue a Certificate of Registration, as either a traveling sales crew

employer or traveling sales crew supervisor, to any person who meets the standards for such registration.

(2) Refusal to issue or renew, suspension and revocation.—The Secretary may refuse to issue or renew, or may suspend or revoke, a Certificate of Registration if the applicant for or holder or the Certificate—

(1) has knowingly made any misrepresentation in the application for such Certificate of Registration;

(2) is not the real party in interest with respect to the application or Certificate of Registration and the real party in interest is a person who—

(A) has been refused issuance or renewal of a Certificate;

(B) has had a Certificate suspended or revoked; or

(C) does not qualify for a Certificate under this section;

(3) has failed to comply with this title or any regulation promulgated under this title;

(4) has failed—

(A) to pay any court judgment obtained by the Secretary or any other person under this title or any regulation promulgated under this title; or

(B) to comply with any final order issued by the Secretary as a result of a violation of this title or any regulation promulgated under this title;

(5) has been convicted within the 5 years preceding the date on which the application was filed or the Certificate was issued—

(A) of any crime under Federal or State law relating to the sale, distribution or possession of alcoholic beverages or narcotics, in connection with or incident to any traveling sales crew activities;

(B) of any crime under Federal or State law relating to child abuse, neglect, or endangerment; or

(C) of any felony under Federal or State law involving robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, prostitution, peonage, or smuggling or harboring individuals who have entered the United States illegally;

(6) has been found to have violated paragraph (1) or (2) of section 274A(a) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)(1) or (2));

(7) has failed to comply with any bonding or security requirements as the Secretary may establish; or

(8) has failed to satisfy any other requirement which the Secretary may by regulation establish.

(d) Administrative Proceedings and Judicial Review.—

(1) In general.—A person who is refused the issuance or renewal of a Certificate or Registration, or whose Certificate of Registration is suspended or revoked, shall be afforded an opportunity for an agency hearing, upon a request made within 30 days after the date of issuance of the notice of refusal, suspension, or revocation. If no hearing is requested as provided for in this subsection, the refusal, suspension, or revocation shall constitute a final and unappealable order.

(2) Hearing.—If a hearing is requested under paragraph (1), the initial agency decision shall be made by an administrative law judge, with all issues to be determined on the record pursuant to section 554 of title 5, United States Code, and such decision shall become the final order unless the Secretary modifies or vacates the decision. Notice of intent to modify or vacate the decision of the administrative law judge shall be issued to the parties within 90 days after the decision of the administrative law judge. A final order which takes effect under this paragraph shall be subject to review only as provided under paragraph (3).

(3) Review by court.—Any person against whom an order has been entered after an agency hearing under this subsection may obtain review by the United States district court for any district in which the person is located, or the United States District Court for the District of Columbia, by filing a notice of appeal in such court within 30 days from the date of such agency order, and simultaneously sending a copy of such notice by registered mail to the Secretary. The Secretary shall promptly certify and file in such court the record upon which the agency order was based. The findings of the Secretary shall be set aside only if found to be unsupported by substantial evidence as provided by section 706(2)(E) of title 5, United States code. Any final decision, order, or judgment of such District Court concerning such review shall be subject to appeal as provided for in chapter 83 of title 28, United States Code.

(e) Transfer or Assignment of Certificate; Expiration; Renewal.—

(1) Limitation.—A Certificate of Registration may not be transferred or assigned.

(2) Expiration and extension.—

(A) Expiration.—Unless earlier suspended or revoked, a Certificate of Registration shall expire 12 months from the date of issuance.

(B) Extension.—A Certificate of Registration may be temporarily extended, at the Secretary's discretion, by the filing of an application with the Secretary at least 30 days prior to the Certificate's expiration date.

(3) Renewal.—A Certificate of Registration may be renewed through the application process provided for in subsections (b) and (c).

(f) Notice of Address Change; Amendment of Certificate of Registration.—During the period for which a Certificate of Registration is in effect, the traveling sales crew employer or supervisor named on the Certificate shall—

(1) provide to the Secretary within 30 days a notice of each change of permanent place of residence; and

(2) apply to the Secretary to amend the Certificate of Registration whenever the person intends to—

(A) engage in any form of traveling sales crew activity not identified on the Certificate;

(B) use or cause to be used any vehicle not covered by the Certificate to transport any traveling sales crew worker; or

(C) use or cause to be used any facility or real property not covered by the Certificate to house any traveling sales crew worker.

(g) Filing Fee.—The Secretary shall require the payment of a fee by an employer filing an application for the issuance or renewal of a Certificate of Registration. The amount of the fee shall be $500 for a Certificate for an employer and $50 for a Certificate for a supervisor. Sums collected pursuant to this section shall be applied by the Secretary toward reimbursement of the costs of administering this title.

SEC. 204. OBLIGATIONS OF EMPLOYERS OF TRAVELING SALES CREW WORKERS.

(a) Disclosure of Terms and Conditions of Employment.—

(1) Written disclosure.—At the time of recruitment, each traveling sales crew worker shall be provided with a written disclosure of the following information, which shall be accurate and complete to the best of the employer's knowledge:

(A) The place or places of employment, stated with as much specificity as possible.

(B) The wage rate or rates to be paid.

(C) The type or types of work on which the worker may be employed.

(D) The period of employment.

(E) The transportation, housing, and any other employee benefit to be provided, and any costs to be charged to the worker for each such benefit.

(F) The existence of any strike or other concerted work stoppage, slowdown, or interruption of operations by employees at the place of employment.

(G) Whether State workers' compensation insurance is provided and, if so, the name of the State workers' compensation insurance carrier, the name of the policyholder of such insurance, the name and the telephone number of each person who must be notified of an injury or death, and the time period within which such notice must be given.

(2) Records and statements.—Each employer of traveling sales crew workers shall—

(A) with respect to each such worker, make, keep, and preserve records for 3 years of the—

(i) basis on which wages are paid;

(ii) number of piecework units earned, if paid on a piecework basis;

(iii) number of hours worked;

(iv) total pay period earnings;

(v) specific sums withheld and the purpose of each sum withheld; and

(vi) net pay; and

(B) provide to each worker for each pay period, an itemized written statement of the information required under subparagraph (A).

(b) Payment of Wages When Due.—Each traveling sales crew worker shall be paid the wages owed that worker when due. The payment of wages shall be in United States currency or in a negotiable instrument such as a bank check. The payment of wages shall be accompanied by the written disclosure required by subsection (a)(2)(B).

(c) Costs of Goods, Services, and Business Expenses.—

(1) Prohibition.—No employer of traveling sales crew workers shall—

(A) require any worker to purchase any goods or services solely from such employer; or

(B) impose on any worker any of the employer's business expenses, such as the cost of maintaining and operating a vehicle used to transport the traveling sales crew.

(2) Inclusion as part of wages.—An employer may include as part of the wages paid to a traveling sales crew worker the reasonable cost to the employer of furnishing board, lodging, or other facilities to such worker, so long as—

(A) such facilities are customarily furnished by such employer to the employees of the employer; and

(B) such cost does not exceed the fair market value of such facility and does not include any profit to the employer.

(d) Safety and Health in Transportation.—

(1) Standards.—An employer of traveling sales crew workers shall provide transportation for such workers in a manner that is consistent with the following standards:

(A) The employer shall ensure that each vehicle which the employer uses or causes to be used for such transportation conforms to the standards prescribed by the Secretary under paragraph (2) and conforms to other applicable Federal and State safety standards.

(B) The employer shall ensure that each driver of each such vehicle has a valid and appropriate license, as provided by State law, to operate the vehicle.

(C) The employer shall have an insurance policy or fidelity bond in accordance with subsection (c).

(2) PROMULGATION BY SECRETARY.—The Secretary shall prescribe, by regulation, such safety and health standards as may be appropriate for vehicles used to transport traveling sales crew workers. In establishing such standards, the Secretary shall consider—

(A) the type of vehicle used;

(B) the passenger capacity of the vehicle;

(C) the distance which such workers will be carried in the vehicle;

(D) the type of roads and highways on which such workers will be carried in the vehicle;

(E) the extent to which a proposed standard would cause an undue burden on an employer of traveling sales crew workers; and

(F) any standard prescribed by the Secretary of Transportation under part II of the Interstate Commerce Act (49 U.S.C. 301 et seq.) or any successor provision of subtitle IV of title 49, United States Code.

(e) SAFETY AND HEALTH IN HOUSING.—An employer of traveling sales crew workers shall provide housing for such workers in a manner that is consistent with the following standards:

(1) If the employer owns or controls the facility or real property which is used for housing traveling sales crew workers, the employer shall be responsible for ensuring that the facility or real property complies with substantive Federal and State safety and health standards applicable to that housing. Prior to occupancy by such workers, the facility or real property shall be certified by a State or local health authority or other appropriate agency as meeting applicable safety and health standards. Written notice shall be posted in the facility or real property, prior to and throughout the occupancy by such workers, informing such workers that the applicable safety and health standards are met.

(2) If the employer does not own or control the facility or real property which is used for housing traveling sales crew workers, the employer shall be responsible for ensuring that the owner or operator of such facility or real property complies with substantive Federal and State safety and health standards applicable to that housing. Such assurance by the employer shall include the verification that the owner or operator of such facility or real property is licensed and insured in accordance with all applicable State and local laws. The employer shall obtain such assurance prior to housing any workers in the facility or real property.

(f) INSURANCE OF VEHICLES; WORKERS' COMPENSATION INSURANCE.—

(1) INSURANCE.—An employer of traveling sales crew workers shall ensure that there is in effect, for each vehicle used to transport such workers, an insurance policy or a liability bond which insures the employer against liability for damage to persons and property arising from the ownership, operation, or the causing to be operated of such vehicle for such purpose. The level of insurance or liability bond required shall be determined by the Secretary considering at least the factors set forth in subsection (d)(2) and any relevant State law.

(2) WORKERS' COMPENSATION.—If an employer of traveling sales crew workers is the employer of such workers for purposes of a State workers' compensation law and such employer provides workers' compensation coverage for such workers as provided for by such State law, the following modifications to the requirements of paragraph (1) shall apply:

(A) No insurance policy or liability bond shall be required of the employer if such workers are transported only under circumstances for which there is workers' compensation coverage under such State law.

(B) An insurance policy or liability bond shall be required of the employer for all circumstances under which workers' compensation coverage for the transportation of such workers is not provided under such State law.

SEC. 205. ENFORCEMENT PROVISIONS.

(a) CRIMINAL SANCTIONS.—An employer who willfully and knowingly violates this title, or any regulation promulgated under this title, shall be fined not more than $10,000 or imprisoned for not to exceed 1 year, or both. Upon conviction for any subsequent violation of this title, or any such regulation, an employer shall be fined not more than $50,000 or imprisoned for not to exceed 3 years, or both.

(b) JUDICIAL ENFORCEMENT.—

(1) INJUNCTIVE RELIEF.—The Secretary may petition any appropriate district court of the United States for temporary or permanent injunctive relief if the Secretary determines that this title, or any regulation promulgated under this title, has been violated.

(2) SOLICITOR OF LABOR.—Except as provided in section 518(a) of title 28, United States Code, relating to litigation before the Supreme Court, the Solicitor of Labor may appear for and represent the Secretary in any civil litigation brought under this title, but all such litigation shall be subject to the direction and control of the Attorney General.

(c) ADMINISTRATIVE SANCTIONS; PROCEEDINGS.—

(1) CIVIL MONEY PENALTY.—Subject to paragraph (2), an employer that violates this title, or any regulation promulgated under this title, may be assessed a civil money penalty of not more than $10,000 for each such violation.

(2) DETERMINATION OF PENALTY.—In determining the amount of any penalty to be assessed under paragraph (1), the Secretary shall take into account—

(A) the previous record of the employer in terms of compliance with this title and the regulations promulgated under this title; and

(B) the gravity of the violation.

(3) PROCEEDINGS.—

(A) IN GENERAL.—An employer that is assessed a civil money penalty under this subsection shall be afforded an opportunity for an agency hearing, upon request made within 30 days after the date of issuance of the notice of assessment. In such hearing, all issues shall be determined on the record pursuant to section 554 of title 5, United States Code. If no hearing is requested as provided for in this paragraph, the assessment shall constitute a final and unappealable order.

(B) ADMINISTRATIVE LAW JUDGE.—If a hearing is requested under subparagraph (A), the initial agency decision shall be made by an administrative law judge, and such decision shall become the final order unless the Secretary modifies or vacates this decision. Notice of intent to modify or vacate the decision of the administrative law judge shall be issued to the parties within 90 days after the decision of the administrative law judge. A final order which takes effect under this paragraph shall be subject to review only as provided for under subparagraph (C).

(C) REVIEW.—An employer against whom an order imposing a civil money penalty has been entered after an agency hearing under this section may obtain review by the United States district court for any district in which the employer is located, or the United States District Court for the District of Columbia, by filing a notice of appeal in such court within 30 days from the date of such order and simultaneously sending a copy of such notice by registered mail to the Secretary. The Secretary shall promptly certify and file in such court the record upon which the penalty was imposed. The findings of the Secretary shall be set aside only if found to be unsupported by substantial evidence as provided by section 706(2)(E) of title 5, United States Code. Any final decision, order, or judgment of such District Court concerning such review shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

(D) FAILURE TO PAY.—If any person fails to pay an assessment after it has become a final and unappealable order under this paragraph, or after the court has entered final judgment in favor of the agency, the Secretary shall refer the matter to the Attorney General, who shall recover the amount assessed by action in the appropriate United States district court. In such action, the validity and appropriateness of the final order imposing the penalty shall not be subject to review.

(E) PAYMENT OF PENALTIES.—All penalties collected under authority of this section shall be paid into the Treasury of the United States.

(d) PRIVATE RIGHT OF ACTION.—

(1) IN GENERAL.—Any traveling sales crew worker aggrieved by a violation of this title, or any regulation promulgated under this title, by an employer may file suit in any district court of the United States having jurisdiction over the parties, without respect to the amount in controversy and without regard to exhaustion of any alternative administrative remedies provided for in this title.

(2) DAMAGES.—

(A) IN GENERAL.—If the court in an action under paragraph (1) finds that the defendant intentionally violated a provision of this Act, or a regulation promulgated under this Act, the court may award—

(i) damages up to and including an amount equal to the amount of actual damages;

(ii) statutory damages of not more than $1,000 per plaintiff per violation or, if such complaint is certified as a class action, not more than $1,000,000 for all plaintiffs in the class; or

(iii) other equitable relief.

(B) DETERMINATION OF AMOUNT.—In determining the amount of damages to be awarded under subparagraph (A), the court may consider whether an attempt was made to resolve the issues in dispute before the resort to litigation.

(C) WORKERS' COMPENSATION.—

(i) IN GENERAL.—Notwithstanding any other provision of this title, where a State workers' compensation law is applicable and coverage is provided for a traveling sales crew worker, the workers' compensation benefits shall be the exclusive remedy for loss of such worker under this title in the case of bodily injury or death in accordance with such State's workers' compensation law.

(ii) LIMITATION.—The exclusive remedy provided for under clause (i) precludes the recovery under subparagraph (A) of actual damages for loss from an injury or death but does not preclude recovery under such subparagraph for statutory damages (as provided for in clause (iii)) or equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

(I) a recovery under a State workers' compensation law; or

(II) rights conferred under a State workers' compensation law.

(iii) STATUTORY DAMAGES.—In an action in which a claim for actual damages is precluded as provided for in clause (ii), the court shall award statutory damages of not more than $20,000 per plaintiff per violation or, in the case of a class action, not more than $1,000,000 for all plaintiffs in the class, if the court finds any of the following:

(I) The defendant violated section 204(d) by knowingly requiring or permitting a driver to drive a vehicle for the transportation of the plaintiff or plaintiffs while under the influence of alcohol or a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), the defendant had actual knowledge of the driver's condition, such violation resulted in the injury or death of the plaintiff or plaintiffs, and such injury or death arose out of and in the course of employment as defined under the State worker's compensation law.

(II) The defendant was found by the court or was determined in a previous administrative or judicial proceeding to have violated a safety standard prescribed by the Secretary under section 204 and such violation resulted in the injury or death of the plaintiff or plaintiffs.

(III) The defendant willfully disabled or removed a safety device prescribed by the Secretary under section 204, or the defendant in conscious disregard of the requirements of such section failed to provide a safety device required by the Secretary, and such disablement, removal, or failure to provide a safety device resulted in the injury or death of the plaintiff or plaintiffs.

(IV) At the time of the violation of section 204, which resulted in the injury or death of the plaintiff or plaintiffs, the employer or the supervisor of the traveling sales crew did not have a Certificate of Registration in accordance with section 203.

(iv) DETERMINATION OF AMOUNT.—For purposes of determining the amount of statutory damages due to a plaintiff under this subparagraph, multiple infractions of a single provision of this title, or of regulations promulgated under this title, shall constitute a single violation.

(D) ATTORNEY'S FEE.—The court shall, in addition to any judgment awarded to the plaintiff or plaintiffs under this paragraph, allow a reasonable attorney's fee to be paid by the defendant or defendants, and costs of the action.

(E) APPEALS.—Any civil action brought under this subsection shall be subject to appeal as provided for in chapter 83 of title 28, United States Code.

(e) DISCRIMINATION PROHIBITED.—

(1) IN GENERAL.—No person shall intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against any traveling sales crew worker because such worker has, with just cause, filed any complaint or instituted, or caused to be instituted, any proceeding under or related to this title, or has testified or is about to testify in any such proceedings, or because of the exercise, with just cause, by such worker on behalf of the worker or others of any right or protection afforded by this title.

(2) COMPLAINT.—

(A) IN GENERAL.—A traveling sales crew worker who believes, with just cause, that such worker has been discriminated against in violation of this subsection may, within 12 months of the date of such violation, file a complaint with the Secretary alleging such discrimination.

(B) INVESTIGATION.—Upon receipt of a complaint under subparagraph (A), the Secretary shall cause such investigation to be made as the determines to be appropriate.

(C) ACTIONS.—If upon an investigation under subparagraph (B), the Secretary determines that the provisions of this subsection have been violated, the Secretary shall bring an action in any appropriate United States district court against the person involved.

(D) RELIEF.—In any action under subparagraph (C), the United States district court shall have jurisdiction, for cause shown, to restrain violations of this subsection and order all appropriate relief, including rehiring or reinstatement of the worker, with back pay, or damages.

(f) WAIVER OF RIGHTS.—Agreements by workers purporting to waive or to modify their rights under this title shall be void as contrary to public policy, except that a waiver or modification of rights in favor of the Secretary shall be valid for purposes of enforcement of this title.

(g) AUTHORITY TO OBTAIN INFORMATION.—

(1) IN GENERAL.—To carry out this title, the Secretary, either pursuant to a complaint or otherwise, shall, as may be appropriate, investigate and, in connection with such investigation, enter and inspect such places (including housing and vehicles) and such records (and make transcriptions thereof), question such persons and gather such information to determine compliance with this title, or regulations promulgated under this title.

(2) PRODUCTION AND RECEIPT OF EVIDENCE.—The Secretary may issue subpoenas requiring the attendance and testimony of witnesses or the production of any evidence in connection with investigations under paragraph (1). The Secretary may administer oaths, examine witnesses, and receive evidence. For the purpose of any hearing or investigation provided for in this title, the authority contained in sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49 and 50), relating to the attendance of witnesses and the production of books, papers, and documents, shall be available to the Secretary.

(3) CONFIDENTIALITY.—The Secretary shall conduct investigations under paragraph (1) in a manner which protects the confidentiality of any complainant or other party who provides information to the Secretary in good faith.

(4) VIOLATION.—It shall be violation of this title for any person to unlawfully resist, oppose, impede, intimidate, or interfere with any official of the Department of Labor assigned to perform any investigation, inspection, or law enforcement function pursuant to this title during the performance of such duties.

(h) STATE LAWS AND REGULATIONS; GOVERNMENT AGENCIES.—

(1) RELATION TO STATE LAWS.—This title is intended to supplement State law, and compliance with this title shall not be construed to excuse any person from compliance with appropriate State laws and regulations.

(2) AGREEMENTS.—The Secretary may enter into agreements with Federal and State agencies—

(A) to use their facilities and services;

(B) to delegate to Federal and State agencies such authority, other than rulemaking, as may be useful in carrying out this title; and

(C) to allocate or transfer funds to, or otherwise pay or reimburse, such agencies for expenses incurred pursuant to agreements under this paragraph.

(i) RULES AND REGULATIONS.—The Secretary may issue such rules and regulations as may be necessary to carry out this title, consistent with the requirements of chapter 5 of title 5, United States Code.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1990. A bill to designate the Federal building located at 501 I Street in Sacramento, California, as the "Joe Serna, Jr. United States Courthouse and Federal Building"; to the Committee on Environment and Public Works.

JOE SERNA, JR. UNITED STATES COURTHOUSE AND FEDERAL BUILDING

• Mrs. BOXER. Mr. President, today I am introducing legislation to honor one of the finest mayors to serve in California. My state, particularly my constituents in Sacramento lost a great Californian this fall with the passing of Sacramento Mayor Joe Serna.

My bill will name the new Federal Courthouse at 501 I Street the "Joe Serna, Jr. United States Courthouse and Federal Building" in honor of his contributions to Sacramento and the working men and women of California. Joe Serna was a man of great vision, courage, energy, warmth, and humor.

He was also a living embodiment of the American Dream: a first-generation American who helped to reshape the capital of our nation's largest state.

Mayor Serna was born in 1939, the son of Mexican immigrants. As the oldest of four children, Joe grew up in a bunkhouse and worked with his family in the beet fields around Lodi.

Mayor Serna never forgot his roots. After attending Sacramento City College and graduating from California State University, Sacramento, he served in the Peace Corps and went to work for the United Farm Workers, where Cesar Chavez became his mentor and role model.

After serving on the city's redevelopment agency in the 1970s, Mayor Serna was elected to the Council himself in 1981. He was elected mayor in 1992 and re-elected in 1996, winning both races by wide margins. Throughout his terms in office, he continued to work as a professor of government and ethnic studies at his alma mater, Cal State Sacramento.

Mayor Serna virtually rebuilt the city of Sacramento. He forged public-private partnerships to redevelop the downtown, revitalize the neighborhoods, and reform the public school system. He presided over an urban renaissance that transformed Sacramento into a dynamic modern metropolis. The new Sacramento Federal Building is a visible reminder of the redevelopment of Sacramento. Naming this building after Mayor Serna would be a fitting tribute.

Mayor Serna died as he lived: with great strength and dignity. Last month, as he publicly discussed his impending death from cancer, he said, "I was supposed to live and die as a farm worker, not as a mayor and a college professor. I have everything to be thankful for. I have the people to thank for allowing me to be their mayor. I have society to thank for the opportunity it has given me."

Mr. President, it is we who are thankful today for having had such a man serve the people of California, and I ask my colleagues to support this legislation to honor the legacy of Joe Serna, Jr.

Mr. President, I ask that the text of the bill be printed in the RECORD.

The bill follows:

S. 1990

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF JOE SERNA, JR. UNITED STATES COURTHOUSE AND FEDERAL BUILDING.

The Federal building located at 501 I Street in Sacramento, California, shall be known and designated as the "Joe Serna, Jr. United States Courthouse and Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the Joe Serna, Jr. United States Courthouse and Federal Building.●

By Ms. SNOWE:

S. 1992. A bill to provide States with loans to enable State entities or local governments within the States to make interest payments on qualified school construction bonds issued by the State entities or local governments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

BUILDING, RENOVATING, IMPROVING, AND CONSTRUCTING KIDS' SCHOOLS ACT

Ms. SNOWE. Mr. President, I rise today to introduce the "Building, Renovating, Improving, and Constructing Kids' Schools (BRICKS) Act"—legislation that would address our nation's burgeoning need for K–12 school construction, renovation, and repair. The legislation would accomplish this in a fiscally-responsible manner while seeking to find the middle ground between those who support a very direct, active federal role in school construction, and those who are concerned about an expanded federal role in what has been—and remains—a state and local responsibility.

Mr. President, the condition of many of our nation's existing public schools is abysmal even as the need for additional schools and classroom space grows. Specifically, according to reports issued by the General Accounting Office (GAO) in 1995 and 1996, fully one-third of all public schools needing extensive repair or replacement.

As further evidence of this problem, an issue brief prepared by the National Center for Education Statistics (NCES) in 1999 stated that the average public school in America is 42 years old, with school buildings beginning rapid deterioration after 40 years. In addition, the NCES brief found that 29 percent of all public schools are in the "oldest condition," which means that they were built prior to 1970 and have either never been renovated or were renovated prior to 1980.

Not only are our nation's schools in need of repair and renovation, but there is a growing demand for additional schools and classrooms due to an ongoing surge in student enrollment. Specifically, according to the NCES, at least 2,400 new public schools will need to be built by the year 2003 to accommodate our nation's burgeoning school rolls, which will grow from a record 52.7 million children today to 54.3 million by 2008.

Needless to say, the cost of addressing our nation's need for school renovations and construction is enormous. In fact, according to the General Accounting Office (GAO), it will cost $112 billion just to bring our nation's schools into good overall condition. Nowhere is this cost better understood than in my home state of Maine, where a recently-completed study by the Maine Department of Education and the State Board of Education determined that the cost of addressing the state's school building and construction needs stood at $637 million.

Mr. President, we simply cannot allow our nation's schools to fall into utter disrepair and obsolescence with children sitting in classrooms that have leaky ceilings or rotting walls. We cannot ignore the need for new schools as the record number of children enrolled in K–12 schools continues to grow.

Accordingly, because the cost of repairing and building these facilities may prove to be more than many state and local governments can bear in a short period of time, I believe the federal government can and should assist Maine and other state and local governments in addressing this growing national crisis.

Admittedly, not all members support strong federal intervention in what has been historically a state and local responsibility. In fact, many argue with merit that the best form of federal assistance for school construction or other local educational needs would be for the federal government to fulfill its commitment to fund 40 percent of the cost of special education. This long-standing commitment was made when the Individuals with Disabilities Education (IDEA) Act was signed into law more than 20 years ago, but the federal government has fallen woefully short in upholding its end of the bargain, only recently increasing its share to approximately 10 percent.

Needless to say, I strongly agree with those who argue that the federal government's failure to fulfill this mandate represents nothing less than a raid on the pocketbook of every state and local government. Accordingly, I am pleased that recent efforts in the Congress have increased federal funding for IDEA by a full 85 percent over the past three years, and I support ongoing efforts to achieve the 40 percent federal commitment in the near future.

Yet, even as we work to fulfill this long-standing commitment and thereby free up local resources to address local needs, I believe the federal government can do more to assist state and local governments in addressing their school construction needs without infringing on local control.

Mr. President, the legislation I am offering today—the "BRICKS Act"—will do just that . Specifically, it addresses our nation's school construction needs in a responsible fiscal manner while bridging the gap between those who advocate a more activist federal role in school construction and those who do not.

First, my legislation will provide $20 billion in federal loans to support school construction, renovation, and repair at the local level. By designating that these loans may only be used to pay the interests owed to bondholders on new, 15-year school construction bonds that are issued by state and local governments through the year 2002, the federal government will leverage the issuing of new bonds by states and localities that would not otherwise be made.

Of importance, these loan moneys—which will be distributed on an annual basis using the Title I distribution formula—will become available to each state at the request of a Governor. While the federal loans can only be used to support bond issues that will supplement, and not supplant, the amount of school construction that would have occurred in the absence of the loans, there will be no requirement that states engage in a lengthy application process that does not even assure them of their rightful share of the $20 billion pot.

Second, my bill ensures that these loans are made by the federal government in a fiscally responsible manner that does not cut into the Social Security surplus or claim a portion of non-Social Security surpluses that may prove ephemeral in the future.

Specifically, my bill would make these loans to states from the Exchange Stabilization Fund (ESF)—a fund that was created through the Gold Reserve Act of 1934 and has grown to hold more than $40 billion in assets. The principal activity of the fund—which is controlled solely by the Secretary of the Treasury—is foreign exchange intervention that is intended to limit fluctuations in exchange rates. However, the fund has also been used to provide stabilization loans to foreign countries, including a $20 billion line of credit to Mexico in 1995 to support the peso.

In light of the controversial manner in which the ESF has been used, some have argued that additional constraints should be placed on the fund. Still others—including former Federal Reserve Board Governor Lawrence B. Lindsey—have stated that, for various reasons, the fund should be liquidated.

Regardless of how one feels about exercising greater constraint over the ESF or liquidating it, I believe that if this $40 billion fund can be used to bailout foreign currencies, it certainly can be used to help America's schools.

Accordingly, I believe it is appropriate that the $20 billion in loans provided by my legislation will be made from the ESF—an amount identical to the line of credit that was extended to Mexico by the Secretary of the Treasury in 1995. Of importance, these loans will be made from the ESF on a progressive, annual basis—not in a sudden or immediate manner. Furthermore, these monies will be repaid to the fund with interest, to ensure that the ESF is compensated for the loans it makes.

Although the ESF will recoup all of the monies it lends plus interest, it should also be noted that my proposal ensures that state and local governments will not be forced to pay excessive interest—or that they will be forced to repay over an unreasonable time line. Specifically, my bill sets the interest rate for the loans at the average prime lending rate for the year in which the bonds are issued, with a cap of 4.5 percent—an amount that is lower than the prime lending rate in any of the previous 15 years. Furthermore, no payments will be owed—and no interest will accrue—until 2005, unless the federal government fulfills its commitment to fund 40 percent of the cost of special education prior to that time.

Combined, these provisions will minimize the cost of these loans to the states, and maximize the utilization of these loans for school construction, renovation, and repair.

Mr. President, by providing low-interest loans to states and local governments to support school construction, I believe that my bill represents a fiscally-responsible, centrist solution to a national problem.

For those who support a direct, active federal role in school construction, my bill provides substantial federal assistance by dedicating $20 billion to leverage a significant amount of new school construction bonds. For those who are concerned about the federal government becoming overly-engaged in an historically state and local responsibility—and thereby stepping on local control—my bill directs that the monies provided to states will be repaid with interest, and that no onerous applications or demands are placed on states to receive their share of these monies.

Mr. President, I urge that my colleagues support the "BRICKS Act"—legislation that is intended to bridge the gap between competing philosophies on the federal role in school construction. Ultimately, if we work together, we can make a tangible difference in the condition of America's schools without turning it into a partisan or ideological battle that is better suited to sound bites than actual solutions.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1992

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Building, Renovating, Improving, and Constructing Kids' Schools Act".

SEC. 2. FINDINGS.

Congress make the following findings:

(1) According to a 1999 issue brief prepared by the National Center for Education Statistics, the average public school in America is 42 years old, and school buildings begin rapid deterioration after 40 years. In addition, 29 percent of all public schools are in the oldest condition, meaning that the schools were built before 1970 and have either never been renovated or were renovated prior to 1980.

(2) According to reports issued by the General Accounting Office (GAO) in 1995 and 1996, it would cost $112,000,000,000 to bring the Nation's schools into good overall condition, and one-third of all public schools need extensive repair or replacement.

(3) Many schools do not have the appropriate infrastructure to support computers and other technologies that are necessary to prepare students for the jobs of the 21st century.

(4) Without impeding on local control, the Federal Government appropriately can assist State and local governments in addressing school construction, renovation, and repair needs by providing low-interest loans for purposes of paying interest on related bonds.

SEC. 3. DEFINITIONS.

In this Act:

(1) Bond.—The term "bond" includes any obligation.

(2) Governor.—The term "Governor" includes the chief executive officer of a State.

(3) Local educational agency.—The term "local educational agency" has the meaning given to such term by section 14101 of the Elementary and Secondary Education Act of 1965.

(4) Public school facility.—The term public school facility shall not include—

(A) any stadium or other facility primarily used for athletic contests or exhibitions, or other events for which admission is charged to the general public; or

(B) any facility which is not owned by a State or local government or any agency or instrumentality of a State or local government.

(5) Qualified school construction bond.—The term "qualified school construction bond" means any bond issued as part of an issue if—

(A) 95 percent or more of the proceeds of such issue are to be used for the construction, rehabilitation, or repair of a public school facility or for the acquisition of land on which such a facility is to be constructed with part of the proceeds of such issue;

(B) the bond is issued by a State entity or local government;

(C) the issuer designates such bonds for purposes of this section; and

(D) the term of each bond which is part of such issue does not exceed 15 years.

(6) Stabilization fund.—The term "stabilization fund" means the stabilization fund established under section 5302 of title 31, United States Code.

(7) State.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

SEC. 4. LOANS FOR SCHOOL CONSTRUCTION BOND INTEREST PAYMENTS.

(a) Loan Authority.—

(1) In general.—From funds made available to a State under section 5(b) the State shall make loans to State entities or local governments within the State to enable the entities and governments to make annual interest payments on qualified school construction bonds that are issued by the entities and governments not later than December 31, 2002.

(2) Requests.—The Governor of each State desiring assistance under this Act shall submit a request to the Secretary of the Treasury at such time and in such manner as the Secretary of the Treasury may require.

(b) Loan Repayment.—

(1) In general.—Subject to paragraph (2), a State entity or local government that receives a loan under this Act shall repay to the stabilization fund the amount of the loan, plus interest, at the average prime lending rate for the year in which the bond is issued, not to exceed 4.5 percent.

(2) Exception.—A State entity or local government shall not repay the amount of a loan made under this Act, plus interest, and the interest on a loan made under this Act shall not accrue, prior to January 1, 2005, unless the amount appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) for any fiscal year prior to fiscal year 2006 is sufficient to fully fund such part for the fiscal year at the originally promised level, which promised level would provide to each State 40 percent of the average per-pupil expenditure for providing special education and related services for each child with a disability in the State.

(c) Federal Responsibilities.—The Secretary of the Treasury and the Secretary of Education—

(1) jointly shall be responsible for ensuring that funds provided under this Act are properly distributed;

(2) shall ensure that funds provided under this Act only are used to pay the interest on qualified school construction bonds; and

(3) shall not have authority to approve or disapprove school construction plans assisted pursuant to this Act, except to ensure that funds made available under this Act are used only to supplement, and not supplant, the amount of school construction, rehabilitation, and repair in the State that would have occurred in the absence of such funds.

SEC. 5. AMOUNTS AVAILABLE TO EACH STATE.

(a) RESERVATION FOR INDIANS.—From $20,000,000,000 of the funds in the stabilization fund, the Secretary of the Treasury shall make available $400,000,000 to Indian tribes for loans to enable the Indian tribes to make annual interest payments on qualified school construction bonds in accordance with the requirements of this Act that the Secretary of the Treasury determines appropriate.

(b) AMOUNTS AVAILABLE.—

(1) IN GENERAL.—From $20,000,000,000 of the funds in the stabilization fund that are not reserved under subsection (a), the Secretary of the Treasury shall make available to each State submitting a request under section 4(a)(2) an amount that bears the same relation to such remainder as the amount the State received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for fiscal year 2000 bears to the amount received by all States under such part for such year.

(2) DISBURSAL.—The Secretary of the Treasury shall disburse the amount made available to a State under paragraph (1), on an annual basis, during the period beginning on October 1, 2000, and ending September 30, 2017.

(c) NOTIFICATION.—The Secretary of the Treasury and the Secretary of Education jointly shall notify each State of the amount of funds the State may borrow under this Act.

By Mr. THOMPSON (for himself, and Mr. LIEBERMAN):

S. 1993. A bill to reform Government information security by strengthening information security practices throughout the Federal Government; to the Committee on Governmental Affairs.

GOVERNMENT INFORMATION SECURITY ACT OF 1999

Mr. THOMPSON. Mr. President, I rise today to introduce a bill on behalf of myself as chairman of the Governmental Affairs Committee and Senator Lieberman, the Committee's ranking minority member, on an issue of great importance to our committee and the nation—the security of Federal government computer systems.

Over the last decade, the Federal Government, like most private-sector organizations, has become enormously dependent on interconnected computer systems, including the Internet, to support its operations and account for its assets. This explosion in interconnectivity has resulted in many benefits. In particular, it has increased productivity, made enormous amounts of useful information instantly available to millions of people, and contributed to the economic boom of the 1990s.

However, the factors that generate these benefits—widely accessible data and instantaneous communication—also increase the risks that information will be misused, possibly to commit fraud or other crimes, or that sensitive information will be inappropriately disclosed. In addition, our government's, as well as our nation's, dependence on this computer support makes it susceptible to devastating disruptions in critical services, as well as in computer-based safety and financial controls. Such disruptions could be caused by sabotage, natural disasters, or widespread system faults, as illustrated by the Y2K date conversion concerns.

The Governmental Affairs Committee spent considerable time during the last Congress on this issue with a specific emphasis on information security and cyberterrorism. We uncovered and identified failures of information security affecting our international security and vulnerability to domestic and international terrorism. We highlighted our nation's vulnerability to computer attacks—from international and domestic terrorists to crime rings to everyday hackers. We directed GAO to prepare a "best practices" guide on computer security for Federal agencies to use, and we asked GAO to study computer security vulnerabilities at several Federal agencies including the Internal Revenue Service, the State Department, the Federal Aviation Administration, the Social Security Administration, and the Veterans' Administration.

As a result of its work, GAO identified many specific weaknesses in agency controls and concluded that the underlying cause was inadequate security program planning and management. In particular, agencies were addressing identified weaknesses on a piecemeal basis rather than proactively addressing systemic causes that diminished security effectiveness throughout the agency.

That is not to say that nothing is being done. Many in the executive branch recognize that action is needed to improve Federal information security, and several efforts have been initiated. For example, in May 1998, Presidential Decision Directive (PDD) 63 directed the National Security Council to lead a variety of efforts intended to improve critical infrastructure protection, including protection of Federal agency information infrastructures, and required major agencies to develop plans to protect their own critical computer-based systems.

But despite a flurry of activity in this area and a number of statutes already on the books which deal with the issues, we have concluded that a more complete and meaningful statutory foundation for improvement is needed. The primary objective of this legislation is to update existing information security statutory requirements to address the management challenges associated with operating in the current interconnected computing environment.

We begin where the Paperwork Reduction Act of 1995 and the Clinger-Cohen Act of 1996 left off. These laws, and the computer Security Act of 1987, provided the basic framework for managing information security. This legislation which we introduce today will update and clarify existing requirements and responsibilities of Federal agencies in dealing with information security.

The Government Information Security Act:

Strengthens the Office of Management and Budget's information security duties, consistent with its existing responsibilities under the Paperwork Reduction Act;

Establishes Federal agency accountability for information security as needed to cost-effectively protect the assets and operations of the agency by creating a set of management requirements derived from GAO "Best Practices" audit work;

Requires agencies to have an annual independent evaluation of their information security programs and practices to assess compliance with authorized requirements and to test effectiveness of information security control techniques;

Provides for the application of a unified and logical set of governmentwide controls by including national security systems within the application of the legislation; and

Focuses on the importance of training programs and governmentwide incident handling.

We recognize that these aren't the only things that need to be done. Some have suggested we provide specific standards in the legislation. Others have recommended we establish a new position of a National Chief Information Officer. These and, no doubt, many other proposals will be considered as we debate this important issue. But this legislation is intended as a good first step to better define roles among Federal agencies in order to develop a fully secure government.

I ask unanimous consent that the full text of the bill we are introducing be printed in the RECORD.

S. 1993

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Information Security Act of 1999".

SEC. 2. COORDINATION OF FEDERAL INFORMATION POLICY.

Chapter 35 of title 44, United States Code, is amended by inserting at the end the following:

"SUBCHAPTER II—INFORMATION SECURITY

"§ 3531. Purposes

"The purposes of this subchapter are to—

"(1) provide a comprehensive framework for establishing and ensuring the effectiveness of controls over information resources that support Federal operations and assets;

"(2)(A) recognize the highly networked nature of the Federal computing environment including the need for Federal Government interoperability and, in the implementation of improved security management measures, assure that opportunities for interoperability are not adversely affected; and

"(B) provide effective governmentwide management and oversight of the related information security risks, including coordination of information security efforts throughout the civilian, national security, and law enforcement communities;

"(3) provide for development and maintenance of minimum controls required to protect Federal information and information systems; and

"(4) provide a mechanism for improved oversight of Federal agency information security programs.

"§ 3532. Definitions

"(a) Except as provided under subsection (b), the definitions under section 3502 shall apply to this subchapter.

"(b) As used in this subchapter the term 'information technology' has the meaning given that term in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

"§ 3533. Authority and functions of the Director

"(a)(1) Consistent with subchapter I, the Director shall establish governmentwide policies for the management of programs that support the cost-effective security of Federal information systems by promoting security as an integral component of each agency's business operations.

"(2) Policies under this subsection shall—

"(A) be founded on a continuing risk management cycle that recognizes the need to—

"(i) identify, assess, and understand risk; and

"(ii) determine security needs commensurate with the level of risk;

"(B) implement controls that adequately address the risk;

"(C) promote continuing awareness of information security risk;

"(D) continually monitor and evaluate policy; and

"(E) control effectiveness of information security practices.

"(b) The authority under subsection (a) includes the authority to—

"(1) oversee and develop policies, principles, standards, and guidelines for the handling of Federal information and information resources to improve the efficiency and effectiveness of governmental operations, including principles, policies, and guidelines for the implementation of agency responsibilities under applicable law for ensuring the privacy, confidentiality, and security of Federal information;

"(2) consistent with the standards and guidelines promulgated under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441) and sections 5 and 6 of the Computer Security Act of 1987 (40 U.S.C. 759 note; Public Law 100–235; 101 Stat. 1729), require Federal agencies to identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency;

"(3) direct the heads of agencies to coordinate such agencies and coordinate with industry to—

"(A) identify, use, and share best security practices; and

"(B) develop voluntary consensus-based standards for security controls, in a manner consistent with section 2(b)(13) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)(13));

"(4) oversee the development and implementation of standards and guidelines relating to security controls for Federal computer systems by the Secretary of Commerce through the National Institute of Standards and Technology under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441) and section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3);

"(5) oversee and coordinate compliance with this section in a manner consistent with—

"(A) sections 552 and 552a of title 5;

"(B) sections 20 and 21 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3 and 278g–4);

"(C) section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441);

"(D) sections 5 and 6 of the Computer Security Act of 1987 (40 U.S.C. 759 note; Public Law 100–235; 101 Stat. 1729); and

"(E) related information management laws; and

"(6) take any authorized action that the Director considers appropriate, including any action involving the budgetary process or appropriations management process, to enforce accountability of the head of an agency for information resources management and for the investments made by the agency in information technology, including—

"(A) recommending a reduction or an increase in any amount for information resources that the head of the agency proposes for the budget submitted to Congress under section 1105(a) of title 31;

"(B) reducing or otherwise adjusting apportionments and reapportionments of appropriations for information resources; and

"(C) using other authorized administrative controls over appropriations to restrict the availability of funds for information resources.

"(c) The authority under this section may be delegated only to the Deputy Director for Management of the Office of Management and Budget.

"§ 3534. Federal agency responsibilities

"(a) The head of each agency shall—

"(1) be responsible for—

"(A) adequately protecting the integrity, confidentiality, and availability of information and information systems supporting agency operations and assets; and

"(B) developing and implementing information security policies, procedures, and control techniques sufficient to afford security protections commensurate with the risk and magnitude of the harm resulting from unauthorized disclosure, disruption, modification, or destruction of information collected or maintained by or for the agency;

"(2) ensure that each senior program manager is responsible for—

"(A) assessing the information security risk associated with the operations and assets of such manager;

"(B) determining the levels of information security appropriate to protect the operations and assets of such manager; and

"(C) periodically testing and evaluating information security controls and techniques;

"(3) delegate to the agency Chief Information Officer established under section 3506, or a comparable official in an agency not covered by such section, the authority to administer all functions under this subchapter including—

"(A) designating a senior agency information security officer;

"(B) developing and maintaining an agencywide information security program as required under subsection (b);

"(C) ensuring that the agency effectively implements and maintains information security policies, procedures, and control techniques;

"(D) training and overseeing personnel with significant responsibilities for information security with respect to such responsibilities; and

"(E) assisting senior program managers concerning responsibilities under paragraph (2);

"(4) ensure that the agency has trained personnel sufficient to assist the agency in complying with the requirements of this subchapter and related policies, procedures, standards, and guidelines; and

"(5) ensure that the agency Chief Information Officer, in coordination with senior program managers, periodically—

"(A)(i) evaluates the effectiveness of the agency information security program, including testing control techniques; and

"(ii) implements appropriate remedial actions based on that evaluation; and

"(B) reports to the agency head on—

"(i) the results of such tests and evaluations; and

"(ii) the progress of remedial actions.

"(b)(1) Each agency shall develop and implement an agencywide information security program to provide information security for the operations and assets of the agency, including information security provided or managed by another agency.

"(2) Each program under this subsection shall include—

"(A) periodic assessments of information security risks that consider internal and external threats to—

"(i) the integrity, confidentiality, and availability of systems; and

"(ii) data supporting critical operations and assets;

"(B) policies and procedures that—

"(i) are based on the risk assessments required under paragraph (1) that cost-effectively reduce information security risks to an acceptable level; and

"(ii) ensure compliance with—

"(I) the requirements of this subchapter;

"(II) policies and procedures as may be prescribed by the Director; and

"(III) any other applicable requirements;

"(C) security awareness training to inform personnel of—

"(i) information security risks associated with personnel activities; and

"(ii) responsibilities of personnel in complying with agency policies and procedures designed to reduce such risks;

"(D)(i) periodic management testing and evaluation of the effectiveness of information security policies and procedures; and

"(ii) a process for ensuring remedial action to address any deficiencies; and

"(E) procedures for detecting, reporting, and responding to security incidents, including—

"(i) mitigating risks associated with such incidents before substantial damage occurs;

"(ii) notifying and consulting with law enforcement officials and other offices and authorities; and

"(iii) notifying and consulting with an office designated by the Administrator of General Services within the General Services Administration.

"(3) Each program under this subsection is subject to the approval of the Director and is required to be reviewed at least annually by agency program officials in consultation with the Chief Information Officer.

“(c)(1) Each agency shall examine the adequacy and effectiveness of information security policies, procedures, and practices in plans and reports relating to—

“(A) annual agency budgets;

“(B) information resources management under the Paperwork Reduction Act of 1995 (44 U.S.C. 101 note);

“(C) program performance under sections 1105 and 1115 through 1119 of title 31, and sections 2801 through 2805 of title 39; and

“(D) financial management under—

“(i) chapter 9 of title 31, United States Code, and the Chief Financial Officers Act of 1990 (31 U.S.C. 501 note; Public Law 101–576) (and the amendments made by that Act);

“(ii) the Federal Financial Management Improvement Act of 1996 (31 U.S.C. 3512 note) (and the amendments made by that Act); and

“(iii) the internal controls conducted under section 3512 of title 31.

“(2) Any deficiency in a policy, procedure, or practice identified under paragraph (1) shall be reported as a material weakness in reporting required under the applicable provision of law under paragraph (1).

“§ 3535. Annual independent evaluation

“(a)(1) Each year each agency shall have an independent evaluation performed of the information security program and practices of that agency.

“(2) Each evaluation under this section shall include—

“(A) an assessment of compliance with—

“(i) the requirements of this subchapter; and

“(ii) related information security policies, procedures, standards, and guidelines; and

“(B) tests of the effectiveness of information security control techniques.

“(b)(1) For agencies with Inspectors General appointed under the Inspector General Act of 1978 (5 U.S.C. App.), annual evaluations required under this section shall be performed by the Inspector General or by an independent external auditor, as determined by the Inspector General of the agency.

“(2) For any agency to which paragraph (1) does not apply, the head of the agency shall contract with an independent external auditor to perform the evaluation.

“(3) An evaluation of agency information security programs and practices performed by the Comptroller General may be in lieu of the evaluation required under this section.

“(c) Not later than March 1, 2001, and every March 1 thereafter, the results of an evaluation required under this section shall be submitted to the Director.

“(d) Each year the Comptroller General shall—

“(1) review the evaluations required under this section and other information security evaluation results; and

“(2) report to Congress regarding the adequacy of agency information programs and practices.

“(e) Agencies and auditors shall take appropriate actions to ensure the protection of information, the disclosure of which may adversely affect information security. Such protections shall be commensurate with the risk and comply with all applicable laws.”.

SEC. 3. RESPONSIBILITIES OF CERTAIN AGENCIES.

(a) Department of Commerce.—The Secretary of Commerce, through the National Institute of Standards and Technology and with technical assistance from the National Security Agency, shall—

(1) develop, issue, review, and update standards and guidance for the security of information in Federal computer systems, including development of methods and techniques for security systems and validation programs;

(2) develop, issue, review, and update guidelines for training in computer security awareness and accepted computer security practices, with assistance from the Office of Personnel Management;

(3) provide agencies with guidance for security planning to assist in the development of applications and system security plans for such agencies;

(4) provide guidance and assistance to agencies concerning cost-effective controls when interconnecting with other systems; and

(5) evaluate information technologies to assess security vulnerabilities and alert Federal agencies of such vulnerabilities.

(b) Department of Justice.—The Department of Justice shall review and update guidance to agencies on—

(1) legal remedies regarding security incidents and ways to report to and work with law enforcement agencies concerning such incidents; and

(2) permitted uses of security techniques and technologies.

(c) General Services Administration.—The General Services Administration shall—

(1) review and update General Services Administration guidance to agencies on addressing security considerations when acquiring information technology; and

(2) assist agencies in the acquisition of cost-effective security products, services, and incident response capabilities.

(d) Office of Personnel Management.—The Office of Personnel Management shall—

(1) review and update Office of Personnel Management regulations concerning computer security training for Federal civilian employees; and

(2) assist the Department of Commerce in updating and maintaining guidelines for training in computer security awareness and computer security best practices.

SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.

(a) In General.—Chapter 35 of title 44, United States Code, is amended—

(1) in the table of sections—

(A) by inserting after the chapter heading the following:

“SUBCHAPTER I—FEDERAL INFORMATION POLICY”;

and

(B) by inserting after the item relating to section 3520 the following:

“SUBCHAPTER II—INFORMATION SECURITY

“Sec.
“3531. Purposes.
“3532. Definitions.
“3533. Authority and functions of the Director.
“3534. Federal agency responsibilities.
“3535. Annual independent evaluation.”;

and

(2) by inserting before section 3501 the following:

“SUBCHAPTER I—FEDERAL INFORMATION POLICY”.

(b) References to Chapter 35.—Chapter 35 of title 44, United States Code, is amended—

(1) in section 3501—

(A) in the matter preceding paragraph (1), by striking “chapter” and inserting “subchapter”; and

(B) in paragraph (11), by striking “chapter” and inserting “subchapter”;

(2) in section 3502, in the matter preceding paragraph (1), by striking “chapter” and inserting “subchapter”;

(3) in section 3503, in subsection (b), by striking “chapter” and inserting “subchapter”;

(4) in section 3504—

(A) in subsection (a)(2), by striking “chapter” and inserting “subchapter”;

(B) in subsection (d)(2), by striking “chapter” and inserting “subchapter”; and

(C) in subsection (f)(1), by striking “chapter” and inserting “subchapter”;

(5) in section 3505—

(A) in subsection (a), in the matter preceding paragraph (1), by striking “chapter” and inserting “subchapter”;

(B) in subsection (a)(2), by striking “chapter” and inserting “subchapter”; and

(C) in subsection (a)(3)(B)(iii), by striking “chapter” and inserting “subchapter”;

(6) in section 3506—

(A) in subsection (a)(1)(B), by striking “chapter” and inserting “subchapter”;

(B) in subsection (a)(2)(A), by striking “chapter” and inserting “subchapter”;

(C) in subsection (a)(2)(B), by striking “chapter” and inserting “subchapter”;

(D) in subsection (a)(3)—

(i) in the first sentence, by striking “chapter” and inserting “subchapter”; and

(ii) in the second sentence, by striking “chapter” and inserting “subchapter”;

(E) in subsection (b)(4), by striking “chapter” and inserting “subchapter”;

(F) in subsection (c)(1), by striking “chapter, to” and inserting “subchapter, to”; and

(G) in subsection (c)(1)(A), by striking “chapter” and inserting “subchapter”;

(7) in section 3507—

(A) in subsection (e)(3)(B), by striking “chapter” and inserting “subchapter”;

(B) in subsection (h)(2)(B), by striking “chapter” and inserting “subchapter”;

(C) in subsection (h)(3), by striking “chapter” and inserting “subchapter”;

(D) in subsection (j)(1)(A)(i), by striking “chapter” and inserting “subchapter”;

(E) in subsection (j)(1)(B), by striking “chapter” and inserting “subchapter”; and

(F) in subsection (j)(2), by striking “chapter” and inserting “subchapter”;

(8) in section 3509, by striking “chapter” and inserting “subchapter”;

(9) in section 3512—

(A) in subsection (a), by striking “chapter if” and inserting “subchapter if”; and

(B) in subsection (a)(1), by striking “chapter” and inserting “subchapter”;

(10) in section 3514—

(A) in subsection (a)(1)(A), by striking “chapter” and inserting “subchapter”; and

(B) in subsection (a)(2)(A)(ii), by striking “chapter” and inserting “subchapter” each place it appears;

(11) in section 3515, by striking “chapter” and inserting “subchapter”;

(12) in section 3516, by striking “chapter” and inserting “subchapter”;

(13) in section 3517(b), by striking “chapter” and inserting “subchapter”;

(14) in section 3518—

(A) in subsection (a), by striking “chapter” and inserting “subchapter” each place it appears;

(B) in subsection (b), by striking “chapter” and inserting “subchapter”;

(C) in subsection (c)(1), by striking “chapter” and inserting “subchapter”;

(D) in subsection (c)(2), by striking “chapter” and inserting “subchapter”;

(E) in subsection (d), by striking “chapter” and inserting “subchapter”; and

(F) in subsection (e), by striking “chapter” and inserting “subchapter”; and

(15) in section 3520, by striking “chapter” and inserting “subchapter”.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 30 days after the date of enactment of this Act.

• Mr. LIEBERMAN. Mr. President, I am pleased to join today with Senator THOMPSON in introducing the Government Information Security Act of 1999. This bill would put a management structure in place for the implementation of risk-based computer security measures across the government.

We are introducing this bill in the closing days of this session with the hope that it will serve as the basis for launching a discussion about the most effective ways to improve government's approach to computer security. We invite and look forward to comments from government agencies, industry and academic experts, think tanks and others who have been involved in this field.

Like the rest of the nation,the government is increasingly dependent on computer and other electronic information systems to collect, analyze and preserve important data and perform vital tasks. Government computer systems are rife with sensitive information pertaining to the fundamentals of our existence—our national security, the strength of our economy, transportation and communications systems, and the personal lives of millions of individual citizens. The Department of Defense and other national security agencies control our weapons of mass destruction and track the offensive movements of enemy states through complex computer programs: the Internal Revenue Service maintains an automated systems wage information on every working American; the Federal Reserve calculates key economic indicators electronically and the Center for Disease Control relies on computers to tracks threats to the nation's public health.

And yet, this computer-reliant infrastructure is frighteningly vulnerable to exploitation not only by trouble-makers and professional hackers but by organized crime and international terrorists. Indeed, a disruption of our communications, transportation and energy sections could prove as destructive as any conventional weapons attack to our ability to defend our privacy, our safety, even our freedom.

Indeed, witnesses before the Governmental Affairs Committee last Congress testified that the government's reliance on computer systems is not matched by a concomitant growth in the security of those systems. A series of Government Accounting Office studies found government computer security so lax that it landed on the GAO's list of "high risk" government programs. For example, this year, GAO reported that one of its test teams gained access to mission critical computer systems at NASA which would have allowed the team to control spacecraft or alter data returned from space. In May 1998, the GAO was able to gain unauthorized access to the State Department's networks which would have enabled GAO to modify, delete or download important data and shutdown services. And the GAO reported in September 1998 that inadequate information system controls by the Veterans Administration threatened the disruption or misuse of service delivery to the men and women who have fought our wars.

Less significant on a global scale, but of utmost concern to individual citizens is the extent to which inadequate security leaves personal information, and therefore people, vulnerable to exposure and exploitation. Our legislation will address personal information maintained by the government such as benefits and tax data and demographics culled from personal information we supply to the Census Bureau.

While the GAO's work is compelling, I am convinced by two other developments that legislation in this area needs to be addressed quickly. First, we have been intensely focused throughout the year on fixing the computer problems associated with Y2K. Ensuring that the information our government collects and produces is secure may seem similar to the Y2K issue because both reflect our dependency on computers and their vulnerability to programming failures and outside disruptions. The need for secure government computer systems, however, will not disappear in the first days and weeks of the year 2000. Indeed, it will be with us until we have a structure within the government dedicated to fixing these problems.

Second,we have spent significant time this session digging into the Los Alamo National Laboratory espionage scandal and allegations that an employee improperly downloaded classified material to an unclassified computer. The Energy and Justice Departments are still looking into this breach of security, but it should focus everyone's attention on the vulnerability associated with extensive reliance computers and the undeniable need for improvements in how we manage and secure these systems.

Mr. President, the goal of the bill we are introducing today is to protect the integrity, confidentiality and availability of information and ensure that critical improvements in the management of our computer security system take place. Specifically, our bill would:

Require high-level accountability. The Director of the Office of Management and Budget will be accountable for overseeing policy while the agency heads will be accountable for developing specific security plans.

Require agency heads to develop and implement security plans and policies based on the appropriate level of risk for the different type of information the agency maintains. We need to ensure that each agency's plan reflects an understanding that computer security must be an integral part of the development process for any new system. Agencies now tend to develop a system and consider security issues only as an afterthought, if at all.

Establish an ongoing, periodic reporting, testing and evaluation process to gauge the effectiveness of the policies and procedures. This would be accomplished through agency budgets, program performance and financial management.

Require an independent, annual audit of all information security practices and programs within an agency. The audit would be conducted either by the agency's Inspector General, GAO or an independent external auditor. GAO has told us that an audit requirement is essential to monitoring agencies' management of information security and to ensure that these systems are kept current.

Require that agencies report unauthorized intrusions into government systems. GSA currently has a program where agencies can report and seek help to respond to intrusions into their information systems and share information concerning common vulnerabilities and threats. Our bill would require agencies to use this reporting and monitoring system.

Mr. President, the provisions of this bill would apply to all information, including classified and unclassified information maintained on civilian and national security systems. We are also considering whether the bill's provisions should apply to government owned, contractor operated facilities including laboratories engaged in national defense research. We look forward to discussions with the defense and intelligence communities on how best to address these issues.

There are a number of areas we have not addressed, and I welcome comments on how best to handle these areas. For example:

We need to ensure that computer security systems will not interfere with the ability of agencies to share data and communicate with each other and the rest of the world. The new era of "e-business" and "e-government" holds untold opportunities for improving government efficiency, and that's something we want to encourage.

The government needs to rapidly and safely increase the number of trained technical information security professionals. There are a range of approaches to addressing this need, including incentives to universities to train more people in this area; contracting out to the private sector; establishing a CyberCorps at universities based on the ROTC model; or establishing special career designations for personnel specializing in computer security.

We should consider whether current technology will meet the government's computer security needs or whether we need to develop incentives for technology development. A Presidential advisory committee is developing recommendations based on a national laboratory model to conduct research and development of security technology with a possible secondary focus on testing.

We are interested in exploring whether provisions in this bill addressing risk and technology standards, which are now voluntary, consensus-based standards, should be issued as minimum mandatory requirements for successive levels of risk.

And we will also consider issues relating to budgetary needs, privacy requirements, performance measures and how best to coordinate information security and management within the federal government.

Mr. President, I expect what we have proposed will generate a hearty debate. As I have said, I consider this bill a work in progress, so I look forward to hearing from a wide range of interested parties and to working with the Chairman to craft the best possible legislation to protect the integrity and the confidentiality of the government's vast storehouse of information.●

By Mr. KERRY (for himself and Mr. BRYAN):

S. 1994. A bill to amend the Internal Revenue Code of 1986 to provide assistance to first-time homebuyers; to the Committee on Finance.

THE FIRST TIME HOMEBUYER AFFORDABILITY ACT

Mr. KERRY. Mr. President, earlier this week I laid out an agenda for restoring the federal role in expanding the nation's stock of affordable housing. Today, I am making a small downpayment on that promise with the First Time Homebuyer Affordability Act. This legislation, which I am introducing with Senator BRYAN, will create new homeownership opportunities for many Americans by allowing them to borrow from their Investment Retirement Accounts (IRAs), or their parents or grandparents IRAs, on a tax free basis for a downpayment on a first home. The legislation would also allow IRA funds to be used under an equity participation agreement. In both cases, the funds would have to be repaid to the IRA.

We have all talked about the importance of homeownership. Indeed, homeownership makes a very significant contribution to solving many social problems we face in America. Children of homeowners are less likely to become involved in the criminal justice system; they are less likely to drop out of school, or have children out of wedlock. Homeowners vote more often and participate more in community organizations and activities.

Yet, the single biggest barrier to homeownership is a downpayment. This legislation will help hundreds of thousands of homeowners surmount this barrier and realize the American dream.

Mr. President, it is ironic that IRAs today can be invested in almost any asset, including real estate investment trusts, except one's own home. Yet, homeownership continues to be a winning investment, both for the family and the community.

Under current law, individuals may borrow up to $10,000 from their 401(k) retirement accounts to help buy a home without paying taxes. This legislation would put IRAs on the same footing as 401(k) plans while unlocking $2 trillion in IRA saving to help families become homeowners. It has a number of protections to ensure that the loan or investment will be repaid, with interest, or a taxes will be owed and a penalty assessed.

This is good legislation, which has been endorsed by the Mortgage Bankers Association, the National Association of Realtors, and the National Association of Homebuilders. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR SENATOR: We are writing to add our support for your efforts to enhance homeownership opportunities through expanded use for first time homebuyers of their Individual Retirement Accounts (IRAs). We will work closely with you and your colleagues to include this important provision in the Senate Tax Bill.

The United States has recently achieved a record homeownership rate, rising home prices, combined with a significant downpayment hurdle, continue to put homeownership out of the reach of many families and individuals. Finding ways to overcome the downpayment issue is critical to the effort to make homeownership more affordable and obtainable for these families and individuals. Your proposal provides this bridge to enhance homeownership for millions of Americans.

Your plan would build upon the penalty waiver provisions enacted in the 105th Congress to improve access to the $2 trillion held in IRAs for first time home purchase. Penalty waiver provisions now permit people to withdraw up to $10,000 from an IRA account for the purchase of a first time home without incurring a 10 percent premature withdrawal penalty.

However, even with the penalty waiver, a prospective homebuyer still owes federal and state taxes on the amount withdrawn from the IRA. This reduces the amount available for downpayment by thousands of dollars. The plan would eliminate such tax consequences by allowing an individual to borrow up to $10,000 from their IRA account or a parent's IRA account, for a first time home purchase without a tax penalty. IRA funds may also be used under an equity sharing arrangement.

At present, holders of 401(k) retirement accounts may borrow up to 50 percent of account assets, with a floor of $10,000 and a ceiling of $50,000, for any personal use. However, borrowing from an IRA account is prohibited, even for a first time home purchase.

We will work with you to move this key proposal forward to enhance and expand homeownership for all Americans.

Sincerely,

Mortgage Bankers Association of America.
National Association of Realtors.
National Association of Home Builders.

By Mr. KOHL:

S. 1995. A bill to amend the National School Lunch Act to revise the eligibility of private organizations under the child and adult care food program; to the Committee on Agriculture, Nutrition, and Forestry.

LEGISLATION TO AMEND THE NATIONAL SCHOOL LUNCH ACT TO REVISE THE ELIGIBILITY OF PRIVATE ORGANIZATIONS UNDER THE CHILD AND ADULT CARE FOOD PROGRAM

● Mr. KOHL. Mr. President, I rise today to introduce legislation that will correct an unintended obstacle in current law and expand the number of low-income children in child care centers that receive nutritious meals through the Child and Adult Care Food Program.

The current CACFP law provides for subsidies to proprietary child care centers for the nutritious meals they serve children, provided that at least 25% of the participants receive Title XX subsidies. This provision was included to encourage private child care providers to serve more low-income children, by providing funds to reimburse the costs of providing meals. When the law was enacted in 1981, it made sense to tie CACFP funds to Title XX, because Title XX was the primary source of Federal child care assistance at that time.

As we all know, however, the Child Care & Development Block Grant has since become the States' primary funding source for child care assistance, while Title XX funds are being used primarily for other social service needs. This means that although many proprietary child care centers have enrollments with over 25% low-income children, those who no longer receive Title XX are no longer eligible for the CACFP meal subsidy.

Thirty-eight States are currently using small amounts of their Title XX funds for child care subsidies so that at least some of the otherwise eligible children will receive meals in proprietary centers. In Wisconsin, for example, 65 proprietary centers are currently participating in the CACFP program, serving 3,294 children. However, if all eligible centers were able to participate, those numbers could increase to 149 proprietary centers serving 8,195 children, an increase of 4,901 children. A simple change in the law to reflect the current nature of Federal child care assistance could lead to Wisconsin receiving nearly $2,975,000 each year in Federal food subsidies for low-income children in child care.

The bill I introduce today is simple. It would eliminate the outdated requirement that eligible children receive Title XX funds in order to trigger the CACFP meal subsidy. This would allow proprietary centers to participate in CACFP if at least 25% of the children they serve are eligible for a food nutrition subsidy. This change will ensure that proprietary centers will be able to continue to serve low-income children. It reduces pressure on proprietary centers to increase their rates for non-subsidized children to recover the costs of unreimbursed meals for subsidized children. It preserves the right of parents, including low-income parents, to choose the quality child care center that is most appropriate for their children. And most importantly, this change reinforces the original intent of the law: to ensure that eligible low-income children in proprietary child care centers have the benefit of a nutritious meal. I hope that all of my colleagues will join me in cosponsoring this legislation and I look forward to working for its swift passage when Congress reconvenes in January.●

By Mr. BINGAMAN:

S. 1997. A bill to simplify Federal oil and gas revenue distributions, and for other purposes; to the Committee on Energy and Natural Resources.

MINERAL REVENUE PAYMENTS CLARIFICATION ACT OF 1999

● Mr. BINGAMAN. Mr. President, today, I am introducing legislation which will end the practice of charging States for costs the Federal Government incurs in managing Federal mineral leases.

The Mineral Revenue Payments Clarification Act of 1999 will eliminate net receipts sharing, allowing Federal agencies to more rationally and fairly apportion to States their share of Federal mineral revenues.

Since enactment of the Mineral Leasing Act in 1920, Congress has determined that it was fair and appropriate to share with States a portion of the money received by the United States for Federal mineral leases located within the State. Under current law, for most mineral leases the State share is 50 percent, except for Alaska which receives 90 percent.

In 1993, a permanent provision was added to the Omnibus Appropriations Act that requires the Department of the Interior to deduct from a State's share 50 percent of the Federal Government's costs of administering Federal mineral leases within that State. This new requirement substantially lowers the amounts States receive, but was added without either explanation or justification as to why such a deduction is either fair or appropriate.

Furthermore, the statutory procedures for figuring these deductions are cumbersome to the point of being unworkable. The Federal agencies charged with administering these requirements have found them difficult, and sometimes impossible, to implement in any consistent fashion.

In November of 1997, the Inspector General of the Department of the Interior found that the Department had inaccurately calculated the costs involved in administering the Federal onshore mineral leasing program, resulting in substantial overcharges to States. This issue has yet to be fully resolved by the Department of the Interior.

Needless to say, this complicated and unjustified provision has been controversial with the States and unpopular with the Federal agencies charged with administering it. It penalizes States while creating administrative nightmares for the Federal Government. It is time to do away with this unwieldy provision.

Therefore, I am introducing The Mineral Revenue Payments Clarification Act of 1999, which will eliminate this provision and provide that States' shares of payments under Federal mineral leases will not be reduced by administrative or other costs incurred by the United States. I believe that this will return a system that is both fair, and capable of being administered in a reasonable fashion.●

ADDITIONAL COSPONSORS

S. 92

At the request of Mr. DOMENICI, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 92, a bill to provide for biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 329

At the request of Mr. ROBB, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 329, a bill to amend title 38, United States Code, to extend eligibility for hospital care and medical services under chapter 17 of that title to veterans who have been awarded the Purple Heart, and for other purposes.

S. 345

At the request of Mr. ALLARD, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 414

At the request of Mr. GRASSLEY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 414, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind, and for other purposes.

S. 486

At the request of Mr. ROBB, his name was added as a cosponsor of S. 486, a bill to provide for the punishment of methoamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes.

At the request of Mr. KERREY, his name was added as a cosponsor of S. 486, supra.

At the request of Mr. ASHCROFT, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 486, supra.

At the request of Mr. HATCH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 486, supra.

At the request of Mr. DASCHLE, his name was added as a cosponsor of S. 486, supra.

S. 655

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 655, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 1008

At the request of Mr. BAUCUS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1008, a bill to modify the standards for responding to import surges under section 201 of the Trade Act of 1974, to establish mechanisms for import monitoring and the prevention of circumvention of United States trade laws, and to strengthen the enforcement of United States trade remedy laws.

S. 1028

At the request of Mr. HATCH, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1028, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law, and for other purposes.

S. 1029

At the request of Mr. COCHRAN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1029, a bill to amend title III of the Elementary and Secondary Education Act of 1965 to provide for digital education partnerships.

S. 1109

At the request of Mr. MCCONNELL, the names of the Senator from Nebraska (Mr. KERREY) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1109, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1131

At the request of Mr. EDWARDS, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1131, a bill to promote research into, and the development of an ultimate cure for, the disease known as Fragile X.

S. 1133

At the request of Mr. GRAMS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1133, a bill to amend the Poultry Products Inspection Act to cover birds of the order Ratitae that are raised for use as human food.

S. 1155

At the request of Mr. ROBERTS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1266

At the request of Mr. GORTON, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1266, a bill to allow a State to combine certain funds to improve the academic achievement of all its students.

S. 1384

At the request of Mr. ABRAHAM, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1384, a bill to amend the Public Health Service Act to provide for a national folic acid education program to prevent birth defects, and for other purposes.

S. 1446

At the request of Mr. DEWINE, his name was added as a cosponsor of S. 1446, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

At the request of Mr. LOTT, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1446, supra.

S. 1487

At the request of Mr. AKAKA, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1487, a bill to provide for excellence in economic education, and for other purposes.

S. 1528

At the request of Mr. LOTT, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1528, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions.

S. 1529

At the request of Mr. FRIST, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1529, a bill to amend title XVIII to expand the Medicare Payment Advisory Commission to 19 members and to include on such commission individuals with national recognition for their expertise in manufacturing and distributing finished medical goods.

S. 1580

At the request of Mr. ROBERTS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1580, a bill to amend the Federal Crop Insurance Act to assist agricultural producers in managing risk, and for other purposes.

S. 1594

At the request of Mr. KERRY, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1594, a bill to amend the Small Business Act and Small Business Investment Act of 1958.

S. 1741

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1741, a bill to amend United States trade laws to address more effectively import crises.

S. 1771

At the request of Mr. ASHCROFT, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1771, a bill to provide stability in the United States agriculture sector and to promote adequate availability of food and medicine for humanitarian assistance abroad by requiring congressional approval before the imposition of any unilateral agricultural medical sanction against a foreign country or foreign entity.

S. 1800

At the request of Mr. GRAHAM, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1800, a bill to amend the Food Stamp Act of 1977 to improve onsite inspections of State food stamp programs, to provide grants to develop community partnerships and innovative outreach strategies for food stamp and related programs, and for other purposes.

S. 1810

At the request of Mrs. MURRAY, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from Massachusetts (Mr. KERRY), the Senator from Maine (Ms. SNOWE), the Senator from Nevada (Mr. REID), the Senator from Virginia (Mr. ROBB), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 1895

At the request of Mr. FRIST, the names of the Senator from Missouri (Mr. BOND) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 1895, a bill to amend the Social Security Act to preserve and improve the medicare program.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1909

At the request of Mr. KENNEDY, his name was added as a cosponsor of S. 1909, a bill to provide for the preparation of a Governmental report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgement of such injustices by the President.

S. 1910

At the request of Mr. MOYNIHAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1910, a bill to amend the Act establishing Women's Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York.

S. 1915

At the request of Mr. JEFFORDS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1915, a bill to enhance the services provided by the Environmental Protection Agency to small communities that are attempting to comply with national, State, and local environmental regulations.

S. 1924

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1924, a bill to ensure personal privacy with respect to financial information, to provide customers notice and choice about how their financial institutions share or sell their personally identifiable sensitive financial information, to provide for strong enforcement of these rights, and to protect States' rights.

S. 1952

At the request of Mr. ABRAHAM, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 1952, a bill to amend the Internal Revenue Code of 1986 to provide a simplified method for determining a partner's share of items of a partnership which is a qualified investment club.

S. 1957

At the request of Mr. SCHUMER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1957, a bill to provide for the payment of compensation to the families of the Federal employees who were killed in the crash of a United States Air Force CT-43A aircraft on April 3, 1996, near Dubrovnik, Croatia, carrying Secretary on Commerce Ronald H. Brown and 34 others.

SENATE RESOLUTION 87

At the request of Mr. DURBIN, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of Senate Resolution 87, a resolution commemorating the 60th Anniversary of the International Visitors Program

SENATE RESOLUTION 108

At the request of Mr. BREAUX, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Alaska (Mr. STEVENS), the Senator from Hawaii (Mr. INOUYE), and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of Senate Resolution 108, a resolution designating the month of March each year as "National Colorectal Cancer Awareness Month."

SENATE RESOLUTION 128

At the request of Mr. COCHRAN, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of Senate Resolution 128, a resolution designating March 2000, as "Arts Education Month."

SENATE CONCURRENT RESOLUTION 77—MAKING TECHNICAL CORRECTIONS TO THE ENROLLMENT OF H.R. 3194

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 77

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 3194), making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes, shall make the following correction:

At the appropriate place of the bill insert the following:

COMMODITY CREDIT CORPORATION

PRODUCER-OWNED MARKETING ASSOCIATIONS FORGIVENESS

SEC. 1. The Secretary of Agriculture shall reduce the amount of any principal due on a loan made to marketing association incorporated in the State of North Carolina for the 1999 crop of an agricultural commodity by at least 75 percent if the marketing association suffered losses of the agricultural commodity in a county with respect to which—(1) a natural disaster was declared by the Secretary for losses due to Hurricane Dennis, Floyd, or Irene; or (2) a major disaster or emergency was declared by the President for losses due to Hurricane Dennis, Floyd, or Irene under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)

If the Secretary assigns a grade quality for the 1999 crop of an agricultural commodity marketed by an association described in this section that is below the base quality of the agricultural commodity, the Secretary shall compensate the association for losses incurred by the association as a result of the reduction in grade quality.

Up to $81,000,000 of the resources of the Commodity Credit Corporation shall be used for the cost of this section: *Provided*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) and Section 252(e) of such Act.

SEC. 2. In administering $50,000,000 in emergency supplemental funding for the Emergency Conservation Program, the Secretary shall give priority to the repair of structures essential to the operation of the farm.

SENATE RESOLUTION 234—RECOGNIZING THE CONTRIBUTION OF OLDER PERSONS TO THEIR COMMUNITIES AND COMMENDING THE WORK OF ORGANIZATIONS THAT PARTICIPATE IN PROGRAMS ASSISTING OLDER PERSONS AND THAT PROMOTE THE GOALS OF THE INTERNATIONAL YEAR OF OLDER PERSONS

Mr. BAYH (for himself, Mr. BREAUX, Mr. GRASSLEY, Mr. BURNS, Mr. REED, Mr. JEFFORDS, Mr. LUGAR, Mr. WARNER, Mr. ABRAHAM, Mr. DURBIN, Mr. BRYAN, Mr. KENNEDY, Mrs. MURRAY, Mr. SMITH of Oregon, Mr. REID, Mr. EDWARDS, Mr. DORGAN, Mr. COCHRAN, Ms. MIKULSKI, Mr. JOHNSON, Mr. STEVENS, Mr. CLELAND, Mr. AKAKA, Mr. SPECTER, Ms. LANDRIEU, Mr. WELLSTONE, Mr. BAUCUS, Mr. KERRY, Mr. DEWINE, Mr. LIEBERMAN, Mr. WYDEN, Mr. ENZI, Mr. BINGAMAN, Mr. ROBB, Mr. INOUYE, Mrs. BOXER, Mrs. LINCOLN, Mr. DODD, Mr. TORRICELLI, Mr. SCHUMER, Mr. GRAHAM, Mr. FEINGOLD, and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 234

Whereas the United Nations has proclaimed that 1999 is the International Year of Older Persons;

Whereas the theme of the International Year of Older Persons, "towards a society for all ages", recognizes that—

(1) longevity depends upon all stages of the life cycle; and

(2) successful aging is a product of long-term, life-long decisions;

Whereas the principles promoted by the International Year of Older Persons assist in the development of a society for all ages, including independence, participation, care, self-fulfillment, and dignity;

Whereas the goals of the International Year of Older Persons are—

(1) to increase awareness about aging within countries and across national boundaries; and

(2) to formulate policies and programs that promote the well-being of older persons;

Whereas organizations and individuals in the United States have worked hard to address problems facing older adults and to promote the participation of older adults in all aspects of society;

Whereas these organizations have taken action independently and in concert with others to promote the goals of the International Year of Older Persons through programs that promote—

(1) retirement preparation for baby boomers;

(2) intergenerational activities;

(3) new images of aging that recognize the increased productivity of older adults; and

(4) planning for the future; and

Whereas the diversity of America's older population deserves to be recognized, including the most vulnerable and frail elderly in need of a range of services, as well as older persons who contribute to their communities by being employers, employees, and volunteers: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the contribution of older persons to their communities; and

(2) commends the work of organizations that—

(A) participate in programs assisting older persons; and

(B) promote the goals of the International Year of Older Persons.

SENATE RESOLUTION 235—TO AUTHORIZE THE PRINTING OF A REVISED EDITION OF THE SENATE ELECTION LAW GUIDEBOOK

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 235

Resolved, That the Committee on Rules and Administration shall prepare a revised edition of the Senate Election Law Guidebook, Senate Document 105-12, and that such document shall be printed as a Senate document.

SEC. 2. There shall be printed, beyond the usual number, 600 additional copies of the document specified in the first section for the use of the Committee on Rules and Administration.

SENATE RESOLUTION 236—TO AUTHORIZE THE PRINTING OF A REVISED EDITION OF THE NOMINATION AND ELECTION OF THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 236

Resolved, That the Committee on Rules and Administration shall prepare a revised edition of the document entitled Nomination and Election of the President and Vice President of the United States, Senate Document 102-14, and that such document shall be printed as a Senate document.

SEC. 2. There shall be printed, beyond the usual number, 600 additional copies of the document specified in the first section for the use of the Committee on Rules and Administration.

SENATE RESOLUTION 237—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SENATE COMMITTEE ON FOREIGN RELATIONS SHOULD HOLD HEARINGS AND THE SENATE SHOULD ACT ON THE CONVENTION OF THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

Mrs. BOXER (for herself, Mrs. MURRAY, Mrs. LINCOLN, Ms. MIKULSKI, Mrs. FEINSTEIN, Ms. COLLINS, Ms. LANDRIEU, and Ms. SNOWE) submitted the following resolution; which was ordered to lie over, under the rule:

S. RES. 237

Whereas the United States has shown leadership in promoting human rights, including the rights of women and girls, and was instrumental in the development of international human rights treaties and norms, including the International Convention of the Elimination of all Forms of Discrimination Against Women (CEDAW);

Whereas the Senate has already agreed to the ratification of several important human rights treaties, including the Genocide Convention, the Convention Against Torture, the International Covenant on Civil and Political Rights, and the Convention of the Elimination of All Forms of Racial Discrimination;

Whereas CEDAW establishes a worldwide commitment to combat discrimination against women and girls;

Whereas 165 countries of the world have ratified or acceded to CEDAW and the United States is among a small minority of countries, including Afghanistan, North Korea, Iran and Sudan, which have not;

Whereas CEDAW establishes a worldwide commitment to combat discrimination against women and girls;

Whereas 165 countries of the world have ratified or acceded to CEDAW and the United States is among a small minority of countries, including Afghanistan, North Korea, Iran and Sudan, which have not;

Whereas CEDAW is helping combat violence and discrimination against women and girls around the world;

Whereas CEDAW has had a significant and positive impact on legal developments in countries as diverse as Uganda, Colombia, Brazil and South Africa, including, on citizenship rights in Botswana and Japan, inheritance rights in Botswana and Japan, inheritance rights in Tanzania, property rights and political participation in Costa Rica;

Whereas the Administration has proposed a small number of reservations, understandings and declarations to ensure that U.S. ratification fully complies with all constitutional requirements, including states' and individuals' rights;

Whereas the legislatures of California, Iowa, Massachusetts, New Hampshire, New York, North Carolina, South Dakota and Vermont have endorsed U.S. ratification of CEDAW;

Whereas more than one hundred U.S.-based, civic, legal, religious, education, and environmental organizations, support U.S. ratification of CEDAW;

Whereas ratification of CEDAW would allow the United States to nominate a representative to the CEDAW oversight committee; and

Whereas 1999 is the twentieth anniversary of the adoption of CEDAW by the UN General Assembly: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Senate Foreign Relations Committee should hold hearings on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); and

(2) the Senate should act on CEDAW by March 8, 2000, International Women's Day.

SENATE RESOLUTION 238—TO AUTHORIZE REPRESENTATION OF MEMBER OF THE SENATE

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 238

Whereas, in the case of *Brett Kimberlin* v. *Orrin Hatch, et al.*, C.A. No. 99-1590, pending in the United States District Court for the District of Columbia, the plaintiff has named as a defendant Senator Orrin G. Hatch;

Whereas; pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to the official responsibilities: Now, therefore therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Senator Hatch in the case of *Brett Kimberlin* v. *Orrin Hatch, et al.*

SENATE RESOLUTION 239—EXPRESSING THE SENSE OF THE SENATE THAT NADIA DEBBAGH, WHO WAS ABDUCTED FROM THE UNITED STATES, SHOULD BE RETURNED HOME TO HER MOTHER, MS. MAUREEN DABBAGH

Mr. ROBB submitted the following resolution; which was referred to the Committee Foreign Relations:

S. RES. 239

Whereas Mr. Mohamad Hisham Dabbagh and Mrs. Maureen Dabbagh had a daughter, Nadia Dabbagh, in 1990;

Whereas Maureen Dabbagh and Mohamad Hisham Dabbagh were divorced in February 1992;

Whereas in 1993, Nadia was abducted by her father;

Whereas Mohamad Hisham fled the United States with Nadia;

Whereas the Governments of Syria and the United States have granted child custody to Maureen Dabbagh and both have issued arrest warrants for Mohamad Dabbagh;

Whereas Mohamad Dabbagh originally escaped to Saudi Arabia;

Whereas the Department of State believed that Nadia was residing in Syria until late 1998;

Whereas the Senate passed S. Res. 293 for Nadia Dabbagh on October 21, 1998, asking Syria to aid in the return of Nadia to her mother in the United States;

Whereas in 1999, Syria invited Maureen Dabbagh to Syria to meet with her daughter;

Whereas the Department of State believes that in 1999 Nadia was moved to Saudi Arabia and is residing with Mohamad Dabbagh;

Whereas although Nadia is in Saudi Arabia, neither she nor Mohamad Dabbagh are Saudi Arabian citizens;

Whereas Maureen Dabbagh, with the assistance of missing children organizations, has been unable to reunite with her daughter;

Whereas the Department of State, the Federal Bureau of Investigation, and Interpol have been unsuccessful in their attempts to bring Nadia back to the United States;

Whereas Maureen Dabbagh has not seen her daughter in more than six years; and

Whereas it will take the continued effort and pressure on the part of the Saudi Arabian officials to bring this case to a successful conclusion: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Governments of the United States and Saudi Arabia immediately locate Nadia and deliver her safely to her mother.

• Mr. ROBB. Mr. President, I'm submitting a resolution today expressing a sense of the Senate regarding a heinous crime affecting a family in Virginia and a growing problem in this country. With this resolution, I seek to bring to your attention the plight of child abductions by noncustodial parents, and to encourage the United States and Saudi Arabia to immediately locate Nadia Dabbagh and return her safely to her mother.

Ms. Maureen Dabbagh of Virginia Beach has not seen or heard from her daughter, Nadia, in 6 years. When Nadia was just 3 years old, she was illegally abducted by her father, Mr. Mohamad Hisham Dabbagh, and the State Department believes they are currently in Saudia Arabia on temporary visas. Throughout this ordeal, Maureen Dabbagh has been aided by many caring people, groups, and government agencies, but despite FBI, State Department, and Interpol efforts, Nadia is still separated from her mother.

According to the Department of Justice, 983 children are abducted by noncustodial parents every day. I greatly sympathize with Maureen Dabbagh and with all parents facing similar situations. I believe that we, as Members of Congress and as parents, ought to use all available resources to locate missing and abducted children. I ask that we redouble our efforts to bring Nadia home.•

SENATE RESOLUTION 240—COMMENDING STEPHEN G. BALE, KEEPER OF THE STATIONERY

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 240

Whereas the Senate has been advised that its Keeper of the Stationery, Stephen G. Bale, will retire on December 31, 1999;

Whereas Steve Bale became an employee of the Senate of the United States on November 13, 1969, and since that date has ably and faithfully upheld the high standards and traditions of the Senate for a period that included sixteen Congresses;

Whereas Steve Bale has served with distinction as Keeper of the Stationery, and at all times has discharged the important duties and responsibilities of his office with dedication and excellence, and

Whereas his exceptional service and his unfailing dedication have earned him our esteem and affection: Now, therefore, be it

Resolved, That the United States Senate commends Stephen G. Bale for his exemplary service to the Senate and the Nation; wishes to express its deep appreciation for his long, faithful and outstanding service; and extends its very best wishes upon his retirement.

SEC. 2. That the Secretary of the Senate shall transmit a copy of this resolution to Stephen G. bale.

SENATE RESOLUTION 241—TO DIRECT THE SENATE COMMISSION ON ART TO RECOMMEND TO THE SENATE TWO OUTSTANDING INDIVIDUALS WHOSE PAINTINGS SHALL BE PLACED IN TWO OF THE REMAINING UNFILLED SPACES IN THE SENATE RECEPTION ROOM

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 241

Whereas the reception room in the Capitol outside the Senate Chamber was originally designed to contain medallion likenesses of outstanding Americans;

Whereas there are at present 6 unfilled spaces in the Senate reception room for such medallions; and

Whereas it is in the public interest to accomplish the original objective of the design of the Senate reception room by selecting individuals who were outstanding Senate legislators with a deep appreciation for the Senate, who will serve as role models for future Americans: Now, therefore, be it

Resolved, That (a) the Senate Commission on Art established under section 901 of the Arizona-Idaho Conservation Act of 1988 (40 U.S.C. 188b) (referred to as the "Commission") shall select 2 outstanding individuals whose paintings shall be placed in 2 of the remaining unfilled spaces in the Senate reception room, upon approval by the Senate.

(b)(1) The Commission shall select individuals from among Senators, without consideration to party affiliation, who have not served as a Senator in the last 21 years. The Commission shall not select a living individual.

(2) The Commission shall consider first those Senators who are not already commemorated in the Capitol or Senate Office Buildings, although such commemoration shall serve as an absolute bar to consideration or selection only for those who have served as President of the Senate, as the latter are visibly and appropriately commemorated through the Vice Presidential bust collection.

(3) The Commission also shall give primary consideration to the service of the Senator while in the Senate, as opposed to other service to the United States.

(c) The Commission is authorized to seek advice and recommendations from historians and other sources in carrying out this resolution.

SEC. 2. The Commission shall make its selections and recommendations pursuant to the first section no later than the close of the second session of the 106th Congress.

SEC. 3. For purposes of making the recommendations required by this resolution, a member of the Commission may designate another Senator to act in place of that member.

AMENDMENTS SUBMITTED

INTERNET GAMBLING PROHIBITION ACT OF 1999

KYL (AND BRYAN) AMENDMENT NO. 2782

Ms. COLLINS (for Mr. KYL (for himself and Mr. BRYAN)) proposed an amendment to the bill (S. 692) to prohibit Internet gambling, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Gambling Prohibition Act of 1999".

SEC. 2. PROHIBITION ON INTERNET GAMBLING.

(a) IN GENERAL.—Chapter 50 of title 18, United States Code, is amended by adding at the end the following:

"§ 1085. Internet gambling

"(a) DEFINITIONS.—In this section:

"(1) BETS OR WAGERS.—The term 'bets or wagers'—

"(A) means the staking or risking by any person of something of value upon the outcome of a contest of others, a sporting event, or a game of chance, upon an agreement or understanding that the person or another person will receive something of value based on that outcome;

"(B) includes the purchase of a chance or opportunity to win a lottery or other prize (which opportunity to win is predominantly subject to chance);

"(C) includes any scheme of a type described in section 3702 of title 28; and

"(D) does not include—

"(i) a bona fide business transaction governed by the securities laws (as defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47))) for the purchase or sale at a future date of securities (as defined in section 3(a)(10) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(10)));

"(ii) a transaction on or subject to the rules of a contract market designated pursuant to section 5 of the Commodity Exchange Act (7 U.S.C. 7);

"(iii) a contract of indemnity or guarantee; or

"(iv) a contract for life, health, or accident insurance.

"(2) CLOSED-LOOP SUBSCRIBER-BASED SERVICE.—The term 'closed-loop subscriber-based service' means any information service or system that uses—

"(A) a device or combination of devices—

"(i) expressly authorized and operated in accordance with the laws of a State, exclusively for placing, receiving, or otherwise making a bet or wager described in subsection (f)(1)(B); and

"(ii) by which a person located within any State must subscribe and be registered with the provider of the wagering service by name, address, and appropriate billing information to be authorized to place, receive, or otherwise make a bet or wager, and must be physically located within that State in order to be authorized to do so;

"(B) an effective customer verification and age verification system, expressly authorized and operated in accordance with the laws of the State in which it is located, to ensure that all applicable Federal and State legal and regulatory requirements for lawful gambling are met; and

"(C) appropriate data security standards to prevent unauthorized access by any person who has not subscribed or who is a minor.

"(3) FOREIGN JURISDICTION.—The term 'foreign jurisdiction' means a jurisdiction of a foreign country or political subdivision thereof.

"(4) GAMBLING BUSINESS.—The term 'gambling business' means—

"(A) a business that is conducted at a gambling establishment, or that—

"(i) involves—

"(I) the placing, receiving, or otherwise making of bets or wagers; or

"(II) the offering to engage in the placing, receiving, or otherwise making of bets or wagers;

"(ii) involves 1 or more persons who conduct, finance, manage, supervise, direct, or own all or part of such business; and

"(iii) has been or remains in substantially continuous operation for a period in excess of 10 days or has a gross revenue of $2,000 or more from such business during any 24-hour period; and

"(B) any soliciting agent of a business described in subparagraph (A).

"(5) INFORMATION ASSISTING IN THE PLACING OF A BET OR WAGER.—The term 'information assisting in the placing of a bet or wager'—

"(A) means information that is intended by the sender or recipient to be used by a person engaged in the business of betting or wagering to place, receive, or otherwise make a bet or wager; and

"(B) does not include—

"(i) information concerning parimutuel pools that is exchanged exclusively between or among 1 or more racetracks or other parimutuel wagering facilities licensed by the State or approved by the foreign jurisdiction in which the facility is located, and 1 or more parimutuel wagering facilities licensed by the State or approved by the foreign jurisdiction in which the facility is located, if that information is used only to conduct common pool parimutuel pooling under applicable law;

"(ii) information exchanged exclusively between or among 1 or more racetracks or other parimutuel wagering facilities licensed by the State or approved by the foreign jurisdiction in which the facility is located, and a support service located in another State or foreign jurisdiction, if the information is used only for processing bets or wagers made with that facility under applicable law;

"(iii) information exchanged exclusively between or among 1 or more wagering facilities that are located within a single State and are licensed and regulated by that State, and any support service, wherever located, if the information is used only for the pooling or processing of bets or wagers made by or with the facility or facilities under applicable State law;

"(iv) any news reporting or analysis of wagering activity, including odds, racing or event results, race and event schedules, or categories of wagering; or

"(v) any posting or reporting of any educational information on how to make a bet or wager or the nature of betting or wagering.

"(6) INTERACTIVE COMPUTER SERVICE.—The term 'interactive computer service' means any information service, system, or access software provider that operates in, or uses a channel or instrumentality of, interstate or foreign commerce to provide or enable access by multiple users to a computer server, including specifically a service or system that provides access to the Internet.

"(7) Interactive computer service provider.—The term 'interactive computer service provider' means any person that provides an interactive computer service, to the extent that such person offers or provides such service.

"(8) Internet.—The term 'Internet' means the international computer network of both Federal and non-Federal interoperable packet switched data networks.

"(9) Person.—The term 'person' means any individual, association, partnership, joint venture, corporation (or any affiliate of a corporation), State or political subdivision thereof, department, agency, or instrumentality of a State or political subdivision thereof, or any other government, organization, or entity (including any governmental entity (as defined in section 3701(2) of title 28)).

"(10) Private network.—The term 'private network' means a communications channel or channels, including voice or computer data transmission facilities, that use either—

"(A) private dedicated lines; or

"(B) the public communications infrastructure, if the infrastructure is secured by means of the appropriate private communications technology to prevent unauthorized access.

"(11) State.—The term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a commonwealth, territory, or possession of the United States.

"(12) Subscriber.—The term 'subscriber'—

"(A) means any person with a business relationship with the interactive computer service provider through which such person receives access to the system, service, or network of that provider, even if no formal subscription agreement exists; and

"(B) includes registrants, students who are granted access to a university system or network, and employees or contractors who are granted access to the system or network of their employer.

"(b) Internet Gambling.—

"(1) Prohibition.—Subject to subsection (f), it shall be unlawful for a person engaged in a gambling business knowingly to use the Internet or any other interactive computer service—

"(A) to place, receive, or otherwise make a bet or wager; or

"(B) to send, receive, or invite information assisting in the placing of a bet or wager.

"(2) Penalties.—A person engaged in a gambling business who violates this section shall be—

"(A) fined in an amount equal to not more than the greater of—

"(i) the total amount that such person bet or wagered, or placed, received, or accepted in bets or wagers, as a result of engaging in that business in violation of this section; or

"(ii) $20,000;

"(B) imprisoned not more than 4 years; or

"(C) both.

"(3) Permanent injunctions.—Upon conviction of a person under this section, the court may enter a permanent injunction enjoining such person from placing, receiving, or otherwise making bets or wagers or sending, receiving, or inviting information assisting in the placing of bets or wagers.

"(c) Civil Remedies.—

"(1) Jurisdiction.—The district courts of the United States shall have original and exclusive jurisdiction to prevent and restrain violations of this section by issuing appropriate orders in accordance with this section, regardless of whether a prosecution has been initiated under this section.

"(2) Proceedings.—

"(A) Institution by Federal government.—

"(i) In general.—The United States may institute proceedings under this subsection to prevent or restrain a violation of this section.

"(ii) Relief.—Upon application of the United States under this subparagraph, the district court may enter a temporary restraining order or an injunction against any person to prevent or restrain a violation of this section if the court determines, after notice and an opportunity for a hearing, that there is a substantial probability that such violation has occurred or will occur.

"(B) Institution by State attorney general.—

"(i) In general.—The attorney general of a State (or other appropriate State official) in which a violation of this section allegedly has occurred or will occur, after providing written notice to the United States, may institute proceedings under this subsection to prevent or restrain the violation.

"(ii) Relief.—Upon application of the attorney general (or other appropriate State official) of an affected State under this subparagraph, the district court may enter a temporary restraining order or an injunction against any person to prevent or restrain a violation of this section if the court determines, after notice and an opportunity for a hearing, that there is a substantial probability that such violation has occurred or will occur.

"(C) Proceedings by a sports organization.—A professional sports organization or an amateur sports organization (as those terms are defined in section 3701 of title 28) whose games, or the performances of whose athletes in such games, are alleged to be the basis of a violation of this section, may, after providing written notice to the United States, institute civil proceedings in an appropriate district court of the United States to prevent or restrain such violation. Upon application of the professional or amateur sports organization, the district court may enter any relief authorized by this subsection in proceedings instituted thereunder by the United States or a State Attorney General (or other appropriate State official). This subparagraph does not authorize proceedings against an interactive computer service provider described in subsection (d)(1)(B).

"(D) Indian lands.—Notwithstanding subparagraph (A), (B), or (C), for a violation that is alleged to have occurred, or may occur, on Indian lands (as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703))—

"(i) the United States shall have the enforcement authority provided under subparagraph (A); and

"(ii) in the case of an alleged violation that involves class III gaming (as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)), the enforcement authorities specified in an applicable Tribal-State compact negotiated under section 11 of the Indian Gaming Regulatory Act (25 U.S.C. 2710) shall be carried out in accordance with that compact.

"(E) Expiration.—Any temporary restraining order or preliminary injunction entered pursuant to subparagraph (A) or (B) shall expire if, and as soon as, the United States, or the attorney general (or other appropriate State official) of the State, as applicable, notifies the court that issued the order or injunction that the United States or the State, as applicable, will not seek a permanent injunction.

"(3) Expedited proceedings.—

"(A) In general.—In addition to any proceeding under paragraph (2), a district court may, in exigent circumstances, enter a temporary restraining order against a person alleged to be in violation of this section upon application of the United States under paragraph (2)(A), or the attorney general (or other appropriate State official) of an affected State under paragraph (2)(B), without notice and the opportunity for a hearing as provided in rule 65(b) of the Federal Rules of Civil Procedure (except as provided in subsection (d)(3)), if the United States or the State, as applicable, demonstrates that there is probable cause to believe that the use of the Internet or other interactive computer service at issue violates this section.

"(B) Hearings.—A hearing requested concerning an order entered under this paragraph shall be held at the earliest practicable time.

"(d) Interactive Computer Service Providers.—

"(1) Immunity from liability for use by another.—

"(A) In general.—An interactive computer service provider described in subparagraph (B) shall not be liable, under this section or any other provision of Federal or State law prohibiting or regulating gambling or gambling-related activities, for the use of its facilities or services by another person to engage in Internet gambling activity that violates such law—

"(i) arising out of any transmitting, routing, or providing of connections for gambling-related material or activity (including intermediate and temporary storage in the course of such transmitting, routing, or providing connections) by the provider, if—

"(I) the material or activity was initiated by or at the direction of a person other than the provider;

"(II) the transmitting, routing, or providing of connections is carried out through an automatic process without selection of the material or activity by the provider;

"(III) the provider does not select the recipients of the material or activity, except as an automatic response to the request of another person; and

"(IV) the material or activity is transmitted through the system or network of the provider without modification of its content; or

"(ii) arising out of any gambling-related material or activity at an online site residing on a computer server owned, controlled, or operated by or for the provider, or arising out of referring or linking users to an online location containing such material or activity, if the material or activity was initiated by or at the direction of a person other than the provider, unless the provider fails to take expeditiously, with respect to the particular material or activity at issue, the actions described in paragraph (2)(A) following the receipt by the provider of a notice described in paragraph (2)(B).

"(B) Eligibility.—An interactive computer service provider is described in this subparagraph only if the provider—

"(i) maintains and implements a written or electronic policy that requires the provider to terminate the account of a subscriber of its system or network expeditiously following the receipt by the provider of a notice described in paragraph (2)(B) alleging that such subscriber has violated or is violating this section; and

"(ii) with respect to the particular material or activity at issue, has not knowingly permitted its computer server to be used to engage in activity that the provider knows is prohibited by this section, with the specific intent that such server be used for such purpose.

"(2) NOTICE TO INTERACTIVE COMPUTER SERVICE PROVIDERS.—

"(A) IN GENERAL.—If an interactive computer service provider receives from a Federal or State law enforcement agency, acting within its authority and jurisdiction, a written or electronic notice described in subparagraph (B), that a particular online site residing on a computer server owned, controlled, or operated by or for the provider is being used by another person to violate this section, the provider shall expeditiously—

"(i) remove or disable access to the material or activity residing at that online site that allegedly violates this section; or

"(ii) in any case in which the provider does not control the site at which the subject material or activity resides, the provider, through any agent of the provider designated in accordance with section 512(c)(2) of title 17, or other responsible identified employee or contractor—

"(I) notify the Federal or State law enforcement agency that the provider is not the proper recipient of such notice; and

"(II) upon receipt of a subpoena, cooperate with the Federal or State law enforcement agency in identifying the person or persons who control the site.

"(B) NOTICE.—A notice is described in this subparagraph only if it—

"(i) identifies the material or activity that allegedly violates this section, and alleges that such material or activity violates this section;

"(ii) provides information reasonably sufficient to permit the provider to locate (and, as appropriate, in a notice issued pursuant to paragraph (3)(A) to block access to) the material or activity;

"(iii) is supplied to any agent of a provider designated in accordance with section 512(c)(2) of title 17, if information regarding such designation is readily available to the public;

"(iv) provides information that is reasonably sufficient to permit the provider to contact the law enforcement agency that issued the notice, including the name of the law enforcement agency, and the name and telephone number of an individual to contact at the law enforcement agency (and, if available, the electronic mail address of that individual); and

"(v) declares under penalties of perjury that the person submitting the notice is an official of the law enforcement agency described in clause (iv).

"(3) INJUNCTIVE RELIEF.—

"(A) IN GENERAL.—The United States, or a State law enforcement agency acting within its authority and jurisdiction, may, not less than 24 hours following the issuance to an interactive computer service provider of a notice described in paragraph (2)(B), in a civil action, obtain a temporary restraining order, or an injunction to prevent the use of the interactive computer service by another person in violation of this section.

"(B) LIMITATIONS.—Notwithstanding any other provision of this section, in the case of any application for a temporary restraining order or an injunction against an interactive computer service provider described in paragraph (1)(B) to prevent a violation of this section—

"(i) arising out of activity described in paragraph (1)(A)(i), the injunctive relief is limited to—

"(I) an order restraining the provider from providing access to an identified subscriber of the system or network of the interactive computer service provider, if the court determines that there is probable cause to believe that such subscriber is using that access to violate this section (or to engage with another person in a communication that violates this section), by terminating the specified account of that subscriber; and

"(II) an order restraining the provider from providing access, by taking reasonable steps specified in the order to block access, to a specific, identified, foreign online location;

"(ii) arising out of activity described in paragraph (1)(A)(ii), the injunctive relief is limited to—

"(I) the orders described in clause (i)(I);

"(II) an order restraining the provider from providing access to the material or activity that violates this section at a particular online site residing on a computer server operated or controlled by the provider; and

"(III) such other injunctive remedies as the court considers necessary to prevent or restrain access to specified material or activity that is prohibited by this section at a particular online location residing on a computer server operated or controlled by the provider, that are the least burdensome to the provider among the forms of relief that are comparably effective for that purpose.

"(C) CONSIDERATIONS.—The court, in determining appropriate injunctive relief under this paragraph, shall consider—

"(i) whether such an injunction, either alone or in combination with other such injunctions issued, and currently operative, against the same provider would significantly (and, in the case of relief under subparagraph (B)(ii), taking into account, among other factors, the conduct of the provider, unreasonably) burden either the provider or the operation of the system or network of the provider;

"(ii) whether implementation of such an injunction would be technically feasible and effective, and would not materially interfere with access to lawful material at other online locations;

"(iii) whether other less burdensome and comparably effective means of preventing or restraining access to the illegal material or activity are available; and

"(iv) the magnitude of the harm likely to be suffered by the community if the injunction is not granted.

"(D) NOTICE AND EX PARTE ORDERS.—Injunctive relief under this paragraph shall not be available without notice to the service provider and an opportunity for such provider to appear before the court, except for orders ensuring the preservation of evidence or other orders having no material adverse effect on the operation of the communications network of the service provider.

"(4) ADVERTISING OR PROMOTION OF NON-INTERNET GAMBLING.—

"(A) DEFINITIONS.—In this paragraph:

"(i) CONDUCTED.—With respect to a gambling activity, that activity is 'conducted' in a State if the State is the State in which the gambling establishment (as defined in section 1081) that offers the gambling activity being advertised or promoted is physically located.

"(ii) NON-INTERNET GAMBLING ACTIVITY.—The term 'non-Internet gambling activity' means—

"(I) a gambling activity in which the placing of the bet or wager is not conducted by the Internet; or

"(II) a gambling activity to which the prohibitions of this section do not apply.

"(B) IMMUNITY FROM LIABILITY FOR USE BY ANOTHER.—

"(i) IN GENERAL.—An interactive computer service provider described in clause (ii) shall not be liable, under any provision of Federal or State law prohibiting or regulating gambling or gambling-related activities, or under any State law prohibiting or regulating advertising and promotional activities, for—

"(I) content, provided by another person, that advertises or promotes non-Internet gambling activity that violates such law (unless the provider is engaged in the business of such gambling), arising out of any of the activities described in paragraph (1)(A) (i) or (ii); or

"(II) content, provided by another person, that advertises or promotes non-Internet gambling activity that is lawful under Federal law and the law of the State in which such gambling activity is conducted.

"(ii) ELIGIBILITY.—An interactive computer service is described in this clause only if the provider—

"(I) maintains and implements a written or electronic policy that requires the provider to terminate the account of a subscriber of its system or network expeditiously following the receipt by the provider of a notice described in paragraph (2)(B) alleging that such subscriber maintains a website on a computer server controlled or operated by the provider for the purpose of engaging in advertising or promotion of non-Internet gambling activity prohibited by a Federal law or a law of the State in which such activity is conducted;

"(II) with respect to the particular material or activity at issue, has not knowingly permitted its computer server to be used to engage in the advertising or promotion of non-Internet gambling activity that the provider knows is prohibited by a Federal law or a law of the State in which the activity is conducted, with the specific intent that such server be used for such purpose; and

"(III) at reasonable cost, offers residential customers of the provider's Internet access service, if the provider provides Internet access service to such customers, computer software, or another filtering or blocking system that includes the capability of filtering or blocking access by minors to online Internet gambling sites that violate this section.

"(C) NOTICE TO INTERACTIVE COMPUTER SERVICE PROVIDERS.—

"(i) NOTICE FROM FEDERAL LAW ENFORCEMENT AGENCY.—If an interactive computer service provider receives from a Federal law enforcement agency, acting within its authority and jurisdiction, a written or electronic notice described in paragraph (2)(B), that a particular online site residing on a computer server owned, controlled, or operated by or for the provider is being used by another person to advertise or promote non-Internet gambling activity that violates a Federal law prohibiting or regulating gambling or gambling-related activities, the provider shall expeditiously take the actions described in paragraph (2)(A) (i) or (ii) with respect to the advertising or promotion identified in the notice.

"(ii) NOTICE FROM STATE LAW ENFORCEMENT AGENCY.—If an interactive computer service provider receives from a State law enforcement agency, acting within its authority and jurisdiction, a written or electronic notice described in paragraph (2)(B), that a particular online site residing on a computer server owned, controlled, or operated by or for the provider is being used by another person to advertise or promote non-Internet gambling activity that is conducted in that

State and that violates a law of that State prohibiting or regulating gambling or gambling-related activities, the provider shall expeditiously take the actions described in paragraph (2)(A) (i) or (ii) with respect to the advertising or promotion identified in the notice.

"(D) INJUNCTIVE RELIEF.—The United States, or a State law enforcement agency, acting within its authority and jurisdiction, may, not less than 24 hours following the issuance to an interactive computer service provider of a notice described in paragraph (2)(B), in a civil action, obtain a temporary restraining order, or an injunction, to prevent the use of the interactive computer service by another person to advertise or promote non-Internet gambling activity that violates a Federal law, or a law of the State in which such activity is conducted that prohibits or regulates gambling or gambling-related activities, as applicable. The procedures described in paragraph (3)(D) shall apply to actions brought under this subparagraph, and the relief in such actions shall be limited to—

"(i) an order requiring the provider to remove or disable access to the advertising or promotion of non-Internet gambling activity that violates Federal law, or the law of the State in which such activity is conducted, as applicable, at a particular online site residing on a computer server controlled or operated by the provider;

"(ii) an order restraining the provider from providing access to an identified subscriber of the system or network of the provider, if the court determines that such subscriber maintains a website on a computer server controlled or operated by the provider that the subscriber is knowingly using or knowingly permitting to be used to advertise or promote non-Internet gambling activity that violates Federal law or the law of the State in which such activity is conducted; and

"(iii) an order restraining the provider of the content of the advertising or promotion of such illegal gambling activity from disseminating such advertising or promotion on the computer server controlled or operated by the provider of such interactive computer service.

"(E) APPLICABILITY.—The provisions of subparagraphs (C) and (D) do not apply to the content described in subparagraph (B)(i)(II).

"(5) EFFECT ON OTHER LAW.—

"(A) IMMUNITY FROM LIABILITY FOR COMPLIANCE.—An interactive computer service provider shall not be liable for any damages, penalty, or forfeiture, civil or criminal, under Federal or State law for taking in good faith any action described in paragraph (2)(A) or (4) (B)(ii)(I) or (C) to comply with a notice described in paragraph (2)(B), or complying with any court order issued under paragraph (3) or (4)(C).

"(B) DISCLAIMER OF OBLIGATIONS.—Nothing in this section may be construed to impose or authorize an obligation on an interactive computer service provider described in paragraph (1)(B)—

"(i) to monitor material or use of its service; or

"(ii) except as required by a notice or an order of a court under this subsection, to gain access to, to remove, or to disable access to material.

"(C) RIGHTS OF SUBSCRIBERS.—Nothing in this section may be construed to prejudice the right of a subscriber to secure an appropriate determination, as otherwise provided by law, in a Federal court or in a State or local tribunal or agency, that the account of such subscriber should not be terminated pursuant to this subsection, or should be restored.

"(e) AVAILABILITY OF RELIEF.—The availability of relief under subsections (c) and (d) shall not depend on, or be affected by, the initiation or resolution of any action under subsection (b), or under any other provision of Federal or State law.

"(f) APPLICABILITY.—

"(1) IN GENERAL.—Subject to paragraph (2), the prohibition in this section does not apply to—

"(A) any otherwise lawful bet or wager that is placed, received, or otherwise made wholly intrastate for a State lottery, or for a multi-State lottery operated jointly between 2 or more States in conjunction with State lotteries if—

"(i) each such lottery is expressly authorized, and licensed or regulated, under applicable State law;

"(ii) the bet or wager is placed on an interactive computer service that uses a private network;

"(iii) each person placing or otherwise making that bet or wager is physically located when such bet or wager is placed at a facility that is open to the general public; and

"(iv) each such lottery complies with sections 1301 through 1304, and other applicable provisions of Federal law;

"(B) any otherwise lawful bet or wager that is placed, received, or otherwise made on an interstate or intrastate basis on a live horse or a live dog race, or the sending, receiving, or inviting of information assisting in the placing of such a bet or wager, if such bet or wager, or the transmission of such information, as applicable, is—

"(i) expressly authorized, and licensed or regulated by the State in which such bet or wager is received, under applicable Federal and such State's laws;

"(ii) placed on a closed-loop subscriber-based service;

"(iii) initiated from a State in which betting or wagering on that same type of live horse or live dog racing is lawful and received in a State in which such betting or wagering is lawful;

"(iv) subject to the regulatory oversight of the State in which the bet or wager is received and subject by such State to minimum control standards for the accounting, regulatory inspection, and auditing of all such bets or wagers transmitted from 1 State to another; and

"(v) in the case of—

"(I) live horse racing, made in accordance with the Interstate Horse Racing Act of 1978 (15 U.S.C. 3001 et seq.) and the requirements, if any, established by an appropriate legislative or regulatory body or the State in which the bet or wager originates; or

"(II) live dog racing, subject to consent agreements that are comparable to those required by the Interstate Horse Racing Act of 1978, approved by the appropriate State regulatory agencies, in the State receiving the signal, and in the State in which the bet or wager originates; or

"(C) any otherwise lawful bet or wager that is placed, received, or otherwise made for a fantasy sports league game or contest.

"(2) BETS OR WAGERS MADE BY AGENTS OR PROXIES.—

"(A) IN GENERAL.—Paragraph (1) does not apply in any case in which a bet or wager is placed, received, or otherwise made by the use of an agent or proxy using the Internet or an interactive computer service.

"(B) QUALIFICATION.—Nothing in this paragraph may be construed to prohibit the owner operator of a parimutuel wagering facility that is licensed by a State from employing an agent in the operation of the account wagering system owned or operated by the parimutuel facility.

"(3) ADVERTISING AND PROMOTION.—The prohibition of subsection (b)(1)(B) does not apply to advertising or promotion of any activity that is not prohibited by subsection (b)(1)(A).

"(g) RULES OF CONSTRUCTION.—

"(1) NO IMMUNITY FROM PROSECUTION.—Except as provided in subsection (d), nothing in this section may be construed to create immunity from criminal prosecution under any provision of Federal or State law.

"(2) OTHER PROHIBITIONS AND REMEDIES.—Nothing in this section may be construed to affect any prohibition or remedy applicable to a person engaged in a gambling business under any other provision of Federal or State law.".

(b) TECHNICAL AMENDMENT.—The analysis for chapter 50 of title 18, United States Code, is amended by adding at the end the following:

"1085. Internet gambling.".

SEC. 3. REPORT ON ENFORCEMENT.

Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to Congress a report, which shall include—

(1) an analysis of the problems, if any, associated with enforcing section 1085 of title 18, United States Code, as added by section 2 of this Act;

(2) recommendations for the best use of the resources of the Department of Justice to enforce that section; and

(3) an estimate of the amount of activity and money that continue to be used to gamble on the Internet, despite the prohibition of section 1085 of title 18, United States Code, as added by section 2 of this Act, together with—

(A) a detailed description of the factors contributing to successful evasion of that prohibition; and

(B) recommendations concerning means of closing the channels used to evade that prohibition.

SEC. 4. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of this Act and the provisions of such amendments to any other person or circumstance shall not be affected thereby.

CAMPBELL AMENDMENT NO. 2783

Ms. COLLINS (for Mr. CAMPBELL) proposed an amendment to amendment No. 2782 proposed by Mr. KYL to the bill, S. 692, supra; as follows:

On page 35 of the Kyl-Bryan substitute, after line 18, insert the following:

(4) INDIAN GAMING.

(A) IN GENERAL.—Subject to paragraph (2), the prohibition in this section does not apply to any otherwise lawful bet or wager that is placed, received, or otherwise made on any game that constitutes class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act, 25 U.S.C. 2703), or the sending, receiving, or inviting of information assisting in the placing of any such bet or wager, as applicable, if—

(i) the game is permitted under and conducted in accordance with the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.);

(ii) each person placing, receiving, or otherwise making such bet or wager, or transmitting such information, is physically located on Indian lands (as that term is defined in section 4 of Indian Gaming Regulatory Act, 25 U.S.C. 2703) when such person places, receives, or otherwise makes the bet or wager, or transmits such information;

(iii) the game is conducted on a closed-loop subscriber-based system or a private network; and

(iv) in the case of a game that constitutes class III gaming—

(I) the game is authorized under, and is conducted in accordance with, the respective Tribal-State compacts (entered into and approved pursuant to section 11(d) of the Indian Gaming Regulatory Act, 25 U.S.C. 2710) governing gaming activity on the Indian lands, in each respective State, on which each person placing, receiving, or otherwise making such bet or wager, or transmitting such information, is physically located when such person places, receives, or otherwise makes the bet or wager, or transmits such information; and

(II) each such Tribal-State compact expressly provides that the game may be conducted using the Internet or other interactive computer service only on a closed-loop subscriber-based system or a private network.

(B) Activities under Existing Compacts.—The requirement of subparagraph (A)(iv)(II) shall not apply in the case of gaming activity, otherwise subject to this section, that was being conducted on Indian lands on September 1, 1999, with the approval of the state gaming commission or like regulatory authority of the State in which such Indian lands are located, but without such required compact approval, until the date on which the compact governing gaming activity on such Indian lands expires (exclusive of any automatic or discretionary renewal or extension of such compact), so long as such gaming activity is conducted using the Internet or other interactive computer service only on a closed-loop subscriber-based system or a private network. For purposes of this subparagraph, the phrase "conducted on Indian lands" shall refer to all Indian lands on which any person placing, receiving, or otherwise making a bet or wager, or sending, receiving, or inviting information assisting in the placing of a bet or wager, is physically located when such person places, receives, or otherwise makes the bet or wager, or sends, receives, or invites such information.

DATE-RAPE DRUG CONTROL ACT OF 1999

HUTCHISON AMENDMENT NO. 2784

Ms. COLLINS (for Mrs. HUTCHISON) proposed an amendment to the bill (S. 1561) to amend the Controlled Substances Act to add gamma hydroxybutyric acid and ketamine to the schedules of control substances, to provide for a national awareness campaign, and for other purposes; as follows:

On page 1, beginning on line 4, strike "Samantha Reid and Hillory J. Farias" and insert "Hillory J. Farias and Samantha Reid".

On page 6, line 21, strike "Samantha Reid and Hillory J. Farias" and insert "Hillory J. Farias and Samantha Reid".

On page 7, line 12, strike "Samantha Reid and Hillory J. Farias" and insert "Hillory J. Farias and Samantha Reid".

ELECTRONIC BENEFIT TRANSFER INTEROPERABILITY AND PORTABILITY ACT OF 1999

FITZGERALD AMENDMENT NO. 2785

Ms. COLLINS (for Mr. FITZGERALD) proposed an amendment to the bill (S. 1733) to amend the Food Stamp Act of 1977 to provide for a national standard of interoperability and portability applicable to electronic food stamp benefit transactions; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electronic Benefit Transfer Interoperabilty and Portability Act of 1999".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to protect the integrity of the food stamp program;

(2) to ensure cost-effective portability of food stamp benefits across State borders without imposing additional administrative expenses for special equipment to address problems relating to the portability;

(3) to enhance the flow of interstate commerce involving electronic transactions involving food stamp benefits under a uniform national standard of interoperability and portability; and

(4) to eliminate the inefficiencies resulting from a patchwork of State-administered systems and regulations established to carry out the food stamp program

SEC. 3. INTEROPERABILTY AND PORTABILITY OF FOOD STAMP TRANSACTIONS.

Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended by adding at the end the following:

"(k) Interoperabilty and Portability of Electronic Benefit Transfer Transactions.—

"(1) Definitions.—In this subsection:

"(A) Electronic benefit transfer card.—The term 'electronic benefit transfer card' means a card that provides benefits under this Act through an electronic benefit transfer service (as defined in subsection (i)(11)(A)).

"(B) Electronic benefit transfer contract.—The term 'electronic benefit transfer contract' means a contract that provides for the issuance, use, or redemption of coupons in the form of electronic benefit transfer cards.

"(C) Interoperabilty.—The term 'interoperability' means a system that enables a coupon issued in the form of an electronic benefit transfer card to be redeemed in any State.

"(D) Interstate transaction.—The term 'interstate transaction' means a transaction that is initiated in 1 State by the use of an electronic benefit transfer card that is issued in another State.

"(E) Portability.—The term 'portability' means a system that enables a coupon issued in the form of an electronic benefit transfer card to be used in any State by a household to purchase food at a retail food store or wholesale food concern approved under this Act.

"(F) Settling.—The term 'settling' means movement, and reporting such movement, of funds from an electronic benefit transfer card issuer that is located in 1 State to a retail food store, or wholesale food concern, that is located in another State, to accomplish an interstate transaction.

"(G) Smart card.—The term 'smart card' means an intelligent benefit card described in section 17(f).

"(H) Switching.—The term 'switching' means the routing of an interstate transaction that consists of transmitting the details of a transaction electronically recorded through the use of an electronic benefit transfer card in 1 State to the issuer of the card that is in another State.

"(2) Requirement.—Not later than October 1, 2002, the Secretary shall ensure that systems that provide for the electronic issuance, use, and redemption of coupons in the form of electronic benefit transfer cards are interoperable, and food stamp benefits are portable, among all States.

"(3) Cost.—The cost of achieving the interoperability and portability required under paragraph (2) shall not be imposed on any food stamp retail store, or any wholesale food concern, approved to participate in the food stamp program.

"(4) Standards.—Not later than 210 days after the date of enactment of this subsection, the Secretary shall promulgate regulations that—

"(A) adopt a uniform national standard of interoperability and portability required under paragraph (2) that is based on the standard of interoperability and portability used by a majority of State agencies; and

"(B) require that any electronic benefit transfer contract that is entered into 30 days or more after the regulations are promulgated, by or on behalf of a State agency, provide for the interoperability and portability required under paragraph (2) in accordance with the national standard.

"(5) Exemptions—

"(A) Contracts.—The requirements of paragraph (2) shall not apply to the transfer of benefits under an electronic benefit transfer contract before the expiration of the term of the contract if the contract—

"(i) is entered into before the date that is 30 days after the regulations are promulgated under paragraph (4); and

"(ii) expires after October 1, 2002.

"(B) Waiver.—At the request of a State agency, the Secretary may provide 1 waiver to temporarily exempt, for a period ending on or before the date specified under clause (iii), the State agency from complying with the requirements of paragraph (2), if the State agency—

"(i) establishes to the satisfaction of the Secretary that the State agency faces unusual technological barriers to achieving by October 1, 2002, the interoperability and portability required under paragraph (2);

"(ii) demonstrates that the best interest of the food stamp program would be served by granting the waiver with respect to the electronic benefit transfer system used by the State agency to administer the food stamp program; and

"(iii) specifies a date by which the State agency will achieve the interoperability and portability required under paragraph (2).

"(C) Smart card systems.—The Secretary shall allow a State agency that is using smart cards for the delivery of food stamp program benefits to comply with the requirements of paragraph (2) at such time after October 1, 2002, as the Secretary determines that a practicable technological method is available for interoperability with electronic benefit transfer cards.

"(6) FUNDING.—

"(A) IN GENERAL.—In accordance with regulations promulgated by the Secretary, the Secretary shall pay 100 percent of the costs incurred by a State agency under this Act for switching and settling interstate transactions—

"(i) incurred after the date of enactment of this subsection and before October 1, 2002, if the State agency uses the standard of interoperability and portability adopted by a majority of State agencies; and

"(ii) incurred after September 30, 2002, if the State agency uses the uniform national standard of interoperability and portability adopted under paragraph (4)(A).

"(B) LIMITATION.—The total amount paid to State agencies for each fiscal year under subparagraph (A) shall not exceed $500,000.".

SEC. 4. STUDY OF ALTERNATIVES FOR HANDLING ELECTRONIC BENEFIT TRANSACTIONS INVOLVING FOOD STAMP BENEFITS.

Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall study and report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on alternatives for handling interstate electronic benefit transactions involving food stamp benefits provided under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), including the feasibility and desirability of a single hub for switching (as defined in section 7(k)(1) of that Act (as added by section 3)).

LEGISLATION TO EXEMPT CERTAIN REPORTS FROM AUTOMATIC ELIMINATION AND SUNSET

LEAHY AMENDMENT NO. 2786

Ms. COLLINS (for Mr. LEAHY) proposed an amendment to the bill (H.R. 3111) to exempt certain reports from automatic elimination and sunset pursuant to the Federal Reports Elimination and Sunset Act of 1995; as follows:

Add at the end the following:

SEC. 2(a) SHORT TITLE.—This Act may be cited as the "Continued Reporting of Intercepted Wire, Oral, and Electronic Communications Act".

(b) FINDINGS.—Congress makes the following findings:

(1) Section 2519(3) of title 18, United States Code, requires the Director of the Administrative Office of the United States Courts to transmit to Congress a full and complete annual report concerning the number of applications for orders authorizing or approving the interception of wire, oral, or electronic communications. This report is required to include information specified in section 2519(3).

(2) The Federal Reports Elimination and Sunset Act of 1995 provides for the termination of certain laws requiring submittal to Congress of annual, semiannual, and regular periodic reports as of December 21, 1999, 4 years from the effective date of that Act.

(3) Due to the Federal Reports Elimination Act and Sunset Act of 1995, the Administrative Office of United States Courts is not required to submit that annual report described in section 219(3) of title 18, United States Code, as of December 21, 1999.

(c) CONTINUED REPORTING REQUIREMENTS.—

(1) CONTINUED REPORTING REQUIREMENTS.—Section 2519 of title 18, United States Code, is amended by adding at the end the following:

"(4) The reports required to be filed by subsection (3) are exempted from the termination provisions of section 3003(a) of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104-66).".

(2) EXEMPTION.—Section 3003(d) of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104-66) is amended—

(a) in paragraph (31), by striking "or" at the end;

(b) in paragraph (32), by striking the period and inserting "; or"; and

(c) by adding at the end the following:

"(33) section 2519(3) of title 18, United States Code.".

(d) ENCRYPTION REPORTING REQUIREMENTS.—

(1) Section 2519(2)(b) of title 18, United States Code, is amended by striking "and (iv)" and inserting "(iv) the number of orders in which encryption was encountered and whether such encryption prevented law enforcement from obtaining the plain text of communications intercepted pursuant to such order, and (v)".

(2) The encryption reporting requirement in subsection (a) shall be effective for the report transmitted by the Director of the Administrative Office of the Courts for calendar year 2000 and in subsequent reports.

(e) REPORTS CONCERNING PEN REGISTERS AND TRAP AND TRACE DEVICES.—.

Section 3126 of title 18, United States Code, is amended by striking the period and inserting ", which report shall include information concerning—

"(1) the period of interceptions authorized by the order, and the number and duration of any extensions of the order;

"(2) the offense specified in the order or application, or extension of an order;

"(3) the number of investigations involved;

"(4) the number and nature of the facilities affected; and

"(5) the identity, including district, of the applying investigative or law enforcement agency making the application and the person authorizing the order.".

MILLENNIUM DIGITAL COMMERCE ACT

ABRAHAM (AND OTHERS) AMENDMENT NO. 2787

Ms. COLLINS (for Mr. ABRAHAM (for himself, Mr. WYDEN, and Mr. LEAHY)) posed an amendment to the bill (S. 761) to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Millennium Digital Commerce Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The growth of electronic commerce and electronic government transactions represent a powerful force for economic growth, consumer choice, improved civic participation and wealth creation.

(2) The promotion of growth in private sector electronic commerce through Federal legislation is in the national interest because that market is globally important to the United States.

(3) A consistent legal foundation, across multiple jurisdictions, for electronic commerce will promote the growth of such transactions, and that such a foundation should be based upon a simple, technology neutral, non-regulatory, and market-based approach.

(4) The Nation and the world stand at the beginning of a large scale transition to an information society which will require innovative legal and policy approaches, and therefore, States can serve the national interest by continuing their proven role as laboratories of innovation for quickly evolving areas of public policy, provided that States also adopt a consistent, reasonable national baseline to eliminate obsolete barriers to electronic commerce such as undue paper and pen requirements, and further, that any such innovation should not unduly burden inter-jurisdictional commerce.

(5) To the extent State laws or regulations do not provide a consistent, reasonable national baseline or in fact create an undue burden to interstate commerce in the important burgeoning area of electronic commerce, the national interest is best served by Federal preemption to the extent necessary to provide such consistent, reasonable national baseline or eliminate said burden, but that absent such lack of consistent, reasonable national baseline or such undue burdens, the best legal system for electronic commerce will result from continuing experimentation by individual jurisdictions.

(6) With due regard to the fundamental need for a consistent national baseline, each jurisdiction that enacts such laws should have the right to determine the need for any exceptions to protect consumers and maintain consistency with existing related bodies of law within a particular jurisdiction.

(7) Industry has developed several electronic signature technologies for use in electronic transactions, and the public policies of the United States should serve to promote a dynamic marketplace within which these technologies can compete. Consistent with this Act, States should permit the use and development of any authentication technologies that are appropriate as practicable as between private parties and in the use with State agencies.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to permit and encourage the continued expansion of electronic commerce through the operation of free market forces rather than proscriptive governmental mandates and regulations;

(2) to promote public confidence in the validity, integrity and reliability of electronic commerce and online government under Federal law;

(3) to facilitate and promote electronic commerce by clarifying the legal status of electronic records and electronic signatures in the context of contract formation;

(4) to facilitate the ability of private parties engaged in interstate transactions to agree among themselves on the appropriate electronic signature technologies for their transactions; and

(5) to promote the development of a consistent national legal infrastructure necessary to support of electronic commerce at the Federal and state levels within existing areas of jurisdiction.

SEC. 4. DEFINITIONS.

In this Act:

(1) ELECTRONIC.—The term "electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(2) ELECTRONIC AGENT.—The term "electronic agent" means a computer program or an electronic or other automated means used to initiate an action or respond to electronic records or performances in whole or in part without review by an individual at the time of the action or response.

(3) ELECTRONIC RECORD.—The term "electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

(4) ELECTRONIC SIGNATURE.—The term "electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(5) GOVERNMENTAL AGENCY.—The term "governmental agency" means an executive, legislative, or judicial agency, department, board, commission, authority, or institution of the Federal Government or of a State or of any county, municipality, or other political subdivision of a State.

(6) RECORD.—The term "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(7) TRANSACTION.—The term "transaction" means an action or set of actions relating to the conduct of commerce, between 2 or more persons, neither of which is the United States Government, a State, or an agency, department, board, commission, authority, or institution of the United States Government or of a State.

(8) UNIFORM ELECTRONIC TRANSACTIONS ACT.—The term "Uniform Electronic Transactions Act" means the Uniform Electronic Transactions Act as provided to State legislatures by the National Conference of Commissioners on Uniform State Law in that form of any substantially similar variation thereof.

SEC. 5. INTERSTATE CONTRACT CERTAINTY.

(a) IN GENERAL.—In any commercial transaction affecting interstate commerce, a contract may not be denied legal effect or enforceability solely because an electronic signature or electronic record was used in its formation.

(b) METHODS.—Parties to a transaction are permitted to determine the appropriate electronic signature technologies for their transaction, and the means of implementing such technologies.

(c) PRESENTATION OF CONTRACTS.—Notwithstanding subsection (a), if a law requires that a contract be in writing, the legal effect or enforceability of an electronic record of such contract shall be denied under such law, unless it is delivered to all parties to such contract in a form that—

(1) can be retained by the parties for later reference; and

(2) can be used to prove the terms of the agreement.

(d) SPECIFIC EXCLUSIONS.—The provisions of this section shall not apply to a statute, regulation, or other rule of law governing any of the following:

(1) The Uniform Commercial Code, as in effect in a State, other than sections 1-107 and 1-206, Article 2, and Article 2A.

(2) Premarital agreements, marriage, adoption, divorce or other matters of family law.

(3) Documents of title which are filed of record with a governmental unit until such time that a state or subdivision thereof chooses to accept filings electronically.

(4) Residential landlord-tenant relationships.

(5) The Uniform Health-Care Decisions Act as in effect in a State.

(e) ELECTRONIC AGENTS.—A contract relating to a commercial transaction affecting interstate commerce may not be denied legal effect or enforceability solely because its formation involved—

(1) the interaction of electronic agents of the parties; or

(2) the interaction of an electronic agent of a party and an individual who acts on that individual's own behalf or as an agent for another person.

(f) INSURANCE.—It is the specific intent of the Congress that this section apply to the business of insurance.

(g) APPLICATION IN UETA STATES.—This section does not apply in any State in which the Uniform Electronic Transactions Act is in effect.

SEC. 6. PRINCIPLES GOVERNING THE USE OF ELECTRONIC SIGNATURES IN INTERNATIONAL TRANSACTIONS.

To the extent practicable, the Federal Government shall observe the following principles in an international context to enable commercial electronic transaction:

(1) Remove paper-based obstacles to electronic transactions by adopting relevant principles from the Model Law on Electronic Commerce adopted in 1996 by the United Nations Commission on International Trade Law.

(2) Permit parties to a transaction to determine the appropriate authentication technologies and implementation models for their transactions, with assurance that those technologies and implementation models will be recognized and enforced.

(3) Permit parties to a transaction to have the opportunity to prove in court or other proceedings that their authentication approaches and their transactions are valid.

(4) Take a non-discriminatory approach to electronic signatures and authentication methods from other jurisdictions.

SEC. 7. STUDY OF LEGAL AND REGULATORY BARRIERS TO ELECTRONIC COMMERCE.

(a) BARRIERS.—Each Federal agency shall, not later than 6 months after the date of enactment of this Act, provide a report to the Director of the Office of Management and Budget and the Secretary of Commerce identifying any provision of law administered by such agency, or any regulations issued by such agency and in effect on the date of enactment of this Act, that may impose a barrier to electronic transactions, or otherwise to the conduct of commerce online or be electronic means, including barriers imposed by a law or regulation directly or indirectly requiring that signatures, or records of transactions, be accomplished or retained in other than electronic form. In its report, each agency shall identify the barriers among those identified whose removal would require legislative action, and shall indicate agency plans to undertake regulatory action to remove such barriers among those identified as are caused by regulations issued by the agency.

(b) REPORT TO CONGRESS.—The Secretary of Commerce, in consultation with the Director of the Office of Management and Budget, shall, within 18 months after the date of enactment of this Act, and after the consultation required by subsection (c) of this section, report to the Congress concerning—

(1) legislation needed to remove barriers to electronic transactions or otherwise to the conduct of commerce online or by electronic means; and

(2) actions being taken by the Executive Branch and individual Federal agencies to remove such barriers as are caused by agency regulations or policies.

(c) CONSULTATION.—In preparing the report required by this section, the Secretary of Commerce shall consult with the General Services Administration, the National Archives and Records Administration, and the Attorney General concerning matters involving the authenticity of records, their storage and retention, and their usability for law enforcement purposes.

(d) INCLUDE FINDINGS IF NO RECOMMENDATIONS.—If the report required by this section omits recommendations for actions needed to fully remove identified barriers to electronic transactions or to online or electronic commerce, it shall include a finding or findings, including substantial reasons therefor, that such removal is impracticable or would be inconsistent with the implementation or enforcement of applicable laws.

CHURCH PLAN PARITY AND ENTANGLEMENT PREVENTION ACT OF 1999

SESSIONS (AND JEFFORDS) AMENDMENT NO. 2788

Ms. COLLINS (for Mr. SESSIONS (for himself and Mr. JEFFORDS)) proposed an amendment to the bill (S. 1309) to amend title I of the Employee Retirement Income Security Act of 1974 to provide for the preemption of State law in certain cases relating to certain church plans; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. PURPOSE.

The purpose of this Act is only to clarify the application to a church plan that is a welfare plan of State insurance laws that require or solely relate to licensing, solvency, insolvency, or the status of such plan as a single employer plan.

SEC. 2. CLARIFICATION OF CHURCH WELFARE PLAN STATUS UNDER STATE INSURANCE LAW.

(a) IN GENERAL..—For purposes of determining the status of a church plan that is a welfare plan under provisions of a State insurance law described in subsection (b), such a church plan (and any trust under such plan) shall be deemed to be a plan sponsored by a single employer that reimburses costs from general church assets, or purchases insurance coverage with general church assets, or both.

(b) STATE INSURANCE LAW.—A State insurance law described in this subsection is a law that—

(1) requires a church plan, or an organization described in section 414(e)(3)(A) of the Internal Revenue Code of 1986 and section 3(33)(C)(i) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(33)(C)(i)) to the extent that it is administering or funding such a plan, to be licensed; or

(2) relates solely to the solvency or insolvency of a church plan (including participation in State guaranty funds and associations).

(c) DEFINITIONS.—For purposes of this section:

(1) CHURCH PLAN.—The term "church plan" has the meaning given such term by section 414(e) of the Internal Revenue Code of 1986

and section 3(33) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(33)).

(2) REIMBURSES COSTS FROM GENERAL CHURCH ASSETS.—The term "reimburses costs from general church assets" means engaging in an activity that is not the spreading of risk solely for the purposes of the provisions of State insurance laws described in subsection (b).

(3) WELFARE PLAN.—The term "welfare plan"—

(A) means any church plan to the extent that such plan provides medical, surgical, or hospital care or benefits, or benefits in the event of sickness, accident, disability, death or unemployment, or vacation benefits, apprenticeship or other training programs, or day care centers, scholarship funds, or prepaid legal services; and

(B) does not include any entity, such as a health insurance issuer described in section 9832(b)(2) of the Internal Revenue Code of 1986 or a health maintenance organization described in section 9832(b)(3) of such Code, or any other organization that does business with the church plan or organization sponsoring or maintaining such a plan.

(d) ENFORCEMENT AUTHORITY.—Notwithstanding any other provision of this section, for purposes of enforcing provisions of State insurance laws that apply to a church plan that is a welfare plan, the church plan shall be subject to State enforcement as if the church plan were an insurer licensed by the State.

(e) APPLICATION OF SECTION.—Except as provided in subsection (d), the application of this section is limited to determining the status of a church plan that is a welfare plan under the provisions of State insurance laws described in subsection (b). This section shall not otherwise be construed to recharacterize the status, or modify or affect the rights, of any plan participant or beneficiary, including participants or beneficiaries who make plan contributions.

LEGISLATION TO AMEND THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT TO IMPROVE SHARED APPRECIATION ARRANGEMENTS

BURNS AMENDMENT NO. 2789

Ms. COLLINS (for Mr. BURNS) proposed amendment to the bill (S. 961) to amend the Consolidated Farm And Rural Development Act to improve shared appreciation arrangements; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHARED APPRECIATION ARRANGEMENTS.

(a) IN GENERAL.—Section 353(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001(e)) is amended by striking paragraph (2) and inserting the following:

"(2) TERMS.—A shared appreciation agreement entered into by a borrower under this subsection shall—

"(A) have a term not to exceed 10 years;

"(B) provide for recapture based on the difference between—

"(i) the appraised value of the real security property at the time of restructuring; and

"(ii) that value at the time of recapture, except that that value shall not include the value of any capital improvements made to the real security property by the borrower after the time of restructuring; and

"(C) allow the borrower to obtain a loan, in addition to any other outstanding loans under this title, to pay any amounts due on a shared appreciation agreement, at a rate of interest that is not greater than the rate of interest on outstanding marketable obligations of the United States of a maturity comparable to that of the loan.".

(b) APPLICATION.—The amendment made by subsection (a) shall apply to a shared appreciation arrangement entered into under section 353(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001(e)) that matures on or after the date of enactment of this Act.

DIGITAL THEFT DETERRENCE AND COPYRIGHT DAMAGES IMPROVEMENT ACT OF 1999

HATCH (AND LEAHY) AMENDMENT NO. 2790

Ms. COLLINS (for Mr. HATCH (for himself and Mr. LEAHY)) proposed an amendment to the bill (S. 1257) to amend statutory damages provisions of title 17, United States Code; as follows:

On page 1, line 2, insert "Digital Theft Deterrence and" before "Copyright".

On page 2, strike lines 2 through 26 and insert the following:

"Within 120 days after the date of the enactment of this Act, or within 120 days after the first date on which there is a sufficient number of voting members of the Sentencing Commission to constitute a quorum, whichever is later, the Commission shall promulgate emergency guide-line amendments to implement section 2(g) of the No Electronic Theft (NET) Act (28 U.S.C. 994 note) in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired."

CONDEMNING THE VIOLENCE IN CHECHNYA

HELMS AMENDMENT NO. 2791

Ms. COLLINS (for Mr. HELMS) proposed an amendment to the preamble of the resolution (S. Res. 223) condemning the, violence in Chechnya; as follows:

In the second whereas clause of the preamble, strike "is" and insert "are".

DESIGNATING "NATIONAL BIOTECHNOLOGY WEEK"

GRAMS AMENDMENT NO. 2792

Ms. COLLINS (for Mr. GRAMS) proposed an amendment to the resolution (S. Res. 200) designating the week of February 14–20 as "National Biotechnology Week"; as follows:

In the Heading of S. Res. 200: strike "the week of February 14–20" and insert "January 2000;" strike the word "week" and insert "Month."

In the title of S. Res. 200: strike "the week of February 14–20" and insert "January 2000;" strike the word "week" and insert "Month."

On page 2, line 2 strike "the week of February 14–20;" and insert "January."

On page 2, line 3, strike "Week" and insert "Month."

On page 2 line 7, strike the word "week" and insert "month."

AUTHORIZING PRINTING OF THE BROCHURES ENTITLED "HOW OUR LAWS ARE MADE" AND "OUR AMERICAN GOVERNMENT", THE POCKET VERSION OF THE UNITED STATES CONSTITUTION, AND THE DOCUMENT-SIZED, ANNOTATED VERSION OF THE UNITED STATES CONSTITUTION

McCONNELL (AND ROBB) AMENDMENT NO. 2793

Ms. COLLINS (for Mr. MCCONNELL (for himself and Mr. ROBB)) proposed an amendment to the concurrent resolution (H. Con. Res. 221) authorizing printing of the brochures entitled "How Our Laws Are Made" and "Our American Government." the pocket version of the United States Constitution, and the document-sized, annotated version of the United States Constitution; as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. OUR AMERICAN GOVERNMENT.

(a) IN GENERAL.—The 1999 revised edition of the brochure entitled "Our American Government" shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $412,873, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 2. DOCUMENT-SIZED, ANNOTATED UNITED STATES CONSTITUTION.

(a) IN GENERAL.—The 1999 edition of the document-sized, annotated version of the United States Constitution shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $393,316, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no

case shall the number of copies be less than 1 per Member of Congress.

SEC. 3. HOW OUR LAWS ARE MADE.

(a) IN GENERAL.—An edition of the brochure entitled "How Our Laws Are Made", as revised under the direction of the Parliamentarian of the House of Representatives in consultation with the Parliamentarian of the Senate, shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $200,722, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 4. POCKET VERSION OF THE UNITED STATES CONSTITUTION.

(a) IN GENERAL.—The 20th edition of the pocket version of the United States Constitution shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $115,208, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 5. CAPITOL BUILDER: THE SHORTHAND JOURNALS OF CAPTAIN MONTGOMERY C. MEIGS, 1853–1861.

(a) IN GENERAL.—There shall be printed as a Senate document the book entitled "Capitol Builder: The Shorthand Journals of Captain Montgomery C. Meigs, 1853–1861", prepared under the direction of the Secretary of the Senate, in consultation with the Clerk of the House of Representatives and the Architect of the Capitol.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

(c) NUMBER OF COPIES.—In addition to the usual number of copies, there shall be printed with suitable binding the lesser of—

(1) 1,500 copies for the use of the Senate, the House of Representatives, and the Architect of the Capitol, to be allocated as determined by the Secretary of the Senate and the Clerk of the House of Representatives; or

(2) a number of copies that does not have a total production and printing cost of more than $31,500.

SEC. 6. THE UNITED STATES CAPITOL: A CHRONICLE OF CONSTRUCTION, DESIGN, AND POLITICS.

(a) IN GENERAL.—There shall be printed as a Senate document the book entitled "The United States Capitol: A Chronicle of Construction, Design, and Politics", prepared by the Architect of the Capitol.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

(c) NUMBER OF COPIES.—In addition to the usual number of copies, there shall be printed with suitable binding the lesser of—

(1) 6,500 copies for the use of the Senate, the House of Representatives, and the Architect of the Capitol, to be allocated as determined by the Secretary of the Senate; or

(2) a number of copies that does not have a total production and printing cost of more than $143,000.

DETERMINED AND FULL ENGAGEMENT AGAINST THE THREAT OF METHAMPHETAMINE (DEFEAT METH) ACT OF 1999

HATCH AMENDMENT NO. 2794

Ms. COLLINS (for Mr. HATCH) proposed an amendment to the bill (S. 486) to provide for the punishment of methoamphetamine laboratory operators, provide additional resources to combat methoamphetamine production, trafficking, and abuse in the United States, and for other purposes; as follows:

Strike page 9, line 16, and all that follows through page 50, line 22, and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Methamphetamine Anti-Proliferation Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—METHAMPHETAMINE PRODUCTION, TRAFFICKING, AND ABUSE

Subtitle A—Criminal Penalties

Sec. 101. Enhanced punishment of amphetamine laboratory operators.
Sec. 102. Enhanced punishment of amphetamine or methamphetamine laboratory operators.
Sec. 103. Mandatory restitution for violations of Controlled Substances Act and Controlled Substances Import and Export Act relating to amphetamine and methamphetamine.
Sec. 104. Methamphetamine paraphernalia.

Subtitle B—Enhanced Law Enforcement

Sec. 111. Environmental hazards associated with illegal manufacture of amphetamine and methamphetamine.
Sec. 112. Reduction in retail sales transaction threshold for non-safe harbor products containing pseudoephedrine or phenylpropanolamine.
Sec. 113. Training for Drug Enforcement Administration and State and local law enforcement personnel relating to clandestine laboratories.
Sec. 114. Combatting methamphetamine and amphetamine in high intensity drug trafficking areas.
Sec. 115. Combating amphetamine and methamphetamine manufacturing and trafficking.

Subtitle C—Abuse Prevention and Treatment

Sec. 121. Expansion of methamphetamine research.
Sec. 122. Methamphetamine and amphetamine treatment initiative by Center for Substance Abuse Treatment.
Sec. 123. Expansion of methamphetamine abuse prevention efforts.
Sec. 124. Study of methamphetamine treatment.

Subtitle D—Reports

Sec. 131. Reports on consumption of methamphetamine and other illicit drugs in rural areas, metropolitan areas, and consolidated metropolitan areas.
Sec. 132. Report on diversion of ordinary, over-the-counter pseudoephedrine and phenylpropanolamine products.

TITLE II—CONTROLLED SUBSTANCES GENERALLY

Subtitle A—Criminal Matters

Sec. 201. Enhanced punishment for trafficking in list I chemicals.
Sec. 202. Mail order requirements.
Sec. 203. Advertisements for drug paraphernalia and schedule I controlled substances.
Sec. 204. Theft and transportation of anhydrous ammonia for purposes of illicit production of controlled substances.
Sec. 205. Criminal prohibition on distribution of certain information relating to the manufacture of controlled substances.

Subtitle B—Other Matters

Sec. 211. Waiver authority for physicians who dispense or prescribe certain narcotic drugs for maintenance treatment or detoxification treatment.

TITLE III—MISCELLANEOUS

Sec. 301. Notice; clarification.
Sec. 302. Antidrug messages on Federal Government Internet websites.
Sec. 303. Severability.

TITLE I—METHAMPHETAMINE PRODUCTION, TRAFFICKING, AND ABUSE

Subtitle A—Criminal Penalties

SEC. 101. ENHANCED PUNISHMENT OF AMPHETAMINE LABORATORY OPERATORS.

(a) AMENDMENT TO FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with this section with respect to any offense relating to the manufacture, importation, exportation, or trafficking in amphetamine (including an attempt or conspiracy to do any of the foregoing) in violation of—

(1) the Controlled Substances Act (21 U.S.C. 801 et seq.);

(2) the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.); or

(3) the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

(b) GENERAL REQUIREMENT.—In carrying out this section, the United States Sentencing Commission shall, with respect to each offense described in subsection (a) relating to amphetamine—

(1) review and amend its guidelines to provide for increased penalties such that those penalties are comparable to the base offense level for methamphetamine; and

(2) take any other action the Commission considers necessary to carry out this subsection.

(c) Additional Requirements.—In carrying out this section, the United States Sentencing Commission shall ensure that the sentencing guidelines for offenders convicted of offenses described in subsection (a) reflect the heinous nature of such offenses, the need for aggressive law enforcement action to fight such offenses, and the extreme dangers associated with unlawful activity involving amphetamines, including—

(1) the rapidly growing incidence of amphetamine abuse and the threat to public safety that such abuse poses;

(2) the high risk of amphetamine addiction;

(3) the increased risk of violence associated with amphetamine trafficking and abuse; and

(4) the recent increase in the illegal importation of amphetamine and precursor chemicals.

(d) Emergency Authority to Sentencing Commission.—The United States Sentencing Commission shall promulgate amendments pursuant to this section as soon as practicable after the date of the enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired.

SEC. 102. ENHANCED PUNISHMENT OF AMPHETAMINE OR METHAMPHETAMINE LABORATORY OPERATORS.

(a) Federal Sentencing Guidelines.—

(1) In general.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with paragraph (2) with respect to any offense relating to the manufacture, attempt to manufacture, or conspiracy to manufacture amphetamine or methamphetamine in violation of—

(A) the Controlled Substances Act (21 U.S.C. 801 et seq.);

(B) the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.); or

(C) the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

(2) Requirements.—In carrying out this paragraph, the United States Sentencing Commission shall—

(A) if the offense created a substantial risk of harm to human life (other than a life described in subparagraph (B)) or the environment, increase the base offense level for the offense—

(i) by not less than 3 offense levels above the applicable level in effect on the date of the enactment of this Act; or

(ii) if the resulting base offense level after an increase under clause (i) would be less than level 27, to not less than level 27; or

(B) if the offense created a substantial risk of harm to the life of a minor or incompetent, increase the base offense level for the offense—

(i) by not less than 6 offense levels above the applicable level in effect on the date of the enactment of this Act; or

(ii) if the resulting base offense level after an increase under clause (i) would be less than level 30, to not less than level 30.

(3) Emergency authority. to sentencing commission.—The United States Sentencing Commission shall promulgate amendments pursuant to this subsection as soon as practicable after the date of enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired.

(b) Effective Date.—The amendments made pursuant to this section shall apply with respect to any offense occurring on or after the date that is 60 days after the date of enactment of this Act.

SEC. 103. MANDATORY RESTITUTION FOR VIOLATIONS OF CONTROLLED SUBSTANCES ACT AND CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT RELATING TO AMPHETAMINE AND METHAMPHETAMINE.

(a) Mandatory Restitution.—Section 413(q) of the Controlled Substances Act (21 U.S.C. 853(q)) is amended—

(1) in the matter preceding paragraph (1), by striking "may" and inserting "shall";

(2) by inserting "amphetamine or" before "methamphetamine" each place it appears;

(3) in paragraph (2)—

(A) by inserting ", the State or local government concerned, or both the United States and the State or local government concerned" after "United States" the first place it appears; and

(B) by inserting "or the State or local government concerned, as the case may be," after "United States" the second place it appears; and

(4) in paragraph (3), by striking "section 3663 of title 18, United States Code" and inserting "section 3663A of title 18, United States Code".

(b) Deposit of Amounts in Department of Justice Assets Forfeiture Fund.—Section 524(c)(4) of title 28, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(3) by adding at the end the following:

"(D) all amounts collected—

"(i) by the United States pursuant to a reimbursement order under paragraph (2) of section 413(q) of the Controlled Substances Act (21 U.S.C. 853(q)); and

"(ii) pursuant to a restitution order under paragraph (1) or (3) of section 413(q) of the Controlled Substances Act for injuries to the United States.".

(c) Clarification of Certain Orders of Restitution.—Section 3663(c)(2)(B) of title 18, United States Code, is amended by inserting "which may be" after "the fine".

(d) Expansion of Applicability of Mandatory Restitution.—Section 3663A(c)(1)(A)(ii) of title 18, United States Code, is amended by inserting "or under section 416(a) of the Controlled Substances Act (21 U.S.C. 856(a))," after "under this title,".

(e) Treatment of Illicit Substance Manufacturing Operations as Crimes Against Property.—Section 416 of the Controlled Substances Act (21 U.S.C. 856) is amended by adding at the end the following new subsection:

"(c) A violation of subsection (a) shall be considered an offense against property for purposes of section 3663A(c)(1)(A)(ii) of title 18, United States Code.".

SEC. 104. METHAMPHETAMINE PARAPHERNALIA.

Section 422(d) of the Controlled Substances Act (21 U.S.C. 863(d)) is amended in the matter preceding paragraph (1) by inserting "methamphetamine," after "PCP,".

Subtitle B—Enhanced Law Enforcement

SEC. 111. ENVIRONMENTAL HAZARDS ASSOCIATED WITH ILLEGAL MANUFACTURE OF AMPHETAMINE AND METHAMPHETAMINE.

(a) Use of Amounts or Department of Justice Assets Forfeiture Fund.—Section 524(c)(1)(E) of title 28, United States Code, is amended—

(1) by inserting "(i) for" before "disbursements";

(2) by inserting "and" after the semicolon; and

(3) by adding at the end the following:

"(ii) for payment for—

"(I) costs incurred by or on behalf of the Department of Justice in connection with the removal, for purposes of Federal forfeiture and disposition, of any hazardous substance or pollutant or contaminant associated with the illegal manufacture of amphetamine or methamphetamine; and

"(II) costs incurred by or on behalf of a State or local government in connection with such removal in any case in which such State or local government has assisted in a Federal prosecution relating to amphetamine or methamphetamine, to the extent such costs exceed equitable sharing payments made to such State or local government in such case;".

(b) Grants Under Drug Control and System Improvement Grant Program.—Section 501(b)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting before the semicolon the following: "and to remove any hazardous substance or pollutant or contaminant associated with the illegal manufacture of amphetamine or methamphetamine".

(c) Amounts Supplement and Not Supplant.—

(1) Assets forfeiture fund.—Any amounts made available from the Department of Justice Assets Forfeiture Fund in a fiscal year by reason of the amendment made by subsection (a) shall supplement, and not supplant, any other amounts made available to the Department of Justice in such fiscal year from other sources for payment of costs described in section 524(c)(1)(E)(ii) of title 28, United States Code, as so amended.

(2) Grant program.—Any amounts made available in a fiscal year under the grant program under section 501(b)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 for the removal of hazardous substances or pollutants or contaminants associated with the illegal manufacture of amphetamine or methamphetamine by reason of the amendment made by subsection (b) shall supplement, and not supplant, any other amounts made available in such fiscal year from other sources for such removal.

SEC. 112. REDUCTION IN RETAIL SALES TRANSACTION THRESHOLD FOR NON-SAFE HARBOR PRODUCTS CONTAINING PSEUDOEPHEDRINE OR PHENYLPROPANOLAMINE.

(a) Reduction in Transaction Threshold.—Section 102(39)(A)(iv)(II) of the Controlled Substances Act (21 U.S.C. 802(39)(A)(iv)(II) is amended—

(1) by striking "24 grams" both places it appears and inserting "9 grams"; and

(2) by inserting before the semicolon at the end the following: "and sold in package sizes of not more than 3 grams of pseudoephedrine base or 3 grams of phenylpropanolamine base".

(b) Effective Date.—The amendments made by subsection (a) shall take effect one year after the date of the enactment of this Act.

SEC. 113. TRAINING FOR DRUG ENFORCEMENT ADMINISTRATION AND STATE AND LOCAL LAW ENFORCEMENT PERSONNEL RELATING TO CLANDESTINE LABORATORIES.

(a) In General.—

(1) Requirement.—The Administrator of the Drug Enforcement Administration shall

carry out the programs described in subsection (b) with respect to the law enforcement personnel of States and localities determined by the Administrator to have significant levels of methamphetamine-related or amphetamine-related crime or projected by the Administrator to have the potential for such levels of crime in the future.

(2) Duration.—The duration of any program under that subsection may not exceed 3 years.

(b) Covered Programs.—The programs described in this subsection are as follows:

(1) Advanced mobile clandestine laboratory training teams.—A program of advanced mobile clandestine laboratory training teams, which shall provide information and training to State and local law enforcement personnel in techniques utilized in conducting undercover investigations and conspiracy cases, and other information designed to assist in the investigation of the illegal manufacturing and trafficking of amphetamine and methamphetamine.

(2) Basic clandestine laboratory certification training.—A program of basic clandestine laboratory certification training, which shall provide information and training—

(A) to Drug Enforcement Administration personnel and State and local law enforcement personnel for purposes of enabling such personnel to meet any certification requirements under law with respect to the handling of wastes created by illegal amphetamine and methamphetamine laboratories; and

(B) to State and local law enforcement personnel for purposes of enabling such personnel to provide the information and training covered by subparagraph (A) to other State and local law enforcement personnel.

(3) Clandestine laboratory recertification and awareness training.—A program of clandestine laboratory recertification and awareness training, which shall provide information and training to State and local law enforcement personnel for purposes of enabling such personnel to provide recertification and awareness training relating to clandestine laboratories to additional State and local law enforcement personnel.

(c) Authorization of Appropriations.—There are authorized to be appropriated for each of fiscal years 2000, 2001, and 2002 amounts as follows:

(1) $1,500,000 to carry out the program described in subsection (b)(1).

(2) $3,000,000 to carry out the program described in subsection (b)(2).

(3) $1,000,000 to carry out the program described in subsection (b)(3).

SEC. 114. COMBATTING METHAMPHETAMINE AND AMPHETAMINE IN HIGH INTENSITY DRUG TRAFFICKING AREAS.

(a) In General.—

(1) In general.—The Director of National Drug Control Policy shall use amounts available under this section to combat the trafficking of methamphetamine and amphetamine in areas designated by the Director as high intensity drug trafficking areas.

(2) Activities.—In meeting the requirement in paragraph (1), the Director shall transfer funds to appropriate Federal, State, and local governmental agencies for employing additional Federal law enforcement personnel, or facilitating the employment of additional State and local law-enforcement personnel, including agents, investigators, prosecutors, laboratory technicians, chemists, investigative assistants, and drug-prevention specialists.

(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section—

(1) $15,000,000 for fiscal year 2000; and

(2) such sums as may be necessary for each of fiscal years 2001 through 2004.

(c) Apportionment of Funds.—

(1) Factors in apportionment.—The Director shall apportion amounts appropriated for a fiscal year pursuant to the authorization of appropriations in subsection (b) for activities under subsection (a) among and within areas designated by the Director as high intensity drug trafficking areas based on the following factors:

(A) The number of methamphetamine manufacturing facilities and amphetamine manufacturing facilities discovered by Federal, State, or local law enforcement officials in the previous fiscal year.

(B) The number of methamphetamine prosecutions and amphetamine prosecutions in Federal, State, or local courts in the previous fiscal year.

(C) The number of methamphetamine arrests and amphetamine arrests by Federal, State, or local law enforcement officials in the previous fiscal year.

(D) The amounts of methamphetamine, amphetamine, or listed chemicals (as that term is defined in section 102(33) of the Controlled Substances Act (21 U.S.C. 802(33)) seized by Federal, State, or local law enforcement officials in the previous fiscal year.

(E) Intelligence and predictive data from the Drug Enforcement Administration and the Department of Health and Human Services showing patterns and trends in abuse, trafficking, and transportation in methamphetamine, amphetamine, and listed chemicals (as that term is so defined).

(2) Certification.—Before the Director apportions any funds under this subsection to a high intensity drug trafficking area, the Director shall certify that the law enforcement entities responsible for clandestine methamphetamine and amphetamine laboratory seizures in that area are providing laboratory seizure data to the national clandestine laboratory database at the El Paso Intelligence Center.

(d) Limitation on Administrative Costs.—Not more than 5 percent of the amount appropriated in a fiscal year pursuant to the authorization of appropriations for that fiscal year in subsection (b) may be available in that fiscal year for administrative costs associated with activities under subsection (a).

SEC. 115. COMBATING AMPHETAMINE AND METHAMPHETAMINE MANUFACTURING AND TRAFFICKING.

(a) Activities.—In order to combat the illegal manufacturing and trafficking in amphetamine and methamphetamine, the Administrator of the Drug Enforcement Administration may—

(1) assist State and local law enforcement in small and mid-sized communities in all phases of investigations related to such manufacturing and trafficking, including assistance with foreign-language interpretation;

(2) staff additional regional enforcement and mobile enforcement teams related to such manufacturing and trafficking;

(3) establish additional resident offices and posts of duty to assist State and local law enforcement in rural areas in combating such manufacturing and trafficking;

(4) provide the Special Operations Division of the Administration with additional agents and staff to collect, evaluate, interpret, and disseminate critical intelligence targeting the command and control operations of major amphetamine and methamphetamine manufacturing and trafficking organizations;

(5) enhance the investigative and related functions of the Chemical Control Program of the Administration to implement more fully the provisions of the Comprehensive Methamphetamine Control Act of 1996 (Public Law 104-237);

(6) design an effective means of requiring an accurate accounting of the import and export of list I chemicals, and coordinate investigations relating to the diversion of such chemicals;

(7) develop a computer infrastructure sufficient to receive, process, analyze, and redistribute time-sensitive enforcement information from suspicious order reporting to field offices of the Administration and other law enforcement and regulatory agencies, including the continuing development of the Suspicious Order Reporting and Tracking System (SORTS) and the Chemical Transaction Database (CTRANS) of the Administration;

(8) establish an education, training, and communication process in order to alert the industry to current trends and emerging patterns in the illegal manufacturing of amphetamine and methamphetamine; and

(9) carry out such other activities as the Administrator considers appropriate.

(b) Additional Positions and Personnel.—

(1) In general.—In carrying out activities under subsection (a), the Administrator may establish in the Administration not more than 50 full-time positions, including not more than 31 special-agent positions, and may appoint personnel to such positions.

(2) Particular positions.—In carrying out activities under paragraphs (5) through (8) of subsection (a), the Administrator may establish in the Administration not more than 15 full-time positions, including not more than 10 diversion investigator positions, and may appoint personnel to such positions. Any positions established under this paragraph are in addition to any positions established under paragraph (1).

(c) Authorization of Appropriations.—There are authorized to be appropriated for the Drug Enforcement Administration for each fiscal year after fiscal year 1999, $9,500,000 for purposes of carrying out the activities authorized by subsection (a) and employing personnel in positions established under subsection (b), of which $3,000,000 shall be available for activities under paragraphs (5) through (8) of subsection (a) and for employing personnel in positions established under subsection (b)(2).

Subtitle C—Abuse Prevention and Treatment

SEC. 121. EXPANSION OF METHAMPHETAMINE RESEARCH.

Section 464N of the Public Health Service Act (42 U.S.C. 285o-2) is amended by adding at the end the following:

“(c) Methamphetamine Research.—

“(1) Grants or cooperative agreements.—The Director of the Institute may make grants or enter into cooperative agreements to expand the current and on-going interdisciplinary research and clinical trials with treatment centers of the National Drug Abuse Treatment Clinical Trials Network relating to methamphetamine abuse and addiction and other biomedical, behavioral, and social issues related to methamphetamine abuse and addiction.

“(2) Use of funds.—Amounts made available under a grant or cooperative agreement under paragraph (1) for methamphetamine abuse and addiction may be used for research and clinical trials relating to—

"(A) the effects of methamphetamine abuse on the human body, including the brain;

"(B) the addictive nature of methamphetamine and how such effects differ with respect to different individuals;

"(C) the connection between methamphetamine abuse and mental health;

"(D) the identification and evaluation of the most effective methods of prevention of methamphetamine abuse and addiction;

"(E) the identification and development of the most effective methods of treatment of methamphetamine addiction, including pharmacological treatments;

"(F) risk factors for methamphetamine abuse;

"(G) effects of methamphetamine abuse and addiction on pregnant women and their fetuses; and

"(H) cultural, social, behavioral, neurological and psychological reasons that individuals abuse methamphetamine, or refrain from abusing methamphetamine.

"(3) RESEARCH RESULTS.—The Director shall promptly disseminate research results under this subsection to Federal, State and local entities involved in combating methamphetamine abuse and addiction.

"(4) AUTHORIZATION OF APPROPRIATIONS.—

"(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1), such sums as may be necessary for each fiscal year.

"(B) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated pursuant to the authorization of appropriations in subparagraph (A) for a fiscal year shall supplement and not supplant any other amounts appropriated in such fiscal year for research on methamphetamine abuse and addiction.".

SEC. 122. METHAMPHETAMINE AND AMPHETAMINE TREATMENT INITIATIVE BY CENTER FOR SUBSTANCE ABUSE TREATMENT.

Subpart 1 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb et seq.) is amended by adding at the end the following new section:

"METHAMPHETAMINE AND AMPHETAMINE TREATMENT INITIATIVE

"SEC. 514. (a) GRANTS.—

"(1) AUTHORITY TO MAKE GRANTS.—The Director of the Center for Substance Abuse Treatment may make grants to States and Indian tribes recognized by the United States that have a high rate, or have had a rapid increase, in methamphetamine or amphetamine abuse or addiction in order to permit such States and Indian tribes to expand activities in connection with the treatment of methamphetamine or amphetamine abuser or addiction in the specific geographical areas of such States or Indian tribes, as the case may be, where there is such a rate or has been such an increase.

"(2) RECIPIENTS.—Any grants under paragraph (1) shall be directed to the substance abuse directors of the States, and of the appropriate tribal government authorities of the Indian tribes, selected by the Director to receive such grants.

"(3) NATURE OF ACTIVITIES.—Any activities under a grant under paragraph (1) shall be based on reliable scientific evidence of their efficacy in the treatment of methamphetamine or amphetamine abuse or addiction.

"(b) GEOGRAPHIC DISTRIBUTION.—The Director shall ensure that grants under subsection (a) are distributed equitably among the various regions of the country and among rural, urban, and suburban areas that are affected by methamphetamine or amphetamine abuse or addiction.

"(c) ADDITIONAL ACTIVITIES.—The Director shall—

"(1) evaluate the activities supported by grants under subsection (a);

"(2) disseminate widely such significant information derived from the evaluation as the Director considers appropriate to assist States, Indian tribes, and private providers of treatment services for methamphetamine or amphetamine abuser or addiction in the treatment of methamphetamine or amphetamine abuse or addiction; and

"(3) provide States, Indian tribes, and such providers with technical assistance in connection with the provision of such treatment.

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 and 2002.

"(2) USE OF CERTAIN FUNDS.—Of the funds appropriated to carry out this section in any fiscal year, the lesser of 5 percent of such funds or $1,000,000 shall be available to the Director for purposes of carrying out subsection (c).".

SEC. 123. EXPANSION OF METHAMPHETAMINE ABUSE PREVENTION EFFORTS.

(a) EXPANSION OF EFFORTS.—Section 515 of the Public Health Service Act (42 U.S.C. 290bb–21) is amended by adding at the end the following:

"(e)(1) The Administrator may make grants to and enter into contracts and cooperative agreements with public and nonprofit private entities to enable such entities—

"(A) to carry out school-based programs concerning the dangers of abuse of and addiction to methamphetamine and other illicit drugs, using methods that are effective and science-based, including initiatives that give students the responsibility to create their own anti-drug abuse education programs for their schools; and

"(B) to carry out community-based abuse and addiction prevention programs relating to methamphetamine and other illicit drugs that are effective and science-based.

"(2) Amounts made available under a grant, contract or cooperative agreement under paragraph (1) shall be used for planning, establishing, or administering prevention programs relating to methamphetamine and other illicit drugs in accordance with paragraph (3).

"(3)(A) Amounts provided under this subsection may be used—

"(i) to carry out school-based programs that are focused on those districts with high or increasing rates of methamphetamine abuse and addiction and targeted at populations which are most at risk to start abuse of methamphetamine and other illicit drugs;

"(ii) to carry out community-based prevention programs that are focused on those populations within the community that are most at-risk for abuse of and addiction to methamphetamine and other illicit drugs;

"(iii) to assist local government entities to conduct appropriate prevention activities relating to methamphetamine and other illicit drugs;

"(iv) to train and educate State and local law enforcement officials, prevention and education officials, members of community anti-drug coalitions and parents on the signs of abuse of and addiction to methamphetamine and other illicit drugs, and the options for treatment and prevention;

"(v) for planning, administration, and educational activities related to the prevention of abuse of and addiction to methamphetamine and other illicit drugs;

"(vi) for the monitoring and evaluation of prevention activities relating to methamphetamine and other illicit drugs, and reporting and disseminating resulting information to the public; and

"(vii) for targeted pilot programs with evaluation components to encourage innovation and experimentation with new methodologies.

"(B) The Administrator shall give priority in making grants under this subsection to rural and urban areas that are experiencing a high rate or rapid increases in methamphetamine abuse and addiction.

"(4)(A) Not less than $500,000 of the amount available in each fiscal year to carry out this subsection shall be made available to the Administrator, acting in consultation with other Federal agencies, to support and conduct periodic analyses and evaluations of effective prevention programs for abuse of and addiction to methamphetamine and other illicit drugs and the development of appropriate strategies for disseminating information about and implementing these programs.

"(B) The Administrator shall submit to the committees of Congress referred to in subparagraph (C) an annual report with the results of the analyses and evaluation under subparagraph (A).

"(C) The committees of Congress referred to in this subparagraph are the following:

"(i) The Committees on Health, Education, Labor, and Pensions, the Judiciary, and Appropriations of the Senate.

"(ii) The Committees on Commerce, the Judiciary, and Appropriations of the House of Representatives.".

(b) AUTHORIZATION OF APPROPRIATIONS FOR EXPANSION OF ABUSE PREVENTION EFFORTS AND PRACTITIONER REGISTRATION REQUIREMENTS.—There is authorized to be appropriated to carry out section 515(e) of the Public Health Service Act (as added by subsection (a)) and section 303(g)(2) of the Controlled Substances Act (as added by section 18(a) of this Act), $15,000,000 for fiscal year 2000, and such sums as may be necessary for each succeeding fiscal year.

SEC. 124. STUDY OF METHAMPHETAMINE TREATMENT.

(a) STUDY.—

(1) REQUIREMENT.—The Secretary of Health and Human Services shall, in consultation with the Institute of Medicine of the National Academy of Sciences, conduct a study on the development of medications for the treatment of addiction to amphetamine and methamphetamine.

(2) REPORT.—Not later than nine months after the date of the enactment of this Act, the Secretary shall submit to the Committees on the Judiciary of the Senate and House of Representatives a report on the results of the study conducted under paragraph (1).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated for the Department of Health and Human Services for fiscal year 2000 such sums as may be necessary to meet the requirements of subsection (a).

Subtitle D—Reports

SEC. 131. REPORTS ON CONSUMPTION OF METHAMPHETAMINE AND OTHER ILLICIT DRUGS IN RURAL AREAS, METROPOLITAN AREAS, AND CONSOLIDATED METROPOLITAN AREAS.

The Secretary of Health and Human Services shall include in each National Household Survey on Drug Abuse appropriate prevalence data and information on the consumption of methamphetamine and other illicit drugs in rural areas, metropolitan areas, and consolidated metropolitan areas.

SEC. 132. REPORT ON DIVERSION OF ORDINARY, OVER-THE-COUNTER PSEUDOEPHEDRINE AND PHENYLPROPANOLAMINE PRODUCTS.

(a) STUDY.—The Attorney General shall conduct a study of the use of ordinary, over-the-counter pseudoephedrine and phenylpropanolamine products in the clandestine production of illicit drugs. Sources of data for the study shall include the following:

(1) Information from Federal, State, and local clandestine laboratory seizures and related investigations identifying the source, type, or brand of drug products being utilized and how they were obtained for the illicit production of methamphetamine and amphetamine.

(2) Information submitted voluntarily from the pharmaceutical and retail industries involved in the manufacture, distribution, and sale of drug products containing ephedrine, pseudoephedrine, and phenylpropanolamine, including information on changes in the pattern, volume, or both, of sales of ordinary, over-the-counter pseudoephedrine and phenylpropanolamine products.

(b) REPORT.—

(1) REQUIREMENT.—Not later than one year after the date of the enactment of this Act, the Attorney General shall submit to Congress a report on the study conducted under subsection (a).

(2) ELEMENTS.—The report shall include—

(A) the findings of the Attorney General as a result of the study; and

(B) such recommendations on the need to establish additional measures to prevent diversion of ordinary, over-the-counter pseudoephedrine and phenylpropanolamine (such as a threshold on ordinary, over-the-counter pseudoephedrine and phenylpropanolamine products) as the Attorney General considers appropriate.

(3) MATTERS CONSIDERED.—In preparing the report, the Attorney General shall consider the comments and recommendations including the comments on the Attorney General's proposed findings and recommendations, of State and local law enforcement and regulatory officials and of representatives of the industry described in subsection (a)(2).

(c) REGULATION OF RETAIL SALES.—

(1) IN GENERAL.—Notwithstanding section 401(d) of the Comprehensive Methamphetamine Control Act of 1996 (21 U.S.C. 802 note) and subject to paragraph (2), the Attorney General shall establish by regulation a single-transaction limit of not less than 24 grams of ordinary, over-the-counter pseudoephedrine or phenylpropanolamine (as the case may be) for retail distributors, if the Attorney General finds, in the report under subsection (b), that—

(A) there is a significant number of instances (as set forth in paragraph (3)(A) of such section 401(d) for purposes of such section) where ordinary, over-the-counter pseudoephedrine products, phenylpropanolamine products, or both such products that were purchased from retail distributors were widely used in the clandestine production of illicit drugs; and

(B) the best practical method of preventing such use is the establishment of single-transaction limits for retail distributors of either or both of such products.

(2) DUE PROCESS.—The Attorney General shall establish the single-transaction limit under paragraph (1) only after notice, comment, and an informal hearing.

TITLE II—CONTROLLED SUBSTANCES GENERALLY

Subtitle A—Criminal Matters

SEC. 201. ENHANCED PUNISHMENT FOR TRAFFICKING IN LIST I CHEMICALS.

(a) AMENDMENTS TO FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with this section with respect to any violation of paragraph (1) or (2) of section 401(d) of the Controlled Substances Act (21 U.S.C. 841(d)) involving a list I chemical and any violation of paragraph (1) or (3) of section 1010(d) of the Controlled Substance Import and Export Act (21 U.S.C. 960(d)) involving a list I chemical.

(b) EPHEDRINE, PHENYLPROPANOLAMINE, AND PSEUDOEPHEDRINE.—

(1) IN GENERAL.—In carrying this section, the United States Sentencing Commission shall, with respect to each offense described in subsection (a) involving ephedrine, phenylpropanolamine, or pseudoephedrine (including their salts, optical isomers, and salts of optical isomers), review and amend its guidelines to provide for increased penalties such that those penalties corresponded to the quantity of controlled substance that could reasonably have been manufactured using the quantity of ephedrine, phenylpropanolamine, or pseudoephedrine possessed or distributed.

(2) CONVERSION RATIOS.—For the purposes of the amendments made by this subsection, the quantity of controlled substance that could reasonably have been manufactured shall be determined by using a table of manufacturing conversion ratios for ephedrine, phenylpropanolamine, and pseudoephedrine, which table shall be established by the Sentencing Commission based on scientific, law enforcement, and other data the Sentencing Commission considers appropriate.

(c) OTHER LIST I CHEMICALS.—In carrying this section, the United States Sentencing Commission shall, with respect to each offense described in subsection (a) involving any list I chemical other than ephedrine, phenylpropanolamine, or pseudoephedrine, review and amend its guidelines to provide for increased penalties such that those penalties reflect the dangerous nature of such offenses, the need for aggressive law enforcement action to fight such offenses, and the extreme dangers associated with unlawful activity involving methamphetamine and amphetamine, including—

(1) the rapidly growing incidence of controlled substance manufacturing;

(2) the extreme danger inherent in manufacturing controlled substances;

(3) the threat to public safety posed by manufacturing controlled substances; and

(4) the recent increase in the importation, possession, and distribution of list I chemicals for the purpose of manufacturing controlled substances.

(d) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The United States Sentencing Commission shall promulgate amendments pursuant to this section as soon as practicable after the date of the enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired.

SEC. 202. MAIL ORDER REQUIREMENTS.

Section 310(b)(3) of the Controlled Substances Act (21 U.S.C. 830(b)(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(2) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

"(A) As used in this paragraph:

"(i) The term 'drug product' means an active ingredient in dosage form that has been approved or otherwise may be lawfully marketed under the Food, Drug, and Cosmetic Act for distribution in the United States.

"(ii) The term 'valid prescription' means a prescription which is issued for a legitimate medical purpose by an individual practitioner licensed by law to administer and prescribe the drugs concerned and acting in the usual course of the practitioner's professional practice.";

(3) in subparagraph (B), as so redesignated, by inserting "or who engages in an export transaction" after "nonregulated person"; and

(4) adding at the end the following:

"(D) Except as provided in subparagraph (E), the following distributions to a nonregulated person, and the following export transactions, shall not be subject to the reporting requirement in subparagraph (B):

"(i) Distributions of sample packages of drug products when such packages contain not more than 2 solid dosage units or the equivalent of 2 dosage units in liquid form, not to exceed 10 milliliters of liquid per package, and not more than one package is distributed to an individual or residential address in any 30-day period.

"(ii) Distributions of drug products by retail distributors that may not include face-to-face transactions to the extent that such distributions are consistent with the activities authorized for a retail distributor as specified in section 102(46).

"(iii) Distributions of drug products to a resident of a long term care facility (as that term is defined in regulations prescribed by the Attorney General) or distributions of drug products to a long term care facility for dispensing to or for use by a resident of that facility.

"(iv) Distributions of drug products pursuant to a valid prescription.

"(v) Exports which have been reported to the Attorney General pursuant to section 1004 or 1018 or which are subject to a waiver granted under section 1018(e)(2).

"(vi) Any quantity, method, or type of distribution or any quantity, method, or type of distribution of a specific listed chemical (including specific formulations or drug products) or of a group of listed chemicals (including specific formulations or drug products) which the Attorney General has excluded by regulation from such reporting requirement on the basis that such reporting is not necessary for the enforcement of this title or title III.

"(E) The Attorney General may revoke any or all of the exemptions listed in subparagraph (D) for an individual regulated person if he finds that drug products distributed by the regulated person are being used in violation of this title or title III. The regulated person shall be notified of the revocation, which will be effective upon receipt by the person of such notice, as provided in section 1018(c)(1), and shall have the right to an expedited hearing as provided in section 1018(c)(2).".

SEC. 203. ADVERTISEMENTS FOR DRUG PARAPHERNALIA AND SCHEDULE I CONTROLLED SUBSTANCES.

(a) DRUG PARAPHERNALIA.—Subsection (a)(1) of section 422 of the Controlled Substances Act (21 U.S.C. 863) is amended by inserting ", directly or indirectly advertise for sale," after "sell".

(b) IMMUNITIES AND OBLIGATIONS OF INTERACTIVE COMPUTER SERVICES.—

(1) IN GENERAL.—Such section 422 is further amended by adding at the end the following new subsection:

"(g) IMMUNITIES AND OBLIGATIONS OF INTERACTIVE COMPUTER SERVICES.—

"(1) IN GENERAL.—An interactive computer service that satisfies the conditions of this subsection shall not be liable under this section or section 2 or 371 of title 18, United States Code, for the use of its facilities or services—

"(A) by another person, or

"(B) as an information location tool referred to in paragraph (6)(A), provided that the interactive computer service does not control or modify (except to prevent or avoid a violation of law) the content of the online location to which such location tool refers or links,

to engage in activity that violates this section, except as provided in paragraph (2).

"(2) NOTICE AND TAKE DOWN RESPONSIBILITY.—

"(A) IN GENERAL.—If an interactive computer service receives a notice described in subparagraph (B) that a particular online site residing on a computer server controlled or operated by the provider is being used to violate this section, the provider shall within 48 hours, not including weekends and holidays, remove or disable access to the matter residing at that online site that allegedly violates this section.

"(B) NOTICE.—A notice is described in this subparagraph only if it is a written communication from the Attorney General, the Administrator of the Drug Enforcement Administration, or a United States Attorney supplied to the agent of the interactive computer service designated in accordance with section 512(c)(2) of title 17, United States Code, or to any employee of the provider if no such designation has been made, and includes—

"(i) identification of the matter that allegedly violates this section and that is to be removed or access to which is to be disabled;

"(ii) an allegation that such matter violates this section;

"(iii) information reasonably sufficient to permit the interactive computer service to locate such matter; and

"(iv) information reasonably sufficient to permit the interactive computer service to contact the Federal official, including an address, telephone number, and, if available, an electronic mail address at which the Federal official providing such notice may be contacted.

"(C) FAILURE TO TAKE DOWN MATTER.—An interactive computer service that does not take the actions described in this paragraph upon receiving a notice meeting the requirements of subparagraph (B) shall be deemed to have knowingly permitted its computer server to be used to engage in activity prohibited by this section and to have actual knowledge that the activity is prohibited by this section.

"(D) APPLICABILITY TO PROVIDERS OF BROWSER SOFTWARE.—

"(i) INAPPLICABILITY.—This paragraph shall not apply to a provider of browser software to the extent that the provider provides access to information location tools controlled by another party.

"(ii) APPLICABILITY.—This paragraph shall apply to a provider of browser software which provides matter consisting primarily of matter prohibited by this section or which holds itself out to others as a source of, or directory for, or means of searching for matter prohibited by this section.

"(3) APPLICABILITY.—Paragraph (1) shall not apply in the case of an interactive computer service which—

"(A) knowingly permits an online site on its computer server to be used to engage in activity that the interactive computer service has actual knowledge is prohibited by this section;

"(B) consists primarily of matter prohibited by this section; or

"(C) holds itself out to others as a source of, or means of searching for matter prohibited by this section.

"(4) IMMUNITY FOR REMOVAL OF MATTER.—An interactive computer service shall not be liable under Federal or State law for taking any action to remove or disable access to any matter described in this section, or to terminate the account of any subscriber of such service, based upon a good faith belief that such matter violates this section or that such subscriber has engaged in a violation of this section.

"(5) PENALTIES FOR MISREPRESENTATIONS.—Any person who knowingly misrepresents under this section that such person is an official of a law enforcement agency described in paragraph (2)(B) shall be deemed to violate section 912 of title 18, United States Code.

"(6) DEFINITION.—An interactive computer service referred to in this subsection is an interactive computer service (as that term is defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)), including a service that—

"(A) provides an information location tool to refer or link users to an online location, including a directory, index, or hypertext link, provided that the interactive computer service does not control or modify the content of the online location to which such location tool refers or links; or

"(B) is engaged in the transmission, storage, retrieval, hosting, formatting, or translation of a communication made by another person without selection or alteration of the content of the communication, other than that done in good faith to prevent or avoid a violation of law.".

(2) DIRECTORY OF AGENTS.—

(A) PROVISION TO ATTORNEY GENERAL.—Not later than three months after the date of the enactment of this Act, and every month thereafter, the Register of Copyrights shall provide to the Attorney General and the Administrator of the Drug Enforcement Administration an electronic copy of the registry of designated agents described in section 512(c)(2) of title 17, United States Code.

(B) PROVISION TO UNITED STATES ATTORNEYS.—The Attorney General shall make available to all United States Attorneys each registry made available to the Attorney General under subparagraph (A).

(c) DIRECTLY OR INDIRECTLY ADVERTISE FOR SALE DEFINED.—Such section 422 is further amended by adding at the end the following new subsection:

"(h) In this section, the term 'directly or indirectly advertise for sale' means the use of any communication facility (as that term is defined in section 403(b)) to post, publicize, transmit, publish, link to, broadcast, or otherwise advertise any matter (including a telephone number or electronic or mail address) with the intent to facilitate or promote a transaction in.".

(d) SCHEDULE I CONTROLLED SUBSTANCES.—Section 403(c) of such Act (21 U.S.C. 843(c)) is amended—

(1) by inserting "(1)" after "(c)";

(2) in paragraph (1), as so designated—

(A) in the first sentence, by inserting before the period the following: ", or to directly or indirectly advertise for sale (as that term is defined in section 422(h)) any Schedule I controlled substance"; and

(B) in the second sentence, by striking "term 'advertisement'" and inserting "term 'written advertisement'"; and

(3) by adding at the end the following:

"(2) In the case of direct or indirect advertisements for sale under paragraph (1), the limitations on criminal liability for interactive computer services under section 442(g) shall be available to interactive computer services under this subsection to the same extent, and subject to the same terms and conditions, as such limitations on criminal liability are available to interactive computer services under such section 442(g). For purposes of the application of such section 442(g) to an interactive computer service under this subsection, any reference in such section to the term 'conduct prohibited by this section' shall be deemed to refer to direct or indirect advertisements for sale prohibited by the first sentence of paragraph (1).".

SEC. 204. THEFT AND TRANSPORTATION OF ANHYDROUS AMMONIA FOR PURPOSES OF ILLICIT PRODUCTION OF CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Part D of the Controlled Substances Act (21 U.S.C. 841 et seq.) is amended by adding at the end the following:

"ANHYDROUS AMMONIA

"SEC. 423. (a) It is unlawful for any person—

"(1) to steal anhydrous ammonia, or

"(2) to transport stolen anhydrous ammonia across State lines,

knowing, intending, or having reasonable cause to believe that such anhydrous ammonia will be used to manufacture a controlled substance in violation of this part.

"(b) Any person who violates subsection (a) shall be imprisoned or fined, or both, in accordance with section 403(d) as if such violation were a violation of a provision of section 403.".

(b) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 421 the following new items:

"Sec. 422. Drug paraphernalia.
"Sec. 423. Anhydrous ammonia.".

(c) ASSISTANCE FOR CERTAIN RESEARCH.—

(1) AGREEMENT.—The Administrator of the Drug Enforcement Administration shall seek to enter into an agreement with Iowa State University in order to permit the University to continue and expand its current research into the development of inert agents that, when added to anhydrous ammonia, eliminate the usefulness of anhydrous ammonia as an ingredient in the production of methamphetamine.

(2) REIMBURSABLE PROVISION OF FUNDS.—The agreement under paragraph (1) may provide for the provision to Iowa State University, on a reimbursable basis, of $500,000 for purposes the activities specified in that paragraph.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for the Drug Enforcement Administration for fiscal year 2000, $500,000 for purposes of carrying out the agreement under this subsection.

SEC. 205. CRIMINAL PROHIBITION ON DISTRIBUTION OF CERTAIN INFORMATION RELATING TO THE MANUFACTURE OF CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 21 the following new chapter:

“CHAPTER 22—CONTROLLED SUBSTANCES

“Sec.

“421. Distribution of information relating to manufacture of controlled substances.

“§ 421. Distribution of information relating to manufacture of controlled substances

“(a) PROHIBITION ON DISTRIBUTION OF INFORMATION RELATING TO MANUFACTURE OF CONTROLLED SUBSTANCES.—

“(1) CONTROLLED SUBSTANCE DEFINED.—In this subsection, the term ‘controlled substance’ has the meaning given that term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

“(2) PROHIBITION.—It shall be unlawful for any person—

“(A) to teach or demonstrate the manufacture of a controlled substance, or to distribute by any means information pertaining to, in whole or in part, the manufacture of a controlled substance, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal crime; or

“(B) to teach or demonstrate to any person the manufacture of a controlled substance, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture of a controlled substance, knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal crime.

“(b) PENALTY.—Any person who violates subsection (a) shall be fined under this title, imprisoned not more than 10 years, or both.”.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 21 the following new item:

“22. Controlled Substances .... 421”.

Subtitle B—Other Matters

SEC. 211. WAIVER AUTHORITY FOR PHYSICIANS WHO DISPENSE OR PRESCRIBE CERTAIN NARCOTIC DRUGS FOR MAINTENANCE TREATMENT OR DETOXIFICATION TREATMENT.

(a) REQUIREMENTS.—Section 303(g) of the Controlled Substances Act (21 U.S.C. 823(g)) is amended—

(1) in paragraph (2), by striking “(A) security” and inserting “(i) security”, and by striking “(B) the maintenance” and inserting “(ii) the maintenance”;

(2) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(3) by inserting “(1)” after “(g)”;

(4) by striking “Practitioners who dispense” and inserting “Except as provided in paragraph (2), practitioners who dispense and prescribe”; and

(5) by adding at the end the following:

“(2)(A) Subject to subparagraphs (D), the requirements of paragraph (1) are waived in the case of the dispensing or prescribing, by a physician, of narcotic drugs in schedule III, IV, or V, or combinations of such drugs, if the physician meets the conditions specified in subparagraph (B) and the narcotic drugs or combinations of such drugs meet the conditions specified in subparagraph (C).

“(B)(i) For purposes of subparagraph (A), the conditions specified in this subparagraph with respect to a physician are that, before dispensing or prescribing narcotic drugs in schedule III, IV, or V, or combinations of such drugs, to patients for maintenance or detoxification treatment, the physician submit to the Secretary and the Attorney General a notification of the intent of the physician to begin dispensing or prescribing the drugs or combinations for such purpose, and that the notification to the Secretary also contain the following certifications by the physician:

“(I) The physician—

“(aa) is a physician licensed under State law; and

“(bb) has training or experience and the ability to treat and manage opiate-dependent patients.

“(II) With respect to patients to whom the physician will provide such drugs or combinations of drugs, the physician has the capacity to refer the patients for appropriate counseling and other appropriate ancillary services.

“(III) In any case in which the physician is not in a group practice, the total number of such patients of the physician at any one time will not exceed the applicable number. For purposes of this subclause, the applicable number is 20, except that the Secretary may by regulation change such total number.

“(IV) In any case in which the physician is in a group practice, the total number of such patients of the group practice at any one time will not exceed the applicable number. For purposes of this subclause, the applicable number is 20, except that the Secretary may by regulation change such total number, and the Secretary for such purposes may by regulation establish different categories on the basis of the number of physicians in a group practice and establish for the various categories different numerical limitations on the number of such patients that the group practice may have.

“(ii)(I) The Secretary may, in consultation with the Administrator of the Drug Enforcement Administration, the Administrator of the Substance Abuse and Mental Health Services Administration, the Director of the Center for Substance Abuse Treatment, the Director of the National Institute on Drug Abuse, and the Commissioner of Food and Drugs, issue regulations through notice and comment rulemaking or practice guidelines to address the following:

“(aa) Approval of additional credentialing bodies and the responsibilities of additional credentialing bodies.

“(bb) Additional exemptions from the requirements of this paragraph and any regulations under this paragraph.

“(II) Nothing in the regulations or practice guidelines under this clause may authorize any Federal official or employee to exercise supervision or control over the practice of medicine or the manner in which medical services are provided.

“(III)(aa) The Secretary shall issue a Treatment Improvement Protocol containing best practice guidelines for the treatment and maintenance of opiate-dependent patients. The Secretary shall develop the protocol in consultation with the Director of the National Institute on Drug Abuse, the Director of the Center for Substance Abuse Treatment, the Administrator of the Drug Enforcement Administration, the Commissioner of Food and Drugs, the Administrator of the Substance Abuse and Mental Health Services Administration, and other substance abuse disorder professionals. The protocol shall be guided by science.

“(bb) The protocol shall be issued not later than 120 days after the date of the enactment of the Methamphetamine Anti-Proliferation Act of 1999.

“(IV) For purposes of the regulations or practice guidelines under subclause (I), a physician shall have training or experience under clause (i)(I)(bb) if the physician meets one or more of the following conditions:

“(aa) The physician is certified in addiction treatment by the American Society of Addiction Medicine, the American Board of Medical Specialties, the American Osteopathic Academy of Addiction Medicine, or any other certified body accredited by the Secretary.

“(bb) The physician has been a clinical investigator in a clinical trial conducted for purposes of securing approval under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) or section 351 of the Public Health Service Act (42 U.S.C. 262) of a narcotic drug in schedule III, IV, or V for the treatment of addiction, if such approval was granted.

“(cc) The physician has completed training (through classroom situations, seminars, professional society meetings, electronic communications, or otherwise) provided by the American Society of Addiction Medicine, the American Academy of Addiction Psychiatry, the American Osteopathic Academy of Addiction Medicine, the American Medical Association, the American Osteopathic Association, the American Psychiatric Association, or any other organization that the Secretary determines appropriate for purposes of this item. The curricula may include training in patient need for counseling regarding HIV, Hepatitis C, and other infectious diseases, substance abuse counseling, random drug testing, medical evaluation, annual assessment, prenatal care, diagnosis of addiction, rehabilitation services, confidentiality, and other appropriate topics.

“(dd) The physician has training or experience in the treatment and management of opiate-dependent, which training or experience shall meet such criteria as the Secretary may prescribe. Any such criteria shall be effective for a period of three years after the effective date of such criteria, but the Secretary may extend the effective period of such criteria by additional periods of three years for each extension if the Secretary determines that such extension is appropriate for purposes of this item. Any such extension shall go into effect only if the Secretary publishes a notice of such extension in the Federal Register during the 30-day period ending on the date of the end of the three-year effective period of such criteria to which such extension will apply.

“(ee) The physician is certified in addiction treatment by a State medical licensing board, or an entity accredited by such board, unless the Secretary determines (after an opportunity for a hearing) that the training provided by such board or entity was inadequate for the treatment and management of opiate-dependent patients.

“(C) For purposes of subparagraph (A), the conditions specified in this subparagraph with respect to narcotic drugs in schedule III, IV, or V, or combinations of such drugs, are as follows:

“(i) The drugs or combinations of drugs have, under the Federal Food, Drug and Cosmetic Act or section 351 of the Public Health Service Act, been approved for use in maintenance or detoxification treatment.

“(ii) The drugs or combinations of drugs have not been the subject of an adverse determination. For purposes of this clause, an adverse determination is a determination published in the Federal Register and made by the Secretary, after consultation with the Attorney General, that experience since the approval of the drug or combinations of drugs has shown that the use of the drugs or combinations of drugs for maintenance or detoxification treatment requires additional standards respecting the qualifications of physicians to provide such treatment, or requires standards respecting the quantities of the drugs that may be provided for unsupervised use.

"(D)(i) A waiver under subparagraph (A) with respect to a physician is not in effect unless (in addition to conditions under subparagraphs (B) and (C)) the following conditions are met:

"(I) The notification under subparagraph (B) is in writing and states the name of the physician.

"(II) The notification identifies the registration issued for the physician pursuant to subsection (f).

"(III) If the physician is a member of a group practice, the notification states the names of the other physicians in the practice and identifies the registrations issued for the other physicians pursuant to subsection (f).

"(IV) A period of 45 days has elapsed after the date on which the notification was submitted, and during such period the physician does not receive from the Secretary a written notice that one or more of the conditions specified in subparagraph (B), subparagraph (C), or this subparagraph, have not been met.

"(ii) The Secretary shall provide to the Attorney General such information contained in notifications under subparagraph (B) as the Attorney General may request.

"(E) If in violation of subparagraph (A) a physician dispenses or prescribes narcotic drugs in schedule III, IV, or V, or combinations of such drugs, for maintenance treatment or detoxification treatment, the Attorney General may, for purposes of section 304(a)(4), consider the physician to have committed an act that renders the registration of the physician pursuant to subsection (f) to be inconsistent with the public interest.

"(F)(i) Upon determining that a physician meets the conditions specified in subparagraph (B), the Secretary shall notify the physician and the Attorney General.

"(ii) Upon receiving notice with respect to a physician under clause (i), the Attorney General shall assign the physician an identification number under this paragraph for inclusion with the physician's current registration to prescribe narcotics. An identification number assigned a physician under this clause shall be appropriate to preserve the confidentiality of a patient prescribed narcotic drugs covered by this paragraph by the physician.

"(iii) If the Secretary fails to make a determination described in clause (i) by the end of the 45-day period beginning on the date of the receipt by the Secretary of a notification from a physician under subparagraph (B), the Attorney General shall assign the physician an identification number described in clause (ii) at the end of such period.

"(G) In this paragraph:

"(i) The term 'group practice' has the meaning given such term in section 1877(h)(4) of the Social Security Act.

"(ii) The term 'physician' has the meaning given such term in section 1861(r) of the Social Security Act.

"(H)(i) This paragraph takes effect on the date of the enactment of the Methamphetamine Anti-Proliferation Act of 1999, and remains in effect thereafter except as provided in clause (iii) (relating to a decision by the Secretary or the Attorney General that this paragraph should not remain in effect).

"(ii) For the purposes relating to clause (iii), the Secretary and the Attorney General shall, during the 3-year period beginning on the date of the enactment of the Methamphetamine Anti-Proliferation Act of 1999, make determinations in accordance with the following:

"(I)(aa) The Secretary shall—

"(aaa) make a determination of whether treatments provided under waivers under subparagraph (A) have been effective forms of maintenance treatment and detoxification treatment in clinical settings;

"(bbb) make a determination regarding whether such waivers have significantly increased (relative to the beginning of such period) the availability of maintenance treatment and detoxification treatment; and

"(ccc) make a determination regarding whether such waivers have adverse consequences for the public health.

"(bb) In making determinations under this subclause, the Secretary—

"(aaa) may collect data from the practitioners for whom waivers under subparagraph (A) are in effect;

"(bbb) shall issue appropriate guidelines or regulations (in accordance with procedures for substantive rules under section 553 of title 5, United States Code) specifying the scope of the data that will be required to be provided under this subclause and the means through which the data will be collected; and

"(ccc) shall, with respect to collecting such data, comply with applicable provisions of chapter 6 of title 5, United States Code (relating to a regulatory flexibility analysis), and of chapter 8 of such title (relating to congressional review of agency rulemaking).

"(II) The Attorney General shall—

"(aa) make a determination of the extent to which there have been violations of the numerical limitations established under subparagraph (B) for the number of individuals to whom a practitioner may provide treatment; and

"(bb) make a determination regarding whether waivers under subparagraph (A) have increased (relative to the beginning of such period) the extent to which narcotic drugs in schedule III, IV, or V, or combinations of such drugs, are being dispensed or prescribed, or possessed, in violation of this Act.

"(iii) If, before the expiration of the period specified in clause (ii), the Secretary or the Attorney General publishes in the Federal Register a decision, made on the basis of determinations under such clause, that this paragraph should not remain in effect, this paragraph ceases to be in effect 60 days after the date on which the decision is so published. The Secretary shall, in making any such decision, consult with the Attorney General, and shall, in publishing the decision in the Federal Register, include any comments received from the Attorney General for inclusion in the publication. The Attorney General shall, in making any such decision, consult with the Secretary, and shall, in publishing the decision in the Federal Register, include any comments received from the Secretary for inclusion in the publication.

"(I) During the 3-year period beginning on the date of the enactment of the Methamphetamine Anti-Proliferation Act of 1999, a State may not preclude a practitioner from dispensing or prescribing narcotic drugs in schedule III, IV, or V, or combinations of such drugs, to patients for maintenance or detoxification treatment in accordance with this paragraph, or the other amendments made by section 22 of that Act, unless, before the expiration of that 3-year period, the State enacts a law prohibiting a practitioner from dispensing or prescribing such drugs or combination of drugs.".

(b) CONFORMING AMENDMENTS.—Section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended—

(1) in subsection (a), in the matter following paragraph (5), by striking "section 303(g)" each place the term appears and inserting "section 303(g)(1)"; and

(2) in subsection (d), by striking "section 303(g)" and inserting "section 303(g)(1)".

(c) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for purposes of activities under section 303(g)(2) of the Controlled Substances Act, as added by subsection (a), amounts as follows:

(1) For fiscal year 2000, $3,000,000.

(2) For each fiscal year after fiscal year 2000, such sums as may be necessary for such fiscal year.

TITLE III—MISCELLANEOUS

SEC. 301. NOTICE; CLARIFICATION.

(a) NOTICE OF ISSUANCE.—Section 3103a of title 18, United States Code, is amended by adding at the end the following new sentence: "With respect to any issuance under this section or any other provision of law (including section 3117 and any rule), any notice required, or that may be required, to be given may be delayed pursuant to the standards, terms, and conditions set forth in section 2705, unless otherwise expressly provided by statute.".

(b) CLARIFICATION.—(1) Section 2(e) of Public Law 95–78 (91 Stat. 320) is amended by adding at the end the following:

"Subdivision (d) of such rule, as in effect on this date, is amended by inserting 'tangible' before 'property' each place it occurs.".

(2) The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

SEC. 302. ANTIDRUG MESSAGES ON FEDERAL GOVERNMENT INTERNET WEBSITES.

Not later than 90 days after the date of the enactment of this Act, the head of each department, agency, and establishment of the Federal Government shall, in consultation with the Director of the Office of National Drug Control Policy, place antidrug messages on appropriate Internet websites controlled by such department, agency, or establishment which messages shall, where appropriate, contain an electronic hyperlink to the Internet website, if any, of the Office.

SEC. 303. SEVERABILITY.

Any provision of this Act held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed as to give the maximum effect permitted by law, unless such provision is held to be utterly invalid or unenforceable, in which event such provision shall be severed from this Act and shall not affect the applicability of the remainder of this Act, or of such provision, to other persons not similarly situated or to other, dissimilar circumstances.

ABRAHAM LINCOLN BICENTENNIAL COMMISSION ACT

HATCH (AND OTHERS) AMENDMENT NO. 2795

Ms. COLLINS (for Mr. HATCH (for himself, Mr. LEAHY, Mr. FITZGERALD, and Mr. DURBIN)) proposed an amendment to the bill (H.R. 1451) to establish the Abraham Lincoln Bicentennial Commission; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Abraham Lincoln Bicentennial Commission Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Abraham Lincoln, the 16th President, was one of the Nation's most prominent leaders, demonstrating true courage during the Civil War, one of the greatest crises in the Nation's history.

(2) Born of humble roots in Hardin County, Kentucky, on February 12, 1809, Abraham Lincoln rose to the Presidency through a legacy of honesty, integrity, intelligence, and commitment to the United States.

(3) With the belief that all men were created equal, Abraham Lincoln led the effort to free all slaves in the United States.

(4) Abraham Lincoln had a generous heart, with malice toward none and with charity for all.

(5) Abraham Lincoln gave the ultimate sacrifice for the country Lincoln loved, dying from an assassin's bullet on April 15, 1865.

(6) All Americans could benefit from studying the life of Abraham Lincoln, for Lincoln's life is a model for accomplishing the "American Dream" through honesty, integrity, loyalty, and a lifetime of education.

(7) The year 2009 will be the bicentennial anniversary of the birth of Abraham Lincoln, and a commission should be established to study and recommend to Congress activities that are fitting and proper to celebrate that anniversary in a manner that appropriately honors Abraham Lincoln.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the Abraham Lincoln Bicentennial Commission (referred to in this Act as the "Commission").

SEC. 4. DUTIES.

The Commission shall have the following duties:

(1) To study activities that may be carried out by the Federal Government to determine whether the activities are fitting and proper to honor Abraham Lincoln on the occasion of the bicentennial anniversary of Lincoln's birth, including—

(A) the minting of an Abraham Lincoln bicentennial penny;

(B) the issuance of an Abraham Lincoln bicentennial postage stamp;

(C) the convening of a joint meeting or joint session of Congress for ceremonies and activities relating to Abraham Lincoln;

(D) a redesignation of the Lincoln Memorial, or other activity with respect to the Memorial; and

(E) the acquisition and preservation of artifacts associated with Abraham Lincoln.

(2) To recommend to Congress the activities that the Commission considers most fitting and proper to honor Abraham Lincoln on such occasion, and the entity or entities in the Federal Government that the Commission considers most appropriate to carry out such activities.

SEC. 5. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members appointed as follows:

(1) Two members, each of whom shall be a qualified citizen described in subsection (b), appointed by the President.

(2) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Illinois.

(3) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Indiana.

(4) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Kentucky.

(5) Three members, at least one of whom shall be a Member of the House of Representatives, appointed by the Speaker of the House of Representatives.

(6) Three members, at least one of whom shall be a Senator, appointed by the majority leader of the Senate.

(7) Two members, at least one of whom shall be a Member of the House of Representatives, appointed by the minority leader of the House of Representatives.

(8) Two members, at least one of whom shall be a Senator, appointed by the minority leader of the Senate.

(b) QUALIFIED CITIZEN.—A qualified citizen described in this subsection is a private citizen of the United States with—

(1) a demonstrated dedication to educating others about the importance of historical figures and events; and

(2) substantial knowledge and appreciation of Abraham Lincoln.

(c) TIME OF APPOINTMENT.—Each initial appointment of a member of the Commission shall be made before the expiration of the 120-day period beginning on the date of enactment of this Act.

(d) CONTINUATION OF MEMBERSHIP.—If a member of the Commission was appointed to the Commission as a Member of Congress, and ceases to be a Member of Congress, that member may continue to serve on the Commission for not longer than the 30-day period beginning on the date that member ceases to be a Member of Congress.

(e) TERMS.—Each member shall be appointed for the life of the Commission.

(f) VACANCIES.—A vacancy in the Commission shall not affect the powers of the Commission but shall be filled in the manner in which the original appointment was made.

(g) BASIC PAY.—Members shall serve on the Commission without pay.

(h) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(i) QUORUM.—Five members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(j) CHAIR.—The Commission shall select a Chair from among the members of the Commission.

(k) MEETINGS.—The Commission shall meet at the call of the Chair. Periodically, the Commission shall hold a meeting in Springfield, Illinois.

SEC. 6. DIRECTOR AND STAFF.

(a) DIRECTOR.—The Commission may appoint and fix the pay of a Director and such additional personnel as the Commission considers to be appropriate.

(b) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—

(1) DIRECTOR.—The Director of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(2) STAFF.—The staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

SEC. 7. POWERS.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers to be appropriate.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take by this Act.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable the Commission to carry out this Act. Upon request of the Chair of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

SEC. 8. REPORTS.

(a) INTERIM REPORTS.—The Commission may submit to Congress such interim reports as the Commission considers to be appropriate.

(b) FINAL REPORT.—The Commission shall submit a final report to Congress not later than the expiration of the 4-year period beginning on the date of the formation of the Commission. The final report shall contain—

(1) a detailed statement of the findings and conclusions of the Commission;

(2) the recommendations of the Commission; and

(3) any other information that the Commission considers to be appropriate.

SEC. 9. BUDGET ACT COMPLIANCE.

Any spending authority provided under this Act shall be effective only to such extent and in such amounts as are provided in appropriation Acts.

SEC. 10. TERMINATION.

The Commission shall terminate 120 days after submitting the final report of the Commission pursuant to section 8.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

NATIONAL COLORECTAL CANCER AWARENESS MONTH

HATCH AMENDMENT NO. 2796

Ms. COLLINS (for Mr. HATCH) proposed an amendment to the resolution (S. Res. 108) resolution designating the month of March each year as "National Colorectal Cancer Awareness Month"; as follows:

On page 2, line 5, strike "March of each year" and insert "March, 2000,".

Amend the title so as to read: "Resolution designating the month of March, 2000, as National Colorectal Cancer Awareness Month".

FOSTER CARE INDEPENDENCE ACT OF 1999

COLLINS (AND OTHERS) AMENDMENT NO. 2797

Ms. COLLINS (for herself, Mr. ROTH, Mr. L. CHAFEE, and Mr. REED) proposed an amendment to the bill (H.R. 1802) to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Foster Care Independence Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—IMPROVED INDEPENDENT LIVING PROGRAM

Subtitle A—Improved Independent Living Program

Sec. 101. Improved independent living program.

Subtitle B—Related Foster Care Provision

Sec. 111. Increase in amount of assets allowable for children in foster care.
Sec. 112. Preparation of foster parents to provide for the needs of children in State care.

Subtitle C—Medicaid Amendments

Sec. 121. State option of Medicaid coverage for adolescents leaving foster care.

Subtitle D—Adoption Incentive Payments

Sec. 131. Increased funding for adoption incentive payments.

TITLE II—SSI FRAUD PREVENTION

Subtitle A—Fraud Prevention and Related Provisions

Sec. 201. Liability of representative payees for overpayments to deceased recipients.
Sec. 202. Recovery of overpayments of SSI benefits from lump sum SSI benefit payments.
Sec. 203. Additional debt collection practices.
Sec. 204. Requirement to provide State prisoner information to Federal and federally assisted benefit programs.
Sec. 205. Treatment of assets held in trust under the SSI program.
Sec. 206. Disposal of resources for less than fair market value under the SSI program.
Sec. 207. Administrative procedure for imposing penalties for false or misleading statements.
Sec. 208. Exclusion of representatives and health care providers convicted of violations from participation in social security programs.
Sec. 209. State data exchanges.
Sec. 210. Study on possible measures to improve fraud prevention and administrative processing.
Sec. 211. Annual report on amounts necessary to combat fraud.
Sec. 212. Computer matches with Medicare and Medicaid institutionalization data.
Sec. 213. Access to information held by financial institutions.

Subtitle B—Benefits For Certain World War II Veterans

Sec. 251. Establishment of program of special benefits for certain World War II veterans.

Subtitle C—Study

Sec. 261. Study of denial of SSI benefits for family farmers.

TITLE III—CHILD SUPPORT

Sec. 301. Narrowing of hold harmless provision for State share of distribution of collected child support.

TITLE IV—TECHNICAL CORRECTIONS

Sec. 401. Technical corrections relating to amendments made by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

TITLE I—IMPROVED INDEPENDENT LIVING PROGRAM

Subtitle A—Improved Independent Living Program

SEC. 101. IMPROVED INDEPENDENT LIVING PROGRAM.

(a) FINDINGS.—The Congress finds the following:

(1) States are required to make reasonable efforts to find adoptive families for all children, including older children, for whom reunification with their biological family is not in the best interests of the child. However, some older children will continue to live in foster care. These children should be enrolled in an Independent Living program designed and conducted by State and local government to help prepare them for employment, postsecondary education, and successful management of adult responsibilities.

(2) Older children who continue to be in foster care as adolescents may become eligible for Independent Living programs. These Independent Living programs are not an alternative to adoption for these children. Enrollment in Independent Living programs can occur concurrent with continued efforts to locate and achieve placement in adoptive families for older children in foster care.

(3) About 20,000 adolescents leave the Nation's foster care system each year because they have reached 18 years of age and are expected to support themselves.

(4) Congress has received extensive information that adolescents leaving foster care have significant difficulty making a successful transition to adulthood; this information shows that children aging out of foster care show high rates of homelessness, non-marital childbearing, poverty, and delinquent or criminal behavior; they are also frequently the target of crime and physical assaults.

(5) The Nation's State and local governments, with financial support from the Federal Government, should offer an extensive program of education, training, employment, and financial support for young adults leaving foster care, with participation in such program beginning several years before high school graduation and continuing, as needed, until the young adults emancipated from foster care establish independence or reach 21 years of age.

(b) IMPROVED INDEPENDENT LIVING PROGRAM.—Section 477 of the Social Security Act (42 U.S.C. 677) is amended to read as follows:

"SEC. 477. JOHN H. CHAFEE FOSTER CARE INDEPENDENCE PROGRAM.

"(a) PURPOSE.—The purpose of this section is to provide States with flexible funding that will enable programs to be designed and conducted—

"(1) to identify children who are likely to remain in foster care until 18 years of age and to help these children make the transition to self-sufficiency by providing services such as assistance in obtaining a high school diploma, career exploration, vocational training, job placement and retention, training in daily living skills, training in budgeting and financial management skills, substance abuse prevention, and preventive health activities (including smoking avoidance, nutrition education, and pregnancy prevention);

"(2) to help children who are likely to remain in foster care until 18 years of age receive the education, training, and services necessary to obtain employment;

"(3) to help children who are likely to remain in foster care until 18 years of age prepare for and enter postsecondary training and education institutions;

"(4) to provide personal and emotional support to children aging out of foster care, through mentors and the promotion of interactions with dedicated adults; and

"(5) to provide financial, housing, counseling, employment, education, and other appropriate support and services to former foster care recipients between 18 and 21 years of age to complement their own efforts to achieve self-sufficiency and to assure that program participants recognize and accept their personal responsibility for preparing for and then making the transition from adolescence to adulthood.

"(b) APPLICATIONS.—

"(1) IN GENERAL.—A State may apply for funds from its allotment under subsection (c) for a period of five consecutive fiscal years by submitting to the Secretary, in writing, a plan that meets the requirements of paragraph (2) and the certifications required by paragraph (3) with respect to the plan.

"(2) STATE PLAN.—A plan meets the requirements of this paragraph if the plan specifies which State agency or agencies will administer, supervise, or oversee the programs carried out under the plan, and describes how the State intends to do the following:

"(A) Design and deliver programs to achieve the purposes of this section.

"(B) Ensure that all political subdivisions in the State are served by the program, though not necessarily in a uniform manner.

"(C) Ensure that the programs serve children of various ages and at various stages of achieving independence.

"(D) Involve the public and private sectors in helping adolescents in foster care achieve independence.

"(E) Use objective criteria for determining eligibility for benefits and services under the programs, and for ensuring fair and equitable treatment of benefit recipients.

"(F) Cooperate in national evaluations of the effects of the programs in achieving the purposes of this section.

"(3) CERTIFICATIONS.—The certifications required by this paragraph with respect to a plan are the following:

"(A) A certification by the chief executive officer of the State that the State will provide assistance and services to children who have left foster care because they have attained 18 years of age, and who have not attained 21 years of age.

"(B) A certification by the chief executive officer of the State that not more than 30 percent of the amounts paid to the State from its allotment under subsection (c) for a fiscal year will be expended for room or board for children who have left foster care because they have attained 18 years of age, and who have not attained 21 years of age.

"(C) A certification by the chief executive officer of the State that none of the amounts paid to the State from its allotment under subsection (c) will be expended for room or board for any child who has not attained 18 years of age.

"(D) A certification by the chief executive officer of the State that the State will use training funds provided under the program of Federal payments for foster care and adoption assistance to provide training to help foster parents, adoptive parents, workers in group homes, and case managers understand and address the issues confronting adolescents preparing for independent living, and will, to the extent possible, coordinate such training with the independent living program conducted for adolescents.

"(E) A certification by the chief executive officer of the State that the State has consulted widely with public and private organizations in developing the plan and that the State has given all interested members of the public at least 30 days to submit comments on the plan.

"(F) A certification by the chief executive officer of the State that the State will make every effort to coordinate the State programs receiving funds provided from an allotment made to the State under subsection (c) with other Federal and State programs for youth (especially transitional living youth projects funded under part B of title III of the Juvenile Justice and Delinquency Prevention Act of 1974), abstinence education programs, local housing programs, programs for disabled youth (especially sheltered workshops), and school-to-work programs offered by high schools or local workforce agencies.

"(G) A certification by the chief executive officer of the State that each Indian tribe in the State has been consulted about the programs to be carried out under the plan; that there have been efforts to coordinate the programs with such tribes; and that benefits and services under the programs will be made available to Indian children in the State on the same basis as to other children in the State.

"(H) A certification by the chief executive officer of the State that the State will ensure that adolescents participating in the program under this section participate directly in designing their own program activities that prepare them for independent living and that the adolescents accept personal responsibility for living up to their part of the program.

"(I) A certification by the chief executive officer of the State that the State has established and will enforce standards and procedures to prevent fraud and abuse in the programs carried out under the plan.

"(4) Approval.—The Secretary shall approve an application submitted by a State pursuant to paragraph (1) for a period if—

"(A) the application is submitted on or before June 30 of the calendar year in which such period begins; and

"(B) the Secretary finds that the application contains the material required by paragraph (1).

"(5) Authority to implement certain amendments; notification.—A State with an application approved under paragraph (4) may implement any amendment to the plan contained in the application if the application, incorporating the amendment, would be approvable under paragraph (4). Within 30 days after a State implements any such amendment, the State shall notify the Secretary of the amendment.

"(6) Availability.—The State shall make available to the public any application submitted by the State pursuant to paragraph (1), and a brief summary of the plan contained in the application.

"(c) Allotments to States.—

"(1) In general.—From the amount specified in subsection (h) that remains after applying subsection (g)(2) for a fiscal year, the Secretary shall allot to each State with an application approved under subsection (b) for the fiscal year the amount which bears the same ratio to such remaining amount as the number of children in foster care under a program of the State in the most recent fiscal year for which such information is available bears to the total number of children in foster care in all States for such most recent fiscal year, as adjusted in accordance with paragraph (2).

"(2) Hold harmless provision.—

"(A) In general.—The Secretary shall allot to each State whose allotment for a fiscal year under paragraph (1) is less than the greater of $500,000 or the amount payable to the State under this section for fiscal year 1998, an additional amount equal to the difference between such allotment and such greater amount.

"(B) Ratable reduction of certain allotments.—In the case of a State not described in subparagraph (A) of this paragraph for a fiscal year, the Secretary shall reduce the amount allotted to the State for the fiscal year under paragraph (1) by the amount that bears the same ratio to the sum of the differences determined under subparagraph (A) of this paragraph for the fiscal year as the excess of the amount so allotted over the greater of $500,000 or the amount payable to the State under this section for fiscal year 1998 bears to the sum of such excess amounts determined for all such States.

"(d) Use of Funds.—

"(1) In general.—A State to which an amount is paid from its allotment under subsection (c) may use the amount in any manner that is reasonably calculated to accomplish the purposes of this section.

"(2) No supplantation of other funds available for same general purposes.—The amounts paid to a State from its allotment under subsection (c) shall be used to supplement and not supplant any other funds which are available for the same general purposes in the State.

"(3) Two-year availability of funds.—Payments made to a State under this section for a fiscal year shall be expended by the State in the fiscal year or in the succeeding fiscal year.

"(e) Penalties.—

"(1) Use of grant in violation of this part.—If the Secretary is made aware, by an audit conducted under chapter 75 of title 31, United States Code, or by any other means, that a program receiving funds from an allotment made to a State under subsection (c) has been operated in a manner that is inconsistent with, or not disclosed in the State application approved under subsection (b), the Secretary shall assess a penalty against the State in an amount equal to not less than 1 percent and not more than 5 percent of the amount of the allotment.

"(2) Failure to comply with data reporting requirement.—The Secretary shall assess a penalty against a State that fails during a fiscal year to comply with an information collection plan implemented under subsection (f) in an amount equal to not less than 1 percent and not more than 5 percent of the amount allotted to the State for the fiscal year.

"(3) Penalties based on degree of noncompliance.—The Secretary shall assess penalties under this subsection based on the degree of noncompliance.

"(f) Data Collection and Performance Measurement.—

"(1) In general.—The Secretary, in consultation with State and local public officials responsible for administering independent living and other child welfare programs, child welfare advocates, members of Congress, youth service providers, and researchers, shall—

"(A) develop outcome measures (including measures of educational attainment, high school diploma, employment, avoidance of dependency, homelessness, nonmarital childbirth, incarceration, and high-risk behaviors) that can be used to assess the performance of States in operating independent living programs;

"(B) identify data elements needed to track—

"(i) the number and characteristics of children receiving services under this section;

"(ii) the type and quantity of services being provided; and

"(iii) State performance on the outcome measures; and

"(C) develop and implement a plan to collect the needed information beginning with the second fiscal year beginning after the date of the enactment of this section.

"(2) Report to the Congress.—Within 12 months after the date of the enactment of this section, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report detailing the plans and timetable for collecting from the States the information described in paragraph (1) and a proposal to impose penalties consistent with paragraph (e)(2) on States that do not report data.

"(g) Evaluations.—

"(1) In general.—The Secretary shall conduct evaluations of such State programs funded under this section as the Secretary deems to be innovative or of potential national significance. The evaluation of any such program shall include information on the effects of the program on education, employment, and personal development. To the maximum extent practicable, the evaluations shall be based on rigorous scientific standards including random assignment to treatment and control groups. The Secretary is encouraged to work directly with State and local governments to design methods for conducting the evaluations, directly or by grant, contract, or cooperative agreement.

"(2) Funding of evaluations.—The Secretary shall reserve 1.5 percent of the amount specified in subsection (h) for a fiscal year to carry out, during the fiscal year, evaluation, technical assistance, performance measurement, and data collection activities related to this section, directly or through grants, contracts, or cooperative agreements with appropriate entities.

"(h) Limitations on Authorization of Appropriations.—To carry out this section and for payments to States under section 474(a)(4), there are authorized to be appropriated to the Secretary $140,000,000 for each fiscal year.".

(c) Payments to States.—Section 474(a)(4) of such Act (42 U.S.C. 674(a)(4)) is amended to read as follows:

"(4) the lesser of—

"(A) 80 percent of the amount (if any) by which—

"(i) the total amount expended by the State during the fiscal year in which the quarter occurs to carry out programs in accordance with the State application approved under section 477(b) for the period in which the quarter occurs (including any amendment that meets the requirements of section 477(b)(5)); exceeds

"(ii) the total amount of any penalties assessed against the State under section 477(e) during the fiscal year in which the quarter occurs; or

"(B) the amount allotted to the State under section 477 for the fiscal year in which the quarter occurs, reduced by the total of the amounts payable to the State under this paragraph for all prior quarters in the fiscal year.".

(d) Regulations.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue such regulations as may be necessary to carry out the amendments made by this section.

(e) Sense of the Congress.—It is the sense of the Congress that States should provide medical assistance under the State plan approved under title XIX of the Social Security Act to 18-, 19-, and 20-year-olds who have been emancipated from foster care.

Subtitle B—Related Foster Care Provision

SEC. 111. INCREASE IN AMOUNT OF ASSETS ALLOWABLE FOR CHILDREN IN FOSTER CARE.

Section 472(a) of the Social Security Act (42 U.S.C. 672(a)) is amended by adding at the end the following: "In determining whether a child would have received aid under a State plan approved under section 402 (as in effect on July 16, 1996), a child whose resources (determined pursuant to section 402(a)(7)(B), as so in effect) have a combined value of not more than $10,000 shall be considered to be a child whose resources have a combined value of not more than $1,000 (or such lower amount as the State may determine for purposes of such section 402(a)(7)(B)).".

SEC. 112. PREPARATION OF FOSTER PARENTS TO PROVIDE FOR THE NEEDS OF CHILDREN IN STATE CARE.

(a) State Plan Requirement.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking "and" at the end of paragraph (22);

(2) by striking the period at the end of paragraph (23) and inserting "; and"; and

(3) by adding at the end the following:

"(24) include a certification that, before a child in foster care under the responsibility of the State is placed with prospective foster parents, the prospective foster parents will be prepared adequately with the appropriate knowledge and skills to provide for the needs of the child, and that such preparation will be continued, as necessary, after the placement of the child.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 1999.

Subtitle C—Medicaid Amendments

SEC. 121. STATE OPTION OF MEDICAID COVERAGE FOR ADOLESCENTS LEAVING FOSTER CARE.

(a) In General.—Subject to subsection (c), title XIX of the Social Security Act is amended—

(1) in section 1902(a)(10)(A)(ii) (42 U.S.C. 1396a(a)(10)(A)(ii))—

(A) by striking "or" at the end of subclause (XIII);

(B) by adding "or" at the end of subclause (XIV); and

(C) by adding at the end the following new subclause:

"(XV) who are independent foster care adolescents (as defined in (section 1905(v)(1)), or who are within any reasonable categories of such adolescents specified by the State;"; and

(2) by adding at the end of section 1905 (42 U.S.C. 1396d) the following new subsection:

"(v)(1) For purposes of this title, the term 'independent foster care adolescent' means an individual—

"(A) who is under 21 years of age;

"(B) who, on the individual's 18th birthday, was in foster care under the responsibility of a State; and

"(C) whose assets, resources, and income do not exceed such levels (if any) as the State may establish consistent with paragraph (2).

"(2) The levels established by a State under paragraph (1)(C) may not be less than the corresponding levels applied by the State under section 1931(b).

"(3) A State may limit the eligibility of independent foster care adolescents under section 1902(a)(10)(A)(ii)(XV) to those individuals with respect to whom foster care maintenance payments or independent living services were furnished under a program funded under part E of title IV before the date the individuals attained 18 years of age.".

(b) Effective Date.—The amendments made by subsection (a) apply to medical assistance for items and services furnished on or after October 1, 1999.

(c) Contingency in Enactment.—If the Ticket to Work and Work Incentives Improvement Act of 1999 is enacted (whether before, on, or after the date of the enactment of this Act)—

(1) the amendments made by that Act shall be executed as if this Act had been enacted after the enactment of such other Act;

(2) with respect to subsection (a)(1)(A) of this section, any reference to subclause (XIII) is deemed a reference to subclause (XV);

(3) with respect to subsection (a)(1)(B) of this section, any reference to subclause (XIV) is deemed a reference to subclause (XVI);

(4) the subclause (XV) added by subsection (a)(1)(C) of this section—

(A) is redesignated as subclause (XVII); and

(B) is amended by striking "section 1905(v)(1)" and inserting "section 1905(w)(1)"; and

(5) the subsection (v) added by subsection (a)(2) of this section—

(A) is redesignated as subsection (w); and

(B) is amended by striking "1902(a)(10)(A)(ii)(XV)" and inserting "1902(a)(10)(A)(ii)(XVII)".

Subtitle D—Adoption Incentive Payments

SEC. 131. INCREASED FUNDING FOR ADOPTION INCENTIVE PAYMENTS.

(a) Supplemental Grants.—Section 473A of the Social Security Act (42 U.S.C. 673b) is amended by adding at the end the following:

"(j) Supplemental Grants.—

"(1) In general.—Subject to the availability of such amounts as may be provided in advance in appropriations Acts, in addition to any amount otherwise payable under this section to any State that is an incentive-eligible State for fiscal year 1998, the Secretary shall make a grant to the State in an amount equal to the lesser of—

"(A) the amount by which—

"(i) the amount that would have been payable to the State under this section during fiscal year 1999 (on the basis of adoptions in fiscal year 1998) in the absence of subsection (d)(2) if sufficient funds had been available for the payment; exceeds

"(ii) the amount that, before the enactment of this subsection, was payable to the State under this section during fiscal year 1999 (on such basis); or

"(B) the amount that bears the same ratio to the dollar amount specified in paragraph (2) as the amount described by subparagraph (A) for the State bears to the aggregate of the amounts described by subparagraph (A) for all States that are incentive-eligible States for fiscal year 1998.

"(2) Funding.—$23,000,000 of the amounts appropriated under subsection (h)(1) for fiscal year 2000 may be used for grants under paragraph (1) of this subsection.".

(b) Limitation on Authorization of Appropriations.—Section 473A(h)(1) of the Social Security Act (42 U.S.C. 673b(h)(1)) is amended to read as follows:

"(1) In general.—For grants under subsection (a), there are authorized to be appropriated to the Secretary—

"(A) $20,000,000 for fiscal year 1999;

"(B) $43,000,000 for fiscal year 2000; and

"(C) $20,000,000 for each of fiscal years 2001 through 2003.".

TITLE II—SSI FRAUD PREVENTION

Subtitle A—Fraud Prevention and Related Provisions

SEC. 201. LIABILITY OF REPRESENTATIVE PAYEES FOR OVERPAYMENTS TO DECEASED RECIPIENTS.

(a) Amendment to Title II.—Section 204(a)(2) of the Social Security Act (42 U.S.C. 404(a)(2)) is amended by adding at the end the following new sentence: "If any payment of more than the correct amount is made to a representative payee on behalf of an individual after the individual's death, the representative payee shall be liable for the repayment of the overpayment, and the Commissioner of Social Security shall establish an overpayment control record under the social security account number of the representative payee.".

(b) Amendment to Title XVI.—Section 1631(b)(2) of such Act (42 U.S.C. 1383(b)(2)) is amended by adding at the end the following new sentence: "If any payment of more than the correct amount is made to a representative payee on behalf of an individual after the individual's death, the representative payee shall be liable for the repayment of the overpayment, and the Commissioner of Social Security shall establish an overpayment control record under the social security account number of the representative payee.".

(c) Effective Date.—The amendments made by this section shall apply to overpayments made 12 months or more after the date of the enactment of this Act.

SEC. 202. RECOVERY OF OVERPAYMENTS OF SSI BENEFITS FROM LUMP SUM SSI BENEFIT PAYMENTS.

(a) In General.—Section 1631(b)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1383(b)(1)(B)(ii)) is amended—

(1) by inserting "monthly" before "benefit payments"; and

(2) by inserting "and in the case of an individual or eligible spouse to whom a lump sum is payable under this title (including under section 1616(a) of this Act or under an agreement entered into under section 212(a) of Public Law 93–66) shall, as at least one means of recovering such overpayment, make the adjustment or recovery from the lump sum payment in an amount equal to not less than the lesser of the amount of the overpayment or 50 percent of the lump sum payment," before "unless fraud".

(b) Effective Date.—The amendments made by this section shall take effect 12 months after the date of the enactment of this Act and shall apply to amounts incorrectly paid which remain outstanding on or after such date.

SEC. 203. ADDITIONAL DEBT COLLECTION PRACTICES.

(a) IN GENERAL.—Section 1631(b) of the Social Security Act (42 U.S.C. 1383(b)) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following:

"(4)(A) With respect to any delinquent amount, the Commissioner of Social Security may use the collection practices described in sections 3711(f), 3716, 3717, and 3718 of title 31, United States Code, and in section 5514 of title 5, United States Code, all as in effect immediately after the enactment of the Debt Collection Improvement Act of 1996.

"(B) For purposes of subparagraph (A), the term 'delinquent amount' means an amount—

"(i) in excess of the correct amount of payment under this title;

"(ii) paid to a person after such person has attained 18 years of age; and

"(iii) determined by the Commissioner of Social Security, under regulations, to be otherwise unrecoverable under this section after such person ceases to be a beneficiary under this title.".

(b) CONFORMING AMENDMENTS.—Section 3701(d)(2) of title 31, United States Code, is amended by striking "section 204(f)" and inserting "sections 204(f) and 1631(b)(4)".

(c) TECHNICAL AMENDMENTS.—Section 204(f) of the Social Security Act (42 U.S.C. 404(f)) is amended—

(1) by striking "3711(e)" and inserting "3711(f)"; and

(2) by inserting "all" before "as in effect".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to debt outstanding on or after the date of the enactment of this Act.

SEC. 204. REQUIREMENT TO PROVIDE STATE PRISONER INFORMATION TO FEDERAL AND FEDERALLY ASSISTED BENEFIT PROGRAMS.

Section 1611(e)(1)(I)(ii)(II) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)(ii)(II)) is amended by striking "is authorized to" and inserting "shall".

SEC. 205. TREATMENT OF ASSETS HELD IN TRUST UNDER THE SSI PROGRAM.

(a) TREATMENT AS RESOURCE.—Section 1613 of the Social Security Act (42 U.S.C. 1382b) is amended by adding at the end the following:

"Trusts

"(e)(1) In determining the resources of an individual, paragraph (3) shall apply to a trust (other than a trust described in paragraph (5)) established by the individual.

"(2)(A) For purposes of this subsection, an individual shall be considered to have established a trust if any assets of the individual (or of the individual's spouse) are transferred to the trust other than by will.

"(B) In the case of an irrevocable trust to which are transferred the assets of an individual (or of the individual's spouse) and the assets of any other person, this subsection shall apply to the portion of the trust attributable to the assets of the individual (or of the individual's spouse).

"(C) This subsection shall apply to a trust without regard to—

"(i) the purposes for which the trust is established;

"(ii) whether the trustees have or exercise any discretion under the trust;

"(iii) any restrictions on when or whether distributions may be made from the trust; or

"(iv) any restrictions on the use of distributions from the trust.

"(3)(A) In the case of a revocable trust established by an individual, the corpus of the trust shall be considered a resource available to the individual.

"(B) In the case of an irrevocable trust established by an individual, if there are any circumstances under which payment from the trust could be made to or for the benefit of the individual or the individual's spouse, the portion of the corpus from which payment to or for the benefit of the individual or the individual's spouse could be made shall be considered a resource available to the individual.

"(4) The Commissioner of Social Security may waive the application of this subsection with respect to an individual if the Commissioner determines that such application would work an undue hardship (as determined on the basis of criteria established by the Commissioner) on the individual.

"(5) This subsection shall not apply to a trust described in subparagraph (A) or (C) of section 1917(d)(4).

"(6) For purposes of this subsection—

"(A) the term 'trust' includes any legal instrument or device that is similar to a trust;

"(B) the term 'corpus' means, with respect to a trust, all property and other interests held by the trust, including accumulated earnings and any other addition to the trust after its establishment (except that such term does not include any such earnings or addition in the month in which the earnings or addition is credited or otherwise transferred to the trust); and

"(C) the term 'asset' includes any income or resource of the individual or of the individual's spouse, including—

"(i) any income excluded by section 1612(b);

"(ii) any resource otherwise excluded by this section; and

"(iii) any other payment or property to which the individual or the individual's spouse is entitled but does not receive or have access to because of action by—

"(I) the individual or spouse;

"(II) a person or entity (including a court) with legal authority to act in place of, or on behalf of, the individual or spouse; or

"(III) a person or entity (including a court) acting at the direction of, or on the request of, the individual or spouse.".

(b) TREATMENT AS INCOME.—Section 1612(a)(2) of such Act (42 U.S.C. 1382a(a)(2)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting "; and"; and

(3) by adding at the end the following:

"(G) any earnings of, and additions to, the corpus of a trust established by an individual (within the meaning of section 1613(e)), of which the individual is a beneficiary, to which section 1613(e) applies, and, in the case of an irrevocable trust, with respect to which circumstances exist under which a payment from the earnings or additions could be made to or for the benefit of the individual.".

(c) CONFORMING AMENDMENTS.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by adding "and" at the end of subparagraph (F); and

(3) by inserting after subparagraph (F) the following:

"(G) that, in applying eligibility criteria of the supplemental security income program under title XVI for purposes of determining eligibility for medical assistance under the State plan of an individual who is not receiving supplemental security income, the State will disregard the provisions of section 1613(e);".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2000, and shall apply to trusts established on or after such date.

SEC. 206. DISPOSAL OF RESOURCES FOR LESS THAN FAIR MARKET VALUE UNDER THE SSI PROGRAM.

(a) IN GENERAL.—Section 1613(c) of the Social Security Act (42 U.S.C. 1382b(c)) is amended—

(1) in the caption, by striking "Notification of Medicaid Policy Restricting Eligibility of Institutionalized Individuals for Benefits Based on";

(2) in paragraph (1)—

(A) in subparagraph (A)—

(i) by inserting "paragraph (1) and" after "provisions of";

(ii) by striking "title XIX" the first place it appears and inserting "this title and title XIX, respectively,";

(iii) by striking "subparagraph (B)" and inserting "clause (ii)";

(iv) by striking "paragraph (2)" and inserting "subparagraph (B)";

(B) in subparagraph (B)—

(i) by striking "by the State agency"; and

(ii) by striking "section 1917(c)" and all that follows and inserting "paragraph (1) or section 1917(c)."; and

(C) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) in paragraph (2)—

(A) by striking "(2)" and inserting "(B)"; and

(B) by striking "paragraph (1)(B)" and inserting "subparagraph (A)(ii)";

(4) by striking "(c)(1)" and inserting "(2)(A)"; and

(5) by inserting before paragraph (2) (as so redesignated by paragraph (4) of this subsection) the following:

"(c)(1)(A)(i) If an individual or the spouse of an individual disposes of resources for less than fair market value on or after the look-back date described in clause (ii)(I), the individual is ineligible for benefits under this title for months during the period beginning on the date described in clause (iii) and equal to the number of months calculated as provided in clause (iv).

"(ii)(I) The look-back date described in this subclause is a date that is 36 months before the date described in subclause (II).

"(II) The date described in this subclause is the date on which the individual applies for benefits under this title or, if later, the date on which the individual (or the spouse of the individual) disposes of resources for less than fair market value.

"(iii) The date described in this clause is the first day of the first month in or after which resources were disposed of for less than fair market value and which does not occur in any other period of ineligibility under this paragraph.

"(iv) The number of months calculated under this clause shall be equal to—

"(I) the total, cumulative uncompensated value of all resources so disposed of by the individual (or the spouse of the individual) on or after the look-back date described in clause (ii)(I); divided by

"(II) the amount of the maximum monthly benefit payable under section 1611(b), plus the amount (if any) of the maximum State supplementary payment corresponding to the State's payment level applicable to the individual's living arrangement and eligibility category that would otherwise be payable to the individual by the Commissioner pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93-66, for the month in which occurs the date described in clause (ii)(II).

rounded, in the case of any fraction, to the nearest whole number, but shall not in any case exceed 36 months.

"(B)(i) Notwithstanding subparagraph (A), this subsection shall not apply to a transfer of a resource to a trust if the portion of the trust attributable to the resource is considered a resource available to the individual pursuant to subsection (e)(3) (or would be so considered but for the application of subsection (e)(4)).

"(ii) In the case of a trust established by an individual or an individual's spouse (within the meaning of subsection (e)), if from such portion of the trust, if any, that is considered a resource available to the individual pursuant to subsection (e)(3) (or would be so considered but for the application of subsection (e)(4)) or the residue of the portion on the termination of the trust—

"(I) there is made a payment other than to or for the benefit of the individual; or

"(II) no payment could under any circumstance be made to the individual,

then, for purposes of this subsection, the payment described in clause (I) or the foreclosure of payment described in clause (II) shall be considered a transfer of resources by the individual or the individual's spouse as of the date of the payment or foreclosure, as the case may be.

"(C) An individual shall not be ineligible for benefits under this title by reason of the application of this paragraph to a disposal of resources by the individual or the spouse of the individual, to the extent that—

"(i) the resources are a home and title to the home was transferred to—

"(I) the spouse of the transferor;

"(II) a child of the transferor who has not attained 21 years of age, or is blind or disabled;

"(III) a sibling of the transferor who has an equity interest in such home and who was residing in the transferor's home for a period of at least 1 year immediately before the date the transferor becomes an institutionalized individual; or

"(IV) a son or daughter of the transferor (other than a child described in subclause (II)) who was residing in the transferor's home for a period of at least 2 years immediately before the date the transferor becomes an institutionalized individual, and who provided care to the transferor which permitted the transferor to reside at home rather than in such an institution or facility;

"(ii) the resources—

"(I) were transferred to the transferor's spouse or to another for the sole benefit of the transferor's spouse;

"(II) were transferred from the transferor's spouse to another for the sole benefit of the transferor's spouse;

"(III) were transferred to, or to a trust (including a trust described in section 1917(d)(4)) established solely for the benefit of, the transferor's child who is blind or disabled; or

"(IV) were transferred to a trust (including a trust described in section 1917(d)(4)) established solely for the benefit of an individual who has not attained 65 years of age and who is disabled;

"(iii) a satisfactory showing is made to the Commissioner of Social Security (in accordance with regulations promulgated by the Commissioner) that—

"(I) the individual who disposed of the resources intended to dispose of the resources either at fair market value, or for other valuable consideration;

"(II) the resources were transferred exclusively for a purpose other than to qualify for benefits under this title; or

"(III) all resources transferred for less than fair market value have been returned to the transferor; or

"(iv) the Commissioner determines, under procedures established by the Commissioner, that the denial of eligibility would work an undue hardship as determined on the basis of criteria established by the Commissioner.

"(D) For purposes of this subsection, in the case of a resource held by an individual in common with another person or persons in a joint tenancy, tenancy in common, or similar arrangement, the resource (or the affected portion of such resource) shall be considered to be disposed of by the individual when any action is taken, either by the individual or by any other person, that reduces or eliminates the individual's ownership or control of such resource.

"(E) In the case of a transfer by the spouse of an individual that results in a period of ineligibility for the individual under this subsection, the Commissioner shall apportion the period (or any portion of the period) among the individual and the individual's spouse if the spouse becomes eligible for benefits under this title.

"(F) For purposes of this paragraph—

"(i) the term 'benefits under this title' includes payments of the type described in section 1616(a) of this Act and of the type described in section 212(b) of Public Law 93–66;

"(ii) the term 'institutionalized individual' has the meaning given such term in section 1917(e)(3); and

"(iii) the term 'trust' has the meaning given such term in subsection (e)(6)(A) of this section.".

(b) Conforming Amendment.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)), as amended by section 205(c) of this Act, is amended by striking "section 1613(e)" and inserting "subsections (c) and (e) of section 1613".

(c) Effective Date.—The amendments made by this section shall be effective with respect to disposals made on or after the date of the enactment of this Act.

SEC. 207. ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES FOR FALSE OR MISLEADING STATEMENTS.

(a) In General.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1129 the following:

"SEC. 1129A. ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES FOR FALSE OR MISLEADING STATEMENTS.

"(a) In General.—Any person who makes, or causes to be made, a statement or representation of a material fact for use in determining any initial or continuing right to or the amount of—

"(1) monthly insurance benefits under title II; or

"(2) benefits or payments under title XVI,

that the person knows or should know is false or misleading or knows or should know omits a material fact or who makes such a statement with knowing disregard for the truth shall be subject to, in addition to any other penalties that may be prescribed by law, a penalty described in subsection (b) to be imposed by the Commissioner of Social Security.

"(b) Penalty.—The penalty described in this subsection is—

"(1) nonpayment of benefits under title II that would otherwise be payable to the person; and

"(2) ineligibility for cash benefits under title XVI,

for each month that begins during the applicable period described in subsection (c).

"(c) Duration of Penalty.—The duration of the applicable period, with respect to a determination by the Commissioner under subsection (a) that a person has engaged in conduct described in subsection (a), shall be—

"(1) six consecutive months, in the case of the first such determination with respect to the person;

"(2) twelve consecutive months, in the case of the second such determination with respect to the person; and

"(3) twenty-four consecutive months, in the case of the third or subsequent such determination with respect to the person.

"(d) Effect on Other Assistance.—A person subject to a period of nonpayment of benefits under title II or ineligibility for title XVI benefits by reason of this section nevertheless shall be considered to be eligible for and receiving such benefits, to the extent that the person would be receiving or eligible for such benefits but for the imposition of the penalty, for purposes of—

"(1) determination of the eligibility of the person for benefits under titles XVIII and XIX; and

"(2) determination of the eligibility or amount of benefits payable under title II or XVI to another person.

"(e) Definition.—In this section, the term 'benefits under title XVI' includes State supplementary payments made by the Commissioner pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93–66.

"(f) Consultations.—The Commissioner of Social Security shall consult with the Inspector General of the Social Security Administration regarding initiating actions under this section.".

(b) Conforming Amendment Precluding Delayed Retirement Credit for any Month to Which a Nonpayment of Benefits Penalty Applies.—Section 202(w)(2)(B) of such Act (42 U.S.C. 402(w)(2)(B)) is amended—

(1) by striking "and" at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting ", and"; and

(3) by adding at the end the following:

"(iii) such individual was not subject to a penalty imposed under section 1129A.".

(c) Elimination of Redundant Provision.—Section 1611(e) of such Act (42 U.S.C. 1382(e)) is amended—

(1) by striking paragraph (4);

(2) in paragraph (6)(A)(i), by striking "(5)" and inserting "(4)"; and

(3) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(d) Regulations.—Within 6 months after the date of the enactment of this Act, the Commissioner of Social Security shall develop regulations that prescribe the administrative process for making determinations under section 1129A of the Social Security Act (including when the applicable period in subsection (c) of such section shall commence), and shall provide guidance on the exercise of discretion as to whether the penalty should be imposed in particular cases.

(e) Effective Date.—The amendments made by this section shall apply to statements and representations made on or after the date of the enactment of this Act.

SEC. 208. EXCLUSION OF REPRESENTATIVES AND HEALTH CARE PROVIDERS CONVICTED OF VIOLATIONS FROM PARTICIPATION IN SOCIAL SECURITY PROGRAMS.

(a) In General.—Part A of title XI of the Social Security Act is amended by inserting before section 1137 (42 U.S.C. 1320b–7) the following:

"EXCLUSION OF REPRESENTATIVES AND HEALTH CARE PROVIDERS CONVICTED OF VIOLATIONS FROM PARTICIPATION IN SOCIAL SECURITY PROGRAMS

"SEC. 1136. (a) IN GENERAL.—The Commissioner of Social Security shall exclude from participation in the social security programs any representative or health care provider—

"(1) who is convicted of a violation of section 208 or 1632 of this Act;

"(2) who is convicted of any violation under title 18, United States Code, relating to an initial application for or continuing entitlement to, or amount of, benefits under title II of this Act, or an initial application for or continuing eligibility for, or amount of, benefits under title XVI of this Act; or

"(3) who the Commissioner determines has committed an offense described in section 1129(a)(1) of this Act.

"(b) NOTICE, EFFECTIVE DATE, AND PERIOD OF EXCLUSION.—(1) An exclusion under this section shall be effective at such time, for such period, and upon such reasonable notice to the public and to the individual excluded as may be specified in regulations consistent with paragraph (2).

"(2) Such an exclusion shall be effective with respect to services furnished to any individual on or after the effective date of the exclusion. Nothing in this section may be construed to preclude, in determining disability under title II or title XVI, consideration of any medical evidence derived from services provided by a health care provider before the effective date of the exclusion of the health care provider under this section.

"(3)(A) The Commissioner shall specify, in the notice of exclusion under paragraph (1), the period of the exclusion.

"(B) Subject to subparagraph (C), in the case of an exclusion under subsection (a), the minimum period of exclusion shall be five years, except that the Commissioner may waive the exclusion in the case of an individual who is the sole source of essential services in a community. The Commissioner's decision whether to waive the exclusion shall not be reviewable.

"(C) In the case of an exclusion of an individual under subsection (a) based on a conviction or a determination described in subsection (a)(3) occurring on or after the date of the enactment of this section, if the individual has (before, on, or after such date of the enactment) been convicted, or if such a determination has been made with respect to the individual—

"(i) on one previous occasion of one or more offenses for which an exclusion may be effected under such subsection, the period of the exclusion shall be not less than 10 years; or

"(ii) on two or more previous occasions of one or more offenses for which an exclusion may be effected under such subsection, the period of the exclusion shall be permanent.

"(c) NOTICE TO STATE AGENCIES.—The Commissioner shall promptly notify each appropriate State agency employed for the purpose of making disability determinations under section 221 or 1633(a)—

"(1) of the fact and circumstances of each exclusion effected against an individual under this section; and

"(2) of the period (described in subsection (b)(3)) for which the State agency is directed to exclude the individual from participation in the activities of the State agency in the course of its employment.

"(d) NOTICE TO STATE LICENSING AGENCIES.—The Commissioner shall—

"(1) promptly notify the appropriate State or local agency or authority having responsibility for the licensing or certification of an individual excluded from participation under this section of the fact and circumstances of the exclusion;

"(2) request that appropriate investigations be made and sanctions invoked in accordance with applicable State law and policy; and

"(3) request that the State or local agency or authority keep the Commissioner and the Inspector General of the Social Security Administration fully and currently informed with respect to any actions taken in response to the request.

"(e) NOTICE, HEARING, AND JUDICIAL REVIEW.—(1) Any individual who is excluded (or directed to be excluded) from participation under this section is entitled to reasonable notice and opportunity for a hearing thereon by the Commissioner to the same extent as is provided in section 205(b), and to judicial review of the Commissioner's final decision after such hearing as is provided in section 205(g).

"(2) The provisions of section 205(h) shall apply with respect to this section to the same extent as it is applicable with respect to title II.

"(f) APPLICATION FOR TERMINATION OF EXCLUSION.—(1) An individual excluded from participation under this section may apply to the Commissioner, in the manner specified by the Commissioner in regulations and at the end of the minimum period of exclusion provided under subsection (b)(3) and at such other times as the Commissioner may provide, for termination of the exclusion effected under this section.

"(2) The Commissioner may terminate the exclusion if the Commissioner determines, on the basis of the conduct of the applicant which occurred after the date of the notice of exclusion or which was unknown to the Commissioner at the time of the exclusion, that—

"(A) there is no basis under subsection (a) for a continuation of the exclusion; and

"(B) there are reasonable assurances that the types of actions which formed the basis for the original exclusion have not recurred and will not recur.

"(3) The Commissioner shall promptly notify each State agency employed for the purpose of making disability determinations under section 221 or 1633(a) of the fact and circumstances of each termination of exclusion made under this subsection.

"(g) AVAILABILITY OF RECORDS OF EXCLUDED REPRESENTATIVES AND HEALTH CARE PROVIDERS.—Nothing in this section shall be construed to have the effect of limiting access by any applicant or beneficiary under title II or XVI, any State agency acting under section 221 or 1633(a), or the Commissioner to records maintained by any representative or health care provider in connection with services provided to the applicant or beneficiary prior to the exclusion of such representative or health care provider under this section.

"(h) REPORTING REQUIREMENT.—Any representative or health care provider participating in, or seeking to participate in, a social security program shall inform the Commissioner, in such form and manner as the Commissioner shall prescribe by regulation, whether such representative or health care provider has been convicted of a violation described in subsection (a).

"(i) DELEGATION OF AUTHORITY.—The Commissioner may delegate authority granted by this section to the Inspector General.

"(j) DEFINITIONS.—For purposes of this section:

"(1) EXCLUDE.—The term 'exclude' from participation means—

"(A) in connection with a representative, to prohibit from engaging in representation of an applicant for, or recipient of, benefits, as a representative payee under section 205(j) or section 1631(a)(2)(A)(ii), or otherwise as a representative, in any hearing or other proceeding relating to entitlement to benefits; and

"(B) in connection with a health care provider, to prohibit from providing items or services to an applicant for, or recipient of, benefits for the purpose of assisting such applicant or recipient in demonstrating disability.

"(2) SOCIAL SECURITY PROGRAM.—The term 'social security programs' means the program providing for monthly insurance benefits under title II, and the program providing for monthly supplemental security income benefits to individuals under title XVI (including State supplementary payments made by the Commissioner pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93-66).

"(3) CONVICTED.—An individual is considered to have been 'convicted' of a violation—

"(A) when a judgment of conviction has been entered against the individual by a Federal, State, or local court, except if the judgment of conviction has been set aside or expunged;

"(B) when there has been a finding of guilt against the individual by a Federal, State, or local court;

"(C) when a plea of guilty or nolo contendere by the individual has been accepted by a Federal, State, or local court; or

"(D) when the individual has entered into participation in a first offender, deferred adjudication, or other arrangement or program where judgment of conviction has been withheld.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to convictions of violations described in paragraphs (1) and (2) of section 1136(a) of the Social Security Act and determinations described in paragraph (3) of such section occurring on or after the date of the enactment of this Act.

SEC. 209. STATE DATA EXCHANGES.

Whenever the Commissioner of Social Security requests information from a State for the purpose of ascertaining an individual's eligibility for benefits (or the correct amount of such benefits) under title II or XVI of the Social Security Act, the standards of the Commissioner promulgated pursuant to section 1106 of such Act or any other Federal law for the use, safeguarding, and disclosure of information are deemed to meet any standards of the State that would otherwise apply to the disclosure of information by the State to the Commissioner.

SEC. 210. STUDY ON POSSIBLE MEASURES TO IMPROVE FRAUD PREVENTION AND ADMINISTRATIVE PROCESSING.

(a) STUDY.—As soon as practicable after the date of the enactment of this Act, the Commissioner of Social Security, in consultation with the Inspector General of the Social Security Administration and the Attorney General, shall conduct a study of possible measures to improve—

(1) prevention of fraud on the part of individuals entitled to disability benefits under section 223 of the Social Security Act or benefits under section 202 of such Act based on the beneficiary's disability, individuals eligible for supplemental security income benefits under title XVI of such Act, and applicants for any such benefits; and

(2) timely processing of reported income changes by individuals receiving such benefits.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report that contains the results of the Commissioner's study under subsection (a). The report shall contain such recommendations for legislative and administrative changes as the Commissioner considers appropriate.

SEC. 211. ANNUAL REPORT ON AMOUNTS NECESSARY TO COMBAT FRAUD.

(a) IN GENERAL.—Section 704(b)(1) of the Social Security Act (42 U.S.C. 904(b)(1)) is amended—

(1) by inserting "(A)" after "(b)(1)"; and

(2) by adding at the end the following new subparagraph:

"(B) The Commissioner shall include in the annual budget prepared pursuant to subparagraph (A) an itemization of the amount of funds required by the Social Security Administration for the fiscal year covered by the budget to support efforts to combat fraud committed by applicants and beneficiaries.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to annual budgets prepared for fiscal years after fiscal year 1999.

SEC. 212. COMPUTER MATCHES WITH MEDICARE AND MEDICAID INSTITUTIONALIZATION DATA.

(a) IN GENERAL.—Section 1611(e)(1) of the Social Security Act (42 U.S.C. 1382(e)(1)) is amended by adding at the end the following:

"(J) For the purpose of carrying out this paragraph, the Commissioner of Social Security shall conduct periodic computer matches with data maintained by the Secretary of Health and Human Services under title XVIII or XIX. The Secretary shall furnish to the Commissioner, in such form and manner and under such terms as the Commissioner and the Secretary shall mutually agree, such information as the Commissioner may request for this purpose. Information obtained pursuant to such a match may be substituted for the physician's certification otherwise required under subparagraph (G)(i).".

(b) CONFORMING AMENDMENT.—Section 1611(e)(1)(G) of such Act (42 U.S.C. 1382(e)(1)(G)) is amended by striking "subparagraph (H)" and inserting "subparagraph (H) or (J)".

SEC. 213. ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS.

Section 1631(e)(1)(B) of the Social Security Act (42 U.S.C. 1383(e)(1)(B)) is amended—

(1) by striking "(B) The" and inserting "(B)(i) The"; and

(2) by adding at the end the following new clause:

"(ii)(I) The Commissioner of Social Security may require each applicant for, or recipient of, benefits under this title to provide authorization by the applicant or recipient (or by any other person whose income or resources are material to the determination of the eligibility of the applicant or recipient for such benefits) for the Commissioner to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1101(2) of such Act) held by the institution with respect to the applicant or recipient (or any such other person) whenever the Commissioner determines the record is needed in connection with a determination with respect to such eligibility or the amount of such benefits.

"(II) Notwithstanding section 1104(a)(1) of the Right to Financial Privacy Act, an authorization provided by an applicant or recipient (or any other person whose income or resources are material to the determination of the eligibility of the applicant or recipient) pursuant to subclause (I) of this clause shall remain effective until the earliest of—

"(aa) the rendering of a final adverse decision on the applicant's application for eligibility for benefits under this title;

"(bb) the cessation of the recipient's eligibility for benefits under this title; or

"(cc) the express revocation by the applicant or recipient (or such other person referred to in subclause (I)) of the authorization, in a written notification to the Commissioner.

"(III)(aa) An authorization obtained by the Commissioner of Social Security pursuant to this clause shall be considered to meet the requirements of the Right to Financial Privacy Act for purposes of section 1103(a) of such Act, and need not be furnished to the financial institution, notwithstanding section 1104(a) of such Act.

"(bb) The certification requirements of section 1103(b) of the Right to Financial Privacy Act shall not apply to requests by the Commissioner of Social Security pursuant to an authorization provided under this clause.

"(cc) A request by the Commissioner pursuant to an authorization provided under this clause is deemed to meet the requirements of section 1104(a)(3) of the Right to Financial Privacy Act and the flush language of section 1102 of such Act.

"(IV) The Commissioner shall inform any person who provides authorization pursuant to this clause of the duration and scope of the authorization.

"(V) If an applicant for, or recipient of, benefits under this title (or any such other person referred to in subclause (I)) refuses to provide, or revokes, any authorization made by the applicant or recipient for the Commissioner of Social Security to obtain from any financial institution any financial record, the Commissioner may, on that basis, determine that the applicant or recipient is ineligible for benefits under this title.".

Subtitle B—Benefits For Certain World War II Veterans

SEC. 251. ESTABLISHMENT OF PROGRAM OF SPECIAL BENEFITS FOR CERTAIN WORLD WAR II VETERANS.

(a) IN GENERAL.—The Social Security Act is amended by inserting after title VII the following new title:

"TITLE VIII—SPECIAL BENEFITS FOR CERTAIN WORLD WAR II VETERANS

"TABLE OF CONTENTS

"Sec. 801. Basic entitlement to benefits.
"Sec. 802. Qualified individuals.
"Sec. 803. Residence outside the United States.
"Sec. 804. Disqualifications.
"Sec. 805. Benefit amount.
"Sec. 806. Applications and furnishing of information.
"Sec. 807. Representative payees.
"Sec. 808. Overpayments and underpayments.
"Sec. 809. Hearings and review.
"Sec. 810. Other administrative provisions.
"Sec. 811. Penalties for fraud.
"Sec. 812. Definitions.
"Sec. 813. Appropriations.

"SEC. 801. BASIC ENTITLEMENT TO BENEFITS.

"Every individual who is a qualified individual under section 802 shall, in accordance with and subject to the provisions of this title, be entitled to a monthly benefit paid by the Commissioner of Social Security for each month after September 2000 (or such earlier month, if the Commissioner determines is administratively feasible) the individual resides outside the United States.

"SEC. 802. QUALIFIED INDIVIDUALS.

"Except as otherwise provided in this title, an individual—

"(1) who has attained the age of 65 on or before the date of the enactment of this title;

"(2) who is a World War II veteran;

"(3) who is eligible for a supplemental security income benefit under title XVI for—

"(A) the month in which this title is enacted; and

"(B) the month in which the individual files an application for benefits under this title;

"(4) whose total benefit income is less than 75 percent of the Federal benefit rate under title XVI;

"(5) who has filed an application for benefits under this title; and

"(6) who is in compliance with all requirements imposed by the Commissioner of Social Security under this title,

shall be a qualified individual for purposes of this title.

"SEC. 803. RESIDENCE OUTSIDE THE UNITED STATES.

"For purposes of section 801, with respect to any month, an individual shall be regarded as residing outside the United States if, on the first day of the month, the individual so resides outside the United States.

"SEC. 804. DISQUALIFICATIONS.

"(a) IN GENERAL.—Notwithstanding section 802, an individual may not be a qualified individual for any month—

"(1) that begins after the month in which the Commissioner of Social Security is notified by the Attorney General that the individual has been removed from the United States pursuant to section 237(a) or 212(a)(6)(A) of the Immigration and Nationality Act and before the month in which the individual is lawfully admitted to the United States for permanent residence;

"(2) during any part of which the individual is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the United States or the jurisdiction within the United States from which the person has fled, for a crime, or an attempt to commit a crime, that is a felony under the laws of the place from which the individual has fled, or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of such State;

"(3) during any part of which the individual violates a condition of probation or parole imposed under Federal or State law; or

"(4) during which the individual resides in a foreign country and is not a citizen or national of the United States if payments for such month to individuals residing in such country are withheld by the Treasury Department under section 3329 of title 31, United States Code.

"(b) REQUIREMENT FOR ATTORNEY GENERAL.—For the purpose of carrying out subsection (a)(1), the Attorney General shall notify the Commissioner of Social Security as soon as practicable after the removal of any individual under section 237(a) or 212(a)(6)(A) of the Immigration and Nationality Act.

“SEC. 805. BENEFIT AMOUNT.

“The benefit under this title payable to a qualified individual for any month shall be in an amount equal to 75 percent of the Federal benefit rate under title XVI for the month, reduced by the amount of the qualified individual's benefit income for the month.

“SEC. 806. APPLICATIONS AND FURNISHING OF INFORMATION.

“(a) In General.—The Commissioner of Social Security shall, subject to subsection (b), prescribe such requirements with respect to the filing of applications, the furnishing of information and other material, and the reporting of events and changes in circumstances, as may be necessary for the effective and efficient administration of this title.

“(b) Verification Requirement.—The requirements prescribed by the Commissioner of Social Security under subsection (a) shall preclude any determination of entitlement to benefits under this title solely on the basis of declarations by the individual concerning qualifications or other material facts, and shall provide for verification of material information from independent or collateral sources, and the procurement of additional information as necessary in order to ensure that the benefits are provided only to qualified individuals (or their representative payees) in correct amounts.

“SEC. 807. REPRESENTATIVE PAYEES.

“(a) In General.—If the Commissioner of Social Security determines that the interest of any qualified individual under this title would be served thereby, payment of the qualified individual's benefit under this title may be made, regardless of the legal competency or incompetency of the qualified individual, either directly to the qualified individual, or for his or her benefit, to another person (the meaning of which term, for purposes of this section, includes an organization) with respect to whom the requirements of subsection (b) have been met (in this section referred to as the qualified individual's 'representative payee'). If the Commissioner of Social Security determines that a representative payee has misused any benefit paid to the representative payee pursuant to this section, section 205(j), or section 1631(a)(2), the Commissioner of Social Security shall promptly revoke the person's designation as the qualified individual's representative payee under this subsection, and shall make payment to an alternative representative payee or, if the interest of the qualified individual under this title would be served thereby, to the qualified individual.

“(b) Examination of Fitness of Prospective Representative Payee.—

“(1) Any determination under subsection (a) to pay the benefits of a qualified individual to a representative payee shall be made on the basis of—

“(A) an investigation by the Commissioner of Social Security of the person to serve as representative payee, which shall be conducted in advance of the determination and shall, to the extent practicable, include a face-to-face interview with the person (or, in the case of an organization, a representative of the organization); and

“(B) adequate evidence that the arrangement is in the interest of the qualified individual.

“(2) As part of the investigation referred to in paragraph (1), the Commissioner of Social Security shall—

“(A) require the person being investigated to submit documented proof of the identity of the person;

“(B) in the case of a person who has a social security account number issued for purposes of the program under title II or an employer identification number issued for purposes of the Internal Revenue Code of 1986, verify the number;

“(C) determine whether the person has been convicted of a violation of section 208, 811, or 1632; and

“(D) determine whether payment of benefits to the person in the capacity as representative payee has been revoked or terminated pursuant to this section, section 205(j), or section 1631(a)(2)(A)(iii) by reason of misuse of funds paid as benefits under this title, title II, or XVI, respectively.

“(c) Requirement for Maintaining Lists of Undesirable Payees.—The Commissioner of Social Security shall establish and maintain lists which shall be updated periodically and which shall be in a form that renders such lists available to the servicing offices of the Social Security Administration. The lists shall consist of—

“(1) the names and (if issued) social security account numbers or employer identification numbers of all persons with respect to whom, in the capacity of representative payee, the payment of benefits has been revoked or terminated under this section, section 205(j), or section 1631(a)(2)(A)(iii) by reason of misuse of funds paid as benefits under this title, title II, or XVI, respectively; and

“(2) the names and (if issued) social security account numbers or employer identification numbers of all persons who have been convicted of a violation of section 208, 811, or 1632.

“(d) Persons Ineligible To Serve as Representative Payees.—

“(1) In general.—The benefits of a qualified individual may not be paid to any other person pursuant to this section if—

“(A) the person has been convicted of a violation of section 208, 811, or 1632;

“(B) except as provided in paragraph (2), payment of benefits to the person in the capacity of representative payee has been revoked or terminated under this section, section 205(j), or section 1631(a)(2)(A)(ii) by reason of misuse of funds paid as benefits under this title, title II, or title XVI, respectively; or

“(C) except as provided in paragraph (2)(B), the person is a creditor of the qualified individual and provides the qualified individual with goods or services for consideration.

“(2) Exemptions.—

“(A) The Commissioner of Social Security may prescribe circumstances under which the Commissioner of Social Security may grant an exemption from paragraph (1) to any person on a case-by-case basis if the exemption is in the best interest of the qualified individual whose benefits would be paid to the person pursuant to this section.

“(B) Paragraph (1)(C) shall not apply with respect to any person who is a creditor referred to in such paragraph if the creditor is—

“(i) a relative of the qualified individual and the relative resides in the same household as the qualified individual;

“(ii) a legal guardian or legal representative of the individual;

“(iii) a facility that is licensed or certified as a care facility under the law of the political jurisdiction in which the qualified individual resides;

“(iv) a person who is an administrator, owner, or employee of a facility referred to in clause (iii), if the qualified individual resides in the facility, and the payment to the facility or the person is made only after the Commissioner of Social Security has made a good faith effort to locate an alternative representative payee to whom payment would serve the best interests of the qualified individual; or

“(v) a person who is determined by the Commissioner of Social Security, on the basis of written findings and pursuant to procedures prescribed by the Commissioner of Social Security, to be acceptable to serve as a representative payee.

“(C) The procedures referred to in subparagraph (B)(v) shall require the person who will serve as representative payee to establish, to the satisfaction of the Commissioner of Social Security, that—

“(i) the person poses no risk to the qualified individual;

“(ii) the financial relationship of the person to the qualified individual poses no substantial conflict of interest; and

“(iii) no other more suitable representative payee can be found.

“(e) Deferral of Payment Pending Appointment of Representative Payee.—

“(1) In general.—Subject to paragraph (2), if the Commissioner of Social Security makes a determination described in the first sentence of subsection (a) with respect to any qualified individual's benefit and determines that direct payment of the benefit to the qualified individual would cause substantial harm to the qualified individual, the Commissioner of Social Security may defer (in the case of initial entitlement) or suspend (in the case of existing entitlement) direct payment of the benefit to the qualified individual, until such time as the selection of a representative payee is made pursuant to this section.

“(2) Time limitation.—

“(A) In general.—Except as provided in subparagraph (B), any deferral or suspension of direct payment of a benefit pursuant to paragraph (1) shall be for a period of not more than 1 month.

“(B) Exception in the case of incompetency.—Subparagraph (A) shall not apply in any case in which the qualified individual is, as of the date of the Commissioner of Social Security's determination, legally incompetent under the laws of the jurisdiction in which the individual resides.

“(3) Payment of retroactive benefits.—Payment of any benefits which are deferred or suspended pending the selection of a representative payee shall be made to the qualified individual or the representative payee as a single sum or over such period of time as the Commissioner of Social Security determines is in the best interest of the qualified individual.

“(f) Hearing.—Any qualified individual who is dissatisfied with a determination by the Commissioner of Social Security to make payment of the qualified individual's benefit to a representative payee under subsection (a) of this section or with the designation of a particular person to serve as representative payee shall be entitled to a hearing by the Commissioner of Social Security to the same extent as is provided in section 809(a), and to judicial review of the Commissioner of Social Security's final decision as is provided in section 809(b).

“(g) Notice Requirements.—

“(1) In general.—In advance, to the extent practicable, of the payment of a qualified individual's benefit to a representative payee under subsection (a), the Commissioner of Social Security shall provide written notice of the Commissioner's initial determination to so make the payment. The notice shall be provided to the qualified individual, except that, if the qualified individual is legally incompetent, then the notice shall be provided solely to the legal guardian or legal representative of the qualified individual.

“(2) Specific requirements.—Any notice required by paragraph (1) shall be clearly written in language that is easily understandable to the reader, shall identify the person to be designated as the qualified individual's representative payee, and shall explain to the reader the right under subsection (f) of the qualified individual or of the qualified individual's legal guardian or legal representative—

“(A) to appeal a determination that a representative payee is necessary for the qualified individual;

“(B) to appeal the designation of a particular person to serve as the representative payee of the qualified individual; and

“(C) to review the evidence upon which the designation is based and to submit additional evidence.

“(h) Accountability Monitoring.—

“(1) In general.—In any case where payment under this title is made to a person other than the qualified individual entitled to the payment, the Commissioner of Social Security shall establish a system of accountability monitoring under which the person shall report not less often than annually with respect to the use of the payments. The Commissioner of Social Security shall establish and implement statistically valid procedures for reviewing the reports in order to identify instances in which persons are not properly using the payments.

“(2) Special reports.—Notwithstanding paragraph (1), the Commissioner of Social Security may require a report at any time from any person receiving payments on behalf of a qualified individual, if the Commissioner of Social Security has reason to believe that the person receiving the payments is misusing the payments.

“(3) Maintaining lists of payees.—The Commissioner of Social Security shall maintain lists which shall be updated periodically of—

“(A) the name, address, and (if issued) the social security account number or employer identification number of each representative payee who is receiving benefit payments pursuant to this section, section 205(j), or section 1631(a)(2); and

“(B) the name, address, and social security account number of each individual for whom each representative payee is reported to be providing services as representative payee pursuant to this section, section 205(j), or section 1631(a)(2).

“(4) Maintaining lists of agencies.—The Commissioner of Social Security shall maintain lists, which shall be updated periodically, of public agencies and community-based nonprofit social service agencies which are qualified to serve as representative payees pursuant to this section and which are located in the jurisdiction in which any qualified individual resides.

“(i) Restitution.—In any case where the negligent failure of the Commissioner of Social Security to investigate or monitor a representative payee results in misuse of benefits by the representative payee, the Commissioner of Social Security shall make payment to the qualified individual or the individual's alternative representative payee of an amount equal to the misused benefits. The Commissioner of Social Security shall make a good faith effort to obtain restitution from the terminated representative payee.

“SEC. 808. OVERPAYMENTS AND UNDERPAYMENTS.

“(a) In General.—Whenever the Commissioner of Social Security finds that more or less than the correct amount of payment has been made to any person under this title, proper adjustment or recovery shall be made, as follows:

“(1) With respect to payment to a person of more than the correct amount, the Commissioner of Social Security shall decrease any payment—

“(A) under this title to which the overpaid person (if a qualified individual) is entitled, or shall require the overpaid person or his or her estate to refund the amount in excess of the correct amount, or, if recovery is not obtained under these 2 methods, shall seek or pursue recovery by means of reduction in tax refunds based on notice to the Secretary of the Treasury, as authorized under section 3720A of title 31, United States Code; or

“(B) under title II to recover the amount in excess of the correct amount, if the person is not currently eligible for payment under this title.

“(2) With respect to payment of less than the correct amount to a qualified individual who, at the time the Commissioner of Social Security is prepared to take action with respect to the underpayment—

“(A) is living, the Commissioner of Social Security shall make payment to the qualified individual (or the qualified individual's representative payee designated under section 807) of the balance of the amount due the underpaid qualified individual; or

“(B) is deceased, the balance of the amount due shall revert to the general fund of the Treasury.

“(b) No Effect on Title VIII Eligibility or Benefit Amount.—In any case in which the Commissioner of Social Security takes action in accordance with subsection (a)(1)(B) to recover an amount incorrectly paid to an individual, that individual shall not, as a result of such action—

“(1) become qualified for benefits under this title; or

“(2) if such individual is otherwise so qualified, become qualified for increased benefits under this title.

“(c) Waiver of Recovery of Overpayment.—In any case in which more than the correct amount of payment has been made, there shall be no adjustment of payments to, or recovery by the United States from, any person who is without fault if the Commissioner of Social Security determines that the adjustment or recovery would defeat the purpose of this title or would be against equity and good conscience.

“(d) Limited Immunity for Disbursing Officers.—A disbursing officer may not be held liable for any amount paid by the officer if the adjustment or recovery of the amount is waived under subsection (b), or adjustment under subsection (a) is not completed before the death of the qualified individual against whose benefits deductions are authorized.

“(e) Authorized Collection Practices.—

“(1) In general.—With respect to any delinquent amount, the Commissioner of Social Security may use the collection practices described in sections 3711(e), 3716, and 3718 of title 31, United States Code, as in effect on October 1, 1994.

“(2) Definition.—For purposes of paragraph (1), the term ‘delinquent amount’ means an amount—

“(A) in excess of the correct amount of the payment under this title; and

“(B) determined by the Commissioner of Social Security to be otherwise unrecoverable under this section from a person who is not a qualified individual under this title.

“SEC. 809. HEARINGS AND REVIEW.

“(a) Hearings.—

“(1) In general.—The Commissioner of Social Security shall make findings of fact and decisions as to the rights of any individual applying for payment under this title. The Commissioner of Social Security shall provide reasonable notice and opportunity for a hearing to any individual who is or claims to be a qualified individual and is in disagreement with any determination under this title with respect to entitlement to, or the amount of, benefits under this title, if the individual requests a hearing on the matter in disagreement within 60 days after notice of the determination is received, and, if a hearing is held, shall, on the basis of evidence adduced at the hearing affirm, modify, or reverse the Commissioner of Social Security's findings of fact and the decision. The Commissioner of Social Security may, on the Commissioner of Social Security's own motion, hold such hearings and conduct such investigations and other proceedings as the Commissioner of Social Security deems necessary or proper for the administration of this title. In the course of any hearing, investigation, or other proceeding, the Commissioner may administer oaths and affirmations, examine witnesses, and receive evidence. Evidence may be received at any hearing before the Commissioner of Social Security even though inadmissible under the rules of evidence applicable to court procedure. The Commissioner of Social Security shall specifically take into account any physical, mental, educational, or linguistic limitation of the individual (including any lack of facility with the English language) in determining, with respect to the entitlement of the individual for benefits under this title, whether the individual acted in good faith or was at fault, and in determining fraud, deception, or intent.

“(2) Effect of failure to timely request review.—A failure to timely request review of an initial adverse determination with respect to an application for any payment under this title or an adverse determination on reconsideration of such an initial determination shall not serve as a basis for denial of a subsequent application for any payment under this title if the applicant demonstrates that the applicant failed to so request such a review acting in good faith reliance upon incorrect, incomplete, or misleading information, relating to the consequences of reapplying for payments in lieu of seeking review of an adverse determination, provided by any officer or employee of the Social Security Administration.

“(3) Notice requirements.—In any notice of an adverse determination with respect to which a review may be requested under paragraph (1), the Commissioner of Social Security shall describe in clear and specific language the effect on possible entitlement to benefits under this title of choosing to reapply in lieu of requesting review of the determination.

“(b) Judicial Review.—The final determination of the Commissioner of Social Security after a hearing under subsection (a)(1) shall be subject to judicial review as provided in section 205(g) to the same extent as the Commissioner of Social Security's final determinations under section 205.

“SEC. 810. OTHER ADMINISTRATIVE PROVISIONS.

“(a) Regulations and Administrative Arrangements.—The Commissioner of Social Security may prescribe such regulations, and make such administrative and other arrangements. as may be necessary or appropriate to carry out this title.

``(b) Payment of Benefits.—Benefits under this title shall be paid at such time or times and in such installments as the Commissioner of Social Security determines are in the interests of economy and efficiency.

``(c) Entitlement Redeterminations.—An individual's entitlement to benefits under this title, and the amount of the benefits, may be redetermined at such time or times as the Commissioner of Social Security determines to be appropriate.

``(d) Suspension and Termination of Benefits.—Regulations prescribed by the Commissioner of Social Security under subsection (a) may provide for the suspension and termination of entitlement to benefits under this title as the Commissioner determines is appropriate.

``SEC. 811. PENALTIES FOR FRAUD.

``(a) In General.—Whoever—

``(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in an application for benefits under this title;

``(2) at any time knowingly and willfully makes or causes to be made any false statement or representation of a material fact for use in determining any right to the benefits;

``(3) having knowledge of the occurrence of any event affecting—

``(A) his or her initial or continued right to the benefits; or

``(B) the initial or continued right to the benefits of any other individual in whose behalf he or she has applied for or is receiving the benefit,

conceals or fails to disclose the event with an intent fraudulently to secure the benefit either in a greater amount or quantity than is due or when no such benefit is authorized; or

``(4) having made application to receive any such benefit for the use and benefit of another and having received it, knowingly and willfully converts the benefit or any part thereof to a use other than for the use and benefit of the other individual,

shall be fined under title 18, United States Code, imprisoned not more than 5 years, or both.

``(b) Restitution by Representative Payee.—If a person or organization violates subsection (a) in the person's or organization's role as, or in applying to become, a representative payee under section 807 on behalf of a qualified individual, and the violation includes a willful misuse of funds by the person or entity, the court may also require that full or partial restitution of funds be made to the qualified individual.

``SEC. 812. DEFINITIONS.

``In this title:

``(1) World War II Veteran.—The term `World War II veteran' means a person who—

``(A) served during World War II—

``(i) in the active military, naval, or air service of the United States during World War II; or

``(ii) in the organized military forces of the Government of the Commonwealth of the Philippines, while the forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among the military forces organized guerrilla forces under commanders' appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States, in any case in which the service was rendered before December 31, 1946; and

``(B) was discharged or released therefrom under conditions other than dishonorable—

``(i) after service of 90 days or more; or

``(ii) because of a disability or injury incurred or aggravated in the line of active duty.

``(2) World War II.—The term `World War II' means the period beginning on September 16, 1940, and ending on July 24, 1947.

``(3) Supplemental Security Income Benefit Under Title XVI.—The term `supplemental security income benefit under title XVI', except as otherwise provided, includes State supplementary payments which are paid by the Commissioner of Social Security pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93–66.

``(4) Federal Benefit Rate Under Title XVI.—The term `Federal benefit rate under title XVI' means, with respect to any month, the amount of the supplemental security income cash benefit (not including any State supplementary payment which is paid by the Commissioner of Social Security pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93–66) payable under title XVI for the month to an eligible individual with no income.

``(5) United States.—The term `United States' means, notwithstanding section 1101(a)(1), only the 50 States, the District of Columbia, and the Commonwealth of the Northern Mariana Islands.

``(6) Benefit Income.—The term `benefit income' means any recurring payment received by a qualified individual as an annuity, pension, retirement, or disability benefit (including any veterans' compensation or pension, workmen's compensation payment, old-age, survivors, or disability insurance benefit, railroad retirement annuity or pension, and unemployment insurance benefit), but only if a similar payment was received by the individual from the same (or a related) source during the 12-month period preceding the month in which the individual files an application for benefits under this title.

``SEC. 813. APPROPRIATIONS.

``There are hereby appropriated for fiscal year 2000 and subsequent fiscal years, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this title.''.

(b) Conforming Amendments.—

(1) Social Security Trust Funds LAE Account.—Section 201(g) of such Act (42 U.S.C. 401(g)) is amended—

(A) in the fourth sentence of paragraph (1)(A), by inserting after ``this title,'' the following: ``title VIII,'';

(B) in paragraph (1)(B)(i)(I), by inserting after ``this title,'' the following: ``title VIII,''; and

(C) in paragraph (1)(C)(i), by inserting after ``this title,'' the following: ``title VIII,''.

(2) Representative Payee Provisions of Title II.—Section 205(j) of such Act (42 U.S.C. 405(j)) is amended—

(A) in paragraph (1)(A), by inserting ``807 or'' before ``1631(a)(2)'';

(B) in paragraph (2)(B)(i)(I), by inserting ``, title VIII,'' before ``or title XVI'';

(C) in paragraph (2)(B)(i)(III), by inserting ``, 811,'' before ``or 1632'';

(D) in paragraph (2)(B)(i)(IV)—

(i) by inserting ``, the designation of such person as a representative payee has been revoked pursuant to section 807(a),'' before ``or payment of benefits''; and

(ii) by inserting ``, title VIII,'' before ``or title XVI'';

(E) in paragraph (2)(B)(ii)(I)—

(i) by inserting ``whose designation as a representative payee has been revoked pursuant to section 807(a),'' before ``or with respect to whom''; and

(ii) by inserting ``, title VIII,'' before ``or title XVI'';

(F) in paragraph (2)(B)(ii)(II), by inserting ``, 811,'' before ``or 1632'';

(G) in paragraph (2)(C)(i)(II), by inserting ``, the designation of such person as a representative payee has been revoked pursuant to section 807(a),'' before ``or payment of benefits'';

(H) in each of clauses (i) and (ii) of paragraph (3)(E), by inserting ``, section 807,'' before ``or section 1631(a)(2)'';

(I) in paragraph (3)(F), by inserting ``807 or'' before ``1631(a)(2)''; and

(J) in paragraph (4)(B)(i), by inserting ``807 or'' before ``1631(a)(2)''.

(3) Withholding for Child Support and Alimony Obligations.—Section 459(h)(1)(A) of such Act (42 U.S.C. 659(h)(1)(A)) is amended—

(A) at the end of clause (iii), by striking ``and'';

(B) at the end of clause (iv), by striking ``but'' and inserting ``and''; and

(C) by adding at the end a new clause as follows:

``(v) special benefits for certain World War II veterans payable under title VIII; but''.

(4) Social Security Advisory Board.—Section 703(b) of such Act (42 U.S.C. 903(b)) is amended by striking ``title II'' and inserting ``title II, the program of special benefits for certain World War II veterans under title VIII,''.

(5) Delivery of Checks.—Section 708 of such Act (42 U.S.C. 908) is amended—

(A) in subsection (a), by striking ``title II'' and inserting ``title II, title VIII,''; and

(B) in subsection (b), by striking ``title II'' and inserting ``title II, title VIII,''.

(6) Civil Monetary Penalties.—Section 1129 of such Act (42 U.S.C. 1320a–8) is amended—

(A) in the title, by striking ``II'' and inserting ``II, VIII'';

(B) in subsection (a)(1)—

(i) by striking ``or'' at the end of subparagraph (A);

(ii) by redesignating subparagraph (B) as subparagraph (C); and

(iii) by inserting after subparagraph (A) the following new subparagraph:

``(B) benefits or payments under title VIII, or'';

(C) in subsection (a)(2), by inserting ``or title VIII,'' after ``title II'';

(D) in subsection (e)(1)(C)—

(i) by striking ``or'' at the end of clause (i);

(ii) by redesignating clause (ii) as clause (iii); and

(iii) by inserting after clause (i) the following new clause:

``(ii) by decrease of any payment under title VIII to which the person is entitled, or'';

(E) in subsection (e)(2)(B), by striking ``title XVI'' and inserting ``title VIII or XVI''; and

(F) in subsection (l), by striking ``title XVI'' and inserting ``title VIII or XVI''.

(7) Recovery of SSI Overpayments.—Section 1147 of such Act (42 U.S.C. 1320b–17) is amended—

(A) in subsection (a)(1)—

(i) by inserting ``or VIII'' after ``title II'' the first place it appears; and

(ii) by striking ``title II'' the second place it appears and inserting ``such title''; and

(B) in the heading, by striking ``SOCIAL SECURITY'' and inserting ``OTHER''.

(8) RECOVERY OF SOCIAL SECURITY OVERPAYMENTS.—Part A of title XI of the Social Security Act is amended by inserting after section 1147 (42 U.S.C. 1320b–17) the following new section:

“RECOVERY OF SOCIAL SECURITY BENEFIT OVERPAYMENTS FROM TITLE VIII BENEFITS

“SEC. 1147A. Whenever the Commissioner of Social Security determines that more than the correct amount of any payment has been made under title II to an individual who is not currently receiving benefits under that title but who is receiving benefits under title VIII, the Commissioner may recover the amount incorrectly paid under title II by decreasing any amount which is payable to the individual under title VIII.”.

(9) REPRESENTATIVE PAYEE PROVISIONS OF TITLE XVI.—Section 1631(a)(2) of such Act (42 U.S.C. 1383(a)(2)) is amended—

(A) in subparagraph (A)(iii), by inserting “or 807” after “205(j)(1)”;

(B) in subparagraph (B)(ii)(I), by inserting “, title VIII,” before “or this title”;

(C) in subparagraph (B)(ii)(III), by inserting “, 811,” before “or 1632”;

(D) in subparagraph (B)(ii)(IV)—

(i) by inserting “whether the designation of such person as a representative payee has been revoked pursuant to section 807(a),” before “and whether certification”; and

(ii) by inserting “, title VIII,” before “or this title”;

(E) in subparagraph (B)(iii)(II), by inserting “the designation of such person as a representative payee has been revoked pursuant to section 807(a),” before “or certification”; and

(F) in subparagraph (D)(ii)(II)(aa), by inserting “or 807” after “205(j)(4)”.

(10) ADMINISTRATIVE OFFSET.—Section 3716(c)(3)(C) of title 31, United States Code, is amended—

(A) by striking “sections 205(b)(1)” and inserting “sections 205(b)(1), 809(a)(1),”; and

(B) by striking “either title II” and inserting “title II, VIII,”.

Subtitle C—Study

SEC. 261. STUDY OF DENIAL OF SSI BENEFITS FOR FAMILY FARMERS.

(a) IN GENERAL.—The Commissioner of Social Security shall conduct a study of the reasons why family farmers with resources of less than $100,000 are denied supplemental security income benefits under title XVI of the Social Security Act, including whether the deeming process unduly burdens and discriminates against family farmers who do not institutionalize a disabled dependent, and shall determine the number of such farmers who have been denied such benefits during each of the preceding 10 years.

(b) REPORT TO THE CONGRESS.—Within 1 year after the date of the enactment of this Act, the Commissioner of Social Security shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that contains the results of the study, and the determination, required by subsection (a).

TITLE III—CHILD SUPPORT

SEC. 301. NARROWING OF HOLD-HARMLESS PROVISION FOR STATE SHARE OF DISTRIBUTION OF COLLECTED CHILD SUPPORT.

(a) IN GENERAL.—Section 457(d) of the Social Security Act (42 U.S.C. 657(d)) is amended to read as follows:

“(d) HOLD HARMLESS PROVISION.—If—

“(1) the State share of amounts collected in the fiscal year which could be retained to reimburse the State for amounts paid to families as assistance by the State is less than the State share of such amounts collected in fiscal year 1995 (determined in accordance with section 457 as in effect on August 21, 1996); and

“(2)(A) the State has distributed to families that include an adult receiving assistance under the program under part A at least 80 percent of the current support payments collected during the preceding fiscal year on behalf of such families, and the amounts distributed were disregarded in determining the amount or type of assistance provided under the program under part A; or

“(B) the State has distributed to families that formerly received assistance under the program under part A the State share of the amounts collected pursuant to section 464 that could have been retained as reimbursement for assistance paid to such families, '

then the State share otherwise determined for the fiscal year shall be increased by an amount equal to ½ of the amount (if any) by which the State share for fiscal year 1995 exceeds the State share for the fiscal year (determined without regard to this subsection).”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective with respect to calendar quarters occurring during the period that begins on October 1, 1998, and ends on September 30, 2001.

(c) REPEAL.—Effective October 1, 2001, section 457 of the Social Security Act (42 U.S.C. 657) is amended—

(1) in subsection (a), by striking “subsections (e) and (f)” and inserting “subsections (d) and (e)”;

(2) by striking subsection (d);

(3) in subsection (e), by striking the second sentence; and

(4) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

TITLE IV—TECHNICAL CORRECTIONS

SEC. 401. TECHNICAL CORRECTIONS RELATING TO AMENDMENTS MADE BY THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.

(a) Section 402(a)(1)(B)(iv) of the Social Security Act (42 U.S.C. 602(a)(1)(B)(iv)) is amended by striking “Act” and inserting “section”.

(b) Section 409(a)(7)(B)(i)(II) of the Social Security Act (42 U.S.C. 609(a)(7)(B)(i)(II)) is amended by striking “part” and inserting “section”.

(c) Section 413(g)(1) of the Social Security Act (42 U.S.C. 613(g)(1)) is amended by striking “Act” and inserting “section”.

(d) Section 416 of the Social Security Act (42 U.S.C. 616) is amended by striking “Opportunity Act” and inserting “Opportunity Reconciliation Act” each place such term appears.

(e) Section 431(a)(6) of the Social Security Act (42 U.S.C. 629a(a)(6))) is amended—

(1) by inserting “, as in effect before August 22, 1986” after “482(i)(5)”; and

(2) by inserting “, as so in effect” after “482(i)(7)(A)”.

(f) Sections 452(a)(7) and 466(c)(2)(A)(i) of the Social Security Act (42 U.S.C. 652(a)(7) and 666(c)(2)(A)(i)) are each amended by striking “Social Security” and inserting “social security”.

(g) Section 454 of the Social Security Act (42 U.S.C. 654) is amended—

(1) by striking “, or” at the end of each of paragraphs (6)(E)(i) and (19)(B)(i) and inserting “; or”;

(2) in paragraph (9), by striking the comma at the end of each of subparagraphs (A), (B), and (C) and inserting a semicolon; and

(3) by striking “, and” at the end of each of paragraphs (19)(A) and (24)(A) and inserting “; and”.

(h) Section 454(24)(B) of the Social Security Act (42 U.S.C. 654(24)(B)) is amended by striking “Opportunity Act” and inserting “Opportunity Reconciliation Act”.

(i) Section 344(b)(1)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2236) is amended to read as follows:

“(A) in paragraph (1), by striking subparagraph (B) and inserting the following:

‘(B) equal to the percent specified in paragraph (3) of the sums expended during such quarter that are attributable to the planning, design, development, installation or enhancement of an automatic data processing and information retrieval system (including in such sums the full cost of the hardware components of such system); and’; and”.

(j) Section 457(a)(2)(B)(i)(I) of the Social Security Act (42 U.S.C. 657(a)(2)(B)(i)(I)) is amended by striking “Act Reconciliation” and inserting “Reconciliation Act”.

(k) Section 457 of the Social Security Act (42 U.S.C. 657) is amended by striking “Opportunity Act” each place it appears and inserting “Opportunity Reconciliation Act”.

(l) Effective on the date of the enactment of this Act, section 404(e) of the Social Security Act (42 U.S.C. 604(e)) is amended by inserting “or tribe” after “State” the first and second places it appears, and by inserting “or tribal” after “State” the third place it appears.

(m) Section 466(a)(7)(A) of the Social Security Act (42 U.S.C. 666(a)(7)(A)) is amended by striking “1681a(f))” and inserting “1681a(f)))”.

(n) Section 466(b)(6)(A) of the Social Security Act (42 U.S.C. 666(b)(6)(A)) is amended by striking “state” and inserting “State”.

(o) Section 471(a)(8) of the Social Security Act (42 U.S.C. 671(a)(8)) is amended by striking “(including activities under part F)”.

(p) Section 1137(a)(3) of the Social Security Act (42 U.S.C. 1320b–7(a)(3)) is amended by striking “453A(a)(2)(B)(iii))” and inserting “453A(a)(2)(B)(ii)))”.

(q) Except as provided in subsection (l), the amendments made by this section shall take effect as if included in the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2105).

CARDIAC ARREST SURVIVAL ACT OF 1999

GORTON AMENDMENT NO. 2798

Ms. COLLINS (for Mr. GORTON) proposed an amendment to the bill (S. 1488) to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experince cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices: as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Cardiac Arrest Survival Act of 1999”.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Each year more than 250,000 adults suffer cardiac arrest, usually away from a hospital. More than 95 percent of them will die, in many cases because cardiopulmonary resuscitation ("CPR"), defibrillation, and advanced life support are provided too late to reverse the cardiac arrest. These cardiac arrests occur primarily from occult underlying heart disease and from drowning, allergic or sensitivity reactions, or electrical shocks.

(2) Every minute that passes before returning the heart to a normal rhythm after a cardiac arrest causes the chance of survival to fall by 10 percent.

(3) In communities where strong public access to defibrillation programs have been implemented, survival from cardiac arrest has improved by as much as 20 percent.

(4) Survival from cardiac arrest requires successful early implementation of a chain of events, known as the chain of survival, which must be initiated as soon as the person sustains a cardiac arrest and must continue until the person arrives at the hospital.

(5) The chain of survival is the medical standard of care for treatment of cardiac arrest.

(6) A successful chain of survival requires the first person on the scene to take rapid and simple initial steps to care for the patient and to assure that the patient promptly enters the emergency medical services system. These steps include—

(A) recognizing an emergency and activating the emergency medical services system;

(B) beginning CPR; and

(C) using an automated external defibrillator ("AED") if one is available at the scene.

(7) The first persons at the scene of an arrest are typically lay persons who are friends or family of the victim, fire services, public safety personnel, basic life support emergency medical services providers, teachers, coaches and supervisors of sports or other extracurricular activities, providers of day care, school bus drivers, lifeguards, attendants at public gatherings, coworkers, and other leaders within the community.

(8) The Federal Government should facilitate programs for the placement of AEDs in public buildings, including provisions regarding the training of personnel in CPR and AED use, integration with the emergency medical services system, and maintenance of the devices.

SEC. 3. RECOMMENDATIONS OF SECRETARY OF HEALTH AND HUMAN SERVICES REGARDING PLACEMENT OF AUTOMATIC EXTERNAL DEFIBRILLATORS IN BUILDINGS.

Part B of title II of the Public Health Service Act (42 U.S.C. 238 et seq.) is amended by adding at the end the following section:

"RECOMMENDATIONS REGARDING PLACEMENT OF AUTOMATED EXTERNAL DEFIBRILLATORS IN BUILDINGS

"Sec. 247. (a) Recommendation for Federal Buildings.—

"(1) In general.—Not later than 90 days after the date of the enactment of the Cardiac Arrest Survival Act of 1999, the Secretary shall assist in providing for an improvement in the survival rates of individuals who experience cardiac arrest in Federal buildings by publishing in the Federal Register for public comment the recommendations of the Secretary with respect to placing automatic external defibrillators in such buildings. The Secretary shall in addition assist Federal agencies in implementing programs for such placement.

"(2) Agency assessments.—Not later than 180 days after the date on which the recommendations are published under paragraph (1), the head of each Federal agency that occupies a Federal building that meets the criteria described in subsection (a)(1) shall submit to the Secretary an assessment of the ability of each such agency to meet the goals described in subsection (c).

"(b) Additional Recommendations.—The Secretary shall publish, as part of the recommendations referred to in subsection (a), recommendations with respect to the placement of automatic external defibrillators in buildings and facilities, or other appropriate venues, frequented by the public (other than the buildings referred to in subsection (a)). Such recommendations shall only be for information purposes for States and localities to consider in determining policy regarding the use or placement of such defibrillators in recommended buildings, facilities or venues.

"(c) Consideration of Certain Goals for Survival Rates.—In carrying out this section, the Secretary shall consider the goals established by national public-health organizations for improving the survival rates of individuals who experience cardiac arrest in nonhospital settings, including goals for minimizing the time elapsing between the onset of cardiac arrest and the initial medical response.

"(d) Certain Procedures.—The matters addressed by the Secretary in the recommendations under subsections (a) and (b) shall include the following:

"(1) Procedures for implementing appropriate nationally recognized training courses in performing cardiopulmonary resuscitation and the use of automatic external defibrillators.

"(2) Procedures for proper maintenance and testing of such devices, according to the guidelines of the manufacturer of the devices.

"(3) Procedures for ensuring direct involvement of a licensed medical professional and coordination with local emergency medical services in the oversight of training and notification of incidents of the use of the devices.

"(4) Procedures for ensuring notification of an agent of the local emergency medical system dispatch center of the location and type of device.

"(e) Certain Criteria.—In making recommendations under subsections (a) and (b), the Secretary shall determine the following:

"(1) Criteria for selecting the public buildings, facilities and other venues in which automatic external defibrillators should be placed, taking into account—

"(A) the typical number of employees and visitors in the buildings, facilities or venues;

"(B) the extent of the need for security measures regarding the buildings, facilities or venues;

"(C) buildings, facilities or other venues, or portions thereof, in which there are special circumstances such as high electrical voltage or extreme heat or cold; and

"(D) such other factors as the Secretary determines to be appropriate.

"(2) Criteria regarding the maintenance of such devices (consistent with the labeling for the devices).

"(3) Criteria for coordinating the use of the devices in public buildings, facilities or other venues with providers of emergency medical services for the geographic areas in which the buildings, facilities or venues are located.".

SEC. 4. IMMUNITY FROM CIVIL LIABILITY FOR EMERGENCY USE OF AUTOMATED EXTERNAL DEFIBRILLATORS.

Part B of title II of the Public Health Service Act, as amended by section 3 of this Act, is amended by adding at the end the following section:

"LIABILITY REGARDING EMERGENCY USE OF AUTOMATED EXTERNAL DEFIBRILLATORS

"Sec. 248. (a) Persons Using AEDs.—Any person who provides emergency medical care through the use of an automated external defibrillator is immune from civil liability for any personal injury or wrongful death resulting from the provision of such care, except as provided in subsection (c).

"(b) Other Persons Involved With AEDs; Special Rules for Acquirers.—

"(1) In general.—With respect to a personal injury or wrongful death to which subsection (a) applies, in addition to the person who provided emergency medical care through the use of the automated external defibrillator, the person described in paragraph (2) is with respect to the device immune from civil liability for the personal injury or wrongful death in accordance with such paragraph, except as provided in subsection (c).

"(2) Person described.—A person described in this paragraph is the person who acquired the device for use at a nonmedical facility (in this paragraph referred to as the 'acquirer'). Such person shall be immune from liability as provided for in paragraph (1) if the following conditions are met:

"(A) The condition that the acquirer notified local emergency response personnel of the most recent placement of the device within a reasonable period of time after the device was placed.

"(B) The condition that, as of the date on which the emergency occurred, the device had been maintained and tested in accordance with the guidelines established for the device by the manufacturer of the device.

"(C) In any case in which the person who provided the emergency medical care through the use of the device was an employee or agent of the acquirer, and the employee or agent was within the class of persons the acquirer expected would use the device in the event of a relevant emergency, the condition that the employee or agent received reasonable instruction in the use of such devices through a course approved by the Secretary or by the chief public health officer of any of the States.

"(c) Inapplicability of Immunity.—Immunity under subsections (a) and (b) does not apply to a person if—

"(1) the person engaged in gross negligence or willful or wanton misconduct in the circumstances described in such subsections that apply to the person with respect to automated external defibrillators; or

"(2) the person was a licensed or certified medical professional who was using the automated external defibrillator while acting within the scope of their license or certification, and within the scope of their employment as a medical professional.

"(d) Rules of Construction.—

"(1) In general.—The following applies with respect to this section:

"(A) This section is not applicable in any State that (before, on, or after the date of the enactment of the Cardiac Arrest Survival Act of 1999) provides through statute or regulations any degree of immunity for any class of persons for civil liability for personal injury or wrongful death arising from the provision of emergency medical care through the use of an automated external defibrillator.

"(B) This section does not waive any protection from liability for Federal officers or employees under—

"(i) section 224; or

"(ii) sections 1346(b), 2672 and 2679 of title 28, United States Code, or under alternative benefits provided by the United States where the availability of such benefits precludes a remedy under section 1346(b) of title 28.

"(C) This section does not require that an automated external defibrillator be placed at any building or other location.

"(2) CIVIL ACTIONS UNDER FEDERAL LAW.—

"(A) IN GENERAL.—The applicability of subsections (a) through (c) includes applicability to any action for civil liability described in subsection (a) that arises under Federal law.

"(B) FEDERAL AREAS ADOPTING STATE LAW.—If a geographic area is under Federal jurisdiction and is located within a State but out of the jurisdiction of the State, and if, pursuant to Federal law, the law of the State applies in such area regarding matters for which there is no applicable Federal law, then an action for civil liability described in subsection (a) that in such area arises under the law of the State is subject to subsections (a) through (c) in lieu of any related State law that would apply in such area in the absence of this subparagraph.".

TWENTY-FIRST CENTURY RESEARCH LABORATORIES ACT

HARKIN AMENDMENT NO. 2799

Ms. COLLINS (for Mr. HARKIN) proposed an amendment to the bill (S. 1268) to amend the Public Health Service Act to provide support for the modernization and construction of biomedical and behavioral research facilities and laboratory instrumentation; as follows:

On page 16, lines 14 and 15, strike "$250,000,000 for fiscal year 2000, $500,000,000" and insert "$250,000,000".

EXPRESSING THE SENSE OF THE SENATE THAT JOSEPH JEFFERSON "SHOELESS JOE" JACKSON SHOULD BE APPROPRIATELY HONORED FOR HIS OUTSTANDING BASEBALL ACCOMPLISHMENTS

THURMOND AMENDMENT NO. 2800

Ms. COLLINS (for Mr. THURMOND) proposed an amendment to the resolution (S. Res. 134) expressing the sense of the Senate that Joseph Jefferson "Shoeless Joe" Jackson should be appropriately honored for his outstanding baseball accomplishments; as follows:

Strike all after the *Resolved* clause and insert the following:

SECTION 1. SENSE OF THE SENATE THAT "SHOELESS JOE" JACKSON SHOULD BE RECOGNIZED FOR HIS BASEBALL ACCOMPLISHMENTS.

(a) FINDINGS.—The Senate finds the following:

(1) In 1919, the infamous "Black Sox" scandal erupted when an employee of a New York gambler allegedly bribed 8 players of the Chicago White Sox, including Joseph Jefferson "Shoeless Joe" Jackson, to throw the 1919 World Series against the Cincinnati Reds.

(2) In 1921, a criminal court acquitted "Shoeless Joe" Jackson of charges brought against him as a consequence of his participation in the 1919 World Series.

(3) Despite the acquittal, Commissioner Landis banned "Shoeless Joe" Jackson from playing Major League Baseball for life without conducting a hearing, receiving evidence of Jackson's alleged activities, or giving Mr. Jackson a forum to rebut the allegations, issuing a summary punishment that fell far short of due process standards.

(4) During the 1919 World Series, Jackson's play was outstanding—his batting average was .375, the highest of any player from either team; he had 12 hits, setting a World Series record; he did not commit any errors; and he hit the only home run of the Series.

(5) Not only was Jackson's performance during the 1919 World Series unmatched, but his accomplishments throughout his 13-year career in professional baseball were outstanding as well—he was 1 of only 7 Major League Baseball players to ever top the coveted mark of a .400 batting average for a season, and he earned a lifetime batting average of .356, the third highest of all time.

(6) "Shoeless Joe" Jackson's career record clearly makes him one of our Nation's top baseball players of all time.

(7) Because of his lifetime ban from Major League Baseball, "Shoeless Joe" Jackson has been excluded from consideration for admission to the Major League Baseball Hall of Fame.

(8) "Shoeless Joe" Jackson passed away in 1951, and 80 years have elapsed since the 1919 World Series scandal erupted.

(9) Recently, Major League Baseball Commissioner Bud Selig took an important step by agreeing to investigate whether "Shoeless Joe" Jackson was involved in a conspiracy to alter the outcome of the 1919 World Series and whether he should be eligible for inclusion in the Major League Baseball Hall of Fame.

(10) Courts have exonerated "Shoeless Joe" Jackson, the 1919 World Series box score stands as a witness of his record setting play, and 80 years have passed since the scandal erupted; therefore, Major League Baseball should appropriately honor the outstanding baseball accomplishments of Joseph Jefferson "Shoeless Joe" Jackson.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Joseph Jefferson "Shoeless Joe" Jackson should be appropriately honored for his outstanding baseball accomplishments.

GLACIER BAY FISHERIES ACT

BINGAMAN AMENDMENT NO. 2801

Mr. DASCHLE (for Mr. BINGAMAN) proposed an amendment to the bill (S. 501) to address resource management issues in Glacier Bay National Park, Alaska; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Glacier Bay National Park Resource Management Act of 1999".

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term "local residents" means those persons living within the vicinity of Glacier Bay National Park and Preserve, including but not limited to the residents of Hoonah, Alaska, who are descendants of those who had an historic and cultural tradition of sea gull egg gathering within the boundary of what is now Glacier Bay National Park and Preserve;

(2) the term "outer waters" means all of the marine waters within the park outside of Glacier Bay proper;

(3) the term "park" means Glacier Bay National Park;

(4) the term "Secretary" means the Secretary of the Interior; and

(5) the term "State" means the State of Alaska.

SEC. 3. COMMERCIAL FISHING.

(a) IN GENERAL.—The Secretary shall allow for commercial fishing in the outer waters of the park in accordance with the management plan referred to in subsection (b) in a manner that provides for the protection of park resources and values.

(b) MANAGEMENT PLAN.—The Secretary shall cooperate in the development of a management plan for the regulation of commercial fisheries in the outer water of the park in accordance with existing Federal and State laws and any applicable international conservation and management treaties.

(c) SAVINGS.—(1) Nothing in this Act shall alter or affect the provisions of section 123 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1999 (Public Law 105–277), as amended by section 501 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31).

(2) Nothing in this Act shall enlarge or diminish Federal or State title, jurisdiction, or authority with respect to the waters of the State of Alaska, the waters within Glacier Bay National Park and Preserve, or tidal or submerged lands.

(d) STUDY.—(1) Not later than one year after the date funds are made available, the Secretary, in consultation with the State, the National Marine Fisheries Service, the International Pacific Halibut Commission and other affected agencies shall develop a plan for a comprehensive multi-agency research and monitoring program to evaluate the health of fisheries resources in the park's marine waters, to determine the effect, if any, of commercial fishing on—

(A) the productivity, diversity, and sustainability of fishery resources in such waters; and

(B) park resources and values.

(2) The Secretary shall promptly notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives upon the completion of the plan.

(3) The Secretary shall complete the program set forth in the plan not later than seven years after the date the Congressional Committees are notified pursuant to paragraph (2), and shall transmit the results of the program to such Committees on a biennial basis.

SEC. 4. SEA GULL EGG COLLECTION STUDY

(a) STUDY.—The Secretary, in consultation with local residents, shall undertake a study of sea gulls living within the park to assess whether sea gull eggs can be collected on a limited basis without impairing the biological sustainability of the sea gull population in the park. The study shall be completed no later than two years after the date funds are made available.

(b) RECOMMENDATIONS—If the study referred to in subsection (a) determines that the limited collection of sea gull eggs can occur without impairing the biological sustainability of the sea gull population in the park, the Secretary shall submit recommendations for legislation to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out this Act".

NATIONAL OILHEAT RESEARCH ALLIANCE ACT OF 1999

MURKOWSKI AMENDMENT NO. 2802

Mr. LOTT (for Mr. Murkowski) proposed an amendment to the bill (S. 348) to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes; as follows:

On page 2, after line 2, insert the following:

"TITLE I—NATIONAL OIL HEAT RESEARCH ALLIANCE ACT OF 1999"

On page 6, after line 18, insert the following:

"(15) State.—The term "State" means the several states, except the State of Alaska.".

On page 30, after line 11, insert the following:

"TITLE II—SMALL HYDROELECTRIC PROJECTS IN ALASKA

"SEC. 201. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.

"Part I of the Federal Power Act (16 U.S.C. 792 et seq.) is amended by adding at the end the following:

"(SEC. 32. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.

"'(a) Discontinuance of Regulation by the Commission.—Notwithstanding sections 4(e) and 23(b), the Commission shall discontinue exercising licensing and regulatory authority under this Part over qualifying project works in the State of Alaska, effective on the date on which the commission certifies that the State of Alaska has in place a regulatory program for water-power development that—

"'(1) protects the public interest, the purposes listed in paragraph (2), and the environment to the same extent provided by licensing and regulation by the Commission under this Part and other applicable Federal laws, including the endangered Species Act (16 U.S.C. 1531 et seq.) and the fish and wildlife Coordination Act (16 U.S.C. 661 et seq.);

"'(2) gives equal consideration to the purposes of—

"'(A) energy conservation;

"'(B) the protection, mitigation of damage to, and enhancement of, fish and wildlife (including related spawning grounds and habitat);

"'(C) the protection of recreational opportunities,

"'(D) the preservation of other aspects of environmental quality,

"'(E) the interests of Alaska Natives, and

"'(F) other beneficial public uses, including irrigation, flood control, water supply, and navigation; and

"'(3) requires, as a license for any project works—

"'(A) the construction, maintenance, and operation by a licensee at its own expense of such lights and signals as may be directed by the Secretary of the Department in which the Coast Guard is operating, and such fishways as may be prescribed by the Secretary of the Interior or the Secretary of Commerce, as appropriate;

"'(B) the operation of any navigation facilities which may be constructed as part of any project to be controlled at all times by such reasonable rules and regulations as may be made by the Secretary of the Army; and

"'(C) conditions for the protection, mitigation, and enhancement of fish and wildlife based on recommendations received pursuant to the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) from the National Marine Fisheries Service, the United States Fish and Wildlife Service, and State fish and wildlife agencies.

"'(b) Definition of "Qualifying Project Works."—For purposes of this section, the term "qualifying project works" means project works—

"'(1) that are not part of a project licensed under this Part or exempted from licensing under this Part or section 405 of the Public Utility Regulatory Policies Act of 1978 prior to the date of enactment of this section;

"'(2) for which a preliminary permit, a license application, or an application for an exemption from licensing has not been accepted for filing by the Commission prior to the date of enactment of subsection (c) (unless such application is withdrawn at the election of the applicant);

"'(3) that are part of a project that has a power production capacity of 5,000 kilowatts or less;

"'(4) that are located entirely within the boundaries of the State of Alaska; and

"'(5) that are not located in whole or in part on any Indian reservation, a conservation system unit (as defined in section 102(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102(4))), or segment of a river designated for study for addition to the Wild and Scenic Rivers System.

"'(c) Election of State Licensing.—In the case of nonqualifying project works that would be a qualifying project works but for the fact that the project has been licensed (or exempted from licensing) by the Commission prior to the enactment of this section, the licensee of such project may in its discretion elect to make the project subject to licensing and regulation by the State of Alaska under this section.

"'(d) Project Works on Federal Lands.—With respect to projects located in whole or in part on a reservation, a conservation system unit, or the public lands, a State license or exemption from licensing shall be subject to—

"'(1) the approval of the Secretary having jurisdiction over such lands; and

"'(2) such conditions as the Secretary may prescribe.

"'(e) Consultation With Affected Agencies.—The Commission shall consult with the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce before certifying the State of Alaska's regulatory program.

"'(f) Application of Federal Laws.—Nothing in this section shall preempt the application of Federal environmental, natural resources, or cultural resources protection laws according to their terms.

"'(g) Oversight by the Commission.—The State of Alaska shall notify the Commission not later than 30 days after making any significant modification to its regulatory program. The Commission shall periodically review the State's program to ensure compliance with the provisions of this section.

"'(h) Resumption of Commission Authority.—Notwithstanding subsection (a), the Commission shall reassert its licensing and regulatory authority under this part if the Commission finds that the State of Alaska has not complied with one or more of the requirements of this section.

"'(i) Determination by the Commission.—

"'(1) Upon application by the Governor of the State of Alaska, the Commission shall within 30 days commence a review of the State of Alaska's regulatory program for water-power development to determine whether it complies with the requirements of subsection (a).

"'(2) The Commission's review required by paragraph (1) shall be completed within one year of initiation, and the Commission shall within 30 days thereafter issue a final order determining whether or not the State of Alaska's regulatory program for water-power development complies with the requirements of subsection (a).

"'(3) If the Commission fails to issue a final order in accordance with paragraph (2), the State of Alaska's regulatory program for water-power development shall be deemed to be in compliance with subsection (a).

"TITLE III—HYDROELECTRIC PROJECTS' IN HAWAII

"SEC. 301. PROJECTS ON FRESH WATERS IN THE STATE OF HAWAII

"Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended in the first sentence by striking "several States, or upon" and inserting "several States (except fresh waters in the State of Hawaii, unless a license would be required under section 23), or upon".".

"'TITLE IV—ARROWROCK DAM HYDROELECTRIC PROJECT

"'SEC. 501. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

"'Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 4656, the Commission may, at the request of the licensee for the project and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend until March 26, 2005, the time period during which the licensee is required to commence construction of the project."

ARIZONA NATIONAL FOREST IMPROVEMENT ACT OF 1999

KYL AMENDMENT NO. 2803

Mr. LOTT (for Mr. Kyl) proposed an amendment to the bill (S. 1088) to authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the city of Sedona, Arizona for a wastewater treatment facility, and for other purposes; as follows:

On page 5, line 15, strike the period at the end and insert ", reduced by the total amount of special use permit fees for wastewater treatment facilities paid by the City to the Forest Service during the period beginning on January 1, 1999, and ending on the earlier of—

(A) the date that is 270 days after the date of enactment of this Act; or

(B) the date on which the full payment is made by the City under paragraph (3)(A) or the date on which first installment payment is made under paragraph (3)(B), depending on the election made by the City under paragraph (3)."

On page 5, lines 18 and 19, strike "the amount determined under paragraph (1)" and insert "the consideration required under paragraph (1)".

OMNIBUS PARKS TECHNICAL CORRECTIONS ACT OF 1999

MURKOWSKI AMENDMENT NO. 2804

Mr. LOTT (for Mr. MURKOWSKI) proposed an amendment to the bill (H.R. 149) to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996; as follows:

To the bill as reported:

On page 5, strike lines 4 through 11 and redesignate the subsequent paragraphs accordingly.

On page 5 at the end of section 101 add the following new paragraphs:

"(11) Section 103(c)(2) (110 Stat. 4099) is amended by striking "consecutive terms." and inserting "consecutive terms, except that upon the expiration of his or her term, an appointed member may continue to serve until his or her successor has been appointed.

"(12) Section 103(c)(9) (110 Stat. 4100) is amended by strike "properties administered by the Trust" and insert in lieu there of "properties administered by the Trust and all interest created under leases, concessions, permits and other agreements associated with the properties";

"(13) Section 104(d) (110 Stat. 4102) is amended as follows:

(1) by inserting "(1)" after Financial Authorities.—";

(2) by striking "(1) The authority" and inserting in lieu thereof "(A) The authority";

(3) by striking "(A) the terms" and inserting in lieu thereof "(i) the terms";

(4) by striking "(B) adequate" and inserting in lieu thereof "(ii) adequate";

(5) by striking "(C) such guarantees" and inserting in lieu thereof "(iii) such guarantees";

(6) by striking "(2) The authority" and inserting in lieu thereof "(B) The authority";

(7) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3) respectively;

(8) in paragraph (2) (as redesignated by this section)—

(A) by striking "The authority" and inserting in lieu thereof "The Trust shall also have the authority";

(B) by striking "after determining that the projects to be funded from the proceeds thereof are creditworthy and that a repayment schedule is established and only", and

(C) by inserting after "and subject to such terms and conditions," the words "including a review of the creditworthiness of the loan and establishment of a repayment schedule,"; and

(9) in paragraph (3) (as redesignated by this section) by inserting before "this subsection" the words "paragraph (2) of"."

On page 26, strike lines 10 through 13 and insert in lieu thereof the following: "as follows: "Monies reimbursed to either Department shall be returned by the Department to the account from which the funds for which the reimbursement is made were drawn and may, without further appropriation, be expended for any purpose for which such account is authorized."."

On page 28, line 20, strike "conract" and insert "contract".

COMMUNITY FOREST RESTORATION ACT

BINGAMAN AMENDMENT NO. 2805

Mr. DASCHLE (for Mr. BINGAMAN) proposed an amendment to the bill (S. 1288) to provide incentives for collaborative forest restoration projects on National Forest System and other public lands in New Mexico, and for other purposes; as follows:

At the end of the bill add the following:

"SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000 annually to carry out this Act."

METHANE HYDRATE RESEARCH AND DEVELOPMENT ACT OF 1999

AKAKA AMENDMENT NO. 2806

Mr. DASCHLE (for Mr. AKAKA) proposed an amendment to the bill (H.R. 1753) to promtoe the research, identification, assessment, exploration, and development of methane hydrate resources, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Methane Hydrate Research and Development Act of 1999".

SEC. 2. DEFINITIONS.

In this Act:

(1) CONTRACT.—The term "contract" means a procurement contract within the meaning of section 6303 of title 31, United States Code.

(2) COOPERATIVE AGREEMENT.—The term "cooperative agreement" means a cooperative agreement within the meaning of section 6305 of title 31,United States Code.

(3) DIRECTOR.—The term "Director" means the Director of the National Science Foundation.

(4) GRANT.—The term "grant" means a grant awarded under a grant agreement, within the meaning of section 6304 of title 31, United States Code.

(5) INDUSTRIAL ENTERPRISE.—The term "industrial enterprise" means a private, nongovernmental enterprise incorporated under Federal or State law that has an expertise or capability that relates to methane hydrate research and development.

(6) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" means an institution of higher education, within the meaning of section 102(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(1)).

(7) METHANE HYDRATE.—The term "methane hydrate" means—

(A) a methane clathrate that is in the form of a methane-water ice-like crystalline material and is stable and occurs naturally in deep-ocean and permafrost areas, and

(B) other natural gas hydrates found in association with deep-ocean and permaforst deposits of methane hydrate.

(8) SECRETARY OF ENERGY.—The term "Secretary of Energy" means the Secretary of Energy, acting through the Assistant Secretary for Fossil Energy.

(9) SECRETARY OF COMMERCE.—The term "Secretary of Commerce" means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

(10) SECRETARY OF DEFENSE.—The term "Secretary of Defense" means the Secretary of Defense, acting through the Secretary of the Navy.

(11) SECRETARY OF THE INTERIOR.—The term "Secretary of the Interior" means the Secretary of the Interior, acting through the Director of the United States Geological Survey and the Director of the Mineals Management Service.

SEC. 3. METHANE HYDRATE RESEARCH AND DEVELOPMENT PROGRAM

(a) IN GENERAL.—

(1) COMMENCEMENT OF PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy, in collaboration with the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director, shall commence a program of methane hydrate research and development in accordance with subsection (b).

(2) DESIGNATIONS.—The Secretary of Energy, the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director shall designate individuals to carry out this section.

(3) COORDINATION.—The individual designated by the Secretary of Energy shall coordinate all activities within the Department of Energy relating to methane hydrate research and development.

(4) MEETINGS.—The individuals designated under paragraph (2) shall meet not later than 270 days after the date on enactment of this Act, and not less frequently than every 120 days thereafter to—

(A) review the progress of the program under paragraph (1); and

(B) make recommendations on future activities to occur subsequent to the meeting.

(b) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—

(1) ASSISTANCE AND COORDINATION.—In carrying out the program of methane hydrate research and development authorized by this subsection the Secretary of Energy may award grants or contracts to, or enter into cooperative agreements with, institutions of higher education and industrial enterprises to—

(A) conduct basic and applied research to identify, explore, assess, and develop methane hydrate as a source of energy;

(B) assist in developing technologies required for efficient and environmentally sound development of methane hydrate resources;

(C) undertake research programs to provide safe means of transport and storage of methane produced from gas methane hydrates;

(D) promote education and training in methane hydrate resource research and resource development;

(E) conduct basic and applied research to assess and mitigate the environmental impacts of hydrate degassing (including both natural degassing and degassing associated with commercial development);

(F) develop technologies to reduce the risks of drilling through methane hydrates; and

(G) conduct exploratory drilling in support of the activities authorized by this paragraph.

(2) COMPETITIVE MERIT-BASED REVIEW.—Funds made available under paragraph (1) shall be made available based on a competitive merit-based process.

(3) CONSULTATION.—

(A) IN GENERAL.—The Secretary of Energy shall establish an advisory panel consisting of experts from industry, institutions of higher education, and Federal agencies to—

(i) advise the Secretary of Energy on potential applications of methane hydrate; and

(ii) assist in developing recommendations and priorities for them as methane hydrate research and development carried out under subsection (a)(1); and

(iii) not later than 2 years after the date of enactment of this Act, and at such later dates as the panel considers advisable, submit to Congress a report on the anticipated impact on global climate change from—

(I) methane hydrate formation;

(II) methane hydrate degassing (including natural degassing and degassing associated with commercial development); and

(III) the consumption of natural gas produced from methane hydrates.

(B) MEMERSHIP.—Not more than twenty-five percent of the individuals serving on the advisory panel shall be Federal employees.

(c) LIMITATIONS.—

(1) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount made available to carry out this section for a fiscal year may be used by the Secretary of Energy for expenses associated with the administration of the program carried out under subsection (a)(1).

(2) CONSTRUCTION COSTS.—None of the funds made available to carry out this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of a existing building (including site grading and improvement and architect fees.).

(d) RESPONSIBILITIES OF THE SECRETARY OF ENERGY.—In carrying out subsection (b)(1), the Secretary of Energy shall—

(1) facilitate and develop partnerships among government, industry, and institutions of higher education to research, identify, assess, and explore methane hydrate resources;

(2) undertake programs to develop basic information necessary for promoting long-term interest in methane hydrate resources as an energy source;

(3) ensure that the data and information developed through the progran are accessible and widely disseminated as needed and appropriate;

(4) promote cooperation among agencies that are developing technologies that may hold promise for methane hydrate resource development; and

(5) report annually to Congress on accomplishments under this section.

SEC. 4. AMENDMENTS TO THE MINING AND MINERALS POLICY ACT OF 1970.

Section 201 of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 1901) is amended—

(1) in paragraph (6)—

(A) in subparagraph (F), by striking "and" at the end;

(B) by redesignating subparagraph (G) as subparagraph (H); and

(C) by inserting after subparagraph (F) the following:

"(G) for purposes of this section and sections 202 through 205 only, methane hydrate; and"

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph 6 the following:

"(7) the term "Methane hydrate" means—

"(A) a methane clathrate that is in the form of amethane-water ice-like crystalline material and is stable and occurs naturally in deep-ocean and permafrost areas; and

"(B) other natural gas hydrates found in association with deep-ocean and permafrost deposits of methane hydrate.";

SEC. 5. REPORTS AND STUDIES.

The Secretary of Energy shall simultaneously provide to the Committee on Science and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate copies of any report or study that the Department of Energy pursuant to this Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Energy to carry out this Act—

(1) $5.000.000 for fiscal year 2000;

(2) $7.500.000 for fiscal year 2001;

(3) $11.000.000 for fiscal year 2002;

(4) $12.000.000 for fiscal year 2003;

(5) $12.000,000 for fiscal year 2004; and

(6) thereafter such sums as are necessary.

Amounts authorized under his section shall remain available until expended.

Amend the title to read as follows: "An act to promote the research, identification, assessment, exploration, and development of methane hydrate resources, and for other purposes.".

ADDITIONAL STATEMENTS

THREE NEW YORKERS RETIRING FROM THE NORTHEAST-MIDWEST INSTITUTE'S BOARD OF DIRECTORS

• Mr. MOYNIHAN. Mr. President, for the past twelve and one-half years, I have served as the Democratic co-chairman of the Northeast-Midwest Senate Coalition. John Heinz was the Republican co-chairman until his tragic death in 1991; since then, I have been pleased to work with the junior Senator from Vermont, JIM JEFFORDS. We and other Coalition Members have worked closely with the Northeast-Midwest Institute, the premier non-partisan, not-for-profit regional policy research center. A superb board of directors guides the Institute. I rise this afternoon to commend three New Yorkers who are ending their terms on the Northeast-Midwest Institute's Board of Directors. They have provided distinguished service and have helped to advance the region's economic vitality and environmental quality.

Former Representative Frank Horton has been involved with the Northeast-Midwest organizations for almost 25 years. Indeed, he was one of the founders of the Northeast-Midwest Congressional Coalition, our House counterpart, and served as its Republican co-chairman until he retired from the House in 1992. Frank had a distinguished career spanning 30 years, representing Rochester and serving for many years as ranking member on the Government Operations Committee. We—I speak now on behalf of the New York Congressional delegation—revered Frank and were grateful for his counsel. He was our dean. Frank recently has been with the DC-based law firm of Venable, Baetjer, Howard & Civiletti.

Gerald Benjamin, another Northeast-Midwest Institute Board Member whose six-year term is ending, is dean of Liberal Arts & Sciences at the State University of New York at New Paltz. Jerry is a respected scholar, who has focused on Federalism—a subject near and dear to my heart—and public policy development. He has been active in New York politics, having served as county legislator and chairman in Ulster County. Jerry also was appointed as a member of the New York State Equalization and Assessment Panel and the Lower Hudson Study Commission on School District Reorganization and Sharing.

Thomas Mooney is president of the Greater Rochester Metro Chamber of Commerce. Tom has pulled together the business community and expanded that organization substantially. He has been a leader in numerous civic affairs, helping to coordinate public-private partnerships that have enhanced Rochester's industrial infrastructure. Tom also served as city manager of Rochester and deputy county manager of the County of Monroe. He also serves on the Genesee Hospital Board of Trustees and the Rochester Philharmonic Board of Overseers.

Mr. President, these gentlemen have served on the Institute's Board of Directors six years or more without fanfare or remuneration. They are busy men, with plenty of other responsibilities. But they have served, and served with distinction. House and Senate Coalition Members and people from across the Northeast-Midwest region owe them a debt of gratitude for a job well done. I wish them well in their new endeavors.•

TRIBUTE TO LISA LINDAHL

• Mr. JEFFORDS. Mr. President, I rise today to pay tribute to an outstanding Vermonter, Lisa Lindahl. Ms. Lindahl is know to many as an artist, inventor and entrepreneur. She made her mark in the business world by designing the first sports bra and becoming the CEO of the company that successfully marketed the "Jogbra" until its sale in 1990 to a major corporation.

Ms. Lindahl is also know as a long-time advocate of people with epilepsy. Lisa is deeply committed to bringing to the forefront medical issues which are unique to women living with epilepsy. Her unwavering commitment toward improving the health status of such individuals serves as a testament to us all. She is a stunning example of how one person can positively affect so many.

There are now over one million American women who have epilepsy. Lisa has brought national attention to the inequities that exist in the field of research regarding men and women with epilepsy. She launched the National Epilepsy Foundation's Women's Health Campaign and chaired the Women and Epilepsy Task Force. Today, the Women's Health Campaign is a major program for the Epilepsy Foundation in cities and states across the nation.

Lisa's efforts have played a significant role on the local level as well. She is a long-standing board member of the Epilepsy Foundation of Vermont and the Epilepsy Foundation of America, where she has served as Chair of the Public Relations Committee, the Resource Development Committee, and as Executive Vice President.

Vermont has much to be grateful for when it comes to Lisa's steadfast commitment to improving the quality of life for people living with epilepsy, not only in Vermont, but throughout the country. For that, we owe her our deepest gratitude. Thank you, Lisa.•

THE PASSING OF PAULINE ISRAELITE

• Mr. DODD. Mr. President, I rise today with profound sadness to discuss the passing from this life of a remarkable and beloved woman, Pauline Israelite of Norwich, Connecticut.

On the day of Pauline's funeral at the Beth Jacob Synagogue in Norwich, some 1000 people arrived to pay their respects. Hundreds of them were required to stand throughout the service because there was not enough seating to accommodate all those in attendance. Rabbis, clergy, and other attendees all agreed that they could not recall a funeral service held in that particular house of worship that was ever attended by more individuals.

Those of us privileged to know Pauline can well understand the outpouring of affection shown for her on that day. She was an extraordinary individual in so many ways: a devoted wife, a loving mother, a successful business owner, and not least, an extraordinarily generous and energetic community servant.

For many years, Pauline owned and operated the Norwichtown Mall Bookstore. The true business of her life, however, was not running a business, but serving others. She was an active member of Beth Jacob Synagogue. She served as President of Beth Jacob Sisterhood, and as an active member of Hadassah and a Hands of Healing honoree. She was a volunteer for Hospice; a member of and volunteer for the William W. Backus Hospital Auxiliary; a volunteer for the Adult Probation Department; and an ombudsman for the Area Agency on Aging. She served as a member of the board of the Jewish Federation of Eastern Connecticut, and of the Norwich Chamber of Commerce. In addition, she volunteered for We Care in Delray Beach, Florida, and for the Literacy Volunteers of America.

I first met Pauline more than a quarter of a century ago. Her husband, Stanley, had just left a successful business career to become a member of my congressional staff. At Pauline's funeral, I was introduced as someone for whom Stanley worked. I hastened to correct that mis-impression. It is I who work for Stanley, I said. And it was Stanley, I added, who worked for Pauline. Therefore, in a very real sense, I worked for Pauline.

Indeed, so many of us worked, in a manner of speaking, for Pauline. I recall numerous times over the years when Stanley and I would wrestle with a tough problem about how to best help someone in need, or how to bring about some positive result for our community or our state. On those occasions, we would invariably arrive at the same conclusion: "Ask Pauline." Countless others no doubt uttered those same words over the years. And just as invariably, Pauline knew how to help. And those of us who worked with her—or, I should say again, for her—came to rely on her sound judgment, her instincts for doing the right thing, and her understanding of how to help others—concretely, discreetly, and in a spirit of generosity and understanding.

Over the course of her rich and vibrant life, Pauline developed a deep love of books. She didn't just sell them. She read them, and read them with the same passion she brought to the other facets of her life. It is appropriate, therefore, that I close these remarks by referencing two passages that I believe capture much about Pauline, her family, and all those who mourn her unexpected passing, and who wish to celebrate the blessed achievement of her life.

The first passage comes from Seamus Heaney's "Clearances", a poem about the death of a mother that evokes how her spirit survives in those left behind:

> In the last minutes he said more to her
> Almost than in all their life together.
> 'You'll be in New Row on Monday night
> And I'll come up for you and you'll be glad
> When I walk in the door . . . Isn't that right?
> His head was bent down to her propped-up head.
> She could not hear but we were overjoyed.
> He called her good and girl. Then she was dead,
> The searching for a pulsebeat was abandoned
> And we all knew one thing by being there.
> The space we stood around had been emptied
> Into us to keep, it penetrated
> Clearances that suddenly stood open.
> High cries were felled and a pure change happened.

The second passage is from "Tuesdays with Morrie," a touching account of a beloved teacher's last months. It serves as a reminder that our death, like our lives, is part of a larger scheme composed by the hand of a Creator whose purposes may not always be apparent to us, especially in times of sorrow:

> "I heard a nice little story the other day," Morrie says. He closes his eyes for a moment and I wait.
>
> "Okay. The story is about a little wave, bobbing along in the ocean, having a grand old time. He's enjoying the wind and the fresh air—until he notices the other waves in front of him, crashing against the shore.
>
> "'My God, this is terrible,' the wave says. 'Look what's going to happen to me!'
>
> "Then along comes another wave. It sees the first wave, looking grim, and it says to him, 'Why do you look so sad?'
>
> "The first wave says, 'You don't understand! We're all going to crash! All of us waves are going to be nothing! Isn't it terrible?'
>
> "The second wave says, 'No, you don't understand. You're not a wave, you're part of the ocean.'"
>
> I smile. Morrie closes his eyes again.
>
> "Part of the ocean," he says, "part of the ocean." I watch him breathe, in and out, in and out.

Mr. President, Pauline Israelite is survived by a large and loving family: Stanley, her husband of 53 years; her son Michael and his wife Donna; her son Jon; her daughter Abby and her husband Bill Dolliver; her daughter Mindy and her husband Bill Wilkie; several siblings; and six wonderful grandchildren. I extend to them all my deepest sympathies, and my profound gratitude for granting me and so many others the opportunity to know and love Pauline Israelite.•

CONGRATULATIONS TO DR. DEBORAH C. BALL

• Mr. COVERDELL. Mr. President, I rise today to acknowledge one of Georgia's outstanding citizens. On November 16, 1999, the Senate announced the appointment of Dr. Deborah C. Ball of Columbus, Georgia, to the Parents Advisory Council on Youth Drug Abuse. This group of 16 individuals serve as advisors to the Director of National Drug Control Policy on issues including drug prevention, education and treatment.

Not only does Dr. Ball bring to the group her knowledge as a parent of three sons, but also over 27 years experience as an educator and coach. In addition, she is very active in her community through her local church and anti-drug organizations. Dr. Ball has been nominated for, and won, numerous awards for her work as a coach in the sports of basketball, softball, tennis and cheerleading. This year, she has been nominated for the Channel One National Coach of the Year.

The youth drug problem in our nation has been an issue of major concern to me for quite some time, and it is my hope that Dr. Ball and the other members of the Parents Advisory Council will bring their insight and innovation to the task of helping to end this epidemic.

I was proud to be a supporter of the legislation which established this group, and am pleased that such an eminently qualified Georgian has been selected to serve as a member. Mr. President, I offer my congratulations to Dr. Ball for this honor, and am confident that she will continue in her role of outstanding service and leadership to the youth of Georgia, and our country.•

IN COMMEMORATION OF NATIONAL BIBLE WEEK

• Mr. LIEBERMAN. Mr. President, the week of Nov. 21–28 is an important time for houses of worship and individuals of all religions across the country—National Bible Week.

As this year's National Bible Week co-chair, it is my privilege to pay tribute to the Bible and its remarkable influence on American life. As in past years, the National Bible Association is hosting the week-long salute to the Good Book. This year, the tribute happens to fall during the Thanksgiving holidays; this seems fitting, because we should be eternally thankful that we have the teachings of the Bible to help guide our daily lives.

And old maxim states that "A reformation happens every time you open the Bible." Indeed, no book over the course of human history has had a more profound effect on how we live and act. The Bible has influenced Western culture in myriad ways, shaping areas as diverse as government and art.

John Wycliffe, the great religious reformer, once wrote, "The Bible is for the government of the people, by the people, and for the people." The writings found within it inspired many of our nation's founders' most cherished ideals—ideals that remain cornerstones of democracy today. The Bible, for example, advocates faith in a greater good, the glory of freedom, the importance of family, and the sanctity of every human life. The Bible is at the heart of America's civic religion.

Far from archaic, the Bible is as important today as it has ever been, particularly as many Americans feel this country slipping into moral decline. Our best hope of righting our national ship is to instill in future generations the core values of love, truth, honor, and service enshrined in the Bible.

As an Orthodox Jew, my faith orders my life, gives me a sense of purpose and direction, and provides comfort in uncertain or difficult times. The Old Testament or Torah serves as a constant reminder of my obligations to God, country, and family.

So as Thanksgiving approaches, I encourage every believer in this land to open the Bible, read a favorite passage or two, and give thanks to God for this wonderful, sacred Book.•

A TRIBUTE TO ERIC HARNISCHFEGER

• Mr. GREGG. Mr. President, I want to mention the efforts of Special Agent Eric Harnischfeger, who has been on detail from the U.S. Secret Service to the Appropriations Subcommittee on Commerce, Justice, State, and Judiciary for the consideration of the fiscal year 2000 bill. Eric has been a considerable asset to the subcommittee, astutely handling some of our more difficult law enforcement accounts. His management of counterterrorism programs, office of justice programs, and state and local law enforcement accounts is greatly appreciated. Eric's ability to provide keen insight and a friendly manner toward any task he is asked to deal with assured a competent resolution.

Eric's professionalism, wit, and jovial manner will be missed. Agent Harnischfeger exemplifies the high standards that the Secret Service is known for and has done an excellent job for us. I just want to thank him publicly for all his efforts over the past year. Based on his performance here, I am sure he has a bright future at the Service. We wish him the very best.•

ON THE DEATH OF AKIO MORITA

• Mr. MOYNIHAN. Mr. President, today I rise to note the passing of Akio Morita, the brilliant Japanese business leader who did so much to rebuild his country after World War II. I ask that his obituary that appeared in the October 4 New York Times be printed in the RECORD.

The obituary follows:

[From the New York Times, Oct. 4, 1999]

AKIO MORITA, CO-FOUNDER OF SONY AND JAPANESE BUSINESS LEADER, DIES AT 78

(By Andrew Pollack)

Akio Morita, the co-founder of the Sony Corporation who personified Japan's rise from postwar rubble to industrial riches and became the unofficial ambassador of its business community to the world, died on Sunday in Tokyo. He was 78.

Mr. Morita died of pneumonia, according to Sony. He had been hospitalized in Tokyo since August, after returning from Hawaii, where he had spent most of his time since suffering a debilitating stroke in November 1993. More than anyone else, it was Mr. Morita and his Sony colleagues who changed the world's image of the term "Made in Japan" from one of paper parasols and shoddy imitations to one of high technology and high reliability in miniature packages.

Founded in bombed-out Tokyo department store after World War II, Sony became indisputably one of the world's most innovative companies, famous for products like the pocket-sized transistor radio, the videocassette recorder, the Walkman and the compact disk.

And Mr. Morita, whose contribution was greater in marketing than in technology, made the Sony brand into one of the best known and most respected in the world. A Harris poll last year showed Sony was the No. 1 brand name among American consumers, ahead of American companies like General Electric and Coca-Cola.

A tireless traveler who moved his family to New York in 1963 for a year to learn American ways, Mr. Morita also spearheaded the internationalization of Japanese business. Sony was the first Japanese company to offer its stock in the United States, in 1961, one of the first to build a factory in the United States, in 1972, and still one of the only ones to have even a couple of Westerners on its board.

Sony also became a major force in the American entertainment business, acquiring CBS Records in 1988 and Columbia Pictures, the Hollywood studio, in 1989. The latter purchase, however, turned into an embarrassing debacle as Sony suffered big losses in Hollywood.

A JAPANESE EXECUTIVE AMERICANS RECOGNIZED

In the process, Mr. Morita, with his white mane and quick tongue, became the unofficial representative of Japan's business community, generally working to smooth trade relations between his country and the United States, but sometimes stirring resentment in both countries with his pointed criticisms.

"He was truly a statesman par excellence in a business sense," Mike Mansfield, the former senator and United States Ambassador to Japan. "Internationally, he did more for Japan in a business sense than anyone else in Japan."

In Japan, Prime Minister Keizo Obuchi, who was one of several hundred people to visit Mr. Morita's Tokyo home following his death, called Mr. Morita "a leading figure who played a pivotal role in developing Japan's postwar economy," according to Kyodo News Service.

Sony's current president, Nobuyuki Idei, said in a statement, "It is not an exaggeration to say that he was the face of Japan."

To the day of his death, nearly six years after the stroke that removed him from an active role in business, he was still no doubt Japan's most famous business executive, and the only one many Americans could name or recognize in a photograph. Time magazine recently selected him as one of 20 "most influential business geniuses" of the 20th century, the only non-American on the list.

In his own country, where executives tend to be self-effacing, Mr. Morita was viewed as a bit flamboyant and arrogant. He was the first to fly around in a corporate business jet and helicopter. He appeared in a television commercial for the American Express card. He served on the boards of three foreign companies. He took up sports like skiing, scuba diving and wind surfing in his sixties. He cavorted with the rock star Cyndi Lauper after Sony bought CBS Records.

Shortly before he suffered his stroke, Mr. Morita made waves in his home country by saying that Japan was like a "fortress" and that its unique business practices were alienating its trading partners." Although there is much to commend in Japan's economic system, it is simply too far out of sync with the West on certain essential points," he wrote in The Atlantic Monthly in June 1993.

He advocated shorter working hours, more dividends for stockholders of Japanese companies and a sharp cutback in government regulation. Now, as Japan struggles through an economic slump that has lasted most of the decade, some of what Mr. Morita advocated is being adopted.

"Japan was coming closer to him and seeing the need for that kind of leadership," said Yoshihiro Tsurumi, professor of international business at the Baruch Graduate

School of Business at the City University of New York.

NEVER COMFORTABLE IN WEST'S BUSINESS WORLD

Mr. Morita entertained frequently and counted many American businessmen and politicians as his friends. "He not only made it Sony's business but his own personal business to become intimately acquainted with American society at all levels," said Peter Peterson, an investment banker who is on Sony's board of directors. "I can recall playing golf with Akio, watching him greet and interact with every American C.E.O. on the course, all of whom seemed to know him as a personal friend."

In his book "Sony: The Private Life" (Houghton Mifflin, 1999) John Nathan suggests that Mr. Morita, a Japanese traditionalist at home, was never really comfortable in the Western business world.

Mr. Nathan, a Japanese translator and University of California professor of Japanese culture who was granted free access to Sony executives, quotes Mr. Morita's eldest son, Hideo, as saying of his father, "He had to 'act'—I'm sorry to use that word but I can't help it—he had to act as the most international-understanding businessman in Japan." But, Hideo adds, "It was never real."

And Sony's current president, Mr. Idei, is quoted as saying: "Japanese of the generation before mine had an inferiority complex about foreigners. Akio Morita himself was a living inferiority complex."

Despite being virtually synonymous with Sony, especially outside Japan, Mr. Morita did not actually become the company's president until 1971 and its chairman and chief executive until 1976. Before that, he was the junior partner to Masaru Ibuka, an engineering genius who, while not as widely known in the West, is considered in Japan to be the main founder of Sony. Mr. Ibuka died in December 1997 at the age of 89.

AN EARLY FASCINATION LEADS TO A CAREER SHIFT

Akio Morita was born on Jan. 26, 1921, into a wealthy family in Nagoya, an industrial city in central Japan. As the eldest son, he was groomed from elementary school age to succeed his father as president of the sake brewery that had been in the family for 14 generations.

But in junior high school, Akio became fascinated by his family's phonograph, an appliance rare in Japan at that time. He became an avid electronics hobbyist, building his own crude phonograph and radio receiver. He studied physics at Osaka Imperial University as World War II was starting. Mr. Morita enlisted in the Navy under a program that would allow him to do research instead of serving in combat.

It was while developing heat-seeking weapons that Mr. Morita first worked with Mr. Ibuka, 13 years his senior, who before the war had started an electronic instrument company.

After the war, Mr. Ibuka set up a new company in a bombed-out department store in Tokyo, making kits that converted AM radios into short-wave receivers. Mr. Morita happened to read a newspaper article about this and contacted his old friend. The next year, when Mr. Ibuka wanted to incorporate the company, he asked Mr. Morita to join.

Mr. Morita, Mr. Ibuka and another executive traveled to the Nagoya area to implore Mr. Morita's father to release his son from the family business. The elder Mr. Morita not only agreed, he also later became a financial backer of the new company, Tokyo Tsushin Kogyo, or the Tokyo Telecommunications Engineering Corporation, which was inaugurated on May 7, 1946, with an investment of about $500.

The company produced Japan's first reel-to-reel magnetic tape recorder. A few years later it licensed the rights to the transistor from Bell Laboratories, after overcoming resistance from the Ministry of International Trade and Industry. Bell Labs officials warned that the only consumer use would be for hearing aids.

But Sony used them to produce Japan's first transistor radio in 1955. (An American company, Regency, produced the world's first a few months earlier but did not succeed in selling it.) In 1957, Sony came out with what it termed a pocket-sized transistor radio. But the radio was actually a bit too big for most pockets, so Mr. Morita had Sony salesmen wear special shirts with extra-large pockets.

There followed the Trinitron television in 1968; the first successful home VCR, the Betamax, in 1975; the Walkman personal stereo in 1979, and the compact disk, developed with Philips N.V. of the Netherlands, in 1982.

Not all products were successful. Sony has stumbled several times trying to sell personal computers. And in 1981, Mr. Morita announced the Mavica, a digital camera that recorded pictures on a floppy disk instead of on film. But the camera did not come to market and critics accused Mr. Morita of making a premature announcement to burnish Sony's image as an innovator.

STEERING CONSUMERS TO PRODUCTS THEY WANT

Mr. Morita did not believe in market research. "Our plan is to lead the public with new products rather than ask them what kind of products they want," he declared in his autobiography, "Made in Japan." (E. P. Dutton, 1986), written with the journalists Edwin M. Reingold and Mitsuko Shimomura. "The public does not know what is possible, but we do."

Mr. Morita prided himself in particular on the Walkman, the portable stereo cassette player with headphones. Actually, according to the company's official corporate history, it was Mr. Ibuka who came up with the idea for the portable product. But Mr. Morita pressed hard for the project, overcoming resistance within Sony to a tape player that, in its early versions, could not record. Mr. Morita, despite initial reservations about the awkward name, eventually ordered all Sony subsidiaries around the world to begin using it.

From the start of the company, however, Mr. Morita was much more involved in marketing, while Mr. Ibuka handled technology development. And from the start, he had an international orientation, traveling to New York and Europe in the 1950's to sell the company wares.

Such international focus was needed because as a new company, Sony had some trouble breaking into its home market, where more established manufacturers had close relationships with retailers. Indeed, Japan's other big postwar success, the Honda Motor Company, also succeeded first in the United States and to this day sells more cars in American than in Japan.

Mr. Morita soon realized that the company needed a name that foreigners could pronouce and remember. So in 1958 the company name was changed to Sony, derived from the Latin sonus, meaning sound, and from the American vernacular "sonny boy," which Mr. Morita hoped would purvey a young image.

One of Mr. Morita's cardinal tenets was to foster and protect the company's brand name. Early on, Bulova, the watch company, said it would order 100,000 radios but would sell them under its own name. Mr. Morita turned down the huge order. His colleagues back in Tokyo thought he was crazy. But, Mr. Morita wrote in his autobiography, "I said then and I have said it often since: It was the best decision I ever made."

Mr. Morita's worst decision might have been with the Betamax, the first successful consumer VCR. Sony did not readily license its technology to other electronics companies. So most of its Japanese rivals banded together behind the VHS system, which offered longer recording time. Eventually, the Betamax was run out of the market.

Sony evolved into a company that, by Japanese standards at least, was very Westernized, though in many ways it was traditionally Japanese. All company employees, from the president on down, wore company jackets, a common practice in Japan. But Sony's uniforms were created by the designer Issey Miyake.

Mr. Morita first criticized some of his own country's business practices in 1966, when he wrote a book published in Japanese, with a title that might loosely translate as "An Essay on the Useless School Career." He criticized Japanese companies for hiring and promoting people based only on what college they had attended. Sony stopped even asking applicants the name of their college, and it was one of the first Japanese companies to base salaries partly on merit instead of solely on seniority.

TRIED TO REDUCE U.S. TRADE TENSIONS

Perhaps because of Sony's dependence on exports, Mr. Morita tried to reduce trade tensions with the United States. In the late 1960's, Sony forged a temporary joint venture with Texas Instruments Inc., then the world's leading semiconductor company, allowing it to set up operations in Japan.

In 1972, Mr. Morita set up a subsidiary to export American products, like Regal cookware and Whilrpool refrigerators, to Japan.

"Selling pans and cookware and refrigerators was not our bag, but Akio believed in doing something for the U.S.-Japan relationship," said Sadami (Chris) Wada, who ran that effort and then handled government relations for the Sony Corporation of America for many years. The operation was abandoned some years later as unsuccessful.

In 1988, Mr. Morita founded the Council for Better Corporate Citizenship, made up of Japanese companies. At a time when Japanese politicians were angering African-Americans with insensitive remarks, one of the council's first projects was to make thousands of copies of an abridged version of "Eyes on the Prize," the American television documentary about the struggle of blacks for equal rights, and distribute it to high schools in Japan.

Mr. Morita was not adverse to using his influence among American politicians and business executives to lobby for Sony. He barnstormed the United States in 1984, meeting with governors and with President Reagan, threatening to build Sony factories only in states that did not have the "unitary tax," which was levied against a multinational corporation's global earnings, not just those in the state. Eventually California and other states scrapped the tax.

But while Mr. Morita was often perceived as a friend of the United States, he was often critical of it and proud of being Japanese, flying his country's flag over Sony's New

York showroom when it opened in 1962. He often told a story of how ashamed he was on his first trip to Germany in 1953. At a restaurant, he ordered ice cream, and it was served with a small paper parasol stuck in it. "This is from your country," the waiter said.

HAILING THE SUCCESS OF THE JAPANESE WAY

In the 1980's, when Japan seemed on top of the world, Mr. Morita was among the most vocal of the Japanese executives in criticizing American business and hailing the success of the Japanese model.

He said American managers were financial paper shufflers who "can see only 10 minutes ahead" and were not interested in building for the long term. And he said that because American companies were losing interest in manufacturing, the United States was "abandoning its status as an industrial power." Those factors, he said, and not trade barriers, were the reason for America's trade deficit with Japan.

"There are few things in the United States that Japanese want to buy, but there are a lot of things in Japan that Americans want to buy," he wrote in 1989. "This is at the root of the trade imbalance. The problem arises in that American politicians fail to understand this simple fact."

In 1989, Mr. Morita was the co-author, along with a nationalist politician, Shintaro Ishihara, of "The Japan That Can Say No," a book that urged Japan to stand up to American trade demands, which it said were motivated partly by racism. The book also said Japan had the power to change the world balance of power by selling its advanced computer chips to the Soviet Union instead of the United States.

Even though those strident remarks were generally in the chapters Mr. Ishihara wrote, the book created a stir when an unauthorized translation made its way around Washington. Mr. Morita frantically backpedaled, saying the book had not been intended for an American audience. And he refused to authorize an English translation.

$3.2 BILLION LOST IN HOLLYWOOD VENTURE

It was later that year that Sony paid $3.4 billion to buy Columbia Pictures, a purchase driven largely by Mr. Morita, who thought that if Sony had owned a studio issuing movies in the Beta format, it would not have lost the VCR wars.

Although Sony prided itself on being more Americanized than its Japanese rivals, the purchase became a lightning rod for American concern about a wave of Japanese acquisitions of American companies and real estate. "Japan Invades Hollywood" read the cover of Newsweek. In Japan as well, Sony came in for criticism for stirring up anti-Japanese feeling in the United States.

Mr. Morita had a simple answer. "If you don't want Japan to buy it, don't sell it," he told New York Times reporter shortly after the purchase. Nevertheless, sensitive to concerns, he promised that the studio would be run by Americans and would be free even to make a movie critical of Japan's emperor. Worse than misjudging the political reaction, however, the seemingly sophisticated Sony proved to be a babe in the woods in Hollywood.

Sony is generally considered to have overpaid for the studio, and it paid several hundred million dollars more to hire managers away from Warner Brothers—provoking a costly fight with that studio. Those managers, in turn, spent money extravagantly and produced a sting of box office bombs. Mr. Morita and his successor as Sony chief executive, Norio Ohga, perhaps because they were worried about stirring up anti-Japanese sentiment, exercised little oversight.

In late 1994, in one of the most embarrassing moments in its history, Sony announced that it would suffer a loss of $3.2 billion from its investment in Hollywood. But it has stuck with the studio, now called Sony Pictures Entertainment, and appears to be turning it around.

The Morita name will live on at Sony because many members of Mr. Morita's family are involved in the company.

Besides his wife, Mr. Morita is survived by his wife, Yoshiko; his eldest son, Hideo, who now runs the sake brewery and other family businesses; a younger son, Masao, an executive with Sony Music Entertainment in Japan; and a daughter, Naoko Okada, who also lives in Japan. He is also survived by his brother Kazuaki, who volunteered to take over the family sake brewery in Mr. Morita's stead; another brother, Masaaki, a long-time Sony executive, and a sister, Kikuko Iwama, who was married to the late Kazuo Iwama, a former president of Sony.

A LONGTIME OUTSIDER IS EMBRACED AT LAST

In the 1990's, corporate Japan, worried about escalating trade tensions, turned to Mr. Morita, whom it once considered an arrogant maverick, to be its official leader. Mr. Morita was slated to become chairman of Keidanren, Japan's most powerful business lobbying organization, a post that had always gone to the head of a company in an old-line heavy industry like steel.

But on Nov. 30, 1993, while playing his usual 7 A.M. Tuesday tennis game, Mr. Morita suffered a cerebral hemorrhage. A year later, just days after Sony announced its huge Hollywood loss, Mr. Morita, in a wheelchair, attended a Sony board meeting in Tokyo and resigned as chairman.

He had spent much of his time since then undergoing rehabilitation at his beachfront home near Diamond Head on the Hawaiian island of Oahu. At first, Mr. Morita was able to speak a little, shake hands and hit back tennis balls spit out by a machine, according to Mr. Wada, the retired Sony government relations manager.

But more recently, Mr. Wada said, Mr. Morita had lost the ability to speak and communicated mainly through eye contact with his wife. The couple's Christmas greeting card last year had a message from Mrs. Morita saying her husband rose at 6 A.M., retired at 9 P.M. and spent much of the day in rehabilitation. "He may be overeating," she said, mentioning his fondness for eel.

Until he was taken to the hospital in Tokyo in August, Mr. Morita had not returned to Japan for more than two years because of concerns that flying would further damage his health. He did not attend the 1997 funeral of Mr. Ibuka.

But Sony officials still visited him in Hawaii to keep him up to date on the business and show him new products. In January 1998, some 200 executives, friends and dignitaries came to Hawaii to attend a party for Mr. Morita's 77th birthday, considered a lucky age in Japan.•

TRIBUTE TO SISTER ELIZABETH CANDON

• Mr. JEFFORDS. Mr. President, it is with great pleasure that I rise today in honor of an extraordinary Vermont woman, Sister Elizabeth Candon. On January 1, 2000, Sister Elizabeth will retire from her post as Professor of English at Trinity College, and from a long career in public service. Whether in the role of teacher, college President, or public official, Sister Elizabeth has been a steadfast leader for women and a true advocate for those in need. She is and will remain a stunning example of how one person can positively affect so many.

In 1939, Sister Elizabeth Candon began her life of public service when she became a Religious Sister of Mercy. Educated at Trinity College and Fordham University, Sister Elizabeth started her career in 1954, when she returned to her alma mater as an Associate Professor of English and Director of Admissions. In 1966, she became a full Professor of English and Trinity College's President, a post she would hold until 1976.

In 1977, Sister Elizabeth left the world of academia to try her hand at state government. At the request of Vermont's Governor, Richard Snelling, Sister Elizabeth took the helm of Vermont's largest agency as Secretary of Human Services. As the first woman in Vermont history to serve as Secretary and the only woman in the Governor's cabinet, Sister Elizabeth quickly became a role model for Vermont women. Her tenure as Secretary also provided her with an opportunity to effect change and help those in need. Under her leadership, community based programs were developed and as a result, the Windsor State Prison and Vergennes' Week's School were both closed. This restructuring allowed the beneficial programs administered at these sites to be relocated throughout the state.

Sister Elizabeth was and continues to be tireless in her efforts to institute programs on behalf of those in need of mental health and developmental disabilities services. To this day she is remembered for her motto, "anything is possible if it matters not who gets the credit." Consequently, this legacy has woven its way into the mission of the Agency of Human Services.

Since returning to teaching at Trinity as Professor of English in 1983, Sister Elizabeth has continued to bring the beauty and inspiration of Shakespeare and Chaucer to her students. During this time, her steadfast leadership in community and public service has continued.

I should also acknowledge that throughout her career, Sister Elizabeth has served on many boards and Councils, further extending her influence on the issues important to her and to Vermonters. She sat on the Vermont Council on the Humanities and Public Issues, the Board of Directors for the United Community Service of Chittenden County, and the Board of Directors of Howard Mental Health Services. She also served as Trustee of Middlebury College and as Chairperson of the State Task Force on Funding for

Special Education. She remains a trustee at the Richard A. Snelling Center for Government and a Director of the Vermont Ethics Network.

As we celebrate Sister Elizabeth's 46 year career of service to the people of Vermont, I know she will continue to contribute in the years to come. As a Sister of Mercy, she brings honor to her religious community and touches the lives of those around her. While she is retiring at the end of this millennium, her legacy will live on well into the next.●

ELECTRONIC BENEFIT TRANSFER INTEROPERABILITY AND PORTABILITY ACT OF 1999

S. 1733, passed during today's session, follows:

S. 1733

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electronic Benefit Transfer Interoperability and Portability Act of 1999".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to protect the integrity of the food stamp program;

(2) to ensure cost-effective portability of food stamp benefits across State borders without imposing additional administrative expenses for special equipment to address problems relating to the portability;

(3) to enhance the flow of interstate commerce involving electronic transactions involving food stamp benefits under a uniform national standard of interoperability and portability; and

(4) to eliminate the inefficiencies resulting from a patchwork of State-administered systems and regulations established to carry out the food stamp program

SEC. 3. INTEROPERABILITY AND PORTABILITY OF FOOD STAMP TRANSACTIONS.

Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended by adding at the end the following:

"(k) INTEROPERABILITY AND PORTABILITY OF ELECTRONIC BENEFIT TRANSFER TRANSACTIONS.—

"(1) DEFINITIONS.—In this subsection:

"(A) ELECTRONIC BENEFIT TRANSFER CARD.—The term 'electronic benefit transfer card' means a card that provides benefits under this Act through an electronic benefit transfer service (as defined in subsection (i)(11)(A)).

"(B) ELECTRONIC BENEFIT TRANSFER CONTRACT.—The term 'electronic benefit transfer contract' means a contract that provides for the issuance, use, or redemption of coupons in the form of electronic benefit transfer cards.

"(C) INTEROPERABILITY.—The term 'interoperability' means a system that enables a coupon issued in the form of an electronic benefit transfer card to be redeemed in any State.

"(D) INTERSTATE TRANSACTION.—The term 'interstate transaction' means a transaction that is initiated in 1 State by the use of an electronic benefit transfer card that is issued in another State.

"(E) PORTABILITY.—The term 'portability' means a system that enables a coupon issued in the form of an electronic benefit transfer card to be used in any State by a household to purchase food at a retail food store or wholesale food concern approved under this Act.

"(F) SETTLING.—The term 'settling' means movement, and reporting such movement, of funds from an electronic benefit transfer card issuer that is located in 1 State to a retail food store, or wholesale food concern, that is located in another State, to accomplish an interstate transaction.

"(G) SMART CARD.—The term 'smart card' means an intelligent benefit card described in section 17(f).

"(H) SWITCHING.—The term 'switching' means the routing of an interstate transaction that consists of transmitting the details of a transaction electronically recorded through the use of an electronic benefit transfer card in 1 State to the issuer of the card that is in another State.

"(2) REQUIREMENT.—Not later than October 1, 2002, the Secretary shall ensure that systems that provide for the electronic issuance, use, and redemption of coupons in the form of electronic benefit transfer cards are interoperable, and food stamp benefits are portable, among all States.

"(3) COST.—The cost of achieving the interoperability and portability required under paragraph (2) shall not be imposed on any food stamp retail store, or any wholesale food concern, approved to participate in the food stamp program.

"(4) STANDARDS.—Not later than 210 days after the date of enactment, of this subsection, the Secretary shall promulgate regulations that—

"(A) adopt a uniform national standard of interoperability and portability required under paragraph (2) that is based on the standard of interoperability and portability used by a majority of State agencies; and

"(B) require that any electronic benefit transfer contract that is entered into 30 days or more after the regulations are promulgated, by or on behalf of a State agency, provide for the interoperability and portability required under paragraph (2) in accordance with the national standard.

"(5) EXEMPTIONS.—

"(A) CONTRACTS.—The requirements of paragraph (2) shall not apply to the transfer of benefits under an electronic benefit transfer contract before the expiration of the term of the contract if the contract—

"(i) is entered into before the date that is 30 days after the regulations are promulgated under paragraph (4); and

"(ii) expires after October 1, 2002.

"(B) WAIVER.—At the request of a State agency, the Secretary may provide 1 waiver to temporarily exempt, for a period ending on or before the date specified under clause (iii), the State agency from complying with the requirements of paragraph (2), if the State agency—

"(i) establishes to the satisfaction of the Secretary that the State agency faces unusual technological barriers to achieving by October 1, 2002, the interoperability and portability required under paragraph (2);

"(ii) demonstrates that the best interest of the food stamp program would be served by granting the waiver with respect to the electronic benefit transfer system used by the State agency to administer the food stamp program; and

"(iii) specifies a date by which the State agency will achieve the interoperability and portability required under paragraph (2).

"(C) SMART CARD SYSTEMS.—The Secretary shall allow a State agency that is using smart cards for the delivery of food stamp program benefits to comply with the requirements of paragraph (2) at such time after October 1, 2002, as the Secretary determines that a practicable technological method is available for interoperability with electronic benefit transfer cards.

"(6) FUNDING.—

"(A) IN GENERAL.—In accordance with regulations promulgated by the Secretary, the Secretary shall pay 100 percent of the costs incurred by a State agency under this Act for switching and settling interstate transactions—

"(i) incurred after the date of enactment of this subsection and before October 1, 2002, if the State agency uses the standard of interoperability and portability adopted by a majority of State agencies; and

"(ii) incurred after September 30, 2002, if the State agency uses the uniform national standard of interoperability and portability adopted under paragraph (4)(A).

"(B) LIMITATION.—The total amount paid to State agencies for each fiscal year under subparagraph (A) shall not exceed $500,000.".

SEC. 4. STUDY OF ALTERNATIVES FOR HANDLING ELECTRONIC BENEFIT TRANSACTIONS INVOLVING FOOD STAMP BENEFITS.

Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall study and report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on alternatives for handling interstate electronic benefit transactions involving food stamp benefits provided under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), including the feasibility and desirability of a single hub for switching (as defined in section 7(k)(1) of that Act (as added by section 3)).

MILLENNIUM DIGITAL COMMERCE ACT

S. 761, passed during today's session, follows:

S. 761

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Millennium Digital Commerce Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The growth of electronic commerce and electronic government transactions represent a powerful force for economic growth, consumer choice, improved civic participation and wealth creation.

(2) The promotion of growth in private sector electronic commerce through Federal legislation is in the national interest because that market is globally important to the United States.

(3) A consistent legal foundation, across multiple jurisdictions, for electronic commerce will promote the growth of such transactions, and that such a foundation should be based upon a simple, technology neutral, nonregulatory, and market-based approach.

(4) The Nation and the world stand at the beginning of a large scale transition to an information society which will require innovative legal and policy approaches, and therefore, States can serve the national interest by continuing their proven role as laboratories of innovation for quickly evolving areas of public policy, provided that States

also adopt a consistent, reasonable national baseline to eliminate obsolete barriers to electronic commerce such as undue paper and pen requirements, and further, that any such innovation should not unduly burden inter-jurisdictional commerce.

(5) To the extent State laws or regulations do not provide a consistent, reasonable national baseline or in fact create an undue burden to interstate commerce in the important burgeoning area of electronic commerce, the national interest is best served by Federal preemption to the extent necessary to provide such consistent, reasonable national baseline or eliminate said burden, but that absent such lack of consistent, reasonable national baseline or such undue burdens, the best legal system for electronic commerce will result from continuing experimentation by individual jurisdictions.

(6) With due regard to the fundamental need for a consistent national baseline, each jurisdiction that enacts such laws should have the right to determine the need for any exceptions to protect consumers and maintain consistency with existing related bodies of law within a particular jurisdiction.

(7) Industry has developed several electronic signature technologies for use in electronic transactions, and the public policies of the United States should serve to promote a dynamic marketplace within which these technologies can compete. Consistent with this Act, States should permit the use and development of any authentication technologies that are appropriate as practicable as between private parties and in use with State agencies.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to permit and encourage the continued expansion of electronic commerce through the operation of free market forces rather than proscriptive governmental mandates and regulations;

(2) to promote public confidence in the validity, integrity and reliability of electronic commerce and online government under Federal law;

(3) to facilitate and promote electronic commerce by clarifying the legal status of electronic records and electronic signatures in the context of contract formation;

(4) to facilitate the ability of private parties engaged in interstate transactions to agree among themselves on the appropriate electronic signature technologies for their transactions; and

(5) to promote the development of a consistent national legal infrastructure necessary to support electronic commerce at the Federal and State levels within existing areas of jurisdiction.

SEC. 4. DEFINITIONS.

In this Act:

(1) Electronic.—The term "electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(2) Electronic agent.—The term "electronic agent" means a computer program or an electronic or other automated means used to initiate an action or respond to electronic records or performances in whole or in part without review by an individual at the time of the action or response.

(3) Electronic record.—The term "electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

(4) Electronic signature.—The term "electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(5) Governmental agency.—The term "governmental agency" means an executive, legislative, or judicial agency, department, board, commission, authority, or institution of the Federal Government or of a State or of any county, municipality, or other political subdivision of a State.

(6) Record.—The term "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(7) Transaction.—The term "transaction" means an action or set of actions relating to the conduct of commerce, between 2 or more persons, neither of which is the United States Government, a State, or an agency, department, board, commission, authority, or institution of the United States Government or of a State.

(8) Uniform electronic transactions act.—The term "Uniform Electronic Transactions Act" means the Uniform Electronic Transactions Act as provided to State legislatures by the National Conference of Commissioners on Uniform State Law in that form or any substantially similar variation thereof.

SEC. 5. INTERSTATE CONTRACT CERTAINTY.

(a) In General.—In any commercial transaction affecting interstate commerce, a contract may not be denied legal effect or enforceability solely because an electronic signature or electronic record was used in its formation.

(b) Methods.—Parties to a transaction are permitted to determine the appropriate electronic signature technologies for their transaction, and the means of implementing such technologies.

(c) Presentation of Contracts.—Notwithstanding subsection (a), if a law requires that a contract be in writing, the legal effect or enforceability of an electronic record of such contract shall be denied under such law, unless it is delivered to all parties to such contract in a form that—

(1) can be retained by the parties for later reference; and

(2) can be used to prove the terms of the agreement.

(d) Specific Exclusions.—The provisions of this section shall not apply to a statute, regulation, or other rule of law governing any of the following:

(1) The Uniform Commercial Code, as in effect in a State, other than sections 1-107 and 1-206, Article 2, and Article 2A.

(2) Premarital agreements, marriage, adoption, divorce or other matters of family law.

(3) Documents of title which are filed of record with a governmental unit until such time that a State or subdivision thereof chooses to accept filings electronically.

(4) Residential landlord-tenant relationships.

(5) The Uniform Health-Care Decisions Act as in effect in a State.

(e) Electronic Agents.—A contract relating to a commercial transaction affecting interstate commerce may not be denied legal effect or enforceability solely because its formation involved—

(1) the interaction of electronic agents of the parties; or

(2) the interaction of an electronic agent of a party and an individual who acts on that individual's own behalf or as an agent for another person.

(f) Insurance.—It is the specific intent of the Congress that this section apply to the business of insurance.

(g) Application in UETA States.—This section does not apply in any State in which the Uniform Electronic Transactions Act is in effect.

SEC. 6. PRINCIPLES GOVERNING THE USE OF ELECTRONIC SIGNATURES IN INTERNATIONAL TRANSACTIONS.

To the extent practicable, the Federal Government shall observe the following principles in an international context to enable commercial electronic transaction:

(1) Remove paper-based obstacles to electronic transactions by adopting relevant principles from the Model Law on Electronic Commerce adopted in 1996 by the United Nations Commission on International Trade Law.

(2) Permit parties to a transaction to determine the appropriate authentication technologies and implementation models for their transactions, with assurance that those technologies and implementation models will be recognized and enforced.

(3) Permit parties to a transaction to have the opportunity to prove in court or other proceedings that their authentication approaches and their transactions are valid.

(4) Take a nondiscriminatory approach to electronic signatures and authentication methods from other jurisdictions.

SEC. 7. STUDY OF LEGAL AND REGULATORY BARRIERS TO ELECTRONIC COMMERCE.

(a) Barriers.—Each Federal agency shall, not later than 6 months after the date of enactment of this Act, provide a report to the Director of the Office of Management and Budget and the Secretary of Commerce identifying any provision of law administered by such agency, or any regulations issued by such agency and in effect on the date of enactment of this Act, that may impose a barrier to electronic transactions, or otherwise to the conduct of commerce online or by electronic means, including barriers imposed by a law or regulation directly or indirectly requiring that signatures, or records of transactions, be accomplished or retained in other than electronic form. In its report, each agency shall identify the barriers among those identified whose removal would require legislative action, and shall indicate agency plans to undertake regulatory action to remove such barriers among those identified as are caused by regulations issued by the agency.

(b) Report to Congress.—The Secretary of Commerce, in consultation with the Director of the Office of Management and Budget, shall, within 18 months after the date of enactment of this Act, and after the consultation required by subsection (c) of this section, report to the Congress concerning—

(1) legislation needed to remove barriers to electronic transactions or otherwise to the conduct of commerce online or by electronic means; and

(2) actions being taken by the Executive Branch and individual Federal agencies to remove such barriers as are caused by agency regulations or policies.

(c) Consultation.—In preparing the report required by this section, the Secretary of Commerce shall consult with the General Services Administration, the National Archives and Records Administration, and the Attorney General concerning matters involving the authenticity of records, their storage and retention, and their usability for law enforcement purposes.

(d) Include Findings if No Recommendations.—If the report required by this section omits recommendations for actions needed to fully remove identified barriers to electronic transactions or to online or electronic commerce, it shall include a finding or findings, including substantial reasons therefor, that such removal is impracticable or would be inconsistent with the implementation or enforcement of applicable laws.

TO AMEND THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT

S. 961, passed during today's session, follows:

S. 961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHARED APPRECIATION ARRANGEMENTS.

(a) IN GENERAL.—Section 353(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001(e)) is amended by striking paragraph (2) and inserting the following:

"(2) TERMS.—A shared appreciation agreement entered into by a borrower under this subsection shall—

"(A) have a term not to exceed 10 years;

"(B) provide for recapture based on the difference between—

"(i) the appraised value of the real security property at the time of restructuring; and

"(ii) that value at the time of recapture, except that that value shall not include the value of any capital improvements made to the real security property by the borrower after the time of restructuring; and

"(C) allow the borrower to obtain a loan, in addition to any other outstanding loans under this title, to pay any amounts due on a shared appreciation agreement, at a rate of interest that is not greater than the rate of interest on outstanding marketable obligations of the United States of a maturity comparable to that of the loan.".

(b) APPLICATION.—The amendment made by subsection (a) shall apply to a shared appreciation arrangement entered into under section 353(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001(e)) that matures on or after the date of enactment of this Act.

ENERGY AND WATER RELATED MEASURES

Mr. LOTT. Mr. President, I thank Senator DASCHLE for his work on this next group of bills. It involves a number of energy-related, water-related bills out of the Energy and Natural Resources Committee. I also want to recognize Senator MURKOWSKI, the chairman of the committee.

These are quite often considered to be small bills, but to a number of areas or States or Senators, they are very big in importance. Senator MURKOWSKI and Senator BINGAMAN have worked feverishly to try to get through a number of problems. It is one of those classic cases where you have one problem that develops with a bill; then it affects other bills. Senator DASCHLE took the time and the lead in working through some of these problems. I want to recognize the work he did.

I also commit publicly on the record to proceed to S. 1051, the Northern Marianas bill, by February 15. We would have liked to have been able to go ahead and get a complete unanimous consent about the total arrangements for it being handled, but Senators who did have questions are now probably on airplanes headed halfway across the country. We will work together. I will make a commitment to bring this up by the 15th.

Does Senator DASCHLE want to make any comment on that?

Mr. DASCHLE. Mr. President, I appreciate the commitment made by the majority leader. I know Senator AKAKA is disappointed that it is not in this package of bills. He has worked, along with senator MURKOWSKI who, I think, may be a cosponsor of this legislation, to pass it tonight. That is impossible. But I think Senator AKAKA is certainly willing to accept the commitment made by the majority leader that by the 15th we will take up this legislation and hopefully resolve it successfully in the not-too-distant future. This is an important bill, the Marianas. It is an important bill for Senator AKAKA, and I am appreciative of the commitment that is now part of the record that we will come back to this bill in a matter of months.

UNANIMOUS-CONSENT AGREEMENT—S. 744

Mr. LOTT. Mr. President, I ask unanimous consent that the majority leader, following consultation with the Democratic leader, proceed to the consideration of S. 744, regarding conveying public lands to the University of Alaska, that immediately after the bill is reported, the committee amendment be agreed to as original text for the purpose of further amendment; and that the bill, as amended, be considered under the following limitations: That there be 4 hours for debate on the bill, equally divided and controlled between the chairman and ranking member, with the only amendments in order as follows: Bingaman, two relevant amendments; and Murkowski, one relevant amendment; that no second-degree or other first-degree amendments be in order, with debate time on the amendments limited to 60 minutes each, equally divided and controlled in the usual form; that upon disposition of all the amendments and the use or yielding back of all time, the bill be read a third time and the Senate proceed to vote on passage of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration en bloc of the following reported bills by the Energy Committee: S. 366, Calendar No. 49; S. 501, Calendar No. 238, with amendment 2801; S. 244, Calendar No. 242.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask unanimous consent that any committee amendments, if applicable, be agreed to, any floor amendments as mentioned be agreed to, the bills be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to any of these bills be printed in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

EL CAMINO REAL DE TIERRA ADENTRO NATIONAL HISTORIC TRAIL ACT

The Senate proceeded to consider the bill (S. 366) to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail, which was ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 366

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "El Camino Real de Tierra Adentro National Historic Trail Act."

SEC. 2. FINDINGS.

The Congress finds the following:

(1) El Camino Real de Tierra Adentro (the Royal Road of the Interior), served as the primary route between the colonial Spanish capital of Mexico City and the Spanish provincial capitals at San Juan de Los Caballeros (1598–1600), San Gabriel (1600–1609) and then Santa Fe (1610–1821).

(2) The portion of El Camino Real de Tierra Adentro that resided in what is now the United States extended between El Paso, Texas and present San Juan Pueblo, New Mexico, a distance of 404 miles;

(3) El Camino Real is a symbol of the cultural interaction between nations and ethnic groups and of the commercial exchange that made possible the development and growth of the borderland;

(4) American Indian groups, especially the Pueblo Indians of the Rio Grande, developed trails for trade long before Europeans arrived;

(5) In 1598, Juan de Oñate led a Spanish military expedition along those trails to establish the northern portion of El Camino Real;

(6) During the Mexican National Period and part of the U.S. Territorial Period, El Camino Real de Tierra Adentro facilitated the emigration of people to New Mexico and other areas that would become the United States;

(7) The exploration, conquest, colonization, settlement, religious conversion, and military occupation of a large area of the borderlands was made possible by this route, whose historical period extended from 1598 to 1882;

(8) American Indians, European emigrants, miners, ranchers, soldiers, and missionaries used El Camino Real during the historic development of the borderlands. These travelers promoted cultural interaction among Spaniards, other Europeans, American Indians, Mexicans, and Americans;

(9) El Camino Real fostered the spread of Catholicism, mining, an extensive network of commerce, and ethnic and cultural traditions including music, folklore, medicine, foods, architecture, language, place names, irrigation systems, and Spanish law.

SEC. 3. AUTHORIZATION AND ADMINISTRATION.

Section 5 (a) of the National Trails System Act (16 U.S.C. 1244 (a)) is amended—

(1) by designating the paragraphs relating to the California National Historic Trail, the Pony Express National Historic Trail, and the Selma to Montgomery National Historic Trail as paragraphs (18), (19), and (20), respectively; and

(2) by adding at the end the following:

"(21) El Camino Real de Tierra Adentro.—

"(A) El Camino Real de Tierra Adentro (the Royal Road of the Interior) National Historic Trail, a 404 mile long trail from the Rio Grande near El Paso, Texas to present San Juan Pueblo, New Mexico, as generally depicted on the maps entitled 'United States Route: El Camino Real de Tierra Adentro', contained in the report prepared pursuant to subsection (b) entitled 'National Historic Trail Feasibility Study and Environmental Assessment: El Camino Real de Tierra Adentro, Texas-New Mexico', dated March 1997.

"(B) Map.—A map generally depicting the trail shall be on file and available for public inspection in the Office of the National Park Service, Department of Interior.

"(C) Administration.—The Trail shall be administered by the Secretary of the Interior.

"(D) Land acquisition.—No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for El Camino Real de Tierra Adentro except with the consent of the owner thereof.

"(E) Volunteer groups; consultation.—The Secretary of the Interior shall—

"(i) encourage volunteer trail groups to participate in the development and maintenance of the trail; and

"(ii) consult with other affected Federal, State, local governmental, and tribal agencies in the administration of the trail.

"(F) Coordination of activities.—The Secretary of the Interior may coordinate with United States and Mexican public and non-governmental organizations, academic instititions, and, in consultation with the Secretary of State, the government of Mexico and its political subdivisions, for the purpose of exchanging trail information and research, fostering trail preservation and educational programs, providing technical assistance, and working to establish an international historic trail with complementary preservation and education programs in each nation.".

GLACIER BAY FISHERIES ACT

The Senate proceeded to consider the bill (S. 501) to address resource management issues in Glacier Bay National Park, Alaska, which had been reported from the Committee on Energy and Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Glacier Bay Fisheries Act".

SEC. 2. RESOURCE MANAGEMENT AND USE.

(a) Section 202(1) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 410hh-1) is amended by adding at the end thereof the following new sentence: "Subsistence fishing and gathering by local residents shall be permitted in the park and preserve in accordance with the provisions of title VIII.".

(b) Within the boundaries of Glacier Bay National Park, the Secretary of the Interior shall not take any action that would adversely affect—

(1) subsistence fishing and gathering under title VIII of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3111 et seq.);

(2) management by the State of Alaska of marine fisheries including subsistence and commercial fisheries, in accordance with the principles of sustained yield, except that commercial fishing for Dungeness crab shall be prohibited; and.

(3) subsistence gathering activities permitted under the Migratory Bird Treaty.

(c) Nothing in this section shall enlarge or diminish Federal or State title; jurisdiction or authority with respect to the waters of the State of Alaska, the waters within the boundaries of Glacier Bay National Park and Preserve, or the tidal or submerged lands.

SEC. 3. CLAIMS FOR LOST EARNINGS.

Section 3(g) of Public Law 91–383 (16 U.S.C. 1a–2(g)) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (2) the following:

"(3) to pay an aggregate of not more than $2,000,000 per fiscal year in actual and punitive damages to persons who, at any time after January 1, 1999, suffered or suffer a loss in earnings from commercial fisheries legally conducted in the marine waters of Glacier Bay National Park, due to any action by an officer, employee, or agent of any Federal department or agency."

Amendment No. 2801 was agreed to as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Glacier Bay National Park Resource Management Act of 1999".

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term "local residents" means those persons living within the vicinity of Glacier Bay National Park and Preserve, including but not limited to the residents of Hoonah, Alaska, who are descendants of those who had an historic and cultural tradition of sea gull egg gathering within the boundary of what is now Glacier Bay National Park and Preserve.

(2) the term "outer waters" means all of the marine waters within the park outside of Glacier Bay proper;

(3) the term "park" means Glacier Bay National Park.

(4) the term "Secretary" means the Secretary of the Interior; and

(5) the term "State" means the State of Alaska.

SEC. 3. COMMERCIAL FISHING.

(a) In General.—The Secretary shall allow for commercial fishing in the outer waters of the park in accordance with the management plan referred to in subsection (b) in a manner that provides for the protection of park resources and values.

(b) Management Plan.—The Secretary and the State shall cooperate in the development of a management plan for the regulation of commercial fisheries in the outer waters of the park in accordance with existing Federal and State laws and any applicable international conservation and management treaties.

(c) Savings.—(1) Nothing in this Act shall alter or affect the provisions of section 123 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1999 (Public Law 105–277), as amended by section 501 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31).

(2) Nothing in this Act shall enlarge or diminish Federal or State title, jurisdiction, or authority with respect to the waters of the State of Alaska, the waters within Glacier Bay National Park and Preserve, or tidal or submerged lands.

(d) Study.—(1) Not later than one year after the date funds are made available, the Secretary, in consultation with the State, the National Marine Fisheries Service, the International Pacific Halibut Commission, and other affected agencies shall develop a plan for a comprehensive multi-agency research and monitoring program to evaluate the health of fisheries resources in the park's marine waters, to determine the effect, if any, of commercial fishing on—

(A) the productivity, diversity, and sustainability of fishery resources in such waters; and

(B) park resources and values.

(2) The Secretary shall promptly notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives upon the completion of the plan.

(3) The Secretary shall complete the program set forth in the plan not later than seven years after the date the Congressional Committees are notified pursuant to paragraph (2), and shall transmit the results of the program to such Committees on a biennial basis.

SEC. 4. SEA GULL EGG COLLECTION STUDY.

(a) Study.—the Secretary, in consultation with local residents, shall undertake a study of sea gulls living within the park to assess whether sea gull eggs can be collected on a limited basis without impairing the biological sustainability of the sea gull population in the park. The study shall be completed no later than two years after the date funds are made available.

(b) Recommendations.—If the study referred to in subsection (a) determines that the limited collection of sea gull eggs can occur without impairing the biological sustainability of the sea gull population in the park, the Secretary shall submit recommendations for legislation to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out this Act.".

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 501), as amended, was read the third time and passed, as follows:

S. 501

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Glacier Bay National Park Resource Management Act of 1999".

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term "local residents" means those persons living within the vicinity of Glacier Bay National Park and Preserve, including but not limited to the residents of Hoonah, Alaska, who are descendants of those who had an historic and cultural tradition of sea gull egg gathering within the boundary of what is now Glacier Bay National Park and Preserve;

(2) the term "outer waters" means all of the marine waters within the park outside of Glacier Bay proper;

(3) the term "park" means Glacier Bay National Park;

(4) the term "Secretary" means the Secretary of the Interior; and

(5) the term "State" means the State of Alaska.

SEC. 3. COMMERCIAL FISHING.

(a) In General.—The Secretary shall allow for commercial fishing in the outer waters of the park in accordance with the management plan referred to in subsection (b) in a manner that provides for the protection of park resources and values.

(b) Management Plan.—The Secretary and the State shall cooperate in the development of a management plan for the regulation of commercial fisheries in the outer waters of the park in accordance with existing Federal and State laws and any applicable international conservation and management treaties.

(c) Savings.—(1) Nothing in this Act shall alter or affect the provisions of section 123 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1999 (Public Law 105-277), as amended by section 501 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106-31).

(2) Nothing in this Act shall enlarge or diminish Federal or State title, jurisdiction, or authority with respect to the waters of the State of Alaska, the waters within Glacier Bay National Park and Preserve, or tidal or submerged lands.

(d) Study.—(1) Not later than one year after the date funds are made available, the Secretary, in consultation with the State, the National Marine Fisheries Service, the International Pacific Halibut Commission, and other affected agencies shall develop a plan for a comprehensive multi-agency research and monitoring program to evaluate the health of fisheries resources in the park's marine waters, to determine the effect, if any, of commercial fishing on—

(A) the productivity, diversity, and sustainability of fishery resources in such waters; and

(B) park resources and values.

(2) The Secretary shall promptly notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives upon the completion of the plan.

(3) The Secretary shall complete the program set forth in the plan not later than seven years after the date the Congressional Committees are notified pursuant to paragraph (2), and shall transmit the results of the program to such Committees on a biennial basis.

SEC. 4. SEA GULL EGG COLLECTION STUDY.

(a) Study.—The Secretary, in consultation with local residents, shall undertake a study of sea gulls living within the park to assess whether sea gull eggs can be collected on a limited basis without impairing the biological sustainability of the sea gull population in the park. The study shall be completed no later than two years after the date funds are made available.

(b) Recommendations.—If the study referred to in subsection (a) determines that the limited collection of sea gull eggs can occur without impairing the biological sustainability of the sea gull population in the park, the Secretary shall submit recommendations for legislation to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out this Act.

LEWIS AND CLARK RURAL WATER SYSTEM ACT OF 1999

The Senate proceeded to consider the bill (S. 244) to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lewis and Clark Rural Water System Act of 1999".

SEC. 2. DEFINITIONS.

In this Act:

(1) Environmental enhancement.—The term "environmental enhancement" means the wetland and wildlife enhancement activities that are carried out substantially in accordance with the environmental enhancement component of the feasibility study.

(2) Environmental enhancement component.—The term "environmental enhancement component" means the proposals described in the report entitled "Wetlands and Wildlife Enhancement for the Lewis and Clark Rural Water System", dated December 1994.

(3) Feasibility study.—The term "feasibility study" means the study entitled "Feasibility Level Evaluation of a Missouri River Regional Water Supply for South Dakota, Iowa and Minnesota", dated September 1993, that includes a water conservation plan, environmental report, and environmental enhancement component.

(4) Incremental cost.—The term "incremental cost" means the cost of the savings to the project were the city of Sioux Falls not to participate in the water supply system.

(5) Member entity.—The term "member entity" means a rural water system or municipality that meets the requirements for membership as defined by the Lewis and Clark Rural Water System, Inc. bylaws, dated September 6, 1990.

(6) Project construction budget.—The term "project construction budget" means the description of the total amount of funds needed for the construction of the water supply project, as contained in the feasibility study.

(7) Pumping and incidental operational requirements.—The term "pumping and incidental operational requirements" means all power requirements that are necessary for the operation of intake facilities, pumping stations, water treatment facilities, reservoirs, and pipelines up to the point of delivery of water by the water supply system to each member entity that distributes water at retail to individual users.

(8) Secretary.—The term "Secretary" means the Secretary of the Interior.

(9) Water supply project.—

(A) In general.—The term "water supply project" means the physical components of the Lewis and Clark Rural Water Project.

(B) Inclusions.—The term "water supply project" includes—

(i) necessary pumping, treatment, and distribution facilities;

(ii) pipelines;

(iii) appurtenant buildings and property rights;

(iv) electrical power transmission and distribution facilities necessary for services to water systems facilities; and

(v) such other pipelines, pumping plants, and facilities as the Secretary considers necessary and appropriate to meet the water supply, economic, public health, and environment needs of the member entities (including water storage tanks, water lines, and other facilities for the member entities).

(10) Water supply system.—The term "water supply system" means the Lewis and Clark Rural Water System, Inc., a nonprofit corporation established and operated substantially in accordance with the feasibility study.

SEC. 3. FEDERAL ASSISTANCE FOR THE WATER SUPPLY SYSTEM.

(a) In General.—The Secretary shall make grants to the water supply system for the planning and construction of the water supply project.

(b) Service Area.—The water supply system shall provide for the member entities safe and adequate municipal, rural, and industrial water supplies, environmental enhancement, mitigation of wetland areas, and water conservation in—

(1) Lake County, McCook County, Minnehaha County, Turner County, Lincoln County, Clay County, and Union County, in southeastern South Dakota;

(2) Rock County and Nobles County, in southwestern Minnesota; and

(3) Lyon County, Sioux County, Osceola County, O'Brien County, Dickinson County, and Clay County, in northwestern Iowa.

(c) Amount of Grants.—Grants made available under subsection (a) to the water supply system shall not exceed the amount of funds authorized under section 9.

(d) Limitation on Availability of Construction Funds.—The Secretary shall not obligate funds for the construction of the water supply project until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met; and

(2) a final engineering report and a plan for a water conservation program are prepared and submitted to Congress not less than 90 days before the commencement of construction of the water supply project.

SEC. 4. FEDERAL ASSISTANCE FOR THE ENVIRONMENTAL ENHANCEMENT COMPONENT.

(a) Initial Development.—The Secretary shall make grants and other funds available to the water supply system and other private, State, and Federal entities, for the initial development of the environmental enhancement component.

(b) Nonreimbursement.—Funds provided under subsection (a) shall be nonreimbursable and nonreturnable.

SEC. 5. MITIGATION OF FISH AND WILDLIFE LOSSES.

Mitigation for fish and wildlife losses incurred as a result of the construction and operation of the water supply project shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction, as provided in the feasibility study.

SEC. 6. USE OF PICK-SLOAN POWER.

(a) In General.—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri River Basin Program, the Western Area Power Administration shall make available the capacity and energy required to meet the pumping and incidental operational requirements of the water supply project during the period beginning May 1 and ending October 31 of each year.

(b) Conditions.—The capacity and energy described in subsection (a) shall be made available on the following conditions:

(1) The water supply system shall be operated on a not-for-profit basis.

(2) The water supply system shall contract to purchase the entire electric service requirements of the project, including the capacity and energy made available under subsection (a), from a qualified preference power supplier that itself purchases power from the Western Area Power Administration.

(3) The rate schedule applicable to the capacity and energy made available under subsection (a) shall be the firm power rate schedule of the Pick-Sloan Eastern Division of the Western Area Power Administration in effect when the power is delivered by the Administration to the qualified preference power supplier.

(4) It is agreed by contract among—

(A) the Western Area Power Administration;

(B) the power supplier with which the water supply system contracts under paragraph (2);

(C) the power supplier of the entity described in subparagraph (B); and

(D) the water supply system;

that in the case of the capacity and energy made available under subsection (a), the benefit of the rate schedule described in paragraph (3) shall be passed through to the water supply system, except that the power supplier of the water supply system shall not be precluded from including, in the charges of the supplier to the water system for the electric service, the other usual and customary charges of the supplier.

SEC. 7. NO LIMITATION ON WATER PROJECTS IN STATES.

This Act does not limit the authorization for water projects in the States of South Dakota, Iowa, and Minnesota under law in effect on or after the date of enactment of this Act.

SEC. 8. WATER RIGHTS.

Nothing in this Act—

(1) invalidates or preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

(3) preempts or modifies any Federal or State law, or interstate compact, governing water quality or disposal; or

(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.

SEC. 9. COST SHARING.

(a) Federal Cost Share.—

(1) In General.—Except as provided in paragraph (2), the Secretary shall provide funds equal to 80 percent of—

(A) the amount allocated in the total project construction budget for planning and construction of the water supply project under section 3; and

(B) such amounts as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after September 1, 1993.

(2) Sioux Falls.—The Secretary shall provide funds for the city of Sioux Falls, South Dakota, in an amount equal to 50 percent of the incremental cost to the city of participation in the project.

(b) Non-Federal Cost Share.—

(1) In General.—Except as provided in paragraph (2), the non-Federal share of the costs allocated to the water supply system shall be 20 percent of the amounts described in subsection (a)(1).

(2) Sioux Falls.—The non-Federal cost-share for the city of Sioux Falls, South Dakota, shall be 50 percent of the incremental cost to the city of participation in the project.

SEC. 10. BUREAU OF RECLAMATION.

(a) Authorization.—At the request of the water supply system, the Secretary may allow the Commissioner of Reclamation to provide project construction oversight to the water supply project and environmental enhancement component for the service area of the water supply system described in section 3(b).

(b) Project Oversight Administration.—The amount of funds used by the Commissioner of Reclamation for oversight described in subsection (a) shall not exceed the amount that is equal to 1 percent of the amount provided in the total project construction budget for the entire project construction period.

(c) Operation and Maintenance.—The water supply system shall be responsible for annual operation and maintenance of the project.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $223,987,700, to remain available until expended, of which not more than $10,100,000 shall be used for the initial development of the environmental enhancement component under section 4.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 244), as amended, was read the third time and passed.

THE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration en bloc of the following reported by the Energy Committee:

Calendar No. 138, H.R. 449; calendar No. 179, H.R. 459; calendar No. 198, H.R. 791; calendar No. 224, H.R. 15; calendar No. 250, H.R. 747; calendar No. 251, H.R. 1104; calendar No. 277, H.R. 658; calendar No. 313, H.R. 1665; calendar No. 333, H.R. 2140; calendar No. 347, H.R. 970; calendar No. 348, H.R. 1528; calendar No. 367, H.R. 20; calendar No. 368, H.R. 592; calendar No. 369, H.R. 1619.

I further ask consent that H.R. 2079 be discharged from the Energy Committee and the Senate proceed to its consideration and H.R. 2889, which is at the desk.

I ask unanimous consent that any committee amendments, if applicable, be agreed to, with exception of calendar No. 367, H.R. 20, in which the committee amendments be withdrawn, and further, any amendments mentioned be agreed to, the bills be read the third time and passed, any title amendments be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to any of these bills appear at this point in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

GATEWAY VISITOR CENTER AUTHORIZATION ACT OF 1999

The bill (H.R. 449) to authorize the Gateway Visitor Center at Independence National Historical Park, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

MT. HOPE WATERPOWER PROJECT

The bill (H.R. 459) to extend the deadline under the Federal Power Act for FERC Project No. 9401, the Mt. Hope Waterpower Project, was considered, ordered to a third reading, read the third time, and passed.

STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL STUDY ACT OF 1999

The bill (H.R. 791) to amend the National Trails System Act to designate the route of the War of 1812 British invasion of Maryland and Washington, District of Columbia, and the route of the American defense, for study for potential addition to the national trails system, was considered, ordered to a third reading, read the third time, and passed.

OTAY MOUNTAIN WILDERNESS ACT OF 1999

The bill (H.R. 15) to designate a portion of the Otay Mountain region of California as wilderness, was considered, ordered to a third reading, read the third time, and passed.

ARIZONA STATEHOOD AND ENABLING ACT OF AMENDMENTS OF 1999

The bill (H.R. 747) to protect the permanent trust funds of the State of Arizona from erosion due to inflation and modify the basis on which distributions are made from those funds, was considered, ordered to a third reading, read the third time, and passed.

FRANKLIN D. ROOSEVELT NATIONAL HISTORIC SITE VISITOR CENTER

The bill (H.R. 1104) to authorize the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Home of Franklin D. Roosevelt National Historic Site to the Archivist of the United States for the construction of a visitor center, was considered, ordered to a third reading, read the third time, and passed.

THOMAS COLE NATIONAL HISTORIC SITE ACT

The bill (H.R. 658) to establish the Thomas Cole National Historic Site in the State of New York as an affiliated area of the National Park System, was considered, ordered to a third reading, read the third time, and passed.

WILDERNESS BATTLEFIELD LAND ACQUISITION

The bill (H.R. 1665) to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield in Virginia, as previously authorized by law, by purchase or exchange as well as by donation, was considered, ordered to a third reading, read the third time, and passed.

CHATTAHOOCHEE RIVER NATIONAL RECREATION AREA IMPROVEMENT

The bill (H.R. 2140) to improve protection and management of the Chattahoochee River National Recreation Area in the State of Georgia, was considered, ordered to a third reading, read the third time, and passed.

PERKINS COUNTY RURAL WATER SYSTEM ACT OF 1999

The bill (H.R. 970) to authorize the Secretary of the Interior to provide assistance to the Perkins County Rural Water System, Inc., for the construction of water supply facilities in Perkins County, South Dakota, was considered, ordered to a third reading, read the third time, and passed.

NATIONAL GEOLOGIC MAPPING REAUTHORIZATION ACT OF 1999

The bill (H.R. 1528) to reauthorize and amend the National Geologic Mapping Act of 1992, was considered, ordered to a third reading, read the third time, and passed.

UPPER DELAWARE SCENIC AND RECREATIONAL RIVER MONGAUP VISITOR CENTER ACT OF 1999

The bill (H.R. 20) to authorize the Secretary of the Interior to construct and operate a visitor center for the upper Delaware Scenic and Recreational River on land owned by the State of New York, which had been reported from the Committee on Energy and Natural Resources, was considered, ordered to a third reading, read the third time, and passed.

WORLD WAR VETERANS PARK AT MILLER FIELD

The bill (H.R. 592) to designate a portion of gateway National Recreation Area as "World War Veterans Park at Miller Field," was considered, ordered to a third reading, read the third time, and passed.

QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR REAUTHORIZATION ACT OF 1999

The bill (H.R. 1619) to amend Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to expand the boundaries of the Corridor, was considered, ordered to a third reading, read the third time, and passed.

TERRY PEAK LAND TRANSFER ACT OF 1999

The bill (H.R. 2079) to provide for the conveyance of certain National Forest System lands in the State of South Dakota, was considered, ordered to a third reading, read the third time, and passed.

AMENDING THE CENTRAL UTAH PROJECT COMPLETION ACT

The bill (H.R. 2889) to amend the Central Utah Project Completion Act to provide for acquisitions of water and water rights for Central Utah Project purposes, completion of Central Utah project facilities, and implementation of water conservation measures, was considered, ordered to a third reading, read the third-time, and passed.

THE CALENDER

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration, en bloc, of the following reported by the Energy Committee:

Calendar No. 137, H.R. 154; calendar No. 142, S. 698; calendar No. 143, S. 748; calender No. 172, S. 734; calendar No. 217, S. 348, with an amendment numbered 2802; calendar No. 223, S. 1088, with amendment numbered 2803; calendar No. 235, S. 711; calendar No. 236, H.R. 149, with an amendment 2804; calendar No. 245, S. 1329, calendar No. 246, S. 1330; calendar, No. 298, S. 1236; calendar No. 302, S. 769; calendar No. 303, S. 986; calender No. 304, S. 1030; calender No. 305, S. 1211; calendar No. 306, S. 1288, with amendment numbered 2805; calendar No. 318, S. 710; calendar No. 319, S. 905, calendar No. 320, S. 1117; calendar No. 321, S. 1324; calendar No. 330, S. 1275; calendar No. 335, S. 624; calendar No. 349, H.R. 1753, with an amendment numbered 2806; calendar No. 361, S. 439; calendar No. 362, S. 977; calendar No. 363, S. 1296; calendar No. 365, S. 1569; calendar No. 366, S. 1599.

I ask unanimous consent that any committee amendments, if applicable, be agreed to, any floor amendments be agreed to, the bills read the third time and passed, any title amendments be agreed to, the motions to reconsider be laid upon the table, and any statements relating to any of these bills appear at this point in the RECORD, with all of the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEE SYSTEM FOR COMMERCIAL FILMING ACTIVITIES ON FEDERAL LAND

The Senate proceeded to consider the bill (H.R. 154) to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in National Park System and National Wildlife Refuge System units, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause inserting in lieu thereof the following:

SECTION 1. COMMERCIAL FILMING.

(a) COMMERCIAL FILMING FEE.—The Secretary of the Interior and the Secretary of Agriculture (hereinafter individually referred to as the "Secretary" with respect to lands under their respective jurisdiction) shall require a permit and shall establish a reasonable fee for commercial filming activities or similar projects on Federal lands administered by the Secretary. Such fee shall provide a fair return to the United States and shall be based upon the following criteria:

(1) The number of days the filming activity or similar project takes place on Federal land under the Secretary's jurisdiction.

(2) The size of the film crew present on Federal land under the Secretary's jurisdiction.

(3) The amount and type of equipment present.

The Secretary may include other factors in determining an appropriate fee as the Secretary deems necessary.

(b) RECOVERY OF COSTS.—The Secretary shall also collect any costs incurred as a result of filming activities or similar project, including but not limited to administrative and personnel costs. All costs recovered shall be in addition to the fee assessed in subsection (a).

(c) STILL PHOTOGRAPHY.—(1) Except as provided in paragraph (2), the Secretary shall not require a permit nor assess a fee for still photography on lands administered by the Secretary if such photography takes place where members of the public are generally allowed. The Secretary may require a permit, fee, or both, if such photography takes place at other locations where members of the public are generally not allowed, or where additional administrative costs are likely.

The Secretary shall require and shall establish a reasonble fee for still photography that uses models or props which are not a part of the site's natural or cultural resources or administrative facilities.

(d) PROTECTION OF RESOURCES.—The Secretary shall not permit any filming, still photography or other related activity if the Secretary determines—

(1) there is a likelihood of resource damage;

(2) there would be an unreasonable disruption of the public's use and enjoyment of the site; or

(3) that the activity poses health or safety risks to the public.

(e) USE OF PROCEEDS.—(1) All fees collected under this Act shall be available for expenditure by the Secretary, without further appropriation, in accordance with the formula and purposes established for the Recreational Fee Demonstration Program (Public Law 104-134). All fees collected shall remain available until expended.

(2) All costs recovered under this Act shall be available for expenditure by the Secretary, without further appropriation, at the site where collected. All costs recovered shall remain available until expended.

(f) PROCESSING OF PERMIT APPLICATIONS.—The Secretary shall establish a process to ensure that permit applicants for commercial filming, still photography, or other activity are responded to in a timely manner.

The title was amended so as to read "An Act to allow the Secretary of the Interior and the Secretary of Agriculture to establish a fee system for commercial filming activities on Federal land, and for other purposes.".

The committee amendment in the nature of a substitute was agreed to.

The bill (H.R. 154), as amended, was passed.

EMERGENCY RESCUES AT DENALI NATIONAL PARK AND PRESERVE

The bill (S. 698) to review the suitability and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in the State of Alaska, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 698

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no later than nine months after the enactment of this Act, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall complete a report on the suitability and feasibility of recovering the costs of high altitude rescues on Mt. McKinley, within Denali National Park and Preserve. The Secretary shall also report on the suitability and feasibility of requiring climbers to provide proof of medical insurance prior to the issuance of a climbing permit by the National Park Service. The report shall also review the amount of fees charged for a climbing permit and make such recommendations for changing the fee structure as the Secretary deems appropriate. Upon completion, the report shall be submitted to the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives.

NATIVE HIRING BY THE FEDERAL GOVERNMENT IN ALASKA

The Senate proceeded to consider the bill (S. 748) to improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 748

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPORT.

(a) Within six months after the enactment of this Act the Secretary of the Interior (hereinafter referred to as the "Secretary" shall submit a report detailing the progress the Department has made in the implementation of the provisions of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and **[**section 638**]** *provisions* of the Indian Self-Determination and Education Assistance Act. The report shall include a detailed action plan on the future implementation of the provisions of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and **[**section 638**]** *provisions* of the Indian Self-Determination and Education Assistance Act. The report shall describe, in detail, the measures and actions that will be taken, along with a description of the anticipated results to be achieved during the next three fiscal years. The report shall focus on lands under the jurisdiction of the Department of the Interior in Alaska and shall also address any laws, rules, regulations and policies which act as a deterrent to hiring Native Alaskans or contracting with Native Alaskans to perform and conduct activities and programs of those agencies and bureaus under the jurisdiction of the Department of the Interior.

(b) The report shall be completed within existing appropriations and shall be transmitted to the Committee on Resources of the United States Senate; and the Committee on Resources of the United States House of Representatives.

SEC. 2. PILOT PROGRAM.

(a) In furtherance of the goals of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and the provisions of the Indian Self-Determination and Education Assistance Act, the Secretary shall—

(1) implement pilot programs to employ residents of local communities at the following units of the National Park System located in northwest Alaska:

(A) Bering Land Bridge National Preserve,

(B) Cape Krusenstern National Monument,

(C) Kobuk Valley National Park, and

(D) Noatak National Preserve; and

(2) report on the results of the programs within one year to the Committee on Energy and Natural Resources of the United States and the Committee on Resources of the House of Representatives.

(b) In implementing the programs, the Secretary shall consult with the Native Corporations, non-profit organizations, and Tribal entities in the immediate vicinity of such units and shall also, to the extent practicable, involve such groups in the development of interpretive materials and the pilot programs relating to such units.

[(c) The objective of such programs shall be, to the extent possible, to establish cooperative arrangements, through contracts or other means, that will allow local communities and residents to assume administrative and management responsibilities for those units, or portions of those units, of the National Park System in a manner that will accomplish the purposes for which the units were established and consistent with policies set forth in the Act of August 23, 1916 (39 Stat. 535, 16 U.S.C. 1).

[(d) PARK SERVICE EMPLOYEES.—(1) Any career employee of the National Park Service, employed at one of the Alaska northwest parks at the time of the transfer of an operation or program to a local Native entity by contract, shall not be separated from the Service by reason of such transfer.

[(2) Any career employee of he National Park Service employed at any one of the parks in northwest Alaska at the time of the transfer of an operation or program to a local Native entity shall be given priority placement for any available position within the National Park Service System notwithstanding any priority reemployment lists, directives, rules, regulations or other orders from the Department of the Interior, the Office of Management and Budget, or other Federal agencies.**]**

The committee amendment was agreed to.

The bill (S. 748), as amended, was passed, as follows:

S. 748

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPORT.

(a) Within six months after the enactment of this Act the Secretary of the Interior (hereinafter referred to as the "Secretary" shall submit a report detailing the progress the Department has made in the implementation of the provisions of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and provisions of the Indian Self-Determination and Education Assistance Act. The report shall include a detailed action plan on the future implementation of the provisions of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and provisions of the Indian Self-Determination and Education Assistance Act. The report shall describe, in detail, the measures and actions that will be taken, along with a description of the anticipated results to be achieved during the next three fiscal years. The report shall focus on lands under the jurisdiction of the Department of the Interior in Alaska and shall also address any laws, rules, regulations and policies which act as a deterrent to hiring Native. Alaskans or contracting with Native Alaskans to perform and conduct activities and programs of those agencies and bureaus under the jurisdiction of the Department of the Interior.

(b) The report shall be completed within existing appropriations and shall be transmitted to the Committee on Resources of the United States Senate; and the Committee on Resources of the United States House of Representatives.

SEC. 2. PILOT PROGRAM.

(a) In furtherance of the goals of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and the provisions of the Indian Self-Determination and Education Assistance Act, the Secretary shall—

(1) implement pilot programs to employ residents of local communities at the following units of the National Park System located in northwest Alaska:

(A) Bering Land Bridge National Preserve,

(B) Cape Krusenstern National Monument,

(C) Kobuk Valley National Park, and

(D) Noatak National Preserve; and

(2) report on the results of the programs within one year to the Committee on Energy and Natural Resources of the United States and the Committee on Resources of the House of Representatives.

(b) In implementing the programs, the Secretary shall consult with the Native Corporations, non-profit organizations, and Tribal entities in the immediate vicinity of such units and shall also, to the extent practicable, involve such groups in the development of interpretive materials and the pilot programs relating to such units.

NATIONAL DISCOVERY TRAILS ACT OF 1999

The Senate proceeded to consider the bill (S. 734) entitled "National Discovery Trails Act of 1999," which had been reported from the Committee on

Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 734

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Discovery Trails Act of 1999".

SEC. 2. NATIONAL TRAILS SYSTEM ACT AMENDMENTS.

(a)(1) Section 3(a) of the National Trails System Act (16 U.S.C. 1242(a)) is amended by inserting after paragraph (4) the following:

"(5) National discovery trails, established as provided in section 5, which will be extended, continuous, interstate trails so located as to provide for outstanding outdoor recreation and travel and to connect representative examples of America's trails and communities. National discovery trails should provide for the conservation and enjoyment of significant natural, cultural, and historic resources associated with each trail and should be so located as to represent metropolitan, urban, rural, and back country regions of the Nation. Any such trail may be designated on federal lands and, with the consent of the owner thereof, on any non federal lands.".

(2) Feasibility Requirements; Cooperative Management Requirement.—Section 5(b) of such Act (16 U.S.C. 1244) is amended by adding at the end the following new paragraph:

"(12) For purposes of subsection (b), a trail shall not be considered feasible and desirable for designation as a national discovery trail unless it meets all of the following criteria:

"(A) The trail must link one or more areas within the boundaries of a metropolitan area (as those boundaries are determined under section 134(c) of title 23, United States Code). It should also join with other trails, connecting the National Trails System to significant recreation and resources areas.

"(B) The trail must be supported by at least one competent trailwide volunteer-based organization. Each trail should have extensive local and trailwide support by the public, by users groups, and by affected State and local governments.

"(C) The trail must be extended and pass through more than one State. At a minimum, it should be a continuous, walkable route.

"(13) The appropriate Secretary for each national discovery trail shall administer the trail in cooperation with at least one competent trailwide volunteer-based organization. Where the designation of discovery trail is aligned with other units of the National Trails System, or State or local trails, the designation of a discovery trail shall not affect the protections or authorities provided for the other trail or trails, nor shall the designation of a discovery trail diminish the values and significance for which those trails were established.".

(b) Designation of the American Discovery Trail as a National Discovery Trail.—Section 5(a) of such Act (16 U.S.C. 1244(a)) is amended—

(1) by re-designating the paragraph relating to the California National Historic Trail as paragraph (18);

(2) by re-designating the paragraph relating to the Pony Express National Historic Trail as paragraph (19);

(3) by re-designating the paragraph relating to the Selma to Montgomery National Historic Trail as paragraph (20); and

(4) by adding at the end the following:

"(21) The American Discovery Trail, a trail of approximately 6,000 miles extending from Cape Henlopen State Park in Delaware to Point Reyes National Seashore in California, extending westward through Delaware, Maryland, the District of Columbia, West Virginia, Ohio, and Kentucky, where near Cincinnati it splits into two routes. The Northern Midwest route traverses Ohio, Indiana, Illinois, Iowa, Nebraska, and Colorado, and the Southern Midwest route traverses Indiana, Illinois, Missouri, Kansas, and Colorado. After the two routes rejoin in Denver, Colorado, the route continues through Colorado, Utah, Nevada, and California. The trail is generally described in Volume 2 of the National Park Service feasibility study dated June 1995 which shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior, the District of Columbia. The American Discovery Trail shall be administered by the Secretary of the Interior in cooperation with at least one competent trailwide volunteer-based organization and other affected federal land managing agencies, and state and local governments, as appropriate. No lands or interests outside the exterior boundaries of federally administered areas may be acquired by the Federal Government solely for the American Discovery Trail. The provisions of sections 7(e), 7(f), and 7(g) shall not apply to the American Discovery Trail.".

(c) Comprehensive National Discovery Trail Plan.—Section 5 of such Act (16 U.S.C. 1244) is further amended by adding at the end the following new subsection:

"(g) Within three complete fiscal years after the date of enactment of any law designating a national discovery trail, **[**the administering Federal agency shall, in cooperation with at least one competent trailwide volunteer-based organization, submit a comprehensive plan for the protection, management, development, and use of the federal portions of the trail, and provide technical assistance to states and local units of government and private landowners, as requested, for non-federal portions of the trail,**]** *the appropriate Secretary shall submit a comprehensive plan for the protection, management, development, and use of the trail*, to the Committee on Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The responsible Secretary shall ensure that the comprehensive plan for the entire trail does not conflict with existing agency direction and **[**that the volunteer-based organization**]** shall consult with the affected land managing agencies, the Governors of the affected States, affected county and local political jurisdictions, and local organizations maintaining components of the trail. Components of the comprehensive plan include—

"(1) policies and practices to be observed in the administration and management of the trail, including the identification of all significant natural, historical, and cultural resources to be preserved, model agreements necessary for joint trail administration among and between interested parties, and an identified carrying capacity for critical segments of the trail and a plan for their implementation where appropriate;

"(2) general and site-specific trail-related development including costs; and

"(3) the process to be followed by the volunteer-based organization, in cooperation with the appropriate Secretary, to implement the trail marking authorities in section 7(c) conforming to approved trail logo or emblem requirements.". Nothing in this Act may be construed to impose or permit the imposition of any landowner on the use of any non-federal lands without the consent of the owner thereof. Neither the designation of a National Discovery Trail nor any plan relating thereto shall affect or be considered in the granting or denial of a right of way or any conditions relating thereto.".

SEC. 3. CONFORMING AMENDMENTS.

The National Trails System Act is amended—

(1) in section 2(b) (16 U.S.C. 1241(b)), by striking "scenic and historic" and inserting "scenic, historic, and discovery";

(2) in the section heading to section 5 (16 U.S.C. 1244), by striking "**AND NATIONAL HISTORIC**" and inserting "**, NATIONAL HISTORIC, AND NATIONAL DISCOVERY**";

(3) in section 5(a) (16 U.S.C. 1244(a)), in the matter preceding paragraph (1)—

(A) by striking "and national historic" and inserting ", national historic, and national discovery"; and

(B) by striking "and National Historic" and inserting ", National Historic, and National Discovery";

(4) in section 5(b) (16 U.S.C. 1244(b)), in the matter preceding paragraph (1), by striking "or national historic" and inserting ", national historic, or national discovery";

(5) in section 5(b)(3) (16 U.S.C. 1244(b)(3)), by striking "or national historic" and inserting ", national historic, or national discovery";

(6) in section 7(a)(2) (16 U.S.C. 1246(a)(2)), by striking "and national historic" and inserting ", national historic, and national discovery";

(7) in section 7(b) (16 U.S.C. 1246(b)), by striking "or national historic" each place such term appears and inserting ", national historic, or national discovery";

(8) in section 7(c) (16 U.S.C. 1246(c))—

(A) by striking "scenic or national historic" each place it appears and inserting "scenic, national historic, or national discovery";

(B) in the second proviso, by striking "scenic, or national historic" and inserting "scenic, national historic, or national discovery"; and

(C) by striking ", and national historic" and inserting ", national historic, and national discovery";

(9) in section 7(d) (16 U.S.C. 1246(d)), by striking "or national historic" and inserting "national historic, or national discovery";

(10) in section 7(e) (16 U.S.C. 1246(e)), by striking "or national historic" each place such term appears and inserting ", national historic, or national discovery";

(11) in section 7(f)(2) (16 U.S.C. 1246(f)(2)), by striking "National Scenic or Historic" and inserting "national scenic, historic, or discovery trail";

(12) in section 7(h)(1) (16 U.S.C. 1246(h)(1)), by striking "or national historic" and inserting "national historic, or national discovery"; and

(13) in section 7(i) (16 U.S.C. 1246(i)), by striking "or national historic" and inserting "national historic, or national discovery".

The committee amendments were agreed to.

The bill (S. 734), as amended, was passed, as follows:

S. 734

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Discovery Trails Act of 1999”.

SEC. 2. NATIONAL TRAILS SYSTEM ACT AMENDMENTS.

(a)(1) Section 3(a) of the National Trails System Act (16 U.S.C. 1242(a)) is amended by inserting after paragraph (4) the following:

“(5) National discovery trails, established as provided in section 5, which will be extended, continuous, interstate trails so located as to provide for outstanding outdoor recreation and travel and to connect representative examples of America's trails and communities. National discovery trails should provide for the conservation and enjoyment of significant natural, cultural, and historic resources associated with each trail and should be so located as to represent metropolitan, urban, rural, and back country regions of the Nation. Any such trail may be designated on federal lands and, with the consent of the owner thereof, on any non federal lands.”.

(2) FEASIBILITY REQUIREMENTS; COOPERATIVE MANAGEMENT REQUIREMENT.—Section 5(b) of such Act (16 U.S.C. 1244) is amended by adding at the end the following new paragraph:

“(12) For purposes of subsection (b), a trail shall not be considered feasible and desirable for designation as a national discovery trail unless it meets all of the following criteria:

“(A) The trail must link one or more areas within the boundaries of a metropolitan area (as those boundaries are determined under section 134(c) of title 23, United States Code). It should also join with other trails, connecting the National Trails System to significant recreation and resources areas.

“(B) The trail must be supported by at least one competent trailwide volunteer-based organization. Each trail should have extensive local and trailwide support by the public, by users groups, and by affected State and local governments.

“(C) The trail must be extended and pass through more than one State. At a minimum, it should be a continuous, walkable route.

“(13) The appropriate Secretary for each national discovery trail shall administer the trail in cooperation with at least one competent trailwide volunteer-based organization. Where the designation of discovery trail is aligned with other units of the National Trails System, or State or local trails, the designation of a discovery trail shall not affect the protections or authorities provided for the other trail or trails, nor shall the designation of a discovery trail diminish the values and significance for which those trails were established.”.

(b) DESIGNATION OF THE AMERICAN DISCOVERY TRAIL AS A NATIONAL DISCOVERY TRAIL.—Section 5(a) of such Act (16 U.S.C. 1244(a)) is amended—

(1) by re-designating the paragraph relating to the California National Historic Trail as paragraph (18);

(2) by re-designating the paragraph relating to the Pony Express National Historic Trail as paragraph (19);

(3) by re-designating the paragraph relating to the Selma to Montgomery National Historic Trail as paragraph (20); and

(4) by adding at the end the following:

“(21) The American Discovery Trail, a trail of approximately 6,000 miles extending from Cape Henlopen State Park in Delaware to Point Reyes National Seashore in California, extending westward through Delaware, Maryland, the District of Columbia, West Virginia, Ohio, and Kentucky, where near Cincinnati it splits into two routes. The Northern Midwest route traverses Ohio, Indiana, Illinois, Iowa, Nebraska, and Colorado, and the Southern Midwest route traverses Indiana, Illinois, Missouri, Kansas, and Colorado. After the two routes rejoin in Denver, Colorado, the route continues through Colorado, Utah, Nevada, and California. The trail is generally described in Volume 2 of the National Park Service feasibility study dated June 1995 which shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior, the District of Columbia. The American Discovery Trail shall be administered by the Secretary of the Interior in cooperation with at least one competent trailwide volunteer-based organization and other affected federal land managing agencies, and state and local governments, as appropriate. No lands or interests outside the exterior boundaries of federally administered areas may be acquired by the Federal Government solely for the American Discovery Trail. The provisions of sections 7(e), 7(f), and 7(g) shall not apply to the American Discovery Trail.”.

(c) COMPREHENSIVE NATIONAL DISCOVERY TRAIL PLAN.—Section 5 of such Act (16 U.S.C. 1244) is further amended by adding at the end the following new subsection:

“(g) Within three complete fiscal years after the date of enactment of any law designating a national discovery trail, the appropriate Secretary shall submit a comprehensive plan for the protection, management, development, and use of the trail, to the Committee on Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The responsible Secretary shall ensure that the comprehensive plan for the entire trail does not conflict with existing agency direction and shall consult with the affected land managing agencies, the Governors of the affected States, affected county and local political jurisdictions, and local organizations maintaining components of the trail. Components of the comprehensive plan include—

“(1) policies and practices to be observed in the administration and management of the trail, including the identification of all significant natural, historical, and cultural resources to be preserved, model agreements necessary for joint trail administration among and between interested parties, and an identified carrying capacity for critical segments of the trail and a plan for their implementation where appropriate;

“(2) general and site-specific trail-related development including costs; and

“(3) the process to be followed by the volunteer-based organization, in cooperation with the appropriate Secretary, to implement the trail marking authorities in section 7(c) conforming to approved trail logo or emblem requirements.”. Nothing in this Act may be construed to impose or permit the imposition of any landowner on the use of any non-federal lands without the consent of the owner thereof. Neither the designation of a National Discovery Trail nor any plan relating thereto shall affect or be considered in the granting or denial of a right of way or any conditions relating thereto.”.

SEC. 3. CONFORMING AMENDMENTS.

The National Trails System Act is amended—

(1) in section 2(b) (16 U.S.C. 1241(b)), by striking “scenic and historic” and inserting “scenic, historic, and discovery”;

(2) in the section heading to section 5 (16 U.S.C. 1244), by striking “**AND NATIONAL HISTORIC**” and inserting “, **NATIONAL HISTORIC, AND NATIONAL DISCOVERY**”;

(3) in section 5(a) (16 U.S.C. 1244(a)), in the matter preceding paragraph (1)—

(A) by striking “and national historic” and inserting “, national historic, and national discovery”; and

(B) by striking “and National Historic” and inserting “, National Historic, and National Discovery”;

(4) in section 5(b) (16 U.S.C. 1244(b)), in the matter preceding paragraph (1), by striking “or national historic” and inserting “, national historic, or national discovery”;

(5) in section 5(b)(3) (16 U.S.C. 1244(b)(3)), by striking “or national historic” and inserting “, national historic, or national discovery”;

(6) in section 7(a)(2) (16 U.S.C. 1246(a)(2)), by striking “and national historic” and inserting “, national historic, and national discovery”;

(7) in section 7(b) (16 U.S.C. 1246(b)), by striking “or national historic” each place such term appears and inserting “, national historic, or national discovery”;

(8) in section 7(c) (16 U.S.C. 1246(c))—

(A) by striking “scenic or national historic” each place it appears and inserting “scenic, national historic, or national discovery”;

(B) in the second proviso, by striking “scenic, or national historic” and inserting “scenic, national historic, or national discovery”; and

(C) by striking “, and national historic” and inserting “, national historic, and national discovery”;

(9) in section 7(d) (16 U.S.C. 1246(d)), by striking “or national historic” and inserting “national historic, or national discovery”;

(10) in section 7(e) (16 U.S.C. 1246(e)), by striking “or national historic” each place such term appears and inserting “, national historic, or national discovery”;

(11) in section 7(f)(2) (16 U.S.C. 1246(f)(2)), by striking “National Scenic or Historic” and inserting “national scenic, historic, or discovery trail”;

(12) in section 7(h)(1) (16 U.S.C. 1246(h)(1)), by striking “or national historic” and inserting “national historic, or national discovery”; and

(13) in section 7(i) (16 U.S.C. 1246(i)), by striking “or national historic” and inserting “national historic, or national discovery”.

“EXXON VALDEZ” OIL SPILL

The Senate proceeded to consider the bill (S. 711) to allow the investment of joint Federal and State funds from the civil settlement of damages from the *Exxon Valdez* oil spill, and for other purposes, which has been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1.

(a) Notwithstanding any other provision of law and subject to the provisions of subsections (e) and (g), upon the joint motion of the United States and the State of Alaska and the issuance of an appropriate order by the United States District Court for the District of Alaska, the joint trust funds, or any portion thereof, including any interest accrued thereon, previously received or to be received by the United States and the State of Alaska pursuant to the Agreement and Consent Decree issued in United States v. Exxon Corporation, et al. (No. A91-082 CIV) and

State of Alaska v. Exxon Corporation, et al. (No. A91–083 CIV) (hereafter referred to as the "Consent Decree"), may be deposited in—

(1) the Natural Resource Damage Assessment and Restoration Fund (hereafter referred to as the "Fund") established in title I of the Department of the Interior and Related Agencies Appropriations Act, 1992 (Public Law 102–154, 43 U.S.C. 1474b);

(2) accounts outside the United States Treasury (hereafter referred to as "outside accounts"); or

(3) both.

Any funds deposited in an outside account may be invested only in income-producing obligations and other instruments or securities that have been determined unanimously by the Federal and State natural resource trustees for the Exxon Valdez oil spill ("trustees") to have a high degree of reliability and security.

(b) Joint trust funds deposited in the Fund or an outside account that have been approved unanimously by the Trustees for expenditure by or through a State or Federal agency shall be transferred promptly from the Fund or the outside account to the State of Alaska or United States upon the joint request of the governments.

(c) The transfer of joint trust funds outside the Court Registry shall not affect the supervisory jurisdiction of the District Court under the Consent Decree or the Memorandum of Agreement and Consent Decree in United States v. State of Alaska (No. A91–081–CIV) over all expenditures of the joint trust funds.

(d) Nothing herein shall affect the requirement of section 207 of the Dire Emergency Supplemental Appropriations and Transfers for Relief From the Effects of Natural Disasters, for Other Urgent Needs, and for the Incremental Cost of "Operation Desert Shield/Desert Storm" Act of 1992 (Public Law 102–229, 42 U.S.C. 1474b note) that amounts received by the United States and designated by the trustees for the expenditure by or through a Federal agency must be deposited into the Fund.

(e) All remaining settlement funds are eligible for the investment authority granted under subsection (a) of this act so long as they are managed and allocated consistent with the Resolution of the Trustees adopted March 1, 1999, concerning the Restoration Reserve, as follows:

(1) $55 million of the funds remaining on October 1, 2002, and the associated earnings thereafter shall be managed and allocated for habitat protection programs including small parcel habitat acquisitions. Such sums shall be reduced by—

(A) the amount of any payments made after the date of enactment of this Act from the Joint Trust Funds pursuant to an agreement between the Trustee Council and Koniag, Inc. which includes those lands which are presently subject to the Koniag Non-Development Easement, including, but not limited to, the continuation or modification of such Easement; and

(B) payments in excess of $6.32 million for any habitat acquisition or protection from the joint trust funds after the date of enactment of this Act and prior to October 1, 2002, other than payments for which the Council is currently obligated through purchase agreements with the Kodiak Island Borough, Afognak Joint Venture and the Eyak Corporation.

(2) All other funds remaining on October 1, 2002, and the associated earnings shall be used to fund a program, consisting of—

(A) marine research, including applied fisheries research;

(B) monitoring; and

(C) restoration, other than habitat acquisition, which may include community and economic restoration projects and facilities (including projects proposed by the communities of the EVOS Region or the fishing industry), consistent with the Consent Decree.

(f) The Federal trustees and the State trustees, to the extent authorized by State law, are authorized to issue grants as needed to implement this program.

(g) The authority provided in this Act shall expire on September 30, 2002, unless by September 30, 2001, the Trustees have submitted to the Congress a report recommending a structure the Trustees believe would be most effective and appropriate for the administration and expenditure of remaining funds and interest received. Upon the expiration of the authorities granted in this Act all monies in the Fund or outside accounts shall be returned to the Court Registry or other account permitted by law.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 711), as amended, was passed, as follows:

S. 711

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1.

(a) Notwithstanding any other provision of law and subject to the provisions of subsections (e) and (g), upon the joint motion of the United States and the State of Alaska and the issuance of an appropriate order by the United States District Court for the District of Alaska, the joint trust funds, or any portion thereof, including any interest accrued thereon, previously received or to be received by the United States and the State of Alaska pursuant to the Agreement and Consent Decree issued in United States v. Exxon Corporation, et al. (No. A91–082 CIV) and State of Alaska v. Exxon Corporation, et al. (No. A91–083 CIV) (hereafter referred to as the "Consent Decree"), may be deposited in—

(1) the Natural Resource Damage Assessment and Restoration Fund (hereafter referred to as the "Fund") established in title I of the Department of the Interior and Related Agencies Appropriations Act, 1992 (Public Law 102–154, 43 U.S.C. 1474b);

(2) accounts outside the United States Treasury (hereafter referred to as "outside accounts"); or

(3) both.

Any funds deposited in an outside account may be invested only in income-producing obligations and other instruments or securities that have been determined unanimously by the Federal and State natural resource trustees for the Exxon Valdez oil spill ("trustees") to have a high degree of reliability and security.

(b) Joint trust funds deposited in the Fund or an outside account that have been approved unanimously by the Trustees for expenditure by or through a State or Federal agency shall be transferred promptly from the Fund or the outside account to the State of Alaska or United States upon the joint request of the governments.

(c) The transfer of joint trust funds outside the Court Registry shall not affect the supervisory jurisdiction of the District Court under the Consent Decree or the Memorandum of Agreement and Consent Decree in United States v. State of Alaska (No. A91–081–CIV) over all expenditures of the joint trust funds.

(d) Nothing herein shall affect the requirement of section 207 of the Dire Emergency Supplemental Appropriations and Transfers for Relief From the Effects of Natural Disasters, for Other Urgent Needs, and for the Incremental Cost of "Operation Desert Shield/Desert Storm" Act of 1992 (Public Law 102–229, 42 U.S.C. 1474b note) that amounts received by the United States and designated by the trustees for the expenditure by or through a Federal agency must be deposited into the Fund.

(e) All remaining settlement funds are eligible for the investment authority granted under subsection (a) of this act so long as they are managed and allocated consistent with the Resolution of the Trustees adopted March 1, 1999, concerning the Restoration Reserve, as follows:

(1) $55 million of the funds remaining on October 1, 2002, and the associated earnings thereafter shall be managed and allocated for habitat protection programs including small parcel habitat acquisitions. Such sums shall be reduced by—

(A) the amount of any payments made after the date of enactment of this Act from the Joint Trust Funds pursuant to an agreement between the Trustee Council and Koniag, Inc. which includes those lands which are presently subject to the Koniag Non-Development Easement, including, but not limited to, the continuation or modification of such Easement: and

(B) payments in excess of $6.32 million for any habitat acquisition or protection from the joint trust funds after the date of enactment of this Act and prior to October 1, 2002, other than payments for which the Council is currently obligated through purchase agreements with the Kodiak Island Borough, Afognak Joint Venture and the Eyak Corporation.

(2) All other funds remaining on October 1, 2002, and the associated earnings shall be used to fund a program, consisting of—

(A) marine research, including applied fisheries research;

(B) monitoring; and

(C) restoration, other than habitat acquisition, which may include community and economic restoration projects and facilities (including projects proposed by the communities of the EVOS Region or the fishing industry), consistent with the Consent Decree.

(f) The Federal trustees and the State trustees, to the extent authorized by State law, are authorized to issue grants as needed to implement this program.

(g) The authority provided in this Act shall expire on September 30, 2002, unless by September 30, 2001, the Trustees have submitted to the Congress a report recommending a structure the Trustees believe would be most effective and appropriate for the administration and expenditure of remaining funds and interest received. Upon the expiration of the authorities granted in this Act all monies in the Fund or outside accounts shall be returned to the Court Registry or other account permitted by law.

THE SECRETARY OF THE INTERIOR TO CONVEY LAND TO NYE COUNTY, NEVADA

The Senate proceeded to consider the bill (S. 1329) to direct the Secretary of the Interior to convey certain land to Nye County, Nevada, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment on page 3, line 9, to strike "(b)", and insert in lieu thereof "(c)".

The bill was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1329

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE TO NYE COUNTY, NEVADA.

(a) DEFINITIONS.—In this section:

(1) COUNTY.—The term "County" means Nye County, Nevada.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(b) PARCELS CONVEYED FOR USE OF THE NEVADA SCIENCE AND TECHNOLOGY CENTER.—

(1) IN GENERAL.—For no consideration and at no other cost to the County, the Secretary shall convey to the County, subject to valid existing rights, all right, title, and interest in and to the parcels of public land described in paragraph (2).

(2) LAND DESCRIPTION.—The parcels of public land referred to in paragraph (1) are the following:

(A) The portion of Sec. 13 north of United States Route 95, T. 15 S. R. 49 E. Mount Diablo Meridian, Nevada.

(B) In Sec. 18, T. 15 S., R. 50 E., Mount Diablo Meridian, Nevada:

(i) W ½ W ½ NW ¼.

(ii) The portion of the W ½ W ½ SW ¼ north of United States Route 95.

(3) USE.—

(A) IN GENERAL.—The parcels described in paragraph (2) shall be used for the construction and operation of the Nevada Science and Technology Center as a nonprofit museum and exposition center, and related facilities and activities.

(B) REVERSION.—The conveyance of any parcel described in paragraph (2) shall be subject to reversion to the United States, at the discretion of the Secretary, if the parcel is used for a purpose other than that specified in subparagraph (A).

[(b)] *(c)* PARCELS CONVEYED FOR OTHER USE FOR A COMMERCIAL PURPOSE.—

(1) RIGHT TO PURCHASE.—For a period of 5 years beginning on the date of enactment of this Act, the County shall have the exclusive right to purchase the parcels of public land described in paragraph (2) for the fair market value of the parcels, as determined by the Secretary.

(2) LAND DESCRIPTION.—The parcels of public land referred to in paragraph (1) are the following parcels in Sec. 18, T. 15 S., R. 50 E., Mount Diablo Meridian, Nevada:

(A) E ½ NW ¼.

(B) E ½ W ½ NW ¼.

(C) The portion of the E ½ SW ¼ north of United States Route 95.

(D) The portion of the E ½ W ½ SW ¼ north of United States Route 95.

(E) The portion of the SE ¼ north of United States Route 95.

(3) USE OF PROCEEDS.—Proceeds of a sale of a parcel described in paragraph (2)—

(A) shall be deposited in the special account established under section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345); and

(B) shall be available to the Secretary as provided in section 4(e)(3) of that Act (112 Stat. 2346).

AUTHORIZATION FOR MESQUITE, NEVADA TO PURCHASE PUBLIC LANDS IN THE CITY

The bill (S. 1330) to give the city of Mesquite, Nevada, the right to purchase at fair market value certain parcels of public lands in the city, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1330

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF LAND TO CITY OF MESQUITE, NEVADA.

Section 3 of Public Law 99-548 (100 Stat. 3061; 110 Stat. 3009-202) is amended by adding at the end the following:

"(e) FIFTH AREA.—

"(1) RIGHT TO PURCHASE.—For a period of 12 years after the date of enactment of this Act, the city of Mesquite, Nevada, shall have the exclusive right to purchase the parcels of public land described in paragraph (2).

"(2) LAND DESCRIPTION.—The parcels of public land referred to in paragraph (1) are as follows:

"(A) In T. 13 S., R. 70 E., Mount Diablo Meridian, Nevada:

"(i) The portion of sec. 27 north of Interstate Route 15.

"(ii) Sec. 28: NE ¼, S ½ (except the Interstate Route 15 right-of-way).

"(iii) Sec. 29: E ½ NE ¼ SE ¼, SE ¼ SE ¼.

"(iv) The portion of sec. 30 south of Interstate Route 15.

"(v) The portion of sec. 31 south of Interstate Route 15.

"(vi) Sec. 32: NE ¼ NE ¼ (except the Interstate Route 15 right-of-way), the portion of NW ¼ NE ¼ south of Interstate Route 15, and the portion of W ½ south of Interstate Route 15.

"(vii) The portion of sec. 33 north of Interstate Route 15.

"(B) In T. 14 S., R. 70 E., Mount Diablo Meridian, Nevada:

"(i) Sec. 5: NW ¼.

"(ii) Sec. 6: N ½.

"(C) In T. 13 S., R. 69 E., Mount Diablo Meridian, Nevada:

"(i) The portion of sec. 25 south of Interstate Route 15.

"(ii) The portion of sec. 26 south of Interstate Route 15.

"(iii) The portion of sec. 27 south of Interstate Route 15.

"(iv) Sec. 28: SW ¼ SE ¼.

"(v) Sec. 33: E ½.

"(vi) Sec. 34.

"(vii) Sec. 35.

"(viii) Sec. 36.

"(3) NOTIFICATION.—Not later than 10 years after the date of enactment of this subsection, the city shall notify the Secretary which of the parcels of public land described in paragraph (2) the city intends to purchase.

"(4) CONVEYANCE.—Not later than 1 year after receiving notification from the city under paragraph (3), the Secretary shall convey to the city the land selected for purchase.

"(5) WITHDRAWAL.—Subject to valid existing rights, until the date that is 12 years after the date of enactment of this subsection, the parcels of public land described in paragraph (2) are withdrawn from all forms of entry and appropriation under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws.

"(6) USE OF PROCEEDS.—The proceeds of the sale of each parcel—

"(A) shall be deposited in the special account established under section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345); and

"(B) shall be disposed of by the Secretary as provided in section 4(e)(3) of that Act (112 Stat. 2346).

"(f) SIXTH AREA.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall convey to the city of Mesquite, Nevada, in accordance with section 47125 of title 49, United States Code, up to 2,560 acres of public land to be selected by the city from among the parcels of land described in paragraph (2).

"(2) LAND DESCRIPTION.—The parcels of land referred to in paragraph (1) are as follows:

"(A) In T. 13 S., R. 69 E., Mount Diablo Meridian, Nevada:

"(i) The portion of sec. 28 south of Interstate Route 15 (except S ½ SE ¼).

"(ii) The portion of sec. 29 south of Interstate Route 15.

"(iii) The portion of sec. 30 south of Interstate Route 15.

"(iv) The portion of sec. 31 south of Interstate Route 15.

"(v) Sec. 32.

"(vi) Sec. 33: W ½.

"(B) In T. 14 S., R. 69 E., Mount Diablo Meridian, Nevada:

"(i) Sec. 4.

"(ii) Sec. 5.

"(iii) Sec. 6.

"(iv) Sec. 8.

"(C) In T. 14 S., R. 68 E., Mount Diablo Meridian, Nevada:

"(i) Sec. 1.

"(ii) Sec. 12.

"(3) WITHDRAWAL.—Subject to valid existing rights, until the date that is 12 years after the date of enactment of this subsection, the parcels of public land described in paragraph (2) are withdrawn from all forms of entry and appropriation under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws.".

ARROWROCK DAM HYDROELECTRIC PROJECT

The bill (S. 1236) to extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1236

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 4656, the Commission may, at the request of the licensee for the project and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend until March 26, 2005, the time period during which the licensee is required to commence construction of the project.

DICKINSON DAM BASCULE GATES SETTLEMENT ACT OF 1999

The Senate proceeded to consider the bill (S. 769) to provide a final settlement on certain debt owed by the city of Dickinson, North Dakota, for construction of the bascule gates on the Dickinson Dam, which had been reported from the Committee on Energy and Natural Resources, with an amendment; as follows:

(The part of the bill intended to be sticken is shown in boldface brackets and the part of the bill intended to be inserted is shown in italic.)

S. 769

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dickinson Dam Bascule Gates Settlement Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) in 1980 and 1981, the Bureau of Reclamation constructed the bascule gates on top of the Dickinson Dam on the Heart River, North Dakota, to provide additional water supply in the reservoir known as Patterson Lake for the city of Dickinson, North Dakota, and for additional flood control and other benefits;

(2) the gates had to be significantly modified in 1982 because of damage resulting from a large ice block causing excessive pressure on the hydraulic system, causing the system to fail;

(3) since 1991, the City has received its water supply from the Southwest Water Authority, which provides much higher quality water from the Southwest Pipeline Project;

(4) the City now receives almost no benefit from the bascule gates because the City does not require the additional water provided by the bascule gates for its municipal water supply;

(5) the City has repaid more than $1,200,000 to the United States for the construction of the bascule gates, and has been working for several years to reach an agreement with the Bureau of Reclamation to alter its repayment contract;

(6) the City has a longstanding commitment to improving the water quality and recreation value of the reservoir and has been working with the United States Geological Survey, the North Dakota Department of Game and Fish, and the North Dakota Department of Health to improve water quality; and

(7) it is in the public interest to resolve this issue by providing for a single payment to the United States in lieu of the scheduled annual payments and for the termination of any further repayment obligation.

SEC. 3. DEFINITIONS.

In this Act:

(1) BASCULE GATES.—The term "bascule gates" means the structure constructed on the Dam to provide additional water storage capacity in the Lake.

(2) CITY.—The term "City" means the city of Dickinson, North Dakota.

(3) DAM.—The term "Dam" means Dickinson Dam on the Heart River, North Dakota.

(4) LAKE.—The term "Lake" means the reservoir known as "Patterson Lake" in the State of North Dakota.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation.

SEC. 4. FORGIVENESS OF DEBT.

(a) IN GENERAL.—The Secretary shall accept a 1-time payment of $300,000 in lieu of the existing repayment obligations of the City under the Bureau of Reclamation Contract No. 9-07-60W0384, dated December 19, 1988, toward which amount any payments made by the City to the Secretary on or after June 2, 1998, shall be credited.

(b) OWNERSHIP.—Title to the Dam and bascule gates shall remain with the United States.

[(c) COSTS.—

[(1) IN GENERAL.—In consultation with the City and the State of North Dakota, the Secretary shall reallocate responsibility for the operation and maintenance costs of the Dam and bascule gates.

[(2) CONSIDERATION OF BENEFITS.—The reallocation of costs shall reflect the fact that the benefits of the Dam and bascule gates are mainly for flood control, recreation, and fish and wildlife purposes.**]**

(c) COSTS.—(1) The Secretary shall enter into an agreement with the City to allocate responsibilities for operation and maintenance costs of the bascule gates as provided in this subsection.

(2) The City shall be responsible for operation and maintenance costs of the bascule gates, up to a maximum annual cost of $15,000. The Secretary shall be responsible for all other costs.

(d) WATER SERVICE CONTRACTS.—The Secretary may enter into appropriate water service contracts if the City or any other person or entity seeks to use water from the Lake for municipal water supply or other purposes.

The committee amendment was agreed to.

The bill (S. 769), as amended, was passed, as follows:

S. 769

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dickinson Dam Bascule Gates Settlement Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) in 1980 and 1981, the Bureau of Reclamation constructed the bascule gates on top of the Dickinson Dam on the Heart River, North Dakota, to provide additional water supply in the reservoir known as Patterson Lake for the city of Dickinson, North Dakota, and for additional flood control and other benefits;

(2) the gates had to be significantly modified in 1982 because of damage resulting from a large ice block causing excessive pressure on the hydraulic system, causing the system to fail;

(3) since 1991, the City has received its water supply from the Southwest Water Authority, which provides much higher quality water from the Southwest Pipeline Project;

(4) the City now receives almost no benefit from the bascule gates because the City does not require the additional water provided by the bascule gates for its municipal water supply;

(5) the City has repaid more than $1,200,000 to the United States for the construction of the bascule gates, and has been working for several years to reach an agreement with the Bureau of Reclamation to alter its repayment contract;

(6) the City has a longstanding commitment to improving the water quality and recreation value of the reservoir and has been working with the United States Geological Survey, the North Dakota Department of Game and Fish, and the North Dakota Department of Health to improve water quality; and

(7) it is in the public interest to resolve this issue by providing for a single payment to the United States in lieu of the scheduled annual payments and for the termination of any further repayment obligation.

SEC. 3. DEFINITIONS.

In this Act:

(1) BASCULE GATES.—The term "bascule gates" means the structure constructed on the Dam to provide additional water storage capacity in the Lake.

(2) CITY.—The term "City" means the city of Dickinson, North Dakota.

(3) DAM.—The term "Dam" means Dickinson Dam on the Heart River, North Dakota.

(4) LAKE.—The term "Lake" means the reservoir known as "Patterson Lake" in the State of North Dakota.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation.

SEC. 4. FORGIVENESS OF DEBT.

(a) IN GENERAL.—The Secretary shall accept a 1-time payment of $300,000 in lieu of the existing repayment obligations of the City under the Bureau of Reclamation Contract No. 9-07-60W0384, dated December 19, 1988, toward which amount any payments made by the City to the Secretary on or after June 2, 1998, shall be credited.

(b) OWNERSHIP.—Title to the Dam and bascule gates shall remain with the United States.

(c) COSTS.—(1) The Secretary shall enter into an agreement with the City to allocate responsibilities for operation and maintenance costs of the bascule gates as provided in this subsection.

(2) The City shall be responsible for operation and maintenance costs of the bascule gates, up to a maximum annual cost of $15,000. The Secretary shall be responsible for all other costs.

(d) WATER SERVICE CONTRACTS.—The Secretary may enter into appropriate water service contracts if the City or any other person or entity seeks to use water from the Lake for municipal water supply or other purposes.

GRIFFITH PROJECT PREPAYMENT AND CONVEYANCE ACT

The Senate proceeded to consider the bill (S. 986) to direct the Secretary of the Interior to convey the Griffith Project to the Southern Nevada Water Authority, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Griffith Project Prepayment and Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) The term "Authority" means the Southern Nevada Water Authority, organized under the laws of the State of Nevada.

(2) The term "Griffith Project" means the Robert B. Griffith Water Project, authorized by and constructed pursuant to the Southern Nevada Water Project Act, Public Law 89-292, as amended, (commonly known as the "Southern Nevada Water Project Act") (79 Stat. 1068), including pipelines, conduits, pumping plants, intake facilities, aqueducts, laterals, water storage

and regulatory facilities, electric substations, and related works and improvements listed pursuant to "Robert B. Griffith Water Project (Formerly Southern Nevada Water Project), Nevada: Southern Clark County, Lower Colorado Region Bureau of Reclamation", on file at the Bureau of Reclamation and all interests in land acquired under Public Law 89–292, as amended.

(3) The term "Secretary" means the Secretary of the Interior.

(4) The term "Acquired Land(s)" means all interests in land, including fee title, right(s)-of-way, and easement(s), acquired by the United States from non-Federal sources by purchase, donation, exchange, or condemnation pursuant to Public Law 89–292, as amended for the Griffith Project.

(5) The term "Public Land" means lands which have never left Federal ownership and are under the jurisdiction of the Bureau of Land Management.

(6) The term "Withdrawn Land" means Federal lands which are withdrawn from settlement, sale, location of minerals, or entry under some or all of the general land laws and are reserved for a particular public purpose pursuant to Public Law 89–292, as amended, under the jurisdiction of the Bureau of Reclamation, or are reserved pursuant to Public Law 88–639 under the jurisdiction of the National Park Service.

SEC. 3. CONVEYANCE OF GRIFFITH PROJECT.

(a) In General.—In consideration of the Authority assuming from the United States all liability for administration, operation, maintenance, and replacement of the Griffith Project and subject to the prepayment by the Authority of the Federal repayment amount of $121,204,348 (which amount shall be increased to reflect any accrued unpaid interest and shall be decreased by the amount of any additional principal payments made by the Authority after September 15, 1999, prior to the date on which prepayment occurs), the Secretary shall, pursuant to the provisions of this Act—

(1) convey and assign to the Authority all of the right, title, and interest of the United States in and to improvements and facilities of the Griffith Project in existence as of the date of this Act;

(2) convey and assign to the Authority all of the right, title, and interest of the United States to Acquired Lands that were acquired for the Griffith Project; and

(3) convey and assign to the Authority all interests reserved and developed as of the date of this Act for the Griffith Project in lands patented by the United States.

(b) Pursuant to the authority of this section, from the effective date of conveyance of the Griffith Project, the Authority shall have a right of way at no cost across all Public Land and Withdrawn Land—

(1) on which the Griffith Project is situated; and

(2) across any Federal lands as reasonably necessary for the operation, maintenance, replacement, and repair of the Griffith Project, including existing access routes.

Rights of way established by this section shall be valid for as long as they are needed for municipal water supply purposes and shall not require payment of rental or other fee.

(c) Within twelve months after the effective date of this Act—

(1) the Secretary and the Authority shall agree upon a description of the land subject to the rights of way established by subsection (b) of this section; and

(2) the Secretary shall deliver to the Authority a document memorializing such rights of way.

(d) Report.—If the conveyance under subsection (a) has not occurred within twelve months after the effective date of this Act, the Secretary shall submit to Congress a report on the status of the conveyance.

SEC. 4. RELATIONSHIP TO EXISTING CONTRACTS.

The Secretary and the Authority may modify Contract No. 7–07–30–W0004 and other contracts and land permits as necessary to conform to the provisions of this Act.

SEC. 5. RELATIONSHIP TO OTHER LAWS AND FUTURE BENEFITS.

(a) If the Authority changes the use or operation of the Griffith Project, the Authority shall comply with all applicable laws and regulations governing the changes at that time.

(b) On conveyance of the Griffith Project under section 3 of this Act, the Act of June 17, 1902 (43 U.S.C. 391 et seq.), and all Acts amendatory thereof or supplemental thereto shall not apply to the Griffith Project. Effective upon transfer, the lands and facilities transferred pursuant to this Act shall not be entitled to receive any further Reclamation benefits pursuant to the Act of June 17, 1902, and all Acts amendatory thereof or supplemental thereto attributable to their status as a Federal Reclamation Project, and the Griffith Project shall no longer be a Federal Reclamation Project.

(c) Nothing in this Act shall transfer or affect Federal ownership, rights, or interests in Lake Mead National Recreation Area associated lands, nor affect the authorities of the National Park Service to manage Lake Mead National Recreation Area including lands on which the Griffith Project is located consistent with the Act of August 25, 1916 (39 Stat. 535), Public Law 88–639, October 8, 1964 (78 Stat. 1039), or any other applicable legislation, regulation, or policy.

(d) Nothing in this Act shall affect the application of Federal reclamation law to water delivered to the Authority pursuant to any contract with the Secretary under section 5 of the Boulder Canyon Project Act.

(e) Effective upon conveyance of the Griffith Project and acquired interests in land under section 3 of this Act, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership of the conveyed property.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 986), as amended, was passed, as follows:

S. 986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Griffith Project Prepayment and Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) The term "Authority" means the Southern Nevada Water Authority, organized under the laws of the State of Nevada.

(2) The term "Griffith Project" means the Robert B. Griffith Water Project, authorized by and constructed pursuant to the Southern Nevada Water Project Act, Public Law 89–292, as amended, (commonly known as the "Southern Nevada Water Project Act") (79 Stat. 1068), including pipelines, conduits, pumping plants, intake facilities, aqueducts, laterals, water storage and regulatory facilities, electric substations, and related works and improvements listed pursuant to "Robert B. Griffith Water Project (Formerly Southern Nevada Water Project), Nevada: Southern Clark County, Lower Colorado Region Bureau of Reclamation", on file at the Bureau of Reclamation and all interests in land acquired under Public Law 89–292, as amended.

(3) The term "Secretary" means the Secretary of the Interior.

(4) The term "Acquired Land(s)" means all interests in land, including fee title, right(s)-of-way, and easement(s), acquired by the United States from non-Federal sources by purchase, donation, exchange, or condemnation pursuant to Public Law 89–292, as amended for the Griffith Project.

(5) The term "Public Land" means lands which have never left Federal ownership and are under the jurisdiction of the Bureau of Land Management.

(6) The term "Withdrawn Land" means Federal lands which are withdrawn from settlement, sale, location of minerals, or entry under some or all of the general land laws and are reserved for a particular public purpose pursuant to Public Law 89–292, as amended, under the jurisdiction of the Bureau of Reclamation, or are reserved pursuant to Public Law 88–639 under the jurisdiction of the National Park Service.

SEC. 3. CONVEYANCE OF GRIFFITH PROJECT.

(a) In General.—In consideration of the Authority assuming from the United States all liability for administration, operation, maintenance, and replacement of the Griffith Project and subject to the prepayment by the Authority of the Federal repayment amount of $121,204,348 (which amount shall be increased to reflect any accrued unpaid interest and shall be decreased by the amount of any additional principal payments made by the Authority after September 15, 1999, prior to the date on which prepayment occurs), the Secretary shall, pursuant to the provisions of this Act—

(1) convey and assign to the Authority all of the right, title, and interest of the United States in and to improvements and facilities of the Griffith Project in existence as of the date of this Act;

(2) convey and assign to the Authority all of the right, title, and interest of the United States to Acquired Lands that were acquired for the Griffith Project; and

(3) convey and assign to the Authority all interests reserved and developed as of the date of this Act for the Griffith Project in lands patented by the United States.

(b) Pursuant to the authority of this section, from the effective date of conveyance of the Griffith Project, the Authority shall have a right of way at no cost across all Public Land and Withdrawn Land—

(1) on which the Griffith Project is situated; and

(2) across any Federal lands as reasonably necessary for the operation, maintenance, replacement, and repair of the Griffith Project, including existing access routes.

Rights of way established by this section shall be valid for as long as they are needed for municipal water supply purposes and shall not require payment of rental or other fee.

(c) Within twelve months after the effective date of this Act—

(1) the Secretary and the Authority shall agree upon a description of the land subject to the rights of way established by subsection (b) of this section; and

(2) the Secretary shall deliver to the Authority a document memorializing such rights of way.

(d) Report.—If the conveyance under subsection (a) has not occurred within twelve months after the effective date of this Act, the Secretary shall submit to Congress a report on the status of the conveyance.

SEC. 4. RELATIONSHIP TO EXISTING CONTRACTS.

The Secretary and the Authority may modify Contract No. 7–07–30–W0004 and other contracts and land permits as necessary to conform to the provisions of this Act.

SEC. 5. RELATIONSHIP TO OTHER LAWS AND FUTURE BENEFITS.

(a) If the Authority changes the use or operation of the Griffith Project, the Authority shall comply with all applicable laws and regulations governing the changes at that time.

(b) On conveyance of the Griffith Project under section 3 of this Act, the Act of June 17, 1902 (43 U.S.C. 391 et seq.), and all Acts amendatory thereof or supplemental thereto shall not apply to the Griffith Project. Effective upon transfer, the lands and facilities transferred pursuant to this Act shall not be entitled to receive any further Reclamation benefits pursuant to the Act of June 17, 1902, and all Acts amendatory thereof or supplemental thereto attributable to their status as a Federal Reclamation Project, and the Griffith Project shall no longer be a Federal Reclamation Project.

(c) Nothing in this Act shall transfer or affect Federal ownership, rights, or interests in Lake Mead National Recreation Area associated lands, nor affect the authorities of the National Park Service to manage Lake Mead National Recreation Area including lands on which the Griffith Project is located consistent with the Act of August 25, 1916 (39 Stat. 535), Public Law 88-639, October 8, 1964 (78 Stat. 1039), or any other applicable legislation, regulation, or policy.

(d) Nothing in this Act shall affect the application of Federal reclamation law to water delivered to the Authority pursuant to any contract with the Secretary under section 5 of the Boulder Canyon Project Act.

(e) Effective upon conveyance of the Griffith Project and acquired interests in land under section 3 of this Act, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership of the conveyed property.

EXCHANGE OF PRIVATE LAND IN CAMPBELL COUNTY, WYOMING

The Senate proceeded to consider the bill (S. 1030) to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws, which had been reported from the Committee on Energy and Natural Resources, with an amendment; as follows:

(The part of the bill intended to be inserted is shown in italic.)

S. 1030

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 60 BAR LAND EXCHANGE.

(a) IN GENERAL.—Sections 2201.1-2(d) and 2091.3-2(c) of title 43 Code of Federal Regulations, shall not apply in the case of the conveyance by the Secretary of the Interior of the land described in subsection (b) in exchange for approximately 9,480 acres of land in Campbell County, Wyoming, pursuant to the terms of the Cow Creek/60 Bar land exchange, WYW-143315.

(b) LAND DESCRIPTION.—The land described in this subsection comprises the following land in Campbell and Johnson Counties, Wyoming:

(1) Approximately 2,960 acres of land in the tract known as the "Bill Barlow Ranch";

(2) Approximately 2,315 acres of land in the tract know as the "T-Chair Ranch";

(3) Approximately 3,948 acres of land in the tract known as the "Bob Christensen Ranch";

(4) Approximately 11,609 acres of land in the tract known as the "John Christensen Ranch".

(c) SEGREGATION FROM ENTRY.—Land acquired by the United States in the exchange under subsection (a) shall be segregated from entry under the mining laws until appropriate land use planning is completed for the land.

The committee amendment was agreed to.

The bill (S. 1030), as amended, was passed, as follows:

S. 1030

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 60 BAR LAND EXCHANGE.

(a) IN GENERAL.—Sections 2201.1-2(d) and 2091.3-2(c) of title 43 Code of Federal Regulations, shall not apply in the case of the conveyance by the Secretary of the Interior of the land described in subsection (b) in exchange for approximately 9,480 acres of land in Campbell County, Wyoming, pursuant to the terms of the Cow Creek/60 Bar land exchange, WYW-143315.

(b) LAND DESCRIPTION.—The land described in this subsection comprises the following land in Campbell and Johnson Counties, Wyoming:

(1) Approximately 2,960 acres of land in the tract known as the "Bill Barlow Ranch";

(2) Approximately 2,315 acres of land in the tract know as the "T-Chair Ranch";

(3) Approximately 3,948 acres of land in the tract known as the "Bob Christensen Ranch";

(4) Approximately 11,609 acres of land in the tract known as the "John Christensen Ranch".

(c) SEGREGATION FROM ENTRY.—Land acquired by the United States in the exchange under subsection (a) shall be segregated from entry under the mining laws until appropriate land use planning is completed for the land.

COLORADO RIVER BASIN SALINITY CONTROL ACT

The Senate proceeded to consider the bill (S. 1211) to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperil Dam in a cost-effective manner, which had been reported from the Committee on Energy and Natural Resources, with an amendment; as follows:

(The part of the bill to be inserted is printed in italic.)

S. 1211

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF THE COLORADO RIVER BASIN SALINITY CONTROL ACT.

Section 208(c) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1598(c)) is amended—

(1) in the first sentence—

(A) by striking "$75,000,000 for subsection 202(a)" and inserting "$175,000,000 for section 202(a)"; and

(B) by striking "paragraph 202(a)(6)" and inserting "paragraph (6) of section 202(a)"; and

(2) in the second sentence, by striking "paragraph 202(a)(6)" and inserting "section 202(a)(6)".

SEC. 2. REPORT.

The Secretary of the Interior shall prepare a report on the status of implementation of the comprehensive program for minimizing salt contributions to the Colorado River from lands administered by the Bureau of Land Management directed by section 203(b)(3) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1593). The report shall provide specific information on individual projects and funding allocation. The report shall be transmitted to the Committee on Energy and Natural Resources and the Committee on Resources of the House of Representatives no later than June 30, 2000.

The committee amendment was agreed to.

The bill (S. 1211), as amended, was passed, as follows:

S. 1211

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF THE COLORADO RIVER BASIN SALINITY CONTROL ACT.

Section 208(c) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1598(c)) is amended—

(1) in the first sentence—

(A) by striking "$75,000,000 for subsection 202(a)" and inserting "$175,000,000 for section 202(a)"; and

(B) by striking "paragraph 202(a)(6)" and inserting "paragraph (6) of section 202(a)"; and

(2) in the second sentence, by striking "paragraph 202(a)(6)" and inserting "section 202(a)(6)".

SEC. 2. REPORT.

The Secretary of the Interior shall prepare a report on the status of implementation of the comprehensive program for minimizing salt contributions to the Colorado River from lands administered by the Bureau of Land Management directed by section 203(b)(3) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1593). The report shall provide specific information on individual projects and funding allocation. The report shall be transmitted to the Committee on Energy and Natural Resources and the Committee on Resources of the House of Representatives no later than June 30, 2000.

VICKSBURG CAMPAIGN TRAIL BATTLEFIELDS PRESERVATION ACT OF 1999

The Senate proceeded to consider the bill (S. 710) to authorize a feasibility study on the preservation of certain Civil War battlefields along the Vicksburg Campaign Trail, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 710

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Vicksburg Campaign Trail Battlefields Preservation Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there are situated along the Vicksburg Campaign Trail in the States of Mississippi, Louisiana, Arkansas, and Tennessee the sites of several key Civil War battles;

(2) the battlefields along the Vicksburg Campaign Trail are collectively of national significance in the history of the Civil War; and

(3) the preservation of those battlefields would vitally contribute to the understanding of the heritage of the United States.

(b) PURPOSE.—The purpose of this Act is to authorize a feasibility study to determine what measures should be taken to preserve certain Civil War battlefields along the Vicksburg Campaign Trail.

SEC. 3. DEFINITIONS.

In this Act:

(1) CAMPAIGN TRAIL STATE.—The term "Campaign Trail State" means each of the States of Mississippi, Louisiana, Arkansas, and Tennessee, including political subdivisions of those States.

(2) CIVIL WAR BATTLEFIELD.—*The term "Civil War battlefield" includes the following sites (including related structures adjacent to or thereon):*

[(A) IN GENERAL.—The term "Civil War battlefield" means the land and interests in land that is the site of a Civil War battlefield, including structures on or adjacent to the land, as generally depicted on the Map.

[(B) INCLUSIONS.—The term "Civil War battlefield" includes—

[(i)] *(A)* the battlefields at Helena and Arkansas Post, Arkansas;

[(ii)] *(B)* Goodrich's Landing near Transylvania, and sites in and around Lake Providence, East Carroll Parish, Louisiana;

[(iii)] *(C)* the battlefield at Milliken's Bend, Madison Parish, Louisiana;

[(iv)] *(D)* the route of Grant's march through Louisiana from Milliken's Bend to Hard Times, Madison and Tensas Parishes, Louisiana;

[(v)] *(E)* the Winter Quarters at Tensas Parish, Louisiana;

[(vi)] *(F)* Grant's landing site at Bruinsburg, and the route of Grant's march from Bruinsburg to Vicksburg Claiborne, Hinds, and Warren Counties, Mississippi;

[(vii)] *(G)* the battlefield at Port Gibson (including Shaifer House, Bethel Church, and the ruins of Windsor), Claiborne County, Mississippi;

[(viii)] *(H)* the battlefield at Grand Gulf, Claiborne County, Mississippi;

[(ix)] *(I)* the battlefield at Raymond (including Waverly, (the Peyton House)), Hinds County, Mississippi;

[(x)] *(J)* the battlefield at Jackson, Hinds County, Mississippi;

[(xi)] *(K)* the Union siege lines around Jackson, Hinds County, Mississippi;

[(xii)] *(L)* the battlefield at Champion Hill (including Coker House), Hinds County, Mississippi;

[(xiii)] *(M)* the battlefield at Big Black River Bridge, Hinds and Warren Counties, Mississippi;

[(xiv)] *(N)* the Union fortifications at Haynes Bluff, Confederate fortifications at Snyder's Bluff, and remnants of Federal exterior lines, Warren County, Mississippi;

[(xv)] *(O)* the battlefield at Chickasaw Bayou, Warren County, Mississippi;

[(xvi)] *(P)* Pemberton's Headquarters at Warren County, Mississippi;

[(xvii)] *(Q)* the site of actions taken in the Mississippi Delta and Confederate fortifications near Grenada, Grenada County, Mississippi;

[(xviii)] *(R)* the site of the start of Greirson's Raid and other related sites, LaGrange, Tennessee; and

[(xix)] *(S)* any other sites considered appropriate by the Secretary.

[(3) MAP.—The term "Map" means the map entitled "Vicksburg Campaign Trail National Battlefields", numbered , and dated .

[(4)] *(3)* SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 4. FEASIBILITY STUDY.

[(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete a feasibility study to determine what measures should be taken to preserve Civil War battlefields along the Vicksburg Campaign Trail.]

(a) IN GENERAL.—Not later than 3 years after funds are made available for this Act, the Secretary shall complete a feasibility study to determine what measures should be taken to preserve Civil War battlefields along the Vicksburg Campaign Trail.

(b) COMPONENTS.—In completing the study, the Secretary shall—

[(1) enter into contracts with entities to use advanced technology such as remote sensing, river modeling, and flow analysis to determine which property included in the Civil War battlefields should be preserved, restored, managed, maintained, or acquired due to the national historical significance of the property;]

(1) review current National Park Service programs, policies and criteria to determine the most appropriate means of ensuring the Civil War battlefields and associated natural, cultural, and historical resources are preserved;

(2) evaluate options for the establishment of a management entity for the Civil War battlefields consisting of a unit of government or a private nonprofit organization that—

(A) administers and manages the Civil War battlefields; and

(B) possesses the legal authority to—

(i) receive Federal funds and funds from other units of government or other organizations for use in managing the Civil War battlefields;

(ii) disburse Federal funds to other units of government or other nonprofit organizations for use in managing the Civil War battlefields;

(iii) enter into agreements with the Federal government, State governments, or other units of government and nonprofit organizations; and

(iv) acquire land or interests in land by gift or devise, by purchase from a willing seller using donated or appropriated funds, or by donation;

(3) make recommendations to the Campaign Trail States for the management, preservation, and interpretation of the natural, cultural, and historical resources of the Civil War battlefields;

(4) identify appropriate partnerships among Federal, State, and local governments, regional entities, and the private sector, including nonprofit organizations and the organization known as "Friends of the Vicksburg Campaign and Historic Trail", in furtherance of the purposes of this Act; and

(5) recommend methods of ensuring continued local involvement and participation in the management, protection, and development of the Civil War battlefields.

(c) REPORT.—Not later than 60 days after the date of completion of the study under this section, the Secretary shall submit a report describing the findings of the study to—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Resources of the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act **$1,500,000.**

The committee amendments were agreed to.

The bill (S. 710), as amended, was passed, as follows:

S. 710

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Vicksburg Campaign Trail Battlefields Preservation Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there are situated along the Vicksburg Campaign Trail in the States of Mississippi, Louisiana, Arkansas, and Tennessee the sites of several key Civil War battles;

(2) the battlefields along the Vicksburg Campaign Trail are collectively of national significance in the history of the Civil War; and

(3) the preservation of those battlefields would vitally contribute to the understanding of the heritage of the United States.

(b) PURPOSE.—The purpose of this Act is to authorize a feasibility study to determine what measures should be taken to preserve certain Civil War battlefields along the Vicksburg Campaign Trail.

SEC. 3. DEFINITIONS.

In this Act:

(1) CAMPAIGN TRAIL STATE.—The term "Campaign Trail State" means each of the States of Mississippi, Louisiana, Arkansas, and Tennessee, including political subdivisions of those States.

(2) CIVIL WAR BATTLEFIELD.—The term "Civil War battlefield" includes the following sites (including related structures adjacent to or thereon)—

(A) the battlefields at Helena and Arkansas Post, Arkansas;

(B) Goodrich's Landing near Transylvania, and sites in and around Lake Providence, East Carroll Parish, Louisiana;

(C) the battlefield at Milliken's Bend, Madison Parish, Louisiana;

(D) the route of Grant's march through Louisiana from Milliken's Bend to Hard Times, Madison and Tensas Parishes, Louisiana;

(E) the Winter Quarters at Tensas Parish, Louisiana;

(F) Grant's landing site at Bruinsburg, and the route of Grant's march from Bruinsburg to Vicksburg, Claiborne, Hinds, and Warren Counties, Mississippi;

(G) the battlefield at Port Gibson (including Shaifer House, Bethel Church, and the ruins of Windsor), Claiborne County, Mississippi;

(H) the battlefield at Grand Gulf, Claiborne County, Mississippi;

(I) the battlefield at Raymond (including Waverly, (the Peyton House)), Hinds County, Mississippi;

(J) the battlefield at Jackson, Hinds County, Mississippi;

(K) the Union siege lines around Jackson, Hinds County, Mississippi;

(L) the battlefield at Champion Hill (including Coker House), Hinds County, Mississippi;

(M) the battlefield at Big Black River Bridge, Hinds and Warren Counties, Mississippi;

(N) the Union fortifications at Haynes Bluff, Confederate fortifications at Snyder's Bluff, and remnants of Federal exterior lines, Warren County, Mississippi;

(O) the battlefield at Chickasaw Bayou, Warren County, Mississippi;

(P) Pemberton's Headquarters at Warren County, Mississippi;

(Q) the site of actions taken in the Mississippi Delta and Confederate fortifications near Grenada, Grenada County, Mississippi;

(R) the site of the start of Greirson's Raid and other related sites, LaGrange, Tennessee; and

(S) any other sites considered appropriate by the Secretary.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 4. FEASIBILITY STUDY.

(a) IN GENERAL.—Not later than 3 years after funds are made available for this Act, the Secretary shall complete a feasibility study to determine what measures should be taken to preserve Civil War battlefields along the Vicksburg Campaign Trail.

(b) COMPONENTS.—In completing the study, the Secretary shall—

(1) review current National Park Service programs, policies and criteria to determine the most appropriate means of ensuring the Civil War battlefields and associated natural, cultural, and historical resources are preserved;

(2) evaluate options for the establishment of a management entity for the Civil War battlefields consisting of a unit of government or a private nonprofit organization that—

(A) administers and manages the Civil War battlefields; and

(B) possesses the legal authority to—

(i) receive Federal funds and funds from other units of government or other organizations for use in managing the Civil War battlefields;

(ii) disburse Federal funds to other units of government or other nonprofit organizations for use in managing the Civil War battlefields;

(iii) enter into agreements with the Federal government, State governments, or other units of government and nonprofit organizations; and

(iv) acquire land or interests in land by gift or devise, by purchase from a willing seller using donated or appropriated funds, or by donation;

(3) make recommendations to the Campaign Trail States for the management, preservation, and interpretation of the natural, cultural, and historical resources of the Civil War battlefields;

(4) identify appropriate partnerships among Federal, State, and local governments, regional entities, and the private sector, including nonprofit organizations and the organization known as "Friends of the Vicksburg Campaign and Historic Trail", in furtherance of the purposes of this Act; and

(5) recommend methods of ensuring continued local involvement and participation in the management, protection, and development of the Civil War battlefields.

(c) REPORT.—Not later than 60 days after the date of completion of the study under this section, the Secretary shall submit a report describing the findings of the study to—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Resources of the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $1,500,000.

LACKAWANNA VALLEY AMERICAN HERITAGE AREA ACT OF 1999

The Senate proceeded to consider the bill (S. 905) to establish the Lackawanna Valley American Heritage Area, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 905

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lackawanna Valley **[**American**]** *National* Heritage Area Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the industrial and cultural heritage of northeastern Pennsylvania, including Lackawanna County, Luzerne County, Wayne County, and Susquehanna County, related directly to anthracite and anthracite-related industries, is nationally significant;

(2) the industries referred to in paragraph (1) include anthracite mining, ironmaking, textiles, and rail transportation;

(3) the industrial and cultural heritage of the anthracite and anthracite-related industries in the region described in paragraph (1) includes the social history and living cultural traditions of the people of the region;

(4) the labor movement of the region played a significant role in the development of the Nation, including—

(A) the formation of many major unions such as the United Mine Workers of America; and

(B) crucial struggles to improve wages and working conditions, such as the 1900 and 1902 anthracite strikes;

(5)(A) the Secretary of the Interior is responsible for protecting the historical and cultural resources of the United States; and

(B) there are significant examples of those resources within the region described in paragraph (1) that merit the involvement of the Federal Government to develop, in cooperation with the Lackawanna Heritage Valley Authority, the Commonwealth of Pennsylvania, and local and governmental entities, programs and projects to conserve, protect, and interpret this heritage adequately for future generations, while providing opportunities for education and revitalization; and

(6) the Lackawanna Heritage Valley Authority would be an appropriate management entity for a Heritage Area established in the region described in paragraph (1).

(b) PURPOSES.—The purposes of the Lackawanna Valley **[**American**]** *National* Heritage Area and this Act are—

(1) to foster a close working relationship among all levels of government, the private sector, and the local communities in the anthracite coal region of northeastern Pennsylvania and enable the communities to conserve their heritage while continuing to pursue economic opportunities; and

(2) to conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the 4-county region described in subsection (a)(1).

SEC. 3. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term "Heritage Area" means the Lackawanna Valley **[**American**]** *National* Heritage Area established by section 4.

(2) MANAGEMENT ENTITY.—The term "management entity" means the management entity for the Heritage Area specified in section 4(c).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area developed under section 6(b).

(4) PARTNER.—The term "partner" means—

(A) a Federal, State, or local governmental entity; and

(B) an organization, private industry, or individual involved in promoting the conservation and preservation of the cultural and natural resources of the Heritage Area.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. LACKAWANNA VALLEY AMERICAN HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Lackawanna Valley **[**American**]** *National* Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall be comprised of all or parts of Lackawanna County, Luzerne County, Wayne County, and Susquehanna County, Pennsylvania, determined in accordance with the compact under section 5.

(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Lackawanna Heritage Valley Authority.

SEC. 5. COMPACT.

(a) IN GENERAL.—To carry out this Act, the Secretary shall enter into a compact with the management entity.

(b) CONTENTS OF COMPACT.—The compact shall include information relating to the objectives and management of the area, including—

(1) a delineation of the boundaries of the Heritage Area; and

(2) a discussion of the goals and objectives of the Heritage Area, including an explanation of the proposed approach to conservation and interpretation and a general outline of the protection measures committed to by the partners.

SEC. 6. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) AUTHORITIES OF MANAGEMENT ENTITY.—The management entity may, for the purposes of preparing and implementing the management plan, use funds made **[**available under this Act—**]** *available under this Act to hire and compensate staff.*

[(1) to make loans and grants to, and enter into cooperative agreements with, any State or political subdivision of a State, private organization, or person; and

[(2) to hire and compensate staff.**]**

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—The management entity shall develop a management plan for the Heritage Area that presents comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area.

(2) CONSIDERATION OF OTHER PLANS AND ACTIONS.—The management plan shall—

(A) take into consideration State, county, and local plans;

(B) involve residents, public agencies, and private organizations working in the Heritage Area; and

(C) include actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area.

(3) Specification of funding sources.—The management plan shall specify the existing and potential sources of funding available to protect, manage, and develop the Heritage Area.

(4) Other required elements.—The management plan shall include the following:

(A) An inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the purposes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its historical, cultural, natural, recreational, or scenic significance.

(B) A recommendation of policies for resource management that considers and details application of appropriate land and water management techniques, including the development of intergovernmental cooperative agreements to protect the historical, cultural, natural, and recreational resources of the Heritage Area in a manner that is consistent with the support of appropriate and compatible economic viability.

(C) A program for implementation of the management plan by the management entity, including—

(i) plans for restoration and construction; and

(ii) specific commitments of the partners for the first 5 years of operation.

(D) An analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this Act.

(E) An interpretation plan for the Heritage Area.

(5) Submission to secretary for approval.—

(A) In general.—Not later than the last day of the 3-year period beginning on the date of enactment of this Act, the management entity shall submit the management plan to the Secretary for approval.

(B) Effect of failure to submit.—If a management plan is not submitted to the Secretary by the day referred to in subparagraph (A), the Secretary shall not, after that day, provide any grant or other assistance under this Act with respect to the Heritage Area until a management plan for the Heritage Area is submitted to the Secretary.

(c) Duties of Management Entity.—The management entity shall—

(1) give priority to implementing actions specified in the compact and management plan, including steps to assist units of government and nonprofit organizations in preserving the Heritage Area;

(2) assist units of government and nonprofit organizations in—

(A) establishing and maintaining interpretive exhibits in the Heritage Area;

(B) developing recreational resources in the Heritage Area;

(C) increasing public awareness of and appreciation for the historical, natural, and architectural resources and sites in the Heritage Area; and

(D) restoring historic buildings that relate to the purposes of the Heritage Area;

(3) encourage economic viability in the Heritage Area consistent with the goals of the management plan;

(4) encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the management plan;

(5) assist units of government and nonprofit organizations to ensure that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are placed throughout the Heritage Area;

(6) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;

(7) conduct public meetings not less often than quarterly concerning the implementation of the management plan;

(8) submit substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for the Secretary's approval; and

(9) for each year in which Federal funds have been received under this Act—

(A) submit a report to the Secretary that specifies—

(i) the accomplishments of the management entity; *and*

(ii) the expenses and income of the management entity; [and]

[(iii) each entity to which any loan or grant was made during the year;]

(B) make available to the Secretary for audit all records relating to the expenditure of such funds and any matching funds; and

(C) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of such funds.

(d) Use of Federal Funds.—

(1) Funds made available under this act.—The management entity shall not use Federal funds received under this Act to acquire real property or any interest in real property.

(2) Funds from other sources.—Nothing in this Act precludes the management entity from using Federal funds obtained through law other than this Act for any purpose for which the funds are authorized to be used.

SEC. 7. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

[(a) Technical and Financial Assistance.—]

[(1) In general.—]

[(A) Provision of assistance.—The Secretary may, at the request of the management entity, provide technical and financial assistance to the management entity to develop and implement the management plan.

[(B) Priority in assistance.—In assisting the management entity, the Secretary shall give priority to actions that assist in—

[(i) conserving the significant historical, cultural, and natural resources that support the purposes of the Heritage Area; and

[(ii) providing educational, interpretive, and recreational opportunities consistent with the resources and associated values of the Heritage Area.

[(2) Expenditures for non-federally owned property.—

[(A) In general.—To further the purposes of this Act, the Secretary may expend Federal funds directly on non-federally owned property, especially for assistance to units of government relating to appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places.

[(B) Studies.—The Historic American Buildings Survey/Historic American Engineering Record shall conduct such studies as are necessary to document the industrial, engineering, building, and architectural history of the Heritage Area.]

(a) Technical and Financial Assistance.—

(1) Provision of assistance.—The Secretary may, at the request of the management entity, provide technical and financial assistance to the management entity to develop and implement the management plan.

(2) Priority in assistance.—In assisting the management entity, the Secretary shall give priority to actions that assist in—

(A) conserving the significant historical, cultural, and natural resources that support the purpose of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the resources and associated values of the Heritage Area.

(b) Approval and Disapproval of Management Plans.—

(1) In general.—The Secretary, in consultation with the Governor of the Commonwealth of Pennsylvania, shall approve or disapprove a management plan submitted under this Act not later than 90 days after receipt of the management plan.

(2) Action following disapproval.—

(A) In general.—If the Secretary disapproves a management plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions to the management plan.

(B) Deadline for approval of revision.—The Secretary shall approve or disapprove a proposed revision within 90 days after the date on which the revision is submitted to the Secretary.

(c) Approval of Amendments.—

(1) Review.—The Secretary shall review substantial amendments (as determined under section 6(c)(8)) to the management plan for the Heritage Area.

(2) Requirement of approval.—Funds made available under this Act shall not be expended to implement the amendments described in paragraph (1) until the Secretary approves the amendments.

SEC. 8. SUNSET PROVISION.

The Secretary shall not provide any grant or other assistance under this Act after September 30, 2012.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There is authorized to be appropriated to carry out this Act $10,000,000, except that not more than $1,000,000 may be appropriated to carry out this Act for any fiscal year.

(b) 50 Percent Match.—The Federal share of the cost of activities carried out using any assistance or grant under this Act shall not exceed 50 percent.

Amend the title so as to read: "To establish the Lackawanna Valley National Heritage Area and for other purposes."

The committee amendments were agreed to.

The bill (S. 905), as amended, was passed, as follows:

S. 905

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lackawanna Valley National Heritage Area Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) the industrial and cultural heritage of northeastern Pennsylvania, including Lackawanna County, Luzerne County, Wayne County, and Susquehanna County, related directly to anthracite and anthracite-related industries, is nationally significant;

(2) the industries referred to in paragraph (1) include anthracite mining, ironmaking, textiles, and rail transportation;

(3) the industrial and cultural heritage of the anthracite and anthracite-related industries in the region described in paragraph (1) includes the social history and living cultural traditions of the people of the region;

(4) the labor movement of the region played a significant role in the development of the Nation, including—

(A) the formation of many major unions such as the United Mine Workers of America; and

(B) crucial struggles to improve wages and working conditions, such as the 1900 and 1902 anthracite strikes;

(5)(A) the Secretary of the Interior is responsible for protecting the historical and cultural resources of the United States; and

(B) there are significant examples of those resources within the region described in paragraph (1) that merit the involvement of the Federal Government to develop, in cooperation with the Lackawanna Heritage Valley Authority, the Commonwealth of Pennsylvania, and local and governmental entities, programs and projects to conserve, protect, and interpret this heritage adequately for future generations, while providing opportunities for education and revitalization; and

(6) the Lackawanna Heritage Valley Authority would be an appropriate management entity for a Heritage Area established in the region described in paragraph (1).

(b) PURPOSES.—The purposes of the Lackawanna Valley National Heritage Area and this Act are—

(1) to foster a close working relationship among all levels of government, the private sector, and the local communities in the anthracite coal region of northeastern Pennsylvania and enable the communities to conserve their heritage while continuing to pursue economic opportunities; and

(2) to conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the 4-county region described in subsection (a)(1).

SEC. 3. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term "Heritage Area" means the Lackawanna Valley National Heritage Area established by section 4.

(2) MANAGEMENT ENTITY.—The term "management entity" means the management entity for the Heritage Area specified in section 4(c).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area developed under section 6(b).

(4) PARTNER.—The term "partner" means—

(A) a Federal, State, or local governmental entity; and

(B) an organization, private industry, or individual involved in promoting the conservation and preservation of the cultural and natural resources of the Heritage Area.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. LACKAWANNA VALLEY AMERICAN HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Lackawanna Valley National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall be comprised of all or parts of Lackawanna County, Luzerne County, Wayne County, and Susquehanna County, Pennsylvania, determined in accordance with the compact under section 5.

(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Lackawanna Heritage Valley Authority.

SEC. 5. COMPACT.

(a) IN GENERAL.—To carry out this Act, the Secretary shall enter into a compact with the management entity.

(b) CONTENTS OF COMPACT.—The compact shall include information relating to the objectives and management of the area, including—

(1) a delineation of the boundaries of the Heritage Area; and

(2) a discussion of the goals and objectives of the Heritage Area, including an explanation of the proposed approach to conservation and interpretation and a general outline of the protection measures committed to by the partners.

SEC. 6. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) AUTHORITIES OF MANAGEMENT ENTITY.—The management entity may, for the purposes of preparing and implementing the management plan, use funds made available under this Act to hire and compensate staff.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—The management entity shall develop a management plan for the Heritage Area that presents comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area.

(2) CONSIDERATION OF OTHER PLANS AND ACTIONS.—The management plan shall—

(A) take into consideration State, county, and local plans;

(B) involve residents, public agencies, and private organizations working in the Heritage Area; and

(C) include actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area.

(3) SPECIFICATION OF FUNDING SOURCES.—The management plan shall specify the existing and potential sources of funding available to protect, manage, and develop the Heritage Area.

(4) OTHER REQUIRED ELEMENTS.—The management plan shall include the following:

(A) An inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the purposes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its historical, cultural, natural, recreational, or scenic significance.

(B) A recommendation of policies for resource management that considers and details application of appropriate land and water management techniques, including the development of intergovernmental cooperative agreements to protect the historical, cultural, natural, and recreational resources of the Heritage Area in a manner that is consistent with the support of appropriate and compatible economic viability.

(C) A program for implementation of the management plan by the management entity, including—

(i) plans for restoration and construction; and

(ii) specific commitments of the partners for the first 5 years of operation.

(D) An analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this Act.

(E) An interpretation plan for the Heritage Area.

(5) SUBMISSION TO SECRETARY FOR APPROVAL.—

(A) IN GENERAL.—Not later than the last day of the 3-year period beginning on the date of enactment of this Act, the management entity shall submit the management plan to the Secretary for approval.

(B) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the day referred to in subparagraph (A), the Secretary shall not, after that day, provide any grant or other assistance under this Act with respect to the Heritage Area until a management plan for the Heritage Area is submitted to the Secretary.

(c) DUTIES OF MANAGEMENT ENTITY.—The management entity shall—

(1) give priority to implementing actions specified in the compact and management plan, including steps to assist units of government and nonprofit organizations in preserving the Heritage Area;

(2) assist units of government and nonprofit organizations in—

(A) establishing and maintaining interpretive exhibits in the Heritage Area;

(B) developing recreational resources in the Heritage Area;

(C) increasing public awareness of and appreciation for the historical, natural, and architectural resources and sites in the Heritage Area; and

(D) restoring historic buildings that relate to the purposes of the Heritage Area;

(3) encourage economic viability in the Heritage Area consistent with the goals of the management plan;

(4) encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the management plan;

(5) assist units of government and nonprofit organizations to ensure that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are placed throughout the Heritage Area;

(6) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;

(7) conduct public meetings not less often than quarterly concerning the implementation of the management plan;

(8) submit substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for the Secretary's approval; and

(9) for each year in which Federal funds have been received under this Act—

(A) submit a report to the Secretary that specifies—

(i) the accomplishments of the management entity; and

(ii) the expenses and income of the management entity;

(B) make available to the Secretary for audit all records relating to the expenditure of such funds and any matching funds; and

(C) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of such funds.

(d) USE OF FEDERAL FUNDS.—

(1) FUNDS MADE AVAILABLE UNDER THIS ACT.—The management entity shall not use Federal funds received under this Act to acquire real property or any interest in real property.

(2) FUNDS FROM OTHER SOURCES.—Nothing in this Act precludes the management entity from using Federal funds obtained through law other than this Act for any purpose for which the funds are authorized to be used.

SEC. 7. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) PROVISION OF ASSISTANCE.—The Secretary may, at the request of the management entity, provide technical and financial assistance to the management entity to develop and implement the management plan.

(2) PRIORITY IN ASSISTANCE.—In assisting the management entity, the Secretary shall give priority to actions that assist in—

(A) conserving the significant historical, cultural, and natural resources that support the purpose of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the resources and associated values of the Heritage Area.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLANS.—

(1) IN GENERAL.—The Secretary, in consultation with the Governor of the Commonwealth of Pennsylvania, shall approve or disapprove a management plan submitted under this Act not later than 90 days after receipt of the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves a management plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions to the management plan.

(B) DEADLINE FOR APPROVAL OF REVISION.—The Secretary shall approve or disapprove a proposed revision within 90 days after the date on which the revision is submitted to the Secretary.

(c) APPROVAL OF AMENDMENTS.—

(1) REVIEW.—The Secretary shall review substantial amendments (as determined under section 6(c)(8)) to the management plan for the Heritage Area.

(2) REQUIREMENT OF APPROVAL.—Funds made available under this Act shall not be expended to implement the amendments described in paragraph (1) until the Secretary approves the amendments.

SEC. 8. SUNSET PROVISION.

The Secretary shall not provide any grant or other assistance under this Act after September 30, 2012.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $10,000,000, except that not more than $1,000,000 may be appropriated to carry out this Act for any fiscal year.

(b) 50 PERCENT MATCH.—The Federal share of the cost of activities carried out using any assistance or grant under this Act shall not exceed 50 percent.

The title was amended so as to read: "To establish the Lackawanna Valley National Heritage Area and for other purposes."

CORINTH BATTLEFIELD PRESERVATION ACT OF 1999

The Senate proceeded to consider the bill (S. 1117) to establish the Corinth Unit of Shiloh National Military Park, in the vicinity of the city of Corinth, Mississippi, and in the State of Tennessee, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 1117

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Corinth Battlefield Preservation Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in 1996, Congress authorized the establishment and construction of a center—

(A) to facilitate the interpretation of the Siege and Battle of Corinth and other Civil War actions in the area in and around the city of Corinth, Mississippi; and

(B) to enhance public understanding of the significance of the Corinth campaign and the Civil War relative to the western theater of operations, in cooperation with—

(i) State or local governmental entities;

(ii) private organizations; and

(iii) individuals;

(2) the Corinth Battlefield was ranked as a priority I battlefield having critical need for coordinated nationwide action by the year 2000 by the Civil War Sites Advisory Commission in its report on Civil War Battlefields of the United States;

(3) there is a national interest in protecting and preserving sites of historic significance associated with the Civil War; and

(4) the States of Mississippi and Tennessee and their respective local units of government—

(A) have the authority to prevent or minimize adverse uses of these historic resources; and

(B) can play a significant role in the protection of the historic resources related to the Civil War battles fought in the area in and around the city of Corinth.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish the Corinth Unit of the Shiloh National Military Park—

(A) in the city of Corinth, Mississippi; and

(B) in the State of Tennessee;

(2) to direct the Secretary of the Interior to manage, protect, and interpret the resources associated with the Civil War Siege and the Battle of Corinth that occurred in and around the city of Corinth, in cooperation with—

(A) the State of Mississippi;

(B) the State of Tennessee;

(C) the city of Corinth, Mississippi;

(D) other public entities; and

(E) the private sector; and

(3) to authorize a special resource study to identify other Civil War sites area in and around the city of Corinth that—

(A) are consistent with the themes of the Siege and Battle of Corinth;

(B) meet the criteria for designation as a unit of the National Park System; and

(C) are considered appropriate for inclusion in the Unit.

SEC. 3. DEFINITIONS.

In this Act:

(1) MAP.—The term "Map" means the map entitled **[**"Corinth Unit"**]** "*Park Boundary-Corinth Unit*", numbered 304/80.007, and dated October 1998.

(2) PARK.—The term "Park" means the Shiloh National Military Park.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) UNIT.—The term "Unit" means the Corinth Unit of Shiloh National Military Park established under section 4.

SEC. 4. ESTABLISHMENT OF UNIT.

(a) IN GENERAL.—There is established in the States of Mississippi and Tennessee the Corinth Unit of the Shiloh National Military Park.

(b) COMPOSITION OF UNIT.—The Unit shall be comprised of—

[(1) the tract consisting of approximately 20 acres generally depicted as "Park Boundary" on the Map, and containing—

[(A) the Battery Robinett; and

[(B) the site of the interpretive center authorized under section 602 of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 430f-5); and**]**

(1) the tract consisting of approximately 20 acres generally depicted as "Battery Robinett Boundary" on the Map; and

(2) any additional land that the Secretary determines to be suitable for inclusion in the Unit that—

(A) is under the ownership of a public entity or nonprofit organization; and

(B) has been identified by the Siege and Battle of Corinth National Historic Landmark Study, dated January 8, 1991.

(c) AVAILABILITY OF MAP.—The Map shall be on file and available for public inspection in the office of the Director of the National Park Service.

SEC. 5. LAND ACQUISITION.

(a) IN GENERAL.—The Secretary may acquire land and interests in land within the boundary of the Park as depicted on the Map, by—

(1) donation;

(2) purchase with donated or appropriated funds; or

(3) exchange.

(b) EXCEPTION.—Land may be acquired only by donation from—

(1) the State of Mississippi (including a political subdivision of the State);

(2) the State of Tennessee (including a political subdivision of the State); or

(3) the organization known as "Friends of the Siege and Battle of Corinth".

SEC. 6. PARK MANAGEMENT AND ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the Unit in accordance with this Act and the laws generally applicable to units of the National Park System, including—

(1) the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1 et seq.); and

(2) the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.).

(b) DUTIES.—In accordance with section 602 of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 430f-5), the Secretary shall—

(1) commemorate and interpret, for the benefit of visitors and the general public, the Siege and Battle of Corinth and other Civil War actions in the area in and around the city of Corinth within the larger context of the Civil War and American history, including. the significance of the Civil War Siege and Battle of Corinth in 1862 in relation to other operations in the western theater of the Civil War; and

(2) identify and preserve surviving features from the Civil War era in the area in and around the city of Corinth, including both military and civilian themes that include—

(A) the role of railroads in the Civil War;

(B) the story of the Corinth contraband camp; and

(C) the development of field fortifications as a tactic of war.

(c) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—To carry this Act, the Secretary may enter into cooperative agreements with entities in the public and private sectors, including—

(A) colleges and universities;

(B) historical societies;

(C) State and local agencies; and

(D) nonprofit organizations.

(2) TECHNICAL ASSISTANCE.—To develop cooperative land use strategies and conduct activities that facilitate the conservation of the historic, cultural, natural, and scenic resources of the Unit, the Secretary may provide technical assistance, to the extent that a recipient of technical assistance is engaged in the protection, interpretation, or commemoration of historically significant Civil War resources in the area in and around the city of Corinth, to—

(A) the State of Mississippi (including a political subdivision of the State);

(B) the State of Tennessee (including a political subdivision of the State);

(C) a governmental entity;

(D) a nonprofit organization; and

(E) a private property owner.

(d) RESOURCES OUTSIDE THE UNIT.—Nothing in subsection (c)(2) authorizes the Secretary to own or manage any resource outside the Unit.

SEC. 7. AUTHORIZATION OF SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—To determine whether certain additional properties are appropriate for inclusion in the Unit, the Secretary shall conduct a special resource study of land in and around the city of Corinth, Mississippi, and nearby areas in the State of Tennessee that—

(1) have a relationship to the Civil War Siege and Battle of Corinth in 1862; and

(2) are under the ownership of—

(A) the State of Mississippi (including a political subdivision of the State);

(B) the State of Tennessee (including a political subdivision of the State);

(C) a nonprofit organization; or

(D) a private person.

(b) CONTENTS OF STUDY.—The study shall—

(1) identify the full range of resources and historic themes associated with the Civil War Siege and Battle of Corinth in 1862, including the relationship of the campaign to other operations in the western theater of the Civil War that occurred in—

(A) the area in and around the city of Corinth; and

(B) the State of Tennessee;

(2) identify alternatives for preserving features from the Civil War era in the area in and around the city of Corinth, including both military and civilian themes involving—

(A) the role of the railroad in the Civil War;

(B) the story of the Corinth contraband camp; and

(C) the development of field fortifications as a tactic of war;

(3) identify potential partners that might support efforts by the Secretary to carry out this Act, including—

(A) State entities and their political subdivisions;

(B) historical societies and commissions;

(C) civic groups; and

(D) nonprofit organizations;

(4) identify alternatives to avoid land use conflicts; and

(5) include cost estimates for any necessary activity associated with the alternatives identified under this subsection, including—

(A) acquisition;

(B) development;

(C) interpretation;

(D) operation; and

(E) maintenance.

(c) REPORT.—Not later than 1 year and 180 days after the date on which funds are made available to carry out this section, the Secretary shall submit a report describing the findings of the study under subsection (a) to—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Resources of the House of Representatives.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, including $3,000,000 for the construction of an interpretive center under section 602(d) of title VI of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 430f-5(d)).

The committee amendments were agreed to.

The bill (S. 1117), as amended, was passed, as follows:

S. 1117

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Corinth Battlefield Preservation Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in 1996, Congress authorized the establishment and construction of a center—

(A) to facilitate the interpretation of the Siege and Battle of Corinth and other Civil War actions in the area in and around the city of Corinth, Mississippi; and

(B) to enhance public understanding of the significance of the Corinth campaign and the Civil War relative to the western theater of operations, in cooperation with—

(i) State or local governmental entities;

(ii) private organizations; and

(iii) individuals;

(2) the Corinth Battlefield was ranked as a priority 1 battlefield having critical need for coordinated nationwide action by the year 2000 by the Civil War Sites Advisory Commission in its report on Civil War Battlefields of the United States;

(3) there is a national interest in protecting and preserving sites of historic significance associated with the Civil War; and

(4) the States of Mississippi and Tennessee and their respective local units of government—

(A) have the authority to prevent or minimize adverse uses of these historic resources; and

(B) can play a significant role in the protection of the historic resources related to the Civil War battles fought in the area in and around the city of Corinth.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish the Corinth Unit of the Shiloh National Military Park—

(A) in the city of Corinth, Mississippi; and

(B) in the State of Tennessee;

(2) to direct the Secretary of the Interior to manage, protect, and interpret the resources associated with the Civil War Siege and the Battle of Corinth that occurred in and around the city of Corinth, in cooperation with—

(A) the State of Mississippi;

(B) the State of Tennessee;

(C) the city of Corinth, Mississippi;

(D) other public entities; and

(E) the private sector; and

(3) to authorize a special resource study to identify other Civil War sites area in and around the city of Corinth that—

(A) are consistent with the themes of the Siege and Battle of Corinth;

(B) meet the criteria for designation as a unit of the National Park System; and

(C) are considered appropriate for inclusion in the Unit.

SEC. 3. DEFINITIONS.

In this Act:

(1) MAP.—The term "Map" means the map entitled "Park Boundary-Corinth Unit", numbered 304/80,007, and dated October 1998.

(2) PARK.—The term "Park" means the Shiloh National Military Park.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) UNIT.—The term "Unit" means the Corinth Unit of Shiloh National Military Park established under section 4.

SEC. 4. ESTABLISHMENT OF UNIT.

(a) IN GENERAL.—There is established in the States of Mississippi and Tennessee the Corinth Unit of the Shiloh National Military Park.

(b) COMPOSITION OF UNIT.—The Unit shall be comprised of—

(1) the tract consisting of approximately 20 acres generally depicted as "Battery Robinett Boundary" on the Map; and

(2) any additional land that the Secretary determines to be suitable for inclusion in the Unit that—

(A) is under the ownership of a public entity or nonprofit organization; and

(B) has been identified by the Siege and Battle of Corinth National Historic Landmark Study, dated January 8, 1991.

(c) AVAILABILITY OF MAP.—The Map shall be on file and available for public inspection in the office of the Director of the National Park Service.

SEC. 5. LAND ACQUISITION.

(a) IN GENERAL.—The Secretary may acquire land and interests in land within the boundary of the Park as depicted on the Map, by—

(1) donation;

(2) purchase with donated or appropriated funds; or

(3) exchange.

(b) EXCEPTION.—Land may be acquired only by donation from—

(1) the State of Mississippi (including a political subdivision of the State);

(2) the State of Tennessee (including a political subdivision of the State); or

(3) the organization known as "Friends of the Siege and Battle of Corinth".

SEC. 6. PARK MANAGEMENT AND ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the Unit in accordance with this Act and the laws generally applicable to units of the National Park System, including—

(1) the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1 et seq.); and

(2) the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.).

(b) DUTIES.—In accordance with section 602 of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 430f-5), the Secretary shall—

(1) commemorate and interpret, for the benefit of visitors and the general public, the Siege and Battle of Corinth and other Civil War actions in the area in and around the city of Corinth within the larger context of the Civil War and American history, including the significance of the Civil War Siege and Battle of Corinth in 1862 in relation to other operations in the western theater of the Civil War; and

(2) identify and preserve surviving features from the Civil War era in the area in and around the city of Corinth, including both military and civilian themes that include—

(A) the role of railroads in the Civil War;

(B) the story of the Corinth contraband camp; and

(C) the development of field fortifications as a tactic of war.

(c) Cooperative Agreements.—

(1) In general.—To carry this Act, the Secretary may enter into cooperative agreements with entities in the public and private sectors, including—

(A) colleges and universities;

(B) historical societies;

(C) State and local agencies; and

(D) nonprofit organizations.

(2) Technical assistance.—To develop cooperative land use strategies and conduct activities that facilitate the conservation of the historic, cultural, natural, and scenic resources of the Unit, the Secretary may provide technical assistance, to the extent that a recipient of technical assistance is engaged in the protection, interpretation, or commemoration of historically significant Civil War resources in the area in and around the city of Corinth, to—

(A) the State of Mississippi (including a political subdivision of the State);

(B) the State of Tennessee (including a political subdivision of the State);

(C) a governmental entity;

(D) a nonprofit organization; and

(E) a private property owner.

(d) Resources Outside the Unit.—Nothing in subsection (c)(2) authorizes the Secretary to own or manage any resource outside the Unit.

SEC. 7. AUTHORIZATION OF SPECIAL RESOURCE STUDY.

(a) In General.—To determine whether certain additional properties are appropriate for inclusion in the Unit, the Secretary shall conduct a special resource study of land in and around the city of Corinth Mississippi, and nearby areas in the State of Tennessee that—

(1) have a relationship to the Civil War Siege and Battle of Corinth in 1862; and

(2) are under the ownership of—

(A) the State of Mississippi (including a political subdivision of the State);

(B) the State of Tennessee (including a political subdivision of the State);

(C) a nonprofit organization; or

(D) a private person.

(b) Contents of Study.—The study shall—

(1) identify the full range of resources and historic themes associated with the Civil War Siege and Battle of Corinth in 1862, including the relationship of the campaign to other operations in the western theater of the Civil War that occurred in—

(A) the area in and around the city of Corinth; and

(B) the State of Tennessee;

(2) identify alternatives for preserving features from the Civil War era in the area in and around the city of Corinth, including both military and civilian themes involving—

(A) the role of the railroad in the Civil War;

(B) the story of the Corinth contraband camp; and

(C) the development of field fortifications as a tactic of war;

(3) identify potential partners that might support efforts by the Secretary to carry out this Act, including—

(A) State entities and their political subdivisions;

(B) historical societies and commissions;

(C) civic groups; and

(D) nonprofit organizations;

(4) identify alternatives to avoid land use conflicts; and

(5) include cost estimates for any necessary activity associated with the alternatives identified under this subsection, including—

(A) acquisition;

(B) development;

(C) interpretation;

(D) operation; and

(E) maintenance.

(c) Report.—Not later than 1 year and 180 days after the date on which funds are made available to carry out this section, the Secretary shall submit a report describing the findings of the study under subsection (a) to—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Resources of the House of Representatives.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, including $3,000,000 for the construction of an interpretive center under section 602(d) of title VI of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 430f–5(d)).

GETTYSBURG NATIONAL MILITARY PARK

The bill (S. 1324) to expand the boundaries of the Gettysburg National Military Park to include the Wills House, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed: as follows:

S. 1324

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GETTYSBURG NATIONAL MILITARY PARK BOUNDARY REVISION.

(a) In General.—Section 1 of the Act entitled "An Act to revise the boundary of the Gettysburg National Military Park in the Commonwealth of Pennsylvania, and for other purposes" approved August 17, 1990 (16 U.S.C. 430g-4) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following:

"(b) Additional Land.—In addition to the land identified in subsection (a), the park shall also include the property commonly known as the Wills House located in the Borough of Gettysburg and identified as Tract P02–1 on the map entitled 'Gettysburg National Military Park' numbered MARO 305/80,011 Segment 2, and dated April 1981, revised May 14, 1999."; and

(3) in subsection (c) (as redesignated by paragraph (1)), by striking "map referred to in subsection (a)" and inserting "maps referred to in subsections (a) and (b)".

SEC. 2. ACQUISITION AND DISPOSAL OF LAND.

Section 2 of the Act entitled "An Act to revise the boundary of the Gettysburg National Military Park in the Commonwealth of Pennsylvania, and for other purposes" approved August 17, 1990 (16 U.S.C. 430g–4) is amended by striking "1(b)" each place it appears and inserting "1(c)".

HOOVER DAM MISCELLANEOUS SALES ACT

The bill (S. 1275) to authorize the Secretary of the Interior to produce and sell products and to sell publications relating to the Hoover Dam, and to deposit revenues generated from the sales into the Colorado River Dam fund, was considered, ordered to be engrossed for a third reading, read the third time, and passed: as follows:

S. 1275

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hoover Dam Miscellaneous Sales Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the sale and distribution of general public information about the use of public land and water areas for recreation, fish, wildlife, and other purposes serve significant public benefits;

(2) publications and other materials educate the public and provide general information about Bureau of Reclamation programs and projects;

(3) in 1997, more than 1,000,000 visitors, including 300,000 from foreign countries, toured the Hoover Dam;

(4) hundreds of thousands of additional visitors stopped to view the dam;

(5) visitors often ask to purchase maps, publications, and other items to enhance their experience or serve educational purposes;

(6) in many cases the Bureau of Reclamation is the sole source of those items;

(7) the Bureau is in a unique position to fulfill public requests for those items; and

(8) as a public agency, the Bureau should be responsive to the public by having appropriate items available for sale.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to authorize the Secretary of the Interior to offer for sale to members of the public that visit the Hoover Dam Visitor Center educational materials and memorabilia; and

(2) to use revenue from those sales to repay the costs relating to construction of the Hoover Dam Visitor Center.

SEC. 4. AUTHORITY TO CONDUCT SALES.

With respect to the Hoover Dam, the Secretary of the Interior, acting through the Commissioner of Reclamation, may—

(1) conduct sales of—

(A) materials generated by the Bureau of Reclamation such as posters, maps, brochures, photographs, and similar publications, videotapes, and computer information discs that are related to programs or projects of the Bureau; and

(B) memorabilia and other commemorative items that depict programs or projects of the Bureau;

(2) convert unneeded property or scrap material into Bureau memorabilia for sale purposes; and

(3) enter into agreements with nonprofit organizations, other Federal agencies, State and local governments, and commercial entities for—

(A) the production or sale of items described in paragraphs (1) and (2); and

(B) the sale of publications described in paragraph (1).

SEC. 5. COSTS AND REVENUES.

(a) Costs.—All costs incurred by the Bureau of Reclamation under this Act shall be paid from the Colorado River Dam fund established by section 2 of the Act of December 21, 1928 (43 U.S.C. 617a).

(b) Revenues.—

(1) Use for repayment of sales costs.—All revenues collected by the Bureau of Reclamation under this Act shall be credited to the Colorado River Dam fund to remain available, without further Act of appropriation, to pay costs associated with the production and sale of items in accordance with section 4.

(2) Use for repayment of construction costs.—All revenues collected by the Bureau of Reclamation under this Act that are not needed to pay costs described in paragraph (1) shall be transferred annually to the general fund of the Treasury in repayment of costs relating to construction of the Hoover Dam Visitor Center.

FORT PECK RESERVATION RURAL WATER SYSTEM ACT OF 1999

The Senate proceeded to consider the bill (S. 624) to authorize construciton of the Fort Peck Reservation Rural Water System in the State of Montana, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lie thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fort Peck Reservation Rural Water System Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) there are insufficient water supplies available to residents of the Fort Peck Indian Reservation in the State of Montana, and the water systems that are available do not meet minimum health and safety standards and therefore pose a threat to public health and safety;

(2) in carrying out its trust responsibility, the United States should ensure that adequate and safe water supplies are available to meet the economic, environmental, water supply, and public health needs of the Fort Peck Indian Reservation; and

(3) the best available, reliable, and safe rural and municipal water supply to serve the needs of the Fort Peck Indian Reservation is the Missouri River.

(b) Purposes.—The purposes of this Act are—

(1) to ensure a safe and adequate municipal, rural, and industrial water supply for the residents of the Fort Peck Indian Reservation in the State of Montana; and

(2) to assist the citizens of Roosevelt, Sheridan, Daniels, and Valley Counties in the State, outside the Fort Peck Indian Reservation, in developing safe and adequate municipal, rural, and industrial water supplies.

SEC. 3. DEFINITIONS.

In this Act:

(1) Assiniboine and Sioux rural water system.—The term "Assiniboine and Sioux Rural Water System" means the rural water system within the Fort Peck Indian Reservation authorized by section 4.

(2) Dry Prairie rural water system.—The term "Dry Prairie Rural Water System" means the rural water system authorized by section 5 in the Roosevelt, Sheridan, Daniels, and Valley Counties of the State.

(3) Fort Peck reservation rural water system.—The term "Fort Peck Reservation Rural Water System" means the Assiniboine and Sioux Rural Water System and the Dry Prairie Rural Water System.

(4) Fort Peck tribes.—The term "Fort Peck Tribes" means the Assiniboine and Sioux Indian Tribes within the Fort Peck Indian Reservation.

(5) Pick-sloan.—The term "Pick-Sloan" means the Pick-Sloan Missouri River Basin Program (authorized by section 9 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 891)).

(6) Secretary.—The term "Secretary" means the Secretary of the Interior.

(7) State.—The term "State" means the State of Montana.

SEC. 4. ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.

(a) Authorization.—The Secretary shall plan, design, construct, operate, maintain, and replace a municipal, rural, and industrial water system, to be known as the "Assiniboine and Sioux Rural Water System", as generally described in the report required by subsection (g)(2).

(b) Components.—The Assiniboine and Sioux Rural Water System shall consist of—

(1) pumping and treatment facilities located along the Missouri River within the boundaries of the Fort Peck Indian Reservation;

(2) pipelines extending from the water treatment plant throughout the Fort Peck Indian Reservation;

(3) distribution and treatment facilities to serve the needs of the Fort Peck Indian Reservation, including—

(A) public water systems in existence on the date of enactment of this Act that may be purchased, improved, and repaired in accordance with the cooperative agreement entered into under subsection (c); and

(B) water systems owned by individual tribal members and other residents of the Fort Peck Indian Reservation;

(4) appurtenant buildings and access roads;

(5) all property and property rights necessary for the facilities described in this subsection;

(6) electrical power transmission and distribution facilities necessary for services to Fort Peck Reservation Rural Water System facilities; and

(7) such other pipelines, pumping plants, and facilities as the Secretary determines to be appropriate to meet the water supply, economic, public health, and environmental needs of the Fort Peck Indian Reservation, including water storage tanks, water lines, and other facilities for the Fort Peck Tribes and the villages, towns, and municipalities in the Fort Peck Indian Reservation.

(c) Cooperative Agreement.—

(1) In general.—The Secretary shall enter into a cooperative agreement with the Fort Peck Tribal Executive Board for planning, designing, constructing, operating, maintaining, and replacing the Assiniboine and Sioux Rural Water System.

(2) Mandatory provisions.—The cooperative agreement under paragraph (1) shall specify, in a manner that is acceptable to the Secretary and the Fort Peck Tribal Executive Board—

(A) the responsibilities of each party to the agreement for—

(i) needs assessment, feasibility, and environmental studies;

(ii) engineering and design;

(iii) construction;

(iv) water conservation measures; and

(v) administration of contracts relating to performance of the activities described in clauses (i) through (iv);

(B) the procedures and requirements for approval and acceptance of the design and construction and for carrying out other activities described in subparagraph (A); and

(C) the rights, responsibilities, and liabilities of each party to the agreement.

(3) Optional provisions.—The cooperative agreement under paragraph (1) may include provisions relating to the purchase, improvement, and repair of water systems in existence on the date of enactment of this Act, including systems owned by individual tribal members and other residents of the Fort Peck Indian Reservation.

(4) Termination.—The Secretary may terminate a cooperative agreement under paragraph (1) if the Secretary determines that—

(A) the quality of construction does not meet all standards established for similar facilities constructed by the Secretary; or

(B) the operation and maintenance of the Assiniboine and Sioux Rural Water System does not meet conditions acceptable to the Secretary that are adequate to fulfill the obligations of the United States to the Fort Peck Tribes.

(5) Transfer.—On execution of a cooperative agreement under paragraph (1), in accordance with the cooperative agreement, the Secretary may transfer to the Fort Peck Tribes, on a nonreimbursable basis, funds made available for the Assiniboine and Sioux Rural Water System under section 9.

(d) Service Area.—The service area of the Assiniboine and Sioux Rural Water System shall be the area within the boundaries of the Fort Peck Indian Reservation.

(e) Construction Requirements.—The components of the Assiniboine and Sioux Rural Water System shall be planned and constructed to a size that is sufficient to meet the municipal, rural, and industrial water supply requirements of the service area of the Fort Peck Reservation Rural Water System.

(f) Title to Assiniboine and Sioux Rural Water System.—Title to the Assiniboine and Sioux Rural Water System shall be held in trust by the United States for the Fort Peck Tribes and shall not be transferred unless a transfer is authorized by an Act of Congress enacted after the date of enactment of this Act.

(g) Limitation on Availability of Construction Funds.—The Secretary shall not obligate funds for construction of the Assiniboine and Sioux Rural Water System until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the Assiniboine and Sioux Rural Water System;

(2) on or after the date that is 90 days after the date of submission to Congress of a final engineering report approved by the Secretary; and

(3) the Secretary publishes a written finding that the water conservation plan developed under section 7 includes prudent and reasonable water conservation measures for the operation of the Assiniboine and Sioux Rural Water System that have been shown to be economically and financially feasible.

(h) Technical Assistance.—The Secretary shall provide such technical assistance as is necessary to enable the Fort Peck Tribes to plan, design, construct, operate, maintain, and replace the Assiniboine and Sioux Rural Water System, including operation and management training.

(i) Application of Indian Self-Determination Act.—Planning, design, construction, operation, maintenance, and replacement of the Assiniboine and Sioux Rural

Water System within the Fort Peck Indian Reservation shall be subject to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

SEC. 5. DRY PRAIRIE RURAL WATER SYSTEM.

(a) PLANNING AND CONSTRUCTION.—

(1) AUTHORIZATION.—The Secretary shall enter into a cooperative agreement with Dry Prairie Rural Water Association Incorporated (or any successor non-Federal entity) to provide Federal funds for the planning, design, and construction of the Dry Prairie Rural Water System in Roosevelt, Sheridan, Daniels, and Valley Counties, Montana, outside the Fort Peck Indian Reservation.

(2) USE OF FEDERAL FUNDS.—

(A) FEDERAL SHARE.—The Federal share of the cost of planning, design, and construction of the Dry Prairie Rural Water System shall be not more than 76 percent.

(B) COOPERATIVE AGREEMENTS.—Federal funds made available to carry out this section may be obligated and expended only through a cooperative agreement entered into under subsection (c).

(b) COMPONENTS.—The components of the Dry Prairie Rural Water System facilities on which Federal funds may be obligated and expended under this section shall include—

(1) storage, pumping, interconnection, and pipeline facilities;

(2) appurtenant buildings and access roads;

(3) all property and property rights necessary for the facilities described in this subsection;

(4) electrical power transmission and distribution facilities necessary for service to Dry Prairie Rural Water System facilities; and

(5) other facilities customary to the development of rural water distribution systems in the State, including supplemental water intake, pumping, and treatment facilities.

(c) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—The Secretary, with the concurrence of the Assiniboine and Sioux Rural Water System Board, shall enter into a cooperative agreement with Dry Prairie Rural Water Association Incorporated to provide Federal assistance for the planning, design, and construction of the Dry Prairie Rural Water System.

(2) MANDATORY PROVISIONS.—The cooperative agreement under paragraph (1) shall specify, in a manner that is acceptable to the Secretary and Dry Prairie Rural Water Association Incorporated—

(A) the responsibilities of each party to the agreement for—

(i) needs assessment, feasibility, and environmental studies;

(ii) engineering and design;

(iii) construction;

(iv) water conservation measures; and

(v) administration of contracts relating to performance of the activities described in clauses (i) through (iv);

(B) the procedures and requirements for approval and acceptance of the design and construction and for carrying out other activities described in subparagraph (A); and

(C) the rights, responsibilities, and liabilities of each party to the agreement.

(d) SERVICE AREA.—

(1) IN GENERAL.—Except as provided in paragraph (2), the service area of the Dry Prairie Rural Water System shall be the area in the State—

(A) north of the Missouri River;

(B) south of the border between the United States and Canada;

(C) west of the border between the States of North Dakota and Montana; and

(D) east of the western line of range 39 east.

(2) FORT PECK INDIAN RESERVATION.—The service area shall not include the area inside the Fort Peck Indian Reservation.

(e) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for construction of the Dry Prairie Rural Water System until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the Dry Prairie Rural Water System;

(2) on or after the date that is 90 days after the date of submission to Congress of a final engineering report approved by the Secretary; and

(3) the Secretary publishes a written finding that the water conservation plan developed under section 7 includes prudent and reasonable water conservation measures for the operation of the Dry Prairie Rural Water System that have been shown to be economically and financially feasible.

(f) INTERCONNECTION OF FACILITIES.—

(1) IN GENERAL.—The Secretary shall—

(A) interconnect the Dry Prairie Rural Water System with the Assiniboine and Sioux Rural Water System; and

(B) provide for the delivery of water to the Dry Prairie Rural Water System from the Missouri River through the Assiniboine and Sioux Rural Water System.

(2) CHARGES.—The Secretary shall not charge for the water delivered.

(g) LIMITATION ON USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—The operation, maintenance, and replacement expenses associated with water deliveries from the Assiniboine and Sioux Rural Water System to the Dry Prairie Rural Water System shall not be a Federal responsibility and shall be borne by the Dry Prairie Rural Water System.

(2) FEDERAL FUNDS.—The Secretary may not obligate or expend any Federal funds for the operation, maintenance, or replacement of the Dry Prairie Rural Water System.

(h) TITLE TO DRY PRAIRIE RURAL WATER SYSTEM.—Title to the Dry Prairie Rural Water System shall be held by Dry Prairie Rural Water Association, Incorporated.

SEC. 6. USE OF PICK-SLOAN POWER.

(a) IN GENERAL.—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri River Basin Program, the Western Area Power Administration shall make available the capacity and energy required to meet the pumping, treatment, and incidental operational requirements of the Dry Prairie Rural Water System and Assiniboine and Sioux Rural Water System, as described in sections 4 and 5.

(b) CONDITIONS.—The capacity and energy described in subsection (a) shall be made available on the following conditions:

(1) The Dry Prairie Rural Water System and Assiniboine and Sioux Rural Water Systems shall be operated on a not-for-profit basis.

(2) The Dry Prairie Rural Water System and Assiniboine and Sioux Rural Water System shall contract to purchase their entire electric service requirements, including the capacity and energy made available under subsection (a), from a qualified preference power supplier that purchases power from the Western Area Power Administration.

(3) The rate schedule applicable to the capacity and energy made available under subsection (a) shall be the wholesale firm power rate schedule of the Pick-Sloan Eastern Division of the Western Area Power Administration in effect when the power is delivered by the Administration.

(4) It shall be agreed by contract among—

(A) the Western Area Power Administration;

(B) the power supplier with which the water Dry Prairie Rural Water System and Assiniboine and Sioux Rural Water System contract under paragraph (2);

(C) the power supplier of the entity described in subparagraph (B);

(D) the Dry Prairie Rural Water Association, Inc.; and

(E) the Fort Peck Tribes;

that in the case of the capacity and energy made available under subsection (a), the benefit of the rate schedule described in paragraph (3) shall be passed through to the Dry Prairie Rural Water System and Assiniboine and Sioux Rural Water System, except that the power supplier of the Dry Prairie Rural Water System and Assiniboine and Sioux Rural Water System shall not be precluded from including, in the charges of the supplier to the water system for the electric service, the other usual and customary charges of the supplier.

(c) ADDITIONAL POWER.—If power in addition to that made available under subsection (a) is required to meet the pumping requirements of the service area of the Fort Peck Reservation Rural Water System described in sections 4 and 5, the Administrator of the Western Area Power Administration may purchase the necessary additional power under such terms and conditions as the Administrator determines to be appropriate.

(d) RECOVERY OF EXPENSES.—

(1) ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.—In the case of the Assiniboine and Sioux Rural Water System, expenses associated with power purchases under subsection (a) shall be recovered through a separate power charge, sufficient to cover expenses, applied to the Assiniboine and Sioux Rural Water System's operation and maintenance cost.

(2) DRY PRAIRIE RURAL WATER SYSTEM.—In the case of the Dry Prairie Rural Water System, expenses associated with power purchases under subsections (a) shall be recovered through a separate power charge, sufficient to cover expenses, to be paid fully by the Dry Prairie Rural Water Association, Inc.

SEC. 7. WATER CONSERVATION PLAN.

(a) IN GENERAL.—The Fort Peck Tribes and Dry Prairie Rural Water Association Incorporated shall develop a water conservation plan containing—

(1) a description of water conservation objectives;

(2) a description of appropriate water conservation measures; and

(3) a time schedule for implementing the measures and this Act to meet the water conservation objectives.

(b) PURPOSE.—The water conservation plan under subsection (a) shall be designed to ensure that users of water from the Assiniboine and Sioux Rural Water System and the Dry Prairie Rural Water System will use the best practicable technology and management techniques to conserve water.

(c) PUBLIC PARTICIPATION.—Section 210(c) of the Reclamation Reform Act of 1982 (43 U.S.C. 390jj(c)) shall apply to an activity authorized under this Act.

SEC. 8. WATER RIGHTS.

This Act does not—

(1) impair the validity of or preempt any provision of State water law or any interstate compact governing water;

(2) alter the right of any State to any appropriated share of the water of any body of surface or ground water, whether determined by any past or future interstate compact or

by any past or future legislative or final judicial allocation;

(3) preempt or modify any Federal or State law or interstate compact concerning water quality or disposal;

(4) confer on any non-Federal entity the authority to exercise any Federal right to the water of any stream or to any ground water resource;

(5) affect any right of the Fort Peck Tribes to water, located within or outside the external boundaries of the Fort Peck Indian Reservation, based on a treaty, compact, executive order, agreement, Act of Congress, aboriginal title, the decision in Winters v. United States, 207 U.S. 564 (1908) (commonly known as the "Winters Doctrine"), or other law; or

(6) validate or invalidate any assertion of the existence, nonexistence, or extinguishment of any water right held or Indian water compact entered into by the Fort Peck Tribes or by any other Indian tribe or individual Indian under Federal or State law.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.—There are authorized to be appropriated—

(1) over a period of 10 fiscal years, $124,000,000 for the planning, design, and construction of the Assiniboine and Sioux Rural Water System in accordance with subsections (b), (d), and (e) of section 4; and

(2) such sums as are necessary for the operation, maintenance, and replacement of the Assiniboine and Sioux Rural Water System, including power costs of the Western Area Power Administration.

(b) DRY PRAIRIE RURAL WATER SYSTEM.—There is authorized to be appropriated, over a period of 10 fiscal years, $51,000,000 for the planning, design, and construction of the Dry Prairie Rural Water System.

(c) COST INDEXING.—The funds authorized to be appropriated may be increased or decreased by such amounts as are justified by reason of ordinary fluctuations in development costs incurred after October 1, 1998, as indicated by engineering cost indices applicable for the type of construction involved.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 624), as amended, was passed, as follows:

S. 624

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fort Peck Reservation Rural Water System Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there are insufficient water supplies available to residents of the Fort Peck Indian Reservation in the State of Montana, and the water systems that are available do not meet minimum health and safety standards and therefore pose a threat to public health and safety;

(2) in carrying out its trust responsibility, the United States should ensure that adequate and safe water supplies are available to meet the economic, environmental, water supply, and public health needs of the Fort Peck Indian Reservation; and

(3) the best available, reliable, and safe rural and municipal water supply to serve the needs of the Fort Peck Indian Reservation is the Missouri River.

(b) PURPOSES.—The purposes of this Act are—

(1) to ensure a safe and adequate municipal, rural, and industrial water supply for the residents of the Fort Peck Indian Reservation in the State of Montana; and

(2) to assist the citizens of Roosevelt, Sheridan, Daniels, and Valley Counties in the State, outside the Fort Peck Indian Reservation, in developing safe and adequate municipal, rural, and industrial water supplies.

SEC. 3. DEFINITIONS.

In this Act:

(1) ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.—The term "Assiniboine and Sioux Rural Water System" means the rural water system within the Fort Peck Indian Reservation authorized by section 4.

(2) DRY PRAIRIE RURAL WATER SYSTEM.—The term "Dry Prairie Rural Water System" means the rural water system authorized by section 5 in the Roosevelt, Sheridan, Daniels, and Valley Counties of the State.

(3) FORT PECK RESERVATION RURAL WATER SYSTEM.—The term "Fort Peck Reservation Rural Water System" means the Assiniboine and Sioux Rural Water System and the Dry Prairie Rural Water System.

(4) FORT PECK TRIBES.—The term "Fort Peck Tribes" means the Assiniboine and Sioux Indian Tribes within the Fort Peck Indian Reservation.

(5) PICK-SLOAN.—The term "Pick-Sloan" means the Pick-Sloan Missouri River Basin Program (authorized by section 9 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 891)).

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(7) STATE.—The term "State" means the State of Montana.

SEC. 4. ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.

(a) AUTHORIZATION.—The Secretary shall plan, design, construct, operate, maintain, and replace a municipal, rural, and industrial water system, to be known as the "Assiniboine and Sioux Rural Water System", as generally described in the report required by subsection (g)(2).

(b) COMPONENTS.—The Assiniboine and Sioux Rural Water System shall consist of—

(1) pumping and treatment facilities located along the Missouri River within the boundaries of the Fort Peck Indian Reservation;

(2) pipelines extending from the water treatment plant throughout the Fort Peck Indian Reservation;

(3) distribution and treatment facilities to serve the needs of the Fort Peck Indian Reservation, including—

(A) public water systems in existence on the date of enactment of this Act that may be purchased, improved, and repaired in accordance with the cooperative agreement entered into under subsection (c); and

(B) water systems owned by individual tribal members and other residents of the Fort Peck Indian Reservation;

(4) appurtenant buildings and access roads;

(5) all property and property rights necessary for the facilities described in this subsection;

(6) electrical power transmission and distribution facilities necessary for services to Fort Peck Reservation Rural Water System facilities; and

(7) such other pipelines, pumping plants, and facilities as the Secretary determines to be appropriate to meet the water supply, economic, public health, and environmental needs of the Fort Peck Indian Reservation, including water storage tanks, water lines, and other facilities for the Fort Peck Tribes and the villages, towns, and municipalities in the Fort Peck Indian Reservation.

(c) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—The Secretary shall enter into a cooperative agreement with the Fort Peck Tribal Executive Board for planning, designing, constructing, operating, maintaining, and replacing the Assiniboine and Sioux Rural Water System.

(2) MANDATORY PROVISIONS.—The cooperative agreement under paragraph (1) shall specify, in a manner that is acceptable to the Secretary and the Fort Peck Tribal Executive Board—

(A) the responsibilities of each party to the agreement for—

(i) needs assessment, feasibility, and environmental studies;

(ii) engineering and design;

(iii) construction;

(iv) water conservation measures; and

(v) administration of contracts relating to performance of the activities described in clauses (i) through (iv);

(B) the procedures and requirements for approval and acceptance of the design and construction and for carrying out other activities described in subparagraph (A); and

(C) the rights, responsibilities, and liabilities of each party to the agreement.

(3) OPTIONAL PROVISIONS.—The cooperative agreement under paragraph (1) may include provisions relating to the purchase, improvement, and repair of water systems in existence on the date of enactment of this Act, including systems owned by individual tribal members and other residents of the Fort Peck Indian Reservation.

(4) TERMINATION.—The Secretary may terminate a cooperative agreement under paragraph (1) if the Secretary determines that—

(A) the quality of construction does not meet all standards established for similar facilities constructed by the Secretary; or

(B) the operation and maintenance of the Assiniboine and Sioux Rural Water System does not meet conditions acceptable to the Secretary that are adequate to fulfill the obligations of the United States to the Fort Peck Tribes.

(5) TRANSFER.—On execution of a cooperative agreement under paragraph (1), in accordance with the cooperative agreement, the Secretary may transfer to the Fort Peck Tribes, on a nonreimbursable basis, funds made available for the Assiniboine and Sioux Rural Water System under section 9.

(d) SERVICE AREA.—The service area of the Assiniboine and Sioux Rural Water System shall be the area within the boundaries of the Fort Peck Indian Reservation.

(e) CONSTRUCTION REQUIREMENTS.—The components of the Assiniboine and Sioux Rural Water System shall be planned and constructed to a size that is sufficient to meet the municipal, rural, and industrial water supply requirements of the service area of the Fort Peck Reservation Rural Water System.

(f) TITLE TO ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.—Title to the Assiniboine and Sioux Rural Water System shall be held in trust by the United States for the Fort Peck Tribes and shall not be transferred unless a transfer is authorized by an Act of Congress enacted after the date of enactment of this Act.

(g) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for construction of the Assiniboine and Sioux Rural Water System until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the Assiniboine and Sioux Rural Water System;

(2) on or after the date that is 90 days after the date of submission to Congress of a final engineering report approved by the Secretary; and

(3) the Secretary publishes a written finding that the water conservation plan developed under section 7 includes prudent and reasonable water conservation measures for the operation of the Assiniboine and Sioux Rural Water System that have been shown to be economically and financially feasible.

(h) Technical Assistance.—The Secretary shall provide such technical assistance as is necessary to enable the Fort Peck Tribes to plan, design, construct, operate, maintain, and replace the Assiniboine and Sioux Rural Water System, including operation and management training.

(i) Application of Indian Self-Determination Act.—Planning, design, construction, operation, maintenance, and replacement of the Assiniboine and Sioux Rural Water System within the Fort Peck Indian Reservation shall be subject to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

SEC. 5. DRY PRAIRIE RURAL WATER SYSTEM.

(a) Planning and Construction.—

(1) Authorization.—The Secretary shall enter into a cooperative agreement with Dry Prairie Rural Water Association Incorporated (or any successor non-Federal entity) to provide Federal funds for the planning, design, and construction of the Dry Prairie Rural Water System in Roosevelt, Sheridan, Daniels, and Valley Counties, Montana, outside the Fort Peck Indian Reservation.

(2) Use of federal funds.—

(A) Federal share.—The Federal share of the cost of planning, design, and construction of the Dry Prairie Rural Water System shall be not more than 76 percent.

(B) Cooperative agreements.—Federal funds made available to carry out this section may be obligated and expended only through a cooperative agreement entered into under subsection (c).

(b) Components.—The components of the Dry Prairie Rural Water System facilities on which Federal funds may be obligated and expended under this section shall include—

(1) storage, pumping, interconnection, and pipeline facilities;

(2) appurtenant buildings and access roads;

(3) all property and property rights necessary for the facilities described in this subsection;

(4) electrical power transmission and distribution facilities necessary for service to Dry Prairie Rural Water System facilities; and

(5) other facilities customary to the development of rural water distribution systems in the State, including supplemental water intake, pumping, and treatment facilities.

(c) Cooperative Agreement.—

(1) In general.—The Secretary, with the concurrence of the Assiniboine and Sioux Rural Water System Board, shall enter into a cooperative agreement with Dry Prairie Rural Water Association Incorporated to provide Federal assistance for the planning, design, and construction of the Dry Prairie Rural Water System.

(2) Mandatory provisions.—The cooperative agreement under paragraph (1) shall specify, in a manner that is acceptable to the Secretary and Dry Prairie Rural Water Association Incorporated—

(A) the responsibilities of each party to the agreement for—

(i) needs assessment, feasibility, and environmental studies;

(ii) engineering and design;

(iii) construction;

(iv) water conservation measures; and

(v) administration of contracts relating to performance of the activities described in clauses (i) through (iv);

(B) the procedures and requirements for approval and acceptance of the design and construction and for carrying out other activities described in subparagraph (A); and

(C) the rights, responsibilities, and liabilities of each party to the agreement.

(d) Service Area.—

(1) In general.—Except as provided in paragraph (2), the service area of the Dry Prairie Rural Water System shall be the area in the State—

(A) north of the Missouri River;

(B) south of the border between the United States and Canada;

(C) west of the border between the States of North Dakota and Montana; and

(D) east of the western line of range 39 east.

(2) Fort peck indian reservation.—The service area shall not include the area inside the Fort Peck Indian Reservation.

(e) Limitation on Availability of Construction Funds.—The Secretary shall not obligate funds for construction of the Dry Prairie Rural Water System until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the Dry Prairie Rural Water System;

(2) on or after the date that is 90 days after the date of submission to Congress of a final engineering report approved by the Secretary; and

(3) the Secretary publishes a written finding that the water conservation plan developed under section 7 includes prudent and reasonable water conservation measures for the operation of the Dry Prairie Rural Water System that have been shown to be economically and financially feasible.

(f) Interconnection of Facilities.—

(1) In general.—The Secretary shall—

(A) interconnect the Dry Prairie Rural Water System with the Assiniboine and Sioux Rural Water System; and

(B) provide for the delivery of water to the Dry Prairie Rural Water System from the Missouri River through the Assiniboine and Sioux Rural Water System.

(2) Charges.—The Secretary shall not charge for the water delivered.

(g) Limitation on Use of Federal Funds.—

(1) In general.—The operation, maintenance, and replacement expenses associated with water deliveries from the Assiniboine and Sioux Rural Water System to the Dry Prairie Rural Water System shall not be a Federal responsibility and shall be borne by the Dry Prairie Rural Water System.

(2) Federal funds.—The Secretary may not obligate or expend any Federal funds for the operation, maintenance, or replacement of the Dry Prairie Rural Water System.

(h) Title to Dry Prairie Rural Water System.—Title to the Dry Prairie Rural Water System shall be held by Dry Prairie Rural Water Association, Incorporated.

SEC. 6. USE OF PICK-SLOAN POWER.

(a) In General.—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri River Basin Program, the Western Area Power Administration shall make available the capacity and energy required to meet the pumping, treatment, and incidental operational requirements of the Dry Prairie Rural Water System and Assiniboine and Sioux Rural Water System, as described in sections 4 and 5.

(b) Conditions.—The capacity and energy described in subsection (a) shall be made available on the following conditions:

(1) The Dry Prairie Rural Water System and Assiniboine and Sioux Rural Water Systems shall be operated on a not-for-profit basis.

(2) The Dry Prairie Rural Water System and Assiniboine and Sioux Rural Water System shall contract to purchase their entire electric service requirements, including the capacity and energy made available under subsection (a), from a qualified preference power supplier that purchases power from the Western Area Power Administration.

(3) The rate schedule applicable to the capacity and energy made available under subsection (a) shall be the wholesale firm power rate schedule of the Pick-Sloan Eastern Division of the Western Area Power Administration in effect when the power is delivered by the Administration.

(4) It shall be agreed by contract among—

(A) the Western Area Power Administration;

(B) the power supplier with which the water Dry Prairie Rural Water System and Assiniboine and Sioux Rural Water System contract under paragraph (2);

(C) the power supplier of the entity described in subparagraph (B);

(D) the Dry Prairie Rural Water Association, Inc.; and

(E) the Fort Peck Tribes;

that in the case of the capacity and energy made available under subsection (a), the benefit of the rate schedule described in paragraph (3) shall be passed through to the Dry Prairie Rural Water System and Assiniboine and Sioux Rural Water System, except that the power supplier of the Dry Prairie Rural Water System and Assiniboine and Sioux Rural Water System shall not be precluded from including, in the charges of the supplier to the water system for the electric service, the other usual and customary charges of the supplier.

(c) Additional Power.—If power in addition to that made available under subsection (a) is required to meet the pumping requirements of the service area of the Fort Peck Reservation Rural Water System described in sections 4 and 5, the Administrator of the Western Area Power Administration may purchase the necessary additional power under such terms and conditions as the Administrator determines to be appropriate.

(d) Recovery of Expenses.—

(1) Assiniboine and sioux rural water system.—In the case of the Assiniboine and Sioux Rural Water System, expenses associated with power purchases under subsection (a) shall be recovered through a separate power charge, sufficient to cover expenses, applied to the Assiniboine and Sioux Rural Water System's operation and maintenance cost.

(2) Dry prairie rural water system.—In the case of the Dry Prairie Rural Water System, expenses associated with power purchases under subsections (a) shall be recovered through a separate power charge, sufficient to cover expenses, to be paid fully by the Dry Prairie Rural Water Association, Inc.

SEC. 7. WATER CONSERVATION PLAN.

(a) In General.—The Fort Peck Tribes and Dry Prairie Rural Water Association Incorporated shall develop a water conservation plan containing—

(1) a description of water conservation objectives;

(2) a description of appropriate water conservation measures; and

(3) a time schedule for implementing the measures and this Act to meet the water conservation objectives.

(b) Purpose.—The water conservation plan under subsection (a) shall be designed to ensure that users of water from the Assiniboine and Sioux Rural Water System and the Dry Prairie Rural Water System will use the best practicable technology and management techniques to conserve water.

(c) Public Participation.—Section 210(c) of the Reclamation Reform Act of 1982 (43 U.S.C. 390jj(c)) shall apply to an activity authorized under this Act.

SEC. 8. WATER RIGHTS.

This Act does not—

(1) impair the validity of or preempt any provision of State water law or any interstate compact governing water;

(2) alter the right of any State to any appropriated share of the water of any body of surface or ground water, whether determined by any past or future interstate compact or by any past or future legislative or final judicial allocation;

(3) preempt or modify any Federal or State law or interstate compact concerning water quality or disposal;

(4) confer on any non-Federal entity the authority to exercise any Federal right to the water of any stream or to any ground water resource;

(5) affect any right of the Fort Peck Tribes to water, located within or outside the external boundaries of the Fort Peck Indian Reservation, based on a treaty, compact, executive order, agreement, Act of Congress, aboriginal title, the decision in Winters v. United States, 207 U.S. 564 (1908) (commonly known as the "Winters Doctrine"), or other law; or

(6) validate or invalidate any assertion of the existence, nonexistence, or extinguishment of any water right held or Indian water compact entered into by the Fort Peck Tribes or by any other Indian tribe or individual Indian under Federal or State law.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) Assiniboine and Sioux Rural Water System.—There are authorized to be appropriated—

(1) over a period of 10 fiscal years, $124,000,000 for the planning, design, and construction of the Assiniboine and Sioux Rural Water System in accordance with subsections (b), (d), and (e) of section 4; and

(2) such sums as are necessary for the operation, maintenance, and replacement of the Assiniboine and Sioux Rural Water System, including power costs of the Western Area Power Administration.

(b) Dry Prairie Rural Water System.—There is authorized to be appropriated, over a period of 10 fiscal years, $51,000,000 for the planning, design, and construction of the Dry Prairie Rural Water System.

(c) Cost Indexing.—The funds authorized to be appropriated may be increased or decreased by such amounts as are justified by reason of ordinary fluctuations in development costs incurred after October 1, 1998, as indicated by engineering cost indices applicable for the type of construction involved.

NATIONAL FOREST AND PUBLIC LANDS OF NEVADA ENHANCEMENT ACT OF 1988

The bill (S. 439) to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyable National Forest, Nevada, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 439

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADJUSTMENT OF BOUNDARY OF THE TOIYABE NATIONAL FOREST, NEVADA.

Section 4(a) of the National Forest and Public Lands of Nevada Enhancement Act of 1988 (102 Stat. 2750) is amended—

(1) by striking "Effective" and inserting the following:

"(1) In general.—Effective"; and

(2) by adding at the end the following:

"(2) Boundary adjustment.—Effective on the date of enactment of this paragraph, the portion of the land transferred to the Secretary of Agriculture under paragraph (1) situated between the lines marked 'Old Forest Boundary' and 'Revised National Forest Boundary' on the map entitled 'Nevada Interchange "A", Change 1', and dated September 16, 1998, is transferred to the Secretary of the Interior.".

MIWALETA PARK EXPANSION ACT

The Senate proceeded to consider the bill (S. 977) to provide for the conveyance by the Bureau of Land Management to Douglas County, Oregon, of a county park and certain adjacent land, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 977

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Miwaleta Park Expansion Act".

SEC. 2. LAND CONVEYANCE, BUREAU OF LAND MANAGEMENT LAND, DOUGLAS COUNTY, OREGON.

(a) In General.—

(1) Conveyance.—The Secretary of the Interior (referred to in this section as the "Secretary") shall convey, without consideration, to Douglas County, Oregon (referred to in this section as the "County"), all right, title, and interest of the United States in and to a parcel of land (including improvements on the land) described in paragraph (2) and consisting of—

(A) Miwaleta Park, a county park managed under agreement by the County on Federal land managed by the Bureau of Land Management; and

(B) an adjacent tract of Federal land managed by the Bureau of Land Management.

(2) Legal description.—The parcel of land referred to in paragraph (1) is the parcel in the SW¼ of the NE¼; SE¼ of the NW¼ of sec. 27, T. 31 S., R. 4 W., W.M., Douglas County, Oregon, described as follows:

The property lying between the southerly right-of-way line of the relocated Cow Creek County Road No. 36 and contour elevation 1881.5 MSL, comprising approximately 28.50 acres.

(b) Use of Land.—

[(1) In general.—After conveyance of land under subsection (a), the County may manage and exercise any program or policy that the County considers appropriate in the use of the land for park purposes.**]**

(1) In general.—After conveyance of land under subsection (a), the County shall manage the land for public park purposes in a manner so as not to adversely affect attainment of the objectives of the adjacent Late Successional Reserve as described in the Northwest Forest Plan, and in accordance with a management plan for the area developed in cooperation with the United States Fish and Wildlife Service.

(2) Reversionary interest.—

[(A) In general.—If the Secretary determines that the land conveyed under subsection (a) is not being used for park purposes**]**

(A) In general.—If the Secretary determines that the land conveyed under subsection (a) is not being used for public park purposes, at the option of the Secretary—

(i) all right, title, and interest in and to the land, including any improvements on the land, shall revert to the United States; and

(ii) the United States shall have the right of immediate entry onto the land.

(B) Determination on the record.—Any determination of the Secretary under subparagraph (A) shall be made on the record.

(c) Survey.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary and paid for by the County.

(d) Impact on FERC Withdrawal.—

(1) In general.—The conveyance of land under subsection (a) shall have no effect on the conditions and rights provided in Federal Energy Regulatory Commission Withdrawal No. 7161.

(2) Conflicts.—In a case of conflict between the use of the conveyed land as a park and the purposes of the withdrawal, the purposes of the withdrawal shall prevail.

(e) Costs of Conveyance.—Except as provided in subsection (c), costs associated with the conveyance under subsection (a) shall be borne by the party incurring the costs.

(f) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

The committee amendments were agreed to.

The bill (S. 977), as amended, was passed, as follows:

S. 977

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Miwaleta Park Expansion Act".

SEC. 2. LAND CONVEYANCE, BUREAU OF LAND MANAGEMENT LAND, DOUGLAS COUNTY, OREGON.

(a) In General.—

(1) Conveyance.—The Secretary of the Interior (referred to in this section as the "Secretary") shall convey, without consideration, to Douglas County, Oregon (referred to in this section as the "County"), all right, title, and interest of the United States in and to a parcel of land (including improvements on the land) described in paragraph (2) and consisting of—

(A) Miwaleta Park, a county park managed under agreement by the County on Federal land managed by the Bureau of Land Management; and

(B) an adjacent tract of Federal land managed by the Bureau of Land Management.

(2) Legal Description.—The parcel of land referred to in paragraph (1) is the parcel in the SW¼ of the NE¼; SE¼ of the NW¼ of sec. 27, T. 31 S., R. 4 W., W.M., Douglas County, Oregon, described as follows:

The property lying between the southerly right-of-way line of the relocated Cow Creek County Road No. 36 and contour elevation 1881.5 MSL, comprising approximately 28.50 acres.

(b) Use of Land.—

(1) In general.—After conveyance of land under subsection (a), the County shall manage the land for public park purposes in a manner so as not to adversely affect attainment of the objectives of the adjacent Late Successional Reserve as described in the Northwest Forest Plan, and in accordance with a management plan for the area developed in cooperation with the United States Fish and Wildlife Service.

(2) Reversionary interest.—

(A) In general.—If the Secretary determines that the land conveyed under subsection (a) is not being used for public park purposes, at the option of the Secretary—

(i) all right, title, and interest in and to the land, including any improvements on the land, shall revert to the United States; and

(ii) the United States shall have the right of immediate entry onto the land.

(B) Determination on the record.—Any determination of the Secretary under subparagraph (A) shall be made on the record.

(c) Survey.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary and paid for by the County.

(d) Impact on FERC Withdrawal.—

(1) In general.—The conveyance of land under subsection (a) shall have no effect on the conditions and rights provided in Federal Energy Regulatory Commission Withdrawal No. 7161.

(2) Conflicts.—In a case of conflict between the use of the conveyed land as a park and the purposes of the withdrawal, the purposes of the withdrawal shall prevail.

(e) Costs of Conveyance.—Except as provided in subsection (c), costs associated with the conveyance under subsection (a) shall be borne by the party incurring the costs.

(f) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

LOWER DELAWARE WILD AND SCENIC RIVERS ACT

The Senate proceeded to consider the bill (S. 1296) to designate portions of the lower Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers System, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lower Delaware Wild and Scenic Rivers Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) Public Law 102–460 directed the Secretary of the Interior, in cooperation and consultation with appropriate Federal, State, regional, and local agencies, to conduct a study of the eligibility and suitability of the lower Delaware River for inclusion in the Wild and Scenic Rivers System;

(2) during the study, the Lower Delaware Wild and Scenic River Study Task Force and the National Park Service prepared a river management plan for the study area entitled "Lower Delaware River Management Plan" and dated August 1997, which establishes goals and actions that will ensure long-term protection of the river's outstanding values and compatible management of land and water resources associated with the river; and

(3) after completion of the study, 24 municipalities along segments of the Delaware River eligible for designation passed resolutions supporting the Lower Delaware River Management Plan, agreeing to take action to implement the goals of the plan, and endorsing designation of the river.

SEC. 3 DESIGNATION.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by designating the first undesignated paragraph following paragraph 156, pertaining to Elkhorn Creek and enacted by Public Law 104–208, as paragraph 157;

(2) by designating the second undesignated paragraph following paragraph 156, pertaining to the Clarion River, Pennsylvania, and enacted by Public Law 104–314, as paragraph 158;

(3) by designating the third undesignated paragraph following paragraph 156, pertaining to the Lamprey River, New Hampshire, and enacted by Public Law 104–333, as paragraph 159;

(4) by striking the fourth undesignated paragraph following paragraph 156, pertaining to Elkhorn Creek and enacted by Public Law 104–333; and

(5) by adding at the end the following:

"(161) Lower Delaware River and Associated Tributaries, New Jersey and Pennsylvania.—(A) The 65.6 miles of river segments in New Jersey and Pennsylvania, consisting of—

"(i) the segment from river mile 193.8 to the northern border of the city of Easton, Pennsylvania (approximately 10.5 miles), as a recreational river;

"(ii) the segment from a point just south of the Gilbert Generating Station to a point just north of the Point Pleasant Pumping Station (approximately 11.2 miles), as a recreational river;

"(iii) the segment from the point just south of the Point Pleasant Pumping Station to a point 1,000 feet north of the Route 202 bridge (approximately 6.3), as a recreational river;

"(iv) the segment from a point 1,750 feet south of the Route 202 bridge to the southern border of the town of New Hope, Pennsylvania (approximately 1.9), as a recreational river;

"(v) the segment from the southern boundary of the town of New Hope, Pennsylvania, to the town of Washington Crossing, Pennsylvania (approximately 6 miles), as a recreational river;

"(vi) Tinicum Creek (approximately 14.7 miles), as a scenic river;

"(vii) Tohickon Creek from the Lake Nockamixon Dam to the Delaware River (approximately 10.7 miles), as a scenic river; and

"(viii) Paunacussing Creek in Solebury Township (approximately 3 miles), as a recreational river.

"(B) Administration.—The river segments referred to in subparagraph (A) shall be administered by the Secretary of the Interior. Notwithstanding section 10(c), the river segments shall not be administered as part of the National Park System.".

SEC. 4. MANAGEMENT OF RIVER SEGMENTS.

(A) Management of Segments.—The river segments designated in section 3 shall be managed—

(1) in accordance with the river management plan entitled "Lower Delaware River Management Plan" and dated August 1997 (referred to as the "management plan"), prepared by the Lower Delaware Wild and Scenic River Study Task Force and the National Park Service, which establishes goals and actions that will ensure long-term protection of the river's outstanding values and compatible management of land and water resources associated with the river; and

(2) in cooperation with appropriate Federal, State, regional, and local agencies, including—

(A) the New Jersey Department of Environmental Protection;

(B) the Pennsylvania Department of Conservation and Natural Resources;

(C) the Delaware and Lehigh Navigation Canal Heritage Corridor Commission;

(D) the Delaware and Raritan Canal Commission; and

(E) the Delaware River Greenway Partnership.

(b) Satisfaction of Requirements for Plan.—The management plan shall be considered to satisfy the requirements for a comprehensive management plan under subsection 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(c) Federal Role.—

(1) Restrictions on Water Resource Projects.—In determining under section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)) whether a proposed water resources project would have a direct and adverse effect on the value for which a segment is designated as part of the Wild and Scenic Rivers System, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall consider the extent to which the project is consistent with the management plan.

(2) Cooperative Agreements.—Any cooperative agreements entered into under section 10(e) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e)) relating to any of the segments designated by this Act shall—

(A) be consistent with the management plan; and

(B) may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of the segments.

(3) Support for Implementation.—The Secretary may provide technical assistance, staff support, and funding to assist in the implementation of the management plan.

(d) Land Management.—

(1) In general.—The Secretary may provide planning, financial, and technical assistance to local municipalities to assist in the implementation of actions to protect the natural, economic, and historic resources of the river segments designated by this Act.

(2) Plan Requirements.—After adoption of recommendations made in section III of the management plan, the zoning ordinances of the municipalities bordering the segments shall be considered to satisfy the standards and requirements under section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(e) Additional Segments.—

(1) In general.—In this paragraph, the term "additional segment" means—

(A) the segment from the Delaware Water Gap to the Toll Bridge connecting Columbia, New Jersey, and Portland, Pennsylvania (approximately 9.2 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(B) the segment from the Erie Lackawanna railroad bridge to the southern tip of Dildine Island (approximately 3.6 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(C) the segment from the southern tip of Mack Island to the northern border of the town of Belvidere, New Jersey (approximately 2 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(D) the segment from the southern border of the town of Phillipsburg, New Jersey, to a point just north of Gilbert Generating Station (approximately 9.5 miles, which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(E) Paulinskill River in Knowlton Township (approximately 2.4 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river; and

(F) Cook's Creek (approximately 3.5 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a scenic river.

(2) FINDING.—Congress finds that each of the additional segments is suitable for designation as a recreational river or scenic river under this paragraph, if there is adequate local support for the designation.

(3) DESIGNATION.—If the Secretary finds that there is adequate local support for designating any of the additional segments as a recreational river or scenic river—

(A) the Secretary shall publish in the Federal Register a notice of the designation of the segment; and

(B) the segment shall thereby be designated as a recreational river or scenic river, as the case may be, in accordance with the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

(4) CRITERIA FOR LOCAL SUPPORT.—In determining whether there is adequate local support for the designation of an additional segment, the Secretary shall consider, among other things, the preferences of local governments expressed in resolutions concerning designation of the segment.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out this Act.

The committee amendment was agreed to.

The bill (S. 1296), as amended, was passed, as follows:

S. 1296

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lower Delaware Wild and Scenic Rivers Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) Public Law 102–460 directed the Secretary of the Interior, in cooperation and consultation with appropriate Federal, State, regional, and local agencies, to conduct a study of the eligibility and suitability of the lower Delaware River for inclusion in the Wild and Scenic Rivers System:

(2) during the study, the Lower Delaware Wild and Scenic River Study Task Force and the National Park Service prepared a river management plan for the study area entitled "Lower Delaware River Management Plan" and dated August 1997, which establishes goals and actions that will ensure long-term protection of the river's outstanding values and compatible management of land and water resources associated with the river; and

(3) after completion of the study, 24 municipalities along segments of the Delaware River eligible for designation passed resolutions supporting the Lower Delaware River Management Plan, agreeing to take action to implement the goals of the plan, and endorsing designation of the river.

SEC. 3 DESIGNATION.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by designating the first undesignated paragraph following paragraph 156, pertaining to Elkhorn Creek and enacted by Public Law 104–208, as paragraph 157;

(2) by designating the second undesignated paragraph following paragraph 156, pertaining to the Clarion River, Pennsylvania, and enacted by Public Law 104–314, as paragraph 158;

(3) by designating the third undesignated paragraph following paragraph 156, pertaining to the Lamprey River, New Hampshire, and enacted by Public Law 104-333, as paragraph 159;

(4) by striking the fourth undesignated paragraph following paragraph 156, pertaining to Elkhorn Creek and enacted by Public Law 104–333; and

(5) by adding at the end the following:

"(161) LOWER DELAWARE RIVER AND ASSOCIATED TRIBUTARIES, NEW JERSEY AND PENNSYLVANIA.—(A) The 65.6 miles of river segments in New Jersey and Pennsylvania, consisting of—

"(i) the segment from river mile 193.8 to the northern border of the city of Easton, Pennsylvania (approximately 10.5 miles), as a recreational river;

"(ii) the segment from a point just south of the Gilbert Generating Station to a point just north of the Point Pleasant Pumping Station (approximately 14.2 miles), as a recreational river;

"(iii) the segment from the point just south of the Point Pleasant Pumping Station to a point 1,000 feet north of the Route 202 bridge (approximately 6.3), as a recreational river;

"(iv) the segment from a point 1,750 feet south of the Route 202 bridge to the southern border of the town of New Hope, Pennsylvania (approximately 1.9), as a recreational river;

"(v) the segment from the southern boundary of the town of New Hope, Pennsylvania, to the town of Washington Crossing, Pennsylvania (approximately 6 miles), as a recreational river;

"(vi) Tinicum Creek (approximately 14.7 miles), as a scenic river;

"(vii) Tohickon Creek from the Lake Nockamixon Dam to the Delaware River (approximately 10.7 miles), as a scenic river; and

"(viii) Paunacussing Creek in Solebury Township (approximately 3 miles), as a recreational river.

"(B) ADMINISTRATION.—The river segments referred to in subparagraph (A) shall be administered by the Secretary of the Interior. Notwithstanding section 10(c), the river segments shall not be administered as part of the National Park System.".

SEC. 4. MANAGEMENT OF RIVER SEGMENTS.

(A) MANAGEMENT OF SEGMENTS.—The river segments designated in section 3 shall be managed—

(1) in accordance with the river management plan entitled "Lower Delaware River Management Plan" and dated August 1997 (referred to as the "management plan"), prepared by the Lower Delaware Wild and Scenic River Study Task Force and the National Park Service, which establishes goals and actions that will ensure long-term protection of the river's outstanding values and compatible management of land and water resources associated with the river; and

(2) in cooperation with appropriate Federal, State, regional, and local agencies, including—

(A) the New Jersey Department of Environmental Protection;

(B) the Pennsylvania Department of Conservation and Natural Resources;

(C) the Delaware and Lehigh Navigation Canal Heritage Corridor Commission;

(D) the Delaware and Raritan Canal Commission; and

(E) the Delaware River Greenway Partnership.

(b) SATISFACTION OF REQUIREMENTS FOR PLAN.—The management plan shall be considered to satisfy the requirements for a comprehensive management plan under subsection 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(c) FEDERAL ROLE.—

(1) RESTRICTIONS ON WATER RESOURCE PROJECTS.—In determining under section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)) whether a proposed water resources project would have a direct and adverse effect on the value for which a segment is designated as part of the Wild and Scenic Rivers System, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall consider the extent to which the project is consistent with the management plan.

(2) COOPERATIVE AGREEMENTS.—Any cooperative agreements entered into under section 10(e) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e)) relating to any of the segments designated by this Act shall—

(A) be consistent with the management plan; and

(B) may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of the segments.

(3) SUPPORT FOR IMPLEMENTATION.—The Secretary may provide technical assistance, staff support, and funding to assist in the implementation of the management plan.

(d) LAND MANAGEMENT.—

(1) IN GENERAL.—The Secretary may provide planning, financial, and technical assistance to local municipalities to assist in the implementation of actions to protect the natural, economic, and historic resources of the river segments designated by this Act.

(2) PLAN REQUIREMENTS.—After adoption of recommendations made in section III of the management plan, the zoning ordinances of the municipalities bordering the segments shall be considered to satisfy the standards and requirements under section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(e) ADDITIONAL SEGMENTS.—

(1) IN GENERAL.—In this paragraph, the term "additional segment" means—

(A) the segment from the Delaware Water Gap to the Toll Bridge connecting Columbia, New Jersey, and Portland, Pennsylvania (approximately 9.2 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(B) the segment from the Erie Lackawanna railroad bridge to the southern tip of Dildine Island (approximately 3.6 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(C) the segment from the southern tip of Mack Island to the northern border of the town of Belvidere, New Jersey (approximately 2 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(D) the segment from the southern border of the town of Phillipsburg, New Jersey, to a point just north of Gilbert Generating Station (approximately 9.5 miles, which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(E) Paulinskill River in Knowlton Township (approximately 2.4 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river; and

(F) Cook's Creek (approximately 3.5 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a scenic river.

(2) FINDING.—Congress finds that each of the additional segments is suitable for designation as a recreational river or scenic river under this paragraph, if there is adequate local support for the designation.

(3) DESIGNATION.—If the Secretary finds that there is adequate local support for designating any of the additional segments as a recreational river or scenic river—

(A) the Secretary shall publish in the Federal Register a notice of the designation of the segment; and

(B) the segment shall thereby be designated as a recreational river or scenic river, as the case may be, in accordance with the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

(4) CRITERIA FOR LOCAL SUPPORT.—In determining whether there is adequate local support for the designation of an additional segment, the Secretary shall consider, among other things, the preferences of local governments expressed in resolutions concerning designation of the segment.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out this Act.

TAUNTON RIVER WILD AND SCENIC RIVER STUDY ACT OF 1999

The Senate proceeded to consider the bill (S. 1569) to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted as shown in italic.)

S. 1569

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Taunton River Wild and Scenic River Study Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Taunton River in the State of Massachusetts possesses important resource values (including wildlife, ecological, and scenic values), historic sites, and a cultural past important to the heritage of the United States;

(2) there is strong support among State and local officials, area residents, and river users for a cooperative wild and scenic river study of the area; and

(3) there is a longstanding interest among State and local officials, area residents, and river users in undertaking a concerted cooperative effort to manage the river in a productive and meaningful way.

SEC. 3. DESIGNATION FOR STUDY.

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended—

(1) by designating the undesignated paragraph following (135) as paragraph (136); and

(2) by adding at the end the following:

"(137) TAUNTON RIVER, MASSACHUSETTS.—The segment downstream from the headwaters, from the confluence of the Town River and the Matfield River in Bridgewater to the confluence with the Forge River in Raynham, Massachusetts.".

[SEC. 3. STUDY AND REPORT.]

SEC. 4. STUDY AND REPORT.

Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended—

(1) by redesignating the second paragraph (8) as paragraph (10);

(2) by redesignating the second paragraph (11) as paragraph (12);

(3) by redesignating the third paragraph (11) as paragraph (13);

(4) by redesignating the fourth paragraph (11) as paragraph (14);

(5) by redesignating the first undesignated paragraph as paragraph (15);

(6) by redesignating the second undesignated paragraph as paragraph (16); and

(7) by adding at the end the following:

"(17) TAUNTON RIVER, MASSACHUSETTS.—Not later than 3 years after the date of enactment of this paragraph, the Secretary of the Interior—

"(A) shall complete the study of the Taunton River, Massachusetts; and

"(B) shall submit to Congress a report describing the results of the study.".

[SEC. 4. AUTHORIZATION OF APPROPRIATIONS.]

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The committee amendments were agreed to.

The bill (S. 1569), as amended, was passed, as follows:

S. 1569

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Taunton River Wild and Scenic River Study Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Taunton River in the State of Massachusetts possesses important resource values (including wildlife, ecological, and scenic values), historic sites, and a cultural past important to the heritage of the United States;

(2) there is strong support among State and local officials, area residents, and river users for a cooperative wild and scenic river study of the area; and

(3) there is a longstanding interest among State and local officials, area residents, and river users in undertaking a concerted cooperative effort to manage the river in a productive and meaningful way.

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(2) by adding at the end the following:

"(137) TAUNTON RIVER, MASSACHUSETTS.—The segment downstream from the headwaters, from the confluence of the Town River and the Matfield River in Bridgewater to the confluence with the Forge River in Raynham, Massachusetts.".

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(3) by redesignating the third paragraph (11) as paragraph (13);

(4) by redesignating the fourth paragraph (11) as paragraph (14);

(5) by redesignating the first undesignated paragraph as paragraph (15);

(6) by redesignating the second undesignated paragraph as paragraph (16); and

(7) by adding at the end the following:

"(17) TAUNTON RIVER, MASSACHUSETTS.—Not later than 3 years after the date of enactment of this paragraph, the Secretary of the Interior—

"(A) shall complete the study of the Taunton River, Massachusetts; and

"(B) shall submit to Congress a report describing the results of the study.".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

BLACK HILLS NATIONAL FOREST PROPERTY EXCHANGE

The bill (S. 1599) to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with the Black Hills National Forest, was considered, ordered and engrossed for a third reading, read the third time, and passed; as follows:

S. 1599

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SALE OR EXCHANGE OF LAND.

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this Act as the "Secretary") may, under such terms and conditions as the Secretary may prescribe, sell or exchange any right, title, and interest of the United States in and to the approximately 367 acres contained in the following parcels of land in the State of South Dakota:

(1) Tract BLKH-1 "Spearfish Dwelling" (approximately 0.24 acres); N½ lots 8 and 9 of block 16, sec. 10, T6N, R2E.

(2) Tract BLKH-2 "Deadwood Garage" (approximately 0.12 acres); lots 9 and 11 of block 34, sec. 26, T5N, R3E.

(3) Tract BLKH-3 "Deadwood Dwellings" (approximately 0.32 acres); lots 12 through 16 of Block 44, sec. 26, T5N, R3E.

(4) Tract BLKH-4 "Hardy Work Center" (approximately 150 acres): E½, SW¼, SE¼; SE¼, SE¼; sec. 19; NE¼, NW¼, NE¼; E½, NE¼, SE¼; E½, SE¼, NE¼; NE¼, NE¼; sec. 30, T3N, R1E.

(5) Tract BLKH-6 "Pactola Work Center" (approximately 100 acres); W½, SW¼, NW¼; W½, NW¼, SW¼; W½, SW¼, SW¼; SE¼, SW¼, SW¼; sec. 25; E½, E¼, SE¼; SE¼, SE¼, NE¼; sec. 26; T2N, R5E.

(6) Tract BLKH-7 "Pactola Ranger District Office" (approximately 8.25 acres); lot 1 of Ranger Station Subdivision, sec. 4, T1N, R7E.

(7) Tract BLKH-8 "Reder Administrative Site" (approximately 82 acres); lots 6 and 7, sec. 29; lot A of Reder Placer, lot 19, NW¼, SE¼, NE¼, sec. 30, T1S, R5E.

(8) Tract BLKH-9 "Allen Gulch Properties" (approximately 20.60 acres); lot 14, sec. 25, T1S, R4E.

(9) Tract BLKH-10 "Custer Ranger District Office" (approximately 0.39 acres); lots 4 and 9 of block 125 plus the east 15 feet of the vacated north/south alley adjacent to lot 4, city of Custer, sec. 26, T3S, R4E.

(b) Applicable Authorities.—Except as otherwise provided in this Act, any sale or exchange of land described in subsection (a) shall be subject to laws (including regulations) applicable to the conveyance and acquisition of land for National Forest System purposes.

(c) Cash Equalization.—Notwithstanding any other provision of law, the Secretary may accept cash equalization payments in excess of 25 percent of the total value of the land described in subsection (a) from any exchange under subsection (a).

(d) Solicitations of Offers.—

(1) In general.—In carrying out this Act, the Secretary may use solicitations of offers for sale or exchange under this Act on such terms and conditions as the Secretary may prescribe.

(2) Rejection of offers.—The Secretary may reject any offer under this Act if the Secretary determines that the offer is not adequate or not in the public interest.

SEC. 2. DISPOSITION OF FUNDS.

Any funds received by the Secretary through sale or by cash equalization from an exchange—

(1) shall be deposited into the fund established by Public Law 90-171 (commonly known as the "Sisk Act") (16 U.S.C. 484a); and

(2) shall be available for expenditure, on appropriation, for—

(A) the acquisition of land and interests in land in the State of South Dakota; and

(B) the acquisition or construction of administrative improvements in connection with the Black Hills National Forest.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

NATIONAL OILHEAT RESEARCH ALLIANCE ACT OF 1999

The Senate proceeded to consider the bill (S. 348) to authorize and faciliate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Oilheat Research Alliance Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) oilheat is an important commodity relied on by approximately 30,000,000 Americans as an efficient and economical energy source for commercial and residential space and hot water heating;

(2) oilheat equipment operates at efficiencies among the highest of any space heating energy source, reducing fuel costs and making oilheat an economical means of space heating;

(3) the production, distribution, and marketing of oilheat and oilheat equipment plays a significant role in the economy of the United States, accounting for approximately $12,900,000,000 in expenditures annually and employing millions of Americans in all aspects of the oilheat industry;

(4) only very limited Federal resources have been made available for oilheat research, development, safety, training, and education efforts, to the detriment of both the oilheat industry and its 30,000,000 consumers; and

(5) the cooperative development, self-financing, and implementation of a coordinated national oilheat industry program of research and development, training, and consumer education is necessary and important for the welfare of the oilheat industry, the general economy of the United States, and the millions of Americans that rely on oilheat for commercial and residential space and hot water heating.

SEC. 3. DEFINITIONS.

In this Act:

(1) Alliance.—The term "Alliance" means a national oilheat research alliance established under section 4.

(2) Consumer education.—The term "consumer education" means the provision of information to assist consumers and other persons in making evaluations and decisions regarding oilheat and other nonindustrial commercial or residential space or hot water heating fuels.

(3) Exchange.—The term "exchange" means an agreement that—

(A) entitles each party or its customers to receive oilheat from the other party; and

(B) requires only an insubstantial portion of the volumes involved in the exchange to be settled in cash or property other than the oilheat.

(4) Industry trade association.—The term "industry trade association" means an organization described in paragraph (3) or (6) of section 501(c) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code and is organized for the purpose of representing the oilheat industry.

(5) No. 1 distillate.—The term "No. 1 distillate" means fuel oil classified as No. 1 distillate by the American Society for Testing and Materials.

(6) No. 2 dyed distillate.—The term "No. 2 dyed distillate" means fuel oil classified as No. 2 distillate by the American Society for Testing and Materials that is indelibly dyed in accordance with regulations prescribed by the Secretary of the Treasury under section 4082(a)(2) of the Internal Revenue Code of 1986.

(7) Oilheat.—The term "oilheat" means—

(A) No. 1 distillate; and

(B) No. 2 dyed distillate;

that is used as a fuel for nonindustrial commercial or residential space or hot water heating.

(8) Oilheat industry.—

(A) In general.—The term "oilheat industry" means—

(i) persons in the production, transportation, or sale of oilheat; and

(ii) persons engaged in the manufacture or distribution of oilheat utilization equipment.

(B) Exclusion.—The term "oilheat industry" does not include ultimate consumers of oilheat.

(9) Public member.—The term "public member" means a member of the Alliance described in section 5(c)(1)(F).

(10) Qualified industry organization.—The term "qualified industry organization" means the National Association for Oilheat Research and Education or a successor organization.

(11) Qualified State association.—The term "qualified State association" means the industry trade association or other organization that the qualified industry organization or the Alliance determines best represents retail marketers in a State.

(12) Retail marketer.—The term "retail marketer" means a person engaged primarily in the sale of oilheat to ultimate consumers.

(13) Secretary.—The term "Secretary" means the Secretary of Energy.

(14) Wholesale distributor.—The term "wholesale distributor" means a person that—

(A)(i) produces No. 1 distillate or No. 2 dyed distillate;

(ii) imports No. 1 distillate or No. 2 dyed distillate; or

(iii) transports No. 1 distillate or No. 2 dyed distillate across State boundaries or among local marketing areas; and

(B) sells the distillate to another person that does not produce, import, or transport No. 1 distillate or No. 2 dyed distillate across State boundaries or among local marketing areas.

SEC. 4. REFERENDA.

(a) Creation of Program.—

(1) In general.—The oilheat industry, through the qualified industry organization, may conduct, at its own expense, a referendum among retail marketers and wholesale distributors for the establishment of a national oilheat research alliance.

(2) Reimbursement of cost.—The Alliance, if established, shall reimburse the qualified industry organization for the cost of accounting and documentation for the referendum.

(3) Conduct.—A referendum under paragraph (1) shall be conducted by an independent auditing firm.

(4) Voting rights.—

(A) Retail marketers.—Voting rights of retail marketers in a referendum under paragraph (1) shall be based on the volume of oilheat sold in a State by each retail marketer in the calendar year previous to the year in which the referendum is conducted or in another representative period.

(B) WHOLESALE DISTRIBUTORS.—Voting rights of wholesale distributors in a referendum under paragraph (1) shall be based on the volume of No. 1 distillate and No. 2 dyed distillate sold in a State by each wholesale distributor in the calendar year previous to the year in which the referendum is conducted or in another representative period, weighted by the ratio of the total volume of No. 1 distillate and No. 2 dyed distillate sold for nonindustrial commercial and residential space and hot water heating in the State to the total volume of No. 1 distillate and No. 2 dyed distillate sold in that State.

(5) ESTABLISHMENT BY APPROVAL OF TWO-THIRDS.—

(A) IN GENERAL.—Subject to subparagraph (B), on approval of persons representing two-thirds of the total volume of oilheat voted in the retail marketer class and two-thirds of the total weighted volume of No. 1 distillate and No. 2 dyed distillate voted in the wholesale distributor class, the Alliance shall be established and shall be authorized to levy assessments under section 7.

(B) REQUIREMENT OF MAJORITY OF RETAIL MARKETERS.—Except as provided in subsection (b), the oilheat industry in a State shall not participate in the Alliance if less than 50 percent of the retail marketer vote in the State approves establishment of the Alliance.

(6) CERTIFICATION OF VOLUMES.—Each person voting in the referendum shall certify to the independent auditing firm the volume of oilheat, No. 1 distillate, or No. 2 dyed distillate represented by the vote of the person.

(7) NOTIFICATION.—Not later than 90 days after the date of enactment of this Act, a qualified State association may notify the qualified industry organization in writing that a referendum under paragraph (1) will not be conducted in the State.

(b) SUBSEQUENT STATE PARTICIPATION.—The oilheat industry in a State that has not participated initially in the Alliance may subsequently elect to participate by conducting a referendum under subsection (a).

(c) TERMINATION OR SUSPENSION.—

(1) IN GENERAL.—On the initiative of the Alliance or on petition to the Alliance by retail marketers and wholesale distributors representing 35 percent of the volume of oilheat or weighted No. 1 distillate and No. 2 dyed distillate in each class, the Alliance shall, at its own expense, hold a referendum, to be conducted by an independent auditing firm selected by the Alliance, to determine whether the oilheat industry favors termination or suspension of the Alliance.

(2) VOLUME PERCENTAGES REQUIRED TO TERMINATE OR SUSPEND.—Termination or suspension shall not take effect unless termination or suspension is approved by—

(A) persons representing more than one-half of the total volume of oilheat voted in the retail marketer class and more than one-half of the total volume of weighted No. 1 distillate and No. 2 dyed distillate voted in the wholesale distributor class; or

(B) persons representing more than two-thirds of the total volume of fuel voted in either such class.

(d) CALCULATION OF OILHEAT SALES.—For the purposes of this section and section 5, the volume of oilheat sold annually in a State shall be determined on the basis of information provided by the Energy Information Administration with respect to a calendar year or other representative period.

SEC. 5. MEMBERSHIP.

(a) SELECTION.—

(1) IN GENERAL.—Except as provided in subsection (c)(1)(C), the qualified industry organization shall select members of the Alliance representing the oilheat industry in a State from a list of nominees submitted by the qualified State association in the State.

(2) VACANCIES.—A vacancy in the Alliance shall be filled in the same manner as the original selection.

(b) REPRESENTATION.—In selecting members of the Alliance, the qualified industry organization shall make best efforts to select members that are representative of the oilheat industry, including representation of—

(1) interstate and intrastate operators among retail marketers;

(2) wholesale distributors of No. 1 distillate and No. 2 dyed distillate;

(3) large and small companies among wholesale distributors and retail marketers; and

(4) diverse geographic regions of the country.

(c) NUMBER OF MEMBERS.—

(1) IN GENERAL.—The membership of the Alliance shall be as follows:

(A) One member representing each State with oilheat sales in excess of 32,000,000 gallons per year.

(B) If fewer than 24 States are represented under subparagraph (A), 1 member representing each of the States with the highest volume of annual oilheat sales, as necessary to cause the total number of States represented under subparagraph (A) and this subparagraph to equal 24.

(C) 5 representatives of retail marketers, 1 each to be selected by the qualified State associations of the 5 States with the highest volume of annual oilheat sales.

(D) 5 additional representatives of retail marketers.

(E) 21 representatives of wholesale distributors.

(F) 6 public members, who shall be representatives of significant users of oilheat, the oilheat research community, *State energy officials*, or other groups knowledgeable about oilheat.

(2) FULL-TIME OWNERS OR EMPLOYEES.—Other than the public members, Alliance members shall be full-time owners or employees of members of the oilheat industry, except that members described in subparagraphs (C), (D), and (E) of paragraph (1) may be employees of the qualified industry organization or an industry trade association.

(d) COMPENSATION.—Alliance members shall receive no compensation for their service, nor shall Alliance members be reimbursed for expenses relating to their service, except that public members, on request, may be reimbursed for reasonable expenses digectly related to participation in meetings of the Alliance.

(e) TERMS.—

(1) IN GENERAL.—Subject to paragraph (4), a member of the Alliance shall serve a term of 3 years, except that a member filling an unexpired term may serve a total of 7 consecutive years.

(2) TERM LIMIT.—A member may serve not more than 2 full consecutive terms.

(3) FORMER MEMBERS.—A former member of the Alliance may be returned to the Alliance if the member has not been a member for a period of 2 years.

(4) INITIAL APPOINTMENTS.—Initial appointments to the Alliance shall be for terms of 1, 2, and 3 years, as determined by the qualified industry organization, staggered to provide for the subsequent selection of one-third of the members each year.

SEC. 6. FUNCTIONS.

(a) IN GENERAL.—

(1) PROGRAMS, PROJECTS; CONTRACTS AND OTHER AGREEMENTS.—The Alliance—

(A) shall develop programs and projects and enter into contracts or other agreements with other persons and entities for implementing this Act, including programs—

(i) to enhance consumer and employee safety and training;

(ii) to provide for research, development, and demonstration of clean and efficient oilheat utilization equipment; and

(iii) for consumer education; and

(B) may provide for the payment of the costs of carrying out subparagraph (A) with assessments collected under section 7.

(2) COORDINATION.—The Alliance shall coordinate its activities with industry trade associations and other persons as appropriate to provide efficient delivery of services and to avoid unnecessary duplication of activities.

(3) ACTIVITIES.—

(A) EXCLUSIONS.—Activities under clause (i) or (ii) of paragraph (1)(A) shall not include advertising, promotions, or consumer surveys in support of advertising or promotions.

(B) RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACTIVITIES.—

(i) IN GENERAL.—Research, development, and demonstration activities under paragraph (1)(A)(ii) shall include—

(I) all activities incidental to research, development, and demonstration of clean and efficient oilheat utilization equipment; and

(II) the obtaining of patents, including payment of attorney's fees for making and perfecting a patent application.

(ii) EXCLUDED ACTIVITIES.—Research, development, and demonstration activities under paragraph (1)(A)(ii) shall not include research, development, and demonstration of oilheat utilization equipment with respect to which technically feasible and commercially feasible operations have been verified, except that funds may be provided for improvements to existing equipment until the technical feasibility and commercial feasibility of the operation of those improvements have been verified.

(b) PRIORITIES.—In the development of programs and projects, the Alliance shall give priority to issues relating to—

(1) research, development, and demonstration;

(2) safety;

(3) consumer education; and

(4) training.

(c) ADMINISTRATION.—

(1) OFFICERS; COMMITTEES; BYLAWS.—The Alliance—

(A) shall select from among its members a chairperson and other officers as necessary;

(B) may establish and authorize committees and subcommittees of the Alliance to take specific actions that the Alliance is authorized to take; and

(C) shall adopt bylaws for the conduct of business and the implementation of this Act.

(2) SOLICITATION OF OILHEAT INDUSTRY COMMENT AND RECOMMENDATIONS.—The Alliance shall establish procedures for the solicitation of oilheat industry comment and recommendations on any significant contracts and other agreements, programs, and projects to be funded by the Alliance.

(3) ADVISORY COMMITTEES.—The Alliance may establish advisory committees consisting of persons other than Alliance members.

(4) VOTING.—Each member of the Alliance shall have 1 vote in matters before the Alliance.

(d) Administrative Expenses.—

(1) In general.—The administrative expenses of operating the Alliance (not including costs incurred in the collection of assessments under section 7) plus amounts paid under paragraph (2) shall not exceed 7 percent of the amount of assessments collected in any calendar year, except that during the first year of operation of the Alliance such expenses and amounts shall not exceed 10 percent of the amount of assessments.

(2) Reimbursement of the Secretary.—

(A) In general.—The Alliance shall annually reimburse the Secretary for costs incurred by the Federal Government relating to the Alliance.

(B) Limitation.—Reimbursement under subparagraph (A) for any calendar year shall not exceed the amount that the Secretary determines is twice the average annual salary of 1 employee of the Department of Energy.

(e) Budget.—

(1) Publication of proposed budget.—Before August 1 of each year, the Alliance shall publish for public review and comment a proposed budget for the next calendar year, including the probable costs of all programs, projects, and contracts and other agreements.

(2) Submission to the Secretary and Congress.—After review and comment under paragraph (1), the Alliance shall submit the proposed budget to the Secretary and Congress.

(3) Recommendations by the Secretary.—The Secretary may recommend for inclusion in the budget programs and activities that the Secretary considers appropriate.

(4) Implementation.—The Alliance shall not implement a proposed budget until the expiration of 60 days after submitting the proposed budget to the Secretary.

(f) Records; Audits.—

(1) Records.—The Alliance shall—

(A) keep records that clearly reflect all of the acts and transactions of the Alliance; and

(B) make the records available to the public.

(2) Audits.—

(A) In general.—The records of the Alliance (including fee assessment reports and applications for refunds under section 7(b)(4)) shall be audited by a certified public accountant at least once each year and at such other times as the Alliance may designate.

(B) Availability of audit reports.—Copies of each audit report shall be provided to the Secretary, the members of the Alliance, and the qualified industry organization, and, on request, to other members of the oilheat industry.

(C) Policies and procedures.—

(i) In general.—The Alliance shall establish policies and procedures for auditing compliance with this Act.

(ii) Conformity with GAAP.—The policies and procedures established under clause (i) shall conform with generally accepted accounting principles.

(g) Public Access to Alliance Proceedings.—

(1) Public notice.—The Alliance shall give at least 30 days' public notice of each meeting of the Alliance.

(2) Meetings open to the public.—Each meeting of the Alliance shall be open to the public.

(3) Minutes.—The minutes of each meeting of the Alliance shall be made available to and readily accessible by the public.

(h) Annual Report.—Each year the Alliance shall prepare and make publicly available a report that—

(1) includes a description of all programs, projects, and contracts and other agreements undertaken by the Alliance during the previous year and those planned for the current year; and

(2) details the allocation of Alliance resources for each such program and project.

SEC. 7. ASSESSMENTS.

(a) Rate.—The assessment rate shall be equal to two-tenths-cent per gallon of No. 1 distillate and No. 2 dyed distillate.

(b) Collection Rules.—

(1) Collection at point of sale.—The assessment shall be collected at the point of sale of No. 1 distillate and No. 2 dyed distillate by a wholesale distributor to a person other than a wholesale distributor, including a sale made pursuant to an exchange.

(2) Responsibility for payment.—A wholesale distributor—

(A) shall be responsible for payment of an assessment to the Alliance on a quarterly basis; and

(B) shall provide to the Alliance certification of the volume of fuel sold.

(3) No ownership interest.—A person that has no ownership interest in No. 1 distillate or No. 2 dyed distillate shall not be responsible for payment of an assessment under this section.

(4) Failure to receive payment.—

(A) Refund.—A wholesale distributor that does not receive payments from a purchaser for No. 1 distillate or No. 2 dyed distillate within 1 year of the date of sale may apply for a refund from the Alliance of the assessment paid.

(B) Amount.—The amount of a refund shall not exceed the amount of the assessment levied on the No. 1 distillate or No. 2 dyed distillate for which payment was not received.

(5) Importation after point of sale.—The owner of No. 1 distillate or No. 2 dyed distillate imported after the point of sale—

(A) shall be responsible for payment of the assessment to the Alliance at the point at which the product enters the United States; and

(B) shall provide to the Alliance certification of the volume of fuel imported.

(6) Late payment charge.—The Alliance may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Alliance any amount due under this Act.

(7) Alternative collection rules.—The Alliance may establish, or approve a request of the oilheat industry in a State for, an alternative means of collecting the assessment if another means is determined to be more efficient or more effective.

(c) Sale for Use Other Than as Oilheat.—No. 1 distillate and No. 2 dyed distillate sold for uses other than as oilheat are excluded from the assessment.

(d) Investment of Funds.—Pending disbursement under a program, project, or contract or other agreement the Alliance may invest funds collected through assessments, and any other funds received by the Alliance, only—

(1) in obligations of the United States or any agency of the United States;

(2) in general obligations of any State or any political subdivision of a State;

(3) in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System; or

(4) in obligations fully guaranteed as to principal and interest by the United States.

(e) State, Local, and Regional Programs.—

(1) Coordination.—The Alliance shall establish a program coordinating the operation of the Alliance with the operator of any similar State, local, or regional program created under State law (including a regulation), or similar entity.

(2) Funds made available to qualified State associations.—

(A) In general.—

(i) Base amount.—The Alliance shall make available to the qualified State association of each State an amount equal to 15 percent of the amount of assessments collected in the State.

(ii) Additional amount.—

(I) In general.—A qualified State association may request that the Alliance provide to the association any portion of the remaining 85 percent of the amount of assessments collected in the State.

(II) Request requirements.—A request under this clause shall—

(aa) specify the amount of funds requested;

(bb) describe in detail the specific uses for which the requested funds are sought;

(cc) include a commitment to comply with this Act in using the requested funds; and

(dd) be made publicly available.

(III) Direct benefit.—The Alliance shall not provide any funds in response to a request under this clause unless the Alliance determines that the funds will be used to directly benefit the oilheat industry.

(IV) Monitoring; terms, conditions, and reporting requirements.—The Alliance shall—

(aa) monitor the use of funds provided under this clause; and

(bb) impose whatever terms, conditions, and reporting requirements that the Alliance considers necessary to ensure compliance with this Act.

SEC. 8. MARKET SURVEY AND CONSUMER PROTECTION.

(a) Price Analysis.—Beginning 2 years after establishment of the Alliance and annually thereafter, the Secretary of Commerce, using only data provided by the Energy Information Administration and other public sources, shall prepare and make available to the Congress, the Alliance, the Secretary of Energy, and the public, an analysis of changes in the price of oilheat relative to other energy sources. The oilheat price analysis shall compare indexed changes in the price of consumer grade oilheat to a composite of indexed changes in the price of residential electricity, residential natural gas, and propane on an annual national average basis. For purposes of indexing changes in oilheat, residential electricity, residential natural gas, and propane prices, the Secretary of Commerce shall use a 5-year rolling average price beginning with the year 4 years prior to the establishment of the Alliance.

(b) Authority To Restrict Activities.—If in any year the 5-year average price composite index of consumer grade oilheat exceeds the 5-year rolling average price composite index of residential electricity, residential natural gas, and propane in an amount greater than 10.1 percent, the activities of the Alliance shall be restricted to research and development, training, and safety matters. The Alliance shall inform the Secretary of Energy and the Congress of any restriction of activities under this subsection. Upon expiration of 180 days after the beginning of any such restriction of activities, the Secretary of Commerce shall again conduct the oilheat price analysis described in subsection (a). Activities of the Alliance shall continue to be restricted under this subsection until the price index excess is 10.1 percent or less.

SEC. [8.] 9. COMPLIANCE.

(a) In General.—The Alliance may bring a civil action in United States district court to compel payment of an assessment under section 7.

(b) Costs.—A successful action for compliance under this section may also require payment by the defendant of the costs incurred by the Alliance in bringing the action.

SEC. [9.] *10.* LOBBYING RESTRICTIONS.

No funds derived from assessments under section 7 collected by the Alliance shall be used to influence legislation or elections, except that the Alliance may use such funds to formulate and submit to the Secretary recommendations for amendments to this Act or other laws that would further the purposes of this Act.

SEC. [10.] *11.* DISCLOSURE.

Any consumer education activity undertaken with funds provided by the Alliance shall include a statement that the activities were supported, in whole or in part, by the Alliance.

SEC. [11.] *12.* VIOLATIONS.

(a) Prohibition.—It shall be unlawful for any person to conduct a consumer education activity, undertaken with funds derived from assessments collected by the Alliance under section 7, that includes—

(1) a reference to a private brand name;

(2) a false or unwarranted claim on behalf of oilheat or related products; or

(3) a reference with respect to the attributes or use of any competing product.

(b) Complaints.—

(1) In general.—A public utility that is aggrieved by a violation described in subsection (a) may file a complaint with the Alliance.

(2) Transmittal to qualified state association.—A complaint shall be transmitted concurrently to any qualified State association undertaking the consumer education activity with respect to which the complaint is made.

(3) Cessation of activities.—On receipt of a complaint under this subsection, the Alliance, and any qualified State association undertaking the consumer education activity with respect to which the complaint is made, shall cease that consumer education activity until—

(A) the complaint is withdrawn; or

(B) a court determines that the conduct of the activity complained of does not constitute a violation of subsection (a).

(c) Resolution by Parties.—

(1) In general.—Not later than 10 days after a complaint is filed and transmitted under subsection (b), the complaining party, the Alliance, and any qualified State association undertaking the consumer education activity with respect to which the complaint is made shall meet to attempt to resolve the complaint.

(2) Withdrawal of complaint.—If the issues in dispute are resolved in those discussions, the complaining party shall withdraw its complaint.

(d) Judicial Review.—

(1) In general.—A public utility filing a complaint under this section, the Alliance, a qualified State association undertaking the consumer education activity with respect to which a complaint under this section is made, or any person aggrieved by a violation of subsection (a) may seek appropriate relief in United States district court.

(2) Relief.—A public utility filing a complaint under this section shall be entitled to temporary and injunctive relief enjoining the consumer education activity with respect to which a complaint under this section is made until—

(A) the complaint is withdrawn; or

(B) the court has determined that the consumer education activity complained of does not constitute a violation of subsection (a).

(e) Attorney's Fees.—

(1) Meritorious case.—In a case in Federal court in which the court grants a public utility injunctive relief under subsection (d), the public utility shall be entitled to recover an attorney's fee from the Alliance and any qualified State association undertaking the consumer education activity with respect to which a complaint under this section is made.

(2) Nonmeritorious case.—In any case under subsection (d) in which the court determines a complaint under subsection (b) to be frivolous and without merit, the prevailing party shall be entitled to recover an attorney's fee.

(f) Savings Clause.—Nothing in this section shall limit causes of action brought under any other law.

SEC. [12.] *13.* SUNSET.

This Act shall cease to be effective as of the date that is 4 years after the date on which the Alliance is established.

AMENDMENT NO. 2802

(Purpose: To amend S. 348, as reported)

On page 2, after line 2, insert the following:

"TITLE I—NATIONAL OIL HEAT RESEARCH ALLIANCE ACT OF 1999"

On page 6, after line 18, insert the following:

"(15) State.—The term 'State' means the several states, except the State of Alaska.".

On page 30, after line 11, insert the following:

"TITLE II—SMALL HYDROELECTRIC PROJECTS IN ALASKA

"SEC. 201. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.

"Part I of the Federal Power Act (16 U.S.C. 792 et seq.) is amended by adding at the end the following:

"'SEC. 32. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.

"'(a) Discontinuance of Regulation by the Commission.—Notwithstanding sections 4(e) and 23(b), the Commission shall discontinue exercising licensing and regulatory authority under this Part over qualifying project works in the State of Alaska, effective on the date on which the Commission certifies that the State of Alaska has in place a regulatory program for water-power development that—

"'(1) protects the public interest, the purposes listed in paragraph (2), and the environment to the same extent provided by licensing and regulation by the Commission under this Part and other applicable Federal laws, including the endangered Species Act (16 U.S.C. 1531 et seq.) and the fish and wildlife Coordination Act (16 U.S.C. 661 et seq.);

"'(2) gives equal consideration to the purposes of—

"'(A) energy conservation;

"'(B) the protection, mitigation of damage to, and enhancement of, fish and wildlife (including related spawning grounds and habitat);

"'(C) the protection of recreational opportunities,

"'(D) the preservation of other aspects of environmental quality,

"'(E) the interests of Alaska Natives, and

"'(F) other beneficial public uses, including irrigation, flood control, water supply, and navigation; and

"'(3) requires, as a license for any project works—

"'(A) the construction, maintenance, and operation by a licensee at its own expense of such lights and signals as may be directed by the Secretary of the Department in which the Coast Guard is operating, and such fishways as may be prescribed by the Secretary of the Interior or the Secretary of Commerce, as appropriate;

"'(B) the operation of any navigation facilities which may be constructed as part of any project to be controlled at all times by such reasonable rules and regulations as may be made by the Secretary of the Army; and

"'(C) conditions for the protection, mitigation, and enhancement of fish and wildlife based on recommendations received pursuant to the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) from the National Marine Fisheries Service, the United States Fish and Wildlife Service, and State fish and wildlife agencies.

"'(b) Definition of "Qualifying Project Works."—For purposes of this section, the term "qualifying project works" means project works—

"'(1) that are not part of a project licensed under this Part or exempted from licensing under this Part or section 405 of the Public Utility Regulatory Policies Act of 1978 prior to the date of enactment of this section;

"'(2) for which a preliminary permit, a license application, or an application for an exemption from licensing has not been accepted for filing by the Commission prior to the date of enactment of subsection (c) (unless such application is withdrawn at the election of the applicant);

"'(3) that are part of a project that has a power production capacity of 5,000 kilowatts or less;

"'(4) that are located entirely within the boundaries of the State of Alaska; and

"'(5) that are not located in whole or in part on any Indian reservation, a conservation system unit (as defined in section 102(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102(4))), or segment of a river designated for study for addition to the Wild and Scenic Rivers System.

"'(c) Election of State Licensing.—In the case of nonqualifying project works that would be a qualifying project works but for the fact that the project has been licensed (or exempted from licensing) by the Commission prior to the enactment of this section, the licensee of such project may in its discretion elect to make the project subject to licensing and regulation by the State of Alaska under this section.

"'(d) Project Works on Federal Lands.—With respect to projects located in whole or in part on a reservation, a conservation system unit, or the public lands, a State license or exemption from licensing shall be subject to—

"'(1) the approval of the Secretary having jurisdiction over such lands; and

"'(2) such conditions as the Secretary may prescribe.

"'(e) Consultation With Affected Agencies.—The Commission shall consult with the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce before certifying the State of Alaska's regulatory program.

"'(f) Application of Federal Laws.—Nothing in this section shall preempt the application of Federal environmental, natural resources, or cultural resources protection laws according to their terms.

"'(g) Oversight by the Commission.—The State of Alaska shall notify the Commission not later than 30 days after making any significant modification to its regulatory program. The Commission shall periodically review the State's program to ensure compliance with the provisions of this section.

"'(h) Resumption of Commission Authority.—Notwithstanding subsection (a), the

Commission shall reassert its licensing and regulatory authority under this part if the Commission finds that the State of Alaska has not complied with one or more of the requirements of this section.

"'(i) DETERMINATION BY THE COMMISSION.—

"'(1) Upon application by the Governor of the State of Alaska, the Commission shall within 30 days commence a review of the State of Alaska's regulatory program for water-power development to determine whether it complies with the requirements of subsection (a).

"'(2) The Commission's review required by paragraph 91) shall be completed within one year of initiation, and the Commission shall within 30 days thereafter issue a final order determining whether or not the State of Alaska's regulatory program for water-power development complies with the regulations of subsection (a).

"'(3) If the Commission fails to issue a final order in accordance with paragraph (2), the State of Alaska's regulatory program for water-power development shall be deemed to be in compliance with subsection (a).

"'TITLE III—HYDROELECTRIC PROJECTS IN HAWAII

"'SEC. 301. PROJECTS ON FRESH WATERS IN THE STATE OF HAWAII

"'Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended in the first sentence by striking "several States, or upon" and inserting "several States (except fresh waters in the State of Hawaii, unless a license would be required under section 23), or upon".

"'TITLE IV—ARROWROCK DAM HYDROELECTRIC PROJECT

"'SEC. 501. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

"'Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 4656, the Commission may, at the request of the licensee for the project and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend until March 26, 2005, the time period during which the licensee is required to commence construction of the project.'."

The amendment (No. 2802) was agreed to.

The committee amendments were agreed to.

The bill (S. 348), as amended, was passed, as follows:

S. 348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—NATIONAL OIL HEAT RESEARCH ALLIANCE ACT OF 1999

SEC. 101. SHORT TITLE.

This title may be cited as the "National Oilheat Research Alliance Act of 1999".

SEC. 102. FINDINGS.

Congress finds that—

(1) oilheat is an important commodity relied on by approximately 30,000,000 Americans as an efficient and economical energy source for commercial and residential space and hot water heating;

(2) oilheat equipment operates at efficiencies among the highest of any space heating energy source, reducing fuel costs and making oilheat an economical means of space heating;

(3) the production, distribution, and marketing of oilheat and oilheat equipment plays a significant role in the economy of the United States, accounting for approximately $12,900,000,000 in expenditures annually and employing millions of Americans in all aspects of the oilheat industry;

(4) only very limited Federal resources have been made available for oilheat research, development, safety, training, and education efforts, to the detriment of both the oilheat industry and its 30,000,000 consumers; and

(5) the cooperative development, self-financing, and implementation of a coordinated national oilheat industry program of research and development, training, and consumer education is necessary and important for the welfare of the oilheat industry, the general economy of the United States, and the millions of Americans that rely on oilheat for commercial and residential space and hot water heating.

SEC. 103. DEFINITIONS.

In this title:

(1) ALLIANCE.—The term "Alliance" means a national oilheat research alliance established under section 104.

(2) CONSUMER EDUCATION.—The term "consumer education" means the provision of information to assist consumers and other persons in making evaluations and decisions regarding oilheat and other nonindustrial commercial or residential space or hot water heating fuels.

(3) EXCHANGE.—The term "exchange" means an agreement that—

(A) entitles each party or its customers to receive oilheat from the other party; and

(B) requires only an insubstantial portion of the volumes involved in the exchange to be settled in cash or property other than the oilheat.

(4) INDUSTRY TRADE ASSOCIATION.—The term "industry trade association" means an organization described in paragraph (3) or (6) of section 501(c) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code and is organized for the purpose of representing the oilheat industry.

(5) NO. 1 DISTILLATE.—The term "No. 1 distillate" means fuel oil classified as No. 1 distillate by the American Society for Testing and Materials.

(6) NO. 2 DYED DISTILLATE.—The term "No. 2 dyed distillate" means fuel oil classified as No. 2 distillate by the American Society for Testing and Materials that is indelibly dyed in accordance with regulations prescribed by the Secretary of the Treasury under section 4082(a)(2) of the Internal Revenue Code of 1986.

(7) OILHEAT.—The term "oilheat" means—

(A) No. 1 distillate; and

(B) No. 2 dyed distillate;

that is used as a fuel for nonindustrial commercial or residential space or hot water heating.

(8) OILHEAT INDUSTRY.—

(A) IN GENERAL.—The term "oilheat industry" means—

(i) persons in the production, transportation, or sale of oilheat; and

(ii) persons engaged in the manufacture or distribution of oilheat utilization equipment.

(B) EXCLUSION.—The term "oilheat industry" does not include ultimate consumers of oilheat.

(9) PUBLIC MEMBER.—The term "public member" means a member of the Alliance described in section 105(c)(1)(F).

(10) QUALIFIED INDUSTRY ORGANIZATION.—The term "qualified industry organization" means the National Association for Oilheat Research and Education or a successor organization.

(11) QUALIFIED STATE ASSOCIATION.—The term "qualified State association" means the industry trade association or other organization that the qualified industry organization or the Alliance determines best represents retail marketers in a State.

(12) RETAIL MARKETER.—The term "retail marketer" means a person engaged primarily in the sale of oilheat to ultimate consumers.

(13) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(14) WHOLESALE DISTRIBUTOR.—The term "wholesale distributor" means a person that—

(A)(i) produces No. 1 distillate or No. 2 dyed distillate;

(ii) imports No. 1 distillate or No. 2 dyed distillate; or

(iii) transports No. 1 distillate or No. 2 dyed distillate across State boundaries or among local marketing areas; and

(B) sells the distillate to another person that does not produce, import, or transport No. 1 distillate or No. 2 dyed distillate across State boundaries or among local marketing areas.

(15) STATE.—The term "State" means the several States, except the State of Alaska.

SEC. 104. REFERENDA.

(a) CREATION OF PROGRAM.—

(1) IN GENERAL.—The oilheat industry, through the qualified industry organization, may conduct, at its own expense, a referendum among retail marketers and wholesale distributors for the establishment of a national oilheat research alliance.

(2) REIMBURSEMENT OF COST.—The Alliance, if established, shall reimburse the qualified industry organization for the cost of accounting and documentation for the referendum.

(3) CONDUCT.—A referendum under paragraph (1) shall be conducted by an independent auditing firm.

(4) VOTING RIGHTS.—

(A) RETAIL MARKETERS.—Voting rights of retail marketers in a referendum under paragraph (1) shall be based on the volume of oilheat sold in a State by each retail marketer in the calendar year previous to the year in which the referendum is conducted or in another representative period.

(B) WHOLESALE DISTRIBUTORS.—Voting rights of wholesale distributors in a referendum under paragraph (1) shall be based on the volume of No. 1 distillate and No. 2 dyed distillate sold in a State by each wholesale distributor in the calendar year previous to the year in which the referendum is conducted or in another representative period, weighted by the ratio of the total volume of No. 1 distillate and No. 2 dyed distillate sold for nonindustrial commercial and residential space and hot water heating in the State to the total volume of No. 1 distillate and No. 2 dyed distillate sold in that State.

(5) ESTABLISHMENT BY APPROVAL OF TWO-THIRDS.—

(A) IN GENERAL.—Subject to subparagraph (B), on approval of persons representing two-thirds of the total volume of oilheat voted in the retail marketer class and two-thirds of the total weighted volume of No. 1 distillate and No. 2 dyed distillate voted in the wholesale distributor class, the Alliance shall be established and shall be authorized to levy assessments under section 107.

(B) Requirement of majority of retail marketers.—Except as provided in subsection (b), the oilheat industry in a State shall not participate in the Alliance if less than 50 percent of the retail marketer vote in the State approves establishment of the Alliance.

(6) Certification of volumes.—Each person voting in the referendum shall certify to the independent auditing firm the volume of oilheat, No. 1 distillate, or No. 2 dyed distillate represented by the vote of the person.

(7) Notification.—Not later than 90 days after the date of enactment of this title, a qualified State association may notify the qualified industry organization in writing that a referendum under paragraph (1) will not be conducted in the State.

(b) Subsequent State Participation.—The oilheat industry in a State that has not participated initially in the Alliance may subsequently elect to participate by conducting a referendum under subsection (a).

(c) Termination or Suspension.—

(1) In general.—On the initiative of the Alliance or on petition to the Alliance by retail marketers and wholesale distributors representing 35 percent of the volume of oilheat or weighted No. 1 distillate and No. 2 dyed distillate in each class, the Alliance shall, at its own expense, hold a referendum, to be conducted by an independent auditing firm selected by the Alliance, to determine whether the oilheat industry favors termination or suspension of the Alliance.

(2) Volume percentages required to terminate or suspend.—Termination or suspension shall not take effect unless termination or suspension is approved by—

(A) persons representing more than one-half of the total volume of oilheat voted in the retail marketer class and more than one-half of the total volume of weighted No. 1 distillate and No. 2 dyed distillate voted in the wholesale distributor class; or

(B) persons representing more than two-thirds of the total volume of fuel voted in either such class.

(d) Calculation of Oilheat Sales.—For the purposes of this section and section 105, the volume of oilheat sold annually in a State shall be determined on the basis of information provided by the Energy Information Administration with respect to a calendar year or other representative period.

SEC. 105. MEMBERSHIP.

(a) Selection.—

(1) In general.—Except as provided in subsection (c)(1)(C), the qualified industry organization shall select members of the Alliance representing the oilheat industry in a State from a list of nominees submitted by the qualified State association in the State.

(2) Vacancies.—A vacancy in the Alliance shall be filled in the same manner as the original selection.

(b) Representation.—In selecting members of the Alliance, the qualified industry organization shall make best efforts to select members that are representative of the oilheat industry, including representation of—

(1) interstate and intrastate operators among retail marketers;

(2) wholesale distributors of No. 1 distillate and No. 2 dyed distillate;

(3) large and small companies among wholesale distributors and retail marketers; and

(4) diverse geographic regions of the country.

(c) Number of Members.—

(1) In general.—The membership of the Alliance shall be as follows:

(A) One member representing each State with oilheat sales in excess of 32,000,000 gallons per year.

(B) If fewer than 24 States are represented under subparagraph (A), 1 member representing each of the States with the highest volume of annual oilheat sales, as necessary to cause the total number of States represented under subparagraph (A) and this subparagraph to equal 24.

(C) 5 representatives of retail marketers, 1 each to be selected by the qualified State associations of the 5 States with the highest volume of annual oilheat sales.

(D) 5 additional representatives of retail marketers.

(E) 21 representatives of wholesale distributors.

(F) 6 public members, who shall be representatives of significant users of oilheat, the oilheat research community, State energy officials, or other groups knowledgeable about oilheat.

(2) Full-time owners or employees.—Other than the public members, Alliance members shall be full-time owners or employees of members of the oilheat industry, except that members described in subparagraphs (C), (D), and (E) of paragraph (1) may be employees of the qualified industry organization or an industry trade association.

(d) Compensation.—Alliance members shall receive no compensation for their service, nor shall Alliance members be reimbursed for expenses relating to their service, except that public members, on request, may be reimbursed for reasonable expenses directly related to participation in meetings of the Alliance.

(e) Terms.—

(1) In general.—Subject to paragraph (4), a member of the Alliance shall serve a term of 3 years, except that a member filling an unexpired term may serve a total of 7 consecutive years.

(2) Term limit.—A member may serve not more than 2 full consecutive terms.

(3) Former members.—A former member of the Alliance may be returned to the Alliance if the member has not been a member for a period of 2 years.

(4) Initial appointments.—Initial appointments to the Alliance shall be for terms of 1, 2, and 3 years, as determined by the qualified industry organization, staggered to provide for the subsequent selection of one-third of the members each year.

SEC. 106. FUNCTIONS.

(a) In General.—

(1) Programs, projects; contracts and other agreements.—The Alliance—

(A) shall develop programs and projects and enter into contracts or other agreements with other persons and entities for implementing this title, including programs—

(i) to enhance consumer and employee safety and training;

(ii) to provide for research, development, and demonstration of clean and efficient oilheat utilization equipment; and

(iii) for consumer education; and

(B) may provide for the payment of the costs of carrying out subparagraph (A) with assessments collected under section 107.

(2) Coordination.—The Alliance shall coordinate its activities with industry trade associations and other persons as appropriate to provide efficient delivery of services and to avoid unnecessary duplication of activities.

(3) Activities.—

(A) Exclusions.—Activities under clause (i) or (ii) of paragraph (1)(A) shall not include advertising, promotions, or consumer surveys in support of advertising or promotions.

(B) Research, development, and demonstration activities.—

(i) In general.—Research, development, and demonstration activities under paragraph (1)(A)(ii) shall include—

(I) all activities incidental to research, development, and demonstration of clean and efficient oilheat utilization equipment; and

(II) the obtaining of patents, including payment of attorney's fees for making and perfecting a patent application.

(ii) Excluded activities.—Research, development, and demonstration activities under paragraph (1)(A)(ii) shall not include research, development, and demonstration of oilheat utilization equipment with respect to which technically feasible and commercially feasible operations have been verified, except that funds may be provided for improvements to existing equipment until the technical feasibility and commercial feasibility of the operation of those improvements have been verified.

(b) Priorities.—In the development of programs and projects, the Alliance shall give priority to issues relating to—

(1) research, development, and demonstration;

(2) safety;

(3) consumer education; and

(4) training.

(c) Administration.—

(1) Officers; committees; bylaws.—The Alliance—

(A) shall select from among its members a chairperson and other officers as necessary;

(B) may establish and authorize committees and subcommittees of the Alliance to take specific actions that the Alliance is authorized to take; and

(C) shall adopt bylaws for the conduct of business and the implementation of this title.

(2) Solicitation of oilheat industry comment and recommendations.—The Alliance shall establish procedures for the solicitation of oilheat industry comment and recommendations on any significant contracts and other agreements, programs, and projects to be funded by the Alliance.

(3) Advisory committees.—The Alliance may establish advisory committees consisting of persons other than Alliance members.

(4) Voting.—Each member of the Alliance shall have 1 vote in matters before the Alliance.

(d) Administrative Expenses.—

(1) In general.—The administrative expenses of operating the Alliance (not including costs incurred in the collection of assessments under section 107) plus amounts paid under paragraph (2) shall not exceed 7 percent of the amount of assessments collected in any calendar year, except that during the first year of operation of the Alliance such expenses and amounts shall not exceed 10 percent of the amount of assessments.

(2) Reimbursement of the Secretary.—

(A) In general.—The Alliance shall annually reimburse the Secretary for costs incurred by the Federal Government relating to the Alliance.

(B) Limitation.—Reimbursement under subparagraph (A) for any calendar year shall not exceed the amount that the Secretary determines is twice the average annual salary of 1 employee of the Department of Energy.

(e) Budget.—

(1) Publication of proposed budget.—Before August 1 of each year, the Alliance shall

publish for public review and comment a proposed budget for the next calendar year, including the probable costs of all programs, projects, and contracts and other agreements.

(2) Submission to the secretary and congress.—After review and comment under paragraph (1), the Alliance shall submit the proposed budget to the Secretary and Congress.

(3) Recommendations by the secretary.—The Secretary may recommend for inclusion in the budget programs and activities that the Secretary considers appropriate.

(4) Implementation.—The Alliance shall not implement a proposed budget until the expiration of 60 days after submitting the proposed budget to the Secretary.

(f) Records; Audits.—

(1) Records.—The Alliance shall—

(A) keep records that clearly reflect all of the acts and transactions of the Alliance; and

(B) make the records available to the public.

(2) Audits.—

(A) In general.—The records of the Alliance (including fee assessment reports and applications for refunds under section 107(b)(4)) shall be audited by a certified public accountant at least once each year and at such other times as the Alliance may designate.

(B) Availability of audit reports.—Copies of each audit report shall be provided to the Secretary, the members of the Alliance, and the qualified industry organization, and, on request, to other members of the oilheat industry.

(C) Policies and procedures.—

(i) In general.—The Alliance shall establish policies and procedures for auditing compliance with this title.

(ii) Conformity with gaap.—The policies and procedures established under clause (i) shall conform with generally accepted accounting principles.

(g) Public Access to Alliance Proceedings.—

(1) Public notice.—The Alliance shall give at least 30 days' public notice of each meeting of the Alliance.

(2) Meetings open to the public.—Each meeting of the Alliance shall be open to the public.

(3) Minutes.—The minutes of each meeting of the Alliance shall be made available to and readily accessible by the public.

(h) Annual Report.—Each year the Alliance shall prepare and make publicly available a report that—

(1) includes a description of all programs, projects, and contracts and other agreements undertaken by the Alliance during the previous year and those planned for the current year; and

(2) details the allocation of Alliance resources for each such program and project.

SEC. 107. ASSESSMENTS.

(a) Rate.—The assessment rate shall be equal to two-tenths-cent per gallon of No. 1 distillate and No. 2 dyed distillate.

(b) Collection Rules.—

(1) Collection at point of sale.—The assessment shall be collected at the point of sale of No. 1 distillate and No. 2 dyed distillate by a wholesale distributor to a person other than a wholesale distributor, including a sale made pursuant to an exchange.

(2) Responsibility for payment.—A wholesale distributor—

(A) shall be responsible for payment of an assessment to the Alliance on a quarterly basis; and

(B) shall provide to the Alliance certification of the volume of fuel sold.

(3) No ownership interest.—A person that has no ownership interest in No. 1 distillate or No. 2 dyed distillate shall not be responsible for payment of an assessment under this section.

(4) Failure to receive payment.—

(A) Refund.—A wholesale distributor that does not receive payments from a purchaser for No. 1 distillate or No. 2 dyed distillate within 1 year of the date of sale may apply for a refund from the Alliance of the assessment paid.

(B) Amount.—The amount of a refund shall not exceed the amount of the assessment levied on the No. 1 distillate or No. 2 dyed distillate for which payment was not received.

(5) Importation after point of sale.—The owner of No. 1 distillate or No. 2 dyed distillate imported after the point of sale—

(A) shall be responsible for payment of the assessment to the Alliance at the point at which the product enters the United States; and

(B) shall provide to the Alliance certification of the volume of fuel imported.

(6) Late payment charge.—The Alliance may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Alliance any amount due under this title.

(7) Alternative collection rules.—The Alliance may establish, or approve a request of the oilheat industry in a State for, an alternative means of collecting the assessment if another means is determined to be more efficient or more effective.

(c) Sale for Use Other Than as Oilheat.—No. 1 distillate and No. 2 dyed distillate sold for uses other than as oilheat are excluded from the assessment.

(d) Investment of Funds.—Pending disbursement under a program, project, or contract or other agreement the Alliance may invest funds collected through assessments, and any other funds received by the Alliance, only—

(1) in obligations of the United States or any agency of the United States;

(2) in general obligations of any State or any political subdivision of a State;

(3) in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System; or

(4) in obligations fully guaranteed as to principal and interest by the United States.

(e) State, Local, and Regional Programs.—

(1) Coordination.—The Alliance shall establish a program coordinating the operation of the Alliance with the operator of any similar State, local, or regional program created under State law (including a regulation), or similar entity.

(2) Funds made available to qualified state associations.—

(A) In general.—

(i) Base amount.—The Alliance shall make available to the qualified State association of each State an amount equal to 15 percent of the amount of assessments collected in the State.

(ii) Additional amount.—

(I) In general.—A qualified State association may request that the Alliance provide to the association any portion of the remaining 85 percent of the amount of assessments collected in the State.

(II) Request requirements.—A request under this clause shall—

(aa) specify the amount of funds requested;

(bb) describe in detail the specific uses for which the requested funds are sought;

(cc) include a commitment to comply with this title in using the requested funds; and

(dd) be made publicly available.

(III) Direct benefit.—The Alliance shall not provide any funds in response to a request under this clause unless the Alliance determines that the funds will be used to directly benefit the oilheat industry.

(IV) Monitoring; terms, conditions, and reporting requirements.—The Alliance shall—

(aa) monitor the use of funds provided under this clause; and

(bb) impose whatever terms, conditions, and reporting requirements that the Alliance considers necessary to ensure compliance with this title.

SEC. 108. MARKET SURVEY AND CONSUMER PROTECTION.

(a) Price Analysis.—Beginning 2 years after establishment of the Alliance and annually thereafter, the Secretary of Commerce, using only data provided by the Energy Information Administration and other public sources, shall prepare and make available to the Congress, the Alliance, the Secretary of Energy, and the public, an analysis of changes in the price of oilheat relative to other energy sources. The oilheat price analysis shall compare indexed changes in the price of consumer grade oilheat to a composite of indexed changes in the price of residential electricity, residential natural gas, and propane on an annual national average basis. For purposes of indexing changes in oilheat, residential electricity, residential natural gas, and propane prices, the Secretary of Commerce shall use a 5-year rolling average price beginning with the year 4 years prior to the establishment of the Alliance.

(b) Authority To Restrict Activities.—If in any year the 5-year average price composite index of consumer grade oilheat exceeds the 5-year rolling average price composite index of residential electricity, residential natural gas, and propane in an amount greater than 10.1 percent, the activities of the Alliance shall be restricted to research and development, training, and safety matters. The Alliance shall inform the Secretary of Energy and the Congress of any restriction of activities under this subsection. Upon expiration of 180 days after the beginning of any such restriction of activities, the Secretary of Commerce shall again conduct the oilheat price analysis described in subsection (a). Activities of the Alliance shall continue to be restricted under this subsection until the price index excess is 10.1 percent or less.

SEC. 109. COMPLIANCE.

(a) In General.—The Alliance may bring a civil action in United States district court to compel payment of an assessment under section 107.

(b) Costs.—A successful action for compliance under this section may also require payment by the defendant of the costs incurred by the Alliance in bringing the action.

SEC. 110. LOBBYING RESTRICTIONS.

No funds derived from assessments under section 107 collected by the Alliance shall be used to influence legislation or elections, except that the Alliance may use such funds to formulate and submit to the Secretary recommendations for amendments to this title or other laws that would further the purposes of this title.

SEC. 111. DISCLOSURE.

Any consumer education activity undertaken with funds provided by the Alliance shall include a statement that the activities were supported, in whole or in part, by the Alliance.

SEC. 112. VIOLATIONS.

(a) PROHIBITION.—It shall be unlawful for any person to conduct a consumer education activity, undertaken with funds derived from assessments collected by the Alliance under section 107, that includes—

(1) a reference to a private brand name;

(2) a false or unwarranted claim on behalf of oilheat or related products; or

(3) a reference with respect to the attributes or use of any competing product.

(b) COMPLAINTS.—

(1) IN GENERAL.—A public utility that is aggrieved by a violation described in subsection (a) may file a complaint with the Alliance.

(2) TRANSMITTAL TO QUALIFIED STATE ASSOCIATION.—A complaint shall be transmitted concurrently to any qualified State association undertaking the consumer education activity with respect to which the complaint is made.

(3) CESSATION OF ACTIVITIES.—On receipt of a complaint under this subsection, the Alliance, and any qualified State association undertaking the consumer education activity with respect to which the complaint is made, shall cease that consumer education activity until—

(A) the complaint is withdrawn; or

(B) a court determines that the conduct of the activity complained of does not constitute a violation of subsection (a).

(c) RESOLUTION BY PARTIES.—

(1) IN GENERAL.—Not later than 10 days after a complaint is filed and transmitted under subsection (b), the complaining party, the Alliance, and any qualified State association undertaking the consumer education activity with respect to which the complaint is made shall meet to attempt to resolve the complaint.

(2) WITHDRAWAL OF COMPLAINT.—If the issues in dispute are resolved in those discussions, the complaining party shall withdraw its complaint.

(d) JUDICIAL REVIEW.—

(1) IN GENERAL.—A public utility filing a complaint under this section, the Alliance, a qualified State association undertaking the consumer education activity with respect to which a complaint under this section is made, or any person aggrieved by a violation of subsection (a) may seek appropriate relief in United States district court.

(2) RELIEF.—A public utility filing a complaint under this section shall be entitled to temporary and injunctive relief enjoining the consumer education activity with respect to which a complaint under this section is made until—

(A) the complaint is withdrawn; or

(B) the court has determined that the consumer education activity complained of does not constitute a violation of subsection (a).

(e) ATTORNEY'S FEES.—

(1) MERITORIOUS CASE.—In a case in Federal court in which the court grants a public utility injunctive relief under subsection (d), the public utility shall be entitled to recover an attorney's fee from the Alliance and any qualified State association undertaking the consumer education activity with respect to which a complaint under this section is made.

(2) NONMERITORIOUS CASE.—In any case under subsection (d) in which the court determines a complaint under subsection (b) to be frivolous and without merit, the prevailing party shall be entitled to recover an attorney's fee.

(f) SAVINGS CLAUSE.—Nothing in this section shall limit causes of action brought under any other law.

SEC. 113. SUNSET.

This title shall cease to be effective as of the date that is 4 years after the date on which the Alliance is established.

TITLE II—SMALL HYDROELECTRIC PROJECTS IN ALASKA

SEC. 201. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.

Park I of the Federal Power Act (16 U.S.C. 792 et seq.) is amended by adding at the end the following:

"SEC. 32. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.

"(a) DISCONTINUANCE OF REGULATION BY THE COMMISSION.—Notwithstanding sections 4(e) and 23(b), the Commission shall discontinue exercising licensing and regulatory authority under this Park over qualifying project works in the State of Alaska, effective on the date on which the Commission certifies that the State of Alaska has in place a regulatory program for water-power development that—

"(1) protects the public interest, the purposes listed in paragraph (2), and the environment to the same extent provided by licensing and regulation by the Commission under this part and other applicable Federal laws, including the Endangered Species Act (16 U.S.C. 1531 et seq.) and the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

"(2) gives equal consideration to the purposes of—

"(A) energy conservation;

"(B) the protection, mitigation of damage to, and enhancement of, fish and wildlife (including related spawning grounds and habitat);

"(C) the protection of recreational opportunities;

"(D) the preservation of other aspects of environmental quality;

"(E) the interests of Alaska Natives; and

"(F) other beneficial public uses, including irrigation, flood control, water supply, and navigation; and

"(3) requires, as a condition of a license for any project works—

"(A) the construction, maintenance, and operation by a licensee at its own expense of such lights and signals as may be directed by the Secretary of the Department in which the Coast Guard is operating, and such fishways as may be prescribed by the Secretary of the Interior or the Secretary of Commerce, as appropriate;

"(B) the operation of any navigation facilities which may be constructed as part of any project to be controlled at all times by such reasonable rules and regulations as may be made by the Secretary of the Army; and

"(C) conditions for the protection, mitigation, and enhancement of fish and wildlife based on recommendations received pursuant to the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) from the National Marine Fisheries Service, the United States Fish and Wildlife Service, and State fish and wildlife agencies.

"(b) DEFINITION OF 'QUALIFYING PROJECT WORKS'.—For purposes of this section, the term 'qualifying project works' means project works—

"(1) that are not part of a project licensed under this Part or exempted from licensing under this part or section 405 of the Public Utility Regulatory Policies Act of 1978 prior to the date of enactment of this section;

"(2) for which a preliminary permit, a license application, or an application for an exemption from licensing has not been accepted for filing by the Commission prior to the date of enactment of subsection (c) (unless such application is withdrawn at the election of the applicant);

"(3) that are part of a project that has a power production capacity of 5,000 kilowatts or less;

"(4) that are located entirely within the boundaries of the State of Alaska; and

"(5) that are not located in whole or in part on any Indian reservation, a conservation system unit (as defined in section 102(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102(4))), or segment of a river designated for study for addition to the Wild and Scenic Rivers System.

"(c) ELECTION OF STATE LICENSING.—In the case of nonqualifying project works that would be a qualifying project works but for the fact that the project has been licensed (or exempted from licensing) by the Commission prior to the enactment of this section, the licensee of such project may in its discretion elect to make the project subject to licensing and regulation by the State of Alaska under this section.

"(d) PROJECT WORKS ON FEDERAL LANDS.—With respect to projects located in whole or in part on a reservation, a conservation system unit, or the public lands, a State license or exemption from licensing shall be subject to—

"(1) the approval of the Secretary having jurisdiction over such lands; and

"(2) such conditions as the Secretary may prescribe.

"(e) CONSULTATION WITH AFFECTED AGENCIES.—The Commission shall consult with the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce before certifying the State of Alaska's regulatory program.

"(f) APPLICATION OF FEDERAL LAWS.—Nothing in this section shall preempt the application of Federal environmental, natural resources, or cultural resources protection laws according to their terms.

"(g) OVERSIGHT BY THE COMMISSION.—The State of Alaska shall notify the Commission not later than 30 days after making any significant modification to its regulatory program. The Commission shall periodically review the State's program to ensure compliance with the provisions of this section.

"(h) RESUMPTION OF COMMISSION AUTHORITY.—Notwithstanding subsection (a), the Commission shall reassert its licensing and regulatory authority under this part if the Commission finds that the State of Alaska has not complied with one or more of the requirements of this section.

"(i) DETERMINATION BY THE COMMISSION.—

"(1) Upon application by the Governor of the State of Alaska, the Commission shall within 30 days commence a review of the State of Alaska's regulatory program for water-power development to determine whether it complies with the requirements of subsection (a).

"(2) The Commission's review required by paragraph (1) shall be completed within one year of initiation, and the Commission shall within 30 days thereafter issue a final order determining whether or not the State of Alaska's regulatory program for water-power development complies with the requirements of subsection (a).

"(3) If the Commission fails to issue a final order in accordance with paragraph (2), the State of Alaska's regulatory program for water-power development shall be deemed to be in compliance with subsection (a).

TITLE III—HYDROELECTRIC PROJECTS IN HAWAII

SEC. 301. PROJECTS ON FRESH WATERS IN THE STATE OF HAWAII.

Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended in the first sentence by striking "several States, or upon" and inserting "several States (except fresh waters in the State of Hawaii, unless a license would be required under section 23), or upon".

TITLE IV—ARROWROCK DAM HYDROELECTRIC PROJECT

SEC. 401. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 4656, the Commission may, at the request of the licensee for the project and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend until March 26, 2005, the time period during which the licensee is required to commence construction of the project.

ARIZONA NATIONAL FOREST IMPROVEMENT ACT OF 1999

The Senate proceeded to condider the bill (S. 1088) to authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona for a wastewater treatment facility, and for other purposes.

S. 1088

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arizona National Forest Improvement Act of 1999".

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term "City" means the city of Sedona, Arizona.

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 3. SALE OR EXCHANGE OF ADMINISTRATIVE SITES.

(a) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any and all right, title, and interest of the United States in and to the following National Forest System land and administrative sites:

(1) The Camp Verde Administrative Site, comprising approximately 213.60 acres, as depicted on the map entitled "Camp Verde Administrative Site", dated April 12, 1997.

(2) A portion of the Cave Creek Administrative Site, comprising approximately 16 acres, as depicted on the map entitled "Cave Creek Administrative Site", dated May 1, 1997.

(3) The Fredonia Duplex Housing Site, comprising approximately 1.40 acres, and the Fredonia Housing Site, comprising approximately 1.58 acres, as depicted on the map entitled "Fredonia Duplex Dwelling, Fredonia Ranger Dwelling", dated August 28, 1997.

(4) The Groom Creek Administrative Site, comprising approximately 7.88 acres, as depicted on the map entitled "Groom Creek Administrative Site", dated April 29, 1997.

(5) The Payson Administrative Site, comprising approximately 296.43 acres, as depicted on the map entitled "Payson Administrative Site", dated May 1, 1997.

(6) The Sedona Administrative Site, comprising approximately 21.41 acres, as depicted on the map entitled "Sedona Administrative Site", dated April 12, 1997.

(b) CONSIDERATION.—Consideration for a sale or exchange of land under subsection (a) may include the acquisition of land, existing improvements, and improvements constructed to the specifications of the Secretary.

(c) APPLICABLE LAW.—Except as otherwise provided in this section, any sale or exchange of land under subsection (a) shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for the National Forest System.

(d) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of any land or administrative site exchanged under subsection (a).

(e) SOLICITATION OF OFFERS.—

(1) IN GENERAL.—The Secretary may solicit offers for the sale or exchange of land under this section on such terms and conditions as the Secretary may prescribe.

(2) REJECTION OF OFFERS.—The Secretary may reject any offer made under this section if the Secretary determines that the offer is not adequate or not in the public interest.

(f) REVOCATIONS.—Notwithstanding any other provision of law, on conveyance of land by the Secretary under this section, any public order withdrawing the land from any form of appropriation under the public land laws is revoked.

SEC. 4. CONVEYANCE TO CITY OF SEDONA.

(a) IN GENERAL.—The Secretary may sell to the city of Sedona, Arizona, by quitclaim deed in fee simple, all right, title, and interest of the United States in and to approximately 300 acres of land as depicted on the map in the environmental assessment entitled "Sedona Effluent Management Plan", dated August 1998, for construction of an effluent disposal system in Yavapai County, Arizona.

(b) DESCRIPTION.—A legal description of the land conveyed under subsection (a) shall be available for public inspection in the office of the Chief of the Forest Service, Washington, District of Columbia.

(c) CONSIDERATION.—

(1) FAIR MARKET VALUE.—As consideration for the conveyance of land under subsection (a), the City shall pay to the Secretary an amount equal to the fair market value of the land as determined by an appraisal acceptable to the Secretary and prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions.

(2) COST OF APPRAISAL.—The City shall pay the cost of the appraisal of the land.

(3) PAYMENT.—Payment of the amount determined under paragraph (1) (including any interest payable under paragraph (4)) shall be paid, at the option of the City—

(A) in full not later than 180 days after the date of the conveyance of the land; or

(B) in 7 equal annual installments commencing not later than January 1 of the first year following the date of the conveyance and annually thereafter until the total amount has been paid.

(4) INTEREST RATE.—Any payment due for the conveyance of land under this section shall accrue, beginning on the date of the conveyance, interest at a rate equal to the current (as of the date of the conveyance) market yield on outstanding, marketable obligations of the United States with maturities of 1 year.

(d) RELEASE.—Subject to compliance with all Federal environmental laws by the Secretary before the date of conveyance of land under this section, on conveyance of the land, the City shall agree in writing to hold the United States harmless from any and all claims to the land, including all claims resulting from hazardous materials on the conveyed land.

(e) RIGHT OF REENTRY.—At any time before full payment is made for the conveyance of land under this section, the conveyance shall be subject to a right of reentry in the United States if the Secretary determines that—

(1) the City has not complied with the requirements of this section or the conditions prescribed by the Secretary in the deed of conveyance; or

(2) the conveyed land is not used for disposal of treated effluent or other purposes related to the construction of an effluent disposal system in Yavapai County, Arizona.

SEC. 5. DISPOSITION OF FUNDS.

(a) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale or exchange under this Act in the fund established under Public Law 90–171 (16 U.S.C. 484a) (commonly known as the "Sisk Act").

(b) USE OF PROCEEDS.—Funds deposited under subsection (a) shall be available to the Secretary, without further Act of appropriation, for—

(1) the acquisition, construction, or improvement of administrative facilities for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest; or

(2) the acquisition of land and or an interest in land in the State of Arizona.

AMENDMENT NO. 2803

(Purpose: To reduce the amount of consideration to be paid by the City by the amount of special use permit fees paid by the City)

On page 5, line 15, strike the period at the end and insert ", reduced by the total amount of special use permit fees for wastewater treatment facilities paid by the City to the Forest Service during the period beginning on January 1, 1999, and ending on the earlier of—

(A) the date that is 270 days after the date of enactment of this Act; or

(B) the date on which the full payment is made by the City under paragraph (3)(A) or the date on which first installment payment is made under paragraph (3)(B), depending on the election made by the City under paragraph (3).

On page 5, lines 18 and 19, strike "the amount determined under paragraph (1)" and insert "the consideration required under paragraph (1)".

The amendment (No. 2803) was agreed to.

The bill (S. 1088), as amended, was passed, as follows:

S. 1088

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arizona National Forest Improvement Act of 1999".

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term "City" means the city of Sedona, Arizona.

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 3. SALE OR EXCHANGE OF ADMINISTRATIVE SITES.

(a) In General.—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any and all right, title, and interest of the United States in and to the following National Forest System land and administrative sites:

(1) The Camp Verde Administrative Site, comprising approximately 213.60 acres, as depicted on the map entitled "Camp Verde Administrative Site", dated April 12, 1997.

(2) A portion of the Cave Creek Administrative Site, comprising approximately 16 acres, as depicted on the map entitled "Cave Creek Administrative Site", dated May 1, 1997.

(3) The Fredonia Duplex Housing Site, comprising approximately 1.40 acres, and the Fredonia Housing Site, comprising approximately 1.58 acres, as depicted on the map entitled "Fredonia Duplex Dwelling, Fredonia Ranger Dwelling", dated August 28, 1997.

(4) The Groom Creek Administrative Site, comprising approximately 7.88 acres, as depicted on the map entitled "Groom Creek Administrative Site", dated April 29, 1997.

(5) The Payson Administrative Site, comprising approximately 296.43 acres, as depicted on the map entitled "Payson Administrative Site", dated May 1, 1997.

(6) The Sedona Administrative Site, comprising approximately 21.41 acres, as depicted on the map entitled "Sedona Administrative Site", dated April 12, 1997.

(b) Consideration.—Consideration for a sale or exchange of land under subsection (a) may include the acquisition of land, existing improvements, and improvements constructed to the specifications of the Secretary.

(c) Applicable Law.—Except as otherwise provided in this section, any sale or exchange of land under subsection (a) shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for the National Forest System.

(d) Cash Equalization.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of any land or administrative site exchanged under subsection (a).

(e) Solicitation of Offers.—

(1) In general.—The Secretary may solicit offers for the sale or exchange of land under this section on such terms and conditions as the Secretary may prescribe.

(2) Rejection of offers.—The Secretary may reject any offer made under this section if the Secretary determines that the offer is not adequate or not in the public interest.

(f) Revocations.—Notwithstanding any other provision of law, on conveyance of land by the Secretary under this section, any public order withdrawing the land from any form of appropriation under the public land laws is revoked.

SEC. 4. CONVEYANCE TO CITY OF SEDONA.

(a) In General.—The Secretary may sell to the city of Sedona, Arizona, by quitclaim deed in fee simple, all right, title, and interest of the United States in and to approximately 300 acres of land as depicted on the map in the environmental assessment entitled "Sedona Effluent Management Plan", dated August 1998, for construction of an effluent disposal system in Yavapai County, Arizona.

(b) Description.—A legal description of the land conveyed under subsection (a) shall be available for public inspection in the office of the Chief of the Forest Service, Washington, District of Columbia.

(c) Consideration.—

(1) Fair market value.—As consideration for the conveyance of land under subsection (a), the City shall pay to the Secretary an amount equal to the fair market value of the land as determined by an appraisal acceptable to the Secretary and prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions, reduced by the total amount of special use permit fees for wastewater treatment facilities paid by the City to the Forest Service during the period beginning on January 1, 1999, and ending on the earlier of—

(A) the date that is 270 days after the date of enactment of this Act; or

(B) the date on which the full payment is made by the City under paragraph (3)(A) or the date on which first installment payment is made under paragraph (3)(B), depending on the election made by the City under paragraph (3).

(2) Cost of appraisal.—The City shall pay the cost of the appraisal of the land.

(3) Payment.—Payment of the consideration required under paragraph (1) (including any interest payable under paragraph (4)) shall be paid, at the option of the City—

(A) in full not later than 180 days after the date of the conveyance of the land; or

(B) in 7 equal annual installments commencing not later than January 1 of the first year following the date of the conveyance and annually thereafter until the total amount has been paid.

(4) Interest rate.—Any payment due for the conveyance of land under this section shall accrue, beginning on the date of the conveyance, interest at a rate equal to the current (as of the date of the conveyance) market yield on outstanding, marketable obligations of the United States with maturities of 1 year.

(d) Release.—Subject to compliance with all Federal environmental laws by the Secretary before the date of conveyance of land under this section, on conveyance of the land, the City shall agree in writing to hold the United States harmless from any and all claims to the land, including all claims resulting from hazardous materials on the conveyed land.

(e) Right of Reentry.—At any time before full payment is made for the conveyance of land under this section, the conveyance shall be subject to a right of reentry in the United States if the Secretary determines that—

(1) the City has not complied with the requirements of this section or the conditions prescribed by the Secretary in the deed of conveyance; or

(2) the conveyed land is not used for disposal of treated effluent or other purposes related to the construction of an effluent disposal system in Yavapai County, Arizona.

SEC. 5. DISPOSITION OF FUNDS.

(a) Deposit of Proceeds.—The Secretary shall deposit the proceeds of a sale or exchange under this Act in the fund established under Public Law 90-171 (16 U.S.C. 484a) (commonly known as the "Sisk Act").

(b) Use of Proceeds.—Funds deposited under subsection (a) shall be available to the Secretary, without further Act of appropriation, for—

(1) the acquisition, construction, or improvement of administrative facilities for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest; or

(2) the acquisition of land and or an interest in land in the State of Arizona.

OMNIBUS PARKS TECHNICAL CORRECTIONS ACT OF 1999

The Senate proceeded to consider the bill (H.R. 149) to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996 and to other laws related to parks and public lands, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be inserted are shown in italic.)

H.R. 149

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE TO OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996.

(a) Short Title.—This Act may be cited as the "Omnibus Parks Technical Corrections Act of 1999".

(b) Reference to Omnibus Parks Act.—In this Act, the term "Omnibus Parks Act" means the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4093).

TITLE I—TECHNICAL CORRECTIONS TO DIVISION I

SEC. 101. PRESIDIO OF SAN FRANCISCO.

Title I of division I of the Omnibus Parks Act (16 U.S.C. 460bb note) is amended as follows:

(1) In section 101(2) (110 Stat. 4097), by striking "the Presidio is" and inserting "the Presidio was".

(2) In section 103(b)(1) (110 Stat. 4099), by striking "other lands administrated by the Secretary." in the last sentence and inserting "other lands administered by the Secretary.".

(3) In section 105(a)(2) (110 Stat. 4104), by striking "in accordance with section 104(h) of this title." and inserting "in accordance with section 104(i) of this title.".

(4) In section 104(b) (110 Stat. 4101), by—

(A) adding the following after the end of the first sentence: "The National Park Service or any other Federal agency is authorized to enter into agreements, leases, contracts and other arrangements with the Presidio Trust which are necessary and appropriate to carry out the purposes of this title.";

(B) inserting after "June 30, 1932 (40 U.S.C. 303b)." "The Trust may use alternative means of dispute resolution authorized under subchapter IV of chapter 5 of title 5, United States Code (5 U.S.C. 571 et seq.)."; and

(C) by inserting at the end of the paragraph "The Trust is authorized to use funds available to the Trust to purchase insurance and for reasonable reception and representation expenses, including membership dues, business cards and business related meal expenditures.".

(5) Section 104(g) (110 Stat. 4103) is amended to read as follows:

"(g) Financial Management.—Nothwithstanding section 1341 of title 31 of the United States Code, all proceeds and other revenues received by the Trust shall be retained by the Trust. Those proceeds shall be available, without further appropriation, to the Trust for the administration, preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Presidio properties under its administrative jurisdiction. The Secretary of the Treasury shall invest, at the direction of the Trust, such excess moneys that the Trust determines are not required to meet current withdrawals. Such investment shall be in public debt securities with

TITLE III—HYDROELECTRIC PROJECTS IN HAWAII

SEC. 301. PROJECTS ON FRESH WATERS IN THE STATE OF HAWAII.

Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended in the first sentence by striking "several States, or upon" and inserting "several States (except fresh waters in the State of Hawaii, unless a license would be required under section 23), or upon".

TITLE IV—ARROWROCK DAM HYDROELECTRIC PROJECT

SEC. 401. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 4656, the Commission may, at the request of the licensee for the project and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend until March 26, 2005, the time period during which the licensee is required to commence construction of the project.

ARIZONA NATIONAL FOREST IMPROVEMENT ACT OF 1999

The Senate proceeded to condider the bill (S. 1088) to authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona for a wastewater treatment facility, and for other purposes.

S. 1088

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arizona National Forest Improvement Act of 1999".

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term "City" means the city of Sedona, Arizona.

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 3. SALE OR EXCHANGE OF ADMINISTRATIVE SITES.

(a) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any and all right, title, and interest of the United States in and to the following National Forest System land and administrative sites:

(1) The Camp Verde Administrative Site, comprising approximately 213.60 acres, as depicted on the map entitled "Camp Verde Administrative Site", dated April 12, 1997.

(2) A portion of the Cave Creek Administrative Site, comprising approximately 16 acres, as depicted on the map entitled "Cave Creek Administrative Site", dated May 1, 1997.

(3) The Fredonia Duplex Housing Site, comprising approximately 1.40 acres, and the Fredonia Housing Site, comprising approximately 1.58 acres, as depicted on the map entitled "Fredonia Duplex Dwelling, Fredonia Ranger Dwelling", dated August 28, 1997.

(4) The Groom Creek Administrative Site, comprising approximately 7.88 acres, as depicted on the map entitled "Groom Creek Administrative Site", dated April 29, 1997.

(5) The Payson Administrative Site, comprising approximately 296.43 acres, as depicted on the map entitled "Payson Administrative Site", dated May 1, 1997.

(6) The Sedona Administrative Site, comprising approximately 21.41 acres, as depicted on the map entitled "Sedona Administrative Site", dated April 12, 1997.

(b) CONSIDERATION.—Consideration for a sale or exchange of land under subsection (a) may include the acquisition of land, existing improvements, and improvements constructed to the specifications of the Secretary.

(c) APPLICABLE LAW.—Except as otherwise provided in this section, any sale or exchange of land under subsection (a) shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for the National Forest System.

(d) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of any land or administrative site exchanged under subsection (a).

(e) SOLICITATION OF OFFERS.—

(1) IN GENERAL.—The Secretary may solicit offers for the sale or exchange of land under this section on such terms and conditions as the Secretary may prescribe.

(2) REJECTION OF OFFERS.—The Secretary may reject any offer made under this section if the Secretary determines that the offer is not adequate or not in the public interest.

(f) REVOCATIONS.—Notwithstanding any other provision of law, on conveyance of land by the Secretary under this section, any public order withdrawing the land from any form of appropriation under the public land laws is revoked.

SEC. 4. CONVEYANCE TO CITY OF SEDONA.

(a) IN GENERAL.—The Secretary may sell to the city of Sedona, Arizona, by quitclaim deed in fee simple, all right, title, and interest of the United States in and to approximately 300 acres of land as depicted on the map in the environmental assessment entitled "Sedona Effluent Management Plan", dated August 1998, for construction of an effluent disposal system in Yavapai County, Arizona.

(b) DESCRIPTION.—A legal description of the land conveyed under subsection (a) shall be available for public inspection in the office of the Chief of the Forest Service, Washington, District of Columbia.

(c) CONSIDERATION.—

(1) FAIR MARKET VALUE.—As consideration for the conveyance of land under subsection (a), the City shall pay to the Secretary an amount equal to the fair market value of the land as determined by an appraisal acceptable to the Secretary and prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions.

(2) COST OF APPRAISAL.—The City shall pay the cost of the appraisal of the land.

(3) PAYMENT.—Payment of the amount determined under paragraph (1) (including any interest payable under paragraph (4)) shall be paid, at the option of the City—

(A) in full not later than 180 days after the date of the conveyance of the land; or

(B) in 7 equal annual installments commencing not later than January 1 of the first year following the date of the conveyance and annually thereafter until the total amount has been paid.

(4) INTEREST RATE.—Any payment due for the conveyance of land under this section shall accrue, beginning on the date of the conveyance, interest at a rate equal to the current (as of the date of the conveyance) market yield on outstanding, marketable obligations of the United States with maturities of 1 year.

(d) RELEASE.—Subject to compliance with all Federal environmental laws by the Secretary before the date of conveyance of land under this section, on conveyance of the land, the City shall agree in writing to hold the United States harmless from any and all claims to the land, including all claims resulting from hazardous materials on the conveyed land.

(e) RIGHT OF REENTRY.—At any time before full payment is made for the conveyance of land under this section, the conveyance shall be subject to a right of reentry in the United States if the Secretary determines that—

(1) the City has not complied with the requirements of this section or the conditions prescribed by the Secretary in the deed of conveyance; or

(2) the conveyed land is not used for disposal of treated effluent or other purposes related to the construction of an effluent disposal system in Yavapai County, Arizona.

SEC. 5. DISPOSITION OF FUNDS.

(a) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale or exchange under this Act in the fund established under Public Law 90–171 (16 U.S.C. 484a) (commonly known as the "Sisk Act").

(b) USE OF PROCEEDS.—Funds deposited under subsection (a) shall be available to the Secretary, without further Act of appropriation, for—

(1) the acquisition, construction, or improvement of administrative facilities for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest; or

(2) the acquisition of land and or an interest in land in the State of Arizona.

AMENDMENT NO. 2803

(Purpose: To reduce the amount of consideration to be paid by the City by the amount of special use permit fees paid by the City)

On page 5, line 15, strike the period at the end and insert ", reduced by the total amount of special use permit fees for wastewater treatment facilities paid by the City to the Forest Service during the period beginning on January 1, 1999, and ending on the earlier of—

(A) the date that is 270 days after the date of enactment of this Act; or

(B) the date on which the full payment is made by the City under paragraph (3)(A) or the date on which first installment payment is made under paragraph (3)(B), depending on the election made by the City under paragraph (3).

On page 5, lines 18 and 19, strike "the amount determined under paragraph (1)" and insert "the consideration required under paragraph (1)".

The amendment (No. 2803) was agreed to.

The bill (S. 1088), as amended, was passed, as follows:

S. 1088

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arizona National Forest Improvement Act of 1999".

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term "City" means the city of Sedona, Arizona.

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 3. SALE OR EXCHANGE OF ADMINISTRATIVE SITES.

(a) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any and all right, title, and interest of the United States in and to the following National Forest System land and administrative sites:

(1) The Camp Verde Administrative Site, comprising approximately 213.60 acres, as depicted on the map entitled "Camp Verde Administrative Site", dated April 12, 1997.

(2) A portion of the Cave Creek Administrative Site, comprising approximately 16 acres, as depicted on the map entitled "Cave Creek Administrative Site", dated May 1, 1997.

(3) The Fredonia Duplex Housing Site, comprising approximately 1.40 acres, and the Fredonia Housing Site, comprising approximately 1.58 acres, as depicted on the map entitled "Fredonia Duplex Dwelling, Fredonia Ranger Dwelling", dated August 28, 1997.

(4) The Groom Creek Administrative Site, comprising approximately 7.88 acres, as depicted on the map entitled "Groom Creek Administrative Site", dated April 29, 1997.

(5) The Payson Administrative Site, comprising approximately 296.43 acres, as depicted on the map entitled "Payson Administrative Site", dated May 1, 1997.

(6) The Sedona Administrative Site, comprising approximately 21.41 acres, as depicted on the map entitled "Sedona Administrative Site", dated April 12, 1997.

(b) CONSIDERATION.—Consideration for a sale or exchange of land under subsection (a) may include the acquisition of land, existing improvements, and improvements constructed to the specifications of the Secretary.

(c) APPLICABLE LAW.—Except as otherwise provided in this section, any sale or exchange of land under subsection (a) shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for the National Forest System.

(d) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of any land or administrative site exchanged under subsection (a).

(e) SOLICITATION OF OFFERS.—

(1) IN GENERAL.—The Secretary may solicit offers for the sale or exchange of land under this section on such terms and conditions as the Secretary may prescribe.

(2) REJECTION OF OFFERS.—The Secretary may reject any offer made under this section if the Secretary determines that the offer is not adequate or not in the public interest.

(f) REVOCATIONS.—Notwithstanding any other provision of law, on conveyance of land by the Secretary under this section, any public order withdrawing the land from any form of appropriation under the public land laws is revoked.

SEC. 4. CONVEYANCE TO CITY OF SEDONA.

(a) IN GENERAL.—The Secretary may sell to the city of Sedona, Arizona, by quitclaim deed in fee simple, all right, title, and interest of the United States in and to approximately 300 acres of land as depicted on the map in the environmental assessment entitled "Sedona Effluent Management Plan", dated August 1998, for construction of an effluent disposal system in Yavapai County, Arizona.

(b) DESCRIPTION.—A legal description of the land conveyed under subsection (a) shall be available for public inspection in the office of the Chief of the Forest Service, Washington, District of Columbia.

(c) CONSIDERATION.—

(1) FAIR MARKET VALUE.—As consideration for the conveyance of land under subsection (a), the City shall pay to the Secretary an amount equal to the fair market value of the land as determined by an appraisal acceptable to the Secretary and prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions, reduced by the total amount of special use permit fees for wastewater treatment facilities paid by the City to the Forest Service during the period beginning on January 1, 1999, and ending on the earlier of—

(A) the date that is 270 days after the date of enactment of this Act; or

(B) the date on which the full payment is made by the City under paragraph (3)(A) or the date on which first installment payment is made under paragraph (3)(B), depending on the election made by the City under paragraph (3).

(2) COST OF APPRAISAL.—The City shall pay the cost of the appraisal of the land.

(3) PAYMENT.—Payment of the consideration required under paragraph (1) (including any interest payable under paragraph (4)) shall be paid, at the option of the City—

(A) in full not later than 180 days after the date of the conveyance of the land; or

(B) in 7 equal annual installments commencing not later than January 1 of the first year following the date of the conveyance and annually thereafter until the total amount has been paid.

(4) INTEREST RATE.—Any payment due for the conveyance of land under this section shall accrue, beginning on the date of the conveyance, interest at a rate equal to the current (as of the date of the conveyance) market yield on outstanding, marketable obligations of the United States with maturities of 1 year.

(d) RELEASE.—Subject to compliance with all Federal environmental laws by the Secretary before the date of conveyance of land under this section, on conveyance of the land, the City shall agree in writing to hold the United States harmless from any and all claims to the land, including all claims resulting from hazardous materials on the conveyed land.

(e) RIGHT OF REENTRY.—At any time before full payment is made for the conveyance of land under this section, the conveyance shall be subject to a right of reentry in the United States if the Secretary determines that—

(1) the City has not complied with the requirements of this section or the conditions prescribed by the Secretary in the deed of conveyance; or

(2) the conveyed land is not used for disposal of treated effluent or other purposes related to the construction of an effluent disposal system in Yavapai County, Arizona.

SEC. 5. DISPOSITION OF FUNDS.

(a) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale or exchange under this Act in the fund established under Public Law 90-171 (16 U.S.C. 484a) (commonly known as the "Sisk Act").

(b) USE OF PROCEEDS.—Funds deposited under subsection (a) shall be available to the Secretary, without further Act of appropriation, for—

(1) the acquisition, construction, or improvement of administrative facilities for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest; or

(2) the acquisition of land and or an interest in land in the State of Arizona.

OMNIBUS PARKS TECHNICAL CORRECTIONS ACT OF 1999

The Senate proceeded to consider the bill (H.R. 149) to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996 and to other laws related to parks and public lands, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be inserted are shown in italic.)

H.R. 149

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE TO OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996.

(a) SHORT TITLE.—This Act may be cited as the "Omnibus Parks Technical Corrections Act of 1999".

(b) REFERENCE TO OMNIBUS PARKS ACT.—In this Act, the term "Omnibus Parks Act" means the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4093).

TITLE I—TECHNICAL CORRECTIONS TO DIVISION I

SEC. 101. PRESIDIO OF SAN FRANCISCO.

Title I of division I of the Omnibus Parks Act (16 U.S.C. 460bb note) is amended as follows:

(1) In section 101(2) (110 Stat. 4097), by striking "the Presidio is" and inserting "the Presidio was".

(2) In section 103(b)(1) (110 Stat. 4099), by striking "other lands administrated by the Secretary." in the last sentence and inserting "other lands administered by the Secretary.".

(3) In section 105(a)(2) (110 Stat. 4104), by striking "in accordance with section 104(h) of this title." and inserting "in accordance with section 104(i) of this title.".

(4) In section 104(b) (110 Stat. 4101), by—

(A) adding the following after the end of the first sentence: "The National Park Service or any other Federal agency is authorized to enter into agreements, leases, contracts and other arrangements with the Presidio Trust which are necessary and appropriate to carry out the purposes of this title.";

(B) inserting after "June 30, 1932 (40 U.S.C. 303b)." "The Trust may use alternative means of dispute resolution authorized under subchapter IV of chapter 5 of title 5, United States Code (5 U.S.C. 571 et seq.)."; and

(C) by inserting at the end of the paragraph "The Trust is authorized to use funds available to the Trust to purchase insurance and for reasonable reception and representation expenses, including membership dues, business cards and business related meal expenditures.".

(5) Section 104(g) (110 Stat. 4103) is amended to read as follows:

"(g) FINANCIAL MANAGEMENT.—Nothwithstanding section 1341 of title 31 of the United States Code, all proceeds and other revenues received by the Trust shall be retained by the Trust. Those proceeds shall be available, without further appropriation, to the Trust for the administration, preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Presidio properties under its administrative jurisdiction. The Secretary of the Treasury shall invest, at the direction of the Trust, such excess moneys that the Trust determines are not required to meet current withdrawals. Such investment shall be in public debt securities with

maturities suitable to the needs of the Trust and bearing interest at rates determined by the Secretary of the Treasury taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity.".

(6) In section 104(j) (110 Stat. 4103), by striking "exercised." and inserting "exercised, including rules and regulations for the use and management of the property under the Trust's jurisdiction.".

In section 104 (110 Stat. 4101, 4104), by adding after subsection (o) the following:

"(p) EXCLUSIVE RIGHTS TO NAME AND INSIGNIA.—The Trust shall have the sole and exclusive right to use the words 'Presidio Trust' and any seal, emblem, or other insignia adopted by its Board of Directors. Without express written authority of the Trust, no person may use the words 'Presidio Trust', or any combination or variation of those words alone or with other words, as the name under which that person shall do or purport to do business, for the purpose of trade, or by way of advertisement, or in any manner that may falsely suggest any connection with the Trust.".

(8) In section 104(n) (110 Stat. 4103), by inserting after "implementation of the" in the first sentence the words "general objectives of the".

(9) Subsection 104(d) (110 Stat. 4103), is amended in paragraph (3) by striking "after determining that the projects to be funded from the proceeds thereof are creditworthy and that a repayment schedule is established and only" and by inserting "including a review of the creditworthiness of the loan and establishment of a repayment schedule," after "and subject to such terms and conditions,".

(10) In section 105(a)(2) (110 Stat. 4104), by striking "not more than $3,000,000 annually" and inserting after "Of such sums," the word "funds".

(11) In section 105(c) (110 Stat. 4104), by inserting before "including" the words "on a reimbursable basis,".

SEC. 102. COLONIAL NATIONAL HISTORICAL PARK.

Section 211(d) of division I of the Omnibus Parks Act (110 Stat. 4110; 16 U.S.C. 81p) is amended by striking "depicted on the map dated August 1993, numbered 333/80031A," and inserting "depicted on the map dated August 1996, numbered 333/80031B,".

SEC. 103. MERCED IRRIGATION DISTRICT.

Section 218(a) of division I of the Omnibus Parks Act (110 Stat. 4113) is amended by striking "this Act" and inserting "this section".

SEC. 104. BIG THICKET NATIONAL PRESERVE.

Section 306 of division I of the Omnibus Parks Act (110 Stat. 4132; 16 U.S.C. 698 note) is amended as follows:

(1) In subsection (d), by striking "until the earlier of the consummation of the exchange of July 1, 1998," and inserting "until the earlier of the consummation of the exchange or July 1, 1998,".

(2) In subsection (f)(2), by striking "in Menard" and inserting "in the Menard".

SEC. 105. KENAI NATIVES ASSOCIATION LAND EXCHANGE.

Section 311 of division I of the Omnibus Parks Act (110 Stat. 4139) is amended as follows:

(1) In subsection (d)(2)(B)(ii), by striking "W, Seward Meridian" and inserting "W., Seward Meridian".

(2) In subsection (f)(1), by striking "to be know" and inserting "to be known".

SEC. 106. LAMPREY WILD AND SCENIC RIVER.

(a) TECHNICAL CORRECTION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C 1274(a)), as amended by section 405(a) of division I of the Omnibus Parks Act (110 Stat. 4149), is amended in the second sentence of the paragraph relating to the Lamprey River, New Hampshire, by striking "through cooperation agreements" and inserting "through cooperative agreements".

(b) CROSS REFERENCE.—Section 405(b)(1) of division I of the Omnibus Parks Act (110 Stat. 4149; 16 U.S.C. 1274 note) is amended by striking "this Act" and inserting "the Wild and Scenic Rivers Act".

SEC. 107. VANCOUVER NATIONAL HISTORIC RESERVE.

Section 502(a) of division I of the Omnibus Parks Act (110 Stat. 4154; 16 U.S.C. 461 note) is amended by striking "by the Vancouver Historical Assessment' published".

SEC. 108. MEMORIAL TO MARTIN LUTHER KING, JR.

Section 508 of division I of the Omnibus Parks Act (110 Stat. 4157, 40 U.S.C. 1003 note) is amended as follows:

(1) In subsection (a), by striking "of 1986" and inserting "(40 U.S.C. 1001 et seq.)".

(2) In subsection (b), by striking "the Act" and all that follows through "1986" and inserting "the Commemorative Works Act".

(3) In subsection (d), by striking "the Act referred to in section 4401(b))" and inserting "the Commemorative Works Act)".

SEC. 109. ADVISORY COUNCIL ON HISTORIC PRESERVATION.

The first sentence of section 205(g) of the National Historic Preservation Act (16 U.S.C. 470m(g)), as amended by section 509(c) of division I of the Omnibus Parks Act (110 Stat. 4157), is amended by striking "for the purpose." and inserting "for that purpose.".

SEC. 110. GREAT FALLS HISTORIC DISTRICT, NEW JERSEY.

Section 510(a)(1) of division I of the Omnibus Parks Act (110 Stat. 4158; 16 U.S.C. 461 note) is amended by striking "the contribution of our national heritage" and inserting "the contribution to our national heritage".

SEC. 111. NEW BEDFORD WHALING NATIONAL HISTORICAL PARK.

(a) Section 511 of division I of the Omnibus Parks Act (110 Stat. 4159; 16 U.S.C. 410ddd) is amended as follows:

(1) In the section heading, by striking "**NATIONAL HISTORIC LANDMARK DISTRICT**" and inserting "**WHALING NATIONAL HISTORICAL PARK**".

(2) In subsection (c)—

(A) in paragraph (1), by striking "certain districts structures, and relics" and inserting "certain districts, structures, and relics"; and

(B) in paragraph (2)(A)(i), by striking "The area included with the New Bedford National Historic Landmark District, known as the" and inserting "The area included within the New Bedford Historic District (a National Landmark District), also known as the".

(3) In subsection (d)(2), by striking "to provide".

(4) By redesignating the second subsection (e) and subsection (f) as subsections (f) and (g), respectively.

(5) In subsection (g), as so redesignated—

(A) in paragraph (1), by striking "section 3(D)." and inserting "subsection (d)."; and

(B) in paragraph (2)(C), by striking "cooperative grants under subsection (d)(2)." and inserting "cooperative agreements under subsection (e)(2).".

SEC. 112. NICODEMUS NATIONAL HISTORIC SITE.

Section 512(a)(1)(B) of division I of the Omnibus Parks Act (110 Stat. 4163; 16 U.S.C. 461 note) is amended by striking "Afican-Americans" and inserting "African-Americans".

SEC. 113. UNALASKA.

Section 513(c) of division I of the Omnibus Parks Act (110 Stat. 4165; 16 U.S.C. 461 note) is amended by striking "whall be comprised" and inserting "shall be comprised".

SEC. 114. REVOLUTIONARY WAR AND WAR OF 1812 HISTORIC PRESERVATION STUDY.

Section 603(d)(2) of division I of the Omnibus Parks Act (110 Stat. 4172; 16 U.S.C. 1a-5 note) is amended by striking "subsection (b) shall—" and inserting "paragraph (1) shall—".

SEC. 115. SHENANDOAH VALLEY BATTLEFIELDS.

Section 606 of division I of the Omnibus Parks Act (110 Stat. 4175; 16 U.S.C. 461 note) is amended as follows:

(1) In subsection (d)—

(A) in paragraph (1), by striking "section 5." and inserting "subsection (e).";

(B) in paragraph (2), by striking "section '9." and inserting "subsection (h)."; and

(C) in paragraph (3), by striking "Commission plan approved by the Secretary under section 6." and inserting "plan developed and approved under subsection (f).".

(2) In subsection (f)(1), by striking "this Act" and inserting "this section".

(3) In subsection (g)—

(A) in paragraph (3), by striking "purposes of this Act" and inserting "purposes of this section"; and

(B) in paragraph (5), by striking "section 9." and inserting "subsection (i).".

(4) In subsection (h)(12), by striking "this Act" and inserting "this section".

SEC. 116. WASHITA BATTLEFIELD.

Section 607 of division I of the Omnibus Parks Act (110 Stat. 4181; 16 U.S.C. 461 note) is amended—

(1) in subsection (c)(3), by striking "this Act" and inserting "this section"; and

(2) in subsection (d)(2), by striking "local land owners" and inserting "local landowners".

SEC. 117. SKI AREA PERMIT RENTAL CHARGE.

Section 701 of division I of the Omnibus Parks Act (110 Stat 4182; 16 U.S.C. 497c) is amended as follows:

(1) In subsection (b)(3), by striking "legislated by this Act" and inserting "required by this section".

(2) In subsection (d)—

(A) in the matter preceding paragraph (1), by striking "formula of this Act" and inserting "formula of this section";

(B) in paragraphs (1), (2), and (3) and in the sentence below paragraph (3), by striking "this Act" each place it appears and inserting "this section"; and

(C) in the sentence below paragraph (3), by inserting "adjusted gross revenue for the" before "1994–1995 base year".

(3) In subsection (f), by inserting inside the parenthesis "offered for commercial or other promotional purposes" after "complimentary lift tickets".

(4) In subsection (i), by striking "this Act" and inserting "this section".

SEC. 118. GLACIER BAY NATIONAL PARK.

Section 3 of Public Law 91–383 (16 U.S.C. 1a–2), as amended by section 703 of division I of the Omnibus Parks Act (110 Stat. 4185), is amended as follows:

(1) In subsection (g), by striking "bearing the cost of such exhibits and demonstrations;" and inserting "bearing the cost of such exhibits and demonstrations.".

(2) By capitalizing the first letter of the first word in each of the subsections (a) through (i).

(3) By striking the semicolon at the end of each of the subsections (a) through (f) and at the end of subsection (h) and inserting a period.

(4) In subsection (i), by striking "; and" and inserting a period.

(5) By conforming the margins of subsection (j) with the margins of the preceding subsections.

SEC. 119. ROBERT J. LAGOMARSINO VISITOR CENTER.

Section 809(b) of division I of the Omnibus Parks Act (110 Stat. 4189; 16 U.S.C. 410ff note) is amended by striking "section 301" and inserting "subsection (a)".

SEC. 120. NATIONAL PARK SERVICE ADMINISTRATIVE REFORM.

(a) TECHNICAL CORRECTIONS.—Section 814 of division I of the Omnibus Parks Act (110 Stat. 4190) is amended as follows:

(1) In subsection (a) (16 U.S.C. 17o note)—

(A) in paragraph (6), by striking "this Act" and inserting "this section";

(B) in paragraph (7)(B), by striking "COMPTETITIVE LEASING.—" and inserting "COMPETITIVE LEASING.—";

(C) in paragraph (9), by striking "granted by statue" and inserting "granted by statute";

(D) in paragraph (11)(B)(ii), by striking "more cost effective" and inserting "more cost-effective";

(E) in paragraph (13), by striking "paragraph (13)," and inserting "paragraph (12),"; and

(F) in paragraph (18), by striking "under paragraph (7)(A)(i)(I), any lease under paragraph (11)(B), and any lease of seasonal quarters under subsection (l)," and inserting "under paragraph (7)(A) and any lease under paragraph (11)".

(2) In subsection (d)(2)(E), by striking "is amended".

(b) CHANGE TO PLURAL.—Section 7(c)(2) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9(c)(2)), as added by section 814(b) of the Omnibus Parks Act (110 Stat. 4194), is amended as follows:

(1) In subparagraph (C), by striking "lands, water, and interest therein" and inserting "lands, waters, and interests therein".

(2) In subparagraph (F), by striking "lands, water, or interests therein, or a portion of whose lands, water, or interests therein," and inserting "lands, waters, or interests therein, or a portion of whose lands, waters, or interests therein,".

(c) ADD MISSING WORD.—Section 2(b) of Public Law 101–337 (16 U.S.C. 19jj–1(b)), as amended by section 814(h)(3) of the Omnibus Parks Act (110 Stat. 4199), is amended by inserting "or" after "park system resource".

SEC. 121. BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.

Section 6(d)(2) of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99-647; 16 U.S.C. 461 note), as added by section 901(c) of division I of the Omnibus Parks Act (110 Stat. 4202), is amended by striking "may be made in the approval plan" and inserting "may be made in the approved plan".

SEC. 122. TALLGRASS PRAIRIE NATIONAL PRESERVE.

Subtitle A of title X of division I of the Omnibus Parks Act is amended as follows:

(1) In section 1002(a)(4)(A) (110 Stat. 4204; 16 U.S.C. 689u(a)(4)(A)), by striking "to purchase" and inserting "to acquire".

(2) In section 1004(b) (110 Stat. 4205; 16 U.S.C. 689u–2(b)), by striking "of June 3, 1994," and inserting "on June 3, 1994,".

(3) In section 1005 (110 Stat. 4205; 16 U.S.C. 689u–3)—

(A) in subsection (d)(1), by striking "this Act" and inserting "this subtitle"; and

(B) in subsection (g)(3)(A), by striking "the tall grass prairie" and inserting "the tallgrass prairie".

SEC. 123. RECREATION LAKES.

(a) TECHNICAL CORRECTIONS.—Section 1021(a) of division I of the Omnibus Parks Act (110 Stat. 4210; 16 U.S.C. 460l–10e note) is amended as follows:

(1) By striking "manmade lakes" both places it appears and inserting "man-made lakes".

(2) By striking "for recreational opportunities at federally-managed" and inserting "for recreational opportunities at federally managed".

(b) ADVISORY COMMISSION.—Section 13 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–10e), as added by section 1021(b) of the Omnibus Parks Act (110 Stat. 4210), is amended as follows:

(1) In subsection (b)(6), by striking "recreation related infrastructure." and inserting "recreation-related infrastructure.".

(2) In subsection (e)—

(A) by striking "water related recreation" in the first sentence and inserting "water-related recreation";

(B) in paragraph (2), by striking "at federally-managed lakes" and inserting "at federally managed lakes"; and

(C) by striking "manmade lakes" each place it appears and inserting "man-made lakes".

SEC. 124. FOSSIL FOREST PROTECTION.

Section 103 of the San Juan Basin Wilderness Protection Act of 1984 (43 U.S.C. 178), as amended by section 1022(e) of the Omnibus Parks Act (110 Stat. 4213), is amended as follows:

(1) In subsections (b)(1) and (e)(1), by striking "Committee on Natural Resources" and inserting "Committee on Resources".

(2) In subsection (e)(1), by striking "this Act" and inserting "this subsection".

SEC. 125. OPAL CREEK WILDERNESS AND SCENIC RECREATION AREA.

Section 1023(c)(1)(A) of division I of the Omnibus Parks Act (110 Stat. 4215; 16 U.S.C. 545b(c)(1)(A)) is amended by striking "of 1964".

SEC. 126. BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA.

Section 1029 of division I of the Omnibus Parks Act (110 Stat. 4232; 16 U.S.C. 460kkk) is amended as follows:

(1) In the section heading, by striking "**RECREATION AREA**" and inserting "**NATIONAL RECREATION AREA**".

(2) In subsection (b)(1), by inserting quotation marks around the term "recreation area".

(3) In subsection (e)(3)(B), by striking "subsections (b) (3), (4), (5), (6), (7), (8), (9), and (10)." and inserting "subparagraphs (C), (D), (E), (F), (G), (H), (I), and (J) of paragraph (2).";

(4) In subsection (f)(2)(A)(i), by striking "profit sector roles" and inserting "private-sector roles".

(5) In subsection (g)(1), by striking "and revenue raising activities." and inserting "and revenue-raising activities.".

(6) In subsection (h)(2), by striking "ration" and inserting "ratio".

SEC. 127. NATCHEZ NATIONAL HISTORICAL PARK.

(a) TECHNICAL AMENDMENT.—Section 3(b)(1) of Public Law 100–479 (16 U.S.C. 410oo–2(b)(1)), as added by section 1030 of the Omnibus Parks Act (110 Stat. 4238), is amended by striking "and visitors' center" and inserting "and visitor center".

(b) AMENDATORY INSTRUCTION.—Section 1030 of the Omnibus Parks Act (110 Stat. 4238) is amended by striking "after 'SEC. 3.';" and inserting "before 'Except';".

SEC. 128. REGULATION OF FISHING IN CERTAIN WATERS OF ALASKA.

Section 1035 of division I of the Omnibus Parks Act (110 Stat. 2240) is amended as follows:

(1) In the section heading, by striking "REGULATIONS" and inserting "REGULATION".

(2) In subsection (c), by striking "this Act" and inserting "this section".

SEC. 129. BOUNDARY REVISIONS.

Section 814(b)(2)(G) of Public Law 104–333 is amended by striking "are adjacent to" and inserting in lieu thereof "abut".

TITLE II—TECHNICAL CORRECTIONS TO DIVISION II

SEC. 201. NATIONAL COAL HERITAGE AREA.

Title I of division II of the Omnibus Parks Act (16 U.S.C. 461 note) is amended as follows:

(1) In section 104(4) (110 Stat. 4244), by striking "history preservation" and inserting "historic preservation".

(2) In section 105 (110 Stat. 4244), by striking "paragraphs (2) and (5) of section 104" and inserting "paragraph (2) of section 104".

(3) In section 106(a)(3) (110 Stat. 4244), by striking "or Secretary" and inserting "or the Secretary".

SEC. 202. TENNESSEE CIVIL WAR HERITAGE AREA.

Title II of division II of the Omnibus Parks Act (16 U.S.C. 461 note) is amended as follows:

(1) In section 201(b)(4) (110 Stat. 4245), by striking "and associated sites associated" and insert "and sites associated".

(2) In section 207(a) (110 Stat. 4248), by striking "as provide for" and inserting "as provided for".

SEC. 203. AUGUSTA CANAL NATIONAL HERITAGE AREA.

Section 301(1) of division II of the Omnibus Parks Act (110 Stat. 4249; 16 U.S.C. 461 note) is amended by striking "National Historic Register of Historic Places." and inserting "National Register of Historic Places.".

SEC. 204. ESSEX NATIONAL HERITAGE AREA.

Section 501(a)(8) of division II of the Omnibus Parks Act (110 Stat. 4257; 16 U.S.C. 461 note) is amended by striking "a visitors' center" and inserting "a visitor center".

SEC. 205. OHIO & ERIE CANAL NATIONAL HERITAGE CORRIDOR.

Title VIII of division II of the Omnibus Parks Act (16 U.S.C. 461 note) is amended as follows:

(1) In section 805(b)(2) (110 Stat. 4269), by striking "One individuals," and inserting "One individual,".

(2) In section 808(a)(3)(A) (110 Stat. 4279), by striking "from the Committee." and inserting "from the Committee,".

SEC. 206. HUDSON RIVER VALLEY NATIONAL HERITAGE AREA.

Section 908(a)(1)(B) of division II of the Omnibus Parks Act (110 Stat. 4279; 16 U.S.C. 461 note) is amended by striking "on nonfederally owned property" and inserting "for non-federally owned property".

TITLE III—TECHNICAL CORRECTIONS TO OTHER PUBLIC LAWS

SEC. 301. REAUTHORIZATION OF DELAWARE WATER GAP NATIONAL RECREATION AREA CITIZEN ADVISORY COMMISSION.

Effective as of November 6, 1998, section 507 of Public Law 105–355 (112 Stat. 3264, 16 U.S.C. 460o note) is amended by striking "Public Law 101–573" and inserting "Public Law 100–573".

SEC. 302. ARCHES NATIONAL PARK EXPANSION ACT OF 1998.

Section 8 of Public Law 92–155 (16 U.S.C. 272g), as added by section 2(e)(2) of the Arches National Park Expansion Act of 1998 (Public Law 105–329; 112 Stat. 3062), is amended as follows:

(1) In subsection (b)(2), by striking ", described as lots 1 through 12 located in the S½N½ and the N½N½N½S½ of section 1, Township 25 South, Range 18 East, Salt Lake base and meridian." and inserting "located in section 1, Township 25 South, Range 18 East, Salt Lake base and meridian, and more fully described as follows:

"(A) Lots 1 through 12.

"(B) The S½N½ of such section.

"(C) The N½N½N½S½ of such section."; and

(2) By striking subsection (d).

SEC. 303. DUTCH JOHN FEDERAL PROPERTY DISPOSITION AND ASSISTANCE ACT OF 1998.

(a) TRANSFER OF JURISDICTION.—Section 6(b) of the Dutch John Federal Property Disposition and Assistance Act of 1998 (Public Law 105–326; 112 Stat. 3044) is amended as follows:

(1) By striking the subsection heading and inserting the following: "ADDITIONAL TRANSFERS OF ADMINISTRATIVE JURISDICTION.—".

(2) By striking paragraphs (1) and (2) and inserting the following new paragraphs:

"(1) TRANSFER FROM SECRETARY OF THE INTERIOR.—The Secretary of the Interior shall transfer to the Secretary of Agriculture administrative jurisdiction over approximately 2,167 acres of lands and interests in land located in Duchesne and Wasatch Counties, Utah, that were acquired by the Secretary of the Interior for the Central Utah Project, as depicted on the maps entitled—

"(A) the 'Dutch John Townsite, Ashley National Forest, Lower Stillwater', dated February 1997;

"(B) The 'Dutch John Townsite, Ashley National Forest, Red Hollow (Diamond Properties)', dated February 1997; and

"(C) The 'Dutch John Townsite, Ashley National Forest, Coal Hollow (Current Creek Reservoir)', dated February 1997.

"(2) TRANSFER FROM SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall transfer to the Secretary of the Interior administrative jurisdiction over approximately 2,450 acres of lands and interests in lands located in the Ashley National Forest, as depicted on the map entitled 'Ashley National Forest, Lands to be Transferred to the Bureau of Reclamation (BOR) from the Forest Service', dated February 1997.".

(3) In paragraph (3)(A), by striking the second sentence and inserting the following new sentence: "The boundaries of the Ashley National Forest and the Uinta National Forest are hereby adjusted to reflect the transfers required by this section.".

(4) In paragraph (3)(B), by striking "The transferred lands" and inserting "The lands and interests in land transferred to the Secretary of Agriculture under paragraph (1)".

(5) Section 10(g)(5)(A) of such Act (112 Stat. 3050) is amended by striking "Daggett County" and inserting in lieu thereof "Dutch John".

(b) ELECTRIC POWER.—Section 13(d) of such Act (112 Stat. 3053) is amended by striking paragraph (1) and inserting the following new paragraph:

"(1) AVAILABILITY.—The United States shall make available for the Dutch John community electric power and associated energy previously reserved from the Colorado River Storage Project for project use as firm electric service.".

SEC. 304. OREGON PUBLIC LANDS TRANSFER AND PROTECTION ACT OF 1998.

Section 3 of the Oregon Public Lands Transfer and Protection Act of 1998 (Public Law 105–321; 112 Stat. 3022) is amended as follows:

(1) In subsection (a), by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(2) By striking subsection (b) and inserting the following new subsection:

"(b) POLICY OF NO NET LOSS OF O & C LAND AND CBWR LAND.—In carrying out sales, purchases, and exchanges of land in the geographic area, the Secretary shall ensure that on October 30, 2008, and on the expiration of each 10-year period thereafter, the number of acres of O & C land and CBWR land in the geographic area is not less than the number of acres of such land on October 30, 1998.".

SEC. 305. NATIONAL PARK FOUNDATION.

Section 4 of Public Law 90–209 is amended—

(1) by inserting "with or" between "practicable" and "without" in the final sentence thereof; and

(2) by adding at the end thereof a new sentence as follows: "Funds reimbursed to either Department shall be retained by the Department and may, without further appropriation be expended, in accordance with the Historic Preservation Act, as amended.

SEC. 306. NATIONAL PARKS OMNIBUS MANAGEMENT ACT OF 1998.

Section 603(c)(1) of Public Law 105–391 is amended by striking "10" and inserting in lieu thereof "15".

SEC. 307. GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT.

Section 201(d) of Public Law 105–355 is amended by inserting "and/or Tropic Utah," after the words "school district, Utah," and by striking "Public Purposes Act," and the remainder of the sentence and inserting in lieu thereof "Public Purposes Act.".

SEC. 308. SPIRIT MOUND.

Section 112(a) of division C of Public Law 105–277 (112 Stat. 2681–592) is amended—

(1) by striking "is authorized to acquire" and inserting in lieu thereof "is authorized: (1) to acquire";

(2) by striking "South Dakota." and inserting in lieu thereof "South Dakota; or"; and

(3) by adding at the end thereof the following new paragraph:

"(2) to transfer available funds for the acquisition of the tract to the State of South Dakota upon the completion of a binding agreement with the State to provide for the acquisition and long-term preservation, interpretation, and restoration of the Spirit Mound tract.".

SEC. 309. AMERICA'S AGRICULTURAL HERITAGE PARTNERSHIP ACT AMENDMENT.

Section 702(5) of division II of the Public Law 104–333 (110 Stat. 4265), is amended by striking "Secretary of Agriculture" and inserting in lieu thereof "Secretary of the Interior".

SEC. 310. NATIONAL PARK SERVICE ENTRANCE AND RECREATIONAL USE FEES.

(a) The Secretary of the Interior is authorized to retain and expend revenues from entrance and recreation use fees at units of the National Park System where such fees are collected under section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a), notwithstanding the provisions of section 4(i) of such Act. Fees shall be retained and expended in the same manner and for the same purposes as provided under the Recreational Fee Demonstration Program (section 315 of Public Law 104–134, as amended (16 U.S.C. 4601–6a note).

(b) Nothing in this section shall affect the collection of fees at units of the National Park System designated as fee demonstration projects under the Recreational Fee Demonstration Program.

(c) The authorities in this section shall expire upon the termination of the Recreational Fee Demonstration Program.

SEC. 311. NATIONAL PARKS OMNIBUS MANAGEMENT ACT OF 1998.

Section 404 of the National Parks Omnibus Management Act of 1998 (Public Law 105–391; 112 Stat. 3508; 16 U.S.C. 5953) is amended by striking "contract terms and conditions," and inserting "contract terms and conditions,".

AMENDMENT NO. 2804

(Purpose: To make further amendments to H.R. 149, as reported by the Committee on Energy and Natural Resources)

On page 5, strike lines 4 through 11 and redesignate the subsequent paragraphs accordingly.

On page 5 at the end of section 101 add the following new paragraphs:

"(11) Section 103(c)(2) (110 Stat. 4099) is amended by striking 'consecutive terms.' and inserting 'consecutive terms, except that upon the expiration of his or her term, an appointed member may continue to serve until his or her successor has been appointed.'

"(12) Section 103(c)(9) (110 Stat. 4100) is amended by striking 'properties administered by the Trust' and insert in lieu thereof 'properties administered by the Trust and all interest created under leases, concessions, permits and other agreements associated with the properties';

"(13) Section 104(d) (110 Stat. 4102) is amended as follows:

"(1) by inserting '(1)' after 'FINANCIAL AUTHORITIES.—';

"(2) by striking '(1) The authority' and inserting in lieu thereof '(A) The authority';

"(3) by striking '(A) the terms' and inserting in lieu thereof '(i) the terms';

"(4) by striking '(B) adequate' and inserting in lieu thereof '(ii) adequate';

"(5) by striking '(C) such guarantees' and inserting in lieu thereof '(iii) such guarantees';

"(6) by striking '(2) The authority' and inserting in lieu thereof '(B) The authority';

"(7) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3) respectively;

"(8) in paragraph (2) (as redesignated by this section)—

"(A) by striking 'The authority' and inserting in lieu thereof 'The Trust shall also have the authority';

"(B) by striking 'after determining that the projects to be funded from the proceeds thereof are creditworthy and that a repayment schedule is established and only'; and

"(C) by inserting after 'and subject to such terms and conditions,' the words 'including a review of the creditworthiness of the loan and establishment of a repayment schedule,'; and

"(9) in paragraph (3) (as redesignated by this section) by inserting before 'this subsection' the words 'paragraph (2) of'."

On page 26, strike lines 10 through 13 and insert in lieu thereof the following: "as follows: 'Monies reimbursed to either Department shall be returned by the Department to the account from which the funds for which the reimbursement is made were drawn and may, without further appropriation, be expended for any purpose for which such account is authorized.'."

On page 28, line 20, strike "contract" and insert "conract".

The amendment (No. 2804) was agreed to.

The bill (H.R. 149), as amended, was passed.

COMMUNITY FOREST RESTORATION ACT

The Senate proceeded to consider the bill (S. 1288) to provide incentives for collaborative forest restoration projects on National Forest System and other public lands in New Mexico, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Forest Restoration Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) A century of fire suppression, logging, and livestock grazing has altered the ecological balance of New Mexico's forests.

(2) Some forest lands in New Mexico contain an unnaturally high number of small diameter trees that are subject to large, high intensity wildfires that can endanger human lives, livelihoods, and ecological stability.

(3) Forest lands that contain an unnaturally high number of small diameter trees have reduced biodiversity and provide fewer benefits to human communities, wildlife, and watersheds.

(4) Healthy and productive watersheds minimize the threat of large, high intensity wildfires, provide abundant and diverse wildlife habitat, and produce a variety of timber and non-timber products including better quality water and increased water flows.

(5) Restoration efforts are more successful when there is involvement from neighboring communities and better stewardship will evolve from more diverse involvement.

(6) Designing demonstration restoration projects through a collaborative approach may—

(A) lead to the development of cost effective restoration activities;

(B) empower diverse organizations to implement activities which value local and traditional knowledge;

(C) build ownership and civic pride; and

(D) ensure healthy, diverse, and productive forests and watersheds.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to promote healthy watersheds and reduce the threat of large, high intensity wildfires, insect infestation, and disease in the forests in New Mexico;

(2) to improve the functioning of forest ecosystems and enhance plant and wildlife biodiversity by reducing the unnaturally high number and density of small diameter trees on Federal, Tribal, State, County, and Municipal forest lands;

(3) to improve communication and joint problem solving among individuals and groups who are interested in restoring the diversity and productivity of forested watersheds in New Mexico;

(4) to improve the use of, or add value to, small diameter trees;

(5) to encourage sustainable communities and sustainable forests through collaborative partnerships, whose objectives are forest restoration; and

(6) to develop, demonstrate, and evaluate ecologically sound forest restoration techniques.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) the term "Secretary" means the Secretary of Agriculture acting through the Chief of the Forest Service; and

(2) the term "stakeholder" includes: tribal governments, educational institutions, landowners, and other interested public and private entities.

SEC. 5. ESTABLISHMENT OF PROGRAM.

(a) The Secretary shall establish a cooperative forest restoration program in New Mexico in order to provide cost-share grants to stakeholders for experimental forest restoration projects that are designed through a collaborative process (hereinafter referred to as the "Collaborative Forest Restoration Program"). The projects may be entirely on, or on any combination of, Federal, Tribal, State, County, or Municipal forest lands. The Federal share of an individual project cost shall not exceed eighty percent of the total cost. The twenty percent matching may be in the form of cash or in-kind contribution.

(b) ELIGIBILITY REQUIREMENTS.—To be eligible to receive funding under this Act, a project shall—

(1) address the following objectives—

(A) reduce the threat of large, high intensity wildfires and the negative effects of excessive competition between trees by restoring ecosystem functions, structures, and species composition, including the reduction of non-native species populations;

(B) re-establish fire regimes approximating those that shaped forest ecosystems prior to fire suppression;

(C) preserve old and large trees;

(D) replant trees in deforested areas if they exist in the proposed project area; and

(E) improve the use of, or add value to, small diameter trees;

(2) comply with all Federal and State environmental laws;

(3) include a diverse and balanced group of stakeholders as well as appropriate Federal, Tribal, State, County, and Municipal government representatives in the design, implementation, and monitoring of the project;

(4) incorporate current scientific forest restoration information; and

(5) include a multi-party assessment to—

(A) identify both the existing ecological condition of the proposed project area and the desired future condition; and

(B) report, upon project completion, on the positive or negative impact and effectiveness of the project including improvements in local management skills and on the ground results;

(6) create local employment or training opportunities within the context of accomplishing restoration objectives, that are consistent with the purposes of this Act, including summer youth jobs programs such as the Youth Conservation Corps where appropriate;

(7) not exceed four years in length;

(8) not exceed a total annual cost of $150,000, with the Federal portion not exceeding $120,000 annually, nor exceed a total cost of $450,000 for the project, with the Federal portion of the total cost not exceeding $360,000;

(9) leverage Federal funding through in-kind or matching contributions; and

(10) include an agreement by each stakeholder to attend an annual workshop with other stakeholders for the purpose of discussing the cooperative-forest restoration program and projects implemented under this Act. The Secretary shall coordinate and fund the annual workshop. Stakeholders may use funding for projects authorized under this Act to pay for their travel and per diem expenses to attend the workshop.

SEC. 6. SELECTION PROCESS.

(a) After consulting with the technical advisory panel established in subsection (b), the Secretary shall select the proposals that will receive funding through the Collaborative Forest Restoration Program.

(b) The Secretary shall convene a technical advisory panel to evaluate the proposals for forest restoration grants and provide recommendations regarding which proposals would best meet the objectives of the Collaborative Forest Restoration Program. The technical advisory panel shall consider eligibility criteria established in section 5, the effect on long term management, and seek to use a consensus-based decision making process to develop such recommendations. The panel shall be composed of 12 to 15 members, to be appointed by the Secretary as follows:

(1) A State Natural Resource official from the State of New Mexico.

(2) At least two representatives from Federal land management agencies.

(3) At least one tribal or pueblo representative.

(4) At least two independent scientists with experience in forest ecosystem restoration.

(5) Equal representation from—

(A) conservation interests;

(B) local communities; and

(C) commodity interests.

SEC. 7. MONITORING AND EVALUATON.

The Secretary shall establish a multi-party monitoring and evaluation process in order to assess the cumulative accomplishments or adverse impacts of the Collaborative Forest Restoration Program. The Secretary shall include any interested individual or organization in the monitoring and evaluation process. The Secretary also shall conduct a monitoring program to assess the short and long term ecological effects of the restoration treatments, if any, or a minimum of 15 years.

SEC. 8. REPORT.

No later than five years after the first fiscal year in which funding is made available for this program, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. The report shall include an assessment on whether, and to what extent, the projects funded pursuant to this Act are meeting the purposes of the Collaborative Forest Restoration Program.

AMENDMENT NO. 2805

(Purpose: To authorize the appropriation of $5 million each year)

At the end of the bill add the following:

"SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000 annually to carry out this Act.".

The amendment (No. 2805) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1288), as amended, was passed, as follows:

S. 1288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Forest Restoration Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) A century of fire suppression, logging, and livestock grazing has altered the ecological balance of New Mexico's forests.

(2) Some forest lands in New Mexico contain an unnaturally high number of small diameter trees that are subject to large, high intensity wildfires that can endanger human lives, livelihoods, and ecological stability.

(3) Forest lands that contain an unnaturally high number of small diameter trees have reduced biodiversity and provide fewer benefits to human communities, wildlife, and watersheds.

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(5) Restoration efforts are more successful when there is involvement from neighboring communities and better stewardship will evolve from more diverse involvement.

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(2) to improve the functioning of forest ecosystems and enhance plant and wildlife biodiversity by reducing the unnaturally high number and density of small diameter trees on Federal, Tribal, State, County, and Municipal forest lands;

(3) to improve communication and joint problem solving among individuals and groups who are interested in restoring the diversity and productivity of forested watersheds in New Mexico;

(4) to improve the use of, or add value to, small diameter trees;

(5) to encourage sustainable communities and sustainable forests through collaborative partnerships, whose objectives are forest restoration; and

(6) to develop, demonstrate, and evaluate ecologically sound forest restoration techniques.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) the term "Secretary" means the Secretary of Agriculture acting through the Chief of the Forest Service; and

(2) the term "stakeholder" includes: tribal governments, educational institutions, landowners, and other interested public and private entities.

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(a) The Secretary shall establish a cooperative forest restoration program in New Mexico in order to provide cost-share grants to stakeholders for experimental forest restoration projects that are designed through a collaborative process (hereinafter referred to as the "Collaborative Forest Restoration Program"). The projects may be entirely on, or on any combination of, Federal, Tribal, State, County, or Municipal forest lands. The Federal share of an individual project cost shall not exceed eighty percent of the total cost. The twenty percent matching may be in the form of cash or in-kind contribution.

(b) ELIGIBILITY REQUIREMENTS.—To be eligible to receive funding under this Act, a project shall—

(1) address the following objectives—

(A) reduce the threat of large, high intensity wildfires and the negative effects of excessive competition between trees by restoring ecosystem functions, structures, and species composition, including the reduction of non-native species populations;

(B) re-establish fire regimes approximating those that shaped forest ecosystems prior to fire suppression;

(C) preserve old and large trees;

(D) replant trees in deforested areas if they exist in the proposed project area; and

(E) improve the use of, or add value to, small diameter trees;

(2) comply with all Federal and State environmental laws;

(3) include a diverse and balanced group of stakeholders as well as appropriate Federal, Tribal, State, County, and Municipal government representatives in the design, implementation, and monitoring of the project;

(4) incorporate current scientific forest restoration information; and

(5) include a multi-party assessment to—

(A) identify both the existing ecological condition of the proposed project area and the desired future condition; and

(B) report, upon project completion, on the positive or negative impact and effectiveness of the project including improvements in local management skills and on the ground results;

(6) create local employment or training opportunities within the context of accomplishing restoration objectives, that are consistent with the purposes of this Act, including summer youth jobs programs such as the Youth Conservation Corps where appropriate;

(7) not exceed four years in length;

(8) not exceed a total annual cost of $150,000, with the Federal portion not exceeding $120,000 annually, nor exceed a total cost of $450,000 for the project, with the Federal portion of the total cost not exceeding $360,000;

(9) leverage Federal funding through in-kind or matching contributions; and

(10) include an agreement by each stakeholder to attend an annual workshop with other stakeholders for the purpose of discussing the cooperative forest restoration program and projects implemented under this Act. The Secretary shall coordinate and fund the annual workshop. Stakeholders may use funding for projects authorized under this Act to pay for their travel and per diem expenses to attend the workshop.

SEC. 6. SELECTION PROCESS.

(a) After consulting with the technical advisory panel established in subsection (b), the Secretary shall select the proposals that will receive funding through the Collaborative Forest Restoration Program.

(b) The Secretary shall convene a technical advisory panel to evaluate the proposals for forest restoration grants and provide recommendations regarding which proposals would best meet the objectives of the Collaborative Forest Restoration Program. The technical advisory panel shall consider eligibility criteria established in section 5, the effect on long term management, and seek to use a consensus-based decision making process to develop such recommendations. The panel shall be composed of 12 to 15 members, to be appointed by the Secretary as follows:

(1) A State Natural Resource official from the State of New Mexico.

(2) At least two representatives from Federal land management agencies.

(3) At least one tribal or pueblo representative.

(4) At least two independent scientists with experience in forest ecosystem restoration.

(5) Equal representation from—

(A) conservation interests;

(B) local communities; and

(C) commodity interests.

SEC. 7. MONITORING AND EVALUATON.

The Secretary shall establish a multiparty monitoring and evaluation process in order to assess the cumulative accomplishments or adverse impacts of the Collaborative Forest Restoration Program. The Secretary shall include any interested individual or organization in the monitoring and evaluation process. The Secretary also shall conduct a monitoring program to assess the short and long term ecological effects of the restoration treatments, if any, or a minimum of 15 years.

SEC. 8. REPORT.

No later than five years after the first fiscal year in which funding is made available for this program, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. The report shall include an assessment on whether, and to what extent, the projects funded pursuant to this Act are meeting the purposes of the Collaborative Forest Restoration Program.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000 annually to carry out this Act.

GAS HYDRATE RESEARCH AND DEVELOPMENT ACT OF 1999

The Senate proceeded to consider the bill (H.R. 1753) to promote research, identification, assessment, exploration, and development of gas hydrate resources, and for other purposes.

H.R. 1753

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gas Hydrate Research and Development Act of 1999".

SEC. 2. DEFINITIONS.

In this Act:

(1) CONTRACT.—The term "contract" means a procurement contract within the meaning of section 6303 of title 31, United States Code.

(2) COOPERATIVE AGREEMENT.—The term "cooperative agreement" means a cooperative agreement within the meaning of section 6305 of title 31, United States Code.

(3) DIRECTOR.—The term "Director" means the Director of the National Science Foundation.

(4) GRANT.—The term "grant" means a grant awarded under a grant agreement, within the meaning of section 6304 of title 31, United States Code.

(5) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" means an institution of higher education, within the meaning of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(6) SECRETARY.—The term "Secretary" means the Secretary of Energy, acting through the Assistant Secretary for Fossil Energy.

(7) SECRETARY OF COMMERCE.—The term "Secretary of Commerce" means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

(8) SECRETARY OF DEFENSE.—The term "Secretary of Defense" means the Secretary of Defense, acting through the Secretary of the Navy.

(9) SECRETARY OF THE INTERIOR.—The term "Secretary of the Interior" means the Secretary of the Interior, acting through the Director of the United States Geological Survey and the Director of the Minerals Management Service.

SEC. 3. GAS HYDRATE RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—

(1) COMMENCEMENT OF PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director, shall commence a program of gas hydrate research and development.

(2) DESIGNATIONS.—The Secretary, the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director shall designate individuals to carry out this section.

(3) MEETINGS.—The individuals designated under paragraph (2) shall meet not later than 120 days after the date on which all such individuals are designated and not less frequently than every 120 days thereafter to—

(A) review the progress of the program under paragraph (1); and

(B) make recommendations on future activities to occur subsequent to the meeting.

(b) GRANTS, CONTRACTS, COOPERATIVE AGREEMENTS, INTERAGENCY FUNDS TRANSFER AGREEMENTS, AND FIELD WORK PROPOSALS.—

(1) ASSISTANCE AND COORDINATION.—The Secretary may award grants or contracts to, or enter into cooperative agreements with, institutions of higher education and industrial enterprises to—

(A) conduct basic and applied research to identify, explore, assess, and develop gas hydrate as a source of energy;

(B) assist in developing technologies required for efficient and environmentally sound development of gas hydrate resources;

(C) undertake research programs to provide safe means of transport and storage of gas produced from gas hydrates;

(D) promote education and training in gas hydrate resource research and resource development;

(E) conduct basic and applied research to assess and mitigate the environmental impacts of hydrate degassing (including both natural degassing and degassing associated with commercial development); and

(F) develop technologies to reduce the risks of drilling through gas hydrates.

(2) COMPETITIVE MERIT-BASED REVIEW.—Funds made available under paragraph (1) shall be made available based on a competitive merit-based process.

(c) CONSULTATION.—The Secretary shall establish an advisory panel consisting of experts from industry, institutions of higher education, and Federal agencies to—

(1) advise the Secretary on potential applications of gas hydrate;

(2) assist in developing recommendations and priorities for the gas hydrate research and development program carried out under subsection (a)(1); and

(3) report to the Congress within 2 years after the date of the enactment of this Act, or at such later date as the Secretary considers advisable, on the impact on global climate change from gas hydrate extraction and consumption.

(d) LIMITATIONS.—

(1) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount made available to carry out this section for a fiscal year may be used by the Secretary for expenses associated with the administration of the program carried out under subsection (a)(1).

(2) CONSTRUCTION COSTS.—None of the funds made available to carry out this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

(e) RESPONSIBILITIES OF THE SECRETARY.—In carrying out subsection (b)(1), the Secretary shall—

(1) facilitate and develop partnerships among Government, industry, and institutions of higher education to research, identify, assess, and explore gas hydrate resources;

(2) undertake programs to develop basic information necessary for promoting long-term interest in gas hydrate resources as an energy source;

(3) ensure that the data and information developed through the program are accessible and widely disseminated as needed and appropriate;

(4) promote cooperation among agencies that are developing technologies that may hold promise for gas hydrate resource development; and

(5) report annually to Congress on accomplishments under this section.

SEC. 4. AMENDMENTS TO THE MINING AND MINERALS POLICY ACT OF 1970.

Section 201 of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 1901) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively;

(2) by inserting after paragraph (3) the following:

"(4) The term 'gas hydrate' means a gas clathrate that—

"(A) is in the form of a gas-water ice-like crystalline material; and

"(B) is stable and occurs naturally in deep-ocean and permafrost areas."; and

(3) in paragraph (7), as so redesignated by paragraph (1) of this section—

(A) in subparagraph (F), by striking "and" at the end;

(B) by redesignating subparagraph (G) as subparagraph (H); and

(C) by inserting after subparagraph (F) the following:

"(G) for purposes of this section and sections 202 through 205 only, gas hydrate; and".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Energy to carry out this Act—

(1) $5,000,000 for fiscal year 2000;

(2) $7,500,000 for fiscal year 2001;

(3) $11,000,000 for fiscal year 2002;

(4) $12,000,000 for fiscal year 2003; and

(5) $12,000,000 for fiscal year 2004.

Amounts authorized under this section shall remain available until expended.

SEC. 6. SUNSET.

Section 3 of this Act shall cease to be effective after the end of fiscal year 2004.

SEC. 7. REPORTS AND STUDIES.

The Secretary shall simultaneously provide to the Committee on Science of the House of Representatives and the Committee on Energy and Natural Resources of the Senate copies of any report or study that the Department of Energy prepares at the direction of any committee of the Congress.

AMENDMENT NO. 2806

(Purpose: To provide a complete substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Methane Hydrate Research and Development Act of 1999".

SEC. 2. DEFINITIONS.

In this Act:

(1) CONTRACT.—The term "contract" means a procurement contract within the meaning of section 6303 of title 31, United States Code.

(2) COOPERATIVE AGREEMENT.—The term "cooperative agreement" means a cooperative agreement within the meaning of section 6305 of title 31, United States Code.

(3) DIRECTOR.—The term "Director" means the Director of the National Science Foundation.

(4) GRANT.—The term "grant" means a grant awarded under a grant agreement, within the meaning of section 6304 of title 31, United States Code.

(5) INDUSTRIAL ENTERPRISE.—The term "industrial enterprise" means a private, nongovernmental enterprise incorporated under Federal or State law that has an expertise or capability that relates to methane hydrate research and development.

(6) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" means an institution of higher education, within the meaning of section 102(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(1)).

(7) METHANE HYDRATE.—The term "methane hydrate" means—

(A) a methane clathrate that is in the form of a methane-water ice-like cyrstalline material and is stable and occurs naturally in deep-ocean and permafrost areas, and

(B) other natural gas hydrates found in association with deep-ocean and permafrost deposits of methane hydrate.

(8) SECRETARY OF ENERGY.—The term "Secretary of Energy" means the Secretary of Energy, acting through the Assistant Secretary for Fossil Energy.

(9) SECRETARY OF COMMERCE.—The term "Secretary of Commerce" means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

(10) SECRETARY OF DEFENSE.—The term "Secretary of Defense" means the Secretary of Defense, acting through the Secretary of the Navy.

(11) SECRETARY OF THE INTERIOR.—The term "Secretary of the Interior" means the Secretary of the Interior, acting through the Director of the United States Geological Survey and the Director of the Minerals Management Service.

SEC. 3. METHANE HYDRATE RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—

(1) COMMENCEMENT OF PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy, in collaboration with the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director, shall commence a program of methane hydrate research and development in accordance with subsection (b).

(2) DESIGNATIONS.—The Secretary of Energy, the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director shall designate individuals to carry out this section.

(3) COORDINATION.—The individual designated by the Secretary of Energy shall coordinate all activities within the Department of Energy relating to methane hydrate research and development.

(4) MEETINGS.—The individuals designated under paragraph (2) shall meet not later than 270 days after the date of enactment of this Act, and not less frequently than every 120 days thereafter to—

(A) review the progress of the program under paragraph (1); and

(B) make recommendations on future activities to occur subsequent to the meeting.

(b) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—

(1) ASSISTANCE AND COORDINATION.—In carrying out the program of methane hydrate research and development authorized by this subsection the Secretary of Energy may award grants or contracts to, or enter into cooperative agreements with, institutions of higher education and industrial enterprises to—

(A) conduct basic and applied research to identify, explore, assess, and develop methane hydrate as a source of energy;

(B) assist in developing technologies required for efficient and environmentally sound development of methane hydrate resources;

(C) undertake research programs to provide safe means of transport and storage of methane produced from gas methane hydrates;

(D) promote education and training in methane hydrate resource research and resource development;

(E) conduct basic and applied research to assess and mitigate the environmental impacts of hydrate degassing (including both natural degassing and degassing associated with commercial development);

(F) develop technologies to reduce the risks of drilling through methane hydrates; and

(G) conduct exploratory drilling in support of the activities authorized by this paragraph.

(2) COMPETITIVE MERIT-BASED REVIEW.—Funds made available under paragraph (1) shall be made available based on a competitive merit-based process.

(3) CONSULTATION.—

(A) IN GENERAL.—The Secretary of Energy shall establish and advisory panel consisting of experts from industry, institutions of higher education, and Federal agencies to—

(i) advise the Secretary of Energy on potential applications of methane hydrate; and

(ii) assist in developing recommendations and priorities for the as methane hydrate research and development program carried out under subsection (a)(1); and

(iii) not later than 2 years after the date of enactment of this Act, and at such later dates as the panel considers advisable, submit to Congress a report on the anticipated impact on global climate change from—

(I) methane hydrate formation;

(II) methane hydrate degassing (including natural degassing and degassing associated with commercial development); and

(III) the consumption of natural gas produced from methane hydrates.

(B) MEMBERSHIP.—Not more than twenty-five percent of the individuals serving on the advisory panel shall be Federal employees.

(c) LIMITATIONS.—

(1) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount made available to carry out this section for a fiscal year may be used by the Secretary of Energy for expenses associated with the administration of the program carried out under subsection (a)(1).

(2) CONSTRUCTION COSTS.—None of the funds made available to carry out this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

(d) Responsibilities of the Secretary of Energy.—In carrying out subsection (b)(1), the Secretary of Energy, shall—

(1) facilitate and develop partnerships among government, industry, and institutions of higher education to research, identify, assess, and explore methane hydrate resources;

(2) undertake programs to develop basic information necessary for promoting long-term interest in methane hydrate resources as an energy source;

(3) ensure that the data and information developed through the program are accessible and widely disseminated as needed and appropriate;

(4) promote cooperation among agencies that are developing technologies that may hold promise for methane hydrate resource development; and

(5) report annually to Congress on accomplishments under this section.

SEC. 4. AMENDMENTS TO THE MINING AND MINERALS POLICY ACT OF 1970.

Section 201 of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 1901) is amended—

(1) in paragraph (6)—

(A) in subparagraph (F), by striking "and" at the end;

(B) by redesignating subparagraph (G) as subparagraph (H); and

(C) by inserting after subparagraph (F) the following:

"(G) for purposes of this section and sections 202 through 205 only, methane hydrate; and".

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph 6 the following:

"(7) The term "methane hydrate" means—

"(A) a methane clathrate that is in the form of a methane-water ice-like crystalline material and is stable and occurs naturally in deep-ocean and permafrost areas; and

"(B) other natural gas hydrates found in association with deep-ocean and permafrost deposits of methane hydrate.";

SEC. 5. REPORTS AND STUDIES.

The Secretary of Energy shall simultaneously provide to the Committee on Science and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate copies of any report or study that the Department of Energy pursuant to this Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Energy to carry out this Act—

(1) $5,000,000 for fiscal year 2000;

(2) $7,500,000 for fiscal year 2001;

(3) $11,000,000 for fiscal year 2002;

(4) $12,000,000 for fiscal year 2003;

(5) $12,000,000 for fiscal year 2004; and

(6) thereafter such sums as are necessary.

Amounts authorized under this section shall remain available until expended.

Amend the title to read as follow: "An act to promote the research, identification, assessment, exploration, and development of methane hydrate resources, and for other purposes.".

The amendment (No. 2806) was agreed to.

The bill (H.R. 1753, as amended, was passed.

SENATOR COLLINS FROM MAINE

Mr. LOTT. Mr. President, I also want to thank the Senator from Maine who is on the floor and waiting to assist with the closing of the Senate for the year.

The hour is late on Friday night, but she has agreed to be here. And she also does a magnificent job presiding in the Chair. I thank her for being here and being prepared to help us with the closing actions that are necessary in order for the Senate to complete this session of the Congress.

LEWIS AND CLARK NATIONAL HISTORIC TRAIL LAND

Mr. LOTT. Mr. President, I ask unanimous consent that the Energy Committee be discharged from consideration of H.R. 2737, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2737) to authorize the Secretary of the Interior to convey to the State of Illinois certain federal land associated with the Lewis and Clark National Historic Trail.

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2737) was read the third time, and passed.

JACKSON MULTI-AGENCY CAMPUS ACT OF 1999

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 401, S. 1374.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as following:

A bill (S. 1374) to authorize the development and maintenance of multi-agency campus project in the town of Jackson, WY.

There being objection, the Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Jackson Multi-Agency Campus Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the management of public land and natural resources and the service of the public in the area of Jackson, Wyoming, are responsibilities shared by—

(A) the Department of Agriculture;

(B) the Forest Service;

(C) the Department of the Interior, including—

(i) the National Park Service; and

(ii) the United States Fish and Wildlife Service;

(D) the Game and Fish Commission of the State of Wyoming;

(E) Teton County, Wyoming;

(F) the town of Jackson, Wyoming;

(G) the Jackson Chamber of Commerce; and

(H) the Jackson Hole Historical Society; and

(2) it is desirable to locate the administrative offices of several of the agencies and entities specified in paragraph (1) on 1 site to—

(A) facilitate communication between the agencies and entities;

(B) reduce costs to the Federal, State, and local governments; and

(C) better serve the public.

(b) Purposes.—The purposes of this Act are—

(1) to authorize the Federal agencies specified in subsection (a)—

(A) to develop and maintain the Project in Jackson, Wyoming, in cooperation with the other agencies and entities specified in subsection (a); and

(B) to provide resources and enter into such agreements as are necessary for the planning, design, construction, operation, maintenance, and fixture modifications of all elements of the Project;

(2) to direct the Secretary to convey to the town of Jackson, Wyoming, certain parcels of federally owned land located in Teton County, Wyoming, in exchange for construction of facilities for the Bridger-Teton National Forest by the town of Jackson;

(3) to direct the Secretary to convey to the Game and Fish Commission of the State of Wyoming certain parcels of federally owned land in the town of Jackson, Wyoming, in exchange for approximately 1.35 acres of land, also located in the town of Jackson, to be used in the construction of the Project; and

(4) to relinquish certain reversionary interests of the United States in order to facilitate the transactions described in paragraphs (1) through (3).

SEC. 3. DEFINITIONS.

In this Act:

(1) Commission.—The term "Commission" means the Game and Fish Commission of the State of Wyoming.

(2) Construction cost.—The term "construction cost" means any cost that is—

(A) associated with building improvements to Federal standards and guidelines; and

(B) open to a competitive bidding process approved by the Secretary.

(3) Federal parcel.—The term "Federal parcel" means—

(A) the parcel of land, and all appurtenances to the land, comprising approximately 15.3 acres, depicted as "Bridger-Teton Nationcl Forest" on the Map; and

(B) the parcel comprising approximately 80 acres, known as the "Cache Creek Administrative Site", located adjacent to the town.

(4) Map.—The term "Map" means the map entitled "Multi-Agency Campus Project Site", dated March 31, 1999, and on file in the offices of—

(A) the Bridger-Teton National Forest, in the State of Wyoming; and

(B) the Chief of the Forest Service.

(5) Master plan.—The term "master plan" means the document entitled "Conceptual Master Plan", dated July 14, 1998, and on file at the offices of—

(A) the Bridger-Teton National Forest, in the State of Wyoming; and

(B) the Chief of the Forest Service.

(6) Project.—The term "Project" means the proposed project for construction of a multiagency campus, to be carried out by the town of Jackson in cooperation with the other agencies and entities described in section 2(a)(4), to provide, in accordance with the master plan—

(A) administrative facilities for various agencies and entities; and

(B) interpretive, educational, and other facilities for visitors to the greater Yellowstone area.

(7) Secretary.—The term "Secretary" means the Secretary of Agriculture (including a designee of the Secretary).

(8) State parcel.—The term "State parcel" means the parcel of land comprising approximately 3 acres, depicted as "Wyoming Game and Fish" on the Map.

(9) Town.—The term "town" means the town of Jackson, Wyoming.

SEC. 4. MULTI-AGENCY CAMPUS PROJECT, JACKSON, WYOMING.

(a) Construction for Exchange of Property.—

(1) In general.—Not later than 5 years after the date of enactment of this Act, the town may construct, as part of the Project, an administrative facility to be owned and operated by the Bridger-Teton National Forest, if—

(A) an offer by the town to construct the administrative facility is accepted by the Secretary under paragraph (2);

(B) a memorandum of understanding between the town and the Secretary outlining the roles and responsibilities of each party involved in the land exchange and construction is executed;

(C) a final building design and construction cost estimate is approved by the Secretary; and

(D) the exchange described in subsection (b)(2) is completed in accordance with that subsection.

(2) Acceptance and authorization to construct.—The Secretary, on receipt of an acceptable offer from the town under paragraph (1), shall authorize the town to construct the administrative facility described in paragraph (1) in accordance with this Act.

(3) Conveyance.—

(A) Secretary.—The Secretary shall convey all right, title, and interest in and to the Federal land described in section 5(a)(1) to the town in simultaneous exchange for, and on satisfactory completion of, the administrative facility.

(B) Town.—The town shall convey all right, title, and interest in and to the administrative facility constructed under this section in exchange for the land described in 5(a)(1).

(b) Offer To Convey State Parcel.—

(1) In general.—The Commission may offer to convey a portion of the State parcel, depicted on the Map as "Parcel Three", to the United States to be used for construction of an administrative facility for the Bridger-Teton National Forest.

(2) Conveyance.—If the offer described in paragraph (1) is made not later than 5 years after the date of enactment of this Act, the Secretary shall convey the Federal land described in section 5(a)(2) to the Commission, in exchange for the portion of the State parcel described in paragraph (1), in accordance with this Act.

SEC. 5. CONVEYANCE OF FEDERAL LAND.

(a) In General.—In exchange for the consideration described in section 3, the Secretary shall convey—

(1) to the town, in a manner that equalizes values—

(A) the portion of the Federal parcel, comprising approximately 9.3 acres, depicted on the Map as "Parcel Two"; and

(B) if an additional conveyance of land is necessary to equalize the values of land exchanged after the conveyance of Parcel Two, an appropriate portion of the portion of the Federal parcel comprising approximately 80 acres, known as the "Cache Creek Administrative Site" and located adjacent to the town; and

(2) to the Commission, the portion of the Federal parcel, comprising approximately 3.2 acres, depicted on the Map as "Parcel One".

(b) Reversionary Interests.—As additional consideration for acceptance by the United States of any offer described in section 4, the United States shall relinquish all reversionary interests in the State parcel, as set forth in the deed between the United States and the State of Wyoming, dated February 19, 1957, and recorded on October 2, 1967, in Book 14 of Deeds, Page 382, in the records of Teton County, Wyoming.

SEC. 6. EQUAL VALUE OF INTERESTS EXCHANGED.

(a) Valuation of Land To Be Conveyed.—

(1) In general.—The fair market and improvement values of the land to be exchanged under this Act shall be determined—

(A) by appraisals acceptable to the Secretary, using nationally recognized appraisal standards; and

(B) in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(2) Appraisal report.—Each appraisal report shall be written to Federal standards, as defined in the Uniform Appraisal Standards for Federal Land Acquisitions developed by the Interagency Land Acquisition Conference.

(3) No effect on value of reversionary interests.—An appraisal of the State parcel shall not take into consideration any reversionary interest held by the United States in the State parcel as of the date on which the appraisal is conducted.

(b) Value of Federal Land Greater Than Construction Costs.—If the value of the Federal land to be conveyed to the town under section 5(a)(J) is greater than the construction costs to be paid by the town for the administrative facility described in section 4(a), the Secretary shall reduce the acreage of the Federal land conveyed so that the value of the Federal land conveyed to the town closely approximates the construction costs.

(c) Value of Federal Land Equal to Value of State Parcel.—

(1) In general.—The value of any Federal land conveyed to the Commission under section 5(a)(2) shall be equal to the value of the State parcel conveyed to the United States under section 4(b).

(2) Boundaries.—The boundaries of the Federal land and the State parcel may be adjusted to equalize values.

(d) Payment of Cash Equalization.—Notwithstanding subsections (b) and (c), the values of Federal land and the State parcel may be equalized by payment of cash to the Secretary, the Commission, or the town, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), if the values cannot be equalized by adjusting the size of parcels to be conveyed or by conveying additional land, without compromising the design of the Project.

SEC. 7. ADDITIONAL PROVISIONS.

(a) Construction of Federal Facilities.—The construction of facilities on Federal land within the boundaries of the Project shall be—

(1) supervised and managed by the town in accordance with the memorandum of agreement referred to in section 4(a)(1)(A); and

(2) carried out to standards and specifications approved by the Secretary.

(b) Access.—The town (including contractors and subcontractors of the town) shall have access to the Federal land until completion of construction for all purposes related to construction of facilities under this Act.

(c) Administration of Land Acquired by United States.—Land acquired by the United States under this Act shall be governed by all laws applicable to the administration of national forest sites.

(d) Wetland.—

(1) IN GENERAL.—There shall be no construction of any facility after the date of conveyance of Federal land under this Act within any portion of the Federal parcel delineated on the map as "wetlands".

(2) DEEDS AND CONVEYANCE DOCUMENTS.—A deed or other conveyance document executed by the Secretary in carrying out this Act shall contain such reservations as are necessary to preclude development of wetland on any portion of the Federal parcel.

Mr. LOTT. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1374), as amended, was read the third time, and passed, as follows:

S. 1374

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Jackson Multi-Agency Campus Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the management of public land and natural resources and the service of the public in the area of Jackson, Wyoming, are responsibilities shared by—

(A) the Department of Agriculture;

(B) the Forest Service;

(C) the Department of the Interior, including—

(i) the National Park Service; and

(ii) the United States Fish and Wildlife Service;

(D) the Game and Fish Commission of the State of Wyoming;

(E) Teton County, Wyoming;

(F) the town of Jackson, Wyoming;

(G) the Jackson Chamber of Commerce; and

(H) the Jackson Hole Historical Society; and

(2) it is desirable to locate the administrative offices of several of the agencies and entities specified in paragraph (1) on 1 site to—

(A) facilitate communication between the agencies and entities;

(B) reduce costs to the Federal, State, and local governments; and

(C) better serve the public.

(b) PURPOSES.—The purposes of this Act are—

(1) to authorize the Federal agencies specified in subsection (a)—

(A) to develop and maintain the Project in Jackson, Wyoming, in cooperation with the other agencies and entities specified in subsection (a); and

(B) to provide resources and enter into such agreements as are necessary for the planning, design, construction, operation, maintenance, and fixture modifications of all elements of the Project;

(2) to direct the Secretary to convey to the town of Jackson, Wyoming, certain parcels of federally owned land located in Teton County, Wyoming, in exchange for construction of facilities for the Bridger-Teton National Forest by the town of Jackson;

(3) to direct the Secretary to convey to the Game and Fish Commission of the State of Wyoming certain parcels of federally owned land in the town of Jackson, Wyoming, in exchange for approximately 1.35 acres of land, also located in the town of Jackson, to be used in the construction of the Project; and

(4) to relinquish certain reversionary interests of the United States in order to facilitate the transactions described in paragraphs (1) through (3).

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term "Commission" means the Game and Fish Commission of the State of Wyoming.

(2) CONSTRUCTION COST.—The term "construction cost" means any cost that is—

(A) associated with building improvements to Federal standards and guidelines; and

(B) open to a competitive bidding process approved by the Secretary.

(3) FEDERAL PARCEL.—The term "Federal parcel" means—

(A) the parcel of land, and all appurtenances to the land, comprising approximately 15.3 acres, depicted as "Bridger-Teton National Forest" on the Map; and

(B) the parcel comprising approximately 80 acres, known as the "Cache Creek Administrative Site", located adjacent to the town.

(4) MAP.—The term "Map" means the map entitled "Multi-Agency Campus Project Site", dated March 31, 1999, and on file in the offices of—

(A) the Bridger-Teton National Forest, in the State of Wyoming; and

(B) the Chief of the Forest Service.

(5) MASTER PLAN.—The term "master plan" means the document entitled "Conceptual Master Plan", dated July 14, 1998, and on file at the offices of—

(A) the Bridger-Teton National Forest, in the State of Wyoming; and

(B) the Chief of the Forest Service.

(6) PROJECT.—The term "Project" means the proposed project for construction of a multi-agency campus, to be carried out by the town of Jackson in cooperation with the other agencies and entities described in section 2(a)(1), to provide, in accordance with the master plan—

(A) administrative facilities for various agencies and entities; and

(B) interpretive, educational, and other facilities for visitors to the greater Yellowstone area.

(7) SECRETARY.—The term "Secretary" means the Secretary of Agriculture (including a designee of the Secretary).

(8) STATE PARCEL.—The term "State parcel" means the parcel of land comprising approximately 3 acres, depicted as "Wyoming Game and Fish" on the Map.

(9) TOWN.—The term "town" means the town of Jackson, Wyoming.

SEC. 4. MULTI-AGENCY CAMPUS PROJECT, JACKSON, WYOMING.

(a) CONSTRUCTION FOR EXCHANGE OF PROPERTY.—

(1) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the town may construct, as part of the Project, an administrative facility to be owned and operated by the Bridger-Teton National Forest, if—

(A) an offer by the town to construct the administrative facility is accepted by the Secretary under paragraph (2);

(B) a memorandum of understanding between the town and the Secretary outlining the roles and responsibilities of each party involved in the land exchange and construction is executed;

(C) a final building design and construction cost estimate is approved by the Secretary; and

(D) the exchange described in subsection (b)(2) is completed in accordance with that subsection.

(2) ACCEPTANCE AND AUTHORIZATION TO CONSTRUCT.—The Secretary, on receipt of an acceptable offer from the town under paragraph (1), shall authorize the town to construct the administrative facility described in paragraph (1) in accordance with this Act.

(3) CONVEYANCE.—

(A) SECRETARY.—The Secretary shall convey all right, title, and interest in and to the Federal land described in section 5(a)(1) to the town in simultaneous exchange for, and on satisfactory completion of, the administrative facility.

(B) TOWN.—The town shall convey all right, title, and interest in and to the administrative facility constructed under this section in exchange for the land described in 5(a)(1).

(b) OFFER TO CONVEY STATE PARCEL.—

(1) IN GENERAL.—The Commission may offer to convey a portion of the State parcel, depicted on the Map as "Parcel Three", to the United States to be used for construction of an administrative facility for the Bridger-Teton National Forest.

(2) CONVEYANCE.—If the offer described in paragraph (1) is made not later than 5 years after the date of enactment of this Act, the Secretary shall convey the Federal land described in section 5(a)(2) to the Commission, in exchange for the portion of the State parcel described in paragraph (1), in accordance with this Act.

SEC. 5. CONVEYANCE OF FEDERAL LAND.

(a) IN GENERAL.—In exchange for the consideration described in section 3, the Secretary shall convey—

(1) to the town, in a manner that equalizes values—

(A) the portion of the Federal parcel, comprising approximately 9.3 acres, depicted on the Map as "Parcel Two"; and

(B) if an additional conveyance of land is necessary to equalize the values of land exchanged after the conveyance of Parcel Two, an appropriate portion of the portion of the Federal parcel comprising approximately 80 acres, known as the "Cache Creek Administrative Site" and located adjacent to the town; and

(2) to the Commission, the portion of the Federal parcel, comprising approximately 3.2 acres, depicted on the Map as "Parcel One".

(b) REVERSIONARY INTERESTS.—As additional consideration for acceptance by the United States of any offer described in section 4, the United States shall relinquish all reversionary interests in the State parcel, as set forth in the deed between the United States and the State of Wyoming, dated February 19, 1957, and recorded on October 2, 1967, in Book 14 of Deeds, Page 382, in the records of Teton County, Wyoming.

SEC. 6. EQUAL VALUE OF INTERESTS EXCHANGED.

(a) VALUATION OF LAND TO BE CONVEYED.—

(1) IN GENERAL.—The fair market and improvement values of the land to be exchanged under this Act shall be determined—

(A) by appraisals acceptable to the Secretary, using nationally recognized appraisal standards; and

(B) in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(2) APPRAISAL REPORT.—Each appraisal report shall be written to Federal standards, as defined in the Uniform Appraisal Standards for Federal Land Acquisitions developed by the Interagency Land Acquisition Conference.

(3) No effect on value of reversionary interests.—An appraisal of the State parcel shall not take into consideration any reversionary interest held by the United States in the State parcel as of the date on which the appraisal is conducted.

(b) Value of Federal Land Greater Than Construction Costs.—If the value of the Federal land to be conveyed to the town under section 5(a)(1) is greater than the construction costs to be paid by the town for the administrative facility described in section 4(a), the Secretary shall reduce the acreage of the Federal land conveyed so that the value of the Federal land conveyed to the town closely approximates the construction costs.

(c) Value of Federal Land Equal to Value of State Parcel.—

(1) In general.—The value of any Federal land conveyed to the Commission under section 5(a)(2) shall be equal to the value of the State parcel conveyed to the United States under section 4(b).

(2) Boundaries.—The boundaries of the Federal land and the State parcel may be adjusted to equalize values.

(d) Payment of Cash Equalization.—Notwithstanding subsections (b) and (c), the values of Federal land and the State parcel may be equalized by payment of cash to the Secretary, the Commission, or the town, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), if the values cannot be equalized by adjusting the size of parcels to be conveyed or by conveying additional land, without compromising the design of the Project.

SEC. 7. ADDITIONAL PROVISIONS.

(a) Construction of Federal Facilities.—The construction of facilities on Federal land within the boundaries of the Project shall be—

(1) supervised and managed by the town in accordance with the memorandum of agreement referred to in section 4(a)(1)(A); and

(2) carried out to standards and specifications approved by the Secretary.

(b) Access.—The town (including contractors and subcontractors of the town) shall have access to the Federal land until completion of construction for all purposes related to construction of facilities under this Act.

(c) Administration of Land Acquired by United States.—Land acquired by the United States under this Act shall be governed by all laws applicable to the administration of national forest sites.

(d) Wetland.—

(1) In general.—There shall be no construction of any facility after the date of conveyance of Federal land under this Act within any portion of the Federal parcel delineated on the map as "wetlands".

(2) Deeds and conveyance documents.—A deed or other conveyance document executed by the Secretary in carrying out this Act shall contain such reservations as are necessary to preclude development of wetland on any portion of the Federal parcel.

AMENDMENT TO THE PACIFIC ELECTRIC POWER PLANNING AND CONSERVATION ACT

AMENDMENT TO THE ACT THAT ESTABLISHED THE KEWEENAW NATIONAL HISTORICAL PARK

Mr. LOTT. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of S. 1937, and H.R. 748, and the Senate then proceed to their immediate consideration en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (S. 1937) to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for sales of electricity by the Bonneville Power Administration to joint operating entities.

A bill (H.R. 748) to amend the Act that established the Keweenaw National Historical Park to require the Secretary of the Interior to consider nominees of various local interests in appointing members of the Keweenaw National Historical Parks Advisory Commission.

There being no objection, the Senate proceeded to consider the bills.

Mr. LEVIN. Mr. President, I am very pleased that the Senate is about to approve H.R. 748, legislation to repair a constitutional defect in the way the advisory commission was structured in the Act which established the Keweenaw National Historical Park. The Act instructed the Secretary of the Interior to select an Advisory Commission from a list of nominees provided by state and local officials. The Justice Department has taken the position that this provision violates the Appointments Clause of the Constitution (Article II, Section 2).

Mr. President, I have worked hard to pass this legislation in the Senate which has already passed the House of Representatives. With the President's signature, this legislation can now become law, relieving the uncertainty and ambiguity relative to the commission which has lasted too long by permitting the appointment of the advisory commission to move forward. This will greatly assist in my efforts and those of the many supporters and admirers of this beautiful and historic park.

Along with the money being appropriated today for the park, we are giving a major boost to the preservation of this significant part of Michigan's and America's history.

Mr. LOTT. Mr. President, I ask unanimous consent that the bills be read a third time, passed, the motions to reconsider be laid upon the table, and any statements relating to the bills be printed in the Record with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1937) was read the third time and passed, as follows:

S. 1937

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Section 5(b) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839c(b)) is amended by adding at the end the following:

"(7) Required sale.—

"(A) Definition of a joint operating entity.—In this section, the term 'joint operating entity' means an entity that is lawfully organized under State law as a public body or cooperative prior to the date of enactment of this paragraph, and is formed by and whose members or participants are two or more public bodies or cooperatives, each of which was a customer of the Bonneville Power Administration on or before January 1, 1999.

"(B) Sale.—Pursuant to paragraph (1), the Administrator shall sell, at wholesale to a joint operating entity, electric power solely for the purpose of meeting the regional firm power consumer loads of regional public bodies and cooperatives that are members of or participants in the joint operating entity.

"(C) No resale.—A public body or cooperative to which a joint operating entity sells electric power under subparagraph (B) shall not resell that power except to retail customers of the public body or cooperative or to another regional member or participant of the same joint operating entity, or except as otherwise permitted by law.".

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING SENATORS FOR THE LEWIS AND CLARK AUTHORIZATION PROJECT

Mr. DASCHLE. Mr. President, I know there is additional business to be conducted.

Let me say briefly that we have just passed a number of very important pieces of legislation affecting many States, and it is unfortunate at this hour and given these circumstances that Senators who have had so much to do with their passage are not on the floor to be able to watch them as they have finally passed.

I commend Senator Johnson in particular for one bill that was part of the package, the Lewis and Clark authorization project.

As a result of the passage of this legislation, there are tens of thousands of people in southeastern South Dakota, southwestern Minnesota, and northeastern Iowa who will benefit from good, clean, abundant sources of water, in some cases for the first time in a long time.

This has been a work in progress for many years. It passed in large measure because there was such a collective effort in the southeastern part of our State, and the southwestern part of Minnesota, and, as I said, in the northeastern part of Iowa.

I commend them for their efforts and their diligence and their persistence. I congratulate them for the fact that it now has passed.

Let me also thank the distinguished Senator from Oregon, Mr. SMITH, and the Senator from Alaska, Mr. MURKOWSKI, for all of their help and effort in getting us to this point.

It would not have happened without them as well.

This is a great day for my State. It is a great day for those in other States.

I, again, congratulate especially Senator JOHNSON for his leadership and his effort in getting us to this point.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from West Virginia.

SENATOR HOLLINGS

Mr. BYRD. Mr. President, on occasion I have noted the birthdays of some of my colleagues by sharing a few observations about them. But, like those poor schoolchildren whose birthdays fall in the middle of the summer vacation, thus denying them the pleasure of a day of special recognition at school, one of my colleague's birthday falls on a day when the Senate can be virtually guaranteed not to be in session. I do not wish to let the whim of the calendar prevent me from honoring a man whose many sterling qualities compare to his more natally auspicious brethren.

Senator ERNEST F. "FRITZ" HOLLINGS was born on January 1, 1922, denying by just a few hours an extra year's tax deduction to his hardworking parents. That may have been the only disappointment caused by their overachieving son, however. Young ERNEST went on to do his parents proud by graduating as a member of the highest honor society at The Citadel in 1942, then serving proudly for thirty-three months in World War II, attaining the rank of captain. Upon returning home, he again took up the scholar's mantle, earning his law degree at the University of South Carolina in 1947, followed by his doctorate of law from The Citadel in 1959. He excelled as a lawyer, being admitted to practice before the South Carolina Supreme Court, the U.S. District Court, the U.S. Circuit Court of Appeals, U.S. Tax Court, U.S. Customs Court, and the U.S. Supreme Court. He was first elected to public office at the tender age of 26, in 1948, to the South Carolina General Assembly, and subsequently served with distinction as lieutenant governor, South Carolina's youngest Governor in this century, and as Senator. I feel sure his parents must have been proud of him. I know that I am proud to have served with him in the United States Senate for the last thirty-two, almost thirty-three, years.

The rolling, sonorous cadences of this rich Carolina drawl soften the edges of Senator HOLLINGS's sometimes acerbic observations and acid analysis of bills and treaties. I know of few Members who can so decisively carve up sloppy legislation with so few trenchant observations, so mellifluously delivered, that one still feels that the afternoon is going smoothly and pleasantly. With his background in tax and customs law, Senator HOLLINGS has long been a force on the Commerce Committee, and his energy is felt on the Senate Floor any time trade legislation or treaties are considered. As a member of the Appropriations and Budget Committees, he is well versed in the intricacies of fiscal policy-making. And on telecommunications matters few would dare tangle with him without first arming themselves with unassailable arguments at one's trigger finger, for fear of being completely done in by his quick-draw ripostes!

We have been on opposite ends of main street legislative shoot-outs over the years regarding the Balanced Budget Amendment and the nefarious Line Item Veto, but never has courtesy or friendship fallen victim to our philosophical disagreements. To the contrary, we have found common ground in our opposition to unfair trade practices and unequal trade agreements that hurt Americans. On the whole, I must admit I prefer to have Senator HOLLINGS on my side, rather than against, as he is such a formidable foe.

I have highlighted a few of my distinguished colleague's many honors, but there is one that still eludes him. For though he continues to make his parents proud in heaven, and his family and constituents proud here on Earth, he remains the most senior junior Senator in our nation's history. At 32 years and 10 months, Senator HOLLINGS has surpassed even the legendary Senator John C. Stennis, who served 31 years and 2 months of his impressive 42 years of service as a Senator from Mississippi in the shadow of the equally legendary Senator James O. Eastland. This record is a testament to both the performance and the endurance of Senator HOLLINGS and his distinguished senior Senator, STROM THURMOND. I know that Senator HOLLINGS wears his title with pride and good humor, and his home state of South Carolina is all the better for it.

As these last weeks of this congressional session come to a clattering and confusing end amid legislation, floor debates, and appropriations conferences, I am proud to keep a resolution I made last New Year's day to remember and pay tribute to a good friend and a remarkable, well talented Senator. I hope during his next birthday, come January 1, the year 2000, hidden among the hoopla and hyperbole surrounding the year 2000, that Senator HOLLINGS and his lovely wife, Peatsy, can celebrate his birthday knowing that it does not pass unnoticed or unacknowledged by his friends here in the Senate.

So, on behalf of my wife Erma, I say to Senator HOLLINGS these words:

> Count your garden by the flowers
> Never by the leaves that fall;
> Count your days by the sunny hours,
> Not remembering clouds at all;
> Count your nights by stars, not shadows,
> Count your life by smiles, not tears,
> And on that beautiful January day,
> Count your age by friends, not years.

SENATE FAMILY APPRECIATION

Mr. BYRD. Mr. President, I also want to thank the members of staffs of Senators, and the Members, the Senate family who sit here before us every day, who work so assiduously and in such a dedicated fashion. They make our lives easier than they would otherwise be, and they make it possible, whereas it would be otherwise impossible, for us to do the work of serving our constituents. I hope that they will all have a very happy Thanksgiving and very pleasant Christmas.

Let me also thank my colleagues on both sides of the aisle. The lovely lady from Maine sits in the majority leader's chair at this moment; she does the work of the Senate in such a beautiful manner, and who does so with such skill and dignity as rare as the day in June.

I want to thank everyone. I want to thank my own colleague, JAY ROCKEFELLER, for being my colleague, and I want to thank the official reporters for doing their difficult work and doing it so well and so promptly and always so courteously.

So I thank, in closing, the two leaders who make it possible for all of us to get our work done. They are courteous; they are very helpful. I particularly thank the distinguished majority leader for his assistance in regard to the amendment I offered yesterday and which was cosponsored by my senior colleague and by the senior Senator from Kentucky and the junior Senator from Kentucky, MITCH MCCONNELL, and Mr. BUNNING, and all of the other Senators on both sides of the aisle who worked with me on behalf of that amendment. I thank my own leader for also helping to pave the way for us to have a vote, have the Senate vote on that amendment.

When Thanksgiving Day comes and the turkey is being carved and my dear wife of 62, almost 62½ years, and my lovely daughters, their husbands, our grandchildren, and our great grandchildren are all around me, we will think of the blessings of the good Lord, and one of those blessings is that of being in the company of and associated with so many wonderful people who are part of the Senate family every day.

Mr. President, I yield the floor.

HAPPY BIRTHDAY, SENATOR BYRD

Ms. COLLINS. Mr. President, first I thank the distinguished Senator from West Virginia for his very kind comments. I also want to bring to my colleagues' attention the fact that the senior Senator from West Virginia, too, is celebrating a birthday very soon: I believe tomorrow is the day. On behalf of the entire Senate family, I wish him a very happy birthday and many more. He sets a standard of public service to which we all aspire. I am delighted to give him the greetings of the Senate this evening in the hope that he will enjoy a very happy birthday with his family.

Mr. BYRD. Mr. President, if the distinguished Senator will yield?

Ms. COLLINS. I am happy to yield to the Senator.

Mr. BYRD. I am very grateful for her overly generous and charitable remarks. May I say in kind to her:

The hours are like a string of pearls,
The days like diamonds rare,
The moments are the threads of gold,
That bind them for our wear,
So may the years that come to you
Such health and good contain
That every moment, hour, and day
Be like a golden chain.

Thank you, thank you, thank you.

Ms. COLLINS. I thank the Senator for his beautiful poetry and his kind wishes.

DUGGER MOUNTAIN WILDERNESS ACT OF 1999

Ms. COLLINS. Mr. President, I ask unanimous consent the Senate proceed to the consideration of H.R. 2632, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2632) to designate certain Federal lands in the Talladega National Forest in the State of Alabama as the Dugger Mountain Wilderness.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2632) was read the third time and passed.

FOSTER CARE INDEPENDENCE ACT OF 1999

Ms. COLLINS. Mr. President, I ask unanimous consent the Finance Committee be discharged from further consideration of H.R. 1802, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1802) to amend part E of title IV of the Social Security Act to provide the States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2797

Ms. COLLINS. Mr. President, I offer a substitute amendment on behalf of myself, Senator ROTH, and Senator MOYNIHAN. It is at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself, Mr. ROTH, Mr. MOYNIHAN, Mr. L. CHAFEE, and Mr. REED, proposes an amendment numbered 2797.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Ms. COLLINS. Mr. President, I ask unanimous consent the amendment be agreed to.

The amendment (No. 2797) was agreed to.

Ms. COLLINS. Mr. President, I am delighted to offer the substitute amendment on this legislation on behalf of myself, Senator ROBB, and Senator MOYNIHAN. This amendment is also cosponsored by Senators CHAFEE, BREAUX, JEFFORDS, KENNEDY, REED, GRAHAM, SNOWE, GORTON, FEINSTEIN, GREGG, LANDRIEU, BOND, LEVIN, and KERRY. It is a revised version of the Foster Care Independence Act of 1999, which our beloved friend and late colleague, Senator John Chafee of Rhode Island, first introduced with Senator ROCKEFELLER earlier this year.

I particularly commend the chairman and the ranking member of the Senate Finance Committee, Senator ROTH and Senator MOYNIHAN, for their leadership in negotiating and clearing this important bill so it could be sent to the President this year. Both have been long-time advocates for the well-being of foster children.

I also know Senator John Chafee would be so pleased that his son, LINC, is carrying on his efforts to help the well-being of foster children.

I thank the majority leader and the assistant majority leader for all of their work in helping us to bring this very important legislation to the Senate floor before we adjourn.

This legislation was very dear to the heart of Senator John Chafee. He recognized it as a rare opportunity to provide needed assistance to one of our Nation's most vulnerable groups, children in foster care programs. Senator Chafee was well known as a guardian of the rights of children, and he had a particular soft spot in his heart for children in foster care programs. He was a fierce advocate on their behalf.

It was tremendously important to Senator Chafee that we complete consideration of this legislation this year. This is why I am so proud this evening to be able to offer the substitute amendment as a tribute to Senator Chafee and to this commitment to help teenagers who are "aging out" of foster care.

Let me explain exactly what that means. Although practices vary from State to State, many foster children find themselves at risk of homelessness and being uninsured when they reach their 18th birthday. The families caring for them lose their financial assistance and the children themselves lose their health insurance coverage under the Medicaid program.

This can occur, even if the child is still in high school, even if the child has not yet graduated but has turned 18. Each year about 20,000 teenagers are forced to leave the foster care system simply because they have reached the age of 18. The legislation we are considering this evening will help remedy this very serious problem. It is similar to legislation that has already overwhelming passed the House of Representatives.

Among other things, the legislation renames the independent living programs for older foster children to be John H. Chafee Foster Care Independence Program. The legislation doubles the funding for States to assist young people in making the transition from foster care to independent living. It will double the funding from $70 million to $140 million a year.

The bill also provides access to needed health and mental health services for the teenagers who are "aging out" of foster care by encouraging States to extend Medicaid coverage to these young people until they reach the age of 21. Moreover, the legislation recognizes our moral obligation to provide special help for young people, age 18 to 21, who have left the foster care program.

The last hearing that Senator Chafee chaired was on the issue of foster care teenagers. I remember his discussing with me how deeply moved he was by a teenage girl who had to finish high school while living in a homeless shelter.

This legislation will help prevent these kinds of tragedies by requiring States to use some portion of their funds under the new John Chafee Independent Program for room and board for 18- to 21-year-olds who have left foster care. At the same time, the legislation also gives States greater flexibility in designing their independent living programs.

Senator Chafee and Senator ROCKEFELLER brought together a lot of these older foster children to meet with a number of us who were interested in hearing their stories. We heard incredible hardships of teenagers who were trying to finish high school while coping with medical problems and the loss of their foster homes. One of them was living in laundromats, was brushing her teeth at a McDonald's, was trying to keep her life together under very difficult circumstances.

This simply should not occur. This bill will go a long way to prevent such awful situations by making sure we are helping these teenagers, these young adults as they transition from foster care to independent living.

The Foster Care Independence Act will provide much needed support to vulnerable teenagers as they make the critical and always difficult, under the best circumstances, transition from adolescence to adulthood. It will greatly improve the lives of hundreds of thousands of young people who will move through the foster care system in future years. As such, it serves as a tremendous living tribute to the late Senator John Chafee, who was so committed to their care.

I urge all my colleagues to join me in supporting this very important legislation.

Mr. ROTH. Mr. President, I rise in support of the bill now before the Senate, the Foster Care Independence Act of 1999.

Before I describe this bill, let me point out that this measure is a tribute to the late Senator John Chafee. This legislation was Senator Chafee's last child welfare initiative in the Finance Committee. As members know, the well being of the nation's youth, particularly the most disadvantaged, was very important to John.

This legislation will provide important assistance to the nation's foster care children. Each year about 20,000 teenagers must leave foster care because they have reached the age of 18. They are then left to their own devices, to make a life for themselves, often with no one to rely on for emotional and financial support. Not surprisingly, these young people are more likely to quit school, be unemployed, have children out of wedlock, and end up on welfare or in jail.

With this bill, we show that this country has not forgotten these young people. As parents, we do certainly not cut off our children at 18. Indeed, children in foster care have more need than most for a helping hand if they are to succeed in adulthood. It is simply common sense and good policy to make a small investment to ensure that these young people become productive taxpaying citizens who can make contributions to society.

The Foster Care Independence Act doubles the money available to the States for the independent living program, from $70 million to $140 million per year. This program helps young people make the transition from foster care to self-sufficiency. The bill expands the program by providing former foster children between 18 and 21 assistance in preparing for further education, planning a career, or training for a job. These programs also offer personal support through mentors, as well as financial assistance and housing.

This bill encourages, but does not require, States to provide Medicaid to young adults who have left foster care. The bill also increases the amount foster children may save and still be eligible for foster care. Such savings will help prepare these young people for the day when they will be on their own.

Lastly, the bill includes a number of reforms that will reduce fraud in the Supplemental Security Income program. The SSI program is on GAO's list of high risk programs.

A childhood spent in foster care is a big enough challenge. Let us help these children find a brighter future. I urge my colleagues to support this legislation in the memory of John Chafee.

Mr. ROCKEFELLER. Mr. President, I rise today to join a bipartisan group of my colleagues in support of the John H. Chafee—Foster Care Independence Act of 1999.

My friend and colleague John Chafee will be honored numerous times in the coming years for his extraordinary public service to both the state and country that he so loved. He should be. There will be many fitting ways to pay him tribute by advancing the many causes important to him.

Enacting the fundamental principles of his bill into law today will be one small way that we can all honor a man who was an outstanding member and statesman in a way that I think he would appreciate because it helps some of our citizens who are most in need.

Senator Chafee has been a tireless champion for children and young people who need a voice, and occasionally some muscle, for many years. I had the privilege to work with him on just some of his efforts to help children, and in particular, to help repair and improve our adoption and foster care policies.

Senator Chafee's unflagging commitment to vulnerable young people was exemplified by his work on the legislation now before the Senate. Just a few days before his death, he approached me personally to talk about what we could do to ensure that this legislation would pass into law this year.

I also believe that John himself would not agree with honoring him as a motive—he would expect us to pass this legislation for the teens in foster care who need and deserve more help. On October 13th, Senator Chafee and I held a subcommittee hearing on this bill, and it was our last hearing together. John was engaged in talking to the teens at the hearing and after listening to them, he knew that fighting to get this bill done was the right thing to do.

Since John cannot fulfill this vision, I am grateful to the Republican leadership for carrying forward in his name. Senators NICKLES, LOTT, and other members of the leadership have worked very hard to make this one of the final bills we will pass in 1999.

Our First Lady, Mrs. Clinton, has also been a special leader on behalf of vulnerable children. In 1997, she helped focus the national spotlight on the need to promote adoption. This year, she has helped to focus much needed attention on the challenges facing teenagers who age out of foster care, and has challenged us to improve the system for such teens by expanding the Independent Living program.

I am keenly aware of the child welfare work that remains. I have worked closely this year with Senator GRASSLEY and understand the concerns that he has about the need for greater accountability and independent oversight for our nation's child welfare system. Senator GRASSLEY believes that there must be independent review of the foster care system, and he is advocating that every state establish Independent Foster Care Review Boards composed of volunteers. I have agreed with Senator GRASSLEY that this is a worthy strategy and I am committed to continue working with him next year as we seek innovative and effective ways to better serve all of our nation's abused and neglected children.

In addition to Senator GRASSLEY'S concerns, there are other issues in child welfare that need continued work. That is why I have also worked with Senators DEWINE, LANDRIEU, and others on a bill that will strengthen our child abuse and neglect courts, and another that will ensure that all abused and neglected children with special needs are eligible for adoption subsidy. These are just a few of the steps we need to take in 2000 and beyond.

While we still have much to do, we have made some progress. We have been pleased to learn that one of the desired outcomes of the 1997 Adoption Act, moving children more swiftly from foster care into permanent homes, has begun to become a reality. Adoptions throughout the country are up dramatically, far exceeding expectations. In September, the President announced that 35 states had exceeded their goals for adoption placements and received bonus payments as a result. This is wonderful news for America's foster children.

Yet, at the same time, it's disturbing to know that approximately 20,000 young people each year who turn 18 and "age out" of the foster care system suddenly face the cold and often cruel consequence of no home, no family, no medical coverage and no system of support in place. In my own state of West Virginia, only 185 of the more than 1000 foster children over the age of 16 were able to get additional help through the state's Independent Living program.

A Wisconsin study tells us that 18 months after leaving foster care, over one-third of the teens leaving foster care had not graduated from high school, half were unemployed, nearly half had no access to or coverage for health care, and many were homeless or victims or perpetrators of crimes. These are not just numbers, each of these statistics represents a real person, like the young people who testified before the Finance Committee, Terry and Percy.

When Terry turned 18 she was still in high school. She quickly became homeless, and shared with us the horrifying stories of sleeping in alleys, laundrymats and hospital waiting rooms, brushing her teeth in MacDonald's restrooms so she could complete high school. She developed several medical problems including chicken pox and kidney problems for which she had no access to health care. Her problems worsened, and today, she has permanent kidney damage as a result of the lack of care.

Like Terry, Percy aged out of foster care while still in high school. He did not become homeless, thanks to the support of a local Independence Living program, he was assisted in obtaining an apartment and a job. Still, it was a big challenge to be totally on his own while still finishing school. He graduated and was motivated to go to college, but soon had to drop out because of his lack of health care coverage. Today, Percy is a successful and popular police officer, who still has a dream of finishing college one day.

This legislation before the Senate will provide resources and incentives to states so that fewer of our young people will become stories as horrific as Terry's, and more will receive the types of support that Percy received.

One of the most significant provisions of the 1997 Adoption Act was the assurance of ongoing health care coverage for all children with special needs who move from foster care to adoption. This bill will establish, the John H. Chafee Foster Care Independence Program, as the essential next step to expand vital access to health care for vulnerable youth. This important legislation will make it possible for health care coverage for our foster care youths not to end when they turn 18. Young people who have survived the many traumas that led to their placement in foster care, and their journey through the foster care system often have special health care needs, especially in the area of mental health. Providing transitional health coverage at this crucial juncture in their lives can make the difference between successfully moving on to accomplish their goals, or becoming stuck in an unsatisfying and unhealthy way of life.

Another key focus of the 97 Adoption Act is on moving children from foster care to permanent homes, and when possible adoption. Older teens in foster care have a great need for a permenant family. Although we propose to improve the Independent Living program and increase eligibility for services to the age of 21, it does end at that time. And yet a youth's need for a family does not end at any particular age. Each of us can clearly recall times when we have had to turn to our own families for advice, comfort or support long after our 18th or 21st birthdays. Many of us are still in the role of providing such support to our own children who are in their late teens or 20s. Therefore, an important provision in this Foster Care Independence Act states that Independent Living (IL), programs are not alternatives to permanency planning—young people of all ages need and deserve every possible effort made towards permanence, including adoption. It would be counterproductive to create any disincentive for adoption of teenagers. Therefore, our legislation would allow any enhanced independent living services to be carried out concurrent with adoption services for older teens, and involves adoptive parents in assisting these teens in becoming successfully independent.

Independent Living programs were designed to provide young people with training, skill-development and support as they make the transition from foster care to self-sufficiency. In some states, with creativity and innovation, these programs have seen remarkable success in that effort. In other localities, the programs have provided minimal support, and young people have faced an array of challenging life decisions and choices without the skills or support to make them successfully. This bill will provide the resources to improve Independent Programs so that they can achieve the basic goal. Funding is provided for national evaluation and for technical assistance to states to promote quality, and reports back to Congress so we can follow the progress of these efforts.

These will be valuable steps in our efforts to more effectively address the needs of our Nation's most vulnerable young people, on the brink of adulthood. I urge my colleagues to join us in passing this bill for foster teens and in memory of John Chafee's long career dedicated to the children and others in need of his immense dedication and caring heart.

Mr. MOYNIHAN. Mr. President, some 4 months ago I was proud to cosponsor this legislation when it was introduced by the late Senator John Chafee. I am prouder today that we are passing it. I am saddened, though, that he is not here with us to see it happen.

This legislation is typical of the work of Senator Chafee. It helps disadvantaged, often forgotten, children—those who are victims of abuse and neglect and have to be taken into foster care. It is practical. The bill is targeted and will help expand small-scale efforts already on the ground. And it is bipartisan, representing a consensus on how to move forward now.

In particular, this bill will help a group of our children in dire circumstances—foster children who leave foster care because they "age out," not because they are reunified with their birth families or are adopted. About 20,000 children a year "age out" of the foster care system. They reach 18 and we, in large part, abandon them to the world. Many make their way successfully. But far too many, alas, do not, and these children are more likely to become homeless or end up on public assistance.

More than a decade ago, we recognized that these children needed additional help in preparing for life on their own. I am proud to have helped create the Independent Living program, which provided Federal support for efforts that prepare teenagers for the transition from foster care to independence. The bill will double funding for the Independent Living program and increase the use of the funds to assist former foster care children until they reach 21, including, for the first time, help with room and board. As any parent knows, many 19- and 20-year-olds remain in need of family support from time to time. For children who have "aged out" of foster care by turning 18, the government is, in effect, their parent and we should do more to help them become independent and self-sufficient, just as other parents do.

This legislation has widespread support, including from the administration and key members of both parties. I would like to particularly thank the First Lady for her leadership in working on behalf of these children. Senator ROCKEFELLER and Chairman ROTH have been important as well. But, above all, I thank the late Senator Chafee.

Mr. REED. Mr. President, I rise to join Senators ROTH, COLLINS, LINCOLN, CHAFEE, MOYNIHAN, and others in support of the Foster Care Independence Act.

The Foster Care Independence Act, a top priority of the late Senator John Chafee, addresses the needs of children aging out of the foster care system who are facing the loss of critical support and benefits at a point when they most need them.

Nationally, an estimated 20,000 foster care children "age out" of the system each year. In my home state of Rhode Island, approximately 30 percent of all children currently in foster care are older and will soon be leaving the system.

When these young people leave the foster care system, they often find themselves on their own with few financial resources; limited education, training and employment options; no place to live; and little or no support from their community.

The vulnerability of this population cannot be overstated. Studies show that those leaving foster care experience higher rates of unemployment and illegitimate pregnancies and are more likely to fall victim to crime. Indeed, twenty-five to forty percent of these young adults transitioning from foster care experience homelessness; only about half have completed high school; and less than half find jobs.

Without the emotional, social, and financial support families provide, many of these young adults are not adequately prepared for life. If we do not arm them with the resources and skills they need as they transition out of foster care, we are sentencing these kids to failure and chronic dependency. We may see them again and again—on our welfare rolls, in our prisons, living on our streets. We do not want that legacy for any of our children, particularly when we know how to prevent such tragedies from happening in the first place.

I am proud to be an original cosponsor of the Senate's Foster Care Independence Act, which will help these young adults make a strong and sustainable transition to independent adulthood by expanding resources available through the Independent Living Program; allowing states to use Independent Living funds for basic living needs, including room and board; and allowing states to provide health care, including coverage of mental health needs, through Medicaid.

It is fitting that this legislation also renames the Independent Living Program after Senator John Chafee who worked so long on this issue and so hard on this legislation.

I am confident, however, that Senator Chafee would have said that we need to do more for these young people. He advocated strongly for requiring states to provide health care to those aging out of the foster care system that need it. This requirement is not included in the bill we are passing today, but I encourage my own Governor and others to use the flexibility in this bill to provide health care to all those aging out of foster care. While I remain committed to continuing my work on this issue, I urge my colleagues to support this legislation. It is an important step in helping young people leaving foster care to live up to their fullest potential.

Mr. L. CHAFEE. Mr. President, although I have only recently joined the Senate and did not have the privilege of working on this bill, I am honored to rise as a cosponsor of the John H. Chafee Foster Care Independence Act of 1999. I cannot think of a more fitting tribute to the memory of my late father than approving this legislation renamed in his honor.

I thank the leadership for bringing this bill to the floor so soon after my father's passing. And I would also like to acknowledge the hard work of the others who led the effort: Senators ROCKEFELLER, COLLINS, SNOWE, JEFFORDS, MOYNIHAN, BOND, and others. Along with my father, your efforts will provide assistance to one of our nation's most vulnerable groups: older children in the foster care program.

Currently, Independent Living Programs for older foster children end at their 18th birthday, abandoning these teens in the middle of a critical transition period from adolescence to adulthood. Sadly, these young people are left to negotiate the rough waters of adulthood without vital health and mental health resources and critical life-skills.

However, this legislation will cushion a usually abrupt transition by funding Independent Living Programs for foster children through their 21st birthday. It also provides states the option to extend health and mental health care benefits to these youngsters until age 21 under the Medicaid Program and specifies a minimum grant of $500,000 for smaller states like Rhode Island to provide such benefits.

Before he died, my father learned first-hand of the need for this legislation when several older foster care children who had "aged-out" of the system testified before his Finance Subcommittee. These youngsters told moving stories; sleeping outdoors, eating out of dumpsters, and accepting the charity of their teachers to pay for medical bills became their harsh reality because they were too old to remain in an Independent Living Program or a foster family. As a result, many of his Senate colleagues and First Lady Hillary Clinton cheered him on in his efforts to enact this legislation.

Indeed, ensuring that the most vulnerable members of our society retained basic human dignity guided my father's actions during his years of public service. Bipartisanship was also a watchword he live by. This bill encompasses both of these noble qualities and I know he would be honored by the passage of this legislation today. I urge my colleagues to join me in supporting this important measure.

Mr. GRASSLEY. Mr. President, I rise today to discuss the critical issue of foster care. Today, there are more than 500,000 children and teens in our nation's foster care system. These children represent one of the most vulnerable segments of our population: Children who have been taken from unsafe homes, and children who have suffered from abuse and neglect. This group of children deserves all the love and attention of a loving, caring and permanent family. Foster care is not permanency. I repeat, foster care is and should not be viewed as permanency for children.

Unfortunately, some youth in foster care—estimated at 20,000 each year—are not placed in a permanent, safe home before they are graduated from the child welfare system. These youth are expected to be self-sufficient, in many States at the age of eighteen. Foster care independent living programs, also known as ILPs, were initiated in 1985 in an attempt to provide this segment of the foster care population with the skills necessary for self-sufficiency. States have flexibility in the type of services they provide to their older foster youth; some options include assistance in locating employment, help in completing high school, or training in budgeting and other living skills.

The results of ILPs have been, at best, mixed. Two weeks ago, the Government Accounting Office released a report entitled "Effectiveness of Independent Living Services Unknown." GAO conducted a study of ILPs at the request of House Ways and Means Subcommittee on Human Resources Chairman Nancy Johnson. This report reveals that only one national study has been completed to date, and the study determined that ILPs have the "potential to improve outcomes for youths." The study went on to say that "while HHS is tasked with overseeing implementation of ILP, it has done little to determine program effectiveness and has no established method to review the states' progress in helping youths in the transition from foster care." The GAO report recommends that the Secretary of HHS develop "a uniform set of data elements and a report format for state reporting . . . and concrete measures of effectiveness of assessing state ILPs."

I have, for a number of years, been concerned about the issue of accountability within the child welfare system. And, the GAO report supports my belief that more explicit information is needed from the States and HHS in order to ensure that Federal money is being spend in a manner that truly benefits the lives of our nation's troubled youth.

Today, the Senate passed legislation that will double the amount of money provided to States to conduct independent living programs. And, I am highly disappointed in the lack of specificity and accountability measures within the bill. Yes, the Secretary of HHS will be required to develop outcome measures and identify data elements in an attempt to collect uniform data from the States. However, there is great leeway provided the Secretary in developing such measures and States are not required to improve upon their own past performance. The Foster Care Independence Act, as passed by the Senate, does require the Secretary to report within 12 months her plans and timetable for collecting data and information from States. I am committed to following the progress of the Secretary in collecting data and developing standards for the States. Rest assured, I will be watching. And, I will do whatever is required of me to ensure that our nation's foster youth are provided with the most effective and worthwhile services their State agencies can provide.

Accountability is critical in any human undertaking. It provides an environment for those doing well to be commended and recognized. And, it sheds light on those acting irresponsibly. We in Congress have the responsibility to see that taxpayer money is spend wisely. I see a no more critical responsibility than in ensuring States are responsibly spending money on vulnerable youth in foster care.

November is National Adoption Month. Earlier this month, I joined my colleagues with the Congressional Coalition on Adoption in celebrating those who have made a difference through adoption. I was able to honor three worthy individuals from the great State of Iowa: Ruth Ann Gaines and Jeff and Earletta Morris. Ruth Ann adopted an autistic boy more than 14 years ago, and the Morrises adopted a teenager just over a year ago. I am grateful for their efforts and heart-felt belief in the value of family, and I am glad to announce them "Angels in Adoption."

In closing, I want to reaffirm my commitment to finding permanent, loving families for each boy and girl currently without a loving and safe home. I am disappointed the Foster Care Independence Act did not contain more provisions supporting permanency. However, I will continue my efforts in support of permanency for children in foster care. Among others, Congresswoman NANCY JOHNSON has given me her word that she will work with me to improve accountability in the child welfare system. I look forward to working with all my colleagues in the next session to that end.

Ms. COLLINS. Mr. President, I ask unanimous consent the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1802), as amended, was read the third time and passed.

AUTHORITY TO MAKE APPOINTMENTS

Ms. COLLINS. Mr. President. I ask unanimous consent that, notwithstanding the sine die adjournment of the present session of the Senate, the President of the Senate, the President of the Senate pro tempore, the majority leader of the Senate, and the minority leader of the Senate be, and they are hereby authorized, to make appointments to commissions, committees, boards, conferences, and interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. With objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces on behalf of the chairman of the Finance Committee, pursuant to section 8002 of title 26, U.S. Code, the designation of the Senator from Utah (Mr. HATCH) as a member of the Joint Committee on Taxation, in lieu of the late Senator from Rhode Island (Mr. Chafee).

AUTHORITY FOR COMMITTEES TO FILE REPORTED LEGISLATIVE AND EXECUTIVE MATTERS

Ms. COLLINS. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, committees have from 11 a.m. until 1 p.m. on Tuesday, December 7, and on Friday, January 7, in order to file reported legislative and executive matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONVENING THE SECOND SESSION OF THE 106TH CONGRESS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate turn to the resolution convening the second session of the 106th Congress, House Joint Resolution 85, that the resolution be read a third time and passed and the motion to reconsider be laid upon the table, all without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. 85) was read the third time and passed, as follows:

H.J. RES. 85

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DAY FOR CONVENING OF SECOND SESSION OF ONE HUNDRED SIXTH CONGRESS.

The second regular session of the One Hundred Sixth Congress shall begin at noon on Monday, January 24, 2000.

SEC. 2. ADDITIONAL SESSION PRIOR TO CONVENING.

If the Speaker of the House of Representatives and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House of Representatives and the Minority Leader of the Senate, determine that it is in the public interest for the Members of the House of Representatives and the Senate to reassemble prior to the convening of the second regular session of the One Hundred Sixth Congress as provided in section 1—

(1) the Speaker and Majority Leader shall so notify their respective Members; and

(2) Congress shall reassemble at noon on the second day after the Members are so notified.

MEASURE PLACED ON THE CALENDAR—S. 1982

Ms. COLLINS. Mr. President, I ask unanimous consent that S. 1982 be placed on the Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING STEPHEN G. BALE, KEEPER OF THE STATIONERY

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 240, submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislation clerk read as follows:

A resolution (S. Res. 240) commending Stephen G. Bale, Keeper of the Stationery, United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, on December 31, 1999, Steve Bale will retire as Keeper of the Stationery for the United States Senate.

Steve began his Senate career in November 1969 as a clerk in the Stationery Room. In July 1980, he was appointed Assistant Keeper of the Stationery, and in September 1987, assumed the responsibilities as the 16th Keeper of the Stationery.

In this capacity, Steve has directed a busy operation, successfully serving a client base that now spans over 240 offices and five buildings. His leadership of the recent renovations to the Stationery Room has ensured that the office will function efficiently, well into the 21st century.

In his 30 years of public service, Steve has set a standard among his associates for commitment to excellence and dedication to personal service. According to his staff, one of Steve's favorite expressions is, "In this business, one 'oops' can wipe out fifteen 'attaboys'!" The standard of excellence he set will benefit the Senate for years to come, as the associates he leaves behind continue in the tradition of the principles he espoused.

Steve Bale should enter his retirement with tremendous satisfaction for all he has accomplished. I am pleased to join so many others in thanking him for his long and faithful service and in wishing him health and happiness in the years to come.

Mr. DASCHLE. Mr. President, Steve Bale is one of those individuals who serve faithfully and diligently over many years to ensure that the United States Senate runs efficiently and effectively. All Senators know and appreciate the members of the Senate community who share their pride in public service and commitment to the Senate. We know we could not do our jobs without the dedication of people such as Steve Bale.

Steve began his career in the Senate in 1969 as an employee of the Stationery Room under the jurisdiction of the Secretary of the Senate and ultimately became Keeper of the Stationery. Not many ascend to that unusual title; there have been only fourteen in the history of the Senate. The first person to hold that title was John Lewis Clubb who was given the title in 1854, after some twenty years of actually doing the job. Some may wonder what the Keeper of the Stationery does for the Senate and how that job and title came into being.

The Stationery Room can be traced back to the First Congress and the first Secretary of the Senate, Samuel A. Otis, who provided various writing and other supplies for the Senate. Operated initially out of a corner of the Secretary's office, the Stationery Room has occupied nine different locations within the Senate. It has grown from this corner-office operation into a multi-million dollar one serving about 240 offices in the Senate and expanded from its initial offerings of "ink, quills, and parchment" to a complex merchandise facility which meets the hightech and traditional needs of these offices.

The Stationery Room used to be a simple, service desk facility. Steve led the transition to a full self-service store. Under Steve's direction, the administrative and business functions of the Stationery Room were automated for the first time. He oversaw the installation and GAO certification of an inventory control system and has supervised the installation and testing of the new Y2K compliant computer system. With Steve at the helm, we can all be absolutely certain that the Senate's Stationery Room will NOT have Y2K problems!

Of particular note is the role Steve played in the development and procurement of the Senate's official flag. S. Res. 369, agreed to on September 7, 1984, directed "the Secretary of the Senate to design and make available to Members an official Senate flag." Working closely with the staff of the Committee on Rules and Administration, Steve provided the expertise to have a flag designed, find the appropriate manufacturer and ensure that the Senate has official flags for all of its official functions. Few Senators know about the relatively brief history of the Senate flag and fewer still know about Steve's important role in seeing that this resolution's direction was successfully carried out and that the Senate has a suitable and dignified flag.

We are fortunate to share a wonderful sense of community among the members and staff who serve here. Steve is among the most respected and well liked within this small community. Always helpful, always smiling, always encouraging to the numerous staff who come into his office on a daily basis, he has found no problem too trivial and no task too difficult to handle.

As Steve leaves his many friends and admirers in the Senate, we wish him a long retirement filled with many hours on the golf course.

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it so ordered.

The resolution (S. Res. 240) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 240

Whereas the Senate has been advised that its Keeper of the Stationery, Stephen G. Bale, will retire on December 31, 1999;

Whereas Steve Bale became an employee of the Senate of the United States on November 13, 1969, and since that date has ably and faithfully upheld the high standards and traditions of the Senate for a period that included sixteen Congresses;

Whereas Steve Bale has served with distinction as Keeper of the Stationery, and at all times has discharged the important duties and responsibilities of his office with dedication and excellence; and

Whereas his exceptional service and his unfailing dedication have earned him our esteem and affection: Now, therefore, be it

Resolved, That the United States Senate commends Stephen G. Bale for his exemplary service to the Senate and the Nation; wishes to express its deep appreciation for his long, faithful and outstanding service; and extends its very best wishes upon his retirement.

SEC. 2. That the Secretary of the Senate shall transmit a copy of this resolution to Stephen G. Bale.

MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3419.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3419) to amend title 49, United States Code, to establish the Federal Motor Carrier Safety Administration, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

• Mr. McCAIN. Mr. President, today the Senate will consider H.R. 3419, the Motor Carrier Safety Improvement Act of 1999. H.R. 3419 reflects a negotiated compromise between the House and Senate on two bills (S. 1501 and H.R. 2679). I want to extend my appreciation to Senators HUTCHISON, HOLLINGS, and BREAUX, along with Congressmen SHUSTER and OBERSTAR, for their bipartisan effort in developing this comprehensive motor carrier safety legislation. I also want to acknowledge the recommendations by the Office of the Department of Transportation (DOT) Inspector General, Ken Mead and his staff, as well as the highway safety advocates, truck drivers, industry officials, and safety enforcement officials for their suggestions on improving truck and bus safety.

During the past year, significant attention has been directed toward truck safety issues in both chambers. Following a comprehensive analysis on the federal motor carrier safety program by the DOT Inspector General, the Commerce Committee held two hearings on truck safety concerns. The House Transportation and Infrastructure Committee also conducted a number of oversight hearings and DOT initiated its own programmatic review. Based on these efforts, a consensus on the need to enact legislation to improve truck safety developed leading to the bipartisan legislation before the Senate today.

The Motor Carrier Safety Improvement Act would establish a separate Federal Motor Carrier Safety Administration within the DOT to carry out motor carrier safety responsibilities. I clearly do not desire to expand the size of the federal government. I know my view is shared by many of my colleagues. However, the near unanimous views voiced by all the interested parties involved in motor carrier safety agree that a separate agency is needed to remedy a severe lack of leadership over motor carrier safety enforcement and regulatory responsibilities at DOT. This legislation addresses this serious safety lapse, but guards against increasing the already bloated Federal bureaucracy by capping employment and funding for the new agency for Fiscal Year 2000.

This legislation provides additional motor carrier safety funding and we fully expect those resources to be dedicated toward increased motor carrier safety enforcement and inspection activities. The cost for unnecessary headquarters administrative or overhead positions, including public affairs officers, congressional liaison representatives and other nonsafety related positions, is not a proper use of the additional authorized funding. Therefore, the Administration is required to provided a detailed justification to the Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure before increasing any administrative or overhead positions beyond the current level.

Mr. President, this legislation includes numerous provisions to remedy truck and bus safety problems. I believe one of the most important items in the bill is the provision directing the Department to implement all of the safety recommendations issued by the IG's April 1999 audit report. DOT has indicated it will act on some of the recommendations, but it has been more than six months since the release of the IG's report and DOT has yet to articulate a definitive action plan to implement all of the IG's recommendations. I do not believe we can risk the consequences of ignoring any of these recommendations and accordingly, H.R. 3419 would require concrete action to eliminate the identified safety gaps at DOT. It also gives DOT authority to establish an advisory committee to assist the Secretary in the timely completion of rulemakings and other matters.

This legislation is also designed to improve the Commercial Driver's License program. It would ensure a commercial motor vehicle driver has only one driver record. This uniform driving record would include all traffic violation convictions, whether those violation are committed in a passenger vehicle or a commercial vehicle. The legislation would also require DOT to initiate a rulemaking to combine driver medical records with the commercial drivers license.

Mr. President, the legislation also initiates several actions to remedy inaccurate and incomplete safety data. We must have accurate data if we are going to be able to target enforcement action against unsafe carriers and get them off our roads. Consequently, H.R. 3419 directs the Secretary to carry out a program to improve the collection and analysis of commercial motor vehicle crash data, including accident causation. The National Highway Traffic Safety Administration (NHTSA), in cooperation with the newly established Motor Carrier Safety Administration, would administer the data improvement program.

The legislation also addresses problems identified by the DOT Inspector General concerning foreign truck companies. It reaffirms the existing prohibition on foreign motor carriers from operating or leasing equipment anywhere within the United States outside the boundaries of a commercial zone along the U.S.-Mexico Border unless such foreign carriers have DOT authority to operate beyond the zones.

Mr. President, this comprehensive safety legislation includes many other important provisions. I urge my colleagues to support passage of this important safety legislation. I ask unanimous consent a detailed Joint Explanatory Statement of the bill be printed in the RECORD immediately following my remarks. This Joint Statement will provide legislative history interpreting this important motor carrier safety legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOINT EXPLANATORY STATEMENT ON H.R. 3419, MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999

SECTION 1. SHORT TITLE: TABLE OF CONTENTS

The provision provides that this Act may be cited as the "Motor Carrier Safety Improvement Act of 1999." The section also includes a table of contents for the bill.

SEC. 2. SECRETARY DEFINED

The provision defines the term "Secretary" to mean the Secretary of Transportation.

SEC. 3. FINDINGS

The provision makes eight findings on motor carrier safety. Among other findings, Congress finds that the current rate, number, and severity of crashes involving motor carriers are unacceptable; the number of Federal and State motor carrier compliance reviews and commercial motor vehicle and operator inspections is insufficient; civil penalties for violators must be utilized to deter future violations; and meaningful measures to improve safety must be implemented expeditiously to prevent increases in motor carrier crashes, injuries, and fatalities. Congress further finds that proper use of Federal resources is essential to the Department of Transportation's ability to improve its research, rulemaking, oversight, and enforcement activities.

SEC. 4. PURPOSES

The provision lists the purposes of this Act as improving the administration of the Federal motor carrier safety program by establishing a Federal Motor Carrier Safety Administration in the Department of Transportation and by enacting measures to reduce the number and severity of large truck-involved crashes through increased inspections and compliance reviews, stronger enforcement measures, expedited rulemakings, scientifically sound research, and improvements to the commercial driver's license program.

TITLE I—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 101. ESTABLISHMENT OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Subsection 101(a) adds a new section 113 to title 49, United States Code, to establish, as a separate administration within the Department of Transportation, the Federal Motor Carrier Safety Administration (FMCSA). The managers note that Section 101 provides that "in carrying out its duties, the Administrator shall consider the assignment and maintenance of safety as the highest priority." This subsection is modeled on provisions which govern the activities of the Federal Aviation Administration and the Secretary of Transportation's responsibilities for the regulation of air transportation. See 49 U.S.C. 40101(a)(1) and (d) and 49 U.S.C. 47101(a)(1). The Managers intend that new section 101 be interpreted and implemented in the same manner as the above-listed provisions in the laws governing aviation.

The Administration is headed by a Presidentially appointed, Senate-confirmed Administrator with professional experience in motor carrier safety; a Deputy Administrator appointed by the Secretary with the approval of the President, and a Chief Safety Officer appointed in the competitive service. In addition to any duties and powers prescribed by the Secretary, the Administrator shall carry out the duties and powers related to motor carriers and motor carrier safety set forth in chapters 5, 51, 55, 57, 59, 133 through 149, 311, 313, 315, and 317 of title 49, United States Code, and 42 U.S.C. 4917.

Subsection (b) provides dedicated funding for the administrative and research expenses of the FMCSA. This subsection increases funding 70 percent (an average of $38 million per year) above the level currently provided within the Federal Highway Administration, to improve the motor carrier safety research, rulemaking, oversight, and enforcement activities transferred to the FMCSA.

Subsections (c) and (d) make conforming amendments to titles 5 and 49, United States Code.

Subsection (e) caps the employment level currently at the Office of Motor Carrier Safety at its headquarters location in fiscal year 2000, except for staff transferred to the Office from the Federal Highway Administration, for fiscal year 2000. The cap includes Office of Motor Carrier Safety staff and FHWA transferred employees (FTEs) who were already dedicated to motor carrier safety matters when the Office of Motor Carrier Safety was established in October 1999. It does not preclude further transfers from the FHWA to the FMCSA during fiscal year 2000.

The Congress has provided additional motor carrier safety funding and expects those resources to be dedicated toward increased motor carrier safety enforcement and inspection activities and to expedite rulemakings. The cost of unnecessary headquarters administrative or overhead positions, including public affairs officers, congressional liaison representatives and other nonsafety-related positions, is not a proper use of the additional authorized funding. These headquarters' officials are not involved in carrying out safety responsibilities such as developing policies and regulations to enforce motor carrier safety laws.

Subsection (e) requires the Secretary to report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure on the specific FMSCA personnel requested for each of fiscal years 2001, 2002, and 2003. The Secretary's justifications for any additional FMSCA headquarters' administrative or overhead positions shall include detailed descriptions of the specific needs to be addressed by the additional personnel. Such justifications must be submitted to allow sufficient time for the Committees to review the Secretary's request.

Subsection (f) provides that the authority to promulgate safety standards for commercial motor vehicles and equipment subsequent to initial manufacture is vested in the Secretary of Transportation and may be delegated.

Subsection (g) requires the Secretary to comply with the requirements of a discretionary departmental regulation, at 48 C.F.R. 1252.209–70, concerning the disclosure of conflicts of interest in research contracts, and to include the text of such regulation in each such contract. This requirement is Department wide. This subsection also calls for a study to determine the effectiveness of this requirement. Eliminating or mitigating conflicts of interest will increase the likelihood that the research results will be more widely accepted and therefore be a more acceptable basis for policy decisions.

The managers note the bill does not establish any specific offices of the FMCSA because the Secretary is best positioned to determine the specific organizational structure of the Administration. The Congress intends for the Secretary to organize the new agency in a manner and structure that adequately reflects the unique demands of passenger vehicle safety, international affairs, and consumer affairs.

SEC. 102. REVENUE ALIGNED BUDGET AUTHORITY

Subsection 102(a) amends section 110 of title 23, United States Code, concerning revenue aligned budget authority, to include the motor carrier safety assistance program (MCSAP) in the group of programs for which funding is annually adjusted to correspond to Highway Trust Fund receipts.

Subsection (b) makes a number of technical and conforming amendments, including the relocation of a second section 110, concerning uniform transferability of Federal-aid highway funds, to section 126 of title 23, United States Code.

SEC. 103. ADDITIONAL FUNDING FOR MOTOR CARRIER SAFETY GRANT PROGRAM

Subsection 103(a) authorizes an additional $75 million from the Highway Trust Fund for each of fiscal years 2001 through 2003 for the motor carrier safety assistance program.

Subsection (b) amends section 4003 of the Transportation Equity Act for the 21st Century (TEA 21) to increase the amount of guaranteed funding provided in TEA 21 for the motor carrier safety assistance program by the following amounts: $65 million for each of fiscal years 2001 through 2003. This subsection also amends section 1102 of TEA 21 to reduce the obligation ceiling for federal-aid highways and highway safety construction programs by $65 million for each of fiscal years 2001 through 2003.

Subsection (c) establishes a maintenance of effort requirement for States receiving MCSAP funds under this section. Each State must maintain its spending for MCSAP-eligible activities at a level equal to the average annual level of expenditures for MCSAP activities for fiscal years 1997, 1998, and 1999.

Subsection (d) permits the Secretary to provide emergency grants of up to $1 million to a State that is having difficulties in meeting the requirements associated with the commercial driver's license program and is in danger of having its program suspended due to noncompliance.

Subsection (e) provides that if a State is not in substantial compliance with each requirement of 49 U.S.C. 31311, concerning commercial driver's licensing, the Secretary shall withhold any allocation of MCSAP funds authorized under this section. This subsection also provides that if, before June 30 of the fiscal year in which it was found in noncompliance, a State is found by the Secretary to be in substantial compliance with each requirement of section 31311 of such title, the Secretary shall allocate to the State the funds withheld under this subsection.

SEC. 104. MOTOR CARRIER SAFETY STRATEGY

Subsection 104(a) requires the Secretary of Transportation, as part of the Department's existing federally required strategic planning efforts required under GPRA, to develop and implement a long-term strategy, including an annual plan and schedule for improving commercial motor vehicle, operator, and carrier safety, and sets forth four goals to be included in the strategy. The goals are: (1) reducing the number and rates of crashes, injuries, and fatalities involving commercial motor vehicles, (2) improving enforcement and compliance programs, (3) identifying and targeting enforcement at high-risk carriers, vehicles, and drivers, and (4) improving research.

Subsection (b) requires that goals be established that are designed to accomplish the safety strategy and that estimates be developed concerning the funding and staffing resources needed to accomplish the goals. By working toward the measurable goals, the Administration will also be progressing toward the strategic goals.

Subsection (c) requires the submission of the strategy and annual plan with the President's annual budget submission, starting with fiscal year 2001.

Subsection (d) establishes that for each of the fiscal years 2001 through 2003, the following officials shall enter into annual performance agreements between: (1) the Secretary and the Federal Motor Carrier Safety Administrator; (2) the Administrator and the Deputy Federal Motor Carrier Safety Administrator; (3) the Administrator and the Chief Safety Officer of the Federal Motor Carrier Safety Administration; and (4) the Administrator and the regulatory ombudsman designated by the Administrator. Each of these officials shall enter into a performance agreement that contains the appropriate numeric or measurable goals of the Administration's motor carrier safety strategy.

The provision requires that the Secretary assess the progress of the officials toward achieving their respective goals, and that the Secretary convey the assessments to the officials, identifying possible future performance improvements. An official's progress toward meeting the goals of a performance agreement is to be given substantial weight by the Secretary when bonuses or other achievement awards are dispersed consistent with the Department's established performance appraisal system.

Subsection (e) requires that the Secretary and the Administrator of the FMCSA assess the progress of the Administration toward achieving the goals set out in subsection (a) no less frequently than semiannually. The assessment should be conveyed to the employees of the FMCSA, and deficiencies identified. The Secretary is required to report to the Congress the results of the individual and Administration progress assessments annually.

Subsection (f) requires the Administrator of the FMCSA to designate a regulatory ombudsman to expedite rulemakings in order to meet statutory and internal departmental deadlines.

SEC. 105. COMMERCIAL MOTOR VEHICLE SAFETY ADVISORY COMMITTEE

The provision permits the establishment of a commercial motor vehicle safety advisory committee to provide advice and recommendations on a range of commercial motor vehicle safety issues. Members are appointed by the Secretary and include representatives of industry, drivers, safety advocates, manufacturers, safety enforcement officials, representatives of late enforcement agencies from border States, and other individuals affected by rulemakings. No one interest may constitute a majority. If the Secretary establishes the advisory committee, it should provide advice to the Secretary on commercial motor vehicle safety regulations ad other matters relating to activities and functions of the Federal Motor Carrier Safety Administration. The committee will remain in effect until September 30, 2003.

SEC. 106. SAVINGS PROVISION

The savings provision is intended to provide for the orderly transfer of personnel and property from the Office of Motor Carrier Safety to the FMCSA. The provision is also intended to ensure that legal documents and requirements that had been in effect on the date of the transfer, and proceedings in effect, will continue as if the Act had not been enacted. The savings provision also provides that lawsuits commenced against the Office of Motor Carrier Safety or its employees, in their official function, continue as if this Act had not been enacted. Further, the provision assures the authority of officials of the FMCSA to continue the functions and performances that had been previously performed by officials of the Office of Motor Carrier Safety, and deems any reference to the Office of Motor Carrier Safety, or its predecessors, to apply to the FMCSA.

SEC. 107. EFFECTIVE DATE

Subsection 107(a) provides that this Act shall take effect on the date of its enactment; except that the amendments made by section 101 which establish the Federal Motor Carrier Safety Administration, shall take effect on January 1, 2000.

Subsection (b) requires that the President's budget submission for fiscal year 2001 and each fiscal year thereafter reflect the establishment of the Federal Motor Carrier Safety Administration in Accordance with this Act.

TITLE II—COMMERCIAL MOTOR VEHICLE AND DRIVER SAFETY

SEC. 201. DISQUALIFICATIONS

Subsection 201(a) amends section 31310 of title 49, United States Code, to make a single violation of driving a commercial motor vehicle with a revoked, suspended, or canceled commercial driver's license, or driving while disqualified, a one-year disqualifying offense, and to make a conviction for causing a fatality through the negligent or criminal operation of a commercial motor vehicle a one-year disqualifying offense. This subsection also makes the commission of more than one violation of driving a commercial motor vehicle with a revoked, suspended, or canceled commercial driver's license, or driving while disqualified, a lifetime disqualifying offense, and to make a conviction of more than one offense of causing a fatality through the negligent or criminal operation of a commercial motor vehicle a lifetime disqualifying offense.

Subsection (b) amends section 31310 to give the Secretary emergency disqualification authority to revoke the commercial driving privileges of an individual upon a determination by the Secretary that allowing the individual to continue to operate a commercial motor vehicle would create an imminent hazard. The Secretary can disqualify an individual under this provision for no more than 30 days without providing notice and an opportunity for a hearing.

Subsection (b) also amends section 31310 to require the Secretary to issue regulations establishing criteria for disqualifying from operating a commercial motor vehicle an individual who holds a commercial driver's license and who has been convicted of a serious offense involving a vehicle other than a commercial motor vehicle (CMV) resulting in the revocation, cancellation, or suspension of the individual's license, or has been convicted of a drug or alcohol-related offense involving a motor vehicle other than a commercial motor vehicle. The behavior of a CDL holder in operating vehicles other than CMVs is relevant to the CDL holder's fitness to operate a commercial motor vehicle; therefore the Secretary is directed to conduct a rulemaking to determine the appropriate minimum time periods for which a CDL holder should be disqualified, but in no case shall the time periods for which CDL holders are disqualified for such offenses be more stringent than the disqualification periods for offenses involving a commercial motor vehicle.

Subsection (c) amends section 31301 of title 49, United States Code, to add three offenses to the list of serious traffic violations for which a CDL holder can be disqualified under subsection 31310(e). The new offenses are: driving a CMV without obtaining a CDL; driving a CMV without a CDL in your possession; and driving without a required endorsement. But it shall not be a serious traffic violation if a driver cited for operating a CMV without a license in his or her possession can produce proof, before the time to appear or pay the fine for such citation, that he or she did have a valid CDL at the time of the citation.

Subsection (d) makes clarifying amendments to section 31305(b)(1) of title 49, United States Code.

SEC. 202. REQUIREMENTS FOR STATE PARTICIPATION

Subsection 202(a) amends section 31311(a)(6) of title 49, United States Code, to require a State to request, before renewing an individual's CDL, all information about the driving record of such individual from any other State that has issued a driver's license to the individual.

Subsection (b) amends section 31311(a)(8) of such title to require a State, when notifying the Secretary, the operator of CDLIS, and the issuing State of the disqualification, revocation, suspension, or cancellation of a CDL holder's commercial driver's license, to also notify such entities of the underlying violation that resulted in such disqualification, revocation, suspension, or cancellation.

Subsection (c) revises 31311(a)(9) of such title to require a State to notify a CDL holder's home State of any violation of traffic laws committed by the CDL holder, not just violations involving a commercial motor vehicle. The subsection also requires a State to notify any State that has issued a driver's license (non-CDL) to an individual of any violation committed while the individual is operating a CMV.

Subsection (d) amends section 31311(a)(10) of such title to provide that a State may not issue any form of special license or permit, including a provisional or temporary license, to a CDL holder that would permit the CDL holder to drive a CMV during a period in which the CDL holder's license is revoked, suspended, or canceled, or the CDL holder is disqualified from operating a CMV.

Subsection (e) revises 31311(a)(13) of title 49 to provide that a State may establish penalties, with the Secretary's approval, that are consistent with chapter 313, for violations committed by an individual operating a commercial motor vehicle.

Subsection (f) adds a new paragraph 31311(a)(18) to title 49 to require the State to maintain, as part of its driver information system, a record of each violation of motor vehicle traffic control laws committed by a CDL holder, and to make such record available upon request to the individual driver, the Secretary, employers, prospective employers, State licensing and law enforcement agencies, and their authorized agents.

Subsection (g) adds a new paragraph 31311(a)(19) to title 49 to prohibit both conviction masking and deferral programs by requiring every State to keep a complete driving record of all violations of traffic control laws (including CMV and non-CMV violations) by any individual to whom it has issued a CDL, and to make each such complete driving record available to all authorized persons and governmental entities having access to such record. This provision provides that a State may not allow information regarding such violations to be masked or withheld in any way from the record of a CDL holder.

Subsection (g) also adds a new paragraph 31311(a)(20) to title 49 to require each State to comply with the requirements of the regulation issued under 31310(g) of such title.

SEC. 203. STATE NONCOMPLIANCE

Section 203 clarifies the Secretary's authority to shut down a State's CDL program if a State is not substantially complying with Federal CDL requirements. The section permits a CDL holder or applicant to go to another State for licensing or renewal if his/her home state program has been shut down for noncompliance. This provision does not invalidate or otherwise affect commercial driver's licenses issued by a State before that State's CDL program was found to be non-compliant and shut down.

SEC. 204. CHECKS BEFORE ISSUANCE OF DRIVER'S LICENSES

Section 204 amends section 30304 of title 49, United States Code, to require a State, before issuing or renewing any motor vehicle operator's license to an individual, to query both the National Driver Register (NDR) and the commercial driver's license information system (CDLIS). The intent of this provision is to close a loophole in the CDL program identified in the Department of Transportation's CDL Effectiveness Study, whereby a driver currently holding a valid CDL applies for a non-CDL without revealing or surrendering the CDL. Without a check of both NDR and CDLIS, the fact that the driver already holds a CDL at the time of application for a non-CDL can go undetected, thus defeating the fundamental "one driver, one license" principle behind the CDL program that prevents drivers from spreading multiple convictions over multiple licenses. The provision also amends section 31311(a)(6) to require that before issuing or renewing a commercial driver's license, the State shall request from any other State that has issued a driver's license to the individual all information about the driving record of the individual.

SEC. 205. REGISTRATION ENFORCEMENT

The provision adds new subsection 13902(e) to authorize the Secretary to put a carrier out of service upon finding that the carrier is operating without authority or beyond the scope of its authority. Foreign motor carriers who operate vehicles in the U.S. are not permitted to operate in interstate commerce without evidence of registration in each motor vehicle.

SEC. 206. DELINQUENT PAYMENT OF PENALTIES

Subsection (a) amends section 13905(c) of title 49, United States Code, to provide that registration of a carrier, broker, or freight forwarder may be suspended, amended, or revoked for failure to pay civil penalty, or arrange and abide by a payment plan, within 90 days of the time specified by order of the Secretary for the payment of such penalty. This provision does not apply to a person unable to pay assessed penalties because a person is a debtor in a case under chapter 11 of title 11, United States Code.

Subsection (b) amends section 521(b) of title 49, United States Code, to provide that an owner or operator of a commercial motor vehicle who fails to pay an assessed civil penalty or fails to arrange and abide by an acceptable payment plan for such civil penalty, within 90 days of the time specified by order of the Secretary for the payment of such penalty, may not operate in interstate commerce. This provision does not apply to a person unable to pay assessed penalties because the person is a debtor in a case under chapter 11 of title 11, United States Code.

SEC. 207. STATE COOPERATION IN REGISTRATION ENFORCEMENT

The provision amends section 31102(b)(1) of title 49, United States Code, to clarify that State motor carrier plans shall ensure State cooperation in enforcement of registration and financial responsibility requirements in sections 13902, 13906, 31138 and 31139 of such title.

SEC. 208. IMMINENT HAZARD

The provision revises the definition of imminent hazard in section 521(b)(5)(b) of title 49, United States Code, to refer to a condition that "substantially increases the likelihood of" serious injury or death.

SEC. 209. HOUSEHOLD GOODS AMENDMENTS

Subsection 209(a) is a technical amendment to the definition of household goods in section 13102(10)(A) of title 49, United States Code, regarding certain property moving from a store or factory.

Subsection (b) increases the limit for mandatory arbitration under section 14708(b)(6) of such title from $1,000 to $5,000.

Subsection (c) requires a General Accounting Office study on the effectiveness of DOT enforcement of household goods consumer protection rules and other potential methods of enforcement, including State enforcement.

SEC. 210. NEW MOTOR CARRIER ENTRANT REQUIREMENTS

This provision requires the Secretary to initiate a rulemaking to establish minimum requirements for new motor carriers to ensure applicant carriers are knowledgeable about applicable Federal motor carrier safety standards. It requires motor carrier owners and operators who are granted new operating authority to be reviewed by a safety inspector within eighteen months of commencing operations. The provision requires the Secretary, in establishing the elements of the safety review, to consider the impact on small businesses and to consider establishing alternative locations for conducting such reviews. It also allows the new entrant review requirements to be phased in over time to take into account the availability of certified motor carrier safety auditors and provides for designating new motor carriers as "new entrants" until the required review is completed.

SEC. 211. CERTIFICATION OF SAFETY AUDITORS

The provision requires the Secretary to complete a rulemaking within one year of enactment to improve training and provide for the certification of motor carrier safety auditors, including private contractors, to conduct safety inspection audits. The provision prohibits private contractors from issuing safety ratings or operating authority, and authorizes the Secretary to decertify any motor carrier safety auditors.

SEC. 212 COMMERCIAL VAN RULEMAKING

This provision requires the Secretary to complete in one year an on-going rulemaking, Docket No. FHWA–5710, to determine which small passenger vans should be covered by Federal motor carrier safety regulations. At a minimum, the rulemaking shall apply safety regulations to commercial vans referred to as "camionetas"—carriers providing international transportation between points in Mexico and points in the United States—and to commercial vans operating in interstate commerce outside commercial zones that have been determined to pose serious safety risks. In no case should the rulemaking be concluded to exempt all small commercial passenger carrying vans.

The managers note there have been a number of fatal accidents involving small passenger vans known as camionetas particularly in the Southern border States. In an effort to address this safety problem, the Congress has acted on two separate occasions directing the Secretary to apply Federal motor carrier safety regulations to these passenger vans. First, the definition of passenger vans was amended as part of the ICC Termination Act of 1995 with the intent of applying safety regulations to these carriers. However, the Department took no action based on this statutory requirement. Due to the lack of action by the Department to regulate these vehicles, the Congress again directed the Department to apply certain motor carrier safety regulations to those vans in the Transportation Equity Act for the 21st Century (TEA 21). The TEA 21 provision required that all commercial vans carrying more than 8 passengers to be covered by most Federal motor carrier safety rules by June 1999, except to the extent DOT exempted operations as it determined appropriate through rulemaking. The Department took no action to even initiate the statutory rulemaking by the June deadline. On September 3, 1999, the Department finally issued a rule but it actually exempted the entire class of vehicles from regulation until further notice. The managers find the Department's blatant misinterpretaion of the statute unacceptable. Therefore, a provision has been included in this bill directing the Secretary to finally address this identified safety problem.

SEC. 213. 24-HOUR STAFFING OF TELEPHONE HOTLINE

The provision amends section 4017 of TEA 21 to require that the Department's toll-free telephone hotline for reporting safety violations be staffed 24 hours a day, 7 days a week, by individuals knowledgeable about Federal motor carrier safety regulations and procedures. This section also increases the funding authorization for the hotline to the level of the Department of Transportation's estimate of the cost of 24-hour coverage.

SEC. 214. CDL SCHOOL BUS ENDORSEMENT

The provision requires the Secretary to conduct a rulemaking to establish a special CDL endorsement for drivers of school buses. The section requires, at a minimum, that the endorsement (1) include a driving skills test in a school bus, and (2) address proper safety procedures for loading and unloading children, using emergency exits, and traversing highway grade crossings.

SEC. 215. MEDICAL CERTIFICATE

The provision requires the Secretary to initiate a rulemaking to provide for the Federal medical qualification certificate to be made part of the commercial driver's license.

SEC. 216. IMPLEMENTATION OF INSPECTOR GENERAL RECOMMENDATIONS

The provision requires the Secretary to implement all the DOT Inspector General's motor carrier safety improvement recommendations contained in the IG's April 1999 report assessing the effectiveness of DOT's motor carrier safety program, except to the extent to which such recommendations are specifically addressed in sections 206, 208, 217, and 222 of this Act. These recommendations, found on pages 17, 18, 26, and 27 of the IG report, are as follows:

Recommendations to Improve the Effectiveness of Motor Carrier Safety Enforcement:

1. Strengthen its enforcement policy by establishing written policy and operating procedures to take strong action against motor carriers with repeat violations of the same acute or critical regulation. Strong enforcement actions would include assessing fines at the statutory maximum amount, the issuance of compliance orders, not negotiating reduced assessments, and when necessary, placing motor carriers out of service.
2. Remove all administrative restrictions on fines placed in the Uniform Fine Assessment program and increase the maximum fines to the level authorized by TEA–21.
3. Establish stiffer fines that cannot be considered a cost of doing business and, if necessary, seek appropriate legislation raising statutory penalty ceilings.
4. Implement a procedure that removes the operating authority from motor carriers that fail to pay civil penalties within 90 days after final orders are issued or settlement agreements are completed.
5. Establish criteria for determining when a motor carrier poses an imminent hazard.
6. Require follow-up visit and monitoring of those motor carriers with a less-than-satisfactory safety rating, at varying intervals, to ensure that safety improvements are sustained, or if safety has deteriorated that appropriate sanctions are invoked.
7. Establish a control mechanism that requires written justification by the OMC State Director when compliance reviews of high-risk carriers are not performed.
8. Establish a written policy and operating procedures that identify criteria and time frames for closing enforcement cases, including the current backlog.

Recommendations for Data Enhancement:

1. Require applicants requesting operating authority to provide the number of commercial vehicles they operate and the number of drivers they employ and require all motor carriers to periodically update this information.
2. Revise the grant formula and provide incentives through MSCAP grants for states to provide accurate, complete and timely commercial vehicle crash reports, vehicle and driver inspection reports and traffic violation data.
3. Withhold funds from MCSAP grants for those States that continue to report inaccurate, incomplete and untimely commercial vehicle crash data, vehicle and driver inspection data and traffic violation data within a reasonable notification period such as one year.
4. Initiate a program to train local enforcement agencies for reporting of crash, roadside inspection data including associated traffic violations.
5. Standardize OMC and NHTSA crash data requirements, crash data collection procedures, and reports.
6. Obtain and analyze crash causes and fault data as a result of comprehensive crash evaluations to identify safety improvements.

The provision requires that every 90 days, beginning 90 days after enactment, the Secretary provide status reports on the implementation of recommendations. The IG would also be directed to provide the Committees with assessments of the Secretary's progress. The IG report shall include an analysis of the number of violations cited by safety inspectors, the level of fines assessed and collected for such violations, the number of cases in which there are findings of extraordinary circumstances under section 222(c) of the Act, and the circumstances in which such findings are made.

SEC. 217. PERIODIC REFILING OF MOTOR CARRIER IDENTIFICATION REPORTS

The provision requires periodic updating, but not more frequently than once every two years, of the Motor Carrier Identification Report, Form MCS-150, filed by each motor carrier conducting operations in interstate or foreign commerce. An initial updating of the information is required within 12 months from enactment of the Act.

SEC. 218. BORDER STAFFING STANDARDS

Subsection 218(a) requires the Secretary to develop and implement appropriate staffing standards for Federal and State motor carrier safety inspectors in international border areas.

Subsection (b) lists the factors to be considered in developing the staffing standards. These include the volumes of traffic, hours of operation of the border facilities, types of commercial motor vehicles (including passenger vehicles) and cargo in the border areas, and the responsibilities of Federal and State inspectors.

Subsection (c) prohibits the United States and any State from reducing its respective level of motor carrier safety inspectors in an international border area below the level of such inspectors in fiscal year 2000.

Subsection (d) provides that if, by October 1, 2001, and each fiscal year thereafter, the Secretary has not ensured that appropriate levels of staffing consistent with the staffing standards are deployed in international border areas, the Secretary should allocate five percent of motor carrier safety assistance program funds for border commercial motor vehicle and safety enforcement programs.

SEC. 219. FOREIGN MOTOR CARRIER PENALTIES AND DISQUALIFICATIONS

Subsection 219(a) provides for civil penalties and disqualifications for foreign motor carriers that operate, before implementation of the land transportation provisions of NAFTA, without authority outside of a commercial zone.

Subsection (b) provides that the civil penalty for an intentional violation shall not be more than $10,000 and may include disqualification from operating in U.S. for not more than 6 months.

Subsection (c) provides that the civil penalty for a pattern of intentional violations shall not be more than $25,000; the carrier shall be disqualified from operating in the U.S., and that such disqualification may be permanent.

Subsection (d) prohibits any foreign motor carrier from leasing its motor vehicles to any other carrier to transport property in the U.S. during any period in which a suspension, condition, restriction, or limitation imposed under 49 U.S.C. 13902(c) applies to the foreign carrier.

Subsection (e) provides that no provision may be enforced if inconsistent with international agreements.

Subsection (f) provides that acts committed without knowledge of the carrier or committed unintentionally are not grounds for penalty or disqualification.

SEC. 220. TRAFFIC LAW INITIATIVE

The provision permits the Secretary to carry out a program with one or more States to develop innovative methods of improving motor carrier traffic law compliance, including the use of photography and other imaging technologies.

SEC, 221, STATE-TO-STATE NOTIFICATION OF VIOLATIONS DATA

The provision requires the Secretary to develop a uniform system to support the electronic transmission of data State-to-State on violations of all motor vehicle traffic control laws by individuals possessing a commercial driver's license.

SEC. 222. MINIMUM AND MAXIMUM ASSESSMENTS

Subsection 222(a) directs the Secretary to ensure that motor carriers operate safely by imposing civil penalties at a level calculated to ensure prompt and sustained compliance with Federal motor carrier safety and commercial diver's license (CDL) laws.

Subsection (b) recommends the Secretary establish and assess minimum civil penalties for Federal motor carrier safety and CDL violations and requires the Secretary to assess the maximum civil penalty for repeat offenders or a pattern of violations.

Subsection (c) recognizes that extraordinary circumstances do arise that merit the assessment of civil penalties at a level lower than any level established under subsection (b) of this section. If the Secretary assesses such lower penalties, the Secretary must document the justification for them.

Subsection (d) requires the Secretary to conduct and submit to Congress a study of the effectiveness of revised civil penalties established in TEA 21 and this Act in ensuring compliance with Federal motor carrier safety and commercial driver's license laws.

SEC. 223. MOTOR CARRIER SAFETY PROGRESS REPORT

The provision directs the Secretary to submit a status report on the Department's progress in achieving its goal of reducing motor carrier fatalities by 50 percent by 2009.

SEC. 224. STUDY OF COMMERCIAL MOTOR VEHICLE CRASH CAUSATION

Subsection 224(a) requires the Secretary to conduct a comprehensive study to determine the causes of, and contributing factors to, crashes involving commercial motor vehicles, including vehicles defined in section 31132(1)(B) of title 49, United States Code, and to identify the data requirements needed to improve the Department's and the States' ability to evaluate crashes and crash trends, identify crash causes and contributing factors, and develop safety measures to reduce such crashes.

Subsection (b) addresses the design of the study, requiring that it yield information to help the Department and the States identify activities likely to lead to significant reductions in commercial motor vehicle-involved crashes including crashes by commercial vans.

Subsection (c) lists the area of expertise of the people with whom the Secretary is required to consult in conducting the study.

Subsection (d) requires the Secretary to provide for public comment on various aspects of the study.

Subsection (e) requires the Secretary to submit the results of the study to Congress, review the study at least once every five years, and update the study and report as necessary.

Subsection (f) provides $5 million in contract authority to carry out this section.

SEC. 225. DATA COLLECTION AND ANALYSIS

This provision directs the Secretary to carry out a program to improve the collection and analysis of data on commercial motor vehicle crashes, including crash causation. NHTSA, in cooperation with the new Federal Motor Carrier Safety Administration, is required to administer the program. It requires NHTSA to integrate driver citation and conviction information and provide $5 million from the FMCSA's administrative takedown to fund this program. This section also provides $5 million in contract authority for information systems under 49 U.S.C. 31106.

SEC. 226. DRUG TEST RESULTS STUDY

Subsection 226(a) directs the Secretary to conduct a study on the feasibility and merits of having medical review officers or employers report positive drug tests of CDL holders to the State that issued the CDL and requiring all prospective employers, before hiring any driver, to query the State that issued the driver's CDL on whether the State has on record any verified positive controlled substances test on such driver.

Subsection (b) lists factor to be considered in the study. They are: safeguarding confidentiality of test results; costs, benefits and safety impacts; and whether a process should be established to allow drivers to correct errors and expunge information from their records after a reasonable time.

Subsection (c) requires the Secretary to issue a report to Congress on the study within two years.

SEC. 227. APPROVAL OF AGREEMENTS

Section 227 amends section 13703 of title 49, United States Code, by adding a new requirement to require the Surface Transportation Board to review every five years any agreement for any activities approved under section 13703. The provision also provides for the continuation of any pending cases before the Board, but prohibits certain nationwide agreements.

SEC. 228. DOT AUTHORITY

This section clarifies Congressional intent with respect to the criminal investigative authority of the Department of Transportation Inspector General (IG).

When the Office of Motor Carrier Safety finds evidence of egregious criminal violations of motor carrier safety regulations through their regulatory compliance efforts, it refers these cases to the IG's Office of Investigations. Recently, a U.S. District Court concluded that an investigation undertaken by the IG exceeded its jurisdiction, see In the Matter of the Search of Northland Trucking Inc. (D.C. Arizona), finding that the motor carrier involved was not a grantee or contractor of the Department, nor was there evidence of collusion with DOT employees. This narrow construction of the IG's authority is not well grounded in law, and the managers are concerned about the adverse impacts the Order could have on IG operations. This provision, therefore, clarifies Congressional intent with respect to the authority of the IG, reaffirming the IG's ability and authority to continue to conduct criminal investigations of parties subject to DOT laws or regulations, whether or not such parties receive Federal funds from the Department.●

Mr. HOLLINGS. Mr. President, I rise in support of H.R. 3419 the Motor Carrier Safety Improvement Act of 1999. This bill creates a separate modal administration, the Federal Motor Carrier Safety Administration, to administer the commercial motor vehicle safety laws and make needed improvements to our highway safety programs. To secure enactment of this important legislation, Senator McCAIN and I worked with our colleagues in the House to craft a compromise bill. I would like to commend Chairman SHUSTER and Ranking Democrat OBERSTAR of the House Transportation and Infrastructure Committee for their efforts on this compromise proposal. The Administration supports this legislation and the Secretary of Transportation has requested that the Senate complete consideration of this legislation prior to the adjournment of the first session of the 106th Congress.

As many of you may know, I introduced legislation in the 1980s to establish a separate modal administration within the Department of Transportation for the motor carrier industry. Since safety oversight was moved from the Interstate Commerce Commission in 1966, truck and bus safety oversight has been a part of the Federal Highway Administration. H.R. 3419 continues the bifurcation of motor carrier economic and safety regulation. The economic regulatory authority will still be vested at the Surface Transportation Board, and the safety regulatory authority will be designated to the new Administration. Under the current regulatory structure there is a separate regulatory agency for rail, transit, air, and maritime transportation, but no primary agency for the largest mode of commercial transportation—the trucking industry. Establishing a separate agency with the stated responsibility for making the highways safer would be an important step forward in highlighting the importance of truck and bus safety as well as improving regulatory efficiency. I am pleased that members of the Senate and House have agreed to establish a new modal administration: we have high expectations this change will lead to tougher standards, more expeditious rule makings, and a greater degree of enforcement than has been the norm in recent years.

The trucking industry generates over 80% of the revenues derived from the domestic transportation of cargo. The industry has undergone fantastic growth in the past five years. The number of carriers operating in the trucking industry has close to doubled since 1994 alone. Overall, the volume of truck traffic on the highways in this country is astounding, and clearly has an impact on safety. As many of you know, I was not a supporter of deregulating the trucking industry, and I question whether this policy has contributed to our present safety concerns.

The Senate Commerce, Science, and Transportation Committee has held several hearings on the subject of motor carrier safety in the last year. These hearings have included testimony from a number of organizations, including the Department of Transportation's Inspector General, the Chairman of the National Transportation Board and consumer groups all expressing concern about the Office of Motor Carriers and stating the need for reform. Chairman McCAIN and I have worked to incorporate many of the recommendations by these groups into the legislation we are considering today.

I would like to briefly summarize some of the major provisions and important consequences of H.R. 3419. This legislation undoubtedly will increase the overall number of safety inspections by requiring that all new entrants to the truck and bus industry undergo a safety review. The bill also requires that carriers become familiar with motor carrier safety regulations and undergo a safety review in order to obtain operating authority. Currently 25,000 to 40,000 new carriers enter into interstate commerce annually. In order to obtain operating authority under the present system new operators must show proof of insurance and sign a form attesting that they are familiar with safety regulations. This new provision would require that new carriers be designated as "new entrants" until the completion of a successful safety review. The intent of this provision is to make sure that new operators have basic safety management practices in place. During their first eighteen months of operation, they would need to show that they have critical safety elements in place—for example, drug testing, maintenance plans, and driving records such as logbooks. This safety review is not intended to be a time consuming investigation of the property and drivers, nor is it intended to be a barrier to entry for new operators; in fact we have stipulated that the Secretary should take into consideration the needs of small businesses when conducting the rulemaking on new entrant safety reviews. However, there is broad consensus that an entry level safety review to ensure a minimum level of safety and compliance with federal safety regulations.

I am pleased that this bill increases the number of motor carrier safety inspectors by requiring that DOT certify private contractors to perform safety audits. I would also like to commend Senator BREAUX for his leadership on the issue of third party inspectors. His introduction of S. 1524, the Motor Carrier Safety Specialist Certification Act, following the Mother's Day bus accident in New Orleans was instrumental in demonstrating the need for additional qualified inspectors. These third party auditors will be required to conduct the initial safety reviews of the new carriers and are likely to lead to an increasing number of inspections and audits overall. These auditors will be certified by DOT to perform safety audits and inspections, however DOT will retain the authority to grant operating authority and issue ratings—we have no plans to delegate this vital enforcement authority to the private sector. The Secretary is directed to complete a rulemaking to establish how third party inspectors are to be certified. However, our expectation is that their role is to assist with the collection of data, not supersede the existing authority of the DOT.

This legislation authorizes an additional $140 million a year for motor carrier safety and data improvements over the levels established in TEA-21, the federal safety transportation bill that was passed in the last year. Of that money $65 million is guaranteed under the budgetary firewalls established in TEA-21. The bulk of this funding will go directly to the states through the Motor Carrier Safety Assistance Program (MCSAP). This grant program to the states is the underpinning for the enforcement of commercial motor vehicle safety laws and I am pleased that we are more than doubling the funding authorized for this important safety program. I look forward to working the Department Transportation to ensure this new agency will have adequate personnel to achieve the important safety objectives set forth in this bill.

H.R. 3419 also requires many data improvements, including periodic refilling of motor carrier information, which means that safety statistics on trucks and buses are soon to be more up to date and that improvement data will be available to the public. Currently, only twenty percent of the carriers operating in interstate commerce have been inspected or audited in relation to safety ratings by the Department of Transportation—this number is insufficient. In order to increase the number of safety rated carriers, accurate data is required. H.R. 3419 directs the National Highway Traffic Safety Administration (NHTSA), in cooperation with the new Federal Motor Carrier Safety Administration, to carry out a program to improve the collection and analysis of data on commercial motor vehicle crashes, including crash causation and requires NHTSA to integrate driver citation and conviction information. In addition, the Secretary is directed to conduct a crash causation study to determine the causes of, and contributing factors to, crashes involving commercial motor vehicles—all interested parties, including victims and safety groups, should be consulted in designing the study. The legislation also requires the Department of Transportation to disclose potential conflicts of interest, and requires DOT to study whether disclosure obligations are sufficient to avoid conflicts of interest. Proper safety regulation is dependent on thorough and impartial research.

H.R. 3419 also toughens Commercial Drives License (CDL) requirements. It will require that medical qualification certificates be part of all CDLs. It will prohibit the masking of convictions on CDL's, thereby ending the practice of erasing convictions for increased fines and plea bargaining down convictions, and erasing convictions in exchange for attending bypass or educational programs. The legislation also will provide access to driver records for safety enforcement and hiring purposes—driver records would be made available to employees, current employers, future employers and law enforcement personnel on request. This language will address concerns about inacurate driver records and ensure that the practice of masking convictions or records is ended. This provision lists parties which should have access to the driving records of commercial motor vehicle operators, however, the expection is that parties such as insurers which currently have access to this information will continue to do so.

I am pleased that this legislation now includes a separate school bus CDL endorsement. By requiring the Secretary to establish a rule making for a CDL endorsement, which includes at a minimum, a driving skills test in a school bus, as well as safety procedures for loading and unloading, using emergency exits and traversing highway rail grade crossings, this bill places a greater emphasis on the safety of transporting our children.

H.R. 3419 also includes recommendations from the DOT IG's report. These recommendations call for the strengthening of enforcement policy by increasing fines, requiring greater monitoring of carriers and standardizing data. The IG's report clearly indicates that we need to do more in the way of compliance reviews and clearing up the backlog of regulatory initiatives that have not been completed. These initiatives are overdue, and the public deserves an aggressive pro-active safety policy.

Several of the IG's recommendations address the enforcement of civil penalties to ensure greater compliance with Federal motor carrier safety and commercial drivers' license laws. Section 222 of H.R. 3419 includes provisions establishing minimum, as well as maximum, penalties for violations. Because situations arise when the Secretary may choose to exercise discretion in the assessment of maximum penalties, a provision was included to allow assessment of penalties at a lower level than established by this provision in extraordinary circumstances. The goal of this provision is to provide administrative flexibility while ensuring that the previous abuses in motor carrier safety enforcement practices are not perpetuated by the new agency. In assessing penalties for violations, the Secretary's exercise of discretion under extraordinary circumstances to reduce or eliminate fines should only be used in rare and unusual conditions and this legislation requires that the Secretary document the justification for such a situation. In addition, the bill will require the Secretary of Transportation and the IG to periodically report to the Congress on their progress implementing not only the application of civil penalties but all of the IG's recommendations.

Additionally, the legislation addresses the issue concerning truck inspections at the US-Mexico border. Currently, far too few trucks are being inspected at the US-Mexico border and far too few inspected trucks comply with U.S. safety standards. I should note that I do not support Mexican truckers operating in the United States, because this policy ultimately threatens public safety. For example, according to the DOT Inspector General, at the border crossing in El Paso, Texas, an average of 1,300 trucks enter daily, yet only one inspector is on duty allowing for only 10 to 14 truck inspections daily. At other crossings, there are no inspectors. Of those Mexican trucks inspected, about 44 percent were placed out of service because of serious safety violations. This contrasts with a 25 percent out-of-service rate for US trucks and 17 percent for Canadian trucks. This safety record is unacceptable.

The DOT's Inspector General confirmed last year that 68 Mexican trucks were found operating beyond the border commercial zones, where they are legally allowed to work and are probably involved in US cabotage reserved for US truckers. H.R. 3419 would reaffirm the prohibition on foreign motor carriers operating outside the boundaries of a commercial zone along the U.S.-Mexico border. Foreign trucks that are found to be operating outside the commercial zones without authority will be subject to civil penalties.

In conclusion, I would like to ask my colleagues for their support in the passage of this legislation. I would like to thank the following Senate staff for their work on this bill: Debbie Hersman, Carl Bentzel, Kevin Kayes and Moses Boyd, Ann Begeman, Charlotte Casey, and Mark Buese. I would also like to thank House staffers, Clyde Woodle, Dave Heymsfeld, Ward McCarragher, Jess Sharp, Chris Bertram, Patty Doersch, Jack Schenendorf and Roger Nober. These staffers all worked hard to help reach a bipartisan compromise.

H.R. 3419 is a good bill. I strongly support the passage of H.R. 3419 and look forward to its enactment.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3419) was read the third time and passed.

MILTON FRIEDMAN CONGRESSIONAL GOLD MEDAL ACT

Ms. COLLINS. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 1971 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1971) to authorize the President to award a gold medal on behalf of the Congress to Milton Friedman, in recognition of his outstanding and enduring contributions to individual freedom and opportunity in American society through his exhaustive research and teaching of economics, and his extensive writings on economies and public policy.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. Mr. President, I ask unanimous consent that bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1971) was read the third time and passed, as follows:

S. 1971

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Milton Friedman Congressional Gold Medal Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) Milton Friedman, born July 31, 1912 in New York, New York, is acclaimed as one of the great original thinkers of this century;

(2) Milton Friedman is a living American success story in rising from poverty in an immigrant family to realize the American dream;

(3) Milton Friedman is the world's most renowned economist;

(4) Milton Friedman was awarded the Nobel Memorial Prize for Economic Service in 1976;

(5) Milton Friedman is a Paul Snowden Russell Distinguished Service Professor Emeritus of Economics at the University of Chicago, where he taught from 1946 to 1976, and where he is widely regarded as the leader of the Chicago school of monetary economics;

(6) Milton Friedman has been a senior research fellow at the Hoover Institute since 1977, and a member of the research staff of the National Bureau of Economic Research from 1937 to 1981;

(7) Milton Friedman has selflessly served his country on several occasions, serving as an informal economic advisor to Presidents Richard Nixon and Ronald Reagan;

(8) Milton Friedman has been awarded honorary degrees by universities in the United States, Japan, Israel, and Guatemala, as well as the Grand Cordon of the First Class Order of the Sacred Treasure by the Japanese government in 1986; and

(9) Milton Friedman is known throughout the world as a champion of freedom, opportunity, free markets, and capitalism.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to Milton Friedman in recognition of his outstanding and enduring contributions to individual freedom and opportunity in American society through his exhaustive research and teaching of economics, and his extensive writings on economics and public policy.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 4. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 3, under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 5. STATUS AS NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 6. FUNDING.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 4 shall be deposited in the United States Mint Public Enterprise Fund.

CONGRESSIONAL GOLD MEDAL AWARD TO FATHER THEODORE M. HESBURGH

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 1932, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1932) to authorize the President to award a gold medal on behalf of the Congress to Father Theodore M. Hesburgh, in recognition of his outstanding and enduring contributions to civil rights, higher education, the Catholic Church, the Nation, and the global community.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1932) was read the third time and passed.

AMENDING THE PUBLIC HEALTH SERVICE ACT

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1996, introduced by Senators JEFFORDS, KENNEDY, and FRIST.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1996) to amend the Public Health Service Act to clarify provisions relating to the content of petitions for compensation under the vaccine injury compensation program.

There being no objection, the Senate proceeded to consider the bill.

Mr. JEFFORDS. Mr. President, in 1986, the Vaccine Injury Compensation Act was signed into law. The act created the National Vaccine Injury Compensation program which serves two important functions: it provides timely and fair compensation to those few children who are injured from routine immunization and it reduces the adverse effect of the tort system on vaccine supply and cost. Prior to enactment of this bill, the number of U.S. manufacturers of children's vaccines dropped from seven to two due to a flood of lawsuits filed in response to a network television broadcast claiming that vaccine causes brain injuries. This program has been very successful. However, it has come to our attention that the act requires an amendment which I, and the Senator from Massachusetts and the Senator from Tennessee offer today.

A vaccine becomes part of the compensation program if it is recommended for routine use in children by the Centers for Disease Control. At such time, the Congress must also enact a Federal excise tax on the vaccine (currently at $.75 per antigen in the vaccine). The excise tax revenues are housed in a Federal trust fund, the sole purpose of which is to pay claims and administer this program. The program and the fund is jointly administered by the Department of Health and Human Services (HHS) and the Department of Justice.

HHS publishes a table listing all covered vaccines and events that may be associated with those vaccines as determined by valid scientific studies. Events that are listed on the table, if they occur within the listed time frame, are automatically compensated by the program unless there is demonstration that some other circumstances created the injury. For an event/injury not listed on the table, the claimant must prove causation.

If a vaccine is covered under the Vaccine Injury Compensation program, all claims against it must first be filed and processed through the program. Once a claim is adjudicated (and either an award is made or the claim denied), a claimant can reject the program's determination and opt to file a lawsuit.

Since the benefit of taking a vaccine accrues not only to the recipient but to society as a whole, the Congress decided that it was also society's responsibility to compensate those who are injured by creating a no-fault program that removes the costliness and uncertainty of the tort system. At the time this law was enacted, parameters were established to permit claims for those serious adverse events that were known to be associated with those vaccines that were then available. The statutory proxy for a serious injury is that the residual effect from the injury must be of six months' duration or longer.

Recently, however, a new situation has developed that was not foreseeable at the time of enactment of this law. In October 1999, the CDC's Advisory Committee on Immunization Practices (ACIP), after a review of scientific data from several sources, concluded that intussusception occurs with significantly increased frequency in the first 1–2 weeks after vaccination for rotavirus, particularly after the first dose. Thus, the ACIP withdrew its recommendation for vaccination of infants for rotavirus in the United States.

While most cases of intussusception require only minimal treatment, a few cases require hospitalization and surgery. Under the current law, these cases would not be compensable by the United States Claims Court under the Vaccine Injury Compensation Program, since the statute grants jurisdiction to resolve vaccine cases only in instances in which claimants have suffered the residual effects or complications of a vaccine-related injury for at least six months, or died from the administration of a vaccine.

For this reason, we are offering this bill to amend the law and grant jurisdiction to the Claims Court to resolve compensation cases under the Program in cases in which both hospitalization and surgical intervention were required to correct the "illness, disability, injury or condition" caused by the vaccine. Mr. President, this language has been shared with, and is supported by officials at HHS and the American Academy of Pediatrics.

To our knowledge, the amendment would only apply to circumstances under which a vaccine recipient suffered from intussusception as a result of administration of the rotavirus vaccine. The amendment is not intended to expand jurisdiction to other vaccines listed in the Program's Vaccine Injury Table.

We note that this amendment does not address the issue of whether the condition is in fact caused by the vaccine; this is a matter for resolution under other provisions of the no-fault compensation law. Among these are the requirement that the condition either be listed in the Vaccine Injury Table or be established to have been caused in fact by the vaccine. Determinations of this type should only be made after thorough consideration of the scientific evidence by experts in the field; the law commits this issue to the Secretary for consideration in the context of changes to the Vaccine Injury Table through rulemaking, and to the Claims Court for determinations of causation in fact.

Mr. KENNEDY. Mr. President, I join the Senator from Vermont and the Senator from Tennessee in proposing legislation to amend the Vaccine Injury Compensation Program.

This program is an important part of the nation's public health strategy. In order to encourage the development and use of effective vaccines, the program guarantees compensation to the few children who are injured by routine immunization.

Recent evidence suggests that some children may suffer vaccine-related injuries that are not covered under the current criteria used to determine eligibility for compensation. To continue the program's success, Congress must assure that the system is responsive to new developments in medical science. We need to be certain that any child who suffers a severe injury as a result of routine vaccination is eligible for compensation under the program.

My colleague from Vermont has concisely summarized the current status of the program and the importance of amending the statute. Families and physicians need to know that public health procedures are capable of a rapid and appropriate response to scientific developments. It is a privilege to join my colleagues in offering this legislation to improve the Vaccine Injury Compensation Program.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1996) was read the third time and passed, as follows:

S. 1996

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Section 2111(c)(1)(D) of the Public Health Service Act (42 U.S.C. 300aa–11(c)(1)(D)) is amended by striking "and" at the end and inserting "or (iii) suffered such illness, disability, injury or condition from the vaccine which resulted in inpatient hospitalization and surgical intervention to correct such illness, disability, injury or condition, and".

CLINICAL RESEARCH ENHANCEMENT ACT OF 1999

Ms. COLLINS. Mr. President, I ask unanimous consent that HELP Committee be discharged from further consideration of S. 1813 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1813) to amend the Public Health Service Act to provide additional support for and to expand clinical research programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1813) was read the third time and passed, as follows:

S. 1813

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clinical Research Enhancement Act of 1999".

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.—Congress makes the following findings:

(1) Clinical research is critical to the advancement of scientific knowledge and to the development of cures and improved treatment for disease.

(2) Tremendous advances in biology are opening doors to new insights into human physiology, pathophysiology and disease, creating extraordinary opportunities for clinical research.

(3) Clinical research includes translational research which is an integral part of the research process leading to general human applications. It is the bridge between the laboratory and new methods of diagnosis, treatment, and prevention and is thus essential to progress against cancer and other diseases.

(4) The United States will spend more than $1,200,000,000,000 on health care in 1999, but the Federal budget for health research at the National Institutes of Health was $15,600,000,000 only 1 percent of that total.

(5) Studies at the Institute of Medicine, the National Research Council, and the National Academy of Sciences have all addressed the current problems in clinical research.

(6) The Director of the National Institutes of Health has recognized the current problems in clinical research and appointed a special panel, which recommended expanded support for existing National Institutes of Health clinical research programs and the creation of new initiatives to recruit and retain clinical investigators.

(7) The current level of training and support for health professionals in clinical research is fragmented, undervalued, and underfunded.

(8) Young investigators are not only apprentices for future positions but a crucial source of energy, enthusiasm, and ideas in the day-to-day research that constitutes the scientific enterprise. Serious questions about the future of life-science research are raised by the following:

(A) The number of young investigators applying for grants dropped by 54 percent between 1985 and 1993.

(B) The number of physicians applying for first-time National Institutes of Health research project grants fell from 1226 in 1994 to 963 in 1998, a 21 percent reduction.

(C) Newly independent life-scientists are expected to raise funds to support their new research programs and a substantial proportion of their own salaries.

(9) The following have been cited as reasons for the decline in the number of active clinical researchers, and those choosing this career path:

(A) A medical school graduate incurs an average debt of $85,619, as reported in the Medical School Graduation Questionnaire by the Association of American Medical Colleges (AAMC).

(B) The prolonged period of clinical training required increases the accumulated debt burden.

(C) The decreasing number of mentors and role models.

(D) The perceived instability of funding from the National Institutes of Health and other Federal agencies.

(E) The almost complete absence of clinical research training in the curriculum of training grant awardees.

(F) Academic Medical Centers are experiencing difficulties in maintaining a proper environment for research in a highly competitive health care marketplace, which are compounded by the decreased willingness of third party payers to cover health care costs for patients engaged in research studies and research procedures.

(10) In 1960, general clinical research centers were established under the Office of the Director of the National Institutes of Health with an initial appropriation of $3,000,000.

(11) Appropriations for general clinical research centers in fiscal year 1999 equaled $200,500,000.

Since the late 1960s, spending for general clinical research centers has declined from approximately 3 percent to 1 percent of the National Institutes of Health budget.

(12) In fiscal year 1999, there were 77 general clinical research centers in operation, supplying patients in the areas in which such centers operate with access to the most modern clinical research and clinical research facilities and technologies.

(b) Purpose.—It is the purpose of this Act to provide additional support for and to expand clinical research programs.

SEC. 3. INCREASING THE INVOLVEMENT OF THE NATIONAL INSTITUTES OF HEALTH IN CLINICAL RESEARCH.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following:

"SEC. 409C. CLINICAL RESEARCH.

"(a) In General.—The Director of National Institutes of Health shall undertake activities to support and expand the involvement of the National Institutes of Health in clinical research.

"(b) Requirements.—In carrying out subsection (a), the Director of National Institutes of Health shall—

"(1) consider the recommendations of the Division of Research Grants Clinical Research Study Group and other recommendations for enhancing clinical research; and

"(2) establish intramural and extramural clinical research fellowship programs directed specifically at medical and dental students and a continuing education clinical research training program at the National Institutes of Health.

"(c) Support for the Diverse Needs of Clinical Research.—The Director of National Institutes of Health, in cooperation with the Directors of the Institutes, Centers, and Divisions of the National Institutes of Health, shall support and expand the resources available for the diverse needs of the clinical research community, including inpatient, outpatient, and critical care clinical research.

"(d) Peer Review.—The Director of National Institutes of Health shall establish peer review mechanisms to evaluate applications for the awards and fellowships provided for in subsection (b)(2) and section 409D. Such review mechanisms shall include individuals who are exceptionally qualified to appraise the merits of potential clinical research training and research grant proposals.".

SEC. 4. GENERAL CLINICAL RESEARCH CENTERS.

(a) Grants.—Subpart 1 of part B of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end the following:

"SEC. 481C. GENERAL CLINICAL RESEARCH CENTERS.

"(a) Grants.—The Director of the National Center for Research Resources shall award grants for the establishment of general clinical research centers to provide the infrastructure for clinical research including clinical research training and career enhancement. Such centers shall support clinical studies and career development in all settings of the hospital or academic medical center involved.

"(b) Activities.—In carrying out subsection (a), the Director of National Institutes of Health shall expand the activities of the general clinical research centers through the increased use of telecommunications and telemedicine initiatives.

"(c) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each fiscal year.".

(b) Enhancement Awards.—Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.), as amended by section 3, is further amended by adding at the end the following:

"SEC. 409D. ENHANCEMENT AWARDS.

"(a) Mentored Patient-Oriented Research Career Development Awards.—

"(1) Grants.—

"(A) In general.—The Director of the National Institutes of Health shall make grants (to be referred to as 'Mentored Patient-Oriented Research Career Development Awards') to support individual careers in clinical research at general clinical research centers or at other institutions that have the infrastructure and resources deemed appropriate for conducting patient-oriented clinical research.

"(B) Use.—Grants under subparagraph (A) shall be used to support clinical investigators in the early phases of their independent careers by providing salary and such other support for a period of supervised study.

"(2) Applications.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director may require.

"(3) Authorization of appropriations.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

"(b) Mid-Career Investigator Awards in Patient-Oriented Research.—

"(1) Grants.—

"(A) In general.—The Director of the National Institutes of Health shall make grants (to be referred to as 'Mid-Career Investigator Awards in Patient-Oriented Research') to support individual clinical research projects at general clinical research centers or at other institutions that have the infrastructure and resources deemed appropriate for conducting patient-oriented clinical research.

"(B) Use.—Grants under subparagraph (A) shall be used to provide support for mid-career level clinicians to allow such clinicians to devote time to clinical research and to act as mentors for beginning clinical investigators.

"(2) Applications.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director requires.

"(3) Authorization of appropriations.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

"(c) Graduate Training in Clinical Investigation Award.—

"(1) In general.—The Director of the National Institutes of Health shall make grants (to be referred to as 'Graduate Training in Clinical Investigation Awards') to support individuals pursuing master's or doctoral degrees in clinical investigation.

"(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director may require.

"(3) LIMITATIONS.—Grants under this subsection shall be for terms of 2 years or more and shall provide stipend, tuition, and institutional support for individual advanced degree programs in clinical investigation.

"(4) DEFINITION.—As used in this subsection, the term 'advanced degree programs in clinical investigation' means programs that award a master's or Ph.D. degree in clinical investigation after 2 or more years of training in areas such as the following:

"(A) Analytical methods, biostatistics, and study design.

"(B) Principles of clinical pharmacology and pharmacokinetics.

"(C) Clinical epidemiology.

"(D) Computer data management and medical informatics.

"(E) Ethical and regulatory issues.

"(F) Biomedical writing.

"(5) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

"(d) CLINICAL RESEARCH CURRICULUM AWARDS.—

"(1) IN GENERAL.—The Director of the National Institutes of Health shall make grants (to be referred to as 'Clinical Research Curriculum Awards') to institutions for the development and support of programs of core curricula for training clinical investigators, including medical students. Such core curricula may include training in areas such as the following:

"(A) Analytical methods, biostatistics, and study design.

"(B) Principles of clinical pharmacology and pharmacokinetics.

"(C) Clinical epidemiology.

"(D) Computer data management and medical informatics.

"(E) Ethical and regulatory issues.

"(F) Biomedical writing.

"(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual institution or a consortium of institutions at such time as the Director may require. An institution may submit only 1 such application.

"(3) LIMITATIONS.—Grants under this subsection shall be for terms of up to 5 years and may be renewable.

"(4) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each fiscal year.".

SEC. 5. LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS.

Part G of title IV of the Public Health Service Act is amended by inserting after section 487E (42 U.S.C. 288–5) the following:

"SEC. 487F. LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS.

"(a) IN GENERAL.—The Secretary, acting through the Director of the National Institutes of Health, shall establish a program to enter into contracts with qualified health professionals under which such health professionals agree to conduct clinical research, in consideration of the Federal Government agreeing to repay, for each year of service conducting such research, not more than $35,000 of the principal and interest of the educational loans of such health professionals.

"(b) APPLICATION OF PROVISIONS.—The provisions of sections 338B, 338C, and 338E shall, except as inconsistent with subsection (a) of this section, apply to the program established under subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

"(c) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

"(2) AVAILABILITY.—Amounts appropriated for carrying out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were made available.".

SEC. 6. DEFINITION.

Section 409 of the Public Health Service Act (42 U.S.C. 284d) is amended—

(1) by striking "For purposes" and inserting "(a) HEALTH SERVICE RESEARCH.—For purposes"; and

(2) by adding at the end the following:

"(b) CLINICAL RESEARCH.—As used in this title, the term 'clinical research' means patient oriented clinical research conducted with human subjects, or research on the causes and consequences of disease in human populations involving material of human origin (such as tissue specimens and cognitive phenomena) for which an investigator or colleague directly interacts with human subjects in an outpatient or inpatient setting to clarify a problem in human physiology, pathophysiology or disease, or epidemiologic or behavioral studies, outcomes research or health services research, or developing new technologies, therapeutic interventions, or clinical trials.".

SEC. 7. OVERSIGHT BY GENERAL ACCOUNTING OFFICE.

Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Congress a reporting describing the extent to which the National Institutes of Health has complied with the amendments made by this Act.

AMENDING FAIR LABOR STANDARDS ACT OF 1938

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 1693, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1693) to amend the Fair Labor Standards Act of 1938 to clarify the overtime exemption for employees engaged in fire protection activities.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. Mr. President, I ask unanimous consent the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without Objection, it is so ordered.

The bill (H.R. 1693) was read the third time and passed.

AMENDING THE PUBLIC HEALTH SERVICE ACT

Ms. COLLINS. MR. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 1488, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1488) to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic 'external defibrillators in Federal Buildings in order to improve survival rates of individuals who experience cardiac arrest in such Buildings, and to establish protections from civil liability arising from the emergency use of the devices.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2798

Ms. COLLINS. Mr. President, Senator GORTON has a substitute amendment at the best, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS] for Mr. Gorton, proposes an amendment numbered 2798.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. GORTON. I am pleased that the Senate will pass the Cardiac Arrest Survival Act before the end of this session. Each year 250,000 Americans suffer from sudden cardiac arrest. It can claim the life of a promising young athlete, a friend of family member regardless of age or health. Sudden Cardiac Arrest occurs when the heart's electrical impulses become chaotic causing the heart to stop pumping blood. Tragically, 95% of Americans who suffer from sudden cardiac arrest will die.

This bill helps to fight this killer by asking the Secretary of Health and Human Services to develop public access to defibrillation programs for federal buildings. Public access to defibrillation programs include improving access to automated external defibrillators (AEDs), training those likely to use the devices, ensuring proper medical oversight of the program and maintaining the devices according to manufacturer's guidelines. An AED is a small, laptop-sized device that is easy to use and can alalyze the heart rhythms of cardiac arrest victims to determine if a shock is warranted and, if necessary, deliver a lifesaving shock to the heart. The devices are so important because for every minute that passes before a cardiac arrest victim's heart is returned to normal rhythm, his or her chance of survival falls by as much as 10 percent.

This bill also provides important gap-filling Good Samaritan immunity for the few states that have yet to pass AED access laws. It will help ensure that people who respond to an emergency and use an AED to help cardiac arrest victims needn't fear frivolous lawsuits. It also provides reassurance to nonmedical facilities such as adult day care centers, the first aid station in a shopping mall, casinos, fitness clubs, sports stadiums, a health clinic in a business, an airport, ambulance, firetruck or other locations where AEDs may be beneficial that they can make these lifesaving devices available.

I want to thank Senators JEFFORDS and FRIST for their help in moving this bill forward. I am also grateful to the American Heart Association, the American Red Cross and the thirty-three other health organizations that have worked so hard to ensure passage of this bill. This is a good bill, it will help save lives and I look forward to working with my colleagues in the House to ensure that it is signed into law.

Mr. KENNEDY. Mr. President, Senator GORTON and I have worked closely with Chairman JEFFORDS and Chairman FRIST to prepare this substitute amendment to S. 1488, the Cardiac Arrest Survival Act. I particularly commend my colleague from Washington, Senator GORTON, for his leadership on this issue. Promoting the use of defibrillators is good public policy. The substitute amendment is supported by the American Heart Association, the American Red Cross and the American Red Cross. I am hopeful that the recommendations to be developed by the Secretary of Health and Human Services will encourage decision makers at the federal, state and local levels to make the most effective use of automated external defibrillators. I believe that this legislation will save lives. The "Good Samaritan" provisions contained in the legislation are targeted, and there is no need for additional categories. I urge the Senate to approve it now, and the House to pass it in the next session. It is a solid proposal, and it deserves prompt enactment.

Mr. GORDON. I couldn't agree more with my colleague from Massachusetts. We have worked together to find common ground on an issue that we all believe is important. The product of these discussions is a bill that I would like to see enacted into law as soon as possible. I hope we can work together with our colleagues in the House to pass this measure and send it to the President next year.

Mr. JEFFORDS. Mr. President, exactly one year ago today, Mike Tighe of Barnard, Vermont boarded a commercial aircraft for a flight to Los Angeles, California. As the plane cruised at about 35,000 feet; Mr. Tighe suffered a deadly heart attack. To make a long story short, Mike is alive and well today, because the aircraft in which he was a passenger had, only two days before that fateful flight, installed an Automated External Defibrillator for use in such an emergency. Today, Mr. President, I am proud to say that the Senate has passed a bill, the Cardiac Arrest Survival Act of 1999, that will make it much easier for federal, state and local government to place these lifesaving devices in public buildings and emergency response units.

Automated External Defibrillators, known as AEDs, are small, easy-to-use, laptop size devices that can analyze heart rhythms to determine if a shock is necessary and, if warranted, prompt the user to deliver a life-saving shock to the heart. Research shows us that for every minute that passes before a cardiac arrest victim is defibrillated, the chance of survival falls by as much as ten percent. Research also shows that 250 lives can be saved each day from cardiac arrests by using the AED. This legislation will help reduce unnecessary and life-threatening minutes of delay, ensuring that public access to defibrillation programs are implemented in the hundreds of thousands of federal buildings.

The Cardiac Arrest Survival Act of 1999, which was introduced by Senator GORTON and referred to the committee that I chair, the Committee on Health Education, Labor and Pensions, has broad bipartisan support, as well as the strong support of the American Heart Association, American Red Cross, and representatives of thousands of first response units across America. I would like to congratulate and thank all my colleagues for passing this legislation today, and especially Senator GORTON, who introduced this bill in August, and has worked tirelessly to get it completed before adjournment.

But most of all, Mr. President, I would like to congratulate Mike Tighe as he celebrates the one year anniversary of the deadly heart attack that he survived because the airplane that he was traveling in was equipped with an Automated External Defibrillator. I hope the bill we passed today moves through the legislative process and is signed into law just as soon as possible next year, so that the estimated 1000 Americans who suffer from sudden cardiac arrests each day will have the same chance that Mr. Tighe did.

Mr. FRIST. Mr. President, I applaud the Senate passage of S. 1488, the Cardiac Arrest Survival Act, a bill which I believe will save lives by examining the appropriate placement of automated external defibrillators (AEDs) in federal buildings and extending protection for those who supply and administer these life saving devices.

Each year, over 250,000 Americans suffer sudden cardiac arrest with only 5% surviving. Sudden cardiac arrest is a common cause of death in which the heart suddenly lapses into a chaotic rhythm known as ventricular fibrillation and stops pumping blood. As a result, the individual collapses, stops breathing and has no pulse. Often the heart can be shocked back into a normal rhythm with the aid of a defibrillator. This is exactly what happened when I resuscitated a patient with cardioplumonary resuscitation (CPR) and electrical cardioversion in the Dirksen Senate Office Building in 1995. I am pleased to report that he is doing well now four years later.

When a person goes into cardiac arrest time is of the essence and every second counts. For every minute that passes without defibrillation, a person's chance of survival decreases by about 10 percent. Thus, having an automated external defibrillator (AED) in an accessible place is important. AEDs are portable, lightweight, easy to use and are becoming an essential part of administering first aid to a victim of sudden cardiac arrest.

We have seen that in places where AEDs are readily available, survival rates in some areas increase to as much as 20–30% and in some settings they have even reached 70%. During the 105th Congress, I authored the "Aviation Medical Assistance Act," which was ultimately signed into law. This bill directed the Federal Aviation Administration to decide whether to require AEDs on aircraft and in airports. As a result of this new law, many airplanes now carry AEDs on board, and some airports have placed AEDs in their terminals. At Chicago O'Hare, just 4 months after AEDs were placed in that airport, 4 victims were resuscitated using the publicly available AEDs.

Currently, there is a movement in the States to expand the availability of AEDs by expressly extending Good Samaritan liability protection to users and providers of the devices. However, in federal jurisdictions such as court houses, federal agencies, and parks, there has been no coordinated effort to determine where AEDs ought to be placed and how an effective training program should occur. In addition, agencies that seek to obtain AEDs for high-risk populations report deferring purchases due to concerns about litigation and liability.

To help address this problem, the Cardiac Arrest Survival Act requests that the Secretary of the Department of Health and Human Services make recommendations for public access to defibrillation programs in federal buildings and extends Good Samaritan protection for automated external defibrillator users and providers in States that have not yet passed state legislation on this issue.

The bill does not require purchase of the devices, it simply asks for the Secretary of Health and Human Services to develop recommendations as to how best to develop these programs. The Good Samaritan portion of the bill is crafted so as not to pre-empt existing State laws, as well as to encourage States to continue to act on this issue in the future. In a matter of two or three years, 43 states have passed some form of AED Good Samaritan protection, which this bill will not pre-empt.

Mr. President, I am pleased that the Senate has taken action on this important piece of legislation and I look forward to its ultimate enactment into law. I want to thank my colleague, Senator GORTON, for taking the lead on this life saving proposal. I also would like to thank the American Heart Association and the American Red Cross for their help in drafting this legislation.

Ms. COLLINS. Mr. President, I ask unanimous consent that the substitute amendment be agreed to.

The amendment (No. 2798) was agreed to.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1488), as amended, was read the third time and passed.

Ms. COLLINS. Mr. President, I note I am very pleased to be a cosponsor of the legislation that was just passed by the Senate.

AMENDING THE PUBLIC HEALTH SERVICE ACT

Ms. COLLINS. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 1268, and that the Senate proceed to its immediate consideration.,

The PRESIDING OFFICER. Without objection, it is so ordered, The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1268) to amend the Public Health Service Act to provide support for the modernization and construction of biomedical and behavioral research facilities and laboratory instrumentation.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2799

(Purpose: To modify the authorization of appropriations)

Ms. COLLINS. Mr. President, Senator HARKIN has an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS] for Mr. HARKIN, proposes an amendment numbered 2799.

The amendment is as follows:

On page 16, lines 14 and 15, strike "$250,000,000 for fiscal year 2000, $500,000,000" and insert "$250,000,000".

Ms. COLLINS. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2799) was agreed to.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1268), as amended, was read the third time and passed, as follows:

S. 1268

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Twenty-First Century Research Laboratories Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the National Institutes of Health is the principal source of Federal funding for medical research at universities and other research institutions in the United States;

(2) the National Institutes of Health has received a substantial increase in research funding from Congress for the purpose of expanding the national investment of the United States in behavioral and biomedical research;

(3) the infrastructure of our research institutions is central to the continued leadership of the United States in medical research;

(4) as Congress increases the investment in cutting-edge basic and clinical research, it is critical that Congress also examine the current quality of the laboratories and buildings where research is being conducted, as well as the quality of laboratory equipment used in research;

(5) many of the research facilities and laboratories in the United States are outdated and inadequate;

(6) the National Science Foundation found, in a 1998 report on the status of biomedical research facilities, that over 60 percent of research-performing institutions indicated that they had an inadequate amount of medical research space;

(7) the National Science Foundation reports that academic institutions have deferred nearly $11,000,000,000 in renovation and construction projects because of a lack of funds; and

(8) future increases in Federal funding for the National Institutes of Health must include increased support for the renovation and construction of extramural research facilities in the United States and the purchase of state-of-the-art laboratory instrumentation.

SEC. 3. BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.

Section 481A of the Public Health Service Act (42 U.S.C. 287a–2 et seq.) is amended to read as follows:

"SEC. 481A. BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.

"(a) MODERNIZATION AND CONSTRUCTION OF FACILITIES.—

"(1) IN GENERAL.—The Director of NIH, acting through the Director of the Center, may make grants or contracts to public and nonprofit private entities to expand, remodel, renovate, or alter existing research facilities or construct new research facilities, subject to the provisions of this section.

"(2) CONSTRUCTION AND COST OF CONSTRUCTION.—For purposes of this section, the terms 'construction' and 'cost of construction' include the construction of new buildings and the expansion, renovation, remodeling, and alteration of existing buildings, including architects' fees, but do not include the cost of acquisition of land or off-site improvements.

"(b) SCIENTIFIC AND TECHNICAL REVIEW BOARDS FOR MERIT-BASED REVIEW OF PROPOSALS.—

"(1) IN GENERAL: APPROVAL AS PRECONDITION TO GRANTS.—

"(A) ESTABLISHMENT.—There is established within the Center a Scientific and Technical Review Board on Biomedical and Behavioral Research Facilities (referred to in this section as the 'Board').

"(B) REQUIREMENT.—The Director of the Center may approve an application for a grant under subsection (a) only if the Board has under paragraph (2) recommended the application for approval.

"(2) DUTIES.—

"(A) ADVICE.—The Board shall provide advice to the Director of the Center and the advisory council established under section 480 (in this section referred to as the 'Advisory Council') in carrying out this section.

"(B) DETERMINATION OF MERIT.—In carrying out subparagraph (A), the Board shall make a determination of the merit of each application submitted for a grant under subsection (a), after consideration of the requirements established in subsection (c), and shall report the results of the determination to the Director of the Center and the Advisory Council. Such determinations shall be conducted in a manner consistent with procedures established under section 492.

"(C) AMOUNT.—In carrying out subparagraph (A), the Board shall, in the case of applications recommended for approval, make recommendations to the Director and the Advisory Council on the amount that should be provided under the grant.

"(D) ANNUAL REPORT.—In carrying out subparagraph (A), the Board shall prepare an annual report for the Director of the Center and the Advisory Council describing the activities of the Board in the fiscal year for which the report is made. Each such report shall be available to the public, and shall—

"(i) summarize and analyze expenditures made under this section;

"(ii) provide a summary of the types, numbers, and amounts of applications that were recommended for grants under subsection (a) but that were not approved by the Director of the Center; and

"(iii) contain the recommendations of the Board for any changes in the administration of this section.

"(3) MEMBERSHIP.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Board shall be composed of 15 members to be appointed by the Director of the Center, and such ad-hoc or temporary members as the Director of the Center determines to be appropriate. All members of the Board, including temporary and ad-hoc members, shall be voting members.

"(B) LIMITATION.—Not more than 3 individuals who are officers or employees of the Federal Government may serve as members of the Board.

"(4) CERTAIN REQUIREMENTS REGARDING MEMBERSHIP.—In selecting individuals for membership on the Board, the Director of the Center shall ensure that the members are individuals who, by virtue of their training or experience, are eminently qualified to perform peer review functions. In selecting such individuals for such membership, the Director of the Center shall ensure that the members of the Board collectively—

"(A) are experienced in the planning, construction, financing, and administration of entities that conduct biomedical or behavioral research sciences;

"(B) are knowledgeable in making determinations of the need of entities for biomedical or behavioral research facilities, including such facilities for the dentistry, nursing, pharmacy, and allied health professions;

"(C) are knowledgeable in evaluating the relative priorities for applications for grants under subsection (a) in view of the overall research needs of the United States; and

"(D) are experienced with emerging centers of excellence, as described in subsection (c)(2).

"(5) Certain authorities.—

"(A) Workshops and conferences.—In carrying out paragraph (2), the Board may convene workshops and conferences, and collect data as the Board considers appropriate.

"(B) Subcommittees.—In carrying out paragraph (2), the Board may establish subcommittees within the Board. Such subcommittees may hold meetings as determined necessary to enable the subcommittee to carry out its duties.

"(6) Terms.—

"(A) In general.—Except as provided in subparagraph (B), each appointed member of the Board shall hold office for a term of 4 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of the term of the predecessor.

"(B) Staggered terms.—Members appointed to the Board shall serve staggered terms as specified by the Director of the Center when making the appointments.

"(C) Reappointment.—No member of the Board shall be eligible for reappointment to the Board until 1 year has elapsed after the end of the most recent term of the member.

"(7) Compensation.—Members of the Board who are not officers or employees of the United States shall receive for each day the members are engaged in the performance of the functions of the Board compensation at the same rate received by members of other national advisory councils established under this title.

"(c) Requirements for Grants.—

"(1) In general.—The Director of the Center may make a grant under subsection (a) only if the applicant for the grant meets the following conditions:

"(A) The applicant is determined by such Director to be competent to engage in the type of research for which the proposed facility is to be constructed.

"(B) The applicant provides assurances satisfactory to the Director that—

"(i) for not less than 20 years after completion of the construction involved, the facility will be used for the purposes of the research for which it is to be constructed;

"(ii) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility;

"(iii) sufficient funds will be available, when construction is completed, for the effective use of the facility for the research for which it is being constructed; and

"(iv) the proposed construction will expand the applicant's capacity for research, or is necessary to improve or maintain the quality of the applicant's research.

"(C) The applicant meets reasonable qualifications established by the Director with respect to—

"(i) the relative scientific and technical merit of the applications, and the relative effectiveness of the proposed facilities, in expanding the capacity for biomedical or behavioral research and in improving the quality of such research;

"(ii) the quality of the research or training, or both, to be carried out in the facilities involved;

"(iii) the congruence of the research activities to be carried out within the facility with the research and investigator manpower needs of the United States; and

"(iv) the age and condition of existing research facilities.

"(D) The applicant has demonstrated a commitment to enhancing and expanding the research productivity of the applicant.

"(2) Institutions of emerging excellence.—From the amount appropriated under subsection (i) for a fiscal year up to $50,000,000, the Director of the Center shall make available 25 percent of such amount, and from the amount appropriated under such subsection for a fiscal year that is over $50,000,000, the Director of the Center shall make available up to 25 percent of such amount, for grants under subsection (a) to applicants that in addition to meeting the requirements established in paragraph (1), have demonstrated emerging excellence in biomedical or behavioral research, as follows:

"(A) The applicant has a plan for research or training advancement and possesses the ability to carry out the plan.

"(B) The applicant carries out research and research training programs that have a special relevance to a problem, concern, or unmet health need of the United States.

"(C) The applicant has been productive in research or research development and training.

"(D) The applicant—

"(i) has been designated as a center of excellence under section 739;

"(ii) is located in a geographic area whose population includes a significant number of individuals with health status deficit, and the applicant provides health services to such individuals; or

"(iii) is located in a geographic area in which a deficit in health care technology, services, or research resources may adversely affect the health status of the population of the area in the future, and the applicant is carrying out activities with respect to protecting the health status of such population.

"(d) Requirement of Application.—The Director of the Center may make a grant under subsection (a) only if an application for the grant is submitted to the Director and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

"(e) Amount of Grant; Payments.—

"(1) Amount.—The amount of any grant awarded under subsection (a) shall be determined by the Director of the Center, except that such amount shall not exceed—

"(A) 50 percent of the necessary cost of the construction of a proposed facility as determined by the Director; or

"(B) in the case of a multipurpose facility, 40 percent of that part of the necessary cost of construction that the Director determines to be proportionate to the contemplated use of the facility.

"(2) Reservation of amounts.—On the approval of any application for a grant under subsection (a), the Director of the Center shall reserve, from any appropriation available for such grants, the amount of such grant, and shall pay such amount, in advance or by way of reimbursement, and in such installments consistent with the construction progress, as the Director may determine appropriate. The reservation of any amount by the Director under this paragraph may be amended by the Director, either on the approval of an amendment of the application or on the revision of the estimated cost of construction of the facility.

"(3) Exclusion of certain costs.—In determining the amount of any grant under subsection (a), there shall be excluded from the cost of construction an amount equal to the sum of—

"(A) the amount of any other Federal grant that the applicant has obtained, or is assured of obtaining, with respect to construction that is to be financed in part by a grant authorized under this section; and

"(B) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"(4) Waiver of limitations.—The limitations imposed under paragraph (1) may be waived at the discretion of the Director for applicants meeting the conditions described in subsection (c).

"(f) Recapture of Payments.—If, not later than 20 years after the completion of construction for which a grant has been awarded under subsection (a)—

"(1) the applicant or other owner of the facility shall cease to be a public or non profit private entity; or

"(2) the facility shall cease to be used for the research purposes for which it was constructed (unless the Director determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from obligation to do so);

the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the current value (as determined by an agreement between the parties or by action brought in the United States District Court for the district in which such facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction of such facility.

"(g) Guidelines.—Not later than 6 months after the date of the enactment of this section, the Director of the Center, after consultation with the Advisory Council, shall issue guidelines with respect to grants under subsection (a).

"(h) Report to Congress.—The Director of the Center shall prepare and submit to the appropriate committees of Congress a biennial report concerning the status of the biomedical and behavioral research facilities and the availability and condition of technologically sophisticated laboratory equipment in the United States. Such reports shall be developed in concert with the report prepared by the National Science Foundation on the needs of research, facilities of universities as required under section 108 of the National Science Foundation Authorization Act for Fiscal Year 1986 (42 U.S.C. 1886).

"(i) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated $250,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.".

SEC. 4. CONSTRUCTION PROGRAM FOR NATIONAL PRIMATE RESEARCH CENTERS.

Section 481B(a) of the Public Health Service Act (42 U.S.C. 287a–3(a)) is amended by striking "1994" and all that follows through "$5,000,000" and inserting "2000 through 2002, reserve from the amounts appropriated under section 481A(i) such sums as necessary".

SEC. 5. SHARED INSTRUMENTATION GRANT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $100,000,000 for fiscal year 2000, and such sums as may be necessary for each subsequent fiscal year, to enable the Secretary of Health and Human Services, acting through the Director of the National Center for Research Resources, to provide for the continued operation of the Shared Instrumentation Grant Program (initiated in fiscal year 1992 under the authority of section 479 of the Public Health Service Act (42 U.S.C. 287 et seq.)).

(b) REQUIREMENTS FOR GRANTS.—In determining whether to award a grant to an applicant under the program described in subsection (a), the Director of the National Center for Research Resources shall consider—

(1) the extent to which an award for the specific instrument involved would meet the scientific needs and enhance the planned research endeavors of the major users by providing an instrument that is unavailable or to which availability is highly limited;

(2) with respect to the instrument involved, the availability and commitment of the appropriate technical expertise within the major user group or the applicant institution for use of the instrumentation;

(3) the adequacy of the organizational plan for the use of the instrument involved and the internal advisory committee for oversight of the applicant, including sharing arrangements if any;

(4) the applicant's commitment for continued support of the utilization and maintenance of the instrument; and

(5) the extent to which the specified instrument will be shared and the benefit of the proposed instrument to the overall research community to be served.

(c) PEER REVIEW.—In awarding grants under the program described in subsection (a) Director of the National Center for Research Resources shall comply with the peer review requirements in section 492 of the Public Health Service Act (42 U.S.C. 289a).

AMENDING THE PUBLIC HEALTH SERVICE ACT

Ms. COLLINS. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 1243, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1243) to amend the Public Health Service Act to revise and extend the prostate cancer preventive health program.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection it is so ordered.

The bill (S. 1243) was read the third time and passed, as follows:

S. 1243

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prostate Cancer Research and Prevention Act".

SEC. 2. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) PREVENTIVE HEALTH MEASURES.—Section 317D of the Public Health Service Act (42 U.S.C. 247b–5) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States and local health departments for the purpose of enabling such States and departments to carry out programs that may include the following:

"(1) To identify factors that influence the attitudes or levels of awareness of men and health care practitioners regarding screening for prostate cancer.

"(2) To evaluate, in consultation with the Agency for Health Care Policy and Research and the National Institutes of Health, the effectiveness of screening strategies for prostate cancer.

"(3) To identify, in consultation with the Agency for Health Care Policy and Research, issues related to the quality of life for men after prostrate cancer screening and followup.

"(4) To develop and disseminate public information and education programs for prostate cancer, including appropriate messages about the risks and benefits of prostate cancer screening for the general public, health care providers, policy makers and other appropriate individuals.

"(5) To improve surveillance for prostate cancer.

"(6) To address the needs of underserved and minority populations regarding prostate cancer.

"(7) Upon a determination by the Secretary, who shall take into consideration recommendations by the United States Preventive Services Task Force and shall seek input, where appropriate, from professional societies and other private and public entities, that there is sufficient consensus on the effectiveness of prostate cancer screening—

"(A) to screen men for prostate cancer as a preventive health measure;

"(B) to provide appropriate referrals for the medical treatment of men who have been screened under subparagraph (A) and to ensure, to the extent practicable, the provision of appropriate followup services and support services such as case management;

"(C) to establish mechanisms through which State and local health departments can monitor the quality of screening procedures for prostate cancer, including the interpretation of such procedures; and

"(D) to improve, in consultation with the Health Resources and Services Administration, the education, training, and skills of health practitioners (including appropriate allied health professionals) in the detection and control of prostate cancer.

"(8) To evaluate activities conducted under paragraphs (1) through (7) through appropriate surveillance or program monitoring activities."; and

(2) in subsection (l)(1), by striking "1998" and inserting "2004".

(b) NATIONAL INSTITUTES OF HEALTH.—Section 417B(c) of the Public Health Service Act (42 U.S.C. 286a–8(c)) is amended by striking "and 1996" and inserting "through 2004".

MAKING A TECHNICAL CORRECTION

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of H. Con. Res. 239, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 239) directing the Clerk of the House of Representatives to make a technical correction in the enrollment of the bill H.R. 3194.

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 239) was agreed to.

AMENDING THE IMMIGRATION AND NATIONALITY ACT

Ms. COLLINS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 2886, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2886) to amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after a sibling who is a child under such Act.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2886) was read the third time and passed.

AMENDING TITLE 18, UNITED STATES CODE

Ms. COLLINS. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of H.R. 1887, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1887) to amend title 18, United States Code, to punish the depiction of animal cruelty.

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH of New Hampshire. Mr. President, today, I rise in strong support of H.R. 1887, legislation that overwhelmingly passed the House to ban interstate commerce in videos depicting acts of cruelty against animals. Specifically, this legislation would ban the interstate shipment of videos that record women, often wearing stiletto heeled shoes, slowly crushing live animals to death. Animal victims include hamsters, kittens, puppies, and even monkeys. Viewers purchase these videos for $15 to $300 and apparently derive some sexual gratification from watching these horrifying act of animal cruelty.

The Humane Society of the United States, which brought this issue to the attention of law enforcement agencies, has discovered that there are more than 2,000 video titles that include crushing. One such business in California has labeled itself Steponit.

I really have never heard of more bizarre, more perverse, and more sickening acts that this. This goes way beyond the bounds of even of our most wild imaginations.

The people in this industry should face serious penalties for their sick acts of cruelty. Fines and jail time are appropriate societal responses.

State anti-cruelty statues are not adequate in addressing this problem. It has been difficult for enforcement agents to determine when the practice occurred, where it occurred, and who has been involved, since feet and the crushing of the animals are the only images on the video.

Here is a case where a restriction on interstate commerce in these products—in the age of the Internet, which facilitates this trade—is absolutely necessary. We have to stop the purveyors of this filth, indecency and cruelty.

This is not the harmless act of few people out of the mainstream. This is an extreme antisocial act, where innocent animals are harmed for the profits of producers and the mere sexual gratification of viewers.

In additon to the harm that the animals endure, there is an additional reason to crack down on this industry. There is a well-established link between acts of violence against animals and later acts of violence perpetrated against people. People sometimes rehearse their violence on animals before turning their violent intentions against people. The FBI and other law enforcement agencies have long recognized this linkage.

What sort of message do we send to children to allow these videos to be commercially traded and then viewed? It has to be desensitizing for children and adults to see these destructive images. There surely is a major impact on society when people lose their empathy and express their violent impulses on a larger social stage.

Mr. President, H.R. 1887 passed the House by an overwhelming vote of 372 to 42. I understand that it is currently being held at the desk. It is my hope that Senate will stop this industry in its tracks by passing this legislation.

Mr. KYL. Mr. President, I rise in support of H.R. 1887, a bill by Representative GALLEGLY which would prohibit, and set penalties for, knowingly creating, selling, or possessing a depiction of animal cruelty with the intention of placing that depiction in interstate or foreign commerce for commercial gain.

I would first like to thank the advocacy groups and individuals who testified at the House Subcommittee on Crime hearing and helped publicize the need for legislation to combat this form of animal cruelty. I would also like to thank Senator HATCH, chairman of the Senate Judiciary Committee, for his help in the passage of H.R. 1887.

I recently was informed by Representative GALLEGLY of a growing problem in California involving "crush" videos. Much of the material graphically features women stepping on and killing a variety of small animals. The animals are bound to the floor or other materials and are slowly tortured and crushed. When this deplorable practice came to light, Representative GALLEGLY introduced H.R. 1887, which targets the market for these disturbing videos.

While the acts of animal cruelty featured in these videos may violate many state animal cruelty laws, they can be difficult to prosecute. For example, prosecutors often cannot prove the date when the acts were performed or the identity of the individual committing the act of cruelty because the person's face is concealed or not filmed.

The purpose of H.R. 1887 is to prohibit individuals from profiting from videos depicting animal cruelty if the act depicted is illegal under federal or state law. This bill provides federal law-enforcement officials with a tool to prosecute the individuals making profits from these videos, which can be sold via the Internet and through catalogs for $30 to $100 a piece. Eliminating the videos' commercial incentive will hopefully stem the creation of "crush" videos.

This bill is important because many studies have shown that abusing animals is often a prosecutor for committing violence against other people. H.R. 1887 may not solve that problem, but it will at least eliminate the market for a truly reprehensible product.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1887) was read the third time and passed.

NATIONAL AMERICAN INDIAN HERITAGE MONTH

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of calendar No. 413, S. Res. 216.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 216) designating the Month of November 1999 as "National American Indian Heritage Month".

There being no objection, the Senate proceeded to consider the resolution.

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 216) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 216

Whereas American Indians and Alaska Natives were the original inhabitants of the land that now constitutes the United States;

Whereas American Indian tribal governments developed the fundamental principles of freedom of speech and separation of powers that form the foundation of the United States Government;

Whereas American Indians and Alaska Natives have traditionally exhibited a respect for the finiteness of natural resources through a reverence for the earth;

Whereas American Indians and Alaska Natives have served with valor in all of America's wars beginning with the Revolutionary War through the conflict in the Persian Gulf, and often the percentage of American Indians who served exceeded significantly the percentage of American Indians in the population of the United States as a whole;

Whereas American Indians and Alaska Natives have made distinct and important contributions to the United States and the rest of the world in many fields, including agriculture, medicine, music, language, and art;

Whereas American Indians and Alaska Natives deserve to be recognized for their individual contributions to the United States as local and national leaders, artists, athletes, and scholars;

Whereas this recognition will encourage self-esteem, pride, and self-awareness in American Indians and Alaska Natives of all ages; and

Whereas November is a time when many Americans commemorate a special time in the history of the United States when American Indians and English settlers celebrated the bounty of their harvest and the promise of new kinships: Now, therefore, be it

Resolved, That the Senate designates November 1999 as "National American Indian Heritage Month" and requests that the President issue a proclamation calling on the Federal Government and State and local governments, interested groups and organizations, and the people of the United States to observe the month with appropriate programs, ceremonies, and activities.

AMENDING THE STATUTORY DAMAGES PROVISIONS OF TITLE 17, UNITED STATES CODE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 3456.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3456) to amend statutory damages provisions of title 17, United States Code.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3456) was read the third time and passed.

HONORING JOSEPH JEFFERSON "SHOELESS JOE" JACKSON

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of S. Res. 134 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 134) expressing the sense of the Senate that Joseph Jefferson "Shoeless Joe" Jackson should be appropriately honored for his outstanding baseball accomplishments.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HARKIN. Mr. President, I am very pleased that the Senate has given its approval to Senate Resolution 134. With passage of this resolution, which I introduced earlier this year with Senators THURMOND and HOLLINGS, the Senate has gone on record to right a wrong perpetrated against one of the greatest American baseball players of all time—Joseph Jefferson "Shoeless Joe" Jackson. And I want to commend Senators THURMOND and HOLLINGS for their good work on this.

"Shoeless Joe" has been an inspiration to baseball players and fans for decades. Even the legendary Babe Ruth was said to have copied Jackson's swing. I was touched by Jacksons' story through the movie "Field of Dreams," which recounted his story. The movie was filmed in Dyersville, Iowa. Thousands of Iowans, young and old alike, have come to embrace "Shoeless Joe." In fact, there is an annual Shoeless Joe Jackson celebration and celebrity baseball game in Dyersville. This year it was attended by a cast of baseball greats, including Bob Feller.

Jackson's career statistics and accomplishments throughout his thirteen years in professional baseball clearly earn him a place as one of baseball's all-time greats.

His career batting average of .356 is the third highest of all time. In addition, Jackson was one of only seven Major League Baseball players to top the coveted mark of a .400 batting average for a season. Despite all this, in 1920 "Shoeless Joe" Jackson was banned from the game of baseball, the gamed he loved. He was banned from Major League baseball for allegedly taking part in a conspiracy to throw the 1919 World Series, in what has become known as the "Black Sox" scandal.

While "Shoeless Joe" did admit that he received $5,000 from his roommate, Lefty Williams, to participate in the fix, evidence suggests that Jackson did everything in his power to stop the fix from going through. He twice tried to give the money back. He offered to sit out the World Series in order to avoid any appearance of impropriety. And, he tried to inform White Sox owner Charles Comiskey of the fix. All of these efforts fell on deaf ears.

Perhaps the most convincing evidence of Jackson's withdrawal from the conspiracy was his performance on the field during the series. During the 1919 World Series—which he was accused of conspiring to fix—"Shoeless Joe" Jackson's batting average was .375, the highest of any player from either team. He had twelve hits, a World Series record. He led his team in runs scored and runs batted in. And, he hit the only home run of the series. On defense, Jackson committed no errors and had no questionable plays in thirty chances.

When criminal charges were brought against Jackson in trial, the jury found him "not guilty." White Sox owner Charles Comiskey and several sportswriters testified that they say no indication that Jackson did anything to indicate he was trying to throw the series. But, when the issue came before the newly-formed Major League Baseball Commissioner's office, Commissioner Judge Kenesaw "Mountain" Landis found Jackson guilty of taking part in the fix, and he was banned for life from playing baseball. The Commissioner's office never conducted an investigation and never held a hearing, thus denying "Shoeless Joe" Jackson due process.

Major League Baseball now has the opportunity to correct a great injustice. I have written to Commissioner Bud Selig urging him to take a new look at this case. I was very pleased when the Commissioner responded to my inquiry by saying he is giving the case a fair and objective review.

Restoring "Shoeless Joe" Jackson's eligibility for the Hall of Fame would benefit Major League Baseball, baseball fans, and all Americans who appreciate a sense of fair play.

The resolution we passed today states that Major League Baseball should honor Jackson's accomplishments appropriately. I believe Jackson should be inducted into the Major League Baseball Hall of Fame.

If that is to happen, Jackson must first be cleared for consideration by the Hall of Fame Veterans Committee, which will stand as the jury which decides whether Jackson's accomplishments during his playing career are worthy of recognition in the Hall of Fame.

Mr. President, we are involved in many important issues. Clearly, this matter will not and should not take up the same amount of time this body devotes to critical issues like health care, education, or national defense. But, restoring the good name and reputation of a single American is important. This resolution has given us the opportunity to right an old wrong. It has given us the opportunity to honor one of the all-time great players of America's pastime, "Shoeless Joe" Jackson.

I thank my colleagues for supporting this resolution.

AMENDMENT NO. 2800

(Purpose: To amend certain findings of the Resolution)

Ms. COLLINS. Mr. President, Senator THURMOND has a substitute at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for Mr. THURMOND, proposes an amendment number 2800.

The amendment is as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. SENSE OF THE SENATE THAT "SHOELESS JOE" JACKSON SHOULD BE RECOGNIZED FOR HIS BASEBALL ACCOMPLISHMENTS.

(a) FINDINGS.—The Senate finds the following:

(1) In 1919, the infamous "Black Sox" scandal erupted when an employee of a New York gambler allegedly bribed 8 players of the Chicago White Sox, including Joseph Jefferson "Shoeless Joe" Jackson, to throw the 1919 World Series against the Cincinnati Reds.

(2) In 1921, a criminal court acquitted "Shoeless Joe" Jackaon of charges brought against him as a consequence of his participation in the 1919 World Series.

(3) Despite the acquitta, Commissioner Landis banned "Shoeless Joe" Jackson from playing Major League Baseball for life without conducting a hearing, receiving evidence of Jackson's alleged activities, or giving Mr. Jackson a forum to rebut the allegations, issuing a summary punishment that fell far short of due process standards.

(4) During the 1919 World Series, Jackson's play was outstanding—his batting average was .375, the highest of any player from either team; he had 12 hits, setting a World Series record; he did not commit any errors; and he hit the only home run of the Series.

(5) Not only was Jackson's performance during the 1919 World Series unmatched, but his accomplishments throughout his 13-year career in professional baseball were outstanding as well—he was 1 of only 7 Major League Baseball players to ever top the coveted mark of a .400 batting average for a season, and he earned a lifetime batting average of .356 the third highest of all time.

(6) "Shoeless Joe" Jackson's career record clearly makes him one of our Nation's top baseball players of all time.

(7) Because of his lifetime ban from Major League Baseball, "Shoeless Joe" Jackson has been excluded from consideration for admission to the Major League Baseball Hall of Fame.

(8) "Shoeless Joe" Jackson passed away in 1951, and 80 years have elapsed since the 1919 World Series scandal erupted.

(9) Recently, Major League Baseball Commissioner Bud Selig took an important step by agreeing to investigate whether "Shoeless Joe" Jackson was involved in a conspiracy to alter the outcome of the 1919 World Series and whether he should be eligible for inclusion in the Major League Baseball Hall of Fame.

(10) Courts have exonerated "Shoeless Joe" Jackson, the 1919 World Series box score stands as a witness of his record setting play, and 80 years have passed since the scandal erupted; therefore, Major League Baseball should appropriately honor the outstanding baseball accomplishments of Joseph Jefferson "Shoeless Joe" Jackson.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Joseph Jefferson "Shoeless Joe" Jackson should be appropriately honored for his outstanding baseball accomplishments.

Ms. COLLINS. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2800) was agreed to.

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution, as amended, be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 134), as amended, was agreed to.

(The resolution will be printed in a future edition of the RECORD.)

HONORING ZACHARY FISHER

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 46.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 46) conferring status as an honorary veteran of the United States Armed Forces on Zachary Fisher.

There being no objection, the Senate proceeded to consider the joint resolution.

Ms. COLLINS. Mr. President, I ask unanimous consent that the joint resolution be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 46) was read the third time and passed.

DIRECTING SENATE COMMISSION ON ART TO RECOMMEND PAINTINGS FOR SENATE RECEPTION ROOM

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 241, submitted earlier by Senator LOTT.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 241) to direct the Senate Commission on Art to recommend to the Senate two outstanding individuals whose paintings shall be placed in two of the remaining unfilled spaces in the Senate Reception Room.

There being no objection, the Senate proceeded to consider the resolution.

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 241) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 241

Whereas the reception room in the Capitol outside the Senate Chamber was originally designed to contain medallion likenesses of outstanding Americans;

Whereas there are at present 6 unfilled spaces in the Senate reception room for such medallions; and

Whereas it is in the public interest to accomplish the original objective of the design of the Senate reception room by selecting individuals who were outstanding Senate legislators with a deep appreciation for the Senate, who will serve as role models for future Americans: Now, therefore, be it

Resolved, That (a) the Senate Commission on Art established under section 901 of the Arizona-Idaho Conservation Act of 1988 (40 U.S.C. 188b) (referred to as the "Commission") shall select 2 outstanding individuals whose paintings shall be placed in 2 of the remaining unfilled spaces in the Senate reception room, upon approval by the Senate.

(b)(1) The Commission shall select individuals from among Senators, without consideration to party affiliation, who have not served as a Senator in the last 21 years. The Commission shall not select a living individual.

(2) The Commission shall consider first those Senators who are not already commemorated in the Capitol or Senate Office Buildings, although such commemoration shall serve as an absolute bar to consideration or selection only for those who have served as President of the Senate, as the latter are visibly and appropriately commemorated through the Vice Presidential bust collection.

(3) The Commission also shall give primary consideration to the service of the Senator while in the Senate, as opposed to other service to the United States.

(c) The Commission is authorized to seek advice and recommendations from historians and other sources in carrying out this resolution.

SEC. 2. The Commission shall make its selections and recommendations pursuant to the first section no later than the close of the second session of the 106th Congress.

SEC. 3. For purposes of making the recommendations required by this resolution, a member of the Commission may designate another Senator to act in place of that member.

SEATTLE, WASHINGTON, WTO MEETING

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate now turn to H. Con. Res. 190, regarding the Seattle, WA, WTO meeting, the resolution be considered agreed to, and the motion to reconsider be laid upon the table, all without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 190) was agreed to.

Mr. ROTH. Mr. President, I am pleased that the Senate has unanimously supported this concurrent resolution. As the United States prepares for the World Trade Organization meeting in Seattle, it is important that Congress send this message—that electronic commerce should be free of tariff and non-tariff barriers, and of multiple and discriminatory taxation. At this time, I do want to make one clarification.

The resolution urges a permanent international ban on tariffs on electronic commerce. It is my understanding that, in this context, this phrase really urges a permanent international ban on tariffs on electronic transmissions. Electronic transmissions is a more exact phrase, which more clearly reflects the findings of this resolution and the current negotiating position of the United States.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDING PART E OF TITLE IV OF THE SOCIAL SECURITY ACT

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3443, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3443) to amend part E of title IV of the Social Security Act to provide States more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3443) was read the third time and passed.

THANKS TO THE STAFF

Ms. COLLINS. Mr. President, we are awaiting one final legislative measure that we expect to clear tonight. In the meantime, I thank the floor staff for all of their assistance with this legislative flurry this evening and earlier today. I also express my thanks to the staff of the Senate for their ongoing assistance to me and to other Senators.

I take this opportunity to also praise my own staff, which has worked so hard during this last legislative session. It has been a very productive one, and I feel very fortunate to have such a talented and hard-working staff to support me in my efforts to serve the people of Maine. I thank the presiding officer for his patience as we have proceeded through this last-minute flurry of legislation. We can be proud of the fact that we have been able to clear a great deal of legislation today that will make a real difference for the families of America.

LAND CONVEYANCE

Ms. COLLINS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on S. 416, an act to direct the Secretary of Agriculture to convey to the city of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 416) entitled "An Act to direct the Secretary of Agriculture to convey to the city of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. FINDINGS.

Congress finds that—

(1) the city of Sisters, Oregon, faces a public health threat from a major outbreak of infectious diseases due to the lack of a sewer system;

(2) the lack of a sewer system also threatens groundwater and surface water resources in the area;

(3) the city is surrounded by Forest Service land and has no reasonable access to non-Federal parcels of land large enough, and with the proper soil conditions, for the development of a sewage treatment facility;

(4) the Forest Service currently must operate, maintain, and replace 11 separate septic systems to serve existing Forest Service facilities in the city of Sisters; and

(5) the Forest Service currently administers 77 acres of land within the city limits that would increase in value as a result of construction of a sewer system.

SEC. 2. CONVEYANCE.

(a) IN GENERAL.—As soon as practicable and upon completion of any documents or analysis required by any environmental law, but not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall convey to the city of Sisters, Oregon, (hereinafter referred to as the 'city') an amount of land that is not more than is reasonably necessary for a sewage treatment facility and for the disposal of treated effluent consistent with subsection (c).

(b) LAND DESCRIPTION.—The amount of land conveyed under subsection (a) shall be 160 acres or 240 acres from within—

(1) the SE quarter of section 09, township 15 south, range 10 west, W.M. Deschutes, Oregon, and the portion of the SW quarter of section 09, township 15 south, range 10 west, W.M. Deschutes, Oregon, that lies east of Three Creeks Lake Road, but not including the westernmost 500 feet of that portion; and

(2) the portion of the SW quarter of section 09, township 15 south, range 10 west, W.M., Deschutes, County, Oregon, lying easterly of Three creeks Lake Road.

(c) CONDITION.—

(1) IN GENERAL.—The conveyance under subsection (a) shall be made on the condition that the city—

(A) shall conduct a public process before the final determination is made regarding land use for the disposition of treated effluent,

(B) except as provided by paragraph (2), shall be responsible for system development charges, mainline construction costs, and equivalent dwelling unit monthly service fees as set froth in the agreement between the city and the Forest Service in the letter of understanding dated October 14, 1999; and

(C) shall pay the cost of preparation of any documents required by any environmental law in connection with the conveyance.

(2) ADUSTMENT IN FEES.—

(A) VALUE HIGHER THAN ESTIMATED.—If the land to be conveyed pursuant to subsection (a) is appraised for a value that is 10 percent or more higher than the value estimated for such land in the agreement between the city and the Forest service in the letter of understanding dated October 14, 1999, the city shall be responsible for additional charges, costs, fees, or other compensation so that the total amount of charges, costs, and fees for which the city is responsible under paragraph (1)(B) plus the value of the amount of charges, costs, fees, or other compensation due under this subparagraph is equal to such appraised value. The Secretary and the city shall agree upon the form of additional charges, costs, fees, or other compensation due under this subparagraph.

(B) VALUE LOWER THAN ESTIMATED.—If the land to be conveyed pursuant to subsection (a) is appraised for a value that is 10 percent or more lower than the value estimated for such land in the agreement between the city and the Forest Service in the letter of understanding dated October 14, 1999, the amount of equivalent dwelling unit monthly service fees for which the city shall be responsible under paragraph (1)(B) shall be reduced so that the total amount of charges, costs, and fees for which the city is responsible under that paragraph is equal to such apprised appraised value.

(d) USE OF LAND.—

(1) IN GENERAL.—The land conveyed under subsection (a) shall be used by the city for a sewage treatment facility and for the disposal of treated effluent.

(2) OPTIONAL REVERTER.—If at any time the land conveyed under subsection (a) ceases to be used for a purpose describe in paragraph (1), at the option of the United States, title to the land shall revert to the United States.

(e) AUTHORITY TO ACQUIRE LAND IN SUBSTITUTION.—Subject to the availability of appropriations, the Secretary shall acquire land within Oregon, and within or in the vicinity of the Deschutes National Forest, of an acreage equivalent to that of the land conveyed under subsection (a). Any lands acquired shall be added to and administered as part of the Deschutes National Forest.

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, JANUARY 24, 2000

Ms. COLLINS. Mr. President, I believe we have now completed our business today. When the Senate completes its business today, it will stand in adjournment under the provisions of H. Con. Res. 235 until the hour of 12 noon on Monday, January 24, 2000, for the opening of the second session of the 106th Congress.

I ask unanimous consent that following the quorum call and the routine housekeeping matters, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for the transaction of routine morning business until 2 p.m., with Members permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Ms. COLLINS. Mr. President, for the information of all Senators, a cloture vote will occur at 12 noon on Tuesday, January 25, 2000, on the pending bankruptcy bill, in an effort to keep the remaining amendments to the bill germane to the issue of bankruptcy. Other legislation and executive calendar items could be considered during the session of the Senate on that Monday. However, votes are not expected to occur.

I deeply thank all of my colleagues for their patience and cooperation in the final hours of the first session of the 106th Congress. I think we are very fortunate to have the leaders that we have in the Senate. On their behalf, and on my own behalf, I wish everyone a safe and happy holiday season.

ADJOURNMENT SINE DIE

Ms. COLLINS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the provisions of H. Con. Res. 235.

There being no objection, at 8:49 p.m., the Senate adjourned sine die.

NOMINATIONS

Executive nominations received by the Senate November 19, 1999:

DEPARTMENT OF JUSTICE

E. DOUGLAS HAMILTON, OF KENTUCKY, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS, VICE BRIAN SCOTT ROY, RESIGNED.

NATIONAL MEDIATION BOARD

FRANCIS J. DUGGAN, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2003. (REAPPOINTMENT)

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR COMPONENT OF THE PUBLIC HEALTH SERVICE COMMISSIONED CORPS SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT:

To be medical director

EDWIN L. JONES III
DEAN D. METCALFE
ROBERT E. WITTES

To be senior surgeon

LAURA J. FEHRS
BARBARA L. HERWALDT
JOSEPH P. ISER
JOSEPH M. KACZMARCZYK
CAROLYN V. LEE
ILUMINADA M. LIM
KENNETH W. SMEAD III
JEROME I. TOKARS, JR.
STEFAN Z. WIKTOR

To be surgeon

M. MILES BRAUN
MARK E. DELOWERY
HAMID S. JAFARI
FREDERICK W. MILLER
DIANA M. RODRIGUEZ
DONALD J. SHARP

To be senior assistant surgeor

STEPHEN P. KACHUR

To be senior assistant surgeon surgeon

KERMIT C. SMITH

To be senior dental surgeon

CARL F. MEINHARDT

To be dental surgeon

CARL J. GUSTKE
CHRISTOPHER G. HALLIDAY
KATHY L. HAYES
THOMAS A. KORBITZ
RAYMOND F. LALA
RUTH I. LASHLEY
DAVID M. MCCOLLOUGH
SAUNDERS P. STEIMAN
JEFFERY L. VIDRINE

To be senior assistant dental surgeon

ROBERT G. GOOD
PAUL H. JOHNSON
KIMBERLY A. LAFLEUR-NIGG
JOHN E. LORINCZ
GELYNN L. MAJURE
KIPPY G. MARTIN
STEVEN A. MOGEL
PAUL S. WOOD
BENJAMIN C. WOOTEN

To be senior nurse officer

MICHAEL B. ANDERSON
KATHLEEN E. HASTINGS

To be nurse officer

KIRK L. HOPINKA
ARMANDO S. LEDESMA

To be senior assistant nurse officer

WENDY S. ANTONOWSKY
MARY L. CLIFT
DANIEL W. CLINE
JEFFREY L. DERRY
CYNTHIA T. FERGUSON
JOHN M. FRAMSTAD
JOHN M. HOLCOMB
PATRICIA M. JACOBS
ROBERTA PROFFITT LAVIN
PETER J. MARTINEAU
PEGGY J. MATHIS
SUSAN M. ORSEGA
BARBARA L. SCHOEN
SYLVIA TRENT-ADAMS
LINDA M. TRUJILLO
TRACY L. WOLFE

To be assistant nurse officer

DEBRA D. AYNES
AKILAH K. GREEN

To be senior engineer officer

KIM A. YALE

To be senior assistant engineer officer

SAMIE NIVER ALLEN
STEVEN L. BOSILJEVAC
CHRISTOPHER A. BRADLEY
GORDON R. DELCHAMPS
MATTHEW N. DIXON
RANDALL J. GARDNER
DARRELL W. LAROCHE
EDWARD M. LOHR
NELSON N. MIX

To be assistant engineer officer

NATHAN C. TATUM

To be scientist director

NEIL S. BUCKHOLTZ

To be senior scientist

ALEJO BORRERO-HERNANDE
ARMEN H. THOUMAIAN

To be scientist

S. LORI BROWN
GEORGE B. JONES
JOYCE L. SMITH

To be sanitarian

ROBERT H. BERGER
JOSEPH L. SALYER

To be senior assistant sanitarian

KEITH W. COOK
ANN M. KRAKE
RICHARD A. ORLANDO

To be senior veterinary officer

MARCIA L. HEADRICK
CAROL S. RUBIN

To be veterinary officer

SEAN F. ALTEKRUSE

To be senior pharmacist

TRUMAN M. HORN
THOMAS E. KRIZ
DAVID L. MILLER
JUSTINA A. MOLZON

To be senior assistant pharmacist

DONALD L. BRANHAM
BEECHER R. COPE, JR.
KATHLEEN M. DOTSON
JOE A. DUNCAN
MARK A. FELTNER
MATTHEW P. GRAMMER
RANDALL J. HAIGH
DANIEL L. HASENFANG
DAVID H. HUANG
MALENA A. JONES
HYE-JOO KIM
MICHAEL J. LONG
PATRICK M. MARSHALL, JR.
MARK R. MCCLAIN
MAYRA I. MELENDEZ
ALICIA M. MOZZACHIO
MARY A. NIESEN
SCARLET D. SOUTHERN
BEVERLY K. WILCOX
DEBORAH F. YAPLEE

To be assistant pharmacist

JAMES E. BRITTON, JR.
SHARON J. MCCOY
TRACY L. MALONEY

To be dietitian

TAMMY L. BROWN

To be senior assistant dietitian

MELISSA A. ZAFONTE

To be therapist

GEORGIA A. JOHNSON

To be senior assistant therapist

MARY BETH DORGAN
JOHN H. FIGAROLA
JEFFREY C. FULTZ

To be health services director

RICHARD A. HATCH

To be senior health services officer

TERRY L. BOLEN
CAROL A. COLEY
HARVEY G. LANDRY
JERRY L. SHERER

To be health services officer

NINA F. DOZORETZ
STEVEN A. SMITH

To be senior assistant health services officer

DEBORAH A. BOLING
DIANE E. CAIRNS
ROBERT J. CARSON
ELIZABETH F. CLAVERIE
PAUL S. CLEMENS
PAMELA G. CONRAD
STEVEN E. HOBBS
MARK S. HOSS
THOMAS W. HURST
DANIEL M. KAVANAUGH
JAMES B. REED
ASTRID L. SZETO
ROBBIN K. WILLIAMS
ANTHONY M. ZECCOLA

To be assistant health services officer

MONTA A. BREEDEN
BONNIE L. GRANT
ARIEL E. VIDALES
COLLEEN E. WHITE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR COMPONENT OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT:

To be medical director

SUSAN J. BLUMENTHAL
MICHAEL R. BOYD
ANGEL R. BRANA
TIMOTHY R. CAVANAGH
LARRY D. CROOK
RICHARD C. DICKER
LESLIE G. FORD
SUSAN V. GLOYD
CHARLES G. HELMICK III
STEPHEN P. HEYSE
JOYCE M. JOHNSON
EDWIN M. KILBOURNE
JOHN R. KITTREDGE
KESINEE C. NIMIT
PHILIP D. NOGUCHI
GUILLERMO R. OTERO-HERRMANN
HERBERT B. PETERSON
GERALD V. QUINNAN, JR.
ADA I. RIVERA
HAROLD W. SCHNEIDER, JR.
ELSTON SEAL, JR.
STANLEY L. SLATER
SUZANNE M. SMITH
MARGARET A. TIPPLE

To be senior surgeon

WILLIAM E. CARTER, JR.
ROBERT F. CHESBRO
ARJA K. CHON
DAVID S. DICKMAN
JAMES M. GALLOWAY
ALAN E. GREENBERG
THOMAS R. HALES
TERENCE H. HAMEL
FREDERIC W. HELD
PETER M. HOUCK
MARTIN J. KILEEN
BOYD W. MANGES
DAVID M. MANNINO III
TIMOTHY D. MAYHEW
NEIL J. MURPHY
BERNARD L. NAHLEN
TIMOTHY C. NICELY
PATRICK W. OCARROLL
PATRICK J. OCONNER
ROBERT W. PINNER
GARY F. ROSENBERG
MARK H. SCHIFFMAN
JOSEPH E. SNIEZEK
KATHERINE M. STONE
DENNIS P. TOOMEY
CHARLES R. VERGONA
ROBERT P. WISE
JOHN S. YAO
KEVIN S. YESKEY
LYNDA K. ZAUNBRECHER

To be surgeon

JAMES P. ALEXANDER, JR.
ALICE Y. BOUDREAU
GREGORY M. BUCHALTER
JOANNA BUFFINGTON
PALU P. CARNES
ERLINDA R. CASUGA-MARQUEZ
JOSEPH M. CHEN
AHMED M. ELKASHEF
MICHAEL C. ENGEL
AURELIO GALATI
BROCKTON J. HEFFLIN
RONALD W. JOHNSON
CONNIE A. KREISS
BONITA D. MALIT
WILLIAM J. MARX, JR.
GREGG MCNEIL
TAN T. NGUYEN
ELIZABETH ORTIZ RIOS
DAVID H. SNIADACK
PAUL H. STEVENS
JUDITY THIERRY
JESSIE S. WING
STEVEN S. WOLF
STEPHANIE ZAZA

To be senior assistant surgeon

JOHN M. BALINTONA
JENNIFER L. BETTS
MATTHEW A. CLARK
AL-KARIM A. DHANJI
HEIDI C. ERICKSON
GRETCHEN M. ESPLUND
PHILIP T. FARABAUGH
DAVID C. HOUGHTON
JOHN C. MOHS
KIMBERLY S. MOHS
ROCHELLE M. NOLTE
LAURIE E. OLNES
SUSANNAH Q. OLNES
TRACEY FORD PETRIDES
MARK A. SHEFFLER
MELISSA A. SIPE
JOANETTE A. SORKIN
REBECCA L. WERNER

To be dental director

ROBERT J. ALLEN
GREGORY K. BAKER
ROBERT J. BENCIC
ROBERT S. BETZ
SCOTT BINGHAM
ERIC G. BRUCE
MICHAEL J. CRISTY
RICHARD M. DAVIDSON
ROBERT J. DAVIS
DONALD O. FORSEE
JAN R. GOLDSMITH
BYRON G. JASPER
MARK E. KOSELL
ROBERT R. MILLER
THOMAS O. OAS
GREGORY T. SMITH
CAROLYN A. TYLENDA
RICHARD M. VAUGHN

To be senior dental surgeon

JOHN S. BETZ
ARTURO BRAVO
MICHAEL H. CANGEMI
JAMES L. CARPENTER
SHERWOOD G. CROW
ROSEMARY E. DUFFY
MILTON J. EISIMINGER
CHARLES W. GRIM
KEVIN S. HARDWICK
DAVID L. HARRIS
STUART R. HOLMES
DEAN A. MALLOY
GEORGE R. MCCARTHY
RONNIE D. MCCUAN
ANDREA G. NEAL
THOMAS R. PALANDECH
ANGEL L. RODRIGUEZ-ESPADA
KEVIN T. SCHLEPP
JAMES C. SINGLETON
JONATHAN C. SMITH
RICHARD B. TROYER

To be dental surgeon

MITCHEL J. BERNSTEIN
DAVID L. BRIZZEE
BRENDA S. BURGES
ANDREW C. CASTERLINE
LISA W. CAYOUS
ROGER L. CHO
RICHARD L. DECKER
JOSEPH G. HOSEK
RANDALL B. MAYBERRY
ROBERT M. MCCARTHY
STEVE J. MESCHER
MICHAEL J. MINDIOLA
REBECCA V. NESLUND
EDWARD E. NEUBAUER
DEBORAH PHILO COSTELLO
THOMAS A. REESE
DONALD L. ROSS
ADELE M. UPCHURCH
MARK J. VANELLS

To be nurse director

ROBERT E. ADAMS
DENISE S. CANTON
ALETA J. CRESS
POLLY A. MARCHBANKS
THERESA M. MCDONALD
LOYCE J. PHOENIX
CHERYL B. PRINCE
ELEANOR B. SCHRON

To be senior nurse officer

LUELLA M. BROWN
CHARLENE K. CLOUD
CHARLES S. CULVER
JUDITH J. DANIELSON
PENNY M. HLAVNA
DIANE P. HOLZEM
CHRISTOPHER J. JONES
ROMAN L. KUPCZYNSKI
JOHN S. MOTTER
KERRY P. NESSELER
YECHIAM OSTCHEGA
GLENN A. PRUITT

MARVA J. RANDOLPH-DAVALOS
LATRICIA C. ROBERTSON
PATRICE A. ROBINS
ANNETTE C. SIEMENS
PELAGRIE C. SNESRUD
MICHAEL L. VITCH
RICHARD G. WEYERS

To be nurse officer

BRIAN P. ASAY
NAOMI C. BALLARD
EDITH L. CLARK
MELVIN T. EDDLESTON
MARY Y. ELKINS
ANDREW J. ESTES
VERNA GADDY
JACINTO J. GARRIDO
JUDY A. GERRY
ANNIE L. GILCHRIST
BYRON C. GLENN
JOAN M. HARDING
COLLEEN A. HAYES
NELSON HERNANDEZ
PAUL S. HUNSTIGER
ROLDIE C. JONES
ERIC A. LASURE
ELNORA A. QUALLS
DANIEL REYNA
LETITIA L. RHODES
ROBERT H. SADDORIS
ROBERT J. SIVRET
JAMES E. SORENSON
VIEN H. VANDERHOOF
MARY T. VANLEUVEN
RUTH F. WALKER
JOYCE B. WATSON
DANIEL J. WESKAMP
VERNON L. WILKIE
CHRISTINE L. WILLIAMS

To be senior assistant nurse officer

DANIEL J. ARONSON
GUADALUPE R. LANGBEHN

To be engineer director

JOSEPH S. ALI
STEVEN M. BROMBERG
BARRY J. DAVIS
JAMES F. DUNN
JOSEPH D. GILLAM
KERRY M. GRAGG
DENNIS W. GROCE
DANIEL J. HABES
E. CRISPIN KINNEY
MICHAEL J. KREMER
DANIEL H. SCHUBERT

To be senior engineer officer

RANDALL L. BACHMAN
DENNIS A. BARBER
KENNETH J. EVANS
RONALD C. FERGUSON
DOUGLAS E. MARX
VINCENT D. MORTIMER
KENNETH E. OLSON II
RICHARD A. RUBENDALL
RAYMOND J. SUAREZ
KENNETH E. WILDE
ROBERT L. WILSON

To be engineer officer

ARTHUR M. ANDERSON
RAYMOND M. BEHEL II
ROBERT E. BIDDLE
DAVID M. BIRNEY
LEO M. BLADE
ENZIO E. BORCHINI
THOMAS A. BURNS
MITCHELL W. CONSTANT
WILLIAM R. GRIFFITH
DONALD J. HUTSON
MICHAEL S. JENSEN
JIMMY P. MAGNUSON
KATHY M. PONELEIT
STEPHEN D. RING
DAVID P. SHOULTZ
GEORGE W. STYER
MARK R. THOMAS
MICHAEL B. WICH
ANDREW J. ZAJAC

To be scientist director

RAYMOND E. BIAGINI
EDWARD F. DAWSON
A. ROLAND GARCIA
MARK A. TORAASON

To be senior scientist

WILLIAM CIBULAS, JR.
MARK S. EBERHARDT
JOSEPH M. LARY III
SARA DEE MCARTHUR
WILLIAM D. WATKINS

To be scientist

DRUE H. BARRETT
ROY A. BLAY
JOYCE A. SALG
GLENN D. TODD

To be sanitarian director

THOMAS E. CROW
STEVEN R. JAMES
EDWARD H. RAU
JOHN G. SERY
BARRY S. STERN
RICHARD M. TAFT
MARVIN W. H. YOUNG

To be senior sanitarian

BRUCE M. ETCHISON
EDWIN J. FLUETTE
DANIEL M. HARPER
ALAN D. KNAPP
BRUCE K. MOLLOY
KENNETH J. SECORD
THOMAS J. VEGELLA

To be sanitarian

DANIEL ALMAGUER
CLINT R. CHAMBERLIN
GARY J. GEFROH
KEVIN W. HANLEY
JEROME F. JOYCE
GREGORY M. KINNES
JOHN P. LEFFEL
ABRAHAM M. MAEKELE
KEVIN D. MEEKS
MICHAEL A. NOSKA
DORIS RAVENELL-BROWN
SARATH B. SENEVIRATNE
DAVID H. SHISHIDO
JESSILYNN B. TAYLOR
BARRY F. WILLIAMS
RONALD D. ZABROCKI

To be veterinary director

MARLENE N. COLE

To be veterinary officer

VICTORIA A. HAMPSHIRE
META H. TIMMONS

To be pharmacist director

JOHN A. BECHER
THOMAS M. DOLAN
MICHAEL W. DREIS
SHIRLEY A. JUAN
RICK S. LARRABEE
HALRON J. MARTIN
BARRY W. NISHIKAWA
DONALD C. PETERS
GEORGE R. SCOTT
WILLIAM B. SISCO
RICHARD A. STOWE
JOHN D. WARE, JR.

To be senior pharmacist

WILLIAM L. ANDERSON
JAMES D. BONA
JAMES L. BUTLER
RICHARD M. FEKJA
DAVID W. RACINE
JAMES R. ROSTEDT
BYRAN L. SCHULZ
MICHAEL R. SEYBOLD
CATHY L. SHAFFER
CYNTHIA P. SMITH
DOUGLAS L. HERRING
JIMMY W. MANNING
MICHAEL A. MORTON
DARRELL W. PARRISH
MARTIN L. SMITH
MICHAEL G. SMITH
ROBERT E. STALEY, JR.
DAVID R. TAYLOR
STEVEN M. WILSON

To be pharmacist

MICHAEL R. ALLEN
ROBERT A. ANDERSON
BARTON W. BAKER
EDWARD D. BASHAW
CHRISTINE E. CHAMBERLAIN
MICHELE F. GEMELAS
JILL G. GEOGHEGAN
KAREN G. HIRSHFIELD
IRENE J. HUMPHREY
WILLIAM B. MCLIVERTY
SHELLEY F. PAULSON
JULIE A. PLATTE
ANNIE L. REINER
STEVEN K. RIETZ
PATRICIA F. RODGERS
JOHN F. SNOW
EARL D. WARD, JR.
KELVIN N. WHITEHEAD

To be senior assistant pharmacist

CHRISTOPHER A. BINA

To be dietitian director

PAMELA L. BRYE
JOSEPH L. PIEPMEYER

To be senior dietitian

JANICE M. HUY
DARLENE C. ISBELL
JOYANNE P. MURPHY

To be dietitian

ANN MAHONEY FARRAR
DAVID M. NELSON
CONNIE Y. TORRENCE-THOMAS

To be therapist director

JAMES A. AKERS

To be senior therapist

DAVID E. NESTOR
IVANA R. WILLIAMS

To be therapist

KEVIN P. YOUNG

To be senior assistant therapist

JEAN E. MARZEN

To be health services director

SUSANNA F. BARRETT
SHELBY A. BIEDENKAPP
LINDA MORRIS BROWN
CURTIS L. FARRAR
RONALD G. FREEMAN
THOMAS R. GANN
MICHAEL R. HANNA
MARION A. JORDAN
SUSAN J. LOCKHART
KEITH C. LONGIE
PETER P. MAZZELLA, JR.
LATHAM R. MORRIS
CHARLES A. SCHABLE

To be senior health services officer

LURA J. ABBOTT
MARUTA Z. BUDETTI
EUGENE G. DANNELS
HILDA P. DOUGLAS
HOWARD A. GOLDSTEIN
CANDACE M. JONES
JEREMIAH P. KING
RICHARD A. LEVY
DAVID B. MAGLOTT
EUGENE A. MIGLIACCIO
JANE LINKLETTER OSBORNE
ARMANDO A. POLLACK
PAUL R. PRZYBYLA
RICHARD G. SCHULMAN
MAX A. TAHSUDA

To be health services officer

TONI A. BLEDSOE
DONALD H. GABBERT
TRACI L. GALINSKY
BRIAN T. HUDSON
DAVID J. MILLER
LANARDO E. MOODY
GAY E. NORD
DOROTHY E. STEPHENS
WILLIAM TOOL

DEPARTMENT OF JUSTICE

TIMOTHY EARL JONES, JR., OF GEORGIA, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE EDWARD F. REILLY, TERM EXPIRED.

MARIE F. RAGGHIANTI, OF TENNESSEE, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE GEORGE MACKENZIE RAST, RESIGNED.

COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be LIEUTENANT COMMANDER

JAY F. DELL, 5508
RICHARD N. EAST, 6138
LANCE A. LINDSAY, 7274
KELLY R. WARNER, 6286
PHILLIP A. PEREZ, 3938
STEVEN A. MATTHEWS, 5347
KIM C. FOSTVEDT, 8032
GEORGE J. TOLBERT, 1396
TIMOTHY M. MCGUIRE, 4374
JEFFRY A. SIMMERMAN, 9085
RICHARD W. HALL, 9376
ROBERT M. ATADERO, 3790
JEFFREY D. KOTSON, 5694
RONALD K. CHILTON, 3307
TODD J. CAMPBELL, 1839
CASEY J. WHITE, 2918
CLARK E. BLACK, 3808
GLEN J. MINE, 5185
CARY J. PORTER, 7178
DAVID R. XIRAU, 8256
KIRK N. SCHILLING, 4156
BARRY D. CALHOUN, 8665
MARK A. PANICEK, 1394
RICK D. CHRISTOFFERSEN, 2073
CURTIS J. FARRELL, 7109
JOHN P. FLYNN, 2967
AYLWYN S. YOUNG, 3677
PETER A. SCHICHTEL, 0903
DAVID C. NEUHAUS, 0227
LORINDA J. COUCH, 0238
STEPHEN G. GIBSON, 7774
ROBERT E. OCONNELL, 4384
JOHN T. KONDRATOWICZ, 3092
VIRGINIA K. ELSESSER, 2815
JOHNNY GONZALEZ, 0856
GEORGE P. WELZANT, 6985
MARK A. EYLER, 0894
JAMES J. VINCENT, 7223
ANDREW C. WISCHMEIER, 7155
TIMOTHY P. CONNORS, 4326
ANDREA L. THOMAS, 8830
JOEL K. MOORE, 9066
TODD A. SCHMIDT, 7188
HAROLD G. WHITLEY, 9209
CHRISTOPHER K. PALMER, 6299
SAMUEL R. CREENCH, 1338
HOWARD SHAW, 8317
EILEEN C. NALLY, 5052
LLOYD BANKS, 4829
MICHAEL K. HOLLAND, 7929
SEAN P. GILL, 9460
CHRISTOPHER S. KEANE, 8709
CHRISTINE N. CUTTER, 5703
RICHARD R. BEYER, 2415
ANDREW J. NORRIS, 3914
SANDRA K. SELMAN, 0598
RACHEL E. CANTY, 0546
MARK W. SKOLNICKI, 1382
MICHAEL A. EDGERTON, 1333
GARY I. TODD, 0423
JOSEPH DIRENZO, 6002
TIMOTHY J. ESPINOZA, 7197
CLIFFORD K. BAYUK, 6834
DARRYL P. VERFAILLIE, 2822
ROBERTA M. HEINCY, 8519
MARK S. RUSSELL, 3161
MARK L. EVERETT, 4957
TIMOTHY D. SICKLER, 7911
KENNETH IVERY, 3855
DANIEL C. KELLEHER, 0049
JOHN P. RADZISZEWSKI, 4791
BEVERLY A. BUYSSE, 0383
GEORGE J. PAITL, 3921
PATRICIA. J. HILL, 9683
EDWARD WOOLDRIDGE, 9454
KYLE P. MCAVOY, 4599
THEODORE FERRING, 9497
ROBERT E. MCFARLAND, 2791
WINSTON E. LESLIE, 1611
PETER F. MARTIN, 5740
BRENDAN E. OBRIEN, 8242
SEAN K. MOON, 3805
BRIAN P. THOMPSON, 8479
KENNETH D. DAHLIN, 2485
JOHN P. NEWBY, 0166
BRIAN E. HUDSON, 1713
DELWIN R. WITTERS, 6483
DOUGLAS E. NASH, 8685
JOHN F. CAMERON, 7817
JEFFREY A. BENOIST, 4467
JAMES S. OKEEFE, 5523
RANDALL E. WATSON, 2242
ALAN R. MARTINEZ, 2229
JOHN R. BEVILACQUA, 3566
ANDREW J. SORENSON, 4544
RONALD J. BALD, 0518
SUSAN L. SUBOCZ, 1139
CLIFFORD S. BATES, 7125
VALERIAN F. WELICKA, 4081
DANIEL J. TRAVERS, 6338
RICHARD T. SCHACHNER, 9297
ROBERT D. MACLEOD, 8831
JAMES K. INGALSBE, 4792
SCOTT S. STUTZ, 7965
ERIC C. RIEPE, 9913
PETER M. BRODA, 0917
ERIC P. KOWACK, 1680
DAVID P. SEMNOSKI, 3611
BRIAN S. GILDA, 7561
GREGORY S., MATLIN, 0746
TODD C. WIEMERS, 1805
JAMES C. KOERMER, 6031
PATRICK A. KEFFLER, 2598
DUANE E. BONIFACE, 0722
MICHAEL C. DICKEY, 5489
MAX A. CARUSO, 1340
RICHARD HAHAN, 5868
TODD W. LUTES, 3671
BRETT BOWDEN, 0277
EVAN WATANABE, 9097
WILLIAM J. KLUNK, 2123
KORY J. BENEZ, 2562
PHILIP C. SCHIFFLIN, 7112
ANDREW T. GRENIER, 5792
MICHAEL J. JOHNSTON, 0447
GREGORY P. TOBERT, 9055
MICHAEL E. SENECAL, 1546
WILLIAM J. LAWRENCE, 6093
HUNG Q. TRAN, 4835
JOSEPH B. KIMBALL, 4475SHAWN M. TOOHEY, 7871
HERBERT M. ANDREWS, 4700
MATTHEW G. MCDONALD, 1153

LANE D. JOHNSON, 7514
ERIC W. JOHNSON, 6965
SCOTT W. CLENDENIN, 3436
MICHAEL L. WOOLARD, 3349
MARK A. LEDBETTER, 7168
EMILE R. BENARD, 3385
JEFFREY S. BROWN, 4299
ERICK C. LANGENBACHER, 2255
PASQUALE DIBARI, 1091
JOHN P. SLAUGHTER, 0106
MICHAEL D. HUNT, 4590
HELEN K. TOVES, 5689
POLLY P. BARTZ, 2120
JEFFREY L. RADGOWSKI, 2744
SCOTT J. SMITH, 3536
ROBERT A. BEVINS, 2663
LUKE M. REID, 1203
DAVID K. CHAREONSUPHIPHAT, 6671
DAVID W. MURK, 2201
PETER A. MINGO, 9992
SCOTT MCCARTNEY, 1753
LAURA M. DICKEY, 3040
JACOB E. BROWN, 4975
WILLIAM J. BURNS, 2571
JAMES J. DEMPSEY, 3242
THOMAS ALLAN, 1937
AARON LEVER, 6322
ANDREW M. SUGIMOTO, 0180
DANIEL P. PRECOURT, 5499
JON G. GAGE, 0892
KEVIN S. NASH, 5547
GREGORY T. PRESTIDGE, 0998
ANDREW S. MCGURER, 1914
THOMAS A. GAFFNEY, 1262
CHRISTOPHER CLARK, 4674
JOHN G. HOMAN, 1702
JOHN M. BRYANT, 0905
ROBERT J. THOMAS, 5360
HUGH R. GRIFFITHS, 4009
EVAN C. GRANT, 4502
MARTIN W. WALKER, 5301
GREGORY D. ERICKSON, 6334
MANUEL J. PEREZ, 1165
MARY P. MCKEOWN, 5418
DAVID M. LARKIN, 4194
RANDY W. EMERY, 3560
JULIO MARTINEZ, 2015
ROBERT A. ENGLE, 1686
EUGENE V. VOGT, 4178
WILLIAM D. CAMERON, 8365
JONATHAN B. DUFF, 3822
SCOTT H. SHARP, 1398
WILLIAM D. HENNESSY, 6367
CLAAUDIA J. CAMP, 8344
PAUL ALBERTSON, 0649
JOHN W. MCKINLEY, 5558
STEPHEN A. LESLIE, 0893
GREGORY G. STUMP, 3561
ANDREW P. WOOD, 8529
KENT R. CHAPPELKA, 8086
DAVID R. PERTUZ, 5521
SHANNON W. MCCULLAR, 3987
WILFORD E. MORTON, 9678
JERROME H. HILTON, 2669
BRIAN K. PENOYER, 8857
ANDREW G. DUTTON, 4142
PHIL M. PERRY, 6478
MARK W. FLUITT, 2979
JANICE L. JENSEN, 7792
BRIAN J. DOWNEY, 1191
JENNIFER F. WILLIAMS, 8976
REED A. STEPHENSON, 9931
REGINA A. MCNAMARA, 4103
ALAN L. TUBB, 5021
KARA M. MORRISON, 4622
KAATHERINE F. WEATHERS, 0943
WILLIAM A. KASTEN, 6937
GEORGE A. LESHER, 5699
FRED A. GRIFFIN, 2590
MARTIN L. MALLOY, 3639
WILLIAM J. MOORE, 2938
JOSEPH H. SNOWDEN, 2083
PAUL MEHLER, 8143
MICHAEL C. BRADY, 3932
ROBERT J. BACKHAUS, 5735
THOMAS MCCORMICK, 5527
NILES L. SEIFERT, 9456
KYLE J. MARUSICH, 5136
TROY A. BESHEARS, 0317
DAVID MOYNIHAN, 5164
JAMES J. JONES, 5664
JOHN E. VALENTINE, 7973
MARK J. MCCADDEN, 8957
THOMAS P. DURAND, 1826
DANIEL W. UTTING, 6878
DENIS J. FASSERO, 6089

CONFIRMATIONS

Executive nominations confirmed by the Senate November 19, 1999:

DEPARTMENT OF ENERGY

IVAN ITKIN, OF PENNSYLVANIA, TO BE DIRECTOR OF THE OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT, DEPARTMENT OF ENERGY.

DEPARTMENT OF THE TREASURY

NEAL S. WOLIN, OF ILLINOIS, TO BE GENERAL COUNSEL FOR THE DEPARTMENT OF THE TREASURY.

UNITED STATES INSTITUTE OF PEACE

STEPHEN HADLEY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2003.

ZALMAY KHALILZAD, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2001.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PAUL STEVEN MILLER, OF CALIFORNIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2004. (REAPPOINTMENT)

DEPARTMENT OF LABOR

IRASEMA GARZA, OF MARYLAND, TO BE DIRECTOR OF THE WOMEN'S BUREAU, DEPARTMENT OF LABOR.

T. MICHAEL KERR, OF THE DISTRICT OF COLUMBIA, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

ANTHONY MUSICK, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

DEPARTMENT OF STATE

ALAN PHILLIP LARSON, OF IOWA, TO BE UNDER SECRETARY OF STATE (ECONOMIC, BUSINESS AND AGRICULTURAL AFFAIRS).

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

JOSEPH R. CRAPA, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUSAN M. WACHTER, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF COMMERCE

LINDA J. BILMES, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

LINDA J. BILMES, OF CALIFORNIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF COMMERCE.

UNITED STATES INTERNATIONAL TRADE COMMISSION

DEANNA TANNER OKUN, OF IDAHO, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR A TERM EXPIRING JUNE 16, 2008.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

NATIONAL LABOR RELATIONS BOARD

JOHN C. TRUESDALE, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2003.

NATIONAL MEDIATION BOARD

MAGDALENA G. JACOBSEN, OF OREGON, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2002.

FRANCIS J. DUGGAN, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2000.

ERNEST W. DUBESTER, OF NEW JERSEY, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2001.

THE JUDICIARY

RICHARD LINN, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be captain

RICHARD B. GAINES, 9808

COAST GUARD NOMINATIONS BEGINNING PETER K. OITTINEN, AND ENDING JOSEPH P. SARGENT, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 27, 1999.

WITHDRAWALS

Executive messages transmitted by the President to the Senate on November 19, 1999, withdrawing from further Senate consideration the following nominations:

UNITED STATES PAROLE COMMISSION

TIMOTHY EARL JONES, JR., OF GEORGIA, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE GEORGE MACKENZIE RAST, RESIGNED, WHICH WAS SENT TO THE SENATE ON JULY 19, 1999.

MARIE F. RAGGHIANTI, OF MARYLAND, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE EDWARD F. REILLY, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JULY 19, 1999.

EXTENSIONS OF REMARKS

REFORM OF THE COMMUNICATIONS SATELLITE COMPETITION AND PRIVATIZATION ACT

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. TAUZIN. Mr. Speaker, when I last addressed the House concerning H.R. 3261, at Chairman BLILEY'S request, I read his statement into the CONGRESSIONAL RECORD. Due to my long legislative history in issues relating to the satellite industry, I believe it is necessary for me to provide some additional views as the House and Senate prepare to begin a conference aimed at reconciling differences between their respective bills.

The Communications Satellite Competition and Privatization Act of 1999 is an important step forward in Congress' efforts to update the Communications Satellite Act of 1962 (1962 Act). I wish to acknowledge the efforts of Chairman BLILEY in reaching out to members of the Telecommunications Subcommittee to address important issues and advance the legislative process.

Mr. Speaker, reform of the 1962 Act is vitally necessary, as technological innovation and marketplace competition has dramatically changed the satellite industry over the past 30 years. Indeed, the arrival and rapid advance of undersea and underground fiber-optic cable systems has forced the industry to move beyond what many policymakers have thought to be its only role: universally providing telecommunications services to broad audiences. While the industry will certainly continue to lead efforts to develop new markets, satellites are now highly sought after to provide the capacity and redundancy necessary to continue the explosion in telecommunications usage, data transmission, and e-commerce. In other words, we have now learned that not only are cable systems unable and, in some cases, unwilling to reach everyone, they may not be able to service everyone.

As the landscape of the marketplace continues to change more cable and satellite systems find themselves in direct competition for customers, and we have been forced to reconsider our assumptions regarding the average satellite services user. No longer are these users simply interested in access to services; satellite customers want exactly what other telecommunications customers want. They want choice in the marketplace. They want the option of different transmission systems. They want broadband services over the Internet. They want high quality and highly dependable services. And they want it now.

This change in consumer demand, coupled with the exponential increase in Internet usage, interactive data and direct-to-home satellite services fuels much of the growth in the satellite services industry today. The result is a dynamic and highly competitive marketplace. How competitive? One need look no further than the chapter 11 filings of Iridium and ICO to understand that you won't be around long in this business if you're only resting on your laurels.

Mr. Speaker, I believe we can make this market even better for consumers. As the conference committee moves forward, we need to ensure that legislation intending to direct the future of the satellite industry is consistent with current economics, and that it recognizes the enormous strides toward full, free and private competition that are already underway. We need to ensure that a wide range of issues are addressed in a manner that fosters even more competition, and that Congress enacts balanced legislation which offers all companies in the satellite services industry a level playing field.

I want to specifically commend Chairman BLILEY for working to improve upon H.R. 1872 in several important areas. I am particularly gratified that the House legislation has effectively ensured that private contracts negotiated between entities are safeguarded and not subject to manipulation as a result of new legislation.

We also need to be sensitive to the fact that this bill is necessary to accommodate a commercial transaction between two companies that have already received regulatory approval for their merger. In this regard we should work to ensure that any action of the Congress should not diminish the value of current investments or ongoing business activities.

We should also ensure that no single competitor in the satellite services industry is advantaged or disadvantaged by our actions. In our effort to create a more dynamic marketplace, we should endeavor ourselves to provide even more consumer choice. Any limitation on services that any one company would offer should be seen as an outcome that reduces consumer choice. As I said previously, at a time when demand for Internet and other broadband services are driving growth across the telecommunications industry, it would be terribly ironic if an action of the Congress actually limited choice in the satellite market.

I am optimistic that we will produce legislation in the conference committee that is genuinely pro-competitive and offers customers around the world more choices. I look forward to working with Chairman BLILEY and Senator BURNS to produce legislation that meets these objectives.

TRIBUTE TO MANUEL MONTOYA

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. UDALL of New Mexico. Mr. Speaker, it makes me very proud to rise before the House of Representatives to recognize Manuel Montoya from Mora, NM. Just a few weeks ago Manuel began his studies at Oxford, England as a Rhodes Scholar. Manuel is a graduate of the University of New Mexico and is one of only 32 students nationwide to earn the much coveted scholarship named in honor of philanthropist Cecil Rhodes. And just last year Manuel also earned the distinguished Truman Scholarship. I want to recognize Manuel for bringing honor to his family, his community and to New Mexico.

Manuel was born and raised in Rainsville, in the County of Mora. He lost his father at an early age. Through his faith and his gifts, he has turned tragedy into inspiration and misfortune into strength, both for himself and for those around him. The County of Mora is one of the most economically disadvantaged counties in our country. The county confronts all of the challenges that affect rural America today. Although stricken by poverty, Mora is one of the wealthiest counties in spirit in our country, rich in culture and history with its Hispanic Heritage, rich in beauty with its mountains, valleys and rivers, rich in people that place the highest value on family, honor and respect. And Mora is rich in faith and rich in hope. The best of Mora is personified in Manuel Montoya and he has made our State and his community very proud.

On behalf of all New Mexicans I want him to know that he is in our thoughts and we look forward to his many successes. Manuel, La Gente de Mora y de Nuevo Mexico estan Contigo.

Thank you Mr. Speaker, I ask that a copy of the newspaper article recognizing Manuel's accomplishments also be placed in the RECORD.

[From the Santa Fe New Mexican, Dec. 8, 1999]

MORA NATIVE WINS RHODES SCHOLARSHIP

(By Kim Baca)

As a boy, Manuel-Julian Rudolfo Montoya of Mora wrote stories about his father—his favorite hero next to Batman.

In his stories, his father helped him and the family. Montoya was 7 when his father died, but the child never forgot the things his father taught him—especially things about trust, honor and leadership.

It may be those things that helped the 21-year-old University of New Mexico senior become one of 32 American students named a Rhodes scholar Saturday.

"I am not proud of the accomplishment, but what it means to all those people that helped me get there," Montoya said. "This is by no means my scholarship; it belongs to a lot of people—to my family, to my friends, my community. It belongs to UNM and everybody has the right to celebrate that."

The prestigious scholarship program was created in 1902 by British philanthropist and colonial pioneer Cecil J. Rhodes to help students from English colonies and the United States attend Oxford University in England for two or three years.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The scholarship, which pays all college and university fees, is one of the oldest international study awards available to students.

Montoya, a 1995 Mora High School graduate, has a long list of achievements. After graduating as valedictorian, he was awarded the Regents Scholarship, a four-year grant given to New Mexico's highest achievers. While in college, the English and economics double major helped establish a rural honors program for high school students in honor of his father.

Earlier this year, he was named a Truman Scholar—a national scholarship project named after President Harry S. Truman and given to college juniors who have extensive records of public service and outstanding leadership potential.

After he was awarded the Truman scholarship, his advisers in the honors program at UNM encouraged him to apply for the Rhodes program.

Rebecca Vigil, Montoya's English teacher at Mora High School, said news of the scholarship comes as no surprise to her.

"He has always been dedicated and committed. I always thought he would succeed," she said. "It's great that he has received this honor, not just for him but the entire community."

Mary Lou Sanchez, a guidance counselor for Mora schools, also remembers Montoya as an exceptional student.

"His written and verbal communication was always outstanding," she said. "He has always been a leader."

In addition to playing pool, guitar and writing poetry, Montoya is also helping build a museum in Mora. The museum will contain the history and genealogy of Mora residents.

Montoya's mother Mary Louise Montoya, said her son has always been a quick learner. His first language was Spanish, but he learned English immediately.

"He was a lector at our church at the age of 7," she said. "He taught a confirmation class when he was still in high school."

Montoya is one of a dozen Rhodes scholars residing in New Mexico. The last person to receive a Rhodes scholarship at UNM was in the 1970s.

In September, Montoya will leave for England and study law. After his term at Oxford, Montoya plans to go to Stanford University law school.

"It's my dream to become a litigator and provide legal services for the underprivileged," he said. Montoya would also like to create a think tank to study public policy.

[From the Santa Fe New Mexican]

THE BEST AND THE BRIGHTEST

(By Monica Soto)

MORA—The Mora River rises in the Rincon Range, east of the Sangre de Cristo Mountains, and flows to the west and to the south until it fuses with the Canadian River north of Sabinoso.

Generations of families have lived and died near the river. This is where Manuel-Julian Rudolpho Montoya, the Rhodes Scholar, was born.

His story, his journey, is simple really. It begins and it ends in Mora, a place too beautiful for words, where the most brilliant flowers bloom in the muddiest of waters.

Montoya, 22, stands in a field and stares at his birth home. The gray A-frame house is empty; it has been for a long time.

The wind rushes past him, and he sees images of his father, Rudy William Montoya, washing the family's 1972 Plymouth Duster and of his mother, Mary Louise, cooking dinner. He sees the forbidden cookie jar atop the highest kitchen shelf. He closes his eyes and smiles.

"I've come realize this as the turning point in my life because it meant a harder life for me," he says, then pauses. "Why live life if it's not hard? I seek the virtues."

Montoya, who graduated last month from The University of New Mexico with degrees in English and economics, leaves Sept. 25 for Oxford University, the first UNM student to be named a Rhodes Scholar since 1978. Montoya last year was named a Truman Scholar, a distinction bestowed upon college juniors who have extensive records of public service and outstanding leadership potential.

If Montoya represents the future of New Mexico, then he wants his home-town of Mora to be celebrated for this gift. It is the place where he experienced unconditional love, punctuated by deep pain, where he gained the wisdom to know that his experiences, both good and bad, have shaped him into a worthy man.

Montoya was born Dec. 9, 1976, but his story begins a generation before that.

Mary Louise Martinez was born Feb. 12, 1953, to Francisco and Dolores Martinez in Mora. Rudy William Montoya was born Oct. 2, 1953, to Ambrosio and Celena Montoya in Rainsville, 10 minutes away.

For the first 15 years of their lives, the two never crossed paths. Then on a spring day, halfway through adolescence, Rudy William Montoya and Mary Louise Martinez attended the same eighth-grade picnic in the Tres Ritos area, near the river.

Mary Louise didn't know how to swim. And she knew what happened at these types of functions. Someone always got flung in the river. This time it was her.

Her classmates must have thought she was joking when she started to scream for help. She panicked and went under water. Rudy William jumped in the river. He saved her life.

Both were freezing when they emerged from the frigid waters. Mary Louise had brought a beach towel to the picnic. They wrapped themselves in it and sat on a log, beneath a tree.

"Really shyly, he got my hand and he held it," she remembers. "That was the start."

Mary Louise and Rudy William went to every basketball game, every dance together from their freshman through senior years. They graduated from Mora High School in 1972. They were married the following August.

Manuel was the first born. Francisco followed four years later on April 12, 1981. Rudy William Louis, the baby, was born Dec. 22, 1984.

The elder Rudy William was a hard-working man with a gentle soul, a man who had grand dreams for his family. The heavy-equipment operator planned to build a split-level house in Rainsville on property he and Mary Louise inherited from the Montoya family.

Rudy William already had begun digging the trenches to lay the foundation of the house when on April 17, 1984, he responded to a call for help and was shot. He died a day later.

Mary Louise says the events surrounding her husband's death are things that are still too painful to discuss, only to say that he was "an innocent victim to a violent crime. He had no idea what he was walking into."

She can still remember how Montoya, just this little boy, walked around the house and prayed fervently in every room the day his father died. And the moment at which Montoya became a man.

The family held the funeral in Rainsville. When the casket opened, when Montoya first laid eyes upon his father, he didn't cry. Rather he clasped his hands together and incanted The Lord's Prayer, very clearly, very loudly.

After her husband's death, Mary Louise says she did everything she could so Montoya didn't have to feel like he was the man of the house, but that "he took on a lot of responsibility within himself."

Montoya's patriarchal role was, in ways, inevitable. Montoya's younger brothers went to him for guidance and advice. He fixed their problems the way he imagined his father would.

Montoya had numerous uncles to draw guidance from. He was nevertheless painfully aware that his own father was, in his words, "a guardian angel now."

He spoke of his struggles once to a group of peers at a student government conference. He modeled his speech after the words of Martin Luther King Jr. "I speak of the trials in my life not to gain your sympathy, but to gain your understanding."

Montoya says his father's death and the struggles he went through as a result pushed him to excel in ways that he felt would honor his father's memory.

"I love his memory more than anything in this world," he says. "It compels me every day."

As a single parent, Mary Louise doesn't describe her life with her three sons as one in which she played dual roles as mother and father. They leaned a lot on both the Martinez and Montoya families—people whom she refers to as "very special."

The dynamics of her own family was such that every son—Montoya, Francisco, and Rudy William—played an integral role in keeping the family together.

Mary Louise says all four of them made decisions on the finances and even discussed emotional issues. When she decided to return to school to receive an associate's degree, all four of the family members studied together.

"It took the four of us to do what we've done," she says. "It took the four of us to pull together."

It's been 15 years now. Sometimes it seems like yesterday.

"I remember somebody asked me one time how I felt," she says. "I always wondered, how are you supposed to answer that? But I did real truthfully saying, 'I feel like I'm cut in half. I'm missing half of me. And it's not crosswise, it's lengthwise.'

"We truly were one, and that's how it's always going to be."

A PROMISING YOUTH

Montoya always had shown promise. He learned both English and Spanish at an early age but preferred to speak Spanish before he began school. Neighbors would traipse into his grandmother's house to watch him stand on the coffee table, with his little guitar, and sing Spanish church hymns.

"I can remember he was a voracious reader," says Quirinita Martinez, his third-grade teacher. "He could read and read and read."

By the time Montoya was in high school, he understood clearly the educational opportunities he missed growing up in a rural community. His high school did not offer calculus or an honors English program because of the lack of demand. His school library did not carry Machiavelli's The Prince or Aristotle's Ethicos as standard texts.

The more people held Montoya up as an anomaly, the more he believed that he was no different than his peers.

"I saw them struggling through a system where they said, 'If you don't do this or that, you're a loser,'" he says. "That's unacceptable to me."

In college, Montoya spent a summer writing a proposal to the Mora School Board that would implement a general honors program at the high school. The program would set up independent studies for students who had exhausted the school district's traditional options.

Montoya wrote in his proposal that an instructor would craft semester-long lesson plans for each student. A student who enrolled in a class on contemporary, moral and ethical issues, for instance, would read books such as Mary Shelley's Frankenstein to gain insight into such issues as "euthanasia, genetic cloning, chemical testing on animals and humans, freedom-of-speech issues and hate crime." He included a 40-page economic analysis.

The school board signed the proposal in August 1997. The board later rescinded the program because it could not fund an instructor to oversee it, Montoya says.

Montoya says he was disappointed by the outcome, but that he has not given up on his project.

"Next time I'm going to have everything ready to go," he says. "No questions, no doubts."

Montoya also has worked diligently on another long-term project—to build an archive and museum that would house the town's family and cultural histories. He envisions a Plaza where the community could gather; Mora no longer has one.

Montoya, who has been accepted to Stanford Law School, says he also dreams of the day when each person is appreciated for his or her potential, when his brothers are held up for their talents, just as he has been celebrated for his.

"One time, my grandfather made a china cabinet with no nails, structurally sound," he says. "My brother (Francisco) can do that. It's something that I envy in him. The time hasn't come where they say that this is just as beautiful as being a Rhodes Scholar, and that bothers me."

Toby Duran, director for the Center for Regional Studies and the Center for Southwest Research at UNM, worked with Montoya on the museum proposal. Duran says that one of the first things they discussed was Montoya's dream of becoming a United States Supreme Court Justice.

"I was impressed by his boldness," says Duran, who gave Montoya a fellowship that enabled him to spend time preparing his Rhodes Scholar application. "He has a way of feeling for things and for people, but in addition to that, he uses reason. He's able to balance that very well."

Friends and family, those who have influenced Montoya, say that despite his rigorous intellect, he is stripped of pretension. Montoya's dream is to return to Mora and practice law with his closest confidant, Cyrus Martinez, also a Mora High School graduate.

The Rev. Tim Martinez, who was once a pastor in Mora, explains it this way:

"For a lot of people that grow up in rural communities, they have to leave before they realize the value of their upbringing," he says. "He realized the value long before he left his community. He carries that with him, always."

A DATE AT THE WHITE HOUSE

Montoya will participate in a White House ceremony before he leaves to study jurisprudence philosophy in England. He will meet President Clinton and members of the U.S. Supreme Court.

Even then, Montoya says he will be "the farm boy from Mora making messes in my mother's kitchen." And for that, he is immensely proud.

'I don't learn things without them being fixed in human experience," he says. "The facts can exist without human experience, but the truth cannot."

The truth, Montoya says, is that he is a culmination of many lives and many lessons, the embodiment of a town. He is his uncle, the Vietnam veteran and his Godmother, a shy and humble woman; he is his father, hardworking and unapologetic, and the viejo who plants a tree at the chapel each year.

He is also a man, now—one who has made it his life's mission not to allow his people to lose hope.

"If you don't surrender to your community, you will never unify what you have inside of you," he says. "It's indescribable. It's a healing that I have yet to comprehend."

ADDRESSING A GENERATION

Manuel-Julian Rudolpho Montoya's speech for The University of New Mexico's general commencement ceremony in May:

What then, I ask myself, shall we do this fine morning? How will we give praise to our education and our light?

I say we shout.

Shout in honor of the gathering. Give praise to your talents and those who lay hands on that talent. Form a song, without words and without beat save the rhythm of the many standing alongside you. Hear the rhyme of one language in unison as we shout in shades of Black, Yellow, Brown, White and Red. Shout in colors, shout in creeds. Shout in praise of the legacies that brought you here. Shout difference! Shout unity! And remember that they do not betray each other, they simply approach your soul from one end to the other.

Dance.

Dance in honor of your celebration. Give substances to the presence of our smiles and our laughter. In our dancing, let us love the greatness of this day, for it is a day that we recognize the trials of wisdom and knowledge brought to bear upon our very souls.

Cry.

Cry in honor of your suffering. Give it a voice so that it may surrender to the echoes of healing among our communities. Give it to the ignorant, so they may have heard that pain of their brothers and sisters.

Fight.

Fight with your minds. Gather your faculties in honor of the shouting, the dancing and the crying. Give them reason for existing. Validate them. Look to your minds and recognize the great unifier within you. Reconcile your pain with the promise of a better day because you fought with your mind. Know that you have learned all you can so that one day learning can take its place in the symphony of change.

Fight with your heart. Fight with kindness and do not relent when the wits of the many sway against the singular revolt of your heart. Cherish your passion and let it bleed for your neighbor. In this lies the hand that picks up our enemies and cares for them.

Let us now be called forth and have our names announced to the community. Call my name, for in it you evoke the legacy of my grandmothers and grandfathers. My beloved father and mother. My brothers. My friends. My family. My happiness and strength. Let it be called because our name shall ring the truth of my veneration for my community. Mora, New Mexico. Mi tierra y my vida.

Let us call the names of our graduates. Let their names ring forever in the past. So today, as we call names and hand diplomas, let us celebrate the world that lives alive and well within us.

Bless you all.

CREDIT CARD CONSUMER PROTECTION ACT

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Ms. HOOLEY of Oregon. Mr. Speaker, credit card late fees are becoming an increasing burden on consumers. More and more of my constitutents are telling me that credit card companies are charging them $30 late fees when they shouldn't be. I believe some companies are abusing their ability to charge late fees. In fact, just recently, First USA, a company that has millions of customers, was caught charging its customers late fees regardless of when they sent their payment in.

(ABC News, Nightline: "Let the Borrower Beware." August 31st, 1999).

In addition, many companies are shortening grace periods and imposing early morning deadlines for when a payment is due. One of the worst things they are doing is sending bills out just a few days before they're due, which makes it very difficult to get the payment in on time.

Obviously, these practices do not help credit card customers maintain good credit ratings. Additionally, these practices can cost customers hundreds of dollars in charges each year. In order to address some of the problems that people are encountering with late fees, today I am introducing the "Credit Card Customers Protection Act of 1999." This legislation would require credit card companies charging late fees to clearly disclose a date by which if your payment is postmarked, it cannot be considered late. Right now, most companies charge you based on when your payment arrives. But with passage of this legislation, if you mail your credit card payment in before the postmark date, you'll be okay.

This is similar to what the IRS does with your tax return. Regardless of when your return arrives at the IRS, if it is postmarked by April 15, it is not late. To me, this makes perfect sense, since we do not control the internal bill collecting processes of the credit card companies, nor do we want to. And we do not control the time it takes for a letter to be delivered.

This bill will put the balance of power back into the hands of credit card customers. I ask my colleagues for their support for this important legislation.

JOHN G. SHEDD AQUARIUM CELEBRATES THE BIRTH OF A BELUGA WHALE

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to recognize the John G. Shedd

Aquarium in Chicago as they celebrate the birth of a beluga whale. On August 3rd, a 4-foot-6-inch female calf was born weighing approximately 115 pounds. This is the first calf for Immiayuk, a 13-year-old beluga whale who has been in Shedd Aquarium's care since 1989.

Immiayuk is a first-time mother, and less than half of the calves born to those mothers, either in captivity or in the wild, are able to survive their first year. The new beluga has cleared many of the first hurdles, by swimming, diving and nursing with her mother. Shedd visitors will be able to see the calf in an underwater viewing area in late September. A contest to name the calf will be held for children ages 8 to 13.

The belugas reside in the Shedd's Oceanarium, a re-creation of the Pacific Northwest. Throughout the Oceanarium, large underwater viewing windows give Shedd visitors the opportunity to see the animals from the vantage point of their environment. Whales, dolphins, sea otters, harbor seals and penguins are some of the marine life on display.

The birth of the beluga is a milestone for the Shedd because the Oceanarium was built for the purpose of breeding marine mammals. The knowledge gained from the birth will provide Shedd staff with a better understanding of belugas and in turn that information will be used to help educate the public and contribute to the conservation of wild populations.

The birth of the beluga also is significant to the general beluga population as the National Marine Fisheries Service plans to list the beluga whales in Alaska's Cook Inlet as a depleted population. The 1998 Cook Inlet beluga census, counted 347. In 1994, about 675 belugas were counted; it is believed that 1,000 whales were in the inlet in 1980.

Mr. Speaker, please join me in congratulating the John G. Shedd Aquarium on the successful birth and continued health of Immiayuk's beluga calf.

INTRODUCTION OF THE SMALL BUSINESS TELECOMMUTING ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. UDALL of Colorado. Mr. Speaker, today, I am introducing the Small Business Telecommuting Act, a bill designed to raise awareness about telecommuting among small business employers and to encourage employers to offer telecommuting options to their employees.

In many areas of this country urban sprawl and traffic congestion are growing at alarming rates. Telecommuting surely is part of the answer to reducing traffic congestion and air pollution.

Mr. Speaker, telecommuting has many positive bi-products to which I would like to draw my colleagues' attention.

Traffic congestion: telecommuting could reduce peak commuter traffic, thereby reducing traffic congestion and air pollution.

Family wellness: telecommuting benefits the health of our communities by giving workers more time to spend with their families.

Employee productivity: studies have shown that telecommuting increases both employee productivity and morale, which in turn helps the business bottom line.

This legislation will direct the Administrator of the Small Business Administration to conduct a pilot program to raise awareness about telecommuting among small business employers. Telecommuting is quickly becoming a standard business practice. High-tech industries have employed telecommuting with great success for many years. In addition, the Federal Government has embraced telecommuting as well. This legislation will encourage and aid our nation's small business owners to embrace telecommuting.

Telecommuting in the small business community is a critically important tool, because it would allow small employers to retain valued employees with irreplaceable skills and institutional memory when their lives no longer allow them to be in the office daily.

Mr. Speaker, all around us we see remarkable strides being made in the use of technology to improve our quality of life and allow us to work more efficiently. I believe the Small Business Telecommuting Act will allow our nation's small business owners to also reap the benefits of these technological strides.

H.R. 2, THE STUDENTS RESULTS ACT

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. GONZALEZ. Mr. Speaker, on October 21, 1999, the U.S. House of Representatives overwhelmingly passed H.R. 2, the Students Results Act, which reauthorized funding for Title I of the Elementary and Secondary Education Act. Title I provides funding to local education agencies to help educationally disadvantaged children learn the core subjects, like math and reading, and authorizes other programs to assist low-achieving students. Last revised by the Improving America's Schools Act of 1994, Title I is the largest federal elementary and secondary education grant program.

In general terms, H.R. 2 was a good bill. It provided a billion dollar increase in Title I funding, focused on holding Title I students to the same high academic standards as all students, targeted funds to the poorest communities, and it improved accountability measures. In addition H.R. 2 addressed the quality of instruction in Title I classrooms by requiring certification for all teachers and strengthening professional development opportunities.

Unfortunately, H.R. 2 also included the "Parental Notification and Consent for English Language Learners" provision. In my opinion, the "Parental Notification and Consent" language in H.R. 2 was unfair at best and discriminatory at worst. The provision would at minimum have an unjust and disproportionate impact on limited English proficient (LEP) students, of which over 70% are Hispanic.

Schools provide LEP children the necessary language support services to ensure high academic standards in addition to developing their ability to speak, read and write English. However, the proposed "Parental Notification and Consent" requirements would unjustly prohibit schools from providing services until parents provide consent or until the school meets the mandatory requirement to build a written record of attempting to obtain parental consent.

While I do not presume to know why each of those who voted against H.R. 2 did so, I believe that in the case of the Democrats, that decision was based, at least in part, on concerns regarding the "Parental Notification and Consent" provision. It was apparent to me, and likely to others, that this provision potentially violates Title VI of the Civil Rights Act of 1964, which guarantees access to equal educational opportunities for LEP students.

As a parent, I must stress that I fully support and encourage enhanced parental involvement in schools and increased parental participation in their children's education. Nevertheless, I am convinced that this legislation, in its ill-advised attempt to include parental consent as part of Title I, will instead result in discriminatory practices and in limited resources being focused on bureaucratic requirements rather than on educational programs.

I did not easily arrive at my decision to oppose H.R. 2 and to make a statement regarding its potentially discriminatory effect on a limited group of students. In the end though, I could not vote to validate legislation that would result in isolating LEP students for different treatment than is applied to any other group of students, while denying access for millions to important Title I educational services.

HONORING MEGAN CHARLOP

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. ENGEL. Mr. Speaker, today I rise to honor Megan Charlop, who has been chosen as a Robert Wood Johnson Community Health Leader for 1999. Each year, the Community Health Leadership Program honors ten individuals who overcome tremendous odds to expand access to health care and social services to underserved populations in their communities. This year, the program has selected Ms. Charlop for her work as the Director of the Montefiore Medical Center Lead Poisoning Prevention Project in the Bronx.

While working as a housing organizer in the 1970's Megan unwittingly exposed herself and her fetus to lead dust and became poisoned. In the early 1980's, she organized a building in deteriorating condition where the children had become lead poisoned. As a result of these experiences Megan founded the Lead Poisoning Prevention Project in 1983.

As Director of the Project, Megan has diligently advocated for resources to create the Lead Safe House, which provides transitional housing for lead poisoned children and their families while their homes are undergoing abatement. Megan also co-founded the New York City Coalition to End Childhood Lead Poisoning, bringing together environmentalists, labor groups, social service and health providers, and parents to tackle the issues related to lead poisoning prevention. Her work with lead poisoning prevention in New York City has become a model for the nation.

And her work does not stop there. Recently, Megan has launched community health initiatives for other environmentally triggered diseases such as asthma and mercury using the model she developed for lead prevention.

Mr. Speaker, I am thrilled to recognize Megan Charlop as a 1999 Community Health Leader and I commend her for tremendous efforts to improve the health of her community and for her true leadership in the fight against lead poisoning.

TRIBUTE TO CHRIS WEAVER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. McINNIS. Mr. Speaker, it is with profound sadness that I now rise to pay tribute to the life of a friend and great civic leader, Chris Weaver. Sadly, the world lost Chris earlier this month when he died of an apparent heart attack. While mourning the passing of this great American, I would like to take this opportunity to honor the esteemed life of this great American.

A dyed-in-the-wool Republican his whole life, Chris left an indelible mark on the Pueblo community as a city councilman. As an at-large council member, Weaver was widely acclaimed for his leadership and vision on a wide range of issues, including HARP, the Pueblo Convention Center, and increased benefits for retired firemen. In his time on the council, Chris served with great distinction leaving a lasting legacy that will long benefit Pueblo.

At age 6, Chris moved to Pueblo with his parents, the late Dr. John Weaver and his wife Frances, from Concordia, Kansas. Following his graduation from Centennial High School in 1966, Chris studied briefly at the Colorado School of Mines and later transferred to the University of Southern Colorado where he graduated in 1982.

A certified public accountant, Chris was an active member in the Kiwanis Club, the Private Industry Council, and the National Association of Accountants.

I am hopeful that Chris' family—including his wife Mary, his children Andrew, Donald, and Jennifer, his mother Frances, and his siblings Ross, Matthew and Allison Swift—will all find solace in the remarkable life that he led. Indeed, like myself and the many others that counted him a friend, Chris' family should find peace in the knowledge each is a better person for having known him.

THE EMERGENCY FOOD ASSISTANCE ENHANCEMENT ACT OF 1999

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. GOODLATLE. Mr. Speaker, I rise today to introduce the Emergency Food Assistance Enhancement Act of 1999. My bill increases TEFAP commodity purchases from $100 million to $125 million in an attempt to help food banks meet the needs of their communities.

It is unfortunate, Mr. Speaker, that there is a need for food banks. Even though our farmers and ranchers are the most productive and efficient in the world, the need for food banks continues. Food banks often meet the needs of their communities by managing donations from the Government and the private sector. Most Government donations are the product of the Emergency Food Assistance Program. It is a unique program that has the ability to provide nutritious domestic agriculture products to needy Americans while at the same time providing support to the agriculture community. In the welfare reform bill. Congress made TEFAP commodity purchases mandatory because of the integral role this program has in the provisions of food assistance to needy families.

This program is a quick fix, something to get families through tough times. It gives them the support they need, but it doesn't ensnare them into a cycle of dependency for which other Federal assistance programs are infamous. TEFAP purchases also provide much needed support to the agriculture community. While other food assistance programs are much larger, TEFAP has a more direct impact for agriculture producers, while at the same time providing food for those in need.

The Balanced Budget Act of 1997 included hundreds of millions of dollars for Employment and Training Program aimed at those able bodied adults without dependents (ABAWD) whose eligility for the Food Stamp Program was restricted by a work requirement in the Welfare Reform Act of 1996. The money is dedicated to training programs that keep any ABAWD on the food stamp rolls if they participate. Several hearings and reports have said that the money is going unspent because very few are taking advantage of the programs. At the same time, food banks are reporting an increase in demand from the same demographic group.

Why not put the money where the need is? Annually the Secretary reviews the States employment and training programs and allocates the money he considers appropriate and equitable. If a State doesn't use the money allocated to them, the Secretary can reallocate the money to another State. My bill does nothing to change or restrict that authority. My bill simply allows the Secretary of Agriculture to spend up to $25 million of unobligated employment and training money on TEFAP commodity purchases.

Mr. Speaker, I am hopeful that the Emergency Food Assistance Enhancement Act will enjoy resounding and rapid support from the full House of Representatives. It is important that we increase commodity purchases for this important program.

TRIBUTE TO MS. JILL COCHRAN

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. QUINN. Mr. Speaker, I want to join Chairman STUMP and Ranking Member EVANS in acknowledging and saying thank you to Ms. Jill Cochran, long-time Democratic staff director for the Subcommittee on Benefits, who will retire next month following 25 years of dedicated service to the Committee on Veterans' Affairs.

Jill's contributions to the enactment of legislation such as the Montgomery GI bill, on which she worked with our distinguished former chairman for 7 years, vocational rehabilitation, veterans employment and training, homeless veterans, and transition assistance issues—just to name a few—I believe, are unsurpassed.

Jill personifies unselfish public service in her commitment to America's sons and Daughters who have served our Nation. We'll miss her compassion, her great spirit of cooperation, her expertise, and most of all—her exceptional leadership.

Jill, our kindest wishes and godspeed.

IN HONOR OF JOHN A. KAY

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. UDALL of New Mexico. Mr. Speaker, today I rise to honor the life and memory of a great American, Mr. John Kay. John was a constituent of mine from Rio Rancho, NM, who passed away in October. He was a personal friend and a strong advocate for veterans, John had a very distinguished career, having retired from both the U.S. Army and the Central Intelligence Agency. He loved our country and was very proud to have dedicated his life to serving it.

During his military service, John served with distinction in World War II and in the Korean conflict. In recalling his own military career, he was very proud of his service during World War II where he served with the famous 9th Reconnaissance troop of the 9th Infantry Division. A unit that fought courageously in virtually every major campaign of the European theater.

What made John so special was his open hearted and generous nature. After his retirement from the CIA, he dedicated himself to informing his fellow veterans about the issues important to them. Specifically, he was the author of a monthly column in a local newspaper dedicated to helping veterans.

Mr. Speaker, John Kay was a true gentleman who constantly searched for new proposals and reforms in an attempt to help his community. He was always open minded and he was always generous in his assistance to others. He will be sorely missed by myself and by his community.

ADLER PLANETARIUM AND THE MARS MILLENNIUM PROJECT

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. DAVIS of Illinois. Mr. Speaker, I am very pleased to recognize one of Chicago's premier institutions, the Adler Planetarium and Astronomy Museum, as they kick-off their contribution to the Mars Millennium Project and celebrate the grand reopening of their landmark building on October 1st.

Located on Chicago's beautiful lakefront, the Adler was founded in 1930 by Max Adler "to be the foremost institution for the interpretation of the exploration of the Universe to the broadest possible audience." To help fulfill this mission, the Adler has become actively involved in the Mars Millennium Project using its StarRider™ Theater Mars Millennium Show as the centerpiece of their contribution.

The Mars Millennium Project is an official White House Millennium Council Youth Initiative, challenging students across the nation to design a community yet-to-be-imagined—for the planet Mars. This national arts, sciences and technology education initiative is guided by the U.S. Department of Education, the National Aeronautics and Space Administration and its Jet Propulsion Lab, the National Endowment for the Arts, the J. Paul Getty and others.

The world's first StarRider™ Theater is a 3D interactive virtual reality experience, which will transport visitors on a voyage to Mars and allows the audience to participate in developing a viable Martian colony. The audience flys over Mars, picks a place for their colony and then designs the architecture, cultural icons and symbols that will make the colony unique.

The Adler is working with the Illinois State Board of Education and the Chicago Public Schools Teachers Academy for Professional Development to involve classrooms from across Illinois in the Mars Millennium Project. Throughout the project year, teachers will engage their students in project-based learning opportunities that will result in the development of student-created Mars colonies and Web pages.

Mr. Speaker, as we move into the Millennium it is important to engage the public in science and technology. The Adler's work with the Mars Millennium Program through the StarRider™ Theater and the reopening of their historic dome marks the advent of new era for the Adler Planetarium and Astronomy Museum.

CENTER FOR HUMAN RIGHTS ADVOCACY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. UDALL of Colorado. Mr. Speaker, for the past decade, the Center for Human Rights Advocacy (CHRA), a public interest law firm based in my congressional district, has been monitoring and analyzing social, economic, political, and ethnic problems and anti-Semitic activities in Russia and the former Soviet Union. The organization's President and Chief Counsel, Mr. William Cohen, is frequently called upon in the United States, Canada, and the United Kingdom to provide expert information and testimony pertaining to human rights and anti-Semitism in Russia and the former Soviet Union. Mr. Cohen also serves on the board of the executive committee of the Union of Councils for Soviet Jews.

The primary focus of Mr. Cohen's advocacy "is to make sure the doors remain open for Jews and all persecuted minorities." His recent report, "The Escalation of Anti-Semitic Violence in Russia," demonstrates the level of danger facing Russian Jews in light of the increased frequency of anti-Semitic activity.

The report documents the chronology of the latest anti-Semitic events in Russia and the former Soviet Union. Much of this information has never been reported in the media. Mr. Cohen has gleaned most of this information from clients seeking asylum or refugee status.

Following is the summary of Mr. Cohen's report. I urge my colleagues to contact my office or the Center for Human Rights Advocacy in Boulder, Colorado, for a copy of the full report.

THE ESCALATION OF ANTI-SEMITIC VIOLENCE IN RUSSIA

(By William M. Cohen)

I. SUMMARY: ANTI-SEMITISM AND PERSECUTION OF JEWS IN RUSSIA HAS DRAMATICALLY ACCELERATED.

The Center for Human Rights Advocacy (CHRA) has been monitoring and analyzing social, economic, political, ethnic and anti-Semitism developments in Russia and the former Soviet Union (FSU) since its inception in early 1991. In addition, because of the persistent evidence and reports of anti-Semitism in Russia, the Union of Councils for Soviet Jews (UCSJ), on which the author serves as a member of the Executive Committee of the Board of Directors, has steadily increased its monitoring and reporting on human rights and anti-Semitism in Russia. In cooperation with the Moscow Helsinki Group, and aided by a grant from the United States Agency for International Development, trained monitors located throughout Russia now regularly report to UCSJ and CHRA on this growing phenomenon.

The persistent pattern of anti-Semitism and the pernicious practice of persecution of Jews in Russia was identified and summarized by CHRA in March of 1996:

"This phenomenon [i.e., steadily growing anti-Semitism is an atmosphere of economic hardship following the breakup of the FSU] is exploited by politicians and elected officials for political gain. It is manifested by acts of discrimination, insults, threats, and violence against Jews, Jewish property, and Jewish institutions. It is aimed, in substantial part, at driving Jews out of Russia to make room for Russians in a time of scarcity, economic distress, and political instability arising out of the destruction of the Soviet Empire. Moreover, it is clear that there now exists no Russian governmental agency able or willing to protect Jews from persecution because of their nationality or religion. The absence of any meaningful deterrent to such conduct plus the permission given to anti-Semites by leading politicians and elected officials to engage in such conduct encourages those who would persecute Jews to do so with impunity.

Since the economic crisis and the collapse of the ruble which struck Russian in August 1998, anti-Semitic expressions by leading politicians and elected officials, aimed at demonizing and scapegoating Jews, and, ultimately, at driving them out of Russia, have dramatically accelerated. This increase in anti-Semitic rhetoric has been accompanied by a concurrent increase in the number of violent acts targeting Jews, Jewish property, and Jewish institutions. Such violence is now frequent and widespread throughout the vast number of Russia's regions as well as in the major city centers of Moscow, St. Petersburg, and Nizhny Novgorod, the location of the three largest population of Jews in Russia.

The frequency and ferocity of the various anti-Semitic violent acts appears to be accelerating. At the same time, the governmental institutions upon which Jews and other targeted minorities must rely for protection against extremist violence are either unable or unwilling to effectively provide that protection.

In addition, during the political and economic crises which continue today in Russia following the August 1998 collapse, militantly anti-Semitic groups, such as Russian National Unity (RNU), have grown in size and popularity. Sensing both the impotence and indifference of law enforcement agencies, these groups have increased the openness of their anti-Semitic expressions with little or no effective action by government authorities to deter them. Under these circumstances, Jews in Russia continue to be vulnerable to anti-Semitic discrimination, violence, and persecution without any effective recourse to the Russian government at any level for protection against such prejudicial treatment.

Indeed, the risk to Jews in Russia today is greater than at any time since the breakup of the Soviet Union. The Russian government has so far demonstrated that it is both unwilling and unable to deter growing anti-Semitic violence against its steadily diminishing Jewish population. Hence, those aimed at driving Jews out of Russia, punishing them because of hatred of Jews, and scapegoating Jews for a variety of political ends can generally do so with impunity.

Faced with escalating anti-Semitic violence combined with indifference to these attacks by the general Russian populace, political exploitation of the phenomenon and government impotence to protect them, the Jewish community has resorted to funding its own security for Jewish institutions and turned to Western governments and non-governmental human rights organizations for help. Increasingly more Jews are also leaving Russia and the FSU permanently for Israel, the United States and other countries where they will be free from persecution because of their Jewish religion and nationality.

Absent a dramatic change in the economic, social and political climate in Russia, it is highly unlikely that the current atmosphere of openly and violently expressed anti-Semitism will diminish any time soon. To the contrary, the escalating incidents combined with government silence and ineffective law enforcement, indicate that Jews are at great risk in Russia today and for the foreseeable future.

This Report will first document the chronology of recent anti-Semitic events which demonstrate both the increased frequency and level of danger which accompanies them as well as the Russian Jewish Community's reaction. Next it catalogues the Western governmental and non-governmental organizations (NGO)'s response to this growing problem. Finally, it outlines the less than adequate, largely rhetorical response by the Russian Government to this problem.

HONORING PEGGY BRAVERMAN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. ENGEL. Mr. Speaker, the Bronx is losing one of its most distinguished public servants and a woman who has done more for her borough and her community than we can ever thank her for. Peggy Braverman is retiring after more than 15 years as Deputy County Clerk for the Bronx where she oversaw a staff or more than 80 people as they helped residents secure business certificates, passports, and other significant documents while answering questions about jury duty and other matters.

She was always active in her community and the political arena. She was an administrative assistant in the Bronx Borough President's office from 1979 to 1985 and before that she served as an administrative assistant for then Councilman, now Assemblyman Stephen Kaufman. She was also Democratic District Leader for the 81st Assembly District.

At least as extensive was her work in the voluntary area. She was an active member of the Educational Jewish Center, the Morris Park Community Association, the Allerton Avenue Homeowners Association and the 49th Precinct Community Council. She also served as President of the PTA of Christopher Columbus High School and Vice President of JHS 135. She was also a scout leader.

Peggy Braverman is that rare person who serves her neighborhood and her fellow citizens in so many capacities, someone, who by their service, does so much to make government work and the community prosper. The people of the Bronx will miss her in government; let us hope we can keep her helping in the community. I want to join her legion of friends and admirers in wishing her in retirement what she has learned—the very best from life.

TRIBUTE TO DR. KENNETH MAURICE MATCHETT, JR.—A GREAT AMERICAN AND FRIEND

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to ask that we pause for a moment in honor of one of the finest people that I have ever had the pleasure of knowing. Dr. Kenneth Matchett, Jr. was a dedicated family man, a hard working physician and a model American. He gave selflessly to provide for his family and to help his community. Tragically, Ken died in a horse riding accident while competing in Phoenix, Arizona.

After graduating from Stanford with a degree in Biochemistry in 1963, he attended Cornell Medical College. There he was elected to Alpha Omega Alpha, the medical honorary society. It was not long until he realized his true passion, Internal Medicine. During 1967–1972, he completed his residency in Internal Medicine and a fellowship in Hematology/Oncology at Duke University. Soon after that he returned to his hometown of Grand Junction, Colorado, where he set up his own practice.

In addition to working tirelessly in his practice, he also maintained an active role in Saint Mary's Hospital. There Ken served as President of the Medical Staff and as a member of the Board of Directors. As if these accolades are not enough, he also went on to found the Oncology Unit for the care of cancer patients at Saint Mary's Hospital. The fine Doctor had a special reassuring warmth with his patients.

Ken is survived by his wife Sally, their three daughters, Nancy Jean, Sarah Mary and Emily Ruth, three sons–in–law and two grandchildren. His family was precious to him.

It is with this, Mr. Speaker, that I pay tribute to the life of Ken Matchett. I wish that everyone could have had the pleasure of knowing this man. He was a great American and a friend of many.

TRIBUTE TO THE LATE SURESH KWATRA

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. QUINN. Mr. Speaker, before the first session of he 106th Congress adjourns, I want to pay tribute to Mr. Suresh Kwatra, a dedicated 25-year career employee of the United States Department of Veterans' Affairs, who died unexpectedly on June 21, 1999.

Mr. Kwatra was indeed an inspiring individual. He was an accounting graduate of Delhi University. He immigrated to the United States from his native India in 1969 and served in the United States Army during the Vietnam conflict, shortly after gaining his American citizenship.

Mr. Kwatra began his career with the former Veterans Administration in 1974. He served as a veterans benefits counselor, strategic planner with VA's national cemetery system, and statistician and analyst in the Office of VA's Assistant Secretary for Policy and Planning. Because of his exceptional initiative and professionalism, the Congressional Veterans' Claims and Adjudication Commission selected Mr. Kwatra to be an analyst and project manager. In my role as chairman of the Subcommittee on Benefits, Committee on Veterans' Affairs, I have read his insightful analysis in the commission's report.

Mr. Speaker, Suresh Kwatra came to America, served proudly and honorably in our military, and then committed his life to serving fellow veterans for a quarter of a century. To Suresh's former co-workers, members of his church and community, his wife of 25 years Shoba, and sons Sameer and Naveen, I say that Suresh Kwatra was more than an inspiring individual, indeed he was an American hero.

HISTORIC ENCOUNTER BETWEEN SAN JUAN PUEBLO AND SPAIN

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. UDALL of New Mexico. Mr. Speaker, on October 31, 1999, the headline of the Sunday Journal North edition of the Albuquerque Journal read: "Pueblos, Spain Forging Ties." That headline and the accompanying article recognized ground-breaking events whose importance extends beyond the Third Congressional District of New Mexico. Events that are living proof that centuries-old wounds to the dignity of our Native American communities, particularly our New Mexico Indian Pueblos, can be healed through good will on the parts of the leaders of those Pueblos and the government involved. In this case, that government is the government of Spain.

Students of American history know that four and a half centuries ago our American Southwest was explored by the government of Spain, which eventually led to Spanish settlement there four centuries ago. Those 1598 Spanish colonists led by Don Juan de Oñate did not find themselves alone: they settled in the midst of Indian Pueblos that had been thriving, vital established communities since time immemorial.

The relationship between the Spanish settlers and the original Pueblo Indian inhabitants were filled with conflict and occasional violence. Through it all, the Pueblo Indian communities, including the Pueblo of San Juan where Juan de Oñate established the first Spanish capitol of New Mexico, struggled endured and held on to their culture, their traditions and even their internal government.

On April 3, 1998, acting on behalf of the 19 Indian Pueblos that comprise the All Indian Pueblo Council of New Mexico, San Juan Pueblo Governor Earl N. Salazar became the first tribal official in the history of New Mexico and the United States to invite an official representative of the Government of Spain, its Vice President Francisco Alvarez-Cascos, to visit San Juan Pueblo in commemoration of the four-hundredth anniversary of the permanent meeting of the two cultures. That invitation was made because in the view of the San Juan Tribal Council after four hundred years, reconciliation and healing were important. In the words of one San Juan Pueblo spiritual leader, "It was not right to teach our children to hate." What an incredible and brave statement that was!

As a result of Governor Salazar's invitation, on April 26, 1998, the Governors of New Mexico's 19 Pueblos, led by this remarkable young man, Governor Salazar, met with Vice President Alvarez-Cascos and Antonio Oyarzábal, Spanish Ambassador to the United States. The meeting was also attended by many of New Mexico's state and local government dignitaries. At that meeting, Governor Salazar reflected: "Today is a historical day for all of us because for the first time since that contact at Oke Oweingeh four hundred years ago, we, the descendants of our respective peoples and nations, are meeting to reflect upon the past and present, and together chart a new course of the relationship of our children and their future." Speaking for the Spanish delegation, Vice President Alvarez-Cascos stated "It is in the future history, the one we need and want to write together, that we will find reconciliation, fruit of a new will for two cultures who have learned to overcome the pain and suffering of the past, two people who want to know each other better, who want to build a new friendship."

Subsequently, Governor Salazar, his wife Rebecca, Governor Gary Johnson of New Mexico and First Lady Dee Johnson were extended an official invitation to visit Spain. The objective of the visit was to build on the foundation established during the April 26, 1998 meeting hosted by Governor Salazar and the nineteen New Mexican Indian Pueblos. The official visit to Spain, which became known as "Re-encuentro de Tres Culturas" or the "Reencounter of Three Cultures"—referring to the Indian, Spanish and American cultures—took place on November 18 through 23, 1998. The United States Ambassador to Spain, Ed Romero, a descendant of those first Spanish colonists in New Mexico, also took part in the meetings and events. At the official reception, Governor Salazar, whose mother Maria Ana Salazar is full blooded San Juan Tewa Indian and whose father is State Representative Nick L. Salazar, a Hispanic elected official in New Mexico, delivered a blessing in Tewa. The essence of that blessing was "Now it is time for all of us to sit down and establish a framework for how we will work with each other to establish an enduring relationship based on honor, trust, mutual respect, love and compassion."

During the Re-encuentro de Tres Culturas, the Prince of the Asturias, His Royal Majesty, Felipe Bourbon, made a special visit to meet Governor Salazar, Governor Johnson and the rest of the New Mexico delegation which included State Representative Nick L. Salazar, Española Mayor Richard Lucero and Rio Arriba County Commissioner Alfredo Montoya. The King, along with other high-ranking Spanish Officials, witnessed the performance of the Sacred Buffalo Dance performed my Pueblo Indian members of the delegation from New Mexico. In appreciation for his courageous leadership, His Majesty presented Governor Salazar with a medal making him a member of the Order of Isabel De la Catolica, grade of encomienda. The medal is awarded to individuals whose "Pure Loyalty" by deeds and actions have helped to foster better relations between Spain and America. Governor Salazar is the first Indian Governor upon who this honor has bestowed.

As noted in the October 31, 1999 Albuquerque Journal article, the courage of Governor Salazar and the rest of the New Mexico's Pueblo Indian leaders is beginning to bear fruit beyond the reconciliation of these traditional peoples of the United States and Spain. The New Mexican Pueblos and Spanish government representatives have now entered into an agreement creating an exchange program for teachers and students. The agreement, in the form of a Memorandum of Understanding, was signed by the Indian Pueblo governors, the Spanish Ministry of Culture, Spanish Vice President Alvarez-Cascos, the New Mexico Office of Indian Affairs and the Santa Fe Indian School. As Governor Salazar indicated, Pueblo Indian history is tied to Spain. As a consequence, the Pueblos "decided to renew * * * and develop a relationship that has long-term interests for both sides." He also noted that the Memorandum of Understanding is a first step toward forming more agreements with Spain in the future, such as trade and commerce pacts.

Governor Salazar's efforts deserve recognition because they have now become an important part of the history of New Mexico and our country. And because they demonstrate that, as Elizabeth Kubler-Ross once said, "there is nothing that cannot be healed." All it takes is people with courage and a commitment to justice and reconciliation. Governor Salazar never planned for all of this to happen. He simply followed the path of his spirit in an effort to work for the people of his Indian Pueblo and for his Hispanic citizens in the surrounding Española Valley. As someone else has said, "there is no holier place than that where an ancient hatred has yielded to forgiveness." For creating such a place in the heart of our American Southwest, he deserves our thanks and deepest appreciation.

LEWIS AND CLARK HISTORIC TRAIL TECHNICAL CORRECTNESS ACT OF 1999

HON. BRIAN BAIRD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. BAIRD. Mr. Speaker, today I rise to introduce legislation that will correct a long-standing historical inaccuracy dealing with the Lewis and Clark National Trail System. Currently, the Lewis and Clark National Trail designation reads that the expedition traveled "from Wood River, Illinois to the mouth of the Columbia River in Oregon." My colleagues, unfortunately, this does not tell the whole story. My legislation would amend the designation to include Washington State along with Oregon as the end point of this important journey in American history.

The journey of Lewis and Clark is one of the most important events in American history. That is why it is imperative not only that the story of Lewis and Clark be told, but that their story be told with accuracy and historical correctness. Unfortunately, the current Lewis and Clark Historic Trail designation fails to recognize the important events that took place in Washington State during the expedition.

When President Thomas Jefferson sent Meriwether Lewis, and William Clark on their now famous expedition, he sent them with many goals in mind. Over the next four years, the Corps of Discovery would travel thousands of miles, experiencing lands, rivers and peoples that no Americans ever had before. But the single overriding imperative of the entire enterprise was to find a navigable water route to the Pacific Ocean.

Mr. Speaker, I am proud to say that the Corps of Discovery accomplished that objective on November 15, 1805—and they did so in one of the most scenic places on earth, Pacific County, Washington.

Theirs was not an easy journey; it took great skill, tremendous perseverance and immense dedication. There are hundreds of events that took place along the way that tested each of these attributes. One of the most important of these watershed events took place on the Washington State side of the Columbia River, on November 24, 1805.

With little food, rotting clothes, and winter soon approaching, the group huddled to decide where to camp for the winter. The pressing question: should they stay on the north side of the river in what would later become my home state of Washington, or should they risk a tricky river crossing to find a more sheltered spot on the south side of the river? Because there were these two differing ideas about where to spend the winter, Captain Lewis and Captain Clark allowed the entire party to vote on where to camp. What is important to remember is that among those who were allowed to vote was York, a African-American slave, and Sacajawea, a young Native-American woman.

This exercise of democracy took place more than 50 years before the abolition of slavery and the passage of the Thirteenth Amendment, more than 100 years before the ratification of the Nineteenth Amendment which gave women the right to vote, and nearly 160 years before the passage of the Voting Rights Act which extended these liberties to even more Americans

Mr. Speaker, as I am sure you are aware, the bicentennial Lewis and Clark's famous journey is rapidly approaching. The bicentennial is going to be of great importance both culturally and economically to my home state, and those impacts will be felt in many small towns and big cities all along the Lewis and Clark trail.

Knowing the important part that Southwest Washington played almost 200 years ago in this journey, I want to make sure that the National Park Service documents are historically accurate and complete. My legislation will help ensure that outcome. Therefore, Mr. Speaker, I urge my colleagues to join me in supporting this simple legislation, the Lewis and Clark Historic Trail Technical Corrections Act of 1999.

SECOND GENERATION OF ENVIRONMENTAL IMPROVEMENT ACT

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. GREENWOOD. Mr. Speaker, today I am introducing, along with my colleagues, Mr. DOOLEY, Mr. BOEHLERT and Ms. TAUSCHER, the "Second Generation of Environmental Improvement Act of 1999." This bipartisan bill has two related purposes—to improve the information practices of the Environmental Protection Agency (EPA) and to encourage the EPA to experiment with more innovative approaches to protect the environment.

Our overall goal is to move our nation toward a performance-based system of environmental protection—a system that will do a better job of protecting the environment, while providing greater flexibility to companies and states to determine how to meet tough, clear environmental standards. Our watchword in writing this bill has been to provide greater flexibility in return for greater accountability.

In moving in this direction, we are following the recommendations of a variety of recent reports, including the Enterprise for the Environment, headed up by former EPA Administrator Bill Ruckelshaus; the President's Council on Sustainable Development, the Aspen Institute and the National Academy of Public Administration. We need to allow and encourage more experimentation to see if innovative approaches to regulation will produce the desired results. Our incremental bill will do just that.

Mr. Speaker, we are introducing this bill today to spark discussion on this approach to environmental policy, which we think should be at the heart of moderate environmental reform. But we still have much work to do. The bill still needs both technical and substantive work, and we do not intend to move it forward in its current form. Rather, we plan to introduce a refined version early in the next session after more meetings with experts on all sides of the environmental debate. But we think the bill in its current form does indicate the basic shape and principles of the bill that we will move forward.

This bill should be of interest to anyone who wants to ensure that we will continue to work to make our environmental protection system as effective and efficient as possible. We encourage anyone interested to comment on this version of the bill, so that we can take those concerns into consideration as we work on the version we will introduce next session.

TRIBUTE TO THE FOX CHAPEL HIGH SCHOOL HONORING THEIR RECOGNITION AS A 1999 NEW AMERICAN HIGH SCHOOL NATIONAL SHOWCASE SITE

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. DOYLE. Mr. Speaker, I rise today to honor the Fox Chapel Area High School as they have been selected by U.S. Department of Education and The National Association of Secondary School Principals (NASSP) as a 1999 New American High School (NAHS) national showcase site.

Fox Chapel Area High School is one of only 13 schools across the country that were recognized for setting a new standard of excellence for all students. They have earned this national recognition through the success of their school improvement efforts and the commitment of the school staff and community to high levels of student achievement.

Specifically, Fox Chapel Area High School has been recognized for the following: an attendance rate of 96 percent; an average Scholastic Aptitude Test score of 1091, which exceeds state and national averages; an enrollment of 47 percent of juniors and seniors in Advanced Placement classes; and an eligibility rate of 86 percent of those students who took the Advanced Placement exams and scored high enough to obtain college credit.

In the school year 1992–93, Fox Chapel Area High School received the honorable designation as a Blue Ribbon Secondary School of Excellence for displaying outstanding effectiveness in meeting local, state, and national educational goals. Receiving the honor of being named a 1999 New American High Schools national showcase site further demonstrates the overall commitment by the staff, parents and community to ensure that all students meet challenging academic standards and are well prepared for college, careers, and life.

Congratulations Fox Chapel Area High School. I wish you the best of luck in your future endeavors to continually improve upon the quality of the education of our youth.

INTRODUCTION OF STEWARDSHIP EDUCATION, RECREATION, AND VOLUNTEERS FOR THE ENVIRONMENT ("SERVE") ACT OF 1999

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. UDALL of Colorado. Mr. Speaker, together with my colleague and cousin, Mr. UDALL of New Mexico, I am introducing a bill to encourage greater cooperation between the public—especially young people—and the federal government to enhance the stewardship of the natural and cultural resources of the federal lands and the recreational, educational, and other experiences they provide for so many people.

The bill is called the Stewardship Education, Recreation, and Volunteers for the Environment Act—the "SERVE Act" for short.

Mr. Speaker, this bill reflects the joint effort of my office and that of my cousin and colleague, Mr. UDALL of New Mexico. It is truly a Udall-Udall bill, and it's only at my cousin's suggestion that my name is listed first—for once, I decided to accept one of his ideas.

Mr. Speaker, the lands that belong to the American people—the National Parks, national forests, wildlife refuges, recreation areas, and the lands managed by the Bureau of Land Management—are enjoyed by literally millions upon million of visitors each year. People visit them for sightseeing, wildlife watching, hunting, fishing, hiking, and camping opportunities.

In Colorado alone visitors can experience a wide range of outdoor recreation and education opportunities. From the isolated tundra and towering peaks of Rocky Mountain National Park to the city-surrounded greenery of the Two Ponds National Wildlife Refuge, to the sparkling mesas and sandstone arches of BLM lands on the western slope and all the wonderful areas in between, we are blessed with an incomparable heritage that we gladly share with people from across the country and around the world.

But the visitors often don't realize how much they owe to the efforts of the many volunteers who have selflessly given their time and expertise to help the professional personnel of the land-managing agencies. Without the hard work, dedication and enthusiasm of these volunteers, it would be impossible for the Federal agencies to come as close as they do to meet the demands for adequate maintenance and sound management of these lands.

We think it's in the national interest to properly recognize their contributions, and our bill is intended to do that. It's also intended to provide greater authority for the land-managing agencies to cooperate with volunteers, and to encourage those agencies to reach out to young people to help them learn about the resources and values of the federal lands as well as about the importance of proper stewardship of those resources and values and the opportunities for careers with agencies concerned with the management of natural or cultural resources.

There were some efforts along these lines in the past. Some of the land-managing agencies have been given authority to recruit and recognize individuals who donated their energy, time and expertise to enhance our federal and public lands for all Americans to enjoy. However, there is more that can and should be done.

Our bill would direct the Secretary of Agriculture and the Secretary of the Interior to establish a national stewardship award program to recognize and honor individuals, organizations and communities who have distinguished themselves by volunteering their time, energy and commitment to enhancing the Nation's parks, forest refuges and other public lands.

As a minimum, the program would include a system of special passes for free admission to and use of federal lands that would be awarded to recognize volunteers for their contributions.

The bill would also encourage an attitude of stewardship and responsibility towards public lands by promoting the participation of individuals, organizations and communities in developing and fostering a conservation ethic towards the lands, facilities and the natural and cultural resources. Specifically, it calls on the Federal land managing agencies to enter into cooperative agreement with academic institutions, State or local government agencies or any partnership organization. In addition, the Secretaries would be enabled to provide matching funds to match non-Federal funds, services or materials donated under the cooperative agreement.

Further, the bill encourages each Federal land management agency to cooperate with States, local school districts and other entities to (1) promote participation by students and other young people in volunteer programs of the Federal land management agencies, (2) promote a greater understanding of our Nation's natural and cultural resources, and (3) to provide information and assistance to other agencies and organizations concerned with the wise use and management of our Nation's natural and cultural resources.

Mr. Speaker, I am proud to have this opportunity to extend my own appreciation to the federal land managing agencies and the many volunteers who assist them. The point of this bill is to extend that recognition on a formal and national basis, and to build on the sound foundation that they have laid. I hope we can send it to the President for signing into law soon after we reconvene next year.

TRIBUTE TO COLONEL CARL J. LEININGER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. VISCLOSKY. Mr. Speaker, I would like to pay tribute to an outstanding American, an outstanding soldier, and an outstanding officer who has contributed immeasurably to the good relations between the Army and the House of Representatives. On December 31, 1999, Colonel Carl J. Leininger retires after over 28 years of dedicated service to America and our great Army. Throughout his career, Carl Leininger has provided forward-looking leadership characterized by a unique intellect and strategic vision. He has served with distinction in positions of increasing responsibility from platoon to the Office of the Secretary of Defense, always demonstrating the highest degree of leadership and professionalism, while making lasting contributions to Army readiness and mission accomplishment.

As we honor his retirement, we note that Colonel Leininger's distinguished career has stretched nearly three decades, culminating in his service as Chief of the Army's Congressional Activities Division. In this position, Colonel Leininger has served as principal advisor to the Army's senior leaders for their personal meetings with Members of Congress, and for their testimony before committees of this House. He has ensured that the Army's senior leaders provide a coherent, cohesive and meaningful message to the Congress. Colonel Leininger has also contributed to the increasingly effective relations between the Army and the House with his active sponsorship of an annual Congressional Briefing Conference for the Army's Congressional Actions Contact Officers, allowing Members to connect with those managing the planning and programming of Army resources.

Colonel Carl Leininger was born in Pennsylvania, but grew up Indiana. Carl and I graduated together from Andrean High School in 1967. There our paths diverged, I staying home to attend Indiana University, and Carl heading to the banks of the Hudson to attend the United States Military Academy. While there, he played basketball for someone who has since become an Indiana institution, Coach Bob Knight. Graduating from West Point in 1971, Carl was commissioned a second lieutenant of infantry. After receiving his Airborne wings and Ranger tab, Carl's first assignment was as an infantry platoon leader in the 4th Infantry Division at Fort Carson, Colorado.

Colonel Leininger then transferred to Military Intelligence, serving in intelligence assignments at battalion, division, the Army's Intelligence Threat and Analysis Center, and Supreme Headquarters, Allied Powers Europe. Carl also received a masters in political science from Yale, taught social science at West Point, and served as an Army congressional fellow to another Indiana legend, Representative Lee Hamilton.

For the last decade, Carl Leininger has served at the highest levels of the North Atlantic Treaty Organization, the Army, and the Defense Department. He served as a speech writer to the SACEUR, the Army Chief of Staff, and the Secretary of Defense. He also served as Chief of the Army's Congressional Activities Division. In these positions, Carl has exhibited that rare combination of Midwestern-bred common sense, Ivy League-honed scholarship, and West Point-forged sense of Duty, Honor and Country in making extremely complicated issues readily understandable for senior Defense and Army officials, Members of Congress, and the public at large.

Mr. Speaker, I ask that you and all of my colleagues join me in congratulating Colonel Leininger on a productive and happy retirement. I offer my personal thanks to my longtime friend, a soldier whose selfless service has truly made a difference, Colonel Carl Leininger.

CELEBRATING THE LIFE OF DORIS RENICK

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. THOMPSON of California. Mr. Speaker, last week the Coyote Valley Band of Pomo Indians lost a very dear friend, spiritual symbol and elder—Doris Renick.

Doris was an active and visionary leader and the Tribe's many successes can be attributed to her tenure as tribal administrator and chairperson.

In fact, while serving as chairperson and with the help of other family members, Doris was instrumental in getting the land base in Redwood Valley redesignated from a rancheria to what is now known as the Coyote Valley Reservation. This accomplishment opened the door for obtaining housing for tribal members and to have a recreation building constructed on the reservation.

But key to the community's future was finding new economic opportunities. As such, many say that Doris' most important accomplishment was the opening in 1993 of the Shodakai Coyote Valley Casino, which now provides more than 200 jobs for tribal members and neighbors.

As a State senator, I had a number of occasions to work with Doris and I can attest to her enthusiasm and caring attitude. In fact, her active involvement in a number of local, State, and national organizations attests to her interest in serving all citizens and her ability in bringing people together. Doris, for example served on the Mendocino County Economic Development Commission and helped promote county-wide projects that benefited all residents, not just her Tribe.

Doris also chaired the California Council of Tribal Governments, the California Elders Program, the Consolidated Indian Health Consortium, and the California Indian Health and Disability Board. And she took particular interest in Indian education and bilingual/bicultural programs. Interestingly, her advocacy for improving the delivery of health care came not only from her training and work as a registered nurse, but also her longtime bout with severe rheumatoid arthritis. To be sure, the disability never slowed her down.

Mr. Speaker, the members of the Coyote Valley Band of Pomo Indians and residents of Mendocino County celebrate the life of Doris Renick. She will be sorely missed, though all around us there are continual reminders of her loving and caring nature.

I join the community and family and friends in mourning Doris' passing and celebrating her life and I extend my heartfelt condolences to all whose lives were touched by her.

HONORING OF JEAN AND FRANK PERRUCCI, RECIPIENTS OF THE "LIFETIME ACHIEVEMENT COUPLE" AWARD FROM THE BAYONNE HISTORICAL SOCIETY, INC.

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Jean and Frank Perrucci for receiving the "Lifetime Achievement Couple" award from the Bayonne Historical Society, Inc., and for their extraordinary accomplishments in community service.

The Perrucci's, who have dedicated their time and service to the City of Bayonne for more than fifty years, are the first couple to be jointly recognized by the organization. From veterans organizations, to school charities and church functions, the Perrucci's willingness to get involved and work toward the improvement of the City of Bayonne has been exceptional.

A World War II veteran of the United States Army and the Maritime Service, Mr. Perrucci has continued to play an integral role in a variety of veterans groups. Of the many organizations he is involved with, Mr. Perrucci serves as chairman of the World War II Welfare Fund and as commander of the Hudson County Catholic War Veterans. In addition, he is president of Bayonne for the Battleship of New Jersey, Inc.

Mr. Perrucci's efforts on behalf of war veterans have not gone unnoticed. He has been recognized by the Catholic War Veterans, receiving the Hudson County Home Award and Hudson County Commanders Award, and was honored again by the National Catholic War Veterans, receiving the National Award and the Lifetime Member Award.

Jean Perrucci, a life-long resident of Bayonne, has been a community activist for more than three decades. Never turning away from a challenge or the chance to help someone in need, Mrs. Perrucci is a wonderful role model for civic and community involvement.

Mrs. Perrucci has been instrumental to so many organizations, offering her knowledge, guidance, and experience. From serving as Chair of the "I Love Bayonne" project, to collecting food for the Make A Difference Day program, to raising funds for the Bayonne Vietnam Memorial monument, Mrs. Perrucci's work has greatly impacted the lives of the residents of Bayonne.

Mr. and Mrs. Perrucci, the parents of four children and seven grandchildren, spearheaded and founded a grassroots organization called the Concerned Citizens of Bayonne twenty-nine years ago and instituted the Frank P. Perrucci Scholarship Award for students.

For more than fifty years of extraordinary service to the City of Bayonne, I ask my colleagues to join me in congratulating this remarkable couple on receiving the Bayonne Historical Society, Inc.'s "Lifetime Achievement Couple" award. Their contributions to the City and to the 13th Congressional District remain unmatched and I wish them luck in their future endeavors.

TRIBUTE TO MIKE PERRY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. McINNIS. Mr. Speaker, I would like to take this brief moment to congratulate and thank Mike Perry for his service and leadership on behalf of the Grand Valley over the last 15 years. In that time, Mike has overseen the opening of the now widely renowned Dinosaur Valley, served as the Director of the Museum of Western Colorado, and, for the last nine years, worked as the Executive Director of the Dinamation International Society. In that time, Mike has distinguished himself greatly. What's more, he has made our community a better place in which to live.

Unfortunately for western Colorado, Mike will be leaving the Grand Valley next month to pursue an outstanding professional opportunity in The Dalles, Oregon. Mike has taken the job of Director at the Columbia Gorge Discovery Center and Wasco County Historical Museum in The Dalles area.

While saddened that Mike will no longer be a part of our community, I know that western Colorado is a better, more culturally vibrant place because of his service. Our loss, is clearly The Dalles' gain.

As Mike moves on to this new challenge, Mr. Speaker, I wish him only the best of luck in all of his personal and professional endeavors. We are thankful for his service over the past 15 years and wish him all the best in the future.

HONORING SYLVIA STAHL

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. ENGEL. Mr. Speaker, Sylvia "Sally" Stahl, a dedicated wife, mother, and grandmother is celebrating her 80th birthday and I want to take this occasion to join her family and her many friends in wishing her a happy birthday.

She has lived all of her 80 years in the Bronx where her parents instilled in her the virtues and ethics she has lived by and which she passed on to her children and grandchildren. Her parents, Max and Sarah, came to America from Eastern Europe so they and their children could enjoy the America's freedom.

She and her twin sister, Miriam, and her brother, Sydney, were raised in the Bronx. She and her husband, Harry, purchased their home in the Allerton section of the borough, and she lives in that house still. She and Harry were both active in the community and Sally is still an active member of Hadassah. During World War II, when Harry served with the SeaBees, she worked at the Brooklyn Navy Yard.

She also did volunteer work at Bronx Lebanon Hospital for more than 20 years. Sally has recovered from three bouts with cancer. but not even that could slow this remarkable lady down. She is still active and drives throughout the Bronx and Westchester County.

She is the mother of Robert and Paul, mother-in-law of Josephine and Helene, grandmother to Jarret, Lindsay, Dana and Eric. I am proud and honored to join Sally, her family and her friends on this wondrous occasion.

EARTH DAY INTRODUCTORY STATEMENT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. UDALL of New Mexico. Mr. Speaker, today I rise to introduce a resolution recognizing the growing observance of Earth Day. On April 22, 1970, 20 million Americans celebrated the first Earth Day. Since Earth Day's first observance, the number of Americans celebrating Earth Day and the number of countries observing Earth Day has steadily risen. In fact, Earth Day is now observed in more than 140 countries.

Every year on April 22, millions of Americans and millions of people throughout the world participate in activities that call attention to harmful human activities that impact our natural environment. These calls have not gone unanswered. Since the first observance of Earth Day, Congress has passed the Clean Air Act, the Clean Water Act, and the Endangered Species Act in an effort to halt and roll back the harmful impacts of human activity. In addition, we have seen the creation of the U.S. Environmental Protection Agency, and just recently, in the House Committee on Resources, we witnessed a successful bipartisan effort to provide funding for an array of conservation and wildlife programs.

Earth Day provides an opportunity to learn about the positive actions we can take to improve energy efficiency; to develop safe, renewable energy sources; to design goods that are durable, reusable, and recyclable; and to eliminate the production of harmful wastes while protecting our environment and encouraging sustainable development throughout the world.

Mr. Speaker, this resolution recognizes the importance of Earth Day and calls on the House of Representatives to recognize that Earth Day should be established to draw attention to the impact of human activity on the natural environment, to alert the world to environmental threats to human health and well-being, and advocate personal actions and public policies to promote and preserve a healthy, diverse, resilient, and productive world for our children and our children's children.

This is a companion measure to one already introduced in the other chamber by Senator JEFF BINGAMAN of New Mexico.

Mr. Speaker, I ask this body to support this worthy resolution.

HONORING JOHN OLSEN AS HE RECEIVES THE STATE OF ISRAEL BONDS LABOR MEDAL

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Ms. DELAURO. Mr. Speaker, I rise today to honor my good friend John W. Olsen as he receives the State of Israel Bonds Labor Medal for his lifelong contributions to the labor movement in the State of Connecticut.

Created in 1951, State of Israel Bonds serves as the cornerstone of Israel's economy. Committed to improving Israel's infrastructure as a whole, Israel Bonds provides financial support for the construction of research facilities, transportation networks, communications links, and the expansion of port and airport facilities. Its commitment to the betterment of Israel's people and its economy is unparalleled—helping transform the state of Israel into one of the world's leading industrial nations.

In many ways, John's commitment to the labor movement is reflective on Israel Bonds' commitment to the state of Israel. Since he began his career as a member of the UA Local 133, Plumbers and Pipefitters, John has dedicated his life to working families. He has fought for better wages, more comprehensive health benefits for workers and their families, and safer work environment. As President of the Connecticut AFL–CIO, John has forced the largest corporations in Connecticut to listen to their employees' and afford them these basic rights. He has been a true leader for our working families, giving them a voice during the hardest of economic times.

John has also worked hard to make Connecticut a better place to live and grow. He has been active in state and national politics, serving on the Democratic State Central Committee and the Democratic National Committee. He also serves on a number of boards and commissions with the purpose of making Connecticut's workers the most productive in the nation. Over the years, John has become an ambassador for the labor movement, spreading its message of helping and protecting working families through lectures, newspaper columns, and on the radio. We in Connecticut have much to thank John for—his contributions have been truly invaluable.

It is with great pride that I rise to join friends and family in saluting my dear friend, John, as he receives the State of Israel Bonds Labor Medal. Congratulations.

PERSONAL EXPLANATION

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. FOSSELLA. Mr. Speaker, I am not recorded on rollcall numbers 587, 588, 589, 590, 591, 592, 593, 594, and 595. I was unavoidably detained and therefore could not vote for this legislation. Had I been present, I would have voted "aye" for rollcall numbers 587, 588, 589, 590, 591, 592, 593 and 594. I would have voted "no" for rollcall number 595.

TRIBUTE TO MICHAEL TERRELL

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mrs. NORTHUP. Mr. Speaker, I rise today to congratulate and honor a Kentucky teacher from my district who has achieved national recognition for his exemplary role in educating young students. Michael Terrell of Louisville is one of 29 teachers from across the country selected for USA TODAY'S 1999 ALL-USA Teacher Team. He should be extremely proud to have been both nominated by a colleague and to have received an award conferred on the most impressive teachers in the nation. In light of constant stories about the crisis in our nation's schools, it is vital that we recognize the dedication and outstanding achievements of our teachers. It is my honor to pay tribute to someone who has made such a difference to so many children.

Michael Terrell has had a distinguished career as a primary teacher for 27 years, including 18 years at Cochran Elementary School where he currently teaches first and second grades. Thanks to Michael Terrell's devotion and selfless contributions, the Cochran Elementary School is filled with spirit and activism. His hard work and dedication to making schools better and improving the lives of his students, both encourages parents to get involved and sets an example for all teachers to follow. He is one of the people who helps create the vitality of Cochran Elementary School and his enthusiasm creates a can-do attitude. He is responsible for the many successes there which, in turn, positively affect our entire community's well-being.

Mr. Terrell is a teacher who knows how to get the job done. He knows it takes hard work, it takes flexibility, and it takes a commitment to each child. I was proud to hear that Michael Terrell supports what this Congress is trying to do—give schools and teachers the ability to make the choices which best reflect their students needs. We are all in agreement that such changes will help improve education—for Michael Terrell and his students. Because of all he does, I salute Michael Terrell for working so hard to make our schools a flourishing environment for our children to learn, grow and play.

TRIBUTE TO RONALD L. BOOK

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mrs. MEEK of Florida. Mr. Speaker, I rise to honor Ronald L. Book, one of Florida's truly remarkable citizens. Without ever holding elective public office, Ron Book has had a tremendous and positive influence on our state and our community for over 25 years.

Ron's tireless efforts and knowledge of both government and business has led to hundreds of millions of dollars in private and public investment in Miami-Dade County and throughout the State of Florida, resulting in the creation of thousands of new job opportunities, improving the quality of life for our citizens and greatly enhancing our position as a destination of choice for vacationers and sports enthusiasts from around the nation and the world.

His efforts on behalf of the homeless and dozens of charitable organizations ranging from the Special Olympics to the Epilepsy Foundation to the Humane Society are not well-publicized, but they point out that, when it comes to community service, Ron Book is all business. In the highest traditions of public service, he is most generous with his time and attention in helping people who cannot themselves solve the problems that they face.

I have known Ron Book since he was just a youngster, making a name for himself working on local campaigns. As is the case today, everyone who met him then was impressed with his intelligence, hard work, devotion to principle and leadership capabilities. No one was surprised that Ron served as Vice President of his High School Class, or served in the University of Florida's Student Senate, or that he started working for a Florida legislator before he even graduated from college.

Because of his interest in government and desire to develop his own considerable capabilities, law school was a natural next step for Ron, as were his service as a Special Assistant to Governor Bob Graham; his employment in two of Florida's preeminent law firms; and the creation of his own law firm.

On December 14, 1999, Ron Book's achievements will be recognized at a testimonial dinner sponsored by the American Association of Bikur Cholim Hospital, Jerusalem's first hospital and one of Israel's preeminent medical care facilities. Mr. Book will be presented Bikur Cholim's International Brotherhood Award in recognition of this outstanding contributions to both his profession and our community.

Mr. Speaker, I know that my colleagues join with me in congratulating Ronald L. Book on this great honor.

TRIBUTE TO RABBI GERSHON AND SHARENE JOHNSON

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Rabbi Gershon and Sharene Johnson in honor of their "Silver Celebration" at Temple Beth Haverim in Agoura Hills, California. This loving couple has spent 25 years as leaders in the Jewish community, both spiritually and educationally.

Rabbi Gershon Johnson has served as Rabbi at Temple Beth Haverim since 1988. He is described by many as the temple's incomparable spiritual leader. His devotion and expertise as a Rabbi are evident in his presence as a chaplain for the Southern California Board of Rabbis. He has always been extremely interested in passing on his love for and knowledge of Judaism. The Elderhostel program at the Brandeis Bardin Institute has benefited from Rabbi Gershon's knowledge, and he is one of their most popular teachers. He also has been instrumental in introducing religion to beginners through his "Introduction to Judaism" class sponsored by the University of Judaism.

Sharene Johnson is the wife of Rabbi Gershon, and has worked for the betterment of the Jewish community in many different ways. She has taught at several Jewish day schools throughout the United States, and has been involved in programming and consulting at Jewish resource centers as well. Her leadership has shone through as chairperson on the Principal's Council at the Bureau of Jewish Education. For the past 11 years, she has passed on her wealth of experience and knowledge as Director of Education at Temple Ner Marev in Encino, California. The Jewish community also enjoys her teaching through adult workshops and her conducting of a women's Torah Study class at Temple Beth Haverim.

In addition to their devotion to the temple, they have become a model of excellent family life and values. Rabbi Gershon teaches the "Making Marriage Work" program at the University of Judaism. Sharene leads several family workshops each year, and has spent much of her time working with families and children. They have been happily married for 27 years and have raised 3 wonderful children—Gavi, Rachel, and Aliza.

Mr. Speaker, distinguished colleagues, please join me in paying tribute to Rabbi Gershon and Sharene Johnson. They are both deserving of our utmost respect and praise.

HONORING EDWARD WEISS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. ENGEL. Mr. Speaker, public service, when performed wisely and well, is the most noble of callings. I speak today to honor a man who has been in public service and who performed in just those ways. Edward Weiss is retiring from the United States Department of Justice, Immigration and Naturalization Service, after 30 years of service.

In his many capacities with the Department, Ed has received outstanding performance ratings from every United States Attorney General under whom he has served since 1981. He is well known for his ability to prepare and litigate cases. He also coordinated the Criminal Alien Program for the New Jersey District.

Ed received his BA degree from Syracuse University and graduated from Brooklyn Law School. He and his wife Susan have two daughters; Robyn, in a pre-doctorate program in Religion at Hebrew University, and Karen, studying law at George Washington University.

Ed is retiring to follow his other passions, hiking and traveling. He is a dedicated professional of who we can all be proud. I join his many friends in wishing him and his family many happy years in his retirement.

CAL BIO SUMMIT CEO SATELLITE CONFERENCE WITH MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES ON OCTOBER 26, 1999

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. BILBRAY. Mr. Speaker, I insert the following for the RECORD:

RICHARD WILLIS. Good morning, I am Richard Willis, the Regional Manager of ComDis Co. Laboratory and Scientific Services. We are delighted to participate in this first ever BIOCOM Satellite CEO Conference. I think it is a compelling measure of the progress that is being made by so many dedicated people here in this business in San Diego over the past few years. ComDis Co. has a strong presence and a long presence in San Diego. The short commercial is that we offer services ranging from venture finance for early stage entities through to life cycle management services for more advanced companies in this business. We have a local representative here, Gail Obley who is presently working with many of you. Again, we are delighted to participate as a sponsor and wish you well in this activity. Thank you.

NARRATOR. Welcome to the Satellite CEO Conference with the Commerce Committee of the U.S. House of Representatives. In San Diego, on today's panel are: President and COO, Alliance Pharmaceutical Company, Ted D. Roth, President and CEO, IDUN Pharmaceuticals, Inc. Steven J. Mento, Ph.D., President and CEO, BIOCOM/San Diego, Joe Panetta, President and CEO, California Healthcare Institute, David L. Gollaher, Ph.D., Chairman, President and CEO, IDEC Pharmaceutical William H. Rastetter, Ph.D. Founder and CEO, INNERCOOL Therapies, Inc., John Dobak, M.D., and your moderator for today, Chairman and CEO, Alliance Pharmaceutical Company, Duane Roth.

DUANE ROTH. Let me start and just briefly introduce our panel members: First, Ted Roth who is President of Alliance Pharmaceutical, Bill Rastetter, who is Chairman, President and CEO of IDEC Pharmaceutical, Steven Mento who is President and CEO of IDUN Pharmaceuticals, David Gollaher who is President and CEO of the California Healthcare Institute, John Dobak who is the Founder and CEO of INNERCOOL Therapies, and Joe Panetta who is President and CEO of San Diego's BIOCOM. Let me suggest that we go into the issues, if that's OK with you, that we would like to have a discussion or a dialogue with you on. And for that we've got a moderator for each topic. Congressman, did you want to say anything?

Congressman BILBRAY. I need to inform you, before we get started, that the transcipt of this panel will be entered into the congressional record. So don't say anything that you don't want your grandchildren to read. But, seriously, we want for this dialogue to reflect the fact that these are issues that the biotech industry needs to have addressed and wants to have addressed. So you have been duly warned.

DUANE ROTH. We have been warned, and I guess that changes just about everything. However, let me turn to Ted and let him get the first issue on the table.

TED ROTH. Good morning Congressman, or afternoon I guess out there. Thank you for participating in this program. The issue that I would like to discuss briefly is the access to capital as the issue we are facing right now. As you know, San Diego has about 250 companies that are engaged in the various aspects of bioscience. We employ nearly 25,000 people. And spend over a billion dollars' a year in research and development. We are the third largest concentration of biotech companies in the nation, or the world for that matter. All of these companies are similar in their issues to the roughly 1,300 other biotech companies in the United States.

Yesterday we had a panel of analysts who talked about the financing environment, both in the public and private markets. As most of us know, they talked about the difficulty in raising money with companies having valuations under approximately between 750 and a billion dollars. I think it is interesting to know that the only company in San Diego that has a market valuation in excess of a billion dollars, in fact, it is greater than two billion, is IDEC Pharmaceuticals. So the vast majority, virtually all of the companies in San Diego are under this level that they talk about being difficult to finance. Most of these companies have less than two years of cash, and many have less than one year. We are currently working on about 75 products that are at a late stage clinical development. And as this development continues, the need for capital to make it through the clinical trials and prepare for commercialization will only make the financing issue more dramatic. Therefore, what we have is a situation where companies have products that are nearing approval that are running low on cash and are facing a dubious financing environment.

The federal government can take steps to help to create a better environment for us. Most of us remember what it was like in 1993 and 94 with the Clinton Health Care Plan where what was going on in Washington had quite a dramatic effect upon us. While we don't expect that there is anything that can be done now to have that kind of affect on the positive side, we think it is important for the legislators to understand that what you do in Washington really does matter to us.

What I want to do is put three issues on the table. The first is the R&D Tax Credit. And I guess that I would ask that you comment on what you think the chances are that it will either be extended or made permanent during this Congress.

The second issue is Capital Gains and taxation on increases in capital investment. Do you expect, or should we look for any legislative changes to the existing law.

The final area and the one which is relatively recent. We heard this morning about the New Jersey model whereby the biotech companies are able to transfer a part of their state NOLs to the larger pharmaceutical companies under certain circumstances. This is something that the California Legislature is looking at, they are studying a comparable bill. So I guess, the question I would pose is, what, if anything, can we anticipate at the federal level on an issue such as the NOL transfer?

Congressman BILBRAY. Well I think first of all, let me comment on the fact that you pointed out appropriately the problems that, while we may be talking politics in Washington, things like the comments that were made about the first lady's health care plan—the damage that does. Coming from you, it just shows that this is not a partisan issue, but that all of us in Washington have to be sensitive to the fact that there are more than just political games in Washington at stake here. We are talking about the breakthrough drugs and major investment, so I am glad that you bring that up because it brings credibility to the discussion on both sides.

The one thing we've got to watch out for, as you've seen in the last couple weeks, there is posturing of "let's use the availability of drugs and pharmaceuticals to the public as some kind of political ping-pong ball which really hurts you guys right on the front line." And let's face it, on the other side of it, you've got to compete against other venture capital opportunities. It seems like recently we've seen that if something has a "dot-com" on the end of it, it is basically being perceived as a gold mine. I think hopefully we will see that moderate a bit and that BIOCOM will be on the line there.

Let me get right to your questions. The R&D Tax Credit is a very high priority. I think that it is a good possibility that somewhere down the line in the next few weeks that we will see a way to place that into a bill that the President will sign into law.

The capital gains issue: I think right now, as long as the economy is still strong, no, we won't see that move forward. I think that the Capital Gains, as the Chairman of the Federal Reserve has said, is something that will be used if we see a softening of the economy. It is the adrenaline we'll give the patient, that will stimulate the patient to get the economy moving again. So that will be incremental and will be based on when we need to stimulate the economy. What I think that you are going to find now is that the discussion coming out of DC will effect the latest numbers on inflation. So I see that as being sort of a negative.

Let me just tell you that this New Jersey model and what we are doing for California. That is totally wide open. I am basically open for suggestion on that. I couldn't tell you one way or the other. You would probably be able to tell me better about that aspect.

DUANE ROTH. Would you like to make another comment about Net Operating Loss? No? OK. Then let's move on. If we can we will move on to our second topic, and that is the Food and Drug Administration. You have been very much involved in the past in helping us with some issues with the FDA and the 1997 legislation. I'd like to turn to Bill Rastetter and ask him to make some comments regarding user fees and the modernization act. Maybe we can discuss that and then we have a second part that we'd like to talk about. Steve Mento will talk about that, and that deals with appropriations and the mission of the FDA. So, Bill, I'll let you go first.

BILL RASTETTER. Congressman, thanks for being with us here this morning. I would like to talk about PDUFA and FDAMA. For the audience here, that may not use those acronyms every day; PDUFA is of course the Prescription Drug User Fee Act under which those of us developing drugs pay certain fees to the Food and Drug Administration that helps with the hiring of reviewers and the review process. Of course, FDAMA is the FDA Modernization Act of 1997.

Congressman, I'd like to give you a little feedback from the sector. We think that PDUFA has really been an unqualified success; both for patients and for biotech companies. It has provided for very substantial funding and fast track reviews of products. I know that our own company, IDEC, has certainly benefitted from that with the 9 month approval that we obtained for Rituxan.

I think the metrics really speak for themselves. With PDIFA, the act was passed originally in 1992 and in that year there were 26 new drugs approved. By 1996, with 600 reviewers hired with user fees there was a record of 53 new drugs approved by the Food and Drug Administration. In fiscal '96, that was the year when those 600 reviewers were on board and I guess still being trained and getting into the swings of things, I&D to approval, of course I&D was many years earlier. I&D to approval for drugs approved in '96 was greater than 90 months. By '98, just two years later, that was down to less than 60 months from application to begin clinical trials to approval, a dramatic change.

So I think that it is essential that we continue to build on this momentum. It is something that came out of PDUFA, and the awareness, that yes we really could do something that we could work with the FDA as a partner, something that came out of that with lots of congressional help and dialogue with the sector was FDAMA, through which Congress provided tools to improve and modernize the review process. I am delighted to tell you today, that I think that from our sector at least, the feedback is generally positive. Certainly we at IDEC view the FDA as a responsive and very active partner in drug development, where we are really jointly making drug development decisions on a real time basis with the FDA, rather than being second guessed after the fact, and this is absolutely critical. Important to being able to achieve this is absolutely critical to have a scientifically trained, well compensated and motivated and retained staff. I know that Steve will speak about that. I think that all the feedback is not positive. Some critics would say that the FDA is still failing to insure that the FDA is failing to ensure that all patients receive our technologies promptly and efficiently. I would refer you to the recent testimony of Pamela Bailey, who is the president of HIMA, or Health Industry Manufacturing Association to the Senate Committee on FDAMA that was as recently as the 21st of this month.

Of course, HIMA is the device trade association. I think that being in the biotech or the therapeutic side of the industry, I would have to ask if the device sides experience with the regulatory process might not be more positive today if they had put in place a PDUFA type act that would provided through user fees the increase staff at the regulatory agency. I'd welcome your comments on, either now if you wish, or after we wrap up.

I think though, that by and large, the FDA is more performance oriented these days, and have been really gratified to see the FDA reengineer itself and be proactive and responsive to the climate, and also pro-active to try to manage the increasingly complex workload with human resources. I think that the metrics at CBR which is the biologic side of the house at the FDA are very telling. In '86 there were 178 I&Ds, or IDE's, these are the new applications to take something into the clinic. So '86—178, by '95—452, by '99—587. If you look at the balance of those that were in Biotech, went from 87 out of 178. This year an expected 427 out of 587. So the balance is really shifting in the bureau of biologics over to biotech and the workload certainly up more than threefold in the last 13 years or so.

Yet, the operating allocation dollars to CBR have gone down. '96 was less than '95, '97 less than '96, '98 less than '97. '99 is slightly up, but it is still in constant dollars down over 10% from '95 in this environment of increased complexity, because of technology, more and more is biotech which takes more scientific review and the number of applications are way way up. So, certainly continued funding growth is essential if we are not going to lose this momentum and indeed we are going to continue to build on this momentum, and Steve will comment on these things.

Two very very important areas, and I don't want to preempt you. Trained scientific staff at salary at parity with peers in the industry, because if you can not achieve that you will never solve the problem of turnover at the Food and Drug Administration.

Number 2, information technology. I think this is the single most important factor that can contribute to increased efficiency in the food and drug administration. And we are moving from boxes and boxes, pounds and pounds of applications to single CDs that are hyper linked where the reviewers can go back and forth very quickly, gosh they can take the whole BLA home in their pocket if they want, and work on it over the weekend. An incredible efficiency to be gained if we can get the Food and Drug Administration up to speed in information technology and that will certainly require the hiring of trained motivated retained staff to put all of that in place.

Another point that I want to make is that it has been very popular in this country to fund the National Institutes of Health. Indeed, our entire sector has come out of the enlightened funding of the NIH that we have had in this country for decades. But, we have to view the NIH and the FDA as bookends with all of our companies being the books in between. All of the books will topple off the shelf if we pull out that FDA bookend. We need to support the industry from both ends from basic science through the regulatory process, we have to be very very sure that we are buttressed from both ends.

In closing, I think that the agency got a very big boost with the appointment of Dr. Jane Henney. She has an exceptional record of leadership, both in academia and in government, an intimate knowledge of the food and drug administration having served as the deputy commissioner for operations from 1992 through 1994. I think that everybody views that the direction she has said would establish a more efficient, more responsive, more open and better understood agency. I think that from the perspective of our sector, I would like to suggest three very very important objectives for the commissioner to focus on.

Number one. To ensure that drug, biologics, and device approvals don't get sidetracked by new activities at the FDA such as tobacco and food. And Steve will comment on this. I think that one tool that should be implemented for that is a PDUFA type act for devices to increase reviewers at the FDA for the device sector.

Objective #2 is a strategic one. To continue to build a modern strategic vision for the FDA. Let me give you three objectives that CBR has identified for itself that I think are just superb and really speak to the scientific quality today within CBR. Three objectives, their own. Establish bio-markers and surrogate end points for clinical trials to make clinical trials more efficient and make approvals more streamlined. Number two. To restore protection to large segments of the adult population with biotech vaccines. The old vaccine technology is failing in many regards. Number three. The identification and use of gender specific factors that influence, or might influence drug and biologic safety and efficacy. That is the kind of strategic leadership, objective number two, the agency needs.

Number Three. A tactical counterpart to that. Building on PDUFA and FDAMA ensuring that through an inside focus on operations, efficiency and performance that the FDA continues to streamline, continues to improve its partnership with our sector. I would suggest, as Congressman, you and I have discussed on occasion, that we move toward a full time Chief Operating Officer. A partner in tactical matters with the Commissioner, to be accountable for performance for day-to-day operations for information technology systems, for hiring, training and retention of staff and that person established as a full-time person at the agency would very much complement the Commissioner who should be providing the strategic leadership.

I appreciate you being with us this morning, and I'm sorry that rambled for so long there.

Congressman BILBRAY. Well, actually there was a benefit to that, and I'll get to it in a moment. But frankly, BIOCOM was really on the cutting edge of this. Actually, I think some of you will remember—even before I was sworn in, you had me in your office and talked about how FDA reform was essential and that the institutional mind set needed to change. I am glad to know that as a result of our efforts, there has been positive movement and an evolution towards being more pro-active and cooperative on the part of the FDA. The fact is, there needs to be more. Even Henry Waxman, with whom I have often disagreed with regarding the status quo with the FDA will say that, when it comes to Biotech. The FDA regs at that time were totally inappropriate and they needed to be reformed and attitudes needed to be reformed. And frankly, somebody who has been a real leader in this and really helped us out on the Commerce Committee happens to be Richard Burr, from North Carolina.

Richard was really involved with the modernization program, he was really there. He serves not only on the Health and Environment Subcommittee, but he also serves with me on the Oversight Subcommittee, which oversees the FDA. You guys really pushed me to get on this committee because of how important this was for San Diego and it has been great working with Richard, who is somebody who has really been on the cutting edge of this, and is somebody that we can depend on to keep pushing. Like it or not, we have to admit that California does not have all the biotech industry in the world, and that North Carolina does other things besides grow something to smoke.

Let me just sort of throw it over to . . . ladies and gentlemen, I'd really like to introduce my colleague and probably one of the shining stars of not just the Commerce Committee, but of the entire Congress, and that is my classmate, Richard Burr from the great state of North Carolina. Richard.

Congressman BURR: Thanks Brian, and my apologies for my tardiness. If California is as crazy as Washington is today, you can understand the schedule that we have had as we try to wrap up this appropriations process.

I think it was appropriate that I wasn't here to make any comments. The advantageous thing for me is to hear the questions that are raised. More importantly, to hear the experiences with post-FDAMA. I think that we continually try to update ourselves on whether the modernization act is in fact executed the same way that we intended. There is no better way than to look at the amount of applications that have been filed. To look at the increase in those that have been approved. But that is not enough. Brian and I realize that, and our colleagues realize that we need to be vigilant in our watching.

I am not sure of the makeup of our panel, but I also give high marks to the FDA so far on their ability to transition. The Janet Woodcox's of the world, and certainly to the new commissioner. I think that they have made tremendous progress. I think that we still have cultural change yet to determine whether we have started. I am committed to stay involved in it until that the cultural change is evident to all of us. One of the things that we've got to watch out for I think, and when I say "we," I mean members of Congress, as we address health care policy, you will hear more and more the question of pharmaceuticals and biologics come up in the discussion. We've got to make sure that the capital continues to flow to the biotechnology industry. We've got to make sure that our health care policies, as well as our approval agencies, are such that it makes Wall Street comfortable with the industry and with the investment that individuals make. It is because of that investment and the risks that each one of you take that we will experience products in the future that address both chronic and terminal illness that today we have no treatment for. We are here in hopes to listen and also to work hard to make sure that this act is carried out in a way to produce the product that it was intended to.

Congressman Bilbray: I think you are coming from a position of strength to BIOCOM. With all the partisan bickering you see in Washington, at least on television, for you to come forward and for us to be able to say that there has been a major improvement of the situation. That the FDA has made these great leaps forward gives us more credibility when we start pointing out the shortfalls that still need to be taken care of. I think that is something that we don't do enough of in Washington. In other words, pat them on the back when they have done well, so then when you point out the shortfall, you have more credibility. That it isn't just partisan sniping. I think that is something we have been able to do on the Commerce Committee because we have acknowledged that. It is good that you guys do that. Now let's hear what we should do to improve the system more.

Believe me, when we talk about this sniping against the industry, it really worries me when I start seeing people looking to use this in the next election. I was just talking to my daughter and making the comment that I'd rather forgo the political advantage and be able to be assured that my daughters don't have to face off with the scourge of breast cancer in the next 20–30 years because we did the right thing now so that we can get these breakthroughs out on the market.

But let's hear what we can do to get it done from you guys.

Duane Roth. Thank you very much and thank you Congressman Burr for joining our conference.

I think what we can summarize the last discussion about is that we have done that right, and that it is moving in the right direction. But there are still issues that remain with the FDA and one of them is that it's really not uniform. There are some divisions that are performing very well, and there are others that are still lagging very far behind, and that has a lot of do with people. I am going to ask Steve to discuss appropriations in a minute, but people, and Bill made a very important point, information technology. There is no reason we should be sending truck loads of books to the FDA for review when we can send it on a CD that they can have in a matter of minutes and it is so much more efficient. I just sent a drug application last week, and the boxes and boxes and boxes of paper that went are really telling about what the FDA is still dealing with.

Congressman Bilbray. Before we leave this, and Richard you may want to jump in on this, we've actually had an initiative called the Paperwork Reduction Act. We may want to go back and take a look at that as Members of Congress, saying how can we take the intention of that legislation and apply it to this specific issue. Rather than having to reinvent the wheel. Say, "Look administration, we have this act that is already initiating these programs to avoid paperwork, and here you've got the industry that is ready to work with you to implement that act," and maybe we can plug it into this issue.

Congressman Burr. I'd also like to tell you that this is part of the cultural change that we hope to see that we haven't seen. Clearly that alarms me that we have an agency that evaluates and approves these methods that are so far technologically advanced that might not accept something on a CD-ROM has to be something cultural.

Congressman Bilbray. My attitude is just why don't we just package it and call it the Tree Preservation Act and start going to this new high-tech.

Duane Roth. We could have saved a tree. Steve, why don't we turn it over to you.

Steve Mento. I also want to add my thanks to the other panel members and thank you Congressmen for taking the time out of your very busy schedule to listen to some of the issues that we want to present here.

I want to build my comments on both Ted and Bill's. IDUN Pharmaceuticals is one of those small companies that Ted described. We won't be filing our first I&D with the FDA until early next year. And again, I want to stress the importance that time is our enemy, so it is critical that FDA appropriations that Bill talked about are adequate, remain adequate, or are even increased, such that the gains that we have made in the last three or four years are even exceeded in the future.

It is critical to a small company with limited financing that when we submit an application, that application is rapidly reviewed, and it moves forward at an appropriate pace. As Bill said, it is key for the FDA to have sufficient personnel of the highest quality to ensure that the product review process starts and continues to move forward on a timely pace.

Critical to understand, very simple, in order to regulate a scientific industry, and biotechnology is clearly a scientific industry, we need strong scientific regulators. I will draw from a past experience I had earlier in my career when I was involved in the early days of gene therapy.

When we first started talking to the FDA about Gene Therapy, it was an industry that didn't exist. I want to commend the FDA response to our early discussions. They basically put a new group together, the Cell and Gene Therapy group, and they staffed that group with very strong scientists. I think that just looking at the safety record in that gene therapy industry over the past five or six years is not in small part due to the fact that there was strong science at both ends, both ends of the table. And even with the recent set-back in gene therapy where there was a death—the first death in a clinical trial, I think the appropriate and rapid response on both sides of the table have enabled the trials to move forward. It is very important to have strong science on both ends, and have the funding to make sure that this is possible.

And as Bill said, we are particularly concerned in our industry about so called mission creep. With funding being what it is, how will the FDA be able to respond to new initiatives that will be placed on them, new requirements with genetically modified foods, or even tobacco, with the increasing number of applications that are coming from our industry, and keep pace with the review process.

So I guess the one question I would have is, how will Congress ensure that FDA staffing, and resources are adequate to meet the ever-growing regulatory needs of the biotech industry?

Congressman Bilbray. Well, I think, and Richard jump in, right now we are just trying to maintain appropriate oversight. Those of us on the Oversight Subcommittee are watching how these resources being allocated to the administration are being spent. We're actually able to have a substantial maintenance of our effort, and improvement of our effort even with the limits of the balanced budget, while not spending social security.

I don't see any real critical issue, in which we are going to have to reduce what is available. In fact, with you guys taking such a strong pro-active stance on user fees, which is something that Republicans often get real paranoid about, really helps us to keep this constant effort going because the industry has said that we don't mind participating in the cost as long as we get the services that we need to get these things moving along.

Richard, do you have a comment about what we need to do?

Congressman Burr. Yeah, good luck with your first application. If any agency came to me and told me that they didn't have enough money, I would be shocked. I have yet to meet one in Washington. I think that is inherent to this town. We have a very difficult job. I think that we try to work as closely as we can with the people who are on the side of the issue that where you are, and that is the applicants. Is the process working better?

Then we try to compare and look at the changes that have been made at FDA. We are all concerned with jurisdiction creep as to the issues that the FDA is involved in. That is purely an oversight role on our part and we are going to continue to be vigilant on it. We think that when you look at the number of employees at the FDA, there has to be some change. The reduction probably frees up the slots for the talented people that all of you have expressed that they need in the process. I think that they also need to culturally address some things, such as the removal of secondary indications, where we can take that process out and possibly put that into the teaching hospitals around the country. We did part of that in FDAMA. Clearly I don't think that the FDA has moved far enough in that method. But we want to free people up so that the talented people can work on those applications that are the various breakthroughs that can happen.

We are not at a point yet that we feel that they are tied because of budget restraints, when we continue to see fifty investigators who sole job every day is to chase the tobacco industry. So we go through a little bit of a different method as to how we encourage agencies to staff up in the right places, and sometimes it takes a little longer.

Congressman BILBRAY. I think that we shouldn't move beyond this issue of what's called genetically altered food and stuff. Anybody in the BIOCOM group should not consider this to be somebody else's problem. This prejudice and this practical witch hunt against anything genetically altered is just really something that we have to confront, and we have to confront it head on.

Just because the debate is focused on foods right now, doesn't mean those of us working on medicine can allow the wolves to go after them. We need to stick together, because not only is genetic research not a threat to society, it is probably the greatest shining example of a bright future for a whole cadre of issues, from beating cancer to feeding the hungry in the world. We have to unite all of us who are well informed and understand this issue, and confront those who are the scare mongers, who will try to intimidate people with fear on this issue.

On the clinical trials issue, let me just point out a side note that the healthcare issues that were brought up last week. Every one of those managed care proposals had a clinical trials provision added to it, because Washington is finally waking up to the fact that we need to be pro-active on this issue.

DUANE ROTH. Let me move to a less controversial issue. Medicare prescription drug benefit. I am going to call on David Gollagher.

DAVID GOLLAGHER. Congressman Burr and Congressman Bilbray, we appreciate your time, you've been with us on so many issues. Both of you certainly heard, or heard right after the president's remarks yesterday about the drug industry, calling on Health and Human services to initiate a 90 day study of comparative drug prices between the United States, Mexico and Canada. The President has also rolled out his plan for providing prescription drugs for people who are uncovered in the medicare program. There are around 39 million people covered in the medicare program and around 13 million don't have any prescription drug coverage. Our industry has been very concerned that the attacks on the pharmaceutical industry will have repercussions for raising capital and for the health of the Biotechnology and the drug discovery industry so the politicalization of this issue is bad for everyone. I guess that our great concern is that looking ahead to a very contentious election in the year 2000, how can we play a constructive role in to find an approach to the prescription drug coverage for the medicare population that is bipartisan and will work? A lot of us in the past have thought that some type of premium support would provide coverage for the elderly poor would be a good way to go but we can look back as well to catastrophic coverage when the great panthers revolted and seniors refused to pay anything for additional coverage. It seems to us that this issue is very easy for the president and others to politicize by talking about new benefits that people should have and that basic support for these benefits should come out of the companies. So I guess we would like to hear some perspective on the best approach our industry can take to take some of the air out of the political balloon and help for a more bipartisan approach to what is basically a partisan issue.

CONGRESSMAN BILBRAY. Well, that's a really tough one, because we've seen people in Washington use you guys as a punching bag. It's easy to take a cheap shot, you never get thirty minutes to respond to the Administration's attacks, it's a freebie politically. We've seen the damage it can do in the early minutes, frankly, I'm concerned about the damage it's going to do now. I think that we also need to highlight this issue about how long it takes to get the product on the market, about how few percentages are able to go from R&D to the market. The things that the administration needs to do to make pharmaceuticals more cost effective is basically to stop being obstructionists. But the other issue is the tort limitation. Being on the Mexico boarded they always say "in Mexico, we can get it for this, this, and this" well, also you can get dental care and medical care down there, but you also have a totally different type of tort system. I wish I had the answer for how we counter this, because right now I just see it as a freebie for anyone who wants to take a political cheap shot at you and I think that we really have to take a look at how to preempt it but I don't have that answer. Maybe Richard does, he's used to his industry taking all the shots and maybe he's got some good pro-active counter offensives ready to go, Richard.

CONGRESSMAN BURR. Should you be worried? Yes. I gave a speech earlier this morning and I said had I known that the modernization act would be so successful that we would move from an average of the low teens of the applications being approved in a year to fifty or sixty or potentially seventy in future years and that the market place would have so many new drugs that were still under the recover of their R&D that it's contributed greatly to the increased cost of pharmaceuticals when we look at the entire population and especially seniors. The other thing that has come into play is that technology is a two way street and many seniors and many consumers sit at home and research their illness, they are quick to go into their physicians office. They may have been on Zantac and it treated their stomach well, today they want prylosec, and a physician is almost required to fill out that prescription, and then we move from a $10 over the counter solution to a $110 prescription solution. So the problem has ammunition and I've learned that anytime there is a box of ammunition, Henry and our good friends on the other side will continue to use it. I will tell you that most members and most people across the country believe that there ought to be a drug benefit with medicare. The question is are we going to try to incorporate something into the existing model or are we going to do something that is politically tough but policy right and that's to create a private sector plan to compete against medicare? As I shared with people, we never complained about the post office until fed ex was created. When it gave us something to compare it to we began to ask ourselves questions about when it needs to be there, how confident do I need to be that it gets there and how much does it cost? And when you do that, if we were to create a private sector model whether it's premium support in total or another byproduct of those talks I think we get a fair comparison that seniors and the consumers can compare medicare to. What do you do? I hope that we in Congress, especially as republicans will put out some time of blueprint before we leave. Even if it's a very sketchy one on what we'd like to accomplish and how we'd like to do it on medicare restructuring and the incorporation of drug options as we come back next year. If not then the President will frame what we do and the box that we are in the State of the Union address. How can the industry help us and help themselves? It's to put the image of who you are and what you do in front of the American people. It's to take the scientists out of the lab and put them into the lecture room or the town meeting or the television. Talking about the breakthroughs that they worked on and the real lives that the breakthrough affects. The American people are willing to pay as long as they know what they're going to get and I think this is one area where the people would be willing to chip in to continue the level of research and development. If we allow the President to frame the debate and the others to set the rules. I can assure you that the number one thing I look at, which is capital, will find another industry that is more attractive in from the standpoint of their overall return and we will have a tough time in the biotechnology area.

Congressman BILBRAY. I think that you need to really focus this and be ready to do your own campaign based on things like Biotech. It's not about money, it's about lives. If you compare how much the average American family spends on a car as opposed to pharmaceuticals or breakthrough drugs it's not even comparable because you've got it packaged a certain way.

The republican proposal I'm seeing coming down, and I think that both the Senate and the House is moving, is the issue of having the needy seniors helped with this cost and really focus on them as opposed to the position that all seniors, even if they're millionaires, should be able to be subsidized by the federal government.

Congressman BURR. And I want to caution the entire group, don't fall prey to anything other than the administrations intent and the Democrats on the Commerce Committee, most of them, that the first step is to institute price control. And those price controls, whether they're instituted at the state level or whether they're instituted by the federal government, then they have the hoops to redesign the system however they want it, and clearly those price controls, being the first, thing have a great impact on where the capital goes in the future.

Congressman BILBRAY. The would initiate these prices controls and you would watch, in an industry that already has investment concerns and problems, then when it starts hurting more, it justifies Washington sticking it's nose in further. So you've got to watch these things because a lot of these crisis situations are created in Washington and not necessarily without the intention that Washington would have to step in and get involved. I know that sounds like some kind of conspiracy issue, but I think that those of you who have worked in the industry and have seen the reaction of what Washington can do would agree that this is not a Democrat or Republican issue; it's just common sense that we ought to be allies not enemies.

DUANE ROTH. We certainly will stay engaged in this issue, it's absolutely crucial to our industry and we really hate to see the way things turned yesterday. That was not helpful and puts us in a very defensive position again. We're certainly going to work on this issue and stay in touch with our constituents. Our constituents are patients. When any one tries to drive a wedge between the industry and the patients who need these products, everyone loses. I think that's what we need to be working on

Congressman BILBRAY. I think you have to point out that you've got elected officials who were on the defensive this week about Social Security. And the best defense, in a lot of their attitudes, was to go on the attack. And so, they had a position that wasn't very defensible on Social Security and so they came up with a proposal and used you guys as a punching bag and as some way to justify their agenda. They had to create an enemy and they were using you, and frankly I'm sorry to see it happen too but please understand that you should be complemented that they were on the defensive so they were going after you to take the heat off of them which is a sad fact about this.

DUANE ROTH. I'd like to move to a related issue and this is one that is very key for our industry and that's getting reimbursed once we finally get through the better behaving FDA, how do we get paid for our products and this is another major medicare issue. So I'm going to turn to John Dobak who's going to introduce the subject and get your comments.

JOHN DOBAK. Thank you and thank you folks for taking the time. I represent the medical device community. We often get lumped with Biotechnology but there are some differences between our industries as it relates to a certain issue, and I think it's important to realize that there is a difference between medical device and Biotechnology. This particular issue I think pertains to both industries. I'm going to focus on the Medical device side of these issues however. First, I'd like to note that HIMA has a seven point plan that deals with reimbursement reform and it's a very complex issue and I would encourage some review of that plan because it addresses many of the dilemmas faced by medical device companies. I'd also like to recognize that some of these issues and the solutions proposed by HIMA are addressed in a bill proposed by Orin Hatch and Jim Ramstead. The most important piece that's partly covered in this legislation is that it is trying to establish a more efficient and rapid reimbursement process for medical device companies and other life science companies after they obtain FDA approval. FDA approval is really the pinnacle of any life sciences company or medical device company, it really represents the establishment of the clinical benefit and safety of a product and one would think that with that FDA approval we would see a dissemination of the technology the profitability of the company and additional innovation of that particular company. Unfortunately, because of problems with the medicare reimbursement in particular, the technology is not utilized often times many years after the product was initially approved. I think a case in point is cardiac stints. Cardiac stints are these tubular, cage-like structures that are used to prop open the arteries. These were approved in 1994, however reimbursement was not established until 1997. At the time that the product was approved only about 15% of patients had access to this lifesaving technology. Once appropriate reimbursement was established, the use of the procedure exploded to some 85% or 90% now of interventional cardiology incorporate stinting. My concern is that I think a similar situation is going to evolve with stroke. Stroke afflicts about 700,000 patients each year in this country and that it costs the healthcare system in excess of 30 billion dollars. It's a devastating problem, it leaves people paralyzed, unable to speak and comprehend speech and even blind. Currently there's a bevy of medical device companies that are developing therapies to treat strokes. Currently there's a bevy of medical device companies that are developing therapies to treat strokes. Unfortunately the current reimbursement is only $3000–$4000 and the average length of stay in a hospital for a stroke victim is 5 days, that $3000–$4000 will not cover that hospital stay let alone new technologies that are going to prevent the devastating consequences that come from a stroke. I think this brings up a very important point about the fundamental structure of medical reimbursement and that's that medicare focuses on short term cost controls in favor of long term cost saving. I think that technology will never prove to itself to be cost efficient when the reimbursement structure focuses on this short term cost control. I would just be interested to know if there's going to be support for this bill presented by Senator Hatch and Congressman Ramstead and hear your comments about your position.

Congressman BURR. Well, I'll go first. I'm not sure about the specifics in Senator Hatch or Congressman Ramstad's bill, but it gets to the heart of what private insurance companies refer to as experimental. Those drugs or devices that have been approved by the FDA but for, some unknown definition, still have not been approved for reimbursement whether it's medicare or the private sector. I attempted, in the patients bill of rights legislation, and all the substitutes, to make sure that we had a new definition for experimental which stopped when the FDA approved it. It could no longer be experimental. It meant that medicare and companies had to specify anything that was not covered but was not under the umbrella of experimental. I don't think there's any question that the intermediaries dragged their feet sometimes companies are pushed from one entity to another, who are trying to get a new DRG code or whether they're going to be lumped in an unexisting one and in many cases the reimbursement does not represent the technological advances that have been made. I think it's clear that we're on a generation of heart stint that some of the countries of the world would look at and laugh at based on where they have progressed to. That's part of the approval process. When I look at the reimbursements I clearly don't think that it considers the technological changes that have gone into product advancements, especially in devices, and the reimbursements reflect that. I think it cries for overall medicare reform, not just in the drug model but a true competitive model. One last point, it's one that you touched on which I would call disease management. I remember when we sold for the first time the concept of medicare coverage for diabetes screening for seniors. It took 2½ years to convince some of our colleagues that it was cheaper long term to pay for this monitoring up front because it was cheaper than amputation and blindness. They now believe that and they believe it about mamograms and they believe it about PSAs. We need to start the cultural change and make people understand that there are drugs and devices that also save money long term with a cost up front. That, again, is a cultural problem that we're going to have with this agency.

Congressman BILBRAY. It's a problem, not just with this agency, but with the entire federal system, judging what is a priority and what is a benefit. A decade ago we were bashing the private sector for looking to the next quarter. Remember we were talking about the Asians looking at the long range. The fact is, we've seen a major reform in the private sector. When Richard and I came here to Washington we were looking at this issue that the whole mentality of what we judge as a benefit or a cost is so antiquated; and it still is. You have the OMB scoring, and you have the Congressional Budget Office scoring, that is really sort of like what's here and now. A good example is, the drugs that are being used for trying to reduce the effects of strokes. I just lost a father to a stroke, so I understand. He was two years in a wheel chair—could not speak—needed to have constant service. But, the drug that may help to avoid long term damage isn't really considered a major savings because you still spend up 3 to 5 days in the hospital. So they just sort of go right over that. I think that we need to try to raise the sophistication of what we project as expenditures or savings. That could go beyond the here and now and the short term. And this town doesn't do that very well. A good example, was the question about capital gains taxes, and reducing them. In this town the projection was that it was going to be a net negative to the treasury. Well everybody knows that since we've done that there's been a huge plus up and it's been one of the biggest reasons why we have a surplus. But the town does not know to change it's institutional structures and it's institutional background to reflect reality. And I guess from a science background we would say the model here in Washington is being used to judge your industry and to judge service and cost benefit ratios. The model is a one dimensional obsolete model that we have to replace with a whole new modeling system. And maybe we can get these guys who are working on global climate change to work out a model that will be able to sell to the congress so they will have something that reflects reality better than what we have now. This thing runs deeper than just HCFA, it's the entire structure that we are trying to change.

Congressman BURR. Brian if I could, I've been asked to come back up to the Hill, and I do want to allow if there is one additional question that may or may not be on the agenda that somebody has of me before I leave, I wanted to give you an opportunity to ask it.

DUANE ROTH. Let me quickly, since you're from North Carolina, and there are some farmers there I think. Genetically modified organisms, and Brian touched on it earlier but this is an area that we do understand has a potential to creep over into the health care as well as the agriculture scare that is going on now. And I'm going to call on Joe to sort of introduce us to that mess.

JOE PANETTA. Congressman Bilbray congressman Burr, thank you very much for joining us, and on behalf of all the members of BIOCOM, I would like to thank you as well. Congressman Bilbray, over the years we know that you have been interested and involved in our issues and we've welcomed that participation on your behalf and we really look forward to working with you in the future. We haven't talked much, through BIOCOM, about the issue of genetically food, although you and I have talked about it on occasion. And it's an issue that certainly become much more in the forefront in recent weeks and months with some of the concerns been raised in Europe over the acceptability of genetically engineered foods. And it's an issue that has a direct impact on our farmers across the country here in San Diego certainly congressman Burr in North Carolina and with a lot of the research that's been going on in San Diego and North Carolina through companies that are involved in this area has a direct impact on us as well. But the two issues that I really want to touch on here are in direct relevance to you in the Commerce Committee, and those have to do with the acceptance of exports of our crops and the impact that that could potentially have on our ability to adopt this technology through our farming systems in the U.S. and also for the potential for there to be a backlash here in the United States as a result of some of the controversy that's been raised in Europe. You both know, I'm sure, that farmers have increased difficulty in adopting this technology due to the fact they've had concerns about acceptance of products in Europe and Japan. The regulations that have been implemented particularly in Europe on GM3 imports in the United States have really deterred farmers in large part from adopting this technology due to their concern. It's causing a huge headache for our farmers here in the U.S. it's raising concern with our large agricultural research companies relative to their investments in this technology in the future. And if we look at the loss in trade just last year in this area as a result of some of these negative regulations that have been implemented we're looking at $200.000.000 in crops that had to sold elsewhere as a result of European negativity on this issue. The fear that's been aroused through the activities of the activists groups in Europe could potentially end up flowing onto shore here in the U.S. and we think that what's really exacerbating these issues are the very regulations that are being created in Europe that are presumably there to deal with the issues themselves. In fact, what we are seeing instead is the reverse and the public's concerns are being raised even more. What that's causing us to see in the U.S. is that the technology is being slowed down and in fact, farmers are having to hang on to older technics as a result. I'll be brief, because Congressman Burr I know you have to get back up to the Hill. But, the concern here has more to do with the fact that we need your support in terms of any regulations that might be considered that goes beyond the already very stringent system that we have in the U.S. And the need to implement science based systems cutside the U.S. as something that needs to be focused on more than the need to focus on a system that is very adequate. I think Bill Rastetter and Steve Mento both touched on the concern about the resources that we have at FDA and the need to focus these resources on the approval of some of the new pharmaceutical and device products that are in the system. The need is not there to focus those resources on a process at the FDA that is already adequate. As far as labeling goes, that's another issue that's been discussed very much recently with regard to public concern. I think from our standpoint we felt for a long time that the labeling system that the FDA adopted years ago is an adequate system to deal with any food regardless of the technology through which it's produced. And this is simply one more way of producing food, but the processes that are in place there are adequate. So, in summary we'd ask you to continue to support the efforts through FDA, USDA, and EPA to regulate these products and in terms of exports, to show strong support for our opportunity to show better crops to improve yields and to be able to export these products throughout the world to the benefit of our farmers here in the U.S. Thanks very much for your time.

Congressman BURR. Well, I appreciate the question. Yes we do have farmers in North Carolina, most of them are still under water, unfortunately. But we will bounce back and I'm hopeful that we will at least pay attention to what's happened in Europe. I've been there twice in the last twelve months. This has been one of the topics of discussion every time I've been there. Clearly this is not a trade policy breakdown, it's an attempt to continue subsidies that we tried to negotiate out. And when they finally hit on the food safety it took hold with consumers all across the EU. The concern is, and should be, what happens when that same type of campaign comes across the ocean and starts in this country and we've begun to see this already with the attempt on baby foods, where most companies have pulled many GMO products out of it. I think we've got to be very conscious of the good science that's needed. And I would hope that we would spend our time with the EU now trying to set the standards for good science and backdoor into standards that would allow us to have those markets for export purposes. I'm sure the French would be alarmed to find out today that they currently use genetically modified grapes in the majority if not all of there wine. I'm sure that they would argue that rubbing it on as opposed to injecting it in is two different things, but reality is reality. I think that this is an area of great concern not only to those of us on Commerce. I know that Senator Pat Roberts has spent a tremendous amount of time on it, and is concerned that if we are not vigilant, and if we don't watch this, that we will no longer be able to produce the world's food here in this country because of what can happen. As the member of Congress that has the Novartis agricultural headquarters for this country, it is alarming for me, and I know the impact potentially not only on North Carolina's farmers, but our ability to be the world's supplier.

Congressman BILBRAY. I think that we and everybody, there are those in the medical field that say this is an ag problem just as much as it was those to make sure you didn't go after genetic research. Remember that scare tactic, it may be good politics, but it was bad science. Just like Richard and I worked with a guy name Ganske about this issue of radiating meat, which is the safest thing you can do to stop the disease carrying potential of beef. I think we need to put together a coalition and I want to tell you this. I was on the Floor today talking to my corn growers in the Midwest. I need you to give me that information because we need to get Archer Daniels Midland and the rest of the big corners who are fighting us on other issues, that they ought to be working with us on this issue. I think that there is a flip side here too. The environmental community, rather then being your enemy should be your biggest ally, except that they don't have the facts. We're talking about the ability to use genetic research as a way of reducing the use of herbicide eliminating or reducing the substantial use of insecticide that are polluting the environment. I think that we need to talk about this. And we need to confront Europe and say, "You want to play this game?" We can look at the herbicide or the insecticides that you are using and say that we don't want any of your products that you are using those in. If they want to play this tough game, I think we need to get the facts out there. And I think that the pro-active approach—I propose that what we ought to be talking about up in the Northwest right now and what the administration should be pushing for is not what is genetically altered, but an international interpretation of what is organic. If you want to eat food that was grown and processed exactly the way your great great grandfather did, 150 years ago, then I think we can find a common purpose. But the talk about genetically altered is such a ruse because the one thing that we talk about is domesticated plants. If we didn't have, quote unquote, altered plants, our corn would be about three inches long the way the Anasazi a thousand years grew their corn. And I think that we need to get this out. So the environmental community has to be confronted with the fact that rather then attacking and fearing the genetic alterations we should be moving towards it to stop all the spin off pollution that we've seen for decades. I think that we got a big question here, but we all need to pull together. I ask the medical people to take a look at the ag people because we need the ag people to help us with the medical side and with the device side. We are all in this together. We're the people with the facts. We have to stand up for them: even in the short run, politically, it doesn't seem expedient. Outside of that, I really don't have an opinion about this whole issue.

DUANE ROTH. We will certainly give you the information and keep working on this issue it's a very important one. Let met give you a chance to sign off here, I know that you have to get back to more important business. But, from our side thank you very much for taking the time, both of you, to spend with us today.

Congressman BILBRAY. Well, thank you very much for how proactive that you guys have always been. And one thing that is great about the BIOCOM people and your entire group is that rather then sit back and then complain that things didn't work out, you've been very pro-active. I think that one of the best things that we've done is to see the kinds of things that you put into it. I couldn't help but think about the device issue and our tort reform device that was named after your nephew. It's something that I think has been one of our great successes. Thanks a lot, and continue the work. One thing that I really like about it is that you can look at this panel and you can see that they go across the political spectrum, but they stick together on one issue. The well being of Americans is something that we all have to cooperate on and find answers for, rather then always pointing fingers and finding problems. So thanks again for taking the time. This was a very, very great way to be able to communicate. And hopefully Richard and I can go back and to carry your message and not just to the Commerce Committee, but to the House of Representatives. Thank you very much for the time.

DUANE ROTH. Thank you. And let me just conclude by thanking my panel members for taking time to help with this. Thank you very much.

PRESCRIPTION DRUG PRICING IN THE 20TH CONGRESSIONAL DISTRICT OF TEXAS: AN INTERNATIONAL PRICE COMPARISON

HON. CHARLES A. GONZALEZ

OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 1999

Mr. GONZALEZ. Mr. Speaker, I insert the following for the RECORD:

EXECUTIVE SUMMARY

This report, which was prepared at the request of Rep. Charles A. Gonzalez, compares prescription drug prices in Texas's 20th Congressional District with drug prices in Canada and Mexico. The report finds that senior citizens and other consumers in Rep. Gonzalez's district who lack insurance coverage for prescription drugs must pay far more for prescription drugs than consumers in Canada and Mexico. These price differentials are a form of price discrimination. In effect, the drug manufacturers are discriminating against senior citizens in Rep. Gonzalez's district by denying them access to prescription drugs at the low prices available to consumers in Canada and Mexico.

This study investigates the pricing of the five brand name prescription drugs with the highest dollar sales to the elderly in the United States. The study compares the prices that senior citizens who buy their own prescription drugs must pay for these drugs in Rep. Gonzalez's district with the prices that consumers who buy their own drugs must pay for the same drugs in Canada or Mexico. The study finds that the average prices that senior citizens in Rep. Gonzalez's district must pay are 100% higher than the prices that Canadian consumers pay and 99% higher than the prices that Mexican consumers pay (Table 1).

TABLE 1.—SENIORS IN REP. GONZALEZ'S DISTRICT PAY SIGNIFICANTLY HIGHER PRICES FOR PRESCRIPTION DRUGS THAN CONSUMERS IN CANADA OR MEXICO

Prescription drug and dosage form	Canadian price	Mexican price	20th District price	Canada-20th District price differential		Mexico-20th District price differential	
				Percent	Dollar	Percent	Dollar
Zocor: 5 mg. 60 tab	$46.17	$67.65	$113.94	147	$67.77	68	$46.29
Prilosec: 20 mg. 30 cap	55.10	32.10	129.49	135	74.39	303	97.39
Procardia XL: 30 mg. 100 tab	74.25	76.60	142.17	91	67.92	86	65.57
Zoloft: 50 mg. 100 tab	129.05	219.35	238.69	85	109.64	9	19.34
Norvasc: 5 mg. 90 tab	89.91	99.32	127.77	42	37.86	29	28.45
Average differential				100		99	

These price differences can have substantial impacts on the cost of a prescription. Prilosec, and ulcer medication manufactured by Merck, was the top prescription drug in dollar sales in the United States in 1998. An uninsured senior citizen in Rep. Gonzalez's district must pay over $70 more than a consumer in Canada and nearly $100 more than a consumer in Mexico for a one month supply of this drug. The total difference between the price a senior in Rep. Gonzalez's district would pay for a year's supply of Prilosec compared to a similar consumer in Mexico is over $1,000. The difference between the price a senior in Rep. Gonzalez's district would pay for a year's supply of Prilosec compared to a similar consumer in Canada is nearly $900.

In the case of two additional drugs considered in the study, Synthroid and Micronase, senior citizens in Rep. Gonzalez's district were forced to pay more than two times, and in one case over five times, the prices charged to Canadian or Mexican consumers.

This is the second congressional report on drug price discrimination requested by Rep. Gonzalez. the first report showed that senior citizens in Texas's 20th Congressional District are forced to pay over twice as much for their prescription drugs as the drug companies' favored domestic customers, such as HMOs and the federal government. This report shows that senior citizens in Rep. Gonzalez's district are also forced to pay twice as much for their prescription drugs than are consumers in other countries. Taken together, the two studies indicate that drug manufacturers engage in a consistent pattern of price discrimination, resulting in prices for senior citizens and other consumers who buy their own drugs that far exceed those paid by other purchasers in the United States and other countries.

I. INTRODUCTION

In the United States, drug manufacturers are allowed to discriminate in drug pricing. As the Congressional Budget Office reported in a 1998 study, "[d]ifferent buyers pay different prices for brand-name prescription drugs. . . . In today's market for outpatient prescription drugs, purchasers that have no insurance coverage for drugs, pay the highest prices for brand name drugs." In 1999, the Federal Trade Commission reached the same conclusion, reporting that drug manufacturers use a "two tiered pricing structure" under which they "charge higher prices to the uninsured."

This discriminatory pricing imposes severe hardships on senior citizens. As documented in the previous report released by Rep. Gonzalez, senior citizens often have the greatest need for prescription drugs, but the least ability to pay for them. The elderly in the United States, who make up 12% of the population, use one-third of all prescription drugs, with the average senior using 18.5 prescriptions annually. They also frequently have inadequate insurance coverage or no insurance coverage at all to pay for these drugs. Approximately 75% of Medicare beneficiaries lack dependable, private-sector prescription drug coverage, and 35%—over 13 million seniors—do not have any insurance coverage for prescription drugs. As a result, many seniors cannot afford the high costs of prescription drugs. One study estimated that more than one in eight seniors were forced to choose between buying food or paying for prescription drugs.

In part to protect their citizens from these hardships, the governments of Canada and Mexico do not allow drug manufacturers to engage in price discrimination. In Canada, approximately 35% of prescription drugs are paid for by the government for beneficiaries of government health care programs. In Mexico, 30% of prescription drugs are paid for by the government under similar circumstances. The rest of the population in these two countries must either buy their own drugs or obtain prescription drug insurance coverage. To prevent drug companies from charging individual consumers excessive prices, both the Canadian and Mexican governments regulate prices for patented prescription drugs. Drug manufacturers do not have to sell their products in Canada or Mexico, but if they do, they cannot sell their drugs at prices above the maximum prices established by the government.

This report is the first effort to compare prices that senior citizens in Texas's 20th Congressional District must pay for prescription drugs with the prices at which the same drugs are available in Canada and Mexico. It finds that senior citizens in Rep. Gonzalez's district who lack prescription drug benefits must pay far more for prescription drugs than consumers in Canada and Mexico. The drug companies thus appear to engage in two distinct forms of price discrimination: (1) as documented by Rep. Gonzalez's first report, the drug companies are forcing senior citizens in Rep. Gonzalez's district to pay more for prescription drugs than more favored U.S. customers, and (2) as documented in this report, the drug companies are forcing senior citizens in Rep. Gonzalez's district to pay more for prescription drugs than consumers in more favored countries.

II. METHODOLOGY

A. Selection of Drugs for this Survey

This survey is based primarily on a selection of the five patented, nongeneric drugs with the highest annual sales to Older Americans in 1997. The list was obtained from the Pennsylvania Pharmaceutical Assistance Contract for the Elderly (PACE). The PACE program is the largest out-patient prescription drug program for older Americans in the United States for which claims data is available. It is used in this study,as well as by several other analysts, as a proxy database for prescription drug usage by all older Americans. In 1997, over 250,000 persons were enrolled in the program, which provided over $100 million of assistance in filling over 2.8 million prescriptions.

Based on the PACE data, the five patented, nongeneric drugs with the highest sales to seniors in 1997 were: Prilosec, an ulcer and heartburn mediation manufactured by Astra/Merck; Norvasc, a blood pressure medication manufactured by Pfizer; Zocor, a cholesterol-reducing medication manufactured by Merck; Zoloft, a medication used to treat depression manufactured by Pfizer; and Procardia XL, a heart medication manufactured by Pfizer.

In addition to the top five drugs for seniors, this study also analyzed two additional prescription drugs, Synthroid and Micronase. Synthroid is a hormone treatment manufactured by Knoll Pharmaceuticals, and Micronase is a diabetes medication manufactured by Upjohn. These popular prescription drugs were included in the study because the earlier analysis indicated that there is substantial discrimination in the pricing of these drugs.

B. Determination of Average Retail Drug Prices in Texas' 20th Congressional District

In order to determine the prices that senior citizens are paying for prescription drugs in Rep. Gonzalez's congressional district, the minority staff and the staff of Rep. Gonzalez's congressional office conducted a survey of 11 drug stores—including both independent and chain stores—in his district. Rep. Gonzalez represents the 20th Congressional District in southern Texas, which includes central San Antonio and rural areas to the west and southwest of the City.

C. Determination of Average Drug Prices in Canada and Mexico

Prices for prescription drugs in Canada and Mexico were determined via a survey of pharmacies in Canada and Mexico. At the request of the minority staff of the Committee on Government Reform, the surveys were conducted by the Office of NAFTA and Inter-American Affairs of the U.S. Department of Commerce. In Canada, pharmacies were surveyed in three provinces: Ontario, British Columbia, and Nova Scotia. In Mexico, pharmacies were surveyed in Monterrey and Guadalajara.

Prices from Canadian pharmacies were determined in Canadian dollars, and prices from Mexican pharmacies were determined in pesos. All prices were converted to U.S. dollars using commercially available exchange rates.

D. Selection of Drug Dosage and Form

In comparing drug prices, the study generally used the same drug dosage, form, and package size used by the U.S. General Accounting Office in its 1992 report, Prescription Drugs: Companies Typically Charge More in the United States Than in Canada. For drugs that were not included in the GAO report, the study used the dosage, form, and package size common in the years 1994 through 1997, as indicated in the Drug Topics Red Book. The dosages, forms, and package sizes used in the study are shown in Table 1.

All prescription drugs surveyed in this report were available in Canada in the same dosage and form as in the United States. In Mexico, several drugs were not available in the same dosage and form. In this case, prices of equivalent quantities were used for the comparison. For example, in the United States the drug Zocor is commonly available in containers containing five mg. tablets, while in Mexico Zocor is available only in containers containing ten mg. tablets. To compare Zocor prices, this report compared the cost of 60 five mg. tablets of Zocor in the United States with the cost of 30 ten mg. tablets in Mexico. Several drugs are also sold under different names in Mexico. The Mexican equivalents of U.S. brand names were determined using the 44th edition of the Diccionario de Especialdades Farmaceuticas (1998).

III. FINDINGS

A. Senior Citizens in Texas's 20th Congressional District Pay More for Prescription Drugs Than Consumers in Canada

Consumers in Canada obtain prescription drugs in one of two primary ways. Approximately 35% of the prescription drugs sold in Canada are paid for by the provincial governments on behalf of senior citizens, low-income individuals, and other beneficiaries of government health care programs. The rest of the population in Canada must either buy their own drugs or obtain prescription drug insurance coverage.

The regulatory system in Canada protects individual consumers who buy their own drugs from price discrimination. The Patent Medicine Prices Review Board (PMPRB), established under the Ministry of Health by a 1098 law, regulates the maximum prices at which manufacturers can sell patented medicines. If the Board finds that the price of a patented drug is excessive, it may order the manufacturer to lower the price, and may also take measures to offset any revenues the manufacturer has received from the excess pricing. Pharmacy dispensing fees for individual retail customers are not controlled by the government. Each pharmacy sets its unusual and customary dispensing fee and must register this fee with provincial authorities.

This study indicates that the Canadian system producers prescription drug prices that are substantially lower in Canada than in Rep. Gonzalez's district than in Canada (Table 1).

For all five drugs, prices were higher in Rep. Gonzalez's district. For two drugs, Zocor and Prilosec, the prices in Rep. Gonzalez's district were more than twice as high as the Canadian prices. The highest price differential among the top five drugs was 147%, for Zocor, a cholesterol medication manufactured by Merck.

For other drugs, price differentials were even higher. Synthroid is a hormone treatment manufactured by Knoll Pharmaceuticals. For this prescription drug, senior citizens in Rep. Gonzalez's district must pay an average price of $31.54, while consumers in Canada pay only $10.53—a price differential of 200%. For Micronase, a diabetes drug manufactured by Upjohn, senior citizens in Rep. Gonzalez's district pay prices that are 306% higher than Canadian consumers.

Prilosec, the ulcer medication manufactured by Merck, was the top prescription drug in dollar sales in the United States in 1998. An uninsured senior citizen in Rep. Gonzalez's district pays $74.39 more than consumers in Canada for a one month supply of Prilosec—an annual price difference of nearly $900. Similarly, a senior in Rep. Gonzalez's district pays nearly $70 more than a senior in Canada for a two month supply of Zocor, an annual difference of over $400, and over $100 more than a senior in Canada for a 100 day supply of Zoloft, an annual difference of nearly $400.

The findings in this report are consistent with the findings of other analyses. In 1992, GAO looked at the prices that drug companies charge wholesalers for prescription drugs in the United States and Canada. The results of the GAO study showed that, for the top five drugs in the United States, the average differential between the price in the United States and the price in Canada was 79%. According to GAO, "government regulations and reimbursement practices contribute to lower average drug prices in Canada. In setting prices, manufacturers of patented drugs must conform to Canadian federal regulations that review prices for newly released drugs and restrain price increases for existing drugs."

Similarly, in 1998, Canada's Patented Medicine Prices Review Board performed a comprehensive review of prices in Canada, the United States, and six European countries. The Board found that prescription drug prices in the United States were 56% higher than prices in Canada, and that prices were even lower in other industrialized countries. Prices in the United states were 96% higher than prices in Italy, 75% higher than prices in France, 55% higher than prices in the United Kingdom, 47% higher than prices in Sweden, and 40% higher than prices in Germany. The United States had the highest prices among the eight industrialized nations that were part of the survey.

GAO also investigated whether the price differential it observed was attributable to differences in the costs of production and distribution. GAO found that drug costs—such as research and development—are not allocated to specific countries, and the costs of production and distribution make up only a small share of the cost of any drug. The study concluded that "production and distribution costs cannot be a major source of price differentials."

B. Senior citizens in Texas's 20th congressional district pay more for prescription drugs than consumers in Mexico

As in Canada, consumers in Mexico also obtain prescription drugs in one of two primary ways. Approximately 30% of the pescription drugs sold in Mexico are purchased by the government and provided to eligible citizens at a significant discount through the social security system. The rest of the population in Mexico must either buy their own drugs or obtain prescription drug insurance coverage.

The regulatory system in Mexico, like the system in Canada, protects individual consumers who buy their own drugs from price discrimination. Drug prices and rates of price increases in Mexico are controlled by the Ministry of Commerce and Economic Development (known by its Spanish acronym, Secofi) under the Pact For Economic Stability and Growth. Under the Mexican law, manufacturer and the government engage in negotiations to determine the nationwide maximum prices for prescription drugs. Pharmaceutical products are prepackaged and stamped with the maximum sales price, guaranteeing consist prices throughout the country.

This study indicates that the Mexican system produces prescription drug prices that are substantially lower in Mexico than in Rep. Gonzalez's district. Average prices for the top five drugs for seniors were 99% higher in Rep. Gonzalez's district than in Mexico (Table 1.) Prices for all five drugs were higher in Rep. Gonzalez's district. The highest price differential among the top five days was 303%, for Prilosec, an ulcer medication manufactured by Astra/Merck.

For other drugs, price differentials were even higher. In the case of Micronase, senior citizen in Texas's 20th Congressional District pay an average price of $54.81 while consumers in Mexico pay only $9.48—a price differential of 478%.

In dollar terms, uninsured senior citizens in Rep. Gonzalez's district pay nearly $100 more than consumers in Mexico for a one month supply of Prilosec—an annual price difference of over $1,100. Similarly a senior in Rep. Gonzalez's district pays over $45 more than a senior in Mexico for a two month supply of Zocor, an annual difference of over $250, and over $65 more than a senior in Mexico for a 100 day supply of Procardia XL, an annual difference of over $200.

These findings are consistent with those of other experts. While there have been few direct comparisons of prices in the United States and Mexico, the Congressional Research Service has found that differences in the regulatory systems between the two countries result in the large price differentials. CRS concluded that "of greater importance in explaining price differentials in drug prices in Mexico, and have been for some time."

INTRODUCTION OF STEWARDSHIP, EDUCATION, RECREATION AND VOLUNTEERS FOR THE ENVIRONMENT (SERVE) ACT OF 1999

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. UDALL of New Mexico. Mr. Speaker, today I rise in support of the Stewardship, Education, Recreation and Volunteer (SERVE) Act of 1999. This legislation, introduced by my colleague and cousin, Mr. UDALL of Colorado and which I am proud to be a co-sponsor of, will energize and expand existing efforts to enhance the outdoor, education and recreation experiences of the great outdoors for many Americans.

Our Nation's national parks, national forests, wildlife refuges, recreation areas and public lands are enjoyed by nearly two billion visits each year. These wonderful areas provide Americans with sightseeing, wildlife watching, hunting, fishing, hiking, and camping opportunities, just to name a few. In my District alone, visitors can experience a wide range of education and outdoor recreation opportunities. From the Chaco Culture National Historical Park, which provides Americans a brief glimpse into the daily life of the region's first inhabitants, to the Bureau of Land Management's Bisti/De-Na-Zin Wilderness with its dramatic moon like landscape, to the high country mountains and streams of the Santa Fe National Forest that provide excellent hunting, fishing and camping opportunities.

Visitors to our Nation's public lands often don't realize that behind the scenes of these magnificent natural and historical areas that visitors have come to see and learn about, are a cadre of volunteers who have selflessly given their time and expertise to the American people to make their experiences memorable. For without the hard work, dedication and enthusiasm of the volunteers, Federal land management agencies would not be able to stay ahead of the maintenance and enhancements our national treasures require.

In the 1980's, a program was established to encourage Americans to become more involved in the management and protection of their lands for current and future generations. By all accounts, this program showed promise. Federal land management agencies such as the National Park Service, U.S. Forest Service, Bureau of Land Management, and U.S. Fish and Wildlife Service were given a long needed tool to recruit and recognize individuals who donated their energy, time and expertise to enhance our federal and public lands for all Americans to enjoy.

Unfortunately, other priorities and funding issues have placed this program on the back burner. It is now time to revitalize, re-energize and expand our Nation's volunteer and educational outreach program.

Mr. Speaker, this legislation would not only restore a past volunteer program, but expand and strengthen it by providing more powerful tools to Federal land managing agencies. This legislation would direct the Secretary of Agriculture and the Secretary of the Interior to establish a national stewardship award program to recognize individuals, organizations and communities who have distinguished themselves by volunteering their time, energy and commitment to enhancing the priceless legacy of our Nation's public lands. As a minimum under this legislation, the Secretaries would establish a special pass to all our national parks, forests, refuges and other public lands to recognize volunteers for their exemplary efforts.

Mr. Speaker, this legislation would also encourage an attitude of land and resource stewardship, and responsibility towards public lands by promoting the participation of individuals, organizations and communities in developing and fostering a conservation ethic towards the lands, facilities and our natural and cultural resources. Specifically, this legislation would encourage Federal land management agencies to enter into cooperative agreements with academic institutions, State or local government agencies or any partnership organization. In addition, the Secretaries would be enabled to provide matching funds to match non-Federal funds, services or materials donated under these cooperative agreements.

Providing educational opportunities has been one of America's greatest achievements and is one of the greatest gifts one generation can give to the next generation. This legislation encourages each Federal land management agency to play a role in education by cooperating with States, local school districts and other education oriented entities to (1) promote participation by students and others in volunteer programs of the Federal land management agencies, (2) promote a greater understanding of our Nation's natural and cultural resources, and (3) to provide information and assistance to other agencies and organizations concerned with the wise use and management of our Nation's Great Outdoors and its natural and cultural resources.

Mr. Speaker, I am confident that this chamber realizes the importance of this bill in recognizing the invaluable role volunteers play in the stewardship of our Nation's cultural and natural resources. Therefore, I ask immediate consideration and passage of this bill.

EAST GRAND RAPIDS HIGH SCHOOL NAMED NEW AMERICAN HIGH SCHOOL

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. EHLERS. Mr. Speaker, I rise today to honor the students, staff and community that represent East Grand Rapids High School in my congressional district. It is my pleasure to honor all of those in the East Grand Rapids family for their commitment and dedication which resulted in being named a 1999 New American High School by the U.S. Department of Education and the National Association of Secondary School Principals. The award recognizes schools where all students are expected to meet challenging academic standards and acquire the communication, problem solving, computer and technical skills necessary to pursue careers and higher education.

To even be considered as a New American High School there are many hurdles that a school must successfully pass. Applicants must supply members of a steering committee with documentation that they have undertaken standards-based, locally driven reform efforts that positively affect key indicators of school improvement and student success. Among the documentation items they must present are proof of increases in student achievement, increases in student enrollment at postsecondary institutions, increases in student attendance, and reductions in student dropout rates.

East Grand Rapids is a model school when it comes to challenges and performance High expectations are set for all students because of the high motivation level of the student body. The numbers speak for themselves. Based on statistics from the 1998 school year, approximately 94% of East Grand Rapids students enrolled in colleges or universities. The school registered a dropout rate of less than 1% and an attendance rate of 97%. Academic test scores are also the highest in the state of Michigan in mathematics, reading, and writing.

Mr. Speaker, I am delighted to take this opportunity to highlight the positive happenings at East Grand Rapids High School under the leadership of Superintendent Dr. James Morse and Principal Patrick Cwayna. It takes a lot of pride, sacrifice, and teamwork to qualify for this prestigious award. I ask all of my colleagues to join me in saluting everyone involved in helping East Grand Rapids achieve this remarkable honor. I also wish continued academic and overall success for everyone associated with this school.

REGARDING THE TRAGEDY AT THE TEXAS AGGIE BONFIRE OF TEXAS A&M UNIVERSITY

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. BARTON of Texas. Mr. Speaker, I speak today with great sadness about a tragedy which happened early this morning at Texas A&M University. A great tradition that all Aggies hold very dear—Texas Aggie Bonfire—collapsed, killing at least six people and injuring as many as 25. My thoughts and prayers are with the parents who lost children, and the students who lost friends. Texas A&M is a family, and today the Aggie Family is in shock, grieving for our dead and injured students.

For those of you who have not ever heard of Texas A&M Bonfire, it is one of the most cherished Aggie traditions. Traditions are very important at Texas A&M. The bonfire tradition revolves around building and burning the world's largest bonfire. In past years, it has soared over 100 feet high and burned all night. This year's bonfire was scheduled to be over 60 feet high and burn until after midnight.

Aggie Bonfire has been a tradition at Texas A&M since 1909 when they used it to stay warm during the "Yell Practice" on the night before the annual A&M-Texas football game. The bonfire represents everything Aggies are about: hard work, unity, dedication, and loyalty. It also represents a burning desire for A&M to defeat the Longhorn football team.

Several thousand members of the student body contribute in one way or another to building bonfire. When I was a freshman at Texas A&M, I participated in Bonfire by going out to "cut". The "cut" area is selected a few months before the football game against t.u. Areas are selected that need to be cleared for construction and then the work begins. The entire bonfire is built the "Aggie" way. Trees are cut down by hand, they are lifted and carried out of the woods on shoulders, they are loaded onto trucks by hand, unloaded by hand, stacked by hand and wired into stack by hand. In my sophomore year, I was "promoted" to the stack area and helped erect the actual bonfire.

It is often said that if other schools had a tradition like this they would probably contract it out to the lowest bidder and then all show up just to watch it burn, but not the Aggies. Not only do we do it all ourselves but we do it the hard way. The building of bonfire builds character. The hard work and sacrifice of time teaches a good work ethic that is not soon forgotten.

What does it mean to be a Texas Aggie? A&M is a special place. Values are taught both in the classroom and out of the classroom. Aggies lives our traditions and cherish them, and pass them onto their children. I have three children, two have graduated from A&M and my youngest daughter will enter A&M next Fall. In spite of the tragedy that has occurred, it is my hope that Bonfire continues in the great spirit in which it embodies, and that my daughter Kristin will help build it in years to come.

TEAR DOWN THE USTI WALL: DROP THE CHARGES AGAINST ONDREJ GINA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. SMITH of New Jersey. Mr. Speaker, in recent weeks, we have seen a number of historic dates come and go, with appropriate commemoration. November 9, for example, marked the tenth anniversary since the fall of the Berlin Wall. Yesterday, November 17, is recognized as the commencement of the Velvet Revolution which unleashed the forces of democracy against the totalitarian regime in Czechoslovakia. To mark that occasion, George Bush, Margaret Thatcher, Mikhail Gorbachev and other former leaders from the day met with President Vaclav Havel in Prague.

Beyond the symbolism of those dates, they have had other meaning. Many of us had hoped that the wall in Usti nad Labem, Czech Republic—a symbol of racism—would be brought down on the anniversary of the fall of the Berlin Wall. Regrettably, November 9, came and went, and the Usti Wall still stood.

We had hoped that the Usti Wall would come down on November 17. Some Czech officials even hinted this would be the case. Regrettably, November 17 has come and gone, and the Usti Wall still stands.

Now, I understand some say the Usti Wall should come down before the European Union summit in Helsinki—scheduled for December 6. Mr. Speaker, the Usti Wall should never have been built, and it should come down now, today. As President Reagan exhorted Mr. Gorbachev more than ten years ago, so I will call on Czech leaders today:

Tear down the Usti Wall.

Last fall, a delegation from the Council of Europe visited Usti nad Labem. Afterwards, the Chairwoman of the Council's Specialist Group on Roma, Josephine Verspaget, held a press conference in Prague when she called the plans to build the Usti Wall "a step towards apartheid." Subsequently, the United States delegation to the OSCE's annual human rights meeting in Warsaw publicly echoed those views.

Since the construction of the Usti Wall, this sentiment has been voiced, in even stronger terms, by Ondrej Gina, a well-known Romani activist in the Czech Republic. He is now being prosecuted by officials in his home town of Rokycany, who object to Gina's criticisms. The criminal charges against Mr. Gina include slander, assault on a public official, and incitement to racial hatred. In short, Mr. Gina is being persecuted because public officials in Rokycany do not like his controversial opinions. They object to Mr. Gina's also using the word "apartheid."

I can certainly understand that the word "apartheid" makes people feel uncomfortable. It is an ugly word describing an ugly practice. At the same time, if the offended officials want to increase their comfort level, it seems to me that tearing down the Usti Wall—not prosecuting Ondrej Gina—would be a more sensible way to achieve that goal. As it stands, Mr. Gina faces criminal charges because he exercised his freedom of expression. If he is convicted, he will become an international cause célèbre. If he goes to jail under these charges, he will be a prisoner of conscience.

Mr. Speaker, it is not unusual for discussions of racial issues in the United States to become heated. These are important, complex, difficult issues, and people often feel passionate about them. But prosecuting people for their views on race relations cannot advance the dialogue we seek to have. With a view to that dialogue, as difficult as it may be, I hope officials in Rokycany will drop their efforts to prosecute Mr. Gina.

RESIDENTIAL LOAN SERVICING CLARIFICATION ACT

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. ROYCE. Mr. Speaker, the legislation I am introducing today addresses a technical problem that residential loan servicers have encountered in complying with the federal Fair Debt Collection Practices Act ("FDCPA"). Creditors collecting their own debts are already exempt from the FDCPA, which is aimed at regulating the practices of independent debt collectors. When a residential loan servicer acquires a servicing portfolio, it is generally exempt for the FDCPA under the creditor exemption. However, a question arises when loans in a portfolio are delinquent at the time they are acquired, since the creditor exemption does not apply to debts that were "in default" at the time the servicer acquired them. This limitation to the creditor exemption has created considerable uncertainty in the mortgage servicing industry. In order to avoid possible liability, many loan servicers have been attempting to comply with the FDCPA by applying it to every loan, whether it was delinquent or not, when they acquired the servicing rights.

The disclosures required of debt collectors under the FDCPA, however, create particular difficulties for residential mortgage loan servicers. In addition to its substantive anti-abuse protections for the debtors, the FDCPA requires a debt collector to notify the borrower in the initial written or oral communication with the borrower that it is attempting to collect a debt and that any information obtained will be used for that purpose (the so-called "Miranda" warning), requires in each subsequent communication to indicate that the communication is from a debt collector, and requires that the debt collector provide a written debt validation notice within five days after the initial communication, which allows the borrower to dispute all or any portion of the debt within 30 days. The debt validation provisions also create additional complexity for servicing activities due to restrictions or making any "collection" efforts during the thirty day validation period. These informational requirements dictate that the loans subject to the FDCPA must get different communications from the servicer throughout their maturity, and thus require that the loans be identified and specially designated, creating additional costs without any additional protections or benefits provided to the borrowers.

Moreover, consumers are not well-served when the servicer feels compelled to make the FDCPA's disclosures. Residential mortgage loan servicers are generally not true debt collectors even if they may be deemed to be a "debt collector" under the FDCPA with respect to a small percentage of their loans. A separate set of rules in the Real Estate Settlement Procedures Act requires servicers of first lien loans to provide notices related to the borrower's right when servicing is transferred. The special FDCPA notices may convey the misleading impression that the loan has been referred to a traditional, independent debt collector, when, in fact, all that has happened is that the servicing rights have been transferred from one servicer to another—often as part of a larger portfolio of performing loans.

As an alternative to following the special procedural requirements of the FDCPA, some servicers decline to accept any delinquent loans. When an acquiring loan servicer takes this approach, the perverse result may be that the holder of the servicing rights who no longer wishes to service these loans may subject these delinquent loans to more aggressive collection action than would otherwise take place if the acquiring servicer had been willing to accept those loans.

The legislation I am proposing here today is intended to address the problems created when the FDCPA's procedural requirements are applied to residential mortgage loan servicers. The legislation would apply only to first lien residential mortgage loans that are acquired by bona fide loan servicers, not professional debt collectors. It would exempt them only from the "Miranda" notice and the dept validation provisions of the FDCPA.

Importantly, all of the substantive protections under the FDCPA would continue to apply to any loan as to which the servicer is not exempt as a creditor. These provisions will allow residential mortgage loan servicers to treat the few loans subject to the FDCPA in the same way they treat all other loans and will thus reduce unnecessary administrative costs incurred identifying and separately handling these accounts. In addition, once a servicer is considered a "debt collector" under the FDCPA, the borrower would have a right to request a "validation statement"—a statement of the amount necessary to bring the loan current and to pay off the loan in full as of a particular date.

I think it is also important to note that this proposed legislative clarification has the full support of the Federal Trade Commission, the agency with enforcement jurisdiction over the FDCPA. As a matter of fact, the FTC has consistently gone on record in its Annual Report to Congress as supporting legislative clarification in this area. The FTC's 21st Annual Report to Congress provides as follows:

> Section 803 (6) of the FDCPA sets forth a number of specific exemptions from the law, one of which is collection activity by a party that "concerns a debt which was not in default at the time it was obtained by such a person." The exemption was designed to avoid application of the FDCPA to mortgage servicing companies, whose business is accepting and recording payments on current debts. (March 19, 1999 Report)

The report then goes on to make specific recommendations to Congress:

> The Commission believes that Section 803 (6)(F)(iii) was designed to exempt only businesses whose collection of delinquent debts is secondary to their function of servicing current accounts. . . . Therefore, the Commission recommends that Congress amend this exemption so that its applicability will depend upon the nature of the overall business conducted by the party to be exempted rather than the status of individual obligations when the party obtained them.

I am pleased that several of my colleagues on the House Banking and Financial Services Committee, namely Reps. JACK METCALF (WA) and WALTER JONES (NC), are also sponsoring what I hope will be bipartisan legislation to clarify the FDCPA as it applies to residential loan servicers. Mr. Speaker, I hope we can move early in the next session to address this issue in both Committee and on the House floor.

IN MEMORY OF WILLIE J. COTTON, JR.

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. ETHERIDGE. Mr. Speaker, I rise today in honor of the grandfather of Bailey Cotton, Seth Cotton, Emma Cotton, Justin Sloan, Matthew Evans and Leslie Evans; the father of Betty Evans, June Sloane and Dwight Cotton and the husband of Iris Lee Cotton. I rise in honor of Mr. Willie J. Cotton, Jr. who passed away on October 27.

Mr. Cotton was a native of Harnett County, North Carolina. He was a past county commissioner and served Harnett County in office for 12 years. Mr. Cotton served our country in World War II and was a lifelong member of Kipling United Methodist Church.

As North Carolina's former Superintendent of public education, I know what a battle it is to build quality schools for our children. Improving schools for our children is my life's work. Mr. Cotton took this battle on as a county commissioner to build better schools in Harnett County. There aren't many times that a person in public service takes a stand for the good of future generations that can cost them their political career. He knew he could lose but he voted anyway, and children in my home county have been in modern facilities since 1975. My own children and the children of Harnett county owe thanks to a man most of them never knew.

That is why, Mr. Speaker, I stand here today: To honor Mr. Cotton and to pay my respects to his family and my debt of gratitude. We have lost a great man, and I am proud to continue his fight for better schools for our children.

THE SMALL BUSINESS FRANCHISE ACT

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. McKEON. Mr. Speaker, I am a recent cosponsor of H.R. 3308, the Small Business Franchise Act introduced by Representative HOWARD COBLE. Today, I include for the RECORD testimony from a recent Judiciary Commercial and Administrative Law Subcommittee hearing on this legislation. During this hearing a constituent of mine, Patrick Leddy, testified about his dealings as a franchise owner. Because of his very moving testimony, I became a cosponsor of this legislation. I wish to thank him for his words and include them in the RECORD today.

STATEMENT OF PATRICK JAMES LEDDY, JR.

My name is Patrick James Leddy Jr. I have owned and operated a Baskin-Robbins 31 Flavors franchise in Newhall, California since August 1, 1986, a total of 13 years. I am also a 26 year veteran firefighter with the Los Angeles City Fire Department. I purchased my franchised business to supplement my income, and to prepare my wife and I for our retirement. In 1996 my wife and I became very discouraged with the manner in which our Franchisor, which is a wholely owned subsidiary of a foreign corporation, was treating its franchisees. After careful consideration and after seeing sales at our fellow franchisee's stores plummet as a result of the placement of new stores and drastic changes to the system which we had originally purchased, we decided to sell our store.

In February of 1997, three months after notifying Baskin-Robbins that we were interested in selling our store, we received a notification that Baskin-Robbins was considering a location for a new store located in a shopping mall, a mere two miles from my store and well within the market from which we draw a large number of our customers.

Later that month my wife and I met with our district manager to discuss our ability to sell our store and the tremendous impact the new store would have on our existing store. To our surprise the representative from Baskin-Robbins agreed with us, and suggested that if Baskin-Robbins were to go forward with this plan, how would we feel if they were to purchase our store, and then sell both our store and the new store as a package to a new buyer? We agreed that this would be acceptable to us. Whereafter, the Baskin-Robbins representative offered us $40,000 dollars less than what I had paid for this store seven years earlier, and after an additional $70,000 dollars I paid for improvements which were required by Baskin-Robbins. We were appalled at this offer, but were advised by the Baskin-Robbins representative that we really should considert his offer, because if Baskin-Robbins does elect to place this new store at the proposed location, our store wouldn't even be worth that amount.

Thereafter in April of 1997, and pursuant to an internal policy of Baskin-Robbins, which is not binding on Baskin-Robbins, and which is rarely followed by the company, I submitted to my district manager my response to this Baskin-Robbins proposed new location. He assured me that he would notify me of any developments as they occur, and that we would be notified promptly, once a determination had been made.

In June of 1997, after several unsuccesfull attempts to learn whether Baskin-Robbins would proceed with the new store my wife called our district manager and explained to him that we needed immediate information on what the company intends to do about this new site, because we have had several prospective buyers for our store that were disinterested once we disclosed to them Baskin-Robbin's plan. The Baskin-Robbins representative advised us not to disclose the information about the new store to our prospective buyers.

In July of 1997, our local neighborhood magazine publications reported that a new Baskin-Robbins would be open two miles from our store. We were shocked. Two days after this news story appeared, and after numerous telephone calls to Baskin-Robbins on our part, we finally received official notification from Baskin-Robbins about the new store.

We later learned that Baskin-Robbins signed the lease for this new store on May 13, 1997.

On August 5, 1997, after the underhandedness that we had felt from Baskin-Robbins, my wife and I decided that in our best interest we should retain legal representation to help us resolve the matter with Baskin-Robbins regarding the encroachment issue and the subsequent issue of our inability to sell our store.

In June of 1998 the new store opened, with their grand opening celebration following in August. As you can see on the enclosed charts, sales at our store have drastically declined as a result, and have effectively terminated our ability to sell the store at a reasonable price.

While attempting to resolve matters through our attorney, Baskin-Robbins has become increasingly hostile towards us. They have begun arbitrarily rating us as "C" franchisees, when in the past, we had always maintained an "A" or "B" rating. In addition, they have brought against us a lawsuit, contending that we were poor operators. One week before the inspection that is the basis for their lawsuit however, a mystery shopper trained and employed by Baskin-Robbins rated our operation superior, as did the LA county Health Inspector.

In closing, I would ask your full support in addressing the obvious imbalance in the relationship between franchisor and franchisee through legislation. I am one Franchisee of many that are so frustrated in the way that we are literally forced to do business. Many franchisees I now that have lost their businesses, are going to lose their businesses, or are just plain hanging in there because there's nothing else they can do. I am extremely fortunate that I have another profession to fall back onto, while others suffer from intimidation, or being afraid to stand up and say anything, for fear that they will be strong-armed into submission, as Baskin-Robbins has attempted to do me. Please give us the tools that we need to survive in this giant corporate world, so that us little guys can continue making those big guys who they are. Thank you.

IN MEMORY OF TIM DONOHOE, LONG TIME CONGRESSIONAL STAFFER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise to pay tribute to Timothy Leo Donohoe, a long time employee of the House of Representatives who passed away on November 11, 1999. Tim loved politics, government service and the House of Representatives where he worked for more than twenty years.

Tim was usually in the Speakers Gallery, helping to control access to the Floor. Generally assigned to the Democratic side, Tim understood that just because our work is important does not mean it must be cheerless. Always there with a warm smile and a good word, Tim made us all feel good about ourselves and our work. Tim was the consummate professional. He took his joo seriously without taking himself too seriously. When questioned about his ability to recall names and faces, he joked "After you have memorized the faces of 435 white males the rest is easy."

Prior to his service with the Doorkeeper, Tim worked for Congressman Charlie Wilson and Senators LEAHY and Cranston. His last service on the Hill was with Congressman BARNEY FRANK.

Tim was a deeply spiritual person, who had studied for the priesthood before deciding to devote himself to public service. In making this choice, Tim was motivated by the belief that public service was the best way for him to serve God and country.

Tim was also a gay activist who served that community in a number of ways. He devoted countless hours to "Food and Friends" a charitable group dedicated to easing the suffering of those afflicted with AIDS and to gay political groups, especially ActUp.

Tim also encouraged a number of gay writers. Tim is quoted in Michelangelo Signorile's "Queer in America" on the role of gays in Government. While some were arguing about the risk posed by gays in the military, Tim presents images of gays who love their country and choose government service. Without "naming names," Tim helped correct the historic record to point out the important role played by gay staffers in Congress.

As a proud liberal who loved his country, Tim sacrificed a high position as an energy company lobbyist because he questioned Interior Secretary James Watt's statement that America was divided between "liberals and Americans."

Today, we mourn the passing of a loyal and hardworking staffer. Like many others who work in this House, Tim sacrificed high pay and other benefits to serve his country. He appreciated that the worth of a man is not measured in how much he earns but in how much he contributed to the common good. This House and our country suffered a loss when Tim Donohoe left this world.

ARTHUR SZYK: ARTIST FOR FREEDOM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. LANTOS. Mr. Speaker, Arthur Szyk is considered by many scholars to be the greatest illuminator who worked in the twentieth century in the style of sixteenth–century miniaturist painters. The Times of London described his Haggadah as "worthy to be placed among the most beautiful of books that the hand of man has produced." He is indeed one of the most remarkable and talented artists of this century. Arthur Szyk's works on George Washington and the American Revolution hung in the White House during the administration of Franklin Delano Roosevelt, and these works are now on display at the Roosevelt Presidential Library at Hyde Park, New York. In recognition of his talent and commitment, the U.S. Congress presented Arthur Szyk the George Washington Bicentennial Medal in 1934.

Mr. Speaker, Arthur Szyk was not just an artist, he was an artist with a point of view, and he used his art to speak out for freedom and democratic values. He was the leading political artist in America during World War II, and he wielded his pen and his brush as a sword in the fight against Nazi Germany and Imperial Japan. During the war, his caricatures and cartoons appeared on the front covers of many of America's leading magazines—Colliers, Esquire, Time—where his graphic political editorials and brilliant parodies lampooned the Nazi and Axis leaders. His art seethed with mockery and scorn for the Fascist dictators. First Lady Eleanor Roosevelt called Szyk a "one-man army against Hitler." As Szyk himself said, "Art is not my aim, it is my means."

In addition to his art advancing the fight against Germany and Japan, he used his art to attack racism, bigotry and inhumanity at all levels. He sought to close the gaps between Blacks and Whites, between Jews and non-Jews. He defended the rights of the soldier, and he expressed sympathy and compassion for the victims and refugees of war-torn Europe.

Mr. Speaker, Arthur Szyk was born in Lodz Poland in 1894. He came to the United States in 1940 sent here by the Polish government-in-exile and by the government of Great Britain with a mission to bring the face of the war in Europe to the American public. That he did with great skill and vision. He remained in the United States, became an American citizen, and died in New York City in 1951.

Mr. Speaker, I wish to call the attention of my colleagues to an excellent exhibit of the work of Arthur Szyk which will open in just a few days. The exhibit "Arthur Szyk: Artist for Freedom" will be on display in the Swann Gallery of the Jefferson Building of the Library of Congress from December 9, 1999 through May 6, 2000. I urge my colleagues to visit this exhibit, which is literally across the street from this Chamber. Arthur Szyk is one of the great artists of this century, and his art not only reflected and helped to define a critical period in the history of our nation, his art also helped to rally Americans in the fight for freedom and against brutal tyranny during World War II.

TRIBUTE TO RALPH "POP" STRICKLIN

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a true friend and truly great Arkansan, Ralph "Pop" Stricklin.

Pop, who celebrated his 80th birthday last month, has helped make Jonesboro, Arkansas, the great place that it is today. When he wasn't working in the electric and refrigeration business, a career he began in 1936, Pop served his country and his community in so many ways. He served his country in the U.S. Army from 1941–46. For 36 years, he served as the Alderman of Jonesboro, working under five mayors. He also worked with the Fair Board for 15 years and was a valued and faithful employee to Arkansas State University for 20 years.

Pop is a VFW life member, DAV life member, a member of the American Legion; the Boy Scouts; Salvation Army Board; the Elks; Kiwanis, where he has had 36 years of perfect attendance; a board member of the First Methodist Church; and a member of the Jaycees "Old Rooster, after 35 age group," to name a few. He has also served on several committees including the police, street, parks, fire, cemetery, animal control, planning and inspection, electrical examining board, and other committees where he made a difference and always contributed to the city of Jonesboro and the state of Arkansas. Pop has received the key to the city of Jonesboro and has a day named after him because of his work.

He has also worked to improve the lives of young people as an active member of the male-youth organization Order of DeMolays, where he was "State DeMolay Dad," or "Pop" as we now call him.

Pop Stricklin exemplifies what it is to be a great citizen and a great American. He has always worked hard to make his community a better place to live, work, and raise a family. Our community is a better place because of his presence. He is someone you can always count on and I am proud to call Pop Stricklin my friend.

INTRODUCTION OF CONCURRENT RESOLUTION TO DEDICATE BUDGET SURPLUS FUNDS TO PROTECT FEDERALLY HELD AMERICAN INDIAN TRUST FUND ACCOUNTS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to introduce a House Concurrent Resolution calling for Congress to dedicate a portion of the budget surplus to fulfill the moral and legal responsibilities of the United States by ensuring proper payment and management of all federally held tribal trust fund accounts and individual Indian money accounts.

Since 1820, the United States has held monies in trust for American Indians. At first for Indian Tribes and later for individual Indians as well. Funds mostly derived from the lease or sale of trust lands and other resource assets including timber stumpage, royalties from oil, gas and coal development, and agriculture fees are added to these trust fund accounts. Currently, the Bureau of Indian Affairs (BIA), which is charged with maintaining the accounts, controls approximately 390,000 individual Indian money accounts (IIM), and 1,500 tribal accounts. Each year over $1 billion passes through these accounts.

The historical and legal record demonstrates that the U.S. government has failed miserably at its fiduciary responsibility to manage these accounts. Horror stories include years of royalty checks being stuffed in desk drawers instead of deposited, and piles of documents thrown away, destroyed or lost. Reams of reports by Congressional investigators, spanning several Administrations, document the often careless and incompetent manner in which these accounts have been managed. Beginning in 1991 Congress funded BIA to reconcile the accounts but after 5 years and $21 million we were told that volumes of documentation of transactions and investments simply no longer exist.

As far back as the Reagan administration, the Indian Trust Funds were listed as one of the top federal financial liabilities. Currently, a class action suit of Individual Indian Money (IIM) account holders is pending in federal court and the BIA is working to ensure that similar accounting problems do not occur in the future.

In the meantime, I am deeply concerned that Congress is paying inadequate attention to the very substantial financial debt the federal government owes to Native American account holders. In particular, in making sweeping decisions about allocation of the budget surplus, it is essential that we reserve sufficient funds to ensure our ability to meet our fiduciary responsibilities to Indian tribes and individuals.

These are real debts we owe to fellow American citizens; just as we cannot spend the surplus needed for Social Security and Medicare solvency, so, too, must we reserve sufficient amounts to meet our obligations to the Indian Trust Funds.

My House Concurrent Resolution calls upon the Congress to fulfill our moral and legal obligations to Native Americans by reserving adequate funds to address the problem. I will push for swift consideration and approval of this legislation and urge all my colleagues to join me in supporting this important resolution.

TRIBUTE TO CARL AND JUDY RUDD

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. PORTMAN. Mr. Speaker, I rise today to pay tribute to a family in the district I represent that has brightened the holiday season for generation of Southwest Ohioans.

For the last 30 years, Carl and Judy Rudd have put on a remarkable Christman display at their farm near Blue Creek, Ohio. Rudds' Christman Farm is the largest free outdoor Christmas display in the state of Ohio, with over one mile of pathways covering two hillsides on the farm property. With more than one million lights and a 62-foot-wide Christmas wreath, Rudds' Christmas Farm is truly a sight to behold. And the overall effect is complemented by the sound of Christmas music echoing from the hills.

The Rudds started their Christmas display as a testimony to their deep and abiding Christmas faith. Throughout the farm, there are life-sized religious figures, paintings and slide projections that tell the story of Christmas. They have never asked a penny for admission, and for many years they would take out a loan to finance the display.

This year, Carl and Judy Rudd will welcome the public to their wonderful Christmas Farm for the last time. They have decided that the time has come to retire after organizing their Christmas display for 30 years.

All of us in Southwest Ohio wish to share our appreciation to Carl and Judy Rudd for the Christmas joy they have brought to entire generations. And we wish them the best for a healthy and enjoyable retirement.

INTRODUCTION OF THE INTERNATIONAL MONETARY STABILITY ACT OF 2000

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. RYAN of Wisconsin. Mr. Speaker, today I am introducing the International Monetary Stability Act of 2000. This bill would give countries who have been seriously considering using the U.S. dollar as ther national currency the incentive to do so. When a foreign country grants the U.S. dollar legal tender in replace of its own currency, that country dollarizes. This bill would serve to encourage such dollarization.

Up to this point, the United States has been missing one of the best opportunities to correct chaotic currency markets, especially in the Western Hemisphere. Sound currency policies, such as dollarization, that focus on exchange rate stabilization would put an end to the debilitating and periodic collapse of developing countries caused by haphazard devaluation.

Congressional leadership in exchange rate policies would protect our own economy. Every devaluation affects our economy through international trade and through the equity markets. American companies need reliable currencies to make investment decisions abroad; and American workers need to know countries cannot competitively devalue in an effort to lower foreign worker wages. The ramifications of an Asian-style economic collapse in Latin America, our own back yard, call for legislation that will help these countries embrace consistent economic growth.

Today, several countries are already considering dollarization. They realize that by either linking with the U.S. dollar, legalizing competing foreign currencies, or scrapping their currency altogether and replacing it with the dollar, they will encourage long-term economic stability through lower interest rates, stable exchange rates and increased investment.

Official dollarization, such as is encouraged by this bill, is not a new idea. In fact, it is becoming an increasingly popular answer to currency stabilization in emerging markets. Argentina is seriously considering such a currency reform. Mexico, Ecuador, and El Salvador have also considered dollarization.

Enacting this legislation would set up a structure in which the U.S. Treasury would have the discretion to promote official dollarization in emerging market countries by offering to rebate 85 percent of the resulting increase in U.S. seigniorage earnings. Part of the remaining 15 percent would be distributed to countries like Panama that have already dollarized, but the majority of the 15 percent would be deposited at the Treasury Department as government revenue. Additionally, this bill would make it clear that the United States has no obligation to serve as a lender of last resort to dollarized countries, consider their economic conditions in setting monetary policy or supervise their banks.

I strongly believe that strengthening global economies, especially those in the Western Hemisphere, by encouraging dollarization is in America's best interest.

RECOGNIZING LEXMARK INTERNATIONAL'S EXCELLENCE IN ENVIRONMENTAL PROTECTION

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. FLETCHER. Mr. Speaker, I would like to commend Lexmark International, an excellent corporate constituent headquartered in my District, that embodies the entrepreneurial spirit as well as the environmental consciousness required by a global corporation.

Lexmark received the Kentucky Governor's Environmental Excellence Award on November 9, presented by Lt. Gov. Steve Henry and James E. Bickford, Secretary of the Natural Resources and Environmental Protection Cabinet, at the Governor's Conference on the Environment.

Lexmark International was selected to receive this year's Environmental Excellence Award for Industrial Environmental Leadership because of the many steps it has taken to prevent pollution and encourage recycling. Since 1991, Lexmark has increased the amount of materials it recycles by about 70 percent. Last year, this Lexington-based company recycled more than 4.3 million pounds of paper and one million pounds of scrap metal.

Lexmark encourages its customers to recycle by offering them an incentive to return their empty laser printer cartridges through its Prebate program. Since the incentive began, Lexmark says that returns of empty toner cartridges have tripled, saving them from ending up in landfills.

As we recognize America Recycles Day this week, I urge my colleagues and our constituents to help encourage environmental protection both at home and at work. I offer my congratulations to Lexmark International for setting such a positive example for others to replicate.

COURAGE

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. SANDERS. Mr. Speaker, I am inserting this statement regarding my constituent, Gordon D. Ladd, which shows the courage and perseverance he displayed in organizing the first union in northern Vermont in the 1940s, into the CONGRESSIONAL RECORD as I believe the views of this person will benefit my colleagues.

GORDON D. LADD—FIRST PRESIDENT OF IAM LODGE IN DERBY LINE VERMONT ORGANIZING A UNION IN VERMONT IN THE 1940'S

In 1943 I requested an interview with the superintendent of management at Butterfield Corporation in Derby Line Vermont to request a wage increase and my request was denied emphatically. I informed him that I would return.

I met a friend of mine who used to be a coach, a hockey coach, and he had relatives in the plant. This guy I met, Bert, you could call him, he was a machinist for the railroad in Island Pond, and he belonged to the machinist's union. So he asked if we had a union up there and what the wages were. We were good friends, he was coach for a long time, but anyway, I told him that wages were very low at my workplace, and he said "Well, do you think they would be interested in the union?". I said "Well, yeah I'll talk to a few." So, I did.

When I went up to see the boss that first time he asked me what I was making. I told him "65 cents an hour". I had started at 45 cents and worked three years—I got a 10 cent raise each year. And it was 65 cents, and he, ah, he's a rough little character, he slammed his fists down on his desk and he says "by god," he says, "that's the highest we will ever pay at this plant". So then I got up and said "We'll see about that, and I'll be back."

So now I went to the shop, talked to several guys, they were all interested, all enthused about it, and said they would support a union. So then I get back to Burt at Island Pond, and told him to send us up a representative. It was then less than a week and the Machinist representative had arrived from Albany, New York. And he talked to me, he came to the house a few times, and then we called a meeting, and, more and more, one meeting after another, at first it was a small amount, a few men, but then they got bigger and bigger crowds.

Management of course fought us tooth and nail. Well, one thing I can remember in particular. The general foreman, he was under the superintendent, he was putting something on the union representative's car, on the front end of it, come to find out, spikes on a rope. And he was seen doing that, and we called him on it, but he denied it of course. You see they hit just right and they could blow the tires.

They did little annoying things. They'd send us one of these, what we'd call suckers down, always coming down and talking to me, trying to find out things, you know. I just told them I knew nothing. Another one of these superintendents came down one day and says "We know you're the head of the union," and I said "I've got a perfectly good right to according to the laws". And he didn't have too much more to say.

We also learned that the company had hired an electrician for the purpose of organizing against the union, see he was a company plant. So he got up and threw a scare, said that if we had a union we would lose our bonus, a 10% bonus every six months. So that killed the first drive right there, see. And they tried every little trick, they sent the people down that I knew, they'd come down and fish around, try to get information from me. Then they called me, offered me 10 cents an hour more, if I'd stop the union organizing. "We'll give you 10 cents an hour raise, but I want you to keep it quiet, I don't want you to tell anybody." Then they'd say, "If you tell me the guys that are dissatisfied in the shop, give me their names, we'd give them 15 cents an hour more." And I said "Just a minute, if everybody gets 15 cents and hour we'll go along with it, but other than that," I said, "no way". You can pick out a few, that would just start trouble.

So then we call the meeting, the machinist's union, and we get a hall and call the meeting, and that was the one where we lost the election the first time.

I don't remember the exact vote total but it was close. But then comes the good part. We later learned that the company sent down foremen and group leaders and had them vote too. But the fact is they shouldn't have been able to vote because they were management. They even sent down 3 or 4 women down from the office to vote, and the vote was for production workers and these were office workers. They shouldn't have been able to vote either but management wanted more to go in the ballot box.

So we petitioned for another election. And once again during the vote the company starting sending down foremen and group leaders to vote. But this time our union representative said no way. The Labor Board Representative was there and we challenged the right of these supervisory men to vote. The Board Representative put those votes, I think there were 26 of them, in a special envelope. This time we won the election by a pretty good margin. That was in 1944.

Another little thing here. I was in a barber shop and the big shot manager from the venier mill came in. My barber was my landlord, we were renting the house, and he asked me something about the union. And this management guy from the mill, he says "That union" and he used a few cuss-words "won't last six months!" Well it's a 55 year later and the union's still there. But the funny part is, in about a year and a half, they plopped the union in at the venier mill.

Well, the main thing at my plant was wages, because plants in the state, we checked around a little bit and some of the plants were paying, at that time, double what we were getting. We checked around, because some of the guys, neighbors in Newport were working down in the Springfield machine shops, at places like Jones-Lampson. When we heard what they were getting, we thought "Well, we should be getting about the same."

I was elected as the first president of the union lodge in 1944 and served for seven years. We did pretty good with improving wages and getting benefits—we got health insurance, a pension plan. I've collected from the pension plan for 19 years now, and we got pretty good medical. We didn't have either before the union. It definitely pays to be union.

A BAD WEEK FOR ISOLATIONISTS

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. OXLEY. Mr. Speaker, for those who might have missed it, I would like to bring to the attention of my colleagues a piece by David Ignatius from Wednesday's Washington Post.

As a strong supporter of free trade, I share Mr. Ignatius's optimism at the agreement reached earlier this week for China to join the World Trade Organization. As foreign trade becomes increasingly important in the developing global economy, we must work to ensure open access to the emerging Chinese markets, especially in the areas of financial services and telecommunications. This agreement will give that access to American companies. I salute Trade Representative Barshefsky on her hard work at achieving this agreement under difficult circumstances.

I also agree with Mr. Ignatius's view that the agreement does not go far enough. As a member of the congressional delegation to the WTO Ministerial in Seattle later this month, I will work to restore some of the more favorable aspects of the agreement rejected by the President in April.

I commend Mr. Ignatius's article to my colleagues' attention.

[From the Washington Post, Nov. 17, 1999]

A BAD WEEK FOR ISOLATIONISTS

If you believe that international engagement is America's best hope for the future, then this is a week to savor. For beyond the headlines, you can see the possibility for a restoration of the confident, outward-looking U.S. consensus that our history teaches is a requirement for global peace and prosperity.

The cornerstone of this renewed embrace of America's global role is the deal reached early Monday in Bejing for China to join the World Trade Organization. President Clinton let this agreement slip away last April, because of fears about the anti-international know-nothingism that seemed to have infected Congress. That was one of the biggest mistakes of his presidency, and he has commendably been trying ever since to walk it back.

The deal Clinton got Monday isn't quite as good as the one he backed away from before, but it's good enough. What's better is the new confidence among free traders that they can win the political argument, on Capitol Hill and around the country.

Treasury Secretary Lawrence Summers puts the case for the WTO deal simply and starkly: Twice in this century, changes in the economic balance of power have led to wars—first with the rise of Germany before World War I and later with the rise of Japan. Now the world economic order is changing once again, with the emergence of Beijing as an economic superpower. It is overwhelmingly in America's interest to draw this modernizing China into the global economic system.

Americans who are confident about the world-changing power of our capitalism and democracy will welcome the agreement. China will now have to live by the free-market rules of the WTO. It will have to accept international investments in its major industries, including banking and telecommunications; it will have to abide by international arbitration of its trade disputes; it will have to accept the Internet and its instantaneous access to information. If you can devise a better strategy for subverting Communist rule in China, I'd like to hear it.

What makes the anti-WTO camp so nervous? It must be the fact that we're living in a time of economic upheaval. As the global economy becomes more competitive, the rewards for success become greater, and so do the penalties for failure. Optimists embrace this future, while pessimists seek protection from it.

Fear of the future: That's the shared characteristic of the new anti-internationalists—from Pat Buchanan on the right to AFL–CIO president John Sweeney on the left. They seem to believe that every new job in China will mean one less in America. Thank goodness economics doesn't work that way. The evidence is overwhelming that global prosperity creates new markets, new demand—and more prosperity for all of us.

That doesn't mean that there won't be losers—there will be and the U.S. textile industry and some blue-collar traders will undoubtedly be among them. But in macro terms, this is a pie that gets bigger, a game where two sides can win.

The administration's most articulate champion for this kind of internationalism is Summers. And it must be said that the new Treasury Secretary is cleaning up some of the unfinished business left by his predecessor, Robert Rubin.

Summers helped rescue the WTO agreement with a trip last month to Beijing, where he met with Zhu Rongji, the Chinese prime minister. Summers told him that "we wanted a deal, but it would have to be on commercial terms. . . . We would both have to make concessions on percentage points." Thanks to hard bargaining by U.S. trade negotiator Charlene Barshefksy, that's essentially what happened.

This week brought other signs of renewed political support for a pragmatic internationalism. the administration cut a deal with House Republicans that will allow the United States to pay nearly $1 billion in back dues to the United Nations, in exchange for a ban on funding any international organization that promotes abortion.

Summers has worked hard to include debt relief for the world's poorest nations as part of the U.N. funding deal, and his mostly succeeded. Wealthy lenders will take a hit under this agreement, while poverty-stricken nations will get a break. That sounds like the right kind of bargain.

Another step in the internationalist revival could come next month when Summers pitches European nations to accept some new rules for the International Monetary Fund. He'll urge that the IMF support either tough fixed exchange-rate plans or genuinely free floating rates—but not the muddled in-between schemes that have gotten so many countries in trouble. He'll also urge a new IMF assessment system to detect when countries' short-term liabilities are rising toward the danger point. And in light of the recent Russian fiasco, he may argue that countries should accept outside audits as a condition of receiving IMF funds.

Some Americans still believe that "IMF," "free trade" and "WTO" are dirty words—symbols of an elitist conspiracy that will harm ordinary Americans. This view is dangerously wrong, and it was good to see it losing ground this week.

CELEBRATING THE LIFE OF MR. LAURIE CARLSON

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Ms. BALDWIN. Mr. Speaker, I rise to honor and commend the life of Mr. Laurie Carlson and to extend my personal sympathies to his family and friends in his passing. Mr. Laurie Carlson worked to enhance the lives of many citizens of Wisconsin over the years. He was the founder of the Wisconsin Progressive Party in 1934 and was elected to the Wisconsin State Assembly in 1936, where he served for three terms. He then continued his life of dedication to public service as the Clerk of Courts for Dane County for another four terms.

Mr. Carlson's simple message and instructions on, "How to get the Voters Involved" is one that I deeply respect and identify with. In this message he spoke of town meetings and always maintaining a strong personal connection to constituents. Upon reflection on his time in public service Mr. Carlson was quoted as saying, "Shoe leather is cheap. We would go out and meet people. We would get ideas from them." He also believed that a strong focus on the issues, as well as on true bipartisanship would help Wisconsin and the Nation move forward.

Mr. Carlson's political achievements were numerous and great, but there was also much more to this wonderful man. He was a devoted husband and proud father of four children. His commitment to his wife Helen and his children—Mary, Jay, Laurene, and Geraldine, was first and foremost in his life. Mr. Carlson was also a dedicated friend and community member. He tirelessly worked to share his knowledge and leadership in order to assist others to become successful. He empowered many people to prosper in business and countless other ventures while always maintaining his commitment to those less fortunate in our society.

Mr. Speaker, I ask you and my colleagues to honor this fine gentleman for his life commitment to public service.

RECOGNITION OF THE UKRAINIAN FAMINE OF 1932

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. BONIOR. Mr. Speaker, the Ukrainian famine of 1932–33 stands as one of the most tragic events of this century. Millions of Ukrainian men, women and children starved to death in one of the cruelest acts of inhumanity ever recorded.

The rich and productive soil of Ukraine once fed the world. Ukraine was known then as the breadbasket of Europe. It was inconceivable that in 1932 peasants would be forced to scavenge in harvested fields for food and that their diets would be reduced to nothing but potatoes, beets and pumpkins. Instead of planting seeds for the next crop, peasant were reduced to feeding those seeds to their children. As a result, little grain was harvested for the next crop, and the situation grew worse.

Peasants began leaving Ukraine, trying to search for food in Russia and other neighboring territories, but they were turned back.

Soon, millions began to starve to death.

As many as ten million people may have died in this famine. That's fully one-quarter of the people in rural Ukraine. The Kremlin was starving the people of Ukraine to death because Josef Stalin and the Soviet dictators wanted to avoid mass resistance to collectivization. So they killed the peasants—slowly, deliberately and diabolically through mass starvation.

The West did little at the time to put an end to the man-made famine. They continued to buy grain at cheap prices from Russia, taking more food away from the Ukrainian people.

We should never forget this tragedy. Today we honor the memory of the millions of victims. And we support the efforts of the people of Ukraine, who were subjected to the famine and to decades of oppressive Soviet rule, as they continue on their path to democracy, respect for human rights, and economic progress.

Mr. Speaker, I urge my colleagues to support this important resolution and stand together with the people of Ukraine.

H.R. 3446, SURFACE TRANSPORTATION BOARD REFORM ACT OF 1999

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. OBERSTAR. Mr. Speaker, I am introducing today H.R. 3446, the Surface Transportation Board Reform Act of 1999.

The Surface Transportation Board has been a troubled agency since its creation at the end of 1995.

First, the Board approved a huge merger between the Union Pacific and Southern Pacific railroads. Shippers were promised dramatically improved service. Instead, a year later, they got the biggest rail service meltdown in history. Two years later, the service crisis is over, but there are precious few signs that shippers are getting better service. Clearly, however, they are getting fewer choices and less competition.

Last year, the Board approved another huge restructuring of the industry when it allowed Conrail to be divided between Norfolk Southern and CSX. After spending a year planning the transaction so as to minimize adverse consequences, the transaction became effective on June 1st, and service almost instantly collapsed. While service in some areas has recovered, many shippers still cannot move their goods and are losing business to their competitors because they had the bad luck to be served by Norfolk Southern and CSX.

Clearly, the Board has failed to analyze rail transactions adequately to avoid these service disasters. Because of the reduced competition that has resulted from these mergers, the Board needs to provide more aggressive support to shippers who come to the Board for relief from high rates and poor service. This bill directs the Board to move in that direction. Shippers also need more competitive options without having to go to the Board. The bill's provisions on bottlenecks, terminal access, and reciprocal switching would allow shippers to avoid the adverse effects of mergers by getting more competitive service without seeking rate relief from the Board.

Second, the Board has continued the established policy of its predecessor in allowing railroads to abrogate their collective bargaining agreements as a "reward" for undergoing a merger. For 63 years, from 1920 to 1983, the Interstate Commerce Commission held to the sensible view that the rather vague language in its statute did not entitle railroads to walk away from their signed contracts. In 1983, the Reagan-era ICC voted to ignore its precedents and adopt a new interpretation that was totally at variance with Congressional intent and sound policy. The Board appointed by the current Administration, rather than return to the sensible precedents of the past, has followed the misguided policy adopted by its immediate predecessors. Instead of using the discretion that the statute gives them, the Board has written to the Congress and invited us to change the statute to save us from themselves, and prevent them from continuing to pursue this regressive policy.

This bill is a first step in that direction.

Title I of this bill proposes a series of measures to enhance rail competition. It clarifies the Rail Transportation Policy to make clear that competition is the "primary objective" to be pursued by the Board. It corrects the Board's "bottleneck" decision, which says that, even if a railroad monopolizes only part of the route along which a shipper wishes to transport a shipment, it can effectively monopolize the whole route, because the railroad can refuse to offer to ship along only part of the route.

The bill also makes it easier to secure competing rail service in terminal areas, and by reciprocal switching.

It codifies the one recent decision by the Board that has benefited shippers, namely the December 1998 decision on "product" and "geographic" competition.

It ends the ludicrous annual charade in which the Board examines the books of railroads that are raising billions of dollars in the capital markets and concludes that they are earning inadequate revenues.

It provides relief for small captive grain shippers by reducing the fees they must pay to protest rate and simplifying the process of determining a rate to be unreasonable. It also provides them with some assurance that they will be able to get enough cars to move out their grain each year.

The bill also requires submission of monthly service quality performance reports by the railroads, so the Board can do a better job of monitoring the industry's performance.

The bill's labor provisions in Title II end any authority of the Board to abrogate collective bargaining agreements, or to authorize a railroad or anyone else to do so. The bill strictly limits the preemption of other laws that is allowed in connection with railroads mergers, restricting this preemption to State and local laws that regulate mergers, and restricting this preemption in time to one year after the railroad takes possession of the acquired property.

The bill also clarifies the status of labor protection for railroad employers. The current statute confusingly defines labor protection in terms of the labor protection once received by Amtrak employees, whose statutory labor protection was taken away by the 1997 Amtrak reauthorization bill. Today's bill makes clear that railroad employees receive six years of labor protection if they are laid off as the result of a merger. While employees in other industries are not given labor protection like this, employees in other industries are entitled to strike if they cannot reach agreement with their employer on a contract. Since World War II, railroad employees have been denied the right to strike by repeated congressional interventions every time a strike is threatened. It is only fair, if employees are not entitled to strike, that they at least be compensated if they lose their jobs as the result of a merger.

Title III of the bill has several other significant provisions. The bill corrects an historical oversight by giving commuter railroads the same access to freight railroad rights-of-way that Amtrak has. When Amtrak was created in 1971, the Nation's private railroads were relieved of their common carrier obligation to provide passenger service—both intercity and commuter service. In return for being relieved of this common carrier obligation, the railroads were required to provide Amtrak with guaranteed access to their rights-of-way, but, in an oversight, the Nation's commuter railroads—which provide equally essential passenger service—were not given the same guaranteed access. This bill corrects that oversight by giving commuter railroads the same guaranteed access that Amtrak has.

The bill also gives special consideration to local communities and to passenger railroads in the Board's merger decisions. The Board has often given short shrift to the legitimate concerns of these parties in approving mergers, and has not imposed conditions that are necessary to protect their legitimate interests.

The bill also corrects an anomaly that was inserted in the statute by the 1995 ICC Termination Act. That bill preempted the authority of states to regulate the construction or abandonment of "spur, industrial, team, switching, or side tracks," but it did not give corresponding authority to the Surface Transportation Board. The result was a regulatory black hole, where such facilities could be built or abandoned without regulation either by local zoning regulations or by Federal environmental regulations. If these facilities were only minor railroad spurs, this would perhaps be acceptable, but the term "switching tracks" has been interpreted by the Board to include railroad yards occupying hundreds of acres. Not only can the railroads built these yards without any regulatory interference, they can also use their eminent domain authority to force landowners to sell them the land. This provision should never have been in the statute, and this bill repeals it, giving regulatory jurisdiction to the STB.

The bill also eliminates tariff filing for water carriers in the domestic offshore trades serving Alaska, Hawaii, Puerto Rico, and Guam. These carriers are directed to make their tariffs available electronically, just as water carriers in the U.S. foreign trades were in the Ocean Shipping Reform Act.

Finally, the bill reauthorizes the STB for three years, from fiscal year 2000 to fiscal year 2002, with authorized appropriations rising from $17 million in FY 2000 to $25 million in FY 2002. In view of its inability to respond promptly to shipper rate protests (documented in a GAO report earlier this year) and its inability to oversee the results of its merger decisions, the Board clearly needs additional resources. We can only hope that this bill will be enacted and that the Board will use these resources effectively.

COMMEMORATING THE WORK OF GENERATION EARTH

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Ms. ROYBAL-ALLARD. Mr. Speaker, it gives me great pleasure to come to the floor of the House to recognize the Los Angeles County Department of Public Works for its Generation Earth Program.

Generation Earth is an environmental program of the Los Angeles County Department of Public Works and presented by TreePeople.

The program educates and empowers secondary school students in Los Angeles county to be an active part of the solution to minimize use of landfill space and understand their role in reducing pollutants from entering our waterways by proper disposal methods. Through a hands-on approach, students learn that the local environment is part of their everyday life, and that everyday decisions, choices and actions make a difference to the health of our environment.

TreePeople, is one of Los Angeles' oldest and most successful locally based nonprofit environmental education group. Since 1996, it has worked under the direction of the County of Los Angeles Department of Public Works Environmental Programs Division to create Generation Earth, the state's most effective secondary school environmental education program.

Generation Earth is a highly successful program with measurable milestones backed by research reviewed by educational experts. The classroom curriculum was designed to fit any academic discipline. It meets the curriculum objectives of language arts classes, math, science, social studies and history.

By providing opportunities for young people to improve their quality of life and challenge them as they apply lessons learned in school, Generation Earth is an important catalyst for the people of Los Angeles. Thanks to Generation Earth, Los Angeles County teenagers are beginning to learn that they can make a positive difference in their surroundings.

I hope my colleagues will join me in commending Generation Earth for its leadership in developing a successful comprehensive approach to environmental education.

RECOGNIZING THE PARTICIPATION OF MS. JOANNA MANUEL IN THE VOICES AGAINST VIOLENCE CONGRESSIONAL TEEN CONFERENCE

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. UNDERWOOD. Mr. Speaker, last month, 342 teenagers from throughout the country came to Capitol Hill to attended the Voices Against Violence Conference regarding youth violence. During the two days, the teenagers had unique opportunities to express their views on youth violence to Members, learn from national law enforcement and youth programming experts, and participate in workshops covering a variety of issues including diversity training, peer mediation, and hate crime prevention strategies. Supporting agencies and organizations included the U.S. Department of Justice, the National Crime Prevention Council, the American Mental Health Association, MTV, and the Children's Defense Fund.

I felt it was important for a young person from Guam to participate in this conference to ensure that the diversity of perspectives of youth violence included teens from the furthest American jurisdiction. I was proud that Ms. Joanna Manuel, a sophomore attending Simon Sanchez High School, was Guam's representative to the conference. During her visit, Joanna gained practical knowledge about violence prevention initiatives and helped to explore the causes, needs and solutions to the problems of youth violence which continues to impact our society. Joanna proved to be a valuable contributor and an able spokesperson for Guam's youth.

The two day conference resulted in the introduction of House Resolution 357, which represents the views of the 342 conference participants and provides their collective views of the causes and solutions to youth violence. The measure was introduced by Democratic Leader RICHARD A. GEPHARDT, myself, and 94 other co-sponsors.

I am hopeful that Joanna will continue to be involved in the issue of youth violence and help raise community awareness and activity. It is evident from the outcome of the Voices Against Violence conference, that we can look to America's youth for solutions and guidance to understand why violence happens and what we can do to avert it.

For the record, I am submitting an essay written by Ms. Joanne Manuel giving her views on the causes of violence among teenagers.

WHAT DO YOU FEEL ARE THE CAUSES OF VIOLENCE AMONG TEENAGERS TODAY?

As anyone who listens to the radio, watches television, or reads the newspaper knows, violence has become a cause for nationwide and worldwide concern. Of particular concern is the alarming increase in violence among children and youth. The rates of youth-initiated violent crimes are rising dramatically, as are the numbers of young victims. Many teens are pressured into doing things they don't want to do. One of the hardest parts of growing up, is the same today as it has been for years, peer pressure. It is a part of every teenager's junior and high school years. Some peer pressure is actually quite good in working towards developing a teen's recognition of right and wrong. Negative peer pressure, the kind we most commonly associate with the concept, can be devastatingly corruptive. Positive and negative pressure are two totally different things. Positive pressure includes encouragement to try out for the school play, or challenges to study harder. Negative peer pressure includes encouragement to use drugs, to smoke, or other things that harm. Positive pressure has many benefits such as helping teenagers develop a sense of morality. Part of being a teen involves learning to make decisions. One of the things that affects decision-making is pressure from friends. Teens should make decisions based on their own morals and values. Daily, teens are persuaded to participate in activities that statistics report may harm their well-being. These activities include: smoking, drinking, using drugs, having premarital sex, and even cheating on schoolwork. Many teens are pressured into taking drugs and smoking by "friends." Teens today need to learn to make their own decisions and say no to drugs, smoking, and other things they know can harm them. Our communities and schools have to work together to help prevent negative peer pressure between teenagers. There are many other things that cause violence among teens today. Troubled teens are gradually increasing these days and many are caused by problems stemming from home. Counseling is a great way to find the problem and solve it before other problems arise. While I was in middle school, we had a peer counseling system. Students who needed help or just needed someone to talk to would go to the counselor's office and fellow students would talk and lend a helping hand. It was a great system and it worked. I think that the government should set aside some money to establish and maintain this type of system in every school in the nation and maybe even worldwide. We all have to work together to make a brighter future for all of us and the generations to come.

FREEDOM OF THE PRESS SLIPPING IN HONG KONG

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. PORTER. Mr. Speaker, I am greatly concerned over the growing reports from Hong Kong that freedom of the press is increasingly at risk under Chinese rule. When Hong Kong was turned over to China in July of 1997, it was to become one country but remain two systems. Unfortunately, after less than two and a half years, we are already seeing example after example of Beijing's power and its communist values being exhibited throughout Hong Kong and imposed on the citizenry.

The most recent example of this clampdown was the abrupt reassignment of the well-respected, outspoken director of the government owned Radio/Television Hong Kong, Cheung Man-yee last month. Ms. Cheung was named economic and trade representative to Japan, a post equivalent to that of ambassador. This action took place just days after she drew a rare public rebuke from the Chinese Deputy Prime Minister, Qian Qichen. Recently, the station had also aired a senior Taiwanese official seeking to explain President Lee Teng-hui's shift in policy toward China.

The Hong Kong government is becoming increasingly critical of all local media. Statements from the chief of executive of Hong Kong, Tung Chee-hwa such as "while is freedom of speech is important, it is also important for government policies to be positively presented," show the direction in which freedom of the press is headed.

This "reassignment" of a qualified journalist is a scary first step. The international community must stand up and take notice when the slipping away of a vital freedom begins. The freedom of the press is the cornerstone of a strong democracy. If Hong Kong loses its free press, I have great fear for what is next.

THE TRUE GOAL OF EDUCATION

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. TALENT. Mr. Speaker, I insert the following eloquent speech entitled "the True Goal of Education" into the CONGRESSIONAL RECORD.

The True Goal of Education

(By Gov. George W. Bush)

It is a pleasure to be here, and to join in marking the chamber's Business Appreciation Month. New Hampshire is a state of small businesses. Many of them here in the north country are prospering, and this organization has played an important part. I am honored by your invitation.

I am an optimist. I believe that the next century will be a time of incredible prosperity—if we can create an environment where entrepreneurs like you can dream and flourish. A prosperity sustained by low taxes, unleashed by lighter regulation, energized by new technologies, expanded by free trade. A prosperity beyond all our expectations, but within our grasp.

But this hope, in the long-run, depends directly on the education of our children—on young men and women with the skills and character to succeed. So for the past few months, I have focused on the problems and promise of our public schools.

In September, I talked about disadvantaged children left behind by failed schools. The diminished hopes of our current system are sad and serious—the soft bigotry of low expectations. Schools that do not teach and will not change must have some final point of accountability. A moment of truth, when their federal funds, intended to help the poorest children, are divided up and given to parents—for tutoring or a charter school or some other hopeful option.

Last month, I talked about raising the academic ambitions of every public school in America—creating a culture of achievement. My plan lifts the burden of bureaucracy, and gives states unprecedented freedom in spending federal education dollars. In return for this flexibility, each state must adopt a system of real accountability and high standards. Students must be tested on the basics of reading and math each year—and those results posted, by school, on the Internet. This will give parents the information to know if education is actually taking place—and the leverage to demand reform.

My education proposals are bound by a thread of principle. The federal government must be humble enough to stay out of the day-to-day operation of local schools. It must be wise enough to give states and school districts more authority and freedom. And it must be strong enough to require proven performance in return. The federal role in education is to foster excellence and challenge failure with charters and choice. The federal role in education is not to serve the system. It is to serve the children.

Yet this is only part of an agenda. Yes, we want our children to be smart and successful. But even more, we want them to be good and kind and decent. Yes, our children must learn how to make a living. But even more, they must learn how to live, and what to love. "Intelligence is not enough," said Martin Luther King, Jr. "Intelligence plus character—that is the true goal of education."

So today, here in New Hampshire, I want to make the case for moral education. Teaching is more than training, and learning is more than literacy. Our children must be educated in reading and writing—but also in right and wrong.

Of course, every generation worries about the next. "Children today are tyrants," said one educator. "They contradict their parents, gobble their food, and tyrannize their teachers." And that teacher's name was . . . Socrates.

Some things don't change. The real problem comes, not when children challenge the rules, but when adults won't defend the rules. And for about three decades, many American schools surrendered this role. Values were "clarified," not taught. Students were given moral puzzles, not moral guidance. But morality is not a cafeteria of personal choices—with every choice equally right and equally arbitrary, like picking a flavor of ice cream. We do not shape our own morality. It is morality that shapes our lives.

Take an example. A Massachusetts teacher—a devoted supporter of values clarification—had a sixth grade class which announced that it valued cheating, and wanted the freedom to express that value during tests. Her response? "I personally value honesty," she said. "Although you may choose to be dishonest, I will insist that we be honest on our tests here. In other areas of your life, you may have to be dishonest."

This is not moral neutrality. It is moral surrender. Our schools should not cultivate confusion. They must cultivate conscience.

In spite of conflicting signals—and in spite of a popular culture that sometimes drowns their innocence—most of our kids are good kids. Large numbers do volunteer work. Nearly all believe in God, and most practice their faith. Teen pregnancy and violence are actually going down. Across America, under a program called True Love Waits, nearly a million teens have pledged themselves to abstain from sex until marriage. Our teenagers feel the pressures of complex times, but also the upward pull of a better nature. They deserve our love and they deserve our encouragement.

And sometimes they show character and courage beyond measure. When a gun is aimed at a seventeen-year-old in Colorado—and she is shot for refusing to betray her Lord. When a seventeen-year-old student, during a madman's attack on a Fort Worth church, is shot while shielding a friend with Downs Syndrome—and continues to comfort her, even after her own injury. We are finding, in the midst of tragedy, that our children can be heroes too.

Yet something is lost when the moral message of schools is mixed and muddled. Many children catch a virus of apathy and cynicism. They lose the ability to make confident judgments—viewing all matters of right and wrong as a matter of opinion. Something becomes frozen within them—a capacity for indignation and empathy. You can see it in shrugged shoulders. You can hear it in the watchword of a generation: "Whatever."

Academics like Professor Robert Simon report seeing many students—nice, well-intentioned young men and women—who refuse to make judgments even about the Holocaust. "Of course I dislike the Nazis," he quotes a student, "but who is to say they are morally wrong?"

At the extreme, in the case of a very few children—lawless, loveless and lonely—this confusion can harden into self-destruction or evil, suicide or violence. They find no elevating ideals—from parents or church or school—to counter the chaos in their souls. "We laugh at honor," said C.S. Lewis, "and are shocked to find traitors in our midst."

But something is changing in this country. Perhaps we have been sobered by tragedy. Perhaps the Baby Boom generation has won some wisdom from its failures and pain. But we are no longer laughing at honor. "Values clarirfication" seems like a passing superstition. Many states have instituted real character education in their schools, and many more are headed in that direction. After decades of drift, we are beginning a journey of renewal.

Above all, we are relearning a sense of idealism for our children. Parents and teachers are rediscovering a great calling and a heavy burden: to write on the slate of souls.

We must tell our children—with conviction and confidence—that the authors of the Holocaust were evil men, and the authors of the Constitution were good ones. That the right to life, liberty and the pursuit of happiness is not a personal opinion, but an eternal truth.

And we must tell our children—with clarity and certainty—that character gives direction to their gifts and dignity to their lives. That life is too grand and important to be wasted on whims and wants, on getting and keeping. That selfishness is a dark dungeon. That bigotry disfigures the heart. That they were made for better things and higher goals.

The shape of our society, the fate of our country, depends on young men and women who know these things. And we must teach them.

I know this begins with parents. And I know that is easy for a politician to say. Mark Twain once commented, "To do good is noble. To instruct others in doing good is just as noble, and much easier." But the message of our society must be clear. When a man or woman has a child, being a father or mother becomes their most important job in life. Not all teachers are parents, but all parents are teachers. Family is the first school of manners and morals. And the compass of conscience is usually the gift of a caring parent.

Yet parents should expect schools to be allies in the moral education of children. The lessons of the home must be reinforced by the standards of the school—standards of safety, discipline and decency.

Effective character education should not just be an hour a week on a school's virtue of the month. Effective character education is fostered in schools that have confidence in their own rules and values. Schools that set limits, enforce boundaries, teach high ideals, create habits of good conduct. Children take the values of the adult worlds seriously when adults take those values seriously.

And this goal sets an agenda for our nation.

First, we must do everything in our power to ensure the safety of our children. When children and teenagers go to school afraid of being bullied, or beaten, or worse, it is the ultimate betrayal of adult responsibility. It communicates the victory of moral chaos.

In an American school year there are more than 4,000 rapes or cases of sexual battery; 7,000 robberies; and 11,000 physical attacks involving a weapon. And these are overall numbers. For children attending inner-city schools, the likelihood of being a victim of violence is roughly five times greater than elsewhere. It is a sign of the times that the same security company used by the U.S. Mint and the FBI has now branched out into high-school security.

Surveying this scene, it is easy to forget that there is actually a federal program designed to confront school violence. It's called the Safe and Drug-Free Schools and Communities Act. The program spends about $600 million dollars a year, assisting 97 percent of the nation's school districts.

What's missing from the program is accountability. Nobody really knows how the money is spent, much less whether it is doing any good. One newspaper found that federal money had gone to pay for everything from motivational speakers to clowns to school puppet shows to junkets for school administrators.

As president, I will propose major changes in this program. Every school getting this funding will report their results—measured in student safety. Those results will be public. At schools that are persistently dangerous, students will be given a transfer to some other school—a safe school.

No parent in America—no matter their income—should be forced to send their child to a school where violence reigns. No child in America—regardless of background—should be forced to risk their lives in order to learn.

In the same way, it is a federal crime for a student to bring a gun into any public school. Yet this law has been almost completely ignored by federal prosecutors in recent years. Of some 3,900 violations reported between 1997 and 1998, only 13 were prosecuted. It is easy to propose laws. Sometimes it is easy to pass laws. But the measure of our seriousness is enforcing the law. And the safety of our children merits more than lip service.

Here is what I'll do. We will form a new partnership of the federal government and states—called Project Sentry. With some additional funding for prosecutors and the ATF, we can enforce the law and prosecute the violators: students who use guns illegally or bring guns to school, and adults who provide them. And for any juvenile found guilty of a serious gun offense, there will be a lifetime ban on carrying or purchasing a gun—any gun, for any reason, at any age, ever.

Tougher enforcement of gun laws will help to make our schools safer. But safety is not the only goal here. The excellence of a school is not just measured by declines in robbery, murder, and aggravated assault. Safety is the first and urgent step toward a second order of business—instilling in all of our public schools the virtues of discipline.

More than half of secondary-school teachers across the country say they have been threatened, or shouted at, or verbally abused by students. A teacher in Los Angeles describes her job as "nine-tenths policeman, one-tenth educational." And many schools, intimidated by the threat of lawsuits, have watered down their standards of behavior. In Oklahoma, a student who stabbed a principal with a nail was suspended for three days. In North Carolina, a student who broke her teacher's arm was suspended for only two days.

In too many cases, adults are in authority, but they are not in control.

To their credit, many schools are trying to reassert that control—only to find themselves in court. Generations of movies from The Blackboard Jungle to Stand and Deliver cast as their hero the teacher who dares to bring discipline to the classroom. But a modern version of this drama would have to include a new figure in the story—the lawyer.

Thirty-one percent of all high schools have faced lawsuits or out-of-court settlements in the past 2 years. This is seriously deterring discipline, and demands a serious response.

In school districts receiving federal school safety funds, we will expect a policy of zero-tolerance for persistently disruptive behavior. This means simply that teachers will have the authority to remove from their classroom any student who persists in being violent or unruly. Only with the teacher's consent will these students be allowed to return. The days of timid pleading and bargaining and legal haggling with disruptive students must be over. Learning must no longer be held hostage to the brazen behavior of a few.

Along with this measure, I will propose a Teacher Protection Act to free teachers, principals and school board members from meritless federal lawsuits when they enforce reasonable rules. School officials, acting in their official duties, must be shielded from liability. A lifetime dedicated to teaching must not be disrupted by a junk lawsuit. We do not need tort lawyers scouring the halls of our schools—turning every classroom dispute into a treasure hunt for damage awards.

Safety and discipline are essential. But when we dream for our children, we dream with higher goals. We want them to love learning. And we want them to be rich in character and blessed in ideals.

So our third goal is to encourage clear instruction in right and wrong. We want our schools to care about the character of our children.

I am not talking about schools promoting a particular set of religious beliefs. Strong values are shared by good people of different faiths, of varied backgrounds.

I am talking about communicating the values we share, in all our diversity. Respect. Responsibility. Self-restraint. Family commitment. Civic duty. Fairness. Compassion. The moral landmarks that guide a successful life.

There are a number of good programs around the country that show how values can be taught in a diverse nation. At St. Leonard's Elementary School in Maryland, children take a pledge each morning to be "respectful, responsible and ready to learn." Character education is a theme throughout the curriculum—in writing, social studies and reading. And discipline referrals were down by 70 percent in one year. At Marion Intermediate school in South Carolina, virtues are taught by studying great historical figures and characters in literature.

Consideration is encouraged, good manners are expected. And discipline referrals are down by half in one year.

The federal government now spends $8 million on promoting character education efforts. My administration will triple that funding—money for states to train teachers and incorporate character lessons into daily coursework.

We will require federal youth and juvenile justice programs to incorporate an element of character building.

Our government must get its priorities straight when it comes to the character of our children. Right now, the Department of Health and Human Services spends far more on teen contraception than it does on teen abstinence. It takes the jaded view that children are nothing more than the sum of their drives, with no higher goal than hanging out and hooking up. We owe them better than this—and they are better than this. They ask for bread, and we give them a stone.

Abstinence programs show real promise—exactly because more and more teenagers understand that true love waits. My administration will elevate abstinence education from an afterthought to an urgent goal. We should spend at least as much each year on promoting the conscience of our children as we do on providing them with contraception.

As well, we will encourage and expand the role of charities in after-school programs. Everyone agrees there is a problem in these empty, unsupervised hours after school. But those hours should not only be filled with sports and play, they should include lessons in responsibility and character. The federal government already funds afterschool programs. But charities and faith-based organizations are prevented from participating. In my administration they will be invited to participate. Big Brothers/Big Sisters, the YMCA and local churches and synagogues and mosques should be a central part of voluntary, after-school programs.

Schools must never impose religion—but they must not oppose religion either. And the federal government should not be an enemy of voluntary expressions of faith by students.

Religious groups have a right to meet before and after school. Students have a right to say grace before meals, read their Bibles, wear Stars of David and crosses, and discuss religion with other willing students. Students have a right to express religious ideas in art and homework.

Public schools that forbid these forms of religious expression are confused. But more than that, they are rejecting some of the best and finest influences on young lives. It is noble when a young mind finds meaning and wisdom in the Talmud or Koran. It is good and hopeful when young men and women ask themselves what would Jesus do.

The measure of our nation's greatness has never been affluence or influence—rising stocks or advancing armies. It has always been found in citizens of character and compassion. And so many of our problems as a nation—from drugs, to deadly diseases, to crime—are not the result of chance, but of choice. They will only be solved by a transformation of the heart and will. This is why a hopeful and decent future is found in hopeful and decent children.

That hope, of course, is not created by an Executive Order or an Act of Congress. I strongly believe our schools should reinforce good character. I know that our laws will always reflect a moral vision. But there are limits to law, set at the boundaries of the heart. It has been said: "Men can make good laws, but laws can not make men good."

Yet a president has a broader influence and a deeper legacy than the programs he proposes. He is more than a bookkeeper or an engineer of policy. A president is the most visible symbol of a political system that Lincoln called "the last best hope of earth." The presidency, said Franklin Roosevelt, is "preeminently a place of moral leadership."

That is an awesome charge. It is the most sobering part of a decision to run for president. And it is a charge I plan to keep.

After power vanishes and pride passes, this is what remains: The promises we kept. The oath we fulfilled. The example we set. The honor we earned.

This is true of a president or a parent. Of a governor or a teacher. We are united in a common task: to give our children a spirit of moral courage. This is not a search for scapegoats—it is a call to conscience. It is not a hopeless task—it is the power and privilege of every generation. Every individual can change a corner of our culture. And every child is a new beginning.

In all the confusion and controversy of our time, there is still one answer for our children. An answer as current as the headlines. An answer as old as the scriptures. "Whatever is true, whatever is honorable, whatever is right, whatever is pure, whatever is lovely, whatever is of good repute, if there is any excellence and anything worthy of praise, let your mind dwell on these things."

If we love our children, this is the path of duty—and the way of hope. Thank you.

RECOGNIZING ALZHEIMER'S AWARENESS MONTH

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. MARKEY. Mr. Speaker, November is Alzheimer's Awareness Month—This month we recognize the 4 million Americans victimized by this devastating disease and the family members who are most often their primary caregivers.

Alzheimer's Disease is debilitating, indiscriminate and cruel—it creeps into the brain, captures the mind and renders its victims with impaired judgment, personality change and loss of language and communication skills.

Today, Alzheimer's is on track to wreak havoc as the epidemic of the next century burdening our nation's health care system and leaving millions of American families in emotional and financial ruin. It is predicted that by 2050, 14 million Americans will be afflicted. We need a strategy today.

As part of this strategy, we must recognize that there are thousands of spouses and other family members struggling to provide care for their loved ones in their homes each year. Seven in ten people with Alzheimer's disease live at home. Almost 75% of home care is provided by family and friends placing a tremendous emotional burden on these caregivers and a financial burden averaging $12,500 per at home patient.

Each year, Alzheimer's costs our nation at least $100 billion and American business $33 billion, most of that in the lost work of employees who are caregivers.

It is imperative that we increase the federal commitment to this disease. We must create new programs to relieve caregivers and we must continue our work toward treatment and a cure. Last year the federal government dedicated $400 million to Alzheimer's research, but that's still not enough—the federal commitment to heart, cancer and AIDS research—diseases of comparable cost to our country—is 3 to 5 times higher. Next fiscal year we must increase research dollars for Alzheimer's by $100 million.

Last June—in an effort to encourage legislative solutions to deal with Alzheimer's—I along with my colleague from across the aisle CHRIS SMITH—kicked off the first bipartisan Task Force on Alzheimer's Disease. To date we have 82 members with a goal of reaching 100 by 2000.

The time has come to wage a serious war against Alzheimer's disease. The time has come to fight for solutions to improve the lives of those affected today and to fight for a cure to save the lives of those who will be affected tomorrow.

CHRISTIAN FAMILY HACKED TO DEATH—RELIGIOUS PERSECUTION CONTINUES IN INDIA—AMERICA MUST SUPPORT FREEDOM FOR KHALISTAN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. BURTON of Indiana. Mr. Speaker, the Indian Express reported on November 12, 1999 that a Christian family was hacked to death in Jamshedpur. The attackers stormed the house of 35 year-old Santan Kerai, dragging Mr. Kerai, his wife, their two-year-old child, and a relative out of the house to murder them. Finally, the mutilated bodies of the Kerai family "were found on a football field about 100 yards from their house," according to the article. The newspaper does not identify the assailants, but the attack is part of the ongoing pattern of repression of Christians in India today.

I have been deeply concerned about recent reports of Hindu activists raping and terrorizing nuns. A nun named Sister Ruby was abducted by Hindu fundamentalists, who stripped her naked and forced her to drink their bodily fluids. They threatened to rape her if she refused.

Earlier this year, Australian missionary Graham Staines and his two young sons were burned alive by members of the Bajrang Dal, which is the youth arm of the openly Fascist organization called Rashteria Swayamsewak Sangh (RSS). The ruling BJP, which leads India's 24-party governing coalition, is the political arm of the RSS.

Since Christmas Day of 1998, Hindu fundamentalists have burned down Christian churches, prayer halls, and schools. Four priests have been murdered, some of them beheaded.

Christians have not been the only target of persecution in India. Sikhs and Muslims are routinely beaten, tortured, and murdered by these radical groups or even Indian security forces.

Mr. Speaker, India is neither secular, nor is it democratic. It is clear that there is no place for religious, linguistic, or ethnic minorities in India. So, it is no wonder that there are seventeen freedom movements in India.

I call on the President to press the Government of India on the issues of human rights and self-determination when he visits the subcontinent next year. If the United States will not speak out for freedom in the world, who will? If we don't press these issues today, when will we? We must do whatever we can to bring freedom to all the people of India.

Mr. Speaker, I would like to place the Indian Express article into the RECORD

[From the Indian Express, Nov. 12, 1999]

CHRISTIAN FAMILY HACKED TO DEATH

JAMSHEDPUR—Four members of a tribal Christian family have been hacked to death by some unidentified people at Peteripa village of west Singhbhum district.

Police said some people had stormed the house of one Santan Kerai (35) at midnight on Wednesday.

The assailant pulled him, his wife and their two-year old child besides one female relative out of the house and killed them with sharp weapons.

The mutilated bodies of Santan, his wife and the child were found on a football ground, about 100 meter away from their house, PTI report.

NONDISCRIMINATORY RETRANSMISSION CONSENT IN H.R. 1554

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. TAUZIN. Mr. Speaker, as a conferee appointed to H.R. 1554, and as a proponent of competition, I deliberated long and hard to promote increased consumer choice in the video marketplace by strengthening the competitive position of satellite carriers as they go head to head with incumbent cable operators; however, they are not the only competitors in the evolving video marketplace.

Since enactment of the 1996 Telecommunications Act, cable over-builders have acquired franchises all across the country and have begun to operate traditional wireline systems. In addition to these familiar distribution systems, several new digital wireless cable systems, which use microwave frequencies to transmit programming, also offer consumers a competitive alternative.

Although incumbent cable systems still dominate the video distribution market, satellite carriers continue to gain market share and, with the advent of local into local, will see even greater consumer interest in their product.

Unfortunately, the newer entrants—the over builders and the digital wireless providers—still face some pretty stiff obstacles in their efforts to penetrate this market. The single most significant hurdle they face is access to popular programming at fair prices. This issue has long-term significance for video competition and my subcommittee will continue to study this important problem. However, in the short-term, these new competitors are running into serious retransmission consent problems that prevent them from expanding as fast as they would like and that unnecessarily deprive consumers of an alternative choice.

When attempting to renegotiate retransmission consent contracts, these new competitors are told they must take other programming services they do not want. Too frequently, they are told they must purchase a "bundle" of programming that includes the broadcast signal they want, but also includes programming in which the broadcaster or his affiliated network has a financial interest. As you might expect, "bundles" of programming cost a lot more than a single broadcast signal, and they take up valuable channel space that the new entrants would prefer to use for other programming—programming they choose to carry, not programming they are forced to carry.

The bottom line is that these "tying" arrangements are not optional, they are forced on these new entrants as the quid pro quo for obtaining retransmission consent; impose higher programming costs on new entrants that put them at a competitive disadvantage vis a vis established players in the market; and take up valuable channel space which, in the case of wireless operators, is limited to the spectrum space available.

If our efforts to increase consumer choice are to succeed, we must go beyond what we have been able to accomplish in H.R. 1554.

I ask my colleagues to join me in a pledge to reopen the debate about nondiscriminatory retransmission consent and agree to study this matter further to see what additional steps we can take to strengthen the competitive position of all new entrants into the video marketplace. If we succeed, consumers will enjoy lower prices, better service quality and more choice.

HONORING OF MAYOR-ELECT JENNIE STULTZ

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mrs. MYRICK. Mr. Speaker, today I rise in honor of Mayor-elect Jennie Stultz as she prepares to become the first female mayor of Gastonia, North Carolina, in its 122-year history. Her candidacy galvanized middle-aged women and young moms who, local studies indicated, felt disenfranchised in the last municipal elections.

Her campaign to improve the image of the city, which once was chosen as an All American City, resounded with her fellow citizens. I applaud her efforts to promote the City of Gastonia as the friendly, progressive and All American City that she and I know it to be.

Jennie Stultz has dedicated 20 years of her life as a community activist and volunteer. She served as Administrator of Gastonia Clean City, then as Community Relations Director from 1982 to 1997.

She gave of her time and services on numerous civic boards, including the House of Mercy, which assists those with terminal illnesses; the Governor's Council for Children and Youth; and has just completed a term as Chairperson of the Board of Directors of the Gaston Literacy Council, Inc.

Her father, Elmore Thomas, who was stationed overseas during World War II, wrote in a letter dated July 23, 1944: "When I get back, I might run for mayor of Gastonia. At least, all the boys in the unit say I should."

I commend Jennie Stultz for carrying on that tradition of service to community and nation for which her father fought and for realizing a long, unfulfilled family dream.

My fellow colleagues, I ask that you join me in saluting a woman who exemplifies the spirit of optimism for the future and the pride of community that prevails in this land. May her tenure bring continued prosperity and pride to the people of Gastonia, North Carolina.

25TH ANNIVERSARY OF THE JOHN H. HARLAND COMPANY DALLAS-AREA FACILITY

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. ARMEY. Mr. Speaker, I rise today to congratulate the John H. Harland Company's Dallas-area Facility on its 25th Anniversary.

The John H. Harland Company is the second largest check printer in the United States and the leading provider of database marketing to financial institutions. Founded in 1923, the John H. Harland Company opened its Dallas facility in 1974. Today, this facility employs 320 people and processes 112,000 orders per week. In April 1997, John H. Harland Company moved into the 26th Congressional District, opening a 83,000 square foot facility in Grapevine, Texas.

Harland's recent move to a regional network of nine production facilities has brought additional work into the Grapevine facility and has contributed to the local economy. It also improves the quality of the company's services and offers greater economic security for its employees and their families.

I offer my sincere congratulations to the employees of this facility and to the John H. Harland Company on this momentous occasion.

HONORING THE SALVATION ARMY OF TORRANCE

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. KUYKENDALL. Mr. Speaker, I rise today to recognize an important organization in my district, the Salvation Army of Torrance. This year the Salvation Army of Torrance is celebrating twenty years of service to the South Bay community.

The Salvation Army was established in 1865 by an ordained minister. The organization was founded upon strong religious beliefs, recognizing the interdependence of material, emotional, and spiritual needs. The basic social services have remained an expression of the Army's strong religious principles. Throughout the years, new programs have been established to address contemporary needs.

The Salvation Army provides assistance to millions of people throughout the world. Services range from providing disaster relief to drug and alcohol counseling. They provide an invaluable service to those in need.

During the last twenty years, the Salvation Army of Torrance has expanded its program to include preschool, adult day care, summer day camp, after school programs, outreach ministries, and a family service department. This organization has left a positive impact upon the South Bay, providing assistance to thousands.

I commend the volunteers and staff of the Salvation Army of Torrance for their commitment and dedication of this charitable cause. Congratulations on this milestone.

HONORING PLANNED PARENTHOOD ASSOCIATION OF BUCKS COUNTY, PA

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. GREENWOOD. Mr. Speaker, I rise today to congratulate Planned Parenthood Association of Bucks County (PPABC) on its 35th anniversary, and the fine people who work to ensure the men and women in our area have access to the highest quality health services available. I especially want to thank the leadership of Linda Hahn, CEO, and Sandra Trainer, Chair of the Board, for guiding PPABC in its efforts.

PPABC has served Bucks County well. It is dedicated to the principles that every individual has a fundamental right to decide when or whether to have a child, and that every child should be wanted and loved.

Each year, Planned Parenthood health centers like the five in Bucks County provide high quality, affordable reproductive health care and sexual health information. PPABC is made up of highly trained, dedicated and thoughtful people. While they come from different walks of life, they are uniformly committed to ensuring that men and women have access to the care they need.

Each Planned Parenthood affiliate is a unique, locally governed health service organization that reflects the diverse needs of its community. PPABC health centers offer a wide range of services to its 13,000 patients each year, including providing comprehensive, confidential, reproductive health services; providing education and counseling services which promote healthy human sexuality; and protecting and advocating for reproductive rights and services. They encourage communication between adolescents and parents to help nourish the bonds that hold families together. In our day and age, children and teens must be armed with the knowledge to deal with serious issues such as sexuality, drugs, communicable diseases, and, in unfortunate circumstances, abortion. The men and women at PPABC help guide these difficult decisions, and the people of Bucks County are better off for their assistance.

Planned Parenthood Association of Bucks County is committed to helping people become active supporters and advocates for reproductive health. Quite frankly, Mr. Speaker, they help me understand the needs and concerns of the men and women in my district, and I am better able to use that information to effectuate change and prevent back peddling in this Congress. They are a critical resource for me, and I am truly thankful for their valued input.

I congratulate the Planned Parenthood Association of Bucks County for 35 years of dedicated, tireless service, and wish them continued success in their next 35 years.

HONORING OF THE MAGNIFICAT HIGH SCHOOL VOLLEYBALL TEAM

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the Magnificat volleyball team for their tremendous accomplishments this year. Their spirit and good sportsmanship throughout the season has inspired us all.

Magnificat, an all girls, Catholic high school in Rocky River, Ohio, sent their Bluestreaks off to the state volleyball tournament for the first time since 1991. Their theme this year was "to get the monkey off their back" and make it out of regionals. Since 1993, when Jenny Kathe took over the team, the Bluestreaks have made it to regionals each year, but never advanced. In order to keep their goal in focus and still have fun, they incorporated monkeys into everything. There were stuffed monkeys everywhere, as well as monkey logos on shirts and practice shorts.

The girls were able to truly get the monkey off their back by becoming, first, the District Champions, and then the regional Champions for Division I. While at the State Championships, Jenny Kathe was named Coach of the Year for Division I volleyball as they went on to capture the title of State Runner-up. The girls closed their season with the dignity and excellence that makes us all very proud of them.

Throughout the year, the girls showed team spirit, togetherness, and good sportsmanship. This year they were an extremely close knit team. There was never a moment when an individual was singled out. They shared their successes together, as well as their few defeats. They showed courage and strength both on and off the court. The team should be a role model for all sports team today.

My fellow colleagues, please join me in congratulating this extraordinary group of girls and their coaches, parents and classmates who cheered them on and made this year a tremendous one.

TRIBUTE TO MIODRAG "JOE" DJOKIC

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. McINNIS. Mr. Speaker, I rise today to tell you an amazing story of a man who conquered great adversity in life and emerged as a fine American citizen. Miodrag "Joe" Djokic tragically passed away recently in his home in Collbran, Colorado. Though he is gone, he will live in the hearts of all who knew him and be remembered for many years by those who have heard his amazing story.

Joe's story begins in 1912, in Sarbanovac, Serbia. As a young man, he was drafted into the Yugoslav Army to fight in World War II. Soon after the fighting broke out, he was captured by the German Army and taken to a labor camp. He was repeatedly moved from camp to camp across Central Europe. Eventually, he ended up in a displaced persons camp in West Germany where he and his wife, Helena, remained until 1951.

To fulfill his dream of becoming an American citizen, he gathered up his family and moved to Colorado. There he worked countless hours as a farmer and a dedicated father. Although his accomplishments in life were many, none were as weighty as the legacy that he leaves in his family. He is survived by his wife, Helena, their son, Sveto, his wife, Anne, and their daughter. These fine people will undoubtedly carry on the legacy of hard work and dedication to their family that their father embodied.

Although his life's accomplishments will long be remembered and admired, most who knew him well will remember Joe, above all else, as a friend. It is clear that the multitude of those who have come to know Joe as a friend will be worse off in his absence. However, Mr. Speaker, I am confident that, in spite of this profound loss, Joe's family and friends can take solace in the knowledge that each is a better person for having known him.

TRIBUTE TO THE TOASTMASTERS INTERNATIONAL AND SAVANNAH TOASTMASTERS CLUB 705

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. KINGSTON. Mr. Speaker, since October 1924 over three million men and women have benefitted from the superb communication and leadership programs of the Toastmasters. I am one of those 3 million. Today, I want to recognize Toastmasters International now in their 75th year of existence, and wish to commend the Savannah, Georgia, Toastmasters Club 705 on their own 50th anniversary.

Seventy-five years ago, Dr. Ralph C. Smedley, met with a group of men in the basement of a YMCA in Santa Ana, California and formed a club "to afford practice and training in the art of public speaking and in presiding over meetings, and to promote sociability and good fellowship among its members." Since 1924 that small group of men has grown into a remarkable non-profit organization with over 174,900 members representing 8,642 clubs in more than 60 countries around the world.

Toastmasters International has been referred to as "the world's premier self-improvement club." Through seventy-five years, millions of men and women have improved their leadership skills, self-confidence and communications abilities through the public speaking programs of Toastmasters International. "Home Improvements" star Tim Allen, Miss America 1996 Tara Dawn Holland, and Georgia Senator Sam Nunn are credited with being "celebrity Toastmasters". But it is our local businesses, Governments, and communities that benefit from the abilities gained by those who chose to become better listeners, thinkers, and speakers through involvement in this organization.

The Savannah, Georgia, Toastmasters Club 705, was chartered in 1949 and recently celebrated their 50th Anniversary. The third oldest of 179 chapters in Georgia, Club 705 members pride themselves on the long history of the organization, their outstanding members, and their standards of conduct that have improved many an individuals communications and leadership skills. The old stories of the six foot tall street traffic light that was used as a timer, the Claxon that provided a deafening overtime sound, or the infamous "AH Bucket" a tin can into which marbles were thrown whenever a speaker used a "non-word" reflect some of the tools of the trade to build talent in a fun, exciting atmosphere.

Over the passed 50 years the many members of Club 705 have developed their talents over time and have mentioned many a rookie in their communications ability. These are extraordinary members like Fred Stephens, Dick Piazza, Jack Homans, bill Kearny, Maggie Edinfield, Linda Cole, the current senior member Neil Bodenstein, and many others. Rookies like myself sincerely appreciate what Toastmasters has done for us and for our communities, improving the listening, thinking, and speaking abilities of millions through their dedication and time. Special thanks to the current officers of Club 705; President Earl Berksteiner, Vice Presidents Peggy Keisker Gunn and Teresa Martinez, Secretary Debbie Cameron, Treasurer Michael Dubberly, and Sergeants at Arms Mark Stall and Neil Bodenstein. Congratulations to Toastmasters International and to Savannah Club 705—Happy Anniversary—here's to you!

PERSONAL EXPLANATION

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. McINTYRE. Mr. Speaker, on Tuesday, November 16, 1999, I was with my father, who had open-heart surgery in the hospital, and therefore was unavoidably absent for rollcall votes 587 through 595. Had I been present I would have voted "yes" on rollcall vote 587, "yes" on rollcall vote 588, "yes" on rollcall vote 589, "no" on rollcall vote 590, "yes" on rollcall vote 591, "yes" on rollcall vote 592, "yes" on rollcall vote 593, "yes" on rollcall vote 594, and "no" on rollcall vote 595.

THE WIRELESS TELECOMMUNICATIONS SOURCING AND PRIVACY ACT

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. PICKERING. Mr. Speaker, I rise today to introduce the Wireless Telecommunications Sourcing and Privacy Act, and am pleased to be joined in introducing this legislation by several of my colleagues, including Mr. MARKEY, Mrs. WILSON and Mr. LARGENT.

This legislation is about nothing other than developing a fairer and simpler way to assign a wireless call to a jurisdiction for tax purposes. Let me be crystal clear at the outset—

this proposal is about how the wireless industry administers state and local taxes. It does not reduce or change the wireless industry's tax obligations. This same simplicity will also help lower the cost to states and localities of administering taxes on wireless services. And, this all comes together for the wireless consumer—greater simplicity, lower costs, and reduced chances of getting caught in a "double-tax" situation where two tax jurisdictions are seeking to tax the same revenue.

There are some practical problems which can arise in the administration of state and local governments on wireless phone calls. For example, different jurisdictions may follow different methodologies making the determination of the correct taxation very difficult. Depending on the methodology a call could be taxed in the town or city where the customer is located; or, in the city or town where the wireless antenna is located; or, even in the city or town where the wireless switch is located. The bottom line—it's confusing, it's costly, it's a practical problem we can fix with the legislation we are introducing today.

I would like to stress that this situation is born of good faith efforts of state and local governments to apply existing methods. The problem is that all existing methods do not necessarily work for wireless telecommunications and, due to that fact, sometimes different methods are applied to the same wireless call resulting in double-taxation and confusion.

I would like my colleagues to know that extensive discussion of various options to solve this problem has gone on over the past few years among several state and local government organizations—including the National Governor's Association, the National League of Cities, the Multistate Tax Commission, the Federation of Tax Administrators and others—and the Cellular Telecommunications Industry Association representing the wireless industry. Together, they have developed a new methodology for dealing with a complex problem—and that new methodology is embodied in the legislation I am introducing today.

Under the Wireless Telecommunications Sourcing and Privacy Act, all state & local telecommunications taxes would be assigned to one location—the customer's place of primary use—which must be either the customer's home or business address.

This new method of sourcing wireless revenues offers certainty and consistency in the application of tax law, and does so in a way that does not change the ability of states and localities to tax these revenues.

I want to also make it clear that this bill in no way provides any determination or has any impact on the work of the Advisory Commission on Electronic Commerce.

The bill also requires the General Accounting Office (GAO) to examine the Federal Communications Commission's (FCC) implementation of provisions of current law which requires the telecommunications industry to pay fees to recoup costs of regulatory functions. There has been concern that these fees have not in the past and are not presently being properly assessed. While I do not take a position on this matter at this time, I do think it is important to get a thorough examination of the issue. The GAO study will provide such a review.

Furthermore, the bill includes provisions of a bill introduced and led through the legislative process in the House by my fellow Commerce Committee colleague, Mrs. WILSON, on the issue of improving the privacy protections afforded users of wireless communications devices. This bill, H.R. 514, overwhelmingly passed the House earlier this year. Inclusion of these provisions in this bill is a natural partnering of wireless telecommunications issues and will ease member consideration of these important concepts.

Wireless customers will benefit because their monthly bills will be simpler and the possibility of double taxation of their mobile calls from competing jurisdictions will be greatly reduced. Tax administration will be simplified for both government and industry.

I want to thank my colleagues for joining me in introducing this legislation. I look forward to working with all of them to ensure the full and speedy consideration of this proposal. I urge all my colleagues to support this legislation.

* * *

COMMUNICATIONS SATELLITE COMPETITION AND PRIVATIZATION ACT OF 1999

SPEECH OF

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1999

Mr. WYNN. Mr. Speaker, today we consider H.R. 3261, the Communications Satellite Competition and Privatization Act. I do not think that anyone in the House would disagree with this bill's purpose to create increased competition in the global communication satellite industry. This goal is commendable. However, I would like to express some concern about one of the provisions in this bill.

First, let me say that, I am pleased that this bill would permit Lockheed Martin and COMSAT to complete their merger. This transaction, which has received approval from the Department of Justice, and has passed the first phase of FCC approval, has been in need of enabling legislation for over a year.

Unfortunately, this bill puts unnecessary conditions on the lifting of COMSAT's ownership cap and therefore on the Lockheed Martin-COMSAT merger. Earlier this year, the Senate passed satellite reform legislation, which does not contain these restrictions. It is my view that the House should not impose new restrictions during this process of creating open competition.

In conference, I would urge my colleagues to support the removal of the conditions on the Lockheed Martin-COMSAT merger. This merger is important for my constituents in Maryland, not withstanding American consumers who deserve more competition in the satellite services market.

IN HONOR OF JAY W. WEISS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Ms. ROS-LEHTINEN. Mr. Speaker, Mr. Jay Weiss a true philanthropist in my Congressional district, who while a successful businessman, has always believed that it is one's duty to give back to the community.

Jay has contributed a great deal to our community and especially to Jackson Memorial Hospital, located in Miami, Florida.

For those associated with Jackson, Jay Weiss will always be seen as its patron, as he has selflessly devoted himself to promoting the humanitarian mission of the hospital.

Over the last decade, many of the strides and accomplishments of the hospital can be attributed to Jay.

It was his vision and foresight which led to the creation of the Ryder Trauma Center.

In this spirit, the Jay W. Weiss Humanitarian Award was established in 1993, to recognize outstanding leadership and selfless service.

Jay has also been recognized by the National Conference for Community Injustice as a Silver Medallion Honoree. Additionally, he has served as a member of the University of Miami Board of Trustees and chaired the Board of Sylvester Cancer Center for the past seven years.

Miami has truly been blessed by Jay Weiss.

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A TRIBUTE TO BRIGADIER GENERAL PATRICK O. ADAMS, OF CAPE GIRARDEAU, MISSOURI ON HIS RETIREMENT FROM THE U.S. AIR FORCE

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mrs. EMERSON Mr. Speaker, on February 1, 2000, Brigadier General Patrick O. Adams, United States Air Force, of Cape Girardeau, Missouri, will retire from active military service, culminating a long and distinguished career in the service of his country. His accomplishments touched every Soldier, Sailor, Airman, Marine serving in the US Armed Forces, an accomplishment few individuals in a career or even a lifetime can claim.

Brigadier General Adams was born in Cape Gilrardeau, Missouri and was commissioned with through the Air Force Reserve Officer Training Corps following his graduation from the University of Missouri at Columbia in 1968. Brigadier General Adams has spent the majority of his career in personal management positions. He has been stationed in Alabama, Texas, Oklahoma, and Colorado. His overseas assignments include Iran, Vietnam, Thailand, and Bulgaria.

Brigadier General Adams, distinguished himself by exceptionally brilliant service while serving his country in an exemplary career spanning over 31 years. In his final assignment as the Director, Manpower and Personnel, J–1, the Joint Staff, BG Adams displayed uncommon initiative and leadership in

Department of Defense personnel programs. He is well known for his enthusiastic, proactive approach to implementing the most significant personnel compensation changes since the All-Volunteer Force (AVF) was created. BG Adams personally crafted, advocated and led an effort to avert future personnel shortages. His efforts in identifying the negative trends in recruiting and retention and his personal advocacy for the necessary pay and compensation actions led to the most significant Pay and Retirement Reform actions in the last 15 years. His work is at the core of the benefits package that was adopted as part of the FY2000 National Defense Authorization Act.

I would like to take this opportunity to congratulate Brigadier General Adams for his outstanding service to his country.

SALUTING THE MODEL OF LABOR AND MANAGEMENT COOPERATION BY KAISER PERMANENTE AND SERVICE EMPLOYEES INTERNATIONAL UNION

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to salute and pay tribute to a model of labor and management cooperation, Kaiser Permanente and Service Employees International Union (SEIU) Local 96. Over the course of six months, Kaiser and SEIU worked diligently to craft a cooperative solution to their employment contract. Throughout the process, joint management and union committees met weekly to reach agreement on both economic and non-economic issues.

SEIU #96 and Kaiser Permanente approached their negotiations in a win-win manner. This collaborative process utilized an Interest Based Bargaining (IBB) technique focused on creative problem solving and developing stronger relationships between the two partners. A Mediator from the Federal Mediation and Conciliation Service (FMCS) facilitated the process.

The uniqueness of this labor and management partnership is that it represents the first time in the U.S. that IBB has been used on two contracts simultaneously. The ratified agreement includes both technical/clerical staff and professional staff bargaining units with Kaiser Permanente. The three year agreement builds upon the innovation of the IBB negotiation process by including a performance based pay system with a bonus program for all employees based upon quality improvements occurring.

This monumental accomplishment would not have been possible without the foundation established by both SEIU and Kaiser's commitment to cooperation as demonstrated by their participation in the Labor-Management Council of Greater Kansas City. Further on a national level, Kaiser and the AFL–CIO agreed in 1997 to remain neutral during any union organizing card drives. This cooperation has further evolved through the signing of this three year agreement.

Mr. Speaker, please join me in honoring the Executive Director of SEIU Local 96, Sherwin Carroll, and the President of Kaiser Permanente Kansas City Region, Cynthia Finter, for their leadership in crafting this cooperative process. Finally, Mr. Speaker, please join me in applauding Kaiser Permanente and SEIU #96 for being pioneers and national role models in labor-management cooperative partnerships.

HONORING OF THE CAREER AND CONTRIBUTIONS OF RANDY OWEN

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. ADERHOLT. Mr. Speaker, I believe that it is fitting that we pay tribute to a great American, who has made outstanding contributions to our nation, and its culture. He is an artist; he is a musician; he is a father; he is a husband; he is a great man who has lived his life based on principle, and has been a strong and beautiful voice from a mountain top, not only in Alabama, but all across this nation, and all over the world.

Randy Yeuell Owen was born in Fort Payne, Alabama, on December 13, 1949. He and his two sisters were raised in a close-knit family near Lookout Mountain in DeKalb County, Alabama. As a child, Randy, along with his two young sisters, grew up in the rural South working in the fields and picking cotton. Times were hard and there was no money left for entertainment after the bills were paid, so the family spent much of their time singing and playing gospel music. This family entertainment led to the formation of his first band, "The Singing Owens." By the time that Randy entered the fifth grade, he along with his cousin, Teddy Gentry, decided to pursue a career in country music.

During the early struggling years of the band, Randy took odd jobs laying brick and hanging sheetrock, while also attending college. In 1973, Randy received a Bachelor of Arts in English from Jacksonville State University. That same year, Randy, along with his cousins Teddy Gentry and Jeff Cook, decided to devote themselves entirely to their dream. In the next seven years, Randy, Teddy, and Jeff along with various drummers, performed as a group in Myrtle Beach, South Carolina. It was during these years that he met and courted his wife, Kelly—someone who has stood strongy by Randy through his entire career. Kelly's father, who was stationed near Myrtle Beach, was soon transferred abroad, and Randy and Kelly's relationship continued through correspondence.

In 1980, with drummer Mark Herndon on board, the band's debut album, "My Home's In Alabama," was released by RCA and every song from it became a #1 hit. In 1981, "Alabama" was named Top Vocal Group of the Year by the Country Music Association. As the years followed, so did the awards—200 major music awards were bestowed upon the group over the next 15 years.

The most well-known of Randy's charity events, June Jam, is by no means the only charitable cause with which Randy has been involved. He serves as the Celebrity Spokesman for the Alabama Sheriff's Boys and Girls Ranches. He has received the Tamer Award, which is the highest award given for service to St. Jude Hospital on a national level. Currently, he serves as the Spokesperson for the St. Jude's Country Cares Radiothon, raising millions for the Research Hospital.

While Randy has traveled all over the world, and performed all across the United States, as well as abroad, he has never forgotten his community, and his home State, Alabama. Randy resides with his wife Kelly, and three children who have supported their Dad all the way—Alison, Heath and Randa, near Fort Payne, Alabama, which I am proud to represent in the Fourth Congressional District.

With all the honors that have been bestowed over the years, one of the most significant awards came to Randy in 1999, when he was awarded the Alabama Father of the Year by the Alabama Cattlewomen. He says his long range goals are "to help my family achieve a gentle way of living and to be known as friendly to the fans and have a good reputation from fellow musicians."

The profound impact that Randy Owen has had on our State, our Nation, and American culture cannot be measured. On behalf of my colleagues, I express our gratitude to Randy Owen, and wish him many, many more years.

AWARDING A CONGRESSIONAL GOLD MEDAL TO FATHER HESBURGH

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mrs. NORTHUP. Mr. Speaker, I rise today to honor Father Theodore Hesburgh. Father Hesburgh, president of the University of Notre Dame from 1952 to 1987, has selflessly devoted his time, energy, visions and dreams on behalf of furthering higher education in this country. In addition, his undaunting service to the underpriviledged communities all across this nation, and the world, has made a significant impact in the lives of so many.

As an educator, you can find impressions of Father Hesburgh's teachings just about anywhere you look. Father Hesburgh encouraged high academic standards and preached a universal commitment to the service and helping of others. He often inspired his students to look at the world through opened eyes and challenged them to go out and make a difference. His dedication to improving the lives of others was global in nature and he knew no boundaries for race or ethnicity. Those who have learned these important life lessons from Father Hesburgh are here in Congress, Presidential Cabinets, Catholic churches, and scattered throughout our local communities.

I am a graduate of Saint Mary's College, the sister institution of Notre Dame, and part of the student body that Father Hesburgh so vastly inspired. For many reasons, I often think back to my college days, and draw upon the values and traditions instilled in me by the mission of these institutions. I truly believe that what I learned under the leadership of Saint Mary's, Notre Dame and Father Hesburgh will help guide me in the right direction as a public servant and make the right decision for those who put their trust in me.

Father Hesburgh was always challenging those he met to be a better person, and the Hesburgh Center for Peace studies is a lasting and continuing tribute to his good work. In addition, his accomplishments from 15 Presidential appointments have contributed greatly to our progress as a nation which strives to provide justice and equality for its people and those throughout the world.

Mr. Speaker, it is my honor to salute Father Hesburgh and to commend the House of Representatives for passing H.R. 1932, which authorizes the President of the United States to award him with a gold medal on behalf of Congress. I can think of none more deserving of this most prestigious honor.

HONORING GEORGE BROWN AND LINUS PAULING

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. LEWIS of California. Mr. Speaker, I would like today to call your attention to an exhibition that has recently opened at the National Museum of Health and Medicine: "Linus Pauling and the Twentieth Century." This exhibition, which was viewed by more than 20,000 school children at the California Institute of Technology, was brought to Washington largely through the efforts of our late friend and colleague, George E. Brown, Jr.

Congressman Brown, as we all know, held a passionate belief that there is a special relationship between excellence in education, pushing back the frontiers of scientific knowledge, and the pursuit of peace. These themes are celebrated by the exhibition on the life, work and times of Linus Pauling.

Dr. Pauling is the only person ever to win two unshared Nobel prizes. In 1954 he was given the Nobel Prize in Chemistry for the discovery of the nature of the chemical bond, and in 1962 he won the Nobel Peace Prize for his efforts to end atmospheric testing of nuclear weapons. Congressman Brown believed that Pauling's commitment to science and to an unwavering idealism make the exhibition on his life especially instructive to today's young people.

Mr. Speaker, I ask you and my colleagues to join me in honoring Congressman Brown for his efforts to bring this exhibition to the Nation's Capital, and to express our appreciation to the organizing committee for making the exhibit possible: Oregon State University, the Linus Pauling family, and the Soka Gakkai International and its founder, Daisaku Ikeda, whose friendship with Pauling inspired the exhibit.

RECOGNIZING THE ARKANSAS BANKERS ASSOCIATION'S SUPPORT FOR FINANCIAL MODERNIZATION

HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. HUTCHINSON. Mr. Speaker, on behalf of the Arkansas Bankers Association, I would like to submit their remarks regarding a specific section of S. 900, the Financial Modernization bill, which has particular interest and importance to Arkansas. This section is titled "Interest Rates and Other Charges at Interstate Branches."

> With the passage of the Riegle-Neal Interstate Banking and Branching Act several years ago, the question arose as to which state law concerning interest rates on loans would apply to branches of the interstate banks operating in a "host state". Would those branches be governed by the interest rate ceiling of the charter location or that of their physical location? The office of the Comptroller of the Currency and the Federal Deposit Insurance Corporation addressed this issue with options that basically give branches of interstate banks the option of being governed by either their home or host state requirements concerning interest rates by structuring the loan process to meet certain requirements.
>
> In Arkansas this has had a profound effect upon our local banking community. Arkansas has a usury ceiling that places the maximum rate that can be charged for many classes of loans at 5% above the Federal Reserve Discount Rate. However, over 40% of our banking locations in the state, those that are branches of non-Arkansas based interstate banks, are in effect no longer governed by this law. The out of state banks are free to price according to risk, and thus charge lower rates for the better credits and higher rates for the lower quality credits. However, local Arkansas banks cannot price according to risk and are thus placed at a significant competitive disadvantage.
>
> In recognition of this inequity and the fact that if not corrected our state may lose virtually all of its local community banks, the Arkansas delegation supports language that provides our local banks with the loan pricing parity in all regards with non-Arkansas interstate banks operating branches in Arkansas. Indeed, this is the intent of the section concerning Interest Rates at Interstate Branching.
>
> The entire Arkansas Delegation is on record supporting this section as well as Governor Mike Huckabee, and Bank Commissioner Frank White. Further, a joint meeting of the state house unanimously passed a resolution requesting the Arkansas Congressional Delegation to address this important issue.
>
> Very simply, the situation of placing local Arkansas banks at a severe competitive disadvantage is a result of the comptroller-general's interpretation of the Riegle-Neal Interstate Banking and Branching Act.

Mr. Speaker, from these words it is clear that the legislation is intended to assist community banks in Arkansas and allow Arkansans to receive loans and invest funds in their home state. With the passage of S. 900, I want to congratulate my colleagues on a job well done. This legislation will enable our financial industry to move into the next century. This bill not only helps states like Arkansas, but the nation as a whole.

PASSAGE OF H.R. 3090

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. YOUNG of Alaska. Mr. Speaker, I would like to provide additional explanatory information regarding the provisions in H.R. 3090.

At the time of passage of H.R. 3090 by the Committee on Resources, the Committee Members on both sides of the aisle agreed that there were likely to be additional changes to this bill prior to its being taken to the floor of the House. Such changes were ones that the Committee anticipated would be developed between the Department of Interior and Elim as well as with the concurrence of the majority and the minority of the Committee. Those changes were worked out. A number of improvements were made to the bill in addition to some reorganization of the sections to assist in providing clarity to the bill. What follows is a brief explanation and a section-by-section analysis of the bill as it is brought before the House.

As I had indicated in my earlier remarks, this legislation is long overdue. It is a matter of equity and fairness that, in furtherance of the underlying goals of the Alaska Native Claims Settlement Act (ANCSA), replacement lands should be conveyed to the Elim Native Corporation under Section 19 of ANCSA. The Committee's intent is that such conveyances authorized in this legislation be treated as other conveyances to Elim were treated in the past with respect to other applicable sections of ANCSA, except that the conveyances under the bill will additionally have certain covenants, reservations, terms, and conditions that are applicable.

It is recognized that the watersheds that are likely to be selected under this provision (Clear Creek, Tubutulik River, and the Qwik River) are ones which provide a vital source of food in the form of fish as well as sustenance for wildlife and plants on which the people of Elim are, in part, dependent.

The Committee considered utilizing the lands on the eastern edge of the original Norton Bay Reservation as replacement lands to Elim for the 50,000 acres which were deleted in 1929. However, because—(1) there have been a number of acres of those lands (in particular along the coastline) which had been conveyed to the Village of Koyuk or which were subject to allotments; (2) of the sensitivity of that area to Koyuk; (3) with the knowledge today that, the rivers to the north of the original Norton Bay Reservation are of substantial significance to the long-term viability of the Elim Native Corporation in to the future, the Committee concluded that the area to the north of the current of boundary of Elim land holdings was a more appropriate place from which Elim should select replacement lands than the original area deleted in 1929.

In addition, provisions were negotiated with Elim which represent a good faith effort by all sides to remedy the injustice to Elim from many years past as well as to protect the resources of this area with several unique natural features. As a result of those negotiations, Elim will have full access to the use of the timber on the lands to be conveyed for building of homes, cabins, lodges, firewood, and other domestic uses on Elim lands, but agreed not to cut or remove Merchantable Timber for sale. This will permit Elim to make beneficial, developmental, and economic use of lands while conserving most of the forested lands for their wildlife habitat benefits.

As a part of the balancing of interests, the Committee agreed to language that would provide a 300 foot buffer area around Clear Creek and the Tubutulik River should they be selected by and conveyed to Elim. In that area, there would be no support structures or development or activities permitted unless they would not or are not likely to cause erosion or siltation that would significantly adversely impact the water quality or fish habitat of these two water courses.

The Committee believes that the bill as reported along with the amendments as brought before the House represents a reasonable and responsible approach to dealing with and resolving this issue. It will remedy an injustice to Elim of many years and do so in a way that is appropriate given the circumstances as they are in 1999.

Provisions of the legislature are further explained in the section-by-section analysis that follows:

SECTION-BY-SECTION ANALYSIS

Section 1. Elim Native Corporation Land Restoration.

This section amends the Alaska Native Claims Settlement Act by amending Section 19 by adding a new subsection (c).

Subsection (c)(1) sets out findings regarding the background and need for the legislation.

Subsection (c)(2) describes the lands to be withdrawn ("Withdrawal Area") by reference to a map dated October 19, 1999, and withdraws the lands from all forms of appropriation or disposition under the public land laws for a two-year period.

Subsection (c)(3) authorizes Elim to select and ultimately receive title to 50,000 acres of lands from the lands inside the Withdrawal Area. The Secretary of the Interior is authorized and directed to convey to Elim the fee to the surface and subsurface estate in 50,000 acres of valid selections subject to the convenants, reservations, terms and conditions in subsection (c).

Subsection (c)(3)(A) provides two years after the date of enactment for Elim to make its selections. To ensure that it receives the 50,000 acres, under this subparagraph Elim may select up to 60,000 acres and must prioritize its selections at the time it makes the selections. Elim may not revoke or change its priorities. Elim must select a single tract of land adjacent to U.S. Survey No. 2548, Alaska, that is reasonably compact, contiguous, and in whole sections except for two situations. The withdrawn lands remain withdrawn until the Department has conveyed all the lands that Elim Native Corporation is entitled to under subsection (c).

Subsection (c)(3)(B) provides that, in addition to being subject to valid existing rights, Elim's selections may not supercede prior selections by the State of Alaska or other Native corporations, or valid entries by private individuals unless the State, Native Corporation, or individual relinquishes the selection entry prior to conveyance to Elim.

Subsection (c)(3)(C) provides that, on receipt of the Conveyance Lands, Elim will have all the legal rights and benefits as landowner of land conveyed under this Act subject to the covenants, reservations, terms and conditions in subsection (c). All other provisions of this Act that were applicable to conveyances under subsection (b) are applicable to conveyances under subsection (c).

Subsection (c)(3)(D) makes clear that selection by and conveyance to Elim Native Corporation of these lands is in full satisfaction of any claim by Elim Native Corporation of entitlement to lands under section 19 of this Act.

Subsection (c)(4) provides that the covenants, terms and conditions in this paragraph and in paragraphs (5) and (6) will run with the land and be incorporated into any interim conveyance or patent conveying the lands to Elim.

Subsection (c)(4)(A) provides that Elim has all the rights of landowner to, and to utilize, the timber resources of the Conveyance Lands including construction of homes, cabins, for firewood and other domestic uses on any Elim lands, except for cutting and removing Merchantable Timber for sale and constructing roads and related infrastructure for the support of such cutting and removing timber for sale.

Subsection (c)(4)(B) modifies P.L.O. 5563 to permit selection by Elim of lands encompassing prior withdrawals of hot or medicinal springs subject to the applicable covenants, reservations, terms and conditions in paragraphs (5) and (6).

Subsection (c)(4)(C) provides that if Elim receives conveyance to lands encompassing the Tubutulik River of Clear Creek, or both, Elim will not allow activities in the bed or within 300 feet of these water courses which would cause or would likely cause erosion or siltation so as to significantly adversely impact water quality or fish habitat.

Subsection (c)(5)(A) sets forth the first of a series of rights to be retained by the United States in the conveyances in paragraph (3). Subparagraph (A) is a retained right to enter the conveyance lands for purposes outlined after providing notice to Elim and an opportunity to have a representative present.

Subsection (c)(5)(B) provides for retaining rights and remedies against persons who cut or remove Merchantable Timber.

Subsection (c)(5)(C) provides for the retention of the right to reforest if Merchantable Timber is destroyed by fire, insects, disease or other man-made or natural occurrence, except for such occurrences that occur from Elim's exercise of its rights to use the conveyance lands as landowner.

Subsection (c)(5)(D) provides for the retention of the right of ingress and egress to the public under section 17(b) of ANCSA to allow the public to visit, for non-commercial purposes, the hot springs located on the conveyance lands and to use any part of the hot springs that is not commercially developed.

Subsection (c)(5)(E) provides for retaining the right to the United States to enter the conveyance lands containing hot springs in order to conduct scientific research. It also ensures that such research can be conducted and that the results of such research can be used without any compensation to Elim. This subparagraph also provides an equal right to Elim to conduct such research on the hot springs and to use the results of the research without compensation to the United States.

Subsection (c)(5)(F) provides for the retention of a covenant that restricts commercial development of the hot springs by Elim to a maximum of 15% of the hot springs and 15% of the land within ¼ mile of the hot springs. This subparagraph also provides that any commercial development of those hot springs will not alter the natural hydrologic or thermal system associated with the hot springs. The provision makes clear that at least 85% of the lands within ¼ mile of the hot springs should be left in their natural state.

Subsection (c)(5)(G) provides that retaining the right to exercise prosecutorial discretion in the enforcement of any covenant, reservation, term or condition does not waive the right to enforce such covenant, reservation, term or condition.

Subsection (c)(6)(A) provides for the Secretary and Elim, acting in good faith, to enter into a Memorandum of Understanding (MOU) to implement Subsection (c). The subparagraph requires that the MOU include reasonable measures to protect plants and animals in the hot springs and within ¼ mile of the hot springs. This subparagraph requires that the parties agree to meet periodically to review the MOU and to amend/replace are extended.

Subsection (c)(6)(B) provides for Elim to incorporate the covenants, reservations, terms and conditions set forth in subsection (c) in any deed or other instrument by which Elim divests itself of any interest in all or portion of the Conveyance Lands.

Subsection (c)(6)(C) requires that the BLM, in consultation with Elim, will reserve easements under subsection 17(b) of this Act.

Subsection (c)(6)(D) provides for the retention of other easements by the BLM, in consultation with Elim, including the right of the public to enter upon and travel along the Tubutulik River and Clear Creek within the Conveyance Lands. This subparagraph provides that the easements shall include trails confined to foot travel along each bank of the Tubutulik River and Clear Creek. This subparagraph requires also that trails be twenty-five feet wide and upland of the ordinary high water mark. It also provides for including one-acre sites along the two water courses referenced, that the sites be selected in consultation with Elim and that they be utilized for launching and taking out water craft as well as for short term (twenty-four hours) camping, unless Elim consents to a longer period.

Subsection (c)(6)(E) provides that the inholders within the boundaries of the Conveyance Lands have rights of ingress and egress. It provides also that the inholder may not exercise these rights in a manner that might result in substantial damage to the surface of the lands and may not make any permanent improvements to the conveyance lands without the consent of Elim.

Subsection (c)(6)(F) provides that the Bureau of Land Management may reserve an easement for the Iditarod National Historic Trail in the land conveyance to Elim.

Subsection (c)(7) authorizes appropriations as may be necessary to implement subsection (c).

Section two. Common Stock to Adopted-Out Descendants.

Section 7(h) of the Alaska Native Claims Settlement Act sets forth the general rules pertaining to the issuance and transfer of common stock in an Alaska Native Corporation, which stock is referred to as Settlement Common Stock. Generally, the holder of Settlement Common Stock is not permitted to sell, pledge or otherwise alienate this stock. However, Section 7(h)(1)(C) of ANCSA provides certain exceptions to the general prohibition on the alienation of Settlement Common Stock. Under Section 7(h)(1)(C)(iii), the holder of Settlement Common Stock may transfer some or all of the Settlement Common Stock to a close family member by inter vivos gift. Gifts of Settlement Common Stock are permitted to, among others, a child, grandchild or great-grandchild.

Alaska state law has been interpreted to sever, for all purposes, the relationship between a family and a child who has been adopted out, or for whom parental rights have been relinquished or terminated. Thus, under existing law, a holder of Settlement Common Stock may not inter vivos gift transfer Settlement Common Stock to a child who has been adopted by another family. The proposed amendment in Section 2 will permit the biological family of an Alaska Native child to make an inter vivos gift to that child of Settlement Common Stock, regardless of the child's adoption into a non-Native family, or the relinquishment or termination of parental rights. The enactment of the provisions of Section 2 will resolve the problem currently faced by some Alaska Native children who are unable to receive shares in an Alaska Native Corporation because the relationship with their biological family has been legally severed under Alaska State law.

Section three. Definition of Settlement Trust.

Congress enacted the settlement trust option in ANCSA to allow Alaska Native Corporations to establish trusts to hold assets for the benefit of Alaska Native Shareholders. As the law currently stands, these trusts may only benefit holders of Settlement Common Stock. The amendments contained in Section three will permit Native Corporation shareholders, by the vote of a majority of shares, to extend this benefit of ANCSA to all of the Native people in their community, including the children and grandchildren of the original stockholders, regardless of whether they yet own stock in the Native Corporation. This amendment redefines "settlement trust" to permit Native Corporations to establish settlement trusts in which potential beneficiaries include shareholders, Natives and descendants of Natives. Because ANCSA was enacted to benefit all Natives, this amendment is in keeping with the original intent of that legislation. At the same time, the interests of Alaska Native Corporation shareholders are protected because this option is available only to those Corporations whose shareholders vote, by a majority of all outstanding voting shares, to benefit non-shareholders

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TRIBUTE TO THE PEOPLE OF WAMU

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Ms. NORTON. Mr. Speaker, I rise today to ask the House to join me in honoring WAMU 88.5 FM's regional public affairs program, Metro Connection, which recently won not one but two Achievement in Radio Awards in the 13th annual competition sponsored by the March of Dimes to recognize excellence in Washington area radio. Washington area residents are especially proud that this is the fourth consecutive year that Metro Connection is being honored as the best locally produced public affairs long-form program. Washingtonians have long admired the professionalism and wonderfully interesting programming of those sharing in the honors, including News Director Kathy Merritt, line producer David Furst, and reporters Annie Wu, Lakshmi Singh, Julianne Welby, and Lex Gillespie. Metro Connection also won the best news series award for its "20th Century Washington" series, a review of the city of Washington as it has evolved during this century. Kathy Merritt, David Furst, Annie Wu, Lex Gillespie and Andrew Pergam, who received this award, take us on a fascinating journey in a 10 part series, one story for each decade of the century, with special features each month. This is radio at its substantive and interesting best. Those of us fortunate enough to live within listening range of WAMU's Metro Connection value its focus on us, on where we live, and on what we do. Metro Connection is an especially welcome visitor in Washington area homes on Saturday mornings at 11 a.m.

Mr. Speaker, many Members of the House and Senate count themselves among WAMU's 454,000 avid listeners in the Washington area. Congressional Members of every political stripe listen with appreciation to WAMU's variety of news and public affairs programming, to its celebrated and elegant talk show host Diane Rehm, to Public Interest with Kojo Nnamdi, and to its bluegrass and other music. Now Metro Connection and its creators have brought honor to their medium and their hometown station. WAMU is a beacon of broadcasting excellence. I ask my colleagues to join me in honoring the people who have made WAMU an award winning resource for the residents of the Washington area.

HONORING THE LATE JOE SERNA

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Ms. PELOSI. Mr. Speaker, Joe Serna was a good man and an outstanding Mayor. I was honored to join my colleagues this week and support House Resolution 363, recognizing and honoring Sacramento, California, Mayor Joe Serna, Jr., and expressing the condolences of the House of Representatives to his family and the people of Sacramento on his death.

As a son of an immigrant farm worker, he learned the values of hard work which exemplified his career. Eager to help others, Joe entered the Peace Corps in 1966. When he returned to California, he joined the faculty at California State University, Sacramento, in 1969 becoming a professor of Government. He was so good at energizing and inspiring his students that in 1991 he received the Distinguished Faculty Award.

Joe Serna decided to continue serving his community by being first elected to the Sacramento City Council in 1981 and reelected in 1985 and 1989. He was then elected mayor of Sacramento in 1992 and again in 1996.

Joe Botz of Sacramento wrote a Letter-to-Editor in the Sacramento Bee last week, which I believe embodies Joe Serna's legacy as a political role model and as a leader. Botz wrote, "Most citizens look at the day when citizen-politicians governed us. Serna was a living and working embodiment of those days. He was brash and arrogant as he looked after Sacramento and its citizens' best interests in the larger political level. But on an interpersonal level, he expressed deep concern and intense compassion of all River City citizens, particularly the poor and disadvantaged."

Joe Serna possessed an unparalleled commitment to helping others. He fought for the underdog and befriended those who needed him the most. For that Mr. Speaker, I will always look up to Joe Serna.

H.R. 2668, STREAMLINING FEC

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. HOYER. Mr. Speaker, let's lift FEC reform out of legislative limbo where it has been for twenty years. Before we leave for the year let's pass H.R. 2668, a bill to streamline FEC procedures and improve FEC reporting.

The bill is not controversial—it has broad support on both sides of the aisle and it is needed. There is simply no reason not to pass this bill today.

In September I wrote to Speaker HASTERT requesting that this bill be placed on the suspension calendar. It is a good bill—sponsored by House Administration Chair BILL THOMAS—and voted unanimously out of the House Administration Committee earlier this year.

The bill contains most of the provisions in the bill introduced earlier this year. It was prepared with the support and assistance of the six Republican and Democratic FEC Commissioners. In addition to the support of the Commission, H.R. 2668 is supported by Members on both sides of the aisle.

It would: Improve disclosure of State activity; make it easier for contributors to comply with the law; remove obsolete provisions; and broaden candidate's commercial lending options.

Earlier this year, we voted on this bill on the floor of the House. Like almost every one of my Democratic colleagues and a broad group of Republicans, I voted against the bill. I voted against FEC reform because it would have blocked a vote on the bi-partisan campaign finance reform bill sponsored by Reps. SHAYS and MEEHAN. FEC reform deserves our support on its own merits. It should not continue to be used as a pawn in the larger debate.

In my opinion, FEC reform should not have been a part of that debate. That is because—as Chairman THOMAS has repeatedly stressed, H.R. 2668 is not about campaign finance reform—H.R. 2668 is about making the routine procedural reforms that are needed over the course of time by all agencies.

Unlike other Executive branch agencies that request and receive noncontroversial legislative changes to aid in the efficient and effective operation of the agency—changes requested by the FEC simply don't happen.

For over twenty years, the FEC has annually sent to Congress requested statutory changes. And each year—just like in our recent campaign finance debate—provisions that are needed and have no real opposition become tangled up in our debate about how to ensure the integrity of our campaign finance system.

But this year we can do it differently. We have a solid FEC reform bill that combines needed changes into one package. We have bipartisan support for the bill.

If we fail to act it means that the work that we did in the House Administration Committee to create this worthwhile bill was just a cynical game to defeat comprehensive campaign finance reform. I have asked Speaker HASTERT to bring H.R. 2668 to the floor on the suspension calendar—and I urge him to do so again today. FEC reform standing alone is worthwhile. We have the chance to pass it and we should.

HONORING DR. JACK TURNER

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. GORDON. Mr. Speaker, I rise today to recognize Dr. Jack Turner for 30 years of service to Middle Tennessee State University as an associate professor of political science.

Dr. Turner has had a profound effect on many Middle Tennesseans. His patience and perseverance with the teaching profession have been invaluable assets to the Middle Tennessee community. Over the years, many members of my staff have had the benefit of his guidance. I, too, have had that privilege as a student, as well as being a colleague through my own teaching experience at Middle Tennessee State University.

I ask today that we recognize this man for his 30 years of achievement and dedication to the teaching profession and to Middle Tennessee State University. He has certainly benefitted young minds with his vast knowledge and experience. As a representative of Middle Tennessee, I feel the same regret that the community feels to see Dr. Turner retire. I am, however, confident that he will contribute to the community in many other ways. So, I ask my colleagues in the U.S. House of Representatives today to join me in wishing him well in his future endeavors.

REVERSE TREND OF HATRED AND ANTI-AFFIRMATIVE ACTION

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. CUMMINGS. Mr. Speaker, I graduated from the University of Maryland School of Law in 1976. Twenty-three years later, in 1999, African Americans attending this University, in the shadow of our nation's capital, are receiving racist hate mail and threats.

Is it possible that instead of keeping our forward impetus as the most enlightened society in the world, the ignorant have taken the reins and are steering us backwards into the new millennium?

Well, recently, Florida Governor Jeb Bush closed the door of opportunity to many minorities by overturning affirmative action in state college admissions. This will result in exclusion; preventing us from realizing our full potential as a nation and I urge the Board of Regents to reject this action.

I also call upon this entire nation to reverse the trend toward the subversion of diversity and equality. Let's take the reins and steer this nation forward.

CLOVIS CHAMBER OF COMMERCE SALUTE TO BUSINESS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the Clovis Chamber of Commerce 1999 Salute to Business honorees for their hard work and accomplishments. The honorees are: Anlin Industries, N&N Boats, Vicki Dobbs, and David Maestas.

Anlin Industries is being honored as the 1999 Industrial Company of the Year. Anlin Industries is a vinyl window and door manufacturer that started eight years ago in October of 1991 with four employees, and no sales. In 1996, Anlin sales were $9.6 million with a seven figure net profit before taxes with 100 employees. This year Anlin Industries now has 183 employees with $21 million in sales. President Thomas Vidmar attributes all of Anlin Industries success to the hard work of its employees.

Anlin's mission is to be the preeminent replacement window and door manufacturer in the country, providing their customers with the highest quality products and service in the business. Earning a fair return on investment and continually reinvesting those profits in their people and the business, ensuring Anlin's long term success and career opportunities for generations to come.

N&N Boats and Mr. Rich Lyons is the 1999 Small Business of the Year Award recipient. Rich Lyons has been in the boating industry since 1977. He established N&N Boats in April 1994 when N&N Marine closed after 27 years in the Fresno/Clovis area. Initially the business was repairing boats and selling parts. Today they have a line of new boats and accessories. N&N Boats has assisted Western Directory with the sponsorship of the Chamber Golf Tournament for the past two years.

Vicki Dobbs is the 1999 Professional Business Woman of the year. Vicki is a Realtor, and a native of Fresno graduating from California State University, Fresno as one of the first women in ag-education in the Valley. Vicki is a strong advocate for agriculture and the need for broad based agricultural education programs. She supports the Ag Advisory Committee, the Clovis FFA, and serves as a Director on the Board for the Foundation for Clovis Schools. Vicki also supports the Clovis Police Activities League and has been involved with the Clovis High Ag Boosters. Vicki is an Executive Ambassador for the Clovis Chamber of Commerce and was elected to the Board of Directors. She has been voted the Best Realtor in Clovis for the past several years by readers of the Clovis Independent. Vicki Dobbs is the top producing sales associate for the Clovis office of Guarantee Real Estate. She is definitely tuned into Clovis and its unique way of life.

David Maestas is the Einar Cook Leadership Award recipient. The Einar Cook Leadership Award was developed to recognize those who step forward with a vision and are willing to work for what they believe in. David Maestas served eight years in the Army in the Military police. He then became active in the Title-Escrow Industry where he received the top sales award in the President's Diamond Club five years in a row. He also was acting President in the Four Seasons Leads Group and President of the Optimist Club. David and his wife Jodie moved to Fresno in 1994 both working for First American Title Company. In just a few years, David and Jodie held a tremendous percentage of sales for the Clovis-Fresno area. With their involvement with the Clovis Chamber and the Clovis area, they were offered a new office location in Clovis, providing they could combine their efforts and increase sales by 5 percent. The Clovis office became the number 1 Office in Market share in Clovis and has been voted the Best Title-Escrow office four years in a row by the Clovis Independent. David received the Clovis Chamber of Commerce Volunteer of the Year Award and was designated as the Ambassador of the Year for the Chamber. David founded the Chamber's Professional Executives Network and served as President of the Miss Clovis Scholarship Associaiton. He served as the 1998 Chairman Elect for the Clovis Chamber of Commerce Board of Directors and served as President in 1999.

Mr. Speaker, it is with great pleasure that I rise to honor these recipients as they are being honored at the Clovis Chamber of Commerce Salute to Business Luncheon. I want to congratulate Anlin Industries, N&N Boats, Vicki Dobbs, and David Maestas for their hard work and dedication to the community and the Clovis Chamber of Commerce. I urge my colleagues to join me in wishing them many more years of continued success.

A TRIBUTE TO ONE OF FT. GREENE'S JEWELS, GEORGIANNA TURNER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. TOWNS. Mr. Speaker, as we close out the last Congressional session of the 20th century, I want to recognize the century of achievements by one of Brooklyn's finest residents, Georgianna Turner.

A native of St. Anne Parish in Jamaica, she was just a young girl of 18, when she immigrated to the United States with her older sister, Lee, and young niece, Vera around 1915. While she has lived in the U.S. for 84 years, she has been a resident of Brooklyn's Fort

Greene neighborhood for 41 years. During these four decades, Mrs. Turner has been an active participant in the life of her community.

While the Ft. Greene community was recently described by New York Magazine as undergoing "a new residential renaissance", the neighborhood was a different place in the '50's and '60's when Georgianna Turner first moved to South Oxford Street. Many of the brownstones had been converted to rooming houses and flop houses making everyday life quite a challenge. Mrs. Turner and a committed band of neighbors resolved to reclaim the block and worked tirelessly for decades to establish the Ft. Greene neighborhood, and especially South Oxford Street, as one of the premiere blocks in Brooklyn. Working with Mr. Percy Buchannan who was, then, the head of the South Oxford Street Block Association, along with other long term residents like Nancy Johnson, Hazel Slaughter, and William Turner (no relation). Georgianna Turner went from block to block galvanizing community support, exposing drug activity, and vociferously advocating for the changes that would make the neighborhood a better place to live.

Mrs. Turner remembers the years when she had to endure repeated vandalism to her home in response to her activism. She risked her life on the line by reporting drug activity. Ever fearless, Georgianna Turner and her cohorts in the South Oxford Street Block Association were not to be stopped. They worked hand-in-hand with local politicians, the police department, the sanitation department, the Board of Health, local churches—especially Queen of All Saints (where she has been a faithful member of 40 years), Lafayette Presbyterian Church—and whoever else would help them clean up the blocks from South Elliott to Clinton Avenue. She especially recalls their concerted effort to "get rid of the Atlantic Avenue meat market that was the scourge of the neighborhood, get the bums off the street, and get the trash cleaned up".

Before real estate speculators and the Brooklyn Academy of Music was envisioned, the quiet, determined approach of residents like Georgianna Turner paved the way for the real-estate and economic boom that Ft. Greene is experiencing today. Though she never sought fame or fortune for her community activism, Georgianna Turner has received countless accolades for her valiant efforts. Her legacy has been to create a clean, safe, stable community of which she and her colleagues in the South Oxford Street Block Association can be proud.

On August 18, 1999, Georgianna Turner celebrated her 100th birthday. I want to salute this "grand old lady" as we end the last session of Congress in the 20th century. She leaves Brooklyn with a legacy that will endure long into the next century. I urge my colleagues to join me in acknowledging the splendid work of one of Ft. Greene's finest jewels, Georgianna Turner.

IN SPECIAL RECOGNITION OF RICHARD E. SCHUMACHER ON THE OCCASION OF HIS RETIREMENT FROM THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to one of the truly outstanding individuals from the state of Ohio, Mr. Richard E. Schumacher. On December 31, 1999, Richard Schumacher will retire from his position as Executive Director of the Ohio Public Employees Retirement System (PERS).

For thirty-nine years, Richard Schumacher has been a valuable asset to Ohio's retirees and his colleagues at PERS. He joined the staff at PERS in 1960, and since then has worked diligently to serve the state of Ohio and ensure that PERS remains strong far into the future. Beginning his tenure with PERS as an accountant, he steadily advanced through various positions including assistant director, controller, and deputy director. Finally, in 1991, Richard Schumacher was appointed as the Executive Director of the system.

Throughout his career, Richard Schumacher has upheld the high standards of the Ohio Public Employees Retirement System. In performing the duties of Executive Director, he has demonstrated the kind of integrity that Ohioans expect from our government leaders. His hard work for nearly four decades has helped PERS flourish into one of the premier public employee retirement systems in the country. Under his strong leadership, PERS assets have grown from $440 million to $53 billion. In the thirty-nine years Richard Schumacher has worked for PERS, he has watched the system grow to more than 350 employees, 125,000 beneficiaries, and 371,000 contributing public employees. Clearly, Richard Schumacher has undertaken successfully the task of building and growing PERS for Ohio's public employees.

Richard Schumacher is an outstanding public servant and a standard bearer in his profession. He has served on numerous boards and associations including terms as president and vice president of the National Association of State Retirement Administrators, the Board of Trustees of the Ohio Government Finance Officers Association, and the Government Accounting Standards Advisory Committee.

Mr. Speaker, it is often said that America succeeds due to the remarkable accomplishments and contributions of her citizens. It is evident that Richard Schumacher has given of his time and energy to assist Ohio's public retirees. For his efforts, we certainly owe him a debt of gratitude that mere words cannot sufficiently express. At this time, I would ask my colleagues of the 106th Congress to stand and join me in paying special tribute to Richard E. Schumacher. On the occasion of his retirement as Executive Director of the Ohio Public Employees Retirement System, we thank him for his dedicated service and we wish him all the best in the future.

CELEBRATING OF THE TENTH ANNIVERSARY OF THE VELVET REVOLUTION

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. GEJDENSON. Mr. Speaker, I rise to pay tribute to the tenth anniversary of the Velvet Revolution in Czechoslovakia.

In 1989, the people of Czechoslovakia ended 41 years of dictatorship in a non-violent effort of civil disobedience. The moral authority of the Czech and Slovak peoples overwhelmed the discredited regime clinging to power after the fall of the Berlin Wall.

After World War II, the communist dictatorship installed in Prague sought to stamp out the rich tradition of democracy and intellectual debate in Czechoslovakia by imprisoning tens of thousands of dissidents and resistance fighters. Thousands of others were killed while serving in jails and labor camps or while attempting to flee the country. Asphyxiating central economic planning stifled the entrepreneurial spirit of the Czech people.

As revolutionary ideas swept across the continent in 1968, the flowers of the Prague Spring emerged from the cracks in the Iron Curtain. Alexander Dubcek's vision of "socialism with a human face" gained currency with the Czech population only to be crushed by Soviet tanks—sent by anxious leaders in Moscow.

When the people of Czechoslovakia marked the first anniversary of the Soviet crackdown in August 1969, it demonstrated that the resistance of that fatal Spring would not soon be forgotten. Nonetheless, resistance against the regime lost momentum for a number of years until the eighties when the dissident movement percolated once again in the churches and cafes of Czechoslovakian society.

The man who became the symbol of this movement would become one of the defining individuals of the last 20th century, Vaclav Havel. The famous playright who mocked communist duplicity, conformity, and bureaucracy was jailed soon after he helped draft and distribute Charter 77, an anti-Communist manifesto originally signed by 242 people. Havel emerged as a dissident who trumpeted that "truth and love must prevail over lies and hatred."

Ten years ago this month in Czechoslovakia, the temperature of dissent reached the boiling point. Police brutally dispersed public rallies in Bratislava and Prague on November 16 and 17. Daily mass gatherings produced a national general strike on November 27 rallied by the motto "End of Governance for One Party and Free Elections." Forced to negotiate with this powerful opposition, the ruling leadership of Czechoslovakia yielded to the formation of the Government of National Understanding with Alexander Dubcek elected as Chairman of the National Parliament and Vaclav Havel as President of the Republic. In a remarkable month, Havel had gone from the theater stage to moving into Prague's Castle as president of a new Republic.

Just as few predicted the breakneck pace of Eastern Bloc dissolution after the fall of the

Berlin Wall, few envisioned the "Velvet Divorce" between the Czech Republic and the Slovak Republic in 1993. It was a tribute to the peoples of both sovereign nations that the split was non-violent, a sharp contrast to the violence which accompanied transition in a number of other post-communist societies in Europe.

I had the honor of sitting down with Vaclav Havel when I accompanied President Clinton to the NATO Madrid Summit in July of 1997 when the Alliance invited the Czech Republic, along with Hungary and Poland to apply for membership. We reflected on the changes that had transpired in this society, a subject which lends itself to further discussion on this tenth anniversary as well.

Inevitably, some of the idealism of those heady days of ten years ago has dissipated, as Czechs and Slovaks grapple with the day to day challenges of a democracy and a free market. After opting for separation, the Slovaks chose a repressive leader, Vladamir Meciar, who promptly took the fledgling nation on a u-turn away from democratic pluralism and economic reform.

Nonetheless, the Slovaks changed direction again and are back on a positive course. Relations between the neighboring Czechs and Slovaks have also markedly improved in recent months. In this sequence of events, I believe there are lessons to be learned. With freedom comes the ability to make good and bad choices—and bad decisions will be made time to time in any democracy. It is nonetheless eminently preferable to having decisions forced on a populace by a discredited, installed regime.

What the vibrant Czech and Slovak communities in the United States remind us each day is never to take our freedom for granted because it can be taken away or it can deteriorate into a unrecognizable state. They help us understand the pain that their friends, relatives, and brethern endured when they lost this gift. And they help us recall the remarkable achievement the Czech and Slovak people accomplished together during a remarkable month, one decade ago.

HONORING BRANDI DIAS

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mrs. CAPPS. Mr. Speaker, today I rise to pay tribute to a very brave young woman, Brandi Dias. Ms. Dias suffers from acute myeloid leukemia and recently had a stem cell transplant, using her own marrow to fight the cancer. I am happy to say that she is doing well.

After her own experience with trying unsuccessfully to find a bone marrow donor match, Brandi became interested in attracting volunteers to the National Marrow Donor Program. The National Marrow Donor Program facilitates transplants from volunteers and unrelated donors for patients of all racial and socioeconomic backgrounds. Brandi has focused on attracting and retaining volunteers to participate in the NMDP Registry, where people can search for matching donors.

Believing that donors are more likely to remain committed to the program if they participate in a thorough education program prior to joining the NMDP Registry, Brandi submitted a proposal for a pilot program that will include two-hour seminars covering the process of becoming a bone marrow donor.

I am proud to say that Brandi has received word that her Bone Marrow Donor Pilot Program proposal has been funded. The funding will allow for a donor pilot program in San Luis Obispo County and for four donor drives beginning in January 2000. The goal of this pilot program is to encourage and educate the public about the need for bone marrow donors and to assist in retaining donors on the registry.

And so I salute Brandi Dias today. She has shown courage in her fight against leukemia and transformed this experience into community activism that will benefit patients across San Luis Obispo County. I am proud to represent her in Congress.

RECOGNITING OF A VISIT BY A RUSSIAN DELEGATION TO THE THIRD CONGRESSIONAL DISTRICT OF WISCONSIN

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. KIND. Mr. Speaker, in recent weeks I have read many news articles and heard many interviews which paint a very grim picture of the political and financial situation in Russia. I have seen economic analysts and political pundits shake their heads and ask in very solemn tones, "Who lost Russia?" If I were to believe the most outspoken American leaders and experts, it seems we should just give up on democratic development in Russia and allow the worst-case scenarios to become self-fulfilling prophecies.

But while gloomy forecasts cloud this country's media-based perception of Russia's future, I have good reason to hold out hope for a prosperous Russia and for a strong U.S.-Russian relationship. In September, I hosted a delegation of Russians through the auspices of the Library of Congress and the American Foreign Policy Council. After spending an exceptionally enlightening week with these individuals, I believe the real question facing the West is not who lost Russia—as if it were the West's to lose—or even whether Russia is lost. Rather, the question is how can we help enterprising and industrious Russians, like those I met, work to rebuild their nation.

The delegation that spent a week in my Congressional district in western Wisconsin came from different regions of Russia and different walks of life. As politicians, scientists and financial advisors, these men and women represented their nation well. They looked around a typical Wisconsin dairy farm, walked in a small town parade, toured a state university campus and strolled along the banks of the Mississippi River. All the while they shared with me, with my constituents and with each other, their thoughts about their homeland, its future, and the future of relations between our countries. I was struck by the energy and optimism of these individuals, and by their sincere desire to see their fledgling democracy flourish.

Mr. Sergey Alcksandrovich Klimov is the deputy head of the Votorynets district administration in Nizhney-Novgorod Oblast. Ms. Irina Lovovna Osokina is a deputy of the Moscow City Duma. Mr. Nikolay Mikhaylovich Tarasov is the Mayor of Orsk in the Orenbugh Oblast and a member of the legislative assembly. Mr. Dimitry Valeriyevich Udalov is chairman of the board of the agricultural finance company Russkoye Pole, and deputy of the Saratov regional Duma. Each of these individuals has specific reasons for participating in the delegation to my district, and each had specific interests in comparing the institutions, business ventures and political processes of our two nations. But by the end of their stay, each grew to be friends with the others, as well as with me and my staff, and our shared goals for peace and prosperity outweighed the differences between our respective ways of life.

On their way home, the delegation stopped here in Washington. They were not only impressed by our magnificent capital city, but by the fact that the American people have such direct and open access to their elected leaders and their government. I am glad to say that through this exchange program, myself and many other Members of Congress were able to open this Capitol—the People's House—to our World War II allies as a sign of support for their honorable efforts at home.

Since the fall of the Iron Curtain and the end of Soviet Communism in Russia, the Russian people have strived to reap the fruits of democracy and capitalism. Many in Russia feel that the journey is hopeless and that capitalism will not work for them. I am confident that, based on the four outstanding people I had the honor of hosting, the doubters and naysayers both in Russia and abroad will be proven wrong.

Mr. Speaker, I submit that we have a duty, not only as legislators, but as Americans and as citizens of the world, to help our Russian friends at this critical time in their history. Let us extend a hand both in friendship and assistance. Mortimer B. Zuckerman, Editor-in-Chief of U.S. News & World Report recently wrote: "Russia is not lost. It is still a much better friend of the West than it was under Communism." Mr. Zuckerman went on to say, "The Russians have, in fact, demonstrated an extraordinary resilience . . . The United States and the West will have to appreciate that Russia can only solve its problems its own way." He concluded, "Humility will serve us well. Not everybody needs to be like us." I couldn't agree more. Russia does have a bright future, and the United States has the opportunity to be a friend and partner in that future.

We will, of course, continue to encourage democracy and openness not only in Russia, but in all nations of the world. In the aftermath of the Cold War, such participation remains vital to our national interest. America must be active in the world community to help guide the many newly independent nations in their democratic development.

Mr. Speaker, I made new friends in September; friends I hope learned at least a little from me and my community, as I learned so much from them. Perhaps the greatest thing I learned is how similar are our goals and dreams for our countries, our communities, and our families. I applaud the members of the Russian delegation that visited my district for their dedication and loyalty to their nation, and I wish them well in their efforts to build stronger communities and homes for their families.

FEDERAL WILDLIFE AID

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. SCHAFFER. Mr. Speaker, this legislative session, the House Resources Committee, of which I am a member, held three lengthy hearings on how the U.S. Fish and Wildlife Service has managed the Pittman-Robertson (PR) and Dingell-Johnson (DJ) funds. These funds are paid for through excise taxes collected on all fishing and hunting supplies and outdoor gear. Coloradans pay a disproportionate share of these taxes because of the number of sportsmen and women who live here. In addition, businesses in Colorado collect a large share of the taxes for the federal government because visitors come from all over and spend money to hunt and fish in our great state.

The Fish and Wildlife Service was instructed to distribute the PR-DJ money through the Federal Aid Program to the states to use for conservation and wildlife management. Coloradans pay these taxes without complaint because they are playing a part in improving wildlife and conservation in our state. This fund has helped target money to recover species in Colorado that would have otherwise been endangered without PR-DJ funds. The problem comes when Fish and Wildlife was allowed to use up to 6 percent of one fund and 8 percent of the other to cover administrative costs related to distributing money to the states. Whatever Fish and Wildlife did not use at the end of the year is supposed to go back to the states for more recovery programs.

In the hearings, we heard from the General Accounting Office (GAO), a non-partisan federal auditing agency that the Federal Aid Program within Fish and Wildlife is "one of the worst managed programs we've ever encountered." Fish and Wildlife has been caught red-handed spending funds Congress specifically designated to support conservation and wildlife management. We learned from GAO that rather than returning money to the States, over $30 million was spent on trips to Japan, expensive hotels and dinners, and other unauthorized expenses. They had at least separate slush funds within Fish and Wildlife used for pet projects never approved by Congress. In fact, some of these projects were specifically forbidden. Money was spent on "International Affairs, the Peoples Republic of China," "International Affairs, NAFTA," and other mysterious items unrelated to conservation. When the committee asked, Assistant Interior Secretary Donald Barry, and Director of Fish and Wildlife Service Jamie Clark could not provide an explanation on how this money was helping with conservation and wildlife management in the United States.

We learned that money was also used to fund bonuses for employees who weren't even working for Fish and Wildlife, and, in some cases, to people who weren't even working for the federal government. In addition, employees who have no authority were signing off travel well above the federal limits, on trips in excess of $75,000. Believe it or not, it gets worse. They tried to use these administrative funds, meant to pay a phone bill or buy a desk, to buy an island near Hawaii. The cost of this remote island was $30 million. Fish and Wildlife said it was important to ducks that the Island be preserved. When Congress looked into the island further we found a total of 10 ducks on the Island.

Unfortunately, this is just one program in one agency within the Department of Interior, and there are still several million dollars within Pittman-Robertson, Dingell-Johnson and Fish and Wildlife no one seems to know where it was spent. At the final hearing, I asked for the resignation of Ms. Clark and Mr. Barry if they could not find out where this money was going and stop the waste and illegal spending. Rather than spending $3 million per duck in a remote Island, Fish and Wildlife Service should let the people of Colorado use this money toward something that actually helps conservation and wildlife.

TRIBUTE TO LORRAINE CLAIR

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Ms. KAPTUR. Mr. Speaker, I rise to pay tribute to Lorraine Clair, of Delta, OH. Lorraine passed from this life on October 12, 1999. Lorraine had been an elected official in Fulton County, Ohio since 1983, serving first on the village council, then as Vice Mayor, and was elected Mayor beginning in 1986 through her retirement in 1998.

Lorraine Clair graduated from Liberty Center High School in 1959, went on to study cosmetology at the Toledo Academy of Beauty Culture, and worked as a beautician for many years, eventually leaving her profession to be a wife and mother. Tapped to run for Delta Village Council in 1983, Lorraine entered the political area, a career she clearly enjoyed. As her daughter noted, "After she was named Vice Mayor and then became the Mayor, she just ran from there." At many Fulton County events, Mayor Clair could be found trying to meet with everyone in the room, charming and gracious, chatting amiably or discussing farming, business, families, or issues of the day with ease.

Delta grew and prospered throughout Lorraine's tenure as Mayor. Under her administration a wastewater treatment plant was built, streets were resurfaced and rebuilt, three new housing subdivisions were built, and the village park was developed, including a new shelterhouse. She led the local effort to bring new industry to Delta, which now features two steel mills and the industries which contribute to the mills. Before she had to retire due to declining health, Mayor Clair had begun planning for a new 50,000 gallon water tower. Lorraine's drive as Mayor was summed up by her successor who stated, "She cared quite a bit about the community and the overall quality of life. She was particularly concerned with youth activities and about things for our seniors to do." This summation is an honorable legacy for a woman who remained a lifelong resident of Fulton County, rising to lead one of its communities, and working with fellow elected officials to keep the county a viable community.

In addition to her public legacy, Lorraine Clair leaves an even greater personal one: her children Kirk, Michelle, and Melissa and six grandchildren. We express our heartfelt condolences to them, to her mother Rennetta, brothers Calvin and Tim, and sisters Lorrinda and Leann, and leave them with these words from poet Haydn Marshall, ". . . for every joy that passes something beautiful remains."

IN SPECIAL RECOGNITION OF BEN RICHMOND ON HIS SELECTION AS FEATURED ARTIST FOR THE STATE OF OHIO BICENTENNIAL CELEBRATION

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. GILLMOR. Mr. Speaker, it is with great pleasure that I rise today to pay special tribute to an outstanding individual from the Fifth Congressional District of Ohio. We are fortunate that Ben Richmond makes his home in our area and is able to share his artistic talents with us.

Ben Richmond is without question one of Ohio's premier artists. Concentrating on the rich heritage and natural surroundings of the Great Lakes, Ben Richmond seeks to combine feeling, personality, and clear relationships in each of his paintings. While his paintings and artistic creations are produced in wondrous fashion today, in his youth, art class was not at the top of Ben's priority list. However, with some guidance from his parents and one of his college professors, Ben embarked upon a remarkable career as an artist.

Mr. Speaker, after honing his skills as an artist, Ben graduated from college and went to work in the business world. But, business simply did not capture Ben's imagination and talents the way painting did. So, one weekend, while traveling through Marblehead with his wife, Wendy, they noticed the picturesque beauty of the Lake Erie region. In 1981, the Richmonds purchased a building in the village of Marblehead and turned it into an art gallery. Thus began the artistry of Ben Richmond.

Ben Richmond's myriad collection of works of art seems to have no end. From his signature painting of the Marblehead Lighthouse to the other limited edition paintings, posters, sculptures, and collectibles, the Richmond Galleries has become known as The Collectors Choice for custom artwork and framing. For his accomplishments, Ben Richmond's work has been featured at the Grand Central

Art Galleries in New York, Great Lakes Regional Art Exhibition, the Salmagundi Club in New York, and many others. As well, Ben has received numerous awards and recognitions from the Metropolitan Museum of Art, National Watercolor Society, U.S. Lighthouse Society, Ohio Division of Travel and Tourism, and the Décor Magazine Award of Excellence.

Ben Richmond has also been called upon to showcase his work in the interest of public service. By request of the Governor of the state of Ohio, Ben designed the Ohio lighthouse license plate. Through the sale of the license plate, more than five million dollars has been generated to help clean and maintain the Lake Erie coastline. Not only are Ben Richmond and his wife, Wendy, outstanding entrepreneurs, they are always more than willing to assist their community. Over the years, the Richmonds have graciously and unselfishly given to others. Through grants, scholarships, and other donations, many hospitals, schools, and senior centers have benefited from their generosity. Although they seek no recognition, we applaud their unwavering dedication to their community.

Mr. Speaker, Ben Richmond has inspired many with his work and has been named the Featured Artist for the state of Ohio Bicentennial Celebration in 2003. Ben Richmond will commemorate this historic event with a limited edition print, minted coin, and sculpture of the Ohio Capitol building. I can think of no better way to recognize the hallmark event of Ohio's 200th Anniversary than with the works of Ben Richmond. I would urge my colleagues to stand and join me in paying very special tribute to Ben Richmond for his outstanding contributions to the world of art.

HONORING JOHN HIGHTOWER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. KILDEE. Mr. Speaker, it is a great honor for me to rise before you today to pay tribute to Mr. John Hightower of Flint, Michigan. On November 27, local officials, friends, and family will gather to honor this longtime activist and community leader.

John Hightower moved to Flint in 1952, where he began a long tenure with the Buick Motor Company. He also joined the UAW and rose through its ranks, serving as a committeeman, as well as on the executive boards for Local 599 and Local 659. John also worked as chair of his Local's civil rights committee, working tirelessly to ensure that his fellow employees were treated with equity and respect.

John's sense of civil rights extended into his entrepreneurial activities as well. As the owner of Hightower Construction and Hightower Electric Company, John helped build many prominent churches and other buildings in the Flint area. He provided training for other African Americans who wished to join the business world, helping them receive opportunities that normally would have been denied them in the America of the 1950's and 60's.

When local banks refused to hire qualified African-Americans for jobs, it was John Hightower who organized rallies and marches to protest and ultimately eliminate these injustices. In later years, John furthered his business experience with another business, Montego Travel Office, later known as the Travel Centre of Flint.

Our Flint community owes much to John for his dedication and generosity. Over the years, he has helped citizens gain self-sufficiency and self-respect. He has promoted strong families with strong foundations, and provided food and shelter for the needy.

Mr. Speaker, the celebration to honor John Hightower has a theme entitled "Visions." Truly John has been a visionary, as he has given much of himself to make our community a better place in which to live. I ask my colleagues in the 106th Congress to join me in saluting John Hightower. We owe him a debt of gratitude.

HONORING CARLOS BELTRAN ON WINNING THE 1999 AMERICAN LEAGUE ROOKIE OF THE YEAR

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to honor the new 1999 American League Rookie of the Year, Carlos Beltran of the Kansas City Royals. Carlos was the nearly unanimous choice for the prestigious award after an exceptional season in which he averaged .293 at the plate with 22 homers, 108 RBI, 112 runs, and 25 steals in 35 attempts. Carlos is one of those rare players who has been able to put together power with speed, skill with enthusiasm, and an obvious love for the game. He is widely recognized as one of the brightest and most talented players to come into the game in years, fielding impressive performances both at the plate and on his centerfield beat. Carlos joins a distinguished group of only eight players in baseball history to begin a promising career by surpassing the 100 benchmark in both RBIs and runs. His distinguished colleagues in that group include such baseball greats as Ted Williams, Joe DiMaggio, and another great Kansas City Royal, Fred Lynn, the last outstanding freshman to win the award in 1975. Carlos becomes the third Kansas City Royal to win the Rookie of the Year, joining Lou Pinella in 1969 and Bob Hamelin in 1994.

Carlos has another, even more important reason to celebrate, and further cause for congratulation. Carlos was recently married, and is presently enjoying his honeymoon in the Caribbean with his new bride, Jessica.

At a young 22 years of age, Carlos has begun an auspicious career both on the baseball diamond and as a cherished member of his new and adopted community. Kansas City has warmly welcomed Carlos and encouraged him on his personal and professional quest for excellence. As a fellow Kansas Citian and longtime fan of the Kansas City Royals, I thank Carlos for all his contributions to our team, to baseball, and to the people of Kansas City.

Mr. Speaker, please join me in congratulating Carlos on his marriage, and saluting the 1999 American League Rookie of the Year. Thank you, Mr. Speaker.

THE JOURNEY OF THE MAGI

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. HALL of Ohio. Mr. Speaker, as we approach the new millennium, our focus has been, more or less, with Y2K issues rather than the fact that, for Christians around the world, it represents the 2000th anniversary of the birth of Jesus.

To those and many others, the new millennium provides a rare opportunity for new beginnings and renewed hope which will challenge all people of goodwill to rededicate themselves to the principles of justice, mercy, forgiveness and peace—precepts made more fundamental by the conflict, turmoil and suffering sadly evident in the lands of the Bible and throughout the world.

In this spirit, church families of the Middle East, both ancient and modern, are inviting peace-loving people to join them in celebrating this opportunity and this anniversary commemoration. Sponsored by the Holy Land Trust, part of the commemoration will be a historic reenactment of the Journey of the Magi, the original pilgrimage of the three wise men over 1,000 miles to Bethlehem to witness and honor the birth of Jesus.

This historic undertaking will have pilgrims from many nations traveling for 99 days by foot, horse and camel along ancient caravan routes through six countries that make up the holy lands of the Bible, commencing in mid-September of next year and ending on December 25th in Bethlehem.

Like the three wise men who brought offerings of peace to Bethlehem, the participants in the Journey of the Magi 2000 will also bear modern day offerings. During each day of the 99 days of the trip, humanitarian assistance will be given to the needy people of the country through which the travelers pass.

This pilgrimage of peace is being coordinated by the Holy Land Trust and the Middle East Council of Churches, as an expression of the deep-seated desire of church families of the Middle East to seek peace and peacemakers. We appreciate the spirit and purpose of this event, as well as the incredible challenge it represents, and believe it deserves our support.

We trust that all people of goodwill will encourage and support the Journey of the Magi 2000 and other efforts to relieve suffering and promote peace as a fitting entry into the new millennium.

HONORING BOWLING GREEN MAYOR WES HOFFMAN ON HIS RETIREMENT

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Ms. KAPTUR. Mr. Speaker, I rise today to honor an exceptional elder statesman in my district. Bowling Green Mayor Wes Hoffman retires from public office at the end of this year. A native of Philadelphia, Mayor Hoffman served first his country and then his community.

Wes' pursuit of a college degree at the University of Pennsylvania's Wharton School was interrupted by World War II, when he enlisted in the Army Air Corps in 1943. After his heroic service in the war ended, Wes decided to pursue a career with the Army Air Corps, retiring from the United States Air Force as a Lieutenant Colonel in 1969. Throughout his military service, both during World War II and as a career officer, Wes served our nation with honor and distinction, earning the Distinguished Flying Cross with Oak Leaf Cluster, the Asiatic Pacific Campaign Medal with five Battle Stars, the Air Medal and Air Force Commendation Medal both with Oak Leaf Cluster.

After retiring from the Air Force, Wes decided to pursue additional higher education at Bowling Green State University, where he obtained a Masters Degree in 1971. In 1972, he began his public service with the City of Bowling Green as the Safety Service Director and later, in 1974, as the city's first Municipal Administrator. He retired in 1988. His retirement was short-lived, however, as he was approached by local leaders and urged to run for Mayor in 1991. He was elected in 1992, reelected in 1995, and now retires from official business. Of his tenure, Mayor Hoffman noted, "It has indeed been a privilege for me to have been a part of the deliberations and decision-making processes that have contributed to civic betterment and community well-being." Truly, the city of Bowling Green has grown, prospered and flourished under Wes' tutelage.

Visionary, patriotic, mindful of the needs of others, Wes Hoffman is a true community leader. His good deeds have not gone unnoticed, and he has been honored with awards and recognitions too numerous to mention from local, state, and national organizations. He is also a proud member of several veterans organizations, civic groups, educational and humanitarian organizations, and government consortiums. I know that even though Wes is retiring from "active" public life, he will remain very much in the thick of life in Bowling Green and Northwest Ohio. We wish him an enjoyable retirement, spent with family and friends, and doing all those things he put off until tomorrow. For people in our community, Wes Hoffman embodies the finest tradition of service before self that lies at the heart of America's nationhood.

AMERICA IS CONCERNED

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. SCHAFFER. Mr. Speaker, when Iran's supreme leader, the Ayatollah Aki Khamenei, leads thousands of his countrymen in violent protests against the United States and Israel, chanting "Death to America!" and "Death to Israel," America is concerned. When the Russian Foreign Ministry says as a matter of official policy that Russia will overcome an American missile defense by launching more missiles, America is concerned. When North Korea flaunts agreements with the United States by continuing to develop long range missiles to attack the U.S., America is concerned.

Every American should be concerned with our lack of missile defense. Our cities are vulnerable to destruction. Our military has no defense against long range ballistic missiles in spite of the common mis-perception about Patriot which is only for intercepting short range missiles, not ICBMs (Intercontinental Ballistic Missiles). The truth is we cannot stop a single ICBM, whether launched by Russia, China, North Korea, or even Iran, which is developing long range ballistic missiles to threaten us.

Iran has demonstrated its desire to threaten the U.S. and Israel. Iran is matching its religious zeal with its ballistic missile program. Iran's missiles threaten Israel and peace in the Middle East. Iran's missiles will also eventually threaten American cities. Other countries also threaten us. Russia still has over a thousand long range ballistic missiles. China is building three new types of long range ballistic missiles. North Korea tested last year a three-stage missile capable of reaching the U.S.

These protestors in Iran burnt the American and Israeli flags. They climbed on top of buildings opposite the old U.S. embassy compound, setting fire to the Stars and Stripes, the blue-and-white Star of David flag of Israel, and the Union Jack of Great Britain. America is not alone in its need to deploy an effective ballistic missile defense system. Ballistic missiles threaten Israel, Europe, Taiwan, Japan, South Korea, as well as the U.S. Ballistic missiles are a global problem requiring a global solution.

Congress has recognized the growing threat from long range ballistic missiles. Earlier this year, Congress energetically passed legislation making it the policy of the United States to deploy a ballistic missile defense. This legislation came in the face of North Korea's August 31, 1998 ballistic missile test, the warnings of the Rumsfeld Commission on the ballistic missile threat to the U.S., and the theft by China of advanced U.S. missile and nuclear weapons technology.

But despite the growing threat posed by ballistic missiles, President Clinton and his administration have consistently opposed the deployment of an effective ballistic missile defense. President Clinton especially opposes a missile defense using space. Yet, a space-based missile defense could provide the global coverage the U.S. needs to defend its armed forces overseas, and its friends and allies such as Israel. A space-based ballistic missile defense is technologically feasible, using a combination of miniature interceptors, high energy lasers, and other technologies.

We need a President who will be concerned about our defense, and the defense of our allies such as Israel. All the legislation passed by Congress cannot take effect without a President, a Commander-in-Chief, who is willing to work toward, not obstruct, the natural desire of the American people to defend themselves from ballistic missile attack. Flashy policy statements are no substitute for a real defense. By the year 2000, after eight years of office, President Clinton will not have deployed a ballistic missile defense, leaving us vulnerable to destruction.

I recently addressed our need to deploy an effective missile defense in a series of letters to the Secretary of Defense, the Director of the CIA, and Chairman of the House Armed Services Committee. I have addressed our need to deploy an effective missile defense in past letters, and in speeches on the floor of the House. I will continue to speak out on our need to deploy an effective missile defense, especially a defense using space.

I am encouraged by the policies of countries such as Israel which recognize the need for ballistic missile defense. In 1988, Israel and the United States began collaboration on the Arrow ballistic missile interceptor, linked to President Reagan's Strategic Defense Initiative, popularly known as Star Wars. Today, Israel's Arrow missile defense program completed its seventh test launch, successfully hitting its target. I believe America should continue to support Israel in its ballistic missile defense program.

America needs to be concerned with its vulnerability to ballistic missile attack. The ballistic missile threat posed by Iran and other countries is real and growing. The threat of ballistic missile attack is also faced by our friends and allies. Deploying a ballistic missile defense in space will be our best response. It will provide us the most effective defense possible, capable of giving global coverage, able to assist our friends and allies such as Israel.

REGARDING MY VOTE ON THE DEFENSE APPROPRIATIONS BILL FOR FISCAL YEAR 2000

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. KIND. Mr. Speaker, when I returned to Congress for my second term last January, I came with the hope that I could believe the House leadership when it said things would be different in the 106th Congress from the experience of my first term in the 105th. We were told that the appropriations process would follow the rules; 13 separate spending bills brought to the floor for consideration with reasonable time and access for debate. We were told that the bills would be straight-forward, without tricks or gimmicks. We were mislead. The House leadership has continued to play tricks with the budget process. This fall, it did so at the expense of the men and women in our armed forces.

I have the utmost respect and admiration for the American men and women who serve in uniform. My brother is currently serving a tour with his Reserve unit in Europe, and I have made two trips to the Balkans to visit our troops there. The young soldiers with whom I spoke were bursting with pride and confidence, and universally voiced their commitment to peace, freedom and their duty.

With those men and women in mind, I was pleased to see my colleagues on the defense authorization and appropriations committees provide funding our military personnel with long overdue raises and improved benefits. I was also glad to see readiness issues appropriately addressed. Accordingly, I voted in favor of the Department of Defense Appropriations bill when considered by the House, even though I had some reservations concerning other provisions of legislation. It was my hope that, during the conference committee process, the bill would be strengthened and framed in an honest and responsible manner.

Sadly though, I could not vote for the Department of Defense Appropriations Conference Report. Instead of making a sincere commitment to our troops and an honest accounting to the taxpayers, the Congressional leadership in both houses resorted to budget tricks and gimmicks to hide the fact that it had failed to make the needed difficult decisions during the entire budget process in order to stick to the 1997 balanced budget agreement. The defense report designated $7.2 billion of routine operation and maintenance appropriations as "emergency funding" and exempts an additional $10.5 billion from the federal budget caps. Through that bill, the Congressional leadership tried to convince the public that a $267 billion budget only costs $249 billion. I simply could not support that tactic.

The budget caps were set by Congress to keep federal spending in check and to help reach the goal of a balanced federal budget. House Republican leaders, in an attempt to circumvent the budget caps, have repeatedly designated traditional budget items as emergency funding. Any spending in excess of the budget caps threatens our ability to insure the long term solvency of Social Security and Medicare and to pay down the national debt.

To call routine operations and maintenance an emergency item is an insult to every American. It is the same kind of budget trick the House leadership used when they say the upcoming 2000 Census is an emergency. The taxpayers should not, and will not, be fooled by this accounting slight-of-hand.

Furthermore, pork-barrel projects permeated the bill, including $1.5 billion for a ship to be built in Mississippi that the Navy did not request, and $275 million for F–15 aircraft not requested. As Senator JOHN MCCAIN said on the floor of the Senate: "I would have liked to have been able to . . . support the defense appropriations bill. Unfortunately, the smoke and mirrors budgeting at the core of this bill is too pervasive, the level of wasteful spending . . . is too irresponsible for me to acquiesce in its passage."

The House should find the cuts needed to keep spending within the budget caps, rather than using money that should be spent paying down our national debt and preserving Social Security and Medicare for future generations. These budget gimmicks only serve to erode public confidence in the process and threaten the future of Social Security and Medicare. It was fitting that the vote on the defense conference report came just before Halloween. Congressional leaders tried hard to trick the public into believing the government's budget is all treat.

Ultimately, I am very glad our troops are getting their pay raises, and I am very glad needed investments were made in the infrastructure which maintains our military readiness. I only wish I could have voted in favor the defense appropriations conference report as a symbol of my support for our troops and our national security interests. But such a symbolic act, when in my heart I believed the American people were being deceived, would have flown in the face of the very ideals for which our men and women in uniform carry out their duty.

HONORING ALEX K. "BUD" GEREN

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mrs. CAPPS. Mr. Speaker, today I rise to bring to the attention of my colleagues an extraordinary man, who will be honored by family and friends on November 20th as he celebrates his retirement from the Santa Barbara Metropolitan Transportation Department and Spirit of '76 Association.

Alex K. "Bud" Geren faithfully served the Santa Barbara Metropolitan Transportation Department for twenty-five years. Bud also served as coordinator, recruiter, and volunteer driver for MTD buses on the Fourth of July. For Bud's dedication to safely transporting members of the community each year after the Fourth of July fireworks, he earned the title "Mr. Fourth of July." Too often, people who work in the public transportation community are not given proper credit for the service they provide. Without the leadership and service of people like Bud, our quality of life would be diminished.

Bud also served the community on the Board of Directors for the Sparkle and Traditions Committee. In addition, Bud was cofounder of the Santa Barbara Family Fourth Coordinating Committee. I believe that his dedicated service in these organizations earned the sincere appreciation and admiration of the people of Santa Barbara County.

Mr. Speaker, Bud has made immeasurable contributions to his community. I am truly honored to represent Mr. Geren in Congress. I send my most heartfelt appreciation for his hard work and dedicated service.

INTRODUCTION OF A RESOLUTION HONORING THE UNITED STATES SUBMARINE FORCE ON ITS 100TH ANNIVERSARY

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. GEJDENSON. Mr. Speaker, I rise to salute the United States Submarine Force for a century of service to America. Today, I have introduced a resolution stressing the importance of the Submarine Force to this nation and commending it on behalf of the House of Representatives. A similar resolution has also been introduced in the Senate.

Earlier this year, I introduced a resolution urging the Postal Service to issue a commemorative stamp to honor the service of submariners past and present. More than 180 other Members of the House of Representatives have co-sponsored that resolution. I am pleased to report that the Postal Service announced last month that it will issue a series of five submarine stamps honoring "A Century of Service to America." These stamps portray the incredible progress we have made from the Navy's first submarine—the USS *Holland*—to the *Ohio* and *Los Angeles* Class submarines of the late Twentieth century. However, these stamps honor much more than technological prowess. They evoke the selfless service of tens of thousands of veterans who patrolled the depths of the world's oceans guaranteeing victory over tyranny and security for all Americans.

The Submarine Force deserves recognition by this body. During World War II, the U.S. Submarine Force destroyed 55% of all Japanese shipping although it accounted for only 2% of Naval forces. Our nuclear missile submarines, endlessly patrolling beneath the oceans out of sight of the enemy, dramatically reduced the threat of nuclear war. And we can never forget the 3,800 submariners who made the supreme sacrifice for their nation. These are true heroes we honor with this resolution, Mr. Speaker. In the words of Admiral Chester A. Nimitz, a submariner himself before he led the U.S. Navy in the Pacific during the Second World War: "It is to the everlasting honor and glory of our submarine personnel that they never failed us in our days of great peril."

I urge all Members of Congress to support this resolution and show their support for these brave sailors.

THE TELECOMMUNICATIONS DEVELOPMENT FUND IMPROVEMENT ACT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. TOWNS. Mr. Speaker, I rise today to introduce, along with my colleagues, Representatives TAUZIN, DINGELL, MARKEY, and OXLEY, the Telecommunications Development Fund Improvement Act.

This bill will resolve technical deficiencies that are affecting the operation of the Telecommunications Development Fund (TDF), enacted as part of the Telecommunications Act of 1996. It will address the following issues: (1) the need to maximize the interest earning potential of all FCC spectrum auction bidders' deposits; and (2) lack of specific language authorizing TDF's participation in government-sponsored capitalization programs.

Specifically, this bill:

Directs the FCC to place all spectrum auction bidders' deposits in interest-bearing accounts; and

Provides explicit instructions that the TDF may participate in the SBA's SBIC program to assist it in generating additional capital.

Implementing these two items will effectuate my original intent as the author of the 1996 provision. The TDE provision was intended to maximize the availability of investment capital to entrepreneurs seeking to provide telecommunications services to underserved communities. These technical oversights are depriving the TDF of millions of dollars of additional revenue.

Despite numerous obstacles over the last two years, the TDF continues to remain operational. I am pleased to convey that TDF has reviewed over 300 telecommunications business proposals with a staff of less than five people, confined operational overhead expenses to 5.2 percent of its total budget, and recently announced funding for small business entrepreneurs who will provide telecommunications services to undeserved communities. Remedying the technical deficiencies outlined in the previous paragraphs will ensure the continued viability of the TDF.

Mr. Speaker, I urge you and my House colleagues to join me in ensuring that the Telecommunications Development Fund is a viable entity in today's ever-evolving telecommunications frontier.

A TRIBUTE TO ST. GEORGE'S EPISCOPAL CHURCH: 200 YEARS OF SERVICE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to the parishioners of the St. George's Episcopal Church as they celebrate the 200th Anniversary of their church building on Sunday, November 21st. Located in Valley Lee in the Southern Maryland County of St. Mary's, St. George's has been serving the faithful since the reign of William and Mary some 360 years ago—hence it is also known as the William and Mary Parish.

Following the establishment of the Maryland Colony by Leonard Calvert in 1634, the settlement at St. Mary's began to grow with the establishment of St. George's Hundred, a piece of land across the St. Mary's River and west of the Capital settlement of St. Mary's City. Maryland is known as the birthplace of religious toleration in Colonial America and along with Catholic settlers and settlers of other faiths came followers of the Anglican church. Some of these colonists would establish the Poplar Hill Church—thought to have been built between 1638 and 1642 just 50 feet from the site of the present building.

Over the years, the William and Mary Parish would worship in several buildings. A second church is believed to have been built on the existing site in 1692 and a third structure around 1760. In 1799, the existing structure was built and today we recognize this incredible 200 year journey.

Just as members of the Parish no doubt celebrated the dedication of their new building in 1799 on the verge of a new century, today we celebrate two hundred years of progress at Poplar Hill as we count down the remaining days to the new millennium.

The parishioners of St. George's have been witness to extraordinary events and their history bridges a time line of critical events in our Nation's history—from the fledgling colony of the 1600s, the rise of revolution in the 1700's, the Civil War and the abolition of slavery in the 1800's, and the transformation of St. Mary's County from its rural way of life to being the home of the world's premier and most advanced aviation testing facility with the establishment of Patuxent River Naval Air Station.

And through it all, St. George's Episcopal Parish has been a beacon of faith serving to enrich its parishioners with God's word and providing a firm foundation to do His work.

I commend St. George's Episcopal Church on the 200th Anniversary of their building and wish its parishioners all the best in the future.

HONORING JOSEPH GALLO FARMS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Joseph Gallo Farms of Atwater for being named the 1999 Baker, Peterson & Franklin Ag Business Award. Joseph Gallo Farms is being honored on November 17, 1999 at the AgFRESNO Farm Equipment Exposition luncheon.

Joseph Gallo Farms (JGF), family-owned and operated by CEO and co-owner Michael Gallo was named the nation's largest dairy by Successful Farming in 1995. JGF was founded in 1946; they operate 12,000 acres of land, raising 25,000 head of cattle on five dairies and 2,500 acres of wine grapes, Joseph Gallo Farms also produces a wide array of Joseph Farms cheeses, which are sold in more than 20 states and in five countries internationally. JGF has played a significant role in cheese becoming the fastest-growing dairy product in California, now the second leading state in cheese production.

Joseph Gallo Farms is leading the way in its "Environmentally-Compatible Farming," finding land usage compromises to benefit both agriculture and the surrounding natural environment. Operating within the San Joaquin Valley Grasslands, one of the most critical wetland areas left in California, JGF seeks to protect the environment while still conducting its farming affairs. For these efforts, JGF received an environmental award from the Central Valley Joint Habitat in 1996. JGF has created its own internal Department of Environmental Affairs to ensure that all operations remain compatible with critical habitat values. With the consumer concern over the rBST/rBGH controversy, JGF made the unprecedented decision to stop using all artificial hormones on its dairy herd, becoming the first cheese producer nationwide to receive governmental approval to label its premium cheese as have "No Artificial Hormones."

Mr. Speaker, the Ag Business Award is given to an agricultural organization whose achievements and impact have significantly contributed to the industry and the Center Valley; Joseph Gallo Farms is a excellent representation of this. I congratulate JGF for their accomplishments in the cheese and agriculture business. I urge my colleagues to join me in wishing Joseph Gallo Farms many more years of continued success.

CATHY HUGHES, FROM RAGS TO RICHES

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. CUMMINGS. Mr. Speaker, breaking the cycle of past racial discrimination has been a mission of African Americans across this country. Wishing for only an opportunity, great African Americans, in many fields and industries, have struggled to feed to this country and this world, the fruits of their talents and labor. In the process, many have tried and failed, but a few have beat the odds and have made a major impact. Perhaps one of the greatest examples of those who have crumbled the walls of bias and discrimination, is one of the Maryland 7th District's brightest stars. Through the storm of discrimination against African Americans and women entrepreneurs, Catherine Hughes would not be defeated. She flew to high heights.

Mrs. Hughes, the founder and chairwoman of Radio One, with her mind set on waking America to injustice, bigotry, and discrimination, has revolutionized the broadcasting industry from an African American point of view. Cathy Hughes had a dream—a dream to create an information-based radio program geared towards the African American community. With very humble beginnings at Howard University's radio station, WHUR–FM, she set out to realize this dream.

In 1979, Mrs. Hughes and her husband made their first venture into the unwelcoming world of broadcasting by purchasing WOL (AM) in Washington, DC. She aired a radio talk show, which she hosted wiht her husband. Although investors did not share her vision, Cathy Hughes struggled on in pursuit of her dream.

In 1986, Mrs. Hughes made her first effort to expand. She attempted to form a "community corporation" to purchase WKYS (FM) from NBC, but couldn't raise the necessary funding before the company was sold. Still in pursuit of her dream, in 1997, she purchased WMMI (FM) in Washington. She also again pursued WKYS and in 1994, she finally purchased the station.

Mrs. Hughes took advantage of her own business skills to build the foundation of her broadcast kingdom, and all the while, Mrs. Hughes never lost sight of her goal to inform. She remained active in protesting social and political issues; so much in fact, that many feared she would lose sponsors. However, she kept lending her voice to issues of concern to her community. She was strongly opposed to the Washington Post Magazine's decision to feature an African American rapper accused of murder on their cover. She protested the indictment and imprisonment of former D.C. Mayor Marion Barry, and the expulsion of Larry Young from the Maryland State Legislature. She also spoke out about several FCC telecommunications issues to help ensure that the door to the broadcast industry would not be closed behind her and that others could also pursue their dreams.

Her dynamic achievements as a businesswoman didn't inhibit her from excelling in other arenas. Mrs. Hughes is a dedicated mother and role model, as evidenced by the recent takeover of business operations by her son Mr. Alfred C. Liggins III. Mr. Liggins, a graduate of The Wharton School of Business at the University of Pennsylvania (1995), has taken his mother's company and expanded it to the powerhouse that it is today. He is a staunch businessman and makes the well-informed decisions that have boosted Radio One's stock to over $40 a share. Currently, Radio One is the largest chain of African American radio stations. Still, Mrs. Hughes and her son Mr. Liggins are not satisfied and continue in their flight to even greater achievements.

Perhaps Mrs. Hughes' efforts are described best in the words of FCC chairman William Kennard; "Her political beliefs and commitment to the community are the most important things in her life. She has been able to be a spokesperson for causes and still be successful . . . ." Hughes lives by a "Never give up, Stay and fight" philosophy. She is a true fighter, not only for her dreams, but for her beliefs.

Mr. Speaker, it is with great pleasure that I, on behalf of the 7th District, honor this inspirational American for her relentless refusal to be defeated and her efforts to soar to the highest heights.

"For she believes she can fly,
She believes she can touch the sky,
She thinks about it every night and day,
She spreads her wings and has flown away,
She believes she can soar,
She has run through that open door,
Yes, Mrs. Hughes you can fly!"

IN REMEMBRANCE OF VICTOR VAN BOURG

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Ms. PELOSI. Mr. Speaker, I rise in sadness to pay tribute to the passing of Victor Van Bourg, one of the nation's most respected and legendary labor union lawyers and senior partner of the nation's biggest labor law firm. He was 68 years old.

Raised by parents who were union organizers, Victor entered the University of California at Berkeley and graduated from Boalt Hall School of Law in 1956. He began his noted career working in the general counsel's office of the California Federation of Labor where he met Cesar Chavez and began working for Chavez' National Farm Workers Union prior to opening his San Francisco law office. In 1966 he represented Cesar Chavez' union—known then as the National Farm Workers Union—in its merger with the Agricultural Workers Organizing Committee.

One of Victor's most recent victories included a unanimous California Supreme Court decision that upholds a labor agreement under the authority of the San Francisco Airport's Commission to contract exclusively with union labor on the airport's multi-billion dollar expansion project.

Throughout his 44-year law career, he argued four times before the U.S. Supreme Court and made numerous appearances before the California Supreme Court. His labor law firm became the largest labor law firm representing over 400 unions in the United States including the Service Employees International Union.

Victor fought unrelentingly for working men and women of America and improved the living standards of untold numbers of people. He will be truly missed by his family, friends, and colleagues in the San Francisco Bay and national communities.

I sadly extend the condolences of my constituents and my colleagues to the Van Bourg family.

[From the San Francisco Chronicle, Nov. 13, 1999]

LABOR'S FAREWELL TO A FRIEND: 1,000 AT PALACE OF FINE ARTS REMEMBER VICTOR VAN BOURG

(By Steve Rubenstein)

Victor Van Bourg, the legendary labor lawyer who sometimes worked out of his big blue car and wore a miniature meat cleaver for a tie tack, was remembered for four decades of sticking up for the little guy.

The little guys of the Bay Area and their union leaders and lawyers showed up at the Palace of Fine Arts theater to say farewell to the larger-than-life union man who helped raise their salaries and their morale.

"He was hirsute, 50 to 100 pounds overweight, noisy, literate, vulgar and profane," said University of San Francisco English professor Alan Heineman, whose union Van Bourg helped organize in the 1970s. "He was often wrong but never in doubt.

"He was a great, shaggy, menacing bear who became a ballerina at the bargaining table."

Van Bourg, 68, whose Oakland law firm represented 400 unions, collapsed and died October 26 at San Francisco International Airport. He was rushing back from Washington, D.C., to be with his gravely ill daughter, who died the same day.

Nearly 1,000 labor leaders, lawyers and other friends of Van Bourg filled the hall, hummed along to "Solidarity Forever," told each other the earthy stories that Van Bourg was fond of and trooped to the stage to deliver encomiums.

Sal Rosselli, the president of Local 250 of the Service Employees International Union, praised his friend's "spirit of defiance and in-your-face unionism. . . . He was afraid of no one."

Everything about Van Bourg was big—his waist, stamp collection, ego, client list, appetite and the sound of his voice across a courtroom or a bargaining table.

"He had an irreverence for judges, particularly federal judges," recalled a former law partner. "He used to tell me, 'When you appear before them, remember what class they represent.' "

His secretary recalled that most employees in the office had been fired by Van Bourg a couple of times but "generally had the presence of mind to come to work anyway."

When they did, she said, they would often find Van Bourg conducting business not from his desk but from the front seat of his car, which was parked in front of the office.

"Bicycle messengers would make deliveries to the car," she said.

An ironworker thanked Van Bourg for "keeping my a-- out of trouble." An engineer thanked him for "being on my side." A janitor thanks him for "caring about immigrants and the most disempowered members of society that no one else would care about."

A native of New York and a graduate of Boalt Hall School of Law at the University of California, Berkeley, Van Bourg was a former socialist, painter, musician, raconteur and patron of Russian restaurants. The memorial which lasted more than two hours, at times resembled nothing so much as a marathon bargaining session.

Heineman speculated that Van Bourg was probably hard at work filing a grievance over his death, calling it an "arbitrary and capricious act by Management," and no one in the hall was betting against the grievance being upheld.

SUPPORTING THE PRISON CARD PROGRAM

HON. KAREN McCARTHY

OF MISSOURI

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to join my colleague, the distinguished Ranking Member of the Appropriation Subcommittee on Commerce, Justice, and State, the gentleman from New York, Mr. SERRANO, to highlight a successful initiative for more than 25 years, and to urge its continuation. The Salvation Army has been working with the Bureau of Prisons to operate what is known as the Prison Card Program. Under this highly successful program, greeting cards are donated to The Salvation Army which are then given to inmates at correctional facilities across the country. This program allows inmates to keep in touch with family and friends—affording them the opportunity to stay in contact not only during the holiday season and on special occasions, but throughout the year. This clearly benefits the inmates and their loved ones, but we know that the community at large benefits because prisoners who maintain strong ties are less likely to return to prison once their sentence is completed. In short, this a win-win program.

The Department of Justice and the Bureau of Prisons should be commended for their support of this program. The Prison Card Program has the support of Congress and the Department should have confidence in such support for this program—which has operated for more than a quarter-century. My colleague, the gentlemen from New York, Mr. SERRANO, and I are prepared to work with the distinguished Chairman of the Appropriation Subcommittee on Commerce, Justice, and State, the gentlemen from Kentucky, Mr. ROGERS, and other Congressional supporters of the program in the coming months to ensure that the Department of Justice receives the continuing and specific authority that might be needed to ensure that this important charitable program is sustained well into the future. I can assure the Members of the House that I will work with them to develop legislative language if necessary to assure a long term solution on this issue. The parties involved should be confident that Congress supports programs such as this.

The gentleman from New York, Mr. SERRANO, and I share the support for this program and know what a valuable contribution it has made to the inmates, their family and friends and the public. The Salvation Army should be commended for its Prison Card Program as should the Justice Department and the Bureau of Prisons for their continuing support of this important program.

Mr. Speaker, please join with my colleagues in supporting the Prison Card Program.

FAITH IN AMERICA—A FOURTH OF JULY SERMON

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. COLLINS. Mr. Speaker, as Congress prepares to recess for the Session, I wanted to commend for the reading of the Members words delivered to a small Mississippi congregation on the Fourth of July of this year by Rev. Ray N. Daniel, Jr. I bring these remarks to your attention now because I believe that as we return to the people who sent us here, we may have time to reflect on the inspiration of the basic beliefs upon which this Nation was founded. I trust that the views are shared by many across this country. As we close this year, and look to a new Session, may the inspiration of these words cause us to stop and think about why we are here, what we stand for, and how we will put the words of this sermon into action for the good of ourselves, our constituents, and the Nation as a whole.

FAITH IN AMERICA—A FOURTH OF JULY SERMON

(By Reverend Ray N. Daniel, Jr.)

Scripture Reading: Paul's Letter to the Romans 1:16–2:3 KJV For I am not ashamed of the gospel of Christ: for it is the power of God unto salvation to every one that believeth; to the Jew first, and also to the Greek. For therein is the righteousness of God revealed from faith to faith: as it is written, The just shall live by faith. For the wrath of God is revealed from heaven against all ungodliness and unrighteousness of men, who hold the truth in unrighteousness; Because that which may be known of God is manifest in them; for God hath showed it unto them. For the invisible things of him from the creation of the world are clearly seen, being understood by the things that are made, even his eternal power and Godhead; so that they are without excuse: Because that, when they knew God, they glorified him not as God, neither were thankful; but became vain in their imaginations, and their foolish heart was darkened. Professing themselves to be wise, they became fools, And changed the glory of the incorruptible God into an image made like to corruptible man, and to birds, and fourfooted beasts, and creeping things. Wherefore God also gave them up to uncleanness through the lusts of their own hearts, to dishonor their own bodies between themselves: Who changed the truth of God into a lie, and worshipped and served the creature more than the Creator, who is blessed for ever. Amen. For this cause God gave them up unto vile affections: for even their women did change the natural use into that which is against nature: And likewise also the men, leaving the natural use of the woman, burned in their lust one toward another; men with men working that which is unseemly, and receiving in themselves that recompense of their error which was meet. And even as they did not like to retain God in their knowledge, God gave them over to a reprobate mind, to do those things which are not convenient; Being filled with all unrighteousness, fornication, wickedness, covetousness, maliciousness; full of envy, murder, debate, deceit, malignity; whisperers, Backbiters, haters of God, despiteful, proud, boasters, inventors of evil things, disobedient to parents, Without understanding, covenant breakers, without natural affection, implacable, unmerciful: Who knowing the judgment of God, that they which commit such things are worthy of death, not only do the same, but have pleasure in them that do them. Therefore thou art inexcusable, O man, whosoever thou art that judgest: for wherein thou judgest another, thou condemnest thyself; for thou that judgest doest the same things.

But we are sure that the judgment of God is according to truth against them which commit such things. And thinkest thou this, O man, that judgest them which do such things, and doest the same, that thou shalt escape the judgment of God?

Prayer: Lord God, we pray your word be upon our hearts and your blessings upon our nation. Amen.

How many of you are flying your flag today? Well those of you away from home and visiting have a good excuse. I bought a flag so that I could fly it. Fly it proudly. My remarks today are unashamedly patriotic and Christian, what I have to share with you is not purely Methodist, Presbyterian, or Baptist, it's a Christian view of our country today.

While Bill Moyers was President Lyndon Johnson's press secretary, one day at lunch, Bill said grace (a prayer of thanks or blessing for food). President Johnson said "Speak up, Bill, I can't hear a thing." To which Bill replied quietly, "I wasn't addressing you, Mr. President."

Prayer, a cornerstone of our Faith is under attack. For there are those who would have us cease talking to God. They would if they could banish God from any public forum.

Woodrow Wilson said, "A nation which does not remember what it was yesterday, does not know what it is today, nor what it is trying to do. We are trying to do a futile thing if we do not know where we came from or what we have been about."

We will take a few moments to look at where we have come from, what the faith of our founding fathers was, take stock of where we are today, and where we need to go. Where we need to go is to almighty God.

A FEW QUOTES FROM AMERICA'S BEGINNINGS

"It cannot be emphasized too strongly or to often that this great nation was founded, not by religionists, but by Christians; not on religions, but on the gospel of Jesus Christ."—Patrick Henry (2)

"We have staked the whole future of America's civilization, not upon the power of government, far from it. We have staked the future of all our political institutions * * * upon the capacity of each and all of us to govern ourselves according to the Ten Commandments of God."—James Madison

"And can the liberties of a nation be thought secure when we have removed their only firm basis—a conviction in the minds of people that these liberties are the gift of God.? That they are not to be violated but with his wrath? Indeed I tremble for my country when I reflect that God is just: that his justice cannot sleep forever."—Thomas Jefferson

"He who shall introduce into the public affairs the principles of primitive Christianity will change the face of the world."—Benjamin Franklin

On June 12, 1775, our nation's Congress actually called for "a day of public humiliation, fasting and prayer," wherein ""[we] offer up our joint supplications to the all-wise, omnipotent and merciful disposer of all events." In initiating this day, Congress attended an Anglican service in the morning and a Presbyterian service in the afternoon. Congress even commissioned the printing of the Bible on October 26, 1780, stating that "it be recommended to such of the states who may think it convenient for them that they take proper measures to procure one or more new and correct editions of the Old and New testaments to be printed. * * *" Later, Congress allocated money for the Christian education of Indians. There are countless examples of such actions by Congress. So, how can our Christian history be so obviously ignored by those blatantly attempting to demonize Christian activism in the modern culture? They look to a simple phrase—"a wall of separation" between church and state—that was once written in a letter from Thomas Jefferson to a group of Baptist worshipers. (Please note that this statement does not appear in the Constitution, even though network reporters frequently refer to the false notion of a "constitutional separation of church and state.")

In September 1779, the House of Representatives, after passing a resolution calling for a day of national prayer and thanksgiving, received Mr. Washington's response: "It is the duty of all nations to acknowledge the providence of Almighty God, to obey his will, to be grateful for His benefits and humbly to implore His protection and favor . . . That great and glorious Being who is the beneficent author of all the good that was, that is, or that ever will be, that we may then unite in rendering unto Him or sincere and humble thanks for His kind care and protection of the people. . . ." Second President John Adams frequently referred to "an overruling providence" and "devotion to God almighty" in his writings, and recurrently contended that human freedom was founded in the ordinance of the Creator.

Washington and Adams were not alone in their beliefs. These were predominately-held convictions of our Founding Fathers. Even Benjamin Franklin, often seen as a secularist member of the group, stated in later-life, "the longer I live, the more convincing proof I see of this truth—that God governs in the affairs of men."

The most foundational of documents to our society, in fact the document which we celebrate today is—

THE DECLARATION OF INDEPENDENCE OF THE THIRTEEN COLONIES

"In CONGRESS, July 4, 1776

The unanimous Declaration of the thirteen United States of America,

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed.

But when a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.

Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain [George III] is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained, and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the meantime exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies, without the consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For quartering large bodies of armed troops among us:

For protecting them by a mock Trial from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offenses:

For abolishing the free System of English Laws in a neighboring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has adbicated Government here by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy, the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethern, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms. Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our British brethern.

We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us.

We have reminded them of the circumstances of our emigration and settlement here.

We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence.

They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the United States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitud of our intentions, do, in the Name, and by the authority of the good People of these Colonies, solemnly publish and declare.

That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do.

And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.

The signers of the Declaration represented the new states as follows: New Hampshire—Josiah Bartlett, William Whipple, Matthew Thorton; Massachusetts—John Hancock, Samuel Adams, John Adams, Robert Treat Paine, Elbridge Gerry; Rhode Island—Stephen Hopkins, William Ellery; Connecticut—Roger Sherman, Samuel Huntington, William Williams, Oliver Wolcott; New York—William Floyd, Philip Livingston, Francis Lewis, Lewis Morris; New Jersey—Richard Stockton, John Witherspoon, Francis Hopkinson, John Hart, Abraham Clark; Pennsylvania—Robert Morris, Benjamin Rush, Benjamin Franklin, John Morton, George Clymer, James Smith, George Taylor, James Wilson, George Ross; Delaware—Caesar Rodney, George Read, Thomas McKean; Maryland—Samuel Chase, William Paca, Thomas Stone, Charles Carroll of Carrollton; Virginia—George Wythe, Richard Henry Lee, Thomas Jefferson, Benjamin Harrison, Thomas Nelson, Jr., Francis Lightfoot Lee, Carter Braxton; North Carolina—William Hooper, Joseph Hewes, John Penn; South Carolina—Edward Rutledge, Thomas Heyward, Jr., Thomas Lynch, Jr., Arthur Middleton; Georgia—Button Gwinnett, Lyman Hall, George Walton."

Remember these words, for countless Americans have fought for them, fought to preserve them, fought to keep us free from tyranny.

We need to exercise our rights, speaking freely, worshiping freely, preserving our freedoms. We are only about a month away from our first primary here in Mississippi, many are thinking about not voting because "my vote doesn't count". At the eve of the vote for the Declaration of Independence a vote was taken and those wanting it to pass were one vote short of having votes from all 13 colonies. Not present was a delegate from Delaware, Caesar Rodney. Some one was sent to tell Caesar Rodney of the need of his vote, he left his sick bed on the night of July 2, to ride through the night, through storm and mudslides to arrive at Liberty Hall in time to cast the deciding vote. His one vote made the difference between tyranny and freedom. Your one vote can make a difference in our upcoming elections.

But there are many who ask this question: What Happened to America? What has happened, what have we become.

It is well said in a poem titled "What Happened to America?" by Sharon Lambright Duncan—

"What happened to America,
When did we go astray?
Was it when they told our children

While in school you must not pray.
Or maybe it all began when they said
There's not right or wrong.
Just do what feels the best for you
And everyone else can get along.
Or was it when they said
You can kill an unborn child?
After all if it's not wanted,
It would never be worthwhile.
Or could it be when God's word was
ignored, And they said it's not a sin
For women to love other women
And men to be lovers of men.
What happened to America,
Where did we go wrong?
When did we lose the principles
Our nation was founded on?
"In God we trust" no longer seems
To be the motto of our land.
We've become so educated and smart,
So we place our trust in man.
What happened to America,
How did we get this way?
I really think it happened
When God's people had nothing to say.
If we're not willing to speak God's truth,
And on his words firmly stand,
Can we expect Him to keep us safe
In His protective hand?

What WILL happen to America,
Will she come back to God someday?
Nothing is impossible
If God's people will earnestly pray.

Shortly after the shooting fiasco at a Littleton High School this guest editorial appeared in the Dallas Morning News—

[From the Dallas Morning News, May 2, 1999]

GENERATION HAS SOME QUESTIONS

(By Marcy Musgrave)

I am a member of the upcoming generation the one after Generation X that has yet to be given a name. So far, it appears that most people are rallying behind the idea of calling us Generation Next. I believe I know why. The older generations are hoping we will mindlessly assume our place as the "next" in line. That way, they won't have to explain why my generation has had to experience so much pain and heartache.

"What heartache?" You say. "Don't you know you have grown up in a time of great prosperity?" Yeah, we know that. Believe me, it has been drilled into our heads since birth. Unfortunately, the pain and hurt I speak of can't be reconciled with money. You have tried for years to buy us happiness, but it is only temporary. Money isn't the answer, and it is time for people to begin admitting their guilt for failing my generation.

I will admit that I wasn't planning to write this. I was going to tuck it away in some corner of my mind and fall victim to your whole "next" mentality. But after the massacre in Littleton, Colo., I realize that, as a member of this generation that kills without remorse, I had a duty to challenge all of my elders to explain why they have allowed things to become so bad.

Let me tell you this: These questions don't represent only me but a whole generation that is struggling to grow up and make sense of this world, We all have questions; we all want explanations. People may label us Generation Next, but we are more appropriately Generation "Why?"

Remember God's Word and its truth, in a time when people say the only truth is what I say at the moment is truth. God's word says, "If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their land.; (John 14:6 KJV) Jesus saith unto him, I am the way, the truth, and the life: no man cometh unto the Father, but by me.

Jesus said, "I am the way and the truth and the life. No one comes to the Father except through me."

This week our congress sought to pass a declaration that would implore Americans to repent and turn to the Almighty, it was defeated, I am assured it will come up again and receive the support it so richly deserves, to call on the nation to humble themselves before the creator, to pray, to repent of their manifold sins. But alas there are those who do not believe there is sin, everything is o.k. No the ills of America, can't be solved at the polls alone, but there is a need for Godly leadership, for Men and Women who will put principles before money and self, who will put America, before the economy of the world and other nations. It is time America, to wake up and heed the call, to faith, to faith in the one true God of our fathers. It is time America, to repent of accepting sin for normal behavior and call sin, sin. It is time America, to stand on the truth of God's word, his plan, not our own.

Let us Pray.

Reverend Ray N. Daniel, Jr. is an elder serving in the Mississippi Conference of the United Methodist Church, appointed to the Rose Hill Charge. He has been serving in town and country ministry since 1980. Rev. Daniel graduated from Millsaps College in Jackson, Mississippi, and obtained a Master of Divinity from the Iliff School of Theology, in Denver, Colorado.

RESPONSE TO MR. EDWARDS' REMARKS ON H.R. 3073

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. DELAY. Mr. Speaker, during our charitable choice debates on H.R. 3073, The Father's Count Act of 1999, I listened with interest to Mr. Edwards express his reasons why he believes the Constitution and the Founding Fathers would have objected to this Body providing opportunity for all people—including those in the community of faith—to participate equally in government opportunities and services. Mr. Edwards set forth several historical inaccuracies and argued that they should be "precedents" to be followed by this Body. Nothing is more certain than that bad history leads to bad policy, and this is certainly true in the case of both the policy and the history set forth by Mr. Edwards.

First of all, Mr. Edwards cited James Madison and Thomas Jefferson in support of his church-hostile proposals, and then he argued that these two had framed the Establishment Clause in the Bill of Rights. As historical records clearly prove, Mr. Edwards was wrong.

Consider first the role of Thomas Jefferson. During the time that both the Constitution and the Bill of Rights and its religion clauses were written and approved, Thomas Jefferson was overseas. He did not arrive in America until after the completion of these documents.

In fact, when a biography was written about President Jefferson, Jefferson sent a note to the author requesting that he change or delete one errant claim. Jefferson explained:

> One passage in the paper you enclosed me must be corrected. It is the following, 'And all say it was yourself more than any other individual, that planned and established it,' i.e, the Constitution. I was in Europe when the Constitution was planned, and never saw it till after it was established.

Jefferson properly disqualified himself as a constitutional authority since he was not in America when the Constitution was framed and never saw it until after it was finished. Furthermore, according to Mr. Jefferson, his total input on the Bill of Rights amounted to one letter. As Jefferson explained:

> I wrote [a single letter] strongly urging the want of provision of the freedom of religion, freedom of the press, trial by jury, habeas corpus, the substitution of militia for a standing army, and an express reservation to the States of all rights not specifically granted to the Union. . . . This is all the hand I had in what related to the Constitution.

Since Jefferson was neither one of the 55 individuals at the Convention who drafted the Constitution nor one of the 90 members of the First Congress who framed the Bill of Rights, how, then, can he be considered as an authoritative voice on either document, especially in preference to the 145 actual participants who did write that document? Evidently, Mr. Edwards chooses to ignore these important historical facts and he wrongly elevates Mr. Jefferson into a position which Jefferson himself properly refused to accept.

Madison, too, similarly disqualified himself—although for different reasons. As he explained to a supporter:

> You give me a credit to which I have no claim in calling me "the writer of the Constitution of the United States." This was not, like the fabled Goddess of Wisdom, the offspring of a single brain. It ought to be regarded as the work of many heads and many hands.

Interestingly, Mr. Madison—while undeniable an important influence during the Constitutional Convention—was often out of step with the majority of the other delegates. This is proven by the fact that 40 of Mr. Madison's 71 proposals offered during the Convention were rejected by the other delegates. Additionally, the Constitution that Mr. Madison initially sought was far removed from the final document.

And what was Mr. Madison's influence on the Bill of Rights and the religion clauses of the First Amendment? Significantly, when George Mason proposed at the Constitutional Convention that a Bill of Rights be added to the Constitution, it was opposed by Mr. Madison (and on this occasion, Mr. Madison's position prevailed). When the Constitution arrived in Virginia for ratification, the State proposed the addition of a Bill of Rights and Mr. Madison again opposed the motion. This time, however, he lost.

Virginia insisted—like many other States—that a Bill of Rights be added; and the Virginia Convention—like many other State conventions—proposed its own version for a Bill of Rights. The religious protections sent from Virginia to the United States Congress were written not by James Madison but by George Mason, Patrick Henry, and John Randolph.

In Congress, Madison introduced his own proposal for a Bill of Rights, but very little of his original language on the religion clauses made it into the final wording. In fact, the records of Congress make clear that Fisher Ames and Elbridge Gerry of Massachusetts, John Vining of Delaware, Daniel Carroll and Charles Carroll of Maryland, Benjamin Huntington, Roger Sherman, and Oliver Ellsworth of Connecticut, William Paterson of New Jersey, and many others exerted a significant influence on the wording of the religion clauses.

Why, then, did Mr. Edwards cite Mr. Madison—whose version was not accepted—and fail to cite those who did produce the final wording of the First Amendment? And furthermore, why did Mr. Edwards cite Thomas Jefferson instead of those who actually wrote the Constitution and the Bill of Rights? And why did Mr. Edwards fail to cite individuals like George Washington, Alexander Hamilton, Benjamin Franklin, Roger Sherman, James Wilson, and so many other important men who drafted those documents? Very simply, it is because none of them made any statements which Mr. Edwards could possibly twist and misconstrue into a support for his position.

Mr. Edwards does a disservice both to this Body and to the nation by singling out two Founders with whom he agrees and ignoring 144 others with whom he disagrees! This is not to say, however, that Mr. Madison and Mr. Jefferson were not significant and important Founding Fathers—they clearly were. However, they were not the only two voices in America on religious issues—there were 144 other Founders who had direct impact on the Constitution and its religion clauses.

I was further intrigued by another of Mr. Edwards comments. He declared—and I quote:

> I think it is time for this House to take a stand in saying that we are not going to compromise the meaning of the Establishment Clause—the first 10 words of the First Amendment of the Bill of Rights—not out of disrespect to religion but out of total reverence to religion.

The ten words alluded to by Mr. Edwards state—and I quote: "Congress shall make no law respecting an establishment of religion or prohibiting the free-exercise thereof."

Mr. Edwards believes that to allow charitable-choice provisions—that to allow people of faith to participate equally with those of non-faith in government programs and services—would violate the First Amendment! Mr. Edwards evidently believes that the First Amendment requires that the government discriminate against faith. He clearly disagrees with the Supreme Court decision in Zorach v. Clauson which declared:

> When the State encourages religious instruction or cooperates with religious authorities . . . it follows the best of our traditions. For it then respects the religious nature of our people and accommodates the public service to their spiritual needs. To hold that it may not would be to find in the Constitution a requirement that the government show a callous indifference to religious groups. That would be preferring those who believe in no religion over those who do believe. . . . We find no constitutional requirement which makes it necessary for government to be hostile to religion and to throw its weight against efforts to widen the effective scope of religious influence. . . . We cannot read into the Bill of Rights such a philosophy of hostility to religion.

Mr. Edwards' reading of the Establishment Clause of the First Amendment directly contradicts the interpretation of that Clause given by the Founding Fathers (including Mr. Edwards' two heroes, Mr. Madison and Mr. Jefferson). Furthermore, Mr. Edwards' reading is opposite of that rendered by legal experts and governmental bodies for a century-and-a-half following the adoption of the Constitution's religion clauses.

For example, in 1854, our own House Judiciary Committee conducted an investigation on what constituted "an establishment of religion" under the First Amendment. After a year of hearings and investigations, the House Judiciary Committee emphatically reported:

> What is 'an establishment of religion'? It must have a creed defining what a man must believe; it must have rites and ordinances which believers must observe; it must have ministers of defined qualifications to teach the doctrines and administer the rites; it must have tests for the submissive and penalties for the nonconformist. There never was an established religion without all these.

In 1853, the Senate Judiciary Committee similarly reported:

> The [First Amendment] speaks of "an establishment of religion." What is meant by that expression? It refer[s] without doubt to. . . . [1] endowment [of a religious group] at the public expense in exclusion of or in preference to any other, [2] giving to its members exclusive political rights, and [3] compelling the attendance of those who rejected its communion upon its worship or religious observances. These three particulars constituted that union of church and state of which our ancestors were so justly jealous, and against which they so wisely and carefully provided. . . . They intended by [the First] Amendment to prohibit 'an establishment of religion' such as the English church presented, or anything like it. But they had no fear or jealousy of religion itself, nor did they wish to see us an irreligious people . . . they did not intend to spread over all the public authorities and the whole public action of the nation the dead and revolting spectacle of atheistic apathy.

Further confirmation on what the word "establishment" meant in the First Amendment is provided by Justice Joseph Story, a legal expert appointed to the Supreme Court by President James Madison. Justice Story is titled the "Father of American Jurisprudence," and in his famous Commentaries on the Constitution of the United States—a work which is still cited regularly in this Body—Justice Story explained:

> [A]t the time of the adoption of the Constitution and of [the First]Amendment . . ., the general, if not the universal, sentiment in America was that . . . [a]n attempt to level all religions and to make it a matter of state policy to hold all in utter indifference, would have created universal disapprobation if not universal indignation. . . . the real object of the [First] Amendment was . . . to prevent any national ecclesiastical establishment which should give to an hierarchy the exclusive patronage of the national government.

The historical sources agree: to have a First Amendment "establishment of religion" there must be a single, national ecclesiastical group which has the exclusive support of the federal government; there must be a defined creed with specified rites and ordinances, and national ministers to teach those creeds; there must be exclusive political rights for the members of that religion; and the national government must be able to compel attendance and observance of those rites and impose penalties for those who do not conform. As the House Judiciary Committee properly noted in 1854, "There never was an established religion without all these."

Those early legal experts reached their conclusions because of the Founders' succinct declarations made during the framing of the Constitution's religion clauses. For example, according to the Congressional Records, James Madison recommended that the First Amendment say: "The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established."

Subsequent discussions during the framing of the First Amendment confirm this goal of preventing the establishment of a national religion. For example, the CONGRESSIONAL RECORD for August 15, 1789, report:

> Mr. [Peter] Sylvester [of New York] . . . feared [the First Amendment] might be thought to have a tendency to abolish religion altogether. . . . [T]he State[s] . . . seemed to entertain an opinion that . . . it enabled [Congress] to . . . establish a national religion. . . . Mr. Madison thought if the word "national" was inserted before religion . . . it would point the amendment directly to the object it was intended to prevent.

The records are clear—the purpose of the First Amendment was to prevent the establishment of a national denomination by the federal Congress. The First Amendment was never intended to stifle public religious expressions, nor was it intended to prevent this Body from encouraging religion in general or even in assisting faith institutions. Only in recent years has the meaning of the First Amendment begun to change at the hands of activists like Mr. Edwards who are intolerant of the faith-community.

In fact, Mr. Edwards' approbation of the many extremist groups supporting his position (he specifically lists the ACLU, the Baptist Joint Committee, and Americans United for Separation of Church and State) simple confirms the religion-hostile position he is advocating.

Is there any group in America more responsible for the current hostility of the courts toward religion than the ACLU? And Mr. Edwards has their support!

It was the ACLU which opposed a legislative bill in Arizona that permitted schools to post classic historical documents like George Washington's Farewell Address. Why did the ACLU oppose that measure? Because many official speeches made by our Founding Fathers contain religious references, and the ACLU felt that to expose students to such religious references in our history would violate the "establishment clause" of the First Amendment! And it was the ACLU which opposed the legislative effort in California to teach sexual abstinence to students. Why? Because the ACLU claimed that to expose children to this moral teaching would violate the "establishment clause"! There are scores of other cases which reflect their radical, intolerant, anti-religious agenda.

Additionally, the faith-hostile agenda of other groups supporting Mr. Edwards (such as Americans United for Separation of Church and State, and the Baptist Joint Committee, etc.) is clearly documented through the legal action they take in courts and in legislatures. And Mr. Edwards is pleased to have their support!

Another comment by Mr. Edwards which was of interest to me was his statement that—and I quote:

> The best way to have religious freedom and respect in America is to build a firewall between government regulations and religion. And that separation, that wall of separation between church and State, has for 200 years worked extraordinarily well.

I wish that Mr. Edwards really believed his own statement! If he really thought there should be no government regulations imposed on the church, then he should aggressively pursue repealing the government tax regulations imposed on churches—government regulations which limit a minister's ability to voice his convictions from the pulpit for fear of running afoul of the IRS or some other government body or regulation. And, surely, if Mr. Edwards wants to see churches free from government regulations, he should aggressively pursue exemptions for church bodies from government zoning regulations, from government fire regulations, from government health regulations, from government hiring regulations, from government social-service regulations, and from so many other government regulations which have resulted in literally hundreds of lawsuits brought by the government against churches.

Unfortunately, Mr. Edwards' record proves that he does not believe in protecting the faith-community from government regulations—evidenced by his vote against the Religious Freedom Amendment. That Amendment was specifically designed (1) to free the community of faith from government intrusion into their religious expressions and (2) to protect voluntary citizen expressions of faith—including those of students. In opposing that Amendment—an Amendment which would have ended the government regulation of religious expression—Mr. Edwards amazingly declared—and I quote:

> In my opinion, th[is] Amendment is the worst and most dangerous piece of legislation I have seen in my 15 years in public office.

Mr. Edwards actually feels that it is "dangerous" to end government regulation of public expressions of faith and to allow students to participate voluntarily in prayer!

Another problem with Mr. Edwards' "firewall" quote is that it attaches the phrase "separation of church and state" to the requirements of the First Amendment. He claims that the "separation of church and state" phrase accurately reflects the intent of those who framed the First Amendment. Again, official records prove Mr. Edwards wrong.

The entire debates surrounding the framing of the First Amendment are recorded in the CONGRESSIONAL RECORDS from June 7 to September 25, 1789. Over those months, ninety Founding Fathers in the first Congress debated and produced the First Amendment. And those records make one fact exceptionally clear: in months of recorded discussions over the First Amendment, not one of the ninety Founding Fathers who framed the Constitution's religion clauses ever mentioned the phrase "separation of church and state"! It does seem that if this had been their intent, that at least one of them would of said something about it! None did.

For this reason, legal scholars committed to historical and constitutional accuracy rather than an activist judicial political agenda have correctly drawn attention to the type of blunder committed by Mr. Edwards. In fact, one judge accurately commented: "[So] much has been written in recent years . . . to 'a wall of separation between church and State.' . . . that one would almost think at times that it is to be found somewhere in our Constitution." And Supreme Court Justice Potter Stewart similarly observed: "[T]he metaphor [of] the 'wall of separation' is a phrase nowhere to be found in the Constitution." And Chief-Justice William Rehnquist also noted: "[T]he greatest injury of the 'wall' notion is its mischievous diversion . . . from the actual intentions of the drafters of the Bill of Rights. . . . The 'wall of separation between church and State' is a metaphor based on bad history. . . . It should be frankly and explicitly abandoned."

It is indeed striking that in the century-and-a-half following the adoption of the Constitution, the "separation of church and state" rhetoric so heartily embraced by Mr. Edwards was invoked in federal courts less than a dozen times—and on those occasions, the phrase was interpreted to mean that (1) America would establish no national denomination and (2) the federal government would not limit public religious expressions or activities. However, in the last 50 years, the federal courts have cited the "separation of church and state" principle in over 3,000 cases in order to allow the federal government to regulate public religious bodies and expressions—in direct opposition to the original intent of the First Amendment!

In summary, Mr. Edwards claims that "separation of church and state" was the goal of the First Amendment. It was not. Mr. Edwards also claims that Mr. Jefferson and Mr. Madison would support his view. They would not. However, even if they had, they were only two among the 145 Founders who framed the Constitution and drafted the Bill of Rights. And unless Mr. Edwards can show that a majority of those framing the Constitution and First Amendment support his reading, then the views of two cannot be extrapolated to establish the intent of the entire body, especially when the great majority of those Founders—according to their own writings and legislative acts—opposed what Mr. Edwards proposes.

No Member of this Body should be part of obfuscating the clear, self-evident wording of the Constutition, or misleading the American public by claiming the First Amendment says something it doesn't. We should stick with what the First Amendment actually says rather than what constitutional and historical revisionists like Mr. Edwards wish that it said.

IN COMMENDATION OF THE CHILDREN OF THE WORLD FOUNDATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. RANGEL. Mr. Speaker, I wish to bring to the attention of my colleagues an article that appeared in the November 7th New York Times entitled "Little Ambassadors with Hearts in Need of Repair." It tells the story of two infant children from Siberia who were transported to the United States to receive life saving heart surgeries. It also tells the story of a remarkable public private partnership between the United States and Russia involving our Department of Energy, the Russian Ministry of Atomic Energy and the Children of the World Foundation. This wonderful organization's Chairman is a great friend of mine: William Denis Fugazy of New York. Mr. Fugazy and the Children of the World Foundation have not only sponsored these two Siberian infants for their emergency medical procedures but five previous children all of whom have received vital heart surgeries.

The heart procedures are being done at the Children's Hospital of the Westchester Medical Center of New York. I know all of my colleagues join me in wishing these two young infants the best of luck in these surgeries and a wonderful life to follow. I also commend the work of the Children of the World Foundation which is part of the Forum Club of New York which itself brings key business and political leaders together.

I believe that in the New York Times article Bill Fugazy summed up the importance of the work of the Children of the World Foundation when he said that the medical procedures being performed on these children and the ones done previously "have opened avenues not there before and created new friendships."

[From the New York Times, Nov. 7, 1999]

LITTLE AMBASSADORS WITH HEARTS IN NEED OF REPAIR

(By Elsa Brenner)

Two Siberian toddlers have arrived in the United States on an adult-size mission: to serve as emissaries of Russia and symbols of an effort to improve relations between the two countries.

Because they were born with potentially fatal heart defects and faced limited prospects for reaching adulthood in Russia, Sophia Ovchinnikova and Sergei Yurinski are at the Westchester Medical Center here to undergo surgery not available in Russia.

Some political and business leaders are want the two babies, handpicked from among thousands of others suffering from congenital heart defects in Russia, will serve as symbols of healing between nations—particular in the area of nuclear disarmament.

"The children show the real human side of the work we're doing in Russia's nuclear cities," Energy Secretary Bill Richardson said last week. "Everyone—Russians and Americans—want what's best for kids."

The United States Department of Energy has been working in the remote Siberian regions of Tomsk, where Sophia lives, and Krasnoyarsk, Sergei's home on a nonproliferation program aimed at reducing the availability of nuclear material for weapons.

Sophia, 13 months old, and Sergei, 22 months old, arrived at Kennedy International Airport on Oct. 6 to a red-carpet welcome and were taken with their mothers to the Children's Hospital of the 1,100-bed Westchester Medical Center. A motorcade including the New York City Police and Fire Departments, the Westchester County police and dignitaries and businessmen, accompanied them. Those present included Kirill Speransky, senior counselor of the Russian Mission to the United Nations, Edward Mastal, director of the Highly Enriched Uranium Transparency Program of the United States Department of Energy, and Edward A. Stolzenberg, president and chief executive officer of the Westchester Medical Center.

The children's visit is sponsored by the Forum Club's Children of the World Foundation, a New York-based organization established by William Denis Fugazy, a limousine magnate and lobbyist, to give ailing youngsters in different parts of the world access to the most advanced medical techniques. The Forum Club, an organization of business and civic leaders, counts among its members Lee A. Iaccoca, the former chairman of the Chrysler Corporation.

The Siberian babies are the sixth and seventh to receive heart surgery in the United States under the sponsorship of Mr. Fugazy's foundation, which was formed last year.

Both Mr. Fugazy and Secretary Richardson said that because of the mutual humanitarian, economic and political benefits to both sides, American offers of medical assistance have been well received. The United States selected the two Russian children through the medical department of the Russian Ministry of Atomic Energy.

In many cases, care at American hospitals specializing in pediatric heart surgery is the only opportunity for sick children like Sophia and Sergei to live normal lives, said Dr. Lester C. Permut, the surgeon in charge of Sophia and Sergei's cases. The Westchester Medical Center is providing its services without charge to the children's families.

Dr. Permut said that Sophia and Sergei suffer from two of the most common heart disorders in children and that in the United States, the prognosis for such cases is excellent; a 95 percent survival rate after surgery.

"In this country, we consider these kinds of pediatric heart surgeries very routine operations," he said.

But in Russia, children having surgery to correct congenital heart defects have only a 5 percent chance of survival because advanced pediatric heart care is not available there. As Olga Victorovna Ovchionikova, Sophia's mother, explained through an interpreter: "I was told my child could have surgery in Novosibirsk, but that it was highly experimental and there were no guarantees. Then we heard about this. It was like a miracle."

It is the first time that the Children's Hospital at the Westchester Medical Center—one of only about 10 hospitals in the state licensed for pediatric heart surgery—is taking part in the Children's Foundation program. More than 100 children each day are cared for at the center here, which has the region's only pediatric intensive care and neonatal intensive care centers. Next year, the Medical Center plans to complete construction of its new 257,500-square-foot, four-story Children's Hospital.

At the Columbia-Presbyterian Medical Center in New York earlier this year, Anton Kozhedub, 3, of Ukraine and Maria Lucia Miller and Merolyn Roario, infants from the Dominican Republic, underwent heart surgery. Mr. Fugazy said those medical procedures, like the others that have been performed, "have opened avenues not there before and created new friendships."

In particular, Police Commissioner Howard Safir of New York City and law enforcement officials from the Dominican Republic have since exchanged information that has aided in arresting criminals. And pharmaceutical companies are exploring new business venues in the Dominican Republic. Also, George Steinbrenner, the principal owner of the Yankees, helped finance a hospital in the Dominican Republic, a country that is a rich source for American baseball teams.

In the latest partnership with Siberia, the most immediate and palpable gain is Sergei's speedy recovery. A hole in his heart has been repaired and he is making satisfactory progress, Carin Grossman, a hospital spokeswoman, said.

Dr. Permut, who performs about 150 open-heart procedures a year, explained that the wall that should have formed between the lower left and right chambers of Sergei's heart did not completely close when Sergei was in the womb—resulting in an abnormal blood flow and increased pressure in the artery that goes through his lungs.

Before the operation, the blood pressure in the artery to Sergei's lungs was the same as that in his aorta, when it should have been one-fourth of the pressure. It has, however, finally begun to drop, but not to the level it should be.

Under ideal circumstances, the surgery should have been performed before Sergei reached 6 months. "It is already late to start fixing the problem," Dr. Permut said.

Sergei's lungs have suffered, although the damage is probably reversible, Dr. Permut said. Without the surgery, or a heart-lung transplant later on, Sergei would have lived only into his teenage years or perhaps until he was 20.

In contrast, Sophia is undergoing a correction of a hole between the two upper chambers of her heart at precisely the correct time in her life, Dr. Permut said. Her medical problem is less complex than Sergei's, although the mitral valve in her heart needs to be repaired as well. Without surgery, she might not have lived past her 20's, he said.

In interviews last week, Sophia's mother, Mrs. Ovchinnikova, and Sergei's mother, Yulia Sergeevna Yurinskaya, said they had been overwhelmed by the kindness New Yorkers have shown to them and their children.

"They've treated us like family," Mrs. Yurinskaya, a housekeeper at a Siberian factory said, speaking through Dr. Gregory Rozenblit, a director of the department that performs angioplasties at the Medical Center. Sergei's bed is littered with toy trucks and other presents from well-wishers.

Mrs. Yurinskaya is able to talk by phone every day to her husband Mikhail, who also works in a factory in Siberia, and to her parents and inlaws. "They were very worried about the baby, and at first they were crying because everything was so bad. But now they are crying because they're so happy."

Sophia lives with her mother, aunts and grandmother in a small town in Siberia. Ms. Ovchinnikova, a single mother who works as a housekeeper in a gym, said she talks to her relatives only about once a week at a pre-arranged time and place from the United States, because there is no phone in their apartment in Siberia.

When they do talk (the news from Siberia is that the snow has already begun to fall) the women discuss their new hopes for Sophia and changing relations between the two countries.

"We can't believe what is happening," Ms. Ovchinnikova said, "that after all these years of cold war tensions, there is now so much friendliness."

Sophia is awaiting surgery, and since their arrival in the United States, Sophia and her mother have lived in a small apartment here provided by the hospital, so that Sophia can recuperate from a cold and ear infection.

REMARKS IN SUPPORT OF H.R. 3075

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. WEYGAND. Mr. Speaker, I rise in support of H.R. 3075, the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 and urge my colleagues to join me in supporting this important measure.

With a wide majority of my colleagues, I voted for the Balanced Budget Act of 1997 (BBA) after it emerged from the conference committee two years ago while I opposed earlier versions of the bill. The final draft of the BBA accomplished many positive things for our seniors and our country. It expanded preventative benefits, such as increased access to mammographies and other cancer screenings, greatly increased health care access to children through the SCHIP program and enacted several strong anti-fraud and abuse provisions within the Medicare program.

Since the enactment of this broad and comprehensive legislation, I have been working hard to smooth out some of the provisions which have caused concern for the many health care providers and Medicare beneficiaries in my state. During consideration of the budget resolution for last year, I offered an amendment which called on Congress to restore some of the inequitable reductions to home health care agencies as a result of the Balanced Budget Act. My amendment to the Congressional Budget Resolution was approved and represented the first legislative action on the road to the eventual restoration of some of the reimbursement rate reductions for home health care agencies in last year's omnibus budget bill.

A great number of us recognized last year that much more needed to be done for health care providers and seniors, which is why I am pleased that we are finally debating this bill on the floor. I am disappointed, however, that the majority has chosen to consider this measure by suspending the rules, barring members from offering amendments. Although this legislation will pass by a wide margin today, we cannot rest on this accomplishment. We need to continue working to bridge the differences between what is included in this piece of legislation and what has been included in a separate measure in the other body. As with any comprehensive piece of legislation, there are provisions about which I have concerns within this bill and would prefer certain provisions of the bill awaiting action by the other body. While the Senate and we both intend to provide much needed resources to health care providers in our states, we have understandably taken different approaches and offered different solutions.

I look forward to continuing working with my colleagues in both chambers and the administration to ensure we enact positive relief before the end of this session of Congress.

TRIBAL SELF-GOVERNANCE AMENDMENTS OF 1999

SPEECH OF

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 1999

Mr. KILDEE. Mr. Speaker, I am pleased to be a cosponsor of this important legislation. Last year, the House passed similar legislation.

Since 1992, the Indian Health Service has transferred more than $400 million to 211 tribes in Alaska and 38 tribes in the lower 48 States under the self-governance demonstration project.

The transfer of programming and budgeting authority to tribal governments has proven to be successful. Tribes have made significant progress in meeting the needs of their people and promoting the growth of their communities.

It is our responsibility to support the tribes' efforts improving their health care systems. The demonstration project has allowed tribes to expand their range of health care services to their membership.

I strongly urge each of my colleagues to support this bill.

RICHARD L. KRZYZANOWSKI: DEPARTURE FROM CROWN, CORK & SEAL

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. BORSKI. Mr. Speaker, I rise in honor of my dear friend Mr. Richard L. Krzyzanowski, as he retires from his position at Crown, Cork & Seal, where he has served many years with dedication and distinction.

Mr. Krzyzanowski has a long and respectable history of service to the Polish American Community. He was born in Warsaw, and was later naturalized as an American Citizen. He also received education in the countries of France and Italy. Mr. Krzyzanowski graduated from the University of Pennsylvania Law School. Through hard work and loyal and faithful service at Crown, Cork & Seal, he worked his way up to General Counsel, Member of the Board of Directors and Serrate of the Corporation.

Mr. Krzyzanowski was the founder of the Friends of Pope John Paul II Foundation, which devotes its efforts to strengthening the Catholic faith in Eastern Europe in what were formerly known as the Iron Curtain Countries. Through his diligent efforts, chapters have been founded in Philadelphia, West Palm Beach, Houston, New Orleans, Los Angeles, Honolulu, Jakarta and Singapore.

Mr. Krzyzanowski works closely with many charitable foundations, including the Connelly Foundation, established by the late president of Crown, Cork & Seal, John Connelly, for whom his admiration continues unabated. He is a loyal citizen and friend to Crown, Cork & Seal, and America.

Through his service at "Crown," Mr. Krzyzanowski displayed the type of commitment and insight necessary for success, and he will be missed and remembered when he departs the corporation. Richard L. Krzyzanowski exhibits the qualities of a great American citizen, and it is the embodiment of those qualities which serves to make the United States the great country it is today. I thank him for his service and wish him the best of luck in the coming years.

TRIBUTE TO JACK MAHON

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. ROGAN. Mr. Speaker, today, on behalf of the 27th Congressional District; the City of Los Angeles; and the County of Los Angeles, I wish to acknowledge the 70th birthday of a true American, our dear friend, Mr. Jack Mahon.

Born John Francis Mahon, Jr., on December 16, 1929, Jack is the son of Irish immigrants who came to my district in the early part of this century. Jack's parents: John Francis Mahon Sr. from County Offaly; and Katherine Fullerton from County Donegal, came to America and settled in the City of Pasadena where Jack attended St. Andrews Elementary School. Later, Jack attended Loyola High School in Los Angeles.

Jack served our great nation in military service, joining the Army in the 1950's, completing a tour of duty in Korea during the war.

In 1955, Jack married Eileen McGoldrick, also the daughter of Irish Immigrants residing in my district. Shortly thereafter, Jack was accepted to the Los Angeles Police Academy, and embarked on a law enforcement career which would eventually span 30 years.

Jack worked every division within the L.A.P.D., including the prestigious Metro Division, were he rose to the rank of Lieutenant. Before retiring from the police department with 20 years of professional community service, Jack worked as special assistant to Deputy-Chief Daryl Gates. Jack retired to assume the elected duties as Marshall of Los Angeles County, where he diligently served the community for another 10 years.

Jack Mahon's professional reputation is matched by his devotion to politics and sports, as he has been a life long member of the Republican Party, and consistently shoots a round of golf in the 70's.

In 1981, Jack married Betty Allyn. Since his retirement in 1985, Jack and Betty have shared themselves between loving friends, children, and grandchildren, while remaining active in their community.

Descendant from his humble Irish roots, Jack Mahon has lived life committing himself to bettering his family and his community. Surely, we are all better off having known Jack.

On this day we not only say, Happy Birthday, but we thank Jack: for his selfless service to God and country, to family and community.

Happy Birthday, Jack, and may God bless you.

INTRODUCTION OF DERIVATIVES MARKET REFORM ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. MARKEY. Mr. Speaker, today I am joining with the Senator from North Dakota (Mr. DORGAN) in introducing the Derivatives Market Reform Act.

In recent years, over-the-counter (OTC) derivative financial products have become an important component of modern financial markets. They provide useful risk management tools for corporations, financial institutions, and governments around the world seeking to respond to fluctuations in interest rates, foreign currency exchange rates, commodity prices, and movements in stock or other financial markets. While OTC derivatives are frequently used to hedge risks or to lower borrowing costs, they can also be used by dealers or end-users to make risky and highly speculative synthetic bets on the direction of global financial markets. The potential for such derivatives to contribute to excessive speculation or leveraging has raised concerns over the potential for OTC derivatives to increase, rather than reduce the risk of catastrophic financial loss or contribute to a future financial panic or meltdown in global financial markets.

In addition, the concentration of market-making functions in a small number of large banks and securities firms, the close financial inter-linkages OTC derivatives have created between each of these firms, and the sheer complexity of the products being traded raise serious concerns about the potential for derivatives to contribute to serious disruptions in the fabric of our financial system. The potential for the failure of a key market participant to trigger a meltdown—or the specter of a potential disruption in the financial markets due to highly leveraged and complex investment strategies—was illustrated by last years' near collapse of the hedge fund known as Long-Term Capital Management (LTCM).

The LTCM affair has underscored the need for regulators to minimize the potential for OTC derivatives to contribute to a major disruption in the financial markets, either through excessive speculation and over-leveraging, or due to inadequate internal controls and risk management on the part of major derivatives dealers or end-users. Today, Senator DORGAN and I are introducing legislation in both the House and the Senate which would provide for certain targeted derivatives market and hedge fund reforms in the aftermath of the LTCM affair. Here's what our bill would do:

First, the bill would define "derivative" to include any financial contract or other instrument that derives its value from the value or performance of any security, currency exchange rate, or interest rate (or group of index thereof). With respect to instruments based on currency exchange rates, we would exclude the most common type of derivative instrument—forward rate contracts—but would include foreign currency swaps that have a duration greater than 270 days. Securities traded on an exchange or on the NASDAQ, futures or options on futures, and bank or savings institutions deposits also would be excluded.

Second, the definition of "security" in section 3(a)(10) of the Securities Exchange Act of 1934 ("Exchange Act") would be amended to include derivatives based on the value of any security. While options on securities already are included within this definition, the amendment would bring equity swaps explicitly under the definition of "security" and subject transactions in equity swaps to regulation under the Exchange Act.

Third, persons defined as "derivatives dealers" would become subject to Securities and Exchange Commission ("Commission") regulation. Derivatives dealers that are not (1) registered broker-dealers or (2) material associated persons of registered broker-dealers that have filed notice with the Commission, would be required to register with the Commission and would be subject to Commission rulemaking and enforcement authority. Commission rulemaking would focus on financial responsibility and related recordkeeping and reporting requirements, as well as on the prevention of fraud. Such dealers also would be required to become members of an existing registered securities association, or any registered securities association that may be established for derivatives dealers. Rules adopted by a registered securities association would focus on the prevention of sales practice abuses and the establishment of internal controls.

Derivatives dealers that are material associated persons of registered broker-dealers would be required, as a general matter, to file a form of notice with the Commission. Alternatively, such dealers would be permitted to register as a derivatives dealer. Dealers that file notice would be regulated indirectly through their broker-dealer affiliate. The risk assessment provisions already in place under the Exchange Act, which would be amended by this bill, would be utilized for this purpose. In addition, the broker-dealer's net capital would be based, in part, on the derivatives activities of its affiliated derivatives dealer. The designated examining authority for the broker-dealer would have rulemaking and enforcement authority with respect to the derivatives activities of both the broker-dealer and the affiliate. The Commission also would be authorized to adopt rules designed to prevent fraud.

Fourth, the bill would require the filing of quarterly reports by hedge funds, including a statement of the financial condition of the fund, income or losses, cash flows, changes in equity, and a description of the models and methodologies used to calculate, assess, and evaluate market risk, and such other information as the Commission, in consultation with the other financial regulators, may require as necessary or appropriate in the public interest or for the protection of investors. The Commission is authorized to allow any confidential proprietary information to be segregated in a confidential section of the report that would be available to the regulators, but would not be disclosed to the public.

Fifth, the bill would also direct the SEC to use its existing large trader reporting authority to issue a final large trader reporting rule. Congress gave the SEC this authority in the Market Reform Act of 1990 in order to assure that the trading activities of hedge funds and other large traders could be tracked by the SEC for market surveillance and other purposes. Nearly 10 years later, the SEC has failed to issue a final rule, and the draft rules it issued years ago are gathering dust. Our bill would change that.

Sixth, the bill would reinstate the intermarket coordination reporting requirements established by Section 8(a) of the Market Reform Act of 1990. This reporting requirement, which expired in 1995, was intended to promote cooperation by the various financial regulators by requiring them to report to Congress on an annual basis on their efforts to coordinate regulatory activities, protect payment systems and markets during emergencies, establish adequate margin requirements and limits on leverage, and other matters affecting the soundness, stability, and integrity of the markets.

Adoption of this bill would close the regulatory black hole that has allowed derivatives dealers affiliated with securities or insurance firms to escape virtually any regulatory scrutiny. It will give the SEC the tools needed to monitor the activities of these firms, assess their impact on the financial markets, and assure appropriate protections are provided to their customers against any fraudulent or abusive activities. It would require hedge funds to provide some public reporting regarding their holdings. It is not a radical restructuring of the derivatives market or of the hedge fund industry; it is focused laser-like on the real gaps that exist in the current regulatory framework that need to be closed in the aftermath of the LTCM affair.

I urge my colleagues to cosponsor and support this important legislation.

A SALUTE TO MAL WARWICK & ASSOCIATES ON ITS TWENTIETH ANNIVERSARY

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Ms. LEE. Mr. Speaker, I rise today to salute, congratulate and honor Mal Warwick & Associates on celebrating its twentieth anniversary.

Mal Warwick & Associates is a fund-raising and marketing agency serving non-profit organizations and socially-responsible businesses. Over the years, they have assisted a wide variety of organizations both large and small; local, state, and national, as well as six Democratic Presidential candidates.

Mal Warwick, founder and Chairman of Mal Warwick & Associates has been a consultant, author and public speaker for non-profits for more than thirty-five years. Mr. Warwick is very involved in the community affairs of the City of Berkeley in California, including serving on the boards of the Berkeley Community Fund and the Berkeley Symphony Orchestra. Prior to Mr. Warwick's move to Berkeley, Mr. Warwick served for three years as a Peace Corps volunteer in the 1960s.

Due to the efforts of Mal Warwick & Associates over the last twenty years, the quality of life of many non-profits and the communities they serve, has been enhanced tremendously. Thanks to these efforts, many voluntary organizations have built the foundation towards a more peaceful, productive and better way of life for citizens throughout the world.

I proudly join my friends, colleagues and clients of Mal Warwick & Associates in recognizing its twentieth anniversary and also join in the celebration of its many years of extraordinary service to people and organizations through the Bay Area and the world.

THE UNIVERSITY OF MISSISSIPPI MEDICAL CENTER CONTINUES PIONEERING MEDICAL ADVANCES

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. SPENCE. Mr. Speaker, I rise to bring to the attention of the House exciting medical advances that are taking place at The University of Mississippi Medical Center (UMC), in Jackson, Mississippi. During the last thirty years, UMC has gained an international reputation as a leader in the development of landmark medical procedures. In 1964, the first heart transplant in the world was performed at UMC. In 1988, I received a double-lung transplant there, which saved my life. At that time, the procedure that I underwent was not being performed anywhere else in the United States.

Most recently, UMC Assistant Professor of Vascular Interventional Radiology and Body Imaging, Dr. Patrick Sewell, has pioneered a revolutionary procedure that offers great promise for the treatment of cancer patients. This innovative work combines Magnetic Resonance Imaging (MRI) and cryosurgery techniques to destroy tumors. This "cryoablation" has been successfully performed by Dr. Sewell on cancer patients, with amazing results.

Additionally, Dr. Sewell, and Dr. Ralph Vance, another UMC physician, have traveled to China, to share another new "cutting-edge" technology with medical practitioners in that country. The procedure, which was developed by Dr. Sewell, and which is known as "radiofrequency of the lung tumor ablation," utilizes a radiofrequency probe with an Interventional CAT scan to perform lung cancer surgery.

Mr. Speaker, I am very proud to have a connection, through my transplant experience, to the ongoing pioneering efforts at UMC that are making significant breakthroughs in medicine. I would like to include in the CONGRESSIONAL RECORD two articles that elaborate on these impressive efforts, which are changing the way cancer is treated.

[From the Medical Post News 2, Oct. 12, 1999]

New MRI Great Renal Tumour Destroyer—Open Magnet MRI Provides Almost Real-Time Images During Surgery

(By Andrew Skelly)

JACKSON, MISS.—MRI-guided cryosurgery looks like a promising way to destroy renal tumours, say doctors at the University of Mississippi Medical Centre.

The centre is one of only a handful worldwide using a new type of "open magnet" MRI that provides almost real-time images during surgery.

The technique takes advantage of the temperature sensitivity of MRI and the availability of new nonmagnetic cryosurgical equipment.

Doctors at the Centre Hospitalier Universitaire de Quebec are using the same equipment to destroy breast tumours (see the Medical Post, Aug. 11, 1998).

The Mississippi team has treated 13 renal cancer patients so far. All of them had already had one kidney removed and had developed a tumour in the other.

Traditional surgery would have involved removing the entire remaining kidney; but the MRI-guided approach allowed the surgeons to destroy the tumour while leaving the functioning part of the kidney intact, thus sparing the patients dialysis.

"We've been successful in every one so far, without a great deal of difficulty," said assistant professor of radiology Dr. Patrick Sewell in a telephone interview. "We've had no complications, no bleeding, no blood in the urine, and one patient's renal function actually improved. We actually expected everybody's to get a little worse but so far no one's has. We don't quite understand that, but we definitely like it."

General anesthetic was used in all but one patient, who could not tolerate sedation because of pulmonary disease.

The patients are being followed with CT scans at one week, one month, three months, six months and one year post-surgery, and then every year thereafter. Their post-surgical renal function is also being monitored.

The longest followup is only about six months, but so far no patient has shown evidence of residual tumours after the surgery: "Time is the true test, whether the procedure is totally effective or partially effective," Dr. Sewell stressed.

SIGNIFICANT ADVANCE

"The procedure appears to be a significant advance in the minimally invasive surgery field," commented Dr. Joseph Chin, professor and chairman of the division of urology at the University of Western Ontario, when reached by e-mail. "But standardization of techniques, quality control, proper patient selection and longer-term followup are as yet unavailable."

The interventional MRI, manufactured by GE Medical Systems of Waukesha, Wis., resembles a pair of vertical doughnuts—the patient slides through the doughnut hole and the surgeon stands between the doughnuts, watching a video monitor displaying the MRI images—which can be updated as quickly as twice per second.

Because the magnet is configured to allow the surgeon access to the patient, the field strength is less than a regular diagnostic MRI—0.5 versus 1.5 Tesla—so the resulting image quality is not as good. High-quality preoperative CT or MRI scans are still required to familiarize oneself with the anatomy and look for subtle lesions, Dr. Sewell said.

The intra-operative MRI is used to localize the kidney, then plan and monitor the path of the cryosurgical probe as the surgeon inserts it through a 4 mm incision into the centre of the tumour.

The probe—called Cryo-Hit and designed by Tel Aviv-based Galil Ltd.—is nonmagnetic, so it doesn't interfere with MR imaging.

Dr. Sewell uses three cycles of freezing and thawing to rupture the tumour cell membranes.

Pressurized argon gas is used for freezing, producing a temperature of −186 °C at the tip of the probe, creating an "ice ball" whose growth can be monitored on the video screen.

Pressurized helium gas then heats the tissue to up to 80 °C.

"The MRI allows me to see where the probe tip is and move around and get three dimension views," said Dr. Sewell. "It's just like slicing through the body. It's a virtual surgery, essentially."

In just over an hour, the tumour is a shrunken mass of inert cellular debris and the patient goes home the next day.

"You just put a Band-Aid on them and we're finished. In a couple of months, you can't even find the scar—it's so small," said Dr. Sewell. Ordinary naked-eye surgery, he added, involves a 10-inch incision, removal of surrounding tissue and weeks of recovery time.

The technology, said Dr. Sewell, could one day replace nephrectomy, if it has the same end result.

"If you're faced with having your kidney removed and going on dialysis because you have a tumour, this is certainly of great benefit."

[From the Mississippi Medical News, Nov. 1999]

UMC Physicians Pioneer New Lung Cancer Surgery in China

Two physicians from the University of Mississippi Medical Center (UMC) have been in China treating its overwhelming number of lung cancer patients—and teaching China's doctors to do the same. If this medical undertaking is successful, it could change the way lung cancer surgery is performed worldwide.

The UMC physicians used a new surgical procedure which was performed for the first time in the world at UMC and, since then, has been practiced only at the Jackson medical center for the past six months.

Surgeon/radiologist Dr. Patrick Sewell and oncologist Dr. Ralph Vance taught China's physicians how to perform the new surgery to battle lung cancer. In the process, the UMC physicians are conducting study of the results, which eventually could benefit patients in the United States and worldwide.

"China has 300 million smokers, which is more than the entire population of the United States," says Sewell, an assistant professor of radiology at UMC. "So they need a cost-effective way to treat lung cancer. This is a fast and cheap way to destroy tumors in the body."

Sewell pioneered the new surgical procedure, called a radiofrequency of the lung tumor ablation, at UMC. He is considered the world's authority on the procedure. Vance, a UMC professor of medicine, is designing and directing the related study and its joint research by UMC and academic institutions in the People's Republic of China.

Sewell visited three cities—Beijing, Xian, and Shanghai—to lecture, demonstrate, and perform the surgeries. He went to China Oct. 4 and returned Oct. 17. Vance set up the patients and the study in advance, visiting China Oct. 1 through Oct. 8.

Sewell also is nationally known for developing new surgical procedures using UMC's interventional magnetic resonance imaging (MRI) unit, which involves procedures very similar to the China procedure. (UMC is one of three test sites in the United States for the vertical twin-magnet interventional MRI; the other are at the teaching hospitals of Harvard and Stanford Universities.)

The interventional MRI displays magnetic resonance images in real-time during surgery so the physician can see a surgery's progress and whether tumors are being destroyed. The China radiofrequency tumor ablation surgeries, in which a hot probe is used for tumor removal, employ an interventional CAT scanner instead of the interventional MRI.

In both procedures, a tiny incision in the patient's skin enables the physician to insert a probe into the body to destroy the tumors. In the pioneering interventional MRI procedures, a cold CryoHit (freezing) probe most often is used. The interventional CAT scanner surgeries in China used a hot (laser radiofrequency) probe to destroy tumors, Sewell says.

In China, the procedure also received a new application; it was performed for the first time to treat primary tumors of the lung, ideally to cure the cancers. (Primary tumors are nonmetastasized tumors, or tumors from which the cancer has not spread.) Sewell notes that, in the United States at UMC, the procedure only has been used to treat metastasized tumors of the lung that have spread to other parts of the body as a means to prolong life and relieve suffering from incurable cancer.

Since conventional surgery can successfully remove primary tumors of the lung, Sewell can point to no compelling reason in the United States to test whether the CAT scanner procedure also is a cure. He says he is not willing to let a patient forgo conventional surgery here to test the results of the new procedure. But in China, where medical resources are insufficient to treat the overwhelming number of lung cancer patients through conventional means, this new procedure could be a viable means to turn the tide against lung cancer. Vance explains that "only 15% of China's population with lung carcinoma" undergoes conventional surgery for tumor removal.

If indeed the CAT scanner procedure works on primary tumors in China, it could be adopted in the United States and worldwide. Not only are interventional-type lung cancer surgeries less expensive and quicker than conventional surgery, but the patient also has a much shorter recovery period after interventional-type surgeries; they also involve less trauma to the body, Sewell explains.

Sewell performed 10 radiofrequency ablation surgeries on patients in China, while training surgeons there. The 10 surgeries involved five primary lung tumors, three metastasized lung cancers, one fibroid tumor, and one cancer of the liver "so they'd know how to do that procedure, too," Sewell reports.

Vance served as an epidemiological expert on the China trip. He selected lung cancer patients in China to receive the surgery and set up parameters for studying the medical outcomes.

After being trained by Sewell, China's surgeons immediately began performing the new lung cancer surgeries on both primary and metastasized tumors. "They could eventually perform hundreds of those lung surgeries per month," Sewell estimates. We'll know soon whether this procedure worked to treat primary tumors" if the cancers have not returned, he says.

That's part of phase II of the China project. In four to six weeks, Vance will choose 10 more patients in China to have primary tumors of the lung removed and Sewell will perform their surgeries. A month later, those 10 patients will have positron emission tomography (PET) scans to determine whether their cancers are indeed destroyed. Since lung cancer is aggressive, about a month after surgery is an ideal time to evaluate the outcomes, Vance says.

"We will evaluate the effects of radiofrequency ablation with and without combined chemotherapy and radiation therapy . . . to assess overall survival," states Vance. Both mid- and late-stage lung cancer are being treated in the China project.

"We'll collect the data, publish it, and hope to prove our hypothesis—that this will be an effective way to treat a variety of lung tumors," Sewell concludes.

CLEVELAND WILL MISS DON WEBSTER

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. LATOURETTE. Mr. Speaker, I rise today to pay tribute to a Cleveland legend who is leaving our fair city and heading south. Don Webster will no longer give Clevelanders the lowdown on lake effect snow, water spouts and other area weather abnormalities from his familiar home at Channel 5, WEWS.

Instead, in retirement he'll spend his days in beautiful Hilton Head, South Carolina, where I have no doubt he'll nurse his golf game and his famed tan. As any Clevelander knows, when it comes to tanning, Don Webster gives George Hamilton a run for his money. My guess is he'll also delight the locals and tourists with his meteorological prowess whenever hurricane watches and warnings are announced, and wax poetic about approaching fronts and the effects of El Niño and La Niña.

Don Webster and I first met more than a decade ago when I was the Lake County prosecutor and he was the grand marshal of the Fairport Harbor Mardi Gras Parade, and our paths have crossed many times since, especially at charity events. Don Webster probably won't enjoy this observation, but I feel like I've known him since I was about 10 years old.

I used to watch Don Webster every Sunday on a small, black-and-white TV in the living room of my childhood home in Cleveland Heights as he emceed Academic Challenge. My hope in mentioning this is that Don will at least feel a little bit old since he looks roughly the same today as he did three and a half decades ago. It hardly seems fair that Don Webster remains the epitome of vigor and perpetual youth while those of us who grew up watching him are losing our hair.

Don Webster is known to an entire generation of Americans as the host of nationally syndicated, rock 'n' roll dance show *Upbeat*. Don Webster hosted the show—the second-longest running show of its kind in history—for seven years. He got to meet just about every rock 'n' roll legend along the way. In fact, *Upbeat* photos of Webster with Jerry Lee Lewis and the Outsiders were included in the "My Town" exhibit at the Rock and Roll Hall of Fame and Museum in Cleveland.

In his 35 years with Channel 5, Don Webster did a little bit of everything—from hosting It's Academic and The Ohio Lottery Show to working in management as station manager. But most people know his true love was delivering weather forecasts, which he's done for more than two decades.

We will miss Don Webster and his familiar presence in our lives, but wish the best for him and his lovely wife, Candace, in their new life in Hilton Head.

TRIBUTE TO BRANDI NICHOLE GASKEY

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. DUNCAN. Mr. Speaker, one of the best students in my district, Brandi Nichole Gaskey, has just graduated from Farragut High School.

She has had an amazing four years in high school. She was a member of the National Honor Society all four years, and she was also President of the Fellowship of Christian Athletes her junior and senior year.

Brandi was also involved in sports at Farragut and was voted most athletic, as well.

Mr. Speaker, recently Brandi Gaskey was asked to give the commencement address at Farragut High School. I have attached a copy of her remarks that I would like to call to the attention of my colleagues and other readers of the Record.

Hope Through Character 1999 Graduation Address

(By Brandi Nichole Gaskey)

Mr. Superintendent, friends, family, distinguished guests, faculty, and fellow graduates of the last class of the century. I stand before you tonight filled with excitement as I welcome you to the 1999 Farragut High School Graduation Ceremony. As we have come to the end of our formal education, to for some of us a miraculous occasion, the question was asked "Does character count?" Although I could not think of one word to define character, I respond with an enthusiastic YES, character does count. I counts for you and me and every person we will ever come in contact with. It counts in a big way through the small things we do or say every day. Character is who you are in the dark, when no one is looking. It's what's on the inside, the gutsy stuff you're made of that no one knows about, but one day every one will see. My pastor, Doug Sager, once said, "your character is your set of values that are non negotiable. It's the quality of life given to you by God to say what is right and to stand up for it." For you see, your character can either make you or break you because everyone has character, it's just a matter of how you choose to develop it. For example, two students at Columbine High School had the character to kill their fellow classmates, while other students at Columbine High School had the character to stand up for their faith no matter what the cost. So I'd like to share with you today how to develop your character, and exactly why it does count. Moris Mandel tells a story of how the forming of our character is like the forming of an icicle. He concludes that an icicle forms one drop at a time until it is about one foot or two long. If the water was clear, the icicle remains clear and sparkles like diamonds. If the water was muddy, the icicle looks foul and its beauty is spoiled. Just so, our characters are forming one little thought at a time, one little action at a time. In the Bible, in Romans 5:3–4, it states, "Trials make perseverance, perseverance our character, and that character produces hope." Helen Keller also stated, "Character cannot be developed in ease and quiet, it is only through experiences of trial and suffering can the soul be strengthened, vision cleared, ambition inspired, and success achieved." Your character is seen and developed through the hard times of life. So I'd like for you to think of an experience that has helped shape your character. I thought about my basketball team, and how Romans 5:3–4 applied to us in so many ways. We had faced so many trials, from a freshman, sophomore, and junior season all with losing records. I thought of countless hours of practice and endless preseason track workouts and sitting in the teamroom after a loss and doing nothing but crying. But those trials' taught us perseverance, and we produced character, and that character gave us hope. Hope for this year in which we proudly finished with a winning record of 16-12. Or think of someone you know who has an extreme amount of character. It may be someone who loses their wife and daughter, but still lives life in the best way he can, or someone who works so hard and only makes enough money to feed his/her family. Or someone who fails so many times but keeps on trying and trying again and no one knows how bad they've hurt or hard they've worked. It's studying so hard for an AP Latin test, a math final, or an English exam to realize you make a D, so the next time you study so much harder and finally make the A. Character is all these things. It is formed when you realize you're at your lowest, but hey, you gotta keep on going. So I'd like to challenge you class of 1999 to see each trial you will face as an opportunity to produce and reveal your character. All of these things will "strengthen your soul, clear your vision, inspire your ambition, and you will achieve success" (Helen Keller). Just like the Bible says, your character produces hope. Hope through God that we will make a difference, hope that we are going to be the best future leaders, parents, teachers, ministers, and merchants in the history of our nation, hope that what we do matters, and hope that our character will count informing a better tomorrow. So be the people of character you are called to be and work daily on strengthening your soul and developing your inner spirit. Margot Isobel once said something that reveals the importance of your true heart and true character. She said, "I think t'would be lovely to live and do good, to grow up to be the girl that I should. A heart full of sunshine and a life full of grace are beauty far better than beauty of face. I think t'would be lovely to make people glad, to cheer up the lonely, discouraged, and sad. What matter if homely or pleasant to see, if lovely in spirit I'm striving to be." So you see your character can make a difference in the lives of others. It's what's on the inside, your inner spirit, it's what you've developed these last 17 or 18 years, what you've persevered through at home and at school, it's your character that counts, and yes, character is essential. So let God guide you through your trials you will face in college, your career, your marriage, and as a parent, and let those "trials make perseverance, perseverance your character, and let character produce in you hope" (Romans 5:3-4). So I'd like to congratulate you class of 1999. We made it and we finished the ride successfully, but I'd like to leave you with the words of Abraham Lincoln. He said, "Fame is a vapor, popularity an accident, and riches take wings. Only one thing endures forever and that is your character." Thank you.

INTRODUCTION OF THE SMALL BUSINESS DISASTER ASSISTANCE ACT

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mrs. KELLY. Mr. Speaker, I rise today for the purpose of introducing the Small Business Disaster Assistance Act.

This is a two-part proposal that seeks to provide both immediate assistance to viable small businesses and agricultural enterprises when first dealing with the damage wrought by a disaster, and more long-term assistance which seeks to provide them with the needed lift as they continue to work towards normalcy.

My bill creates a program whereby viable small businesses and agricultural enterprises would be eligible for a grant of up to $30,000 in order to provide them with the immediate assistance they need when dealing with a disaster. Additionally, the bill creates a loan program that acknowledges the great difficulties small business owners and farmers encounter during the first year following a disaster by allowing for a one-year deferral on any repayments toward the loan, and, furthermore, allows the recipient to pay back the principal of that loan before the interest.

This is a compassionate, reasonable proposal that seeks to provide small businesses and farmers with assistance during a time when they need it most. I'd like to thank my colleague from New Jersey, Congressman BOB FRANKS, for his important contribution in drafting this legislation, and I hope that our colleagues will join us in this effort to assist small business owners and farmers whose lives have been fundamentally diminished by natural disaster.

ROMANIA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. ORTIZ. Mr. Speaker, as Co-Chair of the Romanian Caucus, I rise today to enter into the record remarks in support of Romania. Mr. Speaker, the Heads of State and Government participating in the Istanbul Summit will designate the Chairman-in-Office of the Organization for Security and Cooperation in Europe for the year 2001.

Romania has been fostering support for its candidacy since 1996, when President Emil Constantinescu announced his country's bid for the OSCE Chair in 2001. Romania enjoys U.S. support and has succeeded to build consensus around its candidacy among full OSCE members. Romania will be entrusted to chair the OSCE in 2001, and it will join Austria and Norway in the OSCE Troika, starting January 2000.

The United States and Romania in 1997, established a strategic partnership resulting in close cooperation and consultations on all issues of common interest, particularly: NATO policies; promoting stability and security in Southeastern Europe, combating non-traditional threats; military and economic reforms in Romania and its region. Romania has also been a key supporter of U.S. and NATO policy in the Kosovo crisis, assisting the U.S. and NATO in actions meant to bring stability to the Balkans.

Romania's government and Parliament approved without reservation overflight rights for NATO aircraft at the height of the Kosovo conflict. Romania is among the regional countries which observes the embargo against Former Republic Yugoslavia, despite significant costs. Romania has proven to be a reliable partner of the U.S. and NATO and is consistent in improving its credentials for future integration with NATO. All Romanian political forces, as well as a large majority of the people, support the goals of integration with NATO and the EU. In December 1999, Romania will host the Southeast European Defense Ministerial (SEDM), in which the United States participates.

Within this framework, Romania takes part in efforts to operationalize the Southeast European Multinational Peace Force, the first ever attempt at peaceful military cooperation in the region. Romania is the Chairman in Office of the Southeast European Cooperation Process and, as such, has been instrumental in promoting joint positions and actions of countries neighboring Serbia.

Active participants in the U.S.-supported Southeast European Cooperative Initiative (SECI), Romania has lead the efforts to conclude a regional Agreement for the fight against transborder crime and corruption which was signed in Bucharest, on 26 May 1999. Romania hosts the SECI Regional Center for the fight against transborder crime and corruption. The Center was inaugurated on 16 November 1999 and acts as a critical instrument for promoting a healthy business climate in Southeastern Europe, combating non-traditional threats and transborder crime.

Therefore, it is suggested that: The United States Congress expresses support for Romania's nomination as OSCE Chair in 2001 and readiness to cooperate with Romania in the exercise of the resulting responsibilities. The United States Congress looks forward to sending a large delegation to the OSCE Parliamentary Assembly in Romania, in July 2000. The United States Congress acknowledges and highlights Romania's relevance as a regional role-model for inter-ethnic cooperation, steady evolution towards mature democracy as well as decisive efforts towards a functioning market economy, against the background of difficult challenges of the reform process.

The United States Congress encourages an enhancement of U.S.-Romanian Strategic Partnership, in order to enable Romania to perform as Chairman in Office of the OSCE and to exercise effectively its OSCE area, which includes the Euro-Atlantic as well as Eurasian space. The United States Congress expresses openness to expand inter-parliamentary links with the Romanian legislature, in order to help promote the achievement of common goals and interest.

A TRIBUTE TO MARTIN STEIN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. TOWNS. Mr. Speaker, I rise today to honor the achievements of Lieutenant Martin Stein, a member of the New York City Police Department.

At a time, when police departments around this nation are under attack because of accusations of brutality, wrongful deaths and generally poor community relations, Lt. Stein continues to demonstrate a sense of professionalism and commitment which has made him a credit to law enforcement. He joined the police force in 1981 and has held a variety of positions of increasing responsibility during this time period. With a career that has covered various precincts in Manhattan and Brooklyn, Lieutenant Stein is currently the Special Operations Lieutenant for the 81st precinct. In this capacity, he is responsible for the day-to-day operations of the precincts specialized units: Anti-Crime; Street Narcotics; Warrants; Field Training and Community Policing Unit. He also ensures that these units work with the patrol force to respond to the calls and needs of the community.

Under Lieutenant Stein's leadership, the 81st Precinct has seen an overall 53% reduction in crime. It is particularly significant that homicides have been reduced by 37% and shootings by 70%. These statistics indicate a real quality of life improvement for my constituents who reside in the Bedford-Stuyvesant section of Brooklyn which is served by the 81st precinct.

Lieutenant Stein was recently married to his wife, Mary, and has a 14 year old son Peter from a previous marriage. After three years at York College in Queens, he is currently pursuing his Bachelor's degree in the New York State Regents Degree Program. I commend his fine work to the attention of my colleagues.

THANKSGIVING

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. SCHAFFER. Mr. Speaker, three hundred and seventy-eight years ago, Plymouth Colony Governor William Bradford "sent four men fowling, so they might in a special manner rejoice together after they had gathered the fruit of their labor." This event marked the first official Thanksgiving celebration in the New World.

Indeed, the colonists had much to be thankful for that winter of 1621. Following a long and treacherous journey across the Atlantic, they landed on a bleak New England coast and endured a year marked by hardship and hunger in which half of the 101 original Mayflower passengers died. Finally blessed with bountiful harvest and warm shelter however, the Pilgrims paused to give thanks to God for their divine good fortune and salvation.

The idea of developing a special day to give thanks for one's prosperity did not originate with the Pilgrims—in fact such practices date back to Greek and Roman times. But that first Thanksgiving, in what would later become America, marked the beginning of a new nation, and new form of government, that would forever change the world.

Americans in 1999 have much to be thankful for too. Prepared to begin a promising new Millennium, our great nation is the strongest, freest, and most prosperous in history. Though we have plenty of hard work ahead of us, Americans also have much for which to be thankful and proud.

We should be thankful for the strength and security of our nation. After years of woeful neglect and dangerous budgetary cuts, Congress is once again committed to properly and adequately funding a military structure and national security strategy worthy of our great nation. Only through demonstrated military strength—and the unequivocal to employ it, if necessary—will we have ability to ensure lasting peace and the protection of liberty at home and abroad, well into the next Millennium.

We should be thankful too for our prosperous and growing economy. Currently boasting the longest peacetime expansion in our nation's history, and by far the strongest of any nation in the world, our economy seems unstoppable. Consumer spending is up, while unemployment rates are down. Small business and corporate sector productivity, personal income, and sales of new homes are all on the rise. The stock market, and the percentage of Americans investing in it, have both grown exponentially over just the past five years.

This success is owning mostly to the sound and responsible fiscal policies of the Republican-led Congress. After four decades of wasteful government spending, rising taxes, and mounting federal debt, Congress reversed the cycle of unaccountable big government and balanced the budget, cut taxes, paid down the debt, and created budget surpluses as far as the eye can see—all while protecting the Social Security Trust Fund. Our commitment to continued fiscal responsibility will ensure our ability to foster such economic prosperity well into the next century.

Families this year can be thankful for an unprecedented level of personal freedom, security, and opportunity in their lives. Historic welfare reform legislation passed in 1996 has liberated millions of parents previously trapped in a devastating cycle of government dependence, allowing them to better care for themselves and their families. Americans now have better access to affordable, high quality health care than anytime in history. And legislation recently passed will help to strengthen Medicare, increase health care access for seniors and children, and give more flexibility to the providers who care for them.

This year on Thanksgiving, as our nation prepares to enter a promising new Millennium, stronger and more prosperous than ever in history, we would do well to say a special word of thanks this Thanksgiving—to God and to the courageous immigrants at Plymouth who made it all possible.

TRIBUTE TO THE CITY OF ROSSFORD AND THE AUTHORS OF "AS I RECALL"

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Ms. KAPTUR. Mr. Speaker, Henry James once said, "it takes a great deal of history to produce a little literature." Today I rise in tribute to the extraordinary people of Rossford, Ohio, who have recorded the first hundred years of history of their community in a book entitled, "As I Recall."

Mr. Speaker, a community is made up of neighbors who care, whose spirit makes the community what it is. This book, four years in the making and written by more than twenty members of the community, tells the stories of these neighbors, their triumphs and tragedies. It is their history that made Rossford the place it is today. And, as we see how life has changed since then, it's also a comfort to know that some things just don't change in Rossford—it's still a community where neighbors help neighbors and where people try to live up to the legacies of those who came before them.

The authors of this labor of love include: Josephine Ignasiak; Milo Louis Bihn; Stanley Brown; Mary Lou Hohl Caligiuri; Virginia Craine; Arnold Frautschi; Estelle Heban; Virginia (Grod) Heban; Arlene Hustwick; Lucille H. Keeton; Lee Knorek; Frank Kralik; Frank Newsom; Eleanor Nye (Mary Kralik).

Also Valeria Ochenduszko; Gabriel Palka; Sister Janice Peer; Rosalie and Steve Peer; Sally Plicinski; Jim Richards; Maureen Richards; Ben Schultz; Stan Schultz; Judy Sikorski; Pat Sloan; Charlotte R. Starnes; Audrey Stolar; Dr. Don Thomas; the Tisdale Family; Ed Tucholski; Irene Verbosky; Kim Werner; and Marjorie Wilbarger.

For me this book is very special as our father and mother operated a family grocery in Rossford when my brother Steve and I were growing up. We were flattered to be asked to include our recollections of Rossford.

Mr. Speaker, may we congratulate Rossford reaching this milestone and be inspired by the people who gave so much of themselves so that our history would forever be preserved.

HONORING UAW LOCAL 599 REUTHER AWARD RECIPIENTS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. KILDEE. Mr. Speaker, it is my great pleasure to pay tribute to 25 members of UAW Local 599, who will be recipients of the Walter P. Reuther Distinguished Service Award. On Saturday, November 6, 1999, these individuals were honored at the 19th Annual Walter and May Reuther Twenty Year Award Banquet.

Local 599 has always had a special place in my heart because my father was one of its original members. Over the years, Local 599 has developed a strong and proud tradition of supporting the rights of working people in our community, and improving the quality of life for its membership. This year marked the 60th anniversary of the local's charter, and its commitment to working for decent wages, education and training, and civil and human rights.

Mr. Speaker, it is indeed an honor to recognize these special individuals who have diligently served their union and community. During this time, each one of these UAW members has held various elected positions in the union. And there is no question they have represented their brothers and sisters well.

It is very fitting that these 25 people be recipients of the Walter P. Reuther Distinguished Service Award. Walter Reuther was a man who believed in helping working people, and he believed in human dignity and social justice for all Americans. The recipients of this award have committed themselves to the ideals and principles of Walter Reuther. They are outstanding men and women who come from every part of our community, and they share the common bond of unwavering commitment and service.

Mr. Speaker, I would ask my colleagues in the House of Representatives to join me in honoring Robert Aidif, David Aiken, Dale Bingley, Dennis Carl, Jessie Collins, Russell W. Cook, Harvey DeGroot, Patrick Dolan, Larry Farlin, Maurice Felling, Ted Henderson, James Yaklin, Ken Mead, Don Wilson, Frank Molina, Shirley Prater, Gene Ridley, John D. Rogers, Dale Scanlon, G. Jean Garza-Smith, Robbie Stevens, Nick Vuckovich, Jerry J. Ward, Greg Wheeler, and Tom Worden. I want to congratulate these fine people for all of the work they have done to make our community a better place to live.

HUMANITARIAN WORK'S HEAVY TOLL

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. HALL of Ohio. Mr. Speaker, I rise today in memory and in honor of 24 people who lost their lives last week trying to help those who are suffering in Kosovo.

These aid workers and others were on a flight between Rome and Pristina. Wreckage of their plane was found only a few miles from their destination. They were United Nations employees and aid workers serving private charities, police officers taking time off their regular jobs to help bring peace to Kosovo, doctors and scientists, and the crew that flew the route regularly for the World Food Programme.

Mr. Speaker, we have discussed on this floor what the onset of winter will mean for refugees who returned to their homes in Kosovo to find only rubble. We have worried over their fate and tried to provide funding for people who would act on our shared concerns—people like those who died Friday.

In a region riven by bitter clashes between ethnic groups, the ethnic background of those who have come to their aid is remarkable for its variety. Those who died personify this coming together for the sole purpose of easing suffering: 12 Italians, three Spaniards, two Britons, an Irishman, a Kenyan, a Bangladeshi, an Australian, a Canadian, an Iraqi, and a German.

Theirs are the faces of the United Nations, faces that signify hope to millions of people around the world. We sometimes forget that the U.N. has a very human face—and a remarkable number of dedicated employees. The World Food Programme, which provides food aid to 75 million people in 80 countries, is just one example of the United Nations at work. Since 1988, this organization has lost 51 employees to work-related accidents, illnesses, and attacks—including three who died last week. They died fighting the hunger that gnaws away the lives of one of every seven people in the world, assisting in projects that too often exacted the heaviest human cost.

Mr. Speaker, as we look forward to our Thanksgiving meals next week, let us pause a moment to reflect on those who died last week trying to eradicate starvation—much as our dear friend and colleague, Congressman Mickey Leland, did 10 years ago.

Together with Mickey, we remember Roberto Bazzoni, Paola Biocca, Andrea Curry, Velmore Davoli, Nicolas Ian Phillip Evens, Abdulla Faisal, Marco Gavino, Kevin Lay, Raffaella Liuzzi, Miguel Martinez-Vasquez, Jose Maria Martinez, Alam Mirshahidul, J. Perez Fortes, Richard Walker Powell, Daniel Rowan, Thabit Samer, Paola Sarro, Laura Scotti, Antonio Sircana, Carlo Zechhi, Julia Ziegler, Andrea Maccaferro, Antonio Canzolino, and Katia Piazza.

They all were heroes to the hungry and suffering people of the world, and they all deserve our thanks and our prayers for the families they left too soon.

CELEBRATING THE OPENING OF THE STOWERS INSTITUTE FOR MEDICAL RESEARCH IN KANSAS CITY, MISSOURI

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to honor Jim and Virginia Stowers on the launch of the Stowers Institute for Medical Research located in my district in Kansas City, MO. Their generous support of biotech research will profoundly impact upon the lives of those who suffer from cancer, and benefit the friends and family members of those who battle the disease. On this occasion, I salute the Stowers for their selfless contributions to the field of science in establishing their institute to bring "Hope for Life."

To our community, Jim and Virginia Stowers are local heroes. To those who will one day benefit from their charity, they will no doubt be referred to as saints. Their remarkable story is triumphant and inspirational. In 1958, Jim Stowers founded Twentieth Century Investors and created what would later be known as the American Century Companies. Today, Mr. Stowers heads the company as chairman of a successful multi-billion dollar firm investing in mutual funds across the nation. His wife, Virginia, worked as a nurse to support her growing family and her husband's dream. She shared her husband's vision and confidence by working to help her family and those most in need in her nurturing professions as nurse, wife, and mother.

Their commitment to cancer research is derived from their own hardships and personal survival experiences. Mr. Stowers was diagnosed in 1986 with prostate cancer. Mrs. Stowers fought breast cancer in 1993 followed by years of treatment, and their daughter, Kathleen's current encounter with cancer was the impetus for the creation of the Stowers Institute for Medical Research. Jim Stowers serves as president with Virginia serving as vice president over every aspect of their legacy to scientific research.

The Stowers Institute is attracting the most highly sought researchers in biology, technology, and engineering who want to join in this exciting and worthy venture. World renowned experts from the University of Washington, the California Institute of Technology, the University of California, Berkeley, the McLaughlin Institute, and the University of Missouri-Kansas City are exploring the makeup of our DNA and analyzing the forthcoming information in a facility where research into life systems will produce a better understanding of the nature of cancer. Scientists and doctors would then be able to use this research in developing treatments, medicine, and ultimately, a cure.

Our community has watched the construction of this facility which is anticipated to be in complete operation next year. It rescues from urban blight the site of the former Menorah Hospital near universities and cultural centers. The Stowers endowed to the Institute a gift of $336 million to fund the ongoing research of scientists so they can dedicate their valuable time to science instead to raising money for their work. Investment of the multi-billion dollar assets in mutual funds, contributions by other donors, and the gift of the estate of Virginia and Jim Stowers is expected to reach $30 billion or more in the next millennium, which will secure financial support for the Institute.

Mr. Speaker, please join me in thanking Virginia and Jim Stowers for their tremendous gift, which assures their ongoing mission for "Hope for Life." I look forward to the successes of the Stowers Institute for Medical Research and share the same hope they have inspired.

HIGH-QUALITY CHILD CARE CAN HELP PARENTS MOVE TOWARD SELF-SUFFICIENCY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. STARK. Mr. Speaker, I rise to address the issue of quality improvements in our nation's child care centers. As a member of the House Ways and Means Subcommittee on Human Resources with jurisdiction over the federal welfare system, I voted against the 1996 overhaul of our welfare system because of the dangerous effect it would have on the health and well-being of children and families in our country.

Congress was warned by advocates for low-income and poor families that without the proper work supports—health care, food assistance, and child care services—welfare reform's efforts to push mothers into low-paying, low-skill jobs could not succeed. Now as more and more families with children are forced to send both parents (or the only parent) to work, the absence of child care hampers the ability of mothers to successfully make that move.

Families are stuck between a rock and a hard place. Child care is in short supply, is too expensive for many families to afford, and often is of poor quality. When families try to get child care, they encounter long waiting lists—even for crummy programs—or the care available is unaffordable. The message to low-income families is that they must take any care they can get. More often than not, parents end up patching together a number of child care arrangements and go through the day anxious that part of the child care chain will fail. Many mothers are reporting that the child care assigned to them by welfare caseworkers would place their children in a low-quality setting that would make them susceptible to physical harm and do little to prepare children for school.

Working parents need to feel secure about the arrangements they've made for their children during work hours, because the quality of care children receive can make a difference in parents' ability to work. Evaluations of GAIN, the job-training program for welfare recipients in California, found that mothers on welfare who were worried about the safety of their children and who did not trust their providers were twice as likely to subsequently drop out of the job-training program.

We must increase both the quantity and the quality of the care offered. My bill, the Child Care Quality Improvement Act (H.R. 2175), promotes quality child care by providing incentive grants to states to help them set and meet long-term child care quality goals. My bill would base a state's eligibility for future funding on the progress made in increasing training for staff, enhancing licensing standards, reducing the number of unlicensed facilities, increasing monitoring and enforcement, reducing caregiver turnover, and promoting higher levels of accreditation.

Congress has wrongly refused to require significant quality standards for the billions in child care dollars we allocate each year. The federal government should give states the resources to improve child care quality at the local level, but only through a system of measurable indicators of desired outcomes.

As the father of a young son, I know the difficulty families face when searching for a caregiver for their children. I believe we must give families peace of mind by helping states provide the high quality of care every child deserves. We must not threaten a parent's chance at succeeding on the job and achieving self-sufficiency.

OFFERING BODY PARTS FOR SALE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. SMITH of New Jersey. Mr. Speaker, I would like to commend to the attention of my colleagues this disturbing article by Mona Charen, which appeared in the November 11, 1999 edition of the Washington Times. As the article itself states, "This is not a bad joke. Nor is it the hysterical propaganda of an interest group." It is comprised of the personal recollections of a medical technician who worked for a medical firm engaged in selling the body parts of the victims of late-term abortions. In her most chilling descriptions, she relates the means by which children born alive are killed, so that their bodies may be sold for profit. On this life and death issue, I urge my colleagues to consider this woman's words for themselves:

[From the Washington Times, Nov. 11, 1999]

OFFERING BODY PARTS FOR SALE

(By Mona Charen)

"Kelly" (a pseudonym) was a medical technician working for a firm that trafficked in baby body parts. This is not a bad joke. Nor is it the hysterical propaganda of an interest group. It was reported in the American Enterprise magazine—the intelligent, thought-provoking and utterly trustworthy publication of the American Enterprise Institute.

The firm Kelly worked for collected fetuses from clinics that performed late-term abortions. She would dissect the aborted fetuses in order to obtain "high-quality" parts for sale. They were interested in blood, eyes, livers, brains and thymuses, among other things.

"What we did was to have a contract with an abortion clinic that would allow us to go there on certain days. We would get a generated list each day to tell us what tissue researchers, pharmaceutical companies and universities were looking for. Then we would examine the patient charts. We only wanted the most perfect specimens," That didn't turn out to be difficult. Of the hundreds of late-term fetuses Kelly saw on a weekly basis, only about 2 percent had abnormalities. About 30 to 40 babies per week were around 30 weeks old—well past the point of viability.

Is this legal? Federal law makes it illegal to buy and sell human body parts. But there are loopholes in the law. Here's how one body parts company—Opening Lines Inc.—disguised the trade in a brochure for abortionists: "Turn your patient's decision into something wonderful."

For its buyers, Opening Lines offers "the highest quality, most affordable, freshest tissue prepared to your specifications and delivered in the quantities you need, when you need it." Eyes and ears go for $75, and brains for $999. An "intact trunk" fetches $500, a whole liver $150. To evade the law's prohibition, body-parts dealers like Opening Lines offer to lease space in the abortion clinic to "perform the harvesting," as well as to "offset [the] clinic's overhead." Opening Lines further boasted, "Our daily average case volume exceeds 1,500 and we serve clinics across the United States."

Kelly kept at her grisly task until something made her reconsider. One day, "a set of twins at 24 weeks gestation was brought to us in a pan. They were both alive. The doctor came back and said, 'Got you some good specimens—twins.' I looked at him and said: 'There's something wrong here. They are moving. I can't do this. This is not in my contract.' I told him I would not be part of taking their lives. So he took a bottle of sterile water and poured it in the pan until the fluid came up over the mouths and noses, letting them drown. I left the room because I could not watch this."

But she did go back and dissect them later. The twins were only the beginning. "It happened again and again. At 16 weeks, all the way up to sometimes even 30 weeks, we had live births come back to us. Then the doctor would either break the neck take a pair of tongs and beat the fetus until it was dead."

American Enterprise asked Kelly if abortion procedures were ever altered to provide specific body parts. "Yes. Before the procedures they would want to see the list of what we wanted to procure. The [abortionist] would get us the most complete, intact specimens that he could. They would be delivered to us completely intact. Sometimes the fetus appeared to be dead, but when we opened up the chest cavity, the heart was still beating."

The magazine pressed Kelly again: Was the type of abortion ever altered to provide an intact specimen, even if it meant producing a live baby? "Yes, that was so we could sell better tissue. At the end of the year, they would give the clinic back more money because we got good specimens."

Some practical souls will probably swallow hard and insist that, well, if these babies are going to be aborted anyway, isn't it better that medical research should benefit? No. This isn't like voluntary organ donation. This reduces human beings to the level of commodities. And it creates of doctors who swore an oath never to kill the kind of people who can beat a breathing child to death with tongs.

MEDICARE FRAUD PREVENTION AND ENFORCEMENT ACT OF 1999

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mrs. BIGGERT. Mr. Speaker, I rise today to introduce the Medicare Fraud Prevention and Enforcement Act of 1999.

The vast majority of health care providers in this country are honest. Yet all large health care programs are vulnerable to exploitation, and Medicare is no exception. Over the past few years, Medicare fraud has skyrocketed, depriving millions of seniors quality care and bilking taxpayers out of literally billions of dollars.

According to the Department of Health and Human Services Inspector General, in fiscal year 1998 alone, waste, fraud, abuse and other improper payments drained as much as $13 billion from the Medicare Trust Fund.

How is this happening? Well, according to a June 1999 General Accounting Office examination of three states—North Carolina, Florida and my home state of Illinois—as many as 160 sham clinics, labs or medical-equipment companies have submitted fraudulent claims.

For example, two doctors who submitted in excess of $690,000 in fraudulent Medicare claims listed nothing more than a Brooklyn, New York laundromat as their office location. In Florida, over $6 million in Medicare funds were sent to medical equipment companies that provided no services whatsoever; one of these companies even listed a fictitious address that turned out to be located in the middle of a runway at the Miami International Airport.

Phony addresses and bogus providers add up to Medicare fraud and taxpayers being swindled out of billions of dollars.

In an attempt to change this equation, I am introducing the Medicare Fraud Prevention and Enforcement Act of 1999. This legislation is designed to prevent waste, fraud and abuse by strengthening the Medicare enrollment process, expanding certain standards of participation, and reducing erroneous payments. Among other things, my bill gives additional tools to the federal law enforcement agencies that are pursuing health care swindlers.

This bill is by no means a solution to Medicare fraud. But the Medicare Fraud Prevention and Enforcement Act of 1999 will make it more difficult for unscrupulous individuals to enter and take advantage of the Medicare system.

It is my hope that, come the next legislative session, my colleagues will join me in making a commitment to preventing and detecting fraud and abuse.

PERSONAL EXPLANATION

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. WISE. Mr. Speaker, on November 16 and 17, I missed several votes because I was home recovering from surgery. Had I been present, here is how I would have voted on the various bills. I would request that you insert this at the appropriate place in the RECORD.

H.R. 3257, State Flexibility Clarification Act: I would have voted "aye".

H. Con. Res. 222, Condemn Armenian Assassination: I would have voted "aye".

H. Con. Res. 165, Commend Slovak Republic: I would have voted "aye".

H. Con. Res. 206, Express Concern Over Chechen Conflict: I would have voted "aye".

H. Con. Res. 211, Support Elections in India: I would have voted "aye".

H. Res. 169, Support Democracy and Human Rights in Laos: I would have voted "aye".

H. Res. 325, Importance of Increased Support and Funding to Combat Diabetes: I would have voted "aye".

Rule to allow suspension bills to be brought up on Wednesday: I would have voted "no".

H.R. 2336, United States Marshals Service Improvement Act of 1999—Amends the Federal judicial code to provide for the appointment of U.S. marshals for each judicial district of the United States and for the Superior Court of the District of Columbia by the Attorney General of the United States (currently, by the President), subject to Federal law governing appointments in the competitive civil service: I would have voted "no".

H.J. Res. 80, Continuing Resolution: I would have voted "aye".

S. 440, Provides Support for Certain Institutes: I would have voted "no".

CONGRESSIONAL BLACK CAUCUS VETERANS BRAINTRUST

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. BISHOP. The Honorable CORRINE BROWN and I recently convened the 11th Annual Congressional Black Caucus Veterans Braintrust. Traditionally known as one of the highlights of the CBCF Legislative Conference, the Veterans Braintrust has truly become a family affair bringing together African American veterans and supporters from across the nation.

This year's Braintrust forum entitled, "Veterans Health Care Issues for 2000 and Beyond" convened with the hope of facilitating a national dialogue between the veterans community and lawmakers. The Braintrust addressed the future course of the veterans health care system with an emphasis in planning for the needs of an aging veterans population. The moderator, Dr. Lawrence Gary, a preeminent scholar from Howard University, led a distinguished panel of experts that included doctors, researchers, government officials, veterans service representatives and community advocates. Participants at the event included: Dr. Eugene Oddone, Dr. Jeff Whittle, Georgia State Senator Ed Harbison, Dr. Sissy Awoke, Mr. Charles McLeod, Jr., Mr. Ralph Cooper, Mr. Dennis Wannemacher, Mr. Carroll Williams, Mr. Calvin Gross and Dr. Erwin Parson.

The panel was invited to help focus our attention on racial disparities in the veterans health care arena. The implications of these preliminary findings, as well as the urgent need to eliminate racial disparities in veterans health care led Congresswoman BROWN to call for the creation of a national working group to develop a series of legislative and policy recommendations to address these issues.

Our keynote speaker was Dr. Thomas Garthwaite, the Acting Under Secretary for Health at the Department of Veterans Affairs. Dr. Garthwaite stated that the VA is facing new challenges in the health care arena, specifically issues relating to veterans of African-American descent. He noted concerns in the area of long-term care, increased rates of Hepatitis C, behavioral and mental illnesses, and homeless veterans. He stated that these problems are compounded by a rapidly aging veteran population and a continued lack of sufficient funding for veteran-related expenditures.

Congresswoman BROWN and I agreed that funding for veterans health care is inadequate. We believe that we cannot have a budget surplus, if we have not paid our dues to America's veterans. Georgia State Senator Ed Harbison expressed the sentiment of many at the Braintrust when he stated, "It used to be said, that 'old soldiers never die, they just simply fade away.' But in 2000, its more like 'old soldiers never die, they're just ignored to death!' "

Dr. Erwin Parson, Vietnam veteran and health care professional, summarized the essence of the forum by acknowledging, "We know too well that little attention has been given to the issue of African American elderly health by society. Our elderly veterans, especially our African American elderly, have important health care needs that are not being met satisfactorily. We are aware that the stream of scientific studies on comparative health seem to always reach the same conclusion: race is a factor in access and quality care for many life-threatening medical conditions which afflict African Americans."

We found it disconcerting that studies found that race is often a controlling factor in the assessment and management of many administrative and clinical decisions in veterans health care. We all realize that accurate data is vital to evaluating the true health care needs of African American veterans. However, current research is much too sparse and fragmented. It is obvious that we urgently need to get better, more meaningful data on African American elderly veterans.

Finally, the reality is simply this: The aging veterans population is upon us now! We are grateful and will never forget that African Americans have fought gallantly for America, beginning as far back as the Revolutionary War. They are our living 'Legacy' and, today, we honor that legacy when we care for those who gave all they had. Therefore, I believe we do owe them a special debt of gratitude. Health care is something promised, a promise that must be paid in full. So let us honor them who honored us, and give them the best health care to be found anywhere in America, or the world.

At the conclusion of the session, Congresswoman BROWN and Ron Armstead, Executive Coordinator for the Veterans Braintrust, presided over our 11th annual awards ceremony. This event was conceived by Congressman CHARLES RANGEL and begun 11 years ago with General Colin Powell in attendance. At this historical gathering General Powell was joined by some of the highest ranking African-American military officers ever to serve this great Nation: Lt. Gen. Julius Becton, USA, Ret., Brig. Gen. Hazel Johnson-Brown, USA, Ret., Dr. Roscoe Brown, Vice Adm. Samuel Gravely, Jr., USN, Ret., Gen. Frank Petersen, Jr., USMC, Ret., and Col. Fred Cherry, USAF, Ret.

Commenting on the significance and rich tradition of this awards ceremony, Congressman RANGEL noted that each of these recipients has distinguished themselves as true patriots in the war for veterans' rights, and they have not allowed racism to hamper their achievements.

The 1999 awards were presented to twenty-nine exemplary veteran supporters. Individual winners of the 1999 CBC Veterans Braintrust Awards included: Julius Allen, John "Buddy" Andrade, Charles Blatcher, III, Delegate Clarence "Tiger" Davis, Jeff Hansen, Alex Holmes, John Howe, Chris Jenkins, Sgt. Henry Johnson (Posthumous), John Johnson, John J. Johnson, Karen Johnson, Ruben "Sugar Bear" Johnson, Phillip "Jay" Jones, Kathleen Andrews-Lindo, Frankie Manning, Charles McLeod, Jr., Dr. Shari Miles, Wallace "Wally" Miles, W. Roy Owens (Posthumous), Robert "Pope" Powell, Larry Smith, Alexander Vernon, Cordell Walker, Barbara Waiters, and Martha Watts.

Organizations receiving this year's honors were: The Civil War Memorial Freedom Foundation, The Civil War Soldiers and Sailors Project (CWSS), and the National Minority Museum Foundation.

We also took a moment to recognize Jeanette Boone and Roy Martin from the Office of Senator JOHN KERRY for their excellent assistance on behalf of African-American veterans.

Special citations were given to stalwarts in the battle for veterans rights. The first award was given to Dr. Erwin Parson, co-founding member of the Congressional Black Caucus Veterans Braintrust and renowned expert in trauma/PTSD mental health. He was recognized for his 22 years of dedicated service to veterans and their families. The second award went to Congresswoman CORRINE BROWN (D-FL) Co-Chair of the CBC Veterans Braintrust and Ranking Member of the House Veterans Affairs Subcommittee on Oversight and Investigation. Ms. BROWN has shown her continued and steadfast commitment to our nation's veterans.

At the end of the ceremony, the Executive Committee members of the Braintrust and past awardees in attendance—Jerry Cochran, Arthur Barham, Morocco Coleman, Joann Williams, Ralph Cooper, Robert Blackwell, Ruben Johnson, Leroy Colston, Robert Powell, Calvin Gross, Daniel Smith and Brig. Gen. Clara Adams-Ender, USA, Ret.—were asked to stand and be publicly recognized.

In closing, I want to personally thank Congressional staff members Brittley Wise and Nick Martinelli, Executive Director of the Braintrust Ron Armstead and forum moderator Dr. Lawrence Gary for everything they did to make the event a success. We appreciate the assistance of forum evaluators Dr. Shari Miles, Director of the African American Women's Institute, and Michael Tanner, Director of Health and Welfare Studies at the Cato Institute for all their hard work.

As I have said before and will say again, when veterans answered the call in faithful service, the nation in essence wrote them a check for certain benefits—and it is our duty as members of Congress and as American citizens to make sure this check never comes back marked "insufficient funds!" They were promised more. They have earned more. They deserve no less.

75TH ANNIVERSARY OF ST. LUCY'S CATHOLIC CHURCH

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. LEVIN. Mr. Speaker, on Sunday, December 5, 1999, the community of St. Lucy's Catholic Church, will gather to celebrate their 75th Anniversary. I rise today to honor St. Lucy's on this special occasion and pay tribute to their service to the community.

Like many other immigrant communities, Croatian immigrants came to the metro-Detroit area because of the promise of jobs and opportunities in lumber, mining and the automobile industry. After their arrival, they realized that a central component of their former life—the community church—was missing. They regained this sense of community when Father Oskar Suster was given permission by Bishop Michael Gallagher to form a new Catholic parish to serve the Croatian ethnic community. In 1924 they purchased their first building at the corner of Melbourne and Oakland Avenues in Detroit.

Following in the name of their patron saint, St. Lucy's Catholic Croatian Church has spent the last 75 years serving as a radiant light in the Croatian community. The Church, now located in Troy, Michigan, includes the sons and daughters of those original immigrants as well as many new arriving families. I have enjoyed participating in some of their activities and seeing firsthand the pride parishioners have in their Church and the sense of community it represents. I have also enjoyed the opportunity to participate in the community's discussions on issues of special concern, especially those touching on events transpiring in the Balkans.

Mr. Speaker, I ask my colleagues to join me in congratulating St. Lucy's Croatian Church on the occassion of their 75th anniversary and wishing them many more years of important service to their community.

HONORING BISHOP ODIS A. FLOYD

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. KILDEE. Mr. Speaker I rise before you and my colleagues in the U.S. House of Representatives today on behalf of not only one of Flint, Michigan's top citizens, but a man whom I am happy to call colleague and friend. On November 20, the congregation of New Jerusalem Full Gospel Baptist Church in Flint will gather to recognize and honor bishop Odis A. Floyd, and celebrate his 30 years of commitment as pastor to spreading the Word of the Lord.

Odis Floyd came to our community in 1948, and has established himself as one of its favorite sons. He served his country in the U.S. Army in 1958. And he has served the Flint community for many years as a well-respected man of God.

Bishop Floyd attended Monterey College, Pensacola Junior College, Mott Community College, Toledo Bible College, and the United Theological Seminary from which he received his DD degree in 1990.

It was in 1964 that he accepted his call to ministry, for which all of us in the Flint community are forever grateful. In 1965 he began assisting his grandfather, the Rev. L.W. Owens in the organization of the New Jerusalem Missionary Baptist Church. Bishop Floyd was ordained in 1969, and became pastor in November of 1969 when his grandfather retired. In 1991 the church's name was changed to the New Jerusalem Full Gospel Baptist Church. In 1993 he was consecrated to the office of Bishop by Paul S. Morton, Presiding Bishop of the Full Gospel Baptist Fellowship.

During his tenure at New Jerusalem, Bishop Floyd has presided over a growth in membership from 450 to more than 3,000. Following a terrible fire which destroyed the church, Bishop Floyd continued to serve the spiritual needs of his flock in a temporary facility. It was under his good guidance that the New Jerusalem congregation was able to construct a new, beautiful church in Flint. One need only step inside this stunning building to feel the warmth and the welcome of the people who helped make it possible.

Bishop Floyd is known not only in the Flint community, but throughout the country as a dynamic preacher, spiritual leader, moving gospel singer, and community activist. God has blessed him with a tremendous singing voice. Indeed, Bishop Floyd has been nominated for a Grammy award for the Best Soul Gospel Male Performance. His Sunday services are broadcast live on the church's radio station, and are a favorite for those in the community who are home-bound or otherwise unable to attend church services.

I and many other local political and community leaders of all levels have long sought Bishop Floyd's guidance and insight, and after 30 years, he continues to make a tremendous impact wherever he goes. In addition to New Jerusalem, Bishop Floyd has been found working with groups such as the Community Alliance, Resource, Environment [CARE] Drug Rehabilitation and Prevention Center.

Mr. Speaker, our community would not be the same without the presence and influence of Bishop Odis Floyd. I know that I am a better person and a better Member of Congress because of his commitment to the Lord's work. And I know that our community is a better place to live in because of Bishop Floyd's spiritual mission. I am pleased to ask my colleagues in the 106th Congress to join in congratulating his 30 years of pastoral service.

CENTENNIAL TRIBUTE TO MEMORIAL UNITED CHURCH OF CHRIST

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Ms. KAPTUR. Mr. Speaker, I rise today to recognize an historic occasion. Memorial United Church of Christ in East Toledo celebrates its 100th anniversary this month.

In early 1899, Mr. J. Herman Overbeck was inspired to form a mission church of the First Reformed Church. On May 7, 1899, shortly after Mr. Overbeck's death, Reform Church leaders including Reverend Henry Gersmann, Eberhard Gerkens, John Olrich, Frederick Dahn, August Overbeck, Karl Benner, and Wilhelm Dahlmeyer came together as a committee to bring Mr. Overbeck's dream to fruition. The fully paid building was formally dedicated on November 12, 1899, the church's official anniversary date. Services were conducted and a church school was organized. On Palm Sunday, April 18, 1900, the German Evangelical Reformed Memorial Church was formally organized with 37 original members. The membership flourished with the neighborhood, and in 1920 the congregation decided to build a new church. The new building was dedicated on February 26, 1922. In 1943, Memorial Church became independent, no longer a mission church. The church grew large in both membership and property. Both the neighborhood and the church began to change in the 1970's, and Memorial grew with these changes as well. Women were allowed a more active role in the church beginning in the 1970's and 1980's, serving as deacons and church elders. The 1990's have brought Reverend Jena Garrison as Pastor, and a renewed spirit among members. Generations of families now attend the church together, as it has moved from a neighborhood church to a family church.

Throughout its century of worship, the congregants of Memorial United Church of Christ have lived the Ecclesiastes verse "To everything there is a season, and a time to every purpose under Heaven . . ." As the seasons changed into decades and then a century, the congregation has grown, flourished, and redirected itself. It was born at the twilight of the last century, yet is poised on the dawn of the new century to continue to meet the spiritual needs of the faithful. Its future is challenged by its promise as the congregation of Memorial United Church of Christ recalls their journey: the road, the people, the vision and the faith which brought them to this milestone.

THE LEGAL EMPLOYMENT AUTHENTICATION PROGRAM (LEAP) ACT OF 1999

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. BEREUTER. Mr. Speaker, today this Member rises with his distinguished colleague, the gentleman from Nebraska, Mr. BARRETT, in introducing the Legal Employment and Authentication program (LEAP) Act of 1999 which will provide employers nationwide with the tools they need to hire a legal workforce.

While some businesses clearly have flouted the laws prohibiting the employment of illegal aliens, many other businesses have indeed tried to comply with the laws. Unfortunately, the current employment verification programs provided by the INS for compliance with those laws have fallen short. The programs fail to detect sophisticated forms of identity and document fraud used by illegal aliens. Also, the current programs are limited to businesses based in seven states.

The proposed LEAP Act we are introducing would create a strictly voluntary employment verification program to address those faults. It will grant all participating employers access to information regarding a newly hired employees' eligibility to work in this country, and it will be available to all states.

This Member is pleased to be an original cosponsor of this legislation, urges Members to cosponsor it, and strongly supports the passage of LEAP early in the next session of the 106th Congress.

HONORING THE HEROISM OF FRANK MOYA OF DENVER

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Ms. DEGETTE. Mr. Speaker, I rise today to honor the heroic acts of Frank Moya. Earlier in November, Mr. Moya, a well-known attorney in my hometown of Denver, Colorado, thwarted an attack and saved someone's life. Mr. Moya was leaving the Arapahoe County Justice Center when he heard that a woman was being attacked in the parking lot. Without hesitation, Mr. Moya rushed to the scene where he saw the victim being viciously stabbed by her estranged husband. He saved her life by jumping in and personally subduing the attacker.

In today's often apathetic world, Mr. Moya has demonstrated courage and selflessness by coming to the aid of someone in need of help. He acted swiftly and without regard to his own safety in order to save the life of another. The world could use a hundred more like him and I am proud to count him as a fellow Denverite and friend. Colorado's first congressional district is fortunate to have Mr. Moya as one of its citizens. On behalf of myself as well as other residents of Denver and Colorado, I would like to thank Mr. Moya for his heroic actions.

INTRODUCTION OF THE NEW INSURANCE COVERAGE EQUITY ACT (NICE ACT)

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. MALONEY of Connecticut. Mr. Speaker, access to prescription drugs can mean the difference between life and death, or between health and chronic disease, particularly for senior citizens. While Medicare covers prescriptions administered in hospitals, two-thirds of older Americans have no insurance or inadequate coverage for outpatient medication. As a result, millions of seniors must pay high retail prices for drugs or inappropriately limit their drug use.

Many seniors who are not able to afford their prescription dosage only buy part of their necessary medication, and take a small portion of the required dosage. Others forgo basic life necessities such as food and heating fuel to pay for their medicine.

As a strong supporter of modernizing and strengthening Medicare, I am introducing the New Insurance Coverage Equity Act (the NICE Act) to make sure that all seniors have access to affordable drug coverage.

Time and time again, I have heard from seniors in my district about their difficulty in obtaining the critical prescription drugs they need. One woman told me that she can only afford to pay for a week's worth of medicine each month instead of filling her entire prescription. That means that instead of taking her medication all month long, she spreads seven pills out over four weeks. Unfortunately, she is not alone.

I recently spoke to a married couple in my district. Both husband and wife have expensive prescription medications they must take, but they simply can't afford to pay for both. Because his wife is more ill than he is, the husband stopped taking his medicine in order to pay for his wife's.

I have heard similar stories from so many other seniors. That is why I have developed the NICE Act, which creates a comprehensive prescription drug program that will make essential medication more affordable for all seniors. My legislation not only provides access to affordable medicine but it also gives older Americans choices.

The NICE Act creates a prescription medicine program modeled after the coverage available to Members of Congress. It would help seniors pay for all of their prescription needs at their local drug store. At the same time it would also cover seniors with pre-existing conditions—which other plans often exclude.

Under the NICE Act, every older American who chooses to enroll would receive financial assistance for their prescription drug coverage. At a minimum, individuals would receive assistance equal to 25% of the cost. For seniors living at or below 150% of the poverty rate—$12,075 for an individual and $16,275 for a couple—the NICE Act would cover the entire premium for their prescription drugs. Older Americans living between 150% and 175% of the poverty rate—$14,088 for an individual and $18,988 for a couple—would only have to pay as much as they could afford on a sliding scale.

Under my legislation, seniors would also have the right to either keep their existing coverage or participate in the NICE program. No senior would be forced to change their current coverage. The NICE program is entirely voluntary.

Finally, my proposal is funded primarily from the on-budget surplus without any tax increase.

Mr. Speaker, Congress must act now to help seniors receive the vital prescription drug coverage they rely on to live. As a vigorous supporter of modernizing and strengthening Medicare, I will continue to do everything I can to make prescription drugs accessible for our senior citizens. For that reason, I am introducing the New Insurance Coverage Equity Act today, and I urge all my colleagues to join me in sponsoring this common sense approach to making prescriptions affordable for our seniors.

ART HOLBROOK

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. BARR of Georgia. Mr. Speaker, on an almost daily basis, politicians and news commentators in Washington bemoan the fact that not enough Americans get involved in public debates. Obviously, these people have never met Art Holbrook.

First, I'd like to add some background. Troup County, located in Georgia's Seventh District, is home to West Point Lake. For Troup residents, the lake provides many of life's basic necessities, such as sites for homes, sources of income, and recreation opportunities.

However, in recent years, those who manage the lake have dramatically lowered water levels to serve downstream water users. The result is that people who live on the lake and navigate its waters, have found themselves overlooking muddy flats and navigating nonexistent waters.

Most people would look at this situation and complain, but do nothing to change it. Not Art Holbrook. Not only did he respond to our request to serve on our West Point Lake Task Force, but he took a leadership role in building a comprehensive case, with new, innovative, and scientific data, in support of higher water levels in the lake.

These efforts recently reached a pinnacle, as hundreds of Troup residents attended a weekday meeting about the lake, with one of the top Army officials responsible for overseeing lake management. Most meetings would attract a few dozen people at best. However, with Art Holbrook on the scene and in charge, an army of activists greeted Deputy Assistant Secretary of the Army for Civil Works Michael Davis, when he touched down in LaGrange.

Of course, I would expect no less from a man who left high school so he could serve in the Army during the Korean War at the age of seventeen; and who upon returning home, received degrees from the University of Florida and Emory Dental School, where he served for two years as class president. In the process, he also paid his bills by teaching at Emory.

When Art retired in 1985, he and his sons built a log cabin on the banks of West Point Lake, where he and his wife Dianne live today. Fortunately for all of us, Art didn't rest on his laurels, but has kept fighting to make his community better. He has truly become proof positive that local activism in American communities is alive and well.

TRIBUTE TO U.S. MARINE CORPS CAPTAIN SARAH DEAL

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Ms. KAPTUR. Mr. Speaker, I rise today to recognize the achievements of U.S. Marine

Corps Captain Sarah Deal. Captain Deal deserves the warmest, most heart-felt congratulations for her accomplishment of becoming the first female pilot in Marine Corps history. Her achievements reflect her courage, determination and self-belief. On behalf of Ohio's lawmakers and citizens, I wish to pay tribute to this outstanding young woman.

Growing up in Pemberville, Ohio, Captain Deal always had a passion for flying, in part inspired by her father, a former Marine, who worked as an engineer testing jet engines. A graduate from Eastwood High School, she went on to study aviation at Kent State University. From there, she made the tough choice to join the United States Marine Corps to begin training as an air traffic control officer. Even though women were allowed to fly in the Army, Navy and Air Force, she still chose the Marines, knowing that the only way she would be allowed to fly would be recreationally. However, her difficult choice was rewarded with the landmark Defense Department decision in 1993, ordering the armed forces to end their ban on women flying combat missions. Following the announcement, Captain Deal immediately chose to attend Marine flight school despite being the only women there. Her persistence and hard work were rewarded in April 1995, when her father had the pleasure of pinning her wings to her uniform at her graduation ceremony in Milton, Florida.

Abigail Adams once wrote in a letter to her husband, "all history and every age exhibit instances of patriotic virtue in the female sex; which considering our situation equals the most heroic of yours." Captain Deal follows in the footsteps of the legendary Grace Hopper, mathematician and computer pioneer, who became the first female Rear Admiral in the US Navy. And of Sally Ride, the first female U.S. astronaut. And of Mary Hallaren, champion for permanent status for women in the military after World War II and subsequent director of the Women's Auxiliary Corps from 1947–1953. All these women have proved there is nothing that cannot equally be achieved by women in our armed forces. Captain Deal's achievements are a proud demonstration of what can be achieved by women in today's society. Her achievements offer hope and encouragement to all women to follow their dreams and to pursue paths that have previously been unjustly denied them. Her efforts have been a key factor in breaking the gender barrier that existed in the armed forces and in opening the eyes of others to more tolerant attitudes.

This month Captain Deal will be inducted into the Ohio Women's Hall of Fame, in recognition of her achievements. On behalf of Ohio's Ninth District, I would like to wish Captain Deal every success with her military career and in her current assignment with the Marine Corps Air Station in Miramar, California. We are truly grateful for her service to our country and once again congratulate her for all her achievements. Her virtue and patriotism are a shining example to all women, and indeed, all people in this Nation.

NATIONAL LABORATORIES

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. UDALL of New Mexico. Mr. Speaker, today, I introduce a bill that will allow our National Laboratories to more effectively perform their missions while also promoting economic development in the communities that surround the facilities. Specifically, this bill creates a win/win scenario for both the National Laboratories and the adjoining communities. The National Laboratories will advance their missions by benefiting from the cutting edge technology possessed by universities and companies near them and the community benefits from the creation of needed high quality infrastructure that will boost innovation and create job growth.

In recognizing the potential of involving the national laboratories in technical collaborations with institutions in their surrounding communities, Congress has in the past encouraged cooperative research and development agreements (known as "CRADAs"). This legislation builds upon the success of the collaborations.

Specifically, this bill will: Create an advocate for small business at each national laboratory who will focus on increasing the involvement of small businesses in the national laboratory's procurement and collaborative research; create a technology partnership ombudsman at each laboratory who will guarantee that the national laboratory remains a good partner; allow the Department of Energy to use more flexible contracting authority; and streamline current process concerning the cooperative research and development agreements; to make these agreements more appealing to technical organizations, such as companies and universities.

I have a national laboratory in the district that I represent, Los Alamos National Laboratory. As with other national laboratories, the Los Alamos National Laboratory has a very important relationship with the people in the surrounding communities and the region. As I am sure with all communities that surround our national laboratories, there is a need for greater economic prosperity. This bill creates a long term solution to this problem. Besides assisting the national laboratories in fulfilling their missions, this bill also lays the foundation to create high paying jobs that will directly benefit our communities.

This is a companion measure to a bill introduced in the other chamber by Senator JEFF BINGAMAN from New Mexico. This is an initiative that he has pursued for many years and I would like to recognize him for this effort.

Mr. Speaker, I ask my colleagues to support this worthy legislation.

COMMUNICATIONS SATELLITE COMPETITION AND PRIVATIZATION ACT OF 1999

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1999

Mr. KLINK. Mr. Speaker, this bill is an important step toward legislation that will advance increased competition in the global satellite telecommunications market.

It is my fervent hope that we can complete action on this bill before Congress leaves this year, as I believe the Chairman has said he intends to do. The sooner Congress enacts comprehensive satellite reform legislation, the sooner we can let the private sector begin making decisions in this competitive marketplace. But as we move toward that legislative objective, it is important that we realize that certain issues must be addressed before we can declare such a victory.

H.R. 3261 is a good first step and I applaud the Chairman for bringing it forward. However, I do have concerns about the bill as it is introduced that I hope can be resolved as the process moves forward.

One distinct improvement is that the call for a fresh look, or the abrogation or modification of private contracts by the federal government, is not in this bill. But there remains in the bill another important issue known as Level IV direct access that still needs to be resolved. Level IV direct access would unfairly take value away from Comsat shareholders. I am very concerned that if this provision is not improved it will result in significant harm to Comsat shareholders. Similarly, Congress should simply repeal the ownership cap on Comsat without conditions, rather than making it contingent upon unrelated events as it does now in this legislation.

Other outstanding differences between the House and Senate must similarly be resolved in conference and I urge the Chairman and Ranking Democrat to work diligently to do so in a consensus manner. Notably, the privatization criteria should be made more flexible. Under the penalty of exclusion from the U.S. market, we should be very careful not to impose unrealistic privatization requirements that Intelstat will not be able to meet. Excluding Intelstat from the U.S. market could be extremely harmful to consumers everywhere. I fear that if that happened we would be "cutting our nose off to spite our face" because everyone, Intelstat users and their consumers, would lose. I urge that these issues be examined anew to ensure that U.S. consumers will not be harmed by any new restrictions imposed by this bill.

* * *

TRIBUTE TO DAISY BATES

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. DAVIS of Illinois. Mr. Speaker, a few days ago we celebrated the Nine Black Americans who had the courage to integrate Central

High School in Little Rock, Arkansas in 1957, thus becoming known as the Little Rock Nine.

On the very same day that we gave the Congressional Medal of Honor to the "Little Rock Nine," the Nation was burying Daisy Bates, who had recently expired. Without Daisy Bates, I am not sure that there would have been a "Little Rock Nine." Mrs. Daisy Bates was the civil rights leader who helped the nine young people, nine young African Americans to break the color barrier at Little Rock Central High School.

In 1941, Mrs. Bates and her husband, Mr. L.C. Bates, founded the Arkansas State Press. They turned the weekly newspaper into the leading voice for civil rights in the State of Arkansas long before the decision was made to try and integrate Central High School.

As president of the Little Rock NAACP, Daisy Bates, was an inspiration, a spark and a symbol of hope for smaller chapters which were on line or being organized throughout the state and indeed, in many rural and semi-rural communities throughout the Nation. As the struggle in Little Rock intensified and as Mrs. Bates' profile emerged, she appeared as a regal, thoughtful and fiercely determined leader who made tremendous self sacrifices in order to keep the Little Rock NAACP and the Arkansas NAACP alive, viable and continuing to grow.

As the highest profiled African American leader in the state of Arkansas during that period of history, Daisy Bates performed exceptionally well under intense pressure. She was called upon for guidance, counsel, direction and overall leadership for a people.

She was indeed a mother figure, a big sister, a mentor and protector for the Little Rock Nine; but she was more than that, she was a Moses for her people, leading them into a new era of freedom in their quest for equality and justice.

Yes, Mrs. Daisy Bates, a pioneering freedom fighter, may you rest in peace.

CHRISTMAS STORIES

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. BOB SCHAFFER. Mr. Speaker, soon, the presidential staff will be busy readying the White House for Christmas. The annual lighting of the national Christmas tree is an event punctuated in Washington, DC by the official White House Christmas party.

My wife Maureen and I decided to attend last year and find out for ourselves what it's like at the executive residence. The splendor of the White House, decked with adornments of the season, seemed to dwarf the partisan divisions of politics and reminded guests of the historical significance of Christmas in America.

One of the most compelling American Christmastide stories took place during the Revolutionary War in 1777. One week before Christmas, General George Washington organized his Continental Army at Valley Forge.

Everything important to maintaining the Army was lacking—ammunition, clothing, shelter, blankets, footgear, and food. Washington was unsure whether they would freeze before starving.

When called to answer a small British column conducting foraging raids at nearby Derby, the General urgently dispatched Congress; ". . . unless some great and capital change suddenly takes place . . . this Army must inevitably be reduced to one or other of these things. Starve, dissolve or disperse, in order to obtain subsistence in the best manner they can . . ."

The half-naked troops endured famine relieved only by sporadic supply deliveries. Washington fully expected mass desertion or open mutiny, yet the soldiers remained, resolved by their confidence in Washington himself. Washington's personal strength came from God.

A famous account of a Quaker named Isaac Potts emphasized Washington's reliance on prayer at Valley Forge. While passing through the woods near camp headquarters, Potts heard the Commander-in-Chief's voice in the forest.

Potts observed Washington on his knees in the act of devotion and interceding for the well-being of his troops and beloved country. Potts wrote, ". . . he adored that exuberant goodness which, from the depth of obscurity, had exalted him to the head of a great nation, and that nation fighting at fearful odds for all the world holds dear."

In orders later issued at Valley Forge, Washington told troops, "To the distinguished character of Patriot, it should be our highest Glory to laud the more distinguished character of Christian."

Col. John Laurens, the General's aide, wrote of "those dear, ragged Continentals whose patience will be the admiration of future ages." Indeed, to this day, Americans take great inspiration from Valley Forge. The Providential source of the troops' valor is a timeless lesson in faith providing further support for the message of Christmas.

First designated a national holiday in religious terms in 1789, presidential orders and Congressional proclamations have firmly restated the importance of Christmas ever since. Our nation's greatest leaders have always found inspiration in the hope of the Christ Child and the grace of God.

Thomas Jefferson chose among the works of Isaac Watts to be taught, in the District of Columbia schools, the Christmas carol, "Joy to the world, the Lord is come, let earth receive her king."

Benjamin Franklin wrote, "Let no pleasure tempt thee, no profit allure thee, no ambition corrupt thee, no example sway thee, no persuasion move thee to do anything which thou knowest to be evil. So shalt thou live jollily, for a good conscience is a continual Christmas."

This year, as Americans revel in the joyous wonder of Christ's birth, we all do well to recall the many examples of God's presence among us and His unmistakable answers to our prayers for liberty. May God continue to bestow His choicest blessings upon the United States of America, this Christmas and always.

TRIBUTE TO REVEREND DR. LOUIS RAWLS, PASTOR OF THE TABERNACLE MISSIONARY BAPTIST CHURCH OF CHICAGO, IL

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. RUSH. Mr. Speaker, I rise today to pay tribute to and honor the Reverend Dr. Louis Rawls on the occasion of the celebration his tenure as Pastor of the Tabernacle Missionary Baptist Church of Chicago, Illinois.

Dr. Rawls was born July 16, 1905 in Union, Mississippi to the union of James Rawls, Sr. and Louiza Donnell. Dr. Rawls accepted the call of the Lord at the age of twenty-six. He served as pastor of Canaan Baptist Church for nearly ten years. In 1941, the Lord directed Dr. Rawls to organize the Tabernacle Baptist Church, where he has served as Pastor, preacher and teacher for the past fifty-eight years. With the power of the Holy Spirit, Dr. Rawls has felowshipped more than 23,000 souls into the church.

Dr. Rawls graduated from Wendell Phillips High School in 1928 and Moody Bible Institute in 1934. Dr. Rawls is the recipient of eight earned degrees and six honorary degrees. Dr. Rawls was a founding member of the Chicago Baptist Institute and the founder of the Illinois Baptist State Convention. He has served on numerous boards including, the NAACP, the National Association of Evangelists and the National Religious Broadcasters of America.

Building a ministry that focuses on the total man, Dr. Rawis founded the Willa Rawls Manor and the Tabernacle Community Hospital and Health Center. Dr. Rawls has worked extensively in the civil rights movement with Dr. Martin Luther King, Jr., Rev. Jesse Jackson, the NAACP and the Urban League. Dr. Rawls is a devoted and loving family man to his wife, Willa and his three children, Lou, Samuel, and Julius Lee.

Mr. Speaker, I am proud to join with thousands of family and friends who will gather in Chicago on November 27, 1999 to recognize the life achievements of Reverend Dr. Louis Rawls, Pastor of the Tabernacle Missionary Baptist Church and I want to encourage Dr. Rawls to continue to be steadfast and unmovable always abounding in the work of the Lord. I am truly honored to pay tribute to this outstanding Servant of God and am privileged to enter these words into the CONGRESSIONAL RECORD of the United States House of Representatives.

MICHAEL J. SCHULTZ

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. MASCARA. Mr. Speaker, I rise today to recognize a special constituent from my district, Michael J. Schultz. Mike is a good friend and serves as a shining example of what can be accomplished through dedication and hard work.

Mike was recently elected by his peers to lead the 12,000 employer-member Pennsylvania Builders Association (PBA) into the next century. Based upon our personal and professional relationship, I do not believe PBA could be placed in more capable hands.

Mike Schultz is a small businessman. He is the owner of Michael J. Schultz Construction and has been in the home building business for 32 years. In a long and distinguished history with the PBA, Mike has served as vice president, secretary and treasurer. Additionally, he has served as the southwestern Pennsylvania regional vice president and chairman of the public relations/public affairs committee. In 1992, he was recognized as the PBA small contractor of the year, an award I know he cherishes.

Mike has visited my Washington DC office on a number of occasions in his role as a member of the PBA's legislative committee and as a trustee for the National Association. Needless to say, he has been professional and convincing in his presentation on behalf of the home building industry. It is not surprising that he was chosen as a delegate for the White House Conference on Small Business in Washington DC.

Therefore, I am pleased to be among those to honor Mike as he assumes his duties as the President of the Pennsylvania Builders Association. Mike, I wish you success in this post and as always, I look forward to working with you and your association as we move into this millennium. I am proud that you are one of my 20th Congressional District constituents.

STUDENT LOAN INTEREST RATE INDEX

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. KANJORSKI. Mr. Speaker, I rise today to speak about H.R. 1180, the Work Incentives Improvement Act. As a senior member of the House Committee on Banking and Financial Services, I want to provide my colleagues with an explanation of one provision in this conference report.

Specifically, this legislation updates the funding formula for the Federal Family Education Loan Program by changing the lender index from the 91-day Treasury bill rate to the 90-day commercial paper rate. The interest rate index switch has a strong bipartisan backing, including the supporter of the Chairman and ranking Democratic member of both the Committee on Education and Workforce and its Subcommittee on Postsecondary Education, Training and Life-Long Learning. Additionally, this change will not in any way affect the interest rate paid by individuals on their student loans. This change only affects the index for lenders.

Importantly, this switch will not cost the taxpayers a dime. According to the Congressional Budget Office, it will reduce taxpayer expenditures by tens of millions of dollars over the next decade. The Office of Management and Budget concurs that this change will not increase costs to the federal government.

This change flows from the agreement made on lender yields during last year's debate over the Higher Education Act. The conferees on the Higher Education Act recognized that there were serious questions about whether the Treasury bill was still the appropriate index to use. Consequently, the Higher Education Act asked for a study. Over the last year, a great majority of the people who have intensively examined this matter have concluded that the Treasury bill index has serious shortcomings, which will worsen as the federal government continues to run a budget surplus and the market diminishes for Treasury securities.

Furthermore, in June 1999 testimony before the Senate Committee on Finance, Deputy Secretary of the Treasury Stuart Eizenstat acknowledged this problem. He stated, "As the supply of Treasuries dwindles in the future, as we gradually reduce the debt held by the public, there would be a ready supply of other securities of other issuers including high quality corporations and government sponsored enterprises that would likely become benchmarks for the broader securities markets." Deputy Secretary Eizenstat further said that, "The Federal Reserve currently uses Treasury securities to conduct open market operations, but it has not always been that way, nor would it have to be in the future. As with other market participants, the Federal Reserve would adapt to such a changing environment by substituting other debt securities for Treasuries."

Mr. Speaker, that is exactly what this legislation does. It substitutes the 90-day commercial paper rate, with an appropriate adjustment determined by the Congressional Budget Office to reduce federal outlays by tens of millions of dollars, for the 91-day Treasury bill.

This change is as important for students and their families as it is for providers of student loans. Without this change, the private sector will experience periods of time, such as the majority of last year, when it cannot issue asset backed securities to fund student loans. Because the private sector finances roughly two out of every three dollars of student loans, we must stabilize this important source of funding. Stability and liquidity in the market help all participants, including students and their families, and colleges and universities.

Today, our fiscal and economic climate is dramatically different from what it was when the 91-day Treasury bill was selected as the index for the student loan program. Twenty-five years ago, the federal deficit and the Treasury bill market were both quite large, while the student loan and commercial paper markets were relatively small. Today the situation is reversed. The government has a budget surplus, and the size of the Treasury bill market is less than half of what it was as recently as 1996. Moreover, the volume of outstanding student loans has grown from $7 billion to $120 billion, and the commercial paper and London interbank offered rate (LIBOR) markets have exploded in size.

The simple truth—as anyone on Wall Street will attest, is that the overwhelming majority of private sector commercial loans are based on LIBOR and commercial paper rates, not Treasury bill rates. The federal government should recognize this change in the marketplace and revise its statutes accordingly. Changing the interest rate index will not harm students, and it will not harm the federal government. Instead it will help both by ensuring that a large and liquid market remains available for student loans.

Finally, Mr. Speaker, some people have tried to use this issue to reopen the debate between the merits of direct lending and guaranteed lending. That is a red herring. This change will not adversely affect the direct loan program or the competitive balance between direct and guaranteed loans. This change is simply a technical fix to reflect transformations in the marketplace that scores of financial experts have acknowledged.

It is time to switch the interest rate index used to calculate lender returns for the Federal Family Education Loan Program. I encourage all my colleagues to read the following recommendations from the Chairmen and ranking Democratic members of the House Committee on Education and Workforce and its Subcommittee on Postsecondary Education, Training and Life-Long Learning.

COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES,
Washington, DC, November 8, 1999.

Hon. BILL ARCHER,
Chairman, House Ways and Means Committee, Longworth House Office Building, Washington, DC.

Hon. TOM BLILEY,
Chairman, House Commerce Committee, Rayburn House Office Building, Washington, DC.

Hon. DICK ARMEY,
Majority Leader, House of Representatives, the Capitol, Washington, DC.

Hon. CHARLES RANGEL,
Ranking Minority Member, House Ways and Means Committee, Longworth House Office Building, Washington, DC.

Hon. JOHN DINGELL,
Ranking Minority Member, House Commerce Committee, Ford House Office Building, Washington, DC.

DEAR CONFEREE. We are writing to clear up some misinformation regarding Section 409 of H.R. 1180, the Work Incentives Improvement Act.

At issue is a provision that was added to H.R. 1180 that would update the index on which lender returns are based in the Federal Family Education Loan Program (FFELP). Last year, as we reauthorized the Higher Education Act of 1965, the Committee became concerned that the 91-day Treasury bill, which is the index used for the last 25 years to determine the interest rate on guaranteed student loans, was becoming an out of date tool for determining lender yields. T-bill based payments made sense when the loan program was conceived. However, financial markets have evolved, and most lenders now fund their portfolios using more commonly traded instruments such as commercial paper (CP) or London interbank offered rate (LIBOR) rates.

While the Committee was willing to explore other mechanisms for determining lender yields during reauthorization, the complexity of the issue required us to form a study group, made up of a broad range of stakeholders in the program, to determine the financial instrument that would be most efficient and cost effective. Unfortunately, the study group failed to reach consensus on an appropriate alternative index. To date, the only proposal that has been put forth came from the lending community. The provision in Section 409 is based on that recommendation.

We are seriously concerned that, in an attempt to stall this important change, some are spreading a set of contrived "what if" numbers, which are not based on sound assumptions or supportable data. The facts, are as follows.

Changing the FFELP index for lender yields will not cost the federal government money. CBO scoring shows that this provision will actually save the government $20 million in reduced payments to lenders. These are savings that will help to pay for benefits provided for disabled workers under H.R. 1180.

Changing the index won't create a windfall for lenders. The fact of the matter is that had this change been in effect over the last 10 years, lender return would have been slightly lower than the returns that were earned using the current T-Bill based index.

Changing the index will not drive smaller lenders or community banks from the program. In fact, in a letter to Senator Lott dated November 3, 1999, the Independent Community Bankers of America (a trade association that exclusively represents this nation's community banks) raised the index change, stating that it "maximizes community banker participation in the program."

This provision will not cost students a dime. It in no way affects the interest rates paid by students.

The bottom line is that changing the index for determining lender yields for the FFEL program is sound policy, and it enjoys the bipartisan support of our Committee leadership. It will increase the efficiency and stability of the program. By basing the index on a private sector funding mechanism such as commercial paper, lenders can more easily borrow money from the private sector and fund more student loans. This change simply ensures that student loans will be readily available for all students.

In closing, we urge you to maintain Section 409 in conference. If you have any question, please do not hesitate to contact us or have your staff call George, Conant (Majority) at ext. 5-6558, or Maryellen Ardouny (Minority) at ext. 6-2068.

Sincerely,

BILL GOODLING,
Chairman, Committee on Education and the Workforce.
HOWARD P. "BUCK" MCKEON,
Chairman, Subcommittee on Postsecondary Education, Training and Life-Long Learning.
BILL CLAY,
Ranking Member, Committee on Education and the Workforce.
MATTHEW G. MARTINEZ,
Ranking Member, Subcommittee on Postsecondary Education, Training and Life-Long Learning.

THE CHARTER BOAT INDUSTRY

HON. DONNA MC CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1999

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to introduce a bill to help to revitalize the charter boat industry in my district by giving charter boat operators the ability to compete against their competitors in the neighboring non-U.S. jurisdictions. In the almost three years that I have served as the elected representative of the people of the U.S. Virgin Islands in the House of Representatives, there have been few other issues that have generated more passion and concern among the Virgin Islands business community than this one.

Mr. Speaker, the Passenger Vessel Safety Act, which was enacted on December 20, 1993, made several changes to the laws for passenger vessels. One such change, which required uninspected vessels weighing less than 100 gross tons to carry not more than 6 passengers, has had a significant negative impact on the charter boat industry, as well as the overall economy of my district. The limitation of only six passengers for uninspected vessels has resulted in virtually all vessels, which are able to carry more than 6 passengers, leaving U.S. Virgin Islands waters and relocating to the nearby British Virgin Islands.

According to Virgin Islands charter boat industry officials, approximately one third of all charters on crewed yachts carry more than six passengers and less than twelve. Just about all of this type of business has relocated to other areas, primarily the British Virgin Islands which is located only 12 miles from St. Thomas. Additionally, it is estimated that each charter yacht and their clientele spend over $500,000 annually.

Because the international standards for the inspection of passenger vessels only apply to vessels that carry more than 12 passengers, foreign registered vessels cannot comply with U.S. laws and, enter U.S.V.I. waters carrying more than six passengers. Guests who might otherwise enjoy visiting the U.S.V.I. while chartering in the BVI are not able to visit us if their charter numbers more than six passengers.

Mr. Speaker, enactment of this bill is important to the Virgin Islands because of its potential to help revitalize our currently stagnant economy. As recently as 1988, U.S.V.I. marine businesses generated more than $85 million in revenue. But that figure has dropped to less than $15 million today, because of the decline in the industry due to the change in law.

I urge my colleagues to join me in supporting this bill which is vitally important to the economy of the U.S. Virgin Islands, due to its heavy dependence on tourism.

THE ISSUE IS PROTECTING THE RULE OF LAW

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. CONYERS. Mr. Speaker, today I am pleased to submit for the RECORD a memorandum on the importance of the rule of law in our constitutional democracy written by Professor Harold Norris. Widely regarded as one of our Nation's foremost constitutional law experts, Professor Norris is an emeritus professor of constitutional law at the Detroit College of Law at Michigan State University. A man of honor and great integrity, Professor Norris shaped the careers of many of Michigan's foremost attorneys and members of the State and Federal judiciary. Throughout his long life, Professor Norris has been an indefatigable defender of the Bill of Rights and the equality under law of all persons. Among his many accomplishments was the pivotal role he played in the writing of Michigan's revised State constitution in 1963. Professor Norris has provided insight on constitutional issues throughout my congressional career, most recently during the impeachment proceedings against President Clinton. Professor Norris' commitment to the spirit of our Constitution and the Bill of Rights and his zealous defense of our civil liberties should be heeded by all Americans.

[From the Bradenton Herald, Oct. 19, 1998]

THE ISSUE IS PROTECTING THE RULE OF LAW

(By Professor Harold Norris)

On two separate occasions, the American people have decided that William Jefferson Clinton is fit to be President of the United States by electing him to that office.

To proceed to nullify a presidential election on the basis of authoritarian, privacy-invading questions about sex, questions the government does not have the legal power to ask, is producing irreparable harm to our nation and to its Constitution. There is no crime of perjury arising out of questions the government doesn't have and should not have the legal authority to ask. We must stop this terrible carnal carnival, this tragic, malevolent, partisan, anguishing national experience.

Electing a president under our Constitution is the most important expression of the political sovereignty of the whole of the American people. To diminish, countermand or nullify the legitimacy of a presidential election for behavior rooted in personal private conduct diminishes, debases and abuses our Constitution, our nation, the office of the president, the rule of law itself. The purpose of the Constitution to unify the nation in opposing to autocracy and to abuse of constitutional authority is being dangerously undermined and diminished by the presently-invoked processes of political and unconstitutional impeachment.

Perjury and subornation of perjury, rooted and based exclusively upon an illegal invasion of personal privacy like sex, is not "treason, bribery, or high crimes and misdemeanors." Elizabeth Holtzman, former U.S. representative and former New York City prosecutor, concluded in an Op-Ed in the New York Times that perjury in the Clinton matter is a "manufactured" crime. She wrote (Aug. 10):

"As one of the authors of the original Independent Counsel Act, I never dreamed that a special prosecutor would be using his enormous powers to investigate accusations about a president's private (and legal) sexual conduct. Starr is manufacturing the circumstances in which criminal conduct may occur. . .:"

Moreover the investigation and prosecution of Mr. Starr using methods short of due process has undermined the credibility of the fact-finding process itself. The President of the United States should be as protected by the Bill of Rights as any person, or else faith and confidence in our law will be seriously damaged.

Upon assuming office, President Clinton took an oath, as provided by the Constitution, that he would faithfully execute the Office of President and that he would preserve, protect, and defend the Constitution.

Since the president is elected by all the people to a four-year term of office, the framers made it very difficult for him to be removed from office. According to Article II, Section 4 of the Constitution, the president may only be removed from office upon impeachment and conviction for "treason, bribery, or other high crimes and misdemeanors." The term "high crimes and misdemeanors" had a very clear meaning for the framers. It meant a serious abuse of the president's official power or a serious breach of the president's discharge of the official duties of office. Those duties are set forth in Article II, Sections 2 and 3 of the Constitution. The framers were acutely aware that abuse of the impeachment process by Congress would upset the balance of power between the three branches of American government if any president could be toppled at will by the Congress.

The Supreme Court determined in the Paula Jones case that a distinction must be drawn between incidents involving the president in his capacity as a private citizen and those occurring in the course of the exercise of his constitutional duties. Everything connected with Monica Lewinsky and Paula Jones involved the president as a private individual and had nothing whatsoever to do with the presidential office. As President Theodore Roosevelt cogently observed, "in the United States, no person can be above the law but no person can be below the law, either." The president must therefore be judged according to constitutional principles and the rule of law, nothing else.

There has been no suggestion that anything the independent counsel is investigating involves the president's constitutional duties. Unless the independent counsel has substantial evidence that President Clinton has violated his constitutional duties, Mr. Starr has no basis whatsoever for making a report to Congress suggesting that impeachment be contemplated. Any suggestion that the president could be impeached for conduct occurring as a private individual or because some members of Congress might dislike his character or image and consider him "unfit for office" is clearly contrary to the intent of the framers and the explicit language of the Constitution.

We must resist as vigorously and effectively as possible any effort by the independent counsel to rewrite the Constitution to serve a palpable political end. The ultimate sacrifice made by millions of men and women to preserve the integrity of the Constitution for more than 200 years requires nothing less.

There has been a tabloidization of the whole range of the American press and television. In a full self-mesmerized frenzy on the possibilities of titillation, the constitutional requirements of due process in grand juries, investigations and impeachments have been ignored, and fairness has been subordinated to a persistent partisan political purpose. Trial by and for the sex-focused press has displaced decency, dignity, civility and respect. Unless the Constitution and rule of law genuinely prevail, the country will inexorably move to continual constitutional crises and indeed, disunity and disintegration. Only a citizenry aware of the Constitution's priorities can prevent the unraveling of the nation and preserve its sovereignty. Our Constitution will not survive the criminalization of the privacy of a president.

In a democratic non-totalitarian country that protects the liberty, privacy, and dignity of a person, there can be no crime of perjury for failing or refusing to answer question about sex, questions the government has no right to ask. As a 34-year veterans member of Congress, John Conyers of Michigan, devoted constitutionalist and Democratic leader of the House Judiciary Committee, put the question before Congress and the country: "The issue is not Mr. Clinton; the issue is to preserve, protect, and defend the rule of law and the integrity of the Constitution. Without law, there is tyranny and anarchy."

TRIBUTE TO CALVIN JERRY POWELL

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1999

Mr. BOYD. Mr. Speaker, I rise today to pay tribute to the life and work of Corporal Calvin Jerry Powell. Corporal Powell, a member of the Jasper Police Department in Northern Florida, was killed in the line of duty in late September of this year. He lost his life after being hit almost head on during a high-speed car chase. Needless to say, his death has grieved the entire Jasper community.

Corporal Powell, 27, was a two year veteran of the department, and had been promoted to Corporal one month prior to his death. Jasper Police Chief Frank Osborn shared with me that Powell put himself through school to become an officer, and while he was only on the force for two years, he carried himself as though he was a ten year veteran. Corporal Powell loved his job and was very well liked by the entire force, he will be sorely missed.

There are many lessons we can take from the tragic and senseless loss of Corporal Powell. Police officers put their lives at risk everyday in order to ensure our safety, security and peace of mind. When a death such as this occurs, particularly in a closely knit community like Jasper, it shakes us to the core. Each day, we need to reflect on the sacrifices made by our officers and truly appreciate just how vital the role of these brave men and women are to our own lives.

Mr. Speaker, we mourn the loss of Corporal Powell along with his family and the Jasper Community. Our prayers are with his wife and two children during this difficult time. He will be missed beyond any expression of words.

TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999

SPEECH OF

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. BLILEY. Mr. Speaker, earlier today, the House passed a consolidated appropriations act funding a number of agencies for fiscal year 2000.

Among the legislative items attached to that measure was a provision imposing a moratorium on the Administration's organ allocation regulations. Under the legislation we passed earlier today, that moratorium extends for 42 days.

That moratorium is not a sufficient amount of time for Congress to complete its work in legislating changes in the National Organ Transplant Act.

Accordingly, the legislation we currently have under consideration, the Ticket to Work and Work Incentives Improvement Act of 1999, goes a step further. This legislation extends the moratorium an additional 90 days. I fully expect that President Clinton will sign the consolidated appropriations measure into law in the near future. When he does so, under the terms of that law, the first moratorium of 42 days will begin.

I further anticipate that the President will sign the Work Incentives legislation after he signs the appropriations bill. When he does so, it is my firm belief that H.R. 1180's 90-day moratorium will then begin. As the legislative language of the bill states: "The final rule entitled 'Organ Procurement and Transplantation Network', promulgated by the Secretary of Health and Human Services on April 2, 1998 (63 Fed. Reg. 16295 et seq.) (relating to part 121 of title 42, Code of Federal Regulations), together with the amendments to such rules promulgated on October 20, 1999 (64 Fed. Reg. 56649 et seq.) shall not become effective before the expiration of the 90-day period beginning on the date of the enactment of this Act." As the Chairman of the Committee with exclusive jurisdiction of the matter, and the author of this provision, my legislative intent is that, when the Work Incentives legislation is signed into law, it will begin a new 90-day moratorium period.

In the unlikely event that President Clinton signs the consolidated appropriations measure after the Work Incentives measure, I also want to be clear about my legislation intent. Because Congress acted on the appropriations measure first, the Secretary of Health and Human Services should view the moratorium set forth in the Work Incentives measure as Congress' last statement. In other words, if the Work Incentives measure is signed after the appropriations bill, Congress' intent is that a 90-day moratorium remain in effect from the date of enactment of H.R. 1180.

A TRIBUTE IN HONOR OF FRANCIS H. DUEHAY, MAYOR OF THE CITY OF CAMBRIDGE, MASSACHUSETTS

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1999

Mr. CAPUANO. Mr. Speaker, I rise to acknowledge the forthcoming retirement of Francis H. Duehay, Mayor of the City of Cambridge, Massachusetts.

Frank Duehay has been an elected official in the City of Cambridge for 36 consecutive years, having first won a seat on the Cambridge School Committee in 1963. After having served four terms on the School Committee, he ran for the Cambridge City Council in 1971 and has served continuously since that time. Mayor Duehay first served as Mayor of the City of Cambridge for the 1980–1981 term, and in 1985 when he was elected to complete the term of Mayor Leonard Russell, who died in office.

As an elected member of the School Committee, Mayor Duehay introduced the Community Schools Program, which involved parents in the hiring of teachers and principals. He also was Chairman of the School Committee at the time when Cambridge successfully desegregated its school system. While on the City Council, Mayor Duehay chaired the Health and Hospitals Committee and oversaw the evolution of the Cambridge Health System, as it has now become one of the country's finest health care systems. He has been active in issues relating to municipal finance, zoning and planning, provision of neighborhood service, environmental protection, affordable housing, historic preservation and economic development. Most recently, he has led Council efforts to design and fund new affordable housing programs.

Mayor Duehay has served as Chair of the Trustees of First Parish (Unitarian Universalist) Church in Cambridge where he is a long time member. He is a board member of Tutoring Plus, The Cambridge Homes, and the Phillips Brooks House at Harvard University; and is an active member of several committees with the National League of Cities and the Massachusetts Municipal Association (MMA). Moreover, he has served as Chairman of the Cambridge-Yervan, Armenia Sister City Committee. Currently, Mayor Duehay is serving as MMA Vice President and in 1998 was the President of the Massachusetts Association of City and Town Councillors.

In his most recent term as Mayor, Mayor Duehay was Chairman of the Cambridge Kids Council, Chairman of the Welfare Reform Task Force, and successfully administered the Mayor's Summer Youth Employment Program, which provide jobs to 400 Cambridge residents. During his term as Mayor, Frank Duehay presided over the City Council with civility and dignity. He brought a true sense of professionalism to the body and with his departure, an era of Cambridge government will come to a close.

Mayor Duehay will now retire to the role of private, yet active citizen. He has the great fortune of being married to Jane Kenworthy Lewis, an attorney and Decision Reporter with the Massachusetts Supreme Court.

Mayor Duehay will be sorely missed as he steps away from the public window. It was an honor for me to serve alongside this true gentleman.

A TRIBUTE TO DR. C. RONALD KAHN

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1999

Mr. NETHERCUTT. Mr. Speaker, I rise today to pay special tribute to one of our nation's leading research scientists, Dr. C. Ronald Kahn of the Joslin Diabetes Center in Boston, Massachusetts. Dr. Kahn has dedicated his highly distinguished professional career toward the elimination of diabetes, and has made significant strides in contributing to our understanding and treatment of this debilitating and vicious disease.

Dr. Kahn's numerous awards and achievements include elected membership to the National Academy of Sciences. The Academy is a private organization of distinguished scientists and engineers dedicated to furthering science and its use for the general welfare. In October, Dr. Kahn was elected membership to the Academy's prestigious Institute of Medicine, of which there are only 588 currently in active status. As a member of the Institute, Dr. Kahn will be involved in protecting and advancing the health professions and science, promoting research related to health, improving the nation's health care and addressing critical issues affecting public health.

Dr. Kahn is currently Executive Vice President and Director of the internationally known Joslin Diabetes Center, a 100 year old diabetes treatment, research and education institution affiliated with Harvard Medical School. Dr. Kahn is the Mary K. Iaccoca Professor of Medicine at the Harvard Medical School.

Dr. Kahn chaired the Diabetes Research Working Group, which was established by Congress to provide recommendations on how Federal dollars for diabetes research can be spent most effectively to reverse the diabetes epidemic. In this landmark study, Dr. Kahn reported that the death rate from diabetes has increased by 30 percent since 1980, killing one American every three minutes. The DRWG recommended an increase of $385 million over present NIH funding for diabetes research, for a total of $827 million annually through all NIH institutes.

Throughout his distinguished career, Dr. Kahn has made significant scientific contributions to advancing the understanding and treatment of diabetes and its complications. Diabetes affects an estimated 16 million Americans, about one-third of whom do not know they have the disease. It is a leading cause of heart disease, blindness, stroke, nerve damage, kidney disease and other serious complications.

In the years that Dr. Kahn has served as Research Director at Joslin, the Center's research has truly achieved preeminence on a worldwide basis. Dr. Kahn's immense energy, talent, and intellect have helped Joslin achieve preeminence in the study of diabetes and care of people with diabetes.

Scientific contributions by Dr. Kahn and his colleagues have contributed greatly to the understanding of cellular mechanisms that lead to diabetes and related complications. Throughout his academic career, he has trained numerous research fellows who are now making their own scientific contributions in laboratories around the world.

A native of Louisville, Kentucky and a resident of Newton, Massachusetts, Dr. Kahn received his undergraduate and medical degrees from the University of Louisville. After training in internal medicine at Washington University's Barnes Hospital, he worked at the National Institutes of Health for 11 years. There he rose to head the Section on Cellular and Molecular Physiology of the Diabetes Branch of the National Institutes of Health's National Institute of Diabetes and Digestive and Kidney Disorders.

Dr. Kahn is a member of numerous distinguished professional organizations. He has published numerous scientific papers over the years and has served on the editorial boards of many of the most prestigious medical journals.

Dr. Kahn has received many awards and honors. These include highest scientific and research awards from the American Federation of Clinical Research, the American Diabetes Association, the Juvenile Diabetes Foundation and the International Diabetes Federation. He holds honorary Doctorate of Science degrees from the University of Paris and the University of Louisville.

In conclusion, Mr. Speaker, I believe all will share in the appreciation we extend to Dr. Kahn for his tireless efforts toward the alleviation of pain and suffering from diabetes. Dr. Kahn's outstanding achievements serve to inspire others in his profession, as well as those of us who are not trained in the medical profession, to do all that we can to find a cure for diabetes and stop the tremendous toll this disease is taking on humanity.

PROCLAMATION NO. 2526

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1999

Mr. SALMON. Mr. Speaker, the severe treatment of Japanese Americans and aliens during World War II has been extensively detailed. Not as chronicled is the less pervasive, but still serious discrimination on the basis of ethnicity suffered by Americans or aliens of Italian and German descent. To this end, Congressman RICK LAZIO's Wartime Violation of Italian Americans Civil Liberties Act, which passed the House last week, would provide Americans with a sharper account of the discrimination suffered by Italian Americans during World War II. But, history would still lack a clear picture of the German-American experience.

It's clear that certain Americans of German descent experienced injustices similar to other ethnic groups during World War II. For example, consider the case of Arthur D. Jacobs, an

American of German descent, who now lives in my district. Mr. Jacobs published a book earlier in the year, The Prison Called Hohenasperg that details his account of internment in the United States and Germany. Mr. Jacobs and his family spent time at Ellis Island, Crystal City, TX, and finally a prison camp in Germany. The event that put Mr. Jacobs ordeal in motion was the leveling of unsubstantiated, anonymous charges against his father.

The book has generated national interest. The November 1st edition of the American Library Association's Booklist offered the following review of the book:

> There has been very little written about the terrible punishment that was meted out to thousands of German Americans during World War II. That's why Jacob's book is an important one. This modest tome opens up a hidden and disgraceful chapter in our history for all to see.

The internment of Mr. Jacobs and his family was not an isolated case. Arnold Kramer, a Texas A&M professor specializing in European history and author of Undue Process: The Untold Story of America's German Alien Internees, observed in his book that about 15 percent of the 10,905 German aliens and Americans interned were committed Nazis, while the rest "were ordinary American citizens."

In the 48 hours following the bombing of Pearl Harbor President Franklin Roosevelt issued Proclamation 2525, 2526, and 2527, which authorized restrictive rules for aliens of Japanese, German, and Italian descent, respectively. These proclamations coupled with Executive Order 9066, which authorized the War Department to exclude certain persons from designated military areas, resulted in hardships and the deprivation of certain fundamental rights for the targeted populations. A 1980 Congressional Research Service Report, The Internment of German and Italian Aliens Compared With the Internment of Japanese Aliens in the United States During World War II: A Brief History and Analysis, revealed that the War Department would not support the "collective evacuation of German and Italian aliens from the West Coast or from anywhere else in the United States" but would authorize individual exclusion orders "against both aliens and citizens under the authority of Executive Order 9066." In other words, German and Italian Americans and aliens could still be denied basic civil liberties because of their heritage.

Ideally, Congress would address both the Italian American and German American experience during World War II. On a per capita basis, it appears that significantly more Americans or aliens of German descent were interned than Italian Americans. According to personal Justice Denied, a report of the Commission on Wartime Relocation and Internment of Civilians issued in 1982, the Justice Department had interned 1,393 Germans and 264 Italians by February 16, 1942. Moreover, the Commission's report contains evidence that German Americans were considered to be more of a threat than Italian Americans. For instance, the Secretary of War in 1942 instructed the military commander in charge of implementing Executive Order 9066 to consider plans for excluding German aliens, but to ignore the Italians. And later in the year, the Attorney General announced that Italians would no longer be considered "aliens of enemy nationality." No such clarification was ever issued for German Americans. Finally, President Franklin Roosevelt dismissed the threat of those of Italian descent living in America, referring to them as "a lot of opera singers."

As we reach the end of the century, I urge my colleagues to pursue a full historical accounting of the experiences of all Americans who suffered discrimination during the Second World War as expeditiously as possible.

HEALTHCARE RESEARCH AND QUALITY ACT OF 1999

SPEECH OF

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. BLILEY. Mr. Speaker, I am pleased that we are witnessing today the passage of legislation that is critical to improving the quality of health care in this country. The Healthcare Research and Quality Act of 1999 will significantly increase health care research and science-based evidence to improve the quality of patient care.

The health care system is a dramatically different system today than a decade ago when the Congress established the Agency for Health Care Policy and Research. The financing and delivery of health care has changed as we have moved to more complex systems such as managed care. At the same time, there has been an explosion of new medical information stemming from our biomedical research advances. As a result, patients and providers face increased difficulty in tracking and understanding the latest scientific findings.

The legislation we are passing today represents the joint efforts of Senators Frist, Jeffords and Kennedy, together with Representatives Bilirakis, Dingell, and Brown. Senator Frist introduced the first version of this bill in June of 1998, and until last week this legislation was considered (and passed) as part of the Patient's Bill of Rights Act in that body. In the House, Representative Bilirakis introduced a companion bill, H.R. 2506, on September 14, 1999. Following Commerce committee hearings and mark-ups, the House voted overwhelmingly—417 to 7—to pass H.R. 2506 on September 28, 1999. Late last week, the Senate separated the AHCPR legislation from its Patients' Bill of Rights, and passed S. 580 by unanimous consent. This bill, which is before us today, reflects agreement between the authorizing House and Senate committees on legislation that each body has acted on with the broadest bipartisan support.

S. 580 reauthorizes the Agency for Health Care Policy and Research for fiscal years 2000–2005, renames the agency the "Agency for Healthcare Research and Quality," and refocuses the agency's mission to become the focal point for supporting federal health care research and quality improvement activities.

The new Agency for Healthcare Research and Quality will: promote quality by sharing information regarding medical advances; build public-private partnerships to advance and share true quality measures; report annually on the state of quality, and cost, of the nation's healthcare; aggressively support improved information systems for health quality; support primary care research, and address issues of access in underserved areas and among priority populations; facilitate innovation in patient care with streamlined evaluation and assessment of new technologies; and coordinate quality improvement efforts of the federal government to avoid disjointed, uncoordinated, or duplicative efforts.

AHCPR fills a vital federal role by investing in health services research to ensure we reap the full rewards of our investment in basic and biomedical research. AHCPR takes these medical advances and helps us understand how to best utilize these advances in daily clinical practice. The Agency has demonstrated their ability to close this gap between basic research and clinical practice.

As I noted earlier, S. 580 contains some modifications that reflect agreement between the authorizing House and Senate committees. I will not list all of the changes we have made, but I would like to highlight a few.

First, I am pleased that our bill has an increased emphasis on research regarding the delivery of health care in inner city and rural areas and of health care issues for priority populations including low-income groups, minority groups, women, children, the elderly, and individuals with special health care needs including individuals with disabilities and individuals who need chronic care or end-of-life health care. The legislation will ensure that individuals with special health care needs will be addressed throughout the research portfolio of the Agency.

A second provision included in the bill which I believe is extremely important for improving the health of our nation's children is the authorization to provide support for payments to children's hospitals for graduate medical education programs. The bill authorizes funding to the 59 freestanding children's hospital across the country that do not receive any GME funds today. These 59 hospitals represent over 20 percent of the total number of children's hospitals in the U.S. and they train nearly 30 percent of the nation's pediatricians, about 50 percent of all pediatric specialists, and over 65 percent of all pediatric specialists. I believe this is a strong addition to our bill which will ensure the training of pediatric physicians to improve the quality of health care for our children.

Mr. Speaker, this legislation would not have come to fruition without the contributions of many individuals. I would like to take this moment to express my gratitude to Representatives Bilirakis, Dingell, and Brown, and to Senator Frist and his colleagues. I look forward to witnessing the enactment of S. 580 into law this year which will greatly improve the quality of health care for all Americans.

HOUSE OF REPRESENTATIVES—*Monday, November 22, 1999*

The House met at noon and was called to order by the Speaker pro tempore (Mr. PEASE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 22, 1999.

I hereby appoint the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend A. David Argo, Capitol Hill United Methodist Church, offered the following prayer:

O God of beginnings and endings be present in the work of this day. Provide the foresight needed to begin in new directions and the courage to begin again for issues which are just. Give grace for those projects which need to be brought to a close and understanding when confronted with losses not chosen. Guide the decisions which assess the difference between beginnings and endings and inspire those who participate in the outcome with a renewed commitment to the common good. With enormous gratitude for the resources You have given to our country we ask for Your divine guidance as this body seeks to serve Your people and Your world. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Virginia (Mr. WOLF) come forward and lead the House in the Pledge of Allegiance.

Mr. WOLF led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills, joint resolutions and concurrent resolutions of the House of the following titles:

H.R. 15. An act to designate a portion of the Otay Mountain region of California as wilderness.

H.R. 20. An act to authorize the Secretary of the Interior to construct and operate a visitor center for the Upper Delaware Scenic and Recreational River on land owned by the State of New York.

H.R. 100. An act to establish designations for United States Postal Service buildings in Philadelphia, Pennsylvania.

H.R. 197. An act to designate the facility of the United States Postal Service at 410 North 6th Street in Garden City, Kansas, as the "Clifford R. Hope Post Office".

H.R. 322. An act for the relief of Suchada Kwong.

H.R. 449. An act to authorize the Gateway Visitor Center at Independence National Historical Park, and for other purposes.

H.R. 459. An act to extend the deadline under the Federal Power Act for FERC Project No. 9401, the Mt. Hope Waterpower Project.

H.R. 592. An act to designate a portion of Gateway National Recreation Area as "World War Veterans Park at Miller Field".

H.R. 658. An act to establish the Thomas Cole National Historic Site in the State of New York as an affiliated area of the National Park System.

H.R. 747. An act to protect the permanent trust funds of the State of Arizona from erosion due to inflation and modify the basis on which distributions are made from those funds.

H.R. 748. An act to amend the Act that established the Keweenaw National Historical Park to require the Secretary of the Interior to consider nominees of various local interests in appointing members of the Keweenaw National Historical Park Advisory Commission.

H.R. 791. An act to amend the National Trails System Act to designate the route of the War of 1812 British invasion of Maryland and Washington, District of Columbia, and the route of the American defense, for study for potential addition to the national trails system.

H.R. 970. An act to authorize the Secretary of the Interior to provide assistance to the Perkins County Rural Water System, Inc., for the construction of water supply facilities in Perkins County, South Dakota.

H.R. 1094. An act to amend the Federal Reserve Act to broaden the range of discount window loans which may be used as collateral for Federal reserve notes.

H.R. 1104. An act to authorize the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Home of Franklin D. Roosevelt National Historic Site to the Archivist of the United States for the construction of a visitor center.

H.R. 1191. An act to designate certain facilities of the United States Postal Service in Chicago, Illinois.

H.R. 1251. An act to designate the United States Postal Service building located at 8850 South 700 East, Sandy, Utah, as the "Noal Cushing Bateman Post Office Building".

H.R. 1327. An act to designate the United States Postal Service building located at 34480 Highway 101 South in Cloverdale, Oregon, as the "Maurine B. Neuberger United States Post Office".

H.R. 1528. An act to reauthorize and amend the National Geologic Mapping Act of 1992.

H.R. 1619. An act to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to expand the boundaries of the Corridor.

H.R. 1665. An act to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield in Virginia, as previously authorized by law, by purchase or exchange as well as by donation.

H.R. 1693. An act to amend the Fair Labor Standards Act of 1938 to clarify the overtime exemption for employees engaged in fire protection activities.

H.R. 1794. An act concerning the participation of Taiwan in the World Health Organization (WHO).

H.R. 1887. An act to amend title 18, United States Code, to punish the depiction of animal cruelty.

H.R. 1932. An act to authorize the President to award a gold medal on behalf of the Congress to Father Theodore M. Hesburgh, in recognition of his outstanding and enduring contributions to civil rights, higher education, the Catholic Church, the Nation, and the global community.

H.R. 2079. An act to provide for the conveyance of certain National Forest System lands in the State of South Dakota.

H.R. 2140. An act to improve protection and management of the Chattahoochee River National Recreation Area in the State of Georgia.

H.R. 2401. An act to amend the U.S. Holocaust Assets Commission Act of 1998 to extend the period by which the final report is due and to authorize additional funding.

H.R. 2632. An act to designate certain Federal lands in the Talladega National Forest in the State of Alabama as the Dugger Mountain Wilderness.

H.R. 2737. An act to authorize the Secretary of the Interior to convey to the State of Illinois certain Federal land associated with the Lewis and Clark National Historic Trail to be used as an historic and interpretive site along the trail.

H.R. 2886. An act to amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after a sibling who is a child under such Act.

H.R. 2889. An act to amend the Central Utah Project Completion Act to provide for acquisition of water and water rights for Central Utah Project purposes, completion of Central Utah project facilities, and implementation of water conservation measures.

H.R. 3257. An act to amend the Congressional Budget Act of 1974 to assist the Congressional Budget Office with the scoring of State and local mandates.

H.R. 3373. An act to require the Secretary of the Treasury to mint coins in conjunction

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in `this typeface` indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

with the minting of coins by the Republic of Iceland in commemoration of the millennium of the discovery of the New World by Leif Ericson.

H.R. 3381. An act to reauthorize the Overseas Private Investment Corporation and the Trade and Development Agency, and for other purposes.

H.R. 3419. An act to amend title 49, United States Code, to establish the Federal Motor Carrier Safety Administration, and for other purposes.

H.R. 3443. An act to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes.

H.R. 3456. An act to amend statutory damages provisions of title 17, United States Code.

H.J. Res. 46. Joint resolution conferring status as an honorary veteran of the United States Armed Forces on Zachary Fisher.

H.J. Res. 65. Joint resolution commending the World War II veterans who fought in the Battle of the Bulge, and for other purposes.

H.J. Res. 85. Joint resolution appointing the day for the convening of the second session of the One Hundred Sixth Congress.

H. Con. Res. 122. Concurrent resolution recognizing the United States Border Patrol's 75 years of service since its founding.

H. Con. Res. 141. Concurrent resolution celebrating One America.

H. Con. Res. 190. Concurrent resolution urging the United States to seek a global consensus supporting a moratorium on tariffs and on special, multiple, and discriminatory taxation of electronic commerce.

H. Con. Res. 205. Concurrent resolution recognizing and honoring the heroic efforts of the Air National Guard's 109th Airlift Wing and its rescue of Dr. Jerri Nielsen from the South Pole.

H. Con. Res. 236. Concurrent resolution correcting the Enrollment of H.R. 1180.

H. Con. Res. 239. Concurrent resolution directing the Clerk of the House of Representatives to make a technical correction in the enrollment of the bill H.R. 3194.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills and a concurrent resolution of the House of the following titles:

H.R. 149. An act to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996 and to other laws related to parks and public lands.

H.R. 154. An act to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in National Park System and National Wildlife Refuge System units, and for other purposes.

H.R. 764. An act to reduce the incidence of child abuse and neglect, and for other purposes.

H.R. 1377. An act to designate the facility of the United States Postal Service at 13234 South Baltimore Avenue in Chicago, Illinois, as the "John J. Buchanan Post Office Building".

H.R. 1451. An act to establish the Abraham Lincoln Bicentennial Commission.

H.R. 1753. An act to promote the research, identification, assessment, exploration, and development of gas hydrate resources, and for other purposes.

H.R. 1802. An act to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes.

H.R. 2130. An act to amend the Controlled Substances Act to add gamma hydroxybutyric acid and ketamine to the schedules of controlled substances, to provide for a national awareness campaign, and for other purposes.

H.R. 2280. An act to amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid for service-connected disabilities, to enhance the compensation, memorial affairs, and housing programs of the Department of Veterans Affairs, to improve retirement authorities applicable to judges of the United States Court of Appeals for Veterans Claims, and for other purposes.

H.R. 3111. An act to exempt certain reports from automatic elimination and sunset pursuant to the Federal Reports Elimination and Sunset Act of 1995.

H. Con. Res. 221. Concurrent resolution authorizing printing of the brochures entitled "How Our Laws Are Made" and "Our American Government", the pocket version of the United States Constitution, and the document-sized, annotated version of the United States Constitution.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1555) "An Act to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 2280) "An Act to amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid for service-connected disabilities, to enhance the compensation, memorial affairs, and housing programs of the Department of Veterans Affairs, to improve retirement authorities applicable to judges of the United States Court of Appeals for Veterans Claims, and for other purposes."

The message also announced that the Senate agrees to the report of the committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2116) "An Act to amend title 38, United States Code, to establish a program of extended care services for veterans and to make other improvements in health care programs of the Department of Veterans Affairs."

The message also announced that the Senate has passed bills and concurrent resolutions of the following titles in which concurrence of the House is requested:

S. 244. An act to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, and for other purposes.

S. 276. An act for the relief of Sergio Lozano.

S. 302. An act for the relief of Kerantha Poole-Christian.

S. 348. An act to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes.

S. 366. An act to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail.

S. 439. An act to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada.

S. 486. An act to provide for the punishment of methamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes.

S. 501. An act to address resource management issues in Glacier Bay National Park, Alaska.

S. 624. An act to authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana, and for other purposes.

S. 692. An act to prohibit Internet gambling, and for other purposes.

S. 698. An act to review the suitability and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in the State of Alaska, and for other purposes.

S. 710. An act to authorize a feasibility study on the preservation of certain Civil War Battlefields along the Vicksburg Campaign Trail.

S. 711. An act to allow for the investment of joint Federal and State funds from the civil settlement of damages from the Exxon Valdez oil spill, and for other purposes.

S. 734. An act entitled "National Discovery Trails Act of 1999".

S. 748. An act to improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes.

S. 761. An act to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and other purposes.

S. 769. An act to provide a final settlement on certain debt owed by the city of Dickinson, North Dakota, for construction of the bascule gates on the Dickinson Dam.

S. 905. An act to establish the Lackawanna Valley National Heritage Area and for other purposes.

S. 961. An act to amend the Consolidated Farm and Rural Development Act to improve shared appreciation arrangements.

S. 964. An act to provide for equitable compensation for the Cheyenne River Sioux Tribe, and for other purposes.

S. 977. An act to provide for the conveyance by the Bureau of Land Management to Douglas County, Oregon, of a county park and certain adjacent land.

S. 986. An act to direct the Secretary of the Interior to convey the Griffith Project to the Southern Nevada Water Authority.

S. 1019. An act for the relief of Regine Beatie Edwards.

S. 1030. An act to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws.

S. 1088. An act to authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona for a wastewater treatment facility, and for other purposes.

S. 1117. An act to establish the Corinth Unit of Shiloh National Military Park, in the vicinity of the city of Corinth, Mississippi, and in the State of Tennessee, and for other purposes.

S. 1119. An act to amend the act of August 9, 1950, to continue funding of the Coastal Wetlands Planning, Protection and Restoration Act.

S. 1211. An act to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner.

S. 1236. An act to extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho.

S. 1243. An act to amend the Public Health Service Act to revise and extend the prostate cancer preventive health program.

S. 1268. An act to amend the Public Health Service Act to provide support for the modernization and construction of biomedical and behavioral research facilities and laboratory instrumentation.

S. 1275. An act to authorize the Secretary of the Interior to produce and sell products and to sell publications relating to the Hoover Dam, and to deposit revenues generated from the sales into the Colorado River Dam fund.

S. 1288. An act to provide incentives for collaborative forest restoration projects on National Forest System and other public lands in New Mexico, and for other purposes.

S. 1295. An act to designate the United States Post Office located at 3813 Main Street in East Chicago, Indiana, as the "Lance Corporal Harold Gomez Post Office".

S. 1296. An act to designate portions of the lower Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers System.

S. 1309. An act to amend title I of the Employee Retirement Income Security Act of 1974 to provide for the preemption of State law in certain cases relating to certain church plans.

S. 1324. An act to expand the boundaries of the Gettysburg National Military Park to include the Wills House, and for other purposes.

S. 1329. An act to direct the Secretary of the Interior to convey certain land to Nye County, Nevada, and for other purposes.

S. 1330. An act to give the city of Mesquite, Nevada, the right to purchase at fair market value certain parcels of public land in the city.

S. 1349. An act to direct the Secretary of the Interior to conduct special resource studies to determine the national significance of specific sites as well as the suitability and feasibility of their inclusion as units of the National Park System.

S. 1374. An act to authorize the development and maintenance of a multiagency campus project in the town of Jackson, Wyoming.

S. 1453. An act to facilitate famine relief efforts and a comprehensive solution to the war in Sudan.

S. 1488. An act to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal Buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

S. 1503. An act to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2003.

S. 1508. An act to provide technical and legal assistance to tribal justice systems and members of Indian tribes, and for other purposes.

S. 1515. An act to amend the Radiation Exposure Compensation Act, and for other purposes.

S. 1516. An act to amend title III of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331 et seq.) to reauthorize the Federal Emergency Management Food and Shelter Program, and for other purposes.

S. 1569. An act to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers system, and for other purposes.

S. 1599. An act to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with the Black Hills National Forest.

S. 1707. An act to amend the Inspector General Act of 1978 (5 U.S.C. App.) to provide that certain designated Federal entities shall be establishments under such Act, and for other purposes.

S. 1733. An act to amend the Food Stamp Act of 1977 to provide for a national standard of interoperability and portability applicable to electronic food stamp benefit transactions.

S. 1813. An act to amend the Public Health Service Act to provide additional support for and to expand clinical research programs, and for other purposes.

S. 1877. An act to amend the Federal Report Elimination and Sunset Act of 1995.

S. 1937. An act to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for sales of electricity by the Bonneville Power Administration to joint operating entities.

S. 1971. An act to authorize the President to award a gold medal on behalf of the Congress to Milton Friedman, in recognition of his outstanding and enduring contributions to individual freedom and opportunity to American society through his exhaustive research and teaching of economics, and his extensive writing on economics and public policy.

S. 1996. An act to amend the Public Health Service Act to clarify provisions relating to the content of petitions for compensation under the vaccine injury compensation program.

S. Con. Res. 42. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued by the United States Postal Service honoring the members of the Armed Forces who have been awarded the Purple Heart.

S. Con. Res. 71. Concurrent resolution expressing the sense of the Congress that Miami, Florida, and not a competing foreign city, should serve as the permanent location for the Secretariat of the Free Trade Area of the Americas (FTAA) beginning in 2005.

S. Con. Res. 77. Concurrent resolution making technical corrections to the enrollment of H.R. 3194.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 335) "An act to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to sweepstakes, skill contests, facsimile checks, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 416) "An act to direct the Secretary of Agriculture to convey to the city of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility."

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1257) "An act to amend statutory damages provisions of title 17, United States Code" with amendments.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1418) "An act to provide for the holding of court at Natchez, Mississippi, in the same manner as court is held at Vicksburg, Mississippi, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 376) "An act to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McCAIN, Mr. STEVENS, Mr. BURNS, Mr. HOLLINGS, and Mr. INOUYE, to be the conferees on the part of the Senate.

The message also announced that pursuant to section 8002 of title 26, United States Code, the Chair, announces on behalf of the Chairman of the Finance Committee, the designation of the Senator from Utah (Mr. HATCH) as a member of the Joint Committee on Taxation, in lieu of the late Senator from Rhode Island (Mr. Chafee).

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
Washington, DC, November 22, 1999.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 19, 1999 at 7:38 p.m.

That the Senate agreed to conference report H.R. 3194.

With best wishes, I am
Sincerely,
JEFF TRANDAHL,
Clerk of the House.

HAPPY BIRTHDAY TO SCOTT PALMER

(Mr. WOLF asked and was given permission to address the House for 1 minute.)

Mr. WOLF. Mr. Speaker, I want to wish Scott Palmer, Speaker HASTERT's chief of staff, a Happy Birthday. I think he had about several the last couple of months.

SINE DIE ADJOURNMENT

Mr. WOLF. Mr. Speaker, pursuant to House Concurrent Resolution 235, 106th Congress, and as the designee of the majority leader, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 235, 106th Congress, the Chair declares the first session of the 106th Congress adjourned sine die.

Thereupon (at 12 o'clock and 3 minutes p.m.) pursuant to House Concurrent Resolution 235, the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5477. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—Dairy Indemnity Payment Program (RIN: 0560–AG 10) received November 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5478. A letter from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limiting the Volume of Small Red Seedless Grapefruit [Docket No. FV99–905–3–FIR] received November 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5479. A letter from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Almonds Grown in California; Revisions to Requirements to Regarding Credit For Promotion and Advertising Activities [Docket No. FV99–981–4 IFR] received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5480. A letter from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida and Imported Grapefruit; Relaxation of the Minimum Size Requirement for Red Seedless Grapefruit [Docket No. FV99–905–6 IFR] received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5481. A letter from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Almonds Grown in California; Salable and Reserve Percentages for the 1999–2000 Crop Year [Docket No. FV99–981–3FR] received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5482. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—Debarment and Suspension (RIN: 0560–AF47) received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5483. A letter from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Papayas Grown in Hawaii; Increased Assessment Rate [Docket No. FV99–928–1 FR] received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5484. A letter from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Walnuts Grown in California; Reporting Walnuts Grown Outside of the United States and received by California Handlers [Docket No. FV99–984–2 FR] received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5485. A letter from the Acquisition and Technology, Principal Deputy Under Secretary of Defense, transmitting a report in support of the waiver for the Department of the Army's Wholesale Logistics Modernization Program; to the Committee on Armed Services.

5486. A letter from the Secretary of Defense, transmitting notification of the retirement of Admiral Archie R. Clemins, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

5487. A letter from the Acquisition and Technology, Under Secretary of Defense, transmitting a report on the amount of Department of Defense purchases from foreign entities during the fiscal year; to the Committee on Armed Services.

5488. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA–7720] received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5489. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA–7725] received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5490. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA–7722] received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5491. A letter from the Director, Civil Rights Center, Department of Labor, transmitting the Department's final rule—Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998 (RIN: 1291–AA29) received November 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5492. A letter from the Secretary of Health and Human Services, transmitting a report on the Family Violence Prevention and Services Program; to the Committee on Education and the Workforce.

5493. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Foreign National Access To DOE Cyber Systems [DOE N205.2] received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5494. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Carrying Semiautomatic Pistols With A Round In The Chamber [DOE N473.1] received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5495. A letter from the Attorney, Department of Transportation, transmitting the Department's final rule—Relocation of Standard Time Zone Boundary in the State of Nevada [OST Docket No. OST 99–5843] (RIN: 2105–AC80) received November 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5496. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the long-term strategy to carry out the counternarcotics responsibilities of the Department of State; to the Committee on International Relations.

5497. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates—received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

5498. A communication from the President of the United States, transmitting certification regarding the export to the People's Republic of China of an airport runway profiler containing an accelerometer; to the Committee on International Relations.

5499. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–166, "Gift of Light Permit Temporary Amendment Act of 1999" received November 19, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

5500. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–170, "Advisory Neighborhood Commission Vacancy Temporary Amendment Act of 1999" received November 19, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5501. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–167, "Real Property Tax Appeal Filing Deadline Extension Temporary Act of 1999" received November 19, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5502. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–164, "Potomac River Bridges Towing Compact Act of 1999" received November 19, 1999, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

5503. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-171, "Management Supervisory Service Temporary Amendment Act of 1999" received November 19, 1999, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

5504. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-165, "Petition Circulation Requirements Amendment Act of 1999" received November 19, 1999, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

5505. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's Inspector General Semiannual Report for the period April 1, 1999–September 30, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5506. A letter from the Independent Counsel, Office of Independent Counsel, transmitting the Annual Report on Audit and Investigative Activities and the Annual Statement on Adequacy of Management Control Systems, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5507. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Iowa Regulatory Program [SPATS No. IA-005-FOR] received November 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5508. A letter from the Senior Staff Attorney, Court of Appeals For the First Circuit, transmitting the opinion from In re: Lee C. Christo, No. 99-9002 (1st Cir. Oct. 4, 1999); to the Committee on the Judiciary.

5509. A letter from the Director, Department of Treasury, Bureau of Alcohol, Tobacco and Firearms, transmitting the Progress Report Study of Marking, Rendering Inert and Licensing of Explosive Materials; to the Committee on the Judiciary.

5510. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Learjet Model 31, 31A, 35, 35A, and 60 Airplanes [Docket No. 99–NM–15–AD; Amendment 39–11415; AD 99–23–19] (RIN: 2120–AA64) received November 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5511. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757 Series Airplanes [Docket No. 99–NM–101–AD; Amendment 39–11417; AD 99–23–21] (RIN: 2120–AA64) received November 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5512. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc Tay 620–15, Tay 650–15, and Tay 651–54 Series Turbofan Engines [Docket No. 99–NE–26–AD; Amendment 39–11423; AD 99–24–01] (RIN: 2120–AA64) received November 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5513. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29831; Amdt. No. 1959] received November 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5514. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS 332C, L, and L1 Helicopters [Docket No. 98–SW–78–AD; Amendment 39–11413; AD 99–23–17] (RIN: 2120–AA64) received November 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5515. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29830; Amdt. No. 1958] received November 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5516. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Willows-Glen County Airport, CA [Airspace Docket No. 99–AWP–22] received November 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5517. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model BAe 146 and Avro 146–RJ Series [Docket No. 99–NM–70–AD; Amendment 39–11407; AD 99–23–11] (RIN: 2120–AA64) received November 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5518. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters [Docket No. 99–SW–48–AD; Amendment 39–11414; AD 99–23–18] (RIN: 2120–AA64) received November 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5519. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Montague, CA [Airspace Docket No. 95–AWP–44] received November 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5520. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc. Model 412, 412EP, and 412CF Helicopters [Docket No. 99–SW–55–AD; Amendment 39–11419; AD 99–23–23] (RIN: 2120–AA64) received November 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5521. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Various Transport Category Airplanes Equipped With Mode "C" Transponder(s) With Single Gillham Code Altitude Input [Docket No. 99–NM–328–AD; Amendment 39–11418; AD 99–23–22] (RIN: 2120–AA64) received November 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5522. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300, A310, and A300–600 Series Airplanes [Docket No. 98–NM–205–AD; Amendment 39–11410; AD 99–23–14] (RIN: 2120–AA64) received November 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5523. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328-100 Series Airplanes [Docket No. 99–NM–207–AD; Amendment 39–11411; AD 99–23–15] (RIN: 2120–AA64) received November 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5524. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes [Docket No. 99–NM–184–AD; Amendment 39–11412; AD 99–23–16] (RIN: 2120–AA64) received November 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5525. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328-100 Series Airplanes [Docket No. 96–NM–110–AD; Amendment 39–11408; AD 99–23–12] (RIN: 2120–AA64) received November 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5526. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of the San Juan Low Offshore Airspace Area, PR [Airspace Docket No. 99–ASO–1] (RIN: 2120–AA66) received November 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5527. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727-200 Series Airplanes [Docket No. 97–NM–227–AD; Amendment 39–11409; AD 99–23–13] (RIN: 2120–AA64) received November 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5528. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Emission Standards for Turbine Engine Powered Airplanes; Correction [Docket No. FAA–1999–5018; Amendment No. 34–3] (RIN: 2120–AG68) received November 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5529. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Change Name of Using Agency for Restricted Area R–5203; Oswego, NY [Airspace Docket No. 99–AEA–12] (RIN: 2120–AA66) received November 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5530. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 99–NM–106–AD; Amendment 39–11405; AD 99–23–09] (RIN: 2120–AA64) received November 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5531. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–10, –20, –30, –40, and –50 Series Airplanes, and C–9 (Military) Airplanes [Docket No. 99–NM–186–AD; Amendment 39–11404; AD 99–23–08] (RIN: 2120–AA64) received

November 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5532. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Model Hawker 1000 Series Airplanes [Docket No. 99-NM-156-AD; Amendment 39-11406; AD 99-23-1] (RIN: 2120-AA64) received November 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5533. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA330F, G, J, and AS332C, L, and L1 Helicopters [Docket No. 99-SW-01-AD; Amendment 39-11403; AD 99-23-07] (RIN: 2120-AA64) received November 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5534. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC-8-101, -102, -103, -106, -201, -202, -301, -311, and -315 Series Airplanes [Docket No. 98-NM-335-AD; Amendment 39-11401; AD 99-23-05] (RIN: 2120-AA64) received November 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5535. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model SN-601 (Corvette) Series Airplanes [Docket No. 98-NM-365-AD; Amendment 39-11402; AD 99-23-06] (RIN: 2120-AA64) received November 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5536. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-80 Series Airplanes and Model MD-88 Airplanes [Docket No. 99-NM-005-AD; Amendment 39-11428; AD 99-24-04] (RIN: 2120-AA64) received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5537. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model HS 748 Series Airplanes [Docket No. 99-NM-147-AD; Amendment 39-11302; AD 99-19-13] (RIN: 2120-AA64) received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5538. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT9DSeries Turbofan Engines [Docket No. 95-ANE-69; Amendment 39-11424; AD 98-21-22 R1] (RIN: 2120-AA64) received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5539. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT9D-7R4 Series Turbofan Engines; Correction [Docket No. 99-NE-06-AD; Amendment 39-11334; AD 99-20-04] (RIN: 2120-AA64) received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5540. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes [Docket No. 99-NM-167-AD; Amendment 39-11427; AD99-24-03] (RIN: 2120-AA64) received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5541. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model 1329-23 and 1329-25 Series Airplanes [Docket No. 99-NM-151-AD; Amendment 39-11306; AD 99-19-178] (RIN: 2120-AA64) received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5542. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter Deutschland GMBH (ECD) Model BO-105CB-5 and BO-105-CBS-5 Helicopters [Docket No. 99-SW-58-AD; Amendment 39-11429; AD 99-24-05] (RIN: 2120-AA64) received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5543. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model L-14 and L-18 Series Airplanes [Docket No. 99-NM-142-AD; Amendment 39-11297; AD 99-19-08] (RIN: 2120-AA64) received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5544. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767-200 and -300 Series Airplanes [Docket No. 99-NM-303-AD; Amendment 39-11426; AD 99-24-02] (RIN: 2120-AA64) received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5545. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CASA C-212 and CN-235 Series Airplanes [Docket No. 99-NM-149-AD; Amendment 39-11304; AD 99-19-15] (RIN: 2120-AA64) received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5546. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BMW Rolls-Royce GmbH Models BR700-710A1-10 and BR700-710A2-20 Turbofan Engines [Docket No. 98-ANE-74-AD; Amendment 39-11425; AD 98-24-03 R1] (RIN: 2120-AA64) received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5547. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworhtiness Directives; Sabeliner Model NA-265-40, NA-265-60, NA-70, and NA-265-80 Series Airplanes [Docket No. 99-NM-137-AD; Amendment 39-11292; AD 99-19-03] (RIN: 2120-AA64) received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5548. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR-42 and ATR-72 Series Airplanes [Docket No. 99-NM-144-AD; Amendment 39-11299; AD 99-19-10] (RIN: 2120-AA64) received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5549. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; AlliedSignal, Instrument Landing System Navigation Receivers, as Installed in, but Not Limited to, Airbus Model A300 series airplanes and Boeing Model 747-100, -100B, -100B SUD, -200B, -200F, -200C, -300, 747SR, and 747SP series airplanes [Docket No. 99-NM-257-AD; Amendment 39-11420; AD 99-23-24] (RIN: 2120-AA64) received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5550. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Short Brothers SD3-30, SD3-60, SD3-SHERPA, and SD3-60 SHERPA Series Airplanes [Docket No. 99-NM-154-AD; Amendment 39-11309; AD 99-19-20] (RIN: 2120-AA64) received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5551. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Mark 050 Series Airplanes [Docket No. 99-NM-316-AD; Amendment 39-11421; AD 99-23-25] (RIN: 2120-AA64) received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5552. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model Dornier 328-100 Series Airplanes [Docket No. 99-NM-150-AD; Amendment 39-11305; AD 99-19-16] (RIN: 2120-AA64) received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5553. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; St. Michael, AK [Airspace Docket No. 99-AAL-21] received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5554. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB SF340A, SAAB 340B, and SAAB 2000 Series Airplanes [Docket No. 99-NM-148-AD; Amendment 39-11303; AD 99-19-14] (RIN: 2120-AA64) received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5555. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29840; Amdt. No. 1961] received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5556. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29839; Amdt. No. 1960] received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5557. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Revisions to the NASA FAR Supplement on Property Reporting Requirements—received November 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

5558. A letter from the Deputy Executive Secretary, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Part A Premium for 2000 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement [HCFA-8004-N] (RIN: 0938-AB53) received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5559. A letter from the Deputy Executive Secretary, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for 2000 [HCFA-8005-N] (RIN: 0938-AB52) received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5560. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—December 1999 Applicable Federal Rates [Rev. Ruling 99-48] received November 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5561. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Automatic approval of changes in funding methods [Rev. Procedure 99-45] received November 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5562. A letter from the Secretary of Defense, transmitting a report on how the Department is working to comply with Section 1237 of Public Law 105-261; jointly to the Committees on Armed Services and International Relations.

5563. A letter from the Senior Staff Attorney, Court of Appeals For the First Circuit, transmitting the opinion from Cablevision of Boston, Inc. v. Public Improvement Commission of the City of Boston, No. 99-1222 (1st Cir. Aug. 25, 1999); jointly to the Committees on Commerce and the Judiciary.

5564. A letter from the Secretary of Defense, transmitting the Contigency Operation Report U.S. Participation in and Support of NATO Operations in and Around Kosovo; jointly to the Committees on International Relations and Armed Services.

5565. A letter from the Deputy Executive Secretary, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Monthly Actuarial Rates and Monthly Supplementary Medical Insurance Premium Rate Beginning January 1, 2000 [HCFA-8006-N] (RIN: 0938-AJ80) received November 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GILMAN: Committee on International Relations. H.R. 3244. A bill to combat trafficking of persons, especially into the sex-trade, slavery, and slavery-like conditions in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking; with an amendment (Rept. 106-487 Pt. 1). Ordered to be printed.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. BLILEY: Committee on Commerce. H.R. 1070. A bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program; with an amendment; referred to the Committee on Ways and Means for a period ending not later than February 29, 2000, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(s), rule X (Rept. 106-486, Pt. 1).

TIME LIMITATION ON REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1838. Referral to the Committee on Armed Services extended for a period ending not later than February 4, 2000.

H.R. 3244. Referral to the Committees on the Judiciary and Banking and Financial Services extended for a period ending not later than March 24, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GREENWOOD (for himself, Mr. Bilirakis, Mr. Porter, Mr. Shays, Mr. Lantos, Mrs. Johnson of Connecticut, Mr. Bonior, Mr. Coburn, Mr. Frank of Massachusetts, Mrs. Morella, Mr. Traficant, Mr. McCrery, Mr. Abercrombie, Ms. Ros-Lehtinen, Ms. Berkley, Mr. Capuano, Mr. Delahunt, Mrs. Maloney of New York, Mr. Rahall, Ms. Schakowsky, Mr. Udall of Colorado, and Mr. Weiner):

H.R. 3514. A bill to amend the Public Health Service Act to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes; to the Committee on Commerce.

By Mr. KINGSTON:

H.R. 3515. A bill to direct the Administrator of General Service to convey certain real property to the United States Postal Service, and for other purposes; referred to the Committee on Government Reform, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANFORD:

H.R. 3516. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to prohibit pelagic longline fishing in the exclusive economic zone in the Atlantic Ocean; to the Committee on Resources.

By Mr. SUNUNU:

H.R. 3517. A bill to amend the Taxpayer Relief Act of 1997 to provide for consistent treatment of survivor benefits for public safety officers killed in the line of duty; to the Committee on Ways and Means.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

292. The SPEAKER presented a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 227 memorializing Congress to fully fund the Individuals with Disabilities Education Act; to the Committee on Education and the Workforce.

293. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Concurrent Resolution No. 10 memorializing the United States Congress to give priority to preserving Social Security and ensuring that it continues as universal and mandatory for all workers; to the Committee on Ways and Means.

294. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 233 memorializing the President and Congress to support and to approve The Federalism Act of 1999 that comprehensively addresses the Federal preemption of state law with "one-size-fits-all" national policy; jointly to the Committees on Government Reform, Rules, and the Judiciary.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

[Omitted from the Record of November 18, 1999]

H.R. 3308: Mr. Phelps.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. Goodlatte, Mr. Smith of New Jersey, Mr. Ryan of Wisconsin, and Mr. Shays.

H.R. 141: Mr. Hall of Ohio.

H.R. 670: Mr. McKeon.

H.R. 762: Mr. Hall of Texas.

H.R. 776: Mr. Delahunt.

H.R. 796: Mr. Kolbe.

H.R. 1275: Mr. Barcia, Mr. Vento, Ms. Jackson-Lee of Texas, and Mr. Kucinich.

H.R. 1732: Ms. Millender-McDonald.

H.R. 2166: Mr. Delahunt.

H.R. 2282: Mr. Goodlatte.

H.R. 2420: Mr. DeLay and Mr. Hilleary.

H.R. 2538: Mr. Moore and Mr. Bereuter.

H.R. 2644: Ms. Lee.

H.R. 2902: Mr. Strickland.

H.R. 2966: Ms. Granger and Mr. Green of Wisconsin.

H.R. 3044: Mr. Delahunt.

H.R. 3091: Mr. Hill of Indiana, Mr. Spratt, and Ms. Eddie Bernice Johnson of Texas.

H.R. 3125: Mr. Lucas of Kentucky.

H.R. 3144: Ms. ROYBAL-ALLARD.
H.R. 3224: Mr. OBERSTAR.
H.R. 3248: Mr. PICKERING and Mr. BRYANT.
H.R. 3439: Mr. ROGERS.
H.R. 3479: Mr. MCINTYRE.
H.R. 3494: Mr. HINCHEY, Mr. FRANK of Massachusetts, Mr. DELAHUNT, Mr. LIPINSKI, and Mr. GEJDENSON.
H.R. 3504: Ms. CARSON.
H. Con. Res. 177: Mr. MARTINEZ.
H. Res. 390: Mr. JEFFERSON.

EXTENSIONS OF REMARKS

PRESIDENT CLINTON'S VISIT TO BULGARIA HIGHLIGHTS COUNTRY'S TOLERANCE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1999

Mr. LANTOS. Mr. Speaker, today President Bill Clinton is in Bulgaria, the first visit by a President of the United States to this important Balkan country. One of the principal purposes of President Clinton's trip to Bulgaria is to recognize and acknowledge the contribution Bulgaria made to NATO during the conflict in Yugoslavia. Bulgaria permitted NATO aircraft to overfly its territory during the air campaign against Serbia, and Bulgaria has suffered substantial economic losses as a result of economic sanctions against Yugoslavia (Serbia). An expression of the gratitude of the United States is most appropriate.

In addition to Bulgaria's cooperation in the conflict with Yugoslavia, Mr. Speaker, Bulgaria has contributed to regional peacekeeping and security. It maintains constructive relations with all of its neighbors, and it is host to the Southeastern Europe Multinational Peacekeeping Force, which comprises personnel from eight countries in the region. Bulgaria was the first country to recognize the sovereignty of neighboring Macedonia, setting an example of how countries in the Balkans can respect internationally-recognized borders and governments. Bulgaria has expressed its desire to become a member of NATO, and as Bulgaria continues to progress economically and politically Mr. Speaker, what President Clinton is seeing in Bulgaria is a country that is very different than the image most Americans have of the Balkans—and a country that is a stark contrast to its western neighbor, Yugoslavia.

Over the past decade since the fall of the Berlin Wall and the end of Soviet domination of Central and Eastern Europe, Bulgaria has been transformed from a Soviet satellite into a functioning democracy. Several peaceful and competitive elections have been held—the most recent just two weeks ago. The current government of Prime Minister Ivan Kostov is implementing a broad program of economic and structural reforms that have produced modest levels of growth, controlled inflation, high levels of foreign investment, and international assistance. Financial markets have stabilized with the discipline of a currency board. State enterprises are being privatized. The Bulgarian economy is on a path that will lead toward eventual membership in the European Union, with accession negotiations scheduled to begin with Brussels next year.

Mr. Speaker, what separates Bulgaria from many of its neighbors is its deeply ingrained sense of religious and ethnic tolerance. Earlier in this century, Bulgaria welcomed thousands of Armenian refugees who were subjected to suffering and persecution in Turkey and other countries of the region. Then, during World War II, Bulgarians demonstrated a remarkable example of national courage and heroism when they acted to save the country's Jewish population, which numbered 50,000 persons, from deportation to Nazi death camps.

This is a story largely unknown outside of Bulgaria, although my wife Annette has made considerable efforts to publicize the heroic efforts of the Bulgarian people. Despite strong pressure from Hitler's Germany, thousands of Bulgarians—parliamentarians, religious leaders, intellectuals, and ordinary workers risked their own lives and refused to send their neighbors and fellow Bulgarians to the Nazi crematoria. As a result, not a single Bulgarian Jew living within the boundaries of the country was sent to a concentration camp.

More recently, Mr. Speaker, Bulgarians have sought to better integrate the minority Turkish population—which numbers some 800,000 persons among a population of 8.4 million persons—into the political and economic life of the country. Under communism, Bulgaria in the mid-1980's forced ethnic Turks to assimilate with the majority population by changing their names. Mosques were closed. Turkish-language education was curtailed. Many thousands of ethnic Turks fled the country.

After communism's collapse, however, relations between Turks and Bulgarians improved dramatically. Bulgaria's pragmatic President, Petar Stoyanov, publicly apologized for his country's behavior toward its ethnic Turks at the time when the country was under communist rule. Turkey and Bulgaria have signed a series of agreements on free trade, cross-border investment, customs tariffs and even military cooperation.

Mr. Speaker, in addition, Bulgarian Orthodox and Muslim religious leaders often work together, and in some communities churches and mosques are found in the same neighborhood. The two governments have initiated a program to help reunite Bulgarian and Turkish families separated by past conflicts. Bulgaria provided emergency relief in the wake of recent earthquakes that devastated Turkey. These initiatives have helped heal the wounds of the past.

Mr. Speaker, at the core of Bulgaria's efforts to promote tolerance has been political inclusion and education. In October 1990, Bulgaria's first post-communist government included a Turkish party that won ten percent of the total seats in Parliament. In the area of education, Bulgarian school texts have been revised to include a more accurate history of Bulgarian-Turkish relations. School teachers from the country's Turkish regions are sent to Turkey to better learn how to teach the Turkish language.

As Europe, the United States and the international community go about the task of rebuilding Southeastern Europe in the wake of the war in Kosovo, we should look to the example of Bulgaria as a society where ethnic and religious groups are peacefully co-existing, and where tolerance is ingrained in the country's culture and history.

Mr. Speaker, the high-profile visit of President Clinton to Bulgaria calls attention to Bulgaria's fine record in this regard. Even among the multi-ethnic and multi-religious complexity so characteristic of the Balkans, which has led to so much human suffering and armed conflict in that region, people of diverse ethnic and religious backgrounds can live and work together peacefully and successfully. The Bulgarian people have shown that this can be done.

WEYMOUTH TOWN MEETINGS

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1999

Mr. DELAHUNT. Mr. Speaker, I rise today to recognize the Town of Weymouth, in the Tenth District of Massachusetts, which convened our nation's first Town Meeting 375 years ago—and which is about to convene its last Town Meeting tonight.

Originally called "Wessagusset," Weymouth was settled in 1622, making it the second-oldest town in the Commonwealth of Massachusetts. After less than a year facing New England's harsh conditions, Weymouth's Captain Robert Gorges soon abandoned the settlement, leaving those pioneers who remained to reorganize. Out of the desire for self-government under extraordinary conditions, the Town's citizenry called for a "Meeting of the Inhabitants" for the purpose of constituting a government.

That first Town Meeting was held in the spring of 1624 on Hunt's Hill. Capable citizens were chosen to fill newly-established offices, and voting rights were defined. As the meetings continued, all matters of public interest were considered and acted upon according to the direct will of the inhabitants. The meetings were in effect a legislative body, while those who had been appointed as "townsmen" served as the executive branch.

Meetings were called whenever any important question required action—and that was frequently. Freedom of speech, maintenance of personal rights and adherence to the high purpose that in due time became incorporated in the Constitution of the United States have since animated Weymouth's Town Meetings.

In the spring of 1624, the Town Meeting was a new venture in government, and a new experience for its participants. Over the years since, the Town Meeting has developed into a pillar of local democracy for which the nation owes a great deal of thanks.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

And now, as the Town embarks on an historic new path, we wish much success in advance to its first Mayor, to members of its new Town Council, and to the scores of local residents whose vigorous discourse has made Weymouth a model of participatory democracy—over the last 375 years, and into the next millennium.

HONORING THE BIRTHDAY OF WILLIAM CHRISTOPHER SHULER

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1999

Mr. ROGERS. Mr. Speaker, I rise to inform the House that on November 28, 1999, my grandson, William Christopher Shuler, will celebrate his first birthday. I have enjoyed myself immensely over the last few months watching little William grow, and my wife Cynthia and I are looking forward to many more birthdays as we head into the new millennium.

We often hear our colleagues on the floor honoring those constituents who are celebrating their 100th birthdays, and as we listen, we are able to reflect on the wonderment of the 20th century and appreciate just how much the world has changed over their lifespan. Those people born in 1899 have witnessed first-hand the advent of modern aviation, from the first flight by the Wright Brothers at Kitty Hawk to the landing on the Moon's Sea of Tranquility. They have seen the dawn of a world connected by the Internet, where e-mail and video replace ink and paper for communication. They have seen a technological revolution unfold before their eyes. They have also watched our brave young men and women travel to foreign lands to fight for freedom and democracy in five separate wars.

Now imagine what a one-year old today will experience as he heads into the 21st century. It's hard to fathom what the world will look life fifty, seventy-five, or one hundred years from now. Yet, little William sits on that exciting threshold—filled with great opoortunity and hope.

Mr. Speaker, in closing, I ask my colleagues to join me in this celebration, and to always keep our young ones in mind as we continue in Congress to make this nation a better place for them all.

HEALTH CARE FOR ALL

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1999

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to underscore the importance of addressing the multi-faceted issues involved in providing access to health care for all Americans. In a country of unsurpassed material resources, healthcare should be a right, not a privilege; yet, the number of uninsured and disenfranchised populations that have to limit their exposure even to basic primary health services, has reached staggering proportions.

If we are to successfully turn-around this untenable situation, we must develop comprehensive, coordinated, targeted approaches that proactively address systemic health-related issues in our communities.

I have recently become aware of the efforts of the Carondelet Health System (CHS) to develop a "Community Outreach Network" that would serve as a model for universal access to health services in multi-cultural communities. CHS, comprised of more than 50 hospitals, skilled nursing facilities, home care agencies and physician groups across the United States, has a strong presence in the State of Missouri with its national headquarters located in St. Louis, and a number of institutions in my own district. Since its inception, CHS has focused on its commitment to the uninsured, disenfranchised and medically underserved members of the community. One-third of the population reached by CHS members is Hispanic, and there are a growing number of ethnic minorities who come to CHS institutions to find a home in an increasingly complex health care delivery system.

Given the multicultural community that CHS serves, CHS has launched a national collaborative initiative to increase community health access; provide a comprehensive continuum of care for the uninsured; and focus on minority health status improvements. Breaking down barriers to health care by enrolling uninsured children and families in available programs; coordination and integration of community health resources on the local level, and cultural competency training for medical staff who serve diverse, multicultural communities will be key elements of the CHS Community Outreach Network.

National health systems such as Carondelet, with unique expertise in reaching out to the uninsured and under-served, can play a highly beneficial role as collaborative partners with the federal government in developing models for community health access that can be replicated by others in health care community. As the Department of Health and Human Services develops its budget and Congress sets its spending priorities for Fiscal Year 2001, I would hope that attention will be paid and resources will be allocated to pilots and demonstrations that support current Administration goals to increase access to community health services. This is imperative in multi-cultural communities where language and other cultural differences present barriers to achieving community health objectives.

Mr. Speaker, I would like to thank the Chairman of the Labor, HHS, Education Appropriations Subcommittee, Mr. PORTER, and the Ranking Minority Member, Mr. OBEY, for their commitment to insuring that access to health care for all Americans is a fundamental and basic right.

I look forward to working with the Subcommittee in the upcoming session of Congress to find ways to increase support for critically needed minority health initiatives.

CONFERENCE REPORT ON H.R. 3194, CONSOLIDATED APPROPRIATIONS AND DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

SPEECH OF

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. SWEENEY. Mr. Speaker, I thank the gentleman for the opportunity to address a most important issue for our nation's dairy farmers.

The federal milk marketing order program is the life-blood of dairy farmers throughout the nation and is a program that has long enjoyed strong, bipartisan support.

Mr. Speaker, I have been at the forefront of this dairy effort since the first day I came to this Congress and have worked hard with our bipartisan coalition from across the country to address this critical issue to the agricultural economy.

I want to explain that we are here today advancing dairy legislation because our dairy industry is in a crisis.

The Secretary of Agriculture calls the Administration's dairy reforms fair, yet it imposes hundreds of millions of dollars in losses in 45 states. This cannot be considered fair and I commend our leaders for responding to this crisis with a common sense compromise.

Dairy reform was not meant to be dairy income reduction. This package today restores what has been taken out of the pockets of dairy farmers throughout the country.

Do not forget that 285 members of this body, Republicans and Democrats, voted for the bulk of this dairy legislation—H.R. 1402—in September of this year.

The agreement also extends the life of the current New England Compact, which has proven over the past few years to be an effective model for providing much-needed stability to the dairy farmers.

This agreement affirms the idea that we should be supporting our states in their efforts to assist their agricultural economies.

Contrary to some of the rhetoric we've heard, this dairy package does not turn dairy reform on its head and nor does it bring the end to the dairy industry in the Upper Midwest, or anywhere else for that matter.

Keep in mind that the Upper Midwest receives some of the highest on-farm milk prices in the entire country.

With this legislation, dairy reforms will be implemented as intended in the Farm Bill—the number of marketing orders are consolidated and much-needed reforms are being made to the basic formula price and other pricing issues are improved.

However, today's legislation will ensure that regions are treated fairly and that farm income is not slashed as a result of the reforms.

Mr. Speaker, our agencies must be responsive to Congress and our constituents in implementing our federal policies. The Clinton Administration has failed on both counts in its pursuit of dairy reforms.

I again want to thank our leaders in the House and the Senate and our strong, bipartisan coalition that has remained determined to see that this issue is addressed before the end of this Congress.

This is fair legislation that takes into account the best interests of the dairy industry in all regions.

CONFERENCE REPORT ON H.R. 3194, CONSOLIDATED APPROPRIATIONS AND DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

SPEECH OF

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Ms. BALDWIN. Mr. Speaker, I rise today to explain the reasons I voted against the Omnibus Appropriations Conference Report. This bill has both good and bad parts. But unfortunately, Mr. Speaker, the bad outweighs the good.

Mr. Speaker, this bill contains disastrous dairy policy. It allows the Northeast Dairy Compact, a pricing scheme that gives dairy farmers in the six Northeastern states higher prices for their milk, to continue for two more years. The House has never debated nor voted on this policy, which places Wisconsin dairy farmers at a disadvantage. It is wrong to add this measure to this must-pass legislation without debate. This bill also reverses what Congress asked the United States Department of Agriculture (USDA) to do in 1996—reform the antiquated milk market order system. For over sixty years, Wisconsin farmers have struggled with the inequity of the current pricing system, which sets milk prices according to the distance from Eau Claire, Wisconsin. The USDA, doing Congress' will, revamped the current milk pricing system to be more fair, and more market oriented. But in this bill, Congress has reversed itself, and allowed the unfair, depression era status quo to prevail.

Mr. Speaker, this bill does contain some of the important priorities that I strongly support. I wish they had not been packaged with the objectionable items that forced me to vote against the bill. The bill provides funding for the class size initiative that permits the hiring of 100,000 new teachers so that our children can have smaller, more effective classes. It also provides funding for the COPS program which puts more neighborhood police officers in our communities. These are both important programs that provide necessary resources to our local communities. I also regret that I was unable to vote to restore the Medicare cuts that were included in the 1997 Balanced Budget Act.

Mr. Speaker, I look forward to next year's session, when I hope we will take up some of the unfinished business of this year.

PERSONAL EXPLANATION

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1999

Ms. MILLENDER-McDONALD. Mr. Speaker, on Thursday, November 18, 1999, I was unavoidably detained while attending to matters away from the Capitol and missed rollcall vote 598. Had I been present I would have voted "nay" on this rollcall vote. I am requesting that the RECORD appropriately reflect the aforementioned after the rollcall vote.

CONFERENCE REPORT ON H.R. 3194, CONSOLIDATED APPROPRIATIONS AND DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

SPEECH OF

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. GILMAN. Mr. Speaker, I rise in support of this omnibus bill and commend the House leadership—the Speaker, the Majority Leader, and the Majority Whip—as well as Chairman YOUNG—for their untiring efforts to finalize this package and for their willingness to include in it certain authorization measures. I also extend a heartfelt thanks to Bill Inglee, Brian Gunderson and Susan Hirschman for their efforts on our behalf.

In particular, the package includes the authorization for the important UN reform and arrears payment package as well as other significant programs such as a five year authorization for a greatly enhanced embassy security program to protect American personnel and facilities abroad and a 10 year authorization for Radio Free Asia—or freedom broadcasting—to Asia.

The particular legislative vehicle by which this is accomplished is the inclusion by reference in this bill of H.R. 3427, introduced on the legislative day of November 17 by the distinguished Chairman of the Subcommittee on International Operations and Human Rights, the gentleman from New Jersey (Mr. SMITH), as well as by the distinguished ranking Democrat on that subcommittee, the gentlewoman from Georgia (Ms. MCKINNEY), the distinguished Full Committee ranking Democrat, the gentleman from Connecticut (Mr. GEJDENSON), and myself.

H.R. 3427 reflects the House and Senate agreements reached on H.R. 2415 and S. 886 (the Senate amendment to H.R. 2415). The compromise bill accommodates numerous requests of the Administration. The International Relations Committee worked hard to produce a bipartisan bill in concert with our colleagues on the Senate Foreign Relations Committee. We are pleased to have it included in this package.

H.R. 3427 is a substitute for a conference report or an amendment between the Houses to resolve the differences between the House and Senate versions of the bill.

The original Senate version of H.R. 2415 was S. 886, which was reported by the Committee on Foreign Relations on March 28, 1999 (S. Rept. 106–43) and which passed the Senate, amended, on June 22, 1999.

H.R. 2415 passed the House, amended, on July 21, 1999. It was not reported by our Committee but was sent directly to the floor by action of the House pursuant to a special Rule. H.R. 2415 was a successor to H.R. 1211. H.R. 1211 was reported by the Committee on International Relations on March 29, 1999 (H. Rept. 106–122).

The legislative history of H.R. 3427 in the House is the legislative history of H.R. 2415 and H.R. 1211 in the House as far as is applicable. In particular, H. Rept. 106–122 should be considered as part of the legislative history of H.R. 2415, H.R. 3427, and this omnibus bill.

Among the very difficult decisions made on this bill was a decision to drop Section 725 of the Senate bill S. 886 which recognizes Jerusalem as the capital of Israel. I strongly supported the four subsections, which would have: (1) provided funds for the construction of a U.S. embassy in Jerusalem; (2) required that the consulate in Jerusalem be placed under the supervision of the U.S. Ambassador to Israel; (3) required that official U.S. government documents which list countries and their capital cities identify Jerusalem as the capital of Israel; and (4) permit the place of birth on a birth registration or passport issued to a U.S. citizen born in the city of Jerusalem to be recorded as Israel.

These four provisions are extremely important efforts which recognize the reality that Jerusalem is, and will always remain Israel's eternal capital. I therefore strongly regret that the Administration demanded that these provisions be dropped from the final agreement, but assure my colleagues that our efforts to see these four provisions enacted into law will not wane.

DEDICATION OF THE MONSIGNOR OSCAR LUJAN CALVO MUSEUM

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1999

Mr. UNDERWOOD. Mr. Speaker, as you know, December 7, 1941, and the Attack on Pearl Harbor mark our nation's entry into World War II. For the people of Guam, the war began on December 8th, the Roman Catholic Feast of the Immaculate Conception, the patron saint of the United States.

This year, on December 8th, we in Guam will again celebrate the Feast of the Immaculate Conception. We will recall the Japanese Invasion of Guam and we will give thanks for our deliverance and for the peace that has reigned on our island since the end of World War II. This year our celebrations will also include an historic first: the Archdiocese of Agana will dedicate its new museum and name it in honor of a native son, the Very Reverend Monsignor Oscar Lujan Calvo, the third Chamorro to be ordained as a Roman Catholic priest and the only one to date to reach his 58th anniversary in the priesthood.

It is a fitting tribute to a man who has spent a lifetime serving the Church and contributing not only to the moral and spiritual welfare of the faithful in Guam but also to the knowledge about who we are as a people. indeed, the museum which will bear his name will also house many of the historic documents, books, publications, photographs, and artifacts that he has carefully collected and lovingly preserved over many, many years. Known more commonly as Pale' 'Oscat, and more affectionately as "Pale' Scot," Monsignor Oscar Lujan Calvo is himself an historic figure not only in the history of the Roman Catholic Church in Guam but also in the history of Guam itself.

Born in Hagatna on August 2, 1915, Monsignor Calvo first attended school in Guam and, at age thirteen, entered the San Jose Preparatory Seminary in the Philippines. He returned home thirteen years later and was ordained on April 5, 1941, joining Father Jose Palomo and Father Jesus Duenas, the only other Chamorros in the Catholic priesthood. He celebrated his first Mass on Easter Sunday, April 13, 1941. Eight months later, on December 8, Japanese Imperial Forces attacked Guam.

In an interview several years ago, Monsignor Calvo related many of his experiences during the Japanese Occupation of Guam, including conducting secret Masses in direct defiance of occupation regulations forbidding him and Guam's two other men of the cloth, Father Jesus Baza Duenas and Baptist minister, the Reverend Joaquin Sablan, from practicing their faiths. In that interview, Monsignor Calvo spoke about his concern for the many valuable church records and artifacts at the Dulce Nombre de Maria Cathedral in Hagatna. When the occupying forces began to use the cathedral for their own purposes, Monsignor Calvo secretly removed the church valuables to a safer location away from the capital city. After the war, he went to retrieve them, only to discover that the secret hiding place and all it contained had been destroyed in intense American bombardment of Guam. Lost forever were the records of births, deaths and marriages dating back to the 1700s. Perhaps it was the sorrow over this immense loss that inspired Pale' 'Scot to become such an avid collector of artifacts and written materials about Guam and its people.

Whatever the reason may be, Monsignor Calvo bore no animosity toward the Americans who fought valiantly to recapture Guam, destroying much in the process, nor toward the Japanese who precipitated the destruction. In fact, the good monsignor worked hard after the war to heal the wounds. Despite criticisms from U.S. veterans groups, he played a major role in the establishment of the Guam Peace Memorial Park, funded entirely by private Japanese donations and dedicated in tribute to Japanese and Chamorro war dead. In recognition of his efforts to promote peace, friendship and goodwill, the Japanese Government conferred upon him its distinguished Order of the Rising Sun with gold and silver rays. He was the first American to receive this prestigious award.

Monsignor Calvo also has been an Honorary Papal Chamberlain since 1947. He is a knight in the Sovereign Military Hospitaller Order of St. John of Jerusalem, of Rhodes, and of Malta, with the title of Magistral Chaplain in 1977. In 1991 he was enrolled in the Guma Honra, the Guam Hall of Fame, for his remarkable social, spiritual and civic contributions to the people of Guam.

With the dedication of the Monsignor Oscar Lujan Calvo Museum on December 8, 1999, future generations of students of Guam history will owe a debt of gratitude to Pale' and his diligent efforts to preserve, protect, and promote Chamorro culture and history and to share his collection. I join the people of Guam in celebrating the opening of the new museum. I look forward to visiting it and to viewing Pale' 'Scot's collections, much of which will be publicly displayed for the first time. And to Pale', I want to say: "Si Yu'os ma'ase, Pale', nu todo i che'cho'-mu put i estudion i fina 'posta-ta, i setbisiu-mu para i tano'-ta yan i dedikasion-mu para i Gima' Yu'os.

We are inspired by your works, grateful for your advocacy and deeply appreciative of your service to our island.

CONFERENCE REPORT ON H.R. 3194, CONSOLIDATED APPROPRIATIONS AND DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

SPEECH OF

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. BERMAN. Mr. Speaker, the measure before us includes the Intellectual Property and Communications Omnibus Reform Act of 1999 (IPCORA). This legislation, among other things, makes certain technical changes in several sections of the Copyright Act, including sections 111 and 119. These two sections of current law provide compulsory copyright licenses, which enable cable systems and satellite carriers to retransmit copyrighted material from broadcast signals without obtaining the permission of the copyright owners.

I rise to emphasize one change that this legislation does not make. Nothing in IPCORA changes the definitional provisions concerning who is entitled to claim a compulsory license. Section 111(f) contains a definition of "cable system," and section 119(d)(6) contains a definition of "satellite carrier." IPCORA does not change these definitions.

In particular, neither definition encompasses digital online communications services, which may seek to retransmit broadcast material over the Internet. These services are not eligible for either of these compulsory licenses. It is clear that such services do not fit either definition I have referenced. Indeed, Internet and online services are profoundly different from the cable systems and satellite carriers which these provisions are intended to benefit. To cite just one crucial difference, cable systems and satellite carriers serve defined and delineated geographic areas within the United States, and their entitlement to retransmit under these compulsory licenses applies only within those areas. Internet and online services, by contrast, have worldwide reach, and can deliver programming to any spot on the globe thee Internet reaches. It is obvious that a compulsory license designed for a local, geographically limited service cannot fairly be applied to a worldwide distribution channel.

An earlier version of IPCORA contained technical amendments spelling out that digital online communications services are not eligible for compulsory licenses under either section 111 or section 119. Because some objections were raised by some online services to these amendments, it has been decided to omit them. Some may ask whether this omission has any legal significance. The answer is no. To my knowledge, no court, no administrative agency, no authoritative commentator has ever stated or even implied that digital online services qualify as either "cable systems" for purposes of section 111, or as "satellite carriers" for purposes of section 119. In fact, the Register of Copyrights, whose agency administers both these licenses, has repeatedly stated the opposite. Since IPCORA does not change these definitions, it does not change that conclusion, with or without the amendments that caused a few online services such concern.

MEMORIALIZING MR. MANUEL CARDOZA

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1999

Mr. CONDIT. Mr. Speaker, today is a very sad occasion and I would like to ask for a moment of silence on the House floor to honor the passing of a good friend of mine, Mr. Manuel Cardoza.

Though we are saddened by his passing from us Thursday afternoon, and I know that his precious wife Mary and his sons, Dennis and Bobby will miss him terribly, I am equally comforted in the knowledge that Manuel passed on to a better place.

Mr. Speaker, I've known the Cardoza family for a good many years. They are a living legacy of the American Dream. Manuel's parents came to the United States from the Island of Pico in the Azores as immigrant farmers and made the most of the opportunity they found here.

A lifetime resident of California's great Central Valley, Manuel and Mary were long time residents of Atwater, after Manuel was born in Hanford. He farmed with his father and brother until 1945 when he left the family farm to serve in the US Maritime Service. In 1947 he returned to Atwater and farming until 1960 when he built Bellevue Bowl. He served as a director of the Merced County Mosquito Abatement Board for 30 years and held memberships in the Atwater Rotary Club and Merced Elks Lodge.

Manuel is survived by his wife Mary, his sons Bobby and Dennis and three grandchildren, Jim, Tommy and Brittany.

Mr. Speaker, I ask that my colleagues join me in honoring Manuel Cardoza.

CONFERENCE REPORT ON H.R. 3194, CONSOLIDATED APPROPRIATIONS AND DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

SPEECH OF

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. SANDLIN. Mr. Speaker, this is no way to govern. Republicans have decided to run this budget bill through Congress by keeping members in the dark. The budgeting process that brought us this bill at 3:30 a.m. must change. Congress needs to find a better way to fund day-to-day government operations without jeopardizing funding for critical initiatives and programs by a process that is too partisan and deeply divided.

Even though I object to the process which brought us this bill, I will support its final passage because it contains a number of provisions which are absolutely essential for the people in my district. These provisions include relief for rural hospitals hit hard by the Balanced Budget Act of 1977 (BBA), access to local stations for rural satellite TV viewers, critical protections for dairy farmers, and the hiring of teachers and law enforcement officers.

Health care providers in rural East Texas have been hit exceptionally hard by the BBA changes. Many hospitals in East Texas receive 55-75% of revenue from Medicare. The budget package includes an agreement that would give hospitals, nursing homes, home health care agencies and other health care providers relief from cuts in Medicare payments that was enacted under the 1997 Balanced Budget Act.

This agreement will provide an estimated $12.8 billion over five years in additional Medicare payments for hospitals, home health care agencies, managed care plans and other health providers. It also includes provisions targeted at small hospitals and rural hospitals. In addition to a higher rate of reimbursement for these institutions, the bill allows them to increase the number of residency positions they are allowed to offer.

Hospital outpatient departments will also see relief. The agreement includes a provision stating that Congress never intended to impose a 5.7% cut in payments to hospital outpatient departments. This provision will restore these payments, reimbursing hospitals about $4.2 billion over five years. This is critical for the financial security of our rural hospitals in East Texas. Patients' care options will be preserved with this provision, and the quality of care will be preserved.

The budget bill also contains important provisions which would allow satellite TV viewers access to local programming. Until now, satellite providers have been barred from transmitting the signals of local broadcast stations back to subscribers in the same local market. This legislation, however, contains important provisions of the Satellite Home View Act, which recently passed the House with overwhelming support.

In addition to allowing satellite carriers to transmit local broadcast signals back to subscribers in the same local market, this legislation would also eliminate the current 90-day waiting period before cable subscribers can switch to satellite service. These provisions are good news for satellite viewers who have been unfairly left deprived of access to local weather, news, and programming.

With regard to dairy, the agreement includes policy provisions that direct the USDA to implement its proposed "Option 1–A" Class 1 differential milk pricing structure. By doing so, the measure blocks portions of USDA's preferred milk marketing orders reform plan (Option 1–B) and essentially preserves the status quo in milk pricing for Texas.

This is a victory for Texas dairy farmers. If Option 1–B had been implemented, Texas dairy farmers would have lost $56 million in producer income. With this agreement, we are preventing that loss and preserving the East Texas dairy farm.

The budget also contains a number of important Democratic victories, including funding for 100,000 new teachers, after school programs, Head Start, school construction, and the COPS program. These victories also include extensions of important tax credits for research and development, the Work Incentive tax credit, Welfare to Work credit, and Alternative Minimum Tax relief for individuals.

This year we have also given our service men and women a pay raise and provided funding for increased workload at Red River Army Depot. Specifically, the FY00 budget appropriates $384 million for upgrading the Bradley Fighting Vehicle. Finally, this bill puts aside $147 billion for reducing the national debt and helping ensure that future generations can share in the economic prosperity we are now experiencing as a nation.

Although I am pleased with the positive aspects of this bill, I am deeply disturbed by its more troubling provisions. Those include an arbitrary across-the-board cut upon which Republicans have insisted. Instead of eliminating the irresponsible member earmarks that loadup this budget with unnecessary spending or cutting Member pay raises, Republicans have opted for a damaging, indiscriminate across-the-board cut. Moreover, they rely on accounting gimmicks to disguise the real spending in this bill, and they tell us this budget won't break the caps. This bill has not been scored, so we have no choice but to accept Republican claims that it won't dip into the Social Security trust fund.

I find the Republicans' failure to cut the Congressional pay raise particularly unconscionable. This bill would actually exempt the Congressional pay raise from the across-the-board cut. This provision is extremely upsetting, considering that Congress twice voted against this exemption.

Republican tactics throughout the budget process have produced an imperfect bill. Their unwillingness to negotiate with Democrats from the beginning is the reason behind this 11th hour budget bill. Unfortunately, Republicans put off budget negotiations until the very last minute in favor of partisan rhetoric and have thereby prevented Congress from passing a Patients' Bill of Rights, funding a Medicare prescription drug benefit for seniors, increasing the minimum wage for working Americans, and providing meaningful tax relief for families.

These realities make it especially difficult for me to cast my vote in favor of this bill. The most troubling consequence of this bill is the potentially detrimental effect of the across-the-board cut on veterans' healthcare. I will vote for the Motion to Recommit for this reason, and for all the other reasons I have cited, in hopes that these problems can be addressed before final passage of the bill.

However, should the Motion to Recommit fail, I will support final passage because, although it is imperfect, this bill is a product of lengthy negotiations. I accept that negotiation requires compromise, and not everyone will agree on every aspect of a compromise. All in all, I support this bill because, despite its shortcomings, it is good news for the people of East Texas.

BERNARDO FORT-BRESCIA AND LAURINDA SPEAR INDUCTED TO THE INTERIOR DESIGN MAGAZINE HALL OF FAME

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1999

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate Bernardo Fort-Brescia and his wife, Laurinda Spear, on being inducted as members of the 1999 Interior Design Magazine Hall of Fame.

In 1977, Bernardo and Laurinda, both graduates of Ivy League architectural schools, founded the Miami based Arquitectonica which has been making headlines with a brand of unconventional modernism that combines clarity and formal rigor with unusual daring in color and wit. The firm's designs have won numerous awards from the American Institute of Architects and Progressive Architecture.

Bernardo and Laurinda have worked on many memorable designs, including the Miami City Ballet headquarters in Miami Beach, the American Airlines Arena in Miami, and the future Westin New York at Times Square on New York's 42nd Street. These projects have been featured in many magazines and professional journals including Time, Newsweek, Domus, and Architectural Digest. Bernardo and Laurinda have lectured around the world and their work had been exhibited in many prestigious museums and galleries throughout the Western Hemisphere and Europe.

I urge my colleagues to join me in congratulating Bernard Fort-Brescia, FAIA and Laurinda Spear, FAIA on their induction to the 1999 Interior Design Magazine Hall of Fame.

CONFERENCE REPORT ON H.R. 2116, VETERANS MILLENNIUM HEALTH CARE AND BENEFITS ACT

SPEECH OF

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 1999

Mr. SMITH of New Jersey. Mr. Speaker, I rise today in support of H.R. 2116, the Veterans Millennium Health Care Act of 1996. As a conferee on this legislation, I am grateful the Senate accepted one particular provision, my proposal to add bronchiolo alveolar carcinoma to the Department of Veterans Affairs presumption list for radiogenic cancers.

For the last ten years, I have worked to add this lung cancer to the VA's presumption list for service-connected veterans. During the 104th and 105th Congresses, the House passed my legislation to add this cancer to the VA's presumption list. This year, we have convinced our Senate colleagues of the need to put this provision into law because of the VA's continual denial of most claims by atomic veterans and their survivors.

Bronchiolo alveolar carcinoma is not considered a smoker's cancer. During a recent class action lawsuit in the state of Florida, the jury specifically excluded bronchiolo alveolar carcinoma from the list of lung cancers compensable due to smoking. Furthermore, the National Research Council cited Department of Energy studies in the BEIR V report stating that "bronchiolo alveolar carcinoma is the most common cause of delayed death from inhaled plutonium 239."

I know of this firsthand because I have been working with Joan McCarthy, a New Jersey resident, who lost her husband, Tom, to bronchiolo alveolar carcinoma in 1981. Tom had served as the navigator on the U.S.S. *McKinley* which participated in Operation Wigwam, an underwater atomic test in the Pacific that produced a surge of mist which Tom inhaled. Twenty-five years later, Tom died of lung cancer, a father and husband who was only in his early forties. Passage of the Veterans Millennium Health Care Act today will add this cancer to the VA's presumption list and thus ensure that Joan McCarthy and other veterans and their widows receive the compensation which they need and deserve.

I am also proud of this bill's long-term care provisions for our nation's veterans. It reflects the months of heavy lifting that the House Veterans' Affairs Committee has done on this issue as America's veterans community gets older and consequently needs quality health care.

Another provision which I authored as free standing legislation and is now in the conference report is a respite care provision. For the first time, we are giving the VA the ability to contract out for respite care services. Until now, if a veteran's care giver, be it his spouse or adult child, needed a short break, their only recourse was to wait for a bed to be made available at either a VA or state nursing home. The extra burden of transporting the veterans almost makes this self-defeating and it is witnessed by the fact that only 232 cases of respite care were provided by the VA during the 1998 fiscal year.

The need for respite care cannot be underestimated. A few years ago, my wife, Marie, was the primary care giver for my mother who was dying of brain cancer. We chose to take care of her in our home and my wife was the one who saw to her needs. Consequently, I know how important it is for the care giver, as well as the veteran, to be provided with the occasional day off so that they might attend to their own lives for a few hours or a few days. In the long run, this will significantly improve the quality of life and care of our veterans and unquestionably save the VA money in the long run. Most Americans want to remain in their own homes or with their families for as long as possible.

The benefits of respite care cannot be understated. According to the Caregiver Assistance Network, family and volunteer caregivers provide 85% of all home care given in the United States. However, our veterans' caregivers need our help. In a California statewide survey taken by the Family Caregiver Alliance, 58% of the caregivers showed signs of clinical depression. When asked, they responded that their two greatest needs were emotional support and respite care. On average, they are providing 10.5 hours of care per day. Providing the VA with the ability to contract with the nearest nursing home, adult day care center or sending someone to the veterans' home will make a real difference in the day to day quality of life for a veteran and his or her family.

The Veterans Millennium Health Care Act also requires the VA to provide needed nursing home care for veterans who are 70% service-connected or in need of such care for a service-connected condition. It also lifts the VA's six month limit on adult day health care and it allows the VA to expand the scope of the state home program to encompass all extended care services such as respite care, adult day health care, domiciliary care, and other alternatives to institutional care. It also guarantees emergency care for uninsured veterans and reinstates preferential eligibility for recipients of the Purple Heart. It also requires the VA to establish a policy regarding chiropractic treatment, a provision which I first introduced as legislation during my first term in Congress. And finally, it authorizes payments to the surviving spouses of former POWs who were rated totally disabled due to any service-connected cause for a period of one or more years immediately prior to death.

I urge my colleagues to join me in passing the Veterans Millennium Health Care Act.

LIST OF COSPONSORS

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1999

Mr. GARY MILLER of California. Mr. Speaker, the following is a list of my colleagues who requested to be cosponsors of H.R. 3189: Representative JOHN DOOLITTLE, Representative ROBERT MATSUI, Representative TOM LANTOS, Representative ANNA ESHOO, Representative SAM FARR, Representative LOIS CAPPS, Representative ELTON GALLEGLY, Representative BRAD SHERMAN, Representative BUCK MCKEON, Representative HOWARD BERMAN, Representative DAVID DREIER, Representative HENRY WAXMAN, Representative MATTHEW MARTINEZ, Representative JULIAN DIXON, Representative MAXINE WATERS, Representative JUANITA MILLENDER-MCDONALD, Representative STEVE HORN, Representative JERRY LEWIS, Representative KEN CALVERT, Representative MARY BONO, Representative DANA ROHRABACHER, Representative LORETTA SANCHEZ, Representative CHRIS COX, Representative RON PACKARD, Representative BRIAN BILBRAY, Representative BOB FILNER, Representative DUKE CUNNINGHAM, and Representative DUNCAN HUNTER.

CONFERENCE REPORT ON H.R. 3194, CONSOLIDATED APPROPRIATIONS AND DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

SPEECH OF

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. ROGERS. Mr. Speaker, I rise to explain the Commerce, Justice, State, and Judiciary portion of H.R. 3194, making consolidated appropriations for fiscal year 2000. The revised conference report for the fiscal year 2000 Commerce, Justice, State and Judiciary appropriation was introduced as a separate bill, H.R. 3421, and is referenced in the final consolidated appropriations measure, H.R. 3194, adopted in the House last Wednesday.

H.R. 3421 incorporates the conference report for the original bill, H.R. 2670, plus additional items negotiated since the veto of the first conference report. This is to highlight the changes from House Report 106–398, the conference report on H.R. 2670.

Let me first highlight the funding changes.

H.R. 3421 provides an additional $616,282,000 in funding, after scorekeeping adjustments.

Under the Department of Justice, it provides an additional $151,782,000, including the following: (1) $140,000,000 for the COPS program—$117,500,000 for hiring, $10,000,000 for community prosecutors; and $12,500,000 for management and administration; and it moves $130,000,000 for crime identification technology from State and Local Law Enforcement to COPS; (2) $10,635,000 for General Legal Activities—$10,053,000 for Civil Rights Division; and $582,000 for Presidential Advisory Commission on Holocaust Assets in the United States; and (3) $1,147,000 for the U.S. Parole Commission.

Under the Department of Commerce, it provides an additional $45,000,000, including: (1) $30,000,000 for NOAA Operations, Research and Facilities—$5,000,000 for the Pacific Salmon Treaty, $6,000,000 for coral reefs, $5,500,000 for Marine Sanctuaries, $2,000,000 for fisheries habitat restoration, $11,000,000 for Endangered Species Act activities, and $500,000 for GLOBE; (2) $7,000,000 for NOAA Procurement, Acquisition and Construction—$3,000,000 for Marine Sanctuaries, and $4,000,000 for National Estuarine Research Reserves; and (3) $8,000,000 for the Pacific Salmon Recovery Fund—$4,000,000 for Tribes and $2,000,000 each for California and Oregon.

Under the Department of State, it provides an additional $347,000,000, including: (1) $47,000,000 for Diplomatic and Consular Programs—$5,000,000 for the Pacific Salmon Treaty; and $42,000,000 for activities in the Kosovo region and the WTO ministerial, with up to $5,000,000 for the latter; and (2) $300,000,000 for Contributions for International Peacekeeping.

For Related Agencies, it provides an additional $81,500,000, including: (1) $3,000,000 for the Equal Employment Opportunity Commission; (2) $5,000,000 for the Legal Services Corporation; (3) $36,000,000 for SBA Salaries and Expenses, and an additional $10,500,000 for the New Markets initiative, subject to authorization; (4) $6,000,000 for SBA Business Loans for the New Markets initiative, subject to authorization; and (5) $21,000,000 for SBA Disaster Loans, in response to the demand on the program in large part due to Hurricane Floyd.

There were also a number of language provisions that changed:

Two Department of State General Provisions relating to Jerusalem were dropped; and

Several provisions were revised, including:

Section 108, dealing with the reorganization of Office of Justice programs;

Census framework language;

Under State Department Diplomatic and Consular programs, a new provision allowing transfer of not to exceed $4,500,000 to International Broadcasting Operations to avoid Voice of America personnel reductions;

State Contributions to International Organizations and Arrearages provisions;

Section 623, dealing with Pacific Salmon authorizations;

Section 626, dealing with discrimination or denigration of religious beliefs; and

Section 627, dealing with visa prohibitions related to countries refusing to take returnees.

The listing of these changes is intended to highlight the differences between the vetoed conference report and the final conference report, and a description of these changes is included in the Statement of Managers accompanying the conference report for H.R. 3194, which describes the final agreement for the entire Commerce, Justice, State, and Judiciary Appropriations measures.

SENATE—*Friday, December 3, 1999*

FOSTER CARE INDEPENDENCE ACT

● Ms. SNOWE. Mr. President, I rise today to support the Foster Care Independence Act. I am a cosponsor of the foster care bill that was originally introduced in the Senate by our colleague, the late Senator John Chafee. Mr. President, this bill is an enormously important piece of legislation. It provides the means for States to support some of our most vulnerable children—teens who are facing the tenuous position of being dropped from foster care support for the simple reason that they are turning 18.

For many young people, the transition to adulthood is an exciting time of newfound independence. These young people navigate this challenging time with the help and support of their parents and family, secure in the knowledge that a "safety net" awaits them at home.

This momentous transition can be much more daunting, however, for the 20,000 foster children who make the difficult shift from foster care to independence and adulthood. Research has shown that these children—who average four homes in the final 7 years of their foster care—face many challenges when their benefits end and they are left on their own at the age of 18.

Today, there are more than 500,000 children in foster care throughout the United States—young people wrenched from the security of their homes by death, abuse, or other tragedy. For these children, foster parents offer the only support they know, and the abrupt end of care can make transition to adulthood all the more important. We are asking these teens to move out of their foster care and immediately become productive members of society—yet we forget that older foster kids face the same growing pains faced by teens in more stable homes. They are struggling with growing up, struggling with establishing their independence, and struggling to mature and develop their personal identity. But this struggle is made exponentially more difficult when the teens must also face the struggle of housing, poverty, and unemployment.

In 1986, Congress created the Independent Living Program to address the transitional needs of foster children as they reach the age when they are asked to live independently. Studies of teens who are forced to abruptly leave foster care have found that they have a significantly higher-than-normal rate of school dropouts, out-of-wedlock births, homelessness, health and mental health problems, poverty, and unemployment. One 1998 study of former foster care youth by researchers at the University of Wisconsin-Madison found that more than 40 percent of interviewed youth had been homeless, incarcerated, or had received public assistance since leaving State care. This same study found that during the 12- to 18-month period after leaving care, 44 percent of former care youths had difficulty obtaining medical care due to a lack of medical insurance and the high cost of care.

These foster children deserve a safe, stable, and nurturing environment in order for them to become productive, self-sufficient members of society. The Foster Care Independence Act will expand Independent Living Program services to provide this support for foster children who are 18 to 21 years old and are still learning valuable life skills. This bill will enable teens between the ages of 18 and 21 to successfully shift from foster families into independent adulthood. This bill will help teens during this important transition by doubling Independent Living Program funding and expanding access to Medicaid health care and mental health services through their 21st birthday.

Foster children frequently lack a sense of permanency and the skills that are essential to becoming self-reliant and productive adults. Through State-administered Independent Living Programs, foster children will be able to obtain mentoring and personal support. The expanded program will assist older foster care adolescents in obtaining a high school diploma and/or secondary education; career exploration; and preventative health services. They may also use this program to develop vital daily living skills such as budgeting, locating and maintaining housing, and financial planning.

We expect much of our youth because they are the future of our Nation. In turn, we must be willing to give them the support they need to learn, grow, and transition to productive and stable adult lives. The Foster Care Independence Act provides these crucial services for America's older foster children. As Congress works to conclude the first session of the 106th Congress, it is essential that the Senate echo the broad, bipartisan support given to this bill by the U.S. House of Representatives—which recently passed a companion bill by a vote of 380–67—and give these older foster children the stability they deserve.

Mr. President, we have all heard the old adage "an ounce of prevention is worth a pound a cure." Surely this rings true for helping our older foster children in their transition to adulthood. I can think of no better tribute to Senator Chafee, in tribute to his memory and to his life's work as an advocate of America's children, to name this bill in honor of him. And for this reason I rise today in support of the bill and I ask my colleagues to vote for this tremendously important piece of legislation.●

CONTINUED REPORTING OF INTERCEPTED WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS ACT

● Mr. LEAHY. Mr. President, I am pleased that the Senate is today considering H.R. 3111 to exempt from automatic elimination and sunset certain reports submitted to Congress that are useful and helpful in informing the Congress and the public about the activities of federal agencies in the enforcement of federal law. Senator HATCH and I offer as an amendment to H.R. 3111 the text of a bill, S. 1769, which I introduced with Chairman HATCH on October 22, 1999 and which passed the Senate on November 5, 1999. This amendment will continue and enhance the current reporting requirements for the Administrative Office of the Courts and the Attorney General on the eavesdropping and surveillance activities of our federal and state law enforcement agencies.

For many years, the Administrative Office (AO) of the Courts has complied with the statutory requirement, in 18 U.S.C. §2519(3), to report to Congress annually the number and nature of federal and state applications for orders authorizing or approving the interception of wire, oral or electronic communications. By letter dated September 3, 1999, the AO advised that it would no longer submit this report because "as of December 21, 1999, the report will no longer be required pursuant to the Federal Reports Elimination and Sunset Act of 1995." I commend the AO for alerting Congress that their responsibility for the wiretap reports would lapse at the end of this year, and for doing so in time for Congress to take action.

The AO has done an excellent job of preparing the wiretap reports. We need to continue the AO's objective work in a consistent manner. If another agency took over this important task at this juncture and the numbers came out in a different format, it would immediately generate questions and concerns over the legitimacy and accuracy of the contents of that report.

In addition, it would create difficulties in comparing statistics from prior

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

years going back to 1969 and complicate the job of congressional oversight. Furthermore, transferring this reporting duty to another agency might create delays in issuance of the report since no other agency has the methodology in place. Finally, federal, state and local agencies are well accustomed to the reporting methodology developed by the AO. Notifying all these agencies that the reporting standards and agency have changed would inevitably create more confusion and more expense as law enforcement agencies across the country are forced to learn a new system and develop a liaison with a new agency.

The system in place now has worked well and we should avoid any disruptions. We know how quickly law enforcement may be subjected to criticism over their use of these surreptitious surveillance tools and we should avoid aggravating these sensitivities by changing the reporting agency and methodology on little to no notice. I appreciate, however, the AO's interest in transferring the wiretap reporting requirement to another entity. Any such transfer must be accomplished with a minimum of disruption to the collection and reporting of information and with complete assurances that any new entity is able to fulfill this important job as capably as the AO has done.

The amendment would update the reporting requirements currently in place with one additional reporting requirement. Specifically, the amendment would require the wiretap reports prepared beginning in calendar year 2000 to include information on the number of orders in which encryption was encountered and whether such encryption prevented law enforcement from obtaining the plain text of communications intercepted pursuant to such order.

Encryption technology is critical to protect sensitive computer and online information. Yet, the same technology poses challenges to law enforcement when it is exploited by criminals to hide evidence or the fruits of criminal activities. A report by the U.S. Working Group on Organized Crime titled, "Encryption and Evolving Technologies: Tools of Organized Crime and Terrorism," released in 1997, collected anecdotal case studies on the use of encryption in furtherance of criminal activities in order to estimate the future impact of encryption on law enforcement. The report noted the need for "an ongoing study of the affect of encryption and other information technologies on investigations, prosecutions, and intelligence operations." As part of this study, "a database of case information from federal and local law enforcement and intelligence agencies should be established and maintained." Adding a requirement that reports be furnished on the number of occasions when encryption is encountered by law enforcement is a far more reliable basis than anecdotal evidence on which to assess law enforcement needs and make sensible policy in this area.

The final section of this amendment would codify the information that the Attorney General already provides on pen register and trap and trace device orders, and require further information on where such orders are issued and the types of facilities—telephone, computer, pager or other device—to which the order relates. Under the Electronic Communications Privacy Act ("ECPA") of 1986, P.L. 99-508, codified at 18 U.S.C. 3126, the Attorney General of the United States is required to report annually to the Congress on the number of pen register orders and orders for trap and trace devices applied for by law enforcement agencies of the Department of Justice. As the original sponsor of ECPA, I believed that adequate oversight of the surveillance activities of federal law enforcement could only be accomplished with reporting requirements such as the one included in this law.

The reports furnished by the Attorney General on an annual basis compile information from five components of the Department of Justice: the Federal Bureau of Investigation, the Drug Enforcement Administration, the Immigration and Naturalization Service, the United States Marshals Service and the Office of the Inspector General. The report contains information on the number of original and extension orders made to the courts for authorization to use both pen register and trap and trace devices, information concerning the number of investigations involved, the offenses on which the applications were predicted and the number of people whose telephone facilities were affected.

These specific categories of information are useful, and the amendment would direct the Attorney General to continue providing these specific categories of information. In addition, the amendment would direct the Attorney General to include information on the identity, including the district, of the agency making the application and the person authorizing the order. In this way, the Congress and the public will be informed of those jurisdictions using this surveillance technique—information which is currently not included in the Attorney General's annual reports.

The requirement for preparation of the wiretap reports will soon lapse so I am delighted to see the Senate take prompt action on this legislation to continue the requirement for submission of the wiretap reports and to update the reporting requirements for both the wiretap reports submitted by the AO and the pen register and trap and trace reports submitted by the Attorney General.●

DIGITAL THEFT DETERRENCE AND COPYRIGHT DAMAGES IMPROVEMENT ACT OF 1999

● Mr. LEAHY. Mr. President, the Senate is today passing an important bill, H.R. 3456, which is the Hatch-Leahy-Schumer "Digital Theft Deterrence and Copyright Damages Improvement Act of 1999." This legislation should help our copyright industries, which in turn helps both those who are employed in those industries and those who enjoy the wealth of consumer products, including books, magazines, movies, and computer software, that makes the vibrant culture of this country the envy of the world.

This legislation has already traveled an unnecessarily bumpy road to get to this stage of final passage, and it should be sent promptly to the President's desk.

On July 1, 1999, the Senate passed four intellectual property bills, which Senator HATCH and I had joined in introducing and which the Judiciary Committee had unanimously reported. Each of these bills (S. 1257, the text of which is considered today as H.R. 3456; S. 1258, the "Patent Fee Integrity and Innovation Protection Act"; S. 1259, the "Trademark Amendments Act"; and S. 1260, the "Copyright Act Technical Corrections Act") make important improvements to our intellectual property laws, and I congratulate Senator HATCH for his leadership in moving these bills promptly through the Committee and the Senate.

Three of those four bills then passed the House without amendment and were signed by the President on August 5, 1999. The House sent back to the Senate S. 1257, the "Digital Theft Deterrence and Copyright Damages Improvement Act," with two modifications which I will describe below. Working with Senator HATCH and our colleagues in the House, we agreed upon additional revisions in the bill, which was then introduced as H.R. 3456 and passed by the House yesterday in time for Senate consideration before the end of this congressional session.

I have long been concerned about reducing the levels of software piracy in this country and around the world. The theft of digital copyrighted works and, in particular, of software, results in lost jobs to American workers, lost taxes to Federal and State governments, and lost revenue to American companies. A recent report released by the Business Software Alliance estimates that worldwide theft of copyrighted software in 1998 amounted to nearly $11 billion. According to the report, if this "pirated software has instead been legally purchased, the industry would have been able to employ 32,700 more people. In 2008, if software piracy remains at its current rate, 52,700 jobs will be lost in the core software industry." This theft also reflects losses of $991 million in tax revenue in the United States.

These statistics about the harm done to our economy by the theft of copyrighted software alone, prompted me to introduce the "Criminal Copyright Improvement Act" in both the 104th and 105th Congresses, and to work for passage of this legislation, which was finally enacted as the "No Electronic Theft Act of 1997." Pub. L. 105–147. The current rates of software piracy show that we need to do better to combat this theft, both with enforcement of our current copyright laws and with strengthened copyright laws to deter potential infringes.

The Hatch-Leahy-Schumer "Digital Theft Deterrence and Copyright Damages Improvement Act" would help provide additional deterrence by amending the Copyright Act, 17 U.S.C. §504(c), to increase the amounts of statutory damages recoverable for copyright infringements. These amounts were last increased in 1988 when the United States acceded to the Berne Convention. Specifically, the bill would increase the cap on statutory damages by 50 percent, raising the minimum from $500 to $750 and raising the maximum from $20,000 to $30,000. In addition, the bill would raise from $100,000 to $150,000 the amount of statutory damages for willful infringements.

Courts determining the amount of statutory damages in any given case would have discretion to impose damages within these statutory ranges at just and appropriate levels, depending on the harm caused, ill-gotten profits obtained and the gravity of the offense. The bill preserves provisions of the current law allowing the court to reduce the award of statutory damages to as little as $200 in cases of innocent infringement and requiring the court to remit damages in certain cases involving nonprofit educational institutions, libraries, archives, or public broadcasting entities.

Finally, the bill provides authority for the Sentencing Commission expeditiously to fulfill its responsibilities under the "No Electronic Theft Act," which directed the Commission to ensure that the guidelines provide for consideration of the retail value and quantity of the items with respect to which the intellectual property offense was committed. Since the time that this law became effective, the Sentencing Commission has not had a full slate of Commissioners serving. In fact, we have had no Commissioners since October, 1998. This situation was corrected on November 10th with the confirmation of seven new Commissioners.

As I noted, the House amended the version of S. 1257 that the Senate passed in July in two ways. First, the original House version of this legislation, H.R. 1761, contained a new proposed enhanced penalty for infringers who engage in a repeated pattern of infringement, but without any scienter requirement. I shared the concerns raised by the Copyright Office that this provision, absent a willfulness scienter requirement, would permit imposition of the enhanced penalty even against person who negligently, albeit repeatedly, engaged in acts of infringement. Consequently, the Hatch-Leahy-Schumer bill, S. 1257, that we sent to the House in July avoided casting such a wide net, which could chill legitimate fair uses of copyrighted works. Instead, the bill we sent to the House would have created a new tier of statutory damages allowing a court to award damages in the amount of $250,000 per infringed work where the infringement is part of a willful and repeated pattern or practice of infringement. The entire "pattern and practice" provision, which originated in the House, was removed from the version of S. 1257 sent back to the Senate.

Second, the original House version of this legislation provided a direction to the Sentencing Commission to amend the guidelines to provide an enhancement based upon the retail price of the legitimate items that are infringed and the quantity of the infringing items. I was concerned that this direction would require the Commission and, ultimately, sentencing judges to treat similarly a wide variety of infringement crimes, no matter the type and magnitude of harm. This was a problem we avoided in the carefully crafted Sentencing Commission directive originally passed as part of the "No Electronic Theft Act." Consequently, the version of S. 1257 passed by the Senate in July did not include the directive to the Sentencing Commission. Nevertheless, the House returned S. 1257 to the Senate with the same problematic directive to the Sentencing Commission.

I appreciate that my House colleagues and interested stakeholders have worked over the past months to address my concerns over the breadth of the proposed directive to the Sentencing Commission, and to find a better definition of the categories of cases in which it would be appropriate to compute the applicable sentencing guideline based upon the retail value of the infringed upon item. A better solution than the one contained in the "No Electronic Theft Act" remains elusive, however.

For example, one recent proposal sought to add to S. 1257 a direction to the Sentencing Commission to enhance the guideline offense level for copyright and trademark infringements based upon the retail price of the legitimate products multiplied by the quantity of the infringing products, except where "the infringing products are substantially inferior to the infringed upon products and there is substantial price disparity between the legitimate products and the infringing products." This proposed direction appears to be under-inclusive since it would not allow a guideline enhancement in cases where fake goods are passed off as the real item to unsuspecting consumers, even though this is clearly a situation in which the Commission may decide to provide an enhancement.

In view of the fact that the full Sentencing Commission has not had an opportunity for the past two years to consider and implement the original direction in the "No Electronic Theft Act," passing a new and flawed directive appears to be both unnecessary and unwise. This is particularly the case since the new Commissioners have already indicated a willingness to consider this issue promptly. In response to questions posed at their confirmation hearings, each of the nominated Sentencing Commissioners indicated that they would make this issue a priority. For example, Judge William Sessions of the District of Vermont specifically noted that:

> If confirmed, our first task must be to address Congress' longstanding directives, including implementation of the guidelines pursuant to the NET Act. Congress directed the Sentencing Commission to fashion guidelines under the NET Act that are sufficiently severe to deter such criminal activity. I personally favor addressing penalties under this statute expeditiously.

I fully concur in the judgment of Chairman HATCH that the Sentencing Commission directive provision added by the House should be stricken. The House addressed these concerns by doing just that in the new version of the bill, H.R. 3456, which was introduced and passed by the House yesterday in time for Senate consideration before the end of this session.

This bill represents an improvement in current copyright law, and I commend its final passage.●

ZACHARY FISHER TRIBUTE

● Mr. CLELAND. Mr. President, I come before my colleagues today to pay tribute to a great American and dear friend, Mr. Zachary Fisher. Zach led an extraordinary life that included service to his fellow man and to our country. He was a major philanthropic benefactor for the men and women of the United States Armed Forces. His generosity was shared with numerous nonprofit organizations and foundations including causes such as Alzheimer's Disease, military retiree housing, and educational benefits for our men and women in uniform.

When the United States entered World War II in 1941, Zach was ineligible to serve in the armed forces due to a serious knee injury sustained in a construction accident. "I could have cried," he said, recalling the day he was told he did not pass the Marine Corps physical. "I wanted to go defend my country."

Nevertheless, determined to do his part, he aided the U.S. Army Corps of Engineers in building coastal fortifications at home. Following the war, Zach, along with his brothers, earned an international reputation as a leader in the construction industry. Zach spent the rest of his life doing good deeds for his country, turning the wealth he earned as a developer into good will for the men and women of the armed services.

In 1978, Zach founded the Intrepid Museum Foundation to save the historic and battle-scarred aircraft carrier *Intrepid*. Through his efforts the vessel became the home of the Intrepid Sea Air Space Museum, which opened in New York City in 1982. Zach went on to contribute more than $25 million for the establishment and operation of the Museum, a tribute to the thousands of military men and women who have served and continue to serve our country.

In addition to founding the Intrepid Museum, Zach and his wife Elizabeth also formed the Fisher Armed Services Foundation to provide contributions to families who survive the death of a loved one in the armed service. Since then, the Foundation has supported hundreds of families of military personnel.

The Foundation also provides scholarship funds to active duty and former service members as well as their families. Since 1987, hundreds of students have received significant scholarships to further their education. In 1990, the Fishers began the Fisher House Program, dedicating more than $15 million to the construction of housing for families of hospitalized military personnel. The houses are designed to provide all the comforts of home and allow families to support one another through their difficult times.

The Presidential Medal of Freedom Award, the highest honor that can be awarded a United States citizen, was presented to Zachary Fisher by President Clinton in 1998. Fisher was awarded the Medal for his steadfast and generous support of the U.S. military. His support of the military was also recognized this year as legislation, which I had the honor of sponsoring in the Senate designating Zachary Fisher as an honorary veteran of the United States Armed Forces. Zach was only the second person ever to receive such a designation. In addition, Zach was also awarded the Congressional Medal of Freedom.

Sadly, Zach lost his long battle with cancer on June 4, 1999. Zach was truly the friend of the everyday soldier. He will be dearly missed and remembered for his selfless devotion to United States service members and their families. Zachary Fisher was a great man who leaves behind a legacy that will continue to better the lives of American men and women for years to come.●

GEORGIA BOARD OF REGENTS

● Mr. CLELAND. Mr. President, I rise before you today to recognize the outstanding achievements and hard work of the Georgia Board of Regents. This dedicated group of men and women has committed itself to improving higher education in the state of Georgia and I am proud of their accomplishments. As John F. Kennedy said, "Our progress as a nation can be no swifter than our progress in education."

Over the past five years, the Regents have developed a commitment to bring the Georgia higher education system into the new millennium through strategic planning and sweeping vision. In October of 1994, just as Dr. Stephen Porch was officially inaugurated as the University System's ninth Chancellor, the Board adopted the first step of a new program, "Access to Academic Excellence for the New Millennium." The Board called for Georgia's public colleges and universities to be recognized for first-rate education, leading edge research and committed public service. The Board's new statement took into account input from various student groups, University and Regent presidents, and leaders in the education community.

Later that same year, the Regents adopted a new set of guiding principles to serve as the foundation for future policy making and modified the affiliated graduate degree structure. This cleared the way for institutions throughout the state to offer graduate programs autonomously, collectively, or under shared authority.

In March of 1995, Chancellor Porch introduced another new policy direction to address the need for "co-reform" of public education in the state. This reform was an effort to recognize that all sectors of education are fundamentally linked and that improvement in one sector requires a comprehensive effort of all sectors. Governor Miller's support of this initiative became a critical element in its success and he appointed a statewide Council to implement the directive.

Throughout 1995, the Board of Regents continued to see successes in its effort to improve the delivery of education throughout Georgia. In June, the Board introduced a new admissions policy with the goal of breaking the cycle of low admissions expectations and inadequate college preparation. The new admissions policy aimed to make such changes in two ways: fostering more effective preparation of students before they are accepted for admission; and broadening the admissions evaluation process to look beyond single quantitative measures such as standardized test scores.

In 1996, the Board approved the framework for a new core curriculum, just eight months after the first meeting of the Advisory Committee meeting. The committee was charged with redesigning the original core curriculum—a redesign that focused on a multidisciplinary effort that maximizes the resources of a particular institution.

All of these efforts came together in December of 1997 when the Board gave final approval on the University System's new admissions policy. This approval included policy on admissions for students without a high school diploma and outlines specific courses that fulfill the College Preparatory Curriculum requirements.

In August of 1998, Chancellor Porch began a tour of all 34 System institutions. He travelled to update faculty, staff, students and elected officials as well as local communities on the progress the University System had made over the past four years, and the work that remains to be done to create a more educated Georgia.

By this fall, the members of the Georgia Board of Regents saw the fruits of their labor. SAT scores of students entering the University System were up, and a survey of state business leaders showed their satisfaction with the quality of the University had increased from two years prior. Plans to increase access to technology were drafted, and an effort to be even more responsive to the educational, economic and fiscal needs of the state was committed. As Ben Franklin once said, "An investment in knowledge always pays the best interest." How true that is.

I once heard Marian Wright Edelman of the Children's Defense Fund say that "service is the rent each of us pays for living." I want to thank the men and women of the Georgia Board of Regents for their service and dedication to the higher educational system in the great state of Georgia. We will all benefit from your efforts.

At this point, I would ask to include in the RECORD the names and hometowns of the distinguished Georgians who have served on the state's Board of Regents from January 1993 to the present.

The material follows:

Thomas F. Allgood, Sr. of Augusta; Shannon L. Amos of Columbus; John Henry Anderson, Jr. of Hawkinsville; David H. (Hal) Averitt of Statesboro; Juanita Powell Baranco of Lithonia; James E. Brown of Dalton; Kenneth W. Cannestra of Atlanta; Connie Carter of Macon; John Howard Clark of Moultrie; S. William Clark of Waycross; J. Tom Coleman of Savannah; W. Lamar Cousins of Marietta; Joel Cowan of Peachtree City; A.W. "Bill" Dahlberg of Atlanta; Suzanne G. Elson of Palm Beach, FL; Dwight Evans of Gulfport, MS; Elsie B. Hand of

Pelham; Joe Frank Harris of Cartersville; Hilton H. Howell, Jr. of Atlanta; George Hunt of Tifton; Edgar Jenkins of Jasper; Warren Y. Jobe of Atlanta; Charles H. Jones of Macon; Donald M. Leebern, Jr. of Columbus; Elridge W. McMillian of Atlanta; Martin W. NeSmith of Claxton; Barry Phillips of Atlanta; Edgar L. Rhodes of Bremen; William B. Turner of Columbus; Glenn S. White of Buford; Virgil R. Williams of Stone Mountain; Joel O. Wooten, Jr. of Columbus; and James D. Yancy of Columbus.●

HOUSE OF REPRESENTATIVES—*Friday, December 3, 1999*

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED AFTER SINE DIE ADJOURNMENT

Mr. THOMAS, from the Committee on House Administration, subsequent to the sine die adjournment of the 1st session, 106th Congress, did on the following dates report that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker pro tempore (Mr. WOLF):

On November 22, 1999:

H.R. 3194. An act making consolidated appropriations for the fiscal year ending September 30, 2000, and for other purposes.

On November 23, 1999:

H.R. 20. An act to authorize the Secretary of the Interior to construct and operate a visitor center for the Upper Delaware Scenic and Recreational River on land owned by the State of New York.

H.R. 100. An act to establish designations for United States Postal Service buildings in Philadelphia, Pennsylvania.

H.R. 197. An act to designate the facility of the United States Postal Service at 410 North 6th Street in Garden City, Kansas, as the "Clifford R. Hope Post Office".

H.R. 322. An act for the relief of Suchada Kwong.

H.R. 1555. An act to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 2116. An act to amend title 38, United States Code, to establish a program of extended care services for veterans, to make other improvements in health care programs of the Department of Veterans Affairs, to enhance compensation, memorial affairs, and housing programs of the Department of Veterans Affairs, to improve retirement authorities applicable to judges of the United States Court of Appeals for Veterans Claims, and for other purposes.

H.R. 2280. An act to amend title 38, United States Code, to provide a cost-of-living-adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.

On November 29, 1999:

H.R. 15. An act to designate a portion of the Otay Mountain region of California as wilderness.

H.R. 449. An act to authorize the Gateway Visitor Center at Independence National Historical Park, and for other purposes.

H.R. 459. An act to extend the deadline under the Federal Power Act for FERC Project No. 9401, the Mt. Hope Waterpower Project.

H.R. 592. An act to designate a portion of Gateway National Recreation Area as "World War Veterans Park at Miller Field".

H.R. 658. An act to establish the Thomas Cole National Historic Site in the State of New York as an affiliated area of the National Park System.

H.R. 747. An act to protect the permanent trust funds of the State of Arizona from erosion due to inflation and modify the basis on which distributions are made from those funds.

H.R. 748. An act to amend the Act that established the Keweenaw National Historical Park to require the Secretary of the Interior to consider nominees of various local interests in appointing members of the Keweenaw National Historical Park Advisory Commission.

H.R. 791. An act to amend the National Trails System Act to designate the route of the War of 1812 British invasion of Maryland and Washington, District of Columbia, and the route of the American defense, for study for potential addition to the national trails system.

H.R. 970. An act to authorize the Secretary of the Interior to provide assistance to the Perkins County Rural Water System, Inc., for the construction of water supply facilities in Perkins County, South Dakota.

H.R. 1094. An act to amend the Federal Reserve Act to broaden the range of discount window loans which may be used as collateral for Federal reserve notes.

H.R. 1104. An act to authorize the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Home of Franklin D. Roosevelt National Historic Site to the Archivist of the United States for the construction of a visitor center.

H.R. 1191. An act to designate certain facilities of the United States Postal Service in Chicago, Illinois.

H.R. 1251. An act to designate the United States Postal Service building located at 8850 South 700 East, Sandy, Utah, as the "Noal Cushing Bateman Post Office Building".

H.R. 1327. An act to designate the United States Postal Service building located at 34480 Highway 101 South in Cloverdale, Oregon, as the "Maurine B. Neuberger United States Post Office".

H.R. 1528. An act to reauthorize and amend the National Geologic Mapping Act of 1992.

H.R. 1619. An act to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to expand the boundaries of the Corridor.

H.R. 1665. An act allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield in Virginia, as previously authorized by law, by purchase or exchange as well as by donation.

H.R. 1693. An act to amend the Fair Labor Standards Act of 1938 to clarify the overtime exemption for employees engaged in fire protection activities.

H.R. 1794. An act concerning the participation of Taiwan in the World Health Organization (WHO).

H.R. 1887. An act to amend title 18, United States Code, to punish the depiction of animal cruelty.

H.R. 1932. An act to authorize the President to award a gold medal on behalf of the Congress to Father Theodore M. Hesburgh, in recognition of this outstanding and enduring contributions to civil rights, higher education, the Catholic church, the Nation, and the global community.

H.R. 2079. An act to provide for the conveyance of certain National Forest System lands in the State of South Dakota.

H.R. 2140. An act to improve protection and management of the Chattahoochee River National Recreation Area in the State of Georgia.

H.R. 2401. An act to amend the U.S. Holocaust Assets Commission Act of 1998 to extend the period by which the final report is due and to authorize additional funding.

H.R. 2632. An act to designate certain Federal lands in the Talladega National Forest in the State of Alabama as the Dugger Mountain Wilderness.

H.R. 2737. An act to authorize the Secretary of the Interior to convey to the State of Illinois certain Federal land associated with the Lewis and Clark National Historic Trail to be used as an historic and interpretive site along the trail.

H.R. 2886. An act to amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after a sibling who is a child under such Act.

H.R. 2889. An act to amend the Central Utah Project Completion Act to provide for acquisition of water and water rights for Central Utah Project purposes, completion of Central Utah project facilities, and implementation of water conservation measures.

H.R. 3257. An act to amend the Congressional Budget Act of 1974 to assist the Congressional Budget Office with the scoring of State and local mandates.

H.R. 3373. An act to require the Secretary of the Treasury to mint coins in conjunction with the minting of coins by the Republic of Iceland in commemoration of the millennium of the discovery of the new World by Leif Ericson.

H.R. 3381. An act to authorize the Overseas Private Investment Corporation and the Trade and Development Agency, and for other purposes.

H.R. 3456. An act to amend statutory damages provisions of title 17, United States Code.

H.J. Res. 46. Joint resolution conferring status as an honorary veteran of the United States Armed Forces on Zachary Fisher.

H.J. Res. 65. Joint resolution commending the World War II veterans who fought in the Battle of the Bulge, and for other purposes.

H.J. Res. 85. Joint resolution appointing the day for the convening of the second session of the One Hundred Sixth Congress.

SENATE ENROLLED BILLS SIGNED AFTER SINE DIE ADJOURNMENT

The Speaker pro tempore (Mr. WOLF), subsequent to the sine die adjournment of the 1st session, 106th Congress, announced his signature to enrolled bills of the Senate of the following titles:

On November 23, 1999:

S. 28. An act to authorize an interpretive center and related visitor facilities within

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the Four Corners Monument Tribal Park, and for other purposes.

S. 67. An act to designate the headquarters building of the Department of Housing and Urban Development in Washington, District of Columbia, as the "Robert C. Weaver Federal Building".

S. 335. An act to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to sweepstakes, skill contests, facsimile checks, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes.

S. 416. An act to direct the Secretary of Agriculture to convey to the city of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility.

S. 438. An act to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation, and for other purposes.

S. 548. An act to establish the Fallen Timbers Battlefield and Fort Miamis National Historical Site in the State of Ohio.

S. 574. An act to direct the Secretary of the Interior to make corrections to a map relating to the Coastal Barrier Resources System.

S. 580. An act to amend title IX of the Public Health Service Act to revise and extend the Agency for Healthcare Policy and Research.

S. 791. An act to amend the Small Business Act with respect to the women's business center program.

S. 1418. An act to provide for the holding of court at Natchez, Mississippi, in the same manner as court is held at Vicksburg, Mississippi, and for other purposes.

S. 1595. An act to designate the United States courthouse at 401 West Washington Street in Phoenix, Arizona, as the "Sandra Day O'Connor United States Courthouse".

S. 1866. An act to redesignate the Coastal Barrier Resources System as the "John H. Chafee Coastal Barrier Resources System".

BILL PRESENTED TO THE PRESIDENT PRIOR TO SINE DIE ADJOURNMENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On November 22, 1999:

H.R. 3194. Making consolidated appropriations for the fiscal year ending September 30, 2000, and for other purposes.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT AFTER SINE DIE ADJOURNMENT

Mr. THOMAS, from the Committee on House Administration, subsequent to the sine die adjournment of the 1st session, 106th Congress, did on the following date present to the President for his approval bills and joint resolutions of the House of the following titles:

On November 23, 1999:

H.R. 1555. To authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 2116. To amend title 38, United States Code, to establish a program of extended care services for veterans, to make other improvements in health care programs of the Department of Veterans Affairs, to enhance compensation, memorial affairs, and housing programs of the Department of Veterans Affairs, to improve retirement authorities applicable to judges of the United States Court of Appeals for Veterans Claims, and for other purposes.

H.R. 322. For the relief of Suchada Kwong.

H.R. 197. To designate the facility of the United States Postal Service at 410 North 6th Street in Garden City, Kansas, as the "Clifford R. Hope Post Office".

H.R. 100. To establish designation for United States Postal Service buildings in Philadelphia, Pennsylvania.

H.R. 20. To authorize the Secretary of the Interior to construct and operate a visitor center for the Upper Delaware Scenic and Recreational River on land owned by the State of New York.

H.R. 2280. To amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.

On November 30, 1999:

H.R. 15. To designate a portion of the Otay Mountain region of California as wilderness.

H.R. 449. To authorize the Gateway Visitor Center at Independence National Historical Park, and for other purposes.

H.R. 459. To extend the deadline under the Federal Power Act for FERC Project No. 9401, the Mt. Hope Waterpower Project.

H.R. 592. To designate a portion of Gateway National Recreation Area as "World War Veterans Park at Miller Field".

H.R. 658. To establish the Thomas Cole National Historical Site in the State of New York as an affiliated area of the National Park System.

H.R. 747. To protect the permanent trust funds of the State of Arizona from erosion due to inflation and modify the basis on which distributions are made from those funds.

H.R. 748. To amend the Act that established the Keweenaw National Historical Park to require the Secretary of the Interior to consider nominees of various local interests in appointing members of the Keweenaw National Historical Park Advisory Commission.

H.R. 791. To amend the National Trails System Act to designate the route of the War of 1812 British invasion of Maryland and Washington, District of Columbia, and the route of the American defense, for study for potential addition to the national trails system.

H.R. 970. To authorize the Secretary of the Interior to provide assistance to the Perkins County Rural Water Systems, Inc., for the construction of water supply facilities in Perkins County, South Dakota.

H.R. 1094. To amend the Federal Reserve Act to broaden the range of discount window loans which may be used as collateral for Federal reserve notes.

H.R. 1104. To authorize the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Home of Franklin D. Roosevelt National Historic Site to the Archivist of the United States for the construction of a visitor center.

H.R. 1191. To designate certain facilities of the United States Postal Service in Chicago, Illinois.

H.R. 1251. To designate the United States Postal Service building located at 8850 South 700 East, Sandy, Utah, as the "Noal Cushing Bateman Post Office Building".

H.R. 1327. To designate the United States Postal Service building located at 34480 Highway 101 South in Cloverdale, Oregon, as the "Maurine B. Neuberger United States Post Office".

H.R. 1528. To reauthorize and amend the National Geologic Mapping Act of 1992.

H.R. 1619. To amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to expand the boundaries of the Corridor.

H.R. 1665. To allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield in Virginia, as previously authorized by law, by purchase or exchange as well as by donation.

H.R. 1693. To amend the Fair Labor Standards Act of 1938 to clarify the overtime exemption for employees engaged in fire protection activities.

H.R. 1794. Concerning the participation of Taiwan in the World Health Organization (WHO).

H.R. 1887. To amend title 18, United States Code, to punish the depiction of animal cruelty.

H.R. 1932. To authorize the President to award a gold medal on behalf of the Congress to Father Theodore M. Hesburgh, in recognition of his outstanding and enduring contributions to civil rights, higher education, the Catholic Church, the Nation, and the global community.

H.R. 2079. To provide for the conveyance of certain National Forest System lands in the State of South Dakota.

H.R. 2140. To improve protection and management of the Chattahoochee River National Recreation Area in the State of Georgia.

H.R. 2401. To amend the U.S. Holocaust Assets Commission Act of 1998 to extend the period by which the final report is due and to authorize additional funding.

H.R. 2632. To designate certain Federal lands in the Talladega National Forest in the State of Alabama as the Dugger Mountain Wilderness.

H.R. 2737. To authorize the Secretary of the Interior to convey to the State of Illinois certain Federal land associated with the Lewis and Clark National Historic Trail to be used as an historic and interpretive site along the trail.

H.R. 2886. To amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after a sibling who is a child under such Act.

H.R. 2889. To amend the Central Utah Project Completion Act to provide for acquisition of water and water rights for Central Utah Project purposes, completion of Central Utah Project facilities, and implementation of water conservation measures.

H.R. 3257. To amend the Congressional Budget Act of 1974 to assist the Congressional Budget Office with the scoring of State and local mandates.

H.R. 3373. To require the Secretary of the Treasury to mint coins in conjunction with the minting of coins by the Republic of Iceland in commemoration of the millennium of the discovery of the New World by Leif Ericson.

H.R. 3381. To reauthorize the Overseas Private Investment Corporation and the Trade and Development Agency, and for other purposes.

H.R. 3456. To amend statutory damages provisions of title 17, United States Code.

H.J. Res. 46. Conferring status as an honorary veteran of the United States Armed Forces on Zachary Fisher.

H.J. Res. 65. Commending the World War II veterans who fought in the Battle of the Bulge, and for other purposes.

H.J. Res. 85. Appointing the day for the convening of the second session of the One Hundred Sixth Congress.

HOUSE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT PRIOR TO SINE DIE ADJOURNMENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

On October 21, 1999:

H.J. Res. 71. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

On October 22, 1999:

H.R. 560: An act to designate the Federal building and United States courthouse located at the intersection of Comercio and San Justo Streets, in San Juan, Puerto Rico, as the "Jose V. Toledo Federal Building and United States Courthouse".

H.R. 1906. An act making appropriations for Agriculture, Rural Development, Food and drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2000, and for other purposes.

On October 25, 1999:

H.R. 2561. An act making Appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes.

On October 27, 1999:

H.R. 356. An act to provide for the conveyance of certain property from the United States to Stanislaus County, California.

On October 28, 1999:

H.R. 1663. An act to recognize National Medal of Honor sites in California, Indiana, and South Carolina.

H.R. 2841. An act to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions, and for other purposes.

On October 29, 1999:

H.J. Res. 73. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

On October 31, 1999:

H.R. 659. An act to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes.

On November 3, 1999:

H.R. 2367. An act to reauthorize a comprehensive program of support for victims of torture.

On November 5, 1999:

H.J. Res. 75. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

On November 8, 1999:

H.J. Res. 62. Joint resolution to grant the consent of Congress to the boundary change between Georgia and South Carolina.

H.R. 1175. An act to locate and secure the return of Zachary Baumel, a United States citizen, and other Israeli soldiers missing in action.

On November 10, 1999:

H.J. Res. 76. Joint resolution waiving certain enrollment requirements for the remainder of the first session of the One Hundred Sixth Congress with respect to any bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2000.

H.J. Res. 78. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

On November 12, 1999:

H.J. Res. 54. Joint resolution granting the consent of Congress to the Missouri-Nebraska Boundary Compact.

H.R. 441. An act to amend the Immigration and Nationality Act with respect to the requirements for the admission of nonimmigrant nurses who will practice in health professional shortage areas.

H.R. 609. An act to amend the Export Apple and Pear Act to limit the applicability of the Act to apples.

H.R. 915. An act to authorize a cost of living adjustment in the pay of administrative law judges.

H.R. 974. An act to establish a program to afford high school graduates from the District of Columbia the benefits of in-State tuition at State colleges and universities outside the District of Columbia, and for other purposes.

H.R. 2303. An act to direct the Librarian of Congress to prepare the history of the House of Representatives, and for other purposes.

H.R. 3122. An act to permit the enrollment in the House of Representatives Child Care Center of children of Federal employees who are not employees of the legislative branch.

On November 13, 1999:

H.R. 348. An act to authorize the construction of a monument to honor those who have served the Nation's civil defense and emergency management programs.

H.R. 3061. An act to amend the Immigration and Nationality Act to extend for an additional 2 years the period for admission of an alien as a nonimmigrant under section 101(a)(15)(S) of such Act, and to authorize appropriations for the refugee assistance program under chapter 2 of title IV of the Immigration and Nationality Act.

On November 18, 1999:

H.J. Res. 80. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

On November 19, 1999:

H.J. Res. 83. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

SENATE BILLS APPROVED BY THE PRESIDENT PRIOR TO SINE DIE ADJOURNMENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills of the Senate of the following titles:

On October 21, 1999:

S. 323. An act to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes.

On October 25, 1999:

S. 322. An act to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

On October 26, 1999:

S. 800. An act to promote and enhance public safety through use of 9-1-1 as the universal emergency assistance number, further deployment of wireless 9-1-1 service, support of States in upgrading 9-1-1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous, and reliable networks for personal wireless services, and for other purposes.

On November 9, 1999:

S. 437. An act to designate the United States courthouse under construction at 333 Las Vegas Boulevard South in Las Vegas, Nevada, as the "Lloyd D. George United States Courthouse".

S. 1652. An act to designate the Old Executive Office Building located at 17th Street and Pennsylvania Avenue, NW, in Washington, District of Columbia, as the "Dwight D. Eisenhower Executive Office Building".

On November 12, 1999:

S. 900. An act to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, insurance companies, and other financial service providers, and for other purposes.

On November 20, 1999:

S. 468. An act to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public.

HOUSE BILLS APPROVED BY THE PRESIDENT AFTER SINE DIE ADJOURNMENT

The President, subsequent to sine die adjournment of the 1st Session, 106th Congress, notified the Clerk of the House that on the following dates he had approved and signed bills of the following titles:

On November 24, 1999:

H.R. 2454. An act to assure the long-term conservation of mid-continent light geese and the biological diversity of the ecosystem upon which many North American migratory birds depend, by directing the Secretary of the Interior to implement rules to reduce the overabundant population of mid-continent light geese.

H.R. 2724. An act to make technical corrections to the Water Resources Development Act of 1999.

On November 29, 1999:

H.R. 100. An act to establish designations for the United States Postal Service buildings in Philadelphia, Pennsylvania.

H.R. 197. An act to designate the facility of the United States Postal Service at 410 North 6th Street in Garden City, Kansas, as the "Clifford R. Hope Post Office".

H.R. 3194. An act making consolidated appropriations for the fiscal year ending September 30, 2000, and for other purposes.

On November 30, 1999:

H.R. 2116. An act to amend title 38, United States Code, to establish a program of extended care services for veterans, to make other improvements in health care programs of the Department of Veterans Affairs, to enhance compensation, memorial affairs, and housing programs of the Department of Veterans Affairs, to improve retirement authorities applicable to judges of the United States Court of Appeals for Veterans Claims, and for other purposes.

H.R. 2280. An act to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependence and indemnity compensation for survivors of such veterans.

SENATE BILLS APPROVED BY THE PRESIDENT AFTER SINE DIE ADJOURNMENT

The President, subsequent to sine die adjournment of the 1st Session, 106th Congress, notified the Clerk of the House that on the following dates he had approved and signed bills of the Senate of the following titles:

On November 24, 1999:

S. 1235. An act to amend part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to allow railroad police officers to attend the Federal Bureau of Investigation National Academy for law enforcement training.

On November 29, 1999:

S. 278. An act to direct the Secretary of the Interior to convey certain lands to the county of Rio Arriba, New Mexico.

S. 382. An act to establish the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes.

S. 1398. An act to clarify certain boundaries on maps relating to the Coastal Barrier Resources System.

EXTENSIONS OF REMARKS

A SPECIAL TRIBUTE TO DR. MANUEL TZAGOURNIS FOR HIS REMARKABLE CONTRIBUTIONS TO THE OHIO STATE UNIVERSITY MEDICAL CENTER AND TO THE FIELD OF MEDICINE

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1999

Mr. GILLMOR. Mr. Speaker, it is with great pleasure that I rise to pay special tribute to one of Ohio's most oustanding individuals. Dr. Manuel Tzagournis will be stepping down from his position as Vice President for Health Services at The Ohio State University. He is without question a great physician, a great teacher of medicine, and a very close friend.

Dr. Tzagournis began his long association with Ohio State as an undergraduate student. He earned his bachelor's degree, medical degree, and master's degree from OSU. After medical school, he started his residency at OSU in 1961, and received a fellowship in endocrinology in 1965–66. A very bright and talented physician, he was named an Instructor of Medicine in 1966, promoted to Assistant Professor in 1968, Assistant Dean of the College of Medicine in 1973, and Dean of the College of Medicine in 1981.

In 1983, he was appointed Vice President for Health Services at Ohio State, responsible for all components of the College of Medicine and University Hospitals. And, in 1994, Dr. Tzagournis was named Vice President for Health Sciences with the additional responsibility for academic and fiscal leadership of the colleges of Dentistry, Medicine, Nursing, Optometry, Pharmacy, Veterinary Medicine, and the Comprehensive Cancer Center—Arthur G. James Cancer Hospital and Research Institute.

Dr. Manuel Tzagournis is not only one of Ohio's best physicians and administrators, he is nationally recognized as an expert in the field of endocrinology. Dr. Tzagournis has written myriad articles in professional journals and several textbook chapters on various medical topics. His professional attributes are remarkable and his contributions to healthcare and medicine are unparalleled.

Manuel Tzagournis has been honored by his colleagues, friends, students, and various medical, academic, and civic organizations for his outstanding contributions to medicine, academia, and the community. He was named to the Board of Directors of the Association of Academic Health Centers in Washington, DC, in 1998. Both chambers of the Ohio General Assembly have honored him for his service and achievements. He has twice been selected to receive the outstanding faculty award by the College of Medicine's student research organization. He received the Health Care Leadership Award from the Hospital Association of Central Ohio in 1996, and received the Distinguished Physician Award from the Hellenic Medical Society of New York.

Mr. Speaker, more significantly than his professional recognitions, Manual Tzagournis is a devoted husband and father. He and his lovely wife, Madeline, are the proud parents of five wonderful children. I am very happy to say that they are our close friends.

It is often said that America's success is dependent upon the efforts and dedication of her citizens. Dr. Manuel Tzagournis has dedicated his life to the betterment of the lives of others and clearly exemplifies that statement. Mr. Speaker, I would urge my colleagues of the 106th Congress to rise and join me in paying very special tribute to the extraordinary career of Dr. Manuel Tzagournis. We wish him and his family the very best now and in the future.

CONFERENCE REPORT ON H.R. 3194, CONSOLIDATED APPROPRIATIONS AND DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

SPEECH OF

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. BECERRA. Mr. Speaker, today we are on the verge of passing a budget bill that breaks our commitment to effect real change in the areas of Social Security, Medicare reform, prescription drug coverage for seniors, managed care reform, gun control, minimum wage, campaign finance reform, and immigrants rights. Our constituents deserve better than a bill that fails to deliver meaningful solutions to these problems. After a full year in the 106th Republican-controlled Congress, this body has only enacted one significant piece of legislation (the "Financial Modernization Act of 1999"). This breach of duty leaves me no choice but to vote no on H.R. 3194.

We find ourselves six weeks into the 1999–2000 fiscal year without a complete budget and facing an omnibus bill that haphazardly lumps together five of the thirteen necessary appropriations measures needed to keep the government from shutting down. So it should come as no surprise that, six weeks late and with less than 24 hours to read H.R. 3194, we are locked into a final, single vote—yes or no—on a crucial funding bill littered with special interest, deceptive, and other egregious yet-to-be discovered provisions.

Despite Republican promises to protect Social Security, this bill raids the Social Security Trust Fund by at least $17 billion. Equally offensive is the decision to exclude Congress members' paychecks from the "across the board" spending cut indiscriminately imposed on all discretionary spending. This same irresponsibility manifests itself on the international front, as a woman's right to choose is threatened by an imprudent return to Reagan-era limits on indispensable aid to respected international family planning organizations.

Things did not have to come to this point. H.R. 3194 could have brought a constructive close to what has otherwise been an unproductive and lost year. Bipartisan cooperation resulted in progress on a number of fronts, including: funding for 100,000 teachers in the classroom, another 50,000 cops on the beat, and additional funding for health-related research. We agreed to promote economic growth by extending the research and experimentation tax credit, and we extended needed relief to Medicare providers. Congress did the right thing by increasing pay for military personnel, meeting our financial obligations in the Middle East under the Wye River Accord, and keeping the bill clean of harmful changes to our environmental laws.

With the end of Congress' session for 1999 in sight, perhaps the best I can say is that we could have built on these successes had the majority in Congress not decided to handle its work like a crash course in legislating. I look forward to next year, when we will be given another opportunity to complete our unfinished business for the American people.

A RESOLUTION PAYING TRIBUTE TO THE MILLENDER-DORTCH-PACKARD-BONNETT FAMILY: ONE OF AMERICA'S FINEST

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1999

Ms. MILLENDER-McDONALD. Mr. Speaker, I submit the following tribute for the RECORD.

Whereas, The Black Family, rich in tradition, knowing that archaeologists unearthed human remains nearly two million years old and traced it to the beginning of the Old Stone of Africa; May the historical record of African past be common knowledge of mankind; and

Whereas, The Dortch-Millender families settled in Alabama in the mid 1800's and began a lifelong experience of raising a strong family of offspring with respect, responsibility and courage; who would position themselves in various professions and humanitarian endeavors, but who never forgot where they started; and

Whereas, William Dortch, Sr. married Patsy Packard and from this union came eleven children; Mose Millender married Aurelia Bonnett and from this union came 11 children, with both families very principled and very religious—"You gave us Hope"; and

Whereas, Shelly Millender, Sr. married Everline Dortch and from this union came five children; Dicksey Marie, Nora Lee, Shelly Jr., William Mose, and Juanita—"You gave us Love"; and

Whereas, Dicksey married James Chappell, Sr. and later Vernon Battle; Nora married

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Herbert Mathews, Sr. Shelly married Doris Rice; Juanita married James McDonald, Jr., and from these unions came 19 children—"You taught us to Care" and

Whereas, Wanda, Yolanda, LaMont, James Jr., Gayland, Michelle, Mark, Yuri, Herbert Jr., Eryka, Vikki, Shelly III, Derrick, William, Jr., Valerie, Angela, Sherryll, Michael (Chris), Roderick (Keith), our children—"You gave us Joy"; and

Whereas, Wanda married Ted Levatta; LaMont married Debra Perkins; James Jr. married Donna Pickney; Mark married Leveta Pretlow; Yuri married Neil David Brown; Herbert married Toni Lecour; Nikki married Maurice Thomas; Angela married Juan Demaris Thomas; Keith married Lori Blair—"You are continuing the tradition of commitment to family" and

Whereas, Our thirteen grandchildren of the offsprings of this family tree are: LaMont Carl, DeJeana Marie, David, DeNae, Courtney Nicole, Cammaron Avery, Kendall, Austin, Chandler, Ayanna Damaris, Ramia Regina, Myles Chandler, Alexandria Katlinmarie—"You give us Promise"; and now therefore, be it

Resolved, that Congresswoman Juanita Millender-McDonald, proudly recognizes the virtue, vision, wisdom and profound love of these family members and prays that God will continue to bless this family for generations yet unknown as we move into a new millennium—2000.

Dated this 1st day of December, 1999.

CONFERENCE REPORT ON H.R. 3194, CONSOLIDATED APPROPRIATIONS AND DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

SPEECH OF

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. PHELPS. Mr. Speaker, I rise today in opposition to H.R. 3194, the Omnibus Appropriations Bill of 1999. This is massive bill put together at the last minute with very little chance for Members to study its contents. It combines five appropriations bills as well as two very admirable but totally unrelated pieces of legislation. In addition, it contains countless budget gimmicks in order to label it "balanced". In short, it is dishonest.

I cannot in good faith support this agreement which was completed outside the regular budget process, includes untold pork, relies on numerous budget gimmicks and raids the social security trust fund.

The final bill relied on numerous budget gimmicks as offsets: a pay shift for all military and civilian employees by one day at the end of the fiscal year which will push such outlay into the next fiscal year; a transfer of reserves held by the Federal Reserve to on-budget accounts; and an across the board cut of .38 percent in budget authority. In addition, the Congressional Budget Office has estimated that the already passed appropriation bills will result in spending about $17 billion of the Social Security trust fund.

Moreover, this bill exceeds all of the balanced budget caps passed in 1997, but masks this action by declaring programs like Head Start, begun in 1964, and the census as emergency funding. We should forego such a charade and be honest with the American people about the federal budget.

Since my first day here in Congress, I have fought for the protection of Social Security and honest budgeting. This final package, contrary to its supporters claims, raids the Social Security trust fund and threatens the future solvency of Social Security and Medicare. In addition the budgetary gimmicks utilized will only make next year's budget even more difficult.

Congress could have chosen to keep their promise to pass all appropriations in regular order by September 30th. They could have worked with other Members to ensure the final product did not spend any of the Social Security trust fund. Instead, they chose to delay until the eve of Thanksgiving and force a massive and dishonest spending measure on the House. As such, I will oppose this bill and urge my colleagues to do likewise.

TRIBUTE TO LARRY BURKHART

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1999

Mr. GILLMOR. Mr. Speaker, it is with great pleasure that I rise to pay special tribute to an outstanding individual from Ohio's Fifth Congressional District. For more than thirty years, Larry Burkhart has educated the children of Ottawa, Ohio as a teacher, coach, and current guidance counselor at Ottawa-Glandorf High School.

Larry Burkhart has dedicated much of his life to ensuring that our children are prepared and ready to face their lives. While growing up in Northwest Ohio, Mr. Burkhart first realized the difference that teaching can make in the lives of our youth while attending Miller City High School. After graduating from high school, he went on to college and graduated from Bowling Green State University. Not long after graduation, Larry Burkhart began his long and distinguished career in education by teaching industrial arts.

Larry Burkhart truly has made an enormous difference with his students. Through personal interaction and diligent attention to their academic achievements, he has helped them through some of their biggest successes and disappointments. He spent several years in the classroom before becoming a guidance counselor—a position in which he has served for the past twenty-seven years.

In addition to his service as a teacher and guidance counselor, Larry Burkhart has made an immeasurable difference on the more than 750 athletes he has coached in the last three and a half decades. During that time, he has helped instill in those students the qualities of respect, sportsmanship, competitive spirit, dedication, and hard work. Larry Burkhart's students, both athletes and nonathletes alike, will carry with them throughout their lives the positive aspects he has taught.

Clearly, Larry Burkhart has given freely and unselfishly of his time and energy for the betterment of our children. He understands that our children are the future of our nation and the best way to prepare them to lead is to provide them with the best education possible. His caring and guidance for his students and his strong support for the profession of education distinguish him as one of the community's most respected educators.

Mr. Speaker, it is often said that America prospers due to the wondrous deeds of her sons and daughters. Without question, Larry Burkhart has dedicated his life to the future of our nation through the education of our children. I would urge my colleagues to stand and join me in paying special tribute to Larry Burkhart. For his extraordinary service to education, we salute him and wish both him and his family the very best in the future.

TRIBUTE TO TIM DONOHOE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1999

Mr. HOYER. Mr. Speaker, on Thursday, November 11, 1999, as the work of this House paused while Americans honored our veterans, we in the congressional community lost a veteran of our own. Timothy Leo Donohoe, a former House doorman and virtual fixture for many years at the Speaker's Lobby East door before his retirement in 1997, died suddenly on Veterans' Day at his home on Capitol Hill. Tim was only 54 years old, and he is greatly missed by the friends he leaves behind.

And, Mr. Speaker, Tim Donohoe leaves many friends. Tim served the Congress for 25 years, most of them for the Doorkeeper and Sergeant-at-Arms, so he knew most everyone who worked on and around the House floor. It was Tim's job as a doorman to know every Member of Congress, including the Senators who often appeared at his door, and he did, whether a Member had been here for 20 years or 20 minutes. Tim also knew the many committee and support staff whose work brought them to the floor, as well as the many members of the Hill press corps who gathered in the Speaker's Lobby looking for news. All who worked with or around Tim appreciated his wit, his good humor, and his reliable information about what was really going on in the House. When the House was in legislative session, Tim was at that door—we could count on it. He always did his job diligently and magnificently, in the grandest traditions of the House.

Everyone who had the good fortune to know Tim Donohoe well agrees that he was one of the kindest, most selfless people one could ever meet. Though these traits may have resulted from a classical Catholic education, which for Tim culminated in a master's degree in theology from St. Paul's College in Washington, I suspect they were innate, simply a manifestation of Tim's character. He cared about others more than himself, and it showed.

Mr. Speaker, our world would be a far better place if there were more like Tim Donohoe. Our world is a better place for Tim's having been here. He is, and will continue to be, sorely missed.

A RESOLUTION PRESENTING A MEMORIAL TRIBUTE TO THE LIFE AND LEGACY OF DR. THOMAS KILGORE, JR.

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1999

Ms. MILLENDER-MCDONALD. Mr. Speaker, I submit the following tribute for the RECORD.

"PRECIOUS IN THE SIGHT OF THE LORD IS THE DEATH OF HIS SAINT"

Whereas, Thomas Kilgore, Jr. was born on February 20, 1913 in Woodruff, South Carolina—the sixth of twelve children of Thomas and Eugenia Kilgore; and

Whereas, Thomas Kilgore, Jr. received his formal education in Woodruff, Brevard and Asheville, North Carolina, having shown early his profound intellect, he graduated with honors from Morehouse College in 1935; did graduate work at Howard University during 1944–45; and received a Masters of Divinity from Union Theological Seminary in New York City in 1957, and was the recipient of numerous honorary doctoral degrees; and

Whereas, Thomas Kilgore, Jr. accepted God at the early age of 9 and from this spiritual renderance came the most prophetic preacher sought after throughout this nation, and he did not hesitate to inform the world of his calling by God to do His tasks, and was recognized by Ebony Magazine as one of America's 15 greatest black preachers; and

Whereas, Thomas Kilgore, Jr. utilized his brilliant mind to turn his ideas into reality and his vision into fruition, and this combination of intelligence and integrity led him to organize voter registration in schools and the unionization of tobacco workers in Winston-Salem, North Carolina in 1943; and

Whereas, Thomas Kilgore, Jr. helped orchestrate the Kings' March on Washington and directed a prayer pilgrimage for freedom at the Lincoln Memorial in Washington; and was the vanguard in the organization of an all day meeting with all segments of the black community to plan the appropriate memorial service for Dr. Martin Luther King, Jr.; and

Whereas, Thomas Kilgore, Jr. married Jeannetta Marion Scott in 1936, a lifelong educator, and were the proud parents of two daughters, Lynn Elda and Jini Medina, and the proud grandparents of three: Robin, Niambi, and Okera, and one great grandson, Justen. Now therefore, be it

Resolved, That Congresswoman Juanita Millender-McDonald, a mentee of his, proudly recognizes this man of vision, courage and wisdom and his distinguished service of humanity to this nation and the world.

Dated this 1st day of December, 1999.

TRIBUTE TO JOE SERNA, JR.

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1999

Mr. BECERRA. Mr. Speaker, I rise today with profound sadness in my heart to pay tribute to Mr. Joe Serna, Jr.

Joe Serna, Jr. lived a life which exemplified what is best in the American dream.

Joe grew up the son of immigrant farm laborers. Throughout his youth, he worked tirelessly on behalf of migrant farm workers under the guidance of his role model, Cesar Chavez. The experience gave Joe great strength of character and led him to dedicate his life to the service of others. As a professor of government and ethics at California State University at Sacramento, Joe continued to be a champion and advocate of migrant worker rights while also reaching out to the young minds in his classrooms.

Joe was elected to the Sacramento City Council on November 3, 1981 and served there until his election as mayor of Sacramento on November 3, 1992. In rising to mayor of Sacramento, Joe became the first Latino mayor of a major California city.

Joe was known by all as a man of the highest ethic and integrity. He was a master coalition builder, always working for the common good. Joe leaves behind a powerful legacy as a revitalizer of his city, and as a crusader for educational reform.

My personal memory of him will be as a friend and role model. He was a man who could have held some of the highest government posts in the Capitol of the United States, Washington, DC. I say this from close, personal knowledge. Instead, Joe chose to serve the people of another great Capitol—Sacramento, my hometown, and the place to which he devoted his life and energy.

Joe Serna, Jr. will be greatly missed in both Sacramento and throughout the State which he so valiantly sought to improve and see prosper.

TRIBUTE TO IVÁN RODRÍGUEZ

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1999

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mr. Iván Rodríguez, an outstanding Puerto Rican athlete and a very successful baseball player. On Thursday, November 18, Iván was named the 1999 American League Most Valuable Player by the Baseball Writers Association of America. It marks the first time that a catcher has captured an MVP in either league since Thurman Munson of the New York Yankees in 1976. Iván becomes the ninth catcher in major league history to win a Most Valuable Player Award.

It is the sixth MVP for a native of Puerto Rico with the others being Roberto Clemente in 1966, St. Louis' Orlando Cepeda in 1967, Detroit's Willie Hernandez in 1984, and Juan Gonzalez in 1996 and 1998.

Born on November, 30, 1971 in Vega Baja, Puerto Rico, Iván was named on all 28 ballots, with seven 1st place votes, six 2nd place votes, seven 3rd place votes, five 5th place votes, two 6th place votes, and a seventh place vote for 252 points.

Mr. Speaker, Iván batted .332 with 35 homers and 113 RBIs in 144 games in 1999. He established an American League record for home runs by a catcher and was the first backstop in league history with 30 homers, 100 RBIs, and 100 runs scored. Iván also had 25 stolen bases, tied for fifth most ever for a catcher, and was the first major league catcher ever with 20+ homers and 20+ steals. He was fifth in the American League in hits (199), and ranked seventh in average, runs (116-tied), and total bases (335). His .332 average was the highest for an American League catcher since New York's Bill Dickey (.332) in 1937).

Behind the plate, Iván won his eighth consecutive Rawlings Gold Glove Award, the second most in history behind Johnny Bench. He threw out 54.2% (39 of 72) of the runners attempting to steal, the fifth straight year he has led the majors in that department. It was the highest percentage since statistics were first kept. Iván also led major league catchers with 141 starts and had ten pure pickoffs.

Iván also captured his sixth consecutive A.L. Silver Slugger Award and was selected as the catcher on the Associated Press Major League All-Star Team.

Through his dedication, discipline, and success in baseball, Iván serves as a role model for millions of youngsters in the United States and Puerto Rico who dream of succeeding, like him, in the world of baseball.

Mr. Speaker, I ask my colleagues to join me in congratulating Mr. Iván Rodríguez for his contributions and dedication to baseball, as well as for serving as role model for the youth of Puerto Rico and the U.S.A.

CONFERENCE REPORT ON H.R. 3194, CONSOLIDATED APPROPRIATIONS AND DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

SPEECH OF

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. OXLEY. Mr. Speaker, H.R. 3194 contains a provision exempting from Superfund liability certain transactions in recyclable materials. This exemption is drawn from S. 1528. While Senators LOTT and DASCHLE have provided a basic description of Congress's intent in passing the language, the purpose of this statement is to provide some additional detail on two particular provisions: § 127(g) on the liability of other parties at affected Superfund sites, and § 127(i) on the effect on completed actions.

New § 127 of CERCLA provides that parties who engaged in certain transactions involving recyclable materials "shall not be liable" under the provisions of Superfund. Subsection (g) describes the effect of this bill on the Superfund liability of owner/operators who remain liable at a site. This provision clearly provides that at a Superfund site where some parties are exempted from liability by § 127, the remaining non-exempt owner/operators at the site should not face increased liability as a result of the enactment of § 127. As a result, the liability of owner/operators is to be determined as if § 127 had not been enacted, using the usual and customary factors considering the relative contribution of all parties, both exempt and non-exempt. This provision ensures that any exempted share created by operation of this section is not transferred to owner/operators.

New § 127 also contains transition language which governs how the recycled materials exemption is intended to affect Superfund liability in pending or concluded actions. § 127(i) provides that the exemptions from CERCLA liability shall not affect any concluded judicial or administrative action or any pending judicial action initiated by the United States prior to enactment. One reason for this amendment is to ensure that where a judicial or administrative action has been fully complied with, this bill will not force persons who believed that they had fully settled their liability and claims to revisit those issues.

However, where a consent decree or other judicial order requires enforcement of its terms after the date of enactment, nothing in this section should be interpreted to prevent a person subject to such future enforcement from revisiting the validity of those future obligations in light of the passage of this legislation. § 127(i) should not be interpreted as leading to the fundamentally inequitable result that a person could be forced at some future date to take actions to abide by a consent decree where the legal predicate for the consent decree has changed so substantially that it no longer has a foundation in federal law or conflicts in part with federal law. Congress does not intend the transition language to overrule Supreme Court precedent holding that "parties have no power to require of the court continuing enforcement of rights the statute no longer gives." *System Federation No. 91* v. *Wright,* 364 U.S. 642, 652 (1961). Nothing in this legislation prevents parties from filing motions under rule 60(b) of the Federal Rules of Civil Procedure to re-open the consent decree with respect to future obligations.

PERSONAL EXPLANATION

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1999

Mr. MALONEY of Connecticut. Mr. Speaker, I was unavoidably detained during rollcall vote No. 605. Had I been present I would have voted "no" on rollcall No. 605.

SALUTING THE CAREER OF CHIEF DAVID P. NEWSHAM SERVING BURBANK AND THE SURROUNDING COMMUNITIES FOR NEARLY 3 DECADES

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1999

Mr. ROGAN. Mr. Speaker, today our country is stronger, more secure, and safer than it was just a few short years ago. Nowhere is this more true than in my own district. Today, the City of Burbank and the surrounding communities are among the safest areas in the country. The unique quality of life in my district is due in no small part to the efforts of one distinguished public servant. And today, I ask my colleagues to join me in saluting him as he celebrates his retirement—Chief David P. Newsham.

Chief Newsham has been committed to public service for nearly three decades. A native of Long Beach, California, he served in the Air Force for four years and graduated from the University of Redlands with a degree in Management. In 1970 he joined the ranks of the Burbank Police Department as a Reserve Officer. In 1972, he earned his badge as a sworn officer. He would go on to serve in all three divisions of the department—administration, investigation, and as a uniformed patrol officer—gaining invaluable experience that would serve him later as the department's Chief.

In many cities the Police Chief is an appointed administrative role, but not in Burbank. Chief Newsham has distinguished himself throughout the community as a man who is dedicated to making our hometown a better place to live through his own deeds. He is a committed volunteer with the Boy Scouts of America, the Burbank YMCA, the Burbank Kiwanis Club, the American Red Cross and a host of other civic and law enforcement associations.

What's more, he has made community service and accountability a hallmark of his administration. Chief Newsham was instrumental in establishing the Departmental Air Support Program—linking Burbank with nearby communities through a joint air patrol service. He implemented innovative agility and fitness programs for all Burbank officers, and played a key role in the development and completion of the city's new joint Police-Fire headquarters facility.

And Mr. Speaker, I am proud to say that I am not the only resident of Burbank to attest to his success as Chief of Police. As the Los Angeles Daily News recently reported, when David Newsham took over the reins as Chief, the city's Elmwood area was riddled with gang activity. Under his leadership, the city took immediate action and, with the help of the courts and community volunteers, cleaned up the Elmwood neighborhood. Today, in the Chief's own words, "the problem down there is gone."

As with all men and women in uniform, the Chief's service extends beyond his daily work in uniform. He is a committed community activist and volunteer, proving that the true meaning of public service is to give back more than we received from our community. As he retires from the Burbank Police Department, Chief Newsham leaves the community a stronger, safer and more prosperous community than it was when he began. In recognition of his nearly three decades of service, and as thanks from a grateful resident of Burbank, I ask my colleagues to join me in saluting the service of Chief David P. Newsham.

TRIBUTE TO SISTER DAMIEN

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1999

Ms. KAPTUR. Mr. Speaker, I wish to extend my profoundest condolences to the Sisters of St. Francis and all of the friends of our dear, beloved Sr. Damien, upon her passing from this life into the next. Sister Mary Damien was a treasured friend and gifted educator in Toledo, Ohio. She was an absolute inspiration, a master craftswoman of teaching, a singularly focused and dedicated educator.

To watch Sr. Damien practice her craft was pure joy. She knew every trick to command the attention of students and to grade them on an infinite variety of skills she hoped they would come to master. I recall, as an adult, visiting her class at Central Catholic High School with a former classmate from Little Flower Grade School, which was attended when Sister Damien was our teacher and principal. As we observed her work with her Geometry students, we remembered and reveled in the moment. She was unrivaled in her trade.

She kept a black notebook on her desk, with the name of each student in it. As the months of the school year went by, there appeared thousands of crosshatches aside each student's name, indicating that student's performance on technical material as well as other measures of performance. Those notebooks were as detailed as the program for the Mars launch. She graded students for everything—from participation to effort to appearance. Though one could never be certain what all the categories were, every student knew there was always room for improvement. I can still hear her teaching students how to spell commonly misspelled words, and remember the distinction she drew between "pupil" and "student" as she tried to get young minds to grow. She had a unique ability to challenge her students to exercise "the gray matter between the ears" even as she never stopped using hers. She embodied a living metaphor for lifelong learning.

Sr. Damien always wore her habit, a most pious Sister of St. Francis. She never pushed religion, but she lived her vows every day. Her holiness and piety moved with her. I must also offer public gratitude to her for her abiding kindness to our family, through good times and those that were difficult. She was always there for us, and I am sure, for countless others. She lived for others, and it was a double joy to know her as we, her students, became adults and shared the wonderful gift of a lifespan together.

Sister Mary Damien was a stern task master, yet beloved by all of her students. We consider ourselves many times blessed to have known her and been helped to grow through her tutelage. What she selflessly gave to all of us—literally thousands of students who were fortunate to sit at her knee—is priceless. Her contributions to others will live through the people she helped to advance educationally and spiritually. What a legacy she has left as she served Christ and our Blessed Mother as a Sister of St. Francis.

HONORING ONE OF AMERICA'S FINEST: ISAIAH HILLARD PILLORS

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1999

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise to honor a very distinguished gentleman and to recognize the important life works of one of Los Angeles's finest residents, Mr. Isaiah Hillard Pillors, who passed away on September 10, 1999.

Isaiah H. Pillors was born March 23, 1914 to the union of Ella and Isaiah Hillard Pillors, Sr., in Shreveport, LA. He professed Christ at an early age and later united with Union Mission #1 Baptist Church. He received his early education in the public schools of Caddo Parish including a high school diploma from Central Colored High School in Shreveport. Isaiah then entered Tuskegee Institute, now Tuskegee University, in Tuskegee, AL. During his college years, he performed with the famous Tuskegee Choir whose director was the renowned composer, William L. Dawson. Isaiah also had an opportunity to work with the Great Scientist George Washington Carver. He went on to a Bachelor's degree in Agriculture.

Upon relocating to Los Angeles, CA, Isaiah worked briefly in the shipyards before obtaining a position with the Los Angeles Unified School District where he was employed for 34 years. He immediately joined the renowned Second Baptist Church with his late wife, Johnnie Louise. From his early affiliation with Second Baptist, he actively participated as a very faithful and tireless member. Throughout his 50 plus years of service, he continued his love of music as a dedicated member of the Cathedral Choir. Additionally, Isaiah worked as a Sunday School teacher where he helped to establish audio-visual programs to accompany the regular lesson plans. Famous for his barbecue and his willingness to cook for others, he also directed the weekly activities of the Church's kitchen committee, including the purchase of new kitchen equipment. Several times during my busy schedule, he prepared dinners for my family. He was such a noble man!

Isaiah's other great interest was his alma mater, Tuskegee University. Over a 45-year period, he held a variety of positions with the Los Angeles Tuskegee Alumni Club. His efforts were always geared toward supporting scholarship programs and enhancing overall alumni support for the University. He gave so freely of his time and financial resources.

Until his death, he was an active participant in the Alumni Scholarship Committee and served as the L.A. Club's Chaplain. Recently, he was recognized at the Club's Annual Scholarship Luncheon where a dais chair was set aside in his honor.

Isaiah Pillors was my friend. He was like "Grandpa" to my children. He was one of my strong supporters and admirers. He will truly be missed by my family, his church family, and all who knew him in the Los Angeles Community.

LARRY A. COLANGELO, FINALIST, MANUFACTURING ENTREPRENEUR OF THE YEAR

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1999

Mr. BORSKI. Mr. Speaker, I am proud to report that one of my outstanding corporate constituents, Larry A. Colangelo, was selected by Ernst & Young as a national finalist for Manufacturing Entrepreneur of the Year.

Larry heads SPD Technologies Inc. on Roosevelt Boulevard in the Third Congressional District of Pennsylvania. In the 1980s, SPD had become a dedicated supplier of electrical distribution equipment to the Navy. With the end of the Cold War, SPD came within a week of closing. Larry then took charge and had to figure out how to save the company, its UAW workforce and its hundreds of Pennsylvania retirees and their families.

In 1992, Larry implemented a growth strategy, which included development of new products based on commercial designs; record long-term agreements with labor; diversification into non-military markets; and an effective acquisition/consolidation program. At the same time, he was determined to stay as a critical part of the Navy's industrial base, and to keep faith with his retirees.

This year, SPD is employing more people than ever at Roosevelt Boulevard. The company has become a leading part of L–3 Communications, at a value more than twenty times its distress sale before Larry took over. When Ernst & Young picked Larry A. Colangelo as a finalist for Manufacturing Entrepreneur of the Year, it picked the right man.

Mr. Speaker, I am proud to recognize Larry Colangelo. He is truly an outstanding entrepreneur and a great American citizen.

THE ASSOCIATION OF MAPPING SENIORS CELEBRATES ANNIVERSARY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1999

Mrs. MORELLA. Mr. Speaker, it is my great pleasure to congratulate the Association of Mapping Seniors who will celebrate their 25th anniversary on December 4, 1999. This social organization is made up of more than 760 employees and former employees of the National Imagery and Mapping Agency. These dedicated men and women have been involved for most of their working lives with the production of Maps, Charts, and Geospatial data, for use in the defense of our nation's security and in support of the men and women of our armed forces. This common bond of service to the nation has been a continuing source of pride and satisfaction to members of the AMS.

REGARDING FORMER CONGRESSMAN GEORGE BROWN

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1999

Mr. UDALL of Colorado. Mr. Speaker, I want to take this opportunity to say a few words about our former colleague and ranking Science Committee member George Brown, Jr. His death earlier this year deprived this Congress and this country of a great champion of science and technology. While I worked with him for only a brief time, I felt as though I had known him for years because he had been a colleague and friend of my father and because his reputation was so well known.

George Brown was a man of courage and vision and ideological consistency. In his 34 years of distinguished service in the House, he worked to advance energy and resource conservation, sustainable agriculture, advanced technology development, space exploration, international scientific cooperation, and the integration of technology in education. He summed it up best himself in a New York Times article earlier this year: "I've thought that science could be the basis for a better world, and that's what I've been trying to do all these years."

I join my colleagues in expressing my sorrow at George Brown's untimely passing. I was privileged to have known him.

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